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Configuring Muslim Thought

On the Need to be Earnest about History

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Any effort at the reconstruction of Islamic thought, whether in the modern period or medieval period, has to sift through the debris of history in order to explore the limits of the material-cum-historical in its encounter with what is transcendent. This is one of many lessons I took from the Muslim Intellectuals workshop in April 2000 organized by ISIM. This gathering to a large extent was also about history: how do Muslims with their inherited subjectivities navigate an era that is very different to what their forebears in time experienced?

It is with gratitude that one recalls those stimulating three days of conversation that Muhammad Khalid Masud and Martin van Bruinessen organized, an event that few institutions of higher learning are keen to undertake in order to foster critical exchanges between Muslim intellectuals. Ironically, even at modern universities in the Muslim world, critical, open, and serious debate about Islamic thought is woefully absent.

For many of us who met for the first time, it was also a chance to explore our mutual differences and agreements as well as bond in solidarity. Some of the insights developed by several of those in attendance are captured in Farish Noor's collection of interviews, *New Voices of Islam*.¹

What was unique to this gathering was the fact that Muslim intellectuals were invited to seriously discuss issues of critical concern to the contemporary Muslim world. It happens rarely that a bold act can break the spell of an unfathomable orthodoxy within the Western academy that hardly provides space for these kinds of discussions on Muslim thought. When such opportunities are provided they are often linked to some agenda to sell a reformist version of Islam or pedal the generosity of some superpower. The ISIM provided us with a forum to speak frankly to each other with only colleagues and graduate students in attendance. It was a scholarly forum in which our self-identity as

Muslims was not camouflaged by some veneer of academic dissimulation. We had an opportunity to express ourselves, irrespective of whether we belonged to large or small, significant or marginal constituencies. Most importantly, we had a venue at a reasonably safe distance from the hysteria of apostasy-mongers who become outraged at the mere whisper of difficult and uncomfortable questions in matters of religion.

Ambivalence of Western academy

In the modern Western academy the role of the Muslim intellectual is fairly ambivalent. One does not wish to be uncharitable, but perceptions are often more truthful than all pious declarations. At times Muslim intellectuals fulfil the requirements of ethnic and cultural diversity on campuses; on other occasions they lend some aura of 'credibility' to the teaching profile; and at worse they serve as native informants. Often the intellectual agenda falls by the wayside.

Islamic studies and Muslim thought in the modern university lack the passion and commitment displayed in other fields of study. Think of how any *de rigueur* programme in philosophy, Western literature, studies in Marxism, liberalism, feminism, gay and lesbian studies, sociology, debates in ethics, and political studies pulsates with raw passion and one soon realizes that the field of Islamic studies has a great deal of catching up to do. But one is also forced to ask why Muslim thought is not as a matter of course offered the same space and opportunity for critical interrogation, or why the space in the academy is not used for such legitimate pursuits, in more than just a few venues.

One reflex that immediately rings true is the fact that not too many of the people engaged in the study of Islam in the modern Western

academy are invested in the field as a life-form, as a worldview, or even as an ideological or cultural formation of sorts. A variety of motivations, not all of them reprehensible, animate the study of Islam; perhaps, the most tranquilizing motive is one brought about by professional indifference. Since the stakes are so low, should there be any wonder why the field is so sedate, except for the magnified attention to political Islam, a code word for 'Islamic' or 'Muslim' terrorism.

Thus we see serious studies and re-readings of Augustine or Aquinas find positive acclaim in scholarly circles appreciated by scholars of politics, law, and Christian thought. However, when Masud writes *Islamic Legal Philosophy: A Study of Abu Ishaq al-Shatibi's Life and Thought*, his critics are quick to point to the dangers that his scholarship poses for trying to seek out the relevance of the Muslim past for the present. He summarizes the views of one critic in the preface of the revised edition of his study re-titled *Shatibi's Philosophy of Islamic Law* in characteristic Masudian understatement and self-composure: 'the reviewer found the study with an underlying purpose and cautioned that "there are dangers to scholarship in research linked to a search for material wherewith to lay the foundation of a twentieth-century renaissance in Islamic thought".²

It is indeed astounding that this critic's comment did not gain the attention of scholarship earlier for rebuttal and challenge. For if anything the essence of law is about the continuities in practice and the cultivation of a sense of history. Legal discourses are also deeply etched in the psychology and subjectivities of communities. Indeed, practices constitute the essential confluence of myth and history. While Masud's critic begrudges his search for the mutable in Islamic law as part of the project towards the reconstruction of law, among more seasoned historians an understanding of ideas in the light of the past and their relevance to the present is welcomed. The construction of a historical culture, observes Peter Brown, premier contemporary historian of early Western antiquity, 'does not begin with understanding the past but with opening oneself to the present. It involves containing, in oneself, the confusion and dismay that ensues from the rejection of stereotypes, and from the tentative and hotly debated elaboration of new ways of understanding human affairs.'³ In Brown's view, interrogating the past with searching questions with the present in mind, may even be salutary. Avoiding the temptation to write the past solely in terms of the present is a burden every serious historian of ideas must overcome. Masud too accomplishes this task admirably. Even though the present may not determine a reading of the past, we cannot escape the paradox evoked by the French thinker Michel Foucault that no matter how hard we try to unlock the unfathomable remoteness of the past, our writing of history will always be a history of writing the present.⁴

The above observation adds to the larger point that I wish to make: engaged scholarship, different from the role of a public intellectual, is still the target of ridicule and contempt within the academy. For too many in our field it is an anathema to allow engaged scholarship to take place in the hallowed portals of academia before the alarm bells of professionalism are set off, despite the application of the most critical tools of analysis.⁵

Annually Christian theologians, philosophers, and thinkers meet at Villanova University at a conference sponsored by Prof. John Caputo. The Radical Orthodoxy group meets frequently at the University of Virginia and Cambridge with Prof. John Milbank and Prof. Graham Ward, respectively. These precedents ought to pave the way for more frequent gatherings of Muslim intellectuals to take place, hopefully without the predictable hysterical chorus of fundamentalism being associated with such events.

'We study history not in order to resurrect the solutions of the past, but to learn from experience.'

Thought History and Transcendence

Historicizing traditions

What Masud does in his own work on Shatibi and what was common among the scholars gathered during the Muslim Intellectuals workshop in Leiden was that each of us was, to a lesser or greater degree, engaged in historicizing the disciplinary traditions of Muslim thought, followed by attempts to re-think and re-theorize vital aspects of the disciplines and intellectual traditions. Historicizing the traditions is critical to the understanding of the present, without becoming a prisoner to historicism. For critical to any meaningful self-understanding is the need to provide a narrative as to why things had changed and to get an accurate picture of how ideas, practices, and beliefs were implemented in the past; more importantly, it helps us understand how two identical ideas applied in different epochs may actually have opposite outcomes. Karl Popper's derisive contempt for historicism notwithstanding, he was right to conclude that the emotional appeal of historicism enables us to express 'the feeling of being swept into the future by irresistible forces'.⁶ One must be suspicious of those who dismiss historicism in its entirety, for they often harbour private wishes that the winds of change do not blow at all – or if they do blow, then they should only blow into *their* sails.

A certain amount of historicization is precisely what Shatibi does so well in his study of Islamic law. He is a superb interpreter with an acute sense of his own time and place as well as the historical context in which ideas take root – masterly sentiments and skills that are carefully woven into his elaboration of the law. One of the tasks that Shatibi accomplishes more profoundly than others is his rare ability to share with his readers a sense of the anthropological context of the first iteration of Islamic law. One of his major working presumptions is that the revealed law – *shari'a* – is by design completely compatible with the cultural formation of the founding community of early Islam. Since the community of Arabia on the eve of the birth of Islam was short on literate skills, it was an *unlettered shari'a* – *shari'a ummiyya* – for a largely unlettered community.

It is imperative, says Shatibi, that those addressed by the norms of the *shari'a* discourse have some kind of predisposition and comfort-zone with the practices proposed by the revealed law; otherwise the law could have questionable effects on the subjects. This presumption goes to the heart of Shatibi's project on the philosophy and ethics of Islamic law. Without this piece of foundational historicizing, an explanation of the dynamics of the law would be absent and much would be lost by way of nuance and cultural contextualization.

Shatibi's very compelling argument, one that Masud explains at length, is that when the Qur'an invokes and makes references to ethics, historical events, geographical and meteorological phenomena, and when it highlights a repertoire of astrology and healing, then in all these matters the yardstick of understanding must take the cultural and historical experience of the unlettered Arab community of the seventh century as the benchmark. Otherwise, we will be guilty of attributing meanings to events and ideas that were not intended in the first place. (He is not interested at this point to explore how additional meanings can be construed from the Qur'an when read in a different time and place.) His point is that the *shari'a* is organic to the Arab culture of the time, and not a code from Mars. Of course the revelation endorses most of the practices in vogue, while amending and abrogating some. In fact, Shatibi has such a positive view of the status quo, that he goes as far as quoting the Prophet who says that 'goodness lies in the customary' (*al-khayr 'ada*) and, in the end, Shatibi says, that the repetition of fine customary practices lead to the enlightenment of the soul.⁷

Pushing the supremacy of transcendence

Interestingly Shatibi's modern commentators are less inclined to historicize or accept his historical reading of the revelation. Shaykh Abd Allah Daraz continues to wrestle with the medieval author's interpretation of history on the marginalia of *al-Muwafaqat*. Daraz challenges

Shatibi's claim that the various references in the Qur'an to scientific phenomena, history, and culture were not popularly known. Only the élites, says Daraz, knew this. But Shatibi's point is not about the extent of diffusion of knowledge, as much as it is about the authority of what is known. Contrary to Shatibi's thesis, Daraz points out that some of the phenomena of the Qur'an are understood with greater sophisti-

cation and complexity today than at the time of revelation! One still would like to know on what basis the claim can be made that our knowledge of history and society is superior to that of our forebears, instead of just saying that we had acquired different understandings of the same phenomena. Shatibi, it appears, is trying to grasp the historicity of revelation and his claims to authority comprise a fine balance between history and transcendence. By contrast, his modern commentator tries to base his authority exclusively on arguments of transcendence and eschew history in the process.

Of course Shatibi was trying to make sense of how a heteronomous law and ethics, namely related to the will of God and outside of human will, simultaneously also relates to our lived (historical) experiences and subjectivities. One of the reasons why contemporary thinkers latch on to the historicist musings of early scholars like Abu Hamid al-Ghazali (d. 505/1111), 'Izz al-Din Ibn 'Abd al-Salam al-Sulami (d. 660/1262), Abu Ishaq al-Shatibi (d. 790/1388), and Shah Wali Allah (d. 1176/1762) is that the aforementioned figures have grappled with the dilemmas of how a revealed law (*shari'a*) relates to changing social contexts. In fact these past jurists offer us a language to articulate the intersection of the historical and transcendent in the practice of the law.

One of the most salient questions is this: how can Muslims be required to practise *shari'a* rules – rules that no longer constitute any part of their subjectivity? Or to put it another way: in the face of the altered subjectivities of Muslims that occurred through complex historical processes, how do they and why should they adhere to laws that are no longer in harmony with their lived experiences and subjectivities? To the contrary, in many places Muslims find that what passes as the *shari'a* no longer reinforces or sustains their subjectivities, as was the case among earlier communities when there was some reasonable 'fit' between law and subjectivity. Instead, now the law compels one to undertake actions that are in contradiction to one's autonomous ethical and moral sensibilities. It is here that history becomes important. It is critical to check the historical record in order to examine whether Muslims in the past struggled with analogous issues: were they confronted by situations in which heteronomous morality was in conflict with autonomous morality? And if so, how did they manage to resolve the tension?

We study history not in order to resurrect the solutions of the past, but to learn from experience. That is why critical thinkers in law and ethics like Ghazali and Shatibi are so important; they offer us rich portraits of social experiments. But if history offers us neither an analogous precedent nor a sketch of an experience, then it does not mean that a creative solution is impossible. Only a form of 'historical fundamentalism' makes the present absolutely contingent on the past: that something in the present can only be solved if it was already prefigured or solved in the past – a crude form of *qiyas*-based (analogy-based) reasoning applied to history! For if something was already solved in the past, why does the issue still beg a solution? Glimpses of history offer us emotional comfort in times of insecurity, as Popper remarked. The memorable words of the Prophet Ibrahim (Abraham) when asked by God: 'Have you then no faith?' rings with a similar truism. 'Sure I do', answers Ibrahim, but like a true empiricist adds: 'but [let me see it] so that my heart may be fully set to rest' (Qur'an 2:260). For thinkers like Shatibi and his admirers over the centuries, history or 'to see it' is indeed important, but not to the point of deifying what is seen.

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Notes

1. Farish A. Noor, *New Voices of Islam* (Leiden: ISIM, 2002).
2. Muhammad Khalid Masud, *Shatibi's Philosophy of Islamic Law* (Islamabad: Islamic Research Institute, 1995), p. x.
3. Peter Brown, *Religion and Society in the Age of Saint Augustine* (London: Faber and Faber, 1972), p. 20.
4. Michel Foucault, *Discipline and Punish & The Birth of the Prison*, translated by Alan Sheridan (New York: Vintage Books, 1995), p.31.
5. It matters less of course, that liberation theology and Christian and Jewish ethical reform projects are actively advocated within the forums of the modern academy.
6. Karl Popper, *The Poverty of Historicism*, (London: Routledge, 1999), p. 160.
7. Abu Ishaq al-Shatibi, *al-Muwafaqat*, edited by Abd Allah Daraz, 4 vols. (Beirut: Dar al-Ma'rifa, n.d.), 2:94.