

Iqbal on Islamic Law

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In Iqbal's view, "the ultimate spiritual basis of all life, as conceived by Islam, is eternal" and a "society based on such a conception of reality must reconcile, in its life, the categories of permanence and change."

While permanent principles are required to give society "a foothold in the world of perpetual change," they must not be understood "to exclude all possibilities of change which according to the Holy Qur'an is one of the greatest 'signs' of God." What is eternal and what is changeable is exemplified for Iqbal by the Prophet Muhammad (*pbuh*) who "seems to stand between the ancient and the modern world. In so far as the source of his revelation is concerned he belongs to the ancient world; in so far as the spirit of his revelation is concerned he belongs to the modern world."

One of the major reasons for the decline of Muslims in the past many centuries was due, in Iqbal's judgment, to their inability or unwillingness to subject the legal system of Islam to intellectual scrutiny, particularly with reference to "*Ijtihad*" which is one of the acknowledged sources of Islamic Law.

Iqbal refers to "*Ijtihad*" which literally means "to exert" as "the principle of movement in the structure of Islam." Seeking "the revaluation and re-codification of the Islamic *Fiqh*" and stressing the critical need for "*Ijtihad*" by contemporary Muslims, Iqbal said: "I know the '*ulema*' of Islam claim finality for the popular schools of Muslim Law, though they never found it possible to deny the theoretical possibility of a complete '*Ijtihad*' ... For fear of ... disintegration, the conservative thinkers of Islam focused all their efforts on the one point of preserving a uniform social life for the people by a jealous exclusion of all innovations in the law of '*Shar'ia*' as expounded by the early doctors of Islam. Their leading idea was social order, and there is no doubt that they were partly right, because organization does to a certain extent counteract the forces of decay. But they did not see, and our modern '*ulema*' do not see, that the ultimate fate of a people does not depend so much on organization as on the worth and power of individual men. The closing of the door of '*Ijtihad*' is pure fiction suggested partly by the crystallization of legal thought in Islam, and partly by that intellectual laziness which, especially in a period of spiritual decay, turns great thinkers into idols ... Modern Islam is not bound by this

voluntary surrender of intellectual independence. The claim of the present generation of Muslim liberals to re-interpret the foundational legal principles in the light of their own experience and altered conditions of modern life is, in my opinion, perfectly justified.”

Here, it is apt to observe that Iqbal regarded collective “*Ijtihad*” or “*Ijma’*” as “perhaps the most important legal notion in Islam.” Elaborating on this, he said: “The transfer of the power of “*Ijtihad*” from individual representatives of schools to a Muslim legislative assembly which, in view of the growth of opposing sects, is the only possible form “*Ijma’*” can take in modern times, will secure contributions to legal discussion from laymen who happen to possess a keen insight into affairs.”

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