RECONCILING SCIENCE AND RELIGION BASED ON THE COMMON GOOD: REMEDY FOR ISLAMIC FUNDAMENTALISM AND PATH TOWARD DEMOCRACY

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Abstrak

Selama beberapa dekade, telah berkembang pemahaman yang menekankan adanya pemisahan antara fakta dan nilai. Sains dianggap tidak memiliki wewenang dalam menjawab persoalan terkait dengan moralitas. Artikel ini mencoba menawarkan pendapat berbeda dengan penekanan, bahwa sains harus memiliki peran dalam menjawab berbagai persoalan penting dan mendesak yang dihadapi oleh banyak negara, yaitu, fundamentalisme agama. Berbasis pada konsep dialektika atas dua teori yang berhubungan dengan sains dan agama, artikel ini menawarkan sebuah sintesis baru terkait hubungan tersebut. Dengan berpijak pada fiqh dan konsep maslahah, yang selama ini menjadi fondasi bagi penerapan hukum Islam, artikel ini menunjukkan adanya hubungan positif dan perlunya rekonsiliasi antara sains dan agama (Islam). Sains ternyata mampu menawarkan solusi alternatif, ketika terdapat ketidakmungkinan pemisahan antara agama dan negara. Rekonsiliasi sains dan agama (Islam) dapat berkontribusi terhadap proses demokratisasi negara-negara Muslim, dengan tanpa merusak nilai-nilai relijiusitas Islam. Prinsip yang menjadi pijakannya adalah konsep maslahah, yang fokus orientasinya adalah kesejahteraan bersama.

Abstract

Over the decades, there has been a growing understanding that emphasizes the separation between facts and values. Science is considered not to have the authority to answer questions related to morality. This article tries to offer a different argument emphasizing that science must have a role in answering various essential and urgent problems faced by many countries, namely, religious fundamentalism. This article offers a new synthesis of these relations based on the dialectical concept of two theories related to science and religion. Based on fiqh and the concept of maslahah, which have been the foundation for applying Islamic law, this article shows the positive relationship and the need for reconciliation between science and religion (Islam). Science turns out to offer an alternative solution, especially when there is the impossibility of separating religion and state. Reconciliation of science and religion (Islam) can contribute to the democratization process of Muslim countries without destroying Islamic religious values. The principle used is the concept of maslahah, whose focus orientation is for the common good.

Introduction

In the current era of globalization, one of the challenges faced by the government regarding religious life is whether religious rules, which are internalized in people's daily lives and attached to the constitution, have followed the current demands of democratization. In particular, when the religious landscape fragmented into traditional (orthodox) and liberal (moderate-liberal) groups.[1] When a government wants to democratize its political system while at the same time is faced with the impossibility of separating religion and state, then the alternative solution is the reconciliation of science with religion. However, there are implications where religious liberals tend to approve of such a fusion while religious traditionalists disagree.

Over the past few decades, the conventional answer to this question has separated facts and values. Wherein science is believed to have no role in moral questions. In addressing the separation of science and religion,

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[1] Religious traditionalism is a fundamental approach to one's religion where the interpretation of the sacred scripture is being taken at face value. Religious liberalism is a moderate to liberal approach to the interpretation of the sacred scripture where such an interpretation is contingent upon the values of individual and collective freedom with the aim to advance societies. For further reading on the religious traditionalism-liberalism dichotomy, see Jay Newman, *on Religious Freedom,* (Ottawa: University of Ottawa Press, 1991).

this study uses the concept of dialectic: thesis, antithesis, and synthesis.[2] Thesis, antithesis, and synthesis are the three stages in dialectic, pioneered by Johann Gottlieb Fichte (1762 - 1814), a German philosopher.[3] Georg Wilhelm Friedrich Hegel (1770 - 1831), a German philosopher, also pioneered the concept of the same dialectic with three stages, namely concrete, abstract, and absolute.[4]

Before disclosing this study position on the relationship between science and religion, it is necessary to first explain the three stages in the concept of dialectic pioneered by Fichte and Hegel. As a philosophical process to reach the "truth," Hegel states that what humans perceive as truth is only a part of "the truth"; because the truth in its entirety can only be achieved by the human mind through a dialectical process.[5] Hegel explains two ideas that underlie the dialectical process, namely 1) the idea that all things will continue to develop and change and 2) the idea that everything has a contradictory interdependence relationship.[6] As an invention of an idea, a thesis will be challenged by another idea (the negation). Then the process continues until the negation of the former idea either give birth to a new idea or one which is the byproduct of both conflicting ideas.

The authors use the principle of non-overlapping *magisteria* (NOM) proposed by Stephen Jay Gould as the thesis. Non-overlapping *magisteria* addresses religious and scientific absolutism by stressing that science and religion are two independent variables, but not necessarily hostile to each other, which control different domains.[7] Science is concerned with

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[2] Gustav Emil Mueller, "The Hegel Legend of "Thesis-Antithesis-Synthesis"," *Journal of the History of Ideas* 19, no. 3 (1958): 411–414.

[3] Sarah A. Schnitker and Robert A. Emmons, "Hegel's Thesis-Antithesis-Synthesis Model", In *Encyclopedia of Sciences and Religions*, ed. Runehov (Springer, Dordrecht, 2013).

[4] Giuseppe di Giovanni, *Georg Wilhelm Friedrich Hegel: The Science of Logic* (New York: Cambridge University Press, 2010).

[5] Miriam Budiardjo, *Dasar-Dasar Ilmu Politik* (Jakarta: Gramedia Pustaka Utama, 2008), 79-80.

[6] Miriam Budiardjo, *Dasar-Dasar Ilmu Politik*, 79-80.

[7] Stephen. J. Gould, *Rock of Ages: Science and Religion in the Fullness of Life* (New York: Ballantine Books, 1999), 2-4.; Bill Saw, "The Moral Landscape", *Journal of Business Ethics* 108, no. 3 (2012): 412.

explaining the natural world, while religion is concerned with human purposes, meaning, and values. NOM tries to address scientific absolutists who use scientific explanations to interfere with moral questions and to religious dogmatists who die hard in explaining the natural world from the perspective of their sacred scripture.[8] In other words, Gould's theory espouses that science has no role in moral questions and that the explanation of the natural world is beyond the remit of religion. The sociologists Auguste Comte, John Stuart Mill, Herbert Spencer, Emile Durkheim, Karl Max, and Max Weber advocated positivism, separating facts and values.[9]

At the extreme left, Sam Harris, in his 2010 *The Moral Landscape: How Science Can Determine Human Values*, takes science as a scientific answer to moral questions in terms of human well-being as the antithesis of Gould's NOM.[10] Harris rejects both moral relativism and religious fundamentalism. The former holds that good, evil, and wrong are subjectively relative to a culture. The latter is concerned with the strictly literal interpretation of religious scriptures.[11] Harris holds that since neuroscience can explain the mental states of humans, it can provide objective answers concerning what is good and evil, what is right and wrong.[12] When questions of morality are perceived as human well-being, well-being itself can be measured by scientific inquiry. Thus, science can provide objective answers concerning moral truth.[13] The definition of well-being consists of desires, feelings, and sensations that gives human short-term pleasures, and it also entails physical health. The irrelevance of the facts-values dichotomy gives birth to a negation where science should

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[8] Stephen. J. Gould, *Rock of Ages: Science and Religion in the Fullness of Life*, 3.

[9] Laurent Dobuzinskis, "Historical and Epistemological Trends in Public Administration", *Journal of Management History* 5, no. 4 (1997): 299.

[10] Bill Shaw, "The Moral Landscape", *Journal of Business Ethics* 108, no. 3 (2012), 411-415.

[11] Sam Harris, *The Moral Landscape: How Science Can Determine Human Values* (New York: Free Press, 2010), 1-16.

[12] Scott Atran, "Review: Sam Harris's Guide to Nearly Everything", *The National Interest*, no. 112 (2011): 57-58.

[13] Sam Harris, *The Moral Landscape: How Science Can Determine Human Values*, 15-16.

have a role in addressing moral questions, and most importantly, as guiding principles if humans were to live with their own well-being.[14]

The Moral Landscape puts human well-being at the center of its principle for science to provide an objective answer as to whether a life is objectively "good" or "bad."[15] Contrary to Gould's non-overlapping magisterial, science and religion have different authorities and domains. Harris' theory centered around the science of morality, or one form of ethical naturalism, which espouses that science can tell us what to value by means of scientific methodology to determine what is objectively "right" and "wrong," and "good" or "bad."[16] Harris explains that in terms of human values, individual or even peoples of different cultures and different scriptures have their conception of morality, which they perceive as good or bad, and right and or wrong; therein actually lies objective moral truth.[17] Nevertheless, neither their religion nor their cultural custom provides an objective answers. It is science, specifically neuroscience, which gives objective answers.[18] Every individual's conception of the good and the bad, and of what is right and wrong, irrespective of their religion and culture, always revolves around human pleasure and happiness; and pleasure or happiness have everything to do with human well-being.[19] Here, not only well-being is associated with physical health, but also mental and emotional health.

Human's conception of values, which is associated with their overall well-being, can be objectively measured and explained by science. An analogy can be used here to explain why science can and should determine what one should value. Finally, to come to the conclusion that science is the independent variable in prescribing moral standards in every society.

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[14] Michael Hogan, "The Moral Landscape: How Science Can Determine Human Values by Sam Harris", *The Journal of Positive Psychology* 6, no. 3 (2011): 224.

[15] Kwame Anthony Appiah, "Science Knows Best," *The New York Times*, October 1, 2010, https://www.nytimes.com/2010/10/03/books/review/Appiah-t.html

[16] Sam Harris, *The Moral Landscape: How Science Can Determine Human Values*, 134.

[17] Sam Harris, *The Moral Landscape: How Science Can Determine Human Values*, 19.

[18] Sam Harris, *The Moral Landscape: How Science Can Determine Human Values*, 2-3.

[19] Sam Harris, *The Moral Landscape: How Science Can Determine Human Values*, 4.

Scientists are being moral when they advocate for the rights to abortion and euthanasia under certain conditions. While abortion and euthanasia are believed to, say, save the mother or to free the sick from endless suffering; this proves that 1) science provides answers to moral questions in terms of human well-being and 2) scientists are not, and are not supposed to be, independent of human values. Churchland (2011) states in her *Braintrust: What Neuroscience Tells Us about Morality*:

> Our moral behavior, while more complex than the social behavior of other animals, is similar in that it represents our attempt to manage well in the existing social ecology. ... From the perspective of neuroscience and brain evolution, the routine rejection of scientific approaches to moral behavior based on Hume's warning against deriving *ought* from *is* seems unfortunate, especially as the warning is limited to deductive inferences. ... The truth seems to be that values rooted in the circuitry for caring—for the well-being of self, offspring, mates, kin, and others—shape social reasoning about many issues: conflict resolutions, keeping the peace, defense, trade, resource distribution, and many other aspects of social life in all its vast richness.[20]

Harris also uses an analogy of the philosophical foundation applied in science. He argues that science, specifically modern science, is always preceded by the predetermined principle of empiricism.[21] Empiricism is value-oriented. Other than that, science also provides epistemological guidance regarding how one can know about something. Harris argues that moral propositions in different societies and explicit values preserve human flourishing.[22] On the same path, science explains how the human brain states provides axiological guidance on what people value. He also elaborates three stages for science to finally address moral questions. The first step is to explain why people do what they do in the name of morality from the perspective of traditional evolutionary psychology. The second step is to determine the patterns of thoughts, emotions, and behavior to

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[20] Patricia S. Churchland, *Braintrust: What Neuroscience Tells Us About Morality* (New Jersey: Princeton University Press, 2011), 8.

[21] Sam Harris, *The Moral Landscape: How Science Can Determine Human Values*, 130.

[22] Sam Harris, *The Moral Landscape: How Science Can Determine Human Values*, 4-5.

which people *should* adhere. The third step is to enforce it using persuasion. It can be concluded that the first step is concerned with what *is*, while the two latter are concerned with *what ought to be*.

In sum, while Gould's NOM objects to either domain to interfering with another, Harris' moral landscape non compromisingly rejects religion as the value source of humans and argues that science should be the only source of our guiding principles. Harris rejects religious and scientific methods to solve the former's problems, just like what is used by this study to counter religious fundamentalism.

The author rejects both Gould's non-overlapping *magisteria* and Harris' scientific absolutism. The authors believe that the reconciliation of science and religion can help religious countries achieve democracy without undermining its religious nature, with the condition that the Sharia shall be applied according to the principle of *maslahah* (common good) rather than the cause of the Sharia rulings. The authors later propose a solution using reconciliation between science and religion. Science can address questions in morality, in particular with regard to the well-being of the human being: perceiving morality in terms of well-being.

Finally, the authors argue that Islam can be compatible with democracy without necessarily separating the religion from the state, conditional upon the application of Sharia according to the common good principle, by examining the ontological foundation of the governance of Islamic countries by using an ideal-type approach.

Sharia in Context and Islamic Fundamentalism

Al-Jabri (2009) appeals to *al-tajdid*, which means renewal. An Islamic context denotes a revival of Islam as a religion to reform and improve society according to the equity, fairness, and justice and to adjust with modernity.[23] One who practices *tajdid* is called a *mujaddid,* like what has

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[23] Mohammad A. Al-Jabri, *Democracy, Human Rights and Law in Islamic Thought* (London: I. B. Tauris & Co Ltd, 2009), 63-65.; Ira M. Lapidus. "Islamic Revival and Modernity: The Contemporary Movements and the Historical Paradigms", *Journal of the Economic and Social History of the Orient* 40, no. 4 (1997): 444.

been explicitly demonstrated by a hadith narrated by Abu Dawud (4291): "Verily, Allah sends for this Ummah (nation) at the head of every hundred years the one who reforms for it the matters of its religion."[24] Another hadith by the Prophet Muhammad states: "You are better being informed of your worldly affairs."[25] From these two hadiths, it can be concluded that the Qur'an leaves the issues for Muslims to decide according to time and place.

The Qur'an and Hadith, as two of the several sources of Sharia,[26] do not cover all particular incidents in the present age. In keeping up with developments, Al-Shatibi differentiates between Islamic innovation that deviates from what Sharia has prescribed in matters of worship and religion and that of innovation that aims to adjust to social developments in matters of social customs.[27] The latter is subject to *ijtihad*, independent reasoning as a source of Sharia other than the Qur'an, which has no precedents, to solve present problems that were not present in the early days of Islam. One who exercises *ijtihad* is called a *mujtahid*.[28] A *mujtahid* is like a researcher, and *ijtihad* itself is both a method and process. A *mujtahid* derives new rulings from the characteristics of the age problems.[29] Thus, for one to be a *mujtahid*, they must possess the knowledge of the present age, such as economics, psychology, sociology, neuroscience, and the like, which is the source of legitimacy of their rulings.[30]

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[24] Regarding the Hadith: "Verily, Allah sends for this Ummah at the head of every hundred years the one who renews for it its religion", https://www.al-feqh.com/en/regarding-the-hadith-"verily-allah-sends-for-this-ummah-at-the-head-of-every-hundred-years-the-one-who-renews-for-it-its-religion" (accessed November 1, 2021).

[25] Mohammad A. Al-Jabri, *Democracy, Human Rights and Law in Islamic Thought*, 8.

[26] Bernard Weiss, "Interpretation in Islamic Law: The Theory of Ijtihad ", *The American Journal of Comparative Law* 26, no. 2 (1978): 200.

[27] Mohammad A. Al-Jabri, *Democracy, Human Rights and Law in Islamic Thought*, 65.

[28] Mohammad Hashim Kamali, "Issues in the Understanding of Jihad and Ijtihad", *Islamic Studies*, 41, no. 4 (2002): 617.

[29] Mohammad Hashim Kamali, "Issues in the Understanding of Jihad and Ijtihad", 624.

[30] David Smock, "Ijtihad: Reinterpreting Islamic Principles for the Twenty-first Century", *US Institute of Peace* (2004): 1-4.

To address skepticism voiced by many concerning Islam's incompatibility with equity, fairness, and justice, let alone democracy as a form of government, one has to understand the historical context of the application of Sharia during the reign of Rashidun Caliphs: Abu Bakr, Omar, Uthman, and Ali- four successors in the aftermath of the death of Prophet Muhammad. At the time of the Rashidun, the application of Sharia was highly influenced by the Companions' conduct, which was the most advanced and reliable source of authority.[31]

Even in the early days of Islam, Sharia has governed by the principle of the common good (*al-maslahah*), which aims to either promote benefits or avoid harm.[32] When a ruling of Sharia is based on the principle of the common good, the approach to the new problems of the present age is contingent upon such a principle, using inductive reasoning.[33] It is in contrast with the application of Sharia using imitation- adhering to and applying previous *ijtihad* rulings of the old age to the present age without considering the current developments.[34] This approach uses deductive reasoning, applying a universal principle to the same problems of different centuries, making it deterministic.[35]

In deriving Sharia rulings for the incidents and problems of the present age, a *mujtahid* may use either of these two methodologies: "analogy, causation, and the exploitation of utterances"; and the legal intent of the Qur'an and Hadith at the time they were promulgated and practiced.[36] The former uses a deterministic approach to universalize a particular ruling to regulate particulars in the present age.[37] In contrast, the

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[31] Mohammad A. Al-Jabri, *Democracy, Human Rights and Law in Islamic Thought*, 4.

[32] Mohammad A. Al-Jabri, *Democracy, Human Rights and Law in Islamic Thought*, 203.; Bernard Weiss, "Interpretation in Islamic Law: The Theory of Ijtihad ", *The American Journal of Comparative Law* 26, 2.

[33] Mohammad Hashim Kamali, "Issues in the Understanding of Jihad and Ijtihad", 627-628.

[34] Bernard Weiss, "Interpretation in Islamic Law: The Theory of Ijtihad ", *The American Journal of Comparative Law* 26, 200.

[35] Suzan Abdel Hameed Hussein Abu Al Suod, "Imitation in Islamic Jurisprudence and Its Generational Impact", *Journal of Islamic Studies and Culture* 5, no. 1 (2017): 47-49.

[36] Mohammad A. Al-Jabri, *Democracy, Human Rights and Law in Islamic Thought*, 82.

[37] Ahmad Hasan, "The Principle of Qiyas in Islamic Law-An Historical Perspective",

latter uses an interpretive approach by adhering to the intent of Sharia, that is to say, the public good.[38] This methodology is subject to new developments as the "public good" itself is subject to time and place. It is thus subject to multidisciplinary disciplines, such as economics, sociology, psychology, neuroscience, and the like.

A *mujtahid* who derives his rulings from the previous precedent and by strictly adhering to the methodologies of analogy and causation can give birth to religious fundamentalism. Religious fundamentalism is defined as the view that God's commands must be taken at face value.[39] McDonough (2013) further explains that what differentiates between "mainstream religious individuals" and religious fundamentalists is that the former are willing for their beliefs to be subject to "rational discussion", while the latter uncompromisingly accept and implement God's directives unconditionally.[40] The term "fundamentalist" originally referred to Christian denominations. Such as Baptist and Presbyterians, who disapproved of theological liberalism and modernism in the twentieth century; and to Evangelists who had very high regard for the "biblical authority"; and later was applied to other (non-Christian) religions, from Judaism, Islam, Buddhism, and Hindu.[41]

Al-Jabri gives several examples of Shari'a interpretations, such as the prohibition of drinking wine, as explicitly stated in the Qur'an, the cutting off of a thief's hand, and the requirement of four witnesses in order for adulterers to be punished.[42] In adherence to causation, a *mujtahid* would need to derive his ruling from presuming the cause of the proscription of the wine itself, which may be intoxication, which may result in damaging

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Islamic Studies 15, no. 3 (1976) 201-202.

[38] Mohammad Hashim Kamali, ""Maqasid Al-Shara'ah": The Objective of Islamic Law", *Islamic Studies* 38, no. 2 (1999): 193.

[39] Richard McDonough. "Religious Fundamentalism: A Conceptual Critique", *Religious Studies* 49, no. 4 (2013): 561-562.

[40] Richard McDonough. "Religious Fundamentalism: A Conceptual Critique", 561-562.

[41] Richard McDonough. "Religious Fundamentalism: A Conceptual Critique", 562-563.

[42] Mohammad A. Al-Jabri, *Democracy, Human Rights and Law in Islamic Thought*, 81-82,

the brain. Such a ruling will then be applied to all particulars whose causes may be intoxication by also prohibiting the consumption of all other alcoholic beverages. This generalization is an example of an analogy because it strictly adheres to the language of the text. Suppose a *mujtahid* in the present age takes previous Sharia rulings at face value without considering the nature of the problems faced by the age. In that case, the *mujtahid* is not conducting *ijtihad*. He is adhering to precedents instead. The causal methodology and analogies like this make the *mujtahid* assume why the Legislator (God) ordered a particular decision in the first place. The *mujtahid* tries to determine why God thought that way and preferred one opinion over another. This methodology, however, is also subject to multiple interpretations among different *mujtahid* because language is the most significant determinant of the ruling where the *mujtahid* needs to construct the meaning between the words and meaning.

In the time of the Companions, there were various rules which deferred the text of the Qur'an to promote common good.[43] In adherence to the intent of Sharia, that is to say, the public good, the *mujtahid* must take into account the current developments. He also has intellectual obligation to possess the required knowledge to derive a particular ruling on a particular issue of the present age. One example here is the amputation of the hand of a thief, which is explicitly stated in the Qur'an. If a *mujtahid* were to use causation and analogy, he may presume that the cause of such a ruling was to protect the property of others from being stolen and would extend the ruling to all causes of theft in the present age.[44] However, property protection can also be interpreted as the intent of the decision. One might ask why the punishment of thieves is amputation of their hand, not imprisonment.[45]

Adherence to the public good' principle requires the *mujtahid* to understand the historical context—in which the ruling promulgated or

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[43] David Smock, "Ijtihad: Reinterpreting Islamic Principles for the Twenty-first Century", 2.

[44] Mohammad A. Al-Jabri, *Democracy, Human Rights and Law in Islamic Thought*, 84.

[45] Mohammad A. Al-Jabri, *Democracy, Human Rights and Law in Islamic Thought,* 84.

known as "the occasions of revelation"—and the problems faced at present.[46] The amputation of the hand of thieves was already in practice in Arabia before the emergence of Islam. It was impossible to imprison a thief in a Bedouin society because there were no walls and prisons in the desert, no public guards and authorities to look after the detainees, no public bureaucracies to impose taxes on its citizens to keep prisons existing. At that time, the only thing that was possible was corporal punishment.[47] The intentions of amputating the hand of thieves serve two purposes: to prevent other thefts from taking place and mark on the thieves in order to warn people about them. In the case of adultery, where penetration takes place, it took four witnesses to execute the adulterers because there were no walls, fences, or doors.

As far as the intent of Sharia is concerned, Islam indeed promotes the public good by taking current developments into account. The principle of the public good is clear and specific, which can be examined by public opinion and current developments. However, two among many challenges to entirely derive Sharia rulings from the principle of *al-maslahah* are the *mujtahid,* who lacks the knowledge required to make sense of the age problems at best, and their dependence on previous rulings as precedents to regulate problems faced in the present age.

The Governance of an Islamic System: An Ontological Perspective

With a non-dogmatic approach and without being prescriptive, Margaret Stout invites a diverse range of readers, from scholars and practitioners to the classical liberals and representatives of democracies— to a self—reflection on the underlying political ontology of the political theory which predicates both the theory and practice of public administration. Using ontology—one of the two branches of metaphysics—Stout invites her readers to deal with the moral absolutism embedded in, surprisingly, some Western political philosophies, in

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[46] Mohammad A. Al-Jabri, *Democracy, Human Rights and Law in Islamic Thought,* 19-20.
[47] Mohammad A. Al-Jabri, *Democracy, Human Rights and Law in Islamic Thought,* 84.

particular classical and modern liberalism and also socialism.[48]

Using an ideal-type approach, Stout elaborates how particular government systems are predicated on particular ontological compositions, which give birth to four dichotomies: *first,* undifferentiated Individual rests upon the idea that the human being is (static in its state) a flawed duplicate of a metaphysical (transcendent in its source) source of being (divine) that is "whole and complete" (whole in its expression). The political ontology it inflicts is that the human being is separate from the source of being (God) and is assumed to have everything in common (undifferentiated). It gives birth to a political form that requires a representation—but not democracy—one who speaks on behalf of God and decides what is good and evil (due to the ontological assumption that every human being is static and has the same identity with God). The form of this political ontology can be anything from statism to the absolute authority of the Pope and the Ordained King &/ King (Monism).

Second, undifferentiated Relational rests upon the idea that the human being becomes (dynamic in its state) an evolving expression of the metaphysical source (transcendent in its source) that is whole and complete (whole in its expression). The political ontology it inflicts is that the source of being (God) is both beyond and within the being (human). In its form of representation, the political forms can range from socialism/collectivism to Pantheism (the idea that God is the universe itself).

Third, differentiated Individual rests upon the idea that the human being is (static in its state) an independent source (immanent in its source and plural in its expression) of being that is "whole and complete". This ontological assumption suggests that every human being is sovereign and is God to themselves, to which they answer. Even though representation is possible due to the unchanging identity, it rejects a divine representation whose moral imperatives stem from natural or religious law. Liberal

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[48] Margaret Stout, "Competing Ontologies: A Primer for Public Administration", *Public Administration Review* 72, no. 3 (2012), 389-390.

democracies with the separation of religion and state are predicated on this political ontology.

Fourth, Differentiated Relational rests upon the idea that the human being is a "unique" (plural in its expression, i.e., every human being is different) reflection of a "complex, relational, and multidimensional" source of being (dynamic in its state and immanent in its source). This political ontology suggests that every human being belongs to society and that the source is within that society. In its weak nature, representation is not possible, which, on the one end, can lead to social anarchism, and on the other end, direct democracy where every citizen participates in every decision-making process.

In adherence to the principle of *al-maslahah* (common good), the Sharia ruling reflects the current social developments and knowledge. From the ontological point of view, the public Islamic governance system, in which Sharia rulings adhere to the principle of the public good, is categorized as Undifferentiated Relational. Undifferentiated Relational espouses that human being becomes (dynamic in their state) an evolving expression of the metaphysical source (transcendent in its source) that is whole and complete (whole in its expression). The evolving expression reflects the continuing developments of the age in matters of the public good. In political ontology, it espouses that God is both beyond and within the being (human), which can be interpreted that humans with knowledge and in adherence to the principle of *al-maslahah*, are capable of meeting the intent of the Sharia using ijtihad. In political representation, socialism is compatible with one of the Five Pillars of Islam, zakat, to achieve social welfare through redistribution of wealth.[49]

Islam as a Dynamic Religion

By adhering to the principle of public good as the goal of Sharia law and acknowledging what is considered a the "public good" the changes as

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[49] Shaikh Hamzah Abdul Razak, "Zakat and waqf as instrument of Islamic Wealth in Poverty Alleviation and Redistribution: Case of Malaysia", *International Journal of Sociology and Social Policy* 40, no. 3/4 (2020): 249-250.

time have given rise to new social developments and customs. So, it can be concluded that *fiqh* is not within the limits of what was practiced in the early days of Islam. There were no prisons at deserts to imprison thieves; there were no fences, doors, and walls to have some privacy while having sexual penetration, where a man and woman could have sexual intercourse while being witnessed by four people.

For a *mujtahid* to derive his rulings from the principle of the public good, he must take possession of knowledge of the age. The concept of the public good can range from many disciplines, from politics and economics to psychology and neuroscience. For instance, democracy as a system of government promotes public good through public participation in decision-making in order for the public policies to be reflective of the public interest.[50] Keynesian economic advocates for the state intervention in economics is to remedy the market failure posed by the free market mechanism, where it is believed to exist a positive correlation between the growth in public expenditure and the economic growth.[51] This hypothesis was proved by the economic growth of the United States in 1930s.[52]

In that regard, a *mujtahid* must take current developments into account while having the required knowledge to solve problems of the present age. It must also be reaffirmed that *ijtihad* is a process undertaken by every Muslim, as long as they have the knowledge and expertise required. Thus, the idea and practice of depending on the previous *fatwa* of the late *mujtahid* to solve the present age's problems can undermine the ruling's legal consequences. *Ijtihad* must not depend on precedents. *Ijtihad* is similar to judicial activism, not judicial restraint. Neuroscience and psychology have their fair share of explaining the correlation between the extent to which children are sexually and their tendency to abuse other

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[50] Kheir Al-Kodmany, "Public Participation: Technology and Democracy", *Journal of Architectural Education (1984-)* 53, no. 4 (2000): 220.

[51] Alfred H. Bornemann, "The Keynesian Paradigm and Economic Policy", *The American Journal of Economics and Sociology* 35, no. 2 (1976): 125.

[52] Price Fishback, "How Successful Was the New Deal? The Microeconomic Impact of New Deal Spending and Lending Policies in the 1930s", *Journal of Economic Literature* 55, no. 4 (2017): 1435-1437.

people in the future sexually.[53]

In advocating progressive *ijtihad* and the adherence to the principle of the common good, this article chooses neuroscience and psychology as both intellectual and scientific foundations on which the rulings of Sharia must base. This article uses the theory of Moral Landscape advocated by Sam Harris, which perceives morality in human well-being.[54] Nevertheless, this articles rejects both Harris' absolute disregard for religious beliefs and rules and his scientific absolutism, which advocates for the fundamental role of science in addressing moral questions. Moreover, this article also rejects Gould's non-overlapping *magisteria*, which advocates the dichotomy of science and religion, in which these two independent variables control two different domains.[55]

By using a dialectical approach, the thesis in this article is that of Gould's non-overlapping *magisteria,* which is being negated by Harris' moral landscape of scientific absolutism. The synthesis proposed in this article is that of the negation of Gould's NOM, yet adherence to Harris' view of morality in terms of human well-being as objective truth. This article gives three examples of corporal punishment in Islam, in which one of these are explicitly stated in the Qur'an, Surah *An-Nur* (24:2): *"The fornicating woman and the fornicating man, flog each one of them with one hundred stripes. No pity for them should prevail upon you in the matter of Allah's religion, if you really believe in Allah and the Last Day, and a group of believers must witness their punishment."[56]* Two other examples discussed here are the amputation of the hand of a thief and the stoning for adultery.

If the flogging and stoning for adultery were applied in the present age, it would require four witnesses to the sexual penetration. As al-Jabri

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[53] "Cycle of Child Sexual Abuse: Links between Being a Victim and Becoming a Perpetrator," National Library of Medicine: National Center for Biotechnology Information, accessed November 23, 2021 https://pubmed.ncbi.nlm.nih.gov/11731348/

[54] Bill Shaw, "The Moral Landscape", *Journal of Business Ethics* 108, 411.

[55] Stephen. J. Gould, *Rock of Ages: Science and Religion in the Fullness of Life*, 3-4.

[56] Q.S. An-Nur (24 :2) https://quran.com/24:2?font=v1&translations=20%2C84%2C95%2C101%2C19%2C22%2C31 (accessed November 23, 2021).

contends, they had no walls, fences, and doors the early days before Islam. Thus, it was possible to collect four witnesses.[57] The history also proves that the amputation of the thief's hand was due to the non-existence of prison and guards to oversee prisoners. These incidents should prove that the application of Sharia was historically contextual. It is almost impossible to collect four witnesses to sexual penetration in the present age. It is also impossible to find a jurisdiction without having a prison. The impossibility of collecting four witnesses to sexual penetration in the present age will undoubtedly raise uncertainty. In the case of uncertainty, almost all Islamic scholars adhere to the principle of "Avoid *Hudud* when in doubt".[58] Thus, it is impossible to apply flogging and stoning for adultery and the amputation of the thief's hand in the present age.

Al-Maslahah, Equivalent to Human Well-Being

The principle of the public good can also be understood from the perspective of human well-being for prescribing moral decisions, as espoused by Sam Harris. Human well-being encompasses physical, mental, and emotional health. In addressing the moral dilemma, concerning the application of corporal punishment in the present age and as psychology and neuroscience have become the two disciplines that attempt to explain why human do what they do, are not those punishments against the principle of the common good?

That being said, a *mujtahid* must have both the capability and capacity to understand that the application of corporal punishment in the present age is against the principle of *al-maslahah*. Here, the common good is not confined to the state of human well-being. One can objectively agree that the amputation of the hand entails physical pain and psychological harm, that flogging and stoning in public places for adultery bring about public shame and social sanctions, and that the trust of the *ummah* (Muslim community). In the present age, it is impossible to be free of doubt to

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[57] Mohammad A. Al-Jabri, *Democracy, Human Rights and Law in Islamic Thought,* 84.
[58] Mohammad A. Al-Jabri, *Democracy, Human Rights and Law in Islamic Thought,* 94.

implement *Hudud*, especially for adultery and theft.

Islam, Value-Oriented toward Democracy

The question spanning decades has been whether Islam is compatible with democracy whose fundamental principles are freedom of speech, freedom of expression, and freedom of religion and conscience. In Sharia, the death penalty for apostasy, one is renouncing Islam as a religion for another religion or atheism, is one only challenge to the process of democratization in Islamic countries. Nevertheless, one must not take the death penalty ruling for apostasy at face value. Looking back at Islamic history at the time of Prophet Muhammad, the meaning of apostasy back then was not what we understand in the present age, as someone who leaves their religion for another or atheism. Al-Jabri elaborates the historical events which preceded the death penalty for apostasy. Nevertheless, prior to addressing the perceived discrepancy between Islam's respect for the freedom of religion and Sharia's ruling regarding the death penalty for apostasy, here are some verses which guarantee that Islam respects such freedom:

first, 'Say: "The truth is from your Lord. Let him who wills, believe, and let him who wills, disbelieve"' (18, al-Kahf, 29).[59] *Second,* so, ˹continue to˺ remind ˹all, O Prophet˺, for your duty is only to remind. So, remind, [O Muḥammad]; you are only a reminder. You are not ˹there˺ to compel them ˹to believe˺. You are not over them a controller. (88, al-Ghāshiyah, 21–22).[60] *Third,* so, if they turn away, then We did not send you (O Prophet) as a supervisor over them. You are not responsible but for conveying the message. Moreover, when We make man taste mercy from Us, he rejoices with it, and if evil befalls him because of what their hands sent ahead, then man becomes ungrateful.' (42, al-Shūrā, 48).[61]

These verses explicitly imply that Islam respects freedom of faith,

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[59] https://quran.com/18/24-110 (accessed November 23, 2021).
[60] https://quran.com/88 (accessed November 23, 2021).
[61] https://quran.com/42/48?translations=17,21,22,42,95,18,19,31,84,85,101 (accessed November 23, 2021).

even when one leaves for another. Nevertheless, to address the discrepancy, one needs to look at the "occasions of revelations" at that time back in Mecca and Medina.[62] In Meccan verses, there is a verse which states, "If anyone contends with the Messenger, even after guidance conveyed to him, and follows a path other than that becoming to men of faith, We shall leave him in the path chosen, and convey him to the Hell, and what an evil refuge! (4, al-Nisā', 115)."[63] Another verse says, "Anyone who after accepting faith in Allah, utters unbelief-except under compulsion, his heart remaining firm in faith – but such as open their breast to unbelief – on them is wrath from Allah, and theirs will be a dreadful penalty (16, al-Nahl, 106).[64]

When the verses were promulgated, the apostates were not solely people who changed his faith or turned away from Islam and left for another religion. He was also a person who betrayed society and the state.[65] At the time of the Prophet Muhammad and the Rashidun Caliphs, when Muslims engaged in wars with the Persians and Romans, apostates betrayed Islam and colluded with the enemies. They were traitors. That being explained, we can conclude that the definition of an apostate is not he or she who leaves for another religion, but he or she who betrays the religion, society, and the nation.[66]

Further, the compatibility between Islam and democracy can be examined by using theories in public policy literature, particularly regarding the rational approach in public policy-making. The rational approach in public policy making is classified into two sub approaches, substantive rationality, and procedural rationality.[67] Substantive rationality emphasizes the superiority of scientific methods, especially quantitative

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[62] Mohammad A. Al-Jabri, *Democracy, Human Rights and Law in Islamic Thought*, 198-200.
[63] https://quran.com/4/115?font=indopak (accessed November 23, 2021).
[64] https://quran.com/16/106?font=uthmani (accessed November 23, 2021).
[65] Mohammad A. Al-Jabri, *Democracy, Human Rights and Law in Islamic Thought*, 198-200.
[66] Mohammad A. Al-Jabri, *Democracy, Human Rights and Law in Islamic Thought*, 198-200.
[67] Clinton J. Andrews, "Rationality in Policy Decision Making", In *Handbook of Public Policy Analysis: Theory, Politics, and Methods,* eds. Frank Fischer, Gerald J. Miller, & Mara S. Sidney (Florida: CRC Press, 2007), 161-173.

methods, in solving societal problems. In the philosophy of administration, is also called a functional/positivist/deterministic approach.[68] In the rational substantive approach, science uses as an instrument (a means to an end) in solving societal problems by testing theories and hypotheses. So those problems are carried out deductively. A theory is applied to social reality where scientific principles are used as a normative guide in guiding the community's social life.[69]

A substantive rational approach to public policy-making tends to have better outcomes because it scientifically and economically weighs costs and benefits. This knowledge is rational because the hypothesis can explain the causal relationship in social problems. It is possible to produce a scientific solution and significantly influence the outcome of a policy. A substantive rational approach in public policy-making emphasizes utilitarianism, an ideology that aims to promote the most significant benefit for society. It can be deduced that in the application of Sharia, the substantive rational approach is undertaken when a *mujtahid* derives his rulings following analogy, causation, and exploitation of utterances. In Sharia, utilitarianism is equivalent to the principle of *al-maslahah* (public good). Nevertheless, while a substantive rational approach can produce the most significant benefit for society, it cannot do so when applying Sharia through *ijtihad*.

Another rational approach in public policy making is that of procedural rationality. The second argument supporting Islamic democracy is that Islam acknowledges and commands decision-making based on consensus, also known as *ijma*. Max Weber explains one source of legitimacy, that is to say, procedural rationality.[70] Procedural rationality is being upheld when decision-making in the policy-making process

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[68] Jong S. Jun, "What is Philosophy of Administration?", *Administrative Theory & Praxis* 15, no. 1 (1993), 46-51.

[69] Clinton J. Andrews, "Rationality in Policy Decision Making", In *Handbook of Public Policy Analysis: Theory, Politics, and Methods*, 161-173

[70] Clinton J. Andrews, "Rationality in Policy Decision Making", In *Handbook of Public Policy Analysis: Theory, Politics, and Methods*, 161-173

includes public participation. If we apply the procedural rationality approach to the process of *ijtihad*, it can help flourish democracy. Procedural rationality is closely related to the process of how a policy is made. This approach emphasizes who has the rights and authority to make a policy and how a policy should be made. This procedural rationality is closely related to the legitimacy of actors to make a decision, which has previously been discussed by Max Weber. According to him, there are two sources of legitimacy, including: *First,* legitimacy derives from an authority closely related to a person's status, which has been guaranteed by legislation. This legitimacy relates to policy-making actors. *Second,* legitimacy derives from consent following democratic principles (the consent of the governed). In this case, legitimacy comes from the community (the consent of the governed) through fair and transparent democratic processes.

Based on the above explanation, procedural rationality in the application of Sharia, following the principle of the common good is more prioritized than its substantive rationality following the analogy and causation, which means that the procedural rationality must be more prioritized in the context of an Islamic democratic country. In addition, procedural rationality is considered more important because a public policy, whether it is considered rational or not, will only be implemented effectively if the policy gets acceptance (legitimacy) from the community. In adherence to the principle of the common good, this is equivalent to ijma or consensus.

The process of ijtihad following the principle of *al-maslahah* will consider current developments and certainly involve more participation of the *umma* (Muslim community), where the legitimacy of the rulings derives from public acceptance and fair and transparent procedures according to the principles of a democratic state. Above all, procedural rationality can understand social problems not only from the limitations of the cause of the ruling; but also understand how a community views a problem from their point of view in the present age.

Conclusion

Islamic countries that do not separate religion and state affairs but are faced with the religious fundamentalism that undermines modernization and democratization should turn their attention to implementing Sharia to advance the public interest. The eradication of religious fundamentalism requires the abandonment of deriving Sharia rulings from analogy and causation and the abandonment of the belief that *ijtihad* is a process of depending on previous rulings (precedents). The principle of *al-maslahah*, or the common good, must be the foundation on which the process of *ijtihad* is based by taking current developments and knowledge into consideration. By adhering to the principle of *al-maslahah* as equivalent to human well-being and considering current scientific developments to solve social problems of the age, countries will find their way to preserve their religious values while at the same time preserving the process of democratization.

References

Al-Jabri, Mohammad A. *Democracy, Human Rights and Law in Islamic Thought*. London: I. B. Tauris & Co Ltd, 2009.

Al-Kodmany, Kheir. "Public Participation: Technology and Democracy". *Journal of Architectural Education (1984-)* 53, no. 4 (2000): 220-228. http://www.jstor.org/stable/1425566

Al Suod, Suzan Abdel H. H. A. "Imitation in Islamic Jurisprudence and Its Generational Impact". *Journal of Islamic Studies and Culture* 5, no. 1 (2017): 46-58. DOI: 10.15640/jisc.v5n1a6

Andrews, Clinton J. "Rationality in Policy Decision Making". In *Handbook of Public Policy Analysis: Theory, Politics, and Methods*, edited by Frank Fischer, Gerald J. Miller, & Mara S. Sidney, 161-173. Florida: CRC Press, 2007.

Appiah, Anthony K. "Science Knows Best." *The New York Times*. October 1, 2010, https://www.nytimes.com/2010/10/03/books/review/Appiah-t.html

Atran, Scott. "Review: Sam Harris's Guide to Nearly Everything". *The National Interest*, no. 112 (2011): 57-68. http://www.jstor.org/stable/42897719

Bornemann, Alfred H. "The Keynesian Paradigm and Economic Policy".

The American Journal of Economics and Sociology 35, no. 2 (1976): 125-136. https://www.jstor.org/stable/3485815

Budiardjo, Miriam. *Dasar-Dasar Ilmu Politik.* Jakarta: Gramedia Pustaka Utama, 2008.

Churchland, Patricia S. *Braintrust: What Neuroscience Tells Us About Morality.* New Jersey: Princeton University Press, 2011.

Giovanni, Giuseppe. *Georg Wilhelm Friedrich Hegel: The Science of Logic.* New York: Cambridge University Press, 2010.

Dobuzinskis, Laurent. "Historical and Epistemological Trends in Public Administration". *Journal of Management History* 5, no. 4 (1997): 298-316.

Fishback, Price. How Successful Was the New Deal? The Microeconomic Impact of New Deal Spending and Lending Policies in the 1930s". *Journal of Economic Literature* 55, no. 4 (2017): 1435-1485. https://www.jstor.org/stable/26417161

Gould, Stephen. J. *Rock of Ages: Science and Religion in the Fullness of Life.* New York: Ballantine Books, 1999.

Harris, Sam. *The Moral Landscape: How Science Can Determine Human Values.* New York: Free Press, 2010.

Hart, Samuel L. "Axiology - Theory of Values". *Philosophy and Phenomenological Research* 32, no. 1 (1971): 29-41. https://doi.org/10.2307/2105883

Hasan, Ahmad. "The Principle of Qiyas in Islamic Law: an Historical Perspective". *Islamic Studies* 15, no. 3 (1976) 201-210. https://www.jstor.org/stable/20847007

Hogan, Michael. "The Moral Landscape: How Science Can Determine Human Values by Sam Harris". *The Journal of Positive Psychology* 6, no. 3 (2011): 224-229. https://doi.org/10.1080/17439760.2011.561030

Jun, Jong S. "What is Philosophy of Administration?" *Administrative Theory & Praxis* 15, no. 1 (1993), 46-51. https://www.jstor.org/stable/25611054

Kamali, Mohammad H. "Issues in the Understanding of Jihad and Ijtihad". *Islamic Studies* 41, no. 4 (2002): 617–634. http://www.jstor.org/stable/20837232

Kamali. Mohammad H. ""Maqasid Al-Shari'ah": The Objective of Islamic Law", *Islamic Studies* 38, no. 2 (1999): 193-208. https://www.jstor.org/stable/20837037

Lapidus, Ira M. "Islamic Revival and Modernity: The Contemporary Movements and the Historical Paradigms". *Journal of the Economic and Social History of the Orient* 40, no. 4 (1997): 444-460. https://www.jstor.org/stable/3632403

McDonough, Richard. "Religious Fundamentalism: A Conceptual Critique." *Religious Studies 49*, no. 4 (2013): 561–579. http://www.jstor.org/stable/43659182

Mueller, Gustav E. "The Hegel Legend of "Thesis-Antithesis-Synthesis"". *Journal of the History of Ideas* 19, no. 3 (1958), 411–414. https://doi.org/10.2307/2708045

National Library of Medicine: National Center for Biotechnology Information. "Cycle of Child Sexual Abuse: Links between Being a Victim and Becoming a Perpetrator". Accessed November 23, 2021 https://pubmed.ncbi.nlm.nih.gov/11731348/

Newman, Jay. *On Religious Freedom*. Ottawa: University of Ottawa Press, 1991.

Razak, Shaikh H. A. "Zakat and *Waqf* as Instrument of Islamic Wealth in Poverty Alleviation and Redistribution: Case of Malaysia", *International Journal of Sociology and Social Policy* 40, no. 3/4 (2020): 249-266. https://doi.org/10.1108/IJSSP-11-2018-0208

Schnitker, Sarah A. and Robert A. Emmons. "Hegel's Thesis-Antithesis-Synthesis Model". In *Encyclopedia of Sciences and Religions*, edited by Runehoy. Dordrecht: Springer, 2013.

Shaw, Bill. "The Moral Landscape". *Journal of Business Ethics* 108, no. 3 (2012), 411-415. http://www.jstor.org/stable/41476303

Smock, David. "Ijtihad: Reinterpreting Islamic Principles for the Twenty-first Century". *US Institute of Peace* (2004). http://www.jstor.org/stable/resrep12312

Stout, Margaret. "Competing Ontologies: A Primer for Public Administration". *Public Administration Review* 72, no. 3 (2012), 388-398. https://www.jstor.org/stable/41506781

Weiss, Bernard. "Interpretation in Islamic Law: The Theory of Ijtihad." *The American Journal of Comparative Law* 26, no. 2 (1978): 199-212. https://doi.org/10.2307/839668