

AJIS

AMERICAN JOURNAL
of ISLAM AND SOCIETY



VOLUME 41 NO. 1 • 2024

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40th Anniversary Special Issue
VOLUME 41 2024 NUMBER 1

AMERICAN JOURNAL
of
ISLAM AND SOCIETY

A double-blind and peer-reviewed
interdisciplinary and international journal

Previously published as
American Journal of Islamic Social Sciences



INTERNATIONAL INSTITUTE OF ISLAMIC THOUGHT

American Journal of Islam and Society (AJIS p-ISSN 2690-3733, e-ISSN 2690-3741) is a double-blind, peer-reviewed interdisciplinary and international journal published by the International Institute of Islamic Thought (IIIT). *AJIS* publishes a wide variety of scholarly research on all facets of Islam and society: anthropology, economics, history, philosophy and metaphysics, politics, psychology, and law. The journal was previously published (1984-2019) as *American Journal of Islamic Social Sciences (AJISS* p-ISSN 0887-7653, e-ISSN 2642-701X).

AJIS is indexed in the following databases:

Elsevier's Scopus, ICI World of Journals, Directory of Open Access Journals (DOAJ), EBSCO, American Theological Library Association (ATLA), ProQuest, Directory of Open Access Scholarly Resources (ROAD), CrossRef Content Registration, Google Scholar, UlrichsWeb, Global Serials Directory, Periodicals Archive Online (PAO), and Worldwide Political Science Abstracts.

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Subscription Rates (two print issues per year)

Institution: USD 160.00*

Individuals**: USD 80.00*

Past issues: USD 19.95*/each (plus Shipping and Handling)

*Plus 6% tax for sales inside the United States. For tax exemptions, please provide a copy of any reseller or sales tax exemption certificate.

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Payment Method

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ISSN 2690-3733 (print)

ISSN 2690-3741 (online)

Contents

Editorial

Editorial Note	2
<i>Katherine Bullock</i>	

Articles

Maqasid al-Shari`ah, Maslahah, and Corporate Social Responsibility (2007)	10
<i>Asyraf Wajdi Dusuki and Nurdianawati Irwani Abdullah</i>	
Toward a New Framework of Islamic Economic Analysis (2020)	36
<i>Akhmad Akbar Susamto</i>	
Shaykh Google as Ḥāfiẓ al-Aṣr: The Internet, Traditional ‘Ulamā’, and Self Learning (2020)	60
<i>Emad Hamdeh</i>	
Popular Sovereignty, Islam, and Democracy (2003)	100
<i>Glenn E. Perry</i>	
Muslim Women and the Politics of Representation (2002)	117
<i>Jasmin Zine</i>	
Islam, Slavery, and Racism: The Use of Strategy in the Pursuit of Human Rights (1987)	144
<i>Fadel Abdallah</i>	
The Islamic Secular (2017)	170
<i>Sherman A. Jackson</i>	

Review Essay

Psychology and Religion: Their Relationship and
Integration from an Islamic Perspective (1998) 220

Amber Haque

Forum

Rethinking Islamic Education in Facing the Challenges
of the Twenty-first Century (2005) 246

Rosnani Hashim



ANNIVERSARY

EDITORIAL

Editorial Note

KATHERINE BULLOCK

As we proudly commemorate four decades of scholarly excellence, we reflect upon the remarkable journey that our journal has undertaken, solidifying its position as a beacon of knowledge and a catalyst for academic progress in the interdisciplinary fields of the social sciences and humanities focused on Islam and Muslims.

The brainchild of Dr. AbdulHamid AbuSulayman as well as founding co-editors, Drs. Sulayman S. Nyang and Mumtaz Ahmad, the journal was established in 1984 under the name *American Journal of Islamic Studies* (*AJIS*) and first published by the Association of Muslim Social Scientists (AMSS).

In 1985 it was re-named the *American Journal of Islamic Social Sciences* (*AJISS*) when, signifying evolution, it entered into a partnership with the International Institute of Islamic Thought (IIIT) with a view to widen its network of readership, expand scholarly representation, and develop a more firm foundation. In 2013, when AMSS changed its name to the North American Association of Islamic and Muslim Studies (NAAIMS), the journal witnessed IIIT becoming its sole publisher per an agreement with NAAIMS.

Finally, 2020 marked a further turning point in the journal's history, as it not only transformed its design to express a more modern aesthetic but also notably changed its name to the *American Journal of Islam and Society* (*AJIS*). This reflected the evolution of the scholarly landscape

and a global community of readers interested in a wider range of topics pertaining to Islam's increasingly complex role in society both on the local and international level.

This 40th anniversary celebration serves as a testament to the resilience, vision, and unwavering dedication of our journal's contributors, past and present, who have left an indelible mark on the scholarly landscape and have shaped the intellectual discourse in profound ways.

The sustained success of our journal can be attributed to the commitment of our esteemed editors, editorial boards, diligent reviewers, and committed staff members, who have meticulously upheld the journal's reputation for excellence.

Throughout these forty years, our journal has been a trusted platform for researchers, scholars, and practitioners, serving as a conduit for the exchange of ideas, the dissemination of cutting-edge research, and the cultivation of intellectual dialogue. Many of us found this journal a space for ruminating, discussing, and developing our *own* narratives on our Islamic heritage and what it means in the contemporary world. Especially compared to anti-Islamic biases in other corners of academia, *AJIS* is a coming "home."

One constant throughout the past forty years is the journal's commitment to scholarship that documents and explores Islam's rich religious, intellectual, legal, philosophical, and social heritages. The assumption is that these various perspectives have meaningful things to say about the human condition and our place in the world. Debate, discussion, and disagreement all appear in these pages, but always grounded in an underlying steadfastness that Islam is a faith tradition that is not obsolete; that Muslims can contribute positively to humanity's betterment. That said, the journal is not a place of religious homilies. This is an academic journal, with a double-blind peer review process. Articles that are published thus pass muster in the discipline in which they conduct their research. Let us thank the authors who have entrusted us with their groundbreaking research, pushing the boundaries of knowledge and enriching our understanding of critical issues in our disciplines.

The *American Journal of Islam and Society* invited me to guest edit this special fortieth anniversary edition. I was given a list of the fifty top

articles the journal has published over the last four decades and asked to choose nine to include in this anniversary edition. Without realizing, when I said “yes,” the excellence of every article, I did not fathom the difficult journey ahead of selecting only nine.

Three different indexes were used to compile the master list: Scopus (the largest abstract and citation database of peer-reviewed literature); the “most read” on the *AJIS* website; and the “most accessed” on Google Scholar. There are articles in this master list from every decade of the journal’s publication: the 1980s, 1990s, 2000s, 2010s, and 2020s. This means that even as academic methodologies, theories, and range of subjects evolve as time passes, *AJIS* scholars can hold their own. Some have written robust essays that stand the test of time.

Always conceived of as an umbrella journal that would be open to the full scope of work by scholars in the social sciences and humanities, the master-list highlights this range. There are essays in business, economics; education; hadith studies; history; Islamic law; Islamophobia; media; philosophy; political science; political theory; psychology; anti-racism; sociology; Quranic studies; and women’s studies. Some are technical essays with discipline-specific terminologies; others are written in language that makes them accessible to a wider audience.

To select the nine articles to be included in this special fortieth anniversary edition, I developed a score sheet that would allow me to rank them. It did not make the task much easier. I wanted this edition to be widely celebrated and read. I wanted this edition to speak to its readers in our current context, in this 2023 moment of anti-Muslim racism, war, humanitarian and climate crises, inflation, global poverty and injustice, in these times of confusion over faith and the difficulty of living a pious life. Some of my criteria, then, were that the article be accessible and not replete with discipline-specific terminology; that the article not be dated; that it have a timeless message which would have spoken to its readers when it was initially published, and which still resonates; that it cover topics on the minds now of many Muslims living as minorities in Euro-American societies. Articles are reproduced here as they were published, with allowance made for minor typographical corrections.

The journal's early rootedness in the intellectual movement known as the Islamization of Knowledge has evolved into a focus on the Integration of Knowledge, one component of which is *maqāṣid al-sharī`a* (aims and purposes of *sharī`a*). Many of the journal's publications explore what that means for various disciplines. I encourage you to look through the archives and find recent discussions about the *maqāṣid* in relation to medical ethics, Muslim youth movements, and how the International Islamic University of Malaysia has managed the transition to the Integration of Knowledge paradigm in its publications and curriculum.

In this special issue I have included a 2007 article by Asyraf Wajdi Dusuki and Nurdianawati Irwani Abdullah that discusses how the *maqāṣid* and the principle of *maṣlaḥa* (the public good) speak to the business world's exploration of corporate social responsibility. The authors point out that there are not many discussions of corporate social responsibility from an Islamic point of view. The authors argue that conceptualizing the moral and ethical foundations of what that responsible behaviour might be has been inconclusive. They offer the *maqāṣid* and *maṣlaḥa* as fruitful conceptual tools to build a firm foundation. All of us have a stake in corporations managing their profit-making businesses in ways that do not harm the planet and its inhabitants.

In the related field of economics, Akhmad Akbar Susanto's 2020 essay offers a comprehensive critique of the attempts to theorize and instantiate something called "Islamic Economics." He argues that the field has yet to define clearly what "Islamic" economics is and how it differs from "Western" economics. His essay attempts to provide that clarity. His proposals are meant to define the scope of the field and help provide basic standards that could then be used to devise real-world economic policies and strategies.

After 9/11, Muslim educational institutions came under scrutiny for their alleged inability to teach humane values and prepare students to be good global citizens. A pressure tactic of international foreign policy is Westernizing curricula. Rosnani Hashim's 2005 essay looks at these external pressures as well as internal challenges to argue that Islamic education needs an overhaul. She focuses on the goal of Islamic education, its curricula, teachers, teaching methodologies and the school environment.

Emad Hamdeh's 2020 essay explores the long and detrimental impact Western colonialism has had on traditional education. He looks also at the modern challenges of the internet, which gives instant access to books that previous curriculums would only allow to be read once a student had mastered certain basics. The crisis of authority that plagues the Muslim world and gives rise to the autodidact has fragmented us into a confusion of "what Islam really says."

Many Muslims celebrated the 2011 fall of authoritarian rulers and the (re)instantiation of democracy in North Africa and Southwest Asia. The subsequent reappearance of authoritarian rule is a disappointing turn of events. Yet it is "Islam" or "Muslim culture" that is often blamed for blocking the rise of responsible government in the region. Glen E. Perry's 2003 article investigates the concept of democracy's alleged incompatibility with Islam and concludes it does not hold up to scrutiny. Since Islam is not a rule by Divine Right of Kings, nor a theocracy, human beings must make policies. This process can be compatible with democracy without disturbing God as the Ultimate Sovereign.

Jasmin Zine's 2002 article takes up the problem in Western cultural discourse of negative representations of Muslim woman as oppressed. She makes a comparison between today's image of the suppressed Muslim woman with that of the medieval representations in which the Muslim woman figured as a strong personality. Zine traces lines of continuity between negative colonial representations and those of many contemporary Euro-American feminists.

Fadel Abdallah's 1987 essay focuses on those who criticize Islam's approach to slavery. He argues that the Qur'an and hadith employed a wise, gradualist approach for slavery's elimination. He says while Muslims may have been involved in the slave trade, we must distinguish between what people do and what the religion teaches. This is obviously a point true over a range of human activities. Slavery might be legally outlawed, but it exists still as an institution in parts of the world: be it traders preying on refugees making their way up to Libya hoping for a better life after crossing to Europe; prison labour; or bonded labourers in Asia. Meant as a universal message to any era, the Qur'an's teachings on the good treatment of slaves while eliminating slavery are apt today.

My recent research exploring how Muslim healthcare workers cope with anti-Muslim racism in the workplace drew attention to the disconnect between science and religion that medical students here experience. They told me that medicine as a discipline is hostile to religion. Healthcare workers can find it difficult to keep up with worship in this corrosive environment. The master list contained several groundbreaking articles looking at psychology as a field from the point of view of blending or merging Western science with Islamic medical history. We know that Muslim scientists pioneered many medical practices, techniques, and instruments, and was once the world leader in that domain. I chose Amber Haque's 1998 essay as representative of this conversation examining the relationship between Western and Islamic psychology.

Many of the previous essays cover dilemmas related to the issue of Islam's connection to secularism. Muslims often use "secular" as a derisive word. Muslim religio-political movements position themselves as "anti-secular" as they conceptualize what an "Islamic" state should look like. On the flip side, secularists view "not being secular" as the rationale for the policing of, and attack on, Muslim practices in countries such as France, or provinces such as Quebec. Banning the headscarf from Muslim women who work for the State, or students from praying in public schools, is considered a "defence" of secularism. How interesting then is Sherman A. Jackson's 2017 investigation of an "Islamic Secular?" He posits a realm of decision making that is non-shari'a based, but still religious.

When the journal turned twenty-five, I was its editor. I am honored to witness and be part of its fortieth anniversary. It is not easy to sustain a publication, especially in the era of open access and an overload of free information on the internet. Congratulations to the *American Journal of Islam and Society* for its adaptability and sustainability over the years. Congratulations for being a top-quality outlet for scholarship on Islam and society that accepts, and does not denigrate, our faith and its heritage, and for allowing critical discussions on how to move forward in the twenty-first century.

I look forward to *AJIS*'s future with great anticipation, eager to learn from its continued fostering of intellectual curiosity, inspiring new

breakthroughs, and contributing to the collective body of knowledge in our fields for the next forty years and beyond.

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doi: [10.35632/ajis.v41i1.3415](https://doi.org/10.35632/ajis.v41i1.3415)

ARTICLES

*Maqasid al-Shari`ah, Maslahah, and Corporate Social Responsibility (2007)**

ASYRAF WAJDI DUSUKI
AND NURDIANAWATI IRWANI ABDULLAH

Abstract

The doctrine of corporate social responsibility (CSR), which has emerged and developed rapidly as a field of study, is a framework for the role of business in society. It sets standards of behavior to

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These biographies appeared in the article when it was first published.

*This article was first published in the *American Journal of Islamic Social Sciences* 24, no. 1 (2007): 25-43

Dusuki, Asyraf Wajdi. Abdullah, Nurdianawati Irwani. 2024. "Maqasid al-Shari`ah, Maslahah, and Corporate Social Responsibility (2007)." *American Journal of Islam and Society* 41, no. 1: 40-65 • doi: 10.35632/ajis.v41i1.3417

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which a company must subscribe in order to impact society in a positive and productive manner while abiding by values that exclude seeking profit at any cost. Despite the many attempts to construe CSR initiatives, it remains open to wide criticism for its inherent problems *via-à-vis* justification, conceptual clarity, and possible inconsistency. These problems are more acute when it comes to implementing and operationalizing CSR on the ground, especially in a situation that involves trade-offs.

This paper offers an instructive understanding of CSR from an Islamic perspective. In particular, the implication of *maqasid al-Shari`ah* (the Shari`ah's objectives) and the application of *maslahah* (the public good) to CSR are discussed in detail to shed light on how Islam's holistic and dynamic perception of CSR take into consideration reality and ever-changing circumstances. These principles also provide a better framework that managers can use when faced with potential conflicts arising from the diverse expectations and interests of a corporation's stakeholders.

Introduction

Over the past twenty years, corporate social responsibility (CSR) has blossomed as a framework for the role of business in society and for setting standards of behavior to which a corporation must subscribe in order to impact society in a positive and a productive manner. The emergence of social enterprises, business ethics, environmental practices, a human rights approach to recruitment and employment conditions, and investment in the community are examples of such impacts.

Many believe that CSR is the tribute that capitalism everywhere pays to virtue.¹ According to this view, corporations are no longer defined as entities with a mandate to pursue profit and power relentlessly, regardless of the potential harmful consequences. Instead, they are expected to use their extensive resources to soften their self-interest image by presenting themselves as humane, benevolent, and socially responsible. Due to globalization, corporations undoubtedly govern society, perhaps even more than governments do. Governments are increasingly looking at these giant

and resource-rich entities to address socioeconomic problems. For example, multinational corporations are perceived as the key to development through providing jobs, paying taxes, transferring technology, and making charitable contributions to education and health care. The issue of CSR has only grown in importance in light of recent business scandals involving such large corporations as Barings, Enron, Arthur Anderson, WorldCom, and others.

Despite the tremendous efforts to promote CSR among corporations and society at large, this concept is not without criticism. For instance, how can CSR be operationalized effectively and efficiently on the ground, especially in situations that involve trade-offs? The potential conflict arising from the diverse interests and expectations among various constituents in society further hinders CSR initiatives.

This paper, therefore, delineates the concept of CSR in light of an Islamic perspective. In particular, the following discussion on the *maqasid al-Shari`ah* (the Shari`ah's objectives) and the principles of *maslahah* (the public good) serve as foundations for such a perspective. The implications of these principles are discussed in detail to shed light on how Islam perceives CSR in a holistic and dynamic way, taking into consideration reality and ever-changing circumstances. These principles also provide a better framework that managers can use when faced with potential conflicts arising from diverse expectations and interests of a corporation's stakeholders.

Since this paper is among the few attempts to discuss CSR from an Islamic perspective, it produces a conceptual justification that might have some practical relevance for business.² Indeed, the ensuing discussion fills an important gap in CSR literature. The following section briefly discusses CSR's evolution in the West. Section 3 describes the *maqasid al-Shari`ah* together with the principle of *maslahah*. The *maqasid's* implication on CSR is further elaborated in section 4, and a description of *maslahah* as a framework for conflict resolution while implementing CSR is offered in the fifth section. The conclusion is presented in the final section.

The Evolution of CSR

CSR is defined as denoting corporate activities beyond making profits, such as protecting the environment, caring for employees, being

ethical in trading, and getting involved in the local community. Some of its main issues are promoting human rights, community involvement, human resource management, socially responsible investing, and social reporting.³ Robert Davies simplifies this: CSR means a set of standards of behavior to which a corporation subscribes in order to have a positive and productive impact on society. Put simply, it is the framework for the role of business in society.⁴

In its western conceptualization, CSR comes in many forms. As a result, its operation is open to a great deal of interpretation and argument. Until now, CSR has been evolving constantly and incorporating different approaches, depending on circumstances and needs. Extant literature attempts to delineate the corporation's role vis-à-vis CSR. On the one hand, the classical creed pronounces CSR as an altogether pernicious idea because the corporation's role is limited to providing goods and services in a way that maximizes their owners' wealth. Milton Friedman argues that having managers extend their social responsibilities beyond serving their stockholders' interests is fundamentally a misconception of a free economy's character and nature. He asserts categorically that solving social problems belongs to government and social agencies, not business.⁵ Indeed, his argument reflects the prevailing worldview of neo-classical economics, which has long been entrenched in the notion of the self-interested economic man.

On the other hand, the escalating socioeconomic problems brought about by globalization have raised new questions as well as expectations about corporate governance and social responsibility. As a result of the continued discontent with the restrictive and misleading worldview that is deeply rooted in self-interest, as well as the secularist and hedonistic individualism underlying the western economic worldview, CSR emerges as a doctrine to broaden the spectrum of corporate responsibility to include both a social and an environmental dimension.

The spectrum takes into account the multi-fiduciary nature of the stakeholder concept in that the corporation recognizes other responsibilities beyond profit maximization. In this context, management sees itself as responsible for satisfying and meeting the demands connected with the corporation's social responsibility to various groups that have both

direct and indirect financial connections to them, namely, consumers, employees, shareholders, suppliers, the community or society in general, and the environment.⁶ According to this view, extending its social responsibility to include all possible effects on society is due to the fact that corporations, especially large ones, have great economic and social power. Therefore, in return for granting them legal status as separate entities, society is entitled to expect from them a significant net positive contribution to the general good.

Corporations are starting to realize the negative repercussions of paying inadequate attention to the needs and interests of multiple stakeholders and society at large. Society's perception of corporations are crucial, so much so that it may affect the corporation's survival if it breaches the "social contract," a covenant made between it and the society in which it operates.⁷ For example, if a corporation focuses only on efficiency and externalities to the detriment of society, it will ultimately face social sanctions that will, at the very least, increase its costs or perhaps put it out of business. This obligates corporations to engage positively and constructively with such social structures as the family, the local community, the educational system, and religious institutions to help enhance the people's lives and meet their needs.

In other words, the corporate social contract theory used to justify the CSR construct holds that business and society are equal partners, each enjoying a set of rights and reciprocal responsibilities. There is both a direct and an indirect mutual need between both entities. While the former requires continuous support from the latter in terms of resources and sales, the latter might expect the former to operate in a socially responsible manner, for corporations control a large amount of economic and productive resources (e.g., technology, finances, and labor) that may affect the society in which they operate.

In an attempt to further legitimize the corporation's role in society, an instrumental theory has developed CSR as a strategic tool designed to achieve economic objectives. Its proponents assert that the corporation may choose to support some social programs for reasons of acquiring a good image, public relations, a competitive advantage, or other strategic reasons without jeopardizing the interests of their primary stakeholders:

the shareholders. They further argue that maintaining a good corporate reputation through CSR initiatives may add to the “reputational capital” by which corporations may become profitable in the long run, since market forces provide financial incentives for such perceived socially responsible behavior.⁸

Attempts to conceptualize and justify CSR have been criticized for lacking a solid foundation, particularly as regards the diverse moral and ethical standards adopted in construing a corporation’s duties to CSR and its various stakeholders. For example, according to a theory of CSR being based on a social contract, the “contract” between business and society has to be renegotiated as society’s preferences change.⁹ This confirms CSR’s relative and transitional nature in the business sense. Since a corporation’s legitimacy rests upon the public’s perception alone, corporations inevitably need to alter their behavior according to how society expects them to behave.

According to Davies, some corporations argue that they should respect local values, even if this means having a greater tolerance for low standards and corruption.¹⁰ As a result, science and philosophical arguments, which are perceptible by our senses and rational faculty, cannot really describe, analyze, or even predict human behavior accurately, since human beings do not always behave in a standard manner. Thus, people lack concrete and solid normative judgments that may resolve various potential conflicts.

This creates a dilemma for corporations, since social responsibility has no absolute guiding principle of ethical or moral conduct. Frustrated by this, James Humber bluntly argues that “we should abandon the quest to develop a special moral theory for use in business and we should not attempt to impose the use of any moral theory upon business, but rather should allow corporations to determine their moral responsibilities in any way they see fit.”¹¹ Such a statement is rather delusory and tends to exacerbate this confusion and moral dilemma. For example, if a corporation is operating in a low standard or corrupt society in which bribery is part of the social norm, does this mean that it should condone bribery? In other words, corporations committed to CSR need more specific moral rules or principles to explain why they should act in one way instead of another.

Notwithstanding the many attempts to provide theoretical, moral, and ethical groundings for CSR, such endeavors have also been widely criticized vis-à-vis their justification, conceptual clarity, and possible inconsistency. They also fail to give adequate ethical guidance to business executives who must decide which course to pursue and their level of commitment. This problem is especially acute in view of the fact that all choices involve tradeoffs. For example, a program to increase minority employment might reduce efficiency, thereby preventing the corporation from fulfilling its obligations to shareholders and perhaps its other employees while raising prices for consumers. Or, such a program might be adopted at the expense of reducing the amount of pollution generated, which conflicts with another demand: corporate social responsibility.

In contrast to western humanistic theories, an Islamic view of CSR takes a rather holistic approach by offering an integralistic spiritual view based on the Qur'an and the Sunnah (the Prophet's sayings and practices). Such an approach provides a better alternative philosophical framework for a person's interaction with nature and his/her fellow human beings.¹² In fact, given that the moral and ethical principles derived from Revelation are more enduring, eternal, and absolute, they may serve as better guidelines for corporations exercising their business and social responsibilities simultaneously.

According to al-Shatibi, determining what is beneficial and harmful cannot be left to human reasoning alone (as most western theorists advocate, as in the social contract theory and the normative stakeholder theory). Human reasoning plays a role only in a framework guided by the Shari'ah.¹³ Islam recognizes the role of reason and experience in theorizing economic behavior and business activities only in a manner that embraces the transcendental aspect of human existence, for human beings' inherent limitations "posit a strong reason that requires divine guidance, especially to ascertain what is right and what is wrong."¹⁴ Hence, according to Khaliq Ahmad, our rational faculties can – and should only – be used to complement, support, and strengthen ethics and morality as defined by the Shari'ah. The following section briefly explains the Shari'ah's objectives and the principles of *maslahah* that

provide a framework for managing the natural conflict arising from the stakeholders' diverse expectations and interests.

Maqasid al-Shari`ah (The Shari`ah's Objectives)

Islam incorporates permanent features and mechanisms for adapting to change. While its fundamentals, among them *`aqidah* (creed), *`ibadah* (worship), and *akhlaq* (morality and ethics), never change, their manifestations in such secondary areas as economics, business, and other worldly activities require flexibility and development according to time and space.¹⁵ This is embodied in the Shari`ah, which is central to Islam's worldview.

The Shari`ah, defined as a system of ethics and values covering all aspects of life (e.g., personal, social, political, economic, and intellectual) with its unchanging bearings as well as its major means of adjusting to change,¹⁶ cannot be separated or isolated from Islam's basic beliefs, values, and objectives. In other words, it reflects the holistic view of Islam, which is a complete and integrated code of life encompassing all aspects of life, be they individual or social, both in this world and the Hereafter. For instance, economic or political aspects cannot be isolated from moral and spiritual aspects, and vice versa. Therefore, a contemporary understanding of one concept, say *maslahah* (the public good) according to the Shari`ah may lead to a theoretical understanding of economics, science, technology, the environment, and politics. Similarly, not understanding a key concept may thwart developments in all of these fields.

To understand the Shari`ah, one needs to comprehend its objectives, which allow flexibility, dynamism, and creativity in social policy.¹⁷ According to Imam al-Ghazzali:

The objective of the Shari`ah is to promote the well-being of all mankind, which lies in safeguarding their faith (*din*), their human self (*nafs*), their intellect (*`aql*), their posterity (*nasl*) and their wealth (*mal*). Whatever ensures the safeguard of these five serves public interest and is desirable.¹⁸

Al-Shatibi approves of al-Ghazzali's list and sequence, thereby indicating that they are the most preferable in terms of their harmony with the Shari'ah's essence.¹⁹ Generally, the Shari'ah is predicated on benefiting the individual and the community, and its laws are designed to protect these benefits and facilitate the improvement and perfection of human life in this world. This perfection corresponds to the purposes of the Hereafter. In other words, each of its five worldly purposes (viz., preserving faith, life, posterity, intellect, and wealth) is meant to serve the single religious purpose of the Hereafter.

The Shari'ah's uppermost objectives rest within the concepts of compassion and guidance,²⁰ which seek to establish justice, eliminate prejudice, and alleviate hardship by promoting cooperation and mutual support within the family and society at large. Both of these concepts are manifested by realizing the public interest that Islamic scholars have generally considered to be the Shari'ah's all-pervasive value and objective that is, for all intents and purposes, synonymous with compassion. *Maslahah* sometimes connotes the same meaning as *maqasid*, and scholars have used these two terms almost interchangeably.²¹ To shed more light on our discussion, especially with regard to the *maqasid's* goal of preserving the public good, the following section elaborates on the *maslahah*, an important tool that upholds the Shari'ah.

***Maslahah* (The Public Good)**

Maslahah is a juristic device used in Islamic legal theory to promote the public good and prevent social evil or corruption. Its plural *masalih*, means "welfare, interest, or benefit." Literally, *maslahah* is defined as seeking benefit and repelling harm. *Maslahah* and *manfa'ah* (benefit or utility) are treated as synonyms. However, *manfa'ah* is not a technical meaning of *maslahah*, which Muslim jurists define as seeking benefit and repelling harm, as directed by God or the Shari'ah.²²

Among the major Sunni schools of Islamic jurisprudence, Imam Malik is the leading proponent of upholding *maslahah* as one of the Shari'ah's sources.²³ He uses the term *al-masalih al-mursalah* to connote interests that are not covered by other sources.²⁴ Most other jurists, however, reject

this as a source, with the exception of Imam al-Tufi (Hanbali) and Imam al-Ghazzali (Shafi`i). However, al-Ghazzali uses *istislah* (seeking the better rule for the public good) but does not claim it as the Shari`ah's fifth source. He also restricts its application to situations deemed to be necessary to serve the public good.²⁵

He defines *maslahah* as follows:

Maslahah is essentially an expression for the acquisition of benefit or the repulsion of injury or harm, but that is not what we mean by it, because acquisition of benefits and the repulsion of harm represent human goals, that is, the welfare of humans through the attainment of these goals. What we mean by *maslahah*, however, is the preservation of the Shari`ah's objectives.²⁶

Here, he reinforces the importance of preserving the Shari`ah's objectives as *maslahah*'s fundamental meaning. Al-Shatibi, closely following al-Ghazzali's taxonomy, defines *maslahah* in his *Al-Muwafaqat* as a principle that concerns the subsistence of human life, the completion of one's livelihood, and the acquisition of what his/her emotional and intellectual qualities require of him/her in an absolute sense.²⁷ In fact, he singles *maslahah* out as being the only overriding Shari`ah objective broad enough to comprise all measures deemed beneficial to people, including administering justice and worship. He further classifies *maslahah* into three categories: *daruriyat* (the essentials), *hajiyyat* (the complementary), and *tahsiniyat* (the embellishments).²⁸ These categories are briefly discussed below:

Daruriyat: The essentials are the self-interests upon which people essentially depend, such as faith, life, intellect, posterity, and wealth. According to Mohammad Hashim Kamali, these elements are, by definition, absolutely necessary for the proper functioning of a person's religious and mundane affairs, to the extent that their destruction and collapse would precipitate chaos and the collapse of society's normal order. Thus, protecting them reflects the effective way of preserving the Shari`ah, as outlined in its objectives.²⁹

Hajiyyat: The complementary interests supplement the essentials and refer to those interests that, if neglected, would lead to hardship but not

to the total disruption of life's normal order. In other words, they are needed to alleviate hardship so that life may be free from distress and predicament. An example is seen in the sphere of economic transactions, where the Shari`ah validates such contracts as forward buying (*salam*) and lease and hire (*ijarah*), because people need them, notwithstanding a certain anomaly attendant in both.

Tahsiniyat: The embellishments refer to those interests that, if realized, would lead to refinement and perfection in the customs and conduct of people at all levels of achievement. For example, the Shari`ah encourages charity (beyond the level of *zakat*) to those in need and, in customary matters and relations among people, urges gentleness, pleasant speech and manner, and fair dealing.

Many scholars, among them Kamali, M. Umar Chapra, Imran Nyazee, Michael Mumisa, Ziauddin Sardar, and Wael Hallaq, assert that the above classification is related to and deeply rooted in the Shari`ah's objectives to ensure that society's interests are preserved in the best fashion both in this world and in the Hereafter. According to their views, such a classification implies how a *maslahah*-based methodology could be used to derive new rulings from the Shari`ah, meet society's changing needs, and solve contemporary problems related to socioeconomic endeavors.³⁰ Thus, these principles can help establish guidelines for moral judgments and balancing the individual's self-interests with social interests.

Implications of the *Maqasid* on CSR

In light of the above discussion on *maqasid*, CSR assumes a broader and more holistic significance to Muslim workers, managers, corporations, customers, and society as a whole. Islam's concept of CSR encompasses a broader meaning, embracing the *taqwa* (God-consciousness) by which corporations (as groups of individuals) assume their roles and responsibilities as servants and vicegerents of God in all situations. By doing so, they make themselves ultimately responsible to God, the Owner of their very selves and the resources that they utilize and manage. This responsibility is, in fact, a function of the intrinsic quality of each Muslim's life as a trust from God.³¹

For a devout Muslim, concern for others and the surrounding environment are deeply inscribed in the Five Pillars of Islam. In fact, each Muslim is considered a social being who cannot isolate himself/herself or ignore his/her role and responsibility to society or another human being in any way, even if for worship. According to Abu Hurayrah:

One of the Prophet's Companions passed a ravine where a fresh-water spring ran. He liked the ravine and said: "How I would like to isolate myself from other people to worship Allah! I will not do so before asking permission from the Messenger of Allah (peace be upon him)." The man told the Prophet of his wish, and the Prophet replied: "Do not do it. Your striving for the path of Allah is better than praying in your house for seventy years."³²

Therefore, CSR is a moral and religious initiative based on the belief that a corporation should be "good" despite the financial consequences. This is not to suggest that Islam opposes making a profit. Rather, it is seen as a necessary condition, though not the sole purpose, of a corporation's existence. Invoking the Shari`ah and employing a *taqwa*-based business paradigm imply that the entrepreneur is no longer driven by profit maximization alone, but by the pursuit of ultimate happiness in this life and in the Hereafter. In other words, his/her corporation has acknowledged its social and moral responsibility for the well-being of others (e.g., consumers, employees, shareholders, and local communities).

Furthermore Islamic guidance, enshrined by its principle of justice, brings about a balance between individuals' rights and their duties and responsibilities toward others, and between self-interest and altruism. Islam recognizes self-interest as a natural motivating force in all human life; however, it has to be linked to the overall concepts of goodness and justice.³³ In fact, Islam lays down a moral framework for effort by spelling out values and non-values, as well as what is and is not desirable from a moral, spiritual, and social perspective.³⁴ The concept of reward is also broadened by incorporating within it reward in this world and in the Hereafter. This provides a strong and self-propelling motivation for good and just behavior, without denying one's natural instinct for personal gain.³⁵

Hence, moderation and concern for the needs of others, along with one's own, become an integral part of the Islamic perspective of CSR. Therefore, social responsibility is not solely a duty of the government, as Friedman, Humber, and others would have us believe; rather, it is a duty of all members of the community, including corporations, particularly the better-off ones. Thus, individuals and corporations are encouraged to sacrifice, give up, and spend their wealth on the poor and the needy while expecting their reward only from God. This sense of duty, responsibility, and spirit of sacrifice, which Islam nurtures, actually helps remove self-centeredness and covetousness and promotes compassion, caring, cooperation, and harmony among people.

Applying the *Maslahah* to CSR

We now turn our discussion to applying the *maslahah* to CSR. These principles, by implication, reflect how Islam stresses the importance of considering public interests rather than merely individual interests. It provides a framework for making decisions and a mechanism for adapting to change, especially for corporations willing to commit to CSR. Perhaps these principles can further contribute to delineating the role of corporations in terms of their CSR. It also offers guidelines for moral judgment on the part of managers and other stakeholders, particularly in solving conflicts that may arise when pursuing CSR. To shed light on our discussion here, this study depicts these principles in a pyramid form (figure 1).



This pyramid, which functions as a framework and a general guideline to an ethical filter mechanism, provides managers with three levels of judgment to resolve the ethical conflicts that inadvertently emerge while applying CSR programs and initiatives. The levels also reflect the different degrees of importance in terms of responsibility fulfillment. The bottom level, the essentials, constitutes the most fundamental responsibility to be fulfilled, as compared to the complementary and the embellishments categories.

Therefore, as the pyramid moves upward, the degree of decision making will be less fundamental, albeit more virtuous, so as to attain society's perfection and well-being.³⁶ It assumes that individuals will strive for the next level as soon as the previous one has been fulfilled. This presumption is grounded in Islam's principle of motivation, which encourages Muslims to strive continuously and consistently for excellence in order to gain God's pleasure and receive better rewards from Him.³⁷

In essence and according to Islamic ethical principles, a corporation's performance is evaluated according to the fulfillment of its objectives of continuous improvement. The sense of continuous improvement disappears if one cannot make today better than yesterday. Hence managers, shareholders, and workers must not be content with fulfilling the essentials alone; instead, they must always strive to improve the corporation's fulfillment of its social responsibility, since their personality and character have been shaped by their heightened sense of ultimate accountability to God, from which no one can escape.³⁸ This is actually the manifestation of the *taqwa* (God-consciousness) paradigm, as mentioned above.

The pyramid's three levels are not mutually exclusive; rather, all levels are inter-related and mutually dependent. The arrows pointing upward and downward reveal the flexibility and mechanism of change in the decisionmaking process, in the sense that any element comprising one level of *maslahah* may be elevated upward or pushed downward, depending on the different circumstances concerning the public at large. However, it should be noted that such flexibility is confined within the Shari`ah's framework, and not vice versa.³⁹

This reflects the pyramid's dynamism in assisting the decision-making process within each different context, time, and space. For instance, if circumstances change and corporations are encouraged to respond and, as a result, reconsider their roles within society, this will necessitate a realignment of their business institutions (e.g., mission, vision, policy deployment, decision making, reporting, and corporate affairs) to the new *maslahah*, so long as it does not contradict the Shari'ah's principles.

Such contemporary Islamic jurists as Hussain Hamid Hasan, Muhammad Sa'id Ramadan al-Buti, and Mustafa Zaid all affirm this dynamism in Islamic jurisprudence (*fiqh*). However, it has to be carefully used when confronting contemporary challenges. The touchstone by which the *maslahah*'s validity is judged consists of the Qur'an and the Sunnah. In his *Al-Masalih fi al-Tashri' al-Islami* (1954), al-Buti cautions that the *maslahah* must not be used at random. He maintains that the effective way to preserve the Shari'ah in its ideal form is to determine the *maslahah* via the needs recognized by the Shari'ah. Otherwise, they will be exposed to extraneous factors opposed to the spirit of the Qur'an and the Sunnah.⁴⁰

To further elucidate our argument, particularly on how the *maslahah* pyramid can be applied to CSR, we shall analyze the different levels of the decision-making process based on each principle. On the first level (the essentials), managers are expected to strive to preserve and protect their stakeholders' essential needs (viz., religion, life, intellect, posterity, and property) and the public good in general. For example, under the CSR precept, they must protect their employees' welfare or basic needs by providing adequate prayer rooms and protecting the employees' safety and health in the workplace, thereby reflecting their responsibility to safeguard, respectively, the faith and values of life. Moreover, they must confine their operations to those that safeguard the above-mentioned essential values. Accordingly, corporations have a moral and social responsibility to avoid any activities that may cause disruption and chaos in people's lives, even though pursuing them may engender higher profits.⁴¹ Such examples include business activities that can endanger people's lives and disrupt their intellects as a result of environmental degradation and manufacturing illicit drugs for public consumption.

As soon as this level's responsibilities have been fulfilled, the corporations may strive for the second level: the complementary. Here, it is deemed beneficial to remove difficulties that may not pose a threat to the normal order's survival. For example, these managers may want to extend their social responsibility commitment by extending the employees' essential needs, such as fair pay and a safe workplace, to include continuous training and enhanced human quality programs. The latter is not really essential, for neglecting it does not threaten the employees' continued existence. However, assuming such a responsibility fulfills the complementary interest of advancing the workers' intellectual well-being (knowledge and skills).

In some cases, such an effort can be considered one of the essentials. For example, Islamic banks need to provide adequate Shari`ah training to their employees concerning the offered Islamic financial instruments in order to protect the interests of the faith. Other examples of such responsibilities include not trading in, manufacturing, or selling tobacco, alcoholic, and pornographic products in order to prevent their negative effects on the people's and the society's health and behavior.

At the highest level, the embellishments, corporations are expected to discharge their social responsibilities by engaging in activities or programs that may lead to improving and attaining the perfections of public life. Giving charity or donating to the poor and the needy, as well as offering scholarships to poor students and providing sufficient, correct, and clear information or advertisement regarding all products, are some of the examples of CSR commitment with respect to realizing this level's goal for society.

On the whole, the *maslahah* pyramid implies the need for corporations to engage in and manage their businesses and CSR activities according to priorities that have evolved from a deep understanding of the Shari`ah's objectives such that preserving the *maslahah* is done in a way that is in accord with the different levels of importance and the severity of consequences. For example, one must not focus on attaining the embellishments while jeopardizing the essentials or be obsessed with attaining benefits to the extent of harming others. Our discussion of the principle of preventing harm, which is pertinent to our discussion of the

maslahah's implications to CSR, is further elaborated in the following section.

The Principle of Preventing Harm

As highlighted earlier, the concept of *maslahah* entails understanding the Islamic principle of preventing harm, which states that a corporation cannot harm or cause grief to others while engaging in its economic and business activities.⁴² In general terms, two major Shari`ah axioms are imbued in this principle: removing hardship (*raf` al-haraj*) and preventing harm (*daf` al-darar*). This concept occupies a central position in the framework of protecting the social interest, as enshrined in the *maslahah*, particularly in averting social harm.⁴³ As such, discussing CSR from an Islamic viewpoint is futile if such an important framework is undermined.

This principle is based on an authentic prophetic hadith narrated by Ibn Majah, al-Daruqutni, and others on Sa`d ibn Malik al-Khudari's authority: "There should be neither harming nor reciprocating harm."⁴⁴ Imam alSuyuti, based on his famous book *Al-Ashbah wa al-Naza'ir*, asserts that this hadith is very significant because it embodies the fundamental principles and maxims of Islamic jurisprudence. Among the arguments derived from it is the following: If someone has damaged another person's property, the affected person cannot retaliate by damaging that person's property, for such an action is deemed to aggravate the damage without providing any benefit in return. Hence it is harmful. The alternative is paying an amount of compensation that has the same value as the damaged property so as to avoid further harm to the owner's property.⁴⁵

Islamic scholars broadly classify harm as that which occurs due to a person's deliberate action to afflict other parties/entities (e.g., the environment) and an action done with a solemn intention and that is permitted by the Shari`ah. But in this latter case, such an action may harm other parties. While the former is strictly prohibited (*haram*), the latter has to be examined in varying degrees and in various contexts to determine if it is permissible or not.⁴⁶

Preventing harm, along with the *maslahah*, has been the subject of wide discussion in the field of Islamic jurisprudence. A number of Islamic legal maxims have been derived from this. For the purpose of this study, we simplify the discussion by summarizing the Islamic maxims derived from the principle of preventing harm. Table 1 summarizes some of the most important of these maxims that are relevant and significant to our discussion. Examples of their application to various CSR-related issues are provided in the corresponding column to further illuminate our understanding of them.

Table 1: The Framework of Preventing Harm

Islamic Maxim	Description	Examples of Application
Harm is repelled as far as possible.	Any potential harm to society has to be prevented as far as possible. This resembles the proverb that “prevention is better than cure.” In other words, it is easier to prevent something rather than treating it after it has already happened.	Dumping toxic waste as a form of externalizing a corporation’s cost to society must be averted, such that it must not even be considered an option for minimizing costs.
Harm is ended.	Any harm must be stopped or abolished, after which one must try to rectify the damage.	If a corporation disposes of its toxic waste in a residential area, it must be stopped. If public health problems ensue, the corporation must admit responsibility and pay compensation.
Harm cannot be ended by its like.	In the attempt to remove harm, another type of harm, either to the same degree or worse, must not be invoked.	In avoiding risky investments that may harm the share-holders’ fund, managers must not invest in prohibited (based on the Shari`ah’s viewpoint) activities, even if it will earn higher profits by doing so.

Islamic Maxim	Description	Examples of Application
Severe harm is avoided by a lighter harm.	If harm is unavoidable, one must choose the lighter harm. A similar maxim states that the lesser of the two harms must be chosen.	If a bank has to lay off some employees or close branches to remain in business, it may do so, because the harm of a collapsed bank is more severe than the suffering of some workers.
To repel a public harm, a private harm is preferred.	One has to absorb a private harm in order to prevent social harm. In other words, a corporation's operation should be biased in favor of society if two harmful acts are in conflict.	Avoiding companies that produce illegal drugs or engage in activities detrimental to public consumption is necessary, even if doing so undermines individual profits.
Repelling harm is preferable to attaining benefit.	If there is a conflict between harm and benefit, the harm must be repelled first, even if doing so removes the benefit. Since harm can easily spread and cause severe damage, priority ought to be given to averting harm over attaining a benefit.	A bank should not finance activities that might be perceived as productive in terms of profits or as supposedly satisfying some demand (e.g., pornography, gambling, prostitution, alcohol), but still contain elements that may severely harm society or the people's morals and health.
Harm must not be sustained.	Anything that may cause harm must be abolished, regardless of whether it is old or new. In other words, any preceding harm must not be allowed to continue, although the circumstances that originally caused it might have changed.	An Islamic corporation that acquires another corporation must terminate any of its prohibited activities or contracts (e.g., investments in alcohol or gambling).

The Islamic legal maxims extracted for this study were originally taken from the *Majallah al-Ahkam al-`Adliyah* (the Civil Code of the Ottoman Empire).⁴⁷ The *Majallah* comprises of 851 articles arranged in an introduction and sixteen books. The introduction consists of 100 articles dealing with Islamic legal maxims. However, this study only selects those maxims that are relevant to the discussion of preventing harm within the CSR framework.

The *Majallah* reinforces the idea that each person is a social being and that social life and responsibility are integral, especially in commercial dealings or transactions. In fact, its first article clearly states: “In view of the fact that man is social in nature, he cannot live in solitude like other animals and is in need of mutual cooperation with his fellow men in order to promote a high civilization.”⁴⁸ Acknowledging that the individual is, by nature, selfish, the *Majallah* further reaffirms the Shari`ah’s need to maintain order and justice, especially in balancing the individual’s rights with those of society (viz., harmonizing self-interest with social interest). Therefore, in light of this principle, corporations must consider social responsibilities and avoid business practices that harm the well-being of society at large.

Recommendation and Conclusion

Many corporations still wonder how the ideal concept of CSR can be operationalized on the ground. While the primary reason for this is due to the corporation’s distorted worldview of self-interest and restrictive role, both of which have long been entrenched in the western business community, the lack of a concrete and solid framework to manage the conflicting interests arising from its diverse stakeholders further thwarts the endeavor to promote good CSR practices. Therefore, this paper fills an important gap in both CSR and Islamic studies, since it offers an instructive understanding of CSR from an Islamic point of view.

The discussion on *maqasid al-Shari`ah* and the *maslahah* provides adequate ethical guidance to executives and entrepreneurs who must decide which course to pursue and how much to commit to it. In particular, the *maslahah* pyramid and the principle of preventing harm provide a framework for managers to deal with potential conflicts arising from the diverse expectations and interests of the corporation’s

stakeholders, especially with respect to CSR. By understanding the principles of preventing harm embedded in this framework, for instance, they can make better choices, especially when facing situations that involve trade-offs. For example, a manager who wants to maximize profits may be allowed to do so as long as his/her business activities do not have any negative repercussion on society or the surrounding environment.

The implications of these principles on how an Islamic corporation, such as an Islamic bank, functions are clear. Invoking the Shari`ah and reflecting the *maslahah* imply that such banks must not be solely oriented toward profit; rather, they must seek to promote the social welfare and protect the needs of society as a whole. In addition, they should have a clear financing policy and guidelines to guide them while they are considering a commercial dealing proposal. For example, Islamic banks cannot finance a company dealing in gambling, pornography, alcohol, and other prohibited transactions; a company involved in activities deemed harmful to society (e.g., environmental degradation); or a company dealing with oppressive regimes or those who abuse human rights. Moreover, Islamic banks cannot make excessive profits at their customers' expense or undermine and neglect their social responsibility and commitments to their stakeholders.

To conclude, the concept of CSR is not alien to Islam, for it is deeply inscribed in the Shari`ah. Therefore, any corporation that claims to follow Shari`ah-based principles should naturally practice CSR, as it enshrines Islam's true spirit. Indeed, Islamic corporations should endeavor to be the epicenter in the business galaxy of promoting good CSR practices. In this respect, assimilating CSR and other Islamic ideals to fulfill stakeholder expectations deserves the utmost consideration, as the desire to do so represents a fundamental difference between Islamic and conventional corporations. Given all of the above factors, this study suggests the importance of CSR training programs that incorporate a Shari`ah dimension to educate people, especially Muslim executives and entrepreneurs, about CSR best practices. These programs could promote better understanding among the public of why CSR is important, how it could benefit the community as a whole, and

eliminate misconceptions that may arise during its implementation. An in-depth understanding of the Shari`ah, its objectives, and principles may also benefit managers, particularly on how to practice CSR more effectively and efficiently without undermining a corporation's viability and long-term sustainability.

Endnotes

- 1 See, for example, J. Snider, R. P. Hill, and D. Martin, "Corporate Social Responsibility in the 21st Century: A View from the World's Most Successful Firms," *Journal of Business Ethics*, no. 48 (2003): 175-87.
- 2 Earlier authors, among them A. B. Obe, J. A. Mohamed, and J. Zinkin and G. A. Williams, agree that the idea of CSR is deeply inscribed in the Shari`ah and thus not alien to Islam. See, for example, Amir Bhatia Obe, "Corporate Social Responsibility in the Context of Islam," in *Workbook on Corporate Social Responsibility*, (2004): 57-68. Available at www.fco.gov.uk/Files/kfile/CSR-WORKBOOKcc0824,0.pdf; and Javed Akhtar Mohamed, "An Islamic Perspective of Corporate Social Responsibility" (paper presented at the Islamic Studies Postgraduate Conference, University of Melbourne, 21-22 Nov. 2005). Zinkin and Williams also posit that CSR seems to conform closely to Islamic principles and can build bridges between civilizations, especially in our increasingly difficult and turbulent world. For details, refer to their "Islam and CSR: A Study of the Compatibility between the Tenets of Islam and the UN Global Compact" (Feb. 2006). Available at <http://ssrn.com/abstract=905201>.
- 3 CSR Europe, *European Postal Services and Social Responsibilities* (Brussels: Corporate Citizenship Company and CSR Europe, 2001), 48.
- 4 Robert Davies, "The Business Community: Social Responsibility and Corporate Values," in *Making Globalization Good: The Moral Challenge of Global Capitalism* (Oxford: Oxford University Press, 2003).
- 5 Milton Friedman, *Capitalism and Freedom* (Chicago: The University of Chicago Press, 1967).
- 6 R. Edward Freeman, *Strategic Management: A Stakeholder Approach* (London: Pitman, 1984).
- 7 George P. Lantos, "The Boundaries of Strategic Corporate Social Responsibility," *Journal of Consumer Marketing* 18, no. 7 (2001): 597-99.
- 8 *Ibid.*, 602-04.
- 9 See, for example, Thomas Donaldson and Thomas W. Dunfee, "Toward a Unified Conception of Business Ethics: Integrative Social Contracts Theory," *Academy of Management Review* 19, no. 2 (1994): 252-84.
- 10 Davies, "Business," 167.
- 11 James M. Humber, "Beyond Stockholders and Stakeholders: A Plea for Corporate Moral Autonomy," *Journal of Business Ethics* 36, no. 3 (2002): 215.
- 12 Khaliq Ahmad, "Islamic Ethics in a Changing Environment for Managers," in *Ethics in Business and Management: Islamic and Mainstream Approaches* (London: Asean Academic Press, 2002). 97-109.
- 13 Cited in Imran Ahsan Khan Nyazee, *Islamic Jurisprudence (Usul al-Fiqh)* (Islamabad: Islamic Research Institute Press, 2000).

- 14 Nyazee's argument is supported by a number of Qur'anic verses, among them 23:71.
- 15 Muhammad Hashim Kamali, "Sources, Nature and Objectives of Shari`ah," *The Islamic Quarterly* (1989): 215-35.
- 16 Ziauddin Sardar, *Islam, Postmodernism and Other Futures: A Ziauddin Sardar Reader* (London: Pluto Press, 2003).
- 17 Wael B. Hallaq, *A History of Islamic Legal Theories: An Introduction to Sunni Usul al-Fiqh* (Cambridge: Cambridge University Press, 2004).
- 18 M. Umer Chapra, *The Future of Economics: An Islamic Perspective* (Leicester: The Islamic Foundation, 2000), 118.
- 19 Nyazee, *Islamic Jurisprudence*, 121.
- 20 These attributes correspond to Qur'an 21:107 and 10:57.
- 21 Many classical-era Islamic legal scholars advocated the principle of the public good (*maslahah*) and the Shari`ah's objectives (*maqasid al-Shari`ah*) in Islamic legal thought (*fiqh*): e.g., al-Juwayni (d. 1085), al-Ghazzali (d. 1111), al-Razi (d. 1209), al-Amidi (d. 1233), al-Salmi (d. 1261), al-Qarafi (d. 1285), Ibn Taymiyyah (d. 1327), al-Shatibi (d. 1388), Ibn al-Qayyim al-Jawziyah (d. 1350), and al-Tufi (1316). Cited in Deina AbdelKader, "Modernity, the Principles of Public Welfare (*Maslahah*), and the End Goals of the Shari`ah (*Maqasid*) in Muslim Legal Thought," *Islam and Christian-Muslim Relations* 14, no. 2 (2003): 164-74.
- 22 Cited in Nyazee, *Islamic Jurisprudence*, 161.
- 23 All jurists from the main Sunni schools of Islamic jurisprudence agree that the Shari`ah's main sources are the Qur'an, the Sunnah, *ijma`* (the consensus of Islamic jurists), and *qiyas* (analogical deductions). For a detailed discussion of each source, refer to Abdul Karim Zaidan, *Al-Madkhal li Dirasat al-Shari`ah al-Islamiyah* (Baghdad: Maktabah al-Quds, 1985), 190-215.
- 24 The formulation of a rule on the basis of *al-masalih al-mursalah* must take into account the public good and conform to the Shari`ah's objectives. According to the Maliki school, this tool must fulfill three main conditions. First, it must deal only with transactions (*mu`amalat*) in which reasoning through one's rational faculty is deemed necessary. This is unlike actions related to religious observance, such as an act of worship (*ibadah*), which is strictly subjected to the Shari`ah's main sources. Second, the interests should be in harmony with the Shari`ah's spirit. Third, the interests should be of the essential type, as opposed to the embellishment type. Here, "essential" implies preserving the Shari`ah's five main objectives. For details, see Sobhi R. Mahmassani, *The Philosophy of Jurisprudence in Islam* (Kuala Lumpur: Open Press, 2000). 87-89.
- 25 *Ibid.*, 88.
- 26 Ahmad al-Raysuni, *Nazariyah al-Maqasid`inda al-Imam al-Shatibi* (Riyadh: Dar al-`Alamiyyah Kitab al-Islami, 1992), 41-45.
- 27 Hallaq, *History*, 168.

- 28 Ibid., 168-69.
- 29 According to Hallaq, the essentials are maintained by two means: on the one hand, they are enhanced and strengthened, while on the other, all potential harm that may arise to affect them is averted. For example, protecting life and intellect are examples of important elements of the essentials that can be enhanced by providing proper food, shelter, clothing, education, and so on. On the other hand, any potential harm that might threaten these essentials may be averted by means of a penal law or punishment that prohibits alcohol or dumping toxic waste that may cause harm to one's intellect and life, respectively. Cited in Hallaq, *History*, 168.
- 30 As a case in point, the validity of an Islamic leasing instrument (*ijarah*) that may be initially of secondary (*hajiyat*) importance to an individual is elevated to an essential (*daruriyat*) *maslahah*, as it is deemed essential for the society at large. Refer to Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence* (Petaling Jaya, Malaysia: Pelanduk Publications, 1989), 352-56.
- 31 Syed Muhammad Naquib Al-Attas, "The Worldview of Islam: An Outline," in *Islam and The Challenge of Modernity* (Kuala Lumpur: The International Institute of Islamic Thought and Civilization [ISTAC], 1996).
- 32 Narrated by al-Tirmidhi and al-Hakim.
- 33 Syed Nawab Haider Naqvi, *Perspective of Morality and Well-Being: A Contribution to Islamic Economics* (Leicester: The Islamic Foundation, 2003), 99-110.
- 34 Saiyad Fareed Ahmad, "Does Morality Require God?" *Intellectual Discourse* 11, no. 1 (2003): 51-76.
- 35 Ibid., 65-66.
- 36 According to Islamic scholars, the existence of the complementary and the embellishments depends upon the primary purposes underlying the essentials, in other words, protecting and preserving one's faith, life, intellect, posterity, and wealth. The two categories are structurally subservient and substantively complementary to the essentials, to the extent that violating the latter produces far-reaching consequences. On the other hand, any damage affecting the complementary or the embellishments will result in only a minor disturbance to the essentials. Hence, it is essential to preserve the three categories in their order of importance. See the detailed discussion in Michael Mumisa, *Islamic Law: Theory and Interpretation* (Beltsville, MD: amana publications, 2002). Also refer to Kamali, *Principles*, and Hallaq, *History*.
- 37 Mohd Kamal Hasan, "Worldview Orientation and Ethics: A Muslim Perspective," in *Ethics in Business and Management Islamic and Mainstream Approaches* (London: Asean Academic Press, 2002).
- 38 For a Qur'anic verse corresponding to these arguments, refer to Qur'an 9:105. Al-Bayhaqi relates the following hadith: "Indeed Allah loves an individual who does his [her] work in the best manner." Cited in Yusof al-Qaradawi, *Fiqh Awlawiyat* (Kuala Lumpur: ABIM, 1998), 87-88.

- 39 Mumisa, *Islamic Law*.
- 40 Ibid., 60-71.
- 41 The corresponding Qur'anic verse is 28:77.
- 42 Muhammad Abu Zuhrah, *Usul al-Fiqh* (Beirut: Dar al-Fikr al-'Arabi, 1958).
- 43 Kamali, *Principles*.
- 44 Mustafa al-Bugha and Muhyiddin Misto, *A Discussion on An-Nawawi's 40 Hadith* (Kuala Lumpur: Prospecta Printers Sdn. Bhd., 1998). 346-66
- 45 Ibid., 360-61.
- 46 Ibid., 362-63.
- 47 The *Majallah* was promulgated in 1876. This civil code compilation is based on Shari`ah principles. Although comprehensive in delineating certain Islamic jurisprudential principles, it does not contain all civil law provisions (e.g., one branch of law pertaining to family law was left out). The purpose of compiling this code was to prepare a book on juridical transactions that would be correct, easy to understand, free from contradictions, embody the selected opinion of the jurists, and easy for everyone to read. Among the subjects covered are sale (*bay`*), hire (*ijarah*), guarantee (*kafalah*), transfer of debt (*hiwalah*), pledges (*rahn*), trust and trusteeship (*amanah*), and gifts (*hibah*). Cited in *The Mejelle: Being an English Translation of Majallah al-Ahkam al-'Adliyyah and a Complete Code of Islamic Civil Law* (Kuala Lumpur: The Other Press, 1876).
- 48 Ibid., 1-2.

Toward a New Framework of Islamic Economic Analysis (2020)*

AKHMAD AKBAR SUSAMTO

Abstract

Despite a profusion of literature, efforts to develop Islamic economics as a discipline have not brought about anticipated results. This paper argues that it is the absence of clarity on what would make economics “Islamic” which impedes the development of Islamic economics. To fill that absence, this paper proposes three conditions under which an economics can be considered “Islamic”, and then defines the scope of Islamic economics and its methods.

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This biography appeared in the article when it was first published.

*This article was first published in the *American Journal of Islam and Society* 37, no. 1-2 (2020): 103-122

Susamto, Akhmad Akbar. 2024. “Toward a New Framework of Islamic Economic Analysis (2020).” *American Journal of Islam and Society* 41, no. 1: 66–89 • doi: 10.35632/ajis.v41i1.3418

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Finally, this paper suggests three implications which, taken together, entail that developing Islamic economics and building its body of knowledge is less complicated than was feared.

Introduction

For more than half a century, Muslim scholars have been preoccupied with reviewing contemporary economic practices and policies from an Islamic perspective.¹ Insisting on the difference between the Islamic worldview and the worldview of Western capitalism, they have further attempted to establish Islamic economics as an alternative discipline, which is distinct from conventional economics.² Yet, despite the thousands of conference papers, journal articles, book chapters, and monographs circulated or published so far, efforts to develop Islamic economics do not seem to have brought about the expected results. This is true, at least, from the point of view of several leading figures in the Islamic economic literature.

Zaman, for instance, writes that in spite of some partial successes, “It would be fair to assess the overall outcome [of the efforts] as a failure.”³ Islamic economics, for Haneef, does “not seem to be moving forward”;⁴ its current status, according to Kahf, is still “a mission unaccomplished.”⁵ In the words of MA Khan, Islamic economists were “unable to break any ground” and regardless of their claims, “the end product is not significantly different from mainstream economics.”⁶ Expressing his assessment of Islamic economics, Choudhury laments, “Present-day Islamic economics is in a dire state. It is not original; it is failing to be derived from the teachings of the Quran, Sunnah or Islamic scholastic thought.”⁷ He earlier commented that “Islamic economics has become a total slave of mainstream economic theories”⁸ and that as a field of study Islamic economics “is no different from the neoclassical approach to ethical behavior.” Less forcefully, Chapra admits that, “The practical wisdom of Islamic economics ... has not been able to come to grips with the task of explaining the rise and fall of Muslim economies.”⁹ Likewise, he admits that “the theoretical core of Islamic economics” has been “unable to get out of the straitjacket of conventional economics.” Citing Nasr,¹⁰ Chapra accepts that the discipline of Islamic economics has “failed to escape the centripetal

pull of Western economic thought and has, in many regards, been caught in the intellectual web of the very system it set out to replace.”¹¹

Regardless whether one agrees or disagrees with each of these statements, the bottom line remains that (whether for technical issues¹² or substantive-methodological ones¹³) efforts to develop Islamic economics have not brought about the expected results. Thus, rather than taking the current situation for granted, those championing the development of Islamic economics need to adopt an open mindset and reflect critically upon what has happened. This paper attempts to make a fresh diagnosis of why efforts to develop Islamic economics have not brought about the expected results, and to suggest some solutions.

The key point to be made is that it is an absence of clarity on what would make economics “Islamic” which impedes the development of Islamic economics. This clarity is essential, for it is the end state Muslim scholars are trying to achieve that should eventually guide them in the development of Islamic economics. To fill the absence of such clarity, three conditions under which an economics can be considered Islamic are proposed. Further, based on these conditions, the scope and methods of Islamic economics are defined.

The significance of this paper lies in its potential to re-energize the development of Islamic economics. Digging deeper into one of the most fundamental (but neglected) issues in Islamic economics, this paper comes back to the surface not only with a solid basis for a genuine and robust discipline of Islamic economics, but also a simple, more operational framework of Islamic economic analysis. This paper makes no claim that existing works in Islamic economic literature have been futile or gone off track. Rather, what this paper proposes is a methodological basis on which valuable but scattered contributions in the current Islamic economic literature can be rearranged and unified to develop the field and to further build its body of knowledge.

Justification to Develop Islamic Economics

The development of Islamic economics has been justified with the argument that there are “distinct Islamic responses” to economic problems,¹⁴

on the presumption that particular economic approaches are “the logical outcome of the prevailing worldviews.”¹⁵ Such “worldviews” encompass beliefs about the origin of the universe, the nature of human life, the meaning of righteousness, virtue, and worth, human relations, and the norms of resource ownership and use—in short, a worldview is “an organized set of beliefs concerning how the world works.”¹⁶ Different worldviews afford different economic perspectives, leading to different economic sciences.

The idea that different worldviews lead to different sciences is not unique to Muslim scholars. Even Thomas Kuhn, a famous historian and philosopher of science, held that the course of a particular science is conditional upon the adoption of specific “paradigms”. For Kuhn, science is not the result of a steady, evolutionary process of knowledge accumulation. It is instead the product of a “series of peaceful interludes punctuated by intellectually violent revolutions” in which “one conceptual worldview is replaced by another.”¹⁷ Changes in worldview “cause scientists to see the world of their research engagements differently,” leading to changes in the types of questions that scientists ask and the ways they tackle problems. Within the circle of economists, Heilbroner believes that the economy represents “the social totality,”¹⁸ that is, a system of complex, mutually related elements that are composed of various subsystems. He also believes that behind the veil of economics lie power and ideology, the “thought and belief by which dominant classes explain to *themselves* how their social system operates and what principles it exemplifies.”¹⁹ Thus he argues against such a thing as universal economic laws. Similarly, Spengler believes that “the content of economic thought was not initially independent of the socio-physical parameters of the society within which it developed, nor did it ever become completely independent even in modern times.”²⁰ These scholars agree that (conventional) economics reflects the social totality of Western (capitalist) society, within which a worldview based purely on human reasoning stands out and vindicates the pursuit of self-interest as well as the accumulation of wealth. To combine their ideas, (conventional) economics is essentially “a product of European civilization,”²¹ whose purpose is to help economists better understand “the capitalist

setting in which we will most likely have to shape our collective destiny for the foreseeable future.”²²

The Islamic worldview differs from that of Western capitalism. According to the former, the universe does not exist by itself. As with every one of its creatures, it was created and is sustained by God. Human beings are no exception. Yet unique among creation, human beings have been entrusted with a certain degree of sovereignty. They lead the universe with the mission to worship Allah and to improve the world for and on behalf of Him. To discharge this trust, human beings are equipped with faculties, including reason, and endowed with divine revelations (in our contemporary dispensation, in the form of the Qur’an and the Sunnah), from which they can derive detailed teachings, rules, and judgments. Thus, norms of resource ownership and use are not based purely on human reasoning but on rationality in dialogue with revelation. After all, humans are left with the freedom to live how they choose: whether to adhere or not to the divine revelations. Ultimately, humans are held responsible and accountable for their choices on the Day of Judgment.

In this Islamic perspective, the pursuit of individual self-interest and the accumulation of wealth are not seen as the key to achieving the greatest happiness. Moreover, it is not hedonistic “happiness” in Bentham’s utilitarian sense that is to be achieved.²³ Rather, the ultimate objective is called felicity (*falāḥ*): true welfare in this worldly life and in the hereafter. It is on this basis, that is, to the extent that Islamic economics is directed toward achieving *falāḥ*, that it provides an alternative to conventional economics.

What Has Happened?

To explain why efforts to develop Islamic economics have not brought about the expected results, several authors dwell on a lack of research funding.²⁴ For Siddiqi, the amount of public funds devoted to research in Islamic economics is insufficient.²⁵ Others emphasize the relative historical youth of the discipline of modern Islamic economics, which—in contrast to the centuries of development of conventional economics—was only formalized a few decades ago.²⁶ The discipline is still in its infancy.

It is true that research funding and maturity matter. Nevertheless, the slow development of Islamic economics has more to do with substantive-methodological issues than technical ones. In fact, despite the touted lack of research funding, the scholarly literature mentioning the English terms “Islamic” and “economics” has increased from 6,670 in 1976-1985 to 205,000 texts in 2006-2015—and from 547 texts mentioning the phrase “Islamic economics” in the earlier period to 13,000 in the latter one (Google Scholar, May 2018). This increase in textual mentions clearly indicates a substantive growth in research.

Before this paper continues with fresh accounts for why efforts to develop Islamic economics have not brought about the expected results, three substantive-methodological reasons offered thus far deserve a comment. The first is that there remain ambiguities about the extent to which Islamic economics overlaps with *fiqh*, narrowing the scope of Islamic economics to legal and juridical matters.²⁷ Studies of “Islamic economics” in this vein often present the jurisprudence (*fiqh*) of the early periods of Islam, without reconceiving their relevance to modern society.²⁸ The second reason is that Islamic economists fail to maintain a proper distance from conventional economics. For Mahomedy, efforts to develop Islamic economics have brought little success because the epistemological roots of Islamic economics remain firmly within the neoclassical framework.²⁹ In similar terms, Zaman argues that the acceptance of mainstream economic assumptions in Islamic economics leads to irresolvable contradictions.³⁰ For him, it is impossible to integrate mainstream economic assumptions (derived from the worldview of Western capitalism) with Islamic economic thinking (derived from the Islamic worldview). The third reason is that Islamic economists have been too focused on Islamic finance,³¹ thus incurring opportunity costs³² and diverting Islamic economists away from (what Siddiqi calls) “the grand Islamic agenda”.³³ To quote Kahf, Islamic finance has been “a beautiful illusion for which [Islamic economists] neglected the main concerns of [Muslim] societies as well as the core of Islamic economics.”³⁴

These three reasons are valid but are not root causes in themselves. They are affected by a more fundamental issue at the heart of the discipline. For instance, ambiguities regarding to what extent Islamic

economics overlaps with *fiqh* are due to the fact that there is no clarity on what economics can be considered Islamic. To resolve this issue, simply demarcating “economics” from “law” will be insufficient. Rather, scholars and advocates must note that the discipline of Islamic economics emerged with the spirit of realizing Islamic teachings and injunctions. In the absence of clarity on what economics can be considered “Islamic”, Muslim scholars are in a struggle to describe exactly what discipline they are trying to develop. Many fall into confusion, including some who believe that Islamic economics is part of *fiqh*. One author even writes that, “After the economic rules have been derived from the books of Shariah and put for discussion in independent research studies, then we would have what is called Islamic Economics.”³⁵

The same reason accounts for Islamic economists’ failure to maintain a proper distance from conventional economics. As a discipline, Islamic economics emerged at a time when conventional economics had dominated economic discourse and theory around the globe. Islamic economists are in a struggle to set alternative standards of what to do and how to do it, thus falling into a “comparison trap”. This yields a tendency either to locate much of its discourse against the backdrop of conventional economics or to overstate the distinction of Islamic economics. For example, some authors argue that the key concept of scarcity is simply absent in Islamic economics,³⁶ for God has created sufficient resources for His creatures. Scarcity then is not essential in economics, for it results from human laziness and neglect,³⁷ or misuse of resources, or imbalanced distributions.³⁸ Other authors exaggerate the nature of *homo islamicus* (Islamic man), the altruistic and right-minded economic agent who is the proper subject of Islamic economics, who is always committed to Islamic values and concerned with social justice and welfare.³⁹

Finally, an overemphasis and concentration of works on Islamic finance is also due to the absence of clarity on what economics can be considered Islamic. For when no one can delimit what is properly Islamic economic research, Islamic finance is far easier to seize hold of—it is the “most saleable literature.”⁴⁰ In short, MF Khan astutely commented, “If we have not reached anywhere near where we want to be, then one of the most important reasons could be that we did not choose the right

starting point.”⁴¹ If Islamic economists have not succeeded in developing Islamic economics, the reason may be that they forgot to first discuss the conditions under which an economics can be considered Islamic.

Islamic Economics Redefined

What economics can be considered Islamic? There is hardly an unequivocal answer to this question in the current literature. Rather than setting out the conditions under which an economics can be considered Islamic, Muslim scholars have been more interested in offering formal definitions of what Islamic economics is.⁴² For example, Hasanuzzaman writes that “Islamic economics is the knowledge and applications of the injunctions and rules of the Shariah that prevent injustice in the acquisition and disposal of material resources in order to provide satisfaction to human beings and enable them to perform their obligations to Allah and the society.”⁴³ His focus is on the injunctions and rules of the Shariah. By contrast, Naqvi focuses on the actual behavior of Muslims and defines Islamic economics as “the representative Muslim’s behavior in a typical Muslim society.”⁴⁴ Mannan defines it as “a social science which studies the economic problems of a people imbued with the values of Islam,”⁴⁵ while Siddiqi defines it as “Muslim thinkers’ response to the economic challenges of their times.”⁴⁶ These definitions, albeit important, do not offer much help in answering the fundamental question at hand. The section above noted that Islamic economics is founded on the argument that the Islamic worldview differs from the worldview of Western capitalism. It is on the basis of that worldview, then, that the conditions under which an economics can be considered Islamic may be articulated.

In Islam, as observed above, it is God who creates and sustains the universe. Every single creature belongs to Him, with human beings no exception. Yet, they are granted the vicegerency of earth and a divine mission to worship God and improve the world. To allocate resources or to manage the economy for human welfare is a divine duty, which is as sacred and spiritual in purpose as the offering of prayers. Therefore, to qualify as “Islamic” an economics cannot ontologically neglect the relationship between human beings and God. In other words, that economics must not divorce scientific

inquiry from its divine basis⁴⁷—let alone conceive economic behavior merely hedonistically, as “a lightning calculator of pleasures and pains.”⁴⁸

Furthermore, in the Islamic worldview God is omniscient; the divine knowledge is infinite, encompassing both generalities and particularities of the universe across time. God gives knowledge to whom He pleases, and it is only by His will that any human acquires or derives knowledge. Therefore, in order to qualify as “Islamic” an economics cannot epistemologically limit the sources of knowledge to the empirical senses and reason. It must instead recognize that revelations in the forms of the Qur’an and the Sunnah are authoritative sources of knowledge, including on such practical matters as economic problems. In other words, such an economics must uphold the fundamental unity of God, evident in the working and guidance of the universe.⁴⁹

Moreover, axiologically, knowledge is not for its own sake in the Islamic worldview. Knowledge is acquired or derived to an end benefit, as in the prophetic report, “Ask God for beneficial knowledge and seek refuge with God from knowledge that is of no benefit.”⁵⁰ Therefore, in order to qualify as “Islamic” an economics cannot be barren. It must instead be beneficial, to help guide societies to transform their economy toward the realization of welfare. Chapra rightly reminds us that the mission of all prophets, including Muhammad (peace and blessings be upon him), was “to bring about individual and social change without which it would be difficult to improve the human condition.”⁵¹ To be considered Islamic, an economics must therefore be “transformational”: inspiring societies to aspire to change, providing a base and guidance for this aspiration, and facilitating this change toward the realization of welfare, as the Islamic worldview dictates.

The broad discrepancy between contemporary realities and ideals begs for such a transformational economics. Siddiqi thus writes that Islamic economics “must be caring about change, change from the current behavior and institutional structures to those in accordance with Islamic norms.”⁵² Choudhury too variously propounds the transformational character of Islamic economics and Islamic political economy, referring to cases of moral and ethical transformation,⁵³ moral-social transformation⁵⁴ and ummah transformation.⁵⁵ For him, Islamic economics not only recognizes the “as is” and the “as it ought to be” states of the

world-system, but also reconstructs them along the discursive process by which “being” and “becoming” form a sustained unity.

To sum up, an economics can be considered Islamic provided that it relies upon ontological and epistemological foundations which are consistent with the Islamic worldview, and so long as it is able to help guide societies to transform their economy toward the realization of welfare as the Islamic worldview dictates.

The Scope of Islamic Economics

To help guide societies to transform their economy toward the realization of welfare, Islamic economics must directly relate to the ideals of Islam. Siddiqi correctly emphasizes that “Islamic economics begins with an understanding of the divinely-ordained ends and values and cannot be conceived without them.”⁵⁶ By the same token, Islamic economics must maintain a relationship to current realities. MA Khan reminds Islamic economists that, “To be relevant to the contemporary world, Islamic economics should undertake in-depth study of the economies and propose Islamic solutions to their problems. Brushing aside this potential area of study makes Islamic economics irrelevant.”⁵⁷ Along the same line, Zarka asserts that one of the objectives of Islamic economics is “to study reality to repair it, improve it, or reform it, in order to make it closer to Shariah.” As he rhetorically asks, “[H]ow can we reform a reality which we do not understand and we do not know?”⁵⁸

In Chapra’s words, Islamic economics has to perform four different tasks, namely (in slightly modified order): first, to indicate the kind of behavior of economic actors (individuals, firms, markets, governments) that would realize welfare; second, to study the actual behavior of economic actors; third, to explain why economic actors behave the way they do (and not the way they ought to); and, finally, to suggest a workable strategy that would bridge the discrepancy between economic realities and ideals.⁵⁹ The scope of Islamic economics thus comprises four distinct fields: first, proposing the ideal behavior of economic actors (that is, the behavior which conforms to the principles and rules of Islam that are derived from the Qur’an and Sunnah and which is conducive for realizing welfare) and its possible

impacts on the economy and society; second, evaluating the actual behavior of economic actors (that is, the behavior which presently occurs, given economic realities and including that of both Muslims and non-Muslims, both that conforming and non-conforming to the Shariah) and its impacts; third, comparing ideal and actual behaviors of economic actors and explaining any discrepancy between them; and, finally, formulating strategies that could bring actual behavior of economic actors as close as possible to the ideal.

The first field of work, namely proposing ideal behavior of economic actors and its impacts on economy and society, has both normative and positive elements. It consists of such tasks as: (1) observing legal and nonlegal texts in the Qur'an and the Sunnah, in order to outline and derive general principles and rules that are applicable to the study of an economy from an Islamic perspective; (2) establishing normative statements of what economic actors ought to do, or how one situation ought to be seen relative to another, based on the Qur'an and the Sunnah—where the point is to provide standard guidelines of the behavior which conforms to the principles and rules of Islam and which is conducive for welfare realization; and (3) predicting what will happen in the economy, assuming that economic actors do what they ought.

The second field of work, namely evaluating actual economic behavior and its impacts, has only positive analytic content. Starting with secondary or primary data collection, it consists of such tasks as: (1) observing economic facts; (2) establishing positive statements about what economic actors do, and how one economic situation as a matter of fact relates to another; and (3) predicting what will happen in the economy given that economic actors act as they in fact do.

The third field of work, namely comparing actual and ideal economic behaviors and explaining any discrepancy between them, also has only positive analytic content. It consists of such tasks as: (1) identifying key points of comparison and recognizing gaps between the actual and the ideal behaviors of economic actors; and (2) examining the factors that determine such gaps, and the mechanisms through which the gaps are determined. It should be emphasized that the third field of work of Islamic economics is not at all about the perennial debates between revelation and reason. Nor is it hypothesis-testing of the validity of Islamic injunctions using empirical

facts, let alone an effort of reconciling Islamic principles with real life. This field of work simply considers whether actual economic behavior is consistent with actors' ideal behavior and why there are inconsistencies (if any) between them. As Chapra puts it, the ultimate task to be performed in this field of work is simply "to explain why individuals, firms, markets and governments behave in the way they do, and not in the way they ought to."⁶⁰ By way of simplified example, it is clear that seizing another's property without right or permission is prohibited in Islam. Thus, ideally, there should be no theft in Muslim societies. However, evaluation of actual behavior may indicate high rates of theft. This third field of Islamic economics would offer explanations of the root causes of such theft, not empirically invalidate or debate those Islamic principles of property.

The fourth field of work (namely, formulating strategies that could help bring actual behavior as close as possible to the ideal) is a continuation of the third field. It contains both normative and positive elements and comprises such tasks as: (1) identifying strategies that need to be taken to bring the actual behavior of individuals, firms, markets, and governments as close as possible to the ideal; and (2) determining pitfalls in bringing the actual behavior of these economic actors as close as possible to the ideal.

The sequence of these fields of work need not be rigid. Evaluations of the actual behavior of economic actors can be completed irrespective of whether there have been propositions of their ideal behavior. Similarly, proposing their ideal behavior can be performed irrespective of whether evaluations of their actual behavior have taken place. However, comparisons of actual and ideal economic behavior can only be meaningful once Islamic economists have clearly understood each of them. Formulations of economic strategies also can only be meaningful once Islamic economists have clearly accounted for the discrepancies between actual and ideal behavior. Finally, this sequence will necessarily be iterative, interactive, and evolutionary. It is a cyclical process of knowledge formation.

The Methods of Islamic Economics

Given the proposed scope of Islamic economics, it is hard to imagine that any single method will best fit all the fields of work. Indeed, Chapra

duly observed that “it is perhaps futile to look for a single method for accepting or rejecting propositions in Islamic economics.”⁶¹ It is therefore proposed that the methods used in Islamic economics vary depending on the end sought within each field of work.

For example, to establish normative statements of what individuals, firms, markets and governments ought to do, the standard methods of *uṣūl al-fiqh* (designed to discern the legal status of a certain act, whether obligatory, recommended, permissible, disapproved, or prohibited) can be used. These methods include analogical deduction (*qiyās*), juristic preference (*istiḥsān*), presumption of continuity (*istishāb*), and the rules of interpretation and deduction.⁶² These methods can also be used to establish normative statements about how any particular economic situation in the economy ought to be seen relative to another, based on the texts in the Qur’an and the Sunnah.

To predict what will happen in the economy, assuming that economic actors do what they ought, theoretical modeling methods are appropriate. These methods usually involve one or more mathematical techniques, such as geometry, calculus, matrix algebra, and computational mathematics. Mathematical techniques are neutral by nature. To the extent that they are not abused, mathematical techniques could be advantageous in Islamic economic analyses.⁶³ This is particularly true because mathematical techniques allow Islamic economists to formulate specific, testable propositions about the impacts of ideal behavior. However, such mathematical techniques are not a requisite, and plain language modeling can offer an alternative.

To observe facts about the economy and to establish positive statements about the behavior of economic actors, empirical studies using quantitative and qualitative methods are appropriate. Empirical studies are also appropriate for establishing positive statements of how one situation actually relates to another. Quantitative methods usually involve one or more statistical techniques, from the simplest descriptive statistics to the most advanced cross-sectional, time-series, or panel data econometric techniques. Qualitative methods, albeit seen as less credible by economists, have their own strengths, especially when applied to research questions for which they are well suited.⁶⁴ In the event that

results from multiple empirical studies are available, systematic reviews and meta-analysis methods can be applied.⁶⁵

To predict what will happen in the economy, given that individuals, firms, markets, and governments act as they do, economic theoretical modeling methods are again appropriate. For those with strong mathematical tendencies, techniques such as geometry, calculus, matrix algebra, and computational mathematics can be advantageous, while for others theoretical modeling methods using plain language remain an alternative.

To identify key points of comparison and to recognize gaps between ideal and actual economic behavior, a combination of literature reviews and ideal-actual comparative analyses can be used. The latter involves ideal behavior as its baselines, which can be assumed either to be fixed at a certain starting point or to be retrospectively emergent.

To identify key strategies and specific actions to redress discrepancies between ideal and actual economic behavior, strategic analyses can be used. The same methods are also suited to describe the roles that different parties are expected to play, and to determine pitfalls that need to be addressed. Of course, whatever strategies and specific actions are formulated must not contravene the teachings of Islam. Some kinds of *fiqh* consultation are therefore required during the analyses.

The above examples are not at all exhaustive. In fact, in this framework it would be acceptable for particular work in Islamic economics to cover more than one field and use different combinations of methods. That is not to say that methods are not important. Nor to say that the opinion of Siddiqi can be taken for granted, when he writes that “the Islamic tradition in economics has always been free of formalism, focusing on meaning and purpose with a flexible methodology.”⁶⁶ Methods are surely important and the use of different methods in Islamic economics is certainly “a definite solution,” rather than “a reflection that the methodological discussion has reached a deadlock.”⁶⁷

Implications and Further Discussions

Given the conditions under which an economics can be considered Islamic, and its proposed scope and methods, it is now time to expand

on three implications of this discussion. The first of these is that Islamic economics can be developed and its body of knowledge built without waiting for an Islamic economic system to be fully implemented. In fact, the field of Islamic economics (conceived of in this way) is there to inspire and guide societies to transform their economy toward the realization of welfare, as the Islamic worldview dictates.

The notion that Islamic economics can only be developed after its practicable system is in place is not uncommon in the current literature. For example, it has been argued that the economic science of Islam can only flourish after Islamic economic doctrines are understood and practiced.⁶⁸ For Sadr, the science of economics comprises “every theory which explains the reality of economic life,”⁶⁹ while economic doctrines consist of “every basic rule of economic life connected with the ideology of [social justice].”⁷⁰ Since the reality of economic life is affected by prevailing economic doctrines, the proper theories explaining an Islamic economy integrally depend upon the implementation of Islamic economic doctrines. The problem with this approach is that it limits the relevance of Islamic economics to societies where this economic system has already been implemented. It also begs the question of who will contribute to its implementation: Islamic economists? Using which theories? How will such theories have been developed, in the absence of an operational Islamic economic system?

The conditions proposed in this paper entail that Islamic economics is relevant, no matter the operational state of the economic system. Rather than waiting for a fully-implemented Islamic economic system, Islamic economists are able to actively contribute to its emergence and flourishing—for example, as noted here, by establishing its axioms,⁷¹ evaluating the actual conditions of the prevailing economic system, examining the gap between its ideal and the actual conditions, and prescribing strategies to bring its actual conditions as close as possible to the ideal.

The second implication is that Islamic economics may address any topic, not solely topics conventionally covered in this literature.⁷² Indeed the scope of Islamic economics should extend to any topic relevant to the realization of welfare. In the absence of clarity on what economics can be considered Islamic, it was difficult for researchers to delimit the scope

of economic inquiry—especially when proposed topics seemed related to conventional economic research. Islamic finance became the one preserve of the literature which could clearly claim an Islamic pedigree.

Given the conditions spelled out above for declaring research under the ambit of “Islamic” economics, it becomes easier to broaden the scope of inquiry. It is certainly not mention of key terms that makes research Islamic; rather, such work must reflect the ontological and epistemological foundations of the Islamic worldview. Thus the topics of research in Islamic economics can legitimately range from poverty and income inequality in the realm of development economics, to taxation and subsidies in the realm of public economics, to antitrust in the realm of industrial economics, to cryptocurrency in the realm of monetary economics, to the impacts of parental divorce at the household level, to the impact of government budget allocations at the national level, and to the consequences of free trade agreements at the international level. Some of this research will likely resemble that inquiry undertaken in conventional economics—but this is because conventional economics ought to be seen as a subset within Islamic economics, not the other way around.⁷³ Regardless of disagreements over whether conventional economics contains any normative content, it does have positive analytic content. Conventional economics uses what has occurred in the past to explain what occurs today or to predict the possible occurrence of events in the future. Limiting our focus solely to its positive analytic content, we will find that conventional economics is much like the second field of work of Islamic economics proposed in this article. Whatever its similarities to conventional research, nuanced work in Islamic economics should also explain its Islamic presuppositions which motivate the research, the gaps in Islamic economic literature that this research redresses, and how its implications facilitate the realization of welfare.

The third implication is that there is no need to entirely overhaul the fields of Islamic or conventional economics. Rather, much of the work that has already been done (not only in terms of results and findings, but also in methods of analysis) can find its place within this reconfigured framework. The current Islamic economic literature has seen divergent opinions over how to utilize existing material. Some argue that conventional economics is simply ill-suited for Muslim societies, and so Islamic economics

must begin anew.⁷⁴ For example, for Tahir, seeking to “Islamicize” conventional economics bears risks: “The argument may be off-tracked, and the true distinction between Islamic economics and conventional economics lost.”⁷⁵ Zaman has a similar view and writes that “the only solution to this problem is to reject conventional economic theories as well as their methodology and start from the background assumptions furnished by Islam.”⁷⁶ In contrast, others hold that Islamic economists can and should benefit from the experience of conventional economics.⁷⁷ This is done by selectively and critically approaching the latter, in order to acknowledge which of its components are “Islamic” and rejecting those which are not,⁷⁸ thereby replacing the values on which economics should be based.⁷⁹ In Siddiqi’s words, “the craving for a de novo discipline of Islamic economics is ill conceived. No such thing is possible.”⁸⁰ This second approach has however faltered on a methodological basis, lacking clear criteria to determine what should be accepted or rejected.

The conditions newly-proposed here provide solid ground; there is no need to reinvent the wheel. They provide a map to demonstrate the interface between Islamic economics and its conventional counterpart. Certain findings from conventional economics, particularly those obtained through empirical analyses, can easily be used in Islamic economics to evaluate the actual economic behavior and impacts of individuals, firms, markets, and governments. It is also clear that the immediately available and well-advanced methods in conventional economics can be used in Islamic economics for further analyses.

Together, the implications above give rise to a hope that to develop Islamic economics and to build its body of knowledge is much less complicated than what Islamic economists have thought. The newly-proposed conditions under which an economics can be considered Islamic lay solid ground for a genuine and robust discipline of Islamic economics—but also a simple operational framework for Islamic economic analysis.

Concluding Remarks

This paper has argued that it is the absence of clarity on what economics can be considered Islamic which impedes the development of

Islamic economics. It has thus proposed three conditions under which an economics can properly be considered Islamic. First, it must not ontologically separate worldly from divine affairs, the profane from the sacred, and the material from the spiritual. Second, it must not epistemologically limit the sources of knowledge to experience and reason, and instead must recognize revelation as another source of knowledge. Third, it must not be barren; it must rather be able to help guide societies to transform their economy toward the realization of welfare as the Islamic worldview dictates.

Based on these conditions, this paper has further proposed that the scope of Islamic economics consists of four distinct fields of work. First of these is proposing the ideal economic behavior of individuals, firms, markets, and governments, and its possible impacts on economy and society. Second is evaluating the actual behavior and impacts of these economic actors. Third is comparing the ideal and actual behaviors of these economic actors, and explaining any discrepancy. Fourth is formulating strategies that could bring actual economic behavior as close as possible to the ideal. In addition, this paper has proposed that the methods used in Islamic economics vary depending on the end sought within each field of work.

Three implications emerge from these proposals. The first is that Islamic economics and its body of knowledge can be developed without waiting for an Islamic economic system to already be fully implemented. The field can thus function to inspire and help guide societies toward its full implementation. The second implication is that Islamic economics may deal with any topic. What makes economic research “Islamic” is not that it contains reference to such terms as *ribā*, *zakāt*, *waqf*, *ḥalāl*, Muslims, or even Islam itself. Rather, it must base itself on ontological and epistemological foundations consistent with the Islamic worldview and be able to help guide societies to transform their economy toward the realization of welfare. The third implication is that much of the findings and methods in conventional economics can in fact be used for further analyses in Islamic economics.

This paper is an initial statement toward a new, more comprehensive framework of Islamic economic analysis. Future research into its details

may include reviewing past discussions on the assumptions of Islamic economics and exploring the operational details of the framework for each field of work. For example, the strong assumption of *homo islamicus* touched on above is likely neither helpful nor necessary to support the development of this field, as it will be relevant only in those cases that Islamic economists deal with the ideal behavior of economic actors. Future research should also use the framework as a basis to develop Islamic economics' body of knowledge. With the framework set in this paper, it will be possible to develop not only the branches of microeconomics and macroeconomics but also such sub-branches as development economics, public economics, monetary economics, and international economics. Finally, it can be speculated that the framework set in this paper is relevant to the broader social sciences, such that the conditions for what is considered "Islamic" may be expanded to other social-scientific and humanistic disciplines.

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Shaykh Google as Ḥāfiẓ al-Aṣr: The Internet, Traditional ‘Ulamā’, and Self Learning (2020)*

EMAD HAMDEH

Abstract

More than any other period, the last hundred years have witnessed a rise in the accessibility of information through books, media, and the internet. This introduced new ways of learning and sharing Islamic knowledge. In this article, I consider how traditional Islamic knowledge and pedagogical techniques are challenged by the growing number of lay Muslims participating in religious discussions through print and the internet. I explain why the ‘*ulamā*’ perceive self-learning as a threat not only to the ostensibly proper

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This biography appeared in the article when it was first published.

*This article was first published in the *American Journal of Islam and Society* 37, no. 1-2 (2020): 67-101

Hamdeh, Emad. 2024. "Shaykh Google as Ḥāfiẓ al-Aṣr: The Internet, Traditional ‘Ulamā’, and Self Learning (2020)." *American Journal of Islam and Society* 41, no. 1: 90–129 • doi: 10.35632/ajis.v41i1.3419

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understanding of religion but also to the redefinition and reinvention of their authority. I observe how print and digital media caused a shift away from the necessity of the teacher and facilitated autodidactic learning and claims to authority. Despite their criticism of self-learning, Traditionalists have embraced the internet in order to remain relevant and to compete with non-experts.

Writing is inferior to speech. For it is like a picture, which can give no answer to a question, and has only a deceitful likeness of a living creature. It has no power of adaptation, but uses the same words for all. It is not a legitimate son of knowledge, but a bastard, and when an attack is made upon this bastard neither parent nor anyone else is there to defend it.

—PLATO

Introduction

Several scholars have written on the nexus of new media, the transmission of knowledge, and religious authority in Islam.¹ These works trace the development of new media and its challenge to authority. However, there remains a need to examine the educational methods of traditional learning in order to understand why religious scholars (the *‘ulamā*) are critical of self-learning. Misunderstanding why the *‘ulamā* are opposed to religious education that takes place outside of traditional methods can result in mischaracterizing their opposition as being simply in defense of their own authority. To remedy this gap, this article will explain why traditionalist scholars consider their educational methods integral to the proper framework for understanding Islam.

In his article “The Death of Expertise,” Tom Nichols argued that any assertion of expertise today is immediately dismissed as an appeal to authority. He insists that what has taken place is not the “death of expertise” per se but the collapse of distinctions between those of achievement in an area and those without. This difference is undermined by focusing on the errors and fallibility of specialists in order to deconstruct their authority. In such a climate, claims of expertise are viewed as specious efforts to stifle

dialogue.² Perhaps this is most obvious in the practice of dismissing facts and expert opinions as “fake news.” Nichols writes that this broader process is linked to globalized communication removing gatekeepers in publications. Prior to the internet, journals and op-ed pages were often strictly edited. Participation in public debate required submission of an article, which had to be written intelligently, pass editorial review, and stand with the author’s name attached. This process, which previously applied to even local newspapers, has been overtaken by self-published blogs, comment sections in articles, and YouTube videos which can all be anonymous.³

The internet poses a challenge to clergy and experts in most religious traditions, but of these Sunni Islam is particularly challenged because of its not having formal ordainment of religious authority.⁴ Prior to print and the internet the ‘*ulamā*’ were able to confine scholarly texts and material among themselves.⁵ The internet has changed this drastically, and Traditionalist ‘*ulamā*’ who train in highly didactic systems are particularly challenged by it.

Defining Traditionalism

As a matter of clarification, it is useful to identify what Traditionalism means and how it is used throughout the article. Granting that this group is not monolithic, my usage of the term “Traditionalists” refers to Muslim scholars who consider adherence to a *madhhab*, speculative theology, and Sufi orders to be representative of the true embodiment of Islam.⁶ Tradition is often used to refer to practices of a particular group that stands in contrast to modernity or accepting change, but this is not entirely accurate or fair.⁷ In Islamic history, religious knowledge was primarily validated by a connection to past individuals and institutions, such as an *isnād* back to the Prophet, an *ijāza* traced back to a teacher, or a disciple connecting himself back to a Sufi master.⁸ William Graham argues that “Traditionalism” is not a rejection of change, but consists of a belief that connection with a model past and persons is the only sound way of reforming society. Traditionalism is based on the past but is fluid and not stuck in it. Put differently, Traditionalism could be likened to science, where present works build on and cite past experiments which are

deemed “credible.”⁹ Traditionalism is primarily a commentary tradition where it is essential to cite and take into consideration previous scholarship.¹⁰ It is not a mere inheritance from the past but, as Muhammad Qasim Zaman notes, it is “constantly imagined, reconstructed, argued over, defended, and modified.”¹¹

What distinguishes Traditionalists from self-taught scholars is not necessarily the content of what it means to be an observant Muslim, but rather the proper modes by which religious knowledge is acquired. For Traditionalists it is not sufficient for one to hold the correct beliefs and practice the rituals of Islam. One must also acquire knowledge from a teacher who is well-grounded in the tradition through an established chain of teachers going all the way back to the Prophet. Mohammad Fadel writes:

Mastery of religious values emerges through a process of acculturation that enables novices to embody those values. This process of acculturation is distinct from, and transcends intellectual cognition (*‘ilm*) of, religious truth. While religious truth may be a proper subject of instruction (*ta‘līm*), mere instruction, without reliable teachers who properly embody Islamic teachings, cannot produce properly acculturated religious subjects.¹²

Therefore, Traditionalists believe that individuals cannot achieve credibility or authority in the religious domain without a teacher. Accordingly, Traditionalists do not view themselves as a reform movement, but individuals who are connected to the Prophet through a scholarly chain of authorities.¹³ The teachers in this chain make up tradition. Historically, the *madhhabs* were part of a judicial process located in the courts and legislative branches of government. Because there is no state today that legislates by Islamic law, Traditionalists attempt to preserve the continuity of the legal tradition. In this article I use the term “traditional learning” to refer to the pedagogical process of “handing down” knowledge and the attitude of valuation and attachment to the maintenance of tradition (i.e. the content or ideas) through that process.

Traditionalism is a current within Sunni Islam that adheres to what is considered authentically rooted in revelation, has crystallized under

the banners of scholarly juristic consensus (*ijmāʿ*), and has been passed on as Islamic knowledge (*ʿilm naqlī*) in chains of scholarly authority (*isnād*). It is a current that is didactic and instructional, which stands in opposition to autodidactic “do it yourself” Islam.¹⁴ Zaman explains that “it is a combination of their intellectual *formation*, their *vocation*, and, crucially, their *orientation* viz., a certain sense of continuity with the Islamic tradition that defines the ‘ulama as ‘ulama.”¹⁵ Put simply, my use of the term Traditionalists broadly refers to ‘*ulamāʾ*’ who serve as the guardians, transmitters, and interpreters of Islamic knowledge. For the ‘*ulamāʾ*’ Islam can only be properly understood under the tutelage of a teacher. This must not be misunderstood as a complete rejection of the internet or books, but a rejection of them as the only means of learning and obtaining religious authority.

It is the sense of continuity that distinguishes Traditionalist ‘*ulamāʾ*’ from other autodidactic, reformist, or modernist versions of Islam. Although Muslim feminists, progressives, secularists, and Salafis are all different, they share an anti-clericalist approach to the study of Islam. They tend to view the ‘*ulamāʾ*’ as backward and as barriers that prevent people from identifying the “true” teachings of Islam. They take Traditionalists to be the object of reform rather than its agents. Traditionalists’ insistence that lay people must perform *taqlīd* is often dismissed as an appeal to authority—a conclusion that, while it might be valid, also ultimately dismisses the legitimate question of how religious authority is produced.

In this article, I analyze Traditionalist criticisms of learning through the internet regardless of whether these critics themselves participate in online education. For Traditionalists who criticize learning from the internet, or complain about its being a source of confusion, often post their lectures on YouTube and consequently teach students whom they will never meet. They therefore ironically become participants in the same modes of education that they caution against. While these critics do not condone learning solely from the internet, they do acknowledge the benefits and perhaps the necessity of participating in the online world in order to remain relevant. Additionally, there are many institutions that teach through and by nontraditional curricula despite some of their

leaders being critics of those who speak about Islam without traditional training. For instance, ALMaghrib Institute uses the pedagogical forms of corporate weekend retreats in order to teach an Islamic curriculum, but they also have numerous instructors who do not have formal Islamic training. Graduates from traditional *madrasas* have also resorted to using a range of media such as blogging, video and audio recording, as well as websites, to give religious instruction. Qibla, an online Islamic educational institution, is comprised of traditionally-trained scholars who emphasize the importance of direct scholarship with a teacher but note that the world has changed and traditional teaching methods must adapt to such change.¹⁶

Before examining how the internet challenges Traditional learning and expertise, I present how knowledge and authority were transmitted and preserved in Traditionalist circles.

The Teacher-Student *Isnād*

How does one become a scholar? What are the essential requirements, if any, for one to be deemed an expert of Islam? In traditional Islamic circles, knowledge was primarily meant to be transmitted through the teacher-student *isnād*, not solely through books.¹⁷ Authentic knowledge was stored in scholars, and the art of memory was among the most highly prized arts; scholars were masters of mnemonic tricks.¹⁸ Education through a teacher is what made knowledge trustworthy. The value and authority of knowledge were not inherent so much as generated through the process of knowledge being obtained through proper methods.

Throughout the Muslim world, scholars have a wide range of differences on a host of Islamic topics. However, religious authorities have also been careful in uniting that diversity within a harmonious prism, at the root of which is the connection between teacher and student. By this account, when the chain of Muslim teachers who trace their learning back to the earliest Muslim schools of theology and law are bypassed, whether through self-study or studying in western universities, knowledge loses its authenticity and authority. Traditionalist Muslim scholars believe that the transmission from a teacher to a student

creates and transfers authority. It is the living tradition that passes on sacred learning. To innovate one's own commentary on tradition, without the collective commentaries of generations explained by a teacher, is considered inauthentic.¹⁹

In this chain, the teacher is expected to gradually guide the student in the studying of texts through a curriculum. Without the teacher, students would be left on their own and may arbitrarily study advanced texts they are ill-equipped to deal with. Muḥammad ʿAwwāma (b. 1940), a Syrian ḥadīth scholar, explains that today people approach classical sources and proof-texts directly without studying the basics of Islam. This often results in them considering their opinions to be superior to the four *madhhabs*.²⁰ In traditional Islamic learning, students were given the tools to understand scripture before approaching scripture directly. Consequently, the core of the curriculum was the study of *fiqh* works, whereas ḥadīth collections and commentaries on the Qurʾān were studied only as supplements to the law. A teacher was essential to this process of learning. Students typically began with memorizing the Qurʾān and learning from local scholars. If they proved themselves capable, they would then travel from city to city learning from scholars of different specialties. As students completed the study of a book with a teacher, they would receive an *ijāza* (license to teach) testifying to their accomplishments.²¹ A student's knowledge was evaluated based on the number of certificates he obtained as well as the scholars he received them from.²²

Unlike the modern university system, it was not where one studied but rather with whom one studied that was important in traditional Islamic learning. This is noted from the biographical dictionaries of medieval scholars, which tell us little about where the person studied and are virtually silent about the schools in which a young scholar received his training. It is not that information about one's education was unavailable, but that one's teachers were most important. Historians and biographers regularly provided long lists of scholar's teachers, a sort of curriculum vitae. One of the most critical elements of this curriculum vitae consisted of the names of those on whose authority one transmitted Islamic texts.²³

In their earliest stages, students would learn the Qurʾān and Sunna through the scholarly class. It was understood that novice students, let

alone laity, cannot extract rulings from these sources independently, for that job was limited to the *mujtahid*. Lay Muslims having direct access to scholarly texts without the tutelage of a teacher would prove catastrophic for the scholarly class. Traditionally-trained scholar Yusuf Talal DeLorenzo argues that, for instance, very few people are equipped to analytically work with Bukhārī's *Ṣaḥīḥ*, a work that is readily available online in Arabic and translation. He points out that in traditional learning circles the *Ṣaḥīḥ al-Bukhārī* was studied only after a student had spent years learning the classical disciplines such as Arabic, rhetoric, and literature, the rational sciences of logic and Islamic legal theory, the many Qur'ānic sciences from elocution (*tajwīd*) to Qur'ānic exegesis (*tafsīr*), and the science of ḥadīth. Only after a student had demonstrated his mastery of these subjects was he allowed to attend lessons on the *Ṣaḥīḥ* of Bukhārī, which were usually given by the most learned and respected of all teachers.²⁴

DeLorenzo goes on to state that in the traditional educational scheme, there were many reasons for this graduated approach. The status accorded to Bukhārī's *Ṣaḥīḥ* was so elevated that only those who had mastered the classical disciplines were considered prepared to take on its study. The *Ṣaḥīḥ* is so full of technical nuances related to principles of ḥadīth (*uṣūl al-ḥadīth*) and the biographical handbooks (*ilm al-rijāl*) that a thorough understanding of those subjects is required if they are to be entirely appreciated. Similarly, unless one has mastered other classical disciplines, there is much of significance that will be overlooked.²⁵ DeLorenzo explains that bypassing a teacher and studying texts directly results in profound misunderstanding of scripture:

The word I recall the shaykh using to describe what results when the unprepared non-scholar attempts to read the hadith literature was *fitnah*, or a trial, in the sense that the person would be so confused and overcome after undertaking such an uninformed and one-dimensional reading of that literature (i.e., in translation without the presence of a shaykh to guide him/her through the obstacles) that he or she would face a crisis in their religion, a trial of spiritual proportions.²⁶

The insistence on learning from a teacher was meant to supervise the student's methodology and interpretation of scripture. Without the supervision of a teacher, knowledge was not considered legitimate. 'Awwāma explains that even those who have reached great scholarly achievements are still in need of a teacher or peer to provide feedback for knowledge to be authentic.²⁷ Studying with a teacher and having a group of scholars to consult is necessary even for the greatest of scholars. Studying with a teacher for a few years and then resorting to self-study without scholars is insufficient.²⁸

In order to accrue legitimacy as scholars, students were required to spend a significant period of time learning from scholars. The completion of the study of the book would involve a reading back of the text along with its explanation. If this were done to the teacher's satisfaction, the student would then be given a license to teach (*ijāza*). The *ijāza* system was a scholar's method of licensing others to teach his works and serves as a testimony to the student's scholarship. The student was left in no doubt that he was a trustee in his generation as part of the long tradition of Islamic learning handed down from the past, and he was now responsible for continuing this chain to the next generation.²⁹

This method of learning included reading an entire text line by line in the presence of a teacher who provided guided commentary on each statement. Often this was accompanied by a careful grammatical analysis of why each word was selected and what it implies. The teacher would shed light on what kind of theological and legal messages the author is delivering in his phrasing. This didactic fashion of teaching was often accompanied by students' questions and teacher-student debates. This form of active learning was meant to yield increased structure, feedback, and interaction, prompting students to become participants in constructing their own knowledge rather than passive recipients. For Traditionalists this was the only way to read a text and retain its authority in uncertain terms.³⁰

In ḥadīth circles, whenever a student finished explaining a ḥadīth to his teacher, the student would place a mark next to the ḥadīth to distinguish it from those that had not yet been so read. Even when a student knew ḥadīths through books, he was not entitled to use those ḥadīths for teaching or his

own compilation until he received them through such recognized methods of learning. This supervision served as a form of peer review. Ḥadīth scholars labeled someone who bypassed this process as being a *sāriq al-ḥadīth* (ḥadīth thief). Despite the fact that the information itself was accurate because it was taken from the teacher's book, the individual was not considered an authority in the ḥadīth because of the method by which he obtained it.³¹

Learning a text with a teacher was meant to ensure that texts were not distorted or severely misconstrued. At a practical level, many Arabic texts (whether individual ḥadīths or entire books) were written without many vowels and diacritical marks. Reading a book properly required learning it from a teacher who heard it read aloud.³² Muhammad Mustafa al-Azami (d. 2017) argues that at times, Muslim scholars intentionally used difficult words or script to force students to learn directly from scholars. He states that even the third Caliph ʿUthmān made certain the Qurʾān was written in a fashion that would ensure that a student would learn it directly from a scholar and not on his own. Although they existed and were employed at the time, skeletal dots and diacritical marks were both absent from ʿUthmān's compilation of the Qurʾān. By its consonant-heavy and dot-less nature, ʿUthmān's Qurʾān was shielded from the guiles of anyone seeking to bypass oral scholarship and learn the Qurʾān on his own; such a person would be readily detected if he ever dared to recite in public.³³ Among the arguments that Traditionalists make is that scripture was always divinely sent with a prophet to explain its contents. Prophets were sent without scripture, but scripture was never revealed without a Prophet.³⁴ This rationalization is based on the notion that people would not have the capability to properly understand scripture without the teaching of a Prophet.³⁵ The Prophet's explanation of the Qurʾān was meant to preserve its meaning, without which the text would be misunderstood. Part of the preservation of scripture and text is to preserve and pass down its "proper" understanding. As a result, traditional religious authority is characterized through established, supervised approaches to texts. When learning and education take place outside of this supervised system it can become haphazard. Traditionalists like ʿAwwāma characterize modern auto-didacticism as educational disorder (*al-fawḍa al-ʿilmiyya*).³⁶

Ultimately, the teacher-student link was intended to prevent non-experts from speaking on behalf of religion. Traditionalists believe that only those who have undergone particular training have the right to interpret scripture.

Imitating the Prophet

Sunni Muslims hold the Prophet's Companions in the highest regard because they are believed to have embodied his teachings and etiquette.³⁷ The Andalusian literalist scholar 'Ali Ibn Ḥazm (d. 456/1064) stated that no one can ever surpass the generation of the Companions, who are unrivaled in their righteousness.³⁸ The status they were given in Sunni doctrine is a result of their being the nearest to the Prophet in time as well as their application of Islam. Education at the hands of scholars who link themselves back to the earliest generations is an attempt at attaining a portion of the Prophetic inheritance. Therefore, Traditionalists hold the scholarly class in high esteem because they collectively embody knowledge and characteristics that can be traced back to the Prophet.³⁹

Scholars attempted to embody the teaching methods of the Prophet because his pedagogical techniques were considered to have the greatest impact. A famous ḥadīth describes scholars as "heirs of the Prophets," and Traditionalist 'ulamā' viewed themselves accordingly.⁴⁰ This manifested itself by how a scholar's closest students were called his *aṣḥāb* (companions). George Makdisi explains that earlier scholars intentionally modeled their relationship with their students on that of the Prophet and his Companions. He states, "Just as the Prophet was the leader with followers, each school consisted of a leader, imam, with followers, *ṣāhib*, pl. *aṣḥāb*."⁴¹ Scholars attempted to replicate the Prophet-Companion/teacher-disciple mode of transmission in all of the Islamic sciences. The importance of the Prophet as a pedagogical role model is noted from the many ḥadīth collections which contain chapters that specifically describe how Muhammad taught his community. These ḥadīth collections can be seen as handbooks of prophetic pedagogy.⁴²

Imitating the Prophet's pedagogical methods was important because of the knowledge the teacher transmits to the students but also for

the personal characteristics the students inherit from their teachers. Education is not merely information or knowledge, but it consists of fostering morally upright individuals. The traditional educational paradigm emphasizes the importance of specific religious rituals, behaviors, and norms of attaining knowledge. Kasper Mathiesen notes that being a student in traditional learning circles “implies *suḥba*, studying with and being in the presence of *ijāza*-holding scholars in order to absorb their spiritual *ḥāl* (state of heart and being).”⁴³

The teacher-student relationship was meant to ensure that students learn from their teacher’s spiritual state. By shadowing a scholar, a student was expected to absorb his spiritual state in intellectual exchanges and in mundane activities. This provided the student with a model of scholarly etiquette and instilled a reverence for the scholarly class. The spiritual element of learning necessitates the insight of a teacher and cannot be accomplished by self-learning. In some cases, such as ḥadīth transmission, it was not common for students to have a close relationship with the ḥadīth-master they transmitted from. Nevertheless, the student would learn to observe the scholars in general. In other words, it was not always necessary to closely accompany one particular scholar, for learning from multiple scholars could have a similar impact.⁴⁴

Muslim scholars since the third century after the Hijra have produced a large number of works presenting guidelines for knowledge acquisition.⁴⁵ The existence of these guidelines demonstrates that in contrast to most modern education systems, in traditional Islamic learning a teacher is primarily a *murabbī* (mentor). Yedullah Kazmi argues that emphasis in education has more recently shifted from who the teacher is to what the teacher teaches. In other words, the knower is distinguished from what he knows so that the scholar is simply a transmitter of information. Describing this phenomenon, Kazmi writes:

What a teacher is expected to bring to the class is what he/she knows and not what he/she is. What a teacher is is purely an accidental quality with little or no relevance to his/her competence as a teacher as long as he/she has the necessary credentials and no criminal record.⁴⁶

The shift from who the teacher is to what he teaches closely relates to the purpose and nature of education. Islamic sciences were not distinct from spirituality. Jon Anderson makes the interesting observation that the modes of transmission, the master-pupil relations, and the cohort networks of Sufism and Traditionalist ‘*ulamā*’ are very similar.⁴⁷ Many Sufis were not only spiritual seekers but scholars of ḥadīth and jurisprudence. Those who were not such scholars were nevertheless learned to some degree in religious sciences.⁴⁸ Even *madrasas* built exclusively for training ‘*ulamā*’ were often paired with *khanqahs*.⁴⁹ Scholarship was usually a central part of the spiritual endeavor. The process of traveling and learning from a scholar was considered a spiritual experience in itself, one that was based on nostalgia and longing for a connection with the Prophet.⁵⁰ Scholars and ḥadīth narrators wanted to be as close to the Prophet as time allowed. They used *isnāds* as a means to teleport back to the Prophet, and the shorter *isnāds* were better not only because they decreased the likelihood for error in transmission, but because they became a means of close connection to the Prophet’s blessings. In Sufism, the *isnād* was the chain of transmission for the Prophet’s blessings, teachings, and esoteric knowledge.⁵¹

Kazmi argues that there are two kinds of knowledge: theoretical and personal. Theoretical knowledge is what we normally associate with the term *knowledge*: “It is abstract, formal, impersonal, universalizing and almost completely objectifiable in language, either natural or artificial or a combination of the two.”⁵² Personalized knowledge is incapable of being fully formalized or objectified and is entirely dependent on linguistic communication and, more importantly, through styles and strategies for living.⁵³ Although these two forms of knowledge are distinct, for traditional scholars they cannot be separated; when they are, knowledge loses its legitimacy. In traditional learning circles, it was only when they were combined that knowledge was considered authentic and proper.

This personalized-theoretical knowledge is communicated not only through language but also, among other things, through strategies for living and orientation to knowledge and the world. Obtaining knowledge only through reading texts is considered insufficient since it does not produce the essential processes of self-transformation and moral and

spiritual purification that are at the core of Islamic education.⁵⁴ The teacher-student relationship, on this model, is based on presence, closeness, and fellowship. The passing of information and knowledge can occur over the internet, but it takes place in a space that fosters distance and disembodiment. As religious education shifts to the internet, we can therefore expect a reduction in Traditionalist standards of knowledge production.

Decline of Traditional Education

The decline of traditional Islamic education had been drastically altered as early as the late 1700s. Napoleon Bonaparte's invasion of Egypt and the introduction of the printing press were important factors affecting religious authority.⁵⁵ Later, the fall of the Ottoman Empire, colonization of Muslim lands, and the rise of secular governments in the Muslim world further contributed to the decline of the traditional pedagogical methods necessary to religious authority. Modernization, the institutionalization of religious knowledge, and the breaking up of the "old" order of learning have produced a "democratization" of knowledge acquisition and transmission. Several socio-political events served as points of entry that led to the deterioration of the infrastructure of Islamic educational institutions, which undermined and neutralized the teachers who were perceived as a threat to secular governments. These include the push to modernize the Ottoman Empire, the imbalance of political powers, and the weakening of traditional elites.⁵⁶ The caliphate served as an embodiment of Muslim unity in terms of scholarship too, not only politically. Those who had religious authority, and therefore spoke for Islam, were traditionally-trained scholars who held influential positions in government and education. In the Ottoman Empire, the role of the scholars expanded as the respective bureaucracies expanded. It was the scholars who were responsible for the education of the nobility, who staffed various levels of judiciary, and who oversaw the charitable establishments of the Empire. Members of this scholarly class ranged from those who led prayers in small towns to the most prestigious courtiers.⁵⁷

Through their positions as judges, muftis, guardians of religious endowments, scribes, and market inspectors, the *'ulamā'* served as the

mouthpiece for various branches of Islamic tradition. They held the recognized authority to interpret scripture and define the religious outlook of society.⁵⁸ Yet through the influence of European and colonial powers and the rise of secular governments in the Muslim world, traditional ‘*ulamā*’ became disenfranchised and replaced by new elites. There developed a vacuum in religious authority, and it was not clear who spoke for the religion. This fragmented the authority of the ‘*ulamā*’ as the sole authoritative voice of Islam and opened the door for reformers who were critical of the scholarly class.

Reformers believed that the traditional pedagogy led to exaggerated reverence for teachers, which resulted in blind and uncritical imitation of scholarship. Traditional education was criticized as being limited to the memorization of texts and the study of commentaries of legal manuals that had little bearing on the contemporary world. The Egyptian Mohammad ‘Abduh (d. 1905) deemed traditionally trained ‘*ulamā*’ to be backward, irrelevant, and out of touch with contemporary issues because they were studying manuals, commentaries, and glosses that were not able to address the issues of modern times. He sought to introduce new methods that would provide solutions to the problems of the Muslim world. ‘Abduh’s first experience with learning by rote, memorizing texts and commentaries of laws for which he was given no tools of understanding, was formative to his later commitment to a thoroughgoing reform of the Egyptian educational system.⁵⁹

‘Abduh was at the forefront of replacing traditional learning methods with the modern university system. To meet the threat of European-style institutions, many Islamic educational institutions were compelled to introduce western methods such as formal curricula, new subjects, entrance and course examinations, formally appointed faculties, and budgets that were subject to external governmental control.⁶⁰ The Tunisian scholar Ṭāhir b. ‘Āshūr (d. 1973) was also influenced by the efforts to reform education in Egypt and the opinions of ‘Abduh expressed in the *Manār* journal. Scholars like ‘Abduh and Ibn ‘Āshūr were products of the nineteenth-century Euro-Ottoman culture of modernization. They sought to reform what appeared to be a lack of dynamism and innovation in Traditionalist organizations. For these individuals, the formulation of

a defined plan by *‘ulamā’* who are aware of the requirements of the time and place is the first step toward educational reform.⁶¹ Traditionalists often criticize ‘Abduh for his role in discounting the works of classical scholars. Muḥammad ‘Awwāma rebukes ‘Abduh for criticizing most of the books that were being taught at al-Azhar, because this led many young intellectuals to also label them as outdated and as a result to dismiss the scholars themselves. He states that this was the first rupture that disconnected Muslims from their scholarly tradition—perhaps an exaggeration but, according to ‘Awwāma, ‘Abduh and others like him were the first in Islamic history to petition for a method of studying Islam that was critical and dismissive of classical scholarship.⁶² For instance, Ṭāhā Ḥussein (d. 1973) a distinguished figure in Egypt’s modernist movement, was inspired by ‘Abduh’s criticism of previous scholarship. He promoted the idea that Islamic scholarship and most of its sciences were full of inaccuracies and fabrications. Ḥussein contended that pre-Islamic poetry was fabricated by later Muslim scholars for several reasons, one of which was to give credence to Qur’ānic myths.⁶³ Hussein’s views attracted significant backlash which led him to abandon some of his more radical claims. Nevertheless, his highly critical approach left a significant impact.

Between the late eighteenth until the early twentieth centuries, sweeping transformations produced by modernization programs as well as European imperialism were leaving their impact on the position of traditionally trained *‘ulamā’*, facilitating the emergence of new spokesmen for Islam. Moreover, modern education brought with it new disciplines and methods of teaching, depriving the *‘ulamā’* of their centuries-old monopoly over the educational process. This produced new types of professionals and intellectuals who considered traditional Islamic knowledge irrelevant.⁶⁴ Since the *‘ulamā’* were supported by the Ottoman Empire, many of their institutions lost funding with the Empire’s decline. Traditional scholarship and education declined when the state stopped supporting them.⁶⁵

With the world rapidly changing from technological and scientific perspectives, many in the Muslim world aspired to catch up with the west and the traditional method of learning became more unpopular. Today, *sharī‘a* sciences are considered to be the domain of the underachiever.

A degree in *sharīʿa*, generally speaking, does not lead to a well-paid career. The Tanzimat reforms of Ottoman Sultan Maḥmūd II adopted some aspects of western law, and thereby initiated a challenge to the supremacy of Islamic law. However, the fall of the Empire resulted in replacing the entire Islamic legal system with western substantive law. Consequently, the state, which was the major funder of education and employer, no longer needed experts in Islamic law.⁶⁶ Colonial governments' consolidation of education systems further marginalized Islamic knowledge. Along with a shift in education, Muslim legal systems were largely replaced by the introduction of European codes. David Waines notes that, "In both cases it meant that those trained in traditional Islamic knowledge, the '*ulamā*', were disenfranchised and replaced socially by a new secularized Muslim elite."⁶⁷

The shift away from employing the '*ulamā*' in governmental positions is important to understand the rise of intellectuals who did not undergo traditional training. However, their unemployability is also important for understanding how the '*ulamā*' viewed themselves. The notion that the '*ulamā*' were merely "religious" professionals was novel. Prior to the rise of secular states, the primary function of the *madrasas* was the education of scholars for state employment.⁶⁸ Although the loss of this function has meant the Sharia is now institutionally inoperative, it remains an important moral resource.

New educational systems paralyzed Traditionalist institutions. Scholars and students who studied in the Traditional system for years were out of work and not recognized by the state. Most students entering college sought to become doctors, engineers, teachers, or lawyers. It was students who could not get into any of these schools due to poor grades that would study Islamic sciences in the departments and faculties newly established at modern universities. The state and public accepted them as religious authorities due to this accreditation—which outraged Traditionalist scholars, who had undergone a much more rigorous curriculum and educational system and now had little hope in a career or being accepted anywhere outside of Traditionalist circles.⁶⁹ Göran Larsson explains that "Slowly, it became more rewarding to hold a doctoral degree from a Western university than to have a similar degree

from an Islamic educational institution.”⁷⁰ The adoption of the modern university system over the traditional education helped diminish the authority of the ‘*ulamā*’ and paved the way for others to be considered authorities. Eickelman explains that the introduction of mass higher education in the Middle East has eroded the position of Traditionalists. He notes that “Religious authority in earlier generations derived from the mastery of authoritative texts studied under recognized scholars. Mass education fosters a direct, albeit selective, access to the printed word and a break with earlier traditions of authority.”⁷¹ ‘*Awwāma* laments that the shift in educational methods produced a new generation of professors who teach Islam based on what they think, even if that disagrees with the four schools of law or ḥadīth scholars such as Bukhārī or Muslim.⁷² The style of religious training through university system constitutes a significant break with the earlier emphasis on the written word, mediated by an oral tradition and geared toward a mastery of accepted religious texts acquired through studying with recognized religious scholars. The university system delineates subjects and prescribed texts are taught by a changing array of teachers; competence is measured by examination.⁷³ Even the prestigious al-Azhar University was forced to abandon its age-old policy of requiring complete memorization of the Qur’ān as a pre-requisite for admission.⁷⁴

Ultimately, the post-Ottoman political, educational, and religious context (shaped by colonization, modernization, and globalization) facilitated the contestation of traditional ‘*ulamā*’ and the issue of religious authority took center-stage. Traditionalists responded to the diversification and fragmentation of authority in the contemporary world by insisting that following the *madhhabs* protects individuals and the community from inconsistent application of Islamic law. In their view, bypassing traditional learning opens the door to legal anarchy and disorder.⁷⁵

The New Media’s Impact on Traditional Learning

With the rise of the internet, the mass consumption of Islamic knowledge is now at people’s fingertips. Before the internet, anyone looking for

detailed information on Islam had to consult a scholar or search through technical volumes. The overload of Islamic information available today has allowed people to learn without leaving their homes. While access to information is a great benefit to many, it comes with some pitfalls. The introduction of the printing press in the Muslim world played a certain role in the decline of traditional education, for an increased availability of books made it easy to learn without studying directly with a scholar. Because scholarship in the Ottoman Empire was primarily based on the *ijāza* system, those who claimed authority outside this system were not considered credible.

Traditional educational methods consisted of a developed and layered scholastic tradition of religious interpretation, which otherwise constrains and regulates, in a rigorous fashion, the output of opinions. With the minimization of this method through the fall of the traditional institutions and the rise of print and the internet, it is striking how relatively easy it is to become an authority. The rise in new forms of communication and media (print, audio cassettes, television, and the internet) gave people an outlet to share their understandings of Islam even if they did not have formal training in Islamic sciences.⁷⁶ The use of audio cassettes in the 1960s and 1970s was even used by scholars to reach the masses. For example, the tapes of the famous Egyptian preacher ‘Abd al-Ḥamīd Kishk (d. 1996) were distributed all over the world. Mass higher education, print, and the internet provided unprecedented access to Islamic texts and subjected their interpretation to techniques outside the framework of Traditionalist education.⁷⁷ This expanded the pool of people who could participate in religious education.

As noted, the nineteenth-century introduction of the printing press in the Arab world led to the emergence of a new class of Muslim intellectuals who successfully challenged the authority of the *‘ulamā’*. Without this new medium, the reformers of the nineteenth and twentieth centuries would hardly have had the same impact.⁷⁸ For instance, print was essential to the popularity of Muḥammad Nāṣir al-Dīn al-Albānī (d. 1999), the most influential Salafi of the twentieth century. In 1957, Zuhayr al-Shāwīsh (d. 2013), a Damascene Salafi, established a publishing house in Damascus, al-Maktab al-Islāmī, which early on built a reputation for

itself as a scholarly press that published critical editions of classical works which bolstered the Salafi mission, including many of the writings of Ibn Taymiyya (d. 728/1328) and his student Ibn Qayyim (d. 751/1350). These publications were distinguished because they contained detailed tables of contents and indexes, few printing errors, and most importantly, rigorous documentation of ḥadīth. It was in this latter capacity—as the ḥadīth editor—that Shāwīsh hired al-Albānī and through which al-Albānī’s scholarship would be showcased.⁷⁹

Previously, al-Albānī’s writings were published through a Damascene reformist journal, *al-Tamaddun al-Islāmī*, which had limited circulation. Shāwīsh published many of al-Albānī’s earlier writings with al-Maktab al-Islāmī, and with his distribution networks established al-Albānī’s name and reputation among Salafi publics in the Gulf and elsewhere. Indeed, it was al-Albānī’s writings through al-Maktab al-Islāmī that attracted the attention of leading Salafis in Saudi Arabia such as the former mufti ‘Abd al-Azīz b. Bāz (d. 1999). Al-Maktab al-Islāmī was al-Albānī’s exclusive publisher for decades until he had a falling out with Shāwīsh in the 1990s and the two parted ways. Shāwīsh’s pivotal role in spreading Salafi teachings was best expressed by ‘Alī al-Ṭaṭṭāwī (d. 1999), who said, “Were it not for Zuhayr, the views of Nāṣir [al-Dīn al-Albānī] would not have circulated.”⁸⁰ Shāwīsh and al-Maktab al-Islāmī helped spread a form of Salafism that focused on ḥadīth verification and authenticity as the basis for true religion.

In contrast, for centuries, the *‘ulamā’* had the exclusive prerogative to scriptural interpretation and religious authority. Laity had no role in scriptural interpretation and did not have the tools to challenge religious authority because texts and outlets to share opinions were limited. A clear example of how the mass proliferation of religious texts (through print and internet) have changed this considerably is the rise in Qur’ānic translations over the last twenty years.⁸¹ Using the internet, one can find hundreds of previously non-existent Qur’ān translations as well as ḥadīth corpuses in multiple languages.⁸² It is important to note that none of these internet sites are specifically autodidactic, but their collective presence has a mass effect.

Charles Hirschkind notes that “the printing press threatened to unleash the sacred text from the structure of discipline and authority

that governed its social existence and ensured its ethical reception.”⁸³ This challenged traditional pedagogical methods and provided an outlet for autodidacts to redefine Islam by taking its interpretation out of the hands of the ‘*ulamā*’ and appropriating for themselves the authority to interpret Islam. Once a book was printed it was now beyond the sphere of a scholar’s direct authority. It was no longer possible for him to influence the readers’ attitude toward the text. Additionally, the reader who lost communication with the scholar frequently ignored the commentary and focused solely on the original.⁸⁴

The laity’s independence from religious scholars and their direct access to scripture pose a significant challenge to the ‘*ulamā*’ because the latter are often asked by lay Muslims to explain the authenticity of the proof-texts they use as well as their method of coming to religious judgments. Göran Larsson explains that new information and technology are the agents that started the process in which the authority of Traditionalist ‘*ulamā*’ came to be questioned. This paved the way for scholars who preferred *ijtihād* over *taqlīd*, because the former stresses the importance of the individual rather than of the scholar.⁸⁵ For instance, reformers like al-Albānī, a self-taught Salafi scholar, may have inspired a “do it yourself” form of Islam. Al-Albānī considers the teacher to be important in the learning process, but criticized *taqlīd* and over-reverence of the scholarly class.⁸⁶ In particular, he insisted that lay people always ask scholars to provide proof-texts (*dalīls*) for their legal opinions, which empowered lay Muslims to take the interpretation and reconciliation of scripture into their own hands.⁸⁷

The internet and searchable online religious libraries make it easy for lay Muslims to perform this “*ijtihād*.” The availability of sources is what led the Salafi Muḥammad Sulṭān al-Khujnādī (d. 1960) to declare the parochialism of the four legal schools. By this account, one needs only the Qur’ān and major ḥadīth collections to understand the religion.⁸⁸ Fachrizal Halim refers to this as the phenomenon of “instant experts.” These are intellectuals who may not be trained in Islamic legal knowledge in the same manner as traditional ‘*ulamā*’, but who are nonetheless capable of accessing the substantive content of legal knowledge.⁸⁹ The internet positions ‘*ulamā*’ as being in constant competition with the

algorithmic results of Google searches. Therefore, there exists an easy avenue to challenge established religious interpretation and share it with the public, who most likely would not have come into contact with such views without the internet.⁹⁰ Intellectual Muslim reformers, *dāʿīs*, lay preachers, as well as entertainers offer themselves as the alternative voices of religious authority.

Everyday Muslims do not need to rely on their local scholars as means of knowledge, because websites like Islamqa.info and Askimam.com allow them to ask a question comfortably without leaving their home or revealing their identity.⁹¹ The removal of the human element from the educational process also provides a number of obstacles for traditionally-trained scholars. For instance, they worry that untrained persons are prepared to interpret Islam without proper education. Peter Mandaville correctly notes that one can never really be sure whether the advice received on the internet “is coming from a classically trained religious scholar or a hydraulic engineer moonlighting as an amateur ‘*alim*.”⁹²

The phenomenon of seeking religious insight from non-experts through new media can be seen in the rise of Muslim televangelists and YouTubers. For instance, the shows of Egyptian televangelist Amr Khaled (b. 1967) are watched by millions across the world. Khaled has over thirty million fans on Facebook and over three hundred thousand subscribers on YouTube. In 2007, he was named the thirteenth most influential person in the world by *Time* magazine. Khaled broadcasts his religious advice, admonishments, and opinions on scripture to young viewers throughout the world. Ironically, Khaled is not a trained scholar of religion. He never studied at al-Azhar or any clerical institution or seminary but is rather an accountant by training.⁹³ Despite this lack of training and Traditionalist criticism of his authority, Khaled’s message appeals to a large number of Muslims who want an easy way to understand Islamic tradition. Khaled’s set is similar to Oprah Winfrey’s and his style and method models that of Billy Graham and Joel Osteen.⁹⁴ Khaled and other YouTube scholars appeal to modern sensibilities which are often consumed with a flagrant sense of certainty. The anti-hierarchical, individually empowering, and simplistic hermeneutics of their methods appeal to many Muslims, but

they stand in stark contrast to Traditionalism, which provides a more complex and comprehensive approach to Islamic scripture.

By the standards of traditionally trained scholars, Khaled is not qualified to express his opinions on Islam. Many *'ulamā'*, including famously Yūsuf al-Qaraḏāwī (b. 1926), have questioned whether Khaled possesses the appropriate qualifications for his work.⁹⁵ Yet he is far from the only one to take on this role in a new way. As Reza Aslan notes, "All over the world, a slew of self-styled preachers, spiritual gurus, academics, activists, and amateur intellectuals have begun redefining Islam by taking its interpretation out of the iron grip of the Ulama and seizing for themselves the power to dictate the future of this rapidly expanding and deeply fractured faith."⁹⁶

The internet has reconfigured traditional structures of authority and new authorities are emerging. Opportunities to acquire knowledge about Islam have emerged through YouTube, online universities, social media, and search engines such as Google. Millions of people use the internet as their primary source of information about Islam. By asking questions to "Shaykh Google," students no longer have to spend money to travel in search of knowledge and experience the challenges and culture shock that accompanied it. Instead, they can simultaneously search themes and terms in the Qur'ān, ḥadīth corpus, and thousands of Islamic texts in an instant. The internet also allows laypeople to convey their own understanding of Islam. This has serious implications for the way in which Islam is learned, given the diverse material and perspectives available online, as well as the often random and non-systematic method in which this information is accessed.⁹⁷

Traditionalists position themselves as master-mediators of an Islamic tradition that is complex. The internet and search engines create a culture of immediacy (all answers are within the press of a button or a quick search). Traditionalists are thus often viewed as out of touch because of the difficulty in communicating the complexity of Islamic legal tradition without diluting it or undermining their authority.⁹⁸ In addition, they are in constant competition with popular preachers who attract large followings with appealing (if simplistic) presentations of Islamic subjects.

Reservations Against Self-Learning Among Modern ‘Ulamā’

Traditionally-trained scholars historically cautioned about the educational pitfalls of learning without a teacher, as traced above. They held that books on their own are a threat to the epistemological basis on which Islamic revelation and traditional educational methods stood.⁹⁹ Traditionally-trained scholars found self-learning problematic because it threatens the entire educational and authoritative system of Islamic learning. Without particular expectations of qualifications through the teacher-student link, the untrained could effortlessly claim scholarly authority. Abū Ishāq al-Shāṭibī (d. 790/1388) argues that when this link is interrupted, heresy (*bid‘a*) occurs, because abandoning the adherence to a teacher is an indication of following an evil innovation in religion.¹⁰⁰ In other words, al-Shāṭibī considers knowledge acquired outside of this link to lack authority and validity.

In contemporary times, this critique has been heightened. One might graduate from the most prestigious western universities, but if one did not learn Islam from a qualified Muslim teacher through the *ijāza* system, his knowledge is not considered authentic by Muslims who cleave to the traditional system.¹⁰¹ The production of a scholar in the traditional system would not be possible by self-learning, intensive weekend seminars, or online classes. Studying directly with a teacher for extended periods was vital because it allowed the teacher to vouch for the student at the scholarly, spiritual, and personal level. Those who do not follow the traditional method of learning tend to consider the Muslim community to have gone wrong and believe it their job to put it right. They attempt to retrieve the true teachings of Islam from what they regard as oppressive institutions which caused centuries of stagnant scholarship and blind imitation of scholarly authority. They believe that one will come to an authentic reading of scripture by putting tradition to the side and approaching Islamic texts with fresh eyes.¹⁰² The emergence of reformers over the last few centuries who insisted the texts are easy to understand opened the floodgates of individuals who dismissed the importance of scholarly expertise in textual interpretation.

Muḥammad Sa‘īd Ramaḍān al-Būṭī (d. 2013), the Syrian scholar and one of the most influential Traditionalists of the twentieth century,

explains that there are certain unequivocal texts whose meanings are easy to understand for both scholars and non-scholars. However, there are also verses that common Muslims cannot properly understand, such as verses relating to divorce, inheritance, prayer, and charity. In this case, it is only the *'ulamā'* who have the ability to interpret these texts. Traditionally-trained *'ulamā'* often defend their expertise and exclusive ability to interpret scripture by comparing themselves to experts in other fields, and warn of the chaos that would ensue if common people bypassed those experts.¹⁰³ A common analogy is that of physicians being challenged by patients brandishing internet opinions about treatments and diagnoses. Physicians would point out the dangers of people practicing medicine based only on their online research.¹⁰⁴ However, the analogies provided by Traditionalists are often dismissed by popularist preachers as appeals to authority.

‘Abd al-Fattāḥ Abū Ghudda (d. 1997), a Syrian-born Ḥanafī ḥadīth scholar, describes the phenomenon of interpreting religion without proper qualifications as “the affliction of modern times” (*muṣībat al-‘aṣr*). He states that some people think they can surpass previous scholars using only books, the Qur’ān, Sunna, and their reason. Abū Ghudda notes that autodidacts argue that an unprecedented plethora of information is now widely available. Like other *'ulamā'*, Abū Ghudda argues that there are things beyond the texts, such as the interpretation of the scholarly community, that are lost when one studies alone. In his view, it is dangerously misleading to approach texts and discuss them outside of their historical, cultural and linguistic contexts.¹⁰⁵ Ismā‘īl al-Anṣārī (d. 1997), a Saudi ḥadīth scholar, observes that there are other problems with studying only from texts. Texts commonly have typographical errors; without a teacher to identify these mistakes the person will follow them unknowingly. Self-taught individuals bypass teachers in hopes of not performing *taqlīd*, but instead they end up performing *taqlīd* of printed books. He states, “This is what blameworthy *taqlīd* produces from the one who blames praiseworthy *taqlīd*!”¹⁰⁶

The internet often produces more confusion than knowledge. Although people may think they are learning when they search the internet, they are more likely to be immersed in data they do not understand. As Tom Nichols

points out, “Seeing words on a screen is not the same as understanding them.”¹⁰⁷ Put differently, what often happens online is an avoidance of reading in the traditional sense. It is not reading with the aim of learning but reading to win an argument or to confirm a pre-existing belief. Experts who insist on a systematic method of learning and logic cannot compete with a machine that gives readers their preferred answers.¹⁰⁸

The late-Ottoman Ḥanafī jurist Ibn ‘Ābidīn (d. 1258/1842), the most distinguished scholar of his time, explains that the absence of a teacher to correct students’ misunderstandings results in lay readers not fully grasping technical terminology. Superficiality is what often accompanies selfstudy and is perhaps amplified in today’s era of immediate information and instant gratification.¹⁰⁹ Muḥammad Ḥasan Hitou (b. 1943), a Syrian Shāfi‘ī jurist who studied at al-Azhar, gives an example of one of his own students who read a text that says *Yandub saddu furja fī al-ṣaff*, which means that one who is praying can fill in the gap. The dots on the last letter in the word *furja* were missing, as is common in many Arabic texts. The student mistakenly read it as “*Yandub saddu farjihi fī al-ṣaff*,” which means that one should cover their private part when standing in line for prayer. When asked to explain the text, the student said that during prayer one should place a tissue in their underwear to ensure no urine gets on their clothes. Hitou notes that this student should not be chastized because he was learning with a teacher and was happily corrected for his misunderstanding. However, autodidacts do not have anyone to correct their misunderstanding of texts. What is worse, Hitou explains, is that they also want to enforce their misunderstanding of texts on everyone else.¹¹⁰

Muṣṭafā al-Sibā‘ī (d. 1964), a prominent Syrian politician and ḥadīth scholar, makes a similar point. He gives an example of a layperson who refrained from getting a haircut on Friday morning for several years because he had read a ḥadīth that prohibited *ḥalq* before the Friday prayers. Eventually, he learned that the ḥadīth was actually talking about having groups sit in circles in the mosques (*hilaq*) because they disrupt and inconvenience the congregants.¹¹¹

Traditionalists lament a new generation who have a superficial understanding of Islam but are nevertheless in positions of leadership.

Calls for *ijtihād* and reform include the non-trained layperson. Hitou notes that this call to *ijtihād* evolved into a dismissal of the *fiqh* that tens of thousands of the greatest scholars of the *umma* contributed to in order to build an Islamic system that governed the Islamic world for fourteen centuries. He says: “This call to *ijtihād* is actually an invitation to destroy this great structure.” He goes on to say that self-learning results in thinking that the early scholars were mistaken and accusing them of not following scripture. “They tell people not to follow the great classical scholars, but to follow the Sunna of the Messenger of God, as though the classical scholars were enemies of the Sunna.”¹¹² Traditionalists consider the call to return to the Qur’ān and Sunna instead of the *madhhabs* an implicit accusation that the *madhhabs* follow something other than the Qur’ān and Sunna. What is meant by calls to prefer scripture over scholarly opinions is that the *madhhabs* should not be followed when they contradict a text. While that directive was directed toward the scholars, lay Muslims are now often included in this invitation to evaluate legal opinions in light of scripture. Consequently, lay Muslims begin questioning scholarly opinions despite their lack of expertise.

Abū Ghudda notes that *ijtihād* cannot be accomplished by only reading texts. That is a challenging endeavor for which most people are unqualified. He responds to autodidacts who claim to bypass the legal schools and follow the Qur’ān and Sunna, “So does that mean that Abū Ḥanifa, Mālik, Aḥmad, and Shāfi‘ī follow the Bible?! Some people think if they read a few books on ḥadīth they become *muḥaddiths*!”¹¹³ In other words, by claiming to use only their reason and scripture, autodidacts insinuate that ‘*ulamā*’ follow their personal opinions rather than scripture.

When autodidacts discard traditional learning methods it is more than just cutting corners but a rejection of scholarly institutions and their authority. For traditionally-trained ‘*ulamā*’, education is not only the ability to cite scripture but also to understand it according to their principles of interpretation. The internet created a democratization of Islamic knowledge that breaks down the standard notions of religious authority. This democratization of knowledge was not viewed positively by everyone. Jonathan Brown explains that although there are frequent

calls for a “Muslim Martin Luther,” Traditionalist ‘*ulamā*’ would suggest that much of the turmoil and extremism in the Muslim world results precisely from unlearned Muslims deciding to break with tradition and approach their religion Luther-like, by scripture alone.¹¹⁴ For example, while condemning ISIS, Hamza Yusuf Hanson (b. 1960), a famous American Muslim, complained how “stupid young boys” have dismissed scholarly tradition which requires years of training for the superficiality and errors of internet searches.¹¹⁵

Similarly, Hitou notes that self-learning leads lay intellectuals to think that they have mastered texts, and they give fatwas that contradict scholarly consensus.¹¹⁶ This undermines traditional scholars because autodidacts use texts found on the internet to overshadow thousands of scholars trained within the traditional system. Abū Ghudda mockingly refers to the computer as *ḥāfiẓ al-ʿaşr* (“the greatest scholar of modern times”), where people leave real-life teachers and resort to a machine for information.¹¹⁷ Like Abū Ghudda, the American scholar Yasir Qadhi (b. 1975) describes the advent of online culture and its lack of appreciation for genuine knowledge as one “of the biggest tragedies of the modern era.”¹¹⁸

Qadhi explains that most people cannot distinguish between a scholar, a student of sacred knowledge, an eloquent preacher who lacks knowledge, and a misguided individual. Although all of these categories of people exist offline, in the online world they are often indistinguishable. He cautions his Facebook followers that listening to lectures online in a haphazard manner, and from various disciplines, might give the false impression that one is grounded in Islamic sciences. However, he warns that most of these individuals have not even studied a single science of Islam from cover to cover. Why is it challenging for people to distinguish between a lay preacher and a scholar? The internet allows people to mimic intellectual accomplishments by indulging in what Nichols calls an “illusion of expertise” supported by an unlimited amount of facts. Oftentimes, these facts are themselves dubious, given the internet’s flood of misinformation. Even then, facts are not the same thing as knowledge and scholarship. Typing words into a search engine is not research; rather, it is asking programmable machines that do not

actually understand human beings and the questioner.¹¹⁹ Traditionalists propose that the best way to prevent misunderstanding is to have a real-life attachment to an actual scholar. Requesting that Muslims consult scholars in person is important from the Traditionalist perspective because it allows scholars to provide context beyond information found online. It also gives individuals the opportunity to ask questions rather than passively receive information.

The Pakistani *madrassa* teacher ‘Adnān Kaka Khel suggests that misguidance in religion is guaranteed when there is an absence of personal transmission. In his view, opinionated modern scholars claiming to reform Islam using new methods of learning are actually carrying axes and demolishing the knowledge that Muslims preserved for over a millennium. Kaka Khel claims that these individuals do nothing but sow doubt about Islam.¹²⁰ Online learning poses a threat to Traditionalist expertise because it creates a space where laity mistakenly equate a moving sermon or a post on social media with rigorous study of Islam under a genuine scholar. Qadhi echoes the concern of many Muslim scholars throughout the world when he states, “there is no substitute for going through the proper and professional training of scholarship that has been the hallmark of this religion from the earliest of times.”¹²¹

A Transformation in Islamic Education

The internet is not the primary means of undermining the expertise of Traditionalists. Rather, the internet accelerated a collapse of communication between experts and laypeople. This miscommunication between experts and lay people started much earlier with the printing press. Tom Nichols accurately explains that “the internet is the printing press at the speed of fiber optics.”¹²² The printing press and the internet not only challenged the authority of the ‘*ulamā*’, they also changed it. While laypeople become more literate than ever before, scholars who train under the traditional method are generally unprepared to deal with that phenomenon. They are threatened by the internet because they feel they are witnessing the “death of expertise” in which experts must suddenly compete with non-experts over the proper interpretation of religious texts.

The internet also changed how scholars present themselves.¹²³ The *'ulamā'* were prompted to adopt technology in their teachings in order to attract wider audiences. Instead of students flocking to the classes of prestigious scholars, scholars now have fan pages, thousands of followers, personal logos, and even professionally-edited videos with music and visual effects to attract viewers. In the space of the internet, traditionally-trained scholars, autodidacts, activists, as well as popular preachers are now considered celebrities with hundreds of thousands of social media followers.

This technological revolution transformed the nature of the student-teacher relationship and its etiquette. The internet strips away the social contracts by which Traditionalists sought to maintain scholarly etiquette and reduce extreme interactions. With instant messaging and private forms of communication, scholars can be contacted by men and women at any time of the day or night.¹²⁴ The online relationship often conflicts with traditional pedagogical etiquette. Using their computers and smartphones, students can communicate with their teacher in real time. The distance between the teacher and the student grows shorter and the student-teacher etiquette that circumscribed their interactions changes. In the traditional scheme, students were required to leave their home, sit at the feet of a teacher, mingle with other students, pray in congregation, and live the lifestyle of a student of religious knowledge. Online learning lacks this human interaction which is an essential element of traditional learning.

Conclusion

Print and the internet changed the way modern Muslims learn and interact with Islamic knowledge. Many teaching institutions and individuals are adopting new modes of learning, remaking the dynamics of authority that historically structured traditional learning. Whereas previously it was the *'ulamā'* who spoke for Islam, the internet allows everyone to share their views about Islam through videos, blogs, and social media outlets. Traditionalists are sometimes critical of learning solely from the internet because it creates a space where laity can also participate

in teaching Islam and reshaping scholarly authority. Yet Traditionalists have ultimately embraced print and the internet in order to remain relevant and to compete with others who claim to speak on behalf of Islam.

This new mode of learning causes a shift away from the integral status of the teacher in Islamic education. The internet produces a new form of Islamic learning, one in which the teacher is a distant, unpersonalized, and customizable figure in the hands of the consumers of information. This technological transformation creates competition over religious authority between the *'ulamā'*, who are trained in Islamic sciences, and religious activists, whose authority is based upon persuasion, charisma, and the interpretation of texts they access primarily through print and the internet. Although traditional learning is alive in many Muslim communities, traditional education and authority are increasingly displaced and reshaped by individuals whose primary method of studying Islam is through text.

Endnotes

- 1 Gary Bunt, *Islam in the Digital Age: E-Jihad, Online Fatwas and Cyber Islamic Environments* (London: Pluto Press, 2003); idem, *Virtually Islamic: Computer-Mediated Communication and Cyber Islamic Environments* (Cardiff: University of Wales Press, 2000); Göran Larsson, *Muslims and the New Media: Historical and Contemporary Debates* (Vermont: Ashgate, 2011); Jon Anderson, "The Internet and Islam's New Interpreters," in *New Media in the Muslim World*, ed. Dale F. Eickelman and Jon W. Anderson (Indiana: Indiana University Press, 1999); Francis Robinson, "Technology and Religious Change: Islam and the Impact of Print," *Modern Asian Studies* 27, no. 1 (1993): 229-251.
- 2 Tom Nichols, "The Death of Expertise," *The Federalist*, January 17, 2014, <http://thefederalist.com/2014/01/17/the-death-of-expertise/>. Nichols later published a book with the same title (New York: Oxford University Press, 2017). Citations of *The Death of Expertise* throughout this article are from the book unless not accompanied by a page number. On the internet and religious authority see Heidi Campbell, "Who's Got the Power? Religious Authority and the Internet," *Journal of Computer-Mediated Communication* 12, no. 3 (2007): 1043-1062.
- 3 Nichols, "Death of Expertise."
- 4 Nabil Echchaibi notes that unlike the political arena, the religious one allowed for more individual autonomy and maneuvering of structures. Individual Muslims feel summoned to use the internet as a place of mediated *da'wa* to contribute to the reconstruction of their communities as well as the broader Muslim umma. See Echchaibi, "From Audiotapes to Videoblogs: The Delocalization of Authority in Islam," *Nations and Nationalism* 17 (2009): 20.
- 5 Popular preachers were prominent in Islam since medieval times but only recently acquired technological outlets (like the internet) to promote themselves. In many medieval texts, popular preachers are viewed as a threat to Islamic religious authority and to public morality. Some could attract huge crowds of followers (through their personal charisma, emotional performances, personal appearance, impressive clothing, and so on); the jurists viewed them with suspicion because they were often not trained or educated in law and theology. See Jonathan Berkey, *Popular Preaching and Religious Authority in the Medieval Islamic Near East* (Seattle: University of Washington Press, 2001). Also see 'Abd al-Raḥmān Ibn al-Jawzī, *Kitāb al-Quṣṣās wa-l-Mudhakkirīn* (Beirut: Dār al-Mashriq, 1971).
- 6 Several other scholars have similarly defined this group. See Jonathan Brown, *Misquoting Muhammad: The Challenge and Choices of Interpreting the Prophet's Legacy* (London: Oneworld, 2014). Suheil Laher correctly notes that Traditionalism is composed of a "three-fold knot": adherence to a juridical school, theology, and Sufism. See Laher, "Re-Forming the Knot: 'Abdullāh al-Ghumārī's Iconoclastic Sunnī Neo-Traditionalism," *Journal of College of Sharia and Islamic Studies* 1 (2018): 202.

- 7 On modernity, see Emin Poljarevic, "Islamic Tradition and Meanings of Modernity," *International Journal for History, Culture, and Modernity* 3 (2015): 29-57.
- 8 William Graham, "Traditionalism in Islam: An Essay in Interpretation," *Journal of Interdisciplinary History* 23, no. 3 (1993): 522. On 'tradition' rather than 'traditionalism', see Muhammad Q. Zaman, "The 'Ulamā': Scholarly Tradition and New Public Commentary," in *The New Cambridge History of Islam*, vol. 6, ed. Robert W. Hefner (Cambridge: Cambridge University Press, 2010), 3-16; Talal Asad, "The Idea of an Anthropology of Islam" (Washington, DC: Center for Contemporary Arab Studies, Georgetown University, 1986); Kasper Mathiesen, "Anglo-American 'Traditional Islam' and its Discourse of Orthodoxy," *Journal of Arabic and Islamic Studies* 13 (2013): 191-195
- 9 Scientific truth is based on empirically reproducible data, whereas religious truth (for scriptural religions such as normative Islam) is based on authority of sacred texts and precedent within the religious community.
- 10 For instance, approximately 55 of 'Abd al-Fattāḥ Abū Ghudda's 73 publications are commentaries on the works of previous scholars. See Muḥammad Āl Rashīd, *Imdād al-Fattāḥ bi-Asānīd wa-Marwiyāt al-Shaykh 'Abd al-Fattāḥ* (Riyadh: Maktabat al-Imām al-Shāfi'i, 1999), 180-215. On Abū Ghudda, see Emad Hamdeh, "The Role of the 'Ulamā' in the Thoughts of 'Abd al-Fattāḥ Abū Ghudda," *The Muslim World* 107, no. 3 (2017): 359-374.
- 11 Zaman, "The 'Ulamā'," 10. In this sense, 'traditional' scholarship consisted of a rethinking, adaptation, and expansion of the legal tradition, while 'modern' scholarship often portrays the pre-modern Islamic tradition as rigid and stagnant. Recent works on the history of pre-modern Islamic law have demonstrated that the door to *ijtihād* was never closed, but the schools of law were continuously evolving. See Zaman, "The 'Ulamā'," 18-21; Sherman Jackson, *Islamic Law and the State: The Constitutional Jurisprudence of Shihab al-Din al-Qarafi* (Leiden: E.J. Brill, 1996); Wael Hallaq, "Was the Gate of Ijtihad Closed?" *International Journal of Middle East Studies* 16 (1984): 3-41.
- 12 Mohammad Fadel, "Islamic Law and Constitution-Making: The Authoritarian Temptation and the Arab Spring," *Osgoode Hall Law Journal* 53, no. 2 (2016): 474-75.
- 13 The term Traditional Islam or Traditionalism incorporates the essential antithesis and antidote to many manifestations and versions of reformist, modernist, and even revivalist Islam in the modern period in its very name. See Mathiesen, "Anglo-American 'Traditional Islam'," 193-194.
- 14 Ibid.
- 15 Zaman, "The 'Ulamā'," 10.
- 16 See <https://qibla.com/about/how-we-teach/>, accessed September 10, 2015. There are other efforts and websites, such as shafiifiqh.com, which are less popular but nevertheless seek to respond to contemporary legal challenges while preserving

- the legacy of Sunni traditional knowledge. See Fachrizal Halim, “Reformulating the *Madhhab* in Cyberspace: Legal Authority, Doctrines, and *Ijtihād* Among Contemporary Shāfiʿī ‘Ulamā’,” *Islamic Law and Society* 22 (2015): 425.
- 17 The *isnād* is a record of transmission and is not the instrument of pedagogy. However, the record of transmission could be used to establish a relationship. In other words, the word *isnād* here refers to the student-teacher relationship.
 - 18 Robinson, “Technology and Religious Change,” 231.
 - 19 Jonathan Brown, *Ḥadīth: Muhammad’s Legacy in the Medieval and Modern World* (Oxford: Oneworld, 2009), 273-274. Despite going through this system, some Traditionalists still arrive at conclusions that are condemned by the vast majority of Muslim scholars. For instance, the Egyptian scholar ‘Izzat ‘Aṭīyya gave a controversial fatwa if a woman can breastfeed her male coworker, they would establish a family bond that would make their seclusion in the workplace permissible. This caused a great deal of backlash and he eventually withdrew his fatwa.
 - 20 Muḥammad ‘Awwāma, *Adab al-Ikhtilāf fī Masā’il al-‘Ilm wa’l-Dīn* (Beirut: Dār al-Bashā’ir al-Islāmiyya, 1997), 159.
 - 21 On curricula and the *ijāza* system, see Jan Witkam, “The Human Element between Text and Reader: The *Ijāza* in Arabic Manuscripts,” in *Education and Learning in the Early Islamic World*, ed. Claude Gilliot (Burlington: Ashgate Publishing Company, 2012); G. Vajda, “*Idjaza*,” in *EI2*, 3:1020-21. On *ijāzas*, see Ṣalāḥ al-Dīn al-Munajjid, “*Ijāzāt al-Samā’ fī-l-Makḥṭūṭāt al-Qadīma*,” *Majallat Ma’had al-Makḥṭūṭāt al-‘Arabīya/Revue de l’institut des manuscrits arabes* (Cairo) 1 (1955): 232-251; Qāsim Aḥmad al-Sāmarrā’ī, “*al-Ijāzāt wa-Taṭawwuruhā al-Ta’rikhiyya*,” *‘Ālam al-Kutub* 2 (1981): 278-285; Yūnus al-Khārūf, “*al-Samā’āt wa-l-Ijāzāt fī-l-Makḥṭūṭāt al-‘Arabīya*,” *Risālat al-Maktaba* (Jordanien) 10 (1975): 16-22; Devin J. Stewart, “The Doctorate of Islamic Law in Mamluk Egypt and Syria,” in *Law and Education in Medieval Islam*, ed. Joseph Lowry, Devin Stewart, and Shawkat Toorawa (Cambridge: EJM Gibb Memorial Trust, 2004), 45-90.
 - 22 Barbara Metcalf, *Islamic Revival in British India: Deoband, 1860-1900* (New Delhi: Oxford University Press, 2002), 18-20. Also see George Makdisi, *Institutionalized Learning as a Self-Image of Islam, Islam’s Understanding of Itself*, ed. Speros Vryonis, Jr. (UCLA Press, 1983); Dale Eickelman, “The Art of Memory: Islamic Education and its Social Reproduction,” *Comparative Studies in Society and History* 20, no. 4 (1978): 485-516.
 - 23 Jonathan Berkey, *The Transmission of Knowledge in Medieval Cairo: A Social History of Islamic Education* (Princeton: Princeton University Press, 1992), 23.
 - 24 Yusuf Talal DeLorenzo, *Imam Bukhari’s Book of Muslim Morals and Manners* (Alexandria: Al-Saadawi Publications, 1997), i-iii.
 - 25 *Ibid.*, ii.
 - 26 *Ibid.*, ii-iii.

- 27 Muḥammad ‘Awwāma, “*Ḥadīth al-Dhikrayāt ma‘ al-Shaykh Muḥammad ‘Awwāma*,” <http://www.youtube.com/watch?v=6cgbKunEEQY>. ‘Awwāma was one of ‘Abd al-Fattāḥ Abū Ghudda’s main students. Abū Ghudda was strong critic of self-learning and also the student of Muṣṭafā Ṣabīrī (d. 1954) the last Shaykh al-Islam of the Ottoman Empire. He experienced first-hand the frustration and decline of Traditionalist authority and spent his life trying to revive it.
- 28 ‘Awwāma, *Adab al-Ikhtilāf*, 149.
- 29 Robinson, “Technology and Religious Change,” 236.
- 30 Timothy Mitchell, *Colonising Egypt* (Berkeley: University of California Press, 1991), 133. On active learning, see Annie Murphy Paul, “Are College Lectures Unfair?” *The New York Times*, September 12, 2015.
- 31 Muhammad Mustafa al-Azami, *Studies in Ḥadīth Methodology and Literature* (Indianapolis: Islamic Teaching Center, 1977), 30. Azami notes that this is similar to modern copyright laws in which one could buy a thousand copies of a book but may not print even one copy without permission. Similarly, Muslim scholars would not allow someone to use the material in a book by simply obtaining it. Also see ‘Abd al-Fattāḥ Abū Ghudda, *al-Isnād min al-Dīn* (Aleppo: Maktabat al-Maṭbū‘āt al-Islāmiyya, 1996), 146.
- 32 Brown, *Ḥadīth*, 273.
- 33 Muhammad Mustafa al-Azami, *The History of the Qur’anic Text from Revelation to Compilation: A Comparative Study with the Old and New Testaments* (UK: Islamic Academy, 2003), 147-148.
- 34 Muhammad Ibn Adam, “Learning from a Teacher & the Importance of Isnad,” Daruliftaa, September 3, 2004, http://www.daruliftaa.com/node/5795?txt_QuestionID.
- 35 See Daniel Brown, *Rethinking Tradition in Modern Islamic Thought* (Cambridge: Cambridge University Press, 1999).
- 36 ‘Awwāma, “*Ḥadīth al-Dhikrayāt*.”
- 37 On the history of the status of the Companions, especially in ḥadīth literature, see Scott C. Lucas, *Constructive Critics, Ḥadīth Literature, and the Articulation of Sunni Islam: The Legacy of Ibn Sa‘d, Ibn Ma‘īn, and Ibn Ḥanbal* (Boston: Brill, 2004), 221-282.
- 38 ‘Alī b. Aḥmad Ibn Ḥazm, *al-Fiṣal fi-l-Milal wa-l-Aḥwā’ wa-l-Niḥal* (Beirut: Dār al-Jīl, 1996), 4:185-188.
- 39 ‘Abd al-Fattāḥ Abū Ghudda, “Lecture in Turkey,” <https://www.youtube.com/watch?v=dobft16fNe8>.
- 40 Muḥammad b. ‘Īsā al-Tirmidhī, *Al-Jāmi‘ al-Kabīr Sunan al-Tirmidhī* (Beirut: Dār al-Gharb al-Islāmī, 1996), *Bāb Al-‘Ilm*, 4:414 no. 2682. Ibn Rajab al-Ḥanbalī has a treatise on this ḥadīth where he defines who a scholar is and how one is to properly attain the level of scholarship. See Ibn Rajab al-Ḥanbalī, *Majmū‘ Rasā’il Ibn Rajab al-Ḥanbalī* (Cairo: al-Fārūq al-Ḥadītha li-Ṭibā‘a wa-l-Nashr, 2001), 1:5-60.

- 41 George Makdisi, *The Rise of Colleges: Institutions of Learning in Islam and the West* (Edinburgh: Edinburgh University Press, 1981), 7.
- 42 Laury Silvers, "The Teaching Relationship in Early Sufism: A Reassessment of Fritz Meier's Definition of the Shaykh al-Tarbiya and the Shaykh al-Ta'lim," *The Muslim World* 93:1 (2003): 72.
- 43 Mathiesen, "Anglo-American 'Traditional Islam' and its Discourse of Orthodoxy," 204.
- 44 Ibid.
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- 46 Yedullah Kazmi, "The Notion of Murabbī in Islam: An Islamic Critique of Trends in Contemporary Education," *Islamic Studies*, no. 2 (1999): 231.
- 47 See Anderson, "The Internet and Islam's New Interpreters," 42.
- 48 Silvers, "The Teaching Relationship in Early Sufism," 73.
- 49 Zahra Sabri, "Why 'Sufism' Is Not What It Is Made out to Be," *Herald Magazine*, May 28, 2018, <https://herald.dawn.com/news/1398514>.
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- 54 Mathiesen, "Anglo-American 'Traditional Islam' and its Discourse of Orthodoxy," 204.
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- 75 Halim, "Reformulating the *Madhhab* in Cyberspace," 433.
- 76 On cassette tapes and Islamic revival, see Charles Hirschkind, *The Ethical Soundscape: Cassette Sermons and Islamic Counterpublics* (New York: Columbia University Press 2009). Also see Jakob Skovgaard-Petersen, "New Media in the Muslim World," in *Oxford Encyclopedia of Islam and Politics* (Oxford, 2014).
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- 87 See Jonathan Brown, “Is Islam Easy to Understand or Not? Salafis, the Democratization of Interpretation and the Need for the Ulema,” *Journal of Islamic Studies* (2014): 1-28. On al-Albānī encouraging laity to challenge scholars, see Hamdeh, “Qur’ān and Sunna or the Madhhabs?”
- 88 Muḥammad Sulṭān al-Khujnadī (d. 1380/1960), *Hal al-Muslim Mulzam bi-Ittibā’ Madhhab Mu‘ayyan min al-Madhāhib al-Arba‘a?*, ed. Salim Hilālī (Amman: al-Maktaba al-Islāmiya, 1984).
- 89 Halim, “Reformulating the *Madhhab* in Cyberspace,” 425.
- 90 Scholz et al., “Listening Communities,” 462.
- 91 The importance of knowing the identity of the questioner is more important in a fatwa than it is in transmitting knowledge. Fatwas are often geared toward the specific questioner and not meant to be general. However, these fatwas are available online for others to access and adopt for their particular case, even if the mufti may not have intended it for them. This poses a problem to scholars because it sometimes results in people choosing fatwas that best suit their personal interests or what they

- find easiest (the process glibly referred to as “fatwa shopping”). In the past, this would have required traveling or directly communicating via phone or mail with numerous scholars to obtain a variety of opinions. In some cases, scholars refused to give fatwas if the question was tied to a local cultural issue that they did not have knowledge of. The internet removes the time, locality, and particularity of the fatwa. Internet search engines provide a large database of information that supplies common people with a wide array of fatwas and religious teachings, but not the tools to properly deal with it. On the internet and the process of decision-making and construction of Islamic knowledge, see Vít Šisler, “The Internet and the Construction of Islamic Knowledge in Europe,” *Masaryk University Journal of Law and Technology* 1, no. 2 (2007): 205-217.
- 92 Peter Mandaville, “Reimagining Islam in Diaspora: The Politics of Mediated Community,” *International Communication Gazette* 63, nos. 2-3 (2001): 183.
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- 94 Peter Mandaville, *Islam and Politics*, 2nd ed. (New York: Routledge, 2014), 394. Khaled has also been dismissed by activist groups such as the Muslim Brotherhood for being out of touch with the reality and struggles of everyday Egyptians. They dismiss him as being representative of what Haenni and Tammam have called “air-conditioned Islam.” See Patrick Haenni and Husam Tammam, “Egypt’s Air-Conditioned Islam,” *Le Monde Diplomatique*, September 2003.
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- 100 Abū Ishāq al-Shāṭibī, *al-Muwāfaqāt* (al-Khubar: Dār Ibn ‘Affān, 1997), 1:145.
- 101 On a separate but related issue, ‘Abd al-Fattāḥ Abū Ghudda explains that while some Orientalists who study Islam are objective and well-intentioned, their knowledge is still not considered authentic because it lacks the methodology and spirituality that is passed down in Traditionalist circles. He explains that Orientalists often err, because “they acquire knowledge from other than its people, they acquire it from books, and they study it in a language other than their own. They are studying sciences without having a spiritual connection to them and base their study on faulty methodologies established by their predecessors. On top of that, there is still the influence of their upbringing and beliefs which overcomes them, and they end up diverging from genuine knowledge.” See Aḥmad Shākīr, *Taṣḥīḥ al-Kutub wa Ṣun‘u al-Fahāris wa Kayfīyat Dabṭ al-Kitāb wa Sabq al-Muslimīn al-Afranjī fī Dhālik*, ed. ‘Abd al-Fattāḥ Abū Ghudda (Cairo: Maktabat al-Sunna, 1994), 13.
- 102 See Brown, “Is Islam Easy to Understand?” 1-28. Zaman, “The ‘Ulamā’,” 8.

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- 105 Abū Ghudda, “Lecture in Turkey.”
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- 123 Echchaibi, “From Audiotapes to Videoblogs,” 27.
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Popular Sovereignty, Islam, and Democracy (2003)*

GLENN E. PERRY

Abstract

This article examines the idea that Islam’s rejection of popular sovereignty makes it incompatible with democracy. I show instead that sovereignty (“absolute despotic power,” popular or otherwise) is a sterile, pedantic, abstruse, formalistic, and legalistic concept, and that democracy should be seen as involving “popular control” rather than “popular sovereignty.” Divine sovereignty would be inconsistent with democracy only if that meant unlike in Islam rule by persons claiming to be God or His infallible representatives. A body of divine law that humans cannot change would be incompatible with democracy only if it were so comprehensive as to leave no room for political decisions.

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This biography appeared in the article when it was first published.

*This article was first published in the *American Journal of Islamic Social Sciences* 20, no. 3&4 (2003): 125-139

Perry, Glenn E. 2024. “Popular Sovereignty, Islam, and Democracy (2003).” *American Journal of Islam and Society* 41, no. 1: 193–209 • doi: 10.35632/ajis.v41i1.3421

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Various observers, mostly with little knowledge either of Islam or of Muslim countries, have jumped to the conclusion that the paucity of democracy in today's Islamic world is the result of Islam. Some of the most prominent examples of this include Samuel P. Huntington,¹ although the same author has been somewhat wishy-washy on this issue, demonstrating an open mind in a later work² and then reverting to blaming Islam.³ Actually, there are numerous cases of democratization to various degrees in the Islamic world.

Nevertheless, the paucity arguably is real during the era to which Huntington⁴ gives the label "Third Wave" (starting in 1974) and particularly since the end of the cold war, even in comparison with other parts of the Third World. One should keep in mind that the democratization taking place in many countries (Muslim and non-Muslim alike) is superficial and of "low intensity,"⁵ and that various commentators were labeling the Islamic world, notably the Middle East, as particularly authoritarian even at a time when one could have made a better case for awarding this distinction to some non-Islamic parts of the Third World.

The hasty conclusion that Islam is to blame constitutes an egregious example of a basic methodological error: confusing correlation with cause.⁶ While cultural and religious prejudice must be distinguished from blatant racism, this is analogous to concluding, without examining other explanations, that, for example, the high rates of poverty, crime, or whatever among African-Americans must be a result of their racial characteristics. In short, not only is there some sound basis for arguing that such doctrines as *shura* (consultation) and the elective caliphate in fact make Islam particularly conducive to democracy, but there are many reasons, notably (but not exclusively) international factors, to explain the democracy deficit in the Islamic world that do not put the onus on Islam.

If Islam has anything to do with the absence of democracy, it may be in the indirect sense that the world's dominant power, the United States, often supports authoritarian regimes, secular or otherwise, in the face of popular and at least sometimes more democratic Islamist movements that oppose American hegemony. In other cases, Washington rationalizes its backing of authoritarian client regimes on the grounds that one cannot expect Muslim countries to be more democratic. While I believe

that this international factor may go far to explain today's gap between the levels of democratization in the Middle East and the rest of the Third World, my main purpose here is to respond to a particular argument about the relationship between Islam and democracy.

The Argument about Popular Sovereignty

The argument that concerns us here is that the Islamic concept of divine sovereignty is inconsistent with what is assumed to be a fundamental pillar of democracy, namely, popular sovereignty. It is true, of course, that the existence of a body of divine law, as in the case of the Shari`ah, contradicts the modern western doctrine of human sovereignty, popular or otherwise, which asserts that there is no limit on the laws that humanity can legislate. Much discussion, although hardly any serious examination of the matter, recently has revolved around such questions,⁷ making the need for clarifying murky concepts more compelling than ever. This idea, also noted recently by Muqtedar Khan,⁸ persistently comes from two opposite directions: western and secularist Muslim advocates of democracy who denigrate Islam, particularly its sociopolitical concepts, and blame the idea of divine sovereignty for democracy's failure in predominantly Muslim countries; and some Islamists who reject the idea of democracy on the grounds that it is the antithesis of the Islamic doctrine of divine sovereignty.

However, as I argue below, some proposed Islamic alternatives to western secular democracy, such as Sayyid Abul A`la Mawdudi's "theo-democracy," hardly lie outside the boundaries of a broadly defined theory of democracy. Perhaps we should list a third direction from which the insistence on divine sovereignty's incompatibility with democracy comes: that of American and other western supporters of client regimes who use this idea to rationalize a kind of Muslim world "exceptionalism" in which the norms of democracy do not apply.

Those who have brought up the question under discussion here unfortunately compel us to deal with some of the most sterile and pedantic matters imaginable, matters that otherwise one might prefer to leave between the molding covers of works published in the Victorian

age. In his classic work on international organization, Inis L. Claude, Jr.⁹ characterizes the concept of sovereignty as having evoked “a great deal of hair-splitting, who’s-got-the-thimble, how-many-angels-on-the-point-of-a-needle type of analysis,” and as involving “authority without accountability,” reminiscent of medieval Christian scholastic theology, regardless of whether it is vested, as originally envisaged, in monarchs or collectively in the people.

Popular sovereignty is, of course, one form of sovereignty, that of the sovereignty of the people as a whole as opposed to the sovereignty of a monarch, a particular category of the people, some outside entity or larger whole, or, as in the case of Islamic doctrine, of God. Perhaps it also implies what often are listed as separate tenets of democracy (e.g., political equality [or “one person one vote”] and the “majority principle,” for popular sovereignty in which a few could prevail over the many either through weighted votes or through letting a few veto the decisions of the many) would seem to be a contradiction. However, such issues take us beyond our present concern.

Whether this mysterious legalistic, formalistic concept is vested in the people or someone or something else, sovereignty means the right to govern without any limitations. In particular, the idea of sovereignty, which has dominated western thinking about the state since Jean Bodin emphasized it in the late sixteenth century, is “the right to make or unmake any law whatever” and the absence of anyone else’s “right to override” such law.¹⁰ Such a principle obviously contradicts the Islamic concept of divine law, which cannot be abrogated by any state. This is essentially only a technicality, a “legal fiction,” as opposed to what is sometimes more loosely referred to as “political sovereignty.”¹¹

In the strict sense of the word, a state is said to be sovereign if it is not subject to any outside lawmaking authority. However, within each state the idea of sovereignty that evolved in the West during the past 4 centuries is that somewhere there is a final authority whose domestic lawmaking authority is without limits. In keeping with the logic of this concept, and perhaps inspiring the comparison with medieval scholastic theology, jurists have even argued that a sovereign body, in this case the British Parliament, has by definition an unlimited authority to the extent

that it lacks the authority to limit its own subsequent authority on any matter.¹² Indeed, according to this abstruse theory, this authority is the source of all law, for even rules that emerged otherwise (e.g., perhaps even before the doctrine of a sovereign lawmaking power emerged, as in the cases of the English common law and the Shari'ah) are law only by virtue of the fact that those who possess sovereignty in the state have opted, tacitly or otherwise, to make or keep them binding.

Classical writers on the English Constitution illustrate what is meant by sovereignty, popular or otherwise. In that case, sovereignty is said to be vested in the Parliament or, to be more precise, the Queen/King in Parliament. The monarch enacts law with the advice of the two houses of Parliament, that is, a favorable vote by each. One of these chambers may be bypassed under certain conditions today, because the Queen in Parliament enacted such a rule during the twentieth century and could theoretically undo the exception at any time, thus further illustrating the nature of sovereignty. Notice that this is not technically "popular sovereignty," a detail that thus disqualifies the United Kingdom from any claim to being a democracy (if this phantom is deemed essential).

But we all know that we are talking about a set of fictions. Real authority is vested in the popularly elected chamber, or at least with the leaders of the political party that has gained a majority of the seats, although not necessarily of the popular vote. Only someone obsessed with our phantom to the exclusion of political reality would press the argument that by a majority vote, the two houses of Parliament, with the Queen's assent, could exercise its sovereign power to call off future elections and thus perpetuate the present leadership indefinitely.

Keep in mind that legislation enacted in the United Kingdom in 2000 makes the European Convention on Human Rights superior to legislation enacted by Parliament. British courts can strike down acts of Parliament as *ultra vires*. This would seem to contradict the traditional principle of parliamentary sovereignty, although anyone who understands and takes the theory of sovereignty seriously will tell us that a sovereign act of Parliament limiting its authority can be annulled by another sovereign act. Indeed, Parliament specifically perpetuated its own sovereignty by providing for the possibility of derogations from the otherwise superior

rules in the European Convention. Disregard for such international norms may or may not constitute political reality, but the phantom we are dealing with, whether vested in Parliament or collectively in the people, cannot be expected to coincide with reality.

What is this phantom that is vested in the Queen/King in Parliament?

According to Blackstone, it is an “absolutely despotic power” that “must in all governments reside somewhere.” He specified that “what the Parliament doth, no authority *on earth* [italics added] can undo,”¹³ a wording that admittedly seems to allow for a kind of human supremacy only within the scope of a higher, divine law not unlike the doctrine of *khilafah* espoused by Maududi and other Muslim writers. As used by John Bodin, who is credited with inventing the concept, sovereignty lacked the absolute quality and actually was meant to describe the ruler’s supremacy only within the limits of certain fundamental laws. Interestingly, this is analogous to the Islamic idea of the Shari`ah’s supremacy.

However, as the concept came to be understood, a body possessing sovereignty would have the legal right, to repeat the example that one used to hear, to decree that all blue-eyed babies be killed. The British Parliament, for example, was said to have such authority. Even in the United States, whose constitution deprives Congress of this kind of unlimited authority, the idea of sovereignty necessarily being vested somewhere means that a constitutional amendment could bring into existence the hypothetical repugnant law referred to above, although the “natural rights” doctrine, analogous to (though discoverable through reason rather than revelation) the Islamic idea of divine law, would deny such an exercise of sovereignty, popular or otherwise.

By contrast, in Islam no human or humans have such unlimited authority. According to Islamic doctrines, unlimited authority (sovereignty) belongs to God alone. For Muslims, the true law is the Shari`ah, which is legislated by God and cannot be rescinded by any human authority, although it is left to the learned jurists (*fuqaha*) to discover its rules. The argument that divine sovereignty and popular sovereignty are opposite principles thus becomes the basis for arguing that Islam and democracy are fundamentally at odds, even if the analysis of this topic remains undeveloped.¹⁴

Perhaps we have by now concluded that sovereignty is more conducive to tyranny than to democracy, and that popular sovereignty in particular provides a path to the tyranny of the majority. Of course, popular sovereignty may be no more than a harmless phantom sitting alongside quite different political realities. We probably do not have to worry about our blue-eyed babies, and hopefully not even about something so extreme in the case of the brown-eyed ones that make it no more than an amusing spectacle. However, it is hard to see it as an asset to democracy. On a purely legal level, popular sovereignty is a green light for the tyranny of the majority, and its compatibility with democracy depends on the unlikelihood that anyone would ever actually follow this route. It depends on other principles as well, such as checks and balances, that negate such a pernicious idea.

The Context of the Argument

The idea of popular sovereignty as a fundamental pillar of democracy results from the genesis of modern democracy in the West. That is where the idea of human sovereignty originated and came to be taken as a fundamental attribute of all states. As originally understood, sovereignty was the same as, or rather a legalistic shadow of, monarchical absolutism. After all, the very word *sovereignty* related to centralizing power in the hands of the sovereign or monarch.

In such a situation, the logical way to democratize was simply to transfer that sovereignty, contrary to the word's original meaning, to the people, although that entailed the above-mentioned danger of another kind of tyranny. Even there, democratization sometimes occurred without the formal acceptance of popular sovereignty, as we saw in the case of Great Britain, while in the United States the constitutional amending process, the only truly sovereign act, is so complex and involves so many possible alternatives that it is hard to see how sovereignty can be said to be vested anywhere in particular. To say that the people are sovereign in the United States, the phrase's rhetorical appearance in the preamble to the Constitution notwithstanding, is to ignore the concept's inherently legalistic nature.

In short, the popular nature of sovereignty provides one road to democracy, though one along which lurks the danger of a tyranny of the majority. This is particularly true in the absence of placing checks and balances and limits on legislative authority, which effectively undermine the whole concept, around the basically authoritarian barrier that is sovereignty itself. If the problem of sovereignty does not exist, as in the Islamic theory of the state, there is no similar reason to invent such a makeshift doctrine. In short, giving the people as a whole absolute, and potentially arbitrary, control over their government does not require solving a problem that does not exist.

Popular Sovereignty versus Popular Control

Writers on democracy have repeatedly treated popular sovereignty as one of its basic tenets. In other words, democracy is said to be a governmental system in which sovereignty is vested in the people as a whole. Sovereignty is the unlimited authority to rule, particularly to make law, and thus popular sovereignty is the final, unlimited authority of the people to make any law of any kind. It is the absence of any kind of law other than what comes from the sovereign people. But pointing to the “interminable and inconclusive” problems with such a term, the political theorist Henry B. Mayo proposed to avoid this “briarpatch” altogether and to speak instead in a less metaphysical manner about the making of public policies.¹⁵ Thus a test of democracy would be whether public policies or, more realistically, the choice of those who make such policies, are in the hands of the people.

With this more practical, down-to-earth definition of democracy in mind, it is hard to see how accepting a divine law that puts limits on what humans can decide constitutes a barrier to democracy. The absence of limits on legislative authority (i.e., sovereignty) is no more than a juridical concept in any case, one that always required strained arguments to show how it was not inconsistent with the existence of international law.¹⁶ Moreover, there are always practical limits on what the highest authorities in any state can do in practice. The international system, defined as a pattern in which even makers of domestic policy have to

be concerned about the reactions of foreign states, always reduces the scope of domestic democratic choice,¹⁷ while, on the other hand, even countries under formal colonial rule have sometimes experienced a modicum of democracy.¹⁸

Democracy occurs on a local or regional level as well, that is, in entities such as Indiana or Michigan, which also lack sovereignty. This leaves open the possibility that some of the divine law's specific rules may constitute barriers to democracy. However, pursuing that matter further would take us outside the scope of our present inquiry. From one point of view, any limits put on the popular will diminishes the degree or scope of democracy. But it is also important to realize that democracy is never a matter of "either ... or," a point on which I elaborate below.

Which Kind of Divine Sovereignty?

Whether the principle of divine sovereignty is inconsistent with democracy depends on the kind of divine sovereignty we are discussing. There are at least two versions of such a principle, neither of which are found in Islam, that would go against the grain of democracy: one in which a person(s) is believed to be God Incarnate, accepted either as having access to the divine will, and therefore infallible, or believed to have been authorized by God to exercise absolute rule (as in the early modern European theory of the divine right of kings); and one in which the rules believed to have been revealed are so comprehensive as to leave nothing for the people or their representatives to decide.

Only the most careless thinking would apply the first of these notions with anything in Islam. The Islamic concept of God as having created the universe and ultimately ruling over it, and of having enacted a body of law that people cannot change, allows for people living after the end of revelation to govern themselves within the scope of that law. Considering that for Muslims Muhammad is the Seal of the Prophets, Islam forbids anyone to present himself as a new Messenger of God whose alleged new "message" might arbitrarily cancel existing law. Furthermore, the Islamic concept of the sovereignty of God is the antithesis of the notion that a person (e.g., a Pharaoh, a Roman emperor or, before 1945, a Japanese

emperor) is a god, and therefore has unlimited authority that he exercises directly or legitimates those who do. Neither is there any room for the “divine right” of a monarch to rule without any limitations.

If one person or an exclusive group of persons were regarded as infallible interpreters of the divine will, that too would be inconsistent with the idea of democracy. Such infallibility in matters of faith is claimed by the Pope in Rome. And, according to the doctrines of the Mormon sect, the Apostles of the Mormon Church, for example, have such authority to determine God’s will, thus perhaps standing in the way of democracy in a state (Utah) in which Mormonism might be the official religion.

In Islam, on the other hand, there is no such infallible authority. The Shi’i doctrine of the Imam’s infallibility would seem to constitute an exception, but not during the centuries of his *ghaybah* (absence). The *ulama’* and the *fuqaha’* only interpret the Shari`ah, as do jurists in any legal system. Furthermore, no body of Muslim jurists has such interpretative authority that it might be subjected to the accusation sometimes made against the United States Supreme Court: that it arbitrarily makes law in the guise of interpretation. In fact, another accusation often made against Islam, and which I mention here only because it is the opposite of the one we are analyzing, is precisely that it is too rigid and stands in the way of modernization.

As for the second aspect of divine sovereignty, it is sometimes oddly implied that this applies to Islam. Thus one student of political thought concluded, in an article that generally stressed the incompatibility of Islam and democracy (and dealt with much more than the technical issue of sovereignty), that in the classical Islamic “scheme of things, human legislation becomes unnecessary and superfluous,” as “the state was restricted to administration.”¹⁹ Maintaining that “the absolute sovereignty of God cannot be reconciled with the sovereignty of man, unless politics and religion are recognized as matters falling into different spheres,” he went on to cite the abolition of the Shari`ah in connection with Kemal Ataturk’s “transform[ation of] Turkey into a modern secular democracy.”²⁰ It would seem to be more accurate to label Ataturk’s regime a “secular dictatorship,” but that is not the issue here.

The claim is that there is no room for the people to control their government if God is recognized as having the ultimate sovereignty. In

effect, it would seem to follow from such simplistic ideas that the Islamic concept of divine sovereignty would bar human politics altogether, dictatorship as well as democracy, to the extent that God's law provides a ready-made answer to all questions. Najjar is correct in insisting on the inconsistency of divine sovereignty and human sovereignty, but the alleged inconsistency of the former with democracy or, more broadly, with the right of human beings to make decisions within the limits of the divine law is what concerns us here.

In an article on the alleged peril posed by radical Islam, and citing an article by Martin Kramer in *The Atlantic Monthly*, Judith Miller similarly stressed the divine, unchangeable nature of Islamic law (i.e., the absence of any right of the sovereign people to modify it) as a hindrance to democracy.²¹ Actually, she mixed up two issues: the content of the law (which lies outside the scope of our analysis here) and the role of people in changing it. While admitting that there is some leeway for interpretation, she failed to notice that there is always room for political decisions within the limits of the law; in other words, how the state is to be organized (for the Islamic theory of the caliphate was never rigid with regard to all details), who is to lead, what policies are to be adopted, and whether the final say is in the hands of an autocrat or of the people, regardless of whether certain basic rules are above politics. Miller demonstrates utter inconsistency by accusing today's Islamists of stressing majority rule, implied by the concept of popular sovereignty, as opposed to minority rights.²²

A moment's reflection will demonstrate the absurdity of such an argument. For God to be recognized as the ultimate legislator and for the rules He revealed long ago not to be subject to abrogation by human beings hardly means that political decisions do not have to be made. The idea implied by those who say that divine sovereignty is incompatible with controlling the government through popular elections is that the divine legislation is so detailed that the governing process is no more than a purely mechanical process of applying the law. The issue is not whether the people have the unrestricted right to make or unmake any law (i.e., popular sovereignty), but whether they have some control, through periodic elections, over those who exercise authority within whatever limits are accepted.

Sayyid Abul A`la Maududi spelled this point out very well in relation to the misconception that “there is no room for human legislation in an Islamic state.”²³ Not only does he show that an Islamic representative body would have a role (presumably shared with the judiciary) in interpreting, drawing analogies, and inferring other rules from the Shari`ah, but he also demonstrates that “there is yet another vast range of human affairs about which the Shari`ah is totally silent,” thereby exposing “the fact that the Supreme Law-giver has left it to human beings to decide such matters in their own discretion and judgement.”²⁴

Thus, what Maududi calls “theo-democracy” is a governing system in which “the Muslims have been given a limited popular sovereignty under the suzerainty of God,”²⁵ but not the unlimited authority to enact any law, as indicated by the western theory of popular sovereignty. The term *limited popular sovereignty* is of course questionable, as sovereignty that is limited is not sovereignty at all (again to allude to the trickiness of this modern western concept), but he goes on to specify that in Islam the correct term is *khilafah* (vicegerency), with “every believer [being] a Caliph of God *in his individual capacity*.”²⁶ This is government by the people but “within the limits prescribed by the Divine Code.”²⁷

In addition to enacting legislation, defined as general rules applicable to broad categories of people, any government, whether democratic or not, has to make decisions on a great variety of matters. Whether the issues relate to breaking off diplomatic relations with a given state, building a network of roads *in* the western or eastern part of the country, developing nuclear weapons, or starting a crash campaign to eradicate illiteracy or tuberculosis, there is never a shortage of questions to be resolved. There would be no shortage of such issues to be settled by a government representing the *demos* (populous), even if the divine code left no room for human decision regarding, say, the laws of marriage and divorce, punishment for specific crimes, or commercial activity.

In Light of Watered-down Western Concepts of Democracy

What came to be called democracy in the West from the twentieth century on, and the value of which I do not wish to deny, provides even

less difficulty for anyone who wants to reconcile it with something less than popular sovereignty. Democracy used to mean rule by the people, at least indirectly. Joseph Schumpeter called this the “classical doctrine of democracy,” which he summarized as “that institutionalized arrangement for arriving at political decisions which realizes the common good by making the people itself decide issues through the election of individuals who are to assemble in order to carry out its will.”²⁸

Since he considered this concept infeasible, Schumpeter proposed that democracy instead should be understood as something less than what the classical theory envisaged, namely, as merely “that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people’s vote.”²⁹ Or, as Mayo put the matter, democracy involves “effective popular control at periodic elections.”³⁰ According to Huntington, there was a post-1945 debate between the proponents of the classical concept and of the “procedural concept of democracy in the Schumpeterian mode. By the 1970s the debate was over, and Schumpeter had won.”³¹ It has been suggested that democracy has come to be widely accepted in “respectable” circles during the past century or two only by virtue of changing its definition.

The Either-Or Fallacy

The notion that the absence of placing unlimited authority to make law in the hands of the people as a whole (that is, popular sovereignty) makes democracy impossible carries with it a certain logic. Insofar as the people or their representatives have less than full control, it would seem that democracy is correspondingly diminished. In such a situation, there may be “rule by all,” but within limits that could be described in terms of “partial democracy.”

However, such an insistence on all or nothing ignores the fact that no country considered a “democracy” today completely corresponds to anyone’s criteria for democracy. In other words, the degree as well as the scope of democracy is always relative. In the case of the United States, in particular, one does not even have to examine such deeper issues as

the role of money in political campaigns for a superficial look at the Constitution itself, especially its provisions of the equal representation of states in the Senate regardless of population or, of course, the way the president is chosen by an Electoral College, reveals that this country is democratic only in contrast with some others that are less so.

The concept of democracy is perhaps uniquely unsuited for such an absolutist kind of thinking. For analytical purposes, we might agree that democracy exists to the degree that the people as a whole, at least the majority, have control. Constitutionalism, which involves a body of rules that limits what the majority can do, is another principle. But in reality, democracy and constitutionalism are part of one whole for which the appellation *democracy* applies in practice, and it is the balance between them that is crucial. Constitutionalism, a principle for which the Islamic concept of government limited by law rather than having sovereign authority would seem, in principle, to provide an example, is what prevents democracy from being self-destructive and turning into a tyranny of the majority.

Conclusion

I have argued that while popular sovereignty, defined as the unlimited authority to make law vested in the people as a whole, has traditionally been treated as a basic tenet of democracy, this does not have to be the case. In the West, the doctrine of popular sovereignty arose as an alternative to the sovereignty of monarchs. And even in the West, democracy has coexisted with legal situations that do not involve the formal sovereignty of the people as a whole. Insofar as popular sovereignty reflected reality, it would threaten to transform democracy into a tyranny of the majority to the extent that it is not muzzled by restrictions (e.g., the separation of powers and constitutional restrictions on legislative authority) that leave it as no more than a legal fiction. In an age when the idea of sovereignty, popular or otherwise, is making way for limitations on what states can do to their people, the absence of such a dangerous concept in Islam deserves to be seen in a positive light.

The confusion may result in part from the fact that some doctrines of divine sovereignty clearly represent the antithesis of democracy. That

would be the case only with a religion that, unlike Islam, believes in a living human being who is divine or that accepts the infallible authority of an individual or body of individuals to convey the divine will. The confusion may also represent the simplistic idea that the existence of the Shari`ah leaves no leeway for people to make decisions.

In reality, a body of immutable law hardly means an absence of policy questions. Popular sovereignty is a requirement of democracy only in the loose sense. In fact, it actually is a misnomer, considering the technical nature of the word *sovereignty*. It is not necessarily inconsistent with Islam that whatever issues are to be decided are left to the people as a whole or to their representatives. Thus the key to democracy is effective popular control within various limits (e.g., the existence of certain immutable divine rules), not the abstruse doctrine of popular sovereignty (a form of absolutism), which indeed clashes with the Islamic notion of divine sovereignty, just as any form of human sovereignty, including the “popular” variety, today is increasingly coming to be viewed as a dangerous “ghost” that needs to be exorcised.³²

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Muslim Women and the Politics of Representation (2002)*

JASMIN ZINE

Abstract

This paper examines the politics of knowledge production as it relates to Muslim women in western literary traditions and contemporary feminist writing, with a view to understanding the political, ideological, and economic mediations that have historically framed these representations. The meta-narrative of the Muslim woman has shifted from the bold queens of medieval literature to colonial images of the seraglio's veiled, secluded, and oppressed women. Contemporary feminist writing and popular culture have reproduced the colonial motifs of Muslim women, and these have regained currency in the aftermath of 9/11.

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This biography appeared in the article when it was first published.

*This article was first published in the *American Journal of Islamic Social Sciences* 19, no. 4 (2002): 1-22
Zine, Jasmin. 2024. "Muslim Women and the Politics of Representation (2002)." *American Journal of Islam and Society* 41, no. 1: 210-236 • doi: 10.35632/ajis.v41i1.3422

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Drawing upon the work of Mohja Kahf, this paper begins by mapping the evolution of the Muslim woman archetype in western literary traditions. The paper then examines how some contemporary feminist literature has reproduced in new ways the discursive tropes that have had historical currency in Muslim women's textual representation. The analysis is attentive to the ways in which the cultural production of knowledge about Muslim women has been implicated historically by the relations of power between the Muslim world and the West.

Introduction

Examining the production of knowledge related to Muslim women in historical and contemporary texts allows for an understanding of the sociopolitical mediations that historically have informed these discursive practices. This is particularly salient with the revival of Orientalist constructions of Islam as one of the by-products of the 9/11 tragedy. The resurgence of Orientalist tropes that label Islam and Muslims as barbaric and uncivilized terrorists have gained alarming currency. Muslim women are particularly marked, as media images of *burqah-clad* women have become the trademark of Islam's repression. These images serve to justify all forms of military action under the trope of "liberation," as was the earlier formula for colonial intervention and control in the Muslim world.¹

Therefore, once again Muslim women's bodies are being positioned upon the geopolitical stage not as actors in their own right, but as foils for modernity, civilization, and freedom. To what extent the continuing discourse of abject victimhood essentializes the representation of Muslim women and limits their agency is rarely questioned.² Unraveling the complex ways in which the processes of global change and transformation implicate the cultural production of knowledge allows us to better understand the tacit modes through which power operates via discursive practices.³

In this paper, I examine the politics and economies of difference that historically have framed particular representations of Muslim women in two genres: western literary traditions and contemporary feminist

writing. Selected examples will show how Muslim women enter the texts as objects of “Otherness.” Unmasking the discursive politics and dimensions of authority in the accounts produced of marginalized women is an important project in relation to developing an anticolonial and antiracist feminist critique. It is important for Muslim women to locate their own political and academic projects within these frameworks for the purpose of challenging academic and literary imperialism.

Following the work of Edward Said⁴ and Mohja Kahf,⁵ I argue that the politics of representing Muslim women has been tied to the material and ideological conditions characterizing the relationship between “the West” and Islamic societies. Historically, these relations were marked by shifts in the balance of power between these two societies. These shifts, in turn, engendered corresponding shifts within the archetypal paradigm of the “Muslim woman” as a literary invention and later as an object of the western feminist gaze.

In the first part, I draw upon Kahf’s work to help map the evolving Muslim woman archetype in western literary works. I examine the Muslim woman’s representation in medieval European and Renaissance texts up to the colonial era of Orientalist writing and representation. In the second part, I focus upon how some of the discursive tropes and motifs used in these literary writings are reproduced in new ways in some contemporary feminist works and popular culture.

The texts through which Muslim women came to be represented during the medieval, Renaissance, and colonial periods are predominantly products of the male gaze. The Muslim woman archetype in the western male literary imagination has undergone many transmutations during these historical periods, ranging from powerful and heroic early medieval queens to the slightly more wanton and sexually transgressive images of Muslim women during the late Middle Ages.⁶ The colonial era also produced more openly sexualized images of the Muslim woman as a harem concubine, as well as the victimized, veiled, and secluded image of the “oppressed Muslim woman.”⁷ The evolution of these archetypal images is intrinsically linked with the political, ideological, and imperial relationships and encounters between the West and the Islamic world.⁸

In the second part, I examine Muslim women's representation through the feminist gaze, first through the transcultural production of knowledge during the colonial era, and then in contemporary feminist writing where the colonial archetype of the disempowered and victimized Muslim woman is reproduced and canonized. I then show how the tropes and motifs that Kahf identifies as having historical currency, such as the "oppressed Muslim woman" and the "Muslim maiden in need of rescue," are similarly reproduced and invoked in these more contemporary works.

In contemporary feminist writing on Muslim women, I shift to examine the genres of travel writing and academic scholarship that attempt to portray "real" and non-fictionalized accounts. However, as I argue, the style of representation often uses "creative non-fiction" that borrows literary writing conventions to create a more "authentic"—and therefore more authorized—accounts. The examples selected fall within the genre of what has been called "imperialist feminism," in that the representations of Third World women and Muslim women in particular reproduce colonial motifs of women as powerless victims who are silenced and voiceless.⁹ Finally, I conclude by commenting on Muslim women's current attempts to create alternative knowledge and achieve greater discursive authority over how their identities are represented.

Part I: Muslim Women and the Politics of Representation

Muslim Women in Medieval Discourse. While examining the western meta-narrative of the Muslim woman during Europe's Middle Ages, we can trace the genealogy of this archetype as she first begins to enter into the Euro-western literary imagination. This entry point comes as a surprise when we consider more recent archetypes, since their representation during this earlier period was one of dominant queens or noblewomen who characteristically held powerful sway over the European Christian hero. This metaphorically mirrored the Islamic empire's formidable position in relation to Europe at that time.¹⁰

Representational politics were closely aligned to the material and ideological conditions of the historical moment in question. In this way,

later colonial representations of Muslim women as oppressed and victimized by a backward misogynist society laid the ideological groundwork for colonial intervention as a means to “liberate” them from the shackles of their “heathen” and barbaric societies. While this kind of representation reinscribed the position of European dominance over the “Orient” through colonialist expansion in the nineteenth century, the Middle Ages were characterized by very different political, social, and economic relations between these regions.¹¹

The present status quo image of the veiled and oppressed Muslim woman had no currency during the Middle Ages. Of the few but powerful representations of Muslim women in literary works of the time (Kahf, for example, has examined texts such as *Chanson de Roland and Auccasin and Nicolette* from the twelfth to thirteenth centuries), we see a very different female archetypal character emerge: that of the *termagant*, a medieval term that came to be associated with a “quarrelsome or overbearing woman.”¹² The significant sociopolitical context of this period helps us to understand how this particular metanarrative of the Muslim woman gained currency. The eleventh to fifteenth centuries were marked by the Crusades. The Islamic empire’s imperial power and wealth, coupled with its “heathen religion,” represented a threat and nemesis to the Christian world. At this same time, Islam and Muslim women, in particular, began to emerge as negative referents in European discourse.

The genesis of constructing the Islamic “Other” however, does not begin with the image of the subjugated female. The discursive current of European representational politics became fashioned through a more complex intermingling between the desire and disavowal of difference (as it came to be embodied within the Muslim woman). Kahf argues that Europe held a longstanding envy for the Islamic empire’s material power and resources (headed at the time by the Ottoman Turks and the Moors of North Africa).¹³ The Islamic hegemony of the period put a different “spin” on how Muslim women were used in texts as signifiers of difference.

The conventional formula used by medieval romance writers focused on a Muslim queen or noblewoman who was represented through the paradigm of the *termagant*, who had a characteristically bold and

forward personality and often bore a subversive textual presence.¹⁴ The Muslim queen or princess eventually converts and leaves her country, religion, and qualities as a transgressive female behind as she enters Christian society with a newly tamed consciousness. Kahf shows us how the theme of conversion was usually introduced through a romance. In the twelfth-century tale *Historica Ecclesiastica* (1130-35), a Turkish princess falls in love with a captured French Crusader. She secures his release through the betrayal and disavowal of her father and converts to Christianity, thereby renouncing her Islamic “Otherness.” She allows the Christians to seize the citadel and claim its substantial fortunes as a symbolic redistribution of wealth, which speaks to Kahf’s assertion of European envy of Islamic riches.¹⁵

As a recurring motif, I argue that these stories also represent the Muslim male’s “symbolic castration” as much as they mask desire for the Muslim female, who becomes increasingly fetishized. The Muslim woman’s abandonment and betrayal of the Muslim male in favor of the European-Christian enemy is an emasculating *denouement*. Manipulating the Muslim woman’s meta-narrative in this fashion employs political control through discursive representation. In these formulas, the Muslim princess instigates the catalytic romance. This begins to constitute a more “wanton” image—what Warren has called the paradigm of the “enamoured Muslim princess.”¹⁶ This paradigm continues throughout the Renaissance (albeit as a less salient archetype) and plants the seeds of a more transgressive sexuality that emerges later.

These medieval conversion scenarios also bear the imprint of desire, for they are necessary to “legitimate” the hero’s reciprocal desire for the Muslim woman, who is a pagan “Other” (and therefore morally out of bounds). Her conversion therefore translates into a mode of gaining “respectability,” and hence legitimates this desire. Kahf notes that the conversion motifs ultimately result in the Muslim woman’s silence.¹⁷ Her physical and vocal presence in the text is erased after she submits to conversion and, through this transformation, the bold *termagant* becomes mute. We can see this silence as both the conquest and the sublimation of the Muslim woman.

Muslim Women in Renaissance Texts. The intersecting strands of gender, religion, race, and class in Muslim women’s representation

during the medieval period begin to unravel in the early part of the Renaissance. Kahf documents a muting of difference in early Renaissance literature. The representation of Muslim women begins to become a more generic gendered difference largely uncomplicated by religious or racial difference. Muslim women are depicted through the same referents as European women with little textual difference or, as Kahf puts it, with “their Muslim-ness hovering in the background.”¹⁸

This period of “equilibrium” is punctuated by certain shifts in the Muslim woman’s sexuality. For example, she becomes less of a passive object of male desire and, in some scenarios, recuperates some control over her sexuality’s deployment. According to Kahf, the “traditional myths of Islam waned or went into latency during this period because the forces producing them (e.g., the Church) had stalled.”¹⁹ During this “curious lull,” she argues, “older myths of Islam cut off from their sources, mutate, transform, and seem to float randomly, while emerging new myths are still vague and unsteady.”²⁰

Emerging geopolitical changes also precipitated this indifferent attitude toward the Islamic presence. According to Rodinson, the Mongol invaders of the thirteenth century and other politically disruptive forces, such as the Persians, added greater diversity to the theatre of conflict.²¹ The ensuing loss of a singularly Islamic referent led to a greater sense of ideological relativism.²² Kahf also points to an increase in secular humanism as a sociological construct during this period, which may have influenced the more cavalier approach to religious difference.²³

Other reasons, she notes, relate to Europe’s expanding transoceanic trade and exploration, which began to position it on a more equal footing with the Islamic empires.²⁴ The genesis of European imperialism in the New World began to shift the Old World’s balance of power and material resources. Muslims were no longer the only formidable actors on the geopolitical stage. The region’s holistic approach to the Islamic world also fragmented into more specific interrelationships. Italy, Kahf notes, negotiated a profitable trading relationship with the Ottoman Empire and became increasingly dependent on it.²⁵ Therefore, class-based interests stemming from new economic prospects at home and abroad began to displace previous fears of Islamic hegemony. This development may have

led to the equilibrium of the Muslim woman narrative within the textual accounts of this period.

Another dimension that I would add to both Kahf and Rodinson's analyses is that with the ascendancy of European imperial power and the corresponding decline in fear of the Islamic world's encroachment, Muslim women were no longer fetishized in their textual representation. Toni Morrison writes that fetishization evokes erotic fears and desires and, in literary use, "establishes [a] fixed and major difference."²⁶ According to McClintock, during the late Middle Ages "the Catholic priesthood used the term to condemn the charms and magical arts practiced by the restive populace and also to discipline wayward female sexuality"²⁷—such as the wanton queen. The fetish then occurs at the nexus of fear/desire and leads to the disavowal of difference. As the boundaries of fear and difference were closing in on the political and economic relationship between Europe and the Islamic empires, the recurring tropes of "the enamoured Muslim princess" and disciplining her wayward sexuality through the recurring scenario of conversion (which led to her silence and sublimation) were no longer needed to fetishize her representation in the text.

However, the respite was short-lived. By the sixteenth century in Spain, the Reconquista movement heralded a major shift in imperial control, ethnic purity, and religious conflict. These led to the activation of new Muslim woman meta-narratives. Expelling the Moors from Spain led to a campaign of ethnic cleansing that involved purging all things associated with the Moorish presence. This included a ban on the Arabic language, intermarriage, reeducation, and castration. This was done, as quoted by one Spanish leader (the Duke of Lermes), to ensure that "all the kingdoms of Spain remain pure and clean from this people."²⁸

A new archetype of the Muslim women was activated at this historical juncture when the vicissitudes of difference once again become negatively fixed. *Don Quixote* (Cervantes, 1605) is the new entry point for this emergent archetype. It is interesting to note that the heretofore unmentioned Islamic dress enters the textual discourse at this critical historical juncture. Once again an object that embodies fear (fear of the recuperation of Spain by "alien" forces), the Muslim woman archetype

enters as an unknown veiled foreign figure. In the play, a new paradigm emerges that equates her dress with both difference and silence: The character Dorotea asks: “*Is this lady a Christian or a Moor? Her dress and her silence make us think she is what we hope she is not.*”²⁹ Hence the equation of silence and difference is woven into the discourse of Muslim women’s dress.

As Kahf argues, elements of the enamored Muslim princess still inform this character, but she is reinvented as the “rescued Muslim maiden.” The conversion theme is reanimated, as are the corollary themes of betraying the father, transferring Muslim wealth, and emigrating to Christian lands (essential elements of this recurring motif). The primary difference, according to Kahf, is that the Muslim woman shifts from an active to a passive mode. Kahf asserts that this is due to her loss of agency. While the enamored Muslim princess archetype is enamored as the result of her own desire, the “rescued Muslim maiden,” on the other hand, needs to be rescued by another.³⁰

Another important aspect of this character was the transformation of her dangerous and transgressive sexuality by the veil. As Moorish women represented the possibility of repopulating Spain with an impure element, their sexual presence needed to be constrained.³¹ The danger represented by the Moorish women’s reproductive power may account for why we see, for the first time, a veiled Muslim woman. In this context, therefore, the veil represents her symbolic erasure from the text.³² Mernissi,³³ Moghissi,³⁴ and others have argued that the veil in Islamist discourse also represents an attempt to negate the fear of female sexuality. It is interesting that Zoreida, the veiled Muslim woman, unveils after her conversion so that, as the object of romantic desire, she becomes legitimated and redeemed from pagan “Otherness.”

Legitimizing desire also is enacted by representing enamored Muslim women as being lily white. This contrasts with the abjectly racialized depiction of the Black Moor, another archetypal feature of this period. Physical blackness was associated with “devilry and monstrosity” in the seventeenth-century consciousness.³⁵ As a racialized and thereby lower class character, Zanthia, a Black Moorish woman in the play (*The Knight of Malta*, 1619), conflates her sexual nature to overcompensate for

her debased physical beauty. Such legitimization, therefore, was racially circumscribed and policed in this textual representation by reasserting the positional superiority of whiteness. Another highly sexualized motif gains currency here as well: that of the *seraglio* (harem). This enacts what Kahf refers to as the “motif of enclosure.” This paradigm gives life to a whole new scenario, one in which we have the image of the jealous Muslim man guarding, veiling, and enclosing the women.³⁶

Colonialist Discourse. Shifting now to the colonialist discourse, where the motif of enclosure becomes highly popularized, Bullock, following the work of Timothy Mitchell,³⁷ argues that the colonial encounters between Europe and the Islamic world were framed by a “metaphysics of modernity” or the modernist worldview of experiencing the “Other” as an exhibit or spectacle.³⁸ Mitchell calls this the “ontology of representation,”³⁹ where staged exhibits of foreign lands popularized in Europe during the nineteenth century led spectators through an ordered representation of the Orient, which was open to the penetration of their gaze and from which they derived “knowledge.” This experience, Bullock argues, led to Europeans’ dissonance during their actual encounter with Islamic societies, for the society’s structure did not lend itself to the openness of the cultural spectacles to which they were accustomed. Instead, it served to deny the gaze through such practices as the veil.⁴⁰ Here the motif of enclosure gains a more threatening form. Women wearing the *niqab* (face veil) were particularly viewed as “gaze inhibitors” denying access and penetration of the colonial male gaze.⁴¹ Unpacking the effect of how the veil denied access to the colonizers’ gaze, Bullock argues that:

Europeans had the confident knowledge of being at the apex of civilization, but this conviction could be destabilized upon their arrival in the Middle East, especially in the case of those who were used to and expected, the exhibition effect of detached, objective viewing.⁴² How could one be superior to, or establish authority over, creatures that could not be known since they could not be seen or grasped as a picture.⁴³ What could not be seen or grasped as spectacle could not be controlled.⁴⁴ Moreover, Europeans felt uneasy about the veiled women.⁴⁵

At the same time, the veil became highly eroticized. Rey Chow writes that: “The Orient has become a metaphor for sexuality is encapsulated by the recurrent figure of the veiled woman. The inaccessibility of the veiled woman, mirroring the mystery of the Orient itself, requires a process of Western unveiling for comprehension.”⁴⁶ This “process of unveiling” is exemplified in Malek Alloula’s *Colonial Harem*,⁴⁷ a collection not of literary works but of postcards produced by the French in the early part of the twentieth century depicting Algerian women posed semi-nude. Alloula writes of how the photographer’s pornographic gaze is inverted by the subject:

Thrust in the presence of a veiled woman, the photographer feels photographed; having himself become an object-to-be-seen; he loses his initiative: he is dispossessed of his own gaze ... The photographer will respond to this quiet and natural challenge by means of a double violation: he will unveil the veiled and give figural representation to the forbidden.⁴⁸

This directly affected what Caplan refers to as the “looking relations” that serve to establish and sustain hierarchies and relations of power between social and cultural “Others.”⁴⁹ The preoccupation with unveiling Muslim women was linked directly to these looking relations, according to Bullock,⁵⁰ in that the relationship between the viewer (superior European males) and the object of their gaze (inferior Arab women) became inverted through the veil. The act of seeing was a symbolic act of possession. Therefore, rupturing the motif of enclosure emanated from the nexus of power, desire, and conquest. The veil’s enclosure allowed these women the vantage point of seeing without being seen, and hence disrupted the order and spectacle expected by the Europeans. Moreover, it ruptured the dynamics of power and privilege within the looking relations. The physical exploitation of the male imperial gaze therefore penetrated the very meaning of the “harem” or “forbidden space.” Ella Shohat writes that “it is this process of exposing the female Other, literally denuding her, which comes to allegorize the Western masculinist power of possession, that she as a metaphor for her land, becomes available for Western penetration and knowledge.”⁵¹

Europe's colonization of the Islamic world enacted a whole new political economy that had its own discursive ideological subtext. Muslim women entered the "imaginative geography" of the Orient as both an object of desire and a repressed maiden in need of rescue. The latter trope became more conventional in gaining consent and justification for colonial intervention to "rescue" Muslim women from their anachronistic and misogynist worlds. According to Bullock: "Invasion and colonization presented themselves to Europeans as something of a right and a duty, since only the superior Westerner could bring a stagnant Orient out of its backwardness."⁵² Thus the white man's burden or *mission civilisatrice* became a project of political, economic, and cultural domination sustained ideologically through knowledge production about the Orient as an atavistic place in need of modernization and "rescue."

Part II: The Feminist Gaze

Colonial and Orientalist images of Muslim women persist, despite new feminist movements away from essentialism and the increasing academic and political investment in polyvocality and personal narrative. Allocating voice to female subjects has been regarded as the erasure of the concept of "woman" as a universal and undifferentiated sociological category. Yet, in producing knowledge on Third World women and particularly Muslim women, the issue of voice is compromised by the political investment in maintaining academic proprietorship over the discourse as part of western knowledge of the "Other."⁵³

Does the feminist gaze simply reproduce the imperialist masculinist gaze, or is there a different logic to the way women see and represent "Other" women? In many ways, the feminist gaze during the colonial period led to the same exoticization as the male gaze. Yet there is some debate over the nature of western women's imperial cultural production vis-a-vis Muslim women. Billie Melman⁵⁴ and Reina Lewis⁵⁵ argue that colonial women "registered difference less pejoratively and less absolutely."⁵⁶ Melman argues that European women presented harem women more as sisters than as "alien others."⁵⁷ The harem signified the "image of the middle class home: domestic and feminine and autonomous" and,

she continues, seemed to embody the Victorian ideal of separate spheres particularly well.

Still, their seemingly relativist attitudes nevertheless maintained the West's superiority over the Orient and, in so doing, maintained western society's cultural hegemony and its power to name and define the Orient. Conversely, Shohat argues that female travelers participated in the colonial gaze and that their accounts represented "a subliminal erotic fascination with the female other, a fascination masquerading at times as a male gaze."⁵⁸ Judy Mabro also affirms that "female observers have been as ambiguous, as hostile and as Eurocentric as men."⁵⁹

Claiming Authority through Literary Strategies and Conventions. These forms of feminist representation of the Muslim "Other" relates to what Julie Stephens refers to as the "unmediated association between representation and reality that surfaces when non-Western women are the object of feminism's gaze."⁶⁰ This, she argues, represents the point at which "feminism collides and colludes with Orientalism."⁶¹

Specific literary devices are employed to inscribe "truth" and authority within such accounts. Stephens argues that various journalistic techniques are used to signal what is "information" in contemporary texts on third world women.⁶² These writings take the form of "travel documentary rather than specialist academic study," she asserts, and employ such textual strategies for legitimation as "clipped phrasing and clichéd images."⁶³ These stylized forms of writing render the scene so familiar, according to Stephens, that "the reader is almost immediately receptive to the 'information' that is to follow."⁶⁴

In *Nine Parts of Desire*,⁶⁵ for example, Geraldine Brooks prefaces each chapter with a verse from the Qur'an—a seal of authority to her impressionistic (and voyeuristic) view of Muslim women's lives. It sanctifies her script and the "information" that she relays of the Muslim "Other" through her first-person narrative. Stephens argues that when the first-person literary style is used, "the narrator appeals to the 'authority of experience' to establish her qualifications."⁶⁶ She goes on to say that while all texts legitimate themselves, what is interesting (and disturbing) is "the conflict between the techniques used and the discourses' feminist concerns." In a final lament, she writes that "as

feminism weaves its picture of the non-Western woman, it undoes many of its own aims.”⁶⁷

In structuring discourses on Muslim women, the use of discursive power results in what can be construed as “metaphorical violence.”^{68,69} The use of descriptive metaphor and allegory are literary devices that often serve the writer’s political aims and biases.^{70,71,72} Brooks uses these strategies skillfully to portray women according to her Eurocentric conceptions.^{73,74,75} For example, her description of a friend and colleague who began to wear the veil is unpacked through the following imagistic realism: “It was like watching a nature film run in reverse: she had crumpled her bright wings and folded herself into a dull cocoon.”⁷⁶ Using the allegory of a reversal of nature allows Brooks to bring her readers to the conclusion that the practice of veiling is “unnatural.” To what extent she does violence to her friend’s choice is a question that becomes elided through the use of aesthetic language. Through this style of writing, metaphor and descriptive language are employed in ways that do violence to the subject(s) by objectifying and obfuscating their realities so as to blur the distinction between actuality and the ideologically situated account that is produced.

The continuity of colonial and Orientalist scholarship in contemporary representations construct Muslim women as a universal, ahistorical, and undifferentiated category who become essentialized through the uniqueness of their difference. Eurocentric discourses on Muslim women serve the continuing political intent of justifying western superiority and domination. This form of academic imperialism sets up a binary analytical framework that juxtaposes the West’s “liberated” women with Islam’s “oppressed” women. Positioning Muslim women within this dynamic has been used to frame a particular understanding of them as second-class citizens within Islam. The essentialism invoked in this process projects Muslim women as an *a priori* social category with embedded qualities that become objectified through a discourse of Otherness.⁷⁷ Lazreg goes on to explain how the Third World female subject is constructed as a prior category of analysis:

The totalitarian character of the existing representation of difference appropriates differential items haphazardly and

incorporates them into a structure that becomes autonomous and stands for the lived reality of Third World women. An abstract anthropological subject deemed “oppressed” is thus created. Studying this constructed subject is not for the purpose of understanding her as such as it is to gather documentary evidence of her “oppression.” Ironically, the language of liberation reinscribes relations of dominance.⁷⁸

This sort of academic treatment connects how social meanings are constructed and tied to projects of economic and political domination, and how knowledge production reproduces the ideological practices of colonialism.

Reproducing Literary Tropes of Otherness. Examining contemporary feminist writing, we see such paradigms of the “oppressed Muslim woman” and “rescued Muslim maiden,” or perhaps “Muslim maiden in need of rescue,” reproduced. We also see the motifs of “conversion” and “enclosure” operate in renewed ways. This occurs within the genre of what has been termed imperialist feminism and has been critiqued by Mohanty, Amos and Parmar,⁷⁹ Lazreg, and others for representing Third World women through the binary relations of the First World/Third World balance of power and the corresponding construction of Muslim and Third World women as an essentialized category of “Other.”⁸⁰

I will give some examples of how these archetypal paradigms, which historically have permeated knowledge production on Muslim women, are reproduced in imperialist feminist writing. Let us begin with the “oppressed Muslim woman paradigm.” It is hard to narrow the many contemporary representations of Muslim women as “oppressed.” They occur in travel writing, fiction/non-fiction, and popular culture. Some salient examples come from the title of books that utilize the “enclosure motif.” For example, Patricia Jeffery’s book on women and *purdah* entitled *Frogs in a Well* has a self-explanatory imagery.⁸¹ Then there is Juliette Minces’ *House of Obedience*.⁸² Both descriptively capture particular images of enclosure and repression. While this is not to deny that women living the circumstances described in these books do suffer oppressive conditions, it is necessary to problematize the process through which these

metaphors, once having gained currency, become universalized and are used to essentialize the representation of all Muslim women as an undifferentiated category marked by oppression.

Novelist Katherine Govier describes seeing Muslim women wearing a face veil at the Beijing conference as “walking black pyramids, shrouded in black ... rendered voiceless and invisible.” She remarks:

It shocks me and then makes me want to laugh at its absurdity. Two black figures, their oval heads distinguishable atop a pyramid of swathing ... who are these figures? Bank robbers? Egyptian mummies in full drag? Escapees from the executioner’s chambers?⁸³

This description is a prime example of the dissonance of imperialist feminist gaze as it confronts and defines the nature of these women’s “difference” as total, abject, and irreconcilable. It simultaneously divests these women of their agency and assumes their lack of political maturity to decide their own expressions of identity and womanhood.

Similarly there is the description of the veiled Muslim woman as “anonymous, a non-person unapproachable, just a silent being skulking along looking neither left nor right.”⁸⁴ This recaptures the equation of silence, erasure, and Islamic dress that emerged in *Don Quixote* and is reminiscent of the line “*her dress and silence make us think she is what we hope she is not.*” In this type of representation, the Muslim woman operates as a foil for the liberated western woman. This “positional superiority” serves to create dominance by promoting essentialized difference. This move falls into the revamped paradigm of conversion, where the goal is not religious conversion but emulation of the western woman as a marker of Muslim women’s liberation. For example, Fatima Mernissi writes that “the nascent liberation of Muslim women has indeed borrowed many characteristics of Western women’s way of life. The first gesture of the ‘liberated’ Arab women was to discard the veil for Western dress.”⁸⁵ Conversion and “respectability,” then, now occurs through the westernization of Muslim women rather than their acceptance of Christianity.

Another example of the redefined motif of conversion-as-westernization is evident in an ad by the sportswear company Bijan, printed in a 1993 issue of *Vogue* magazine. The image of a Muslim woman stared back from the page with a blank expression, veiled in black with the message written below: "Women should be quiet, composed, obedient, grateful, modest, respectful, submissive and very, very serious." This picture was juxtaposed with the image of the same woman transformed into the quintessential all American girl, smiling with a baseball bat in hand, looking feisty and vivacious. The message below her read: "Women should be bright, wild, flirty, fun, eccentric, tough, bold, and very, very Bijan."

This ad reinforces the notion of conversion to American cultural norms and values as the medium of liberation for Muslim women. It also reasserts the dichotomization of social values associated with women in Islam's "backward" vision versus the West's "progressive" vision. In this recurring paradigm, the Islamic "Other" is portrayed once again as the foil, a caricature based on notions of an anachronistic Islamicized identity.

McClintock argues that a popular Victorian trope of "Otherness" emerged as the "invention of anachronistic space."⁸⁶ In the Victorian imagination, the "Other" of the colonized world existed almost meta-physically in an anachronistic moment of prehistoric temporal space. This representation contrasted sharply with the concurrent concept of imperial "progress" and the inherent superiority of Europe and Europeans. McClintock goes on to say that "within this trope, the agency of women, the colonized, and the industrial working class are disavowed and projected onto anachronistic space: prehistoric, atavistic and irrational, inherently out of place in the historical time of modernity."⁸⁷ Said also notes the Orientalists' tendency to view the Orient in terms that were "static, frozen and fixed eternally."⁸⁸ This "backwardness" continues to be inscribed upon the archetypal image of the Muslim woman. Her only redemption lies within her willingness to accommodate herself to modernity and western cultural norms.

The material and ideological conditions for this paradigm's persistence also may be tied to globalization and the homogenization/

westernization that occurs through the attempt to develop a “singular world culture.” This simply masks the encroachment of western cultural hegemony over the South. Complex issues arise relating to the assimilative affect of a global cultural synthesis taking place as the result of the North’s cultural and economic imperialism over the South. Samir Amin argues that “the progressive Westernization of the world is nothing more than the expression of the triumph of the humanist universalism invented by Europe.”⁸⁹ He points out that the dominant ideology of Eurocentrism is not only a world vision, “but a political project on a global scale: a project of homogenization through imitation and catching up.”⁹⁰ For Amin, as long as the peripheries are connected to the world capitalist system, they will be doomed to being only a cheap imitation of the West. He goes on to say:

[T]hese societies can only progress to the extent that they imitate the West. And this is what they are doing in any case even if they are doing it slowly and imperfectly, because of elements of resistance based on outmoded dogmatism (like Marxism) or anachronistic motivations (like tribalism or religious fundamentalism).⁹¹

Within the Eurocentric paradigm, liberation for Muslim women is measured by the degree to which their dress codes conform to standards acceptable in the West.⁹² This is not to deny the fact that the policing of women’s dress by repressive regimes (e.g., the Taliban) is unjustifiably oppressive. However, to expect conformity to a set of cultural codes determined by the West means that Muslim women will be subjected to yet another hegemonic worldview and will continue to be denied the opportunity to define for themselves what liberation and empowerment mean and whether or not this includes the veil.

Another example of contemporary imperialist writing from Geraldine Brook’s *Nine Parts of Desire* provides a narrative account of her traveler’s tale voyaging through Muslim societies. She describes her feelings of dissonance when she meets a Muslim woman whose Islamic militant voice appears incompatible with her “Western dress.” She writes: “For me it was

easier to deal with Hamida in her *chador*. The things she said somehow seemed less jolting coming out of that anonymous darkness.⁹³ Brooks is disconcerted by Hamida's unwillingness to fall into the conversion paradigm—adopting western dress was supposed to herald a change in feminist consciousness that should have led her to betray her religion and way of life. In another encounter with what she describes as an “Egyptian yuppie,” who interrupts her Orientalist vision of what the Middle East should be, Brooks is compelled to remark:

Sahar was both reassuringly familiar and depressingly unexotic. I had imagined the Middle East differently. White robed Emirs. Almond eyed Persians. Camels marking the horizon like squiggles of Arabic calligraphy. An Egyptian yuppie hadn't been part of the picture.⁹⁴

Brooks is disappointed that the reality she encountered did not correspond with her imagined Orient. This relates to how Said describes the Orient as “a system of representations *framed* by a whole set of forces that brought the Orient into Western learning, Western consciousness and later Western empire.”⁹⁵ According to Said, the West's fixation with the Orient exists in almost axiomatic terms:

[T]hat Orientalism makes sense at all depends more on the West than on the Orient, and this sense is directly indebted to various Western techniques of representation that make the Orient visible, clear “there” in discourse about it. And these representations rely upon codes of understanding for their effects, not upon a distant and amorphous Orient.⁹⁶

So in order to have the Orient “make sense,” there must be a correspondence between what the imaginative geography of the West deems it to be and the ontological reality that it is. For Brooks, the disjuncture between the two overburdened her sensibilities.

The last motif I want to touch on is that of the “Muslim woman in need of rescue.” This is underscored by the insistence that western

feminists must become the intellectual vanguards of Muslim women, who apparently lack the political maturity to articulate their own discourses of emancipation. The trope of “rescue” has become a popular motif. However, many Muslim women writers who seek to reclaim discursive authority over how they are represented and named are resisting it.⁹⁷ The meanings that have been inscribed on the Muslim woman’s body as “oppressed” or as a passive victim of patriarchal domination provide limited ways of understanding the complex narratives through which Muslim women actually live their lives as actors and resisters.

As we have seen, analytically reductive paradigms have limited the multiple meanings associated with the politics of veiling to a point where the metaphors of the veil as a marker of “backwardness” and “anti-feminism” have come to “stand in” for the varied lived experiences of Muslim women who veil, thereby erasing their agency. Homa Hoodfar writes:

Muslim women like all other women are social actors, employing, reforming and changing existing social institutions, often creatively to their own ends. The static colonial image of the oppressed veiled Muslim woman, thus often contrasts sharply with women’s lived experience of veiling.⁹⁸

Therefore, our understanding of real Muslim women is impoverished by these dominant academic approaches.

Mohanty contextualizes the discursive practices of academic inquiry that produce these pejorative images relating to Muslim and third world women as part of the “First/Third World balance of power.” She goes on to say:

[F]eminist analyses which perpetuate and sustain the hegemony of the idea of the superiority of the West produce a corresponding set of universal images ... These images exist in universal ahistorical splendour, setting in motion a colonialist discourse which exercises a very specific power in defining, coding and maintaining existing first/third world connections.⁹⁹

Ironically it is this same mode of defining social reality in binary oppositional terms that inspired great criticism from feminist circles when western women were viewed in the same unidimensional terms and their experience as meaningful independent agents was categorically reduced to their role vis-a-vis men. Lazreg writes that “when the power of men over women is reproduced in the power of women over women, feminism as an intellectual movement presents a caricature of the very institutions it was meant to question.”¹⁰⁰ Thus, this imperialistic brand of feminism has passed on the legacy of oppression to their Muslim/Third World sisters by creating the same ethnocentric—if not misogynist—climate for academic inquiry.

Conclusion: Writing Ourselves

The evolving Muslim woman archetype has undergone several transmutations. Her textual presence has embodied and symbolized the political, economic, cultural, and ideological relations between Europe and the Muslim world at particular historical moments. In the textual accounts presented, Muslim women have been produced discursively as products of both the male and the feminist gaze within the context of varying relations of power and domination. Neither construction speaks to the diverse realities and experiences constituting the existences of Muslim women on a global scale. Yet these paradigms have had an essentializing effect on representing all Muslim women as being part of a single undifferentiated category marked by a common trope of oppression.

Therefore, the western/Orientalist construction of Muslim women has maintained currency despite the fact that it presents distorted and static images. On the other hand, the concrete social category of “Muslim woman” absorbs many meanings and incorporates various individual, cultural, and sectarian interpretations of Islam. As such, there is a disjuncture between the various discursive paradigms that attempt to contain Muslim women’s realities (including those equally limiting constructions from fundamentalist perspectives) and their varied ontological experiences. As such, no singular construct can harness the social

nuances and dimensions that constitute the Muslim woman as a subject and actor.¹⁰¹ Being written within the recurring oppression paradigm requires that Muslim women must deconstruct the political and social realities that limit the ways their identities and experiences have come to be known before they can rewrite these scripts.

In discussing the politics of knowledge production, Edward Said said that “because of Orientalism, the Orient was not (and is not) a free subject of thought or action.”¹⁰² In other words, the terms for entering into discussions of the Orient and of Muslims or Muslim women already have been determined discursively. Therefore there is no pure space from which we can begin to create counter-narratives that capture the complexity obscured and denied by recurrent archetypes.

Representational politics that recolonize knowledge production are being countered globally as part of a growing anticolonial movement by some indigenous feminist scholars who are attempting to redefine the epistemological terrain through which their realities have come to be known.¹⁰³ As part of this anti-imperialist approach to knowledge production, the saliency of dominant stereotypes and hegemonic ways of knowing about women and Islam is being challenged by some non-Muslim feminist scholars¹⁰⁴ and by Muslim women who contest the unidimensional way in which they have come to be represented and understood.¹⁰⁵

The current political and social context following the 9/11 tragedy has brought the relationship between contemporary geopolitics, globalization, and representation into fresh relief. The project for Muslim women must now shift toward decolonizing the epistemological spaces through which one comes to know of Islam and Muslims, and reclaiming the space to name our own identities and realities. More “authentic” modes of representation need to be claimed by Muslim women themselves as a means to develop counter-narratives that challenge the hegemonic ways in which our identities have been scripted historically.

Endnotes

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- 14 Ibid., 21.
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- 17 Kahf, *Western Representations*, 30.
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- 26 Toni Morrison, *Playing in the Dark* (New York: Vintage Books, 1992), 68.
- 27 Anne McClintock, *Imperial Leather* (New York: Routledge, 1995), 185-86.
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- 31 *Ibid.*, 86.
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Islam, Slavery, and Racism: The Use of Strategy in the Pursuit of Human Rights (1987)*

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Slavery is one of the most controversial and arresting topics in human history. The question of Islam in relation to slavery has been an issue of concern among scholars for a long time. It became a question in which many Orientalists found a convenient gap to pass through in their attacks against the system of governance and justice in Islam. This self-righteous criticism against the attitude of Islam towards slavery is part of a long Western tradition of scholarship based on stereotyping, overstating, and selectivity of Islam in particular and the Orient in general. Most of the time, the statements of these scholars are presented in a sugar-coated style of language that is more dangerous than if they were presented in a critical, open, and direct language. Thomas Carlyle, Renan, Goldziher, Macdonald, von Grunebaum, Gibb and Bernard Lewis are good examples and representatives of this tradition.¹

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This biography appeared in the article when it was first published.

*This article was first published in the *American Journal of Islamic Social Sciences* 4, no. 1 (1987): 31-50
Abdallah, Fadel. 2024. "Islam, Slavery, and Racism: The Use of Strategy in the Pursuit of Human Rights (1987)." *American Journal of Islam and Society* 41, no. 1: 237-262 • doi: 10.35632/ajis.v41i1.3423
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The aim of this article is to use *ijtihad*, or informed intellectual effort, to show through textual and historical evidence that Islam, in its battle for justice, which is identical to human rights, fought against slavery and initiated a humane and practical plan for its abolition. Only deviation from Islam prevented elimination of slavery within the first few decades of Islam. In Arabia itself within forty years, except for temporary prisoners of war, slavery had disappeared.

We shall begin with a brief historical survey of the institution of slavery before Islam. The body of this article will concentrate on discussion and analysis of some related texts from the Qur'an and the Hadith as well as some historical data that reflect the practical attitude of devoted Muslims towards slavery and slaves. The attitude of Islam towards race, color, and slavery in the context of the trans-Saharan slave trade are two issues that this paper will deal with since they have a direct bearing on the question of slavery in Islam.

Historical Background

It might not be an overstatement to say that slavery is as old as mankind. We learn from history that slavery was common during the Pharaonic period. Black African slaves, as well as white slaves from elsewhere were captured and put to work building the famous Pyramids of Old Egypt.² The Greek fables tell us that the Phoenician merchants traded in every commodity; even in men, women, and children whom they bought or kidnapped. The Carthaginians had large numbers of slaves employed as skilled cultivators to work their fields. The Balearics seem to have been the main slave market for the Carthaginians because the inhabitants of these Islands were willing to sell three or four men to obtain one woman.³

Slavery was also well established among the Greeks; its legality was sanctioned by the law of the State. The two famous Greek philosophers, Plato and Aristotle, considered slavery the natural law of humanity. They argued that human beings by nature belong to one of the two groups: the first group is free and the second is slave. Plato related slavery to political considerations and thus maintained that slaves should be treated with severity in order to maintain the balance in his Republic. On the other hand,

Aristotle related slavery to economic necessity and thus recommended good treatment for the slaves.⁴ As a reaction to the wide-spread practice of slavery and the bad treatment the slaves received, other Greek schools of thought, poets, and orators raised their voices against slavery.⁵ Reform was needed because the Greek practiced the enslavement of prisoners of war and Greek law sanctioned the enslavement of the debtor by his creditor.⁶

During Roman times, slavery became a deeply entrenched institution in Roman military, economic, and cultural life. The Romans were very active and deeply interested in slave trade, and their sources of slaves were related to their wars of conquest. For the Romans, the sources of slave supply in Europe and Asia were almost unlimited. The famous uprising of Roman slaves led by Spartacus not only demonstrates that slaves were in abundant numbers, but also demonstrates that they were maltreated by their masters.⁷ Indeed, the maltreatment of slaves during the early Roman times became proverbial in the history of slavery. At that time, the slave had no rights and was not even considered as a human being. Rather, slaves were things and commodities to be bought and sold. When the Romans became Christians later on, however, the lot of the slaves improved, thanks to teachings of Christianity.⁸

Other civilized nations of antiquity knew slavery as well. In China, the major cause of enslavement was poverty. A person would sell himself or his sons as slaves for economic reasons.⁹ Among the Hindus of India, the institution of slavery was part of the class system and was sanctioned by their religious law. The slaves among the Hindus constituted the large majority of the people and their rights were virtually non-existent.¹⁰ Among the Persians, rulers were considered descendants of the gods, constituting a class above their people. The masses were then considered slaves of the ruling class.¹¹

If we move to consider the attitude of two of the world's revealed religions, Judaism and Christianity, we find striking facts. The religious law in the Old Testament sanctions slavery. This law permits a poor Jew to sell himself to a rich Jew, and it allows a creditor to enslave his debtor. The law limits this form of enslavement, however, to a maximum of six years.¹² In war, all the inhabitants of a conquered city became slaves of the conquering Jews.¹³

As for Christianity, one fails to find in the New Testament any text that criticizes slavery, legislates for it, or encourages the liberation of slaves. In deed, the fathers of the Church only spoke about the obligation of the slave to obey his master.¹⁴ Some commentators have considered this as evidence to support the conclusion that Christianity approved of and gave sanction to the institution of slavery.¹⁵

The foregoing historical background leads us to the conclusion that the institution of slavery is of great antiquity. It was known, sanctioned, and practiced by the civilized nations of ancient history. Among these nations, several forms of slavery were known: individual enslavement, collective enslavement, feudal enslavement, class enslavement, and sacerdotal enslavement.¹⁶ Moreover, the causes and the sources of slavery varied. There were slaves of war, slaves of captivity and piracy, slaves of purchase, slaves of debt, and slaves of birth.¹⁷ With the exception of a few individual voices now and then throughout history,¹⁸ humanity before Islam did not witness an organized, conscious, serious, and practical effort to do away with slavery.

The Arabs of the pre-Islamic times knew slavery also. They obtained their slaves basically by raiding each other. They were also known, however, to have imported slaves from Ethiopia. Slaves among the pre-Islamic Arabs were considered a sub-class and they could not be freed, even if they were born of a free father and a slave mother. The well-known story of the pre-Islamic hero and poet, 'Antarah al-'Absi, reflects the attitude of the Arabs towards slaves. 'Antarah's story, however, is an unprecedented breakthrough in the caste system practiced among the Arabs before Islam.

The Attitude of Islam towards Slavery

When the Qur'an was revealed, the institution of slavery was a well-established tradition among the old civilized nations across the globe, a tradition that predates Islam by many centuries. To show the true attitude of Islam towards slaves and slavery, which is a task of *ijtihad*, we are going to be dealing with the issue as presented in the Qur'an and confirmed by the sayings and practices of the Prophet (SAAS) and the

early pious Muslims (*ṣaḥāba*). First of all, it is significant to remember in regard to the slavery issue, that Islam dealt initially with an institution that was already well established across the globe. Slavery was not a local, limited problem; it was, rather a very touchy global economic and social issue, as well as a delicate moral problem. With wisdom, far sightedness, and a deep sense of practicality, I believe, Islam dealt effectively with this issue.

In regard to the subject of slavery in general, although the Qur'an did not abolish it in clear, direct language, the Qur'anic teachings did attempt to raise the moral and material status of slaves and to encourage their freedom.¹⁹ The freeing of slaves is regarded as a meritorious act, an act that brings a human being closer to Allah. The Qur'an initiated the idea that the emancipation of a slave might serve as a form of legal expiation (Arabic: *Kaffārah*) for some wrong doing or violation of the teachings of Islam. The legal expiation for non-intentional homicide includes the freeing of a slave.

It is not for a believer to kill a believer unless it be by mistake. He who killed a believer by mistake must set free a believing slave, and pay the blood money to the family of the slain, unless they remit it as a charity. If he [the victim] be of a people hostile unto you, and he is a believer, [the penance is] to set free a believing slave. And if he cometh of a folk between whom and you there is a covenant, then the blood money must be paid unto his folk and [also] a believing slave must be set free. And whoso hath not the wherewithal must fast two consecutive months. A penance from Allah. Allah is Knower, Wise.²⁰

It should be noticed that the freed slave should be a believing one since the slain was a believing person. The concept of making believing slave equal to a believing freeman is implicitly understood from this verse.

The legal expiation for breaking an intentional oath includes the option of freeing a slave.

Allah will not take you to task for that which is unintentional in your oaths, but He will take you to task for the oaths which ye swear in earnest. The expiation thereof is the feeding often of the needy with the average of that wherewith ye feed your own folk, or the clothing of them, or the liberation of a slave, and for him who findeth not [the wherewithal to do so] then a three day fast. This is the expiation of your oaths when you have sworn; and keep your oaths.²¹

The penalty for those who put away their wives²² and afterwards would go back on that which they have said is freeing a slave.

Those who put away their wives [by saying they are as their mothers] and afterward would go back on that which they said, [the penalty] in that case is the freeing of a slave before they touch one another. Unto this ye are exhorted; and Allah is informed of what ye do.²³

It should be noticed that the freed slave in this case does not necessarily need to be a believer, implying that the Qur'an was concerned with the freeing of slaves in general, not only Muslim slaves. Also, it should be noticed that there are no options here; freeing a slave is the only accepted expiation for its behavior.

At this point, we pause to make an important comment. The habit of swearing, pronouncing oaths, and putting away wives through a *zihar* type of swearing, were very commonly practiced among the Arabs. One can only appreciate how wide a channel for the freeing of slaves developed under Islam after considering this habitual practice among the Arabs.

Besides considering the freeing of slaves as legal expiation for some wrong-doing, the Qur'an also regards it as a meritorious act, one worthy in reaching salvation and coming closer to Allah. In Chapter XC, Allah talks about the penetration of certain ascents in order to reach salvation and become one with those who are on the right path. One of these ascents is the freeing of a slave.

Did we not assign unto him [the human being] two eyes, and a tongue and two lips, and guide him to the parting of the mountain ways [the ways of good and evil]? But he hath not attempted the Ascent Ah! What will convey unto thee what the Ascent is? It is to free a slave ...²⁴

It is important to note in the immediately subsequent verses that freeing a slave is associated in this context with feeding a hungry orphan in the day of hunger or some poor wretch in misery. Also, it is associated with believing and exhorting to perseverance and pity, all of which would qualify a person to reach salvation in the hereafter.²⁵

The practicality of the Qur'an in solving the problems of the slaves can be appreciated, on the one hand, in the encouraging of rich individuals to spend part of their money for the emancipation of slaves and, on the other hand, by sanctioning part of the state revenue from the *zakat* for the freeing of slaves. In relation to the first aspect, Allah says:

It is not righteousness that ye turn your faces to the East and the West; but righteous is he who believeth in Allah and the Last Day and the Angels and the Scriptures and the Prophets; and giveth his wealth, for love of Him, to kinsfolk and to orphans and the needy and the wayfarer and to those who ask, and to set slaves free; and observeth proper worship and payeth the poor-due ...²⁶

Here we can see that Allah associates spending money to set slaves free with believing in Allah, praying and paying the poor-due (*zakat*), all of which are considered pillars of Islam.

In another passage, Allah reproaches the wealthy for not sharing their wealth with their slaves so that they can be equal to them.

And Allah hath favored some of you above others in provision. Now those who are more favored will by no means hand over their provision to those whom their right hands possess [i.e.

slaves], so that they may be equal with them in respect thereof. Is it then the Grace of Allah that they deny?²⁷

In another verse, we hear that part of the alms should be devoted by an Islamic government to free slaves.

The alms are only for the poor and the needy, and those who collect them, and those whose hearts are to be reconciled and to free the captives and the debtors. and for the cause of Allah, and for the wayfarer; a duty imposed by Allah. Allah is Knower, Wise.²⁸

In the above quoted verses, which deal with the money that should be devoted to the cause of freeing slaves, the Qur'an shows that part of the slavery problem is economic, and that therefore economic means should be used to solve it. The verses dealing with freeing slaves through legal expiation were intended to deal with the moral aspect of the problem of slavery. The wrong doers, by purifying their souls, were to recognize that slavery is morally wrong.

Another channel through which the Qur'an addressed the problem of slavery can be seen in the prescription of a written contract of emancipation (Arabic: *al-Mukatabah*). The slaves are encouraged to seek this contract and the masters are ordered to grant it to them:

And let those who find not the wherewithal for marriage keep chaste till Allah give them independence by His grace. And such of your slaves as seek a writing [of emancipation], write it for them if ye are aware of aught of good in them, and bestow upon them of the wealth of Allah which He hath bestowed upon you ...²⁹

This is, no doubt, a great concept for dealing with both the moral aspect and the practical aspect of the problem of slavery. This concept encourages the slave to take the initiative in gaining his own freedom. The slave asks for a written contract between himself and his master, according to which he earns his freedom after paying a certain amount of money to his master. The contract grants the slave the right to work

for others besides his master in exchange for a wage. The money he then saves from these wages are paid as the price for his freedom.³⁰ The concept apparently is intended to prepare the slave psychologically and physically for the post-emancipation period. Psychologically, the slave would feel good by knowing that he can initiate the process of his own freedom. Also, it would give him a great psychological satisfaction to know that he can conclude a contract with his master on an equal basis. Moreover, this solution gives the slave the satisfaction of working for his freedom from within and knowing that this freedom is not given to him cheaply from without. The practical aspect of this concept rests on the fact that this exercise would prepare the slave to be independent by his own work and effort after the emancipation period. For the master, this process would teach him a moral lesson in accepting the equality of the slave and the admission that the slave can be an independent human being.

The Qur'an recognizes that slavery is a social problem, a problem of caste and classes. Nothing can be more effective in eliminating it than intermarriage between the people of these different classes. Thus, we find in the Qur'an several passages where the Muslims are encouraged to marry their slaves and emancipate them:

And marry such of you as are solitary and the pious of your slaves and maid servants. If they be poor, Allah will enrich them of His bounty. Allah is of ample means, Aware.³¹

In another verse, the Qur'an warns men against marrying more than one free woman if they fear to be unjust to them. Marrying slave women, however, was left unlimited in number.

And if ye fear that ye will not deal fairly by orphans, marry of the women, who seem good to you, two or three or four; and if ye fear that you cannot do justice [to so many], then one [only] or the ones your right hands possess [i.e. slaves]. Thus it is more likely that ye will not do injustice.³²

The wisdom behind encouraging men to marry slave women is related to the intent of the Qur'an to break the social barriers between masters and slaves, as well as to give these slave women the opportunity

to realize their freedom. Freedom for many of these slave women arrived in the form of pregnancy after their marriage to a free man. Once a slave woman gets pregnant, she becomes free by virtue of the fact that she is the mother of a free child sired by a free man. In not limiting the number of slave women that a free man can marry, one can see the intention of giving more women the opportunity to be free through this process. This attitude of the Qur'an is unique and has no precedented examples in any of the teachings of the religions and schools of thought that antedated Islam. Indeed, in most of these religions and philosophies, a person who would marry a slave is considered an outcast.³³

What is yet more instructive is that the Qur'an in another passage encourages men to marry slave women in the same manner they marry free women:

And whoso is not able to afford to marry free, believing women, let them marry from the believing maids whom your right hands possess. Allah knoweth best [concerning] your faith. Ye [proceed] one from another so wed them by permission of their folk, and give unto them their portions in kindness, they being honest, not debauched nor of loose conduct. And if they are honourably married, and they commit lewdness, they shall incur the half of the punishment [prescribed] for women [in that case] ...³⁴

So here one can see that the Qur'an is trying to elevate the status of slave women by encouraging the Muslims to marry them after paying them their allocated portions and after asking for their hands from their masters (which the Qur'an calls "folk" here). The tolerance of Islam towards slave women reaches such a degree that after trying to elevate them to the social status of free women, the Qur'an then goes on to reduce a slave woman's punishment for improper behavior to half of that of a free woman.

The other passages in the Qur'an that have a direct bearing on the question of slaves, oblige masters to treat slaves well and to consider them as part of blood family members and friends. One example would serve our purpose in illustrating this attitude:

And serve Allah. Ascribe nothing as partner unto Him. Show kindness unto parents, and unto near kindred, and orphans, and the needy, and unto the neighbour who is of kin [unto you] and the neighbour who is not of kin, and the fellow traveller and the wayfarer and those whom your right hands possess [the slaves]. Lo! Allah loveth not such as are proud and boastful.³⁵

The foregoing account surveys the Qur'anic passages that have a direct bearing on slaves. Reference to slaves occurs in twelve chapters of the Qur'an and in thirty two passages. There is not one single verse that sanctions slavery. All that occurs is dealing with legal expiation and edicts for emancipation and orders for good treatment of all slaves. It is true that there is no direct language in the Qur'an that calls for the abolition of slavery. But all considered, one can see, if one wishes to see, that the Qur'an condemns slavery as morally, economically, and socially wrong. All this is expressed implicitly in a more eloquent way than if it were expressed explicitly. If human beings are allowed to express themselves implicitly and consider that a means of eloquence, why then is it not permitted for Allah to do so? Though this might be a legitimate argument that would be enough to close the discussion concerning this question, much more can be said by way of explanation.

Textual Evidence from the Hadith

In all matters related to Islam, the Hadith of the Prophet Muhammad serves always as a way of further support that confirms the teachings of the Qur'an and explains them. The corpus of the Hadith dealing with our subject is extensive. A sampling of them, however, will be enough for the limited purpose of this paper. Like the verses of the Qur'an, the Hadith prescribe ways for encouraging Muslims to set slaves free; they also call for the good treatment of slaves.

Malik ibn Anas reported the following Hadith in which the Prophet encourages the emancipation of slaves by showing Allah's high reward for such a deed:

Whosoever frees a slave who is a Muslim, God will redeem every member of his body, limb for limb, from Hell-Fire.³⁶

As we saw in the teachings of the Qur'an, the Prophet encouraged the Muslims to marry their slave women and set them free.

He whosoever educated his slave girl, freed her, then married her, will be doubly rewarded.³⁷

Here we can see an explicit instruction by the Prophet urging Muslims to educate, free, and marry their slave women. To pay due account to the feelings of the slaves, the Prophet instructs the masters:

Let none of you say: 'this is my slave man and this is my slave woman', but rather say: 'this is my boy and this is my girl.'³⁸

Moreover, the Prophet instructed the Muslims to consider their slaves as brothers and sisters, to feed and clothe them as they would themselves, and not to overburden them with work.

Your slaves are your brothers, so whosoever has his brother under his authority should feed him from what he eats, dress him from what he dresses; and do not over task them [your slaves] with what might overburden them; if you do, then you have to help them.³⁹

The Hadith establishes that slaves are souls who are equal to their masters, so a master who maltreats or harms his slave should receive an equal punishment:

He who kills his slave will be killed by us, and he who amputates [some part of the body] of his slave will be so amputated by us, and he who castrates his slave will be castrated by us.⁴⁰

The Prophet sanctions the manumission or freeing of slave at the legal expiation for beating them:

He who beats up or jolts his slave, his legal expiation is freeing him.⁴¹

In reviewing the corpus of the Hadith that deal with the question of slaves, one can clearly see that the Prophet was concerned with the freedom of slaves as well as with their moral and material welfare. Muslims were instructed not to hurt the feelings of their slaves, to provide for them from the same food and clothing that they have for themselves, and to consider slaves as equal to their masters in the eyes of the law. Nothing close to this was done in favor of the slaves in any other religion or philosophy before Islam.

Historical Evidence

Skimming the pages of Islamic history, one can find ample evidence demonstrating that practicing Muslims upheld the teachings of their religion on slavery. The Prophet Muhammad was the first practicing Muslim to carry out the teachings of Islam. Only a sampling of his deeds are possible in this paper.

In the question of encouraging the Muslims to free their slave women and marry them, Muhammad, both a Prophet and man, proceeded to set the example for other Muslims. History reports that in the campaign of al-Khandaq, a certain Şafiyya bint Ḥuyayy was imprisoned and enslaved. She came to ask Muhammad to help her in obtaining freedom. He proposed a marriage between them to which she agreed and through which she gained her freedom. Seeing the example of the Prophet, many of his followers followed suit.⁴² There is also the story of the Coptic slave woman, Mary, who was sent to Muhammad as a present by the Coptic ruler of Egypt. The Prophet freed her and married her.⁴³ History also tells that the Prophet arranged the marriage of Zayd ibn Ḥāritha, his freedman and adopted son, with Zaynab, the Prophet's cousin.⁴⁴ Reference to this marriage occurs in the Qur'an, Surah XXXIII: 37. All of these examples illustrate beyond any doubt that the Prophet wanted to set examples to elevate the social and moral status of slaves as well as to break down the barriers of caste and race.

During the early Islamic religious campaigns, the Prophet provided yet other examples for freeing slaves. In the Ḥudaybiyah campaign,

accounts tell us that when many slaves from the enemy camp came to the Muslim camp to embrace Islam, the Prophet announced that they automatically became free.⁴⁵ Muhammad also initiated a very novel way to free slaves; history tells us that the slaves of war in the Islamic campaigns were set free if they taught ten Muslims how to read and write.⁴⁶

History records the stories of several slave men and women whose attachment to the Prophet became proverbial, as did his attachment to them. The limitation of this paper does not allow us to tell all of their stories, but their names must be recorded as part of our documentation. They are: Thuwayba, his wet nurse; Barakah Umm Ayman, his nursemaid; Zayd ibn Hāritha, his freed slave and adopted son; Bilāl ibn Rabāh, the famous Ethiopian muezzin of Islam; Usāmah ibn Zayd and Salmān al-Fārisī.⁴⁷

By and large, the act of emancipating of slaves was taken seriously by the early, pious and practicing Muslims. The first believer in Muhammad's message among men and the first Orthodox Caliph, Abu Bakr, spent most of his fortune (and he was a rich merchant) in buying slaves from their nonbelieving masters for whatever price they would ask and setting them free. Those early freed slaves were a great supporting strength to the weak Islam in its early days. Among the slaves that Abu Bakr freed is Bilal ibn Rabah, the famous Ethiopian *muezzin* of Islam and a prominent figure of Islamic history. 'Abd al-Rahmān ibn 'Umar was another prominent Muslim figure who acquired a special fame in buying slaves from their masters and setting them free.⁴⁸ The story of the Muslim hero Abū Dharr, who married a black slave woman and who used to pray led by an Ethiopian freed slave is very instructive.⁴⁹ Again, we have the story of the marriage of Bilal, the Ethiopian freed slave, to an Arab girl.

At this point, we pause to comment on the remarks of the Orientalist Bernard Lewis on this story of Bilal's marriage. This might appear like an unrelated digression, but it is not. It would give us a sampling of that Western style of scholarship alluded to above, which this essay aims to refute within the context of slavery. Professor Lewis relates the story and then comments on it by saying, "the story is probably not authentic since it deals with a prejudice which does not seem to have existed in the Prophet's time." Following this, Lewis quotes what he considers a true Hadith related to the Prophet in which he seems to be warning against intermarriage

with blacks.⁵⁰ In his failure to criticize this very possibly spurious Hadith, Lewis seems to lack scholarly objectivity; it seems that he has forgotten a simple fact: if this latter Hadith which he quotes is really authentic, then the Prophet, here, places himself in opposition to God's teachings, which he is supposed to confirm both in word and deed, and this departure lies in an area considered to be the backbone of Islam: equality and universalism.

Another weak point in Lewis' study is that he does not have a clear sense of history, for he sometimes says, "in early Islamic and pre-Islamic times, the Arabs looked down on the sons of slave mother, regarding them as inferior to the sons of free born mothers."⁵¹ Here, on the one hand, we find Lewis mixing and confusing two very different and distinct periods in a way that no one who has full command of the historical data would ever do. On the other hand, Lewis contradicts here what he said earlier when commenting on the story of Bilal's marriage to an Arab girl. There he said, "the story is probably not authentic since it deals with a prejudice which does not seem to have existed in the Prophet's life time." Compare this with his saying, "in early Islamic and Pre-Islamic times, the Arabs looked down on the sons of slave mothers ..."⁵² In his discussion of the marriage issue in Islam, Lewis seems to be confusing and mixing purely social customs and beliefs with religious law. We have to bear in mind that Lewis' remarks are part of a work in which he tries to demonstrate that Islamic freedom from racial and color prejudice is a 'myth' and in which he attacks Edward Blyden as "one of the most influential proponents of the myth."⁵³

The Attitude of Islam Towards Race and Color

Since the question of slavery intermingles with the question of race and color according to the Western viewpoint, it becomes inevitable to touch upon the Islamic attitude towards this issue. Again we must remember that the ultimate Islamic reference and authority is the Qur'an first and the Prophet's sayings and practices second. In the Qur'an there are two verses with direct bearing upon the issue. The first reads: "Among the signs of Allah are the creation of the Heaven and of the Earth, and the diversity of your languages and colours. Lo! herein indeed are portents

(signs) for men of knowledge.”⁵⁴ The second verse reads, “O mankind! Lo! We have created you from a male and female, and We have made you into nations and tribes so that ye may know one another. Lo! the noblest of you in the eyes of God is the most pious, for Allah is Knower and Aware.”⁵⁵ From these two verses it is obvious that the Qur’anic teachings express no racial or color prejudice; and more significantly, such prejudice is not even mentioned. In the Qur’an, the question of race and color is obviously not a burning issue; it is simply the will of Allah (SWT) to have a variety of races and colors stand out as signs of His might. But if it happened that, later on, the question of race and color became a hot issue among some Muslims, such a social development would not necessarily implicate Islam, but would simply mean that those Muslims have deviated from the true teachings of their religion.⁵⁶

There is, by way of further support, the Hadith that confirms the Islamic principles of equality and universalism. The Prophet is reported to have said, “I was sent to the red and the black,” an expression meant to embrace the whole mankind. On another occasion, the Prophet said, “Obey whoever is put in authority over you, even if he be an Ethiopian slave.”⁵⁷ On still another occasion, he is reported to have said: “Do not marry women for their beauty, which may destroy them, or for their money, which may corrupt them, but for religion. A slit-nosed black-slave woman, if pious, is preferable.”⁵⁸ Upon a fourth occasion an Ethiopian came to the Prophet and said, “You Arabs excell us in all, in build, color, and in the possession of the Prophet. If I believe, will I be with you in Paradise?” The Prophet answers, “Yes, and in Paradise the whiteness of the Ethiopian will be seen over a stretch of a thousand years.”⁵⁹ Does not this suggest that the issue of color is a question that is relative to our life in this world and that it is not going to exist in the Hereafter? These quotations, to mention only a few, illustrate beyond any doubt, that the pious Islamic viewpoint is free from any racial or color prejudice. There is no innate superiority of race in Islam, and therefore no bar to racial intermarriage. Thus racial and color prejudice was a burning issue before Islam, but Islam came to oppose these errors, and here lay the merits of Islamic teachings. It might be true that in practice some Muslims would disregard the pious principles of their

religion;⁶⁰ but that does not implicate Islam; it only implicates those Muslim practitioners.

On the racial intermarriage issue in the Muslim world, the British historian Arnold Toynbee makes the point clear when he says, "...until nowadays, whites and blacks are intermingled under the aegis of Islam, through the length and breadth of the Indian and African continent. Under this searching test the white Muslims have demonstrated their freedom from racial feeling by the most convincing of all proofs; they have given their daughters to black Muslims in marriage."⁶¹

The story of 'Ubadah ibn al-Samit with the Muqawqis, the Christian functionary of Egypt in the time of the Arab conquest, is again very instructive in proving the attitude of the early Muslims towards color. "Blackness is not despised among us" was the strong, firm statement that the Muqawqis heard as an answer to his perplexity when he saw the black 'Ubadah as the head of the delegation that came to talk to him. Blackness was then despised in the eyes of the Christian Muqawqis as it was among almost all nations in those times. Islam came to teach them for the first time that "blackness is not despised."⁶² The spirit of brotherhood, equality, and universalism is well expressed in Islamic rituals, such as praying, giving the Zakat (prescribed minimum of alms) and pilgrimage. The late Malcolm X observed these qualities in Islam and wrote saying, "There were tens of thousands of pilgrims from all over the world. They were of all colors, from blue-eyed blonds to black-skinned Africans. But we were all participating in the same ritual, displaying a spirit of unity and brotherhood that my experiences in America had led me to believe never could exist between the white and non-white."⁶³

The foregoing account has shown the real attitude of Islam toward the question of race and color, a question closely related to slavery in Western memory. In Islam, this association of blackness and Africanism with slavery never took place. In the light of this discussion, it becomes easier now to understand the Islamic attitude toward slavery. The Shari'ah (Islamic law) forbids the enslavement of free Muslims, of whatever race, and the law was usually upheld in this matter. "There is, however, some evidence that the law was not always strictly enforced to protect Muslim captives from black Africa."⁶⁴ On the assumption

that such compelling evidence which Lewis mentions does exist, Islam is still not seriously implicated for reasons outlined clearly above. The basic tenets of religion are constant; they do not bend at the whim of some of its practitioners.

In relation to this final point, I strongly disagree with Bernard Lewis who says, "Islam is the counterpart, not of Christianity, but rather of Christendom. In this sense, Islam means not what Muslims believed or were expected to believe, but what they actually did."⁶⁵ Acceptance of this definition of Islam implies that we must deal with many Islamic religions, not with only one, because many groups of Muslims in certain societies have created their own interpretation of some of the teachings of Islam, molding the religion to adjust to their worldly needs. The problem of Islam, as has been the problem of all religions before it, is that in the course of time, its followers deviated from the pure and original teachings; this deviation leads to practices that are not in harmony with the original teachings of the religion. If one could safely judge Islam by the practices and actual deeds of some of its followers, it would be safe, on the same grounds, to judge Christianity by the practices of some of its followers. We cannot, for example, say that Christianity permits adultery or drunkenness based upon the observation that in most of the Western Christian countries a considerable number of population allow themselves to commit adultery or drink to excess. Islam, like Christianity, is not what some or many of its followers do and practice; rather, it is a set of teachings and beliefs that are confirmed by the deeds and practices of the Prophet Muhammad, the early true pious Muslims, and the good, virtuous Muslims of all ages. Indeed, many religious scholars and truly pious Muslims of today rightly argue that the weakness and backwardness of Muslims in later times came about as a result of their deviation from the true teachings of Islam. Such deviation is a result of these Muslims' attempts to make the Islamic teachings adjust to their worldly pursuits with their associated refusal or inability to adjust themselves to the true teachings of Islam.

Islam and Slavery in the Context of the Trans-Saharan Trade

Erroneously, or at least by way of over-statement, I believe, some scholars have associated the trans-Saharan slave trade with the presence of

Islam in Africa. Thus, it becomes relevant to discuss this question in the context of a study on the attitude of Islam towards slavery.

In the first place, it seems necessary to quote some of the literature that touches upon the question of Islam and slavery in Africa. Bovill, for example, seems to agree with Lord Lugard who has stated that “it is the most serious charge against Islam in Africa that it has encouraged and given religious sanction to slavery.”⁶⁶ In a paper dealing with the Songhai, L. Kaba argues that “the imposition of Islamic values upon the Songhai state stimulated inequality in general and slavery in particular.”⁶⁷ On the other hand, Nachtigal states that “everywhere Islam brings with it a mild administration of the institution of slavery.”⁶⁸ Blyden observes that “the introduction of Islam into central and west Africa, has been the most important, if not the sole preservation, against the desolation of the slave trade. Mohammedism furnished a protection to the tribes that embraced it by effectually binding them together in one strong religious fraternity, and enabling them by their united effort to baffle the attempt of the powerful pagan slave-hunters.”⁶⁹

The foregoing quotations illustrate that the question of Islam in relation to slavery in Africa has been an issue of concern among scholars for a long time. The following discussion is not intended to support or oppose the views that have been expressed concerning this question. It is simply an attempt to defend Islam, the religion, against the charges directed to it concerning the subject of slavery. It is in no way a defence in favor of non-Islamic practices and attitudes of some Muslims.

For a discussion of slavery within the context of Islam in Africa, there is always the difficulty of determining how much arises from the original Islamic teachings and how much from local African custom and the greed of the merchants and the rulers who wished to evade the true teachings of their religion. The Fishers rightly state that “the fact that the institution of slavery, in one form or another, had deep roots in many parts of Africa long before Islam became a significant social influence there and that even in thoroughly Islamized regions there were many pre-Islamic survivals, demonstrates how misleading it would be to suggest a hard and fast distinction between Muslim and traditional slavery. So it is difficult to draw a sharp line between characteristics of African slavery surviving from pre-Muslim practice and those imported later by Islam.”⁷⁰

It might be true that massive development of the slave trade in Black African and the large-scale importance of black Africans for use in the Mediterranean basin and the Middle Eastern countries dates from the Arab period. But in no way is it safe or true to relate this to the presence of Islam and its institutions. This phenomenon is a mere coincidence with the presence of Islam, and its real causes are related to economic factors that have very little, if anything, to do with the presence of Islam as a religion in Africa. A religion that calls for equality and universalism, and encourages the emancipation of slaves, cannot at the same time encourage and give religious sanctions to slavery.

There is ample historical evidence to prove that the trans-Saharan trade in slavery ante-dates the spread of Islam in the 7th century.⁷¹ The Africans themselves were active trade agents both at the individual level and at the official level.⁷² The fact is that many people benefitted materially from the slave trade, which to them appeared perfectly legitimate and natural on purely economic grounds. They found slavery with the associated trading of slaves an old and well-established institution and thus were reluctant to abandon such a lucrative source of revenue. What I would like to suggest is that economic, political, and military motives have to be examined as determining factors in the expansion of the slave trade in Africa after the introduction of Islam. Here we pause to ask the following question: Suppose that the institution of slavery did not exist in Africa before the presence of Islam, was it then admissible for Islam to impose and enforce slavery upon the African society? The answer to this question is a categorical “no.” As has been shown earlier, everything in Islam in relation to slavery was intended to eliminate an existing, disagreeable, and deep-rooted institution. Where such an institution does not exist, Islam cannot impose it since the absence of slavery is the natural course of things according to the Islamic teachings. The following concluding paragraphs would further substantiate this fact.

Concluding Remarks

Before concluding this essay on the attitude of Islam toward slaves and slavery, an attempt should be made to answer the legitimate philosophical

question: Why didn't Islam ban the institution of slavery and outlaw the slave trade by direct edict as it did with gambling, usurious interest, and alcohol drinking? The answer, in my opinion, is strikingly simple for someone who wishes to find an answer.

On the one hand, if we look at the problem in the limited context of the preIslamic Arabic society we find that the practice of slavery was based on custom and economic and social habits and values, rather than on sanctioned dogmatic written laws. Taking that into consideration, Islam rightly calculated the impracticality of trying rapidly to eliminate a customary law that has deep social and economic bases and replace it by a written law that is based basically on moral considerations. The practical way out was to educate the people over a period of time to understand that such customary practices are wrong and that the human rights to dignity and freedom require the abolition of every form of slavery. Among the Arabs as well as among all the nations of the Earth, masters considered slaves as their property, their money, and their livelihood. One need not have great imaginary power to envisage what would happen if you would ask somebody suddenly to surrender his property.

Islam dealt with the issue of slavery in a very simple, logical, wise, and humane manner. It left the door open for slaves to be introduced to Islam through their purchase by Muslim master: then Islam initiated teachings that facilitate compensatory and voluntary acts of emancipation as we have seen earlier. Were it not for the fact that Muslims began to deviate from the true teachings of their religion, intentionally or by way of misinterpretation, the institution of slavery would have been eliminated automatically within the first decades of Islamic history.⁷³

On the other hand, Islam looked at the problem of slavery in its wider global context and considered it repugnant to the most basic principles of human rights. War was one of the main channels through which slaves were acquired. What did Islam do about this? In the first place, the Muslims considered war to be an inevitable evil, so Muslims were taught not to go to war except in legitimate defence against aggression. But what is to be done with prisoners legitimately taken?

The Prophet (SAAS) and Muslim jurists permitted the enslavement of prisoners of war in the context of reciprocity of equality of humane treatment.⁷⁴ But a Qur'anic verse reads:

NOW WHEN you meet [in war] those who are bent on denying the truth, smite their necks until you overcome them fully, and then tighten their bonds; but thereafter [set them free,] either by an act of grace or against ransom, so that the burden of war may be lifted. Thus [shall it be].

And [know that] had God so willed, He could indeed punish them [Himself]; but He wills you (to struggle) so as to test you [all] by means of one another.

And as for those who are slain in God's cause, never will He let their deeds go to waste.⁷⁵

Here we can see that the Qur'an favors granting the prisoners the grace of setting them free, with the option of exchanging their freedom for ransom.

To conclude, the issue of slavery is one, among many others, in which one can appreciate in Islam a delicate and miraculous wisdom in applying the loftiest idealism effectively in practice.⁷⁶ From the very beginning, Islam was a religion and a community, and in all its teachings there is evident the realistic need for strategy and tactics in dealing with recalcitrant mankind. Without understanding and appreciating this practical aspect of Islam, one is destined to misunderstand its teachings and to lose the benefits of its guidance in the eternal pursuit of both truth and justice.

Endnotes

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- 3 Bovill, *op. cit.*, pp. 21-22, quoting Barrow, R.H., *Slavery in the Roman Empire* (London, 1928).
- 4 Plato in his *Republic* as quoted in 'Abd al-Salam al-Tarmamini, *al-Riqq madih wa hadiruh* (al-Majlis al-watani lil-thaqafah wa-al-funun wa-al-adab, Kuwait, 1979), pp. 23-23; *The Politics of Aristotle*, translated by B. Jowett. (Clarendon Press, Oxford, 1885), Vol. I, pt. I:3-6, pp. 6-10. Shawqi Abu Khalil, *al-Islam fi qafas al-ittiham* (Dar al-fikr, Damascus, 2nd ed., 1974), p. 165. See also Muhammad Shawkat al-Tuni, *Muhammad muharrir al-'abid* (Mu'assasat dar al-sh'b, Cairo, 1975), pp. 21-22. See also 'Abbas Mahmud al-'Aqqad, *Haqa'iq al-Islam wa-abatil khusumih*, 3rd ed. (Dar al-kitab al-'Arabi, Beirut, 1966), p. 286.
- 5 See al-Tarmamini, *op. cit.*, pp. 23-24; also al-Tuni, *op. cit.*, p. 25.
- 6 See Muhammad al-Bahi, *al-Islam wa-al-riqq* (Dar al-turath al-'Arabi, Cairo, 1979), p. 7.
- 7 See Bovill, *op. cit.*, p.41.
- 8 See Muhammad Qutb, *Shubuhah hawla al-Islam*, 4th ed. (Maktabah Wahbah, Cairo, 1960), pp. 32-33; also Ibrahim Hashim al-Fallali, *La riqq fi al-Qur'an* (Dar al-qalam, Cairo, undated), pp. 19-21. See also Shawqi Abu Khalil, *op. cit.*, pp. 165-166; also al-Tuni, *op. cit.*, p. 25.
- 9 Ahmad Shalabi, *Muqaranat al-adyan*, Vol. III, p. 205 as quoted in Shawqi Abu Khalil, *op. cit.*, p. 164; see also al-Fallali, *op. cit.*, p. 30.
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- 11 Shawqi Abu Khalil, *op. cit.*, p. 165; also al-Fallali, *op. cit.*, pp. 29-30.
- 12 See *The Jerusalem Bible*, Reader's Edition (Doubleday & Co., Inc., New York, 1968), Exodus: 21, p. 82.
- 13 *Ibid.*, Deuteronomy: 20, p. 209
- 14 This attitude was maintained by the Apostles Sts. Paul and Peter. See *ibid.*, New Testament, Romans: 6, p. 203; also Peter: 2, p. 302.
- 15 See al-Tuni, *op. cit.*, pp. 25-27; also al-Tarmamini, *op. cit.*, pp. 32-33, 158; also al-Fallali, *op. cit.*, pp. 33; also Shawqi Abu Khalil, *op. cit.*, pp. 167-168.
- 16 al-Fallali, *op. cit.*, p. 15.
- 17 al-'Aqqad, *op. cit.*, pp. 285-287. For al-'Aqqad's views on the subject, see pp. 285-298 of the above cited book.

- 18 For a survey of those who raised their voice against slavery or called for a humane treatment of the slaves see Mustafa al-Jiddawi, *Dirasah jadidah 'an al-riqq fi al-tarikh wa fi al-Islam* (1963), pp. 207-228.
- 19 See Allan G. B. Fisher & Humphrey J. Fisher, *Slavery and Muslim Society in Africa* (New York, 1972 edition), p. 9. (Hereafter, reference to this book is to be made as “The Fishers”).
- 20 Qur’an, IV: 92. The verses quoted in this paper, are from Pickthal’s translation (Muslim World League - Rabita Mecca al-Mukarramah, 1977).
- 21 *Ibid.*, V:89.
- 22 This practice was very common among the Arabs, where a man upon getting angry with his wife would swear not to touch her as a way of punishment; he would say to her, “you are forbidden from me as the back of my mother is” (Arabic: *anti muharramatun 'alayya ka-zahri ummi*). This custom is called in Arabic *al-zihar*.
- 23 Qur’an, LVIII:2-4.
- 24 *Ibid.*, XC:8-13.
- 25 *Ibid.*, XC:14-18.
- 26 *Ibid.*, II:177.
- 27 *Ibid.*, XVI:71.
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- 29 *Ibid.*, XXIV:33.
- 30 For an explanation of the concept of *mukatabah*, see al-Bahl, *op. cit.*, p. 8; also Shawqi Abu Khalil, *op. cit.*, p. 174; also al-Tuni, *op. cit.*, p. 89.
- 31 Qur’an, XXIV: 32.
- 32 *Ibid.*, IV:3.
- 33 See al-Fallali, *op. cit.*, p. 137.
- 34 Qur’an, IV:25.
- 35 *Ibid.*, IV:36; see also XXIV:31; also XXXIII:55.
- 36 Reported by al-Bukhari in *Sahih al-Bukhari*, Arabic-English text, “Manumission of Slaves and its Superiority,” (Kazi Publications, Chicago, 1977), Vol. III, Book XLVI, Chapter I, No. 693, p. 419.
- 37 Reported by al-Bukhari in *ibid.*, Chapter 14, No. 720, p. 433.
- 38 Reported by al-Bukhari through Abu Hurayrah in *ibid.*, Chapter 17, No. 728, p. 437.
- 39 Reported by al-Bukhari in *ibid.*, Chapter 15, No. 721, p. 434.
- 40 Reported by Muslim, in *al-Jami' al-Sahih* (al-Maktab al-Tijari li-l-tiba'ah wa-l-nashr, Beirut, undated), Vol. 5, p. 90.
- 41 *Ibid.*
- 42 al-Tarmamini, *op. cit.*, p. 124.

- 43 See the story in al-Tuni, *op. cit.*, pp. 178-179.
- 44 See the story in *ibid.*, pp. 150-155.
- 45 *Ibid.*, p. 42.
- 46 al-Fallali, *op. cit.*, p. 178; also Qutb, *op. cit.*, p. 36.
- 47 For a brief account of these personalities and their relationships with the Prophet, see al-Tuni, *op. cit.*, 50-59, 105-184.
- 48 See *ibid.*, p. 77.
- 49 See ibn Sa'd, *Kitab al-tabaqat al-kubra* (Dar Sadir, Beirut, 1957), Vol. 2. p. 304.
- 50 For Lewis' quotations and discussion see *Race and Colour in Islam* (N. Y.: Harper & Row Publishers, 1970), pp. 91-92.
- 51 *Ibid.*, p. 94.
- 52 *Ibid.*
- 53 *Ibid.*, pp. 102-103.
- 54 Qur'an, XXX:22.
- 55 *Ibid.*, XLIX:13
- 56 Ignac Goldziher, *Muhammedanische Studien* (Paris, 1952), Vol. I, p. 269, English trans., p. 344, quoted in Lewis, *op. cit.*, p. 19.
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- 58 Ibn Majah, *Sunan* (Cairo, 1372/1952), Vol. I, p. 597 (Nikah 6).
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The Islamic Secular (2017)*

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Abstract

It is common to assume an inherent conflict between the substance of the category “religion” and the category “secular.” Given its putative rejection of the separation between the sacred and the profane, this conflict is presumed to be all the more solid in Islam. But even assuming Islam’s rejection of the sacred/profane dichotomy, there may be other ways of defining the secular in

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This biography appeared in the article when it was first published.

*This article was first published in the *American Journal of Islamic Social Sciences* 34, no. 2 (2017): 1-31
Jackson, Sherman A. 2024. “The Islamic Secular (2017).” *American Journal of Islam and Society* 41, no. 1: 263–298 • doi: 10.35632/ajis.v41i1.3424

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Islam and of thinking about its relationship with the religion. This is what the present essay sets out to do. By taking Sharia as its point of departure, it looks at the latter's self-imposed limits as the boundary between a mode of assessing human acts that is grounded in concrete revelational sources (and/or their extension) and modes of assessing human acts that are independent of such sources, yet not necessarily outside God's adjudicative gaze. This non-*shar`i* realm, it is argued, is the realm of the "Islamic secular." It is "secular" inasmuch as it is differentiated from Sharia as the basis for assessing human acts. It remains "Islamic," however, and thus "religious," in its rejection of the notion of proceeding "as if God did not exist." As I will show, this distinction between the *shar`i* and the non-*shar`i* has a long pedigree in the Islamic legal (and theological) tradition. As such, the notion of the Islamic secular is more of an excavation than an innovation.

Introduction

Few contemporary constructs generate the definitional ambiguity evoked by the term *secular*. Such definitional vagueness notwithstanding, *secular* almost invariably implies an antagonistic relationship with *religion*.¹ This illocutionary effect accrued to the term as a product and co-producer of an emergent Western modernity.² And this hostility to *religion* is routinely abstracted out of that context and assumed to inform the way that *all* religions engage (or perhaps should engage) the world, especially the modern world. Of course, as José Casanova points out, "religions that have always been 'worldly' and 'lay' do not need to undergo a process of secularization. To secularize – that is, 'to make worldly' ... is a process that does not make much sense in such a civilizational context."³

This insight, however, as keen as it is, does not appear to go very far when the topic under consideration is Islam. Instead, its worldliness notwithstanding, the antagonism between "secular" and "religious" is assumed to be all the more acute in Islam, as the latter is understood to defy the distinction between sacred and profane, and modern Muslim movements seem bent on sustaining the non-existence of this boundary

in favor of the religious. The result is a dichotomous bifurcation between the “Islamic” and the “secular,” according to which an act, idea, or institution can be described either as Islamic *or* secular, but never both. This perpetuates in the minds of many the presumed necessity of having to choose between the two.

In this paper, I shall propose a reading of Islam that suggests a different understanding of its relationship with the secular. This relationship is both uncovered and mediated through a more careful reading of Sharia that imputes jurisdictional boundaries to the latter, thereby challenging the notion of it being coterminous with Islam as religion. Ultimately, it is the space *between* the bounded Sharia as a concrete code of conduct and the unbounded purview of Islam as religion, that is to say, life lived under the conscious presumption of an adjudicative divine gaze, that constitutes the realm of “the Islamic secular.” This domain is *secular* inasmuch as it remains, to borrow Max Weber’s term, *differentiated*, meaning that it is neither governed nor adjudicated through the concrete indicants of revelation or their extension as recognized in Islamic legal methodology (*uṣūl al-fiqh*). It remains Islamic, however, in its imperviousness to the impulse, first articulated by Hugo Grotius in the seventeenth century, to proceed “as if God did not exist” (*etsi Deus non daretur*).⁴ On this reading, while the secular and the religious both intermingle and remain distinguishable from each other, they are not, as with the Western secular, effective rivals; nor is the secular relied upon or primarily valued for its ability to police or domesticate religion. The Islamic secular is not forced upon Islam (or Islamic law) from without but emerges as a result of the Sharia’s own voluntarily selfimposed jurisdictional limits.

Numerous implications as well as challenges attach to this reading, the most salient of which I will engage over the course of my discussion. As a final preliminary, however, I would like to spell out more clearly, in an effort to avoid confusion, the nature and degree of overlap and divergence I see between the Western and Islamic seculars. This will enable us to discern more readily an important aspect of my thesis, namely, that the most operative distinction between the Islamic and Western seculars resides not so much in their *substance* as in their *function*. This difference is indebted to different historical realities

confronting (Western) Christianity and Islam, as well as to differences in their structure and ethos. Reference has been made to the religio-political challenges reflected in the Thirty Years' War (1618-48).⁵ According to Jonathan Israel, this also birthed the emergence of a radical fringe of dissenters and republicans who conceived that "there might be a purely secular, philosophical rationale for dismantling ecclesiastical authority, [promoting] freedom of thought, and independence of individual conscience."⁶ This was the beginning of the Early Enlightenment, at the heart of which lay theological debate and the specter of overturning "all forms of authority and tradition, even Scripture and Man's essentially theological view of the universe."⁷

Prior to this, a more quotidian sense of crisis had already set in. According to Nomi Stolzenberg, a major impetus behind the emergence of the Western secular was "an acceptance of the fact that the divine law and sacred ideals of justice have to be violated in the temporal world."⁸ This generated fears that religion and religious institutions might be corrupted and their authority undermined by what would eventually amount to normalized violations. The response, particularly within Protestantism, was to create an alternative realm presided over by non-religious values, authorities, and expertise, the flouting of which would not connote inadequacy, irrelevance, or corruption on the part of religion or its institutions. This was not a mere exercise in religious navelgazing or kicking the institutional can down the road; there was a genuine concern for the practical needs and aspirations of the day. As Sheldon Wolin summarizes the fears of Martin Luther, "the world would be reduced to chaos if men tried to govern by the Gospel."⁹ The Western secular, then, initially arose in an effort to protect both religion and society. The way it came to operate subsequently need not be assumed to be a function of its essential meaning or to go back to its origins.

By contrast, at any rate, pre-modern Islam did not replicate the Thirty Years' War (1618-48). Not even the Ottoman-Safavid conflict took on quite the same religious tone or implications, and Muslims did not birth anything comparable to the Enlightenment. In fact, faced with the challenges of quotidian reality, Muslim jurists sought to *expand* the scope of the religious law through analogy (*qiyās*), equity (*istihsān*), public utility

(*maṣlahah mursalah*), blocking the means (*sadd al-dharā'i*'), adaptive legal precepts (*qawā'id fiqhīyah*), and even inductive readings of scripture (*istiqrā'*). The aim of all of this, as with the early Western secular, was both to secure the interests of society and preserve the sovereignty of the sacred law. And on this approach, obedience to the religious law became an increasingly more protean construct. For example, while the Hanafi school condemned "provisional sales" (*bay' al-wafā'*) for centuries, they would later confer legal sanction upon them, as dictated by need, all the while declaring their new position to be firmly within the law.¹⁰ Such examples could be multiplied.¹¹ And on this combined tendency toward expansion and recognizing obedience as a mutable construct, there was never a perceived need or effort among the jurists to create a formally recognized separate realm over which explicitly non-religious deliberation reigned as an alternative to, or check on, religion.¹²

Meanwhile, the divine origins of the religious law retained universal recognition, and this, in tandem with Islam's understanding of monotheism (*tawhīd*), generally implied that only what God dictated or intended as religious law could be rightfully recognized as such. The battle cry of the early Khariji movement, "There is no rule but God's" (*lā ḥukm illā li-llāh*) may have been an exaggeration in the eyes of the majority, but it was neither fundamentally wrong nor off track.¹³ Indeed, the nerve it struck continued to pulsate through the rise of Mu'tazilism in the second/eighth century, when the question of the *scope* of God's specifically legal address became a topic of debate. Ultimately, the Islamic secular would emerge (eventually more explicitly) out of what was seen as being at stake in these deliberations. But it emerged as a more or less "innocent" by-product, not as a rival or a competitor with religion or the religious law. Again, while its substance bore much in common with that of the Western secular, namely, its dependence upon sources and authorities outside the parameters of religion's concrete (in Islam's case *shar'ī*) indicants, its function was patently different from the role the category "secular" came to play in the West.

A common feature of depictions of the Western secular is its essentially regulatory function vis-à-vis religion. In his seminal work *Formations of the Secular*, Talal Asad points out that part of the very

meaning of the (Western) secular resides in the perpetual dislocation it visits upon religion through the generation and deployment of an evolving series of cognitive oppositions (reason/myth, public/private, autonomy/submission), all of which are designed and normatively function to establish and reinforce the primacy of the secular *over* the religious.¹⁴ The secular, in other words, not only contrasts with but is expected to control the religious. We see a similar recognition in the description of Casanova, who locates the secular precisely in the moment when people transcend the secular/religious divide. “Secular,” he writes, “stands for self-sufficient and exclusive secularity, when people are not simply religiously ‘unmusical,’ but closed to any form of transcendence beyond the purely secular immanent frame.”¹⁵

Drawing on the insights of Weber, Casanova identifies the secular with the rise and proliferation of non-religious fields of inquiry and expertise as eventually breaking down the monastic wall that once defended religion’s primacy and separated it from the worldly realm. The crumbling of this wall eventually laid bare the entire terrestrial order as a field of secular conquest, where religion would ultimately end up struggling to find – and vindicate – its place.¹⁶ Once again, the hierarchical, “paternalistic” relationship between the secular and the religious is confirmed. Of course, Casanova’s reference to an “immanent frame” implicates the work of Charles Taylor. In his massive *A Secular Age*, Taylor, like Asad, identifies the boundary between the secular and the religious as porous.¹⁷ But the secular constitutes the super-context, the “immanent frame,” that circumscribes and increasingly exerts “pressure” on the much smaller sphere of religious influence. This pressure progressively squeezes God’s presence out of public life, contributes to a general falling away from religious sensibilities and practices, and ultimately makes it difficult to maintain belief in God.¹⁸ The secular increasingly functions, in sum, as the primary, active force in life, while religion is gradually reduced to a passive, reactionary role.

Alternative notions of the (Western) secular include variations on French *laïcité*,¹⁹ or the attitude that opposes living life “in a way that puts God first.”²⁰ Others equate it, following the American model, with “state neutrality,”²¹ where the (secular) state domesticates religion and

legitimizes itself via the implicit promise to protect society from it. Still other descriptions include “the fashioning of religion as an object of continual management and intervention, and of shaping religious life and sensibility to fit the presuppositions and ongoing requirements of liberal governance.”²² Again, in all of these depictions, the (Western) secular essentially arrives on the scene as the new sheriff in town to define and police the proper boundaries of religion. By contrast, the Islamic secular assumes neither the urgent need nor authority to define or police the religious. Rather, it is merely the result of the religious law’s own efforts to define and impose boundaries upon itself. Again, on my reading, the boundaries of Sharia are self-imposed, not a retreat or diminution in the face of some independent, external authority called “the secular.”

Of course, placing Islamic *law* at the center of a discussion of the secular would seem to require some vindication. After all, law in the West is an emphatically secular, profane institution from which there would seem to be no point in drawing any contrast with the secular. But comparative examination of the traditional dichotomy between the sacred and profane might point us in the direction of relief. In his discussion of the sacred and profane, Talal Asad points out,

attempts to introduce a unified concept of “the sacred” into non-European languages have met with revealing problems of translation. Thus although the Arabic word *qadāsa* is usually glossed as “sacredness” in English, it remains the case that it will not do in all the contexts where the English term is now used. Translation of “the sacred” calls for a variety of words (*muharram*, *mutahhar*, *mukhtass bi-l-`ibāda*, and so on), each of which connects with different kinds of behavior.²³

It does not take much to recognize that all of these candidates for “sacred” come under the gaze and authority of Islamic law, as Sharia (or *shar`ī* discourse) is the basis upon which the applicability of all of these adjectives is determined. In this regard, Sharia can be seen as upholding or mediating a boundary of sorts. Whether, however, this boundary divides the world, to use Durkheim’s notion, into “two domains, the one

containing all that is sacred, the other all that is profane,”²⁴ or simply restricts the validity of viewing the world, even as a single domain, through a *shar`i* lens is a separate (though deeply relevant) question. Earlier in his discussion, Asad had noted: “In the Latin Roman Republic the word *sacer* referred to anything that was owned by a deity, having been ‘taken out of the region of the profanum by the action of the State,’ and passed on into that of the *sacrum*.”²⁵

By contrast, Islam insisted, of course, that God ultimately owned everything. In fact, the theologian al-Bayhaqi (d. 458/1065) cites an early linguistic opinion to the effect that the name *Allāh* was derived from the phrase “*la hu*,” namely, “it is his/its,” “it belongs to him/it.” The Arabs added the definite article along with a medial *alif* (*ā*) for emphasis (in accordance with linguistic convention), yielding the proper name for God, *Allāh*, as Owner of everything in the universe.²⁶ Sharia functions in this context, not as did the Roman State, to assign or transfer ownership, but to identify that area of what God owns that is the object of God’s direct, concrete address aimed at regulating normative human behavior.

In this process, again, given God’s summary ownership of everything in the universe, separating the sacred from the profane in the Western sense alluded to by Asad will prove problematic. But the parameters of Islam’s *shar`i* discourse can be clearly distinguished from those of the non-*shar`i*. And it is the *shar`i* alone that represents God’s *concrete divine address* that aims at regulating human behavior. It is in this sense that Islamic law plays the definitive role I have assigned to it in establishing and sustaining the category of the Islamic secular.

Sharia: Unbounded Stereotype versus Bounded Reality

Of course, Sharia is commonly depicted as boundless in scope. As the celebrated Joseph Schacht once put it: “Islamic law is an all-embracing body of religious duties, the totality of God’s commands that regulate the life of every Muslim in all its aspects; it encompasses on an equal footing ordinances regarding worship and ritual, as well as political and (in the narrow sense) legal rules.”²⁷ More recently, Wael Hallaq characterized Sharia as “a representation of God’s sovereign will [that]... regulates the

entire range of the human order, either directly or through well-defined and limited delegation.”²⁸ In addition to Islam’s presumed rejection of the sacred-profane divide, such depictions probably owe something to the equally common presumption that law is the bulwark against man’s exploitation of man. As John Locke famously put it, “Wherever Law ends Tyranny begins.”²⁹ This positive association between Sharia and the rule of law is equally popular in modern Muslim circles. In sum, the view that Islamic law is boundless and thus mandated to address *every* aspect of life is common to both modern Muslim and non-Muslim discourses on Sharia.

To be sure, this notion has potentially far-reaching implications. For example, if, as has been suggested, the Muslim state exists “for the sole purpose of enforcing the law,”³⁰ such a state might be aided and justified in extending its executive authority to proportions co-extensive with a boundless law. This implication is indirectly confirmed by Hallaq, who sees the unbounded sovereignty of the modern (secular) state as placing it in full and irreconcilable conflict with an Islamic state founded on Sharia.³¹ In other words, Sharia and the modern state represent a clash of unbounded sovereignties. Meanwhile, another implication of Sharia’s being credited with infinite scope would be the elimination of “the people” from the enterprise of negotiating the socio-political and economic orders. For to the extent that the unbounded Sharia is Islam’s sole basis for judging human action, only those authorized to determine its substance, namely, the religious establishment (*fuqahā*), can have any impact on defining a normative Islamic order.³²

Having said all of this, there is a reading of the classical Islamic legal tradition that would appear to warrant a “totalitarian” understanding of Sharia. Certainly from the time that analogy (*qiyās*) was vindicated as a means of expanding legal rulings, Islamic law acquired an ostensibly boundless capacity to go beyond revelation’s direct address. But the validity of *qiyās* remained far from a point of unanimous consensus (*ijmā’*) for centuries, and the manner in which Sunnis debated its admissibility directly implicated the matter of scope. The Zahiris, for example, who appear in the third/ninth century and were *not*, as they are popularly cast, “literalists,” rejected analogy precisely on the grounds that one

could not go beyond what the revealed sources indicated *directly* (which is not the same as what they indicated “literally”).³³ As A. Kevin Reinhart points out, the Zahiris affirmed that “Revelation’s writ ran to what it explicitly addressed and no more ... it applie[d] strictly, but it applied [in relative terms] to very little.”³⁴ In sum, they insisted that any number of issues simply fell *outside* the boundaries of scripture and remained, as such, *unaddressed*. It was wrong, according to them, to claim that God had a concrete legal ruling for all issues.

The Zahiris lasted well into the fifth/eleventh century and were far from marginal outcasts. In his influential book *Ṭabaqāt al-Fuqahā’*, the stated purpose of which was to catalogue the names and schools of all those whose views were to be considered in making and breaking unanimous consensus, the famous Shafi’i jurist Abu Ishaq al-Shirazi (d. 476/1083) lists them alongside the other four Sunni schools, again, despite their rejection of analogy and all that that implied in the way of the law’s limited reach.³⁵ But even beyond them, the importance of scope is reflected in the early controversy over whether the legal category “neutral” (*mubāh*) referred to what God directly declared to be inconsequential or to what simply fell outside the boundaries of God’s *shar’i* address, as a matter of happenstance, as it were.³⁶ This issue was still being discussed as late as the sixth/twelfth century, as we see in Ibn Rushd the Grandson’s commentary on al-Ghazali’s *Al-Mustaṣfā*.³⁷

The point in all of this is that there was a centuries-long period during which an important minority of Muslim jurists accepted or at least entertained the idea that God did not have a direct or even an analogically determined ruling on every thing. And even the majority who rejected this position did not find their orthodox sensibilities offended to the point of casting charges of unbelief (*kufr*), unsanctioned innovation (*bid’ah*), or moral turpitude (*fisq*) against those who espoused it. In sum, the view that there are jurisdictional limits to Islam’s *shar’i* address is not new; nor, obviously, given how far back it goes back, could it have been imposed from without by a secularizing, emergent modern West; nor was it ever definitively placed outside the pale of Sunni orthodoxy.

Of course, these controversies over scope would ultimately be resolved in favor of an expansive view of Sharia that recognized the

validity of analogy and placed the neutral category *between* the obligatory and forbidden categories as part of God's *shar`i* address. But this should not be seen as a contradiction of the claim that Sunni jurists remained alive to the issue of scope and suspicious, if not critical, of haphazardly totalizing conceptions of the religious law. Indeed, careful analysis reveals that even mainstream jurists, who accepted the expansive, positivist notion of Islamic law, remained nonetheless vigilant in their recognition that there were limits beyond which the Sharia's authority simply did not extend.³⁸ In sum, even in the post-formative period,³⁹ when Islamic law took on its fully developed form, Sharia was perceived as a bounded and not an unbounded affair.

The Islamic Secular: *Shar`i* versus Non-*Shar`i*

Much of my work on Islamic law has revolved around the thought of the great Egyptian Maliki jurist Shihab al-Din al-Qarafi (d. 684/1285). Elsewhere, I have shown that he was quite direct and unequivocal in imputing jurisdictional limits to Sharia.⁴⁰ This sustained focus on al-Qarafi might give the impression that he was alone or unique in this regard. But this is demonstrably not the case. And while space will not allow for a full accounting here, the following should suffice to make the point.

Going all the way back to the Prophet, we find indications to this effect. Standard books on the Prophet's biography (*sīrah*) report that when he issued instructions to the Muslim forces at Badr, the Companion al-Hubab b. al-Mundhir asked if this was revelation or simply the Prophet's considered opinion. The Prophet responded that it was the latter, at which time al-Hubab offered his own plan, which the Prophet accepted.⁴¹ In the "canonical" hadith literature, we read that when a group of farmers whom the Prophet had advised on pollinating their trees complained that the trees died (or failed), he responded: "Do not hold me accountable for mere (non-revelational) ideas. But when I inform you of something on the authority of God, take it, for I will never invent lies against God."⁴² In this same section, Muslim reports that the Prophet stated: "You are more knowledgeable (than I am) regarding your secular affairs" (*antum a`lam bi amr dunyākum*).⁴³ These references clearly

reflect an understanding that the divine address was limited in terms of the range of issues regarding which it could be taken to bind Muslims to a concrete legal injunction. In the generations after the Prophet, we see a subtle blurring of the boundary between the concretely legal (*shar`i*) and the non-legal (non-*shar`i*). At least as early as Malik (d. 179/795), factual determinations, such as details of the kinds and quantities of food due a wife as part of her maintenance (*nafaqah*), are clothed with legal authority despite not being based on scriptural sources.⁴⁴ We see it as well in the writings of al-Shafi`i (d. 204/819)⁴⁵ and his early followers on such factual matters as determining the prayer-direction, the uprightness of witnesses, and the like. As Ahmad El Shamsy notes: “Although the determination of the *qiblah* represents an empirical matter while legal theory involves interpretive judgments, at least in the early centuries Shafi`i jurists do not seem to have drawn any distinction between the two.”⁴⁶ But already with Ahmad b. Hanbal (d. 241/855) in the first half of the third/ninth century, a more explicit recognition of scripture’s jurisdictional boundaries appears to be in evidence. In his account of the famous Inquisition (*mihnah*) over the Qur’an’s createdness, al-Tabari (d. 310/923) reports that Ibn Hanbal’s initial response was: “It is the speech of God; I have nothing to add beyond that” (*huwa kalām Allāh lā azīdu ‘alayhā*),⁴⁷ clearly suggesting that the question of its createdness or uncreatedness, or perhaps his understanding of the issue at the time, fell outside the scope of what Ibn Hanbal deemed scripture to have concretely addressed.

Later, the distinction between *shar`i* and non-*shar`i* becomes more concrete. Al-Ghazali (d. 505/1111), for example, rebukes those he terms “ignorant friends of Islam” who condemn non-Muslim natural sciences as contravening Sharia. Against this view, he insists that “the religious law has nothing to say about these sciences, either positively or negatively” (*wa laysa fī al-shar` ta`arruḍ li hādhi al-`ulūm bi al-nafy wa al-ithbāt*).⁴⁸ With al-Qarafi, of course, we get perhaps the most explicit articulation.⁴⁹ He cites as examples of non-*shar`i* sciences mathematics, geometry, sense perception, knowing the identity of prevailing customs, bounteous things, and the like: “Knowledge of none of these things reverts to scriptural sources (*sharā`i*).”⁵⁰

This basic recognition of *shar`i* limits did not stop with al-Qarafi. Ibn Taymiyyah (d. 728/1328) routinely cites instances where the *shar`i* tradition neither confirms nor negates (*lā nafyan wa lā ithbātan*) an imported concept or technical term.⁵¹ He also insists that purely rational claims (e.g., the validity of Greek logic) cannot be judged on the basis of scripture alone, but must be examined on the basis of reason.⁵² In their commentary on al-Baydawi's (d. 685/1286) *Minhāj al-Wuṣūl ilā 'Ilm al-Uṣūl*, the Shafi'i father and son, Taqi al-Din (d. 756/1355) and Taj al-Din (d. 771/69) al-Subki, confirm the distinction between knowledge that is contingent upon the divine address (*shar`i*) and knowledge that is not,⁵³ everything that could be considered knowledge, in other words, not falling within the boundaries of the *shar`*.

Early modern jurists continue along these lines. Ibn Abidin (d. 1258/1842), for example, notes that the knowledge that fire burns or that grammatical subjects are in the nominative case falls entirely outside the parameters of the religious law. In fact, in words reminiscent of al-Qarafi, he states that "what is meant by *shar`i* ... is that which would remain unknowable absent an address from the Divine Lawgiver."⁵⁴ Clearly, on these articulations, the idea that Sharia and its relative adjective *shar`i* is bounded as opposed to unbounded was not unique to al-Qarafi, but was a widely recognized feature of pre-modern Muslim juridical thought that made its way down to modern times.⁵⁵

This restrictive understanding of the category *shar`i* lays the foundation for my working definition of the Islamic secular: "*that for concrete knowledge of which one can rely neither upon the scriptural sources of Sharia nor their proper extension via the tools enshrined by Islamic legal methodology (uṣūl al-fiqh).*" At first blush, this might appear to be a rather strained use of the term *secular*, given the latter's entrenched association with indifference, if not hostility, toward religion. But Sharia is *the* medium through which God's will is made known in concrete, objectively verifiable terms (objective in the sense of existing in the public domain, where everyone has equal access to them). And to the extent that Sharia does *not* concretely address every issue, it does acknowledge the existence of other bases and norms of assessment. This corresponds, in the main, to the "differentiation" that Casanova identified as a central

feature of the secular.⁵⁶ At the heart of differentiation is specialization in distinct fields of concern – religious, economic, political, and so forth. And while Islam may not insist on such an explicit, formal division of knowledge, the distinction between the *shar`ī* and the non-*shar`ī* is, in fact, an expression of specialization. The secular is simply differentiated from *religion* in Casanova's depiction, whereas it is differentiated from the *shar`ī* in my working definition of the Islamic secular.

This basic understanding and valuation of “differentiation” is not the preserve of Casanova alone. Asad essentially recognizes its role and centrality when he writes: “It is when something is described as belonging to ‘religion’ and it can be claimed that it does not that the secular emerges most clearly.”⁵⁷ And Taylor speaks of an “independent political ethic” free of confessional allegiance as part of his understanding of the secular.⁵⁸ Of course, given its juristic thrust, my concept of the Islamic secular will fall dumb before any number of the brilliant sociological and anthropological insights of these (and other) treatments of the secular. But with differentiation as a point of departure, the idea that Islam's religious law is not the only forum for negotiating the value of human acts should go a long way in demonstrating a point of convergence with established discourses on the secular and in vindicating my use of the term.

Reason and Revelation

Again, the claim that Sharia does not concretely address a particular matter is not the same as saying that Islam takes no interest in it. In fact, a Muslim may not be able to ignore this matter because of the magnitude of potential benefit or harm his Islamic sensibilities lead him to surmise. In more concrete terms, of course, the actual substance of “benefit” and “harm” will have to be defined; and Islam and/or Sharia will play an obvious role in this regard. But beyond the basic recognition that a particular action is inspired, obliged, or simply allowed by Islam or Sharia, the empirical question of which particular modality of its concrete instantiation will best serve the interest associated with it is *not*, properly speaking, the business of *shar`ī* deliberations. It is one thing, in other words, for Sharia (or Islam) to support or actively promote the

value of wealthcreation; it is quite another to see Sharia (or Islam) as the direct source of the concrete acts or policies that actually create wealth.

Ultimately, this takes us back to the ancient controversy over the role and status of reason (*'aql*) in Islam, as reason would be the ostensible alternative to deliberating matters on the basis of Sharia. But the Sunni response to early Mu`tazilism (which argued that reason could independently apprehend the moral and soteriological implications of acts) gave rise to the view in Western scholarship that Sunnism rejected reason's evaluative power in matters of religion *tout court*. And this has led to the assumption that rigid "scripturalism" is the presumed norm in Islam. One could argue, however, that the primary object of the Sunni rejection of Mu`tazilism was Mu`tazilite cosmology and the notion that revelation was *bound* to confirm whatever moral or soteriological conclusions reason reached.⁵⁹ It did *not* imply that reason was incapable of or barred from making religiously relevant value judgments independent of revelation.

This is clear in the response of Mu`tazilism's most bitter opponents, the Ash`aris, especially later Ash`aris. In *Kitāb al-Irshād*, for example, al-Juwayni (d. 478/1085) plainly acknowledges that communities can know, based on their own communally accepted premises, that certain things are good or evil, even if there is no indication of such according to God.⁶⁰ In *Al-Iqtisād fī al-I'tiqād*, al-Ghazali is even more explicit in pointing out that what is routinely deemed good or evil is simply what is deemed to serve or contradict individual or collective desires or interests, which can be known independent of revelation.⁶¹ In *Kitāb al-Arba`in fī Uṣūl al-Dīn*, Fakhr al-Din al-Razi (d. 606/1209) affirms that there is a realm of "good and evil that is merely an expression of that which attracts and repels us by nature (*tab`*), and that there is no dispute that this can be known by reason."⁶² We might note that this was not an exclusively Ash`ari position; both the Maturidis and even Traditionalists essentially agreed with it.⁶³ In fact, none other than the "puritanical" Hanbali Ibn Taymiyyah states explicitly that revelation (i.e., the Qur'an and Sunna) could never provide human beings with all they need for a successful worldly life or even otherworldly salvation.⁶⁴ And reason, according to him, was perfectly capable of apprehending worldly benefit and harm (*maṣlaḥah aw mafṣadah*), even if, in the absence of indications by the

religious law, such judgments could not guarantee reward or punishment in the Hereafter.⁶⁵

In sum, across the theological spectrum, Sharia was *not* enshrined as the *only* basis upon which value judgments could be made, especially in the practical realm. The notion, as such, that scripture is as far as a Muslim can legitimately go in negotiating quotidian reality is simply inaccurate. This is critical to a fair assessment of the Islamic secular. Otherwise, the latter is likely to be brought under indictment as an aberration that seeks to grant an unauthorized role and authority to reason. At the same time, we should be mindful of the fact that reason, in the Muslim understanding, has traditionally been broader than the mere faculty of formal reasoning. In fact, it might be more accurate to speak of ways of knowing, apprehending, imagining, or even sensing reality. On this understanding, reason would include such things as sense perception, social convention, “taste,” imagination, spiritual epiphany, and the like.⁶⁶ This should be borne in mind as we approach the practical implications of the Islamic secular.

The Islamic Secular: Practical Implications

The stubborn notion that reason is antithetical to religion, coupled with the perceived Western purchase on the concept “secular,” gives rise to at least three reactions to the secular on the part of contemporary Muslims: (1) reject it altogether (as un-Islamic) and thus leave all issues falling within its orb to chance, haphazardness, and non-regulation; (2) reject (or simply overlook) it (again, as un-Islamic), but this time by simply subsuming it into the *shar`ī* realm and attempting to regulate *everything* through the Sharia’s rules and instrumentalities; and (3) embrace it, but here in its Western guise as the antithesis and/or overseer and domesticator of religion, in response to the Sharia’s perceived failure to speak effectively to legitimate human interests.

We begin to see the inadequacy of completely rejecting the secular (i.e., as a construct), however, when we consider such basic questions as the legal age for driving or what a specific national healthcare plan or immigration policy should actually be. Clearly, these questions cannot

be ignored, as they impinge upon broader communal interests (e.g., the preservation of life), which both Islam and Sharia clearly recognize and seek to promote. Yet no concrete scriptural sources can dictate the concrete substance of such rules or policies, either directly or by analogy. Of course one might argue that scripture does indirectly instruct Muslims in this regard by obliging them to avoid what is harmful and protect basic human needs (e.g., *ḥifẓ al-naḥs*, *ḥifẓ al-naḥs*, and so on).

But the question goes beyond the theoretical to the practical matter of whether *this* legal age for driving, *this* healthcare plan, or *this* immigration policy will sufficiently or best serve the community's interests. This cannot be determined on the basis of scripture or its *shar`ī* indications, but must be pursued through various secular, non-*shar`ī* instruments (e.g., empirical observation, practical experience, childhood psychology, modern medicine, public administration, actuarial science, and the like), none of whose substance or inherent authority is derived from or necessarily contradicted by Sharia. The scope and significance of all of this becomes more obvious when we expand our vistas to include FAA regulations, monetary policy, building codes, education policy, zoning laws, tenure procedures, passport regulations, and a virtually endless list of issues in the public domain.

To be clear, the argument here is not that these issues must be contemplated in a manner that is entirely devoid of *shar`ī* (or Islamic) influence or consideration. The fact that, for example, Sharia holds empathy (*shafaqah*) and loving care (*ḥanān*) to be essential to a child's welfare, or that residential buildings must respect the rights of neighbors, may inform such disciplines as childhood psychology or architecture, respectively. But while Sharia seeks to produce *legal rulings* (*aḥkām*), such norms of assessment as efficient, safe, profitable, beautiful, and fun are simply not *shar`ī* categories. And yet these qualities remain critical to the realization of what Islam, and perhaps Sharia, would recognize as interests. For example, a legal driving age that ignored safety or an inefficient healthcare plan could hardly be said to serve the broader aims and objectives (*maqāṣid*) that justify (if not obligate) their existence. Thus, one could not simultaneously ignore these secular categories of assessment and successfully pursue the interests of Islam or Sharia in concrete terms.

At the same time, however, even assuming that a particular legal driving age or health-care plan fell perfectly within the general parameters of the religious law (though obviously not dictated by it), one could not claim that it was “God’s law” or against “God’s law” in the same way that one could claim this about the obligation to support one’s family or avoid alcohol consumption. Neither, however, given the source of its inspiration, would it always be appropriate to adjudge this legal driving age or healthcare policy as entirely “non-religious,” let alone anti-religious.

As for the tendency to subsume the secular into the *shar`i* realm, perhaps its most common manifestation is the exaggerated focus in many Muslim circles upon unmediated scriptural interpretation (*ijtihad*). To be sure, *ijtihad* is important to the enterprise of moving beyond the realities, presuppositions, and going opinions of the pre-modern world and navigating through new and changing moods and circumstances. Strictly speaking, however, it is relevant only to the explicitly *shar`i* realm.⁶⁷ And in this light, an exaggerated focus upon *ijtihad* leaves the optimal, concrete *instantiation* of Islamic or *shar`i* values in a state of confusion or neglect. The result is often a misplaced reliance on Muslim juristic activity and a frustrating dissonance between the perceived Islamic or *shar`i* ideal and the modern quotidian real.

Equally problematic, however, is the tendency to try to overcome this gap by simply doubling down on *ijtihad*. For assuming, as I think we must in many instances, that the problem is not the substance per se of a *shar`i* rule or that the rule is simply too univocal to accommodate “reinterpretation” (e.g., the ban on adultery), the problem would have to be seen as residing in the rule’s concrete instantiation.⁶⁸ And to the extent that this is the case, *ijtihad*, which is about *extracting rules* from the sources, would seem to be powerless to make any difference.⁶⁹

For example, in a scathing critique of marriage in early twentieth-century Egypt, Muhammad Abduh (d. 1905) criticizes the jurists for their pathetically transactional attitude toward the institution of matrimony, especially as it affects women. According to him, their juridical definitions focused almost exclusively upon a husband’s sexual rights over his wife and were “entirely devoid of any reference to “ethical

obligations” (*wājibāt adabīyah*) between spouses.⁷⁰ This, according to him, undermined the whole point of marriage, which was for two hearts and minds to come together in love and compassion (*mawaddah wa rahmah*). Asad has suggested, incidentally, that European influence was, at that particular time, informing Egypt’s discourse on gender.⁷¹

My focus, however, is not so much on Abduh’s critique as it is on what he seems to offer as a solution. Rather than sheer callousness, it seems reasonable to assume that the jurists omitted “ethical obligations” because they fell outside their *shar`ī* purview, as entities for which Sharia could not prescribe any concrete instantiations in the form of specific acts. “Love and compassion,” in other words, could mean different things in different contexts and could thus be concretized in a myriad of ever-changing, socio-culturally embedded ways, from bringing home flowers to bringing home a rare cut of meat. Their instantiation, in other words, was not a *shar`ī* matter but rather an activity to be pursued by individuals and communities via their culturally literate engagement with the Islamic secular. But rather than recognize this non-*shar`ī*, secular dimension of the problem, Abduh appears to double down on *ijtihād*, going back to the Qur’an and Sunnah and reiterating their provisions for marital bliss, especially for women: “All we have to do is hear the voice of our Sharia and follow the rulings of the Noble Qur’an, the authentic Sunna of the Prophet and the ways of the Companions in order for women to find happiness in marriage.”⁷²

Abduh’s goodwill and eloquence notwithstanding, his approach here runs the risk of ignoring the extent to which issues of culture can affect a rule’s reception and efficacy no less than the actual substance of the rule itself. Even if a man harbors the most intense love and compassion for his wife, this alone serves as no guarantee that the latter will actually *feel* loved and cherished. Rather, this will depend on how adept he is at translating these sentiments into actions that effectively convey them to his wife. But this is far more a matter of cultural literacy than it is of knowledge of or commitment to the religious law per se; after all, a “good” Muslim can be a “bad” kisser (or dresser or conversationalist). As such, doubling down on scriptural exhortations to love and compassion (especially given that in this case these already exist) would seem to be

of little effect. Rather, *cultural* adjustments, including enhanced cultural literacy, would appear to constitute the bulk of the remedy; for culture fundamentally informs the manner in which the law, including its religious values, virtues, and overall vision, are concretized and instantiated in real time and space. In the case at hand, for example, non-*shar`i* culturally informed charm and winsomeness can clearly be seen as serving the *shar`i* interest of marital harmony.

Yet cultural production per se is not a *shar`i* endeavor. While the law may determine the general parameters in which culture must operate, even within the domain of the legally permissible (*ḥalāl*), scripture-based rulings (*aḥkām*/ sg., *ḥukm*) cannot tell us what actually is pretty, fun, chic, romantic, and so on. Culture-production is simply not the province of the jurists. On the contrary, it is the domain of the Islamic secular and is undertaken by “the people.” While *ijtihād* determines the law’s substance, culture contributes directly to what Peter Berger refers to (in another context) as the law’s “plausibility structure.”⁷³ Thus cultural producers, and not jurists, will play a critical role in priming social conditions and spreading cultural literacy to the end of promoting greater realization of the law’s broader aims and objectives and, in so doing, engendering broader voluntary compliance.

In this sense, both the generality of Muslims and jurists can be seen as bearing responsibility for the overall state of the socio-cultural-*cum*-legal order *and* to be engaged (constructively or not) in religious activity.⁷⁴ Yet, the tendency to “over-*shar`i*atize” and ignore the Islamic secular summarily blocks this insight from view. And with this, we effectively arrive at the third contemporary Muslim response to the secular: Sharia and the religious establishment are burdened with the complete and sole responsibility for any dissonance existing between the religious law and the “ideals” of the religion, not to mention the “legitimate aspirations of the people.”

I do not mean to imply by this that the Islamic secular is reducible to culture-production. But the significance of culture in this context, like that of architecture, childhood psychology, and actuarial or military science in other (aforementioned) contexts, does suggest, *pace* those who would look exclusively to “ethics” as the antidote to over-*shar`i*atization,

that the Islamic secular is not synonymous with ethics.⁷⁵ In fact, ethics is often irrelevant to the Islamic secular because the values or interests at stake are often neither *moral* nor *ethical* in nature. Constructs such as chic, fun, profit maximization, or even efficiency are not, strictly speaking, moral or ethical. Even if we assume that efficiency, for example, actually *is* ethical in that it is the opposite of wasteful, determining what actually *is* efficient in concrete terms could not be achieved on the basis of purely ethical considerations. Rather, this would require, again, the same sorts of secular instruments cited above, such as reason, actuarial science, cultural imagination, or plain old experience.

The often marginal relevance of ethics is even more glaring in the area of cultural production. To take one concrete example, the Nation of Islam, despite its theological irregularities, was able to craft salutary approaches to the cultural, existential, and socio-psychological challenges confronting its followers. This enabled the group to produce an “Islamic” cultural identity that actually resonated in an American context, while relying upon no material artifacts from the Muslim world (e.g., *thawbs* or *ṭaqīyas*). Clearly, the great bulk of these innovations defied the categories “ethical”/“unethical.” And yet their approach was far more successful than any other to date at producing an indigenized cultural expression of “Islam” in America through which they were able to secure a more empowered sense of self and an independent moral identity, both clearly Islamic, *shar`ī* interests. Had Sunnism followed suit, these cultural semiotics might have greatly complicated the efforts by Islamophobes today to cast Muslims in America as fifth-column aliens.

The Islamic Secular and *Siyāsah Shar`īyah*

To many, much of the foregoing may sound like a restatement of the concept of state-owned discretion (*siyāsah shar`īyah*). To my mind, however, *siyāsah shar`īyah*, especially in its modern, popular form, is not a fully adequate approach to or substitute for the Islamic secular. According to this approach to *siyāsah shar`īyah*,⁷⁶ rulings and policies, particularly discretionary rules and policies that issue from the state, do not have to be based directly on scripture; they merely have to show themselves to

be in accord with it.⁷⁷ The problem with this criterion, however, is that it ultimately restricts any assessment to the simple question of “permissibility” (*jawāz, ibāḥah*), leaving aside the qualitative question of what is actually best or most suitable. On this criterion, a highway speed limit of 30 mph or a legal driving age of thirty-nine could theoretically pass muster. Similarly, leaders or officials could hand down disastrous administrative or economic policies, and all of this might be unassailable from a modern *siyāsah shar`īyah* perspective. To my mind, by contrast, successful engagement of the Islamic secular must include not only an adequate area of discretion and non-*shar`ī* rational deliberation, but also the legitimate right of communities to press for decisions and policies that are qualitatively and functionally sound.

As an alternative to the modern *siyāsah shar`īyah* approach, I would revert to an insight afforded by Shihab al-Din al-Qarafi. As part of his effort to distinguish the *shar`ī* from the non-*shar`ī*, he insisted that the only binding and unassailable instrument in Islam is the legal ruling (*ḥukm*). The *ḥukm*, however, is actually of two types: (1) juristic (*shar`ī*), whose authority resides in the fact that it reclines upon scriptural proof (and in the case of judges, courtroom evidence as well); and (2) discretionary, whose authority resides in the ruler’s (read: state’s) authority to pursue the community’s preponderant interests. While al-Qarafi was certainly not a populist (and even more certainly not a democrat), he invests significant authority in “the community” (*al-ummah*). He insists that a ruler’s decree acquires binding status not merely by the fact that he issues it, but by the fact that it actually *serves* the public interest.⁷⁸ This, in turn, empowers the community to question or even reject those decrees that it deems inconsistent with what is best for the public good.⁷⁹

Beyond the *ḥukm*, al-Qarafi recognized a genre of “official decrees,” which he placed under the designation “discretionary action” (*taṣarruf*). The difference between a *taṣarruf* and a *ḥukm* is precisely that the latter is assumed to be binding and unassailable, whereas the former is provisionally binding but *not* unassailable. In the case of bankruptcy, for example, although a judge can sell a debtor’s property for a certain amount, this sale is not considered to be a *ḥukm* but rather a *taṣarruf*. While it may be *assumed*, in other words, to be valid and binding in terms

of settling the dispute at hand, it might also be legitimately challenged and overturned, in contradistinction to a *ḥukm*. That is to say, the debtor may legitimately protest that his goods were sold at too low a price. And upon receiving such a complaint, a subsequent judge (or other official) could legitimately reverse this sale and demand a fairer price.

The Islamic secular, being non-*shar`ī*, would be subject to a discretionary *ḥukm* only when the latter clearly and uncontrovertibly served the community's interest, what al-Qarafi termed *al-maṣlahah al-rājiḥah aw al-khāliṣah*. But inasmuch as what is actually and concretely safe, efficient, most profitable, culturally edifying, and the like are not fixed but indeterminate, it could rarely be claimed that any particular state-sponsored ruling or policy in the area of the Islamic secular was in and of itself unassailable or beyond review. The Islamic secular, in other words, is not, generally speaking, the realm of the *ḥukm* but rather the realm of the *taṣarruf*, which may be legitimately challenged and reversed. This applies to both the private (e.g., bankruptcy cases) as well as the public domain (e.g., public policy).

Regarding the latter, the right to petition for redress would accrue to the community at large, and *its* cumulative wisdom, experience, insight, and expertise could legitimately function as a check. In other words, if a state decree in the realm of the Islamic secular fails to stir the community to significant protest, such a decision may be assumed to be valid and binding. But if it fails to meet community standards, then the community may legitimately seek redress without being accused of engaging in an improper display of contempt for legitimate authority. Of course, the precise procedural mechanisms through which all of this is negotiated and held in balance is a technical question beyond the scope of the present discussion. Two points, however, might be noted.

First, whatever mechanisms are arrived at for negotiating the use of state power in the non-*shar`ī* realm of the Islamic secular will emerge largely out of deliberations that are themselves grounded in non-*shar`ī* disciplines, apparatuses, experiences, and insights. That is to say, much of what goes into these deliberations will transcend questions of permissible and impermissible and hinge upon empirical considerations (e.g., efficiency, orderliness, justice, privacy, and the like) and how these

can be most effectively instantiated in concrete terms, as opposed to being merely acknowledged theoretically as valid interests. In this capacity, these deliberations may *not* be dominated by jurists but rather by non-clerical experts from other fields and disciplines. Indeed, care must be taken to ensure that the jurists' *shar`ī* authority is not mistaken for a universal authority that empowers them, *qua* jurists, to speak *authoritatively* in the non-*shar`ī* realm of the Islamic secular.

Second, the distinction between *shar`ī* and non-*shar`ī* (i.e., between *ḥukm* and *taṣarruf*) comes with at least three theoretical advantages that are not, to my recollection, explicitly highlighted in the modern *siyāsaḥ shar`īyah* approach. First, by promoting a broader recognition of the legitimacy of the Islamic secular, government officials are insulated from inflated charges of violating Islam every time they propose or implement rules or policies that are not based on strictly *shar`ī* justifications. Second, it empowers the community to impose a modicum of accountability on its leaders through the legitimate right to police the quality of their discretionary decisions. Finally, it domesticates power in the realm of the Islamic secular by denying the decisions and policies made therein the automatic, unassailable authority of a *ḥukm* backed by Sharia.

Concluding Thoughts

My attempts at carefulness and circumspection notwithstanding, these articulations may still inspire in many the suspicion that the concept of the “Islamic secular” can only put Muslims on a slippery slope toward secularization in the modern, Western sense of the word. Bit by bit, and under the pressure of the West’s dominant cultural and intellectual hegemony, they may sense that such a construct will merely prompt Muslims to interpret away as much of the Sharia’s authority as they can in order to justify expanding the realm in which such secular instruments as reason, science, public opinion, custom, experience, cultural imagination, and the like can be legitimately invoked.

This is a serious challenge. Yet, it may go some way in vindicating my project to call to mind that a major effect of neglecting the Islamic secular is to burden Sharia with the responsibility for speaking

effectively to all and sundry matters. When this fails, as it surely must (i.e., how can Sharia or the jurists know what will make one's spouse feel cherished or maximize personal or communal wealth), the frustration that sets in can only strengthen the allure of secularism in the modern, Western sense. In short, its undeniable liabilities notwithstanding, we are simply faced with an inescapable choice: either the Islamic secular or Western secularism.

Still, it would be remiss to ignore Montesquieu's ever-so-cunning words: "A more certain way to attack religion is by favor, by the comforts of life, by the hope of fortune, by what makes one forget it; not by what makes one indignant, but by what leads one to indifference when other passions act on our souls and when those that religion inspires are silent."⁸⁰ The greater the area of the *non-shar`ī* Islamic secular, in other words, the greater will be the area in which Sharia waxes mute (or may be called upon by its opponents to do so), quietly leading to more and more indifference toward what is perceived as an increasingly silent religion. And, of course, the greatest threat to religion is almost never persecution but the apathy born of its own irrelevance.

There are two considerations, however, that I hope would be taken seriously in the face of this challenge. First, the advocates of *ijtihad* are relentless in pointing to the deleterious effects of *taqlid* (fixed readings⁸¹). Of course, *taqlid* is assumed to imply a reading not of the sources, but of the precedents upheld by the schools of law (*madhhabs*), which are themselves assumed to have executed a proper reading of the sources. This is what confers such an immoveable authority upon these fixed readings. While the bulk of attention, however, is directed toward "legal *taqlid*," the effects and logic of this phenomenon extend to the socio-cultural, economic, and political realms as well. Just as modern Muslims labor under the constraints of pre-modern legal and para-legal deductions that have been infused with pre-modern facts, sensibilities, and presuppositions, they labor perhaps even more so under the authority and influence of pre-modern socio-cultural and political norms, whose presumptive status is underwritten by a vague association with scriptural texts that are assumed (or occasionally claimed) to be the basis of their authority. In this capacity, the effects of "secular *taqlid*" are often far more difficult

to overcome than are those of legal *taqlīd*, because the former is less recognizable and thus less susceptible to critical analysis.⁸²

Meanwhile, paying more careful attention to the Islamic secular could alert us to the fact that much of what is upheld as “Islamic” is not a function of textual interpretation or even reliance upon *madhhab* precedent, but of the exercise by pre-modern jurists (and others) of their own reason, imagination, cultural literacy, and other faculties en route to discretionary and other non*shar`ī* conclusions deemed appropriate to their own context. By recognizing this, contemporary Muslims could free themselves from the would-be authority of any number of bygone conventions, vogues, preferences, insights, biases, assumptions, and the like. For inasmuch as these did not concretely recline upon direct scriptural or *shar`ī* authority, the most they could amount to would be practical discretionary choices that even pre-modern jurists would deem open to ongoing critique and revision.

By recognizing and engaging the Islamic secular, then, we would free the rational, cultural and imaginative powers of contemporary Muslims – from all walks and disciplines – from the undue constraints of an over-inclusive understanding of Islamic law and history. And in so doing, we may actually render them *more*, rather than less, likely to avoid secularization both by sparing Sharia the responsibility for inadequately addressing issues it was never calibrated to address and by opening the way for present-day Muslims, including, or perhaps especially, those outside the clerical class, to deploy their talents to the end of (re)acquiring the kind of cultural and intellectual authority via which Muslims can (re)construct an appropriate and functionally effective plausibility structure for Islam in the modern world.

Second, and finally, as I have repeated several times over the course of this essay, the *shar`ī* and the religious are *not* synonymous. Whereas the *shar`ī* necessarily implies the religious, the religious does not necessarily entail the *shar`ī*. Thus, even if our engagements with the Islamic secular lead us to greater comfort, hope, and fortune above and beyond the strictly *shar`ī*, this need not imply, *pace* Montesquieu, the irrelevance of Islam as religion. After all, between one supremely reasonable economic policy, drug-treatment program, or speed limit and another, something other than reason will have to guide us to a final decision.

Islam, in this context (i.e., as religion and the fount of trans-rational direction, insight, virtue, and guidance), remains thus inextricably relevant to the Islamic secular realm. The Islamic secular, in other words, is entirely and permanently deaf to Grotius's suggestion to proceed "as if God did not exist." This is the most important substantive difference between it and the Western secular. And this binds the Muslim to perpetual, conscientious engagement with Islam as religion, even in the most secular of endeavors. In the end, therefore, as I have noted elsewhere, it may be far less the notion that Sharia is limited in scope that opens the path to Western-style secularization than it is the sense or belief among Muslims that, by relying on a purely intellectual engagement of "Islam" or Sharia or the Islamic secular, they can so perfectly master the art of living that they have no need to seek supra-worldly guidance directly from God.⁸³

Endnotes

- 1 Of course, “religion” also generates its share of definitional ambiguity. See, for example, R. T. McCutcheon, “The Category ‘Religion’ in Recent Publications: A Critical Survey,” *Numen* 42, no. 3 (October 1995): 284-309; J. Z. Smith, “Religion, Religions, Religious,” *Critical Terms for Religious Studies* (Chicago: University of Chicago Press 1998), 269-84.
- 2 According to T. N. Madan, “the word ‘secularization’ was first used in 1648, at the end of the Thirty Years’ War in Europe, to refer to the transfer of church properties to the exclusive control of the princes.” See his “Secularism in Its Place,” *Secularism and Its Critics*, ed. R. Bhargava, 6th ed. (New Delhi: Oxford University Press, 2007), 297. According to Madan, the Englishman George Jacob Holyoake coined this term in 1851. See Madan, “Secularism,” 298. According to Ashis Nandy, Holyoake coined it in 1850, a time when it was still “accommodative of religion.” See his “The Politics of Secularism and the Recovery of Religious Tolerance,” in *Secularism and Its Critics*, 327. The Thirty Years’ War was a devastating religious conflict, ostensibly between Protestants and Catholics, that claimed several million lives and ended with the Peace of Westphalia. I note for the record the dissenting view of W. Cavanaugh regarding the significance of Europe’s wars of religion. See his *The Myth of Religious Violence: Secular Ideology and the Roots of Modern Conflict* (New York: Oxford University Press, 2009), 123-80.
- 3 J. Casanova, “Secularization Revisited: A Reply to Talal Asad,” *Powers of the Modern Secular: Talal Asad and His Interlocutors*, ed. D. Scott and C. Hirschkind (Stanford: Stanford University Press, 2006), 19-20. Casanova mentions, incidentally, Confucianism and Taoism as examples in this regard.
- 4 Cited in C. Taylor, “Modes of Secularism,” *Secularism and Its Critics*, 34.
- 5 See note 2.
- 6 J. Israel, *Enlightenment Contested: Philosophy, Modernity, and the Emancipation of Man 1670-1752* (New York: Oxford University Press, 2006), 64.
- 7 Israel, *Enlightenment Contested*, 65.
- 8 N. Stolzenberg, “The Profanity of the Law,” *Law and the Sacred*, ed. A. Sarat, L. Douglas, and M. M. Umphrey (Stanford: Stanford University Press, 2007), 34.
- 9 S. Wolin, *Politics and Vision: Politics and Change in Western Political Thought* (Princeton: Princeton University Press, 2006), 147.
- 10 See, for example, M. Zurqa, *Fatāwā Muṣṭafā al-Zarqā* (Damascus: Dar al-Qalam, 1420/1999), 405.
- 11 For example, while Ibn Rushd cites unanimous consensus on the ban on Muslims inheriting from non-Muslims, the Hanbalis Ibn Taymiyyah and Ibn Qayyim al-Jawziyyah incline toward allowing converts to inherit from their non-Muslim relatives, partly in light of their recognition that this ban was functioning as a bar to Islam.

- See Ibn Rushd, *Bidāyat al-Mujtahid wa Nihāyat al-Muqtaṣid* (Cairo: Dar al-Fikr, n.d.), 2:264; Ibn Qayyim al-Jawziyyah, *Aḥkām Ahl al-Dhimmah*, 3 vols., ed. A. al-Bakri and A. al-'Aruri (Dammam: al-Ramadi li al-Nashr, 1418/1998), 2:853-72, esp. 2:253-58.
- 12 One might make a case for the *mazālim* courts as a formally recognized, secular forum. But they were more an alternative régime of enforcement, not an alternative régime of law per se. This is certainly the impression one gets from such authoritative descriptions as that of al-Mawardi. See Abu al-Hasan Ali b. Muhammad al-Mawardi, *Al-Aḥkām al-Sulṭānīyah wa al-Wilāyāt al-Dīnīyah*, ed. A. al-Baghdadi (Kuwait: Maktabat Dar Ibn Qutaybah, 1409/1989), 102-26. On page 15, for example, he explicitly states: “*Mazālim* jurisdiction does not recognize rulings disallowed by the religious law” (*naẓar al-mazālim lā yubīḥ min al-aḥkām mā ḥazarahu al-shar*).
- 13 For example, the modern jurist Muhammad Abu Zahrah insists that “there is unanimous consensus to the effect that the *ḥākim* in Islam is God the Exalted and that there is no religious law (*lā shar*)” except from God.” See his *Uṣūl al-Fiqh* (Cairo: Dar al-Fikr al-Arabi, n.d.), 63.
- 14 T. Asad, *Formations of the Secular: Christianity, Islam, Modernity* (Stanford: Stanford University Press, 2003), 21-66.
- 15 J. Casanova, “The Secular and Secularisms,” *Social Research* 17, no. 4 (2009): 1052.
- 16 J. Casanova, *Public Religions in the Modern World* (Chicago: University of Chicago Press, 1994), 15; see also the discussion at 20-25.
- 17 C. Taylor, *A Secular Age* (Cambridge, MA: Belknap Press, 2007), 594.
- 18 *Ibid.*, 2-3.
- 19 See O. Roy, *Secularism Confronts Islam*, trans. G. Holoch (New York: Columbia University Press, 2007), xii-xiii, 7-8, 59 and *passim*.
- 20 S. L. Carter, *God’s Name in Vain: The Wrongs and Rights of Religion in Politics* (New York: Basic Books, 2000), 4.
- 21 See, for example, A. March, “Are Secularism and Neutrality Attractive to Religious Minorities: Islamic Discussions of Western Secularism in the ‘Jurisprudence of Muslim Minorities’ (*Fiqh al-Aqallīyāt*) Discourse,” *Cardoza Law Review* 30, no. 6 (2009): 2821-54; A. An-Na’im, *Islam and the Secular State: Negotiating the Future of Shari’a* (Cambridge: Harvard University Press, 2008), 1.
- 22 See H. A. Agrama, *Questioning Secularism: Islam, Sovereignty, and the Rule of Law in Modern Egypt* (Chicago: University of Chicago Press, 2012), 24.
- 23 Asad, *Formations*, 36-37, nt. 41.
- 24 *Ibid.*, 31, nt. 24.
- 25 *Ibid.*, 30.
- 26 See Abu Bakr Ahmad b. al-Husayn b. Ali b. Abd Allah b. Musa al-Bayhaqi, *Kitāb al-Asmā’ wa al-Ṣifāt* (Beirut: Dar al-Kutub al-‘Ilmiyyah, n.d.), 35.

- 27 Joseph Schacht, *An Introduction to Islamic Law* (Oxford: Clarendon Press, 1964), 1.
- 28 W. B. Hallaq, *The Impossible State: Islam, Politics, and Modernity's Moral Predicament* (New York: Columbia University Press, 2013), 51.
- 29 J. Locke, *Two Treatises of Government*, ed. P. Laslett (New York: The New American Library, 1965), 448.
- 30 See N. J. Coulson, "The State and the Individual in Islamic Law," *International and Comparative Law Quarterly* 6 (January 1957): 49.
- 31 After explaining how the modern state is ubiquitous in terms of its jurisdiction, Hallaq writes: "Whereas the modern state rules over and regulates its religious institutions, rendering them subservient to its legal will, the Shari'a rules over and regulates, directly or through delegation, any and all secular institutions. If these institutions are secular or deal with the secular, they do so under the supervising and overarching moral will that is Shari'a. Therefore, any political form or political (or social or economic) institution is ultimately subordinate to the Shari'a, including the executive and judicial powers." See Hallaq, *The Impossible State*, 51. Given the entrenched incumbency of such a view, based in part on the straightforwardness of its logic, it may be difficult at times for readers to remain focused on my actual point. Suffice it to say at this juncture that there is a difference between Islam and Sharia. And where Sharia's jurisdiction ends it simply cannot concretely regulate a matter, even if the matter itself remains within the purview of Islam's values and virtues. In short, even if Islam may preside over all matters, Sharia does not.
- 32 O. Anjum wrestles head-on with the problem of the community being excluded from negotiating the quotidian order in his *Politics, Law, and Community in Islamic Thought: The Taymiyyan Moment* (Cambridge: Cambridge University Press, 2012).
- 33 In his classic work on the Zahiris, I. Goldziher discerned that they were not about literalism per se, but rather constituted an attempt to combat *ra'y* (i.e., informed opinion), which could not recline directly on the sources for its content. See I. Goldziher, *The Zahiris: Their Doctrine and Their History*, trans. W. Behn (Leiden: E.J. Brill, 1971.) Meanwhile, we might note that Ibn Hazm (d. 1064), among the greatest representatives of Zahirism, explicitly recognizes the legitimacy of figurative or allegorical renderings of certain passages of scripture. See, for example, his *Al-Ihkām fī Uṣūl al-Aḥkām*, 8 vols., ed. A. M. Shakir (Beirut: Dar al-Afaq al-Jadidah, 1308/1993), 2:28
- 34 A. K. Reinhart, *Before Revelation: The Boundaries of Muslim Moral Thought* (New York: State University of New York Press, 1995), 16.
- 35 See Abu Ishaq al-Shirazi, *Ṭabaqāt al-Fuqahā'*, ed. I. Abbas (Beirut: Dar al-Ra'id al-'Arabī, 1970).
- 36 On the general debate around this point, see, for example, Reinhart, *Boundaries*, 128-32.
- 37 See Ibn Rushd, *Talkhīṣ al-Mustasfā*, ed. J. Alaoui (Beirut: Dar al-Gharb al-Islami, 1994), 47-48.

- 38 Part of the point I shall argue is that even where Sharia requires action or nonaction, there may remain other evaluative bases upon which to assess how this act or non-act is most appropriately instantiated in real time and space. Here we may think of Sharia's limits in terms, perhaps, of depth as opposed to scope. See below, 14-18.
- 39 The division between "formative" and "post-formative" is contested, both in terms of when it occurred and of its meaning and implications. Recently, Intisar Rabb has offered "founding period" as an alternative, pointing to three distinct phases: (1) the founding period (the seventh to ninth centuries CE); (2) the period of textualization (the tenth and eleventh centuries CE), including the purported "closing of the gates of *ijtihād*"; and (3) the period of synthesizing textual and interpretive authority. See I. Rabb, *Doubt in Islamic Law: A History of Legal Maxims, Interpretation, and Islamic Criminal Law* (Cambridge: Cambridge University Press, 2015), 8-9.
- 40 This goes back as far as my doctoral dissertation, "In Defense of Two-Tiered Orthodoxy: A Study of Shihāb al-Dīn al-Qarāfī's *Kitāb al-Iḥkām fī Tamyiz al-Fatāwā 'an al-Aḥkām wa Taṣarrufāt al-Qāḍī wa al-Imām*" (PhD diss., University of Pennsylvania, 1991).
- 41 See, for example, Ibn Hishām, *Al-Sīrah al-Nabawīyah*, ed. M. al-Saqa, I. al-Abyari, and A. Shalabi (Damascus: Dar Ibn Kathir, 1426/2005), 523.
- 42 See Muslim b. Hajjaj, *Ṣaḥīḥ Muslim*, 5 vols. (Beirut: Dar Ibn Hazm, 1416/1995), 4:1464.
- 43 Ibid.
- 44 See, for example, Jamal al-Din b. Umar b. al-Hajib, *Jāmi' al-Ummahāt*, ed. A. al-Akh-dari (Damascus: al-Yamamah li al-Tiba'ah wa al-Nashr wa al-Tawzi', 1421/2000), 331ff.
- 45 See, for example, *Al-Risālah*, ed. A. M. Shakir (Cairo: al-Maktabah al-'Ilmiyyah, 1358/1939), 487-503 on *ijtihād*.
- 46 A. El-Shamsy, "Rethinking *Taqīd* in the Early Shafi'i School," *Journal of the American Oriental Society* 128, no. 1 (2008): 14-15. Emphasis mine.
- 47 See Abu Ja'far Muhammad b. Jarir al-Tabari, *Tārīkh al-Ṭabarī*, 6 vols. (Beirut: Dar al-Kutub al-'Ilmiyyah, 1433/2012), 5:190.
- 48 Al-Ghazali, *Al-Munqidh min al-Dalāl wa al-Muwaṣṣil ilā Dhī al-'Izzah wa al-Jalāl*, ed. J. Saliba and K. 'Ayyad (Beirut: Dar al-Andalus, n.d.), 102. Of course, al-Ghazali did not always speak with complete consistency in this regard. In *Al-Mustasfā* 1:3, for example, he places among the three genres of knowledge, "the purely rational (*'aqlī maḥḍ*) which the religious law neither encourages nor applauds, such as statistics, geometry, astronomy and the like, all of which amount either to false suppositions ... or valid knowledge that is of no benefit." His Maliki commentator, Ibn Rāshiq (d. 632/1235) criticizes this view, insisting that these sciences cannot be categorically dismissed as being of no benefit. See al-Husayn b. Rāshiq, *Lubāb al-Maḥṣūl fī 'Ilm*

- al-Uṣūl*, 2 vols., ed. M. Jabī (Dubai: Dar al-Buhuth li al-Dirasat al-Islamiyyah wa Ihya' al-Turath, 1422/2001), 1:189. Of course, both of them are speaking in a specific historical context regarding the degree to which non-Muslim science in general may or may not touch upon issues of relevance or potential harm to religion.
- 49 See my *Islamic Law and the State: The Constitutional Jurisprudence of Shihāb al-Dīn al-Qarāfī* (Leiden: E.J. Brill, 1996), 113-41.
- 50 Al-Qarāfī, *Sharḥ Tanqīh al-Fuṣūl fī Ikhtiṣār al-Maḥṣūl fī al-Uṣūl*, ed. A.F. al-Mazidi (Beirut: Dar al-Kutub al-'Ilmiyyah, 2007), 109.
- 51 See, for example, his *Dar` Ta`āruḍ al-`Aql wa al-Naql*, 11 vols., ed. M. R. Salim (Riyadh: Matba'at al-Imam Muhammad b. Sa'ud, 1399/1979), 4:146.
- 52 See, for example, Jalal-Din al-Suyuti, *Juḥd al-Qarīḥah fī Tajrīd al-Naṣīḥah* (Beirut: al-Maktabah al-'Asriyyah, 1430/2009), 91-92 (an abridgment of Ibn Taymiya's *Naṣīḥah Ahl al-Imān fī al-Radd 'alā Manṭiq al-Yūnān*). This is not to say that scripture would necessarily have nothing to say about the religious status of a particular rational claim. The point is simply that the claim itself would have to be rationally examined to determine its actual substance before a *shar`ī* ruling could be reached. On another note, I obviously cannot concur with the view of my former colleague John Walbridge when he writes: "The great fourteenth-century fundamentalist reformer Ibn Taymiya hated reason wherever it expressed itself in Islamic intellectual life." See his *God and Logic in Islam: The Caliphate of Reason* (Cambridge: Cambridge University Press, 2011), 5.
- 53 See *Al-Ibhāj fī Sharḥ al-Minhāj*, 3 vols. (Beirut: Dar al-Kutub al-'Ilmiyyah, 1424/2004), 1:30.
- 54 *Radd al-Muḥtār 'alā al-Durr al-Mukhtār Sharḥ Tanwīr al-Abṣār*, 12 vols., ed. A. Abd al-Mawjud and A. Muawwad (Beirut: Dar al-Kutub al-'Ilmiyyah, 1415/ 1994), 1:118.
- 55 The late Muhammad al-Khidr Husayn wrote: "Whoever looks carefully will see the difference clearly between what the religion provides guidance on and what it leaves to the tried and tested experience of society." See his *Dirāsāt fī al-Sharī'ah al-Islāmīyah* (UAE: Maktabat Dar al-Farabi, 1326/ 2005), 13.
- 56 Casanova, *Public Religions*, 21-25.
- 57 Asad, *Formations*, 237.
- 58 C. Taylor, "Secular Imperative," 32-33.
- 59 Intisar Rabb summarizes the Mu`tazili position as follows: "The idea was that there is a moral system woven into the fabric of this world that humans could rationally discern, but that God made them free to follow or disregard the dictates of that morality and promised to judge them on that basis... [W]hatever the human intellect perceives as morally good or morally wrong is indeed so before God... In other words, morality is objective, meaning that perceptions of moral value should not differ from God to human beings." See her *Doubt in Islamic Law*, 273. I would argue that this Mu`tazili realism, and not reason's evaluative capacity per se, was

- the real, primary target of the critique by the Sunnis, who favored a more voluntarist approach that accommodated God's right and ability to act independently. Of course, just how voluntarist God is would become a bone of contention within Sunnism itself. For example, while characterizing the Mu'tazili position as "weak" (*ḍa'if*), Ibn Taymīyah rejects what he sees as Ash'arism's completely "empty cosmology." He thus complains that, on their understanding, where the Qur'an speaks of the Prophet "commanding good and forbidding evil," this does not refer to any substantive good or evil in existence prior to the command itself; rather, this phrase merely means that "he commands them to do what he commands them to do and forbids them from doing what he forbids them from doing." See his *Majmū' al-Fatāwā*, 37 vols., ed. Abd al-Rahman b. Muhammad b. Qasim (Riyadh: Maktabat al-Ma'arif, n.d.), 8:433.
- 60 *Kitāb al-Irshād ilā Qawāṭi' al-Adillah fī Uṣūl al-Ḥ'iqād*, ed. Z. Umayrat (Beirut: Dar al-Kutub al-'Ilmiyyah, 1416/1995), 110.
- 61 *Al-Iqtisād fī al-Ḥ'iqād* (Cairo: M. al-Babi al-Halabi and Sons, n.d.), 80-82.
- 62 *Kitāb al-Arba'īn fī Uṣūl al-Dīn*, ed. M. A. Mahmud (Beirut: Dar al-Kutub al-'Ilmiyyah, 2009), 244.
- 63 On the Maturidis, see, for example, Kamal al-Din Muhammad b. Muhammad b. Abi Sharif al-Maqḍisi, *Kitāb al-Musāmarah fī Sharḥ al-Musāyarah*, 2 vols. (Cairo: al-Maktabah al-Azhariyyah li al-Turath, 2006), 2:38; Abd al-Rahim b. Ali b. al-Mu'ayyad Shaykh Zadeh, *Naẓm al-Farā'id wa Jam' al-Fawā'id fī al-Masā'il al-Mukhtalaf fihā bayna al-Sādah al-Ash'ariyyah wa al-Sādah al-Māturīdiyyah*, Arabic MS. # 875, *Ilm al-Kalām*, 14 vols. (Dar al-Kutub al-Misriyyah).
- 64 See his *Amrād al-Qulūb wa Shifā'uhā* (Cairo: al-Matba'ah al-Salafiyyah wa Maktabatuha, 1386/1966), 12-13.
- 65 *Majmū' al-Fatāwā*, 8:434-35.
- 66 'Aql, as employed by pre-modern Muslim jurists and theologians, included affective and other elements that the Enlightenment explicitly sought to eliminate from reason as a construct. When Mu'tazilis (and others) speak of the good of saving a drowning man or the evil of falsely accusing an innocent man as being known by reason ('aql), this is clearly more than the dictates of reason as an autonomous faculty unbounded and uninformed by culture, sensibility, or convention. By contrast, the latter is precisely what Enlightenment thinkers such as Kant proposed reason to be, namely, "an autonomous faculty in the sense that it was self-governing, establishing and following its own rules, independent of political, cultural or subconscious interests." On this point, see F. C. Beiser, *The Fate of Reason: German Philosophy from Kant to Fichte* (Cambridge, MA: Harvard University Press, 1987), 8.
- 67 Of course, it might be objected that this is only according to my restricted definition of *ijtihād*. But any attempt to return to the formative period's approach, according to which the boundary between the interpretive and the empirical was blurred or absent, must be openly acknowledged as such. In addition, it should openly

take account of the potential abuses of the religious law that such an approach might engender in a modern context. Second, any advocacy or recognition of the distinction between scholars of the texts (*'ulamā' al-nuṣūṣ*) and scholars of context (*'ulamā' al-wāqī'*) should be accompanied by an explicit acknowledgment that what is desired in many instances is not a religious ruling (*ḥukm shar'ī*), but some other evaluative judgment. Otherwise, we remain firmly within the *shar'ī* realm and effectively the domain of the scholars of the text.

- 68 Even Qasim Amin, for example, would state that his issue was not with hijab itself but with a specific concretion thereof in Egypt at the time: “Were there a single text in the Sharia requiring *hijāb as it is known among some Muslims today*, it would be incumbent upon me to avoid any investigation into the matter, and I would not write a single letter that goes against these texts, no matter how harmful they might appear to be at first blush; for one must submit to divine commands without investigation or debate. But we do not find any texts in the Sharia requiring *hijāb as it is typically worn today ('alā alḥarīqah al-ma'hūdah)*.” See his *Taḥrīr al-Mar'ah* in Qasim Amin, *Al-A'māl al-Kāmilah*, ed. M. Imarah (Cairo: Dar al-Shuruq, 1409/1989), 352.
- 69 This might provide some insight into the observation of Tariq Ramadan, a major proponent of *ijtihād*: “[A]fter constantly referring to *ijtihād*, *tajdīd*, and *iṣlāḥ* for over a century, Muslims – whether in Muslim-majority societies or Western communities – still find it difficult to overcome the successive crises they go through and to provide something more than partial answers; and even the answers [they do put forth] remain constantly apologetic or [are] produced by mostly defensive postures.” See his *Radical Reform: Islamic Ethics and Liberation* (New York: Oxford University Press, 2009), 30. Oddly, he appears at times perhaps to fall into the trap of inflating the role of *fiqh* to the point that it acquires relevance beyond the strictly legal. And where *fiqh* does reach its limit, “ethics is often pressed as the appropriate alternative. On what I see as an inadequacy of the ethics-approach, see below, 17-18.
- 70 Muḥammad Abduh, “*Al-Zawāj*,” in *Al-A'māl al-Kāmilah li al-Imām Muḥammad 'Abduh*, 5 vols., ed. M. 'Umarah (Cairo: Dar al-Shuruq, 1427/2006), 2:70 (the essay runs from 2:70-75).
- 71 Asad, *Formations*, 232-34.
- 72 Abduh, “*Al-Zawāj*,” 73. Incidentally, it is not my intention in adducing this example to imply that Abduh's approach overall failed to recognize the Islamic secular.
- 73 See P. L. Berger, *The Sacred Canopy: Elements of a Sociological Theory of Religion* (New York: Anchor Books, 1967), 110-13. Berger argues, inter alia, that early modern Protestantism's significant success in stripping the world of any mystical or super-natural elements has sapped religion's ability to sustain its relevance in the modern world, spawning the rise and diffusion of a secular (i.e., non-religious) worldview. My argument is not that this has obtained in the Muslim world (the situation of Muslims in the West is a different matter). My point is simply that the

intellectual and cultural “immanent frame” in which religion exists will affect its overall plausibility as a way of life.

- 74 And here I suspect that the insight of Edward Bernays is gravely relevant, especially given the realities of our contemporary globalized world: “The conscious and intelligent manipulation of the organized habits and opinions of the masses is an important element in democratic society. Those who manipulate this unseen mechanism of society constitute an invisible government which is the true ruling power of our country. We are governed, our minds molded, our tastes formed, our ideas suggested, largely by men we have never heard of.” See his *Propaganda* (New York: Ig Publishing, 2005), 37. The book originally appeared in 1928. This might also provide the context within which to appreciate a view more recently expressed by Shaykh Yusuf al-Qaradawi to the effect that rather than violent jihadis or more assiduous commitments to jihad as organized violence, what Islam needs today is, “a massive army of preachers, teachers and competently trained journalists who are able to address today’s public in the language of the age and the style of the times, through voice, image, spoken word, physical gesture, books, pamphlets, magazines, newspapers, dialogue, documentaries, drama, motion pictures and everything that ties people to Islam. This peaceful jihad which is an absolute necessity (*al-jihād al-silmī al-darūrī*) we have not undertaken by one thousandth of what is required of us.” See his *Fiqh al-Jihād*, 2 vols. (Cairo: Maktabat Wahba, 1430/2009), 1: 402-03. Of course, all of these activities would fall under the Islamic secular, none of them being *shar`ī* endeavors.
- 75 This is related, I suspect, to the tendency to equate Islam with morality as an absolute first order priority alongside the assumption that no other values (e.g., order, privacy, safety, and charity) can compete with morality. Sharia, in this context, is viewed as course-motor morality with ethics allowing us to fine tune things. Hidden from consideration, meanwhile, is that the ethical still traffics in dos and don’ts and, as such, remains impervious to the world beyond good and evil.
- 76 I acknowledge that my reference here to a modern approach to *siyāsah shar`īyah* is oversimplified. The contrast I have in mind, however, might be highlighted by a comparison between classical and modern definitions. In the introduction to Ibn Qayyim al-Jawzīyah’s *Al-Ṭuruq al-Ḥukmīyah fī al-Siyāsah al-Shar`īyah*, M. J. Ghazi cites the definition of *siyāsah* by the pre-modern Hanbalite Ibn ‘Aqil (d. 1119) alongside that of the modern Abd al-Wahhab Khallaf. Ibn Aqil: “[Implementing] an action according to which the people will be closer to wholesomeness and farther from corruption even if the Prophet laid down no precedent and no revelation came down in that regard.” Khallaf: “Arranging the public affairs of the Islamic state in accordance with what secures the realization of interests and averts harm, in ways that do not go beyond the boundaries of Islamic law (*min mā lā yata’addā ḥudūd al-Shari’ah*) and its universal principles (*uṣūluḥā al-kullīyah*), even if this goes against the views of the *mujtahid*-Imāms.” See Ibn Qayyim al-Jawziyyah, *Ṭuruq al-Ḥukmīyah fī al-Siyāsah al-Shar`īyah*, ed. M. J. Ghazi (Cairo: Matba’at

- al-Madani, n.d.), p. ‘A (‘*ayn*). Khallaf also cites these two definitions in his *Al-Siyāsah al-Shar‘īyah*, 15 and 17, apparently without seeing any tension between them. We might note, incidentally, in Ibn Aqil’s definition, the implied recognition of formal limits to Sharia beyond which those discretionary actions for which there are no concrete scriptural indications are appropriately invoked.
- 77 See, for example, F. Vogel, *Islamic Law and Legal System* (Leiden: E.J. Brill, 2000), 173-74, discussing aspects of this approach in the context of Saudi Arabia.
- 78 See, for example, his *Al-Furūq*, 4 vols. (Beirut: ‘Alam al-Kitab, n.d.), 4:39, in which he discusses those discretionary decrees that are to be enforced and those that are not.
- 79 See, for example, his *Kitāb al-Iḥkām fī Tamyīz al-Fatāwā ‘an al-Aḥkām wa Taṣarrufāt al-Qāḍī wa al-Imām*, ed. A. Abu Ghuddah (Aleppo: Maktabat al-Matbu‘at al-Islamiyyah, 1387/1967), 183, in which he points to instances, such as the Imam’s declaring jihad, where the community may ignore the state’s discretionary decree if they deem it lacking in substance or legitimacy.
- 80 Cited in J. J. Owen, “Church and State in Stanley Fish’s Antiliberalism,” *American Political Science Review* 93, no. 4 (1999): 922.
- 81 Ramadan, *Radical Reform*, 22.
- 82 This is not to suggest that every secular conclusion institutionalized by premodern Muslims was wrong, illegitimate, or treacherous. It is simply to point out that no society will be able to rely entirely upon law in the strict sense even for its legal institutions. As such, society will have to draw upon any number of extra-scriptural norms and presuppositions. Extra-scriptural, however, does not necessarily mean wrong or illegitimate. Indeed, the Qur’an directs the Prophet and his followers to draw upon any number of pre-Islamic Arabia’s *ma`rūf* (prevailing notions of good and wholesome). The problem, of course, comes with imputing to such conventions an authority that is greater or longer lasting than what they should properly enjoy.
- 83 See, for example, my “Islamic Law, Muslims and American Politics,” *Islamic Law and Society* 22 (2015): 289.

The Islamic Secular: Comments (2017)*

MOHAMMAD FADEL

Professor Sherman Jackson’s essay “The Islamic Secular” challenges the popular conception within the Muslim community that norms are either “Islamic” or “un-Islamic.” Insofar as popular Muslim consciousness accords legitimacy only to the “Islamic” and grants only grudging, if any, legitimacy to the “non-Islamic,” this intervention is welcome and profoundly needed. But his ambition here goes beyond correcting misconceptions within the community itself: It is also an intervention in debates about the secular, secularization, and religion in western academic discourses. In the brief space allotted to me to respond to this very rich and important essay, I will limit myself to the arguments he directs toward the terms mentioned above and his argument that the “Islamic” secular presents a different phenomenon.

Jackson argues that the western intellectual tradition’s understanding of the relationship of the secular to religion is based upon the notion

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This biography appeared in the article when it was first published.

*This response was first published in the *American Journal of Islamic Social Sciences* 34, no. 2 (2017): 32-34
Fadel, Mohammad. 2024. “The Islamic Secular: Comments (2017).” *American Journal of Islam and Society* 41, no. 1: 299–303 • doi: 10.35632/ajis.v41i1.3424

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that it is the function of the secular to discipline religion, with the ultimate goal of making it consistent with sociability and rationality. In contrast to the western secular, he posits that the Islamic secular is internal to Islam, insofar as the Sharia itself places jurisdictional boundaries on what religion can rightfully claim, thereby creating a legitimate space for non-religious (i.e., secular) reason. Broadly speaking, although this secular domain exists within an abstractly Islamic normative scheme, its contents are not explicitly *determined* by revelation. This gives rise to an Islamic secular in which secular reason predominates, but never proceeds “as if God did not exist.”

Jackson provides many details of his interesting argument that deserve a more lengthy engagement than is possible here. I wish to focus my comments, therefore, on what I consider to be the most academically provocative part of the thesis: Given that the idea of the secular is internal to the Sharia itself, the crucial role that western intellectuals have assigned to it, namely, the necessary disciplinarian of religion – whatever its merits in European history might have been – is superfluous with respect to Islam. The difficulty with this argument, in my opinion, is that it equates the Sharia to Sunni conceptions of the Sharia. It is not simply that all of the particular examples of historical cases that he cites come from the Sunni tradition, or that the techniques of legal reasoning¹ so critical in generating the Islamic secular emerge from Sunni jurisprudence, it is the failure to consider as fully Islamic the alternative conceptions of Islam against which Sunnism defined itself.

Whether or not one accepts Sunni historical claims that their positions simply “are” a continuation of the authentic teachings of the Prophet and his Companions, it is historically incontestable that not all Muslims accepted as normative all of the theologically controversial positions that came to be associated with Sunnis. Among these positions are deferring the status of the major sinner (*al-fāsiq*) to God; rejecting the requirement that legitimate rule requires the rule of the most virtuous (*al-afdāl*); rejecting the doctrine of charismatic authority (*al-naṣṣ*), whether in politics or religion in favor of community choice (*ikhtiyār*) and the objective nature of knowledge (*‘ilm*)²; and rejecting violent change as a legitimate means for correcting governmental misconduct.

Insofar as all of these questions were not conclusively settled by revelation, it is implausible to believe that the particularly Sunni answers can be divorced from any consideration of the disastrous political consequences these contrary doctrines had on the peace of the early community. Indeed, elevating the caliphate from a question of law (where differences would be tolerated) to one of theological doctrine (where different positions are not) – a positioning that theologians such as Sa’d al-Din al-Taftazani admitted was awkward – seems to me precisely to be a use of secular reason to discipline otherwise socially dangerous conceptions of religion, whether Khariji puritanism or Shi’i messianism. Moreover, the way in which Sunni political theology excludes both of these alternative conceptions from the orbit of legitimate theological doctrine strikes me as not generically different from the role that the secular plays in disciplining religion that Jackson identifies as a marker of the western, but not the Islamic, secular.

This is significant because if I am right, the particular reflective equilibrium between the secular and the revealed that Jackson discusses in his otherwise persuasive essay depends upon sustaining a particular set of theopolitical doctrines that are all closely connected to maintaining social peace and the state’s role in underwriting it. One could argue that the religious-inspired violence plaguing many areas of the Muslim world is a result not only of confusion among Islam, the illegitimate secular, and the legitimate *Islamic* secular, but also of the political failure of post-colonial states to sustain the kind of politics necessary to prevent either puritanical or messianic interpretations of religion.

Jackson’s failure to expressly invoke the state’s role in sustaining the Islamic secular is particularly odd, given that he cites Qarafi’s theory of the Imam’s *taṣarruf* as the paradigmatic example of the Islamic secular. The Imam’s authority to exercise this power to generate the provisionally binding norms that govern the public domain of the Islamic secular, however, is completely contingent upon the existence of a legitimate public order. While *taṣarruf* vindicates the legitimacy of the idea of the Islamic secular, it also undermines the claim that Islam, as a religion, constructs its secular by virtue of purely internal, pre-secular, as it were, restraints. Rather, it seems to me, the enduring teaching of Sunnism in

this regard is that the existence of a proper polity is a condition precedent for preventing the distortion of true religion.

Whether one wishes to speak of true religion preceding proper politics or of proper politics preceding true religion, what is indisputable is that, from the Sunni perspective, politics and religion exist in a mutually reinforcing relationship, whether positively or negatively. In either case, however, it is hard to sustain the argument that the Islamic secular is interior to Sharia or, for that matter, that Sharia is interior to the secular, whether or not the latter is Islamic.

Endnotes

- 1 These include “analogy (*qiyās*), equity (*istihsān*), public utility (*maṣlahah mursalah*), blocking the means (*sadd al-dharā’i*), adaptive legal precepts (*qawā’id fiqhīyah*), and even inductive readings of scripture (*istiqrā’*).”
- 2 See, for example, Bukhari’s statement in his chapter “*Al-’Ilm qabla al-Qawl wa al-’Amal*” in his *Ṣaḥīḥ*’s “Book of Knowledge”: “Knowledge is acquired only by learning (*innamā al-’ilm bi al-ta’allum*).”

The Islamic Secular: Comments (2017)*

HUMEIRA IQTIDAR

Professor Sherman A. Jackson, an authority on Islamic legal and intellectual history, has claimed in this article that a particular form of the secular is internal to Islam. For him, the secular is primarily a manifestation of the differentiation of spheres of human life. The Islamic secular, he argues, is revealed through a close reading of the boundaries that the Sharia self-imposes upon its jurisdiction and that implicitly operationalizes a type of differentiation. His argument rests upon a distinction between Sharia and the wider religion of Islam. This allows him to claim that the Sharia's self-limitation supported a recognition of other modes of reasoning and argumentation within Islam, and that it is this space

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This biography appeared in the article when it was first published.

*This response was first published in the *American Journal of Islamic Social Sciences* 34, no. 2 (2017): 35-38 Iqtidar, Humeira. 2024. "The Islamic Secular: Comments (2017)." *American Journal of Islam and Society* 41, no. 1: 304-308 • doi: 10.35632/ajis.v41i1.3424

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of non-Sharia reasoning that constitutes the space of the secular within Islam. Arguing for such a relationship between Sharia and the secular, then, leads him to point out that the distinction between the Islamic and the Western seculars lays not so much in the *substance*, but in their *function*. In other words, substantively both versions of the secular seem to support rational, empirical thought; however, in the case of Islam, the function of the secular is not to reduce of religion.

These are exciting ideas. As many have already argued, the secularization that happened in Europe was not needed in most other parts of the world because no exact equivalent of the Roman Catholic Church's hierarchical, structured, and institutionalized control existed beyond Europe. Jackson carries that argument further to flesh out the precise contours of the difference between European secularization and Islam. There is much to appreciate in that move. Specifying the difference, while simultaneously enriching categories such as "the secular" with new layers of meaning, allows a greater depth to the whole discussion. I am also sympathetic to the political project of moving public debate – among Muslims as much as beyond them – away from the binaries of Islam and rationality, Islamic and secular, and so on.

However, several aspects of the argument require greater explication for the overall claims to be fully plausible. The first concept that needs some more unpacking is the idea of the secular itself. Jackson bases his definition upon José Casanova's discussion of differentiation in order to argue that the secular is that differentiated realm which is not governed or adjudicated through revelation or its extensions. There is, however, a problem with differentiation more generally to consider. While differentiation theorists have tended to assume that human life has been broken into these separate containers, it is clear that lived reality has somewhat obstinately refused to oblige; social, political, religious, and economic life continues to bleed across putative boundaries. Academics, of course, buy into this thesis more than many others. They need to operate as if the social and the economic, the political and the cultural, the rational and the irrational spheres of life can be rather neatly divided into not just different categories, but also into different disciplines with their own methodologies for studying these respective aspects of human life.

The success of differentiation theory lies not in accurately describing an empirical reality, but in concretizing a shift in popular imagination. It is worth pausing to ask: Why do we need differentiation? What forms of human behavior and subjectivity are endorsed by assuming that human life can or should be divided into these separate spheres? How is differentiation linked to capitalism? What role did differentiation play, if any, in pre-capitalist societies? At stake, then, are two issues that are unclear in Jackson's current formulation:¹ there seems to be an acceptance of differentiation as an ahistorical phenomenon, one not linked to the development of industrial/colonial capitalism, and² an implicit attribution of positive normative association with it, given the hint of rationality inherent in the definition of the secular used here. There is not enough time to flesh them both out in detail, but let me just note regarding the second that the reader is left wondering about the implications for our understanding of Sharia: Does it constitute the realm of the irrational, if the sphere of rational, empirical thought is located outside of it?

Linked to these questions is the definition of religion. As Jackson himself suggests, the jurists who argued for limitations to the Sharia's application did not see other modes of reasoning as belonging to a different sphere of human life altogether. They also did not assume that their self-imposed boundaries on Sharia would place them or these modes of reasoning outside of Islam. What did the jurists mean when they spoke of Islam? Did they imagine Islam as a distinct sphere of human life? Jackson insists, in fact, that we recognize "the space between the bounded sharia as a concrete code of conduct, on the one hand, and the unbounded purview of *Islam as religion*, on the other then constitute the realm of "The Islamic Secular" (emphasis mine, p. 2).

However, he does not specify what the term *religion* means here to him and what it meant to the jurists about whom he writes. Nor does he specify the place of Sharia within "the wider religion." Did these jurists even have a notion of religion equivalent to our notion of it today, which relies heavily upon differentiation theory to conceptualize religion as a particular aspect of human life, one that can be carved out separately from the political or the economic? Or did they think of Islam as a way of life, or a tradition¹ that Sharia facilitated?

Relying upon a conceptual repertoire that, in turn, depends upon a very parochial history to make universal claims is an important limitation of this thought-provoking article – and one that needs greater critical interrogation. It may be that there is a generalizable definition of religion, contrary to Talal Asad's² influential argument, but there is enough research from around the world that makes us recognize that the one currently used in Western academia and public discourse is not it. This dominant definition of religion is reliant upon a very limited and, at the same time, reified European experience of a particularly complicated history of the development of industrial capitalism, the modern state with its vastly expanded repertoire of governance technologies, colonialism, and nationalism.

Jackson claims that the Western secular “initially arose in an effort to protect both religion and society.” But the brief narrative he lays out does not recognize that Martin Luther was looking not to reduce the spheres of religious influence, but rather to deepen religiosity; that Enlightenment thinkers painted a picture of deep religiosity as a foil for their arguments, but that the historical veracity of these claims remains open to question; and that the move from the Enlightenment to the modern period is not one of religion's reduced influence, but, if anything, a greater role for public religion at the peak of colonialism and nation-state building in Europe.

There is not enough space to discuss the many interesting questions raised in this essay. The evidence from Islamic sources that Jackson provides here is significant and powerful. It persuades one that the Sharia's self-limiting feature was an important aspect of its entrenchment and longevity, precisely because it did not explicitly set up religiosity against rational thought and an empirical approach. I am also convinced that the Islamic experience can generate insights that go beyond relevance to Muslims alone, that it can provide the resources for generalizable theoretical insights. What we need now is a more fleshed out theoretical framework, one that is built from the evidence that Jackson has presented here.

Endnotes

- 1 On the question of redefining tradition such that the Islamic experience provides the resources for more generalizable theoretical insights useful for Muslims and Non-Muslims, see my “Redefining Tradition in Political Thought,” *European Journal of Political Theory* 15, no. 4 (2016).
- 2 Talal Asad, *Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam* (Baltimore: The Johns Hopkins University Press, 1993).

Response to Professor Fadel and Professor Iqtidar (2017)*

SHERMAN JACKSON

Professor Fadel sees me as claiming that the Islamic secular “places jurisdictional boundaries on what religion can rightfully claim, thereby creating a legitimate space for non-religious, i.e., ‘secular’ reason.” What actually I argued, however, was that Sharia placed limits on its own *shar`i* jurisdiction, obviating the necessity-*cum*-legitimacy *not* of non-religious, secular reason but of *religious* secular reason. He appears to be unable to transcend the commonly held dichotomy between the secular and the religious (which my article calls directly into question) and thus to recognize the reality of the “Islamic secular” as I define it. This underwrites a profound misreading of my thesis.

It is true that I limit myself to the Sunni tradition. But it is difficult to take this as a serious critique, especially of the *substance* of my thesis. As for the Sunni exclusion of Shiite messianism and Kharijite puritanism, this is hardly a matter of the Islamic secular policing religion; this is Sunni *religious* orthodoxy asserting primacy over putative contenders, and this through explicitly *shar`i* machinery. As for the notion of the

*This response was first published in the *American Journal of Islamic Societies* 22, no. 4 (2017): 39-41 Jackson, Sherman 2024. “The Islamic Secular: Comments (2017).” *American Journal of Islam and Society* 41, no. 1: 309–311 • doi: 10.35632/ajis.v41i1.3424

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state “sustaining the Islamic secular,” perhaps Fadel’s point of departure is the modern jurispathic state and its monopoly over law. But the Muslim state could no more *define* the Islamic secular than it could the *shar`ī*. As for *guarding the integrity* of the Islamic secular, certainly, politically speaking, this would be consistent with the state’s executive authority. But, at least in theory, this would not translate into any unassailable authority to assert the legitimacy of its own or others’ acts within this non-*shar`ī* realm.

Fadel’s closing remarks appear to double down on the aforementioned misconstruction of my thesis. Even were we to concede the relationship that he posits between a “proper polity” and “true religion,” and even were we to concede that “religion and politics exist in a mutually reinforcing relationship,” none of this would obliterate Sharia’s self-generated distinction between the *shar`ī* and the non-*shar`ī* dimensions of religion and thus the realm of the Islamic secular. Once again, his inability to transcend the secular-religion dichotomy appears to impede his ability to recognize the secular *within* the religious.

Professor Iqtidar critiques my following the contested assumption of “differentiation theorists” that human life can be “differentiated” into insularly separate categories – economic, political, social, religious, and so on. But her focus on this debate, presumably as it unfolds among anthropologists and sociologists, directs her away from my actual point. I make no claim that Islam recognizes the division(s) she describes (in fact, I challenge this notion). My point is simply that *shar`ī* discourse *can be/is* differentiated from non-*shar`ī* modes of assessment and that the latter is the putative realm of the Islamic secular. How the “separate containers” (if we may speak of such) that emerge from this distinction bleed into, differentiate from, or relate to one another is a separate issue. The Islamic secular simply has no dog in that fight. Even in my invocation of José Casanova and others, I am explicit that mine is a juristic project, not a sociological or an anthropological one. In sum, I use “differentiation” in a manner that need not be taken to imply everything connoted by its use in formal sociological or anthropological discourses.

As for leaving the reader, “wondering about whether sharia ... constitutes the realm of the irrational, if the sphere of rational, empirical

thought is located outside of it,” we might note that “rational” is distinct from “rational, empirical.” Nothing I said in this article (or anywhere else) would deny the role of reason and rationality in Islamic law. Even *taqlid*, in my definition, has a rational element. But when reason is deployed in the pursuit of empirical determinations, we are outside the *shar`i* realm proper, even if the ultimate *shar`i* ruling may be contingent upon such factual findings. To say, however, as I do in the article, that reason plays an Islamically legitimate role in the empirical realm is not to say or imply that it therefore plays no legitimate role in the *shar`i* realm.

As for the charge that I do not define religion, I plead guilty. In the absence of such a definition, however, it seems reasonable to assume the common-use meaning. This is essentially what Iqtidar does in her own use of the term *religion*. At any rate, the final draft includes a few sentences that make it clearer what I am talking about, even if this does not amount to a formal definition.

Iqtidar seems to think that I am seeking to make some universal claim, for which my database is simply too thin. But I am not sure what that universal claim might be. As I clearly state, mine is a juristic project, an Islamic juristic project whose explicit focus is Islam. Regarding Martin Luther, I am not sure that my argument that he sought to establish a separate realm outside the religious is in full contradiction with her insistence that he sought to deepen religiosity. Perhaps I was not clear or forceful enough in making the point that Luther sought to protect, rather than destroy or weaken, religion.

Given the brutal limitations of space imposed upon this response, I could hardly hope to give these two rich and thoughtful critiques the attention they deserve. I do hope, however, that my trespasses against them have not been too egregious. And I would like to extend my sincerest and heartfelt thanks to Professors Fadel and Iqtidar for taking the time to engage my work and for challenging, inviting, and helping me to think more clearly, deeply, and carefully about these and other important issues they raise.

REVIEW ESSAY

Psychology and Religion: Their Relationship and Integration from an Islamic Perspective (1998)*

AMBER HAQUE

Religion is a pervasive and influential phenomenon in the lives of many people. Instances of religious behavior are easily found in almost all societies and cultures of the world. However, psychology as a behavioral science has largely ignored the study of religion and its profound impact on human behavior. This article attempts to explore the relationship between psychology and religion and how these two disciplines interact. After a general overview of the relationship between the two disciplines, Islamization of psychology is suggested as a way out of the current impasse between psychology and religion.

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This biography appeared in the article when it was first published.

*This article was first published in the *American Journal of Islamic Social Sciences* 15, no. 4 (1998): 97-116

Haque, Amber. 2024. "Psychology and Religion: Their Relationship and Integration from an Islamic Perspective (1998)." *American Journal of Islam and Society* 41, no. 1: 314-337 • doi: 10.35632/ajis.v41i1.3425
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Religion¹ and science² form the most significant and influential forces in our lives. It is also undeniably true that the influence of religion, in these modern times, has declined and that of science has gained ascendancy. It is unfortunate that they are generally regarded as opposed to each other. The religion and science conflict has become legendary; whether there is any inherent conflict between the two is earnestly and passionately debated. There are intriguing questions on both sides, but whether there is a real conflict and incompatibility, or that one is irrelevant to the other, is contingent upon several factors. It seems plausible that most of the ideas expressed regarding this conflict stem mainly from widespread misunderstandings as to the actual nature of science and religion and the basic goals that they pursue.

In the area of psychology, many secularly educated psychologists today believe in the worldview that emphasizes “scientific” understanding of all phenomena in life and considers religion as archaic. A recent U.S. survey of religious preferences of academicians shows psychologists to be among the least religious.³ In spite of the important role that religion plays in many people’s lives, religious beliefs are perhaps the least addressed if not totally neglected in the present day science and profession of psychology.

This article briefly examines the historical relationship between psychology and religion; identifies what position science adopts on religion and why some psychologists are antireligious; attempts to explore some common ground between the two disciplines; examines whether and how psychology and religion interact with each other; and presents an analysis of the ongoing trend toward integration of the two disciplines. It is contended that the Islamization of knowledge project, especially Islamization of psychology, has opened up fresh avenues for bridging the gap leading to their eventual integration.⁴

Although modern psychology largely rejects the notion of religion in the study of human behavior,⁵ the bond between psychology and religion is as old as the origin of psychology itself. Western⁶ psychology emerged out of several disciplines. In the fourteenth century, *psychologia* referred to a branch of pneumatology, the science of spiritual beings and substances.⁷ In the sixteenth century, a new term *anthropologia* was

added to the literature of science, which studied the science of persons and was divided into *psychologia*, the study of the human mind, and *somatologia*, the study of the human body. Later in the 18th century, Von Wolff distinguished between rational and empirical psychology,⁸ which paved the way for scientific psychology. Biblical psychologies were also common in the nineteenth century; for example, the works of Rausch, Delitzsch, and Chambers are quite important.⁹ Even earlier, in the thirteenth century, “natural science” was a part of philosophy and the debate of reason versus faith was also addressed by Aquinas (1225-1274) as a doctrine of one truth, when he said, “There are two paths to the same truth, not two truths. Truth is one and comes from God.”¹⁰ It is also interesting to note that while behavior is obviously a critical part of human nature, reducing the definition of psychology to the “scientific” study of behavior is limiting the subject matter of psychology as well as narrowing its focus. Historically speaking, the science of psychology concentrated on the study of the human soul. Psyche originally meant “soul or spirit” in Greek, “breadth of life” and “inner-man” (Roman-Latin). Ancient Greek philosophers were greatly influenced by Islamic concepts of human nature. Hence, we see that not only the definition of psychology is reduced, but also misconstrued and redefined in many ways by experts and laymen alike. This can also be characterized as the initial step to move psychology from its religious base. Today, the scientific community looks at science and religion as separate and unrelated. In its “Statement of Perspective,” *Zygon—Journal of Religion and Science*, states the following:

Traditional religions, which have transmitted wisdom about what is of essential value and ultimate meaning as a guide for human living, were expressed in terms of the best understandings of their times about human nature, society, and the world. Religious expression in our time, however, has not drawn similarly on modern science, which has superseded the ancient form of understanding. As a result, religions have lost credibility in the modern mind. Nevertheless, some recent scientific studies of human evolution and development have indicated how

long-standing religions have evolved well-winnowed wisdom, still essential for the best life.

The U.S. National Academy of Sciences, following the same view, stated its policy on the relationship between religion and science in the following resolution passed in 1981:

Religion and science are separate and mutually exclusive realms of human thought whose presentation in the same context leads to misunderstanding of both scientific theory and religious belief.¹¹

Some of the general reasons for this separation and incompatibility are, increasing secularization and modernization of knowledge, emphasis on empiricism and experimentation in science, and the acceptance of experiment as the method of investigation. In addition, Barbour suggests that there are at least three areas in which science and religion are unrelated:

- 1 Science is based on facts; religion is based on faith.
- 2 Scientific claims are verifiable or falsifiable, whereas religious claims are subjective and cannot be evaluated by objective means.
- 3 Criteria for choosing between scientific theories are clear and objective, whereas criteria for choosing between religions are ambiguous and subjective.¹²

Psychology's Antipathy toward Religion

The science of psychology operates on the principle that behavior is a result of cause and effect. This idea is premised on the debate of determinism versus freedom, and whether man is solely responsible for his own actions. As a result, most psychologists tend to believe that the reason human beings behave the way they do is because of their nature, and that man is certainly limited in his own free will. Psychoanalysis to behaviorism, and more recently, brain research attempt to prove the force

of determinism in shaping man's behavior. This scientific explanation of human behavior, including religious ones, certainly poses a challenge for those offering explanations using religious concepts for human behavior, including the exercise of "free will."

If one attempts to find out the psychologist's reasons for antipathy toward religion, one can perhaps speculate, and with good reason, that since psychology and human nature were major explanatory concepts in the domain of philosophy and religion, it is only by repudiating their importance, that psychologists can develop new methods of understanding behavior. The creation versus evolution debate, no doubt, also had a great impact on the minds of these psychologists. Several other factors, which could be gleaned from psychological literature, suggest their superficial understanding of religion, and a rebellious spirit and attitude against religion due to their overly conservative upbringing. Those psychologists who believe in their discipline as "hard" science deliberately avoid studying "soft" topics that are not scientific in nature. Moreover, psychology in America has its roots in positivistic philosophy, which always undermined the value of religion. Wulff points out that psychology's dominant philosophy of positivism attracted those persons who had rejected religion in the first place, and repelled those for whom religion was important.¹³

Psychologists Against Religion

Due to specific and general reasons, several prominent twentieth century psychologists have shown direct antagonism toward religion and favored science and its method in the study of human behavior. Two renowned names that subscribe to such a position are Sigmund Freud and B.F. Skinner. Freud describes religion as a belief in a father-god, followed by obligatory rituals. He explains that in early years of life, the child perceives parents and specially the father as an all-powerful, yet loving figure, who provides protection from all woes of life. In later years, when internal and external factors in a person's life arouse a sense of helplessness, the person's longing for a powerful father figure finds its fulfillment in religion.¹⁴ Thus, Freud declares religion as an illusion,

which is the result of wish fulfillment rather than reason. Freud further contends that only forsaking religion and relying on science could allow a person and society to enjoy growth beyond the infantile stage. Skinner maintains that religious behavior is the same as all other behavior, which occurs because it is followed by reinforcement. Also, religious behavior that cannot be explained through the principle of direct reinforcement can be understood as a product of accidental reinforcement, which he terms as “superstitious” behavior.¹⁵ Skinner’s ideas are expounded in his popular book *Beyond Freedom and Dignity*, in which human beings are presented as machine-like models, which exemplifies his thinking.¹⁶ Two other psychologists who exclude religion from the study of psychology are James Leuba and George Vetter. Leuba on the basis of experimental evidence concludes that mystical experiences might be explained in terms of basic laws of psychology and physiology.¹⁷ Vetter argues that religious behavior is equivalent to an unpredictable human response, something like what Skinner calls superstitious behavior.¹⁸

On the applied side, Ellis categorically indicates that religion incorporates the concepts of sin and guilt, which can only make people worse off than they would be without them. Ellis also contends that religious beliefs are pathological and may lead to self-defeating behavior or even neurosis.¹⁹ Due to Ellis’s great influence on cognitive therapy, religious beliefs have generally evoked hostility from cognitive therapists.²⁰ Ellis, however, revised his position on religion in 1992, when he suggested that his stance on religion is applicable to the “devoutly religious,” rather than to those who believe in religion in general.²¹

Psychologists for Religion

For numerous twentieth century psychologists, religion plays a significant role in people’s lives and its study should not be ignored in psychology. Carl Jung considers religion as an essential function of the human psyche in the absence of which individuals fall victim to various forms of neuroses and psychoses. Jung has points out that, among all of his patients who were in the second half of their lives (beyond age 35), the main problem is that they cannot find a religious outlook on their

lives. Jung asked psychologists to study the full range of their patient's lives, which must include religious experience.²² Another psychologist, Erik Erickson, described how religion universalizes the qualities of faith, trust, and ego in the growing child, and asserts that religion is vital in achieving a fully developed and healthy personality.²³ The humanistic psychologists of the twentieth century also explain the interaction between psychology and religion. Those who emphasize this interaction include Gordon Allport, Erich Fromm, and Abraham Maslow. They concur that human beings have a need for spirituality in their attempt to self-actualize.²⁴ London contends that psychotherapy, in addition to being a scientific application of psychological theories, is also a moral enterprise with religious overtones.²⁵ Browning also points out that religion and psychology have a special relationship, as both of them provide ways of "ordering the interior life."²⁶

Common Ground Between Psychology and Religion

What is the common ground between science and religion? Is there a need for integration? And what purpose would this integration serve? To find some common ground between science and religion, it would be useful to examine the subject matter and goals of both, science and religion. One might say that science studies the objective, external, visible, and verifiable phenomena, while religion focuses on the internal, subjective, and transcendental aspect of human experience that cannot be objectively seen or measured. But science, at the same time, deals with interpretation and a certain degree of uncertainty,²⁷ in its inquiry. Science deals with the abstract and private, especially in the field of psychology. Religion provides an understanding of complex issues in life, and the revelations provide us with scientific knowledge, from the creation of the universe to the birth of man, existence in this world, and life after death. Many of the revealed statements have been verified by science itself. On the subject of man, religion attempts to explain human problems and their diagnosis, and ways to overcome man's difficulties. As far as the goals of science and religion are concerned, both offer an understanding on how man came to exist and both claim to provide

knowledge for mankind's betterment. Both attempt to provide ways to make mankind's life easier; for example, science provides technological advances, and religion provides existential knowledge in attaining understanding and happiness. However, one can argue that

science operates with the presumption that there are causes to things, religion with the presumption that there are meanings to things. Meanings and causes have in common a concept of order, but the type of world differs.²⁸

Both science and religion also use analogies and metaphors to make their explanations easier to understand.²⁹ This implies that psychology and religion are compatible to each other in more ways than realized, and a relationship between the two does exist. In addition, these arguments suggest that an integrative study and a joint application of both disciplines could be useful. However, it should be noted that integration of science and religion is not a synthesis of the two; instead, it is a thesis or antithesis to complement the analytical phase of differentiation in the quest to understand each discipline in its own right. It should also be remembered that differentiating various disciplines is necessary only for the purpose of knowledge on how disciplines complement each other and not so much to emphasize their dis-integration and independence and autonomy.

Scientific psychologists, especially those who call themselves "inter-behaviorists," believe that a developmental history of the person under investigation must be taken into account for a thorough analysis of behavior. Because the historical developments and cultural and religious influences shape our behavior, they say that psychology cannot ignore those unseen factors, as a scientific study cannot be a study of raw behavior, but of behavior in all its sophistication, contexts, and complexities. In his recent essay, Browning declares that besides being a science, psychology is also a hermeneutic discipline, and an understanding of cultural and historical images which we carry as human beings, is essential to the study of human behavior.³⁰ The sacred books, especially in the Abrahamic faiths, call their believers to search for congruence

between their knowledge and religious teachings. The books declare that all knowledge emanates from one source, that is, God, and to truly understand this phenomena in its total richness one has to study all knowledge in their integrated form. Despite claims to the contrary, psychology is a behavioral (and social) science, as opposed to a “natural science.” It has an obligation to integrate all knowledge and forces that affect human behavior in order to grasp the totality of factors shaping our personalities.

Interaction Between Psychology and Religion

Psychology and religion do interact with each other on an ongoing basis.³¹ Jones explains this phenomena in three ways.³² How a psychologist evaluates a particular theory or paradigm within his or her religious dogma is called the *critical-evaluative mode* of inquiry. The psychologists may reject a theory or move toward another based on his or her religious presupposition. Another mode of relating religion to science is the *constructive mode*, where religion contributes positively to the growth of science by providing unique worldviews that encourage new modes of thought. Religious scholars will not contribute to science by being passive and too critical of scientific inquiry, but by testing their beliefs and seeing how they promote improved human understanding. Another way, in which science and psychology may interact, is through *dialogical* or *dialectical* means. In other words, instead of one dictating the other, each improves its understanding by knowing the approach or perspective of the other. This opens the door for scientists to become theologically educated and religionists to become scientifically literate. Psychology is a scientific study of human behavior and mental processes, at the same time, it applies its theories to help humans live a better life. Psychology and religion, in this sense, interact on a continuous ongoing basis and share the common concern of improving the human condition.

The interaction between psychology and religion also depends upon how a particular branch of psychology perceives itself. For example, psychologists who focus on neurobiology, behavior, or experimentation belong to the so-called “hard science” group who emphasize that environmental

factors explain cause and effect relationships. Those who are searching for ways of describing the meaning of life as a psychological phenomenon end up in the realm of religion and combine psychology with their religious perspectives in the study of human nature. If one agrees with this argument, psychology encompasses both scientific and religious aspects, and hence, is fairly wide in its scope compared to other social science disciplines. This, nevertheless, remains a challenge as to how psychology can interact with religion in the most appropriate and positive way, to develop better understanding of human behavior in its total comprehensive richness.

Attempts at Integrating Psychology and Religion

It seems that for well over 100 years, attempts were made by various scholars to reintegrate psychological science with religion. Works like, Paine's *Physiology of the Soul*, Boudreaux's *Psychological Study of God*, Maudsley's *Naturalistic Explanations of Spiritual Phenomena*, and Starbuck's *Psychology of Religion*, are a few examples from the nineteenth century.³³ Several attempts were made in the mid-twentieth century at integration as well.³⁴ As a result of these efforts, an attempt at integration between psychological science and religion has been taking place through burgeoning professional organizations, integrated journals, collaborative research projects, and new textbooks of an integrative nature. Other significant attempts at integration in the West during the mid-twentieth century resulted in the formation of the Christian Association for Psychological Studies in 1953, the National Academy of Religion and Mental Health in 1954, and the American Foundation of Religion and Psychiatry in 1958. In 1976, a professional psychological group called Psychologists Interested in Religious Issues (PIRI) achieved a division status within the American Psychological Association (APA) and later changed its name to the "Psychology of Religion," in 1993. This APA division publishes its own newsletter. In the East, conferences on integrating scientific and religious knowledge have taken place, but published accounts are rather difficult to find.³⁵

On the educational and training front, integrated postgraduate programs are also available.³⁶ In the United States, the first integrated and

APA accredited Ph.D. program in psychology was offered at the Fuller Theological Seminary in 1988. At the Master's level, an integrated program was also introduced outside the U.S. at the International Islamic University of Malaysia in 1996.³⁷ Several other integrated postgraduate programs are also becoming available, especially in the West. It is safe to say that, by far, most graduate training programs and professional societies in psychology are Christian. The reason for more integrated programs in Christian majority countries may be due to the availability of funds and organized efforts, as well as greater marketability of such programs. Another important reason for the growth of such programs could be the absorption of graduates into Christian counseling centers, hospitals, and other human service agencies. The integration of religion and psychology has also taken place in Jewish,³⁸ Muslim,³⁹ and Buddhist⁴⁰ communities. Research studies done in the last decade also show that clinical psychologists and psychotherapists, especially from Western countries, are more religiously oriented now than before.⁴¹ Another interesting finding by Worthington is that practicing psychologists will need to deal with religious issues more in coming years, as people are becoming more open and vocal about their religious beliefs and practices.⁴²

Several psychology journals that are integrative in orientation have also emerged, for example, the *Journal of Religion and Health* established in 1961, the *Journal of Psychology and Theology* established in 1973, the *Journal of Psychology and Christianity* established in 1982, the *Journal of Psychology and Judaism*, and the *International Journal for the Psychology of Religion*, established in 1990. The International Association of Muslim Psychologists (IAMP) also launched its efforts in 1997 and plans to start its new integrated journal, *The Muslim Psychologist*. Another integrated journal started by a Muslim organization in the U.S. in 1973 is the *American Journal of Islamic Social Sciences*, which generally includes articles on issues related to psychology and other social sciences. This journal, in addition, is making efforts to Islamize the social sciences.

Ample literature, including books, are now available on the subject of psychology and religion. Most of these books are written by Christian psychologists and published in the West. The case with Muslim

psychologists is different, as most books are written by Arab scholars and are not translated into English; thus their works remain unknown and unavailable in the Western world. Monographs, chapters, and articles on psychology and religion have also been appearing in the *Annual Review of Psychology*,⁴³ *American Psychologist*,⁴⁴ and *Psychological Science*.⁴⁵

On the applied side, psychologists working in the mental health area are collaborating with religious workers to improve various human problems, including homelessness and physical or mental illness.⁴⁶ Tan describes two major models of integrating religion and professional psychology.⁴⁷ The first is implicit integration, where the psychologist shows respect for the client's religious beliefs and may even pray for the client quietly. In explicit integration, the psychologist takes a more overt approach that focuses on outward religious behavior on the part of the professional, i.e., integrating therapy with spiritual guidance. Psychiatric hospitals and centers may also encourage an integrated treatment of the mentally ill, depending on the orientation of their institution. Public hospitals in the U.S. do not encourage this practice, as the general philosophy in the West is "separation of church and state." Private Christian or Jewish hospitals are not bound by such rules and freely exercise religious practice with patients in various healthcare settings.

It is also important to mention here that the Ethical Principles of Psychologists now mandates that practicing psychologists in the United States and APA members view religion as a significant aspect of human life and that this may require special knowledge and training on the part of the psychologist.⁴⁸ The 1992 APA Code of Conduct also specifies that in the absence of such a service from the psychologist, appropriate referrals for the clients should be made to ensure proper and complete treatment of the patients.

Islamization of Psychology

Anyone who is not familiar with the concept of Islamization would surely ask the question, why Islamize a discipline? First, it is necessary to understand the meaning of the term "Islamization." Islamization refers to processes that are utilized to construct and recast the total corpus of

human knowledge so that it conforms to the key concept in Islam, i.e., *al-Tawhid*. The Islamization process calls for making *all* knowledge subservient to and in consonance with the Qur'anic revelation. According to Qur'anic injunctions, man is duty-bound to reflect on all things within a proper framework of faith if he is to function in harmony with the cosmic laws. Islamization primarily deals with the social sciences, as they are extremely crucial in shaping people's values and regulating their lives in this world. Psychology being the study of behavior has top priority for Islamization, so that all behaviors can be understood and remodeled within the Islamic framework. Western psychology operates largely in the materialistic system dictated by materialistic values while ignoring the spiritual aspect in the study of human personality. Islamic psychology, on the other hand, aims at regulating behavior in the direction of the divine will, with the goal of bringing worldly as well as spiritual success to man. Isma'il Faruqi, who initiated the Islamization of Knowledge (IOK) movement, also coined the term "Islamization."⁴⁹

The Concept of Man in Islam

Numerous verses of the Qur'an reflect man's nature.⁵⁰ Also many references in the Qur'an explain man's status in this world and his ultimate destiny.⁵¹ However, the Qur'an is primarily concerned with guiding man to the right belief and righteous conduct.⁵² The Qur'an also declares that the whole process of creation was deliberate as opposed to accidental (a belief favored by most scientists). The Qur'an asserts that man is given God-consciousness, which may not be present in man at all times, but which becomes apparent in times of need or crisis.⁵³ In Islam, man possesses a dual nature, as he is both body and soul. Among other things, God bestowed upon man a limited knowledge of soul or spirit. And it is through this knowledge that man can arrive at knowledge of God. The seat of knowledge in man comes from the metaphysical elements, referred in the Qur'an as heart (*al-qalb*), soul (*al-nafs*), spirit (*al-ruh*), and intellect (*al aql*). Knowledge and *ruh* are inherent in the nature of man and are collectively known as *al-fitrah*, which directs man's behavior throughout his life.⁵⁴ From an Islamic perspective, the term "*insan*" or

man, is a derivative of “*nasiya*” or to forget, and it is this forgetfulness of man that leads to his disobedience, injustice, and ignorance in this world. But man is given a choice (*ikhtiyar*) coupled with intelligence to distinguish between right and wrong, good and bad, so he can be God’s vicegerent on earth—conducting his and others’ lives according to the will of God.⁵⁵ The human soul possesses faculties that are vegetative, animalistic, and human or volitional.⁵⁶ The Qur’an contains 143 verses that contain the Arabic word *al-nafs*, of which, 28 verses refer to the mind or human psyche.⁵⁷

Explanations of Human Nature by Muslim Scholars

The written accounts on the description of human nature by early Muslim scholars can be found as early as 800 A.D. and then onwards until year 1100.⁵⁸ Al-Kindi wrote his books *On Sleep and Dreams*, *First Philosophy*, and *The Eradication of Sorrow*, using cognitive strategies to combat depression. Al-Tabari was a pioneer in the field of child development, which he elucidated in his book *Firdaus al-Hikmah*. Al-Farabi wrote his treatise on Social Psychology, most renowned of which is his *Model City*. Ibn Sina, in his famous book *Al-Shifa*, discusses mind, its existence, mind body relationship, sensation, perception and other related aspects. Ibn Sina also gave psychological explanations of certain somatic illnesses as well. Ibn Bajjah based his psychological studies on physics. He explained intelligence as the most important ability of man and wrote many essays on sensations and imaginations. Ibn Tufail gave a unique concept of man as *Hayy bin Yaqzan* which shows that man has enough powers to reach the ultimate truth with the help of the Qur’an and Sunnah. Al-Ghazzali examined human nature in greater detail and found that all psychological phenomena originate with the self. He described in detail the nature of the self, using four terms—heart, soul, desire, and intellect. Al-Ghazzali’s research covers almost all basic aspects of psychology, ranging from motivation and sensation to emotions and feelings, from psychopathology to behavior of the individual in the society.

On the applied side, Yahya Ibn Massawayh, Abu Zayd Hunayn and Ishaq bin Imran all wrote monographs on melancholia, emphasizing the

benefits of psychotherapy. Abu Bakr Mohammad Ibn Zakariya al-Razi wrote *Kitab al-Hawi*, where he discusses different types of melancholia, hypochondria, effects of temperament on personality, lethargy, madness (*junun*), schizophrenia (*hadhayan*), various forms of insomnia, mental confusion (*iqtitlat*), and delirium. He describes in great detail the causation, symptoms, and treatment of these disorders and he is also credited for coining the term “*ilaj al-nafsani*.” Abu’l Hasan Ali Ibn Abbas al-Majusi in his book, *Kitab al-Malaki*, which was translated into Latin twice, writes about sleeping sickness, loss of memory, and coma. He also differentiated hot and cold meningitis, vertigo epilepsy, love sickness, and hemiplegia. Abu Bakr Rabi wrote a book named *Al Muta’alimuna fi al-Tibb*. Of special interest to psychologists are the chapters on nerves, the nature of the brain, its form and functions, and symptoms of brain disorders, as well as emotional, sexual, and sleep disorders. Al-Balkhi wrote in detail about rational and cognitive therapies for anxiety, depression, anger, panic, and obsessive disorders.

It is hard to find written accounts of psychological explanations of human behavior by Muslim scholars in more recent years. Apparently, writings of Muslim scholars from various parts of the world did not get translated into English and could not be effectively communicated to others. Some materials that are directly relevant and readily available in the English language are cited below.⁵⁹ However, it must be remembered that although “Islamic psychology” did not exist before by this particular name, very important works were written by Muslim scholars from around the world. It is more noticeable now that Islamic psychology is gaining prominence as a field and Muslim psychologists are attempting to Islamize their discipline.⁶⁰

What Is the Next Step for Muslim Psychologists?

Regrettably, Muslim psychologists have made few, if any, attempts at organizing their efforts in Islamizing their discipline. It must also be pointed out here that Islamization is not an easy task and must begin with a cognitive restructuring of those Muslim psychologists who think like Western psychologists.⁶¹ Muslim psychologists have to divest themselves

of the strong influence of their training in Western psychology. As such, there are no institutions where Muslims interested in psychology can be trained. All contemporary Muslim psychologists are trained either in the West or in the East in schools using Western methods. Therefore, reeducation begins with the reorientation of Muslim psychologists toward the Islamic worldview.

No doubt, Muslims who are deeply rooted in their religious traditions do bring their values to bear on their professions. However, while an Islamic thought is necessary for Islamization, it is not sufficient in itself. A systematic approach toward Islamization has to be initiated. This can begin with the integration of the Islamic attitude with the scientific disposition. For example, a Muslim astronomer looks through his telescope and not only sees Allah's *ayahs* (signs) in the cosmos—stars and other celestial bodies—but will reflect upon them in the light of *ayahs* from the Qur'an. Similarly, a Muslim psychologist will read peoples' behavior and not only see stimuli and responses, but reflected in them, he will recognize the grand design of human nature and human existence as embodied in the Qur'an.

Specifically, at this juncture what should Muslim psychologists strive for to Islamicize their discipline?

First, it is imperative, that works of Muslim scholars relevant to psychology be collected and reviewed carefully. In fact, a collection of original contributions of Muslims to psychology in general, and Islamic psychology in particular, should be prepared. This task is difficult no doubt, but achievable. Any organization, which is serious about Islamic social sciences research, can take up this responsibility. This would tell us what has already been accomplished in the way of Islamization and help us prepare current and future plans of research accordingly.⁶²

Second, those Muslim psychologists who are interested in Islamizing their discipline should devote ample time systematically studying the Qur'an and the source books of the Islamic legacy. Without first hand knowledge of the basic sources, Islamization of any knowledge remains a distant possibility.

Third, an ongoing joint venture by Muslim scholars of revealed knowledge and the social sciences should put their heads together, using

their respective methodologies to study human nature. Developing an appreciation for the interconnectedness of psychology with its sister discipline can also prove helpful.

Fourth, an Islamic theoretical framework of psychology needs to be advanced in order to function as a guide for future research. This means that Islamization of psychology should begin by redefining its subject matter and scope in an all inclusive and comprehensive manner including aspects of the human soul. Emphasis should be placed on knowledge of psychospiritual basis of human behavior and on finding ways of fostering righteousness. This further means that Muslim psychologists have to create their own science of psychology, based on the *tawhidi* paradigm.

Fifth, Muslim psychologists should incorporate Islamic ethics into psychology, as psychology relates to people and changing people's behavior for the better. This ethical and moral concept should be based on the guidelines given in the Qur'an and the Shari'ah. Present day psychology has not quite lived up to its professed goals of helping individuals understand themselves, the purpose and meaning of life, and how to live in a balanced and constructive manner. Islamic Psychology should not be lacking in this sphere.

Sixth, and perhaps most importantly, a change in the teaching curriculum must take place at the university level.⁶³ The Islamic perspective must be incorporated in various psychological concepts and phenomena, which must be discussed in the classrooms. This will foster Islamic thinking among today's Muslim psychology students so that they are better equipped to deal with these issues in the future.

Conclusion

Although historically, psychology and religion have generally avoided each other, recent trends suggest increased interchange and interaction. With the emergence of postmodern ideology, a growing tolerance is growing between the two disciplines. We see a spurt of growth in the form of psychological organizations, integrated journals, research projects, and textbooks of an integrative nature. Several graduate programs

in renowned universities around the world, now offer advanced degrees that are integrated in nature. Also, on the applied side, practicing professionals increasingly are asked to fulfill their client's needs related to religious beliefs and ideologies. Nevertheless, it is still a fact that, only a tiny minority realizes the importance of this relationship and growth. This article suggests that integration will be achieved through the Islamization of psychology process. Hopefully, this article will help to enhance awareness and develop "integrated thinking" among Muslim psychologists, for indeed, if psychology wants to be more effective as a behavioral science, it cannot ignore the important variable in human personality we call "religion."

Endnotes

- Dr. Amber Haque is an Assistant Professor in the Department of Psychology at the International Islamic University of Malaysia. He was a practicing psychologist in the State of Michigan, USA, between 1983 and 1996. The author is indebted to Dr. Saiyad Fareed Ahmad and Sabeena Watanabe for providing useful references for this article.
- 1 The term “religion” is a derivative from the Latin word *legare*, which means “to bind” or “connect.” Religion then refers to “connecting,” but serious differences exist on its definition. Connecting to what is also unclear. However, an etymological analysis of the word religion connotes the idea that it involves people’s striving for a sense of wholeness or completeness. See for example, R.F. Paloutzian, *Invitation to the Psychology of Religion* (Mass: Allyn and Bacon, 1996). Some experts also prefer to use the term “religious faith” and “religious tradition,” since religion by itself carries little meaning apart from its human context. See D.M. Wulff, *Psychology of Religion* (John Wiley and Sons, 1997).
 - 2 Science can be defined as any body of knowledge that is systematically obtained, and is subject to verification through objective means. The label “science” as applied to psychology offers a framework of psychology that imitates the methodology common to the natural sciences. This means that psychology studies (or should study, if considered science) behavior in terms of variables that are subject to experimental scrutiny.
 - 3 Politics of the professorate. *The Public Perspective*, p. 86-87, 1991.
 - 4 It must be emphasized here that no worldly or scientific knowledge is dis-integrated from revealed knowledge, in the first place. It is only the misperception or incomplete knowledge of humans, which leads to view religion and science as separate. When examined carefully, one would recognize that all scientific knowledge does or will eventually lead one to confirm the revealed knowledge.
 - 5 This attitude is perhaps inferred from the virtual absence of religion as a topic in most psychology textbooks, and often a vehement opposition from some prominent psychologists toward religion, from the scope of psychology. Even William James, who wrote a separate treatise on the psychology of religion in 1902, neglected this topic entirely in his classic 1400-page book, *Principles of Psychology*. See, C.G. Shaw, “The Content of Religion and Psychological Analysis,” in *Studies in Psychology: Contributed by Colleagues and Former Students of Edward Titchner*, (Worcester, Mass: Louis N. Wilson, 1917).
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- 24 Although humanistic psychologists have favored religion, or more accurately, “spiritual experience” in the study of human personality, they promoted their own spiritual vision rather than developing an outlook on psychology of religion. See H. Kung, *Freud and the Problem of God* (trans.) E. Quinn (New Haven, Conn.: Yale University Press, 1979).
- 25 P. London, *The Modes and Morals of Psychotherapy*, 2nd ed. (Washington DC: Hemisphere, 1986).
- 26 D.S. Browning, *Religious Thought and the Modern Psychologies* (Philadelphia: Fortress, 1987).
- 27 Every scientific inquiry begins with a question and hypothesis, which often leads to more questions and hypotheses. This leaves the scientist groping in the dark about what’s next. Science always keeps changing due to this uncertainty, whereas religion is always fixed and firm in its principles.
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- 29 Paloutzian, *Invitation to the Psychology of Religion* also explains this phenomenon by saying that it is not essential to rule out the validity of one discipline because you accept the validity of the other, as disciplines are not mutually exclusive. He says that the modern philosophy of science has now made it clear that the “either-or” approach is unnecessary, and instead of perceiving the other field as a threat, experts should “draw upon and crossfertilize the research and experiences of the other.”
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- 31 While the two disciplines interact, they are not necessarily integrated. To interact is rather casual and informal, but to integrate is to consider both as an offshoot of a united whole and value the importance of the systemic perspective where knowledge is analyzed in a highly complex and interpersonal environmental context. The integrator “holds things together” or works to bring things together, which is the function of religion based on the root *ligare*. Progoff (1956) in his attempt to integrate psychology with religion states: “The ultimate task of the new psychology is to re-establish man’s connection to life fundamentally and actually as an evident fact of modern existence” (p. 265).
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- 35 One such recent attempt took place in the form of a major international conference on counseling and psychotherapy from the Islamic perspective held in Kuala Lumpur, Malaysia in 1997, which gave birth to the International Association of Muslim Psychologists (IAMP). In the 1980s, a similar conference was held in Lahore, Pakistan. See Z.A. Ansari (ed.), *Qur'anic Concepts of the Human Psyche* (Islamabad, Pakistan: International Institute of Islamic Thought, 1994).
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- 38 L. Meier, *Jewish Values in Psychotherapy* (New York: University Press of America, 1996), 72. H. Vande Kemp, "Religion and Clinical Psychology in America," in Edward P. Shefranske (ed.) *Religion and Clinical Practice of Psychology* (1996), 72.
- 39 See S.A.A. Rizvi, *A Muslim Tradition in Psychotherapy and Modern Trends* (Lahore, Pakistan: Institute of Islamic Culture, 1988). F.A. H-L. Abou-Hatab, *Mental Health from the Islamic Perspective*. a paper presented at the International Conference on Counseling and Psychotherapy from the Islamic Perspective, Kuala Lumpur, Malaysia, 1997.
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- 50 See for instance, 4:28, 21:37, 50:16-18, 70:19-35, 75:31-40, and 95:4.
- 51 See 2:29, 14:33, 15: 28-29, 16:12, 31:20, 35:39, and 38:71-72.
- 52 See 2:112, 2:157, 3:7-9, 3:199, 5:125, 9:61, 17:23-29, 21:127, 23:57-61, 32:15, 33:21, 60:4-6, 68:4.
- 53 See 6:63, 8:172.
- 54 For a detailed explanation of the term *al-fitra*, see Yasien Mohamad, "Fitrah and Its Bearing on the Principles of Psychology," *The American Journal of Islamic Social Sciences* vol. 12, no. 1 (1995): 1-18.
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- 59 Some of the relevant literature published on this theme recently includes, S.M. Mohsin, *Keynote of the Holy Quran* (Seemant Prakashan, 1992), 155; M.Z. Azhar and S.L. Varma, "Religious Psychotherapy-A Proposed Model Based on the Malaysian Experience," *Journal of FIMA* vol. 1 (1996): 118-123. M.G. Hussain, *Psychology and Society in Islamic Perspective* (New Delhi: Institute of Objective Studies, 1996): 171; S.M. Naqib al-Attas, *The Nature of Man and the Psychology of the Human Soul: A Brief Outline and a Framework for an Islamic Psychology and Epistemology* (Kuala Lumpur, Malaysia: International Institute of Islamic Thought and Civilization (ISTAC), 1990), 41; *Proceedings on the Second Symposium on Islam and Psychology*, vol. 2, published for the Association of Muslim Social Scientists of USA and Canada by the American Trust Publications, Indianapolis, Indiana, 1977, p.65; Z.A. Ansari (ed.), *Quranic Concepts of Human Psyche*, Islamization of Knowledge 11 (The International Institute of Islamic Thought and Institute of Islamic Culture, 1992), 118; Manzurul Huq, "In Quest of a Meaningful Model of Human Self and Behavior," *Intellectual Discourse* vol. 2, no.1 (1994): 1-18; Yasien Mohamad, "Fitra and Its Bearing on Islamic Psychology," *The American Journal of Islamic Social Sciences* vol. 12, no. 1 (Spring 1995), 1-18; A.H. al-Hashmi, "On Islamizing the Discipline of Psychology," in *Social and Natural Sciences*, eds. I.R. al-Faruqi and A.O. Naseef (Jeddah: Hodder and Stoughton, 1981); Naumana Umar, "Psyche: A Traditional Perspective," *Iqbal Review* vol. 27, no. 1 (April-September 1986): 135-165; Abbas Husein Ali, "The Nature of Human Disposition: al Ghazzali's Contribution to an Islamic Concept of Personality," *Intellectual Discourse* vol. 3, no. 1 (1995): 51-64; Aliah Schleifer, "Ibn Khaldun's Theories of Perception, Logic and Knowledge: An Islamic Phenomenology," *The American Journal of Islamic Social Sciences* vol. 2, no. 2 (December 1985): 225-231; A.N.M. Wahidur Rahman, "Rasa'il Ikhwan Al-Safa. The Idea of Perfection of the Soul," *Hamdard Islamicus* vol. 14, no. 3 (Autumn 1991): 25-48; Muhammad Saleem, "Contemporary Study of Human Nature," vol. 12, no. 1 (1989): 75-81.
- 60 The current issue of AJISS devoted to psychology is a proof, as well as Islamic psychology offered as a subject of study in several places, including the Psychology Department at the International Islamic University of Malaysia
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- 62 Perhaps those psychologists interested in this task could create their own platform or organization to facilitate communication and unify efforts at Islamizing psychology.
- 63 The International Islamic University of Malaysia already practices this model; other interested universities can also follow suit.

FORUM

Rethinking Islamic Education in Facing the Challenges of the Twenty-first Century (2005)*

ROSNANI HASHIM

The Muslim ummah, as a world community, faces many challenges at the threshold of the new century. The fateful event of 9/11 has revealed yet another facet of the problems plaguing Muslim society: the existence of radical, or what some media have labeled “militant,” Muslim groups. Despite the Muslim world’s condemnation of the 9/11 terrorist attack, the United States considered itself the victim and thus launched its “war against terrorism” against the alleged perpetrators: the Taliban and al-Qaeda. Iraq, which was alleged to be building weapons of mass destruction (WMDs) and assisting al-Qaeda, became the second target. Iran would have become the immediate third target if the international community had supported the Bush administration’s unilateral declaration of war against Iraq. But it did not, for the allegations could not be proven.

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This biography appeared in the article when it was first published.

*This article was first published in the *American Journal of Islamic Societies* 22, no. 4 (2005): 133-145 Hashim, Rosnani. 2024. “Rethinking Islamic Education in Facing the Challenges of the Twenty-first Century (2005).” *American Journal of Islam and Society* 41, no. 1: 340–357 • doi: 10.35632/ajis.v41i1.3426 Copyright © 2024 International Institute of Islamic Thought

Unfortunately, this new American policy has not helped to curb aggression or terrorism; rather, it has caused radical groups to run amok and indulge in even more acts of terrorism in Israel, Palestine, Indonesia, Turkey, Spain, Iraq, and Saudi Arabia. The 9/11 tragedy has caused the West to hold more negative images of Muslims and Islam and has made life more difficult for Muslims living in the West. In response, anti-Americanism has grown throughout the world, particularly in the Muslim world.¹

September 11 seemed to provide certain Muslim governments with the license to combat terrorism on the local front more rigorously. This action heightened the conflicts between local Muslims and the ruling governments, as in the case of General Musharraf of Pakistan, who decided to cooperate with Washington in its “war against terrorism” by providing bases for American forces. After 9/11, Egypt, Tunisia, and Malaysia all received repeated praise from Washington for their experience and seriousness in combating terrorism and joining the alliance against it, despite their track record on, for example, human rights violations vis-à-vis the ruling elites’ political opponents. The Malaysian authorities have detained Muslims for interrogation based on the suspicion that they have links or some type of association with al-Qaeda because they were in Afghanistan during the war against the Soviets, or in Bosnia or Chechnya, such as members of the Kumpulan Militan Malaysia (Malaysian Militant Group).²

Furthermore, 9/11 made it easier for occupation forces in Muslim lands (e.g., Palestine, Kashmir, Xinjiang, Mindanao, and Chechnya) to crush indigenous liberation movements. These occupation forces jumped onto the American “war against terrorism” bandwagon by presenting their situations as strikingly similar to 9/11 and identifying the major enemy as Islam or Islamic extremists. Israel crushed the Palestinian uprising and further tightened its grip. In an act of desperation and defense, the Palestinians began a jihad through self-destruction, labeled “suicide bombers” by the non-Muslim community.

More significantly, however, 9/11 led to an increased scrutiny of the madrassah (traditional Islamic) system of education. Washington claims that the militant groups arose from the followings of leaders who had a

strong affiliation with Islam. Consequently, it believes that terrorism's roots lie in how Muslim children in Islamic lands are educated. During the Afghan war against Soviet occupation, Washington considered the term *jihad* as positive. But now that it has been used against the United States since 9/11, Washington believes that the term should be removed from the Islamic studies curriculum.

In 2002, the International Crisis Group, which is led by western scholars, statesmen, and corporate leaders, conducted a study of Pakistan's madrassahs. In its report, the group acknowledged the system's importance for Pakistani society, proposed its integration into the formal education sector as well as its proper regulation and monitoring,³ and expressed its concern with the provision of job opportunities for its graduates. Washington has even used its influence to persuade Saudi Arabia and a few other Middle Eastern countries to revise their Islamic education curriculum,⁴ and has used its might and influence to ensure that the madrassah will not breed hatred against the West. "In some places, such as Saudi Arabia and Kuwait, the education debate has focused on how, or whether, the religious curriculum promotes intolerance and extremism."⁵

Malaysian religious schools were not spared from this fate. In October 2002, the government decided to "terminate temporarily" federal financial aid to all *rakyat* religious schools (SAR). This is a critical matter, because federal funding, which is higher than state funding, comprises a major proportion of these schools' revenue. (This is true for all states, with the exceptions of Kelantan and Kedah.) At that time, Prime Minister Mahathir said that the goal was not to close down the schools, but "to find out which are religious schools and which are political ones."⁶ He argued that these schools were preaching a culture of hatred and were not providing quality education.⁷ Furthermore, he "found out that the teachers there had deviated from such [Islamic religious] teachings and SAR students were taught to hate the Government and other Muslims."⁸ It was not clear if there was any external pressure, but it created so much opposition from the Muslim masses that the funding had to be reinstated.

Clearly, the Islamic world seems to be experiencing an ummah-wide struggle, one made conspicuous by the 9/11 tragedy: Muslims who

believe in the value of secular institutions versus those who are committed to the idea of governing according to the Shari`ah (Islamic law). Others view this as a battle between moderate and hardline Muslims. Abdullah Ahmad, a Malaysian journalist and ex-politician, asserts that “following September 11, there was a struggle for the soul of Islam.”⁹ Responsible Muslims must raise their voices against the bigoted ones, for the 9/11 tragedy is a good example of what can happen if the moderates keep silent and allow Islam to be hijacked by the likes of the Taliban.¹⁰ According to Karen Armstrong: “September 11th has confirmed a view of Islam that is centuries old, which is that Islam is inherently violent and intolerant of others.”¹¹ Islam was painted as a rigid religion and its people as intolerant fanatics resentful of the West’s prosperity, democracy, and freedoms.

Schoolrooms are the battlefield for these conflicting beliefs, and what is at stake is the next generation of Muslims. For example, in Turkey, two dozen soldiers reportedly stand guard daily at Istanbul University’s main gate to watch students walk through the great Ottoman arch and intercept those wearing hijabs or turbans. Those who insist upon wearing such attire risk expulsion.¹² The conflict has also spread to the West: The French government has banned headscarves in state run schools since 1989 and recently established a law to that effect. Singapore, a country with a large Muslim minority, seems to be taking similar action. In the Netherlands, concern over the spread of hate speech prompted an investigation into the nation’s 32 state sponsored Islamic elementary schools. Its security service has just issued an intelligence report saying that as many as 10 of those schools have been heavily subsidized by Muslim hard liners in Saudi Arabia, Libya, and Turkey.¹³

Besides the problems resulting from globalization and 9/11, poverty, illiteracy, and educational access seem to be perennial challenges in the underdeveloped Muslim world. Meanwhile, the more economically developed and rich Muslim countries, which are gearing up for industrial development, are infested with the social ills traditionally associated with modernization: hedonism, crime, drug addiction, deviant sexual lifestyles (e.g., homosexuality, lesbianism, adultery, and premarital sex), and the associated diseases (e.g., STD, HIV, and AIDS). Even abandoned

newborns who were born out of wedlock have found their way into the social fabric of Muslim society. Such trends pose another great challenge to modernize harmoniously while keeping Islamic values intact.

Statement of Purpose

Faced with these challenges, Muslims and Muslim societies should examine the roots of their subjugation, internal conflicts, and lack of dynamism. Muslim scholars of the 1970s identified the problem as lying in the secularized educational system and called for the Islamization of contemporary knowledge. This paper would like to put forth another thesis: The problem lies in the teaching methods and curriculum of Islamic Education (also known as Islamic Studies or Islamic religious knowledge) in schools, which has lost its heart and mind. Hence, this paper argues for a rethinking of this subject and attempts to answer the following fundamental questions: Has contemporary Islamic Education been able to produce students who can think critically or generate original and creative ideas? Has it been able to produce students who possess good hearts and live by Islamic values? Have Muslim youth been successfully educated and prepared to face the challenges of their time? What improvements are necessary in the teaching and curriculum of Islamic education for the twenty-first century?

To address these issues, we need to reexamine the goal of Islamic education as well as its curriculum, teachers, and teaching methodologies. Although we cannot stop the rapid flow of information, ideas, and cultures coming from the outside as a result of globalization, which has been induced by information and communication technologies, and the economy, we can help our people, especially our young people, defend their beliefs and values by teaching them how to evaluate and be selective when dealing with the information available and the influx of non-Islamic and even anti-Islamic values. Given this fact, devising an effective Islamic education program is vital for the survival of our beliefs and the endurance of our values. An effective Islamic education program would help instill Islamic values, develop strong character, and, more importantly, develop critical and wise minds. But we still need to

ask if the current teaching methods are fulfilling this goal or breeding intolerance and hatred.

The Goal of Islamic Education

The goal of Islamic education is to produce good people who will achieve ultimate happiness (*sa`adah*) in this world and the Hereafter. This ultimate happiness will be attained when all people become true servants (*`abd*) and vicegerents (*khalifah*) of Allah. As true servants, it is necessary for their own well-being to perform acts of worship (*`ibadah*) in the broadest sense to purify their souls and to perfect their character. As His vicegerents, they are obliged to preserve and safeguard the universe, which has been created for their sustenance and, more importantly, to spread the message of Islam (peace) through working for social justice. To achieve this task, people have been endowed with the faculty of the intellect (*`aql*), which distinguishes them from the other creatures. God Prophet Muhammad (pbuh) as the perfect person (*al-insan al-kamil*) who has great characters (*khuluq al-`azim*). The Hadith literature also relates that he was the living Qur'an. In one hadith, the Prophet (pbuh) emphasized that he came to perfect moral character (*akhlaq*). Therefore, Islamic education ought to strive to mold Muslim individuals who embody the Qur'an.

From this, it can be inferred that Islamic education should be directed toward perfecting moral character. For example, such social institutions as the family, society, and the state, as well as the international community, should embrace this goal. Similarly, each individual is responsible for his/her own self and, therefore, needs to exert enough effort to achieve this goal both for himself/herself and for society. The school is one state organ that can play a significant role in helping to educate people through its curriculum, teachers and their teaching methodologies, climate, and leadership. Unfortunately, many teachers, including teachers of Islamic Education, fail to reflect upon the goals of education from the Islamic perspective. Some never really think about why they teach the prescribed prayers (*salat*) or the Qur'an. It seems that they are just repeating what earlier teachers taught them, regardless of whether

the content or the methodology applied is relevant, effective, or otherwise. They teach students to prepare for public examinations and excel in knowledge of the subject, and are least concerned whether students internalize the values imparted and become better behaviorally, mentally, spiritually, or morally.

The situation is even worse when the emphasis is purely cognitive instead of spiritual or moral. As the “diploma disease” has infected most teachers, school personnel care only about ensuring a high percentage of the “A” grades on the public examination. Thus, it is not unusual to teach the Islamic sciences (*‘ulum al-shari‘ah*) in a way similar to all other subjects: emphasizing the cognitive domain, although it might not be of a high level, which often does not reach one’s heart. Therefore, the teachers’ intention (*niyyah*) of teaching the subject has departed from its true aim. If we regard the soul of Islamic Education as purification of the heart, which is the spring for good or evil actions, then its greatest weakness is that it has lost its soul. Islamic education has failed to establish the bridge between God and His true servants (*‘ibad al-Rahman*). In most cases, the five daily prayers have been taught mechanically as a ritual and with little understanding or spiritual meaning. Similarly, recitation of the Qur’an no longer stirs the heart and gradually transforms the person. “Knowledge” has not led to good deeds (*‘amal salih*), and the Islamic Education class has not been able to establish a strong link between them. All of the prayers and acts of worship (e.g., charity, knowledge seeking, and fasting) are done because of compulsion, as a servant’s duty and obligation. Most of our teenagers probably perform them to avoid Hellfire rather than seek the pleasure of God.

Consequently, despite obeying His commands, people’s lives and characters have not been transformed and their souls have not been purified. Even worse, if everything was done to show off or acquire status or position in this world, or due to peer and societal pressures, they are no more than hypocrites: “So woe to the worshippers who are neglectful of their prayers, those who want but to be seen (by others) but refuse (to supply even) neighborly needs” (107: 4-7). Our hearts are so tainted that they feel no fear when hearing the Qur’anic verses: “To those whose hearts when God is mentioned, are filled with fear ...” (22:35). Probably

Islamic Education has also been swept by the secondary goals of education, mainly the utilitarian goal of vocational efficiency and, recently, the commodification of knowledge.

The Curriculum of Islamic Education

Another aspect worthy of examination is the curriculum. As a school subject, the curriculum of Islamic Education ought to be the least difficult to formulate, because its major content is derived primarily from the Qur'an, the Sunnah, and the *sirah* (history) of Prophet Muhammad (pbuh). Since the perfection of character and the intellect is an important aim of education and the Prophet (pbuh) is the perfect model, the curriculum of the Islamic sciences should see to this. It is not enough just to emphasize the acquisition of facts about Islam without the accompaniment of the good mind and character.

Since a major goal is to raise individuals who embody the Qur'an, it goes without saying that they must know its content and love it. Unfortunately, this is never the case in the teaching of Islamic sciences. In most cases, students only read textbooks written in accord with the syllabus and that contain certain Qur'anic excerpts. They never possess or recite the Qur'an systematically, but learn to recite it from cover to cover only after school either at home through their parents or private tutors, or in the tutor's home. This after-school exercise only stresses its proper recitation (with *tajwid*), and rarely the content, because most Muslims do not know Arabic. Therefore, the Qur'an has never been the main textbook for Muslim students even in the Islamic religious science classroom. As a result, students neither understand nor embody the Qur'anic assertion that "This is the Book, in it is guidance sure, without doubt to those who have *taqwa*" (2:2). Moreover, they cannot begin to love the Qur'an because they have not known enough of it. Undeniably, reciting the Qur'an as a habit, say at a certain time during the day, could, by the Grace of God, cause one to love it. But that is not guidance, only affection.

Therefore, it stands to reason that in order to understand the Qur'an, students ought to know Arabic or be exposed to a translated version.

The absence of Arabic from the curriculum of Islamic religious science is too glaring. It should not be considered another foreign language to be learned outside the curriculum or as similar to other foreign languages, such as English or French, for Arabic is part and parcel of Islamic science. Therefore, the Islamic religious science curriculum ought to include Arabic, just as it includes *fiqh* (jurisprudence), *'aqidah*, and *akhlaq*.

Arabic is the tool or instrument for attaining the *'ulum al-Shari'ah*. How can someone attain or reach an object without acquiring the necessary instrument? It is just like aspiring to a scientific goal without undertaking the necessary systematic observation and experimentation. Being exposed to the Qur'an and hadith texts will enable students to develop enough to understand the difference between the authentic texts and scholarly interpretations. Otherwise, the problem of Muslims preferring commentaries to the original text – to the Qur'an in particular – even when resolving current problems, will remain. These shortcomings in the curriculum's content and implementation must be resolved.

The Teacher and Teaching Methodology

The methodology of teaching the Islamic sciences is plagued with weaknesses and is, in fact, the greatest hindrance to developing wisdom and building Muslim students' character. In fact, this weakness probably explains why Muslim students or young people are easily swayed by those western cultures and values that contradict Islamic culture and values. This phenomenon reflects their fundamental weakness of character.

We would like to believe the truth of western psychological theory as put forth by E. Erikson and Lawrence Kohlberg, such as the belief that adolescents go through an identity crisis and thereby seem to be doing and trying every new fad to find their identity. But we also know from our legacy that such Muslim adolescents of the past as Usamah ibn Zaid and Imam al-Shafi'i were already serving on the battlefield as the captain of soldiers and leading prayers and study circles as the imam, respectively. In our culture, adolescence is reached at the age of puberty, when young people have to assume heavier responsibilities. It is not a

period of searching for one's identity. Their weak character also reflects the weakness of our teaching of Islamic Education. Of course, Islamic Education should not shoulder this blame alone, for all sciences taught in school should be concerned with the students' moral development. However, given the nature and the core aim of Islamic religious sciences, this responsibility weighs heavier on those who teach them than those who teach the other subjects.

Examining our teachers' teaching methods reveals a tendency for moral prescription or blind indoctrination. "You must not steal because that violates the commandment of the Qur'an. You will be punished and thrown into the Fire." "You must be honest because Allah loves those who are honest." "You must pray, because if you don't you will not be able to enter the garden of Paradise." "You must recite the Qur'an because you will be rewarded for every letter recited, not only for each word but for each letter!" "You can have more than one wife because that is the *sunnah* of the Prophet." Individuals who are moral and have *taqwa* do not arise from moral prescription alone, for that approach cannot teach them how to reason morally by themselves given situations peculiar only to them. But the current teaching method does not provide for this. Students raised through moral prescriptions do not consider contexts and so cannot judge unfamiliar situations correctly. They have not been taught how to think according to religious principles, how to weigh and judge circumstances, and how to think critically.

The resulting misfortunes are many; however, I will illustrate it with one sad incident. In 2002, several schoolgirls in Saudi Arabia burned to death during a school fire because the *mutawwi`* (religious police) would not allow them, even though they were already at the front gate running to save their lives, to go out without wearing their hijabs and *abayas*. In fact, the *mutawwi`* chased them back into the school. By the time they were "properly" clothed, it was too late. Why was the *mutawwi`* so blind to the difference between a normal and a life-threatening situation? Why was he so adamant? Is the hijab more important than a girl's life? This is a clear case of imposing an Islamic religious principle without the use of reason. One can find many other cases in which members of the opposite sex would not offer to help each other because they are not the other

person's *mahram* (close blood relatives). Men are afraid to offer women who could be their wife's friend even a short lift to the university or the city because they fear the resulting *fitnah* (temptation, disorder). What is wrong with our understanding of Islam or the Qur'an? Even Prophet Muhammad (peace be upon him) visited Khadijah's friends and brought them gifts after her demise.

In other circumstances, the teaching method seems to emphasize Allah as the Harshesht Punisher (*dhu intiqam*) and not as the Most Merciful. This is ironic, because the phrase *Bismi Allah al-Rahman al-Rahim* (In the Name of Allah, the Most Compassionate, Most Merciful) is found and recited at the beginning of each of the 114 chapters of the Qur'an, with the exception of the ninth. This excellent formula is even recited at the beginning of any daily activity. Even though *dhu intiqam* is rarely mentioned, the teaching of Islamic Education leaves students with the impression of a cold and angry God Who neither understands nor forgives. In other words, the goal here is to implant obedience through a deep fear, rather than a deep love, of God. Is this what *taqwa* is?

Islamic Education seeks to raise Muslims with the character of *taqwa*. But what is *taqwa*? Some define it as God-fearing, but I believe it is more exact to define it as God-consciousness. This understanding of "Godfearing" causes Muslims to see God as very vengeful. As a result, they worship Him not out of love or fear of His displeasure, but out of fear of going to Hell. Thus, they seek to ensure that His laws are observed through force, just like soldiers who obey orders, rather than out of love for their fellows and humanity in general. Could this be one of the reasons for the rise of hardand cold-hearted Muslims, in addition to the fact of the injustices that have been inflicted upon them in many parts of the world? We tend to forget that *taqwa* is spiritual and its manifestation is upon our conduct. Although *taqwa* is spiritual and describes the individual's relationship to God, it is also related to our situatedness in society. It would be pointless for an individual to claim to have *taqwa* and yet tolerate social injustice. *Taqwa* ought to be accompanied by *'amr bi al-ma'ruf and nahy 'an al-munkar* (enjoining the good and forbidding the evil). But this should be in the spirit of mercy and not revenge.

In the same spirit, some teachers, especially those who have not been to the West and so have not learned to appreciate its good values, teach that everything from the West is bad for Muslims. This false notion, if implanted successfully, will leave a strong fear and hatred of the West in their students' minds. There is always a lot to learn from other cultures or civilizations, a fact that has been highlighted by the Qur'an, which encourages Muslims to travel, and illustrated by such Muslim scholars as al-Biruni, al-Afghani, Sayyid Ahmad Khan, and Muhammad `Abduh.

Finally, teachers of Islamic sciences are not innovative and creative when it comes to devising effective teaching methods. There are many ways of teaching the Qur'an and Islamic history that can make these subjects more interesting and lively. Teachers frequently employed the lecture or dictation / memorization method when delivering theory or facts, or demonstration when explaining rituals. Other innovative methods, such as integrating the Creator's *ayat* (signs) found in natural phenomena to illustrate the Qur'anic verses have not been attempted. One such way is to show His *ayat* in the human body in order to impress His Majesty through something that is very close to the students. We now have a great deal of scientific knowledge on the workings of the human body, a lot of which has been illustrated in beautiful charts, diagrams, presentations, and even in video or CD-Rom that could be used in the classrooms. Unfortunately, our teachers are not well versed in these sciences and thus cannot use such materials effectively. History and archaeology could also be used to make teaching more meaningful.

The School Environment

The school environment also has a bearing on students' development, for it affects their nurturing. This climate is determined by the educational leadership, which, in turn, is influenced by the philosophy underlying its beliefs. Different philosophies have given rise to different styles of leadership, from the authoritarian to the *laissez faire*. The school's leaders and teachers are role models. If students see harshness and injustice or kindness and justice on a daily basis, they will learn to live with these, internalize them, and make them part of their character.

Unfortunately, some schools are not sensitive to this reality, especially when they have pupils of multicultural and multi-faith backgrounds. On the other hand, some Muslim school leaders are so lax in adhering to their religious principles that their toleration of un-Islamic or even anti-Islamic behavior indicates to their Muslim pupils that Islam sanctions such activities (e.g., the principal allows unsupervised mixed parties on school premises to celebrate a school-related event). Some Muslim school leaders are so rigid that they cannot tolerate such differences as allowing non-*halal* food for non-Muslim students in a corner of the school cafeteria. The only solution to this is to establish a proper justification for each policy or act and then inform all of the school's staff members and students about it. Individual principals might use force rather than education to enforce religious commands, such as making it compulsory for female Muslim students to cover their heads in school. But this is no more than hypocrisy, because some of them fear the principal more than they fear Allah and so take it off once they are outside the school compound.

The school ethos is very important in instilling the correct values in students. If the school upholds cleanliness, thoughtfulness, care, and discipline, the students will catch these values. Students need good role models, and the school environment ought to provide them, especially in the way of a wise and God-conscious leadership. More awards should be given to motivate good moral character in comparison to those given for academic achievement. This can be done by recognizing good deeds and community service.

Recommendations

In the previous discussion, I have analyzed four aspects of teaching Islamic education: goals, curriculum, teaching method, and school environment. Based on the highlighted shortcomings, I shall now suggest some steps to improve the teaching of Islamic Education.

The Teacher and Teaching Goals

Since teachers and teacher educators are the most important agents in achieving the goals of Islamic Education, we must be very careful

when selecting teachers. Having a diploma or a degree in teaching is not enough. Since teachers are the role models in conduct, thinking process, worship, and character, the selection procedure should evaluate all of these four aspects, in addition to knowledge and pedagogical competency, and communication ability.

This has implications for the teacher education program, for any evaluation of student teachers specializing in the teaching of the Islamic sciences should not be confined to the paper and pencil test in the classroom alone. Rather, it has to be a holistic and qualitative evaluation based upon observation inside and outside the classroom. A new method of evaluation, with different weights given to the four aspects of the above-mentioned role model, ought to be designed and then used, along with an evaluation of their professional competency, to ensure that only fully qualified teachers are passed on to the schools. Teachers need to internalize the values and knowledge that they would like to pass on to students in order to prevent the emergence of the common “Do as I say, not as I do” attitude.

Furthermore, teachers of the Islamic religious sciences should have a basic knowledge of the natural sciences so that they can refer to them for signs of the Creator. This can make their teaching more relevant and interesting. In addition, they should be exposed to a teaching methodology that provides a model of analytical and reflective thinking. It is not enough to teach about thinking: They need to be exposed to teaching for thinking and the methods that could give rise to it. Teachers need to understand that two contradicting philosophies underline the lecture and discussion methods. They should also be given the opportunity to reflect upon and inquire deeply into the aims of education. Therefore, the philosophy of education should be a compulsory course for our teachers, and even moral philosophy ought to be introduced for moral reasoning, in addition to courses on Islamic ethics.

Curriculum

Regarding the curriculum, first of all, the school’s Islamic science curriculum ought to be improved. If Muslims want to succeed and lead

the world, the Arabic language, which is the key to understanding the Qur'an, must be made compulsory for Muslim students. A language ought to be taught not just because it has economic value. That will come later, just as English now has an economic value. A language's main purpose is communication. Without Arabic, there is no communication between Muslims and the Qur'an. The benefit will be obvious in the long term, not in the short term. There will be a chain reaction as in the past, when Muslims could really "read" the Qur'an and thus became leaders in almost all fields of human endeavor.

First, the Qur'an does not give Muslims the key to the sciences directly; rather, it is a very strong motivating factor for making a commitment to acquire knowledge and learning. This is our missing dimension. Until it is no longer "missing," we cannot succeed in regaining the leadership. This is what we ought to expect to achieve from a true comprehension of the Qur'an, this form of worship. If Arabic is not taught as a "language subject" like English, Urdu, Persian, or Malay, then the "Islamic Education subject" must provide room to teach it weekly. In fact, a method ought to be devised to integrate the teaching of the Qur'an and Arabic. I believe that various educators and teachers are working in this area, especially for non-speakers of Arabic. Our problem, however, is our lack of commitment and poor vision.

Second, the Qur'an must be the school's primary textbook. Students ought to be exposed to reading its translation in the higher primary grades, after they have completed reading it in Arabic (the current practice is to recite it without understanding). This first blind recitation must be replaced by reading it with understanding and for guidance. Even if this second reading is not completed at the end of secondary school, the school will, at least, have succeeded in cultivating the habit and possibly, the love of the Qur'an and learning.

Third, the consistent reading of the Qur'an's translation and, later on, possibly in the original Arabic, could enable them to integrate the signs that they read in the Book with the signs in Nature. Then, their learning of the other acquired sciences will become meaningful and the Qur'an will become decompartmentalized from the other acquired sciences. The sacredness of knowledge, which has been lost in these sciences and

whose revival forms the mission of the Islamization of Knowledge, will be attained by our new generation at a younger age. We hope that they will be greatly motivated to acquire all of this knowledge as *'ibadah* and follow the examples of our great classical-era Muslim scientists and scholars.

Teaching Method

The teaching method and approach for Islamic Education needs to be improved greatly. First, the teaching approach should represent Allah as He is. Of all of His names, the ones most often recited are *al-Rahman* and *alRahim*. Therefore, He should be presented as the Most Merciful and the Most Compassionate. He is not cold, for He is *al-Ghaffur* (the Most Forgiving). This implies that all students, being human, are liable to making mistakes. They should not be punished immediately, for Allah indicates a system of gradual punishments, as in the case of a man who is disciplining a disobedient wife (4:34-35). Therefore, students should be encouraged to gain His love and pleasure for its usefulness and significance, rather than to fear Hell or gain Heaven. It is in this context that some elements of Sufism are important because *fiqh* that is taught without Sufism tends to make the teaching of Islam dry, cold and hard. However, Sufism without *fiqh* could lead one astray.

Second, the teaching of moral or ethical reasoning must be encouraged in Islamic Education. Actual or potential situations, or dilemmas within Islamic history and contemporary situations, ought to be presented so that students can implement the religious principles that they have learned and use reason to analyze them. The intellect has an important role in the deliberation of religious issues, which is what *ijtihad* is all about. Only when we have strengthened both religious principles (which are also ethical and moral) and their moral reasoning can we be confident that students will act wisely when faced with morally problematic situations. Then they will not act blindly, as the *mutawwi`* did, or unjustly.

Third, pre-service teachers need to be selected from the pool of intelligent people. Only those who have been endowed with this intellectual potential can reflect and think of better ways to reach their students.

Unfortunately, our present candidates do not come from this pool, but rather from those who consider teaching as a stepping stone or the last resort. Therefore, we are not getting the cream of society to become our torchbearers.

Conclusion

Finally, I would like to suggest that the soul of Islamic education be brought back. Teaching should not just emphasize the cognitive, physical, and ethical and moral domains; rather, it should emphasize the spiritual and emotional domains. The act of thinking of the *ayat* in natural phenomena could also be converted into the spiritual domain by transforming it to remembrance of Allah (*dhikr*). Reading/reciting the Qur'an is not just remembrance of Allah, but also a cognitive act. Thinking, remembering Allah, and praying will purify the heart from all of its diseases, such as arrogance (*takabbur*), hypocrisy (*riya'*), envy (*hasad*), and conceit (*'ujb*). These diseases cause disputes, disunity, and destruction among humanity. Islamic education must include Sufism to purify and strengthen the heart. Then, we can truly say that the soul has been regained.

This would agree very much with the verse: "He has sent among the unlettered an apostle from among themselves, to rehearse to them His signs, to sanctify them, and to instruct them in Scripture and Wisdom – although they had been, before, in manifest error" (62:2). This verse indicates that we have been focusing not on the degree of excellence, but on the teaching of the acquired and the revealed sciences. But we have not succeeded in sanctifying or purifying our students or in endowing them with *hikmah* (wisdom), which Allah claims is of great benefit to those who possess it (2:269). Only by regaining Islamic education's soul might we be able to put the phenomenon of militant Islam in its proper place: going to war to defend Islam, not to disgrace it. *Allahu 'alam.*

Endnotes

- 1 For more details on this, see Rosnani Hashim, “American Images of Islam and Muslims, September 11, 2001, and Their Impact on Muslim Society,” in L. Hein and D. Yui (eds.), *Crossed Memories: Perspectives on 9/11 and American Power* (Tokyo: CPAS, The University of Tokyo, 2003), 30-53.
- 2 All thirteen men in the first group of suspected Kumpulan Militan Malaysia members detained under the Internal Security Act between December 9, 2001, and January 3, 2002, have been sent to the Kamunting detention center for two years. See *The New Straits Times*, 15 March 2002.
- 3 See International Crisis Group, “Pakistan: Madrasas, Extremism, and the Military,” *ICG Asia Report*, no. 36 (Islamabad/Brussels), 29 July 2002.
- 4 For changes in school textbooks in the Middle East, see “Sweeping Reforms in Qatari Schools,” *Star*, 9 March 2003. Qatari leaders have warned of an American-led campaign to rewrite textbooks, change time-honored teaching methods, and cut back on the amount of religion in the curriculum.
- 5 Ibid.
- 6 See S. Jayasankaran, “A Plan To End Extremism,” in *Far Eastern Economic Review*, 26 December 2002 2 January 2003.
- 7 See “SAR UMNO Tidak Dikecuali [UMNO’s SAR Is No Exception],” *Utusan Malaysia*, 14 February 2003.
- 8 “Students Taught To Hate Other Muslims,” *New Straits Times*, 14 February 2003.
- 9 *The New Straits Times*, 15 August 2002.
- 10 Ibid.
- 11 Interview with Karen Armstrong in July 2002, published in *Al-Ahram*, no. 593, Cairo.
- 12 Anna Kuchment and Sam Seibert, “School by the Book,” *Newsweek International*, 11 March 2002.
- 13 Ibid.

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In this Special Issue

Editorial

ARTICLES

Maqasid al-Shari`ah, Maslahah, and Corporate Social Responsibility (2007) | **Asyraf Wajdi Dusuki and Nurdianawati Irwani Abdullah**

Toward a New Framework of Islamic Economic Analysis (2020) | **Akhmad Akbar Susanto**

Shaykh Google as Ḥāfiẓ al-Aṣr: The Internet, Traditional 'Ulamā', and Self Learning (2020) | **Emad Hamdeh**

Popular Sovereignty, Islam, and Democracy (2003) | **Glenn E. Perry**

Muslim Women and the Politics of Representation (2002) | **Jasmin Zine**

Islam, Slavery, and Racism: The Use of Strategy in the Pursuit of Human Rights (1987) | **Fadel Abdallah**

The Islamic Secular (2017) | **Sherman A. Jackson**

Review Essay

Psychology and Religion: Their Relationship and Integration from an Islamic Perspective (2005) | **Amber Haque**

Forum



ISSN 2690-3733 (PRINT)

ISSN 2690-3741 (ONLINE)