



[Ijtihad and Common Sense](#)

Basing Actions and Judgments on Qur'an and Sunnah

Allah says in the Holy Qur'an:

Those who follow the Messenger, the unlettered prophet, whom they find written about in what they have of the Torah, and the Injil, who enjoins upon them doing what is right, and forbids doing what is wrong, makes lawful for them what is pure, and prohibits for them what is impure, and list from them the burdens of the shackles of what were upon them. So it is for those who believe in Him, and honor Him, and help Him, and followed the light which was sent down with Him. They are successful. Surah al-'Araf

Also in Surah as-Shurā, Allah says,

That is good news that Allah gives to His worshipers. Say, I do not ask you for any reward for what I do, except the love of those who are near. Whoever does a good deed, We will increase the good of it for him. Surely, Allah is All Forgiving, responsive to gratitude.

Of the many points in here, there are two that are very important. One is that we should act the same way that Rasūlu-Llāh (sal) would act. The second is we should not seek reward for our good deeds. Now, everything in this life is not written out so that you can say, "Well, this is happening, so I should do this," or "That is happening, so I should do that." There is not a clear way, or clear decision in the reality of life.

There are many examples of how we have to adjust and make *ijtihad* in the Qur'an. Independent judgment has to be based on something. It can be based on the Sunnah, or the Shar'ia, or the Qur'an. There are examples in the Qur'an, and there are examples in the *ahadith*.

Allah says, **"Indeed, Safa and Marwa are among the symbols of Allah."** The Prophet (sal) from this precedent, and his understanding of the words, pointed out that the *tawaf* should begin at Safa. So it wasn't told, but that was the conclusion that came. Even in the Hajj, there are examples of assumptions that are made based on indications, or *isharat*, or hints. Again, it says in Qur'an, **"Allah belongs to the East and the West. Wherever you turn, there is the countenance of Allah."** The holy Prophet (sal) concluded that, though it was obligatory under normal conditions to pray toward Mecca. Under other circumstances, if there was a genuine need or reason, one was not obliged to pray toward Mecca, if for example, you are on a camel (or in a modern, many camel-powered automobile) when it is time to pray. It is different when you can stop and position the car easily.

Another aspect of understanding *ijtihad*, and understanding our belief, and how belief operates in Islam, is to realize that if anything is forbidden, according to the Qur'an, or what we would normally call the Shar'ia, the opposite is also allowed. If it is allowed in the Shar'ia, the opposite is also forbidden. The consequences that are the result of a command or a prohibition are included in the command. For example, if people are commanded to hasten earnestly to prayer when prayers proclaimed on the Jumah, it is an essential consequence that to continue any business after one hears the call to prayer is not preferable. If anything is forbidden, it is also necessary that all the means of the ways that encourage that thing should be made unlawful. If drinking alcohol is forbidden, then selling it and making it should also be forbidden.

Jurists make use of these principles of interpretation of the text, and derive rules and actions and judgments from them in order to keep the law in tune with reality, the problems of the time and the place. We certainly live in a time and a place that begs for us to do this, given the wars among the Muslims and non-Muslims, given the conflicts in the Middle East, given the decisions that have to be made. But to derive those answers means that one has to have an understanding and a, shall I say, a non-political and spiritual basis for that decision-making, which is usually invoked as a moral and ethical basis. This is what is being invoked today by a Christian president of our country, who happens to have a Muslim name, about a country that is not just Muslim, but also Christians; and not just Sunni, but also Shi'a and Alawite, and not just some country; but strategically located; and supposedly, hopefully, turning to guidance without much care for the political fallout, supposedly. We shall see.

I don't want to make a political *khutbah* today, but all these factors are real factors that affect a person's vision, view, moral, and ethical choices. It's not just black and white. There are other things on the agenda. For example, if the leader loses his power to influence, it's not just over one thing. It's over many things, for example, the economy, or other laws that need to be passed, like the health law, or immigration issues, and many other things. He could lose his veracity. And that's just today, in the United States. It holds true everywhere. The way the individuals see their obligations is very important. If someone sees it from a spiritual point of view, an ethical point of view, a moral point of view, these are certain factors that have to be faced. If one sees from a very agnostic or atheistic point of view, from only an opportunistic point of view, a materialistic point of view, then there are other aspects that have to be dealt with. I'm not just talking about the United States and Russia, for example.

Then there are other aspects, reasonable aspects of decision-making, *ijtihad*, based on principled action. They are not things to be just brushed off. Convenience and ease is a basic principle of legislation in the Qur'an and the Hadith. In the Holy Qur'an, Allah refers to this principle on many occasions. He says, **"It is part of the mercy of Allah that you deal gently with them. Were you severe or harsh hearted, they would've broken away from you."** This is a format for action; this is a means to accomplish some goal, some ends. That means also that you understand the consequences, like the banning of alcohol drinking also means not producing it, and not selling it.

In Surah al-Baqarah we read, **"Allah intended every facility for you. He does not want to put you into hardship."** When the holy Prophet (sal) appointed to men as governors of Yemen, he advised them to treat the people gently, and not to cause them hardship, and to cooperate with one another, not to oppose one another. Once some people treated a Bedouin harshly, and the holy Prophet (sal) said, **"Allah has sent you to treat people gently, and has not sent you to treat them harshly."** So here is the foundation and moral excuse for a non-Muslim president of a country to say, "Look at how they are treating their own people. Assad is gassing his people. He is not following any guideline of not treating people harshly at all." Or, you can say it in Egypt, or in Libya, or in Tunisia, certainly in Afghanistan, certainly everyday, people in Iraq are being killed by other Iraqis.

We are not going to stand here today and say there is some kind of moral equivalency in being killed by gas, as opposed to dying slowly from a bullet wound. We can't do that. If x-number of thousands of people were killed by a standard bomb, is it better than if they were killed by gas? We have to get to the moral and ethical principle behind these things. And who's doing it? It is a common principle in international relations and political science to talk about proxy wars. Proxy wars

mean that there are proxy fighters. Proxy fighters means that's what their jobs are. When they return home, what are they? All of a sudden, do they sell dates at the marketplace? Is that what they are? They've been sent out by some regime for political end. And the mercenaries are worse if they are ideological mercenaries. So then what? How do you reabsorb them? Is it the same as reabsorbing our hundreds of thousands of soldiers back into our society?

One thing leads to another. That's why the holy Prophet (sal) said, ***"Treat people kindly, and not harshly. Govern them with kindness. Make things easy for them."*** Convenience and command take a lot of different forms. Nothing should be made a condition, or an essential constituent of worship, because *ibada* itself is difficult enough to fulfill. We don't want to make it more difficult. For example, when the holy Prophet (sal) said, ***"Were it not that such a command of mine would cause distress upon my people, I would order them to delay their evening prayer, and use a toothpick to brush their teeth at the time of prayer."*** That's the degree to which he wanted to make things easy. So too, in regards to pious acts and deeds, certain things should be made lawful because people are naturally inclined to them. They would therefore perform them in any way.

For example, if you take a bath (as you should do, at least a shower or really good *wudu*) before Jumah prayer, then it's also encouraged that you use perfume (good, high-quality perfume), because it's pleasant. Well, not everyone is going to use perfume, and some of us are actually a little allergic to it. And we wouldn't want our comfort to make someone else uncomfortable. What's the point behind it? If it's convenient, fine. If it causes a problem, it is not so fine. This is all *ijtihad*. This is not some deep, intellectual process. Again, with things that are difficult to adopt, there is another concept, which is the rule of progression. For example, interest payments were not outlawed just because of that. And alcohol was prohibited gradually,

because it was a progressive process. People gradually had to change their way. Just think about that in terms of alcohol. It was a premonition of the holy Prophet's (sal). He had no evidence that alcohol was addictive, other than observation. Yet he knew that one had to be weaned from it slowly.

Another thing that is harmful for the religion in the way of life is a wrong understanding and application of the commands. Usually, because we are excessive, or obstinate, or stubborn, we can have a few wrong ideas that can be pretty harmful over time. For example, what is commendable is made obligatory, and what is hateful and displeasing is declared unlawful. Many things were done by the holy Prophet (sal) as a matter of habit, also conforming to the customs of the time and the place. These did not form a part of the actual *dīn*, and shouldn't be considered as something permanent in the Shar'īa, but people don't distinguish between these things. So something that is customary, they say is Shar'īa, absolute. They don't distinguish between two types of actions of the holy Prophet (sal). Everything is placed under the rubric of *sunnah*.

It's also a fact that the holy Prophet (sal) did many things from his natural liking, which had no relationship with the Shar'īa. For example, he liked a certain kind of food. He liked perfume. He liked kohl for the eyes. This had nothing to do a Shar'īa. I didn't just forget or neglect to put my kohl under my eyes today. I don't use it. Extremists consider that this is now a necessary part of *ibada*. Some people really go to extremes, and this makes it very difficult for them to perform their prayer. Sometimes they perform *ibada* that the Prophet (sal) himself didn't even do, and they make it obligatory upon themselves, and they put themselves and others under unnecessary hardships. Then they judge them if they don't do them, even to their life. For example, there are certain people who fast all the time, or people who worship all night long, every night, people who avoid proper relationships with their

husbands or wives, or people who become monk-like and isolate themselves from society. There are also people who practice *sunnah* things as if they were *fard*. The Prophet (sal) discouraged these things, and showed how he felt it was undesirable for people to perform such actions in these ways.

In a *hadith*, the holy Prophet (sal) said, ***“Whoever imposes austerities or hardships upon themselves in matters of the Dīn, will surely be overcome by those hardships.”*** That's pretty reasonable and pretty logical. The worst thing is when you think that the holy Prophet (sal) is saying something the opposite of that, or you attribute something that he just did one time as *fard*. Then you find it difficult to accept other things that he said, and you impugn those actions with him. Those people who set aside Allah's commands and follow their own opinions introduce innovation to them, and that's the *bida*. It was Shaytan who first used all these arguments against the commands of Allah. He said, ***“I am better than him. You created me for firing him from clay.”*** And according to Imam Hasan Basri, Shaytan was the first to form the principle of judgment by opinion. Another great *shaykh* of the *awliya-Llāh* said, *“If you adopt the way of judgment by opinion, you'll make the unlawful lawful, and the lawful unlawful.”*

This is the world we live in today. And you wonder, are people really that stupid, or are they using it? Do they really believe in it? Someone made a really ignorant comment today that I read. I won't tell you which news service, and I won't tell you which person, but you can probably guess that. And I tweeted back, “Do you really think that we are that stupid?” Do you really think the citizens of this country are that stupid? And I meant it as a serious question. Hazrat Umar (ra), the companion of Prophet Mohammed (sal), said, *“Three things are the cause of destroying the building of Islam. The error of the scholar (and we have plenty of those today), a hypocrite's argument of the Qur'an, according to the desires of his own self (we have*

plenty of that today), *and a wrong decision of misled leaders.*" Hello! "*Destroying the building of Islam.*" He didn't say, "Coming from Islam." This means all the things that are not derived from the Qur'an and the Sunnah.

There is also a misunderstanding about what is consensus. Some people think that a certain group of scholars of Islam cannot make any mistake or error in judgment, if they agree on certain matters. I was on a conversation with one of our fellows from Egypt. I said, "How are things? What is happening? Bring me up-to-date." He said, "All these people think they're *alim*. And then they go and speak in public, and they tell people things that are not true, and the people believe them. It is to the point now where everyone thinks they are an *alim*." If they all have consensus on the matter, that should be accepted as final, but there is a condition. The condition is, the deviation must be based on the Qur'an and the Sunnah. Because if it is consensus based on anything else, it doesn't apply.

So you see, things are not blind, and they are not rigid. Everyone can make errors. The people who tend to look and act innocent are not so innocent. When we find a leader has made a wrong decision, or there is a *hadith* of the holy Prophet (sal) on a certain matter, one should guard one's personal judgment, and follow the *hadith*. And then we have to rely on common sense. There is nothing in common sense that says you destroy other peoples' institutions, churches, synagogues. There is nothing in common sense (and I am not talking about Shar'ia) that says that you kill people and gas people – nothing. But then you have to look at the word 'common' sense. The Prophet (peace be upon him) always relied on natural inclinations and natural common sense, and his own wit, if you will.

There is another singular trait of the teachings. The teachings were never built upon clever double statements and innuendos. There was no ambiguity. More than that,

common sense is not based on high intellectual activity, either. It's something that a person on the street has, with no education perhaps. But they can easily be misled by what they think are commands or laws. They may think, "Gee, that doesn't sound right. But this person is an *alim*, and they are telling me this." Or, "That person is an *imam*; I should listen to that person. That person is a priest; I should listen to that person." It's based on normal everyday knowledge and expertise of the average individual.

The Prophet (peace be upon him) was asked to announce, "***I ask of you know fee for this. And I am no imposter. Lo, it is none else but a reminder for all people.***" That really sums up a lot of Islam and *ijtihad*, that everything needs to be constructed as a reminder. All the prophets addressed their messages to humanity. All used simple and straightforward terminology. A person doesn't have to be an intellectual giant. A person doesn't have to be a scholar, or an expert to be able to garner the truth of the Qur'an and the Sunnah. The teachings of the Prophet and the prophets answer the purpose of the society in their day and time. It was very important in the early days that one drew from the lessons in the teachings of the previous prophets. Because there lay a very strong foundation for bringing forth the next teaching, in this case the Qur'an and the prophets.

The meanings, the sounds, and the words we have discussed in detail recently. And they are deeply embedded inside of us. It is only when we can, through the medium of our own *ibada*, our own faith, our own worship, our own trust in Allah, bring them to the surface, through our efforts to sensitize ourselves to the *ta'wil*, that we can be assured that our knowledge, and our opinion, and our *ijtihad* are in compliance and resonance with the Qur'an and the Hadith. It is not the majority of people necessarily, but the people of compassion and mercy, and love and tolerance,

and peace and understanding who cross borders, not to smuggle armaments, but to bring love and peace and understanding.

We can bring forth the meaning of those teachings in our lives. We can support what is right and what is good. The hard decision is do you do that at the tip of a missile? Do you do that over time, depending on the goodness of the hearts of human beings who struggle for goodness? The meaning of the Hadith, the meaning of the Shar'īa, the meaning of the Torah, the meaning of the Injil have to be in sync. When we feel satisfied, we will be satisfied, if what is satisfying to us is goodness, not deterrents only. People who rise up in revolt must demand of the people of the society they are changing that they have moral and ethical principles by which they live; otherwise, the revolt goes on. And [they] show revulsion at the immorality and lack of ethics.

Of course, we all suffer from lapses in knowledge and ethical breaches. But the way of forgiveness, repentance, tolerance, and patience is given to us also. One has to think a great deal from the heart about the guides, the prophets, and Allah, and not make life a mechanical process. We have to pitch in to create success. We have to pitch in, so we can eat, and have a shelter over our heads, and maintain our lives, and our community, and our gardens, and our roofs, and our houses, and trust that Allah will find a way to sustain us. Therefore, it is very important that in pitching in, we make a personal commitment to the past, to Islam, to one another, to those who serve, a personal commitment to Tasawwuf, a personal commitment to this community in which we live [through] attendance, ethic, service, financially, and with the sweat of our brow and our muscles.

The Qur'an is really capable of satisfying virtually everyone of all backgrounds, of all times, of all places. It hasn't lost its power to open doors of the minds of the people. I try to prove that during the retreat, and again in other *durūs*. I try to remind myself

and you about it every day. It's never lost its power to cut the chain that hangs around certain people's hearts. It's never lost its ability to give conviction and self-reliance to people who have no convictions. Indeed, the Holy Qur'an is a revelation from the Wisest to each one of us. We should act as if we are receiving a gift from Allah, and be humbled by it, and use it, and establish ourselves within the real world of the *dīn* of Islam, of submission and trust – not just on Fridays, at a *khutbah*, and not just in the evenings during the *dars*, not just in between our work, or classes as students. But be shining examples of both good actions and repentance when necessary.

That's what we pray for, for the president and the other leaders of the world today, in light of the fact that so many people are suffering. We ask Allah to give wisdom not only to him, but to make it impossible to politicize these actions for self aggrandizement, which is what enemies of the truth do all the time, whether you call them by a political party name, or by a religious name. All power corrupts, and total power corrupts totally. There has to be restraint. And maybe we can come back to some median place, where we can turn our attention to what makes the world a better place in people's lives. *Amin*.

With this prayer, Allah, we affirm that Allah is the Best to Aid us all, the Best Forgiver, and the Best Provider, and the Deliverer from the hands of the oppressors. We say these prayers with the hope that we are also speaking for those who are oppressed and need guidance. We ask Allah to give us a fair wind in accordance with His Knowledge and the treasures of His Mercy, and to recognize that it is Allah's Power over all things. With this prayer we ask Allah to make order out of things that are disorderly, and bring serenity and healing to our bodies, peace to our worldly live and our spiritual lives. We beseech Allah for a faith that is everlasting and does not bend to the whims of the times, and freedom, and complete well-being, and

gratitude for that. In this prayer, we ask Allah to make our faces shine with the light, so that on the day of resurrection we are with our friends, and hand-in-hand. Spread open to us with our families and our children, and may our Companion in our travel, and our Guardian in our family be Allah. We ask Allah to respond to us, and we ask Allah to make those who are sick, well; and those who have passed, give them ease, and ease to their families.

As I looked at the president today, as he gave his talk from St. Petersburg, he was weary. It may be the time change; it may be flying all night; it may be many, many things, but he was a weary man. So pray for his stamina. Whether we agree or disagree, that's our right as citizens, but what is most important is that he has the strength of mind. And we pray that the right things are done for the right reasons, and that weariness is lifted, and he may find strength in his family when he returns today to Washington. We also pray that for the other leaders. Those who, for political reasons, take one side or another that they should somehow be struck by the lightning of reason and rationality, to make their *ijtihad* based on something more than their own egos.