Sources of Authority in Islam

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Each religious tradition has its own authentic sources of authority, which are referred to for authentication of religious practices and traditions. Islam too has its own sources of authority both oral as well as written. These sources were the mainspring of Islamic law. In fact law in the form of Shari'ah is most central to Islam. Shari'ah law holds the centre stage in Islamic tradition except for some Islamic sects and Sufi traditions. Shari'ah law being so fundamental to Islam, the sources on which the Shari'ah law is based, assume even greater importance.

What are these sources of authority in Islam? Needless to say some of these sources are common to all sects of Islam and some vary from sect to sect. The one which is common to all the sects of course is the Holy Qur'an which is the most authentic source for all sects of Islam. There is no sect which can ignore, let alone reject, Qur'an as the source of authority. Even *Batini* sects like Qaramita and Isma'ilis and Duruzis, contrary to popular belief, consider the Qur'an the most authentic source of authority. However, it does not mean that the Qur'an is understood in the same way by all these sects.

There are serious differences in interpretations of various verses of the Qur'an. The Qur'anic verses, according to the Qur'anic verse 3:7, are divided into two categories, i.e., those belonging to 1) *mutashabihat* (allegorical) and those belonging to 2) *muhkamat* (decisive). Also, according to the Qur'an those who use allegoric verses create disorder and confusion. Thus, Muslims should follow the verses which belong to the category of *muhkamat* i.e. decisive and clear. Despite this many Islamic sects are based on verses which belong to the other category i.e. *mutashabihat* (allegorical) verse.

This same verse above also lays down that *ta'wil* (original or hidden meaning) is known to Allah and those firmly rooted in knowledge (*al-Rasikhun fi' al-'ilm*) believe in them and say it is all from our Lord. But the Shi'ah sects believe that *ta'wil* is also known to *al-rasikhun fi' al'ilm* i.e. those firmly rooted in knowledge and they are nothing but imams from the progeny of Ali, son-in-law of the Holy Prophet (PBUH) and his daughter Fatima. Many batini sects like the Qaramita, the Isma'ilis and Duruzis give central position to *ta'wil* as far as their beliefs are

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Abstract: Each religious tradition has its own authentic sources of authority, which are referred to for authentication of religious practices and traditions. Islam too has its own sources of authority both oral as well as written. These sources were the mainspring of Islamic law. In fact law in the form of Shari'ah is most central to Islam. Shari'ah law holds the centre stage in Islamic tradition except for some Islamic sects and Sufi traditions. Shari'ah law being so fundamental to Islam, the sources on which the Shari'ah law is based, assume even greater importance.

concerned. They believe that it is absolutely necessary to know *ta'wil* of the Qur'anic verses. This is central to their religion.

Islam was divided into several sects within a few decades of the death of the Holy Prophet (PBUH). There is a *hadith* (Prophet's saying) that my *ummah* (community) will be divided into seventy-two sects. Now seventy-two should not be taken literally. What he says is that my *ummah* will be divided into numerous sects. In the well known work of Baghdadi *Al-farq bayn al-Firaq* we find that there were more than a hundred sects in the first century of Islam itself. The Kharijites (Khawarij), a small extremist sect, itself had sub-divided into more than a dozen sects.

The Shi'as themselves were subdivided into numerous sects – the Zaidis, the Ithna 'Asharis, the Alavids, the Qaramitas, the Isma'ilis, the Duruzis and so on. The Alavids were themselves sub-divided into various sub-sects. The Isma'ilis split into two major sub-sects the Nizaris and Must'alians. All these Shi'a sects, as pointed out before, believed in a hidden or original meaning of the Qur'anic verses but no two Shi'ah sects agreed on a common original meaning. All these sects had their own version of the meanings of the Qur'anic verse. The Sunni Muslims, of course, maintained that the real meaning (*ta'wil*) is known only to Allah and those firmly rooted in knowledge only believe in *ta'wil* but have no knowledge of *ta'wil* themselves.

Thus, though the Qur'an is the most authentic source of authority yet it is interpreted so differently by different sects that one wonders whether the Qur'an could unify all believers in matters of beliefs. Also, as no two Shi'ah sects agree on the real meaning of verses of the Holy Qur'an, no two Sunni sects agree on the meaning of all verses of the Qur'an. It should be borne in mind that Sunnis and Shi'as are actually umbrella terms. There are several schools of thought or sects under these two umbrellas.

Among the Sunnis the Asha'irah and the Mu'tazilah differ radically from each other in understanding the Qur'anic verses. The Mu'tazilah who are popularly known as the party of *al-'Adl wa al-Tawhid* (i.e. party of justice and unity of Godhood) consider *'aql* (i.e. reason) as central to their beliefs. According to them *'aql* enables us to understand the Qur'an and not *naql* (i.e. oral or written traditions). They differ from Asha'ira who believe in *naql* as the main source of understanding the Qur'an. Thus, among the Sunnis while the Mu'tazilah (who no more exists as a sect now) stress *'aql* the *Asha'irah* stress *naql* The *Asha'irah* take the Qur'an literally the Mu'tazilah do not.

Besides these two sects the Sunnis are divided into four major Madhahib (schools of law) – Hanafi, Shafi'I, Hanbali and Maliki. All these four schools of Shari'ah differ in their understanding of some crucial Qur'anic verses, apart from authority of some *ahadith*. For Sunni Islam the second most important source of authority is the Prophet's *sunnah*. *Sunnah* means sayings and doings of the Prophet. What the Prophet said and did were both re-

ported by a chain of reporters or narrators. These reports were collected in six authentic collections known as *Sihah Sitta*, i.e., six authentic collections of the Prophet's sayings and doings.

The different schools of law lay stress on different *ahadith* for deriving the laws of Shari'ah and formulating *'aqidah* (plural *'aqa'id*), i.e., dogmas. Though all books of *ahadith*, i.e., *Sihah Sittah* are acceptable to Sunnis, each school of Shari'ah (*madhhab*) has its own preferences for the books of *ahadith*. Thus, Malikis would prefer Imam Malik's *Muwatta'* as the most authentic source after the Holy Qur'an. Hanafis, on the other hand, would prefer *Sahih Bukhari* and *Sahih Muslim*.

Among the Sunnis again there are two other sources of authority, i.e., *ijma'* and *qiyas* (i.e. consensus and analogical reasoning). Where the Qur'an does not contain the required answer, the Ulama' would look into *ahadith* and if *ahadith* are also silent on some problem, they will resort to *qiyas* and then try to develop a consensus (*ijma'*). Thus, among the Sunnis there are four recognised sources of authority, i.e., the Qur'an, hadith, qiyas (analogical reasoning) and consensus (*iijma'*). However, here too this neat division is more theoretical. The four schools of law in Sunni Islam play a more vital role for the adherents of those respective schools than these four sources. In fact these four sources were of more importance to those who were formulating laws than the lay adherents.

The lay adherents will simply go to the Ulama of their respective schools and ask for a *fatwa* (i.e. authentic opinion of the *'alim* of his/her school). Among the Sunnis *ahl al-hadith* or those who adhere to the schools of hadith do not accept the two other sources of law, i.e., *qiyas* and *ijma'* (analogy and consensus). For them only two sources are sufficient, i.e., the Qur'an and hadith. It is for this reason that Ahl al-Hadith do not accept the validity of triple divorce in one sitting because the validity of triple divorce is not authenticated by hadith. It is based more on two other sources, i.e., *qiyas* and *ijma'*.

For Shi'ah Muslims too *qiyas* and *ijma'* are not acceptable. Though *hadith* is acceptable as a source of law, they do not accept *ahadith* as compiled in *The Sihah Sitta* i.e. the Six authentic collections recognised by the Sunnis. The Shi'ahs have their own collections of *ahadith* like the Kulaynis and others. Again, what is recognised as authentic collections of *ahadith* by Ithna Ashari Shi'ahs is not recognised by the non-Ithna 'Asharis i.e. Zaidis, Isma'ilis, 'Alavids and others. The most authentic source of *ahadith* or Prophet's *sunnah* for these Shi'ah sub-sects are their respective Imams. For Zaidis it is Zaidi Imams, for Ithna 'Asharis it is twelve Imams or for Isma'ilis it is their Imams.

Some Imams are of course common for Shi'ah sects, i.e., common up to Imam Zain al-'Abidin as far as the Zaidis are concerned; up to Imam Ja'far al-Sadiq as far as Ithna 'Asharis are concerned and up to Imam Hakim as far as Druzis are concerned and up to Imam Mustasir bi' Allah as far as Nizaris are concerned. For the Isma'ilis in general the most authentic source of law is

Da'aim al-Islam. All Isma'ili Shi'ahs up to Musta'lians accept it as the most authentic source of Islamic law. Needless to say the Shi'ahs too do not accept *qiyas* and *ijma'* as valid sources of law.

For the Shi'ahs the valid sources of law are Qur'an and the Prophetic *sunna* as reported by the Imams. In Sunni Islam there is no concept of Imamah, it is Khilafah. But there were only four rightly guided Caliphs who too are authentic sources of Islamic law. After the four Caliphs it is authentic 'Ulama' who are looked up to as sources of authentic religious opinion. Among the Twelvers the twelve Imams and among Nizaris the existing Imam (known as Hazir Imam) and among the Musta'lians the twenty one imams and after them their deputies known as *Du'at al-Mutlaq*.

As far as the Nizaris, popularly known as the Agakhanis, are concerned they believe that one of their Imams, i.e., Hasan 'Ala dhikrihi al-salam suspended the application of Islamic Shari'ah and now the Hazir Imam is the sole source of law which is more traditional than Islamic. Perhaps this is the only Islamic sect which believes that the application of Islamic Shari'ah has been suspended. All other sects of Islam believe in continuing validity of Islamic Shari'ah.

Among twelver Shi'ahs belief is that the 12th Imam has gone into seclusion and that he will reappear one day. But during his concealment the authority to interpret the law and to find Islamic solution to problems that arise rests with what is called *mujtahids*. A mujtahid is a properly qualified Shai'ah

'alim (learned man). Whenever any problem arises the Shi'ahs consult their *mujtahid*. He is considered the most authentic source of authority for the twelver Shi'as.

As for the Must'alian Isma'ilis the most authentic source of authority is Da'i al-Mutlaq. But it is important to note that a da'i al-mutlaq is not the final authority. In all shi'ah traditions, whether twelver or Isma'ili, Imam is considered infallible and hence he is supposed to be the final authority in all religious matters after the Prophet. But except for the Zaidis and Nizaris, Imam in all other Shi'ah traditions is in seclusion. While in twelver shi'ah tradition it is 12th Imam who went into concealment and will himself reappear one day to set all wrongs right, in the Musta'lian Shi'ah tradition it is 21st Imam who went into seclusion and the institution of Imamat continues in his progeny and when conditions are congenial the Imam from his progeny will come out of concealment one day and will provide guidance to the entire humanity.

Thus, in the Must'alian tradition the da'i al-mutlaq is not the final authority but deputises for the Imam in concealment and hence the da'i is not infallible. Thus the da'I is not vested with the final authority to solve problems. The final authority will be the books like *D'a'im al-Islam* as far as a matter pertaining to jurisprudence is concerned and books of *ta'wil* written by earlier da'is in consultation with Imam. In those days the da'is were in contact with the Fatimi Imams. However, now the da'is have no contacts with Imams in concealment.

Now we come to the Sunni Islam. In Sunni Islam too there is no unified religious authority. Sunnis are divided not only along the lines of schools of law (madhahib) but also along sectarian lines. As mentioned above, there are several sects among the Sunni Muslims. And each sect, apart from each school of law (madhhab), has its own authority. It has to be noted that, contrary to popular belief, there is no concept of church in Islam and certainly not in the Sunni Islam.

In fact there is no concept of church in Islam as such. Some sects like the Isma'ilis did develop such a concept but for reasons of their own. The Isma'ili movement, being an underground movement for long, developed an hierarchy of authority of its own, which acquired a church-like structure. Thus, both the Nizaris and Musta'lians retained this church-like structure of religious authority.

In Islam there is no concept of priesthood, let alone that of church. Each and every Muslim is responsible for all religious rites in the light of the Qur'an and sunnah. Qur'an and sunnah are the only authority. In the light of this any Muslim can perform all religious functions. However, in Sunni Islam too the institution of 'ulama developed and they acquired authority and became pivotal in developing the law. The 'Ulama acquired a unique status of their own among the Muslims. It is these 'ulama who issue fatwas (religious edicts) on different issues.

Since new issues arose from time to time an institution called ijtihad (which means exerting oneself to the utmost) came into being. In fact, it is the holy Prophet himself who is reported to have encouraged ijtihad. When he appointed one of his companions Ma'adh bin Jabal to the Yemen as governor the Prophet encouraged him to resort to ijtihad if he did not find an answer to his problems in the Qur'an and sunnah. He could exert himself to the utmost to find a solution to his problems. Thus, ijtihad is a very important institution for new legislation within the frame-work of Islam.

Technically even qiyas and ijma' talked about earlier are part of the process of ijtihad. The early period of Islamic legislation clearly shows that many problems could not find direct answers in the Qur'an and sunnah and it was through the process of ijtihad that legislation became possible. The first two centuries of Islam witnessed the full fledged functioning of the institution of ijtihad.

The Maliki and Hanbali schools of law were evolved within the confines of Mecca and Madina and hence are much closer to the Prophetic sunnah. Sunnah was naturally influenced by the local customs, traditions, institutions and what is known as the Arab 'adat. Thus, these two schools are much closer to the Meccan and Madinese society. However, the two other schools, i.e., the Shafi'i and Hanafi originated in other parts of the Islamic world, i.e., in Egypt and Bhaghdad, and hence had to encounter many new problems which were not part of the Prophetic sunnah.

Thus, Imam Abu Hanifa and Imam Shafi'i had to frequently resort to qiyas and ijma' to evolve new legislation. The

history of Islamic legislation is full of instances of ijtihad. Once the corpus of Islamic legislation came into existence the effort was to protect that corpus within the framework of those schools. The 'ulama belonging to these respective schools almost closed the gates of ijtihad, i.e., the process of legislation, thinking that an all time comprehensive corpus of legislation had been evolved.

During the medieval period, since socio-economic developments on the one hand, and technological developments, on the other, remained almost stagnant, hardly any new problems arose. People were quite content with the laws evolved by the founders of their schools. There is no doubt that the four Imams were not only great scholars of Qur'an and sunnah but also had great insights into human affairs and legislative needs of Muslims. They did what they could to fulfil the legal needs of the people of their times and in the light of the problems they were confronted with. Thus, the four Imams became the great source of authority in Sunni Islam.

The modern and post-modern period have witnessed breath-taking changes in social, economic and technological fields, and new problems have arisen along with new consciousness among different sections of people. And in the light of these developments new answers are needed to some of the old problems too. The concepts of criminal law have undergone drastic changes. The question of women and their rights have acquired new dimensions and new questions are arising by the day in view of swift technological developments.

These questions can no more be answered in old ways nor can the laws evolved centuries ago withstand new social and moral pressures.

Thus ijtihad has a acquired new urgency. The holy Prophet himself permitted ijtihad in order to confront new situations in Yemen. Ijtihad is, in a way, a part of the Prophet's sunnah and it was for this reason that all great imams of the time resorted to it for developing the whole corpus of Islamic legislation. Without ijtihad by these learned Imams this corpus of law would not have come into existence at all. In their own way they were facing new social pressures and they exerted themselves to find answers to those questions. The institution of ijma' was highly useful for that purpose as they could evolve consensus among the 'ulama and through them of the community.

There is, as pointed out, an urgent need for ijtihad. It cannot be avoided on the grounds that there is no one qualified to do ijtihad. There may not be any single authority to do so but the new problems being faced are common to Muslims of all sects and schools and hence the prominent 'ulama of all sects and schools of law along with modern social and natural scientists must come together to evolve a new corpus of Islamic legislation in these new areas. It is not being proposed that every thing has to change. Certainly not. The various Sunni and Shi'ah sects and schools can certainly retain much that is valuable in their existing traditions but have to re-examine that part which has a bearing on new problems and is subject to new pressures.

It is also not proper to hold, as some orthodox Muslims do, that the only law-giver is Allah and that no human being can legislate. This is not correct. In fact much that we have in Shari'ah is, as explained above, a result of human endeavour to understand and seek guidance from the Qur'an and Prophetic sunnah and to use the human faculty of reason gifted by Allah to solve problems arising from time to time. Thus, ijtihad has been an integral part of Islamic legislation in the early period of Islam. Today many new problems have arisen and a new human endeavour is needed to frame legislation in the light of the Qur'an and sunnah. What was in the context of these times can be rethought in the light of modern and post-modern developments.

It is also not proper to maintain that it is Allah who is sovereign and people have no rights to act. Who can question the doctrine that Allah is sovereign. But people have sovereignty as Allah's khalifah on earth. Allah has designated them to be his 'sovereign deputies' on earth and have also been equipped with the faculty of reason to solve their own problems. In any Islamic countries the source of authority could be parliament for legislation. It comes quite close to the medieval doctrine of *ijma`*. The parliament can, if necessary, consult the `ulama in the matter.

Iran has come out with the new doctrine of *Wilayat-i-Faqih,* who has the status of guardian of Islamic law and no legislation by the Parliament can become law without his approval. It can be called the council of the guardian. But such a council can obstruct legislation if it is vested with final authority.

It should have consultative status only. Iran is facing the problem of dual authority because of this doctrine of *Wilayat-I-Faqih*. Dual authority can cause serious problems. Thus, the 'ulama should have consultative rather than approving authority.

In view of rapid developments in modern times all sects of Islam will have to re-think issues in matters of jurisprudence. New laws in keeping with the value system of Islam are highly necessary. One way is to constitute the joint council of the representatives of all sects of Islam to evolve a new body of laws, and this will certainly be very helpful for the Muslim ummah as a whole despite sectarian differences. The differences can be ironed out in the joint council. But such a body can help only if there are 'ulama and experts with a liberal and progressive disposition. It has been experienced that the 'ulama have compulsions of their own, and often politics of their own. They oppose new legislation, even if it is perfectly in keeping with Islamic values and traditions to retain their own authority. Thus, opposition from the 'ulama is not always 'Islamic'; it is often due to other considerations.

Seen from whichever angle, it is difficult, if not impossible, to push new legislation and to work out new consensus. It has become all the more difficult in view of the rise of conservative Islam. The irony of the situation is that the rise of conservative Islam is also more political than religious. This situation will continue to create strong impediments in the way of development of new sources of authority in Islam.

Colloquium

On Science, Technology and Values

Theme: Interfacing Science and Values - Towards an Integrated, Humane Future

Date: September 16, Sunday 2001: Time: 9.30 a.m. – 5.30 p.m.

Venue: Ashir Bhavan, Cochin,Kerala

Association of Science Society and Religion (ASSR), based in Pune, has been organizing various activities relating science and religion from a specifically Indian perspective. The earlier view of science versus religion has been replaced today by a more collaborative understanding between them. ASSR is convinced that the future of India in particular and that of humanity in general depends on how effectively science and religion, the two pillars of our society, can enrich each other.

As part of this venture, ASSR plans to hold a one-day colloquium on interfacing science and values, at Cochin. The modern scientific insights and religious convictions are brought together in an atmosphere of critical dialogue and unassuming humility. We try to focus the relevance of scientific and technological discoveries to make the human society more integrated, fulfilled and humane. We attempt to do it in a specifically Indian context. Moreover, the role of intellectuals and scientists in creating a more humane society is studied.

Programme

Inaugural Address: Dr. Cyriac Thomas

(Hon. Vice Chancellor, Mahatma Gandhi University, Kottayam)

Papers:.

Contemporary Views on Science and Religion: Conflict or Complimentarity?

Dr. Kuruvilla Pandikattu SJ (ASSR, Pune)

Quantum Mechanics: Scientifico-Religious Perspectives

Prof. Dr. Babu Joseph (Former Vice Chancellor, University of Science and Technology, Cochin)

Science, Society and Religion: Towards an Epistemological Integration

Dr. K.S. Radhakrishnan (Dept. of Philosophy, Maharajas College, Ernakulam)

A Systemic View of Reality: Intersecting Modern Science and Eastern Religions

Augustine Pamplany, CST (Dean of Philosophy, Little Flower, Aluva)

Concluding Session

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