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Contextual Qur'anic Interpretation And Islamic Tradition Of Ijtihad

1. Mariam Bushra,

M.Phil. Research Scholar,

Department of Islamic Studies,

Fatima Jinnah Women University, Rawalpindi, Pakistan

Email: mariambushra84@yahoo.com

ORCID ID: <https://orcid.org/0000-0002-3746-1949>

2. Dr. Shahzadi Pakeeza,

Postdoc Fellow, University of California, USA,

Chairperson, Department of Islamic Studies,

Fatima Jinnah Women University, Rawalpindi, Pakistan

Email: dr.pakeeza@fjwu.edu.pk

ORCID ID: <https://orcid.org/0000-0003-1776-2856>

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Abstract:

The modern thinkers of the holy Qur'an hold the view that the holy Qur'an was sent down to the earth in a context which drive the interpreters to contextualize the Qur'anic message from time to time to find out its relevance to the changing demands of a particular age. Islamic Modernism was a movement initiated for the reconciliation of Islamic principles with the emerging modern trends and continuously changing scenarios. The developments in the contemporary era demand the understanding of the broader perspectives and concerns of the holy Qur'an to elucidate the universality of the Qur'anic message. In Islamic legislation, Ijtihad plays a central role, and it is the basic tool for religious re-interpretation of contextual issues. It is an essential means for providing a balance between text and context by

maintaining a harmony between reason and revelation. Throughout the modern period, there were calls to revive the Islamic tradition of Ijtihād and the contextual interpretation of Qur'ānic verses. In this regard, this research study will discuss the conceptual framework of Ijtihād and Ijtihād in a contemporary context. The views of several renowned early modernist and neo-modernist scholars about the Islamic tradition of Ijtihād will be highlighted to understand how the contextual approach to Qur'ānic interpretation has reawakened the Islamic tradition of Ijtihād.

Keywords: Contextual Approach, Ijtihād, Qur'anic Exegesis, Neo-Modernization, Human Rights

1. Introduction

Ijtihād as a means of contextualizing religious teachings in the changing circumstances of life is present in the religion of Islam since long. Ijtihād is very contextual in nature and this process of contextualization continues to develop over time. Al-Shafī'i proposed a systematic methodology for the interpretation of Islamic teachings to contextualize the teachings of religion. As history continues, the efforts to contextualize Islamic teachings continue to proceed further to respond to the changing circumstances. Islam as a religion of reality in order to bring a good life needs to be contextualized and developed in the reality of life. The Islamic doctrine needs to be re-interpreted based on time and space without altering its basic principles and values. This process of contextualization of religious teachings should be based on the benefit of life and the interest of humans as a whole. 'Maqasid as- Sharī'ah' and 'mashlaha' are the basic institutions for the faculty of Ijtihād that cannot be bargained for any personal interest.¹

2. The Conceptual Framework of Ijtihād

In Islamic jurisprudence, Ijtihād اجتهاد is considered a vehicle for critical thinking. Etymologically, the root word for Ijtihād is jahada جهد which means he/she strove or put efforts and its intensive form is ijtahada اجتهد i.e., he/she strove to the utmost. The legislative recognition of Ijtihād can be traced back to the time of the holy Prophet (PBUH). When the holy Prophet Muhammad (PBUH) sent Mu'adh ibn Jabal to Yemen as a governor, the holy Prophet Muhammad (PBUH) asked him that how he would base his judgments? Mu'adh ibn Jabal replied that he would

¹ Abd A'la, "The necessities of contextualizing islamic teachings: examining Islam nusantara, revitalizing ijti had," (2017): 5.

take guidance from the holy Qur'an. The messenger of Allah SWT inquired that what he would do if he doesn't find any clear instruction there regarding that matter? Mu'adh replied then he would act upon the sun'nah of the messenger of Allah SWT. The Prophet Muhammad (PBUH) proceeded further by saying that what Mu'adh would do if he still doesn't find any answer there? Then Mu'adh replied in that case he would exert himself and would use his opinion. The Prophet Muhammad (PBUH) placed his chest of Mu'adh ibn Jabal and thanked Allah SWT for guiding His Prophet (PBUH) with what he loves.²

To understand the validity of the Islamic tradition of Ijtihād, let us discuss an example of the second rightly guided caliph Umar ibn Al-Khattāb. After the death of the holy Prophet (PBUH), caliph Umar showed that how the reformist character of the religion of Islam could be maintained in response to social changes. Umar issued some rulings on some Shari'ah aspects that were different from the rulings issued for the particular situation earlier. These new rulings were not basically the alteration of Shari'ah, this was in fact a response to social change. Those issues about which new rulings were laid down by the caliph Umar include: granting Zakah to those people whose hearts are needed to be reconciled, dealing with issues regarding distribution of conquered lands among the participants of war, and the issue regarding giving triple divorce by a husband to his wife. The rulings given by caliph Umar were not against the basic structure of Shari'ah and could not be regarded as an alteration of Shari'ah. This is basically an implementation of the institution of Ijtihād which was admired by the holy Prophet (PBUH) as illustrated above in the discussion above with Muad bin Jabal.³

The traditional Ijtihād strongly relied on traditions and a non-acceptance of historization or contextualization. In order to accommodate contemporary issues, the juristic scope and vision need to be broadened. In the case of contemporary Ijtihād, the jurists need to consider the different aspects in order to deduce a ruling related to a particular issue and problem to find a solution related to the specific situation.⁴

During the 19th century, a reform movement emerged from South Asia and Middle East. The modernist reformers called for re-interpretation of Islamic tradition by re-applying principles of critical hermeneutics i.e., Ijtihād to re-evaluate the issues of human rights, democracy, scientific

² Sayed Sikandar Shah and Mek Wok Mahmud, "Critical thinking and its implications for contemporary ijtiḥad," *American Journal of Islamic Social Sciences* 27, no. 4 (2010): 75-77.

³ Saim Kayadibi, "Ijtihad and a Modernist Perspective Towards Islamic Law and Thought," (2008): 119.

⁴ Liyakat Takim, "Islamic Law and the Neoijtiḥadist Phenomenon," *Religions* 12, no. 1 (2020): 3-4.

progress, and rationalism in scenario of modern circumstances.

The modern trends in Qur’anic exegesis emerged as a response to Western Sciences in different parts of the Muslim world such as ‘The Indian Sub-continent and ‘Egypt’. Sir Syed Ahmad Khan and Muhammad Abduh were prominent figures and advocates of modernist exegesis. Their approach was different from traditional scholars and they suggested for a compatible approach to the holy Qur’ān that can resonate with the changes of modern life. They put forward a strong need to re-interpret the Qur’ānic text by adopting a scientific approach. The modernists held the view that traditional Qur’ān commentaries had posed some difficulty in understanding the holy Qur’ān in its true spirit, specifically in the scenario of modern and changing social contexts. The modernists asserted the need to approach the holy Qur’ān afresh.⁵

Muslim modernism can be broadly classified into two periods as shown in Figure 1: *early modernism* and *Neo-modernism*.

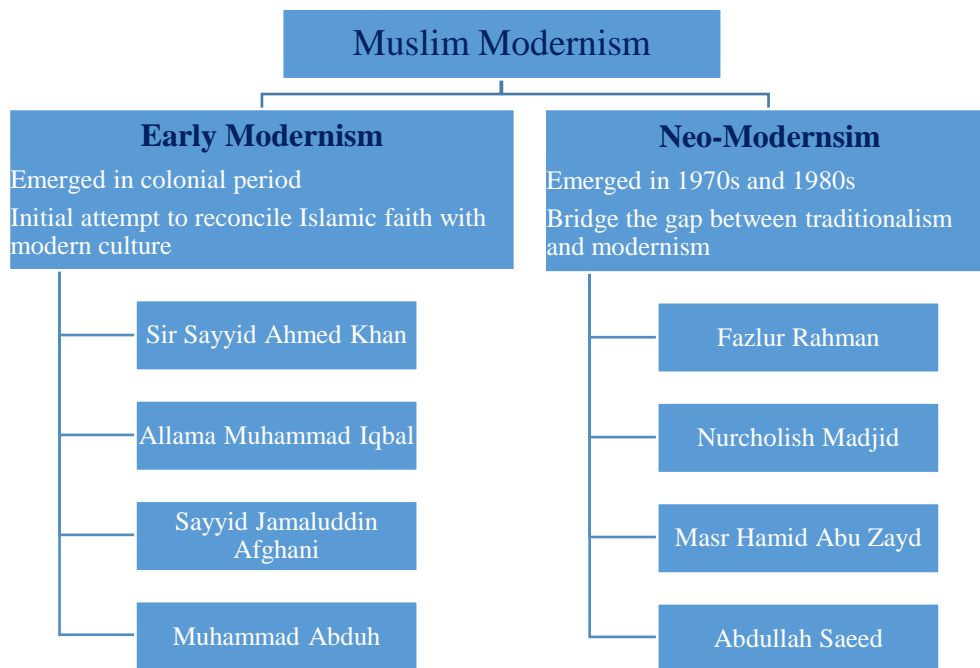


Figure 1: Classification of Muslim Modernism

The early modernism is aimed to harmonize the Islamic tradition with the Western thought and sciences, and it emerged in the colonial period. The neo-modernism on the other hand, is more concerned with bringing compatibility of modernism with the changes arising in their respective societies in response to the western model. In order to resonate with the changes in the West, early

⁵ Ibid 1-21

modernists called for reform. Furthermore, early modernists were apologetic in their discourse whereas neo-modernists were more concerned with social problems.⁶ Sir Syed Ahmad Khan and Muhammad Abduh are recognized as pioneers of early modernism while Fazlur Rahman is regarded as a neo-modernist.⁷

Table 1: Early and Neo Modernists' views about Ijtihād

Early-Modernism Views	Neo-Modernism Views
<ul style="list-style-type: none"> • Against taqlīd • Intellectual effort towards independent decisions • Less judicial and more symbolic approach of Ijtihād • Supported relational interpretation and rethinking about Islamic resources to demonstrate the relevance and validity 	<ul style="list-style-type: none"> • Re-interpret holy Qur'ān and Hadith in the context • Traditional sources are not absolute authorities towards finding solutions • formulate them in present scenario in order to allow the principles to retain their permanence

3. Early Modernist view about the Islamic Tradition of Ijtihād

The modernists adopted the term Ijtihād as an effort performed by the Muslim jurists at an intellectual level to find out the solutions to the religious and legal problems and to strive for a rationalistic interpretation which they believed was incumbent upon all educated Muslims. Post-colonial Islamic thinkers took Ijtihād as a deviation from taqlīd or blind imitation and used it as an effort for intellectual and social reform. The reformist adopted a dynamic approach towards Ijtihād which was context-driven, and they re-interpreted the text according to the new and changed perspectives.

The thoughts and views of four prominent early modern scholars will be discussed to understand their approach towards the Islamic tradition of Ijtihād.

Sir Syed Ahmad Khan was against taqlīd i.e., blind imitation and held it responsible for the decline of Muslims and he suggested Ijtihād as the needed endeavor. He stressed on the need of Ijtihād and suggested a rational interpretation of the foundational texts of Islam as the need of the

⁶ Azhar Ibrahim, "Contemporary Islamic thought: A critical perspective," *Islam and Christian–Muslim Relations* 23, no. 3 (2012): 279-94.

⁷ Abdullah Saeed, *Islamic thought: An introduction* (Routledge, 2006), 139.

hour. He believed that to make the religion of Islam understandable and acceptable to the new age, there is a need of Ijtihad. He also insisted to have a strong reliance on the holy Qur'ān the authentic hadiths.⁸

Sir Syed Ahmad Khan criticized the ulamā who advocated that the gate of Ijtihād has been closed. Being disappointed by the attitude of ulamā, he assumed the responsibility of Ijtihād himself.⁹ He was certain that the holy Qur'ān was revealed on such marvelous principles that are unchangeable and will never need any amendment at any time. But the decisions and judgments made by ulamā may be wrong and therefore could be subject to revision. But he clarified that such revision of ulamā's decisions and their judgments does not touch the text of the holy Qur'ān and it would be a huge mistake to consider the holy Qur'ān itself in need of any revision or amendment.¹⁰

Allama Muhammad Iqbal was not interested in limited Ijtihād which was adopted by many medieval sunni jurists of Islam to adapt to the new circumstances. He held the idea of rethinking the entire legal tradition in the light of the foundational texts.¹¹ He believed that Islamic law must respond to the changes while remaining true to its fundamental religious principles and should not be viewed as a stationary code. It is necessary to re-interpret Islamic laws in the changed perspective of modern society. He believed in the dynamic nature of Sharī'ah rules and said that there is no justification for such a situation whereby people are moving but the laws are static. Allama Muhammad Iqbal highlighted the progressive teachings of the holy Qur'ān that facilitate each generation in solving their problems, guided by the work of their predecessors.¹²

Jamaluddin al-Afghani was strongly against the concept of taqlīd and stagnation. He was against the view that the gate of Ijtihād had been closed. He supported the need of Ijtihād as a duty and a right to implement the Qur'ānic principles to the problems that appear in different times continuously. The conceptualization of Jamaluddin al-Afghani about Ijtihād was based on the principle of dynamism. The involvement of Jamaluddin al-Afghani in contemporary politics led

⁸ Tauseef Ahmad Parray, "Sir Sayyid Ahmad Khan (1817-1898) on Taqlid, Ijtihad, and Science-Religion Compatibility," *Social Epistemology Review and Reply Collective* 4, no. 6 (2015): 29-30.

⁹ Sajid Hussain et al., "A Compaarative Study of The Intellectual and Political Vision of Syed Jamal-U-Din Afghani and Sir Syed Ahmad Khan," *PalArch's Journal of Archaeology of Egypt/Egyptology* 17, no. 12 (2020): 369.

¹⁰ Mazheruddin Siddiqi, "Religious Thought of Sir Sayyid Ahmad Khan," *Islamic Studies* 6, no. 3 (1967): 291.

¹¹ Muhammad Qasim Zaman, "Evolving Conceptions of Ijtihād in Modern South Asia," *Islamic Studies* (2010): 15.

¹² Adibah Abdul Rahim and Anita Abdul Rahim, "A Study on Muhammad Iqbal's Framework of Ijtihad," *Islamiyyat: International Journal of Islamic Studies* 36, no. 2 (2014): 7.

him to understand the concept of Ijtihād as an equivalent to the European concept of 'religious reformation'. He suggested the establishment of regional centers in various countries to practice Ijtihād to devise solutions for emerging problems. The various representatives of different centers should gather to formulate Ijtihād for the whole Muslim ummah. This practice of formulating the tradition of Ijtihād will unite the Muslim ummah to withstand foreign challenges.¹³

Muhammad Abduh regarded taqlīd as the main cause of the stagnation of Muslim thought and he demonstrated the compatibility of religion of Islam with modernity. He stressed on the need of exercising Ijtihād to approach the religion of Islam afresh. He asserted that exercising the practice of Ijtihād is not simply getting back to the traditional rulings of the Sharī'ah but it requires a broad re-interpretation of religious teachings of Islam in the light of its foundational texts. According to Muhammad Abduh, revelation and reason are complementary. He argued that the Islamic teachings are practical and positive in nature and there is a need to apply a rational approach to the interpretation of the holy Quran and Sun'nah.¹⁴ He regarded Ijtihād as the need of modern times and the only means by which the religion of Islam could respond to modern changes. In the changing circumstance, Ijtihād should be practiced largely and there is a strong need to modify it within the basic Islamic structure to formulate new legal reforms.¹⁵

4. Neo-Modernists' Views about the Islamic Tradition of Ijtihād

The term neo-modernism was initially introduced by Fazlur Rahman who used this term to distinguish his own distinctive call for Islamic reformation. He introduced the term and its principles when he visited Indonesia at the beginning of the 1970s. The main purpose behind this neo-modernist movement was to offer a new paradigm of Ijtihād to re-interpret the holy Qur'ān and Hadith which are the fundamental Islamic sources.¹⁶

The neo-modernist scholars do not regard the traditional sources as absolute authorities but as a means of finding solutions to the problems in their respective contexts. The neo-modernists were critical of fundamentalism and sects and their interpretation of Islam is tolerant, inclusive

¹³ Malik Mohammad Tariq, "Jamal Ad-Din Afghani: A Pioneer of Islamic Modernism," *The Dialogue* 6, no. 4 (2011): 349.

¹⁴ Kamarudin Haji Salleh, "Muhammad Abduh's Religio-Political Ideas of Reformation," *Jurnal Usuluddin* 17 (2003): 98-99.

¹⁵ Abdulrahman MA Albelahi et al., "The theory of interpretation in solving contemporary legal issues: With a focus on the instrument of ijtihad" (paper presented at the MATEC Web of Conferences, 2018), 3-4.

¹⁶ Siti Fathimah, "Modernism and the contextualization of Islamic doctrines: the reform of Indonesian Islam proposed by Nurcholish Madjid," (1999): 102-03.

and in favor of religious pluralism.¹⁷ The thoughts of four contemporary neo-modernist scholars will be discussed to understand their approach toward the Islamic tradition of Ijtihād.

Fazlur Rahman considered Ijtihād as the fundamental principle of Islamic law. The main objective of Fazlur Rahman was to discover the fundamental principles of Islam and to formulate them in the present scenario to allow the principles to retain their permanence.¹⁸

He regarded the supreme reliance on traditional jurisprudence as a hindrance in the way of practicing Ijtihād. According to Fazlur Rahman, to face the challenges posed by Western modernity, it is necessary to build a community based on the creative reasoning by establishing the ways of Ijtihād and *ijmā* i.e., consensus.¹⁹

Nurcholish Madjid advocated the need for a contextualized Ijtihād i.e., to perform Ijtihād by not only relying on the holy Qur'ān and sun'nah of the holy Prophet (PBUH) but also to consult the traditional normative and intellectual sources. According to Nurcholish Madjid, it is forbidden for humans to make any changes in the realm of transcendence i.e., *ibadat*, but humans need to change when there is a need to change in the immanent realm. In other words, Ijtihād is only allowed for Muslims in worldly matters i.e., *muamlat*.²⁰ He regarded modernization as identical to rationalization. He argued for replacing the process of thinking with rational thinking patterns.²¹

Nurcholish Madjid considered the traditional methods of Ijtihād and scriptural interpretations insufficient in extracting the fundamental meanings of the holy Qur'ān. These approaches resulted in an unfair and inadequate interpretation of the Qur'ānic texts by strictly restricting to the textual meaning of the holy Qur'ān and ignoring its contextual meaning. According to Nurcholish Madjid, this approach to Qur'ānic interpretation took Muslims in the wrong direction which resulted in a partial and superficial understanding of the Qur'ānic message. Therefore, he criticized the methodology of earlier modernists, and he stressed the need to return to the holy Qur'ān and Sun'nah of the holy Prophet (PBUH) and also to the classical Islamic

¹⁷ Ann Kull, "Modern Interpretation of Islamic History in the Indonesian Context: the Case of Nurcholish Madjid" (paper presented at the Fifth Nordic Conference on Middle Eastern Studies, Lund University, 2001), 4,10.

¹⁸ Kayadibi, "Ijtihad and a Modernist Perspective Towards Islamic Law and Thought," 130-31.

¹⁹ Atif Suhail Siddique, "Response to Modernity a Comparative study of Fazlur Rahman and Seyyed Hossein Nasr.," *Hamdard Islamicus* XXXVI, no. 1 (2013): 11.

²⁰ Kull, "Modern Interpretation of Islamic History in the Indonesian Context: the Case of Nurcholish Madjid," 4,10.

²¹ La Hadisi, "Nurcholish Madjid's Concept of Islamic Education: Towards Inclusive-Pluralist Transformation of Islamic Education," *Didaktika Religia* 5, no. 2 (2017): 367.

tradition in order to determine Islamic social and religious practices.²²

Nasr Hamid Abu Zayd insisted on the necessity of Ijtihād and the importance of contextual reading through linguistic and historical sciences and asserted that closing the door of Ijtihād would make a difficulty in responding to the changing situations. He rejected the previous theories that regard the holy Qur'ān as a closed text and does not need any interpretation. He warned that when the meaning is taken as fixed and frozen, an authority appears that claims itself as the only custodian of the religion of Islam. Nasr Hamid Abu Zayd wanted to re-construct the classical methods of interpretation as the traditional methods could not solve contemporary problems.²³

According to Abdullah Saeed, initially, Ijtihād started among the first generation of Muslims as an extremely flexible institution. It then became rigid when the Sharī'ah sources were being written. Ijtihād remained a formal, legal, and literal institution until the modern period. In the nineteenth and twentieth century, the western concepts of modernity, rationalism, and human rights led the Muslims to ask questions related to the methodology and applicability of Ijtihād. This new awareness developed a practical approach towards the method of Ijtihād all over the Muslim world. Considerable diversity exists among Muslim scholars in terms of social, economic, political, and legal perspectives. The scholars hold different solutions for the problems faced by their respective communities. These differences result in varying arguments among scholars regarding multiple issues.²⁴

5. Ijtihād in Qur'ānic Exegesis

Although the holy Qur'ān was revealed in the language of its first recipient i.e., Arabic, there was a strong need of seeking its interpretation to comprehend its directives completely and to act accordingly. With the passage of time, several diverse cultures and languages became part of the Arabic culture which resulted in the divergence of religious, theological, and political ambiance. Furthermore, the Arabic language continued to evolve and this required the need to contextualize the meanings of words to understand the Qur'ānic message in its real essence.²⁵ In order to contextualize the meaning of Qur'ānic words, it is necessary to understand the structure

²² Fathimah, "Modernism and the contextualization of Islamic doctrines: the reform of Indonesian Islam proposed by Nurcholish Madjid," 106-07.

²³ Mu'ammarr Zayn Qadafy, "A Study on Nashr Hamid Abu Zayd's Qur'anic Principle of Gender Equality" (2011), 75-77.

²⁴ Abdullah Saeed, "Ijtihad and innovation in neo-modernist Islamic thought in Indonesia," *Islam and Christian-Muslim Relations* 8, no. 3 (1997): 282.

²⁵ Recep Dogan, *Usul al Tafsir: The Sciences and Methodology of the Qur'an* (Tughra Books, 2014), 121.

and formation of the words. Primarily, the holy Qur'ān comprises of two types of verses: 'Muhkam' and 'Mutashabih'²⁶. *Muhkam* is a word having clear meaning and they do not require any further interpretation or explanation. On the other hand, *Mutashabih* is those verses that require further interpretation as they carry two meanings or there may be a number of different meanings possible depending on the context. They can also be termed as 'ambiguous' which implies that the meaning of the verse is not clear.²⁷

In the Classical era, the Qur'ānic exegesis can be broadly categorized into two major trends i.e., 'tafsīr bi al-math'ur and 'tafsīr bi al-ra'y'²⁸. The messenger of Allah SWT explained the message and meaning of Qur'ānic words through his speech and actions.²⁹ After the demise of the holy prophet (PBUH), a number of companions contributed significantly in explaining the Qur'ānic text and making the message understandable for the audience.³⁰ It was 150 years after the death of the holy prophet (PBUH) that the tafasīr based on prophetic traditions and narrations were compiled. In the later centuries, scholars put tremendous efforts to work on tafsīr that reflected various trends in Islamic thought. The different trends in tafsīr studies led to the development of a number of different genres in the tafsīr studies. These include sectarian, theological, legal, mystical, and philosophical trends in tafsīr studies.³¹

There are some legal verses in the holy Qur'an that are general in nature and leave an ambiguous meaning demanding the involvement of jurists to look further into the secondary source of law in Islam i.e., the Sun'nah of the holy Prophet (PBUH). Due to the oral transmission of Sun'nah in the early centuries, the early jurists differed in their opinions and methodological principles. In the absence of definitive Qur'ānic verses or prophetic Sun'nah, jurists resorted to the process of Ijtihād to deduce rulings from the fundamental texts of the religion of Islam.³² The method of Ijtihād discovers laws from the foundational texts to device solutions for the awaiting decisions. The aim is to exert efforts to reach the true intent of the Lawgiver, the Almighty Allah

²⁶ Ahmad Von Denffer, *Ulum al Qur'an: an introduction to the sciences of the Qur'an (Koran)* (Kube Publishing Ltd, 2015), 58-60,63.

²⁷ Yasir Qadhi, *An Introduction to the Sciences of the Qur'an* (Al-Hidaayah Publishing and Distribution, 1999), 21-31.

²⁸ Abdullah Saeed, *The Qur'an: an introduction* (Routledge, 2008), 178.

²⁹ Hakan Coruh, "Tradition, Reason, and Qur'anic Exegesis in the Modern Period: The Hermeneutics of Said Nursi," *Islam and Christian-Muslim Relations* 28, no. 1 (2017): 85-104.

³⁰ Abdullah Saeed, *Interpreting the Qur'ān : towards a contemporary approach* (Abingdon England ; New York: Routledge, 2006), 9.

³¹ Saeed, *The Qur'an: an introduction*, 15.

³² Saad A Aljloud, "Ijtihād and Ikhtilāf: Re-interpreting Islamic Principles in Contemporary Times," *Arab Law Quarterly* 28, no. 1 (2014): 92.

SWT³³

The interpretation of Qur'ānic text has a very long history in the growth and development of Qur'ānic knowledge.³⁴ The Ijtihādi approach to interpreting the text of the holy Qur'ān is a popular method that is considered more suitable than the existing methods employed for the interpretation of a text. This method of exegesis has many positive and comprehensive features and is largely accepted by Muslim exegetes.

The Ijtihādi approach to Qur'ānic exegesis emerged during the time of the holy Prophet (PBUH) but this method flourished in real essence in the 5th/11th century with the authorship of Al-Tibyān fī tafsīr al-Qur'ān by Muhammad ibn al-Hasan al-Tūsī (d. 460/1068)', who was a prominent Shi'i scholar. The cultural developments of the Islamic world resulted in the development of this genre of Qur'ānic exegesis. Shaykh Tūsī treated all chapters of the holy Qur'an and he utilized a rational argumentation when he examined exegetic topics. The popularity of this method led to the development of various exegetical works by both Shi'a and sunni scholars. The significant works include:

- Majma' al-bayān fī Tafsīr al-Qur'ān by al-Faḍl b. al-Ḥasan al-Ṭabrisī (d. 548/1153)
- al-Mizan fī tafsīr al-Qur'ān by Muḥammad Ḥusayn Ṭabāṭaba'i (d. 1402/1981)
- Mafati ḥ al-ghayb by Fakhr al-Dīn al-Rāzī (d. 606/1210)
- Ar-Rūh al-Ma'ānī fī Tafsīri-l-Qur'āni-l-'Aẓīm by Maḥmud Alusi (d. 1270/1854)

The long interval since the time of revelation of the holy Qur'ān requires the necessity of Ijtihādi tafsīr. The Ijtihādi tafsīr is the most suitable and popular as compared to other methods of Qur'ānic exegesis and can respond to new questions in the light of allusive statements of the holy Qur'ān.³⁵

6. Balancing Text and Context through Ijtihād

Contemporary Ijtihād faces the challenge of developing a balance between the revealed text and the context i.e., the surrounding circumstances. Ijtihād is the principal instrument for

³³ Albelahi et al., "The theory of interpretation in solving contemporary legal issues: With a focus on the instrument of ijtiḥad," 2.

³⁴ Lukmanul Hakim et al., "Qur'ānic Interpretation Method And Its Impact On Contemporary Interpretation," *Jurnal Ushuluddin* 26, no. 2 (2018): 151.

³⁵ Hasan Rezaee Haftador and Azam Khodaparast, "Ijtihad in Quranic Exegesis," *Asian Social Science* 11, no. 27 (2015): 125-30.

negotiating between reason and revelation. In some scenarios, where an asymmetry exists between the text and the context, it is suggested that the text needs to adapt to its context.³⁶

The twentieth-century tafsīr became more influential because of the socio-economic changes that took place all over the Muslim world. The tafsīr played a role of a bridge between the scholarly group and the public. At the turn of the twentieth century, a tremendous amount of tafsīr works were produced from Egypt to Turkey to India to Indonesia.³⁷ In order to solve contemporary problems, the holy Qur'ān should be of prime concern for Muslim scholars, and they should adopt the approach that is more appropriate to interpret the text of the holy Qur'ān. The two main approaches that are followed mainly for the Qur'ānic interpretation are: 'textual' and 'contextual'. Both approaches have their own pros and cons and they are applied to the interpretation process in certain conditions. The best way to understand the Qur'ānic text is by applying a combination of textual and contextual approaches.³⁸

The scope of Ijtihād is speculative in nature and could not be applied to explicit texts. i.e., "No Ijtihād with explicit texts". Explicit texts are those that are definite in meaning and reliability. Now the question arises what is the role of Ijtihād in the case of texts with definitive meanings? The scope of Ijtihād in modern times is generally restricted to two areas:

- i. There is no explicitly defined text in the book of Allah SWT and the Sun'nah of the holy Prophet (PBUH) about the issue under consideration.
- ii. Those texts that are speculative in terms of their reliability or according to their meaning.³⁹

The differences also existed during the lifetime of the holy Prophet (PBUH) in interpreting and applying the Qur'ānic text and the Sun'nah of the holy Prophet (PBUH). There were some companions of the holy Prophet (PBUH) who followed the literal interpretation of the text while there were some others who based their judgments by understanding the aim of the deed.⁴⁰

According to Abdullah Saeed, figures like Umar ibn Al-Khattāb interpreted the Qur'ānic

³⁶ Tengku Ahmad Hazri, "Balancing Text and Context through Maqasid-based Ijtihad," *ICR Journal* 6, no. 3 (2015): 422.

³⁷ Norbani B Ismail, "Shared Themes, Different Countries: Qur'anic Interpretation in The Twentieth Century Indonesia and Egypt" (paper presented at the International Conference on Qur'an and Hadith Studies (ICQHS 2017), 2017), 19.

³⁸ Ahmad Syukri Saleh, "An Understanding of some Interpretations of The QUur'an by Textual and Contextual Approaches" (paper presented at the International Conference on Qur'an and Hadith Studies (ICQHS 2017), 2017), 339.

³⁹ Said Shabbar, " Ijtihad and renewal " *International Institute of Islamic Thought (IIIT)* (2017): 4-5.

⁴⁰ Muhit Mert, "Kelâm İlimi'nin Zemmi Üzerine Bir Araştırma," *Journal of Islamic Research*. c 14 (2001): 194.

intention by understanding its fundamental principles and objectives.⁴¹ The approach of most of the legal scholars towards the matters about which there were no explicit texts, was to exercise independent judgment by using their own personal discretion and analogies i.e. Qiyās.⁴²

There is a verse in the holy Qur’ān:

وَمَا أَرْسَلْنَا مِنْ قَبْلِكَ إِلَّا رِجَالًا نُوْحِي إِلَيْهِمْ فَاسْأَلُوا أَهْلَ الدِّكْرِ إِنْ كُنْتُمْ لَا تَعْلَمُونَ⁴³

*“And before thee also the apostles we sent were but men, to whom we granted inspiration: if ye realize this not, ask of those who possess the Message”.*⁴⁴

This verse points towards the presence of learned men at all times and an authority to pursue Ijtihād. The authenticity of Qur’ān is unquestioned and it is an expression of absolute authority of Allah SWT. The holy Qur’ān provides general principles that need to be re-interpreted according to the specific situations.⁴⁵

The religion of Islam is built on its contextual setting. In order to determine certain rules and practices, it takes into account the realities of time along with other related factors. Consequently, the ruling for a certain matter may change depending on the new context. What is forbidden in one context may become permissible in a certain other situation. The responsibility of a good Muslim is to uphold the fundamentals of the religion and contextualize the teachings according to the situation without sacrificing fundamental Qur’anic values. The reason of the gradual revelation of the religion of Islam during a time span of 23 years was to cater the evolving contexts and to prevent the sudden imposition of religious practices.

Ulamā always considered context while issuing a fatwa or a religious ruling and changed or modified their fatwa in different situations and circumstances. In 1973 in Singapore, the Mufti issued a fatwā regarding the prohibition of organ transplants which was changed in 1986 because of the advancements in the field of medicine that changed the circumstances. But Islam possesses some universals that are unchangeable. For such fundamentals of religion that cannot be changed,

⁴¹ Abdullah Saeed, *Reading the Qur'an in the twenty-first century: a contextualist approach* (Routledge, 2013), 4.

⁴² Ebru Altinoğlu, "Religious commitment or a textualist-traditionalist understanding of Islam? The impact of religious orientations upon social tolerance in Turkey," *British Journal of Middle Eastern Studies* 45, no. 5 (2018): 695-715.

⁴³ Al-Qur’an 16:43

⁴⁴ Abdullah Yusuf Ali, *The Glorious Quran: translation and commentary* (eduright4all, 1975), 174.

⁴⁵ Albelahi et al., "The theory of interpretation in solving contemporary legal issues: With a focus on the instrument of ijtiḥād," 3-4.

in case of an event that is not feasible, the concept of rukhsah may be applied and this is how the concept of contextualization of religious practices actually works.⁴⁶

7. Ijtihād in Contemporary Context

In the contemporary interpretation methods, the thinkers apply the rules that were not outlined by previous commentators and this interpretation method evolves in modern times.⁴⁷ Several modern Muslim scholars who were familiar with western philosophy and hermeneutical approaches deviated from traditional exegetical approaches and employed modern hermeneutical methods to Qur'ānic interpretation for understanding the Divine message in the modern relevance.⁴⁸

The question arises whether the contemporary methods of Qur'ānic interpretation something has new to offer. Scholars such as Rotraud Wielandt held the view that the new hermeneutical approaches have not added something substantially new to already available interpretations. Johanna Pink also holds a similar view and says that the tafsīr is a very traditional genre and relies mostly on prophetic hadith and on the works of earlier exegetes.⁴⁹ Both Wielandt and Pink regard the presence of any new trends in contemporary tafsīr teachings as exceptions. The modern sociocultural and religious environment requires a contextualized interpretation of Qur'ānic messages. An interpretation method can be regarded as modern only if it addresses the problems and challenges faced by recent times.⁵⁰ In the modern period, Ijtihād can be categorized as given in the Figure below.

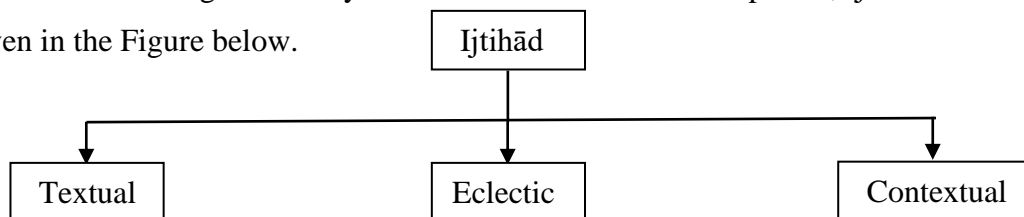


Figure: Categories of Ijtihād in Modern era

- **Textual Ijtihād**

The text based Ijtihād was generally associated with the classical period, but it is still in practice. It relies mainly on the foundational texts and follows the rules and methodologies of uṣūl

⁴⁶ Muhammad Haniff Hassan, "Can Islam be contextualised?," (2005): 1-3.

⁴⁷ Nur Zainatul Nadra Zainol, Latifah Abdul Majid, and Mohd Faizulamri Md Saad, "An overview on hermeneutics method application to the Quran by Muslim thinkers," *International Journal of Engineering and Technology* 7, no. 4.9 (2018): 167-70.

⁴⁸ Ibid 167-170

⁴⁹ Johanna Pink, "Tradition, Authority and Innovation in Contemporary Sunnī tafsīr: Towards a Typology of Qur'an Commentaries from the Arab World, Indonesia and Turkey," *Journal of Qur'anic Studies* 12, no. 1-2 (2010): 56-82.

⁵⁰ Sirry Mun'im A, *Scriptural Polemics: The Qur'an and Other Religions* (Oxford University Press, USA, 2014), 1-36.

al-Fīqh. When a new issue arises, the scholar consults the sources of Shari'ah and tries to link it to an earlier ruling or text. This form of Ijtihād relies on the strict application of uṣūl al-Fīqh with a heavy emphasis on traditionalism and proceeds by following the literal reading of the religious texts.

- **Eclectic Ijtihād**

In this Ijtihād, when a scholar finds a new problem, he/she first investigates whether this issue is acceptable according to the perspective of the religion of Islam. After determining the Islamic nature, the of problem, the scholar provides relevant texts to justify his preconceived idea. This method is ad hoc in nature.⁵¹ From the point of view of intellectual honesty, this type of Ijtihād is most hazardous and problematic. The reason for this nature of eclectic Ijtihād is that it does not provide any systematic procedure that can be conceptualized to reach a decision.⁵²

- **Contextual Ijtihād**

Contextual Ijtihād analyzes a problem both in its historical context as well as in the modern context. Whenever a scholar comes across a problem, he/she finds out whether such problem existed in earlier times, and at the same time, the scholar contextualizes the problem in the present-day scenario to devise a solution. The scholar will consider the principle of maslaha i.e., public benefit to find a solution to a particular problem in the context of modern-day society. In this Ijtihād, the scholar ignores the ijmā or qiyās developed in earlier times and is mainly concerned with developing a context-driven approach toward finding a solution.⁵³

This method of contextual Ijtihād was elaborated by the liberal scholars of Indonesia in the 1970s to 1990s and was later adopted by many students of Islam. This contextual movement involves several steps that move from the present Indonesian context to the historical context of the Qur'ānic revelation and according to neo-modernists, such an approach can provide answers to the problems faced by the current Indonesian society. Neo-modernists stressed the need to place the primary texts i.e., the holy Qur'ān, and the narrated traditions of the messenger of Allah SWT i.e. The hadīth in their historical context. This considers not only the asbāb al-nuzūl i.e., the

⁵¹ "<https://ebrary.net/7829/economics/ijtihad>," accessed 7 March 2022.

⁵² Saeed, "Ijtihad and innovation in neo-modernist Islamic thought in Indonesia," 279-95.

⁵³ Ibid 283-285

occasions of revelation of the holy Qur'ān but the entire cultural context which includes both the historical and modern contexts in the instrumentation of Ijtihād and the interpretation of Islam.⁵⁴

8. The Neo-Ijtihādist Phenomenon

The term 'neo- Ijtihādism' is used to describe the thinking of many current scholars who advocate a new form of Ijtihād. There are differences in their methodologies and strategies. They prescribe that the interpretation of legal injunctions should take into consideration the changed circumstances and the principle of maslaha i.e., public welfare.

According to Muhammad Hashim Kamali, Ijtihād remained a continual jurisprudential process to interpret the primary sources of Islamic Sharī'ah by analyzing them in the changing circumstances of Muslim societies to establish justice, salvation, and truth. This jurisprudential effort to re-read, re-think and re-interpret is known as Ijtihād that was later re-packaged as neo-Ijtihād in the modern period.⁵⁵ The Neo-Ijtihādists suggest different exegetical tools that needed to be employed to deal with the specific needs of contemporary times. They advocate a reconciling approach towards contradictory verses by understanding their universality or specificity.

The neo-Ijtihādi exegetes applied several hermeneutical processes to formulate rulings and to find solutions. One of the neo-Ijtihādists, Mohsin Kadivar is of the view that to respond to modern challenges, a new form of Ijtihād is required that can modify Islamic legal thought. This process will facilitate revising the laws related to the issues that are significant in the contemporary context. According to Mohsin Kadivar, the foundations of Sharī'ah should be ethical and rational rather than juridical. He supported a renewed approach to Ijtihād that can accommodate the changing situations of modern society.⁵⁶

9. Ijtihād and Relevance of Sharī'ah to Contextualize Universal Human Rights Discourse

There is a need to understand the scope of Ijtihād in the modern era. Sunni scholars hold the view that all the issues related to Islamic law were settled down in the 10th century and now the door of Ijtihād had been closed. This closing of door of Ijtihād implies that there is no need to

⁵⁴ Ann Kull, "At the forefront of a post-patriarchal Islamic education: Female teachers in Indonesia," *Journal of International Women's Studies* 11, no. 1 (2009): 25-39, <https://doi.org/> <https://doi.org/> Available at: <http://vc.bridgew.edu/jiws/vol11/iss1/3>.

⁵⁵ Kazeem Adekunle Adegoke, "Neo-Ijtihād in the Modern Legal Studies: A Case Study of Al-Qaradāwī's Concept of Neo-Ijtihād," (2020): 109.

⁵⁶ Liyakat Takim, "Islamic Law and the Neojihadist Phenomenon," *Religions* 12: 6. (2021): 4-6, <https://doi.org/> <https://dx.doi.org/10.3390/rel12010006>.

develop any school of thought further as there is no need for a new school. Ijtihād can solve contemporary problems by using the original sources of the Sharī‘ah. In the modern world, the rules of Islamic law are being applied through the way of legislation. The rules of Islamic law and legislation are based on such principles that cannot be restricted to a specific time, specific person or specific age instead its scope can be extended to every period of mankind. Ijtihād is a legal device that a jurist can use to formulate legislation for any kind of new issue by consulting the primary sources of law.⁵⁷

Sharī‘ah norms reflect a continuous process of Qur’anic interpretation that started in the 8th and 9th centuries CE. A systemized methodology of principles of jurisprudence was developed for the classification of Sharī‘ah sources and to derive specific rulings from general injunctions without altering the basic structure of Sharī‘ah. There is a strong need to reconsider some historical aspects of Sharī‘ah through the application of an interpersonal, unofficial reinterpretation. This re-interpretation of shari’ah norms is a human endeavor in its essence and is not a sacred or divine interpretation. This re-interpretation can only be applied to social and political aspects of Sharī‘ah i.e., mu‘āmalāt that are open to change over time and are clearly not applicable to the matters of faith i.e., aqida and matters of worship i.e., ibādat.⁵⁸

The word ‘evolution’ when applied to the domain of Sharī‘ah evokes different reactions. Those who favor the view of the static nature of Sharī‘ah and are of the view that Sharī‘ah is written down at once and are against the idea of evolution of Sharī‘ah are partly justified in their approach towards interpretation of Sharī‘ah norms. However, Islamic law is meant for all ages, it needs to be evolved with time like any other legal system to cater to the demands of changing times. The Sharī‘ah can be considered as fixed and immutable in its central core, but this concept cannot be applied to extensions of Sharī‘ah. In real essence, Islamic law grew gradually in the form of a complete legal system. There are laws in the holy Qur’ān and the Sun’nah of the holy Prophet (PBUH) that form the core of legal concepts and genetic codes that are determined and fixed for all times to come. Since Prophet Muhammad (PBUH) is the last prophet, therefore there is no chance of mutation in these core laws. The calls for Ijtihād in the recent eras cannot be applied to these fixed laws and all such efforts are futile and unnecessary. These fixed laws are related to

⁵⁷ "<http://muslimarealm.blogspot.com/2012/02/ijtihad-and-its-scope-in-21st-centaury.html>," accessed 8 March 2022.

⁵⁸ Francesca M Corrao, "Ijtihad'and 'Relevance of Sharia'to Contextualize Universal Human Rights Discourse," *Global Policy* 4, no. 4 (2013): 409-10.

a small area of activity of the modern state and there is still bulk of laws that needs to be discovered and the system eventually continues to evolve.⁵⁹

To reactivate the role of Ijtihād in the present times, there is need a for a Sharī'ah reform in response to the new occurrences. Time continuously changes along which human thought evolves and demands to develop a social structure in which man lives in harmony with his/her circumstances. Allah **SWT** has provided directions to human beings in all aspects of their life.

The evolution of mankind requires harmonization among its social structures. Like all aspects of life, the law is also subject to constant transformation. Since the religion of Islam provides a guide map in order to solve the problems of life, its law should be re-interpreted to accommodate the changing contexts. Islamic law should be understood in the present circumstances to formulate rules for solving the problems that can arise in the future. The continuous evolution of Muslim society requires the formulation of flexible and adaptable rules to changing contexts. Sharī'ah legislation is required to respond to the continuously changing needs of modern times.⁶⁰

The contextual approach to Qur'ānic interpretation is strongly related to the Islamic tradition of Ijtihād. The present-day Ijtihād is different from that in earlier times, as in the previous eras, the Mujtahids did not face rapid changes as they are happening in the contemporary scenario. The changing situations of the time pose new issues that were not present in the traditional period and in early Islamic contexts. From that perspective, there is a need to approach the text contextually to develop an interpretation that is relevant to a particular context. The Islamic tradition of Ijtihād is contextual in nature and provides an essential means of contextualizing the religious teachings in changed situations. The contextual nature of Ijtihād tries to understand a problem in its historical and social contexts. Likewise, the contextual approach to Qur'ānic interpretation provides room for understanding the latest issues arising in modern circumstances and then device solutions for emerging problems by contextualizing the issues under consideration. By understanding a particular issue in its original context and then relating it to the current scenario, the contextual Qur'ānic interpretation establishes a balance between traditional living styles and modern circumstances.

⁵⁹ Abdulmajeed Hassan Bello, "Dynamic Approach to the Shari'ah: A Case Study of Ijtihād and its Application in Contemporary Society," *Arab Law Quarterly* 27, no. 3 (2013): 265-66.

⁶⁰ Kayadibi, "Ijtihad and a Modernist Perspective Towards Islamic Law and Thought," 114-16.

The contextual approach to Qur'ānic text requires the need to revitalize the spirit of Ijtihād to understand its application in the Qur'ānic exegesis and furthermore to accommodate the demands of different scenarios that occur with the changing contexts. Islam being a dynamic religion has the capability to absorb new changes and Ijtihād is the best way to re-interpret Islamic principles according to modern perspectives. Ijtihād lends room for Islamic law to remain up to date with the changing times without altering the basic fixed rulings of the Islamic shari'ah.

10. Conclusion

One of the main reasons for the issues facing reconciliation between Islam and modernity was the closure of the gate of Ijtihād several centuries ago. There is a strong need to understand the changes brought about by contemporary realities and modern knowledge. The scholars of Islam must play a significant role in reviving the practice of Ijtihād. There is a strong need to develop an enlightened re-interpretation of texts that should be produced by developing harmony between the texts and their contexts.

The contemporary era is facing several challenges and these challenges require the re-interpretation of Islamic principles the best way to provide this re-interpretation is Ijtihād. The twentieth-century Muslim intellectuals played a significant role in revitalizing the spirit of Ijtihād. Since the religion of Islam is flexible and dynamic in nature, it holds the capacity to respond to continuously changing scenarios without deviation from its foundational roots.

There is a strong need of Ijtihād in modern times and there should not be blind imitation i.e., taqlīd. The instrument of Ijtihād helps in contextualizing the ideas and concepts of the holy Qur'ān to adapt to the changing contexts and times. The contextual approach to interpreting the Qur'ānic text does not alter the fundamental Qur'ānic values, beliefs, or practices but it makes a room for the interpreter to respond to the changing situations and contexts without altering the universal Qur'ānic principles.



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