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# History and Normativity in Traditional Indian Muslim Thought

*Reading Shari‘a in the Hermeneutics of  
Qari Muhammad Tayyab (d. 1983)*

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EBRAHIM MOOSA

... There used to be a time, we believe, when we could say who we were. Now we are just performers speaking our parts.

J. M. Coetzee, *Elizabeth Costello*

The distant past is one of those things that can enrich ignorance. It is infinitely malleable and agreeable, far more obliging than the future and far less demanding of our efforts. It is the famous season favored by all mythologies.

Jorge Luis Borges, “I, a Jew,” in *Selected Non-Fictions*

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## *Introduction*

For the better part of the past two centuries, if not longer, Muslim thinkers have endlessly bruited about the phenomenon of *ijtihad*, the right to personal intellectual commitment and interpretation in juridical, moral, and theological thought.<sup>1</sup> It is difficult to provide a simple translation of the term *ijtihad* since it had become a catachresis: a perversion of a word or trope that no longer adheres to its literal referent.<sup>2</sup> For as much as one may wish to show the philological meaning of *ijtihad* to be self-explanatory as “intellectual effort,” the concept disseminates a multiplicity of meanings in terms of its history. *Ijtihad* is one of those words in the Muslim vocabulary that reflects social and political struggles within the body politic of Muslim societies over centuries.

*Ijtihad* has a meaning of informed opinion in the preformative usage of Islam. When asked how he would govern if he did not find directive teachings in the Qur’an or the Sunna, Mu‘adh bin Jabal, a companion of the Prophet, uttered a phrase later immortalized in the annals of Islamic law: “I will exert myself to reach an informed opinion (*ajtabid ra’yi*),” he is reported to have said.<sup>3</sup> Then in

the formative period, with the rise of the legal schools, the term underwent a change. *Ijtihad* came to signify the actions of a jurist formulating a juridico-moral opinion by resorting to analogy in the absence of explicit guidance from any authoritative source.<sup>4</sup> Later on, among Sunni practitioners, *ijtihad* sanctioned the binding nature of interpretative authority reached by a hierarchy of master jurists (*mujtabidun*) in the multiple discursive schools (*madhabib*, sing. *madhhab*) of Muslim jurisprudence. Settled and authoritative juridico-moral opinions, together with their interpretative principles, became hierarchically structured in terms of a protocodification of the opinions of the early generations of the respective schools.<sup>5</sup> Ironically *ijtihad*-based moral formulations within discrete discursive traditions in early Muslim history contributed to a moral consensus of sorts that tied practitioners to a set of practices and decisions by way of binding precedent (*taqlid*). Beyond precedent personal intellectual commitment and effort (*ijtihad*) on the part of scholars was only permitted in limited instances and was policed by a host of conditions, terms, and qualifications.<sup>6</sup>

In the hands of modern Muslim reformers of various hues, whether traditionalist, modernist, revivalist, or maximalist in orientation, the term *ijtihad* signified several things. Some with guileless ferocity advocated *ijtihad* to serve as a proverbial silver bullet that would remedy all Muslim ills. By invoking the necessity to *do ijtihad*, a scholar or ideologue staked a certain claim not to adhere blindly to past practice or tradition. Nevertheless the desiccated algebra of pro-*ijtihad* rhetoric semaphored a range of intellectual attitudes. These attitudes ranged from favoring an intellectual and cultural renaissance and a yearning for free thinking, if not disavowing tradition, to a plea for intellectual egalitarianism in juridical and moral thought. Often one would find that those who lamented the absence of *ijtihad* in modern Muslim intellectual practice often flashed a pervasive “scapegoat historiography,” one that represented myriads of pillbox theories of catastrophic Muslim political decline and intellectual lag and how *ijtihad* would miraculously reverse such setbacks.<sup>7</sup> Surely any *ijtihad* without a commitment or search for new knowledge can be guaranteed to be a stillborn enterprise.

In his work on modern Islam, Bruce Lawrence has pointed out that certain strands of modern Islam wanted to jettison the juridico-moral tradition of Islam instead of pursuing critical engagement. Some varieties of Islamic fundamentalism, Lawrence wrote, wanted to rescue the Shari‘a “from the obfuscation with which the medieval jurists overlaid it.”<sup>8</sup> Some modern Muslim revivalists, he continued, refused to expand legal authority allowed by *ijtihad* and instead sought to craft a streamlined version of the Shari‘a.<sup>9</sup> By translating the meaning of the Shari‘a into policy goals, many revivalists gave currency to the rhetoric of the “purposes of Shari‘a” (*maqasid al-Shari‘a*) as panacea. This meant that the Shari‘a preserved five conditions: life, mind or mental health, the species through procreation, property, and religion. Yet it would not be incorrect to say that the

strongest voices in favor of *ijtihad*, even *ijtihad* manqué, came from a cross section of revivalist groups, from moderate ones such as the Muslim Brotherhood in Egypt and the Middle East and the Jamat-i Islami in South Asia to radical groups such as al Qaeda.

Sunni traditionalists, whose mystical writings Lawrence had explored in greater detail than their juridical writings, maintained that certain limited forms of *ijtihad* were still eminently desirable. However, their view of *ijtihad* differed substantially from the unbounded *ijtihad* advocated by modern reformers and revivalists that would in the end deliver a streamlined version of the Shari‘a that sounded more like a policy document than a discursive tradition concerned with the formation of the self. Lawrence together with Carl Ernst has explored the genealogy of Chishti thought in South Asia.<sup>10</sup> While they examine Chishti spirituality with punctilious detail, there still remains a rich web of Sufi metaphysics in relation to discourses on the Shari‘a that have yet to be mined. Islamic mysticism for some South Asian Chishtis deepens the meaning and purpose of the juridico-moral discourse, while the legal or ethical discourse restrains mystical exuberance. What I further hope to suggest is that debates for or against *ijtihad* shroud particular notions of history, temporality, self, and society that underpin the social imaginary of its authors and the communities they represent.

### *Qari Muhammad Tayyab*

In an essay titled *Ijtihad aur taqlid* (Independent Reasoning and Authority), written sometime in the late 1960s or early 1970s, Qari Muhammad Tayyab (d. 1403/1983), former principal of the Dar al-‘Ulum Deoband in India, offered a rather different take on the issue of *ijtihad* compared to the dominant narrative advocated by Muslim modernists, reformers, and revivalists. Unless one were in the thicket of the madrasa world of the Indo-Pakistan subcontinent, Tayyab’s name would not mean much. Yet by all accounts he was a paragon of traditional piety and learning of the Indian Hanafi-Deobandi tradition. In postpartition India he assumed a role of pontifical solemnity during a five-decade stewardship as principal (*mohbtamim*) of the famous Deoband seminary.

Apart from his stature as a *bien-pensant*, he also enjoyed a distinguished ancestral pedigree.<sup>11</sup> He was the grandson of Muhammad Qasim Nanautvi (d. 1297/1880), the highly revered founding figure of the Dar al-‘Ulum at Deoband, in Uttar Pradesh. Tayyab’s father, Hafiz Muhammad Ahmad (d.1347/1928), was also a principal of the Dar al-‘Ulum for four decades. After the latter’s death, his youthful, but reluctant, son Tayyab, after much cajoling from Deoband’s venerable hierarchy, assumed the deputy principal’s job and later became principal in 1929.<sup>12</sup>

Under Tayyab’s leadership the Deoband seminary increased in national and international visibility as it grew in terms of student numbers, faculty, and campus

expansion. But there were also spells marked by faculty feuds and the resignation of senior figures. He remained in his post till 1981, when he faced the most severe test of leadership in a bitter administrative showdown with a rival group within the seminary that culminated in his removal.<sup>13</sup>

Irrespective of Tayyab's success or failure as an administrator, there was little doubt among his peers—friend and foe alike—that his predisposition toward theology, philosophy, and mysticism gave unique shape to his insights in Muslim thought. His razor-sharp intellect and philosophical insights impressed his peers, who conferred on him the sobriquet “Savant of Islam” (*Hakim al-Islam*). With Ashraf ‘Ali Thanawi, the doyen and most prolific of the Deoband scholars and a preeminent Sufi *shaykh*, as his spiritual director (*mursbid/shaykh*) who also ordained him as his validated spiritual successor (*kbilafa-e majaz*), Tayyab rose rapidly in the Deoband hierarchy.<sup>14</sup> With this investiture he also inducted novices from all over India to the Chishti spiritual order.

### Ijtihad and Taqlid

In his treatment of Islamic law and moral philosophy, Tayyab followed in the footsteps of the acclaimed Shah Wali Allah (d. 1762) by mingling metaphysics and discourses of law with traditionalist Muslim narratives of what might approximate a philosophy of history-cum-sociology of moral philosophy and law. Treatments of Islamic law or moral philosophy in Western languages, with notable exceptions, rarely gave attention to the nonpositivistic elements encoded in legal writings. Often juridical writings that are mingled with the grammar of metaphysics and mysticism are shunted off as studies in spirituality and relegated to the study of religion and unrelated to Islamic law. In fact as Baber Johansen so accurately pointed out, legal positivism had become the new orthodoxy and normative grounds for the study of Islamic law at the hands of some prominent Arab or Muslim legal figures.<sup>15</sup>

In *Ijtihad aur taqlid* Tayyab sheds light on independent reasoning (*ijtihad*) and its use in the postformative juridical tradition; coupled to this is his take on how one dealt with canonical authority in law (*taqlid*).<sup>16</sup> Tayyab showed an awareness that many jurists adhered to a despotically normative consensus, one that judged adherence to a canonical law school to be tantamount to obedience to the revealed law (*shari‘a*) itself.<sup>17</sup> Canonical law schools, in his view, were the fruits of intellectual struggle—*ijtihad*—and should be viewed as paths to traditions of practice. Or to put it differently, they were ethical paths or traditions that were intergenerationally transmitted. In a refreshing push for moral and juridical pluralism, Tayyab pleaded with the confessional community (*ummah*) of Muslims to view these *ijtibadi* paths as merely many ways of protecting the integrity of religion (*din*).<sup>18</sup> Here he gently cautioned South Asian Hanafis, often

criticized for their rigidity, to view other law schools as legitimate expressions of adherence to normativity.

Tayyab's views are best assessed when compared to nineteenth- and twentieth-century debates on *ijtihad* in different parts of the Muslim world. By the end of the nineteenth century in the Middle East there were vociferous calls to embrace *ijtihad*. Hewing the Qur'an tightly to a prophetic tradition-driven hermeneutic in India was the Ahl-i Hadith movement that in principle subscribed to *ijtihad* as an obligation on Muslims to mine the scriptural sources continuously for truth.<sup>19</sup> The Ahl-i Hadith constituted the reform-minded lobby that energetically resisted the discursive schools' (*madhabib*) approach to moral and ethical guidance; but it was also a conservative type of reform focused on rituals instead of issues of nation-building and social transformation. Rather the Indian Ahl-i Hadith were closer in spirit to the ideas of the Salafi *ulama* of the Arab countries whom they loyally followed. Indian Muslim modernists too made fervent petitions in favor of *ijtihad*. They also invoked Shah Wali Allah as their intellectual beacon and later claimed the philosopher Muhammad Iqbal as a ventriloquist for their reformist and modernist cause.

Meanwhile the traditional Hanafi authorities were certainly not disenchanted with their school tradition. In fact they tenaciously defended its validity as a normative expression of tradition. And despite their vocal, if not at times explosive, internecine hostility over theological matters, the *ulama* of both the Bareilvi and Deobandi schisms thought their scholastic Hanafi legal tradition to be eminently suited to meet their needs and the challenges posed by British colonialism.<sup>20</sup> This indefatigable Hanafi orthodoxy continued into postpartition India and Pakistan.

A complex set of reasons account for the lack of receptivity among Indian Hanafis for the protestant and modernizing zeal that readily gripped their *ulama* counterparts in the Middle East. One chief reason was the resistance the Indian Hanafi scholars gave to the unfettered license to engage in juridical *ijtihad*. It was not only their robust faith in the superiority of Hanafi jurisprudence and moral philosophy as an alternative to Western norms that explained their resilience. Rather their resolve was nourished by what they observed to be the unintended consequences of pro-*ijtihad* voices in the Arab world. Indian Hanafis noted that those Arab *ulama* who espoused *ijtihad* were also gradually and unconsciously capitulating to a process of secularization that involved moral compromises with modern modes of living.<sup>21</sup> For traditional Hanafis the latter was the most threatening aspect of the pro-*ijtihad* camp. Moreover the pro-*ijtihad* rhetoric in the Arab world overlapped with a more ambitious desire to engineer a cultural renaissance (*nabda*). Of course hand in glove with the rhetoric of renaissance were the calls for *ijtihad* that were often streaked with strains of Arab

nationalism and socialist tendencies. While many traditionalist scholars (*ulama*) in the Arab Middle East joined this pro-*ijtihad* cultural and political chorus, such commitments were anathema to their South Asian counterparts.

Perhaps there was another psychological reason why South Asian Hanafi *ulama* resisted *ijtihad*. Were they to accept *ijtihad*, it would signal a singular ideological capitulation on their part to their long-standing and bitter rivals, the Indian Ahl-i Hadith scholars, who were not awed by modernity, either. In fact one of the reasons for the existence of Tayyab's institution, the seminary at Deoband, was to confront the challenge of Ahl-i Hadith Salafism. The latter leveled trenchant criticisms against the Hanafis for elevating the voice of tradition above what they claimed was the fresh and continuously accessible inspiration of revelation.

Revelatory authority in the Deobandi incarnation of the Indo-Persian intellectual tradition, Tayyab pointed out, was not antithetical to reason and metaphysical concerns. Any norm, he argued, had to relate to a sense of wholeness and rationalism, and metaphysics cemented that relation.<sup>22</sup> This attitude stood in contrast to an almost dominant contemporary trend in Muslim epistemology that gave the final and absolute authority to unalloyed and unmediated commands derived from fairly commonsensical renderings of the Qur'anic revelation and prophetic dicta while eschewing a coherent hermeneutic. Tayyab clearly favored the rationalist-cum-metaphysical hermeneutic. "Every legal particular," he confidently wrote, "embodies a universal. Universals embody wisdom and a universal interest. Therefore, every interest is connected to an instant of perfection; every perfection is linked to one or another divine attribute."<sup>23</sup>

Tayyab's language unsuspectingly draws one's attention to metaphysics by invoking universals and wisdom, relating such concerns to juridical concerns, ethics, and questions of public interest. At the same time he also inflects the discourse of mysticism and piety by invoking terms such as *perfection* and the fullness of divine attributes on the human psyche. This more complex and multilayered approach to law still has some cachet in certain strands of South Asian Islam. Traditional Hanafi scholarship in South Asia unapologetically converses about juridical norms in relation to cosmology. In South Asian Hanafi intellectual circles legal discourse effortlessly communes with a heady mix of metaphysics, dialectical theology (*kalam*), and mysticism (*tasawwuf*).

### *Transcendence, Narrative, and Temporality*

Secreted in Tayyab's narrative on extraordinary effort and interpretative commitment (*ijtihad*) is his concept of history, a notion perhaps more captivating and deserving of closer attention. Tayyab's notion of history in many ways resembles a form of *historia*, where narrative frames the key questions of his interpretative paradigm. It was akin to narrative history as opposed to a chronicled

history. Narrative history, as Hayden White points out, dramatizes historical events and novelizes certain historical processes in order to demonstrate that the “truths in which narrative history deals are of an order different from those of its social scientific counterpart.”<sup>24</sup>

Both poetic and noetic aspects of narrative history inform Tayyab’s philosophy of jurisprudence. In his discourse two terms worked in tandem: *takwin* and *tashri’*. *Takwin* denoted creation or cosmogony, and *tashri’* denoted the process of norm production. Muslim theologians theorized *takwin* as “the creation of form out of matter.”<sup>25</sup> In other words it was the existence of something material that came into being or was preceded by a sovereign act of divine willing and knowing.<sup>26</sup> Just as *takwin* was realized through a gradual process, the normative order, *tashri’*, was also linked to divine attributes that foreshadowed the onset of gradualism in history as an ideal.

Features of gradualism, *ta’anni* or *tadrij*, emanated from the divine attribute of *rububiyyat*, a Creator who nourished gradually.<sup>27</sup> In other words the normative order was something that formed over time and became known within a temporal sphere. Thus both the cosmic and normative orders were related to time. The emphasis on the generation of the universe was of course to mark a moment in the cosmological development of an ordered universe, rather than the restricted idea of creation.

Tayyab developed his ideas through a series of homologies. A homology, Raymond Williams reminds us, is where there is a correspondence in origin and development, which is different from analogy, for the latter emphasizes a correspondence in appearance and function.<sup>28</sup> In Tayyab’s view there is a homology between the process of temporal creation (*takwin*) and the process of norm making (*tashri’*). The alliteration and play between *takwin* and *tashri’*—cosmos and nomos—signified a homological relation. Then Tayyab reverts to analogy. In nature one is a witness, he notes, to both the “work of God” and the “word of God.” How? By apprehending God’s “work” one is a witness to the *act of creation*, and in attesting to God’s “word” one is a witness to an *act of revelation*. The parallels he draws here between the book of nature and the book of God could not be more obvious.<sup>29</sup> Temporal creation in nature and norm making via revelation coalesced and shared a singular ontological horizon in Tayyab’s view.

Temporal creation (*takwin*) on the one hand and nomothetic production (*tashri’*) on the other both, argued Tayyab, had a single beginning. They mirrored the two cosmic universes: the universe of creation and the universe of command (*‘alam al-khalq wa al-amr*). The latter reference was intuited from Qur’anic terminology, invoking a realm where the cosmic and normative coexisted. For Tayyab beginnings were located in a narrative. He put the Qur’anic narrative to work in which a cosmic day was equal to a thousand earthly years. The well-known cosmological myth of creation in the Abrahamic tradition claimed that

the world was created in a period of six days. However, in the view of many commentators, the process of creation always remained inscrutable.<sup>30</sup> One of Tayyab's pratfalls was an egregious display of literalism that propounded a fuzzy theory of Islamic evolution, claiming the world was created over a period of six thousand years! In doing so he also departed from the practice of traditional exegetes, many of whom had refrained from speculating on the empirical nature of cosmological references in the revelation.<sup>31</sup> Traces of a now-discredited eighteenth- and early-nineteenth-century version of creationism based on Genesis also seemed to have made its way into Tayyab's account. Biblical genealogies about two centuries ago suggested that the earth was six thousand years old, whereas Tayyab asserted, drawing on Islamic sources, that the advent of the Prophet Muhammad occurred exactly six thousand years after the first human, Adam, had made his appearance.<sup>32</sup> These serious factual lapses aside, I think the Tayyab's larger point remained valid.

Just as the cosmological order unfolded within chronological or natural time, the normative order, too, unfolded in natural time. The homology was perfect: the unfolding of the cosmos over time paralleled the uncoiling of normative practices in the long duration of human experiences. The latter culminated in the moral order brought by the Arabian Prophet. There was also some correspondence between cosmic and earthly times. "Within a period of 6,000 years," Tayyab pointed out, "the perfection (*takmil*) of matters related to cosmology and norms occurred." From his subsequent explanation one could read him as saying that the relationship of cosmos to *nomos* paralleled certain discrete features of physical evolution and social evolution, respectively, even though one had to discount his hazardous enthusiasm to calculate the exact amount of time involved.<sup>33</sup>

What both the cosmic and nomothetic spheres shared was their rootedness in certain unalterable and universal premises and principles. Tayyab's cosmology consisted of several interlocking universals (*kulliyat*). Thriving on the classics from Aristotle to Ibn Sina, he recalled the four principles or primary elements of water, earth, fire, and air as universals. These in turn generated other universals such as minerals, animals, and vegetation in a hierarchical order.<sup>34</sup> Similarly in the nomothetic sphere, the foundations and universals of religion were premised on rules, regulations, doctrines, and values. How did the cosmological and normative narratives square in Tayyab's homology? Actually they harmonized via unchanging and stable universals. Not only is the emphasis on the universal a key element in Tayyab's interpretative framework, but even the particulars carried the imprint of the universal when they were expressed in a coherent fashion. He writes, "Every particular [in law or *fiqh*] embodies a universal knowledge. Hidden in this universal knowledge [are two things]: a wisdom and



a universal interest. Hence, every interest is connected to an instant of perfection, which in turn is attached to one or another divine attribute.”<sup>35</sup>

But universality did not mean that a static order prevailed. When one investigates both nature and the cosmos, Tayyab says, it becomes possible to discover new wonders and mysteries. Tapping into the potential of nature produces an unending number of inventions for civilization. Familiarity with the normative process enables one to penetrate the hidden knowledge and secrets underlying the universal norms, the order of values and rules. By deploying these discursive tools, he claims, one can “produce new secondary questions, subtleties and nuances; realities and insights for religiosity (*tadayyūn*).”<sup>36</sup> Just as scientific discovery (*iktishaf*) deepens our knowledge of the cosmological realm (*takwin*), similarly continuous intellectual labor (*ijtihad*) deepens our appreciation of the normative order (*tashriʿ*).<sup>37</sup>

Tayyab’s sonorous rhetoric of inherent dynamism in nature and norms did not mean that he was sanguine on the lawfulness of developing new principles of interpretation (*ijtihad*) in law or moral philosophy. In his view both *ijtihad* and adhering to authority (*taqlid*) functioned as a pair—a role required and deemed desirable in the revealed law (Shariʿa).<sup>38</sup> Both terms—*ijtihad* and *taqlid*—metonymically related to a whole spectrum of meanings of creativity and authority. In order to be effective, both ideas had to be activated within an ordered realm (*nizam*), irrespective of whether such an order was of a religious or secular nature. The *character* of the order was more important than its *form*: it should neither be repressive and static, in Tayyab’s view, nor be so fragmented and dispersed as to be ineffective.

### *Hermeneutics of Ijtihad*

Three threads were interwoven in Tayyab’s overall interpretative frame (hermeneutic): piety, epistemology, and history. Overlooking these dimensions can result in a serious misreading of his project and simultaneously distort his unique perspective on things. In contemporary discussions of *de novo* and autonomous interpretation of Muslim law, ethics, and moral philosophy, one will seldom find the project of norm making, or norm discovery, as some prefer to call it, to be tied to questions of piety, the subjectivity of the jurist, and the personal ethics of the scholar. Tayyab, however, not only gave considerable attention to the subjectivity of the religious intellectual or scholar but made it the centerpiece of his discussion on the interpretation of the religious teachings.

In the discussion thus far, his story has centered on the discovery of new possibilities (*ijad*) in the cosmic realm (*takwin*) similar to the “book of nature” and the discovery of norms (*ijtihad*) in the normative realm (*tashriʿ*) as the equivalent of the “book of God.” Now a third dimension, completing the triad, discusses

how the divine imprint became manifest on every human heart and soul, or what mystics would call the “tablet of the heart.”<sup>39</sup>

### *Piety*

Starting with prophets, Tayyab points out, revelation (*wahy*) encodes the subjectivities of divinely deputed emissaries; the big picture of the moral order is transmitted via their subjectivities to the rest of humanity. Prophets adopted various means in order to achieve the larger goals and objectives of their missions by way of rules and practices only after their subjectivities were purified and perfected. There were clear advantages to prophets whose souls were spiritually elevated: for one it made it easier to provide role models in moral rectitude, and communities did not have to reinvent the wheel in certain issues. Since prophets were endowed with a level of moral and spiritual perfection beyond that of ordinary mortals, it was easy for them to construe the content of moral practices for their followers.<sup>40</sup>

On the other hand, lesser mortals, such as scholars, first had to discover the secondary rules of the moral and legal order through knowledge acquired from tradition via study and inquiry. As this class advanced in spiritual blessing (Urdu, *barkat*; Arabic, *baraka*) and piety (*tazkiya-e nafs* and *tasfiya-e qulub*) and all of these internal conditions were acquired by way of extensive exercises in meditation and introspection, they gradually grasped the larger moral picture of universal norms and moral reasons behind ethical practices. Spiritual preparation enabled scholars to perfect their grasp in extrapolating norms, to apply the correct types of analogical reasoning to their work, and to reach advanced levels of commitment and ability in the discovery of norms and values (*ijtihad*) embedded in the teachings. Faithful adherence to learning, as well as practice (*ilm va amal*), not only enhanced the integrity of scholars, but also facilitated divine wisdom being vouchsafed to them.<sup>41</sup> Tayyab approvingly cited a fragment of a prophetic tradition that stated: “Whoever acts on the learning they had acquired, God then discloses to them [special] knowledge they did not acquire [discursively].”<sup>42</sup>

A key word for ethical formation frequently used in the mysticism-friendly juristic discourses is *dhawq*. While the word literally means “to taste” or “sapience,” it is suggestive of connoisseurship in spiritual wisdom and knowledge of divine things. It presupposed that the subject was exposed to ethical and spiritual training in order to appreciate esoteric knowledge by developing an aesthetically sensitive ethical sensibility. Endowed with this capacity, the jurist was now further equipped to give coherence to all exoteric learning in terms of the overall purpose of religion, which was salvation. Master jurists (*mujtabidun*) who were endowed with a pious predisposition and subjectivity or those who had self-consciously cultivated such a capacity, said Tayyab, were permitted to rely on

privileged saintly knowledge or gnosis (*‘ilm ladunni*) granted to them. This disposition was a resource they could rely on when they exercised ethical and juridical discretion in discursive practices.

Those who criticized jurists for resorting to rational discourse failed to realize, Tayyab remonstrates, that the ideal jurist was one who combined scriptural learning with gnostic piety. Rebutting charges leveled against jurists who combined rationalism with piety, Tayyab possibly had puritan and scripturalist (*salafis*) trends in mind when he unapologetically stated that

in fact these [juristic] opinions are neither based on opinion or analogy, nor are they exclusively the yield of the capacities of the mind to be discounted as mere deeds of gross subjective discretion (*tasarruf-e dhati*). In fact, these learned opinions are the product of the ethical/spiritual temperament (*dhawqi quwwat*) of a jurist, one premised on the application of the *Shari‘a* dictum to “combine learning with practice.” As observations of such genuine spiritual experiences reveal, God transmits special knowledge into the heart of the master-jurist. In fact, the discretion in question is part of the *Shari‘a* and located in the essence of *Shari‘a*. . . . Like all heavenly revelations (*Shari‘a samawiyya*) that are exclusively from God, they finally become manifest by way of the tongues and hearts of prophets. . . . A non-prophet to whom inspiration (*ilham*) is vouchsafed through divine unveilings (*kushuf ilahi*) and knowledge of norms (*‘ulum tasbri‘i*) is in the terminology of the *Shari‘a* called “the inspired one or the one who was addressed [by God]” (*mubaddath*).<sup>43</sup>

In this pietistic version of *Shari‘a*, the sanctified subjectivity or knowledge of the heart illuminated by divine light (gnosis) became part of the revealed norm. If on occasion gnosis torqued the norm against the obvious meaning of a text, then Tayyab obviously found justification to exercise such hermeneutical discretion. He drew on the authority of a prophetic report that purported that the Qur’an was revealed in seven dialects (*sab‘a abruf*) and that each verse contained both “an exterior” sense (*zabar*) and “an interior” sense (*batan*). And the boundary of each verse, the report clarified, had an anagogic dimension, namely a mystical and spiritual sense (*muttala‘*).<sup>44</sup> Here the hermeneutical observation point transmuted into a virtual panopticon from where everything could be observed with clarity and sensitivity.<sup>45</sup> One should note that a peculiar quality of understanding (*fabm*) associated with the autonomous intellectual or master jurist (*mujtabid*) recurred in Tayyab’s treatment of this topic. Discursive understanding here was mingled with divine afflatus: the one who wished to qualify as a master jurist was also simultaneously someone whose subjectivity was molested by divine inspiration; he was a *mubaddath* with whom Providence shared the larger plan for the moral and salvific education of humanity.<sup>46</sup>

This perspective of a master jurist being someone who had a special spiritual disposition and a sanctified subjectivity was not unique to the Deobandi scholars, although they were among the few contemporary schools to articulate explicitly their juridical deliberations within a paradigm of piety. The fourteenth-century jurist-theologian Taqi al-Din Ahmad Ibn Taymiyyah extolled the clarity of intellectual vision if it was linked to spiritual merit.<sup>47</sup> Spiritual clarity was like a luminescent lamp and a dwindling lamp on a dark night: each would disclose its surrounding space according to the strength of its light. Similarly believers who were guided by, in his words, the “heart’s inspiration” (*al-ilham al-qalbi*) could in the absence of directive guidance make intuitive judgments that were in accord with the truth and the “light of the Qur’an.” These intuitive verdicts in refuting something to be false and flawed were in epistemic status parallel to the authority of the types of textual statements (*al-qawl*, *al-ilm*, and *al-zann*) that jurists used in their work. Ibn Taymiyyah then goes on to cite the prophetic report on the virtues of persons known to enjoy the status of a *mubaddath*, counting the companion ‘Umar to be among this category of persons. A *mubaddath* was someone to whom divine inspiration was vouchsafed and whose heart the Divine addressed: *al-mulham al-mukataba fi sirribi*.<sup>48</sup>

### *Epistemology*

Tayyab had a clear-eyed view of the link between the piety and inner self-perfection of the jurist, on the one hand, and matters of epistemology and discursive knowledge, on the other. In fact he proposed a dialectical relationship between the gnosis of the jurist and the discursive knowledge of the tradition. Anyone left pondering about discursive knowledge for the purposes of intellectual autonomy (*ijtihad*) should first pay attention to “tradition” or “modes of religious knowledge that was transmitted” (*riwayat*) and, second, not ignore the importance of “comprehending” (*dirayat*) such transmitted knowledge in all its hermeneutical complexity.<sup>49</sup>

Instrumental learning, such as the verification of reports and authenticity of texts, as well as their different modes of transmission and preservation over time and, finally, the interpretation and understanding of such teachings, was all in Tayyab’s view part of a larger providential scheme. If the persons associated with the transmission of knowledge, learning, and the hermeneutical processes were bereft of saintly virtues, then such a deficit will prove to be damaging to the integrity of revealed knowledge. Personal piety was an index of integrity and was assumed to serve as a deterrent against any degradation of the sources of information.

The gravity and enormity attached to the exercise of intellectual autonomy can be attributed to several things. For one the master jurist had an intimate role in shaping as well as disclosing the knowledge of revelation as contained in the

Qur'an and in the practice of the Prophet Muhammad. Then it further required that such learning be meticulously relayed to the community. In other words the task at hand lent an aura of sanctity to the person and office of the jurist (*faqih*). So what matched the responsibility shouldered by the jurist was the extraordinary authority that such persons wielded in the transmission and production of the tradition.

Tayyab placed the role of the *mujtabid* in a larger historicist frame. He acknowledged human diversity in the understanding of phenomena. This could well result in some people being smarter than others. However, not every smart person, he observed, could qualify to be an autonomous intellectual authority. "Only trustworthy understanding (*fabm*) is credible and by an act of divine love, divinely gifted knowledge (*'ilm ladunni*) reaches the heart of the *mujtabid*. In other words, it is a realm parallel to the realm of creation: any person of greater or lesser understanding cannot become an inventor (*mujid* [active participle of *ijad*]). In every age there is a surplus of inventors. But when the wisdom of God, the Sublime, wishes to see the advance and progress (*taraqqi*) of certain aspects of a civilization (*tamaddun*) above others, then It [Divine Wisdom] over time identifies a few distinguished persons [literally, 'minds'] and delegates them to undertake the creative work."<sup>50</sup> Tayyab left little doubt in the mind of his reader that he subscribed to a providential understanding of history. To reinforce the point, he continued: "Similarly, in matters concerning the realm of moral commands (*kai'nat-e 'amr*) not every intelligent and smart person can become one who wielded authority to attain intellectual autonomy (*mujtabid*). Nor are *mujtabids* born in every age. Whenever Divine Wisdom wishes to disclose certain concealed aspects of religiosity then individuals of extraordinary talent are made to arise and in their hearts is placed a temperament for intellectual autonomy (*dbawq-e ijtihad*). With their divinely endowed sensibility (*wabbi dbawq*) these persons elucidate specific dimensions [of religion] with clarity . . . and present it to the community (*ummah*)."<sup>51</sup>

Tayyab makes two distinct hermeneutic moves. In the first move, the invisible hand of Providence plays a crucial role in human affairs. Apart from the uncanny echoes of Adam Smith, in Tayyab's words the invisible hand of Providence promoted and regulated the public interest and distributed what was necessary in every age of life.<sup>52</sup> The second move signals the importance of a division of labor.

### *History*

Temporality was the centerpiece of Tayyab's narrative on the production of moral knowledge in Islam. A unique conception of time also framed his philosophy of history. Indeed time in Tayyab's model was sliced like gourmet sandwiches in a hamper with no two blandishments having identical garnishings. Tayyab imagined each epoch in time as having unique features. It was as if he visualized

each with its own DNA while providing something akin to a map of sequenced time. In the scenario he sketched, he assumed that in each given community and at specific times in history, people had unique abilities, talents, and potential. With these talents they performed and fulfilled a variety of functions. But after some time—and here Tayyab did not clarify whether this happened over decades or centuries—these abilities disappeared and were supplanted by other talents and capacities more suitable to the newer epoch.

For example Tayyab believed that the labor invested in transmitting knowledge (*riwayat*) of the Shari‘a was perfected by the early communities of Muslim scholars. Prodigious memories in oral cultures came to good use in order to secure for posterity a record of the activities of the nascent Muslim community in Arabia. If the period of the oral tradition of Islam was not paired with an epoch in which people had prodigious memories, the interdependent readings of the primary sources of Islam might in all likelihood have vanished. But by providential fiat these talents peaked within several generations and then flattened; such distinctive features only remained relevant at particular moments in history. Without using the term *evolution*, Tayyab was unequivocal as to what he meant: when certain capacities and talents were not needed, then social evolution ensured that these capacities gradually disappeared. A similar pattern was discernable in the transmission, recording, and dissemination of prophetic reports (*hadith*). Hadith historiography that verified chains of transmissions and their innumerable narrators had been perfected, Tayyab argued, in the early centuries of Islam. The bulk of that intellectual edifice was already established. Today, in his view, there was very little need to continue with elaborate critiques of Hadith transmitters. Why? Because the talents, learning, and predispositions required for such tasks were no longer regnant.

Similarly the comprehension (*dirayat*) of the broad outlines of the Shari‘a too had been perfected by earlier generations. Therefore it would be redundant to reinvent the same tasks in the present without a genuine and justifiable need. In fact he invoked a naturalistic argument, saying that humans had evolved and no longer exhibited capacities and talents to understand the original narratives of the faith. For example the early jurists established the universal principles (*kulliyat*) of the juridical-moral order followed by linking an innumerable number of real-life cases and particulars (*juz‘iyat*) to the logic of a universal. In what might be Tayyab’s least satisfactory point, he claimed without explaining that the talents to undertake such foundational tasks were no longer with us. And in terms of the abstract genetics of temporality that Tayyab fostered, one suspected that, like dinosaurs, certain types of work and talent were just no longer around.

Seeking to pursue *ijtihad* by way of discerning the *ratio legis* of rules, practices, and doctrines in the same manner the early generations of scholars had was in his view a futile pursuit. The early scholars had elegantly perfected this task by

elaborating the taxonomies of legal reasons. Reinventing such tasks, in his view, would amount to engaging in a redundant activity. It was a natural rule, he said, that when a certain goal was reached and saturated then the potential required to fulfill such tasks also naturally became extinct.<sup>53</sup> One wonders what Tayyab would have made of the information age, in which scientific invention had opened an infinite number of possibilities for the computation and processing of information in literate cultures where new conceptions of memories (social imaginaries as well as conceptions of the past), society, and normativity supplanted previous ones. Would not the information age have something to contribute to the construction of Islamic thought in a radically different way from what classical Muslim scholars had imagined?

Tayyab's theory was not free from ideological commitments that lead to a specific set of beliefs overriding the gathering of facts and information of the past. Historical studies, Hayden White points out, were also caught on the horns of a dilemma.<sup>54</sup> In order to be a science, history had to have a theory; but to have an interest in theory meant to foreclose on the disinterested gathering of information. The resolution of this dilemma was called the historicist vision of historical reality. Historicity advanced a social mode of being in the world marked by a particular experience of temporality, not unlike Tayyab's reflections about time.

Drawing on the work of Reinhart Koselleck helped White to make a crucial distinction between historical time and natural time. Thus the content of history, he writes, "could be grasped as social reality undergoing changes quite unlike those that nature underwent."<sup>55</sup> "Historical change could be seen to differ from natural change," White continues, "by its heterogeneity, multileveledness, and variability of rate of acceleration. With the discovery that the time of history was different from the time of nature, men also came to believe that historical time could be affected by human action and purposiveness in ways that natural time could not, that history could be 'made' as well as 'suffered,' and that a historical knowledge true to its 'concept' provided the prospects for a science of society that balanced the claims of experience with the insistencies of expectation, hope, and faith in the future."<sup>56</sup>

In Tayyab's view propositional attitudes from perceptual sensations to spiritual orientations differed in major ways from one time period to another. While there is little reason or evidence to suspect that Tayyab was familiar with the thoughts of Johann Gottfried von Herder, there are uncanny parallels between the eighteenth-century German thinker and this twentieth-century Indian thinker. One reason for the coincidence in thought could be that both men valued tradition. One passage from Herder is more than suggestive and captures the parallels. In words directed at Kant, Herder writes: "In reality, every mutable thing has within itself the measure of its time; this persists even in

the absence of any other; no two worldly things have the same measure of time. . . . There are therefore (one can state it properly and boldly) at any one time in the universe innumerable many times."<sup>57</sup> While Herder's point is to stake out the multiple nature of time and its atomism, he does undoubtedly link all mutable things to time. Tayyab's point, too, is to connect every thing to the measure of its time, and hence no two moments and things were the same: each was unique.

Canonical traditions in Tayyab's view were certainly vulnerable to radical criticism and revision. Radical revision could effectively disable the groundwork laid by the founders. Tayyab chafed at the pretentiousness of certain modern Muslim thinkers who wished to throw open the doors to intellectual autonomy and de novo interpretation of the tradition. In his broadsides he caricatured Muslim modernist claims with a warning: trying to engage in *ijtihad* would not only undo the intellectual labors of past scholars; even worse, he predicted, it would uncoil the canon and produce a totally distorted and unrecognizable Islam.

With his moral solicitude evident, one can begin to understand, without endorsing his position, why Tayyab's elaborate theory tried to naturalize the temporal order of the tradition into unique units, each with its own peculiarities. After explicating his view of natural temporality, he superimposed or used the same template for historical temporality. The uniqueness of time and the things produced in time, as part of a concept of history, allowed Tayyab to paint the self-authenticating scholars—the founders and master jurists of the major law schools—in radiant and exceptional colors. In his account the world of the master jurists was a peerless one, a state of exception orchestrated by providence and never to be repeated. Here Tayyab was clearly engaged in a "naturalistic fallacy" of deriving an *ought* from an *is*. He concluded that how one perceives things *are* is also how they *ought* to be. This is no surprise, since he did not distinguish between natural and historical time and thought both to be identical. The upshot of his meditations was that certain intellectual practices and questions ought not to be entertained. And if there were precedents in the past for such methods of inquiry, then in his view they should remain one-off occurrences. Why these modes of inquiry and practices should remain inimitable, Tayyab did not explain. A skeptic could also conclude that his hermeneutic favored the interests of the learned classes, the *ulama*, whose role would be indispensable as interpreters and authorities of the tradition. A less skeptical explanation could be that he attempted to safeguard the operation of the canonical tradition, masking his fears that aggressive and foundation-shaking questions could undo its coherence.

The only form of intellectual autonomy (*ijtihad*) that Tayyab tolerated was what he called "a general investigation and inquiry related to the Qur'an and Sunna that facilitated reflections that would make visible the subtleties and



realities [of these two sources].”<sup>58</sup> Ijtihad here meant to generate normative teachings in order to establish standards for practices in every age and to give appropriate moral-judicial responses (fatwas). Another form of *ijtihad* that he condoned was labors to refute attacks on Islam. Defenders of Islam were urged to draw new inspiration from the authoritative “source texts” (*nusus*), which in addition to the Qur’an and prophetic reports also implied the invocation of other authoritative scholarly writings, especially those that had been canonized in the tradition. Here Tayyab did view adjustments as well as innovation in dogmatic theology favorably, in order to advance the possibility of individual *ijtihad*, and came very close to Muslim modernist positions like those advanced by Shibli Nu‘mani and Muhammad Iqbal, both prominent intellectual figures in prepartition India.<sup>59</sup>

### Conclusion

Tayyab explained every epoch with providence’s hand directing the moral compass of Muslim society through different modes of learning and knowledge. Despite some resemblance to Herder, one cannot help thinking that his narrative was also a kind of apologetic. One required more than just persuasion to accept some of his propositions unless one had a purchase on his concept of history that rested at the center of his project: natural time the way he understood it had a homology in historical time. For Tayyab history occurred *in* time, namely, natural time, as well as *through* time, namely, historical time, since both were identical in his framing. The way he repeatedly paired historical time to nature left one in no doubt that he conflated the two. If so, then he imagined history to occur *through* time, which in itself was a very modern move. There were strong overtones of salvation history in Tayyab’s writings. The need to control and construct the past had to do with the way the present and future were construed both in terms of eschatology and also in terms of the velocity of change brought on by modernity. It remains to be seen if Tayyab’s understanding of *ijtihad* will go with him and his generation to their graves or whether his followers will set the agenda for the future like votive pillars to the glory of the tradition in the next hundred years.

Writing about Ibn Khaldun, Bruce Lawrence shows that what was different about the fifteenth-century North African scholar was his “ability to travel in the imagination of his own world, to create another perspective that at once linked him to his contemporaries yet set him apart from them.”<sup>60</sup> The key word here is *difference* in all its deconstructionist glory, where it means “to differ” as well as “to defer” (as in to postpone or delay). In many ways Tayyab and his Deobandi cohorts cherished their unique social imagination, which I hope I have succeeded in demonstrating, and how it set them apart from some but also related them to others both contemporaneously as well as over time. This raises

the questions: Do Tayyab and his colleagues represent a distinct trend in South Asian traditionalism with a vision of *ijtihad* and *taqlid* and thus of Islamic reform that was different in its modus operandi compared to trends that enjoyed currency in the Middle East? Or was this a form of apologetics and traditionalist dogmatic theology whose relevance might be seriously questioned? I am reluctant to make hasty judgments. Whether we perceive this as traditionalist “quirkiness or eccentricity, narcissism or genius,” to cite Lawrence once again, does not detract from the profound merits of the arguments.<sup>61</sup> This specific Indian tradition of law mingled with spirituality, as Lawrence points out elsewhere, was not only under threat from revivalists, but they would also be challenged by a whole new global constituency, previously unthinkable, namely, Muslim cybernauts.<sup>62</sup> In the age of the Internet, he writes, “authority is more diffuse now than it was two hundred, or even ten, years ago,” and *ijtihad*, once the purview of the *ulama*, now belongs to the World Wide Web and even includes women, whose voices and opinions can be distinctly heard in cyberspace. While it is difficult to pronounce what the impact of *e-ijtihad* will be, one can with some certainty predict that *ijtihad* conceived and conducted in this new medium will ontologically change the age-old Muslim practice, similar to the way it underwent change because of modernist pressures. This possibility, needless to say, was one that Tayyab did not even imagine, let alone countenance when he somberly meditated on this issue in the previous century.

It is clear that the discursive tradition of at least one strand of Islamic traditionalism in South Asia viewed “Islamic law” or juridical theology to be related to more than just material conditions and contingencies; it was also intimately related to fundamental questions of subjectivity and ontology. South Asian and Iranian traditional scholars, to my knowledge, remained the last vestiges of tradition where the theological and spiritual aspects of religiosity were scrupulously adhered to as an integral part of juridical discourse. In the discussions above, I provided some glimpses as to how the practice of norm making was deeply implicated in the practices of spirituality. A jurist, from this perspective, was not only a practitioner of discursivity; he was also the purveyor of piety. Talking about the role of the spiritual master, the *pir*; in medieval Indian Islam, Lawrence succinctly captured the role of the pious jurist along the lines Tayyab contemplated this individual: “Living at a point in time within a community . . . the *pir* mediates the will of God; he makes alive the sanctity of the Qur’an and the reverence for Tradition; he transmits stories and recites poetry that reflect a right outlook and correct behavior, or sometimes merely provide relief from the tedium of spiritual discipline. He becomes the embodiment of piety, learning and hope. He prays and he teaches; he teaches and prays.”<sup>63</sup> In short, spiritual and ethical formation was part of the habitus of the jurist-theologian, whose being was intimately related to the process of norm making or the discovery of

the ethical and moral norm for everyday behavior that is equally part of the pursuit of the Divine. Actually it might be more accurate to say that in Tayyab's view, the jurist was the instrument of Providence. The jurist fulfilled a minor prophetic role as heir to the knowledge of the prophets (*waratba-t al anbiya'*) and thus was also the addressee of divine afflatus (*muhaddath*).

## NOTES

1. In this article the polysemous term *ijtihad* will approximate the following senses in translation: independent thinking, independent juridical reasoning, self-authenticating principles, and juridical discretion.

2. See Gayatri Chakravorty Spivak, *A Critique of Postcolonial Reason* (Cambridge, Mass.: Harvard University Press, 1999), 331. Also see the *Oxford English Dictionary*, s.v. "catachresis."

3. Abu Hamid Muhammad b. Muhammad al-Ghazali, *Al-mustasfa min 'ilm al-usul*, ed. Sulayman al-Ashqar, 2 vols. (Beirut: Mu'assasat al-Risala, 1417/1997), 2:164.

4. Muhammad b. Idris al-Shaf'i, *Al-risala*, ed. Ahmad Muhammad Shakir (Beirut: al-Maktaba al-'Ilmiyya, n.d.), 507–14.

5. See Muhammad 'Abd al-Hayy al-Laknawi, "Al-nafi' al-kabir li man yutali' al-jami' al-saghir," in *Majma'a sab'a rasail* (Karachi: Saeed, 1418/1997), 173–215.

6. See Wael B. Hallaq, ed., "Issues and Problems," special issue of *Islamic Law and Society* 3, no. 2 (1996); also Mohammad Fadel, "The Social Logic of Taqlid and the Rise of the Mukhatasar," *Islamic Law and Society* 3, no. 2 (1996): 193–233, and Sherman A. Jackson, "Taqlid, Legal Scaffolding and the Scope of Legal Injunctions in Post-Formative Theory Mutlaq and 'amm in the Jurisprudence of Shihab Al-Din Al-Qarafi," *Islamic Law and Society* 3, no. 2 (1996): 165–92.

7. Abul Hasan Ali Nadwi, *Islam and the World* (Lucknow: Islamic Research Academy, 1980); Muhammad 'Abid al-Jabiri, *Nabnu wa al-turath* (Beirut: al-Markaz al-Thaqafi al-'Arabi, 1993), esp. 11–72.

8. Bruce B. Lawrence, *Defenders of God: The Fundamentalist Revolt against the Modern Age* (San Francisco: Harper & Row, 1989; repr., Columbia: University of South Carolina Press, 1995), 214.

9. *Ibid.*, 215.

10. Carl W. Ernst and Bruce B. Lawrence, *Sufi Martyrs of Love: The Chishti Order in South Asia and Beyond* (New York: Palgrave Macmillan, 2002), 118–25.

11. 'Abd al-Hayy b. Fakhr al-Din al-Hasani, *Nuzhat al-khawahir*, 8 vols. (Multan: Tayyab Akademi, 1413/1992), 7:420–22.

12. Mawlana Habib Allah, ed., *Majalis hakim al-umma ma' sawaneh-e hayat hakim al-islam bazrat mawlana qari Muhammad*, 2 vols. (Multan: Idara Ta'lifat-e Ashrafiya, 1417 A.H.), 1:65–67.

13. On this conflict, see Muhammad Manzoor Nu'mani, *Dar al-ulum Deoband ka qadiya 'awam ki 'adalat main* (Deoband: Dafta-e Ihtimam Dar al-'Ulum Deoband, c. 1403/1982).

14. For more on Thanawi, see Muhammad Qasim Zaman, *Asbraf 'Ali Thanawi* (Oxford: Oneworld, 2008), and Habib Allah, *Majalis*, 1:42–45.

15. Johansen Baber, *Contingency in a Sacred Law: Legal and Ethical Norms in the Muslim Fiqh*, ed. Ruud Peters and Bernard Weiss, *Studies in Islamic Law and Society*, vol. 7 (Leiden: Brill, 1999), 58.

16. I am aware that many scholars translate *taqlid* as *imitation*, but observing or following is merely metonymy for adherence to authority.
17. Qari Muhammad Tayyab, *Ijtihad aur taqlid* (Lahore: Idara-e Islamiyat, 1978), 6.
18. *Ibid.*
19. See Claudia Preckel, "Ahl-i Hadith," in *Encyclopaedia of Islam*, ed. Gudrun Krämer et al. (Leiden: Brill, 2008), available online at [http://www.encyislam.brill.nl/subscriber/entry?entry=eii33\\_COM-0107](http://www.encyislam.brill.nl/subscriber/entry?entry=eii33_COM-0107) (accessed July 15, 2009).
20. Muneer Goolam Fareed, *Legal Reform in the Muslim World: The Anatomy of a Scholarly Dispute in the Nineteenth and Early Twentieth Centuries on the Usage of Ijtihad as a Legal Tool* (San Francisco: Austin & Winfield, 1996), 145.
21. Muhammad Yasin Akhtar al-A'zami Misbahi, "Note of the Academy-Kalimat al-Majma'," in Ahmad Rida al-Qadiri al-Barelwi, *Jadd al-mumtar 'ala radd al-mubtar*, vol. 1 (Hyderabad: al-Matba'a al-'Aziziyya, 1982), 6.
22. Tayyab, *Ijtihad aur taqlid*, 39–44.
23. *Ibid.*, 18.
24. Hayden White, *The Content of the Form: Narrative Discourse and Historical Representation* (Baltimore: Johns Hopkins University Press, 1987), 44.
25. Samih Dughaym, ed., *Mawsu'a mustalabat 'ilm al-kalam al-islami*, 2 vols. (Beirut: Maktaba Lubnan, 1998), 1:379; Sa'd al-Din Mas'ud b. 'Umar al-Taftazani, *Sharh al-'aqa'id al-nasafiya: Fi usul al-din wa 'ilm al-kalam*, ed. Claude Salama (Damascus: Wazara li'l-Thaqafa wa 'l-Irshad al-Qawmi, 1973), 62; Muhammad 'Abd al-'Aziz Parharwi, *Al-nibras sharh sharh al-'aqa'id* (Bindyal Sharif, Sargoda: Shah 'Abd al-Haqq Academy, 1397/1977), 234.
26. Muhammad A'la al-Tahanawi, *Mawsu'a kashshaf istilabat al-funun wa al-'ulum*, ed. Rafiq al-'Ajam, 2 vols. (Beirut: Maktaba Lubnan, 1996), 1:85, 505; Parharwi, *Al-nibras sharh sharh al-'aqa'id*, 235.
27. Tayyab, *Ijtihad aur taqlid*, 9.
28. Raymond Williams, *Marxism and Literature* (Oxford: Oxford University Press, 1986), 105.
29. Tayyab, *Ijtihad aur taqlid*, 7.
30. Muhammad Rashid Rida, *Tafsir al-qur'an al-bakim al-sabir bi tafsir al-manar*, 12 vols. (Beirut: Dar al-Ma'rifa, n.d.), 8:444–54.
31. Al-Hafiz 'Imad al-Din Abu al-Fida' Isma'il Ibn Kathir and Muhammad 'Ali al-Sabuni, ed., *Mukhtasar tafsir Ibn Kathir*, 3 vols. (Beirut: Dar al-Qur'an al-Karim, 1402/1981), 2:25.
32. See H. Allen Orr, "A Religion for Darwinians?" *New York Review of Books*, August 16, 2007, 33.
33. Tayyab, *Ijtihad aur taqlid*, 12.
34. *Ibid.* Also see Aristotle, "Metaphysica," in *The Basic Works of Aristotle*, ed. Richard McKeon (New York: Modern Library, 2001), 697, and Seyyed Hossein Nasr, *An Introduction to Islamic Cosmological Doctrines* (Bath: Thames & Hudson, 1978).
35. Tayyab, *Ijtihad aur taqlid*, 18.
36. *Ibid.*, 13.
37. *Ibid.*
38. *Ibid.*, 56.

39. Abu Hamid Muhammad b. Muhammad al-Ghazali, "Kitab al-tawhid wa al-tawakkul," in *Ihya' ulum al-din* (Beirut: Dar al-Kutub al-'Ilmiyya, 1421/2001), 4:219.
40. Tayyab, *Ijtihad aur taqlid*, 25.
41. For similar views of the role of esoteric knowledge in moral thought, see Muhibb Allah Ibn 'Abd al-Shakur, *Musallam al-tbubut fi usul al-fiqh*, 2 vols. (Beirut: Dar al-Kutub al-'Ilmiyya, 1403/1983), 2:401–2.
42. Tayyab, *Ijtihad aur taqlid*, 26.
43. *Ibid.*, 27.
44. For more on the anagogic or *muttala'*, see Louis Massignon, *Essay on the Origins of the Technical Language of Islamic Mysticism*, trans. Benjamin Clark (Notre Dame, Ind.: University of Notre Dame Press, 1997), 95.
45. The reference to the panopticon is borrowed from Michel Foucault, who puts to use Jeremy Bentham's tower from where all inmates in a prison can be effectively viewed and monitored; see Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Vintage, 1995), 200.
46. Tayyab, *Ijtihad aur taqlid*, 27.
47. Taqi al-Din Ahmad Ibn Taymiyyah, *Majmu'a al-fatawa*, 2nd ed., ed. 'Amir al-Jazzar and Anwar al-Baz, 32 vols. (Mansura, Egypt: Dar al-Wafa', 1419/1998), 19:29.
48. *Ibid.*
49. Tayyab, *Ijtihad aur taqlid*, 60.
50. *Ibid.*, 40.
51. *Ibid.*
53. See Adam Smith, *The Theory of Moral Sentiments*, ed. D. D. Raphael and A. L. Macfie (Indianapolis: Liberty Fund / Oxford University Press, 1984), 184, esp. n. 7.
53. Tayyab, *Ijtihad aur taqlid*, 60.
54. Hayden White, foreword to *The Practice of Conceptual History: Timing History, Spacing Concepts*, by Reinhart Koselleck (Stanford, Calif.: Stanford University Press, 2002), x.
55. *Ibid.*, xi.
56. *Ibid.*
57. Cited in Reinhart Koselleck, *Futures Past: On the Semantics of Historical Time*, trans. Keith Tribe (Cambridge, Mass.: MIT Press, 1985), xxii.
58. Tayyab, *Ijtihad aur taqlid*, 64.
59. See Mehr Afroz Murad, *Intellectual Modernism of Shibli Nu'mani* (Lahore: Institute of Islamic Culture, 1976); Muhammad Khalid Mas'ud, *Iqbal's Reconstruction of Ijtihad* (Lahore: Iqbal Academy Pakistan, 2003).
60. Bruce B. Lawrence, "Introduction to the 2005 Edition," in *The Muqaddimah*, ed. Franz Rosenthal and N. J. Dawood (Princeton, N.J.: Princeton University Press, 2005), viii.
61. *Ibid.*
62. miriam cooke and Bruce B. Lawrence, introduction to *Muslim Networks from Hajj to Hip Hop*, ed. miriam cooke and Bruce B. Lawrence (Chapel Hill: University of North Carolina Press, 2005), 23–25.
63. Bruce B. Lawrence, *Notes from a Distant Flute: The Extant Literature of Pre-Mughal Indian Sufism* (Tehran: Imperial Iranian Academy of Philosophy, 1978), 91.