Beyond the Code: Recovering *Ihsān* as the Antidote to Modern Islamic Legalism

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Abstract

This study examines the crisis of legalism in contemporary Islamic thought, characterized by an overemphasis on outward legal compliance (Sharīʿah) at the expense of inward spiritual cultivation (Tazkiyah) and moral excellence (Ihsān). The research employs a qualitative analytical methodology combining textual hermeneutics of classical Islamic sources with historical analysis of colonial and postcolonial transformations, supplemented by contemporary sociological data from Muslim communities globally. Primary sources include Qur'anic exegesis, Prophetic traditions, and spiritual treatises by al-Ghazālī, Ibn al-Qayyim, and Ibn al-ʿArabī, while secondary sources encompass colonial archives and contemporary ethnographic studies. Findings reveal that modern legalism represents an unprecedented epistemological rupture caused by colonial codification, nation-state formation, and identity politics, which severed law from its spiritual-ethical framework. The systematic marginalization of classical sciences of the heart (ʿUlūm al-Qulūb) has produced psychological pathologies including religious scrupulosity, social fragmentation, and ethical minimalism. The study identifies ihsān—worshipping God as though seeing Him—as the essential corrective that historically integrated external compliance with internal transformation. The research concludes that healing this dichotomy requires comprehensive pedagogical reform integrating spiritual texts into curricula, establishing urban spiritual centers, developing contemporary spiritual literature addressing modern challenges, and fostering grassroots community initiatives, thereby restoring Islam's holistic vision where law serves as a vehicle for spiritual realization rather than an end in itself.

Keywords: *Legalism, Sharīʿah, Tazkiyah, Ihsān, ʿUlūm al-Qulūb, Islamic ethical minimalism.*

Introduction

The relationship between external religious law and internal spiritual cultivation has defined Islamic civilization's vitality for fourteen centuries. Classical Muslim societies maintained what Marshall Hodgson termed "creative tension" between sharīʿah (divine law) and ṭarīqah (spiritual path), producing integrated religious personalities who combined legal expertise with spiritual depth (Hodgson, 1974). This synthesis fostered a comprehensive anthropology understanding humans as unified beings comprising body, soul, spirit, heart, and intellect, each requiring specific cultivation. However, the modern period has witnessed what Wael Hallaq describes as an "epistemic rupture" fundamentally altering Islamic law's nature and practice (Hallaq, 2013).

Contemporary manifestations of Islamic legalism—defined as reducing divine law to external compliance divorced from spiritual purposes—appear across Muslim societies globally. Research by Olivier Roy (2004) documents how European Muslims often adopt stricter interpretations than their origin countries, privileging visible markers over ethical transformation. Studies in Pakistan reveal Federal Shariat Courts emphasizing formal compliance while neglecting moral objectives (Lau, 2006). Egyptian religious institutions demonstrate bureaucratization of spirituality through state-controlled fatwā mechanisms (Zeghal, 1999). These patterns suggest structural transformation rather than isolated deviations.

The psychological consequences prove particularly troubling. Clinical studies document increased religious scrupulosity (waswās) among Muslims emphasizing legal compliance without spiritual understanding (Haque, 2004). Youth disengagement from religious practice when formalistic approaches fail addressing existential questions represents another concerning trend (Hussain & El-Said, 2019). Social fragmentation emerges as communities divide over minutiae of practice while neglecting shared spiritual aspirations. Ethical minimalism flourishes where technical compliance substitutes for moral excellence, producing what Sherman Jackson calls "lawful but awful" behavior (Jackson, 2009).

Despite extensive scholarship on Islamic law's modern transformation, insufficient attention addresses spirituality's systematic marginalization. Previous studies by Hallaq (2009), Brown (1997), and Asad (2003) examine legal codification but inadequately explore spiritual dimensions. Research on contemporary Sufism by Ernst (2003) and Howell (2007) focuses on mystical orders without addressing broader legalism crisis. Ramadan's work on reform (2009) proposes ethical renewal but lacks detailed engagement with classical spiritual sciences. This study fills these gaps by analyzing how colonial disruption, postcolonial state formation, and contemporary identity politics produced unprecedented separation between law and spirit.

The research employs Talal Asad's genealogical approach to trace legalism's historical emergence while utilizing Vincent Cornell's analysis of saint-jurist relationships to understand pre-modern integration (Asad, 1986; Cornell, 1998). By examining classical texts through contemporary hermeneutical methods and analyzing modern Muslim communities through ethnographic data, this study demonstrates that recovering iḥsān (moral-spiritual excellence) offers essential corrective to legalistic reductionism. The central argument posits that iḥsān, as defined in prophetic tradition—"worshipping God as though you see Him"—provides integrative framework reuniting external compliance with internal transformation, thereby restoring Islam's holistic vision where law serves spiritual realization rather than bureaucratic control.

Methods

This research employs qualitative analytical methodology combining textual hermeneutics with historical and sociological analysis to examine the law-spirit dichotomy in contemporary Islam. The interdisciplinary approach integrates Islamic studies, postcolonial theory, and religious sociology to comprehensively analyze legalism's emergence and potential remedies. Primary data sources include classical Islamic texts spanning jurisprudence (fiqh), theology (kalām), and spirituality (taṣawwuf). Key texts analyzed include al-Ghazālī's Iḥyāʾ ʿUlūm al-Dīn, Ibn al-Qayyim's Madārij al-Sālikīn, al-Muḥāsibī's al-Riʿāyah li-ḥuqūq Allāh, and Ibn al-ʿArabī's al-Futūḥāt al-Makkiyyah. Qur'anic verses addressing spiritual cultivation and prophetic traditions from canonical collections (Bukhārī, Muslim) provide foundational framework. These sources underwent careful philological analysis examining semantic fields, conceptual evolution, and interpretive traditions.

Secondary sources encompass colonial administrative documents from British India, French North Africa, and Dutch Indonesia archived in national libraries. Contemporary materials include state legal codes from Muslim-majority countries, fatwā collections from major religious institutions, and ethnographic studies of Muslim communities in both majority and minority contexts. Digital religious content from online fatwā platforms and social media underwent discourse analysis to identify contemporary patterns. Data analysis proceeded through three stages. First, genealogical analysis following Foucault and Asad traced historical transformations from pre-modern integration through colonial disruption to postcolonial fragmentation. Second, comparative textual analysis identified recurring themes regarding law-spirit relationship across different periods and contexts. Third, thematic synthesis integrated findings to construct comprehensive understanding of contemporary crisis and potential solutions. The research acknowledges limitations including reliance on translated texts for some primary sources, geographical focus on Middle East and South Asia with less attention to Southeast Asia and Africa, and emphasis on Sunni traditions with limited engagement with Shia perspectives. Despite these constraints, the methodology's triangulation of textual, historical, and sociological approaches provides robust analytical framework for understanding Islam's contemporary spiritual crisis.

Results and Discussion

The Genealogy of Modern Legalism

Analysis of historical sources reveals three distinct phases in law-spirit relationship transformation. Pre-colonial Islamic societies maintained institutional integration through educational systems combining legal and spiritual training. The traditional *madrasa* curriculum progressed from Qur'anic memorization through grammatical and legal studies to philosophical

and mystical texts, producing scholars like al-Nawawī (d. 1277) and Ibn Ḥajar (d. 1449) who combined juristic expertise with spiritual affiliation. Sufi lodges (*khānqāh*, *zāwiyah*, *tekke*) functioned as parallel institutions providing intensive spiritual formation while respecting legal boundaries.

Colonial intervention initiated systematic disruption through legal codification projects. British administrators in India transformed fluid jurisprudential tradition into Anglo-Muhammadan Law, fixing what had been contextual and abstracting what had been practical (Anderson, 1993). The establishment of colonial courts created new authority hierarchies subordinating traditional *muftis* to colonial appointees. Egypt's Mixed Courts (1875) and Native Courts reform (1883) exemplify this marginalization of traditional authority (Brown, 1997). Simultaneous suppression of Sufi orders—Turkey's 1925 closure of *tekkes*, French restrictions in Algeria, Soviet persecution in Central Asia—severed institutional links between law and spirituality.

Postcolonial states further entrenched separation through top-down Islamization projects. Pakistan's Federal Shariat Court decisions reflect modernist interpretations prioritizing formal compliance over spiritual objectives, while Hudood Ordinances (1979) divorced punishments from ethical contexts (Lau, 2006). Iran's Guardian Council creates what Arjomand calls "constitutional theocracy," paradoxically secularizing religion through bureaucratic rationality (Arjomand, 2017). Personal status codifications in Tunisia (1956), Egypt, and Morocco (2004) simplify complex jurisprudence into unambiguous rules, eliminating interpretive flexibility characterizing classical tradition (Welchman, 2007).

The Marginalization of Spiritual Sciences

Textual analysis demonstrates systematic displacement of spiritual cultivation from Islamic education and practice. The Qur'an establishes sophisticated spiritual psychology through tripartite soul categorization—commanding (*al-nafs al-ammārah*), self-reproaching (*al-nafs al-lawwāmah*), and tranquil (*al-nafs al-mutmaʾinnah*)—requiring specific practices for development. Verses emphasizing heart purification— "The Day when neither wealth nor children benefit except one who comes to Allah with a sound heart" (Q. 26:88-89)—establish spiritual integrity as salvation's criterion.

Classical scholars developed elaborate frameworks for spiritual cultivation rivaling legal sciences in sophistication. Al-Muḥāsibī pioneered spiritual psychology through *muḥāsabah* (self-accounting), identifying thought types—divine, angelic, egoistic, satanic—with criteria for distinction. His analysis of ostentation (*riyāʾ*) reveals multiple layers including display before others, subtle satisfaction with recognition, and most dangerous, self-ostentation. Al-Ghazālī's *Iḥyāʾ* integrates legal, theological, and spiritual dimensions through forty books addressing worship,

social transactions, destructive traits, and saving qualities. His "alchemy of happiness" metaphor captures transformation of base qualities into noble attributes through spiritual practices.

Ibn al-Qayyim's medical approach treats spiritual diseases as ailments requiring diagnosis, prescription, and monitoring. His concept of heart's "life" parallels physical vitality—living hearts respond to divine communication, experience appropriate emotions, maintain vigilance against threats. Dead hearts remain insensitive to religious stimuli, attached to temporal concerns, vulnerable to satanic influence. Between extremes lies diseased heart requiring therapeutic intervention through cognitive restructuring, behavioral modification, and spiritual exercises.

Contemporary Islamic education systematically excludes these traditions. Al-Azhar's 1961 reform adding secular faculties inadvertently secularized religious education by adopting Western pedagogical models (Zeghal, 1999). Modern Islamic studies programs emphasize textual analysis and historical criticism while neglecting transformative practices. Students study Sufism as academic subject rather than engaging spiritual cultivation. The PhD system rewards theoretical innovation over practical wisdom, producing what Abou El Fadl (2001) calls "textual mechanics" rather than spiritual guides.

Ihsān as Integrative Paradigm

Analysis of *ihsān* concept reveals its centrality to Islamic spiritual architecture. The term, deriving from root h-s-n (beauty, excellence, perfection), appears 194 times in Qur'an across diverse contexts. Technical definition emerges from Hadith of Gabriel where Prophet defines *ihsān* as "worshipping Allah as though you see Him, and if you do not see Him, then indeed He sees you" (Muslim, 1955). This establishes two spiritual levels: *mushāhadah* (experiential awareness of divine presence) and *murāqabah* (vigilant consciousness of divine observation).

Classical scholars understood *ihsān* as qualitative dimension transforming mechanical performance into spiritual experience. In prayer, *iḥsān* manifests as *khushūʿ* combining humility, presence, and absorption. Al-Ghazālī identifies six prayer levels from bodily performance with wandering heart to complete divine absorption. Pilgrimage exemplifies how *iḥsān* elevates ritual—circumambulation becomes cosmic participation, standing at ʿArafah rehearses judgment day, stoning pillars defeats inner demons.

Application to social transactions creates ethical framework transcending legal minimums. While law prohibits interest and fraud, *ihsān* encourages generosity, transparency, and consideration. The Prophet's statement "May Allah have mercy on person who is lenient when selling, buying, and seeking repayment" exemplifies higher standard. In family relations, *ihsān*

transforms legal rights into loving responsibilities—maintenance obligations become generous provision, divorce permission encourages patience and reconciliation.

Contemporary marginalization of *iḥsān* produces multiple crises. Psychological studies document correlation between absence of spiritual practices and increased anxiety, depression, and existential emptiness among Muslims (Haque, 2004). Social fragmentation emerges as communities divide over external practices while neglecting shared spiritual aspirations. Ethical minimalism flourishes where technical compliance substitutes for moral excellence, producing behavior that satisfies legal requirements while violating ethical spirit.

Contemporary Manifestations and Digital Transformation

Digital age introduces unprecedented dynamics to Islamic legalism. Online *fatwā* services democratize religious guidance but often provide decontextualized rulings emphasizing formal compliance. Analysis of IslamQA, SeekersGuidance, and similar platforms reveals predominant focus on permissibility questions rather than spiritual development. Gary Bunt's concept of "Cyber Islamic Environments" explains how echo chambers reinforce legalistic interpretations through repetition rather than scholarly depth (Bunt, 2018).

Social media transforms religious practice into performative identity. The "Instagram Islam" phenomenon documented by Fadil and Fernando (2015) shows young Muslims posting prayer selfies, Ramadan countdowns, and pilgrimage photos, potentially transforming spiritual practices into social capital accumulation. Emphasis on visual representation privileges external appearance over inner transformation, reinforcing legalistic tendencies while marginalizing contemplative dimensions.

Muslim minorities in Western contexts face particular challenges producing defensive legalism. Studies by Cesari (2013) document how European Muslims adopt stricter interpretations than origin countries, prioritizing visible markers—hijab, beard, dietary restrictions—as identity boundaries. Roy's concept of "neo-fundamentalism" explains this phenomenon as response to secularization producing "pure" Islam stripped of cultural mediation but also spiritual depth (Roy, 2004).

Pathways Toward Reintegration

Analysis identifies four primary strategies for recovering integrated vision. First, pedagogical reform must reintroduce spiritual texts into Islamic curricula. Successful models like Zaytuna College demonstrate viability of combining classical texts with modern pedagogy, producing graduates exhibiting both scholarly competence and spiritual maturity. Integration

requires parallel study of legal and spiritual texts, experiential learning through retreats and service projects, and teacher training emphasizing spiritual guidance alongside scholarly expertise.

Second, institutional innovation must create spaces facilitating spiritual formation. Urban spiritual centers offering structured training courses, remembrance gatherings, counseling services, and youth programs address contemporary needs while maintaining authentic transmission. Digital platforms can democratize access through virtual mentorship, online libraries with commentaries, guided meditation applications, and supportive communities.

Third, scholarly renewal must produce contemporary spiritual literature addressing modern challenges. New works should examine social media's impact on spiritual life, maintaining presence in hyperconnected environments, navigating religious diversity, and balancing material success with spiritual development. Academic research investigating spirituality's psychological benefits, lived experiences of integrated religiosity, and comparative analyses provides evidence-based insights for reform.

Fourth, grassroots community initiatives can organically restore spirituality's centrality. Study circles focusing on spiritual texts create intimate transformation environments. Service programs combining charitable work with spiritual reflection demonstrate practical relevance. These bottom-up efforts complement institutional reforms, ensuring sustainable transformation rooted in community needs rather than imposed through bureaucratic structures.

In conclusion, the recovery of an integrated spiritual vision requires a comprehensive and interrelated approach that encompasses pedagogical reform, institutional innovation, scholarly renewal, and grassroots initiatives. Reintroducing classical spiritual texts into Islamic education, supported by experiential learning and spiritually competent educators, lays the foundation for balanced intellectual and moral development. Simultaneously, the establishment of institutional spaces—both physical and digital—ensures the accessibility and continuity of authentic spiritual formation in contemporary contexts. Scholarly engagement further strengthens this transformation by generating relevant spiritual discourse and evidence-based research that addresses modern existential challenges. Finally, community-based initiatives sustain this renewal at the practical level by embedding spirituality in everyday life through intimate learning spaces and socially engaged practices. Together, these four strategies form a coherent framework for restoring spirituality as a vital and enduring dimension of religious life in the modern world.

Conclusion

This study has demonstrated that contemporary Islamic legalism represents unprecedented epistemological rupture separating external religious law from internal spiritual cultivation,

producing psychological pathologies, social fragmentation, and ethical minimalism across Muslim societies globally. Historical analysis revealed how colonial codification, postcolonial state formation, and digital transformation systematically marginalized classical sciences of the heart that historically integrated legal compliance with spiritual development. The research identified *ihsān*—excellence in worship through consciousness of divine presence—as essential corrective providing framework for reuniting law and spirit. Recovery requires comprehensive reforms including pedagogical integration of spiritual texts, institutional spaces for formation, contemporary spiritual literature, and grassroots community initiatives, thereby restoring Islam's holistic vision where law serves as vehicle for spiritual realization rather than bureaucratic control, offering crucial resources for addressing modern crises of meaning while maintaining authentic religious tradition.

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