Reflections on *Ijtihad* and Moderate Islam

Louay Safi

My remarks focus on two central themes addressed in the preceding debate: *moderate Muslim* and *ijtihad*. Although my assignment requires me to engage the five illustrious interlocutors, I have chosen to refer to salient aspects of their statements, particularly those that help in clarifying the two themes alluded to above. Given the brevity of my remarks and the limited space allocated to comments, it is not possible to expound on the epistemological and ontological underpinnings of the arguments. The following arguments, therefore, take the form of a number of assertions that lack theoretical grounding. This will be felt particularly by readers who do not share the basic assumptions upon which the arguments are premised. But, I guess this is exactly what the editor has intended: to explore diverse views within and without the Muslim community.

Still, this intellectual exercise provides an important backdrop for the current debate about the significance of Islam in the profound transformations occurring in contemporary Islamic thinking. I also believe that the debate reveals the complexity of the process of Islamic reform and diversity of its forms and manifestations.

**Moderate Islam**

“Moderate Islam” has become a most contentious term, as the debate above shows. The word *moderate* is frequently used in reference to the political centrist: “A person who takes a position in the political center.” A moderate is a person who is neither on the extreme left nor on the extreme right of the political, moral, or religious spectrum of ideas.

Defining *moderate* becomes tricky when one takes a historical view of mainstream society. From a historical point of view, the terms *moderate* and *extremist* immediately lose their absolutist standing and acquire a rel-
 ativist sense. Being a Christian and subscribing to Christian values and beliefs was considered extreme in Roman society up until Emperor Constantine’s time. So was the moral position that “black people and women were equal to white men” in the United States during the eighteenth and the better part of the nineteenth century.

Recognizing the divergence between social and moral moderation, as well as the need to listen to unpopular views and engage off-center positions, democratic societies have adopted apolitical and amoral definitions of moderation: From a democratic point of view, a moderate is one who does not resort to violence or intimidation to achieve political goals. The emphasis here is not on one’s beliefs and values, but on one’s approach to dealing with political and moral conflicts. Those who resort to intimidation and imposition to advance their views and values are extremists, even when the majority may judge their values and beliefs as moderate. On the other hand, those who respect the equal dignity of others, even when they disagree with them, must be considered moderate from a democratic point of view. Voltaire epitomized this democratic spirit, which defines the moderate stance in modern society: “I disagree with what you have to say, but will fight to the death to protect your right to say it.”

The term moderate Muslim is being used by anti-Muslim groups in the West as a weapon to delegitimize and isolate critical Muslim voices. The “moderate Muslim” par excellence is a person who is not comfortable with his/her Islamic roots and heritage, is openly hostile to Islam, and eager to transcend all Islamic norms. Irshad Manji became a Muslim voice of moderation after she repudiated all things Islamic in her The Trouble with Islam: A Muslim’s Call for Reform in Her Faith (St. Martin’s Press: 2004). The moderate title was also conferred on Hisham al-Kabbani after he testified before a congressional committee that extremists control more than 80 percent of American mosques. Both Manji and al-Kabbani are seen as moderates, even though their views on social issues are way off-center as regards the American and the Muslim mainstream communities. Both represent fringe views within the Muslim community and hardly speak on issues of concern to American Muslims or of Muslims worldwide.

Tariq Ramadan, an authentic European Muslim voice, is seen by Ariel Cohen as a misconstrued “moderate.” Cohen points to a “near-consensus” that Ramadan has already crossed the boundary of moderation on the account of his positive interaction with Muslim scholars who stand on the wrong side of the Israeli-Palestinian conflict (most notably Yusuf al-Qaradawi), on a misconstrued association with the Ikhwan al-Muslimin, and
of his alleged anti-Semitism. Never mind that Ramadan has been critical of the Ikhwan, critical of anti-Semitic expressions in Arab and Muslim society, and a proponent of integrating Islam and Islamic values into western culture.

Indeed, there is near consensus among pundits who define moderation on the basis of one’s categorization as a consistent supporter of Israel or the Likud party, or the lack of it, that Ramadan is an anti-Semite. What is rarely discussed is that this label stems from a confrontation between Ramadan and a group of French intellectuals who he had criticized for not repudiating the Likud government’s policy toward the Palestinians. I do not intend to discuss Ramadan’s case here, as a fair discussion would require a space beyond the scope of my current article. I would, rather, underscore an important point: The effort to dismiss authentic Muslim voices when they express views critical of American foreign policy or Israeli policies in the West Bank and Gaza violates the essence of democratic politics.

We must all recognize that efforts to intimidate and marginalize voices critical of Israel and American foreign policy are anti-democratic and extremist. Therefore, I fully agree with Graham Fuller that the term moderate Muslim is subject to an unrealistic litmus test regarding views on Israel that excludes the majority of serious Muslims voices, thereby dismissing potential interlocutors. I would add that such isolation tactics work both ways in a world in which the United States increasingly finds itself unable to sustain its unilateralist approach to world politics.

American Muslims bring fresh voices and unique experiences that are very needed in the West. Their voices are essential for developing a well-informed public opinion that can promote world peace, an undertaking in which the United States continues to play a positive role. These voices may not be popular, but they are crucial to preventing the increased schism between western and Muslim societies. The efforts to isolate them constitutes an unfortunate and ill-conceived posture and are likely to contribute to further American isolation, as its foreign policy becomes more reliant on self-perception instead of the real facts on the ground.

**Ijtihad and Intellectual Development**

*Ijtihad* refers to consistent intellectual endeavors to relate universal Islamic values and principles to changing sociopolitical circumstances. It also refers to various scholars’ intellectual efforts to study Islam’s normative sources in order to identify the universal principles behind particular moral announcements, and then reapply the universal principles to evaluate current
societal institutions and practices as well as to suggest possible reforms to bring actual practices in line with Islamic ideals. As such, it goes beyond juristic reasoning and takes the form of creative thinking in various fields of human experience. And hence, Khan’s distinction between juristic and non-juristic *ijtihad* is quite relevant to contemporary discourse. In addition, this understanding makes *ijtihad* central to any attempt to undertake reform in Muslim society.

The most serious obstacle for reform in Muslim society has been the attempts to impose various institutions and practices that were developed in the modern West. The failure to root modernization and development in the moral values and historical experiences of Muslim society has generated suspicion, resentment, and resistance. As a result, progress and development have been retarded.

The emergence of a vibrant American Muslim community provides contemporary Islamic reform efforts with a unique opportunity to bring Islamic values and principles to bear on modern society. Not only does North America provide a markedly greater freedom to undertake a genuine reform, but it also forces Muslims to undertake a fresh reading of Islamic sources and to separate the cultural (and hence the particular) from the universal elements of Islam. The divergence between forms of social life in the modern West and historical Muslim societies leaves no room for the blind imitation of past institutions and approaches.

Given this, I find Abid Ullah Jan’s concerns about the distortion of Islam unwarranted. Jan generalizes from unfortunate instances of Muslim intellectualism, a là Irshad Manji, who espouses a static and reductionist understanding of the Islamic legacy, and hence contributes to the distortion and misrepresentation of the Islamic spirit. But this is, by and large, the exception rather than the norm. Muslim-bashers who are eager to embrace any voice that validates their distorted views of Islam and Muslims have made it extremely tempting for those Muslim opportunists who are just dying for attention and who fail to discern between fame and notoriety.

During the twentieth century, contemporary Islam underwent remarkable reforms, including reform undertaken by intellectuals who had no formal juristic training. It is interesting to note that the least degree of renewal and development in Islamic thought has taken place within juristic thinking, thanks to the failure of the bulk of contemporary jurists to distinguish between change as corruption and change as improvement and development.

There has been remarkable development and maturation in Islamic thinking on the social, political, and economic levels, but far less on the legal
and juristic levels. As contemporary Muslim thinking continues to mature and develop, more attention must be given to juristic thinking, since the notion of Islamic law in modern society continues to lag behind. To a large extent, this may be attributed to the prevalence of an analogical mode of thinking and the retreat of the purposive mode of thinking. The distinction between these two modes is what John Eposito described when he contrasted the principles of *qiyas* (analogy) and *istihsan* (equity).

Analogical thinking looks into the particular reason behind the Qur’anic or the prophetic text and extends the application of the Shari’ah to all instances that share in the same reason. According to this reasoning, a trade contract involving products that have not been manufactured (‘*aqd al-istiksa‘*) is unlawful because the Prophet prohibited such transactions. Purposive thinking moves from the reason to the purpose and thus allows this transaction if fraud can be avoided and the right of the buyer can be guaranteed. Purposive reasoning not only ensures that the Shari’ah is more accommodating, but also that the Shari’ah’s overarching purposes (e.g., equity, human dignity, freedom of religion, and protection of individual rights) are not compromised when enforcing various Shari’ah rulings.