

## Stagnation of Thought: The Way Out

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### Abstract

*This paper identified stagnation in the intellectual realm as the prime reason for the backwardness of the Muslims. It made an attempt to trace the historical roots, the reasons for intellectual stagnation, the rigidity of thought and consequent blind imitation of the early scholars and suggested ways to come out of this impasse.*

How the ummah, the Muslim community that once ruled the waves and flourished in all branches of thought declined. The ummah today shows a sharp contrast between its present and its past, for just as yesterday Muslims were strong, victorious and indomitable, basking in scientific progress, pioneering in development and booming renaissance; today Muslims are isolated, divided, weakened, and demoralized- so overwhelmed are the Muslims by a debilitating feeling of powerlessness that they stand as spectator, expectant but incapable of effecting any change. This chronic crisis of helplessness has brought the Muslims to a point where they have degraded themselves, their rights denied and their just causes defeated. Consequently Muslim world today stands undeniably at a crossroad where it must embark upon self-examination- a systematic, objective, balanced and rational assessment of its present reality aimed at working internal reform.

The prime reason of Muslims demoralized state of affairs is perhaps the stagnation in the realm of thought, the decline of intellectual capacity. Why Muslims fall back in the field of education? Why the Muslim community started to imitate its predecessors when the earlier scholars did not imitate and forbid them not to follow blindly? This is the most pertinent question in this era when the Muslim reformists in every part of the world are advocating for the revival of Islam. It is most important to find out the reasons behind prevailing stagnation and decline. What is the cause of its decline? What is the way out?

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Respect for freedom of opinion was so great among the earlier scholars that they even refused to record individual opinion so that such opinion might not restrict succeeding generations from undertaking legal ruling (ijtihad). They always encouraged formulating opinion on those areas where there was no specific ruling in the Quran and sunnah - the sayings, actions and endorsements of the Prophet (peace and blessings be upon him) by way of tacit approval, things happening before him but he did not oppose.

Imam Abu Hanifa (703-767) applied deductive reasoning (qiyas) and exercised ijtihad, gave legal ruling and felt no obligation to accept the deduction of others. He forbid his students not to record his opinion since these were based on analogical deduction and not thoroughly debated.

Imam Malik Ibn Anas (717-801) used to apply deductive reasoning (qiyas) on matters not covered by Quran, sunnah, custom and practice in Madina. He emphasized that he is subject to error.

Imam Muhammad Ibn Idris Ash Shafi (769-820), disciple of Imam Malik, was very flexible. He changed many of his rulings when he went to Egypt leaving Iraq. His earlier ruling which he gave, while in Iraq is recorded in the book *Al Madhab Al Qadim* (The Old School of Thought) and his later ruling which he gave while in Egypt is recorded in the book *Al Madhab Al Jadid* (The New School of Thought). Imam Shafi changed many of his earlier opinions, which he held while in Iraq because of his exposure to a completely new set of authentic hadiths (the saying of the Prophet) and new environment and reality on his arrival in Egypt. He pointed out that it was not possible for anyone at any time to be aware of all the hadiths narrated by the Prophet or remember all and were bound to commit mistake in rulings. Imam Shafi, therefore, opposed blind imitation (taqlid). Moreover, in those days the compiled books of hadiths were not as easy available as today. The development of printing facilities and technological growth like Internet has now made information easy accessible which was not before.

Imam Ahmad Ibn Hambal (778-855) was always prepared to exercise his individual judgment and give his opinion to solve any problem if no suitable answer was available in the Quran and sunnah. He rejected the idea of rigid imitation of scholar's opinion and forbade his students to record any of his opinions. He called upon his students not to follow his ruling blindly and those of Malik, Ash Shafi, Al Awzai or Ath Thawri

and others. He advised his students to take or base their rulings from where others took theirs, the original sources- the Quran and the sunnah. Furthermore, the Companion of Prophet (sahaba – may Allah be pleased with them) never considered their ijthihad, legal ruling, as infallible truths as binding on the entire Muslim ummah, but merely as opinions applicable to their particular time and situation. This was the level of scholastic exercise.

Scope of research and investigation allowed by Islam encouraged the scholars of the earlier generations even to discuss the hypothetical problems and resolve those; they even ruled that later generation should not blindly imitate them.

History is the testimony that Imam Abu Yusuf and Imam Muhammad Ibn Al Hasan differed from their great teacher Imam Abu Hanifa in about one third of the rulings of their Schools of Thought (madhab). Imam Muhammad Ibn Al Hasan in his commentary on Muatta Imam Malik contradicted his teacher Imam Abu Hanifa in about 20 different rulings.

How then the Muslims got involved in factionalism and concluded that all the four madhabs namely Hanafi, Maliki, Shafi and Hambali are perfect and therefore free from error. It is not clear how the earlier scholars justified taqlid when blind following might result in shirk, association of partners with Allah for unquestioned allegiance and loyalty is only to Allah and His Prophet and if Muslims do not remain conscious they are likely to mislead by Satan.

Moreover it is difficult to comprehend the justification of difference of opinion and disagreement by a section of earlier scholars as a mercy of Allah on the Muslims ummah when the Quran has emphasized the importance of unity among the rank and file of the Muslims. Sectarianism is the root cause of decline of the Muslim of the past and it continues to debar the growth and progress of the Muslim ummah today.

Freedom of thought is essential part of the Islamic legislation since the application of shariah (Islamic law) at all times and places largely depends upon the ability to exercise ijthihad, any loss of this vital principle bound to result in the inevitable stagnation and decline of fiqh, the Islamic jurisprudence.

**Formation of School of Thought :** Madhab developed as Muslims came in touch with new people and new lands and came in contact with varied

cultures, differing socio-economic background and have to deal with the multiplicity of new customs and problems and because the sahaba spread over different lands and practiced individual ijtiḥād.

Madḥab developed due to the later breakdown of the unified political leadership and the scholars of the respective madḥabs were obliged to make rulings without the benefit of mutual consultation in the absence of easy and faster communication. Scholars were caught up in the political rivalry resulting from the splintering of state leadership.

Madḥab developed when the caliphate turned into hereditary kingship and some of the caliphs attempted to maneuver and manipulate Islamic jurisprudence (fiqh) in order to justify their deviations. The religious scholars (ulama) therefore refused to sit in the audiences of the caliph and in fact fled to remote areas to avoid conflict and persecution and they started to give rulings from their isolated centers, which differed with the ruling of the scholars representing the establishment.

Madḥab also flourished because of the court debate. The scholars holding diverse views debated to prove their competence in front of the ruler to gain financial benefits. These scholars represented this or that madḥab; any debacle in the debate was considered loss of prestige for the madḥab. Thus ridiculous court debates promoted rivalry and encouraged madḥab factionalism and as a result madḥab sectarianism and dogmatism became rampant among the court scholars.

Madḥab developed in the face of Umayyad deviation from the practices of the Prophet (sunnah); the scholars of the later generation in order to preserve essential principles of Islam began to compile the ijtiḥād of the sahaba. The isolated scholars relied on hadith and compiled legal rulings of the most prominent jurists among the sahaba. Those who had studied under the sahaba in the various centers of learning thought that if determined efforts were not made to preserve the earlier rulings, the later generations of Muslims would be unable to benefit from the contributions of the sahaba.

Madḥab developed when the Muslim government wanted to adopt one solution to the various issues the public faced as different rulings were implemented, in other words the rulers wanted to implement a standard; and as answer and solution to this the concept of taqlid or to remain

within the boundary of one School of Thought was introduced as a solution.

**Reasons for Difference in Ruling:** The reasons for contradiction in the ruling of the earlier scholars are essentially because of difference in word meanings- literal and metaphorical, the grammatical construction of the sentence that gives options for more than one interpretation. Because of the linguistic ambiguity scholar's differed while trying to ascertain the intent of the text. Earlier Imams developed a number of principles on which they based their rulings. As a result, both the rulings and the principles became sources of differences among jurists.

Differences among the scholars were due to the fact that they had been exposed to various different hadiths of the Prophet, some heard some and others did not know about those.

The scholars also differed on the authenticity and validity of the individual hadith due to one or other reasons, condition imposed for their acceptance and how to reconcile the apparent contradiction of different hadiths. Hadiths were also compiled much later. Hanafi, Maliki, Shafi and Hambali madhabs were founded between the middle of eighth century and early part of ninth century, whereas the Sihah Sitta (The Sound Six Books of hadith) the most authentic and comprehensive compilation of hadith namely Bukhari, Muslim, Abu Dawud, At Tirmidi, An Nasai and Ibn Majah were not available until the later part of the ninth century and early tenth century. Had all these compiled books of hadith been available in printed form to all the earlier great Imams, no doubt difference of their ruling would have been less.

Early scholars also took different positions regarding the status of weak and unreliable hadith (daif hadith). Some viewed that weak hadith should get preference over the analogical deduction (qiyas) and therefore they reached different conclusions. Imam Abu Hanifa ruled that a hadith has to be well known (mashur) if it has to be accepted as valid hadith. Imam Malik opined that any hadith that contradicts the prevailing customs of Madina is not valid. Imam Shafi insisted that hadith to be acceptable must be authentic (sahih). On the other hand, Imam Ahmad Ibn Hambal considered a hadith attributed to the Prophet but there is a break in the

chain of narrator (mursal hadith) acceptable. Due to all these differences early scholars ruled differently.

Deductive reasoning (qiyas) was generally accepted, but the rules governing its deductive procedures varied among the Imams, resulting in variation in their rulings on the similar issues.

Abu Hanifa used analogy (qiyas) extensively when he faced an unmatched and first-time case; he derived an Islamic rule for it by making an analogy between the case and similar one that has specific ruling of the Quran and sunnah. But some jurists reject analogical deduction (qiyas) altogether. In areas where there is no explicit text, the jurists apply their mind, exert their efforts in the light of general principle of Islamic law (shariah) and earlier experience and they try to find out solutions. In such areas the chance of difference is more.

The majority of the jurists, for example, recognized the validity of consensus (ijma) among the generations after the sahaba, but Imam Shafi questioned its validity while Imam Ahmed Ibn Hambal rejected it outright. Similarly the major jurists rejected Imam Malik's reliance on customs of Madina as a source of legislation. Imam Malik accepted the consensus (ijma) as a source of law but limited it to the community of the Companion of Prophet (sabaha), the resident of the city of Madina, Imam Shafi on the other hand rejected the idea of limiting consensus to the community of Madina saying it is all Muslims at any given time, as represented by the community of scholars. Imam Abu Hanifa's principle of preference (istihsan) and Imam Malik's welfare (istislah) were both disallowed by Imam Shafi. On the other hand, Imam Shafi felt that the opinion of the sahaba had to be accepted on legal matters, while others felt that their analogical deduction (qiyas) was not binding on the later generations.

**Flexibility of School of Thought:** In the early stage in the development of madhab the scholars were flexible and lack rigidity and dogmatism, issues were objectively analyzed and conclusions reached on the basis of strength of proofs presented. The great Imams of the madhabs were always willing to change their rulings. This clearly illustrates the absence of rigidity and sectarianism, which is common feature of the later scholars. Early scholars were against blindly following rulings merely because prominent scholars had made them. Iman Abu Hanifa and Imam Malik were always ready to forgo their opinions if they found a correct hadith, which contradict their opinion. Imam Ahmad Ibn Hambal and his

students Imam Bukhari (810-870) and Imam Muslim (817-875) who did extensive work on collection of hadith refused to follow unquestioningly the traditional earlier rulings of the madhab.

How flexible the great Imams were would be clear from the fact that Imam Abu Yusuf differed on the ruling of his teacher Imam Abu Hanifa that Islamic prohibition of khamar, wine covered only the product of fermented grape juice (the literal meaning of khamar). According to the ruling of Imam Abu Hanifa intoxicating drinks made from other sources were allowed so long as the consumer did not become drunk. Imam Abu Yusuf rejected the ruling of his teacher Imam Abu Hanifa quoting reliable hadith that earlier did not come to notice of Imam Abu Hanifa and ruled that all intoxicants are to be included in the meaning of khamar.

The flexibility is further proved from the fact that caliph Abu Jafar Al Mansur (754-775) wanted to make the compilation of hadiths by Imam Malik known as Muwatta the state law binding on all Muslims which Imam Malik refused on the ground that there may be other hadiths with other companions of the Prophet who have settled in other parts of the Arabia and not known to him and if those hadiths were known to him he might have concluded differently.

**Rigidity of School of Thought:** The liberal thinking which characterized the early Imams down through the ages has later been replaced by certain rigidity and dogmatism. Since the late thirteen century the madhabs have become the breeding ground of sectarianism, the fiqh (Islamic jurisprudence) lost its original vitality which enshrined the principle of ijthihad and thus has not been able to keep pace with changing time and circumstances. As a result of madhab sectarianism and fiqh inflexibility the traditional purity, unity and dynamism of Islam have been threatened throughout the Muslim world.

There was a trend of rigidity and breaking down of flexibility under the second generation of students which is contrary to the teaching and practice of the period of the great Imams. During this period ijthihad beyond the structure of the madhab was forbidden. Scholars started to exercise ijthihad and give ruling within the outline and limit of the jurisdiction of the madhab; and comparative fiqh was used essentially to advocate sectarian ideas.

**Blind Imitation:** The period of stagnation and decline covers starting from 1285 and ending around the middle of nineteenth century that coincided with the rise of Ottoman Empire founded in 1299 until its decline and fall to European colonial masters who replaced Islamic shariah throughout the Muslim world by European laws.

This period is characterized with the blind imitation of the earlier scholars. Scholarly exercise was restricted to writing commentaries of the previous works and further promoting sectarian view. First the scholars abridged and condensed the contribution of the Imams and later generation of scholars began to write explanations and commentaries of the summaries and added footnotes. They concluded that one of the four madhabs has to be followed if one's Islam is to be valid. Thus Islam became restricted within the four walls of existing four madhabs- Hanafi, Maliki, Shafi and Hambali.

Sectarian scholars ruled that the blind following of one of the four madhab that virtually split the ummah into four religious sects was obligatory on all Muslims. Everyone was asked to follow one of them and not change madhab or not pick up from this or that madhab and those who refused to follow particular madhab and picked up ruling from this or that madhab at the same time were described as religious heretic although madhab is not infallible and following one madhab was and is not mandatory and binding for Muslims. The person who insists every Muslim to follow one or another of the four madhabs despite glaring contradictions in their rulings on points of Islamic law is taqlid.

Some people claim that madhabs are divinely ordained and the Prophet himself prophesied the coming of Imams. The hadiths quoted to defend madhab sectarianism are either misinterpreted or unauthentic and fabricated for example the commonly quoted sayings of the Prophet "There will be among my ummah a man called Abu Hanifa, he will be lamp of my ummah" and "There will come after me a man called Abu Hanifa. Allah's religion and my sunnah will be revived by him". But this two are classified as forged (mawdu) and fabricated and unacceptable (matrouk) [Abu Ameenah Bilal Philips, *The Evolution of Fiqh*, Tawheed Publications, Riyadh, Saudi Arabia, Second Edition, 1990, pp132-133 quoted from Muhammad Ibn Ali Ash Shawkani, *Al Fawa'id Al Majmu'ah*, Bairut, 2<sup>nd</sup> ed., 1972, p320, no. 1226 and Ali Ibn Iraq, *Tanzih Ash Shariah Al Marfu'ah*, Bairut, 1979, vol. 2, p30, no. 10].



There were continuing search for truth until such time negative factors like sectarianism became dominant among some scholars. Then indeed taqlid, blind following of madhabs coupled with ban on ijthihad led to the widespread promotion of sectarianism and the decline for search for truth among the scholars. Followers of madhabs took extreme sectarian attitude and they discarded ijthihad and imposed upon the general Muslims the blind following of one of the four madhabs.

Ijthihad was put aside. Most of the scholars ruled that the door of ijthihad is closed permanently. They argued that all possible issues has already been addressed, no further new issue will come up in future and therefore no need of further ijthihad. Ijthihad thus ceased to play its role as the guiding force that inspired Muslim creativity and ingenuity. Shariah therefore ceased to produce the living, dynamic civilization it once created in the golden days of Islam. The decline of Islam has been due to the decline and suspension of ijthihad.

**Early Scholars & Stagnation of Thought:** The Imams based their ruling on the evidence available to them at the time of ruling. The ruling differed due to social environment and cultural differences and hence difference of opinion aroused from region to region and hence multiplication of madhabs.

The Imams to whom the four schools are attributed were themselves out and out against blind imitation and passionately fought against taqlid. But most of the Muslims are not aware that blind following a madhab is absolutely opposed to the position and teachings of the great Imams.

The students of the Imams have opposed the blind following of their opinion or any opinion. They repeatedly emphasized the importance of enquiring from the primary sources – Quran and sunnah before giving any ruling. The Imams and their students emphasized that they are not infallible and their rulings are subject to error.

The Imams gave preference to hadith to their opinion. On the basis of authentic hadith not available to the Imams their students overruled several rulings made by the Imams.

The four Imams and their students demanded strict adherence to the hadiths and prohibited the blind imitation of their opinions. The preference of the Imam's opinion over the Prophet is itself in total opposition to the stand taken by the Imam. Giving preference to the

opinion of madhab over Prophet tantamount to shirk, associating partners with Allah technically known as shirk fee tawhid al ittiba. The unquestioned following belongs only to Allah and His Prophet. To discard certain reliable hadiths simply because they contradict some of the opinions of the Imams of his madhab, is to be in total opposition the position taken by the Imams themselves. Moreover, rejection of reliable hadiths tantamount to rejection of Allah and His Messenger. Al Quran states: But no by your Lord, they can have no real faith until they make you judge in all disputes between them and find in their souls no resistance against your decisions, but accept them with the fullest conviction [Al Quran 4(Surat An Nisa); 65]. The Muslims are therefore required to scrutinize the rulings of the earlier scholars before following any opinion.

The European Council for Fatwa and Research of which Prof. Dr. Yusuf Al Qaradawi is the President in its ruling states: "Abiding by a certain madhab (School of Fiqh) is not a religious obligation. Neither Allah nor His Messenger oblige us to abide by Hanafi, Malik School or otherwise. Muslims are to abide by the Quran and the sunnah. These are the two authentic, perfect, infallible sources, whereas every individual judgment is subject to acceptance and rejection. The renowned Imams themselves forbade others to unquestionably adopt their opinions"[Quoted in '*Can I Follow Another School of Fiqh?*' <http://www.islamonline.net/fatwa/english/FatwaDisplay.asp?hFatwaID=34972>].

Nevertheless the prohibition of taqlid does not mean that everyone must return to the sources before anything and it does not mean that all the work of the earlier scholars should be outright rejected or ignored for that would be impractical and in most cases impossible. It does however mean that those who have sufficient knowledge of the various branches of Islamic sciences should not hesitate to look at the sources as well as the opinions of all scholars regardless of the madhab. A scholar should be open minded in his search for knowledge otherwise his rulings are likely to be biased and sectarian. He should consult the earlier contributions and take what is good for the present circumstance.

If qualified, legitimately chosen leaders in a given Muslim community or association see it fit to adopt certain juristic position for the general welfare of the community, or give valid preference to some options over others, it is essential for the members to honor those positions. But blind

or absolute loyalty of one person or particular Juristic School is not befitting of any Muslim. The shariah recognizes the wisdom of following juristic authorities; learn the basis of their judgments and approach them with an open mind for guidance or correction- even if they differ with one's own basis or juristic affiliation.

**Reasons for Intellectual Stagnation:** Taqlid, blind imitation is the result of a number of factors that led to intellectual stagnation. The break down of the Abbasid Caliphate into mini-states, each state following a particular madhab- Egypt followed Shafi madhab, Spain the Maliki madhab and Turkey and Bangladesh-Pakistan-India subcontinent Hanafi madhab- destroyed the unity of thought of the Muslim ummah. Each state appointed qadi, judge of its own madhab who decreed according to its own madhab. Moreover religious scholars (ulama) who wanted to be state appointed judges became follower of particular madhab and gave ruling accordingly.

The fall of Baghdad and eventual subjugation of Muslim lands by colonial European powers who introduced secular laws in the concurred lands made Muslims apprehensive and their instinct self-preservation led them jealously exclude all types of innovation in the shariah as expounded by the early scholars of Islam and consequently, most of the people consciously or unconsciously became captive of blind imitation which limited everything to the literal observance of the Islamic precepts and blind obedience to past decisions.

Some unqualified and incompetent persons started to give rulings that were apparently not correct. Reputed scholars, in such backdrop, issued fatwa, rulings decreeing the general ban on ijthihad to protect the shariah from being tempered.

Scholars at this time wrote books on the correct method of making ijthihad and put such conditions- rigorous criteria - that made the exercise of ijthihad impossible by the then scholars. The conditions had been so strict that if these conditions were taken into cognizance the ijthihad of the earlier scholars would have become invalid.

**Reform Movement :** We should not forget that all Muslims- even the scholars of the earlier generation, with the exception of Prophet Muhammad, are fallible and therefore even those earlier interpretations cannot and should not be followed blindly without regard to certain basic

principles of reasons which enable us to differentiate between right and wrong. The question of slavishly following a single madhab therefore does not arise regardless of the errors in those.

There were praiseworthy attempts by certain reformers to revive the original dynamism but their efforts proved unequal to the task of eliminating the deep-rooted madhab factionalism and fanaticism. Attempts to codify Islamic law were made but this was a failure because of sectarian approach.

The Ottoman Caliph appointed a panel of seven top ranking scholars of fiqh to codify Islamic law to enforce throughout the empire and this was completed in 1876 – title of the book: *Majallah Al Ahkam Al Aadilah*. But the good effort failed due to madhab fanaticism particularly because all the scholars of the panel of seven jurists were from Hanafai madhab who ignored the contribution of other madhabs as a result of which all other madhabs did not accept this contribution.

In spite of the general decay a few eminent scholars opposed taqlid and raised the banner of ijtiḥad who urged upon the Muslim leaders of thought and scholars to return to the original roots of shariah and for reliance on those foundations only rather than solely depending on the contributions of earlier scholars and imitating them. The notable among them are Imam Ahmad Ibn Taimiya (1263-1328), Shah Wali Allah Dehlavi (1703-1762), Muhammad Ibn Ali Ash Shawkani (1757-1835), Jamal Uddin Afghani (1839-1897) and Muhammad Abduh (1849-1905), Muhammad Rashid Rida (d.1935), Hassan Al Banna (d.1949), Muhammad Al Ghazali (1917-1996), Abul Ala Mawdudi (1903-1979), Nasir Uddin Albani (1914-1999), Yusuf Al Qaradawi (b.1926).

Ibn Taimiya's students particularly Ibn Qayyim and Ibn Kathir carried forward the banner of ijtiḥad and the call to return to the original sources of the Islamic law and jurisprudence. Shah Wali Allah Dehlavi called for reopening of the door of ijtiḥad and for the reunification of the madhab. He taught that everyone is free to choose a particular decision differing from particular madhab. Muhammad Ibn Ali Ash Shawkani completely freed himself from madhab sectarianism and started to make independent ijtiḥad and give ruling. He took the position that taqlid is forbidden and in support of his opinion he wrote a number of books notably *Al Qawl Al Mufid Fee Hukum At Taqlid*. Jamal Uddin Afghani denounced taqlid

and called for free political, religious and scientific thought. Muhammad Abduh raised the banner of *ijtihad* and made systematic attack on *taqlid* and its supporters. Muhammad Rashid Rida further carried forward the fight of Muhammad Abduh against *taqlid*.

More recent scholars like Hassan Al Banna, Muhammad Al Ghazali and Yusuf Al Qaradawi of Egypt, Abul Ala Mawdudi of Pakistan and Nasir Uddin Albani of Albania have picked up the banner of the call of Islamic revival and emphasized for the unification of the madhabs. Banna's follower Sayyid Sabiq in his book *Fiqh As Sunnah* urged for the unification of madhab in view of the chaotic situation prevailing in the Muslim world and tried to justify the call for unification.

The Fiqh Academy of the Organization of Islamic Conference (OIC) is also playing important role in developing unified fiqh. Being a representative body of the Muslim countries it is largely free from sectarian approach. Its activities are however very limited and until now it has not been able to attract the attention of the large body of religious scholars (*ulama*) throughout the Muslim world.

Although madhab fanaticism is facing resistance in recent time from the reformist movements because the study of comparative fiqh is being encouraged in the major seat of learning nonetheless the existence of madhab factionalism have continued until the present day and that is the reason for which Muslim could not as yet come out of the state of stagnation and decline. There has however been some lessening of madhab fanaticism in recent years as a result of reformist movements and teaching of comparative fiqh in modern institution of learning.

The reform movement (*nadah*) worldwide, from Indonesia to Morocco as also the Muslim intellectual movement in the west as of today guided by all comprehensive socio-political consideration abhor the blind imitation (*taqlid*) and advocate independent reasoning in matters of legal judgment (*ijtihad*) and stress the need for continuous, ceaseless struggle to fulfill the divine obligation of founding an Islamic order. This is the positive development.

**Way-out:** The Muslims scholars today are in close contact once again because of faster and easy mass communication. There have been encouraging signs towards the revival of Islam as the important factor in Muslim life, at individual, social and state levels.

The contemporary realization that taqlid resulted in intellectual decline, social decadence and eventual acquiescence to western mode of civilization had led to a renewed call to reopen the gate of ijthihad to proceed to the work of reconstructing a dynamic, thriving civilization of Islam.

The Muslim scholars earnestly believe that in spite of multiplicity of cultures and the diversity of issues and problems arising in the rapidly changing world, it is possible to reestablish Islam in all parts of the world and in the Muslim's daily life only through the revival of dynamic fiqh. The dynamism of the shariah is due to the expanding role of the ijthihad which need to be exercised by all qualified Muslim scholars.

This implies a reunification of the madhabs removing all traces of fanaticism and sectarianism, and the renewal of ijthihad to make fiqh a more dynamic, objectively deduced body of laws so that individual Muslim scholars and jurists may successfully and equally apply the shariah in all parts of the Muslim world.

Unified madhab and dynamic body of fiqh is needed in order to evolve lively and vibrant Islamic societies and unite such societies throughout the world in all types of cooperative endeavors that would protect the common interest of mankind and project Islam on a global scale.

Resolute efforts will have to be made to resolve the differences between the existing madhabs in an objective way using the methodology used by the early scholars.

To workout the procedural details as to how to affect changes progressive and enlightened scholars of high talent will have to take initiative and communicate with other persons and institutions for this purpose. The steps inter alia include identifying the real obstacles to solution, selection of the most appropriate solution, determination of possible methods of implementation, selection of the most appropriate method, then putting the solution into effect. Such steps need to be constantly evaluated in respect of the problems and goals. Obviously the task of unifying madhabs and restoring dynamic fiqh are not susceptible to simplistic solutions.

Resolution of totally contradictory position in fiqh (ikhtilaf tadad) which cannot be simultaneously correct is on the whole difficult. Conflicting

rulings (iktilaf tanawwu) that are logically acceptable can coexist. In cases of differences arising from literal and metaphoric meanings of words and grammatical constructions, specified meanings established through authentic hadith should be given preference over all other interpretations.

Similarly legal rulings made in the absence of hadith or based on weak hadith in place of authentic hadith should be replaced by the rulings of jurists, which were made on the basis of authentic hadith.

Deductive ruling (qiyas) should be objectively examined in the light of the basic principle of the Quran and sunnah. Ijma (consensus) of the sahaba is no doubt a proof (hujja) for all Muslims. This however does not mean that matters agreed on by the earlier generations are not open to ijthihad.

However where there is more than one ruling, these are to be applied according to circumstances as viable options.

The resolution of the differences among the madhabs could best be affected by establishing institutions devoted to the objective study of fiqh. In such institutions of learning no madhab will be given preference over another. Islamic law needs to be studied from primary sources and the position of various madhabs could be then analyzed rationally and objectively. If the standards of scholarship in such centers of learning are high, the fiqh differences will gradually reduced to a minimum. Such institutions would not only provide trustworthy leadership to the Muslim world in general, but also provide concrete guidance to various reformist movements aimed at reestablishing Islamic order. We have to overcome the petty differences and workout the basis for theoretical framework and basis for maintaining unity of ummah:

The guidelines should be searched from the Quran and find out the ruling when certain problem is faced. The authentic hadith literature should be scanned if there is no specific instruction in the Quran to find out the ruling on problem faced.

The scholars of the country should consult among themselves (shura) if no solution is found out in the Quran and sunnah. In this age of Internet scholars of different countries can make exchange among them to ascertain the ruling of Islam to a particular problem. The decision of the majority should be upheld if unanimous decision cannot be reached through consultation.

This unified procedure, followed by the Rightly Guided Caliphs (kholafa-e-rashadeen) would promote unity and provide little or no scope and opportunity for factionalism within the Muslim ummah.

Thinking section of the Muslim ummah however must realize that onward march and progress of the Islamic societies from a more or less stagnant condition can systematically begin only if the critical faculties of the mass of the society are awakened and employed. This essentially means a critical appraisal of all that has traditionally been accepted as Islamic. This appraisal is not a one time effort but a continuous process that underscores the importance of examining the bulk of hadith literature, which is of questionable validity and requires afresh examination and weed out what contradicts with Quran and the general objective and spirit of Islam. The proposed institutions, in addition to working for unified madhab and restore dynamic fiqh, must shoulder the gigantic responsibility of reexamining the hadith literature. As Fazlur Rahman, Director of Central Institute of Islamic Research, Karachi, Pakistan puts it: “If the study of early hadith materials is carried through with constructive purposiveness under the canons of historical criticism and in relation to the historico-sociological background, they [would] take a new meaning. ... May we request our ulama to study these materials with the necessary and relevant background? We feel certain that once this is done, the whole question of how the Quran and the sunnah are to be interpreted will take a new meaning for the traditional students of the madrasha” [Fazlur Rahman, *Islamic Methodology in History*, Central Institute of Islamic Research, Karachi, Pakistan, 1965, pp178,183-184].

**Unity a Mercy. Difference Not a Blessing:** This article shall not be complete if a few words are not said about the contention of a section of people that difference of opinion or disagreement is a mercy of Allah on the ummah. Such a statement however contradicts the Quran. Al Quran states: Hold fast the rope of Allah together and do not split up. And remember Allah’s mercy on you when you were enemies, then He put love in your hearts and with His blessing you all became brothers [Al Quran 3 (Surat Al Imran): 103]. Thus the Quran explicitly and implicitly condemns conflict and dispute among Muslims. Critical evaluation or ijthihad is not disagreement and mercy is on those who evaluate critically.



All the hadiths quoted in support of disagreement are defective this or that way. For example: “Disagreement among my nation is a mercy” - not recorded and therefore fabricated. “Differences among my sahabas are a mercy for you” – extremely weak and unauthentic “My sahabas are like stars. You will be guided by whichever of them you follow”- mawdo or fabricated and unauthentic. “Verily my sahabas are like stars. You will be guided by any statement of theirs you adopt”- mawdo or fabricated. “I asked my Lord about the things in which my companions will differ after my death and Allah revealed to me: Oh Muhammad verily to Me, your companions are like stars in the sky, some brighter than others. So, he who follows anything over which they (the sahabas) have differed, as far as I am concerned, he will be following guidance”- batil or false. [Abu Ameenah Bilal Philips, *The Evolution of Fiqh*, Tawheed Publications, Riyadh, Saudi Arabia, Second Edition, 1990, pp132-133 quoted from *Bayhaqee, Silsilah Al Ahadith Ad Daifah Wa Al Mawduah* (Bairut: Al Maktab Al Islami, 3<sup>rd</sup> ed.,1972, vol 1, p82), *Al Kifayah Fee Ilm Ar Riwayah*, Cairo, 2<sup>nd</sup> ed.,1972 and *Silsilah Al Ahadith Ad Daifah*, vol. 1, pp80-81 for 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> hadiths respectively] Thus the question of glorification of differences of opinion does not arise and it is totally unacceptable from the point of view of authenticity.

On the contrary the Quran states people on whom will be the mercy of Allah are the people who are united. Al Quran states: If your Lord had so willed He could have made mankind one people; but they will not cease to dispute except those on whom your Lord has bestowed His mercy [Al Quran 11 (Surat Hud): 118-119]. If Allah’s mercy puts an end to dispute among men as implied in this verse, how could disagreement and dispute be a mercy?

To conclude, readers should keep in mind that here in this article an attempt has been made to briefly discuss the root causes of intellectual stagnation and the possible way out. What has been discussed here is not the last word, rather the subject demands wider deliberation, thorough study and analysis, critical examination, rigorous and painstaking exercise by the ulama, academicians, scholars and Islamic activists and the workers of dawah, Islamic call and guidance. □

## Bibliography

1. Dr. Muhammad Iqbal, *Reconstruction of Religious Thought in Islam*, Bengali tr. *Islamey Dharmiyo Chintar Punargathan*, Allama Iqbal Sangsad, Dhaka. Fourth Edition, January 2003.
2. Prof. Dr. Serajul Haque, *Imam Ibn Taimiya and His Projects of Reform*, Islamic Foundation Bangladesh, Dhaka, First Edition, December 1982.
3. Shah Wali Allah Dehlavi, *Al Insaf Fee Biani Asbabil Ikhtilaf*, Bengali tr. *Matabirodhurna Bishaye Sathik Pantha Abalambaner Upay*, Bangladesh Islamic Centre, Dhaka, First Edition, September 1991.
4. Prof. Dr. Muhammad Athar Ali, *Shah Wali Allah's Concept of Ijtihad and Taqlid*, Bangladesh Institute of Islamic Thought (BIIT), Dhaka, First Edition, 2001.
5. Fazlur Rahman, *Islamic Methodology in History*, Central Institute of Islamic Research, Karachi, Pakistan. 1965.
6. Prof. Dr. Muhammad Mustafa Azami, *Studies in Hadith Methodology and Literature*, American Trust Publications, Indianapolis, USA, First Edition, 1977.
7. Riza Mohammad and Dilwar Hussain ed. *Islam: The Way of Revival*, Revival Publications, Leicestershire, UK. 2003
8. Prof. Dr. Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence*, Islamic Texts Society, Cambridge, Revised Edition, 1991.
9. Prof. Dr. Mohammad Hashim Kamali, *Freedom of Expression in Islam*, Ilmiah Publishers Sdn. Bhd, Kuala Lumpur, Revised Edition, 1998.
10. Abu Ameenah Bilal Philips, *The Evolution of Fiqh*, Tawheed Publications, Riyadh, Saudi Arabia, Second Edition, 1990.
11. Mohammad Nasiruddin Albani, *Sifatu Salatun Nabia Minat Takbira Ilat Taslim Kaannaka Tarahu*, Bengali tr. *Rasulullah Namaj*, Shatabdi Prokashoni, Dhaka, First Edition, February 1998, pp 9-35.
12. Prof. Abdul Rashid Moten, *Political Science: An Islamic Perspective*, Macmillan Press Ltd., UK, First Edition, 1996.
13. Javaid Saeed, *Islam and Modernization*, Praeger, London, 1994. p70.
14. Dr. Abdelouahed Balkeziz [Secretary General, OIC], *The New Nation*, 21 June 2004, p8, Expanding the Sphere of Joint Islamic Action.
15. Can I follow Another School of Fiqh? <http://www.islamonline.net/fatwa/english/FatwaDisplay.asp?hFatwaID=34972>