



Shari'a in Percentage: The Islamists' Search for an Overlapping Consensus in the Liberal Age

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Abstract

This paper presents a detailed discussion of the implication of the legal work of an influential Islamist jurist (Ahmad al-Raysuni) who pioneered a call for pragmatic, quasi-secular approach to the promotion of Shari'a in the public sphere under the legal notions of *tarjih* (preponderance) and *taqrib* (approximation). The central premise of this approach is that religiously minded activists should engage in any level of legal political activism, even if such engagement necessitates partaking in, accepting, or appearing to endorse "immoral" secular policies. Their mere presence as participants in the sphere of governance is religiously endorsed, since the concessions they are bound to gain would secure certain *masalih* (interests) or avert certain *mafasid* (harm). Rather than understanding Shari'a as a holistic platform, which must be forced from the top-down, Raysuni promotes an atomized, bottom-up view, which seeks to negotiate and reconstitute Sharia through anthropocentric compromises. I argue that this was one of the earliest jurisprudential steps that have allowed Islamist jurists to develop a theoretically dense legal foundations for a political project premised on the renunciation of the Islamists' previous efforts to replicate the classical Islamic government as gratuitous and misguided. This project rests not on a break with the Islamic legal heritage but on a claim of rediscovering and refining the most authentic, profound and germane aspects of it to human social life. This project may open immense potentials for reasonable 'overlapping consensus' with traditional and secular Muslims, people of other faiths and atheists.

Keywords: Shari'a, Law, Maqasid, Masalih, Overlapping Consensus, secularism, preponderance