



4

THE DEBTS AND BURDENS OF CRITICAL ISLAM

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A great painter does not content himself by affecting us with masterpieces; ultimately, he succeeds in changing the landscape of our minds.¹

INTRODUCTION

Modern Muslim thinkers are not only challenged to be innovative, but they are also simultaneously required to engage with tradition. And yet, the content of tradition is possibly one of the most complex and contentious issues contemporary Muslims face. In the past two hundred years, tradition has been subject to an extraordinary assault both from within Muslim societies as well as from outside. The advent of colonization brought yet another tradition, namely modernity, into a more forceful encounter with Muslim tradition.

On the one hand there are the pre-modern or traditionalist/“orthodox” accounts of tradition.² On the other hand, staunch advocates of Enlightenment rationality within Muslim societies not only challenge the idea of the pre-modern tradition or tradition itself, but propose a version of modernity as a mode of living and thinking for Muslim societies. The poet-philosopher Muhammad Iqbal was extremely perceptive in understanding the challenge with which the modern Muslim intellectual has to grapple. “The task before the modern Muslim is therefore, immense. He has to rethink the whole system of Islam without completely breaking with the past . . . The only course open to us is to approach modern knowledge with a respectful but independent attitude and to appreciate the teachings of Islam in the light of that knowledge, even though we may be led to differ from those who have gone before us.”³

This dilemma to keep past and present in a productive conversation while producing something entirely innovative and fresh has had a fairly schizophrenic outcome, to put it mildly. On the one hand, religious knowledge is regarded as being coterminous with the pre-modern Muslim tradition itself, with the full pedigree of authenticity and legitimacy. That version of tradition continues its passage through the modern period largely by resisting modernity or grudgingly adjusting to modernity, on its own terms. On the other hand, another more contested Muslim tradition that is more euphoric about modernity and dazzled by its rapture develops side-by-side with the pre-modern tradition. This one is relatively smaller, has less popular appeal, and remains the domain of a small elite. In between these two polarities a plethora of traditions emerge that co-exist within Muslim societies and communities globally. Thus, it is preferable to speak of Muslim traditions in the plural. Like all traditions, continuity and discontinuity are essential elements in a dynamic and organic tradition.

The question of innovation and continuity in tradition has never been an unproblematic one in Muslim societies. From Islam's very inception in the seventh century and afterwards, Muslim intellectuals have found themselves embattled by this question. It has its roots in the furious debates about the legitimacy of borrowing knowledge and insights from the Greeks, Indians, Persians, especially Aristotelian philosophy and Neoplatonic mystical knowledge. Intellectuals have found themselves on both sides of the debate. A close examination enables one to see clear battlefield scars on the knowledge handed down the centuries in the multi-dimensional and polyvalent Muslim intellectual tradition. For many scholars, like al-Farabi, al-Baqillani, Ibn Sina, al-Juwayni, al-Ghazali, and many others, there could be no boundaries in matters of knowledge. Knowledge itself could not be tainted by the religion, ethnicity, or beliefs of the producer of knowledge, since we have the tools of independent judgment to evaluate it on its merits. Their attitude was shaped by the belief that "foreign knowledge" was the "lost camel of the believer." Wherever believers find such knowledge, they were the most deserving of it. But these scholars have also had their opponents. Many luminaries in the early intellectual tradition balked at even studying the knowledge of "others," let alone internalizing it and employing such knowledge to illuminate the teachings of Islam. For men like al-Shafi'i, Ibn Hanbal, Ibn Salah, and even more so Ibn Taymiyya, knowledge that had its provenance in other cultures and civilizations had a corrupting influence on the legacy of the pious ancestors of early Islam. For them the teachings of the Qur'an and those of the Arabian Prophet were sufficient and could not be contaminated with the ways of thinking of other cultures.

This is but a very brief and simplified snapshot of the kinds of debates that preceded us. Knowledge produced in those medieval contexts was not uncontested. In fact, what is often hailed as the high point of Islamic civilization and knowledge was also a period of contestation, conflict, and debate not very different from ours. Innovation in knowledge did not come without a price.

Knowledge, like the birth of a new style in the art of miniature portraits, “is the result of years of disagreements, jealousies, rivalries and studies in colors and painting,” says one of the characters of the Turkish novelist Orhan Pamuk.⁴ While the most gifted of painters, writers, and scholars will beget the innovations, to the rest will fall the “singular duty of perfecting and refining this style through perpetual imitation.” Both the innovators as well as the imitators deserve our respect, even though we acknowledge that we may no longer be able to agree with their views today.

How do we both acknowledge the debt we owe to our intellectual predecessors and at the same time also recognize that they are products of their time just as we too are products of our time? To simultaneously acknowledge and respectfully disagree requires humility. The British historian E.P. Thompson offers sobering advice. When reviewing the past, we moderns have a tendency to gravitate towards elitism and vanguardism, especially when our practical experiences do not live up to theoretical hopes we thought the past could offer.⁵ Often we may incline to judge the people and the times of the past rather harshly when they do not live up to our expectations. This is what Thompson in his justly famous and endlessly quoted phrase calls that “enormous condescension of posterity” to dismiss all movements and ideas that have not made the grade by today’s standards of ideology of achievement.⁶ For people who wish to build and innovate in tradition such condescension will be unhelpful, if not serve as an obstacle to any kind of progress.

Another useful approach is offered by the prodigious belletrist (*adib*) and rational thinker ‘Amr b. Bahr al-Jahiz (d. 255/868). Jahiz shows complete awareness of the double debt of the Muslim community, both to the hereditary intellectual tradition, as well as to the tradition in the making: the ongoing and unfolding knowledge-making (discursive) tradition. Yet, he notes that one’s attitude towards the earliest fathers of the tradition should not be marked by a stultifying reverence, but that it should rather be similar to one’s stance towards posterity. “For surely we inherited more edificatory admonition (*‘ibra*),” observes Jahiz, “than our predecessors ever found; just as posterity will acquire an even larger amount of edificatory admonitions than we did.”⁷ Jahiz implies that by means of an unending and continuous process of accumulation, each later generation will have an advantage over its predecessors because they will have a larger body of knowledge at their disposal from which they can derive meaningful insights. His social Darwinism aside, Jahiz does open the door for a continuous revision and engagement with the legacy of the past.

ISLAM/ISLAMISMS OR SPECIES OF MUSLIMNESS?

Like our predecessors, we too are faced with uncomfortable questions. Whenever we, like those in the past, go about our ordinary practices or when we raise difficult questions, we consciously or unconsciously make assumptions and

tenaciously hold on to certain imaginations, about ourselves as well as the worlds that we inhabit. In doing so, each one of us also articulates a version of “Islam.” This proposition has led some scholars to say that there is not one, single, monolithic “Islam,” but a multiplicity of “Islams.” While I may not disagree with the underlying idea in this formulation, it also has the tendency to miscommunicate with lay audiences or tends to deny the idea of Islam as an event in history. What many “Islams” suggest is that there are many discursive traditions through which Muslims imagine themselves. It is through different ways of conceiving knowledge in all its complexity of time and space that people adhering to this faith identify themselves as “Muslim.” In other words we can say that there are multiple and diverse forms and articulations of “Muslimness” or “being Muslim.” In other words what we really have are multiple representations of being Muslim, embodied by concrete individuals and communities.

To argue whether there is one Islam or many leads to a somewhat fruitless and hypothetical debate as to whether an ideal formulation of Islam existed in the first place. And, if it did exist, where, when, and how did it do so and why did it cease to exist? These questions certainly have the character of being conversation stoppers. For, whatever Islam *is*, the closest we can come to what “it” is or is not, is through its embodiment in concrete forms, practices, beliefs, traditions, values, prejudices, tastes, forms of power that emanate from human beings who profess and claim to be Muslim or profess belonging to a community that calls itself Muslim. Needless to say, in each representation of themselves as being Muslim, they also simultaneously contest the meaning of their Muslimness in relation to others. Their claims inevitably make them assert doctrines and practices that signify some of kind of sectarian, political, and ideological affiliation. In the process, they either de-legitimize, affirm, or are indifferent to each other. Nevertheless, whatever they do, they do so in the matrix of the complexity of their Muslimness. In doing so they may put on display appealing and desirable manifestations of their Muslimness or they could represent ugly and disgusting manifestations of their Muslimness.

Imagine how jarring it might be to the sensibilities of ordinary Muslims, if one were to talk about an ugly Islam and a pretty Islam? For the immediate reflex would be to attribute that goodness or detestability to some founding sacred text, a revered person, or a symbol that believers might tend to regard as sacred and sacrosanct. While the idea of many Islams may make philosophical sense, ordinary discourse is not always very receptive to such presentations. Perhaps ugly and pretty versions of Muslimness may be less offensive or jarring.

But we should also readily admit that all we really know about what we call “Islam” is what humans have ever told us. God never directly spoke to humans, except to Prophets such as Moses and Muhammad through the medium of revelation (*wahi*). Islam is what a mortal, in his authority as Prophet, told us what it is; this is God’s revelation, this is the moral conduct that God approves of from you His followers, and this is how we view ourselves *vis-à-vis* other faiths

and communities. In the post-revelatory period, Islam is what the Companions, the imams, the scholars, jurists, and authorities said, practiced, and imagined it is. In short, all we know about what Islam is, is and was always the claims made by fellow Muslims, whether they be the Prophet, the Companions, the learned scholars past and present, or the most humble individual Muslims. Each one expresses what Islam is from their experience as a Muslim. In the language of the modern humanities, these claims *about* authoritative and authentic Islam are called “constructions.”

Of course there are other Muslims who would forcefully resist such categorization and insist that what they hold out to be Islam is anything but a construction. They would challenge my statement and say that they do not talk *about* Islam; they *talk* Islam or they just purely *do* Islam or they *just Islam*. But I can counter by saying that unless they claim to be God themselves – which surely takes the debate out of the realm of sanity – and therefore claim the right to speak with unmediated authority, then what they claim can be nothing but representations of Islam or plainly “talk” *about* Islam.

Plainly “talking” Islam is a hallmark of Muslims who not only imagine but also practice Islam with a heavy dose of authoritarianism. In other words, religion and Islam are in the final instance about authority: an unquestionable and given (a priori) set of obligations. The discourse of religion in this construction is about such an overwhelming authority that it silences one into submission. Even in this narrowly conceived authoritarian mode, one cannot avoid the reality that it is people in flesh and blood, namely Muslims who embody beliefs and practices, that make the ultimate moral judgments. They have to listen, understand, and then follow that “given” divine authority and live accordingly. It is human beings who are required to mediate this authority. In this entire process, there are as many subjective moments that undermine notions of objectivity: there is proverbially many a slip between the cup and the lip.

No one has seen “Islam” in its transparent glory to really judge it. But what we have seen are Muslims: good Muslims and bad Muslims; ugly Muslims and pretty Muslims; just Muslims and unjust Muslims; Muslims who are oppressors, racists, bigots, misogynists, and criminals as well as Muslims who are compassionate, liberators, seekers of an end to racism and sexism, and those who aspire for global justice and equity. Therefore it is not uncommon to encounter Muslims saying, “You have to separate between Islam and Muslims”; “Islam is great, with every epithet of perfection.” The general rhetoric would be: “Islam is a religion of peace, it is Muslims who are bad.” But can one ever imagine Islam without Muslims? While the rhetoric that pleads for a separation between “Islam” and “Muslims” implicitly endorses my claim that it is actually Muslims who embody Islam, it is often employed in order to defend “Islam,” as if the tradition is in need of protection in the first place. More harmful than being part of an apologetic move, such rhetoric absolves Muslims from

responsibility for what they do in the “name” of Islam. For every time Muslims perform an act and claim that it has religious sanction and cite their scriptural authority, one cannot deny them their claim when they insist that what they did was a religiously mandated act. If they do harm in the name of Islam, then other Muslims are required to take the religious justification of violence seriously, and contest their discursive use of Islam.

The truth is that our only understanding of Islam is what Muslims know it is. Even if one accepts the Kantian notion of the thing in and of itself, the artifact is known to us only through the knowledge we have of it as human beings. Thus, whatever Islam is in its ideal formation, the version we know of it is only the imperfect and flawed one we have as imperfect beings. The heavenly attempt to make sure we get the closest version to perfection of Islam was undertaken via prophecy. From then onwards, we require neither a divine incarnation to make sure we remain perfect nor an infallible authority to tie our feet to the chains of authority.

Often authoritarian interpretations of Islam argue that entrenched practices and beliefs are not mere constructions, but that they are indeed practices that have consistently been replicated in Muslim societies over centuries. If one makes a claim that Muslims have prayed five times a day, paid their taxes according to a set formula designed by the first believers, outlawed certain trade practices, and followed an ethics of war according to uniform and non-negotiable norms, then the burden is to prove the validity of such claims.

In order to find such proof, one is at the mercy of history and its contingencies and perils. Surely it will not be difficult to prove that Muslims believed in the obligation of five daily prayers. But it will be inordinately difficult to prove that they prayed in an identical manner. For among different Muslim schools of law and doctors of interpretation there are major differences in the practice of rituals themselves. If for the Shafi'i school reciting the chapter called the “Opening” is an obligation in every ritual prayer including congregational prayers, then in the Hanafi law school for a follower to recite any liturgical passage in a congregational prayer comes close to invalidating his or her prayers. While all schools of law acknowledge five daily prayers, the Sunni schools insist that each prayer must be performed in its appointed time slot. The Shi'i law schools permit the noon prayer to be joined with the afternoon prayer and for the evening prayer to be joined with the night prayers in two time slots on a regular basis. Some Sunni law schools offer such concessions only when a person is traveling. Certain trade practices may be perfectly legitimate in the eyes of one law school, while in the view of another they may be totally invalid or forbidden.

So any claim that an unbroken chain of practice serves as the incontrovertible evidence for an authentic and unchangeable tradition, as some Muslims do claim, can only be a figment of the imagination. For any such assertion can rest only on ideological fictions or specious generalizations, not on the grounds of history or even idealism, for that matter. It is only when one

begins to compare practices of Muslims over time, and then dares to confront the details of such practices, that one encounters the complexity of traditions. Once one becomes aware of the historical processes by which human communities take shape, then the emphasis on the authority of a text or the authority of some infallible person or coercive capacity of consensus evaporates like mist in the rays of the sun.

Surely, what threatens the inscrutable authority of authoritarians is history. Any serious and close study of the Muslim tradition will unmistakably vaporize claims of uniformity and absolute obedience to authorities. To their utter disbelief, protagonists of authoritarianism will discover that Muslim societies in the past, as in the present, have always been diverse, differentiated, dynamic, but also in a state of contestation as all organic human social formations naturally are. The false utopias of ideal and perfect Muslim societies in the past, widely touted by ideologues of authoritarianism, will not survive the scrutiny of history.

DEBT TO MUSLIM MODERNISTS

Contemporary Muslim thought is profoundly indebted to the labors of Muslim modernist thinkers of the nineteenth and twentieth centuries. Given that modernity, according to the German philosopher Jürgen Habermas, is itself a work in progress, it is not surprising that we have come to recognize many of the errors of Enlightenment thinking and modernity as legions of scholars engaged in post-modernism have pointed out.⁸ In some ways, post-modernism can be seen as a corrective as well as a continuation of modernity. In the light of what we have learnt about the pitfalls of modernism, we are compelled to ask whether the tradition of scholarship known as modernism is Islam's redeemer, nemesis, or perhaps a bit of both?

For what we do know is that some of the key figures of Muslim modernism, like Sir Sayyid Ahmad Khan, Shibli Nu'mani, and Muhammad Iqbal all from India, Muhammad Abduh, Rashid Rida, 'Ali 'Abd al-Raziq in Egypt, as well as important figures in Turkey, Iran and elsewhere in the Muslim world, were tremendously impressed by both the ideals and realities of modernity. They truly believed that Muslim thought as they imagined it from its medieval incarnation had an almost natural tryst with modernity. Modernity and "Islam" were not mortal enemies, but rather, as many of them suggested, Islam itself anticipated modernity.

In their definition, modernity was synonymous with innovation and openness to new knowledge. Thus to be modern, they argued, was historically an integral process of Muslim thinking. They pointed out that Muslim thought was sufficiently flexible to foster innovation and adapt to change commensurate with time and place. This was both a legitimate and natural process whereby the Muslim tradition could survive the rigors of time. Innovative thinking (*ijtihad*) and renewal (*tajdid*), they argued, was emblematic of Muslim discourse. Critical

to this understanding was also the place of reason and rationality as a way of objectively ascertaining the truth.

THE BURDEN OF MODERNITY

The way Muslim modernists understood modernity presents a very different picture from the way we perceive it today. Some of the ways in which we perceive reason, self, and truth might be very different from how early modernists of all stripes construed these very concepts. Reason in the past was seen as universal, held by all to articulate a set of rational true beliefs, to distinguish reason from tradition and emotion. Now we have to admit that reason is not a self-evident faculty but a socially constructed one. It exists within practices and discourses; reason is embodied. The idea of the self was once understood to be exclusively unique and transcendent. This is no longer the case. Now we acknowledge that the self is a product of language and discourses. The correspondence between language and reality exerted a strong influence in the modern period and this contributed to our understanding of truth. Today, we have a healthy skepticism about what passes for the truth. Truth is the result of agreement. We do not say there is no truth, or that the truth is arbitrary. What we do say is that the truth is not static, an end-state at which we arrive at once and for all.

What Muslim modernists most profited from in their encounter with modernity was the idea of rationality. Armed with rationality they felt that they could effectively achieve several things. Firstly, it served as a defensive weapon in apologetics. In competition with the West, Muslim modernists could argue that the best ideal in the West, namely reason and rationality, was already an artifact of Muslim civilization. Most modernists viewed the Mu'tazila school and other thinkers such as Ibn Rushd and Mulla Sadra as epitomizing the rationalist tradition. Secondly, rationality was employed to combat superstition as part of the onslaught against popular religious practices. The desired goal was to transform Muslims into autonomous rational agents. Thirdly, modernists believed it was highly desirable for such rational individuals to lessen their dependence on authority, be it the charismatic authority of the Sufi mystics and saints or the religious authority of the scholars of religion (*'ulama*). Muslim modernists effectively despaired of rehabilitating both groups. Fourthly, educated Muslims with a rational bent, they believed, could derive their inspiration and guidance directly from the Qur'an. Furthermore, they held that with the rise of print and the circulation of knowledge, lay people could educate themselves in matters of religion without any retrogressive mediating authority.

Nineteenth- and early twentieth-century modernist Muslim reformists viewed modernity as an ally. Twenty-first-century critical Muslim scholars are much more apprehensive of its allure and offer a critique of modernity. Of course it is partly unfair to level critique at early Muslim modernists in their assessment of modernity, since our critical appreciation of modernity has the

hindsight of at least a century of critical reflection. This should moderate our criticism of this group of courageous thinkers of the nineteenth century; our criticism should be more a reflection of the different kinds of modernity that each generation of Muslim scholars has inherited.

Nevertheless, it is also true that nineteenth- and early twentieth-century Muslim modernists utilized the discourse of modernity differently. *Vis-à-vis* those outside the Muslim community, they used the modern discourse to demonstrate that Islam was very much in tune with progress and social evolution. A few of them, for instance, justified women's rights and justified the study of science and technology on modern grounds when traditionalists resisted these ideas. However, when it came to applying the intellectual harvest of modernity, namely the phenomenal developments in knowledge, to the study of religion itself, this elicited a different response. At that point modern knowledge was viewed with skepticism accompanied by a fear that it would undermine the canonical knowledge of Islam.

With some exceptions, the critical light of modern knowledge developed in the humanities did not illuminate the Muslim modernists' theories, as applied to the interpretation of scriptures, history and society, the understanding of law, and theology. What they did not undertake or in some instances refused to undertake was to subject the entire corpus of historical Islamic learning to the critical gaze of the knowledge-making process (episteme) of modernity. They of course correctly suspected that a complete embrace of modernity as a philosophical tradition would result in an Islam that they would not be able to recognize. They still felt that the pre-modern Muslim epistemology as rooted in dialectical theology (*'ilm al-kalam*) and legal theory (*usul al-fiqh*) was sufficiently tenacious, if not compatible with the best in modern epistemology. With a few exceptions, this expedient attitude towards modernity is an indication of both the good faith as well as the naiveté of some of the modernist Muslim reformers.

Some Muslim reformers did adopt new ways of writing history in order to "appreciate the teachings of Islam in the light of that knowledge," as Iqbal proposed. This becomes evident in the work of Sir Sayyid Ahmad Khan, Iqbal, Shibli Nu'mani, and others. However, it was not a thorough-going approach. Iqbal's caveat of an "independent attitude" for some signaled a caution and resistance to the allure of modern knowledge, a sentiment that was widely shared by most other reformers. How Iqbal expected far-reaching and different understandings of early Islamic teachings to take place without taking the risk of embracing the modern episteme, he never elaborated. In fact, most reformers viewed modernity and its philosophical legacy as an instrument; as an aid to advance and explain the pre-modern tradition and knowledge of religion, but never to internalize modernity entirely.

In fact, at the slightest hint of the application of modern knowledge to the traditional Islamic sciences, traditional *'ulama* called for the excommunication

of the above-mentioned Muslim modernists. The result was a discursive battlefield filled with corpses of those charged with heresy. Notable among those who partially adopted a modern approach in the investigation of knowledge about religion were modernists such as Ahmad Muhammad Khalafallah, 'Ali 'Abd al-Raziq, and Nasser Hamid Abu Zayd in the Arab world, and Sir Sayyid Ahmad Khan, Muhammad Iqbal, and later Fazlur Rahman in the Indian Subcontinent. All were effectively harassed, their lives turned into a misery, ultimately resulting in their marginalization or exile.

Iqbal, it seems, understood the magnitude of a serious reform project and was understandably intimidated by its weight as well as its far-reaching consequences. Given his insight, it is not surprising that he vacillates when it comes to the application of his modernist vision. The twentieth-century Indian thinker Asaf Fyzee was perhaps among the few courageous voices to advocate far-fetched reforms practically. He spoke movingly and passionately. "After serving the cause of humanity for some seven centuries," observed Fyzee, "Islam came under a shadow. Its spirit was throttled by fanaticism, its theology gagged by bigotry, its vitality was sapped by totalitarianism."⁹ He was among a very few to advocate that a modern approach to Islam requires a separation between religion (belief) and law.¹⁰ He clearly understood the dilemma of *Shari'ah*. It is a composite concept that involves both religion and law. For this reason Fyzee argued that in every age the Qur'an has to be "interpreted afresh and understood anew."¹¹ Fyzee endorses a post-Enlightenment notion of religion in which belief is a matter of individual conscience and law is a public matter that is enforced by the state. He of course did not provide any detailed argument as to how one justifies such a separation, even though the idea makes eminent sense.

More convincing was the Egyptian thinker 'Ali 'Abd al-Raziq, who at the beginning of the twentieth century advocated the separation of religion and politics. Through painstaking intellectual work, he argued that there is no obligation on Muslims to follow a specific historical model of statecraft that resembles the first community at Medina. With this he opened a door for experimenting with democracy and government that was accountable, all systems that were lacking in Muslim societies. Unfortunately, the ideas of Iqbal, Fyzee, and 'Abd al-Raziq did not get a favorable hearing from the religious scholars. I think these ideas and visions need to be re-visited and require critical re-engagement by critical Muslim scholars today.

CRITICAL ISLAM: BEYOND APOLOGIA

Of all the intellectual issues facing Muslim communities, the one area that is most troubling is the area of Islamic law (*Shari'ah*). This is especially problematic when the Qur'an endorses elements of the law. In a tradition where the revelation is viewed as the eternal word of God, the law framed in such

terms does present a conundrum. The verses dealing with the law do not exceed six hundred (out of over six thousand verses in the whole of the Qur'an) yet somehow receive disproportionate scholarly attention. The bulk of the verses that more importantly address the aesthetics of the Muslim imagination get neglected. Ordinary Muslims of course feel obligated to act upon the mandate of these legal verses. However, untrained in the various exegetical and interpretive traditions, lay people are not aware that a complex methodology is applicable to materials dealing with law, even if these are stated in the revelation.

One of the features of the dominant Muslim discourse in almost all its variants, including modernist discourse, is reification. This is where Muslim traditions, by which I mean living subjective experiences and practices, are reduced and transformed into various concepts, ideas, and things. Thus the way the Qur'an offers women a share in inheritance or assuages their position in seventh-century Arabia is reduced to meaning that the Qur'an advocates justice as personified in that historical model. Flowing from that is an inference that the form of justice as embodied in the Qur'anic statement is applicable to all times and places. For instance, the limited measures introduced to manumit slaves as penances for certain moral violations as stated in the Qur'an, or the measures adopted by the Caliph 'Umar to prohibit the sale of slave women who have children by their masters are all held up as instances that are indicative of notions of freedom.

These can be deemed as essentialist categories, reducing complex problems and practices to their bare essentials in order to score an ideological point. Terms such as the "spirit" of Islam are employed in order to argue that the spirit of Islam is justice, egalitarianism, equality, or humanism – either as single signifiers or combinations of these qualities. These qualities are held metonymically to represent the entirety of Islam. Often history is invoked to argue that these ideals were evident at the very inception of Islam as a tradition in the seventh century. This is of course done at the expense of exploring exactly *how* these ideas became manifest in the practices and behavior of early Muslims.

It is not very clear whether 'Umar was actuated by concerns of freedom in limiting the sale of female slaves who had offspring or whether he wanted to prevent the proliferation of incest. For there were real concerns that a young female slave separated from her offspring when sold off could years later unknowingly be sold as a concubine to her wealthy offspring. It is also uncertain whether the inheritance system intended to further justice. However, there are clear indications that the new system of intergenerational succession attempted to further a specific form and system of kinship based on patriarchy.¹²

Nowadays, not only Muslim modernists make these arguments, but even orthodox traditionalists and revivalist groups are becoming expert in such apologetics. The real problem with these kinds of arguments is a more acute one. For one thing, they are apologetic and try to justify the past by today's standards. In the process, they inevitably distort history. Since modern Muslim sensibilities

are offended by the rules regulating women, such as corporal punishment or the minimum marriageable age for women in Muslim antiquity, they try either to wish them away or to argue them away. There is of course the misplaced belief that the past is embarrassing. For, surely, closer scrutiny shows that in all patriarchal cultures – Christian, Jewish, and Hindu – during antiquity, women were married off at a very early age, in some cases even before they showed their first signs of menstruation.

If we have changed these practices in our world, then we have done so for our own reasons: our sense of justice, equality, and reasons consistent with our political-economy. For a whole set of reasons, we no longer consider marriage to what our modern culture deems minors, corporal punishment, and the death penalty to be acceptable practices. But surely in changing our practices we are not condemning millions of people before us and judging them as reprobate for being different from us? So why should we debate the past as if it is the present? The predisposition among many Muslim apologists is not to understand history, but rather to try to fix or correct it, with the enormous condescension of posterity.

But this desire to find justification in the past, in a text or the practice of a founder, suggests that Muslims can act confidently in the present only if the matter in question was already prefigured in the past. Such a perpetually retrospective approach to religious understanding is the sign of a profound lack of dynamism among the contemporary adherents of the tradition. At best, this is reverse science fiction; at worst, it is a sad commentary on the state of Muslim self-confidence in the modern period. Does this mean that Muslims can engage in discourses of justice, egalitarianism, freedom, and equality only if there is some semblance that the scripture or the Prophet or some of the learned savants (imams) of the past endorsed, hinted, or fantasized about the possibility of such discourses?

What this mentality suggests is that Muslims discredit the legitimacy of their experience in the present and refuse to allow this experience to be the grounds for innovation, change, and adaptation. In order to persuade people in public discourse today, the most effective psychological trick to play on unsuspecting Muslim audiences is to say that some past authority – Tabari, Abu Hanifa, or al-Shafi'i – held such an enlightening position on matter X, so why do you lesser mortals not adopt it? The greater the vintage of the authority, the more persuasive the argument will sound to folks, even if the rationale of the argument and its substance make no sense at all. These may sound like anecdotal stereotypes, but this happens repeatedly in Muslim communities, even among secularly educated lay Muslims. Now what happens if we are faced with problems and issues that al-Shafi'i et al. never even dreamt of, let alone confronted in their lives? Are we going to fictionalize and fabricate statements and attribute these to them in good faith? This is exactly how a great deal of prophetic reports (*ahadith*, sing. *hadith*) were invented and attributed to the

Prophet and the early authorities of Islam in order to give new ideas and changing practices some credibility, legitimacy, and authority.

If this kind of mentality has a longer history, then it certainly has reached pathological proportions among modern Muslims. Among the many reasons for this is the outlook that only the past was good in Muslim history; indeed it was perfect, if not a utopia. This suggests that Muslims lack confidence in their abilities and is symptomatic of their despair. It implies that the present is always despised and viewed as fallen. Ironically, despite the amazing and brilliant success Muslims had in history, for many modern Muslims the present, their time and opportunity in history, is viewed to be as dreadful as the original sin. Perhaps the words of Charles Baudelaire, who said that “you have no right to despise the present,” have more relevance than ever before.

Some contemporary readings of the Qur’an are predisposed to text fundamentalism, a feature evident among modernists, fundamentalists, and neo-traditionalists. There are several problems attached to text fundamentalism. Sure, some of these interpretations do provide rhetorical allegiance to history by arguing that the verses of the Qur’an are accompanied by historical contextualization that locates the revelation within a material context, called “occasions of revelation” (*asbab al-nuzul*). The doctrine of textual abrogation (*naskh*) is also employed to show that a very rudimentary form of historiography is at work in the commentary tradition of the Qur’an. While this does provide some help, it still falls far short of making the complexity of the text understandable and intelligible to modern audiences, especially if the past is presented in apologetic and defensive terms. Such an approach prevents an honest, critical, and open understanding of how the revelation functioned in societies radically different than ours.

On other occasions there has been a predilection to provide a purposive interpretation of the text. This follows the method developed in jurisprudence called the purposive approach (*maqasid*) to legal passages in the Qur’an. Each legal verse or cluster of verses, scholars argue, attempts to fulfill a larger social, ethical, or religious function that is the real intention of the verse. It is these intentions that one must take seriously and not the literal intent of the verse. While this approach has no doubt brought some relief to really knotty problems, it remains inadequate. For without adequate historical support this approach can lead to the bowdlerization of the text. For then it means the more equipped the interpreter, the more effectively he or she could read meanings and intentions *into* the text or read meanings *off* the text as derivations from the text. In this case, the text remains sovereign, ignoring the reader or marginalizing the “community of the text” and their experiences as credible participants in the textual process. After all, what is a sacred scripture worth if it does not have a community of participants, listeners, and readers? All the sacred scriptures already exist in the mythical Preserved Tablet (*al-lawh al-mahfuz*) anyway, so why send it to humans when the angels already adore it more perfectly than us

humans? From the misplaced pre-occupation with the sovereignty of the text *sans* community of the text, it is but a small step to the deification of the text that unfortunately already occurs. What many Muslims fail to discern is that the Qur'an is not God; the word of God can never be God, and to imagine it as such certainly raises very serious problems of a theological nature.

On further reflection, it will become apparent that the Qur'an itself prefigures a community of listeners and participants: without this audience it ceases to be the Qur'an. Let me explain. Literally the word *qur'an* means a "recitation." As a revelation it is recited by the human voice and heard by the human ear. In the final instance the message must both be heard and understood by the "heart," as the Qur'an literally puts it. In all this a fundamental presumption persists: the Qur'an as revelation requires an audience of listeners and speakers. In other words, a community is integral to it being a revelation. If one does not take that audience and community seriously, implicitly one has not taken revelation seriously. This audience is not a passive audience, but an interactive audience that engages with a performative revelation.

Something has happened in the reading of the Qur'an in modern Islam that goes in the opposite direction. Many Muslim audiences have little sensibility for the complex ways a revealed and performance text like the Qur'an is interpreted. The fact is that how the interpretation of the Qur'an is to be approached is not as easily available as free copies of the holy book. Instead many people read it like one reads a medical textbook or an engineering manual. So the Qur'an has been turned into a sovereign, passive, non-interactive text. In other words, it ceases to be a revelation that melts the heart of the reciter and/or listener. It no longer makes reverent readers' skin shiver in awe of the Divine. Instead of having readers being in awe of God, fierce warrior-readers of the Qur'an these days scare the wits out of believers and non-believers alike. Gone is how the Qur'an itself describes its effect on listeners and reciters. "God bestows from on high, the best of all teachings in the shape of a divine writ, fully consistent with itself, repeating each statement in manifold forms – [a Divine writ] that makes the flesh [literally, skin] of all those who stand in awe of their Sustainer shiver; but in the end their flesh and their hearts soften at the remembrance of the grace of God" (Q. 39:23).

Several attempts to introduce an element of complexity in the understanding of the Qur'an are beginning to lift our veil of ignorance. The work of Mohammed Arkoun, Nasr Hamid Abu Zayd, Khaled Abou El Fadl, Farid Esack, and Abdulkader Tayob among others is doing just that. A commonsensical reading of this complex text would be far too inadequate. The Qur'an as a text is alive within contemporary Muslim communities and is subject to multiple uses. In the past too it had contexts where it negotiated multiple agendas of the society in which it was first revealed; in short it has a political history. By "political history," I mean it also occurs against the backdrop of power and history. In its multiple iterations, the Qur'an continues to develop new and

multiple histories as it is embodied in communities. In other words, we need to know not only the detailed social contexts in which God's revelation is played out in history but also how it plays out in history. For this reason it is so crucial to study the different communities of the Qur'an. Without that voice of the communities engaged with their scripture, we can hardly make sense of revelation and the various communities of revelation.

There has been a pattern in contemporary Muslim scholarship to let the sovereign voice of the Qur'an speak without the community of the Qur'an speaking and interacting with the Qur'an in deep and life-transforming conversations. For instance, modern Muslim interpreters, especially Muslim feminists, make too much of a few verses of the Qur'an that suggest reciprocal rights and duties between unequal spouses and then hasten to suggest that the Qur'an advocates egalitarianism as norm. In order to accept this one must pretend to be blind to the welter of evidence that suggests an outright patriarchy as the "textual" norm. Generations of Muslim scholars have correctly stated that the Qur'an advocates patriarchal norms, since that was the historical condition in which the Qur'an was revealed. By privileging a few verses and then suggesting that these isolated and singular verses should control the meaning and interpretation of numerous other verses, using the adage that "part of the Qur'an explains other parts" (*al-qur'an yufassiru ba'duhu ba'dan*) is nothing short of hermeneutical acrobatics or a hermeneutics of wishful thinking. It may be preferable to hear the Qur'an in its patriarchal voice but to understand it with the sensibility of an actor/reader/listener/reciter immersed in the process of revelation. It is that listener/reciter who discovers through her or his history, experience, and transformed inner sensibility that gender justice, equality, and fairness is a norm for our time, and not patriarchy.

Having once done the former kind of interpretation myself, I increasingly find it unfulfilling and unsatisfactory. I am more inclined to give history and the performative role of the revelation a greater place in an interpretive schema. A closer look at text fundamentalism suggests that it sustains several fictions.

Such interpretations attempt to exclusively seek authority in some founding text. However, in doing so they fail to engage the revelatory text in an interactive manner. It is precisely such interactivity that transforms the human being who is ultimately the subject of revelation, and who has to embody the qualities that combat patriarchy and endorse justice and equality. Glossing the text with anti-patriarchal virtues is not the warrant of liberation or egalitarianism. Text fundamentalism in part perpetuates the fiction that the text actually provides the norms, and we merely "discover" the norms. The truth is that we "make" the norms in conversation with the revelatory text. If one reads medieval Muslim legal texts, one will note how the discursive formation orchestrated by the jurists constructs the norms. For this reason, many people are surprised how early Muslim jurists could give verdicts seemingly contrary to the explicit sense of the revealed text.

The answer is both simple and revealing: the earlier scholars gave greater credence to their specific social context and often gave the context decisive authority in the interpretation of the text by employing a very sophisticated hermeneutic. Thus, we find that some classical jurists argue that causing injury to the wife by means of beating is a ground for divorce, despite the Qur'an saying that a disobedient spouse can be chastized. Abu Hanifa has no objections to non-Muslims entering the holy city of Mecca, despite an explicit text of the Qur'an that deems the polytheists to be unclean and prevents them from entering the sacred mosque. For him the Qur'anic passage had a once-only application at the inception of Islam, when the holy sanctuary had to be dedicated to the faith of Islam, and has no subsequent mandate.

What is required is to explore the multiple interpretive methods that were employed by scholars in the past to discover the creativity they invested. In addition, we need to explore and develop new ways of interpretation of especially the revealed text in order to allow its full breadth and vision to speak to us in a transformative way.

CONCLUSION

This moment in history, more than any other, places an extraordinary burden on Muslim intellectuals. In short, there is an almost impossible expectation on us to provide solutions in places where none appears on the horizon, offer hope in times of utter despair, and address issues that are overwhelming in their magnitude and proportions. And yet, we dare not retreat. If anything we need to offer hope. Hope, as the novelist Anne Lamott says, is a revolutionary patience. The painstaking and soul-searching intellectual quest must be embraced boldly, creatively, and patiently. The uncomfortable questions have to be asked. If we do not, then the responsibility of learning and faith has gone unanswered.

ENDNOTES

1. Orhan Pamuk, *My Name Is Red* (New York: Alfred A. Knopf, 2001), 161.
2. My use of the term "Orthodoxy" must be distinguished from other uses of this term. I use it the way Talal Asad employs it, in which orthodoxy is not merely a set of opinions but a relationship of power, where this power is used to exclude, correct, and undermine. In short, orthodoxy is a discursive practice. See Talal Asad, "The Idea of an Anthropology of Islam," (Washington: Center for Contemporary Arab Studies, Georgetown University Occasional Papers Series, 1986), pp. 15–16.
3. Muhammad Iqbal, *The Reconstruction of Religious Thought in Islam* (London: Oxford University Press, 1934; reprinted, Lahore: Shaikh Muhammad Ashraf, 1960), 97.
4. Orhan Pamuk, *My Name Is Red*, 168.
5. Sumit Sarkar, "The Relevance of E.P. Thompson," in *Writing Social History* (Delhi: Oxford University Press, 1998), 53.
6. E.P. Thompson, *The Making of the English Working Class* (New York: Pantheon, 1963), 12.
7. Abu 'Uthman 'Amr b. Bahr b. Mahbub al-Basri, "Kitab al-Futya," in *Rasa'il al-Jahiz*, ed. Muhammad Basil 'Uyun al-Sud, 2 vols (Beirut: Dar al-Kutub al-'Ilmiyya, 2000), 1:223.

8. Maurizio Passerin d'Entrèves and Seyla Benhabib (eds), *Habermas and the Unfinished Project of Modernity: Critical Essays on the Philosophical Discourse of Modernity* (Cambridge, MA: MIT Press, 1997).
9. Asaf A.A. Fyzee, *A Modern Approach to Islam* (Bombay: Oxford University Press, 1981), 112.
10. *Ibid.*, 84–113.
11. *Ibid.*, 110.
12. Martha Mundi, "The Family, Inheritance, and Islam: A Re-examination of the Sociology of Farā'id Law," in *Islamic Law: Social and Historical Contexts*, ed. Aziz al-Azmeh (New York: Routledge, 1988), 1–123.