Observers of modern Muslim societies, and not just scholars of Islamic law, have long recognized the centrality of the doctrine of “consensus” (ijmā‘) in Islam. This centrality is underscored above all by the place of consensus, alongside the Qurān and the normative example of the Prophet Muhammad (sunna), as a fundamental “source” of law and legal norms in Sunni Islam. While Shi‘i jurists have usually been far less certain of it, consensus has wielded considerable authority even among the Shi‘a. Whether consensus meant the agreement of the community as a whole or only that of its legal scholars has long been debated, though pre-modern jurists—the people primarily writing about the matter—typically limited it to their own ranks. There also was debate about precisely how consensus was arrived at or how the fact that it had indeed been reached was ascertained. For all the uncertainties about it, the authority of consensus, once arrived at and ascertained, was, in theory at least, denied by few; and Muḥammad’s reported statement (ḥadīth) that the community “would not agree on an error” was both widely accepted and influential.¹

Yet no foundational source of Islamic legal norms has been more severely challenged in modern times than the doctrine of consensus.

It is true that the teachings attributed to the Prophet Muḥammad have also been the subject of much debate; but such debate has usually been concerned with the authenticity of particular reports, not the authority of the *sunna* itself as a foundational source of norms. But as for consensus, Muslim “modernists”—that is, those usually educated in modern Western or westernized institutions of learning and aspiring to rethink their practices, institutions, and discourses in light both of what they take to be “true” Islam and of how they see the challenges and opportunities of modernity—have often been vehement in imputing the intellectual decline of Muslim societies to it. Modernist critiques of consensus take various forms, but there remains a powerful narrative that views consensus as having encouraged servile conformity to authority and thus a concomitant hostility to growth, innovation, and change—in law as in other facets of Muslim life. The influential Pakistani modernist Fazlur Rahman (d. 1988) spoke for many others when he characterized consensus as a mechanism of “traditional authoritarianism” and as a major cause of the “stagnation” of Sunni Islam in the pre-modern period. To him, consensus represented the community’s “tremendous digestive power” which had enabled it to “swallow small changes without perceptibly moving forward.”

Whether implicitly or explicitly, it is the ‘ulamā’ whom the modernists typically identify with this “traditional authoritarianism” and who, as such, have usually borne the brunt of their criticism on this and other scores. This identification is, of course, hardly surprising and, shorn of its pejorative connotations, it is readily embraced by the ‘ulamā’. After all, the ‘ulamā’’s identity and authority rests, more than anything else, on a continuous engagement with the historically articulated Islamic religious and especially the juristic tradition; and the authority and indeed the coherence of this tradition itself depends on the conviction that it represents fundamental and continuously

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2 For modern debates on the normative example of the Prophet (*sunna*) and on *hadith*, see Daniel Brown, *Rethinking tradition in modern Islamic thought*, Cambridge 1996.

