Islam & Values of Modernity: A Study of Ziauddin Sardar

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Abstract

The advent of modernity demanded Muslim scholarship need to produce such thinking which can work as foundation for the critical thinking in Muslim societies for survival against the charges of modernity against Islam. Since the time Muslims confronted modernity and its values, there have been voices who understood that traditional approaches and interpretations are not appropriate to cope with the problems, modernity posed to Islam. The sacred message can be well defended by re-reading, and re-interpreting it according to the needs of modern Muslim societies. This purpose could be achieved through one of the core Islamic values, the notion of Ijtihad, which has been misperceived by orthodox Muslim scholars. One of such voices is Zia Uddin Sardar, a case, who leads a pack of like-minded modern Muslim intellectuals. Sardar tries to create an alternative future for Muslim societies by starting a new discourse in Islamic thought. For him Islam just provides the direction to how to live and move forward. It provides with us the vision of just and equitable society, invites for the reflection, thought and discovery. Sardar proposes the same kind of liberation for Islam as Christianity went through. We need to be as simple and have as inclusive an approach as possible. Sharʿīah, being an ethical framework, does not change but the Islamic law continues to change and evolve, he writes. We can't just denounce and criticize what is bad in Islamic tradition but we also need to come up with a solution.

Keywords: Islam, Ijtihad, Modernity, Sharʿīah, Free thinking, Religious freedom

Introduction

It is the duty of Muslim scholars and intellectuals to come up with ideas which provide the basis of free thinking in Muslim societies in order to not only help solving the problems of Muslim world but to strengthen the beliefs of people by grounding and explaining the importance of religious freedom in Islam on rational grounds. The orthodox Muslim thinkers do not view the world as it is but through the glasses of traditional interpretations of medieval jurists and scholars.

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Do Muslims really need to 'force or coerce' people to follow a particular interpretation of Islam or even Islam as a religion altogether? If it were so, as analyzed in last chapter, then God would have created human beings in a way, like angels, that people would not go 'astray'. If God's message does not withstand the critics and those who do not believe then what is its value? Hence submitting to God has to be manifested in terms of love, wisdom and freedom of choice He has entrusted us with. The meaning of the term 'Islam' is 'to submit' or 'submission to God' which should be understood in terms of a moral and spiritual relationship with God rather than in an 'orthodox' or traditional sense, as coercing people to submit to Shar'īah, because traditional understanding of Shar'īah is just the interpretations of the Qurān and Sunnah of the prophet, formulated and constructed by medieval jurists, and not the divine law in literal terms. Therefore, the traditional concept of Shar'īah can be reformed and must be reformed for the growth and development of Muslim societies.

The foundational and continuing role of consensus among generations of Muslims is important not only for historical interpretations of Shar'īah but for its constant reform and evolution over time […] there is nothing to prevent the formation of a fresh consensus around new interpretative techniques or innovative interpretations of the Qurān and Sunnah. [...] the challenge is to ensure the freedom to propose and debate so that consensus can freely evolve among Muslims, either in support or against whatever is proposed[1].

Muslim intellectuals need to rethink all those traditional approaches devised by orthodox and medieval scholars to come up with the idea of religious freedom and free thinking, and to prevent the abuses and injustices which were not imagined by Muslim jurists and scholars of medieval times. One can be a good Muslim while reconsidering the traditional concept of Shar'īah and taking on board their critical analysis. Muslim intellectuals should consider it to be their prime duty to re-educate their fellow beings, regarding the notion of religious freedom and free thinking. Although the modern notion of religious freedom is not found in medieval thought of the Islamic tradition and legal system, it does not mean that a contemporary Muslim intellectual cannot rethink and reform the Islamic tradition to promote the notion of religious freedom in Muslim societies[2].

Muslim intellectuals can debate the priorities and the importance of basic human rights and religious freedom in Islam to formulate the new policies.

The modern notion of religious freedom and the right to dissent in the matters of faith would have great impact if it comes from prominent Muslim intellectuals, especially of those who have their say 'heard' by larger populations in Muslim societies. Muslims desperately need the scholars to come up with new interpretations of tradition in order to ensure religious freedom and moral integrity in Islam.

It is very important and essential for a Muslim to confront and challenge the issue of religious freedom in order to uphold the moral integrity of Islamic beliefs[3].

Since the time Muslims confronted modernity and its values such as religious freedom and free and rational thinking, there have been a few voices who understood that traditional approaches and interpretations are not appropriate to cope with the problems, modernity posed to Islam. It gave birth to modern Muslim reforms movements, which try to present a new image of Islam by re-reading the traditional approaches and interpretations of the Qurān and Sunnah. Their followers believe that the sacred message by God and His prophet has been mixed up with customs, conventions and power politics and ceased to be an objective approach, giving birth to all sorts of problems that modern Muslim societies face in terms of gender discrimination, religious freedom, democracy etc. The sacred message can be well defended by re-reading, and re-interpreting it according to the needs of modern Muslim societies. This purpose could be achieved through one of the core Islamic values, the notion of Ijtihad, which has been misperceived by orthodox Muslim scholars. Muslim intellectuals, considering themselves to be critically engaged in the Islamic tradition, may not be in agreement with each other on certain issues, but must acknowledge the fact that there is a great need for the reinterpretations of traditional Islamic concepts conceived and devised by earlier Muslim scholars and jurists.

Any understanding of Shar'īah is always a product of Ijtihad, in general sense that reasoning and reflection by human beings are ways of understanding the meanings of the Qurān and Sunnah of the Prophet. But in the process of development of Shar'īah during the second and third centuries of Islam, this term was defined and limited by Muslim scholars in two ways. First, they determined that ijtihad can be exercised only in matters that are not governed by the categorical texts (nass qat'i) of the Qurān and Sunnah. This is a logical proposition, but it not only assumes that Muslims agree on which texts are relevant to a particular issue and on how to interpret those texts, but also deems

that whatever consensus was achieved over those matters in the past is permanent. Second, early Muslim scholars specified detailed requirements for a person to be accepted as qualified to exercise Ijtihad (Mujtahid) as well as the manner in which Ijtihad can be exercised. But even the very definition of the term or qualification needed by the scholar who can exercise this role is necessarily the product of human reasoning and judgment. So why should that human process preclude subsequent reconsiderations?[…]…From the Islamic point of view, no human authority was or is entitled to declare that Ijtihad is not permitted, though there may have been consensuses on this matter among Muslims. There is nothing, therefore, to prevent the emergence of a new consensus that Ijtihad should be freely exercised to meet the new needs and inspirations of Islamic societies[4].

The Qurān and Sunnah hold central and fundamental position in formation of Islamic legal systema and jurisprudence and are above any question. However, to bring reformation in tradition of Islam, especially its encounter with the values of modernity, the scholarship needs to rethink and have a close look into the interpretations of the texts. Those interpretations were produced long time ago and were meant to cater for those times, and were not meant to cater for the modern times.

The modern notions of religious freedom and the need to rethink and reform Islamic tradition using the concept of Ijtihad provoked certain Muslim modernist thinkers to question the issue. The traditional interpretations cannot fulfill the task related to the notion of religious freedom in Islam so rethinking and reform is needed through Ijtihad. This questioning the tradition in Muslim thought strengthened during the 19th and 20th centuries. The discussion was opened by some well- known Muslim scholars such as, Jamal al-din Afghani, Muhammad Abduh, the grand Mufti of Egypt inspired deeply by Afghani, and Rashid Rida, a student of Muhammad Abduh. Among others who left the marks on the trajectory of modern Muslim thought were Syed Ahmed Khan and Muhammad Iqbal, providing the basic framework to question the traditional approaches of Muslim scholars and jurists. Later on several thinkers of a more 'liberal' approach began to bring the discussion into spot light and called for the freedom of thought and Ijtihad in Islam, such as Hasan al Turabi, Rashid Ghanoushi, Muhammad Hashim Kamali, Abdullahi An Na'im, Saeed Abdullah and Ziauddin Sardar.

Ziauddin Sardar's Project

Ziauddin Sardar is a British Muslim writer, critic, scholar, academic, Journalist and author of over forty books. He was born in Pakistan and has lived almost all of his life in Britain. He represents and leads his pack of like-minded modern Muslim critics, and is a particular case in point. His location at the cusp of modernity and postmodern discourse sweeping the world of Islam today is precisely the way (post)modern Muslim thinkers (especially living in the free societies, i.e. of Europe and America) try to reform Islam by reinterpreting and reforming Islamic tradition.

He is one of those very few modern Muslim intellectuals who lead Islamic renaissance by redefining Islamic epistemology and rescuing it from traditional interpretations. He deeply looks into and tries to explain the causes and the context of September 11and suggests solutions for these problems. His project is unique, in the sense that, he tries to create an alternative future for Muslim societies by starting a new discourse in Islamic thought.

Creating an alternative future for Islam is a part of the unique contribution of Sardar. But he is also the first to explore the role and impact of modern science and technology in the Muslim world; the first to discuss the importance of information and communication technologies for Muslim societies; the first and so for the only one to produce a modern classification for Islam; amongst the first to argue that postmodernism so eagerly embraced by multiculturalists and intellectuals in the non-west was not so much a new force of liberation but a new form of imperialism; and amongst the first to warn that future is rapidly being colonized. He is credited with starting a number of new discourses in Islamic thought: he is considered a champion of the discourses of Islamic futures and Islamic science and a spirited critic of the discourse of the Islamization of knowledge[5].

Sardar picks on the blind traditionalism in Muslim societies criticizing Muslim societies for living in the past and being in a state of dogmatic slumber. He is for the reformation of the Muslim societies according to the modern times and warns that if we do not come out of 'parochialism' and did not adapt to the real modern world we will simply perish.

Parochialism is a widespread feature of Muslim thought. Narrow adherence to fiqh (classical jurisprudence), to the dictates of this or that school of thought, whether it has any contemporary relevance or not, is one manifestation of this parochialism. The real world takes no account of the glories of bygone ages, the rulings of historic times, outmoded thought and

ideas. Its message is simple: adopt or perish. Muslim people have been at the verge of physical, cultural and intellectual extinction simply because they have allowed parochialism and petty traditionalism to rule their minds. We must break free from the ghetto mentality […] Islam is a universal worldview; it transcends all cultural boundaries and is not limited and confined by a single parochial outlook[6].

He is hard critic of the interpretations of Shar'īah that base it on the outdated legislations tailored for those times and capable of the limited scope of those times. This kind of interpretation confines the freedom to choose in matters including religion, in fact blessed by God to very human species. This kind of ideology is the product of mistakenly understood by Muslims just as a totality of fiqh or the classical jurisprudence formulated by the jurists in the Abbasid period when Muslim history was in its expansionist phase[7].

The traditional and narrow approach to suppress dissent in Islam has caused the Muslim world a barrenness in terms of producing genuine intellectuals. Sardar points out some reasons for that in the Islamic tradition. The orthodox ulema and jurists consider themselves to be the sole authority on reason in Islam. They consider themselves to be 'all knowing' and have monopoly on the truth. They also consider the jurists of medieval times to be absolutely correct even though history has proved them wrong in certain contexts. And they would not take any criticism against their 'ideas'. If someone criticizes those medieval interpretations and their followers, they take it as a personal attack and simply isolate and label him or her as apostates or heretics to take revenge. They think that they can never be wrong and would blame their critics for spreading strife and sedition[8].

Such traditional and orthodox approaches fail to understand that Islam as a religion has gone through a process of reduction, which is the product of the labeling and exclusion traditions, when the jurists of medieval times devised certain laws and reduced Islam just to a 'cult of fiqh'[9].

They fail to acknowledge the truth that those rulings were meant only for those times according to their own particular situations and could not be taken as eternal, and which also, most of the times, incorporated their own preoccupations and prejudices. The five traditional schools of thought were space and time bound in terms of solving the problems according to available knowledge, also having preoccupations and prejudices of the time. Hence those rulings cannot be taken as final and shouldn't take place of Qurān and Sunnah[10].

The mere idea that fiqh (the jurisprudence) is the totality of 'Islam' is self contradictory on the grounds that it does not take into consideration the very needs of those times when Muslims were going through an expansion phase. Islam is for all times and this kind of ideology makes it only time locked and incompatible with the modern values. This results into the chaos in Muslim societies, perhaps as means for power for a certain groups in those societies leaving these merely rigid and outdated in modern times.

There is nothing wrong with the aspect of fiqh, which focuses on the matters of belief, prayer and rituals. However, when fiqh assumed its systematic legal form during the era of Abbasids, it incorporated three vital aspects of the Muslim society of that period. At that juncture, Muslim history was in its expansionist phase, and fiqh incorporated the logic of Muslim imperialism of that period. The fiqh rulings on apostasy, for example, derive not from the Qurān but from this logic […] Furthermore, as the framers of law were not by this stage managers of society, the law became merely theory which could not be modified—the framers of the law were unable to see where the fault lay and what aspect of the law needed fresh thinking and reformation. Thus fiqh, as we know it today, evolved on the basis of a division between those who were governing and set them apart from society and those who were framing the law; the imperialistic assumptions of a 'golden' phase of Muslim history also comes into play. What this means in reality is that when this fiqh is applied in the contemporary societies, it throws up the contradictions that were inherent in its formulation and evolution. The application of fiqhi legislation, out of context of its time and out of step with ours, gives Muslim societies a medieval feel. When narrow adherence to fiqh, to the dictates of this or that school of thought, whether it has any relevance or not, becomes the norm, ossification sets in. The ulema have solved all our problems', becomes the rallying cry; and it becomes necessary for a vested group of society to preserve their territory, the source of their power and prestige, at all costs. An outmoded body of law is thus equated with Shar'īah, and criticism of fiqh is shunned by elevating it to eternal law[11].

The problem is that there is no clear distinction between Islamic law or fiqh and Shar'īah by the scholars in Islam. People consider those rulings devised in medieval time by the classical scholars, as the Shar'īah. So in order to get rid of such narrow approaches we need to distinguish between the notions of Shar'īah, fiqh and Islamic law. Islam just provides the direction to how to live and move forward. It provides with us the vision of just and

equitable society, invites for the reflection, thought and discovery. For Sardar, to reduce Islam to a simple 'cookbook' a recipe for 'dos and don'ts', is a big mistake, and is based upon prejudices.

The solution for such anomalies lies in distinguishing between Shar'īah, Islamic law and fiqh as three distinctive entities. Shar'īah is a set of regulations, a set of principles, a set of values that provides Muslim communities with eternal guidance. Islamic law is what the Muslim community derives from Shar'īah. Fiqh is what classical Muslim jurists derived from Shar'īah as appropriate laws for their period[12].

Due to this confusion and mixing up of medieval formulations of the Islamic law with Shar'īah Muslims have failed to keep up with the modern world. They have failed to understand the framework of Islam which implies all sociological, economic and political aspects. Considering fiqh as the totality of Islam has caused Muslim societies the failure to understand the realities of modern times and adopting and adjusting to the changes it demands. We need to understand Islam in terms of an ethical framework which not only recognizes change but also urges Muslims to adjust to it[13].

Sardar charges Muslim scholars for not being able to carry out the ijtihad, a core value of Islam, making Islam a dynamic and open system or framework to understand and adjust in accordance with the passage of time and with the demands of a dynamic and changing society, which has resulted into rigidity, suppression, restrictions on religious freedom, extremism, sectarianism and violence. The notion of ijtihad makes Islam a dynamic system which is holistic in nature, hence Shar'īah needs to be seen as a holistic system, just a pack of few aspects of Islamic law cannot be implemented as Shar'īah. We have to take into consideration the holistic nature and ethical framework of Shar'īah. By implementing certain aspects of the Islamic law as the Shar'īah the holistic nature of Islam is destroyed, and while Shar'īah promotes rather mercy and balance it has been portrayed as a set of extreme punishments.

The implementation of the Shar'īah has been fragmented and presented as an absurd caricature. The responsibility for this lies not only with zealous dictators and monarchs, who have used Shar'īah to legitimize their own power base, but also with Muslim scholars and intellectuals who have failed to carry out the ijtihad so badly needed to gain a contemporary understandings of the Shar'īah, and with Islamic activists who, in their eagerness to see Shar'īah implemented, have co-operated with all types of demented politicians and

power-hungry demagogues […] Shar'īah cannot be understood, let alone implemented, without appreciating its holistic nature. The intrinsic holistic character of Shar'īah means that one or two aspects of 'Islamic law' cannot be imposed on a society at the expense of others or at the expense of the basic ethical principles which the Shar'īah aims to promote. As the Shar'īah itself declares that 'there is no compulsion in religion', it cannot be imposed on an unwilling people; it has to be desired and admired and adopted by people of their own free will[14].

Muslims need to, both as individuals and communities, reclaim the agency provided by Islam through the notion of ijtihad. They need to insist on their right as well as duty to reinterpret and question the traditional interpretations of Shar'īah. We need to re-examine what goes under the general rubric of Shar'īah today. The reality is that the fiqh, which is generally considered to be Shar'īah and which is confined by time-locked situations of Muslim history, has gone obsolete. Islam has been left to those ulema who are more familiar with the medieval times rather than with the contemporary world. This kind of attitude of lay Muslims to leave the interpretation of Shar'īah in the hands of those people who are not up-to-date and not well-equipped with the tools to cope with the demands of the contemporary world has caused the progressive decline of Muslim civilization. We should not and cannot leave this noble notion of ijtihad in the hands of those who consider it to be 'closed' for the people and bury it in 'frozen and distant history'. Muslims should reclaim their agency and reform the Islamic tradition in a broader context and should extend Shar'īah to a dynamic system. There is a need of a fresh understanding of Shar'īah through the tools of Ijtihad, Ijma, Istislah and Istihsan, which have been unexplored by the Muslim scholars.

Shar'īah needs to be extended beyond laws and turned into a problem solving methodology. Most jurists would agree that the chief sources of the Shar'īah are the Qurān; the Sunnah, or the authentic traditions of the Prophet Muhammad; ijma, or the consensus of opinions; qiyas, or the judgment upon juristic analogy and ijtihad, or independent reasoning by jurists. The supplementary sources of the Shar'īah are said to be Istihsan, that is prohibiting or permitting a thing because it serves or does not serve a 'useful purpose'; Istislah, or public interest; and urf or custom and practice of the society. Classical jurists used ijma, qiyas, ijtihad, istihsan, istislah and urf as methods of solving practical problems. It is indeed tragic that their followers have abandoned the methods and stuck to the actual juristic rulings despite the

fact that their benefits were obviously limited to a particular historical situation. The blind following of those rulings has not only turned the body of the Shar'īah intoa fossilized cannon but now threatens to suffocate the very civilization of Islam. Relegating the pronouncements of classical jurists into eternal principles and rules is not only belittling the Shar'īah, it is detrimental to Muslim societies as well. The reconstruction of Muslim civilization begins by setting the Shar'īah free from this suffocating hold and giving it the status it truly deserves in the Muslim civilization: a dynamic problem-solving methodology which touches every aspect of human endeavor[15].

Religious freedom should be taken as the core values of Islam as it invites people to thought and reflection, which cannot be achieved without having the freedom to doubt everything. Islam promotes the attitude to analyze and think deeply, but freedom is the prerequisite for thought and reflection. The time-locked medieval jurisprudence has resulted into restrictions in terms of 'free thinking' and freedom of thought and expression, something which is not derived from the basic sources of Islam, the Qurān and Sunnah. The Rushdie affair is a clear example of such tradition.

The Rushdie affair has some important lessons for Muslims and Muslim societies. It has brought to the fore something that thinking and concerned Muslims have known for decades: Islamic law as it is derived from centuries old fiqh, the juristic interpretative legislation, needs to be rethought. The tradition of thought upon which Ayatollah Khomeini's fatwa relies, derives from fiqh, and not from the basic sources of Islam, the Qurān and Sunnah. The development of the body of opinion on which fatwa is based is a function of how jurists in history have reasoned according to their historical circumstances. Such human reasoning cannot be elevated to the same status as eternally valid and superior sources of the Qurān and Sunnah. But this reasoning has become a matter of power and territory: Muslim scholars see fiqh in terms of their own power in community as well as a matter of survival. However, whatever Muslim jurists may say, the legal tradition upon which the fatwa relies is not the necessary, inflexible, unquestionable summation of Islam that must therefore be blindly followed and be incumbent upon all Muslims[16].

Justice as well as unity of thought are a core and universal values of Islam as a religion is are likewise emphasized. These core values require freedom without which it leads to suppression. We have to take Islam as a

world view, a holistic one, and not just a few rulings devised by medieval jurists, which do not admit any modifications with the time.

Islam is best appreciated as a worldview: as a way looking at and shaping the world; as a system of knowing, being and doing. The literal meaning of Islam is submission and peace. To be a Muslim is to submit voluntarily to the will of the One, all knowing, all powerful, merciful and beneficent God and to seek peace on the basis of this submission. This peace is sought within the parameters of objective and eternal concepts and values that are furnished by the Qurān and Sunnah (sayings and actions of the Prophet Muhammad) and that shape the worldview of Islam. The fundamental concept of the Islamic worldview is 'tawheed', which is normally translated as 'the unity of God', but which by extension also signifies the unity of humankind and the unity of people and nature. Within this all-embracing framework of unity the creation is a trust from God, and men and women—who are equal in the sight of God whatever their color or creed—are khalifa or trustees of God. Humankind is responsible for this trust, and each individual will be held accountable for his or her action in akhira (the hereafter). The responsibilities of the trusteeship are fulfilled on the basis of two other fundamental Islamic concepts: Ilm (distributive knowledge) and adl (social justice). The thoughts and actions of khalifa are based not on blind faith but on knowledge; and the sole function of all the ideas and activities of the trustee are to promote all-round justice. Both ilm and adl are sought on the basis of ijma (consensus), shura (consultation and participation) and istislah (public interest). Within this framework, all ways of knowing, being and doing are halal (praiseworthy); outside this ethical circumference, where there is danger, lies the haram (blameworthy) territory[17].

Islam being a dynamic and holistic worldview provides us with a broad ethical framework and if we fail to understand these values, we basically fail to understand Islam itself. We fail to understand the conduct desired by God in the Qurān. We need to understand the current realities of the world in contemporary society. We need to understand the underlying dynamic relevance of the spirit of Islam to work out the implications for modern times. But again all such efforts demand free thinking, hence without religious freedom, freedom of thought and expression we are trapped in that obsolete medieval jurisprudence which has led Muslim civilization to decline. We need to see and understand the world as it is. Only through this kind of understanding will we be able to come up with effective reforms.

Sardar points out the three major aspects necessary to be understood if anyone wants to work out reforms, much needed, in a Muslim society. First, we need to admit that Muslim civilization has not produced genuine intellectuals in modern times and has not contributed to the philosophical and intellectual pool of contemporary knowledge; so we need to accept this bitter truth that without such a contribution we would not be accepted on equal terms in the contemporary world. Secondly, the world today is interconnected and interdependent and no one can live and survive in isolation. So we need to introduce social-economic and educational reforms before establishing Shar'īah. The third and most important feature of the contemporary world is diversity. Monocultures in their attempt to dominate isolate and alienate, eventually die their deaths. In order to survive and thrive, a society needs to be pluralistic and open to difference and diversity[18].

All the three aspects, pointed out by Sardar, need religious freedom and free thinking as a prerequisite. In order to contribute to the philosophical and intellectual pool of the contemporary world, one needs to have the freedom to make choices and think freely. Without free thinking and engaging in discourse such a contribution is out of question. In order to be accepted and heard on equal level in the contemporary world, one needs to contribute philosophically and intellectually to contemporary debates, for which religious freedom works as a foundation. Moreover, in order to survive and thrive, a society needs to be diverse and the diversity cannot be imagined without the notions of religious freedom and free thinking. The contemporary and real world is ever changing so we cannot rely on the outdated formulations of Shar'īah. We need to gain a new insight to Shar'īah. Those societies which are not open to religious freedom, freedom of thought and expression, criticism and self criticism as well as to new ideas, cannot exist.

Generally speaking, the ideal society is considered to be the Medina state in the Islamic tradition when the companions of the Prophet Muhammad set the social, political and economic norms. The companions of the Prophet are considered to be the best people in the history of Islam as they spent their lives according to the true spirit of Islam. But for Sardar that is only part of the history; though one could not think of better norms according to that space-time, we have to stop living in history in order to survive in the contemporary world and need to map out the details from the ethical framework according to our situation.

The norms which the companions of the Prophet set themselves were the best possible norms in their own conditions. Anyone finding himself in exactly the same conditions cannot conceive better norms. In this sense, their norms cannot be improved upon. But change is a reality. It is conceivable that some conditions may be more conducive to the realization of Islamic values than others. As such, the possibility of working out better norms than those worked out by the companions of the Prophet is real […] many of the injunctions laid down in the Qurān and Sunnah provide the framework of Islamic concepts. The details have to be mapped out by the believers themselves, accordingly to their particular situation. Thus any society, in the light of these injunctions, can work out its own ideal norms in its own space-time settings[19].

In modern times Shar'īah, apparently, is limited to harsh punishments. But Islam is an integrative worldview, taking into consideration all the aspects of society and providing it with a moral perspective. It does not provide us with the ready-made answers for individual problems but sets a framework. The ethical framework of Shar'īah is dynamic in nature, moves through time as a spiral, setting its limits but is not static, moving forward in way that it comprehends and acknowledges the challenges of time. But setting the limits does not mean that one has to follow exactly, word by word, the rulings of time-locked jurisprudence. By setting the outer limits as hudud, it provides with the social justice and freedom to choose even a higher and admirable values such as mercy and forgiveness. It just sets the broader framework in which one could work out the norms according to the demands of the contemporary world. It provides with the guidelines in which we can devise the best permissible actions according to the situation we are in. To restrict Shar'īah to certain rulings is, basically, making the whole system of belief a rigid and static worldview which will be outdated and eventually extinguished from the course of history altogether.

The Shar'īah is like a spiral, confined by its limits but moving with time, with its norm requiring a fresh effort by Muslims of every epoch to understand its contemporary relevance. It limits the maxima and minima of human behaviors by erecting a clear-cut boundary, the hudud, outside which all actions are categorically un-Islamic […] the (se) hudud represent the outer limits of human actions and not the norm. Within these limits all actions are permissible but the best actions are those which meet the dictate of time and preserve the equilibrium and balance of the Shar'īah. The norm of the Shar'īah

is mercy and forgiveness as exemplified in the Sunnah […] while the Sharʿīah allows just and exact retribution, it makes mercy and forgiveness and not revenge the dominant norm[20].

Sardar is of the opinion that Islam also has to go through a liberation just like Christianity did. For this reason, our approach must be holistic and inclusive and we must avoid the exclusionist approach and labelling people. Hence we must devise some simple rules for entering the fold of Islam. If we fail to be open and understanding the Sharʿīah in the context of our contemporary world and reinterpret it accordingly, basically, we will be giving up our freedom, blessed with by God.

Islam, too, is in need of similar liberation. As with the case of Christianity, we can also produce three basic conditions for entering the fold of Islam:

1. Belief in the existence of God—a uniquely perfect transcendent Being.
2. Recognition of the Qurān as a word of God.
3. Acceptance of the Prophet Muhammad as the paradigm of ethical and moral behavior in this life, the Sunnah, as a commentary on the Qurān.

This is the essence of Islam; all else is exegesis and is open to reinterpretation […] we can only have an interpretative relationship with the Qurān and the Sunnah: each generation must reinterpret the textual sources in the light of its own experience. If it fails to do so it undermines one of its basic God-given freedoms: the freedom to re-understand the divine text in its own epoch[21].

Conclusions

We cannot just denounce and criticize what is bad in Islamic tradition but we also need to come up with the solution, with such policies and perhaps practical demonstrations that show how we can achieve the ideals set by Sharʿīah through its moral perspectives. And this could be done through analyzing and reflecting upon the changing world and its demands and shaping the Muslim societies accordingly. We need a fiqh of our own time that treats the fundamental sources of Islam, the Qurān and Sunnah. We need to understand and acknowledge that Sharʿīah, being an ethical framework, does not change but the Islamic law continues to change and evolve.

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