

# Editorial

## Reason and Individual Reasoning

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The term “Ijtihad” itself means to strive hard. But it has been widely used to imply independent reasoning in the development of Islamic jurisprudence. The contemporary understanding, shared widely by formally trained Islamic jurists, defines Ijtihad as an intellectual tool that seeks to articulate Islamic laws about issues on which the Qur’an and the Sunnah are decidedly silent. This standard and orthodox conceptualization of Ijtihad, theoretically limits the role of reason to analogical thinking on mundane matters. Even though most Islamic thinkers do use reason quite judiciously in the interpretation of revelation. The point that is often ignored in discussions of Ijtihad, its meaning, role, scope and functions, is that the conceptualization of Ijtihad itself is the product of Ijtihad. The development of the *‘usūl al-fiqh*, the principles of jurisprudence, and the systematic articulation and rank ordering of the sources of Islamic Law — Qur’an, Sunnah, ijma, Ijtihad, *‘urf* and *maṣlaḥa* — are all products of an Ijtihad much wider in scope than its standard understanding. In a remarkably curious development, a conceptually wider process of Ijtihad has spawned a rather meek theory of Ijtihad.

Taking a second look at the discussion between Imam Shafi’i and his interlocutor on the Qur’anic sources of Ijtihad,<sup>1</sup> one is amazed at how Imam Shafi’i is able to build a whole theory out of a single verse. We are turning to Imam Shafi’i because he has arguably left the most enduring and unshakeable impact on the structure of Islamic legal thinking and in particular on the theory of Ijtihad. In his response to the question, “Is Ijtihad permitted in the Qur’an?” Imam Shafi’i derives the instrument from only one verse of the Qur’an and then supports it with just one other.

Turn then thy face in the direction of the Sacred Mosque: wherever you are turn your faces in that direction. (2:144)

It is He who maketh the stars for you, that you may guide yourself with their help. Through the darkness of land and sea. (6:97)

The first verse invites the individual to figure out the direction of the Holy Mosque and the second essentially confirms the role of reason in this process. Indeed, the second verse in an interesting way suggests that independent reasoning can also be seen as grasping nontextual indications from Allah, and the following quote from Imam Shafi'i himself confirms this:

God, glorified and praised be He, has endowed men with reason by which they can distinguish between differing viewpoints, and He guides them to the truth either by texts or by indications (p. 302).

The Qur'an is full of verses that repeatedly invite and exhort believers to use their reason, to reflect and to use their observation to read the signs of Allah in order to understand the divine law (7:176, 10:24, 30:8, 30:21, 34:46, 39:42, 59:21, 45:13, 3:191; For the text of these verses see the endnote).<sup>2</sup> It is mystifying why these direct invitations to use reason were not used by the great scholar to explain Ijtihad and instead he used verses which required considerable degree of deductive reasoning to justify and validate his point. For example, the full text of the second verse that Imam Shafi'i uses has awesome potential:

It is He who maketh the stars for you, that you may guide yourself with their help. Through the darkness of land and sea. *We detail Our signs for people who know.* (6:97)

The part that the great Imam left out, presented in italics, to my mind is a clear indication that there are great details that can be inferred from Allah's signs. What the traditional scholars can dispute is the methodology of eliciting those details. For the mystics these details have to be gleaned through gnostic experiences. For the theologian they may be confined only to the Sunnah. But I insist that reason can provide us deep understanding of the details in God's signs (10:24). The enormous knowledge and details about Allah's creation accumulated by natural sciences, can only be a realization of this Qur'anic prophesy. I believe that the great Imam did not include the implication of the rest of the *ayah* in his discussion of Ijtihad because the formative scholars, in my understanding, did not see Ijtihad as a function of human potential for rational thought, but rather as human interference in the legislation of divine law. This can be easily understood since the term "Ijtihad" was used only when reason was exercised to artic-

ulate aspects of the law and not when conducting scientific research or even when advancing political theories — an exercise eminently fraught with danger and prone to error. Therefore, they sought to minimize human participation in the articulation of the Shari'ah to the minimum — to only those issues about which the sources are silent.

The use of reason within Islamic jurisprudence has a curious quality to it. The argument that only when one does not find injunctions in the Qur'an and the Sunnah on a particular issue can we turn to reason to seek divine indications suggests that reason does not play any role in discerning these same principles and laws from the Qur'an and Sunnah. Indeed, this suggestion is explicit since the process of understanding Islamic principles from the Qur'an and Sunnah is said to depend more on linguistic sciences than on reasoning. The process of divining principles and laws from texts and relating it to the present context is deemed as an exercise that depends solely on the knowledge of language and historical context (*asbāb al-nuzūl*). The role of reason in this process is not recognized. It is supposed to be a constant in the equation, even though the fact that differences in interpretation are imminent is accepted and has led to the development of different *madhāhib*, attests to the inevitable role of individual reasoning in discerning the Shari'ah. What, if not reason, is the cause for differences in understanding if the grammar of the language as well as historical contexts are already agreed upon?

I think that the theory of Ijtihad is also an implicit theory of reason. It does not completely acknowledge the critical function of reason in cognition and understanding. Indeed, it is one of the reasons why reason came to be seen as an alternative to revelation by later Muslim scholars. As if the sacred texts and reason are two different sources of truth, the former infallible and the latter imperfect. Reason is invoked only if texts are silent. And if the texts have spoken then reason must be silenced. The general rumor that the door of Ijtihad has been closed gained ground after the early scholars declared the process of Shari'ah development complete, which meant that the texts had now spoken on all issues possible and therefore Ijtihad and reason were of no use to Muslims. Because the theory of Ijtihad does not recognize the cognitive aspect of reason, it does not realize that texts are inaccessible without reason. *Texts can speak only through reason and to reason.* Without it they are silent. This major oversight has made scholars of Shari'ah and Fiqh suspicious and even afraid of reason. It was seen as a source of impurity, as a means of human dabbling in things divine, there-

fore needing to be tamed and confined. Thus reason came to be understood not as an essential cognitive human process without which no intelligent task was possible, but as a peripheral source to be accessed rarely and with caution. It is from here on that reason became, exogenous to revelation and then a competitor and even a threat to the integrity of revelation.

The significance, even the primacy that the Qur'an attaches to reason is easy to understand. It is constantly appealing to human reason to recognize and understand the true meanings of life. The Qur'an does not appeal to humanity's linguistic skills or to its history (accept as illustration), but appeals to its cognitive capacity to convey the divine message. Yet when it comes to codifying this message, and that is the role of jurists, reason and its potential is astonishingly minimized by scholars. In an ironic way, one can argue that the theory of reason implicit in the theory of Ijtihad is a transgression. It places institutional barriers between the receptacle (reason) and the message (Qur'an). The various stipulations in the theory of Ijtihad about when, how, and who can conduct it, are clearly products of free thinking that merely reflect the fears of the scholars and their distrust of reason. None of these stipulations about the qualifications of the mujtahid and the reduction of the role of reason to analogical reasoning can be derived from the Qur'an or the Sunnah.

The widely quoted Hadith about how the conversation between the Prophet Muhammad (pbuh) and the companion who was appointed Governor of Yemen, which acts as the traditional source for Ijtihad, does not describe his qualifications.<sup>3</sup> We can only surmise that the individual was a companion, trusted by the Prophet and deemed worthy of public/political office. But the standards developed later stipulate that before an individual can do Ijtihad he must have the knowledge of Islam, Sunnah, fiqh, and *'usūl al-fiqh*. He must be able to differentiate between authentic and spurious *aḥādīth*, between *ḥadīth al-hasan* and *ḥadīth al-da'if*, he must know the principles of *ijma*, the injunctions of *qiyās*, must be aware of the verses of the Qur'an that are considered as abrogated by some scholars and so on and so forth, not to mention pious, pure, and above reproach.<sup>4</sup> One wonders if the companion deemed fit by the Prophet to do Ijtihad as governor of Yemen will be considered fit by the jurists. In other words, can the jurists add to what the Prophet has stipulated? Are they allowed to institute innovative conditions prompted by their fears of reason? Indeed the hadith itself does not exclude any Muslim from using his/her personal judgment. I am confident that the jurists cannot produce

even a single Qur'anic verse or an authentic hadith which can exclude any Muslim from exercising his/her own reason to understand Islamic texts and to extrapolate on issues about which the sources are silent.

There is another interesting element to the theory of Ijtihad. It is discourse dependent. The theory and practice of Ijtihad has meaning only within the discursive universe of the jurists. It is and has been an issue only for the self-styled articulators and arbitrators of Islamic law. Other Muslim intellectuals, scholars, scientists, and philosophers have not been too concerned with the theory, or with the closing or opening of the doors of Ijtihad. One does not see Ibn Khaldun too concerned with whether ijtihad is allowed or not, whether he is qualified to practice it or not. Similarly other major Muslim thinkers like Ibn Rushd, Ibn Arabi, not to mention philosophers like Ibn Sina and Al-Farabi felt free to use their reason on all matters including those that impinged on Shari'ah issues. A possible reason for this is that while the philosophers were keen that society in general become enlightened and capable of independent thought, the jurists sought to confine the power/right to think to a select few, supposedly in the interests of guarding the authenticity of the Islamic message — an unnecessary caution since Allah (swt) has Himself promised to guard and protect his message (15:9). In many ways, the theory of Ijtihad is a disciplinary tool that seeks to establish the sovereignty of a particular type of scholarship and discourse over how Islam is understood. Those thinkers who choose to challenge or ignore it have often been labeled heretic or at least outside the "legitimate core."

We are not really concerned with a reformulation of the theory of Ijtihad. The purpose of this discussion is to place the evolution of the theory in perspective and rescue reason from the prisons of this theory and restore it to its Qur'anic glory. Reason, as Imam Shafi'i himself suggests, is Allah's greatest gift to humanity. Without reason the human agent is nothing but a beast incapable of conceiving or realizing his/her divine purpose. Reason is the singular element that constitutes the human and enables everything else. Even Qur'an needs reason to make itself available to us. Without humanity's cognitive faculty and without the underlying rationality in the Qur'an that makes it a consistent and understandable message, there would be no direct connection between God and his vicegerent.

The limitation of reason in the theory of Ijtihad has had an adverse effect on the very theory of knowledge in Islam. The epistemological dilemma of using reason for practical and other purposes such as medicine, while cir-

cumscribing it in Islamic studies in order to conserve legal thinking, has led Muslims to reach and maintain mutually contradictory positions. For example nearly all Muslim thinkers, particularly those grounded in the Islamic traditions and genre, maintain the unity of knowledge as a fundamental epistemological truth. These same Muslims continue to maintain a stated or implicit boundary between secular and sacred knowledges. Reason reigns in the former while the latter is supposed to be ruled by revelation. Indeed, traditions and metaphorical thinking masquerade as revelation in the realm of sacred knowledge. The most significant consequence of this double-think has led to the decline of both forms of knowledges in the Muslim World. There is no doubt in my mind that the decline or rather stagnation of Islamic thought in all realms is due to the leash that the *fuqaha* have placed on reason.

The fear and skepticism of reason in Islamic jurisprudence is difficult to understand. Reason is as much from God as is revelation. Indeed, Imam Shafi'i's allusion to "indications from Allah" is a nice way of describing reason. Perhaps it is through reason that Allah is actively involved in the lives of his creation. It is important for the revitalization of Islamic civilization that the relationship between reason and revelation be properly understood. They are not ontologically similar to be compared. To place reason and revelation in opposition to each other is silly to say the least. Revelation is a source, reason is a tool. The sources of the Shari'ah are like *data* that need to be processed into *information* that can be used in specific conditions. The activity of processing general data into particularized information is carried out by reason. Thus while reason on its own is empty, revelation without reason is inaccessible. Thus reason and revelation are inseparable. Rather than competing, they complement and strengthen each other.

In conclusion, we must remember that the theory of Ijtihad is operating with a very narrow conception of reason and therefore the limits it poses on individual reasoning cannot stand up to critical scrutiny. Reason is much broader and more vital in scope than analogical reasoning or as a tool of jurisprudence — it is *essential* to understanding. Therefore, if Islamic civilization is to be based on an understanding of divine principles, it must first make itself comfortable with reason and the widespread use of individual reasoning. Our understanding of reason and its potential have grown far beyond the rudimentary conceptions of reason prevalent in the formative years of Islamic jurisprudence. Importantly, with the advent of the scientific

ic age, reason has clearly demonstrated its power and its centrality to knowledge production; indeed, to the very process of perceiving, understanding, and negotiating reality. It is time we saw what the Islamic legal understanding of reason is: a limited conceptualization reflecting the politics and fears of a particular era. It is time we opened the doors of Ijtihad not just to allow individual reasoning in legal issues, but to make reason one of the central arbiters in all issues. There is no dichotomy between reason and revelation. Revelation without reason is meaningless, and reason without revelation can be content-less. Both are essential to help us decipher Islamic rules for our times.

## Notes

1. See Imam Shafī'ī, *Risala*, translated by Majid Khadduri (Johns Hopkins University Press, 1961), pp. 295–303. All references to Imam Shafī'ī are from this book.
2. Text of Qur'anic verses cited in the editorial:  
 Tell the tale so that they may reflect (7:176).  
 Thus do We explain the signs in detail for those who reflect (10:24).  
 Do they not reflect in their own minds? (30:8).  
 Verily in that are signs for those who reflect (30:21), (39:42).  
 And reflect (within yourself) (34:46).  
 Such are the similitudes which we propound to men so that they may reflect (59:21).  
 In that are signs indeed for those who reflect (45:13).  
 And contemplate the creation in the heavens and the earth (3:191).  
 We have, without doubt, sent down the message; and We will assuredly guard it from corruption (15:9).
3. *Saḥīḥ Muslim*, hadith no. 976.
4. For a list of qualifications of a *mujtahid* see Hasbullah Haji Abdul Rahman, "The Origin and Development of Ijtihad to Solve Modern Complex Legal Problems," in *Hamdard Islamicus*, xxi, 1 (Jan-March, 1990), pp. 8–9.