

Professor Abdulaziz Sachedina– George Mason University



Prof. Abdulaziz Sachedina is a Professor and IIIT Chair in Islamic Studies at George Mason University in Fairfax, Virginia. Dr. Sachedina, who has studied in India, Iraq, Iran, and Canada, obtained his Ph.D. from the University of Toronto. He has been conducting research and writing in the field of Islamic Law, Ethics, and Theology (Sunni and Shiite) for more than two decades. In the last ten years he has concentrated on social and political ethics, including Interfaith and Intrafaith Relations, Islamic Biomedical Ethics and Islam and Human Rights. Dr. Sachedina's publications include: *Islamic Messianism, Human Rights and the Conflicts of Culture*, *The Just Ruler in Shiite Islam*, *The Prolegomena to the Qur'an*, *The Islamic Roots of Democratic Pluralism*, *Islamic Biomedical Ethics: Theory and Application*, *Islam and the Challenge of Human Rights* in addition to numerous articles in academic journals.

ABSTRACT: "Beyond ijtiḥad: in search of moral foundations of interpretive jurisprudence"

Ijtiḥad has served as a catchword for reformist agenda in the Muslim world. In different forms and with different emphases the term has evoked connection with liberalism in politics and enlightenment in intellectualism among Muslim leaders and thinkers. The concept has been viewed with suspicion among the traditionalists, and has met outright rejection among the conservative literalist, the *ahl al-hadith*. Depending on who speaks for Islamic jurisprudence, the signification of ijtiḥad has undergone metamorphosis, at times, beyond recognition if it still represents matured legal reasoning endeavoring to find solutions for day to day living of modern Muslim men and women. A more fashionable and favorite term among the modernizing Muslim jurists is the *Maqasid* jurisprudence, signaling a rediscovery of a new methodology for the applied jurisprudence, as if these objectives were some kind of eternal prescription for asserting the slogan: *al-islam huwa al-hall* (Islam is the solution [for all modern maladies in the field of law, ethics, and politics]). Obviously, and probably for its own good, this academic treatment of methodology has been confined to the institutions of higher learning with no impact on the traditional centers of Islamic thought and practice. It will be unfair to judge these scholarly endeavors so sweepingly negative. Needless to say that without rational hermeneutics and contextual understanding of the objectives of the Shari'a and their application in contemporary Muslim lives, how can one assert the relevance of these lofty ideals and values preserved in the classical sources of Islamic legal thought? The challenge for any serious scholar of Islamic legal methodology is to come out of his/her "academic" claims in the real world where people are faced with day to day decision-making in all areas of human living in modern societies. Ijtiḥad, whether founded upon text-based hermeneutics or on purely rational estimation of the "objectives" of the divine law, is an on-going process that suggests nothing more than a work-in-progress.

In recent years ijtiḥad had opened a new chapter in forging an intimate and even logically feasible relationship between ethics and interpretive jurisprudence. The new methodology has drawn attention among some Shi'ite jurists of Iraq, establishing a new integrative and yet distinct ethical underpinnings of Islamic religious law. If the process of ijtiḥad is related to methodological application of cognitively valid evidence in support of an acquired ruling in a case, then ethics (the search for and determination of objective evaluation of right or wrong course of action) forms an integral part of interpretive jurisprudence. The core of this paper will address this new development in the area of rational-textual reading of the legal methodology and its cognitive validity in the area of applied jurisprudence today.