

The Gates of Orthodox Ijtihad

Sidewinder

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Like Judaism, Islam is not only a community of faith but a system of law and jurisprudence. Islamic jurisprudence is based upon the interpretation of the texts of the Qur'an, the Hadith and Sunnah. Various schools or madhabs of past interpretations have built up over time such that coming to a ruling can come through two main routes – the imitation (*taqlid*) of past scholars and the traditional schools, or original interpretation of the source texts. This is *ijtihad*, a word derived from the same 3-letter root (j-h-d, *jahada* – “struggle”) as *jihad*, meaning “struggle with yourself”. It contains the idea that original interpretation is a product of struggle, arduous and potentially a mortal danger to body and soul.

Whilst in the Shia tradition of *ijtihad* continues to be a central part of jurisprudence, it is much less in evidence in contemporary Sunni tradition where following the madhabs is the conventional route. The dominant story until recently was that this was because at some time between the 10th to 12th centuries (CE) the dominant Sunni view came to be that contemporary scholars were too remote from the “rightly guided” followers of Mohammed to any longer be capable of righteous new interpretations. This story was called the closing of the gates of *ijtihad*, and is associated with the ascendance of the “anti-philosophy” Asharite school, principally lead by Al-Ghazali, over the more Aristotlean and Neo-Platonic inspired Mutazilites.

Now it must be said that this account was principally one devised by Western Orientalists, often associated with a search for idealist or culturalist explanations for the perceived decline of Muslim civilisation (specifically the Ottoman empire) relative to the West. Unsurprisingly there are now challenges by muslim historians sceptical of these Orientalist meta-narratives, pointing out that the death of *ijtihad* in the Sunni tradition has been exaggerated and the “closing of the gates” is a nice story but not really adequate to the complexities of the actual history in which material economic, military, political and inter-imperialist conflicts have a much larger part.

If the story of the closing of the gates of *ijtihad* is today suspect as an account of the development of Sunni orthodoxy, it does have an irresistible draw as a metaphor for the contemporary stagnation of Marxist orthodoxy. While the gates of orthodox Marxist *ijtihad* are not officially closed, many people who have tried to progress the struggle for new interpretations of the 21st century capitalist world system find their way blocked by a number of gates sealed with orthodox shibboleths by those who believe Lenin’s “Imperialism, The Highest Stage of Capitalism” to be the final word on “the Epoch” (see previous post “Orthodoxy and Time”). Collectively these seals represent a comprehensive block on the directions new interpretations must travel to understand the workings of the financialised system of “Capitalism with Derivatives” that Neoliberalism has (partly inadvertently) built and has so recently plunged us into the first major global economic crisis of the 21st century. These seals must be broken.

Here we look at 5 sealed gates.

1. **Unproductive Labour**
2. **Fictitious Capital**
3. **No value created in the sphere of circulation**
4. **Base / Superstructure**
5. **Good Investor / Bad Speculator dichotomy**

Unproductive Labour

This is a perennial favourite, so many forests have been cut down to print the volume of diatribes between Marxists about the true distinction between what types of labour are productive of value and what are not, to the complete ignorance and indifference of the outside world, that it is tempting to say that this debate is itself the primary exemplar of unproductive labour. Candidates for “unproductive labour” range from the usual “luxury” personal services providers from prostitutes, dog-walkers, shopping assistants, to nurses, teachers, doctors, train and bus drivers. The notion that, say, London’s tube, bus, train and taxi drivers are not productive of value rather begs the question of why, if they all went on strike for a week, the losses to capitalist accumulated would be calculated in the billions. The dependence of the pharmaceutical industry, one of global capitalism’s bigger earners, on doctors telling patients what drugs supposedly answer their needs is another case that finds the “unproductive labour” tag inadequate. But above all, the notion of the financial industry, accounting for getting towards a third of UK economic activity before the crash, is unproductive in toto is a hopeless starting point for any attempt to analyse the causes of the current crisis.

Fictitious Capital

If it walks like a duck, swims like a duck, flies like a duck and quacks like a duck then it’s a ... fictitious duck? The notion of fictitious capital is bandied around a good deal these days. The problem is that this necessarily raises the necessity of making a distinction between fictitious and real capitals in a way that is analytical rather than being simply either a lazy moral category masquerading as economic analysis or, perhaps worse, indicative of a pre-Marxist conception of a non-relational, substantial capital. Horses are real, unicorns are fictional, but capital is as capital does. If it’s a volume of money actively engaged in the money capital cycle $M-C-M'$, it’s capital plain and simple.

No value created in the sphere of circulation

In itself, this is simply a core statement of Marx’s analysis. It becomes a orthodox shibboleth in what areas of capitalist activity are lumped into the category of sphere of circulation. In many ways this is another side of the unproductive labour coin. When entire industries such as finance are dumped into the “sphere of circulation” bin, entire, then this analytical statement becomes a canon of dogma obstructing proper analysis of capitalist activity in these industries.

Base/Superstructure

As many commentators have already pointed out, the orthodox base/superstructure dogma is based on a tendentious reading of a couple of paragraphs in the preface of the “Contribution to a Critique of Political Economy”, the notorious “handmill” passage from “Poverty of Philosophy” and the odd letter. Regardless of the weakness of its justification, what must be avoided at all costs is any possibility of being drawn into the utterly irrelevant debate over “the correct reading of Marx”, itself an orthodox shibboleth (see “What is Orthodoxy” notes). Where the notion that

the relations of society can be divided into two sections, one derivative of the other and thus negligible, becomes an obstacle to proper analysis is when it focus on “the forces of production” to the exclusion of all else. No better example of this tendency is the case of China where most orthodox commentators appear to accepted that it has somehow crossed a threshold from some form of socialism to a capitalist society on the basis of the presence of capitalist looking industry and market forms, but in a way unable to theorise the real differences still remaining between China, the US and other Western capitalist countries on the unspoken assumption that these differences of political structure are “superstructural”, thus somehow secondary. Analysis cannot proceed on this basis.

Good Investor / Bad Speculator dichotomy

In his preface to the first German edition of Marx’s “Philosophy of Poverty” published after Marx’s death, Engels makes clear the effort in their project to disentangle the critique economic categories from moral criticisms, the confusion of which had obstructed previous socialists. It must be made clear that today, under the guise of dismissing vast tracts of the contemporary capitalist economy under the anti-categories of unproductive labour, fictitious capital and so on, the conventional moral landscape of “good capitalist” vs. “bad capitalist” is being reproduced lock, stock and barrel. The tabloids scream about greedy bankers and parasitic speculators ruining capitalism for honest workers and their productive business men employers and decent investors. The orthodox join in the hue and cry with the same aunt sally figures dressed up in Marxist-sounding jargon. To rail against parasitic speculators, is to provide an alibi for the workings of the capitalist system itself of which these periodic crises are an integral part of its functioning.

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