Ijtihad in Contemporary Context: Concept, Functions and Methods

(27-29) September 2016

(Background Paper)

1- Vision and Framework:

Thoughts on the concept of *"Ijtihad"* (juristic deduction) in contemporary era have passed through many different junctures and contexts. Thus, it is necessary to revisit and study it from two perspectives: First, the awareness in the history of ideas, their origins and developments. Second, building upon and benefiting from these ideas to advance to the future. For example, a group of Salafist reformists in Damascus had tried in the late nineteenth century to think outside what is prevalent, under the title of "*Ijtihad*". The activities of this group, as a result, were banned and this incident was historically named the "*mujtahidee*n incident" (1895) (*Mujtahideen*, singular *mujtahid*, a person accepted as an original authority in Islamic law i.e. someone qualified to practice Ijtihad). On the other hand, the Ottoman reformists (1839- 1876), who began the process of modernization, imposed a lengthy debate within the religious thought about *Ijtihad* issues and attitudes towards those developments and reforms. This debate on the subject of *ijtihad* continued among reformers in Egypt, Syria and Tunisia since in the end of the nineteenth century then intensified again in the second half of the twentieth century, where many writings appeared on the definition, conditions, necessities and applications of *Ijtihad*, and the qualifications of the "*mujtahideen*", and other issues. Many people with different professions and beliefs have engaged in the talk on *Ijtihad,* and hence had varied methods, motives and objectives in this regard.

Reviving the history of the concept of *Ijtihad* in the modern era, its contexts, functions and methods, would put the concept at the heart of the intellectual and social transformations of the Muslim groups, whether at the stage of the conflict against the colonial West, during the process of searching for ways to coexist with it and interact with its modernity, or in the context of looking for ways to renew the existence and the advancement of societies to the level of

their times and developments, which left its impact on jurisprudence thought and religious knowledge during this specific period as well.

The type of Ijtihad which we look forward to in this context is the cross-disciplinary one, i.e., Ijtihad in religion; as the Prophet (PBUH) in his hadith said: "that who revives religion in our Ummah" not only its jurisprudence, for religion is an expression of man's "vision" of himself, existence, position in the universe and his relation with the other creations; either in submission to God along with all other creatures or as an anomaly from all others. It is also man's (deeds), behavior and reaction towards the universe and existence as per this vision, i.e. it is an expression of the relation between the servant and the Creator through two channels: the divine obligations in respect to knowledge and work on one hand, and the human commitment to existence on the other hand.

Therefore, this cross-disciplinary *Ijtihad* would embody the monotheistic vision; as religion is a monotheism that transcends the separation between religion and the world, or the distinction between the sciences of knowledge transmission (resulting from the revelation) and the sciences of the mind (resulting from the perception and experience) towards the Quranic monotheistic vision, which uses the term "*dunya*" (world) purely as a time frame not separated from the monotheistic meaning that sees in every worldly material circumstance a spiritual otherworldly dimension. *Ijtihad* here transcends beyond the logic of Ijtihad of jurisprudence, which is partial and rationing in character, towards the awareness of history and its impact on the movement of thought and the building of concepts, in addition to the review of the mental and intellectual patterns and structures that have dominated over the Islamic thinking throughout the ancient and modern historical eras.

It is not the purpose of this seminar to return to fundamental discussions on *Ijtihad* as in the writings of *Usul al Fiqh* (origins of jurisprudence), and as attempted by some contemporary researches, but the goal is:

1- To assess the status of *Ijtihad* and thought in the (modern era). By that we mean the period since the Ottoman rule to date. This period was rich in debates, interpretations and changes. For example, the reforms by Mohammed Abdu, the thesis of Muhammad Iqbal on religious renovation,

the concepts by Malik Bin Nabi on the distinctive civilization, Islamiat Al Ma'arifa (Islamic knowledge), Al Alamia Al Islamia Al Thania (second internationalization of Islam), and the renewal of Islamic sciences especially the science of "kalam" (speech) and *Usul Al Fiqh* (origins of jurisprudence), as well as Al Wasatiyah (moderation) Islamic movement, and "Al Muslim Al Muaser" (contemporary Muslim) magazine.

2- *Ijtihad* is a capacity and creativity and not a function restricted to a certain discipline or field; not limited to pure juristic views only, and the dichotomy of halal (permissible) and haram (impermissible) - which is despite of its centrality - does not cover all the dimensions of this complex reality.

3- The debate here aims mainly to overcome the state of the "systemic ambiguity" through the establishment of an integrated and cross-disciplinary approach which combines the transmitted with the intellectual; a comprehensive approach that includes the application of *Ijtihad* to the developments and the inherited together, within its partial and total levels. The total here cannot be identified without extrapolating the total from the partial, nor we can deal with the partial without adjusting the total systematically. The related objectives of the former are: rethinking on the approaches of *Ijtihad* as raised in the modern era (revelation, history, culture, modernity, constant and variable whether in the text or in the tradition, definitive or speculative, and text or objective ...)

4- Identifying Ijtihad in terms of *maqasid* (objectives) in theory and application, i.e. to recognize the objectives of Ijtihad whether the preemptive or compulsory; because *Ijtihad* is not an end we seek, but a means which helps us to achieve religious duty as an expression of human vision towards himself/herself, in regard to existence and own position in the universe as well as relation with other creations.

2. Questions and Suggested Titles:

Submitted researches should be configured within the previous vision, and should encompass the following questions:

1) What are the limits of the concept of Ijtihad? Its function or functions?

(A reading in the trends and objectives of Ijtihad a given period and evaluating it. Determining the anticipated objectives of *Ijtihad* in the future. A critical review of the present types of *Ijtihad*: structural, selective, individual and collective, and the dimensions of the anticipated *Ijtihad*).

2) What is the methodology of *Ijtihad* in light of the multiplicity and development of knowledge and in light of the complexities of reality? (Cross-disciplinary *Ijtihad*; its mechanisms of implementation, who is a contemporary *Mujtahid*, and what are his qualifications in the age of specialization? The limits of *Ijtihad* and the scope of individual and collective *ijtihad*).

It is also important to provide practical examples to demonstrate the suitability of the suggested methodology for application in the fields of politics, economics, sociology and others; since the effectiveness of any approach lies in its applicability and meeting the cognitive and practical needs.

Examples of the Proposed Titles:

- The concept of *ijtihad* between the juristic terminology and the integration of knowledge
- Evaluation of theoretical theses of reformists and others
- Evaluation of contemporary experiences of *Ijtihad* in the modern state
- The possibility of investing the social sciences in the topic of *Ijtihad* and juristic Ijtihad
- Medical knowledge and areas of investing them in the two types of juristic and verbal *Ijtihad*
- Political sciences and theories and the methods to invest them in the area of *Ijtihad*
- *Ijtihad* and the conflict of *Sharia* (Islamic Law), law and regulations in light of the modern state
- Philosophy and the philosophy of religion and the possibilities of employing them in constructing the anticipated *Ijtihad*
- Towards a new methodology in *Ijtihad* that is multi in disciplines and fields
- The concept of "*Islami*" (Islamic) in Islamic *Ijtihad*

And all others that fall within the outlined vision and framework.