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SOME QUR'ĀNIC LEGAL TEXTS
IN
THE CONTEXT OF FAZLUR RAHMAN'S
HERMENEUTICAL METHOD

Amhar Rasyid

Student number: 9243803

A Thesis Submitted to
the Faculty of Graduate Studies and Research
in Partial Fulfilment of the Requirements for the Degree of
Master of Arts

Institute of Islamic Studies
McGill University
Montreal, Canada

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Dedicated

To my Mother Ruwaida and my wife Adlaida:
Their patience made this study possible.

To my daughter Lenggogeni and son Ace Amhar:
Let them see the light of this legacy.

ABSTRACT

Author : Amhar Rasyid
Title of Thesis : Some Qur'ānic Legal Texts in the Context of
Fazlur Rahman's Hermeneutical Method
Department : Islamic Studies, McGill University
Degree : Master of Arts

This thesis is an attempt to analyze Fazlur Rahman's hermeneutical method: his theory of the divine revelation of the Qur'ān and its application to the case of *zakāt* (alms) and *ribā* (usury) in particular. Rahman's theory is firmly in touch with reality and he proposes a well-argued system of Qur'ānic methodology. Theoretically, he seeks to determine the general principles behind the Qur'ānic legal texts, since the latter were contextualized by time and place while the former are universal and eternal. Practically, Rahman calls Muslims to an intellectual *jihād* in the effort to reformulate the Qur'ānic legal injunctions on social matters in order to solve the problems of the present. Rahman sees the long-standing *ad hoc* solutions, such as those of the traditionalist Muslims, as unworkable due to their piecemeal treatment of the Qur'ānic teachings.

The thesis then explores Rahman's proposal for hermeneutical philosophy particularly of Gadamer and Emilio Betti. It attempts to show that Rahman's use of the notion of 'effective history' to understand the 'mind' of the Prophet in formulating the Qur'ānic laws leads him to subjectivism. For one thing, he judges the Prophet's mind from the present century when rationality and technology play a dominant role. Besides, laws in the Qur'ān are explained in terms of their socio-economic background. Consequently, the thesis comes to the conclusion that Rahman's hermeneutics are lacking in theological considerations and the legal intentions of the Qur'ān are secularized.

RESUMÉ

Autour	: Amhar Rasyid
Titre de la thèse	: Quelques textes légaux Coranique dans le contexte de la méthode herméneutique de Fazlur Rahman
Département	: Études Islamiques, Université McGill
Titre académique	: Maîtrise en Arts

Cette thèse tente d'analyser la méthode herméneutique de Fazlur Rahman: sa théorie de la révélation divine du Coran ainsi que son application aux cas particuliers du *zakāt* (aumône) et du *ribā* (intérêt). La théorie de Rahman est résolument réaliste et il propose un système de méthodologie Coranique bien articulé. Théoriquement, il cherche à déterminer les principes généraux derrière les textes légaux Coraniques, puisque ces derniers furent produits dans un contexte particulier alors que les principes sont universels et éternels. D'un angle plus pragmatique, Rahman appelle musulmans et non-musulmans à un *jihād* (croisade) intellectuel afin de reformuler les injonctions légales Coraniques sur les affaires sociales dans le but avoué de résoudre les problèmes contemporains. Rahman perçoit les conservatrices solutions *ad hoc*, telles que celles des musulmans traditionalistes, comme étant impraticables compte tenu de leur traitement littéral des enseignements Coraniques.

La thèse explore alors la proposition de Rahman concernant une philosophie herméneutique tel qu'expliqué par Gadamer et Emilio Betti. Il y est démontré que la notion de Rahman à propos de 'l'esprit' du Prophète lorsqu'il promulgue les lois Coraniques le mène tout droit au subjectivisme. D'un côté, il évolue l'état d'esprit du prophète du siècle présent où la rationalité et la technologie jouent un rôle prépondérant. Par conséquent, la thèse conclue que le point de vue 'herméneutique' de Rahman manque de considérations théologiques et que les intentions légales du canon sont sécularisées.

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SPELLING AND TRANSLITERATION

The Arabic names and terms in this thesis follow the system of transliteration employed by the Institute of Islamic Studies, McGill University.

Placenames, certain words, such as Pakistan, Ethiopia, Indonesia, etc., will be given in the conventional English spellings.

English	Arabic
th	ث
ḥ	ح
kh	خ
dh	ذ
sh	ش
ṣ	ص
d	د
ṭ	ط
ẓ	ظ
ʿ	ع
gh	غ
ʾ	أ

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INTRODUCTION

This is a study of a Muslim scholar's conception of how to revive the Qur'ānic social laws for a modern Muslim society. While it is true that there has been much scholarly work on reformulating Islamic law as embodied in the Qur'ān, Rahman's enterprise is unique. The combination of a broad intellectual background and a deep belief in Qur'ānic teachings has made Fazlur Rahman's approach different from that of other Muslims. As the basis of his proposed methodology, Rahman introduces what he calls the 'double movement' theory, which, despite some weaknesses, makes good sense, as the discussion in the following chapters will show.

'Back to the Qur'ān and pristine Islam' has been a common slogan among the Muslims, yet how to go back to this authoritative source has not been agreed unanimously. For the traditionalists *'ulamā'* this means a literal application of the text. Rahman, however, totally rejects such a literal treatment. He believes that the holy words in the Qur'ān are to be contextualized in terms of the immediate historical background of the revelation. That is to say, so far as the social problems are concerned, Qur'ānic legal injunctions must be revitalized and, therefore, a reinterpretation is imperative. Thus 'back to the Qur'ān' means returning to the general principles behind the contextualized texts. This thesis will study Fazlur Rahman's approach to the Qur'ān with reference to his understanding of the Qur'ānic teachings on *zakāt* (alms-tax) and *ribā* (usury).

Why was so urgent for Rahman to propose a blueprint of his Qur'ānic hermeneutics? Apart from eliminating vagrant Qur'ān interpretations, one of the immediate answers is that he conceives the present Muslims are in the state of 'spiritual panic', due to the rise of Modernity in the West, which has endangered the Muslim *weltanschauung*. To respond the Modernity, Rahman proposes an equal dimension in

order to enable the Muslims to live Islamically. Hence his hermeneutics can be regarded as a proposal for Muslim scholars to show them 'how to start' solving the spiritual panic. To quote Rahman:

By and large, and in effect, we are still suffering from intellectual indolence and consequently...are experiencing the two extreme attitudes born of this indolence...viz., (a) a *laissez-faire* attitude towards the new forces which makes us simply drift and (b) an attitude of escape to the past which may seem emotionally more satisfying immediately but which is, in fact, the more obvious fatal of the two attitudes.¹

Rahman's hermeneutical method is a new kind of endeavor but the elements of it, according to him, are mainly traditional. The intellectual heritages of Muslim historians, biographers of the Prophet, *ḥadīth* collectors and Qurʾān commentators are among the traditional elements for acquiring general understanding of the socio-historical backgrounds of the Qurʾān and the practices of the Prophet.² This leads to a reformulation of Islam. According to Rahman: "In Islam, reinterpretation means a reworking and restructuring of sociomoral principles that will form the basis for a viable social Islamic fabric in the twentieth and twenty-first centuries."³ Such formulations, he stresses, must be carried out repeatedly, in order to enable the Muslim society, through discussions and debate, to contribute their evaluations. Thus Rahman's hermeneutics are the proposals how to revive the Islamic law with the involvement of Muslim community as a whole.

Some scholars have tried to analyze Rahman's Qurʾānic methodology, but the focus of this thesis rather is on his hermeneutical philosophy. Kenneth Cragg has given a critical appreciation of Rahman's emphasis on the functionality of the Qurʾān, but his primary motives seem to criticize Rahman's approach to the Qurʾān as a

¹ Fazlur Rahman, "Social Change and Early *Sunnah*," *Journal of Islamic Studies*, Vol. 2, No. 2 (1963): 206.

² Fazlur Rahman, *Islam and Modernity: Transformation of an Intellectual Tradition* (Chicago: The University of Chicago Press, 1982), 143.

³ *Ibid.*, 124.

scripture from a bishop's point of view.⁴ A young Indonesian scholar, Taufik Adnan Amal, has written his master's thesis, later published as a book, on Fazlur Rahman's legal thought; it is a descriptive but valuable study on an Indonesian modernist perspective. Tamara Sonn, former student of Fazlur Rahman, has discussed his Islamic methodology as regards the Qur'ān. She comes to the conclusion that this methodology is historicist-Islamic *in toto*, for it refers to the concept of *ijtihād* which definitely predates the Western development of historicism.⁵ C.J. Adams, considering Fazlur Rahman 'as a philosopher,' characterizes his approach as 'anti-historicist.'

His approach to the philosophy that interested him was, however, far from being historicistic. Mere description or reconstruction of a system from the past was never enough; he sought always to enter into the spirit of the body of thought he was considering, first to make it his own, and then to expound it for its relevance to himself and to his readers...More important as an indication of his anti-historicist attitude is the fact that Fazl al-Rahman never showed the slightest hesitation to offer his own judgment of a position that he was engaged in analyzing.⁶

Adams' argument finds its true, later in our discussion, when dealing with Rahman's structure of thought on the Qur'ānic legal methods which contain, according to Rahman, general principles as universal truth from where he conceptually rejects Gadamer's criticism of 'Objectivity.' Gadamer argues that there is no universal truth: "that everything is just a response to specific socio-economic and political circumstances...Fazlur Rahman calls this view "hopelessly subjective."⁷

Syafi'i Ma'arif, one of Rahman's former students, is correct in saying that Rahman's thought is 'Qur'ān oriented.'⁸ But this is only half true. For the Holy Book does not regulate but it is regulated by Rahman's rationality. The truth in the Qur'ān

⁴ "Fazlur Rahman of Karachi and Chicago," in *The Pen and The Faith: Eight Modern Muslim Writers and the Qur'ān* (London: George Allen and Unwin, 1985), 91-108.

⁵ Tamara Sonn, "Fazlur Rahman's Islamic Methodology," *The Muslim World*, Vol. 81, No. 3-4 (1991): 228.

⁶ Charles J. Adams, "Fazl al-Rahman as a Philosopher," *Journal of Islamic Research*, Vol. 4, No. 4 (1990): 266-7.

⁷ Sonn, "Fazlur Rahman's," 229. See also Rahman, *Islam and Modernity*, 8-9.

⁸ Taufik Adnan Amal, *Islam dan Tantangan Modernitas* (Islam and the Challenge of Modernity) (Bandung: Mizan, 1993), 232.

makes sense as long as it is judged from his rational considerations. Consequently, I believe that Rahman's hermeneutics are not purely objective because, as Thomas Kuhn says, what is deemed to be "objectivity" is in fact influenced by paradigms subsisting in the mind of the thinker or the scientist in his own mind.⁹ It is these paradigms that influence Rahman's judgments on legal aspects of the Qur'ān. So, the central point in Rahman's 'Qur'ān oriented' thought is not the Book itself but his own mind.

Alparslan has also essayed to analyze Rahman's system of thought. His analysis reveals a trilogy of method: *ḥadīth*, *tafsīr* and *fiqh*. He regards Rahman's methodology as a unified system of thought which is the result of this trilogy, as manifested in different fields of application.¹⁰ Finally, Özdemir maintains that Rahman's critical method in looking at the "Islamic tradition" is close to that of Jurgen Habermas: a tradition, according to Rahman, must have constant revitalizations.¹¹ Yet It is also possible to maintain that Rahman's approach is not only close to that of Habermas but also of Durkheim.

Before discussing Rahman's methodology and thought, something should be said about his life and career. His life can be divided into at least four stages: early life, education, career in Pakistan and professorship at Chicago. All four stages reflect a development of his convictions and intellectual maturity. His religious convictions were always based on the Qur'ānic teachings, although rational judgment was the dominant factor in judging the former. On the other hand, his intellectual maturity seem to be the product of extensive contemplation on the historical development of Muslim religious institutions and ideas. He came to believe that the Qur'ān as a holy book and Islam as a religion contain both the 'ideal' and the 'real'. He claimed that any

⁹ Thomas S. Kuhn, *The Structure of Scientific Revolutions* (Chicago: The University of Chicago Press, 1970), 24.

¹⁰ Açikgenç Alparslan, "The Thinker of Islamic Revival and Reform: Fazlur Rahman's Life and Thought (1919-1988)," *Journal of Islamic Research*, Vol. 4, No. 4 (1990): 247.

¹¹ Ibrahim Özdemir, "The Concept of Islamic Tradition in Fazlur Rahman's Thought," *The American Journal of Islamic Social Sciences*, Vol. 9, No. 2 (1992): 261.

tradition needs an on-going revitalization and reinterpretation to create a fresh ideal behind the real. The various phases of his life should be seen from the perspective of this view.

Fazlur Rahman was born on September 21, 1919, to a deeply religious family, in the district of Hazara in North West Pakistan.¹² His father was Maulanā Shahāb al-Dīn, an *ʿalīm* (religious scholar) educated in the traditional Islamic sciences, but aware of the importance of modern education, which had an impact upon the young Fazlur Rahman.

According to Rahman's own account, several factors shaped his character and belief. One was of his mother's 'truthfulness, mercy, steadfastness and, above all, love'. The other was of his father's 'religious training at home as well as a conviction that Islam would later face modernity as challenges and opportunity'.¹³ He also told us that he could recite the entire Qurʾān from memory when only ten years old. When fourteen years old, he began to study philosophy, the Arabic language, theology, *ḥadīth* (the Prophetic Tradition) and *tafsīr* (Qurʾānic exegesis).

Rahman did his B.A in 1940, and two years later did his M.A, both with honors, from the Panjab University. He completed his Ph.D at Oxford in 1949.¹⁴ Later he taught at Durham University, and at McGill University from 1950 to 1961. Both the formal and the informal education he received contributed to his intellectual maturity. The rational character of his thought, which later shaped his unique approach to the Qurʾān, was the result of his education.

His career, both intellectual and political, was guided by a deeply consciousness that the fourteen centuries of historical Islam had not been able to fulfill the Covenant with God of which the Qurʾān speaks. Most of Rahman's books echo

¹² Alparslan, "The Thinker," 233.

¹³ Fazlur Rahman, "An Autobiographical Note," *Journal of Islamic Research*, Vol. 4, No. 4 (1990): 227.

¹⁴ Alparslan, "The Thinker," 234-5.

this conviction, criticizing the traditional Qur'ānic commentaries which, in his view, only treated the Qur'ānic ordinances partially. Led by this belief, he 'worked for resurrecting the Qur'ānic teachings from the debris of history.' His Qur'ānic hermeneutics, as we will show, aim at producing a 'blueprint,' which he considers as containing a workable methodology to grasp the ideal behind the manifestations of real life. In short, Rahman's hermeneutical method is the antithesis of the long standing traditionalist Qur'ānic commentaries.

This intellectual formulation is reflected, in turn, in his subsequent political career. Upon the request of the President of Pakistan Muhammad Ayyub Khan, Rahman became the Director of the Institute of Islamic Research (1961-1968). The primary task in this Institute was to reformulate Islamic laws for a modern Pakistani society. To alleviate the poverty, Rahman recommended the introduction of Western technology, though he was aware of the danger of doing so. Not surprisingly, aspects of technology collided with traditional customs and religious norms. For instance, the traditional way of slaughtering animals by hand was replaced by mechanical system slaughtering, which many objected to because the name of God (*basmalah*) could not now be recited. Rahman also called for changes in the role of women in family life. They were to have the opportunity to earn their living side by side with men rather than being confined to their home. Furthermore, women were to have the right of divorce, especially in case of the problems created by polygamy. With such recommendations, Rahman struck at the heart of the *'ulamā'*'s conservatism. In particular, a provoked violent reaction, which was political in nature, from the people backed by the Traditionalists. Rahman's innovative ideas on family law reform, the interpretation of divine revelation, the introduction of a new measure (*niṣāb*) of *zakāt* (alms-tax), the legalization of bank interest as different from *ribā* (usury), were rejected. Under threat to his personal safety, he was forced to leave the country in 1969, and began teaching at the University of Chicago.

At Chicago, he spent most of his time studying, writing and teaching Islamic thought. The professor was kind, always busy and extremely learned in medieval Arabic thought. To quote Wan Daud:

His seriousness in scholarship is beyond reproach. If one were to visit his residence in Naperville, ... one would see his study in the basement. He writes sitting on the floor, with papers and books surrounding him in a big circle at a distance of an arm's length. His family members told me that he seldom came out of the study except for certain necessities. He himself, in a joking mood, told me that like a fish, he comes out only to get necessary oxygen supply. To him, his study is to read, think, teach, and write...He requested the university authorities to allow him to come to the office only twice a week, Monday and Friday, for he could work better at home. His telephone number is unlisted, and therefore he cannot be reached by the ever hungry media. A large note on his office door reads something like this: "All interviews for the Press are given only by appointment."¹⁵

As an internationally reputed scholar, Rahman had many opportunities to visit different Muslim countries. In the summer of 1985, he was invited by the Indonesian Government, as he says, 'to assess the situation of Islam' in the country and 'tender advice particularly on the reform of higher Islamic education.'¹⁶ He was a prolific writer and wrote many books and articles.¹⁷ Rahman was also the ninth recipient of the prestigious Giorgio Levi Della Vida award in 1985. On that occasion, he was commended for having achieved a 'combination of the highest standards of scholarship and his deep personal commitment to the faith and future of Islam.'¹⁸

* * *

¹⁵ Wan Mohd Nor WAN DAUD, "Personal Anecdotes on a Great Scholar, Teacher and Friend," in *Journal of Islamic Research*, Vol. 4, No. 4 (1990): 256.

¹⁶ Rahman, "An Autobiographical Note," 231. See also his *Islam and Modernity*, 125-9. However, some Indonesian scholars, Amien Rais and Jalaluddin Rakhmat, maintain that Rahman's assessment of Islam in Indonesia was inadequate, perhaps because he lacked original information in native sources. See, for example, Amal, *Islam dan Tantangan Modernitas*, 15.

¹⁷ For detailed information on his scholarly works, see the bibliography of Amal's book and Alparslan's article as quoted above.

¹⁸ Richard G. Hovannisian, "Presentation of Award to Ninth Recipient, Fazlur Rahman," in *Ethics in Islam*, ed. Richard G. Hovannisian (Malibu: Udena Publications, 1985), 1.

This thesis will focus on Rahman's Qur'ānic hermeneutics: on his view of how the Prophet translated the Qur'ān's social ordinances into action and what was the nature of the socioeconomic justice that the Prophet wanted for his community. Rahman tried to discover the moral considerations behind the legal precepts. Therefore, the thesis will be preoccupied with hermeneutical philosophy and will attempt an analysis of Rahman's sociological approach to Qur'ānic social laws.

Methodologically, we shall refer to the views of Schleiermacher, Hans Georg Gadamer and Emilio Betti in the analysis of what Rahman calls 'Effective History': his effort to understand the 'mind' of the Prophet will be viewed with reference to Emilio Betti's 'Objectivity School'. The thesis will thus also inquire into whether modern philosophy can be successfully employed in understanding the Qur'ānic teachings. Hermeneutics is closely related to literary criticism, the primary object of which is literary work which also extends to the domain of *lingua sacra*.

The first chapter deals with 'Rahman's Qur'ānic Methodology'. To understand this methodology, at least three aspects must be explained: the nature and process of divine revelation, the weakness of the traditionalists' approach to the Qur'ān as seen from Rahman's criticism of it, and finally, his proposed solution. From these discussions, it will become clear that the mere slogan 'back to the Qur'ān' is in itself incapable of solving the problems of present day Muslims, unless a clear-cut Qur'ānic methodology is first formulated. Rahman pioneers this endeavor. Yet certain difficulties are still there, especially when hermeneutical philosophy is used and a sociological approach is adopted.

The second chapter looks at the application of Rahman's Qur'ānic methodology, as explained in the first chapter, to the cases of *zakāt* (alm-tax) and *ribā* (usury). This is done in order to see whether he is successful or not in applying his Qur'ānic hermeneutics to the problems of today. If he is indeed successful, to what extent can his guidelines be elaborated by future Muslims in reformulating

jurisprudence. Conversely, if his methodology is unsuccessful, how should it be revised to make it work. So far as the result of this study are concerned, Rahman's proposed methodology to revive the Qur'ānic social laws seems meaningful and pragmatic. However, our study is mainly interpretative which means that we lack data about the actual application of such Qur'ānic hermeneutics.

The conclusion will argue, as does the thesis as a whole, that Rahman's Qur'ānic hermeneutics is based principally on rational judgments but lacks a theological basis. Consequently, the use of modern hermeneutical philosophy to understand the mind of the Prophet objectively fails to some extent because the Prophet's idea is judged in contexts different from his own. Moreover, the significance of socio-economic justice in the Qur'ān is reduced to Rahman's own predilections, for he was living in an era of technological development when the rationalization helps to solve various problems faced earlier.

CHAPTER ONE

Fazlur Rahman on Qur'ānic Legal Methodology

Fazlur Rahman's Qur'ānic methodology is, to some extent, a combination of both the classical Islamic intellectual heritage and the modern historical criticism as developed in the West. On the one hand, he cites the thoughts of 'Umar ibn al-Khaṭṭāb, al-Shāṭibī, 'Izz al-Dīn Ibn 'Abd al-Salām, Shah Walī Allāh of Delhi and Muḥammad Iqbal. On the other hand, Rahman also makes recourse to Betti and Gadamer when dealing with problems of textual interpretation. This combination constitutes his search for a new method of interpreting the Qur'ānic legal injunctions in an effort to reformulate a fresh Islamic *Weltanschauung* which is based on Qur'ānic ethics. In the following pages, I argue that this methodology, by rationalizing the process of Divine revelation, will submerge the legal intentions of the Qur'ān under his subjectivism. The more he rationalizes the process of the revelation the stronger his Qur'ānic methodology looks; yet eventually he falls back upon subjectivism under the cloak of what he calls Qur'ānic general principles. To show his subjectivism, I will discuss in this chapter several major issues: the nature and process of the Divine revelation, Rahman's critique of the traditional *'ulamā's* approach to the Qur'ān, and, finally, his proposed solutions to Qur'ān interpretation. All of these matters are highly interrelated, and must thus be treated as parts of a single whole.

A. The Nature and Process of the Divine Revelation and the Question of Qur'ānic Functionality

There are two radically different views on the issue of the nature and process of revelation. According to the Muslim traditional opinion, the Qur'ān is absolutely and totally the word of God. The Prophet Muḥammad was only the recipient and the angel Gabriel was only the intermediary between God and the Prophet. Those sacred words are believed to have been delivered piecemeal during the Prophetic career; they used to be articulated into the Prophet's ear and mind while he was in a state of ecstasy. According to this traditional view Muḥammad acts exactly like a "telephone receiver," as Adams has put it: "neither the content of the message nor the Words in which it is couched were his."¹ Rahman, however, rejects this traditional belief. He maintains that the Qur'ān is wholly divine, but in passing through the heart of the Prophet, like reflecting on the black stone, it becomes internal to him; the words belong to Muḥammad himself. Moreover, the Qur'ān makes no mention of the mediation of the angel in this case; the angel is mentioned only with reference to the Prophet's ascension (*mi'rāj*), though that too, Rahman believes, was only a spiritual experience.²

Following such arguments at least two questions should be answered in the first place. What is the nature of the Qur'ān according to Rahman? And how was it revealed to the Prophet? It is only after discussing these two important points that we can proceed to the next question of what the true message of the Qur'ān in his view is and how the Muslims today should understand its teachings, derive laws from it and apply them in daily life.

¹ *Encyclopedia of Religion*, ed. Mircea Eliade (New York: Macmillan Company, 1987), s.v. "Qur'ān" by C. J. Adams.

² Fazlur Rahman, *Islam* (Chicago: The University of Chicago Press, 1979), 31.

The first two questions are theologically controversial. Beginning with the debates of the rationalist Mu'tazilites versus the orthodox Ash'arites, the Qur'ān has been perceived as created or uncreated. To say that it is created means that the Qur'ān is not eternal as God Himself. This doctrine tried to safeguard the belief in the Oneness of God. To hold, however, that the Qur'ān is eternal means associating the quality of eternality of something with God, though it was pleaded later that what was meant by 'eternal' was His words (*Kalām*).³ Fazlur Rahman, for his part, revives the debate in the modern age, yet the aim is no longer theological but legal speculation. By doing so, he is mostly occupied with the modern hermeneutical philosophy, the discussion about text and context, the difference between the ideal and the practical aspects of law.

Rahman's position on the development of Qur'ānic teachings is similar to that of Western Islamicists. Like Nöldeke, Gustav Weil, and Richard Bell,⁴ Rahman holds that the earlier revelations were short in form, full of rhyme. Their resonances and contours changed gradually as the Muslim society developed and the need for organization and institution building increased following the development of the leadership of the Prophet, particularly in the Medinan period. "The task itself had changed. From the thud and impulse of purely moral and spiritual exhortation, the Qur'ān had passed to the construction of an actual social fabric."⁵ What is more, the development of Qur'ānic

³ *Kalām* (Divine Words) is defined as language inherent eternally in divinity and having nothing to do with sonority and articulation. Besides, temporal words and phrases were also revealed to the Prophet. These constituted the Qur'ān and must be taken *bilā kayf* (i.e. no rational explanation is required). Al-Ash'ari's theology echoed the Stoic theory, which was later to be accepted by Christian theologians to explain the Greek Logos. See Salvador Gomez Nogales, "Sunnī Theology", *The Cambridge History of Arabic Literature, Religion, Learning and Science in the 'Abbasid Period*, Ed. M. J. L. Young (Cambridge: Cambridge University Press, 1990), 8. Iqbal had also stated that the Rationalist (Mu'tazilite) rejection of it was due to their allegation that the Orthodox (Sunnite) had adopted another form of the Christian dogma of eternity of the word. The Sunnite insisted on the eternity of the Qur'ān and rejected the Mu'tazilite doctrine for the sake of 'Abbasid political integrity. See Allama Muḥammad Iqbal, *The Reconstruction of Religious Thought in Islam* (Lahore: Sh. Muhammad Ashraf, 1968), 149.

⁴ W.M. Watt & R. Bell, *Introduction to the Qur'ān*. Islamic Surveys 8 (Edinburgh: Edinburgh University Press, 1991), 110. Rahman, *Islam*, 30.

⁵ Rahman, *Islam*, 30.

teaching is conceived as challenging the old Meccan tradition, i.e. tribalism and the corruption of socio-economic justice.

In interpreting the techniques of divine revelation, however, Rahman deviates from the orthodox (Ash'arite) formulation. He insists that the process of divine revelation should be understood objectively. First, the 'otherness' (the externality of the Prophet to the Qur'ānic doctrines) should be depicted because the Prophet functioned only as a recipient of the revelation. He was completely released from the formerly Judaeo-Christian traditions, the revelation itself came into the Prophet's mind. The word '*waḥy*' (revelation) is then interpreted as 'inspiration'.⁶ The 'inspiration' then materialized into 'words', i.e., the verbal expression of the *human* Prophet. Consequently, radically different from the Orthodox view, the holy words are believed as having experienced verbalization through the Prophet's tongue. Having been pronounced in Arabic, Muḥammad's call was eventually realized and responded negatively or positively by the audience (Meccan and Medinan communities) because the message breached the *status quo*.⁷ Here, the holy words are secularized.

Secondly, despite his 'otherness' to the divine revelation, Muḥammad's personality was intimately connected with his prophetic career; he was consciously and personally involved in the process of history making.⁸ In this regard the verbal expression was being actualized in social life so that the actualization of the Qur'ānic

⁶ Ibid., 30-31.

⁷ It is often argued that the Testimony, "There is no god but God and Muḥammad is the Apostle of God," has two significances. First, the testimony about God did not interest the Meccans because they had been accustomed to the theistic idea, but the second testimony implied political subordination and would consequently shaken the economic and political lives. According to Rahman, the Prophet was sent out of his place of ecstasy in the Cave of Hira because, among other things, of economic disparities in Mecca. The antithesis of the disparities led eventually to the emergence of particularly the doctrines of *zakāt* (alms tax) and the banning of *ribā* (usury).

⁸ Rahman, *Islam*, 32.

doctrines brought about simultaneously what is called *Sunna*, not *aḥādīth*, of the Prophet, which is the example *par excellence* (*uswatun ḥasanah*) of God's Messenger.⁹

Being confident in his argument, Rahman criticizes both the traditionalist Muslims and several Western Islamicists, like Nöldeke and Richard Bell, as lacking the intellectual capacity to present a coherent formulation of the 'otherness'. They lacked capacity "to say both that the Qur'ān is entirely the Word of God and, in ordinary sense, also entirely the word of Muḥammad. The Qur'ān obviously holds both, for if it insists that it has come to the 'heart' of the Prophet, how can it be external to him?"¹⁰

Following this, Rahman persuades us that he is not alone in holding that view. Both Shah Walī Allah and Iqbal had expressed similar conceptions. According to Shah Walī Allah "it was only at the time of his actual Prophethood that the Divine Words present in the *ʿālam al-khayāl* (world of imaginative thought) as mental speech (*kalām nafsi*), which appeared in the *ʿālam al-taḥaffuz* (world of articulation) and were put into intelligible forceful speech of literary style."¹¹ In his book "*Saṭaʿat*," Walī Allah also says that,

...when God wished to communicate a guidance which is intended to abide till the end of the world, He subdued the mind of the Prophet in such a way that in the pure heart of the Prophet He sent down the Book of God in a nebulous and undifferentiated manner (*Ijmālan*).... The Message comes to be imprinted in the pure heart of the Prophet as it existed in the *super realm* and thus the Prophet came to know by conviction that this is the Word of God...Subsequently, as the need arose, well-strung speech was brought out from the rational faculties of the Prophet through the agency of the angel.¹²

⁹ I believe it is from this differentiation that Rahman's hermeneutics makes sense. Accordingly, it is because the literal interpretation of both Qur'ān and *aḥādīth* of the Prophet that traditionalist Muslims like Mawdūdī, for example, finds it impractical to carry out Qur'ānic legal injunctions in daily life.

¹⁰ Rahman, *Islam*, 31.

¹¹ Quoted from J.M.S. Baljon, *Religion and Thought of Shah Walī Allah Dihlawī, 1703-1762* (Leiden: E. J. Brill, 1986), 137.

¹² Fazlur Rahman, "Divine Revelation and Holy Prophet," *Pakistan Times*, August 25, 1968, 1. See also Fazlur Rahman, "Divine Revelation and the Prophet," *Hamdard Islamicus*, Vol. 1, No. 2 (1978): 67.

It may be repeated that the Prophet was not passive in transforming the revealed inspiration from his mind to his mouth. Rahman's argument is then corroborated by that of Walī Allah on the question of verbalization.

In addition to this, psychological perspective of Iqbal also validates Rahman's conviction.

The organic relationship of feeling and idea throw light on the old theological controversy about verbal revelation....It is not mere metaphor to say that the idea and words both simultaneously emerge out of the womb of feeling, though logical understanding can not but take them in a temporal order and thus creates its own difficulty by regarding them as mutually isolated. There is a sense in which the word is also revealed.¹³

The idea, feeling and words are psychologically linked according to Iqbal, as Rahman understands him. They constitute an organic entity and are born in the mind of the Prophet simultaneously. The complexity of these origins, which is located outside the Prophet's capacity to control them, caused them to be regarded as revelation from some source which is beyond the Prophet himself.¹⁴ To put it differently, the source and origin of the revealed word lie beyond the reach of the Prophet and ordinary man, but the process of revelation first occurs in the Prophet's mind, and then is uttered. Hence the speech, he stresses, is psychologically the Prophet's wordings.¹⁵

Thus far, like Shah Walī Allah and Iqbal, Rahman believes that the sacred words of God in the Qur'ān have also an anthropological aspect: the involvement of the human Muḥammad with the verbalization of the holy text. This involvement is shown by defining the term '*waḥy*' as an 'inspiration'. The boundary between the realm of inspiration and that of oral expression of the Prophet's tongue is clearly defined, to indicate that the divine word is something exclusive in itself, despite mind, feeling, and language are

¹³ Rahman, "Divine Revelation," *Pakistan Times*, 1.

¹⁴ Ibid., 3.

¹⁵ Rahman, "Divine Revelation," *Hamdard Islamicus*, 70.

acknowledged to be closely related to each other. This kind of interrelationship, therefore, justifies Rahman's argument, as different from that of the orthodox, from psychological perspectives, i.e. the impossibility of the Prophet as human being to be external to the process of divine revelation although he was admittedly endowed with prophetic faculties.

As it will be seen later, Rahman's argument provides an intelligible explanation of the Qur'ānic legal precepts. These precepts, which made their appearance as verbal expressions, are subject to historical criticism, for the expression (language) is closely connected with the direct object of communication, whence the interpretations come. This statement is true in hermeneutical philosophy. "For language is not only an object in our hands," says Gadamer, "it is the reservoir of tradition and the medium in and through which we exist and perceive our world."¹⁶ Prophet's reciprocal action with the *asbāb al-nuzūl* (occasions of revelation), which is taken by Rahman as an important object of his hermeneutic, can be interpreted in this way: the Qur'ānic laws were the product of the Prophet's interpretations under Divine guidance to his direct milieu.¹⁷ The so called Prophetic *Sunna*, practically emerged from such and such interpretations. While *aḥadīth*, after the Prophet died, are the later products of Muslim generations, in their efforts to put their earlier testimonies of the Prophetic *Sunna* back to the mouth of the Prophet. To put it succinctly, life witnesses of the Companions brought about written records, as can be witnessed now, for example, in the Compendiums of Ṣaḥīḥ al-Bukhārī and of Muslim.

Rahman's argument, thus far, can be classified into two parts. In terms of psychological interpretation, he did no more than Shah Walī Allah and Iqbal. They all hold the same view that in all creative knowledge, and particularly in case of revelation,

¹⁶ Hans-Georg Gadamer, "Text and Interpretation," *Hermeneutics and Modern Philosophy*, ed. Brice R. Wachterhauser (Albany: SUNY Press, 1986), 286.

¹⁷ It should be stated that it is from such position that I will find it hard to explain his Qur'ānic hermeneutics from the point of view of modern philosophy as expounded by Emilio Betti. See page 38 of this chapter for further explanation.

both the words and the ideas were born in the mind of the Prophet. As for the new ideas expressed in the revelation, their source must be looked for, not in the Prophet's mind, but beyond it. Secondly, in contrast with Iqbal, Rahman underlines the unique character of divine revelation and shows its difference from other creative knowledge. Psychologically they are similar, but in terms of religious and moral import as well as valuation, the Qur'ān is something utterly *sui generis* and being autonomous of any other form of creative thinking or creative art.¹⁸ Elsewhere he wrote, "the Qur'ān is *entirely* the Words of God insofar as it is infallible and absolutely free from falsehood, but, insofar as it comes to the Prophet's heart and then his tongue, it was entirely his word."¹⁹

Such an argument is too personal and not academic as Rahman also admits. It is personal on account of the difficulties in distinguishing objectively the infallible words of God and the (fallible?) words of the Prophet in the same Qur'ān as long as the Prophet was inspired and guided by God. What criteria could explain this argument? It is lacking in logical explanation since it is much more related to one's belief, and thus it is personal, which is unacademic as an object of study. It can be asserted, however, that the infallible words of God in Rahman's argument constitute the general principles and the (fallible) words of Muḥammad were contextualized. Strangely enough, Rahman's Qur'ānic hermeneutics make sense due to these differentiation (general principle and contextual).

Unfortunately, Rahman's theory of divine revelation surmounted to political question. Traditionalist Muslims criticized him as having been influenced by the negative views like those of Western orientalist which might undermine the *true* teachings of Islam. It was one of a series of conflicts in religious matters that had caused him to resign from the directorship of the Central Institute of Islamic Research in Pakistan by 1968. This negative response implies that the Qur'ān is dogmatically as well as literally

¹⁸ Rahman, "Divine Revelation," *Pakistan Times*, 3.

¹⁹ Rahman, "Some Islamic Issues," 299.

preserved by the community (*‘ulamā*).²⁰ Becoming political, the issue leads us to question the authority of the *‘ulamā*. Who are they? And what kinds of guarantee that ensures the authority and accuracy of their interpretations? Actually, the word 'true' itself is questionable: according to whom? Admittedly, in the spirit of democracy, both Rahman and the traditionalists are entitled to their own interpretations, but to condemn the opponent's view (of Rahman in this case) might delay intellectual advancement and transgress the freedom of speech. A fervent patriot will assume that Rahman's migration to Chicago, due to this political issue, was a loss to the Pakistani Muslims as a whole.

In any case, let us analyze the views stated above. According to the traditionalist conception, there are several points which explain the externality of the Prophet to the process of divine revelation. First, the imperative word '*qul*' (say) in the Qurʾān indicates that the Prophet was completely ordained by God and freed from initiating the revelation. Secondly, Qurʾān (75:16-19)²¹ states that the Prophet was constantly under divine surveillance and that he never acted beyond his own capacity of being a Messenger. Finally, as explained by Haider Aasi,²² the subject of the Qurʾān 2:97 (*nazzalahū ‘alā qalbika*) is misinterpreted by Rahman as God rather than the angel Gabriel. "In fact the subject in this verse is Gabriel," he says, "because the adverbial phrase *bi-idhn-Allāh* would be redundant if translated: 'Say, whoever the enemy of Gabriel, it is He (God) who has brought him down with Allah's permission...'"

Compared to the criticisms on his views, Rahman's position seems rather more likely convincing. Accepting the word '*qul*' as the Prophet's verbal expression does not

²⁰ Relating to this matter it is difficult, however, to admit the assertion of Jeffery saying that the Qurʾān was created by the community, for the word 'create' closely refers to the creator. See, A. J. Jeffery, *The Qurʾān as Scripture* (New York: Russell F. Moore Company, 1952), 5.

²¹ "Move not thy tongue concerning the (Qurʾān) to make haste therewith. It is for Us to promulgate when We have promulgated it. Follow thee its recital (as promulgated). Nay more, it is for Us, to explain (and make it clear)." See ‘Abdullah Yūsuf ‘Alī, *The Meaning of the Holy Qurʾān* (Maryland: Amana Corporation, 1992), 1566-7.

²² Ghulam Haider Aasi, Review of *Major Themes of the Qurʾān* by Fazlur Rahman. *Muslim World Book Review*, Vol. 2 (1981): 4.

necessarily mean the refusal of pre-existing inspiration. The word '*qul*' was materialized into the Arabic but the inspiration was still retained in his mind. Thus when the Prophet said '*qul*' it was because (if we follow Iqbal) the mind, inspiration and speech of the Prophet were psychologically interrelated. The spoken language is thus not a separate entity; the Prophet's heart, to the best of my understanding of Rahman's view, functioned as a 'station', whence the divine revelation materialized into the profane Arabic. Concerning the second criticism, with reference to Qur'ān 75:16-19, the verses are to be decoded as an admonition to the Prophet. Yusuf Ali holds that in those verses God reminded the Prophet not to make haste with delivering the revelation after a certain amount of inspiration had been already revealed to his mind; the deliverance of the '*wahy*' (revelation) had to correspond to God's plan.²³

The significance of Rahman's view in this discussion lies not in the debate itself but rather in his tendency to develop the archaic doctrine of the 'createdness' or 'uncreatedness' of the Qur'ān to the level of legal philosophy. When hermeneutical philosophy is studied by Muslims, as it was by Rahman, the old issue is aggravated to the level of intellectual preoccupation where the contemporary traditionalists are seemingly incapable enough of dealing with the philosophy. The reason is either the objection to rationality as such or being ill-equipped with intellectual capacity due to the long standing low quality of education in Muslim countries, so that any critical thought in understanding the Qur'ān is considered taboo. This will bring us later to realize why Rahman applies historical criticism and how he rationally synthesizes the relationship between his proposed hermeneutics with the application of the Qur'ānic doctrines.

On the basis of his reasoning, Rahman goes on to explain why man, not exclusively Muslims, in this world should live in accordance with the Qur'ānic morality. He reminds us to the story of the Covenant between man (Adam) and God in the

²³ Ali, *The Meaning of the Holy Qur'ān*, 1566.

Heaven.²⁴ According to the Qur'ān, Rahman argues, it was man alone who willingly accepted the Covenant to be the vicegerent of God on earth, while the other creatures, jinn, angels and mountains had objections; they considered themselves lacking the knowledge which God had bestowed upon Adam (man) to manage the earth in line with the Covenant. Therefore this Covenant must be carried out on earth by man, otherwise man will be disconnected from God and wrong himself. It is man's approval the Covenant that can empower him to act morally, a view which leads Rahman to emphasize the functionality of the Qur'ānic doctrines.²⁵

Several things indicate such functionality. First, God's very existence itself is functional; He is the Creator and Sustainer of man and universe.²⁶ Empirically, to err is human; God therefore sent several prophets, together with their holy books, to remind their communities of the previously agreed upon Covenant. In the case of the Qur'ān, such a reminder was contextually written in Muḥammad's verbalization. Rahman wants to delve into the covert Qur'ānic morals beyond particular languages.

Secondly, there are several key words in the Qur'ān which are highly important; *īmān*, *Islām* and *taqwā*. They are similar in meaning and construct together the very foundation of the Qur'ānic ethics.²⁷ *Īmān*, Rahman says, is an act of the heart and must be translated in action. *Islām* is a concrete working out of *īmān* through a normative community, and *taqwā* functions as moral X-Raying which enables man to retrospect himself / herself. *Īmān* is concerned with internal life while *Islām* with outwardly actions, and *taqwā* is the expression of both faith plus surrender. Such a mechanism of

²⁴ Fazlur Rahman, *Major Themes of the Qur'ān* (Minneapolis: Bibliotheca Islamica, 1980), 24.

²⁵ For Iqbal, God's purpose to reveal the Qur'ān for all mankind is to awaken man's *higher, not lower*, consciousness of his relation with the Creator and the universe. Thus the Qur'ān is intellectually significant. See Iqbal, *The Reconstruction*, 165. Italics are mine. While Rahman maintains that the primary task of the Prophet is to awaken man's conscience. See his *Major Themes*, 24.

²⁶ Rahman, *Major Themes*, 1.

²⁷ Fazlur Rahman, "Some Key Ethical Concepts of the Qur'ān," *Journal of Religious Ethics*, Vol. 11, No. 2 (1983): 170.

relationships must be implanted inside the community for it will ensure a socio-moral, and political order in community life. Consequently, Rahman criticizes Muslim fundamentalist movements, such as the Egyptian Muslim Brotherhood and the Pakistani Jamā'āt-i-Islāmī for canvassing political power without first constructing a solid moral basis for the state rooted in the community.

It is interesting also to note the different emphasis on practicality. Rahman addresses it to a double object: man as individual and as a part of society. A traditionalist like Mawdūdī holds a similar view, but since he believes in the very normativity of the Divine words, the practical emphasis of the Qur'ānic doctrines is much more confined to the moral practice of individuals. Even Mawdūdī endlessly emphasizes the need for morally upright men to become state officials, and rejected elections as a means to finding such individuals.²⁸ Certainly, he wanted to avoid the *vested interests* of the campaigner. This implies, for Mawdūdī, the moral factor is much more a decisive matter for individuals than technocracies. For Rahman, however, the three key words: *īmān*, *Islām* and *taqwā*, are the Muslim manifesto of the Heavenly Covenant to be accomplished on this earth in the context, where his emphasis lies, of community life.

Thirdly, the basic élan of the Qur'ān in Fazlur Rahman's mind is both essential human egalitarianism and socio-economic justice.²⁹ Egalitarianism, after the destruction of Arab tribalism, finds its expression in the emergence of Arab family units, whereas socio-economic justice is the starting point where further hopes for a better future lie. It is this basic élan, according to Rahman, which awakened the Prophet's *higher consciousness* (remember Iqbal) to eradicate the economic disparities in the earliest time of the revelation around Mecca. It was revealed together with the idea of monotheism which then constituted the fundamental doctrines of the Qur'ān. It can be said that while

²⁸ C. J. Adams, "The Ideology of Mawlana Mawdudi," in *South Asian Politics and Religion*, ed. Donald E. Smith (Princeton: Princeton University Press, 1966), 391.

²⁹ Rahman, *Islam and Modernity*, 19.

īmān, *Islam* and *taqwā* function internally individually, the external manifestations amount to egalitarianism and socio-economic justice.

When Rahman talks about these Qur'ānic messages on justice and the improvement of human life, we perceive also the influence of Durkhemian 'Regulative Ideas'. The *Année sociologique* (the Durkhemian journal) states in its preface that the principle that "religious, juridical, moral and economic phenomena must always be related to a particular social milieu, and that their causes must always be sought in the constitutive features of the type of society to which that milieu belongs."³⁰ Thus far this statement does not contradict a religionist point of view. The problem arises when Durkheim considers society as the source of religion. For, according to him, "a society consisting of a 'collective conscience', a moral force, at the center of which is a core of values or beliefs that is considered sacred."³¹ If, for example, the Qur'ān's basic *élan* is evaluated by Rahman from this kind of Regulative Ideas, can we say that economy is the backbone of religion and the guarantee of its survival? This assumption is undoubtedly dubious because in the West, where economic and social security is much greater than in the East, spiritual life is often thought of as diminishing.

Finally, the most crucial point in the doctrines of the Qur'ān is the philosophical question of the 'pure chance' polemics on the creation of the universe. Rahman rejects such polemics on the ground that it is completely impossible that the natural order, so vast and so complex, is not a purposive order. Normatively he appeals to the Qur'ān's recurring invitations and exhortations to think about "discovering God and developing

³⁰ Quoted from *The Blackwell Dictionary of the Twentieth Century Social Thought*, eds. William Outhwaite and Tom Bottomore. S.v. "Durkheim School" by Steven Lukes (Oxford: Basil Blackwell, 1993).

³¹ *The Fontana Dictionary of Modern Thought*, eds. Allan Bullock, Stephen Trombley and Oliver Stallybrass. Second Edition (London: Fontana Press, 1988), s.v. "Sociology" by Daniel Bell.

certain perceptions by 'lifting the veil' from the mind". Again the Qur'ān does not prove God but rather 'points to Him' from the existing universe.³²

What is conveyed from Rahman's answers to the 'pure chance' polemics is that, first, the theory of Darwinist evolutionism is incoherent, for although parts of any organism are mutually supportive, the organism as a whole does not explain its own genesis.³³ Secondly, since the universe is a purposive order (macro-cosmos), the nature of man (micro-cosmos) should also be identical. Finally, while the natural law in the Islamic tradition is believed to be muslim, i.e. completely subservient to God's command, man is capable of denial (*kāfir*). In ignoring the Covenant, man threatens both the purposive macro and micro cosmoses. If this view is accepted, we can give the most obvious example, namely, the capitalist private ownership which accumulates private wealth but neglects natural human values and the need for protecting the environment, which in turn has led to the emergence of the Green Peace movement.

It is clear from the foregoing that the main ideas of Rahman essentially revolve around both monotheism and socio-economic justice. Problems that relate to political and economic issues are clustered under socio-economic justice. The anchoring point of everything is monotheism, with the idea of the Covenant serving as the basis for human consciousness to act morally and continuously. Why should these two things be the prime preoccupation for him?

Perhaps the answer can be conceded in terms of his statements elsewhere that the major weakness of the Muslim world today, compared with the West, is the former economic underdevelopment. Given these two main ideas, can we assume that the functions of the Qur'ān are being reduced to a narrow scope: economic problems under the umbrella of monotheism? If yes, we are led to conclude that, to make the Qur'ān alive

³² Rahman, *Islam and Modernity*, 22.

³³ *Ibid.*, 10.

and dynamic, at least two prerequisites must exist without which its challenges will not be found; the Meccan traders at the time of revelation and the modern Western economic imperialism of today. Hence the Qur'ān has been disputing the socio-economic problems in the service of realizing social justice.³⁴ Yet we cannot come to the conclusion that without the existence of such challenges the Qur'ān is of no value. It is from this perspective that we appreciate Rahman's intellectual endeavor as a Muslim rationalist and his way of escaping from theological issues.

Rahman's preoccupation with the Qur'ān's functionality is seemingly inspired by the thought of Iqbal who argued that God becomes a co-worker with man. The providence of collective life, the external forces of nature and the internal strength within Muslim society have to be controlled and coordinated by man and supported by the help of God.³⁵ Rahman inherited this view. "If man uses his faculties right and with due seriousness and earnestness, he is not alone in this chilly...scentless and colorless world... God is comrade and helper."³⁶

Apart from Iqbal, the influence of modern hermeneutical philosophy and Durkhemian sociology can also be seen in Rahman's methodology. The influence of Durkheim is apparent in Rahman's emphasis on improving the socio-economic condition of Muslims, while the impact of modern hermeneutics can be witnessed in his preoccupation with the discussion on Qur'ānic text and context. According to Gadamer, language functions only as a precondition: the medium through which an interpreter comprehends the spoken words. Thus the target is to decipher the words and to

³⁴ Both Coulson and Rahman emphasize the contribution of Islam in improving socio-economic conditions. In the pre-Islamic Arab society women possessed no rights of inheritance. The Qur'ān raised and gave them property rights. The breakdown of the tribal society led to the emergence of monogamous family units. Hence the status and economic condition of women was improved, given the fact that woman was now the only legal wife and one of the beneficiaries of inheritance. N. J. Coulson, *A History of Islamic Law* (Edinburgh: At the University Press, 1964), 15-16.

³⁵ Mazheruddin Siddiqui, "Intellectual Basis of Muslim Modernism-I," *Journal of Islamic Studies*, Vol. 9, No. 2 (1970): 156.

³⁶ Ibid.

understand the written expression.³⁷ In other words, the interpreter tries to go back to the mind which authored a text. Despite difficulties to apply this theory to the Qurʾān, we will see in the last part of this chapter to what extent Rahman allows Gadamer's view.

B. Rahman's Criticism of Traditionalist Muslim Approaches to the Qurʾān

By the traditionalists are meant the *ʿulamāʾ*, some of whom were famous Qurʾān commentators. For fourteen centuries, the *ʿulamāʾ* have provided religious guidance to the community. Thanks to their role and charisma, they have always enjoyed great influence and respect in the community. In connection with the world economic development, the process of globalization unavoidably hits Muslim life. Here the traditionalists begin to show their force and charisma in the community by intimately referring to the Qurʾānic teachings.

The problem with the traditional *ʿulamāʾ*, according to Rahman, is that they are bereft of having an adequate methodology to extract the laws from the Qurʾān. Consequently many facets of the community actualities are moribund, whether it is legal, political, or economic. The traditional *ʿulamāʾ* have not been able to identify the legal plane and moral objectives of the Qurʾān. Rahman criticizes them from the point of view of modern legal thought in which the spirit of law must be distinguished from its letter.

His criticism can be condensed as follows. He blames the *ʿulamāʾ* for treating the Qurʾān literally, partially and in an *ad hoc* manner, which results in a failure to grasp the general meaning of the Qurʾānic message behind the literal text (*textus receptus*).³⁸ This

³⁷ Gadamer, "Text and Interpretation," 390.

³⁸ For example in the case of polygamy. The Qurʾān 4:3 literally says, "If ye fear that ye shall not be able to deal justly with the orphans, marry women of your choice, two, or three, or four." According to Rahman, Qurʾānic exegetes interpret this injunction as a perpetual permission to have wives up to four. Such an interpretation, he says, does not do justice to the moral of the Qurʾān, since the fundamental aim of the Qurʾān is not to legalize polygamy under normal circumstances but monogamy. The Qurʾān had to accept it in its time of revelation, as a *fait accompli*, was due to the prevailing condition at the time. To

attitude of the *‘ulamā’*, according to Rahman, began during the 2nd/8th century or after juristic development in Muslim countries, when the Muslim legists tried to distinguish between the text (*naṣṣ*) and what was deducible therefrom.³⁹ Even today, he insists, the Muslim modernists and fundamentalists still maintain the same attitude. The literal interpretation of the Qur’ānic text, verse by verse, is considered the right way without looking for the implied intention of the text for a general statement which bears a universal value unbounded by time or locale.⁴⁰ "...[T]he basic questions of method and hermeneutics were not squarely addressed by Muslims...*Qiyās*, in *ḥudūd*, was not perfected to the requisite degree. Consequently, laws after the Qur’ān were never in full intent."⁴¹ The case of murder in the Qur’ān 2:178 and 4:92 is a good example. According to Rahman, what should be reckoned as a general principle behind the action is that murder amounts to the killing of all mankind. A similar point is made in Qur’ān 4:92 with reference to the story of the sons of Adam, one of whom killed another. When Qur’ān 2:178 enunciates the adoption of *Lex Talionis* of the pre-Islamic Arabs, the bereaved family is entitled either to revenge from the culprit or to receive a certain amount of money (*diyya*). The point is that these two alternatives (revenge or *diyya*), Rahman argues, have to be contextualized in terms of the humanism in Qur’ān 5:32. The phrase "*Qatla al-nāsa jamī‘a*" (killing of all human beings) is now regarded as a general principle so that the act of murder should be heeded as a serious crime, not only for the bereaved family, but for all men on earth. The Muslim jurists (*fuqahā’*), Rahman asserts,

enact its laws wisely, the Qur’ān had to legalize the established Arab’s custom of polygamy at a legal plane (temporary) but directs its purpose to perpetual moral plane; i.e., monogamy. It is here the text was contextualized. See Rahman, *Islam*, 38. Moreover, such literal interpretation, Mana‘ al-Qaṭṭān adds, will betray the Qur’ānic teachings from the true Qur’ān. See *Mabāḥith fī ‘Ulūm al-Qur’ān* (Al-‘Ashr al-Ḥādith, 1971), 268.

³⁹ Rahman, *Islam*, 39.

⁴⁰ It is this view which had been expounded by Shāṭibī in his *Muwāfaqāt*. Hallaq plainly explains Shāṭibī’s method that he utilizes inductive reasoning as much more a thematic induction to pervade the overall material sources of the Shari‘a. See Wael B. Hallaq, "On Inductive Corroboration, Probability and Certainty in Sunnī Legal Thought," *Islam Law and Jurisprudence. Studies in Honor of Farhat J. Ziadeh*. Ed., Nicholas Heer (Seattle: University of Washington Press, 1990), 26.

⁴¹ Rahman, *Islam and Modernity*, 2-3.

never brought such specific legal enactment under the Qur'ānic general principle and always considered the act of murder as a private crime.⁴²

Is it cogent to deem such kind of humanism as a general principle? Qur'ān 2:178 and 5:32 actually belong to different contexts: the former is essentially the recognition of *Lex Talionis* which had been practiced in Arabia prior to Islam while the latter is the story of the sons of Adam which is found only in scriptures as part of biblical stories but not historical facts and therefore cannot be proved. If Rahman is right, then why did the Prophet not take up the so called general principle, rather than applying the pre-Islamic customary law? Is it true the Prophet had no opportunity to actualize the general principle in his own time? Is the general principle only applicable in this twentieth century? This question brings us to a more basic issue, that of the philosophical basis that underlies Rahman's consideration of an act of murder as a serious crime for all mankind. We tend to assume that his consideration is much more philosophically based on humanism, modern legal philosophy and human rights, yet the consideration cannot eschew his subjectivism. Again this is the effect of the rational interpretation of the process of divine revelation, as I have mentioned earlier.

Rahman claims that the *ʿulamāʾ* and exegetes have always shunned the Qur'ān's moral thinking. He maintains that the second and third generations of Muslims already marked the beginnings of the crisis of Muslim legal thought. Contrary to the first generation, which had relied heavily on the Qur'ān and *Sunna* as a 'living process' and acted pragmatically, these later generations began to treat the Qur'ān literally. Individual verses were taken together with particular *aḥādīth* to adjudicate on legal issues. Two significant techniques now ensued:

1. If a sufficiently direct and obvious text was available, the matter was considered 'settled' for good and thus a decision on the basis of a clear text was given.

⁴² Fazlur Rahman, "Interpreting the Qur'ān," *Inquiry*, Vol. 3, No. 5 (1986): 46.

2. If such was not the case, a text had to be found that was close enough to the case under consideration so that the issue could be resolved on the basis of similarities although allowing for differences (*qiyās*).⁴³

He also criticizes the later Qurʾān commentators for engulfing the Qurʾān under the debris of grammar and syntax. He singles out two prominent works; the Qurʾānic commentary of the Egyptian Shihāb al-Dīn al-Khaffājī (*sic*) (d. 1569), which was preoccupied with grammatical analysis at the beginning of each *sūrā*, and that of the grammarian Imām al-Bayḍāwī (d. ca. 1286), which has been widely taught at *madrasas* (Islamic schools). The motive behind such attitudes was, "the fear that a meaningful study by the Qurʾān itself might upset the *status quo*, not only educational, theological but social as well."⁴⁴ However, it can be argued against Rahman that the prime intention of earlier Muslims might not have been socio-economic improvement, so that they were much less concerned with Qurʾānic legal aspects than they were with, for example, theological issues. "What was becoming methodology of Qurʾānic hermeneutics in earlier time were the questions of who is the God, understanding of the Prophetic mission of Muḥammad and the Qurʾān as Divine verbatim; failure to grasp this knowledge was considered a jeopardy."⁴⁵

Nor is it Rahman's claim that Muslim exegetes have a dearth of a methodology wholly correct. An overview of Burton's essay,⁴⁶ though his presentation is merely descriptive, shows the flowering of congenial Qurʾānic translations. Each commentator of the Qurʾān had his own purview: philological (Bayḍāwī), theological (al-Fakhr al-Rāzī), rationalistic (al-Zamakhsharī), legal (Ibn ʿArabī) and controversial thought (al-Sulamī), the latter used to argue against the traditionalists' standpoint of his contemporary

⁴³ Quoted from Ibrahim Özdemir "The Concept of Islamic Tradition in Fazlur Rahman's Thought," *The American Journal of Islamic Social Sciences*, Vol. 9, No. 2 (1992): 254.

⁴⁴ Rahman, *Islam and Modernity*, 36.

⁴⁵ Muhammad 'Atā al Sīd, *The Hermeneutical Problem of the Qurʾān in Islamic History*. Ph.D. Dissertation (Temple University: 1975), 143.

⁴⁶ Burton, "Qurʾānic Exegesis," 48-52.

on the issue of, for instance, legalizing interest. We can ask, therefore, the validity of Rahman's criticism by questioning the purpose of each commentator. One should realize, without letting ourselves fall into the nineteenth century German historicism (historians cannot judge history because it has its own rationality), that those commentators' social contexts were extremely different from Rahman's. The frailty of Islamic law to meet the modern needs, as a proof of our argument, has been realized only after the Western imperialism has made political and economic encroachments upon the Muslim world as it has been often suggested. Before, the Muslims were politically and economically strong enough.

In spite of this, Rahman's rational line of thought is likely much more applicable and adaptable to modern conditions, though it has the danger of making the Qur'ān subject to subjectivism, while the traditionalist Muslims is rigid. Let us take the case of *zakāt* as another example in Pakistan. Rahman's argument runs as follows.⁴⁷ *Zakāt* is the blueprint for policies of Islamic social justice; it is the only tax levied by the Qur'ān on Muslims. During the lifetime of the Prophet, it was used for many purposes: defense, social maintenance, education (according to Muslim exegetes), to ransom the captives of war, development and other state expenditures. To finance these purposes the established measure of *zakāt* at the time was 2.5 % per annum of the wealth after it reaches a certain minimum level (*niṣāb*). Today when the needs of the state and community have become much greater than they were in the time of the Prophet, Rahman proposes to readjust the *niṣāb* to an amount capable of covering all governmental taxes so that no extra religious taxes would have to be levied. The prime target of this readjustment policy, he says, is to avoid secularism in a Muslim state, and leave no space for non-Islamic taxes. He hoped the 'ulamā' in general would agree with the readjustment. Unfortunately, the latter have

⁴⁷ See Fazlur Rahman, "The Impact of Modernity on Islam," *Journal of Islamic Studies*, Vol. 2, No. 2 (1966): 119.

held on the established measure (2.5 %), leaving the government to levy other secular taxes.

The uncooperative attitude of the *‘ulamā’* in this respect, I think, can be traced down to their way of understanding the literal text of the Qur’ān and *aḥādīth*. The core of the problem then is whether or not the text of these sources are believed as sacred because it is God's word. Furthermore, as a reflection of Sunni theology, the sense of justice behind the text is maintained beyond rationale. The still prevalent poverty and misery inside the communities are also believed by many Muslims as a predetermined God's decree. Such unfortunate condition is also vindicated to have been aggravated by the pitfalls of Capitalism on Muslim countries, when the gap between the rich and the poor becomes wider. Sometimes the concept of Messianism, therefore, comes to fore and civil war causes terrifying bloodshed.

Rahman fully realizes, in connection with Qur’ānic legal injunctions, that there are many hurdles in the way of reviving and revitalizing Islamic law. The major one is that the *‘ulamā’* have perverted the authority of *Ijmā’* (consensus) to maintain the *status quo*, i.e. by extracting and applying the Qur’ānic legal injunctions literally and seeking their clarification from the *Sunna*. Therefore any attempt which seemed to deviate from their conventional understanding will be secluded, isolated or branded as abnormal. The thirteenth century ‘Izz al-Dīn Ibn ‘Abd al-Salām, for example, was a victim of this authority since he advocated both interest and the abolishment of stoning to death for adultery as ascribed by the literal text of the Qur’ān.⁴⁸ Therefore, the whole Islamic history, which contains historical Islam, needs to be reviewed.

Rahman's definition of both normative and historical Islam (which he considers to be full of corruption, syncretism and superstitions) is rather similar to that of some

⁴⁸ Rahman, *Islam and Modernity*, 30.

other Indian Muslim reformers, such as Abu'l Kalām Āzād, Parwīz and Mawdūdī, all of whom differentiate between *dīn* (religion) and *Sharī'a*. For them, *dīn* means revelational religion which is conceptually found in the teachings of all the prophets. *Sharī'a*, however, differs in the teaching of every prophet, since it is suited to the context of his own community and time. The *Sharī'a*, according to this definition, is thus a conditioned religion (*dīn*) as conditioned by time and place. The problem with Mawdūdī's concept, however, is that despite his awareness to historical influences on religion in general, he ignores the reality of movement in history which transforms the role of traditional religion (*Sharī'a*).⁴⁹ It is precisely such an awareness to historical influences that characterizes Rahman's definition. When he speaks about historical and sociological backgrounds of the Qur'ānic laws, Rahman seems to suggest the Muslims, as Max Weber opines, that the spirit and letter of law should be clearly distinguished.⁵⁰

Historical criticism is then one of important methodologies of Rahman. Starting from his assertion that Muslim philosophers, Ibn Sinā for example, were able to prove the existence of God based on Greek philosophy, Rahman comes to the conclusion that their arguments on divinity is purely rational. The theologians, however, succeeded in providing the nature of God in terms of faith, though they could do so through commentaries in the Qur'ān, not in terms of the Qur'ān itself. These commentaries, Rahman says, have created a 'fossilized' Islamic tradition. The tradition is 'fossilized' because, though it provided matrices for the intellectual activities of great minds, it has isolated that tradition *ipso facto* from the rest of humanity.⁵¹ Rahman's own method is to study the Qur'ān itself together with, not *aḥādīth*, but with the life (*Sīrā*) of the Prophet,

⁴⁹ Aziz Ahmad, *Islamic Modernism in India and Pakistan* (London: Royal Institute of International Affairs, 1967), 212. See also Fazlur Rahman, "Islam and the Constitutional Problem of Pakistan," *Studia Islamica*, Vol. 32 (1970): 280. Here the *Sharī'a* is defined as the Muslim historical development of law and doctrine, carried out by lawyers and theologians, in which the Qur'ān and *Sunna* are the sources of the deductions and derivations.

⁵⁰ Max Weber, *On Law in Economy and Society*. Trans. Edward Shils and Max Rheinstein. Ed. Max Rheinstein (New York: Clarion Book, 1954), 12.

⁵¹ Rahman, "An Autobiographical Note," 227-8.

which, he claims, enabled him to get a fresh insight into the deep meaning and purpose of the Qurʾān because those materials provide room for research on their sociological aspects particularly. The method, therefore, is to apply historical criticism to the Islamic tradition. Thus Rahman's criticism of the traditionalist *ʿulamāʾ*, Qurʾānic exegetes and Muslim jurists (*fuqahāʾ*) emanates from his piercing consciousness of the historical and sociological aspects of law. His rational interpretation of the divine revelation, together with the criticism of the *ʿulamāʾ*'s approaches, leads him to propound a new theory of Qurʾānic hermeneutics.

C. The Proposed Solutions

I interpret Rahman's conception of the process of the divine revelation as follows. The heart of the Prophet may be pictured as a 'perforated cylinder' where (the reservoir of the liquid of) the revelation was being preserved. Whenever certain external stimuli, i.e. *asbāb al-nuzūl* drew it off, the liquid surged out of the (cylinder) and dried as a result of the nature and intensity of the stimulus. It means that when the stimulus was an excellent poem the revelation opposed it by utilizing its *koiné*, or when the stimulus was the polytheists rejection of the doctrines of the Qurʾān, then it challenged them with the doctrine of monotheism. All such challenges and answers to certain cases faced by the Prophet were consequently shaped by the time and locale and left to be imprinted literally in textual form. What Rahman argued is that Muslims should look for the universal meanings and values that lie behind the textual form since the true message of the Qurʾān transcends its own time of revelation. It is from this standpoint that we will be able to understand Rahman's insistence of not applying literally today such Qurʾānic legal injunctions pertaining to the amputation of the hand in theft, the *niṣāb* of *zakāt*, the difference between *ribā* and interest, the status of women in the case of polygamy, the allotment in inheritance as well as the abolition of slavery.

Following this standpoint Rahman's solution is to insist on understanding the Qurʾān both in its language and context. The language may be believed as sacred but the social context where the language took place must be understood rationally through historical criticism. Here the discussion involves hermeneutical philosophy: text and context. Gadamer holds that the most original form of language is that which is uttered by the speaker. Accordingly, the process of reading and understanding actually means that the info is led back to its original authenticity.⁵² Being inspired by this argument, we may say therefore that the purest form of the Qurʾānic language is that when it was being pronounced by the tongue of the Prophet in directly addressing the milieu where he lived; the Qurʾānic legal enactment, as being textually printed, were directly relevant to that milieu. As soon as the Prophet's words transfigured into a written form, the Qurʾān acquired a new literary meaning. It is undoubtedly this literary form which constitutes the present Qurʾān, its immediate social context having been far left behind.

The next problem ensues "once an absolutely normative revealed document like the Qurʾān became established, however, given the habit of adherence to set patterns (sanctified *Sunna*), the Arabs were naturally loath to deviate from its literal meaning."⁵³ One can find the same contention in the view of Joseph Schacht who had been inspired by Goldziher. According to Goldziher, the ancient Arab's idea of *sunna* finds its reassertion in Islam. What Schacht has added to his predecessor, Goldziher, is that the Arab's adherence to *sunna* was due to an unpropitious geographical factor which caused the Arabs to lack an opportunity to exercise experiments and innovations.⁵⁴ When Islam was coming, the habitual adherence to the pre-Islamic *sunna* found its reassertion in this novel religion, and innovations were still suspect. In a pejorative sense, such an

⁵² Hans-Georg Gadamer, "Gadamer on Gadamer," in *Gadamer and Hermeneutics*, ed. Hugh J. Silverman (New York: Routledge, Chapman and Hall, Inc., 1991), 19.

⁵³ Rahman, *Islam and Modernity*, 18.

⁵⁴ Joseph Schacht, "Pre-Islamic Background of Early Development of Jurisprudence," *Law in the Middle East*, eds. Majid Khadduri and Herbert Liebesney (Washington: The Middle East Institute, 1955): 34.

adherence has become their second nature. This is true even in the modern times particularly among the traditionalists in Indonesia who apparently inherited from the Arabs of such an attitude. When they encounter unresolved legal matters, a spontaneous recourse is made to the *ḥadīth* manuals, since *ḥadīth* in their view, as expounded by Imām al-Shāfi‘ī, is synonymous with the Prophetic *Sunna*. What Rahman objects to this attitude is that *ḥadīth* is the product of Islamic history whereas the traditionalist Muslims have been reluctant to apply historical criticism to this second source of Islamic law. This kind of objection creates, in its turn, the indignant ‘formalism’ on the part of the ‘*ulamā*’ which has discouraged the Muslims to hold different views on religious matters.

Another question is whether is it true the Qur’ān has not been properly understood, as Rahman claims. Why, for example, did the Muslim scholars and Qur’ānic exegetes in the Umayyad and ‘Abbasid periods not discuss the issue of understanding it in context, given the fact that their context was very much different from that of the time of revelation? This historical perspective leads us to assume that Rahman's insistence on understanding the language of the Qur’ān and its context is the logical consequence of his awareness of reality rather than theories. The reality of economic underdevelopment in Muslim countries has inspired him to rethink the context of Arabia where the literal text of the Qur’ān took shape. He is of the belief that in the time of Qur’ānic revelation, there was a concordance between the revealed text and the circumstances of the Prophetic life and career. Today economic life has drastically changed. Therefore, it can be suggested that his allegation of the lack of understanding on the part of earlier Muslims is not completely true, given that the economic life of Muslims at the time was strong enough compared with, for example, that of Europeans. What is more, the awareness of the need to comprehend both text and context is a product of the eighteenth to nineteenth century hermeneutical philosophy. In short, ‘effective history’ plays a dominant role in Rahman's criticism of the ‘*ulamā*’s attitude.

The proof of our assumption may be corroborated by the view of Gätje that Qur'ānic interpretation is coeval with the revelation itself on the ground that every listener interprets the revelation for his own sake.⁵⁵ As mentioned earlier, the purest form of the revelational language was that uttered by the Prophet. We can suggest, consequently, that the interpretation has always been in progress and has always conformed to the needs of its own time. The imperative to understand the context now can be presumed partly due to the disintegration of economic life. That is why Rahman's preoccupation in his hermeneutics merely concerns legal aspects of the Qur'ān, which is, in fact, also part of his subjectivism in terms of selection.

Perhaps the most important contribution of Rahman as compared to his contemporaries lies in his proposing a well-argued system of the Qur'ānic interpretation which seeks to deduce the Qur'ānic laws from the book itself. He calls this system, which involves hermeneutical activities, 'double movement theory', so named because the process of understanding the Qur'ān takes two ways: from the present situation to the time of the Prophet and then back to the present. What must be done in the first movement, he states, is first to decipher the import of a Qur'ānic statement by studying the occasions (*asbāb al-nuzūl*) to which it was the answer. Prior to studying a particular Qur'ānic text together with its background, one should proceed with a general study of the macro situation not only in Arabia but also in the perimeters of the Peninsula, which too are likely to have altered the socio-economic and political life of the Muslim community at the time. It is expected that this first step will provide cognizance of a comprehensive meaning of the Qur'ān together with its specific tenets that produced legal rejoinders to particular situations.⁵⁶

The second step of the first movement is to make generalizations of those specific answers. Next those generalizations should be articulated precisely as statements of

⁵⁵ Helmut Gätje, *The Qur'ān and Its Exegesis*. Trans. Alford T. Welch (London: Routledge and Kegan Paul, 1976), 32.

⁵⁶ Rahman, *Islam and Modernity*, 6.

general moral-social objectives which can be extracted from a particular legal text by paying close attention to its socio-historical background and the so called *rationes legis* (*ʿillat al-ḥukm*).⁵⁷ Thus the primary target of the first and the second steps of this first movement is to understand the 'is' behind the 'ought to'; the interaction of both of them yielded many significant ulterior values, general principles and long range objectives which should be rediscovered. This kind of intellectual perception of the Qurʾān may best be translated as a serious effort of modern legalist thought which is trying to distinguish between the normativeness and the reality of law. By understanding the background of the laws in the Qurʾān and their interaction with their historical context, they will no longer have to be regarded as being totally binding and coercive. Values, general principles and long range objectives of the Qurʾān thus provide paradigms whose living universal message of the Qurʾān is believed to have surpassed the time of revelation itself.

The second movement is to formulate the fundamental views pertaining to the modern condition under the spirit of general principles which had been found in the first movement.⁵⁸ In other words, the purpose is to create or define certain modern formulas that are best suited not to the Qurʾānic text itself but to the previously discovered general principles. This produces modern formulas. These formulas have a philosophical basis which is strong enough so that the anchoring point is no longer the historical legal manuals of medieval doctors but a fresh modern understanding of the Qurʾānic text and context. Such an endeavor will always keep in line with the development of human intellect, scientific discoveries and sociological researches. This second movement is also said to function as a check against the accuracy of the first movement. Therefore, I assume that these modern formulas, in the mind of Rahman, will not only be in

⁵⁷ Ibid.

⁵⁸ Ibid., 7.

accordance with the general principles of the Qurʾān but will also realize the earlier Covenant.

Several questions necessarily arise here. To what hermeneutical tradition does Rahman's methodology belong? What, if any, are the chief shortcomings of his method, considering the fact that the Qurʾān is not an authored text, while other literary works are. It is here that the main predicament lies. The novelty of Rahman's hermeneutics is momentous for it shows a new trend in the field of Qurʾānic exegesis. However, whether successful or not, Rahman had stimulated Muslim legal thought and influenced many young Muslim intellectuals who graduated from Western universities, particularly the University of Chicago where Rahman taught for years.⁵⁹

Rahman has explicitly stated his variance with some of Gadamer's points of view; he prefers instead Emilio Betti's 'Objectivity School' upon which his double movement theory is constructed.⁶⁰ According to Betti, in hermeneutical philosophy one should try, before anything else, to grasp the intended meaning of the author in the past so that the present interpreters (we) are able to understand 'the mind that authored the object of study.'⁶¹ Rahman clarifies, however, that the invisible context of ideas meant by the

⁵⁹ Rahman's critical ideas have influenced several Muslims; these include, for example, in Indonesia Munawir Sjadzali (the Former Minister of Religious Affairs), Nurcholish Majid and Ahmad Syafi'i Ma'arif; In Turkey, Açıkgöç Alparslan, Ibrahim Özdemir, and in Malaysia, Wan Daud. It is interesting to note that Malaysia now has a special Library of Islamic Thought containing, particularly, Fazlur Rahman's works. See Wan Daud, "Personal Anecdotes," 261.

⁶⁰ What Rahman rejects to Gadamer's view is principally the belief that there is no universal truth. 'Everything is just a response to specific socioeconomic and political circumstances, and that there is no way of going beyond such circumstances to "truth" as such.' Rahman calls this belief 'hopelessly subjective'. Sonn, 'Fazlur Rahman's,' 229. See also Rahman's *Islam and Modernity*, 8-9.

⁶¹ Rahman, *Islam and Modernity*, 8. Betti also clarifies his argument that both text and cultural expectations possess a universal meaning that is nothing to do with the writer. Therefore no regulation is required for discerning right from wrong interpretations. S.v. "Hermeneutics" by Van A. Harvey in *The Encyclopedia of Religion*, Vol. 6. Ed. Mircea Eliade (New York: MacMillan Company, 1987), 285. In conjunction with this argument, Richard C. Martin holds a rather similar view. According to him, the mind of the author cannot be possessed by the interpreter because the latter must have had a preconceived (*Vorverstehen*) information provided by the milieu and the horizon of understanding in the interpreter's disposal. Therefore, in agreement with Alford T. Welch, Martin strongly believes in the importance of studying historical features of the texts, grammar and lexicography. See Richard C. Martin, "Understanding the Qurʾān in Text and Context," *History of Religions*, Vol. 21, No. 4 (1982): 363-4.

Objectivity School is not just mental but environmental as well. Therefore we should also try to grasp the meaning (*intentio*) outside the mind (of the author). Nonetheless, he also underlines the significance of the so called 'effective history' in the language of Gadamer. It means Rahman's full awareness of the totality of other influences that developed his present mind. His hermeneutics therefore proceeds from an understanding of the present situation first in order to grasp some fundamental ideas of the mental and environmental context of the twentieth century Muslims, facing an impeded socio-economic justice. Hence, the next task is to understand the Prophet's mind that brought about the *Sunna*, not the Qur'ān nor *aḥādīth*.

It is now realized that the problem of authorship is a delicate question. For one thing Rahman never said that the *Sunna* was authored by the Prophet, or even that it is a text. He also recognizes that the Prophet was acting under Divine guidance. What he himself says is that "the mental and spiritual faculties of the Prophet,...after full development, operated as revelatory."⁶² Hence there was a dialectical relationship between reason and revelation as it has also been argued by the Christian theologian Emil Brunner.⁶³ Rahman believes that beyond the Prophet's faculties, the original revelator remains God. Our difficulty therefore lies in defining whose mind exactly authored the Qur'ān in Rahman's understanding.

The only way out open to us is to allow the argument that the hermeneutical philosophy does not recognize any absolute validity in contrasting historical and dogmatic methods.⁶⁴ This position is certainly upheld by the phenomenologist philosophers like Schleiermacher, Dilthey and Gadamer. Such an argument of Rahman,

⁶² Quoted from Aasi, Review, 4.

⁶³ Geddes MacGregor. *Dictionary of Religion and Philosophy*, s.v. 'Revelation' (New York: Paragon House, 1989). Again, in political activity, according to Rahman, the Muslims must not stand aloof. This view is also regarded as being in full agreement with that of Catholic liberation theologians. Sonn, "Fazlur Rahman's," 225.

⁶⁴ Hans- Georg Gadamer, *Truth and Method* (New York: Seabury Press, 1975), xxi.

if it is correct, (i.e., the Qurʾān, like a literary work, reflects the author's mind), is liable to reduce the holy text to the degree of a secular book that provides room for interpretations by looking at human (the Prophet's) experience, mind, history, culture and language. In other words, the transcendental nature of the Qurʾānic doctrine is put aside. If Rahman correctly adopts Betti's position, his rational interpretation of the process of revelation will accordingly find its justification more in the phenomenological philosophy of Gadamer rather than in the Objectivity School of Betti. Conversely, so long as the normative, orthodox view is adopted, the sacred text of the Qurʾān will never be de-contextualized, since the Prophet will continue to be as a 'telephone receiver'; how could one understand the Prophet's mind if he was so passive? Perhaps this argument of Rahman is justifiable.

Rahman adds to this phenomenological view, in order to be closer to the Objectivity School, that trying exclusively to understand the mind of the past is not enough; one should also take into consideration the 'milieu' to which the mind (of the author) had responded.⁶⁵ This implies that, in an effort to find the Qurʾānic general principles, we must try to understand the Prophet's mind, to recreate and revive once again his mental processes in our own mind and in the present situation so that we can ascertain his logic in responding to particular *asbāb al-nuzūl*. Normatively, it is believed that as long as the Prophet's actions were justifiable, God was silent. Yet when he made a mistake, the Prophet was admonished as the story of Umm Maktūm in Qurʾān 80:1 demonstrates. If Rahman takes this story seriously, (i.e. the Prophet was always under God's surveillance), his intellectual objectivity is not successful in identifying the appearance of the Qurʾān, namely to differentiate clearly the words of God and that of Prophet. How can he reconcile this antagonism between the mind of the Prophet and the words of God? Is his objectivity of the same order as Betti's? This is a delicate question;

⁶⁵ Rahman, *Islam and Modernity*, 8.

for a hermeneutical philosophy is being brought to bear on the Qurʾān. This Holy Book is clearly different from any other literary work or piece of fiction.⁶⁶

Irrespective of the problems they have, how can Rahman's proposals be implemented? Haddad rightly points out that Islam does not have an official institutional structure to carry out Rahman's proposal.⁶⁷ Islam needs a long way to go before a novel and creative idea such as Rahman's can be officially recognized. The very nature of Rahman's hermeneutics is a very new idea and signifies a new *ijtihād* in a real sense. To whom can his project be rightly entrusted? To give it over to historians, ethicists and social scientists, both Muslim and non-Muslim alike as he has proposed,⁶⁸ is the right thing to do, but it should also be kept in mind that the orthodox generally regard them with suspicion, both for their rationalism and the alleged intellectual imperialism. Again the encounters will not only with the charismatic '*ulamā*' but also with the long standing 'formalism'.

All of this means that one should study and understand the interaction between what is sacred in the holy book and the social *imaginaire*, which according to Arkoun, has produced a certain 'debt of meaning'.⁶⁹ This consequently also requires studying semiotics, semantics, history, and economics, which have all formed the historicity of the time. But more important is how to rediscover the spirit or *tour de force* which promoted and motored this historicity. Consider the influence of the Perso-Byzantine War to the

⁶⁶ One of the most refuted statements about the authorship is that 'the author is a product of society that has discovered the prestige of the individual'. See Risser, 95. If this statement is true to the literary works but it is definitely wrong to the Qurʾān. Perhaps due to this difficulty of ascertaining an author that Imām al-Bāqillānī had distinguished between the speech of God and the contextualized Arabic words of the Prophet in the Qurʾān; a view, according to Bouwman, which has brought the Ashʿarite Baqillānī's view closer to that of Mu'tazilite. J. Bouman, *Le Conflit autour du Coran et la solution d'al-Bāqillānī* (Amsterdam: Jacob van Campen, 1959), 74.

⁶⁷ Wadi Z. Haddad, Review of *Islam and Modernity. Transformation of an Intellectual Tradition* by Fazlur Rahman. *American Arab Affairs*, No. 4 (1983): 150.

⁶⁸ See his *Islam and Modernity*, 9. It is also allowed to carry out whether by individuals or groups. Ibid, 145.

⁶⁹ Muhammad Arkoun, *Rethinking Islam Today* (Washington: Center for Contemporary Arab Studies, 1987), 20-21.

mind of the Prophet; politics, economic and, say, ideology. The caravans coming from Damascus to Medina and Mecca, where the recent Islamic institution under the leadership of the Prophet was being established, brought with them not only economic but also political and ideological influences from Byzantium, the Persian empires and the Lakhmid and Ghassānid states bordering the Peninsula. But is it possible to think that all of the Qurʾānic legal texts were historically conditioned by such and such external influences, whereas Rahman strongly believes in arguing that the 'inspiration' (*waḥy*) in the mind of the Prophet comes directly from God. Is it correct to juxtapose the Qurʾānic general principles with the ideals of socio-economic justice? The Qurʾān also says that what we consider as good for ourselves may not be so in the eyes of God or vice versa.⁷⁰ Besides, philosophers have also stated that all approaches to what we call truth are probable. So how can Rahman rightly assess the truth in the mind of the Prophet unless his own rational judgment involves in it to make preference? Hence Rahman's hermeneutics will unavoidably fall back upon his subjectivism.

But it should also be noted that Rahman's proposal is currently undermined by the development of modern critical legal studies (*critique du droit*) outside the Muslim world. Peter Goodrich has pointed out that, in 1960's on the Continent and in 1970's in America, the movement of critical legal studies castigated the metaphysically determinate reference of legal terms and the more general doctrinal claims as to the objectivity of textual regulation and juristic knowledge. These metaphysical terms and general doctrinal claims were now considered antique and defunct paradigms of legal truth.⁷¹ If Rahman's hermeneutics are primarily directed towards readjusting the *Sharīʿa* to improve the present socio-economic conditions of Muslims, then it goes along the lines expressed by Pierre Légendre when he stated that "Faith in the law is now to be

⁷⁰ The Qurʾān 2: 216.

⁷¹ *The Blackwell Dictionary of Twentieth Century Social Thought*. Eds. William Outhwaite and Tom Bottomore (Oxford: Basil Blackwell, 1993), s.v. "Law" by Peter Goodrich.

understood as faith in industrial reason and in the dogmatic of economic regulation."⁷² Yet Rahman's solution seems justified in the context of Islamic legal thought since it is rooted, not in a secular law, but in the holy book.

Rahman is himself conscious that the obstacles on the path to realizing his proposal are many. Sociological approaches to the Qur'ānic laws raise serious problems of theological doctrine about the eternity of God and Divine Law. In addressing this problem, he suggests that theological issues must be solved at the proper plane of theology.⁷³ What is implied is that Rahman tries to avoid conflicts and persuade the Muslims, particularly the orthodox, that in a given Qur'ānic legal injunction one can find simultaneously both sociological and theological aspects. He also believes that the legal texts of the Qur'ān were the product of transactions between the eternity of the words of God and the actual ecological situation of seventh century Arabia. It is only the sociological aspect of the sacred text, not the theological, which concerns him to minimize his subjectivism.

To avoid such subjectivism, Kuntowijoyo suggests that one should use an extra analytical approach to operate the normative concepts. In this respect, the Qur'ān will be treated as a kind of data base. It is assumed that the Qur'ānic injunctions are normative statements that should be analyzed at an objective, not subjective, level which leads to the necessity of reformulating the Qur'ān in terms of theoretical constructs. It is such constructs that will constitute the activity of Qur'ānic theory building from where, it is hoped, the paradigms of the Qur'ān will finally come to be derived.⁷⁴

⁷² Ibid.

⁷³ Fazlur Rahman, "Islamic Modernism: Its Scope, Method and Alternatives," *International Journal of Middle Eastern Studies*, Vol. 1 (1974): 330-1.

⁷⁴ Kuntowijoyo, *Paradigma Islam, Interpretasi untuk Aksi* (Bandung: Penerbit Mizan, 1993), 330.

Rahman also proposes at least three alternatives to minimize subjectivism.⁷⁵ First, the background of the Qurʾānic legal doctrines should be approached sociologically. Since the social context gives room for historical studies, the study of the Qurʾān's doctrines together with that of the Prophet's career is useful since the latter will clarify the former. The first task is to study the Qurʾān chronologically. By doing so we can discern objectively the change of the legal spirit from the Meccan to the Medinan period.

Secondly, the objectives and ends of each legal pronouncement should be distilled. More importantly, full attention should be paid to the expectations behind those objectives and ends. In other words, the *illa* (*rationes legis*) of a particular Qurʾānic dicta should be looked for. For example, why should a thief's hand be cut off? What is the social, not dogmatic, cause that lies behind it? The answers given by Rahman are that the meaning of stealing at the time was taking someone's property, which injured that proprietor's and his tribe's dignity. Hence stealing could trigger a war of clans. In the case of requiring two female witnesses, the *rationes legis* is to remind each other.

Finally, the objectives of the Qurʾān must be understood precisely on the basis of the socio-biographical milieu of the Prophet. To Rahman, this last alternative means employing the *Sunna* to explain the Qurʾānic message. Since the Prophet's career unfolded in a historically remote period, the Qurʾānic objectives must be understood in accordance with the historical evidence provided by historians for that period. It is such evidence that should be taken objectively to put an end to subjectivism.

These three proposed suggestions seem to be much more objective when they are combined with that of Kuntowijoyo, but the examples which are given are still guided by personal preferences. That two female witnesses are required merely to remind each other is debatable. There certainly are more adequate reasons behind it: for example, a

⁷⁵ Rahman, "Islamic Modernism," 331-2.

woman sometimes is afraid of being threatened by a disputing party and does not tell the truth objectively, so that her companion can be asked. If this assumption is true, perhaps the theological aspects of the holy book should not be ignored to complete his hermeneutics, but still the question is 'how'?

In general, however, Rahman's proposal offers a workable solution. It is workable in the sense that the Qur'ānic legal injunctions are interpreted with the purpose of solving current problems of the Muslims. Rahman seeks to step out of normative attitude towards the Holy text which makes it rigid and to filter the essence, the universal value of the Qur'ānic doctrines, from the contextualized text. If this essence were fully realized by the majority of *'ulamā'* and Muslim jurists, then Islamic law will be alive again. Governmentally imposed taxes will be taken over by the institution of *zakāt*. Islamic banks will solve the financial problems of the *umma* by giving and taking, not usury, but interest. They will compete as well as cooperate with the existing non-Islamic banks. A variety of social and political programs will be financed along with Islamic principles. The number of Arab Muslim capitalists, in Saudi Arabia, Qatar, Oman, Bahrain, Kuwait and Abū Dhabī, will be lessened by the effective imposition of *zakāt* on their wealth, in home countries or abroad, through the intervention of the states. All of these require *ijtihād*,⁷⁶ mutual understanding and cooperation between the *'ulamā'* and the state. The validity of Rahman's proposal will finally be verified by its proficiency in solving many problems in society. If it is unworkable, the failure, he says, lies either in misreading the present situation or in a mistaken interpretation of the Qur'ānic general principles. Rahman's proposal has offered at least a preliminary step towards a new kind of Muslim modernist jurisprudence.

⁷⁶ Rahman defines *ijtihād* as "the effort to understand the meaning of relevant text or precedent...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." Sonn, "Fazlur Rahman's," 228. See also Rahman, *Islam and Modernity*, 8

Having reviewed his methodology as regards the Qurʾān, we will study in the next chapter its application to the long standing predicament of Muslim economics: *zakāt* and *ribā*. The primary target is to assess the probable validity and the success of Rahman's proposed hermeneutics to solve the present Islamic issues in Muslim countries.

CHAPTER TWO

The Application of Rahman's Qur'ānic Methodology

In the preceding chapter we have tried to accentuate the fact that Rahman's hermeneutics are not completely free of some subjectivism. This point is important for grasping the problems inherent in translating the Qur'ān in an objective manner. In this second chapter, our discussion will focus on the application of his hermeneutics to *zakāt* (alms-tax) and *ribā* (usury). Rahman's analysis is, of course, not limited to Qur'ānic injunctions on these two topics; however, limitations of time and space do not allow a more wide-ranging discussion here. Rahman's hermeneutics on *zakāt* will find much more favor with Muslims in general than those on *ribā*. For one thing the former is affirmative while the latter is interdictive. In the tradition of *lingua sacra*, new developments and suggestions in the affirmative may be more readily accepted by the Muslim community than those in the interdictive. The questions which will be addressed in this chapter are: (1) how does Rahman propose to tackle the quandary of both *zakāt* and *ribā*; (2) what are the major differences of approach between Rahman and the traditionalist 'ulamā'; and finally (3) to what extent is Rahman's double movement theory flourishing as a strategy for the future development of Islamic law.

A. *Zakāt* (Alms-Tax)

A rather inclusive definition of *zakāt* is given by Farah:

... *zakāh* literally means giving back to Allah a portion of His bounty as a means of avoiding the suffering of the next life, and as an 'expiation' or 'purification' of what the Muslim retains for himself of material possessions...*zakāh* is less of a voluntary and more of a required religious observance; indeed, it is a fundamental of the faith.¹

The inclusiveness of this definition consists in the metaphysical connection between the function of wealth in this world and in the hereafter: behind the philanthropic act lies the meaning of ritual. Thus like 'purification,' *zakāt* becomes a fundamental of faith.²

According to Rahman, *zakāt* together with the proscription of *ribā* in the Meccan period, should be understood as the outcomes of the conscious effort of the Prophet to demolish the Meccan commercially *vested interest*.³ Only after the migration to Medina (*hijrah*), did the Prophet officially institutionalized this earlier Meccan poor-tax to become welfare-tax which necessitated the designation of tax-collectors. Even the Qur'ān, he stresses, sometimes does not mention *zakāt* together with *ṣalāt*, which means the

¹ Caesar E. Farah, *Islam* (New York: Barron's Educational Series, 1987), 141. Cf. A traditionalist definition of *zakāt*: "Al-Zakātu ṣadaqatun muqaddaratun bi aṣl al-shar'ī ihtidā'an isabbat fī al-mālī aw al-dhimmati li al-ṭahāratī lahumā. Fa zakāt al-mālu ṭahrun li al-mālī wa zakāt al-ṭahrun li al-abdān." (*Zakāt* is a certain amount of alms designated by Islamic law as an initiation assigned to the goods or possessions to purify them. Hence *zakāt* is for purifying wealth and *zakāt al-ṭahrun* for physical bodies". Fakhr al-Dīn al-Tīrayhī, *Majma' al-Baḥrayn* (Negev: Dār al-Tsaqāfah, 1961), 205. Both *zakāt* and *ṣadaqah* (charitable almsgiving) are always conceived as the consequence of the development of Islamic teaching. *Ṣadaqah*, according to Jeffery, originated from a pre-Islamic practice, because he found a story in the Compendium Ṣaḥīḥ al-Bukhārī which relates that a person named Ḥākim ibn Hizām came to the Prophet and asked him about his earlier *ṣadaqah* in pre-Islamic time whether it would also be counted to credit in the hereafter. The answer given by the Prophet was affirmative. A. Jeffery, *Islam: Man and His Religion* (New York: The Liberal Arts Press, 1958), 184-5. While Gibb maintains, like the Muslims in general, that *zakāt* is not a tax. It is a loan made to God. He sees the development of alms giving to *zakāt* based on the last passage of Qur'ān 58: 13-14 (*sic*). H.A.R. Gibb, *Muhammedanism* (Oxford: Oxford University Press, 1950), 64.

² The problem of *zakāt* is virtually the problem private property in the effort to make it function as religious and communal. Christian theologians also validate the right to possess some of private property for livelihood and family life, but they attempt to limit the property in line with justice and charity. Even St. Thomas Aquinas believed that, based on natural law, superabundant possessions and provisions must be spent to feed the poor. *Dictionary of Theology*, ed. Louis Bouyer, trans. Rev. Charles Underhill Quinn (New York: Desclee, 1965).

³ Rahman, *Islam*, 15.

emphasis on the former is much required for the well-being of the new established community in Medina.⁴

Throughout Islamic history, Rahman perceives the distortion of the true purpose of the Qur'ānic doctrine of *zakāt*. It became later merely private charity which had been originally public tax.⁵ Doctrinally, he says, both *zakāt* and the prohibition of *ribā* was intimately connected from the beginning of the coming of the revelation till the end.⁶ The former was a means to ameliorate the economic life of the 'have nots,' while the latter was to suppress the very enemy of this effort of amelioration. The antagonistic picture between *zakāt* and *ribā* is very emphasized so that there is an implication that the very intent of the Qur'ān would be meaningless, unless the Muslim community's economy is still unbalanced.

Rahman's call to readjust the established measure of *zakāt* today clearly indicates his awareness of the need to change with the changing economic conditions. According to Rahman, *zakāt* was institutionalized by the Prophet in a pre-development economy, but the needs of Muslim states today have dramatically increased.⁷ *Zakāt* was used during the life of the Prophet to meet all of the state's expenditures: defense, social maintenance, ransoming the captives of war, education (according to Qur'ān commentators), and particularly the eight fixed categories of utilization expenditure mentioned in the Qur'ān (*aṣnāf*). In the middle ages, says Rahman, *zakāt* declined in function and was eventually replaced by *waqf* (endowment), whereas in the modern times, the Western colonialists succeeded in isolating *zakāt* from the state levied-taxes in Muslim countries. Until now, the traditionalist *ulamā'* and the modernists, particularly in Pakistan, have been unable to revive *zakāt* as they understand it to have functioned in the

⁴ Ibid., 37.

⁵ Fazlur Rahman, "Islam and the Constitutional Problem of Pakistan," *Studia Islamica*, Vol. 32 (1970): 284.

⁶ Fazlur Rahman, "Islam in Pakistan," *Journal of South Asian and Middle Eastern Studies*, Vol. 8, No. 4 (1985): 42-3.

⁷ Rahman, "Islamic Modernism," 328.

Prophet's time. Rahman believes that unless *zakāt* becomes the sole official tax levied by the governments in Muslim countries through the participation of the 'ulamā', secularism will unavoidably prevail. To what extent Rahman's hermeneutics on *zakāt* can help revive it as a pivotal institution in Islamic societies will be discussed in the following.

1. Text and Context of *Zakāt*.

The primary Qur'ānic text which Rahman quotes in his articles on *zakāt* is Qur'ān 9:60.⁸ Rahman takes this injunction as a general principle which proves that *zakāt* in the Prophet's time covered all of the state's expenditures. Another verse Rahman cites is Qur'ān 59:7.⁹ It is on the basis of the last emphasis of this verse that he persuades us convincingly that 'hoarding wealth' in society is not Qur'ānic. As can be seen later, the so called general principle is the result of Rahman's outlook to the injunction under discussion from a modern context. Thus the text above functions, not as a strict ordinance, but as the source of his inspiration.

To Rahman, the second injunction (59:7) is a general directive from which the Prophet's institution of *zakāt* should be deduced in terms of its societal function.¹⁰ Perhaps the difference between the general principle and the general directive is that the former, as has been said, the source of Muslims inspiration to deduce laws for a given time and place, which is also called the 'moral values'¹¹ and the latter (general directive) is an end to

⁸ Rahman, "Interpreting," 46. *"Innama al-ṣadaqātu li-l-fuqarā'i wa-l-masākīni wa-l-ʿāmilīna ʿalayhā wa-l-muallafati qulūbuhum wa fī al-riqābi wa-l-ghārimīna wa fī sabīl Allāhi wa ibn al-sabīl..."* (Alms are for the poor and the needy, and those employed to administer the [funds]; For those whose hearts have been [recently] reconciled [to the Truth]; for those in bondage and in debt in the cause of Allah). See ʿAlī, *The Meaning*, 456.

⁹ Rahman, "Interpreting," 46. *"Mā afā Allāhu ʿalā Rasūlihī min ahl al-qurā fa li Allāhi wa li al-Rasūli wa li dhī al-qurbā wa-l-yatāma wa-l-masākīni wa ibn al-Sabīl kay lā yakūna dūlatan bayna al-aghniyā'i minkum..."* (What Allah has bestowed on His Messenger [and taken away] from the people of the townships-belong to Allah-to His Messenger and to kindred and orphans, the needy and the wayfarer in order that it may not [merely] make a circuit between the wealthy among you...) ʿAlī, *The Meaning*, 1444.

¹⁰ Rahman, "Interpreting," 46.

¹¹ "The moral values are the crucial pivot of the entire overall system, and from

which Muslim society should move. Moving to where? As might be expected, moving towards a societal context where the individuals could live in harmony and, provided that *zakāt* as the sole levied-tax, enjoy the outcomes of *zakāt*-funded development projects. Yet the mechanism of both the general principle and the directive is regulated by his rational judgment. That is why Rahman considers the enumeration of expenditures in Qurʾān 9:60 above as an elaboration of Qurʾān 59:7.

Next, Rahman maintains that an understanding of the context is necessary for arriving at a proper understanding of the Qurʾānic message.¹² Such an understanding will provide in the end the possibility to universalize the Qurʾānic message beyond the locale and time of revelation and thus revive the spirit of Qurʾānic laws. Accordingly, the case of *zakāt* is studied in order to gain an adequate understanding of the Qurʾānic message as regards socio-economic justice. It is this idea of justice that should be universalized today, but not the established measure of *zakāt* (2.5 %) as vigorously maintained by the traditionalists. The way to understand the context, Rahman adds, is to study "the struggle of the Prophet and the background of the struggle."¹³

He believes that the meaning of *zakāt* in the Prophet's time is misunderstood today for the *ʿulamāʾ*, he says, assume that this institution was 'a wealth-tax leviable on the surplus and hoarded wealth of a person.'¹⁴ This assumption causes the implementation of *zakāt* suspended. As a matter of fact, Rahman says, many large industrialists today evade the obligation to pay *zakāt* because they reserve overdrafts from the banks and little cash surplus. Even if they cannot escape from paying taxes levied by the government, little *zakāt* is paid by them so that social justice never realized in society. Therefore, he

them flows the law. The law is therefore the last part in this chain and governs all the "religious," social, political, and economic institutions of the society. Because law is to be formulated on the basis of the moral values, it will necessarily be organically related to the latter." Rahman, *Islam and Modernity*, 156.

¹² Rahman, "Interpreting," 46.

¹³ Ibid.

¹⁴ Rahman, "Islamic Modernism," 328.

suggests that both the government and the *'ulamā'* should work together to revitalize the institution of *zakāt*. Rahman is convinced that such an enterprise will put the idea of *zakāt* again in its proper way as intended by the Prophet.¹⁵

Doctrinally, he asserts, these two Qur'ānic texts above enjoined upon the Muslims to circulate wealth not only among the rich strata but also among the poor segments of the Prophet's society in Medina and to realize socio-economic justice¹⁶ through positive involvement in society.¹⁷ The word 'involvement' should be understood today as political, for the present Muslim governments and the *'ulamā'* are strongly demanded to work hand in hand in resurrecting the institution of *zakāt*. The failure of the so-called *Nizām-i-Muṣṭafā* under the leadership of President Zia-ul-Haq in Pakistan to accentuate the true purpose of *zakāt*, said Rahman, can be attributed to the lack of understanding of the Islamic message.¹⁸

2. An Evaluation of Rahman's Hermeneutics Concerning *Zakāt*

The following evaluation consists of both criticism and appraisal, and will be done in terms of three important aspects. First, effective history (the whole present state of Rahman's mental and environmental which passes his judgments on the mind of the Prophet).¹⁹ Second, the study of the concept of mind and idea; and finally, Rahman's understanding of socio-economic justice. All of them should be treated in the following questions: (1) What is the relationship between Rahman's theory of divine revelation and his hermeneutic of *zakāt*; (2) what kind of the institution of *zakāt* Rahman has in mind ;

¹⁵ Ibid. For a detailed and mathematical study of *zakāt* as the Islamic idea of resource allocation, see Masudul Alam Choudhury, "The Role of *Zakāh*, The Islamic Quasi Wealth Tax, in Resource Allocation" in *Contributions to Islamic Economic Theory* (London: Macmillan Press, 1986), 51-71.

¹⁶ Rahman, "Interpreting," 46.

¹⁷ Fazlur Rahman, "Some Reflections on the Reconstruction of Muslim Society in Pakistan," *Journal of Islamic Studies*, Vol. 6, No. 3 (1967): 107.

¹⁸ Rahman, "Islam in Pakistan," 56.

¹⁹ Rahman, *Islam and Modernity*, 9.

(3) what is the future application of his 'double movement theory' in this matter, and (4) to what extent his proposal is successful, if at all doing so will help us understand the sub-structure of his thought on *zakāt*, which in the end will show his rational preference rather than a theological inclination.

First of all, before answering those questions, what is the meaning of economic justice? This question must be answered in the first place because Rahman regards the essence of *zakāt* as socio-economic justice. O'Brien defines economic justice as "that form of social justice necessary because economic factors have a major impact on human social relationship,...(it) is the positive will to respect the contributions of all and the rightful share of all in the economic benefits included in the common good."²⁰ In the following discussion, we will adopt this definition.

According to Rahman, there is no such thing as the concept of 'Islamic social justice' in the Qur'ān. The curtailment of 'Islamic', he says, is the product of Islamic history because of suspicion on the part of earlier generations to Muslim community and Islamic teaching. Now Rahman addresses the criticism to the *'ulamā'* and the modernists of Pakistan in relation to their effort to mention Islamic social justice in the national constitution of Pakistan. Islam only ordains 'social justice,' he stresses, but not 'Islamic social justice.'²¹

Radically different from the argument of Muslims in general and Gibb in particular, Rahman believes that *zakāt* is not a duty to God but merely a social duty. The concept of duty to God in *zakāt* payment, he argues, is the consequence of historico-theological product as well as the effect of defining 'essential Islam' which was elaborated by the earlier generations of Muslim, in their effort to formulate the doctrine of five pillars in Islam in the second or third generation after the Prophet Muḥammad. Accordingly,

²⁰ *Encyclopedic Dictionary of Religion*, ed. Paul Kevin Meagher (Washington D.C: Corpus Publications, 1979), s.v. "Economic Justice" by T. C. O'Brien.

²¹ Rahman, "Islam and the Constitutional Problem of Pakistan," 279.

zakāt is put in the positive side of the pillar and *ribā* in the negative side. "The putative function of the five obligatory duties, no doubt, was to serve as anchoring points for the life of the community."²²

Next, in order to be in line with the Western hermeneutical tradition, which seeks the similarities between the two compared periods, the question in Rahman's enterprise is to what extent the mind of the Prophet was conditioned by, first, the prevalent Meccan economic condition, and second, the neighboring economic pressures of the Byzantine and Persian states upon the Prophet's judgment in deciding the minimum standard of *zakāt*. And to what extent the present economic life in Muslim states, in Rahman's thought, under the impact of technological development can be compared to the time of the Prophet. The accuracy of the comparison in his hermeneutic certainly depends on many factors. One of them is, what Rahman, quoting from Gadamer, calls 'effective history' (the present state of Rahman which influence his evaluation of the past). From the two broad questions stated above, we will analyze the validity of Rahman's hermeneutics.

Thus the operation of Rahman's hermeneutics may be conceived in the full capacity of human reason to speculate about the real purpose of divine revelation. Islamic law as embodied in the Qur'ānic legal injunctions are wholly explainable in terms of rational judgment. 'There is nothing obscure under the very light of the sun,' as the proverb says. It is here Rahman differs, for example, from the two well-known scholastic Muslim jurists: Shaṭībī and Āmidī. According to Shaṭībī (d. 790 A.H), human reason alone cannot arrive at a full certainty without the help of divine revelation. Thus what is good and bad in Islamic law can only be known through the help of revealed authority. While Āmidī holds that there is nothing so called good and bad itself. Even the Prophet's *ijtihād* was believed fallible. Hence Āmidī fell into moral relativism.²³ Rahman criticizes both of these views,

²² Ibid.

²³ Quoted from Fazlur Rahman, *Islamic Methodology in History* (Karachi: Central Institute of Islamic Research, 1965), 153-7. See also Shāṭībī, *al-I'tisām* (Cairo: 1914 A.D/1322 A.H), III, 216. Al-Āmidī, *Al-Iḥkām fī Uṣūl al-Aḥkām* (Cairo: 1914

which he believes to have had a penalty on the Sunni theology. Hence, Rahman's hermeneutic in *zakāt*, as the following discussion will show, is highly rationalistic: *zakāt*, as mentioned above, is reduced to a mere function for realizing social justice.

a. Criticism

Rahman is too radical in criticizing the concept of five pillars in Islam. The Qurʾān evidently enjoins the Muslim to pay *zakāt*, as recurrently manifested in its nexus with prayer. The exclusivity of Muslims to pay *zakāt*, in the Qurʾān' ān, can be regarded, from a normative point of view, as containing ritual imperative. In other words, *zakāt*, as Gibb also believes, is not tax but a loan to God. Beside, one can find a *ḥadīth* of the Prophet which assigns the Muslims to observe the five pillars, as the preconditions to be a Muslim, although Rahman is suspicious about the reliability of these *ḥadīth*. Moreover, the earlier Muslim generation's contribution to formulate the pillars, if Rahman's criticism is true, in fact have had great value in the development of Islam. In the absence of such formulation, Islamic teachings would certainly be much more complicated in its long history. It means that the formulation of the pillars, although it was a theological business, is doctrinally demanded for the sake of the survival of Islam. Perhaps Burton is quite true in criticizing Rahman that "...to question the assertion of historical Islam is not at all the same as questioning the historical assertion of Islam."²⁴

The next criticism is how to arrive at the objectivity of the application of the general principle? In the debate of the Pakistani constitution in 1950s, certain members criticized the Modernist Muslims. Qureshi says that the Westernized politicians (the Modernists) in the country conceived the Islamic teachings merely as a set of general principles.²⁵ Chattopadhyaya critically questions its validity. "What are those limits, who

A.D/1322 A.H), I, 113.

²⁴ John Burton, "A Review of Fazlur Rahman's *Islam*," *Bulletin of School of Oriental and African Studies*, 31 (1968): 394.

²⁵ Quoted from Leonard Binder, *Religion and Politics in Pakistan* (Los Angeles:

will interpret them?"²⁶ This question indicates that there was a tension between the Muslims resulted from different perception to the *lingua sacra* and the effect of critical thought of modern education. In other words, the tension between belief and reason.

Consequently, reductionism in Rahman's hermeneutics is unavoidable. Reductionism occurs when he perceives the experience of the Prophet in institutionalizing *zakāt* merely from the latter's mind. The same treatment had actually happened in the Western hermeneutical philosophy and was pioneered by the Liberal Protestantism. Harvey maintains that hermeneutic in the Western tradition has caused the study of religion much more scholarly in its character than many other disciplines due to its conception and history.²⁷ Conceptually, religions are conceived as communities of interpretation which lead any scholarly study of religions in the form of an interpretation of an interpretation. Historically, the scholarly study of religion, together with the rise of modern hermeneutics, is very related to the religious tradition of liberal Protestantism which defines the essence of religious faith as *experience* rather than doctrine of historical belief. Thus, in Rahman's hermeneutic of *zakāt*, the essence of justice behind *zakāt* is sought in the practices stemming from the experience of the Prophet in dealing with socio-economic and cultural conditions. This happened because, as mentioned earlier, to understand the context for Rahman is to study the struggle of the Prophet together with the background of the struggle, irrespective of theological considerations of it, because the latter consideration, he says, must be treated on a special level of theology. Hence, the import of the Qur'ānic words, '*tuṭahhiruhum wa tuzakkīhim bihā*', which is essential in the Qur'ānic idea of *zakāt*, remains absent from his discussion.

Rahman believes in trying to understand individual Qur'ānic teachings in a wide general context. As the case of murder we have cited in the first chapter, in which the

University of California Press, 1961), 6.

²⁶ Ibid., 153.

²⁷ *Encyclopedia of Religion*, s.v. 'Hermeneutics' by Van A. Harvey.

Qurʾān gives two alternatives to the culprit, paying *diyya* (blood-money) or *Lex Talionis* (*qiṣāṣ*). Rahman considers the alternatives as being contextualized by sociological factors. To see the general principle in the act of murder itself, Rahman argues, must be understood as the killing of human beings as a whole.²⁸ Likewise, the same treatment holds true in the case of stealing. This unlawful act of taking someone's possession must not be understood as merely harming the owner of the goods himself but menacing the properties of the *entire society*. (The phrase 'entire society' must be underlined). Despite the absence of a similar sociological interpretation on *zakāt*, Rahman's hermeneutic in this case should be understood in the same way as the two cases above. Thus he seeks the application of *zakāt* at the state level, to perfect socio-economic justice in a much wider context than the prescribed eight *aṣnāf* of the Qurʾān would allow. Therefore, one can see a constant process of stretching the line of thought from specific cases to a wider significance by underlying its socio-economic vindication. Here we see one of the ways in which his approach differs from that of the traditionalist Muslims.

A similar difference may also be observed with reference to the words the Qurʾānic *Ibn al-Sabīl* (wayfarers). Rahman translates this as 'communication'²⁹ whereas the traditionalists translate it as 'in the cause of Allah.' In English, the paraphernalia of 'communication' denotes *inter alia*, parabola, satellite, radar, courier, espionage, telephone, facsimile, radio, telegraphy, television, remote sensor, etc.³⁰ If these instruments are intended by Rahman as 'communication', his hermeneutic is then follows the tradition of Western hermeneutics: to seek the similarities and differences between the two compared periods in translating scripture. The meaning of the interpreted text theoretically moves between the two spheres of time; the time when scripture was being

²⁸ Rahman. "Interpreting," 46.

²⁹ Rahman. "Some Islamic Issues," 295.

³⁰ *Encyclopedia Americana* defines 'communication' as 'a chain of events in which the significant link is a message'. Vol. 7 (Connecticut: Grolier Incorporated, 1985), s.v. "Communication" by George Gerbner.

revealed and that of when the interpreter lives.

What should be noted from this kind of Rahman's hermeneutics is the consequence of spending *zakāt* to purchase the infra structures of what Rahman calls 'communication.' It is not difficult to imagine the negative responses of the traditionalist Muslims in case the governments in Muslim countries spend the alms-tax revenue to purchase modern sophisticated items, which the Prophet never did, for various political reasons and in the name of 'defense and security.' The problem will become more critical when the revenue of *zakāt* is used for political campaigns. Mawdūdī, for instance, rejected such expenditure as illegitimate due to the campaigner's *vested interest*, as mentioned in the first chapter.

Something that is absent from Rahman's discussion on Qur'ānic text is the analysis of linguistic style. This discussion in scriptural analysis is seemingly crucial to understand religious doctrine, because hermeneutical philosophy in the West also takes into account the linguistic study, which had inspired the emergence of philosophy of religion.³¹ Based on this assumption, the question is, what is the real meaning, in relation to Rahman's hermeneutics, of both the Qur'ānic terms '*tazakkā*' (to purify) and '*tuzakkīhim wa tuṭahhiruhum bihā*' (to purify them and to clean them through [*zakāt*]). Also the relation of these terms to the Qur'ānic injunction of *zakāt*, and the latter's nexus with prayer (*ṣalāt*)?³² Those kinds of relationship are not elaborated in Rahman's discussion. Arguably, all of these terms, from the Islamic point of view, have a related structure and must be understood as a compact whole. In fact, the words 'purification (*tazakkā*),

³¹ Ninian Smart, *The Philosophy of Religion* (New York: Oxford University Press, 1979), vii-viii. She states that the exploration of religious concepts, since World War II, has been much indebted to linguistic analysis by the works of philosophers, such as that of Ludwig Wittgenstein, which resulted in philosophy of religions.

³² Taylor, who has studied the Qur'ānic doctrine on *zakāt*, has showed that the *ṣalāt-zakāt* nexus in the Qur'ān is most consistently founded. Only three cases in which *zakāt* is not coupled with *ṣalāt*, namely 30:38, 7:155 and 41:6; they are predominantly Meccan suras. John B. Taylor, *The Qur'ānic Doctrine of Zakāh*. M.A. Thesis. Montreal: McGill University, 1964, 135.

altruism of philanthropic work (*ṣadaqāh*) and prayer (*ṣalāt*), all imply that *zakāt* is also theological (also connected with faith but not only reason) and economic: ignoring the former will be secularizing the latter.

Being rationalist, Rahman also employs phenomenological approach to understand the very purpose of *zakāt*. Considering the fact that Rahman lives in a very different time with the Prophet, it seems that the so called socio-economic justice, in *zakāt* particularly, is the expression of the sense of humanism which is influenced to some extent by the development of technology but is no longer theologically based, which causes Rahman's emphasis mainly on sociological aspects. We may, therefore, say that the use of effective history in Rahman's hermeneutics on *zakāt* seems to be based primarily on rational considerations. The Islamic teaching about not 'hoarding wealth' is conceived as the way to eradicate the evils of individualism and avarice, rather than emphasizing religious function. Actually, from the Islamic point of view, the cursed in the Qur'ān is not with the act of amassing wealth itself, for man is encouraged to be rich, but with ignoring social welfare due to selfishness and stinginess.³³ As a blessing of God, wealth is believed as having societal function since 'brotherhood', as Iqbal holds, is the end of Muslim community, who are themselves the bearers of Islamic ideals.³⁴

Perhaps we are right to doubt the objectivity of effective history when it is applied to understand the mind of the Prophet in institutionalizing *zakāt*. Suppose the Prophet were alive today; the minimum standard of *zakāt* then would probably no longer be calculated on agricultural income, as it had been done in the Prophet's time, but through the fluctuation of economic life which determines one's earning and Gross National

³³ "It is not capitalistic 'method' of production, but capitalistic mentality that runs counter to Islamic ethics," says Syed Nawab Haider Naqvi in his *Ethics and Economics: An Islamic Synthesis* (London: Islamic Foundation, 1981), 112. Cf. Muhammad Nejatullah Siddiqi who maintains that the present Muslim economics see the function of *zakāt* as a redistributive and educative role in giving the individual the right approach towards society. *Muslim Economic Thinking* (Leicester: The Islamic Foundation, 1981), 61.

³⁴ Sheila McDonough, *The Authority of the Past: A Study of Three Muslim Modernists* (Pennsylvania: American Academy of Religion, 1970), 22 and 32.

Product (GNP). This is particularly because the majority of Muslims today live in urban areas where technology and industry have been predominant so that the present individual taxes are calculated in such a way. Hence the sense of socio-economic justice, as intended by Rahman, must be influenced to some extent by the considerations and world views prevalent in the milieu in which a person lives. But because the Prophet was inspired by divine revelation, the actual implementation of *zakāt* must also be transcendental.

It can be argued that linguistic study is equally important to grasp the meaning of *zakāt*. A *ḥadīth* (Tradition) which describes the Prophet's sending the Companion Mu'adh ibn Jabal to Yemen indicates that the revenue of *zakāt* was not primarily meant, as Rahman emphasizes, for political purposes. The Prophet said to Mu'adh: "You will come to a group of people of the Book...take (*zakāt*) from the rich and redistribute it to the poor of their society...(tu'kḥadhu min aghniyā'ihim fa turaddu 'alā fuqarā'ihim).³⁵ The point is that the Prophet did not ask Mu'adh to dispatch the revenue to Medina where the central authority was located, but to redistribute at the place of its collection. This implies that *zakāt* revenue is not identical with state-levied tax.

Moreover, seen from the complete text of the Tradition, *zakāt* comes after the instruction to command the local people to recite the *shahādah* and to perform prayer five times a day. Thus what we perceive from the sequence in the text is the emphasis on ritual obligations and on realizing social justice, but not on defense in the political sense or on *zakāt* as secular tax. Hence, hermeneutic provides us only an incomplete meaning of *zakāt*. Moreover, the change of linguistic style of the Qur'ān also corroborates our assumption. Consider, for example, the change of style from the letter '*lam*' to '*fi*' in Qur'ān 9:60: (*li al-Fuqarā-i...wa fi al-Riqābi ...*). According to Zamakhsharī, the changes are intended for 'affirmation' (*lil-aydān*), so that those designated by the letter '*fi*' are much

³⁵ According to Waqidi the mission took place in 9 A.H. Mu'adh was either *walī* or *qāḍī* in this expedition, and the obedience of the people to him was disputed either orally or practically. See Al-Shawkānī, *Nayl al-Awṭār* (Cairo: 'Isā Bābī al-Ḥalabī, 1952 A.D./1371 A.H), 123.

more worthy of receiving the allotments than those labeled by 'lī'. The first four categories of people in the verse under discussion do consume the allotments of *zakāt* while the other four do not. For example, *fi al-Riqāb* is to free the slave from his master but not for providing food to the needy. It can be inferred that to improve the social condition is thus much more important than to feed hungry people. That is why the word 'lī' is used "to draw attention" (*līl-wi'ā*).³⁶ It is therefore necessary to understand the gist of *zakāt* linguistically for mind and words, as Iqbal says, are psychologically interrelated. When the style of words is intelligible, we then grasp the expression of the Prophet's mind. Yet, although debatable, the Prophet was illiterate. How does Rahman arrive at the true import of the Qur'ānic *koiné* on *zakāt* considering the fact that the Prophet was illiterate? This question implies that the meaning of *zakāt* is also transcendental. The institution of *zakāt* then should be believed as a means for making people aware that they were created to pray to God not pray to wealth. Above all, the Prophet, unlike Rahman, was not a rationalist, so that 'effective history' alone cannot bring us to objectivity.

b. Appraisal

To what extent effective history is significant in this discussion may be elaborated as follows. Hermeneutics, as the object of study, necessarily require to understand 'mind and idea'. Despite the fact that 'mind and idea' themselves are not hermeneutics, man's activity of decoding scripture, like the Qur'ān, necessarily requires to understand the Prophet's mind and idea. By allowing the arguments of Shah Walī Allah, Iqbal and Rahman, namely the *waḥy* is identical with revelation, we will have to admit that the Prophet was active, under the divine guidance, in enunciating the Qur'ānic laws, to be affected by the socio-economic as well as cultural milieu where he lived. Up to this point, Rahman's hermeneutics are closely related to studying the Prophet's interpretations.

³⁶ Zamakhsharī, *Al-Kashshāf* (Beirut: Dār al-Kitāb al-ʿArabī, n.d), II, 283. See also Yūsuf al-Qirḍāwī, *Fiqh al-Zakāh* (Beirut: Dār al-Irshād, 1969 A.D/1389 A.H), II, 614.

It is here the effective history plays a dominant role. Therefore, overlooking so called effective history, if any, implies that Rahman's intellectual effort to understand the Prophet's involvement in the process of divine revelation means nothing. This position, unfortunately, is not at all acceptable in this thesis.

In any case, 'mind' in psychology is defined as "the organized totality of psychological processes which enables the individual to interact with his environment," while idea is 'a thought or cognitive process not directly sensory in nature.'³⁷ Mind, which is active, has a wider scope than idea. Taking the 'Prophet's mind' as the object of studying *zakāt*, Rahman's hermeneutics may confuse the reader. Why? Let me give an example to clarify the magnitude of fathoming 'idea' and 'mind' respectively. As we know, horses were exempted from taxation in the time of the Prophet.³⁸ The present-day Muslims may easily be led to the mistaken conclusion that their cars, just like horses, function as means of transportation should not be taxed either. Thus, fathoming Prophet's idea provides only cognitive knowledge. Conversely, if the *mind* is the object of understanding the Prophet's judgment, the necessary answer will then be "that the horse at the time did not constitute a hoarding wealth, like trade, on which the necessity of the 'poor' depended. This assumption is based on the belief that the Prophet's mind actively engaged in resolving socio-economic problems in his society and resulted in his experience. It should be clear from the Prophet's mind, that the *ratio legis* of *zakāt* was to dissuade and deter the accumulation of wealth in certain circles leading to economic stagnation and social jealousy. As Arnaldez puts it: "la Zakāt touche sans doute le superflu, comme il est écrit dans le Coran, mais un superflu qui devient pour les malheureux une nécessité."³⁹ That is why presumably in Islamic law horses and cars have

³⁷ *Dictionary of Psychology*, ed. James P. Chaplin (New York: Dell Publishing, 1968), s.v.v. 'mind' and 'idea'.

³⁸ See Ibn Hajar al-ʿAsqalānī, *Fath al-Bārī* (Beirut: Dār al-Maʿrifah, n.d), III, 326-7.

³⁹ Roger Arnaldez, *Aspects de la pensée musulmane* (Paris: Librairie philosophique, 1987), 348.

not been taxed through *zakāt*. As a matter of fact, Rahman's hermeneutics evidently deals not with idea but with the Prophet's mind.⁴⁰ At this stage, however, his is successful.

Understanding both 'mind' and 'idea' are also helpful to explain the intelligibility of Rahman's hermeneutics by way of leaping intuitively into the subjectivity of the Prophet. While the Qur'ān and *ḥadīth* just provide many cultural and historical facts for further research, the process of 'leaping' itself may arrive at a more rational objectivity. The surmise is based on the following quotation of Schleiermacher's hermeneutical theorem, which indeed reflects Romantic thinking by arguing that any individual mode of expression reflects a wider cultural sensibility or spirit (*Geist*).

A correct interpretation requires not only understanding of the cultural and historical context of an author, but a grasp of the latter's unique subjectivity by accomplishing "an act of divination" - an intuitive leap by which the interpreter "relives" the consciousness of the author. By seeing this consciousness in the larger cultural context, the interpreter comes to understand the author better than the author understands himself or herself.⁴¹

If this argument is correct to utilize (the Prophet is the author and Rahman is the interpreter), Rahman will, through 'the act of divination,' be able to understand the idea of socio-economic justice of the Prophet's time more precisely provided his consciousness is supported by a wider cultural context than that of seventh century Arabia. The phrase 'cultural context' must be stressed since the present century, as has been said, produced technological development which has influenced Muslim economic prosperity. It is true from a psychological approach that "the act of thinking and the object of thought are internally related, mutually dependent."⁴² We may argue, therefore, that the more advanced the technology which affected the Muslim economic life, the more prosperity can be realized, which consequently affected the so called socio-economic justice in the interpretation of *zakāt*.

⁴⁰ Rahman, *Islam and Modernity*, 8.

⁴¹ Harvey, "Hermeneutics."

⁴² Quoted from Terry Eagleton, *Literary Theory* (Minneapolis: University of Minnesota Press, 1983), 55.

Nonetheless, it is hard to differentiate between the sense of justice and economic prosperity. How can we grasp the sense of economic justice during the reign of 'Umar I, for example, (when a famine raged) in contrast with the present Pakistani economic prosperity which is able to satisfy home food supply and its GNP is higher than that of, say, Ethiopia. Is not there economic justice in present Pakistan? Surely, there is, like the time of 'Umar I. Something lacked in the latter's presumably was economic prosperity. Perhaps, the more developed the technology the more the future generations will possess, not merely economic prosperity, but also the sense of economic justice. To be more specific, socio-economic justice is man's creation as a result of prowess and genius to manage the natural resources.

Let us now turn to the real issue of Rahman's hermeneutics (the procedure for understanding the context and the proper way for implementation in the present). To follow the course of his 'double movement theory', the first task is to analyze the present practices of *zakāt* throughout the Muslim countries. What are the conceptions as well as the ways and difficulties of implementation which have caused the institution of *zakāt* to be stagnant. For example, why do many wealthy men and conglomerates evade that payment? How do the '*ulamā*' and Muslim economics formulate *zakāt* in the present time? To what extent should the Muslim governments be active in dealing with the issue? What kinds of items and professions should be taxed?⁴³ According to Rahman's theory, this first step is entrusted to social scientists (and certainly economists), Muslim and non-Muslim alike. They perform an intellectual *jihād* to arrived at the best understanding of the *status quo*. After deducing paradigms of contemporary practices of *zakāt*, the next step is

⁴³ Amien Rais, a contemporary Indonesian Muslim scholar who also graduated from the University of Chicago, has argued and practiced that many Muslim professionals like himself should be taxed on their incomes through *zakāt* to the amount of 10% (*us'ar*) -20% (*khumus*). His argument based on the reason that those professionals (i.e. specialist doctors, engineers, architects, lawyers, notaries and artists) could easily earn much money in a short time period just look like the wealth of hidden treasure (*rikāz*). Amien Rais, *Cakrawala Islam: Antara Cita dan Fakta* (Bandung: Mizan, 1989), 58-65.

to study its context during the Prophet's life in order to understand his mind in institutionalizing it.

Having arrived at some general principles as regards the practices of the Prophet, the present performance of *zakāt* by the Muslims will be compared with the acquired general principles. This second step is primarily the task of historians, *‘ulamā’*, economists and of course legal experts. After the historians have succeeded in finding adequate and comprehensive patterns of payment in the time of the Prophet, the Qur’ānic text on *zakāt* should be analytically and objectively studied through the cooperation of the *‘ulamā’* who will provide moral guidelines and paradigms based on ethico-religious considerations. The important thing to do in this endeavor is to seek an explanation of why certain items were taxed while others were not. For example, why dates (*tamr*), gold, silver, camels and sheep were taxed through *zakāt*, whereas horses and hens were not. But poultry too has now become a source of income. Why should it not be taxed as well? Furthermore, why was the minimum standard of *zakāt* fixed at 2,5 % or 10 % in the Prophet's time? To what extent must this minimum be raised? The final task is to bring those paradigms of the Prophet's time back to the present and to see if the findings of the first task conform to the general principles understood from the Qur’ān. To ensure conformity means to examine whether the interpretations given enable an understanding of the general principles of the Qur’ān and whether they provide guidance about the operation of *zakāt* in the present time. If the interpretation is workable for today's performances, it means the interpretations are correct; otherwise they must be reexamined.

Rahman's suggestions did have some impact. The government of Pakistan and the *‘ulamā’* agreed that the system of *zakāt* had to be reinvigorated, but the measures suggested by Rahman were considered by his opponents as too abrupt. They suggested that "...at first the government might collect on a voluntary basis, later it could turn into a formal tax, and after that all taxation could be brought under the aegis of *zakāt* by

introducing changes into its structure similar to those...[Rahman] had suggested."⁴⁴ Disapproving this policy, Rahman charges his opponents of preferring piecemeal thinking and arguing that he himself never advocated overnight changes. Combined with some other controversial issues; e.g., his theory of divine revelation, his views on the mechanical slaughtering of animals, family planning and *ribā*, the problem of *zakāt* surmounted to a political issue which ultimately forced him to resign from his post.

It is also due to his pragmatic view that Rahman's concept of *zakāt* as operating in the state level finds its justification in his approval of Western democracy. For Rahman, there is nothing wrong when Islam advocates any democracy. The so called 'Islamic democracy', according to him, is also the historical product of earlier Muslim generations due to their suspicion of Muslim political identity.⁴⁵ The correlation between the significance of *zakāt* and political power has been rightly noted by Mabid Mahmoud. According to him,

...the association between the distribution of wealth and that of political power can be broken by a redistributive scheme. This scheme must operate on wealth, not income...It should be designed to check the accumulation on an asset by asset basis, taxing more remunerative assets more heavily, for they provide a greater prospect for power accumulation...The conditions of such a redistributive scheme are all fulfilled in *az-Zakāt*.⁴⁶

Mahmud is talking about political parties and their relation to 'hoarding wealth'. *Zakāt* functions as an effective agent for redistribution of wealth and for neutralizing economic and political power which is in the possession of certain individuals or political coalitions, being supported financially by the former for their vested economic interests. This consequently makes democratic life stagnant. The 'have' will bribe the politicians and government élites. It may be said that Mahmud argument indeed confirms Rahman's

⁴⁴ Rahman, "Islamic Modernism," 328.

⁴⁵ Rahman, "Islam and the Constitutional Problem," 279.

⁴⁶ Quoted from Muḥammad Nejatullah Siddiqi, *Muslim Economic Thinking* (Leicester: The Islamic Foundation, 1981), 62.

position.⁴⁷

Muḥāsibī's statement (d. 243 A.D/ 857 A.H) that certain Qurʾānic injunctions cease to be effective due to changes in society also seems to support, as well as to testify that, Rahman's theory, which proves in the end that Rahman's concept is not a new one in Muslim scholars' ideas. To quote Michel Allard: "Pour Muḥāsibī certain textes n'ont plus force de loi parce que le motif qui exigeait telle ou telle réglementation a disparu...En d'autres passages, ce sont les conditions pour établir le fait de l'abrogation de certains versets qui sont assouplies."⁴⁸

This point of view is not significantly different from that of Rahman. They both agree that social changes in the course of time cause certain legal motives and conditions exist in the Qurʾān to become defunct. This argument is definitely true in social matters. Take, for example, the Qurʾānic injunction (9:60) to free slaves (*fi al-riqāb*), which indicates the Qurʾān's concern to reform the social milieu in which it was revealed. Given the fact that the Prophet's contact with the immediate event (the existence of slavery), the divine revelation was conditioned through his speech.⁴⁹ But if the Muslims insist on applying the Qurʾānic text literally, as was held by the Zahirites, that would do injustice both to the world civilization and the ideal teachings of Islam itself.⁵⁰ The world has long denounced and abolished the institution of slavery and so has Islam. If, however, the

⁴⁷ As a matter of fact, political parties have never existed in Saudi Arabia, the Kingdom that supports Maḥmūd financially at the Islamic Foundation at Leicester. It is ironical that the editor of the book (Siddiqi) unconsciously justifies Maḥmūd's point of view on *zakāt* and the distribution of political power, while Siddiqi himself is also under the patronage of and financed by the Saudis.

⁴⁸ Michel Allard, S. J., "Comment Comprendre le Coran selon Muḥāsibī," *Bulletin D'Etudes Orientales* (1977): 11.

⁴⁹ Slavery at the time of revelation was a universal phenomenon even in the Byzantine empire, so that the Qurʾān had to accept it due to economic motives. See Asad, *The Message*, 36. Rahman, *Islam*, 38. In agreement with Zamakhsharī, Asad also translates '*fi al-Riqāb*' as "for slaves and captives of war". Yet Zamakhsharī accentuates the primary importance of freeing the captives rather than slaves because the former are in the possession of non-Muslims, which is harmful for religious and political reasons; their case is clearly different from that of the slave. See his *al-Kashshāf*, Vol. II, 283.

⁵⁰ Yet according to al-Shaybānī (d. 799), a Ḥanafī jurist, "a certain text may become a *naṣṣ*, or textual proof,...depending on how you understand the text." Quoted from Rahman's *Islam and Modernity*, 25.

Muslims today revive slavery in order to pay *zakāt* by then "freeing slaves" (one of the heads of the *zakāt's* expenditure according to the Qur'ān), nations in the entire world will blame such an uncivilized attitude.⁵¹ In short, to apply the Qur'ānic text literally may jeopardize its substantial doctrine and certainly may lead a Muslim practitioner to disobedience (*kufṛ*). Here we come to know that Rahman's hermeneutics on Qur'ānic legal injunctions are not new, but only his interpretation of reviving *zakāt* is inspired by his effective history. And we have discussed the weakness of using effective history alone in understanding the mind of the Prophet in formulating *zakāt*.

In conjunction with this, the implementation of *zakāt* is part of Rahman's conception of economic principles in Islam.⁵² He believes that a necessary social context, under the patronage of the state, must be created first. Within this context the Muslims will have opportunities to exercise their own efforts to earn a living based on the concept of *kasb al-ḥalāl* (lawful earning), through which their economic conditions will improve. The final end is to educate the Muslims in order to use their capabilities; intellectually,

⁵¹ It is due to the extinction of the institution of slavery today that both Sayyid Rashīd Riḍā and followed by Shaikh Shaltūt have changed the Qur'ānic allotment for freeing the slave to fund the liberation of the occupied Muslim countries from the Western imperialists. In other words, *zakāt's* fund may be spent for helping the present Palestinians to purchase arms to fight with the Israelis. While Qirdāwī disagrees with them and advocates instead to get the fund from the head of expenditure of *ibn al-Sabil*. See his *Fiqh al-Zakāh*, 620-1.

⁵² Rahman, "Economic Principles of Islam," 1-5. It is interesting to note the influence of religious teachings on the amelioration of economic life by emphasizing thrift, endurance, working hard and the sense of sharing another's trials and tribulations. The well-known thesis of Weber is that Protestant ethic had caused the rise of Capitalism in the West. The same thesis also holds, according to Robert N. Bellah, in Bushido religion of Japan during the reign of Tokugawa (post-Second World War period). The Japanese worked hard to rehabilitate their jeopardized economic life and the result is the present economic superiority. See *Tempo Magazine* (Jakarta) 5 December 1992. Islam also encourages the Muslims to do the same way. But the growing Capitalists will be checked by the payment of *zakāt* so that the wealth has social function to help the poor. It is this statement Rahman disagrees with. For him, the institution of *zakāt* is not intended to perpetuate the existence of both the rich and the poor in order that the former will pay *zakāt* to the latter and earn merit in the sight of God. In other words, the extinction of the poor will result in the cessation of paying *zakāt*. What he really solicits is to fill the gap between the rich and the poor so that individualism of the Western kind will not exist, and the Muslims will live in the context of a socio-economic justice based on egalitarianism. See his *Islam and Modernity*, 19.

economically and politically. The Muslims will be active in politics because their economic problems will have been solved and education would have been possible. As long as man is hungry and uneducated, political democracy is absolutely impossible. That is the reason why the prime intention is to create a social context where the institution of *zakāt* must be carried out effectively made to work, so that no one can escape from it and the amount of the payment due is rationally measured. Rahman's double movement theory is intended primarily to study such possibilities. To create such a social context requires, in the first place, creating a way of life. It is only after discovering the general principles of various legal aspects that paradigms for carrying out such a way of life will be provided. The result will be a kind of *laissez-faire* society a la Islam. Hence, for Rahman, *zakāt* is no more than a means rather than an end in itself.

If and when Rahman's proposal is actualized, its results must be seen from its actual working in society. The accomplishment of Muslim economic problem solving is to be evaluated in terms of its practicality and efficaciousness. If the proposed solutions are not workable, it would not signify the failure nor of the principles embodied in the Qurʾān and the Prophetic *Sunna*, but of the effort to come to grips with the real issue properly. Therefore, the real solution of the present day economic problems (in *zakāt*), according to Rahman, is not through *ad hoc* solutions by confronting individual problems in daily life, but must be based on adequate methodologies.⁵³ These methodologies, according to Rahman, must be truly Islamic in the sense that they are deduced rationally from the totality of Qurʾānic doctrines and the Prophetic examples (*Sunna*) and are then

⁵³ Vali Reza Nasr also holds the same opinion. What is urgent for Muslim economics is a philosophy of Islamic economics rather than *ad hoc* financial institutions. Without a philosophy of Islamic economics, the concept of *zakāt* is bound to cause befuddlement. S.V. Nasr, "Whither Islamic Economics?," *Islamic Quarterly*, Vol. 4 (1986): 211-20. In conjunction with this, Timur Kuran criticizes the traditionalist Muslim contention that the norm of altruism in *zakāt* cannot be expected to be an effective economic factor in human behavior in a modern society. For a detailed analysis and criticism, see his article "The Islamic System in Contemporary Islamic Thought: Interpretation and Assessment," *International Journal of Middle Eastern Studies*, Vol. 18 (1986): 135-63.

implemented in the Muslim community. To ensure that the Muslim community fully lives politically, socially and economically in an Islamic manner, Rahman suggests a clear blueprint:

First, someone may have lived through that teaching (Qur'ān and Sunna) and thus have wholly internalized or ingested it so that, when a given situation presented itself, he judged a situation in the light of what he had ingested. The second method, intellectual in character in contradiction to the first method, which may be called experiential, involves an analysis of that teaching in both historical and systematic terms; that is, it views the unfolding of the Qur'ān and Sunna historically so as to understand their meaning and then systematically arranges values in order of priority and posteriority, subordinating the more particular to the more general and ultimate, and thus obtains an answer from this system for a given problem or a given situation.⁵⁴

It is clear that Rahman wants first of all an Islamic context where every Muslim lives in accordance with the Islamic values. In social matters, such Islamic values may be said to prevail when socio-economic justice has been realized in accordance with Qur'ānic teachings. Upon realizing it, Muslim governments will have to minimize their political encroachment on the freedom of the citizens, because the latter have been actively engaged in pursuing not merely material needs, but intellectual, creative, scientific, artistic and moral ones as well.⁵⁵ The relationship between state, religion and society in Rahman's view should be understood in terms of this perspective.

Thus far, despite some weaknesses to be proved inherent in his hermeneutics, our evaluation of Rahman's view of *zakāt* reveals at least three main points which are highly pragmatic and rationalistic in character. First, he has proposed a blueprint for reviving the institution of *zakāt*. Such a blueprint is prerequisite in the present moment, for the Muslims in general utilize *ad hoc* solutions to the quandary of *zakāt*, which will likely end in failure and, as Rahman calls, 'spiritual panic'. Secondly, a serious effort to fill the gap between the '*ulamā*' on one hand and the existing governments on the other. Both are to work together to reformulate and revive the institution of *zakāt*. The involvement of

⁵⁴ Rahman, *Islam and Modernity*, 23.

⁵⁵ Rahman, "Economic Principles of Islam," 1-7.

the *'ulamā'* in economic matters of the state would reactivate the earlier tradition of the institution, and eradicate secularism. This is pragmatic in terms of economic, legal and political considerations.

Thirdly, Rahman distinguishes between the moral plane and the actual (contextualized) application of *zakāt*, whether in the time of the Prophet or today. The moral plane is the universal paradigm from where the inspiration should be derived at any time, for it ensures the principle of socio-economic justice. Conversely, the actual practice of *zakāt* and the actual amount of *niṣāb* are subject to change according to time and place: the moral plane motivates the actual practice. As has been said, this distinction of both moral and actual is most probably inspired by the development of sociological thought, the Weberian and the Durkhemian theories.

It can be concluded that Rahman's hermeneutics on *zakāt* contributes to understanding the mind of the Prophet, through essentially in terms of economic considerations which conforms principally to natural law, resulted in secularizing the Qur'ānic legal intention of *zakāt*. This also the effect of utilizing historical criticism to earlier Muslim generations' theological formulation of the five pillars in Islam. Taking the Qur'ānic texts on *zakāt*, Rahman is successful to gauge the sense of justice in the Prophet's mind, for those Qur'ānic texts: 9:60 is taken as general principle, and 59:7 as general directive. The sense of justice is hermenutically seen from the realities of two different times. It is successful so long as economic justice is conceived from a "positive will to respect the contributions of all and the rightful share of all in the economic benefits included in the common good."⁵⁶ But it should be realized that the kind of justice Rahman speaks of actually conforms to his own preconceived paradigms which had existed in his mind as the result of 'effective history'.

The significance of the discussions so far is that Muslims are in dire need of a

⁵⁶ O'Brien, "Economic Justice."

workable and adequate methodology to reactivate the function of *zakāt*. The problem is how to persuade the Muslims in general and the traditionalists in particular that one must have a well-argued system in order to solve the problems confronting Muslims. Not only does the *'ulamā's* 'formalism' need to be banished, the general level education must be improved too. The more educated the Muslims are the more open they are likely to be to critical thinking, so that religious problems can be discussed with open mindedness. The success of his proposal then should be evaluated in terms of introducing an alternative way, equipped with a set of a well-argued system of methodology. Yet, the reasons for Rahman's difficulties in Pakistan were that he severely criticized the *'ulamā'* and was, in turn, attacked by them.⁵⁷ It is true that the right to interpret the Qur'ān and *Sunna* is not the sole prerogative of the *'ulamā'*. Nonetheless, in the effort to reactivate the institution of *zakāt*, one must work together with the *'ulamā'*, otherwise the effort will be useless, since 'the gate' of Muslim religious knowledge primarily in the mind of the *'ulamā'*, which are delivered primarily through *ḥātwas* and Friday sermons. If Rahman's proposal can be included as a contribution in legal-political undertakings and *ijmā'* of the Pakistani Muslim modernist in legal matters, then it is also true that, "*ijmā'* modernism would Islamize democratic parliamentarianism, even nationalism; but it could secularize Islam".⁵⁸

Let us now turn now to discuss the case of *ribā*.

⁵⁷ Ahmad Syaf'i Ma'arif, "Neo-Modernisme Islam dan Islam di Indonesia: Mempertimbangkan Fazlur Rahman". A Treatise delivered at seminar on Fazlur Rahman's thought, conducted by the Council of Studying Religion and Philosophy (LSAF), Jakarta, December 3, 1988, p. 4-6.

⁵⁸ Binder, *Religion and Politics in Pakistan*, 69.

B. Usury (*Ribā*) and Interest

In this part we address the following questions: (1) how does Rahman arrive at the conclusion that the present bank interest is lawful, (2) to what extent his hermeneutics can be justified by hermeneutical philosophy, and, finally (3) what factors that may corroborate his argument for the present economy.

With the rapid economic development and the need to deal with bank-interest, Muslim scholars find it necessary to reformulate rationally the Qur'ānic banning on *ribā* (usury). To say rational because the concept of *ribā* is concerned with economic transactions which, in fact, involves common sense and socio-economic justice. Behind this common sense, the factor of belief in the literal Qur'ānic teaching for some Muslims is impenetrable by logical deduction. To find out an agreed interpretation of *ribā* is far more complicated, as many Muslim scholars argued, due to the lack of historical data provided by the Prophet as the sole authoritative source of the actual interpretation in his life. Consequently, the discussion itself among Muslims has been never ending. The traditionalist Muslims interpret the term *ribā* as usury and therefore strictly prohibited irrespective of any legal, economic transactions and developments they have. Rahman, however, believes that the term *ribā* in the Qur'ān must be interpreted as usury, like the traditionalists do, which makes it unlawful, in contradiction to the economic policy of banks today. Rahman's interpretation seems more rational, sincere and adaptable to modern economic conditions than the view of the traditionalists, because it deals with the reality of economic necessity rather than literal and theological formulations. His subjectivism lies, therefore, not in interpreting bank interest as lawful but rather in selecting the appropriate data that conform to the paradigms at his disposal.

In order to see clearly the position of Rahman on *ribā*, it is important to say something about the difference between *ribā* (usury) and interest. First, let us define the two terms. *Ribā* means "increase, increment, addition, ...'a fixed increment that a creditor

receives from the debtor on the capital he has loaned to the latter for a certain period of time."⁵⁹ "Interest is the price paid for the use of credit or money. The term is used to denote either a payment expressed in money, ... or similarly in other currencies or the rate of payment."⁶⁰ What then is the point of difference? Rahman notes the difference in historical terms.⁶¹ By 'usury' he means the primitive form of money-lending prevalent in seventh century Arabia, while 'interest' is the product of modern Western world. In its primitive form, money was loaned by the creditor to the debtor for merely consumptive purposes while interest is economically justified since capital is managed by the modern industrialists in a variety of productive ways.⁶² Reasonable charges on the loaned capital constitute reasonable interest, which is therefore lawful.

The *locus* of *ribā* and interest is intentionally depicted in a very different context. This is unjust. *Ribā* occurs in a traditional-individual money-lending, while interest exists in banks' institutions using modern management. Certainly, the latter was absent in seventh century Arabia which makes the inference inappropriate. Actually, one can find today many private usurers who peddle their loans to people in rural areas, let alone the unnoticed usurers among the urban traders who always try to escape paying state levied-taxes. This leads us to assume that the presentation of the contexts of both *ribā* and

⁵⁹Mustansir Mir, *Dictionary of Qur'ānic Terms and Concepts* (New York: Garland Publishing, Inc., 1987). Also cf. the following definition "(Al-Ribā) 'aqd 'alā 'auḍin makhṣūṣin ghayr ma'lūmin al-tamātsuli fī mi'yārī al-shar'ī ḥālat al-'aqdī aw ma'a ta'khīrin fī al-badlayni aw aḥadihimā." (A transaction of a particular compensation without certainty manifested in the Sharī'a during the time of transaction or with the postponement in both exchanges or one of them. Al-Sharbaynī al-Khaṭīb, *Mughnī al-Muḥtāj* (Cairo: 'Isā Bābī al-Ḥalabī, 1933 A.D/1352 A.H), II, 21.

⁶⁰*Encyclopedia of Britannica*, Vol. 6 (Chicago: University of Chicago Press, 1970), s.v. "Interest".

⁶¹Fazlur Rahman "A Study of Commercial Interest in Islam," *Islamic Thought*, Vol. 5 (1958): 27-28.

⁶²A similar perspective has been maintained by numerous Muslims leaders: e.g., Muhammad Hatta (Former first vice-President of Indonesia, a graduate of the University of Leiden). According to Rahardjo, it is Hatta's economic ideas which inspired the founding of interest-based banks in the country. Hatta's opinion is said to have been based on a *fatwā* of an eminent 'ulamā' (Syekh Haji Abdullah Ahmad) in Padang. See M.Dawam Rahardjo, "The Question of Islamic Banking in Indonesia," in *Islamic Banking in Southeast Asia*, ed. Mohammed Ariff (Singapore: Institute of Southeast Asian Studies, 1988), 138.

interest by scholars in general leads to a bias: Rahman's treatment is not an exception. In any case, it is those two definitions above that we will use in the following discussion.

As is well known, the discussion on *ribā* in Islamic law is controversial. The vast majority of the *‘ulamā’* understand Qurʾān 2:275⁶³ as a condemnation and prohibition of *ribā* in the strongest possible terms. Yet Islamic tradition has recorded that ‘Umar ibn al-Khaṭṭāb did not fully agree with the literal prohibition of *ribā* in the Qurʾān since the Prophet left behind no details on the issue. Besides, traditions of the Prophet (*Ḥadīth*) also mentions the existence of two kinds of *ribā*; namely, *al-Faḍl*⁶⁴ which occurs in a

⁶³ "Those who devour usury will not stand except as stands one whom the evil one by his touch hath driven to madness. That is because they say: "Trade is like usury..." See ‘Alī, *The Meaning*, 115. In contrast to Rahman's view, let us behold a traditionalist's position on *ribā*, as given by the Shaykh al-Azhar Maḥmūd Shaltūt. He opines that because *ribā* has not yet been concerned with the very substance of the Muslims' economic welfare, the use of the principle 'necessity makes forbidden things permissible' (*al-ḍarūra tubīḥu al-maḥẓūrāt*) is not acceptable. Moreover, he initially did not recognize the exception of Post Office savings from prohibition of interest but later he changed his mind and came to agree with his former pioneer Shaikh Muḥammad ‘Abduh. In the long run, Shaltūt became more and more aware that the primary target of Muslim economy is the benefit for all concerned and mutual agreement among the involved bargaining parties. Quoted from Kate Zebiri, "Shaykh Maḥmūd Shaltūt: Between Tradition and Modernity," *Journal of Islamic Studies*, Vol. 2, No. 2 (1991): 221-2. For Mawdūdī, the practice of *ribā* is pictured in a very traditional context. By pointing to four main differences of loans bearing interest and loans without interest, he states that 1. there are unpredictable consequences for the debtor (loss) while the usurer is only waiting for the ascertained profit. 2. The inequality of chances between the debtor and the usurer: the former has merely one occasion to use the loan while the latter possess an on-going chance to gain profit. 3. In business transactions, the buyer can enjoy the benefits of the items frequently, while in loans bearing interest such an occasion is not there. The capital must be returned to the usurer together with the interest as soon as the time is due, and finally, 4. In agriculture or industry, both the lender and the users of the capital work together to gain profits but in interest bearing transactions the usurer only waits for his profit. This is unjust. Sayyid Abū al-A‘lā Mawdūdī, *Towards Understanding the Qurʾān*, trans. Zafar Ishaq Ansari (Leicester: The Islamic Foundation, 1988 A.D/1408 A.H), 215-6. The question is, how could it be regarded as injustice while the borrower is not forced to transact. Even in modern banking, the rate of interest is well known to public and the latter are free to decide their choices; thus interest looks like the lawful selling and buying, known in Islamic law as *‘an tarāḍin* (mutual consent).

⁶⁴ According to Ibn Qayyim, the distinction between *ribā al-faḍl* (*ribā jalī*) and *ribā nasi‘ah* (*ribā khafī*) resulted from the inability of the earlier Muslims to determine something beneficial (the soundness of economic justice). The term *jalī*, as compared to *khafī*, denotes the clarity of its negative effects. The prohibition of the *khafī* is based on the consideration that it would give access to the *jalī*. Thus the prohibition of the *ribā jalī* is purposeful (*qaṣḍan*), while in the *nasī‘ah* as a means. It follows that when Ibn ‘Abbās said that *ribā* only occurred in *nasī‘ah*, it points to its nature of completeness (*ḥaṣr al-kamāl*), whereas the prohibition of *ribā faḍl* is the way to avoid pretexts (*sadd al-dharā‘i‘*). See Ibn Qayyim al-Jawziyyah, *Kitāb I‘lām al-Muwaqī‘in* (Cairo: n.d), II, 265-7.

contract of sales in which an increase may take place by itself, and *al-Nasī'a*, a fixed increase in the amount of money over a time period. Ibn 'Abbās is said to have acknowledged that only *ribā al-Nasī'a* was prohibited by the Prophet, despite some later Muslim explanations that Ibn 'Abbās eventually recanted that view. In Medieval Islam, as Asad had stated, all kinds of *ribā* (any augmentation) were regarded as usury. Both Imām al-Shāṭibī and 'Izz al-Dīn ibn 'Abd al-Salām, for instance, had rejected all kinds of *ribā* as usury.⁶⁵ In modern times, particularly after the introduction of bank interest in the Muslim world, the issue of *ribā* has become more and more controversial. It is also said that the unresolved problems of *ribā* today are due to the divergent Muslim interpretations of the nature of money, whether it is a means of exchange or a commodity.

Rahman, for his part, considers all translations of the Qur'ān on *ribā* to be confusing. This is because *ḥadīth*, by extending the application of the Qur'ānic term *ribā*, has obscured the real intention of its moral doctrine. Rahman believes that the actual system of *ribā* (usury) in Arabia was a crest form of economic exploitation and was, therefore, banned by the Qur'ān after a series of warnings. The Muslim *Fuqahā*, in the succeeding generations, extended this ban to many other kinds of economic activities. Therefore, it is imperative to distinguish between *ribā* as found in the Qur'ān and the extension of it in the works of later writers who gave a rigid sense to the concept.⁶⁶ Hence the controversy over *ribā* resulted from the desire to make unavoidable economic developments to conform to the Qur'ānic doctrine, and was aggravated by the inconsistent information provided by the *ḥadīth* literature.

Among his numerous articles, '*Ribā* and Interest'⁶⁷ is one of the most detailed that Rahman has ever written. The article originated as a contribution to the debate on *ribā*, which had become political a question in Pakistan while he was the Director of the

⁶⁵ Rahman, *Islam and Modernity*, 30

⁶⁶ Rahman, "*Ribā* and interest," 40-41.

⁶⁷ *Journal of Islamic Studies*, Vol. 3 (1964): 1-43.

Institute of Islamic Research under the Ayyub Khan regime. Whether or not this article was influenced by political considerations of the time is a question we shall presently address. But let us discuss first the text and context and then proceed to an evaluation of Rahman's hermeneutics on *ribā*.

1. Text and Context of *Ribā*

First of all, Rahman distinguishes between the lexical and technical meanings of the term. Lexically, *ribā* means: to grow, to increase, to rise, to swell, to nurture and augment, to increase in power. Technically, the definition is derived from interpreting three Qur'ānic passages: 30:39, 3:130, and 2:274-80, in which *ribā* is conceived as harming social solidarity. Rahman classifies these three passages of the Qur'ān chronologically. The first (30:39) is understood as only containing moral strictures on the practice of *ribā*: at this moment it was not yet legally banned and the political career of the Prophet was only beginning to develop.

Qur'ān 3:130 is the central verse. The verse is Medinan and the prohibition of *ribā* is seen by Rahman in a political context. In other words, the new established state under the leadership of the Prophet had the authority to legally ban the practice of *ribā*. Finally, in the third passage, Qur'ān 2:274-80, the prohibition of *ribā* functions as a reassertion of Qur'ān 3:130 in its strongest possible term. These verses were in the nature of a last warning on the practice of *ribā* but they were not the last of the revelations themselves. From this chronological presentation, Rahman comes to the following conclusion:

1. the *ribā* of the pre-Islamic days was a system whereby the principal sum was doubled or redoubled (*ad'āfān muḍā'afah*) through a usurious process;
2. because of this process of doubling and redoubling the principal, the Qur'ān refused to admit that *ribā* was a kind of fair business transaction; and
3. while permitting the commercial profit, the Qur'ān encouraged the spirit of co-

operation as opposed to that of profiteering⁶⁸

In fact, there are eight Qur'ānic verses which explicitly mention the term *ribā*. These references occur in suras 2; 3; 4 and 30.⁶⁹ Basing themselves on these texts, many Qur'ānic exegetes and jurists maintain that there is a fundamental difference between selling (*bay'*) and *ribā*. Although the former also creates an increase in the original amount, it is lawful because the transaction takes place at the spot, hand to hand and mutually agreed.⁷⁰ *Ribā*, however, is forbidden because the loan entails a pre-determined interest, doubling and redoubling the principal (*ad'āfun muḍā'afah*), and all effort is absent on the part of the creditor (*bilā 'iwaḍ*). Thus the usurer acquires benefit by putting the debtor in hard condition which easily leads to enmity between them, whereas Islam promotes and appreciates friendship. To quote Qatādah: '*Anna al-Ribā ahl al-Jāhiliyyatu yabī'u al-Rajulu al-bay'a ilā ajalīn musammā wa idhā ḥalla al-ajlu wa lam yakun 'inda ṣāhibihī qaḍā' zādahu wa akhkharu 'anhu*' (The nature of *ribā* in pre-Islamic times was that a man gave a loan to another for a certain pre-determined period. If, when the time came, the debtor could not pay it off, the loan was augmented together with the delay of payment).⁷¹ It was this augmentation of the original loan that made the debtors incapable of repaying it.

According to Schacht, two passages in the Qur'ān refer to this practice of usury.⁷² First, Qur'ān 30:39 ("And (remember) what ever you may give out in usury so that it might increase through (other) people's possession will bring (you) no increase in

⁶⁸ Ibid., 5

⁶⁹ Hanna Kasis, *The Concordance of the Qur'ān* (California: The University of California Press, 1983), 990-1.

⁷⁰ Relating to this case, Sarakhsī said that the Qur'ānic recognition of a difference between *ribā* and selling was due to difference in the time of payment (*li'anna al-siyāqa kāna li-ajlihi*). Muḥammad Ibn Aḥmad al-Sarakhsī, *Uṣūl al-Sarakhsī* (Cairo: Dār al-Kitāb al-'Arabī, 1372 A.H.), I, 164.

⁷¹ Al-Ṭabarī, *Jāmi' al-Bayān fī Tafsīr al-Qur'ān* (Beirut: Dār al-Ma'ārif, 1986 A.D/1406 A.H.), III, 67.

⁷² *The Shorter Encyclopedia of Islam, 1913-1936*, eds. M. Th. Houtsma, et al (Leiden: E.J.Brill, 1987), s .v. "Ribā" by Joseph Schacht.

the sight of God"), and, secondly, Qur'ān 3: 130 ("O You have attained to faith. Do not gorge yourselves on usury, doubling and redoubling it"). Both the texts and their context indicate that the main consideration on *ribā* is morality in economic transactions. It is this 'moral consideration', as the following discussion will show, which is taken by Rahman as regulative in his hermeneutics rather than indicative: the basis of his consideration is moral, not textual.

Economically, the system of monetization at the time of the Prophet was obviously not well developed compared to that existing today. Instead of dealing with money, people used to transact in barter. People used to hide gold powder (ore) inside their bread under their cloth and sold it to the gold buyer.⁷³ This indicates the deficiency of monetization in seventh century Arabia which provides a basis for Rahman to argue that the economic teachings of the Qur'ān were conditioned by the milieu to which it was revealed.

2. The Evaluation on His Hermeneutics Concerning *Ribā*

Why do many Muslims consider interest as usury? Muḥammad Asad holds that this was due to the prevailing economic conditions before the time of the Muslim jurists who flourished in the Middle Ages. They thought of all sorts of interest-bearing loans as 'unlawful additions', ignoring the rate of interest and the motives behind the transactions. Consequently, Islamic scholars have not yet been able to reach an agreement on the definition of *ribā*. For Asad, an adequate definition would be one which is suitable for today in being able to cover all conceivable legal situations and positively respond to all the exigencies of a variable economic environment.⁷⁴ Thus *ribā* is understood as relating to profits acquired through interest bearing loans involving an exploitation of the

⁷³H. Lammens, S.J. *La mecque a la veille de l'hégire* (Beyrouth: Imprimerie catholique, 1924), 224-5.

⁷⁴ Asad, *The Message*, 622.

economically weak by the strong and resourceful rich.

Like Asad, Rahman too looks at moral and historical factors. From his explanation it seems that Muslims have not treated this Qur'ānic prohibition adequately and methodologically. The prevailing confused thinking on *ribā* during the course of Islamic history, according to him, can be traced to two primary causes. One is mistranslating the term *ribā*; and second, misunderstanding the reality of economic development upon which the term itself has been imposed. The Urdu '*Sud*', according to Rahman, is not the synonym of the Qur'ānic term *ribā* (usury) but of the Arabic *ribḥ* (interest on money). Moreover, the problem is also aggravated by the gradual rigidity of the doctrine through the fabrication of *aḥādīth* side by side with the rapid expansion of Islam into new regions, such as Iran where landlordism prevailed. The initial prohibition had been only on barter, then it was extended to food and lastly to landlordism. The conception of *ribā* was initially confined merely to *ribā* in loans (*nasī'a*), but was later extended to *ribā al-faḍl* (excess).⁷⁵

1. Criticism

It should be noticed that, for Rahman, the nature of 'doubling and redoubling' took place not in the profit, as many traditionalists hold, but rather in the capital itself.⁷⁶ This seems rather strange. For even if the capital is used for production rather than for consumption, how could a debtor (a merchant for example) repay the multiplied capital in a pre-determined time while the capital itself is in the form of commodities? It is possible

⁷⁵ Rahman, "Ribā and Interest," 10-13. According to Schacht, the doctrine of *ribā* was violated by Muslims' personal opinion prior to the emergence of *ḥadīth* in the second century of hijrah. He points to the case of *muzābanah* (the exchange of dried dates for fresh dates on the tree). Because this practice contravened the concept of *ribā (al-faḍl)* (to exchange the same items with an excess), the '*ulamā'*' at this time, in order to allow the poor people, who had no palm-trees to get fresh dates, made the concept flexible through *istiḥsān*. This activity of the '*ulamā'*' caused rigidity. Consequently, *muzābanah* is known later as *bay' al-ḥarar*. See Joseph Schacht, *An Introduction to Islamic Law* (Oxford: Clarendon Press, 1991), 40.

⁷⁶ Rahman, "Ribā and Interest," 6.

to think, however, of the profit being multiplied. Take, for example, the case of a debtor who took a loan from a Meccan creditor for a caravan business to Syria. Upon his return to Mecca, should the capital itself be returned to the creditor upon his arrival, or otherwise the capital would be doubled? Surely not. The delay perhaps would cause the interest be added up, thus continuously diminishing the debtor's own profit. Even in the modern banking system, the capital is not multiplied due to the delay of payment. Thus one can perceive Rahman's bias in vilifying the practice of *ribā* in history. His argument here is hard to accept.

Even among the three passages discussed by Rahman, there are no indications that the capital itself is multiplied. For instance, the contrast between *ribā* and *bayʿ* (sale) in Qurʾān 2:275 (*wa aḥalla Allāhu al-bayʿa wa ḥarrama al-ribā*) signifies that to 'increase' is in the nature of profit, because the act to lend the loan in the prohibited *ribā* and trading in the verse above are intended for gaining profits. Here the interpretation makes sense because it is in the capacity of the debtor to repay the loan. Still Qurʾān 2:279, "You shall have your capital sums" (*fa lakum ruʾūsu amwālikum*) implies the ordinance to remit only the profits resulted from loans, while the capital is retained. In other words, the usurer is entitled only to the loaned capital, not to the multiplied profits from the interest. This is also corroborated by a *ḥadīth* narrated by Zayd bin Aslam, "*Fa-in qaḍāhu akhadha wa illā zādahu fī ḥaqqihī wa zādahu-l-ākhar fī-l-ajali.*" Both the words '*fī ḥaqqihī*' (on his right) and '*fī-l-ajali*' (term of payment) are translated as 'increasing' which in fact conforms to the literal meaning of *ribā* itself.

Rahman considers economic development which improve Muslim prosperity and welfare as the true purpose of the Qurʾān. Its teachings never put people in misery. Certainly he agrees with the Muslims in general that the Qurʾān is a holy Book, but the quality of its holiness signifies something different for him. Rahman, as has been repeated, rejects the literal application of the holy text and seeks rather the general principles behind

the text. Indeed, the so called general principles are not holy because they are products of human common sense, which are liable to trial and error. In terms of such general principles, the Qur'ānic *ribā* is then translated as usury or interest, the translation is therefore tentative; it is tentative because economic development is closely related to and affected by scientific discoveries.⁷⁷

Apart from dealing with the Qur'ānic text on *ribā*, Rahman also doubts the integrity of information provided by a number of *ḥadīth*. There are many reasons that have led him to reject the use of *ḥadīth* materials.⁷⁸ The starting point of all misunderstandings and misconceptions, he says, is the way Muslim scholars look at both surat *al-ʿImrān* and surat *al-Baqarah*, which were revealed shortly after the Prophet migrated to Medina.⁷⁹ Concerning these suras, his criticism is first directed against the accuracy of *ḥadīth* attributed to ʿUmar ibn al-Khaṭṭāb and to ʿAbdallah ibn ʿAbbās as well as to ʿĀʾisha (the wife of the Prophet). The celebrated *ḥadīth* compendium of al-Bukharī has three *ḥadīth* on *ribā* pertaining to the last mentioned revelation. The inconsistency that Rahman finds in the traditions of ʿUmar and ʿAbbās is, among other things, the employment twice of the singular number (*āya*) for the seven verses dealing with *ribā*. Yet it is not at all clear whether those verses are all found in al-Baqarah (which has only six verses on *ribā*: 275, 276, 277, 278, 279, 280) or also include the one which is in al-ʿImrān (3:30).

Secondly, to assume that verses only in al-Baqarah are meant is also problematic because ʿĀʾisha was silent about the last six verses. Finally, ʿĀʾisha, based on the *ḥadīth* under discussion, also mentioned the Prophet's admonishing of those who traded in liquor. According to Rahman, the prohibition of liquor, based on reliable sources, was

⁷⁷According to Karl Popper, scientific discoveries cannot be prognosticated for the future. See *The Twentieth Century Blackwell Dictionary of Social Thought*, s.v. 'Theory of Knowledge' by Roy Bashkar. If Popper is correct, then Rahman's interpretation on Qur'ānic *ribā* as "interest" today, may become usury tomorrow, since economic development and scientific discoveries are inconceivable to predict.

⁷⁸ Rahman, "Ribā and Interest," 8-9. The *ḥadīth* attributed to ʿUmar and ʿAbbās contain the word *ayāt* which specifically points to the prohibition of *ribā*.

⁷⁹ "Ribā and Interest" 8.

banned at the same year as *ribā*, but ʿĀʾisha's statement raises the possibility that liquor was prohibited in 4 A.H.

To discuss the question above, let us refer to some explanations given by famous Qurʾān commentators and *muḥaddithīn*. Concerning the second objection of Rahman, viz. about Shaʿbī's *ḥadīth* to the effect that the verses 2: 275-280 are the last revelations of the Qurʾān, it should be noted that al-ʿAsqalānī considers this *ḥadīth* as 'detruncated' (*munqaṭiʿ*) because Shaʿbī never saw ʿUmar ibn al-Khaṭṭāb.⁸⁰ Next the question of trading in liquor. Liquor was banned not in the same year as the prohibition of *ribā*, as Rahman thinks, but after that period.⁸¹ Thus Rahman's hesitation is vindicated

If so, the obscurity of information given by *ḥadīth* on *ribā* can be investigated by looking at historical evidences. It is likely possible that the existence of such obscurity as a natural thing, because, as T.S. Eliot said, "a literary text has its own after life independent of the author, to understand it has little or no relationship to understanding the author's intentions when writing it."⁸² In *ḥadīth* literature, 'the author's intention' can be regarded as the Prophet's mind, although, as a matter of fact, the Prophet did not write the *ḥadīth* by himself like an essayist. After the Prophet died, *ḥadīth*, if we follow Schacht, were put into the mouth of the Prophet by the Muslims. This provides us the reason that *ḥadīth* as a literature has 'after life independent' of the Prophet, which caused it complicated seen from the present time. Accordingly, Rahman's hermeneutics which prefers studying the Qurʾān as an adequate source of information to the exclusion of *ḥadīth* literature, as a consequence of applying historical criticism, can now be justified.

One of the things that escapes Rahman's attention in discussing *ribā* is the occurrence of different styles of writing the word *ribā*. In fact, the word *ribā* in Qurʾān 30:39 is written without the suffix 'waw' as contrasted, say, with Qurʾān 2:275. What is

⁸⁰ Ibn Hajar al-ʿAsqalānī, *Fath al-Bārī* (Cairo: ʿĪsā Bābī al-Ḥalabī, 1959), IX, 271.

⁸¹ Ibid., 270.

⁸² Harvey, "Hermeneutics."

the reason for this difference? According to Qurʾān commentators,⁸³ the prohibition in Qurʾān 30:39 was still considered as lawful *ribā*, or as a gift, in the light of some information from Ibn ʿAbbās and some Ṭabiʿūn (followers of Companions). It is because of this perception that the different style of writing occurred.⁸⁴ It is also with this consideration in view that Rashīd Riḍā regarded Qurʾān 3:131 (*sic*) as the beginning of the prohibition of *ribā* in the Qurʾān.⁸⁵ To understand the mind of the Prophet, this style of writing of the Qurʾān perhaps will be useful to explain the historical process of the prohibition as seen in the light of T.S. Eliot's argument. In fact, the Qurʾān was written during the life of the Prophet, which suggests that the Prophet was aware of this difference in the style of writing. Rahman's hermeneutic on *ribā* in the Qurʾān should also take into consideration the language style of the Qurʾān for being more objective.

Moreover, our difficulty in Rahman's enterprise also extends to the sense of man's finiteness, as expounded by Thomas Kuhn.⁸⁶ Kuhn's pessimism stems from the limited intellectual capacity of the scientists. According to him, the scientists tend to bring new discoveries in conformity with the paradigms that had already existed in their minds. Therefore any progress in scientific research is doomed to be dominated by this finiteness of human's thought.⁸⁷ Likewise, the undertaking of Rahman's proposal by both Muslim and non-Muslim experts, Kuhn's arguments create serious problems. In other words, the

⁸³ See Qurṭubī, *Al-Jāmiʿ li Aḥkām al-Qurʾān* (Cairo: Dār al-Kitāb al-ʿArabī, 1967), XIV, 36. Ibn ʿArabī, *Aḥkām al-Qurʾān* (Cairo: ʿIsā Bābī al-Ḥalabī, 1957), III, 1479.

⁸⁴ Al-Zarkashī, *Al-Burhān fī ʿUlūm al-Qurʾān* (Cairo: ʿIsā Bābī al-Ḥalabī, 1957), I, 409.

⁸⁵ See, M. Quraish Shihab, *Membumikan Al-Qurʾān* (Bandung: Mizan, 1992), 261. See also Muḥammad Rashīd Riḍā, *Tafsīr al-Manār* (Cairo: Dār al-Manār, 1376 A.H.), III, 113.

⁸⁶ Thomas S. Kuhn, *The Structure of Scientific Revolution* (Chicago: Chicago University Press, 1970), 24.

⁸⁷ For example, the frequent failures of weather forecast, I think, and the incapability of modern scientific research to detect the earthquake accurately, as happened recently in California, can be attributed to man's finiteness. Forecasts often fail because they conform only to the existing paradigms in scientists' minds but not to the objectivity of the laws of nature.

finiteness of the human mind to research the Muslim economic problems and analyzed it on the basis of socio-economic justice will involve the paradigms at the scientists' disposals, which makes Rahman's hermeneutics far from objective. Undoubtedly, the Qur'ānic intentions will be subsumed under the paradigms of the researches who themselves living in the era of technological development.

When confronting this kind of difficulty, we then remember of what Kenneth Cragg asks: "Have we today possessed an adequate theology, in the time when economic values are judged from technological development?"⁸⁸ To say bank interest is lawful is partly due to the rationality of the bank's policy: low rate, the availability of mortgages, justifiable administrative charges to run the banks, etc. In fact the rationality itself owes to technological developments: management, computerization, etc. It can be inferred that the cursed *ad'āfun muḍā'afah* existed fourteen centuries ago because technology was not yet developed, which accounts for the Qur'ān's conception of *ribā*.

2. Appraisal

Some historical evidences seem to support Rahman's standpoint. His contention that Qur'ān 2: 274-80 is the last revelation on *ribā* (epilogue) is corroborated by a report of Ibn Kathīr in his Qur'ānic commentary.⁸⁹ Rahman also suggests that the condemnation of *ribā* came at the peak of political career of the Prophet. Hence to assume that the Prophet no longer had an opportunity to spell out the examples of *ribā* is probably a valid view. But it should be kept in mind that at this later time, Mecca was completely subjugated and, therefore, we have no reason to doubt the existence of economic

⁸⁸ Cragg, *The Pen and the Faith*, 106.

⁸⁹ See Ibn Kathīr, *Tafsīr al-Qur'ān al-'Azīm* (Beirut: Dār al-Fikr, 1970), I, 582. This statement of Ibn Kathīr is said to have been related on the authority of Ibn 'Abbās. According to Shawkānī, the Prophet only lived twenty-one days after this verse was revealed. See Mahmoud Ayoub, *The Qur'ān and its Interpreters* (Albany: SUNY Press, 1980), I, 274.

exploitation.

Rahman denies the application of *ad'āfun muḍā'afah* in all those loans which cannot be attributed to the present day interest; a logical deduction which cannot be denied. He believes that there must have been some variations in quantity and the will of individuals depending on the nature of investment and the amount of the risk. The ban on *ribā* is because the system is conceived as a whole irrespective of individual cases. As a matter of fact, it is not on all cases that interest is charged with a high amount; there must be rather milder forms of interest too. Now such milder kinds of interest prevail in economic policies of banks upon which the development of Muslim economy rests. The system of bank interest today, he argues convincingly, cannot be considered as forbidden interest.⁹⁰

In conjunction with this, Rahman holds that the abolition of interest in the present state of Muslim economy is a cardinal error. The present social order is the very opposite of that envisaged by the Qur'ān. The Qur'ānic teaching wants us to develop a kind of *mu'ākhāt* (brotherhood), i.e. the maximum co-operative spirit and socio-economic justice (*ṣadaqah*), not begging and giving alms. As a matter of fact, the total elimination of interest in the present condition of Muslim economy would jeopardize the economy. For one thing, nepotism and corruption prevail everywhere. Even the system of *qard ḥasan* (a petty loan of no interest), he says, cannot be realized today. What is more, the governments in Muslim countries are in need of a variety of infra-structural projects: roads, hospitals, schools, social institutions, etc.; to raise interest-free loans for such basic non-profit projects is highly improbable.⁹¹ That is why the primary task, as has been stated earlier, is to create first of all a social milieu where individuals would be educated and would easily earn their living. After having met these primary needs, people will lead to intellectual maturity. Following this, the Muslims will be able to distinguish between

⁹⁰ Rahman, "Riba and Interest," 7.

⁹¹ Ibid., 39.

behavior that is conducive to social and personal well-being and behavior that is not. An understanding of the importance of legalizing bank-interest, he asserts, is expected from the results of such an education, which would enable Muslim individuals to exercise their own judgment.⁹² In short, the Muslims intellectual dependency to the *'ulamā'* will diminish.

Rahman tries to assure us that not only are Muslim countries obliged to accept bank interest today, but also both the Capitalist and Communist ones as well. As for the United States,⁹³ it has not been able to achieve the value of real wealth and credit capital at home. The multiplication of the value yields a state of equality or near-equality between supply and demand of money in one hand and credit on the other. When the Muslim countries are put in this pattern, he reminds us, the task which confronts the Muslim economists is to ensure capital formation. This is the only way to succeed to meet this objective.⁹⁴

Nevertheless, Rahman's foregoing logical deductions do conform to his theory of divine revelation as elaborated in the first chapter. The Qur'ānic prohibition of *ribā* was uttered by the Prophet by his tongue, as the oral expression of the 'inspiration' (*waḥy*) in his mind. The mind reflected the Prophet's socio-economic and cultural milieu of the Prophet where the practice of *ribā* was prevalent. If *ribā* can be interpreted as a meaning which has formed a law in the Qur'ān, then "meaning is something that pre-dates language: language is no more than a secondary activity which gives names to meanings."⁹⁵ In other words, the meaning of *ribā* had existed in the mind of the Prophet before it was uttered and then written in the Qur'ān. Therefore, it is reasonable to negate the long-lasting prohibition of any *ribā* today. Surely, this assumption is dangerous for an

⁹² Sonn, "Fazlur Rahman's," 224.

⁹³ Note that Rahman wrote this article in 1964.

⁹⁴ Rahman, "Riba and Interest," 38-9.

⁹⁵ Quoted from Eagleton, *Literary Theory*, 60.

ordinary Muslim. Moreover, 'meaning' is also historical (an argument that had caused Martin Heidegger to reject the earlier thesis of his phenomenologist teacher Edmund Husserl), which implies the necessity that the historical *ribā* in the Qur'ān should be reexamined. Up to this point, the reader may see how intelligible Rahman's argument is. The terrestrial occurrence of *ribā* was the object of the condemnation of the heavenly and transcendental Qur'ān.

Some scholars have expressed views which conceptually support Rahman's proposals. Timur Kuran maintains that the system of interest-free banking in Muslim countries being tried has many weaknesses. First of all, the recipients of interest-free loans will peddle their funds for earning interest in the black-market. Secondly, full indexation is not just an act in economic transactions. For example, it is not just an act to return five bushels of borrowed wheat in the same quantity when the time is due while the market price has considerably changed in the course of time. Moreover, in giving loans, bank officials will also tend to be nepotist.⁹⁶ If these assumptions can be regarded as valid, then they also justify Rahman's assertion that the immediate task confronting Muslims today is to assess the present condition objectively before any practical implementation of Islamic law can be carried out. It is at this point that the first step of his 'double movement theory' finds its justification: to evaluate the present realities accurately and systematically in order to find patterns that best provide a comprehensive picture of the economic dilemma in Muslim countries. In short, the immediate task is to diagnose the illness, not to give a therapy. It is safe to say that what Rahman has in mind is the problem of 'how to recreate community after being destroyed by external influences,' as C.J. Adams rightly puts it.⁹⁷

⁹⁶ Kuran. "The Economic System," 152-4.

⁹⁷ Seminar on "Islamic Issues in Contemporary Middle East" (C.J. Adams and Sheila McDonough), at Center for Developing Asian Studies, McGill University, March 3, 1994. In relation to this, Yvonne Y. Haddad plainly explains that the current Islamic awakening in Egypt is at root economic because the planned development gives rise to maldistribution of wealth which leads to social change and de stabilization of the society. "Islamic Awakening in Egypt," *Arab Studies Quarterly*, Vol. 9, No. 3 (1987): 244.

From the foregoing discussions, it can be argued that Rahman's arguments on *zakāt* and *ribā* reveal that his hermeneutics are considerably influenced by modern legal speculation, which leads to conform to natural law which also requires the involvement of governments and citizens. A distinctive feature of legal interpretation now, according to Christopher Gray, is its teleological moment: its orientation towards solving a problem or governing events which have not yet happened (govern not yet occurring conducts). This is to be done by disengaging a normative orientation in which state organs are involved in application while individuals can interpret.⁹⁸ To 'govern not yet occurring conducts' can, in the cases of *zakāt* and *ribā*, will be best interpreted as a waiting time for sound interpretations of both Muslims and non-Muslims alike resulting from an intellectual *jihād*. In its turn, this endeavor will furnish laws that must be applied by individuals as well as governments in Muslim countries after having been approved by the '*ulamā*' as Rahman stipulates.

In conclusion it may be said that Rahman's argument on *ribā* reflects the true spirit of socio-economic justice but does not conform exactly to the 'mind' of the Prophet. In speaking of the 'mind' of the Prophet, he wants something original in the process of legal formulation; he does not wish to base himself on the later interpretations of legal formulations which themselves are the product of Islamic history. Thus Rahman's hermeneutic seeks a coherent methodology in which historical criticism must be applied to Islamic legal sources. The success of his arguments on *ribā* and *zakāt* can be explained in terms of their rationality in dealing with concrete situations, whether in the time of the Prophet or of today. What he emphasizes in both cases is the sense of socio-economic justice, in order that Islamic law conforms to universal human values.

Thus Rahman's methodology of extracting the Qur'ānic legal intentions can best be illustrated by the way that Chafik Chehata and Muslim jurists understand the concept of

⁹⁸ Christopher Gray, "Betti. Hermeneutic and the Suit at Law," *Archiv für Rechts-und Sozialphilosophie* (Norwegia), Vol. 70 (1984): 139.

istiḥsān. Chehata conceives *istiḥsān* as "a complex notion which encompasses the ideas of justice and utility."⁹⁹ Thus *istiḥsān* is seen as a method for deriving the *ratio legis* from the legal texts in the effort to conform the new situations to the spirit of the texts. This effort must not break away from the provisions of the Qurʾān and *Sunna*. "But it suggests that *istiḥsān* may still be justified as a personal interpretation of the texts of the law which is more fluid than reasoning by analogy."¹⁰⁰ Rahman's hermeneutics are more or less like this.

We may agree with Özdemir's assessment that Rahman came close to Habermas.¹⁰¹ But it is also undeniable that Rahman's hermeneutics in general are the product of a combination of both Habermas and the sociological approach of Durkheim.

For Emile Durkheim (1858-1917), the major focus of sociology was social solidarity, or social cohesion: society consisted of 'a collective consciousness', a moral force, at the center of which is a core of values or beliefs that is considered sacred...Durkheim saw social change in terms of the breakdown of 'segmentation', i.e. the replacement of isolated social structures by complex and independent modern society, with its competition, specialization, and structural differentiation.¹⁰²

The transformation of Arab tribalism to family units and economic justice which emphasizes solidarity, the amelioration of the status of women and the abolition of slavery, are some of the major examples that can be given to prove the similarity of Rahman's and Durkheim's.

⁹⁹ Quoted from John Makdisi, "Legal Logic and Equity in Islamic Law," *The American Journal of Comparative Law*, Vol. 33 (1985): 72.

¹⁰⁰ Ibid.

¹⁰¹ Özdemir, "The Concept," 261.

¹⁰² *The Fontana Dictionary of Modern Thought*, s.v. 'Sociology' by Daniel Bell. Cf. Durkheim's assertion: "...social life should be explained, not by the notions of those who participate in it, but by more profound causes which are unperceived by consciousness," and "that these causes are to be sought mainly in the manner according to which the associated individuals are grouped." For a full explanation of the argument, see "The Idea of a Social Science," by Alasdair Macintyre, in *The Philosophy of Social Explanation*, ed. Alan Ryan (Oxford: Oxford University Press, 1992), 23.

CONCLUSION

Being rationalistic and pragmatic in character, Rahman's hermeneutical method lays emphasis on the Qur^ʾān's general principles rather than literal-textual applications. His rationalistic treatment of Qur^ʾānic legal injunctions originates from, and conforms to, his theory of divine revelation. The Qur^ʾān is contextualized in the milieu of the Prophet Muḥammad, and so far as social matters are concerned, its laws must be reinterpreted in accordance with changing times. Consequently, the intent of the holy words, for Rahman, is mutable.

A close examination of Rahman's arguments reveals that his theory of divine revelation has similarities to the old debate on the doctrine of the 'createdness' of the Qur^ʾān as espoused by the Mu'tazilites. Rahman's concern, however, is exclusively legal not theological. With the hermeneutical philosophy of the Objectivity School of Emilio Betti and Durkhemian sociology, Qur^ʾānic legal injunctions are secularized. The idea of socio-economic justice behind the text is understood in terms merely of rational judgment but, as we have shown, such legal speculation on the Qur^ʾān does not accurately express the 'mind' of the Prophet. The Qur^ʾānic messages of the welfare of mankind are completely seen from Rahman's present perspectives, which is known in hermeneutical philosophy as 'effective history.'

We do realize that the present knowledge has been influenced to some extent by technological achievements. Therefore, it cannot be denied that the transcendence of the Qur^ʾānic laws is also secularized. It is here that Rahman differs from the *Sunni* jurists, particularly Shaṭībī and Āmidī; these later scholars placed revelation above reason in understanding the Islamic law. Accordingly, Rahman's pragmatic approach will bring the legal intentions of the Qur^ʾān close to the conception of natural law. But the method

that Rahman uses for seeking the Qurʾānic intentions is similar to the approach of jurists to *istiḥsān*.

In his approach to the socio-religious issues in the Qurʾān, the theoretical influence of modern sociology is very clear. When he speaks of the transformation of Arab tribalism into family units, Rahman is employing the Durkhemian theory of social explanations. He points to the cases of inheritance, status of women, polygamy, etc., in this regard. The contribution of Qurʾānic legal injunction is valued in terms of their efficacy in societal life. The only way he diverges from the Durkhemian approach is in regarding human disintegration on earth as containing transcendental-moral aspects. Thus, for instance, the Qurʾānic account of the destruction of Pharaoh and his army, as Rahman relates it, signifies not the death of one king in history, but the destruction of a civilization, because they were no longer capable of maintaining the Covenant. Rahman hopes the present day Muslims do not fall victim to such catastrophe. The only way out is to revive the ideal of the Qurʾān, but not to confuse the ideal with the real. Admittedly, Rahman's hermeneutics have much to offer.

We have also mentioned that Rahman's hermeneutics are motivated by his awareness to historical Islam which causes the present Muslims myopic of the Qurʾānic basic élan; the idea of socio-economic justice. Through the examination of sociological factors in the *asbāb al-nuzūl* and in the biographies of the Prophet, the ideal in the Qurʾān, according to Rahman, can be rediscovered and then reinterpreted for the new changes and progresses. The interpretation has to review the bulk of Islamic history together with the development of the Qurʾānic doctrines, so that the *modus operandi* yields a new horizon of looking at life; an intellectual endeavor which is necessary repudiated by the dogmatic traditionalists. Rahman's sagacity of historical Islam seems to be justifiable technically, as expounded by the historiographer Rosenthal:

Change and progress in the historical disciplines may result from new discoveries, or from the reinterpretation of known data, or from a new way of looking at life that may have had its start somewhere else but which then

spreads over the entire intellectual scene. These three factors do not operate independently. They do depend upon and interact with each other. New discoveries may trigger new interpretations; new interpretations may change the general outlook; a new intellectual climate may spur for new material, and so on.¹

According to Watt, Rahman wants to create a self-image of Islam by proposing a new reformulation of Islamic teachings, with a genuinely Islamic basis, in order to enable the ordinary Muslims to recognize the interpretation as a truly Islamic pattern. Based on this view, Watt then comes to conclude that Rahman is an analyst of the present day Islam, having a clear blueprint to carry it out. Yet, the implementation requires a renovator (*mujaddid*) who possess poetic gifts and the adroitness to stir up the imaginations and conduct of average Muslims.²

Despite our optimism, however, there remains the problem of how to minimize, if not eliminate, subjectivism in his hermeneutics. This is important because, from the normative point of view, the Qur'ānic teachings are intended for all human beings while subjectivism is the sister of individualism. If Rahman's methodology is to serve as a vanguard of reformulating new jurisprudence, all elements of subjectivism must be eliminated in order to make it acceptable to the majority. Indeed, what the Muslims really want is to revive the Qur'ānic teachings and *Sunna* of the Prophet. As long as it remains subjective in character, Rahman's proposed methodology will be able only to diagnose and its therapy will remain limited to only those who are to think independently rather than blindly follow the *'ulamā'*. But the so called '*umma*' is not only the educated class. Millions and millions of Muslims practice *taqlīd*. Here the *'ulamā'* have great influence over the community and Rahman's subjective outlook will be checked. Thus the future of his proposal also correlates to the improvement of education in Muslim countries.

¹ Quoted from Franz Rosenthal's 'Introduction' to C.C. Torrey's *The Jewish Foundation of Islam* (New York: KTAV Publishing House, 1967), ix.

² W. Montgomery Watt, *Islamic Fundamentalism and Modernity* (London: Routledge, 1988), 69.

To sum up, we perceive at least four weaknesses in Rahman's methodology. First, the *locus* of many Qur'ānic laws are believed to take place in the contextualized situations. To put it differently, the Prophet Muḥammad is believed to exercise not the moral, but the legal aspects of the Qur'ān as a *fait accompli*. The Qur'ānic legal precepts such as polygamy, cutting off hands, slavery, etc., are among the good examples given by Rahman. In the present century, he urges the Muslims to rediscover the moral aspects of the Qur'ān, which he believed that the Prophet did have no opportunity to implement them in his society due to several socio-economic problems of the time. Realizing that Islamic history is full of corruption which cause the Islamic law defunct, Rahman addresses his criticisms to the 'ulamā' and Qur'ān commentators for being failure to do the rediscovery of and implement those Qur'ānic morals.

Secondly, the approach is too sociological and neglects theological considerations. We tend to assume that the first weakness as stated above is the logical consequence of the second. Thirdly, like the works of scientists in general, Rahman's hermeneutics only express the paradigms already existing in his mind. Thus his effort to understand the 'mind' of the Prophet in institutionalizing the laws conform to these paradigms which result from his intellectual background and belief. It is these paradigms that make sense of his proposal. In other words, non-Muslims do not qualify to fully grasp the mind of the Prophet as Rahman does. Hence it can be said that such paradigms are the cradle of his subjectivism. Finally, in the case of both particularly *zakāt* and *ribā*, his justifications have been controlled to some extent by modern rationality and technological developments. Rahman's hermeneutics on *ribā* and *zakāt* belong to a world economy supported by the development of technology and scientific achievements. His failure to grasp adequately the 'mind' of the Prophet must be seen from this perspective. The Prophet did not author socio-economic justice in the same context as Rahman seeks to realize it in. This is also one of the difficulties in applying the philosophy of Objectivity

to the doctrine of the Qurʾān: the former is suitable for literary works while the latter is not.

Rahman's intellectual contribution is significant, but his attitude towards the traditionalists (ʿulamāʾ of Pakistan particularly) cannot be appreciated. This point should be realized by the Muslim scholars in general. The failure of Rahman's proposals in his native country can be partially attributed to his attitude towards the ʿulamāʾ. Since the ʿulamāʾ have been the *porte-parole* of the community and the 'gate' of religious life, the wisest way to approach the ʿulamāʾ is not by criticizing, but by emphasizing similarities with them. The more the points of similarity between modernists and the ʿulamāʾ, the easier it would be to achieve the unity and progress of the *umma*. This is also one of the ways to avoid secularism, though unfortunately Rahman seems not to have realized this.

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