

Facts, Values, and Institutions: Notes on Contemporary Islamic Legal Debate

Alexandre Caeiro

Abstract

Since the 1990s, an increasingly diverse set of Muslim scholars and institutions has called for the integration of social science into the system of Islamic normativity. This article explores some historical and conceptual issues raised by this call. It approaches the issue through an examination of one of its central concepts: the notion of *fiqh al-wāqi'* (the *fiqh* of reality or realistic *fiqh*). The article traces this concept's distinctively modern history, situating it in the context of various projects of religious reform and in relation to specific anxieties regarding the nature of modern law. Taking a set of controversies related to Yusuf al-Qaradawi's fatwas on Muslim minorities as a case-study, it then argues that the concept of a "realistic *fiqh*" renders visible not only the difficulties that social scientific inquiry presents to the hermeneutical commitments of the Islamic legal tradition, but also the challenges that the layered structure of reality in the Islamic tradition poses to the sociological imagination. In conclusion, this paper briefly addresses two implications of the Islamic legal debates discussed previously: the question of the political and the limits of methodological individualism. It also suggests that contemporary Islamic legal scholars who struggle with these questions may be laying the ground for the development of a critical Islamic jurisprudence centrally concerned with the articulation of facts, values, and institutions.

Alexandre Caeiro is assistant professor at the College of Islamic Studies, Hamad Bin Khalifa University, in Qatar. He has studied sociology and Islamic studies in Ireland, France, and the Netherlands. His research focuses primarily on the transformations of Islamic law in Muslim-majority societies and Muslim-minority contexts. He is currently working on two book projects. The first draws on his PhD dissertation and examines the emerging Islamic jurisprudence of minorities in light of European debates on the integration of Muslims. The second, developed in Cairo and Doha, investigates the causes and solutions to the "chaos of fatwas" in the Arab world.

Introduction¹

Born in nineteenth-century Europe within the context of modernity's great transformation, the social sciences have shaped modern life across the globe in myriad ways. Sociology, political science, economics, and psychology have provided new concepts and practices to think and organize human life; they have introduced new domains to be known and to be managed, helping to constitute the kind of people moderns have become, as well as the kind of society they inhabit (Rose 1990). A remarkable body of scholarship has started to study the processes of translation and re-signification through which non-western peoples have come to think, speak, and act upon themselves in social scientific terms over the course of the twentieth century.²

Less frequently noticed have been the ways in which traditional Islamic scholars have reoriented their thought and practice accordingly, embracing new ideas of the self, family, society, culture, religion, law, the economy, the nation, and the state. Modern ulama have devised theories of international relations for a world governed by territorial nation-states, elaborated accounts of citizenship befitting modern notions of political community, reconceptualized non-Muslim populations as religious minorities, and constructed theories of integration and community cohesion for Muslim diasporas. They have rethought familiar market transactions in terms of an abstract set of economic relations, marshaled textual injunctions in support of projects of national development, integrated modern property regimes into their understandings of pious endowments, and invented Islamic theories of corporate legal personality.

Twentieth-century Islamic scholars have also re-directed tribal regulations toward social solidarity in differentiated societies; incorporated new pedagogical methods into their educational practices; adapted traditional kinship systems to the ideals of bourgeois domesticity; and discovered, where the soul previously reigned unchallenged, a deep psychological space they called "personality." They have adjusted Islamic conceptions of the unseen to prevailing notions of scientific reason, objectified Sharia according to legal positivist criteria, and redefined the nature of religion in essentialist and functionalist terms.³

Modern Islamic discourse has thus routinely drawn on social scientific concepts, seamlessly incorporating dichotomies elaborated within various stands of western social thought.⁴ The novelty of much of the conceptual language deployed by contemporary ulama is part of a search for a new intelligibility of Islamic legal discourse (Zaman 2005). It must be situated within

the context of wider institutional and cultural transformations that have radically reshaped the Muslim world, fundamentally altering, in turn, the center and peripheries of Islamic traditions (Salvatore 2004).

In this essay, I consider recent calls to incorporate social sciences into Islamic normativity – one of the most intriguing proposals made to counter the perceived crisis of authority in contemporary Islam – in light of these historical transformations. I show how the controversies generated by the attempts to integrate empirical reality into Islamic law complicate the clarity of the project. I argue, specifically, that the concept of a “realistic *fiqh*” renders visible not only the difficulties that social scientific inquiry presents to the hermeneutical commitments of the Islamic legal tradition, but also the challenges that the layered structure of reality in the Islamic tradition poses to the sociological imagination.⁵

Toward an Islamic Jurisprudence of Reality

Arabic histories of Islamic law tend to discuss contemporary developments in a short section at the end of the volume. The twentieth century there is typically depicted as marking the beginning of a new phase, one characterized by the re-opening of the gates of *ijtihād*. One of the ways in which Islamic law has developed in this period, the authors of such histories often contend, has been through the establishment of collective *fiqh* councils and the holding of international *fiqh* conferences (Badawi 2008; Tarabulsi 2011). Since the 1990s, a significant number of these conferences have been held to elaborate the contours of an adequate Islamic jurisprudence of reality (*fiqh al-wāqi‘*) and to assess the relevance of social science for Islamic law.⁶ While the debate may have been prompted by works deemed “suspicious” by the traditional ulama, the call to integrate social science into Islamic jurisprudence has become so forceful that the certainly orthodox International Islamic Fiqh Academy (affiliated to the Organization of Islamic Cooperation) convened a series of seminars on the topic in the mid-2000s.

In the debates about “the chaos of fatwas” that characterize religious discourse in the Muslim world, the development of *fiqh al-wāqi‘* is regularly depicted as a key solution to the current crisis. The institutions involved in this call include state and non-state entities, such as ministries of religious affairs in the Arab world, *fiqh* councils and religious foundations based primarily in the Gulf and in the Diaspora, as well as Islamic universities and institutes of higher education across the Muslim world.⁷ Over the last two decades, articulations of *fiqh al-wāqi‘* in print have thus proliferated.⁸ The

concept has been dissected in a wide range of journals devoted to intellectual issues, Islamic law, and social science, as well as in the popular press.⁹

Print does not, of course, exhaust the technological mediation of *fiqh al-wāqī* debates in our multimedia age: The cassette sermons that circulated within restricted networks in the 1990s are now freely available on YouTube, while the lecture notes that were once manually photocopied can be downloaded from internet forums. Muslim scholars, public intellectuals, and students of knowledge also debate *fiqh al-wāqī* in their blogs, on satellite television, and through Twitter, in the vibrant media spheres of Islamic exchange that characterize the twenty-first century. *Fiqh al-wāqī* has thus come to occupy a privileged place in the field of contemporary juristic issues (*qaḍāyāh fiqhīyah mu'āṣirah*) alongside *tajdīd* (reform) and *maqāṣid al-sharī'ah* (the higher objectives of Islamic law).

This concept has emerged in an intensified context of “abnormal justice” (Fraser 2008), where not only particular outcomes of the legal process but general assumptions about the actors, agencies, scope, and spaces of Islamic justice appear highly contested. Building on the legacy of the Islamization of knowledge project (which *fiqh al-wāqī* seeks to reorient),¹⁰ Muslim social scientists have found in this call an opportunity to connect to the cosmopolitan spaces of *fiqh* debate dominated by traditional religious scholars. Peripheral scholars and popular preachers have drawn on this concept to mount a critique of the religious establishment, to which mainstream religious authorities have responded by qualifying and appropriating it for their own purposes.

Proponents of *fiqh al-wāqī* seem to share a particular diagnosis of conditions in the Muslim world (which they typically view as a totality) and a general commitment to the Sharia in their imagination of Islamic futures. While they tend to offer a culturalist explanation to the current crisis (that it is due largely to the incorrect understanding and practice of Islam by Muslims), they nevertheless differ on the questions they address and the solutions they propose.¹¹ Their debates matter, and not only because they shape the manner in which Islamic scholars preach, issue fatwas, and relate to politics. Their guiding assumptions about authority and history inform the subjectivities that constitute contemporary Muslim piety movements more broadly.

The eclectic set of actors, institutions, and media technologies described above is representative of the transnational spaces of Islamic *fiqh* debate that shape much of contemporary Islamic legal thought. In this essay, I argue that these transnational spaces have created the conditions for a large-scale debate that is epistemological (how should one distinguish reality from its deceptive appearance?), analytical (how has secular power transformed religious com-

munity?), and political (what modes of political existence are best suited to advance Islam's cause?).¹² The political and analytical questions have emerged with great acuity in Saudi Arabia, where advocates of *fiqh al-wāqī'* have pointed to the very political consequences of the Saudi religious establishment's political quietism and wondered what forms idolatry (*shirk*), hypocrisy (*nifāq*), and "loyalty and disavowal" (*al-walā' wa-l-barā'*) could take in a secularizing age (Umar 1991; Ait Yahya 2012).

Here, however, I focus primarily on the question of how to separate the real from its other. The question is intelligible to scholars across disciplines. The distinction between reality and its appearance has provided a key criterion for classifying philosophical systems (Vuillemin 2009). The problem is also historically constitutive of the social scientific enterprise, as Luc Boltanski (2012) has recently shown, and continues to raise vexed questions about the relation between conspiracy theory and social scientific explanation (see, for example, Pelkmans and Machold 2011). Although several of the ideas discussed here come from intellectuals not usually associated with the state, one might read in their positions echoes of the state's modern powers and ambitions.¹³

In this perspective, the modern nation-state is not simply the agency that brings the transnational spaces of *fiqh* debate into existence (by setting up transnational *fiqh* institutions, funding international conferences, rewarding participants with university positions and ministerial posts, or undermining the pre-modern independence of the ulama). Rather, the modern state constitutes the backdrop against which these debates acquire their plausibility and meaning. The attempt by Muslim scholars to distinguish between "real and false realities" (Boltanski 2012) must be related to the deployment of vast powers by modern state institutions to stabilize reality and make it amenable to the project of government. The debates discussed here are authorized precisely by the fissures and contradictions that these governmental projects inevitably create.

The essay is divided into two parts. I first present some of the mechanisms through which the Islamic tradition historically dealt with social reality and explore how the call for incorporating social science into *fiqh* (which is taken here as the main impetus of *fiqh al-wāqī'* discourse) can be said to break away from this traditional understanding of Islamic legal responsiveness. Given the current fragmentation of approaches and epistemologies, I am particularly interested in understanding the specific conceptions of social scientific knowledge that drive the call for incorporation. As a prominent advocate of this project put it, "the growing complexity of the real" requires a collaboration be-

tween specialists of Islamic textual traditions, here named ‘*ulamā’ al-nuṣūṣ*, and the experts of reality, ‘*ulamā’ al-wāqi’*’ (Ramadan 2009). The conceptualization of Islamic law and social science as *separate* and *complementary* fields appeals to a familiar distinction between fact (the neutrality of science) and value (the normative commitments of a tradition).¹⁴ This conceptualization sidesteps the question of commensurability on the basis of a coherent vision of reality: Islam, in this foundationalist account, appears ultimately as the true source of all knowledge.¹⁵ This understanding draws on well-established Muslim traditions regarding the indivisibility of knowledge.

But how do Muslim scholars put *fiqh al-wāqi’* into practice when the fact/value distinction becomes implausible? What strategies do they employ to stabilize social reality and prevent the multiplication of “disagreements about disagreements” (MacIntyre 1990)? What happens to the embodied knowledge¹⁶ of the Islamic legal tradition when it is subjected to the methodological dualism of object and subject that informs mainstream social science? How is the conceptual clarity of the project of integration complicated by the “deterritorialization of the disciplines” (Mitchell 2004) and the diagnosis of crisis that permeates contemporary social scientific debate? What might be the ethical purchase of reality in the age of interpretation (Vattimo 2012)? These are the questions that guide the discussion, in the second part of the essay, of some debates prompted by the “realistic” fatwas of a prominent Muslim scholar, Yusuf al-Qaradawi.

Traditional Islamic Legal Responsiveness

Muslim theoretical engagement with the concept of reality goes back to the first attempts to systematize Islam as a religion. The determination of reality and the possibility of its duplicity constituted theological and philosophical problems that Muslim scholars inherited, in part, from Greek philosophy. Jurists engaged theological doctrines selectively. Adopting a realist conception of the world, they developed principles and mechanisms to distinguish between the universal and the contingent in the sacred law (Johansen 1999). As the fourteenth-century Damascene scholar Ibn al-Qayyim al-Jawziyyah (1292-1350) famously put it, in a felicitous formula that continues to inform Islamic legal thinking, the fatwa must change according to time, place, and circumstance, as well as individual case and social custom.¹⁷

Ibn al-Qayyim explicitly mentioned the understanding (*fahm*) of reality (*al-wāqi’*) as a requirement for muftis and judges in his seminal *I’lām al-Muwaq-qī’in ‘an Rabb al-‘Ālamīn*. Experts ranging from physicians and ar-

chitects to midwives were routinely integrated into legal proceedings in Muslim societies (Shaham 2010). These and other mechanisms seem to amply justify the claim that pre-modern Islamic law was in tune with the social practices of Muslim communities (Hallaq 2009). “Reality,” understood here as the specific circumstances that characterize a particular state of affairs, was perhaps not objectified, but it was constitutive of a historic Islamic legal concern with social responsiveness that permeated the theory and practice of Sharia.

If it is true that the Islamic legal tradition emerged from the grassroots and contained a number of procedures to guarantee the alignment of Islamic law with social conditions, the call to develop a new *fiqh al-wāqi‘* gives rise to a number of questions: How does this “realistic science” (Judy 2004) differ from traditional understandings of Islamic legal responsiveness? If its advocates simply wish to recapture a feature of the Islamic tradition that has been marginalized, why do they forge a new concept that may alienate the body of traditionalist scholars they are presumably trying to persuade?

Periodically, a reified concept (*ijtihād*, *tajdīd*, *maqāṣid al-sharī‘ah*, *al-fiqh al-ḥadārī*) gets promoted as a panacea for a diverse range of ills; just as often, the high ambitions attached to the concept seem to give way to a perception of failure, and a new concept emerges to replace it. Branded as a key instrument for the kind of reform envisaged by traditionalist Muslim scholars, *fiqh al-wāqi‘* seems to be squarely part of this trend. But what might this succession of promises and failures tell us about the structure of modern Islamic legal debate? Why is Islamic law so resistant to the projects of its (traditionalist) modernizers? And to what extent are the anxieties about (dis)order that drive Islamic reform commensurable with the nature of modern knowledge and agonistic politics?¹⁸

The Jurist of Reality? The Case of Yusuf al-Qaradawi

In order to address these issues, I turn to the work of *fiqh al-wāqi‘* advocates. For both his supporters and his critics, Yusuf al-Qaradawi (b. 1926) is perhaps the best known contemporary proponent of the concept from within the ulama. Sometimes labeled “the jurist of reality” (al-Tarabulsi 2011: 446; see also Uthman 2004), he provides an instructive example of the kind of work *fiqh al-wāqi‘* does in contemporary Sunni discourse. His method is characteristic of a pragmatic approach, one that draws eclectically on traditional Islamic scholarship, modern Islamist writings, and a set of more widely circulating commonsensical ideas. It is useful to begin by reconstructing the genealogy of this specific concept in Qaradawi’s thought.

The emphases on “reality” (*al-wāqīʿ*) and “realism” (*wāqīʿīyah*) can be traced back to the concerns that undergird the reformist projects of Muhammad Abduh (1849-1905) and Rashid Rida (1865-1935). While the emphasis on realism offered Muslim jurists an expedient principle for addressing the rapid transformations taking place across the Muslim world, invoking an Islamic realism was also inexorably embedded in the intellectual debates of the time. Talk of Islamic realism can be said to constitute a Muslim response to Orientalist critiques of the Sharia informed by early twentieth-century European legal thought. It was part of the answer to a particular modern theological problem: How can the evident gap between Muslim piety and worldly success be explained?

Abduh, in a famous essay, set the tone for Islamic reformist discourse when he programmatically proclaimed that laws must change as nations evolve (Abduh 1881, quoted in Kurzman 2002: 50-54). When Qaradawi started writing about the realism of Islamic law, his writings betrayed – in addition to this theological anxiety – an interiorization of instrumental reason, the traditional/modern binary of discursive modernity, and the homogenous time of the secular nation-state.¹⁹ By emphasizing realism as a feature of Islamic law, he was participating in a modern Egyptian tradition of debate over Sharia, what constitutes it, and how it can best be represented. This tradition is perhaps more recent than often imagined: The centrality of the notion of Sharia in Muslim discourse and the need for a clear distinction between Islamic and non-Islamic concepts appear to be distinctive products of the modern public sphere that emerged in Egypt in the 1920s and 1930s (Salvatore 2004: 117).

Largely absent from pre-modern Islamic legal thought, the concern with an adequate *representation* of Islamic law seems to imply a loss of traditional coherence and the adoption of a modern hermeneutic. The growing disconnect between Sharia and positive law across much of the Arab world explains the cross-national intelligibility of Qaradawi’s writings. In addition to Abduh and Rida, two Egyptian scholars were also instrumental in shaping Qaradawi’s views: Muhammad Abd Allah Daraz (1894-1958) and Sayyid Qutb (1906-66). The concept of Islamic realism can already be located in the work of the former, a renowned Azhari scholar celebrated for his wide knowledge of western thought. Qaradawi studied under him after the latter’s return from France; in his memoirs, he has written of the powerful imprint that this scholar left in his student mind.²⁰ For Daraz (2010: 88-90), Islam constituted a unique combination between idealism (*mithālīyah*) and realism (*wāqīʿīyah*). This representation of Islam should be understood in relation to two discourses

that Daraz encountered during his studies at the Sorbonne in the 1930s and 1940s: (1) The Orientalist critique of the gap between Islamic legal theory and practice as found in the works of Ignaz Goldziher (1850-1921), Gotthelf Bergsträsser (1886-1933), and Joseph Schacht (1902-69). Much of Daraz's work was written originally in French precisely to counter western misrepresentations of Islam, and it seemed entirely possible at the time to contest Orientalist scholarship without disavowing the narrative of a "golden age" and the decline that framed it (al-Azmeh 1988) and (2) Daraz's familiarity with modern trends of European legal thought, leading him to represent Islamic law in line with contemporaneous European ideas about "progressive" legal systems.

Comparative legal studies and sociological jurisprudence, both popular legal trends in France in the 1930s, fashioned the thought of scholars such as Abd al-Razzaq al-Sanhuri, perhaps the most important Arab jurist of the twentieth century (Lombardi 2006: 92). According to Henry Maine, a leading comparative jurist, "progressive societies" are characterized by their success in bridging the gap between law's natural conservatism and society's evolving needs (Dupret 2006: 19). Realism was a key instrument for bridging this gap. Instrumental reason, discursive modernity, progressive society, and flexible law – these were some of the "kinds of knowledge, action and desire" that the "new moral landscape" (Asad 2003: 216-217) of modernizing Egypt had made not only possible but also compelling. Their influence on modern Islamic thought, it seems, can hardly be overestimated.

The generation to which Qaradawi belongs set out actualizing and naturalizing these discourses. Qaradawi identified realism as a "general feature of Islam" in a conference paper first presented in Libya during the early 1970s.²¹ Alongside spirituality (*rabbānīyah*), humanism (*insānīyah*), comprehensiveness (*shumūl*), moderation (*wasafīyah*), clarity (*wuḍūh*), and a balance between continuity and change (*al-jam' bayna al-tatawwur wa al-thibāt*), the quality of realism was integral to his defense of the "Islamic solution" during the Cold War. Realism was depicted in this early stage as a property of Islamic theology, ritual worship, morals, education, and legislation. Alongside knowledge of religious texts, history, literature, natural and (already) social science, "realism" also became one of the features of "the Muslim preacher's culture" in a series of articles published in *Al-Da'wah* in the late 1970s. The magazine was key to the Muslim Brotherhood's renaissance under Anwar Sadat; its task was to ideologically redefine the concept of *da'wah* to suit a Muslim audience that had strayed from the path and, in so doing, to transform the organization's tarnished image in the eyes of fellow Egyptians.²²

The Brotherhood's intellectual discourse in this period was keenly attuned to the gap between law and its actualization. Columnists writing in the magazine frequently contrasted high political ideals and legal reforms with the bleak on-the-ground social realities. Sadat's promises to revise the constitution and codify Islamic law gave rise to high hopes within the Brotherhood's intellectual circles. Qaradawi's emphasis on realism at this time must be placed in this particular context. To assert the realism of Islamic law was to contribute to the vision of a civil Islam articulated by the Brotherhood under the leadership of Umar al-Tilmisani, one that would solve the problem of legal indeterminacy/inefficiency by providing a motivating impulse for the citizenry's social action.²³ Writing for a reading public assumed to be familiar with (and sensitive to) secularist calls for marginalizing Sharia, Qaradawi sought to assert the modern relevance of Islamic law by emphasizing its flexibility, reasonability, and realism, even if doing so could entail reconfiguring Sharia according to modern legal standards.

Qaradawi's account of realism must also be placed in dialogue with Sayyid Qutb's work, for his discussion of the concept in *Al-Khaṣā'is al-'Āmmah li al-Islām* (*The General Features of Islam*) is directly inspired by the latter's 1962 work, which bears almost the same title.²⁴ Qutb's text identifies Islam's key features as divinity, stability, comprehensiveness, balance, positive orientation, realism, and *tawḥīd*. These features are no simple theological constructs; rather, they refer to historical realities manifest in the social institutions that emerged from Muslim engagements with Islam's founding texts (Judy 2004: 118). Although Qutb sought to define Islam on its own terms, his account was inherently relational: Realism was part of a set of features that made Islam stand out as a perfect median between Marxism and Christianity. As March (2010) has pointed out, the quality of realism also allowed Qutb to incorporate in his political theory an account of its feasibility.²⁵ His account of realism must be placed in the context of a complex political theory centered on the concepts of divine sovereignty (*ḥākimiyyah*) and unity (*tawḥīd*). Qutb sought to posit Islam as a discursive formation that could serve as an alternative to the imperial nexus of knowledge and power of the modern West (Judy 2004: 117- 18).

Although he shares Qutb's vision of Islam as a dynamic religion in line with human nature (and his distrust of "imported solutions"), Qaradawi drew on the trope of realism to address concerns that were marginal in the work of the late Brotherhood intellectual. Qaradawi's primary concern throughout his long career as a Muslim scholar and preacher has arguably been to reestablish the prominence of ulama amidst the fragmentation of religious authority (Sal-

vatore 1997: 201). Qaradawi worried about the practical implications of some Qutbian doctrines and their inability to bring about the desired change. He therefore added a degree of flexibility to Qutb's emphasis on the continuity of the tradition (Qaradawi 2001).

This concern with practicality is also visible in Qaradawi's books on the Islamic awakening. Striving to articulate a middle position between "negligent" secularists and "extremist" radicals, Qaradawi's distribution of moral responsibility for the impasses of political Islam in the 1980s and 1990s was nuanced. The extremist "youth" who resort to violence in order to achieve the common goal of an Islamic state are guilty of misunderstanding the "reality." By enunciating (re-describing) what constitutes reality in modern Egypt, considered to be the Muslim world's intellectual and spiritual center, Qaradawi positioned himself as the authority in charge of reorienting the Islamic revival. In his *Introduction to the Study of Islamic Law* (1990), the realism of Islamic law is described – in terms that would have been familiar to contemporaneous readers of Islamist literature – in relation to an ethic of facilitation (*taysīr*) and graduality (*tadarruj*).

A distinct concept of *fiqh al-wāqī'*, now objectified as a specific approach to Islamic law, emerges in full force in the late 1990s as Qaradawi's imagined audience shifted further away from the secular-minded (or religiously indifferent) to the religiously committed. His writings in this period perhaps no longer sought to convert the literate Arab masses to the necessity of an Islamic solution (that had already been achieved), but instead attempted to persuade fellow participants in the Islamic revival (e.g., the youth, the intellectuals, and fellow ulama) of the relevance of his own understanding of Islamic law.²⁶ Significantly, Qaradawi's first text with *fiqh al-wāqī'* in its title was published as an article in *Al-Manār al-Jadīd*, a journal that sought to revive *Al-Manār*'s original message by focusing on "drawing lessons" from the past. Edited by Brotherhood sympathizers in Cairo, the journal signals the emergence of a more reflexive phase within Islamist discourse, one in which "realism," argued from various standpoints, seems to have been a key trope (Hamzawy 2004).

A succinct definition of *fiqh al-wāqī'* is offered in *Al-Siyāsah al-Shar'īyah fī Daw' Nuṣūṣ al-Sharī'ah wa Maqāṣidihā*, written in the late 1990s. According to Qaradawi, "*fiqh al-wāqī'* is based on a scientific and objective study of the nature [of a phenomenon], a study that reveals all its dimensions and elements, [clarifies] their advantages and disadvantages, and [highlights] the relevant influencing factors" (Qaradawi 2008: 287). Such an account, he continues, must avoid "underestimation (*tahwīn*) and exaggeration (*tahwīl*), idealism and pes-

simistic defeatism, as well as a justificatory attitude that permits everything.” Qaradawi assumes that social reality lends itself to stable representation as well as unequivocal moral evaluation. The Muslim scholar seems to recognize that the call for integrating reality into Sharia may clash with a transformative vision of Islam’s role in society (the very vision lying at the heart of the Islamist project), but does not seek to systematize here how this tension is to be negotiated. *Fiqh al-wāqī’* is simply depicted as one of the five foundations of *siyāsah shar‘īyah*, that branch of Islamic law concerned with the ruler’s discretionary powers, second only to the *maqāsid*. *Fiqh al-muwāzanāt* (the jurisprudence of balances), *fiqh al-awlawīyāt* (the jurisprudence of priorities), and *fiqh al-taghyīr* (the jurisprudence of change) complete these foundations.²⁷

These five concepts, together with *wasaṭīyah* (moderation, centrism), would become the key tropes of Qaradawi’s discourse in the twenty-first century, providing justification for the pragmatism that characterizes the Brotherhood at this time. *Fiqh al-wāqī’* would also supply the rationale for the invitations extended to natural and social scientists to participate in the proceedings of collective *fiqh* councils, such as the European Council for Fatwa and Research (established in 1997) and the International Union of Muslim Scholars (formed in 2003), two institutions founded and chaired by the Egyptian-Qatari mufti.

The specification of an Islamic jurisprudence of reality can be seen as an attempt to provide a theoretical basis for the casuistic fatwas that ulama routinely issue when queried about lived realities. If *fiqh al-wāqī’* is to function as more than a rhetorical construct in contestations over the interpretation of Sharia, however, an account of how reality is to be understood and incorporated into Islamic law would seem to be necessary. Its proponents have typically sought to circumscribe the concept’s scope and application by incorporating it into the structure of *uṣūl al-fiqh*. When outlining the sources for this *fiqh*, Muslim scholars have often included social scientific expertise alongside mass media as well as Islam’s founding texts and juridical heritage (Umar 1991: 30-36).

The jurisprudence of reality, according to Qaradawi, plays an important role when the interest (*maṣlaḥah*) or customary practice (*‘urf*) underlying the original ruling can no longer be realized because of a transformation in the wider context (Qaradawi 2008: 288-90). *Fiqh al-wāqī’* thus requires both an understanding of the original conditions that underlie a legal ruling and a grasp of the contemporary realities in which the legal qualification (*ḥukm*) is applied (Ḥaswah 2009; Bin Bayyah 2014). It thus belongs to the space of the equivocal text (*al-naṣṣ al-ẓannī*, as opposed to the clear text [*al-naṣṣ al-*

qaṭ'ī) and is subject to the rules of *ijtihād*. The space of textual equivocity is depicted as vast and key to the contemporary applicability of the Sharia (Salahat 2004: 178). Yusuf al-Qaradawi's fatwas provide a sense of exactly how wide and indeterminate this space is. This focus seems particularly apposite, given how his concepts directly relate to his work as a (global) mufti.²⁸

Fatwas on Muslim Minorities

Qaradawi's fatwas dealing with Muslims in the West are often invoked in the Arab world as controversial applications of *fiqh al-wāqī'*, even though some of its proponents might not recognize themselves in them. Since the late 1990s Qaradawi has championed the development of an Islamic jurisprudence of minorities (*fiqh al-aqallīyāt*),²⁹ but his own position in the field is complicated by the absence of agreement on basic questions pertaining to Islamic law in minority contexts: Who is a legitimate authority from which guidance can be sought? What kind of training and qualifications should (s)he have, and where should (s)he be located? Furthermore, how is the relevant context to be determined and circumscribed? If the mufti is expected to consider the consequences of these fatwas, whose interests are to be heeded or discarded? Is the intended audience defined by religious commitment (i.e., pious Muslims), national territory (i.e., Muslims in France), or local community (i.e., Muslims in Nice)?

These questions are not all specific to Muslims in the West. However, their significance was thrown into sharp relief in a book originally published in 2010 in Amman by the Libyan scholar Mustafa Bashir al-Tarabulsi.³⁰ Tarabulsi articulates here a critique of *fiqh al-wāqī'* in relation to some of Qaradawi's best known fatwas for Muslim minorities (Tarabulsi 2011: 446-454). The discussion is relevant because it sheds light on problems that seem inherent in the *fiqh al-wāqī'* construct itself. Three fatwas are particularly noteworthy: (1) the status of a married woman in the West who converts while her husband remains non-Muslim, (2) the permissibility of consuming non-halal meat slaughtered in Europe, and (3) the position of American Muslim soldiers in the context of the US invasion of Afghanistan. These issues have been widely discussed in the transnational spaces of Islamic legal debate.³¹ Tarabulsi, one of its typical participants, quotes less from conventional sources (Qaradawi's books) than from new media (the journal of the European Council for Fatwa and Research, episodes from al-Jazeera's *Al-Sharī'ah wa al-Ḥayāt*, and the IslamOnline website).

Although they may seem to address trivial issues, fatwas like these speak to fundamental questions regarding Muslim–non-Muslim coexistence in the context of the clash of civilizations, the nature of western secularism as a political regime, and the possibility of Muslim dissent in the aftermath of 9/11 and the war on terror. Qaradawi’s answers deploy a wide range of texts, juristic principles, and modes of reasoning. According to Tarabulsi, however, his fatwa systematically contradict the very reality that Qaradawi supposedly seeks to incorporate. Unlike other critics, Tarabulsi focuses on his empirical arguments rather than his textual proofs. Qaradawi considers that a married woman in the West can remain with her husband after conversion as long as she hopes that he might also convert and is not prevented from practicing her new religion. Qaradawi frames his opinion as an attempt to facilitate the life of new Muslims and not to discourage married women from converting.

As a reader of the European Council for Fatwa and Research’s (ECFR) publications, Tarabulsi is aware of the complex range of arguments and texts deemed relevant for the question. Internal debates within the ECFR included a consideration of the continuities and transformations of western patriarchy and engagement with cultural differences in the organization of gender relations. For Tarabulsi, however, the reality simply suggests that conversion is unrelated to the hardships imagined by Qaradawi: Women in the West are not queuing up to enter Islam if only they could remain with their families (2011: 447). To prove his point, Tarabulsi ironically points to the lack of increased conversions since Qaradawi’s permissive fatwa.

Qaradawi’s understanding of western reality is questioned in the other cases as well. Thus, his authorization to consume meat slaughtered in Europe fails to understand the various stages of industrial slaughtering practices in the West, contradicting “an official study in Britain” (no details are provided) showing that animals respond differently to the pre-slaughter electrical shock and stunning (p. 448). Furthermore, Qaradawi’s framing of his authorization as a “facilitation” (*taysīr*) is incorrect, for Muslims in the West are neither poor, nor is halal meat dearer than other kinds. As Tarabulsi points out, the impermissibility of eating non-halal meat has in fact provided an opportunity to develop a halal meat sector in the West that has strengthened the economic profile of local Muslim communities (p. 449). Qaradawi’s fatwa regarding Muslim soldiers in the American army, especially its injunction to stay away from combat positions, likewise fails to understand the nature and regulations of modern military institutions (p. 450).

Tarabulsi’s comments must certainly be placed within the wider history of rival reform projects, specifically the tensions among Salafi, Islamist, and

traditionalist approaches to Islamic revivalism. The equivocality of the notion of “reality” in these debates, however, seems to characterize contemporary usages of *fiqh al-wāqī‘* more broadly.³² The Syrian scholar Sa‘id Ramadan al-Buti (1929-2013) has echoed Tarabulsi’s critique, questioning the reality of Qaradawi’s fatwas for Muslim minorities by suggesting that behind the veneer of authentic religious opinions lies a project of deception and manipulation (Buti 2007: 143-56). This well-known critic of Qaradawi’s positions in various social, economic, and political issues was particularly scathing about a fatwa allowing Muslims to use interest-bearing mortgages to buy a residence in the West. Although the fatwa relied partly on a traditional Hanafi suspension of the prohibition of usury in non-Muslim lands, it also drew on an European Union-funded sociological study about the housing conditions of Muslim immigrants in order to represent home ownership as a collective need of the Muslim community in a minority context.

Supporters and critics alike have logically depicted this mode of reasoning as an illustration of contemporary Islamic legal responsiveness to changing social realities.³³ The issue is particularly sensitive because of the Qur’an’s unequivocal condemnation of *ribā* (usury). One of the signs of the Hour, within Islamic eschatological traditions, is precisely the banalization of usurious transactions within Muslim communities.³⁴ The debate about interest-based mortgages in the West, therefore, involves two notions of temporality: the secular time presupposed in the appeal to the community’s welfare in Qaradawi’s instrumental reasoning contrasts sharply with the apocalyptic teleology of his critics’ messianic time.³⁵

Although the issue of mortgages in the West has been framed as an exception to an unquestioned rule, the intractability of the controversy seems symptomatic of a larger problem besetting Islamic economics more broadly: When deciding on the Sharia compliance of particular contracts, how does one choose between competing demarcations of the relevant reality? The inability to properly delimit the field of economic relations is perhaps less due to a mufti’s shortcomings than to a problem inherent in the twenty-first century workings of economics itself – in particular, the inability to sustain the fiction of the economy as a separate territory bounded by the nation-state.³⁶

In *Al-Islām wa al-Gharb* (Islam and the West), Buti’s first response to the kind of realism deployed by Qaradawi and his peers is to point to the embodied nature of knowledge in the Islamic tradition: He alerts his readers to the fear that strikes a true scholar when he dares to speak in God’s name, the reluctance of the pious predecessors to issue fatwas, and the evils of its institutionalization by the state (2007: 143-49). Drawn from classical *adab al-muftī*

manuals, these comments constitute formulaic statements that are regularly articulated in Arab religious media. They remind us, however, of the gulf that exists between the methodological dualism underlying an objective study of reality on the one hand, and the affective dispositions required from a pious mufti morally bound to his interlocutor on the other.

Buti's discussion ends significantly with a reference to the story of a female American convert who decided not to follow Qaradawi's fatwa. Her decision to leave her husband had such a powerful imprint on his mind that he subsequently converted as well. This story helps him contrast the piety inherent in human beings (who are explicitly encouraged to follow their hearts rather than the scholars' fatwas) to the political project of misguided religious scholars. It points to the inability of Islamic legal realists to account for non-immanent modes of causality.

The notion of the political (*siyāsī*) repeatedly invoked in Buti's discussion deserves further elaboration.³⁷ Buti himself identifies three distinct political dimensions. First, the secret deal (*al-'aqd al-khafī*) between a given state and a scholar who seeks to be recognized as an official religious authority. This type of scholar is driven by personal ambition and worldly desire, for he prefers this life to the next (p. 147). A second dimension of the political is tied to the membership of specific groups or parties. Scholars who issue mistaken fatwas are not necessarily ignorant, but they follow orders from their organization (p. 152). Although Buti does not designate any group by name, his readers are able to identify the Brotherhood as the intended target. There is a third manifestation of the political in Buti's account, which is connected to the project of secularization. The forces at work here are both open and hidden; their aim is to undo the edifice of Islamic law and undermine its coherence. The project is driven by "modernists" and supported by "politicians" – his condemnation of the political class is sweeping – but it can also draw on the work of innocent religious scholars.

For Buti, reform of the kind undertaken by Qaradawi, especially in its emphasis on the spirit rather than the letter of the sacred law, is based on a misrepresentation of the Sharia that concedes too much to modernist discourse. This misguided reform is particularly harmful because its religious register escapes the resistance that more overtly secular projects would elicit from the community of believers (pp. 145-46). Buti's denunciation of the political thus invokes a particular distribution of reality: The deceptive appearance of *da'wah*, authentic Islamic reform, and the defense of religion is systematically opposed to the real world of deliberate distortion, secret deals, and subservience to the West. For him, the political has the structure of a

friend/enemy distinction deployed across civilizational lines, echoing at first sight the familiar themes of the conspiracy theory.

While the hidden powers and seductions of the modern state loom large in this discourse, ultimately even state power, and that of the West more specifically, is relativized and demoted to a mere appearance, for Buti mocks the common perception that foreign powers hold the power “to tie and unbind, to accept and to refuse, to achieve progress or create backwardness” (2007: 154). It is as if his understanding of the Divine allowed him to recognize God as the single effective cause, thereby revealing, in turn, the deception of the more immanent forms of realism expounded by Qaradawi’s peers.³⁸

There is perhaps a fourth sense of the political implicit in Buti’s argumentation, one that involves a more subtle distinction between religion and politics. This fourth sense targets the space of mediation between social realities and Islamic norms. Buti’s position here is not only anti-hermeneutical in that it denies the human mediation inherent in religious interpretation. By emphasizing the individual responsibility of the moral subject, against the attempt of *fiqh al-wāqī’* advocates to address the impersonal powers of society and the state, Buti also seeks to resist challenges to the Islamic legal tradition’s methodological individualism. Only individual necessities, narrowly construed, can justify exceptions to established rules. To argue on the basis of social realities, collective needs, and other immanent principles, Buti suggests, is both to politicize the Sharia and to fail to understand the layered structure of reality in Islam.

Conclusion

The variety of contemporary Islamic projects articulated in the name of *fiqh al-wāqī’* is quite striking. Saudi Arabia has used it to identify the conspiracies of imperialist plotters against Islam (Umar), Egypt mobilized it to prove the relevance of the Sharia against secularist critiques (Qaradawi), and the Gulf has inserted it into its efforts to curb the “religious violence” associated with improper Muslim reading practices (Bin Bayyah). It has also been used to foster a “civil Islam” that contributes to the process of integrating Muslims in the West (Jaballah), as well as integrated into larger projects of “radical reform” and attempts to reconfigure religious authority in the global Islamic field (Ramadan).

This essay has explored some of the ways in which contemporary Muslim scholars debate and disagree about integrating empirical reality into Islamic law via *fiqh al-wāqī’*. It focused on a set of contestations where the notion of

reality (*al-wāqi'*) constituted an explicit dimension of the debate. Other *fiqh* discussions, in which reality was similarly objectified, perhaps do not encourage greater optimism regarding the possibility of unproblematically defining its demands. Advocates of *fiqh al-wāqi'* have rejected the Oslo Accords on the grounds that Israeli society is not interested in making peace with Palestinians (Qaradawi 2003: 7-13); have condemned the American military presence in Saudi Arabia during Saddam Hussein's occupation of Kuwait as part of a hidden imperial plot; and, inspired by the Afghan Mujahidin defeat of the Soviet Union, seem to have encouraged Islamists to take up weapons in Algeria after the army cancelled the elections that the Islamic Salvation Front was set to win (Ramadani al-Jaza'iri 2008).

These examples may help problematize assumptions regarding the notion of reality more broadly. Reality is often imagined in academic discourse as having a moderating effect on traditions of various kinds. As Alain Wolfe (2005) once put it, "reality tempers perfectionism, broadens understanding, and appreciates nuance." The contestations over the status of reality in contemporary Islamic discourse complicate this assumption by suggesting, in particular, that religious traditions in tune with reality are likely to be more "progressive" and less "radical" derive instead from a historical accident and a secular conceit.³⁹

While there is no reason to assume that debates that turn explicitly on the concept of reality exhaust the possibilities of social science (or even that they are the best illustrations of its potential for Islamic legal practice), these contestations lay bare the contingent connections that allow reality to emerge as a meaningful category of Islamic legal thought. The debates about Muslim minorities discussed above reveal specifically two problems that advocates of *fiqh al-wāqi'* may need to consider more explicitly than they have done so far: the elusiveness of the concept of reality and the danger of the naturalist fallacy.

Although Islamic scholars recognize the possibility of multiple interpretations of religious texts, the exchange between Qaradawi and Tarabulsi is marred by a commitment to a single objective truth in the interpretation of social reality. This mono-realism (Hage 2011) is perhaps a necessary feature of law everywhere, but it can hardly account for the various levels of reality identified by Buti. This problem, in turn, leaves advocates of *fiqh al-wāqi'* vulnerable to another challenge: In order to avoid falling into the naturalist fallacy, they need to elaborate on the vision of Islamic law and Islamic justice that allows them to move from empirical realities to normative rulings. Specifying their visions in any detail, however, seems to leave them open to accusations of politicization and subjectivism, particularly from scholars

committed to the Islamic tradition's methodological individualism and alert to the performative effects of juristic categories.

Although the proponents and critics of *fiqh al-wāqi'* have only started to engage social scientific knowledge systematically, the implications of these discussions are becoming increasingly clear. The stakes seem to be two-fold: the emergence of a political space and the limits of methodological individualism.

Fiqh al-wāqi' invites religious scholars to consider a space of the political that goes beyond traditional legal hermeneutics. This space recognizes the existence of a recent epistemological object, "society," divided into groups whose interests are necessarily conflictual. Islamic legal discourse has struggled to come to terms with the political.⁴⁰ The hopes placed on projects of Islamic legal reform often seem to ignore or misrecognize this space. However, given the heterogeneity of modern society, attempts to abolish it appear doomed. The ubiquitous debates about the politicization of fatwas (*ta'sīs al-fatwā*) in the Muslim world are instructive in this regard. They presuppose a secular regime into which religion and politics, properly understood, should be separated and, ultimately, a field of Islamic legal inquiry that lies outside power relations.

The second problem is related to the limits of the methodological individualism that underlies Islamic law. The actions and intentions of individual moral agents have been central to Islamic law. This may allow Muslim scholars not to take the "peculiar metaphysic of modernity" (Mitchell 1991: xii) for granted. However, modern institutions and processes have created a world in which effects cannot always be reduced to individual action. The call to develop an understanding of reality recognizes the new agentive powers of society, the state, and the economy (Umar 1991: 5; Bin Bayyah 2014), but seems to overlook the difficulties of incorporating them into Islamic law's action frame of reference. Debates about the ethical failures of Islamic banking and finance often seem to misconstrue the problem. The challenge – to account for the systematic powers and outcomes of capitalism through a legal hermeneutic that has traditionally focused on the motives and effects of individual actions – cannot be addressed through an appeal towards an unspecified conception of ethics alone.

These critical challenges have rarely been clearly spelled out. The integrity of traditional Islamic law has arguably been constructed on methodological individualism and the irrelevance of the political. To what extent it can successfully accommodate the challenges posed by *fiqh al-wāqi'* thus remains to be seen. Muslim scholars searching for greater theoretical coherence

must decide how to frame their kind of moral realism; formulate its scope and limits; identify which particular Islamic conceptions of human nature, common sense, community, and politics are best suited for their visions of Islamic justice; and explain how these interact with emergent realities.

In answering questions such as these, Muslim scholars may be laying the basis for a *critical Islamic jurisprudence*, one that recognizes the instability and uncertainty of modern knowledge; abandons the project of achieving a perfectly reconciled and harmonious political order; and accounts for the agentive powers of the various processes of nation-building, modern state power and capitalist expansion *while maintaining the conceptions of agency and responsibility that are central to their theological commitments*. Maintaining these traditional conceptions may, in fact, turn out to constitute a mode of resistance against the anonymity and alienation of a world saturated by large structures and impersonal systems – a mode that may not be intuitive to mainstream social scientists, but which they can perhaps also begin to learn from and appreciate.

Endnotes

1. The ideas expressed in this essay evolved through discussions with a number of friends and colleagues in Doha, especially Ovamir Anjum, Mohammed Ghaly, Frank Peter, Junaid Quadri, Ayman Shabana, Sohaira Siddiqui, and Zachary Wright. I was not always able to do justice to their comments; however, I benefitted greatly from the exchanges. Versions of the paper were presented at the Fourth International Conference on Social Thought and Theory in the MENA Region: Comparative Methods in Studying Religion and Society (the American University of Beirut); at the International Workshop on Provincializing the Social Sciences (organized by the Free University of Berlin); in the Arab Crossroads Program Lecture Series (New York University Abu Dhabi), at Columbia University's Sharia Workshop, and at the International Institute of Islamic Thought's Ninth Annual Summer Institute of Scholars). I warmly thank the organizers, participants, and discussants in these events for their engagement with the paper. I am also grateful to Rezart Beka for his excellent research assistance.
2. For new ideas about the social and society in the Muslim world, see El Shakry 2007. For new ideas about law and legal personality, see Asad 2003, Dupret 2004, Esmeir 2012, and Wood 2016. For new conceptions of the body and the mind, see Amster 2013 and Keller 2007. For new concepts of the family, see Cuno 2015 and Mayeur-Jaouen 2013. For new ideas about publicity and the public sphere, see Hamzah 2013, Salvatore 1997, 2004, and Salvatore & Eickelman 2004. For new ideas about the economy, see Mitchell 2002, Moutmaz

2012, and Tripp 2006. For new concepts of science, see Doostdar 2016, Elshakri 2013, Quadri 2013, and Stolz. For new ideas of religion and religious difference, see Starrett 1998, Tayob 2009, and Mahmood 2015.

3. One might object that simply invoking these concepts does not entail their acceptance or integration – that the form does not necessarily impact the content of Islamic thought. This line of reasoning presupposes stable understandings of concepts that are, in fact, highly contested within and beyond social science. Stressing the performativity of social scientific categories, as I do here, allows me to avoid taking a normative position in these debates and to be sensitive to the problems that these categories create for the religious projects of Islamic scholars – modern problems that need to be addressed and explained (or explained away) with great vigor and energy.
4. These include distinctions between the public/private, idealism/realism, body/mind, and religion/secular. Social scientific concepts that are ubiquitous in modern Islamic discourse include ideology, system, sovereignty, and civilization (I have added “civilization” to Olivier Roy’s list [Roy 2004]). Also, consider the following neologisms used in titles of contemporary Arabic Islamic legal works: *al-‘alāqāt al-dawlīyah* (international relations), *al-waṭan wa al-muwāṭanah* (the nation and citizenship), *al-aqallīyāt al-dīnīyah* (religious minorities), *al-tanmīyah al-waṭanīyah* (national development), *al-niẓām al-iqtisādī* (the economic system), *al-shakhṣīyah al-i‘tibārīyah* (legal personality), *al-takāful al-ijtimā‘ī* (social solidarity), *al-niẓām al-‘āmm* (public order), *thaqāfat al-dā‘īyah* (the preacher’s culture), *al-sa‘ādat al-usarīyah* (family happiness), and *shakhṣīyat al-muslim* (the Muslim personality).
5. Christian and Muslim debates on these questions have occurred almost simultaneously over the last few decades. For a useful account of the range of Christian positions regarding the role of social sciences within ecclesiology, see Ormerod 2005.
6. The development of *fiqh al-wāqī‘* and the call to integrate social science into Islamic law are usually connected; however, they are not always coterminous. For two contrasting perspectives on this relation, see Ramadan 2009 and Ait Yahya 2012.
7. The Ministries of Religious Affairs involved in this project include those of Mauritania, Morocco, Egypt, Kuwait, and Oman. For examples of religious foundations, see the work of the Center for Islamic Legislation and Ethics established by Tariq Ramadan in Doha in 2012, the Abu Dhabi-based Forum for Peace in Muslim Societies, the Dublin-based European Council for Fatwa and Research, the International Union of Muslim Scholars, and the International Institute of Islamic Thought in Herndon, VA. Educational institutions include, but are not limited to, King Abd al-Aziz University (Saudi Arabia), the University of Damascus (Syria), al-Zaytuna (Tunis), the Faculty of Revealed Knowledge and Social Science (Malaysia), and Zaytuna College (California; directed by Hamza Yusuf).

8. See, inter alia, Athari 1420 AH, Albani 1422 AH, Bihi 2005, Bin Bayyah 2014, Bu'ud 2006, Haswa 2009, Laythi 2014, Mu'taz 2006, Umar 1991, and Uqayli 2003.
9. Examples of intellectual journals include *Al-Muslim al-Mu'āṣir* and *Al-Manār al-Jadīd* (Egypt), *Islāmīyat al-Ma'rifah* (Jordan-USA), *Al-Tasāmuh* (Oman), and *Tajdīd* (Malaysia). Examples of *fiqh* journals are *Al-Buḥūth al-Fiqhīyah al-Mu'āṣirah* (Saudi Arabia), *Al-Sharī'ah wa al-Qānun* (the UAE), and *Al-Majallah al-'Ilmīyah li al-Majlis al-Urubbi li al-Ifṭā' wa- al-Buḥūth* (Ireland). Examples of social scientific publications comprise *Majallat Jāmi'at Dimashq li al-'Ulūm al-Iqtisādīyah* (Syria), and *Al-Siyāsah al-Dawlīyah* (Egypt). *Fiqh al-wāqi'* has also been discussed in more popular magazines, such as *Al-Bayān* (Saudi Arabia), *Al-Hirā'* (Turkey), and *Al-Iḥyā'* (Morocco).
10. The call to develop *fiqh al-wāqi'* is both connected to, and broader than, the Islamization of Knowledge project that was popular in the 1980s. Scholars and journals affiliated to the International Institute of Islamic Thought (IIIT) have become leading voices in the call for *fiqh al-wāqi'*. In their recent publications, the integration of knowledge has replaced the call for its Islamization. This development requires further study; however, it can be related to the “crisis” of the social sciences themselves. Proponents of the Islamization of knowledge started from the assumption that social sciences were not neutral bodies of knowledge. It could be argued that the increasing fragmentation of the social sciences from the 1970s onward undermined their coherence, making it possible for Muslim intellectuals to appropriate elements of social scientific discourse without necessarily embracing an overarching epistemological and moral project.
11. The variety of Islamic projects that lend themselves to *fiqh al-wāqi'* today is striking. Saudi Arabia has used it to identify the conspiracies of imperialist plotters against Islam (Umar); Egypt mobilized it to prove the relevance of the Sharia against secularist critiques (Qaradawi) and the Gulf inserted it into its efforts to curb the “religious violence” associated with improper Muslim reading practices (Bin Bayyah). *Fiqh al-wāqi'* has also been used to foster a “civil Islam” that contributes to the process of integrating Muslims in the West (Jaballah) as well as integrating them into larger projects of “radical reform” and attempts to reconfigure religious authority in the global Islamic field (Ramadan). For some of these authors, *fiqh al-wāqi'* is part of an attempt to recapture jeopardized mechanisms that had historically guaranteed the integrity of the Islamic (legal) tradition. For others, it seems to function as an instrument for liberalizing the Islamic tradition. These two options have radically different consequences for religious authority: The former consolidates weakened structures of traditional religious authority, whereas the latter contributes to its further fragmentation.
12. In making these claims, I seek to go beyond the available characterizations of these debates simply in terms of competing struggles for authority between Salafis and Ikhwanis (Lacroix 2011) or more or less coherent projects of Islamic reform within the Muslim Brotherhood (Hamzawi 2004). I borrow the idea of

- transnational spaces of the *fiqh* debate from Bowen 2004a. The primacy of epistemology in contemporary Islamic discourse has been noted in Euben 2002.
13. One way in which the thought of the independent scholars discussed in this paper may be said to reproduce or presuppose the ambitions of the modern state lies in the appeal of statistics. Statistics, a set of enumerative practices, is bound up with the attempt to know, map, and manage a population within a territory – the central task of a modern state administration. As Talal Asad (1994) has pointed out, statistics constitute less a mode of representation than a tool of political intervention. Statistical reasoning entails a depreciation of the value of experience as a source of knowledge. Its current prestige within the circles of Islamic legal scholarship can therefore be said to mark an instance of incorporating modern state logics into the Islamic tradition, representing a shift in the practice of *iftā'* (issuing a fatwa) as it was historically articulated.
 14. The relation between fact and value in the Islamic tradition (and in Enlightenment thought) is a complicated one. For a discussion of the former in relation to the concept of natural law, see Emon 2010.
 15. See, for example, Buti 2007: 13. Note how a reified notion of “Islam” has replaced “God” (*al-‘Ārif*) as the source of knowledge in modern Islamic discourse. For a different view of the relation between traditional modes of moral enquiry and those inherited from the Enlightenment, see MacIntyre 1990. For a contemporary exploration of the unity of knowledge in the western tradition, see Hölsle 2014.
 16. Embodied knowledge designates here the ways in which *‘ilm* is meant to shape the knower’s dispositions, such that in Islamic civilization a true scholar could be identified on the basis of his behavior rather than his speech. In the context of Islamic legal consultation, the kinds of interaction between the mufti and the *mustaftī* deemed desirable went far beyond the exchange of information from a more knowledgeable to a less knowledgeable moral agent (although it was also that). For more on the relationship among knowledge, virtue, and embodiment in the Islamic tradition, see Lapidus 1984 and Rosenthal 2007.
 17. On Ibn Qayyim al-Jawziyyah, see Krawietz 2006 and Bori & Holtzman 2010.
 18. For different attempts to address some of these questions, see Jackson 2006, Ramadan 2009, Hallaq 2012, and Abou El Fadl 2014.
 19. My discussion draws upon Bamyeh’s (2008) argument regarding the congruence of Islamist instrumental reason and the developmentalist goals of secular nationalism. I borrow the concept of discursive modernity from Schulze (2000), who distinguishes between the temporal and discursive dimensions of modernity: One is modern temporally if one lives in the modern period; but one is modern discursively if one uses the distinction between the traditional and the modern as a key organizing principle in one’s life. Schulze rightly points out that contemporary Muslims are modern on both counts. The story I tell here is, of course, centered on Egypt. For an account of developments in the heartlands of the Ottoman Empire, see Senturk 2007.

20. See “al-Halaqa (2): al-Shaykh Muhammad Abd Allah Daraz” at www.qaradawi.net/new/seera/225-2014-01-26-18-27-52/5608-2-).
21. Although *Al-Khaṣā’iṣ al-‘Āmmah li al-Islām* was originally published in book format in 1977, it started as a paper on the eternal applicability of Sharia presented in a 1972 conference at the University of al-Bayda. Since most editions do not indicate the original date of publication, I rely throughout this essay on the bibliography organized chronologically by Mu‘taz al-Khatib (Khatib 2009: 223-40).
22. My account of the intellectual contexts of Muslim Brotherhood’s discourse of the late 1970s draws upon Abdullah al-Arian’s study of *Al-Da‘wah* published between 1976 and 1981 (Al-Arian 2014: 176-214).
23. My discussion above supports Bamyeh’s (2008) argument regarding the congruence of Islamist instrumental reason and the developmentalist goals of secular nationalism.
24. Qutb’s *Khaṣā’iṣ al-Tasawwur al-Islāmī wa Muqawwimatuhu* was originally published in 1962. A follow-up volume appeared posthumously under the title *Muqawimmat al-Tasawwur al-Islāmī*. I draw primarily upon July 2004 and March 2010 for my account of realism in Qutb’s work.
25. As Andrew March (2010) has shown, Qutb’s vision of Islam took the form of a “realistic utopia.”
26. Already in *The Islamic Awakening between Rejection and Extremism* Qaradawi had located a cause of extremism in the lack of understanding of reality (Qaradawi 1991: 76-81).
27. In Qaradawi’s pioneering study on the Islamic jurisprudence of minorities (Qaradawi 2001), “the concern with the *fiqh* of lived reality” is represented as one of nine features of Islamic law for Muslims in the West. The other features include *ijtihād*, *al-qawā’id al-fiqhīyah al-kullīyah*, emphasis on the group rather than the individual (*fiqh al-jamā‘ah*), facilitation (*al-taysīr*), graduality (*al-tadarruj*), and the consideration of human necessities and needs.
28. The expression “global mufti” is borrowed from Skovgaard-Petersen (see, for example, Gräf and Skovgaard-Petersen 2009). In *Al-Ijtihād fī al-Sharī‘ah al-Islāmīyah*, originally published in 1985, Qaradawi highlighted the ignorance of current reality (*al-ghaflah ‘an wāqi‘ al-‘aṣr*) as one of six key factors in the mistaken fatwas issued by contemporary muftis. There, he discusses the absolute prohibition of human photography (*taswīr*) and industrial methods of animal slaughtering.
29. On *fiqh al-aqallīyyāt*, see March 2009 and Caeiro 2011a, 2011b.
30. A geographer and Sharia scholar by training, Tarabulsi was a leader of the Libyan Islamist movement known as al-Tajammu‘ al-Islami (the Islamic Alliance), established in 1991. His political activities forced him into exile in 1995. Since his return in 2011, he has played a part in post-Gaddafi Libyan politics.
31. On the married woman who converts, see Caeiro 2011a and Zaman 2012: 209-17. On Muslim soldiers fighting in the American army, see Nafi 2004 and Stark

2011. The other two fatwas that fail to take “reality” into account, despite Qaradawi’s claims to the contrary, deal with swimming in gender-mixed swimming pools and greeting non-Muslims during their festivities.
32. The accusation of distorting or falsifying the reality (*tazyīf al-wāqi‘*) is frequently leveled at proponents of *fiqh al-wāqi‘* (see, for example, Hamad b. Ibrahim al-Uthman at <https://www.youtube.com/watch?v=HmoHldqUf-Y>).
 33. The ensuing controversy revolved around the relative weight given to explicit religious texts and changing social conditions, as well as the proper interpretation of each (Bowen 2004b; Caeiro 2004).
 34. In his text on *fiqh al-wāqi‘*, the famous hadith scholar al-Albani (1422 AH: 43) reminds his readers of a Prophetic narration explaining God’s withdrawal of victory for Muslims in the future because of their neglect of cattle, farming, and jihad and their practice of usury.
 35. These temporalities do not map neatly onto the modern/pre-modern divide, since the community’s welfare was very much part of the concerns of traditional Islamic scholars, who, in fact, might have dismissed the signs of the hour as irrelevant to their work as muftis. I thank the anonymous external reviewer for pointing this out.
 36. See on this point Mitchell 2004, 2008. Recurrent debates within Islamic economics about its failure to work “ethically” rather than simply “legally” tend to overlook this fundamental problem.
 37. The value attached to the political provides a key criterion for classifying Islamic thought. The positions of Muslim scholars range from those who see politics as contaminated and contaminating to those who regard it as a noble virtue and the fulfillment of human nature. Qaradawi and Buti fall on opposite sides of the divide. For two explorations of this question in classical and contemporary Islamic thought, see Anjum 2012 and Hirschkind 2012.
 38. Buti’s politics, which try to avoid the state’s agency, rely instead upon the Islamic tradition’s self-regulatory powers while benefiting from the state’s patronage (Pierret 2013). The limits of this conception would be starkly revealed during the Arab Spring uprisings, when Buti’s unflinching support for Bashar al-Assad eventually led to his assassination in Damascus.
 39. The outcome of these appeals to reality seems to be dependent on pre-existing perceptions of the world. Given current perceptions of the world as driven by a secular logic inimical to the moral projects of Muslim scholars, it should perhaps not be surprising that debates about reality radicalize, rather than moderate, Islamic legal discourse.
 40. The neglect of the political in Islamic juristic discourse can be seen in the debates about political parties. Muftis who support democratic participation equate the multiplicity of political parties to the plurality of juridical schools in Islamic law, whereas scholars who condemn it equate political parties with religious sects and religious strife. In both cases, the existence of the political as a legitimate space for voicing demands and expressing disagreement is denied.

Bibliography

- Abou El Fadl, Khaled. 2014. *Reasoning with God: Reclaiming Shari'ah in the Modern Age*. Lanham, MD: Rowman & Littlefield.
- Agrama, Hussein Ali. 2012. *Questioning Secularism: Islam, Sovereignty, and the Rule of Law in Modern Egypt*. Chicago: Chicago University Press.
- Aït Yahya, Aïssam. 2012. *Sheikh Nâsir al-'Umar: Fiqh al-Wâqi' – Le savoir profane au service du savoir révélé en Islam. Commentaires et annotations de Aïssam Aït Yahya*. Centre Islamique de Recherche et de documentation.
- Al-Arian, Abdullah. 2014. *Answering the Call: Popular Islamic Activism in Sadat's Egypt*. Oxford: Oxford University Press.
- Al-Azmeh, Aziz. 1988. "Islamic Legal Theory and the Appropriation of Reality." In Aziz al-Azmeh, ed., *Islamic Law: Historical and Social Contexts*, 250-65. London: Routledge.
- Al-Albani, Muhammad Nasir al-Din. 1422 AH. *Su'âl wa Jawâb ḥawla Fiqh al-Wâqi'*. 2d ed. Amman: al-Maktabah al-Islamiyyah.
- Amanat, Abbas and Frank Griffel, eds. 2007. *Shari'a: Islamic Law in the Contemporary Context*. Stanford: Stanford University Press.
- Amster, Ellen. 2013. *Medicine and the Saints: Science, Islam, and the Colonial Encounter in Morocco, 1877-1956*. Austin: University of Texas Press.
- Anjum, Ovamir. 2012. *Politics, Law, and Community in Islamic Thought: The Taymiyyan Moment*. Cambridge: Cambridge University Press.
- Asad, Talal. 2003. *Formations of the Secular: Christianity, Islam, Modernity*. Stanford: Stanford University Press.
- . 1994. "Ethnographic Representation, Statistics, and Modern Power." *Social Research* 61, no. 1: 55-88.
- Athari, Ali b. Hasan b. Ali b. Abd al-Hamid al-Halabi. 1420 AH. *Fiqh al-Wâqi' bayna al-Nazariyyah wa-l-Taṭbîq*. 3d ed. Ramallah: Sharika al-Nur li al-Tiba'ah wa al-Nashr wa al-Tawzi'.
- Atiyya, Jamal al-Din. 1995. "Kayfa Nata'āmalu ma'a al-Wâqi'." *Al-Muslim al-Mu'āṣir* n.d.: 75-76.
- Badawi, Yusuf A. M. 2008. *Tārīkh al-Tashrīṣ al-Islāmī. Tārīkh al-Fiqh al-Islāmī wa Uṣūluhu*. Riyadh: Maktaba Rushd.
- Bamyeh, Mohammed. 2008. "Hermeneutics against Instrumental Reason: National and Post-national Islam in the 20th Century." *Third World Quarterly* 29, no. 3: 555-74.
- Bihî, Abu Yasir Sa'id bn Muhammad. 2005. *Al-Ta'sīl al-'Ilmī li-Mafhūm Fiqh al-Wâqi'*. Alexandria: Dar al-'Alamiyyah li al-Nashr wa al-Tawzi'.

- Bin Bayyah, Abd Allāh. 2014. *Tanbīh al-Marāji' 'alā Ta'şīl Fiqh al-Wāqi'*. Riyadh: Markaz al-Nama' li al-Buhuth wa al-Dirasat.
- Boltanski, Luc. 2012. *Enigmes et complots: une enquête à propos d'enquêtes*. Paris: Gallimard.
- Bori, Caterina and Livnat Holtzman, eds. 2010. "A Scholar in the Shadow: Essays in the Legal and Theological Thought of Ibn Qayyim Al-Ġawziyah." *Oriente Moderno Monograph Series* 90, no.1. Rome: Istituto per l'Oriente C.A. Nallino.
- Bowen, John. 2004a. "Beyond Migration: Islam as a Transnational Public Space." *Journal of Ethnic and Migration Studies* 30, no. 5: 879-94.
- . 2004b. "Does French Islam Have Borders? Dilemmas of Domestication in a Global Religious Field." *American Anthropologist* 106, no. 1: 43-55.
- Al-Buti, M. Sa'id Ramadan. 2007. *Al-Islām wa al-Gharb*. Damascus: Dar al-Fikr.
- Bu'ud, Ahmad. 2006. *Fiqh al-Wāqi': Uşūl wa Dawābiḥ*. Cairo: Dar al-Salam.
- Caeiro, Alexandre. 2011a. "The Making of the Fatwa: The Production of Islamic Legal Expertise in Europe." *Archives de sciences sociales des religions* 155: 81-100.
- . 2011b. "Theorizing Islam without the State: Minority *Fiqh* in the West." In M. Diamantides, and A. Gearey, eds. *Islam, Law, and Identity*, 209-35. London: Routledge.
- . 2004. "The Social Construction of Shaṛī'a: Bank Interest, Home Purchase, and Islamic Norms in the West." *Die Welt des Islams* 44, no. 3: 351-75.
- Cuno, Kenneth. 2015. *Modernizing Marriage: Family, Ideology, and Law in Nineteenth- and Early Twentieth-Century Egypt*. Syracuse: Syracuse University Press.
- Dabashi, Hamid. 2009. *Post-Orientalism: Knowledge and Power in Time of Terror*. New Brunswick and London: Transaction Publishers.
- Daraz, Muhammad Abd Allah. 2010. *Al-Nazarāt fī al-Islām*. Cairo: Wizarat al-Awqaf.
- Dupret, Baudouin, ed. 2012. *La charia aujourd'hui. Usages de la référence au droit musulman*. Paris: La Découverte.
- , ed. 2004. *Standing Trial: Law and Person in the Modern Middle East*. London: I.B. Tauris.
- Doostdar, Alireza. 2016. "Empirical Spirits: Islam, Spiritism, and the Virtues of Science in Iran." *Comparative Studies in Society and History* 58, no. 2: 322-49.
- Elshakry, Marwa. 2013. *Reading Darwin in Arabic, 1860-1950*. Chicago: University of Chicago Press.

- El Shakry, Omnia. 2007. *The Great Social Laboratory: Subjects of Knowledge in Colonial and Postcolonial Knowledge*. Stanford: Stanford University Press.
- Emon, Anver. 2010. *Islamic Natural Law Theories*. Oxford: Oxford University Press.
- Esmeir, Samera. 2012. *Juridical Humanity: A Colonial History*. Stanford: Stanford University Press.
- Euben, Roxanne. 2002. "Contingent Borders, Syncretic Perspectives: Globalization, Political Theory, and Islamizing Knowledge." *International Studies Review* 4, no. 1: 23-48.
- Fraser, Nancy. 2008. "Abnormal Justice." *Critical Inquiry* 34, no. 3: 393-422.
- Gorski, Philip S. 2013a. "What is Critical Realism? And Why Should You Care?" *Contemporary Sociology* 42, no. 5: 658-70.
- . 2013b. "Beyond the Fact/Value Distinction: Ethical Naturalism and the Social Sciences." *Society* 50: 543-53.
- Gräf, Bettina and Jakob Skovgaard-Petersen, eds. 2009. *The Global Mufti: The Phenomenon of Yusuf al-Qaradawi*. London: Hurst.
- Hacking, Ian. 1983. *Representing and Intervening: Introductory Topics in the Philosophy of Natural Science*. Cambridge: Cambridge University Press.
- Hage, Ghassan. 2011. "Dwelling in the Reality of Utopian Thought." *Traditional Dwellings and Settlements Review* 23, no. 1: 7-13.
- Hallaq, Wael. 2012. *The Impossible State: Islam, Politics, and Modernity's Moral Predicament*. New York: Columbia University Press.
- . 2009. *Sharī'a: Theory, Practice, Transformations*. Cambridge: Cambridge University Press.
- Hamzah, Dyala, ed. 2013. *The Making of the Arab Intellectual: Empire, Public Sphere, and the Colonial Coordinates of Selfhood*. Oxon: Routledge.
- Hamzawy, Amr. 2004. "Exploring Theoretical and Programmatic Changes in Contemporary Islamist Discourse: The *Journal Al-Manar al-Jadid*." In Azza Karam, ed., *Transnational Political Islam: Religion, Ideology and Power*, 120-46. London: Pluto.
- Haswa, Mahir Husayn. 2009. *Fiqh al-Wāqi' wa Atharuhu fī al-Ijtihād*. Haddon, VA: International Institute of Islamic Thought.
- Hefner, Robert, ed. 2011. *Shari'a Politics: Islamic Law and Society in the Modern World*. Bloomington: Indiana University Press
- Hirschkind, Charles. 2012. "Salafi Islam, Online Ethics, and the Future of the Egyptian Revolution." Lecture at the London School of Economics, November 8.

- Hösle, Vittorio, ed. 2014. *Forms of Truth and the Unity of Knowledge*. Notre Dame, IN: University of Notre Dame Press.
- Jackson, Sherman. 2006. "Literalism, Empiricism, and Induction: Apprehending and Concretizing Islamic Law's *Maqāsid al-Sharī'ah* in the Modern World." *Michigan State Law Review*: 1469-86.
- Johansen, Baber. 1999. *Contingency in a Sacred Law: Legal and Ethical Norms in the Muslim Fiqh*. Leiden: Brill.
- Judy, Ronald. 2004. "Sayyid Qutb's *Fiqh al-Wāqī'i*, or New Realist Science." *Boundary 2* 31, no. 2: 113-48.
- Keller, Richard. 2007. *Colonial Madness: Psychiatry in French North Africa*. Chicago: University of Chicago Press.
- Al-Khatib, Mu'taz. 2009. *Yūsuf al-Qaraḍāwī Faqīh al-Ṣahwah al-Islāmī: Sīrah Fikrīyah Tahlīlīyah*. Beirut: Markaz al-Hadarah li Tanmiyyat al-Fikr al-Islami.
- Krawietz, Birgit. 2006. "Ibn Qayyim al-Jawzīyah: His Life and Works." *Mamlūk Studies Review* 10: 19-64.
- Lacroix, Stéphane. 2011. *Awakening Islam: The Politics of Religious Dissent in Contemporary Saudi Arabia*. Cambridge, MA: Harvard University Press.
- Lapidus, Ira. 1984. "Knowledge, Virtue, Action: The Classical Muslim Conception of Adab and the Nature of Religious Fulfillment in Islam." In Barbara D. Metcalf, ed. *Moral Conduct and Authority: The Place of Adab in South Asian Islam*, 38-61. Berkeley: University of California Press.
- Laythi, Madhat Mahir. 2015. *Fiqh al-Wāqī' fī al-Turāth al-Siyāsī al-Islāmī. Namādhij Fiqhīyah wa Falsafīyah wa Ijtīmā'īyah*. Beirut: al-Shabakah al-'Arabiyyah li al-Abhath wa al-Nashr.
- Lombardi, Clark. 2006. *State Law as Islamic Law in Modern Egypt: The Incorporation of the Shari'a into Egyptian Constitutional Law*. Leiden: Brill.
- MacIntyre, Alasdair. 1990. *Three Rival Versions of Moral Enquiry: Encyclopaedia, Genealogy, Tradition*. South Bend, IN: Notre Dame Press.
- Mahmood, Saba. 2015. *Religious Difference in a Secular Age: A Minority Report*. Princeton: Princeton University Press.
- March, Andrew. 2010. "Taking People as They Are: Islam as a 'Realistic Utopia' in the Political Theory of Sayyid Qutb." *American Political Science Review* 104, no. 1: 189-207.
- . 2009. *Islam and Liberal Citizenship: The Search for an Overlapping Consensus*. Oxford: Oxford University Press.
- Masud, Muhammad Khalid. 2001. *Muslim Jurists' Quest for the Normative Basis of Shari'a*. Leiden: ISIM.

- Mayeur-Jaouen, Catherine. 2013. "Les familles au Moyen-Orient moderne et contemporain. XVIIe-XXIe siècle." In M. H. Benkheira, A. Giladi, C. Mayeur-Jaouen and J. Sublet, *La famille en islam: d'après les sources arabes*, 391-489. Paris: Les Indes Savantes.
- Miller, Peter and Nikolas Rose. 2008. *Governing the Present: Administering Economic, Social, and Personal Life*. Cambridge: Polity.
- Mitchell, Timothy. 2008. "Rethinking Economy." *Geoforum* 39, no. 3: 1116-21.
- . 2004. "The Middle East in the Past and Future of Social Science." In David Szanton, ed. *The Politics of Knowledge: Area Studies and the Disciplines*, 74-118. Berkeley: University of California Press.
- . 2002. *Rule of Experts: Egypt, Techno-Politics, Modernity*. Berkeley: California University Press.
- Moosa, Ebrahim. 2014. "On Reading Shāṭībī in Rabat and Tunis." *The Muslim World* 104, no. 4: 451-64.
- Moumtaz, Nada. 2012. "Modernizing Charity, Remaking Islamic Law." PhD diss., City University of New York.
- Mu'taz, Rahma. 2006. *Ḥawla Mashru'iyah Fiqh al-Wāqi' fi al-Turāth al-Islāmī*. Casablanca: Markaz al-Turath al-Thaqafī al-Maghribi.
- Nafī, Basheer. 2004. "Fatwa and War: On the Allegiance of the American Muslim Soldiers in the Aftermath of September 11." *Islamic Law and Society* 11, no. 1: 78-116.
- Ormerod, Neil. 2005. "A Dialectic Engagement with the Social Sciences in an Ecclesiological Context." *Theological Studies* 66: 815-40.
- Peletz, Michael. 2013. "Malaysia's Syariah Judiciary as Global Assemblage: Islamization, Corporatization, and Other Transformations in Context." *Comparative Studies in History and Society* 55, no. 3: 603-33.
- Pelkmans, Mathijs and Rhys Machold. 2011. "Conspiracy Theories and Their Truth Trajectories." *Focaal – Journal of Global and Historical Anthropology* 59: 66-80.
- Pierret, Thomas. 2013. *Religion and State in Syria: The Sunni Ulama from Coup to Revolution*. Cambridge: Cambridge University Press.
- Al-Qaradawi, Yusuf. 2009. *Madkhal li Dirāsāt al-Sharī'ah al-Islāmīyah*. 6th ed. Cairo: Maktaba Wahba.
- . 2008. *Al-Siyāsah al-Shara'īyah fī Ḍaw' Nuṣūṣ al-Sharī'ah wa Maqāshidihā*. 3d ed. Cairo: Maktaba Wahba.
- . 2003. *Fatāwā min Ajl Filisṭīn*. Cairo: Maktaba Wahba.
- . 2001b. *Fī Fiqh al-Aqallīyāt: Ḥayāt al-Muslimīn Wasaṭ al-Mujtama'āt al-Ukhrā*. Cairo: Dar al-Shuruq.

- . 2001a. *Al-Khaṣā'is al-‘Āmmah li al-Islām*. 10th ed. Beirut: Mu’assasat al-Risalah.
- . 1998. “Fiqh al-Wāqī’ wa Taghyīr al-Fatwā.” *Al-Manār al-Jadīd* 3: 6-15.
- . 1996. *Thaqāfat al-Sā’iyya*. 10th ed. Cairo: Maktaba Wahba.
- . 1991. *Islamic Awakening between Rejection and Extremism*. Herndon, VA: International Islamic Publishing House and IIIT.
- Quadri, Junaid. 2013. “Transformations of Tradition: Modernity in the Thought of Muhammad Bakhit al-Muti’i.” PhD diss., McGill University.
- Ramadan, Tariq. 2009. *Radical Reform: Islamic Ethics and Liberation*. Oxford: Oxford University Press.
- Ramadani al-Jaza’iri, ‘Abd al-Malik b. Ahmad b. Mubarak. 2008. *Madārik al-Naẓr fī al-Siyāsah bayna al-Tatbiqāt al-Sharā’iyyah wa al-Infī’ālāt al-Ḥamāsīyah*. 8th ed. Cairo: Dar al-Furqan li al-Nashr wa al-Tawzi’.
- Rose, Nikolas. 1990. *Governing the Soul: The Shaping of the Private Self*. London and New York: Free Association Books.
- Rosenthal, Franz. 2007 [1970]. *Knowledge Triumphant: The Concept of Knowledge in Medieval Islam*. Leiden: Brill.
- Roy, Olivier. 2004. *Globalized Islam: The Search for a New Ummah*. New York: Columbia University Press.
- Al-Salahat, Sami. 2004. “Fiqh al-Wāqī’ bayna Manzūr al-Qaṭ’ wa al-Ẓann: Dirāsah Uṣūliyyah.” *Majallat al-Sharī’ah wa al-Qānūn* 21, <http://sljournal.uaeu.ac.ae/issues/21/docs/4.pdf>.
- Salvatore, Armando. 2004. “The Implosion of the Shari’a.” In Baudouin Dupret, ed. *Standing Trial: Law and Person in the Modern Middle East*, 116-39. London: I.B. Tauris.
- . 1997. *Islam and the Political Discourse of Modernity*. Reading: Ithaca Press.
- Salvatore, Armando and Dale Eickelman, eds. 2004. *Public Islam and the Common Good*. Leiden: Brill.
- Sayer, Andrew. 1992. *Method in Social Science: A Realist Approach*. New York: Routledge.
- Senturk, Recep. 2007. “Intellectual Dependency: Late Ottoman Intellectuals between *Fiqh* and Social Science.” *Die Welt des Islams* 47, no. 3-4: 283-318.
- Shabana, Ayman. 2010. *Custom in Islamic Law and Legal Theory: The Development of the Concepts of ‘Urf and ‘Adah in the Islamic Legal Tradition*. New York: Palgrave Macmillan.
- Shaham, Ron. 2010. *The Expert Witness in Islamic Courts: Medicine and Crafts in the Service of Law*. Chicago: University of Chicago Press.

- Schulze, Reinhard. 2000. "Is There an Islamic Modernity?" In Kai Hafez, ed. *The Islamic World and the West: An Introduction to Political Cultures and International Relations*, 21-32. Leiden: Brill.
- Stark, Harvey. 2011. "Religious Citizens after September 11th: The Impact of Politics on the Jurisprudence Concerning Muslim American Military Service." *The Muslim World* 101, no. 3: 484-93.
- Starrett, Gregory. 1998. *Putting Islam to World: Education, Politics, and Religious Transformation in Egypt*. Berkeley: University of California Press.
- Steinmetz, George and Ou-Byung Chae. 2002. "Sociology in an Era of Fragmentation: From the Sociology of Knowledge to the Philosophy of Science, and Back Again." *The Sociological Quarterly* 43, no. 1: 111-37.
- Steinmetz, George. 1998. "Critical Realism and Historical Sociology: A Review Article." *Comparative Studies in Society and History* 40, no. 1: 170-86.
- Stolz, Daniel. 2012. "'By Virtue of Your Knowledge': Scientific Materialism and the Fatwās of Rashīd Ridā." *Bulletin of the School of Oriental and African Studies* 75, no. 2: 223-47.
- Al-Tarabulsi, Mustafa Bashir. 2011. *Manhaj al-Baḥth wa al-Fatwā fī al-Fiqh al-Islāmī bayna Indibāṭ al-Sābiqīn wa Idtirāb al-Mu'āshirīn. Al-Ustādhān Sayyid Sābiq wa-l-Qaraḍāwī Namudhajān*. Amman: Dar al-Fath.
- Tayob, Abdulkader. 2009. *Religion in Modern Islamic Discourse*. London: Hurst.
- Terray, Emmanuel. 2012. *Penser à droite*. Paris: Galilée.
- Tripp, Charles. 2006. *Islam and the Moral Economy: The Challenge of Capitalism*. Cambridge: Cambridge University Press.
- Al-Umar, Nasir. 1991. *Fiqh al-Wāqi' Muqawwimatuhu wa Athāruhu wa Maṣādiruhu*. www.islamstory.com/uploads/multimedia/books/feqeh-al-waqei.doc.
- Al-Uqayli, Sa'ud b. Muhammad. 2003. *Fiqh al-Wāqi' bayna al-Da'awī wa al-Bayyānī*. Beirut: Mu'assasat al-Rayyan.
- Uthman, Muhammad Fathi. 2004. "Yūsuf al-Qaraḍāwī al-Faqīh al-Da'yah al-Baṣīr bi al-Wāqi' al-Mu'aysh." In Abd al-Azim Dib, ed. *Yūsuf al-Qaraḍāwī: Kalimāt fī Takrīmihi wa Buḥūth fī Fikrihi wa Fiqhihi. Muḥdāt ilayhi bi Munāsabah Bulūghīhi al-Sab'īn*. 2:848-53. Cairo: Dar al-Salam.
- Vattimo, Gianni. 2012. *Della realtà. Fini della filosofia*. Italy: Garzanti.
- Vuillemin, Jules. 2009. *What are Philosophical Systems?* Cambridge: Cambridge University Press.
- Wolfe, Alan. 2005. "Reality in Political Science." *The Chronicle of Higher Education*, November 4.

- Wood, Leonard. 2016. *Islamic Legal Revival: Reception of European Law and Transformations in Islamic Legal Thought in Egypt, 1875-1952*. Oxford: Oxford University Press.
- Zaman, Muhammad Qasim. 2012. *Modern Islamic Thought in a Radical Age: Religious Authority and Internal Criticism*. Cambridge: Cambridge University Press.
- . 2005. “The Scope and Limits of Islamic Cosmopolitanism and the Discursive Language of the ‘Ulama.” In miriam cooke and Bruce Lawrence, eds. *Muslim Networks from Hajj to Hip-Hop*, 84-106. Chapel Hill: University of North Carolina Press.