AbdulHamid A. AbuSulayman's Legacy of Intellectual Reform

The death of the 84-year-old scholar and activist AbdulHamid Ahmad AbuSulayman on August 18, 2021, marked the return to Allah of an influential thinker who, well grounded in Islamic traditional thought, strove to address modern problems by historically- and contextually-aware applications of well-grounded Islamic principles. This essay seeks to present an intellectual overview of some of his most important work in a manner that honors the impact he has had on Islamic thought and on Muslim thinkers.

AbuSulayman was born in Mecca in 1936. His 1973 University of Pennsylvania Ph.D. thesis, "Towards an Islamic Theory of International Relations: New Directions for Islamic Methodology and Thought," published in book form in many languages (including English, Arabic, and Urdu) sets the tone of his approach. Before addressing the specifics of his topic, he lays bare the reasons for confusion in Islamic studies in general and sets forth a methodology for resolving it. The problems he exposes and the methods for dealing with them go far beyond the immediate subject of foreign relations and are involved in virtually every contemporary issue confronting Muslims in the world today. The broader issues he raises have been acknowledged by an increasing number of scholars of Islam (as well as activists and statesmen) and have only increased in importance with time.

For AbuSulayman it is Muslim thought itself that is in need of reform, before Muslim practice can even be addressed.[1] Internal factors must be

understood before external factors can be dealt with.[2] Blind imitation (*taqlīd*) lies at the root of Muslim stagnation, but "so-called modern *ijtihād* is not up to the task,"[3] because, in the words of N.J. Coulson, it "amounts to little more than forcing from the divine texts that particular interpretation which agrees with preconceived standards subjectively determined…."[4] In his subsequent scholarly works, in his pedagogy (as Chairperson, Department of Political Science at King Saud University, Riyadh, Saudi Arabia from 1982–1984; and as Rector of International Islamic University Malaysia from 1989-99),[5] and in his intellectual activism (as Chairman of the International Institute of Islamic Thought), he was an important force in pressing for a sound methodology that struck at the root of Muslim malaise.

He repeatedly pointed out pairs of distinct concepts which have been conflated, causing serious impediments to Islamic thought andto the resolution of practical issues. Consider the distinction between fiqh and shariah. AbuSulayman proposed thinking of the Islamic Shariah as the "divine will revealed to the Prophet [saws] pertaining to the conduct of human life in this world" whereas "Fiqh is the body of rules and injunctions deduced from the Qur'an and the Sunnah which contain the divine will as revealed…."[6] Others have elaborated on this distinction. I myself have noted the analogy with natural science in which natural law is the God-given reality while scientific theory is the human attempt to understand and articulate the reality. Thus the Islamic conception of law, as something to be discovered by thoughtful research into the Islamic sources (which include Qur'an and sunnah, but do not exclude social and political scientific study) differs from the Western notion of "positive law" which is mostly a human construct, invented rather than discovered, by "treatise, legislation, or custom, or by moral or religious commitment, or by any combination thereof."[7] It logically follows that Islamic reform must focus on fixing the methodology of its jurisprudence rather than puzzling over "which rule the Muslims should select, approve, or reject,"[8] like some diner confronted with a menu at the Cheesecake Factory.

AbuSulayman lays out the variety of opinions among Islamic schools of thought, not only in their conclusions of various issues, but also on

how such issues should be approached. A false pretense of unanimity, often accompanied by a charge of heresy against dissident views, is one of the obstacles to reform that his candor would surmount. He does not shirk from using differences among the schools on such basic life and death issues as the nature and obligation of jihad, the applicability of Muslim legal punishments to non-Muslim subjects, consequences of Muslims killing non-Muslim subjects, the breadth of eligibility of non-Muslims to enter into protected status (payment of *jizya*), and the breadth of noncombatants prohibited from attack in warfare—all to illustrate that there is no consensus even in classical thinking, thus opening the door for thoughtful analysis.[9] Imam Malik objected to al-Mansur's offer to make his legal opinions (as published in *al-Muwaṭṭa*) the sole legal authority for the state[10] and that the "opinions of Muslim jurists are not and never have been law in the modern sense of the term."[11]

AbuSulayman opposes both a blind adoption of the classical theory and its unexamined dismissal. A sound understanding of the theory is a prerequisite to reform. Thus, he begins his analysis of jihad with a study of the definition of the terms.[12] One of the things that unites Islamophobes and so-called jihadists is the insistence that the classical Islamic political theory divides the world simply into the *dār al-ḥarb* (territories hostile to Islam and threatening Muslim freedom and security), and the Abode of Islam, *dār al-islām* (territories in which Muslims are free and secure). Some Muslim apologists end their defense of jihad with a critique of an erroneous definition which equates it with warfare, arguing that offensive warfare is prohibited in Islam, or that jihad includes all righteous struggle, social and personal, not just (defensive) war. AbuSulayman goes beyond just reformulating jihad to addressing the definitions of *dār al-ḥarb*, *dār al-islām*, and *dār al-ʿahd* (territories autonomously ruled but with tribute paid to the Muslims). AbuSulayman points to confusion sown by those who have been "overly selective in their choices of interpretations of some jurists while neglecting others,"[13] creating a false impression of a juristic consensus that jihad is a permanent obligation to forcibly bring the whole world into *dār al-islām*. He amply demonstrates that there is no consensus on such jihad, as to its permanence or as to purpose. Further, in the context of modern

international relations, the notion of *dār al-ʿahd* could be expanded to include a wider variety of treaties than considered by the classical scholars. One could go even further and suggest that the Treaty of Tripoli between the United States and the Muslim World combined with the First Amendment guarantee of freedom of religion places the US in the category of *dār al-islām*.

Beyond AbuSulayman's clear refutation of methodological errors behind the narrow and offensive conception of jihad, I detect a slyness in his own use of context. In the discussion of jihad, he never mentions the phrase "the sixth pillar" of Islam that propagandists like Muhammad ʿAbd al-Salam Farraj have used for it. Yet, in the previous chapter, he has already identified as one of the few things on which there *is* consensus among the classical scholars is "that the pillars of Islam are five, not four or six."[14] Thus, the jihadists are not merely wrong in accusing the broader Muslim community of violating consensus, but they themselves have violated consensus on one of the most widely known facts about the religion.

Trained in political science, AbuSulayman is aware of the exaggerated importance given to centralized authority by most Muslims. He emphasizes the importance of defining the essential terms: khalīfah (in the Qur'an referring to man's role as God's vicegerent on earth, but in Muslim political thought, successor to Muhammad as *amīr al-mu'minīn*), *amīr al-mu'minīn* (political leader of the Muslim political community), *imām* (spiritual leader of the Muslim community), and *sulṭān* (holder of political power over the Muslim community).[15] AbuSulayman did not shy away from the violent divisions among the early Muslims. Pretending these disputes did not exist is an obstacle to serious scholarship and meaningful reform. He who does not learn from the past is doomed to repeat it. Too many Muslims want to wish away current internecine struggles by saying, "We're just not as pious as the *ṣaḥāba*." Then how to explain the warfare between Ali and Aisha? AbuSulayman clearheadedly accepts that later "the Ummawîs gained the upper hand, as the Islamic elite and the jurists eventually supported them for the reason that they, the Ummawîs were in a better position to maintain the centrality and unity of the Muslim state."[16]

AbuSulayman challenged the bugaboo of *naskh*, the notion that some parts of the Qur'an have been abrogated. The claim that "Verse of the Sword" abrogated up to 140 "preceding verses pertaining to patience (*ṣabr*), persuasion (*husna*), tolerance (*lā ikrāh*) and right to self-determination (*lasta 'alayhim bi musayṭir*)"[17] has been especially harmful to the ummah in the field of international relations. A verse that orders the Muslims to strike back against those who have violated a treaty (after giving them three months to repent) has been stripped of its context to be transformed into a commandment to fight all idolators (all non-Muslims?) and to ignore all the other verses in the Qur'an that would make such aggression *ḥarām*.

Unlike those reformers who merely called for a return to the classical *uṣūl al-fiqh*, AbuSulayman called for a reform of the methodology itself. Like H.A. Sharabi, he felt that the nineteenth-century reform movement was merely "a reaction to the military and political threat of Europe … largely defensive and negative."[18] Like H.A.R. Gibb, he thought Muslim thought was "still dominated by the ideal of authority," merely adding Western authorities alongside the Muslim ones, creating "a confusion of thought.[19] Like Malik Bennabi, he thought the whole modern Muslim cultural movement "is just a passion for new things" that made "Muslim imitators and customers of foreign civilization, thus lacking in originality."[20]

AbuSulayman called this "a space-time problem,"[21] a failure to recognize not only that with "the progression of time and the change of space, the substance and status of social institutions should also change[22] but that the *uṣūl* itself must be reformed. He demonstrated by highlighting the example of Rashid Rida's attempts to deal with apostasy and commercial bank interest. In the former case he was somewhat successful in arguing that as the Qur'an is a higher source of law, its prohibition of compulsion overruled the scholarly consensus that apostasy should be subject to state punishment.[23] Yet, despite concurrence from Jamal al-Din al-Afghani and the Grand Imam of al-Azhar, Mahmud Shaltut, to his argument that bank interest should be permitted only on the grounds of necessity, the "issue of interest is still an issue of tension and dispute, leaving the banking system, and in turn the whole economic system of

the Muslim world on shaky grounds."[24] Unable to pass the *uṣūl* test,[25] his finding failed to motivate Muslims.

To resolve this problem, AbuSulayman called for the "adoption of systematic empirical approaches in the social sciences" to facilitate replacing the traditional legalistic interpretation of the Prophet's policies with political interpretations.[26] Expecting that once Muslims have grasped the actual political motivations behind the Prophet's actions, they would be freed from imagined legal motivations, he offered four examples: the prisoners of war captured at Badr; the expedition against the Banû Qurayẓa; and lenience "towards the conquered Quraysh, the continued respect and tolerance shown to the People of the Book."[27] I find his specific arguments in the four examples often debatable and sometimes problematic, but he has done the ummah a great service in making the attempt. He has shown us the *kind* of discussion we must have in order to critically apply Islamic principles to modern problems without resorting to a superficial imitation of past policies, the rationale of which we do not understand, or abandoning Islamic principles to imitate new policies, the consequences of which we also do not understand but which may be harmful to us in this life and the next.

AbuSulayman's *Crisis in the Muslim Mind* presents his critique of the traditional Islamic methodology. Concerned with the ummah's current crisis, he acknowledges that its roots go back to its early history. Muslims must choose between imitating solutions that spring from the secular materialist West, imitating solutions that served the community in a different time and place, or formulating original "relevant solutions derived from authentic Islamic sources."[28] AbuSulayman's preference for the last, which he calls "the Islamic *Aṣâlah* Solution" is not simply normative. He notes that the other two have both been tried in Muslim countries and failed.

The failure of "the Imitative Foreign Solution" he attributes to its incompatibility with Muslim culture and norms.[29] He cites the example of Turkey, where the failure of well-meaning liberalization led to the fall of the sultanate in a military coup that installed a regime whose commitment to European culture was distinctly illiberal, employing the full force of the state to replace Arabic script with Latin and to force the

masses to adopt Western dress, abolishing both hijab for women and rimless hats for men.

The failure of "the Imitative Historical Solution" he attributes not only to its disregard for "temporal, local, and ummatic considerations"[30] but even more to its "pious assumption of its own infallibility" which makes it "totally intolerant of all parties, approaches, and circumstances that do not agree with it."[31] He cites the especially absurd example of an unnamed prominent twentieth century reformer who concluded that the traditional approach required that only a "just dictatorship" could reform the ummah.[32]

Understanding Islamic history in context and applying it in a different context differs from imitation in that "concentration on, the higher purposes of the Shari'ah and on its general principles, values, and fundamental teachings" becomes "the starting point for contemporary Islamic social thought and for the arrangement of its institutions, organizations, and the regulations that direct and guide its movement."[33] One of the most tragic consequences of the fallacious understanding of *naskh* is the widespread belief that the Medinan verses of the Qur'an abrogated the Meccan verses, whereas in reality eternal principles led to different policies under the vastly changed circumstances. The growing attention paid to the *maqāṣid al -sharī'ah*, the higher principles of Islamic law, is testimony to AbuSulayman's influence.[34]

Most important are his arguments against the misuse of the concept of abrogation, which he says, must be put "back into its proper context" of "abrogation of the messages and *âyât* revealed before the message of Islam was complete."[35] A clear example is the differences in the Prophet's policies between the Meccan period and the early and late Medinan periods. Rather than exemplifying an abrogation of a Prophetic model, the first demonstrates how Islamic principles apply to "oppressed, weak and unequipped nations," while the middle period demonstrates how they apply to a nascent community existentially threatened by outside forces, and the last to a society "that had gained the upper hand."[36] Yet it would be a fatal mistake to take this to mean that Muslims should simply imitate whichever of these three models most nearly matches their current situation.[37] Rather we must understand the principles behind all three

models and apply them in original ways to the unique circumstances in which we find ourselves today.[38]

AbuSulayman emphasizes that "a crisis of thought is not a crisis of belief."[39] This has become increasingly clear in the three decades since *Crisis in the Muslim Mind* was published. Contrary to what secularists would have us believe, it is "the way that Muslims think, perceive, and reason" rather than the "values, objectives, and purposes" of their religion that is the cause of the present crisis.[40]

AbuSulayman offers *ijmā'* (consensus) as an example of a tool that, as traditionally understood, is virtually useless. The only things upon which true unanimous consensus (even among the scholars) is reached are those that are easily argued on the basis of other legal sources, such as a clear and uncontradicted textual source.[41] Instead, AbuSulayman calls for the development of new notion of *ijmā'* based on *ijtihād* (original scholarly effort to understand) and *shūra* (consultation). In a similar vein, he would like to see *istiḥsān* (seeking the good) elevated beyond mere *qiyās* (analogy) into a comprehensive tool that allows "jurist [to] go beyond the particulars of the problems that continually spring up to confront him, and give rulings reflecting the true spirit of the Shari`ah and its higher purpose."[42]

Apart from reforming the traditional tools of *fiqh*, AbuSulayman would like to see social sciences brought into the fold. (He was among those who inspired me to make the same point about including the physical sciences in *fiqh*, as the debate over the Islamic calendar amply demonstrates.[43] He himself directly addressed applying the principles to science and technology in 2002.[44]) Then, the sources of Islamic methodology may summarized as "revelation, reason, and the universe,"[45] which are reflected in the dimensions of "belief, … Islamic thought, and … social behavior."[46] Foremost among the corollaries of these principles, in my humble opinion, is the mandate for freedom of thought.

> In Islamic society, one is free to act according to one's own conscious moral convictions, to make ideological or intellectual choices, and to take decisions on the basis of these convictions and choices. If one is forced to do something of which one is not

> convinced, as it goes against one's nature, then it is Islamic we unacceptable. So, according to Islamic methodology and thought, the final decision rests with the individual, and is related to his or her free will and the choice which it entails, a choice about which he or she alone will be asked, and the consequences of which he or she alone will have to bear in this world and the next.[47]

He finds a bright line between restrictions on human freedom aimed at protecting the rights of other individuals or the general social interests, on the one hand, and "restrictions are imposed on individual freedoms in response to the dictates of special interests," under which "society will fall into the clutches of corruption or the tyranny of those possessed of power and wealth."[48] Indeed, he says, "Tyranny and corruptions are two sides of a coin; each nurtures the other."[49]

It is perhaps a reflection on the controversial nature of the subject that his paper applying his principles to matters involving the penal code is available only in draft form.[50] Again, whatever disagreements one may have with his conclusions, he has asked the right questions. For example, why should the rules of evidence requiring four witnesses in cases of sexual impropriety (e.g., adultery) be imposed in cases of violence against human beings (e.g., rape)?[51]

Almost as controversial as the penal code, and almost as much a matter of life and death, is the subject of economics, which he addressed in a series of articles.[52] I recall a conversation I had with him after I had given a presentation on monetary policy in which I advocated a return to the gold dinar. Demonstrating his political astuteness, he asked me how countries like the Gulf states, which had no gold either in reserves or in the ground, could be expected to back fiat currency with gold. I pointed out that one could always denote a fiat currency in gold but back it by another more readily available commodity, as the old U.S. certificates were denoted as worth a certain amount of gold payable in silver. Thus, a paper dinar issued by a Gulf state could be valued at 4.25 grams of gold but payable in the market equivalent amount of oil. He seemed pleased at the proposal and said he would float it. Alas, nothing ever came of his efforts.

AbdulHamid Ahmad Abu Sulayman has rightly been associated with the concept of the Islamization of knowledge.[53] Unfortunately, this notion has been degraded by those who have taken it to mean either that Muslims should butcher the accumulated knowledge of the world to fit a pre-conceived notion of the "Islamic" or, at the other extreme, to simply rebrand Western knowledge as Islamic on the grounds that it often grew out from seeds taken from the Muslim world. AbuSulayman's understanding of Islamization is "a vision of humankind and *khalîfah* in order to fulfill the responsibilities of Reformation and constructive custody of the earth."[54]

AbuSulayman's legacy combines intellectual rigor with activism for the revival of the ummah. He always worked within an Islamic framework in an inclusive manner. "The intercommunal and international dimension of … fanaticism is an attitude of self-righteousness, contempt, and the lack of concern for non-Muslims (all of whom are believed to be hostile towards Muslims). Such attitudes are not only harmful to communication and interaction between Muslims and non-Muslims but are also destructive to the very foundations of the Islamic mission. The Qur'an says: 'We sent you not but as a mercy for all creation' (21:107) and 'Allah forbids you [Muslims] not, with regard to those who fight you not for [your] faith nor drive you out of your homes, from dealing kindly and justly with them: for Allah loves those who are just' (60:8)."[55]

In *The Qur'anic Worldview,* AbuSulayman observed that an effective tool does one no good if one does not know its purpose.[56] The challenge, he was well-aware, was one of education.[57] Now that he is gone from this world, it is up to his intellectual heirs, Muslim thinkers and activists alike, to take a cue from his life and his work to bring about a rebirth of an intellectually vibrant Muslim community that could succeed in this life and the next.

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Endnotes

1 A. AbuSulayman, *Towards an Islamic Theory of International Relations: New Directions, Methodology and Thought* (Herndon, VA: IIIT, 1993), xiv.

2 Ibid., 1.

3 Ibid., 2-3.

4 Ibid., 4.

5 See A. AbuSulayman, *Revitalizing Higher Education in the Muslim World: A Case Study of the International Islamic University of Malaysia (IIUM)* (Washington: IIIT, 2007).

6 AbuSulayman, *Towards an Islamic Theory of International Relations*, 5.

7 Ibid., 6.

8 Ibid.

9 Ibid., 9-12.

10 Ibid., 13.

11 Ibid., 14.

12 Ibid., 19ff.

13 Ibid.

14 Ibid., 8.

15 Ibid., 33-35.

16 Ibid., 36.

17 Ibid., 44.

18 Ibid., 63.

19 Ibid.

20 Ibid.

21 Ibid., 64.

22 Ibid.

23 AbuSulayman's own analysis on the apostasy controversy is published in *Apostates, Islam & Freedom of Faith: Change of Conviction vs. Change of Allegiance,* trans. by Nancy Roberts (Washington: IIIT, 2013).

24 AbuSulayman, *Towards an Islamic Theory of International Relations*, 67.

25 Ibid., 68.

26 Ibid., 98.

27 Ibid., 99.

28 AbuSulayman, *Crisis in the Muslim Mind*, trans. by Yusuf Talal DeLorenzo (Herndon: IIIT, 1993).

29 Ibid., 7ff.

30 Ibid., 4.

31 Ibid., 5. See also A. AbuSulayman, "Contemporary Islamic Presentational Approach: Distortions, Confusions and Superficialization," https://www.academia.edu/33838954/Contemporary_Islamic_Presentational_Approach_Distortions_Confusions_and_Superficialization.

32 AbuSulayman, *Crisis in the Muslim Mind*, 5.

33 Ibid., 19.

34 AbuSulayman drew attention to the importance of the *maqāṣid al-sharī'ah* beyond the scope of political issues on which we focus here. See, for example, his book *Marital Discord: Recapturing Human Dignity Through the Higher Objectives of Islamic Law* (London: IIIT, 2008).

35 AbuSulayman, *Towards an Islamic Theory of International Relations*, 117.

36 AbuSulayman, *Crisis in the Muslim Mind*, 52.

37 Ibid., 53.

38 Ibid., 54.

39 Ibid., 28.

40 Ibid., 30.

41 Ibid., 40.

42 Ibid., 43.

43 See I. Ahmad, ed., *Proceedings of the IIIT Lunar Calendar Conference* (Herndon, VA: IIIT, 1998); I. Ahmad, *Signs in the Heavens: A Muslim Astronomer's Perspective on Religion and Science* (Beltsville, MD: amana, 2006).

44 A. AbuSulayman, "Culture, Science, and Technology: How To Respond to Contemporary Challenges," *AJISS* 19, no. 3 (2002): 79-89.

45 AbuSulayman, *Crisis in the Muslim Mind*, 68.

46 Ibid., 84ff.

47 Ibid., 89.

48 A. Abusulayman, *The Qur'anic Worldview: A Springboard for Cultural Reform* (Washington: IIIT, 2011), 82.

49 A. AbuSulayman, "Problems of Autocracy and Corruption in Islamic Political Thought and History," https://www.academia.edu/33838830/Problems_of_Autocracy_and_Corruption_in_Islamic_Political_Thought_and_History.

50 AbuSulayman, "Renewal of the Contemporary Islamic Message. Changeable and Unchangeable: Penal Code as a Model," https://www.academia.edu/5720522/Renewal_of_the_Contemporary_Islamic_Message_Penal_Code_as_a_Model_-_Abdul_Hamid_Abu_Sulayman.

51 Ibid., 9ff.

52 A. AbuSulayman, "The Theory of the Economic of Islam II," *IIUM Journal of Economics, Management and Accounting* 6, no. 2: 87-113.

53 See A. AbuSulayman, *Islamization: Reforming Contemporary Knowledge* (Herndon: IIIT, 1994).

54 AbuSulayman, *International Relations*., 143.

55 Ibid., 124.

56 AbuSulayman, *The Qur'anic Worldview*, xxi.

57 See, e.g., "Islam as a Faith, Identity, Personality and Civilization," https://www.academia.edu/33838960/Islam_as_a_Faith_Identity_Personality_and_Civilization.

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