Islam is a global religion. Its followers constitute one of the world’s largest religious communities. They are of every ethnic group and inhabit every type of geographical region. The religion’s historical success as a universal religion arises in part from the simplicity of its message and its ability to make itself relevant to different times and peoples. Islam constitutes a “mobile idea” because it can be easily understood anywhere and is flexible enough to come together “in intriguing ways to produce un-anticipated new configurations.”

Two of the most important components of Islam that make it a mobile idea are the concepts of bid’a (innovation) and ijtihad (critical legal thinking in search for answers to new problems). Close attention to bid’a and ijtihad gives Islam great historical mobility, enabling it to preserve continuity with the past while renewing its vitality as a dynamic faith.
In traditional Islamic thought, the concepts of bid’a and ijtihad both have shades of meaning that are not always well understood by Muslims today. The allegation that something is bid’a is often made rashly, marginalizing new ideas and making creativity difficult. For some Muslims, the term has become a rhetorical sledgehammer to vindicate their own ideas by obliterating others. Ijtihad suffers from a similar predicament. Some restrict its use so severely that it ceases to be functional; others apply it so freely that it becomes arbitrary and undermines any semblance of authenticity.

A feel for the true conceptions of bid’a and ijtihad is necessary for Muslims today. Both concepts are central to how we conceive of ourselves as Muslims, the types of practices we condone, and the future we envision. The health of a Muslim community is tied to the sophistication and functional religious literacy of its members. Sherman Jackson emphasizes the necessity of promoting the intellectual health of the Muslim community by spreading “Islamic literacy” in order to instill critical consciousness in the Muslim rank and file. By giving everyday Muslims basic immunity against pseudo-scholarly interpretations of Islam, this core understanding of the faith is necessary to regain a footing in moderation between secular skepticism and violent extremes. As will be shown, Islamic literacy is required by the rules of ijtihad, which were never restricted to scholars alone but required the lay community to pass judgment on each scholar’s aptitude.

A sound understanding of bid’a and ijtihad is a fundamental component of the Islamic literacy our community needs.

THE CONCEPT OF BID’A

The Arabic root from which bid’a derives is connected in meaning to a distinct yet similar radical, BD’ (the difference being between the final letter hamza (ʼ) in this root and the final ‘ayn (ʼ) in bid’a). BD’ means “to start or begin something,” while the primary meaning of bid’a is “to start or begin something novel.” Among the various words directly derived from the root of bid’a is the noun Badi’ (Originator), cited in the Qur’an as an attribution of God: “Originator (Badi’) of the heavens and the earth” (2:117; 6:101). Use of Badi’ with reference to God denotes the uniqueness of God’s creative act and implies that the universe came into existence without a previously existing prototype. As an adjective, badi’ was applied to outstanding works of human genius, especially those of poets and other masters of the spoken and written word.

The pre-Islamic conception of bid’a, in contrast to later Islamic usage, tended always to be negative and served as a critique of the social implications of non-customary practices. This concept of bid’a, in contrast to later Islamic usage, tended always to be negative. The allegation that something was a bid’a meant that it violated the tribal code. A bid’a was an action or an idea that lacked precedent in established custom. It constituted a sort of tribal heresy, a hateful innovation caused by deviating from the ways of patriarchs of the past.

By contrast, in classical Islamic law and theology, bid’a could take on various shades of meaning. When used without qualifying adjectives, it tended to be condemnatory, as, for example, in the statement, “bid’a must be avoided.” Nevertheless, bid’a was not always something bad. In certain contexts, especially when qualified by adjectives, bid’a could cover a wide range of meanings from what was praiseworthy to what was completely wrong, as, for example, in the caliph ‘Umar’s statement below, “what an excellent bid’a is this!”

In the pre-Islamic context, the Prophet Muhammad’s condemnation of idolatry was seen as a bid’a, a concrete threat to the tribal order of
The Prophet made the opposite claim and turned the bid'a controversy on its head. Islam was neither a heresy nor an innovation, his teaching asserted, but the restoration of the lost legacy of Abraham, Ishmael, and God’s Prophets generally, who were portrayed as ancient patriarchs whose teachings and customs the idolatrous Arab tribes had betrayed and distorted over time. This ideological battle is expressed in the Qur’anic verse: “Say [to them, Muhammad]: I am no novelty [bid‘] among [God’s] Prophet-Messengers” (46:9). Bid‘, the word used in the verse, is almost identical in form and meaning to bid’a. It indicates that the Prophet’s message was in direct continuity with ancient prophecy—a point made explicitly in other verses—and also implied that the beliefs and customs of the Prophet Muhammad’s contemporaries were bid’a, because they lacked genuine continuity and had veered long ago from the ways of the most ancient Arab patriarchs.

As in later Islamic usage, the pre-Islamic concept of bid’a was linked with its opposite, sunna (established tradition). Islam incorporated the bid’a-sunna paradigm but redefined its content. With the advent of Islam, the term sunna came to be closely connected with the normative teaching and conduct of the Prophet Muhammad. In pre-Islamic Arabia, sunna constituted the reservoir of tribal codes and customs. The sunna embodied the norms of acceptable thought and practice. Each instance of bid’a conjured up the image of a long-established sunna that it threatened. Rooted in tribal practice, the pre-Islamic bid’a-sunna paradigm was doggedly conservative and reinforced the status quo.

In both Islamic and pre-Islamic usage, sunna was almost invariably something good, but, like bid’a, could sometimes take on very different connotations. A famous Hadith (saying of the Prophet) relates: “No human soul shall be killed wrongfully but that Adam’s first son shall carry a share of the guilt, for he was the first human being to institute the sunna of murder.” Another Hadith uses sunna in both a positive and a negative light: “Whoever establishes a good sunna [sunna hasana] in [the religion of] Islam that is followed in practice afterward, will have recorded to his merit a reward equal to the reward of anyone who practices it, without any of their rewards being at all diminished. Whoever establishes an evil sunna [sunna sayyi’â] in [the religion of] Islam that is followed in practice afterward, will have recorded against him a burden equal to the burden of anyone who practices it without any of their burdens being at all lessened.”

**BID’A IN ISLAMIC SCRIPTURAL SOURCES**

The Qur’an contains one reference to innovation as taken from the root of bid’a. The verse pertains to kindliness and mercy in the hearts of the followers of Jesus and their early monastic practice, which they innovated [ibtada’uha]: “We did not prescribe it for them but out of the pleasure of God. Yet they failed to observe it as it should have been observed” (57:27). The passage is noteworthy because it speaks in an apparently favorable light of bid’a in a matter of worship, an area where many Islamic scholars regarded innovations as completely unacceptable.

A common reading of the verse asserts that monasticism was a human innovation, which God did not prescribe for Jesus’ followers but which they themselves instituted, seeking God’s pleasure. The verse does not censure their innovation as such; it condemns their failure to fulfill it. Early Qur’anic commentary attributes this interpretation to a Companion of the Prophet named Abu Umama, who said that Jesus’ followers “instituted [certain] innovations which God had not prescribed upon them, seeking God’s good pleasure through them,
but they failed to observe them properly, and God reproached them for their departure from [proper observation].”

In keeping with this reading, a number of classical commentators linked the verse to the Islamic law of ritual vows [nadhr]. Vows are acts of worship that one voluntarily takes upon oneself, such as the personal pledge to fast a number of days or spend certain nights in prayer. By their nature, vows have an improvised quality and generally require fulfillment once a person has made the intention to perform them, even though they were not previously required.11

Another reading of the verse holds that God himself ordained monasticism; hence, it was not technically a bid’a. God willed that its practice be solely for his pleasure and reproached the monks who fell short of what was required. Yet others construed the verse as a condemnation of monasticism for being a religious bid’a, but their interpretation goes against the apparent meaning of the Arabic text and lacks the authority required in Islamic jurisprudence for it to constitute a proof.12

References to bid’a are common in the Hadith collections of all Islamic sects—Sunnî, Shi’î, and Ibâdi. One shared Hadith on the subject is the well-known admonition of the Prophet: “The worst of things are abominations [muhdathat; lit. “innovations;” “unprecedented matters”], and every bid’a is misguidance.”13 For Sunnis and Shi’is alike, this Hadith constitutes one of the strongest condemnations of innovation and has been taken at face value by literalists in both communities. Still, in both denominations, the dominant opinion held that the Prophet’s admonition was not a categorical prohibition of innovative ideas or practices but a warning to stay within sound legal parameters in accepting or rejecting them. New ideas and practices were not intrinsically bad but had to be consistent with established precedents and recognized principles of the law.

If it seems far-fetched that the apparently literal condemnation of bid’a in this Hadith could be accurately construed as anything less than a categorical denunciation of every novel idea, such a non-literalist (connotative) approach was not problematic for most classical scholars. The compilation of the Qur’anic text after the Prophet’s death was itself a novel idea. In the case of this Hadith, the classical methodology for textual interpretation tended to avoid literalism when a literalist reading would be in conflict with other established principles of the revelation and religious law. In the case of this Hadith, scholars restricted its meaning to unwarranted types of bid’a. Despite the Hadith’s apparent generality, it was understood as implicitly qualified by such tenets as the requirement to perform ijtihad. One scholarly commentary states: “[This is a] general statement [with] specific qualifications [‘amm makhsus].”14

Another Hadith well attested in Sunni and Shi’i collections pertains to the sanctity of the Prophetic city of Medina, which the Prophet proclaimed a religious sanctuary like the ancient Abrahamic city of Mecca: “So whoever introduces [ahdatha; also “innovates”] in [Medina] an abomination or gives shelter there to such an innovator, upon him shall be the curse of God, the angels, and mankind. Neither shall any disbursement be accepted from him nor any ransom.”15 In a Shi’i version, the Hadith adds a question from one of the Prophet’s Companions: “‘Messenger of God, what is the innovation [intended]?’ He replied: ‘Whoever [wrongfully] kills a [human] soul without [legal recompense] for [another] soul, maims [a body] without indemnity, innovates a bid’a having no sunna, or [wrongfully] seizes plunder of exceptional value.’” Another Shi’i transmission simply defines the monstrous innovation as murder, an interpretation supported by use of the word abdatha in a other Prophetic declarations with specific reference to that crime.16
Sunni interpretations of the Hadith essentially agreed with the Shi‘i view. The famous Sunni commentator, al-Nawawi, explained the innovation referred to in the text as immoral behavior. Ibn Hajar, another renowned Sunni Hadith scholar, understood the Hadith’s broad wording as implicitly restricted by its specific reference to the holy city’s sanctuary status. Thus, for Sunni and Shi‘i scholars in general, the illustrations given for the damnable innovations referred to in the Hadith clearly involved gross violation of Medina’s sanctuary status, especially by acts of lawless violence.

An intriguing reference to bid‘a in Sunni, Shi‘i, and Ibadi sources deals with the second caliph ‘Umar’s decision to institute supererogatory group prayers (tarawih) during the nights of Ramadan, which he introduced within a decade of the Prophet’s death. According to Sunni and Ibadi sources, the Prophet once led his Companions in similar prayers for a few nights of Ramadan shortly before his death but discontinued the practice, expressing concern that if he continued leading the vigils, God would give them obligatory status through revelation, and the additional obligation would impose an excessive burden upon the Muslim community.

During his caliphate, ‘Umar observed the people praying either individually or in small groups in the Prophet’s mosque during the nights of Ramadan. He took the decision to make them a single group behind one prayer leader, instituting the Ramadan vigil as a group prayer. Entering the mosque on a following night, he saw the congregation praying together and declared: “What an excellent bid‘a is this!”

Sunni sources emphasize that the Prophet’s cousin ‘Ali, who later became the fourth caliph and is revered by all Shi‘i schools as their first Imam, endorsed ‘Umar’s policy regarding the Ramadan vigils. Sunnis report that ‘Ali once remarked that ‘Umar “illuminated the month of fasting” by instituting the group prayer. Another Sunni version relates that one night in Ramadan during ‘Ali’s caliphate, he passed by mosques lit up with candles for the people to perform the congregational vigil and said: “May God illuminate ‘Umar’s grave just as he illuminated for us our mosques.”

The Zaydis, generally regarded as the closest Shi‘is to Sunnis, upheld the validity of the Ramadan group prayer, affirming that ‘Ali continued the practice during his caliphate. The Imami school, however, was generally unsympathetic toward ‘Umar and saw the historical record differently, rejecting ‘Umar’s decision as an unlawful bid‘a. Like Sunnis, they confirmed that the Prophet led the community in Ramadan night prayers for a short period. Unlike Sunnis, they contended that the Prophet did not merely abandon the prayer but emphatically banned it in groups, saying: “Every bid‘a is misguidance, and the path of every misguidance [leads] to the Fire.”

Imami sources agree that ‘Ali consented during his caliphate to the community’s praying the Ramadan group vigils in a group. They contend that ‘Ali personally opposed the practice but the community’s strong pro-‘Umar sentiment in favor of the prayers—which the Imamis refer to as a “sunna of ‘Umar”—made it politically infeasible for ‘Ali to alter it.

Like the Qur‘anic verse on monasticism, one of the most interesting elements about ‘Umar’s “excellent bid‘a” is that it falls squarely within the domain of ritual acts of worship and, with the exception of the Imami perspective, was generally regarded as good. Sunnis report that Abu Umama—mentioned earlier in conjunction with the verse on monasticism—admonished Muslims to be diligent in observing the group vigil of Ramadan. He linked the practice explicitly to the Qur‘anic allusion to monasticism and would say: “You have innovated the [practice of] standing in prayer during Ramadan, although it was not prescribed for you, for only the fasting [of...
that month] was prescribed. So, now that you have
done it, remain constant in keeping up the prayer and
do not abandon it.”

An eminent Sunni scholar, Ibn ‘Abd al-Barr, be-
lieved that ‘Umar called his decision a bid‘a because
the Prophet had not instituted the vigil as a sunna nor
had Abu Bakr, the first caliph after him. Nevertheless,
‘Umar declared it “an excellent bid‘a” to indicate
its initial legitimacy in the Prophet’s eyes and to em-
phasize in the people’s minds that, although the new
practice was technically a bid‘a, they should have no
misgivings about it, since the Prophet had only de-
clined to institute it for fear of making it obligatory.

The reasoning here is based on a standard prin-
ciple of Islamic jurisprudence that nothing specific
to the Prophet’s sunna can be given a new legal sta-
tus—obligatory or otherwise—after his death if he
did not indicate that status during his lifetime. Thus,
‘Umar’s “excellent bid‘a” put into practice something
the Prophet had looked upon favorably but avoided
the danger that the Prophet had feared of making
the act obligatory and burdensome. In the same
vein, another famous Sunni jurist, Abu Bakr ibn al-
‘Arabi, described ‘Umar’s institution of the prayer as
a sunna and a bid‘a at the same time; it was a sunna
by virtue of the Prophet’s short-termed precedent
yet a bid‘a because the Prophet declined to institute
it. Ibn al-‘Arabi concluded: “How excellent was this
bid‘a as a revived sunna and fully accomplished act of
obedience!”

**BID‘A IN THE LEGAL TRADITION**
The sunna-bid‘a paradigm is shared by all Islamic
sects. All concur on the fundamental obligation of
Muslims to follow the Qur‘an and sunna, while each
sect and every school within them adopt different
criteria for interpreting and applying both sources.
The theologians and jurists of all three Muslim de-
nominations conceived of the term in similar ways.
They concurred that the concept of bid‘a in its nega-
tive sense did not connote a blanket condemnation
of all innovative ideas and practices simply because
they were new. Yet they rejected all innovation that
they deemed inconsistent with the Prophetic example
and Islam’s underlying principles. The noted jurist
and legal theorist al-Shatibi emphasized that the very
notion that Islamic law stood for categorical prohibi-
tions of change was grossly absurd to classical jurists.
All scholars, he contended, concurred that it was
intellectually repulsive to insist that Muslims could
never diverge from the cultural norms of early Islamic
Arabia or that any new development in life must be
regarded as an unwarranted bid‘a.

One of the most basic Islamic conceptions is
the distinction between matters that are essentially
non-ritualistic and mundane (mu‘amalat) and oth-
ers that are ritualistic and other-worldly in nature
(‘ibadat). The first category refers to matters like war
and peace, buying and selling, marriage and divorce.
Such non-ritualistic concerns of human societies, al-
though falling under the rubric of divine revelation
and subject to the prescriptions of religious law, were
believed to serve tangible social goals and benefits.
Consequently, they had rationales (tangible legal
objectives), lent themselves to rational scrutiny, and
were open to legal analysis and amendment. For this
reason, many notable scholars held that the question
of bid‘a did not pertain to the domain of non-ritual-
istic matters. By contrast, matters of ritual such as
belief, prayer, fasting, and pilgrimage were regarded
to be an exclusively divine privilege related to other-
worldly realities like the secrets of salvation and the
unseen. They served the purpose of purifying the
soul, bringing people closer to God, and winning his
eternal pleasure. Consequently, they lacked discern-
ible rationales, lay beyond the analysis of reason, and
were closed to legal analysis and amendment. For the
great majority of scholars, ritualistic matters were the primary focus of bid'a; for many others, belief and ritual were its sole domain.

Ibn ‘Abd al-Barr was among those who held that bid'a was strictly ritualistic: “As for making innovations in the practical workings of this world, no constriction and no fault pertains to one who does so.” Technological progress, crafts, building projects, urban development, and the like lay, according to this view, totally beyond the purview of bid'a. Dissenting scholars who included mundane affairs under the rubric of bid'a applied it only to appalling innovations that encroached scandalously upon central precepts of the law like unjust taxation (maks), administrative corruption, and hanging pictures of judges and rulers in public places.

Given bid'a’s shades of meaning, classical Islamic jurisprudence evaluated it according to the five ethical categories of the religious law: obligatory, recommended, neutral, disliked, and forbidden. Thus, the gamut ran from obligatory bid'a to forbidden. Acceptable types of bid'a were ranked as obligatory, recommended, or neutral. Types of bid'a that violated the established precepts and principles of the law were classified as forbidden or disliked, according to the degree of harm. Ibn Hajar wrote: “Put precisely, if a bid'a comes under the rubric of things regarded as good in the law, it is good. If it comes under the rubric of things ill-regarded in the law, it is ill-regarded. Otherwise, it belongs to the category of neutral things. Thus, [in general] [bid’a] may be divided into the five [ethical] divisions.”

Today, these shades of meaning that bid'a conveys have been largely forgotten. For many Muslims, the word bid'a invariably designates extreme religious error and evokes negative emotions that are so passionate that the matter is put beyond any possibility of reasonable discussion. In the hands of highly opinionated people who lack both scholarly depth and a proper sense of Islamic protocol, such misunderstanding converts the concept of bid'a into a destructive tool of communal division, polarization, and stagnation.

**COUNTERBALANCING BID’A WITH IJTIHAD**

Those who misunderstand bid'a are liable to take it too far and silence critical and creative discourse. It must not be forgotten, though, that the concept of bid'a, by its very nature, is classificatory and requires passing judgment on new things. Though bid'a has positive nuances and is not intended to rule out new ideas, it serves as a regulatory mechanism to put new ideas on trial and hold them up to scrutiny. It cautiously approves of some and disapproves of others. Thus, exploitative taxes [maks] were deemed a forbidden bid'a, while levying special taxes [dara‘ib] upon the rich to build essential infrastructure, like bridges and roads, constituted an obligatory bid'a in the absence of other adequate sources of lawful revenue.

The fundamental conception of bid'a imposes certain restrictions and has a conservative aspect in that it seeks to conserve continuity with the prophetic revelation. The criteria of bid'a impose a restrictive frame on creative ideas to ensure continuity with tradition and conformity with legal principle. It must be stressed, however, that setting parameters does not encumber creativity and may even facilitate it. Clear demarcation of parameters with the purpose of simultaneously facilitating and directing creative thought was central to the original concept of bid'a.

The constructive potential of bid'a as a regulatory instrument is reinforced in Islamic law by the intellectual process of ijtihad, which has extensive legal authority and serves as a complement to the notion of bid'a. By nature, ijtihad is empowering, forward-looking, and creative. Unlike bid'a, ijtihad
is neither judgmental nor classificatory but a process and methodology for arriving at judgments about new challenges by means of utmost intellectual inquiry.

Al-Baji, a traditional Sunni jurist, defined *ijtihad* as “expending one’s fullest [intellectual] capacity in search of the right ruling.” The art of *ijtihad* requires “utmost scholarly exertion on the part of the individual jurisconsult [legal scholar] with a view to arriving at a personal opinion” regarding a new matter of legal concern. Bernard Weiss notes: “The law was not something to be passively received and applied; it was rather something to be actively constructed by human toilers eager to gain the approval of their Lord for their effort.”

*Ijtihad* derives from the same root as *jihad*. Their common radical, *JHD*, denotes expending the fullest effort to achieve a difficult but worthy goal. Although *jihad* can clearly apply to armed struggle, the concept of *jihad* is essentially an active ethical principle for improving the world through personal and group effort. Its high point, however, is the inner struggle for discipline and self-knowledge.

*Ijtihad* shares *jihad*’s ethical force but pertains to the realm of ideas and critical thought. Fazlur Rahman speaks of *ijtihad* as an intellectual and moral *jihad* or, more concretely, as “the effort to understand the meaning of a relevant text or precedent in the past, containing a rule, and to alter that rule by extending or restricting or otherwise modifying it in such a manner that a new situation can be subsumed under it by a new solution.”

The process of *ijtihad* is an Islamic religious duty of the first magnitude. As George Makdisi notes, it was the imperative to perform it that led to the formation of the classical schools of Islamic law. All Muslim denominations have *ijtihad* traditions, although certain schools within each denomination give it greater scope than others. As we have seen, all Muslims upheld the validity of the famous Hadith: “Every innovation is misguidance.” None understood it as abrogating the obligation of performing *ijtihad* and finding unique solutions to new problems."

*Ijtihad* is inherently creative and optimistic. The Prophet promised that those who performed it assiduously would be rewarded in the next world, even if their answers were technically incorrect. He stated: “If a judge [hakim] does *ijtihad* and gets the right answer, he receives two rewards, and, if he is [honestly] mistaken, he gets one.” Similar transmissions asserted that every person performing *ijtihad* was ultimately right—even if technically wrong—which prompted theologians and jurists to debate whether there could be more than one correct answer for any given question. Some argued that all dissenting legal opinions could be correct in their own right, despite the fact that they were mutually contradictory.

The majority of scholars were content simply to say that every person performing *ijtihad* receives a reward when mistaken, not by virtue of the error but because of obedience to God in fulfilling the command to undergo the labor of *ijtihad*.

Like *bid’a*, a pertinent question regarding *ijtihad* concerns the domains where it is applicable and inapplicable. Many traditional scholars restricted *ijtihad* to non-ritualistic matters, but their opinion was not a matter of consensus. The caliph ‘Umar’s institution of the Ramadan night prayers clearly belonged to the ritualistic domain, and, in al-Baji’s opinion, was an example of *ijtihad* at its best.

*Ijtihad* is a function of the jurist’s membership in society. Because the Muslim masses are untrained in the religious sciences, the classical tradition required them to follow scholars. Thus, *ijtihad* was not meant to be an ivory-tower pursuit but a living “social partnership” between legal scholars and the society at large, which continually presented them with “real legal problems” and “questions to work with.” But even the common people were required to perform
their own type of *ijtihad* by striving to discern the competence of individual scholars and selecting the best to follow, a principle emphatically asserted by the majority of Sunni and Shi’i scholars and their schools.\(^{16}\)

The obligation to perform *ijtihad* pertains to all times and places, and new legal prescriptions arrived at through *ijtihad* may overrule previous ones. A well-known maxim of Islamic law asserts: “Innovative [lit., changed] legal judgments will not be denounced when they reflect changing times, places, and circumstances.”\(^{47}\) Al-Dabbusi, a prominent Sunni jurist, noted that what may be allowable in one time or place may become prohibited in another, because of changing circumstances, just as what was prohibited may become allowable by the same criterion. He added that changing times and places are not the only considerations; there are others, such as the particular realities of a person’s social group. What is beneficial for one segment of society may be harmful for another.\(^{48}\)

As *ijtihad* is a standing obligation, to neglect it was cause for censure. The renowned Sunni jurist al-Qarafi asserted that there was scholarly consensus (*ijma‘*) on harshly reprimanding religious scholars who handed down legal judgments mechanically without performing *ijtihad* and merely followed the ancient texts in their books literally without regard for new realities on the ground. The fault of such jurists was inexcusable and constituted disobedience of God.\(^{49}\) A great jurist of the next generation, Ibn al-Qayyim, commented on al-Qarafi’s opinion, saying:

> This is pure understanding of the law. Whoever issues legal rulings to the people merely on the basis of what is transmitted in the compendia despite differences in their customs, usages, times, places, conditions, and the special circumstances of their situations has gone astray and leads others astray. His crime against the religion is greater than the crime of a physician who gives people medical prescriptions without regard to the differences of their climes, norms, the times they live in, and their physical conditions but merely in accordance with what he finds written down in some medical manual about people with similar anatomies. Such a person is an ignorant physician; the other is an ignorant legal scholar but more detrimental.\(^{50}\)

Undoubtedly, many traditional jurists not only failed to live up to the standards of al-Qarafi and Ibn Qayyim but also demonstrated an exasperating lack of creativity, stifling its spirit in others. Their rigidity created the widespread impression among Muslims and Westerners alike (including a surprising number of present-day academics and writers of good standing) that the door of *ijtihad* was “closed” hundreds of years ago as a matter of religious principle. The conspicuous decline of *ijtihad* at certain periods of Islamic history reflected a general social and intellectual malaise, not legal or theological doctrine. In fact, there is little historical evidence that the door of *ijtihad* was ever closed. Further, since Islam never had anything comparable to a church hierarchy, the “door of *ijtihad*” never had a doorkeeper to close it in the first place.\(^{51}\)

The question of who was qualified to perform *ijtihad* was not posed by the Prophet but by later scholars. Their stipulations typically required that a person performing *ijtihad* be an upright Muslim of sound mind with full command of the Arabic language and mastery of the core disciplines of Islamic learning, including knowledge of the Qur’an and *sunna*, consensus, methods of legal reasoning, and the overriding objectives of the law.\(^{52}\) The requirements for *ijtihad* were not gender-specific; women could and often did practice *ijtihad* with distinction throughout Islamic history.\(^{53}\)

For more than a millennium, the process of speculative *ijtihad* was the monopoly of traditional scholars, and the requirements they set for it remained largely unchallenged. Their control over *ijtihad* was
first systematically called into question during the pivotal eighteenth century—the eve of modernity in the Muslim world— when various Sunni and Shi‘i revivalists demanded less stringent criteria. Generally, revisionists in both camps favored literalist interpretations that were easy for the common people to grasp. A similar emphasis on literalism later became characteristic of Muslim Activist (fundamentalist) intellectuals in the twentieth century.

The conceptualization of *ijtihad* underwent even more radical change after the full onslaught of colonial rule and Western modernity in the nineteenth century. New approaches to education and *ijtihad* became primary concerns for the Muslim Modernist movement (1840-1940), which categorically rejected classical criteria for both. As Charles Kurzman observes, the Modernists (who were strong supporters of parliamentary democracy) challenged “the authority of the past and the authority of the credential” and, despite a general lack of traditional training, claimed their right to perform *ijtihad*, insisting in some cases that traditional Islamic education had become so sterile and so far removed from modern realities that, instead of qualifying scholars for *ijtihad*, it actually disqualified them.

The debate over *ijtihad* has continued until the present, especially within the ranks of Activist thinkers, who, like the Modernists before them, often lack traditional training, claim the right to perform *ijtihad*, themselves, and reject the authority of classical tradition. The decline of traditional religious authority over the past three centuries not only made radically different criteria for *bid‘a* and *ijtihad* possible but has also come to constitute one of the most critical cultural breaks in Islamic history.

As Richard Bulliet notes, the classical moorings of *ijtihad* came undone in modern times. As a consequence, the Muslim world finds itself “immersed in a crisis of [religious] authority,” the resolution of which is likely to take generations. Religious knowledge was removed from the scholastic classroom and pulpit. New religious authorities emerged who understood how to make effective use of modern media and found large audiences by addressing the issues of the day and articulating their messages simply and clearly.

The new authorities represent a diverse spectrum of intellectuals from liberal Modernists to highly politicized Activists. Among their ranks number some of the most influential Islamist ideologues of the twentieth century. Most notable among them are Sayyid Qutb (Egypt, d. 1966), Abu A‘la Mawdudi (India/Pakistan, d. 1979), and ‘Ali Shari‘ati (Iran, d. 1977). Each of the three lacked traditional training and adamantly rejected its relevance to the modern world. While it would be mistaken to equate the thought of these three with the radical Islamist ideologies that emerged in the closing decades of the twentieth century, the radicals also belong to the rank and file of the new authorities. Osama bin Laden, an engineer, and his associate Ayman al-Zawahiri, a pediatrician, emerged after 9/11 as the most notorious of the new authorities. They are adept at marshaling the most scathing allegations of *bid‘a* against their enemies, while advocating extremist positions on the claim of personal competence to perform *ijtihad*.

**IMPLICATIONS AND POSSIBILITIES**

It is vital for Muslims today to have an authentic and sophisticated understanding of *bid‘a* as a regulatory mechanism and of *ijtihad* as a process for inducing Islamic creativity. The sources of Prophetic revelation are the key resource Muslims possess for sound Islamic thought, while Islam’s rich legal and theological traditions are also indispensable for an authentic understanding of the revealed sources. In addition, Muslims must learn from the historical experiences of earlier Muslims through the ages. The late historian
of Islam, Marshall Hodgson identified Islam’s “great pre-Modern heritage” as possibly the richest source Muslims possess in creating an integral vision of their religion’s place in the modern world, yet he notes: “One of the problems of Muslims is that on the level of historical action their ties with relevant traditions are so tenuous.”

It is unrealistic and even undesirable to hope for meaningful restitution of the classical tradition and sophisticated application of concepts like bid’a and ijtihad without the revision and renewal necessary to make that tradition relevant to present-day needs. Only then can we be able to draw upon the classical legacy in a manner that is constructive and not retrogressive. The tradition must be reviewed with an eye to what it originally meant in its historical and anthropological context. Putting the tradition in proper context is the key to enabling Muslims to use it in the manner that al-Qarafi and Ibn al-Qayyim emphasized.

Without enlightened educational institutions that attract talented students and in the absence of curricula that impart a mature understanding of modern thought and realities, it is unlikely that a sophisticated understanding of the Islamic religious tradition can ever be fostered. Without careful examination of their original historical context, the thousands upon thousands of dusty manuscripts and old books preserved in Islamic libraries will remain little more than interesting fossils of history. Until classical Islamic learning is made meaningful to contemporary Muslims, it is difficult to fault those who question its relevance.

As harmful and heterodox as the new authorities sometimes are, they too must be judged in the context of their times and not merely condemned by citing bits and pieces of scripture or by referencing contrary interpretations in the classical tradition. In Islam, like other faith traditions, religious ideas—whether of innovation and heresy, creativity or the lack of it—are never set in stone, nor do they emerge from a vacuum.

What people say about the religions they follow reflects the circumstances in which they are living, and it is naïve to expect an optimal understanding of any religion in the absence of a tolerable socio-political context. Harsh conditions and unfulfilled expectations produce callous perceptions, regardless of the people or religion in question. When we attempt to talk about Islam in the modern world, we must address the dismal socio-political context of its followers. As Gilles Kepel stresses, to ignore that context and focus instead on essentialist pronouncements about Islam or Muslim civilization is “pure Walt Disney.”

Classical Islamic thought was the product of a particular socio-political milieu. Contrary to the Activist cliché that there is no separation of religion and state in Islam, Muslim religious establishments for more than a millennium were largely free of governmental control and jealously guarded their autonomy. Unlike the Muslim world today, the classical Islamic world was culturally advanced, economically and militarily formidable, and relatively stable politically. Above all, as Fazlur Rahman stresses, it produced generations of thinkers who were self-assured and psychologically invincible in confronting new challenges.

Conditions such as these produced urbane scholars who could define and interact with the concepts of bid’a and ijtihad in an authentic and productive way.

It should be sufficiently clear from what has preceded that the concept of bid’a should constitute a standard of excellence and not a blanket condemnation of every unfamiliar practice or new solution. It should set the guidelines for critical thought, not preclude them. It should foster personal and group expression and not stifle it. Sound conception of the process of ijtihad should serve as a positive source of inspiration for the entire Muslim community, scholars and non-scholars alike, in the search for meaningful answers to contemporary challenges.
As American Muslims, it is imperative that our community free itself from erroneous understandings of bid’a and develop full competence to perform *ijtihad* independently. Both within the United States and abroad, the growing American Muslim community, which makes up roughly two percent of the nation’s population, is one of the most promising and least known Muslim minorities in the world. Like our counterparts in Canada, considerable sectors of the American Muslim community, in contrast to many of our co-religionists in the European Union, are highly educated and constitute, per capita, one of the most talented and prosperous Muslim communities in the world. Moreover, American Muslims, at least for the time being, enjoy a relatively favorable socio-political context with extensive freedoms and political enfranchisement. Few Muslims in the world today are in a more advantageous position to comprehend the essence of modernity and post-modernity and to formulate new directions for *ijtihad* in keeping with the best traditions of Islamic thought and the imperatives of an interconnected pluralistic world.

Bulliet suggests that resolution of the present crisis of religious authority in the Muslim world may ultimately fall on the shoulders of the professoriate of Muslim universities, many members of which are already performing *ijtihad* with considerable sophistication. He emphasizes, however, that the professoriate of the Muslim world will only be able to fulfill this task if it extricates itself from governmental control and secures broad freedoms similar to those of tenured professors in the West. 

It is worth noting, in conclusion, that Western universities are currently producing highly qualified graduates in Islamic studies, many of whom become influential intellectuals in the Muslim community and are committed to producing rigorous scholarship as well as fostering Islamic literacy. Perhaps this new generation of intellectuals will carry the banner of *ijti-

had* through the twenty-first century, laying the foundations of a genuinely modern Islamic culture that has intellectual and spiritual depth, is actively committed to humanity and the world, and represents our best hope for quelling the harmful innovations and violent heresies of our times.

NOTES
3. It is often mistakenly said that, in Islam, God has ninety-nine beautiful names. According to Islamic theology, the beautiful names of God are infinite. Those authentically attested in Islamic scripture—the Qur’an and Hadith—are well over ninety-nine, the word *al-Bādı’,* referenced in the quotation, being one of those.


21. In Arabic, the five ethical categories are *waqf* (obligatory), *mandub* (recommended), *mubah* (neutral), *makruh* (disliked), and *haram* (forbidden).


29. Discussion of the Hadith comes later in the paper. I presume the Ibadis also relate this Hadith in their books but did not chance upon attestation of it in the limited number of their works currently available.


