Jihād and the Establishment of Islamic Global Order: A Comparative Study
of the Worldviews and Interpretative Approaches of Abū al-Aʿlā Mawdūdī
and Jāved Aḥmad Ghāmidī

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ABSTRACT

This study presents a comparative analysis of the interpretative approaches and the religious Weltanschauungs of two Islamic revivalists of Pakistan, especially in relation to *jihād* and the establishment of Islamic global order. Abū al-Aʻlā Mawdūdī (1903-1979) argues that the correct understanding of certain key Qurʼānic terms makes it incumbent upon every Muslim to strive for the achievement of the basic objective of Islam, which is to establish an Islamic global order (*izhār-i dīn*) to implement the Divine laws (*iqāmat-i dīn*) so that all un-Islamic (and, therefore, oppressive) "systems" of the world be replaced by the "ideal Islamic rule" (*khilāfat*) of "the Islamic State." To strive fully to achieve this end is *jihād*, which may assume the form of an armed struggle (*qitāl*) when the situation so demands and Islamic conditions for it are fulfilled. Mawdūdī gives various arguments to assert that this *jihād* is not a bane but a boon for mankind, and in it lies the only hope for mankind's prosperous existence in this world and the next. Contradicting Mawdūdī's worldview, Jāvēd Aḥmad Ghāmidī (1951-) asserts that the basic purpose of Islam as a religion is to purify the human soul to enable a person to worship and serve God as His true subject and servant. The *qitāl* done by the Prophet and his companions was essentially and for most part a form of Divine punishment against Divinely specified peoples for denying the truth of the Prophet's message and position after this truth had become evident to them. This form of *jihād* ended with the Prophet and his companions, and the only valid moral basis for *qitāl* now is to end oppression and injustice. *Jihād* (as *qitāl*) cannot be waged to propagate religion or merely to eradicate a non-Islamic "system." This study looks at the implications of these ideas and also delves into the concepts and interpretative approaches on which they are founded.

RÉSUMÉ

Cette étude présente une analyse qui vise comparer les méthodes d'interprétation et les Weltanschauungs religieux (surtout par rapport au *jihād* et à l'établissement d'un ordre global islamique) de deux revivalistes islamiques du Pakistan. Abū al-A'lā Mawdūdī (1903-1979) affirme que selon la compréhension juste de certains mots clés du Qur'ān, chaque Musulman est obligé de s'efforcer pour accomplir l'objectif fondamental de l'Islam, c'est-à-dire de s'efforcer pour établir un ordre global islamique (*izhār-i dīn*). Ainsi, il serait possible d'appliquer les lois Divines (*iqāmat-i dīn*) afin de remplacer touts les «systèmes» non islamiques (et donc tyranniques) du monde avec «l'autorité islamique idéale» (*khilāfat*) de «l'État Islamique». L'acte de s'efforcer pour atteindre ce but, c'est le *jihād*. Ce dernier pourrait prendre la forme d'une lutte armée (*qitāl*) quand les circonstances l'exigent et les conditions islamiques ont été remplies. Mawdūdī présente divers arguments pour affirmer que ce type de *jihād* n'est pas un fléau, sinon une bénédiction, pour l'humanité et que le seule espoir de l'humanité pour atteindre une existence prospère dans ce monde et dans l'au-delà dépend de lui. À l'encontre de la vision de Mawdūdī, Jāved Ahmad Ghāmidī (1951-) propose que le but essentiel de l'Islam, en tant que religion, est de purifier l'âme humaine et permettre à l'homme d'adorer Dieu en qualité de sujet et serviteur fidèle. Le *qitāl* réalisé par le Prophète et ses compagnons était en grande partie une forme de punition Divine appliquée à certains peuples (que Dieu avait dénommés) car ils avaient nié la sincérité du message du Prophète et l'importance de sa position, même après que tout cela leur était révélé. On a mit fin à ce type de *jihād* après l'époque du Prophète et ses compagnons, et de nos jours, la seule raison moralement juste pour exercer le *qitāl* c'est de mettre fin à la tyrannie et l'injustice. *Jihād* (en tant que *qitāl*) ne peut être exercé pour propager la religion ou simplement pour supprimer des systèmes non islamiques. Cette étude examine les conséquences de ces idées et de plus étudie à fond les concepts et les méthodes d'interprétation sur lesquels elles sont basées.

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TRANSLITERATION AND TRANSLATION

All words pertaining to the Islamic tradition, such as *'ulamā'* etc., have been italicised with the exception of those commonly used in English, such as Sufis. Urdu aspirated consonants are indicated by a line under the corresponding English consonant and a following *h*. *h* for ة at end of a word has been dropped. The *shadda* is conveyed by the doubling of a letter. Following is a general guide to the transliteration system used in this study:

ء	'	ژ	zh	ل	l
ب	b	س	s	م	m
پ	p	ش	sh	ن	n
ت	t	ص	s	ه	h
ث	th	ض	ḍ	و	w
ج	j	ط	ṭ	ي	y
چ	ch	ظ	ẓ		
ح	ḥ	ع	'		
خ	kh	غ	gh		
د	d	ف	f		
ذ	dh	ق	q		
ر	r	ك	k		
ز	z	گ	g		

Vowels:

Short:		a	Long:	ā
		u		ū
		i		ī

Diphthongs

أو	aw
أي	ay

The grammatical construction of a transliterated term indicates whether it is an Urdu or an Arabic term (used whenever its use has been felt indispensable or useful in this study). Thus, *qawlī tawātur* for example, as the placement of the noun and its modifier indicates, is an Urdu term. Effort has been made to make Urdu and Arabic terms correspond with their employment by the two scholars under focus. Unless otherwise indicated, all translations (including of passages from the Qur'ān) are by the author of this study. However, when a translation (especially of the Qur'ān) represents the interpretation or ideas of a particular scholar, the Urdu translation of that scholar has been kept in view for rendering a passage into English, so that the translation reflects what the scholar had intended the passage to communicate. Therefore, the same verse may have been translated differently at different places in this study. The difference reflects the difference in the opinions of the scholars in question.

Disclaimer: Although effort has been made to use neuter terms whenever possible, yet it has not always been possible to use "his or her" or "himself or herself." Use of masculine terms or pronoun by the author of this study is therefore due to difficulty or impossibility of using neuter ones, not due to any gender bias.

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CHAPTER 1

INTRODUCTION

This study draws a comparison between the worldviews and methodologies of two contemporary "revivalists"[1] Abū al-A'lā Mawdūdī (1903-1979)[2] and Jāvēd Aḥmad Ghāmidī (1951-), especially in relation to their conceptions of *jihād* and the establishment of an Islamic world order. Despite the veneer of an atavistically fundamentalist religious worldview,[3] Mawdūdī's hermeneutics and his approach of using foundational sources (especially in independent reasoning, or *ijtihād*) leave far more room for parting from tradition and for circumventing what might be termed as the "intentionality" of "the text."[4] By comparison, although Ghāmidī's overall understanding of religion and the outcomes of his hermeneutics and approach in *ijtihād* seem more congenial to what might be described as Islamic modernism,[5] yet the hermeneutics and the approach themselves are, on the one hand, far more efficacious in terms of recovering the original intentionality of the text, and, on the other hand, far more restrictive than those of Mawdūdī's in terms of preserving the directives of the original sources such as

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[1] In the sense that both of them seek to revive "the pure Islam" from their conceptions of later constructs of interpretation and praxis, and both of them wish to see that "pure Islam" be revived in present times, Mawdūdī through a political program and an Islamic state and Ghāmidī through academics and education.

[2] For a brief overview of Mawdūdī's life, thought and works, see Khurshid Ahmad and Zafar Ishaq Ansari, eds., *Islamic Perspectives: Studies in Honour of Mawlānā Sayyid Abul A'lā Mawdūdī* (Leicester: The Islamic Foundation, 1979), 359-383. See also Masudul Hasan, *Sayyid Abul A'ala Mawdudi and His Thought*, 2 vols. (Lahore: Islamic Publications, 1986).

[3] The typology used here is an abstraction at best. In reality, there is hardly a typology that will neatly demarcate one category from the other. Also, different scholars will use a different typology for the same category. For example while Shepard terms Mawdūdī a radical Islamist, William E. Shepard, "Islam and Ideology: Towards a Typology," *International Journal of Middle East Studies* 19 (1987): 314, and Rippin terms him a fundamentalist, Andrew Rippin, *Muslims: Their Religious Beliefs and Practices*, vol. 2 (London: Routledge, 1990), 31), Fazlur Rahman categorizes as him as an heir to the pre-modernist reformists, Fazlur Rahman, *Islam*, 2nd ed. (London: The University of Chicago Press, 1979), 230. The basic idea, however, remains the same in that all of them refer to one who revisits the fundamental texts to recover and revive his conception of the pure Islam. By this contention, Ghāmidī could also be categorized as a fundamentalist. However, a typical feature of revivalist fundamentalism is emphasis on religious revival through a political program and an Islamic state, which feature is not only missing in Ghāmidī's case but is also replaced by quite a contrary conception, as we shall see.

[4] The assumption in the hermeneutics of both is that God's religion as given to Muḥammad, especially in the form of the Qur'ān, is univocal in its intentionality and unambiguous in expression, even if humans may not always be able to decipher God's message correctly in their interpretation. "Text" here refers to the Divine message to be interpreted whereas the text itself is regarded as authentic and unaltered, and includes the Qur'ān and other sources (as the *sunna*) that each "subject" (interpreter) is willing to grant certitude in its "content" (but not in interpretation).

[5] See Shepard, "Islam and Ideology: Towards a Typology," 311-314.

the Qur'ān and the *sunna* intact in interpretation and *ijtihād*. A comparison of the two scholars is significant (apart from what it reveals of a socio-political nature), in that both of them, given their stated objectives of "reviving the original and pure Islam" through their methodologies,[6] seem to engage in what might be termed as "the hermeneutics of recovery."[7] This study shows that, so long as the traditionalist confines of Muslim epistemology (as *ijmā'* for example) do not unnecessarily impede the continually required process of interpretation and *ijtihād*, it is possible to recover from later constructs an original Islam that may be startlingly more congenial to the requirements of our age than is generally thought. Since traditionalism and fundamentalism in their essence are based on the idea of adherence to the original intentionality of the text (God's message in its various forms such as the Qur'ān and the *sunna*),[8] such attempts at the recovery of this intentionality can be major and significant catalysts for change and reform in the perception and attitudes of the Muslim peoples.

The study begins with an introduction (this chapter), providing the reader with a brief idea of the religious worldviews of the two scholars mentioned above. It sets out the sources and the methodology used in this research, and proceeds to explain the significance of the relevant works of both these scholars in the legal and socio-political context of Pakistan and the Muslim world, especially in terms of break from the confines of traditionalist epistemology as well as in terms of new developments in methods of interpretation and application. The second chapter delineates Mawdūdī's choice and conceptions of foundational sources, interpretative methods and Weltanschauung. His

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[6] This theme is found in numerous places in their writings. Two examples should suffice here: Sayyid Abū al-A'lā Mawdūdī, *Qur'ān Ki CharBunyādi Istilāhen* (Four Fundamental Terms of the Qur'ān) (reprint Lahore: Islamic Publications, 2000), 13; Jāved Ahmad Ghāmidī, *Mizān* (Balance) (Lahore: Dār al-Ishrāq, 2001), 207.

[7] For a brief description of "the hermeneutics of recovery," see Jonathan Culler, *Literary Theory: A Very Short Introduction* (Oxford: Oxford University Press, 1997), 64.

[8] For example, Shepard notes this aspect of "radical Islamism" in Mawdūdī's own words: "The purpose and object of *ijtihād* is not to replace the Divine law by man-made law. Its real object is to understand the Supreme law." Abū al-A'lā Mawdūdī, *The Islamic Law and Constitution*, trans. & ed., Khurshid Ahmad, 5th ed. (Lahore: Islamic Publications Ltd., 1975), 72; quoted in William E. Shepard, "Islam and Ideology," 314, n. 48. Hallaq notes this essential character of Islamic law, in his article stating: "Whatever these sources [the Qur'ān, the *Sunna*, etc.] dictate becomes the law governing all Muslims. The changing social reality, at least in theory, has no effect whatsoever on the process of judicial reasoning. Only when these religious sources enjoin the protection of a certain human need does the law allow for that need and for those analogous to it .... Islamic law is not a law enacted by Muslims; rather, it is enacted by God, for Muslims. Human reason cannot make law; it only functions as the means by which law is discovered." Wael B. Hallaq, "The Logic of Legal Reasoning in Religious and Non-religious Cultures: The Case of Islamic Law and the Common Law," Cleveland State Law Review 34 (1985-86): 81-82.

approach is explained particularly in relation to the nature of the sources he uses to develop his understanding of Islam and in relation to the epistemological value of these sources. A number of examples are given relating both to *jihād* and the establishment of an Islamic world order as well as to some other issues of political and social relevance in contemporary times. The third chapter then presents the salient features of Ghāmidī's approach in the use of religious sources and his worldview to provide a comparison with Mawdūdī, followed by concluding remarks. All key Arabic and Urdu terms are given in parentheses in at least the first instance of their definition or explanation in the text.

Mawdūdī is a name already well known to Western scholarship.[9] A religious scholar, exegete, journalist and political activist, he was one of the most influential Pakistani ideologues of the twentieth century.[10] Through his interpretation of key religious concepts, he asserted that the establishment of an Islamic order (*iqāmat-i dīn*) is a religious obligation on Muslims and that *jihād* and the Islamic state are vehicles of this basic objective.[11] From Morocco to Malaysia, his revivalist thought influenced many others in the Islamic world, especially in Central Asia, North Africa, and Southeast Asia, and left its mark on thinkers as Sayyid Quṭb (1906-1966) and on events such as the Iranian revolution (1978-79).[12] Since its inception, the political party that he founded in 1941, Jamā'at-i Islāmī, has played a significant role in politicizing Islam in Pakistan, India, and Bangladesh. Its impact has been felt even outside this region, particularly in the Gulf States, Great Britain and North America.[13] According to Charles J. Adams, "No account of contemporary resurgence of Islam would be complete without attention to the major role played by Abū al-A'lā Mawdūdī."[14] He ranks Mawdūdī among the most popular and respected authors in the Islamic domains of the twentieth century and points out that

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[9] For a sizeable list of readings on Mawdūdī in English, see Khurshid Aḥmad and Zafar Ishaq Ansari, eds., *Islamic Perspectives: Studies in Honour of Mawlānā Sayyid Abul A'lā Mawdūdī* (Leicester: The Islamic Foundation, 1979), 11-13. See also Seyyed Vali Reza Nasr, *Mawdūdī and the Making of Islamic Revivalism*, (New York, NY: Oxford University Press, 1996); Sayed Riaz Aḥmad, *Islam and Modern Political Institutions in Pakistan: A Study of Mawlana Mawdudi* (Lahore: Ferozesons, 2004), 237-248; and the Bibliography at the end of this study.

[10] Adams, "Mawdūdī and the Islamic State," 99.

[11] See for example Mawdūdī's explanation of Q.42:13 in *Tafhīm al-Qur'ān*, vol.4 (196; reprint Lahore: Maktaba-i ta'mīr-i insāniyyat, 1972), 486-493.

[12] Nasr, *Mawdūdī*, 3-4. See also Yvonne Y. Haddad, "Sayyid Quṭb: Ideologue of Islamic Revival," in *Voices of Resurgent Islam*, ed. John L. Esposito (Oxford: Oxford University Press, 1983), 70.

[13] Seyyed Vali Reza Nasr, *The Vanguard of Islamic Revolution: The Jama'at-i Islami of Pakistan* (London: I.B.Tauris & Co. Ltd., 1994), xiv, 219-223.

[14] Adams, "Mawdudi and the Islamic State, 99.

Mawdūdī's writings "give strong expressions to the themes basic to the present-day Islamic resurgence."[15] However, Mawdūdī has equally strong and numerous critics. According to some of them, the basis of these themes is presented most comprehensively in Mawdūdī's *Qur'an Ki Chār Bunyādi Iṣṭilāḥen* (Four Fundamental Terms of the Qur'ān).[16] In this book, Mawdūdī asserts through his interpretation of four terms of the Qur'ān – *ilāh* (divinity), *rabb* (god), '*ibāda* (worship), and *dīn* (religion) – that the establishment of an Islamic order (*iqāmat-i dīn*) is a religious obligation upon Muslims and that the Islamic state and *jihād* are vehicles of this basic objective.[17] Although his approach to the attainment of these objectives remained irenic in his lifetime,[18] yet the radicalism of his revivalist vision that entailed a "*jihād*" against all "un-Islamic systems" of Satan (*ṭāghūt*) opened the way for militancy and extremism for not only Jamā'at-i Islāmī[19] but many others, such as the Muslim Brotherhood, al-Jihād, Takfīr w'al-Hijra and Muḥammad's Youth.[20]

Mawdūdī's work is significant not only in terms of his ideology and worldview, but also in terms of his interpretative approach and method of *ijtihād*, particularly in the legal and quasi-legal context of Pakistan and, indeed, in that of other Islamic countries. For example, Mawdūdī's argumentation was instrumental in the legal declaration of the Ahmadī community as non-Muslims in Pakistan.[21] Similarly, he played a major role in this country's constitutional development.[22] His polemics with Fazlur Rahman (1919-1988) on the issues relating to family law in Pakistan is another case in point.[23] Many of his verdicts on new developments requiring some degree of *ijtihād* became popularly accepted or widely criticized throughout the country.[24] Also significant in terms of

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[16] Ibid., 99.

[16] For example, see Waḥīd al-Dīn Khān, *Ta'bīr Ki Ghalaṭī* (Error of Interpretation) (1963; reprint New Delhi: Al-Risala Books, 2002), 147.

[17] Mawdūdī, *Qur'an Ki ChārBunyādi Iṣṭilāḥen*, 135-136.

[18] Nasr, *Mawdūdī*, 73-74.

[19] Ibid., 73-74.

[20] John L. Esposito, *The Islamic Threat: Myth or Reality?*, 3rd ed. (New York: Oxford University Press, 1999), 128-147.

[21] Nasr, *Mawdūdī*, 43-45. See also Leonard Binder, *Religion and Politics in Pakistan* (Berkeley and Los Angeles: University of California Press, 1961), 263-295.

[22] Nasr, *Mawdūdī*, 43-44. See also Binder, *Religion and Politics*, 94-108, 208-232, 315-344.

[23] For an idea of the issues involved in the controversy, see Fazlur Rahman, "The Controversy Over the Muslim Family Laws," in *South Asian Politics and Religion*, ed. Donald Eugene Smith, (Princeton, New Jersey: Princeton University Press, 1966), 414-427. See also Hasan, *Sayyid Abū al-A'lā Mawdūdī*, 65-66.

[24] A major critic being Amīn Aḥsan Iṣlāḥī: see his *Maqālāt-i Iṣlāḥī* (Iṣlāḥī's Articles), comp. and ed. Khālid Masūd, vol.1 (Lahore: Farān Foundation, 2000), 51-249.

understanding his *modus operandi* of adjusting his thought to social change are questions pertaining to application of the legal adage "lesser of the two evils" (*ahwan al-balyatayn*) -- especially as he used the idea in politics -- and his viewpoint on "all the Companions of the Prophet are just" (*al-sahaba kulluhum 'udul*) in *hadith* analysis.[25]

Javed Ahmad Ghamidi is a well-known Pakistani scholar, exegete, and educationist.[26] He worked closely with Mawdudi for about nine years before voicing his first differences of opinion, which led to his subsequent expulsion from the Jama'at in 1977.[27] Later, he developed his own view of religion, and under the influence of his mentor, Amin Ahsan Islahi (1904-1997)--a well known exegete of the Indian sub-continent--also developed a unique and sophisticated approach in hermeneutics and *ijtihad*.[28] His critique of Mawdudi's understanding of religion is an extension of Wahid al-Din Khan's criticism of Mawdudi. Khan (1925-) was amongst the first scholars from within the ranks of the Jama'at-i Islami to present a fully-fledged critique of Mawdudi's understanding of religion.[29] As explained in the third chapter of this study, Khan's contention is that Mawdudi has completely inverted the Qur'anic worldview. Ghamidi, for his part, agreed with Khan that the basic obligation in religion is not the establishment of an Islamic world order but servitude to God, and that it is to help humans meet that obligation that religion is revealed for their guidance.[30] Therefore, Islam never imposed the obligation on its individual adherents or on the Islamic state to be constantly in a state of war against the non-Islamic world.[31] In fact, according to Ghamidi, even the formation of an Islamic state is

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[25] Abu al-A'la Mawdudi, *khilafat-o Malukiyyat* (Caliphate and Monarchy) (Lahore: Idara-i Tarjuman al-Qur'an, 1998), 302-308.

[26] He is the president of Al-Mawrid, Institute of Islamic Sciences, Lahore, and the chief editor of two monthly journals published from Lahore, *Renaissance* (English) and *Ishraq* (Urdu). He has numerous publications to his credit (see Bibliography for some of his important works).

[27] Javed Ahmad Ghamidi, personal interview by this author, 15 August 2003.

[28] Islahi is already well known to the West for his work on the *nazm* (thematic and structural coherence) of the Qur'an, which is regarded by some scholars as a new and significant development in hermeneutics and exegesis; for instance, see Mustansir Mir, *Coherence in the Qur'an: A Study of Islahi's Concept of Nazm in Tadabbur-i Qur'an* (Indianapolis: American Trust Publications, 1986), 3-4; see also Neal Robinson, *Discovering the Qur'an: A Contemporary Approach to a Veiled Text* (London: SCM Press, 1996), 271-286.

[29] Khan, *Ta'bir ki Ghalati.*

[30] Q. 16:36; 51:56. Ghamidi, *Mizan*, 77.

[31] See ibid., 242. Cf. Majid Khadduri's summation of the classical and medieval concept of *jihad*: "On the assumption that the ultimate aim of Islam was worldwide, the *dar al-Islam* was always, in theory, at war with the *dar al-harb*." Majid Khadduri, *War and Peace in the Law of Islam* (Baltimore: The Johns Hopkins Press, 1955), 53.

not a basic religious obligation for Muslims.[32] Ghāmidī also believes that there are certain directives of the Qur'ān pertaining to war which were specific only to the Prophet and his immediate followers.[33] Once these directives were carried out, they became redundant.[34] Thus, after the Prophet and his designated followers, there is no concept in Islam obliging Muslims to wage war for propagation or implementation of Islam. The only valid basis for *jihād* through arms is to end oppression when all other measures have failed.[35] This study looks at the implications of Ghāmidī's thesis and compares them with those of Mawdūdī's.

Ghāmidī's reevaluation of Islamic law has produced a vast literature that re-evaluates many key concepts in Islamic law (for instance, *jihād,* apostasy, Islamic law of evidence, and inheritance).[36] Furthermore, his interpretative approach has not only resulted in a highly developed hermeneutics, but also in the re-definition of many key terms such as *sunna, hadīth, tawātur* and *ijmā'.*

Now a few words on the significance of this study. The first book published by Mawdūdī, *Al-Jihād fī al-Islām* (1930), was essentially a rationalizing defense of a traditionalist conception of *jihād.*[37] Mawdūdī did not part much from the eighth century classical conceptions of *jihād* in the Sunni schools, especially the theories developed since the times of *al-Awzāʿī* (88-157/707-774) and *al-Shaybānī* (132-189/750-804).[38] These classical conceptions create many anomalies and conflicts for Muslims in modern times. For example, many Muslims individuals and scholars continue to grapple with questions pertaining to *dār al-kufr* and *dār al-ḥarb* division and whether Muslims can by choice live in *dār al-kufr.*[39] Many other serious questions relating to the interaction of the

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[32] Rather than seeing this as a religious requirement, Ghāmidī sees it as a natural human need that, if and when fulfilled, imposes certain religious duties. See Ghāmidī, *Mīzān,* 97.

[33] Ibid., *Mīzān,* 242.

[34] Ibid.

[35] Ibid., *Mīzān,* 241-243.

[36] Ibid., passim.

[37] Sayyid Abū al-ʿAlā Mawdūdī, *Al-Jihād fī al-Islām* (Jihād in Islam) (1930; reprint Lahore: Idāra-i Tarjumān-i Qur'ān, 1991).

[38] See Khadduri, *War and Peace* for an overview of the classical theory of *jihād* in Sunni schools. See also Muḥammad Ibn al-Ḥasan al-Shaybānī, *Kitāb al-Siyar al-Kabīr (the Islamic Law of Nations),* trans. Majid Khadduri (Baltimore: The Johns Hopkins Press, 1966).

[39] For example, see the answer given by Muḥammad Taqī al-Uthmānī for the Majlis of the Majmaʿ al-Fiqh al-Islāmī, held in Amman, Jordan (11-16 October, 1986) in response to one of the 28 questions sent by the Islamic Center of Washington to the Majmaʿ on issues pertaining to Muslims residing in North America and Europe. Available from http://www.islam2u.com/results_mirror_display.php?id=1109. Accessed June 23, 2004.

Muslims with others emanate also from the classical theory of *jihād*. Ghāmidī's conception of *jihād* is, for the most part, in stark contradiction to the classical understanding, particularly since he is in no way bound by *ijmā'*, while it also provides a Muslim living in the modern world with a unique and new perspective. This study, therefore, compares the conceptions of these two scholars on *jihād*, and also looks at their answers to some of the questions mentioned here.

Another significant aspect of this study is that the religious milieux in Pakistan are influenced not only by the forces of tradition, economics and politics but also by the strengths of argumentation and reasoning evidenced in the opinions of religious scholars, reformers and activists, who by virtue of their interpretations and activism become, in some cases, guardians of tradition, and in others, agents of change.[40] Owing to these considerations, this study is based on the idea that questions pertaining to the methods and approaches of understanding and application of Islamic law hold the key to evaluating and appreciating any revivalist's or reformer's thought. It is for this reason that the study delineates the interpretative approaches of both Mawdūdī and Ghāmidī before bringing out the salient features of their worldviews. To achieve this goal, their ideas and methods are traced pertaining to all the sources they use for the understanding and application of Islamic law. Among others, these sources include the Qur'ān, the *sunna*, the *hadīth*, opinions of earlier scholars, and the approach in *ijtihād*. In this respect, this thesis is a new and original contribution to the study of the hermeneutical and legal approach for "Islamic revivalism" in presenting Ghāmidī's critique, methodology and worldview to Western academia for the first time. More than focusing on a critique of the two scholars, this study brings out the salient features of their approaches and methods with a closer look at a specific example of application – *jihād* in this case. The purpose here is to show that in the religious and legal context of Pakistan over the last 50 years, there has been immense development in modes of interpretation and application of Islamic law outside the courtrooms and legislatures that merits careful study to understand the growing trends of revival and reform in the religious milieu of the Muslim

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[40] Although the traditionalist and fundamentalist *'ulamā* are bound by the confines of their tradition, yet, within that framework they also are able to devise ways to bring about change. See for example, Qasim Zaman, *The Ulama in Contemporary Islam: Custodians of Change* (New Jersey: Princeton University Press, 2002). See also Wael B. Hallaq, *Authority, Continuity, and Change in Islamic Law* (Cambridge: Cambridge University Press, 2001).

peoples in this country. In fact, the ideas and approaches of scholars and reformers ultimately influence the enactment and execution of the law within the state just as much as changing circumstances influence their ideas and methodologies.

As already mentioned, despite a plethora of critical literature on Mawdūdī in English, there is very little secondary literature available on his interpretative approach and hermeneutics. As far as Ghāmidī is concerned, except for occasional references to him in works on Islam in English, there is virtually no literature on him. This study, therefore, is heavily dependent on by Mawdūdī's and Ghāmidī's own works (detailed in the Bibliography). The study, however, occasionally draws upon Western literature for perspectives on Mawdūdī's works, related ideas and concepts, and the early development of Islamic law for making comparisons and for placement of views in context. Of the sources used for Mawdūdī, *Qur'ān Kī Chār Bunyādī Istilāhēn, al-Jihād fī al-Islām, Khilāfat-o Malūkiyat,* and *Islāmī Riyāsat* have been used most widely, along with his magnum opus, the six-volume exegesis, *Tafhīm al-Qur'ān.*[41] These sources comprise detailed and comprehensive exposition of his views, hermeneutics, and approach. In the case of Ghāmidī, the most important primary works referred to are his *Mīzān, Burhān,* and *al-Bayān.*[42] *Mīzān* is a concise compilation of his views on his worldview, hermeneutics, and substantive law. *Burhān* is a collection of his critiques on classical and contemporary thought and methodology. *Al-Bayān* is part of his annotated Urdu translation of the Qur'ān. Along with these sources, a variety of other sources were also used, including Ghāmidī's recorded lectures and extensive personal interviews with him. As already noted with respect to these two scholars, what is obvious from the impact of their writings and endeavors is that any effective change to the religious milieu of Pakistan requires not only practicable strategies and solutions but also a convincing alternative epistemology and methodology.[43]

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[41] All these works are in Urdu. English translations of most of Mawdūdī's major works are also available.

[42] All in Urdu. English translations of selections from these works have been made by Shehzad Saleem (mostly published in the monthly Renaissance from Lahore, but also available from www.renaissance.com.pk).

[43] A few words, therefore, on *ijmā'* and *ijtihād* are in order here. See Appendix for this discussion.

CHAPTER 2

SAYYID ABŪ AL-A'LĀ MAWDŪDĪ'S WORLDVIEW AND USE OF FOUNDATIONAL SOURCES

As adumbrated before, Mawdūdī, through his interpretation of certain religious concepts, asserted that the establishment of an Islamic order (*iqāmat al-dīn*) is a religious obligation on Muslims and that *jihād* and the Islamic state are vehicles of this basic objective. The immense significance of the revivalist thought of this leading 20th century "radical Islamist" ideologue throughout the Islamic world has already been pointed out. Also emphasised was the assertion that Mawdūdī's work is significant not only in terms of his ideology and worldview, but also in terms of his approach in the legal and quasi-legal context of Pakistan and, at times, in that of other Islamic countries.

In this chapter, we have first outlined the sources and methods Mawdūdī employs to form his religious opinions, and have followed it with a critique of his understanding and approach. Included at the end of this chapter are a description and an analysis of Mawdūdī's conception of the establishment of an Islamic world order and of *jihād* as a vehicle to achieve that end.

2.1 Mawdūdī's Interpretative Approach and Its Foundations:

The sources that Mawdūdī uses for deriving and applying Islamic law include the Qur'ān, the *sunna* and *hadīth*, the practice of the first four caliphs, opinions of earlier scholars, and Mawdūdī's own *ijtihād*. Mawdūdī's opinions on these sources (*ma'akhadh*) are described (in the order of importance) in the collection of his essays in *Islāmī Riyāsat*.[44]

The Qur'ān: As the last revealed text, the Qur'ān, to Mawdūdī, is the final, unaltered source of Divine guidance and law.[45] Any government or administration that does not decide matters of law in accordance with this book is a denier, an oppressor and a transgressor.[46] In the preface to his exegesis, *Tafhīm al-Qur'ān*, Mawdūdī discusses

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[44] Abū al-A'lā Mawdūdī, *Islāmī Riyāsat* (Islamic State) (Lahore: Islāmic Publications, 1997), 268-307.
[45] Ibid., 269.
[46] Ibid., 271. See for example Q.5: 44-47.

issues as the formation of the text, variant readings, authenticity of the received text, and

the style of the Qur'ān.[47] His explanations are indicative of the typical, contemporary

Muslim response to questions of collection of the Qur'ān and its variant readings.[48]

Accepting *aḥādīth* on Uthmān's collection and standardization of Qur'ānic text, Mawdūdī

contends that the standardized text has thence remained uniform.[49] He seems to be

unaware of or uninterested in the criticisms on *ḥadīth* literature and on the collection of

the Qur'ān by Western scholars as Theodor Noldeke (1836-1930) and his successors.[50]

These problems, however, do not seem to concern Mawdūdī as he writes for the

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[47] Sayyid Abū al-A'lā¯ Mawdūdī, *Tafhīm al-Qur'ān*, vol.1 (1967; reprint Lahore: Maktaba-i Ta'mīr-i Insāniyyat, 1972, 13-40).

[48] Mawdūdī, *Tafhīm al-Qur'ān*, vol.1, 31. For an example of the typical Muslim response, see Aḥmad 'Alī al-Imām, *Variant Readings of the Qur'ān: A Critical Study of their Historical and Linguistic Origins*, (Virginia: International Institute of Islamic Thought, 1998), 171-174.

[49] He regards the variant readings as a temporary Divine favor to facilitate the dissemination of the Qur'ān in non-Qurayshite tribes. Although he accepts that there was no Divine directive for the abrogation (*naskh*) of any of the readings, yet he asserts that they were never intended to continue permanently. As to how he deciphers this intent is a question that he does not answer. Mawdūdī, *Rasā'il-o Masā'l* (Treatises and Issues), vol.5 (reprint Lahore: Idāra-i Ma'ārif-i Islāmī, 1990), 70-74. Interestingly, Mawdūdī also accepts the idea of deviating from the *sunna* for the wider good of the Muslim community on the basis of his notion that 'Umar convinced Abu Bakr to preserve the Qur'ān in written form -- a deviation from their conception of the Prophetic *sunna* of preserving it by memory. (Ibid., 72-73).

[50] Friedrich Schwally (1863-1919), Gotthelf Bergstrasser (1886-1933), and Otto Pretzl (1893-1941). Noldeke and his successors discussed the collection, chronology, codices and variant readings of the Qur'ān in their works: Geschichte des Qorans, Die Samlung des Qorans and Die Geschichte des Koran. See John Gilchrist, *Jam'al-Qur'ān: Codification of the Qur'ān Text* (Warley, U.K.: T.M.F.M.T., 1989), 14. Arthur Jeffery presented variants of the Uthmānic text from the Islamic tradition in his *Materials for the History of the Qur'ān Text*. Arthur Jeffery, *Materials for the History of the Text of the Qur'ān*. (Leiden: E.J. Brill, 1937). John Wansbrough in his *Quranic Studies* asserted that the Qur'ān reached its final, standard form during the formative process of the first two centuries of the Islamic community, and that the reports of Uthamānic recension and of the existence of the pre-Uthmānic codices, as well as accounts of their suppression, should be regarded as fiction. Frederik Leehmuis, "Codices of the Qur'ān" in *Encyclopaedia of the Qur'ān*, (Leiden: E.J. Brill, 2001). John Burton, however, in his *Collection of the Qur'ān* maintains that the codification and collection of the Qur'ān had been done by Muḥammad himself. John Burton, *The Collection of the Qur'ān* (Cambridge: Cambridge University Press, 1977), 39-240. But, drawing upon Joseph Schacht's and Ignaz Goldziher's ideas on the development of Islamic law and *ḥadīth*, Burton also asserts that *aḥādīth* (plural of *ḥadīth*) on the collection and codification should be treated as suspect – as the *aḥādīth* pertaining to regional legal opinions – as they were quite probably designed to provide support to local and regional legal opinions (in Mecca, Medina, Kufa, Basra, and Fuṣtāt) on debated matters (as *naskh* for instance). Ibid.,225-240. Detailed attention was also given by Western scholars (for example by Noldeke as well as Bell) to the changes in style and theme to address questions related to chronology and order and to the placement of *sūras* and verses. W. Montgomery Watt, *Bell's Introduction to the Qur'ān*, 59-60. See also Herald Motzki, "The Collection of the Qur'ān: A Reconsideration of Western Views in Light of Recent Methodological Developments" in *Fachzeitschrift Der Deutschen Morgenlandischen Gesellschaft* (Berlin, Walter de Gruyter GmbH & Co., 2001), 1-34. For very noteworthy criticisms of *ḥadīth* literature on the collection of the Qur'ān by Muslim scholars, see Tamannā 'Amādī Mujībī Phalwārway, *Jam'al-Qur'ān* (Collection of the Qur'ān), 2nd ed. (Karachi: Al-Rahmān Publishing Trust, 1994) and Ḥabīb al-Rahmān Saddīqī Kāndhalwi, *Kyā Hamārā Qur'ān ek Hay* (Is Our Qur'ān One?) [Karachi: Al-Rahmān Publishing Trust, n.d.].

Muslims populace to whom the authenticity and inerrancy of the Qur'ān is an established creed. The explanations provided by him give a degree of rationality to the traditional viewpoint and augment Mawdūdī's authority even if the argumentation is lacking in historical analysis. Conversely, Ghāmidī, as we shall see later, discusses these issues at a more historical level because of his concern with a precise and dependable method in hermeneutics and *hadīth* analysis.

Mawdūdī holds that the present order of the Qur'ān was Divinely inspired and the reason for its not following the chronological order of revelation lies in the difference in the needs of a growing society that was receiving the Qur'ān from the Prophet and the needs of an established Islamic society for which the Qur'ān is already an eternal source of guidance, and which would be more concerned with detailed directives (for example in the beginning *sūras* of the present order) than with general admonition (found in the closing *sūras*).[51]

Regarding the style of the Qur'ān, Mawdūdī lays emphasis on the difference between written and spoken word.[52] The Qur'ān, being the spoken word requires a more subtle understanding for correct interpretation and a more literary (than literal) translation for explanation. Furthermore, it is important to understand special connotations in which the Qur'ān sometimes uses words of Arabic as its own specific terms, which may have meanings quite different from the commonly understood ones.[53]

Use of sources, interpretative approach and method in *ijtihād*: Although Mawdūdī employs all the devices of exegesis (*tafsīr*) as language and grammar, *hadīth*, *sīra*, history and even other scriptures, yet his approach is different from those of the traditionalist or legal-juristic or linguistic exegeses (*tafāsīr*) in that he uses none of these bases of exegeses in itself as a primary foundation for understanding.[54] His main method lies in use of his own intellect to find clues from the bases mentioned above. The reliance is on his own *dhawq* (appreciation of the clues in these bases) and rationality. Indeed, all

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[51] Mawdūdī, *Tafhīm al-Qur'ān*, vol.1, 27.

[52] Ibid., 26-27.

[53] Ibid., 10-11.

[54] For different kinds of *tafsīr* and their development, see Israr Ahmad Khan, *Qur'ānic Studies: An Introduction* (Kaula Lumpur: Zaman Islam Media, 2000), 293-256. See also Mustansir Mir, "*Tafsīr*," in Oxford Encyclopedia of Modern Islamic World, 1995, 169-176.

the other bases are adduced as corroborating evidence. "He held that the uncompromising rationality of Islam was amongst its strongest features."[55] This rationality, however, was meant to strengthen the presentation of a more atavistic and traditional Islam. The purpose was not to adopt modernist version of interpretations. This fact is evidenced by his rejection of the "scientific" and modernist ideas of exegetes and thinkers as Sir Sayyid Aḥmad Khān (1232-1315/1817-1898) and Ghulam Aḥmad Parwez (1903-1985) who, in their quest for a more rational exegesis, denied many traditional interpretations related to demonology, miracles and eschatology.[56] Mawdūdī essentially defends traditional Islam. However, he will break away from the traditional folds in several instances, especially where his religious outlook entails change in interpretation for the pragmatic purposes of his political program.[57] We shall take a look at some examples of this shift later. Although visible reference to his political program is rarely found in his tafsīr, yet there are explanations with clear political overtones that support his political worldview.[58] Also, his rationality had little room for theosophical insights of Sufism.[59] The spiritual for him lay in the theological, moral, legal, and political aspects of religion.

The sunna of the Prophet: Mawdūdī deals in detail with the position of the sunna of the Prophet as the second most imporatnt source in Islamic law.[60] He includes not only religious rituals as prayers, pilgrimage, etc. in the category of the sunna, but also

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[55] Adams, "Abū'l-A'lā Mawdūdī's Tafhīm al-Qur'ān," 313.

[56] For Sayyid Aḥmad Khān's methodology and premises in exegesis, see Sir Sayyid Aḥmad Khān, Tafsīr al-Qur'ān (Commentary on the Qur'ān) (Lahore: Dōst Associates, 1998), 3-60. See also Aziz Aḥmad, Islamic Modernism in India and Pakistan, 1857-1964 (Oxford, 1967), 39-54. For Parwēz's exegesis and its approach (primarly based on morphology), see Ghulam Aḥmad Parwez, Mafhūm al-Qur'ān (Exposition of the Qur'ān), 10th ed. [1961; reprint Lahore: Talū'-i Islām, 2004]. For a brief introduction to Parwēz's views and methods, see his online works. Available from http:// tolueislam.com/Parwez.html.

[57] Nasr, Mawdudi, 107-125; Nasr, Vanguard, 7-9, 41-43; see also Aziz Aḥmad, "Mawdūdī and Orthodox Fundamentalism of Pakistan," Middle East Journal 21.3 (Summer 1967): 375, and Binder, Religion and Politics, 97-108.

[58] See for example Mawdūdī's explanation of Q.17: 80 in Tafhīm al-Qur'ān, vol.2 (1970; reprint Lahore: Maktaba i-ta'mīr i-insāniyyat, 1971), 638, n. 100, and Q.42:13 in Tafhīm al-Qur'ān, vol.4 (1966; reprint Lahore: Maktaba i-Ta'mīr i-Insāniyyat, 1972), 486-493. Mawdūdī adduces Q.17: 80 to assert that seeking authority and power for the establishment of Divine laws is not only permissible but desirable. In his explanation of Q. 42:13, he clarifies his concept of iqāmat-i dīn.

[59] He does not grant infallibility to anyone in ijtihād except the Prophet, even if a person has theosophical insights. For example, see Mawdūdī, Rasā'il-o Masā'il, vol. 3 (1989; reprint Lahore: Islamic Publications, 1991), 440-455.

[60] Mawdūdī, Islāmī Riyāsat, 273-289, 297-301.

the overall organization by the Prophet of his newly founded state.[61] In his opinion, this Prophetic practice gives jurist precedents for law making.[62] He quotes numerous verses of the Qur'ān to prove that this *sunna* has legal authority in the *sharī'a*.[63] The practice of the Prophet relates to his role in different capacities as described in the Qur'ān. For instance, he was an instructor (for teaching the law and wisdom and for purification of the souls of believers.[64] He was himself an "explainer" (*shāriḥ*) of the Qur'ān through his practical demonstration of the application of its directives.[65] He was a role model of ideal behavior.[66] He was also a law- giver (apart from the Qur'ān) or *sharī'a*.[67] He was a judge or an arbitrator for the believers.[68] And he was also a ruler.[69] His behavior and decisions in all these roles form the basis of the *sunna*. Mawdūdī asserts that the *sunna* of the Prophet as defined above could only have begun during the Prophet's time as it is impossible to imagine that all these aspects of social and political life were absent in the Prophet's own time and in the society he founded.[70] That only the religious rituals instituted by the Prophet were perpetuated and not other social and political norms is not conceivable. About whether these norms and customs were understood as "*sunna*" in the strict juridical sense at the time of the Prophet, he says nothing except that there has always been a consensus on the status of the *sunna* of the Prophet.[71] Mawdūdī adds that this *sunna* of the Prophet was transmitted by perpetual practice (*tawātur-i 'amalī*) of the Muslim community and by narratives with verified chains of transmitters (*mustanad riwayāt*).[72] In other matters, not related to social and political norms, the Prophet's statements, practice and tacit approvals began to be recorded in the Prophet's life in

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[61] Ibid.

[62] Ibid.

[63] Ibid., 275-285.

[64] Ibid., 275-277; see Q.2: 127-129.

[65] Ibid., 278; see Q.16: 44.

[66] Ibid., 278-279; see Q.33: 21.

[67] Ibid., 279-280; see Q.59: 7.

[68] Ibid., 281; see Q.24: 51.

[69] Ibid., 282-285; see Q.4: 59, 64.

[70] Ibid., 274.

[71] Ibid., 285-289. For Schacht's view that the term began to be applied to the practice of Prophet in the legal context at a later stage (second/eigth century) on the basis of doctrino-theological considerations, see Joseph Schacht, *An Introduction to Islamic Law* (London: Oxford University Press, 1964); for a refutation of his view, which refutation might lend some support to Mawdūdī's assertion, see M.M. Bravmann, *The Spiritual Background of Early Islam* (Leiden: E. J. Brill, 1972), 123-198.

[72] Mawdūdī, *Islāmī Riyāsat,* 287.

isolated reports.[73] These too in his opinion began to be transmitted around 11 A.H., and this collection continued up to the third and fourth century.[74] He accepts the idea that many of these reports were fabricated and that even the *mustanad* one's carry an element of doubt (that is they are *zannī*), though legal *ahādīth* (containing directives rather than historical incidents, prophecies, and beatitudes) are of much more sound level.[75]

C.J.Adams explains Mawdūdī's approach toward these *zannī ahādith* in detail as follows: Mawdūdī suggested a middle way (*maslik-i i'tidītāl*) by which even the *mustanad ahādīth* could be investigated further on the basis of textual analysis (*dirāya*), which in turn depends to a large extent on the *dhawq* (appreciation) of one who is fully aware of the mind-set and intentionality of the Prophet (a *mizāj shinās-i rasūl*). He presents the example of Abū Ḥanīfa as a jurist for having such insight (*tafaqquh*). Despite their phenomenal abilities, the *muhadithūn* to Mawdūdī were not infallible. Furthermore, he does not even consider companions of the Prophet in their individual capacity above critique (*jarḥ wa ta'dīl*) in *hadīth*.[76] His averment from historical reports was that the companions too had their failings and human weaknesses that could impact a *hadīth*. Such views obviously earned Mawdūdī the wrath and condemnation of the traditionalists in Pakistan.[77]

The practice of the first four caliphs: According to Mawdūdī, the consensus (*ijmā'*) of the companions on interpretation of religious directives and the decisions in constitutional and legal matters taken by the first four caliphs (*Khulafā-i rāshidīn*) in consultation with the other companions are conclusive argument (*hujjat*), but where they have differences of opinion, preference (*tarjīḥ*) can be given by a jurist.[78] To him, the adage "the companions are all just" (*al-ṣaḥāba kulluhum 'udūl*) – in transmission of *hadīth* -- means that the companions were just in their intention to transmit the Prophetic *hadīth*, not

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[73] Ibid., 287-289

[74] Ibid., 288-289.

[75] Mawdūdī, Ibid., 288-289, 305-307; Mawdūdī, *Rasā'il-o Masā'il*, vol 1 (1991; reprint Lahore: Islamic Publications, 1992), 219-235. See also Wael B. Hallaq, "The Authenticity of Prophetic Ḥadīth: A Pseudo-problem," *Studia Islamica* 89 (Paris, 1999) 75-90.

[76] Adams, "The Authenticity of the Prophetic Ḥadīth in the Eyes of Some Modern Muslims," 25-47.

[77] See for example Muḥammad Yūsuf Ludhyānawī, *Ikhtilāf i-ummat awr Ṣirāt-i mustaqīm*, vol.1 (reprint Lahore: Maktaba-i madīna, 1976), 156-158.

[78] Mawdūdī, *Islāmī Riyāsat*, 290.

that they were infallible in other respects.[79]

Decisions of the *mujtahidūn*: Mawdūdī is clearly averse to regarding the opinions of jurists as binding especially on someone who has deep understanding of religious sources (*tafaqquh*) as Mawdūdī himself in his opinion.[80]

Regarding *ijmā'*, his view seems to be similar to that of al-Shāfiʿī in that he regards the consensus of the whole Muslim community on an interpretation of a religious directive from the sources (Qur'ān and *hadīth*) without any consideration to any temporary adjustment in the ruling as binding for all times.[81] In other matters, related to governance etc., if the ruling of the consensus of the whole Muslim community (*umma*) is not against the unequivocal directives of the *sharī'a*, it may be binding, but only for the specific time period to which it is applicable.[82]An interesting point to note here is that in his *ijtihād*, Mawdūdī regarded it unnecessary to be bound by the approach or opinion of any one legal (*fiqhī*) school. In his opinion, for a scholar with required level of competence for *ijtihād*, it is permissible to use his own judgment on the basis of the Qur'ān and the *sunna*.[83] He should, however, give consideration to opinions of other scholars of all schools.[84]

In exercising this right, one of the most controversial principles that Mawdūdī formulated was the employment of the concept of extreme necessity (*idṭirār*) for accepting a prohibition (*harām*) in political, social, or religious matters. In the presidential election campaign of 1965, Jamā'at-i Islāmī supported Fāṭima Jinnah (1894-1967), sister of Pakistan's founder, Muhammad Ali Jinnah (1876-1948), against Ayub

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[79] Mawdūdī, *khilāfat-o Malūkiyat*, 303-308.

[80] Mawdūdī, *Rasā'il o- Masā'il*, vol. 1 189-190; Mawdūdī, Islāmī Riyasat, 291.

[81] Mawdūdī, *Rasā'il-o Masā'il*, vol. 1, 197-198.

[82] Ibid.

[83] Mawdūdī, *Rasā'il o- Masā'il*, vol. 3, 354-356. See also Mawdūdī, *Islāmī Riyāsat*, 439-436. In the scope of *ijtihād*, Mawdūdī includes interpretation and application of the *sharī'a* (*ta'bīr-i ahkām*) [including determination of exceptions, analogical reasoning (*qiyās*), non-analogical reasoning (*istinbāt*), and non-religious legislation (in accordance with the spirit of the *sharī'a*]. Ibid., 441-443. Amongst the necessary traits of a competent *mujtahid*, he includes the following: i). Belief in the supremacy of the *sharī'a*, and firm commitment to it;. ii). a A strong command on Arabic language and literature. iii). A thorough understanding of the Qur'ān and the *sunna*. iv). An awareness of the works of earlier *mujtahidūn*. v). An awareness of the affairs of practical life; and. vi). a sound character in accordance with Islamic norms. Ibid., 444-445. For a list of the requirements for *mujtahids* of various categories in Shāh Walī Allah's thought, see Mazhar Baqā, *Usūl-i Fiqh awr Shah Walī Allah*, (Lahore: Idāra-i Tahqīkāt Islamī, 1973), 426-458.

[84] Mawdūdī, *Rasā'il o- Masā'il*, vol.1, 189-190.

Khan (r.1958-1969)-- despite Jamā'at's principle that the political leadership (imāma) of a woman is prohibited ḥarām – on the basis of their assertion that Fāṭima Jinnah was "lesser of the two evils" (ahwan al-balyatayn).[85] This led to polemics between Mawdūdī and an ex-member of the Jamā'at, Amīn Aḥsan Iṣlāhī.[86] Iṣlāhī pointed out that idṭirār makes ḥarām permissible in the sharī'a only in the case of an individual's need and there is no valid basis for to declare a ḥarām permissible on the basis of a political idṭirār.[87] Iṣlāhī also criticized Mawdūdī severely for the latter's response that "criticism" (ghība) of ḥadīth narrators was considered permissible by ḥadīth experts (muḥadīthūn) for the wider good of Islam.[88] Iṣlāhī correctly asserted that ghība is "back biting" or "scandalizing," which is different and distinct from "investigation into the reliability of ḥadīth narrators" (jaraḥ-o ta 'dīl), and that the two cannot be equated.[89]

2.2 Mawdūdī's Concept of the Islamic State -- an Application of His Approach in Interpretation and Ijtihād:

In order to highlight Mawdūdī's use and interpretation of the main sources of Islamic law, we have used his depiction of Islamic state as an example. Mawdūdī Utopian Islamic state is an indispensable vehicle for the Islamic order or God's rule that mankind are obliged to establish as His vicegerents.[90] C.J. Adams enumerates some of basic principles of Mawdūdī's Islamic state as follows:

i). Sovereignty of God.

ii). Authority of the Prophet (the sunna considered as one of the ultimate bases of law).

iii). Vicegerency of God (The state does not make its own laws as such; acts as the agent of its suzerain).

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[85] Nasr, Vanguard, 41-42; Masudul Hassan, Sayyid Abbul A'la Maududi, Vol. 2, (Islamic Publications, 1986), 178-179.

[86] See Amīn Aḥsan Iṣlāhī, Maqālāt-i Iṣlāhī (Iṣlāhī's Essays), vol.1, ed. Khalid Mas'ūd (Lahore: Farān Foundation, 2000), 219-250; see also Mawdūdī, Rasā'il o- Masā'il, vol.2 (1991; reprint Lahore: Islamic Publications, 1992), 244-246.

[87] Iṣlāhī, Maqālāt-i Iṣlāhī, 93-100.

[88] Ibid., 79-189.

[89] Ibid.

[90] This responsibility, in Mawdūdī's opinion, is also a corollary of "man's position as God's vicegerent (khalīfa)." See Mawdūdī, Islāmī Riyāsat, 195-203.

iv). Consultation (*shūrā*).

v). Ideology of establishing Islamic order.

vi). Control of Muslims in state affairs.

vii). *Dhimmī* status of non-Muslims.[91]

Mawdūdī believes in the absolute authority of a genuine Islamic state as, in his opinion, each aspect of its organization and function is derived from the Qur'ān, the tradition of the Prophet, or the practice of the first four caliphs.[92] In this state, the *sharī'a* is accepted and followed as the primary law of the land.[93] The head of the state – the *amīr* or the *imām* – should be from among the best in the society: those who are distinguished by their conduct, sagacity, learning and ability.[94] Canvassing for this post, or any other post of power for that matter, disqualifies the candidate as it is indicative of egoism.[95] The people should choose the candidates, without canvassing on part of the candidates.[96] A "legislative council" (*shūrā*) comprising learned and pious men, well versed in religion and statecraft, assists the ruler, which is, in Mawdūdī's opinion, the democratic aspect of an Islamic state.[97] However, this body does not have to be representative and can be selected by the ruler himself.[98]. The council essentially has a law-finding function rather than law-making one in that it uses the unequivocal directives of the *sharī'a* to offer advice on analogous issues that are not directly covered in the basic sources of Islamic law.[99] The advice itself is not binding on the ruler. Usually, the council and the ruler should agree, but, if there is a difference, the ruler's opinion carries weight if he is Islamically right.[100] Mawdūdī, does not however take the trouble of going into the

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[91].Adams, "Mawdūdī and the Islamic State," 115-122. "The protected non-Muslim subjects of an Islamic state" (*dhimmīs*) have most of the rights of a Muslim citizen, but cannot hold key political posts or take part in key political decisions. Mawdūdī, *Islāmī Riyāsat*, 483-487.

[92] Adams, "The Ideology of Mawlana Mawdūdī," 390. Sayyid Abū al-A'lā Mawdūdī, *First Principles of an Islamic State,* Trans. and ed. Khurshid Ahmad, (Lahore: Islamic Publications, 1968), 3-4.

[93] Sayyid Abū al-A'lā Mawdūdī, *Political Theory of Islam*, (Delhi: Markazī Maktaba Jamā'at-i Islāmī Hind, 1964), 53-54.

[94]Ibid.,59-62.

[95]Mawdūdī, *Political Theory*, 53-54.

[96] This is another principle from which his political organization deviated later.

[97]Ibid., 52.

[98]Ibid.,52.

[99]Mawdūdī, *First Principles,* 29-31.

[100]Mawdūdī, *Political Theory*, 53.

mechanics of resolving such conflict.[101] He only mentions the duty of the ordinary Muslims to watch whether the *amīr* exercises his powers appropriately or not. In the event of inappropriate conduct on the *amīr's* part, he can be deposed by public opinion.[102]

Mawdūdī terms this kind of state as a "theodemocracy" (*ilāhī jamhūrī ḥukūmat*) in that the Muslims have "limited popular sovereignty" in their right to depose the head of government.[103] Again, the details of how it is to be decided whether the *amir's* conduct was in accordance with *sharī'a* and of how exactly is he to be deposed are not spelt out. In matters not explicitly touched upon by *sharī'a*, Muslims have complete freedom to express themselves.[104] Vicegerency (*khilāfat*) vests in the entire Muslim citizenry of the state.[105] The object of the state is to end tyranny and evils of various kinds on the one hand and to create social justice and an environment of virtue on the other.[106] This objective justifies state control in virtually every aspect of life. Individual liberty exists in areas classified as neutral (*mubāḥ*) in Islamic law and individual rights include, among others, those of life, honor, property and personal liberty (unless taken away under the provision of some just law and due process).[107] This "Kingdom of God," (*ḥukūmat i-ilāhiyya*)[108] as Mawdūdī terms it, is an ideological state run and controlled exclusively by Muslims.[109] Non-Muslims have all the basic rights as *dhimmīs*, but do not have any control in running the affairs of the state.[110]

Although the Islamic state Mawdūdī envisaged seems to be one that in Aḥmad's words "the most narrow-minded of theologians would wholeheartedly approve,"[111] even here his acceptance of gradualism in politics led to many adjustments and compromises. As Nasr puts it, "Even within Mawdūdī's lifetime, the concept of the Islamic state evolved along exceedingly modern lines, becoming filled with values, ideals and

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[101]Adams, "The Ideology of Mawlana Mawdūdī," 392.

[102]Mawdūdī, *First Principles*, 53.

[103] Ibid.,, 29. See also Mawdūdī, *Islāmī Riyāsat*, 130.

[104] Ibid.,, 49.

[105] Ibid., 47.

[106] Mawdūdī, *First Principles*, 42.

[107] Mawdūdī, *Political Theory of Islam*, 48-49.

[108] Ibid., 28.

[109] Ibid., 41.

[110] Ibid., 42-43.

[111] Aḥmad, "Mawdūdī and Orthodox Fundamentalism," 373.

mechanisms borrowed form the West."[112] This borrowing created many anomalies and contradictions. For example, Mawdūdī wanted to present his Islamic state as democratic but gave a limited role to the *shūra*. He resolved many of these problems by re-definition of the borrowed terms rather than by re-investigation into his own interpretation.[113] This method left many problems unresolved at the more pragmatic level, but Mawdūdī, firm in his conviction that the rule of the righteous was the real panacea, was not inclined to work out practical details, which, in his opinion could be improvised in accordance with the existing needs.[114] In his model of the Islamic state for example, the ruler's decision can override that of the *shūra* in case he is right on legal (*sharī'a*) grounds. As to how this will actually be determined in practice is a question he doesn't answer very clearly.[115] Mawdūdī's problem lies in seeing the past and the present through the spectacles of his preconceived ideology. Nevertheless, his ideas of an Islamic state serve as a useful means of inquiry into the possibilities and pitfalls of modernizing Islam. In the words of Nasr:

> More than a form of state, Mawdūdī's model was a window into both the nature and scope of modernizing change within Islam and the manner in which this process involved systematic enmeshing of faith and power.[116]

It seems that when confronted with other interpretations that competed with Mawdūdī's own (as those of Ghulām Aḥmad Parwez's for instance), Mawdūdī often took refuge in traditionalist Islam to provide himself with institutional support, especially against modernist and secular outlook. Indeed, his claim was discovery of the original truths rather than their replacement.[117] Says Nasr:

> The political imperatives before the party [Jamā'at-i Islāmī] have been an important source of pressure in this regard. Under Mawdūdī's direction, the party slowly but surely retreated toward traditional orthodoxy and

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[112] Nasr, *Islamic Revivalism.*, 87.

[113] Ibid., 88.

[114] Adams, "Mawdūdī and the Islamic State", 128.

[115] Even though his description of the "principle of consultation" (Q. 42:38) seems to suggest that he accepts, perhaps inadvertently, the idea of interpretation of Islam done by the majority of Muslims (through competent, elected representatives) in an Islamic state. Mawdūdī, *Tafhīm al-Qur'ān*, vol.4, (1966; reprint Lahore: Maktaba-i Ta'mīr-i Insāniyyat, 1972),508-510, n.61. The resulting corollary, therefore, would be that the decision of the head of the state (as long as he believes himself to be in conformity with the *sharī'a*) continues to override that of the parliament (*shūra*) unless and until he is deposed by majority vote.

[116] Nasr, *Islamic Revivalism,* 106.

[117] Ibid., 109.

popular Islam.[118]

In the visualization of his utopia, the same political pressure seems to incline him toward a break-up from traditional views in much the same way as a modernist would.[119] The justification on grounds of "a need" taking preponderance over a Divine legal dictum provides an interesting comparison with the methodology spelled out by Fazlur Rahman, who makes a distinction between historical and moral planes of Qur'ānic directives.[120]

In the opinion of this writer, it is clear to see that Mawdūdī's stance is bent more toward traditionalism – though with theoretical justifications for moral, ethical, and pragmatic superiority over his conception of Western "systems" – and relatively uncompromising where he and his party were not faced with the exigencies of the political movement he had begun, as his opinions on *jihād* and his explication of the four basic terms of the Qur'ān.[121] On the other hand, since his Jamāʻat was to him the epitome of the Islamic state he wanted to create, and he was perhaps, in his mind, the paragon of the *amīr* of that state, the vagaries of political milieu resulted in the broadening of his mental horizon and in shifts in his concepts and strategies.

Mawdūdī's ideas on the Islamic state are quite clearly based on the traditional Sunni concept of the Islamic state and the caliphate. Essentially, many of these ideas took the shape of theory at a time when considerations for the theory were hardly related to defining "the system" of governance in Islam as such. For instance, when al-Māwardī (364 -450/974-1058), who was one of the first theorists in this regard, wrote his *Aḥkām al-Sultāniyya*, one of his major considerations was defending the authority of the Abbasid figurehead Caliph.[122] Such considerations were also not entirely absent in Ghazāli's *Naṣīḥat al-Mulūk*.[123] As Manzooruddin Ahmed points out, many of the terms such as *jamāʻa, milla, umma, khilāfa, imāma* and *al-dawla* as they came to be used in the medieval ideological, historical and social perspective in the Sunni discourse either had

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[118] Ibid., 109.

[119] As mentioned before, his support for Fatima Jinnah's candidacy against Ayub Khan's despite Jamāʻat's conception of a woman's rule as an anathema is one case in point.

[120] Fazlur Rahman, *Major Themes of the Qur'ān* (Minneapolis: Biblitheca Islamica, 1980), 48.

[121] Discussed ahead.

[122] Abū al-Ḥasan al-Māwardī, *Al-Aḥkām al-Sulṭāniyya w'al-Wilāyat al-Dīniyya*, trans. Wafaa H. Wahba (Reading: Garnet Publishing Ltd., 1996).

[123] Abū Ḥamīd Muḥammad al-Ghazālī (450-505/1058-1111), *Naṣīḥat al-Mulūk* (*Counsel for Kings*), trans. F.R.C. Bagley (London: Oxford University Press, 1964).

an entirely different context in the Qur'ān and the *sunna* or were simply absent originally as concepts in the terminology of political science and statecraft.[124] Mawdūdī, therefore, forced by the dictates of his basic conception that Islam has given a complete "political system," different and distinct from modern democracy and also superior to it, is nevertheless forced to grope for anything that could remotely be called "a system." What he came up with was a broad outline of some ideals, which lack both a workable strategy as well as the full support of the basic texts. Nevertheless, Mawdūdī remained adamant in his stance, and the principle of his *realpolitik* "lesser of the two evils" still remains a Machiavellian last resort basis for a volte-face in the Jamā'at's religious policy.[125] In other situations, we can see Mawdūdī using his acknowledged prowess in rhetoric and his sharp intellect to give rational arguments for an adjustment that would give the veneer of reconciliation (*taṭbīq*) between a generally held opinion in traditionalist Islamic scholarship and a newly emerged necessity requiring digression from the underlying principle (*'lla* or *ratio legis*) in that traditionalist opinion. For example, in the case of cinematography, which obviously had immense potential for political propaganda and religious dissemination as well, Mawdūdī opined that unlike a picture -- which is analogous to a drawing and, therefore, in relation to the traditionalist opinion, prohibited --, a movie in the cinema is a mere reflection that is analogous to a person's reflection in the mirror.[126] Therefore, cinematography should be decreed permissible.[127]

General Comments: From the foregoing discussion, we can make some general comments on Mawdūdī's interpretative approach and method in *ijtihād*. We have discussed in the Appendix to this study that, even in matters of interpretation and *ijtihād*,

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[124] Manzooruddin Ahmed, *Islamic Political System in the Modern Age: Theory and Practice*, (Karachi: Royal Book Co., n.d.) 18-43; see also W. Montgomery Watt, *Islamic Political Thought: The Basic Concepts* (Edinburgh: Edinburgh University Press, 1968), 31-35.

[125] For an example of Mawdūdī's uncompromising stance on music and musical instruments, see *Rasā'il- o Masā'il*, vol.1, 165-167. Yet music is used quite often nowadays by the student wing of the Jamā'at for propaganda purposes.

[126] Mawdūdī, *Rasā'il o- Masā'il*, vol.2, 262-267.Consistent with his arguments for his understanding of the principle of *ahwan al-balyatayn*, he allowed "pictures" (which he regarded as analogous to "painting" or "sketching") of animates in case of extreme, genuine social needs, as passport requirements, etc. on the grounds that, on the basis of *ḥadīth*, earlier jurists allowed girls to play with dolls (also an "image" of an animate) so that they could develop their social skills. (Mawdūdī, *Rasā'il-o Masā'il*, vol.1,154-157). Mawdūdī's principle here was that extreme, genuine needs make the forbidden permissible (*al-ḍarūrāt tabīḥ al-maḥẓūrāt*). Ibid., 157.

[127] Mawdūdī, *Rasā'il -o Masā'il*, vol.2, 262-267.

the concept of the Sunni *ijmā'* was traditionally granted absolute epistemological certitude in the Sunni *uṣūl al-fiqh*. Having adopted a position on *ijmā'* somewhat close to that of al-Shāfi'ī (150-205/767-820), Mawdūdī gave himself a wide range to use his own personal opinion and *ijtihād*. In matters where a strategy for the realization of his Weltanschauung became indispensable, even if it was in contradiction to an interpretation or opinion given by Mawdūdī himself on the basis of his personal *ijtihād*, he could always invoke the concept of *ahwan al-balyatayn*. In other matters, where such "problem spots" didn't emerge, Mawdūdī would often take traditionalist stances, sometimes even resorting to weak *ahadīth*, if need be.[128] Having disposed of the obligation to follow the opinions of other Sunni jurists, he asserted his own authority to provide explanations of religious sources (*sharah*) and to do *ijtihād*. He afforded himself the ultimate leverage to formulate any opinion on the basis of his *dhawq* (in contrast to strict principles of exegeses based on tradition and specific principles of *ijtihād* based essentially on logic in Sunni *uṣūl al-fiqh*). Therefore, he predictably demanded the final say for the *amīr* of the Jamā'at, who was quite obviously the epitome of the *imām* of his utopian Islamic state. Despite the idea of a supporting – but not effectively binding consultative body (*shūrā*) --, he had, at an epistemological level, by virtue of the underlying concepts of his interpretative method, granted himself the right to hold any opinion on the basis of, and constrained only by his *dhawqī* understanding of the *sharī'a*. Similarly, he could adopt just about any strategy for political expediency on the basis of his concepts of "extreme necessity" and "lesser of the two evils."

2.3 Mawdūdī's Worldview: the Fundamental Concepts:

Having understood and analyzed the basic framework of Mawdūdī's interpretative approach and method in *ijtihād*, we now move on to the description and analysis of his Weltanschauung and his conception of *jihād*.

Mawdūdī's worldview is based on his understanding of the terms *ilāh*, *rabb*,

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[128] As an example of his works that depend heavily on *hadīth*, many of them weak, see Sayyid Abū al-A'la Mawdūdī, *Parda* (Veil) (reprint Lahore: Islamic Publications, 1985). See the critique on this work by Naṣir al-Dīn al-Bānī, *Jilbāb al-Mar'at al-Muslima* (Amman: Dār al-Salām, 2002), 223-240. See also L. Clarke, "*Hijāb* According to the *Hadīth*: Text and Interpretation," in *The Muslim Veil in North America: Issues and Debates*, ed. Sajida Sultana Alvi, Hooma Hoodfar, and Sheila McDonough (Toronto: Women's Press, 2003), 214-286.

'ibāda and *dīn* in the Qur'ān. He asserts that without a proper understanding and acceptance of the ideas that these four basic terms of the Qur'ān stand for, even a Muslim is in serious danger of committing the cardinal sin of associating others with Allah and not fulfilling the requirements of worshipping Him alone – all without even realizing his mistake.[129]

In Mawdūdī's thought, religion (*dīn*) is a complete "system" of life, and total establishment of this "system" is the mission that is the primary responsibility of Muslims.[130] The essence of religion, in his opinion, inheres in the aforementioned four terms of the Qur'ān.[131] He claims that in the times of the revelation of the Qur'ān, the Arabs knew the significance of these terms in that they knew what they would have to accept or repugn in accepting the message of the Qur'ān pertaining to these concepts.[132] Later, however, subsequent believers added other connotations and the true meanings of these terms were lost in later usage.[133] He explains that the term *ilāh* began to be used as a virtual synonym for idols and deities, *rabb* for sustainer or provider, *'ibāda* for worship and *dīn* for faith and religion. Similarly *tāghūt* began to be used for Satan or an idol.[134] As a consequence, the real spirit of the Qur'ān became overshadowed, and it is this misunderstanding that the presently flawed faith and religious practice of the Muslims reflect.[135]

Given below is the gist of arguments for the meanings of the four basic terms that Mawdūdī has proffered to establish his overall concept of religion.

Ilāh: Mawdūdī believes that the one conceived of possessing all the attributes of *ilāh* is the one who is considered worthy of worship or absolute obedience owing to the conception that that being wields supernatural authority in the system of the universe or is the ultimate temporal authority.[136] Therefore, according to Mawdūdī, any person who

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[129] Mawdūdī, *Qur'ān Kī Chār Bunyādī Iṣṭilāḥeṇ*, 9-10.
[130] Ibid., 135.
[131] Ibid., 13.
[132] Ibid., 10-11.
[133] Ibid., 11.
[134] Ibid., 11-12.
[135] Ibid., 13.
[136] Ibid., 25. On the basis of the meanings given by Mawdūdī to the word *ilāh* on account of its root and usage, *ilāh* is i). The one who fulfills or can fulfill all needs; ii). the ultimate protector; iii). the one who is beyond; iv). the one who provides true satisfaction; v). the one under whose control is everything and has

claims absolute authority for himself and any person who accepts that in any other than Allah are also guilty of "associating others with Him" (shirk).[137] In verses 3:26, 23:116, 114:1-3 and 40:16, words as lahu al-mulk (to Him belongs the Dominion), lahu al-ḥukm (to Him belongs the Decree), and lam yakun lahū sharīk fī al-mulk (none is partner unto Him in the Dominion), in Mawdūdī's opinion are indicative of the essence of ulūhiyyat, which is authority.[138] The premises and corollaries of this essence, in Mawdūdī's opinion, are:

i). The authority and power of God encompasses the whole universe.

ii). This authority is indivisible (no other being can share this degree of authority).

iii). When only God has the ultimate authority and power, only He has the right to be the Deity.

iv). When He has the sole authority and power in the ultimate sense, then only He is the absolute ruler. Only His laws and His sovereignty are binding.[139]

Rabb: Mawdūdī explains on the basis of the root meaning and usage of the word that it denotes a provider; one who brings up.[140] The essence here is sovereignty.[141] Mawdūdī presents numerous verses of the Qur'ān to support this point (some of which will be discussed later).[142]

Mawdūdī believes that it is wrong to confine the meaning to only the denotation of the word.[143] He substantiates his understanding of the term rabb by citing several verses of the Qur'ān.[144] He then goes on to explicate the erroneous nature of the concepts of rabb in the beliefs of people whom the Qur'ān terms as those who went astray.[145]

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all authority; vi). the besought and vii). the one whose person is hidden or invisible (Ibid.,17).

[137] Ibid., 25-26, 36-37.

[138] Ibid., 37-38.

[139] Ibid., 34-37.

[140] Ibid., 39. Apart from the denotation as explained above, connotations of the term rabb include the following senses, according to Mawdūdī: i). One who takes care of your matters; ii). one who has central position in that different people gather around him; iii). one who has authority, control and superiority over others; and iv). Master or lord (ibid., 41.)

[141] Ibid., 97.

[142] Ibid., 91-97.

[143] Ibid., 41.

[144] Ibid.,41-46.

[145] Ibid., 46-89.

Included in these people are the people of Noah, the 'Ād, the Thamūd, the people of Abraham and Nimrod, the people of Lot, the people of Shu'ayb, the Pharoah and his people, the Jews and the Nazarenes, and finally the polytheists of Arabia in the Prophet Muḥammad's times. He tries to show through his analysis of all these people that none of them denied God as such.[146] However, the common mistake that they committed was that they had divided the meanings of the word *rabb* into two categories:

i). In the sense of the supernatural being that provides all with sustenance, they accepted Allah as the highest *rabb*, but included others as the angels, the jinn, the stars, the prophets and spiritual persons in this function.

ii). In the sense of the being that had the highest authority in their collective matters, they would either exclude Allah or include Him only nominally amongst others (generally humans) who, in their conception, wielded that authority.[147]

For most practical purposes, they had pledged their allegiance to the final political, legal, moral and social authority of other humans.[148] It was to negate these wrong beliefs for which the messengers of God, including Muḥammad, were sent.[149]

'Ibāda: It denotes humility or humbleness, and willingness to be completely subjugated by someone.[150] It includes the meanings of servitude, obedience, worship, servility and incarceration.[151] The essence of *'ibāda* is to submit willingly to someone's superior and ultimate authority.[152] Mawdūdī strongly asserts that to confine the meaning of *'ibāda* to just one meaning is to confine the message of the Qur'ān, which would

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[146] Ibid., 89.
[147] Ibid., 90.
[148] Ibid., 90-91.
[149] Ibid., 90.
[150] Ibid., 99.
[151] Ibid., 99. On the basis of Lisān al-'Arab, a well-known lexicon of the Arabic language, Mawdūdī points out five meanings of the term: i). To be someone's slave; ii). obedience with complete humility and willingness; iii). To worship someone; iv). to be attached to someone; to refrain from leaving someone; and vi).That which stops someone from going elsewhere. The first three meanings are primary, the last two secondary. Ibid., 99-101. The Qur'ān uses the word in all the first three senses, sometimes separately and sometimes together (one and two together or all three together). Ibid. 101-119.
[152] Ibid., 101.

inevitably lead to misinterpretation of the book.[153]

Dīn: This term, according to Mawdūdī, was used in four senses in classical Arabic.[154] The Qur'ān uses *dīn* as a specific term for the overall "system" that it represented and which comprised the following four elements:

i). Sovereignty and ultimate authority.

ii). Submission to sovereignty .

iii). "The system" of thought and practice formed under the auspices of this sovereignty.

iv). "The system" of reward and retribution within the system so formed.[155]

The Qur'ān, says Mawdūdī, uses the word *dīn* in all four meanings separately, and, at times, it means "the system" with these four elements.[156] In conclusion, Mawdūdī expounds on the comprehensiveness of the term *dīn*.[157] He explains that it refers to "a system of life" in which a person accepts the sovereignty of the one with ultimate authority, follows the laws and regulations of that system, and remains hopeful of reward and fearful of retribution in that system.[158] He feels that the "state" conveys the idea to some extent, but even that does not fully encompass the full meaning of the term *dīn*.[159]

He particularly adduces Q. 9:29 with the following arguments for his religious views.[160] In this verse, the words *dīn al-haqq* (the true religion), as the preceding part of the verse shows, encompass all the four meanings. "...do not believe in Allah,' according to Mawdūdī, means that they do not believe in His sovereignty and ultimate authority. "...do not believe in the Last Day" refers to their denial of the retribution in "the system."

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[153] Ibid., 119.

[154] i). Domination and subjugation by someone with superior authority; ii). obedience, servitude and submission to the one with superior authority; iii). the laws and rules and regulation that are followed; and iv). reckoning, and reward or punishment. Ibid., 121-124.

[155] Ibid., 124-125

[156] Ibid., 125.

[157] Ibid., 132.

[158] Ibid.

[159] Ibid., 132.

[160] Ibid., 132. Mawdūdī translates Q. 9:29 as: "Fight those amongst the People of the Book who do not believe in Allah (that is they do not regard Him as the only ultimate authority) or the Last Day (that is the day of reckoning and retribution) and do not hold that forbidden which Allah and His Prophet have forbidden, and do not acknowledge the true religion as their religion -- until they pay the *jizya* by hand and remain subdued." Mawdūdī, *Qur'ān kī Chār Bunyādī Iṣṭilāheṇ*, 132-133.

"...do not hold what He has forbidden as forbidden" refers to not accepting his laws, and *dīn al-haqq* refers to the overall system.[161]

In *Surat al-Mu'min*, the Pharaoh is thus cited:

> Leave me, I shall slay Moses; and let him Call on his Lord! I fear he will change your religion or cause disorder to appear in this land. (40:26).

Here the trepidation that the Pharaoh has is that Moses will make his subjects accept a different "system" altogether.[162]

Other verses that Mawdūdī quotes are:

i). The Religion before Allah is Islam .... (Q. 3:19).

ii). And he who seeks a religion other than Islam, never shall it be accepted of him .... (Q. 3:85).

iii). It is Allah who has sent His Prophet with guidance and true religion to assert it over all religions even though the polytheists may detest (it). (Q. 9:33).

iv). And keep fighting them until there is no more oppression, and religion is just for Allah .... (Q. 8:39).

v). When came the help of Allah and victory was granted. And you saw people enter Allah's Religion in crowds, then celebrate now the praises of your Lord and pray for His Forgiveness: for He is greatly forgiving. (Q. 110: 1-3).[163]

All these verses refer to the overall "system" with all its facets, according to Mawdūdī.[164] The first two verses demand submission to the life-system that is based on obedience and servitude to God, for any other system would be a negation of this one. The third verse has a special significance. It explains that the mission of the Prophet, who was sent with the true religion, was to ensure that this religion – "this system" – dominate

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[161] Ibid., 133.
[162] Ibid.,133.
[163] Ibid., 134.
[164] Ibid., 135.

all other systems. The fourth verse then directs the believers – the Muslims – to fight the whole world until all systems contrary to the true one are eliminated and complete obedience and servitude to Allah are established on the earth. The fifth verse addresses the Prophet at a time when, after 23 years of continuous struggle, his mission had reached its culmination in Arabia, and Islam had been fully established there as a spiritual, philosophical, moral and educational, social and cultural, and above all, an economic and political system. Thereafter, delegation after delegation came from different peoples of Arabia to become part of that system.[165]

It should be obvious that according to Mawdūdī, belief in one *ilāh* and *rabb* is to believe that Absolute Sovereignty lies with only that Being in whose control are all causes and Who has the sole right to demand complete submission to His laws and guidance – His system. Worship of one God is more than just rituals. It is to accept that only His laws are the source of truth. Therefore, only that temporal authority is acceptable which is within the confines of the final authority of God. The mission of the messengers of God was to ensure that "the righteous system" based on God's laws dominate all the religions (and "systems"[166]) of the world. In continuation of that mission, all Muslims are under the obligation to do their *jihād* (with all the different schools of its meaning that Mawdūdī explained in his *al-Jihād fi al-Islām*) until the whole world is free of *fitna* and *fasād* (oppression and disorder – in which Mawdūdī includes all un-Islamic "systems"[167]) and "the religion" ("the system" – political, economic, cultural, social, legal, moral and educational) is for Allah alone.[168]

2.4 Criticism from Within:

In 1963, an Indian Muslim scholar, Waḥīd al-Dīn Khān (1925-), an Indian Muslim scholar, one year after his resignation from the Jamāʿat, published his book *Taʿbīr Kī Ghalaṭī* (Error in Interpretation) – his critique on Mawdūdī's thought and overall conception of religion, especially as explicated in the *Qurʾān Kī Chār Bunyādī*

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[165] Ibid., 135-136.

[166] The most visible manifestation of this "system", in Mawdūdī's opinion, is a state (and its government). See Mawdūdī, *al-Jihād fi al-Islām*, 117-120.

[167] Ibid.

[168] Mawdūdī, *Qurʾān Kī Chār Bunyādī Istilāhen*, 135. Mawdūdī, *al-Jihād fi al-Islām*, 119-120.

Iṣṭilāhēn.[169] Khān's book represents one of the first comprehensive and serious intellectual challenges to Mawdūdī's religious thought and is especially important as it comes from within the ranks of Jamā'at-i Islāmī. Khān contends that Mawdūdī has made serious departure from the traditional interpretation of the terms he defined to lay the foundation of his overall conception of religion.[170]

The main criticism that Khān has against Mawdūdī's interpretation of these terms is that despite the correct inclusion of all the ingredients of religion, Mawdūdī's overall depiction is "topsy-turvy" whereby the essence and the real emphasis of religion have been badly undermined and perhaps even completely lost.[171] Furthermore, *dīn* in its essence is not a "system" of life in a political-legal sense, argues Khān.[172] It is the manifestation of man's spiritual relationship with his God.[173] That *dīn* also gives a system of sorts is one of the many manifestations of its reality. But at best, this aspect is one manifestation of *dīn*, not its essence in any way.[174] As a consequence, the effort to establish an Islamic "system" is not a primary religious responsibility on a Muslim. At most, a Muslim is required to contribute toward the religious improvement of the system he lives in. But to say that it is a primary religious obligation on him to strive for the establishment of that system is a gross misinterpretation.[175]

The mission of the messengers of God was also quite different from the way it has been presented in Mawdūdī's thought, contends Khān.[176] The messengers of God are sent not to establish a system, but to manifest the truth of religion in its final form to the people to whom they are assigned.[177] This manifestation may be termed as completion of the conclusive argument (*itmām-i ḥujjat*).[178] That the polytheists were killed and the Jews and the Nazirites were subjugated and that Islam dominated all other religions in Arabia was a consequence of this manifestation in case of the last messenger in accordance with

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[169] Khān, *Ta'bīr kī Ghalaṭī.*
[170] Ibid., 13-14.
[171] Ibid.,138-139, 151-154.
[172] Ibid.,196-197.
[173] Ibid.,142.
[174] Ibid., 140.
[175] Ibid., 181-182.
[176] Ibid., 202.
[177] Ibid., 209-256.
[178] Ibid., 229

the Divine law in this regard.[179] In other words, this domination was a Divine decision, not the Prophet's mission. His mission was to disseminate the truth to his people.[180] As we shall discuss later, this point has immense significance. On the basis of this premise, Ghāmidī has built up a whole case against the punishment for apostasy and against *jihād* for political domination of Islam.[181]

Khān discusses each term seriatim as used by Mawdūdī.[182] He quotes extensively from the works of earlier exegetes as al-Zamakhsharī (467-538/1075-1144), al-Baydāwī (d.685 or 692/1286 or 1293), Ibn Kathīr (701-774/1301-1373), and others to corroborate his own arguments.[183] He has taken each argument adduced by Mawdūdī, and given his analysis to show the flaws in Mawdūdī's interpretation.[184] In the following paragraphs, we shall take a brief look at some of Khān's arguments to understand his criticism.

Ilāh: On the basis of the root meaning of the word and the interpretations of earlier exegetes and lexicographers, Khān asserts that the term *ilāh* is used essentially for the Being that is one's ultimate besought in one's humility and need.[185] This concept obviously entails that the Besought be Omnipotent and thus have control and authority, but, contrary to Mawdūdī's assertion, this control and authority in His Being is a corollary of the concept, not its definition.[186] Furthermore, Mawdūdī has erroneously given this control and authority primacy in the possible meanings of the term, and has thereby totally reversed the concept by making the corollary the actual basis.[187] In Khān's opinion, all verses quoted by Mawdūdī to prove his point have an absolutely different context.[188] Three examples would suffice here.

Mawdūdī quotes Q. 35:3 to show that the Being with authority and control over our sustenance has been termed as *ilāh*.[189] Khān asserts that the words of the verse are indicative of the fact that the One who has such control and authority deserves to be our

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[179] Ibid., 229-230.
[180] Ibid., 230.
[181] Jāved Ahmad al-Ghāmidī, *Burhān* (Lahore: Dānish Sarā, 2000), 127-130.
[182] Khān, *Ta'bīr kī Ghalatī*, 147-208.
[183] Ibid.
[184] Ibid., 147-256.
[185] Ibid.,158-171.
[186] Ibid.
[187] Ibid., 160.
[188] Ibid., 164-171.
[189] Mawdūdī, *Qur'ān kī Chār Bunyādī Istilāhen*, 27.

ilāh. The words do not however define the term.[190]

> O people, keep in mind the grace of Allah upon you! Is there a creator other than Allah who gives you sustenance from heaven and earth? There is no *ilāh* but He: where then are you made to wander? (Q.35:3).[191]

Similarly, to add "political authority" as a dimension in the meaning of the term, Mawdūdī adduces the following verse:

> If there were other *ilāh* besides Allah in the heavens and the earth, there would have been disorder in the system of the universe! Thus, free is Allah, Lord of the Throne (that is the throne of sovereignty of the universe) from all that they attribute to Him. He is not answerable for any action of His, and they are all answerable. (Q. 21:23).[192]

Khān points out that even here, the "disorder" referred to in the verse does not pertain to defects in "political order"; it refers to disorder in the universe.[193] Khān concedes that Muslims need to strive for the rule of God's laws in their political and legal life. This requirement is natural not legal, and this verse does not put them under any obligation to fulfill it.[194]

In the context of Q. 28:60-70 quoted by Mawdūdī, the words *lahu al-ḥukm* (Q. 28:70) do not relate to social or political decisions. Khān quotes from earlier exegetes as al-Ṭabrī (225-310/839-923) and al-Zamakhsharī to assert that these words relate to God's judgment in the Hereafter. He also cites a statement of 'Abdullah ibn Abbās (d.68/687) to this effect.[195]

Rabb: Khān agrees that the basic meaning of the word is One who provides or sustains, but he takes exception to the inclusion of other meanings included by Mawdūdī.[196] For instance, Mawdūdī's assertion that "...it is He who is your supernatural

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[190] Khān, *Ta'bīr kī Ghalaṭī*, 161.
[191] Translated from Mawdūdī's Urdu translation of the verse in *Qur'ān kī Chār Bunyādī Iṣṭilāḥen*, 27.
[192] Mawdūdī, *Qur'ān kī Chār Bunyādī Iṣṭilāhaen*, 33.
[193] Khān, *Ta'bīr kī Ghalaṭī*, 163.
[194] Ibid.
[195] Ibid.,164-165.
[196] Ibid., 17-171.

as well as moral, social and political *rabb"* [197] is an absolutely incongruous addition to the sense of the word. The verses adduced by Mawdūdī, in Khān's opinion, again do not prove his point.[198]

For instance, in Q. 35:13-14 quoted by Mawdūdī in this regard, the *mulk* that is referred to is obviously the supernatural control of God in the universe as the opening part of the verse indicates. In the verse, *mulk* does not refer to political authority. Khān alleges that in all the verses quoted to point up the deviance of the people who had gone astray, similar anomalies exist with the meanings offered. In fact, in many verses, even the word *rabb* does not appear at all (for example Q. 26:108).[199]

'Iibāda: Khān accepts that the first meaning mentioned by Mawdūdī is correct, which is humility. Subjugation and obedience, however, are its manifestations.[200] True, that without these manifestations, mere humility becomes a farce, yet these manifestations cannot take place of the real meaning.[201] An example here would perhaps explicate the immense difference that this distinction makes.[202] According to Khān, Mawdūdī erroneously translated the words *qālū bal takūnū mu'minīn* (Q. 37:29) (in the context of Q. 37:22-32) as "Their *ma'būd* will reply, Nay it was you yourself who did not believe."[203] Mawdūdī implies that those who were worshipped were people as the dialogue in the verse shows.[204] They could not be idols or stones. Therefore, the verse is referring to leaders and the like, and thus their worship implies submission to their authority in contradiction to God's authority.[205] Khān explains that the words refer to the leaders, but they were not worshipped. They were the ones in following whom the transgressors had begun worshipping idols, stones et cetera. Therefore, the question of using the term *'ibāda* for

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[197] Mawdūdī, *Qur'an kī Chār Bunyādī Istilāhaen*, 91.
[198] Khān, *Ta'bīr kī Ghalatī*, 170-181
[199] Ibid.,174-175.
[200] Ibid., 182-183.
[201] Ibid., 183.
[202] Ibid., 185-187.
[203] In *Qur'an kī Chār Bunyādī Istilāhaen*, Mawdūdī translates the implied subject of the verb *qālū* as "their *ma'būd*" [those they worshipped]. Mawdūdī, *Qur'an kī Chār Bunyādī Istilāhen*, 105. In his commentary, however, the implied subject is given as *paishwā* [leaders; guides] in the translation. Mawdūdī, *Tafhīm al-Qur'an*, vol.4, 284.
[204] Mawdūdī, *Qur'an kī Chār Bunyādī Istilāhen*, 105.
[205] Ibid.

following rulers and political leaders in an un-Islamic system does not arise.[206] The implication of Mawdūdī's assertion is obvious: working for an "un-Islamic" government or living in an "un-Islamic" state and abiding by its law is nothing short of *shirk* (associating others with God). In the context of modern society, which is part of a global village and in which interaction with the world outside Mawdūdī's not-so-realizable, utopian Islamic environment has become a necessity, Khān's criticism is highly significant.

***Dīn*:** As discussed earlier, in Mawdūdī's thought *dīn* in its ultimate significance is somewhat akin to a "system" or a "state." Again, Khān accepts these meanings as manifestations of *dīn*. But to him, the essence of *dīn* is that it is a man's spiritual relationship with his creator.[207] To be a religious person, therefore, has nothing to do with being a political person (even though a religious person is expected to uphold religious ideals in the political sphere of his activity).[208] Abraham was a completely religious person even though he never established any political system in his life. Similarly, the Prophet was very much a religious person in Mecca when no state was as yet formed and no directives for the collectivity of Muslims were as yet given.[209]

Khān's analysis of some Qur'ānic verses cited by Mawdūdī:[210] Khān says that apart from the fact that no exegete has taken Q. 9:29 to mean what Mawdūdī ascribes to it, if one accepts that the basic reason for fighting the Jews and the Nazerenes was that they were not accepting "the Islamic system," then logically they, like the polytheists, should have been given respite only on acceptance of the "the system" (*dīn*). However, we see that the Qur'ān says that once they are subjugated (and are made to pay *jizya*) fighting against them should cease. Therefore, the verse actually means that those *ahl al-kitāb* who did not accept the Prophet as the final messenger had to accept the political supremacy of Islam. In other words, *dīn* refers to faith in the Prophethood of Muḥammad – and for this purpose, by virtue of this verse, *ahl al-kitāb* cannot be coerced into

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[206] Khān, *Ta 'bīr kī Ghalaṭī,* 186-187
[207] Ibid., 193
[208] Ibid.
[209] Ibid., 196.
[210] Ibid., 197-208.

conversion.[211]

Khan's opinion on the next five verses proffered by Mawdūdī is that the first two verses merely explain that salvation is now dependent on Islam.[212] According to Khan, the idea presented by Mawdūdī on the basis of the third verse that the Prophet's mission was to ensure that this religion ("system") should dominate all other religions cannot be accepted owing to the following reasons:

i). The way in which the directive in this verse manifested itself during the Prophet's time was that the polytheists were subjugated religiously and the *ahl al-kitāb* politically. In neither case was religion imposed on them as "a complete system."[213]

ii). *Izhār al-dīn* (Islamic domination) is something which came into existence even while the polytheists detested it. Whereas, the real purpose of a messenger of God is to ensure the salvation of people, which can only come about as a consequence of willful acceptance.[214]

iii). The subject of the verb *yuzhira* has been taken as Allah by all exegetes. This means that the domination of Islam was a Divine decision, not the Prophet's mission. In other words, the verse refers to God's decision that the Prophet would end polytheism in Arabia. In that sense, the verse was a prophecy that was fulfilled in the Prophet's life. It has nothing to do with any obligation on the Muslims to make sure that Islam dominates other "systems."[215]

In the interpretation of the fourth verse, Mawdūdī, according to Khan, faces a contradiction. Since the directive pertains to "fighting," the meaning would be that "the system" be implemented by force on people, which idea is in contradiction with other verses of the Qur'ān [for example, according to Q.2:256, "There is no compulsion in religion"].[216] Furthermore, these directives related specifically to the direct addressees of

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[211] Ibid., 198-200.
[212] Ibid., 203. (It may be recalled that the five verses are: Q.3: 19, Q.3: 85, 9:33, 8:39, 110: 1-3).
[213] Ibid., 205.
[214] Ibid., 238.
[215] Ibid., 238-246.
[216] Ibid., 205-206.

the Prophet and were revealed as a form of Divine punishment on their persistent refusal to accept his message.[217]

This is an important point in that Khan builds the premise that Ghāmidī extends to assert that the punishment of death to the polytheists of Arabia and of political subjugation to the *ahl al-kitāb* (People of the Book) was specific only to the direct addressees of the Prophet, and that those directives are not universal. They are the description of a decision taken by God.[218] Therefore, no directives for establishment of an Islamic system can be deduced from these verses.[219]

From this discussion it is clear that the starting point, as Aziz Aḥmad points out, in Mawdūdī's worldview is that the Qur'ān refers to man's insignificance in relation to God. God is not only the Creator, the Provider, the Nourisher, but also the only absolute Ruler and Legislator for human society.[220] The notion that belief in such Deity entails the establishment of Islamic order "over stresses the political aspects of Islam by highlighting, one-sidedly, the concepts of God's rulership and dominion" in the opinion of some scholars.[221] According to Abul Hasan 'Ali Nadwī (1333-1420/1913-1999), this peculiar emphasis leads to a narrowing down of the basic vision of Islam to the establishment of theocracy as the first and foremost objective of the revelation of the Qur'ān and the preaching of Muḥammad. Everything else is subordinated to this idea.[222]

Nadwī feels that in this ideology, there is an implicit reduction in the importance of the acts of worship and liturgy.[223] He argues (on the basis of Qur'ānic verses 22:39-41; 74:46-47; 75:31-33) that acts of worship and "the four pillars"(prayer, charity, fasting and pilgrimage) have the central position in religion, and, agrees with Waḥīd al-Dīn Khān that Mawdūdī has practically reduced these aspects of religion to mere means for the realisation of theocratic rule on earth.[224] He asserts that two great reform activists of India, Sayyid Aḥmad Shahīd (1201-1246/1786-1831) and Shah Ismā'īl Shahīd (1193-

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[217] Ibid., 229-230.

[218] Ghāmidī, *Mīzān*, 202- 203, 241-242.

[219] Ibid.

[220] Aḥmad, "Mawdūdī and Orthodox Fundamentalism of Pakistan," 370-371.

[221] Abul Hasan 'Ali Nadwī, *Aṣr-i Ḥāḍir Men Dīn ki Tafhīm-o-Tasrīḥ* (Lucknow: Dar-i 'Arafāt, 1978), 112; cited in Christian W. Troll, ed., *Islam in India: Studies and Commentaries* (New Delhi: Vikas Publishing House, 1982), 170.

[222] Troll, ed., *Islam in India: Studies and Commentaries*, 170.

[223] Ibid., 171.

[224] Ibid., 171.

1246/1779-1831) displayed in their lives an inner connection between spiritual aspects of religion and reform activism.[225] Nadwī shares Khān's concern that this devotional aspect of religion must not be undermined.[226]

An important point that Nadwī raises is that Mawdūdī misreads the Qur'ānic verse 42:13 by limiting the meaning of the term *iqāmat-i dīn* to the establishment of Islamic order. Nadwī argues that the tradition of great reformers shows that the term encompasses the meanings of the effort to please God and follow the Prophet, adherence to the pillars of Islam, ordainment of good and prohibition of evil, revival of religious sciences and the effort to make the true religion prevail.[227] Ghāmidī, in his critique on Mawdūdī's views, explains the same verse in somewhat a similar manner.[228] He explains that when the *verbum nomen iqāma* takes an object, it can be used for either of the two situations: a) for a tangible object – actually or metaphorically, and b) for an abstract idea. Since *al-dīn* (religion) is an abstract idea, there are only three possible meanings of the verse. One of these meanings is "to implement." But owing to inconsistent parallelism and other linguistic considerations, this meaning has to be ruled out. The other two meanings refer to keeping something intact and safe. For example, *iqāmat al-ṣalā* in the Qur'ān refers to keeping the practice of prayers intact. Ghāmidī points out that Mawdūdī, while discussing the responsibility of *ahl al-kitāb* to follow the Torah and the Gospel, has himself ascribed this meaning to the word *iqāma*, while interpreting another Qur'ānic verse (5:68) in his exegesis, *Tafhīm al-Qur'ān*.[229] He asserts that the result of all this explanation is that *iqāmat-i dīn* cannot be accepted as a religious obligation to "implement religion in a system." What it means is that, as Muslims, we should keep the whole of religion – its beliefs, rituals and practices – as it is in our lives (that is without distorting it in any way).[230]

Regarding the concept of *iẓhār-i dīn* (domination of Islam over other religions),[231] Ghāmidī agrees with Khān that this whole idea relates to a Divine scheme rather than to the purpose of the religion of Islam.[232] In other words, a *rasūl* of God sent to a specific

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[225] Ibid., 171-172.
[226] Ibid., 172.
[227] Ibid., 172.
[228] Ghāmidī, *Burhān*, 139-145.
[229] Ibid.,142.
[230] Ibid., 145. hermansen Saha Wali Allah (dīn p.257-261).
[231] Q. 61:9.
[232] Ghāmidī, *Burhān*, 135-139.

people always triumphs over his people.[233] This is a *sunna* (tradition) of Allah regarding the *rusul* .[234] Therefore, the domination of Islam over other religions as mentioned in the verses in question, by virtue of linguistic considerations, refers not to any religious obligation on the Muslims of today. It was a promise or a warning – a prophecy --, in accordance with God's tradition, related to the fate of the polytheists among Prophet Muḥammad's people in Arabia and was concerned with the domination of Islam over their polytheistic practices.[235] Consequently, this prophecy that God would grant Prophet Muḥammad's religion victory over that of the polytheists in Arabia does not impose any obligation on the Muslims of today to make sure that Islam dominate all other "systems" of the world.[236]

It should be evident from this analysis that Mawdūdī, in his explanation of the four terms, departs from the traditional understanding. Moderate revivalists such as Khān and Ghāmidī, if one may use that term, do not support his views. Neither of these critics denies the need for a socio-political order based on Islam. But they don't see that as the basic purpose of Islam. The alternative explanations proffered by them to some of the verses in question (as those related to dominance of Islam) merit careful consideration. Mawdūdī's interpretation seems to have been influenced less by linguistic considerations and more by his tendency to view Islam as a complete system, which tendency is perhaps a relatively modern phenomenon.[237] This places Mawdūdī neatly in the category of radical Islamists in William Shepard's typology as one of those revivalists who, in their reaction against Westernizing trends, "commonly take on some of the characteristics of what they react against" especially in their use of modern methods of political and social organization.[238]

2.5 *Jihād* in Mawdūdī's Thought:

We have discussed that Mawdūdī regards Islamic state and *jihād* as two vehicles

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[233] In Ghāmidī's terminology, a *rasūl* is such a messenger of God as is sent to a certain people as God's final judgment (*daynūna*). He is different from a *nabī* in that the *nabī* is sometimes vanquished by his people, but the *rasūl* always triumphs. See Ghāmidī, *Mīzān*, 82-85. See also Jāvēd Aḥmad Ghāmidī, *Nabuwwat-o risālat*, (Lahore: Al-Mawrid, 1995).
[234] Plural of *rasūl*; see for example Q. 48:22-23.
[235] Ghāmidī, *Burhān* , 138.
[236] Ibid., 139.
[237] William E. Sheppard, "Islam and Ideology," 316.
[238] Ibid., 315.

for the establishment of his conception of the Islamic order. He believed that the Qur'ān called for the establishment of an Islamic political order that is a clear manifestation of the sovereignty of Allah. *Jihād* in Mawdūdī's opinion is the whole hearted effort, which may include – if the situation so requires and if the Islamic law allows – an armed struggle, for the establishment of such political order.[239] Mawdūdī proffered his views on many other aspects of society as economics, education and culture. The changes he suggests in these areas are ingredients of the Islamic order he wishes to see established. In what follows, we now briefly present his views on *jihād*.

As noted before, *jihād* to Mawdūdī is the wholehearted effort to establish Islamic order:

> He [the person or entity doing *jihād*] wants to employ all the means that can effect the required change. The employment of all these means is *jihād*. To change people's hearts and minds through written or spoken word too is *jihād*. To replace an exploitative system of life with a just one through the sword is also *jihād*. Spending money in this path and exerting physical effort in this regard are also forms of *jihād*.[240]

Unlike revolutionary radical Islamists, Mawdūdī remained consistently irenic in his understanding of *jihād*. Indeed, his entire conception of "revolution" was much different from an understanding of the term in Western terms. What he meant by the term was a process of gradual change in the ethical basis of society, which would begin at the top and trickle down into the lower strata.[241] In the words of Nasr:

> ... it [*jihād* in Mawdūdī's opinion] could only be proclaimed by a government [rather than by religious leaders]. Nor did Mawdūdī accept purely political or revolutionary readings of the doctrine of *jihād*. He declared that it must not denote 'a crazed faith...blood-shot eyes, shouting Allah'u akbar [God is great], decapitating an unbeliever wherever they see one, cutting off heads while invoking *la ilaha illa-llah* [there is no god but God]' – the very terms in which *jihād* and its advocates are seen today .... In 1939 he declared the military *jihād* to be a weapon of last resort when it pointed to a path of

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[239] Mawdūdī, *Ḥaqīqat-i Jihād* (The Reality of Jihād) (Lahore: Taj Company, 1942), 5-6.

[240] Mawdūdī, *Ḥaqīqat-i Jihād*,45.

[241] Nasr, *Islamic Revivalism.*, 76-79.

victory for Islam.[242]

In 1954 he told Justice Munir and the court of Inquiry into the Punjab Disturbances that *jihād* could only be declared when the state was actually, and not potentially, at war, and then only if the war was with *dār al-harb* (abode of war).[243]

Mawdūdī's first treatise on *jihād* – in fact, his first book --, *al-Jihād fi al-Islām* was originally published in 1930 in response to the assassination of Swāmī Shardhānand by a Muslim fanatic in 1926. Mawdūdī wanted to show what *jihād* was not so that it should not be equated with terrorism or even with the Western notion of war. This work is the most comprehensive treatise on his ideas on *jihād*. Given below is a brief outline of his ideas in as presented in *Al-Jihād fi al-Islām*.[244]

Mawdūdī divides the responsibility of *jihād* into two categories, defensive (*mudāfa'āna*) and reformative (*muslihāna*).[245] In defensive *jihād*, he includes among other forms of *jihād*, one which is done as a consequence of breach of promise or agreement by the enemy.[246] Similarly, action against the hypocrites (*munāfiqūn*) as an internal measure to rid Islam of its enemies is also included.[247] Mawdūdī regards certain death punishments in the Qur'ān (Q. 5:33-34), especially those given for creating disorder in an Islamic state, as a form of defensive *jihād*.[248] Another important defensive *jihād* is in providing persecuted Muslims with succor.[249] This kind of *jihād* is not obligatory when there is a peace agreement with the state that is persecuting Muslims.[250] Furthermore, Mawdūdī believes, on the basis of Q. 8:72-73 that those Muslims who are in *dār al-kufr* by choice (to Mawdūdī, abode of "un-Islam") have no right on the Islamic state except that they be helped against their religious persecution.[251] In all these cases, the basic purpose is to safeguard the "Islamic system" from being dominated by an un-Islamic one,

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[242] Ibid., 74.

[243] Ibid., 74.

[244] Mawdūdī, *Al-Jihād fi al-Islām*. Mawdūdī quotes numerous verses from the Qur'ān to support his contentions. Some of the verses are given in the footnotes to give the reader an idea of his argumentation. For a comprehensive view of Mawdūdī's reasoning, see the cited portions of this book .

[245] Mawdūdī, *Al-Jihād fi al-Islām*, 53-149

[246] Ibid., 66-70.

[247] Ibid., 70-75.

[248] Ibid., 75-77.

[249] Ibid., 77-80.

[250] Ibid., 79.

[251] Ibid., 79.

for which purpose the Muslims have been urged to prepare to such an extent that the enemy remain in awe and fear.[252]

In reformative *jihād*, an important kind of *jihād* is against disorder (*fasād*).[253] When disorder is created in a political system (by deviation from the Islamic order or impediments are created for people who wish to move forward in the way of Allah, *jihād* is required, for which Mawdūdī emphasizes the need for an Islamic state.[254]

He goes on to explain that *jizya* (tax paid by the vanquished to Islamic state for their protection) is not a penalty. It is actually a token on the part of *dhimmīs* (those who are given protection) to indicate that they continue to accept the terms of the end of war against them.[255] He also explains that *jizya* is levied only on those who are competent to fight (that is men, rather than women, children or old people).[256]

Mawdūdī's stance on *jihād* at this point is characteristic of an expansionist war based on assumption that Islam is the true and righteous religion and that, by virtue of this superiority, it has the right to entail that, whenever and wherever necessary and possible, its followers should take up arms under their ruler for eradication of un-Islamic political systems, which inevitably create *fitna* or *fasād*, to open the way for the propagation and dissemination of Islam. Mawdūdī, therefore, goes on to offer a defence against the seemingly belligerent and expansionist nature of *jihād*. He basically gives three kinds of arguments to show that *jihād* is nevertheless different from the expansionist war of imperialism, and that it is also a boon for mankind:

Jihād is not imperialism: Mawdūdīemphasizes that Western imperialism is based on the notions of the nationalistic or ethnic superiority in the garb of cultural reformation.[257] These underlying notions inevitably lead to injustice and oppression.[258] In contrast, the Islamic system is based on an ideal system that ensures justice and end of oppression for all. It affords higher station to those who submit to the system, regardless

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[252] Ibid., 80-82.
[253] Ibid., 104-117.
[254] Ibid., 117-119.
[255] Ibid., 123-124.
[256] Ibid., 124. However, if they too are taking part in the war, then it is permissible to kill them. Ibid., 223-224.
[257] Ibid., 128-129.
[258] Ibid.

of their ethnicity or nationhood.[259] In fact, the Qur'ān does not allow the Islamic state be unjust even toward the enemy.[260] He gives many examples from historical sources to highlight the just attitude of Muslims in the Prophet's times.[261] For example, Muslims returned *jizya* to the Christian population of Ḥims for their inability to provide them with protection in the imminence of the Battle of Yarmūk.[262] On that, the people decided to support them against the Caesar as they preferred the justice of Muslims to Heraclius' rule. Mawdūdī also gives other examples to prove his point here. He believes that the justification for conquests of Syria, Iraq, Persia and North Africa was that the governments there were either unjust or oppressive, and in either case that gave the Islamic state the moral right to overthrow them.[263]

The limits of *jihād*: The Muslims, according to Mawdūdī, have been allowed to fight only until *fitna* (oppression) ends and religion is for Allah alone.[264] Also when the enemy accepts subjugation and is willing to pay *jizya*, *jihād* must end.[265] Furthermore, Muslims are supposed to wage *jihād* only against unjust governments to end evil and injustice in the system.[266] Their people, however, cannot be converted to Islam by coercion.[267]

***Jihād* – a reformed war:** i). Islam has "purified" the motives for war by making it permissible only for the sake of Allah. Mawdūdī quotes numerous *aḥādīth* from *al-Bukhāhrī*, *al-Muslim*, *Abū Dā'wūd*, *al-Nisāī*, *Ibn Māja*, *al-Tirmidhī* and *al-Mu'aṭṭā* to emphasize that *jihād* is done only for Allah, not for wealth or booty.[268] For example, Mawdūdī quotes 'Ubāda ibn Ṣāmit's report that the Prophet said: "He who goes to fight

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[259] Ibid., 129-131.
[260] Q. 4:135, 5:8. Mawdūdī, *Al-Jihād fī al-Islām*, 133-134.
[261] Ibid., 137-143.
[262] Ibid., 139.
[263] Ibid., 144-149.
[264] For example, see Q. 2:193. Ibid.,153
[265] For example, see 9:29. Ibid.,154.
[266] For example Q.929. Ibid., 120, 121.
[267] For example, the Qur'ān says, "There is no compulsion in religion ..." (*lā ikrāha fī al-dīn*) (Q. 2:256). Ibid., 153-175. Mawdūdī regards the directives against the polytheists of the Prophet's time (Q. 9: 1-15), which offer them the choice of death or Islam, as punishment for their continual breach of promises and for their persistence in harming the interests of Muslims. Ibid., 66-70. Mawdūdī, therefore, does not see any contradiction in the claim (that there is no concept of forced conversion in Islam) that he makes on the basis of *lā ikrāha fī al-dīn lā* and the directives in Q.9:1-15.
[268] Mawdūdī, *Al-Jihād fī al-Islām*, 218-222.

in the way of Allah and has the intention of even obtaining one rope, then he deserves only the rope and no reward." Mawdūdī explains that deviances from this ideal (for example as in the expedition of Nakhla, essentially intended as a reconnaissance mission but one that developed into a conflict owing to the Muslims' desire for booty) were only because of pre-Islamic tendencies that Islam tried to eliminate gradually.[269]

ii). Islam has divided the "belligerents" into two categories: combatants and non-combatants. Non-combatants are not to be killed in *jihād*.[270] Again Mawdūdī quotes numerous *aḥādīth* to emphasize this point. He says that on the eve of the conquest of Mecca, the Prophet's directions were that injured or old people should not be killed; that the fugitive should not be pursued and that one who closes his door should be given peace.[271]

iii). The Prophet stopped the practice of sudden raids at night, and, according to Mālik ibn Anas, would always wait for the dawn to attack.[272]

iv). Burning or torturing to kill the enemy is prohibited.[273]

v). Looting and plundering are also prohibited.[274] After the truce in Khaybar some people began looting and plundering the Jews, which was strictly prohibited by the Prophet when he learned of the transgression.[275] The "spoils of the war" (*ghanā'im*) are to be distributed by the commander of the believers and not to be taken directly.[276]

vi). Destroying crops and property are also prohibited.[277] However, trees can be cut for indispensable strategic needs as in the siege of Banu Nadhīr by the Prophet. In

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[269] Ibid., 263-264.

[270] Ibid., 222-224. However, if these non-combatants, as women, children, the old, the sick, et al., take part in the war effort, then even they can be killed. Ibid., 223-224.

[271] Ibid., 223.

[272] Ibid., 224.

[273] Ibid., 225, 226.

[274] Ibid.,226. By looting and plundering, Mawdūdī means taking wealth and goods from the vanquished people or taking from the spoils of war before they are distributed by the state. Ibid., 227. By "spoils of war" (*ghanā'im*), he means that which the Muslim army obtains from the enemy forces in war. Ibid., 267.

[275] Ibid., 226-227. This definition is based on Mawdūdī's understanding of Q. 59: 6-7, which, in his opinion, does not allow the Muslim army a share in the wealth that is obtained through means other than war on battlefield (called *fay* Q.59: 6-7). The definition, Mawdūdī, asserts precludes looting and plunder from citizens as well as share in their lands (which lands become the property of Islamic state). Ibid., 267-268. In Iraq, 'Umar's decision to keep these lands with the original owners for a charge, explains Mawdūdī, was based on the same verse. *Fay* was originally for the Prophet, his relatives, and the needy. Mawdūdī opines that the Prophet's share was in relation to his overall work, and, therefore, in his absence, should go to the state. Ibid., 228-229.

[276] Ibid.,240. 1/5th of the spoils of war was for the Prophet, his relatives, and the needy. See Q. 8:41. Ibid., 267.

[277] Ibid., 227-230.

their case, the dates of *līna* trees (Q. 59:5) were not the kind that Banu Nadhīr used to eat.[278]

vii). Mutilating bodies is also prohibited.[279]

viii). Killing ambassadors/delegations is prohibited.[280]

ix). Killing prisoners is prohibited.[281] However, the Islamic state has the right to kill a prisoner who has been a foremost opponent and persecutor of Muslims as was done by the Prophet when he had 'Uqbah ibn Abī Mu'ayt put to death at the Battle of Badr.[282] The Islamic state in such cases is under no obligation to stage "the farce" of a trial against "war criminals" as was done in the West after World War II.[283]

x). Unethical and barbaric deeds of all kinds are prohibited.[284] For example, disrespect for the rights of those who are subjugated or embezzlement of the spoils of war or violation of the terms of an agreement with the enemy.[285]

Mawdūdī also points out certain principles that he feels Islam introduced to make war civilized. Amongst these principles are obedience to the central command (which ensured that individual soldiers do not take matters into their own hands), honoring treaties and promises (even at the expense of the interests of Muslims), giving ultimatum to the enemy before attack to give them chance to make amends for breach of treaty on their part, good treatment of prisoners and slaves, fair and just collection and distribution of the spoils of war, willingness to make peace, and good treatment of the conquered and vanquished.[286] In pointing out these principles, Mawdūdī also explains that there is no concept in Islam of seeing non-Muslim states as neutral. They are either enemies or "protected" by treaty.[287] So long as they do not violate the terms of the treaty, such protected states cannot be attacked even if Muslims are being persecuted there.[288] Similarly, a *dhimmi* does not lose his or her rights of protection even in case of criminal

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[278] Ibid., 228-229
[279] Ibid., 230-231.
[280] Ibid., 231-232.
[281] Ibid., 231.
[282] Ibid.
[283] Ibid.
[284] Ibid., 232-235.
[285] Ibid.
[286] Ibid., 238-275.
[287] Ibid., 244-246.
[288] Ibid., 245-246.

offences.[289]

Mawdūdī faces some contradictions in his exposition of some of these principles, particularly regarding the treatment of prisoners and slaves. He gives lengthy explanations to resolve these conflicts.[290] For example, he tries to explain that the Divine disapproval in Q. 8:67-68 on the Prophet's freeing of prisoners for ransom (*fidya*) was specific to the Battle of Badr.[291] The general principle regarding prisoners is given in Q.47:4, in his opinion. According to this principle, the prisoners can be incarcerated (in which case they should be treated kindly) or given their freedom with or without ransom for them.[292] Another question for Mawdūdī is about the apparent contradiction between the spirit of Q. 47:4 and the permissibility of making prisoners of war into slaves.[293] Mawdūdī accepts that Islam does allow this practice and even that of having sexual relations with bondwomen.[294] He gives an apologetic explanation to assert that i) this was the best solution to the problem of prisoners of war in the Prophet's time, and ii) the slaves had great rights and were treated very well.[295]

General Comments: Mawdūdī's views on *jihād* are quite close to the classical doctrine.[296] The classical/medieval concept of *jihād*, for example as presented by Muḥammad al-Shaybānī (132-189/750-804), entailed expansion of the Islamic state by the Muslim *umma* with the ultimate aim of bringing the whole earth under the sway of Islam and to eradicate unbelief.[297] Majid Khadduri explains in the introduction to his translation of al-Shaybānī's *Siyar* that the world was viewed in two ways: the territory of Islam (*dār al-Islām*), which had accepted Islamic sovereignty, and the rest of the world,

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[289] Ibid., 289. However, in case of treason against the Islamic state, protection is withdrawn. Ibid. The rights of the *dhimmis* have typically included the right to retain their places of worship as well. Ibid., 279-283.
[290] Ibid., 249-271.
[291] Ibid., 250-252.
[292] Ibid., 251-252.
[293] Ibid., 253.
[294] Ibid.
[295] Ibid., 253-262.
[296] However, to classical/medieval jurists, effort/struggle (*jihād*) for the dominance of Islam is essentially an obligation on and the raison d'être of the Islamic state, or more precisely on the collectivity of Muslims. To Mawdūdī, it is the means to achieving the basic objective of religion, and, therefore, an obligation on each and every Muslim. Nevertheless, " armed struggle" (*qitāl*), even to Mawdūdī, becomes obligatory as a "collective duty" (*fard kifāya*) only after "a call to arms" (*nafīr*) by the Islamic state. In that case, each and every adult Muslim is under obligation to do his or her bit to fulfill the requirements of this collective duty, unless of course his or her services are not required in fulfilling this obligation. Ibid., 57-61.
[297] Rudolph Peters, ed., *Jihad in Classical and Modern Times,* (Princeton, NJ: Markus Wiener, 1996), 3-6.

called the *dār al-ḥarb*, or the territory of war.[298] It was the duty of Muslim rulers to bring *dār al-ḥarb* under Islamic sovereignty whenever the strength was theirs to do so. The instrument for this transformation of *dār al-ḥarb* to *dār al-Islām* was *jihād* – not merely an individual's duty but also a political obligation imposed collectively upon the subjects of the Islamic state so as to achieve Islam's ultimate aim – establishment of God's sovereignty over the entire world.[299] Ibn Rushd (520-595/1126-1198) in his *Bidāyat al-Mujtahid* points out the consensus of scholars on the notion that the polytheists should be fought (on the basis of the Qur'ān 8:39) and that the People of the Book be made to accept Islam or subjugation with payment of *jizya*.[300]

Mawdūdī's stance on *jihād,* therefore, seems to lend support to the assertions of some Western scholars that Muḥammad's monotheism was to all intents and purposes a political program of Arab state formation and conquest. Patricia Crone, for example, states:

> The Arabs converted to Islam because Allah was a greater power than any other spirit endowed with a name and cult so far known in Arabia, and the problem is not the ease with which they could convert, but the inducement. What was it that Allah had to offer?
>
> What he had to offer was a program of Arab state formation and conquest: the creation of an *umma*, the initiation of *jihād*. Muḥammad was a prophet with a political mission, not, as is so often asserted, a prophet who merely happened to become involved with politics. His monotheism amounted to a political programme, as is clear not only from non-Muslim accounts of his career, but also from Ibn Ishāq.[301]

In recent times, many new interpretations were given to the concept of and rationale for *jihād*[302] (though even earlier al-Shāfʿī had developed the concepts of *dār al-ṣulh* – territory of peaceful arrangement or *dār al-ʿahd* – territory of covenant[303]). For example, Sir Sayyid Aḥmad Khan (1817–1898), an Indian Muslim reformist thinker, asserted that *jihād* is obligatory upon Muslims only in the case of positive oppression or

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[298] *Al-Shaybānī, The Islamic Law of Nations: Shaybāni's Siyar,* transl. Majid Khadduri (Baltimore, MD: John Hopkins Press, 1966), 10-19.

[299] Ibid., 15.

[300] Peters, *Jihad.,* 30.

[301] Patricia Crone, *Meccan Trade and the Rise of Islam,* (Princeton, NJ: Princeton University Press, 1987), 241.

[302] Peters, *Jihad,* 6-7.

[303] The Islamic Law of Nations, 12.

obstruction in the exercise of faith and in practice of the basics of religion.[304] Such views seem to be in clear contradiction to the classical views on *jihād*. Mawdūdī's own attempt in *al-Jihād fī al-Islām* to reconcile his theory of *jihād* with what appear to be western conceptions of peace and ethics leave many questions unanswered. Consider the following for example:

Mawdūdī insists that Islam called for an end to the killing of prisoners. Yet we know that in Badr, and, similarly, at the conquest of Mecca, a number of prisoners were ordered to be killed.[305] Mawdūdī's explanation that they were leading proclaimed opponents of Islam still does not bring them under the definition of "war criminals" as such, and leaves the seeming conflict unresolved. Mawdūdī's usual tendency of pointing up the flaws in the West in matters where he is unable to offer plausible explanation for the ethical deviance in his own proposed system affords the reader little help. His allegations that the modern system of trial for war criminals is "a farce" are hardly any explanation for resolving the above-mentioned problem and can perhaps be described as logical fallacies of *argumentum ad hominem* (attacking the person verbally rather than his arguments) and *ignoriato elenchi* (proving an irrelevant conclusion).

Furthermore, despite Mawdūdī assertion (on the basis of the Q.47:4) that emancipation was the spirit of Islam, slavery, we know, continued unabated in Muslim history, and the great length at which Mawdūdī has gone to show that the improvement in the conditions of the slaves was virtual emancipation does not solve the seeming contradiction with verse. Regarding treatment of prisoners, Mawdūdī's explanation of the seeming contradiction between Q.47: 4 and Q.8: 67-68 is rather incongruous considering that Mawdūdī regards the Qur'ānic condemnation of taking ransom for the freedom of prisoners as temporary despite the fact that Q. 8:67 begins with the words that are indicative of a general norm prescribed to a prophet of God. Furthermore, his whole

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[304] Peters, *Jihad*, 6. See also Sir Sayyid, *Tafsīr al-Qur'ān*, 33-110. Sir Sayyid divides the battles done by the Muslims in the Prophet's time into four categories: i) those that were done to thwart enemy attack. ii) those that were done to eliminate the threat of attack. iii) those that were done to take measures against people who had rebelled against the Islamic state or were guilty of breach of treaties and deceptions iv) skirmishes with espionage teams. Khān, *Tafsīr al-Qur'ān*, 892.

[305] A. Guillaume, trans., *The Life Of Muhammad: A Translation of Ibn Ishaq's Sirat Rasul Allah* (1955; reprint Karachi: Oxford University Press, 2001), 308, 550-551. Some of them, but not all, had committed murder. Some were punished for having shown derogatory attitude against the Prophet, among them some women as well.

argumentation against the concept of forced conversion seems anomalous vis-à-vis the Qur'ānic directives against the polytheists who were given the choice of Islam or death (Q.9: 1-14). The general amnesty granted to the people of Mecca on its conquest by the Prophet hardly proves anything different as the time of respite granted to them in the Qur'ānic ultimatum itself (Q.9: 5) had not yet expired. Moreover, it is hard to understand why Mawdūdī does not regard the choice of "Islam or *jizya* or death" given to the people of the book as coercion of sorts to convert.

Mawdūdī also tries to deal with some problems that he regards as exceptions to the general principles he spells out.[306] One example is the assassinations of Ka'b ibn Ashraf and Abū Rāfi'.[307] Ka'b ibn Ashraf had family ties with Banū Naḍīr and is alleged to have composed derogatory poetry against the Muslims and also to have plotted the murder of Prophet Muḥammad. The Prophet sent Muḥammad ibn Maslama to assassinate him secretly. Similarly, Abū Rāfi' was assassinated later after the Battle of Trench for similar attitude and for providing help to Ka'b ibn Ashraf. These assassinations create a number of questions. Mawdūdī regards these assassinations as exceptional measures justified by the special nature of the crimes committed by these two people.[308] He asserts that if assassinations were a regular policy of *jihād*, similar attempts could have been made against other Meccan chieftains as well.[309] For one thing, the Meccan chieftains were hardly as accessible in Mecca as Ka'b ibn Ashraf was in Medina, and, secondly, Mawdūdī presents no evidence to show that assassinations were prohibited in other cases. In any case, these two incidents seem to show that assassinations were carried out by the Prophet's followers at his behest, and Mawdūdī fails to resolve this seeming contradiction with the ethical principles of *jihād* spelled out by him, especially in relation to verse 8:58 in the Qur'ān.[310]

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[306] Mawdūdī, *al-Jihād fī al-Islām*, 301-322.

[307] Ibid., 311-314.

[308] Ibid.

[309] Ibid., 313.

[310] Another example is how the Prophet dealt with the Jewish tribes of Banū Naḍīr and Banū Qurayẓa. 301-310. Here at least Mawdūdī's argument makes sense as after the banishment of Banū Naḍīr, it was clear that letting combatants go free would pose as a continual threat to the Muslims' survival. The repeated betrayals and breaches of treaty by these tribes were ample testimony of their dangerous hostility. Moreover, Banū Qurayẓa's fate was decided by arbitration. 301-310. Similarly, Mawdūdī gives strong arguments for the expulsions of the Jews of Khaybar and the Christians of Najrān by 'Umar. Ibid., 314-322.The agreement with the former was contingent upon the will of the Muslims and with the latter on demonstration of their

We can see that Mawdūdī's dilemma was that in meeting the challenges of modernity, he wanted to remain within the tradition. But to meet these challenges, he had to break away from the tradition in many ways at the same time. His rejection of *taqlīd* gave him the basis for improvising new solutions to modern problems. In his reaction against westernization, he had to somehow fit his – at times – very Western solutions in the Islamic context. The result was interpretation of tradition as well as of modernity on the basis of a preconceived ideology. His effort to present *jihād* as a war for peaceful and ethical purpose (in essentially Western terms of peace and ethics) and his conception of Islamic state as being somewhat democratic are two examples of this tendency. Where the contradiction was difficult to resolve, he would either redefine concepts as peace and democracy in his own terms or point up violations of these ideals in Western history. He showed similar tendency in dealing with conflicts he had with traditional interpretations and trends in religion. An example is his gradual softening toward Sufism in terms of redefinitions.[311]

Despite these failings and shortcomings, Mawdūdī's ideology, interpretation, and struggle represent an unintentional, yet novel and systematic, syncretism of tradition and modernity that has deeply affected Muslim life and thought. Indeed, it is because of this "new Islam" that Mawdūdī has been accused by some of denying tradition when convenient.[312] Yet, incongruously it is essentially the desire to go back to pure Islam that makes radical Islamists as Mawdūdī depart from tradition and oppose "Westernization" at the same time. The question therefore is to what extent are Muslims willing to maintain elements of their past in their search for modern identity and what approches are they prepared to adopt to effect change. In answering these questions, investigation into the life and works of the likes of Mawdūdī to understand the nature of their success and failure is bound to be a rewarding and revealing academic enterprise.

The pattern of Mawdūdī's Islamist radicalism in breaking away from tradition and then in reversion to it, and in aversion to Westernization despite the "modernity" as

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goodwill for the Islamic state. In any case, both had later shown enough reasons to indicate rebellious and treacherous machinations on their part, according to Muslim sources. Ibid., 314-322.

[311] Or, perhaps, it was more of Mawdūdī's political stance in terms of giving his own concept of what he considered "the right kind of Sufism." Nasr, *Islamic Revivalism*, 123.

[312] Andrew Rippin, *Muslims: Their Religious Beliefs and Practices*: The Contemporary Period, (London: Routledge, 1993), 77.

Shepard would call it of Mawdūdī's own Islamism,[313] is an interesting case for exploring the possibilities and pitfalls of the effort to bring about effective change in the folds of tradition. Mawdūdī, in his effort to Islamize the "system" (that in his opinion has secular elements), portrays the example that Sheppard has given, "... like a person who has grown up in a house whose structure he does not like and who would like to take it over and demolish it and rebuild it to a different plan..." Mawdūdī, nevertheless, would look for old materials in the building process and insist that all the materials in his plan are essentially old ones or, where the old ones are not available, produced in the original way using the original paradigms. How was he able to convince his followers of this genuineness of his building material despite repeated contradictions in his thought is a very important question. Fazlur Rahman's assertion that this had to do with the paucity of enlightened and serious Islamic education has a lot of strength.[314] Rahman's strong emphasis on revival and reform of Islamic education and on an understanding of how what he terms as two distinct "normative" and "historical" forms of Islam should be studied may hold the key to the required synergy. Rahman's methodology of Qur'ānic interpretation in contemporary times is also particularly relevant here.[315] Although he gives many examples of how this methodology can be used to achieve what he regards as the central Qur'ānic aim of establishing a viable social order on earth that is just and ethically based, he did not write an exegesis himself.[316] There are however other scholars -- Ghāmidī for instance -- who seem to have come very close to the realization of Rahman's suggested solution (though with many differences in approach and ideas). The next chapter is devoted to Ghāmidī's approach and thought.

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[313] Shepard, "Islam and Ideology," 316.

[314] Fazlur Rahman, *Islam and Modernity: Transformation of an Intellectual Tradition* (Chicago: University of Chicago Press, 1982),116.

[315] Ibid.,141-161. For many other examples of Rahman's methodology, see also Rahman, *Major Themes*, 37-64.

[316] Ibid.

CHAPTER 3

JĀVĒD AHMAD GHĀMIDĪ'S INTERPRETATIVE APPROACH AND VIEWS ON *JIHĀD*

Jāvēd Ahmad Ghāmidī's interpretative approach is based on a highly developed hermeneutics, and aims at precision in the definition of many key concepts as *sunna*, *hadīth*, *ijmā'* and *tawātur*. Furthermore, his understanding of Islamic law has produced a vast literature that reevaluates many key concepts (for instance, *jihād*, apostasy, Islamic law of evidence, inheritance, etc).[317] This chapter desribes the salient features of his method with a few examples to point out the differences with Mawdūdī's approach, and then gives a detailed description of Ghāmidī's alternative to Mawdūdī's worldview and conception of *jihād*.

3.1 Ghāmidī's Interpretative Approach and Its Foundations:

Ghāmidī regards the Prophet as the final source of Divine guidance and law (*sharī'a*), which, in his opinion, is contained in the Qur'ān and the *sunna*.[318] His approach in Qur'ānic exegesis, a development on the techniques and premises of Farāhī and Islāhī, is unique.[319] Furthermore, his definition of the *sunna* is also quite different from

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[317] His reinterpretation of Islamic law has been presented most concisely in his book *Mīzān*. (Lahore: Dār al-Ishrāq, 2001). Ghāmidī has parted from traditional understanding on a number of issues, and, therefore, his views have become highly controversial in Pakistan. Some of his radical stances are: i) *jihād* can only be done to end oppression; it cannot be done on the basis of religion as such; ii) the formation of an Islamic state is not a religious obligation per se upon the Muslims; iii) the Islamic punishments of *hudūd* are maximum pronouncements that can be mitigated by a court of law on the basis of extenuating circumstances; iii) *ceteris paribus*, a woman's testimony is equal to that of a man's; iv) the *sharī'a* does not stipulate any fixed amount for the "penalty" (*diyya*) for unintentional murder; the determination of the amount – for the unintentional murder of a man or a woman -- has been left to the conventions of society; and v) the *sharī'a* does not require a woman to cover her face; it also does not unequivocally require her to cover her head.

[318] By *al-sunna*, He means the *sunna*, of the Prophet only. Ghāmidī, *Mīzān*, 9. He concedes that the term has historically been used in other senses as well, including tribal customs, *sīra* and precedents set by the *Rāshidūn*. However, in his epistemology, he uses the term the *sunna* to refer to that practice of the Prophet that became part of the content of religion. Ghāmidī, personal interview, 20 June 2004). See also Bravmann, *Spiritual Background of Early Islam*, 123-177.

[319] Hamīd al-Dīn Farāhī (1863-1930), a graduate of the Allahbad University, was an Indian Muslim scholar of Azam Garh, Uttar Pardesh. He was a cousin and pupil of Shiblī Nu'mānī's (1857-1914) and the mentor of Islāhī. Islāhī wrote his nine-volume commentary on the basis of the exegetical principles developed by Farāhī. Both Islāhī and Khān (Wahīd al-Dīn) were graduates of Madrassat al-Islah headed by Farāhī. For a history of Farāhī's life and works, see Sharf al-Dīn Islāhī, *Dhikr-i Farāhī* (Remembering Farāhī)[Lahore: Dār al-Tadhkīr, 2002]. For an idea of Farāhī-Islāhī approach to Qur'ānic exegesis, see Mir, *Coherence*, 25-

Mawdūdī's and is far more precise. In his opinion, the *sunna* is distinct and separate from the *hadīth*, and it is only the Qur'ān and the *sunna* that contain the content of the Divine guidance and law. The *hadīth* is just a historical record of the Prophet's understanding and explanation of the *sharī'a*, but it does not add anything to its content.

It is clear from a reading of Ghāmidī's works that he makes a clear distinction between content of the Divine guidance and its understanding and interpretation.[320] A jurist's understanding is his *tafaqquh* (deep understanding) of that content.[321] When such understanding is adopted by the state as a law and enforced, it becomes Islamic law as practiced or *fiqh* (Islamic law).[322] Similarly, when an individual accepts a jurist's (*mujtahid's*) or jurisconsult's (*muftī's*) opinion on a personal matter, that opinion becomes the law for him.[323]

Ijtihād and ijmā': who has the authority? In Ghāmidī's opinion, only "the content of religion" is immutable. The understanding of a jurist or an exegete is always open to analysis and critique.[324] This, however, does not mean that he does not give importance to the works of earlier *mujtahidūn* or *mufassirūn*. Based on Q.9:122, his view is that the task of *ijtihād* must be performed by those who have *tafaqquh* (deep understanding) in religion.[325] It is important for a present day *mujtahid* to be aware of the major works of earlier scholars and their methodology and to have the competence to access these works whenever required.[326] However, the works of earlier scholars are not beyond scrutiny and investigation. We have shown in the appendix that the argument proffered by the Sunni scholars to give certitude to *ijmā'* (in matters related to interpretation and *ijtihād*) is somewhat circular. Unlike Mawdūdī, who took al-Shāfi'ī's position on *ijmā'* in interpretation and reasoning (which afforded him plenty room to do his own *ijtihād* as that kind of *ijmā'* is a virtual impossibility now), Ghāmidī does not regard *ijmā'* on interpretation or *ijtihād* as a Divine *hujja* at all. In his opinion, there has

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[320] Ghāmidī, *Mīzān,* 11.

[321] Ibid., 205.

[322] Jāved Ahmad Ghāmidī, personal (telephonic) interview, 8 January 2003.

[323] Ibid.

[324] Ibid.

[325] Ghāmidī, *Mīzān.* 204-205.

[326] Ghāmidī, personal (telephonic) interview, 8 January 2003.

never been an *ijmā'* on the definition of this kind of *ijmā'*.[327] It is also obvious that there is no basis in the basic texts (*nuṣūṣ*: the Qur'ān and the precedents of the *sunna*) to assert that the gates of *ijtihād* had to be closed by the end of third/ninth century.[328]

In Ghāmidī's opinion, a scholar who has attained the required competence for *ijtihād* has as much right to formulate new principles as he has the right to form new opinions on the basis of existing or earlier principles of exegesis and jurisprudence.[329] In his opinion, any interpretation of the "content" of religion (as contained in the Qur'an and the *sunna*) by the Prophet himself that had been passed on to his community by his companions though their *ijmā'* or *tawātur* would have assumed in the shape of words or practice, rather than remaining the underlying meaning that the later scholars would then decipher to give textual basis to their notion of *ijmā'*.[330]

Ijmā' and the companions of the Prophet: To Ghāmidī, *ijmā'* of the companions of the Prophet in interpretation is either a name (*ism*) without the named (*musammā*) or something which can still be investigated for error.[331] In fact, according to Iṣlāḥī, the generally understood connotation of the word *al-ṣaḥāba* (Companions of the Prophet), according to which any Muslim who had seen the Prophet, is a misleading one. If the term is to refer to the heirs of his legacy, then the referred must be those companions who remained steadfast in the commitment to him and his cause in the most trying vicissitudes of his Prophetic career. It is clear from the Qur'ān that many hypocrites remained in the ranks of the Muslims to the end. Therefore, only those companions can be regarded as having the authority to speak on him as had their

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[327] Ibid.

[328] Ibid.

[329] Ibid.

[330] Factually speaking, the actual cases of *ijmā'* of scholars – in matters of interpretation and reasoning (*ijtihād*) – are very thin in content. Most of the *fiqh* manuals are largely devoted to matters of *khilāfiyāt*. For example, one can see that under each topic (*al-mas 'ala*) in the *Bidāyat al-Mujtahid* of Ibn Rushd (Averroes) [520-595/1126-1198], the author gives a brief mention of the agreement of scholars (indicated by the words *ittafaqa al-'ulamā 'alā....* [the scholars agree upon ...] or *ittafaqa al-jamhūr 'alā....* [the majority agree upon]) contained in a paragraph or two, followed by lengthy descriptions of their disagreement. See Ibn Rushd al-Ḥafid, *Bidāyat al-Mujtahid wa Nihāyat al-Muqtaṣid* (The First Manual of a Jurist and the Last of the Layperson), 2 vols. (Beirut: Dār al-Ma'rifa, 1997). For English translation, see Imran Ahsan Khan Nyazee, trans., *The Distinguished Jurist's Primer: A Translation of Bidāyat al-Mujtahid*, 2 vols. (Reading, U.K.: Garnet Publishing Ltd., 1994-1996).

[331] Ghāmidī, Personal (Telephonic) Interview, 8 January 2003.

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credibility established in history.[332] In any case, owing to the lack of any unequivocal *naṣṣ* in matters of interpretation of the sources of Islam, even the consensus of those who could genuinely be called *al-ṣaḥāba* -- if ever such consensus took place or came to be known -- cannot be given the authority or the certitude that the Qur'ān and the *sunna* have.[333] However, *ijmā'* or *tawātur* of the companions in the "content" of religion is the ultimate *ḥujjat* as an established historical reality. In other words, the authenticity and inerrancy of the Qur'ān and the *sunna* depend on the *ijmā'* or *tawātur* of the companions.[334] This *ijmā'* or *tawātur* -- in the transmission of the "content" of religion has a central position in Ghāmidī's methodology.

We will now discuss Ghāmidī's approach to the use and interpretations of religious sources, as expounded in his book Mīzān.

The Qur'ān: According to Ghāmidī, the Qur'ān was arranged and compiled by the Prophet under Divine instructions.[335] Ghāmidī does not accept any of the variant readings of the Qur'ān as authentic on the grounds that none of them, in his opinion, was transmitted by *ijmā'* or *tawātur*. He accepts only the version generally known as the one transmitted by Ḥafṣ (d.180/805) from 'Āṣim (d. 193/809), which Ghāmidī chooses to call "generally prevalent reading" (*qir'at-i 'āma*).[336] This reading, in his opinion, was transmitted by the *ijmā'* and *tawātur* of the companions of the Prophet.[337] The final

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[332] Amīn Aḥsan Iṣlāḥī, *Mubādī-i tadabbur-i ḥadīth* (The Foundations of Ḥadīth Analysis and Interpretation), Majid Khawar, Comp. and ed., (Lahore: Fārān Foundation, 1989), 78-87.

[333] Ghāmidī, Personal (Telephonic) Interview, 8 January 2003.

[334] Ibid.

[335] Ibid., 25-33

[336] Ibid., 27.

[337] Ghāmidī's conception of *ijmā'* and *tawātur* is quite different from that of either the jurists' (*fuqahā*) or the *ḥadīth* experts' (*muḥadithūn*) [for a brief view of the jurists' and *ḥadīth* experts' opinions on these terms, see Hallaq, "The Authenticity of Prophetic Ḥadīth: A Pseudo-problem," 75-90. Ghāmidī's conception of *ijmā'* and *tawātur* is not based on a specific number of narrators. His idea is of an established practice that becomes a doubtless historical fact. For example, the fact that Americans, two generations ago, generally pronounced the English letters a-s-k as "ask" in a certain way -- and still do -- is an established fact that does not depend as such on the reports of a few dictionaries or lexicographers, for its authentication is based on *ijmā'* and *tawātur*. It is on this basis that Ghāmidī rejects all the readings of the Qur'ān except the generally accepted one. In his opinion, it is this *qira'at-i 'amma* (general reading) which is established by *ijmā'* and oral perpetuation (*qawlī tawātur*), for it is impossible to imagine that one reading would have gained such wide currency and acceptance merely by the imposition of one caliph and would not have resulted in major protests in the early Muslim society. Such protests then would have been recorded through *ijmā'* and/or *tawātur* rather than by isolated reports (*akhbār aḥād*). Ghāmidī therefore, rejects the narrations pertaining to Abū Bakr's collection and Uthmānic recension. Ghāmidī, *Mīzān*, 29-33. (Mawdūdī, on the other hand, accepts these *aḥādīth* for their face value. He even goes to the extent of

arrangement of the Qur'ān (the present order as opposed to the chronological order) possesses coherence (*nazm*) both at the structural and thematic levels.[338] It is not a haphazardly arranged book as the present arrangement was Divinely revealed to the Prophet.[339] At the structural level, the *sūras* of the Qur'ān are arranged in a very meaningful way by the Almighty Himself. This arrangement is closely related to the very theme of the Qur'ān.[340] Ghāmidī's ideas on the *nazm* of the Qur'ān are a development on those of his mentor, Amīn Ahsan Islāhī (1904-1997), who wrote a nine-volume exegesis based on the hermeneutics of his teacher Hamīd al-Dīn Farāhī (1862-1930). This *nazm* has an immense importance in the hermeneutics of all the three scholars mentioned here. A brief description of this *nazm* in Ghāmidī's theory is given below.

The basic theme of the Qur'ān is a description of the Prophetic *indhār* (admonition) to his people, the Banū Ismā'īl – more specifically the Quraysh.[341] Prophet Muhammad, according to Ghāmidī, belonged to a specific category of the messengers of God who were sent to specific peoples as God's final judgment on them. The Qur'ānic term for such messengers is *rasūl* (plural: *rusul*).[342] Unlike some other messengers, termed as *anbiyā'* (singular: *nabī*), whose basic purpose is to prophesize the coming of a *rasūl* and who are sometimes killed by their own people, the *rusul* always triumph.[343] A

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suggesting that Uthmān was justified in revoking (*tansīkh* of) the other Divinely revealed readings for the wider good of the Muslim community. Mawdūdī, *Rasā'il-o Masā'l*, vol.5, 70-74. This is somewhat the same position that some early Muslim scholars also took; see, for example, Ibn Jarīr al-Tabarī, *Jāmi' al-Bayān*, 1st ed., vol.1 (Beirut: Dār Ahyā al-Turāth al-'Arabī, 2001), 31-34. The difference in Ghāmidī's terminology between *ijmā'* and *tawātur* is that *ijmā'* refers to knowledge of a statement or practice whereas *tawātur* refers to perpetuation of that practice.

[338] Ghāmidī, *Mizān*, 54-61. Ghāmidī's concept of *nazm* is a development on Farāhī- Islāhī concept. For studies on Farāhī-Islāhī in English, see Mustansir Mir, *Coherence*; Robinson, *Discovering the Qur'ān*, 271-286. For important works on *nazm* by Farāhī and Islāhī, see Hamīd al-Dīn Farāhī, *Majmū'a-i Tafsīr-i Farāhī* (Collection of Exegeses of Farāhī) Trans. Amīn Ahsan Islāhī (Lahore: Farān Foundation, 1991); idem, *Mubādi-i Tadabur-i Qur'ān*, (Lahore: Farān Foundation, 1988); and idem, *Tadabur-i Qur'ān*, 9 Vols. (reprint Lahore: Farān Foundation, 1985-1988).

[339] Ghāmidī, *Mizān*, 26-27.

[340] Ibid., 58-61.

[341] Q. 6:19. Ghāmidī, *Mizān*, 52-54. The Banū Ismā'īl (Children/Progeny of Ismā'īl) are referred to as Ishmaelites throughout the remainder of this study. Similarly, the Jews (to whom the Qur'ān frequently refers as Banū Isrā'īl [Children/Progeny of Isrā'īl] and sometimes as the Hūd or Yahūd) are referred to as Israelites (not to be confused with the citizens of modern day State of Israel). The Nasārā of the Qur'ān (who were Christian Jews) have been referred to as Nazarites. For whether the Qur'ān correctly used these terms, see Amīn Ahsan Islāhī, *Tadabbur-i Qur'ān* (Deliberation upon the Qur'ān), vol.1 (reprint; Lahore: Farān Foundation, 1985), 226-230.

[342] Ghāmidī, *Mizān*, 81-85. For a detailed exposition, see Jāvēd Ahmad Ghāmidī, *Nabuwwat-o Rirālat* (Urdu) [Lahore: Al-Mawrid, 1995].

[343] Q. 58:20-21. Ghāmidī, *Mizān*, 82-83.

rasūl's people are always given Divine punishment on denial after a stipulated time period and rewarded with a special privilege in this world if they accept his message and the authority.[344] In Prophet Muḥammad's case, his prophetic mission of doing *indhār* went through different phases, which can be categorized as general admonition (*indhār-i 'ām*), culmination of the conclusive argument (*itmām-i ḥujjat*), the abandonment and migration (*barā'at* and *hijrat*), and the reward and punishment (*jazā'* and *sazā*).[345] A depiction of these themes is given in the Qur'ān in seven distinct groups, each group consisting of a set of Meccan and Madīnan *sūras*.[346] The *sūras* within each group occur in pairs.[347] Each group of the Qur'ān possesses certain special features as a central theme of its own and arrangement of ideas. The order of the groups has a thematic significance too.[348] For example, thematically, the second group is culmination of the themes gradually flowing backwards from the seventh group. The theme of the seventh group is admonition (*indhār*) to the polytheists of Mecca. This theme moves gradually towards the inner purification (*tazkiya*) and organization of those who paid heed to this admonition and became Muslims (from the seventh group to the second). Then, in the second group, after culmination of the conclusive argument (*itmām-i ḥujjat*), the Divine law of retribution is implemented on all the religious groups present in Arabia in the time of the Prophet. From the first to the second group, the topical arrangement is also somewhat the same. While *indhār* is done to the People of the Book (the Israelites and the Nazarites), guidelines for the *tazkiya* and organization of the nascent Muslim community are also given, who are the *umma* that has now been given the responsibility of being witnesses of

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[344] Ibid., 81-85.

[345] Ibid., 53-54.

[346] The following table gives a brief idea of the seven Qur'ānic groups in Ghāmidī's idea of *naẓm* in Qur'ānic structure:

> Group I (Sūrah 1– Sūrah 5; Meccan 1, Madīnan 2-5). G II (S. 6 – S. 9; Mec. 6 & 7, Madīn. 8 & 9. G III (S.10 – S. 24; Mec. 10-23; Madīn. 24). G IV (S. 25– S.33; Meccan: 25-32, Madīn. 33. G V (S. 34 – S.49; Mec. 34-46, Madīn. 47-49. G VI (S.50 – S.66; Mec.50-56, Madīn. 57-66. G VII (S.67 – S.114; Mec. 67-112, Madīn. 113 &114). Ibid., 59. Cf. Iṣlāḥī's division; see Mir, *Coherence*, 89. Iṣlāḥī also has somewhat a similar claim: that the groups (as he has divided them) give a phase by phase description of the Islamic movement. Mir agrees withg this view only in broad sense. Mir, *Coherence*, 95-96. Apart from other differences in detail, the view that the overall theme of the Qur'ān itself is a depiction of the Prophet's saga of *indhār* is essentially Ghāmidī's idea.

[347] Ghāmidī, *Mīzān*, 58-59.

[348] Ibid., 60-61.

God over people (*shuhadā 'alā al-nās*).[349]

Similarly, each *sūra* of the Qur'ān is a complete unit in itself with its own structural, thematic and linguistic features.[350] Understanding this *naẓm* has a direct bearing on interpretation in Ghāmidī's hermeneutics. Addressees of a verse (*mukhātabīn*), reasons/occasions of revelation (*asabāb al-nuzūl*), and the context of statements are determined primarily on the basis of this *naẓm* and on the basis of linguistic considerations (rather than on the basis of *ḥadīth*, which is used at a secondary level only for mere corroboration).[351] It is indispensable to know for the *sūra* as well as for each and every verse whether the addressees were actually the polytheists of the Prophet' s time, or other People of the Book, or the Prophet and his companions, or some specific group within each of these categories.[352] Each antecedent of a pronoun or of a definite article and each "referred" of a "referent" are determined vis-à-vis the different phases of the Prophetic mission.[353] These aspects, if incorrectly ascertained, can completely distort the intended meanings. For example, if a punishment is prescribed specifically for the polytheists of the Prophet's time in the last phase of the Prophetic mission, and that punishment is deemed as applicable to the polytheists of all places in all times, the ramifications quite obviously can be quite serious.

Although sources extraneous to the Qur'ān, *aḥādīth* and reports on the companions (*āthār* sing. *athar*), historical works, previous scriptures and major *tafāsīr* (exegeses; sing. *tafsīr*) are used in Ghāmidī's methodology, yet their significance is secondary in that they are not the determining factors in ascertaining the meaning of a word or statement in the Qur'ān.[354] Their primary role is that of exposition of the meaning ascertained on the basis of other principles.[355] In determining the meaning, the primary importance in Ghāmidī's methodology is placed on sources of interpretation within the Qur'ān itself.[356] These include clues (*naẓā'ir*) from parallel usage in the Qur'ān, language, context and theme. No secondary source is accepted (including *ḥadīth*) that is

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[349] Ibid., 60.
[350] Ibid., 58. See also Iṣlāḥī's views on the *naẓm* of a *sūra*. Mir, *Coherence*, 37-84.
[351] Ibid., 52-58, 68-69.
[352] Ibid., 54.
[353] Ibid.
[354] Ibid., 61-63.
[355] Ibid.
[356] Iṣlāḥī terms them as internal sources or *dākhlī dharā'i'*. Iṣlāḥī, *Tadabur-i Qur'ān*, vol. 1, 14.

in contradiction with these "internal resources" (*dākhlī dharā'ī*). This is what Ghāmidī calls "exegesis of the Qur'ān through the Qur'ān" (*tafsīr al-Qur'ān bi'l-Qur'ān*).[357] Although Ghāmidī does not discount the importance of understanding the historical and social milieu in which the Qur'ān was revealed,[358] yet his approach is in stark contrast to tradition-based *tafsīr* in which *ḥadīth* and *athar*[359] have primacy.[360] Ghāmidī asserts that the Qur'ān is the scale (*mizān*), the criterion (*furqān*), and the guardian (*muhaymin*).[361] Consequently, anything that contradicts it or is not in accordance with its text cannot be accepted.[362] Since Ghāmidī's method of interpreting the Qur'ān basically revolves round its text, and includes sources as its parallels, language, context and theme, a brief explanation of the "internal resources" is in order here.[363]

Clues (*nazā'ir*) of the Qur'ān: The contents of the Qur'ān are described in numerous ways and styles throughout its text.[364] Brevity at one place is sometimes explained at another.[365] There are many features of this Qur'ānic style. Sometimes, part of a historical narrative is stated briefly in a *sūra* and some of its details are given at other places.[366] Specific connotations of a word or expression in a verse may be explained in other verses.[367] As an example, consider Q.4: 97-99.[368]

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[357] Ghāmidī, personal interview, 15 December 2003; see also Ghāmidī, *Mizān*, 45-47.

[358] Ghāmidī, *Mizān*, 61-63.

[359] A historical report, especially the one giving a verdict of a companion of the Prophet.

[360] For different kinds of *tafsīr* and their development, see Khan, *Qur'anic Studies*, 293-256. See also Mustansir Mir, "*Tafsīr*," in *Oxford Encyclopedia of Modern Islamic World*.

[361] Q. 42:17; 25:1; 5: 48. Ghāmidī, *Mizān*, 22-25.

[362] Ibid., 23-24.

[363] Ghāmidī's research associate, Shehzad Saleem (1966-), has explained these aspects in detail in his lectures on Qur'ān studies at Ghāmidī's Institute of Islamic Studies, Al-Mawrid. These lectures have been compiled by Saleem in the form of an (unpublished) textbook, "A Textbook of Qur'ānic Studies" (Lahore: Al-Mawrid, 2003). For this section, I have relied in part on this textbook as it contains information on Ghāmidī's lectures on various occasions over a period of years, which lectures are not otherwise available in written (and not even always in recorded) form. Saleem is also the editor of Ghāmidī's English monthly, *Renaissance*.

[364] Q.39: 23. Saleem, "Textbook," 142.

[365] Q.11: 1. Saleem, "Ibid."

[366] "Ibid.," 150.

[367] "Ibid.," 147.

[368] "When the angels take the souls those who will die in sin against their souls [because of remaining amongst the deniers], they will ask them, "In what situation were you?" They will reply: " We were weak and oppressed in this land." The angels will say: "Was not the earth of Allah spacious enough for you to migrate to another place in it?" Such are the people as shall find their abode in Hell – truly an evil abode! However, as for those helpless men, women, and children who cannot find any solution or way, it is hoped that Allah will forgive them. Truly, Allah is Greatly Clement and Forgiving."

Traditionally, on the basis of occasion of revelation (*sabab al-nazūl*) as determined through the *hadīth*, those referred to by the words "those who die in sin against their souls" are taken as people who stayed behind in Mecca even after the Prophet's migration and did not profess their faith in Islam despite having accepted it in their hearts.[369] It is also one of the verses on the basis of which the theory of *dār al kufr* versus *dār al-Islām* is based.[370] The linguistic denotation or connotations of these words hardly give any clue to what the evil (*zulm*) against the soul is. As a consequence, a host of conditions were added by jurists and exegetes at different points in Muslim history to legitimize a Muslim' s stay in *dār al-kufr* -- the conditions themselves becoming harsher or lenient in response to varying situations.[371] Mawdūdī, for instance, considers it permissible for a Muslim to stay in *dār al-kufr* provided he does that with the intent of spreading Islam for the establishment of an Islamic world order.[372] Despite the possibility that some of these assertions may be correct, none of them seems to be supported by the words themselves. On the other hand, Ghāmidī believes that the words "weak in this land" (*mustaḍ'afīn fi 'l-arḍ*) when contrasted with the same words as applied to women, children, and old people point out that in the first case the weakness has to do with being religiously oppressed or persecuted.[373] This verse, when taken together with Q.16:106-110,[374] becomes absolutely clear as Q.16:106-110 points out that those who are coerced into denying faith are absolved from the sin if they don't have any way out of that land and if they don't accept the *kufr* in their hearts. But, if they can find a way out, then they have no excuse to continue in *kufr*. As a consequence, what comes to light is that the only *sharī'a*-based limitation on a Muslim for staying in a non-Muslim country is that if he is being forced to deny his belief or religion and has the option of leaving the country, he should choose the latter. The idea that it is not permissible per se for a Muslim to live in a non-Muslim country is not supported by the text, and the conditions that supposedly make

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[369] See for example 'Imād al-Dīn Abū al-Fidā Ismā' īl ibn 'Umar Ibn Kathīr, *Tafsīr ibn Kathīr* (Ibn Kathīr's Exegesis, Muḥammad Ṣāḥib Jūnāgaḍhī, transl., vol.1 (Lahore: Maktaba-i Quddūsiyya, 1994), 632-634

[370] See for example Mawdūdī, *Tafhīm al-Qur'ān*, vol.1, 386-388.

[371] See for example Khadduri, *War and Peace*, 155-161, 170-173. See also S.A.A. Rizvi, Shā 'Abd al-'Azīz: *Puritanism, Sectarian Polemics and Jihād* (Canberra: Ma'rifat Publishing House, 1982), 75-108; 114-118; 169-173.

[372] Mawdūdī, *Tafhīm al-Qur'ān*, vol.1, 387-388.

[373] Ghāmidī, personal interview, 15 December 2003.

[374] which verses are clearly in the context of migration to avoid denial of faith in the face of persecution.

this forbidden act permissible are largely superfluous.

Language of the Qur'an: According to Ghāmidī, the language in which the Qur'ān was revealed was the Arabic of the highest level of Meccan Quraysh in the Prophet's time.[375] Proper understanding of the Qur'ān requires an appropriate knowledge and appreciation of its language, and this requires that a scholar be such an accomplished connoisseur of its language and idiom that at least language should not be a barrier to his arriving at the correct meaning of the book.[376] Also, if an exegete is not well-versed in the style of the language used -- in particular the style of address --, ellipses, insertions, parenthetical sentences, oaths and specific connotations, gross misinterpretation may result.[377]

It is not possible to give a description or an analysis of all these aspects here. We, however, look at an example of one of these aspects that is of particular relevance to this study, which is ascertaining the addressee(s) of a particular statement.[378] For example, Q

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[375] Ghāmidī, *Mīzān*, 11. Watt's view that the language of the Qur'ān was a Meccan variant of the literary *koine* is not very different from Ghāmidī's. Watt, *Bell's Introduction to the Qur'ān*, 83-85.Ghāmidī does not deny the existence of foreign words in the Qur'ān, but, as al-Suyūṭī, insists that they had been incorporated into Arabic language. Ghāmidī, personal interview, 15 December 2003. See also Mir's translation of selections from *Al-Jāmi'al-Bayān fī Tafsīr al-Qur'ān*, 30 vols. (reprint Beirut: *Daru'l-Ma'rifa*, 1906) by *Abū Ja'far Muḥammad ibn Jarīr al-Ṭabarī* (224-310/839-923) in Mustansir Mir, trans., "The Qur'ān and Pre-Islamic Arabic," *Renaissance* 10 (March 2000), Journal on—line. Available from http://www.renaissance.com.pk/ Accessed 25 Jan 2004; and in Mustansir Mir, trans., "Does the Qur'ān Contain Non-Arabic Vocabulary," *Renaissance* 10 (April 2000), Journal on—line. Available from http://www.renaissance.com.pk/ Accessed 25 Jan 2004.

[376] Ghāmidī, *Mīzān*, 12. The sources of learning this language in Ghāmidī's opinion include the Qur'ān itself, the *ḥadīth*, the *āthār*, and classical Arabic literature. Ibid.,14-17. According to Ghāmidī, a large part of the Arabic lexicon has been transmitted through the perpetual use of the native speakers and through their consensus on usage, and is contained in such masterpieces of lexicography as *Al-Tahdhīb*, *Al-Muḥkam*, *Al-Ṣiḥāḥ*, *Al-Jamhura* and *Al-Nahāya*. However, classical Arabic literature is certainly the most reliable basis for research on that part of the Arabic lexicon that has not been transmitted through such consensus or perpetual use. Ibid., 15. There are a few pieces of spurious literature as well in this corpus, but just as *ḥadīth* experts distinguish between the languages of bona fide *aḥādīth* and questionable ones, similarly the connoisseurs of language can sift out authentic and spurious pieces of literature. Ghāmidī counters criticisms on the relevance and reliability of the whole corpus of classical Arabic literature of the *Jāhiliyya* period. His main argument is that even if it is accepted that most of this literature was not from or from around Mecca, it cannot be denied that a piece of literature is accepted as a masterpiece by the native speakers only if it meets the standards of their literary *koine*. Ghāmidī, personal interview, 15 December 2003; see also Ghāmidī, *Mīzān*, 15. Ghāmidī also believes that the sources of classical Arabic literature are also important sources of understanding the cultural milieu of the Arabs of the *jāhiliyya* period, which understanding is also essential for appreciating Qur'ānic literature. Ibid., 17.

[377] Saleem, "Textbook," 151.

[378] For a brief explanation of Farāhī's view on oaths of the Qur'ān, see Mustansir Mir, "The Qur'ān Oaths: Farāhī's Approach," *Renaissance* 10 (July 2000), Journal on—line. Available from http://www.renaissance.com.pk/ Accessed 25 Jan 2004. Iṣlāḥī and Ghāmidī essentially follow the same

9:1-14 direct the Muslims to kill the polytheists (*al-mushrikūn*) wherever they find them until they accept Islam, established the obligatory prayer (*al-ṣalā*) and pay the obligatory charity (*zakā*). Apart from the fact that, according to Ghāmidī, in the given context of these verses, *al-mushrikūn* refer to specific groups in Arabia during the Prophet's time, an important question is the determination of which Muslims are the addressees of these verses. If it can be shown, in relation to the *naẓm* and the given context, that the addressees of these verses were the Muslims from amongst the progeny of Abraham during the Prophet's time whom God had chosen to be his witnesses on earth and through whom he wished to punish these polytheists as a form of Divine punishment, then obviously the whole idea in the theory of *jihād* that the collectivity of the Muslims as represented by the Islamic state must be perpetually at war with all *al-mushrikūn* can no longer be held as a valid interpretation of the verses quoted above.[379] It should be clear from this example how important it is to determine the addressee (*mukhāṭab*) as well as the speaker (*mukhāṭib*) of each and every statement in the Qur'ān. It is also important to note that according to Farāhī, Iṣlāḥī and Ghāmidī, sometimes there are multiple shifts from one addressee to others within a single verse.[380] For example, a translation of Q.8: 67-68, according to the interpretations of most traditional exegetes, would read somewhat as:[381]

> It does not behoove a *nabī* to take prisoners until he has caused carnage in the land. You seek the gains of this world, whereas God seeks the next life and God is Dominant, Wise. If the decree from God had not already existed, severe punishment would have befallen you for the (ransom) that you took.

It is generally believed that Muḥammad accepted Abū Bakr's suggestion to allow

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approach, but Ghāmidī has developed it further in relation to his conception of the overall theme of the Qur'ān. For an example of his approach, see Shehzad Saleem's translation of Ghāmidī's explanation of Sūrat al-Tīn. Jāved Aḥmad Ghāmidī, "Sūrat al-Tīn, *Renaissance* 5 (July 1995), Journal on—line. Available from http://www.renaissance.com.pk/ Accessed Jan. 28, 2004.

[379] Ghāmidī, *Mīzān*, 269.

[380] Ibid., 21.

[381] This translation is Mir's rendering of the traditional interpretation of exegetes as al-Ṭabarī (224-310/839-923) , al-Zamakhsharī (467-538/1075-1144), Rāzī (544-606/1150-1210), al-Suyūṭī (849-911/1445-1505),and Ālūsī (1217-1270/1806-1854), et al. (See Mir, *Coherence*, 112-114). By "traditional interpretation," is meant interpretations in early Muslim exegeses (not traditon [ḥadīth]-based exegesis). For a typology of *tafsīr* works, see Mir, Coherence, 1, n. 1; see also Mir, "*Tafsīr*," in *Oxford Encyclopedia of Modern Islamic World.*

the prisoners of war freedom for ransom against 'Umar's suggestion to execute them instead.[382] In other words, these verses criticize Muhammad and Abū Bakr and approve 'Umar's suggestion. According to Islāhī, there are several problems with this interpretation. Firstly, the Muslims did not violate any decree of God by taking ransom for freeing the prisoners as Q.47: 4 had already permitted them to take ransom in exchange for their freedom. Secondly, with 70 leading figures of the Quraysh already killed in this battle, there seems to be no reason to believe that God would have commanded further carnage. Thirdly, even if it is assumed that a mistake in *ijtihād* was made by Muhammad and his followers, it is hard to imagine why they would have received such harsh admonition that seems to be befitting for only die-hard disbelievers and hypocrites.[383] According to Islāhī, while determining the addressees of each part of the verse, one needs to consider that after their defeat, the Quraysh tried to counter their humiliation by a propaganda against Muhammad in which they tried to portray him as a power-hungry person who would go to the extreme of killing his people and holding them as prisoners just to take ransom from them.[384] In this background, and in consideration of the overall context of the verses as explained by Islāhī, translation of the verses could be as follows:

> It does not behoove a prophet to take prisoners until he goes to the length of causing carnage in the land. You [O Quraysh] seek the gains of this world, whereas God seeks the next life and God is Dominant, Wise. If the decree from God had not already existed, severe punishment would have befallen you for the way you conducted yourselves.[385]

Apart from the fact, that the traditional interpretation depended a great deal on the *hadīth* based occasions of revelation, another possible reason for error in determining the addressees could be in the previous verse Q.8.65 exhorting the Muslims to do *jihād*, the addressees are the Prophet and the Muslims. The address then shifts from the Muslims to the Quraysh in 67-68. To ensure that the Muslims are not adversely affected by the

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[382] 'Imād al-Dīn Abū al-Fidā Ismā' īl ibn 'Umar Ibn Kathīr, *Tafsīr ibn Kathīr* (Ibn Kathīr's Exegesis), transl. Muhammad Sāhib Jūnāgadhī, vol.1 (2) [Lahore: Hudhyfa Academy, 1999], 19-20.

[383] Islāhī, *Tadabbur-i Qur'ān*, vol.3 (reprint Lahore: Fārān Foundation, 1988), 510-513

[384] Ibid., 511.

[385] Islāhī translates *akhadha* as " to conduct oneself in a certain way," which is one of the connotations of the verb. Ibid., 510.

propaganda of the Quraysh, the following verse (Q.69) then shifts back to the Muslims and addresses them by saying: " So, [now] use [O Muslims] what you took in war ..."[386]

According to Ghāmidī, one reason for these misinterpretations is that in the tradition-based exegesis and in juristic exegesis, an important aspect of the language of the Qur'ān is not taken into consideration: that the style of this language is not akin to that of a textbook or a book of law. The style is literary and the genre can best be described as an oratorical combination of prose and poetry.[387] Any exegesis that does not adequately take into consideration the literary aspects of the Qur'ān is bound to be fraught with myriad possibilities of error in interpretation.[388]

Finally, perhaps the most important point in the foundations of Ghāmidī's exegetical method, especially in relation to the question of the addressees of the Qur'ān, is that contrary to the general assumption of classical/medieval exegetes Ghāmidī believes that the Qur'ān primarily addresses the Ishmaelites, Israelites, and the Nazarites of Arabia in the Prophet's times.[389] Therefore, the basic assumption of an exegete should not be that each verse of the Qur'ān (and any directive emanating from it) is universal in application unless its specificity can be proved from the context; instead, the basic assumption should be absolutely the other way round: each verse of the Qur'ān (and any directive emanating from it) is specific to its first addressees and their times unless its universality and generality can be proved from the context.[390] For example, by Ghāmidī's contention, the directives in Sūrat al-Tawba against the Ishmaelite polytheists, the Jews, and Nazarite Christians of Arabia in the Prophet's time would be specific to them only. In the absence of any other evidence in the context, the directives in the verses would be confined to their first addressees. On the other hand, ceteris paribus, the injunctions against fornication in the Qur'ān have universal character in applicability as is obvious from the overall context of all the pertinent verses.[391]

It is here that Ghāmidī's method has aspects that could be compared to and with

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[386] Ibid., 511-513. Cf. Mawdūdī's explanation of this verse: Mawdūdī, *Al-Jihād fī al-Islām*, 250-252.

[387] Ghāmidī, *Mizān*, 19-22.

[388] Ibid. For a brief view of some important literary aspects of the Qur'ān, see Mustansir Mir, "The Qur'ān as Literature," *Renaissance* 10 (May 2000), Journal on—line. Available from http://www.renaissance.com.pk/ Accessed 25 Jan 2004.

[389] Ghāmidī, *Mizān*, 54.

[390] Ibid.

[391] Ibid., 282-283.

Fazlur Rahman's "double movement hermeneutics" in exegesis. We could say that, in Rahman's terms, Ghāmidī also, though in a different sense and a different way, separates the "historical Islam" from the "moral Islam." But there are major differences in the assumptions, the approach, and the interpretations themselves.[392] In terms of the approach, an important difference is that whereas Rahman will look at various historical as well as the textual source of the Qur'ān to decipher the relevant social, cultural, political or economic context of a directive, Ghāmidī, for the same purpose, will give primary emphasis to the language and the text of the Qur'ān. Similarly, whereas Rahman will try to ascertain the underlying ethical principles (*rationes legis*) that can then be extended from the historical Islam to the present day situation, Ghāmidī well essentially look for linguistic and textual bases that permit extension or application of a directive to situations other than the historical instance of the directive's origin and applicability.

Context of the Qur'ān, the *suras* and the verses: The Qur'ān is a coherent book in

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[392] A comparison between the two would be highly significant, especially in the context of Pakistan. Rahman's hermeneutics was an important basis of his suggestions for revival and reform of Islam's intellectual tradition, which suggestions and ideas he had opportunity to try out, though with little success (owing to political opposition), as the Director of the Central Institute of Islamic Research in Pakistan (1962-1968). In this position, he also served on the Advisory Council of Islamic Ideology. This study, however, does not attempt this comparison between Ghāmidī and Rahman , as it would require an entirely separate study for its justification. However, a few basic differences, as understood by the writer of this thesis, may be worth noting here: i) there is a difference in the underlying assumptions regarding the nature of revelation. Ghāmidī regards each and every word and its arrangement in the text of the Qur'ān as God's (and not in the least bit, or in any sense, Muḥammad's); see Ghāmidī, *Mīzān*, 26-27 and Fazlur Rahman, *Islam* , 2nd ed. (London: University of Chicago Press, 1979), 30-33; ii) The central aim of the Qur'ān in Ghāmidī's thought is not "the establishment of a viable social order on earth that will be just and ethically based;" the central aim of the Qur'ān in Ghāmidī's opinion, indeed of the whole religion, is "purification of the soul" (*tazkiyyat al-nafs*) so that a human may be accepted as God's servant in Paradise; this does not mean that ethical aspects of the Qur'ān do not figure in Ghāmidī's interpretation or that Rahman disregards *tazkiyya*; the question is of the centrality of these ideas in the aim of the Qur'ān; see Ghāmidī, *Mīzān*, 92-93 and Fazlur Rahman, *Major Themes*, 37 iii) as mentioned in the text (after the superscript of this footnote), there are subtle but major differences in the interpretative approach; three useful examples in understanding these differences would be the explanations of both scholars on the questions of polygamy, slavery, and prohibition of interest/usury (*ribā*) in the Qur'ān; despite the close similarity in their opinions on the first two issues, major differences in approach can be noted; on the last issue of *ribā*, their opinions are contradictory, and the difference in approach comes out quite clearly; see Ghāmidī *Mīzān*, 152-158, 272-276; Ghāmidī, "Polygamy," Shehzad Saleem, trans., *Renaissance* 3 (June 2003); Journal on--line Available from http://renaissance.com.pk; Ghāmidī, "Slavery," Shehzad Saleem, trans., *Renaissance* 3 (April 2003); Journal on--line Available ibid.; Rahman, *Major Themes*, 47-49; and iv) both Rahman and Ghāmidī recognize that historically the term *sunna* was originally used in meanings much different from the sense to which it was confined by later jurists. To decipher its religious character, Rahman essentially relies on its ethical aspects manifested in the form of the modal behavior of the Prophet (*uswa*), whereas Ghāmidī completely relies on what he terms as the *ijmā'* and *tawātur* of the companions on what was established as religious practice by the Prophet; Ghāmidī, *Mīzān*, 9-11, 23-28; Rahman, *Islam*, 44-45, 50-58, 257.

which its verses and *suras* are arranged in a specific order. While interpreting the Qur'ān, it is imperative to keep in view the context of its verses, which is decisive in not only determining the meaning of a word that may have multiple meanings but also in determining the meaning of a verse which if taken out of context can have a different meaning. In deciphering the context, the most important role is played by the Qur'ānic *nazm*.[393] In this *nazm*, the historical and social background, in which in the Quranic directives emerged, are also taken into consideration.[394] This methodology, therefore, though heavily dependent on linguistic and semantic aspects of hermeneutics cannot be accused of a non-historical approach to exegesis. However, in developing the historical framework, the Qur'ān itself is given primacy in this approach.[395] Extraneous sources are accepted only if they do not contradict the context as it emanates from the Qur'ānGhamidi conceds that the Qur'ān is not a textbook of history through which an exact chronological framework can be constructed, yet the assertion is that the broad-based idea of the historical and social milieu can be deciphered from the text itself, which idea, along with information from historical sources (as *hadīth* for example), is more than sufficient for exegetical purposes.[396] Therefore, the accusation that one cannot gain a precise chronology of the history of the Muslims in the times of the Prophet from the Qur'ān is correct to quite an extent, but not relevant to the exegetical principles in question.[397] We will take one example here of Ghāmidī's approach in relation to the consideration of the context.

On the basis of Q. 2:282, many Muslim jurists assert that the legal testimony of a woman is half that of a man's.[398] Women's testimony in cases of Qur'ānic punishments (*hudūd*) is not acceptable to the majority.[399] As far as other affairs are concerned, their testimony is acceptable only when, in place of a male witness, two of them testify along

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[393] Ghāmidī, *Mīzān*, 52-61.

[394] Ibid., 61-63.

[395] Ibid.

[396] Ibid.

[397] For an example of the assertion that the Qur'ān cannot be used as an exact source of history, see Patricia Crone, *Meccan Trade*, 203-204.

[398] See Ibn Rushd, *Bidayat al-Mujtahid, al-juz' al-thānī*, 348; for English translation, see Nyazee, trans., *Distinguished Jurist's Primer*, vol.2, 560.

[399] See Ibn Rushd, ibid.; and Nyazee, ibid., 559.

with a male witness.[400] According to Ghāmidī, who does not accept this interpretation of the jurists, two implications of Q.2:282 are obvious from the context: firstly, the verse relates to testimony over a document (of loan), which is not related to testimony in an act of crime.[401] In the first case, the parties involved have a choice in the selection of witnesses, but, in the second case, the presence of witnesses on the occasion of the crime may purely be coincidental. Secondly, the verse does not address the court but the parties involved (in loan transaction) to help them in avoiding dispute and damages.[402] In other words, the verse gives ethical guidelines to the parties involved. It does not lay down conditions for the validity of a contract.

Hence, in Ghāmidī's view, in cases of Qur'ānic punishments (ḥudūd) and non-Qur'ānic ones (ta'zīrāt) and, indeed in all such matters, it is the court's discretion whether it accepts someone as a witness or not. In this regard, there is no discrimination between a man and woman. If a woman testifies in a clear and definite manner, her testimony cannot be turned down simply on the basis that there is not another woman and a man to testify along with her. The words 'an taḍilla iḥdahumma fa tudhakkiraa iḥdāhumma al-ukhrā ("…. so that if one of them forgets, the other should remind her") further corroborate the overall context of the verse, for quite obviously the court is not obliged to force the other female witnesses to remind the first if the first one does not forget. In the context, these words can only mean that since the typical Muslim woman in the Prophet's times had the proclivity to be confused in a court of law, the Qur'ān advised the Muslims to have two female witnesses instead of one. However, should one woman satisfy the court, her testimony would be as valid – ceteris paribus – as that of a man's, for the advice to have the second woman is essentially a help to the woman in giving testimony rather than a directive to the court in setting up legal procedure.[403]

Theme of the Qur'ān: The interpretation of the Qur'ān must be done in the light of its theme. Precisely stated, this theme is the depiction of the details of the mission of the Prophet Muḥammad that concluded with the Divine judgment that was pronounced on his

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[400] See Ibn Rushd, ibid.; and Nyazee, ibid., 559-560.
[401] Ghāmidī, Burhān, 28.
[402] Ibid., 29.
[403] Ibid., 24-33.

addressees.[404] In this regard, three considerations are important:

i). The time of the revelation of the *sūra*, that is the phase of the Prophet's mission to which it belongs should be determined. Each *sūra* must be placed first broadly in the Meccan or Madīnan phase, and then in the phase of the Prophetic mission in which it was revealed.

ii). The addressees of each *sūra* must be determined first from amongst the people of the Prophet in this time.

iii). The directives which belong solely to the era of the Prophet Muḥammad and his companions must be differentiated from general directives.[405] (Discussion on this aspect shall precede our presentation of Ghāmidī's ideas on *jihād*).

The *sunna*: The *sunna* in Ghāmidī's epistemology refers to those religious traditions of the Abrahamic faith which Prophet Muḥammad, after their revival and reform and after some additions to them, established as religion in the community of his followers.[406] It is what the Qur'ān refers to as "*milla Ibrāhim.*"[407] Just as the Qur'ān was passed on by *ijmā'* and oral perpetuation (*qawlī tawātur*) of the companions to followers of successive periods, the *sunna* was passed on by their *ijmā'* and perpetual practice/adherence (*'amalī tawātur*).[408]

On the basis of his conception of *ijmā'* and *tawātur*, Ghāmidī even gives a list of the *sunan* (plural of the *sunna*) which come within the ambit of his definition.[409] This list

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[404] Ghāmidī, *Mizān*, 53-54.
[405] Ibid., 54.
[406] Ghāmidī, *Mizān*, 10.
[407] Q. 16:123. Ghāmidī, *Mizān*, 10.
[408] Ibid.
[409] Mentioning God's name and then eating and drinking with the right hand; greeting one another with *al-salām 'alaykum* and responding to such greeting with *wa 'alaykum al-salām;* saying *al-ḥamd li-Allāh* after sneezing and responding to it with *yarḥamuk Allāh;* saying *adhān* in the right ear of a new born baby and saying the final prayer call (*iqāma*) in its left ear; slaughtering animals in a way that most of the blood is drained from their bodies; the marriage (*nikāḥ*) ceremony; delivering the *nikāḥ* sermon; trimming moustaches; shaving the pubic hair; shaving hair from under the armpits; circumcising the male offspring; clipping nails; cleaning the nose, the mouth and the teeth; cleaning the body after urination and defecation; the ceremonial bath after sexual intercourse or ejaculation; bathing the dead before burial; shrouding a dead body; burying the dead; ritualistic ablutions (*wudhū);* symbolic ablutions with dust (*tayammum*); call to prayer (*adhān*); final call to the congregation (*iqāma*) for the obligatory prayer; building and overseeing of mosques for prayer; the five obligatory prayers; the Friday congregational prayer; the prayers of two Holy

is obviously is of immense importance in that once it is determined that these are the rituals which are the content of the religion in the *sunna* of the Prophet, the task of a jurist (*mujtahid*) or a jursisconsult (*mufti*) in finding the *sunna* through the *hadīth* -- an erroneous methodology in itself -- becomes largely superfluous. In the determination of the *sunan*, some important guiding principles used by Ghāmidī are:

i). The *sunna* is related to religion only. In other words, the fact that the Prophet used the sword to fight, camels to ride, a certain form of dress or style of hair, etc. have nothing to do with the *sunna*, as these customs do not relate to religion.

ii). The *sunna* is related to practice. It is not related to the philosophy of faith as such. In other words, articles of faith, philosophical insights, and creeds do not fall within the ambit of the *sunna*.

iii). Directives emanating essentially from the Qur'ān rather than from the Prophet's person are not the *sunna*; for example, punishment prescribed for fornication. The prophet's application of such a directive is his explanation (*tafhīm*) or clarification (*tabyīn*), not the *sunna*.[410]

Festivities (*ʿidayn*); The funeral prayers; the form of fasting; seclusion in Ramaḍān (*iʿtikāf*) ; the Holy Festivity of Ramaḍān's end (*ʿid al-fiṭr*) ; charity (*ṣadaqa*) of *ʿid al-fiṭr*; *zakā*; sacrificial offerings (*hadī*) brought to the *Kaʿba*; circumambulation (*tawāf*) of the *Kaʿba*; sanctity of the *Kaʿba*; the sacred months; *hajj* and optional performance of *hajj* rituals (*ʿumra*); the Festivity of Sacrifice on the *hajj* (*ʿid al-adhā*); sacrificing animals on *ʿid al-adhā*; saying "Allāh Akbar" (*takbīr*) on specified days (*tashrīq* : 11th to 13th of the month of Dhū al-Ḥijja).

[410] For this reason, Ghāmidī does not regard "the punishment of stoning to death" (*rajm*) prescribed by the Prophet as "abrogation" (*naskh*) of the Q. 24:2-3 (which prescribes 100 stripes for fornication) by the *sunna* or *hadīth* or another reading of the Qur'ān (*naskh dūn al- tilāwa*). On the basis of Iṣlāḥī's opinion on *rajm*, Ghāmidī regards this practice of the Prophet as his application of Q.5:33-34, which prescribes dreadful death (*taqtīl*) as one of the possible punishments for "creating disorder in the land" (*fasād fi'l-ard*). In Iṣlāḥī's opinion as well as in Ghāmidī's, extreme offences of recidivists, rapists, and other offenders of this sort (contrary to the case of an ordinary fornicator) fall within the category of *fasād fi'l-ard*. It was only such offenders as were given the punishment of *rajm*. However, since Q.5:33-34 also gives the authorities the option of giving the lenient punishment of banishment (*nafī*)even in such cases, the Prophet would sometimes ask various questions, including questions about the matrimonial status of the offender, to determine whether there were any extenuating circumstances. The matrimonial status in itself is not any basis for the difference in punishments. For further details, see Ghāmidī, *Mizān*, 283-289. Not understanding this fact, in Ghāmidī's opinion, resulted in superfluous discussions on the abrogation of the Qur'ān by the *sunna*. In his opinion, no *sunna*, explanation or application of the Prophet could or did ever abrogate the Qur'ān (Q. 42:17, 25:1, 5:48; see also Ibn Ḥanbal's negation of the notion that the *sunna* rules over the Qur'ān. al-Khaṭīb al-Baghdādī, *Al-Kifāya fi 'Ilm al-Riwāya* (The Sufficient Work on the Science of Narration) [Lahore: Al-Maktaba al-ʿIlmiyya, n.d.], 15. Ghāmidī gives various examples to show that a number of generally held cases of contradiction between the Qur'ān and the *sunna* or (bonafide) *hadīth* are

On the other hand, practices adopted or modified by the Prophet from Abrahamic religious tradition and later sanctioned by the Qur'ān are part of the *sunna* (for example, rituals of prayer and sacrifice, etc.).

iv). Moral excellence shown by the Prophet in performance of religious directives is model behavior (*uswa ḥasana*), not the *sunna*. For example, ritualistic ablutions (*wuḍū*) performed by the Prophet in a manner that he would wash each specified part of the body three times is just model behavior in carrying out the directive of Q.5:6 in a good manner (*bi'l-iḥsān*).

v). Description or explanation of inherent guidance in human nature is not the *sunna*. For example, the Prophet's directive that the meat of lion or donkey should not be eaten does not belong to the category of the *sunna*.

vi). General guidance given by the Prophet, even in matters of religion, where such guidance is not intended to be necessarily established as a custom or ritual or practice is also not the *sunna*. For example, the wording of many prayers for numerous situations taught by the Prophet to different individuals.

vii). As the Qur'ān, the *sunna* is not based on isolated narratives (*akhbār aḥād*).[411] Establishing the *sunna* in his community was the Prophetic

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based on either a misunderstanding of the concept of the *sunna* or misinterpretation of the Qur'ān. See Ghāmidī, *Mizān*, 36-47; see also Ghāmidī, *Burhān*, 34-124. Only the Qur'ān can abrogate the Qur'ān, and such abrogation becomes clear through the verses or the context of the Qur'ān itself. Ghāmidī, *Mizān*, 22-47. See also Burton, *The Collection of the Qur'ān*, 226-240; and Burton, "Abrogation" in *Encyclopaedia of the Qur'ān*, Volume 1 (Leiden: E.J. Brill, 2001), 11-19.

[411] Singular: *khabr wāḥid*. The number of persons in the "chain of narrators" (*sanad*) in *kahbr wāḥid* (lit. single report) is not large enough for the report to be considered concurrent enough for epistemological certitude. The scholars differ on the exact number required for concurrence (*tawātur*). See Hallaq, "The Authenticity of Prophetic Ḥadīth: A Pseudo-problem," 75-90. Two things need to be mentioned here about Ghāmidī's concept of *tawātur* in reports (*akhbār*): Firstly, a practice does not become the *sunna* merely by being mentioned in a concurrent (*mutawātir*) report. It needs to meet other criteria mentioned above. For example, there is an *ijmā'* on the knowledge that the Prophet ate dates and that he also used twigs (*miswāk*) to clean teeth. Neither practice is the *sunna* as neither was established by the Prophet as a religious practice (cleaning teeth, however, is a *sunna*) -- as becomes clear from all the sources based on *ijmā'* and *tawātur*. Secondly, *ijmā'* or *tawātur* in Ghāmidī's views are not based on any specific number of narrators or adherents. The consensus and adherence in these cases is so widespread *ab initio* that indeed the question of a specific number does not even arise. For example, if the variant readings of the Qur'ān curbed by Uthmān had been based on *ijmā'* or *tawātur* their removal from circulation would have been reported by *ijmā'*

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duty of the Prophet, and he did not leave this matter to *akhbār ahād*.

The epistemological basis of the *sunna* is the *ijmā'* and *tawātur* of the *umma*, which received it through the *ijmā'* and *tawātur* of the companions.[412]

The *Hadīth*: Regarding what is generally termed as *hadīth*, Ghāmidī claims that its major corpus is based on *akhbār ahād*.[413] He has no qualms on accepting that knowledge gained from such *akhbār ahād* is at best probable (*zannī*) in varying degrees.[414] With the possible exception for his sermon on "the last pilgrimage," the Prophet never took any measures for the preservation or dissemination of the *hadīth*.[415] Therefore, in justification or rejection of a *hadīth*, the basic principle is that a *hadīth* can be accepted as "a historical record of the Prophet's explanation or clarification of religion[416] only if the basis of that *hadīth* already exists in the Qur'ān or the *sunna* or the established principles of human nature and intellect. Moreover, it should not be contradictory to any of these bases, and should have been transmitted by reliable

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thenceforth rather than by *akhbār ahād* as this event would have become a major issue in Muslim history. (That is why Ghāmidī does not accept these reports on Uthmānic redaction). Conversely, if the *qir'at-i 'āma* had not been based on *ijmā'* and *tawātur* of the companions right from the times of the Prophet, its imposition at such a large scale by a Caliph would have created a similar furor that would have been reported by *ijmā'* and *tawātur*. Again, in a matter as sensitive as the Qur'ān, even a gradual imposition or pervasion would also have been similarly noted or objected to. Ghāmidī, personal interview, 15 December 2003. See also, Burton, *Collection of the Qur'ān*, 225-240.

[412] Ghāmidī, *Mīzān*, 63-68.

[413] From here onwards, the term *hadīth* has been used interchangeably with *akhbār ahād.*

[414] Ghāmidī, Mīzān, 68. See also Hallaq, "The Authenticity of Prophetic Hadith," 75-90; and John Burton, *An Introduction to Hadīth* (Edinburgh: Edinburgh University Press, 1994), 106-177.

[415] Ghāmidī, Mīzān, 68.

[416] That is the religion (already contained in the Qur'ān, the *sunna*, or the established principles of human nature and intellect). Since the *hadīth* is not a completely reliable source of "the content of religion" in itself, it cannot add any new "creed or deed" in the "content of religion." Ghāmidī, *Mīzān*, 68. For example, the Prophet is reported to have prohibited men from wearing silk clothes. According to Ghāmidī's principles, this prohibition, reported primarily in the *hadīth*, cannot be taken as an injunction in itself, for the Prophet could not have chosen to disseminate a Divine directive through probable sources of transmission as *akhbār ahād*. Therefore, if the *ahādīth* are accepted, the prohibition must be seen as the Prophet's application of the directive already contained in the certain sources of religion (the Qur'ān, the *sunna*, or the established principles of human nature and intellect). In Ghāmidī's opinion, silk for men was a mark of ostentation in the Prophet's society. (And ostentation and false pride have already been condemned in various places in the Qur'ān [for example see Q.90:6; 107: 6]). Therefore, in a society where silk is no longer a mark of ostentation for men, it will be deemed as permissible, provided using it does not violate any other principle of the *sharī'a*. In contrast to this application of the Prophet, fornication prohibited directly in the Qur'ān cannot be deemed as permissible in any circumstances except under extreme duress. (Ghāmidī, personal interview, 15 December 2003).

sources.[417] In interpreting *ahadith* accepted on this principle, Ghamidi lays down the following as requirements for a sound analysis:

i). Sound appreciation of Qur'anic and *hadith* Arabic.

ii). A good understanding of the Qur'an.

iii).The ability to understand the context of a *hadith*.

iv).An overview of the whole corpus of *hadith* literature.[418]

Comments on Ghamidi's interpretative approach and its foundations: From the foregoing description of Ghamidi's epistemological and interpretative approach, it is obvious that his method and typology have much more precision and consistency than Mawdudi's. In Mawdudi's approach too, there is a concept of coherence in the Qur'an, but, at the level of hermeneutics, it is merely a vague idea in that Mawdudi essentially sees coherence in the overall theme of the Qur'an, which in his opinion, is to ensure human salvation. But, as Mir rightly points out, this kind of coherence can also be found in a book of quotations with a common theme.[419] Mawdudi's explanation, therefore, is not satisfactory. Moreover, his idea of coherence hardly figures in exegetical methodology. On the other hand, the idea of *nazm* in Farahi-Islahi-Ghamidi approach is at the center of exegesis. Similarly, the language and parallels of the Qur'an do not play as precise and consistent a role in Mawdudi's exegesis as they do in that of the three scholars mentioned above. In fact, at the core of Ghamidi's method is the literary appreciation of the Qur'an, which in his opinion holds the key to correct interpretation. Doubtlessly, Ghamidi's interpretative approach still needs to be analyzed further, especially in relation to recent developments in the theory of language and literature. For instance, the whole concept of *nazm* could be analyzed in relation to the works of Schleiermacher and his followers.[420] Similarly, there are many aspects of Ghamidi's

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[417] Ghamidi, *Mizan*, 68-71. Al-Khatib al-Baghdadi (392-463/1002-1071), one of the most prominent experts on *hadith*, spells out criteria quite similar to these. See al-Baghdadi, *Al-Kifaya*, 432.

[418] Ghamidi, Mizan, 71-74.

[419] Mir, *Coherence*, 20.

[420]Abdul Rahim Afaki has made a strong case for comparison of Islahi's exegetical methodology (which Ghamidi modified to develop his own) with that of Schleiermacher and his followers. Abdul Rahim Afaki, "From Biblical to General Hermeneutics: A Historical Thematic Development," *Renaissance* 10 (December 2000): 14-33. Our study, however, does not delve into the issue for two reasons: Firstly, such comparison requires an entirely separate and detailed study. Secondly, the parameters, the symbols, and the premises in

approach that need to evaluated vis-à-vis prevailing theories of linguistics, literature, and hermeneutics. For example, Ghāmidī asserts that the clear and obvious (*mubīn*) language of the Qur'ān is univocal and decisive in pointing out meaning (*qata'i al-dalāla*), even if our human faculties may falter at times in discovering it correctly.[421] Also, despite the fact that we cannot fathom the nature of reality pointed out in allegorical verses of the Qur'ān (*mutashābihāt*), it is always possible to differentiate between such verses and the unequivocal verses (*muhkamāt*) on the basis of the usage of words in the convention of the Qur'ānic Arabic, especially since the purpose behind most *mutashābihāt* is to point to an eschatological reality rather than describing its nature.[422]

What is relevant here is the depiction of an approach which has precise and consistent principles in its foundation and which brings out the possibilities of new interpretations in Islamic law and philosophy. Ghāmidī's idea of an overall theme in terms of specificity to Prophet's mission of the Qur'ān is an entirely new development on Iṣlāḥī's concept of *nazm*. As mentioned earlier, Ghāmidī's approach can also be compared with Fazlur Rahman's "double movement theory." However, unlike Rahman, Ghāmidī does not base this double movement either on ethical and social considerations or a subjective underlying spirit of the law. Ghāmidī's approach also brings in a limiting factor in that once it is determined on the basis of contextual and linguistic considerations that certain directives were specific to the Prophet and his mission, the directives themselves no longer apply to other situations except that if there is some ethical or legal aspect that emanates from the context on the basis of linguistic factors, its application may be universal. Ghāmidī's notion of the *sunna* is also unique in many ways. Although the Sunni jurists had always made the distinction between *mutawātir* and *ahād* reports --

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the study of hermeneutics by philosophers as Schleiermacher (d.1834), Dilthey (d. 1911), Husserl (d. 1938), Heidegger (d.1976), Bultmann (d.1976), Gadamer (1900-), Habermas (1929-), Ricoeur (1913-), et al. do not have sufficiently similar parallels in Iṣlāḥī- Ghāmidī methodology to render the comparison simple. It could be argued vaguely that Iṣlāḥī-Ghāmidī methodology is closer to the ideas of Schleiermacher and Dilthey and also to the phenomenological hermeneutics of Husserl (especially vis-à-vis his emphasis on the text reflecting its own mental frame), and that it is farther from Heidegger's dialectical hermeneutics as it is from the Frankfurt school's critical hermeneutics and from post-structural hermeneutics. Nevertheless, such generalizations would be too vague in the absence of a systematic study in which all the differences in parameters, symbols, and premises are taken into account. For a brief overview of the task of hermeneutics, see Paul Ricoeur, *Hermeneutics and the Human Sciences,* trans. and ed. John B. Thompson (1981; reprint Paris: Cambridge University press, 1994), 43-62; see also Dan R. Stiver, *The Philosophy of Religious Language: Sign, Symbol and Story* (1996; reprint Massachusetts: Blackwell publishers Inc., 1998), 87-111.
[421] Ghāmidī, *Mīzān,* 33-36.
[422] Ibid., 34-36.

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the former leading to absolute certitude and the latter to varying degrees of probability --, Ghāmidī's clear definition of the concepts of *ijmā'* and *tawātur*, and his list of the Prophetic practices of *sunna* give a concrete basis for separating the "religious content" from its interpretation and application. Ghāmidī's concepts of the *sunna* and the *hadīth*, on the one hand, partly accept many of the critiques made by Western scholars as Goldziher, Schacht, and others on fabrications and infiltrations and in the *hadīth*, and on the other hand, strengthen the idea of *ijmā'* and *tawātur* in that part of the Prophetic practice which went into the making of the contents of religion.[423] Ghāmidī's clear separation of the concept of *sunna* from the concept of *hadīth* and precise description of "what the *sunna* is not" sifts out a host of directives traditionally included in the ambit of religion on the basis of *hadīth*. Yet, at the same time, it puts to rest the Muslim apprehension that *hadīth* criticism will lead to a complete abandonment of the institution of the Prophetic *sunna*. In the epistemological basis of Ghāmidī's thought, the notion that the *sunna* is an equal and parallel source of religion in Islam along with the Qur'ān is not only based on his interpretation of a few Qur'ānic verses (for example Q.16:123) but also on contextual and linguistic considerations of his hermeneutics.[424]

A study of Ghāmidī's works shows that his epistemological and interpretative approach has resulted in a complete overhaul of the traditional understanding of Islamic law as contained in the *sharī'a*. Nonetheless, it is geared towards the discovering the

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[423] For a brief overview of the opinions of some of these scholars see, Rahman, *Islam*, 44-49. See also Ignaz Goldziher, *Introduction to Islamic Theology and Law*, tanrsl. Andras and Ruth Hamori (Princeton, N.J.: Princeton University Press, 1981), 6-52; Schacht, *An Introduction to Islamic Law*, 14-48; Joseph Schacht, *The Origins of Muhammadan Jurisprudence* (Oxford: Clarendon Press, 1979); Schacht, "Law and Justice," in *The Cambridge History of Islam*, vol. 2, ed. P.M. Holt, Ann K.S. Lambton and Bernard Lewis (London: Cambridge University Press, 1970), 539-568; N.J. Coulson, *A History of Islamic Law* (1964; reprint Edinburgh: Edinburgh University Press, 1971), 36-72; Bravmann, *Spiritual Background of Early Islam*, 123-198; G.H.A. Juyunboll, "Some New Ideas on the Development of the *Sunna* as a Technical Term in Early Islam," *Jerusalem Studies in Arabic and Islam* 10 (Jerusalem 1987), 97-118 in *Studies on the Origin and Uses of Islamic Hadīth*, ed. G.H.A. Juyunboll (Hampshire, U.K.: Variorum, 1996), V; Herald Motzki, *The Origins of Islamic Jurisprudence: Meccan Fiqh Before Classical Schools*, transl. Marion H. Katz (Leiden: Brill, 2002), 295-297; Burton, *Introduction to Hadīth*, 17-181; and J. Robson, "*Hadīth*," in *Encyclopedia of Islam*, v.1.0 ed. CD-ROM; also see M. Mustafa al-Azami, On Schacht's Origins of Muhammadan Jurisprudence (Riyadh: King Saud University, 1985).

[424] For instance, in determining the meaning of *al-ṣala* in the Qur'ān, he argues that the definite article in *al-ṣalāh* has been used to refer to a known specimen (the *lām* of *'ahad*) and, therefore, entails that the referred must be found already existing outside of the Qur'ān itself. An etymological interpretation to show that the word *al-ṣalāh* could also have other meanings is absurd because in the given context of its use in the Qur'ān, the term obviously implies a well-known "specimen" of whatever is being referred to. The established religious practice of the Prophet therefore has to be invoked to see what the "referred" really is. Ghāmidī, personal interview, 15 December 2003.

meanings as originally intended for the original addressees. An important question, however, is: What does he do to resolve conflict of his interpretation with current social norms? His contention is simple. Instead of relying on juristic adages as Mawdūdī's application of *ahwan al-balyatayn* or on any kind of subjective understanding of the spirit of the law (as in the case of Shāṭibī's *maqāṣid al-sharīʿa*), he believes that once a directive has been correctly deciphered from the sources, whatever emanates thus is the only true and correct interpretation.[425] Any attempt to change or modifying the meaning thus ascertained is merely a way of finding subterfuge.[426] However, if a directive becomes extremely difficult *(ʿasīr)*, one can hope that God will grant a person or persons facing such difficulty allowances for a reasonable compromise.[427] In none of these allowances, however, what is prohibited becomes permissible. An adjustment made on the basis of extreme difficulty or impossibility should create in a Muslim the desire and the spirit to find out the solution to the problem in a gradual manner rather than the spirit

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[425] For a concise survey of Shāṭibī's approach, see Wael B. Hallaq, *A History of Islamic Legal Theories: An Introduction to Sunnī Usūl al-Fiqh.* (Cambridge: Cambridge University Press, 1997), 163-206; see also Muhammad Khalid Masud, *Islamic Legal Philosophy: A Study of Abū Ishāq al-Shāṭibī's Life and Thought* (Islamabad: Islamic Research Institute, 1995). For an excellent commentary on some recent trends among Muslim intellectuals and scholars to deal with the crises of modernity, see Hallaq, *A History of Islamic Legal Theories*, 207-262. Although all the methodologies and approaches discussed by Hallaq offer very useful bases of comparison with Ghāmidī's interpretative method (as well as with that of Mawdūdī's), comparison with Shahrūr's theory of "Upper and Lower Limits" would be quite useful as this approach is also "linguistic" in certain ways, but with major differences. See ibid., 245-253.

[426] Ghāmidī, personal interview, 15 December 2003.

[427] This opinion is based on a number of arguments. Ghāmidī believes that the Qurʾān alludes to the possibility of forgiveness for someone who is forced by extremely difficult circumstances to commit certain sins, provided the sinner does not insist on committing them knowingly (Q.3:135) and does not go beyond the bare need to get out of the difficult situation (Q.2:173, 6:145, 16:115). For example, Q. 2:286 and a number of other verses indicate that God does not hold a person responsible for something that is beyond his or her control. The absolution of slave girls in Q. 24:33 is an example of the principle that a person may be forgiven even some major sins when the unwilling person is coerced to commit them. Q. 4:25 and some other verses show that certain sins become less severe owing to extenuating circumstances (in the case of Q.4:25, the lax and licentious background of the slave girls, the influence of which does not wear off easily). Q. 5:6 shows that the spirit and intent of the *sharīʿa* is not to cause undue difficulty (*ʿusr*). The gradual or delayed implementation of certain directives and injunctions by the Qurʾān (for example, the gradual prohibition of wine and intoxicants, etc.) indicates that when a person does not have the strength to avoid a sin or follow a directive immediately, he or she should try to do that in the gradual manner rather than giving up hope in God's mercy and forgiveness. Q.4:48, 4:116 point out that God might forgive a person [who recognizes polytheism as the worst sin] for any sin, depending on his attitude, except his or her contentment on polytheism (see also Q.16: 106). Q. 4: 165, 17:15 indicate that a person is not held accountable in the hereafter for committing a sin out of ignorance. Regarding the level of difficulty in which an allowance may be hoped for, Ghāmidī says that the question is for the individual to decide for himself, though the individual might ask a scholar for help in deciding in this regard. In case the "sin" committed is also a "crime" that is brought to the attention of the authorities (for example fornication), whether or not there are any extenuating circumstances for mitigation in the punishment is a question that the court will decide.

of finding subterfuges and accepting intellectual defeat.[428] All these allowances, in Ghāmidī's opinion, are on account of an individual's or people's needs and difficulties. They are not for legitimizing a prohibition for a religious cause. As Iṣlāḥī pointed out in his critique on Mawdūdī's application of *ahwan al-balyatyn* that it is a person who may be in duress (*iḍṭirār*); Islam is hardly in that kind of *iḍṭirār* where it requires its followers to violate its principles for its political growth. For example, in the absence of any other drink, a person may take wine to the extent of the bare need of quenching unbearable thirst, but there is no concept in Islam of doing that for the establishment of an Islamic global order.[429]

3.2 Critiques on Ghāmidī's Method and Responses:

Some important critiques on Ghāmidī's approach must also be mentioned here. His critics can be divided into three categories.

i). To the first category belong those who object on his approach and interpretations on the grounds that they are contrary or in contradiction to the opinions of earlier scholars of a particular school or all major schools. The accusation that he often violates the *ijmā'* of earlier scholars on instances of interpretation and *ijtihād* is also part of the same critique.[430] We have shown in the Appendix that there is hardly any merit to the claim that *ijmā'* on an interpretation or *ijtihād* grants an opinion epistemological certitude in religion. Furthermore, the actual instances of *ijmā'*, especially in terms of the *ijmā'* of the whole community, can rarely, if ever, be established. This kind of critique, therefore, is weak in its foundation.

ii). To the second category of critics belong those who object to Ghāmidī's interpretations vis-à-vis his arguments.[431] Their objections

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[428] Ghāmidī, personal interview, 15 December 2003.

[429] Iṣlāḥī, *Maqālāt*, 93-100.

[430] For an example of this kind of critique on Ghāmidī, see Muftī 'Abd al-Waḥid, *Tuhfa-i Ghāmidī*, (Lahore: Idāra i-ta 'līmāt i-dīniyya, 2002).

[431] See ibid. For another important example, see Isrār Aḥmad, *Islāmī Inqilāb kē liyē Iltizām-i Jamā'at awr Lazūm-i Bay'at* (Forming Organization and Giving Allegiance to It for Islamic Revolution) [Karachi: Maktabat al-Faḍl, 1990]. Isrār Aḥmad (1932-) is an ex-member of Jama'at-i Islāmī and founder Tanzīm-i

and criticisms have often been unable to counter the strength of Ghāmidī's approach. Ghāmidī and his associates have also given strong responses to the major critiques in this category.

iii). To the third category belong critics from within.[432] A representative criticism from this category is that in matters where the basic texts (nuṣūṣ: the Qur'ān and the precepts of the sunna) do not directly touch upon an issue, Ghāmidī's ijtihād is too lax and does not follow the spirit of his own method. Unlike the classical/medieval jurists, Ghāmidī makes no formal attempt to extend the syllogistic principles of classical Greek logic to draw analogies from textual sources to do his ijtihād. His method in ijtihād, in his own words, is a "commonsense" extension of the underlying principles in the basic texts. In this highly subjective exercise, argue his critics, Ghāmidī has a proclivity to "modernize" Islam in giving his opinions rather than extending the spirit of the basic texts as it emanates from their language and context. Since Ghāmidī is careful in making a distinction between the sharī'a and ijtihād of jurists, he quite often shelves opinions on the application of the principles of the sharī'a as matters pertaining to Islamic culture (Islāmī tahdhīb), which, in his opinion, can vary from time to time within the bounds of sharī'a. The critics argue that what is within the bounds of the sharī'a in Islamic

Islāmī (1975); in this work, he argues that pledging allegiance (bay'at) to an Islamic government [that is a "truly Islamic" one]or, in its absence, to a religious organization formed for the revival of ideal Islamic rule (khilāfa) is an obligatory sunna for each and every Muslim. Ghāmidī refuses to accept that allegiance of this kind to an activist religious organization is obligatory or that it is even a "sunna." He also does not accept Aḥmad's understanding of the term khilāfa or the religious arguments for his strategy (which Aḥmad terms as Prophetic strategy for the revival of the khilāfa: Khilāfat 'alā manhaj al-nabuwwa). For Ghāmidī's response, see Ghāmidī, Burhān, 174-230; see also Mu'iz Amjad, comp., Manhaj-i Inqilāb-i nabwī: Ayk Khudāwandī Qānūn sē Ghalaṭ Fahmī (Strategy of Prophetic Revolution: An Erroneous Understanding of a Divine Law) [Lahore: Dānish Sarā, 2000]. For an example of a purely academic critique (actually more on Iṣlāḥī than on Ghāmidī), see Maḥmūd al-Ḥasan, "Ghalaṭī hāi Maḍāmīn," (Topical Mistakes). Nawā-i Waqt, 13 December 1987; for Ghāmidī's response, see Ghāmidī, Burhān, 274-281.

[432] That is critics from amongst his associates, students, and members of his institute, Al-Mawrid. A representative criticism by Khalid Zaheer (1958-), is given here (Khalid Zaheer, personal interview, 30 July 2004). Zaheer is a Member of the Board of Governors, Al-Mawrid and Assistant Professor of Islamic Studies at the Lahore University of Management Sciences (Pakistan). He was also recently a Member of the Task Force on Islamization of Economy, Finance Division, Pakistan and Member of the Board of Management of Bayt al-Māl, the Punjab.

culture is determined quite arbitrarily by Ghāmidī and without enough attention to the spirit of the basic texts.[433] Ghāmidī's response is that this criticism is based on partial understanding of his exposition. While describing the *sharī'a*, he feels he is bound to confine himself to an accurate description of the directives, which are minimal in number and scope. In his forthcoming writings, he hopes to expound on his understanding of the Islamic culture, which will, in his opinion, adequately mitigate the apprehensions expressed above.[434] Nevertheless, in his opinion, a strong element of subjectivity is bound to remain in the application of the *sharī'a*, especially in matters pertaining to culture.[435]

3.3 Ghāmidī's Religious Weltanschauung:

Having understood the broader principles of Ghāmidī's method and approach, we now move on to understand the alternative religious Weltanschauung that Ghāmidī presents. According to Ghāmidī, the basic purpose of human creation is not the implementation of the *sharī'a* in society -- in other words, the establishment of an Islamic world order --, but to test the human being to see if he becomes a true servant of God (Q.51:56).[436] No doubt, this servitude *('ibāda)* entails obedience, but, as was shown through Ghāmidī's critique in the second chapter, in no way does its basic meaning encompass the idea of the establishment of an Islamic world order. Although, unlike, Fazlur Rahman, Ghāmidī's Qur'ānic worldview is not essentially ethical but personal in relation to a supreme Deity, yet this does not mean that ethics is not part of Islam or that it is in any way insignificant. What Ghāmidī means to say is that no ethical consideration, as no consideration of the establishment of Islamic world order, can override the contextual and linguistic considerations within the text of the Qur'ān itself.

The purpose of the Qur'ān and the *sunna* -- indeed of the whole religion -- is to

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[433] A frequently quoted example in this regard is Ghāmidī's opinion on veil/head covering for women *(hijāb)*. For a description of Ghāmidī's view, see Shehzad Saleem, "The Qur'ānic Concept of *Hijāb*," *Renaissance* 6 (November 1996). Journal on–line. Available from http:// renaissance.com.pk Accessed 17 May 2003.

[434] Ghāmidī, personal interview, 1 July 2004.

[435] Ibid.

[436] Ghāmidī, personal interview, 15 December 2003. See also Ghāmidī, *Mizān*, 77-80.

enable man to serve God as He wants to be served. It is because He wants to be served through certain rituals that the Muslims are obliged to perform those rituals. It is because He wants to be served through adherence of humans to certain ethical norms that the Muslims are obliged to follow those norms. Similarly, it is because He wants Muslim rulers to implement His laws in a land where they have the authority that the Muslim rulers are obliged to implement those laws. Likewise, when on certain occasions -- for example in cases of oppression -- it becomes necessary for a state to take up arms, it becomes the duty of its Muslim citizens to support that state in all possible ways. None of these objectives can be described as the basic purpose of religion or as the religious worldview of Islam, despite the fact that some of these objectives pertain to our daily life -- as rituals and norms of ethics (while others as *jihād, hijra,* etc. are contingent upon a number of variables). The basic purpose of religion remains servitude to God. None of these objectives therefore should overshadow the understanding of the Qur'ān and the *sunna* to find out how God wants to be served. The correct approach, therefore, remains a contextual and linguistic understanding of the Qur'ānic text and, in its light, an understanding of the *sunna.*[437] The salient features of Ghāmidī's religious worldview are given below:

The essence of religion (*dīn*) is worship *('ibāda)* of one God in Islam (Q.51:56; 16:36).[438] This *'ibāda* is a primordial inner submission to God which is based on a correct understanding of God's attributes and which takes the form of ultimate gratitude and fear.[439] Remembrance of God, gratitude, piety, fear of God, sincerity, trust and resignation to His will are inner manifestations of the same submission, and, rituals of worship and charity its outer manifestation.[440] However, since humans also have a temporal existence, the same submission requires that they submit to God in their personal and social lives as well (Q.2:208).[441] The metaphysical and ethical foundations of this *'ibāda* for a person's relationship with God and the laws and guidelines for his personal and social life in relation to his submission to God are known as *dīn.*[442] The

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[437] Ghāmidī, personal interview, 15 December 2003.
[438] Q.51:56. Ghāmidī, *Mizān.,* 77.
[439] Ibid., 77-78.
[440] Q. 32: 15-16. Ibid., 78-79.
[441] Ibid., 79
[442] Ibid.

Qur'ān terms the *dīn* outlined by God Himself through his messengers as *al-dīn*.[443] Following the requirements of this *al-dīn* fully, sincerely, and steadfastly is what *iqāmat-i dīn* means (Q.42:13).[444]

The metaphysical and ethical foundations of *'ibāda* are termed as "the wisdom" (*al-ḥikma*) by the Qur'ān and the rituals and laws as "the law" (*al-kitāb*) [Q.4:113; 2:231].[445] *Al-kitāb* is also referred to as the *sharī'a* (Q.45:18; 5:48).[446] *Al-ḥikma* includes theology and ethics, and *al-kitāb* the *sharī'a* for various aspects of a person's personal and social life.[447] Just as the *sharī'a* demands performance of certain religious rituals in everyday life,[448] the theological aspects of religion entail good deeds and support to one another in remaining steadfast on the right path (Q. 103: 1-3).[449] However, in certain exceptional situations, a Muslim's faith may entail any of the following: i) migration (*hijra*) to the another land in case one is forced to abandon or deny one's faith and religion (Q.4:97);[450] ii) full possible contribution of goods and services to the government of Muslims in their state if the government decides to take steps for safeguarding the interests of religion (*nuṣrat al-dīn*). (Q. 61:10-14);[451] and iii) perseverance in fulfilling the requirements of justice to all (*qiyām bi'l-qisṭ*). (Q.4: 135; 5:8).[452]

This is the totality of *al-dīn*, as Ghāmidī sees it. *Al-dīn* aims at the purification of the souls of its followers (*tazkiyyat al-nafs*) to enable them to become true servants of

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[443] Ibid.

[444] Ibid., 80.

[445] Ibid.

[446] Ibid.

[447] Including the *sharī'a* for religious rituals of worship, the *sharī'a* for social, political and economic interaction, the *sharī'a* for dissemination of the message of Islam, the *sharī'a* for *jihād*, the *sharī'a* for punishments and torts, the *sharī'a* for permissible and prohibited food, the *sharī'a* for social etiquette and manners, and the *sharī'a* for oaths and for the penalties of breaking them. Ibid., 81.

[448] As proclamation of the Oneness of God (*tawḥīd*) and the Prophethood of Muḥammad (*al-risāla*), obligatory prayer (*al-ṣalā*), obligatory charity (*al-zakā*), obligatory fasting (*al-ṣawm*), and the pilgrimage (the *ḥajj*). Ibid., 85.

[449] Ibid., 87-88.

[450] Ibid., 88-89. In Ghāmidī's opinion Q.16:106 cannot be used as a basis for the Shiite practice of concealing faith (*kitmān*) under death threat, as the whole context of this verse (Q. 16: 106-110) as well as Q.4:97 clearly point out that such concealment is permissible only when a Muslim does not find the way or means to migrate to another land. One might hope for clemency from God in other matters where it becomes extremely difficult to follow religious directives, but not in deliberate and complacent denial or rejection of one's faith and religion. Given that choice, a Muslim must migrate to another land as soon as reasonably possible. Ghāmidī, personal interview, 15 December 2003.

[451] *Nuṣrat al-dīn* includes *jihād* (*qitāl*) when required and justified; it also includes all scholarly efforts for the preservation and revival of Islam. Ghāmidī, *Mizān*, 89-90.

[452] Ibid., 90-92.

God (Q. 87:14-17) -- an end for which these followers (Muslims) should strive with an attitude of seeking excellence (*ihsān*). (Q.4:125).[453] This excellence, not any Islamic global order, is the pinnacle of a Muslim's faith and religion.[454]

3.4 Ghāmidī's Views on Jihād: [455]

We have already seen in the foregoing paragraphs that *jihād* to Ghāmidī is contingent on certain circumstances. To him, *jihād* is effort of all kinds to safeguard the interests of religion (*nuṣrat al-dīn*),[456] which includes work for revival and reform by Islamic scholars. *Jihād* as armed struggle (*qitāl*), however, is permitted for only one purpose: to end oppression.[457] Ghāmidī includes religious persecution in his definition of oppression, but, unlike Mawdūdī, does not regard the existence of a "non-Islamic system" as oppression per se.[458] In fact, no Muslims state, in his opinion, has the right to wage a war against any other nation merely for the establishment of an Islamic order. Ghāmidī's departure from the classical/medieval theory of *jihād* lies in his assertion that the wars waged by the Prophet and his companions have often been taken as a wrong precedent for developing the theory of *jihād*. This point needs elaboration.

As mentioned earlier, the basic theme of the Qur'ān in Ghāmidī's hermeneutics is the depiction of the saga of Prophet Muḥammad's mission as a special messenger of God. Ghāmidī makes a distinction between two kinds of messengers of God as mentioned in the Qur'ān. There are those who are termed as *anbiyā* (sing. *nabī*) and there are those who are termed as *rusul* (sing. *rasūl*).[459] The difference is that a *nabī* is sent a people as an admonisher and bringer of glad tidings (Q. 2:213).[460] Sometimes the *anbiyā* are killed by their people or enemies without any necessary repercussions in the form of Divine punishment. On the other hand, a *rasūl* is sent to a people as God's final judgment on them (*daynūna*). This judgment on a people is the epitome of the Judgment Day in which humans will be held accountable in their individual capacity. Therefore, this judgment is

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[453] Ibid., 93.
[454] Ghāmidī, personal interview, 15 December 2003.
[455] Ghāmidī, *Mīzān*, 241-279.
[456] Ibid., 90, 206-207, 241 n.1.
[457] Ibid., 241-242.
[458] Ibid., 261-263.
[459] Ghāmidī, *Mīzān*, 81-85; see also Ghāmidī, *Nabuwwat-o Rirālat*.
[460] Ghāmidī, *Mīzān*, 82.

a historical testimony to the truth of the Final Day. The way (*sunna*) of God in this regard is that *rasūl* and his companions always triumph although their people, either in the lifetime of the *rasūl* or after his death (Q.58:20-21).[461] The *rasūl* comes with such visible and obvious signs of God for his people that the truth of his message and authority manifests itself as conclusive evidence for them (*itmām-i ḥujjat*).[462] The Qur'ān terms this manifestation of conclusive evidence as "testifying to the truth of God and religion before people" (*shahāda 'ala al-nās*; Q. 73:15).[463] The *rasūl* fulfills this responsibility in his person. And after him, it is fulfilled by his companions from amongst his people for the rest of world (Q.2:143).[464] Those amongst his people who persistently deny the *rasūl* even after *itmām-i ḥujjat* are punished by God after a stipulated time period when the *rasūl* and his companions migrate to another land.[465] If the *rasūl* and his companions are too few in number, this punishment is given in the form of a natural calamity or disaster as was the case with the people of Noah.[466] However, if the *rasūl* and his companions are sufficient in number and are able to form an independent state, then this punishment is given through the swords of the *rasūl* and his companions (Q. 9:14).[467] The important thing to remember is that it is God Himself who passed this judgment on specified peoples on the basis of his absolute knowledge that truth had manifested itself to them to such an extent that no excuse was left for them to deny it. It is God who decides the time of migration of the *rasūl* and his companions, and it is he who decides the time and manner for punishing the deniers.[468]

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[461] Ibid., 82.

[462] Ibid., 190-191.

[463] Ibid., 83.

[464] Ibid., 84-85.

[465] Ibid., 194-195, 244-243.

[466] Ibid., 195.

[467] Ibid., 244. In punishments of both kinds, an exception is made when the addressees of the *rasūl* proclaim belief in the unity of God. In such a case, their worldly punishment is not death but domination. For example, after Jesus, those who denied him from amongst his people were not given death punishment but were condemned to remain inferior to the followers of Jesus until the Day of Judgment (Q.3:55). Ibid., 195. Similarly, the People of the Book (*ahl al-kitāb*) in the Prophet's case also professed monotheism, and, thus, were not given death punishment for denying the Prophet. Their punishment was subjugation marked by the payment of *jizya*. Despite the fact that these Israelites and Nazarites had some polytheistic beliefs on the basis of their interpretations, they, unlike the polytheists (*al-mushrikūn*) did not profess polytheism. Ghāmidī, personal interview, 15 December 2003; see also Ghāmidī, *Mizān*, 193-194.

[468] This principle holds to the extent that God punished Jonah for migrating before the Divine directive to that effect was revealed. The Qur'ān even reminds the Prophet to keep that in mind and not cease his efforts (Q.37: 139-148). Ghāmidī, *Mizān*, 193-194.

Ghāmidī explains that Muḥammad was a *nabī* as well as a *rasūl*.[469] Since he and his companions were able to form an independent state after their migration to Medina, the Divine punishment on his people for their denial manifested itself in the form of Divine stipulation of war against them.[470] Sūrat al-Tawba (Q.9) is a depiction of the same Divine punishment.[471] Details of this Divine punishment in the case of the Prophet Muḥammad and his people are as follows.

The Israelites (Jews) had been chosen by God earlier from amongst the progeny of Abraham (as a reward for his submission to God, and as a consequence of his prayer for his progeny) to be witnesses of God's religion to the rest of the world (*shuhadā 'ala al-nās*).[472] *Anbiyā* and *rusul* were chosen from amongst them, and the Israelites were promised success in the world and in the hereafter if they would fulfil their covenant with God.[473] They were also promised swift retribution for their failure to keep the covenant.[474] Owing to their repeated failures to keep the covenant, and, finally, owing to their denial of Jesus, the last *rasūl* from amongst them, in their stead, the other branch of the progeny of Abraham, the Ishmaelites (the children of Ismāʿīl), were chosen for this privilege and responsibility.[475] Therefore, the last *nabī* and *rasūl*, Muḥammad, came from amongst the Ishmaelites. After the migration of Muḥammad and his followers from Mecca to Medina, the same law of Divine retribution for his people began to be implemented fully with the Battle of Badr (2/624), in which many prominent leaders of the Quraysh were killed, and culminated in the conquest of Mecca.[476] At that point, the

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[469] Ibid., 82.

[470] Ibid., 194, 241-243.

[471] Ghāmidī, personal interview, 15 December 2003.

[472] See Q. 2:124; see also Q. 2:123-132. See Ghāmidī's explanation of these verses in Ghāmidī, "Baqara (122-125)," *Ishrāq* (Urdu) 12 (November 2000), 9-14; Ghāmidī, "Baqara (122-125)," *Ishrāq* (Urdu) 12 (December 2000), 11-18. See also Q. 22:78.

[473] Q. 2:40-41; see also Q.2: 41-90. Q.2:90 indicates that the Israelites denied the Prophet primarily out of their jealousy with and disdain for the Ishmaelites. See Ghāmidī's explanation of these verses in Ghāmidī, "Sūrat al-Baqarah (40-60)," trans. Shehzad Saleem, *Renaissance* 14 (May 2004), Journal on—line. Available from http://renaissance.com.pk; Ghāmidī, "Sūrat al-Baqarah (61-82)," trans. Shehzad Saleem, *Renaissance* 14 (July 2004), Journal on—line. Available ibid.; Ghāmidī, "Sūrat al-Baqarah (83-100)," trans. Shehzad Saleem, *Renaissance* 14 (August 2004), Journal on—line. Available ibid. See also Deut. 28:1-14 (AV).

[474] See Q. 2:122-126; see also Q.2: 40-90, Deut. 28:15-68 (AV), and Exod. 32:26-35 (AV).

[475] "It is He who chose you, and did not impose any difficulty on you in religion: the religious way of your father Abraham; it is He who named you Muslim, before this [Qur'ān] and in this [Qur'ān]; [chosen] so that the *Rasūl* [the Prophet Muḥammad] be a witness for you, and you be witnesses for mankind." (Q.22:78).

[476] Ghāmidī, *Mizan*, 267.

Qur'ān specified the punishments for the deniers amongst the Prophet's people.[477] The Ishmaelite polytheists (al-mushrikūn) had to choose between Islam or death, and the Israelites and the Nazarites had to choose from Islam or political subjugation (marked by the payment of jizya) or death.[478] In Ghāmidī's opinion, this difference in the punishments of the two groups was because the latter, unlike the former, professed faith in the oneness of God. In accordance with Q. 22:78, after the Prophet, the responsibility of bearing vitness to the truth of God's religion before mankind (shahādat 'al al-nās) was passed on to his companions from amongst his people, the progeny of Abraham. These companions then took measures against certain nations specified by the Prophet himself, and gave them the same choice: Islam, jizya, or death.[479] This whole saga thus ended with

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[477] Q. 9:1-14, 29. Ghāmidī, Mizān, 265-269.

[478] As already mentioned, according to the Qur'ān, these Israelites and Nazarites denied the Prophet out of envy and jealousy even after the truth had become manifest to them. (For example, see Q.2:109). Ghāmidī, Mizān, 267. The Qur'ān repeatedly mentions that Divine revelation given to them contained clear prophecies regarding the coming of the Prophet Muḥammad (for example, see Q. 7:157, 26: 197, 61:6). Ghāmidī, Nabuwwat-o Risālat, 11-12. According to Ghāmidī, this measure of announcing the coming of a rasūl was done for other rusul as well; for example, the Qur'ān refers to John the Baptist's prophecies regarding the coming of Prophet Jesus (Q. 3:393). To show that there are still remnants of these prophecies about Prophet Muḥammad in historical records, Muslim scholars, including Ghāmidī, also like to evince corroborating evidence from the Bible. For example, see Deut. 18:15-19, 33:2 (AV); Matt. 21:42-44 (AV); John 14:30 (AV). For Ghāmidī's explanation of these Biblical verses, see Ghāmidī, Nabuwwat-o Risālat, 9-10. See also "Abdus Sattar Ghauri, "Muḥammad (sws) Foretold in the Old Testament," Renaissance 14 (February 2004). Available from http://renaissance.com.pk. Despite the mitigation in their punishment (Islam, death, or jizya rather than Islam or death), some of them were given other punishments as well (which in certain cases included death). This, according to Ghāmidī, was because of their breach of treaties and/or treason. For example, the banishment of Banū Qaynuqā' and Banu Naḍīr. Death punishment to male adults of Banū Qurayẓa (and enslavement of their women and children) was for their betrayal in the Battle of the Ditch (5/627). The sentence itself, however, was given on the basis of the decision by a mutually accepted arbitrator, Sa'd ibn Mu'ādh (who, according to Ghāmidī [as well as Mawdūdī] decided their fate in accordance with their own law: Deut. 20:10-14 (AV)]. The assassinations of Abū Rāfi ' and Ka'b ibn Ashraf, however, were a consequence of Divine punishment directly against them. Ghāmidī, personal interview, 15 December 2003. Ghāmidī contends that these assassinations were not Prophet's measure against crimes committed by these people against his person or community (as Mawdūdī asserts); the assassinations were implementation of Divine decree against them on the basis of the same law of Divine retribution. The former case would have been the Islamic state's measure against a few individuals, which would have entailed a trial. The latter case was God's own decision, which He takes about individuals in our everyday life. Ghāmidī, personal interview, 15 December 2003.

[479] These nations were specified by the Prophet himself through his letters to their heads of state. Amongst these nations were Ethiopia, Egypt, Persia, Byzantine, Bahrain, Yamāma, Damascus, and Amman. (The Prophet himself, however, exempted Ethiopia from the punishment). None of these people professed polytheism, and, therefore, were treated as ahl al-kitāb. Ghāmidī, Mizān, 269-270. Ghāmidī provides no further evidence to show that itmām-i ḥujjat was done on these people. He asserts that since these people were specified by the Prophet himself, the only assumption that can be made, in the absence of any concrete evidence to the contrary, is that measures against them were also a consequence of the same Divine law of retribution that manifests itself after itmām-i ḥujjat. Ghāmidī, personal interview, 15 December 2003. The tone of the Prophet's letters does indicate that he was addressing people already aware of his coming; for

the Prophet, his companions and immediate followers, and those that were specified by God Himself through his *rasūl* as deserving of the Divine retribution on account of their denial of the Prophet despite the conclusive testimony given to them.

This explanation of the Prophet mission by Ghāmidī has a number of important implications, some of which are given below:

i)   The *qitāl* waged by Prophet Muḥammad and his companions was part of a Divine scheme that ended with their measures against the people specified by God. Now, therefore, no Muslim individual or state has the right to wage *qitāl* on the basis of religion.

ii) The directives related to the *qitāl* done by the Prophet and his companions against the specified people were also specific to the Prophet mission. In other words, the directives of killing the polytheists (*al-mushrikūn*) until they accept Islam or fighting the People of the Book (*ahl al-kitāb*) until accept Islam or pay *jizya* were specific to the Ishmaelite polytheists, the Israelites and the Nazarite Christians of Arabia in the Prophet's times. These directives do not apply to any polytheists, Jews, or Christians today. However, the universal ethical norms that emanate from these directives are still applicable. Similarly, measures taken on account of factors other than the Prophet's mission are also valid today. For example, the Qur'ān exhorted the followers of the Prophet to wage war to rescue men and women and children who were being persecuted by oppressive rulers (Q. 4:75-76). Since the underlying reason for *jihād* in this case is ending persecution and oppression (rather than the completion of the

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example, see the Prophet's letter to Heraclius; Shibfī Nu'mānī, *Sīrat al-Nabī* (Biography of the Prophet) [reprint Lahore: Maktaba Madīna, 1999], 265. Muslim historical sources as al-Ṭabarī, al-Bukhārī et al show this and many other indications of the awareness of the Prophet's coming. For example, see the concluding comments of Heraclius in his conversation with Abū Sufyān and his inclination to accept Islam in al-Bukhārī; Ṣaḥīḥ al-Bukhārī: Kitāb al-Waḥī, Urdu trans. Ẓahūr al-Bārī A'zamī (Lahore: Dār al-Ishā'at, 1985), 39-45. See also A. Guillaume, *The Life of Muhammad: A Translation of Ibn Ishaq's Sirat rasūl Allah* (1955; reprint Karachi: Oxford University Press, 2001), 652-659. Nadia Maria El-Cheikh argues that Heraclius' character in Muslim sources stands as a legitimizing device to bear witness to the Prophethood of Muḥammad. Nadia Maria El-Cheikh, "Muḥammad and Heraclius: A Study in Legitimacy," *Studia Islamica* 89 (Paris 1999), 5-21. There is also a controversy in Western literature on the authenticity of the Prophet's letters to the kings. See ibid., 11-13.

Prophet's mission), the directive is still applicable whenever and wherever people are persecuted and oppressed on account of their religion, or, by analogy, on account of any other reason. Similarly, the fact that the Prophet and his companions were given permission to wage war only after they established an independent state in Medina entails that *jihād* be done only under the authority of the state.[480]

iii) It follows from the last point that the Qur'ān and the *sunna* do not make it obligatory for an Islamic state to subjugate people vanquished in a war as *dhimmīs* or to levy *jizya* on them. In fact, there are no grounds for such hegemony.

iv) The only valid basis for *qitāl* now is ending persecution, injustice, or oppression. There is no textual evidence to show that the word *fitna* used for persecution, injustice, or oppression in the Qur'ānic verses related to *jihād* encompassed in its meaning a "non-Islamic system," as Mawdūdī would put it.[481] Therefore, the idea of an Islamic state being perpetually at war with the rest of the world becomes invalid. Similarly, the *dār al-islām* and *dār al-ḥarb* division becomes largely redundant except when an Islamic state is actually at war with another state.

v) An Islamic state can enter into treaties with other nations for as long as it wants. The notion that it cannot enter into a treaty of truce with

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[480] According to Ghāmidī, the words "permission [to fight] has been granted" to those "who had been turned out of their homes" indicate that this permission was given only after the Muslims "had been turned out of their homes," that is after migration when they were able to form their own state in Medina. Ghāmidī, *Mizān*, 243. That *jihād* can only be done under the authority of the state is a condition that is also laid down by Sunni jurists. For example, see Qāḍī Abū Bakar Ibn al-'Arabī, *Aḥkām al-Qur'ān*, vol. 3 (Beirut: Dār al-Ma'rifa, n.d.), 1297 and Al-Sayyid al-Sābiq, *Fiqh al-Sunna*, vol. 3 (Beirut: Dār al-Fikr, 1977), 30. See also Farāhī, *Majmū'a*, 55-56 and Amīn Aḥsan Iṣlāḥī, *Da'wat-i Dīn awr us kā Ṭarīqa-i Kār* (Invitation to Religion and its Method) [Lahore: Fārān Foundation, 1981], 241-242. This condition is also accepted by Mawdūdī (pp.). It rules out the possibility of individual or group terrorism. The death of two Meccans at Abū Baṣīr's hand and his subsequent raids on the caravans of Quraysh (around 'Is near Dhu al-Marwa) cannot be taken as exceptions to this rule as whatever he did was without the Prophet's approval. In fact, the Prophet saw his act of killing his Meccan captives and then returning to Medina with disapproval, and Abū Baṣīr subsequently left the city. Ghāmidī, *Mizān*, 245.

[481] Q. 8:39 " And fight them until *fitna* is no more and *al-dīn* is all for Allah ..." See also Q. 2: 190-194. In Ghāmidī's view, the word *fitna* has been used here for religious persecution. The words "and *al-dīn* is all for Allah ..." refer to a separate objective accomplished through the Prophet's mission in Arabia. Ghāmidī, *Mizān*, p262-264.

non-Muslim states for more than 10 years is based on the premise that an Islamic state is primarily at war with the rest of the world.[482] Therefore, in accordance with the principle of continuity (istishāb), this state of affairs can only be disrupted by contradictory precedent from textual sources. Since the Prophet is known to have made a treaty with the Meccans for a period of 10 years (which actually ended in about two), scholars opine that that the treaty of truce cannot be of more than 10 years (some give it a maximum of two to three).[483] Once it is accepted that the primary state of relations between an Islamic state and the rest of the world is not that of war, there is no need left to find precedents to justify treaties of truce for any period of time. Accordingly, Khadduri's assertion that an Islamic "law of nations" as opposed to modern international law is entirely exclusivist (as it does not recognize the principle of equality among nations) does not remain a completely valid contention.[484]

Based on the premises of his theory of jihād, some other points of relevance that Ghāmidī raises are discussed below:

i) Ghāmidī asserts that according to Q. 47:4 (also quoted by Mawdūdī in the context of treatment of slaves and prisoners of war[485]), the final directive given to the Muslims regarding the prisoners of war was that they were to be given their freedom with or without ransom.[486] Although the verse, in Ghāmidī's opinion, is related to the Ishmaelite polytheists of Arabia in the Prophet's time, yet, he explains that, in the given context, the underlying principle applies to other prisoners of

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[482] Khadduri, War and Peace, 202.

[483] Ibid., 292, 212.

[484] Ibid., 42-48.

[485] Mawdūdī, Al-Jihād fī al-Islām, 251-252.

[486] "Then when you meet them (in a battle), first strike their necks; when you have shed their blood well, bind them strongly; thereafter is either generosity or ransom for their freedom: until the war lays down its arms." (Q.47:4). According to Ghāmidī, the words "until the war lays down its arms" are mentioned because after the wars would end, the choice to be given to the Ishmaelite polytheists was not freedom but Islam or death. The word mannan in this verse is the nomen verbum of the suppressed verb and along with immā and in contrast to fidā can only mean "freeing out of generosity." Ghāmidī, Mizān, 273.

war as well.[487] This verse ended the practice of killing prisoners and also gave the final directive in the gradual prohibition of slavery.[488] There were, however, three exceptions: firstly, those enemies of the Prophet who, in accordance with the Divine law of *itmām-i ḥujjat*, had already been condemned to death (even before the directives of Q.9:1-14 that still gave the choice of accepting Islam to the Ishmaelite polytheists). These included the prisoners who were killed at the Battles of Badr and Uhad, and the people who were excluded from the general amnesty on the conquest of Mecca;[489] secondly, the prisoners of Banū Qurayẓa, whose men were killed and women and children enslaved in accordance with the decision of the arbitrator that they themselves chose.[490] The arbitrator, in Ghāmidī's opinion, decided their fate in accordance with the their own Jewish law;[491] and, thirdly, those prisoners who were already slaves, and so were distributed as such on different occasions.[492]

ii) Death punishment for apostasy also ended in the times of the Prophet and his companions, and no person now can be punished in any way whatsoever for apostasy.[493] As explained earlier, in Ghāmidī's theory, according to Q.9: 5, 11, the Ishmaelite polytheists amongst the Prophet's people could be spared their lives only if they accepted Islam. The Qur'ān (Q.9: 5,11), for evidence of their acceptance of Islam, also demanded from them persistence in saying the obligatory

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[487] Ibid., 273.

[488] Ibid. Both Iṣlāḥī and Ghāmidī argue that Islam never accepted slavery for a single day. It was however not possible to eradicate it all at once owing to the social and economic milieu. Therefore, the eradication of slavery was done gradually culminating with directives of manumission by written contract (*mukātabat*) [Q. 24: 33] and end to the practice of taking prisoners of war as slaves (Q. 47: 4). Iṣlāḥī, contrary to the opinion of some jurists, regards *mukātabat* as obligatory on a master whose slave is capable enough to compensate him. For details, see Amīn Aḥsan Iṣlāḥī, *Tadabbur-i Qur'ān*, vol. 5 (reprint; Lahore; Fārān Foundation, 1986), 401-406. See also Shehzad Saleem, "Condemnation of Slavery in Islam," Renaissance 5 (March 95). Available from http://renaissance.com.pk. Ghāmidī , however , concedes that, despite these directives and injunctions, slavery continued in the Arab society even after the Prophet.

[489] Ghāmidī, *Mizān*, 273.

[490] Ibid., 266.

[491] Ibid., 266,273-274. See also Deut. 20:10-14 (AV).

[492] Ibid., 274.

[493] Ghāmidī, *Burhān*, 127-130.

prayer and in paying the obligatory charity along with repentance from denial of the fundamentals of Islam. Those amongst these polytheists who were spared their lives on the basis of their acceptance of these terms, but, later reverted to their faith or refused to say the obligatory prayer or pay obligatory charity were condemned to death: a punishment they originally deserved. This punishment, obviously, has nothing to do with any apostate today.[494]

iii) Since, according to Ghāmidī, the non-Muslims citizens of an Islamic state are not *dhimmīs*, there is no religious reason to exclude them from key posts or major decision making in the political process.[495] The *sharī'a* does not prohibit the Muslims from granting the non-Muslims citizens of this state positions of authority.[496]

iv) The Qur'ānic directives to the Muslims not to make friends with non-Muslims are either related to the same law of Divine retribution or given in situations where such friendship goes against the interests of the Muslim community.[497] The directives of the former category do not apply to non-Muslims of today.[498] Furthermore, non-Muslims have been addressed as the deniers (*al-kuffār*; sing. *kāfir*) in many of the related verses. The People of the Book who were declared as *al-kuffār* by Qur'ān were so declared byGod himself on account of their deliberate denial of Islam even after the Prophet provided them with conclusive evidence of its truth. The terms *al-kuffār* cannot be used for the non-Muslims of today, as we have no basis to say that they are deliberately denying the truth.[499]

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[494] Ibid., 130. See also Wael B. Hallaq, "Apostasy," in *Encyclopaedia of the Qur'ān*, (Leiden; Brill, 2001).

[495] Cf. Mawdūdī, who insists that key positions cannot be given to non-Muslims. Mawdūdī, *Political Theory of Islam*, 42-43.

[496] Ghāmidī, personal interview, 15 December 2003.

[497] Q. 3:28,; 4:144; 5: 51. See Saleem, *Textbook*, 167.

[498] Ibid.

[499] Ibid Ghāmidī even goes to the extent of saying that the Qur'ān points out at various places that God's punishment does not visit anyone until the truth has manifested itself and the person(s) denies it knowingly (for example, see Q. 17: 15, 2:109, Q.3:135). In fact, Q. 2:62, 5: 69 indicate that so long as people of other faiths do not deny the truth of Islam knowingly, they will have their reward with their Lord for the good that they do in accordance with the light that God has given them. Ghāmidī, personal interview, 15

v) Since the establishment of an Islamic global order is not any religious obligation on the Muslims, it follows that establishing an Islamic state is also not any religious obligation.[500] Of course, the establishment of such a state might be an indispensable need for the political or religious survival of the Muslim community, and, indeed, when it becomes such a need, the Muslims should strive for it.[501] However, the *shari'a* does not place this demand on the Muslims as any regular requirement.[502] Therefore, *ceteris paribus*, a Muslim living in a non-Muslim state would be committing no sin if he is able to fulfill the requirements of his religion.[503] What the *shari'a* does demand is that when the Muslims do establish their own state, they should make the effort to ensure that their rulers rule with justice (Q. 4:58) and establish the good conventions of their religion and culture and strive to eradicate evil practices from their society. Also, they should establish the conventions of *al-ṣalā* and *al-zakā*(Q.22:41).[504] Furthermore, God's promise to grant the Muslims political dominance (for example in Q.24:55) also relates His *sunna* for the *rusul*.[505] Similarly, the Muslims referred to as *umma wasaṭ* in the Qur'ān were the companions and immediate followers of the Prophet from amongst the progeny of Abraham.[506] Therefore, for political and economic

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December 2003. This is neither an inclusivist nor a pluralist position (as Ghāmidī believes in the absolute truth of Islam as contained in the Qur'ān and the *sunna*, which, in his opinion, express their intent unambiguously even though a subject may not always be able to understand it correctly). The position is simply of not making any judgments about those whose fate has not been disclosed in the Qur'ān. Cf. Iṣlāḥī, who has a contradictory view on this matter. Iṣlāḥī, *Tadabbur-i Qur'ān*, vol.1, 231-236. Iṣlāḥī correctly places Q. 2:62, 5: 69 in context, but takes the Jews and Nazarites as the Jews and Christians of all times.

[500] Ghāmidī, personal interview, 15 December 2003.
[501] In that case, the effort will come under *nuṣrat-i dīn* (61:10-14); but, as already explained, in Ghāmidī's thought, religious demand for such effort is contingent upon situations that entail it. Formation of an "Islamic state," therefore, is not any regular (*mustaqil*) religious directive. Ibid.
[502] Ibid.
[503] Ibid.
[504] Ghāmidī, *Mizān*, 103-106.
[505] "Allah promises those amongst *you* who believe and do righteous deeds that He shall grant them authority in *this* land, as He granted it to those before them ..." (Q. 24:55). [Italics my own to highlight stresses in Ghāmidī' translation. Ghāmidī, *Mizān*, 200-101. ".... as He granted it to those before them" refers to the promise to the Israelites.
[506] Q. 3:110, 22:78,2:143. Ghāmidī's understanding of *umma wasaṭ* (a term on which one can hardly find a single opinion in the earliest exegeses) is that it refers to the Ishmaelites, particularly the companions of the

advancement and for excelling in the comity of nations, the Muslims now will have to adopt measures conducive to those ends. Their target of excellence in their religion is essentially for ensuring them their salvation. Instead of always looking at religion alone for solutions to their temporal problems, the Muslims should look for worldly solutions and strategies as well while still remaining within the bounds of religion and ethics.

This last point here entails a brief description of some pertinent views of Ghāmidī's on the Islamic guidelines for the political sphere of the lives of Muslims.[507]

Islamic guidelines for Muslims' collective and political affairs: According to Ghāmidī, when the Muslims are able to form their collectivity in a land where they have political authority, for example in an independent state of their own, they should run their collective (state) affairs on the basis of majority opinion through consultation (Q. 42:38).[508] This means that everyone should have the right to express his or her opinion, but the laws (including religious laws, which too are based on human interpretation)

Prophet, who in terms of being witnesses for mankind (*shuhadā 'ala al-nās*) stood between the Prophet and the rest of mankind as intermediate instruments of *itmām-i ḥujjat*. Ghāmidī, *Mīzān*, 201-202.

[507] Ghāmidī does not accept the idea that Islam spelt out "a political system" for the Muslims. What Islam has given is a few basic ethical and religious guidelines to the Muslims to organize their political and collective lives. Ghāmidī, personal interview, 15 December 2003.

[508] Ghāmidī, *Mīzān*, 118. The word "consultation" (*shūrā*) in Q. 42:38 refer to an obligation. This directive should not be confused with the one given to the Prophet in Q. 3:159 where he has been suggested to use consultation in collective affairs. Being the Prophet, he was not bound by consensus in consultation. (For linguistic reasons for the difference in the two verses, see ibid., 112-113). In other words, the Muslims are religiously bound to take decisions on the basis of consensus in consultation. Dictatorial and autocratic organization of their political affairs is against Islam. Ibid., 111-131. However, rebellion (*khurūj*) against even a dictatorial rule is not permitted unless the ruler(s) unequivocally and openly deny Islam and the leader of the rebellion has the support of the majority behind him. In case of an armed rebellion, the leader and his followers must migrate to another land (as Moses and Muḥammad did) and form an independent state to do their *jihād* against oppression under the authority of a state. For details, see ibid., 98-102 . Ghāmidī has argued in detail to show that neither the assumption of power nor the rule of the first three caliphs was in violation of the principle of consultation in Q. 42:38. Ibid.,116-130. In 'Alī's case, however, Ghāmidī concedes deviance, which, in his opinion, was, in all probability, a consequence of confusion in the application of the principle of consultation rather than in the principle itself. Ibid., 130-131. Also, in Ghāmidī's view, the Prophet's statement "The leadership will be in the Quraysh" (*al-ā'ima min quraysh*) was not his description of any Divine or religious principle; it was his description of the political reality of his time (as also becomes obvious from other statements of his about Quraysh's leadership), which quite naturally changed with time. Ibid., 121-124.

should be enacted on the basis of majority opinion (that is consensus,[509] which expresses itself in a modern state through the Parliament). In case of conflict, the opinion of the majority, therefore, will supersede even that of the head of the state. The Qur'ān (Q.9: 5,11) points out that, though the state can make laws to forbid evil and stop crimes (*nahi 'an al-munkar*), yet in establishing good conventions (*ma'rūf*) [Q. 22:41], it cannot force its Muslim citizens to perform religious duties beyond these three: proclamation of belief in the fundamentals of Islam, performance of the obligatory prayer and the payment of obligatory charity.[510] For example, the state cannot force it is citizens to do obligatory fasting, perform the *hajj*, or even participate in *jihād*.[511] These matters are between a person and his or her God. This, in Ghāmidī's words, is Islam's Magna Charta. Even the Ishmaelite polytheists, who deserved Divine punishment of death, were spared their lives and given their way and *also granted the full rights of a Muslim* (Q.9: 5,11) by accepting

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[509] It must be emphasized again that even this consensus (*ijmā'*), in Ghāmidī's opinion, does not grant epistemological certitude in religion. This consensus is just an administrative means to organize the political affairs of Muslims. The correct interpretation or understanding of a religious directive might lie in the opinion of an individual scholar or person outside the consensus or even outside the halls of the parliament. This is what "My community shall never agree upon error" (a statement attributed to the Prophet and often adduced in support of the Sunni concept of *ijmā'*) means in Ghāmidī's opinion. Ghāmidī, personal interview, 15 December 2003. For this reason there should be no curb on freedom of expression (unless of course it results in disorder or danger to life and property). Ibid.

[510] "Then [after the *hajj*] when the forbidden months are over, kill these polytheists wherever you find them; seize them; besiege them; and ambush them at every place of ambush. But if they repent, and establish the obligatory prayer, and pay the obligatory charity, then open the way for them; for Allah is Most Forgiving, Ever Merciful." (Q.9:5). " .... if they repent, and establish the obligatory prayer, and pay the obligatory charity, then are they your brothers in religion." (Q. 9:11). As to who will decide what the fundamentals of Islam are, Ghāmidī's response is again based on Q. 42:38. The parliament or the courts can make this decision, and individual scholars have the right (and the duty to) disagree with them and express their disagreement. Ghāmidī, personal interview, 15 December 2003.

[511] Even in case of the Ishmaelite, Israelite and Nazarite converts to Islam, the Prophet never gave any "legal punishment" for not participating in *jihād*. The ostracism of Ka 'b ibn Mālik, Halāl ibn Ummaya Marāra ibn Rabī' for staying behind from the Battle of Tabūk (9/630) [Q.9: 106, 118] was a social boycott based on Divine decree, not any legal punishment. Ibid. For further details, see Amīn Aḥsan Iṣlāhī, *Tadabbur-i Qur'ān*, vol.3 (reprint Lahore: Fārān Foundation, 1988) 640-641, 658-660. Also, according to Ghāmidī, the Qur'ān or the *sunna* do not lay down any specific conditions for a valid excuse from *jihād*. If the state does not require a person's service in *jihād* (for whatever reason), he or she is exonerated. Otherwise, an individual can decide for himself whether his excuse will be valid enough or not on the Day of Judgment. The principles formed by the jurists in this regard on the basis of the Qur'ān and the *sunna* are largely superfluous. For example, Q.9:91-92 does not give a comprehensive list of valid excuses. It just points out those people who were genuinely unable to participate in *jihād* on an occasion that was also meant to sift out true believers from the hypocrites (Q. 16, 44-45). Therefore, no true believer was encouraged to present his or her excuse to stay away from *jihād* on that occasion (Q. 44-45). Ghāmidī, personal interview, 15 December 2003. For a summary of the conditions laid down by the jurists for valid excuses, see Khadduri, *War and Peace*, 83-86.

to perform these three religious duties. *A fortiori*,[512] nothing more can be demanded from Muslim citizens by the force of the law (though appeals for contribution can be made, for example for contribution to *jihād*).[513] This view is quite contrary, and in many ways contradictory, to the views of Mawdūdī on an "Islamic state," which, in Mawdūdī's opinion, is meant to establish all religious laws and make its Muslim citizens perform all their religious duties.

General comments on Ghāmidī's concept of *jihād*: In comparison with Mawdūdī, Ghāmidī's views on *jihād* are a clear break from the traditional interpretation that marked the theory of *jihād* for about 1000 years of Muslim history. However, some of his key premises have exegetical precedents in the interpretations of the earliest scholars. Waḥīd al-Dīn Khān had already pointed out that to the earliest exegetes, *izhār-i dīn* in Q. 9:33 was a prophecy that was fulfilled in the Prophet's time. The verse, therefore, does not spell out a requirement of religion. Similarly, Khān had also contended that the directives in Q. 8:39 related specifically to the direct addressees of the Prophet and were revealed as a form of Divine punishment on their persistent refusal to accept his message. This idea too is not entirely alien in early exegeses.[514] However, the jurists in formulating the theory of *jihād* had given ideas closer to those of Mawdūdī's in which the political domination of Islam and perpetual *jihād* against the rest of the world are major themes. Ghāmidī's ideas not only give precision to the views of early exegetes and to the views of his predecessors as Khān, Iṣlāḥī and Farāhī, but also developed them

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[512] This is an example of a case where Ghāmidī confines a Qur'ānic directive to its specific addressees in history, but also uses the same directive to draw certain ethical/legal principles (through *a fortiori: a maiori ad minus*) that are applicable in other instances as well.

[513] The Prophet and his companions were directed to kill the Ishmaelite polytheists in case of their refusal to accept the three basic religious duties specified in (Q.9:5, 11). As already explained in detail, this punishment was specific to the polytheists among the Prophet's people. Therefore, the state cannot punish any of its citizens for not accepting these basic religious duties. It does, however, reserve the right to declare them as non-Muslims (not *kuffār*) on these grounds. For example, if a person insists on professing polytheism, the state has the right (not the duty) to declare him a non-Muslim, but does not have the right to give him any punishment. Furthermore, such declaration is the sole right of the state, which does that after ascertaining the facts in a court of law. No religious individual or group has that authority. Ghāmidī, personal interview, 15 December 2003.

[514] Al-Zamakhsharī, for example, equates the Prophet's fight against the polytheists with the Divine punishment on the 'Ād and the Thamūd. Abū al-Qāsim Maḥmūd ibn 'Umar al-Zamakhsharī, *Al-Kashāf 'an Ḥaqā'iq al-Tanzīl wa 'Uyūn al-Aqāwīl, Al-Juz' al-Awwal* (Beirut: Dār Ihyā' al-Tarāth al-'Arabī, 1997), 190. Similarly, he takes *jizya* on ahl al-kitān as Divine punishment ('*adhāb*). Ibid., 202. But these are scattered and vaguely described ideas that are not part of a precise and fully-fledged theory as in Ghāmidī.

into a full-fledged theory. On the basis of this theory, he then gives view on *jihād* completely different from and contradictory to the views of Mawdūdī and classical and medieval jurists. Because Ghāmidī is able to separate the " historical Islam" from the "legal" one, his defense of Islam as a peaceful religion is neither apologetic nor based on superficial arguments. Ghāmidī's views give a unique perspective on *jihād*, the Islamic law, and Muslim history. Although his view are radically different, yet they are based on an interpretative approach that is sound and consistent enough to merit careful consideration.

CHAPTER 4

CONCLUSIONS

The present times have seen a burgeoning interest in the ethos of radical Islamism, especially in the wake of the recent upsurge in global terrorism in the name of Islam. Islamic revivalism, Islamic state, *jihād* and Islamic global order are terms and ideas that have become increasingly important in discussions and research that explore the possibilities and significance of Muslims' interaction with the West.[515] These discussions are no less important in the context of Muslim countries themselves. This study has presented two diametrically different positions on these issues, both of which are important in understanding the mind-frame and dilemmas of Muslim peoples, especially in Pakistan.[516]

To appreciate the significance of this study and of the issues it discusses, it is also important to understand that the religious milieux in Muslim countries as Pakistan are influenced not only by the forces of tradition, economics and politics but also by the strengths of argumentation and reasoning evidenced in the opinions of religious scholars, reformers and activists, who by virtue of their methodology and activism become, in some cases, guardians of tradition, and in others, agents of change.[517] In many ways, Mawdūdī's authority over his followers produced a new Islam.[518] This authority and the successes and failures it produced, apart from relying on a host of other factors, it also depended in large measure on the credibility of his method in understanding and application of foundational sources in Islam. The reason for this is simple. To the vast majority of Muslims, Islamic law is of the utmost importance, not because it is the law of the land but because it is their faith. The "laws of Islam," as interpreted by the *'ulamā'*, are considered by many Muslims to be the *sharī'a* and, therefore, are followed religiously

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[515] See for example, John L. Esposito, *Unholy War: Terror in the Name of Islam* (New York: Oxford University Press, 2002).

[516] As the recent incidents of insurgence in this country, especially in the tribal areas of the North West, quite clearly show. For an overview of the various *jihādī* organizations in Pakistan, see Muhammad Amir Rana, *A to Z of Jehadi Organizations in Pakistan*, transl. Saba Ansari (Lahore: Mashal, 2004).

[517] Although the traditionalist and fundamentalist *'ulamā'* are bound by the confines of their tradition, yet, within that framework they also are able to devise ways to bring about change. See for example, Qasim Zaman, *The Ulama in Contemporary Islam*; see also Hallaq, *Authority, Continuity, and Change*.

[518] Nasr, *Mawdūdī*, 140.

even when they do not have the force of state authority. Their scope can range from Muslim personal and dietary laws to declaring someone non-Muslim (*takfir*) and, in exceptional cases, even to murder (in the name of *jihād*). The authority behind such "laws" derives, in part, from the strength of the arguments given by scholars or reformers. The history of Pakistan shows that even in desperate need for change in society, the vast majority, rightly or wrongly, never fully accepted the changes to the legal system suggested by scholars such as Ghulam Aḥmad Parwez and Fazlur Rahman or of their reformist predecessor in India, Sir Sayyid Aḥmad Khān.[519] To some extent, this is because, epistemologically, belief in an omniscient and omnipotent God Who chose to reveal His last message in an unalterable text entails that a Muslim accept only such viewpoints as are true expressions of the *sharī'a*.[520] Doubtless, this persuasion requires much more than legal and hermeneutical methodology. A host of factors—social, economic, political, and cultural—are involved. Nevertheless, any break from the tradition has to face methodological (*usūlī*) criticism from the traditional *'ulamā'*. Effective change in the thinking of the Muslim society therefore requires, inter alia, successful marketing of the methodology behind any suggested change. The history of the development of *usūl al-fiqh* alone is ample testimony to this fact.[521] The *'ulamā's* hold on the general Muslim populace, the prevalence of sectarianism, and a general lack of empathy for any newly suggested methodology of *ijtihād* are but a few of the social realities that also point up the same phenomenon.

This study, for reasons mentioned above, has not only presented the views of the two "revivalists" in question (Mawdūdī and Ghāmidī) but has also delved into the concepts and arguments on which they are founded. A careful evaluation of these concepts and arguments brings out a number of similarities and differences in the two. For example, in terms of having a an alternative worldview, of developing a germane and novel method in hermeneutics and *ijtihād*, of introducing unique and novel instances of *ijtihād* encompassing virtually the whole of Islamic law, of having "the discovery of pure and original Islam" as the main stated objective behind all scholarly pursuit for Islam's

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[519] For example see Mumtaz Aḥmad, "Pakistan," in *The Oxford Encyclopedia of Modern Islamic World.* See also Tamara Sonn, "Rahman, Fazlur," ibid.

[520] See the quote from Hallaq's "The Logic of Legal Reasoning in Religious and Non-religious Cultures: The Case of Islamic Law and the Common Law," in footnote 8 of the present study.

[521] For a survey of this history in the Sunni context, see Hallaq, *History of Islamic Legal Theories.*

revival, and of engaging in the effort for "deconstruction of its concocted understanding"[522] that was "constructed" over many centuries through deliberate distortions or erroneous methodologies and interpretations, Ghāmidī stands out among Mawdūdī's critics as a unique mirror-image antithesis of the latter. Moreover, both Mawdūdī and Ghāmidī, in their own ways, have broken away from the traditionalist interpretations and epistemology, both have syncretic and eclectic elements in their thought and methods, and, therefore, in their own ways, represent a continuation of Shāh Walī Allāh's syncretism and Iqbal's "principle of movement."[523] Yet, moving parallel to each other, they represent diametrically opposed views based on contrary interpretative approaches.

Although Mawdūdī departed from classical/medieval exegeses in his interpretation of the Qur'ānic terms of *ilāh, 'ibada, rabb,* and *dīn,* yet his conception of *jihād* is quite close to the eighth century classical conceptions of *jihād* in the Sunni schools, especially to the theories developed since the times of al-Awzā'ī and al-Shaybānī.[524] Many of these classical conceptions create anomalies and conflicts for Muslims in modern times. For example, individuals as well as scholars continue to grapple with questions pertaining to *dār al-kufr* and *dār al-harb* division and whether Muslims can by choice live in *dār al-kufr.*[525] Some other questions of contemporary importance emanating from the classical theory of *jihād* are: Can prisoners of war be enslaved or even killed? Can civilians in enemy territory be assassinated? Is the punishment for apostasy in Islam death? Is the Islamic state under obligation to remain at war with the rest of the world (unless of course war is suspended with a particular nation for strategic purposes on the basis of temporary treaty) until the whole world either embraces Islam or accepts political subjugation? Are all non-Muslims infidels (*kuffār*)

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[522] Ghāmidī has often described some later constructs as "layers [of dust that obfuscate the truth] over the original and pure Islam" (Ghāmidī, personal interview, 12 Oct 2003).

[523] See Baqā, *Uṣūl al-Fiqh awr Shāh Walī Allāh,* 51-52, 447-459, 446-447 and Muhammad Iqbal, *The Reconstruction of Religious Thought in Islam,* ed. M. Saeed Sheikh (Lahore: Iqbal Academy & Institute of Islamic culture, 1989), 116-142.

[524] See Khadduri, *War and Peace* for an overview of the classical theory of *jihād* in Sunni schools. See also Muhammad Ibn al-Hasan al-Shaybānī, *Kitāb al-Siyar al-Kabīr.*

[525] For example, see the answer written by Muhammad Taqī al-Uthmānī for the Majlis of the Majma' al-Fiqh al-Islāmī, held in Amman, Jordan (11-16 October, 1986) in response to one of the 28 questions sent by the Islamic Center of Washington to the Majma' on issues pertaining to Muslims residing in North America and Europe. Available: http://www.islam2u.com/results_mirror_display.php?id=1109. Accessed 23 June 2004.

and what sort of relations are Muslims supposed to have with them? In terms of the definition of denial or infidelity (*kufr*), can some Muslims too be declared *kuffār*, and who has the right to make such a declaration? Mawdūdī's answers to many of these questions are based on traditionalist interpretations, but with a uniquely powerful presentation of the rationale, which is meant to depict Islam as a "reformative system." His answers, however, are inconsistent at times with the tradition, on the one hand, and often unconvincing and impractical on the other for a Muslim facing the challenge of modernity. By contrast, Ghāmidī's conception of *jihād* is, for the most part, in stark contradiction to the classical understanding, particularly since he considers himself in no way bound by *ijmā'*, while it also provides a Muslim living in the modern world with a fresh approach to dealing with contemporary challenges.

On the basis of the comparisons and analyses made in this study, the following are some of the major conclusions that can be drawn:

i). Doubtlessly, the Qur'ān obligates the Muslims to establish justice, the obligatory prayer and charity, and good customs and to eradicate evil ones when they have their own state. But, it is difficult to negate Ghāmidī's assertion that there is no valid basis in the Qur'ān or the *sunna* or even in the *hadīth* to assert that the primary obligation that Islam imposes on its adherents is the establishment of Islamic world order by implementing the laws of the *sharī'a* in the whole world. In their critique of the erroneous Qur'ānic interpretations by Mawdūdī (of *ilah, 'ibada, rabb,* and *din*), we also see Wahīd al-Dīn Khān and Ghāmidī agreeing with the earliest exegetes, which further undermines the foundation of Mawdūdī's Weltanschauung.

ii). Mawdūdī's defense of his conception of Islamic *jihād* – which is close to the outlook of Sunni jurists --, especially as Mawdūdī expounds his views in *al-jihād fi al Islam*, does not respond effectively to the issues that he himself raises. Quite obviously, Mawdūdī, despite his retaliatory attitude toward the West, is deeply influenced by the Western concept of ethics in his time. It is clear that he wants to justify his conception of

jihād and the establishment of Islamic world order vis-à-vis western conception of ethics. The classical/medieval scholars (as al-Shaynbānī or al-Awzāʿī) with their discourse of a generally dominant force in the world, felt no reason to make excuses for what might appear now as blatant belligerence.[526] Mawdūdī, however, seems to have felt a strong need to justify his worldview and understanding of *jihād*. Apart from the textual basis that he adduces, the rationale that he gives on the basis of reason is that Islam being the final, unaltered, and the perfect Divine "system" deserves to have this domination. At the core of this view is that the idea that any other system and/or the absence of the Islamic "system" is downright oppression, which entails *jihād* for the establishment of the Islamic one. There are a number of inconsistencies here with the totality of Mawdūdī's thought. Firstly, Mawdūdī asserts that this domination of the Islamic "system" is not for coercing people to accept Islam, but for providing them with a congenial environment to reflect upon the true religion. This assertion is based on a too simplistic view of human nature. Even if the choice of death or Islam was given only to the polytheists of Arabia in the Prophet's time, the question is Why wasn't this instance a negation of "there is no compulsion in religion" (*lā ikrāha fī al-dī n*)?[527] Also, Is not the choice of "subjugation

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[526] In fact, it is their basic worldview by which the Muslims, being the upholders of the superior and only true religion, have the right to fight and subjugate any people on the earth. The Western mind is likely to see the whole notion of this kind of *jihād* as religiously sanctified colonialism. Furthermore, with al-Ghazālī's famous application of the juristic principle of "public interest" (*istiṣlāḥ*), by which even Muslim civilians living among the enemy can be killed in the larger interest of the Muslim army (see Khadduri, *War and Peace*, 107), and with a discourse of justifications in Muslim history for killing of prisoner of war and slavery and assassinations, it might be hard for the Western mind to see the difference between *jihād* and terrorism. For some examples of Western perceptions (by no means uniform) of *jihād* and of Muslims' perceptions of "the other," see Crone, *Meccan Trade*, 243-245; Bernard Lewis, *The Political Language of Islam* (Chicago: University of Chicago Press, 1988), 71-90; Bernard Lewis, *The Crisis of Islam: Holy War and Unholy Terror* (London: Phoenix, 2004), 23-40, 103-140; Bernard Lewis, *What Went Wrong? The clash Between Islam and Modernity in the Middle East* (New York: Perennial, 2003), 163-165; Robert Spencer, *Islam Unveiled: Disturbing Questions about the World's Fastest Growing Religion* (San Francisco: Encounter Books, 2002), 7-37; Samuel P. Huntington, *The Clash of Civilizations: Remaking of World Order* (New York: Touchstone, 1997), 217-218; Esposito, *Unholy War*. Nevertheless, even the Sunni jurists have always insisted that *jihād* be done under the authority of the *imām* (which may be understood as the state represented by its head in modern terms), and that the *jihād* be a declared one, and that all previous treaties with the enemy must be honored. Mawdūdī too accepted these conditions (Nasr, *Islamic Revivalism*, 74).

[527] Q.2:256

and *jizya* or death or Islam" also a form of coercion? Secondly, contrary to Mawdūdī's notion, Islam can hardly be seen as a "system."

Ghāmidī, however, asserts that what Islam gives is not any particular "system" but few basic religious and ethical guidelines to be followed in any one, be that legal, political, social, or economic. In other words, it has been left to the Muslims to formulate their own "systems" within the confines of the guidelines given by Islam. It is also perhaps for this reason, along with many others, that Mawdūdī was unable to give a detailed working political system, as we do not find any mention in the original sources (including *ḥadīth*) of any details of the exact system of election, legislation or governance. Apart from the concept of having a government based on majority opinion of Muslims (Q. 42:38), which gives a democratic basis to the government, and apart from a few ethical norms for the rulers and the ruled, one doesn't find any insistence in the foundational sources for any specific "system" of government. Similarly, the idea of the revival of the *khilāfa as* a "system" obligatory on all Muslims is not supported by these sources.[528] As a consequence, there remains little ground for viewing "systems" other than the "Islamic system" as antagonistic and oppressive that must be eradicated and from which a Muslim ought to alienate himself. Nevertheless, a great part of Mawdūdī's thought reflects the way in which Muslims have seen "the other" until the period of their colonization by European powers.[529] That view of "the other" re-emerged in the post-colonial milieu as well. In many ways, Mawdūdī has also given a concrete rhetoric to a popular

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[528] The word *khalīfa*, as mentioned in Q.2:30 ("And God said to the angels: I will create a *khalīfa* on earth,") has hardly anything to do with the responsibility of establishing Islamic legal and political order. Here, it merely means "someone who has the power and authority to make choices and decisions, and, in that metaphorical sense, is a sovereign on earth." No doubt, the word *khalīfa* has been used for David in Q.38:257 in the context of political sovereignty, but the two different senses in these two verses cannot be mixed up together. See Mawdūdī, *Islāmī Riyāsat*, 167-184; cf. Ghāmidī, "Sūrat al-Baqara," *Ishrāq* 11, (Urdu) [May 1999], 18. See also Lewis, *Political Language of Islam*, 45-51.

[529] For the Muslim view of "the other," one author has coined the term of "dhimmitude". See Bat Ye'or,*Islam and Dhimmitude: Where Civilizations Collide* (Madison, New Jersey: Farleigh Dickinson University Press, 2002).

post-colonial sentiment. Even those who oppose Mawdūdī's thought, at least in terms of opposing many instances of his *ijtihād*, quite often share his views to this extent. Many a Muslim mind, therefore, has an uncomfortable, incongruous, and anomalous existence in a modern contemporary environment. This can range from having an antagonistic outlook against the overall environment to a feeling of discomfort with the minutest of things as western clothes, television, and education, to name a few.[530]

iii). In contrast to Mawdūdī's notion of *jihād*, Ghāmidī's views offer a unique perspective on *jihād*. Of particular import are his assertions that all the killing and assassinations by the Prophet and his companions, their conquests of certain territories, their *jihād*, and the choices they gave of "Islam or death" or of "Islam or death or subjugation and *jizya*" were all under the rubric of a *Divine judgment against a Divinely specified people in a Divinely specified territory in a Divinely specified time.* If this premise is accepted as correct, the entire traditional Muslim view of "the other" changes, especially vis-à-vis the questions raised in the last section. However, Ghāmidī's view is largely based on textual interpretation of the Qur'ān. Although some support for the foundations of his view exists in early exegeses, yet in terms of the early jurists' view of *jihād* as well as early Muslim praxis in history, Ghāmidī's views are bound to be seen as a later construct.

iv). Despite the complexities and some elements of subjectivity in his interpretative approach, Ghāmidī's method of distinction between the

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[530] Early Islamic history, however, shows that some of the "systems" developed by the Muslims, especially in the wake of their conquests, were highly eclectic and based on borrowings from virtually every culture the Muslims encountered. See for example Marshall G. S. Hodgson, *The Venture of Islam: Conscience and History in a World Civilization*, vol. 1 (London: the University of Chicago Press, 1974), 83-87, 236-230, 291-298. See also Sajida S. Alvi, " Islam in South Asia," in the *Muslim Almanac: A Reference Work on the History, Faith, Culture and Peoples of Islam*, ed. Azim A. Nanji (New York: Gale Research Inc., 1996), 55-71; G.E. Von Grunebaum, " The sources of Islamic Civilization," in *Cambridge History of Islam: The Further Islamic Lands, Islamic Society and Civilization*, vol 2. ed. P.M. Holt, Ann K. S. Lambton, and Bernard Lewis (Cambridge: Cambridge University Press, 1970), 469-510; G.E. Von Grunebaum, "The Problem: Unity in Diversity," in *Unity and Variety in Muslim Civilization*, ed. Gustave E. Von Grunebaum (Chicago: The University of Chicago press, 1955), 17-37; and Iqbal, *Reconstruction* , 99-115.

"historical" and "ethical/moral/legal" gives another (somewhat contrary) dimension to Fazlur Rahman's "double movement."

v). *Ḥadīth* has traditionally played an important role in exegesis, jurisprudence, law, and study of history in the Muslim world. In each area, it has also been an essential basis for later "constructs" as well as a great impediment to change. Almost every reformer, "revivalist, and scholar has had to grapple with issues emanating from the *ḥadīth*. For example, Mawdūdī would also repudiate some very sound *aḥadīth* (on the basis of his highly subjective approach) and sometimes accept some very weak ones. Ghāmidī, however, simply does not accept the *ḥadīth* as a primary source of religion. His whole reliance is on the certitude of *ijmā'* and *tawātur*, which he grants only to one reading of the Qur'ān and to the *sunna* (which he has enumerated). Also of immense import is the distinction he makes between the "*sunna* as religion" and "the *sunna* as just a cultural tradition." Seeing only the religious *sunna* of the Prophet as authoritative in religion leaves only a number of rituals and practices as the basic "text" to be interpreted. Just by pruning the "content" of religion to the Qur'ān (one reading thereof) and the Prophetic *sunna* in religion established through *ijmā'* and *tāwatur*, all interpretations made on the basis of other sources can be subject to review not only in terms of the interpretation itself but on the basis of the authenticity and veracity of the "text" being interpreted. When interpretation is done on the basis of the text of the Qur'ān, based on its language and context, all extraneous sources become secondary and discovery of the original intent is not unnecessarily impeded by later constructs based on *ẓannī* and, in many cases, post-Prophetic *aḥadīth*, or *ijtihād* or *ijmā'* (on interpretation or *ijtihād*). In Ghāmidī's view, prudence indeed dictates that the tradition of past scholarship not be parted from for "light and transient causes," yet when a competent contemporary scholar, having done his best to find the answers to his intellectual probe in the tradition, finds a reasonable basis, in terms of

the choice of source or the instance of interpretation or in terms of *ijtihād*, to set the tradition aside and use his own judgment, there is no valid basis in Islam that hinders him from doing so. Although Ghāmidī's view of the *sunna* is also a later construct, yet its foundations in concepts as *tawātur*, *khabr mutāwatir*, *ijmā'*, *khabr wāhid* can be found quite clearly in works and ideas of early Muslim jurists and *hadīth* experts.

vi). This study has also argued that the required conditions of competence for exegesis and *ijtihād* are mostly based on commonsense judgments of the jurists. Except for few general references in the Qur'ān to competence in general for scholarly work,[531] we do not find any unequivocal and direct textual basis for the conditions that are general laid down by the jurists. Although, as Hallaq has shown, the jurist continued to make allowances to facilitate the practice of *ijtihād* at different levels well beyond the 4th/10th century,[532] yet the in contemporary times, the conception of the requirements for *ijtihād* and the notion that they cannot possibly be met by any contemporary scholar – at least to the extent of formulating new principles of exegesis and *ijtihād* – are perhaps the greatest impediment to change. A contemporary jurists is granted the right to exercise *ijtihād* by the traditionalists only to the extent of using the basic principles of a school of thought (*madhhab*) in resolving cases of *ijtihād* on which opinions of earlier jurists do not exists. True, as Hallaq argues, that in practice there was, even until the 5th/11th century, a tendency to change even the principles in a gradual, unnoticeable way through praxes.[533] However, the confines always did impede a wholehearted investigation into the sources, reevaluation and new formulations of methodologies, re-interpretation of sources, and reevaluation of earlier instances of *ijtihād*.

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[531] For example, the requirement of "deep understanding in religion" (*tafaquh fi al-dīn*). Q. 9:122
[532] Wael B. Hallaq, "Was the Gate of *Ijtihād* Closed?" *International Journal of Middle East Studies* 16 (1984), 3-20.
[533] Ibid.

The impediment has become detrimentally restrictive in modern times where questions of human life, social conflicts, war, and relationships with other nations are directly related to Weltanschauungs and interpretative approaches.

vii). As already said, in many ways, both Mawdūdī and Ghāmidī have broken away from tradition in terms of the requirements for exegesis and *ijtihād*. Mawdūdī did not have any formal certification (*ijāza*) from any of the Sunni schools. Despite his effort to stick to the tradition and rationalize it, he felt free to move form one school to the other, to syncretize, to formulate his own method, and to do *ijtihād*. The same holds true for Ghāmidī. Both regard certain basic requirements as necessary, as competence in Arabic language and an understanding and overview of tradition and its methodologies. Mawdūdī's instance on having an awareness of *mizāj-i rusūl* (though applied to *hadīth*) is actually his strategy for the objective of discovering the intentionality of the text that Ghāmidī seeks to achieve through contextual analysis and literary appreciation. It is possible for a person of high intelligence to fulfill any of these requirements. Although both Ghāmidī and Mawdūdī stress on basic piety and proclamation of faith as a condition for interpretation and *ijtihād* in religion (as did earlier jurists[534]), yet none of them believes that one of the requirements is an esoteric understanding that lends certitude theosophically by invocation of the Theophany.[535]

viii). In Ghāmidī's opinion, *Ijmā'* in interpretation and *ijtihād* cannot be established as having the same epistemological value of certitude as the Qur'ān and *sunna*.[536] Similarly, the *hadīth* too cannot be accepted as a

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[534] For a list of the requirements for *mujtahids* of various categories in Shāh Walī Allah's thought, see Baqā, *Usūl-i Fiqh awr Shāh Walī Allāh*, 426-458.

[535] In Sufi epistemology, absolute religious certitude can be had directly from the Theophany, the Prophet's soul, the souls of other prophets, or angels. This is the kind of certitude that, in the words of al-Ghazālī (450-505/1058-1111), leaves no room for doubt (*lā yubqī fīhi rayb*). Abu Hāmid al-Ghazālī), *Al-Munqidh min al-Dalāl* (Deliverence from Error), ed. Muhammad Jābir al-Azharī (Beirut: Al-Maktaba al-Thaqāfiyya, n.d.), 6-7, 11.

[536] We have discussed this issue in the Appendix (see pp.).

primary source of the "content" of religion unless of course one is willing to concede that the Prophet chose to pass on religion to his companions and followers, which was his primary responsibility (Q.5:67), through a medium that was highly undependable in contrast to a highly dependable one as *ijmā'* and *tawātur* (especially in the sense Ghāmidī uses these terms) through which the Qur'ān and *sunna* were transmitted. Therefore, the tasks of the contemporary Muslim scholar in terms of interpretation, reevaluation, and *ijtihād*, though guided by tradition, may no longer be impeded by it.

It is hoped that this comparative study of the two Islamic scholars has highlighted the importance of employing " in the hermeneutics of recovery" for solution to contemporary issues. By that, we mean choosing sources carefully, not mixing less dependable ones with more dependable ones, and not making every aspect of tradition into religion or imposing fantastically impossible requirements of competence for interpretation and *ijtihād*. This study also on show is the significance of formulating concrete methodologies to sift out the "ethical/legal Islam" from the historical one. While taking guidance from and giving tradition its due respect, if one does not make a false god out of it in the garb of *ijmā'* and inerrancy of earlier instances of *ijtihād*, one might find the basic guidelines contained in the sources of Islam more compatible with the requirements of change and peaceful and harmonious co-existence with the rest of the world than is usually imagined. It could also be inferred from our study that just as the stubborn tenacity for tradition serves as an impediment to inquiry and change, similarly subterfuges and half-baked methodologies (which Hallaq refers to as "religious liberalism")[537] are likely to be as ineffective in being instruments of change, owing to the lack of credibility that the Muslims at large are likely to afford them.

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[537] Hallaq, *History of Islamic Legal Theories*, 231-254. Cf. Ghāmidī's approach, especially 'Ashmāwī. See ibid., 237-238.

APPENDIX

A DISCUSSION ON *IJMA'* AND *IJTIHAD*

Although Hallaq has shown convincingly that, contrary to the common perception of many Western scholars, the gates of *ijtihad* were never closed as such in the medieval Sunni schools,[538] yet the fact remains that the notion of the closure remains entrenched amongst the Muslim *'ulama* as well as the general populace. This constitutes one of the greatest impediments to any scholar outside the folds of the traditionalist religious cliques to proffer a new hermeneutics or methodology or even a single opinion in substantive law.[539] Whereas it is reasonable that an enterprise such as *ijtihad* be undertaken by one who possesses a reasonable degree of competence for it, there is no textual evidence to suggest that the *ijtihad* of a competent scholar (as Abu Hanifa [81-150/700-767] or Malik ibn Anas [94-179/716-795] or others) or even that of a whole school or of all the traditional schools is infallible.[540] In Sunni jurisprudence, the notion that the *ijma'* of the community and its scholars in matters pertaining to interpretation and *ijtihad* has

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[538] Hallaq, "Was the Gate of *Ijtihad* Closed?" 3-41; reprinted in Wael B. Hallaq, *Law and Legal Theory in Classical and Medieval Islam*, (Hampshire: Variorum, 1994), V. For views contrary to Hallaq's in Western scholarship, see Schacht, Introduction to the Islamic law, 69-75. Cf. Coulson, *A History of Islamic Law*, 202-203.

[539] In this regard, for a representative example of the tradionalist view in Pakistan, see Muhammad Taqi Uthmani, *Taqlid ki Shara'i Hathiyyat* (The Position and Value of *Taqlid* in the *Shari'a*) (Karachi: Maktaba Dar al-'Ulum, 1992).

[540] See Hallaq, "Was the Gate of *Ijtihad* Closed?" 5-7 for the rather lax and flexible conditions for a *mujtahid* in the early medieval period of Muslim history (see, especially, the conditions laid down by Ghazali. Marcia K. Hermansen has shown that even Shah Wali Allah (whose importance as a *mujtahid – mujtahid muntasib* in Hermansen's estimation -- in the Indian/Pakistani context cannot be doubted) accepted the possibility of going outside the four schools on specific cases, though generally his emphasis was on following them. See the Preface in Shah Wali Allah, *The Conclusive Argument from God: Shah Wali Allah of Delhi's Hujjat Allah al-Baligha*, trans. Marcia K. Hermansen (Leiden: E.J. Brill, 1996), xxxii. However, the conditions he sets forth for the loftiest *ijtihad* in *hadith* disciplines are also worth noting as they include *'ilm laduni* (inspired knowledge from God)and *asrar wahbi* (bestowed secrets), apart from excellence in virtually all other fields of religious learning. He then goes on to suggest that all these abilities are present in his person. Ibid., 6-10. Although many exegetes suggest, on the basis of the interpretation of some *ahadith*, that the person (usually called Khidr) whom the Qur'an refers to as the recipient of *'ilm laduni* (Q. 18:65) was not a *nabi*, yet it is interesting to note the arguments given by Islahi, who claims that this person must have been a *nabi* as it would not have made any sense for the Prophet Moses to go to a non-*nabi* for religious guidance. Amin Ahsan Islahi, *Tadabbur-i Qur'an*, 3rd ed., vol. 4 (Lahore: Faran Foundation, 1988), 606. Mawdudi suggests that this person was one of the angels of God as the tasks he performed included taking the life of an innocent boy, which task could only have been assigned to an angel or some other similar being. Abu al-A'la Mawdudi, *Tafhim al-Qur'an*, vol.2 (reprint Lahore: Maktaba-i Ta'mir-i Insaniyat, 1972), 40-42. Ghamidi also holds the same opinion. Javed Ahmad Ghamidi, personal interview, 15 October 2003. Shah Wali Allah's reference to *'ilm laduni* as a trait of those worthy of *hadith* scrutiny is ironic in that, in the context of the given verse, the person referred to appears to have been more knowledgeable and aware of God's intent than the Prophet Moses.

epistemological certitude in religion, and thus, by implication, an authority equivalent to that of the Qur'ān and the *sunna* is as shaky as it is circular.[541] When consensus first gained religious character in the second/eighth century, the proponents of the idea, with an essentially deontological epistemology, had to look to the Qur'ān and *hadīth* for textual evidence that would accord *ijmā'* the epistemological value they claimed for it.[542] As it happened, few of the verses adduced were relevant,[543] nor was there any real consensus on the interpretation of these verses. For instance, Q.4:115, which, according to Hallaq, is one of the most relevant verses, is open to various interpretations.[544] The idea of consensus here is based on an interpretation of the words *wa yatabi' ghayr al-sabīl al-muslimīn* (and those who follow ways other than those of the Muslims). Apart from the fact that these words have been interpreted in different ways by the earliest exegetes, it is plain to see from the context that the words were originally used to refer to those opponents of the Prophet who, as the context implies, were bent upon maligning him, and who, despite the manifest truth of the Prophet's religious authority, had chosen a course different from that of the Muslims.[545] Having found that the Qur'ānic basis for their thesis weak, the proponents of *ijmā'* then turned to the *sunna* for support, only to find that there was nothing sufficiently concurrent (*mutawātir*) to offer conclusive evidence there as well.[546] The next obvious step was to investigate the *hadīth*, most of which were in the form of isolated narrations (*akhbār ahād*). These *akhbār ahād*, according to Sunni principles of jurisprudence (*usūl al-fiqh*), were themselves probable (*zannī*) in varying degrees.[547] Quite obviously, probability, regardless of its degree, could not form the epistemological foundation of certitude; therefore, the jurists came up with a novel concept around the fourth/tenth and fifth/centuries: that of concurrence of meaning (*tawātur ma'nawī*), which they adduced as conclusive evidence based on inductive

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[541] See Wael B. Hallaq, "On the Authoritativeness of Sunni Consensus," *International Journal of Middle East Studies* 18. (New York, 1986): 427; reprinted in Wael B. Hallaq, *Law and Legal Theory in Classical and Medieval Islam*. (Hampshire: Variorum, 1994), VIII.

[542] See ibid., 428.

[543] For a list of some of the usually quoted Qur'ānic verses and *ahadith* , see Baqā, *Usūl-i Fiqh awr Shāh Walī Allāh*, 295-297.

[544] "And whoso opposes the Messenger after the guidance had been manifested unto him, and follows other than the believers' way, We appoint for him that which he himself had turned, and expose him unto Hell -- hapless journey's end!" (Q.4:115). Translation from Hallaq, *A History of Islamic Legal Theories*, 75.

[545] Amīn Ahsan Islāhī, *Tadabbur-i Qur'ān*, vol. 2 (reprint Lahore: Fārān Foundation, 1988), 381-383.

[546] Wael B. Hallaq, *A History of Islamic Legal Theories*, 76.

[547] Ibid. See also Hallaq, "The Authenticity of Prophetic Hadīth: A Pseudo-problem," 75-90.

corroboration.[548] 'Āmidī (d.631/1233) gives an interesting example to explain this concept: we might construe a man's glances at a woman as indicative of his love for her with only a slight degree of probability, but when there are other indicants, we might gain enough knowledge to say with a reasonable degree of certainty that the man is indeed in love with the woman.[549] In the same manner we can gain certain and immediate knowledge on the basis of a sufficient number of traditions, even if each of them may individually be false.[550] There are, however, number of problems with this kind of argumentation. Firstly, the basic problem in this epistemology is not the certainty with respect to what the words in certain narrations mean but whether the words themselves can be traced back to the Prophet with certitude.[551] Since the words of the narrations in question cannot themselves be traced back to the Prophet with absolute certainty in Sunni epistemology, it would be logically inconsistent to assert that certitude of meaning derived from something that itself does not have epistemological certitude can lend certitude to an entirely new concept, that is *ijmā'*. In other words, the meaning itself could only be traced back to the Prophet on the basis of *tawātur* if the meaning too had been reified by the Prophet himself in the form of words and had been passed on to the Muslim community by his immediate companions through their established *tawātur* of transmission.[552] Therefore, in terms of logical consistency, the most important basis of Sunni *ijtihād* and interpretation, that is *ijmā'* – despite having immense force of tradition – is essentially based on circular argument: a very ingeniously constructed case of *petitio*

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[548] See Hallaq, " On the Authoritativeness of Sunni Consensus," 436-448.

[549] Sayf al-Dīn al-Āmidī, *Al-Iḥkām fī Uṣul al-Iḥkām*, 3 vols. (Cairo, 1968), vol.1, 237-238; cited in Wael B. Hallaq, " On the Authoritativeness of Sunni Consensus," 444-445.

[550] Sayf al-Dīn al-Āmidī, *Al-Iḥkām fī Uṣul al-Iḥkām*, 164, 238; cited in Wael B. Hallaq, "On the Authoritativeness of Sunni Consensus," 444-445.

[551] In Sufi epistemology, absolute religious certitude can be had directly from the Theophany, the Prophet's soul, the souls of other prophets, or angels. This is the kind of certitude that, in the words of al-Ghazālī (450-505/1058-1111), leaves no room for doubt (*lā yubqī fīhi rayb*). Abu Ḥāmid al-Ghazālī), *Al-Munqidh min al-Ḍalāl*, 6-7, 11. Such certitude in religious guidance is often tantamount to an addition to the *sharī'a*. Ironically, Aḥmadīs were declared as non-Muslims in Pakistan for accepting similar claims by Mirzā Ghulām Aḥmad Qādiyānī, who also declared himself a prophet of sorts. See Yohanan Friedmann, *Prophecy Continuous: Aspects of Ahmadī Thought and its Medieval Background* (Berkeley: University of California Press, 1989), 83-145. The Shi'ite community also grants certitude of religious knowledge to the *ma'ṣūm imāms*. See Rahman, *Islam*, 173-175. Throughout Muslim history—and even today—the concept of such certitude -- whether through the Shi'ite concept of *ma'ṣūm imāms* or the Sunni concept of *ijmā'* -- has also been an important basis for the legitimacy of claims to political, legal and social authority.

[552] Jāvēd Aḥmad Ghāmidī, personal interview, 20 August 2003.

principii.[553] Another argument is that *tawātur* itself actually depends on custom (*'āda*) and that the companions of the Prophet would not have accepted so many *ahādīth* pertaining to *ijmā'* if agreement on the *tawātur* of these *ahādīth* had not been there right from the beginning.[554] There are two flaws in this argument. Firstly, even if the notion that the companions accepted the *ahādīth* with which the later jurists justified *ijmā'* is taken as fact, it only proves that the companions accepted them for what they were: *akhbār ahad*. It does not prove that they granted them the status of *mutawātira* in religion. Secondly, there is no evidence to suggest that the companions were unanimous in their understanding of the meanings of these *akhbār* in the same sense as has been given to these narrations by the jurists. Even if it could be proved that the companions were unanimous in their understanding, it does not prove that the same meaning was afforded to these narratives by the Prophet himself. For that, the Prophet would have used "words", which then should have been transmitted by the *tawātur* of the companions. Apart from this major flaw in the foundational argument of the certitude granted to *ijmā'*, there are many other inconsistencies in the whole Sunni construct as well as argumentation.[555] Much the same approach is reflected in the argumentation related to

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[553] C. Snouck Hurgronje, N.J. Coulson, and Joseph Schacht also held similar opinions. George Hourani tried to show that *ijmā'* does not rest on a *petitio principii*, but conceded that there is no sound basis for consensus in Islam. See Hallaq, " On the Authoritativeness of Sunni Consensus," 428-430. Hallaq has attempted to refute most of these opinions. Ibid., 427-454.

[554] One of the earliest writers to give this argument was the Mu'tazilī jurist and theologian 'Abd al-Jabbār al-Asadabādī (d.415/1024). See Hallaq, " On the Authoritativeness of Sunni Consensus," 434-439.

[555] Take the legal procedure for evidence as an example. In Sunni legal theory, four men must have witnessed a case of fornication for the offenders to be sentenced to the *hadd* (Qur'ānic punishment) of a hundred stripes. See Thomas Patrick Hughes, *A Dictionary of Islam*, (reprint Lahore: Kazi Publications 1885), 111-112. Supposing the crime of fornication has been proved by circumstantial evidence, the sentence of *ta'zīr* (non-Qur'ānic punishment for a crime proved through "less reliable" sources) rather than *hadd* is applied owing to "inferior evidence" in terms of Sunni epistemology. The question is that if the crime has been proved to the extent that the sentence has to be given, and if "inductive corroboration" is evidence enough for certitude in epistemology, why shouldn't the punishment of *hadd* be prescribed (for fornication) on its basis, especially in consideration of the fact that in no place in the Qur'ān, or even in the *hadīth*, is there any specification for a distinction to be made on this basis. As Ghāmidī puts it, such distinction is an absurdity in law. Either a crime is proved in a court of law or it is not. If it is proved, why not *hadd*? If it is not proved, why even *ta'zīr*? Mitigation in punishment is granted primarily on the basis of the lower severity of the crime, not on the basis of a weakness in evidence. If the evidence for a specific crime is less conclusive than the admissible limit, then the punishment for that crime cannot be given at all. If it is within the admissible limit, then it is injustice on the part of a legal system not to give the punishment originally prescribed for that crime. Ghāmidī, *Burhān* (Lahore: Dānish Sarā, 2000), 32-33. In Pakistani law, based on Sunni legal theory, even if a hundred of the most reliable and pious Muslim women in the world give the most sound testimony in a case of rape committed in broad daylight, their evidence will not lead to *hadd* in the absence of the required number of male witnesses. The question is whatever happened to inductive corroboration here? Quite clearly, the whole procedure is based on jurists' *hadīth*

tawātur and *hadīth*. Whereas *tawātur* leads to absolute certitude (as in the case of the words of the Qur'ān in Sunni epistemology,[556] which *tawātur* is therefore termed as *tawātur lafẓī*), the same could never be said of the words reported in *akhbār ahād*.[557] Yet, the *akhbār ahād* are used at times to derive legal directives extraneous to the Qur'ān itself.[558] To resolve this contradiction, the concept of *ijmā'* in interpretation and *ijtihād* was proffered, which, as we already shown, is essentially based on what it seeks to prove. The reason behind this rather lengthy digression here is, that in stark contradiction to Sunni theory (which does not allow *ijtihād* in *usūl* or matters already resolved by the *ijmā'* of Sunni schools), scholars, reformers, and revivalists as Fazlur Rahman, Ghāmidī and Mawdūdī -- to name only a few – have defied tradition in terms of new *ijtihād* both in *usūl* and in matters of substantive law already resolved through *ijmā'*. The reason is quite simple: *ijmā',* as a form of human reasoning, never had the infallibility that the founding fathers of this concept gave it. Many anomalies have been created by laws and interpretations based on *ijmā'*.[559] Similarly, many required changes are impeded by it.[560]

based interpretation of certain Qur'ānic verses rather than on consideration of what can logically comprise conclusive or even reasonably acceptable evidence.

[556] Ahmad 'Alī al-Imām quotes a number of Muslim authorities to suggest that the seven readings compiled by Ibn Mujāhid are authentic. Al-Imām, *Variant Readings of the Qur'ān*, 125-130. Ghāmidī's associate, Shehzad Saleem, cites a number of early Muslim authorities to show that, except for one usually referred to as the reading of Hafs from 'Āsim), the rest are *mashhūr* at best but not *mutawātir*. Shehzad Saleem, "Collection and Transmission of the Qur'ān," *Renaissance* 10 (Lahore, February 2000): 5-54. Ghāmidī regards only this reading as *mutawātir* going back to the Prophet himself. Ghāmidī, *Mīzān*, 23-33. With somewhat different reasoning and argumentation, this view is close to that of John Burton's on the collection of the Qur'ān. Burton, *Collection of the Qur'ān*, 226-240. See also John Burton, "Collection of the Qur'ān" in *Encyclopaedia of the Qur'ān* (Leiden: E.J. Brill, 2001). For a synopsis of critiques on the traditional Muslim view in Western literature, see John Gilchrist, *Jam'al-Qur'ān: Codification of the Qur'ān Text*, (Warley, U.K.: T.M.F.M.T., 1989). See also Herald Motzki, "The Collection of the Qur'ān A Reconsideration of Western Views in Light of Recent Methodological Developments," in *Fachzeitschrift Der Deutschen Morgenlandischen Gesellschaft*. (Berlin, Walter de Gruyter GmbH & Co., 2001), 1-34; and John Wansbrough, *Quranic Studies: Sources and Methods of Scriptural Interpretation*. (Oxford: Oxford University Press, 1977).

[557] See Hallaq, "The Authenticity of Prophetic Hadīth: A Pseudo-problem," 75-90.

[558] As in the case of the concept of *naskh dūn al- tilāwa* (abrogation without the reading) on account of the *ahādīth* related to Prophetic practice of stoning to death for certain crimes of sexual activity. For relevant details, see John Burton, *The Collection of the Qur'ān* (Cambridge: Cambridge University Press, 1977), 226-240. See also John Burton, "Abrogation" in *Encyclopaedia of the Qur'ān* (Leiden: E.J. Brill, 2001).

[559] For instance, in the case of the inheritance of *kalāla* relatives, while readjusting the proportion of certain shares, jurists rely on some form of *'awl* (proportionate decrease), which is necessitated by virtue of the fact that, vis-à-vis the interpreted verses of the Qur'ān, the divided parts of the whole add up to more than one. The corollary is obvious: we can accept either the omniscience of God or the infallibility of *ijmā'* in interpretation and *ijtihād.* See Ibn Rushd al-Hafīd, *Bidāyat al-Mujtahid wa Nihāyat al-Muqtasid*, vol.2 (Beirut: Dār al-Ma'rifa, 1997) 161-163. See also N.J. Coulson, *Succession in the Muslim Family Law* (Cambridge: Cambridge University Press, 1971), 65-78.

Reformers in every age have shown great ingenuity and skill in finding their way out of the labyrinth created by these problems by still holding on to the concept of the authoritativeness of *ijmā'*.[560] In other instances, the solutions were downright subterfuges – intentional or unintentional.[562] Mawdūdī himself found a way out by accepting only a certain kind of *ijmā'* as absolutely authoritative, which *ijmā'*, by definition, is one that in most cases of interpretation and *ijtihād* can rarely be established historically.[563] In many other cases, he relies on the principle of necessity (as we have seen in Chapter 2) to overcome the obstacles to the realization of his weltanshauung placed in his way by traditional interpretation. Ghāmidī, on the other hand, goes to the extent of denying outright the infallibility of *ijmā'* on any interpretation or any *ijtihād*, even if arrived at by the companions of the Prophet.[564] To him, the only infallible source of religion is the Prophet, who disseminated it in the form of the Qur'ān and the *sunna*.[565] It is only the *ijmā'* or *tawātur* of the companions in the transmission of these sources that Ghāmidī accepts as an established (*yaqīnī*) basis in religion.[566] In other words, since the Qur'ān and the *sunna* were transmitted through *tawātur*, Ghāmidī accepts them as the assured

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[560] In the context of Pakistan, for examples of attempts at change thwarted by the *'ulama* on this pretext, see Alamgir Muhammad Serajuddin, *Shari'a Law and Society: Tradition and Change in South Asia*, (Oxford: Oxford University Press, 1999).

[561] For many examples of this, see Hallaq, *A History of Islamic Legal Theories*, 96-254. See also idem "Non-Analogical Arguments in Sunni Juridical Qiyas, *Arabica* 36 (1989): 286-306; reprinted in Wael B. Hallaq, *Law and Legal Theory in Classical and Medieval Islam*, V. Idem "The Primacy of the Qur'ān in Shāṭibī's Legal Theory," *Islamic Studies Presented to Charles J. Adams* eds. W.B. Hallaq and D.P. Little (Leiden, 1991); reprinted in Wael B. Hallaq, *Law and Legal Theory in Classical and Medieval Islam*, XI. Idem *"Uṣūl al-Fiqh*: Beyond Tradition," *Journal of Islamic studies* 3 (1992): 172-202; reprinted in Wael B. Hallaq, *Law and Legal Theory in Classical and Medieval Islam*, XII.

[562] For instance, the concept of *tamlīk* in Hanafi *fiqh* for the payment of *zaka* whereby the money must be given in possession of an individual recipient. To receive money for the *madrasa*, the individual orphans studying there are made to donate their share to the *madrasa*. For a critique of the concept of *tamlīk*, see Amīn Ahsan Iṣlāḥī, *Tawḍīhāt* (1956; reprint Lahore: Islamic Publications Ltd., 1985), 107-173.

[563] That is *ijmā'* of the whole Muslim community rather than that of scholars alone.

[564] Jāvēd Ahmad Ghāmidī, personal interview, 20 August 2003. To Ghāmidī, the term *al-ṣaḥāba* (the companions) refers to only those followers of the Prophet who participated closely with him in his mission to a reasonable extent and remained committed to him and his cause in the vicissitudes of his struggle. Ghāmidī takes this idea from Iṣlāḥī. Iṣlāḥī, *Mubādi-i- Tadabur i-Hadīth*, 78-87.

[565] Ghāmidī, *Mīzān*, 9-11. Ghāmidī makes a clear distinction between *the sunna* of the Prophet in religion and the *hadīth*. Among their many differences, which we shall discuss in the third chapter, one lies in the mode of transmission. This *sunna*, in Ghāmidī's opinion, is transmitted through *ijmā'* or *tawātur* whereas the *hadīth* is transmitted through *akhbār ahad*. Also, the term *ijmā'* and *tawātur* in this context have meanings in Ghāmidī's works somewhat different from the sense in which jurists use these terms (this difference is also explained in the third chapter).

[566] Ghāmidī, *Mīzān*, 9-11.

"content" of religion that requires human interpretation.[567] As far as interpretation of this content and *ijtihād* on its basis are concerned, they do not have the infallibility to be precluded from the scope of investigation, critique, or repudiation.[568] This is a major epistemological break from the tradition, and its implications are manifold as well as deep. Simply put, it means that, in Ghāmidī's opinion, there is nothing in the *sharī'a* to prohibit any competent scholar from giving opinions on matters and principles in interpretation or *ijtihād* already resolved through the mechanism of *'ijmā'*.

The requirements for competence in *ijtihād* also seem to have become more stringent over time in the Sunni schools. As already mentioned, Hallaq has shown that these requirements were quite lax, and that the gates of *ijtihād* were never really closed towards the end of the third/ninth century, as is generally alleged. However, it is plain to see that even in the examples given by Hallaq, the right to formulate new principles (*uṣūl*) was not granted as such to scholars after this period. This, of course, did not prevent scholars from involving themselves in new instances of *ijtihād* and from introducing new methodologies and principles, which they elaborately justified to show that their modifications were still essentially extensions of the principles of early, established scholars. The trend continues today in even a more stringent context. The point, however, is that the basic *nuṣūṣ* do not specify these conditions as such for a *mujtahid*, most of which are based on common sense and requirements of different regions and times.[569] Whereas it seems desirable to have some reasonable degree of standardization, certification, and licensing, there is no basis to suggest that this or that criterion for *ijtihād* is a Divine decree.[570]

The significance of this discussion here is that the core criticism by traditionalists of Mawdūdī's interpretation of certain key Qur'ānic verses that he invokes to lay the foundation for his worldview and of Ghāmidī's conception of *jihād* is that neither is in congruence with *ijmā'*.[571] A similar criticism is levied against the methodologies of each

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[567] Ibid.
[568] Jāvēd Aḥmad Ghāmidī, personal interview, 20 August 2003.
[569] See Footnote 63 above. For a list of the requirements for *mujtahids* of various categories in Shā Walī Allāh's thought, see Baqā, *Usūl-i-Fiqh* awr Shā Walī Allāh, 426-458.
[570] Such standardization is all the more important when interpretation and *ijtihād* are required in the enactment of laws in a parliament or in court decisions.
[571] See for instance Mufti 'Abd al-Waḥid, *Tuhfa-i Ghāmidī*. See also Ludhyānawī, *Ikhtilāf i-ummat*, 192-194.

scholar.[572] Similarly, criticism against the lack of competence for *ijtihād* vis-à-vis the specific criteria of a particular school is another irrelevant issue that is often raised in evaluation of the works of contemporary scholars.[573] It is high time that Muslim scholars reevaluated the concepts of *ijmā', ijtihād,* and *taqlīd*--originally the products of the discourse of power and authority—since the restrictions that these concepts impose catastrophically undermine scholarly investigation into the sources for reevaluation and change. Therefore, the works of any contemporary scholar, who has a reasonable degree of competence, should be evaluated on the basis of the strengths and weaknesses of his sources and arguments rather than on the basis of his consistency with the traditional confines of *ijmā', ijtihād,* and *taqlīd.*

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[572] 'Abd al-Wahid, *Tuhfa i-Ghāmidī,* 42-52. Ludhyānawī, *Ikhtilāf i-ummat,* vol.1, 131-163.
[573] Ludhyānawī, *Ikhtilāf i-ummat,* vol.1, 194-195.

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