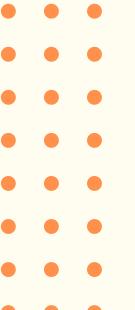# THE CONCEPT OF SHARĪʿA

EPISTEMOLOGIES, PARADIGMS, AND HERMENEUTICS

ORGANIZERS

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The profound transformations that have marked the political, economic, technological, social, religious, and cultural landscape since the fall of the Berlin Wall, the Gulf War, and the acceleration of globalization and secularization have had a significant impact on Muslim societies and Muslim minorities in the West. These developments have led scholars and intellectuals, both Muslim and non-Muslim, to reconsider the foundational texts of Islam and the classical Islamic corpus through the lens of contemporary contexts and by increasingly integrating the tools offered by the social sciences.

Recent studies devoted to theology and Islamic thought have generated (and continue to generate) intense debate, contributing to an epistemological and paradigmatic renewal within Islam. While these discussions nourish reflection, they also open new theological and hermeneutical perspectives. Depending on the context, this renewal takes different forms in the Muslim world and in the West. Yet one cannot deny the existence of a transnational dimension, visible for instance in the organization of international conferences on Islamic questions bringing together Muslim (and, to a lesser extent, non-Muslim) scholars from diverse backgrounds, as well as in the publication of numerous works in Arabic and other languages (Siddiqi, 2023; al-Malkawi, 2014)

One of the major themes at the center of this contemporary (and medieval) literature is the concept of *sharīʿa* in Islam. It is generally described as a legal system grounded in the set of religious values and principles intended to guide human life. It remains, however, intrinsically linked to the principology of Islamic law (*uṣūl al-fiqh*). In the medieval period, the development of this principology began with al-Shāfiʿī's Risāla and continued with later theorists such as Ibn Ḥazm (d. 456/1064) in al-Andalus, al-Ghazālī (d. 505/1114), al-Āmidī (d. 631/1233), and eventually Abū Isḥāq al-Shāṭibī (d. 790/1388), whose al-Muwāfaqāt offered a normative theorization of legal principology and of the higher objectives (*al-maqāṣid*) of Islamic law. In the modern period, the Tunisian theologian Ibn ʿĀshūr (d. 1393/1973) conceived sharīʿa as a canon (*qānūn*) or a system of practices regulating society while excluding matters of creed (*diyānāt*).

For Ali Benmakhlouf, *sharīʿa* represents an ijtihādic effort to "translate" Quranic verses into legal norms, an epistemic concept that long remained flexible and adaptable. Anver Emon interprets sharīʿa as a "rule of law," arguing that it is neither purely a legal doctrine nor the divine law itself, but a conceptual framework within which different claims to justice emerge among members of the Muslim community (Emon, 2012, 16; Emon, 2015, 196-214) More recently, Sohaira Siddiqui has described sharīʿa as a nomos, a dialectical mechanism of governance shaping society through the production of legal norms and responding to sociopolitical (and cultural) conditions (Siddiqui, 2019, 279-283)

These varied representations show that the perception of sharīʿa in medieval and contemporary Muslim societies has never been unanimous or monolithic. Terms such as *fiqh, ḥalāl, ḥarām, jihād,* or *kāfir* do not have fixed meanings; their usage and scope evolve across time and space. Likewise, one cannot claim the existence of a single, exclusive reading of the Qur'an or the Prophetic Tradition from which the norm of Islam (*sharīʿa*) would derive. Even among the most doctrinaire scholars and believers, the Qur'an has always been subject to multiple interpretations.

The purpose of this project is to clarify this complex web of terms, meanings, preconceptions, and scholarly (and non-scholarly) considerations. A central objective will be to examine the context in which sharīʿa was elaborated. This will make it possible to identify the foundations and criteria underlying the production of legal norms in medieval Islam. Such an approach may help avoid the simplifications and clichés that obscure the very nature of the concept.
The project will also shed light on the emergence of notions such as orthodoxy and heterodoxy in Islam. It will address the shift from an early form of individual, unconstrained proto-ijtihād (not yet bound by a formalized legal principology) to the theorization and canonization of *sharīʿa* (driven in part by political power) within the framework of *uṣūl al-fiqh*. This canonization eventually led to the closure of ijtihād in the 6th/12th century. In other words, one moves from the formation of a dogma to the dogmatization of the norm. One may also ask whether political-religious authority used this process to marginalize autonomous religious reasoning (as seen in movements such as early Khārijism, Ibāḍism, or Shiʿism). With the followers of Abū Ḥanīfa, who initiated the first systematic reflections on legal principology, and with al-Shāfiʿī's Risāla, the epistemology of *uṣūl al-fiqh* became almost definitively fixed in the Sunni tradition. This raises another question: why was proto-ijtihād neutralized or marginalized, and to what extent did this process delegitimize autonomous religious authority?

The act of "translating" *sharīʿa* into norms applicable to particular contexts was always central to the work of medieval legal theorists. But the concept of *sharīʿa* itself is the product of an epistemology and a set of paradigms specific to the medieval *dār al-islām*. Because its meaning became increasingly shaped by that intellectual environment, the question arises whether sharīʿa can be understood outside of that framework.

Hence the broader problem: does *sharīʿa* operate today as a continuation of, or a rupture with, the medieval Islamic paradigm? How should one think about the relationship between text and context, between fixed and variable principles, between ritual practice and its cultural "envelope"? Should one prioritize the spirit of *sharīʿa* or its inherited normative forms (a kind of mimetic reproduction of medieval structures unsuited to contemporary realities)? As Georges Corm reminds us, "the Muslim world cannot be fixed in an eternal Middle Ages."(Corm, 1989, 37)

The challenges faced by medieval Muslims were, as scholars note, partial (*juzʾī*) and required a relatively modest level of *ijtihād*, based largely on extrapolation from the legal sources (*Quran, Sunna, ijmāʿ, qiyās*). The advent of modernity brought global transformations that affected systems, models, perceptions, and traditional assumptions. The traditional method proved inadequate to these upheavals. As Chauki Lazhar argues, many modern attempts at *ijtihād* amounted less to genuine holistic reasoning than to a process "of tinkering, concocting, and accumulating" in order to maintain a minimum level of religiosity. The encounter with modernity also exposed a major issue within Islamic sciences: their fragmentation into isolated fields that prevented scholars from addressing new problems through a holistic approach. This situation generated the need for an Islamic worldview, which numerous scholars attempted to articulate from the mid-20th century onward.(Lazhar, 2023, 26).

Since these challenges persist today, for both Muslim-majority societies and Muslim minorities living in secular Western contexts, the question arises: what hermeneutical perspectives might emerge within a new epistemic framework built on the notions of "principle" and "reality"? Would this pair determine theological hermeneutics (or the opposite)? And, in hermeneutical terms, should one speak of the primacy of a literal reading of scripture or of meaning? Could these approaches, often presented as opposites, in fact prove complementary?

Ultimately, the aim of this seminar is to contribute to the ongoing effort among scholars and thinkers to promote a critical and contextualized re-reading of the classical Islamic intellectual and religious heritage. Its purpose is to foster, in France and Europe, a sustained reflection on the concept of *sharīʿa* from epistemological, paradigmatic, and hermeneutical perspectives.

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