

Islam and Scholarship Tradition: Historical Trajectories and Future Challenges of Modernity

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Mohammad Fadel

University of Toronto, Canada

Corresponding Author: mohammad.fadel@utoronto.ca

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Abstract

Various forms of modernity that appear in phenomena of secularism, capitalism, and democracy have been penetrating Muslim lives. These social, economic, and political phenomena not only bring opportunities for a human betterment but also challenges to Islamic tradition and community. Muslim scholars and prominent figures offer different ways of how to deal with modernity and its challenges, ranging from adopting modernity while disregarding Islamic tradition, clinging to Islamic tradition and rejecting modernity, to selecting useful aspects of modernity and Islam to adapt to new circumstances. In this regard, this paper aims to address the question of what the modern challenges are, how Islam and Muslims deal with them, and what aspects of Islamic tradition that can be adopted to navigate multiple challenges of modernity. Through a critical reading of contemporary studies on religion and modernity and an analysis of Islamic scholarship and legal tradition, this paper argues that Islamic traditional scholarships provide Muslims with reliable tools to address challenges of modernity through the spirit of epistemic responsibility, Islamic virtues which includes honesty, respect for evidence, and acting for the benefit of others, civic virtue, and critical thinking skills.

Keywords: Islamic Scholarship, Modernity, Secularism, Epistemic Responsibility, Muslims.

Introduction

When one has spent much of his/her life in the study of Islam, one may ask series of questions: what do we hope to gain from an engaged study of the Islamic tradition considering the radically changed circumstances of modernity? To put it crudely, should not we just all study mathematics, the natural sciences and engineering? Isn't that what we, as Muslims, are in most desperate need of? Fazlur Rahman, the champion of an unapologetic Muslim modernism, wrestled with this question.¹ Even as he spent a lifetime in virtual intellectual combat with traditional forces within the religious establishment, he also argued vehemently against those voices in the Muslim world who, in the name of modernism, believed that the Islamic sciences were irrelevant, and that religion, properly, should have a very marginal role to play in the newly independent, modernizing Muslim republics.²

What the Islamic tradition offers modern Muslims therefore remains both an unsettled question and a deeply divisive one, in some societies more than others. We can broadly point to three approaches to the Muslim past, and the respective vision each approach adopts toward Muslims' futures. The first can

be described as an approach inspired by the French concept of *laïcité*, a certain conception of secularism that sees human liberation and progress as requiring the ever-increasing marginalization of religion in social life and its replacement with scientific reasoning. The second is the mirror image of the first, rejecting modern civilization as anti-human and anti-religious, and determined to resist even the most minor changes to historical doctrines or teachings, whether theological, ritual or legal. The third is a broadly reformist trend, that in principle, wishes to affirm, against the traditionalist camp of the second trend, the legitimacy of modernity and, against the secularist trend of the first camp, the continued legitimacy of the Islamic tradition. Most Muslims, if one were to engage in a headcount, would claim to be followers of this third tendency, but because there is no agreed approach to “reform” that is recognized as affirming both modernity and Islam, this group of Muslims is, as a practical matter, more divided, and for that reason, perhaps more ineffectual, than either of the first two approaches.³

In this paper, I will map out these three different camps that divide the Muslim world and lay out my own conception of modernity and what it means for Islam and Muslims as we consider what we can adopt from our tradition as we attempt to navigate the multiple challenges modernity poses.

Modes of Secularism

One need not be a scholar to recognize the ubiquity of the claim that Muslims have no hope of advancing unless they embrace secularism, but that it is impossible or difficult for them to do so because the “nature” of their religion does not distinguish between the secular and the religious. Therefore, Muslims must make a choice between remaining faithful to their religion or becoming modern.

It is impossible to engage such arguments without considering what is meant by the term “secular.” The sociologist of religion, Jose Casanova, argues that the term “secular” and its related term, “secularization,” bears at least three meanings, only one of which he believes is a constitutive part of modernity.⁴ The first meaning of secularization refers to the differentiation of various social spheres, each being governed by its own logic. From this perspective, modern society becomes increasingly secularized as various social domains – the market, the university, the family, religion, the political – all become autonomous and organize themselves according to their own internal logic. Such a view of the secular does not require the disappearance of religion, but it does imply that religion no longer govern, directly, other domains of social life. It allows, however, for the possibility that religion, as a source of moral value, interpenetrate these other domains, such as the market, politics and the family. In other words, an actor in the market, in the political, in the family, etc., may very well, while respecting the internal, differentiated logics of these institutions, bring his or her own subjective religious orientation into these institutions. Accordingly, there is nothing, from a sociological perspective, barring the existence of league of religiously-motivated businesses, something that we see in fact in various places that are undoubtedly modern, such as the United States.

I have argued that from this perspective, traditional Islamic law already reflects the process of secularization insofar as it engages in systematic differentiation among various domains of social life. Islamic law, for example, systematically distinguishes religious observance from non-religious observance through the stipulation that the former include the subjective intent to serve God (*niyyat al-taqarrub li'l-khāliq*). Even though Islamic law organizes marriage and the market contractually, it distinguishes the household from the market insofar as the individuals constituting households are regulated under a norm of generosity (*mukārama/musāmaḥa*), while market participants act under a norm of arm’s length dealing in which seeking one’s personal advantage is the organizing principle (*mukāyasa/mushāḥa*).⁵

At the same time, in all of these respective domains, the individual actor is free to adopt a religious point of view as he or she acts in that domain. Imām Ghazālī's work, *Iḥyā' 'Ulūm al-Dīn*, particularly the chapter on trade, *Kitāb al-Makāsib*, provides an excellent example of the social differentiation of spheres that marks secularization.⁶ While Ghazālī adopts the framework of the law of exchange as the background to his discussion, he spends most of the discussion focusing on the psychological motivations of the pious trader, and the pious practices particular to the pious merchant, such as selling on credit to the poor without ever intending to collect their debts.⁷

The second conception of secular is related to the distinction between the public and the private, with religion being relegated to the "private" domain. Secularization, from this perspective, is closely related to the idea of the privatization of religion, and its withdrawal from public affairs, on the one hand, and its attending, exclusively, to the private welfare of the soul, on the other. Although Casanova clearly believes that the internal logic of religion is such that it tends to become increasingly, and exclusively, concerned with matters related to the welfare of the individual soul – and indeed he uses the example of Imam Ghazālī's counsel to the pious to stay aloof and far away from the institutions of the ruler – he rejects the notion that modernity requires religion to be concerned exclusively with the private concerns of salvation. He noted that in many countries, religion has played an important public role in securing a transition away from authoritarianism and toward democracy. While the expected course of religious life in any society might tend toward the privatization of religion, it is by no means sociologically necessary for religion to be privatized in modernity.⁸

The third conception of "secular" and "secularism" is its use to refer to a system of thought or way of life that is positively contrasted with religious ways of knowing and living, such that the "secular" is posited to be superior to religion. Secularization in this sense is understood as transcending religion as a necessary step toward realizing a better future. This conception of the secular is based on a certain progressive interpretation of history in which "religion" is understood to be a way of organizing human society at a particular stage of its civilizational evolution, but that to be a modern society means abandoning religion, both as the organizing principle of society and the default outlook of the median person, in favor of science and other materialistic modes of social organization and ways of life. As a practical matter, this conception of the secular and secularism entails the increasing social irrelevance of religion to modern society as individuals and institutions, for lack of a better, cease to care about religion at all. Religion is viewed as the equivalent of a relic from the past, doomed to disappear.

According to Casanova, this conception of secularization as the disappearance of religion is a particularly continental European phenomenon and is a result of the particular structure that conflicts over religion took place on the European continent. Far from being a universal entailment of modernity, Casanova argues that secularization in the sense of the disappearance of religion is a particularly European phenomenon.⁹

Islam and Secularism

Despite the different conceptions of secularism, and the different kinds of secularization they suggest, secularism as the opposite of religion, and as representing a future and superior stage of human civilization, seems to be the dominant association of the terms secular and secularism in contemporary Muslim thought. I believe this is largely a result of the genealogy of secularism in 19th century reformist Muslim thought. According to Casanova, continental Europe adopted the conception of secularism as the replacement of religion as a result of its conflicts with the Church. In the face of increasingly well-organized social forces in the market and the state, the Church, instead of acceding to secularization in

the sense of social differentiation, stood in the way of these different domains' attempts to organize themselves autonomously. As a result, in order for principles of market rationality or political rationality to prevail, each of these domains had to claim independence from the Church. In other words, for these different social domains to claim their institutional and moral autonomy, they had to claim that they had moved beyond the reach of the Church by virtue of the progress they had made in their own domains.

I believe a similar dynamic, although less extreme, took place in the Muslim world in the 19th century. In the face of European imperialism, Muslim thinkers sought to reform Muslim society to enable it to resist western imperialism. In doing so, however, large sectors of the '*ulamā*' resisted these reforms on the grounds that they were irreligious, even though none of the reforms articulated challenged Islamic theological dogma. The fierce resistance to reforms in the 19th century among sectors of the '*ulamā*', particularly in the domain of the economy, had the effect of making those sectors intent on reform become more extreme in their demands. Instead of arguing for reform of particular doctrines within Islamic law to conform them with the needs of a modern economy, they argued that society must transcend religion itself.

This approach to Islam and modernity triumphed most prominently in the Ottoman Empire. In the wake of the defeat of the Ottomans in World War I, the victory of Turkish nationalists under the leadership of Mustafa Kamal Attaturk over the Allied powers that sought to dismember Turkey, the Turks declared a secular republic and set ought to remake Turkish society along scientific, secular lines. The relative success of the Turkish nationalists, moreover, resulted in imitators throughout the Muslim world, with many educated Muslims coming to the conclusion that the progress of their societies would only be achieved by liberating their societies from the influence of religion and replacing religion with science.¹⁰

One of the ironies of secularism in the Muslim world is that staunchly secularist regimes who believe that progress lies in abandoning religion are perfectly happy to make temporary alliances with traditional religious forces that are opposed in principle to any kinds of reforms: because they believe in the inevitable decline of religion, they are happy to align with religious forces that resist change, believing that this simply accelerates society's alienation from religion.

If Casanova's account of religion in modernity is accurate, the path before us is clear. First, religion should not attempt to block the institutional differentiation and resulting autonomous development of different social domains if religion wishes to retain an important role in modern society. Second, as a positive matter, religion should cultivate in its adherents a particular ethic that directs them to incorporate their religious values into their work in the various social spheres that are becoming increasingly autonomous under the conditions of modernity. As I have suggested above, Islamic law, in principle, already does this, or did so in a fashion appropriate for pre-modern societies. It both tried to distinguish from the perspective of the law different social domains, and it also sought to cultivate in individual Muslims an ethic of responsibility to pursue these different domains with a view toward earning God's pleasure in the next life through cultivation of the *niyya* (intention) to view their actions as being in service to God.¹¹

The problem that has arisen is that in the context of modernity, Islamic law has not been able to adapt sufficiently rapidly to the radically changed social circumstances facing Muslim society. As a result, religion often appears either as a reactionary social force – fanatically registering its disapproval of social changes that are practically irresistible – or as irrelevant in managing the social transformations modernity has produced. Because so much of the controversy surrounding Islam in modernity is related to issues of Islamic law, I now turn to discuss Islamic law and its relationship to modernity.

Islamic Law and the Crisis of Modernity

1. *The Norm and the Exception in Islamic Law*

The conceptual architecture of Islamic law theorizes both a “normal” state of the world in which ordinary rules apply, and an “abnormal” state of the world in which exceptional apply. This is evident in the juristic division of rules into *‘azīma* and *rukḥṣa*. The former is the rule that applies in ordinary circumstances, while the latter is the rule that applies in extraordinary circumstances.¹²

This division is perhaps most explicitly developed in ritual law (*‘ibādāt*). The legality of dispensations in ritual law is ubiquitous in the sources of Islamic law. Thus, the Quran itself permits a dispensation to the obligation to fast if one is sick or on a journey. Likewise, numerous reports of the sunna establish that when someone is traveling, they are entitled to shorten their prescribed prayers, a teaching that is also affirmed by a universal Muslim consensus. The Quran also provided express dispensations to the rules of Pilgrimage, providing that persons suffering from lice infestation or are precluded from completing their Pilgrimage on the account of the actions of an enemy were permitted to exit the consecrated state without completing their pilgrimage. Likewise, the Quran expressly excused those unfit for military service from the obligation to participate in *jihād* with the Prophet (S).

Jurists may differ on the extent of these dispensations, and whether they may be applied analogically, but there was no dispute as to their existence. While a similar division exists in transactional law (*mu‘āmalāt*), calls to activate the greater use of extraordinary rules in this latter domain of Islamic law have generally met with substantial skepticism, if not outright rejection. This reluctance might stem from the paucity of express texts recognizing dispensations in the context of transactional law. Even here, however, the texts of the Shari‘a include express rules that represent extraordinary legislation. The Prophet (S), for example, prohibited the sale of something not in the possession of the seller, but he permitted forward sales (*bay‘ al-salam*). Likewise, the Prophet (S) prohibited hire contracts with an indefinite wage, but he permitted the *muḍāraba* contract, even though the investment agent’s wage is contractually indeterminate. The Prophet (S) prohibited the sale of dried dates for fresh dates, but he permitted the *‘arāyā* sale, which allowed the owner of date palms to sell his unharvested fresh dates while they are still on the tree, for dried dates, delivered immediately. In short, despite the general prohibitions of *ribā* and *gharar*, the Prophet (S) permitted some transactions that were well-known to his community as dispensations, i.e., exceptions, to the generally applicable rule. Despite the general acknowledgement of dispensations from general rules in transactional law, however, jurists have been reluctant to extend textual dispensations from their original contexts to *new* transactions, citing the interpretive principle that exceptions cannot form the basis for further analogies (*lā yuqās ‘alā al-rukḥṣa*).¹³

Islamic jurisprudence also recognized concepts such as necessity (*al-ḍarūra*) and convenience (*raf‘ al-ḥaraj*) that jurists applied in various cases to generate exceptions to otherwise generally applicable prohibitions. Numerous rules in Mālikī law reflect this sensibility. For example, Mālik permitted the mint to be paid its fee out of the raw gold that it struck into dinars, despite the facial violation of the rules of *ribā* entailed in such an arrangement. Mālikī jurists recognized as binding a hire contract to provide animal transportation to the Hejaz during pilgrimage season while permitting the customer to defer payment until such time as the pilgrimage caravan set out to the Hejaz. Such a contract violated the ordinary rule that before a hire contract becomes binding, either the customer must pay, or the worker must begin performance of the labor. Mālik also permitted the sale of objects containing gold or silver, e.g., a sword with gold in its handle or a *muṣḥaf* written in gold script, for gold or silver coins, provided

that the percentage of gold or silver in the sword or *muṣḥaf* represented less than one-third of the item's value.

Later Mālikī jurists, too, sometimes offered exceptions to general prohibitions on the basis of necessity or convenience in situations where they had been persuaded that a general economic need existed for that exception. One such example was a partnership for the production of cheese from the milk of sheep that were individually owned but were pastured together under the supervision of one shepherd. Such a partnership entailed violations of ordinary applicable prohibitions against *gharar* and *ribā* because the shepherd did not separate, nor could he separate, the milk each sheep produced. Mālikī jurists in Andalusia also permitted partnerships in the production of silk even though that arrangement violated the rule that hire contracts whose wage derived from the output of labor were invalid. In short, just as Islamic law recognized exceptional rules in the context of ritual law, jurists also recognized exceptional rules in transactional law, albeit they were fewer in number, and more likely to be controversial given the reality that jurists often introduced them in response to novel situations and there was a reluctance to extend previously recognized exceptions to new situations.

2. Capitalism and Crisis

Crucial to the jurists' *'azīma/rukḥṣa* dichotomy, however, was the expectation that the ordinary rule applied, not only in principle, but also in fact. This is evidenced perhaps most clearly in the application of these dispensations to Bedouin groups: Bedouins, precisely because they were constantly on the move, could not shorten their prayers or exempt themselves from fasting during Ramadan.

For the pre-modern jurists, dispensations were not only conceptually derivative of the ordinarily applicable rule, they were sociologically derivative as well: the assumption was that the need to rely on dispensations, whether in connection with ritual observance or transactions, was relatively extraordinary and rare. Indeed, the stability of the norm, and the social reality supporting it, was generally an unstated assumption of the jurists. Shāṭibī, for example, argued explicitly that the coherence of the Shari'a "is based on the constancy of the customs of legal subjects (*kāna al-taklīf mabniyyan 'alā istiqrār 'awā'id al-mukallafin*)."¹⁴

Muslim jurists tolerated dispensations on the assumption that their use was infrequent enough that they did not undermine either the normative character of the generally applicable rule, or its practical ability to regulate conduct. Capitalist modernity, particularly in the context of transactional law, however, undermines this assumption. Capitalism does so for various structural reasons that fundamentally challenge the logical structure of historical Muslim fiqh.

First, in conditions of capitalist production, production is geared primarily for the market, and only secondarily for the household. Farmers, for example, don't grow crops with the intention to feed themselves and their family; rather, they invest in "cash" crops which they sell to the market for money and use that to purchase their household's needs. Credit transactions, therefore, instead of being exceptional, become the norm. Farmers become vulnerable to market forces in a manner inconceivable in an age when subsistence farming was the norm: a successful crop might result in financial ruin, for example, if it results in depressed prices as a result of the market being oversupplied with food, leaving the farmer unable to sell his crops at a high enough price to pay off his creditors.

More generally, modern capitalist production entails the substitution of machines for human labor, producing productivity gains of several orders of magnitude. One consequence of this increased efficiency is that technologies of industrial production cannot be universally adopted. If everyone adopted the same machinery to produce the same goods, the market would be oversupplied, no one would make

a profit, and all producers would have to shut down. Capitalist production requires both economies of scale so that costs of production decline as output rises and restriction of output to ensure that production is profitable. This means that capitalist methods of production produce both concentrated, rather than diffuse, modes and sites of production. This is the opposite of what happens in agricultural economies: in traditional farming communities, expansion of agriculture results in declining productivity as less productive land is brought into production.

Producers in a capitalist economy, moreover, are constantly under pressure to innovate to produce more and different goods, more quickly and more cheaply, just to stay in business. The pressure to innovate constantly means that nothing is stable in the capitalist market economy: both products and the technology that produces them quickly becomes obsolete under the pressures of competition.

Because of the tendency in capitalist production to substitute machines for human labor, displaced labor needs to find a new outlet for their productive capacities, a reality that entails constant learning on the part of labor in order to adapt to the changing requirements of production.

It is practically impossible to opt out of capitalist competition. Populations appreciate the ability to purchase more goods and services at a lower price. But because one must trade for these goods, one is forced to sell one's own output on the international market to obtain funds to pay for imported industrial goods. That means that one must gear one's production to satisfy the demands of external markets, not one's own domestic market. Unless a country chooses to isolate itself from the world economy, like North Korea, it will be practically impossible for it to avoid integration into the global capitalist economy. In order to become competitive in the global market, the population will have to acquire new skills, which implies a more or less radical transformation of the educational system, both in terms of breadth, i.e., offering, if not mandating, universal education, and substance, i.e., teaching the population new kinds of knowledge that prepares them, or at least hopefully prepares them, to be efficient producers in a modern economy.

Second, capitalist modernity radically transforms the family, even if no one intends it. Improving access to public health, pre-natal care, improved sanitation, and universal vaccinations against infectious diseases radically reduce both maternal mortality rates and infant and childhood mortality. Women will have substantially more children than their mothers and a much larger percentage of those children will survive into adulthood. This population boom in turn feeds into the radical economic transformation of society: rural economies lack opportunities for the booming population and so a wave of rural migration to the city is set off. Cities rapidly increase in size and governments must adopt plans to absorb these internal migrants, build infrastructure for them, and provide them with housing, and other basic services.

The role of the state itself is therefore necessarily transformed. The state must act proactively to manage radical social changes and literally transform the environment in which the people live to accommodate them to the radically changed circumstances modernity brings about.

Birthrates, however, quickly come down, and women seek new opportunities outside the home where they can earn income based on the skills they have acquired in the new educational system. Households, moreover, quickly come to depend on the additional income provided by the woman who works outside of the house, radically transforming the economic relations within the household in relation to the pre-modern household.

These are just some of the radical transformations in society that take place if the transition to capitalist modernity goes well. If it goes poorly, however, society will experience a population boom without the necessary increase in economic growth, resulting in mass unemployment, social unrest, a weak state with insufficient resources to make necessary investments in social infrastructure, and

increased immiseration as the society fails to make a transition into producing more valuable goods for the world market and gets stuck exporting primary goods on relatively worse terms every year. Past success is no guarantee for continued success: countries can make major policy errors from which it might take them years to recover, if they ever recover at all. It is for good reason, therefore, that Marx, described the era ushered in by capitalism as one in which "All that is solid melts into air."¹⁵

It is fair to say that pre-modern Muslim jurists, even if they thought in terms of "normal" law and "exceptional" law, never imagined a situation in which the "exception" is continually in force. Accordingly, the historical *fiqh*, with its focus on the rights of private persons, does not seem adequate to meet these kinds of challenges. For Islamic law to meet the challenges of capitalist modernity, the *fiqh* of collective obligations – *furūd kifāya* – will have to become the center of legal deliberation, not the individual rights that the *fiqh* historically has placed at the center of its concerns.¹⁶ Legislation necessarily replaces fatwa as the primary means to regulate a modern Muslim society.

In the face of the unprecedented challenges of modernity, the question that advocates of a middle way – one that neither sees religion as something to be transcended, or as something that requires unquestioning acceptance of historical teachings – must answer is how to navigate the Islamic tradition to create this middle way?

Islamic law and the Management of the Crisis of Modernity

Rashīd Riḍā, writing in the first quarter of the 20th century, recognized the mismatch between traditional Islamic law making and the lawmaking needs of the Muslim community in modernity. Riḍā's concern was that the structure of the historical *fiqh* – based on the bilateral relationship between the petitioner and the legal expert (*al-mustaftī* and the *al-muftī*) – was institutionally inappropriate for passing binding general law that could organize the common interests of the Muslim community. Riḍā realized that the proper form of legality in modernity was the statute adopted by deliberative bodies rather than the legal opinion derived from interpretation of legal sources.¹⁷

Despite this recognition, he seemed to have imagined that the deliberative bodies he proposed for modern Muslim states would engage in the same kind of reasoning that a muftī uses, except that they would do so jointly rather than as individuals.¹⁸ This, however, misconceives the aim of modern legislation. While the pivot of the *ijtihād* of a muftī is the *dalīl sharʿī*, modern legislatures are focused on prospective questions of the public interest. They are managing the perpetual crisis that capitalist competition and capitalist transformation produce. The pivot of their judgment is therefore the empirical evidence of the social sciences. There is always, therefore, a tension between the modern legislature's attempts to manage the "crisis" and historical rights. The state, in passing legislation, acts as the representative – the *nāʾib* or the *wakīl* – of the public, and for its acts to be legitimate, it must embody the virtues of a loyal *and* effective agent: one that acts in the exclusive interests of its principal, the body of citizens who appointed it to act on their behalf, and competently, with the expertise that the citizens reasonably demand of their agents.¹⁹

If modern law-making is primarily legislative, and legislative acts are primarily based on empirical evidence of the public good, not the evidence of the *sharīʿa*, and expertise of the rule-maker in assessing how to achieve the public good, one might reasonably ask whether Islam, as a religion, has anything meaningful to contribute to this process.

The Pursuit of the Common Good: Islam, Civic Virtues, and Epistemic Responsibility

While revelation may not provide us direct or clear answers regarding how we should define the public good, or how to pursue it, I believe that Islam plays a fundamental role in enabling us to pursue the common good. The concept of the public good is critical for the legitimacy of any kind of public law-making activities of a Muslim government, but the indeterminacy of what constitutes the public good threatens to disable us from pursuing it effectively. How are we to determine what the public interest is, and how can we determine the most effective means to pursue it? Can we be confident that representative institutions will lead to outcomes consistent with the common good? We know from the Quran that in many cases, “deliberative” bodies – what the Quran refers to as *al-mala’* – can act in ways that are manifestly contrary to the public good. One such example is in the story of Moses, where he is warned that “the council is deliberating to plot your death so flee (*inna al-mala’ ya tamirūna bika li-yaqtulūka fa’khruj!*)”, *al-Qaṣaṣ*, 28:20 It is the rare case, such as that of Bilqis, where the deliberative council acts responsibly. The failure of deliberative bodies to act responsibly ought not surprise us: insofar as they are made up of individuals, they can only be as “good” as their members. If they are corrupt, then we can expect the outcomes of their deliberation to be corrupt.

Islam has a direct role to play in solving this problem: by promoting the virtues necessary for responsible self-government, Islam teaches us how to pursue the common good responsibly. By internalizing important Islamic virtues, such as honesty, respect for evidence, and seeking the welfare of others, among other virtues, Islam teaches Muslims the virtues required of agents entrusted with deliberating sincerely in furtherance of the public good rather than use their offices to pursue their own private interests. This obligation is summed up in the notion of *naṣiḥa*, and is encapsulated in the Prophetic hadith, “religion is sincerity (*al-dīn al-naṣiḥa*).”

The key Islamic virtue that *naṣiḥa* demands is what the jurists called *‘adāla*: the disposition to do one’s duty reliably when called upon. It entails both respecting the rights of others and demanding that others respect one’s own rights, and a willingness to cooperate with others in protecting their rights. It is in the cultivation of “civic virtue” that Islam has the most direct role play in solving the problems attendant to democracy and thus to contributing to governing complex modern societies.²⁰

In this context, I wish to highlight one particular virtue that the Quran emphasizes, and one might say is foundational to all other civic virtues: epistemic responsibility.²¹ Democracy paradoxically sets up the people both as judge and lawmaker, powers that we recognize in ordinary circumstances as violative of the most basic standards of procedural fairness. Yet, short of some kind of miraculous government of angels or divinely appointed representatives, the human condition makes this uniting of roles in the foundation of government inevitable.

For people to make just laws for themselves, they must learn the capacity to separate their judgment from their particular interests, to take on the broader view of the community and transcend their own, limited view of what is good from their own perspective. But human beings are clever creatures, and once they learn the language of the public interest, they are fully capable of manipulating their language. Indeed, that is precisely the Quran’s accusation against the hypocrites who falsely claim the role of peacemakers while they actually pursue mischief: *wa idhā qīla lahum lā tufsidū fīl-ardī qālū innamā naḥnu muṣliḥūn a lā innahum hum al-fāsidūn wa lākin lā yash ‘urūn*. Ultimately, the only possibility for just governance is when citizens, because they are just, pursue justice in their own political commitments and develop sufficient critical skills that they can distinguish between genuine commitments to the public interest and counterfeit ones. This is why epistemic responsibility, meaning, that we hold ourselves

accountable for what we say and what we believe, is crucial for the success of democracy. It is not surprising that epistemic responsibility is foundational to our creed as Muslims.

The Quran speaks directly to the foundational virtue of epistemic responsibility in verse 36 of *Sūrat al-Isrā'*, which broadly emphasizes epistemic responsibility as foundational to Quranic "wisdom." It states:

"And pursue not that for which you lack knowledge. Indeed, the ears, the eyes and the heart, he will be called on to account for all of these [on the Day of Judgment] (*Wa lā taqfu mā laysa laka bihi 'ilm inna al-sam 'a wa'l-baṣara wa'l-fu 'āda kullu ulā 'ika kāna 'anhu mas 'ūlan*)," *al-Isrā'*, 17:36.

Without epistemic responsibility, it is simply impossible to conceive of democracy as a functioning system of just government. Accordingly, it is not too much of an exaggeration to describe it as the foundational civic virtue. A person who internalizes the Quran's conception of epistemic responsibility will be less likely to manipulate evidence for his own self-serving ends rather than to engage in good-faith deliberation about the public good. Islam, by instructing the public broadly and inculcating them with civic virtues broadly, and the civic virtue of epistemic responsibility particularly, can play a crucial role in establishing a secure basis for just self-governance.

Concluding Remark

While Islam cannot provide ready-made, off-the-shelf concrete solutions for the problems wrought by capitalism, it can play a crucial role in preparing us to govern ourselves responsibly in the face of the endemic crises of modernity. Part of the Islamic responsibility for governing ourselves in the modern world – a large part of it in fact – consists in learning about the modern world. The systematic pursuit of learning has long been associated with Islam as a civilization, and while this has traditionally been associated with the religious sciences, pursuit of the knowledge of secular sciences is equally an obligation in our religion. When we encourage foundational Islamic virtues, including the duty to pursue all forms of useful knowledge, secular and religious, and we demand of ourselves that we master modern sciences, we are making important, indeed crucial, contributions to our capacity to govern ourselves effectively in the modern world as Muslims. It is true that we cannot open books of our heritage and find ready-made solutions to our numerous practical problems, but we can, if we study those books with an open mind, use them to shape our priorities, sharpen our intellects and critical thinking skills, and using those skills, master modern knowledge and direct it toward achieving our common good. Traditional Islamic scholarship, therefore, is profoundly more valuable than a source of magical solutions. It can orient us toward thinking critically in the modern world and help us formulate our priorities properly so that we do not misuse the responsibility of self-government given to us.

Endnotes

- ¹ See Fazlur Rahman, *Islam and Modernity: Transformation of an Intellectual Tradition* (Chicago: University of Chicago Press, 1982).
- ² Ibid.
- ³ For a good overview of these trends in the Muslim world, see Charles Kurzman (ed.), *Liberal Islam: A Sourcebook* (New York: Oxford University Press, 1998); *Modernist Islam, 1840-1940: A Sourcebook* (New York: Oxford University Press, 2010).
- ⁴ See José Casanova, *Global Religious and Secular Dynamics* (Leiden: Brill, 2019); "The Secular, Secularizations, Secularisms," in *Rethinking Secularism*, ed. Mark uegensmeyer and Jonathan VanAtwerpen (Oxford: Oxford University Press, 2011); "The Secular and Secularisms," *Social Research* 76, no. 1050 (2009); "The Sacralization of the Humanum: A Theology for a Global Age," *International Journal of Politics, Culture and Society* 13, no. 21 (1999); *Public Religions in the Modern World* (Chicago: University of Chicago Press, 1994); "Public Religions Revisited in the Modern World," in *Religion: Beyond a Concept*, ed. Hent de Vires (New York: Fordham University Press, 2008); "Rethinking Secularisation: A Global Comparative Perspective," *Hedgehog Review* 8, no. 7 (2002); "Secularisation, Religion, and Multicultural Citizenship Ed. Katajun Amirpur Et Al., Vol. 7, Religions in Dialogue : Series of the Academy of World Religions, University of Hamburg, No.7 (Waxmann, 2014), 21–32; ," in *Religions and Dialogue: International Approaches*, ed. Katajun Amirpur et. al. (Munster, Germany: Waxmann Verlag, 2014).
- ⁵ Mohammad H. Fadel, *Islamic Jurisprudence, Islamic Law, and Modernity* (Columbus, Georgia: Lockwood Press, 2023), 344.
- ⁶ Abū Hāmid al-Ghazzālī, *Iḥyā' 'ulūm Al-Dīn*, vol. 2 (Beirut: Dār al-Ma'rifah, 1982), 60-87.
- ⁷ Ibid.
- ⁸ Casanova, "Public Religions Revisited in the Modern World."
- ⁹ *Public Religions in the Modern World*.
- ¹⁰ Tuncay Saygin and Mehmet Önal, "'Secularism' from the Last Years of the Ottoman Empire to the Early Turkish Republic," *Journal for the Study of Religions and Ideologies* 7, no. 20 (2008).
- ¹¹ For one recent attempt to articulate a Muslim response to modernity along these lines, see Sherman Jackson, *The Islamic Secular* (New York: Oxford University Press, 2024).
- ¹² Ahmed Fekry Ibrahim, "Al-Sha' rānī's Response to Legal Purism: A Theory of Legal Pluralism," *Islamic Law and Society* 1-2 (2013): 110-40.
- ¹³ See Nabil Shehaby, "' illa and Qiyās in Early Islamic Legal Theory," *Journal of the American Oriental Society* 102, no. 1 (1982); W. B. Hallaq, "Non-Analogical Arguments in Sunnī Juridical Qiyās," *Arabica* 36, no. 3 (Nov., 1989); Muhammad al-Mukhtar al-Sallami, *Al-Qiyās (Analogy) and Its Modern Applications*, trans. Mohammad Hashim Kamali (Jeddah: Islamic Development Bank, 1999).
- ¹⁴ See Ibrāhīm ibn Mūsā Abū Ishāq al-Shāṭibī, *The Reconciliation of the Fundamentals of Islamic Law (Al-Muwāfaqāt Fī Usūl Al-Sharī'a)*, trans. Imran Ahsan Nyazee (Reading, UK: Garnet Publishing, 2012).
- ¹⁵ See Karl Marx and Fredrick Engels, "Manifesto of the Communist Party," in *Marx/Engels Selected Works* (Moscow: Progress Publishers, 1969).
- ¹⁶ See Adnan Zulfiqar, "Collective Duties (Farḍ Kifāya) in Islamic Law: The Moral Community, State Authority and Ethical Speculation in the Premodern Period" (University of Pennsylvania, 2018).
- ¹⁷ See Umar Ryad, *Islamic Reformism and Christianity: A Critical Reading of the Works of Muḥammad Rashīd Riḍā and His Associates (1898-1935)* (Leiden and Boston: Brill, 2009).
- ¹⁸ Muhammad Rashid Rida, *The Caliphate or Supreme Imamate*, vol. 1, World Thought in Translation Series (New Haven: Yale University Press, 2024), 156-57.
- ¹⁹ For a general overview of the relationship of ideas of agency to legitimate government authority in Sunnī law, see Mohammad Fadel, "Islamic Law Reform: Between Reinterpretation and Democracy," *Yearbook of Islamic and Middle Eastern Law* 18, no. 1 (2017).
- ²⁰ See Charles Hirschkind, "Civic Virtue and Religious Reason: An Islamic Counterpublic," *Cultural ANthropology* 16, no. 1 (2008).
- ²¹ See Lorraine Code, *Epistemic Responsibility* (Albany: State University of New York Press, 2020).

References

- Al-Ghazzālī, Abū Ḥāmid. *Iḥyā' 'ulūm Al-Dīn*. Vol. 2, Beirut: Dār al-Ma'rifah, 1982.
- Al-Sallami, Muhammad al-Mukhtar. *Al-Qiyās (Analogy) and Its Modern Applications*. Translated by Mohammad Hashim Kamali. Jeddah: Islamic Development Bank, 1999.
- Al-Shāṭibī, Ibrāhīm ibn Mūsā Abū Ishāq. *The Reconciliation of the Fundamentals of Islamic Law (Al-Muwāfaqāt Fī Usūl Al-Sharī'a)*. Translated by Imran Ahsan Nyazee. Reading, UK: Garnet Publishing, 2012.
- Casanova, José. *Global Religious and Secular Dynamics*. Leiden: Brill, 2019.
- . *Public Religions in the Modern World*. Chicago: University of Chicago Press, 1994.
- . "Public Religions Revisited in the Modern World." In *Religion: Beyond a Concept*, edited by Hent de Vries. New York: Fordham University Press, 2008.
- . "Rethinking Secularisation: A Global Comparative Perspective." *Hedgehog Review* 8, no. 7 (2002).
- . "The Sacralization of the Humanum: A Theology for a Global Age." *International Journal of Politics, Culture and Society* 13, no. 21 (1999).
- . "The Secular and Secularisms." *Social Research* 76, no. 1050 (2009).
- . "The Secular, Secularizations, Secularisms." In *Rethinking Secularism*, edited by Mark uergensmeyer and Jonathan VanAtwerpen, 54-55. Oxford: Oxford University Press, 2011.
- . "Secularisation, Religion, and Multicultural Citizenship Ed. Katajun Amirpur Et Al., Vol. 7, Religions in Dialogue: Series of the Academy of World Religions, University of Hamburg, No.7 (Waxmann, 2014), 21–32; ." In *Religions and Dialogue: International Approaches*, edited by Katajun Amirpur et. al. Munster, Germany: Waxmann Verlag, 2014.
- Code, Lorraine *Epistemic Responsibility*. Albany: State University of New York Press, 2020.
- Fadel, Mohammad. "Islamic Law Reform: Between Reinterpretation and Democracy." *Yearbook of Islamic and Middle Eastern Law* 18, no. 1 (2017): 44–90.
- Fadel, Mohammad H. *Islamic Jurisprudence, Islamic Law, and Modernity*. Columbus, Georgia: Lockwood Press, 2023.
- Hallaq, W. B. "Non-Analogical Arguments in Sunnī Juridical Qiyās." *Arabica* 36, no. 3 (Nov., 1989).
- Hirschkind, Charles. "Civic Virtue and Religious Reason: An Islamic Counterpublic." *Cultural Anthropology* 16, no. 1 (2008): 3-34.
- Ibrahim, Ahmed Fekry. "Al-Sha' rānī's Response to Legal Purism: A Theory of Legal Pluralism." *Islamic Law and Society* 1-2 (2013): 110-40.
- Jackson, Sherman. *The Islamic Secular*. New York: Oxford University Press, 2024.
- Kurzman (ed.), Charles. *Liberal Islam: A Sourcebook*. New York: Oxford University Press, 1998.
- . *Modernist Islam, 1840-1940: A Sourcebook*. New York: Oxford University Press, 2010.
- Marx, Karl, and Fredrick Engels. "Manifesto of the Communist Party." Translated by Samuel Moore. In *Marx/Engels Selected Works*, 98-137. Moscow: Progress Publishers, 1969.
- Rahman, Fazlur. *Islam and Modernity: Transformation of an Intellectual Tradition*. Chicago: University of Chicago Press, 1982.
- Rida, Muhammad Rashid. *The Caliphate or Supreme Imamate*. World Thought in Translation Series. Vol. 1, New Haven: Yale University Press, 2024. doi:<https://doi.org/10.12987/9780300190274>.
- Ryad, Umar. *Islamic Reformism and Christianity: A Critical Reading of the Works of Muḥammad Rashīd Riḍā and His Associates (1898-1935)*. Leiden and Boston: Brill, 2009.
- Saygin, Tuncay, and Mehmet Önal. "'Secularism' from the Last Years of the Ottoman Empire to the Early Turkish Republic." *Journal for the Study of Religions and Ideologies* 7, no. 20 (2008): 26-

48.

Shehaby, Nabil. "‘illa and Qiyās in Early Islamic Legal Theory." *Journal of the American Oriental Society* 102, no. 1 (1982).

Zulfiqar, Adnan. "Collective Duties (Farḍ Kifāya) in Islamic Law: The Moral Community, State Authority and Ethical Speculation in the Premodern Period." University of Pennsylvania, 2018.