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Toward Our Reformation

change according to time and place.”⁵³ Some jurists and scholars, paralleling the attendant regime of *taqlid*, have honored the legacy of *ijtihad* as part of their pursuit to maintain contemporary laws and codes. Those Islamic jurists of the present era, who are aware of modern challenges, have been diligent in bridging the gap between legal theory and reality, thereby effectively rejecting the imputation of immutability. The dynamism of Islamic law was its hallmark even during the times of the Prophet’s Companions. Thus, at the level of detail concerning its application, the *Sunnah* is precisely the opposite of immutable. Ibn Qayyim al-Jawziyyah (d. 1356 CE) shares an illuminating perspective on this facet:

Omar ibn Al-Khattab judged [in a case in which] a woman died and left her husband, her mother, two full brothers and two half brothers from her father, and decided to distribute the third of her inheritance between all the full as well as half brothers. A man said to him [i.e., to Omar] ‘you did not do the same in the year so and so.’ Omar replied: ‘that [decision] was according to what we had judged then and this [decision] is according to what we are judging today.’⁵⁴

Thus, it is erroneous to view laws derived from Islam as fixed or forever unchanging:

[I]t was not the mission of the Prophet to build up a structure of conduct and action that was rigidly fixed for all time irrespective of the change of circumstances. On the other hand, the Prophet gave to his Companions general lines of guidance which would enable them to build a fresh structure of action and conduct under changed circumstances. This kind of flexibility can be seen in the behaviour of the Prophet’s Companions. They did one thing in Egypt, another in Syria, and still another in Iraq.⁵⁵

IS THE SHARI’AH THE SAME AS ISLAM AND IS IT A COMPLETE CODE OF LIFE ?

From the preceding discussion it should be clear that the Shari’ah is not the same as Islam. Interestingly, the comment “Shari’ah is just another

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