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# THE IDEA OF IJTIHAD OF THE INDO-PAKISTAN SUBCONTINENT MUSLIM SCHOLARS

(With Special References to Shah Wali Allah and Muhammad Iqbal)

#### Abstrak:

Di antara banyak konsep dalam kajian Islam, konsep ijtihad memiliki daya tarik tersendiri. Shah Wali Allah dan Muhammad Iqbal, dua ulama-pemikir generasi yang berbeda dari anak benua India, termasuk kaum cendekiawan yang menaruh minat pada konsep tersebut. Alih-alih mempercayai bahwa pintu ijtihad keduanya menyerukan agar cendekiawan Muslim, berdarsarkan kapsitas yang dimiliki, melakukan ijtihad sesuai dengan tututan zaman dan keadaan. Bagi mereka pintu ijtihad masih terbuka lebar, khususnya bagi masalahmasalah yang tidak secara jelas dinyatakan dalam Al-Qur'an dan hadits Nabi. Menurut Wali Allah, ijtihad merupakan sine quanon bagi terciptanya masyarakat Muslim yang sehat dan tangguh. Ibarat dokter, mujtahid harus bisa merekomendasikan obat yang tepat untuk penyakit yang berbeda bagi orang/masyarakat yang berbeda pada waktu dan tempat yang berbeda pula. Obat mujarah bagi masyarakatnya yang dilanda konflik madzhah internal Sunni di satu pihak, dan madzhab Syiah di lain pihak adalah takhayyur dan tatbiq. Sebagaimana Wali Allah, Iqbal memandang ijtihad sebagai bagian integral dari prinisp pergerakan dan perubahan. Ijtihad memberikan sentuhan sifat dinamis serta aplikasi unversal bagi doktrin-doktrin Islam. Sementara itu, dari sisi praktik, Iqbal yang menyaksikan 'kebingungan' umat Islam dalam memilih bentuk negara setelah terlepas dari cengekaraman penjajah, melakukan ijtihad politik dengan mengajurkan republik yang demokratis sebagai bentuk negera Islam yang ideal. Berbeda dengan Wali Allah, pada saat sekarang ini pada zaman yang dibelit beraneka ragam masalah kompleks ijtihad tidak bisa lagi dilakukan secara individual melainkan secara kolektif, yakni dengan melibatkan berbagai pakar dengan disiplin yang berbeda sesuai dengan masalah yang hendak dicarikan solusinya secara rasional dan Islami

Key words: Ijtihad, Shah Wali Allah, Muhmmad Iqbal, Politics, and Islamic law

#### Introduction

No Muslim scholar denies that *ijtihad* constitutes the most important source of Islamic law next to the *Qur'an* and the *Sunnah*. The main difference between *ijtihad* and the revealed sources of the Shari'a lies in the fact that *ijtihad* is a continuous process of development whereas divine revelation and Prophetic legislation discontinued upon the demise of the Prophet Muhammad. In this sense, *ijtihad* continues to be the main instrument of interpreting the divine message and relating it to the changing conditions of the Muslim community in its aspirations to attain justice, salvation and truth.<sup>1</sup>

Unfortunately, broadly speaking, in the history of Islamic legal theory there have been appeared two major streams of belief among the scholars of Islamic law concerning the ijtihad. Some scholars, say, Islamicists such as C.S. Hurgronje, Joseph Schacht, H.A.R. Gibb, J.N.D. Anderson, and the most of the traditionalist Muslim jurists believe that in our time there is no more room for doing ijtihad. Its door has been closed almost since ten centuries ago, i.e., almost immediately after the great Imams of four major Islamic schools finished completing their works on the subject. They considered everything is included and covered in the great Muslim jurists' works.<sup>2</sup> This, later on, forms, to borrow Hallaq's words, 'a common knowledge' among Muslim *Ummah*. To such kind of scholars, citing Anderson ands Gibb's statements, Hallaq points out that 'about the end of third century of the Muslim era it was commonly accepted that the door of *ijtihad* had been closed' and 'never again to be opened.'<sup>3</sup>

On the other hand, there are some other Islamicists, like Wael B. Hallaq, and the most of Muslim modernits who believe that the gate of *ijtihad* is still widely unclosed. For them there is no such term of the closure of the gate of *ijtihad*. Most of them bitterly criticized those *muqallids* who are doing *taqlid* blindly instead of using rational capacity to do *ijtihad*. They are criticizing those who strictly hold old interpretations of Islamic teachings that are not suitable for present condition. They consider the closure of *ijtihad* as one of the greatest intellectual disasters in the development of Islamic thought. It stifled all the original derive and advancement of the Muslim in social, political as well as legal avenues of life.<sup>4</sup> Among such scholars from the Indo-Pakistan subcontinent are Shah Wali Allah and Muhammad Iqbal.

In line with Fazlur Rahman's statement that "the fundamental religious and moral fountains of mankind are the same in all times and climes . . . but have to adjust themselves to and re-express themselves in terms of the genius of a particular age and a particular people." These two great Muslim scholars appeared to respond such an urgent demand

of their respective times by calling prominent Muslim scholars to exercise *ijtihad*.

Giving commentary to these great Muslim scholars of the Indo-Pakistan subcontinent, Halepota, the director of Shah Wali Allah Academy of Delhi, says that: "Iqbal was the product of modern age whereas Shah Wali Allah can be rightly called the precursors of the modern age. As philosophers of the modern age both of them are very close to each other spiritually and intellectually."6 In line with this, therefore, this paper will attempt to discuss Wali Allah's and Muhammad Iqbal's ideas on ijtihad in Islam respectively. Since both of them are not Muslim jurists but religious philosophers, the discussion therefore will be emphasized more on their ideas or theoretical aspects rather than practical aspects of the subject. This paper consists of five parts. The first part is introduction and follows Wali Allah's and Iqbal's biographical sketch in the second part. In the third part, the definition of ijtihad wil be provided. The discussion in the fourth part will be focused on the idea of ijtihad in religious thought of Wali Allah, whereas Iqbal's ideas of ijtihad will be taken into account in the next part. Finally, a conclusion will bring the discussion to a close.

### Biographical Sketch of Shah Wali Allah and Muhammad Iqbal

Abu al-Fayyad Qutb al-Din Ahmad Ibn 'Abd al Rahim al Djhlawi was born, just five years before the death of Aurangzeb<sup>7</sup> on 21 February 1703 A.D. in the vicinity of Delhi.8 Later on, he was better known as Shah Wali Allah. He was a brilliant personality who formed the bridge between medieval and modern Islam and was the source of all later though systems of Muslim India. Among the Indian Muslim thinkers and reformers who were under his influence or got inspirations from him were Sayyid Ahmad Khan, Shibli Nu'mani, and 'Allama Muhammad Iqbal.9 In addition, Fazlur Rahman and even Mawdudi were also touched by his influence. Wall Allah's father, Shaykh 'Abd al-Rahim was a prominent 'alim and sufi who taught Islamic teachings at his own seminary school, Madrasah-i-Rahimiyah. 10 It was under his fathers guidance that Shah Wali Allah studied most branches of Islamic sciences, esoteric as well as exoteric, such as theology or kalam, Our'anic exegesis, hadith, figh, usul al-figh, and tasawwuf. It was, therefore, no surprise when he said that at the age of fifteen he had already studied many important works on tassir, hadith, kalam and figh.'11 It was also at this age "he was initiated by his father into the Qadiryya and Christiyya orders as well as into the Nagsabandiyya branch of Khwaja Khwurd." When his father died in 1719 he was seventeen years old. Having completely memorized Qur'an and courses offered in several Muslim schools in Delhi, not long

after that he married and replaced his father teaching at the Madrassah-i-Rahimiyya. He continued teaching hadith and other Islamic sciences there until 1730 when he went on the pilgrimage to Makkah al Mukarramah. He spent almost two years there to furthering his studies on Islam at Makkah and Madinah, at a time when his great Arab contemporary, Muhammad ibn 'Abd al Wahhab was also studying at these holy cities of Islam, and perhaps among others with the same teachers.'13 It is said that during his stay in the holy city, Mecca, Shah Wali Allah saw a vision in which the Holy Prophet biased him with the good tidings that he would be instrumental in the organization of a section of the Muslim community.<sup>114</sup> In 1733 he returned to his home country. On his return he began his efforts at Islamic reformations. He devoted his time and energy to the study of Islamic subjects, to attempt to buttress the waning empire, and continued writing until he breathed his last on 29 Muharram in the year 1176 (20 August 1762) at Delhi and was buried there.15 Besides his own father, who colored his intellectual development, there were several teachers, as acknowledged by Wali Allah himself in his Anfas al-'Arifin, from whom he learnt much. Among them were Shaikh Abu Tahir al-Kurdi al-Madani from whom Wali Allah obtained his degree in hadith, Shaikh Sulayman Magribi who lectured to him on Malikite jurisprudence, and other Arab scholars like Shaikh Wafd al-Maliki, Shaikh al-Sanawi, and Shaikh Taj al-Din al Qali al-Hanafi.<sup>16</sup>

Shah Wali Allah was a voluminous writer without equal among his contemporaries. Some writers said he wrote more than two hundred books, some others believed he composed about seventy books, but still some other, including Abu Muhammad Rahim who was an early biographer of Wali Allah, were of the opinion that his works numbered only around forty five. 17 He wrote these books in two languages, Arabic and Persian. The former were intended to be consumed by Muslim scholars who felt more at home reading in that language, whereas the latter were provided so as to reach common Muslim people whose main literacy language was Persian. Shah Wali Allah was one of the first scholars of Islam in the sub-continent of India to translate the Qur'an into Persian, which was more commonly understood by most Muslims of his time. This effort was considered very brave, challenging the prevailing belief of the 'ulama' of his time who strongly forbade translating Qur'an into other language. Therefore, this noble 'ijtihad' was undeniably one of the most important contributions of Wali Allah to his ummah.

Shah Wali Allah's writings cover almost all main branches of Islamic sciences as can be seen in the following incomplete list.

Those written in Persian are:

A1-Fawz al Kabir fi Usul al-Ta fsir,
Altaf al-Quds fi Ma'rifa La'if al-Nafs,
Anfus al-'Arifi al zalut al-Khafa'
'An Khilaafat al-Khulafa',
Muqaddima dar Fann-i Tarjama-i Qur'an,
Tafhimat i Illahiyya, and
Lamahik.

Second, those written in Arabic are:

Al-Insaf fi Bayan Sabab al-Ikhtilaf,
Al-Budur al-Bazigha,
Al Khair al-Kathir,
Al-Qawl al-Jamil fi Bayan Sawa'al Sabil,
Hujjat Allah al-Baligha,
Fuyud al-Haramain,
Iqd al-Jid fi Ahkam al-Ijtihad wa al-Ta qlid,
Ta'wil al-Ahadith.

Third, the works of translation are:

Radd-i Rawafid, and Fath al Rahman.

Besides these books, of course, there are still many more which cannot be mentioned here among these books, however, according to most writers, *Hujjat Allah al-Baligha* constitutes his magnum opus like *Ihya Ulum al-Din* to *Imam al-Ghazali*. It is therefore not surprising that this book is still used as a textbook at many educational institutions in the Arab world, especially at al-Azhar University in Cairo and at several Muslim Colleges in Sudan.<sup>18</sup>

It was almost a century after the death of Shah Wali Allah, Muhammad lqbal was born into a devout Kashmiri Muslim family at Sialkot - a town in present day Pakistan - on the 3 Dhu'l-Qa'ada 1294 A.H./ 9 November 1877. His father, Shaikh Nur Muhammad, was a tailor by trade and well versed in theology and sufism. lqbal's mother, Imam Bibi, was also a strict religious woman. The sufi piety of his father and the religious amnosphere in the house were early influences which, coupled with his personal interest and quest for knowledge, led him to the feet of masters in Arabic, Persian, Islam and philosophy in his later times.<sup>19</sup>

Instead of involving Iqbal in the family business, as commonly happened in India at the time, his family sent him to a modern school; he attended Madrasah of Arabic and Persian, where Sayyid Amir Hasan, a remarkable teacher, encouraged him to compose poetry and prose.<sup>20</sup> Immediately after completing primary school, lqbal continued his higher

education at the Scotch Mission High School and then at the Scotch Mission College at Sialkot. In 1895, to quench his thirst for knowledge, lqbal went to Lahore to join the Government College, where he got his BA in Arabic and MA in Philosophy. At the college he met and studied with Professor T.W. Arnold<sup>21</sup> whom he was later to meet again in Europe. lqbal was a very brilliant student; therefore, he not only won scholarships and medals but was also directly recruited as an Arabic reader and lecturer immediately after finishing his study. lqbal himself acknowledged this fact; in the preface to his Ph.D. dissertation, he wrote:

During the course of my university career I had the good fortune to win several gold and silver medals and scholarships. After my MA I was appointed McLeod Arabic Reader in the Punjab University Oriental College, where I lectured on history and political economy for about three years. I was then appointed Assistant Professor of Philosophy in the Lahore Government College.<sup>22</sup>

In 1905, lqbal went to England to study at Trinity College, Cambridge University. There, he studied philosophy under R. A. Nicholson, a professor of Sufism, and J.M.E. McTaggart, an expert in neo-Hegelian philosophy. He not only studied at Cambridge but also at Munich University, where he submitted his Ph.D. dissertation entitled "The Development of Metaphysics in Persia" to Professor Homely. During his study in these universities, he did not only studied seriously and analyzed Western philosophy and civilization but he was also deeply and intensively involved in studying Islamic history, philosophy, Qur'an, and hadith which in turn influenced his though in later time.

In 1908, after a stay of three years in England and Germany, lqbal went back to his motherland with revolutionary ideas and dreams, a new spirit, vigor and vitality, and even a fresh approach to reconstructing Islamic principles and restoring the prestige of the Indian Muslims and of the Muslim world at large. He always endeavored to make those ideas and dreams come true until his death on April 21, 1938. Although physically be was buried in the complex of the Imperial Mosque of Lahore, but his spiritual inspiration is still alive in the hearts of Pakistan people.

Although lqbal died more than five decades ago, it is little doubt that the remains an extremely influential poet philosopher whose ideas and works are never dry to be studied. He was prolific writer as can be seen from the various works he produced. "He wrote on diverse subjects ranging from rather technical ones like economics to highly abstract ones like Metaphysics." Several bibliographies of the works by and on lqbal

have been published.<sup>24</sup> His more important works may be mentioned here in their chronological sequences:

- a. Studies in Economics ('Ilm al-igtisad') (1903)
- b. The Development of Metaphysics in Persia (1908)
- c. History of India (Tarikh-i-Hind) (1913-14).
- d. Secrets of the Self (Asrar-i-Khudi) (1915)
- e. The Mysteries of Selflessness (Rumuz-i-Bekhudi) (1918)
- f. The Message of the East (Payam i-Mashriq) (1923)
- g. The Caravan Bell (Bang-i-Dara) (1924)
- h. Persian Psalms (Zabur-i-Ajam) (1927)
- i. The Reconstruction of Religious Thought in Islam (1928)
- j. The Book of Eternity (Javid Nama) (1932)
- k. Gabriel's Wing (Bal-i-Jibril) (1935)
- 1. The Blow of Moses (Zarb-i-Ka lim) (1936), and
- m. The Gift of Hijaz (Armughan-i Hijaz) (1938).

In addition to these listed books, of course, there are still many more writings of Iqbal - such as the collections of his letters, articles, statements and speeches -which were published long after his death. His works 'have been translated into Russian, German, Czech, Italian, French and English amongst the European languages and into Persian, Urdu, Arabic, Indonesian, Chinese, and Bengali amongst the Eastern languages. Today there no doubt are many more languages as well into which his works have been translated.

#### The Meaning of Ijtihad

Having touched the life and the works of both Wali Allah and Iqbal and before discussing further Wali Allah and Iqbal's ideas on *Ijtihad*, the definition of *ijtihad* will be taken into account in advance. There is no dearth of the definition of *ijtihad* given by both Muslim and non Muslims scholars, traditionalist and modernist Muslims, of different times and places. However, it is sufficient here to quote several of them only.<sup>26</sup>

Etymologically the word *ijtihad* is derived from the Arabic lexical root "j-h-d". In the Arabic dictionary, it is defined as the exertion of effort on a matter that requires it. Meanwhile, in technical terms, *ijtihad* means the use of individual reasoning, i.e. exercising oneself in order to reach a legal decision on matters not explicitly defined or catered in the Qur'an and iin the Sunnah.<sup>27</sup> According to Shah Wali Allah, the true nature of *ijtihad* is exhaustive endeavor in understanding the derivatives principles of the Holy Canon Law by means of detailed arguments. Thus, the term implies to denote the expenditure of mental and intellectual effort done by a *mujtahid*. In other words, the *ijtihad* constitutes an

exhaustive attempt made by the *mujtahid* to reach a legal decision on issues affecting his community, and which nor clearly decided upon both the holy Qur'an and the *Sunnah*.

The *mujtahid*, therefore, must be a serious scholar who researches and studies all of the sources, information, statistics, and available materials about a subject until he is satisfied that he has done everything in his power to learn about the subject in question. In line with this al-Ghazali defines *ijtihad*, as rendered by Taha al-Alwani, as the expending, on the part of a mujtahid, of all what he is capable of in order to seek knowledge of the Shari'ah injunction. Al-Ghazali further clarifies the definition by stating that complete *ijtihad* occurred when the *mujtahid* expends his energies in seeking, to a point where he is satisfied that no more can be done.<sup>28</sup>

### Shah Wali Allah's Ideas on Ijtihad

In order to deal thoroughly with the subject of *ijtihad* Shah Wali Allah wrote two treatises entitled 'Iqd al-Jid fi Ahkam al-Ijtihad wa al-Taqlid' and Al-Insaf fi Bayan al-Sabab al-Ikhtilaf respectively. Shah Wali Allah's position on *ijtihad*, like his other point of views elsewhere, was one of sane moderation, balancing between 'aql or reason and naql or tradition. In his introduction to Hujja Allah al-Baligha, for instance, he states that "time has come that the religious law of Islam should be brought into the open fully dressed in reason and argument."<sup>29</sup> The true nature of *ijtihad* is, in his view, therefore, exhaustive in understanding the derivative principles of the Holy Canon Law by means of detailed arguments, <sup>30</sup> as already noted earlier. The 'genres' of the Shan'ah were derived from the four departments:

- 1. The Holly Book
- 2. The Example and Precept of the Prophet
- 3. The Consensus of Opinion of the Muslim Community, and
- 4. The Application of analogy

Ijtihad, according to him, should be understood as wider than exhaustive endeavor to perceive the principles worked out by earlier scholars, no matter whether such an endeavor leads to disagreement or agreement with these scholars.<sup>31</sup> He emphasized the need of ijtihad or fresh interpretation as a sine qua non for the health and vigor of the religious community, i.e. Muslim Ummah.<sup>32</sup> To obey Him by acting upon that to which our ijtihad may guide us, so we make search into that which we know summarily so as to comprehend it minutely."<sup>33</sup> Ijtihad in itself is an act of pious obedience, and error made incognizantly in such an act cannot be called as a sin. Similarly, the mujtahid who does not hit the target cannot be called sinner either. Moreover, one of the Prophet's

traditions says that the *mujtahid* who hits target gets two rewards and he who errs gets only one. His hope behind his calling on and emphasizing in *ijtihad* was to re-inject a vital sense of engagement into Muslim scholars' outlook and encourage the scholars of the subcontinent to approach problems with open minds.<sup>34</sup>

There are, however, several conditions that should be met by any mujthid. Firstly, he should have knowledge of the book of God, the Holy Qur'an, literally and in content, commentary and interpretation. Secondly, he should posses knowledge of ahadith with an understanding of the chain of narrators (rawi), and the ability to distinguish between weak and sound ahadith. Thirdly, he should possess knowledge of the opinions of the early doctors or scholars of Islam so that he will not transgress the established consensus or ijma' of early Muslim scholars and might not venture a third opinion in presence of the two already conflicting opinions. Fourthly, he should posses knowledge of Arabic language, grammar, etymology, and lexicon. Finally, he should have knowledge the means of resolving problems and of effecting conformity between two apparently conflicting texts.<sup>35</sup>

However, the knowledge of scholastic discourse and jurisprudence, in Wali Allah's view, are not necessarily needed in *ijtihad*. Whereas concerning with Qur'an and *hadith*, the *mujtahid* only demanded to know best the relevant verses to the principles involved. He asserts further that when a Muslim knows the major portion of each of these department of knowledge, he is a mujtahid and the exhaustive knowledge of all these is not a condition. To the *mujtahid*, Wali Allah firmly warned that the *ijtihad* should not be taken as a general license in religious thinking. Knowledge, erudition and caution should be guides of religious interpreter. The previous scholars should be given their proper share of reverence and *ijtihad* should be progressive without being radical or destructive. The previous scholars without being radical or destructive.

Following Al-Rafi'i and Al-Nawawi, Shah Wali Allah classified the *Mujtahids* intro three categories: *Mujtahid-Mutlaq* (absolut mutjtahid), *Mujtahid-Madhhab* (mujtahid within the school), and Mujtahid al-Futya (Mujtahid of decision). It seems that Wali Allah himself belongs to be the first category when he claimed himself as the 'mujtahid of his era.'

## Practical Side of His Ijtihad

Viewing the fact that chaos and disintegration were deteriorating and aggravating the people of his time, especially the Muslim ummah, Shah Wali Allah was then strongly challenged. In line with his conviction that Shari'a which allegorically is illustrated as a physician who recommends different medicines and different diseases of different

persons<sup>39</sup>, and of course of different places and times as well, is aimed at the reform of human society, he then made several efforts to find out a panacea of his society's diseases.

One of the main diseases of the society of his time was, according to him, their ignorance of their own religious tenets. In relation to his Hafeez Malik remarks:

"Shah Wali Allah thought that the fundamental cause of the moral decline of the Muslims of the subcontinent was their ignorance of Islam itself. The basic teachings of Islam are contained in the Qur'an and the Sunnah, the authority of which have been recognized by all Muslims. An emphasis upon the teachings of the Qur'an and the Sunnah would, therefore, tend to reduce sectarian differences and create feelings of solidarity, because the differences are mostly a matter of interpretation. Hence, it was necessary to popularize the Qur'an it self". 40

It is, therefore, he seems to pay his attention to solve such immediate problems. Though, most of Muslims of India at his time belonged to Maliki school, the followers of three other schools cannot be neglected. In fact, the conflicts arouse among these four schools. In addition, conflicts among the Sufi-sects and Sunnis-Shi'ites were unavoidable existing there about which he also endeavored to reconcile them.

By suggesting reconciliation among the followers of the confronting Sunni schools, Shah Wali Allah did not aim at initiating a new school of law at all, but confined his scheme to the four walls of the recognized Sunni schools. He really intended to foster a tolerant attitude among of the followers of different schools and to prepare them not only to accommodate their differences in *fiqh*, but also to make them a good use<sup>41</sup>. Henceforth, he laid down the principles and conditions to which one should be bound in practicing *takhayyur* and *talfiq* as well as scheme of legal eclecticism. In his own word a combination of these principles is termed as *tatbiq*. However, Shah Wali Allah does not appear to have taken further than his predecessors and developed *tatbiq* or an inter-juristic eclecticism recommending that on any point of doctrine or ritual a Muslim could follow the ruling of any one of the four principal juristic schools<sup>42</sup>.

Another effort that he made to cure his people from blindness of their main sources of religion, i.e. *Qur'an* he deliberately translated the *Qur'an*<sup>43</sup> into the language of his people, Persian. Though this effort was considered as the most important contribution of Shah Wali Allah, he had to suffer many sharp and 'unfair' criticism directed to him by

Muslim scholars around him. About the Wali Allah's practical ijtihad, an Indian Muslim scholar, Malik points out:

He exhorted the Muslims to free themselves from the blind acceptance of the four schools of law and advised them to go back to the *Qur'an* and the Apostolic traditions and on this basis formulate legal system which would be more in harmony with the spirit and the needs of their times and cultural background. During 1737-1738, in pursuance of this object he translated the *Qur'an* into Persian the literary language of this day. This way considered detrimental to the economic interest of the orthodox 'ulama'. They heaped all kinds of abuse on him and even threatened him with death 44.

In the history of Islam, with the exception of Ibn Tumart's (1080-1130)<sup>45</sup> translation, there had never been a translation of the *Qur'an* into any foreign language. Generally Muslims believed that the sanctity and authenticity of the *Qur'an* containing God's massage can be preserved only if it is studied in the original Arabic. The sensitivity of the problem can be judged from the fact that as late as 1928 when the well-known Muslim convert Muhammad Marmaduke Pickthal<sup>46</sup> undertook the English translation of the *Qur'an* be sought the advice of the 'ulama' of Al-Azhar, the oldest Muslim university in Egypt. Instead of encouraging such an undertaking, the 'ulama' declared that the translator, the readers and al those who approved of this "were condemned to over-lasting perdition"<sup>47</sup>.

The most important purpose behind the Wali Allah's translation of the Holy *Qur'an* was to make the most basic source of Islamic teaching directly accessible to the literate and thus by pass the 'ulama's whom he regarded as hidebound, blind imitators of the scholastic text of earlier jurists<sup>48</sup>. Collaterally, he argued for the revival of the legal principle of *ijtihad*.

#### Muhammad Iqbal's Ideas on Ijtihad

Muhammad Iqbal, in the recent religious and political history of Islam of Indo-Pakistan subcontinent, is undoubtedly among the greatest advocates of *ijtihad*. Moreover, Amir Sakib Arselan once exaggerated when he remarked that "Iqbal is the greatest thinker of the Muslim world has produced during the last thousand years". <sup>49</sup> He was, however, according to Muhammad Natsir, a poet, educationist, a lawyer by profession, an art critic, a politician and a philosopher – all combined in one. <sup>50</sup>

Muhammad Iqbal wrote many books that touch several subjects on Islam, most which were in poetical forms. One of his works where he conveyed his ideas on ijtihad is The Reconstruction of Religious Thought of Islam, especially in the sixth chapter. In this book he defines ijtihad as 'the principle of movement in Islam'. The word itself, according to him, literally means to exert. "In the terminology of Islamic law," he explains, " it means to exert with a view to form an independent judgment on a legal question."52 The exercise of human judgment is, therefore, not to negate of the fundamental of the Shari'ah. Its main purpose is none other than to make the area of the individual and social conduct extensive enough so that the community's affairs are not starved of the dynamic and progress. This because, Iqbal argued that: " As a culture movements Islam rejects the old static view of the universe, and reaches a dynamic view."53 He further argued that: "The claim of present generation of Muslims Liberals to reinterpret the foundation legal principles, in light of their own experience and the altered conditions of modern life is, in my opinion, perfectly justified. The teaching of the Qur'an that life is a process of progressive creation necessitates that each generation, guided but unhampered by the work of its predecessor, should be permitted to solve its own problems."54

Thus, in line with this point of view, carrying out *Ijtihad* is a necessary for Muslims scholars so as to answer the problems of their time which may vary from one place to another. When the prophet spoke of *ijtihad* as said earlier, and how one who performed it correctly received double reward, and how one who made a mistake received one reward, he was addressing the Muslim ummah that only a few people could undertake it. 55 However, Iqbal warned against the application of unrestricted liberalism because of its inherent potentiality for disintegration. 56

Like Shah Wali Allah, Iqbal was of the opinion that whoever exercises *ijtihad* he should render to the basic source of the Islamic teaching, i.e. the *Qur'an* and the *Hadith*. He traced the origin of calling to perform the ijtihad in both of these sources. From the former he quoted: "And those who strive (jahadu) in us (our cause) we surely guide them in our path" (al – 'Ankabut: 69), he whereas from the latter he put down:

"While appointing Muadh b. Jabal as Governor of Yemen, the prophet (peace be upon him) asked: 'How would you decide the matters that would come before you?'. 'I would decide in the light of the Qur'anic injunctions,' replied Mu'adh. 'in case you do find any guidance in the Qur'an, the Prophet said. Mu'adh told 'I would seek guidance in the precedent of the Prophet God'. The

Prophet again asked 'if you fail to get any precedent!' 'I will apply my own reason' was Mu'adh answer.' And the Prophet then raised his hand said, 'praise be to God who guides the Messenger, His Apostles, as He Pleases."

Iqbal is also of the opinion that theoretically if we observe from the history of the development of Islamic law, the independent judgment is possible. He even views that human affairs can not be conducted by eternally rigid principles. According to him, there should be certain permanent values, but at the same time there ought to be a provision for change, so that life does not stagnate. Thus, independent judgment is allowed even encouraged in order to meet the demand of present day progress. But, it seems that this principle does not come to the reality. Thus, the stagnation inevitably cloudes the Muslim world. And several causes of the stagnation, according to Iqbal, are as follows: Firstly, the sudden rise of rationalism created considerable fears in the orthodox circles, that unrestricted use of reason in matters of faith would disintegrate the stability of Islam as a social polite. Secondly, the rise of mysticism which reached renunciation and asceticism did a great harm to Islam. Finally, the sack of Baghdad marked the destruction of the center of Muslim intellectual life.61 But now they are over, it is high time to reassert that there is so such closure of ijtihad Muslim Scholars are encouraged to exercise ijtihad instead of blindly and strictly following the rigid interpretation of the Islamic law of previous scholars. Taglid is, in his view, antithesis to religion. On the contrary, ijtihad is an integral part of the principle of movement. It gives Islamic doctrine their dynamic nature and universal application<sup>62</sup>. In line with these circumstances, he wrote:

The 'ulamas' have always been a source of great strength to Islam. But during the course of centuries, especially since the destruction of Baghdad, they became extremely conservative and would not allow any freedom of ijtihad. i.e., the forming of independent judgment in matters of law. The Wahabi movement which was a source of inspiration to the nineteenth century Muslim reformers was really a revolt against this rigidity of the 'ulama'. Thus the first objective of the nineteenth century Muslim reformers was a fresh orientation of the faith and a freedom to reinterpret the law in the light of advancing experience.

Although Iqbal himself recognized the three degrees of *ijtihad* such as: a) Complete authority in legislation which is practically confined to the founders of schools, b) relative authority which is to be exercised

within the limits of a particular school, and c) special authority which relates to the determining of the law applicable to a particular case left undetermined by the founders. But, he was primarily concerned with the first degree of ijtihad only, i.e. complete authority in legislation.<sup>64</sup> He did not disagree with the other Muslim jurists' qualification of a mujtahid, like those of Shah Wali Allah and other Muslim jurists. But since none of the present day Muslim scholars can meet the requirements of *Mujtahid al-Mudaq*. He was of the opinion that *ijtihad* could be exercised collectively instead of individually. This point of view can be sen clearly when he said:

Let us now see how the Grand National Assembly has the exercised this power of *ijtihad* in regard to the institution of *khilafac* according to Sunni law the appointment of an Imam or *Khalifa* is absolutely indispensable. The first question that arises in this connection is this: Should the Caliphate be vested in a single person? Turkey's *ijtihad* is that according to the spirit of Islam the Caliphate or Imam can be vested in a body of persons or an elected Assembly. The religious doctors of Islam in Egypt and India so far as I know, have not yet expressed themselves on this point. Personally I believe the Turkish view is perfectly sound. 65

He concluded his remarks about the Turkish *ijtihad* which represented collective *ijtihad* by saying that the wruth is that among the Muslim nations of today, Turkey alone has shaken off its dogmatic slumber, and attained to self-consciousness.

## Practical Side of His Ijtihad

Later on, inspired by this Iqbal's idea, the tendency from individual to collective *ijtihad* was taken up by the *ijtihad* session of the International Islamic Colloquium in 1858. It is worth nothing that in the session 'it was suggested that an academy for Islamic jurisprudence should be established. It should include the most competent jurists from every Muslim country, whose minds were open to doubt in matters of economics, sociology, law, medicine, etc. An academy of this type staffed by full time paid scholars, with up to date facilities for research should be given the power to interpret the law in accordance with the demands of modern times. And another interesting suggestion given in the session was that the progressive elements for all schools of Muslim jurisprudence should be codified into a compact code of legal principles which are workable in modern times. <sup>66</sup>

In relation to the form of government which is more suitable for present day Muslims, in Iqbal's point of view, is not monarch nor

Caliphate, but republican like that of Turkey. In his book, Iqbal asserted that: "The republican form of government which is more suitable for present-day Muslims, in Iqbal's point of view, is not monarch nor caliphate, but republican one like that of Turkey. In his book, Iqbal asserted that "The Republican form of government is not only consistent with spirit of Islam, but also become a necessity in view of the new forces that are set free in the world of Islam.<sup>67</sup> About Turky's effort in transforming the caliphate to republican form, Iqbal highly appreciated it by stating that,"The truth is that among the Muslim nations of today, Turkey alone has shaken its dogmatic slumber, and attained to self-consciousness. She alone has claimed her right of intellectual freedom; she alone has passed from the ideal to the real – a transition which entails keen intellectual and moral struggle."<sup>68</sup>

Although Iqbal agreed with and even greeted the exhaustive effort of Turklish scholars, however, he was not in line with Kemal Ataturk in the case of separating the state affairs from religious affairs, say, in more general claim, the separation of religion from politics. For Iqbal, 'in Islam the spiritual and the temporal are not two distinct domain.' Moereover, he believed that 'Islam is a single unnalyzed quality. Henceforth, politics as well as other aspects of human life cann not be separated from religion. Seyyaed Hossein Nasr, in his *Traditional Islam in the Modern World*, illustrates the unity of life in this world and the next world as two curves which are connected to form one circle. Thus, nothing can be separated from religious dimension.

When Iqbal wrote this book, Muslims of Indoa were struggling to set up a separate state where they could apply the Shari'a in every aspects of their life. Although great Muslim scholars such as Sayyid Abu'l A'la Mawdudi and Abu Kalam Azad did not egrree with any effort leading to the establishment of a separate state for Muslims, Iqbal insisted to do *ijtihad-siyasi'* by stating that Muslim really needed their own state and this state should be none other than the republican form. He believed that: "The enforcement and development of the Shari'a of Islam is impossible in this country without a free Muslim state or states." 69

Therefore, he asserted that 'consolidated North West Indian Muslim State appears to be the final destiny of Muslims, al least North West India.'; This idea of *ijtihad* of Iqbal, later on, was realized by the Muslim community of the subcontinent when they established a separate country named the Republic of Pakistan on August 14, 1957 and then in the subsequent year in 1956 it become the Islamic Republic of Pakistan. Unfortunately, Iqbal did not life long enough to see that his *ijtihad* is

applicable. However, the people of this newly born country always remember him as the spiritual founder of the state.

#### Conclusion

In the midle of the eighteen century Shah Wali Allah started a movement towards the reinstatement of reason and individual judgment in the affairs of the religion and politics of the Muslim community in the Indo-Pakistan subcontinent. His aim was none other than to make Muslim ummah religiously and politically strong by asking to come to the Qur'an and the Sunnah, not to be blindly stick to the established four schools without considering the change and the demands of the people's need. However, almost two centuries later, because not many Muslim scholars responded Wali Allah's call for *ijtihad* seriously, consequently the condition of the Muslims of the subcontinent relatively remained unchanged intellectually, economically and politically.

It was, therefore, Iqbal himself in the early twentieth century reasserted the call of ijthad which he termed as the principle of movement. Since the world is never unchanged, the call of ijthad to the Muslim scholars should be voiced over and over again. The call of ijthad itself should be in accordance with the demand of time. However, according to him, this not enough until those scholars prove the call into action and until they can draw ideals to practical aspects.

Both scholars considered *taqlid* retrograde to the true nature of Islamic teachings. For them creative interpretation or *ijtihad* is integral part of Islam. Both of them, therefore, encouraged Muslim scholars to exercise *ijtihad* in accordance with their respective demands. In this modern era, *ijtihad* should be carried out collectively as Iqbal suggested instead of individual *ijtihad* as suggested by Wali Allah. For life of dynamism of modern era places complicated problems before the Muslim ummah. The problems that require the full attention of Muslim scholars of various disciplines from social sciences to exact sciences. These scholars, in turn, will sit together to discuss the problems and give their way out or solution comprehensively.

As far as the idea of *ijtihad* concerned, both of the scholars did not think that it can be used unrestrictively to legimitate everything done by Muslim scholars. Ijtihad should not contradict with *al-Nash*. It is, therefore, they were of the opinion that since ijtihad means exerting individual judgment in order to formulate a legal opinion on issues not explicitly defined in *al-Nas*, its connection with the principles of Islamic jurisprudence should be viewed in terms of compatibility with and conformity to the principles themselves.

In short, it seems that both of these great scholars from the Indo-Pakistan subcontinent could think broadly but unfortunately they fell short of suggesting on practical reforms or practical ijtihad of their respective communities. They did give the practical aspects of the *ijtihad*, but they provided them only in general ways, as noted earlier. It is, therefore, the duty of Muslim scholars who come latter to endeavor to make their theoretical ideas touch the practical application. In other words, their duty is, to borrow one of the Indonesian most well-known mufassir's words, M. Quraish Shihab, "to pull the Qur'an down the earth." Because as a member of the ummah, in the words of Iqbal, if he does not take initiative, if he does not involve the richness of his being, if he ceases to feel the inward push of advancing life, then spirit within him hardens into stone and he is reduced to level of dead matter."

#### Endnote:

- <sup>1</sup> Muhammad Hashim Kamali, *Principles of Islamic Jurisprudence* (Cambridge: Islamic Text Society, 1991), p.365.
- <sup>2</sup> Fazlur Rahman, *Islam* (Chicago: Chicago University Press, 2<sup>nd</sup> ed., 1979), p.77.
- <sup>3</sup> Wael B. Hallaq, "The gate of Ijtihad: A Study in Islamic Legal History" (Unpublishede Ph.D. dissertation, University of Washington, 1983), p.5.
- <sup>4</sup> Perveen Feroze Hasan, *The Political Philosophy of Iqbal* (Lahore: Pusblishers United Ltd., 1970), p. 134.
- <sup>5</sup> Fazlur Rahman, "The Thinker Crisis: Shah Wali Allah," in *Pakistan Quarterly Journal* (Summer, 1956), p.45.
- <sup>6</sup> A.J. Halepota, "Shah Wali Allah and Iqbal: The Philosophers of Modern Age," in *Islamic Studies*, Vol. XII, No. 4 (December, 1974), p.225.
- Muhyi Al-Din Muhammad Aurangzeb 'Alamgir was the last great emperor of Mughal Empire who reigned the Empire for fifty years 1658-1707 C.E. Since then the light of the Empire faded away towards the darkness and chaos. See: Majumdar Raychudhuri, et al., An Advanced History of India (New York: St. Martin Press, 1967), pp. 464-516.
- 8 G.N. Jalbany, Life of Shah Wali Allah, (Delhi: Idarah-I Adabyati Delhi, 1980), p. 1.
- <sup>9</sup> Aziz Ahmad, Studies in Islamic Culture in the Indian Environtment, (Oxford: The Clarendon Press, 1964), 205.
- <sup>10</sup> 'Abd al-Rahman was also involved in the project of writing a voluminous book entitled *Fatawa-e 'Alamgiri*, the encyclopedic collection of religious ferdict, on the reguest of the Emperor Aurangzeb 'Alamgiri.
- <sup>11</sup> Sayyid Athar Abbas Rizvi, Shah Wali Allah and His Times, (Canbera: Ma'rifat Publishing House, 1980), p.215.
- <sup>12</sup> J.M.S. Baljon, Religion and Thought of Shah Wali Allah, (Leiden: E.I.J. Brill, 1986), pp. 4-5.
- 13 Azis Ahmad, Op at., p. 201.
- <sup>14</sup> G.I. Allana, Muslim Political Thought, p.39.

- <sup>15</sup> Muhammad Ishaq as cited in Freeland Abott, "The Decline of the Mughal Empire and Shah Wali Allah," in *The Muslim World*, Vol. L1, No. 2, (April, 1962), p. 117.
- Marcia K. Hermansen, Shah wali Allah's Theory of Religion in Hujjat Allah al-Baligha, (Unpublished Ph.D. dissertation Chicago: The University of Chicago, 1982), p. 114.
- <sup>17</sup> Sayyid Athar Abbas Rizvi, Op at, p. 221.
- <sup>18</sup> For a more complete list of works of and on Shah Wali Allah written in English, Persian, and Urdu, see Kabir Ahmad Khan, "A Select Bibliography of Writings by and about Shah wali Allah Dihlavi in English and Urdu," in *Muslim World Book Review*, Vol. VII, No. 1 (1986), pp. 55-65.
- <sup>19</sup> Saleem M.M. Qureshi, "Iqbal and Jinnah: Persopnalities, Perceptions, and Politics," in E.M. Naim, ed., *Iqbal, Jinnah and Pakistan: The Vision and Reality*, (Syracus: Syracus University Press, 1979), p. 13
- <sup>20</sup> Parveen Ferouz Hassan, *The Political Philosophy of Iqbal*, ((Lahore: Publishers United, 1970), p.2.
- <sup>21</sup> T.W. Arnold was a noted British Islamicist and professor of philosophy who always encouraged and supported Iqbal to broaden his thought by pusrsuing knowledge in the Western universities, See: John L. Esposito, ed., *Voices of Resurgent Islam*, (New York: Oxford University Press, 1983), p. 176.
- <sup>22</sup> Ebadat Brelvi, "Skecth of Iqbq\al Life," in Leonard Lubrande and Nuzrat Yar Khan, eds., *Iqbal: Life, Art, and Thought,* (Ottawa: Canada-Pakistan Association, 1979), pp.15-16.
- 23 Hassan, Ibid., p. 17.
- <sup>24</sup> Among of these books are Syed Abdul Vahid, Studies in Iqbal, (Lahore: M.M. Ashraf, 1976), Malek Mueen Nawaz Azhaar, A Bibliography of Articles on Iqbal (Lahore: Islamic Book Service, 1978), S.J. Ahmad Rizvi, Theses on Iqbal: A Bibliographical Survey of Theses on Iqbal, (Lahore: Aziz Publishers, 1970), M. Saeed Sheikh's bibliography in M. Iqbal, The Reconstruction of Relgious Thought in Islam, (Lahore: Institute of Islamic Culture, 1989), Annemarie Schimmel, Gabriel'sw Wing, 2nd ed., (Lahore: Iqbal Academy Paksitan, 1989).
- <sup>25</sup> A.S. Vahid's Introduction in M. Hadi Hussain, The Rose Garden of Mystery and The Book of Slaves (Lahore: Sh. Muhammad Asharf, 1969), p.vi.
- <sup>26</sup> For more detailed discussion on the meaning of ijthad given by both Sunni and Shiite 'ulama see, Muhammad Ibrahim Jannati, "The Meaning of Ijthad," in *Al-Tawhid*, Vol.IV, Nos 3-4 (March-Ausgust, 1988), pp.179-210.
- <sup>27</sup> 'Umar Jah, "The Importance of Ijtihad in the Development of Islamic Law," in Journal of Islamic Comparative Law, Vol. 7 (1977), p.236.
- <sup>28</sup> Taha J. al-Alwani, "The Crisis of Thought and Ijtihad," in *The American Journal of Islamic Social Sciences*, Vol. 10, No. 2 (Summer, 1993), p. 237.
- <sup>29</sup> Shah Wali Allah, Hujjat Allah al-Baligha, Vol, I, p. 4.
- Muhammad Daud Rahbar, "Shah Wali Allah and Ijtihad," The Muslim World, Vol.XLV, No., 4 (October, 1955), p.347.
- 31 Ibid., p.347.
- 32 K. A. Nizami, "Shah Wali Allah of Delhi: His Thought and Contribution," in *Islamic Culture*, p. 145.
- <sup>33</sup> *Ibid*, pp.351-352.

- 34 Karl Barbir, "Shah Wali Allah," in Mircea Eliade, et al., eds, The Encyclopedia of Religion, Vol. XV (New York: Macmillan Publishing Co., 1987), p.329.
- 35 Shah Wali Allah, "Izalat al-Khufa, Vol I, pp. 4-5, cited in Mahmood A. Ghazi, in "State and Politics in the Philosophy of Shah Wali Allah," in Klaus Ferdinand and Mehdi Mozaffari, eds., Islam: State and Society (London: Scandionavian Institute of Asian Studies, 1988), p. 101.
- 36 Muhammad Daud Rahbar, Op cit., pp.347-348.
- <sup>37</sup> *Ibid.*, p. 349.
- <sup>38</sup> Parveen Feroze Hassan, *The Political Philosophy of Iqbal* (Lahore: Publishers United Ltd., 1970), p. 137.
- <sup>39</sup> Here Shah Wali Allah compares the role of shari'ah to that of physician, and at one place he actually mentions the Prophet as "the divine physician", see Shah Wali Allah's Al-Budar al-Bazighah,p.166, and says God as "the Real Physician in his al-Fawz al-Kabir, as cited by Mi'raj Muhammad."Sahah Wali Allah's concept of the Shari'ah," in Kurshid Ahmad, et al. *Islamic Perspectives: Studies in Honour of Sayyid Abul A'la Mawdudi* (London: The Islamic Foundation, 1980),pp.345&355.
- <sup>40</sup> Ishtiaq Husain Qureshi. *The Muslim Community of Indo Pakistan Subcontinent* (610-1947). (The Netherlands: Mouton & Co., 1962), pp.182-183.
- <sup>41</sup> Mi'raj Muhammad. "Shah Wali Allah's attempt to Reconcile the Schools of Fiqh". ( Unpublished M.A. thesis, Institute of Islamic Studies, McGill University, Montreal, 1968), p.173.
- <sup>42</sup> Aziz Ahmad. *An intellectual History of Islam in India.* (Edinburg: Edinburg University Press, 1968), p.8.
- <sup>43</sup> The edition of Persian Translation, with its Arabic text, entitled Fath al-Rahman and accompanied with explanatory notes. Later on, it was published in Cawnpur in 1872.
- <sup>44</sup> Hafeez Malik. *Muslim Nationalism in India and Pakistan*. (Washington: Public Affairs Press, 1963),p.128.
- <sup>45</sup> See W. Montgomety Watt. *Islamic Philosophy and Theology: An Extended Survey*. (Edinburgh: University Press, 1962, reprint 1992),pp.15-16.
- 46 His Qur'anic Translation is entitled The Glorious Qur'an: Text and Explanatory Translation. Its U.S. first edition was published by Tabrike Tarsile Qur'an, Inc. New York, in 1992.
- <sup>47</sup> Hafeez Malik. Muslim Nationalism, p.128-129.
- <sup>48</sup> Karl Barbir, Shah Wali Allah," in *The Encyclopedia of Religion*. Vol.XV, ed. By Mircea Eliade, et al. (New York: Macmillan Publishing Co., 1987), p.329.
- <sup>49</sup> S.A. Vahid, "Iqbal A Survey of His Works," in *Iqbal Review*, Vol. XIV, No. 1 (April, 1973), p.61.
- 50 Mohammad Natsir, "Iqbal on the Separation of Religion and State," in *The Islamic Review*, Vol. XLI, No. 7 (July, 1953), p.6.
- Muhammad Iqbal. The Recontruction of Religious Thought in Islam. (Lahore: Iqbal Academy Pakistan and Institute of Islamic Culture, 1986, reprint 1989), pp.116-142.
- <sup>52</sup> *Ibid.*, p.117.
- 53 *Ibid.*, p.116
- 54 Patrick Baunerman, Islam in Perspective: A guide to Islamic Society, Politics and Law ( London, Routledge, 1988), p119.

- 55 Taha J. al-'Alwani. "The Crisis of Thought of Ijtihad, in The American Journal of Islamic Social Sciences, Vol. 10, No.2 (Summer 1993),p.236.
- 56 Syed Abdul Rahman. "Iqbal's Concept of Sovereignty and Legislation in Islam," in Islamic Studies. Vol.25, No.1 (Spring 1986), p.53.
- 57 Muhammad Iqbal. The Recontruction of Religious Thought in Islam, Pp.131-140
- 58 Ibid.,117-118.
- 59 Ibid.
- 60 Cited in Afzalur Rahman. Islam: Ideology and the Way of Life. (London: The Muslim Schools Truts, 1980),p.349.
- 61 Muhammad Iqbal. Op at.,pp. 149-151
- <sup>62</sup> Saeed Ahmad Rafiq. *Iqbal Ka-Nazria'-I-Akhlaq*, Laoher, 1960, p.126, cited by Perveez Feroze Hasan. *The Political Philosophy of Iqbal*, P.151.
- <sup>63</sup> Tariq, A.R. ed., *Speeches and Statements of Iqbal*. (Lahore: Sh. Ghulam Ali & Sons, 1973), p.132-133.
- 64 Muhammad Iqbal. Op at., pp.148-149
- 65 Ibid., p.124.
- 66 Cited in Bayard Dodge." The Islamic Colloqium Lahore," in *Muslim World*. Vol XLVIII, (1958) pp.204-5.
- 67 Muhamad Iqbal, Op at., p. 125.
- 68 Ibid., p. 128.
- <sup>69</sup> Iqbal's letter to Jinnah as quoted by Riffat Hassan in Hafeez Malik, ed., *Iqbal: Poet Philosopher of Pakistan* (New York: Columbia university Press, 1971), p.151.
- 70 M. Quraish Shihab, Membumikan Al-Quran, (Bandung: Mizan, 1996).
- Muhammad Iqbal's statement as quoted by Asghar Ali Engineer, "Islam and Reformation," in *Islam in the Modern Age*, Vol.IX (February, 1978), p.88.

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