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RELIGION AND MODERNIZATION:
THE GENERAL PROBLEM AND ISLAMIC RESPONSES

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I. The Case Against Religion

Before tackling specific Muslim responses, this paper will attempt a recapitulation of the general problem as the present writer understands it. This is not done as mere formal acknowledgement of the first word in the title of this Group B, viz. "Comparative Religious Responses to Modernization." That word itself can only be a recognition of the fact which must enlighten and control the discussion of problems of modernization in any particular religion: that modernization is not the exclusive dilemma of that religion; rather is it a predicament confronted by all the great, established religions in their endeavour to cope with the exigencies of the world of today. To be sure, each one of them has its own points of awkwardness and idiosyncratic devices for solution. But the starting point must be to have a clear and impartial vision of that general predicament. The adjective "impartial" is advisedly used. Many, but not all, men and women of religious faith are used

to having the problem already slanted in favour of religion, the case against religion already belittled, ridiculed and refuted. The only profitable way of tackling the problem--not to dwell on its being the only honest way--is first to hear the anti-religious point of view; to try to understand the reasons why many--too many--men and women of good sense and upright character have stopped to believe, not only in one given religion, but in Religion. If we happen to be believers, this is the more reason that we should do so. If we are confident of the truth and validity of our faith, we should have nothing to fear. We shall not serve our religion--be it what it may--by any self-deception. A religion that can be upheld only by disregarding facts, cheating and lying--to oneself as well as to others--is not worth keeping.

The case against religion in the modern age, which case was the cause of all the attempts at accommodation, consists of three aspects: intellectual, moral and pragmatic. The three are intertwined; the one of them led to, and was in turn strengthened by, each of the other two. But before recalling them, one has to ride oneself of the illusion that what is often called the crisis of faith in the modern world is solely due to the wickedness of modern man, to his lapse from grace, to his ingratitude towards his Maker and Sustainer. Many atheists and agnostics have been, and still are, of the highest moral calibre. And, in fact, their chief objection to religion has been ethical. If one persists in denying this sobering fact, one will remain incapable of gauging the true dimensions of the problem this Group is trying to study. And, in consequence, one will remain utterly incapable of doing any genuine service to one's faith--whatever it may be.

The case against religion, briefly expressed within the available time,

is something as follows. Religion is little more than a myth, a myth which may have been acceptable or even necessary in the pre-scientific ages of man, but which is now invalid, injurious or at least redundant. It was the pre-scientific man's attempt to explain to himself the facts and forces of the universe and to define his position in and proper relations with that universe. This attempt we should be unfair to disrespect, just as it would be unfair of us to disrespect the child's imaginative but fallacious attempt to grapple with external reality, even though we as adults have fully or largely outgrown it. But still, we are justified in pronouncing it to be an imperfect and fallacious attempt.

This intellectual part of the anti-religious case was greatly strengthened on the one hand by the remarkable success of modern science in discovering the actual causes of many of the phenomena which used to baffle us and which we attributed to a mysterious, supernatural power or powers; and on the other hand by the sad history of opposition to scientific progress on the part of established religion. For the official representatives of religion, followed, of course, by the vast masses, felt bound to oppose every scientific advance in modern history, from the Copernican view of the solar system to the Darwinian theory of evolution; from the attempts to discover the true facts about the circulation of the blood and the workings of our internal organs to the invention of anaesthetics for surgical operations, drugs for the treatment of syphilis or artificial methods of birth-control. What happened was that those spokesmen of the established churches always found the new scientific discovery or hypothesis to conflict with the letter of certain texts in their sacred scriptures, or with the philosophy of life and the ethical code for man which they had built upon their understanding of those texts. Now, it is another sobering fact of

history that in every major conflict which they waged against the scientists, it was they who were in the end defeated and who had to accept that defeat as best they could--usually with a marked bad grace. About the latest issue, that of birth-control, which is still raging, we cannot prophesy; though many thinkers, guided by what they consider to be the general trend of modern history, are not in much doubt.

This intellectual rebellion was easily, one might say only too naturally, transferred from a struggle against the spokesmen of the established churches to one against religion itself. In this the religious spokesmen had only themselves to blame, on account of their relentless and rabid opposition to every scientific advance, and because of the further fact that it was consistently they who started the fight. Little wonder, then, that the intellectual rebellion soon gave rise to, and was in turn immensely fortified by, the moral rebellion. For those religious spokesmen, or in any case the significant body of them, were seen to be little better than dogged obscurants who did their best, or rather their worst, to obstruct the truth and uphold the old errors and falsehoods. For that purpose they did not refrain from subjecting the individuals to dreadful torture and execution, banishment and excommunication, dismissal and imprisonment, and their writings to burning, banning and expurgation.

Religion, therefore, was held to be itself a vicious obscurantist force, bent on the maintenance of an interpretation of the cosmos and of the human condition that was not only invalid but suffocating and deadening, inherently inimical to the spirit of free enquiry, and irretrievably committed for that purpose to the use of the cruellest and most inhuman methods of repression.

But this moral repulsion against religion gained considerably more ground when the record of the religious spokesmen was examined on the third field of the battle, that of man's progress in the practical affairs of his life and his struggle to solve the problems and cure the ills of his economic and social conditions. For here again, the official representatives of religion were, most of them and in most cases, for the preservation of the status quo with all its sufferings and glaring injustices: whether in the battle for the abolition of slavery or that of the feminists and suffragettes; whether in the struggles against unrestricted and irresponsible private enterprise, or the use of modern inventions and medical discoveries, or the application of new psychological treatments.

The issues in this respect are too multifarious to be even enumerated on the present occasion. If one issue is to be singled out as an example, let it be the economic. For, if it is true as has been said that the ethical consideration was the main cause of the thinkers' rebellion, it is equally true that the major force which drove thousands--millions?--of practical men and women away from religion has been its sad record on the question of economic equity; and it is this that is still giving the atheist-materialist philosophies their strongest prop against religious faith. Succinctly put, this is their case. The representatives of established religions keep on asking us to ignore this world, despise its pleasures, and eschew its ambitions. Religion, therefore, is an anti-social force, dedicated to the frustration of man's hopes and endeavours to improve his living conditions and attain a measure of comfort and happiness in this world. In this call of theirs, religion's spokesmen want us to accept our present injustices and submit to all inequalities as the ordained

state sanctioned by God, any attempt at righting which would therefore be a rebellion against His Divine Will. They console us by saying that we shall receive justice and recompense at the hand of God in the Hereafter, when we shall be given Heaven as a reward for our resignation and submission in this earthly life. Religion is, therefore, in essence an opiate for the underprivileged masses. But why do the spokesmen of religion do this? Do they often practice the abstinence they preach? Consider how in most epochs of history they have allied themselves with cruel tyrants and selfish monopolizers of the world's wealth, and consider the worldly benefits that accrued to them from that unholy alliance: the great riches, the carnal luxuries, the pomp and circumstance, the vast estates which they held with tenacious greed, and on which they even refused to pay the due taxes to the state. In that unholy alliance they used their religion as an inducement for the have-nots to accept their miserable lot and give cringing obeisance to their God-appointed lords and masters, far more than they ever used it as an exhortation to the haves to do justice unto the robbed and oppressed. Religion, therefore, is little more than a fraudulent trick and a conspiracy to dissuade the poor from demanding their just share of the wealth of the world. Our overriding concern with religion is its practical influence on man, materially and morally. If such has been its actual influence on its chief upholders, what good can there be in it, what strength can its flaunted ethical value have, and what reasonable hope can still be placed in it for the salvation of tormented humanity?¹

II. Western Responses To Modernization

These, in sum, were the roots of the religious predicament--the deep and surging forces that compelled modern religious men to undertake their painful processes of accommodation. To be sure, each and every point in the anti-religious case was hotly contested; but, as claimed earlier, on all the major issues it was the men of religion who had to accommodate themselves to the onward march of modernization. What that accommodation entailed was a heart-searching reconsideration of what religion is. What is the true essence of religious faith? What is the rightful domain of belief? What is the legitimate authority of the ancient scriptures, and of their time-honoured hermeneutics and exegeses? Are we bound to accept every ipse dixit in the latter--or even in the scriptures themselves--in order to maintain essential religious faith? It is now time to glance briefly at the main devices by which religious believers were able to achieve that accommodation; devices which now enable many intelligent and educated men and women in the West to accept the salutary modernist changes and yet with full sincerity and piety to keep their essential faith. The adjective "salutary" is meant to indicate that the present writer is not one of those who accept every development in modern life and society, and who are out to prove that it can be reconciled with their religion. To this writer, many--too many--of those developments are evil, and must be strenuously opposed.

The devices may be grouped under four categories.

First, there was the distinction between the official spokesmen and religion itself. This meant a realisation that it may have been their particular inter-

pretation of religion that was at fault, and not religion per se. They may have tended unnecessarily to associate their given state of knowledge, level of understanding, conceptions and personal whims with their sacred texts, which latter may be capable of yielding a different interpretation altogether if approached from a different stance of knowledge, an interpretation that would be more in consonance with both modern knowledge and modern conscience. This was strengthened by the fact that in many of the battles they fought they quite obviously went beyond the reasonable limits of their legitimate concerns and intruded themselves into subjects outside their proper scholarly authority.

There was a further realisation that, in addition to their intellectual limitations, they also had inevitable moral limitations, being but fallible humans who were subject to much of the ethical level current and acceptable in their time and place, and sometimes even going below it in certain respects. But these natural human shortcomings are not necessarily intrinsic defects in the religious faith nor an unavoidable concomitant of it.

For both these reasons, we may disagree with their opinion as much as we feel bound to, and even criticise and condemn their moral insensitivities and points of blindness, without us being considered to have gone beyond the pale. But what about the sacred texts themselves? Do these--or at least some of them--not give literal and palpable support to the dogmas of those spokesmen? Here the process was one of re-interpretation of those parts which in their letter conflicted with modern knowledge, ethics or practical needs. A non-believer would call this process, not one of re-interpretation, but one of "explaining away." There is little profit, however, in gainsaying the deep sincerity with which it was carried out. In this respect, a great resort was

made to the metaphorical and symbolist approach. This is to say that much of what the scriptures pronounce is not meant literally, but is only metaphor and symbol intended to convey to human understanding a figurative or allegorical expression of the higher truth, the infinite truth which our finite brains encased in their inescapable material limitations are not capable of understanding unless it took on some concrete form. In time, however, this gave birth to an even bolder and much more radical approach whose gravity merits that it be allotted a new category.

This ultimate step was the contention that all those sacred texts, though indeed divinely inspired, were yet received by men and written down by men, who were subject to several human intellectual imperfections and who, moreover, used human languages which had certain inherent and inevitable limitations and characteristics. The outcome is that we may question even these texts themselves on some of the things they say without necessarily having to give up our belief in divine existence, as the atheists do, or in divine revelation, as the deists do. The present audience will be familiar with the successive strides made in this approach since the second half of the 19th century, in what is called Biblical Criticism, in comparative religion, and in contemporary interreligious dialogue. Not all the facts and theories propounded in this context issued from lay authors; many were advocated by rabbis and clergymen.

III. Why Respond To Modernization?

Before we come to consider how many of these devices have been used by the

Muslim modernists or can possibly be used by them in any foreseeable future, we must, I think, pause here to ask this fundamental question: Why all this bother? Why all these "devices" to accommodate religion to modernization? Why, instead of tinkering with that archaic, broken machine, not simply discard religion altogether as an outdated system of thinking and basis of behaviour? Here I have to guard myself as best I can against allowing my faith to pervert my presentation, which I have endeavoured so far to make as objective as I can. I am quite aware of the atheist and communist answers to that question: that it is merely the pathetic struggle, the hopeless and doomed struggle, of ignorant and credulous humanity to perpetuate its beloved, age-old myths and legends; or that it is the selfish, wicked, cynical attempt of the privileged classes to preserve their illicit gains which are indissolubly bound with those fables, in collusion with established priesthoods and with the dumb consent of the deluded and hag-ridden masses, who are still duped by those capitalist blood-suckers, sharks, hyenas, pigs--and whatever.

The present writer is the last to deny the by no means negligible element of truth in both of these contentions; he has devoted not a small portion of his Arabic writing and lecturing to the cause of purifying religion from the accretions of superstition, and warning against its continued abuse for the preservation of privilege. But is this the whole story? Would one be guilty of religious prejudice if one claimed that it is more than that--that it is, in fact, not merely the crisis of religious faith, but a crisis of modern scientific thought itself? We may begin by a fact which few can gainsay: that modern Western civilization, in spite of its great and magnificent achievements, achievements which no sane person can deny or minimize, has not made the general

lot of man much happier. With its tremendous emphasis on material and technological advance, and its relative or complete disregard of the spiritual side of man, a disregard which is either contemptuously avowed or but thinly veiled, it has failed to give man a greater feeling of security and to make him psychologically any more self-integrated. Witness the not inconsiderable number of young people in the West who have become thoroughly dissatisfied, indeed totally disillusioned, with this civilization; their unhappiness and frustration; their terrible feeling of a great spiritual vacuum, a feeling which they either accept in the most bitter frame of despair and cynicism, or which they try to escape in a fantastic variety of ways, ways that may seem unrelated and which are certainly conflicting, but which may be claimed to spring all from the same appalling spiritual void: whether in the taking of hallucinatory and psychedelic drugs to obtain fake ecstasy and uplift; or in the public display (not merely private practice) of utterly licentious promiscuity, to a degree whose shamelessness brings man much lower than the beasts; or in the following of the craziest occultist cranks and the embracing of the most outré sects; or in the joining and forming of gangs of rowdy hooligans who out for sheer viscious destruction; or in the violent activism of extreme political wings, whether of the fanatical right or the fanatical left. In the meantime, the entire human race is reft and blood-spattered by savage fighting between states and internecine massacres within nations in almost every corner of the world; while they all live under the ominous shadow of that latest and most brilliant achievement of Western science and technology: the shadow of the nuclear explosion which may exterminate them all.

But let us move to another element, one that has arisen in scientific

thought itself, and has caused a profound--some would say radical--change in what is called the scientific attitude. Please note carefully: this new phenomenon was not forced on science by any argument or refutation that the spokesmen of religion were able to make, but by the development and progress of science itself. Science being, supposedly, the most objective of man's endeavours to grapple with the realities of the universe and the realities of his own life, scientists therefore are, or ought to be, par excellence, the readiest of all men to admit their errors, accept new data and reformulate their hypotheses. And, periodically, they do just that, although, being themselves but humans, they may pass through a time-lag during which they, too, are obstinate and dogmatic. So it was they who realised the extravagance of their claims for science and for the capabilities of human reason. That extravagance had reached its summit in the hey-day of 19th century rationalism, in the various mechanistic and other purely materialistic interpretations of the universe and of human social and individual behaviour. But in the first decades of this, the 20th century, the scientists became increasingly more diffident and truly humble. They realised the inevitable limitations and inherent imperfections of human reason--including, of course, their own. They realised that the utmost they could hope to reach with strict scientific methods was probability, not certainty--a word they now do their best to avoid. They began to see the inconclusiveness of all purely materialist theories and their inadequacy to explain and account for all the phenomena of existence. From their own splendid advances in the study of physics and mathematical physics, they realised that matter itself is not as solid or as permanent as they once thought it to be. They became aware that matter, far from being the prime influence in and mover of the universe, of which everything

else is but a function or a reflexion, is itself just one manifestation which cosmic energy may take in a certain set of circumstances; itself "an event", or "a group of events". They listened more attentively to the evidence advanced by many men neither whose sanity nor whose integrity could be doubted, the evidence for the existence of another category of phenomena, which lies outside those categories that can be gauged by science. Formerly, they used to condemn all such evidence out of hand as the ravings of crackpots or the fabrications of charlatans. Now they were not so sure, and they became more and more ready to admit the possibility of the existence of that extra-sensory, or non-material or ultra physical or para-scientific state or stratum or dimension--or call it what you will.

To expatiate on this element--though it is of grave importance to us all--would be presumptuous on the part of a layman; in any case, it will surely be discussed in other committees of this Conference, especially Committee IV. Now these two developments, the terrifying ravages caused by modern man's spiritual void and the profound change in scientific thought, combined to make scientists as well as other scientifically imbued thinkers much less contemptuous than they used to be towards man's evident hunger for something above mere materialist interpretations; towards his spiritual searchings and strivings and ideals. Hence a growing number among them have come to admit that man may be basically and indispensably in need of what he calls religious faith. As a distinguished American social scientist² expressed it, man is by no means simply a rational animal, but also a mystical, non-rational being. So, as that social scientist expressed it, man is in need of a myth--what others would rather express by saying that man cannot live by bread alone.

Whether one views this fact as a regrettable shortcoming in human nature, or glories in it as the sign of the inner superiority of man over all other living creatures, one has soberly to take account of it. The attempt to rid man of his religious faith and eradicate his religious instinct has been a favourite ploy of many of the prominent liberators of the intellect of man, especially in the two greatest political revolutions in man's history, the French at the end of the 18th century, and the Communist in the second decade of the 20th. On this attempt they expended much zealous energy; but it may be wondered whether they did not waste it on a vain and Quixotic crusade, harming their emancipatory effort and causing it unnecessary diversion and delay of fruition. If religious faith, whether we like it or not, is, up till now at least, an indispensable need for the vast majority of men and women, it may be wondered whether that dedicated zeal could not have been more profitably directed towards another goal: to make sure that religion, that overpowering force for most human beings, is not used as a force for reaction and subjugation, but as one for progress and emancipation. The way to this goal is to stress the finer and more tolerant elements that exist in all the great religions, and give them preponderance over the elements of bigotry and fanaticism. In support of such a plea, one may not do better than point up the small, but possibly growing, number of thinkers among the Marxists themselves, outside the U.S.S.R. Writers like Garoudy and Rodinson, with all the minute differences between their approaches, are taking a new attitude to religion; not the traditional one of belligerency and the fight-to-the-death crusade, but one of reconciliation and peaceful coexistence. Their frank advocacy is for a mutual alliance oriented towards the search for the best means to implement humanity's

hopes for justice, equity, universal peace, and the happiness of all men in their life on earth. In that advocacy they take note of the historical fact that all the great religions of the world started as powerful progressive, reforming, indeed revolutionary movements aiming at both the intellectual and the material liberation of man; and that they became forces of stultification and privilege only in later periods when their original revolutionary fervour had cooled and they were seized by the privileged classes and made into established churches.

If all this has a moral, it is surely this. In looking at the devices by which the Western modernizers sought to reconcile their faith with their acceptance of the advance of science and the requirements of modern society, and in looking at the Islamic devices which will shortly be explained, one ought not to scorn the devices or call them mere tricks and subterfuges, nor should one doubt the sincerity of their users and dub them dissemblers, hypocrites, opportunistic unbelievers--which, alas, they have been dubbed, both the Westerners and the Muslims among them. In both the Western and the Islamic countries, they have been and are making the only attempt that has any chance of success, given the present nature of man, and making it selflessly and at great personal sacrifice, exposed as they are to the barbs of the traditional religionists on one side and the out-and-out materialists on the other.

IV. Islamic Responses To Modernization

A consideration of the Western devices mentioned above will soon reveal the purpose of the four of them: the attempt to rediscover the real essence of faith,

the real "spirit" of religion, so to speak, and to isolate it from the many human accretions that had overlaid it and all but suffocated it. For the sad fact is that, although religion--according to believers--comes down from heaven pure, yet, once it descends on earth, many human imperfections adulterate it. Those imperfections are born out of the--perhaps permanent--human fallibilities, but also out of the specific temporal and environmental limitations of the ages through which an ancient religion passed. So the attempt is to separate the core from the husk, the timeless meaning from the temporal letter, the "spirit" from "the Law". The established churches have historically held to the husk, the letter, the Law, and the reformers or modernizers tried to reassert their opposites. It is seemingly astonishing, but perhaps only too natural, that once a reformatory movement gains a measure of success and becomes established among its converts, itself, in turn, becomes rigid and is loath to modify the teaching of its founder. So a new reformatory movement emerges; and so, apparently, ad infinitum. It is edifying to note that Christianity itself, as started and led by Jesus, was a rebellion on behalf of the spirit of religion against those Jews who had neglected it in favour of the letter of the Law--the Pharisees, scribes and hypocrites, as the New Testament has them. And the same happened in Islam.³

However, when we now come to consider the particular problem of Islam, we discover that, although the general predicament and its attempted solution were inherently similar, significant differences obtained, which made the task of the Muslim reformers tougher in some respects, and easier in others. To start with, the fourth device was not open to them--that which argues that although the Scripture was divinely inspired, it was written down by men who transmitted

the inspiration according to their own ability to understand it and, moreover, using human languages that had definite historical limitations. For all Muslims now believe that their sacred book, the Qur'ān, is the literal word of God. It is not the Prophet Muhammad's formulation or expression of the truths with which God inspired him: its very consonants and vowels, syllables and words, sentences and passages, are the actual verbal composition and utterance of Allāh Himself, speaking in the Direct Speech, First Person. True, in the early centuries of Islam there were individuals and groups of theologians who maintained that the Qur'ān was only inspired in meaning and that the wording was Muhammad's. But these were stamped as heretics or even infidels, and their opinion became extinct, to be found only in rare books.

Second, there is the now predominant belief in the permanence and immutability of the Sharī'ah, the Divine Law. God, just as He is the fount of all goodness, wisdom and knowledge, is also the fount of all law. He is the only law-giver, and His Law is embodied in two sources: the Qur'ān, which is a collection of God's direct and verbal revelations to His prophet and messenger, Muhammad, and the Hadīth or Sunnah, Muhammad's Tradition, which consists of the sayings and actions of the Prophet. The sayings were admittedly Muhammad's own wording--as distinct from the Qur'ān--but the Prophet was inspired by God in everything he said or did, so his Tradition has the same validity and authority as the Qur'ān. Law, therefore, is not something arrived at by the patient ingenuity of man, through a long process of experiment and reasoning, and in response to actual experiences, needs and challenges which confront him in his earthly life. It is something divinely ordained, made once and for all, and meant to last unchanged for all time. This dogma found great

support in the fact that, in both Qur'ān and Sunnah, early Islam did legislate on quite a number of secular questions, both personal and social, which faced the Muslims during the life of Muhammad. Hence there is a certain amount of edicts on marriage and divorce, custody of the children, inheritance, profit and usury, and the like; as well as certain decreed punishments for such major crimes as homicide, adultery and theft. There are also some injunctions to regulate the relations of Muslims with others in times of peace, war and truce. The conservative Muslims refuse to admit that those injunctions were meant as temporary solutions to pressing problems that had confronted the contemporaries of the Prophet. They hold them to be of permanent and mandatory applicability. Some of them go further to claim that in the Sharī'ah we have all the codes of law we require or shall ever require, so that we have no need to resort to any other man-made law, civil, criminal, commercial, constitutional or international. While these lines are being written (in July 1977) there is a powerful call in the Egyptian press, started by the conservative elements three or four months ago and being energetically stepped up, to cancel all our secular codes of European origin and to go back to the old Sharī'ah and establish it as our only source of law.

It may be remarked that both factors--the belief in the literal truth of the scriptures and in the exclusive validity of the divine law--existed in the Judeo-Christian world. To this day there are the "fundamentalists" who accept the Holy Bible literally, and the belief in the immutability and permanence of God's law in every minor detail is not restricted to Talmudic Judaism but includes some Christian believers. However, since the 17th century the West has so developed as to steadily decrease the influence of those literalists, who now can hardly be said to constitute an insurmountable obstacle in the path

of reformers bent on modernizing the ancient religious pronouncements.

Nor were those two factors of much practical account in the early centuries of Islam, when Muslim civilization was still in its period of vital growth. Then they seldom acted as suffocating restrictions on the development of Muslim legislation. It was after that civilization had passed its zenith and started on its centuries of decline, from the 14th well into the 19th centuries A.D., that they combined to bolster up the dogma that the injunctions of the Qur'ān and the Sunnah were lasting and unchangeable, suitable in the letter for all peoples, times and places.

And, in fact, this is the chief argument employed by our modernists in their debate with the fundamentalists: the attempt to demonstrate that the crude literalism, intolerance and refusal to change which now dominate most of our intellectual attitude are not the product of genuine, early Islam, but of our centuries of political, social, economic and cultural stagnation, when the original dynamic spirit of Islam had died down and bigotry and reaction ruled the field. Following is a summary of their re-presentation of what actually happened in Islamic history. Far from the Qur'ān and the Prophet's Tradition containing all the laws ever needful to mankind, the both of them stopped to be sufficient very soon after the death of Muhammad. The rapid and radical change of conditions in the life of the growing Muslim community-- a change brought about by the impetus of Islam itself--demonstrated the inadequacy of all the edicts in both Qur'ān and Sunnah to meet the requirements of new situations. So, in orthodox Islam itself, two new sources of law-making were added to the Sharī'ah, and considered integral parts of it: Ijmā', and Qiyās. Ijmā' is consensus, that is, the general agreement of the Muslim

community, as represented by its leading scholars, on a certain solution for a new problem--the contention being that God would never let the Muslims agree on a wrong. Qiyās, which means analogy, is for one scholar to solve a new problem by looking for one which he deems to be more or less similar and about which there is some ruling in the Qur'ān or Sunnah, and deduce therefrom the appropriate answer which he believes to be applicable to the new question. These two new sources constituted Ra'y, human opinion, as an element in law-making to stand side by side with the two earlier, divinely ordained or inspired, sources. They resulted in a great proliferation of madhāhib (singular madhhab), schools of Islamic jurisprudence. There was hardly a question of Fiqh, Jurisprudence, about which those schools did not differ, to a lesser or greater degree. Now the remarkable thing is that the various schools exhibited the greatest mutual toleration, all being considered equally tenable, and the choice among them left to individual preference. Indeed, the dictum was asserted: ikhtilāfuhum rahmah, which means that the difference of opinion among the a'imma (singular 'imām), the leaders of the schools of jurisprudence, is a mercy to Muslims, as it allows a person to follow whichever opinion is more suitable to his particular needs or more in accord with his intellectual bent.

That remarkable mutual toleration of the 'imāms stemmed from the fact that not one of them claimed infallibility for his opinion. Each realized, and categorically declared with the most genuine humility, that he was but a fallible human, liable to error. This is important to remember and needs continual stressing, for the conventional view has come to grant the right of passing individual judgements to those ancient jurists alone, and to deny it to anybody that came after them. Yet, the modern reformers point out, ijtihād, i.e. the right of

every scholar to make and express his own opinion, was open to all scholars who could demonstrate by their learning and uprightness their fitness for exercising it. When the door of *ijtihād* was declared shut, this only happened in our centuries of decline and stagnation, and it was wrong. Hence they call for fath bāb al-ijtihād, the reopening of the door of individual opinion. To support this call, they remind Muslims of one of the cardinal creeds of Islam, a creed to which all Muslims subscribe, and which none challenges. This is embodied in the established dictum lā kahanūt fī al-Islām, i.e. no priesthood in Islam. As different from several other religions, Islam does not establish a priesthood, and recognizes none. No human being after the Prophet Muhammad, or group of human beings, can claim any special sacerdotal quality or power of dispensation. None after the Prophet can claim ex-cathedra infallibility for his pronouncements. From this it will be seen that the first and second devices of Western modernizers, the distinction between religion and its official spokesmen in their intellectual and moral limitations, were much easier to use in Islam, while in the West they took centuries of bitter struggle and untold martyrdoms to establish. This is not to say that, human nature being what it is, the fourteen centuries of Islamic history were totally devoid of certain individuals and groups who attempted to claim for themselves a power and a position which were, virtually though not avowedly, priestly. But it was not hard to refute their claims and confound their presumptions. This is not to deny that the opinion of a scholar who has devoted a lifetime to the study of religion has a certain prestige and merits special attention. But this is no more than the special consideration due to the opinion of a physician, a scientist, a literary critic, a grammarian, or any other expert in a branch of knowledge. None of these can

claim infallibility of opinion or immunity from error; he can be questioned, required to submit evidence, argued with, differed from. This fact is pointed up in the very title we give our religious scholars. They are not called the Arabic equivalents of priests, clergymen or ministers. They are simply called Culamā' (singular Cālim), learned men, from cilm, knowledge or learning. Strong objection is made to calling them rijāl al-dīn, men of religion--a habit that has crept in and is being encouraged by some of them, but denounced by others. They should only be called Culamā' al-dīn.

Now, going back to the belief that is now professed by all Muslims that the Qur'ān is the literal, binding word of God, our modernizers do not contest this dogma; but they point out that, although it is the literal word of God, this "word" is yet open to different understanding, on many though not all questions. Thus spake God: that is true--but how shall we, humans, understand His correct and full meaning? It is obvious that we are limited by our ability to understand, which may change--which does change--from time to time and from one environment to another. Here they point the very great variety in the process of classical tafsīr, explanation of the Qur'ān. There were literally scores upon scores of those explanations, demonstrating the most extensive differences--once more, all respectable, all tenable, the preference left to the individual reader. Often the tafsīr consisted in ta'wīl, interpretation, which was giving the Quranic verse other than its obvious or literal meaning, when the literal meaning obviously contradicted the sensory experiences of man, or was not congruent with the interpreter's sectarian stand.

Both the amount and extent of differences in the classical explanations and interpretations were so great as to amaze or even scandalise members of the con-

temporary Muslim community when they were rediscovered and revealed to them. All this will show that the third Western device, that of the metaphorical or symbolist explanation, was quite open to Muslim thinkers, and had, in fact, a recognized and respected place in their traditional scholarship, thus, in its own way, mitigating much of the rigidity that might have resulted from the belief in the literal revelation of the Qur'ān. Indeed, no less a person than the great thinker Ibn Rush, known to Europe as Averrōes (1126-1198), had categorically declared that, whenever a contradiction arose between the literal meaning of a sacred text and what sensory experience or rational thought can accept, preponderance should be allotted to the latter, and resort should then be made to the ta'wīl. He and several other classical Muslim thinkers, facing Greek philosophy and other rich legacies of earlier non-Muslim civilizations, had shown admirable receptivity and adaptability, and attempted a number of reconciliations between faith and reason. In fact, they had suggested some syntheses and solutions which were made use of by European theologians and philosophers when, a few centuries later, the conflict began in Europe between religious belief and rational thought. Surely, our reformists argue, the right to differ in explaining and interpreting God's word was not restricted to our ancient commentators? On the contrary, in view of the vast development of modern knowledge, we may be more in need than ever before to exercise that right, so as to be able to give a metaphorical interpretation to certain Quranic verses which our ancestors, not knowing many things we now know, were content to understand literally. This may be the only means possible to us of maintaining our belief in the divine origin of our holy scripture and at the same time accepting the findings of modern knowledge.

V. Landmarks on the Path of Islamic Modernization

It has been stated above that the theoretical stand which considers al-Sharīʿa permanent and immutable never operated in the early, dynamic centuries of Islam, but only in our centuries of almost total stagnation--our "dark ages", as we call them, borrowing a term from Western history (but denoting quite a different period of time, from the 14th to the mid-19th century A.D., as stated before). Nor was that stand powerful enough in our modern era to stem the tide of new thought, social change and new legislation which was made imperative by the vastly altered conditions, conditions resulting from our increased contact with the modern Western World. This contact began with the Napoleonic invasion of Egypt and progressed by leaps and bounds in the latter half of the 19th century. The Ottoman Empire, under whose suzerainty most countries of the Middle East lay, started, in the middle of that century, a great movement of new enactments, called tanzīmāt (organizations), most of which were borrowed from European sources. First came the Commercial Code in precisely 1850, to be followed in 1858 by the Penal Code, and soon to give rise in the various Arab countries to the codification of new civil, commercial and penal laws, all of which went markedly outside al-Sharīʿa and were taken from the Napoleonic Code, the English Common Law and the Indian Law (made by the British for their great colony), with little attempted to claim that they were derived from the traditional Islamic Law. The only domain which was left to the jurisdiction of the Shariʿa was that of family relationships in what is called Qānūn al-aḥwāl al-shakhṣiyya, Law of

Personal Status, limited to such matters as conjugal relations, guardianship of minors, custody of the children, succession and inheritance, and gifts and bequests. How was the orthodoxy inherited from our "dark ages" able to accept, or at least not actively resist, all those new laws of foreign origin, and yet, at the same time, hold fast to the theory of the imperativeness, perfection, sufficiency and immutability of the SharīCa? This was achieved by claiming that it was no defect of Religious Law itself, but was rather the fault of times that had gone bad and men who had lapsed from grace. The SharīCa was still the correct and good and proper Law, and we must just wait for the times to regain their former goodness and men to become once more worthy of the SharīCa.

It would be unjust to accuse our conservative Culamā' of conscious hypocrisy: they were perfectly sincere in holding to that stand. This, however, does not exculpate it from the stigma of dangerous contradictoriness and a kind of intellectual schizophrenia which is very harmful to a community. The danger and harm will become more apparent when one realises the device to which our modernists resorted to get their reforms enacted and which was accepted, or acquiesced in, by the Culamā'. This is the device called Cadam samāC, denial of hearing. The decisions of the ancient jurists were not declared null, but any litigant who brought a lawsuit demanding their application was denied hearing in a court of law. For instance, the classical jurists thought that the period of gestation could last between two and seven years. No attempt was made to challenge this opinion in the light of present medical knowledge. Instead, in the 1929 Law of Personal Status in Egypt, any woman was denied judicial hearing if she made a claim for inheritance resting on her infant being born more than one year after the death of her husband or her divorce from him. Thus the "legal fiction" of

the rightness of ancient jurisprudence was declared to remain intact.

Be that as it may, the exigencies of life had worked their irresistible pressure on all the branches of Law except the Law of Personal Status; and it was this--in most Arab countries and in the majority of cases--that was left to our reformers to try to modernize. This archaic law, in which we were still bound by the verdicts and opinions of imāms who had lived a thousand years ago, was not the least needful of reform, governing as it does some of the most vital problems in the lives of human beings, and causing untold injury and misery to millions of our men, women and children--but chiefly women and children, particularly in regard to our two major social evils, polygamy and unrestricted divorce.⁴ It is not the purpose of this paper to enumerate the reforms that have been successfully introduced in many, but not all, Arab countries--a subject which, moreover, has been adequately studied by better qualified scholars, especially the distinguished Arabist the late Professor Joseph Schacht. What will be attempted here is to trace the successive steps by which our modernizers have tackled the immense problem which faced them. This may help us to discover the limitations that have so far restricted their efforts, and explore the barrier that has still to be courageously surmounted if we are ambitious of any significant new achievement.

Up to 1915, every one of our countries, in its official legislation and adjudication on matters of Personal Status, followed one or the other of the classical madhāhib. This meant that its legislators and judges could not just follow the ancient fiqh in general, but were restricted to that one school and could not go outside it to consult the opinions of other schools. In Egypt, that was the Hanafī School, after the name of its founder, Abū Ḥanīfa. Not

only that, but they were also bound on every point to follow al-qawl al-rājih, the "predominant opinion", in that particular school. (In every school there may be, and there usually is, a variety of opinions on any one point, and the "predominant opinion" would be the one preferred by most authorities who wrote the textbooks of the school.) Muḥammad ʿAbduḥ, our leading modernizer in Egypt (1849 - 1905), had been for a number of years calling for the right to follow one of the "lesser opinions" in the same chosen school, whenever it was found to be more suitable for our new conditions. Ten years after his death, the first such enactment was made, whereby, following a "lesser opinion" in the Ḥanafī school, a wife was given the right to claim and obtain divorce if her husband had a dangerous disease of which she had no knowledge before the marriage. The next step was to go outside that one school and apply the predominant opinion in any of the three other main and extant schools of the Sunnah sect (considered to be the main orthodox body of Islam): the Mālikī, Shāfiʿī and Ḥanbalī schools. From this they progressed to consider the suitability of certain lesser opinions in any of these major schools of "orthodoxy"; and the next step was to go outside the four major schools of the Sunnah in order to search in the opinions of the minor and less well-spread--or even extinct--schools, still within the orthodox sect. But a much bolder step was taken when our Egyptian legislators went outside the schools of the Sunnah altogether, whether major or minor, whether extant or extinct, to borrow opinions from schools belonging to other Muslim sects, until now considered "heretical". Such was the Ithnā ʿAsharī imāmī school of the Shīʿa sect, in the right of the testator to bequeath up to one third of his legacy to any one of his rightful heirs even without the consent of the rest of these heirs--up till then that right was allowed him only if he

made the bequest to a person or persons outside the rightful heirs, or to one of the latter but with the consent of the rest of them. Another was the Ibādī school of the Khawārij sect, in giving the grandchildren whose parent had died that share of the legacy of their grandparent which their deceased parent would have inherited had he survived the grandparent. In the latter instance, the lack of any such provision in the orthodox schools of jurisprudence often caused grievous privations, since in our countries it is not infrequent for a son or daughter who had grown up, got married and had children, to die before his or her parent.

It will have been noticed that in all this reforming work, which, admittedly, alleviated some of the worst abuses and eased some of the most pressing problems, our modernizers did not see fit to challenge the basic contention that the ancient Sharīʿa was complete, sufficient and unchangeable. Nor could any of these achievements, valuable though they were, be considered a real ijtihād, an exercise of the right to form a new opinion, since, for the advocacy of any of their reforms, they had to quote the opinion and depend on the authority of some ancient scholar in one classical school or another. And that had often forced them to what is perhaps the strangest device of all, that of talfīq, literally "patching up". This consisted, in order to arrive at their sought verdict, in taking its first premise from one 'imām, the second from another 'imām, and drawing a conclusion which neither of those ancient scholars would have countenanced. To say all this is not to belittle their courage, but to point up the severe restrictions within which they had to work with any hope of success in the first four or five decades of this century. And, despite all this caution and gradualness, they often failed to convince the state authorities to enact their proposed reforms. The one move towards a radical reconsid-

eration of the whole problem of the Sharīʿa was the argument advanced by the great Muḥammad ʿAbduḥ, and developed by his disciples in what is called al-Manār Group (after the name of their modernizing journal). The argument goes as follows. Religious questions are not all of the same order of importance. A distinction must be made between ʿuṣūl and furūʿ (literally, roots and branches, meaning fundamentals and secondary points.) The ʿuṣūl we are not entitled to change so long as we wish to remain Muslims. But these consist only of ḥaqīda, ʿibāda, and aklāq: respectively articles of creed, rites of worship, and principles of ethics. The furūʿ, however, include everything connected with muʿāmalāt, that is, all mundane transactions among people, such as civil and commercial exchanges, inheritance, and even marriage and divorce. All these are non-essentials which form no fundamental part of religion, and we do not only have the right to change legislation concerning them, but it is, indeed, our bounden duty to effect the change if it would result in more benefit and happiness to people in their changed circumstances.

Muḥammad ʿAbduḥ was a distinguished ʿālim in al-Jāmiʿ al-Azhar (the "Glorious Mosque," the great Islamic seminary established in Cairo just over one thousand years ago), and for a time he was even the Grand Mufti of Egypt (the chief counsellor to the government on religious affairs). Perhaps that was what enabled him to advocate that daring view; he was working from within the sanctum sanctorum of Islamic scholarship. But, although that argument of his won the approval of quite a few thinking men, it was never accepted by the formal body of the ʿulamāʾ. When, in the 1930's, another Azharite teacher, ʿAbd al-Mutaʿāl al-Ṣaʿīdī, attempted to revive it, he was muzzled and demoted in the Azhar service.

However, the years that have elapsed since have seen much political and social change, starting with the success of the army coup in 1952 and its elevation to a declared Revolution. It seemed to the present writer that the times might be suitable for resuscitating Muhammad 'Abduh's argument, and, perhaps, advancing it a step further, towards a radical confrontation with the established view of al-Sharī'a. As long as that view was dominant: as long as we had to base all our new reforms on the opinion of some ancient 'imām, diligently extracted from some age-old tome or another, and sometimes after a resort to some sort of talfīq, it seemed to this writer that no significant progress could be made anymore. In the numbers of February and March, 1970 of the Lebanese cultural monthly al-Ādāb, he published two articles under the title wa'l ān, ilā al-thawra al-fikriyya (And now, to the intellectual revolution). These articles rebuked our purportedly revolutionary regime in Egypt for restricting its reformative zeal to the political, military and economic fronts, and all but neglecting the intellectual emancipation, which, in the writer's view, was the sine qua non for all genuine and pervasive transformation of society. Then the articles outlined the needed changes in the current religious, ethical, nationalist and cultural attitudes. The repercussions of the articles induced that journal to devote its whole number of May 1970 to articles falling under the general title nahwa thawra thaqaḥiyya 'arabiyya (Towards an Arab cultural revolution). Writers from all over the Arab world contributed studies of the changes needed in the spheres of politics, economics, social institutions, philosophy, religion, art, literature and language. The present writer's contribution was entitled nahwa thawra fī al-fikr al-dīnī (Towards a revolution in religious thought). The rest of the present paper is devoted to an English condensation of some of the

arguments used. This is done in the hope that it might be of interest to the members of this Group to watch how a modernist Muslim writer addresses his readers and tries to win them over to his unfamiliar point of view: the caution he has to exercise, as well as the limit of boldness he may risk with any hope of getting away with it in the current intellectual and emotional state of mind in the Muslim world.⁵

VI. A Muslim Modernist Addressing His Co-Religionists

In all the spheres covered by other writers in this special number, the first obstacle that is always raised in the way of any proposed reform is the religious obstacle. People do not ask whether the new proposal is in itself right or wrong, beneficial or harmful: they ask whether it agrees or disagrees with the requirements of religion--by which they mean the verdicts and opinions of the ancient 'imāms. We cannot go on much longer spending time and effort in justifying every proposed reform by first proving that it does meet with such requirements. What is needed is to introduce a radical change in people's understanding of what the essence of religion is, what it intrinsically came for, what its rightful role in human society should be, so as to persuade them not to intrude it into spheres which lie outside its legitimate domain.

The claim is made that Islam contains a complete body of legislation which covers all civil, penal, commercial, political, constitutional and international fields, and which can provide a judgement for every case. This claim reveals an

ignorance of how vast, multifarious and complex a modern code of law is; it even reveals a basic ignorance of what law is. The Quranic verses which may be considered to contain legal provisions are no more than five hundred, in the widest and most inclusive count. A law must define beforehand the limits of obligation and specify the degrees of punishment, from maximum to minimum, for their infringement. In all the laws or quasi-laws which the Qur'ān contains, it specifies no more than five ḥudūd (singular ḥadd, punishment): the well-known ones for homicide, brigandage, theft, adultery and slander--to say nothing about the differences regarding the circumstances of their applicability among the various sects and schools, differences that could not be tolerated in any one code. Those differences proliferate and get more contradictory and irreconcilable when the classical jurists debate other actions than those five crimes, some holding a certain action in certain circumstances ḥarām, unlawful and punishable, others considering it only makrūh, reprehensible and meriting rebuke but not actual punishment, and others still finding it mubāh, completely permissible.⁶ Reading, almost haphazard, one single section in a single chapter in any of the great classical works of fiqh will provide examples, often by the score.

Moreover, a careful consideration of the commands and prohibitions contained in both the Holy Qur'ān and the Prophet's Tradition demonstrates most of them to be moral exhortations and not proper laws in the real sense of the word; hence, partly, that immense difference just alluded to. But let us ask this straight question: did either the Qur'ān or the Sunnah, or the both of them together, ever attempt to lay down a complete code of law, as the claim is frequently made? On the contrary, both were greatly reluctant to tackle any but the most pressing

questions which resulted from the growth of the Muslim community in Medina after the Prophet Muhammad had fled to it (in the year 622 A.D.) from his native Mecca and started there to found his new state. This is proved by verses 101 and 102 in sūra 5, which begin: "O believers, question not concerning things which, if they were revealed to you, would vex you." These verses were occasioned by the early Muslims' propensity to rush to Muhammad demanding a solution to every problem that faced them. Likewise, the classical collections of the Prophet's Hadīth contain several instances where Muhammad was greatly annoyed by that propensity of his companions, and warned them against the consequences of asking too many questions. One such warning was: "Verily, the most sinning Muslim is he who asks about a matter that was not forbidden before his question, and which, in consequence of his asking, is declared ḥarām."⁷ The Prophet clearly wanted people to exercise their own judgement and not heap upon themselves commands and prohibitions to which they would feel bound afterwards. This is exactly the explanation given by the classical commentaries on the Quranic verses just quoted.

Was Muhammad himself an autocratic adjudicator who loved to impose his opinion on everything? On the contrary, apart from matters of creed, worship and the higher ethics, he was given to consulting his companions, and in many instances acceded to their recommendations and abandoned his former opinions. This was epitomised in the famous anecdote of ta'bīr al-nakhl, fructification of the date palms. He had expressed his opinion on the uselessness and superstitiousness of that practice by which they cut the requisite part off a male palm and grafted it in the opposite part of a female tree; it was God who caused all trees to bear fruit. When their stopping this operation resulted in the trees going barren, he told them to return to their practice; admitted his error; said that, in

everything not touching the Revelation, he was only a fallible mortal like them; and added this admission: antum a^clam bi umūr dunyākum (You are more knowledgeable about the affairs of your worldly life).⁸ Although this saying is often quoted to illustrate Muhammad's probity, its full significance has seldom been gauged, and its moral has certainly never been formally implemented. If Muhammad had the integrity to admit that he was less knowledgeable than his contemporaries about their worldly affairs, and even in such an elementary fact of their simple desert life, how much more knowledgeable we must be in the affairs of our vastly more technical and complex life in this 20th century. Were he to come back to life, would he try to interfere in these our worldly affairs as our religious dignitaries, who have set themselves up as the spokesmen of his religion, are continually doing?

If the Prophet himself could make mistakes about mundane affairs, could infallibility be claimed for the opinions of the jurists? They themselves never made such a claim: it was made on their behalf in our centuries of bigotry and dogmatism. Their entire work postulates the right of every scholar to form his own opinion and offer his own solution. Not only that, but an objective study of classical legislation shows that the greater portion of it was not primarily derived from any analogous deductions from the Qur'ān or the Sunnah: it was borrowed from the laws, customs and practices of the conquered lands which formerly belonged to the two great Persian and Byzantine empires. All the Muslim jurists did was that they culled that rich material from those much more developed lands which were the heirs to earlier, mature civilizations and which had sophisticated sedentary societies of agriculturists, craftsmen, traders and civil servants; and, finding that material good and beneficial, they declared that it did not

conflict with the prerequisites of Islam and couched it in Islamic forms. Now, after our centuries of backwardness and underdevelopment, we find ourselves in a similar situation vis-a-vis the Western countries which have far outstripped us in material and cultural development. It does not seem just that we be denied the right which was exercised by our ancestors in their times of dynamic growth when, sweeping out of their arid Arabian desert into Iraq, Persia, Syria and Egypt, they settled in these countries and availed themselves extensively of their governmental, fiscal, economic, commercial, agricultural and industrial practices.

If neither the Qur'ān nor the Sunnah attempted to lay down a complete code of law that "covers all needs for all eternity" as the claim is often phrased, did they yet intend the injunctions which they made on the mundane questions which they did tackle to be permanent and unalterable? Facing this thorny and perilous question, let us begin by noting a fact which is denied by none: the change of legislation within the Qur'ān itself. In the ten years (622 - 632) which the Prophet spent in Medina founding, developing, bolstering and expanding the new Islamic state, the society went--as it was bound to do--into successive stages of development, and it was sometimes found that the edicts which were made in an earlier stage did not suit the later. So new verses were revealed modifying or completely annulling earlier pronouncements. This is known as the phenomenon of al-nasīkh wa al-mansūkh, the abrogating and the abrogated verses. And this phenomenon points up the dynamic, changing nature of Islamic legislation right from its very beginning. Next, the historical fact that leaps to the mind is the action of ʿUmar, the second Caliph, in refusing on several occasions to implement certain Quranic injunctions when he believed that the changed times rendered them unsuitable. For instance, he refused to apply the Quranic punish-

ment of theft (the cutting off of the thieves' hands, as categorically decreed in the Qur'ān, 5:38) in a year of famine, and, also, when he discovered that the thieves were the slaves of a rich and stingy master who did not pay them their rightful wages. (Instead, he severely castigated that master, imposed a heavy fine on him, and ordered him to remunerate the wretched slaves decently.) Likewise, he cancelled the share in public alms allotted by the Qur'ān (9:60) to the mu'allafa gulūbuhum, those Arab chieftains whom the Prophet placated with gifts when the new Islamic state was not yet firmly established. When, protesting, they quoting the Qur'ān, ʿUmar bluntly told them that Islam was no more in fear of their mischief-making. When questioned about these cancellations of categorical Quranic edicts, he simply answered that conditions had changed since the time of the Prophet--a time, let it be noted, which was only one decade earlier. (ʿUmar ruled from 634 to 644.) Our conservative ʿulamā', who cannot deny those actions of ʿUmar, yet try to explain them away by arguments incompatible with the Islamic creed. For instance, they claim for the early Caliphs (successors of the Prophet), who were close companions of Muhammad, fatwā al-sahabī, the power to pronounce an opinion tantamount in authority to that of the Prophet himself. But, we must insist, nobody after the Prophet had any sacerdotal power of making ex cathedra pronouncements. As the established dictum has it, al-nubuwwa lā tuwarrath, Prophethood is not inherited. The Caliphs were successors to Muhammad only in his temporal capacity as political chief of state. Moreover, we have seen how in temporal affairs Muhammad himself claimed no infallibility. All those attempts by our ʿulamā' can only lessen ʿUmar's degree of courage, perspicacity, tolerance and breadth of view. They fear that ʿUmar's actions might be considered a transgression which detracted from the sanctity of the Qur'ān. It may be wondered, however, whether ʿUmar was

not the one who demonstrated a true understanding of the spirit of Islamic legislation, a spirit of continual development and dynamic change to suit the ever changing conditions of human life, quite different from the rigid, inflexible strait jackets into which our conservatives want to force it.

In this respect, we need to consider more deeply than we have ever done before the real and full significance of the classical principle of al-maṣlaḥa, the common weal or public good. The classical theorists themselves declared it to be the overriding stipulation of all Sharīʿa commands and prohibitions. According to it, any Sharīʿa injunction whatever can be suspended if its implementation would result in positive harm to the Muslim community. Hence, those theorists allowed a ruler to make any change of law that would result in jalb naḥ wa daḥḥ ḍarar, the securing of a (public) benefit or the preventing of a (public) harm. This principle was embodied in the further dictum: al-ḍarūrāt tubīḥ al-maḥzūrāt, necessities make permissible the things that were forbidden. For instance, in times of famine, Muslims may eat pork, which is otherwise an abhorrent sin to commit. However, since the start of our decline, this principle has never been adequately implemented, and nowadays it receives little more than lip-service. And yet, itself alone can justify all the beneficial reforms which our modernizers are propagating. We must hasten to declare that we do not wish this principle to be lightly or irresponsibly exercised. We are not advocating that we rush to cancel or suspend any law which we do not like, or simply to replace it by a fancy new law from the glamorous West. We would insist that, before the exercise of the principle of al-maṣlaḥa in any new legislation, the most careful and thorough study must be made by all our learned men who have something to say about the various sides of the problem under discussion--jurists,

economists, social scientists, medical experts and any other concerned specialists. However, once they reach consensus on the need to change the existing law or to enact the new provision, nothing should be allowed to obstruct its enactment by due process of the law--not even a Quranic or Prophetic text that carries a different provision.

To conclude: all the injunctions on secular affairs which are made in the Qur'ān and the Sunnah were no more than temporary provisions meant for the Arabs of the time of the Prophet alone and not intended to be everlasting and unalterable. All the findings of the ancient 'imāms were the opinions of human beings who did their best in their limiting circumstances and who neither were infallible nor claimed infallibility. Consequently, all the decisions and provisions of the classical Sharī'ah must be amenable to change. It will be a happy day indeed when Muslims--or a significant and effective body of them--come to admit this and at the same time realise that it does not conflict with essential religious faith and need not cause that faith any harm. It is, indeed, the only way to restore the Islamic faith to its former dynamic and beneficial character. Thus, and only thus, can Islam continue as a faith which claims the allegiance and sincere devotion of men through all the changes of time and place.

FOOTNOTES

¹A remark must be added here, taking note of a change that has been occurring since the 1960's. Learning the lessons of the bitter past, a (growing?) number of clergymen, belonging to different churches, have been actively campaigning against political, economic and social injustices, and lamenting the passive, if not inimical, attitude adopted by their churches towards those issues. They want them more positively to fight the colour bar, take the side of the victims of colonial exploitation, speak for the poor against the rich, defend the civil liberties, and condemn the inequitable treatment still meted out to women in many spheres. Though still a minority and in most cases frowned upon by the official establishments and treated as rebels, or worse, they may be deemed to point the way to the future, and the success they have already achieved in stirring the conscience of Christians is not negligible. The strength which their protest has already assumed found an expression in no other than the fourth world Synod of Bishops held in the Vatican in October 1974. For the first time, a majority of its delegates came from the developing countries in Asia, Africa and Latin America. The synod's theme was "Evangelization in the Modern World", and it discussed the difficulties of preaching Catholicism in the ever more secularized West on the one hand, and, on the other hand, in an East where living memory still associates the church with colonialism's worst abuses. So the need was stressed for a radical "liberation theology" that is based on the admission that spiritual salvation cannot be effected without political and economic salvation. If it is

the church's supreme objective to liberate men from sin, then the sins of hunger, war, oppression, slavery, eroticism and insufficient wages must not be neglected. Another topic raised was the need to upgrade the status of women in the church, while an impassioned plea was made on behalf of married priests. Although the conclave's official summing-up report glossed over such detailed criticisms and talked rather generally on the church's role in the modern world (that report was rejected by an overwhelming majority of the bishops), yet, the mere fact that such views were boldly expressed in such a conclave, and in front of the Pope himself, was, indubitably, significant and, hopefully, indicative of future developments. But until this hope is fulfilled, this observation must be confined to a footnote, and the case against established religion must remain substantially as represented in the text above.

²Professor Robert N. Bellah, "Islamic Tradition and the Problems of Modernization", a paper delivered in the Colloquium on Tradition and Change in the Middle East, Harvard University, January 16, 1968.

³Of Islam, Professor Bellah has the following remarks to make in the paper just cited. He makes a sharp distinction between "the Quranic teaching" and the way Islamic law was later established. Regarding the Quranic teaching, he repeatedly describes its nature as one of "basic modernity." He even describes it as "universalist, progressive and indeed revolutionary." Why did it fail, to be replaced by the conventional view of al-Sharī'ah? His answer to this question is that "it was too modern to succeed." The present writer cannot help adding: and

so, until this day, it remains to be, for the conservative majority of the Muslims--too modern to succeed.

⁴For more detail on the campaign to reform the Law of Personal Status, see the writer's "Problems of Modernization in Islam", The Muslim World, Hartford Seminary Foundation, LXV, No 3, 1975, pp. 174 - 185.

⁵This state of mind, it must be sorrowfully added, is now (middle of 1977) much more intolerant, for certain political reasons. Were that article to be published now, it would raise a greater storm than it did seven years ago. But the sensitive political pendulum swings continually, and with it the tolerated degree of freedom of expression goes up and down.

⁶There are two other categories under which actions can be classified according to our uṣūl al-fiqh, Principles of Jurisprudence: fard, mandatory, something a Muslim must do, otherwise he merits punishment; and mandūb: commendable, something he ought, but is not forced, to do. Here again, innumerable differences occurred among the classical jurists regarding the classification of certain actions per se or in given circumstances.

⁷Readers of Arabic may consult the special section on this topic in the chapter entitled Kitāb al-Faḍā'il (Book of Virtues) in Ṣaḥīḥ Muslim, one of the earliest and most trustworthy collections of the Prophet's Ḥadīth. The section in question is given a heading of which this is a translation: "The

respect due to (Muhammad), and avoiding to ask him many questions about inessential things regarding which there are no injunctions."

⁸Ibid, same Chapter, section heading translated "The duty to obey (Muhammad) in what he said in the way of religious law, but not in what he gave as his human opinion in the affairs of the worldly life."

