



Ulema versus Ijtihad: Understanding the Nature of the Crisis in the Muslim World

Hassan Abbas

The 9/11 tragedy and its consequences led to an unprecedented international focus on the political, cultural and religious trends in the 57 Muslim majority states¹ and on Muslim communities in Europe and North America. Developments of the last few years, such as the recurring audio and video “lectures” of Osama Bin Laden and Ayman al-Zawahiri, the Iraqi insurgency in response to the U.S. “preemptive” attack in 2003, and the horrifying terrorist bombings in Karachi, Jeddah, Bali and Madrid have made it increasingly difficult to comprehend what is really happening in the Muslim world. Several issues have come under increasing scrutiny, ranging from a debate on the Islamic system of government to interpretations of *sharia* (religious) law, and from the nature of the curriculum in *madrassas* (Islamic religious schools) to the intricacies of the doctrine of *Jihad*. This attention has opened up many a Pandora’s box. What symbolizes Islam today, in the eyes of the Western world, is the cruel philosophy of Osama bin Laden, the memory of the brutal Taliban regime in Afghanistan (1996-2001), suicide bombings in the Arab-Israeli conflict, images of chained children rote-learning the Quran in orthodox *madrassas* of Pakistan, and the profiles of the 19 hijackers who wreaked havoc on 9/11. Most Muslims are pained to be associated with these images, but these descriptions and metaphors—while presenting only a part of the reality—are nevertheless real and tangible.

A great majority of Muslims would argue that these developments are an outcome of distorted versions of Islam and contrary to the essence of true Islamic spirit. Muslims also lament the fact that the West—while trying to understand this crisis—has altogether forgotten the history of Islam and the great contributions of Muslims in all fields of life, from art and architecture to astronomy and physical sciences. One may argue that reference to the past glory of Islam in terms of achievements of the Mughals, the Safavids and the Ottoman empires are irrelevant in the present context. Nevertheless, it deserves to be acknowledged that without knowing history, it is very difficult to recognize and understand the roots and foundations of any phenomenon.

This essay sets out to analyze the two major problematic areas of the modern Islamic legal discourse, namely (a) the status of the *ulema* (clerics or priests)² in Muslim societies as the sole or only “rightful” interpreters of religious doctrines; and (b) the differing interpretations of *Jihad* and its consequences. It is argued that the source of these two problems is the notion that the

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“gates of *ijtihad* are closed,” *ijtihad* denoting the deduction of laws and rules through rational thinking and reasoning for modern times. The closing of the gates of *ijtihad* refers to the fact that in the eyes of some Islamic thinkers, the time for interpretation of Islam was completed in the 10th century.

Whether Muslims, through reform and reevaluation of their religious doctrines, will be able to come out of the present predicament anytime soon is an important question, but beyond the scope of this piece. It will largely depend on the courage and potential of reformers in the Muslim states. The final outcome of the American projects in Iraq and Afghanistan, as well as prospects for a just peace between Israelis and Palestinians, however, will also have a crucial impact in this context. These issues are inextricably linked to one another due to the nature of politics in Muslim states, especially in the Middle East.

Roots of the Problems in the Contemporary Islamic Legal Discourse

Who interprets what Islam stands for?

In theory, there is neither an ordained priesthood or official clergy nor any specific group that has the sanction or exclusive right to interpret Islamic legal texts (primarily the Holy Quran and the hadith, the sayings attributed to the Prophet Mohammad). In reality, however, the institution of

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the madrassa has produced a class of scholars, the ulema,³ whose value and influence grew in Muslim societies over a period of time to the extent that they now claim to have almost sole jurisdiction in this domain. As a result, the Ulema has emerged as a powerful group in Muslim societies. According to Patricia Crone, a leading scholar on the subject, the first group of ulema emerged during the Umayyad dynasty (661-750).⁴ Several developments contributed to its formation, including the decadence of the political leadership and authoritarianism, which

strengthened the ulema’s position; the fact that despots and monarchs needed *fatwas* (binding religious edicts issued by the ulema) in order to appear legitimate;⁵ and, finally, due to an increasing dependence of ordinary Muslims on this class for religious guidance, teachings and interpretation of scripture.

The madrassa institution produced a number of scholars of the highest intellectual caliber, including Al-Ghazali, Ibn Khaldun, Jabir ibn Hayan (Geber), Alhazen (ibn al-Haitham) and Al-Farabi,⁶ to name a few. Over time, however, the institution suffered from a consistent pattern of degradation and degeneration. As a result, many of today’s madrassa “products” are known for anything but scholarship and learning. Interestingly, the Shiite clergy and some Shiite institutions escaped this downward trend to some degree. Due to their opposition to most Muslim rulers (of Umayyad and Abbasid dynasties) since the early days of Islam, Shiites had been removed from the power corridors and the public domain, and hence diverted their energies toward scholarship. However, Islam scholar Olivier Roy rightly argues that “aside from a segment of Shiite clergy, they [the ulema] simply neither developed a new form of thought nor integrated the new facts into their discourse.”⁷

The ulema’s influence over society, however, continued to increase—or, at the very least, sustain—its position of significance. In most cases, the modern Muslim state accepted this role because the ruling elites in both monarchic and non-democratic states needed the ulema’s authority in order to sanctify policies and bolster the regime’s legitimacy. It turned out to be a mutually beneficial relationship. Even today, authoritarian regimes often use the clerical *fatwas* for political purposes. Simultaneously, the ulema’s hold on the religious spectrum had a negative impact on the psyche of Muslims in the sense that ordinary Muslims largely gave up, or were forced to give up, their individual right to interpret and understand religion. More so, as Muslims believe Islam to be a comprehensive religion encompassing each and every aspect and sphere of life, and the ulemas’ influence in society became widespread and extensive.

Islamic theology consequently became the reserve of a group that was increasingly out of touch with the realities of everyday life, while its standards of scholarship were negatively affected by a closed-door environment. A judgment or opinion on a legal issue, for instance, given by an *alim* or a group, even if several hundred years old, is still part of *Sharia* law and thus considered a legal precedent. As only *ulema* are supposed to be qualified and educated in this specific field of interpreting religious law, no ordinary Muslim is allowed to delve into this sphere. In essence, this isolating impact retarded the growth of *Sharia* law. The *ulema*, hence, became increasingly dogmatic, while ordinary Muslims became increasingly unaware of the essence of their religion.

Differing interpretations of Jihad

The concept of *Jihad* is one of the most debated and discussed issues in the West today, largely due to the fact that various terrorist organizations operating in and out of many Muslim states are trying to justify their ghastly acts through reference to this notion. *Jihad* literally means “striving” or “struggle,” and the highest form of *Jihad* is deemed to be personal struggle to attain piety by avoiding indulgence in immoral and sinful conduct. In a secondary sense, Jihad is resistance against aggression and oppression. In Islamic history, the phrase is used as an equivalent for religious war as well. In fact, there are many examples in Islamic history where Muslim warriors and clergy interpreted *Jihad* as divinely sanctioned struggle to establish Muslim rule and propagate faith through the sword. Some medieval Muslim theorists indeed defined *jihad* in terms of expansionist war, but the concept—even when taken in terms of holy war—is very similar to the Western theory of just war, i.e., a war to repel aggression, with limited goals, and by restricted means.

Resistance to aggression and occupation is very much permissible, even encouraged, in Islamic tradition, although there are rules that govern it. Retaliation, too, is an accepted norm under *sharia* law, but with certain qualifications as to the magnitude of its use. The Quran and the

hadith are quite unambiguous in this regard. Despite the differing notions and interpretations about the scope and meaning of the concept of *Jihad* as discussed above, there is a general consensus about the checks and restrictions to be observed in times of war. The Quran clearly says: “And fight in the path of God with those who are fighting with you but do not transgress.”⁸

Indeed, martyrdom, or *shahadat*, is considered a great accomplishment and noble act that will be highly rewarded in the hereafter, but only if the cause of the conflict is just and the opponent is a legitimate target, namely a combatant and an aggressor. Islam’s Prophet categorically prohibited acts of aggression, including the poisoning of wells in enemy territory and even the cutting of trees and other innoble tactics. Women, children and old men of the enemy camp were to be provided special immunity.

Unfortunately, the *ulema* distorted and misconstrued these principles for political reasons and vested interests of ruling elites. They would seldom disclose to their audiences that the Quran also states that “the recompense for an injury is an equal injury thereto, but if a person forgives and makes reconciliation his reward is due from God.”⁹ What Al-Qaeda and other terrorist groups propagate is clearly contradictory to the Islamic laws of armed conflict. Nevertheless, very few among the *ulema* class have stood up to challenge Al-Qaeda’s interpretation of the Jihad doctrine.

Can Ijtihad Solve the Crisis?

Over the centuries, the *ulema* has been able to strengthen its hold on state and society through various tactics. The most deadly weapon in their arsenal was introduced in the 10th century. In order to defend their institution and worldview, the *ulema* decided that the “gates of *ijtihad* are closed,”¹⁰ i.e., that new thinking is illegitimate under *Sharia* law. The *ulema* claimed that they had

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already answered all the conceivable questions in the realm of *Sharia* law, and that therefore no further interpretation was necessary or permitted.

The word *ijtihad* is derived from the same root as the word *jihad*. It stands for individual intellectual effort and rational thinking to arrive at

an answer to a question that has no direct reference in the original sources of Islam. It is the opposite of *taqlid* (blind following). Due to historical developments that have been briefly referred to above, *taqlid* became the rule and *ijtihad* became the exception.

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In view of these trends and factors, the key question that should be posed is how to change these negative trends within Islam, rather than how to "win the hearts and minds" of Muslims. Challenging the ulema's hold on religious discourse and opening up the "gates of *ijtihad*" could be a significant and powerful remedy, as such an intellectual breakthrough would lead to

"fresh opinions on questions of Sacred law"¹¹—a development that is desperately and urgently needed. This change could be achieved through reform of the madrassa education system, including the closing down of madrassas that have proven links with extremist militant groups; a heavy investment in the domain of public education; and, last but not least, the introduction of democracy which, by its very nature, will curb dogmatism and encourage tolerance and pluralism. Obviously, Muslims have to do their part. First and foremost, they must challenge the orthodox clergy. At the same time, the "traditional" Western support for dictatorial and authoritative regimes in the Muslim states should end, if the ultimate objective is a constructive, durable, and meaningful change.

The views and opinions expressed in articles are strictly the author's own, and do not necessarily represent those of Al Nakhlah, its Advisory and Editorial Boards, or the Program for Southwest Asia and Islamic Civilization (SWAIC) at The Fletcher School.

¹ According to the Organization of Islamic Conference (OIC), established in 1969, there are 57 member states that have Muslim majorities and the population of Muslims in the world is estimated to be around 1.3 billion. For more details, see <http://www.oic-oci.org/>.

² For a detailed study on the role and status of *ulema* (especially in South Asia), see Mohammad Qasim Zaman, *The Ulama in Contemporary Islam: Custodians of Change* (Princeton, NJ: Princeton University Press, 2002).

³ This class is to be differentiated from *fuqaha* (jurists).

⁴ Patricia Crone, *God's Rule: Government and Islam* (New York: Columbia University Press, 2004), 42-44.

⁵ However, according to authoritative work of Joseph Schacht on Islamic law there existed no institutional authority in Islamic history for legally controlling the rulers. See Joseph Schacht, *An Introduction to Islamic Law* (Oxford: Clarendon Press, 1964), 54.

⁶ For detailed profiles of these scholars, see Seyyed Hossein Nasr, *Science and Civilization in Islam* (New York: ABC International Group, Inc., 2001).

⁷ Olivier Roy, *The Failure of Political Islam*, translated by Carol Volk (Cambridge, Mass.: Harvard University Press, 1996), 20.

⁸ Quran (2: 190).

⁹ *Ibid.*, (42: 40).

¹⁰ For details and a critical analysis of the concept, see Abdullahi Ahmed An-Naim, *Towards an Islamic Reformation: Civil Liberties, Human Rights and International Law* (New York: Syracuse University Press, 1990), 27-29, 49-50.

¹¹ Seyyed Hossein Nasr, *Traditional Islam in the Modern World* (London: Kegan Paul International, 1987), 64.