

Professor Oliver Leaman

Reason and Rationality in Islamic Legal Theory and Law: A Plea for Caution

There are clearly aspects of Islam that can be used to defend the view that the religion advocates a theory of natural law and so can present a rights-based theory of human rights and law. Rationality provides the basis to the argument for such a view, and Islam itself is taken to be a rationally based system. Indeed, in recent years there have been political moves to suggest that Islam does not stand in the way of the ordinary liberal understanding of human rights and there have been attempts at formulating accounts of law that accord both with modernity and also with Islam. I shall examine and explain a range of such views.

I will present an alternative approach and argue that although there is scope within Islam to defend such a view, it does not really do justice to either the letter or spirit of the religion, especially as represented by the Qur'an. If we examine some of the key *ayat*, especially those dealing with Adam, Iblis and the angels, it becomes clear that any status that we are said to have is irretrievably granted by God. If we examine the journey of Musa and Khidr it also is obvious that the idea that we can work out an understanding of what is going on using reason, as Musa tries to do, is woefully mistaken. I will discuss the implications this has for Islamic jurisprudence. I will conclude by suggesting that we really need to think carefully about how we see reason operating within a theological and legal context, since perhaps sometimes we fall into the danger of stressing one aspect of Islam, rationality, at the cost of ignoring the main thrust of the religion, which lies somewhere else entirely.



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