

Ijtihād: A Reflection On Its Role And Scope

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Abstract

It is generally claimed that some of the outstanding features of modern age are the 'rule of law' and the emergence of 'civil society'. In spite of supposedly civil and caring societies, millions of people around the world are still suffering from diseases, crimes and injustice. On the global political scene, "might is right" prevails; more weapons are being produced than rice and wheat. Sense of insecurity and violence is dominating everywhere. To overcome this phenomenon, some analysts are suggesting a need for strong link between law and social obligations, and some others are emphasizing the need to integrate moral and ethical values into the sociopolitical sphere of our lives. However, our contention is that all these measures have proven superficial. The predicament of modern societies cannot be alleviated unless and until a strong relationship in between law, social obligations and *ijtihad* is established and practiced in all spheres of life. In this paper, it is argued that the real cause of contemporary malaise lies in the absence of *ijtihad*. *Ijtihad* is either neglected or restricted to certain legal dimensions. This paper contends that only the application of *ijtihad* as the main methodology of thought and action would enhance consciousness of social obligations of individuals, policy makers, scientists, and political authorities, and would guarantee real civilizational development. Hence, *ijtihad* should be taken as the methodology of development and civilization.

Abstrak

Adalah dengan secara am, ia didakwa bahawa beberapa ciri-ciri bagus zaman moden adalah 'kedaulatan undang-undang' dan kemunculan 'masyarakat madani'. Walaupun kononnya masyarakat sivil dan penyayang, berjuta-juta orang di seluruh dunia masih menderita dari penyakit, jenayah dan ketidakadilan. Senario politik global 'might is right' lebih berkuasa; lebih banyak senjata dihasilkan daripada beras dan gandum. Rasa ketidakselamatan dan keganasan menguasai semua. Untuk mengatasi fenomena ini, beberapa penganalisis mencadangkan keperluan untuk kewujudan hubungan yang kuat di antara undang-undang dan kewajipan sosial, dan beberapa yang lain menekankan keperluan untuk menggabungkan nilai-nilai moral dan etika ke dalam lingkungan sosiopolitik kehidupan kita. Walau bagaimanapun, pendirian kami bahawa semua langkah-langkah ini telah terbukti cetek. Pengalaman pahit masyarakat moden tidak boleh dikurangkan melainkan jika dan sehingga hubungan kuat di antara undang-undang, obligasi sosial dan *ijtihad* ditubuhkan dan diamalkan di semua aspek hidup. Dalam karya ini, ia diperdebatkan bahawa punca sebenar kelesuan kontemporari terletak dalam ketidakhadiran *ijtihad*. *Ijtihad* sama ada diabaikan atau terhad kepada dimensi undang-undang yang tertentu. Karya ini berpendapat bahawa hanya aplikasi *ijtihad* sebagai kaedah pemikiran dan tindakan akan meningkatkan kesedaran

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tanggungjawab sosial seorang individu, penggubal polisi, saintis dan pihak berkuasa politik, dan akan menjamin perkembangan tamadun yang sebenar. Oleh itu, *ijtihad* perlu diambil sebagai metodologi perkembangan dan ketamadunan.

Introduction

There could hardly be any disagreement over the fact that philosophy, ideas, theories, models and even methodologies of modernity are based on assumptions, conjecture, speculation, imagination, and guess work etc. Yet, it is claimed that modernity's main contribution lies in its emphasis on scientific approach and scientific understanding. For example, it is argued by the champions of modernity that the self-criticism and exercise of free will are necessary for human beings to form truly liberal and democratic societies. A deep analysis of this claim reveals that their claim is based on two assumptions. First, it is claimed that self-criticism and exercise of free will by themselves are sufficient to guarantee the development of ideal societies. Secondly, according to modernists, the ideal societies are liberal and democratic. But, unfortunately, the claims of modernists and modernity are not supported by empirical evidences and observable realities. The empirical realities of America, Europe and India present different scenario wherein the self-criticism and exercise of free will have been fully employed and liberal and democratic societies have been developed; but in these liberal and democratic societies, corruption, crimes, crisis, production of weapons and wine, drug smuggling, women' s sexual harassment, social ills are all on the increase. Can we ask here one question? Are all these really the symptoms and features of so called ideal liberal democratic societies? In response to this question it is argued by the followers of modernity that wherever and whenever modernization, urbanization and development would take place these problems would arise. Again this answer is also based on assumption. Due to the influence of modernity, it is assumed that the process of modernization and development would cause problems to societies. Whereas, the reality is that it is not modernization or development causing problems rather their philosophical foundations which are based on conjecture and speculation about the nature of man and society are responsible for problems. In the same spirit it is also assumed that proper enactment of laws will help to strengthen the social obligations of individual. This assumption is based on two other assumptions. First, the law by-itself will be sufficient to increase the sense of social obligations. And secondly, the enforcement of law will

create law abiding individuals, hence, this will help increase awareness of social obligations. In Europe and America the ratio of educated people is high but social ills and crime rate are both increasing. This shows that education, law, and its enforcement are not sufficient to guarantee the awareness of social obligations because all these are deeply rooted in conjecture and speculation. What do we need at this point of history is to come out of this fallacy of assumptions. We cannot get rid of fallacious assumptions until and unless we realize the cause of emergence and acceptance of assumptions and access to the true and authentic knowledge about the nature of man and society. It seems we have become victim of assumptionist perspective of life because of our biased, prejudiced and reactionary attitude towards truth, reality, knowledge and wisdom. We denied them and accepted assumptions. During the period of emergence of modernity (17th–20th centuries), due to irrational and illogical exploitation of people and unjust treatment by the religious and political authorities, who had collaborated with each other for political and material interests in the name of the so-called religious knowledge and wisdom, pioneers of modernity became reactionary against religious knowledge and claimed that without religious 'knowledge' and 'wisdom' based on human faculties of reasoning and sense perception people can understand each and every thing of this world, hence they can develop themselves. As a result of this assumption they rejected 'knowledge' and 'wisdom' and accepted assumption, conjecture and speculation as the basis of their methodology. If we are really sincere and wish to increase the sense of social obligations among people we need first, as a strategy, to replace our assumptionist perspective with that of knowledge based perspective. This change of perspective should be the result of examination, self-criticism, and exercise of free will.

The Need of Guidance for Methodological Discourse

It appears man has assumed that faculties of reasoning and sense-perception are the only available sources for true and authentic understanding about true nature of man and society. Islam claims that it is the 'Wise' and Knowledgeable' Authority- God—who has revealed to man about what is the best way to understand the true nature of man and society, about what kind of attitude is right for man for developing a meaningful discourse for creating socially aware and law abiding individuals in the societies, and also about whether the law by itself is

sufficient. Almighty God- the Wise and Knowledgeable advised man in the following manner:

Let there be no compulsion in religion; Truth stands out clear from Error; whoever rejects evil and believes in Allah has grasped the most trustworthy hand-hold that never breaks. And Allah hears and knows all things. Allah is the Protector of those who have faith; from the depths of darkness He will lead them forth into light. As for those who disbelieve, their patrons are the Evil Ones; from light they will lead them forth into the depths of darkness. They will be companions of the fire, to dwell therein (forever). (Al-Qur'an 2: 256-257)

In light of the above wise advice man needs to infer the following principles and apply them for change of the perspective, attitude and the development of meaningful discourse on how law can be a means for developing the sense of social obligations.

First Principle: No compulsion, no prejudice, no bias, no reaction for acceptance and rejection of anything or idea. In the process of examination of anything man has to be open-minded, research oriented, analytical and scientific.

Second Principle: There are both truth and false in this world. One must be able to understand and recognize what is true and what is false. It denotes that only one perspective is true and others are false.

Third Principle: After understanding and recognizing truth one must stand with truth and at the same time based on one's understanding and recognition of error and false one must reject error and false. There is no room for any kind of compromise or co-existence between the truth and falsehood. Falsehood must disappear and truth must prevail. All human efforts must be directed in this direction. Man must start his search for the truth in the light of true and authentic knowledge; he should not take a single step on the basis of assumption or conjecture. This is true that God is the Creator of this universe and man. If man understands, accepts and recognizes the True God, he has no other option but to seek guidance from the Him. That guidance comes in the form of true 'Knowledge' that is, 'Revealed Knowledge'. Revealed Knowledge is to be the basis of any kind of search, not assumption or conjecture.

Fourth Principle: The guidance of God is the trustworthy guidance. No human being has the knowledge to guide humanity

particularly on those issues on which his understanding is based on assumption and conjecture. It may be suggested here that secular approach is also a viable way for search. The great problem with secular point of view is that it is not only against the truth and reality but it is also irrational, illogical and unscientific. There is no rational basis to ignore God's guidance in any sphere of life.

Fifth Principle: God will guide and protect man from false approaches if he seeks guidance from Him. He will show man what is right and what is wrong for him, and his society. Man and his society from the beginning must start thinking and acting on the basis of God's guidance; if he neglects this he invites crisis and chaos in his life and society. By neglecting God's guidance human beings create destruction, exploitation, oppression, and corruption on the earth. God is certainly to guide man from the depths of darkness of his life into light, from crimes, chaos, terror, violence, exploitation, injustice, and insecurity to peace and prosperity. There is no other way out for man to enjoy peace and happiness. Only those who think and act in the light of God's guidance can guarantee peace, security, prosperity and happiness for all.

Sixth Principle: All those philosophers, thinkers, scientists, and leaders who reject the need of God guidance in human sociopolitical life create insecurity, injustice, oppression, corruption, crimes, chaos and crisis. Modern man is proud of being either atheist or secularist, rejecting God's guidance from his life and adopting secular ideologies with the hope that these ideologies will help him achieve happiness in life.

The Need of *Ijtihād* and its Framework for Law and Social Obligations

The Right Path Shown by God

Human beings are not left in the metaphysical darkness as understood by assumptionists. Man is advised to seek guidance from God through invocation to Him.

O God! Direct us on to the Straight Way. The way of those whom You have favored, who did not incur Your wrath, who are not astray. (Al-Qur'an 1; 6-7)

Syed Mawdūdī (1903-1979) interprets the above verses in these words:

“we beseech God to guide us in all walks of life to a way which is absolutely true, which provides us with a proper outlook and sound principles of behavior, a way which will prevent our succumbing to false doctrines and adopting unsound principles of conduct, a way that will lead us to our true salvation and happiness. This is man's prayer to God as he begins the study of the Qur'an. It is, in short, to illuminate the truth which he often tends to lose in a labyrinth of philosophical speculation; to enlighten him as to which of the numerous ethical doctrines ensures a sound course of conduct; to show which of the myriad ways and by-ways are the clear, straight, open road of sound belief and right behavior. This defines the 'straight way' which we ask God to open to us. It is the way which has always been followed by those who have enjoyed God's favors and blessings. This is the way which has been trodden from the beginning of time by all those individuals and communities that have unfailingly enjoyed God's favors and blessings. This makes it clear that the recipients of God's favor are not those who appear, briefly, to enjoy worldly prosperity and success; all too often, these people are among those whom God has condemned because they have lost sight of the true path of salvation and happiness. This negative explanation makes it quite clear that *in'ām* (favor) denotes all those real and abiding favors and blessings which one receives in reward for righteous conduct through God's approval and pleasure, rather than those apparent and fleeting favors which the Pharaohs, Nimrods and Qarūns used to receive in the past, and which are enjoyed even today by people for oppression, evil and corruption.”¹

Unfortunately, men of modernity, out of ignorance and arrogance refuse to seek guidance from the True God. After rejecting the True God they are following false gods.

¹Sayyid Abul Ala Mawdudi, *Towards Understanding the Qur'an*, Vol. I, English version of *Tafhim al-Qur'an*, Translated and Edited by Zafar Ishaq Ansari, The Islamic Foundation, Leicester, 1988, pp, 37-38

Can the Right Path be Ignored?

On the basis of the above-mentioned two Qur'anic verses, it is obvious that without submission to God's guidance as a whole, one cannot develop theories, models, and strategies of development. Submission to God in every aspect of human life is the necessary prerequisite without which there is no development and happiness in human life. Without this submission, law alone cannot create sense of social obligation. This framework of submission to God's guidance for thinking and action is called as *ijtihād* in human history. All those men of God who brought development to civilization followed this line of thinking and action. Prophets and Messengers (peace be upon all of them) were the pioneers of this framework which was later on adopted by philosophers, thinkers, scientists, jurists and leaders until the march of human civilization. As philosophers, thinkers, scientists, jurists and leaders first confined this framework to a few aspects of human life and later on rejected, civilization started declining. With the emergence of modernity and its byproduct secularism, civilization has turned into barbarism, instead. Huntington, based on his comprehensive observation and empirical realities, was forced to make the following statement:

“Modernization has generally enhanced the material level of civilization throughout the world, but has it also enhanced the moral and cultural dimension of civilization? In some respects this appears to be the case. Slavery, torture and vicious abuse of individuals have become less and less acceptable in the contemporary world. Is this, however, simply the result of the impact of Western civilization on other cultures, and, hence, will a moral reversion occur as Western power declines? Much evidence exists in the 1990s for the relevance of the "sheer chaos" paradigm of world affairs: a global breakdown of law and order, failed states and increasing anarchy in many parts of the world, a global crime wave, transnational mafia and drug cartels, increasing drug addiction in many societies, a general weakening of the family, a decline in trust and social solidarity in many countries, ethnic, religious, and civilizational violence and rule by the gun are prevalent in much of the world. In city after city-Moscow, Rio de Janeiro, Bangkok, Shanghai,

London, Rome, Warsaw, Tokyo, Johannesburg, Delhi, Karachi, Cairo, Bogota, Washington--crime seems to be soaring and basic elements of civilization fading away. People speak of a global crisis in governance. The rise of transnational corporations producing economic goods is increasingly matched by the rise of transnational criminal mafias, drug cartels, and terrorist gangs violently assaulting civilization. Law and order is the first prerequisite of civilization, and in much of the world-Africa, Latin America, the former Soviet Union, South Asia, the Middle East- it appears to be evaporating, while also under serious assault in China, Japan, and the West. On a worldwide basis Civilization seems in many respects to be yielding to barbarism, generating the image of an unprecedented phenomenon, a global Dark Ages, possibly descending on humanity.”²

Traditional View of *Ijtihād*

The straight forward and a true alternative that is left for mankind to solve the problems of life is *ijtihad*. *Ijtihad* alone can rescue man from chaos and crisis. But unfortunately, there exists a few misunderstandings about the true meaning and scope of *ijtihad*. Hence, we need to understand *ijtihad*, its meaning and scope. *Ijtihad* is generally but wrongly understood as an individual's intellectual effort for the interpretation and articulation of Islamic law or the *Shari‘ah*. The term *ijtihad* is derived from the Arabic root ‘*juhd*’ which means ‘exertion’, ‘endeavor’ or ‘ability to perform a certain intellectual activity’. Its verbal form is *ijtahada*, which literally means ‘to exert oneself’. Now-a-days it is used as a technical term to interpret only Islamic law, with a general meaning of ‘individual reasoning’ and a restricted meaning of ‘method of reasoning by analogy’. Technically, *ijtihad*, is defined as an exercise of a jurist's reasoning to arrive at a logical position using legal precepts in Islam³. In this way its scope is

² 2. Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order*, 1996, 321

³ 3. Hasbullah Haji Abdul Rahman, "The Origin and Development of *Ijtihad* and its Application to Solving Modern Complex Legal Problems", *Muslim Education Quarterly*, Vol. 16, No. 2, 1999, p. ,55

confined to legal solutions. It is also defined as an exercise of our faculty of reasoning to derive at a logical conclusion on certain matters.

Unfortunately, *ijtihād* is considered the most important source of Islamic law next to the Qur'an and the *Sunnah*. Elaborating the significance of *ijtihād*, Hashim Kamali says that *ijtihād* continues to be the main instrument of interpreting the divine message and relating it to the changing condition of the Muslim community in its aspiration to attain justice, salvation and truth.⁴ For him *ijtihād* literally means exertion and technically the effort a jurist makes in order to deduce the law, which is not self-evident, from its sources.⁵ Hashim Kamali further argues: "The quest for better solutions and more refined alternatives lies at the very heart of *ijtihād*, which must, according to the classical formulations of *usūl al-fiqh*, never be allowed to discontinue. For *ijtihād* is *wajib kifai*, a collective obligation of the Muslim community and its scholars to exert themselves in order to find solutions to new problems and to provide the necessary guidance in matters of law and religion". For him, *ijtihād* is the most important source of Islamic law next to the Qur'an and the *Sunnah*.⁶ He further says that *ijtihād* is defined as the total expenditure of effort made by a jurist in order to infer, with a degree of probability, the rules of *Sharī'ah* from their detailed evidence in the sources.⁷ Some other learned scholars, he claims, have defined *ijtihād* as the application by a jurist of all his faculties either in inferring the rules of *Sharī'ah* from their sources, or in implementing such rules and applying them to particular issues.⁸ He further explains that the subject of '*ijtihād* must be a question of *Sharī'ah*; more specifically, *ijtihād* is concerned with the practical rules of *Sharī'ah* which usually regulate the conduct of those to whom they apply'.⁹

Discussing the obligatory nature of *ijtihād* Kamali refers to '*ulamā*' and concludes that '*ijtihād* is the collective obligation [*fard kifai*] of all qualified jurists in the event where an issue arises but no urgency is encountered over its ruling'.¹⁰ Describing the procedure of *ijtihād* Kamali makes the following comment: "The ulema have

⁴ 4. Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence*, Second Revised Edition, Ilmiah Publishers, Kuala Lumpur, 2000, p 366

⁵ 5. Ibid., p. 418

⁶ Ibid., p. 366

⁷ Ibid., p. 367

⁸ Ibid.,

⁹ Ibid., pp. 367-368

¹⁰ 10. Ibid., p. 369

nevertheless suggested that in practicing *ijtihad*, the jurist must first of all look at the *nuṣūṣ* of the Qur'an and the *Ḥadīth*, which must be given priority over all other evidences".¹¹ Another famous scholar of the time Taha Jabir al-Alwani says "*ijtihad* is the collective obligation (*farḍ kifāyā*) of all qualified jurists".¹²

As for the literal meaning of *ijtihad*, it is an utmost intellectual exertion. Technically, it is intellectual exertion by a jurist or a group of jurists. It is related to the interpretation of Islamic law or inferences of jurists. In other words it is confined as a technical term to the *Shari'ah* or Islamic law and done by jurists alone. It is taken strictly in the sense of enacting new laws or issuing *fatāwā* (rulings) on new issues. This is done by the Muslim community and its scholars for changing condition of the Muslim community. This approach to *ijtihad* is adopted as part of a discipline or science called *fiqh* and *usūl al-fiqh*. However, this approach may raise certain questions. For example: If we confine intellectual exertion only to understand or enacting Islamic law, does it mean that in all other areas of life we do not use intellectual exertion? Can we argue that intellectual exertion is used only in the matters of law and all other areas do not require intellectual exertion? Can we say that Islam as *al-Dīn* is concerned with the development of Law only and development in all other areas is neglected? Does it mean that only jurists are entitled for intellectual exertion and all other scholars, philosophers, thinkers, scientists and leaders are not obliged, even allowed intellectual exertion? Can we argue that Islam is not concerned with development and civilization? Does it mean that it is related only to some religious legal issues? Can Muslims alone benefit from *ijtihad* or is it irrelevant for all other communities? Does it mean that through *ijtihad* we want to serve the needs of Muslim communities and we declare that we are not concerned with the needs of other communities? Is this the approach of Islam?

To answer these questions one may try to argue that *ijtihad* is an Islamic term and used as an instrument to think and to confirm the truth or validity of any Islamic ruling or idea in the light of the Qur'an and the *Sunnah*. Hence, it should be used within the Muslim community. In fact, *ijtihad* was not used in this sense since the time of the Prophet Muhammad (s.a.w.). The thinking process based on *ijtihad* is certainly a

¹¹ Ibid., p. 379

¹² Taha Jabir al-Alwani, *Ijtihad*, International Institute of Islamic Thought, Herndon Virginia, 1993, p. 4

valid method throughout the intellectual history of mankind who followed the guidance of God in all walks of life. However, this method had not been confined to the realm of *hukm* (ruling) or the *Shari'ah* jurisprudence alone for the sake of serving the needs of Muslim community. In our view it was used for the purpose of developing civilization. That is why the methodology of thinking in any aspect of life was that of *ijtihād*. *Ijtihād* was not applied only in legal areas but it was also used seriously in almost all areas of life. Unfortunately, today it is confined to the development of *fiqh*. Earlier it was taken as the methodology of thought and civilization. Hence, it is contended here that there is a need to understand *ijtihād* in its proper perspective. In this regard, if anybody went beyond the limited definition of *ijtihād* he tried to provide a little broader view of *ijtihād*. It is defined as 'the process as well as the mechanism by which the revealed law, as in the Qur'an and *Sunnah*, may be interpreted, developed and kept alive in line with the intellectual, political, economic, legal, technological and moral developments of society.' It may be assumed here that this meaning is broad enough to incorporate the concerns of humanity. However, this supposedly broad view of *ijtihād* also does not reflect the main goal of *ijtihād* in human history as it is also surrounded by the notion of a solution to a new problem and as obligation of Muslims for the sake of Muslims. *Ijtihād* should be concerned with civilizational development. This point can be further explained through analyzing contemporary philosophical discourse in the modern Western world. It is argued that more and more technological development will ease human difficulties; and that development of technology will eliminate all inequalities including gender inequality. Following this philosophical preposition many Muslim scholars and leaders are also arguing the same. For them scientific and technological development rescue the Muslim communities from further decline or bring them to the level of development. This line of thinking may fail to create a safe world because all philosophical exercises do not reflect the *ijtihādī* approach. To understand few questions have to be addressed. Is it true that mankind is making a forward march with the development of technology? is the humanity not caught up by many problems which it is unable to solve by itself? Is it not true that technological and industrial developments have not only created ecological and environmental problems but also have stolen the features of healthy life and caused the development of numerous diseases? A deep analysis of the contemporary scenario reveals the fact that man is no more free and

independent. In this modern day world man has become more dependent than ever before. He is influenced by communication technology and electronic and print media. He is unable to think independently. This means his ideas are not his own. They are shaped by propaganda. In the same manner, on the level of physical existence, he is ever more dependent on technology. Why has the *End of History*¹³ suddenly turned into *The Great Disruption*?¹⁴ Why is the victorious ideology- Western liberalism and democracy- asking for a fresh understanding of the nature of man? Why is Fukuyama calling for reconstitution of human social order? Why does mankind require the remaking of its world order as demanded by Huntington?¹⁵ Where and what went wrong? Why has the Enlightenment failed to 'enlighten' man anymore? Francis Fukuyama's explanation for *The Great Disruption* demonstrates that the real cause of human failure lies in the blind following of the modern Western mind. This attitude reminds us of the following Qur'anic declaration that man has eyes but is unable to see:

They have hearts with which they do not understand, And they have eyes with which they do not see, And they have ears with which they do not hear; They are as cattle, nay they are in worse error; These are the heedless ones [AI-Qur' an 7: 179]

Fukuyama and Huntington fail to 'see' the 'fact' that all the efforts of the world on the issue of ecology and environmental crisis have so far failed. Since 1940 when, for the first time, the environmental problem was identified, many international conferences have been held. All these conferences have declared that the environmental problem is beyond the control of all the nations of the world. In 1940 fifteen European countries from the developed world joined together to arrest the declining situation of environment, but they failed. Then twenty years later, in 1960, another international conference was held in which many countries participated to examine the situation. They declared that the situation was worse than earlier. After another thirty years, in 1990,

¹³See, Francis Fukuyama, *The End of History and the Last Man*, Free Press, NY, 1992

¹⁴See, Francis Fukuyama, *The Great Disruption: Human Nature and the Reconstruction of Social Order*, New York, NY: Free Press, 1999; Touchstone, 2000

¹⁵See, Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order*, 1996

another international conference was held in which almost all countries of the world participated and declared that the crisis had become alarming. Several world summits on the Earth were held after 1990, but again they proved to be futile exercises. There is then pressing need for the change of worldview. It is because the modern worldview considers nature an enemy to man, inviting man to destroy it. Until man changes his worldview, he will not be able to overcome the environmental crisis. Marx (1818-1883), Darwin (1809-1882) and Freud (1856-1939), doctors of modernity, all argue that man is basically a physical being; the logical result of this view is that he should fulfill all his physical desires, including the sexual, without any restriction, which is why 'free sex' became so prevalent in modern societies. After encountering AIDS, the same 'human reason' is now asking for 'safe sex'. The same 'human reason' after some time may even argue for 'no sex' at all; as some post-modernist thinkers are claiming that, with the help of technology, they will be able to eliminate all physiological differences between men and women. In fact, Fukuyama and Huntington had 'seen' the 'fall of human reason' in the former USSR, yet they insist on the supremacy of 'human reason' and in this way demonstrate the failure of their own reason. On the question of *The Great Disruption* Fukuyama provides some explanation: several factors such as poverty and inequality; greater wealth and security; mistaken government policies; broad cultural shift, etc have brought all kinds of catastrophe. He argues that it does not mean that the capacity of man's reason to guide him has been exhausted. For example, he contends that crime, family breakdown, and distrust are caused by lack of jobs, opportunity, education, and economic inequality. Some observers would add, he says, racism and prejudice against minorities as factors. The irony of this whole argument is that Fukuyama and all other writers are unable to 'see' beyond this material and 'conceived' 'realities' but still insist that man's reason is capable of guiding him.¹⁶ All this reminds us of the Qur'anic challenge that is given to the whole of mankind.

If you are in any doubt whether it is We Who have revealed this book to Our servant, then produce just a surah like it, and call all your supporters, and seek in that the support of all others save Allah. Accomplish this if you are truthful. But

¹⁶See, Francis Fukuyama, *The Great Disruption*, op. cit. , p. 64

if you fail to do this- and you will most certainly fail-then have fear of the fire whose fuel is men and stones that has been prepared for those who deny the Truth. [AI-Qur'an 2:23]

One should not misunderstand here that this challenge of the Qur'an refers only to the eloquence, rhetoric, and other literary qualities of the Qur'an. The basis of this challenge is that it is simply beyond the capacity of man to design any social, ethical, political or economic order by himself and without the guidance of God. He is not at all capable of doing so. Even all humanity collectively cannot do this. Human beings are totally incapable of developing principles, upon which any authentic system or sub-system can be developed comparable to the principles that have been provided by the Qur'an. In fact, if all human beings combined their efforts together, they would still not be able to develop the kind of principles of life that have been presented in the Qur'an. The main purpose of the Qur'an is to disclose the mysteries of existence about which philosophers and thinkers have been cooking up speculative accounts for centuries. It talks about the reality of this world, its beginning and its end. It identifies the proper place of man in this universe. It tells him what the right way of thinking and of understanding anything is. It presents before him the whole scheme of life. It tells him what would be his fate if he rejects God's guidance in this world. In short, whatever is presented in the Qur'an for the life of man and his society is sound, authentic, and scientific. Its claims and principles are beyond doubt. The only way which is left for man is to submit his reason to the guidance of the Qur'an, through which man can achieve real development, peace and prosperity.

In light of the above brief discussion, it is now very clear that whatever is conceptualized in the modern world is not inherently true. To establish its truthfulness and relevance requires thorough study on the basis of the principle of *ijtihad*. It is not necessary, therefore, for anybody to adopt everything of the modern world as it is. What is actually required is to evaluate the existing ideas and theories and develop new concepts and criteria based on truth and reality revealed in the Qur'an.

The worldview of the Qur'an claims that it possesses that required truth and reality. The present material criterion of development and civilization has already proved itself to be more destructive than

anything else because of its inherent fallacies. It is noteworthy that the existing modern models of development and social change, as well as the meaning of philosophy, science, and technology, have begun to be questioned and challenged within the modern world itself. But unfortunately, all these happenings did not cause man to begin to question the value of simply imitating the modern world as a model. With the end of the Second World War, many countries of world gradually gained their so-called political independence. Consequently, a great hope that political independence would bring spiritual, cultural, and social independence from the modern world flowered and reached a new level of intensity. However, this hope has not been fulfilled, since political independence gave way to even greater intellectual and economic dependence and further modern particularly the Western cultural penetration into all other societies. 'The more a country was successful in making use of modern technology, modern education, and modern science, the more was it also exposed to the cultural patrimony of modern Western values unrelated to technology and science but which in depth are very much intertwined with it.'¹⁷

Ijtihādic approach here means that everyone who is trying to lead the modern complex societies at the level of intellectual or political activism must be equipped with *ijtihādic* qualities. Ministers, civil servants, government officials, members of parliament, judges, law makers, architectures, engineers, town planners, policy makers, intellectuals and academicians must all carry all those qualities which are necessary for *ijtihād*. Of course the qualities of a *mujtahid* would be different from the qualities of another scholar or leader. The scope of *ijtihād* must be in line with the worldview of the Qur'an. It cannot be confined only to the *fiqh* of life for dealing with legal issues. *Ijtihād* is needed in all developmental exercises including social obligations, because the main goal of *ijtihād* is to achieve comprehensive development as conceived by the Qur'an.¹⁸ No civilizational development is possible in this contemporary age without recourse to *ijtihād*. If we are unable to understand this challenge of *ijtihād* by ourselves and apply it vigorously, we cannot overcome the problem of lack of social obligations, underdevelopment and backwardness. To do

¹⁷Seyyed Hossein Nasr, *A Young Muslim's Guide to the Modern World*, op. cit., p. 123

¹⁸ See Munawar Haque, *Sayyid Abul Ala Mawdudi's Views on Ijtihad and their Relevance to Contemporary Muslim Society*, unpublished Master's Thesis, Department of Usuluddin and Comparative Religion, International Islamic University, Malaysia, 2004.

ijtihad for the purpose of development, it is necessary to understand the scope of *ijtihad*.

Scope of *Ijtihad*

Man has to thank the Almighty Allah (swt) for He has granted him wisdom to address such an important issue as that of law, social obligation and their relations with *ijtihad* and *fiqh*. In the past these issues of *ijtihad* and *fiqh* were either neglected or misunderstood by many scholars. As a result of that it was wrongly understood that the scope of *ijtihad* and *fiqh* is confined to the study of legal issues. In order for developing the social consciousness among people, there is needed *ijtihad* which means we need to understand that without seeking and applying God's guidance in our discussions and actions we cannot solve the problems of social obligations. People will continue to seek legal protection to homosexuality, lesbianism, free-sex, abortions, etc. A broad and foundational concept such as *ijtihad* should not be confined to the development of legal code alone. The development of each and every aspect of life, including the development of civilization, must be the scope of *ijtihad*. *Ijtihad* is integral to the issues of social obligation, civil society, development, progress, urbanization, modernization, industrialization, globalization etc. All these issues are not outside the scope of *ijtihad*. *Ijtihad*, however, does not mean intellectual exertion alone as understood by modernists rather in reality *ijtihad* is an intellectual exertion done in the light of the Qur'an and *Sunnah*. It is generally misunderstood that intellectual exertion means rational understanding of an issue. Some may argue that Islam is close to modernity because modernity also emphasize on intellectual exertion. This is not true. *Ijtihad* (the intellectual exertion) is done within the framework of the Qur'an and *Sunnah*. In the present day world, the influence of modernity should not be allowed further to create confusion about the scope of *ijtihad* and its relation with civilization.

Ijtihad: Methodology of Development

Mu'adh ibn Jabal was appointed by Prophet Muhammad (s.a.w.) as governor of Yemen.¹⁹ As governor he was responsible for the overall

¹⁹Hashim Kamali, op.cit., pp. 372-374

development of people, the society, the state and the government. He made it clear that for the purpose of bringing development to society he would think and plan in the light of the guidance of the Qur'an and the *Sunnah*. He was not appointed as governor simply to guide people in small issues of life, such as legal issues, but to deal with the fundamental issues of life such as the issues of development and progress. It was already made clear in the Qur'an that the purpose of creation of man on this earth was not only for the adoration of God alone. And the earth has not been endowed to man so that he can create *fasād* (destruction) therein, though he is capable of doing so. It was explained properly to man that in the capacity of being the caliph of God he is responsible to bring development to society so that people can live happily and fulfill their purpose of life. It is further said in the Qur'an that man will always create *fasād* (destruction) on earth but those who understand their position as caliphs of God will always work for development. All research activities are, therefore, directed towards this goal. But today, development is misunderstood and, consequently, it has been separated from the scope of *fiqh* and *ijtihād*. Assuming that Mu'ādh only concentrated on deriving from the Qur'an and *Sunnah* legal solutions to problems of life would be tantamount to ignore the educational, economic, scientific, and technological responsibilities which are necessary requisites of development. It is also clear that during the time of Mu'ādh, a governor was expected to perform the functions of executive, legislature, and judiciary together because at that time society was not complex as we find it today. Today there exist several misunderstandings because of the deep influence of modernity and its byproduct ideologies such as secularism, rationalism, empiricism, the lack of *ijtihād*. The direct implication of this is that the modern ideologies had bitterly failed to understand the truth and reality of life. As a result of this, life is taken in a fragmented manner, divided into many compartments. A fragmented view of life has caused many problems to modern societies including the negligence of social obligations. This can be seen in the activities of the so-called scientists who have produced even weapons of mass destruction without realizing that their own family members can become victims of those weapons. Scientists who are highly qualified become puppets in the hands of

cunning politicians who rule countries and do whatever authorities demand of them. This has led man to forget his social duties.²⁰

As was said earlier, *ijtihād* is the methodology of vibrant thought which is guided by certain principles such as the principle of public interest as the goal for *ijtihād* is to bring development and progress in human life in this world so that man can live happily and be successful in the life hereafter. According to the *Ijtihādic* framework, man is the basic unit of the development of a society. No society can be developed if man is not developed properly. Taha Jabir al-Alwani argues that the main objective before Prophet Muhammad (s.a.w.) was to change the mental and psychological environment of people. The Prophet's task, therefore, was to bring about a change in traditional understanding and create in society a frame of mind receptive to the new changes based on truth and reality.²¹ He was aware of the fact that the prevalent culture had produced a mentality neither willing nor able to accept truth and see realities. The same situation exists today. Modernity has created men of lust, greed, and selfish interests who are obsessed with assumptions, conjecture and speculation instead of truth, knowledge and reality. How can we expect from these people that they will realize their social and ethical obligations? Corruption is increasing everywhere in the world by those people who are highly educated and sitting in the offices of the governments. In the so-called democracies only rich can win the election. Castes and tribes are deciding the mood of voters. Development of a society wherein people can realize their social obligations is not possible unless a new way of life on the basis of a new conception of man, life and the universe based on truth, reality, and knowledge is not developed. This requires a drastic breakdown in epistemological framework of modernity.

The premises of assumption and speculation must be replaced with the premises of truth, reality and knowledge. Knowledge thus developed based on this epistemology would be able to alter the mentality of man of modernity who will be able to see truth, reality in the light of knowledge and live with truth, reality and knowledge. The truth is that God created man with certain social responsibilities but he

²⁰See for a clear understanding of development, Muhammad Mumtaz Ali, "The Islamic Revivalist Perspective of Development", *Canadian Journal of Development Studies*, Vol. xxvi, No.2, 2005, pp. 275-294

²¹ Taha Jabir al-Alwani, *Ijtihad*, International Institute of Islamic Thought, Herndon Virginia, 1993, p. 4

was taught by modernity that he is by nature selfish and greedy, hence, he should exercise his mental qualities and abilities to achieve his selfish interests in any way and try to escape from law, ethics and morality if they become obstacles. The so-called truth of modernity is neither supported by empirical evidences nor observational realities. If man is by nature evil oriented then he will remain with evil. He cannot change his basic nature. From *ijtihād* point of view, man is created by God with noble nature and good *fitrah* (nature). This man is educated and trained to resist evil and stand against evil. A trained and educated human being is the basis of civil society not the evil man. Evil exists in society but man of God is capable to fight against this evil and he is expected to create good in society. To overcome the fallacy of worldview of modernity *ijtihād* is needed. It brings us closer to truth, reality and knowledge. Hence, *ijtihād* is a necessity for change of mentality. There would be no meaningful change, reform or revival without *ijtihād* and no *ijtihād* is possible without freeing ourselves from the false notions of modernity. In this sense *ijtihād* means the revival of life of truth as exposed and propounded by the Quran. This understanding calls for a fresh look at epistemology, life, society, development, and civilization in the light of the Qur'an and the *Sunnah*.

Proponents of this trend of *ijtihād* are confident that in this way they can lead humanity and save it from self-destruction. They stress that we must look into the issues of life by developing a new approach capable of restoring confidence in the guidance of God necessary for development and civilization. We must understand that the Quran is indeed a global message and a movement of emancipation of man from falsehood and metaphysical ignorance. It fulfills the needs of man and presents a universal message being capable to offer solutions to man's contemporary problems; hence, men of scholarship have to articulate the worldview of the Quran as a value-system and translate it into programs that can be implemented without bias and prejudice for the well-being of humanity in contemporary societies. According to a contemporary jurist "There is simply no alternative to intellectual exertion, that is, *ijtihād*, for fresh interpretation and application of Islam within the framework of the Prophet's methodology".²² These views are translated into practical reality by modern Islamic movements despite innumerable difficulties and obstacles. Under the command of Islamic

²²Ibid., p. 25

movements there is a wave of resurgence of Islam that stands for truth, reality and knowledge and works for equality, fraternity, prosperity, peace, security and happiness for all human beings irrespective of caste, tribe, race, nation, religion, and ideology. It is a movement of resistance against hegemony and domination by one nation over another nation.

Conclusion

For the development of man, society, and civilization the Qur'an has clearly prescribed the Laws of Social Development. These laws are related to truth, reality and knowledge. If these Laws (truth, reality, and knowledge) are ignored, no society can achieve development and marche on the path of civilization; there will rather be total destruction in society. At the time of creation of Adam the Angels expressed their concern about the destructive role of man on this earth. But God, without denying the destructive role of man, made it clear to them that the same man will be able, as His representative (vicegerent) on earth, to maintain beauty and purity of this world by way of guaranteeing peace, security, prosperity, happiness and justice to everybody instead of destruction and bloodshed because the life of this man is based on truth, reality and knowledge. If man fails to realize the need for his submission to God's guidance and ignores it and denies recourse to *ijtihād* and follows assumption, conjecture and speculation, he will create bloodshed as is apparent today in our modern world. God's declaration is always valid, authentic, and true. There is an urgent need that some committed intellectuals seek ways based on the worldview of the Qur'an, rather than simply imitating, to produce their own models of law and social obligations; cultural and social development; otherwise they will remain in the same position of dependence upon the modern West in one way or another. Many scholars put their energies to accommodate modern Western ideas and ideologies. None of the modern Western ideologies are, however, able to solve the deeper problems with which all human beings are confronted. As a result, on both the political and cultural fronts, the liberal and modernist interpretations of life have contributed more harm than benefit to the humanity. The cause of all this is the lack of an *ijtihādīc* approach.