

Is there a crisis of authority in Islam?

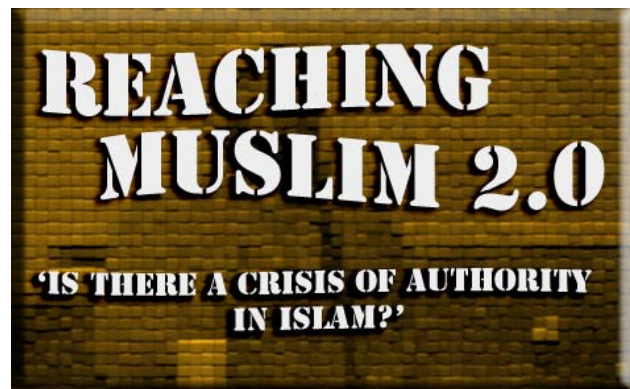
Shaykh Faraz Rabbani at the School of Oriental and African Studies on, "Is there a Crisis of Authority in Islām?"

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...[recording truncated]...in 2005 he began to embark on another quest. He himself is of Jewish background, but an Agnostic. He decided to follow everything in the Bible – both in the New and Old Testament. Literally for one year. It's hilarious – whether you're a believer or not – the book is really whacky, mainly because he does very interesting things. He goes around New York City with the Ten Commandments strapped to his wrists, forehead; he walks in full loin white garbs with a ten strong harp – doing some really interesting things. Part of what becomes clear is that he is experiencing a crisis of authority - a crisis of interpretive authority. How does he understand the Bible? Some parts do appear rather strange. The question arises, how does he understand it? For example he reads that if you are in a battle, and they take you by your private parts, you have a right to kill them. So he knew to seek out authority.



Authority in Islām is rather important. Why? Because, Islām (rather like Judaism) is a religion of Law. And do understand a religion of law, you need some way to understand that law. Otherwise there can be great harm; there can be harm at an individual level and at the societal level, both within the Muslim Community and its relationship with others.

I'm going to look at this as someone whose primary interest is law; I'm not going to

look at the causes of misinterpretation, but rather –legally- what’s the problem and how can we deal with this problem of law.

So, what is authority?

Authority defines for us – in our case – who can speak on behalf of Islām – who should be speaking on the behalf of Islām, and for Muslims, who should they speaking to when it comes to religious matters, particularly when it comes to matters of law. The problem of authority is manifest around us. In the Muslim Community many of us are frustrated at many of the people who speak on behalf of Islām. You’ve seen many interpretations of Islām manifest, and personally these are interpretations of people who are by no means qualified.

If you travel the Muslim World, one of the most interesting people to speak to are Taxi drivers and in the Arab World for example, you see taxi drivers telling you the wackiest things, right? Like a taxi driver will say to me, ‘Shaykh, what do you say about such and such?’ So I’d ask ‘why do you think I’m a Shaykh?’ because there’s no ‘I am a Shaykh’ badge anywhere. So I just ask him ‘what do you think?’ and they express their own opinion, and often it’s really out there.

And you see really strange things happening. Within the Muslim Community we are aware of interesting nuances, and outsiders are concerned as to why there are people who endorse acts of terrorism and other things that are obviously unacceptable. And then, as a Muslim Community we reject it – it returns to a proper authority. People consider it as their right to interpret the primary texts and act upon that interpretation, or to impose that interpretation upon others.

That crisis of authority is something that any religion has to deal with, because some texts necessarily require some context to be understood properly. For example, a text of the Prophet (saw) that seems rather shocking in English, right? It says ‘I was ordered to fight the people until they bear witness that there is no god but Allah.’ This is like some open call for jihad until people become Muslims. And two weeks ago on a programme in Toronto on which there’s five teachers who conduct a seminar on a collection of forty sayings of the Prophet (saw), I was given the really problematic Hadīths, and I felt bad because there’s some really spiritual Hadīths and others had them, and I had all the...[inaudible]... Hadīths. So some people read these Hadīths – some young people, some frustrated people – and they say the Prophet was ordered to fight people until they bear witness that there is no god but Allah. Non-Muslims read it and think, ‘oh my god, these guys are scary.’

The problem is what does the Hadīths mean? Firstly if you look at this text, and look at the person who said it, did he fight all people? No. There were three main phases in his life; the first phase was in Mecca- he was being opposed and did he fight people? No he did not. In the Medinan phase, did he go and fight everyone? No he did not. When he conquered Mecca and was victorious, did he fight people? Did he

expect people to enter Islām? No. When he entered Mecca victorious, did he think that the enterers of Islām would continue fighting? No he did not. There was no expectation that people would enter Islām once Mecca was conquered. And similarly you see this in subsequent generations. It returns to a misunderstanding of the Hadīth itself. Why? Because the Hadīth says, 'I've been commanded to fight with people.' But what's the word for 'fight' in Arabic? It's 'qātil'. If you say in Arabic 'amartu an uqtul al-nās' which means 'I've been commanded to fight people, to kill people' that comes from one person – I've been ordered to fight him (one person). Now let's say 'uqātil' and that in Arabic means there's mutuality. So there will be two fighting parties. Now how will there be two fighting parties? Either someone starts fighting you, or unless there's fighting already going on. In that case, we fight until they bear witness there is no god but Allah. There are many things implicit in that, as many scholars explain. I've been commanded to fight until you win, or the other party stops, or the other party indicates otherwise. But if the other party becomes Muslim and it's in your interest to keep fighting, you stop fighting. And there's another thing. Who are the people? Is it all people? Obviously not, right. It's certainly not the Muslims, so is it all the non-Muslims? Certainly not, right. The scholarly consensus is to not refer to all non-Muslims, and instead be specific. But who is it specific to? Many of the Hanifi scholars say it is specific to the Qureysh, at a specific period, for example, when they had broken certain treaties.

So it's specific to situations in which fighting is initiated, or there is fighting already going on. So it is very specific in its import and it is by no way unqualified call to aggression. Who can initiate that fighting? That's another question that arises. Anyone? Certainly not. There is consensus in Islāmic Law that public law cannot be taken into private hands. You can not initiate war as a private person. Like some British person declares war on France, because they don't like the British. It's absurd right? And it's the same thing in Islāmic Law.

So you have the text that appears – particularly if you read it in translation – even if you read it in Arabic and you don't have knowledge of the Arabic in depth, you don't have an awareness of the context, it seems to be of general implication, whereas it's very, very specific, and very conditional, right. Texts like that are numerous. But what happens is people without training, go and take such texts and act upon them and much confusion and harm arises. Even on matters of personal practice, all manner of absurd things happen.

People do really interesting things, and I get asked questions all the time. Like, you're supposed to pray facing Mecca right? I got an e-mail from someone in Australia and she said 'I'm following the prayers in the month of Ramadhan, directly from Mecca. So when I'm praying, do I pray facing the TV or facing Mecca?' you have to be in the same place as the congregation that you're following, and she knew this. So she said, 'he's an Imam, and I'm following him, so do I face the TV or do I face Mecca?' So no one would accept this as a valid form of prayer, and this is an example of an absurd personal interpretation, and these kinds of confusions lead people do to all kinds of really bizarre things. People marrying themselves off in secret, and doing crazy things. All those, and why? All because people think they can interpret Islāmic Law.

The contention I would like to present, is that this fuzziness over interpreting Islāmic Law, and who can interpret Islāmic Law, harms Islām as a whole, both within our communities – in terms of relations of Muslims with each other – and also relating to the Muslim Community at large. The way to deal with this interpretive condition is to look back at our intellectual tradition. To look at Islām and look at what has been the prevalent way of understanding the religion, and secondly, when there is difference of understanding, how do we deal with differences of understanding.

So the first issue – regarding who can interpret certain things in Islām – the answer is, not all things need interpreting. Some things are very clear and manifest. There are other matters in religion that require understanding and interpretation, for which we need to seek qualified, religious guidance.

The second aspect is with regards to when qualified religious guidance differs; how do you deal with it as an individual and how do you deal with it as a Community. And what we find is that in dealing with difference of opinion within Islām, the way of traditional Islāmic scholarship has been one of tolerance. That we tolerate difference of opinion, and we cannot seek to impose our differences of opinion on others. Both within and outside mainstream scholarship, but also in dealing with others – non-Muslims for example. We need to tolerate these differences in a positive and constructive manner. So the mainstream understanding of Islām, as represented by the Sunni majority, has within it four main schools of law. But we also have other minority tendencies – the literalists, for example – who refused to follow any schools of Islāmic Law.

Outside the Sunni majority you have the Shi'a minority, and the majority groups within them are known as the Ja'fari's or Ithna 'Ashari's, and others such as the Zaydi's, who are closer to Sunni understanding. And within these, people may hold differences of opinions, but how you hold them, how do you deal with this mess. Firstly, who is to interpret Islām, and secondly, how do you deal with these differences? Then, if you know Islāmic history you know that people have said really strange things. How do you define the limits of Islām, and how do you keep one within the folds of Islām, and what takes one out? These are troubling issues, all related to this apparent crisis of authority.

And there have been some positive developments in this regard. A couple of years ago there was an initiative famously named 'The 'Ammān Message' and I liked the message, not just because I lived in 'Ammān, but because it dealt with this crisis of authority in a very positive manner. What this declaration, that has been signed by hundreds of Muslims scholars has done is to deal with the fundamental problems of the crisis of authority within Islām. Who can speak on the behalf of Islām, and how do we deal with the differences of Islāmic scholarship, and what are the limits of Islām; some interpretations may take one outside the fold of Islām, because we find extremism and people declaring one another to be non-Muslim, within the Muslim Community.

So what does the ‘Ammān Message do? It defines what constitutes a Muslim in broad sense, looking at our Islāmīc tradition. It also identifies the commonality amongst the various sects of Islām, and thirdly, it talks of taking recourse back to authority to understanding differences of opinion. So when it comes to defining who is a Muslim, if you look at classical texts of Islāmīc creed, such as the ‘Aqīdah of Imam Buhāwī which has recently been translated by Shaykh Hamza Yusuf, Imam Buhāwī says that no one goes out of the fold of Islām, except by denying that which made them entre the fold of Islām. What makes you enter Islām? It’s accepting belief in God and the Messenger of Allah, and the book that the Messenger came with. These are matters that are clearly to be understood of the religion. It’s very broad. And that’s all you need to enter Islām; only a denial of all of this takes you out of Islām.



Then, as a corollary to this, they declared that the mainstream of Islām – both the Sunni sects but also the minority schools of Islāmīc Law, such as those Salafi’s who do not accept the four schools, the literalists; also the major Shi’a sects, the Ja’fari’s the Ithna ‘Ashari’s, and the Zaydi’s. All of these are considered to be within the folds of Islām, unless they deny something that is said to be of the religion. No one within this broad framework of Islām should be declared a non-Muslim, and this seems to be a small point. But it’s not – if we look at what’s happening in ‘Iraq – why are Muslims killing each other? Because they don’t consider each other Muslim. And because of this radicalism that has been stirred up or fermented, you find people declaring each other to be outside the fold of Islām, and as a result they start killing each other, and that’s very dangerous. That’s the first point.

The second point is to recognise that there is so much in common between these major sects of Islām, those people who have classically been referred to as Ahl Al-Qiblah – the people of the Qiblah. Meaning that we do not like looking at someone of a different religious identity and disagree with them, fundamentally looking at matters of theology and matters of law. You have a disagreement with them, but at the end of the day, they are considered to be people of the fold of Islām, people of the Qiblah. They are considered Muslim, and so you owe them all the rights you owe a fellow Muslim. This is an important aspect of this declaration.

And the third is that on legal matters, only those that are qualified to issue legal verdicts on the basis of recognised scholarship within the greater Islāmīc tradition, can give legal verdicts. Those who are not cannot. This is not an issue of ‘should you eat a mars bar’ this is an issue of the Hadīth of ‘I have been commanded to fight people until they bear witness that there is no god but Allah.’ So these are on matters

of Law – particularly on social, economic and political matters – that relate to the Community. Only those qualified and recognised to give verdicts, may do so. There has to be mechanisms by which we establish this authority and those that don't do not do so, because of the great harm entailed in this. This is very important, and we've seen a very positive response to this, right across the Muslim World. Hundreds of major scholars of Islām have signed this, and I am not aware of any of the recognised authorities of Islām – both in the Sunni and Shi'a sects – who have not signed this, and are not striving to promote this.

Similarly, the Islāmic Fiqh Academy – on which there are both Sunni and Shi'a scholars-, signed this in all their constituent numbers. This is very important in the sense of reaffirming who speaks on behalf of Islām.

Other sub-initiatives developed – the more specific initiatives within the Sunni mainstream- over the summer, called the Sunni Unity Declaration, in which the groups within Sunni mainstream deal with each other with respect and that they not be anathematising or abhorrent attacks and so on, and these have been problems for people in the Muslim World and also in the West. This declaration can be found online at www.zaytuna.org, and elsewhere.

And this concern is within the Muslim Community right, but this concern of needing to have positive engagement on religious matters has seen another interesting initiative, related between Islām and other faiths. The first step in that is a statement addressed to the Pope and your Archbishop here, called 'A Common Word' and you can find this online as well, www.thecommonword.com. This declaration calls for something that the Qur'ān affirms:

'Ta'ālu ilā kalimatīn sawā'i baynunā wa baynukum'

Come to a common word that is shared between us and you.

Given the place of religion in our time, it would be contrary to most people's thoughts, but religion has not left mankind's concerns in the 20th Century. Rather it is very central to discourse in our times, that there has to be positive communication between different faiths. How does this relate to the crisis of authority? A lot of people on both sides are trying to promote there being a clash of civilisations, a clash of religions. If you live in America or spend a lot of time in America, people think either religious rights frames foreign policy, as though it is America's crusade to promote American democracy values and a lot of them have very apocalyptic visions of what should happen in the Middle East, and it's very scary. And they see their engagement with Muslims and the Islāmic World as being something very hostile, whereas this need not be the case. Historically, there have been many instances where engagements have been very positive in that regard, and this is an opportunity to make things better. When there is this positive engagement within the broader Islāmic Community or within any of the traditions of the Sunni mainstream, people calm down, voices become mellowed and they communicate with one another. There can only be respect for the other when there is communication with and recognition of the other. So there has to be clearer sense of who is qualified and who can offer legal opinion so that we don't just accept any crazy opinions that are promoted, and that we ask communities not to accept them when they are promoted. And this is not to preclude intellectual discourse and definition of Islām in the modern world, it's

not. It's simply that these positions, particularly on sensitive matters, cannot be promoted without an appropriate discourse accompanying them. So that this crisis of authority can be dealt with, so that these loud angry voices can be redirected to seeing that things can be dealt with in a better manner. We must accept that the other person may have a point that we completely do not accept – we think they are wrong – but, we let them be, because what else can we do about it. And this has been the way of Islāmic civilisations – not just within Islām but within the major empires – what do we see? Within the Ottoman lands we see that they were permitted to apply their personal law and commercial law. There's a sense of letting the other 'be' and this is very important. This is a way forward – to accept differences – the acceptable opinions and the ones we do not accept; and to engage with those opinions in a positive manner. This is what the 'Ammān Message promotes, to not spend our time attacking others in this, but rather to try and follow the beautiful thing that the Prophet (saw) said, that 'whoever believes in God and the Last Day should say the good or remain silent.' So this is a way we can deal with this crisis.

So this is what I wanted to mention on the Crisis of Authority, and a window of clarity that has opened up in recent times that could lead to some good, and what we're going to do in sha' Allah, is open the floor if you have questions.

[Questions from the Floor followed by answers]:

Question: In your opinion, do you think it is hypocritical of the Muslim mainstream to ask for unity amongst them when they cannot even tolerate one another?

Answer: unity within a community is not contingent upon agreement – we don't have to agree. It's actually divine promise that we will always remain disagreeing. The challenge is not to resolve our differences; the challenge is to learn to live with our differences. The challenge isn't to accept each other's differences – we do not have to accept them – no. The critical question is how we deal with the differences. The other challenge is, who do we listen to? And which voices are clearly outside the bounds of what is acceptable? Because we see in Islāmic discourse right across the board, no one would condone these things you've seen happen and that concern us. The problem happens when individuals speak without qualification, or stepping outside of what is considered acceptable.

Question: In order to understand the intricate texts - that you said only qualified people can interpret – you need a framework. Now there has been much discussion about a removal or utter revision of this classical framework of understanding the legal texts. What would you say in response to these promptings for a revision of the classical methodology?

Answer: A lot of people have said that we need to unite the Islāmic Schools of Law, but what this is in the end, is a call that says, 'you must listen to the way I understand Islām'. And this makes things worse. There are things that we see in Islāmic Law, for example, this sense of 'letting the other be.' Even when others do not accept the other interpretations. But even when an interpretation is way out there, you may caution them against it. There may be social implications, and that will be dealt with at a public level. For example, someone saying 'you don't have to pay taxes.' Or you think

you are entitled to exemption from traffic law. Regardless of the religious implications we also need to deal with it on a public level. So we need to accept that there's going to be difference of opinion, and engage in that in a positive way. It's intolerant to say 'you have your understandings of Islām, and I insist you leave them' and although there have been many calls for this, they lead to intolerance. One group will say 'no we don't want to leave our religious understanding' and some other groups will say 'no, you have to.' They start to insist. Their call to unity becomes a call to confusion, and that's completely unacceptable. There is conservative extremism that is manifest in the Muslim World, and also a modernist intolerance, in which modernist thinkers insist that everyone must listen to their interpretation. And that is also a form of intolerance.

Question: what do you think of recent calls for opening the gates of ijtihād?

Answer: You can open the gates if you have the keys, right? Ijtiḥād being independent judgement or interpretation of Islāmic Law that are not already clearly textually established, then yes, this is an ongoing process because there are always issues that arise. But again, who can engage in that? Yes, we need to deal with new issues, but they are referred to as the gates of ijtiḥād because what's beyond is a serious, tremendous matter. The gates are open, but all you need are the keys. You see a very active process of interpretation taking place in recent times. One emergence in the 20th and 21st centuries, are major Fiqh councils – some rather mediocre, but some impressive. They engage together for what can be called 'collective ijtiḥād' in which resolutions are made on the basis of consensus, and this is important. But just to open the gates and let anyone say anything, this leads to chaos. Particularly at the public level; someone wants to pray towards their TV – we could tell you that legally speaking that's not right, but it's up to you, it's between you and your Lord. Once you can accept one absurdity, you can accept many others.

Question: Shaykh, according to your understanding, what is the punishment for apostasy in Islām?

Answer: There are firstly, two things to understand:

One is a ruling itself and secondly, its application. There are texts in the Prophetic Sunnah that mention killing an apostate. But what is the context? What are the conditions for its application? That's the key. Which apostate? How do you establish their apostasy? What kind of society does this apply in? Who makes such a judgement, and what is the basis?

Islāmic Law is not merely a personal law, it is a public law. And in most countries, treason is punished rather severely. There is one Hadīth that says 'whoever changes their religion, then kill them.' And this is often misinterpreted because of context, and because of the other teachings of the Prophet (saw) with respect to that, specifically, that is someone who leaves their religion and goes against their community. But this does not apply in a non-Muslim land. And even if we did establish someone's apostasy, what's the basis? Are we out there trying to kill people? Absolutely not. This is why these kinds of things are very delicate, and if you look at Shaykh Mufti 'Ali Gomaa, of Egypt, who was here, he said that this historically, was not applied in the way that people imagine. If you look at Muslim Spain for example, many Christians sought martyrdom by deliberately insulting the Prophet (saw). And

look at how it was dealt with – it was not a case of ‘who said it, ok then do away with his head.’ These are meant to act as a deterrent, not as something to be applied. All the punishments in Islām, their basis is non-application. The same thing applies to apostasy.