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Professor Robert Gleave is Professor of Arabic Studies at the Institute of Arab and Islamic Studies, University of Exeter. His primary research interests include hermeneutics and scriptural exegesis in Islam; Islamic law, works of Islamic legal theory (*usul al-fiqh*); violence and its justification in Islamic thought; and Shi'ism, in particular, Shi'i legal and political theory. He has organised a number of funded research projects including Islamic Reformulations: Belief, Governance and Violence and Legitimate and Illegitimate Violence in Islamic Thought. He is author of *Islam and Literalism: Literal Meaning and Interpretation in Islamic legal theory* (EUP, 2011) and *Scripturalist Islam: The History and Doctrines of the Akhbari Shii School of Thought* (Brill, 2007).

### **ABSTRACT:** “The controversy around *Ijtihād* in matters of belief ”

In this paper I aim to examine the much-cited maxim that *ijtihād* is permitted in matters of jurisprudence (*fiqh*) but not in matters of belief (*i'tiqād, uṣūl al-dīn*). One finds this general position across many Muslim schools of theology and law; it is tied to the underlying notion that, for the religious subject (*mukallaf*) matters of belief need to be established with certainty based on indubitable indicators, whilst legal matters only require informed opinion (*ẓann*) based on uncertain indicators analysed by the legally competent expert (*mujtahid*). Two things sparked my interest in this question:

First, there is the examination the discussions of different opinions (*khilāf*) in matters of belief (found in both Sunni and Shī'ī works of *uṣūl al-fiqh*). In these discussions, one finds a range of opinions: most (but not all) subscribe to the distinction between “core” Muslim beliefs (on which there can be no *ijtihād* or *khilāf*) and subsidiary beliefs (on which the community can differ). However, this line (between matters of certainty and dispute in religious doctrine) shifts between works without a firm resolution, indicating that even for the premodern *uṣūlīs* and theologians, a fixed set of beliefs on which all Muslim must agree is not established. This impacts, of course, on the dynamics of declarations of unbelief (*takfīr*).

Second, in the later Akhbārī-Uṣūlī dispute in Twelver Shi'ism, one finds an assertion from some Akhbārīs that the individual believer can (and in some cases must) exercise her or his *ijtihād* in matters of belief, but (as is natural for Akhbārīs) they declare all *ijtihād* in *fiqh* impermissible. This interesting reversal of the Uṣūlī position (in which *ijtihād* is not allowed in matters of belief, but unavoidable in matter of *fiqh*) is partly terminological. But it also reveals an Akhbārī emphasis on the individual responsibility for one's religious belief (and not merely one's religious observance).

Both of these prompts reveal to me that what counts as “true” Muslim belief was far from rigid. Even amongst some (supposedly) rigid premodern Muslim intellectuals, what constituted “sound” belief may have been more ambiguous than some contemporary voices might wish to present it. This is what I aim to talk about.