



Innovation and Creativity In Islam

A NAWAWI FOUNDATION PAPER
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Islam is a global religion. Its followers constitute one of the world's largest religious communities. They are of every ethnic group and inhabit every type of geographical region. The religion's historical success as a universal religion arises in part from the simplicity of its message and its ability to make itself relevant to different times and peoples. Islam constitutes a "mobile idea" because it can be easily understood anywhere and is flexible enough to come together "in intriguing ways to produce unanticipated new configurations."¹

Two of the most important components of Islam that make it a mobile idea are the concepts of *bid'a* (innovation) and *ijtihad* (critical legal thinking in search for answers to new problems). Close attention to *bid'a* and *ijtihad* gives Islam great historical mobility, enabling it to preserve continuity with the past while renewing its vitality as a dynamic faith.

In traditional Islamic thought, the concepts of *bid'a* and *ijtihad* both have shades of meaning that are not always well understood by Muslims today. The allegation that something is *bid'a* is often made rashly, marginalizing new ideas and making creativity difficult. For some Muslims, the term has become a rhetorical sledgehammer to vindicate their own ideas by obliterating others. *Ijtihad* suffers from a similar predicament. Some restrict its use so severely that it ceases to be functional; others apply it so freely that it becomes arbitrary and undermines any semblance of authenticity.

A feel for the true conceptions of *bid'a* and *ijtihad* is necessary for Muslims today. Both concepts are central to how we conceive of ourselves as Muslims, the types of practices we condone, and the future we envision. The health of a Muslim community is tied to the sophistication and functional religious literacy of its members. Sherman Jackson emphasizes the necessity of promoting the intellectual health of the Muslim community by spreading “Islamic literacy” in order to instill critical consciousness in the Muslim rank and file.² By giving everyday Muslims basic immunity against pseudo-scholarly interpretations of Islam, this core understanding of the faith is necessary to regain a footing in moderation between secular skepticism and violent extremes. As will be shown, Islamic literacy is required by the rules of *ijtihad*, which were never restricted to scholars alone but required the lay community to pass judgment on each scholar’s aptitude. A sound understanding of *bid'a* and *ijtihad* is a fundamental component of the Islamic literacy our community needs.

THE CONCEPT OF *BID'A*

The Arabic root from which *bid'a* derives is connected in meaning to a distinct yet similar radical, *BD'* (the difference being between the final letter

hamza (') in this root and the final 'ayn (ع) in *bid'a*). *BD'* means “to start or begin something,” while the primary meaning of *bid'a* is “to start or begin something novel.” Among the various words directly derived from the root of *bid'a* is the noun *Badi'* (Originator), cited in the Qur'an as an attribution of God: “Originator (*Badi'*) of the heavens and the earth” (2:117; 6:101).³ Use of *Badi'* with reference to God denotes the uniqueness of God’s creative act and implies that the universe came into existence without a previously existing prototype.⁴ As an adjective, *badi'* was applied to outstanding works of human genius, especially those of poets and other masters of the spoken and written word.⁵

The pre-Islamic conception of *bid'a*, in contrast to later Islamic usage, tended always to be negative and served as a critique of the social implications of non-customary practices. This concept of *bid'a*, in contrast to later Islamic usage, tended always to be negative. The allegation that something was a *bid'a* meant that it violated the tribal code. A *bid'a* was an action or an idea that lacked precedent in established custom. It constituted a sort of tribal heresy, a hateful innovation caused by deviating from the ways of patriarchs of the past.

By contrast, in classical Islamic law and theology, *bid'a* could take on various shades of meaning. When used without qualifying adjectives, it tended to be condemnatory, as, for example, in the statement, “*bid'a* must be avoided.” Nevertheless, *bid'a* was not always something bad. In certain contexts, especially when qualified by adjectives, *bid'a* could cover a wide range of meanings from what was praiseworthy to what was completely wrong, as, for example, in the caliph 'Umar's statement below, “what an excellent *bid'a* is this!”

In the pre-Islamic context, the Prophet Muhammad's condemnation of idolatry was seen as a *bid'a*, a concrete threat to the tribal order of

Arabia. The Prophet made the opposite claim and turned the *bid'a* controversy on its head. Islam was neither a heresy nor an innovation, his teaching asserted, but the restoration of the lost legacy of Abraham, Ishmael, and God's Prophets generally, who were portrayed as ancient patriarchs whose teachings and customs the idolatrous Arab tribes had betrayed and distorted over time. This ideological battle is expressed in the Qur'anic verse: "Say [to them, Muhammad]: I am no novelty [*bid'*] among [God's] Prophet-Messengers" (46:9). *Bid'*, the word used in the verse, is almost identical in form and meaning to *bid'a*. It indicates that the Prophet's message was in direct continuity with ancient prophecy—a point made explicitly in other verses—and also implied that the beliefs and customs of the Prophet Muhammad's contemporaries were *bid'a*, because they lacked genuine continuity and had veered long ago from the ways of the most ancient Arab patriarchs.⁶

As in later Islamic usage, the pre-Islamic concept of *bid'a* was linked with its opposite, *sunna* (established tradition). Islam incorporated the *bid'a-sunna* paradigm but redefined its content. With the advent of Islam, the term *sunna* came to be closely connected with the normative teaching and conduct of the Prophet Muhammad. In pre-Islamic Arabia, *sunna* constituted the reservoir of tribal codes and customs. The *sunna* embodied the norms of acceptable thought and practice. Each instance of *bid'a* conjured up the image of a long-established *sunna* that it threatened. Rooted in tribal practice, the pre-Islamic *bid'a-sunna* paradigm was doggedly conservative and reinforced the status quo.⁷

In both Islamic and pre-Islamic usage, *sunna* was almost invariably something good, but, like *bid'a*, could sometimes take on very different connotations. A famous Hadith (saying of the Prophet) relates: "No human soul shall be killed wrongfully

but that Adam's first son shall carry a share of the guilt, for he was the first human being to institute the *sunna* of murder."⁸ Another Hadith uses *sunna* in both a positive and a negative light: "Whoever establishes a good *sunna* [*sunna hasana*] in [the religion of] Islam that is followed in practice afterward, will have recorded to his merit a reward equal to the reward of anyone who practices it, without any of their rewards being at all diminished. Whoever establishes an evil *sunna* [*sunna sayyi'a*] in [the religion of] Islam that is followed in practice afterward, will have recorded against him a burden equal to the burden of anyone who practices it without any of their burdens being at all lessened."⁹

BID'A IN ISLAMIC SCRIPTURAL SOURCES

The Qur'an contains one reference to innovation as taken from the root of *bid'a*. The verse pertains to kindness and mercy in the hearts of the followers of Jesus and their early monastic practice, which they innovated [*ibtada'uha*]: "We did not prescribe it for them but out of the pleasure of God. Yet they failed to observe it as it should have been observed" (57:27). The passage is noteworthy because it speaks in an apparently favorable light of *bid'a* in a matter of worship, an area where many Islamic scholars regarded innovations as completely unacceptable.

A common reading of the verse asserts that monasticism was a human innovation, which God did not prescribe for Jesus' followers but which they themselves instituted, seeking God's pleasure. The verse does not censure their innovation as such; it condemns their failure to fulfill it. Early Qur'anic commentary attributes this interpretation to a Companion of the Prophet named Abu Umama, who said that Jesus' followers "instituted [certain] innovations which God had not prescribed upon them, seeking God's good pleasure through them,

but they failed to observe them properly, and God reproached them for their departure from [proper observation].”¹⁰

In keeping with this reading, a number of classical commentators linked the verse to the Islamic law of ritual vows [*nadhhr*]. Vows are acts of worship that one voluntarily takes upon oneself, such as the personal pledge to fast a number of days or spend certain nights in prayer. By their nature, vows have an improvised quality and generally require fulfillment once a person has made the intention to perform them, even though they were not previously required.¹¹

Another reading of the verse holds that God himself ordained monasticism; hence, it was not technically a *bid‘a*. God willed that its practice be solely for his pleasure and reproached the monks who fell short of what was required. Yet others construed the verse as a condemnation of monasticism for being a religious *bid‘a*, but their interpretation goes against the apparent meaning of the Arabic text and lacks the authority required in Islamic jurisprudence for it to constitute a proof.¹²

References to *bid‘a* are common in the Hadith collections of all Islamic sects—Sunni, Shi‘i, and Ibadi. One shared Hadith on the subject is the well-known admonition of the Prophet: “The worst of things are abominations [*muhdathat*; lit. “innovations;” “unprecedented matters”], and every *bid‘a* is misguidance.”¹³ For Sunnis and Shi‘is alike, this Hadith constitutes one of the strongest condemnations of innovation and has been taken at face value by literalists in both communities. Still, in both denominations, the dominant opinion held that the Prophet’s admonition was *not* a categorical prohibition of innovative ideas or practices but a warning to stay within sound legal parameters in accepting or rejecting them. New ideas and practices were not intrinsically bad but had to be consistent with established precedents and recognized principles of the law.

If it seems far-fetched that the apparently literal condemnation of *bid‘a* in this Hadith could be accurately construed as anything less than a categorical denunciation of every novel idea, such a non-literalist (connotative) approach was not problematic for most classical scholars. The compilation of the Qur’anic text after the Prophet’s death was itself a novel idea. In the case of this Hadith, the classical methodology for textual interpretation tended to avoid literalism when a literalist reading would be in conflict with other established principles of the revelation and religious law. In the case of this Hadith, scholars restricted its meaning to unwarranted types of *bid‘a*. Despite the Hadith’s apparent generality, it was understood as implicitly qualified by such tenets as the requirement to perform *ijtihad*. One scholarly commentary states: “[This is a] general statement [with] specific qualifications [*‘amm makhsus*].”¹⁴

Another Hadith well attested in Sunni and Shi‘i collections pertains to the sanctity of the Prophetic city of Medina, which the Prophet proclaimed a religious sanctuary like the ancient Abrahamic city of Mecca: “So whoever introduces [*ahdatha*; also “innovates”] in [Medina] an abomination or gives shelter there to such an innovator, upon him shall be the curse of God, the angels, and mankind. Neither shall any disbursement be accepted from him nor any ransom.”¹⁵ In a Shi‘i version, the Hadith adds a question from one of the Prophet’s Companions: “Messenger of God, what is the innovation [intended]?” He replied: ‘Whoever [wrongfully] kills a [human] soul without [legal recompense] for [another] soul, maims [a body] without indemnity, innovates a *bid‘a* having no *sunna*, or [wrongfully] seizes plunder of exceptional value.’” Another Shi‘i transmission simply defines the monstrous innovation as murder, an interpretation supported by use of the word *ahdatha* in a other Prophetic declarations with specific reference to that crime.¹⁶

Sunni interpretations of the Hadith essentially agreed with the Shi'i view. The famous Sunni commentator, al-Nawawi, explained the innovation referred to in the text as immoral behavior.¹⁷ Ibn Hajar, another renowned Sunni Hadith scholar, understood the Hadith's broad wording as implicitly restricted by its specific reference to the holy city's sanctuary status. Thus, for Sunni and Shi'i scholars in general, the illustrations given for the damnable innovations referred to in the Hadith clearly involved gross violation of Medina's sanctuary status, especially by acts of lawless violence.¹⁸

An intriguing reference to *bid'a* in Sunni, Shi'i, and Ibadī sources deals with the second caliph 'Umar's decision to institute supererogatory group prayers (*tarawih*) during the nights of Ramadan, which he introduced within a decade of the Prophet's death.¹⁹ According to Sunni and Ibadī sources, the Prophet once led his Companions in similar prayers for a few nights of Ramadan shortly before his death but discontinued the practice, expressing concern that if he continued leading the vigils, God would give them obligatory status through revelation, and the additional obligation would impose an excessive burden upon the Muslim community.

During his caliphate, 'Umar observed the people praying either individually or in small groups in the Prophet's mosque during the nights of Ramadan. He took the decision to make them a single group behind one prayer leader, instituting the Ramadan vigil as a group prayer. Entering the mosque on a following night, he saw the congregation praying together and declared: "What an excellent *bid'a* is this!"²⁰

Sunni sources emphasize that the Prophet's cousin 'Ali, who later became the fourth caliph and is revered by all Shi'i schools as their first Imam, endorsed 'Umar's policy regarding the Ramadan vigils. Sunnis report that 'Ali once remarked that 'Umar "illuminated the month of fasting" by instituting the

group prayer. Another Sunni version relates that one night in Ramadan during 'Ali's caliphate, he passed by mosques lit up with candles for the people to perform the congregational vigil and said: "May God illuminate 'Umar's grave just as he illuminated for us our mosques."²¹

The Zaydis, generally regarded as the closest Shi'is to Sunnis, upheld the validity of the Ramadan group prayer, affirming that 'Ali continued the practice during his caliphate.²² The Imami school, however, was generally unsympathetic toward 'Umar and saw the historical record differently, rejecting 'Umar's decision as an unlawful *bid'a*. Like Sunnis, they confirmed that the Prophet led the community in Ramadan night prayers for a short period. Unlike Sunnis, they contended that the Prophet did not merely abandon the prayer but emphatically banned it in groups, saying: "Every *bid'a* is misguidance, and the path of every misguidance [leads] to the Fire."

Imami sources agree that 'Ali consented during his caliphate to the community's praying the Ramadan group vigils in a group. They contend that 'Ali personally opposed the practice but the community's strong pro-'Umar sentiment in favor of the prayers—which the Imamis refer to as a "*sunna* of 'Umar"—made it politically infeasible for 'Ali to alter it.²³

Like the Qur'anic verse on monasticism, one of the most interesting elements about 'Umar's "excellent *bid'a*" is that it falls squarely within the domain of ritual acts of worship and, with the exception of the Imami perspective, was generally regarded as good. Sunni sources report that Abu Umama—mentioned earlier in conjunction with the verse on monasticism—admonished Muslims to be diligent in observing the group vigil of Ramadan. He linked the practice explicitly to the Qur'anic allusion to monasticism and would say: "You have innovated the [practice of] standing in prayer during Ramadan, although it was not prescribed for you, for only the fasting [of

that month] was prescribed. So, now that you have done it, remain constant in keeping up the prayer and do not abandon it.”²⁴

An eminent Sunni scholar, Ibn ‘Abd al-Barr, believed that ‘Umar called his decision a *bid‘a* because the Prophet had not instituted the vigil as a *sunna* nor had Abu Bakr, the first caliph after him. Nevertheless, ‘Umar declared it “an excellent *bid‘a*” to indicate its initial legitimacy in the Prophet’s eyes and to emphasize in the people’s minds that, although the new practice was technically a *bid‘a*, they should have no misgivings about it, since the Prophet had only declined to institute it for fear of making it obligatory.²⁵

The reasoning here is based on a standard principle of Islamic jurisprudence that nothing specific to the Prophet’s *sunna* can be given a new legal status—obligatory or otherwise—after his death if he did not indicate that status during his lifetime. Thus, ‘Umar’s “excellent *bid‘a*” put into practice something the Prophet had looked upon favorably but avoided the danger that the Prophet had feared of making the act obligatory and burdensome. In the same vein, another famous Sunni jurist, Abu Bakr ibn al-‘Arabi, described ‘Umar’s institution of the prayer as a *sunna* and a *bid‘a* at the same time; it was a *sunna* by virtue of the Prophet’s short-termed precedent yet a *bid‘a* because the Prophet declined to institute it. Ibn al-‘Arabi concluded: “How excellent was this *bid‘a* as a revived *sunna* and fully accomplished act of obedience!”²⁶

BID‘A IN THE LEGAL TRADITION

The *sunna-bid‘a* paradigm is shared by all Islamic sects. All concur on the fundamental obligation of Muslims to follow the Qur’an and *sunna*, while each sect and every school within them adopt different criteria for interpreting and applying both sources. The theologians and jurists of all three Muslim de-

nominations conceived of the term in similar ways. They concurred that the concept of *bid‘a* in its negative sense did not connote a blanket condemnation of all innovative ideas and practices simply because they were new. Yet they rejected all innovation that they deemed inconsistent with the Prophetic example and Islam’s underlying principles.²⁷ The noted jurist and legal theorist al-Shatibi emphasized that the very notion that Islamic law stood for categorical prohibitions of change was grossly absurd to classical jurists. All scholars, he contended, concurred that it was intellectually repulsive to insist that Muslims could never diverge from the cultural norms of early Islamic Arabia or that any new development in life must be regarded as an unwarranted *bid‘a*.²⁸

One of the most basic Islamic conceptions is the distinction between matters that are essentially non-ritualistic and mundane (*mu‘amalāt*) and others that are ritualistic and other-worldly in nature (*‘ibadat*). The first category refers to matters like war and peace, buying and selling, marriage and divorce. Such non-ritualistic concerns of human societies, although falling under the rubric of divine revelation and subject to the prescriptions of religious law, were believed to serve tangible social goals and benefits. Consequently, they had rationales (tangible legal objectives), lent themselves to rational scrutiny, and were open to legal analysis and amendment. For this reason, many notable scholars held that the question of *bid‘a* did not pertain to the domain of non-ritualistic matters.²⁹ By contrast, matters of ritual such as belief, prayer, fasting, and pilgrimage were regarded to be an exclusively divine privilege related to other-worldly realities like the secrets of salvation and the unseen. They served the purpose of purifying the soul, bringing people closer to God, and winning his eternal pleasure. Consequently, they lacked discernible rationales, lay beyond the analysis of reason, and were closed to legal analysis and amendment. For the

great majority of scholars, ritualistic matters were the primary focus of *bid'a*; for many others, belief and ritual were its sole domain.

Ibn 'Abd al-Barr was among those who held that *bid'a* was strictly ritualistic: "As for making innovations in the practical workings of this world, no constriction and no fault pertains to one who does so."³⁰ Technological progress, crafts, building projects, urban development, and the like lay, according to this view, totally beyond the purview of *bid'a*. Dissenting scholars who included mundane affairs under the rubric of *bid'a* applied it only to appalling innovations that encroached scandalously upon central precepts of the law like unjust taxation (*maks*), administrative corruption, and hanging pictures of judges and rulers in public places.³¹

Given *bid'a*'s shades of meaning, classical Islamic jurisprudence evaluated it according to the five ethical categories of the religious law: obligatory, recommended, neutral, disliked, and forbidden.³² Thus, the gamut ran from obligatory *bid'a* to forbidden. Acceptable types of *bid'a* were ranked as obligatory, recommended, or neutral. Types of *bid'a* that violated the established precepts and principles of the law were classified as forbidden or disliked, according to the degree of harm.³³ Ibn Hajar wrote: "Put precisely, if a *bid'a* comes under the rubric of things regarded as good in the law, it is good. If it comes under the rubric of things ill-regarded in the law, it is ill-regarded. Otherwise, it belongs to the category of neutral things. Thus, [in general] [*bid'a*] may be divided into the five [ethical] divisions."³⁴

Today, these shades of meaning that *bid'a* conveys have been largely forgotten. For many Muslims, the word *bid'a* invariably designates extreme religious error and evokes negative emotions that are so passionate that the matter is put beyond any possibility of reasonable discussion. In the hands of highly opinionated people who lack both scholarly

depth and a proper sense of Islamic protocol, such misunderstanding converts the concept of *bid'a* into a destructive tool of communal division, polarization, and stagnation.

COUNTERBALANCING *BID'A* WITH *IJTIHAD*

Those who misunderstand *bid'a* are liable to take it too far and silence critical and creative discourse. It must not be forgotten, though, that the concept of *bid'a*, by its very nature, is classificatory and requires passing judgment on new things. Though *bid'a* has positive nuances and is not intended to rule out new ideas, it serves as a regulatory mechanism to put new ideas on trial and hold them up to scrutiny. It cautiously approves of some and disapproves of others. Thus, exploitative taxes [*maks*] were deemed a forbidden *bid'a*, while levying special taxes [*dara'ib*] upon the rich to build essential infrastructure, like bridges and roads, constituted an obligatory *bid'a* in the absence of other adequate sources of lawful revenue.

The fundamental conception of *bid'a* imposes certain restrictions and has a conservative aspect in that it seeks to conserve continuity with the prophetic revelation. The criteria of *bid'a* impose a restrictive frame on creative ideas to ensure continuity with tradition and conformity with legal principle. It must be stressed, however, that setting parameters does not encumber creativity and may even facilitate it. Clear demarcation of parameters with the purpose of simultaneously facilitating and directing creative thought was central to the original concept of *bid'a*.

The constructive potential of *bid'a* as a regulatory instrument is reinforced in Islamic law by the intellectual process of *ijtihad*, which has extensive legal authority and serves as a complement to the notion of *bid'a*. By nature, *ijtihad* is empowering, forward-looking, and creative. Unlike *bid'a*, *ijtihad*

is neither judgmental nor classificatory but a process and methodology for arriving at judgments about new challenges by means of utmost intellectual inquiry.

Al-Baji, a traditional Sunni jurist, defined *ijtihad* as “expending one’s fullest [intellectual] capacity in search of the right ruling.”³⁵ The art of *ijtihad* requires “utmost scholarly exertion on the part of the individual jurisconsult [legal scholar] with a view to arriving at a personal opinion” regarding a new matter of legal concern.³⁶ Bernard Weiss notes: “The law was not something to be passively received and applied; it was rather something to be actively constructed by human toilers eager to gain the approval of their Lord for their effort.”³⁷

Ijtihad derives from the same root as *jihad*. Their common radical, *JHD*, denotes expending the fullest effort to achieve a difficult but worthy goal. Although *jihad* can clearly apply to armed struggle, the concept of *jihad* is essentially an active ethical principle for improving the world through personal and group effort. Its high point, however, is the inner struggle for discipline and self-knowledge.

Ijtihad shares *jihad*’s ethical force but pertains to the realm of ideas and critical thought. Fazlur Rahman speaks of *ijtihad* as an intellectual and moral *jihad* or, more concretely, as “the effort to understand the meaning of a relevant text or precedent in the past, containing a rule, and to alter that rule by extending or restricting or otherwise modifying it in such a manner that a new situation can be subsumed under it by a new solution.”³⁸

The process of *ijtihad* is an Islamic religious duty of the first magnitude. As George Makdisi notes, it was the imperative to perform it that led to the formation of the classical schools of Islamic law.³⁹ All Muslim denominations have *ijtihad* traditions, although certain schools within each denomination give it greater scope than others. As we have seen, all Muslims upheld the validity of the famous Hadith:

“Every innovation is misguidance.” None understood it as abrogating the obligation of performing *ijtihad* and finding unique solutions to new problems.⁴⁰

Ijtihad is inherently creative and optimistic. The Prophet promised that those who performed it assiduously would be rewarded in the next world, even if their answers were technically incorrect. He stated: “If a judge [*hakim*] does *ijtihad* and gets the right answer, he receives two rewards, and, if he is [honestly] mistaken, he gets one.”⁴¹ Similar transmissions asserted that every person performing *ijtihad* was ultimately right—even if technically wrong—which prompted theologians and jurists to debate whether there could be more than one correct answer for any given question. Some argued that all dissenting legal opinions could be correct in their own right, despite the fact that they were mutually contradictory.⁴² The majority of scholars were content simply to say that every person performing *ijtihad* receives a reward when mistaken, not by virtue of the error but because of obedience to God in fulfilling the command to undergo the labor of *ijtihad*.⁴³

Like *bid’a*, a pertinent question regarding *ijtihad* concerns the domains where it is applicable and inapplicable. Many traditional scholars restricted *ijtihad* to non-ritualistic matters, but their opinion was not a matter of consensus. The caliph ‘Umar’s institution of the Ramadan night prayers clearly belonged to the ritualistic domain, and, in al-Baji’s opinion, was an example of *ijtihad* at its best.

Ijtihad is a function of the jurist’s membership in society.⁴⁴ Because the Muslim masses are untrained in the religious sciences, the classical tradition required them to follow scholars. Thus, *ijtihad* was not meant to be an ivory-tower pursuit but a living “social partnership” between legal scholars and the society at large, which continually presented them with “real legal problems” and “questions to work with.”⁴⁵ But even the common people were required to perform

their own type of *ijtihad* by striving to discern the competence of individual scholars and selecting the best to follow, a principle emphatically asserted by the majority of Sunni and Shi‘i scholars and their schools.⁴⁶

The obligation to perform *ijtihad* pertains to all times and places, and new legal prescriptions arrived at through *ijtihad* may overrule previous ones. A well-known maxim of Islamic law asserts: “Innovative [lit., changed] legal judgments will not be denounced when they reflect changing times, places, and circumstances.”⁴⁷ Al-Dabbusi, a prominent Sunni jurist, noted that what may be allowable in one time or place may become prohibited in another, because of changing circumstances, just as what was prohibited may become allowable by the same criterion. He added that changing times and places are not the only considerations; there are others, such as the particular realities of a person’s social group. What is beneficial for one segment of society may be harmful for another.⁴⁸

As *ijtihad* is a standing obligation, to neglect it was cause for censure. The renowned Sunni jurist al-Qarafi asserted that there was scholarly consensus (*ijma‘*) on harshly reprimanding religious scholars who handed down legal judgments mechanically without performing *ijtihad* and merely followed the ancient texts in their books literally without regard for new realities on the ground. The fault of such jurists was inexcusable and constituted disobedience of God.⁴⁹ A great jurist of the next generation, Ibn al-Qayyim, commented on al-Qarafi’s opinion, saying:

This is pure understanding of the law. Whoever issues legal rulings to the people merely on the basis of what is transmitted in the compendia despite differences in their customs, usages, times, places, conditions, and the special circumstances of their situations has gone astray and leads others astray. His crime against the religion is greater than the crime of a physician who gives people medical prescriptions without regard to the differences

of their climes, norms, the times they live in, and their physical conditions but merely in accordance with what he finds written down in some medical manual about people with similar anatomies. Such a person is an ignorant physician; the other is an ignorant legal scholar but more detrimental.⁵⁰

Undoubtedly, many traditional jurists not only failed to live up to the standards of al-Qarafi and Ibn Qayyim but also demonstrated an exasperating lack of creativity, stifling its spirit in others. Their rigidity created the widespread impression among Muslims and Westerners alike (including a surprising number of present-day academics and writers of good standing) that the door of *ijtihad* was “closed” hundreds of years ago as a matter of religious principle. The conspicuous decline of *ijtihad* at certain periods of Islamic history reflected a general social and intellectual malaise, not legal or theological doctrine. In fact, there is little historical evidence that the door of *ijtihad* was ever closed. Further, since Islam never had anything comparable to a church hierarchy, the “door of *ijtihad*” never had a doorkeeper to close it in the first place.⁵¹

The question of who was qualified to perform *ijtihad* was not posed by the Prophet but by later scholars. Their stipulations typically required that a person performing *ijtihad* be an upright Muslim of sound mind with full command of the Arabic language and mastery of the core disciplines of Islamic learning, including knowledge of the Qur’an and *sunna*, consensus, methods of legal reasoning, and the overriding objectives of the law.⁵² The requirements for *ijtihad* were not gender-specific; women could and often did practice *ijtihad* with distinction throughout Islamic history.⁵³

For more than a millennium, the process of speculative *ijtihad* was the monopoly of traditional scholars, and the requirements they set for it remained largely unchallenged. Their control over *ijtihad* was

first systematically called into question during the pivotal eighteenth century—the eve of modernity in the Muslim world—when various Sunni and Shi‘i revivalists demanded less stringent criteria.⁵⁴ Generally, revisionists in both camps favored literalist interpretations that were easy for the common people to grasp. A similar emphasis on literalism later became characteristic of Muslim Activist (fundamentalist) intellectuals in the twentieth century.

The conceptualization of *ijtihad* underwent even more radical change after the full onslaught of colonial rule and Western modernity in the nineteenth century. New approaches to education and *ijtihad* became primary concerns for the Muslim Modernist movement (1840-1940), which categorically rejected classical criteria for both. As Charles Kurzman observes, the Modernists (who were strong supporters of parliamentary democracy) challenged “the authority of the past and the authority of the credential” and, despite a general lack of traditional training, claimed their right to perform *ijtihad*, insisting in some cases that traditional Islamic education had become so sterile and so far removed from modern realities that, instead of qualifying scholars for *ijtihad*, it actually disqualified them.⁵⁵

The debate over *ijtihad* has continued until the present, especially within the ranks of Activist thinkers, who, like the Modernists before them, often lack traditional training, claim the right to perform *ijtihad* themselves, and reject the authority of classical tradition. The decline of traditional religious authority over the past three centuries not only made radically different criteria for *bid‘a* and *ijtihad* possible but has also come to constitute one of the most critical cultural breaks in Islamic history.

As Richard Bulliet notes, the classical moorings of *ijtihad* came undone in modern times. As a consequence, the Muslim world finds itself “immersed in a crisis of [religious] authority,” the resolution of which

is likely to take generations. Religious knowledge was removed from the scholastic classroom and pulpit. New religious authorities emerged who understood how to make effective use of modern media and found large audiences by addressing the issues of the day and articulating their messages simply and clearly.⁵⁶

The new authorities represent a diverse spectrum of intellectuals from liberal Modernists to highly politicized Activists. Among their ranks number some of the most influential Islamist ideologues of the twentieth century. Most notable among them are Sayyid Qutb (Egypt, d. 1966), Abu A‘la Mawdudi (India/Pakistan, d. 1979), and ‘Ali Shari‘ati (Iran, d. 1977). Each of the three lacked traditional training and adamantly rejected its relevance to the modern world.⁵⁷ While it would be mistaken to equate the thought of these three with the radical Islamist ideologies that emerged in the closing decades of the twentieth century, the radicals also belong to the rank and file of the new authorities. Osama bin Laden, an engineer, and his associate Ayman al-Zawahiri, a pediatrician, emerged after 9/11 as the most notorious of the new authorities. They are adept at marshaling the most scathing allegations of *bid‘a* against their enemies, while advocating extremist positions on the claim of personal competence to perform *ijtihad*.⁵⁸

IMPLICATIONS AND POSSIBILITIES

It is vital for Muslims today to have an authentic and sophisticated understanding of *bid‘a* as a regulatory mechanism and of *ijtihad* as a process for inducing Islamic creativity. The sources of Prophetic revelation are the key resource Muslims possess for sound Islamic thought, while Islam’s rich legal and theological traditions are also indispensable for an authentic understanding of the revealed sources. In addition, Muslims must learn from the historical experiences of earlier Muslims through the ages. The late historian

of Islam, Marshall Hodgson identified Islam's "great pre-Modern heritage" as possibly the richest source Muslims possess in creating an integral vision of their religion's place in the modern world, yet he notes: "One of the problems of Muslims is that on the level of historical action their ties with relevant traditions are so tenuous."⁵⁹

It is unrealistic and even undesirable to hope for meaningful restitution of the classical tradition and sophisticated application of concepts like *bid'a* and *ijtihad* without the revision and renewal necessary to make that tradition relevant to present-day needs. Only then can we be able to draw upon the classical legacy in a manner that is constructive and not retrogressive. The tradition must be reviewed with an eye to what it originally meant in its historical and anthropological context. Putting the tradition in proper context is the key to enabling Muslims to use it in the manner that al-Qarafi and Ibn al-Qayyim emphasized.

Without enlightened educational institutions that attract talented students and in the absence of curricula that impart a mature understanding of modern thought and realities, it is unlikely that a sophisticated understanding of the Islamic religious tradition can ever be fostered. Without careful examination of their original historical context, the thousands upon thousands of dusty manuscripts and old books preserved in Islamic libraries will remain little more than interesting fossils of history. Until classical Islamic learning is made meaningful to contemporary Muslims, it is difficult to fault those who question its relevance.

As harmful and heterodox as the new authorities sometimes are, they too must be judged in the context of their times and not merely condemned by citing bits and pieces of scripture or by referencing contrary interpretations in the classical tradition. In Islam, like other faith traditions, religious ideas—whether of innovation and heresy, creativity or the lack of it—are never set in stone, nor do they emerge from a vacuum.

What people say about the religions they follow reflects the circumstances in which they are living, and it is naïve to expect an optimal understanding of any religion in the absence of a tolerable socio-political context. Harsh conditions and unfulfilled expectations produce callous perceptions, regardless of the people or religion in question. When we attempt to talk about Islam in the modern world, we must address the dismal socio-political context of its followers. As Gilles Kepel stresses, to ignore that context and focus instead on essentialist pronouncements about Islam or Muslim civilization is "pure Walt Disney."⁶⁰

Classical Islamic thought was the product of a particular socio-political milieu. Contrary to the Activist cliché that there is no separation of religion and state in Islam, Muslim religious establishments for more than a millennium were largely free of governmental control and jealously guarded their autonomy. Unlike the Muslim world today, the classical Islamic world was culturally advanced, economically and militarily formidable, and relatively stable politically. Above all, as Fazlur Rahman stresses, it produced generations of thinkers who were self-assured and psychologically invincible in confronting new challenges.⁶¹ Conditions such as these produced urbane scholars who could define and interact with the concepts of *bid'a* and *ijtihad* in an authentic and productive way.

It should be sufficiently clear from what has preceded that the concept of *bid'a* should constitute a standard of excellence and not a blanket condemnation of every unfamiliar practice or new solution. It should set the guidelines for critical thought, not preclude them. It should foster personal and group expression and not stifle it. Sound conception of the process of *ijtihad* should serve as a positive source of inspiration for the entire Muslim community, scholars and non-scholars alike, in the search for meaningful answers to contemporary challenges.

As American Muslims, it is imperative that our community free itself from erroneous understandings of *bid'a* and develop full competence to perform *ijtihad* independently. Both within the United States and abroad, the growing American Muslim community, which makes up roughly two percent of the nation's population, is one of the most promising and least known Muslim minorities in the world. Like our counterparts in Canada, considerable sectors of the American Muslim community, in contrast to many of our co-religionists in the European Union, are highly educated and constitute, per capita, one of the most talented and prosperous Muslim communities in the world. Moreover, American Muslims, at least for the time being, enjoy a relatively favorable socio-political context with extensive freedoms and political enfranchisement. Few Muslims in the world today are in a more advantageous position to comprehend the essence of modernity and post-modernity and to formulate new directions for *ijtihad* in keeping with the best traditions of Islamic thought and the imperatives of an interconnected pluralistic world.

Bulliet suggests that resolution of the present crisis of religious authority in the Muslim world may ultimately fall on the shoulders of the professoriate of Muslim universities, many members of which are already performing *ijtihad* with considerable sophistication. He emphasizes, however, that the professoriate of the Muslim world will only be able to fulfill this task if it extricates itself from governmental control and secures broad freedoms similar to those of tenured professors in the West.⁶²

It is worth noting, in conclusion, that Western universities are currently producing highly qualified graduates in Islamic studies, many of whom become influential intellectuals in the Muslim community and are committed to producing rigorous scholarship as well as fostering Islamic literacy. Perhaps this new generation of intellectuals will carry the banner of *ijti-*

had through the twenty-first century, laying the foundations of a genuinely modern Islamic culture that has intellectual and spiritual depth, is actively committed to humanity and the world, and represents our best hope for quelling the harmful innovations and violent heresies of our times.

NOTES

1. Noah Feldman, *After Jihad: America and the Struggle for Islamic Democracy* (New York: Farrar, Straus and Giroux, 2003), 11-12.
2. See the American Learning Institute for Muslims (ALIM) homepage. Available at <http://www.alimprogram.com/overview/introduction.shtml>. Accessed May 2006.
3. It is often mistakenly said that, in Islam, God has ninety-nine beautiful names. According to Islamic theology, the beautiful names of God are infinite. Those authentically attested in Islamic scripture—the Qur'an and Hadith—are well over ninety-nine, the word *al-Badi'*, referenced in the quotation, being one of those.
4. See Ahmad ibn Faris, *Mu'jam Maqayis al-Lugha*, 6 vols. (n.p.: Dar al-Fikr, 1979), 1:209; al-Raghib al-Isfahani, ed. Safwan 'Adnan Dawudi, *Mufradat Alfaz al-Qur'an* (Damascus: Dar al-Qalam, 1992), 111; Abu Ishaq al-Shatabi, *Al-I'tisam*, 2 vols. (al-Khubar, KSA: Dar Ibn 'Affan, 1997), 1:49.
5. Al-Isfahani, *Mufradat*, 111; al-Shatabi, *Al-I'tisam*, 1:49.
6. Al-Isfahani, *Mufradat*, 111.
7. G. H. A. Juynboll, "Muslims' Introduction to His *Sahib*: Translated and annotated with an excursus on the chronology of *fitna* and *bid'a*" in *Jerusalem Studies in Arabic and Islam*, no. 5 (1984), 308; Mohammad Kamali, *Principles of Islamic Jurisprudence* (Cambridge: Islamic Texts Society, 1997), 44.
8. Al-Bukhari, *Sahib*, 1:161.
9. Muslim, *Sahib*, 4:2059-2060.
10. See Abu Bakr Ahmad ibn 'Ali al-Razi al-Jassas, ed. 'Abd al-Salam Muhammad 'Ali Shahin, *Abkam al-Qur'an*, 3 vols., (Beirut: Dar al-Kutub al-'Ilmiyya, 1994), 3:556-557; Abu Bakr Muhammad ibn al-'Arabi, ed. Muhammad 'Abd al-Qadir 'Ata, *Abkam al-Qur'an*, 4 vols. (Beirut: Dar al-Kutub al-'Ilmiyya, 1996), 4:183; Abu al-'Abbas Ahmad ibn 'Ajiba, ed. Ahmad 'Abd-Allah al-Qurashi Raslan, ed., *Al-Bahr al-Madid fi Tafsir al-*

- Qur'an al-Majid*, 6 vols. (Cairo: Hasan 'Abbas Zaki, 2001), 6:76.
11. See Abu Bakr Ahmad ibn 'Ali al-Razi al-Jassas, ed. 'Abd al-Salam Muhammad 'Ali Shahin, *Abkam al-Qur'an*, 3 vols., (Beirut: Dar al-Kutub al-'Ilmiyya, 1994), 3:556-557; Abu Bakr Muhammad ibn al-'Arabi, ed. Muhammad 'Abd al-Qadir 'Ata, *Abkam al-Qur'an*, 4 vols. (Beirut: Dar al-Kutub al-'Ilmiyya, 1996), 4:183; Abu al-'Abbas Ahmad ibn 'Ajiba, ed. Ahmad 'Abd-Allah al-Qurashi Raslan, ed., *Al-Bahr al-Madid fi Tafsir al-Qur'an al-Majid*, 6 vols. (Cairo: Hasan 'Abbas Zaki, 2001), 6:76.
 12. Al-Shatibi, *Al-I'tisam*, 1:371-372.
 13. Muslim, *Sahih*, 2:592; compare al-'Amili, *Wasa'il al-Shi'a*, 11:511-512, 18:40.
 14. Ahmad ibn 'Umar al-Qurtubi, ed. Muhyi al-Din Dib Matu, *Al-Mufhim li-Ma Ashkala min Talkhis Kitab Muslim*, 8 vols. (Beirut: Dar Ibn Kathir, 1999), 3:508; Muhammad ibn Khalifa al-Ubbi, *Ikmal Ikmal al-Mu'lim*, 4 vols. (Beirut: Dar al-Kutub al-'Ilmiyya, n.d.), 3:23; Muhammad ibn Muhammad al-Sanusi, *Mukammil Ikmal al-Ikmal*, 4 vols. (Beirut: Dar al-Kutub al-'Ilmiyya, n.d.), 3:23.
 15. Muhammad ibn Isma'il al-Bukhari, ed. Mustafa al-Bugha, 6 vols. *Sahih al-Bukhari*, (Medina: Dar al-Turath, 1987), 2:662, 6:2662; Muslim, 2:994-998; al-'Amili, *Wasa'il al-Shi'a*, 19:18.
 16. Al-'Amili, *Wasa'il al-Shi'a*, 19:15, 18.
 17. Muslim, *Sahih*, 2:994. Although not specifically cited, al-Nawawi's commentary is given in the margin throughout this edition.
 18. See Ahmad ibn Hajar, *Fath al-Bari' bi-Sharh al-Imam Abi 'Abd-Allah Muhammad ibn Isma'il al-Bukhari*, 13 vols. (n.p.: Dar al-Fikr, n.d.), 4:86.
 19. For the Ibadis, see Muhammad ibn Ibrahim al-Kindi, ed. 'Abd al-Hafiz Shalabi, *Bayan al-Shar' al-Jami' li-al-Asl wa al-Far'*, 62 vols. in 48 ('Uman: Wizarat al-Turath al-Qawmi, 1982-1993), 15:196-197, 202.
 20. Malik ibn Anas, *Al-Muwatta'*, ed. Bashshar 'Awwad Ma'ruf, 2 vols. (Beirut: Dar al-Gharb al-Islami, 1997), 1:169-170; al-Bukhari, *Sahih*, 2:707-708; 'Abd al-Razzaq ibn Hammam, ed. Habib al-Rahman al-A'zami, *Al-Musannaf*, 12 vols. (Beirut: Al-Maktab al-Islami, 1983) 4:258, 264-265; 'Abd-Allah ibn Abi Shayba, ed. Muhammad 'Abd al-Salam Shahin, ed., *Al-Kitab al-Musannaf fi al-Ahadith wa al-Athar*, 9 vols. (Beirut: Dar al-Kutub al-'Ilmiyya, 1995), 2:164; Ibn Hajar, *Fath al-Bari*, 4:250-252.
 21. See 'Abd al-Razzaq, *Al-Musannaf*, 4:258; Yusuf ibn 'Abd al-Barr, *Al-Tamhid li-Ma fi al-Muwatta' min al-Ma'ani wa al-Asanid*, 18 vols. (Cairo: Al-Faruq al-Haditha li-al-Tiba'a, 1999), 4:93-95, 100.
 22. Zayd ibn 'Ali ibn al-Husayn, *Musnad al-Imam Zayd*, (Beirut: Maktabat al-Hayah, 1966), 158-159.
 23. Al-'Amili, *Wasa'il al-Shi'a*, 5:191-193.
 24. Ibn al-'Arabi, *Abkam al-Qur'an*, 4:183; al-Shatibi, *Al-I'tisam*, 1:374. The quotation does not imply that Abu Umama regarded the Ramadan group vigil as an individual obligation.
 25. Ibn 'Abd al-Barr, *Al-Tamhid*, 4:93 and *Al-Istidhkar*, 5:136, 147.
 26. Abu Bakr ibn al-'Arabi, ed. Muhammad 'Abd-Allah walad Karim, *Kitab al-Qabas fi Sharh Muwatta' Malik ibn Anas*, 3 vols. (Beirut: Dar al-Gharb al-Islami, 1992), 1:283; compare Ibn Hajar, *Fath al-Bari*, 4:252.
 27. Al-Isfahani, *Mufradat*, 111;
 28. Abu Ishaq al-Shatibi, *Al-I'tisam*, 2:568.
 29. Abu Ishaq al-Shatibi, *Al-I'tisam*, 1:50.
 30. Abu 'Umar ibn 'Abd al-Barr, *Al-Istidhkar*, 5:153.
 31. Abu Ishaq al-Shatibi, *Al-I'tisam*, 2:570, 594.
 32. In Arabic, the five ethical categories are *wajib* (obligatory), *mandub* (recommended), *mubah* (neutral), *makruh* (disliked), and *haram* (forbidden).
 33. Abu 'Umar ibn 'Abd al-Barr, *Al-Istidhkar*, 5:152.
 34. Ibn Hajar, *Fath al-Bari*, 4:253.
 35. Sulayman ibn Khalaf al-Baji, ed. Nazih Hammad, *Kitab al-Hudud fi al-Usul* (Beirut: Al-Zu'bi li-al-Tiba'a, 1973), 64.
 36. George Makdisi, *The Rise of Colleges: Institutions of Learning in Islam and the West* (Edinburgh: Edinburgh University Press, 1981), 2, 66.
 37. Bernard G. Weiss, *The Spirit of Islamic Law* (Athens, Georgia: University of Georgia Press, 1998), 89.
 38. Fazlur Rahman, *Islam and Modernity: Transformation of an Intellectual Tradition* (Chicago: University of Chicago Press, 1982), 7-8.
 39. Makdisi, *The Rise of Colleges*, 2, 66.
 40. Discussion of the Hadith comes later in the paper. I presume the Ibadis also relate this Hadith in their books but did not chance upon attestation of it in the limited number of their works currently available.
 41. 'Ali ibn al-Qassar, ed. Muhammad ibn al-Husayn al-Sulaymani, *Al-Muqaddima fi al-Usul*, (Beirut: Dar al-

- Gharb al-Islami, 1996), 114-115; Sulayman ibn Khalaf al-Baji, ed. 'Abd al-Majid al-Turki, *Ihkam al-Fusul Ihkam fi Ahkam al-Usul*, 2 vols. (Beirut: Dar al-Gharb al-Islami, 1995), 2:714-716; 'Ubayd-Allah ibn 'Umar al-Dabbusi, ed. Mahmud Tawfiq al-Rifa'i, *Al-Asrar fi al-Usul wa al-Furu' fi Taqwim Adillat al-Shar'*, 4 vols. (Amman: Wizarat al-Awqaf, 1999), 3:114-116; Ibn Amir al-Hajj, *Al-Taqrir wa al-Tahbir*, 3 vols. (Beirut: Dar al-Kutub al-'Ilmiyya, 1983), 3:306. The Ibadis took essentially the same position. See al-Kindi, *Bayan al-Shar'*, 1:92-93.
42. See al-Dabbusi, *Al-Asrar*, 3:116; cf. al-Kindi, *Bayan al-Shar'*, 1:92.
 43. Al-Kamal ibn al-Hammam, *Al-Tabrir*, 3 vols. (Beirut: Dar al-Kutub al-'Ilmiyya, 1983), 3:306 and Ibn Amir al-Hajj, *Al-Taqrir wa al-Tahbir*, 3:306.
 44. Makdisi, *The Rise of Colleges*, 290.
 45. Bernard Weiss, *The Spirit of Islamic Law*, 128.
 46. Al-Baji, *Ihkam al-Fusul*, 2:727; Ibn al-Qassar, *Al-Muqaddima*, 26; Moojan Momen, *An Introduction to Shi'i Islam* (New Haven: Yale University Press, 1985), 204-205.
 47. See Muhammad ibn Abi Bakr ibn Qayyim al-Jawziyya, ed. Muhammad al-Mu'tasim bi-Llah al-Baghdadi, *I'lam al-Muwaqqi'in 'an Rabb al-'Alamin*, 4 vols. (Beirut: Dar al-Kitab al-'Arabi, 1998), 3:5.
 48. Al-Dabbusi, *Al-Asrar*, 3:115-116.
 49. Taken from al-Qarafi's *Furuq* as quoted in the work of my student, friend, and colleague 'Adil 'Abd al-Qadir Quta, *Al-'Urf: Hujjiyyatuhu wa Atharuhu fi Fiqh al-Mu'amalat al-Maliyya 'inda al-Hanabila*, 2 vols., (Mecca: al-Maktaba al-Makkiyya, 1997), 1:64.
 50. Quoted from Ibn Qayyim's *I'lam al-Muwaqqi'in* in 'Adil Quta, *Al-'Urf*, 1:65.
 51. Makdisi, *The Rise of Colleges*, 4, 290; Wael B. Hallaq, *A History of Islamic Legal Theories: An Introduction to Sunni Usul al-Fiqh* (Cambridge: Cambridge University Press, 1999), 201-202 and 202, note 59; Christopher Melchert, *The Formation of the Sunni Schools of Law, 9th-10th Centuries C. E.* (Leiden: Brill, 1997), 16-17.
 52. See Kamali, *Principles of Islamic Jurisprudence*, 374-378.
 53. See Umar F. Abd-Allah, *Famous Women in Islam*, 14-CD Set (Chicago: Nawawi Foundation, 2004).
 54. See Nehemia Levtzion and John O. Voll, eds., *Eighteenth-Century Renewal and Reform in Islam* (Syracuse: Syracuse University Press, 1987), 3-20; Etan Kohlberg, "Aspects of Akhbari Thought in the Seventeenth and Eighteenth Centuries," in *Eighteenth-Century Renewal*, 133-153; Bernard Haykel, "Reforming Islam by Dissolving the *Madhhabs*: Shawkani and his Zaydi Detractors in Yemen," in Bernard G. Weiss, ed., *Studies in Islamic Legal Theory* (Leiden: Brill, 2002).
 55. See Charles Kurzman, ed., *Modernist Islam 1840-1940: A Sourcebook* (Oxford: Oxford University Press, 2002), 3-27.
 56. Richard W. Bulliet, *The Case for Islamo-Christian Civilization* (New York: Columbia University Press, 2004), 81.
 57. See Gilles Kepel, *Jihad: The Trial of Political Islam*, trans. Anthony F. Roberts (Cambridge, Massachusetts: Harvard University Press, 2002), 23-27, 33-35, 39-41.
 58. See Bulliet, *The Case for Islamo-Christian Civilization*, 83-86.
 59. Marshall Hodgson, *The Venture of Islam*, vol. 3: *The Gunpowder Empires and Modern Times* (Chicago: University of Chicago Press, 1974), 3:431.
 60. See Kepel, *Jihad*, xviii, 24.
 61. Fazlur Rahman, *Islam* (Chicago: University of Chicago Press, 1979), 212.
 62. Bulliet, *The Case for Islamo-Christian Civilization*, 158-159.



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