

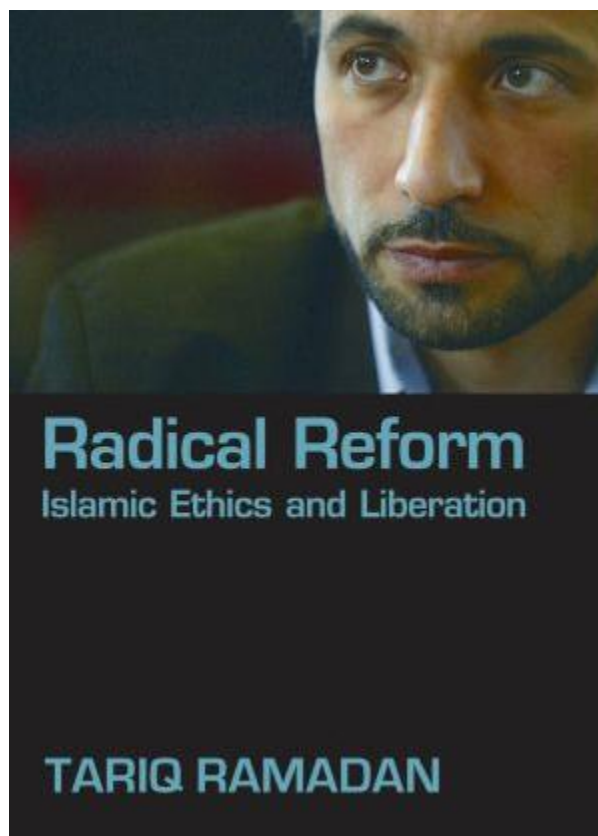
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**Tariq Ramadan endorses Youssef Qaradawi as a scholar answering  
the needs of Muslims living in the West**  
(pp. 31 & 326)



**RADICAL REFORM**

Islamic Ethics  
and Liberation

Tariq Ramadan

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what reformists kept calling for in the late nineteenth century and throughout the twentieth, and rightly so: they had to provide themselves with the means to adapt.

Questioned in the fields of cultural practices, medical science, scientific discoveries, and new technologies, many law scholars and jurists (*fuqahā*) continuously strove to provide answers, sometimes relying on a more appropriate critical reading of texts (*ijtihad*), and stating *fatawā* (legal judgments) accompanied with specific reasoning explaining their choices or decisions. Contemporary *fiqh* literature frequently refers to *maslahah* (common and public interest), *hājah* (need), or *darūrah* (imperative necessity) to explain how the new challenges of our time should be faced. The point is to adapt to the new realities of the world while taking into account the common interest and the necessities and imperatives of the time: such considerations make it possible to make allowances (*rukhas*); to state context-specific, circumscribed, or marginal legal judgments; or to suggest that the implementation of some particular rules should be temporarily suspended. On the international level, in Muslim-majority countries, the contemporary output of *fuqahā* in the fields of economics or global communications, for instance, is entirely motivated and nurtured by this adaptive methodology: the worlds of economics and communication have become extremely complex, so that legal judgments are formulated to adapt to the new realities

while protecting the fundamentals of Islamic principles. Similarly, the “minority *fiqh*” (*fiqh al-aqalliyāt*) that some scholars<sup>1</sup> have been formulating and producing for the past ten years or so to answer the needs of Muslims living in a “minority situation,” particularly in the West, is based on the same approach, since it consists in drawing up legal judgments based on the specific situation of Muslims in Western contexts and taking into account the Muslim community’s *maslahah* and *hājāt* as well as the *darūrāt* to which the faithful are subject (laws, taxes, insurance, banks, marriage, armies, food, etc.).

That effort today enables millions of Muslims throughout the world, including in those societies where they are a religious minority, to remain as faithful as possible to their religion. Yet, it is also highly necessary to look into the consequences and limits of that methodology today.<sup>2</sup> For many centuries, that method was and remained the best means to advance Islamic legal thought. However, the fields of the human, experimental, and exact sciences have now become so

2. Muhammad Iqbal, *The Reconstruction of Religious Thought in Islam* (London: Oxford University Press, 1934).
3. Prominent among whom are Shaykh Yūsuf al-Qardāwī and his seminal book *Fi Fiqh al-Aqaliyyāt al-Muslimah* (Cairo: Dār ash-Shurūq, 2001, in Arabic) and Shaykh Taha Jābir al-ʿAlwānī's work, including his book *Ijtihād* (Herndon, VA: International Institute of Islamic Thought, 1993). The Fiqh Council in the United States and the European Council for Fatwa and Research have been working for several years to provide such answers according to that methodology.
4. See my preface to the French edition of the first volume of *fatāwā* issued by the European Council for Fatwa and Research, *Recueil de Fatwas: Avis Juridiques Concernant les Musulmans d'Europe* (Lyon: Editions Tawhid, 2001). While noting the positive contribution of such an approach, as a first step in providing context-specific answers, I raised the issue of its evolution and limits.

## Part II

1. To this corresponds the bulk of the *fatāwā* produced to answer the needs of Muslims in modern times, whether in a majority or minority situation. This is a first step, as I said, but carrying the reform process further is a necessity, as I shall try to demonstrate in the next section of this book.
2. For further reflection into the concept of *sharʿiyyah*, see my *Western Muslims and the Future of Islam* (New York: Oxford University Press, 2003), 31–61.

## Chapter 3

1. The first date refers to the Islamic lunar calendar that starts with *Hijrah* (622): this date is of interest in that it enables us to situate scholars in the time lapses since the time of the Prophet Muhammad.
2. Two books stand out as references as to ash-Shāfiʿī's life: Ibn Abi Hātim ar-Rāzi, *Kitāb Adab ash-Shāfiʿī wa Manāqibuh*, ed. Muhammad Zāhid ibn al-Hassan al-Kawthari (Cairo: n.p., 1953), and Abū Nuʿaym al-Isfahani, *Kitāb Hayat al-Awliyāʾ wa Tabaqāt al-Ashfiyāʾ* (Cairo: Al-maktaba al-ʿarabiyya, 1938). One should also mention the first general synthetic presentation of his life drawn up by al-Fakhr ar-Rāzi, *Kitāb Manāqib ash-Shāfiʿī* (Cairo: n.p., 1933), based on the earlier works of al-Bayhaqi (died 458/1065) who had written a biography with the same title. Those various works sometimes contain important differences about the dates, places, and stages in Imam ash-Shāfiʿī's life, but the general framework and the main circumstances about the elaboration of his thought are nearly alike.