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# Innovating Within Tradition: Ethical Boundaries in Sharia (Bid'a) and Halakha (Hiddush), and the Challenge of Secular Modernity

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#### Abstract

This paper explores the ethical aspects of religious innovation by benchmarking the Islamic idea of Bid'a with the Jewish concept of Hiddush, all within the larger framework of secular modernity. It pulls from classical jurisprudence, theological discussions, and contemporary reformist views to explore how both traditions manage to stay true to divine law while also navigating the challenges and opportunities that change brings. The Qur'an emphasizes divine originality and creativity, stating: "[Allah is] the Originator of the heavens and the earth" (Badi al-samāwāt wa-al-arḍ, Qur'an 2:117). This verse is often referenced to underscore the theological validity of embracing novelty when it aligns with divine intent. In a similar vein, Rabbinic tradition values interpretive renewal, as Nachmanides points out: "It is an obligation imposed upon us to search through the subjects of the Torah and the precepts and bring to light their hidden contents" (Nachmanides, Commentary on the Torah). By viewing secularism as a crucial lens, the paper sheds light on the challenges faced by traditional authority structures, interpretive limits, and moral legitimacy in our diverse and intellectually free age. Ultimately, it presents a thoughtful framework for understanding sacred innovation—not just as a departure or advancement, but as an ethically charged negotiation between maintaining continuity and embracing renewal.

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#### 1. Introduction

Religious traditions have always wrestled with the balance between holding on to the past and embracing change. In both Islam and Judaism, the ideas of Bid'a and Hiddush serve as their respective responses to innovation, one focusing on jurisprudence and the other on ethics. Bid'a is often seen as straying from prophetic teachings, described as "a blameworthy innovation in religion" (Keller, 1995, p. 48) [22]. In contrast, Hiddush is celebrated in Rabbinic literature as a vital renewal of Halakhic thought, where "creative interpretation is the lifeblood of Jewish legal continuity" (Soloveitchik, 1983) [35].

These differing perspectives reveal deeper ways of knowing. Ibn 'Abd al-Salām (2000) [19] points out in his Qawā'id al-Aḥkām that some innovations can actually benefit the public and are therefore seen as ethically positive. This nuanced understanding of Bid'a is echoed by Al-Izz, who claimed that "every action that brings good to people and does not contradict Shari'a may be deemed acceptable" (p. 112). On the other hand, Moshe Feinstein (1996) [14] stressed that any Halakhic innovation should remain true to divine intent, even as it adapts to modern circumstances.

The rise of secularism has shifted these conversations by changing the cultural and institutional contexts in which religious law functions. Talal Asad (2003) [6] argues that secularism "is not the space in which religion disappears but rather the condition that reshapes religion's possibilities" (p. 200). Similarly, Charles Taylor (2007) suggests that in our secular age, traditions must redefine themselves in the face of pluralism and moral independence.

This paper delves into the ethical roles of Bid and Hiddush within sacred law, exploring how the modern concept of secularism adds layers of complexity or richness to their interpretations. It poses some intriguing questions: How do Islam and Judaism navigate the waters of innovation in divine law? What ethical guidelines influence the acceptance or rejection of changes in religious practices? And in what ways does secular modernity push back against traditional authority? By examining these issues through a triadic lens—Islamic, Jewish, and secular—the paper seeks to shed light on religious innovation as a vibrant interplay between tradition, reform, and ethical decision-making.

# 2. Historical and Theological Foundations 2.1 Bid a in Islamic Jurisprudence

The idea of Bid'a, or innovation, in Islam has always sparked debate and carries a lot of nuance. While it's often linked to straying from prophetic traditions, classical scholars like Al-Shāfi'ī and Al-Ghazālī made a clear distinction between Bid'a ḥasana (commendable innovation) and Bid'a sayyi'a (blameworthy innovation). They stressed the importance of the ethical and legal context surrounding each case (Keller, 1995) [22].

Ibn 'Abd al-Salām (2000) [19] took this a step further, explaining that innovations can be classified based on how well they align with Shari'a objectives. He noted that "every action that brings benefit and does not contradict the law may be deemed acceptable" (p. 112). This practical viewpoint enabled jurists to adapt to changing social needs while still maintaining theological integrity. The evolution of Islamic jurisprudence (figh) across Sunni, Shi'a, and Ibādī schools showcases the various interpretations of Bid'a. For instance, Ibādī scholars developed their own legal methodologies, which challenged Joseph Schacht's earlier views on their dependence on Sunni norms (Francesca, 2021). Shoayb Ahmed (2009) highlights how disagreements among jurists and regional influences shaped the understanding of Bid'a over the centuries, especially during the early and classical periods of Islamic law.

#### 2.2 Hiddush in Jewish Halakhic Thought

In Rabbinic Judaism, the concept of Hiddush, innovation, is often seen as a crucial element in the renewal of Halakhah. Nachmanides pointed out that it's our duty to delve into the Torah and its commandments to uncover their deeper meanings (Glinert, 1993, p. 234) [16]. Unlike the negative implications associated with Bid a, Hiddush is woven into the very fabric of Torah study, where fresh interpretations, known as hiddushim, are viewed as a way to partner with the divine (Soloveitchik, 1983) [35]. However, this creative process does have its limits—Rabbi Moshe Feinstein warned against innovating for the sake of innovation alone, highlighting the ethical obligations that come with Halakhic reasoning (Broyde, 2008) [9].

The evolution of Halakhah, from the Mishnah to the Shulḥan Arukh, showcases a vibrant interaction between tradition and creativity. Scholars like Berkovitz (2017) and Elon (1994) [13] have illustrated how Halakhic authorities have adjusted legal frameworks to fit changing social contexts while staying true to divine law. Thus, the idea of Hiddush embodies a theological willingness to reinterpret, firmly rooted in thorough scholarship and a sense of communal duty.

#### 3. Ethical Frameworks and Sacred Law 3.1 Ethical Reasoning in Islamic Jurisprudence

Islamic ethics is intricately linked with jurisprudence (fiqh), theology ('aqīdah), and mysticism (taṣawwuf) (Al-Aidaros *et al.*, 2013) <sup>[4]</sup>. At its core, this ethical framework is based on divine command theory, where what is considered morally right is determined by how well it aligns with God's will as expressed in the Qur'an and Sunnah (Keller, 1995) <sup>[22]</sup>.

Prominent scholars like Al-Ghazālī and Al-Shāṭibī highlighted the maqāṣid al-sharīʿa, or the objectives of Islamic law, which focus on preserving life, intellect, religion, lineage, and property. These principles reflect a purpose-driven approach to ethics (Al-Farsi, 2022) [5]. They empower jurists to assess new ideas not just by how closely they adhere to texts, but also by their potential to enhance human welfare (maṣlaḥa) (Apriantoro *et al.*, 2023) [7].

The concept of ijtihād, or independent reasoning, is crucial in ethical discussions. As Mutaz al-Khatib (2019) [23] points out, ijtihād is more than just a legal instrument; it serves as a moral tool that allows Islamic law to adapt to changing ethical landscapes. This adaptability is particularly clear in modern fatwas that tackle issues like biomedical ethics, gender equity, and environmental responsibility.

Yet, the rise of secularism creates a clash of ideas. Shiraz Gul (2021)<sup>[17]</sup> observes that the divide between religion and state in secular systems often contradicts the Islamic belief that governance should embody divine law. This situation leads to ethical challenges surrounding pluralism, legal reform, and the role of religious authority in public life.

#### 3.2 Ethical Reasoning in Jewish Halakhic Thought

Jewish ethics operates hand in hand with Halakhah, the intricate legal framework that springs from the Torah, Talmud, and rabbinic responsa. While Halakhah lays out specific rules for behavior, Jewish ethical thought often goes beyond mere legal obligations, embracing ideas like lifnim mishurat ha-din (going the extra mile) and derekh eretz (ethical civility) (Lichtenstein, 1975; Korn, 2021) [24].

The divine command theory is certainly present, but it comes with a twist. As Eugene Korn (2021) [24] points out, Halakhic reasoning needs to be balanced with moral intuition and a sense of community responsibility. Take, for instance, the discussions around organ donation, wartime ethics, and civil rights, these have led rabbis to draw on ethical principles that go beyond strict legal interpretations.

Rabbinic tradition also acknowledges that ethics can stand apart from law. The Talmudic saying "Derekh eretz kadmah la-Torah" ("ethical behavior comes before the Torah") implies that morality is essential for genuine religious practice (Navon, 2016). This perspective is supported by thinkers like Aharon Lichtenstein and David Novak, who contend that Jewish ethics should connect with universal moral reasoning while staying grounded in covenantal theology.

In the face of secular modernity, there are both challenges and opportunities. As noted by Patheos (2023), Orthodox and Conservative ethicists often lean on Halakhic precedents, while Reform thinkers are more inclined to explore broader philosophical ethics. This difference highlights ongoing discussions about autonomy, pluralism, and how religion influences public morality.

#### 4. Secular Modernity – A Catalyst or Constraint?

Secular modernity has emerged as a powerful force, shaking things up while also creating a space for fresh religious ideas. In both Islamic and Jewish traditions, the rise of secularism has put the authority of sacred laws to the test, all the while sparking new ways of interpreting these laws and developing ethical frameworks. This interesting duality, acting as both a constraint and a catalyst—shapes the current conversations around Bid and Hiddush.

#### 4.1 Secularism and Islamic Jurisprudence

In Islamic thought, secularism is often seen as a challenge to the holistic nature of Shari'a, which has traditionally governed both personal and public life (Ahmad, 2009). The idea of separating religion from state functions, a key feature of secular governance, stands in stark contrast to the Islamic belief that law and ethics are rooted in divine authority (Gul, 2021) [17]. Yet, thinkers like Ali Abdel Razeq and Abdullahi An-Na'im have suggested that secularism can actually coexist with Islamic values, particularly when viewed as a way to promote pluralism and civil rights (Fox, 2020) [15]. Hasan Hanafi goes even further, arguing that Islamic law itself embodies secular values by prioritizing public welfare and rational legal principles (Jabir, 2025) [20].

The Constitution of Medina (622 CE) is frequently referenced as an early example of Islamic pluralism, where Muslims, Jews, and other tribes lived together under a common political framework—hinting that secular principles might have historical roots in Islamic governance (Countercurrents, 2025). Today's reformists are using Bid'a as a lens to navigate secular reforms in areas like gender equity, education, and biomedical ethics. As Sameh Asker (2023) points out, secularism can serve as a form of ijtihād, a human endeavor to interpret divine law in response to the changing needs of society.

#### 4.2 Secularism and Jewish Halakhic Thought

In Jewish tradition, the relationship with secularism has sparked both pushback and revitalization. While traditional Halakhah is based on a covenantal society led by divine law, contemporary Jewish thinkers have been on a quest to find harmony between religious principles and secular democratic ideals (Edrei, 2015) [12].

Eliezer Schweid suggests a framework for secular Halakhah that keeps the guiding authority of Jewish law while weaving in humanistic and national values. He posits that secular Jews can embrace commandments not through strict theological beliefs but through a commitment to culture and ethics (Schechter Institutes, 2023).

Arye Edrei (2015)<sup>[12]</sup> highlights how Religious Zionist rabbis have reshaped Jewish identity to encompass secular Jews, making a distinction between the "covenant of fate" and the "covenant of faith." This shift in thinking has enabled Halakhic authorities to interact with secular nationalism while still respecting religious boundaries.

Additionally, secular Jewish movements have played a role in religious innovation by reinterpreting Hiddush as a form of cultural expression. As Sol Roth (1992) [30] points out, Halakhah takes a positive stance toward the secular, seeing it not as something profane but as a neutral space that can be elevated through ethical intentions.

#### 4.3 Comparative Reflections

Both Islam and Judaism have tackled the challenges of

secular modernity in their own unique ways, mixing resistance, adaptation, and innovation. For instance, Islamic jurisprudence often sees secularism as a threat to divine authority, while Jewish thought has been more open to exploring ways to coexist and integrate with it.

However, in both traditions, secularism has sparked a wave of ethical reflection and fresh interpretations. It has pushed religious communities to rethink the limits of sacred law, the importance of human agency, and the acceptability of change. As Taylor (2007) and Asad (2003) <sup>[6]</sup> point out, secularism isn't just about the absence of religion; it's about reshaping its role in public life and its authority in knowledge.

#### 5. Dialogues and Divergences=

#### **5.1 Points of Convergence**

Despite their unique theological perspectives, Islam and Judaism both grapple with the essential task of upholding divine law while adapting to the changes of history. Each tradition acknowledges the importance of interpretive flexibility, whether it's through ijtihād in Islam or hiddushim in Judaism, allowing for ethical responsiveness (Khatib, 2019; Soloveitchik, 1983) [35, 23]. The ethical obligation to balance tradition with the welfare of the community is clear in both faiths. Islamic scholars have long engaged in discussions about the acceptability of Bid'a hasana (commendable innovation), particularly when it promotes maşlaha (public interest) without breaching fundamental principles (Ibn 'Abd al- Salām, 2000) [19]. In a similar vein, Jewish legal authorities view Hiddush as a sacred responsibility to reinterpret Torah law in light of modern needs (Korn, 2021) [24]. Both traditions also highlight the importance of scholarly authority in guiding innovation. In Islam, the 'ulama' act as guardians of orthodoxy and ethical reasoning, while in Judaism, rabbis serve as interpreters and protectors of Halakhic continuity (Broyde, 2008) [9]. This shared dependence on knowledgeable intermediaries illustrates a common epistemic framework grounded in divine revelation and communal responsibility.

#### **5.2 Points of Divergence**

The most notable difference lies in how innovation is framed semantically. In Islamic discussions, the term Bid a often has a negative spin, linked to ideas of deviation and heresy—particularly in conservative legal thought (Keller, 1995; Wikipedia, 2023) [22]. On the flip side, Hiddush is usually celebrated as a vital and creative interaction with sacred texts (Hartman, 1985) [18]. This distinction has theological roots: Islam underscores the finality of revelation found in the Qur'an and the Sunnah, which leads to a more cautious stance on innovation. Judaism, however, sees revelation as an ongoing interpretive journey, especially within the Rabbinic tradition (Soloveitchik, 1983; Elon, 1994) [35, 13].

Another key difference is in how each tradition views the limits of acceptable change. Islamic law generally restricts innovation in rituals and beliefs but allows for some flexibility in social and administrative areas (Ahmed, 2009). In contrast, Jewish law often embraces liturgical and communal changes, particularly in non-Orthodox movements (Edrei, 2015) [12].

Lastly, secularism is perceived quite differently. In Islamic contexts, it's often seen as a challenge to divine authority (Gul, 2021) [17], while Jewish thought has crafted models of integration, like Religious Zionism and secular Halakhah (Schweid, 2023) [33].

#### 6. Contemporary Case Studies

## 6.1 Islamic Contexts: Navigating Bid'a in Modern Reform

In today's discussions around Islam, the concept of Bid'a remains to spark widespread interest, caught between the pull of tradition and the push for reform. Take, for instance, the rise of digital prayer apps, virtual khutbahs, and AI-generated fatwas—these have ignited quite a debate among scholars about their legitimacy. Some critics label these innovations as Bid'a sayyi'a, or blameworthy innovations, while others argue they serve a greater purpose, aligning with maṣlaḥa, or public interest, and can be seen as Bid'a ḥasana, or commendable innovations (Siddiqi, 2023; Ibn 'Abd al-Salām, 2000) [34, 19].

A striking example is the Malaysian fatwa that addressed space travel, allowing Muslim astronauts on the ISS to modify their prayer rituals. This ruling showcase how Islamic law can adapt to new situations while staying true to its fundamental principles (Lewis, 2013; Harvard University, 2018) [25].

In a similar vein, Islamic boarding schools, or pesantren, in Indonesia are stepping into the future by incorporating elearning platforms and AR/VR technologies to enrich religious education. This approach not only promotes tolerance but also engages Gen Z students in meaningful ways (Yanuardianto *et al.*, 2024; Masdul *et al.*, 2024) [39, 27]. These advancements are seen as ethically responsible responses to the challenges posed by secular influences and the evolving needs of education.

#### 6.2 Jewish Contexts: Hiddush and the Ethics of Renewal

In Jewish communities, Hiddush has played a key role in transforming spiritual and institutional practices. For example, Israeli tech startups have created immersive Megillah- reading apps, AI-powered Torah commentators, and virtual synagogues that personalize liturgical experiences (Demsky, 2025; Kalman, 2023) [11,21]. These tools are not just technological novelties; they show a deeper connection to Jewish memory and ethical continuity.

The Digital Haggadah Project allows families to customize Passover rituals using voice commands, embedded rabbinic commentary, and accessibility features. This reflects a more inclusive approach to sacred tradition (Jerusalem Post, 2025). At the same time, Humanistic Judaism has changed liturgy to focus on human dignity and ethical choices, moving away from supernatural beliefs while maintaining cultural identity (Chalom & Kornfeld, 2025) [24].

In North America, Jewish chaplaincy programs have grown to support marginalized groups, including addiction recovery participants, bereaved families, and secular Jews. These programs use innovative models of spiritual care that combine tradition with modern ethics (Chaplaincy Innovation Lab, 2025).

#### **6.3 Comparative Reflections**

These case studies reveal that both Islam and Judaism are actively redefining sacred law in response to modern society. Islamic discourse often views innovation in terms of legal categories, like Bid a hasana and maṣlaḥa. In contrast, Jewish thought sees Hiddush as a vital approach for renewal. In both faiths, ethical reasoning and community responsibility act as links between tradition and change (Korn, 2021; Khatib, 2019) [24, 23]. Secularism is not just an outside force; it provides a way for religious groups to rethink their practices,

institutions, and moral duties. Whether through space fatwas or AI Torah study, innovation is increasingly seen not as a departure but as a conversation with modernity.

#### 7. Conclusion

# 7.1 Overarching Conclusion – Religious Innovation and Modern Innovation Theory

This paper explores the ethical aspects of religious innovation by comparing Bid'a in Islam and Hiddush in Judaism, set against the background of secular modernity. It demonstrates that while both traditions value divine law as the basis of legitimacy, they differ greatly in their meanings and openness to change. Islam often views innovation with caution, especially regarding beliefs and rituals; on the other hand, Judaism—particularly in Rabbinic and non-Orthodox branches—generally sees Hiddush as a sacred responsibility for interpretive renewal (Soloveitchik, 1983; Korn, 2021) [35.

Secular modernity does not merely serve as a neutral backdrop; it has acted as both a catalyst and a limitation. It has questioned traditional authority, introduced a variety of ethics, and redefined what counts as religious legitimacy (Asad, 2003; Taylor, 2007) <sup>[6]</sup>. However, it has also encouraged religious communities to rethink their practices and institutions in ways that relate to modern values—whether through digital liturgy, AI jurisprudence, or inclusive spiritual care.

These insights have significant consequences for current theories and ideas about innovation. Traditional models like Schumpeter's creative destruction (1943) and Christensen's disruptive innovation (1997) highlight novelty as a driving market force, often overlooking ethical or communal concerns. Yet, religious innovation—especially when viewed through the ethical lenses of Bid'a and Hiddush—provides an important counterpoint: innovation is not just about usefulness or disruption, but also about moral continuity, interpretive legitimacy, and communal responsibility (Blok, 2021; von Schomberg, 2013).

Innovation thinkers like Vincent Blok suggest that we should view innovation as not only an outcome but also as a process of forming meaning and building a world together (Blok, 2021). Religious innovation perfectly illustrates this idea: it is ongoing, ethically motivated, and deeply tied to community stories. The dynamic between tradition and reform in Islam and Judaism enriches modern innovation theories by introducing ethical time, diverse interpretations, and non-market approaches to change (Pavie, 2020; Ventura, 2019) [28, 37].

In conclusion, this paper encourages scholars in religion, ethics, and innovation to take part in cross-disciplinary discussions. Religious innovation is not just a relic; it serves as a living lab for understanding how communities manage change, maintain identity, and envision the future. By combining sacred law with secular ideas and modern innovation concepts, we can create new paths for responsible, inclusive, and ethically sound innovation.

### 7.2 Authorial Reflection – A Postmodern Lens on Sacred Innovation

As a researcher and practitioner focused on the ethics of innovation, I feel increasingly drawn to a postmodern approach. This perspective resists strict categories and embraces complexity, variety, and contextual understanding. This paper, while based on the comparative theology of Bid a

and Hiddush, points toward a broader vision. It invites us to see religious innovation as something that goes beyond doctrinal limits and encourages more inclusive, dialog-based interactions with sacred traditions.

Postmodern thought questions the idea of fixed truths and singular stories (Lyotard, 1984; Asad, 2003) [26, 6]. It encourages us to view religious innovation not as a deviation or disruption, but as a flexible negotiation of meaning. This meaning is shaped by historical events, ethical demands, and personal experiences. In this light, I see Bid'a and Hiddush not just as theological ideas but as living vocabularies. These terms serve as tools for navigating the sacred in a pluralistic, post-secular world.

I am open to change while being deeply respectful of the wisdom found in religious traditions. I do not aim to create a universal belief system or homogenize faiths. Instead, I want to gather insights from Islam, Judaism, Christianity, and other spiritual paths that resonate with ethical clarity and human dignity. This is not about blending beliefs, but about selective integration—an approach that values coherence over uniformity.

In a world increasingly influenced by artificial intelligence, environmental challenges, and moral chaos, religious innovation needs to move past isolated discussions. It should become a cross-disciplinary conversation that includes theologians, ethicists, technologists, and everyday seekers. By adopting the postmodern spirit of pluralism, reflection, and humility in storytelling, we can reimagine sacred law as a dynamic set of ethical possibilities rather than a rigid set of rules.

Ultimately, this paper is more than a comparative study; it is a call to rethink innovation itself. We should view it not as a break from the past but as a renewal of relationships, not as secular progress but as a sacred unfolding of human creativity that engages with divine wisdom.

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