

Modern Qur'anic Hermeneutics

Fazlur Rahman Malik (d. 1988)

overview



- **Fazlur Rahman on the Qur'an and Islamic law: problem**
- **hermeneutic methodology**
- **evaluation**

the Qur'an in Rahman's thought

'The Qur'an for Muslims is the divine word literally revealed to the Prophet Muhammad...

The Qur'an declares itself to be the most comprehensive guidance for man, both assuming and subsuming earlier revelations...

The Qur'an had from the time of its revelation a practical and political application, it was not a mere devotional or personal pietistic text.'

Islam and Modernity, p.2

‘[T]he implementation of the Qur’an cannot be carried out literally in the context of today because this may result in thwarting the very purposes of the Qur’an, and that, although the findings of the *fuqaha*’ or the *ulama*’ of Islam during the past thirteen centuries or so should be seriously studied and given due weight, it may well be found that in many cases their findings were either mistaken or sufficed for the needs of that society but not for today.’

The Impact of Modernity, p. 127

contextualist hermeneutics

the basic questions of method and hermeneutics were not squarely addressed by Muslims and there was a lack of an adequate method for understanding the Qur'an.

- failure to understand the underlying unity of the Qur'an
- practical insistence upon fixing on the words of various verses in isolation (atomistic approach to Qur'anic interpretation)
- the result of this “atomistic approach” was that laws were often derived from verses that were not at all legal in intent.

In Islam “there exists a sharp distinction, even cleavage, between law and ethics, among the users of the law if not among its producers and dispensers.”

Law and Ethics, p.4

“whenever there are specific Qur’anic commands and prohibitions, lawyers take them very seriously, but whenever the lawyers are faced with general Qur’anic requirements with an ethical import, they do not know how to deal with them, and in many cases do not even try.”

Law and Ethics, p. 6

“The Qur'an is a divine response, through the Prophet's mind, to the moral-social situation of the Prophet's Arabia, particularly to the problems of the commercial Meccan society of his day...”

Islam and Modernity, p. 5

“The Qur'an is considered to be primarily “an ethical teaching (with a theological base), and not a book of law.”

Islam p. 257

qur'anic values:

Justice ('*adl*), fairness (*qiṣṭ*), kindness (*iḥsān*), forgiveness (*maghfirah*), and God-consciousness (*taqwā*), brotherhood, cooperation and self-sacrifice for the sake of the common good.

the ideal & the contingent

the **ethico-legal** Qur'anic instructions functioned at two levels:

- the 'ideal': the **ethical goal** that believers were to aim for, equated with Divine Will (which was not always achieved at the time of the revelation)
- the 'contingent': what was possible at the time of revelation, given the structural / situational constraints within the community

double movement hermeneutic theory

In building any genuine and viable Islamic set of laws and institutions, there has to be a twofold movement:

First one must move from the concrete case treatments of the Qur'an-taking the necessary and relevant social conditions of that time into account-to the general principles upon which the entire teaching converges.

Second, from this general level there must be a movement back to specific legislation, taking into account the necessary and relevant social conditions now obtaining.

jihād / *ijtihād*

“Both tasks imply intellectual *jihad*, the second implying also a moral *jihad* or endeavour in addition to the intellectual. The intellectual endeavour or *jihad*, including the intellectual elements of both the moments-past and present-is technically called *ijtihād*.”

Islam and Modernity, p. 7

Ijtihad: ...means “the effort to understand the meaning of a relevant text or precedent in the past containing a rule, and to alter that rule by extending or restricting or otherwise modifying it in such a manner that a new situation can be subsumed under it by a new solution.”

Islam and Modernity, p. 8

“If the argument thus far is correct, then the term *usul al-fiqh* is better applied to the general precepts and principles that are either explicitly formulated in the Qur’an ... than to the celebrated “four roots of law”, namely the Qur’an, the *sunna*, *ijtihad*, and *ijma’* or consensus. For... *usul al-fiqh*, or principles of law, is that body of ethical teaching which will have emerged as a result of a systematic formulation of the Qur’anic legislation and injunctions.”

“There would be naturally bitter opposition to this kind of approach and particularly the results reached through it, but there is reason to believe that in the span of a decade or so the larger part of the liberals will come round to some such view. Failing this, this writer does not see any alternative for Islam except, in course of time, to be reduced to a set of rites which will claim emotional attachment for some time to come.”

The Impact of Modernity, p. 127

polygamy

(2) Give orphans their property, do not replace [their] good things with bad, and do not consume their property with your own—a great sin. (3) If you fear that you will not deal fairly with orphan girls, you may marry whichever [other] women seem good to you, two, three, or four. If you fear that you cannot be equitable [to them], then marry only one, or your slave(s): that is more likely to make you avoid bias ...(129)... You will never be able to treat your wives with equal fairness, however much you may desire to do so...

(Q 4.2-3 & 129) trans. Abdel Haleem

وَإِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَثَلِيٍّ وَثَلَاثَ وَرُبْعَ خِفْتُمْ أَلَّا تُعْدِلُوا فَوَاحِشَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ۚ ذَٰلِكَ أَذْنَىٰ أَلَّا تَعُولُوا