

BRIDGING THE DIVIDE

BEYOND THE ETHICS OF DISAGREEMENT

TAHA J. AL-ALWANI



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FOREWORD



IN THE NAME OF GOD, THE MOST GRACIOUS, THE MOST MERCIFUL

*Praise be to God, and Prayers and Peace be upon
The Messenger of God, his Family and his Companions*

THE RELEASE OF this two volume edition of our beloved father's work on the ethics of disagreement in Islam entitled *Bridging the Divide: Beyond the Ethics of Disagreement* coincides with the approach of the eighth anniversary of his death. May God Almighty shower him with His mercy, causing what he gave in this world to elevate him and light his path in the world to come, and serve the message of His glorious revelation.

The book which is in the reader's hands is rich in its meanings, purposes and themes, and universal in its message. With rare courage and boldness, its author set forth his intellectual orientations and the essence of his academic and methodological career, concluding the final chapter of his life by adopting a methodology that follows the Qur'an wherever it leads and adheres faithfully to everything that was revealed to the heart of the Prophet Muhammad (ṢAAS).*

The approach which Dr. Al-Alwani adopted and to which he dedicated the final years of life required him to reexamine his intellectual heritage with the rigorous honesty of a scholar, the piety of an ascetic, the fear of the obedient, and the humility of the budding seeker of knowledge, thereby setting an example for every seeker of truth and every individual devoted to a cause.

* (ṢAAS) – *Ṣallā Allāhu 'alayhi wa sallam*: May the peace and blessings of God be upon him. Said whenever the name of the Prophet Muhammad is mentioned.

Based on the applied revisions presented in publications such as *Apostasy in Islam: A Historical and Scriptural Analysis (Lā Ikrāha fī al-Dīn: Ishkāliyyat al-Riddah wa al-Murtaddīn min Ṣadr al-Islām ilā al-Yawm)*¹, *Al-Azmah al-Fikriyyah wa Manāhij al-Taghyīr* [The Intellectual Crisis and Approaches to Change], *Lisān al-Qurʾān wa Mustaqbal al-Ummah al-Quṭb* [The Language of the Qurʾan and the Future of the Leader Nation], *Naḥwa Manhajīyyah Maʿrifīyyah Qurʾāniyyah fī Bayān Qawāʿid al-Manhaj al-Tawḥīdī li al-Maʿrifah* [Towards a Qurʾanic Epistemological Methodology for the Monotheistic Approach to Knowledge], *Hākimiyyat al-Qurʾān* [The Governing Authority of the Qurʾan] and others, Al-Alwani's students, admirers and others were able to trace the evolution that had taken place in his thinking towards a comprehensive Qurʾanic review of all the varied ideas and approaches to knowledge he had explored over the course of more than half a century. Nevertheless, he insisted on revising this book as well, adding a second part in which he outlined a distinctive applied model of objective and constructive critique based on study, analysis, discussion and evidence-based reasoning.

In the spirit of the modern age, Al-Alwani sought no personal advantage in his self-critique. In fact, some of his students urged him not to be so hard on himself. Be that as it may, his criticism of his own works was an attempt to evaluate past experiments in such a way as to discern their true value. His quest for an objective and accurate evaluation of his own previous work promises to help other thinkers avoid falling into errors that might otherwise be endlessly repeated, like a cosmic pattern from which no one but the most infallible *mujtahid* can break free!

In this book, as in his others, Al-Alwani limited his efforts to combining the two “readings”: the reading of the Book of written revelation and the reading of the Book of the cosmos, an approach which enabled him to think independently and engage in the full creative use of his faculties.

As we turn the pages of this book, we find that the author has so refined, pruned, and corrected his output that what we hold in our hands is like burnished gold of the utmost beauty. With sober, orderly analysis, the book presents an applied reading of the traditional juristic

and doctrinal issues addressed in *The Ethics of Disagreement in Islam* in light of a realistic and critical Qur'anic interpretation which draws out the true meanings of the glorious Revelation. In so doing, it promises to help address the situation faced by an Ummah which is on the verge of burying its glorious treasures alive beneath a stultifying layer of disagreements from which it seems unable to free itself.

As fate would have it, this edition is appearing in the midst of turbulent crises and an accumulation of difficulties that have come to threaten humanity with crushing circumstances and conflicts. Our Arab and Islamic societies' elites of various persuasions have closed themselves off from the rest of the world, clinging to what they view as the uniqueness of their past experiences and doubling down on their presumptuous errors while doing their utmost to conceal negatives or weaknesses of any kind, and this despite the fact that rarely will any intellectual, social or administrative experiment be free of error. Consequently, the same slips and stumbles repeat themselves time and again, with one setback and shock after another. Yet, utopianism remains the predominant feature of elites' thinking even when they record their memoirs.

The young generations constantly hear words of praise for their forebears' excellent planning and construction and other positive contributions against the background of a reality riddled with failures which even the wise are hard put to account for. When they look around, they see ever worsening evil and corruption whose intertwining threads choke out attempts to uproot them. In the face of such conditions, how are these nascent generations of thinkers and scholars to learn, educate themselves, and overcome the sense that it is their duty to remain silent?

Many writers and elites tend to boast of what they have achieved, especially as their days on earth begin drawing to a close. In this book, by contrast, Al-Alwani emulated the example of the Prophet, whose primary concern as expressed in his farewell address was whether he had delivered the message that God had given him. He did not enumerate his achievements or hedge his writings about with walls of "absolute truth." Nor did he claim that what he had written was the best that could have been written.

Al-Alwani was not alone among scholars in this respect, of course. Rather, he joined the illustrious company of other thinkers who had possessed the honesty, daring and courage to make clear to their audiences the process they had gone through in the course of their academic and intellectual pilgrimages, all the while seeking right guidance through a comprehensive reading of the Qur'an. Take, for example, the great jurist and Qur'anic scholar, Sufyan al-Thawri, who said, "If only I had limited myself to the Qur'an." Similarly, the Shaikh of Islam Ibn Taymiyyah declared, "I regret having wasted my time on meanings other than those of the Qur'an," and this despite having masterfully navigated the twin realms of revelation and reason, plumbing the depths of Islamic jurisprudence and its principles. As for Imam Fakhr al-Dīn al-Rāzī, he wrote in his will and testament, "I have walked the paths of scholastic theology and philosophical methods, yet the benefit they offer could never equal that offered by the magnificent Qur'an, which attributes all greatness and majesty to God Almighty rather than delving into oppositions and contradictions, knowing that human minds fade away and dwindle to nothing in deep straits and cryptic approaches."²

The intention of such venerable sages is not to belittle the importance of their knowledge or previous work. Rather, it is simply to call for more revisions and for diligence in understanding the Qur'an, reflecting on it, and discerning its meanings, and for the readiness to live with its words in contemplation and action alike.

Al-Alwani undertook to re-read his own intellectual production as embodied in *The Ethics of Disagreement in Islam* in light of the need to measure the entire Islamic heritage—its principles, its jurisprudence, its theology, its hadith and its interpretations—against the Book of God Almighty as the foundational source of legal rulings, and the Sunnah of the Prophet as the practical application that provides us with the way in which to follow the Qur'an.

Thus, he advises readers at the end of the book's Introduction to study the two "Books" (the Qur'an and the Cosmos) together, linking their issues in a comprehensive, constructive manner which shows how ideas develop over time. He summarizes this point in the first chapter of his book, *The Ethics of Disagreement*, then crosses over to the second,

which carries the same message as the first, namely, the call for “the unity of the Ummah,” the rejection of division, and the quest to establish this unity not only juristically, but intellectually and methodologically as well.

May God, Who guides to the straight path, have abundant mercy on him, and benefit readers with his knowledge.

DR. ZAINAB TAHA JABER AL-ALWANI

DR. AHMED TAHA JABER AL-ALWANI

DR. RUQAYA TAHA JABER AL-ALWANI

March 2024 / Ramadan 1445 AH

¹ *Apostasy in Islam: A Historical and Scriptural Analysis* (London: IIIT, 2011), translated by Nancy Roberts.

² Taha Jabir Al-Alwani, *Al-Imām Fakhr al-Dīn wa Muṣannafātuhu* [Imam Fakhr al-Dīn and His Works], p. 66.

INTRODUCTION

IN THE NAME OF GOD, THE MOST GRACIOUS, THE MOST MERCIFUL

*Read in the name of thy Sustainer, who has created,
created man out of a germ-cell! Read – for thy Sustainer is
the Most Bountiful One, who has taught [man] the use of
the pen, taught man what he did not know!*

Sūrat al-ʿAlaq (96:1-4)

Representatives of juristic schools of thought, scholastic theologians, PhD holders and occupants of professorial chairs are not accustomed to criticizing themselves and their own writings. If such individuals receive criticism from others, they tend either to ignore or rebut it, however intensely or mildly. If, however, criticism is directed toward early scholars such as the founders of the four established juristic schools (al-Shāfiʿī, Ibn Ḥanbal, Abū Ḥanīfah and Mālik Ibn Anas) or their predecessors, the response to the critic will be severe indeed. In this connection, I will never forget what happened to me during my doctoral thesis defense when I directed a mild criticism at Imam al-Rāzī. The venerable Dr. Ibrahim al-Shahawi, Head of the Department of Jurisprudence at the time, bristled and, with great indignation, said, “And who are you to correct Imam al-Rāzī? What gives you the right to challenge a giant like him?!” In reply I said, “God Almighty has given everyone fair and equal access to knowledge. He said, ‘[We sent all these] apostles as heralds of glad tidings and as warners, so that people might have no excuse before God after [the coming of] these apostles: and God is indeed Almighty, Wise.’¹ As a seeker of knowledge, I may discover something in al-Rāzī’s thought that I take issue with. Is there something wrong with this?” He grudgingly said no more, and we concluded the session without having learned how to critique or rethink the positions taken by our predecessors. The only areas in which we

were given the opportunity to showcase our talents were those of comparative jurisprudence and appointment examinations, in which contexts – albeit with a healthy dose of caution and introduced by the requisite strings of honorific titles – we would engage in the most circumspect, diffident critiques. In short, we were heirs to an academic patriarchy that admitted of nothing but, “Imam So-and-So, may he rest in peace, said ...” or, “Such and such an author, commentator, annotator, may he rest in peace, said”

When I was teaching at Imam Muhammad Bin Saud Islamic University in Riyadh, the university expressed interest in publishing my doctoral dissertation. As a preparatory step, a professor there was assigned the task of reviewing the dissertation which, as it happened, contained some criticism of Imam Ibn Taymiyah, “the Shaykh of Islam.” The reviewer, a native of Najd, was furious when he read my statement that, “when the Shaykh of Islam Ibn Taymiyah wanted to rebut views of the Mutazilites, he would do so using statements by Fakhr al-Dīn al-Rāzī along with some minor additions of his own, whereas when rebutting the Asharites, he would often draw on statements made by the Mutazilites. At the same time, however, he is known to have unfairly applied numerous uncomplimentary descriptions to al-Rāzī.” In response to this passage from my dissertation, the examining professor wrote a strongly worded report that had nothing to do with academics. In fact, it ended up being a harangue calling for my contract to be terminated, and for me to be expelled from the country. He wrote, “This country has no place for those who cast aspersions on the Shaykh of Islam!”

Rather ironically under the circumstances, the Shaykh of Islam himself died in prison, and his remains were taken directly from his place of incarceration to his grave at the University of Damascus. The reason for Ibn Taymiyah’s imprisonment was that he had parted ways with the majority of Muslim scholars on three subsidiary issues of Islamic jurisprudence. In contrast to most other Muslim jurists, Ibn Taymiyah held that divorce does not take effect by virtue of a single word uttered by the husband, that one must not seek God through any sort of mediation, or travel for the purpose of visiting the grave of the Messenger of God, because one’s intended destination should not be

the Prophet's grave but, rather, the Prophet's mosque. Clearly, then, reevaluation of earlier thinkers' views and writings was not an accepted practice in institutions of religious instruction, and whatever rethinking or correction was attempted was branded as "innovation," departure from the scholarly consensus, and the like.²

My book *Adab al-Ikhtilāf* (The Ethics of Disagreement in Islam) is one of the most important things I wrote in my early days as an author. It was preceded by my *al-Ijtihād wa al-Taqlīd* (Independent Reasoning and Imitation), *al-Ta'ālīl 'ind al-Ḥanābilah* (Juristic Justification in the Ḥanbali School) and studies dealing with such topics as the rights of the accused during an investigation, the history of the fundamentals of jurisprudence, etc. When *Adab al-Ikhtilāf* was released with an introduction by Dr. Umar Ubayd Hasanah, it met with a positive reception and garnered considerable interest. In fact, it went through more than one edition in a single year. It was widely distributed, and during that period of time it may have been one of my most-read and talked-about books. Indeed, it was translated into eighteen languages, and it went through more printings than I can count. However, after adopting the practice of rethinking the Islamic heritage in light of the Qur'an, I thought it best to revise the book. My aim in doing so was to set a positive example for seekers of knowledge by demonstrating my willingness to reevaluate and critique not only others' thought and writings, but my own as well.

Some publishers urged me to expand and update it, and then issue a new edition for translation. As I went through the revision process, I discovered some regrettable errors. Consequently, I decided to correct these matters myself, and thanks be to God, I now feel confident that whatever errors it contained, including those that others were hesitant to point out to me, have been rectified.

It should be remembered that when the book first came out, I was, like every other Azhar graduate at the time, conservative and traditional in my views and approach. Hence, I seemed to assume that the earliest generations of Muslim scholars were never wrong, while later ones were never right! As a result, unlike all my writings from the 1990s and onward, this book now stood in need of intellectual and methodological revision in keeping with the principle of allowing the Qur'an to

stand in judgment over all else. There were, in addition, a number of particular points on which I had been mistaken, of which the following will serve as examples:

First: Influenced by popular opinion, I had viewed disagreements as a natural phenomenon that enjoyed the blessing and approval of the Messenger of God. Accordingly, I saw them as an aspect of community life that was here to stay, something one had to resign oneself to, and which was even a blessing of sorts based on the forged hadith that reads, “Disagreement within my community is a mercy.”³ Given this view, I went in search of rules of etiquette (*ādāb*) that might mitigate such differences and minimize their effects. In fact, however, the Qur’an views disagreement and conflict as negative, aberrant phenomena that should not be normalized or succumbed to. On the contrary, they are to be resisted, and attempts should be made to prevent believers from falling prey to them at any time. “Verily, as for those who have broken the unity of their faith and have become sects – thou hast nothing to do with them. Behold, their case rests with God: and in time He will make them understand what they were doing” (*Sūrat al-Aʿrāf* 6:159). “Say: ‘It is He alone who has the power to let loose upon you suffering from above you or from beneath your feet, or to confound you with mutual discord and let you taste the fear of one another.’ Behold how many facets We give to these messages, so that they might understand the truth” (*Sūrat al-Aʿrāf* 6:65). “All mankind were once one single community; [then they began to differ –] whereupon God raised up the prophets as heralds of glad tidings and as warners, and through them bestowed revelation from on high, setting forth the truth, so that it might decide between people with regard to all on which they had come to hold divergent views. Yet none other than the selfsame people who had been granted this [revelation] began, out of mutual jealousy, to disagree about its meaning after all evidence of the truth had come unto them. But God guided the believers unto the truth about which, by His leave, they had disagreed: for God guides onto a straight way him that wills [to be guided]” (*Sūrat al-Baqarah* 2:213). “And had thy Sustainer so willed, He could surely have made all mankind one single community: but [He willed it otherwise, and so] they continue to hold divergent views – [all of them,] save those upon whom thy Sustainer

has bestowed His grace. And to this end has He created them [all]. But [as for those who refuse to avail themselves of divine guidance,] that word of thy Sustainer shall be fulfilled: ‘Most certainly will I fill hell with invisible beings as well as with humans, all together!’” (*Sūrat Hūd* 11:118-119).

The last two verses in particular have been misunderstood as justifying disagreements, as numerous commentators have taken this passage to mean that God created people in order to hold divergent views. This interpretation was based on the phrase, “And to this end has He created them...” from *Sūrat Hūd* 11:119 quoted above. In fact, however, the phrase *li dhālika* (“to this end”) refers not to disagreement, but to mercy. In other words, God has created people for mercy. After all, God has commanded people to hold fast to His strong “rope” and His clearly worded revelation in order to achieve concord and harmony and to renounce disagreement and conflict. The well-known hadith according to which the Prophet said, “Disagreement within my community is a mercy,” was then fabricated and promoted when, in reality, disagreement is an evil that will never bring good in its wake. At the same time, however, it should be borne in mind that there are different types of disagreement and conflict. Some types are entirely unacceptable, some are entirely acceptable, and still others are nuanced to one degree or another. We need to be aware of such matters when evaluating this or that instance of difference or disagreement. In general, however, disagreement and conflict are blameworthy and undesirable, while agreement and harmony are praiseworthy and desirable.

Second: The original book was based on the notion that matters of belief allow for no independent reasoning or interpretation (*ijtihād*), a notion that was likewise shared by the majority of scholars. However, al-Jāhīz (d. 255 AH/868 CE), ‘Ubayd Allāh Ibn al-Ḥasan al-ʿAnbarī (d. 168 AH/784 CE) and others of the Mutazilite school were of the view that independent reasoning is not limited to subsidiary and practical issues, but goes beyond them to some areas of belief as well. In relation to all of this they supported the view that more than one interpretation of the Qur’an based on independent reasoning may be correct. This is a teaching worthy of careful study and consideration, since it holds the

potential of curbing the intolerant attitudes that prevail among some Islamic groups and parties.

Hence, although it has been assailed by the majority of Islamic scholars, this position, which has been attributed to al-Jāhiz, al-ʿAnbarī and similarly minded scholars, is worthy of investigation, especially in view of the fact that we are faced with conditions and transformations that render everything subject to question. This position protects against the dangers of *takfīr* (labeling others unbelievers) and accusations of immorality and heresy for the slightest reason. Another reason for adopting this position of greater tolerance is that rather than concerning themselves simply with the five pillars of Islam as set forth in the Qurʿan, the Muslim community has witnessed an exponential increase in the number of issues concerning which a ‘true’ believer is required to have certainty. Indeed, there are now over two hundred points of doctrine on the basis of which various Islamic factions have begun accusing each other of unbelief!

Third: I identified causes underlying disagreements in an extremely biased fashion. When considering a given disagreement, for example, I framed the debate in such a way that one side was portrayed as representing the truth but not the other, and without clarifying why I viewed one side as more representative of the truth than the other, or why I considered it to be a disagreement in the first place. Further, I classified the Shia and the Kharijites as heretics, a position which I stated explicitly in more than one place in the book. I then went on to state that the Sunnis (by which I meant the Asharites) stand in contrast to the people who interpret religious texts according to their own passing whims or ideologies, and those who introduce unjustified innovations into the religion. I failed to see at the time that any writer who wants to narrow the chasm among the various Muslim sects and denominations needs to treat these sects and denominations as equals, and not declare his bias from the start in favor of this or that group as though he were calling upon them to relinquish all their sectarian loyalties and adopt his point of view. All such approaches are contrary to that of the Qurʿan, which taught us to say, “Say: ‘O followers of earlier revelation! Come unto that tenet which we and you hold in common’” (*Sūrat Āl ʿImrān* 3:64). “Say: ‘Who is it that provides for you sustenance out of the

heavens and the earth?’ Say: ‘It is God. And, behold, either we [who believe in Him] or you [who deny His oneness] are on the right path, or have clearly gone astray!’” (*Sūrat Saba’* 34:24). Rather than following this Qur’anic admonition, I was going meekly along with the biased positions being put forth by scholars representing the various competing sects. Of that I am ashamed now and I want to publicly disassociate myself from such an approach.

Fourth: The language I used was the doctrinaire language of scholastic theology and jurisprudence, and I was quick to pass judgment before judgment was due, as a result of which my statements about others could easily have paved the way for them to be accused of unbelief. Take, for example, my statement: “The claim that it would be impossible to repeat the first generation’s accomplishments is tantamount to attributing impotence to the Book of God and the Sunnah of the Prophet... Indeed, those who make such a claim are on the path to outright unbelief.”⁴ In reality, however, the fact that later generations do not duplicate the output of earlier ones is attributable to other causes and divine laws which I have discussed in later studies.

Fifth: When I came to the issue of opposing those who refuse to pay zakah with armed force, I wrote, “Out of concern to ensure the continuation of Islam, the first caliph, Abū Bakr the Righteous, decided to wage war on them [the Arabian tribes who had begun refusing to pay the zakah] in order to force them to repent and return to Islam.”⁵ Elsewhere I stated, “As long as the Muslim community agrees that willfully refraining from performance of the ritual prayer is evidence of apostasy, then willful refraining from payment of zakah should likewise be viewed as evidence of apostasy, and war should be waged against those guilty thereof.”⁶ However, as will be known by those familiar with my later writings, particularly my book entitled, *Lā Ikrāha fil-Dīn*,⁷ I no longer hold the view that apostasy is subject to an Islamically prescribed punishment. Rather, I take my stand on the Qur’anic verse in which God declared, “There shall be no coercion in matters of faith” (*Sūrat al-Baqarah* 2:256). There is no justification whatsoever for forcing people to adopt this belief or that. However, my previous studies, which at the time I was not in the psychological or intellectual position to critique properly – no one having taught me

how to engage in such a critique or to subject my research to the probing gaze of the Qur'an – exposed me to such pitfalls. I am deeply grateful to God for having granted me a long life and, in these later years of mine, having inspired me to critique my own work in light of the guidance of the Qur'an and the Sunnah of the Prophet. Perhaps God willed in this way for me to find deliverance from my own errors, and I praise and thank Him for having granted me the gifts of sight and insight.

Sixth: In my earlier work I adopted the doctrinal vocabulary and language of the Qur'an rather than the cultural vocabulary of which I now make use. The first editions of the book were replete with the term *kāfir*, or “unbeliever.” On one occasion, for example, I would apply the term to Muslims who had introduced unwarranted innovations into Islam, on another to colonialists, and on still others to other groups or individuals.

Seventh: I relied in the earlier work on hadiths which, based on critical studies which I engaged in later, I now know to be in conflict with the Qur'an. Indeed, hadith specialists and other Muslim scholars have agreed to reject whatever contradicts the Qur'an. In one such hadith, the Prophet is reported to have said, “I have been commanded to fight people until they say that there is no god but God.”⁸ This hadith has been passed down via numerous chains of narrators. However, not one of these chains is fully sound. Rather, they are invariably either misrepresented (*mudallas*), incompletely transmitted (*mursal*), or otherwise objectionable on one basis or another. This fact has been confirmed not only by me, but by other scholars as well. Further, the acceptance of this hadith places us at odds with no fewer than two hundred Qur'anic verses of clearly established meaning. This hadith gained circulation after the Muslim community had moved away from peaceful means of propagating Islam to conquering and invasion. The hadith was thus used as a means of reinforcing the views of those who supported aggressive means of spreading the religion as over against the peaceful call to embrace the faith supported by the Qur'an. As we read in *Sūrat al-Nisā'* 4:77, “Art thou not aware of those who have been told, ‘Curb your hands, and be constant in prayer, and render the purifying dues?’ But as soon as fighting [in God's cause] is ordained for

them, lo, some of them stand in awe of men as one should stand in awe of God – or in even greater awe – and say, ‘O our Sustainer! Why hast Thou ordained fighting for us? If only Thou hadst granted us a delay for a little while!’ Say: ‘Brief is the enjoyment of this world, whereas the life to come is the best for all who are conscious of God – since none of you shall be wronged by as much as a hair’s breadth.’”

Eighth: I referred repeatedly in the original book to the authority of the early Islamic scholars without linking this to the authority of the Qur’an. However, this was inconsistent with my renewal project, which consists in measuring our entire Islamic heritage – its principles, its jurisprudence, its scholastic theology, its hadiths, and its exegesis – by the standards set forth in the Book of God Almighty. As the Prophet was instructed to say, “Behold, I take my stand on a clear evidence from my Sustainer – and [so] it is to Him that you are giving the lie! Not in my power is that which [in your ignorance] you so hastily demand: judgment rests with none but God. He shall declare the truth, since it is He who is the best judge between truth and falsehood” (*Sūrat al-Mā'idah* 6:57). “Art thou not aware of those who have been granted their share of revelation? They have been called upon to let God’s writ be their law – and yet some of them turn away [from it] in their obstinacy” (*Sūrat Āl ‘Imrān* 3:23). Authority belongs to the Qur’an and to the Sunnah of the Messenger of God, in which we observe the manner in which we are to adhere to and apply the teachings of the Qur’an.

In taking such a position, I was obliged to say that “all controversial issues should be referred to the teachings of the venerable scholars of the early years of Islam.” However, this position was clearly inconsistent with my current enterprise, in which the Qur’an is the sole authority, the one and only source of Islamic legal rulings, and in which the Prophetic Sunnah presents us with the ways in which the Qur’an was applied by the sinless Apostle.

Ninth: Like any other Azharite, I supported the notion of abrogation (*naskh*), on which I relied in more than one place in the book. In addition, I affirmed the concept of *ijmā'*, or consensus, as understood by Shāfi'īs and scholastic theologians. Now, however, I attribute authority to the Book of God alone, my view being that the Muslim

community can adopt the teachings of certain sects or schools of thought, but in arriving at its conclusions, it must derive its evidence from the Book of God, and if it claims to have a consensus on a given issue, the Qur'an must affirm it.

Tenth: I included quite a number of accounts, such as the dialogues that took place between Ibn ʿAbbās and the Kharijites, and between the leading scholars of that day, without providing any documentation, and without ascertaining with certainty whether such dialogues actually took place or not. I also upheld the view that the Companions should be consistently viewed as upright, reliable, and correct in their views, as well as the definition of “Companion” adopted by the Ashʿaris and the Shāfiʿīs.

As time went on, however, I concluded that the concept of Companionship needs to be modified. Rather than classifying someone as a Companion of the Prophet simply because he had seen him or met him momentarily as is the practice among Hadith scholars, I adopted the view that the title “Companion” should be reserved solely for those who were consistently in the Prophet’s company over an extended period of time. More specifically, “Companion” is a title to be applied only to someone to whom the Qur’an itself would apply it. God spoke to the Prophet saying:

But among the Bedouin who dwell around you there are hypocrites; and among the people of the [Prophet’s] City [too] there are such as have grown insolent in [their] hypocrisy. Thou dost not [always] know them, [O Muhammad – but] We know them. We shall cause them to suffer doubly [in this world]; and then they will be given over to awesome suffering [in the life to come]. (*Sūrat al-Tawbah* 9:101)

In light of this declaration from God, the notion that the Prophet’s Companions were, without exception, trustworthy individuals of integrity will need to be revised. In light of this reevaluation, we can distinguish between those who are to be viewed as Companions of the Prophet, and those who can rightly be described as trustworthy and righteous. People falling into the latter category include, for example, those who swore allegiance to the Prophet in al-Ḥudaybiyah in the

year 6 AH/628 CE and who are commended in the Qur'an. As we read in *Sūrat al-Fath* 48:29:

Muhammad is God's Apostle; and those who are [truly] with him are firm and unyielding towards all deniers of the truth, [yet] full of mercy towards one another. Thou canst see them bowing down, prostrating themselves [in prayer], seeking favor with God and [His] goodly acceptance: their marks are on their faces, traced by prostration....

When we speak of what it meant to be a Companion, we must think in terms of who was "with him," and the trustworthiness and integrity of the Companions both in the transmission of narratives and other matters.

Eleventh: I related the events that took place in the Saqīfah of Banū Sā'idah (where allegiance was pledged to Abū Bakr as the first caliph) as narrated by historians without any sort of editing or verification. However, because accounts of these events have undergone additions and deletions, they are not fit to be cited as evidence in support of this claim or that without being properly vetted in keeping with hadith scholars' standards and criteria.

Twelfth: I spoke about the criteria for Islamic brotherhood and the unity of Muslim ranks as though I were a preacher delivering a Friday sermon. As such, I was not presenting unity from the civilized, universal perspective of the Qur'an. The Messenger of God said, "The Arab has no greater merit than the non-Arab, nor the non-Arab than the Arab. A fair-skinned individual has no greater merit than a dark-skinned individual, nor the dark-skinned than the fair, except insofar as one is more God-conscious than another."⁹ The regions of the Earth likewise enjoy equality. The Messenger of God said, "I have been given four graces: The Earth has been made a place of worship and purification for my believing community, I have been sent to all people, I have been granted victory by the terror struck into my enemies from a month's journey away, and the spoils of war have been rendered permissible to my community."¹⁰ Similarly, the people of the world have been granted equal access to the Earth's blessings: "For He [it is who, after creating the earth,] placed firm mountains on it, [towering] above

its surface, and bestowed blessings on it, equitably apportioning its means of subsistence to all who would seek it..." (*Sūrat Fūṣṣilat* 41:10).

The Taha Al-Alwani who penned *The Ethics of Disagreement in Islam* nearly forty years earlier has changed as the teachings of the Qur'an have prompted me to take positions that are not supported by the Islamic heritage. The method I now adhere to is one that takes me wherever the Qur'an leads me. My guide is the God-given inspiration that entered the heart of the Prophet, then flowed through his limbs into a path of constructive action. I declare my remorse to all and sundry for whatever errors I have been guilty of, asking God for His forgiveness. May the Almighty look upon me not on the basis of what I have said or done, but on the basis of my intention, which is and always has been to serve Him to the best of my ability. I present these musings to my students and colleagues, as I want them to know that revision and reevaluation are a never-ending necessity. Imam al-Rāzī revised his writings before his death, and in his last will and testament, he said:

I have walked the path of the scholastic theologian and the philosopher, yet in neither have I found benefits comparable to those of the magnificent Qur'an. By attributing all greatness and majesty to God Almighty, the Qur'an prevents us from getting bogged down in a morass of oppositions and contradictions. Human reason is an ephemerality that vanishes in these deep straits and hidden paths.¹¹

With this in mind, I urge my colleagues and students never to be too proud to admit their mistakes, and to act promptly to correct them.

I avoid issuing fatwas, fearful that after issuing a ruling, I might discover that I was in error. Should this happen, I might not be able to alert the person who had requested it to the error concerned and warn him or her not to act on the ruling or, at the very least, not to go on acting on it. For this reason, whenever anyone asks me for a fatwa, I refer him or her to others with the proper knowledge and expertise.

If, in light of my Qur'an-centered approach, I should come across errors in any book I might have written, I stand prepared to retract them, and I ask my students and all my other brothers and sisters to

pray for God's forgiveness on my behalf for any error I was not able to retract and correct during my lifetime. May God enable everyone to do and say that which pleases Him.

Thus far I have discussed *The Ethics of Disagreement in Islam* in general terms. Turning to the book's details, its first edition was an attempt to engage in a serious treatment of an ailment afflicting the Muslim community: that of disagreement and contention. Indeed, so widespread are disagreements among Muslim thinkers that a number of scholars, both earlier and later, have devoted entire works to the subject. Indeed, an independent discipline grew up around the topic, referred to as the Science of Polemics (*ʿilm al-khilāfiyāt*). Works that fall under this category include, for example, *Khilāfiyāt Mālik* (The Polemics of Mālik), *Khilāfiyāt Abī Ḥanīfah* (The Polemics of Abū Ḥanīfah), *Khilāfiyāt Abī Yūsuf* (The Polemics of Abū Yūsuf), *Khilāfiyāt al-Awzāʿī* (The Polemics of al-Awzāʿī), and *Khilāfiyāt al-Bayhaqī* (The Polemics of al-Bayhaqī). *Bidāyat al-Mujtahid* (The Jurist's Primer) by Ibn Rushd is also considered a work on the Science of Polemics, as is *al-Iḥṣāḥ ʿan Māʿānī al-Ṣiḥāḥ* (A Clarification of the Meanings of the Collections of Authentic Hadiths) and *al-Ishrāf ʿalā Madhāhib al-Ashrāf al-Aʿimmah al-Arbaʿah fī Ikhtilāf al-Madhāhib* (An Overview of the Teachings of the Noble Founders of the Four Juristic Schools) by Ibn Ḥubayrah al-Shaybānī (d. 560 AH/1180 CE), *al-Ishrāf ʿalā Nukat Masāʾil al-Khilāf* (An Overview of Controversial Issues) by ʿAbd al-Wahhāb Ibn ʿAlī Ibn Naṣr al-Baghdādī al-Māliki, and many others.

Over time, jurisprudence has begun to infiltrate virtually all areas of our lives. As a result, people have begun wondering about everything they encounter – whether this or that food is permissible to eat, for example, and who issued the fatwa to this effect, which has caused people to think increasingly in terms of what one might term “juristic conflict.” If we speak of the unity of the Muslim community, the first thing some people think about is how to bring scholars together, and how to arrive at juristic solutions to matters of dispute. As for politics and economics, few people pay them any attention. Consequently, the focus of *The Ethics of Disagreement in Islam* in its first edition was the legal basis for dealing with disagreements among the four orthodox schools of jurisprudence.

By way of introduction to a discussion of the disagreements among the four Sunni juristic schools, Chapter One identifies which types of disagreement are acceptable and unacceptable, the division of disagreement into categories according to the motives behind them, and scholars' views on them. In Chapter Two, "The History and Evolution of Disagreement," I made reference to disagreements among the Companions of the Prophet during the Prophet's lifetime. In this context I discussed metaphorical Qur'anic interpretation and the criteria governing it, the position of those who issue fatwas, *mujtahids*, and reciters of the Qur'an. I also made reference to political differences and the role they play in the Muslim community's juristic and theological controversies, citing examples of debates that took place in these contexts.

Chapter Three was devoted to a discussion of the Muslim community's methods of deduction, while Chapter Four addressed the causes of disagreement during the eras of the Prophet and the four rightly guided caliphs. From here I turned to the causes of disagreement among Muslim jurists down the centuries, providing an overview of juristic controversies and how, if we are unable to uproot disagreements entirely, we need to adhere to the rules of etiquette governing them. Chapter Five, entitled, "The Ethics of Disagreement among the Founders of the Four Sunni Schools of Jurisprudence," includes a letter written by al-Layth Ibn Sa'd to Imam Mālik as an illustrative example, while numerous other situations cited illustrate the ways in which these rules of etiquette were applied by Muslim scholars and *mujtahids* in their debates with one another and the ways in which they weighed the evidence at their disposal. On the basis of the foregoing, I derived a method, or ethic that would allow us to overcome the negative effects of disagreements and deal with violations of this ethic.

Chapter Six treated the subject of disagreement since the time when people abandoned *ijtihād*, settling instead into successive eras of imitation and reliance on tradition. I explained the causes underlying the disagreements of the last thirty years, and I set out the path to deliverance. At that time, I would never have imagined that disagreements among Muslims would intensify to the point of armed conflicts and internecine warfare. Yet we find ourselves embroiled in more division,

conflict, sectarianism and partisanship than ever before, as if each sect or party were living on an island separate from the rest. Nevertheless, the book as a whole prepared the groundwork in a clear and prescient way for an ethics of disagreement, and contributed to raising awareness of one of the most critical and important issues facing the Muslim community. If proponents of the Islamic awakening had given this earlier book the attention it merited, they could have prevented the worsening of the causes underlying the disagreements among the various movements, which have reached the point where some of them consider themselves justified in killing those who differ with them.

As for this revised edition of the book, it is based on the foundation laid by the first edition, but with additions, corrections and clarifications. Hence, I advise researchers and universities which have decided to make use of the earlier editions of *The Ethics of Disagreement in Islam* to consider obtaining this later edition as well. In this way, the two books can be studied together, and their issues linked in a comprehensive manner that shows how ideas evolve and benefit from being both culled and augmented. To this end, Chapter One provides a summary of the first edition of the book. Both editions are calls to unify the Muslim community and to disavow sectarian divisions. Unlike the earlier book, however, the revised version lays a foundation for this summons which is not only juristic, but intellectual and methodological as well.

*May the Almighty enable this work to achieve its intended purpose.
It is He who hears and answers.*

NOTES

¹ *Sūrat al-Nisā'* 4:165.

² Happily, this same professor would later become a good friend of mine.

³ In his book entitled, *al-Maqāṣid al-Ḥasanah fī Bayān Kathīr min al-Aḥādīth al-Mushtahirah 'alā al-Asīnah* (The Noble Purposes for Clarifying Many Widely Circulating Hadiths), al-Sakhkhāwī stated that this hadith had no origin, and traced its appearance to al-Bayhaqī in *al-Madkhal ilā al-Sunan al-Kubrā* (Introduction to the Major Hadith Collections), who attributed it to Sulaymān Ibn Abī Karimah on the authority of Juwaybir, on the authority of al-Ḍaḥḥāk, on the authority of Ibn 'Abbās, who said, "The Messenger of God (ṢAAS) declared, "Whatever you are given of the Book of God, no one has any excuse for not acting thereon. If a given statement or action is not found in the Book of God, then it is a Sunnah-based practice with ongoing validity. If it is not based on my Sunnah, then it is based on what was said by my Companions. My Companions are like the stars in the sky. Whichever of them you follow, you will be rightly guided, and differences among my Companions are a mercy to you."

Al-Daylamī included it with the same wording in his hadith collection entitled, *al-Firdaws bi Ma'thūr al-Khiṭāb* (Paradise in Traditional Discourse). Juwaybir is very weak, while al-Ḍaḥḥāk's hadiths narrated on the authority of Ibn 'Abbās are interrupted (*munqaṭī'*), with incomplete chains of transmission. The well-established command left by the Messenger of God as he breathed his last was to cling steadfastly to the Book of God after he died, since it is the Book of God that protects one from going astray.

Al-Zarkashī traced this hadith to *al-Hujjah* (The Argument) by Naṣr al-Maqdisī, who classed it as *marfū'*, that is, as being traceable back to the Prophet, yet without including a chain of transmission. Similarly, it was attributed by al-'Irāqī to Ādam Ibn Abī Iyyās in *al-'Ilm wal-Hukm* (Knowledge and Governance) without further comment or explanation. The wording used by al-'Irāqī was, "Differences among my Companions are a mercy to my Community," and he classed it as weak and *mursal* (having an interrupted chain of transmission). The same wording was provided by al-Bayhaqī in his *al-Risālah al-Ash'ariyah* (The Asharite Treatise) without a chain of transmission. I have read in our shaykh's

handwriting that this hadith has been widely quoted, and it was included by Ibn al-Ḥājjib in *al-Mukhtaṣar fī Mabāḥith al-Qiyās* (An Abridged Study on Analogy) with the wording, “Disagreement within my Community is a mercy to people.” This hadith has frequently been questioned, and many of the imams have claimed that it is groundless. However, al-Khaṭṭābī mentioned it in *Gharīb al-Ḥadīth* in a parenthetical comment, saying, “Objections to this hadith were raised by two men, of whom one was a buffoon, and the other an atheist. The first was Iṣḥāq al-Mūṣalī, and the second was ‘Amr Ibn Baḥr al-Jāhiz. They both said, ‘If disagreement were a mercy, then agreement would be torment!’” Al-Khaṭṭābī then proceeded to rebut this claim. His discussion offered no clear attribution of this hadith. However, he indicated that he believed it to have a legitimate source. Then our shaykh mentioned something of the foregoing in connection with its attribution.” Suffice it as evidence of this hadith’s weakness that the meaning it conveys is at odds with the teaching of the Qur’an. See al-Sakhkhāwī, *al-Maqāṣid al-Ḥasanah* (The Goodly Aims), Beirut: Dār al-Kitāb al-‘Arabī, First Printing, 1405 AH (1085 CE), p. 70; see also al-Suyūṭī, ‘Abd al-Raḥmān Ibn Abī Bakr, *Tadrīb al-Rāwī fī Sharḥ Taqrīb al-Nawawī* (Training the Narrator in Explanation of al-Nawawī’s *al-Taqrīb*), ed. ‘Abd al-Wahhāb ‘Abd al-Laṭīf, Riyadh: Maktabat al-Riyāḍ al-Ḥadīth, 1965 CE, vol. 2, p. 175, where al-Suyūṭī makes no comment on the hadith; and al-Albānī, *Silsilat al-Aḥādīth al-Ḍa‘īfah* (The Chain of Weak Hadiths), Riyadh: Dār al-Ma‘ārif, 1412 AH/1992 CE, vol. 1, p. 141, No. 57, where he stated, “It has no origin ... Al-Manāwī quoted al-Subkī as saying, “It is not known among hadith transmitters. Nor have I found a chain of transmission for it, whether authentic, weak, or even forged.”

⁴ Taha Jābīr al-‘Alwani, *Adab al-Ikhtilaf fil-Islām* (The Ethic of Disagreement in Islam), Book of the *Ummah* Series, No. 9, Doha: Presidency of Islamic Courts and Religious Affairs, Second Printing, 1985 CE, p. 52.

⁵ Ibid., p. 60.

⁶ Ibid., p. 61.

⁷ *Lā Ikrāha fil-Dīn: Ishkāliyat al-Riddah wal-Murtaddīn min Ṣadr al-Islām ilā al-Yawm*, published in English as *Apostasy in Islam: A Historical and Scriptural Analysis* (London: International Institute of Islamic Thought, 2011).

⁸ Narrated by al-Bukhārī and Muslim in numerous places. See, for example, al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, Third Edition, ed. Muṣṭafā Dīb al-Baghā, Beirut: Dār Ibn Kathīr, 1407 AH/1987 CE, vol. 1, p. 153, Hadith No. 385; and al-Qushayrī, *Ṣaḥīḥ Muslim*, ed. Muḥammad Fu‘ād ‘Abd al-Bāqī, Beirut: Dār Iḥyā’ al-Turāth al-‘Arabī, no date, vol. 1, p. 51, Hadith No. 20.

In the context of a Master's Thesis, Shaykh Mutawallī Ibrāhīm, a student of the late Nāṣir al-Dīn al-Albānī, did a careful examination of all this hadith's chains of narration which revealed the inconsistency between the content of this hadith and the teachings of the Qur'an. The hadith in question was passed down via no fewer than 234 chains of narrators. However, as experts in the hadith sciences will be aware, the true test of a hadith's authenticity lies not in the number and variety of chains of narrators through which it was passed down but, rather, in the trustworthiness and integrity of the individuals of which such chains consist. The chains of narrators for this hadith are as follows:

- Forty depend on al-Zuhrī, 24 on al-A'ash, twenty on Ḥamīd al-Ṭawīl, 160 on Shu'ayb Ibn Abī Ḥamzah, twelve on Sufyān al-Thawrī, six on al-Ḥasan al-Baṣrī, and four on Sharīk al-Nakha'ī. Every one of the aforementioned narrators was a "concealer" (*mudallis*), and it is not stated explicitly here that any of them had heard the hadith, nor did any of them make this explicit statement. All of the pivotal narrators are extremely weak; hence, the paths of narration that branch from them are invalid and unworthy of consideration. There are also flaws in their chains of transmission.
- Twenty-three depend on Sammāk Ibn Ḥarb on the authority of those above him, and those above him, eight on Kathīr Ibn 'Ubayd, four on Sufyān Ibn 'Āmir al-Tirmidhī, three on Ziyād Ibn Qays, one on Ḥātim Ibn Yūsuf al-Jallāb on the authority of 'Abd al-Mu'min Ibn Khālīd, one on 'Abd al-Raḥmān Ibn 'Ubayd Allāh, one on 'Ajlān Mawlā Fāṭimah, one on Abī 'Ubaydah Muslim Ibn Abī Karīmah, and two that are incompletely narrated (*mursal*). Sammāk is weak, and all of the others are unknown. Hence, all of them are tainted by a lack of clarity and certainty; hence, they are invalid and unworthy of consideration. There are also flaws in their chains of transmission.
- Seven depend on al-'Alā' Ibn 'Abd al-Raḥmān, two on Sulaymān Ibn Abī Dāwūd, one on 'Umar Ibn Abī Bakr al-Mūṣalī on the authority of Zakariyā Ibn 'Īsā, one on Yaḥyā Ibn Ayyūb al-Ghāfiqī, one on Sulaymān Ibn Aḥmad al-Wāsiqī, one on Abī 'Abd al-Raḥmān al-Wāsiqī, and one on Abū 'Abd al-Raḥmān al-Wakī'ī on the authority of Ibrāhīm Ibn 'Uyaynah. None of these individuals enjoyed any authority or credibility whatsoever, whether on his own or in association with anyone else.
- Eight depend on Yūnus Ibn Zāyid al-Ayyulī, five on Ibn al-Madhhab on the authority of al-Qaṭrī, five on 'Abd al-Ḥamīd Ibn Bahram on the authority of Shahr Ibn Ḥawshab, three on Suhayl Ibn Abī Ṣāliḥ, three on 'Abd al-'Azīz al-Darāwirī on the authority of Muḥammad Ibn 'Amr Ibn 'Alqamah, one on Abī

Bakr Ibn ʿAyyāsh on the authority of ʿĀṣim Ibn Bahdalah, and one on Muṣʿab Ibn Thābit. In addition to the fact that all of these individuals were weak, their chains of transmission contain flaws, so that we are unable to use one to lend support or credibility to another.

- Three depend on Yaḥyā Ibn Bukayr on the authority of al-Layth Ibn Saʿd. Yaḥyā was weak, and al-Layth was a *mudallis* and did not explicitly state that he had heard the hadith.
- Eleven depend on Qutaybah Ibn Saʿīd on the authority of al-Layth Ibn Saʿd. As we just saw, al-Layth was a *mudallis* and did not explicitly state that he had heard the hadith. Furthermore, there is irregularity here, perhaps due to Khālid al-Maḍāʿinī's having introduced Qutaybah Ibn Saʿīd into the chain leading back to al-Layth.
- Ten depend on Shuʿbah on the authority of Wāqīd Ibn Muḥammad on the authority of his father on the authority of Ibn ʿUmar, and here we have irregularity (*shudhūdh*) in both the body and the chain of transmission. Furthermore, the narrator is unknown.
- Two depend on Aḥmad Ibn ʿAmr al-Bazzār on the authority of those above him on the authority of al-Qāsim Ibn Mālik on the authority of Abū Mālik al-Ashjaʿī Saʿd Ibn Ṭāriq Ibn Ashīm on the authority of his father. Al-Bazzār was weak and committed errors in both the body and the chain of transmission; al-Qāsim was likewise weak, and Saʿd was subject to suspicion. As for the claim that his father was among the Companions of the Prophet, there is doubt concerning this as well. Hence, the chain of transmission is weak and, therefore, invalid and unworthy of consideration.
- One depends on Naʿīm Ibn Ḥammād on the authority of those above him on the authority of Abū Mālik al-Ashjaʿī Saʿd Ibn Ṭāriq on the authority of his father. Naʿīm was not trustworthy, and Saʿd was subject to suspicion. As for the claim that his father was among the Companions of the Prophet this is subject to doubt. Hence, the chain of transmission is weak and, therefore, invalid and unworthy of consideration.
- One depends on Aḥmad Ibn Yūsuf al-Sulamī on the authority of ʿAbd al-Razzāq. ʿAbd al-Razzāq was a *mudallis* of whom no explicit statements have been made of his having heard hadiths narrated to him, and who grew senile toward the end of his life. Moreover, it is not known whether al-Sulamī heard hadiths from ʿAbd al-Razzāq before or after he lost his mental acuity. Hence, the chain of transmission is weak and, therefore, invalid and unworthy of consideration.

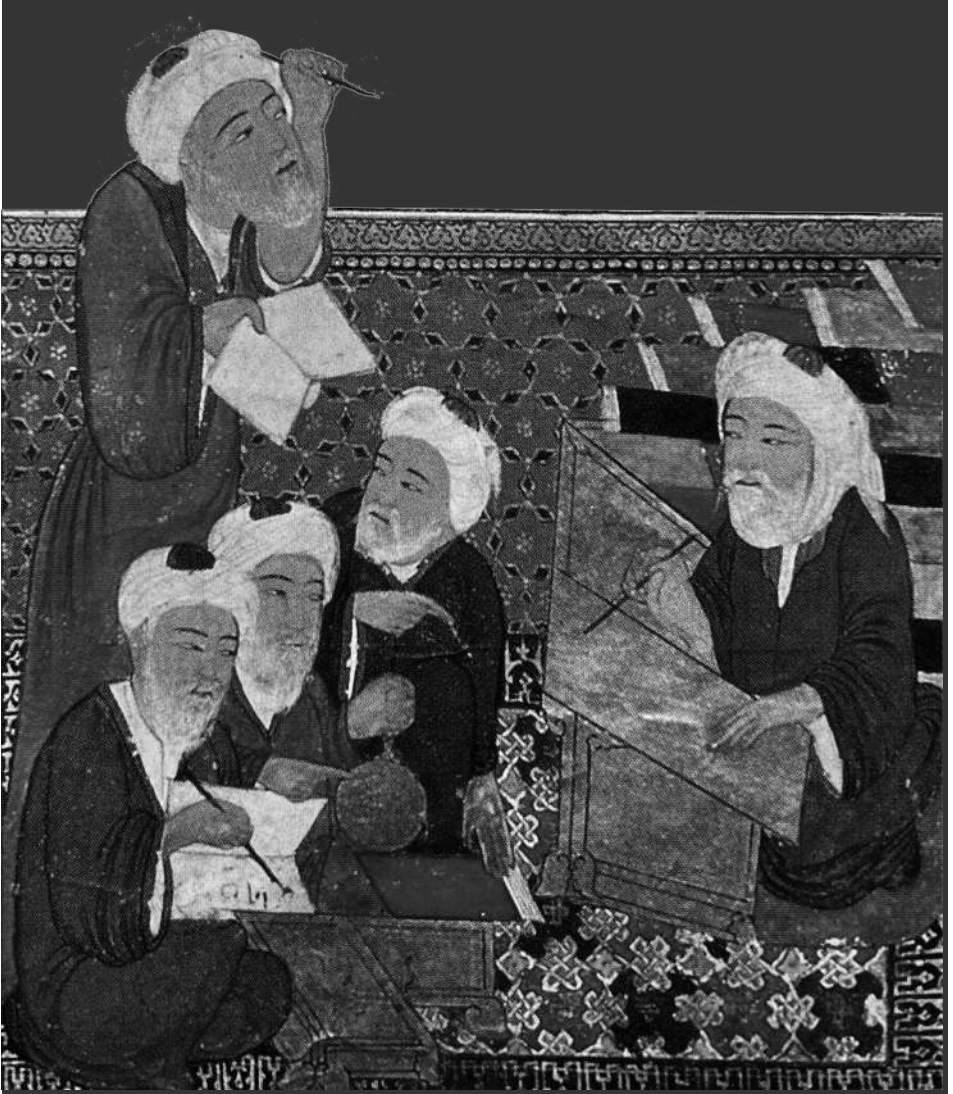
- One depends on Ishāq Ibn Ibrāhīm al-Dubarī on the authority of ʿAbd al-Razzāq. ʿAbd al-Razzāq was a *mudallis* whom no one has explicitly mentioned as having heard hadiths from others, and who grew senile toward the end of his life. He died when al-Dubarī was only six or seven years old; hence, he was weak and, therefore, invalid and unworthy of consideration. In addition, there are flaws in their chains of considered too young for others to narrate accounts on his authority. Hence, the chain of transmission is transmission which render it impossible compare them meaningfully, or to cite them in support of one another. No consideration is to be given to narrators whose integrity has been discredited. Some consideration may be given to narrators who are only slightly weak in their ability to memorize, but not to those whose memory is extremely weak. Furthermore, no consideration shall be given to a hadith whose narrator is unknown or to those affected by *tadlīs*, which undermines our ability to identify the narrators involved.
- As for the body of this hadith, it is unacceptable because it flatly contradicts the Qur’an by stating explicitly that the combat in which the Messenger of God and Muslims were commanded to engage was for the purpose of compelling people to believe and to state, “There is no god but God.” It is clearly inconsistent with other verses in the Qur’an which stipulate that people must be given a choice with respect to what they believe. We read, for example, that, “There shall be no coercion in matters of faith” (*Sūrat al-Baqarah* 2:256); “And so, [O Prophet,] exhort them; thy task is only to exhort: thou canst not compel them [to believe]” (*Sūrat al-Ghāshiyah* 88:22); “Fully aware are We of what they [who deny resurrection] do say; and thou canst by no means force them [to believe in it]. Yet none the less, remind, through this Qur’an, all such as may fear My warning” (*Sūrat Qāf* 50:45); “And [thus it is:] had thy Sustainer so willed, all those who live on earth would surely have attained to faith, all of them; dost thou, then, think that thou couldst compel people to believe?” (*Sūrat Yūnus* 10:99; see *Sūrat Hūd* 11:28).

⁹ Narrated by Aḥmad in his hadith collection and by al-Bayhaqī in his *Shuʿab al-Īmān* (Branches of Faith) on the authority of Jābir Ibn ʿAbd Allāh. See also: al-Shaybānī, *Musnad al-Imam Aḥmad Ibn Hanbal*, ed. Shuʿayb al-Arnaʿūt, et. al, Beirut: Muʿassasat al-Risālah, 1421 AH/2001 CE, vol. 38, p. 474, Hadith No. 23489; al-Bayhaqī, *Shuʿab al-Īman* (Branches of Faith), ed. Muḥammad al-Saʿīd Basyūnī Zaghāl, Beirut: Dār al-Kutub al-ʿIlmiyah, 1410 AH/1990 CE, vol. 4, p. 289, Hadith No. 5137.

¹⁰ Narrated by Aḥmad in his hadith collection on the authority of Abū Umāmah al-Bāhili. See al-Shaybānī, *Musnad al-Imam Aḥmad Ibn Ḥanbal*, vol. 36, p. 543, Hadith No. 22209.

¹¹ Fakhr al-Din al-Rāzī, *‘Ismat al-Anbiyā’* (The Infallibility of the Prophets), *‘Ismat al-Anbiyā’*.

THE ETHICS OF DISAGREEMENT IN ISLAM



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IN ISLAM

TAHA JABIR AL-ALWANI

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NOTE ON ARABIC TERMS

In this English version of *Adab al-Ikhtilāf fi al-Islām*, it has been considered necessary to retain several Arabic terms because they contain shades of meaning for which there is no single corresponding equivalent in English. The term *adab*, for example, although it is translated in the title as ‘ethics’, contains the idea of standard norms and also connotes discipline, proper etiquette, manners, and training. *Adab* refers in general to the discipline that comes from recognizing one’s proper place in relation to one’s self, members of the family, and others in the community and society. It also refers to the proper etiquette or manner of carrying out particular actions; for example, we speak of the *adab* of greeting, of eating etc., and of reading the Qur’an, or of dealing with differences of opinion. Loss of *adab* implies loss of proper behavior and discipline and a failure to act with justice.

Where English terminology seems in any way inappropriate or where there is a need to draw attention to a technical expression, the original Arabic is also included in the text.

The attempt is made whenever possible to explain Arabic terms when they first occur in the text, and for easy reference, a Glossary of Terms is also given at the end of the book. Arabic terms retained are italicized, except for those which have already entered American/English usage such as: Allah, hadith, ijihad, salah, Sunnah, Ummah etc.

For Qur’anic references the number of the surah (chapter) is first given followed by the *āyah*’s (verse) number, for example (8:46).

In quotations, brackets () are used when a meaning of a previous word or phrase is given. Furthermore, square brackets indicate additional wording to clarify the meaning.

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FOREWORD TO THE PRESENT REPRINT

THE INTERNATIONAL INSTITUTE OF ISLAMIC THOUGHT (IIIT) has great pleasure in presenting this reprint of *The Ethics of Disagreement in Islam* which addresses the sensitive topic of *al-Ikhtilāf*, or division, both in the Muslim world and in Muslim circles. There are ethical rules to disagreement just as there are ethical rules to justice, and this work explores various means by which differing opinions can be resolved whilst maintaining an atmosphere of peaceful deliberation and wholesome debate. The author contends that if differences of opinion operate in a healthy framework, they can enrich minds, broaden perspectives, and stimulate intellectual development.

The first English edition of the Arabic original *Adab al-Ikhtilāf fī al-Islām* was published in 1993 and then again in 1996. This reprint of the latter has been redesigned with minor changes. Although little has changed in terms of the solution offered, much of the relevancy of the work has taken a giant leap forward as Muslims are increasingly called upon to debate Islam and defend their position in a climate of growing hostility and negative publicity.

Where dates are cited according to the Islamic calendar (hijrah) they are labelled AH. Otherwise they follow the Gregorian calendar and labelled CE where necessary. Arabic words are italicized except for those which have entered common usage. Diacritical marks have been added only to those Arabic names not considered contemporary.

Since its establishment in 1981, the IIIT has continued to serve as a major center to facilitate serious scholarly efforts, based on Islamic vision, values and principles. The Institute's programs of research, and seminars and conferences, during the last thirty years, have resulted in the publication of more than four hundred titles in both English, Arabic and other major languages.

We would like to express our thanks to the editorial and production team at the IIIT London Office and all those who were directly or indirectly involved in the completion of this work.

IIIT London Office, August 2011

ABRIDGED PREFACE TO THE FIRST ENGLISH EDITION

THE English version of *Adab al-Ikhtilāf fī al-Islām* has been prepared by AbdulWahid Hamid from the original Arabic. The number of chapters has been increased from six to ten by turning the author's original preface into the first chapter, dividing the second chapter of the Arabic version into three chapters, and making the conclusion into a final chapter. Some chapters have been edited to a certain extent, but the attempt has been made by and large to remain close to the original.

The author, Dr. Alalwani, regards this work as an essential element in the treatment of a grievous and widespread malady that is presently besetting the Muslim world. Indeed, this is the disease of discord and division that has arisen from a faulty understanding of the meaning of the ethical guidelines prescribed by Islam for its conduct.

In *The Ethics of Disagreement in Islam* Dr. Alalwani sheds light on the positive aspects of disagreement and shows how the early generations of Muslims put it to use as a fecund and vitalizing facet of their society. In order to fashion a viable Muslim civilization, argues Dr. Alalwani, Muslims must relearn the art and etiquette of agreeing to disagree and thus become more capable of dealing with potentially divisive situations and issues.

The Ethics of Disagreement in Islam comes at a time of acute and painful divisions and conflicts in the Muslim world. It is hoped that it will contribute in some measure to a raising of consciousness of the paramount need for Muslim unity and solidarity.

IIIT USA, MUHARRAM 1414 / JULY 1993

AUTHOR INTRODUCTION TO THE ENGLISH EDITION

WHEN THE ORIGINAL Arabic manuscript for this book was under preparation over ten years ago, we never imagined that it would be perceived as an explanation of the etiquette envisioned by Islam for those engaged in discourse and disagreement, regardless of the subject. Likewise, the group we had in mind when we wrote the book was not the entire Ummah, but rather a small section within it.

The circumstances that led us to write on this subject were that a number of Islamic groups in the Muslim world had split up after coming under government pressure. Thereafter, they began to take opposing positions and soon fragmented themselves into numerous Islamic parties, associations, factions and coalitions, each with its own agenda. To make matters worse, the focus of each new group seemed little more than an effort to outdo the others in the hope of capturing the support of the Muslim masses. Yet the masses were totally confused by these developments, for most sincere and simple Muslims had always supposed that their problems would be solved when the parties calling themselves Islamic came to power.

Imagine their disappointment when those parties split and began disputing among themselves over abstruse points of fiqh and theology, entirely forgetting the higher aims and purposes of the Ummah. In their efforts to support their claims to represent 'true' Islam, some of these groups went so far as to label other Islamic parties as disbelievers, apostates and heretics. While engaging in this activity, however, they lost sight of the higher principles and purposes of the Shari'ah (*Maqāṣid al-Sharī'ah*) which provide Muslims with perspectives far vaster than those afforded by pedantic debate over points of law and procedure, or fine distinctions between conflicting theological arguments. Rather, experience has shown that long immersion in such futile debate often renders the mind incapable of comprehending real situations and making value judgements on changing circumstances.

Since the book was originally intended to address these opposing Islamic political parties in one particular part of the Muslim world, I went to great lengths to give examples from classical Muslim historical experience. In particular, I analyze instances of judicial disagreement between the early *fuqahā'*, differences that were not allowed to go beyond the academic domain or to cause hard feelings among the debaters and dissenters alike. Certainly, the differences between those early scholars never led them to lose sight of the higher purposes of the Shari'ah or their responsibilities to the Ummah at large.

Although this book may more appropriately be titled *The Ethics of Disagreement between the Classical Jurists*, it nonetheless serves as a useful introduction to the subject of disagreement in general. It also lays down for contemporary Muslims many commendable examples of forbearance and understanding on the part of some of the greatest personalities and scholars in Muslim history. In this lies the utility of this book. And it is the revival of this spirit that allows contemporary Muslims to look forward to the future with hope.

WASHINGTON, USA

1993

The Malaise of Discord

THE CONTEMPORARY MUSLIM world is afflicted by numerous diseases which have spread to almost every aspect of its being. Moral torpor and intellectual paralysis, subversion from within, subjugation from without, the absence of justice and fair dealing, exploitation and corruption, extremes of ignorance and disease, poverty and waste, dependence and insecurity, discord and internecine strife – the list is long and painful. The number and gravity of these afflictions are capable of wiping whole nations and peoples off the face of the earth, even though some may be well-endowed with wealth and resources.

Beset by such catastrophic afflictions, one wonders in fact how the universal community of believers – the Muslim Ummah – has survived. That this Ummah has been spared and continues to exist to this day must be due to the fact that it still holds the legacy of the Qur'an intact as well as the example of Allah's (SWT)* final messenger to mankind Muhammad (ṢAAS).** It may also be due to the fact that there still exist some elements of righteousness in this community who continue to depend on God and genuinely seek His guidance and forgiveness. This we may infer from a Qur'anic verse which says that God did not choose to punish even a disbelieving people because the Prophet himself was among them and there remained the possibility that they might yet repent.¹

*(SWT) – *Subḥānahu wa Ta'ālā*: May He be praised and may His transcendence be affirmed. Said when referring to God.

** (ṢAAS) – *Ṣallā Allāhu 'alayhi wa sallam*. May the peace and blessings of God be upon him. Said whenever the name of Prophet Muhammad is mentioned.

Arguably, the most dangerous disease which now afflicts the Muslim Ummah is the disease of disagreement and discord. This disease has become all-pervasive and affects every area, town and society. Its appalling influence has penetrated into ideas and beliefs, morality and behavior, and ways of speaking and interacting. It has affected both short-and long-term goals and objectives. Like a dark specter, it finally envelops people's souls. It poisons the atmosphere and leaves hearts sterile and desolate. Multitudes of people are left contending with one another, and the impression is given that all the Islamic teachings, commands, and prohibitions at the disposal of the Ummah are there only to spur people on to discord and make them revel in internecine strife.

This is a trend which is in total contrast to the teachings of the Qur'an and the Sunnah.² After stressing the paramount duty of affirming the Oneness of God (*tawhīd*), both the Qur'an and the Sunnah stress one thing above all: the unity of the Muslim Ummah. Their object is to treat and rid the Ummah of any disagreements which disturb the peace and harmony in Muslim relationships and ruin the brotherhood of believers. It may also be true to say that after the abomination of associating others in worship with God there is nothing more repugnant to the teachings of Islam than discord in the Muslim community. The commands of God and His Prophet are abundantly clear in calling for the unity and solidarity of Muslims, reconciling their hearts, and marshaling their efforts in a single cause.

Since the Muslims have pure faith in and worship God alone, since their Prophet, their scripture, the direction they turn in salah³ and the acknowledged reason for their existence are all one and the same, it must follow that they should be united in a common endeavor: "This, your community," says God in the Qur'an, "is a single community and I am your Lord and Sustainer; therefore worship Me" (21:92). In spite of this, Muslims have unfortunately forsaken the uncompromising belief in and worship of God alone and abandoned the call to join forces with one another.

We need to be fully conscious of the dangers of this situation and make sincere attempts to deal with the roots of the crisis of Muslim disunity. To begin with, we need to restore 'the dimension of faith' in the

hearts of Muslims. This dimension has almost ceased to be the primary factor in regulating Muslim relationships. This is the result of a distorted understanding of Islam, harmful practices, and the pressures and impositions of non-Islamic societies. The restoration of the faith dimension and a sound understanding of Islam are the only true guarantees for rectifying our relationships, getting rid of our differences, and removing all traces of rancor from our hearts. How comforting and how delightful this would be! A sound knowledge and understanding of Islam would give us a proper appreciation of the various categories of actions: what is recommended or permissible, what is compulsory or obligatory, and so on. We would be able to keep before us the higher objectives of our striving and be wary of constant jostling with one another via argumentation and discord. We have undoubtedly lost the ethics and norms of proper Islamic behavior and the proper regard for moral imperatives and have thus fallen an easy prey to internal disintegration and internecine strife. This is the legacy of what the Qur'an calls "a narrow and constricted existence" and a life of failure. We have ended up in impotence and ruin. Such indeed was the warning of God: "And do not dispute with one another lest you fail and your moral strength desert you" (8:46).

The Qur'an relates to us the history of the followers of earlier prophets that we may derive lessons and warnings from them. It shows clearly how nations rise, how civilizations are built, and how they flourish. It also shows how they decline. We are warned that decline and downfall are direct consequences of disunity and the disease of discord and sliding into narrow factionalism:

And be not among those who ascribe divinity to any but Allah, [or] among those who have broken the unity of their faith and have become sects, each group delighting in what they themselves believe and follow.
(30:31-2)

Disputes which lead to division and disunity are tantamount to abandoning the guidance of the Prophet and becoming alienated from him. God addresses the Prophet Muhammad in the Qur'an with regard to "those who have broken the unity of their faith and have become

sects” and says: “You have nothing to do with them” (6:159). This verse expresses a condemnation of all sectarianism arising out of people’s intolerant, mutually-exclusive claims to being “the only true exponents” of divine teachings.

This verse is applicable to followers of revelation which predated the Qur’an; their problem was not that they had too little knowledge or that their knowledge was misleading; their undoing was that they used that knowledge to commit injustice and sow mutual antagonisms: “The followers of earlier revelation differed among themselves only after knowledge had come to them, out of mutual jealousy” (3:19). In the light of this verse we may well ask if Muslims are really the proper custodians of the last authentic divine revelation and the true knowledge and guidance it contains, or whether they are inheritors of the weaknesses of these followers of earlier revelation, their tendency to mutual jealousy and hatred, and the other patterns of destructive behavior they have set.

Disagreement, mutual jealousy, and religious schism were thus the factors which contributed directly to the undoing of the Jews and the Christians in pre-Qur’anic times and the superseding of their religions. Their history is a clear and permanent lesson for those who hold the legacy of authentic scripture (the Qur’an) and Muhammad’s prophethood. This fact is made more poignant if it is realized that there will be no replacement and no abrogation of the Qur’an. In one sense, however, this fact does provide some optimism that the diseases with which the Muslim Ummah is now afflicted are not terminal. They may either continue to fester with the Ummah persisting in a state of feebleness, or they may be cured. This is the outcome which many yearn for. Should it come to pass, the internal disintegration will cease and the Ummah will be back on the right course, healthy and full of vitality. These are possibilities which the final divine message holds out, and this is the responsibility and the challenge which it places on the Muslim Ummah.

How do we achieve this outcome? We should first recognize that there are natural differences in the way different people view things and conduct their affairs. There is an inherent uniqueness in each individual which contributes in large measure to the diversity which is essential for the building of human society. It would be impossible to

establish social relations between people who are all alike and who have the same capacities. There would then be no scope for interaction, for giving, and for improvement. Diversity in talents and skills stem from diversity in individual mental and functional skills. When these inherent and acquired differences combine they make for human betterment. In all this we see the manifestation of God's power and His wisdom.

If differences of opinion operate in a healthy framework they could enrich the Muslim mind and stimulate intellectual development. They could help to expand perspectives and make us look at problems and issues in their wider and deeper ramifications, and with greater precision and thoroughness. Sadly, with the waning of the Ummah, this is not the case. All of the positive advantages that can stem from healthy differences have given way to the chronic disease and deadly poison of discord which is weakening and eroding our spirits and putting us on a course of self-destruction. The situation has reached such a state that some of those who hold divergent positions actually engage in physical annihilation while others take to regarding the enemies of Islam as closer to them than their fellow Muslims who share the same basic beliefs. Recent and earlier Muslim history has witnessed many sad and painful scenes when the vast energies and resources of the Ummah have fed and continue to feed the flames of discord, strife, and civil war which only seem to increase in intensity with each passing day.

Often people are unable to look at matters in a balanced, holistic way and see the various dimensions of an issue. Their narrow perspectives only allow them to see a minor aspect which is then inflated and blown up out of all proportion and given an importance to the exclusion of any other aspect or issue. This minor aspect is constantly commented upon and promoted. It becomes the basis for judging, disdain, or accepting others. To strengthen this aspect, help from the enemies of the religion might even be sought against other Muslims who happen to have a divergent view.

It is related that Wāṣil ibn 'Aṭā'⁴ was with a group of Muslims and they came upon some people whom they recognized as Khawārij.⁵ Wāṣil's company was in a critical situation and faced possible annihilation at the hands of the Khawārij, who were of the opinion that

Muslims who did not share their views should be killed. Wāṣil told his group that he would deal with the situation. The Khawārij came up to him and asked threateningly: “Who are you and your companions?” Wāṣil replied: “They are *mushrikūn* (those who associate others in worship with God) seeking protection so that they may listen to the word of God and know His laws.” “We grant you protection,” said the Khawārij and Wāṣil asked them to teach him. This they proceeded to do according to their own positions. At the end, Wāṣil said: “I and those who are with me accept [what you have taught us].” Thereupon the Khawārij said, “Go in company with one another for you are our brothers in faith.” “That is not for you to say,” replied Wāṣil as he recited the following verse of the Qur’an:

And if any of the *mushrikūn* (those who ascribe divinity to any but God) seeks your protection, grant him protection, so that he might hear the word of God, and thereafter convey him to a place where he can feel secure. (9:6)

“Allow us then to get to our place of security,” continued Wāṣil. The Khawārij looked at one another and said: “That you shall have.” Wāṣil and his group were allowed to go on their way and they all arrived at their homes safely.⁶

The anecdote shows how the severity of differences had reached a stage where the Muslim with a divergent view on minor issues had no alternative but to pretend to be a non-Muslim to escape terror and possible death at the hands of a dissident Muslim group who regarded itself as alone possessing the genuine, unadulterated truth. The non-Muslim enjoyed more security at the hands of these dissidents than a fellow Muslim!

Violent disagreement and selfish, egotistic motivations (*hawā*) have a tendency to develop and grow larger and larger. They penetrate deep into a person’s psyche and take hold of his mind, attitudes, and feelings. Eventually that person loses sight of the overall, total view of things. In the process he ignores the common, lofty goals and objectives of Islam and its basic principles. Such a person lacks vision and insight and forgets the elementary requirements of Islamic behavior.

He loses all sense of balance and of priorities. Indeed, speech not based on knowledge comes easily to him, as do verdicts without enlightenment and practice without supporting evidence. With people like these around accusations proliferate, people are branded as deviant and sinful, and others are declared unbelievers (*kuffār*, singular: *kāfir*).

A person afflicted with these shortcomings falls easy prey to blind fanaticism. His world is filled with darkness and gloom which in reality is but a reflection of his own miserable self on which the light of knowledge, wisdom, and prudence does not shine: “And whoever does not have light given by God, he truly has no light at all” (24:40).

At the hands of blind followers and inexperienced folk, schools of jurisprudence and legal judgments and opinions arrived at by persons of insight and ability have degenerated into a sort of pseudo-intellectual factionalism and political fanaticism. Verses of the Qur’an and sayings of the Prophet are used selectively to support one position or another, and every verse or saying that does not agree with a stand of a particular faction is considered inapplicable or abrogated. The net result is that fanaticism increases and we are thrown back to the sort of ignorance which existed in pre-Qur’anic days when the prevailing dictum was: “The liar of the tribe of Rabī‘ah is better than the one who tells the truth from the tribe of Muḍar” – in other words, “My people, right or wrong”.

The early Muslims did have disagreements. But theirs were differences of opinion and not reasons for estrangement and schism. They differed but they did not separate. This was because the unity of hearts and of objectives was far more important to them than selfish considerations. They managed to rid themselves of personal weaknesses and were keen to recognize and correct any lapses they committed. The Prophet once told his Companions about a man who was among the best of them and about the good news that he was of those destined for paradise. They examined the person’s attitudes and conduct to understand the reason for his supreme achievement. The Prophet eventually told them that the person’s achievement was due to the fact that he never went to sleep while there was a trace of rancor in his heart against any Muslim. The source of the calamity which afflicts us today is within us, in our hearts. Our tendencies towards isolationism are merely an

expression of self-betrayal. In external aspects, we might not differ much from others. God says: "Keep away from all sin, open and secret" (6:120).

On the level of the Ummah, we can look back and see that the Muslim world was once one state claiming its highest legitimacy from attachment to the Qur'an and the Sunnah. Now it has become some seventy-eight small states with innumerable and extensive disagreements among themselves. Each one of these states loudly professes unity, but in each state one finds several often conflicting entities as well as officially sponsored 'Islamic' bodies. Often those working for the cause of Islam today who are ostensibly connected with the task of restoring the Ummah are not in reality in a better situation than the official organizations which they manage.

Our crisis is in fact an intellectual one, and it is very serious. When intellectual activity and output in the Muslim world is sound and when the Muslim Ummah once again derives its fundamental and highest legitimacy for its existence from attachment to the Qur'an and the Sunnah, it will then be able to uphold the message of Islam and build a civilization despite the hardships and severity of our material circumstances. We are assured in the Qur'an that "with every difficulty there is ease" (94:5).

Our deviation from the Qur'an and the Sunnah has landed us in disputation and ruin, for God says: "Obey God and His Apostle. And do not dispute with one another lest you fail and your moral strength desert you" (8:46). Islam put an end to petty groupings and internal fighting in Arabia, each tribe or grouping had its own god to which it gave obeisance; Islam obliterated all these false gods.

Muslims as a whole today need not complain about scant material resources or about a straitened existence. They are in the midst of the consuming nations, whether of ideas or commodities for living. Their real malaise lies in the loss of the all-embracing significance of their faith and the consciousness of unified and common objectives. Also gone from them is the consciousness of a greater purpose and legitimacy in their lives. Paralysis has afflicted both their resolve and their decisive intellectual endeavor.

How do we get out of the intellectual paralysis which afflicts the Muslim mind and the moral crisis which affects Muslim behavior

except by tackling the roots of this intellectual crisis and rectifying the methodology of thought? There must be a renewed stress on intellectual formation and the recovery of a sense of priorities. These goals must feature prominently in the training of new generations.

There is no way to achieve all this except by returning to the legacy of the early Muslims who were noted for their correct understanding of and unswerving attachment to the Qur'an and the Sunnah. Part of this legacy was the unremitting search for true knowledge and the application of this knowledge. We need to recapture the spirit of this search and provide guarantees for ensuring that it continues. The link between knowledge and ethics must be restored. The principles and rules for inference and deduction to regulate independent reasoning also need to be put in place. Studies to ensure the unity of the Ummah must be developed, and areas of mutual cooperation defined with the object of achieving Muslim solidarity. All this must be done and pursued in a clear, systematic way through God's grace.

This book is a small attempt to chart the way ahead. Conscious of the profound tragedy which engulfs us, some have suggested that a book like this should deal with the objective situation now existing in the Muslim world and address itself to solutions for those contemporary differences and controversies which have made out of one Islamic movement in a single country ninety-three organizations independent from one another. Such a situation of course betrays the height of heedlessness to Islamic ideals and a morass of conflicting interests and tendencies.

One should, however, be wary of aggressive ignorance, the arrogant claims of fanatics, the troublesome and contentious nature of those who are obstinate, and the intrigue and plotting of conspirators. Refuting all of these tendencies head-on and clearly and frankly exposing the conflicting positions and interests of the various Islamic groupings will not in my view bring about peace, calm, and cooperation in the Muslim arena. However, arming Muslims, in particular the youth, with a clear knowledge and perception of Islamic ethics and norms of behavior (*adab*) is a prerequisite and a guarantee for achieving such peace, harmony, and cooperation, God willing.

Knowledge of Islamic ethics and norms in dealing with differences, the consciousness of its principles on the part of various contending

groups in the Ummah, and training Muslims to live according to these norms will undoubtedly release an abundance of energies which are now dissipated and wasted in the theaters of futile internal conflicts.

When the Muslim mind becomes conscious of its civilizational role it will seek to win back those who belong to the Ummah but who are alienated. Conscious workers for Islam are responsible for the urgent task of building a sound and stable base for the restoration of the unity and health of the Ummah, and eventually for rebuilding the civilization of Islam. A single moment separates life and death. If our determination is sincere there is nothing that can prevent us from recovering Muslims from anti-Islamic influences for, according to the promise of God, a day will come when the believers will rejoice in the help of God and lost will be, then and there, all who tried to reduce to nothing the truth they failed to understand.

The Spectrum of Disagreement

THE MEANING AND NATURE OF *IKHTILĀF*

THE ARABIC TERM *ikhtilāf* denotes taking a different position or course from that of another person either in opinion, utterance, or action. The related word *khilāf* is from the same root as *ikhtilāf* and is sometimes used synonymously with it. *Khilāf*, which basically means difference, disagreement, or even conflict is broader in meaning and implication than the concept of direct opposition. This is so because two opposites are necessarily different from each other whereas two things, ideas, or persons that differ are not necessarily opposed to or in conflict with each other.

Differences between people may begin with a difference of opinion over an issue. This may lead to argumentation and mutual wrangling and recrimination. The term *ikhtilāf* may therefore represent a mere difference of opinion or it could imply active controversy, discord, and schism. The Qur'an speaks of Christian sects that differed or were at variance with one another (19:37), of people who held divergent views and positions (11:118), of others whose beliefs and utterances were discordant (*mukhtalif*) in relation to the truth (51:8), and of God's eventual judgment of people who differed among themselves and on the issues on which they differed (10:93). *Ikhtilāf* may therefore refer to absolute difference in beliefs and principles, opinions or attitudes. It could also refer to situations or positions which people may adopt.

With regard to the discipline and history of Islamic jurisprudence, scholars have specialized in the study of differences among various

schools of thought (*madhāhib*; singular: *madhhab*). One process by which differences have been perpetuated is for the followers of a particular leading scholar (imam; plural: *a'immaḥ*) to stick to his deductions and rulings and disregard or put down all other variant or contradictory findings without giving any justification. Of course, if a person were able to argue and produce supporting textual evidence for his conclusions, he would indeed become a legal expert in his own right. On the other hand, a follower by definition is not one who delves into the details of juristic evidence. His only concern is to cling to the legal pronouncements of his imam whose authority is, for him, sufficient to establish the validity of any judgment or to counteract any divergent ruling.

DIALECTICS (*JADAL*)

The stubborn adherence to its own opinion or position on the part of one or both of two parties at variance with each other, the attempt to defend this position, to prevail on others to accept it or to hold it against them – these are all elements in disputation or dialectics (*jadāl*). *Jadāl* implies carrying out a discussion in a contentious manner in order to gain the upper hand. The term *jadāl* is used in the sense of ‘braiding’ a rope. It conveys the sense of stretching and arm-twisting exercised by disputants while each endeavors to force the other to accept his point of view.

As a discipline, the ‘science’ of dialectics (*ilm al-jadāl*) is based on advancing evidence to show which juristic rulings are more sound.¹ Some scholars also regard it as a discipline which enables a person to maintain any position however false it is, or indeed to demolish any position however true it is.² This latter definition implies that dialectics is not a science based on the advancing of any specific evidence, but rather a skill or a talent which enables a person to triumph over his opponent without ever having to refer to evidence from the Qur’an, the Sunnah, or any other source.

DISSENSION (*SHIQĀQ*)

Sometimes a dispute may become severe and harsh with the disputant’s

only concern being to get the better of his opponent. There is no concern for finding out the truth or for clarifying what is right. This precludes any form of mutual understanding or agreement. The term dissension (*shiqāq*) may be applied to such a situation. The word *shiqāq* in Arabic has the original meaning of carving out a piece of ground into distinct portions, and seems to suggest that one piece of ground is not wide enough to accommodate both disputants at the same time. Sharp differences from which discord and dissension follow place either party in a dispute in a 'fissure' or a 'breach' as it were, separate from that of the other. This imagery is implicit in the Qur'anic verses:

If you fear that a breach (*shiqāq*) might occur between a [married] couple, appoint an arbiter from among his people and an arbiter from among her people. (4:35)

And if others come to believe in the way you believe, they will indeed find themselves on the right path; and if they turn away, it is only they who will be deeply in the wrong or in schism (*shiqāq*). (2:137)

ACCEPTABLE AND UNACCEPTABLE DIFFERENCES

God Almighty has ordained differences between human beings in their mental capabilities, their languages, the color of their skin, and their perceptions and thoughts. All this naturally gives rise to a multiplicity and variety of opinions and judgments. If our languages, the color of our skins, and our outer appearances are signs of God's creative power and wisdom; and if our minds, our mental capabilities, and the products of these minds are also signs of God and an indication of His consummate power; and if the populating of the universe, the beauty of being alive, and being able to live are also indications of God's power, then we can justifiably say that none of this exquisite beauty and variety among human beings would have been possible if they had been created equal in every respect. Every created being indeed has its own unique characteristics:

If your Lord had so willed, He would have made mankind one people, but they will not cease to differ, except those on whom Your Lord and

Sustainer has bestowed His mercy, and for this did He create them.
(11:118-9)

The differences which occurred among our forebears in early Muslim history and which continue to be with us are part of this natural manifestation of variety. Provided that differences do not exceed their limits, and provided they remain within the standard norms of ethics and proper behavior, this is a phenomenon that could prove to be positive and extremely beneficial.

SOME BENEFITS OF ACCEPTABLE DIFFERENCES

As mentioned above, if differences are confined to their proper limits and people are trained to observe the proper ethics and norms of expressing and managing differences, there are several positive advantages that could result.

If intentions are sincere, differences of opinion could bring about a greater awareness of the various possible aspects and interpretations of evidence in a given case. Such differences could generate intellectual vitality and a cross-fertilization of ideas. The process is likely to bring into the open a variety of hypotheses in tackling specific issues. Such a process is likely to present a variety of solutions for dealing with a particular situation so that the most suitable solution can be found. This is in harmony with the facilitating nature of the religion of Islam which takes into account the reality of people's lives.

These and other benefits can be realized if differences remain within the limits and the ethical norms which must regulate them. If these limits and norms are not observed, differences could easily degenerate into disputes and schisms and become a negative and evil force producing more rifts in the Muslim Ummah, which already has more than enough of such fragmentation. In this way, differences of opinion can change from being a constructive force to being elements of destruction.

IMPULSIVE DISAGREEMENTS

Disagreement may be prompted by egoistical desires to get personal, psychological satisfaction or to achieve certain personal objectives. It

may be impelled by the desire to show off one's knowledge and understanding or cleverness. To cause this type of disagreement is totally blameworthy, in that egoism or selfish desire suppresses all concern for the truth and does not promote goodness. It was such egoism that beguiled Satan and led him into disbelief:

Do not then follow your own desires, lest you swerve from justice.
(4:135)

Following one's own desires leads to deviation and error:

Say: "I will not follow your vain desires: If I did, I would stray from the straight path and would not be among those who are rightly guided."
(6:56)

Egoistical desire is the antithesis of knowledge. It seeks to stifle truth. It promotes corruption and leads to error:

Do not follow vain desire (*hawā*) for it will mislead you from the path of God. (38:26)

If the Truth were in accord with their own desires, the heavens and the earth would surely have fallen into ruin, and all that lives in them.
(23:71)

Many [people] lead others astray by their own [selfish] desires without having any real knowledge. (6:119)

The types of personal desire are various and stem from various sources. In general, desire springs from the ego and love of self. Such desire gives rise to many misdeeds and deviations. But a person is not easily trapped by it until every misdeed and deviation acquires a certain attractiveness in his eyes and he persists in straying. In this situation, truth appears as falsehood and falsehood appears as truth. The disputes among sects and propagators of misguided innovation in the religion of Islam can be attributed to the stranglehold of vain desire.

Through God's blessings and care a person may be made aware of the extent of the impact of vain desires on his opinions and beliefs before he is totally caught in the snares of error. Such a person may see the light of God's guidance and be made to realize that his opinions and beliefs which stem from infatuation with his own vain desires do not have any objective reality. They exist only in the mind and are illusory. They have been conjured up and made attractive by his own vain desires, however ugly and abhorrent they actually are. They are a source of affliction to the person thus ensnared.

There are various ways of detecting the effect of personal inclination on the formation of any opinion or belief. Some of these are external and some are personal. The external ways of doing so involve showing that the discordant opinion or belief is categorically opposed to a clear text of the Qur'an or the Sunnah. One would not expect a person who professes to be keen on upholding the truth to pursue an idea which contradicts the Qur'an and the Sunnah.

An opinion can also be shown to stem from personal caprice if it clashes with the considered assessment of persons with sound minds to whom people normally go for advice or arbitration. An opinion which calls for the worship of another beside God, or which rejects the application of the Shari'ah in people's affairs, or which advocates illegal sexual intercourse, praises lying, or urges extravagance can only come from personal caprice and can only be advocated by someone who is led by evil influences.

With regard to internal ways of exposing whether an opinion stems from egotistical desire, this can be shown by reflecting not only on the source of the idea but also by questioning the justification for adopting that particular idea to the exclusion of another. It is also important to assess the prevailing circumstances which might have affected the holder of the opinion and the degree of his commitment to it should these circumstances change. One should also inquire whether there were any pressures which unconsciously led to the adoption of that course. Finally, one has to analyze the idea itself. If it appears to be shaky and unstable, oscillating erratically between strength and weakness, we should then be in no doubt that such an idea stems from vain desire and is insinuated by evil promptings. Having come to such a

conclusion, a person must seek the protection of God and praise Him for making him see reality before he became bound by the shackles of egoism and personal caprice.

Some disagreements may indeed be motivated by the pursuit of knowledge and truth; selfishness and egoism may not be behind them. Such disagreements may also be spurred on by a striving for intellectual rigor and by the demands of faith. The differences between the people of faith on the one hand and disbelievers, polytheists, and hypocrites on the other is a necessary difference which no believing Muslim can shake off or attempt to reconcile. This is a difference required by faith and the preservation of truth. The same applies to the Muslim attitude towards atheism, Judaism, Christianity, paganism, and communism. However, the disagreement with these ideologies should not hinder the call to remove the underlying causes of such disagreement. This is in order that the way may be left open for people to embrace Islam and abandon the mainsprings of disbelief, worshipping others beside God, hypocrisy, schism and immorality, atheism and innovation, and the promotion of beliefs which are destructive of truth and goodness.

Differences among Muslims are also fostered by apportioning praise or blame over minor issues, often with little regard for genuine sincerity. Rulings on these issues allow for alternative opinions or practices. How this came about will be examined in a later chapter. Some examples of such disagreements concern the differences among the *‘ulamā’* with regard to the nullification of ablution (*wuḍū’*) by blood from a wound or by induced vomiting; about reciting the Qur’an aloud in salah after the imam; saying *Bismillāhi al-Raḥmāni al-Raḥīm* (In the name of God, The Most Gracious, The Dispenser of Grace) at the beginning of *al-Fātiḥah*, the opening chapter of the Qur’an; and saying *āmīn* aloud after the recitation of *al-Fātiḥah*. There are many other such examples.

Disagreement over such subsidiary issues are often quite sensitive and may lead a person to confuse piety with his own personal inclination, knowledge with conjecture, the preferable with what he himself has chosen, and the acceptable with the unacceptable. Such disagreements are inevitable unless we have recourse to agreed-upon criteria for resolving them, disciplines to regulate the methods of deduction, and ethical norms which would govern the conduct of handling

differences. Otherwise, there would be a drift to wrangling, schism, and ultimate failure. In such a case, both parties in any dispute would slip from a position of piety and God-consciousness to the abyss of egoistical desires. The floodgates of chaos and anarchy would be opened and Satan would thrive.

DISCORD IS EVIL

It is important to emphasize that from early post-Qur'anic history, leading Muslim scholars have warned against disagreement in all its forms and emphasized that it is essential to avoid it. The Companion of the Prophet, Ibn Mas'ūd said: "Discord (*khilāf*) is evil."³ Al-Subkī said: "Kindness and compassion (*rahmah*) require that you should eschew disagreement."

There are many verses of the Qur'an and many sayings of the Prophet in this regard. The Qur'an speaks of people who contended with one another after all evidence of truth had come to them, but as it was, "they did take to divergent views, and some of them attained to faith, while some of them came to deny the truth" (2:253). And the Prophet has said: "The Israelites perished only because of their excessive questioning and their disputes over their prophets..."⁴

Al-Subkī lists three types of differences in dealing with minor issues over which people indulge in mutual blame and praise. The first, which he regarded as innovation and straying from the straight path, concerns the very sources of Islam. The second concerns opinions freely expressed and (internecine) wars; this type of disagreement is also forbidden because it is injurious to the public interest. The third concerns subsidiary matters with respect to what is lawful and what is prohibited.⁵ He concluded that agreement on these is better than disagreement. He also drew attention to Ibn Ḥazm's deprecation of disagreement on such issues in which he did not perceive any blessing but regarded the whole process as a scourge.

It is indicative of the harmful and dangerous consequences of disagreement that the Prophet Hārūn considered disagreement and discord (*ikhtilāf*) at a given moment as more dangerous and more harmful than the outright condemnation of idol worship. When someone (called the Sāmīrī in the Qur'an) made a golden calf for the Israelites and said to

them: “This is your god and the god of Mūsā” (20:88), Hārūn pointed out to them the grave consequences of what they were being led into but waited for his brother Mūsā to return. When Mūsā came and saw the people worshipping the golden calf, he rebuked his brother most severely. His brother’s only reply was to say:

“O son of my mother! Seize [me] not by my beard nor by [the hair of] my head! Truly I was afraid that you would say, ‘You have caused a division among the Children of Israel, and you did not respect my word!’” (20:94)

The Prophet Hārūn thus made the fear of division and disagreement among his people his justification for not severely reprimanding the Israelites, resisting them, and distancing himself from them. He felt that that was a time when outright condemnation would be counterproductive, not beneficial, and would lead to disagreement and disunity.

The Historical Context (I): *In the Prophet's Lifetime*

SUCH DISAGREEMENTS AS WE have mentioned in the previous Chapter could not have taken place during the time of the Prophet. He was universally acknowledged by all his Companions as the one to whom any controversial matter had to be referred. He was their source of refuge and solace and their guide whenever they were perplexed. He would clarify issues for them and show the way to truth and offer right guidance.

Those who lived far away from Madinah and could not refer matters directly to the Prophet – matters such as the correct interpretation of the Qur'an and the Sunnah in the light of the knowledge they had – would exercise their own judgment and sometimes came to differing conclusions. When they returned to Madinah, however, they would meet the Prophet and review with him their different interpretations of the texts available to them. The Prophet would either approve of a particular judgment which then became part of his Sunnah, or he would point out the correct alternative which they would adopt wholeheartedly. Any disagreement or friction automatically disappeared.

One example of such an incident has been recorded by both al-Bukhārī and Muslim. During the Battle of the Confederates, the Prophet is reported to have said to his Companions: “Do not perform the mid-afternoon (‘aṣr) salah until you get to the [place of] Banū Qurayzah.” While still on their way, the time of the salah came. Some of the Companions said, “We will not perform the salah until we get to

the [place of] Banū Qurayzah” while some others said, “We shall pray. That [saying of the Prophet] will not prevent us [from praying now].” The matter was later brought before the Prophet and he did not disapprove of either group.¹

It is clear from this incident that the Companions of the Prophet had split into two groups over the interpretation of the Prophet’s instructions – one group adopting the literal or explicit meaning of the injunction (*‘ibārat al-naṣṣ*) while the other group derived a meaning from the injunction which they considered suitable for that situation. The fact that the Prophet approved of both groups showed that each position was legally just as valid as the other.

Thus, a Muslim who is faced with a particular injunction or text (*naṣṣ*) can either adopt the literal or manifest (*ẓāhir*) meaning of the text or he may derive interpretations which are appropriate to the text by using his reason. This latter process of inference or deriving an interpretation in order to ascertain the real intention behind an injunction is called *istinbāt*. There is no blame attached to the one who strives to use it provided he is qualified and competent to do so. The second group of Companions understood from the Prophet’s injunction that he wanted to get to their destination as quickly as possible. They therefore considered that their performing of the prayer before reaching the Banū Qurayzah did not contradict the order of the Prophet, so long as this did not delay their arrival unduly.

It is disconcerting to note that Ibn al-Qayyim reported on differing views of various scholars on this issue in an attempt to show which group acted better. One set of scholars expressed the view that the group which acted better was the one that prayed on the way, thus attaining the reward of performing the salah on time while carrying out the Prophet’s injunction. Another set of scholars argued that those who delayed the prayer in order to perform it at the place of Banū Qurayzah – according to the exact letter of the law or injunction – deserved more merit.² However, I believe that as long as the Prophet himself did not disapprove of either group, it is incumbent on jurists to regard both positions as being a valid part of the Sunnah of the Prophet and to refrain from getting embroiled in an issue which the Prophet himself had resolved by leaving no room for any further preference.

Another incident in this same vein has been recorded by Abū Dāwūd and al-Ḥākim. It is reported that ʿAmrū ibn al-ʿĀṣ said:

One cold night during the Dhāt al-Salāsīl³ campaign, I had a wet dream. I feared that if I performed *ghusl* (necessary bath after ritual impurity) I would die [from the cold]. So I performed *tayammum* (dry ablution) instead, then performed the dawn salah with my companions. This was mentioned to the Prophet who asked: “ʿAmrū! You performed the prayer with your companions while you were in a state of impurity *Junub*?” Whereupon I recalled to him the verse of the Qur’an: “And kill not yourselves. Indeed God has been most Merciful to you.” The Prophet laughed and said nothing.⁴

THE INTERPRETIVE PROCESS

We shall not concern ourselves here with detailing the various issues on which the Companions differed during and after the lifetime of the Prophet. Nor shall we detail on each issue who adopted the literal or obvious meaning of a text on the one hand and who reflected on and scrutinized its various aspects and derived various interpretations from it on the other. Such an undertaking would require volumes. Moreover, it must be borne in mind that the Companions themselves appreciated in all these circumstances that the religion of Islam was easy and that the law was wide enough to accommodate both approaches and methods.

It was the proficient scholars (*mujtahidūn*; singular: *mujtahid*) who were capable of analytical thought and of making independent judgments, and the skilled jurists (*fuqahāʾ*; singular: *faqīh*) who painstakingly strove to investigate the full ramifications of the Shariʿah and set out its purposes. Sometimes they would adopt the literal or manifest meaning of an expression and sometimes they would adopt an interpretation that went beyond this. This interpretive process is called *taʾwīl*. It may be useful to shed some light on the various types of *taʾwīl* and the conditions for it.

Briefly, this interpretive process may be divided into three types: close or plausible interpretation (*taʾwīl qarīb*); remote interpretation (*taʾwīl baʿīd*); and far-fetched interpretation (*taʾwīl mustabʿad*).

PLAUSIBLE INTERPRETATION

A close or plausible interpretation is one which can easily be sustained from the import of a text. For example, giving to charity funds appropriated from an orphans trust or wasting such funds can both be construed as tantamount to “eating up the property of orphans” and therefore regarded as acts prohibited by the Qur’an: “Those who eat up the property of orphans only eat fire in their bellies” (4:10).

REMOTE INTERPRETATION

A remote interpretation is one which requires a far greater degree of pondering and probing into the substance of a text. An example of this is the deduction (*istinbāt*) of Ibn ‘Abbās from the following Qur’anic verses that the minimum period of human pregnancy is six months:

The [mother’s] bearing of the [child] and his weaning is [a period of] thirty months. (46:15)

Mothers may nurse their children for two whole years if they wish to complete the period of nursing. (2:233)

Another example of such interpretation is the inference of Imam al-Shāfi‘ī from the following Qur’anic verse that consensus (*ijma‘*) is admissible as a proof of the validity of a ruling:

But as for him who, after guidance has been vouchsafed to him, cuts himself off from the Apostle and follows a path other than that of the believers, him shall We leave unto that which he himself has chosen, and We shall cause him to endure hell; and how evil a journey’s end. (4:115)

In the same manner, jurists have inferred that analogical reasoning or deduction (*qiyās*) is admissible as a proof of the validity of a ruling from the verse: “Learn a lesson, then, O you who are endowed with insight” (59:2).

Such inferences and deductions, even though they may seem easy, are difficult to arrive at unless a person is engaged in thought and has a penetrating insight. It involves, moreover, a great deal of critical research. It is not an easy task for most people.

FAR-FETCHED INTERPRETATION

Such an interpretation cannot be construed from the text itself and the interpreter does not possess any shred of evidence to support his interpretation. An example of such an interpretation concerns the verse:

And he has placed on earth... rivers and paths that you might find your way, and means of orientation; and by the stars that men find their way. (16:15-16)

Some commentators have suggested that the word *alāmāt* (means of orientation) refers to the *a'immah* or scholarly leaders and the word *al-najm* or 'the stars' refers to the Prophet Muhammad. Similarly, with regard to the verse: "But neither signs (*āyāt*) nor warners (*nudhur*) profit a people who do not believe" (10:101), some commentators have suggested that the word *āyāt* refers to the *a'immah* and the word *nudhur* to the prophets.

Also with regard to the verses: "About what do they ask one another? About the great news" (78:1-2), some commentators have suggested that "the great news" refers to *Alī*.⁵

RULES OF INTERPRETATION

It is clear from what we have said that interpretation requires an ability to ponder and reflect on the real import and purpose of a text. Otherwise it is safer to adopt the more obvious and manifest meanings. Interpretation is only admissible in matters on which there is no clear guidance in the Qur'an and the Sunnah and which require the use of rigorous reasoning (*ijtihad*). In matters pertaining to belief there is no room for *ijtihad*, and it is necessary to adopt the manifest meanings and what is properly and strictly sanctioned by the purport of the text. This is always the safest method and one which the early Muslims followed.

However, there are texts which require interpretation. In this case, the text at issue must be fully analyzed and understood. This requires a thorough knowledge of all the pertinent linguistic implications. This must be underpinned by a constant awareness of the purposes of the Shari‘ah and the principles which regulate it. In light of all this, the act of making a judgment, whether through considering the explicit meaning of a text or analyzing it with respect to the pertinent principles and proofs, is one of the most important types of juristic reasoning (*al-ijtihād al-fiqhī*) and legal intellectual effort required by the divine injunction: “Learn a lesson, then, O you who are endowed with insight” (59:2).

In dealing with rules and conditions of Qur’anic exegesis or commentary (*tafsīr*), the knowledgeable Companion of the Prophet, Ibn ‘Abbās, mentioned four aspects:

- the aspect pertaining to the knowledge and understanding of Arabic usage;
- the aspect which no one is excused through ignorance;
- the aspect known by the ‘ulamā’;
- the aspect known only by God.

From what has been said above, there is a firm connection between *ta’wīl* and *tafsīr*. Both terms occur interchangeably in many instances in the Qur’an, for example:

But no one knows its interpretation (*ta’wīl*) except God. And those who are firmly rooted in knowledge say: “We believe in it.” (3:7)

Most commentators of the Qur’an are of the view that *ta’wīl* in the above verse refers to interpretation (*tafsīr*) and explanation (*bayān*). Among these commentators is al-Ṭabarī, who transmitted this view on the authority of Ibn ‘Abbās and other early Muslims. That *ta’wīl* is synonymous with *tafsīr* is also borne out by the Prophet’s prayer for Ibn ‘Abbās: “O Allah, give him a firm understanding (fiqh) of the religion and teach him interpretation (*ta’wīl*).” Some scholars like al-Rāghib al-Iṣfahānī in his book *Mufradāt* (Glossary) considered *tafsīr* to be

more general than *ta'wīl*, and also alluded to the fact that the word *tafsīr* is more frequently used for the explanation and elucidation of terms while *ta'wīl* is more often used to explain meanings and sentences. He also pointed out that *ta'wīl* is more often than not used for deriving (*istinbāt*) meanings from texts of the Qur'an and Sunnah while *tafsīr* draws upon these and other sources as well to derive meanings.

This strong connection between the two terms – as used in the Qur'an and Sunnah especially – allows us to apply the rules developed for *tafsīr* to those which also concern *ta'wīl*.

There is no doubt that the Qur'an contains matters of which knowledge is reserved for God alone – matters pertaining to knowledge of the true meaning of God's names and attributes, to the details of all that is beyond the reach of human perception included in the term *al-ghayb*. There are other matters which God has revealed to Prophet Muhammad and only he knew about them. No one has the right or the ability to delve into the interpretation and explanation of these matters; commenting on them must remain within the limits of what is stated in the Qur'an and Sunnah.

There is yet a third category of subjects which deal with sciences which God has revealed to the Prophet in the Qur'an and commissioned him to teach and explain. This category consists of two types. The first relates to matters which can only be delved into through the sense of hearing – like the circumstances surrounding the revelation of a particular portion of the Qur'an (*asbāb al-nuzūl*) and matters pertaining to the abrogation of verses (*al-nāsikh wa al-mansūkh*) and so on. The second relates to matters which can be grasped through insight, reason, and advancing proofs. Scholars are divided into two groups in their approach to this. One group did not allow interpretation of the verses of the Qur'an which made reference to the names and attributes of God. The early Muslims also prohibited such interpretation. This is the correct stand. A second group agreed that interpretation was permissible and that legal rules could be derived from the texts supported by detailed evidence. This discipline is known as jurisprudence or *fiqh* (which literally means 'understanding').

The *'ulamā'* have accordingly established conditions for the exercise of interpretation (*ta'wīl*) and explanation (*tafsīr*):

1. Interpretation should not disregard the explicit (*ẓāhir*) connotation of a word as understood in accordance with the accepted rules of the language and the speech norms of the Arabs.
2. Interpretation should not contradict a Qur'anic text.
3. Interpretation must not be at variance with a juristic principle established by a consensus of the *'ulamā'* and the *a'immaḥ*.
4. The necessity to strictly observe the purpose behind the text or injunction in the circumstances it was revealed or mentioned.

As for the false and untenable kinds of interpretation (*ta'wīl*), these may be conveniently listed as follows:

1. Interpretations and explanations made by persons not qualified for the task, who do not have sufficient knowledge of Arabic language and grammar nor of the other requisites of interpretation.
2. Interpretation of intricate or allegorical texts (*mutashābihāt*) whose meaning is totally unclear without the backing of authentic evidence.
3. Interpretations that seek to establish corrupt ideologies which go against the explicit teachings of the Qur'an and the Sunnah or the consensus (*ijma'*) of the Muslims.
4. Interpretation, without any evidence, which definitely attributes a purpose to the Lawgiver.
5. Interpretation based on pure conjecture such as the interpretations of the esoteric sects like the Bāṭiniyyah and others.

All these categories of interpretation are rejected and fall under the previously mentioned category of far-fetched interpretations.

COMPANIONS AND IJTIHAD

In view of the critical importance of *ijtihād* and the processes involved in it, only the qualified and capable Companions of the Prophet practiced it. When others engaged in *ijtihād* and erred, the Prophet rejected what they had done and did not encourage such risks. The following account narrated by Jābir, a Companion of the Prophet, demonstrates this:

We went out on a journey and one of our men was hit on the head by a stone. He then had a wet dream and so asked his companions: “Can you find a ruling which would give me a dispensation to make dry ablution (*tayammum*) [instead of having to take a full bath]?” They replied: “We do not find any dispensation for you while you can obtain water.” So he had the bath but subsequently died. When we got back to the Messenger of God and told him what had happened, he, may the peace and blessings of God be on him, said: “They killed him. May God punish them. Why did they not ask if they did not know? The cure for the incapable one is merely to ask. It would have been sufficient for the deceased simply to make *tayammum*, or he could have bandaged his wound and passed his wet hand lightly over the bandaged area and then washed the rest of his body.”⁶

It is clear from this hadith that the Prophet did not absolve his Companions who made a legal ruling without having the knowledge and the competence to do so. Instead, he reprimanded them sharply and blamed them for making a legal decision without knowledge. He considered them as murderers of their brother in faith. Furthermore, he made it plain that it was incumbent on those like them who were incapable – that is who were ignorant and confused in such matters – to ask and not to rush to give a verdict (*fatwa*). The Prophet’s insistence on the necessity of asking in such circumstances is supported by the divine injunction: “Ask the knowledgeable if you do not know” (16:43).

Usāmah ibn Zayd related the following incident:

The Messenger of God, may God bless him and grant him peace, sent us on a military expedition and we fell under fire from [the tribe of] Juhaynah. I confronted a man and he declared, “There is no god but Allah (*lā ilāha illā Allāh*)” but I stabbed him. This troubled me immensely and I mentioned it to the Prophet, may God bless him and grant him peace. The Messenger of God, may God bless him and grant him peace, asked: “Did he say *lā ilāha illā Allāh* and you killed him?” I said: “O Messenger of Allah, he only said it out of fear of the weapon.” The Prophet said: “Did you open his heart in order to know that that is

why he uttered it [the profession of faith: the *shahādah*] or not? Who will be on your side on the Day of Judgment when this *lā ilāha illā Allāh* is pronounced?” He continued repeating this so that I wished I had not embraced Islam before that day.⁷

In the first hadith, the Prophet rejected the judgment of the Companions in that it was based on the general evidence which made it obligatory for a Muslim to use water for ablution when it is available while ignoring the specific condition of the person. In this respect, they did not pay attention to the Qur’anic verse:

If you are sick or are on a journey, or have just satisfied a demand of nature, or have had contact with a woman and can find no water, then take resort to clean sand or earth. God does not want to impose any hardship on you, but wants to make you pure (5:6).

Moreover, they were not knowledgeable people and they did not ask. In the incident concerning Usāmah, it seems that he did what he did in the light of his interpretation of the Qur’anic verse: “But their professing the faith when they [actually] saw our punishment was not going to benefit them” (40:85). He therefore considered that this verse negated any benefit for the person concerned in this world and in the hereafter and that it was not specifically concerned with the hereafter, which is the obvious meaning of the verse. Perhaps it was this which made the Prophet censure him so strongly.

These are just some examples of the verdicts (*fatāwā*; singular: fatwa) reached by the Companions which the Prophet did not validate.⁸

People would come to the Prophet to seek his ruling on actual incidents and he would answer their questions. Various issues and problems were presented to him to settle and he would do so.⁹ He would see a good deed and commend it and praise its doer. He would see a reprehensible act and disapprove of it. Those of his Companions who were present would learn directly from the Prophet and in turn would pass on what they had learnt to others. In the process they might differ among themselves, but they would continue to discuss any controversial issues in an objective manner and in such a way that did not

lead to discord and schism or nasty accusations. This was because they would always go back to the Book of God and His Messenger. They would put a decisive end to any disagreement such that no trace of ill-feeling was left to weaken the bond of brotherhood among them.

DISAGREEMENT AND THE PROPHET'S WARNING

The Prophet warned his Companions about the dangers of disagreement. He realized that the survival of the Ummah depended on the harmony and mutual affection of the believers, whose hearts had come together on the basis of love for God. He also realized that the ruin of the Ummah lay in the hearts of believers torn by mutual strife. So the Prophet repeatedly warned that discord should cease to raise its head and therefore said: "Do not engage in disagreement thereby causing discord among your hearts."¹⁰

The Companions of the Prophet themselves saw that discord produced nothing good. Ibn Mas'ūd once said: "Disagreement is evil." Furthermore, the Prophet would always nip any disagreement in the bud, as the following incident narrated by 'Abd Allāh ibn 'Umar shows. He said:

One day I called upon the Messenger of God, may God bless him and grant him peace, during the midday rest. [While I was there], the Prophet heard two men arguing loudly in disagreement over [the meaning of a Qur'anic verse]. The Messenger of God, may God bless him and grant him peace, went out visibly upset and said: "People before you perished only because of their disagreement about the Scripture."¹¹

Al-Nazzāl ibn Sabrah related:

I heard 'Abd Allāh ibn Mas'ūd saying, "I heard a man reciting a verse from the Qur'an which I had heard from God's Messenger, but differently. I took him by the hand and brought him to the Messenger of God who said: 'Both of you have done good.' Shu'bah added, "I think he [also] said: 'Do not engage in disagreement, for those before you engaged in disagreement and perished.'"¹²

Here the Prophet instructed his Companions and those who come after them about the dire consequences of disagreement and warned them against it. The Prophet also taught his Companions about the crucial manner in which they had to observe the ethics of disagreement, especially in reciting the Qur'an. In an authentic hadith, he has said: "Read [and study] the Qur'an so long as your hearts are united on it, but when you have differences over it, stop [your recitation]." ¹³

In the event of disagreement arising over different modes of reciting the Qur'an or over the intended meaning of any of its verses, the Prophet charged his Companions to stand away from the glorious Qur'an until they were completely calm and all the stimuli of acrimonious argument which lead to discord and schism had been quelled. On the other hand, when their hearts were united, a sincere desire to understand prevailed and they could then continue with their reading, reflection, and pondering on the verses of the Qur'an. We also see that the Qur'an itself sometimes issued a caution regarding the ethics of disagreement when it occurred among the Companions. In this context, 'Abd Allāh ibn al-Zubayr is reported to have said:

The two chosen Companions of the Prophet, Abū Bakr and 'Umar, may God be pleased with them, almost ruined themselves. They both raised their voices in the presence of the Prophet, peace be on him, when a delegation of the Banū Tamīm came to him. One of the two men recommended al-Aqrā' ibn Ḥābis [to be appointed the chief of the delegation] while the other pointed to al-Qa'qā' ibn Ma'bad ibn Zarārah.

Abū Bakr thereupon said to 'Umar: "You only wanted to oppose me." 'Umar replied: "I did not want to oppose you." Their voices grew louder and louder over the issue. And the divine words were revealed: "O you who have attained to faith, do not raise your voices above the voice of the Prophet" (49:2-3). Ibn al-Zubayr added: "After the revelation of this verse, 'Umar would scarcely make himself heard by the Prophet; so much so that the Prophet would have to ask him to repeat his words." ¹⁴

SALIENT FEATURES

In the light of the above, we can list some of the salient features of the ethics of disagreement during the time of the Prophet:

1. The Companions tried as far as possible not to disagree. They did not make much about marginal issues¹⁵ but treated the matters that posed controversy in the light of the Prophet's guidance. This manner of dealing with actual situations normally does not leave much room for argumentation, let alone dispute and discord.
2. If differences occurred despite attempts to avoid them, the Companions would quickly refer the disputed issue to the Qur'an and to the Prophet, and any controversy would be quickly dispelled.
3. The Companions reacted with a ready obedience and commitment to the judgment of the Qur'an and the Prophet and their complete and total submission to it.
4. The Prophet used to point out to his Companions what was right and what was wrong with regards to controversial questions open to interpretation. On their part, the Companions had mutual trust in the genuineness of each other's judgments. This approach guaranteed the preservation of mutual respect among fellow Muslims who differed, and also kept fanaticism and bigotry at bay.
5. Commitment to God-consciousness and avoidance of personal whims made the pursuit of truth alone the goal of those who differed over an issue. It did not matter to anyone in a discussion whether the truth was voiced by him or by another person.
6. They adhered steadfastly to the Islamic norms of behavior during argumentation. They discussed matters politely and amicably, avoiding the use of vile and insulting language. Each was prepared to listen attentively to the other.

7. They eschewed hypocrisy and flattery as far as possible and exerted every effort to investigate an issue objectively. This practice, characterized by the seriousness of the argument and respect for the other person, would force the disputant into either accepting the other point of view or advancing a better opinion.

The Historical Context (2): *The First Generation*

SOME WRITERS ON ISLAM and Muslim history try to portray the generation of the Companions in a way that causes people to believe it was not only unique but inimitable – that it is impossible to have such a generation again. This is an affront to Islam no less serious than the misguided claim that after the Companions it is impossible to reconstruct Islamic life according to the teachings of the Qur’an and the Sunnah and therefore futile to strive towards this goal. In this way, misguided persons attempt to stifle the aspirations of those who still continue to pursue the goal of a life in the shade of the protective Shari‘ah.

The Companions were a community (ummah) molded by the Book of God and the Sunnah of His Messenger, both of which are available to us and are capable of creating a God-fearing Ummah in any time and in any place when they are adopted as a program and a method, and when people relate to them in the same manner as did the Companions. This will remain true until the Day of Judgment. To allege that it is impossible to reconstruct a generation like that of the Companions is to attribute some measure of deficiency to the Qur’an and the Sunnah of the Prophet. Such a claim also seeks to suggest that the impact of the Qur’an and the Sunnah on the lives of people in that generation was conditioned on specific circumstances existing at that time. They argue that these circumstances are irrelevant to the present age which has introduced new systems appropriate to the new circumstances. This is an argument that ultimately leads to manifest unbelief and rejection (*kufir*) of Islam.

The Companions of the Prophet indeed differed on many issues. If these differences occurred during the lifetime of the Prophet, why should they not have differed after him? In fact they did differ. But there were reasons for their differences, and there were ethics in dealing with those differences which concerned issues of grave importance.

AFTER THE DEATH OF THE PROPHET

The first disagreement among the Companions after the death of the Prophet concerned the reality of his death itself. ʿUmar ibn al-Khaṭṭāb, insisted that the Messenger of God did not die, considered any such talk a false rumor spread by the hypocrites, and threatened to punish them for it. This went on until Abū Bakr appeared on the scene and recited the verse of the Qurʾan:

Muhammad is no more than a Messenger. Many were the messengers who passed away before him. If he died or were slain, will you then turn back on your heels? Whoever turns back on his heels, not the least harm will he do to God; but God [on the other hand] will swiftly reward those who [serve him] with gratitude. (3:144)

And another verse of the Qurʾan:

Truly you will die [one day], and truly they [too] will die [one day].
(39:30)

When ʿUmar heard these verses his sword fell from his hand and he himself fell to the ground. He realized that the Prophet had passed away and that the divine revelation had come to an end. About the verses which Abū Bakr had recited, he said: “By God, it seems to me as if I had never read these verses before.”¹

Ibn ʿAbbās reported that during his caliphate ʿUmar ibn al-Khaṭṭāb told him:

“O Ibn ʿAbbās, do you know what made me say what I said when the Messenger of Allah, peace be on him, passed away?” I replied: “I do not know, O *Amīr al-Muʾminīn*. You know better.” ʿUmar then said: “By

God, the only thing which made me say that was this verse of the Qur'an I used to read: 'Thus have We made of you an Ummah justly balanced, that you might be witnesses over people, and the Prophet is a witness over you' (2:143). By God, I used to think that the Prophet, peace be on him, would remain among his Ummah so that he could be a witness over it till the last of its deeds. That is what made me say what I said."²

It seems that ʿUmar had made an independent interpretation of the verse and concluded that "witnessing" applied to the whole span of life in this world. This would have required the Prophet to remain alive till the end of the Ummah's days.

DIFFERENCES OVER THE PROPHET'S BURIAL

The second issue on which the Companions differed concerned the place where the Prophet should be buried. One person said: "We should bury him in his mosque." Another said: "We should bury him next to his Companions." Abū Bakr then said: "I heard the Messenger of God, may God bless him and grant him peace, say: 'Whenever a prophet died he was buried where he died.'" Thereupon, the bed on which the Prophet died was raised and his grave was dug beneath it.³

These were two critical issues which were swiftly resolved simply by resorting to the Qur'an and the Sunnah.

WHO SHOULD SUCCEED THE PROPHET?

Another controversy arose about who was to succeed the Prophet. Should the successor be from among the *Muhajirūn* (emigrants from Makkah) or from the *Anṣār* (supporters from Madinah)? Should the office be entrusted to one person or more? Should the successor be vested with the same prerogatives exercised by the Prophet in his capacity as judge and leader (imam) of the Muslims, or should these prerogatives be less or different? Ibn Ishāq reports in this respect:

When the Prophet passed away, a group of *Anṣār* assembled at the meeting place of Banū Sāʿidah and sided with Saʿd ibn ʿUbādah. ʿAlī ibn

Abū Ṭālib, al-Zubayr ibn al-ʿAwwām, and Ṭalhah ibn ʿUbayd Allāh gathered together in Fāṭimah’s house. The rest of the *Muhājirūn* sided with Abū Bakr and so did Usayd ibn Ḥuḍayr among the Banū ʿAbd al-Ashhal.⁴

A great civil strife was about to occur. If it had occurred, it would not have been a great surprise. The demise of the Prophet with his tremendous personality and his status as a Prophet and leader created a vacuum which would not easily be filled. This was especially so because there were some Companions like ʿUmar ibn al-Khaṭṭāb who had held the Prophet in such high esteem that they found his death difficult to accept. Every individual in the community loved the Prophet more than he loved himself – so much so that while the Prophet was performing ablution, they would stretch out their hands to catch some droplets before the water of his ablution fell to the ground. Indeed no community has ever loved its Prophet and its leader as much as the Companions loved the Messenger of God. In spite of the Prophet’s extreme humility, none of his Companions could look him straight in the eyes. Such was both their love for him and their awe of him. The shock of the Prophet’s death was capable of making them lose their wits. Indeed this is what happened and there is nothing strange about it. It was through the Prophet’s loving care that they managed to secure dignity and prosperity in this world and felicity in the hereafter. In spite of this they were able to overcome their agonizing grief and the pain of separation as they recited the words of God Almighty: “Muhammad is no more than a messenger. Many were the messengers that passed away before him. If he died or were slain, will you then turn back on your heels? Whoever turns back on his heels, not the least harm will he do to God; but God [on the other hand] will swiftly reward those who [serve him] with gratitude” (3:144).

Thus consoled, they directed their efforts towards resolving the problem at hand, preserving the eternal message and preventing the causes of dissension (*fitnah*).

Admittedly, there were many indications during the Prophet’s lifetime that the leadership would go to Abū Bakr and then to ʿUmar ibn al-Khaṭṭāb. No other Muslim would aspire to or claim equal footing

with these two men. Abū Bakr was the Prophet's deputy, his closest friend, his companion during the migration (hijrah) from Makkah to Madinah, and the father of his favorite wife, ʿĀ'ishah. Abū Bakr was the one who did not forsake the Prophet in any major matter. And who was ʿUmar? He was that person whose acceptance of Islam brought dignity to the Muslims, whose emigration was a source of awe and humiliation to the disbelieving Quraysh, and whose opinion received divine validation in the Qur'an. How often are such sentences as the following mentioned in the books of hadith: "The Prophet, peace be on him, came and with him were Abū Bakr and ʿUmar...", "The Messenger of God went and with him were Abū Bakr and ʿUmar..." or "The Messenger of God, may God bless him and grant him peace, went on an expedition and with him were Abū Bakr and ʿUmar". All of this might have lessened the impact of the devastating loss felt by the Muslims. In such circumstances feelings of loss could, however, outweigh the strengths and virtues which distinguished the Companions and bring about an uncontrollable state of chaos and civil strife. Happily, the men who were brought up in and nourished by the teachings of the Prophet's message were strongly governed by its rules of conduct in all situations – whether in agreement or in disagreement, and in all aspects of life. These ethics and rules of behavior were a guarantee against all types of anticipated dangers; they guaranteed the intact preservation of the Islamic message and the protection of the unity of the Ummah. These ethics and rules ensured that the affairs of the Ummah were run in the same way as they were run during the lifetime of the Prophet.

In this respect it is narrated that someone came to Abū Bakr and ʿUmar and said: "A certain group of the *Anṣār* are now gathering in the meeting place of Banū Sā'idah. They have sided up with Sa'd ibn ʿUbādah. If you are concerned about the affairs of the Ummah, hasten to these people before the matter gets out of control." This piece of news reached Abū Bakr and ʿUmar before the body of the Prophet, peace be on him, was ready for burial. On hearing it, ʿUmar said to Abū Bakr: "Let us go to these our brothers from among the *Anṣār* to see what they are about." ʿUmar related what happened next. He said:

The *Anṣār* diverged from us and held a meeting with their respected members in the meeting place of Banū Sā‘idah. So we set out to join them. On the way there we met two pious men from the *Anṣār* who mentioned to us what their people had in mind. They asked: “Where are you heading for, O company of the *Muhājirūn*?” We said: “We are going to these our brothers from the *Anṣār*.” They said: “You should not approach them, O company of the *Muhājirūn*. Decide the matter yourselves.” I said: “By God, we shall certainly go to them.” So we set off until we came to them in the meeting place of Banū Sā‘idah and there behind us was a man wrapped up. I asked: “Who is this man?” They replied: “Sa‘d ibn ‘Ubādah.” I asked: “What’s wrong with him?” They replied: “He is ill.” We sat down listening to their spokesman who mentioned the merits and virtues of the *Anṣār* and suggested that they were more deserving of succeeding the Prophet than anybody else.

It is necessary to stop here and reflect on this. The *Anṣār* were the indigenous people of Madinah. They were also in an absolute majority. They were the ones who gave refuge and support to the Prophet and the *Muhājirūn*. They “who had their abode in this realm and in faith” (59:9) opened up their hearts to Islam before they opened up their homes to the *Muhājirūn*. There was not a single *muhājir* who did not owe a tremendous debt to his *Anṣāri* brother in faith. If there were a categorical text in the Qur’an or the Sunnah on the issue of succession, any controversy in this respect would have been resolved by referring it to the Qur’an and the Sunnah. But as there was no text, the only way to get out of this crisis was to exercise the qualities of wisdom (*ḥikmah*) and experience, to apply the ethics of disagreement and quiet, reasoned discourse. Such were the thoughts that surged through ‘Umar’s mind as he listened to the spokesman of the *Anṣār*. ‘Umar continued:

When the *Anṣār* spokesman stopped, I wanted to deliver a speech which appealed to me. But Abū Bakr said: “Gently, ‘Umar.” I did not want to make him angry. So he spoke instead. He was certainly more knowledgeable and more sagacious than I. And by God, his spontaneous, intuitive speech included all the wonderful thoughts that surged through my mind either in a similar or better way. Then he was silent.

Among the things which he, may God be pleased with him, said was: “As for whatever good you mentioned about yourselves, you certainly deserve them.” He commended them and what they contributed to their religion and to their brothers in faith, the *Muhājirūn*. He recalled their merits and their virtues which even their own spokesmen did not mention. Then he began to disentangle the problem from the framework in which the *Anṣārī* spokesman had placed it. He emphasized that the matter was not limited to Madinah alone but concerned the whole Arabian peninsula – whether this whole region would continue to be under the influence of Islam. If the *Muhājirūn* lived in Madinah it is possible that they would have granted the succession to their *Anṣārī* brethren in recognition of their merits. But the rest of the Arabs would only submit to the Quraysh. And if unity was not achieved then the message of Islam would not be destined to cross boundaries and spread outside the peninsula. Thus the interests of Islamic propagation (*da‘wah*) required that the succession (*khilāfah*) to the noble Prophet should be from among the Quraysh in order to carry forward the message and keep hearts together. He then requested them to choose between two people from the Quraysh whose excellence no one could doubt: ‘Umar ibn al-Khaṭṭāb and Abū ‘Ubaydah ibn al-Jarrāḥ. He himself withdrew.

‘Umar is on record as having said:

I have never disliked anything more than what was said by Abū Bakr (namely, his nomination of ‘Umar and Abū ‘Ubaydah). By God, it would have been more preferable to me to have my neck struck off without entailing any sin than to be a ruler over a people among whom was Abū Bakr.

Another spokesman from among the *Anṣār* stood up and wanted to shift the issue back into the framework suggested by the first spokesman, and proposed that there should be one ruler (*amīr*) from the *Anṣār* and another from the Quraysh. ‘Umar described the situation then: “There was much talk and people raised their voices so loudly that I feared disagreement (would ensue). So I said: ‘Give me

your hand, O Abū Bakr.’ He offered me his hand and I pledged allegiance to him. Then the *Muhājirūn* followed suit and then the *Anṣār*... In the ensuing rush, Sa‘d ibn ‘Ubādah, the nominee of the *Anṣār*, may God be pleased with him, was accidentally trampled upon.”⁵

In this way the Companions of the Prophet were able to settle this dispute without leaving any trace of rancor in their hearts and to unite on the primary objective of carrying forward the message of Islam.

PAYMENT OF ZAKAH CONTROVERSY

The fourth serious controversy was about the legitimacy of fighting those who refused to pay the obligatory tax of zakah after the death of the Prophet. Once again, the Companions were able to overcome this crisis through their genuine sincerity and their adherence to the ethics of disagreement.

After allegiance had been pledged to Abū Bakr as the successor (*khalīfah*) of the Prophet, some of the tribes who had recently become Muslims, renounced Islam. Some followed impostors like Musaylamah who claimed to be prophets. Other tribes refused to perform salah or pay the zakah. Some only refused to pay the zakah to Abū Bakr out of arrogance and conceit. Others did so because they came up with a false interpretation claiming that zakah, according to the Shari‘ah, was originally payable only to the Prophet. They cited the following verse claiming that only the person addressed in it, namely the Prophet, had the authority to collect zakah from them and had the ability to confer on them the benefits of purification:

Take alms (*ṣadaqah*) from their wealth that you may purify and sanctify them; and pray on their behalf [for] indeed your prayers are a source of security for them. And God is the one Who hears and knows.
(9:103)

In this interpretation, those who refused to pay zakah either forgot or ignored the fact that the address in this verse was not confined to Muhammad as Prophet only but also as ruler and leader of the Muslims. The collection and distribution of zakah is part of the organization and administration of Muslim society, as is the application

of other laws such as the fixed criminal code. The responsibility for carrying out these functions devolves on those who come after the Prophet and who act on behalf of the Muslim Ummah in the capacity of rulers and leaders.

Furthermore, whenever a Muslim pledged allegiance to the Prophet, he pledged among other things to establish regular salah and pay zakah – the two were and are inseparable. The first successor of the Prophet was keen on the protection and advancement of Islam and so decided to fight those who chose to withhold zakah to make them repent and return to the fold of Islam, fully committed to abide by all that they had pledged to the Prophet.⁶

ʿUmar ibn al-Khaṭṭāb was instinctively against the permissibility of fighting those who withheld zakah and confronted Abū Bakr on the issue. Abū Hurayrah has narrated how the dispute arose and how it was finally resolved:

When the Messenger of God, may God bless him and grant him peace, passed away, Abū Bakr succeeded him and some of the Arabs reverted to *kufr* [by refusing to pay zakah and Abū Bakr decided to fight them]. ʿUmar said: “How can you fight people when the Messenger of God, may God bless him and grant him peace, has said: [‘whoever says] “There is no god but Allah (*lā ilāha illā Allāh*)”, his life and his property are inviolable except that which he is liable to pay and account for to God Almighty?” Abū Bakr said: “By God, I will certainly fight whoever makes a separation between salah and zakah, for indeed zakah is liable on wealth. By God, if they withhold from me even a little goat which they used to pay during the lifetime of the Prophet, I would fight withholding it.” ʿUmar said: “By God, it was none other than Allah Who opened Abū Bakr’s heart towards this decision to fight, and I realized that he was right.”⁷

Ibn Zayd also says in this respect: “Establishing salah and paying zakah were prescribed together – there was no separation between the two,” and he recited the following verse: “But if they repent, establish regular salah and pay the zakah, they are your brethren in faith” (9:111). He added: “That is why Abū Bakr refused to accept salah without zakah. May Allah bless Abū Bakr for his clear understanding of Islam

and his determination to confront those who tried to separate salah from zakah.”⁸

The cause of the controversy between Abū Bakr and ʿUmar was that the latter adhered to the literal meaning of the hadith and considered that uttering the *shahādah* was sufficient for admitting a person into the fold of Islam and making his property and his life inviolable. On the other hand, Abū Bakr insisted that this was conditional on the phrase “except that which he is liable to pay.” He considered zakah as a due or liability on wealth which must be paid if a person were to be granted inviolability of life and property. In addition, he understood that the joining of salah and zakah in many verses of the Qur’an and in the sayings of the Prophet meant that these pillars were not to be separated.

Since both parties were agreed that the refusal to establish regular salah was evidence of apostasy as was following a false claimant to prophethood, so the refusal to pay zakah should be considered as evidence of apostasy for which the apostates should be fought. In this way, Abū Bakr was able to convince the rest of the Companions of the soundness of his *ijtihād* to fight those who refused to pay zakah,⁹ to consider them apostates so long as they did not repent, establish salah and pay the zakah. Thus this critical dispute was settled. The decision was vital for the preservation of Islam against the malicious attempts to demolish it pillar by pillar after the attempts to demolish it in one go had failed. Had it not been for this courageous and unflinching stand by Abū Bakr and the subsequent support from the Companions, Islam would not have remained intact, or it would have been confined to Makkah and Madinah, and apostasy and civil strife would have dominated the entire Arabian peninsula.¹⁰

JURISTIC ISSUES

If we leave aside these serious matters which were brought under control and examine other issues, we will find some remarkable examples of adherence to the ethics of disagreement and mutual respect among the *ʿulamāʾ* in the community. Among the matters which the ‘two venerable leaders’ Abū Bakr and ʿUmar differed on was the question of prisoners of war, the distribution of liberated lands, and the equality of financial provision for Muslims.

As regards female prisoners of war, Abū Bakr was of the opinion that they should be kept under Muslim custody. But during his *khalīfah*, ʿUmar revoked this decision and set the female prisoners of war free and allowed them to go back to their families, apart from those who had children from the men to whom they were entrusted. As regards liberated lands, Abū Bakr distributed them but ʿUmar retained them in the state’s control as trusts or endowments (*waqf*). Regarding financial provision for Muslims, Abū Bakr maintained that there should be equality in stipends while ʿUmar opted for preferential treatment for various categories of Muslims.

On the question of succession, we may note that ʿUmar did not nominate anyone as his successor while Abū Bakr himself nominated ʿUmar as his successor. They also had various differences about many juristic issues.¹¹ But these differences only increased their love for one another as brothers in faith. When, for example, Abū Bakr nominated ʿUmar as his successor, some Muslims asked him: “What would you say to your Lord and Sustainer when He asks you about your nomination of ʿUmar over us although you know of his harshness?” Abū Bakr replied: “I would say: ‘O Lord, I have nominated as my successor the best of Your adherents.’”¹² And when one of the Muslims told ʿUmar: “You are better than Abū Bakr,” ʿUmar wept and said: “By God, one night of Abū Bakr’s life is better than [the life of] ʿUmar and his family.”¹³

These are examples of differences between these two men of great wisdom and stature. Their opinions differed but not their hearts, because they looked up to heaven and God’s pleasure and not down to earthly power.

ʿUMAR AND ʿALĪ

There were differences of opinion between ʿUmar ibn al-Khaṭṭāb and ʿAlī ibn Abū Ṭālib, but these were kept within the bounds of refined manners. The following story demonstrates this:

There was a woman whose husband was away. ʿUmar, who was then the *khalīfah*, was told that she admitted men into her house in the absence of her husband. As ʿUmar disapproved of this, he sent someone

to summon her to him. “Go to ‘Umar,” she was told and she said: “Oh, woe unto me! Why should ‘Umar want to see me?” The woman was pregnant, and on her way to him she was so scared that she went into labor. She therefore entered a house where she gave birth to a child who died shortly afterwards. ‘Umar consulted the Companions of the Prophet, some of whom advised that he was not to be blamed for anything; he was only doing what his office required of him. ‘Alī, on the other hand, kept silent. Noticing that, ‘Umar came up to ‘Alī and asked him: “What do you say?” ‘Alī replied: “If what these Companions said is what they really think, then their opinion is wrong. But if they said that in order to please you, they have not given you proper advice. I believe that you have to pay compensation (*diyyab*) for the child. It is you who scared the woman, and she miscarried because of you.”¹⁴

‘Umar yielded to the opinion of ‘Alī without feeling any resentment in acting on his verdict, even though he was the head of the Muslim state (*Amīr al-Mu’minīn*). He felt a certain relief in following the opinion of another.

‘UMAR AND ‘ABD ALLĀH IBN MAS‘ŪD

‘Abd Allāh ibn Mas‘ūd was one of the most well-versed of the Prophet’s Companions in the Qur’an and one of the most knowledgeable in the Sunnah of the Prophet. Many of the Companions even regarded him as part of the Prophet’s household, so close was he to the Prophet. Abū Mūsā al-Ash‘arī has said:

There was a time when we used to think that ‘Abd Allāh ibn Mas‘ūd and his mother were relatives of the Prophet – because of their closeness to him and because they were often seen frequenting his house. The Prophet has not left behind anybody more knowledgeable of the divine revelation than that man who is approaching [ibn Mas‘ūd]. This man used to be present with the Prophet when we were away and he used to give us permission to meet the Prophet when we waited outside.¹⁵

‘Umar was well-known for his profound understanding of Islam and his great abilities. Ibn Mas‘ūd was one of the men chosen by ‘Umar

to perform various assignments. He concurred with ʿUmar in many of his judgments, to the extent that historians of Islamic jurisprudence considered that he was more influenced by ʿUmar than by any other Companion. Their methods of deduction were often similar and their juristic decisions often coincided. It is in fact likely that Ibn Masʿūd resorted to ʿUmar’s conclusions on some juridical issues¹⁶ as, for example, on some questions relating to inheritance.

However, in spite of their closeness and mutual respect for each other, ʿUmar and Ibn Masʿūd had their differences on various issues. Ibn Masʿūd used to place his right hand over the left in salah but would not place them on his knees. ʿUmar did the latter but did not approve of the former.

Ibn Masʿūd was of the opinion that if a husband says to his wife: “You are unlawful to me,” the utterance is equal to an oath implying irrevocable divorce. ʿUmar, however, considered this as only one, not the final, pronouncement of divorce.

If a man committed sexual intercourse with a woman and then married her, Ibn Masʿūd regarded the marriage as invalid and the man and woman as living in a state of lewdness and adultery. ʿUmar, on the other hand, regarded the initial relationship as adulterous but the marriage as valid.¹⁷

In his book *Iʿlām al-Muwaqqiʿīn*, Ibn al-Qayyim pointed out that Ibn Masʿūd and ʿUmar ibn al-Khaṭṭāb differed on a hundred juristic issues, and he cited four of these.¹⁸ Nonetheless, their differences did not lessen or weaken their love and respect for each other. This is amply illustrated by the following:

Two men came to Ibn Masʿūd. One of them was instructed [in reciting the Qur’an] at the hands of ʿUmar ibn al-Khaṭṭāb and the other was taught by another Companion. The former said: “ʿUmar ibn al-Khaṭṭāb taught me to recite.” Ibn Masʿūd wept on hearing this and then said: “Recite as ʿUmar has taught you to recite. He was indeed a fortress for Islam. Once people entered this fortress, they never left it. But when he was assassinated, the fortress started to crack.”¹⁹

One day while ʿUmar was sitting, he saw Ibn Masʿūd coming towards him and said: “There comes a citadel full of wisdom and

knowledge.” In another version, ‘Umar is reported to have said: “Ibn Mas‘ūd is a citadel full of knowledge which would benefit the people of Qādisiyyah.”²⁰

May God be pleased with these two men. Despite their differences of opinion on some issues, their feelings towards each other only increased in mutual respect and love. From these events, we can derive a body of ethics which can be a model in treating problems relating to disputes.

IBN ‘ABBĀS AND ZAYD IBN THĀBIT

To get more insight into the ethics of disagreement we could examine some specific issues over which some of the Companions differed.

Like many of the Companions of the Prophet, including Abū Bakr, Ibn ‘Abbās used to think that the grandfather of a deceased person should receive the entire inheritance to the exclusion of brothers and sisters. This was on the assumption that the grandfather should be treated in the same manner as the father in inheritance. Other Companions such as Zayd ibn Thābit, ‘Alī ibn Abū Ṭālib, and Ibn Mas‘ūd held that the estate should be divided between the grandfather and the children of the deceased. Commenting on this view, Ibn ‘Abbās is reported to have said:

“Doesn’t Zayd fear God in equating the grandson with the son while refusing to grant the grandfather the right of the father in inheritance?” And he added: “I wish that I and those who differ with me about inheritance matters should meet and place our hands on the corner of the Ka‘bah and invoke God’s wrath on those who are liars.”²¹

By citing these examples of legal differences among the Companions, we do not seek to delve into or perpetuate disagreement; instead we seek to discover the norms of proper behavior which will hopefully enable us to solve our differences on legal issues, and consequently highlight the true Islamic spirit in dealing with people. Ibn ‘Abbās, as we have seen, was very confident that his judgment was right and that Zayd’s was wrong. Yet when Ibn ‘Abbās saw Zayd riding one day, he

took the reins of Zayd's mount and led him as a gesture of respect. Zayd protested saying: "Do not do that, O cousin of the Messenger of God, may God bless him and grant him peace." Ibn 'Abbās replied, "This is how we have been instructed to treat our learned ones and our elders." Zayd responded by asking for Ibn 'Abbās' hand. Zayd took the proffered hand and kissed it, saying: "This is how we have been instructed to behave towards the family (*ahl al-bayt*) of our Prophet."²² When Zayd died, Ibn 'Abbās commented: "Thus does knowledge pass away."²³ In al-Bayhaqī's version, Ibn 'Abbās is reported to have said: "This is the way knowledge passes away. Today, knowledge in abundance has been buried."²⁴

'Umar used to call upon Ibn 'Abbās to deal with problematic issues together with other learned and venerable Muslims both from among the *Muhājirūn* and *Anṣār* whose experience went back to the time of the battle of Badr.²⁵

Indeed, if we try to trace the differences amongst the Companions about juristic issues and their conduct in explaining their respective positions, we could fill volumes. This of course is not our purpose here. Our intention here is only to cite some examples from which we can see the type of ethical behavior which shaped the lives of the generation of the Prophet's Companions. This would indicate the extent of their commitment in all circumstances to the ethics of disagreement.

For reasons only known fully to God, grave incidents of civil strife in which the Companions physically fought against each other did occur. Yet even in these dire and momentous circumstances the Companions never lost sight of each other's virtues and merits. Here is what Marwān ibn al-Ḥakam said of 'Alī: "I have not seen anyone more generous in victory than 'Alī. [After our defeat] in the Battle of the Camel, he was nothing but our protector. He ordered his men to announce that none of the wounded should be finished off."²⁶

On another occasion 'Imrān ibn Ṭalḥah visited 'Alī ibn Abū Ṭālib after the Battle of the Camel was over. 'Alī welcomed him warmly, asked him to sit near him, and said: "I really hope that God will make your father and me among those whom He described: 'And We shall remove from their hearts any feeling of rancor and [they shall be] brothers [joyfully] facing each other on thrones [of dignity] (15:47).'"

Then ʿAlī began asking ʿImrān about each member of his father’s household, one by one.

Some of those present who were not fortunate to have had the honor of the Prophet’s company and who did not realize what it meant for a person to be a Companion of the Prophet were surprised at this. Two men who were seated nearby remarked: “God is more just than this. You were killing them yesterday and [now] you are brothers in Paradise!” ʿAlī became angry and said to both of them: “Get up and go as far away in God’s land as you can. Who is it then (who fits the description of this Qur’anic verse) if it is not Ṭalḥah and I? Who is it then?”²⁷

ʿAlī was once asked whether those who fought against him in the Battle of the Camel were polytheists. He said: “From polytheism they fled.” When asked whether they were hypocrites, he replied: “Hypocrites only rarely remember God.” When asked what in fact they were, he replied: “They are our brothers who committed an injustice against us.”²⁸

Someone spoke ill of ʿĀ’ishah, the Prophet’s wife, in the presence of ʿAmmār ibn Yāsir. Although ʿAmmār did not support ʿĀ’ishah during the Battle of the Camel, he was outraged and said: “Be quiet, you loud disgraceful one! How can you be offensive to the beloved of the Prophet of God, may God bless him and grant him peace? I bear witness that she is the Prophet’s wife in paradise. Our mother ʿĀ’ishah took the course she chose. We know that she is the Prophet’s wife in this life and the hereafter. But God made her a test for us to see whether we would obey Him or her.”²⁹

What more proper behavior could one expect from people whom God willed that they should fight against each other? The light which emanated from the beacon of prophethood continued to illuminate hearts which hate could not overwhelm. Such was the lofty standard of ethics and behavior which the Companions adopted in their differences. It was not fitting that controversy and a deviation from ethical behavior should co-exist in the hearts of men of goodness.

IBN ʿABBĀS DEBATES WITH THE KHAWĀRIJ

The discussions which took place between Ibn ʿAbbās and the

Khawārij are very instructive not only of the knowledge and prowess of Ibn ʿAbbās, but also of his courage and determination to resolve differences and disagreements through an appeal to reason and, in the first instance, to the Qurʾan and the Sunnah.

Ibn ʿAbbās relates that ʿAlī ibn Abū Ṭālib instructed: “Do not fight them [the Khawārij] until they secede. They will secede.” Ibn ʿAbbās said: “O *Amīr al-Muʾminīn*! Be soothed with prayer (salah). I want to go to the Khawārij, listen to what they have to say and talk to them.” “I am afraid for you on their account,” replied ʿAlī. Confident of his own peacefulness as one not known to cause anyone any harm, Ibn ʿAbbās put on his best Yemeni clothes and walked to the camp of the Khawārij. “What sort of clothes are these?” they asked Ibn ʿAbbās, who replied by reciting the verse of the Qurʾan: “Say: Who has forbidden the beautiful (gifts) of Allah, which He has produced for His servants, and the things, clean and pure, (which He has provided) for sustenance?” (7:32) and added: “I saw the Prophet, may God bless him and grant him peace, wearing the best Yemeni clothes.” “It’s all right,” said the Khawārij, “but what brings you here?” He replied: “I come to you from the camp of the cousin and Companion of the Prophet, may God bless him and grant him peace. The Companions of the Prophet, peace be on him, know more about the Revelation than you and it was among them that the Qurʾan was revealed. I come to tell you about them and then go back and tell them about you. Why are you hostile to them?” Dismissively, one of the Khawārij said: “Beware of talking to him. The Quraysh are indeed a contentious people. God, Exalted and Glorified is He, said: ‘Indeed, they are a contentious people (43:58).’”

Another suggested that they should talk to him and they nominated two or three men to do so. They gave Ibn ʿAbbās the choice of who should speak first, and he suggested that they should. The men proceeded to relate three complaints against ʿAlī ibn Abū Ṭālib. The first was that he had appointed men to pass judgment in matters pertaining to the religion of God knowing that God has said: “Judgment rests with none but God” (6:57). They referred to the fact that ʿAlī had agreed to accept the arbitration of Abū Mūsā al-Ashʿarī and ʿAmrū ibn al-ʿĀṣ in the dispute with Muʿāwiyah. In reply Ibn ʿAbbās said that God has allowed men to pass judgment in matters pertaining to His

religion even in the case of a quarter dirham, a rabbit,³⁰ or a dispute between a man and his wife. In this latter case he cited the verse of the Qur'an: "Therefore send an arbitrator from his family and an arbitrator from her family" (4:35). And in the end, he asked: "Now which is more important: arbitration between husband and wife or arbitration to prevent the shedding of blood and to preserve the unity of the Ummah?"

They conceded this point but then complained about the fact that 'Alī did not insist on the title of *Amīr al-Mu'minīn* during the arbitration process. They asked: "Is he *Amīr al-Mu'minīn* or *Amīr al-Kāfirīn* (Head of the Disbelievers)?" Ibn 'Abbās asked whether they would reconsider their position if he cited verses from the Qur'an and the Sunnah of the Prophet. They said they would and he continued: "You must have heard directly or indirectly that on the day of Ḥudaybiyyah, Suhayl ibn 'Amrū came [as a negotiator] to the Prophet, peace be upon him. The Prophet directed 'Alī: 'Write: This is the truce agreed upon by Muhammad, the Messenger of God.' 'Amrū objected saying: 'If we knew that you were the Messenger of God, we would not have fought against you.' The Prophet thereupon instructed 'Alī: 'Erase it, 'Alī.' If the Prophet did not insist on being called Messenger of God, why could 'Alī not forgo being called *Amīr al-Mu'minīn*?" They were satisfied on this point also.

Their third complaint was that 'Alī fought in the battles of Ṣiffin and the Camel and did not take booty or prisoners of war. Ibn 'Abbās asked them: "Would you take your mother [referring to 'Ā'ishah, the wife of the Prophet] as a prisoner of war and confiscate her property? If your answer is yes, then you would be disbelievers in the Book of God and you would have left Islam ..." Ibn 'Abbās again asked, after quoting from the Qur'an and the Sunnah, whether they were satisfied on this point and they agreed. As a result of this verbal challenge, a substantial number of the Khawārij returned to 'Alī's camp, but the majority remained obdurate.³¹ These were people who had unsheathed their swords, and were ready to fight those who had differed from their line of thought, considering it lawful to take their lives and property. Nonetheless, when they were challenged to debate and accept the truth, many of them responded. When they were reminded of the

Qur'an they reflected on it. When they were invited to dialogue they responded with open hearts. It is pertinent to ask how Muslims of the present day stand in relation to such attitudes.

‘ALĪ AND MU‘ĀWIYAH

It is reported that Mu‘āwiyah ibn Abī Sufyān asked ʿAlī ibn Abī Ṭālib to describe for him the character and demeanor of his adversary, ‘Alī ibn Abū Ṭālib. ʿAlī requested to be excused but Mu‘āwiyah insisted. ʿAlī then said:

By God, ‘Alī is far-sighted and dynamic. What he says is decisive and his judgment is just. Knowledge and wisdom spring from his lips and are reflected in his actions. He shows no particular liking for the world and its adornments and finds company in the night and its darkness. By God, he was tenderhearted and was wont to weep profusely. He would engage in deep thought while wringing his hands and talking to himself. He preferred clothes that were just adequate and food that was simple. He was, by God, like one of us. When we visited him he would draw us close to him, and if we asked him for help he would respond willingly. In spite of our closeness to each other we would hesitate to speak to him out of awe and reverence. He had a generous smile, dazzling like a string of pearls. He respected the pious and loved the poor. The strong would not find in him encouragement for any excesses and the weak would not despair of his justice. I bear witness by God that on many occasions in the middle of the night I saw him swaying from side to side in his *mihṛāb* (prayer niche) holding his beard, in a disturbed and restless state, and weeping like a bereaved person. Even now, it is as if I hear him saying: “Our Lord and Sustainer! Our Lord and Sustainer!” while beseeching Him. And to the life of this world he says: “Do you display yourself to me? Do you look out expectantly for me? Vanish from my sight. Entice someone other than me. I have relinquished you irrevocably. Your life-span is short, your company is wretched, and your temptation is easy to fall into. Ah! Ah! How little is the provision, how far away is the destination, and how desolate is the way...”

In spite of himself, the tears trickled down Mu‘āwiyah’s beard as he heard this account. As he wiped his beard with the palm of his hand, those who were present also wept bitterly. Mu‘āwiyah remarked: “Such was Abū al-Ḥasan, may God have mercy on him. Tell us of your grief for him, O Ḍirār.” “My grief (for ‘Alī) is like the grief of a mother whose only child is slain on her lap. Her tears will never dry up and her grief will never subside.” Saying this, Ḍirār stood up and departed.³²

ETHICS IN THE PURSUIT OF TRUTH

From our treatment of controversial issues, we note that selfish desires did not motivate any of the Companions; the pursuit of truth was the distinguishing factor in the differences which arose. In the period after the Prophet’s death and the end of revelation, the following norms guided the Companions:

1. They strenuously strove to avoid differences as far as possible.
2. When differences of opinion were inevitable owing, for example, to evidence being available to some and not to others or to differences in the understanding of a text or an expression, they would remain firmly within the bounds of what is allowed in striving to reach the truth. They would admit their errors without any bitterness or embarrassment while always having a tremendous respect for people of virtue, knowledge, and understanding. No one would overestimate himself or disparage the ability or the rights of his brother Muslim. The search for truth and for the correct judgment was their mutual endeavor, and they willingly accepted the truth from whichever quarter it came.
3. They regarded the brotherhood of Islam as one of the most important principles of the religion, and without which it would be impossible to establish Islam. This brotherhood transcended differences of opinion or compromise on questions which were open to varying interpretations.

4. Matters relating to the tenets of Islamic belief were not the subject of disputation. Differences of opinion were therefore confined to subsidiary matters.
5. Prior to the *khilāfah* of ʿUthmān ibn ʿAffān, may God be pleased with him, most of the Companions resided in Madinah and a few in Makkah. They rarely left their homes except for jihad and such purposes. In this way, they were able to meet frequently, consult one another and reach consensus on many matters.
6. The reciters of the Qur'an and the *fuqahā'* were prominent and had a high standing in society. They were treated in a manner similar to the leaders of the state. Each was given due recognition in his own special field. They were all aware of the juristic standpoint of others and were clear about each other's methods of deduction to the extent that there existed a certain implicit understanding and agreement among them.
7. They regarded corrections of one another's judgments as a form of assistance which a person extended to his brother in faith. Such correction was not seen as exposing a fault or as a form of censure.

The Historical Context (3): *The Second Generation*

WHEN ʿUMAR IBN AL-KHAṬṬĀB was the head of the Muslim state, his policy was to make the Companions of the Prophet – both the *Muhājirūn* and the *Anṣār* – reside in Madinah. They were only allowed to go outside the city if it was necessary for them to travel, to go on an expedition or educational assignment, to take up an administrative or judicial post, or to undertake some other special task. When they had completed their tasks or tours of duty, they had to return to Madinah – the nerve center of the Muslim state and the seat of the *khilāfah* – to take up permanent residence. In their capacity as bearers of the message of Islam and the first line of support for the *khilāfah*, they had to remain close to him to assist him in his various tasks and to participate fully in all the affairs of the Ummah.

When ʿUthmān succeeded ʿUmar, he did not see any problem in allowing the Companions to leave Madinah and reside permanently wherever they liked in the Muslim lands. As a result, the jurists and reciters of the Qurʾan among them spread out into the towns of the newly liberated lands and into the areas which became garrison towns. It is estimated that more than three hundred Companions settled in the garrison towns of Basrah and Kufah, and that a large number of them moved to Egypt and Greater Syria.

It is reported that when the Prophet returned from the campaign of Hunayn (8 AH/13 CE), there were 12,000 Companions in Madinah. At the time of the Prophet's death, there were 10,000 of these Companions in Madinah while 2,000 had moved to other towns.¹

IN THE TRADITION OF THE COMPANIONS

The knowledge of the jurists and reciters of the Qur'an among the Companions was transmitted by them directly to the next generation – the *Tābi'ūn* or Successors. Among these were Sa'īd ibn al-Musayyib,² who was considered as the transmitter of the legacy of 'Umar ibn al-Khaṭṭāb and the upholder of his jurisprudence in Madinah; 'Atā' ibn Abū Rabāḥ in Makkah, Ṭāwūs in the Yemen, Yaḥyā ibn Abi Kathīr in Yamāmah, al-Ḥasan in Basrah, Makhūl in Syria, 'Atā' in Khurasān, 'Alqamah in Kufah, and others. These *Tābi'ūn* used to make juristic decisions and exercise ijtihad in the presence of the Companions of the Prophet from whom they had received knowledge and training. They were conditioned by the ethics and high standards of the Companions' behavior and influenced by their methods of juristic inference and deduction. On occasions when the *Tābi'ūn* differed, they did not deviate from or transgress the ethical standards of behavior set by the Companions. Jurists from this generation were to have a great influence on the masses of the Ummah, and it was through them that the knowledge and discipline of jurisprudence were transmitted. The following debates on compensation would perhaps illustrate the ethical standards of behavior which they followed.

It is reported³ that a man came to Shurayḥ and asked what was the compensation for the loss of fingers. Shurayḥ replied that ten camels was the compensation for each finger. The man exclaimed: "Good God! Are this and this equal (pointing to his little finger and his thumb)?" "Woe to you!" said Shurayḥ. "The Sunnah prohibits such analogical deduction (*qiyyās*). Follow and do not innovate." In so saying, he no doubt perceived an unwarranted extension of the Sunnah.

Mālik in his *al-Muwatta'* reported that Rabī'ah said:

I asked Sa'īd ibn al-Musayyib how much compensation was payable for the loss of a woman's finger. "Ten camels," he replied. I asked him what was the compensation for two fingers. "Twenty camels" he replied. "And for three fingers?" "Thirty camels," he replied. "And for four fingers?" "Twenty camels," he replied. I asked (incredulously): "Does compensation payable to a woman decrease when her injury is greater and her affliction is more severe?" Here Sa'īd asked: "Are you

an Iraqi?” Rabī‘ah replied: “Rather think of me as a jurist well-grounded in knowledge or as an ignorant person who desires to be better instructed.” Sa‘īd replied: “Son of my brother, this is the Sunnah.”⁴

The discussion ended then and there without either person accusing the other of ignorance or claiming that he himself was right and the other wrong. Sa‘īd’s judgment and that of the people of the Hijaz is based on the principle that compensation for a woman is the same as that for a man, but only up to a third of the man’s compensation. Thereafter, it is half that of a man’s. This is based on a hadith reported by ‘Amrū ibn Shu‘ayb. The judgment of people from Iraq, on the other hand, is that from the outset a woman’s compensation is half that of a man.⁵

Another example which we may cite in this context is the argument al-Sha‘bī had with another person over *qiyās*. Al-Sha‘bī said:

“Suppose that al-Aḥnaf ibn Qays and his young son were both killed. Would the compensation for each of them be the same, or would that of al-Aḥnaf be more on account of his intelligence and wisdom?” “The same, of course,” replied the man. “*Qiyās* is therefore irrelevant,” [concluded al-Sha‘bī].

Al-Awzā‘ī met Abū Ḥanīfah in Makkah and observed:

“Why do you not raise your hands just before *rukū‘* and after?” Abū Ḥanīfah replied: “There is no recorded word or action of the Messenger of God, may God bless him and grant him peace, to authenticate this.” “How so” replied Al-Awzā‘ī, “when al-Zuhrī has reported this to me on the authority of Sālim and that of his father who said that the Prophet used to raise his hands at the beginning of the salah and before and after *rukū‘*?”

Abū Ḥanīfah also reported:

“Ḥammād related to me through Ibrāhīm, through ‘Alqamah, through al-Aswad, and through Ibn Mas‘ūd that the Messenger of God, may

God bless him and grant him peace, only raised his hands at the beginning of the salah and did not repeat this action again.”

Al-Awzā‘ī then suggested that his authorities were more reliable than those of Abū Ḥanīfah, who countered:

“Ḥammād was more knowledgeable than al-Zuhrī, and Ibrāhīm was more knowledgeable than Sālim. ‘Alqamah was not below Ibn ‘Umar in rank. And if Ibn ‘Umar is to be credited as a Companion of the Prophet, then al-Aswad has many merits. And the merits of ‘Abd Allāh ibn Mas‘ūd speak for themselves.” At this, Al-Awzā‘ī remained silent.⁶

Abū Ḥanīfah is reported to have said:

“Ours is no more than an opinion. We do not oblige or coerce anyone into accepting it. Whoever has a better judgment, let him advance it.”⁷

We can thus see that all Muslims were followers and upholders of the Sunnah. When the Sunnah was authenticated, no one deviated from it. If differences occurred it was only because of varying understanding or interpretation. However, when this happened each person accepted the other’s point of view so long as the interpretation could be sustained by the text and there was no other authentic evidence to the contrary.

THE EFFECT OF POLITICAL DISAGREEMENT ON CREDAL AND JURISTIC DIFFERENCES

It is important to point out that the differences which existed among the vast majority of Muslims in the early stages were in the main limited to juristic issues. These were easily resolved when they were referred to the paramount authority of texts from the Qur’an and the Sunnah. Everyone imbued with the behavioral pattern of the noble Prophet yielded willingly to the truth when it was made clear to them.

As mentioned previously, the differences that existed were mainly due to the availability of a text to one party and the ignorance of the other party about it. They were also caused by the fact that certain texts and expressions were open to more than one interpretation.

Eventually, however, new situations arose. Political schisms emerged in the wake of the assassination of the third *khalīfah*, ʿUthmān ibn ʿAffān, the transfer of the seat of government first to Kufah and then to Damascus, and the occurrence of many other upheavals. Many alien notions and developments filtered into the accepted framework for dealing with differences. A narrowness of vision and feelings of exclusiveness were encouraged whereby Muslims in each region or town began to cling to what was available to them of the Prophet’s Sunnah and to view what was available to other regions with considerable caution. Their attitudes were greatly influenced by considerations of political support or opposition. As a result Iraq, with its two great garrison towns of Kufah and Basrah, became a fertile ground for the interplay of political ideas and beliefs which were disseminated to various other regions. From Iraq emerged the Shia,⁸ the Jahmiyyah,⁹ the Muʿtazilah,¹⁰ the Khawārij¹¹ and a number of innovators and idiosyncratic groups. So began the fabrication of hadith, the invention and circulation of political and factional stories, and the surfacing of mutual animosity and discord among people. So rife was this situation that Imam Mālik described Kufah as “the home of strife,”¹² and al-Zuhri said: “A hadith which leaves us as a hand-span in length becomes an arm’s length when it reaches Iraq.”¹³

Keen on safeguarding their religion against innovation, heretical tendencies and corruption, Iraqi jurists themselves began taking precautions and establishing conditions, which their predecessors had not paid attention to, for the acceptance of reports concerning the Sunnah. If the Iraqis themselves were so alarmed, Muslims in other regions were even more so. The people of the Hijaz, for example, considered any hadith reported by people from Iraq and even from Syria as unacceptable unless it had some origin in their own literature.

This was why a jurist from the Hijaz, when asked about the *isnād* (chain of reporters) of a hadith which the Iraqis believed to be most reliable, said that he would not accept it unless there was evidence for it in the Hijaz literature.¹⁴

Al-ʿAbbās appointed Rabīʿah ibn Abī ʿAbd al-Raḥmān¹⁵ from Madinah as a minister and a consultant. After a short period Rabīʿah was discharged and returned to Madinah. When asked what he thought of Iraq and its people, he replied: “I saw a people who prohibit what we

regard as lawful and who make lawful what we prohibit. When I left, there were more than forty thousand people who were conspiring against this religion.” He is also reported to have said: “It seems that the Prophet who was sent to us was different from the one sent to them!”¹⁶

Although these statements were aimed at the deviators and innovators in Iraq and not at the upholders of the Sunnah and the generality of the people, they do point quite clearly to some of the matters which had a far-reaching effect on the development of jurisprudence and on the attitudes of the jurists in the two regions and their methods of deduction.

HIJĀZĪ AND IRAQI SCHOLARS

People of the Hijaz believed that they observed the Sunnah strictly and did not deviate from it at all. There were ten thousand Companions whom the Prophet left in Madinah after the battle of Hunayn. They lived there till his death. ‘Umar ibn ‘Abd al-‘Azīz used to write to the inhabitants of the garrison towns instructing them in the Prophet’s Sunnah and in jurisprudence. When he wrote to Madinah, however, he would ask them about events in the city and would also request them to instruct him in the Sunnah of the Prophet so that he could disseminate it among others. Sa‘īd ibn al-Musayyib was well known as the upholder of the Prophet’s Sunnah and the established methods and practice of the Companions in Madinah. He and the other *‘ulamā’* among his contemporaries in Madinah – from among the *Tābi‘ūn* – were of the opinion that what was available to them of the Sunnah and established practice was sufficient to meet the needs of jurisprudence. They believed that there was nothing to induce them to adopt juristic reasoning with all its snares. However, there were other jurists who differed with them and adopted juristic reasoning to such an extent that they were known as ‘the people of juristic reasoning (*ahl al-ra’y*)’. One such person was Rabī‘ah ibn Abī ‘Abd al-Raḥmān, the teacher of Mālik, who became known as Rabī‘ah the master of reasoning (*Rabī‘ah al-Ra’y*). The majority of Madinan jurists, however, were scholars who upheld the Sunnah and established practice.

Iraqi scholars on the other hand, like Ibrāhīm al-Nakha‘ī¹⁷ and his colleagues, believed that their share of the Sunnah was not negligible.

There lived among them more than three hundred highly knowledgeable Companions, many of whom were jurists. At their forefront was ʿAbd Allāh ibn Masʿūd, who was among the Companions who had the best understanding of the Qurʾan. ʿAlī ibn Abū Ṭālib also lived among them during the period of his *khilāfah*. Other prominent Companions there were Abū Mūsā al-Ashʿarī and ʿAmmār ibn Yāsir.

Ibrāhīm al-Nakhaʿī and the majority of Iraqi scholars held that the Shariʿah laws were intelligible and logical; that they embodied whatever was good for public welfare; that they were based on clear unequivocal principles as well as underlying reasons or *ratio legis* (ʿ*ilal*; sing: ʿ*illah*); that they were linked to considerations of public interest; that these principles and reasons could be derived from the Qurʾan and the Sunnah; and that subsidiary laws could be formulated in accordance with these reasons or *ratio legis*. Hence, they argued that the competent jurist could discover the effective reasoning behind these laws and comprehend their purposes or intent. They also argued that legal texts are finite but that circumstances are not. Since revelation and the clear textual rulings (*nuṣūṣ*) came to an end with the Prophet’s death, it would be impossible to meet the needs of legislation unless the underlying reasons for particular rulings derived from the Qurʾan and the Sunnah were determined and acted upon.

It is fitting to recall here that Ibrāhīm al-Nakhaʿī was asked by al-Ḥasan ibn ʿUbayd Allāh al-Nakhaʿī whether he based all his juristic judgments on precedents he had heard. He replied in the negative and al-Ḥasan, apparently surprised, then asked him: “Do you pass judgment on the basis of what you have not heard?” Ibrāhīm replied: “[There are precedents which] I have heard. But when faced with an issue on which I have not heard anything, I apply analogical deduction using what I have heard.”¹⁸

This in fact was a feature of the Iraqi school of jurisprudence; they would rely on reason in the absence of a precedent (*athar*) from the Companions of the Prophet.

On the other hand, Saʿīd ibn al-Musayyib together with other scholars from Madinah did not pay much attention to the reasons behind any law in making rulings except when indicated by a particular text or precedent. He felt he was in a position to do so inasmuch as he said:

“There is no judgment passed by the Prophet, may God bless him and grant him peace, or by Abū Bakr, ʿUmar, ʿUthmān, or ʿAlī that I do not know of.”¹⁹ Furthermore, the society in Madinah did not experience the changes nor was it beset by the upheavals that occurred in Iraq. This is why when many a scholar from Madinah was consulted about a particular issue, he would reply if he had a precedent or tradition to follow. If not, he would decline to give an answer. Masrūq was asked about a certain issue and answered: “I do not know.” He was then asked to apply analogy to reach a judgment and he said: “I am afraid that I may slip.”²⁰

The fear which the people of Madinah had of applying independent reasoning on issues on which no precedent or tradition was available can be clearly seen in the statement of Ibn Wahb. He reported that Mālik said:

The Prophet, may God bless him and grant him peace, was both the leader (imam) of the Muslims and the most learned person of all. Nonetheless if he was asked about something [he was not sure of], he would not reply until the answer was revealed to him by God. If the Messenger of the Lord and Sustainer of the worlds only replied on the basis of revelation, how supremely insolent or dangerously risky it is for someone to reply on the basis of independent reasoning, analogy, blind imitation of an allegedly good person, custom, convention, politics, tact, visionary experience, dreams, preference, or conjecture. We seek help from God and in Him we trust.²¹

Although the controversy between the two schools of thought was intense and criticism vigorously exchanged, neither side forsook the ethics and proper standards of behavior in their disagreement, as was clearly seen in the conduct of debates we have described and in many others which the scholars from both schools engaged in.²² None of them crossed the limits of proper behavior by making pronouncements of unbelief and immorality, or accusations of sinful innovation or downright exclusion from the fold of Islam.

Ibn Abī Shabramah related that he and Abū Ḥanīfah visited his friend Jaʿfar ibn Muḥammad ibn al-Ḥanafīyah. He greeted Jaʿfar and

introduced Abū Ḥanīfah saying: “This man is from Iraq. He is a man of understanding and intelligence.” Ja‘far said: “Is he perhaps the one who uses analogy and independent reasoning in religious matters? Is he al-Nu‘mān?” Abū Ḥanīfah replied: “Yes, may God improve you and make you prosper.” Ja‘far then said: “Be conscious of God and do not use analogy and independent reasoning in religious matters. *Iblīs* (Satan) was the first to use analogy to justify his disobedience of God’s command to prostrate to Adam when he said: ‘I am better than he. You created me from fire and You created him from clay.’” The following exchange then took place:

Ja‘far: Tell me about a statement whose beginning is unbelief and whose end is faith.

Abū Ḥanīfah: I do not know.

Ja‘far: The statement is, “There is no god but Allah.” If a person says the first part, “There is no god” and stopped there, he would be a disbeliever... Now – woe to you! – which is more heinous in the sight of God: Murder, which God has forbidden, or adultery?

Abū Ḥanīfah: Murder, of course.

But Ja‘far said: God requires two witnesses to prove the crime of murder but would only accept four to prove adultery. So how can you apply analogy here? He then asked: Which is greater – fasting (*ṣawm*) or prayer (*ṣalah*)?

Abū Ḥanīfah: Prayer, of course.

Ja‘far: How is it then that a woman must make up for the days of fasting she misses during menstruation but does not have to make up for the *ṣalah* she misses? Fear Allah, O servant of God, and do not use analogy. We will all one day, you and I, stand before God. We will say, “God, Glorified and Exalted is He, has said and the Prophet, may God bless him and grant him peace, has said ...” while you and your companions will say, “We applied analogy and used independent reasoning.” And God will do with both you and us as He wishes.²³

The questions raised by Imam Ja‘far were not too difficult for someone like Abū Ḥanīfah to answer. But he chose to remain silent and not to argue out of respect for and in consideration of the proper manner in treating a descendant of the Prophet’s household, as Ja‘far was.

These exchanges and debates show that the sublime ethics and norms of behavior set by the noble Prophet greatly influenced those who were involved. They also show that differences in methodology and opinion did not result in estrangement and the setting up of barriers between brothers in faith. The coarse harshness which historians associate with this period was in the main connected with groups of scholastic theologians who extended their differences to matters of belief. Some felt themselves justified in accusing others of unbelief (*kuf'r*), immorality (*fisq*) or innovation (*bid'ah*). However, even among these groups history will not fail to find some norms of proper behavior to record.

Juristic Perspectives

SCHOOLS OF JURISPRUDENCE *MADHĀHIB*

AFTER THE AGE OF THE COMPANIONS of the Prophet and their eminent successors – in the period from the end of the first century after the hijrah to the middle of the third century – there appeared some thirteen schools of thought (*madhāhib*; singular, *madhhab*) in Islamic jurisprudence. They all identified with the *Ahl al-Sunnah* (Upholders of the Sunnah) school, which was and still is the predominant school in the Muslim world. Unfortunately, only the works of eight or nine of the leading scholars or *a'immaḥ* of these schools have been fully or partially recorded. From these recorded works in their various forms, the juristic principles (*uṣūl*) and methodologies of the different schools have become known. These leading scholars were:

1. Abū Saʿīd al-Ḥasan ibn Yasār al-Baṣrī (d. 110 AH)
2. Abū Ḥanīfah al-Nuʿmān ibn Thābit ibn Zūṭī (d. 150 AH)
3. Al-Awzāʿī Abū ʿAmrū ʿAbd al-Raḥmān ibn ʿAmrū ibn Muḥammad (d. 157 AH)
4. Sufyān ibn Saʿīd ibn Masrūq al-Thawrī (d. 160 AH)
5. Al-Layth ibn Saʿd (d. 175 AH)
6. Mālik ibn Anas al-Aṣbaḥī (d. 179 AH)
7. Sūfyān ibn ʿUyaynah (d. 198 AH)
8. Muḥammad ibn Idrās al-Shāfiʿī (d. 204 AH)
9. Aḥmad ibn Muḥammad ibn Ḥanbal (d. 241 AH)

There are other *a'immaḥ* such as Dāwūd ibn ʿAlī al-Iṣbahānī al-Baghdādī (d. 270 AH) better known as al-Zāhirī because of his insistence on sticking to the manifest (*ẓāhir*) or literal meaning of expressions in the Qur'an and the Sunnah; Iṣḥāq ibn Rāḥawayḥ (d. 238 AH); and Abū Thawr Ibrāhīm ibn Khālīd al-Kalbī (d. 240 AH). There are others whose schools of jurisprudence did not spread, or whose followers were not many, or who in fact were considered to be followers of the schools of the more well-known scholars.

However, the *a'immaḥ* whose schools have lasted to this day, who have followers throughout the Muslim world, and whose principles and jurisprudence are still employed in assessing issues and in making legal judgments are mainly four: Abū Ḥanīfah, Mālik, al-Shāfiʿī, and Aḥmad ibn Muḥammad ibn Ḥanbal.

METHODOLOGIES OF THE FAMOUS SCHOLARS (A 'IMMAH)

The three leading scholars – Mālik, al-Shāfiʿī, and ibn Ḥanbal – are considered as jurists of hadith and the established precedents of the Companions of the Prophet. Their jurisprudence was that of the people of Madinah whose knowledge they propagated. Imam Abū Ḥanīfah, however, was the inheritor of the jurisprudence of upholders of independent reasoning (*ahl al-ra'y*), becoming the foremost advocate of this school in his age.

The difference which existed between the school of Saʿīd ibn al-Musayyib – whose teachings were based on the jurisprudence and established precedents of the Companions of the Prophet and which enjoyed the support of the Mālikiyyah, the Shāfiʿiyyah and the Ḥanābilah – and the school of Ibrāhīm al-Nakhaʿī which relies on independent reasoning in the absence of established precedent – this difference was naturally passed on to whoever adopted the methodology of either school. The intensity with which this difference was maintained was reduced considerably particularly after the *khilāfah* went to the Banū ʿAbbās – the ʿAbbāsiyyūn – in the middle of the second century. Following this shift of power, the Abbāsiyyūn transferred some of the eminent scholars from the Hijaz to Iraq in order to spread the Sunnah among the people there. Some of these scholars were Rabīʿah ibn Abī

‘Abd al-Raḥmān, Yaḥyā ibn Sa‘īd al-‘Irāqī,¹ Hishām ibn ‘Urwah,² and Muḥammad ibn Iṣḥāq.³ At the same time, some of the Iraqī scholars went to Madinah and studied with scholars there. Yūsuf Ya‘qūb ibn Ibrāhīm⁴ and Muḥammad ibn al-Ḥasan⁵ studied with Mālik. All this resulted in a mutual exchange of ideas between Iraq and the Hijaz. Nonetheless, we find that the three scholars – Mālik, al-Shāfi‘ī, and ibn Ḥanbal – were quite similar in their methodology even though they differed in some approaches in using deduction. But the methodology of Imam Abū Ḥanīfah remained quite distinct.

METHODOLOGY OF IMAM ABŪ ḤANĪFAH

The principles of Abū Ḥanīfah's methodology are summarized in his own statement:

I first resort to the book of God to find evidence [if I am faced with an issue]. If I do not find any [reference] therein, I resort to the Sunnah of the Messenger of God, may God bless him and grant him peace, and authentic precedents from him which have been handed down by trustworthy persons. If I do not find anything in the Book of God or in the Sunnah of His Messenger, I resort to the statements of his Companions, drawing [freely] upon these as I wish. I do not go beyond this to the statements of others. If the line of enquiry descends to the rank of Ibrāhīm, al-Sha‘bī, or Ibn al-Musayyib, then I am entitled to endeavor to use my ijtihad in the same way as they had done.

These are the cardinal principles of Abū Ḥanīfah's *madhhab*. There are however some subsidiary or secondary principles which appear to give rise to differences with the other scholars:

- The “general” (*‘āmm*) expression is as categorical or definitive (*qat‘ī*) in its implication as the particular (*khāṣṣ*).⁶
- The practice of a Companion which is at variance with the general practice is taken only as a specific evidence for his practice.⁷
- The abundance of narrators does not improve the validity or weightiness of the evidence.

- No consideration should be given to a general proposition which is qualified by way of introducing a condition (*shart*) or a qualification (*ṣifah*).
- No acceptance is given to a tradition, transmitted by a single person, which could harm public welfare.
- An obligatory command must be acted upon unless there is a constraint which prevents it.
- If the conduct of a competent narrator is at variance with what he has narrated, do what he was seen to have practiced and not what he narrated.
- Priority should be given to a clear-cut analogy over the report of a single person (*khabar al-wāḥid*) which is in contradiction to it.
- Juristic preference (*al-istiḥsān*) should be adopted and analogy abandoned when there appears the need to do so. (*Istiḥsān* is the preference given to one rule over another because of its perceived superiority.)

Abū Hanifah is reported to have said: “We know that this is an opinion and it is the best we were able to produce. However, whoever comes with a better opinion, we will accept it.”

METHODOLOGY OF IMAM MĀLIK

Mālik adopted a different approach. He is reported to have said: “How is it that whenever someone comes to us [with an argument], we abandon what Jibrīl brought to Muhammad, God’s peace and blessings be on him, and argue with him?”⁸ We have already mentioned that Mālik’s methodology was that of the people of the Hijaz, upholders of the school of Sa‘īd ibn al-Musayyib. The principles of Mālik’s school of thought may be summarized thus, in order of priority:

- Reliance on the unequivocal verbatim text of the Qur’an.
- Reliance on the clear or manifest meaning when it is general.⁹
- Validation of evidence from the Qur’an of a divergent meaning (*mafhūm al-mukhālafah*).¹⁰
- Validation of a harmonious meaning (*mafhūm al-muwāfaqah*).¹¹
- Reliance on the Qur’an’s warnings or cautioning as the effective

reason for avoiding anything which is an abomination or is immoral, as in the Qur'anic verse: "For verily, it is an abomination or is immoral and impious" (6:145).

After these five principles with regard to the Qur'an, there are ten others from the Sunnah in order of priority:

- Consensus (ijma^ʿ).
- *Qiyās*.
- The practice of the people of Madinah.
- *Istiḥsān* which involves setting aside an established analogy in favor of an alternative ruling which serves the ideals of justice and public interest in a better way.
- Blocking the means to evil (*sadd al-dharāʿiʿ*).
- Considerations of public interest (*al-maṣāliḥ al-mursalah*).
- Testimony by a Companion of the Prophet (if the chain of transmission is sound and he is an eminent Companion).
- Consideration of disputed matters where divergent evidence is strong.
- Presumption of continuity of that which is proven and the negation of that which had not existed (*istiḥāb*).
- Acceptance of some laws which existed before Islam.

METHODOLOGY OF IMAM SHĀFIʿĪ

The principles of the school of thought of al-Shāfiʿī are contained in his book *al-Risālah*, which is considered to be the first and most comprehensive book on the principles of Islamic jurisprudence. Al-Shāfiʿī says in this book:

The Qur'an and the Sunnah are the original sources of Islamic jurisprudence. If there is no clear evidence in these two, the legislator may resort to *qiyās* from these two. If there is a hadith of the Prophet whose chain of transmission is sound, no other sources shall be consulted. *Ijmāʿ* is more authoritative than the report of a hadith transmitted by a single person. The interpretation of a hadith should be based on its clearly apparent meaning. If the hadith is open to various interpretations,

preference should be given to the interpretation which is closest to the apparent meaning. If a number of *ahādīth* pertaining to a special issue are equal in their import, preference should be given to the hadith whose *isnād* is sound. In this respect, a hadith whose *isnād* is interrupted (*munqaṭiʿ*) should not be consulted except those reported by Ibn al-Musayyib. Analogy from a principle (*aṣl*) which has already been deduced from a previous principle is not admissible. There should be no question as to ‘why’ or ‘how’ with regard to the original source. Questions as to why should only be addressed to a subsidiary source of law. If analogical deduction from the original source proves to be sound, it should be accepted as such and as a basis for proof.¹²

Al-Shāfiʿī therefore considered the Qurʾan and the Sunnah as equal in formulating legislation. No condition should be imposed on a hadith except its authenticity and correct chain of transmission, since it is in itself a (primary) source of law. Consequently, there should be no question as to ‘how’ or ‘why’ about a valid source of law. Al-Shāfiʿī would not impose any condition on a hadith which is ‘well-known’, that is *mashhūr*¹³ when it pertains to matters of general necessity, as does Abū Ḥanīfah. Unlike Mālik, al-Shāfiʿī believes that a hadith need not be in agreement with the practice of the people of Madinah. However, he rejects *ḥadīth mursal* (a hadith transmitted by a Successor without indicating the Companion who reported it to him) in general, but accepts the *ḥadīth mursal* of Saʿīd ibn al-Musayyib because in his case he possessed continuous chains of transmitters. Mālik, al-Thawrī, and his contemporaries among the *Ahl al-Ḥadīth* (those specializing in and adhering to hadith) differed from al-Shāfiʿī in this regard and used such *ḥadīth mursal* to refute contrary arguments.¹⁴ Unlike the Mālikiyyah and the Ḥanafiyyah, al-Shāfiʿī rejected *istiḥsān* as a source of Islamic law. In refutation of this principle, he wrote a book titled *Ibṭāl al-istiḥsān* (“Invalidating Juristic Preference”) in which he made his famous statement: “Whoever argues from juristic preference is making himself the Lawmaker”. He also rejected the formulation of laws on the principle of the ‘public interest’ (*al-maṣlahah al-mursalah*) together with the proofs advanced to support this principle. He rejected the use of analogy that was not based on an effective cause (*ʿillah*) that was established and clearly manifest (in the Qurʾan and Sunnah). He rejected

proofs based on the practice of the people of Madinah. He was critical of the Ḥanafiyah for their noncompliance with many of the Sunnah practices, because the hadith on which they were based failed to meet some of their conditions – conditions for example such as the popularity of a hadith. Finally, he did not confine himself to the hadith of the people of the Hijaz as Mālik did.

These are the salient and the most important principles of al-Shāfiʿī's school of thought. The differences between them and those formulated by the schools of Mālik and Abū Ḥanīfah are quite obvious.

IMAM AḤMAD IBN ḤANBAL

The principles of the Ḥanbalī school of thought are extremely close to those of the Shāfiʿī school. These principles, in order of priority are:

1. When evidence is available in the texts of the Qur'an and the Sunnah, he does not consult any other source. If there is a hadith which is 'raised' (*marfūʿ*) to the level of authenticity, he does not give priority to any other source such as the practice of the people of Madinah, independent reasoning, analogy, a Companion's saying, or consensus based on the lack of knowledge of the questions in dispute.
2. If no text is available on a question, Ibn Ḥanbal resorts to the juristic judgments of the Companions. If he finds a Companion's saying which is not contested by other Companions, he adheres to this saying and gives it priority over any other practice, opinion, or analogy.
3. If there is a difference of opinion among the Companions over a particular issue, he chooses the opinion which is closest to the Qur'an and the Sunnah and does not go beyond this. If it is not clear to him which opinion is closest to the Qur'an or the Sunnah, he would report the controversy in complete objectivity and abstain from making any decision.
4. He takes as an authority any hadith, whether *mursal* or *ḍaʿīf* (weak), whose authenticity – in either its chain of transmission or content – is not absolutely beyond question, provided it does not clash with an established practice, a Companion's saying, or a

- consensus of opinion. He would give such a hadith priority over analogical deduction.
5. In his opinion, analogy should only be resorted to as a source of law when there is a necessity of passing judgment on an issue which cannot be settled by referring it to any one of the above-mentioned sources and principles.
 6. He would adopt the principle of *sadd al-dharā'ī*^c (blocking the means to wrongdoing).¹⁵

METHODOLOGY OF IMAM DĀWŪD AL-ZĀHIRĪ

It is perhaps appropriate to give a brief idea of the principles and sources of the Zāhirī school of thought, inasmuch as it is one of the Islamic schools which still has some influence and a following among those who uphold the Sunnah. There were serious controversies between this school and that of Abū Ḥanīfah, and later Mālik, ibn Ḥanbal, and al-Shāfi'ī. However, al-Zāhirī recognised his great debt to al-Shāfi'ī.

The salient feature of the Zāhirī school is its adherence to the outwardly manifest meanings of the texts of the Qur'an and the Sunnah. Priority is given to these meanings over any other considerations of alternative interpretation, judgment, or public interest. Followers of this school do not practice analogy and contend that it is only applicable when there is an effective cause or *ratio legis* (*'illah*) in a text that can be applied to another case which, though not covered by the language, is covered by this cause or reason in the text. This means that the existence of an *'illah* is a prerequisite for applying analogy.

They prohibit the use of *istihsān* and only draw upon the *ijma'* arrived at during the time of the Companions. Unlike the Mālikiyyah, the Ḥanafiyah and the Ḥanābilah, they do not use any hadith which is *mursal* or *munqatī'*. They do not accept the validity of any laws previous to the Qur'an and they do not allow anyone to apply independent reasoning on the basis of the Qur'anic verse: "Nothing have We omitted from the Book" (6:38). According to this, they argue that the laws are expressly stated in the original sources and that to disregard this is to transgress the limits set by God. They consider that following the rulings handed down by a given school (*taqlīd*) is prohibited to the

common man, as it is to the scholar, and that every adult Muslim has the responsibility of striving to learn the correct ruling by himself.

It is true to say that many of the principles which are attributed to the leading jurists do deviate from their actual statements and are not corroborated by authentic reports. These baseless principles are then adhered to and defended against any criticism or opposing view. All this gives rise to constant controversy and ultimately detracts attention from the Qur'an and the Sunnah. This is one of the main causes of pernicious controversy which the *a'immah* themselves never intended. Latter-day Muslims have drifted far away from matters of high priority and have become engrossed in trivial matters. This accounts for the low depths to which Muslims have sunk.

Reasons for Differences

DIFFERENCES OF OPINION ON intellectual issues, and – by extension – on juristic ones as well, are natural on account of the inherent disparities in intelligence, understanding, and analytic capacity with which people are created. If we accept that this statement is valid. Then we must also accept that differences of opinion between several Companions during the time of the Prophet and the rightly-guided *Khulafā'* did occur, and these have been well documented. We would be doing a disservice to this religion if we denied this phenomenon. By the same token we do not regard an open discussion of these differences as detracting from the purity of the Islamic message or from the sincere intention of those Companions who had differences. Indeed we can say that in mentioning these differences openly we are in fact testifying to the objective reality and validity of the Islamic religion.

NATURAL DIFFERENCES

Islam treats people on the basis that they are human beings who, because of a variety of factors, are often at variance with the naturally pure state in which they were created. What is comforting to the believer, however, is that the differences of opinion among the Companions did not spring from weakness in belief (*‘aqīdah*) or any skepticism as to the truth of the Prophet’s teachings. Instead, they resulted from a genuine desire to ascertain the truth through patient investigation and discover the purpose of the Lawgiver.

So long as the Prophet was the source of these laws, we find that no disagreement lasted longer than it took to refer it to him. From what we have said above about early Muslim history, we can say that the causes of differences of opinion in most cases hinged on the linguistic and juristic interpretation of Qur'anic texts and the interpretation of the Sunnah of the Prophet. There were certainly no hidden malicious motives behind these differences, much to the disappointment of the hypocrites who were bent on sowing the seeds of discord in the community. This accounts for the ease and the speed with which these differences dissipated as soon as the disputants met the Prophet or as soon as a relevant text was produced by anyone. From the Companions' attitude, we can see the soundness of the saying that one who possesses a sound natural disposition (*fitrah*) supports truth wherever he finds it.

It is to be expected that some differences and the reasons behind them should have been passed on from one age to another – there is no way of restricting these differences to a given period. However, with the rapid spread of Islam after the demise of the Prophet, there surfaced new and more critical issues in the Islamic sphere which have in turn contributed to the spirit of disagreement.

AFTER THE ASSASSINATION OF THE THIRD *KHALĪFAH*

In particular, since the assassination of the third *khalīfah*, 'Uthmān ibn 'Affān, the new regions to which Islam had spread were exposed to violent agitations. This imparted a new and completely alien dimension to the previously staid tradition of differences of opinion. The atmosphere of political agitation and uncertainty impelled people of every city and town to become more protective of whatever knowledge of the Prophet's Sunnah they had. They were wary of attempts to corrupt or fabricate traditions.

The cities of Kufah and Basrah emerged as centers of intellectual activity. They also provided a fertile ground for the exchange of political ideas and the proliferation of various sects such as the Khawārij, the Shia, and the Murji'ah¹ as well as the Mu'tazilah, the Jahmiyyah and other speculative and deviant groups.

At this time, there were as many intellectual and rationalist tendencies as there were groups, with each group formulating its own methods

and principles for interpreting the texts of the Qur'an and the Sunnah and for dealing with new controversies. There was a pressing need to put in place some controls for regulating the situation, for specifying the methodologies that could be used for deriving positive laws from the divine revelation, and for specifying what was allowed and what was not in the conduct of controversies.

Fortunately, the very principle of allowing differences of approach in matters of jurisprudence (*fiqh*) was generally accepted. These were matters of detail and required, to begin with, a highly specialized knowledge of evidence from the Qur'an and Sunnah. The word 'fiqh' literally means understanding. By extension it is used to denote the particular understanding which a jurist or *faqīh* (literally 'one who understands') brings to certain issues. The word *fiqh* also refers to the body of knowledge, rulings, and judgments which comes from a jurist's understanding of issues in the light of clearly defined principles.

On the basis of the knowledge available to him, a jurist may pronounce a judgment which may actually conform to what the Lawgiver intends, or it may not. Whatever the outcome, he is not required to do more than exert the utmost of his intellectual effort to arrive at a judgment. It is likely that his judgment may coincide with the purpose of the Lawgiver or be as close as possible to it in essence, purpose, and effect.

Given this approach, difference of opinion was therefore regarded as legitimate provided it fulfilled two conditions:

1. Each disputant must have evidence or proof (*dalīl*) to authenticate his argument. Failure to provide such evidence would invalidate an argument.
2. The adoption of a divergent opinion should not lead to anything preposterous or false. If the opinion is manifestly false from the beginning, it should be abandoned straight away.

These two conditions illustrate the difference between *ikhtilāf*, which suggests a justifiable difference of opinion, and *khilāf*, which is more akin to discord. *Ikhtilāf* presumes that sincere intellectual effort is exerted to arrive at a judgment; on the whole it represents an objective methodology. *Khilāf* on the other hand departs from one or both

conditions mentioned above. It is a manifestation of impulsiveness and obstinacy. It has no link with objectivity.

The jurists whose schools of thought were variously adopted by the Ummah as a whole adhered steadfastly to the two conditions mentioned above: providing necessary evidence to authenticate an argument and abandoning any position that was patently preposterous. Legal historians are not at all unanimous in specifying the causes of the juristic differences in that period in spite of the vast literature on the theme. The causes, nevertheless, could be attributed to three main factors: linguistic factors, factors pertaining to the transmission of hadith, and factors pertaining to the principles and rules of deduction.

LINGUISTIC CAUSES

A single word in a Qur'anic text or hadith may have several different meanings. The word *ʿayn* for example can mean an organ of sight, running water, pure gold, or a spy. If such a word is used in a context where it is difficult to say precisely what it means, even scholars (*mujtahidūn*) who try hard may give variant meanings of a word or expression which can be sustained by the text. Meanings may also be suggested which are totally at odds with the intended meaning of the word.

A case in point is the disagreement among jurists as to the true meaning of the word *qur'* in the verse: "And divorced women shall undergo, without remarrying, a period of three *qurū'*" (2:228). The word *qur'* (plural: *qurū'*) can either mean menstruation or purity following menstruation. The actual length of the waiting-period can thus vary depending on which meaning is adopted. Some jurists from the Hijaz concluded that the waiting period should be three intervals of purity while jurists from Iraq concluded that it should be calculated on three occurrences of menstruation, which could mean a shorter waiting-period.²

Sometimes an expression can have both a literal and a figurative meaning. There was, however, disagreement among some scholars on whether in fact it was at all appropriate that Qur'anic expressions should have figurative meanings. Most scholars confirmed that it was appropriate while a few, like Abū Ishāq al-Isfarāyīnī and Ibn Taymiyyah, rejected such a possibility.

Those who did not agree that a Qur'anic expression might have figurative connotations argued that such connotations had no real bearing on the original usage of the word. Accordingly, the word 'lion' for example cannot be taken to mean 'a brave man.' They argued that the Qur'anic texts came to clarify laws and not to confuse them, as figurative interpretations would tend to do. Our purpose here is not to debate this issue. The majority of scholars, as we have said, were of the opinion that figurative connotations of Qur'anic texts were admissible. Ibn Qudāmah and other jurists in fact considered the rejection of figurative connotations as a mark of obstinacy.³

Nonetheless scholars, in studying Qur'anic texts, did differ in their understanding of the purpose of the Lawgiver. If a word suggested two interpretations, some scholars opted for the literal meaning and some for a figurative meaning. The word *mīzān* for example literally refers to a scale or an instrument for weighing things. Figuratively, it may have the connotation of 'justice' as in the verse:

And the firmament has He raised high, and He has set up the balance (*mīzān*) in order that you may not transgress the balance. So establish weight with justice and fall not short in the balance. (55:7-9)

In its last occurrence, the word *mīzān* above has the literal meaning of a scale used to weigh goods. In its first and second occurrences the word *mīzān* may signify 'justice' (*‘adl*) or balance,⁴ as in the following verse as well:

We have sent Our Messengers with all evidence of this truth and through them We bestowed revelation from on high and the balance (*mīzān*) so that mankind might behave with equity. (57:25)

Figurative speech is also to be found in the overall context of a Qur'anic passage as in the verse: "Children of Adam! We have sent down (*anzalnā*) on you clothes to cover your nakedness, and a thing of beauty" (7:26). The word *anzalnā* literally means "We have sent down". Of course clothes were not "sent down" from the skies as clothes. A literal understanding of *anzalnā* is therefore inadmissible.

Anzalnā may instead be taken to mean “We have bestowed the knowledge of making or using.” This meaning would fit other occurrences of the verb *anzala* in the Qur’an as when God said that “He bestowed the knowledge of making or using (*anzala*) iron” (57:25). We cannot translate this literally as “And God sent down iron.”

Another possible explanation of God “sending down clothes” is that God sent down the rain and caused plants to grow. He also created animals with wool, fur, and hair, and from these we make clothes. Hence the verse may refer to the finished product as a manifestation of God’s bounty rather than the original water which He sent down and which is described elsewhere in the Qur’an as the source of every living thing.

Apart from the meanings of individual words, linguistic difficulties arose over questions of grammar. It is common knowledge that a direct imperative of a verb, for example “Do!”, often indicates a command to fulfill an obligation; the negative imperative (“Don’t do!”) indicates prohibition. These imperative forms, however, are not always used in this absolute sense.

The direct imperative form of a verb may be used, for example, to indicate a commendable course of action, offer guidance, give a warning, or convey some news. The command to “write out a deed of freedom” (24:33) for any enslaved person requesting such a deed is taken by scholars either as an absolute command which has the aim of the abolition of slavery as a social institution or as indicating a commendable course of action. The command to the believers who give or take credit to “set it down in writing” (2:282) is regarded as offering guidance and advice. The command addressed to those who deliberately turn away from the Prophet’s message to “Do what you will” (41:5) is generally regarded as a warning against the consequences of obstinacy.⁵

Apart from direct prohibition, the negative imperative may be used to encourage abstinence from acts which are improper or disliked, to offer guidance, or to convey some news. When God says: “So turn not your eyes [longingly] towards the worldly benefits which We have granted to some of those [that deny the truth]” (15:88), the negative imperative “turn not your eyes” is taken to encourage abstinence from a potentially distressing attitude. And when God commands the believers: “Do not ask about matters which, if they were to be made manifest to

you (in terms of law), might cause you hardship” (5:101), this is taken as offering guidance in avoiding undesirable curiosity.⁶

The varying ways of interpreting both positive and negative commands have contributed to differences among jurists in their approaches and in their methods of deriving laws from the texts of the Qur’an. Sometimes scholars may be at variance on the contextual use of words, even if they fully agree upon the meaning of the words. A case in point is the differences over the Qur’anic verse (2:282) which deals with the role of the scribe and the witness in the recording of business transactions.

One interpretation, based on the reading of Ibn ‘Abbās, gives the meaning of the verse as: “And let neither scribe nor witness cause harm.” This interpretation takes the verb as being grammatically in the active voice: the scribe is taken to be guilty of writing something different from what had been dictated to him, and the witness guilty of giving false testimony.

Another interpretation, based on a reading of Ibn Mas‘ūd, gives the meaning of the verse as: “And let neither scribe nor witness suffer harm.” This interpretation takes the verb to be grammatically in the passive voice: both the scribe and the witness might have harm done to them if they were forced to write or testify at a time when it was not convenient for them to do so. Harm could also come to a scribe and a witness, for example, by being held responsible for the eventual consequences of the contract as such, or for the nonfulfillment of any of its provisions by either of the contracting parties.⁷

Those who are interested in investigating such causes for differences in opinion will find many examples in individual words and in grammatical constructions. According to these differences, a text may be regarded, for example, as either general or specific, absolute or limited, summing up or clarifying. Our brief treatment of the subject here may encourage the reader to study these fascinating linguistic roots of juristic differences in the specialized works available.⁸

DIFFERENCES OVER HADITH

Most of the juristic differences among the early scholars can be traced back to the narration of sayings attributed to the Prophet.

Sometimes a hadith never reached a certain scholar and so he might formulate his judgment according to the explicit meaning of a Qur'anic text or another hadith available to him. Alternatively, he might resort to *qiyās* from a relevant judgment made by the Prophet, or he would have recourse to the presumed continuation (*istiṣhāb*) of a law not known to have been revoked where the circumstances were analogous. Or, he might base his judgment on the principle of not burdening people with obligations when there is no textual evidence to warrant it, or on some other accepted principle of reaching a judgment through *ijtihad*.

Sometimes in actual fact, a different hadith from that available to one scholar would reach another scholar, and this would result in different judgments on the same issue.

At other times, a jurist may receive a hadith which he considers to be defective, thus preventing him from using it for making a legal ruling. The following are some possibilities in this regard:

1. The chain of narration (*isnād*) going back to the Prophet may not be sound and may include a narrator who is obscure or untrustworthy, or whose memory is weak or defective.
2. The *isnād* may be 'interrupted', that is to say the narrator did not cite the first authority who had heard the hadith from the Prophet.
3. The jurist, especially in the case of a hadith reported by a single narrator, may impose certain conditions for the probity of a narrator which others do not impose. His conclusions and his judgments on these particular issues may therefore differ from those of others.

The conclusions and judgments of scholars also differed according to their individual conceptions and definitions of the actual text and implications of certain hadith. For example, they differed on the meaning of certain technical terms in some hadith – terms such as: *al-muzābanah*,⁹ *al-mukhābarah*,¹⁰ *al-muḥāqalah*,¹¹ *al-mulāmasah*,¹² *al-munābadhah*,¹³ and *al-gharar*.¹⁴

Occasionally, there might be textual variations in versions of the same hadith to the extent that a key word might be missing from one text, or the entire meaning of the hadith might change because of this missing word. Furthermore, some scholars might receive a hadith which had a consistent internal meaning whereby it was possible to get

a good understanding of its intended sense. Others were not so fortunate and their understanding of the hadith would be at variance with the intended sense.

Differences of opinion would also occur when one narrator heard only part of a hadith while another heard it in its entirety. The original text of a hadith might also be changed through misspelling, misrepresentation, or interpolation during the course of transcription – thus resulting in divergent conclusions and judgments. A jurist might also consider a hadith to be sound but at variance with another which he regards as more reliable. He would naturally go by the latter. In another situation, it might not be clear to him which of two pieces of evidence is more reliable and he would refrain from using either until such time as he attains independent confirmation.

A certain jurist might come across information which abrogates a hadith or makes it more specific or limited in scope. Another would not have the benefit of such information and this would of course result in differences in their schools of thought.¹⁵

DIFFERENCES OVER JURISTIC METHODS

This is the third major factor in explaining the emergence of differences of opinion.

Uṣūl al-fiqh (sources and principles of jurisprudence) may be defined as the science which embodies knowledge of the proofs or evidences (*adillah*; singular: *dalīl*) on which jurisprudence is founded, the methodology of making deductions from this knowledge, and the subject to which the law applies. All the principles and rules formulated by scholars for regulating the process of *ijtihād* and deriving subsidiary laws of the Shari‘ah form part of the science of *uṣūl al-fiqh*. In their various methodologies, jurists specified the basic principles which they used for formulating laws and they gave the proofs (*hujjiyyah*) for these laws. They elaborated all the steps they took from the beginning to arrive at a legal ruling.

The scholars of various schools of thought differed in the principles and rules they used. Some, for example, admitted the rulings of Companions of the Prophet as a sound basis for making a judgment on the grounds that a Companion of the Prophet, because of his moral

probity, would only give a verdict on the basis of proper evidence, or proper understanding of the evidence, or on the basis of having heard a relevant statement directly from the Prophet which they were unaware of. Others did not place such a great reliance on the rulings of the Companions, choosing to go by only what the Companions reported directly from the Prophet and not their interpretations, impressions, or actions.

Some scholars adopted the principle of *al-maṣāliḥ al-mursalah* (public interest) which is neither commanded nor prohibited in any primary source but is based on the conviction that all the laws of the Shari‘ah are intended for realizing the welfare or the good of mankind. Others did not take this principle as a valid source of law, and this led to actual differences in formulating laws.

There are many other principles of this kind on which the scholars were at variance. They differed over the admissibility of using the principles of “blocking the means to wrongdoing” (*sadd al-dharā’i‘*); “juristic preference” (*istiḥsān*); “presumption of continuity” (*istiṣḥāb*); “adopting the more cautious” (*al-akhdh bi al-aḥwat*); “adopting the more lenient” (*al-akhdh bi al-akhaff*); “adopting the more severe” (*al-akhdh bi al-athqal*); “customary law” (*al-‘urf*); and “local custom” (*al-‘ādah*). They also differed on the implications of primary texts, the methods of arriving at these implications, and what could justifiably be supported from these texts. In this way, there arose many differences in the field of subsidiary laws.

This is a brief outline of the most important causes for juristic differences. Those who are interested in further research or in finding relevant examples to clarify the various points of difference may draw upon available works, both classical and modern, which deal with these issues.¹⁶

Knowledge and Refinement

TRAINING AND MANNERS OF THE A'IMMAH

LIKE THE COMPANIONS OF THE first generation and their immediate successors – the *Tābī'ūn* – the leading scholars of the second and third centuries had many differences on issues which required *ijtihad*. Since their differences were not motivated by any form of egoism or desire to create discord, one can venture to say that they were all on the right path. It is perhaps no exaggeration to say also that these scholars were singularly dedicated to the pursuit of truth and to attaining the pleasure of God. They were highly trained and qualified, and this is why their verdicts were accommodated by scholars of all ages. It was common practice among them to endorse the judgments of those who passed sound verdicts irrespective of the schools of law they belonged to and to ask God's forgiveness for those who seemed to have erred. They had a high mutual regard for one another.

When faced with a difficult issue, some jurists would consult the literature of another school without any hesitation or embarrassment, even though they might not agree on the type of evidence used. They of course felt free to consult any substantiated text. Having arrived at their verdicts, they would issue them with such concluding phrases as “this is more cautious,” “this is preferable,” “this is how it should be,” “I dislike this,” or “this does not appeal to me.” They did not feel impeded by any unwarranted restrictions or any fear of unfounded accusations. They were easy-going and open-minded, and their concern was to facilitate matters for people.

Among the Companions of the Prophet, their Successors, and the leading scholars after them, there were several differences relating, for example, to the preparation for and the performance of salah. Some recited the *Basmalah* at the beginning of *Sūrat al-Fātiḥah* and others did not. Some uttered it aloud and others did not. Some recited the *Qunūt* supplication as part of the *Ṣalāt al-Fajr* (Dawn Prayer) while others did not. Some renewed their *wuḍū'* (ablution) after nose-bleeding, vomiting, and cupping while others did not. Some considered that any physical contact with women nullified *wuḍū'* while others did not. Some renewed their *wuḍū'* after eating camel meat or food cooked on a direct fire while others saw no need for that.

These differences never prevented them from performing salah behind each other. Abū Ḥanīfah and his followers, as well as al-Shāfi'ī and other leading scholars, performed salah behind the *a'immaḥ* of Madinah from the Mālikī school and others as well, although these *a'immaḥ* did not recite the *Basmalah*, whether silently or audibly. It was reported that Abū Yūsuf, a leading scholar of the Ḥanafī school, performed salah behind al-Rashīd. Abū Yūsuf found later that al-Rashīd had been cupped. He did not repeat the salah, although he was of the opinion that cupping nullifies ablution.

Aḥmad ibn Ḥanbal believed that nose-bleeding and cupping nullified ablution. He was asked if people could perform salah behind an imam who did not renew his ablution after bleeding. He replied: "How could I not pray behind Mālik and Sa'īd ibn al-Musayyib?"

According to al-Shāfi'ī, the *qunūt* supplication is a firm practice of the Prophet. Yet he is reported to have performed *Ṣalāt al-Fajr* near the grave of Abū Ḥanīfah but did not make the *qunūt* supplication. When asked about this, al-Shāfi'ī replied: "How can I deviate from him while I am in his presence?" He is also reported to have said: "Perhaps, we have inclined to the school of thought (*madhhab*) of the people of Iraq."¹

Mālik was the most knowledgeable scholar of hadith transmitted by the people of Madinah and the most accurate in dealing with chains of transmitters (*isnād*). He was also the one most acquainted with the practices of 'Umar ibn al-Khaṭṭāb and the sayings of 'Abd Allāh ibn 'Umar, 'Ā'ishah, and the seven prominent jurists among the Companions of the Prophet. He was one of the pioneers in establishing the

science of hadith reporting and making juristic verdicts. The hadith which he collected and the verdicts he made are contained in his book *Al-Muwattaʿa*, in which he compiled the reliable *aḥādīth* known to the people of the Hijaz, the sayings of the Companions, and the verdicts of the second generation of Muslims which he verified. The chapters of the book are classified in accordance with the branches of jurisprudence with considerable scholarship.

Al-Muwattaʿa is the fruit of forty years of scholarly effort. It was the first book on hadith and jurisprudence which appeared in the history of Islam. Its contents were validated by seventy contemporary scholars from the Hijaz. Nonetheless, when the *khalīfah* al-Manṣūr wanted to have several copies made and distributed to the new Muslim regions with the intention of getting people to follow its line and thus put an end to differences and dissension, Mālik was the first to reject this suggestion. He is reported to have said to al-Manṣūr:

“Don’t do this. People [in various parts of the Muslim lands] already possess a body of knowledge based on reports they have received and sayings of the Prophet they have heard prior to this. Each group of people acts according to what came to it first, and so there are variations in people’s practices. Leave the people of each region to follow what they themselves choose.”

The *khalīfah* acquiesced in Mālik’s wish and prayed that God should grant him success.²

Mālik’s advice to the *khalīfah* and his refusal to have *al-Muwattaʿa* – a book he had worked on so scrupulously and for so long – officially prescribed as the standard text of hadith and jurisprudence leave us in no doubt about his breadth of understanding and open-mindedness as well as his complete lack of egoism. He was able to see the limits and dangers of authoritarian rule.

AL-LAYTH’S LETTER TO MĀLIK

Perhaps one of the best practical examples of the ethics and norms of disagreement was the letter sent to Mālik by al-Layth ibn Saʿd, the

leading scholar and jurist in Egypt at the time. The letter, in which al-Layth gave his views on the various issues on which he differed with Mālik, was a hallmark of knowledge and gracefulness. The letter is too long to quote in full, but here are a few excerpts to illustrate its content and tone:

From your letter which I have received, I am pleased to know that you are in good health. May God make your health last and enable you to show gratitude to Him. May He shower more of His abundant goodness on you ...

You have been informed that I make juristic rulings for people which are at variance with the practice of the people of Madinah. You pointed out that I should fear for my own soul about the verdicts I make for the people here and also that they should follow the practice of the people of Madinah, to which the Prophet migrated and in which the Qur'an was revealed. What you have written in this respect, God willing, is right and I trust that my response to your comments will please you.

Among those who are blessed with knowledge, there is no one who dislikes odd or contrary verdicts more than I, or who has a greater preference for the past scholars of Madinah, or who adopts more readily the verdicts on which they are unanimous. Praise and gratitude are due to God, the Lord and Sustainer of the worlds. No associate has He.

Al-Layth ibn Sa'ad goes on to state the differences of opinion between him and Mālik over the authority of the practice of the people of Madinah. He points out that many of the early Companions of the Prophet who were brought up under his guidance and instruction had disseminated the teachings of the Qur'an and the Sunnah through various lands as far as they could. He also pointed out that the followers of the second generation had their differences of opinion about many issues. By way of example, he mentions Rabi'ah ibn Abi 'Abd al-Rahmān, but states his disagreement with him on certain matters. Then he says:

In spite of this, praise be to God, Rabīʿah was a person who possessed abundant goodness. He had an original mind and an eloquent tongue. He was a man of obvious grace and good manners, and had a genuine love for his fellow Muslims in general and for us in particular. May God grant him His mercy and forgiveness and the best recompense for his deeds.

Next, Ibn Saʿd mentions some of the issues over which he and Mālik were at variance, for example: combining *Ṣalāt al-Maghrib* and *al-ʿIshāʾ* on a rainy night; passing judgment on the evidence of a single witness; paying the delayed portion of a dowry only in the event of a divorce; performing the Prayer for Rain (*Ṣalāt al-Istisqāʾ*) before delivering the *khutbah* (sermon). Ibn Saʿd concludes his letter by saying:

I have omitted many issues apart from these. I pray that God grants you success and long life because of what I hope people will benefit thereby and because of what I fear they will lose with the passing away of one such as you. Let me assure you of my feeling of nearness to you in spite of the distance that separates us. This is the position of esteem in which I hold you. Do not stop writing to me with news of yourself, your children and family, or if there is anything you want me to do for you personally or for anyone for whom you have a special concern. I would be most pleased to do any service in this regard. At the time of writing this letter, we are in good health, praise be to God. We ask God to enable us to thank Him for what He has favored us with and to continue to bestow His favors on us. May the peace and mercy of God be on you.³

There are many discussions and debates recorded in biographical works and historical writings which display great erudition and precision and which are filled with glowing examples of the proper ethics and norms of disagreement. This spirit of enlightened discourse suffered only with the emergence and spread of rigid imitation (*taqlīd*). This meant that people followed the rulings and practices of a particular school of thought to the exclusion of all others, and even regarded others as deficient or misguided. The result was a hardening of attitudes

and positions among scholars and a certain rigidity towards knowledge itself. This was especially true after the passing away of reputable scholars, of whom al-Ghazālī has said:

Some of the remaining scholars of the second generation continued to uphold the exemplary pattern set up by their predecessors. They adhered steadfastly to the purity of Islam and the established practice of the early righteous scholars. They shunned close contact with those in political authority and refused to be compromised.

The *khulafā'* out of necessity insisted on appointing them as judges and governors, but when they failed to enlist their approval there were worldly, self-seeking opportunists ready to take the place of the pious and the righteous. In this respect, al-Ghazālī says:

People of this ilk saw the dignified and honored status of the scholars and the fact that, despite their reluctance and refusal, they were offered positions as *a'immah* and governors. These self-seeking people proceeded to acquire knowledge to fulfill their desire for scholarly repute and positions of honor. They engaged in the study of jurisprudence. They presented themselves to governors and sought their friendship and patronage. Some of them were successful, but none could claim to be free from the degradation and humiliation of pleading for material favors and official ranks. Jurists who were once sought by persons in authority thus became the seekers of patronage and status. They had maintained their integrity and honor through their refusal to bow to persons in authority. Now they were compromised and humiliated by ingratiating themselves with rulers. This is apart from those scholars of God's religion whom the Almighty has blessed with success in every age.⁴

Al-Ghazālī has thus depicted the actual situation of scholars who had become infatuated with the quest for the material world and for whom religion was the only way to reach the gates of princely patronage. In this desire to attain the love of rulers, knowledge was devalued. Mālik used to say:

Do not acquire this knowledge [of religion] from four types of people: the foolish and the incompetent; the self-seeking opportunists who seek to propagate their own innovations; the liars who falsify people's reports even if they do not do so using the sayings of the Prophet; and those who are known for their goodness, righteousness, and regular performance of worship but who are ignorant of the basis of what they practice and speak about.⁵

He also said:

This knowledge is religion itself. Be careful from whom you acquire your religion. I know of seventy people who, while pointing to the Prophet's mosque, would say: "The Messenger of God, may God bless him and grant him peace, said while at these very columns....," but I have never believed anything they said. They were people who would prove to be honest if they were to be entrusted with the public treasury, but when it comes to academic honesty they would fail to live up to that expectation. Thus we avoided consulting these people until Ibn Shihāb came to us and we started to crowd at his door seeking reliable knowledge.⁶

It was unlikely that great disagreements would have occurred amongst people who had these merits and characteristics as those of Ibn Shihāb. Even if difference did occur, they only resulted from the individual's pursuit of the truth for the truth's sake, and not from any egoistical ends. In order to appreciate the standard of ethics and the norms of behavior which the early righteous scholars practiced in dealing with differences, let us look at a few examples of exemplary conduct which they set.

ABŪ ḤANĪFAH AND MĀLIK

We have already alluded to the major difference between the leading scholars, Abū Ḥanīfah and Mālik, and their basic variations in approach when tackling new issues. There was also a marked difference in age between the two men, but all this did not tarnish their mutual respect and fellowship. The famous Qāḍī 'Iyāḍ, in his book *Al-Madārik*,

recorded that al-Layth ibn Saʿd met Mālik in Madinah as he was coming out of a meeting with Abū Ḥanīfah:

“I see that your forehead is bathed in perspiration,” said al-Layth. “I sweated in my meeting with Abū Ḥanīfah. He is really a jurist (*faqīh*), O Egyptian!” said Mālik. Later, al-Layth met Abū Ḥanīfah and said to him: “How excellent are the remarks of this man (Mālik) concerning you!” “I have not met anyone more quick-witted and truly perceptive than he,” acknowledged Abū Ḥanīfah in return.⁷

MUḤAMMAD IBN AL-ḤASAN AND MĀLIK

Muḥammad ibn al-Ḥasan was a very close and prominent colleague of Abū Ḥanīfah and was the one who kept record of his judgments. He left his home and went to live for three years with Imam Mālik, during which he studied *al-Muwattaʿa* directly from him. One day the two distinguished scholars Muḥammad ibn al-Ḥasan and al-Shāfiʿī were conferring. Muḥammad ibn al-Ḥasan ventured to say:

“Our colleague [meaning Abū Ḥanīfah] is more knowledgeable than yours [meaning Mālik]. Moreover,” he added as if to provoke al-Shāfiʿī, “it is not befitting that Abū Ḥanīfah should remain silent while Mālik speaks.” Imam al-Shāfiʿī replied: “Tell me in all honesty, who is more knowledgeable about the Sunnah of the Prophet, peace be on him – Mālik or Abū Ḥanīfah?” “Mālik,” replied Muḥammad ibn al-Ḥasan, and went on to add, “But our colleague [Abū Ḥanīfah] is more informed and skilled in analogy.” Al-Shāfiʿī conceded that this was so and went on: “Mālik is more knowledgeable in the Book of God than Abū Ḥanīfah. So whoever is more knowledgeable in the Book of God and in the Sunnah of His Messenger has priority to speak.” Muḥammad ibn al-Ḥasan could not say anything more.⁸

AL-SHĀFIʿĪ AND MUḤAMMAD IBN AL-ḤASAN

Al-Shāfiʿī said: “One day I was having a discussion with Muḥammad ibn al-Ḥasan. There was so much talk and disagreement between us that I noticed Ibn al-Ḥasan’s jugular vein swelling up due to rage and

fury.”⁹ Nonetheless, Muḥammad ibn al-Ḥasan said: “If there is any person who disagrees with us and yet is able to convince us of his position, it is al-Shāfi‘ī.” When he was asked why this was so, he replied: “Because of his clarity of mind and exposition, and his certainty in knowledge which shows itself quite clearly in the process of questioning, answering, and listening.”¹⁰

These are some examples of the ethics and norms of proper behavior in disagreement as demonstrated by the leading scholars. From these examples, we can see that the successors of the second generation followed the exemplary patterns set by their righteous forbears. They all drank deeply from the source of prophetic guidance and example. The good conduct of our righteous forbears was not only confined to avoiding defamation and slander, for their overriding concern was for precision and certitude in all their intellectual pursuits. They therefore also steered away from matters about which they had no knowledge and were extremely careful in making juristic rulings lest they should err. Such features of their conduct are evident in a statement made by ‘Abd al-Raḥmān ibn Abī Laylā, who said:

In this mosque [the Prophet’s mosque in Madinah], I knew one hundred and twenty of the Companions of the Prophet. There is not anyone among them who, if asked about a saying of the Prophet or to give a ruling on an issue, would not wish that some other Companion would reply instead.

In another version he is reported to have said:

People would present an issue to one of the Companions. This Companion would refrain from passing judgment and would refer the questioner to another Companion. The process would go on until the issue would be referred back to the Companion who had been consulted first.¹¹

Muslim scholars in these early times had raised themselves above emotional impulses when issues of knowledge were concerned and were willing to admit any deficiency on their part and defer to others.

They would be very circumspect when faced with a critical issue lest they give an erroneous and potentially harmful judgment. A case in point is that of a man who was sent by his people to ask Mālik about a particular issue. It took the man six months to reach Mālik. When the issue was put to Mālik, he said to the man: "Tell those who sent you that I have no knowledge about this matter." "Who then knows about it?" asked the man. "The one whom Allah has endowed with knowledge," said Mālik and quoted the verse of the Qur'an in which the angels, when asked by God to tell Adam about the nature of all things, said: "Glory be to You. Of knowledge we have none except what You have taught us" (2:32).

It is related that on another occasion Mālik was asked about forty-eight issues. To thirty-two of these, his reply was: "I do not know." Also, Khālid ibn Khaddāsh reported: "I came to Mālik from Iraq to ask his opinion on forty issues, and he only answered five of these." Ibn ʿAjlān used to say: "If a learned man failed to understand the wisdom of the saying 'I do not know,' his judgment would be erroneous."

Mālik himself used to quote the saying: "A learned man should instill into his students the habit of saying 'I do not know' so that this habit should become a principle to which they should resort. In this vein, if someone is asked about something he does not know, he should say: 'I do not know.'" And Abū al-Dardā', the Companion of the Prophet, is reliably reported as having said: "[To say] 'I do not know' is half of knowledge."

MĀLIK AND IBN ʿUYAYNAH

Sufyān Ibn ʿUyaynah¹² was a close associate of Imam Mālik. Al-Shāfiʿī said that "Were it not for both of them, knowledge in the Hijaz would have disappeared."¹³ Ibn ʿUyaynah, however, was inclined to defer to Mālik. It is related that once he mentioned a hadith and was afterwards told that Mālik differed with him on the hadith. "Do you compare me with Mālik?" retorted Ibn ʿUyaynah. "My status compared to Mālik's is, as the poet Jarīr says, like the strength of a suckling camel when compared to that of a grown-up one."

Ibn ʿUyaynah related a hadith of the Prophet: "People might travel to the farthest corners of the earth in search of knowledge, but they

will not find anyone more knowledgeable than the learned man of Madinah.” When asked who was alluded to in this hadith, Ibn Sufyān said it was Mālik ibn Anas and added:

He [Mālik] never reported any unreliable hadith; he never accepted any hadith from anyone whose trustworthiness and reliability were not beyond question. I have a feeling that Madinah will come to ruin after the death of Mālik ibn Anas.¹⁴

MĀLIK AND AL-SHĀFI‘Ī

Al-Shāfi‘ī said:

Mālik ibn Anas is my teacher. I derive knowledge from him. When people mention scholars, Mālik stands out as a star. There is no one that I trust more wholeheartedly than Mālik ibn Anas.¹⁵

He also used to say: “If a hadith is reported by Mālik, its reliability should be readily accepted because if he had any doubt about any hadith he would disregard it completely.”¹⁶

AḤMAD IBN ḤANBAL AND MĀLIK

Abū Zar‘ah al-Dimashqī said:

I heard someone asking Aḥmad ibn Ḥanbal about his stand when faced with a hadith over whose transmission Sufyān and Mālik disagreed. Ibn Ḥanbal replied: “Mālik is dearer to me.” He was then asked, “What if al-Awzā‘ī and Mālik were in disagreement?” Ibn Ḥanbal replied, “Mālik is preferable in my opinion, although [I regard] al-Awzā‘ī as one of the leading scholars.” Ibn Ḥanbal was then asked about Ibrāhīm al-Nakha‘ī without comparing him with Mālik, since al-Nakha‘ī was not one of the experts on hadith (*ahl al-ḥadīth*). Ibn Ḥanbal replied: “Al-Nakha‘ī has to be placed among his contemporaries.” Then he was asked for his advice about a man who wanted to learn by heart a hadith transmitted by a single individual. He replied: “Let him learn the hadith reported by Mālik.”

OPINIONS ON ABŪ ḤANĪFAH

Shu‘bah ibn al-Ḥajjāj¹⁷ was a leading authority on hadith while Abū Ḥanīfah, as we have already seen, belonged to the school of reasoning (*ahl al-ra’y*). Despite the differences in their methodologies, Shu‘bah had a high regard for Abū Ḥanīfah. There was a bond of genuine affection between them and they corresponded with each other. Shu‘bah used to authenticate Abū Ḥanīfah’s works and request him to speak. When the news of Abū Ḥanīfah’s death reached him, he said: “Gone with him is the jurisprudence of Kufah. May God bestow His mercy on him and on us.”¹⁸

When someone asked Yahyā ibn Sa‘īd al-Qaṭṭān about Abū Ḥanīfah, he said: “Conscious of God, he only recommends and extols that knowledge with which God Almighty has endowed him. As for myself, by God whenever I deem any of his pronouncements to be preferable, I adopt them.”

This shows that divergence in views did not prevent these scholars from accepting what they perceived to be good from one another. In addition, each would mention the virtues and merits of the other and acknowledge their ideas when they quoted them in support of their own arguments.

There are many accounts which tell of the high esteem in which ‘Abd Allāh ibn al-Mubārak held Abū Ḥanīfah. He always spoke of him in a favorable manner and attested to his integrity. He often quoted him and praised him. He would not allow anyone to disparage him in his own mosque. One day someone in his circle of students tried to sneer at Abū Ḥanīfah. Ibn al-Mubārak said to him: “Be quiet! By God, if you had met Abū Ḥanīfah you would have seen the strength of his intellect and his nobility.”

Al-Shāfi‘ī is reported to have said that he heard Mālik being asked about ‘Uthmān al-Battī. Mālik replied: “He was a man of average ability.” Then he was asked about Ibn Abī Shabramah, and he again said: “He was a man of average ability.” Then he was asked about Abū Ḥanīfah, and he replied: “If he came to the brick walls of this mosque and argued with you, saying that they were made of wood, you would really believe that they were wood.”¹⁹ This was a pointer to Abū Ḥanīfah’s skill in analogical deduction. Al-Shāfi‘ī’s most frequently quoted

comment on Abū Ḥanīfah was: “Regarding jurisprudence, people are like dependent children before Abū Ḥanīfah.”²⁰

In the study sessions and seminars conducted by these scholars, only the good and the beneficial were mentioned. If anyone tried to disregard or contravene the conventions of proper ethics and behavior in which they were conducted, that person would be immediately corrected. He would not be given any chance to slander or sneer at anyone. Al-Faḍl ibn Mūsā al-Sīnani²¹ was asked to comment on those who scornfully attacked Abū Ḥanīfah. He said:

Abū Ḥanīfah confronted such people with knowledge they could grasp and also with knowledge that they were intellectually not able to grasp. He left them nothing that they could stand on, and they resented him for this.²²

These are some of the reports and comments which have been made by leading scholars of hadith who used to differ with most of Abū Ḥanīfah’s interpretations and conclusions. However, their differences with him did not prevent them from extolling his virtues and merits, for they were confident that these differences were not motivated by any egoism or arrogance on his part but by the mutual pursuit of truth. Were it not for these high ethical standards and refined manners, a great deal of the jurisprudence of our early and respected scholars would have fallen into oblivion or been cast aside. These scholars came to the defense of other scholars only because they knew that their responsibility was to safeguard Islamic jurisprudence, which is indispensable for the moral protection and well-being of the Muslim Ummah.

OPINIONS ON AL-SHĀFI‘Ī

Ibn ‘Uyaynah was a distinguished scholar and one who was held in high esteem. Yet when people came to him for an explanation of some point in the Qur’an or for a judicial ruling, he would refer them to al-Shāfi‘ī with the words: “Ask this person.” Often, on seeing al-Shāfi‘ī he would say: “This is the best young man of his time.” And when he heard of the death of al-Shāfi‘ī, he said: “If Muḥammad ibn Idrīs has died, then the best man of his time has died.”

Yaḥyā ibn Saʿīd al-Qaṭṭān used to say: “I pray to God for al-Shāfiʿī even in my salah.” ʿAbd Allāh ibn ʿAbd al-Ḥakam and his son Muḥammad were followers of the Mālikī school of thought, but the father advised the son to remain close to al-Shāfiʿī because he had not seen anyone who had “more insight into the principles of knowledge or jurisprudence.”

It seems that Muḥammad acted on his father’s advice because he is reported to have said: “Had it not been for al-Shāfiʿī, I would not have known how to reply to anyone’s argument. Through him I have learnt whatever I have. He is the one, may God bless him, who instructed me in analogical reasoning and he was an upholder of the Sunnah and established practice. He was a good and virtuous person. He had an eloquent tongue and a firm, exacting intellect.”²³

AḤMAD AND AL-SHĀFIʿĪ

ʿAbd Allāh, the son of Imam Aḥmad ibn Ḥanbal, once asked his father:

“What sort of person was al-Shāfiʿī? I hear you frequently praying for him.” “Al-Shāfiʿī, may God bless him,” said his father, “was like the sun to the world, and like good health to people. Can you think of any substitute or compensation for these two vital necessities?”

Ṣāliḥ, another son of Aḥmad ibn Ḥanbal, was met by Yaḥyā ibn Muʿīn who asked him:

“Isn’t your father ashamed of what he is doing?” “What is he doing?” asked Ṣāliḥ. “I saw him with al-Shāfiʿī” said Yaḥyā. “Al-Shāfiʿī was riding and he was on foot holding the rein of al-Shāfiʿī’s mount.” Ṣāliḥ later related this to his father who said: “If you see him again, tell him that I say that if he wishes to gain true knowledge and understanding, let him come and take hold of the other side of the reins of al-Shāfiʿī’s mount.”²⁴

Abū Ḥumayd ibn Aḥmad al-Baṣrī reported that he was one day discussing a certain issue with Aḥmad ibn Ḥanbal. A man from the audience told Ibn Ḥanbal that there was no authentic hadith on that

issue. “If there is no authentic hadith on this issue, there is al-Shāfi‘ī’s pronouncement on it, and the proofs he has used are the most reliable on this issue,” replied Ibn Ḥanbal, thus demonstrating his confidence in al-Shāfi‘ī’s scholarship. He later asked al-Shāfi‘ī for his ruling on a certain matter which the latter gave. Aḥmad then asked him: “On what basis have you pronounced this ruling? Is there a hadith or written document on it?” Al-Shāfi‘ī replied that there was and he produced a relevant authentic hadith of the Prophet.²⁵ Aḥmad ibn Ḥanbal is also reported to have said: “If I were asked a question on which I do not know a relevant saying (*khābar*), I would say: ‘Al-Shāfi‘ī says...,’ because he is an imam and a scholar from the Quraysh.”²⁶

Dāwūd ibn ‘Alī al-Iṣbahānī reported that he heard Iṣḥāq ibn Rāhawayh say: “Aḥmad ibn Ḥanbal met me in Makkah and said to me: ‘Come with me and let me introduce you to a man the like of whom you have never seen,’ and he showed me al-Shāfi‘ī.” Such was the high esteem in which Aḥmad ibn Ḥanbal held al-Shāfi‘ī. It is not strange for a student to be fond of and grateful to his teacher. But al-Shāfi‘ī himself in return acknowledged his student’s excellence and his knowledge of the Sunnah by saying to him: “You are more knowledgeable in hadith and in the biography of hadith narrators than I. If you hear of any authentic hadith, let me know whether it is related in Kufah, Basrah, or Syria. I will refer to it if it proves to be authentic.”²⁷

Al-Shāfi‘ī had such a high regard for Ibn Ḥanbal that he would not mention his name but would refer to him as “the reliable and trustworthy one” among his colleagues.²⁸

These are just glimpses²⁹ which clearly show the high standards of ethics and behavior practiced by the eminent scholars of early times. These high standards were not affected by differences in approach and methodologies. These righteous forbears of ours were brought up into and guided by the teachings and exemplary patterns set by the noble Prophet. Selfish motives and impulses did not get the better of them in their rigorous pursuit of knowledge. Biographies and history books are replete with instances of scholarly interaction conducted in an intellectually exacting but highly refined and gracious manner according to the best traditions of Islam. This is an object lesson for us today, fragmented and disparate as we are. We need to return to this level of consciousness and refined and gracious behavior which our noble ancestors have

demonstrated. This must be done if we are indeed serious in striving to reconstruct a truly Islamic pattern of life.

Admittedly, there were instances in which these lofty Islamic standards were not observed. But the responsibility for this failure lies with unthinking followers or recalcitrant individuals who became steeped in bigotry and fanaticism. These individuals or groups failed to perceive the true 'scientific' spirit in scholarly interaction which accounted for the differences among jurists. Nor did they have any insight into the sublime norms of proper *ādāb* which emanate from pure intentions, a genuine search for truth, and a desire to ascertain the purpose of the Lawgiver. They were, it seems, the type of people about whom al-Ghazālī said:

The jurists have become seekers [of favor and status] after they were once sought [for their knowledge and integrity]. They were highly respected when they shunned the blandishments of those in political authority, but they have now become disgraced by succumbing to them.

The one who is sought for his knowledge and integrity is the one who is free and is a master of himself; he does not deviate from the truth. The one who is a seeker of favor and status sells himself and is only concerned with pleasing his master.

Unthinking followers and self-seeking individuals set differences of opinion into a totally negative mold. Differences of opinion among genuine scholars were, to begin with, a source of blessing which helped develop Islamic jurisprudence, establish the relevance of Islam to changing circumstances, and safeguard public welfare. Later, differences of opinion became one of the most critical and dangerous factors contributing to disunity and internecine strife among Muslims. Indeed it became a scourge which dissipated much of the energies and potential of the Muslim Ummah; it caused people to become engrossed in matters which did not deserve the attention given to them.

After the Illustrious Age

ANALYTICAL THOUGHT (ijtihād) in jurisprudence came to an end in the fourth century of the Muslim era, while blind imitation (*taqlīd*) began to flourish.

The first and second centuries did not witness any such practice as passing judgments either on the basis of unsubstantiated utterances or on the accounts and conclusions of one scholar to the exclusion of others. During the third century, analytical thought was still very vigorous. Some scholars might have relied upon the rules, principles, and methods of deduction handed down by their predecessors, but they never clung blindly to their pronouncements and conclusions.

People in the fourth century may be divided into scholars on the one hand and the general public on the other. The general public depended on the scholars for transmitting to them the body of agreed-upon knowledge from the original sources on which there was unanimity among the scholars. This included knowledge of such matters as purification (*ṭahārah*), the performance of salah, *ṣawm*, and the collection and distribution of zakah. If they were faced with any problematic details, people would seek help from any scholar regardless of the school of thought to which he belonged.

As for the specialist scholars, they were engaged in the study of hadith and the legal legacy of the Companions of the Prophet and the generation that followed them. If they were faced with an issue on which they did not find any satisfactory or clear-cut answer in the original

sources, they would turn to the pronouncements of previous jurists, choosing whichever verdict seemed more sound and reliable, whether it originated in the school of Madinah or of Kufah.

The scholars engaged in this task of interpretation would thoroughly research the different schools of thought. If a scholar arrived at a judgment based on a particular school he would, for example, be described as a Shāfi‘ī or a Ḥanafī without his having in fact any firm or sole attachment to that particular school, as later happened. Some of the scholars of hadith in fact identified with particular schools of thought to promote mutual agreement. Al-Nasā’ī, al-Bayhaqī, and al-Khiṭābī identified with the Shāfi‘ī school, for example. However, only a *mujtahid* or one who was capable of analytical thought and making independent judgments could hold the position of a judge, and no ‘ālim was called a *faqīh* unless he was a *mujtahid*.

SPLIT BETWEEN POLITICAL AND INTELLECTUAL LEADERSHIP

The situation changed noticeably after the fourth hijri century. Al-Ghazālī (d. 505 AH) described the situation thus:

Know that after the Messenger of God, may God’s peace and blessings be on him, the *khilāfah* was held by the rightly-guided *khulafā’*. They were leaders and scholars who were conscious of God Almighty. They were jurists who had a deep understanding of God’s laws and were actively engaged in tackling problems and passing legal judgments. [So competent were they that] they rarely sought the help of jurists in dealing with actual situations, and when they did it was for the sake of consultation. Thereafter the *khilāfah* passed to people who did not deserve to be rulers and who lacked the competence even to formulate their own decisions. They were forced to seek the help of jurists. They cultivated the friendship of scholars in order to get assistance in making legislation of all kinds. There still existed some scholars of the same mettle as those of earlier generations. They maintained a clear vision of the requirements of the religion, and when they were approached by ambitious rulers with various blandishments to accept positions as judges and administrators they did not compromise their integrity.

People in these times saw the great esteem in which scholars were held and the attempt by leaders and rulers to attract them. The desire to gain esteem with the public and favors from rulers encouraged people to enter the field of education and to apply themselves eagerly to making legal judgments. They ingratiated themselves with the rulers, sought entry into their political circles, and tried to gain positions of authority. Some succeeded and others did not. Those who succeeded were not free from the taint of subservience and degradation. This was the process by which jurists, who were once highly honored and sought after, became devalued seekers of patronage from rulers.

In this age, however, there were some who, through the grace of God, remained genuine scholars of God's religion. But most of those who turned to dealing with legal problems and passing verdicts did so because of the pressing need for such persons in the new districts and governorates.

In the wake of these new types of jurists came ministers and princes who listened indiscriminately to whatever people said with regard to the basic principles of faith... People turned eagerly to argumentation and scholastic theology (*kalām*). An abundance of literary works appeared on the subject. People classified the various processes of argumentation and developed the art of discovering contradictions and discrepancies in the pronouncements of others. They claimed that their expositions were for the defense of God's religion, guarding the Sunnah, and curbing malicious innovators. The same claim of protecting religion was made by those who busied themselves in passing legal judgments (*fatāwā*). They claimed that they were protecting the religion and that they assumed control of the laws of Muslims out of concern for God's creatures and out of the desire to offer sincere advice to them.

Thereafter, there appeared those who did not approve of the damage caused by scholastic theology and the subsequent opening of the flood-gate of disputation which gave rise to terrible fanaticisms and animosities which, in turn, led to bloodshed and the destruction of Muslim lands. Such persons began to look back to the jurisprudence of earlier times, and in particular to the schools of thought of al-Shāfi'i

and Abū Ḥanīfah, may God be pleased with them both. People abandoned scholastic theology and the subtleties of disputation. They turned instead to the controversial questions posed by al-Shāfi'ī and Abū Ḥanīfah in particular, while tending to disregard those posed by Mālik, Sufyān,¹ and Aḥmad ibn Ḥanbal, may God Almighty bless them and others like them. They claimed that their objective was to deduce the finer points of the Shari'ah, to establish the *raison d'être* of each school of thought, and to systematize the principles on which legal judgments should be based. Consequently, they came up with many classifications and methods of deduction on the basis of which they categorized the types of dialectical debates.

They have continued in this manner up till now. We do not know what God has in store for the times after us. This, then, is the impetus which drives people on to disputation and competitive debates. There is no other cause. If these opportunistic and overweening scholars had inclined towards disagreement with any of the leading scholars on any aspect of knowledge, they would probably have limped after them also. They would have kept on insisting though that their only concern, in all their endeavors, was to attain to knowledge of the religion itself and to seek nearness to God, the Lord and Sustainer of all the worlds.²

In the above analysis, al-Ghazālī put his finger on the real disease which afflicted the Ummah in the era after the rightly-guided, scholarly leaders. This disease emanated essentially from the critical split in the Muslim leadership between the intellectual on the one hand and the political on the other. Our history has since been characterized by this distortion which still plagues us. Political practices contrary to Islamic norms were put in place. This stemmed from the rulers' ignorance of Islamic political theory and practice. On the intellectual front, there is only a theoretical, hypothetical appreciation of an Islamic system which is not rooted in the actual experience and problems of the Muslims. This theoretical approach could not deal with everyday problems in a practical manner as the *Ṣaḥābah* and the *Tābi'ūn* had done. The majority of juridical problems and many of the issues relating to jurisprudence were nothing but theoretical formulations produced in the course of competitive debates and in an atmosphere of dissension.

LOOPHOLES AND STRATAGEMS

After this disastrous trend, jurisprudence tended to become a means for justifying the existing status quo rather than a means for regulating people's lives and circumstances according to the requirements of the Shari'ah. This approach to law and legislation gave rise to unusual anguish on the part of Muslims, for they frequently saw that the same act committed by the same person and at the same time and place was regarded by one jurist as lawful and by another as unlawful. This predicament is adequately demonstrated by the fact that there came into existence a principle of jurisprudence which is dealt with in voluminous chapters called "Loopholes and Stratagems" (*Al-Makhārij wa al-Ḥiyal*).³ This 'principle' is concerned with seeking to evade the admitted purport and consequences of the law through devising loopholes and 'legal' stratagems and expedients.

Ingenuity and skill in dealing with this 'principle' of jurisprudence came to be regarded as evidence of the intellectual capacity of a jurist and of his genius and excellence over others. As time went by and the authority of religion dwindled, this phenomenon assumed alarming proportions. People became careless about the Shari'ah, and those who had the responsibility for making legal decisions started to pass verdicts which were not based on any evidence and which they themselves did not regard as sound. They claimed that they passed these verdicts either in order to facilitate matters for people or to be severe on them so as to prevent them from transgressing the limits (*ḥudūd*) of the Shari'ah. This was particularly true of the dispensations they granted to rulers on the one hand and of the exactions they made on the common people on the other.⁴ Here are a few examples of verdicts passed at that time:

- A jurist, asked about the validity of the *wuḍū'* of someone who touched a woman or who touched his genitals, would say: "According to Abū Ḥanīfah, the *wuḍū'* is not nullified."
- If asked about playing chess or eating horsemeat, he would say: "According to al-Shāfi'ī, these things are lawful."
- If asked about the punishment of a person who made a false allegation or about exceeding the limits in the case of discretionary punishments set by a judiciary, he would say: "Mālik sanctioned that practice."

- If a jurist wanted to use a legal stratagem (*ḥīlah*) to enable someone to sell off an endowment in perpetuity (*waqf*) which had fallen into ruin and was not yielding any benefit, and moreover whose administrator had no means of developing it, the jurist would legislate that selling the *waqf* was permissible according to Ibn Ḥanbal. The consequence of this verdict was that Muslim charitable endowments, which had always been considered inviolable, became private property in a matter of a few years.⁵

By this process and through the loss of *taqwā*, the purposes of the Shari‘ah were subverted and its holistic principles were overlooked. The matter came to such a pass that frivolous and insolent poets such as Abū Nuwās began to ridicule the laws of God with poetry such as this:

The Iraqi has allowed fermented juice and its imbibing;
 Forbidden only is wine and drunkenness, he said.
 Both drinks are one and the same, said the Ḥijazī.
 Free now to choose between both pronouncements.
Khamr is now lawful for us!
 I shall press their statements to their utmost limits,
 And have my draughts of this wine
 To rid myself of life’s cares.

The public who was expected to protect the integrity of the religion, became degraded, and religion itself became devalued in the sight of people. Overstepping the limits of the religion became acceptable in the public’s eyes as they sought to make things too easy for themselves. Some jurists succumbed to this permissive trend and destroyed the protecting walls of reverence and awe for the Shari‘ah. They allowed themselves to pass judgments to suit their whims and impulses.

STERNNESS AND STERILITY

At the other extreme, they were confronted by a stern and stubborn group who sought out the strictest and severest opinions on which to base their juristic judgments. This group thought that they were serving Islam through this get-tough policy and that they would persuade

people to abide by the requirements of the religion. This was not to be. The result of the hard-line approach was – as it usually is – contrary to what they had expected. People became alienated from Islamic teachings and the Shari‘ah. They refused to comply with it and they saw in it hardship instead of ease.

There is the story of the Andalusian monarch who asked the Mālikī jurist Yaḥyā ibn Yaḥyā⁶ what he should do to atone for having intercourse with his wife during the daytime in Ramadan. Yaḥyā told him that he had to fast for two consecutive months. When he was asked why he had not given the monarch the first option of setting free someone in bondage, he replied: “He is capable of setting hundreds of slaves free. Therefore, he must have the harder punishment, which is fasting.”

Islam is practical. It makes things easy rather than difficult for people. It encourages people to respond willingly and naturally to its laws and seeks to avoid distress and hardship. At the same time, it does not leave people to roam in absolute freedom and succumb to all their passions and impulses. This is the spirit in which judicial rulings should be made. It is clear from this that both the permissive and the excessively harsh tendencies among jurists at that time were not in keeping with the purpose of the wise Lawgiver.

The task of the scholar is to transmit the message of God to people as it was revealed in the Qur’an and as the Prophet taught it. It is not for him to incline arbitrarily to harshness on the one hand or leniency on the other:

Say: “Will you instruct God about your religion?...” (49:16)

Say: “Do you know better than God?” (2:140)

The lesson to be derived from these two Qur’anic verses is that we have a duty to adopt the wisdom and follow the divine teachings of the Qur’an and eschew innovation, whether it stems from a tendency to arbitrary harshness or a tendency to arbitrary leniency.

TAQLĪD AND ITS AFTERMATH

We have seen above how chaotic and ridiculous the state of juristic reasoning had become. Many righteous and concerned people feared that

incompetent and unreliable people would only corrupt the process of *ijtihad*. Men who were at the bidding of rulers assumed the task of making legal verdicts. Without any scruples, they began to twist the texts (*nuṣūṣ*) of the original sources to suit their own inclinations and purposes. Scholars fluctuated between arbitrary leniency and harshness. Righteous people feared for the very destiny of the Muslim community and for the religion itself. They began searching for a cure and the only solution they could find was to bind the Ummah to *taqlīd*! What a crisis it was that the only way out should be a retreat into blind imitation!

The jostling and the constant bickering among the jurists, their opposing and mutually exclusive views, and their unending resistance to one another seemed to point to only one way out: a return to the pronouncements of scholars of old on controversial questions. The people themselves, having lost confidence in many of the judges, began to put their trust only in those whose rulings conformed to pronouncements of one of the four *a'immah* – Abū Ḥanīfah, Mālik, al-Shāfi'ī, and Ibn Ḥanbal.

Among the Muslim masses, following one of the four *a'immah*, sticking to everything they said, and steering clear from whatever they did not say became the bastion against deviant rulings issued by suspect *mujtahidūn* for their own ends. Imam al-Ḥaramayn (d. 478 AH) claimed that there was a consensus (*ijma'*) among specialist scholars prohibiting the *taqlīd* of eminent Companions of the Prophet. Instead, according to this alleged consensus, people were required to follow the schools of thought of the four *a'immah* because they had thoroughly examined all the sources and the context of the various legal issues and properly classified them. They had also studied the methods and pronouncements of the early Muslims and so there was no need to go back directly to these sources. Imam al-Ḥaramayn supported this alleged consensus and came to the strange judgment that the common Muslim is under obligation to follow the schools of thought of these unquestionably knowledgeable and precise scholars.⁷

On the basis of the pronouncement of Imam al-Ḥaramayn and the alleged consensus of specialist scholars, Ibn al-Ṣalāḥ issued his claim that it was obligatory to follow the four *a'immah* due to the textual authenticity, the disciplined approach, and the sound methods of

reasoning and interpretation which marked their schools of thought. The Companions of the Prophet and their immediate successors, according to him, did not have these advantages.⁸

As a consequence of this total reliance on the four schools of thought, people became negligent and careless about the study of the Qur'an and the sciences associated with it, and they turned away from direct study of the Sunnah and its disciplines. They became content with knowledge that was neatly packaged and handed down, and all they had to do was to establish it firmly, defend it vigorously, and apply it as best as they could.

As this decline continued, the spirit of dissension grew stronger and spread. And for centuries thereafter, blind imitation became the norm. Intellectual thought stagnated. The tree of independent reasoning withered. Ignorance became common. Civil strife reared its ugly head. The *ʿālim* and the *faqīh*, in the eyes of people, became the one who had memorized a collection of the pronouncements of earlier jurists and equipped himself with some of their opinions without being able to distinguish between what was weak and what was reliable. The hadith 'scholar' became someone who had memorized a collection of *ahādīth*; whether it was authentic or spurious did not matter.

This deplorable situation did not end there but worsened considerably, as if knowledge had disappeared from the world of Muslims afflicted by intellectual sterility. In this atmosphere, harmful innovation, perversion, and corruption of various kinds flourished. All this left the door wide open for the enemies of Islam to sweep away Islamic civilization and plunder its heartlands.

THE UMMAH IN RECENT TIMES

This was the condition of the Ummah as it slumbered and stagnated due to *taqlīd*, dreaming of the grandeur of a glorious past. Since the emergence of the split between the executive and the judiciary, the masses of Muslims were caught up in a state of bewilderment and tossed about by their own interests and impulses. The scholars of the Ummah were so busy justifying their own positions that if anyone had studied the legacy of this Ummah, which had dazzled the world with its unprecedented achievements, he would hardly believe that such intellectual rigidity

and sterility could stem from the earlier enlightened and vibrant generations.

This was the state of the Ummah as the modern European renaissance got underway. The Europeans saw before them a Muslim Ummah which had lost virtually everything of its real vitality. Nothing of any substance remained. The faith was dormant and the Muslims themselves were bewildered. There was no longer any of the old certainty. Behavior had become deviant. Steadfastness was lacking. Intellectual thought was rigid. Ijtihad was suspended. The science of jurisprudence was lost. Innovations were rampant. The Sunnah was laid to rest and Islamic consciousness grew dim and all but vanished. It was as if the Ummah with all its special characteristics was no longer itself.

These conditions made the Ummah an easy prey for hostile powers who were lying in wait for this golden opportunity to move in and finish off the little that remained of Islamic character. This has led to the situation in which we are today. It is a situation of ignominy and subjugation. We no longer appear to be capable of conducting our own affairs; they are in the hands of our enemies who decide our destiny. Indeed, we beg them to find solutions for problems which are of our own making.

During this period, the Ummah has tried to gather what remained of its strength to win back its lost glory and recover its balance. All attempts in this direction, however, have ended up in failure because the means adopted were flawed and not in accordance with the natural laws and patterns set by God. These attempts have been based on adopting and following alien paradigms and aping others, both of which have only compounded the predicament.

Meanwhile, a new generation in search of a healing balm has begun to explore solutions that are sound and authentically Islamic. Various emerging groups of Muslims have begun to realize that “the means for rectifying the condition of the Ummah at this stage in its history must be the same means which were used to set it on the right course at the very beginning.” They have thus turned to Islam and realized how sweet and satisfying it is. This has produced the phenomenon called the ‘Islamic Reawakening.’

Forces hostile to Islam, despite their own internal differences, never wanted to give a free scope to this blessed awakening. How many are

the arms and resources which they have used to combat us! Some within the Muslim ranks are also part of this armory and have been used as agents to sabotage the movement for reconstructing the Ummah in the true light of Islam. One of the most devastating methods used by the enemy was the strategy of 'divide and rule'. This was facilitated by the existence of rampant discord (*ikhtilāf*) in the Muslim Ummah. The Islamic awakening soon found itself facing the grievous challenge of disagreements (*ikhtilāf*) over and above the many other challenges which consumed the energies of the sincere workers for Islam. Energies were further dissipated on the perilous rock of discord. Some among the youth identified themselves with the early righteous forbears (the *salafīyyah*) and others with the upholders of hadith (*ahl al-ḥadīth*); one group identified itself with a particular school of thought (*madhhab*) while others did not see the necessity for this. Among these groups, various accusations of unbelief, blasphemy, harmful innovation, treachery, spying, and so on are bandied about. All of these accusations ought not to be exchanged between fellow Muslims let alone publicized through all the available media in total disregard of the fact that the malicious attempts to extinguish the light of Islam are more dangerous to the survival of the Ummah than these differences.

In retrospect, we can see that the leading scholars of the schools of Islamic jurisprudence had reasons to justify their differences of opinion and lessen their impact. The master perpetrators of disagreement in our times, however, do not have a single plausible basis for justifying their differences. They are not *mujtahidūn* or persons capable of independent reasoning or analytical thought. They are, rather, unthinking followers (*muqallidūn*) of those among them who raise their voices to proclaim that they are not in fact 'followers' nor do they believe in the 'duty to follow.' They claim that they derive their rulings and opinions directly from the Qur'an and the Sunnah of the Prophet. In reality, they cling to some books of hadith and follow in the footsteps of their authors in all matters pertaining to the authenticity of a hadith and the trustworthiness and reliability of its narrators. Some of them claim knowledge of the science which studies the biographies of hadith reporters and the extent of their reliability. On the basis of studying a single book on this vast subject, a person cannot justifiably elevate himself to the position of a *mujtahid*.

It is only appropriate that someone who has acquired some real knowledge should not behave like an ignorant person and hurl accusations and insults against others. He should realize the grave dangers facing the Islamic faith and seek to ward off these dangers. He should be keenly concerned to bring together the hearts and minds of people even while they follow different schools of thought. At least they should stick scrupulously to the ethics and norms (*adab*) of proper behavior when differences do arise, as did the noble scholars of the past.

Sincere Muslims had hoped that the Islamic awakening would at least achieve two objectives. Firstly, it was hoped that it would put an end to heretical and atheistic ideals, and false and corrupt ideologies and influences. In so doing, it was hoped that it would purify the hearts and minds of many in Muslim society and re-instill in them the true Islamic faith. Secondly, it would then propagate the Islamic message throughout the world and make the word of God supreme on earth.

It is extremely painful to note that some within the Muslim ranks have deliberately sought to clip the wings of this awakening by shackling it with the fetters of discord where this was totally unnecessary. The result is that Muslims are distracted by their own mostly petty quarrels; their efforts are dissipated; issues have become so confused and mixed up that they are unable to distinguish between trivial and important matters. How, one may well ask, can such a people deal with their problems according to the level of their importance and order their priorities in such a way as to bring about an effective renewal of Islamic life?

The effects of discord (*khilāf*) among Muslims or the perpetuation of its causes is, it must be stressed, a great treason to the goals of Islam. It is tantamount to destroying the contemporary Islamic awakening which has revitalized the hopes and aspirations of Muslims. It is a hindrance to the onward march of Islam. It dissipates the sincere efforts of those striving in the cause of Islam and would incur the displeasure of God. Today, for these reasons, one of the most important obligations on Muslims in general and on those who work for Islam in particular – after belief in God – is to work for the unification of all Islamic groups and elements and to eradicate all factors causing discord among them. If this goal proves impossible to achieve, then let us keep our differences to the minimum and well within the ethics and norms of behavior set by our righteous forbears. Differences of opinion do not prevent a genuine

meeting of hearts in order to bring about a renewal of the noble Islamic life. This can be achieved only when intentions are sincere and purely for the sake of God. When this becomes a reality, support and success from God will not be denied.

CAUSES OF DIFFERENCES TODAY

The causes of differences of opinion naturally differ from one age to another. Each age will naturally bequeath some of its problems to a succeeding age. Today, one of the most important and conspicuous causes of differences between Muslims is ignorance of Islam or a deficient knowledge of Islam.

The state of education of Muslims before the arrival of aggressive colonialism was deplorable, and it became increasingly worse after the penetration of colonialism in Muslim lands. The occupiers knew precisely where the Muslim Ummah was most vulnerable, and so began to put in place educational programs and institutions for colonializing Muslim minds and changing their ideas to conform to their own interests and worldview. This policy of infiltration was calculated to make the Muslims accept the new anti-Islamic world order in the name of progress and modernization on the European model. They argued that this rise of progress and civilization in Europe was only possible through the overthrowing of religion-based laws and loosening the stranglehold of the church. Religion as such, they argued, was nothing more than an impediment that prevented humanity from attaining freedom and prosperity.

These claims might very well be true with regard to other religions; they certainly cannot be applied to Islam, for Islam promotes human happiness and the realization of human potentialities and is guided by the light of God. In the effort to sever the Muslim Ummah from the mainsprings of its existence and its Islamic moorings, the imperialists placed obstacles and sanctions against Islamic education and the Arabic language which is the medium of Islamic education. To realize this objective, students who sought an Islamic education found themselves neglected and devalued. The studies they pursued were also underrated, and they were denied the professional education and training that would enable them to get decent jobs and salaries. On the other

hand, students who enrolled in the modern schools on the colonialist patterns were given special care and attention. The doors of opportunity were opened before them and they were groomed as the new leaders of the Ummah. In this way the grip tightened around the necks of those interested in Islamic education and the Arabic language. The avenues for seeking such an education were blocked.

In most Muslim countries, soon only a few turned to Islamic education and eventually standards dropped. Most of those who wanted such an education became like the one who tills the soil but does not expect to reap any produce. Only specific circumstances encouraged them to seek such an education. They did not have the strength to free themselves from its hold even after graduation, for the way remained blocked before them. They did not have the capacity to perform the role which a scholar should perform in society and bring to fruition the message with which he is entrusted. With the doors of opportunity blocked, they lost their independence, their personalities weakened, and they were induced to join the official religious organizations set up, in advance, to serve preplanned and limited objectives. They were unable to get beyond these inasmuch as they were denied the opportunity to perform their proper role in society. As a result, people lost faith in them.

In the attempt to deepen the gulf between the Ummah and its faith and to cut the roots which connected it with the Shari'ah, those who opposed Islam unjustly tried to place Islamic education and the teaching of Arabic in the background. The field was left open for alien concepts and ideologies which were attractively presented to the youth but only exposed them to pain, worry, and bitterness. Every type of ideology was presented to them – from communism to socialism, and from radicalism to nationalism and democracy. However beautifully each was packaged, it only served to increase the ignominy and disgrace of the Muslim Ummah to an unprecedented level.

It became clear to many Muslims, however, that Islam alone was capable of curing the problems of the Ummah, uplifting it from its decline, and arresting the causes of decadence. After groping aimlessly in the darkness, they decided on their own to turn to Islam out of concern for themselves and their religion. When they came up against the problem of properly understanding the religion and acquiring a knowledge of its laws, they resorted to books which could not give them a

sound, complete, and comprehensive understanding of this system. They were unable to acquire a knowledge of its purposes and of its holistic nature – just like the group of blind men who passed their hands over different parts of an elephants body, each one insisting that the part he touched was the elephant. This is the condition of Muslims in relation to Islam today.

The Muslim Ummah has been split up into small groups and factions. There are those who have turned their backs on Islam and oscillate between the East and the West as if their only connection with Islam were their names and the past legacy of Islam. Were it not for a certain timidity, they would perhaps sever all connection with Islam. There are others who yearn to come back to Islam, but when they do they go along different paths and end up disagreeing among themselves. This makes them an easy prey for Islam's opponents. Everywhere, rulers surround them and offer them no way out. They are finished off completely before they are able to recover their balance and find the straight way.

THE WAY TO RECOVERY

Now that the disease which has plagued the Ummah for so long has been identified, we need to produce a remedy and chart a course towards recovery.

Sincere Muslims engaged in the field of promoting Islam and who are deeply conscious of the painful reality of the Muslim situation should identify groups of talented Muslim youths and make available to them the best means to study the sciences of the Shari'ah. This should be at the hands of the few remaining scholars who are known for their depth of knowledge, uprightness, piety, and constructive thought and who have a sound insight into the purposes and holistic nature of the Shari'ah as well as a good understanding of its component sciences. These scholars should adopt the educational principles and methods of the noble Prophet. This body of talented Muslim youths should also be trained by another group who are well equipped with knowledge of the various contemporary sciences and who have a high level of sincerity and piety. This combination will hopefully set the pace for an Islamic awakening and help the Ummah recover its strength and integrity. In

the process, it will reassume its leading role and rescue humanity from rushing headlong, day by day, into disaster. There is no salvation for humanity except through Islam.

Secondly, Muslims are living through an intellectual crisis whose dimensions are perceived only by a small minority. In order to tackle this crisis, Muslims must rectify their manner of thinking. The crisis is distinctly manifest in the collapse of the Ummah's institutions; in the non-existence of properly organized bodies; in the low levels of consciousness, knowledge, and training of young Muslims; in the disintegration of mutual bonds between believers; in the corruption and deviation of most of the leaders in the Muslim world; in all the malicious endeavors to sabotage the well-intentioned efforts of groups of upright and pious Muslims. All this is due to the fact that Islam is far away from the lives of Muslims. There is a yawning gap between the ideals of Islam and the realities of the Muslim world. Non-Muslims see Islam as a cloud which produces no rain and therefore does not quicken the dead earth or they see it as water on a hard rock on which no vegetation or produce ever grows. This is because Muslims' hearts have become atrophied and encrusted with rust; their eyes have become bleary and can hardly distinguish between good and evil.

It has become evident that the various educational institutions in the Muslim world have miserably failed to produce the true, balanced Muslim individual. Universities which have been set up in Muslim countries on the lines of Western models do not see it as part of their task to prepare and produce Muslim scholars in all branches of knowledge so that they can Islamically reform the various disciplines at their disposal. Instead, they see their task as preparing graduates infatuated with the arts and sciences of the West. How quickly do such graduates turn their backs on the essential beliefs of Islam and its goals and objectives for life! These universities produce generations whose sense of belonging to Islam is weak, whose thinking is confused, and who are unable to use their knowledge in the service of the Muslim Ummah.

Educational institutions which are regarded as Islamic – such as al-Azhar and other universities, colleges, and institutes patterned along similar lines, have achieved a limited success for the benefit of the Ummah. They have managed to produce some excellent specialists in

some sciences of the Shari‘ah, but they have failed to provide the Ummah with able and innovative Muslim scholars and thinkers capable of presenting Islam as a holistic system with distinctive goals and objectives. Such scholars have not been able to confront contemporary challenges and overcome them. In the process, Islamic thought has atrophied and has failed to shape the thinking of Muslims and the direction of their lives. As a result, Muslim minds and hearts have remained wide open to the infiltration of all kinds of ideas which seek to subvert Islam. Muslims have become incapable of dealing with the problems facing them in politics, economics, social organization, and other fields. They have been content merely to transmit and imitate what others are thinking and doing.

This blind adoption of alien ideas and practices has created disagreement and dissension among various sections of the Ummah. These disagreements have mostly been resolved in the interests of Western-minded groups who are culturally in thrall to the West. Instead of unifying their ranks and working together to face these threats and challenges, the devout Muslims unfortunately have become engaged in wrangling over controversial issues. This is mainly because of intellectual confusion and failure to distinguish between the parts and the whole, and between the ultimate purposes of the law and its underlying principles.

We are in desperate need of sound and vigorous Islamic thought which is built on an understanding of the spirit of Islam, its ultimate purposes, its overall principles, and the hierarchy of its laws derived from its great original sources – the Qur’an and the Sunnah. We also need to study the legacy and the methodology of our righteous forbears as they studied and acted upon these original sources in the early illustrious centuries. This will enable us to achieve a clear and complete perception that Islam is the only path for the salvation of the Muslim Ummah and that it contains the ideal solution for all its problems. This clear perception will rally the Ummah around the fundamentals of Islamic thought and will steer it away from evil intrigues and from manipulations.

When the Ummah is thus firmly and correctly established and is able to identify its wounds, ailments, and the source of its malady, the steps

which must be taken to arrive at the required cure and to realize the desired goal will undoubtedly become clear. That is well within its reach.

The Way Forward

IT IS IMPORTANT FOR THE MUSLIMS to realize that although God has made the Qur'an "easy to remember" and provided us with abundant sources for studying the Sunnah of the noble Prophet, individual initiatives to derive laws from these sources are fraught with difficulties and must be approached with caution.

The task requires adequate preparation in addition to a number of skills which the specialists in this field have detailed. It requires, for example, a knowledge of the principles and processes of deduction; an excellent command of the Arabic language and its stylistic features; and a knowledge of the sciences of the Qur'an and the Sunnah. In further detail, it involves, for example, a knowledge of 'abrogation'* – how one verse of the Qur'an supposedly supersedes another; of the general and the specific, identifying the general statement which can be construed as referring to something specific; identifying texts with an absolute application on the one hand and others with a restricted application, and several other factors and principles. Any judgment which a Muslim issues without a full knowledge and grasp of these requirements is no more than wishful thinking, guesswork, or a rough assessment arrived at without guidance or true knowledge. Whoever attempts to make a judgment in such a haphazard manner embarks on a perilous course and may even, God forbid, do himself a great injustice. The noble Prophet has said in this respect: "Whoever interprets the Qur'an without knowledge must take his seat in hell-fire."¹

* For a detailed and comprehensive understanding of abrogation in the Qur'an, please see: Taha J. Alalwani, *Nahwa Mawqif Qur'ani min al-Naskh* [Towards a Qur'anic Position on Abrogation] (Egypt: Maktabah al-Shorouk al-Dawliyyah, 2007), in which he strongly rejects the concept of abrogation entirely.

The type of knowledge required for interpreting the Qur'an and making judgments is not acquired through reading one or two books. It requires precise methodological study such as would provide the researcher with the tools that will enable him to delve into the field of Islamic thought and Islamic disciplines. To be profitable, this kind of study must depend on exhaustive research conducted under the guidance of someone who has the necessary knowledge and the critical insight and who is motivated by a deep consciousness of God and the desire to seek only His reward.

It should be pointed out that the Shari'ah has been revealed to bring happiness and prosperity to humanity in this life and in the hereafter. It seeks to realize the best interests of human beings in harmony with the mental capacities with which God has endowed them, thus honoring them over the rest of His creatures. The Shari'ah, all-embracing and merciful as it is, does not include any matter which is unbearable for the human being. The Almighty says: "He has laid no hardship on you in [anything that pertains to] religion" (22:78).

God has made it easy for His servants to live and function in harmony with His religion and in an atmosphere of spontaneous love, not through force or coercion: "God desires that you shall have ease, and does not desire you to suffer hardship" (2:185), and "God wants to lighten your burdens" for God knows that "man has been created weak" (4:28).

As stated above, all the laws of the Shari'ah are for the welfare of human beings as servants of God. They are there to bring advantages to mankind and there is, of course, no benefit to God in them since God is "free from all wants, worthy of all praise." It is therefore imperative to understand the various parts of the Shari'ah in the light of the totality and ultimate purposes of the law. Whoever does not have a grasp of the overall implications and purposes of the Shari'ah and does not understand its basic principles could never deal adequately with the subsidiary branches (*furū'*) and details of the law adequately and in their proper context. Ibn Burhān² says:

Divine laws are policies through which God regulates the affairs of His servants. The way of dealing with people in this regard varies according to the differences in time. Each period of time requires a type of

regulation which caters to the general welfare specific to that time. In the same way, each nation has a type of regulation which is in its general interest, even though it may result in vitiating rights when applied to others.³

There is a consensus among Muslim scholars that the laws of the Shari'ah – all of them – have as their underlying cause the realization of the public welfare (*maṣlahah*) and that it is precisely for this reason that they were prescribed. This is the case whether these laws are explicitly expressed in the original texts or derived from these texts. If there are points or areas on which there is no explicit divine guidance, we remain convinced that this is due to some wisdom known to God alone. As a consequence of this, many of the laws formulated on the basis of *ijtihad* change with the passing of time. These laws may also vary according to the differences between individuals in proportion to their capacities and circumstances.

At the same time, we should realize that the explicit texts of the Qur'an and that part of the Sunnah which is transmitted by several continuous chains (*mutawātir*) of narrators are categorically authentic. There is also a part of the Sunnah, such as a hadith transmitted by only a single narrator, whose authenticity is not fully established. The intended meaning of a given text might be explicit or it might be inferred. A knowledge of all such matters has a direct bearing on the way in which a text is understood, on the process of *istinbāt*, and on *ijtihad*. No one has the right to reject an interpretation of a text advanced by others as long as the interpretation can be sustained by the text and is not in conflict with other legal texts. Most of the laws pertaining to subsidiary and practical matters are of the type that can be verified by logical processes, and this is part of the mercy of God to His servants which allows adequate scope for the exercise of analytical thought and judgment.

Since the Wise Lawgiver has made matters easy for people and has taken their welfare into consideration, it is unbecoming of anyone to accuse someone who differs with him on these matters of unbelief (*kufṛ*), corruption (*fiṣq*), or innovation (*bid'ah*). On the contrary, he should try to seek justification for the one who differs with him so as to strengthen the bond of affection between them and secure mutual respect, love, and brotherhood.

BROTHERHOOD / FELLOWSHIP AND SOLIDARITY

One of the most important responsibilities which all Muslims should be aware of is the duty to preserve the brotherhood, meaning fellowship, and the solidarity of Muslims. Part of this duty is to scrupulously avoid anything that would corrupt or weaken these bonds. Preserving fellowship is an important form of worship through which we can achieve nearness to God and overcome all the obstacles to a renewal of Muslim life. It is sufficient to recall that the noble Prophet aroused in us an abhorrence of disunity by sanctioning the most severe punishment for the one who deliberately splits from the community (*jamā'ah*). For this reason, any tendency to forsake Islamic fellowship or be unconcerned about it because of any difference of opinion is something which no Muslim is allowed to do. Moreover, he should be perceptive enough not to fall into the trap of dissension set by forces hostile to Islam. This is especially so in our times, as many hostile forces and groups are pitted against Islam, seeking to stifle the sparks of faith which are being kindled anew in the hearts of the believers.

Brotherhood for the sake of God and the unity of hearts among Muslims is high on the list of obligations incumbent on Muslims. It is close in importance to the duty of affirming the oneness of God (*tawhīd*). There are also different levels of prohibitions, and causing damage to Muslim fellowship also comes at the top of grave prohibitions. This is why the righteous scholars of old, when confronted with a controversial issue, often opted for the merely acceptable rather than the clearly preferable in order to preserve unity and leave no room for strife and dissension. In this spirit, they would forsake what in their view was recommended (*mandūb*) and just do what was allowed (*jā'iz*).

We have seen the deep respect and consideration which the early Muslims had for one another and their commitment to the unity and brotherhood of Muslims. No one should jump to the conclusion, however, that our keenness to preserve the fellowship and solidarity of Muslims implies any negligence of the fundamental Islamic beliefs which are not open to any speculation or compromise. The determination to confront parties hostile to the Ummah will prevent us from joining hands with those who do not have any affinity with Islam. The controversial issues which should not cause any disunity among us are

those which have already been recognized by the early scholars. They dealt with these issues in the most proper and admirable manner.

It is common knowledge that the Shari‘ah has classified many of the acts of worship into what is preferable, optional, and permissible. These are all acceptable categories to God, but they differ in grade. Many of the compulsory and obligatory duties have several aspects which fall into the above three categories. It is possible to perform an act of worship relying on what is most preferable according to the Shari‘ah, and it will be justly rewarded. For example, performing an obligatory salah right at the beginning of its appointed time, performing it in congregation, and in addition performing the acts recommended according to the Sunnah is the most preferable course. Then again, one has the option to perform the same act of salah later in the time allowed, and this will fall under the second category of the optional. The third category is the permissible and this involves doing the bare minimum.

IDEALS AND REALITIES

According to a tradition: “The good deeds of the righteous, coming in later times, would have been considered demerits in the eyes of the early devout Companions.”

In the light of the above saying, it would be safe to say that he who expects all people, irrespective of their circumstances and individual abilities, to realize the ideal vision of Islam is setting a goal which is not easy to attain. This points to a clear recognition of the fact that human abilities and actual efforts and energies expended vary from one individual to another. This is why there are various levels of worship and obedience, and these will be reflected in the varying levels of the believers in paradise.

In his commentary⁴ on the Qur’an, Ibn Jarīr al-Ṭabarī relates that some people met ‘Abd Allāh (the son of ‘Umar ibn al-Khaṭṭāb) in Egypt and said to him: “We see teachings of the Qur’an which are adhered to by some and not by others. We want to meet the *Amīr al-Mu’minīn* (‘Umar ibn al-Khaṭṭāb) to question him about these matters.” They went with him to ‘Umar. ‘Abd Allāh told his father why they had come and so they were invited to meet him. When they were gathered, ‘Umar

looked at the nearest man to him and asked: “Tell me truly, by God and by the right of Islam over you, have you read the entire Qur’an?” “Yes,” replied the man. “Have you acted upon all of it as it affects you yourself?” “O Lord, no,” replied the man. “Have you strictly followed the Qur’an in all that you see? Have you followed it in what you say? Have you followed it wherever your steps take you?”

Umar then put the same questions to everyone in the audience. When he came to the last person he said:

“May the mother of Umar lose her son! Do you [now expect me to] place an imposition on people to adhere to the entire Book of God? Our Lord and Sustainer certainly knew that we have failings,” and he recited the following verse of the Qur’an: “If you shun the great sins which you have been forbidden to do, We shall efface your failings and cause you to enter [upon your afterlife] in a state of glory” (4:31).

Umar then asked whether the people of Egypt knew of their coming to make this complaint. Fortunately for them, they said: “No,” as Umar threatened: “If they had known, I would have made an example out of you.”

There is a profound lesson which Umar clarified in this incident. It is that the ideal vision which the Qur’an holds out for the Muslim is a model which he must try to realize or attain. Whenever he falls short of this model – as is inevitable – he should realize that God’s mercy is indeed vast. When he avoids the major sins at least, he is assuredly on the way to attaining abundant good – if God wills. He has the obligation, however, to constantly strive towards the ideal vision and never to be content with the minimum standard.

Hopefully, a knowledge and understanding of the causes of difference of opinion among the early jurists and the context in which they occurred will assist us to reduce the causes of disagreement at present and enable us to develop and maintain the beautiful ethics and manners of dealing with them.

When the early scholars differed, they did so for objective reasons. They were all *mujtahidūn*, qualified and able to engage in analytical thought and make independent judgments. Each one of them was

engaged in a rigorous search for truth, and it made no difference to anyone if the truth about any issue was discovered by someone else.

To help Muslims develop and stick to the ethics and proper norms (*adab*) of dealing with differences, it is imperative that they should be fully aware of the enormous dangers and threats as well as the malicious strategies which are constantly being engineered by those with ulterior motives to eliminate those who are in the vanguard of the Islamic awakening and *da'wah*. These strategies are targeted against all who strive for Islam irrespective of their schools of thought or any differences in their orientation. In this situation, any disagreement among Muslims, any attempt to perpetuate disagreements, or any flouting of the norms of proper behavior amounts to subversion of the objectives of the Ummah and is a crime which cannot be justified or excused.

Over and above all this, it is imperative that we maintain a deep consciousness of God (*taqwā*), both secretly and openly, and seek His pleasure in times of both agreement and disagreement. We need to have the determination to deepen our understanding of Islam, free from personal whims and negative influences. We need to be aware of how these negative influences work and how they ensnare us.

The Muslim community worldwide has suffered enough. Now is the time for us to come to our senses and steadfastly follow the right course in the light of the Qur'an and the Sunnah. We entertain the hope that God, through the efforts of the righteous Muslims of this generation, will rescue this community and lead it to the shores of safety and security after centuries of perilous wandering and error.

We ask God to teach us what is beneficial to us, to make us benefit from what He has taught us, and to increase our knowledge. May He unite us in the pursuit of truth, guide us to the right path, and crown all our actions with success. May He guard us against the evils of our thoughts and actions. May He protect us from the folly of "breaking into shreds the yarn which was once tightly spun and strong." In Him we seek refuge and on His might we depend.

*All praise and thanks are due to God,
the Lord and Sustainer of all the worlds.*

NOTES

CHAPTER 1

1. The Qur'an, 8:33.
2. Sunnah literally means 'path.' It refers to the example of Prophet Muhammad which consists of all that he said, did, approved of, or condemned.
3. Salah refers to the special act of worship or prayer performed in the manner taught by the Prophet.
4. Wāṣil ibn 'Aṭā' is regarded as the founder of the Mu'tazilah tradition of thought. He died in Basrah in 131 AH. For more information on the Mu'tazilah, see chapter 5, note 10.
5. The Khawārij or Seceders. See also chapter 5, note 11.
6. Al-Mubarrid, *al-Kāmil fī al-Lughah wa al-Adab*, 2/122.

CHAPTER 2

1. See *Miftāḥ al-Sa'ādah*, 2/599, Dār al-Kutub al-Ḥadīthah, Egypt; also al-Jurjānī, *al-Ta'rifāt*, 66, Aleppo.
2. See *Miftāḥ al-Sa'ādah*, 2/599, Dār al-Kutub al-Ḥadīthah, Egypt; also al-Jurjānī, *al-Ta'rifāt*, 66, Aleppo.

3. See Ibn Qutaybah, *Ta'wīl Mukhtalif al-Ḥadīth*, p. 22; *Al-'Awāṣim min al-Qawāṣim*, p. 78; *al-Maḥṣūl*, 2 Qāf 1/480.
4. The complete hadith is reported by Abū Hurayrah: "Do not bother with what I have omitted. Those before you perished only because of their excessive questioning and their disputes over their prophets. When I enjoin anything on you, carry it out to the best of your ability and if I forbid you from anything, let it alone." Transmitted by Aḥmad in his *Musnad*, and by Muslim, *al-Nasā'ī* and Ibn Mājah.
5. See *al-Ibhāj*, 3/13.

CHAPTER 3

1. See *Fath al-Bārī* commentary on *Ṣaḥīḥ al-Bukhārī*, 7/313; *Ṣaḥīḥ Muslim*, the *Book of al-Ṣalāh*.
2. Ibn al-Qayyim, *I'lām al-Muwaqqi'īn*.
3. A place on the Syrian borders.
4. Abū Dāwūd, *Sunan*, hadith 334, *bāb idhā kbāf al-janb al-bard*; *Fath al-Bārī* commentary of *Ṣaḥīḥ al-Bukhārī*, 1/385; *Nayl al-Awṭār*, 1/324.

5. See *Uṣūl al-Kāfi*, 1/216.
 6. Abū Dāwūd, *Sunan*, hadith 336; also transmitted by Ibn Mājah, hadith 572, see *Nayl al-Awtār*, 1/323.
 7. Transmitted by Imam Aḥmad, al-Bukhārī, Muslim, al-Nasāʿī, al-Ṭabarānī. Also transmitted by al-Bukhārī, 7/398, with some variation.
 8. Ibn Ḥazm has recorded a number of verdicts (*fatāwā*) of the Companions which the Prophet did not validate. See his *al-Iḥkām*, 6/84–5 and 2/126–7.
 9. See *Ḥujjat Allāh al-Bāliḡbah*, 1/298.
 10. Al-Bukhārī in *al-Jāmiʿ al-Ṣaḡhīr*, 2/494.
 11. Ibn Ḥazm, *al-Iḥkām*, 5/66.
 12. See Ibn Ḥazm, *al-Iḥkām*. Also *Ṣaḡhīh al-Bukhārī* in the chapter on “The Repugnance of Disagreement” (*bāb karābiyyat al-ikhṭilāf*), 13/289.
 13. Transmitted by al-Bukhārī and Muslim, Aḥmad in his *Musnad*, and by al-Nasāʿī.
 14. Transmitted by al-Bukhārī, see *Fath al-Bārī*, 8/66, 454 and 13/235.
 15. *Ibid.*, 13/219–28.
- CHAPTER 4
1. See Ibn Ḥazm, *al-Iḥkām*, 2/125; Ibn Kathīr, *Tafsīr*, 4/52 al-Ṭabarī, *Tafsīr*, 24/302; Ibn Hishām, *Sīrah*, 2/655.
 2. Ibn Hishām, *Sīrah*, 2/661, 666. It is related that ʿUmar ibn al-Khaṭṭāb said something similar when he gave his oath of allegiance (*bayʿah*) to Abū Bakr in the Prophet’s mosque.
 3. *Ibid.* Also al-Tirmidhī, *Sunan*, hadith 1018.
 4. Ibn Hishām, *Sīrah*, 2/656.
 5. *Ibid.*, 2/656–661 for all the above quotations.
 6. Al-Bukhārī, in *Fath al-Bārī*’s commentary, 3/212.
 7. *Ibid.*, 3/211.
 8. Al-Ṭabarī, *Tafsīr*, 10/62.
 9. For a detailed discussion of the debate between Abū Bakr and ʿUmar and the comments of scholars on this issue, see *Nayl al-Awtār, bāb al-ḥathʿalā al-zakāh wa al-tashdīd fī manʿihā*, 4/175 ff.
 10. For further details, see for example *al-Bidāyah wa al-Nihāyah*, 6/311 ff.
 11. See Ibn Ḥazm, *al-Iḥkām*, 6/76.
 12. See Ibn Saʿd, *al-Ṭabaqāt*, 3/199, and *al-Kāmil*, 2/292.
 13. See *Ḥayāt al-Ṣaḡābah*, 1/646.
 14. Transmitted by Muslim, Abū Dāwūd, al-Nasāʿī, Ibn Ḥibbān and others. See my comments in *al-Maḥṣūl*, vol.II, p.76, and p.377.
 15. Transmitted by Muslim. See Ibn Ḥazm, *al-Iḥkām*, 6/63.
 16. See, *al-Iḥkām*, 1/61.
 17. *Ibid.*
 18. Ibn al-Qayyim, *Iʿlām al-Muwaqqiʿīn*, 2/218.
 19. See *al-Iḥkām* (6/61).
 20. Ibn Saʿd, *al-Ṭabaqāt*, 4/161; *Ḥayāt al-Ṣaḡābah*, 3/791.
 21. See Taha Jabir Alalwani,

- al-Mahşūl*, vol.II, p.76, also see p.181.
22. *Kanz al-‘Ummāl*, 7/37; *Ḥayāt al-Şahābah*, 3/30.
 23. *l‘lām al-Muwaqqi‘īn*, 1/18.
 24. Al-Bayhaqī, *Sunan*, 6/211; *al-Mahşūl*, vol.II, p.77.
 25. *Al-Mahşūl*, vol.II, p.217 ff.
 26. *Ḥayāt al-Şahābah*, 3/12.
 27. *Ibid.*, 3/13; also Ibn Sa‘d, *al-Ṭabaqāt*, 3/224.
 28. Transmitted by Al-Bayhaqī, *Sunan*, 8/173.
 29. *Ibid.* Also *Kanz al-‘Ummāl*, 7/166; *Ḥayāt al-Şahābah*, 3/14.
 30. Ibn ‘Abbās refers here to the Qur’anic verse (5:95) concerning the hunting of game while in a state of *iḥrām* during hajj.
 31. Ibn al-Qayyim, *l‘lām al-Muwaqqi‘īn*, 1/214–5.
 32. *Al-Ḥilyah*, 1/84.
- CHAPTER 5
1. *Al-Fikr al-Sāmī*, 1/311.
 2. Sa‘īd ibn al-Musayyib was regarded as the most distinguished scholar among the second generation of Muslims – the *Tābi‘ūn*. He was born in 15 AH and died in 94 AH. There are several biographical sketches of him, for example, in: Ibn Sa‘d, *Al-Ṭabaqāt al-Kubrā*, 5/119–123; *Tahdhīb al-Tahdhīb*, 4/84; *al-Bidāyah*, 9/99.
 3. In *al-Muşşannaḥ* and *al-Fikr al-Sāmī*, 1/391. Verified by Ibn al-Mundhir.
 4. In al-Zamrānī’s commentary of Mālik’s *Muwaṭṭa’*, 4/188; the *Muşşannaḥ* of ‘Abd al-Razzāq, 9/349; and in al-Bayhaqī, *al-Sunan*, 8/96.
 5. Transmitted by al-Nasā‘ī, 8/54; and by al-Dāraquṭnī, 4/364.
 6. *Al-Fikr al-Sāmī*, 1/320.
 7. *Al-Intiqā’*: 140.
 8. The word ‘Shia’ literally means ‘sect’ or ‘party’. The Shia are so called because of their ‘partisan-ship’ for ‘Alī and his descendants and the belief that they were entitled to the *khilāḥ* after the Prophet. They also regard the leadership (*imāmah*) of the Ummah as a divine commission just as the prophethood was; the *imāmah* therefore could not be conferred through elections, nominations, or other such processes. They also believe that the *a‘immah* are capable of performing miracles and that, like the prophets, they are protected from sin. There are subsects within the Shia such as the Imāmiyyah and the Zaydiyyah, the latter being closer to the Sunnah in their beliefs than other groups. For further references on the Shia consult the book *Uşūl al-Kāfī* on which there are several commentaries; Al-Shahrastānī, *al-Milal wa al-Niḥal*, 1/234; *l‘tiqādāt Firaq al-Muslimīn* (Beliefs of Muslim Sects), 77–95, published by Maktabat al-Kulliyāt al-Azhariyyah.
 9. The Jahmiyyah was a sect named after Jahm ibn Şafwān who was killed in 128 AH. They believed

- that it was sacrilegious to describe God by any epithet which can be applied to others, that man has no choice or free will and that all his actions are determined by God, that Paradise and Hell will completely disappear as soon as people enter them, and that the whole of creation will disappear. References for further reading: al-Rāzī, *I'tiqādāt Firaq al-Muslimīn*, 103; *al-Tabṣīr fī al-Dīn*, 107–8.
10. The Muʿtazilah is the name by which this sect is most widely known, but they call themselves the “Upholders of Justice (ʿAdl) and Monotheism (*Tawḥīd*).” Their main beliefs are that nothing existed before Allah who Himself is without a beginning or end, that God’s attributes are not unique but have a quality of their own, and that the Qurʾan is the created, and not the eternal, word of God. See Faruqi & Faruqi, *The Cultural Atlas of Islam*, 286–93; *al-Tabṣīr fī al-Dīn*, 63ff., *al-Milal wa al-Niḥal*, 1/61–132; *al-Farq bayna al-Firaq*, 93–190; *Iʿtiqādāt Firaq al-Muslimīn*, 23ff.
11. The Khawārij or ‘Seceders’ from both the camps of the *Khalīfah* ʿAlī ibn Abū Ṭālib and Muʿāwiyah ibn Abī Sufyān following the attempt to arbitrate between them. They eventually evolved into many subsects and developed some distinctive beliefs. One of their main beliefs is that if a believer sins he commits unbelief and becomes a *kāfir*, an outlaw, and an apostate whom it is legitimate and imperative to fight. Consequently they accused many Companions of the Prophet of unbelief such as ʿUthmān, ʿAlī, Ṭalḥah, al-Zubayr, and ʿĀʾishah. References for further reading: *Iʿtiqādāt Firaq al-Muslimīn*, 51ff., *al-Tabṣīr fī al-Dīn*, 45ff.; *al-Milal wa al-Niḥal*, 1/195–256; *al-Farq bayna al-Firaq*, 54–93; Faruqi & Faruqi, *The Cultural Atlas of Islam*, p. 286.
12. *Al-Fikr al-Sāmī*, 1/313.
13. *Al-Intiqāʾ*
14. *Al-Fikr al-Sāmī*, 1/312.
15. Rabīʿah ibn Abī ʿAbd al-Raḥmān (d. circa 136 AH) was known as a master of reasoning and was one of the prominent teachers of Imam Mālik.
16. *Al-Fikr al-Sāmī*, 1/312.
17. Ibrāhīm al-Nakhaʿī (d. 96 AH) was considered head of the school of reasoning (*al-raʾy*). He inherited the jurisprudence (*fiqh*) of Ibn Masʿūd and is regarded as very trustworthy. He is credited with having brought *fiqh* and *hadith* together. When he died, al-Shaʿbī said: “Ibrāhīm has not left behind anyone like himself.”
18. *Al-Faqīh wa al-Mutafaqqih*, 1/203.
19. Ibn Saʿd, *al-Ṭabaqāt*.
20. *Iʿlām al-Muwaqqiʿīn*, 1/257.
21. *Ibid*, 1/256.
22. *Ibid*, 1/130ff.
23. *Ibid*, 1/255–6.

CHAPTER 6

1. Yahyā ibn Saʿīd (d. 198 AH) was a contemporary of Imam Mālik and one of the most distinguished authorities on hadith, of which he knew a great deal by heart. He often made judgments according to the jurisprudence of Imam Abū Ḥanīfah.
2. Hishām ibn ʿUrwah (d. 145 AH), one of the *Ṭābiʿūn*, was one of the most eminent scholars of Madinah of his time. He was trustworthy, knew many *ahādīth* by heart, and was a competent jurist.
3. Muḥammad ibn Ishāq was from Madinah. He took up residence in Iraq and died there in 151 AH. He was an authority on military campaigns (*maghāzī*) and international relations.
4. Yaʿqūb ibn Ibrāhīm (d. 182 AH) was from Baghdad. He was an outstanding student and staunch follower of Imam Abū Ḥanīfah. He was the chief judge during the *khalāfab* of al-Hādī, al-Mahdī, and al-Rashīd.
5. Muḥammad ibn al-Ḥasan (d. 189 AH) was a colleague of Abū Ḥanīfah and a disseminator of his jurisprudence. He was appointed by the *khalīfab* Hārūn al-Rashīd as a judge at al-Riqqah and al-Rayy.
6. These are complex issues connected with formal logic. The ‘general’ (*ʿāmm*) is the term used by philosophers of law to comprehend a plurality and is sometimes

used synonymously with the term *jamīʿ* (plurality) and *kull* (totality).

The ‘particular’ (*khāṣṣ*) is the term used to indicate the particularity of a kind, of a species, or of a single being, object, or term.

Jurists divided themselves into the generalists (advocating the priority of the ‘general’ term), the particularists (advocating the priority of the ‘particular’), and the medianists (refusing to incline to one or the other without additional evidence). See Faruqi & Faruqi, op. cit., 248–9.

The term *qaṭʿī* which literally means ‘categorical’ or ‘absolute’ is used to refer to the ‘absolute’ authenticity of a text (*naṣṣ*) as for example a text of the Qurʾan or a *mutawātir* hadith, or it may be used to refer to texts which are absolute in their authenticity but ‘speculative’ (*ẓannī*) or ambiguous in its meaning.

7. For further elaboration of this and related juristic terms, see Kamali, *The Principles of Islamic Jurisprudence*, pp. 131–43.
8. *Al-Fikr al-Sāmī*, 1/378.
9. The Shāfiʿiyyah and Ḥanābilah maintain that the application of the term ‘general’ (*ʿāmm*) to all that it includes is speculative (*ẓannī*) as it is open to limitation and interpretation (*taʾwīl*) and, so long as there is such a possibility, it is not definitive (*qaṭʿī*). For further clarification, see Kamali,

- op. cit., pp. 136–7.
10. *Mafhūm al-Mukhālafah* or ‘divergent meaning’ – a meaning derived from the words of a Qur’anic text in such a way that it diverges from the explicit meaning thereof.
 11. *Mafhūm al-Muwāfaqah* or ‘harmonious meaning’ – an implicit meaning on which the text itself may be silent but is in harmony with the explicit meaning. For more detailed discussion of these terms and relevant examples, see Kamali, op. cit., pp. 166–74.
 12. *Al-Minhāj li al-Nawawī wa al-Fikr al-Sāmī*, 1/398.
 13. The *mashhūr* is defined as a hadith which is originally reported by one, two, or more Companions from the Prophet or from another Companion but has later become well-known (*mashhūr*). It is of a lesser degree than *ḥadīth mutawātir*.
 14. *Al-Fikr al-Sāmī*, 1/399.
 15. *Dharī‘ah* (pl: *dharā‘i‘*) refers to the means or the route which leads to a forbidden act. For example, ‘looking’ at persons outside of marriage is a means (*dharī‘ah*) which could lead to adultery. The forbidding of such looks is therefore considered as blocking (*sadd*) the means to wrongdoing or immoral and harmful acts.
- the word *irjā’* which means postponing or deferring. They defer judgment of a sinner to God and the Day of Judgment. They consider that where there is faith, sin or wrongdoing does no harm; similarly where there is unbelief (*kufr*) right action is of no benefit. This position is contrary to accepted Islamic belief.
2. See al-Qurṭubī, *Tafsīr*, 3/113; and Ibn Qudāmah, *al-Mughnī*, 9/77 ff.
 3. See *Rawḍat al-Nāzir*, 35 (*Salafiyyah* ed.).
 4. Ibn Kathīr, *Tafsīr*, 4/270.
 5. See *al-Maḥṣūl*, vol. II, p. 75 ff where fifteen forms of the imperative are listed.
 6. Ibid., 469. Also, al-Āmidī, *al-Iḥkām*, 2/187 (Riyadh edition).
 7. See Ibn al-Sayyid al-Baṭṭayūsī, *al-Tanbīh ‘alā al-Asbāb Allatī Awjabat al-Ikhtilāf bayna al-Muslimīn* (Warning on the Causes Which Make for Disagreement among Muslims), 32–3.
 8. Ibid.
 9. *Al-Muzābanah* – sale of expected yield of a crop for actual produce, for example, the sale of dates on a tree in return for picked dates or of grapes in return for raisins.
 10. *Al-Mukhābarah* – similar to share-cropping, where the right is given by the owner of a plot of land to a farmer to till it in return for some of the produce. Or, the farmer works on the land in return for a part of the proceeds.

CHAPTER 7

1. The Murji‘ah or ‘Deferrers’ is a sect which derives its name from

11. *Al-Muḥāqalah* – the sale of a crop before it is harvested, as is the current practice in ‘futures’ markets.
12. *Al-Mulāmasah* – a form of sale in pre-Qur’anic times which is concluded by a buyer touching the goods which at once become his property whether the vendor agreed or not.
13. *Al-Munābadhab* – a sale in which a seller would throw an article towards the intending buyer to signify the completion of a sale.
14. *Al-Gharar* – a sale in which the goods were not in the possession of the vendor at the time of the contract, nor was the quantity known, nor was it certain that the seller would be able to deliver them in order to fulfill the contract.
15. See *Raf‘ al-Malām*, 7.
16. See *Nuzhat al-Awliyā’*; 392; *Dā’irat Ma‘ārif al-Qarn al-‘Isbrīn* (Twentieth Century Encyclopaedia), 4/141.
- CHAPTER 8
1. *Ḥujjat Allāh al-Bālighah*, 335.
2. Ibid., 307; *Al-Fikr al-Sāmī*, 1/336.
3. The full text of al Layth’s letter is given in *I‘lām al-Muwaqqi‘īn*, 3/83–88; and in *Al-Fikr al-Sāmī*, 1/370–6.
4. *Iḥyā’ ‘Ulūm al-Dīn*, 1/41 ff. *Al-bāb al-rabi‘ fī sabab iqbal al-khalq ‘alā ‘ilm al-khilāf*.
5. *Al-Intiqā’*, 16.
6. Ibid.
7. Ibid.
8. Ibid.
9. Ibid.
10. *Al-Intiqā’*, 38.
11. *Iḥāf al-Sādah al-Muttaqīn*, 1/279–80.
12. Sufyān ibn ‘Uyaynah (d. 198 AH) was an authority on hadith and a jurist. He was born in Kufah and died in Makkah.
13. *Al-Intiqā’*, 22.
14. Ibid., 36.
15. Ibid., 23.
16. Ibid., 30.
17. Shu‘bah ibn al-Ḥajjāj (d. 160 AH) was known as the *Amīr al-Mu‘minīn* in hadith.
18. *Al-Intiqā’*, 126.
19. Ibid., 147.
20. Ibid., 136.
21. Al-Faḍl ibn Mūsā (d. 191 AH) was from the town of Sinān in Khurāsān. He was a reliable scholar and an authority on the pronouncements of the second generation of Muslims – the *Tābi‘ūn*.
22. *Al-Intiqā’*.
23. Ibid., 73.
24. Ibid.
25. *Ādāb al-Shāfi‘ī wa Manāqibuhu* (The Manners and Traits of al-Shāfi‘ī), 86–7.
26. Ibid., 86.
27. *Al-Intiqā’*, 75.
28. Ibn al-Jawzī, *Manāqib al-Imām Aḥmad* (The Traits of Imam Aḥmad), 116.
29. There is an urgent need to gather the legacy of the Ummah in this field and present it in an accessible and attractive form. We pray that

the opportunity and the means for doing so will be made available.

CHAPTER 9

1. According to al-Ghazālī, there were five *mujtahidūn* whose schools of thought were followed. In addition to the four well-known ones, the fifth was Sufyān al-Thawrī.
2. *Iḥyā' ʿUlūm al-Dīn*, 1/41 ff.
3. *Al-Makhārij wa al-Ḥiyāl* (Loopholes and Legal Stratagems) is considered as one of the 'principles' (*aṣl*) of the Ḥanafī school of law. A book on the subject was written by Imam Muḥammad ibn al-Ḥasan which was later commented upon at length. There is a doctoral thesis on the subject by Muhammad Buhayri entitled *Al-Ḥiyāl fī al-Sharīʿah al-Islamiyyah* (Legal Stratagems in Islamic Law).
4. Salam Madkur, *Manābij al-Ijtihād fī al-Islām* (Methodologies of Independent Reasoning in Islam), 450–1; also Ḥamad al-Kubaysī, *Uṣūl al-Aḥkām* (The Principles of Laws), 390.

5. See Shakib Arslan, *al-Irtisāmāt al-Liṭāf*.
6. Yaḥyā ibn Yaḥyā al-Laythī (d. 234 AH) studied the *Muwattaʿa* from Mālik and propagated his school of thought in North Africa. See *al-Bidāyah*, 10/312.
7. *Al-Burhān*, 2/1146; *al-Taqrīr wa al-Taḥbīr*, 3/353.
8. *al-Taqrīr wa al-Taḥbīr*, 3/353.

CHAPTER 10

1. Transmitted by al-Tirmidhī with a sound *isnād* through Ibn ʿAbbās.
2. Aḥmad ibn ʿAlī ibn Burhān al-Baghdādī (d. 518 AH) was a well-known expert in jurisprudence and wrote several books on the subject. He was a Ḥanbalī but later followed Imam al-Shāfiʿī.
3. *Al-Wuṣūl ilā al-Uṣūl* (Getting to the Principles), manuscript.
4. Al-Ṭabarī, *Tafsīr*, 5/29.

GLOSSARY OF TERMS

Adab (plural: *ādāb*): Refinement, ethical norms, and standards of behavior. Connotes discipline, proper etiquette, manners, and training. Refers in general to the discipline that comes from recognizing one's proper place in relation to one's self and others. It also refers to the proper etiquette or manner of carrying out particular actions. Loss of *adab* implies loss of discipline and a failure to act with justice.

‘**Ādab**: Custom, practice. A local custom which is not in conflict with the Qur’an or the Sunnah (q.v.) is admissible as part of Islamic law.

‘**Adl**: Justice, equilibrium.

Aḥādīth (singular: **hadīth**): The verbalized form of a tradition of the Prophet, constitutive of his Sunnah. A hadīth narrative is divided into two parts: the *isnād* (chain of transmission) and the *matn* (content of the narrative).

Ahl al-Bayt: Literally, people of the house. Refers to the family and relations of the noble Prophet who were Muslims.

Ahl al-Dhikr: Literally, people of remembrance. Refers to true scholars whose knowledge springs from and is steeped in the remembrance of God.

Ahl al-Ḥadīth: Literally, people of hadīth. Refers to scholars who rely on authenticated sayings of the Prophet and who are wary of using independent reasoning (*ra’y*) in making juristic judgments. Used in contradistinction to *ahl al-ra’y* (q.v. under *ra’y*).

Ahl al-Sunnah: Literally, people of the Sunnah. Refers to the vast majority of Muslims who follow the Sunnah (q.v.) of the Prophet and the precedents of his rightly-guided successors. Used in contradistinction to the Shia (q.v.) who believed that ‘Alī, the Prophet’s cousin and son-in-law, should have been his immediate successor. *Ahl al-Sunnah wa al-Jamā‘ah* – the community united behind the Sunnah of the Prophet.

A‘immah: See imam.

‘**Ālim** (plural: ‘*ulamā’*): One who knows, a scholar, a scientist. Commonly used for someone who has a thorough knowledge of Islam and its sources, the Qur’an and the Sunnah. An important characteristic of an ‘*ālim*, according to the Qur’an, is that he is deeply conscious of God and stands in awe of Him.

Amīr al-Mu'minīn: Literally, Commander of the Believers. The title was first given to any commander of a military mission but was later used specifically for the head of the Muslim state, the *khalīfah*.

‘Āmm, al: The ‘general’ as opposed to the ‘particular’ (*al-khāṣṣ*). Terms used by jurists in the complex matter of extracting laws from statements composed as codal propositions. Islamic scholarship called ‘general’ (*al-‘āmm*) the term which comprehends a plurality, and distinguished two varieties of it – generality in the term itself and generality in the meanings to which the term may refer.

Anṣār: Literally, Helpers or Supporters. Name given collectively to the Muslims native to Madinah during the time of the Prophet who pledged to support and defend him.

A‘qīdah: Belief; the substance of a belief.

Asbāb al-Nuzūl: The causes or the circumstances and events surrounding a particular revelation of the Qur’an. Knowledge of the *asbāb al-nuzūl* helps provide an understanding of the original context and intent of a particular revelation. This knowledge is necessary for determining the *ratio legis* of a ruling and whether, for example, the meaning of the revelation is of a specific or of general application.

Aṣl (plural: uṣūl): Root, origin, source; principle.

Athar: Literally, impact, trace, vestige; deeds and precedents of the Companions of the Prophet.

Āyah (plural: āyāt): Literally, sign, indication, message; an aspect of God’s creation; a section of the Qur’anic text often referred to as a ‘verse.’

Basmalah: The formula – *Bismillāh al-Rahmān al-Rahīm* – In the name of God, most Gracious, most Merciful.

Bāṭil: Null and void.

Baṭiniyyah: (From *baṭīn* meaning hidden or esoteric). A sect of Sufis who sought alleged esoteric meanings behind the words of the Qur’an through allegorical interpretation. They also searched for a living infallible leader and had recourse to Greek Pythagorean theories.

Bayān: Exposition, explanation, clarification.

Bid‘ah: Innovation. In contradistinction to the Sunnah. Refers to any action or belief which has no precedent in or has no continuity with the Sunnah. Any innovation introduced into the established practice of the noble Prophet, particularly relating to acts of worship, is regarded as erroneous according to his saying: “Every innovation (*bid‘ah*) is an error (*ḍalālah*).”

Dalīl (plural: adillah): Proof, indication, evidence. Every ruling or judgment needs to be substantiated by the appropriate *dalīl* in the first instance from the Qur’an and the Sunnah.

Da‘wah: Invitation; call. Refers to the duty of Muslims to invite or call others to return to the straight and natural path of Islam or submission to God. This,

according to the Qur'an, has to be done with wisdom and beautiful advice. The 'most excellent speech' is that of a person who calls others to God. *Da'wah* is addressed to both Muslims and non-Muslims.

Diyyah: Compensation.

***Faqīh* (plural: *fuqahā'*)**: Literally, one who has a deep understanding of Islam, its laws, and jurisprudence; a jurist.

Fātihah, al: Literally, the Opening. The opening chapter of the Qur'an.

***Far'* (plural: *furū'*)**: Literally, branch, subdivision. A subsidiary law; a new case (in the context of *qiyās* (q.v.)).

***Fatwa* (plural: *fatāwā'*)**: Juridical verdict, legal opinion.

Fiqh: Literally, understanding. The legal science founded mainly on rules and principles developed by human reasoning (*ijtihād*) and the body of knowledge so derived. *Fiqh* may therefore vary from one jurist or school of thought to another. The term 'fiqh' is sometimes used synonymously with *Shari'ah* (q.v.). However, while *fiqh* is to a large extent the product of human endeavor, the *Shari'ah* is closely related to divine revelation and knowledge which is only obtained from the Qur'an and the Sunnah.

Fitnah: Any affliction which may cause mankind to go astray and to lose his faith in spiritual values; test, trial, confusion, civil war, oppression.

Ghayb, al: That which is beyond the reach of human perception.

Ghusl: A bath performed in a prescribed manner and which is necessary to ensure purification after certain actions, for example, sexual intercourse, seminal emissions, menstruation.

Hadith: see *ahādīth* above.

Ḥadīth Da'īf: Weak hadith. One of the three main categories of hadith in contradistinction to *ṣaḥīḥ* (authentic) and *ḥasan* (good) hadith. A hadith is weak owing to a weakness that exists in its chain of narrators or in its textual content. There are several varieties of weak hadith.

Ḥadīth Marfū': Literally, an 'elevated' hadith. Refers to a *ḥadīth mursal* (q.v.) which is consistent with the precedent of the Companions and which is 'elevated' and attributed to the Prophet.

Ḥadīth Mashhūr: A 'well-known' hadith; a hadith which is originally reported by one, two, or more Companions from the Prophet or from another Companion, but has later become well-known and transmitted by an indefinite number of people during the first and second generation of Muslims.

Ḥadīth Munqaṭi': A hadith with part of its *isnād* missing. Also referred to as *ḥadīth mursal*.

Ḥadīth Mursal: A hadith which a person from the second generation of Muslims (*Tābi'ūn*) has directly attributed to the Prophet without mentioning the last link, namely the Companion, who might have narrated it from the Prophet. More generally, a hadith with part of its *isnād* missing.

Ḥadīth Mutawātir: Literally ‘continuously recurrent’ hadith. A hadith is classified as *mutawātir* only when it is reported by a very large number of people of proven reliability in such a way as to preclude any possibility of them all agreeing to perpetuate a falsehood. According to the majority of scholars, the authority of a *mutawātir* hadith is equivalent to that of the Qur’an.

Ḥadīth Ṣaḥīḥ: Authentic hadith. A hadith is classified as *ṣaḥīḥ* when its narrators are all reliable and trustworthy, when its *isnād* is continuous and goes right back to the Prophet, and when the narration is free from any obvious or subtle defects.

Hawā (plural: *ahwā*): Vain or egotistical desire; individual passion; impulsive-ness. Following one’s own desires is described in the Qur’an as taking these desires as your ‘god’ or object of worship. Following *hawā* leads to arrogance and destruction and is contrasted with following the Shari‘ah which is designed to discipline and lead man to fulfillment and happiness.

Hijrah: Migration. The act of leaving a place to seek sanctuary of freedom or worship in another or for any other purpose. Also the act of leaving a bad practice in order to adopt a righteous way of life. Specifically, the hijrah refers to the Prophet’s journey from Makkah to Madinah in the month of Rabi‘ al-Awwal in the twelfth year of his mission, corresponding to June 622 CE. The Islamic calendar begins from this event (AH).

Hijrī: Pertaining to the hijrah.

Ḥilāb: Legal stratagem.

Ḥudaybiyyah: A plain to the west of Makkah where a truce was concluded between the Prophet and the Quraysh in 6 AH.

Ḥudūd (singular: *ḥadd*): Literally, limits; the specific punishments assigned by the Qur’an and the Sunnah for particular crimes – intoxication, theft, rebellion, adultery and fornication, and false accusation of adultery. These crimes involve transgressing the limits of acceptable behavior.

Ḥujjiyyah: Producing the necessary proof or authority to validate a rule or concept.

‘Ibārat al-Naṣṣ: Explicit meaning of a given text which is borne out by its words.

Ijma‘: Consensus of opinion. Usually defined as the unanimous agreement of the *mujtahidūn* of any period following the demise of the Prophet Muhammad on any matter. As such, it is described as collective *ijtihād*.

Ijtihād: Literally, striving and self-exertion; independent reasoning; analytical thought. *Ijtihād* may involve the interpretation of the source materials, inference of rules from them, or giving a legal verdict or decision on any issue on which there is no specific guidance in the Qur’an and the Sunnah.

Ikhtilāf: Difference of opinion; disagreement; dispute; controversy.

‘Illah (plural: *‘ilal*): Effective cause or *ratio legis* of a particular ruling.

Imam (plural: *a‘immah*): Leader. May refer to the leader of congregational salah,

to a leading and reputable scholar, or to the head of the Muslim state.

Isnād: Chain of narrators of a hadith.

Istiḥsān: Juristic preference – the abandonment of one legal ruling for another which is considered better or more appropriate to a given circumstance.

Istinbāṭ: Inference. Deducing a somewhat hidden meaning from a given text. The process of extracting laws.

Istiḥāb: Presumption of continuity, or presuming continuation of the *status quo ante*. For example, *istiḥāb* requires that once a contract of sale, or of marriage, is concluded it is presumed to remain in force until there is a change established by evidence.

Jadal: Dialectics, wrangling, disputation.

Jā'iz: That which is allowed or permissible. As a rule, everything that is not prohibited is allowed.

Jamā'ah: Group, congregation, community.

Jihad: Literally, striving. Any earnest striving in the way of God, involving either personal effort, material resources, or arms for righteousness and against evil, wrongdoing and oppression. Where it involves armed struggle, it must be for the defense of the Muslim community or a just war to protect even non-Muslims from evil, oppression, and tyranny.

Junub: Impure. A person is considered to be in a state of impurity, for example, after sexual intercourse and seminal emissions. A person in such a state is normally required to perform *ghusl* (q.v.) before performing acts of worship like *salah*.

Kalām: Literally, 'words' or 'speech' and referring to oration. The name applied to the discipline of philosophy and theology concerned specifically with the nature of faith, determinism and freedom, and the nature of the divine attributes.

Khabar al-Wāḥid: A solitary hadith reported by a single person from the Prophet. Also called *ḥadīth Āḥād*. *Khabar* means news or report.

Khalīfah (plural: *khulafā'*): Steward, vicegerent; successor. Man is referred to as the *khalīfah* or steward of God on earth. The word *khalīfah* was used after the death of the noble Prophet Muhammad to refer to his successor, Abū Bakr, as head of the Muslim community. Later it came to be accepted as the designation for the head of the Muslim state. Anglicized as caliph.

Khamr: Intoxicant: wine.

Khāṣṣ: The particular as opposed to the general (*ʿamm*).

Khawārij: Seceders. Name given to a group of the followers of the *khalīfah* ʿAlī who opposed his decision to agree to arbitration in the conflict with Mūʿāwiyah in 38 AH/659 CE. Later on, this group recognized as legitimate only the first two caliphs. Abū Bakr and ʿUmar. Theologically, they considered the sinner as a *kāfir*, an unbeliever, whom it is legitimate and religiously imperative to fight.

Khilāf: Controversy, dispute, discord.

Khilāfah: Stewardship, vicegerency, successorship. Office of the head of the Muslim state. Also the designation of the political system of the Muslim state after the noble Prophet.

Khuṭbah: Sermon, oration, or *ex tempore* speech.

Kufr: Ingratitude to God and manifest disbelief in Him and His religion.

Madhhab (plural: *madhāhib*): Literally, way of going. School of thought.

Mandūb: Recommended.

Maṣlaḥah (plural: *maṣāliḥ*): Considerations of public interest. It is generally held that the principal objective of the Shari‘ah and all its commandments is to realize the genuine *maṣlaḥah* or benefit of the people.

Maṣlaḥah al-Mursalah, al (plural: *al-maṣāliḥ al-mursalah*): A consideration which is proper and harmonious with the objectives of the Lawgiver; it secures a benefit or prevents a harm, but the Shari‘ah provides no indication as to its validity or otherwise. For example, the Companions decided to issue currency, to establish prisons, and to impose a tax on agricultural lands despite the fact that no textual authority could be found for these measures.

Mujtabid (plural: *Mujtabidūn*): One who exercises ijtihad (q.v.).

Muqallid (plural: *Muqallidūn*): One who follows or imitates another, often blindly and unquestioningly.

Murji‘ah: Deferrers. Those who defer judgment of the sinner to God and the Day of Judgment.

Mushrik (plural: *mushrikūn*): One who associates others in worship with God; a polytheist.

Mutashābihāt: Allegorical. Refers to verses (*āyāt*) of the Qur’an which are expressed in a figurative manner in contradistinction to *āyāt muḥkamāt* or verses which are clear in and by themselves.

Mu‘taẓilah: Group of rationalist thinkers who flourished from the middle of the second to the beginning of the fourth hijri century.

Nāsikh (active participle): Refers to the passage which abrogates or supersedes the part which is abrogated. The abrogated passage is called *mansūkh* (passive participle).

Naskh: Abrogation of certain parts of the Qur’anic revelation by others. The principle is mentioned in the Qur’an: “None of Our revelations do We abrogate or cause to be forgotten, but We substitute something better or similar” (2:106).

Naṣṣ (plural: *nuṣūṣ*): Text. A clear textual ruling or injunction from the Qur’an and the Sunnah.

Qaṭ‘ī: Definitive, unequivocal; free of speculative content.

Qiyās: Analogical deduction or reasoning. Recourse to analogy is only warranted if the solution of a new case cannot be found in the Qur’an and the Sunnah. Analogy then consists in extending a principle (*aṣl*) derived from the Qur’an and

the Sunnah to the new case. Analogical deduction cannot operate independently of the *nusūṣ*.

Ra'y: Opinion, reason. *Ahl al-Ra'y* – scholars who employ independent reasoning to the solution of new problems, in contradistinction to scholars who confine themselves mainly to hadith (q.v. *Ahl al-ḥadīth*).

Sadd al-Dharā'ī: Literally, blocking the means. Implies blocking the means to an expected end or an evil which is likely to materialize if the means towards it is not obstructed.

Ṣaḥābah: Companions of the Prophet.

Salaf: Forebears, predecessors, ancestors. *Al-Salaf al-Ṣāliḥ* – the righteous forebears – refers to the early generations of Muslims including the *Ṣaḥābah* and the *Tābi'ūn*.

Shahādah: Testimony, witness; the act of witnessing that there is no god but Allah and that Muhammad is His prophet, servant, and messenger; the verbal content of this act; martyrdom.

Shia: Literally, sect or party. The term Shia is short for *Shī'at* 'Alī or Sect of 'Alī. They believed that 'Alī, the cousin and son-in-law of the Prophet, should have succeeded him after the Prophet's death.

Shiqāq: Discord, schism, breach.

Sunnah: Literally, a clear path or beaten track. Refers to whatever the Prophet said, did, agreed to, or condemned. The Sunnah is a source of the Shari'ah and a legal proof next to the Qur'an. As a source of the Shari'ah, the Sunnah may corroborate a ruling which originates in the Qur'an. Secondly, the Sunnah may consist of an explanation or clarification of the Qur'an. Thirdly, the Sunnah may also consist of rulings on which the Qur'an is silent.

Tābi'ūn: Literally, followers. The generation of Muslims immediately after the Companions (*Ṣaḥābah*).

Tafsīr: Commentary, exegesis of the Qur'an.

Taqīd: Uncritical adoption or imitation of a particular scholar or school of thought (*madhhab*).

Taqwā: Consciousness of God.

Tawbah: Literally, returning. Repenting and seeking forgiveness for one's sins in order to return as close as possible to one's originally good and unsullied state.

Tawḥīd: Belief in or affirmation of the Oneness of God.

Ta'wīl: Interpretation or explanation. Sometimes used synonymously with *tafsīr*. Often used in the Qur'an in the sense of 'final meaning,' 'inner meaning' or 'real meaning' of a happening or statement or thing as distinct from its outward appearance. Absolute knowledge or what a thing or event implies rests with God alone – "none except God knows its final meaning (*ta'wīl*)" (3:7).

Tayammum: Symbolic ablution in place of *wuḍū'*, performed, for example, in the absence of water or in the case of illness.

‘*Ulamā*’ (singular: ‘*ālim*’): See ‘*ālim*’ above.

Ummah (plural: **umam**): Community, nation. Specifically, the community of believers or the universal Muslim community.

‘*Urf*’: Local custom which is ‘recognizably’ good. In the absence of anything to the contrary, derivation of the law from the common and approved mores of a people.

Uṣūl (singular, *aṣl*): Principles, origins. *Uṣūl al-fiqh* – principles of Islamic jurisprudence, philosophy of law; the methodology of deriving laws from the sources of Islam and of establishing their juristic and constitutional validity.

Waqf (plural: **awqāf**): Charitable endowment or trust set up in perpetuity.

Wuḍū’: Purification that must precede *salah* and such acts as the reading of the Qur’an.

Zāhir: Manifest, apparent, obvious. A word or phrase is described as *zāhir* when it has a clear meaning. It may still however be open to interpretation.

Zakah: The compulsory ‘purifying’ tax on wealth which is one of the five pillars of Islam. The word *zakah* is derived from the word meaning purification, growth, and sweetening.

Zannī: Speculative, doubtful. Refers to a text which is open to interpretation as opposed to a text which is definitive, unequivocal (*qaṭ’ī*).

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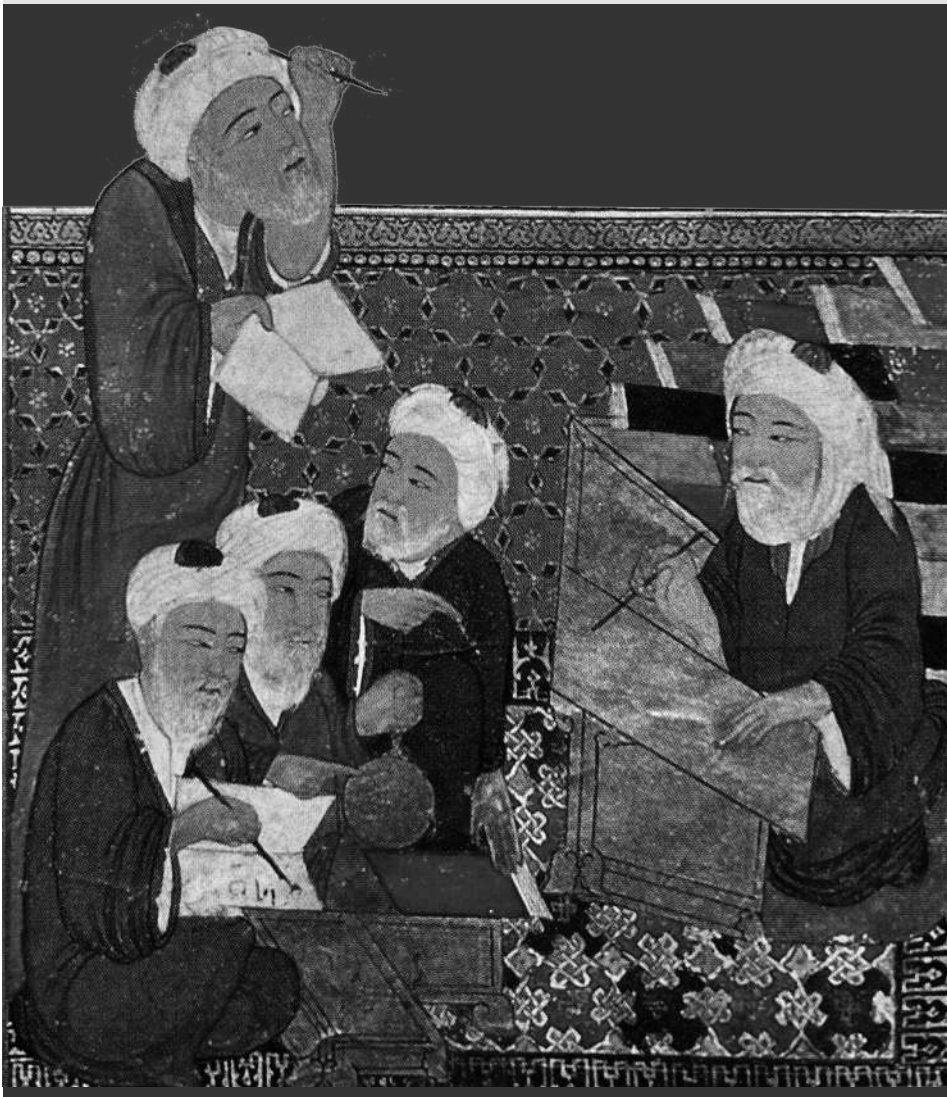
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PRESERVING UNITY AND AVOIDING DIVISION

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TAHA JABIR AL-ALWANI

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NANCY ROBERTS



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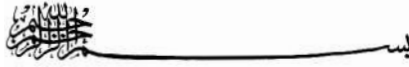
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FOREWORD



IN THE NAME OF GOD, THE MOST GRACIOUS, THE MOST MERCIFUL

*Praise be to God, and Prayers and Peace be upon
The Messenger of God, his Family and his Companions*

THE RELEASE OF the English version of our beloved father's book, *Preserving Unity and Avoiding Division: A New Approach to the Ethics of Disagreement in Islam* coincides with the approach of the seventh anniversary of his death. May God Almighty shower him with His mercy, causing what he gave in this world to elevate him and light his path in the world to come, and serve the message of His glorious revelation.

The book which is in the reader's hands is rich in its meanings, purposes and themes, and universal in its message. With rare courage and boldness, its author set forth his intellectual orientations and the essence of his academic and methodological career, concluding the final chapter of his life by adopting a methodology that follows the Qur'an wherever it leads and adheres faithfully to everything that was revealed to the heart of the Prophet Muhammad (ṢAAS).*

The approach which Dr. Al-Alwani adopted and to which he dedicated the final years of life required him to reexamine his intellectual heritage with the rigorous honesty of a scholar, the piety of an ascetic, the fear of the obedient, and the humility of the budding seeker of knowledge, thereby setting an example for every seeker of truth and every individual devoted to a cause.

* (ṢAAS) – *Ṣallā Allāhu 'alayhi wa sallam*: May the peace and blessings of God be upon him. Said whenever the name of the Prophet Muhammad is mentioned.

Based on the applied revisions presented in publications such as *Apostasy in Islam: A Historical and Scriptural Analysis (Lā Ikrāha fī al-Dīn: Ishkāliyat al-Riddah wa al-Murtaddīn min Šadr al-Islām ilā al-Yawm)*¹, *Al-Azmaḥ al-Fikriyyah wa Manābij al-Taghyīr* [The Intellectual Crisis and Approaches to Change], *Lisān al-Qurʾān wa Mustaqbal al-Ummah al-Quṭb* [The Language of the Qurʾan and the Future of the Leader Nation], *Naḥwa Manhajīyyah Maʿrifiyyah Qurʾāniyyah fī Bayān Qawāʿid al-Manhaj al-Tawḥīdī li al-Maʿrifah* [Towards a Qurʾanic Epistemological Methodology for the Monotheistic Approach to Knowledge], *Ḥākimiyyat al-Qurʾān* [The Governing Authority of the Qurʾan] and others, Al-Alwani's students, admirers and others were able to trace the evolution that had taken place in his thinking towards a comprehensive Qurʾanic review of all the varied ideas and approaches to knowledge he had explored over the course of more than half a century. Nevertheless, he insisted on revising this book as well, adding a second part in which he outlined a distinctive applied model of objective and constructive critique based on study, analysis, discussion and evidence-based reasoning.

In the spirit of the modern age, Al-Alwani sought no personal advantage in his self-critique. In fact, some of his students urged him not to be so hard on himself. Be that as it may, his criticism of his own works was an attempt to evaluate past experiments in such a way as to discern their true value. His quest for an objective and accurate evaluation of his own previous work promises to help other thinkers avoid falling into errors that might otherwise be endlessly repeated, like a cosmic pattern from which no one but the most infallible *mujtahid* can break free!

In this book, as in his others, Al-Alwani limited his efforts to combining the two “readings”: the reading of the Book of written revelation and the reading of the Book of the cosmos, an approach which enabled him to think independently and engage in the full creative use of his faculties.

As we turn the pages of this book, we find that the author has so refined, pruned, and corrected his output that what we hold in our hands is like burnished gold of the utmost beauty. With sober, orderly analysis, the book presents an applied reading of the traditional juristic

and doctrinal issues addressed in *The Ethics of Disagreement in Islam* in light of a realistic and critical Qur'anic interpretation which draws out the true meanings of the glorious Revelation. In so doing, it promises to help address the situation faced by an Ummah which is on the verge of burying its glorious treasures alive beneath a stultifying layer of disagreements from which it seems unable to free itself.

As fate would have it, this edition is appearing in the midst of turbulent crises and an accumulation of difficulties that have come to threaten humanity with crushing circumstances and conflicts. Our Arab and Islamic societies' elites of various persuasions have closed themselves off from the rest of the world, clinging to what they view as the uniqueness of their past experiences and doubling down on their presumptuous errors while doing their utmost to conceal negatives or weaknesses of any kind, and this despite the fact that rarely will any intellectual, social or administrative experiment be free of error. Consequently, the same slips and stumbles repeat themselves time and again, with one setback and shock after another. Yet, utopianism remains the predominant feature of elites' thinking even when they record their memoirs.

The young generations constantly hear words of praise for their forebears' excellent planning and construction and other positive contributions against the background of a reality riddled with failures which even the wise are hard put to account for. When they look around, they see ever worsening evil and corruption whose intertwining threads choke out attempts to uproot them. In the face of such conditions, how are these nascent generations of thinkers and scholars to learn, educate themselves, and overcome the sense that it is their duty to remain silent?

Many writers and elites tend to boast of what they have achieved, especially as their days on earth begin drawing to a close. In this book, by contrast, Al-Alwani emulated the example of the Prophet, whose primary concern as expressed in his farewell address was whether he had delivered the message that God had given him. He did not enumerate his achievements or hedge his writings about with walls of "absolute truth." Nor did he claim that what he had written was the best that could have been written.

Al-Alwani was not alone among scholars in this respect, of course. Rather, he joined the illustrious company of other thinkers who had possessed the honesty, daring and courage to make clear to their audiences the process they had gone through in the course of their academic and intellectual pilgrimages, all the while seeking right guidance through a comprehensive reading of the Qur'an. Take, for example, the great jurist and Qur'anic scholar, Sufyan al-Thawri, who said, "If only I had limited myself to the Qur'an." Similarly, the Shaikh of Islam Ibn Taymiyah declared, "I regret having wasted my time on meanings other than those of the Qur'an," and this despite having masterfully navigated the twin realms of revelation and reason, plumbing the depths of Islamic jurisprudence and its principles. As for Imam Fakhr al-Dīn al-Rāzī, he wrote in his will and testament, "I have walked the paths of scholastic theology and philosophical methods, yet the benefit they offer could never equal that offered by the magnificent Qur'an, which attributes all greatness and majesty to God Almighty rather than delving into oppositions and contradictions, knowing that human minds fade away and dwindle to nothing in deep straits and cryptic approaches."²

The intention of such venerable sages is not to belittle the importance of their knowledge or previous work. Rather, it is simply to call for more revisions and for diligence in understanding the Qur'an, reflecting on it, and discerning its meanings, and for the readiness to live with its words in contemplation and action alike.

Al-Alwani undertook to re-read his own intellectual production as embodied in *The Ethics of Disagreement in Islam* in light of the need to measure the entire Islamic heritage—its principles, its jurisprudence, its theology, its hadith and its interpretations—against the Book of God Almighty as the foundational source of legal rulings, and the Sunnah of the Prophet as the practical application that provides us with the way in which to follow the Qur'an.

Thus, he advises readers at the end of the book's Introduction to study the two "Books" (the Qur'an and the Cosmos) together, linking their issues in a comprehensive, constructive manner which shows how ideas develop over time. He summarizes this point in the first chapter of his book, *The Ethics of Disagreement*, then crosses over to the second,

which carries the same message as the first, namely, the call for “the unity of the Ummah,” the rejection of division, and the quest to establish this unity not only juristically, but intellectually and methodologically as well.

May God, Who guides to the straight path, have abundant mercy on him, and benefit readers with his knowledge.

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March 2024 / Ramadan 1445 AH

INTRODUCTION

IN THE NAME OF GOD, THE MOST GRACIOUS, THE MOST MERCIFUL

*Read in the name of thy Sustainer, who has created,
created man out of a germ-cell! Read – for thy Sustainer is
the Most Bountiful One, who has taught [man] the use of
the pen, taught man what he did not know!*

Sūrat al-ʿAlaq (96:1-4)

Representatives of juristic schools of thought, scholastic theologians, PhD holders and occupants of professorial chairs are not accustomed to criticizing themselves and their own writings. If such individuals receive criticism from others, they tend either to ignore or rebut it, however intensely or mildly. If, however, criticism is directed toward early scholars such as the founders of the four established juristic schools (al-Shāfiʿī, Ibn Ḥanbal, Abū Ḥanīfah and Mālik Ibn Anas) or their predecessors, the response to the critic will be severe indeed. In this connection, I will never forget what happened to me during my doctoral thesis defense when I directed a mild criticism at Imam al-Rāzī. The venerable Dr. Ibrahim al-Shahawi, Head of the Department of Jurisprudence at the time, bristled and, with great indignation, said, “And who are you to correct Imam al-Rāzī? What gives you the right to challenge a giant like him?!” In reply I said, “God Almighty has given everyone fair and equal access to knowledge. He said, ‘[We sent all these] apostles as heralds of glad tidings and as warners, so that people might have no excuse before God after [the coming of] these apostles: and God is indeed Almighty, Wise.’¹ As a seeker of knowledge, I may discover something in al-Rāzī’s thought that I take issue with. Is there something wrong with this?” He grudgingly said no more, and we concluded the session without having learned how to critique or rethink the positions taken by our predecessors. The only areas in which we

were given the opportunity to showcase our talents were those of comparative jurisprudence and appointment examinations, in which contexts – albeit with a healthy dose of caution and introduced by the requisite strings of honorific titles – we would engage in the most circumspect, diffident critiques. In short, we were heirs to an academic patriarchy that admitted of nothing but, “Imam So-and-So, may he rest in peace, said ...” or, “Such and such an author, commentator, annotator, may he rest in peace, said”

When I was teaching at Imam Muhammad Bin Saud Islamic University in Riyadh, the university expressed interest in publishing my doctoral dissertation. As a preparatory step, a professor there was assigned the task of reviewing the dissertation which, as it happened, contained some criticism of Imam Ibn Taymiyah, “the Shaykh of Islam.” The reviewer, a native of Najd, was furious when he read my statement that, “when the Shaykh of Islam Ibn Taymiyah wanted to rebut views of the Mutazilites, he would do so using statements by Fakhr al-Dīn al-Rāzī along with some minor additions of his own, whereas when rebutting the Asharites, he would often draw on statements made by the Mutazilites. At the same time, however, he is known to have unfairly applied numerous uncomplimentary descriptions to al-Rāzī.” In response to this passage from my dissertation, the examining professor wrote a strongly worded report that had nothing to do with academics. In fact, it ended up being a harangue calling for my contract to be terminated, and for me to be expelled from the country. He wrote, “This country has no place for those who cast aspersions on the Shaykh of Islam!”

Rather ironically under the circumstances, the Shaykh of Islam himself died in prison, and his remains were taken directly from his place of incarceration to his grave at the University of Damascus. The reason for Ibn Taymiyah’s imprisonment was that he had parted ways with the majority of Muslim scholars on three subsidiary issues of Islamic jurisprudence. In contrast to most other Muslim jurists, Ibn Taymiyah held that divorce does not take effect by virtue of a single word uttered by the husband, that one must not seek God through any sort of mediation, or travel for the purpose of visiting the grave of the Messenger of God, because one’s intended destination should not be

the Prophet's grave but, rather, the Prophet's mosque. Clearly, then, reevaluation of earlier thinkers' views and writings was not an accepted practice in institutions of religious instruction, and whatever rethinking or correction was attempted was branded as "innovation," departure from the scholarly consensus, and the like.²

My book *Adab al-Ikhtilāf* (The Ethics of Disagreement in Islam) is one of the most important things I wrote in my early days as an author. It was preceded by my *al-Ijtihād wa al-Taqlīd* (Independent Reasoning and Imitation), *al-Ta'ālīl 'ind al-Ḥanābilah* (Juristic Justification in the Ḥanbali School) and studies dealing with such topics as the rights of the accused during an investigation, the history of the fundamentals of jurisprudence, etc. When *Adab al-Ikhtilāf* was released with an introduction by Dr. Umar Ubayd Hasanah, it met with a positive reception and garnered considerable interest. In fact, it went through more than one edition in a single year. It was widely distributed, and during that period of time it may have been one of my most-read and talked-about books. Indeed, it was translated into eighteen languages, and it went through more printings than I can count. However, after adopting the practice of rethinking the Islamic heritage in light of the Qur'an, I thought it best to revise the book. My aim in doing so was to set a positive example for seekers of knowledge by demonstrating my willingness to reevaluate and critique not only others' thought and writings, but my own as well.

Some publishers urged me to expand and update it, and then issue a new edition for translation. As I went through the revision process, I discovered some regrettable errors. Consequently, I decided to correct these matters myself, and thanks be to God, I now feel confident that whatever errors it contained, including those that others were hesitant to point out to me, have been rectified.

It should be remembered that when the book first came out, I was, like every other Azhar graduate at the time, conservative and traditional in my views and approach. Hence, I seemed to assume that the earliest generations of Muslim scholars were never wrong, while later ones were never right! As a result, unlike all my writings from the 1990s and onward, this book now stood in need of intellectual and methodological revision in keeping with the principle of allowing the Qur'an to

stand in judgment over all else. There were, in addition, a number of particular points on which I had been mistaken, of which the following will serve as examples:

First: Influenced by popular opinion, I had viewed disagreements as a natural phenomenon that enjoyed the blessing and approval of the Messenger of God. Accordingly, I saw them as an aspect of community life that was here to stay, something one had to resign oneself to, and which was even a blessing of sorts based on the forged hadith that reads, “Disagreement within my community is a mercy.”³ Given this view, I went in search of rules of etiquette (*ādāb*) that might mitigate such differences and minimize their effects. In fact, however, the Qur’an views disagreement and conflict as negative, aberrant phenomena that should not be normalized or succumbed to. On the contrary, they are to be resisted, and attempts should be made to prevent believers from falling prey to them at any time. “Verily, as for those who have broken the unity of their faith and have become sects – thou hast nothing to do with them. Behold, their case rests with God: and in time He will make them understand what they were doing” (*Sūrat al-Aʿrāf* 6:159). “Say: ‘It is He alone who has the power to let loose upon you suffering from above you or from beneath your feet, or to confound you with mutual discord and let you taste the fear of one another.’ Behold how many facets We give to these messages, so that they might understand the truth” (*Sūrat al-Aʿrāf* 6:65). “All mankind were once one single community; [then they began to differ –] whereupon God raised up the prophets as heralds of glad tidings and as warners, and through them bestowed revelation from on high, setting forth the truth, so that it might decide between people with regard to all on which they had come to hold divergent views. Yet none other than the selfsame people who had been granted this [revelation] began, out of mutual jealousy, to disagree about its meaning after all evidence of the truth had come unto them. But God guided the believers unto the truth about which, by His leave, they had disagreed: for God guides onto a straight way him that wills [to be guided]” (*Sūrat al-Baqarah* 2:213). “And had thy Sustainer so willed, He could surely have made all mankind one single community: but [He willed it otherwise, and so] they continue to hold divergent views – [all of them,] save those upon whom thy Sustainer

has bestowed His grace. And to this end has He created them [all]. But [as for those who refuse to avail themselves of divine guidance,] that word of thy Sustainer shall be fulfilled: ‘Most certainly will I fill hell with invisible beings as well as with humans, all together!’” (*Sūrat Hūd* 11:118-119).

The last two verses in particular have been misunderstood as justifying disagreements, as numerous commentators have taken this passage to mean that God created people in order to hold divergent views. This interpretation was based on the phrase, “And to this end has He created them...” from *Sūrat Hūd* 11:119 quoted above. In fact, however, the phrase *li dhālika* (“to this end”) refers not to disagreement, but to mercy. In other words, God has created people for mercy. After all, God has commanded people to hold fast to His strong “rope” and His clearly worded revelation in order to achieve concord and harmony and to renounce disagreement and conflict. The well-known hadith according to which the Prophet said, “Disagreement within my community is a mercy,” was then fabricated and promoted when, in reality, disagreement is an evil that will never bring good in its wake. At the same time, however, it should be borne in mind that there are different types of disagreement and conflict. Some types are entirely unacceptable, some are entirely acceptable, and still others are nuanced to one degree or another. We need to be aware of such matters when evaluating this or that instance of difference or disagreement. In general, however, disagreement and conflict are blameworthy and undesirable, while agreement and harmony are praiseworthy and desirable.

Second: The original book was based on the notion that matters of belief allow for no independent reasoning or interpretation (*ijtihād*), a notion that was likewise shared by the majority of scholars. However, al-Jāhīz (d. 255 AH/868 CE), ‘Ubayd Allāh Ibn al-Ḥasan al-‘Anbarī (d. 168 AH/784 CE) and others of the Mutazilite school were of the view that independent reasoning is not limited to subsidiary and practical issues, but goes beyond them to some areas of belief as well. In relation to all of this they supported the view that more than one interpretation of the Qur’an based on independent reasoning may be correct. This is a teaching worthy of careful study and consideration, since it holds the

potential of curbing the intolerant attitudes that prevail among some Islamic groups and parties.

Hence, although it has been assailed by the majority of Islamic scholars, this position, which has been attributed to al-Jāhīz, al-ʿAnbarī and similarly minded scholars, is worthy of investigation, especially in view of the fact that we are faced with conditions and transformations that render everything subject to question. This position protects against the dangers of *takfīr* (labeling others unbelievers) and accusations of immorality and heresy for the slightest reason. Another reason for adopting this position of greater tolerance is that rather than concerning themselves simply with the five pillars of Islam as set forth in the Qurʾan, the Muslim community has witnessed an exponential increase in the number of issues concerning which a ‘true’ believer is required to have certainty. Indeed, there are now over two hundred points of doctrine on the basis of which various Islamic factions have begun accusing each other of unbelief!

Third: I identified causes underlying disagreements in an extremely biased fashion. When considering a given disagreement, for example, I framed the debate in such a way that one side was portrayed as representing the truth but not the other, and without clarifying why I viewed one side as more representative of the truth than the other, or why I considered it to be a disagreement in the first place. Further, I classified the Shia and the Kharijites as heretics, a position which I stated explicitly in more than one place in the book. I then went on to state that the Sunnis (by which I meant the Asharites) stand in contrast to the people who interpret religious texts according to their own passing whims or ideologies, and those who introduce unjustified innovations into the religion. I failed to see at the time that any writer who wants to narrow the chasm among the various Muslim sects and denominations needs to treat these sects and denominations as equals, and not declare his bias from the start in favor of this or that group as though he were calling upon them to relinquish all their sectarian loyalties and adopt his point of view. All such approaches are contrary to that of the Qurʾan, which taught us to say, “Say: ‘O followers of earlier revelation! Come unto that tenet which we and you hold in common’” (*Sūrat Āl ʿImrān* 3:64). “Say: ‘Who is it that provides for you sustenance out of the

heavens and the earth?’ Say: ‘It is God. And, behold, either we [who believe in Him] or you [who deny His oneness] are on the right path, or have clearly gone astray!’” (*Sūrat Saba’* 34:24). Rather than following this Qur’anic admonition, I was going meekly along with the biased positions being put forth by scholars representing the various competing sects. Of that I am ashamed now, and I want to publicly disassociate myself from such an approach.

Fourth: The language I used was the doctrinaire language of scholastic theology and jurisprudence, and I was quick to pass judgment before judgment was due, as a result of which my statements about others could easily have paved the way for them to be accused of unbelief. Take, for example, my statement: “The claim that it would be impossible to repeat the first generation’s accomplishments is tantamount to attributing impotence to the Book of God and the Sunnah of the Prophet... Indeed, those who make such a claim are on the path to outright unbelief.”⁴ In reality, however, the fact that later generations do not duplicate the output of earlier ones is attributable to other causes and divine laws which I have discussed in later studies.

Fifth: When I came to the issue of opposing those who refuse to pay zakah with armed force, I wrote, “Out of concern to ensure the continuation of Islam, the first caliph, Abū Bakr the Righteous, decided to wage war on them [the Arabian tribes who had begun refusing to pay the zakah] in order to force them to repent and return to Islam.”⁵ Elsewhere I stated, “As long as the Muslim community agrees that willfully refraining from performance of the ritual prayer is evidence of apostasy, then willful refraining from payment of zakah should likewise be viewed as evidence of apostasy, and war should be waged against those guilty thereof.”⁶ However, as will be known by those familiar with my later writings, particularly my book entitled, *Lā Ikrāha fil-Dīn*,⁷ I no longer hold the view that apostasy is subject to an Islamically prescribed punishment. Rather, I take my stand on the Qur’anic verse in which God declared, “There shall be no coercion in matters of faith” (*Sūrat al-Baqarah* 2:256). There is no justification whatsoever for forcing people to adopt this belief or that. However, my previous studies, which at the time I was not in the psychological or intellectual position to critique properly – no one having taught me

how to engage in such a critique or to subject my research to the probing gaze of the Qur'an – exposed me to such pitfalls. I am deeply grateful to God for having granted me a long life and, in these later years of mine, having inspired me to critique my own work in light of the guidance of the Qur'an and the Sunnah of the Prophet. Perhaps God willed in this way for me to find deliverance from my own errors, and I praise and thank Him for having granted me the gifts of sight and insight.

Sixth: In my earlier work I adopted the doctrinal vocabulary and language of the Qur'an rather than the cultural vocabulary of which I now make use. The first editions of the book were replete with the term *kāfir*, or “unbeliever.” On one occasion, for example, I would apply the term to Muslims who had introduced unwarranted innovations into Islam, on another to colonialists, and on still others to other groups or individuals.

Seventh: I relied in the earlier work on hadiths which, based on critical studies which I engaged in later, I now know to be in conflict with the Qur'an. Indeed, hadith specialists and other Muslim scholars have agreed to reject whatever contradicts the Qur'an. In one such hadith, the Prophet is reported to have said, “I have been commanded to fight people until they say that there is no god but God.”⁸ This hadith has been passed down via numerous chains of narrators. However, not one of these chains is fully sound. Rather, they are invariably either misrepresented (*mudallas*), incompletely transmitted (*mursal*), or otherwise objectionable on one basis or another. This fact has been confirmed not only by me, but by other scholars as well. Further, the acceptance of this hadith places us at odds with no fewer than two hundred Qur'anic verses of clearly established meaning. This hadith gained circulation after the Muslim community had moved away from peaceful means of propagating Islam to conquering and invasion. The hadith was thus used as a means of reinforcing the views of those who supported aggressive means of spreading the religion as over against the peaceful call to embrace the faith supported by the Qur'an. As we read in *Sūrat al-Nisā'* 4:77, “Art thou not aware of those who have been told, ‘Curb your hands, and be constant in prayer, and render the purifying dues?’ But as soon as fighting [in God's cause] is ordained for

them, lo, some of them stand in awe of men as one should stand in awe of God – or in even greater awe – and say, ‘O our Sustainer! Why hast Thou ordained fighting for us? If only Thou hadst granted us a delay for a little while!’ Say: ‘Brief is the enjoyment of this world, whereas the life to come is the best for all who are conscious of God – since none of you shall be wronged by as much as a hair’s breadth.’”

Eighth: I referred repeatedly in the original book to the authority of the early Islamic scholars without linking this to the authority of the Qur’an. However, this was inconsistent with my renewal project, which consists in measuring our entire Islamic heritage – its principles, its jurisprudence, its scholastic theology, its hadiths, and its exegesis – by the standards set forth in the Book of God Almighty. As the Prophet was instructed to say, “Behold, I take my stand on a clear evidence from my Sustainer – and [so] it is to Him that you are giving the lie! Not in my power is that which [in your ignorance] you so hastily demand: judgment rests with none but God. He shall declare the truth, since it is He who is the best judge between truth and falsehood” (*Sūrat al-Mā’idah* 6:57). “Art thou not aware of those who have been granted their share of revelation? They have been called upon to let God’s writ be their law – and yet some of them turn away [from it] in their obstinacy” (*Sūrat Āl ‘Imrān* 3:23). Authority belongs to the Qur’an and to the Sunnah of the Messenger of God, in which we observe the manner in which we are to adhere to and apply the teachings of the Qur’an.

In taking such a position, I was obliged to say that “all controversial issues should be referred to the teachings of the venerable scholars of the early years of Islam.” However, this position was clearly inconsistent with my current enterprise, in which the Qur’an is the sole authority, the one and only source of Islamic legal rulings, and in which the Prophetic Sunnah presents us with the ways in which the Qur’an was applied by the sinless Apostle.

Ninth: Like any other Azharite, I supported the notion of abrogation (*naskh*), on which I relied in more than one place in the book. In addition, I affirmed the concept of *ijmā’*^c, or consensus, as understood by Shāfi’is and scholastic theologians. Now, however, I attribute authority to the Book of God alone, my view being that the Muslim

community can adopt the teachings of certain sects or schools of thought, but in arriving at its conclusions, it must derive its evidence from the Book of God, and if it claims to have a consensus on a given issue, the Qur'an must affirm it.

Tenth: I included quite a number of accounts, such as the dialogues that took place between Ibn ʿAbbās and the Kharijites, and between the leading scholars of that day, without providing any documentation, and without ascertaining with certainty whether such dialogues actually took place or not. I also upheld the view that the Companions should be consistently viewed as upright, reliable, and correct in their views, as well as the definition of “Companion” adopted by the Ashʿaris and the Shāfiʿis.

As time went on, however, I concluded that the concept of Companionship needs to be modified. Rather than classifying someone as a Companion of the Prophet simply because he had seen him or met him momentarily as is the practice among Hadith scholars, I adopted the view that the title “Companion” should be reserved solely for those who were consistently in the Prophet’s company over an extended period of time. More specifically, “Companion” is a title to be applied only to someone to whom the Qur’an itself would apply it. God spoke to the Prophet saying:

But among the Bedouin who dwell around you there are hypocrites; and among the people of the [Prophet’s] City [too] there are such as have grown insolent in [their] hypocrisy. Thou dost not [always] know them, [O Muhammad – but] We know them. We shall cause them to suffer doubly [in this world]; and then they will be given over to awesome suffering [in the life to come]. (*Sūrat al-Tawbah* 9:101)

In light of this declaration from God, the notion that the Prophet’s Companions were, without exception, trustworthy individuals of integrity will need to be revised. In light of this reevaluation, we can distinguish between those who are to be viewed as Companions of the Prophet, and those who can rightly be described as trustworthy and righteous. People falling into the latter category include, for example, those who swore allegiance to the Prophet in al-Ḥudaybiyah in the

year 6 AH/628 CE and who are commended in the Qur'an. As we read in *Sūrat al-Fatḥ* 48:29:

Muhammad is God's Apostle; and those who are [truly] with him are firm and unyielding towards all deniers of the truth, [yet] full of mercy towards one another. Thou canst see them bowing down, prostrating themselves [in prayer], seeking favor with God and [His] goodly acceptance: their marks are on their faces, traced by prostration....

When we speak of what it meant to be a Companion, we must think in terms of who was "with him," and the trustworthiness and integrity of the Companions both in the transmission of narratives and other matters.

Eleventh: I related the events that took place in the Saqīfah of Banū Sā'īdah (where allegiance was pledged to Abū Bakr as the first caliph) as narrated by historians without any sort of editing or verification. However, because accounts of these events have undergone additions and deletions, they are not fit to be cited as evidence in support of this claim or that without being properly vetted in keeping with hadith scholars' standards and criteria.

Twelfth: I spoke about the criteria for Islamic brotherhood and the unity of Muslim ranks as though I were a preacher delivering a Friday sermon. As such, I was not presenting unity from the civilized, universal perspective of the Qur'an. The Messenger of God said, "The Arab has no greater merit than the non-Arab, nor the non-Arab than the Arab. A fair-skinned individual has no greater merit than a dark-skinned individual, nor the dark-skinned than the fair, except insofar as one is more God-conscious than another."⁹ The regions of the Earth likewise enjoy equality. The Messenger of God said, "I have been given four graces: The Earth has been made a place of worship and purification for my believing community, I have been sent to all people, I have been granted victory by the terror struck into my enemies from a month's journey away, and the spoils of war have been rendered permissible to my community."¹⁰ Similarly, the people of the world have been granted equal access to the Earth's blessings: "For He [it is who, after creating the earth,] placed firm mountains on it, [towering] above

its surface, and bestowed blessings on it, equitably apportioning its means of subsistence to all who would seek it..." (*Sūrat Fūṣṣilat* 41:10).

The Taha Al-Alwani who penned *The Ethics of Disagreement in Islam* nearly forty years earlier has changed as the teachings of the Qur'an have prompted me to take positions that are not supported by the Islamic heritage. The method I now adhere to is one that takes me wherever the Qur'an leads me. My guide is the God-given inspiration that entered the heart of the Prophet, then flowed through his limbs into a path of constructive action. I declare my remorse to all and sundry for whatever errors I have been guilty of, asking God for His forgiveness. May the Almighty look upon me not on the basis of what I have said or done, but on the basis of my intention, which is and always has been to serve Him to the best of my ability. I present these musings to my students and colleagues, as I want them to know that revision and reevaluation are a never-ending necessity. Imam al-Rāzī revised his writings before his death, and in his last will and testament, he said:

I have walked the path of the scholastic theologian and the philosopher, yet in neither have I found benefits comparable to those of the magnificent Qur'an. By attributing all greatness and majesty to God Almighty, the Qur'an prevents us from getting bogged down in a morass of oppositions and contradictions. Human reason is an ephemerality that vanishes in these deep straits and hidden paths.¹¹

With this in mind, I urge my colleagues and students never to be too proud to admit their mistakes, and to act promptly to correct them.

I avoid issuing fatwas, fearful that after issuing a ruling, I might discover that I was in error. Should this happen, I might not be able to alert the person who had requested it to the error concerned and warn him or her not to act on the ruling or, at the very least, not to go on acting on it. For this reason, whenever anyone asks me for a fatwa, I refer him or her to others with the proper knowledge and expertise.

If, in light of my Qur'an-centered approach, I should come across errors in any book I might have written, I stand prepared to retract them, and I ask my students and all my other brothers and sisters to pray for God's forgiveness on my behalf for any error I was not able to

retract and correct during my lifetime. May God enable everyone to do and say that which pleases Him.

Thus far I have discussed *The Ethics of Disagreement in Islam* in general terms. Turning to the book's details, its first edition was an attempt to engage in a serious treatment of an ailment afflicting the Muslim community: that of disagreement and contention. Indeed, so widespread are disagreements among Muslim thinkers that a number of scholars, both earlier and later, have devoted entire works to the subject. Indeed, an independent discipline grew up around the topic, referred to as the Science of Polemics (*‘ilm al-khilāfiyāt*). Works that fall under this category include, for example, *Khilāfiyāt Mālik* (The Polemics of Mālik), *Khilāfiyāt Abī Ḥanīfah* (The Polemics of Abū Ḥanīfah), *Khilāfiyāt Abī Yūsuf* (The Polemics of Abū Yūsuf), *Khilāfiyāt al-Awzā‘ī* (The Polemics of al-Awzā‘ī), and *Khilāfiyāt al-Bayhaqī* (The Polemics of al-Bayhaqī). *Bidāyat al-Mujtahid* (The Jurist's Primer) by Ibn Ruṣhd is also considered a work on the Science of Polemics, as is *al-Ifṣāḥ ‘an Mā‘ānī al-Ṣiḥāḥ* (A Clarification of the Meanings of the Collections of Authentic Hadiths) and *al-Isbrāf ‘alā Madhāhib al-Ashrāf al-A‘immah al-Arba‘ah fī Ikhtilāf al-Madhāhib* (An Overview of the Teachings of the Noble Founders of the Four Juristic Schools) by Ibn Ḥubayrah al-Shaybānī (d. 560 AH/1180 CE), *al-Isbrāf ‘alā Nukat Masā‘il al-Khilāf* (An Overview of Controversial Issues) by ‘Abd al-Wahhāb Ibn ‘Alī Ibn Naṣr al-Baghdādī al-Māliki, and many others.

Over time, jurisprudence has begun to infiltrate virtually all areas of our lives. As a result, people have begun wondering about everything they encounter – whether this or that food is permissible to eat, for example, and who issued the fatwa to this effect, which has caused people to think increasingly in terms of what one might term “juristic conflict.” If we speak of the unity of the Muslim community, the first thing some people think about is how to bring scholars together, and how to arrive at juristic solutions to matters of dispute. As for politics and economics, few people pay them any attention. Consequently, the focus of *The Ethics of Disagreement in Islam* in its first edition was the legal basis for dealing with disagreements among the four orthodox schools of jurisprudence.

By way of introduction to a discussion of the disagreements among the four Sunni juristic schools, Chapter One identifies which types of disagreement are acceptable and unacceptable, the division of disagreement into categories according to the motives behind them, and scholars' views on them. In Chapter Two, "The History and Evolution of Disagreement," I made reference to disagreements among the Companions of the Prophet during the Prophet's lifetime. In this context I discussed metaphorical Qur'anic interpretation and the criteria governing it, the position of those who issue fatwas, *mujtahids*, and reciters of the Qur'an. I also made reference to political differences and the role they play in the Muslim community's juristic and theological controversies, citing examples of debates that took place in these contexts.

Chapter Three was devoted to a discussion of the Muslim community's methods of deduction, while Chapter Four addressed the causes of disagreement during the eras of the Prophet and the four rightly guided caliphs. From here I turned to the causes of disagreement among Muslim jurists down the centuries, providing an overview of juristic controversies and how, if we are unable to uproot disagreements entirely, we need to adhere to the rules of etiquette governing them. Chapter Five, entitled, "The Ethics of Disagreement among the Founders of the Four Sunni Schools of Jurisprudence," includes a letter written by al-Layth Ibn Sa'ad to Imam Mālik as an illustrative example, while numerous other situations cited illustrate the ways in which these rules of etiquette were applied by Muslim scholars and *mujtahids* in their debates with one another and the ways in which they weighed the evidence at their disposal. On the basis of the foregoing, I derived a method, or ethic that would allow us to overcome the negative effects of disagreements and deal with violations of this ethic.

Chapter Six treated the subject of disagreement since the time when people abandoned *ijtihād*, settling instead into successive eras of imitation and reliance on tradition. I explained the causes underlying the disagreements of the last thirty years, and I set out the path to deliverance. At that time, I would never have imagined that disagreements among Muslims would intensify to the point of armed conflicts and internecine warfare. Yet we find ourselves embroiled in more division,

conflict, sectarianism and partisanship than ever before, as if each sect or party were living on an island separate from the rest. Nevertheless, the book as a whole prepared the groundwork in a clear and prescient way for an ethics of disagreement, and contributed to raising awareness of one of the most critical and important issues facing the Muslim community. If proponents of the Islamic awakening had given this earlier book the attention it merited, they could have prevented the worsening of the causes underlying the disagreements among the various movements, which have reached the point where some of them consider themselves justified in killing those who differ with them.

As for this revised edition of the book, it is based on the foundation laid by the first edition, but with additions, corrections and clarifications. Hence, I advise researchers and universities which have decided to make use of the earlier editions of *The Ethics of Disagreement in Islam* to consider obtaining this later edition as well. In this way, the two books can be studied together, and their issues linked in a comprehensive manner that shows how ideas evolve and benefit from being both culled and augmented. To this end, Chapter One provides a summary of the first edition of the book. Both editions are calls to unify the Muslim community and to disavow sectarian divisions. Unlike the earlier book, however, the revised version lays a foundation for this summons which is not only juristic, but intellectual and methodological as well.

*May the Almighty enable this work to achieve its intended purpose.
It is He who hears and answers.*

CHAPTER ONE

A Synopsis of *The Ethics of Disagreement*

Nothing has received greater emphasis in Islam than the message of God's unity, or *tawhīd*, and the unity of its message. The former involves a call to a pure, unadulterated faith in God, while the latter is a practical reflection of the former. Those who have a single Lord, a single prophet, a single holy book, a single direction of prayer, and a single Source and reason for being, must of necessity have a single message. As God declares to the Muslim community, "Verily, this community of yours is one single community, since I am the Sustainer of you all: worship, then, Me alone!" (*Sūrat al-Anbiyā'* 21:92). Unfortunately, however, the Muslims have acted contrarily to the message of God's unity.

We have acquired knowledge, while lacking the moral character required to use it well. We possess the means of accomplishing our intended goals, while allowing the goal to disappear from view. Followers of earlier revelation likewise possessed knowledge, but they strayed from it and perished, using such knowledge in ways that were harmful. As we read in *Sūrat Āl 'Imrān* 3:19, "...and those who were vouchsafed revelation aforetime took, out of mutual jealousy, to divergent views only after knowledge had come unto them." So, have we inherited the errors of those who received previous revelations? Have we become heirs to their mutual jealousy rather than adhering to the high moral standards required by the knowledge we have at our disposal?

The only way to overcome the intellectual crises that have afflicted the Muslim psyche and the moral crises revealed by Muslims' behavior is to address their roots by revising our ways of thinking. To this end, it will be necessary to reformulate fundamental concepts, rearrange our priorities, and educate young generations of Muslims on this basis.

FIRST: WHEN IS DISAGREEMENT ACCEPTABLE,
AND WHEN IS IT NOT?

God has created the human race with a diversity of perceptive and intellectual capacities, conceptions and ideas which, taken together, lead to a multiplicity of opinions and rulings. The varied nature of our languages, races, and practices is one of God's signs on Earth. Indeed, human life on Earth would not have evolved and flourished if human beings had been created equally in every respect. As it is, every entity that exists has been given the capacity to do what it was intended to. "And had thy Sustainer so willed, He could surely have made all mankind one single community: but [He willed it otherwise, and so] they continue to hold divergent views, save those upon whom thy Sustainer has bestowed His grace. And to this end has He created them" (*Sūrat Hūd* 11:118-119).

The difference that arose among the early Muslims – and which persist to this day – can be viewed as a further manifestation of the variety God intends on Earth. For if disagreements remain within their proper bounds, and if they are handled through adherence to the appropriate rules of etiquette, they can be a positive phenomenon. If the intentions of those disagreeing are sincere, disagreements can enable us to perceive all the possibilities to which a given piece of evidence might point, as well as exercising the mind and providing a way for ideas to cross-pollinate and enrich each other. If, on the other hand, a disagreement is not handled in keeping with the required rules of etiquette, it can lead to conflict and discord that tear at the fabric of the believing community.

1. *Types of Disagreement Classified According to Their Causes*

(a) *Disagreements sparked by selfish whim and arrogance, including the desire to achieve egoistic ends or worldly gratification.* This type of disagreement is blameworthy, since it is driven more by egotism than it is by the desire to seek the truth. As we read in *Sūrat Šād* 38:26, "Do not follow vain desire, lest it lead you astray from the path of God." There are numerous ways of determining the extent to which an idea has been influenced by "vain desire," both objective and subjective. Objective means include weighing an idea against the Qur'an and the authentic

Sunnah so as to ensure that it does not conflict with the kind of sound reasoning to which people are willing to appeal. As for the subjective means of achieving this end, they include reflection on the source of the idea in question, as well as honest self-examination as to the reason one has adopted this idea or that, and the degree to which one's thinking has been impacted by surrounding circumstances, including subtle and, at times, unconscious, pressures. Additionally, one should examine the idea in depth, identifying and critiquing its basic content.

(b) *Conflicts sparked by the desire to defend the truth.* When those who cling to the truth stand opposed to those who represent unbelief, polytheism and hypocrisy, this generates a necessary conflict that one is duty-bound to involve oneself in. In fact, it would be unacceptable to acquiesce to such attitudes. However, this does not mean that Muslims should live with such individuals in a state of constant warfare, since matters of war and peace are governed by rules and texts of their own.

(c) *Disagreements that fall somewhere along a continuum between the categories of praiseworthy and blameworthy.* Conflicts of this type revolve around subsidiary issues, the rulings on which vary depending on a variety of particular factors. Conflicts of this type are dangerous given the fact that personal whim might be disguised as piety, speculation as knowledge, an unfounded claim as a well-founded one, and the objectionable as acceptable. The only way to avoid such perils is to adhere to well-defined rules and criteria to which appeal can be made, without which minor disagreements can easily turn into intractable divisions.

SECOND: THE HISTORY OF DISAGREEMENTS WITHIN THE MUSLIM COMMUNITY

During the lifetime of the Messenger of God there was nothing that might have led to disagreement or conflict in the senses mentioned above, since the Messenger of God was the agreed-upon authority to which everyone appealed if a dispute arose. If, for example, the Companions disagreed on something, they would refer the dispute to the Prophet, who would make the truth plain. As for those for whom issues arose without their being able to refer them to the Messenger of

God due to their distance from Madinah, disagreements would indeed arise. When they returned to Madinah, they would present the solutions and conclusions they had reached to the Messenger of God, and he would clarify their understandings of things.

For example, prior to the Battle of the Confederates, the Prophet said, “Let no one pray the mid-afternoon prayer anywhere but at among the Banū Qurayzah.” It then happened that the time for the mid-afternoon prayer arrived when some of the Companions were still on their way to the territory of the Banū Qurayzah. Some of them said, “We shouldn’t pray the mid-afternoon prayer until we get there,” while others disagreed, saying, “No, we are going to pray it now. He did not mean that we should delay it until our arrival.” This exchange was later mentioned to the Prophet, who condemned neither of the positions taken on it.¹

It is clear from this hadith that the Companions had been divided into two groups, one of which took the Prophet’s words at face value, and the other of which deduced a meaning from what he had said and applied it to their particular situation. The fact that the Messenger of God judged both groups to be in the right indicates the legitimacy of each of their interpretations. In other words, his words could be taken at face value, or one could draw reasoned conclusions from them.

However, this does not mean that the Messenger of God approved all of his Companions’ interpretations or legal interpretations. In illustration of this fact, the hadith collections of Abū Dāwūd and Dāraqūṭnī both include an account narrated by Jābir, who said, “We set forth on a journey, and one of the men with us was struck in the head by a rock, after which he had a seminal emission. So he asked his companions whether there was an allowance in Islamic law that would permit him to perform a sand ablution. To this his companions replied, ‘We find no such allowance for you when you have access to water.’ The man then performed a ritual bath, and died. When we approached the Messenger of God, he was informed of what had happened, and he said, ‘They killed him! They should have asked if they did not know [the correct ruling]. After all, the antidote to uncertainty is inquiry. It would have been enough for him to perform a sand ablution and to wring out a rag or bind the wound with it [the narrator of the hadith was uncertain as

to which had been said], then wipe the area and bathe the rest of his body.”²

One notes that the Messenger of God did not excuse those of his Companions who had issued this fatwa. On the contrary, he reprimanded them severely for having issued a fatwa without sufficient knowledge, accusing them, in effect, of involuntary manslaughter. He made clear that those who, like his Companions, find themselves in a state of uncertainty over an issue of importance should inquire of others first rather than rushing to issue a legal ruling based on insufficient knowledge.

1. *Ta’wīl and its Various Types*

The following passages from the Qur’an illustrate how the word *ta’wīl* has been used in the Holy Book:

for, indeed, We did convey unto them a divine writ which We clearly, and wisely, spelled out – a guidance and a grace unto people who will believe. Are [the unbelievers] but waiting for the final meaning (*ta’wīl*) of that [Day of Judgment] to unfold? [But] on the Day when its final meaning (*ta’wīl*) is unfolded, those who aforesaid had been oblivious thereof will say: “Our Sustainer’s apostles have indeed told us the truth! Have we, then, any intercessors who could intercede in our behalf? Or could we be brought back [to life] so that we might act otherwise than we were wont to act?” Indeed, they will have squandered their own selves, and all their false imagery will have forsaken them. (*Sūrat al-A’rāf* 7:52-53)

... none save God knows its final meaning (*ta’wīl*). (*Sūrat Āl ‘Imrān* 3:7)

O you who believe! Obey God and the Apostle, and those charged with authority among you. If you differ in anything among yourselves, refer it to God and His Messenger, if you do believe in God and the Last Day: That is best, and most suitable for final determination (*wa aḥsanu ta’wīlan*). (*Sūrat al-Nisā* 4:59)

Scholars have suggested many meanings for the term *ta’wīl*. According to the definition most widely used among Islamic legal

theorists, *ta'wīl* refers to the process of “shifting from a term’s apparent meaning to another probable meaning based on evidence.” The Qur’an’s usage of the term is, of course, our primary point of reference. According to a hadith narrated by ʿĀ’ishah, Mother of the Believers, “When he bowed in prayer, he would say, ‘Glory be to Thee, O God, our Lord, and praise. O God, forgive me.’ In so doing, he was applying (that is, “interpreting” – *yata’awwalu*) the teaching of the Qur’an, in which God had instructed the Prophet, ‘extol thy Sustainer’s limitless glory, and praise Him, and seek His forgiveness: for, behold, He is ever an acceptor of repentance’ (*Sūrat al-Naṣr* 110:2-3).” This passage was understood by a number of the Companions to refer to the completion of the Prophet’s mission and his imminent departure to be with the Heavenly Companion. However, the Prophet himself preferred that the passage be understood in its most immediate and direct sense rather than in a more distant or metaphorical sense.

Ta'wīl, or interpretation, involves focusing on what lies beyond the apparent meaning of a text. Some interpretations will be semi-literal, based on a minimal degree of reflection on the text, and must, of course, be supported by the text itself. Take, for example, the passage which reads, “Behold, those who sinfully devour the possessions of orphans but fill their bellies with fire: for [in the life to come] they will have to endure a blazing flame!” (*Sūrat al-Nisā’* 4:10). A near, or semi-literal, interpretation of this passage would be that wasting orphans’ wealth or giving it away to others as charity is tantamount to “eating it,” and must be prohibited.

Another, more abstract level of *ta'wīl* requires deeper reflection. We read in *Sūrat al-Aḥqāf* 47:15, for example, that “in pain did one’s mother bear him, and in pain did she give him birth; and her bearing him and his utter dependence on her took thirty months,” and in *Sūrat al-Baqarah* 2:233 that “mothers may nurse their children for two whole years if they wish to complete the period of nursing.” After reflecting on these two passages, ʿAlī Ibn Abī Ṭālib concluded that the shortest period of time a woman might be pregnant is six months. Of course, some instances of *ta'wīl* are so far-fetched as to lack any real basis in the text, such as the suggestion that the phrase *al-naba’ al-ʿaẓīm* in *Sūrat al-Naba’* 78:1-2, “About what do they [most often] ask one

another? About the awesome tiding (*al-naba' al-‘azīm*),” refers to Imam ‘Alī!

Some scholars have held the view that *ta’wīl* (in the sense of interpretation, or metaphorical interpretation), is the same as *tafsīr* (exegesis), while others have held that *tafsīr* is more general and inclusive than *ta’wīl*. Scholars holding this latter view include al-Rāghib al-Iṣfahānī, according to whom *tafsīr* concerns itself primarily with explaining particular words, whereas *ta’wīl* is used predominantly to clarify the meanings of entire verses and passages. Nevertheless, the rules governing *tafsīr* are the same as those that govern *ta’wīl*. The Qur’an speaks of realities that lie beyond the realm of human understanding, and knowledge of which is possessed by God alone. Matters such as these, which should not be approached through either exegesis (*tafsīr*) or metaphorical interpretation (*ta’wīl*), include, for example, the essences underlying the divine names and the ways in which the divine attributes apply to the Ultimate Being. Another rule governing *ta’wīl* is that it must not exclude or contradict the immediately apparent meaning of a word, phrase, verse, etc. based on recognized linguistic rules and customary use of the Arabic language. Furthermore, it must not conflict with any other Qur’anic text, and it must take into account the context in which the text appears as well as the purpose the text was intended to achieve based on the situation or circumstances that occasioned the text’s revelation. And lastly, it must not violate any unanimously agreed-upon juristic rule.

2. *The Prophet’s warning against disagreement*

The Prophet realized that one of the most important conditions for the Muslim community’s survival was believers’ ongoing unity in the love of God. Hence, he cautioned his Companions against disagreement and conflict, saying, “Differ not amongst yourselves, lest your hearts differ.”³ In a concrete application of this command, the Messenger of God said to his Companions, “Recite the Qur’an so long as your hearts are in harmony, but should you differ over it, then rise.”⁴ If disagreements arose among them over the pronunciation of certain letters or the meanings of certain verses, they were to discontinue their communal

recitation until tempers had cooled. Then, if there was a sincere desire for mutual understanding, they could go on reciting and reflecting together on the verses of the Qur'an.

3. *The ethics of disagreement among the Companions*

After the Prophet's death, the Companions differed over numerous issues, some of which were of grave moment, such as the issue of the caliphate and waging war on Arabian tribes who were refusing to pay zakah. However, thanks to the spirit of Islamic brotherhood which the Prophet had instilled in the Companions, they transcended their egos in the interests of what they saw as being best for Islam and the Islamic community. Consequently, despite the seriousness of these conflicts, the related events passed without inflicting a fatal wound on the Islamic body of believers. As Islam spread geographically, further divisions and disorder resulted. By this time, of course, the Muslim community was no longer confined to the generation of the Emigrants and the Helpers who had worked with the Prophet to build a society around the authority of the Qur'an.

4. *Political conflicts and their impact on intellectual disagreements*

The political conflicts that came on the heels of the sedition that led to the slaying of the third caliph, 'Uthmān Ibn 'Affān, the transfer of the caliphate to Kufa, and then to Damascus, and the tumult that accompanied these events, introduced previously extraneous elements into the realm of disagreement. Influenced by political factors, local communities began focusing exclusively on whatever they had already received of the Prophet's Sunnah, while viewing with suspicion other communities' share of the tradition. The fabrication of hadiths thus began, as well as the composition of stories intended to communicate a political message. In this increasingly polarized atmosphere, the inhabitants of the Hejaz insisted that a hadith that circulated among Iraqis or Damascenes was unacceptable unless it had originated among the Hejazis themselves. The Hejazis were of the belief that they had set down the criteria for the acceptability of the Sunnah, and that no element thereof could legitimately deviate from the Sunnah available to them in particular. After the Battle of Ḥunayn in the year 8 AH/630 CE,

ten thousand of the Prophet's Companions remained in Madinah, where they lived until his death. Caliph 'Umar Ibn 'Abd al-'Azīz (98-101 AH/717-720 CE) used to write to the people of the various cities instructing them in jurisprudence and the practices sanctioned by the Prophet's example. When he wrote to the people of Madinah, however, he would ask them to teach him the practices that they themselves had knowledge of from the life of the Prophet so that he could send them on to others. The Sunnah and the jurisprudence passed down from the Prophet's Companions in the city of Madinah were safeguarded by Sa'īd ibn al-Musayyab and his students, whose teachings were adopted later by the imams of the Māliki, Shāfi'ī, Ḥanbali, Zāhiri, and other schools of jurisprudence. The scholars of Madinah who were successors to the Companions were of the view that the hadiths and other reports in their possession were sufficient to meet their juristic needs, and that there was thus no reason for them to rely on personal opinion or interpretation in arriving at legal rulings. A scholar noted for his disagreement with this view, and who adopted opinion and personal reasoning to arrive at legal rulings, was a man by the name of Rabī'ah Ibn Abī 'Abd al-Raḥmān, who came to be dubbed "Rabī'ah of the Opinion." The vast majority of scholars, however, relied exclusively on the written heritage of prophetic hadiths and reports passed down on the authority of the Companions.

As for Iraqi scholars such as Ibrāhīm al-Nakha'ī, they held that Islamic legal rulings can be understood through reasoning and logic and that they are based on precise principles and effective causes. In keeping with this view, the jurist is someone who searches out the purposes and the effective causes on the basis of which rulings have been issued. These thinkers noted that whereas Islamic legal texts are finite, the situations to which they are a response are infinite. Hence, the only way to cope effectively with people's ongoing legislative needs is to identify the effective causes underlying the rulings set down in the Qur'an and the Sunnah. A distinguishing feature of the Iraqi school was the principle that if no written tradition of relevance to a given circumstance exists, then the jurist must arrive at his own reasoned opinion on the matter. Iraq had witnessed far more changes than Madinah had. Hence, concerned to ensure that their jurisprudence was not tainted by

the thought of frivolous individuals and conflicting sects, Iraqi scholars set down conditions for the acceptability of hadiths and traditions that had come newly to their attention.

THIRD: THE LEADING IMAMS' DIFFERING METHODS OF DEDUCTION

A full thirteen Sunni schools of Islamic jurisprudence emerged after the eras of the Companions and their Followers. However, not all of these schools were fortunate enough to have their juristic teachings set down in writing. Furthermore, whereas some of these teachings were recorded in their entirety, others were written down only partially. The imams who founded these juristic schools were: (1) Abū Saʿīd al-Ḥasan Ibn Yasār al-Baṣrī (d. 110 AH/728 CE), (2) Abū Ḥanīfah al-Nuʿmān Ibn Thābit Ibn Zūʿī (d. 150 AH/767 CE), (3) Abū ʿAmr ʿAbd al-Raḥmān Ibn ʿAmr Ibn Muḥammad al-Awzāʿī (d. 157 AH/774 CE), (4) Sufyān Ibn Saʿīd Ibn Masrūq al-Thawrī (d. 160 AH/777 CE), (5) al-Layth Ibn Saʿd (d. 175 AH/791 CE), (6) Mālik Ibn Anas al-Aṣbahī (d. 179 AH/795 CE), (7) Sufyān Ibn ʿUyaynah (d. 198 AH/813 CE), (8) Muḥammad Ibn Idrīs al-Shāfiʿī (d. 204 AH/819 CE), (9) Aḥmad Ibn Muḥammad Ibn Ḥanbal (d. 241 AH/855 CE), and (10), Dāwūd Ibn ʿAlī al-Aṣbahānī al-Baghdādī, best known as al-Zāhirī (“the Literalist”) due to his adherence to the apparent, or literal, meaning of the Qurʾanic text (d. 270 AH/883 CE).

As for the imams whose schools still have large followings throughout the Islamic world and whose teachings and principles continue to serve widely as the basis for Islamic legal rulings and opinions, they are Abū Ḥanīfah, Mālik Ibn Anas, al-Shāfiʿī, and Aḥmad Ibn Ḥanbal.

The methods of the four Sunnite schools of jurisprudence

Imams Mālik, al-Shāfiʿī and Aḥmad Ibn Ḥanbal relied strictly in their jurisprudence on the written heritage of hadiths and reports passed down on the authority of the Companions (*āthār*). As such, they were referred to as “the people of the Hadith” (*ahl al-ḥadīth*). These three imams received and passed down the jurisprudence and sciences of the earliest Islamic scholars of Madinah, while Abū Ḥanīfah, by contrast, was representative of the “People of Opinion” (*ahl al-raʾī*) that is, those

scholars who relied on reasoned opinion to arrive at legal rulings in the absence of explicit texts of relevance from the Qur'an and the Sunnah.

By the time the Abbasid caliphate was established in Baghdad in 132 AH/750 CE, the disagreements that had first arisen between the school of Sa'īd Ibn al-Musayyab – founded on the jurisprudence of the Companions and their traditions – and the school of Ibrāhīm al-Nakha'ī of Iraq, which relied on the jurist's reasoned opinion in the absence of an authoritative tradition, had subsided significantly. Nonetheless, the Abbasids were keen to ensure that the senior scholars of the Hejaz were brought to Baghdad in order to spread the Sunnah there. These scholars included Rabī'ah Ibn Abī 'Abd al-Raḥmān, Yaḥyā Ibn Sa'īd, Hishām Ibn 'Urwah, Muḥammad Ibn Ishāq, and others. Similarly, some Iraqis went to Madinah and studied under scholars such as Abū Yūsuf Ya'qūb Ibn Ibrāhīm and Muḥammad Ibn al-Ḥasan al-Shaybānī, who had been disciples of Abū Ḥanīfah but had studied with Mālik as well. Not surprisingly, then, there was a two-way exchange of opinions and ideas between Iraq and the Hejaz.

Imams Mālik, al-Shāfi'ī and Aḥmad adhered to highly similar approaches, albeit with different methods of deduction. As for Abū Ḥanīfah, he stood apart from the rest in certain respects. He wrote:

I apply the teachings of the Book of God if I find [the relevant text] there. When I do not find such a text there, I apply the Sunnah of the Messenger of God and the authentic traditions about him circulated via trustworthy narrators. If I find nothing [of relevance] in either the Book of God or the Sunnah of the Prophet (ṢAAS), I rely on statements by his Companions. Once I have chosen one of them, I adopt no one else's view. If I end up consulting Ibrāhīm al-Nakha'ī, al-Sha'bī, Ibn al-Musayyab (and others whom he enumerates here), then I am allowed to arrive at my own reasoned conclusions just as they did.

One notes that Abū Ḥanīfah was strict concerning which narratives to accept. He would not acknowledge a hadith passed down by only one narrator if it supported a special allowance (*rukḥṣah*) intended to relieve hardship, and he would give preference to a clear case of analogy over a single opposing report. If a narrator with juristic expertise acted

contrary to an account which (Abū Ḥanīfah) had narrated, Abū Ḥanīfah would support the view represented by this juristic expert's action, not that supported by the account he (Abū Ḥanīfah) had narrated. Hence, the imam was quoted as saying, "This knowledge of ours is an opinion only, and it is the best we could do. Thus, if someone presents us with something superior, we will accept it." As for Imam Mālik, he wrote [in objection], "Shall we, every time someone presents us [with an opinion we find favorable], challenge what the angel Gabriel revealed to Muhammad (ṢAAS)?"

The rules on which Mālik based his system of thought may be summed up as follows: Apply the text of the Holy Book, then its apparent meaning, which is most generally accepted. Then examine its indirect implications, both negative and positive. After this, turn your attention to the clues in the text to the effective cause underlying it. These are five principles, and with respect to the Sunnah we have an equal number, which makes ten. Then we have consensus, analogical deduction, the practices of the people of Madinah, *istiḥsān* (juristic preference), *sadd al-dharā'ī* (prohibition of evasive legal devices), *al-maṣāliḥ al-mursalah* (unrestricted interests), statements by the Companions who were recognized authorities with sound chains of transmission, consideration of opposing views (if there is evidence in their favor), *istiṣḥāb* (presumption of continuity), and lastly, consideration of the laws of those who came before us (Christians and Jews).

We now turn to Imam al-Shāfi'ī, who held that the Qur'an and the Sunnah have equal standing with respect to Islamic legislation. According to al-Shāfi'ī, the only conditions a hadith must meet in order to be the basis of legislation are that it be sound and have a continuous chain of transmission, since it is a fundamental source concerning which one may ask neither why or how. Unlike Abū Ḥanīfah, al-Shāfi'ī did not stipulate that a hadith be well-known (*mashhūr*) if it relates to an unavoidable necessity (*ma ta'ummu bihi al-balwā*), and unlike Mālik, he did not require it to be consistent with the practice of the people of Madinah. However, he rejected hadiths with incomplete chains of transmission with the exception of those narrated on the authority of Sa'īd Ibn al-Musayyab, since his hadiths had continuous paths of narrators. In this respect, al-Shāfi'ī differed with Mālik and

al-Thawrī as well as his contemporary hadith scholars who argued on the basis of incompletely transmitted hadiths (*aḥādīth mursalah*). Unlike Mālik and Abū Ḥanīfah, al-Shāfi‘ī rejected arguments based on juristic preference (*istiḥsān*). He also denied the validity of arguments based on unrestricted interests (*al-maṣāliḥ al-mursalah*), analogical reasoning that was not based on an obvious and specified effective cause, and the practices of the people of Madinah. Furthermore, he criticized the Ḥanafis for not abiding by many Sunnah-based practices which they judged to be inauthentic by their standards, such as requiring relevant hadiths to be *mashhūr*, and the like. Lastly, like Mālik, al-Shāfi‘ī did not restrict himself to the adoption of hadiths that originated with the Hejazis.

Coming to the Ḥanbali school, their rules are as follows: Act on the texts of the Qur’an and the Sunnah. If no such texts exist in connection with the issue at hand, turn to the fatwas issued by the Companions. If you find a relevant fatwa issued by a Companion which is not contradicted by a statement by any other Companion, adopt this view and look no further. Do not give any practice, opinion or analogical deduction priority over it. If the Companions disagreed in their views, choose the one closest to the teachings of the Qur’an and the Sunnah, and search no further. If it is not clear which view is most consistent with the Qur’an and the Sunnah, simply note the dispute, and adopt none of them definitively. If you find nothing else of relevance to the question before you, you may adopt the ruling found in a hadith that is incompletely narrated (*mursal*), or a weak hadith with external corroboration provided that you encounter no tradition, no statement attributed to a Companion, and no consensus which challenges or refutes it. Furthermore, you should give this view priority over analogical deduction, to which appeal should only be made if none of the aforementioned forms of evidence is available. Lastly, adhere to the principle of *sadd al-dharā’i’*, or prohibition of evasive legal devices.

Coming at last to the rules followed by the Zāhiri, or literalist school of jurisprudence, they may be summarized as follows: Adhere to the immediately apparent, or literal, meanings of both the Qur’an and the Sunnah, giving them priority over the underlying purposes and interests in the service of which the text may reasonably be thought to

exist. Do not apply analogical deduction unless the effective cause (*‘illah*) is explicitly stated in the text on which the analogy is based (such as a ruling which sets a legal precedent), and unless this same effective cause is definitively present in the situation to which the precedent is to be applied. The use of *istiḥsān*, or juristic preference, is forbidden, and the only consensus on which legal reasoning may be based is that which existed in the era of the Companions. No reliance is allowed on hadiths that are incompletely transmitted (*mursal*) or interrupted (*munqaṭi‘*), on the laws of Jews and Christians, or argumentum a contrario (*mafḥūm al-mukhālafah*). Lastly, neither scholars nor lay people are permitted to engage in blind imitation.

Actually, many of the principles that have been attributed to the imams who founded the various schools of Islamic jurisprudence have been extrapolated from their statements rather than having been articulated by them directly. Hence, we should avoid excessive preoccupation with defending these principles as though they were sacrosanct. Such a preoccupation is a dangerous pitfall that has embroiled us in odious conflicts with devastating consequences for the Muslim community. Rather, our focus should be on the Qur’an and the Sunnah.

FOURTH: THE CAUSES UNDERLYING JURISTIC DISAGREEMENT

It goes without saying that since people are born into a variety of family settings, cultures and societies and are gifted with varying levels of intellect, understanding and perception, differences over intellectual issues, juristic issues included, are a perfectly natural phenomenon. The jurist may or may not arrive at the most accurate or suitable ruling on a given case. Whether he does or not, however, all that is required of him or her is to make the best possible use of his or her mental and intellectual abilities and perceptions. If the ruling one arrives at is not fully consistent with that of the Lawgiver, it will at least be the closest one was able to come in terms of truth, purposes, and effects. Consequently juristic differences are legitimate on two conditions. The first condition is that each party to the dispute have valid evidence on which to base his position, and that any position that lacks such evidence be dropped from consideration. And the second condition is that adoption of the

opposing position must not lead to an absurd or fallacious stance. These two conditions are what distinguish difference from conflict, the latter of which is a sign of over-reaction, caprice and obstinacy.

People have held widely divergent views concerning the causes that underlie juristic disputes. However, such disputes can be attributed overall to the following.

1. *Linguistic factors*

A Qur'anic text might contain a word that is known to convey a variety of different meanings. In some cases, a single word might have both literal and metaphorical uses, in which case people might disagree as to whether a given word was used literally or figuratively in a particular context. In fact, there has been disagreement as to whether metaphor can occur in the Qur'an at all, with the majority affirming the use of metaphor in the Qur'an, and the minority denying it. Among this minority were Shāfi'ī jurist al-Isfarāyīnī and the Shaykh of Islam Ibn Taymiyah. Still other disagreements have arisen over the various forms of prohibitions and commands in the Qur'an. It is a known fact, of course, that the phrase, "Do..." is a command, while the phrase "Do not..." is a prohibition. Furthermore, an unqualified command signals duty or obligation, while an unqualified prohibition signals proscription. These are the literal uses of the imperative, both positive and negative.

However, the imperative may also be used for purposes other than that of issuing commands and prohibitions. A command might be used, for example, to indicate that a given action is recommended, to provide guidance, or even to threaten. Similarly, a negative command or prohibition might be used simply to indicate that an action is undesirable (*makrūh*), to convey disdain, or to offer guidance. In other situations a command or a prohibition might appear in the indicative form, that is, in the form of a declarative statement. All such phenomena have had a role to play in disagreements among Muslim jurists and the rulings they derive from texts.

2. *Factors relating to the narration of hadiths*

Sometimes a hadith will reach one *mujtahid* but not another, as a result

of which they issue inconsistent fatwas. In another case, the same hadith may reach both *mujtahids*, but one of them notes an effective cause which, in his view, renders the hadith inapplicable to the situation at hand, while the other views it as applicable and acts on it. Scholars' opinions may clash because they differ in their understandings of a hadith's meanings and implications. Or a *mujtahid* may view a hadith as valid, but find that it is challenged by another hadith with stronger attestation and validity, as a result of which he favors the stronger of the two narrations. In another situation, it may be unclear to the *mujtahid* which of two pieces of textual evidence is more powerful, as a result of which he decides to use neither of them unless he finds some evidence that tips the scale in favor of one text over the other. Two *mujtahids* may interpret and apply a hadith in different ways, as one of them may cite a Qur'anic text which abrogates the hadith, narrows its sphere of application, or qualifies its meaning, while the other does not.

3. *Factors relating to basic rules and standards of inference*

The science of the fundamentals of jurisprudence concerns itself with an overall knowledge of juristic evidence, how to benefit from this evidence, and the status of the beneficiary. Hence, this science consists of the sum total of the rules and standards which have been laid down by *mujtahids* to regulate the process of *ijtihad* and the derivation of subsidiary legal rulings from detailed evidence. In his or her fundamental approach, a *mujtahid* will specify the evidence from which legal rulings will be derived and then engage in a reasoning process by means of which he or she determines the degree of authority to be attributed to each type of evidence. In the course of this process, the *mujtahid* will clarify the ways in which a legal ruling relates to each type of evidence, as well as the steps followed in arriving at a ruling. *Mujtahids* have disagreed over these rules and standards, which is how the various schools of jurisprudence came into being. They have differed, for example, over the degree of authority to be attributed to the fatwas issued by the Companions, the consideration to be given to unrestricted interests, and what are termed disputed evidences, such as prohibition of evasive legal devices (*sadd al-dharā'ī*), juristic preference (*istihsān*), adoption of the stricter view (*al-akhḍhu bil-aḥwaṭ*), adoption of the more lenient

view (*al-akhdhu bil-akhaff*), adopting the more burdensome view (*al-akhdhu bil-athqal*), custom, habit, and others. There are also differences in connection with a text's broader implications.

FIFTH: DISAGREEMENTS AMONG THE LEADING IMAMS
AND THE ETHIC THEY PRACTICED

The founders of the various schools of jurisprudence differed over numerous matters of interpretation, just as the Companions and their Followers had done before them. However, scholars down the ages accepted the legal rulings issued by fellow scholars so long as they were qualified for the task of *ijtihad*. Accordingly, they would affirm the correctness of rulings that were well-founded, and bear patiently with those who had been mistaken, giving everyone the benefit of the doubt in the knowledge that every one of them was doing his utmost to arrive at the truth and please God. Furthermore, *qadis* would routinely hand down rulings based on schools of jurisprudence other than their own when the need arose, prefacing their preferred choices with phrases such as "this is more prudent," "this is better," "this is what is needed," and the like, thus expressing their personal viewpoints without pressure or accusation.

There were those among the Companions and their Followers who recited the *basmalah* (the phrase, 'in the name of God, Most Compassionate, Most Merciful'), and others who did not; additionally, there were some who uttered it aloud, and others who did so under their breath. Among them there were some who uttered the invocation of humility (*du'a al-qunūt*) with the dawn prayer, and others who did not. There were some who performed an ablution if they had a nosebleed, vomited, or performed cupping, and some who did not. Some of them considered touching a woman to invalidate a man's ablution, while others did not. Yet even those who disagreed on such points were willing to be led by each other in the ritual prayer. Imam Aḥmad Ibn Ḥanbal was of the view that one should perform an ablution following a nosebleed or cupping. He was once asked whether, if a prayer leader had had a nosebleed but had not performed an ablution afterwards, it would be permissible to pray behind him. To this he replied, "What?"

Would I refuse to pray behind the likes of Imam Mālik and Saʿd Ibn al-Musayyab?” Once Imam al-Shāfiʿī performed the dawn prayer next to the grave of Abū Ḥanīfah but without the invocation of humility, which he viewed as a well-established Sunnah-based practice. When questioned about this, he replied, “Would I contradict him (Abū Ḥanīfah) in his presence?” He also said, “Perhaps we have begun sympathizing with some of the Iraqī school’s positions.” When Caliph Abū Jaʿfar al-Manṣūr wanted to oblige people to follow the juristic teachings of Imam Mālik, Imam Mālik himself objected, saying, “O Commander of the Faithful, do not do this! People have heard sayings and hadiths and related narratives of their own, with each community adopting what-ever teachings it was first exposed to. So leave the people of each locale to whatever they have chosen for themselves.”

History books and biographies are filled with accounts of academic debates in which scholars adhered meticulously to an exacting ethic of disagreement. And this is the ethic that prevailed among scholars until the practice of imitation began its spread, bringing with it fanaticism, bigotry and a deterioration in both conduct and ways of viewing knowledge itself. One of the most salient examples of a refined etiquette of disagreement is the exquisite letter sent by the Egyptian jurist, imam and scholar al-Layth Ibn Saʿd (d. 174 AH/791 CE) to Imam Mālik (d. 178 AH/795 CE). In this noteworthy missive, al-Layth presented his point of view on numerous issues on which he and Imam Mālik had taken opposing positions. Al-Layth Ibn Saʿd wrote saying:

It will no doubt have come to your knowledge that I issue fatwas which conflict with those being issued to people in your locale, and that I have reason to fear for myself when I see people around me relying on the fatwas I issue. People emulate the ways of the population of Madinah – to which believers migrated, and where the Qur’an was revealed from on high. I hope to have been correct in what I have written concerning this, and to have met with your good pleasure. Of those reputed to have knowledge, no one has a greater loathing than mine for irregular legal rulings, a stronger preference for the people of Madinah of generations past, or a greater propensity to adopt the fatwas on which they agreed. And praise be to God, Lord of the Worlds.

Imam al-Layth Ibn Sa‘d then went on in his letter to cite the various points on which he and Imam Mālik disagreed with respect to the authority they attributed to the practices of the people of Madinah, explaining that the Followers had disagreed on various things with those who came after them. He then concluded with the words, “...I wish you success from God and a long life, given the benefit I hope this will bring people, and the harm I fear they would suffer through the loss of one such as you, not to mention the solace I find in being near you, however far from home I might be. This is the status I accord you and my opinion of you, and of this you can be certain....”⁵

Part of early Muslim scholars’ ethic was to shun slander and denunciation; indeed, it was a common practice of that generation to focus entirely on acquiring knowledge and to avoid delving into matters of which they knew nothing. Imam Mālik wrote, “This knowledge is a religion. So be careful from whom you take your religion. I have been a contemporary of seventy people who said, ‘Thus said the Messenger of God (ṢAAS)’ next to these pillars (referring to the Prophet’s Mosque). However, I adopted nothing of what they transmitted. For although these individuals were so honest that had they been entrusted with an entire treasury, they would have proved themselves upright, nevertheless, they were not experts on what the Prophet had said and done.” Abū Ṭalīb al-Makkī, author of *Qūt al-Qulūb* (Sustenance of Hearts), wrote, “We once related an account on the authority of ‘Abd al-Raḥmān Ibn Abī Laylā, who said, ‘In this mosque (the Prophet’s Mosque in Madinah) I have met one hundred and twenty individuals who were companions of the Messenger of God (ṢAAS). However, if any of them was asked about a hadith or a fatwa, he would have preferred that others spare him such a question.’” It is said that Imam Mālik was once asked about forty-eight issues, and that his reply concerning thirty-three of them was, “I do not know.”

In this context it would be fitting to mention some hadith scholars’ opinions of Abū Ḥanīfah in his capacity as a representative of “The People of Opinion.” Renowned hadith scholar Shu‘bah Ibn al-Ḥajjāj (d. 160 AH/776 CE) corresponded with Imam Abū Ḥanīfah, with whom he was on friendly terms and in whom he placed great confidence. Upon learning of Imam Abū Ḥanīfah’s death, Shu‘bah said, “When he

departed, so did the jurisprudence of Kufa. May God grant him, and us, His bounteous mercy.”⁶ When asked about Abū Ḥanīfah, the scholar Yahyā Ibn Sa‘īd al-Qaṭṭān replied, “He will be adorned in the divine presence by nothing but what God taught him. Indeed, whatever of his views we found praiseworthy, we approved and put into practice.” Hence, it will be clear that differences of opinion did nothing to prevent such scholars from adopting whatever of their colleagues’ views they found to be valid and praiseworthy.

Imam Aḥmad used to say, “If I am asked about an issue in relation to which I know of no reports, I say, ‘al-Shāfi‘ī says...’ because he is a knowledgeable imam from the tribe of Quraysh.”⁷ As for al-Shāfi‘ī, he humbly gave Aḥmad Ibn Ḥanbal credit for his knowledge of the Sunnah although Ibn Ḥanbal had been al-Shāfi‘ī’s student. Al-Shāfi‘ī would say to him, “You are more knowledgeable than I am of hadiths and their narrators. So if a hadith is sound, tell me so and I will rely on it, whether it originated in Kufa, Basra, or Damascus.”⁸

SIXTH: CONFLICT FOLLOWING THE ECLIPSE OF IJTIHAD

Ijtihad, or independent reasoning, was still widespread during the third century AH. Some scholars may have taken to expounding on the rules and principles established by their predecessors; however, they did so without adopting their forebears’ views uncritically, clinging to them as though they were holy writ. Similarly, fourth-century scholars would deal with whatever legal questions came before them by drawing on the hadiths of the Messenger of God and accounts handed down on the authority of the Companions and their Followers. If the relevant accounts conflicted with the Qur’an, or if they lacked external corroborating evidence for them, they would refer to the writings of jurists who had preceded them. If a scholar found two views on a given issue, he would choose the better attested of them regardless of whether its proponent hailed from Kufa or Madinah. Specialized scholars would identify the sources of hadiths cited in earlier writings and offer their own reasoned interpretation within the framework of the various schools of jurisprudence. Such scholars would then be associated with the juristic school whose hadiths they annotated. One scholar would be

referred to as a Shāfi'ī, for example, and another as a Ḥanafi, yet without their being committed to the school in question as they came to be later. No one but a qualified *mujtahid* could serve as a qadi, nor would a scholar merit the title of jurist without being a *mujtahid*.

By the end of the fourth century AH, however, ijthad was being eclipsed, and *taqlīd*, or the practice of accepting previous scholars' views without question, increasingly became the norm. The practice of *taqlīd*, which had not existed during the first and second centuries AH, involved issuing fatwas based on a single school of jurisprudence alone or on the view of a single *mujtahid* while closing oneself off from all other perspectives and interpretations.

The early fifth century AH witnessed the emergence and rapid growth of a highly theoretical jurisprudence that had little grounding in concrete reality, as it emphasized issues that were of no real concern to people in their day-to-day lives. Rather, many of the juristic questions now being discussed revolved around merely hypothetical situations that had been generated by scholarly debates and controversies. This situation contributed to an unhappy split between the Muslim community's intellectual and political leaderships following the era of the four rightly guided caliphs. Jurisprudence was now divorced from life in real time in some areas which were being taken over exclusively by those in positions of power, while in other areas, it came panting on the heels of concrete events as a means of justifying and rubberstamping the actions of those in power. By embracing their new-found role as legitimizers of the status quo, jurists lost their guiding vision of the higher intents of Islamic law. Moreover, in a backlash against the wave of lenient legal rulings that resulted from the aforementioned developments, there emerged an increasingly rigid and intransigent camp which began adopting the harshest and strictest legal stances in the view that they were doing so in the service of Islam.

When, faced with the resulting cacophony of fatwas, upright members of the Muslim community went in search of a way to combat this fruitless competition and its accompanying deviations, the only solution they could see was to adopt the positions taken by earlier thinkers on controversial issues. Given qadis' cozy relationships with the holders of political power, their worldly concerns and lifestyles, and their

unjust stances on numerous issues, many lay persons had lost confidence in their rulings unless they were consistent with the position taken by the founder of one of the four Sunni schools of jurisprudence.

According to Imam al-Juwaynī (d. 474 AH/1081 CE), there was a consensus among recognized scholars that one was forbidden to imitate any of the prominent Companions. Instead, one was to adhere to the teachings of the founders of the four Sunni schools of jurisprudence, who had delved deep into the source texts and classified all of the available evidence, after which they had examined the sayings of the earliest Muslims.⁹ Based on this position of al-Juwaynī's, Ibn al-Ṣalāḥ (d. 643 AH/1245 CE) likewise held that one must imitate the founders of the four Sunni schools of jurisprudence, who had codified their teachings, clarified their conditions, and set them down in writing.¹⁰ This stance was adopted by later thinkers as well. And thus continued Muslim thinkers' descent into stagnation, allowing conflict to intensify and deepen, and causing entire generations to be schooled in nothing but blind reliance on tradition.

Given these conditions, the tree of *ijtihād* withered, while divisions, unrest, and ignorance spread far and wide. The knowledgeable jurist thus became – in the eyes of the people – someone who had memorized a set of others' opinions without being able to distinguish the well-founded from the weak, while the hadith scholar came to be defined as someone who had learned by rote a body of hadiths, whether sound or unsound. This paved the way for invaders to overrun Islamic civilization and desecrate Muslim homelands. By the time the European Renaissance began, conditions in the Muslim community had declined so profoundly that what the colonizing Europeans found was a nation of which nothing of real substance remained.

Doctrine had lost its vitality, thought had grown rigid to the point of immobility, independent reasoning had been rendered inoperative, awareness was absent, and the Muslim community had been rent asunder by strife and conflict. So when colonizers arrived, they found a vacuum which they were only too ready to fill both intellectually and culturally before overtaking the military and political spheres as well.

The most serious threat to any effort at Islamic renewal or awakening is the meaningless conflict that arises out of a confusion between

particulars and universals, and a failure to perceive over-arching aims and principles. Without a thorough knowledge and understanding of the higher intents of Islamic law and the rules governing its application, one will never be able to resolve issues by tracing them back to their roots, or appreciate the allowance that should be made for differences over subsidiary matters. When we simply inherit conflicts from our forebears without understanding them within their original context, we miss the opportunity to identify their objective causes and to address each conflict in a matter appropriate to its particular features, and this, in turn, will only cause us greater fragmentation, and doom to failure any attempt to advance the Muslim community.

The Muslim community of faith was formed on the basis of a universal discourse, a sovereign revealed message, a law of mercy, and a final prophethood. Given all the distortion and corruption to which its most fundamental concepts have been subjected, however, it can only be rebuilt through the restoration of its original foundations and pillars. All attempts to revitalize the Muslim community by other means have proven useless and ineffective.

So where do we go from here? This is the question I hope to answer in what follows.

CHAPTER TWO

The Ethics of Disagreement In Islam

FIRST: HUMANKIND AS A UNITY

The Qur'an was revealed to our master Muhammad in order to proclaim the unity of all humankind. As God has said, "O mankind! Be conscious of your Sustainer, who has created you out of one living entity, and out of it created its mate, and out of the two spread abroad a multitude of men and women. And remain conscious of God, in whose name you demand [your rights] from one another, and of these ties of kinship. Verily, God is ever watchful over you!" (*Sūrat al-Nisā'* 4:1). All human beings sprang from Adam, and Adam sprang from the dust of the Earth. All people bear shared characteristics and share in a single origin, their differences in skin color, language, preferences and desires, doctrines and temperaments, time and place, being differences of variety, not contradiction.

Variety does nothing to diminish unity, still less to negate it. On the contrary, variety affirms unity, lending it deeper dimensions of the most fundamental importance. This can easily be observed in the natural world, of which God says, "Verily, in the creation of the heavens and of the earth, and the succession of night and day: and in the ships that speed through the sea with what is useful to man: and in the waters which God sends down from the sky, giving life thereby to the earth after it had been lifeless, and causing all manner of living creatures to multiply thereon: and in the change of the winds, and the clouds that run their appointed courses between sky and earth: [in all this] there are messages indeed for people who use their reason" (*Sūrat al-Baqarah* 2:164); "Verily, in the creation of the heavens and the earth, and in the succession of night and day, there are indeed messages for all who are endowed with insight" (*Sūrat Āl 'Imrān* 3:190); "Art thou not aware

that God sends down water from the skies, whereby We bring forth fruits of many hues – just as in the mountains there are streaks of white and red of various shades, as well as [others] raven-black, and [as] there are in people, and in crawling beasts, and in cattle, too, many hues? Of all His servants, only such as are endowed with [innate] knowledge stand (truly) in awe of God: [for they alone comprehend that,] verily, God is Almighty, Much-Forgiving” (*Sūrat Fāṭir* 35:27-28).

A certain passage of the Qur’an has led some to the mistaken conclusion that difference in the sense of disagreement is part of the divine will and plan. The passage in question reads, “And had thy Sustainer so willed, He could surely have made all mankind one single community: but [He willed it otherwise, and so] they continue to hold divergent views [all of them,] save those upon whom thy Sustainer has bestowed His grace. And to this end has He created them. But [as for those who refuse to avail themselves of divine guidance,] that word of thy Sustainer shall be fulfilled: ‘Most certainly will I fill hell with invisible beings as well as with humans, all together!’” (*Sūrat Hūd* 11:118-119). The key to the proper interpretation of these two verses is the referent of the phrase, “And to this end” (*wa li dhālika*) in the longer statement, “And to this end has He created them” (*wa li dhālika khalaqahum*). In keeping with the rules of Arabic syntax, the demonstrative pronoun *dhālika* (this) will point back to the nearest referent, which in this case is God’s grace, referred to implicitly in the phrase *man raḥīma rabbuka* – “those upon whom thy Sustainer has bestowed His grace.” As for differences within religion, God has forbidden them to Muslims, saying:

And so, set thy face steadfastly towards the [one ever-true] faith, turning away from all that is false in accordance with the natural disposition which God has instilled into human beings [for,] not to allow any change to corrupt what God has thus created – this is the [purpose of the one] ever-true faith; but most people know it not. [Turn, then, away from all that is false,] turning unto Him [alone]; and remain conscious of Him, and be constant in prayer, and be not among those who ascribe divinity to aught beside Him, [or] among those who have broken the unity of their faith and have become sects, each group delighting in but what they themselves hold [by way of tenets].” (*Sūrat al-Rūm* 30:30-32)

Nevertheless, people have settled on the notion that difference – disagreement, that is – is a law of the universe, an inevitable reality. This idea may have been reinforced for some by the Qur’anic passage which reads, “All mankind were once one single community, whereupon God raised up the prophets as heralds of glad tidings and as warners, and through them bestowed revelation from on high, setting forth the truth, so that it might decide between people with regard to all on which they had come to hold divergent views. Yet none other than the selfsame people who had been granted this [revelation] began, out of mutual jealousy, to disagree about its meaning after all evidence of the truth had come unto them. But God guided the believers unto the truth about which, by His leave, they had disagreed: for God guides whomsoever He wills onto a straight way” (*Sūrat al-Baqarah* 2:213). When read correctly, this passage confirms that it is human beings who turn those things that might have been a means of affirming the divine unity and bringing people closer into sources of division and discord. Twisted motives such as ill-will, jealousy and arrogance cause people to read the revelation they have received as guidance in ways that lead to disunity and conflict.

In a condemnation of sectarianism and divisiveness, God informed the Prophet that he was to separate himself from those who promoted such attitudes, saying, “Verily, as for those who have broken the unity of their faith and have become sects – thou hast nothing to do with them. Behold, their case rests with God: and in time He will make them understand what they were doing” (*Sūrat al-An‘ām* 6:159). Hence, the Messenger of God dissociated himself from these people. Such dissociation, it should be remembered, was reserved for phenomena of the severest gravity. As God declared elsewhere, “And a proclamation from God and His Apostle [is herewith made] unto all mankind on this day of the Greatest Pilgrimage: God disavows all who ascribe divinity to aught beside Him, and [so does] His Apostle. Hence, if you repent, it shall be for your own good; and if you turn away, then know that you can never elude God! And unto those who are bent on denying the truth, give thou [O Prophet] the tiding of grievous chastisement” (*Sūrat al-Tawbah* 9:3). As for Jews and Christians, who had received revelation prior to the Muslim community, they suffered from no lack of

knowledge. Rather, they went astray because they made improper use of the knowledge they had received due to attitudes of enmity, jealousy, and overweening pride. This is clear from God's statement that, "Behold, the only [true] religion in the sight of God is [man's] self-surrender unto Him; and those who were vouchsafed revelation aforetime took, out of mutual jealousy, to divergent views only after knowledge had come unto them. But as for him who denies the truth of God's messages – behold, God is swift in reckoning!" (*Sūrat Āl 'Imrān* 3:19). So, have Muslims inherited the failings and infirmities of Jews and Christians rather than having inherited the Divine Revelation? Have they inherited envy and hostility rather than knowledge and understanding?

From the foregoing it can be seen that jealousy and religious divisiveness are among the failings that led to the abrogation of Jews and Christians' religions, leaving nothing but the lessons to be gleaned from their stories by those who received divine revelation after them. Differences that are not regulated by the teachings of the Qur'an are classed by God as a kind of torment or chastisement. In this connection He stated, "Say: 'It is He alone who has the power to let loose upon you suffering from above you or from beneath your feet, or to confound you with mutual discord and let you taste the fear of one another'" (*Sūrat al-An'ām* 6:65). The act of sowing discord among people is one of the gravest of transgressions. As such, it is on a par with sorcery aimed at separating loving spouses. As God declared in *Sūrat al-Baqarah* 2:102:

it was not Solomon who denied the truth, but those evil ones denied it by teaching people sorcery –; and [they follow] that which has come down through the two angels in Babylon, Harut and Marut – although these two never taught it to anyone without first declaring, "We are but a temptation to evil: do not, then, deny [God's] truth!" And they learn from these two how to create discord between a man and his wife; but whereas they can harm none thereby save by God's leave, they acquire a knowledge that only harms themselves and does not benefit them – although they know; indeed, that he who acquires this [knowledge] shall have no share in the good of the life to come. For, vile indeed is that [art] for which they have sold their own selves – had they but known it!

If this degree of guilt is borne by those who separate a husband and wife, what, then, shall we say of those who cause divisions among entire nations and peoples?

Thus, the oft-repeated statement that differences and disagreements are a law of the cosmos is a pernicious falsehood to which many have fallen prey due to a misunderstanding of their scriptures. As for the hadith to which appeal is frequently made and according to which the Prophet stated, “Differences among members of my community are a mercy (*ikhtilāfu ummatī rahmah*),” it is fabricated, as we have had occasion to mention. If such differences were something God had called upon us to emulate, He would not have commanded us to pursue unity. Indeed, had God instructed us to emulate those who disagree, He would have been issuing a command to undertake an action that would yield intolerable outcomes. However, God is just, and would never command us to do anything that would overburden us or lead us to destruction. Consequently, we need to be aware that difference in the sense of disagreement is not a law of the cosmos. As for the differences among people in terms of language, complexion, and the like, these are signs of the richness of the Divine Being. The difference of variety contributes to an appreciation of God’s blessings and enriches our knowledge and experience. In this way it differs radically from the difference of disagreement so familiar to us, which destroys the unity of the Muslim community, rending hearts asunder and diverting believers’ attention away from the Book of God and the example set by God’s messenger.

SECOND: THE PROGRESSIVE NATURE OF THE DIVINE DISCOURSE

The divine discourse has been revealed to human beings in stages. The first stage might be referred to as the stage of “selection,” which was associated with the process of building the religious community (*mīllah*). This phase was a temporary one during which God chose particular individuals for particular unique roles and tasks. We read of this in *Sūrat al-Ḥajj* 22:75, “God chooses message-bearers from among the angels as well as from among human beings. But, behold, God [alone] is All-Hearing, All-Seeing.” This phase came to an end with the

revelation of a comprehensive, world-wide discourse to the Messenger of God. The comprehensive nature of this message was summed up by the divine exhortation: “O you who have attained to faith! Bow down and prostrate yourselves, and worship your Sustainer [alone], and do good, so that you might attain to a happy state! And strive hard in God’s cause with all the striving that is due to Him: it is He who has elected you [to carry His message], and has laid no hardship on you in [anything that pertains to] religion, [and made you follow] the creed (*millah*) of your forefather Abraham. It is He who – in bygone times as well as in this [divine writ] – named you ‘muslims’ (those who surrender themselves to God), so that the Apostle might bear witness to the truth before you, and that you might bear witness to it before all humankind. Thus, be constant in prayer, and give zakah, and hold fast unto God. He is your protector: and how excellent is the protector, and how excellent this Giver of Succour!” (*Sūrat al-Hajj* 22:77-78).

This pristine, magnanimous, world-embracing monotheism had been present from the time of Abraham. But it was to the Prophet in particular that God said, “And [thus, O Prophet,] We have sent thee as [an evidence of Our] grace towards all the worlds” (*Sūrat al-Anbiyā’* 21:107). He was a mercy to both those who believed in him and to those who did not. To those who believed in him he was a mercy by being their source of guidance, and to those who did not believe in him he was a mercy by providing proofs from God for the truth of his message and showing them the path to follow. If those in this category made good use of their God-given reason, insight, hearing and physical sight, they would be guided aright.

The selection phase then opened onto the phase of universalism, which transcended geographical, ethnic, racial and linguistic boundaries and differences. When God declared, “O people! Behold, We have created you all out of a male and a female, and have made you into nations and tribes, so that you might come to know one another. Verily, the noblest of you in the sight of God is the one who is most deeply conscious of Him. Behold, God is All-Knowing, All-Aware” (*Sūrat al-Hujurat* 49:13), God’s words addressed every human being in his or her core being. These words brought everyone a single message that allowed for the formation of the extended human family. At the same

time, they paved the way for God's religion to triumph over all other religious expressions, having become a set of values which, shared by people all over the globe, enables the human race to extricate itself from the intractable state of conflict that threatens us all with destruction through the power of deceit.

The first, and sturdiest, mainstay of the Islamic edifice is monotheism,¹ while the second is the *ummah*, or the worldwide Muslim community. In its proper Qur'anic sense, the term *ummah* embodies a distinctive concept that goes beyond that of a group of people unified by an ethnicity, language, geographical location, nationality or sectarian identity. Rather, what binds the members of the *ummah* is an affirmation of the oneness of God which enables it to accommodate all types and categories of individuals. Addressing the *ummah* directly, God said, "You are indeed the best community that has ever been brought forth for [the good of] humanity: you enjoin the doing of what is right and forbid the doing of what is wrong, and you believe in God. Now if the followers of earlier revelation had attained to [this kind of] faith, it would have been for their own good; [but only few] among them are believers, while most of them are iniquitous" (*Sūrat Āl 'Imrān* 3:110; see also 3:104).

Other factors that lend cohesion to the *ummah* are the authority of the Qur'an, or written revelation, and the coming of the final prophet for which Abraham prayed long ago, saying, "O our Sustainer! Raise up from the midst of our offspring an apostle from among themselves, who shall convey unto them Thy messages, and impart unto them revelation as well as wisdom, and cause them to grow in purity: for, verily, Thou alone art Almighty, truly Wise!" (*Sūrat al-Baqarah* 2:129). It was to the *ummah* that the Messenger of God passed on the task of witnessing to the truth before the peoples of the world. By taking on this task, the *ummah* became the nucleus, not of some Arab or Islamic entity but, rather, of a righteous, witness-bearing collectivity which God described as "the best community that has ever been brought forth for [the good of] humanity": a model and exemplar of moderation with the ability to bind the nations of the world together around shared values, forming them into a single grand procession of praise to God. As God declared:

And thus have We willed you to be a community of the middle way, so that [with your lives] you might bear witness to the truth before all mankind, and that the Apostle might bear witness to it before you. And it is only to the end that We might make a clear distinction between those who follow the Apostle and those who turn about on their heels that We have appointed [for this community] the direction of prayer which thou [O Prophet] hast formerly observed: for this was indeed a hard test for all but those whom God has guided aright. But God will surely not lose sight of your faith – for, behold, God is Most Compassionate towards people, a Dispenser of Grace (*Sūrat al-Baqarah* 2:143).

It should be noted, however, that the process being described here is not one of coercion. It does not involve the use of force such as that employed by empires down the ages and up to the present day. Rather, it takes place through invitation, persuasion, and the knitting of hearts, and by offering a model that people everywhere can adopt, namely, that of the *ummah* or *millah*.² This is the model that was adhered to during the lifetime of the Prophet, during the first two rightly guided caliphates, and for several years into the caliphate of ʿUthmān Ibn ʿAffān. Then came what is known historically as the First Fitnah (sedition) in 36 AH/656 CE with ʿUthmān’s assassination, at which point the Muslim community was ushered into a phase of bitter internal struggle that led to a deviation from these principles that rent it into rival sects and parties.

THIRD: WEAKNESS SETS IN

We are told by al-Dhahabī in his *Siyar Aʿlām al-Nubalāʾ* (A Biographical Encyclopedia of Illustrious Scholars), and al-Suyūṭī in his *Tārīkh al-Khulafāʾ* (History of the Caliphs) that as the Islamic sciences began to be recorded during the Abbasid caliphate, *tawḥīd*, or monotheism, was transformed into an academic discipline with a particular method, topic and principles, and as a consequence, its presentation and explication began to deviate from the way in which it is presented and explicated in the Qurʾan. Monotheism became a topic of discussion and analysis in the field of scholastic theology, which was

defined as “a science which seeks to establish religious doctrines through argumentation and refutation.” As a religious doctrine to be established, monotheism was broken down into specific issues or questions. Theologians categorized each theoretical ruling on a known topic under religious doctrines, or treated it as the basis for some doctrine which was itself viewed as a higher science associated with particular methods and questions. Many issues were included within this science for the most trivial reasons, and as it was viewed more and more as a merely academic topic of study, the explication of monotheism began increasingly to deviate from the way it is presented in the Qur’an. Nevertheless, it was claimed that the refined science of scholastic theology benefited its learners by elevating them from the depths of blind imitation to the heights of certainty. The status accorded to those with knowledge is affirmed by the words of God Almighty: “O you who believe! When you are told to make room in the assemblies, [spread out and] make room: [ample] room will God provide for you. And when you are told to rise, rise, and God will raise up, to [suitable] ranks those of you who believe and who have been granted true knowledge. And God is well-Acquainted with all you do” (*Sūrat al-Mujādalah* 58:11).

The discipline of scholastic theology provided guidance to those seeking direction, challenged the intransigent with cogent arguments, and helped to prevent the foundations of the religion from being shaken by the doubts raised by its detractors. Indeed, scholastic theology came to be viewed by some as the be-all and end-all of the Islamic legal sciences, its topics being the most important and sublime of all issues, and its aims the most noble and worthwhile. Indeed, its evidences were seen as unassailable certainties on the basis of which reason could arrive at unshakable conclusions, and which were likewise supported by the divine revelation.

The place of highest importance among the various topics of scholastic theology was reserved for the caliphate,³ since it was related to who would succeed the Messenger of God and as a consequence, the dispute that arose over it was intense. In fact, the dispute over the caliphate was the principal cause of the split that rent the fabric of the Muslim community.

However, scholastic theology was beset by what one might term a “knowledge gap.” From the beginning it had been founded upon rational proofs and on philosophical opinions and schools, with the texts of the Qur’an and the Sunnah serving merely as supporting documentary evidence. Before being taken up by scholastic theology as an issue of discussion, monotheism had been classified during the Abbasid era (132-656 AH/750-1258 CE) as what was termed a ‘doctrine’ (*‘aqīdah*),⁴ and people began drawing distinctions among themselves in relation to it even though they were in agreement over their basic acknowledgment of the oneness of God.

This was followed by a development in which concern for the state eclipsed concern for the *ummah*, or Muslim community, to the point where the *ummah* was essentially replaced by the state. Rather than devoting efforts to building up, supporting and preserving the Muslim community, preservation of the state and expansion of its influence became ends in themselves.

As a consequence, the process of promoting and laying the groundwork for Islamic evangelization, thereby transforming the entire *ummah* into an institution of Islamic outreach that enjoins the good and forbids what is evil as God had commanded (see *Sūrat Āl ‘Imrān* 3:110, quoted above) was essentially derailed and forgotten. Conquest and its associated values – which bore a powerful resemblance to the values that had governed the raids engaged in by pre-Islamic Arabs – supplanted the call to Islam, while the understanding that God had sent Muslims “to free those whom God wills from the worship of the creature for the worship of the Creator alone, from the injustice of ‘religions’ to the justice of Islam, and from the constriction of the earthly realm to the expansiveness of this world and the world to come” gave way to the pursuit of military conquest, hegemony, amassment of wealth, subjection and enslavement of others, and enjoyment of the bounties of conquered territories in a manner that had been unknown to those who lived in the eras of the Prophet, Abū Bakr, ‘Umar Ibn al-Khaṭṭāb, and Uthmān Ibn ‘Affān.⁵

The Qur’anic verses that command Muslims to engage in warfare, such as *Sūrat al-Ḥajj* 22:39, which reads, “Permission [to fight] is given to those against whom war is being wrongfully waged – and, verily,

God has indeed the power to succour them,” refer to the Arab polytheists on the Arabian Peninsula, which God had foreordained to be the birthplace of Islam and the springboard from which its message would launch. The Arab polytheists of the Prophet’s day took a wide variety of stances toward the Islamic message, and they continued to pose a major threat to monotheism, the Muslim community, and Islamic outreach. This threat emerged particularly after the death of the Messenger of God when their tribes rose up against any entity that would allow the establishment and spread of a monotheistic community. Anyone familiar with the history of the Arabian Peninsula will realize that the polytheists who controlled Makkah and its environs as well as the transportation routes throughout the peninsula were not a monolith, but were rather divided into various camps. Nevertheless, they had the power to inflict great harm on the Muslims in both their persons and their property, and to hinder others from coming to Islam.

Moreover, given the differences among these groups, the Qur’an detailed specific ways of responding to each of them.⁶ Those who view this type of discourse, which was addressed specifically to the Arab tribes living on the Arabian Peninsula in the sixth century CE, as embodying the universal Islamic message have overlooked the overall principles of the Qur’an, which prohibit against coercing anyone in matters pertaining to religion. So central is the principle of non-coercion that it may be discerned in no fewer than two hundred verses of the Qur’an. A close reading of verses 1-13 of *Sūrat al-Tawbah* (9) indicates that the fighting that took place between Muslims and non-Muslims during the lifetime of the Prophet was not based on an attempt to force others to accept Islam. Rather, its aim was to oblige the non-Muslims to respect treaties and agreements. The permission granted in the beginning of the surah to fight such people was based not on their being polytheists but, rather, on their having repeatedly violated covenants and broken their word. As we read in verse 4, “But excepted shall be – from among those who ascribe divinity to aught beside God – [people] with whom you [O believers] have made a covenant and who thereafter have in no wise failed to fulfill their obligations towards you, and neither have aided anyone against you: observe, then, your covenant with them until the end of the term agreed with them. Verily, God loves

those who are conscious of Him.” Based on the text of the Qur’an, we can identify six categories of polytheists during the days of the Prophet:

First: Polytheists who had never entered into a covenant with the Muslims, but who had never committed aggression against them. These are the people in relation to whom God revealed the verses guaranteeing freedom of belief. Such verses include, for example, *Sūrat al-Baqarah* 2:256, which states, “There shall be no coercion in matters of faith,” and *Sūrat Yūnus* 10:99, which addresses the Prophet, saying, “And had thy Sustainer so willed, all those who live on earth would surely have attained to faith, all of them: do you, then, think that you could compel people to believe?”

Second: Polytheists who had entered into a covenant with the Muslims and had been faithful to it, and in relation to whom verses on freedom of belief were also revealed. In addition to *Sūrat al-Tawbah* 9:4, these verses include 9:7, where God says, “How can there be a league, before God and His Messenger, with the polytheists, except those with whom you made a treaty near the Sacred Mosque? As long as these stand true to you, stand true to them: for God loves the righteous.” Those who had entered into a covenant with the Messenger of God at the Sacred Mosque in Madinah are singled out for mention, and are exempted from all of the ugly descriptions applied to those who had violated their covenants, having only pretended to support the Prophet and the believers while harboring ill will toward them in their hearts.

Third: Polytheists who had not entered into a covenant with the Muslims and who had, in addition, committed aggression against them. It is this group to whom reference is made in *Sūrat al-Baqarah* 2:190-193, which read:

And fight in God’s cause against those who wage war against you, but do not commit aggression – for, verily, God does not love aggressors. And slay them wherever you may come upon them, and drive them away from wherever they drove you away – for oppression is even worse than killing. And fight not against them near the Sacred Mosque unless they fight against you there first; but if they fight against you, slay them: such shall be the recompense of those who deny the truth. But if they desist – behold, God is Much-Forgiving, a Dispenser of Grace. Hence, fight against them until

there is no more oppression and all worship is devoted to God alone; but if they desist, then all hostility shall cease, save against those who [willfully] do wrong.

The initial command given to the Muslims was to demonstrate an attitude of conciliation, pardon and longsuffering. After this, however, permission was granted to fight in self-defense until the aggressors desisted from their aggression. As we read in *Sūrat al-Hajj* 22:39, “Permission [to fight] is given to those against whom war is being wrongfully waged – and, verily, God has indeed the power to succor them.”

Fourth: The command to act with forbearance gave way to a command to kill those who had violated their covenant with the Prophet as punishment for their treachery, and not to pardon them even if they pretended to have desisted from their hostilities unless they repented and began to perform the ritual prayer and pay the zakat dues. This command is found in *Sūrat al-Tawbah* 9:5:

And so, when the sacred months are over, slay those who ascribe divinity to aught beside God wherever you may come upon them, and take them captive, and besiege them, and lie in wait for them at every conceivable place! Yet if they repent, and take to prayer, and give zakah, let them go their way: for, behold, God is Much-Forgiving, a Dispenser of Grace.

Fifth: Polytheists who entered into a covenant and who, although they did not explicitly violate the covenant, paid mere lip service to the Muslim community. Concerning this group God asked rhetorically, “How could they who ascribe divinity to aught beside God be granted a covenant by God and His Apostle?” (9:7), to which He added, “...if they were to overcome you, they would not respect any tie [with you,] nor any obligation to protect [you]. They seek to please you with their mouths, the while their hearts remain averse [to you]; and most of them are iniquitous. God’s messages have they bartered away for a trifling gain, and have thus turned away from His path: evil, behold, is all that they are wont to do, respecting no tie and no protective obligation with regard to a believer; and it is they, they who transgress the bounds of

what is right!” (9:8-10). This group is also referred to in *Sūrat al-Anfāl* 8:58-60 with the words:

If thou hast reason to fear treachery from people [with whom thou hast made a covenant], cast it back at them in an equitable manner: for, verily, God does not love the treacherous! And let them not think – those who are bent on denying the truth – that they shall escape [God]: behold, they can never frustrate [His purpose]. Hence, make ready against them whatever force and war mounts you are able to muster, so that you might deter thereby the enemies of God, who are your enemies as well, and others besides them of whom you may be unaware, [but] of whom God is aware.

In other words, the Muslims were not being told to commit aggression against such people but, rather, to act to prevent aggression from being committed against them. If, however, such people showed themselves ready for peace, the Muslims were to reciprocate this readiness. As we read in *Sūrat al-Tawbah* 9:11, “Yet if they repent, and take to prayer, and give zakah, they become your brethren in faith: and clearly do We spell out these messages unto people of knowledge.”

Sixth: Polytheists who entered into a covenant and then broke their covenant with the believers after having been afforded lenient treatment by the Prophet. Of these people God said, “But if they break their solemn pledges after having concluded a covenant, and revile your religion, then fight against these archetypes of faithlessness who, behold, have no [regard for their own] pledges, so that they might desist [from aggression]” (9:12), and, “Hence, make ready against them whatever force and war mounts you are able to muster” (8:60).

The states that have been known historically as Islamic were keen on military conquest, taxation, self-enrichment with the spoils of war, and territorial expansion. The effects of these preoccupations on the mission to spread the Islamic message may have gone unnoticed at first. However, as these effects deepened and the Muslim community’s connection with the Qur’an weakened, it lost its guiding compass. Reliance on the Qur’an was replaced with reliance on extra-Qur’anic reports and traditions, while the erroneous notion of abrogation (*naskh*) took hold, spawning fruitless discussions of which texts of the Qur’an and

the Sunnah abrogated which. It could now be claimed that the “sword verse” of *Sūrat al-Tawbah* 9:29⁷ had superseded the verses that call for peaceful dealings, dialogue and persuasive but kindly argumentation, and that all that remained now was to brandish the sword in others’ faces, as it were, so as to force them either to convert to Islam or pay the *jizyah*.

Ironically, this attitude actually served to delay the spread of Islam among numerous peoples, such as the Berbers, for example, while giving many a tyrant an excuse to wage war against Islam and its adherents with all the weapons at their disposal. Islamic outreach thus paid a heavy price for this orientation,⁸ as it opened the door for Muslim rulers to deviate from the approach that had been taken by the Messenger of God, who made explicit to the monarchs and rulers of his time that if they embraced Islam, their lands would not be annexed by force or taken over by some other government or state.

Following this development, numerous problems, crises and deviations arose within the fledgling Muslim community. Although some regimes established policies which they rooted in Islamic sources in order to ease political tensions among the peoples, the act of treating the caliphate as a doctrinal issue (akin to matters of faith, unbelief, error, heresy, apostasy and the like) rather than as a political one had the effect of removing this highly practical issue from the sphere of public affairs with its concern for securing people’s day-to-day necessities in ways that were consistent with the Qur’an and the practices of the Messenger of God.

As a consequence, it became more difficult to approach people’s earthly affairs and concerns in light of the universally applicable principles and intents of Islamic law, which include a consideration of relevant benefits and harms.

When jurists set out to reduce Islamic legal theory (*uṣūl al-fiqh*) to a systematic approach to which they could adhere when arriving at juristic rulings on newly arising situations, those concerned with affairs relating to the caliphate and state policy found that this approach failed to provide them with the proper sources on which to base decisions about political succession and leadership. Consequently, they took scholastic theology – which they had once employed to defend Islamic

doctrines against objections raised by Jews and Christians – into a weapon to be wielded by one Islamic faction against another. Applying the principles of scholastic theology, competing Muslim factions and sects set out to demonstrate the supremacy of their respective doctrinal beliefs. Scholastic theology thus became a means of fanning the flames of intra-religious controversies in which every sect but one's own was branded as godless and heretical, while salvific efficacy was attributed to one's own sect alone.

Still another deviant notion that arose was that the Qur'an is subject to numerous interpretations,⁹ and that its verses are only general in meaning rather than specific and detailed. In response to these notions, many scholars began using the Sunnah alone to support their claims, and for the rules they were establishing for their sectarian brand of scholastic theology.

Then came the movement to fabricate hadiths in support of particular sectarian positions, which further reinforced the divisive attitudes increasingly in evidence in the Muslim community. Virtually all of the sects that had emerged were sufficiently tainted that they were willing to turn a blind eye to forgery. In particular, they were lenient about supporting forged hadiths whose purpose was to encourage believers to undertake certain actions and refrain from others.

One forged hadith that gained special currency purported to announce which sect or sects had been guaranteed deliverance in the afterlife,¹⁰ a theme that scholastic theologians later turned into an entire science (*ʿilm al-milal wal-niḥal*), which came to be known as sectology. This fledgling Islamic field of inquiry was based on a book by Abū Ḥasan al-Ashʿarī (d. 324 AH/936 CE) entitled, *Maqālāt al-Islāmiyyīn wa Ikhtilāf al-Muṣallīn* (The Disparate Theological Opinions of Islamic Sects and Their Worshipers).

In his book, *al-Fiṣal bayn al-Milal wal-Niḥal* (The Divisions among Religions and Sects), Ibn Ḥazm (d. 456 AH/1064 CE) drew an apt parallel between the disputes taking place within the Muslim community and Muslims' disputes with Christians and Jews. A similar approach was followed by Imam al-Rāzī (d. 606 AH/1209 CE) in his book, *Iʿtiqādāt Firaq al-Muslimīna wal-Mushrikīn* (Beliefs of Muslim and Pagan Sects), while others, such as al-Isfarāyīnī (d. 471 AH/1078 CE) in

his book *al-Tabṣīr fī al-Dīn* (An In-Depth Look at Religion) and ʿAbd al-Qāhir al-Baghdādī (d. 429 AH/1038 CE) in his book *al-Farqu Bayn al-Firaq* (Differences Among the Sects), limited their treatments to Islamic sects alone.

FOURTH: SCHOLASTIC THEOLOGY SPAWNS A GROWING SECTARIANISM

Over the years, Imam al-Shāfiʿī and a number of other leading scholars grew increasingly impatient with the scholastic theologians. At the same time, conflicts continued unabated among the various Muslim sects due to political polarizations between the Umayyads and the Abbasids, and between the Umayyads and the Hashemites.

The conflicts intensified with the Abbasids' seizure of power in 132 AH/749 CE and their overthrow of their erstwhile allies among the Alawis, the Talibis (descendents of Abū Ṭālib, father of ʿAlī Ibn Abī Ṭālib) and certain factions of the Hashemites, as well as the appearance of Ottomanism and the Shuʿūbiyah movement, and the struggle which ensued among the courtiers who rushed to take possession of ruling families' inheritances in their time of weakness as happened later with the Buyid Dynasty (333-446 AH/945-1055 CE), the Seljuk Dynasty (428-590 AH/1037-1194 CE), and others. We also see the rise of the Fatimid State in Egypt in 296-566 AH/909-1171 CE, which led in turn to the struggle between the Ottomans and the Safavids (927-1148 AH/1501-1736 CE).

All of the foregoing served to lend an apparent legitimacy to the division and fragmentation of the Muslim community. The political sectarianism that had taken hold continued to weaken ties among Muslims, while the establishment of the East India Company¹¹ enabled Great Britain to secure control over a number of Indian territories that had been under Muslim rule, eventually bringing Muslim control over India to an end.

With the discovery of the Cape of Good Hope and the introduction of gunpowder manufacture, Great Britain, its allies and other Western countries set out to rid themselves of the danger posed by the Muslim community. To this end, they fomented sectarian and ethnic strife throughout the Islamic world until at last they succeeded in expelling

the Ottomans from the Arab world. Once established in the region, the British and their allies created disjointed, haphazardly planned national states, drawing their boundaries in such a way as to ensure that there would be border problems between them from the very start. This would make it easy for colonial powers to stir up local armed conflicts that would exhaust the newly-formed states' resources, leaving them unable to survive on their own. Given the absence of neighborly ties, still less solidarity or cooperation, among these fledgling states, they would resort to the colonial powers for help in settling their conflicts. In addition, efforts were made to ensure that these states' economies, including their weapons supplies and industries, were tightly bound to those of the colonial powers, thereby guaranteeing that they remained within the Western orbit and under its control.

However, if the ideal of restoring its unity is posed to the Muslim community when it is in this state of fragmentation and disintegration, the message may fail to reach its audience. The concept of the *ummah* has all but been replaced by the concepts of region, tribe, sect, party and the like. Or, put another way, regionalism, political sectarianism, partisan biases and ethnic conflicts have become such dominant influences that the concept of the *ummah* in its original, unadulterated form comes across as a foreign concept that lacks appeal and influence. Though present, it no longer possesses the vividness and vitality required to counter the pull of the divisive allegiances now at work in the Muslim community and polity. And unless Muslims act quickly to restore and nurture their shared identity as members of the Islamic *ummah*, no place will remain to them – whether as rulers or as ruled, as adherents of this sect or that, as proponents of either modernism or authentic traditionalism – but that of captives marching through the wasteland of servility, disgrace and alienation in which they now find themselves.

When it was first raised up, the Muslim community was knit together by a divine hand that unified its members' hearts, an authoritative and final revelation, a universal discourse, and a law of mercy conveyed via verses of crystal clarity and applied by a noble Prophet in the rough-and-tumble of life. Given the distortions and corruptions to which its formative concepts have been subjected, the Muslim community can

only rebuild itself by restoring the foundations on which it was originally constructed. As for alternative methods and approaches, they have demonstrated their inefficacy time and time again.

CHAPTER THREE

Scholastic Theology and the Division of the Muslim Community

FIRST: THE INCEPTION OF SCHOLASTIC THEOLOGY

As we have noted, scholastic theology had the effect of exacerbating and entrenching schisms in the Muslim community. In fact, after the various afflictions and trials the Muslim community had faced, scholastic theologians appear to have set themselves the task of seeking out justifications for existing divisions among Muslims within their authoritative source texts. On the positive side, scholastic theology gave rise to a set of related disciplines, such as sectology, doctrinal studies, and other sub-disciplines to which Muslims continue to give their attention and to which modern university departments and even entire faculties have been devoted, including, for example, Islamic Outreach, Islamic Legal Theory, Islamic Doctrine, and the like.

The Qur'an uses the simple term "faith" (*īmān*) to speak of one's certainty of the five pillars of the creed, its opposite being "unbelief" (*kufr*). During the Abbasid era,¹ however, the word *īmān* was replaced with the word *ʿaqīdah*, or doctrine. The emergence and spread of the term "scholastic theology" (*ʿilm al-kalām*, which translates literally as "the science of speech") came in response to the emergence of the issue of whether the Qur'an was uncreated or created, which was the most prominent topic of debate within Islamic circles during that time period. When some Sunni scholars began referring to scholastic theology as "the science of monotheism" (*ʿilm al-tawḥīd*) rather than as "the science of speech" (*ʿilm al-kalām*), this did nothing to change its reality. It would have been more fitting simply to continue relying on the concepts and terminology of the Qur'an itself. The Qur'an presents an eminently simple, easy-to-understand doctrine which it supports with a range of arguments. These include, for example, the argument from

creation, the argument from providence, the argument from originality, and everything that makes the Islamic creed credible and understandable. The Qur'an offers a comprehensive vision that will enable people to be true to their covenant with God, to serve as God's stewards on Earth, to preserve the trust they have been given, to bear up under trial, and to remain humble when rewarded. Together with this faith, God bestowed a law of mercy that lifted excessive burdens from human beings and concluded the cycle of prophethood and messengerhood,² which meant that after Muḥammad Ibn ʿAbd Allāh there would be no other prophet or messenger, nor any divine revelation after the Qur'an. Unlike the religious discourses that had preceded it, the Qur'an made both faith and the law so simple and reasonable that anyone on earth would be able to embrace and follow them, speak of them freely to others, and be liberated by them from captivity to earthly masters, so-called gods, sham intercessors, and self-deluded impostors who deemed themselves, and who were deemed by others, men of religion.

Nevertheless, both faith and the law in their Qur'anic expressions came under attack not only by pagans, but by those who had received prior divine revelations (such as the Jews and the Christians). Such people knew the Apostle and the truth he had brought as they knew their own children, but their knowledge was eclipsed by their envy, jealousy and errant ways of thinking.

Faith came under attack during the days when the Qur'an was still being revealed to the Messenger of God. Hence, the Qur'an undertook to defend the pillars of faith one by one, refuting every argument that was brought against them. It discussed every objection raised concerning God and the divine names and attributes, making clear what statements may (or must) be posited of God, and which statements may not. In so doing, the Qur'an demonstrated that everything claimed by those who assailed the faith was either invalid or led to invalid conclusions. It discussed people's questions and doubts concerning the angels, revealing the untenability of their beliefs about these beings and the absurd views and actions such beliefs entailed. Additionally, it addressed unfounded opinions, stories, and illusions having to do with God's messengers, clearing them of the outrageous claims that some had made about them influenced by misguided Jewish or Christian

teachings. The Qur'an also brought out the truth about the well-known messengers and prophets whose memories had been preserved on the Arabian Peninsula and its environs. It even took up the issue of the Last Day, which had caused tremendous confusion in people's minds.

The Qur'an dealt head-on with the thorny issue of human action, demonstrating human beings' responsibility for the things they do and the intentions they form, and the justness of the responsibilities God has laid upon us and the rewards and punishments we receive – a topic which, were we to discuss it in full, would fill hundreds of pages.

However, after the completion of the Qur'an and the death of the Messenger of God, certain contentious individuals reopened the debate on faith and the Islamic law. Many of these people began challenging the Qur'an's replies to the questions their predecessors had raised about the pillars of faith. In response, some Muslim scholars began offering partial refutations. This phenomenon spread to the point where it was preoccupying entire Muslim communities, whereupon more scholars began responding to the points being raised, and signs emerged that a new science was coming into being – a science that would fulfill an important function and meet a need that was growing by the day. Thus began the slow, laborious birth of what would come to be known as *ʿilm al-kalām*.

The questions and doubts that had given rise to this new discipline were also being raised by newcomers to Islam from a variety of peoples and nations, and Islam's expansion into new territories faced Muslim jurists with increasing numbers of unprecedented situations. Many of the peoples who had converted to Islam had not received earlier monotheistic revelations. Nevertheless, their cultural and religious backgrounds continued to impact their perceptions. Thus, having emerged only recently from other ways of thinking, believing and acting, some newly Muslim societies witnessed frequent disagreements and arguments over issues of human responsibility, free will and the like.

Add to this the political developments that cast their shadow over the era of the first four caliphs. Beginning with the martyrdom of Caliph ʿUthmān Ibn ʿAffān, and followed by that of ʿAlī Ibn Abī Ṭālib and the wars waged by the Companions, the Muslim community was rocked by one disturbance after another. These unsettling events raised

a variety of questions about the rightness of the positions taken by the various actors and which of them was the most entitled to the caliphate, as well as the spiritual fates of those martyred and killed in these conflicts. Such questions included, additionally, what Islamic legal ruling applied to someone who had committed a major sin, and whether the civil strife that had broken out among the Muslims had been divinely preordained. If it was, it would logically follow that no one could have done anything to prevent it and, therefore, no one was culpable. If, on the other hand, it had been a result of human choice, then the individuals involved deserved to be punished for the roles they had played in events, the implication being that both the slayer and the slain were now in hellfire. And so on went the thorny questions which, exhausting minds and hearts alike, sowed the seeds of defeats suffered thereafter by the Muslim polity.

It was at this stage that scholastic theology went from being a tool used in defense of the pillars of the faith revealed in the Qur'an, to being a weapon brandished against each other by Muslim sects and factions that has arisen out of beliefs in Fatalism and the like, the Shia and Kharijite movements, government parties, competing Umayyad, Abbasid and Shu'ubi rulers, prejudice in favor of Arabs against non-Arabs and vice-versa, and so on, with each group's members branding all the others as godless infidels.

Accusations of this nature might have been understandable had the issues at stake been the pillars of the faith contained in the Qur'an. As it was, however, the points of contention were subsidiary matters which were being treated arbitrarily as litmus tests of faith. In so doing, they had gone beyond the bounds of reason and divine guidance. In this connection, the leading imams and scholars of the day rightly condemned scholastic theology. In fact, some of them may have ruled in favor of disciplining those debating others based on scholastic theology because of the way in which it had deepened the rift among the various factions. For in so doing, scholastic theologians were threatening the unity of the Muslim community and opening it up to attack by its opponents. On this subject, Imam al-Shāfi'ī had the following to say: "Beware of delving into scholastic theology. If a man is asked about a matter of jurisprudence and he gives a mistaken reply, or if he is asked about a

man who murdered someone and says that the slain man's blood money should consist of an egg, the worst that can happen is that he'll be laughed at. But if he is asked about a question of scholastic theology and gives a mistaken reply, he will be branded a heretic ... Whatever you do, do not debate about scholastic theology! If you must debate, let your debates be about jurisprudence. As for scholastic theology, it will relegate you all to the ranks of the infidels."³

SECOND: METHODOLOGICAL PROBLEMS IN SCHOLASTIC THEOLOGY

When Imam Abū Hanīfah first began writing about scholastic theology he viewed it as a kind of "greater jurisprudence" which dealt with belief-related questions, as opposed to the "lesser jurisprudence" which treated issues of a subsidiary and practical nature; hence the title of his *al-Fiqh al-Akbar*, or The Greater Jurisprudence.

The structural features of scholastic theology were determined by the circumstances in which it emerged. As we have seen, scholastic theology first came into being not as a means of establishing knowledge, but rather, for the purpose of refuting attacks on the faith. Its sole objective was to rebut the arguments of the opponent. As time went on, however, scholastic theologians were consumed by particulars which they were unable to place within a broader framework or reevaluate from an integrated perspective. Deriving their importance from the way in which they were approached by opponents, certain subsidiary matters were elevated to the status of pivotal, central issues when in fact, they were peripheral in nature.

Thus, because they had blown peripheral issues out of proportion and given them a centrality they were not meant to have, scholastic theologians began to lose sight of the issues of universal import. This resulted in a number of methodological problems, such as decontextualization, and a distorted perception of the relationship between the spiritual and material worlds.

Decontextualization

The term decontextualization refers to the process of reading and

understanding verses of the Qur'an in isolation from their surrounding contexts. The Qur'an warns us against this: "And say: 'Behold, I am indeed the plain warner [promised by God]! [For, thou art the bearer of a divine writ] such as We have bestowed from on high upon those who [afterwards] broke it up into parts, [and] who [now] declare this Qur'an to be [a mass of] falsehoods! But, by thy Sustainer, we shall indeed call them to account, one and all, for whatever they have done!" (*Sūrat al-Hijr* 15:89-93).

Decontextualization is a signature feature of scholastic theological discourse which – although other Islamic sciences have been known to engage in this practice as well – lies at the root of both its structural weaknesses and its methodological inadequacies. Decontextualization as practiced by scholastic theologians has manifested itself in two main areas. The first is their manner of dealing with the texts of the Qur'an and the Prophetic Sunnah, while the second is their approach to issues pertaining to related disciplines such as those of jurisprudence and hermeneutics.

When examining how scholastic theological discourse deals with the Qur'anic text, it should be noted that the difficulties associated with decontextualization began manifesting themselves during the lifetime of the Prophet. We read in the hadith collection of Aḥmad Ibn Ḥanbal that the Messenger of God once found his Companions debating the issue of predestination. One was saying, "Didn't God say such-and-such?" while another exclaimed, "And didn't God say thus-and-so?" Upon hearing this exchange, the Prophet was enraged. His face pomegranate-red, he stated, "Is this what you have been instructed to do?! This is what destroyed your forebears who pitted one part of God's Book against another! The reason the Book of God was revealed was for its various parts to confirm each other. So, look to what you have been commanded to do, and do it. And look to what you have been forbidden to do, and avoid it."⁴

Based on the Prophet's diagnosis of the situation, the problem lay not in raising questions about predestination as such but, rather, in the way in which such questions were being addressed. That is to say, the answers to the questions were being sought through the practice of looking at one verse or another out of its particular context. This

resulted in the illusion that there are contradictions in the Qur'an that do not in fact exist. The view underlying this approach is that the Qur'an consists of disconnected verses that can be read in isolation from each other when, in fact, no part of it can be understood properly without an understanding of the whole. When verses are stripped of the explanatory elements found within their larger context, it becomes easy to read into the text messages that exist nowhere but in the mind of the reader, and one's study of the Qur'an becomes little more than a search for justification for a preconceived notion or point of view. In keeping with this process of decontextualization, it was inevitable that a kind of ambiguity would be attributed to the Qur'an in order to refute opponents who cited other verses to support competing points of view. According to the scholastic theologians, the Qur'an "bears multiple aspects, and as such contains ambiguities and difficulties which require external clarification."⁵ This position opened the door for every sect to project its own biases and preconceived notions onto the Qur'an without clear determinants or controls. As a consequence, the Qur'an came to be used merely as supporting evidence rather than as the authoritative point of reference for the various schools.⁶ Some scholars even went so far as to claim that the seeds of disagreement lay in the Qur'an itself. This was stated explicitly by Fakhr al-Dīn al-Rāzī – may God pardon us and him – in the words, "If the Qur'an were clear in and of itself (*muḥkam*), it would be consistent with only one of the juristic schools while explicitly refuting all the others.... However, given that it contains both that which is clear and of itself (*al-muḥkam*) and that which requires external clarification (*al-mutashābih*), adherents of each school study and reflect on the Qur'an in search of that which supports their own school and upholds their claims."⁷

Imam al-Rāzī's assertion has nothing to commend it, since the Qur'an was not revealed in order to provide fuel for scholars' debates, nor are those who turn to the Qur'an supposed to do so simply to find support for their opinions or claims! Rather, believers are to approach the Qur'an as though they were approaching God Himself, recognizing it as the authoritative source to which God has confined all needed wisdom and legal rulings. As we read in *Sūrat Āl Imrān* 3:23: "Art thou not aware of those who have been granted their share of revelation?"

They have been called upon to let God's writ be their law – and yet some of them turn away [from it] in their obstinacy.” Hence, all that can be said in explanation of al-Rāzī's outrageous statement is that it demonstrates the reality of the tragedy that afflicted scholastic theological discourse, which was so steeped in sectarianism that it turned a blind eye to the structural unity of the Qur'an, its supreme sovereignty, and its governing principles and aims.

The reason I reject al-Rāzī's assertion is not that I believe we can divest ourselves of our cultural backgrounds, prejudices and preconceived notions when reading the Qur'an. However, we should make our best effort to identify our biases and the impact they have on our thinking and perceptions. Only in this way will we be able to give the Qur'an the opportunity to speak to our minds and hearts, and to shape our ideas and attitudes. For the Qur'an only yields itself to those who give it their all, devoting a wholehearted effort to reading it based on the Qur'an's own method rather than some method imposed on it from without. No merely human reading of the Qur'an can be said to be absolutely reliable. On the contrary, we must recognize the impact of the social, political and cultural context in which the reading takes place, including the store of knowledge enjoyed by the individual engaging in the reading, and the society and culture in which he or she lives. Awareness of these impacts makes it possible to distinguish constants from variables. For the Qur'an is an overflowing, ever-renewing wellspring of universal, abiding principles, the only difference between one age or generation and another being in the way in which these timeless universals are applied to real-life situations.

Scholastic theological discourse and the Sunnah

If scholastic theology's approach to the Qur'anic text was problematic, its approach to the texts of the Sunnah was even more fraught with difficulties. Some scholastic theologians adopted hadith scholars' definition of the Sunnah as everything that has been handed down and narrated on the authority of the Messenger of God, be it a statement he made, an action he performed, or a practice he approved. With this definition as their starting point, scholastic theologians relied for many of their arguments on hadiths whose validity they accepted based on their

inclusion in recognized hadith collections. However, they made no appreciable effort to scrutinize the validity of these hadiths' main texts (the *matn*) or their chains of transmission (the *isnād*), and this despite their knowledge that (1) hadiths are presumptive in both their attestation and their meaning, whereas matters of scholastic theology deal for the most part with definitive certainties, and (2) a presumption can neither confirm nor negate a statement that requires certainty. Hence, the fact that very few of the hadiths relied on by scholastic theologians are classified as authentic (*ṣaḥīḥ*) constitutes a perilous intellectual, methodological and structural weakness in this field.

Muslim jurists have defined the Sunnah as a practice which an accountable adult Muslim will be rewarded for performing, but not punished for omitting (such as the voluntary portions of the ritual prayers, or fasting on Mondays and Thursdays). In many cases scholastic theologians bypassed this juristic definition of Sunnah, limiting themselves instead to the definition given by hadith scholars noted above, and buttressing it with the definition provided by scholars of legal theory, according to which the Sunnah is “an evidence for juristic rulings,” or “the second source of juristic evidence *after the Qur'an*.”⁸ Hence, when Imam al-Rāzī made his infamous statement in *al-Tafsīr al-Kabīr* that whenever a non-Qur'anic report or tradition conflicts with the Qur'an, greater weight should be given to the tradition than to the Qur'an, he was forgetting his background as a jurist and remembering only his allegiance to scholastic theology. Contrary to his usual practice of challenging positions taken by Imam Aḥmad Ibn Ḥanbal, al-Rāzī adopted his predecessor's stance uncritically in this case – God forgive him.⁹

What Imam al-Rāzī failed to note here was that the pronoun translated “that which” (*mā*) in the phrase “that which has been thus bestowed upon them” (*mā unzila ilayhim*) refers back to “this reminder” (*al-dhikr*), which is the Qur'an. According to al-Rāzī, that which is being made clear is the Qur'an itself, while the clarification is being provided by the Prophet's recitation of the Qur'an, his instruction based on its teachings, and his practical applications of these teachings for them to emulate. However, the claim that the Qur'an contains vague assertions which require clarification is inconsistent with a

number of statements in the Qur'an itself, for example, that God revealed the Qur'an "to make everything clear (*tibyānan li kulli shay'in*)" (*Sūrat al-Nahl* 16:89) in the form of "clear messages" (*āyātin bayyināt*)" (*Sūrat al-Baqarah* 2:99), and that He sent "an apostle who conveys unto you God's clear messages" (*āyāt illāhi mubayyanāt*)" (*Sūrat al-Ṭalāq* 65:11).

Imam al-Shāṭibī (d. 790 AH/1388 CE) showed himself more astute than al-Rāzī when he said, "God revealed the Qur'an as a means of clarifying everything. Hence, it clarifies the Sunnah and other things as well, and there are no grounds for the unjustified assertion that the Sunnah stands in judgment over the Qur'an, and not vice-versa."¹⁰ As for the related claim "that the Qur'an needs the Sunnah more than the Sunnah needs the Qur'an,"¹¹ it is similarly a baseless statement which should never have been made by anyone with even the most rudimentary knowledge of the Qur'an.

The notion that the Qur'an and the Sunnah could be separated from, or inconsistent with, one another is unthinkable. Those who consider this a possibility have clearly not thought through the implications of such a proposal, which are that God might declare His own Messenger to be untruthful, or that the Messenger of God might violate, contradict, or object to what had been revealed to him by his Lord. No believer in his or her right mind could possibly hold such a view.

Scholastic theologians frequently reasoned on the basis of non-Qur'anic narratives and were lenient in their acceptance of them. In fact, they would often treat a hadith as not needing a chain of transmission simply by virtue of the fact that everyone accepted it. "Everyone," of course, meant the adherents of their own sect or denomination, who found support in certain accounts for their teachings and opinions. It was on the basis of this kind of thinking that adherents of various sects promoted the hadith, discussed earlier, which speaks of the Muslim community being divided into seventy-three sects, as well as others about the one sect that will achieve salvation, the coming of the Antichrist and the Mahdi, the second coming of Christ, and numerous other traditions which have been deemed inauthentic by critical hadith scholars. Despite the questionable validity of such narratives, they became a haven for individuals who used them to lend legitimacy to

their own sects and schools of thought while denying it to their rivals. It was in this context that the forgery movement, whose aim was to champion the virtues of particular sects, cities, tribes, individuals and the vices of others, continued to gain steam. The body of sectarian lore thus ballooned, with each sect standing behind a set of narratives that enhanced its own reputation and its claim to existence. Needless to say, this type of focus flew directly in the face of the intents, purposes and values of the Qur'an.

Nitpicking and its pitfalls

As noted earlier, the discourse of scholastic theology first emerged in response to a state of crisis and conflict among Islamic sects in their quest to find whatever would support their position in confrontations with rivals. As a consequence, there was a tendency among scholastic theologians to atomize larger issues in search of particular pieces of evidence and subsidiary details which could then be used in a selective, opportunistic fashion to take potshots at opponents. When an issue was taken up, it would be studied not in order to establish an integrated understanding of the matter at hand but, rather, for the sole purpose of refuting someone else's claims in favor of one's own. Scholars would formulate their ideas in such a way as to prevent any possibility of confirming their opponent's point of view. In this way, everyone was led down a path of endless, and fruitless, contrariness and one-upmanship that threatened to carry them to destinations far distant from where they had wished to go. Those who had intended to demonstrate the divine attributes might unwittingly end up promoting a gross anthropomorphism, while those who had set out to prove predestination might end up concluding that God punishes people for things He had fated them to do.¹²

Employing Verses of the Qur'an as Ammunition for Debate

The decontextualized reading of the Qur'an robbed scholastic theology of the ability to construct a cognitive methodology and semantic system that would prepare the way for the formulation of conceptions that were based on the logic and language of the Qur'an itself. Instead, the

Qur'an was treated as little more than a storehouse from which proof texts could be trotted out in a selective, atomistic fashion.

Because it began in response to doubts that had been raised about Islam from without, scholastic theology came to approach problems of hermeneutics based on extraneous premises and suppositions rather than formulating such problems and the questions relevant to them in keeping with the Qur'an's own logic, language and conceptual framework. Muslim scholars' mental energy was being drained by a never-ending, frenetic quest for answers to queries and conundrums that had been manufactured on foreign soil, as it were, and imported by force into the realm of Islamic debate. Consequently, the role of the Qur'an was reduced to that of reaction rather than initiative, and the Qur'anic text was being read through the lens of conceptions external to it rather than being treated as the founding source of Muslims' perspectives and beliefs. This was the bitter harvest of decontextualization.¹³

The aforementioned situation resulted in the use of an endless mish-mash of terms within the framework of verbal sparring matches among competing sects who made no attempt to clarify, regulate or qualify such terms in light of the Qur'an and its authority. It should be remembered, of course, that every word in every language conjures a constellation of associated meanings and mental images, and when the meaning signified belongs to the realm of the unseen and the absolute, the inadequacy of language to the task of accurately conveying the intended meaning is magnified all the more given the limited, relative nature of human perceptual capacities. The gap between signifier and signified is thus further widened,¹⁴ creating a space that is easily overrun by competing meanings and connotations. This situation necessitates that some of these meanings be retained, and others excluded, which calls in turn for a final arbiter to whom appeal can be made. In the absence of such an arbiter, selective citation from the Qur'an and the narrative tradition threatens to spawn a semantic free-for-all which, in turn, gives rise to difficulties that divide and multiply ad infinitum.

The problematic link between signifier and signified has been perceived in a range of ways. At one extreme, it has been perceived based on a literal reading of the text which restricts itself to the most obvious

and concrete meaning of the terms in question. At the opposite extreme, it has been understood in terms of metaphorical mechanisms which have taken scholars so far afield that the words or phrases of concern are treated as nothing but symbols pointing to some esoteric meaning with no evidence to support it in the context, and no connection to the text's most obvious and literal meaning. In sum, the distance between the signifier (the Qur'anic text) and the signified (the meaning the text is intended to convey) has been arbitrarily broadened or narrowed based on factors completely extraneous to the context.

Regardless of which side of a given debate they were on, all scholastic theologians without exception appealed to metaphor. Just as the Mu'tazilah appealed to metaphor in their exegesis of verses that speak of God as having a hand or an eye, for example, the People of the Hadith appealed to it as well in their claim that actions can only be attributed to human beings in a metaphorical sense, as when we say that the cold has left, when in fact, other forces have caused it to leave.

The difficulty may lie in the fact that the relationship between signifier and signified is visualized as a straight line along which lie a large number of semantic points, with those at one end of the scale representing meanings that are proximate and direct, and those at the opposite end as remote and indirect, whereas in reality, the relationship between signifier and signified is more complex than this. A given signifier (a word or phrase) might be visualized as radiating concentric semantic circles which overlap and intersect with those of other signifiers, since different signifiers might refer to the same object or meaning but based on different considerations. The Arabic nouns *sayf* and *ṣārim*, for example, both refer to the same object – a sword – but with respect to two different aspects thereof. The word *sayf* refers to a sword in its capacity as a concrete entity, while the word *ṣārim* – meaning sharp or cutting – refers to a defining characteristic of this entity.

Conversely, a single signifier might refer to several different meanings or objects which share one or more semantic elements in common. Thus, rather than conceiving of the semantic map in simple linear fashion, we are better advised to envision it as a complex network or grid. In keeping with this three-dimensional model, the distinction we need to make is not between direct and indirect meanings, but rather, between

meanings that harmonize more or less fully with the structure of the Qur'anic speech or the context. And herein lies the importance of appealing to the Qur'anic semantic point of reference, that is to say, its customary linguistic styles and structures, and treating this point of reference as authoritative.

This process – which can best be illustrated in relation to the Qur'an's discussions of abstract ideas and metaphysical themes, examples of which we will examine shortly – involves drawing on non-Qur'anic sources of information for deeper insight and understanding, yet without stifling the semantic input provided by Qur'anic concepts by imposing epistemological ceilings based on human historical experiences or considerations. The Qur'an takes the language of the Arabs and employs it as a vehicle with which to convey the content of its own message. In so doing, it empties the words in question of their accustomed cultural associations and content, and imbues them with semantic content of its own in keeping with its unique message and purpose. In this way, the Qur'an adopts the language of the Arabs in its human, relative dimension in order to render its message comprehensible to its audience. At the same time, however, it ushers us by means of this human, relative vehicle into the realm of the transcendent and absolute.

To borrow another analogy, the Qur'an deconstructs words' traditional semantic fields, retaining some of their elements and eliminating others in the process of constructing semantic fields of its own. The words in question then emerge as conveyors of composite Qur'anic concepts brimming with vitality and relevance. However, we can only achieve a proper understanding of these concepts through an inductive reading of the Qur'an which assimilates its distinctive logic and styles.

This process is illustrated in *Sūrat al-Isrā'* 17:13-14, where God declares: “And every human being's destiny have We tied to his neck [literally, ‘Every human being, We have bound his bird to his neck’ – *wa kullu insānin alzamnāhu ṭā'irahu fī 'unuqihī*]; and on the Day of Resurrection it will emerge for him as a record which he will find wide open; [and he will be told:] ‘Read this your record! Sufficient is thine own soul today as the basis for your account!’” If we were to understand this passage literally, we would have to imagine an actual bird bound to each person's neck! Clearly, the reference to a bird in this

passage is not meant to be read literally as, for example, in *Sūrat al-Anʿām* 6:38.¹⁵ An examination of the broader context of *Sūrat al-Isrāʾ* 17:13-14 further confirms that a literal reading of the passage would be unacceptable. In three other Qurʾanic texts (*al-Aʿrāf* 7:131; *al-Naml* 27:47; and *Yā Sīn* 36:19), the trilateral root *ṭ-y-r* appears in relation to unbelievers' attempt to blame their prophets for their misfortunes, the message being that these unbelievers' unhappy fate is actually a result of their own actions.

The Qurʾan took the verb *taṭayyara* (verbal noun, *al-taṭayyur*) – a word associated with the custom of seeing events as negative or positive omens – from the vernacular Arabic of its day. The desert Arabs of the Prophet's generation would anticipate good or evil based on the directions of birds' movements. If birds flew from the right, they would see this as auguring good things to come, whereas if they flew from the left, this was seen as an evil omen. Eventually, however, the use of the word *al-taṭayyur* came to be associated in particular with pessimism, or seeing an event as boding ill. Hence, the Qurʾan borrowed the term *al-taṭayyur* in reference to human beings' tendency to deny their own personal responsibility by pinning blame for their misfortunes on others without there being any clear causal connection on which to base such thinking, in the process of doing which they were simply projecting their own psychological state onto actors or events outside of themselves. This tendency exhibits itself worldwide, although it may manifest itself differently from one society or place to another. The communities who had been addressed by the prophets spoken of in the Qurʾan may not have seen good or bad omens in the movements of birds in particular, but in other natural phenomena, for example. Nevertheless, the Qurʾan uses the term *al-taṭayyur* in order to convey the idea in a general, abstract form. Moreover, it does so not to affirm the validity of this tendency or the notions on which it is based, but to counter them. Its purpose is to lead people to the realization that their happiness or lack thereof is a fruit of their own actions and that, for this reason, they must look to themselves as the determiners of their fates, whether for good or for ill. This is the message being conveyed in the passage quoted above, where God warns those who seek to externalize responsibility for their fates, saying, “And every human being's destiny

have We tied to his neck [literally, ‘Every human being, We have bound his bird to his neck’ – *wa kullu insānin alzamnāhu ṭā’irahu fī ‘unuqihī*]; and on the Day of Resurrection it will emerge for him as a record which he will find wide open; [and he will be told:] ‘Read this thy record! Sufficient is thine own soul today as the basis for thine account!’” (*Sūrat al-Isrā’* 17:13-14).

In keeping with the reformulation process described above, the Qur’an takes a term in the Arabic language and reconstructs its semantic content by eliminating some elements of this content and retaining others, then imbuing it with content of its own. In this way, the word in question is transformed into a vehicle for conveying a complex concept, some aspects of which can be envisioned in terms of known entities, and some of which cannot, since they have to do with metaphysical realities that cannot be perceived directly through the senses, but only by extrapolation from sensory experience. One notes, for example, the contrast between the Qur’anic description of earthly gardens, and its description of the gardens of Paradise. The former are spoken of in *Sūrat al-Kahf* 18:32-33 as follows: “And propound unto them the parable of two men, upon one of whom We had bestowed two vineyards, and surrounded them with date-palms, and placed a field of grain in between. Each of the two gardens yielded its produce and never failed therein in any way, for We had caused a stream to gush forth in the midst of each of them.” Contrast this with the following description of the gardens of Paradise: “God has promised the believers, both men and women, gardens through which running waters flow, therein to abide, and goodly dwellings in gardens of perpetual bliss, but God’s goodly acceptance is the greatest [bliss of all] – for this, this is the triumph supreme” (*Sūrat al-Tawbah* 9:72). The former are entities we can readily imagine, whereas the latter, we can only imagine with reference to what which points to them from our direct sensory experience. This direct sensory experience constitutes the semantic field which is common to both realms, the earthly and non-earthly, the physical and the metaphysical. The Qur’an conveys the concept of Paradise by making use of what is perceived by the senses to point us to that which the senses cannot perceive.

This is the method of reasoning which was established by the

prophet Abraham, who was led by what his senses perceived to a belief in what could not be perceived by his senses. Thus he was persuaded of the existence of God, in Whom he placed his trust before even receiving divine revelation.

A practice which has given rise to a kind of semantic chaos is that of introducing extra-Qur'anic terms and investing them both with Qur'anic content and with a degree of binding authority which they do not possess. One such term is "doctrine" (*ʿaqīdah*), which was introduced as being synonymous with faith (*īmān*). Scholastic theologians then included within *ʿaqīdah* issues that went beyond the five pillars of faith set forth in the Qur'an (belief in God, His angels, His revelations, His messengers, and the Day of Judgment). The term *ʿaqīdah* was then further expanded to include what went beyond the level of supposition to that of probability as well as the positions held with relative certainty by this or that sect or denomination. In this way the original five elements of faith were multiplied many times over, with al-Baghdādī numbering them at no fewer than three-hundred and eighty in his *al-Farq bayn al-Firaq*, and a similar number, give or take a few, in the reckonings of other thinkers. This phenomenon, not surprisingly, opened the door to the practice of branding as infidels whoever failed to embrace these added elements.

Confused perceptions of the relationship between the worlds of the seen and the unseen

The Qur'an has its own unique ways of dealing with the various topics it treats. This is as it should be, of course, since the Qur'an is tailored not to human knowledge, but to the knowledge of God – a complete, all-encompassing knowledge which is not limited or circumscribed by the boundaries of the worlds of sensory perception and cognition which define the areas of human thought, awareness and interpretation. In presenting a concept that people will have difficulty grasping, the Qur'an sometimes begins with the world of the unseen, which it then brings down to the level of the world of sensory perception clothed in "thingness" only to shift once again to the world of the unseen. In other words, the Qur'an appears to be in a state of constant motion between one realm and another. For no amount of human knowledge – not even

what has come to be known as the sciences of monotheism (*al-tawḥīd*), doctrine (*al-‘aqīdah*), or scholastic theology (*‘ilm al-kalām*) – will ever be able to bring people to the horizons of divine knowledge or enable them to navigate its unexplored realms. This being the case, people should not take it upon themselves, given their limited powers of awareness, to explore these uncharted regions since it is, quite simply, beyond their capacity to do so. However laudable their motives or aims, they should stop at the same limits at which the Qur’an itself has stopped, since what they have been given in the Qur’an is sufficient for them and more. On the contrary, it will do human beings no harm to recognize their limitations. It is important, when discussing metaphysical matters, to draw a distinction between those that belong entirely to the world that transcends human perception and understanding and which, for this reason, God reserves entirely to Himself (“He [alone] knows that which is beyond the reach of a created being’s perception, and to none does He disclose aught of the mysteries of His Own unfathomable knowledge” – *Sūrat al-Jinn* 72:26) and those that may have begun in the realm beyond that transcends human perception but which, over time, cease to belong to this realm as human beings advance in their pursuit of knowledge. By failing to recognize this distinction, human beings have demonstrated a willfulness that has disturbed the balance in their relationship to the worlds of the seen and the unseen alike. Consequently, scholastics’ discussions of many metaphysical issues have been marked by a blameworthy presumptuousness, as they were venturing into realms which, had they exercised the proper humility, they would have respectfully avoided.

Encouraging Debate and Dissemblance

As we have seen, scholastic theological methodology was initially founded upon controversy and debate. As such, its aim was not to treat the issue at hand in a thorough, integrated manner, but rather, simply to demonstrate the incoherence of one’s opponent’s claims and the soundness of one’s own – as well as, of course, the soundness of any assertion that might be built on or derived from one’s claims. Hence, concerned solely with buttressing their own positions and beliefs rather than delving deep into all the relevant facts, scholastic theologians fell

captive to a short-sighted preoccupation with winning an argument – a preoccupation in which they were increasingly entrapped.

Debate is an aspect of Aristotelian logic, which rests upon conceptualizations and assertions that arise out of specific terms. Whether one was taking the affirmative side or the negative side of a debate, the polemicist would approach the topic at hand from a subjective point of view in which his primary aim was to defeat and refute whatever his opponent was saying while showing the superiority of his own views, denomination or school of thought without regard for truth and falsehood as such. An individual might take up either side of a debate with equal passion, tailoring his arguments, objections, and method of reasoning to his immediate aim. Thus, the same person who had debated successfully in favor of a given position might easily turn around and refute the position for which he had argued so persuasively in a previous round. Needless to say, whoever rests upon this sort of foundation is teetering on the brink of a bottomless abyss into which he might plunge at any moment. And herein lies one of scholastic theology's most serious weaknesses.

The scholastic theological mindset left its mark on other disciplines as well including Islamic legal theory (*uṣūl al-fiqh*) and exegesis (*tafsīr*). For example, Muslim legal theorists with scholastic theological leanings embroiled themselves in a fruitless theoretical debate over whether it was permissible to trace the causes underlying the precepts of Islamic law and attribute aims and goals to the Divine Lawmaker. Such scholars had no compunctions about analyzing or searching out the reasons underlying the actions and precepts of God Almighty, despite the fact that this practice was tantamount to saying that God has goals that He strives to achieve – a notion that flies in the face of the assertion of God's oneness and self-sufficiency.

In this connection, the Mutazilites held that good and evil can be perceived via human reason (*al-ḥusn wal-qubḥ al-ʿaqliyan*) apart from, and prior to, the receipt of divinely revealed laws, and that God is obliged to do what is “best” for human beings (*wujūb al-aṣlah lil-ʿibād*). As for the Asharites, they hold that God has linked His precepts to human beings' best interests out of His gracious bounty, but that had He so willed, He could have caused humans' best interests to consist in

something else entirely. In other words, God is free to attach human interests to this ruling or that at His divine discretion; thus, what are spoken of as the effective causes (*‘ilal*) for divine precepts (*ahkām*) are in reality nothing but signs of God Almighty’s having associated particular rulings or precepts with particular human benefits. The reason the Asharites took this position was to uphold the principle that the temporal cannot influence the timeless or eternal. An effective cause (*‘illah*) is temporal, whereas a divine precept is eternal, and one cannot explain the eternal in terms of the temporal. Thus, the actions of God cannot be explained in terms of aims (*aghrāḍ*), wise purposes (*ḥikam*), and human interests (*maṣāliḥ*). For even though wisdom may be demonstrated through the outcomes of such actions, and even though they may be seen to serve humans’ best interests, one cannot say that these actions were inspired by a wise purpose in the sense in which one would speak of a human action being undertaken for a wise purpose, since human beings are temporal creatures without knowledge of the future.

The Maturidites, unlike the Asharites, maintain that the divine actions can indeed be explained in terms of human interests; however, they disagree with the Mu‘tazilites’ claim that God is under some *obligation* to do that which is in His creatures’ “best interests.” Rather, insist the Maturidites, God acts toward His creatures out of His grace and bounty, and in accordance with His infinite wisdom and knowledge. As for the arguments proffered by those who hold that God’s actions and precepts may not be explained in terms of temporal realities, and that God cannot be spoken of as having aims or even wise purposes because they are temporal in nature, the Maturidites refute such arguments by saying that the aim in such a context is attributable not to God, but to human beings themselves, whose best interests are achieved, or who are protected from harm, through God’s actions and commands. It is the creature who is completed by the aim in question, not the Creator.

As for the Hanbalites, they have had many things to say on this topic. According to al-Qāḍī Abū Ya‘lā, for example, it may not be said that God does something for an aim or in response to a motive cause, since this would entail affirming the teachings of the Qadrites (who promote the notion that everything is predetermined), the Dualists,

those who believe in incarnation, and proponents of other heretical innovations. Rather, aims and effective causes are only applicable to entities that are susceptible to being harmed or benefited and, as a consequence, have needs. As Āl Taymiyah wrote in *al-Musawwadah fī Uṣūl al-Fiqh*:

A number of our companions, that is, the Hanbalites, such as Abū al-Khaṭṭāb, Ibn ʿUqayl, al-Ḥalwānī and others have indicated in a variety of places that what are referred to as the effective causes of the Lawgiver are, in fact, merely signs or markers which God has established as pointers to His rulings and precepts. In other words, they function simply as names. However, this is not correct at all. There is a great deal to be said about the true nature of the effective causes underlying Islamic precepts (*al-ʿilal al-sharʿiyyah*). Ibn ʿUqayl and others have stated that even if these effective causes are signs or markers, they nevertheless act as genuine causes of benefit and the prevention of harm.¹⁶

As for rational causes (*al-ʿilal al-ʿaqliyyah*), they have stated in this connection that rational analogy or comparison is an argument which must be taken into account and which forms a valid basis for reasoning once the Divine Law has been revealed and established. It was Ibn Taymiyah's view that support for *talʿīl*, or the practice of identifying and analyzing the effective causes underlying the precepts of Islamic law is an important concomitant of *tawḥīd*, or affirmation of the divine oneness. According to Ibn Taymiyah, there must be a concatenation of effective causes at work, not a single effective cause operating independently of all others, since the only effective cause which can operate independently of all others is God Himself, the Sovereign of the Universe.

Had it not been for the way in which scholastic theological discourse took over the field of Islamic reasoning and argumentation, *talʿīl* might have served as an important point of departure for the formulation of aims-based thought at an early stage of Islamic history. After all, purposefulness is one the most central features of Islam, one that manifests itself clearly and unmistakably in virtually all aspects of creation. There is no creature, great or small, which lacks a purpose and a role to

perform in this life, whether we humans are aware of it or not. In *Sūrat al-Mu'minūn* 23:115, for example, God addresses a rhetorical question to those who deny the purposefulness of human existence, saying, “Did you, then, think that We created you in mere idle play, and that you would not have to return to Us?” Nothing in the Universe can be said to have come into existence by mere chance or coincidence, devoid of any wise purpose, effective cause, or function. The claim that things come about by chance or coincidence is a reflection of primitive animistic thought with its origins in the earliest phases of human evolution.

However, Islam brought people out of the darkness of that bygone era, transporting them from the realm of superstition into one of logical thought which could trace cause and effect, enabling us to discover the links among objects and phenomena, unveiling the divine laws at work in human life and the Universe and perceiving divine wisdom and providence in all things. This type of rational pursuit gave rise to academic disciplines which fueled human progress enabling people to see beyond the particular significance of things and phenomena to vast networks of purposeful connections. As God declares in *Sūrat al-Dukhān* 44:38-39, “We have not created the heavens and the earth and all that is between them in mere idle play. None of this have We created without [an inner] truth: but most of them understand it not.”

At the same time, some polemicists were at such pains to demonstrate the peril inherent in their opponent’s point of view that they would go so far as to accuse those who adopted it of unbelief.¹⁷ The outcome of this was to raise subsidiary issues that were in some cases not even religious in nature to the status of fundamental religious principles, as well as to misclassify issues in such a way as to rob the discussions thereof of all meaning and practical value.¹⁸

Scholastic theology was first established with a view to its being a solution to difficulties by defending Islamic doctrine and establishing its foundations. The goal was to respond effectively to attacks on sound Islamic teaching and to the introduction and legitimization of contradictory doctrines by individuals who were armed with Greek thought and logic and pagan philosophy. However, instead of facilitating cultural reform and clear delivery of the Islamic message, scholastic theology ended up stoking the flames of rivalry and divisiveness among

competing Muslim schools of thought, and entrenching intellectual partisanship and fanatic adherence to this or that scholastic theological position or school of thought. In the midst of this explosive intellectual crisis, which distracted Muslims from their mission and impeded the role of sound doctrine in their lives, there was no solution apart from a whole-hearted return to the Qur'an.

CHAPTER FOUR

Towards the Formulation of a New Scholastic Theology

FIRST: ESTABLISHING A TRANSCENDENT AWARENESS — A METHODOLOGICAL INTRODUCTION

1. *The sovereignty of the Qur'an and the power of narrative*

The Qur'an is God's discourse addressed to all of humanity, revealed to restore people to a state of truthfulness and integrity, to affirm whatever truths they still retained, and to correct whatever falsification, or confusion, or contradiction may have tainted human understandings of the divine message. Moreover, because human beings would be incapable of accomplishing this task with the needed integrity and precision, God undertook to preserve the Qur'an Himself. The people to whom previous scriptures had been revealed had entrusted them to their monks and scribes and the divinely inspired individuals among them, yet even they had not been up to the challenge. As God declared in *Sūrat al-Mā'idah* 5:13:

Then, for having broken their solemn pledge, We rejected them and caused their hearts to harden – [so that now] they distort the meaning of the [revealed] words, taking them out of their context and they have forgotten much of what they had been told to bear in mind; and from all but a few of them thou wilt always experience treachery. But pardon them, and forbear: verily, God loves the doers of good.

Experience had thus proven that for numerous reasons, even the most godly scribes and learned men of religion were unable to preserve what had been entrusted to them. After all, the discourse of God Himself is like no other. As God declared to the Prophet, “Behold, We

shall bestow upon thee a weighty message” (*Sūrat al-Muzammil* 73:5). God has placed the Qur’an in order just as He has the stars in the sky. Any defect or alteration in the positions of the verses of the Qur’an would trigger an imbalance or malfunction in the entire message, just as an alteration in the position of a single star would disturb the order of the Universe as a whole.

This being the case, God pledged to preserve the Qur’an and to protect it from the errors and defects to which previous revelations had been prone, saying, “Behold, it is We Ourselves who have bestowed from on high, step by step, this reminder, and, behold, it is We who shall truly guard it [from all corruption]” (*Sūrat al-Hijr* 15:9). God alone sent down the “Reminder” contained in the Qur’an without assistance from anyone else in its composition or style, and has promised to guard it from corruption until the Day of Resurrection. Just as its revelation began with God, so will it end with God as He recites it to the inhabitants of Paradise on the Last Day. God alone uttered the Qur’an, made it clear and commanded His Messenger to follow it unhastily as it was recited to him, saying: “Move not thy tongue in haste, [repeating the words of the revelation:]” (*Sūrat al-Qiyāmah* 75:16). What this means is that even the recitations with which we are familiar need to be reviewed and scrutinized in light of the guidance contained in the Qur’an’s own verses, the manner in which they were gathered, and the Qur’an’s own interpretation and explanation of itself.

In effect, the various Qur’anic recitations constitute a change in the words of the Qur’an in keeping with this or that person’s narrative, whereas the Qur’an itself tells us that there is nothing which could change the words of God, and that the Qur’an was sent down from on high a single time, never to be repeated. Hence, the Muslim community should not entertain a single doubt concerning the soundness of this Qur’an, in which there is no multiplicity of languages, readings, or words. God’s purposes are as precise and comprehensive as they are wise and His mercy encompasses the preservation of the blessed Qur’an which is the culmination of all prophecies and divinely revealed messages. Nevertheless, as time passed following the Apostle’s coming, people’s hearts grew hard, and before long, the Great Sedition had reared its head among them. This hardening dulled the impact of the

Qur'an on those who had believed in it, opening their hearts and minds to changeable attitudes which served in turn to blind them to the Qur'an's distinctive and inimitable features.

Moreover, because people in their innate short-sightedness tend to make themselves the center from which they proceed in their perceptions of others, they began projecting the features of probability and relativity onto the Book of God rather than drawing on the absolute-ness of the Book of God for help in overcoming their subjective impulses. Hence, people began circulating baseless views according to which, for example, the Qur'an is subject to a variety of interpretations (*al-qur'ān ḥammālu awjuh*), or that whereas the situations which human beings encounter are infinite, the revealed texts are finite. On the basis of such views, it was concluded that since some passages of the Qur'an are problematic and obscure, with some being literal and others metaphorical, some still valid and others abrogated, it therefore stands in need of an external source of clarification. Accordingly, the Arabic language with its human norms and features was adopted as the standard against which to measure the speech of God, and the verses which affirm the Qur'an's inerrancy and the infallible way in which God had gathered it and set it forth were forgotten.

This was followed by blatantly blasphemous claims that the Qur'an contains grammatical errors, omissions, and additions, or that some verses had been abrogated with respect to both recitation and application, while others had been abrogated in terms of recitation but not application. God has Himself preserved the glorious Qur'an and made its meanings clear as a Reminder that will stand as a challenge to the entire world until the Day of Judgment. Furthermore, God has forbidden Muslims to accept anything not founded upon knowledge or proof. How, then, can they believe that the evidence for something could be abolished while preserving the entity for which said evidence provided the basis? We are told clearly in *Sūrat al-An'ām* 6:115 that "there is no power that could alter His words" whether in the form of recitations, accounts or whatever else. Nevertheless, narrative accounts gained such power over people's minds and hearts that they found it acceptable to make such baseless claims about the Qur'an.

Examples of works that advanced such groundless and harmful views include *Faṣl al-Khiṭāb fī Tahṛīf Kitāb Rabb al-Arbāb* (The Final Word on the Corruption of the Book of the Lord of Lords) by Ḥusayn Ibn Muḥammad al-Ṭabarsī, and works on the Qur’anic sciences replete with statements about how such and such a verse had been abrogated by some other verse, or how this or that verse or passage had been revealed concerning a particular tribe, battle, incident, etc. By employing the concept of “occasions of revelation” (*asbāb al-nuzūl*) in the reading of the Qur’an, scholars promoted the mistaken notion that the Qur’anic text is historically bound. Statements conveying this notion have been repeated down the generations, and are being taught in institutes of Islamic legal sciences to this very day, the claim being that they were transmitted via reliable accounts. Nevertheless, it should be remembered that however well-reputed an account might be, it cannot be used to refute a fact which is necessarily and intuitively true. Rather, if such an account conflicts with certain knowledge gleaned from the verses of the Qur’an which affirm its inerrancy and infallibility, it must be rejected. Unfortunately, however, this has not been done.

A narrative (*riwāyah*) is by definition a human transmission of reports, events and traditions which originated with individuals who preceded those who transmitted their statements. The narrative will sometimes be accompanied by the phrase “on the authority of” (conveyed by the Arabic preposition *‘an*), and at other times by the use of the phrase, “we were informed by” (*akhbaranā*), “it was related to us by” (*haddathanā*), etc., the purpose of such words or phrases being to document and confirm the validity and correctness of the statement being passed down. The Qur’an, by contrast, is the speech of God, whose documentation, confirmation or authoritativeness is not dependent on the manner in which it was transmitted, who undertook the transmission, or how many narrators were involved. Rather, its unique authority and reliability is founded upon God’s challenge to produce a single chapter or even verse that could rival the Qur’an’s style, eloquence, and poignancy.

As noted, this challenge has no bearing on the number of individuals who transmitted the Qur’anic text. Never has anyone argued for the definitive attestation or authority of the Qur’an based on the number or

even trustworthiness of those who transmitted it. Rather, it was established based on the Qur'an's inimitable eloquence, formulation and style. As for the issue of transmission, it arose only later, after the Qur'an's definitive and authoritative attestation had been established.

Similarly, the distinction between definitive and speculative certainty arose among Muslim scholars after the knowledge of other nations had entered the Muslims' sphere of awareness via translations of their works into Arabic, and with the birth of juristic schools of thought. Some jurists, believing there might be internal inconsistency among different Qur'anic texts, began arguing for the doctrine of abrogation, saying that a Qur'anic text revealed at an earlier time could be abrogated by a text revealed at a later time. Similarly, they maintained that a text marked by definitive certainty constituted more powerful evidence than one with speculative certainty. They also put forward principles of argumentation according to which, for example, greater weight was to be attributed to the literal meaning of a text than to a non-literal meaning, to teachings supported by numerous passages, allowances within Islamic law to spare people hardship, and so on.

Such scholars then attempted to argue for the value of narratives not only as transmitters of traditions and reports but, in addition, as means of establishing whether something found in the Qur'an was of definitive or speculative certainty. They held that the Qur'an as a whole was of definitive attestation because it had been transmitted by *tawātur*, but that most of its passages were of speculative significance or meaning. Accordingly, they accepted the existence of multiple readings of the Qur'an, some of them having been passed down by *tawātur*, others by single narrators, and still others being irregular (*shādhah*) and weak (*ḍa'īfah*).

Scholars should not have allowed themselves to be drawn down this path, of course, as God has endowed the Qur'an with incorruptibility (*ʿiṣmah*) on all levels: from its individual words, to its verses, to its chapters, to the Book as a whole. Furthermore they found that if they argued for the definitive certainty of the Qur'an based on its having been transmitted by *tawātur*, this would require them to accept the claims of Jews, Christians and others for the truths of their religions, whose scriptures had been similarly passed down. Consequently, they were forced to

deny that traditions and reports in general had been passed down by *tawātur*. In fact, however, there was no need for such scholars to condition the reliability of the Qur'an on the process by which it was transmitted. Rather, the only attestation the Qur'an needs is found in the insurmountable challenge which God posed to its skeptics: the challenge to produce its like.

The Qur'an bears witness to itself in God's declaration: "for, behold, it is for Us to gather it, and to cause it to be read [as it ought to be read]. Thus, when We recite it, follow thou its wording [with all thy mind]: and then, behold, it will be for Us to make its meaning clear" (*Sūrat al-Qiyāmah* 75:17-19). These verses draw attention to the order in which the processes of gathering, recitation, and clarification took place with respect to the Qur'an. It can only be read as it ought to be read in consequence of its having been gathered in accordance with the divine will, and only then can its meanings be brought forth with their intended clarity. From this it may be concluded that any narrative which claims that the gathering and construction of the Qur'an were based on the Companions' own ideas or planning is to be dismissed. Rather, the manner and order in which the Qur'an was compiled are a matter of divine discretion and knowledge alone. Nor was its manner of recitation left to the discretion of those who put it in writing. Rather, it was written down as it was dictated by the Messenger of God, and in the precise language in which it had been revealed. All of these steps were integral parts of the process by which the Prophet delivered the message from his Lord. He would not depart this world without having accomplished everything God had intended him to, nor would he leave any part of his God-given mission to anyone else.

This being the case, no store should be placed in narratives according to which some verses of the Qur'an were excluded from this process of ordering and construction. And as for the claim that certain verses were abrogated with respect to recitation but nevertheless remained in effect with respect to the legal rulings founded upon them, it is preposterous. For how is one to discern the meaning and implications of something which is not being recited?! The same goes for accounts according to which a given verse had been in the possession of a single individual, or that this or that recitation was irregular while another

was *mutawātirah*, and still another *āḥād*. All such claims bring the divinely originated, ordered, constructed and preserved Qur'an down to the level of mere human accounts in the form of traditions and reports. Consequently, it would have been more fitting had the Muslim community contented themselves in the knowledge and belief that God alone had gathered, ordered, and preserved the Qur'an, whether or not they were able to trace the reasons for this or the way in which this took place. For all such matters are the sole concern and province of the One who sent down the revelation, and no one can add to it or take away from it, including even our master Muhammad upon whose heart the Qur'an descended and about whom God uttered the stern words, "Now if he [whom We have entrusted with it] had dared to attribute some [of his own] sayings unto Us, We would indeed have seized him by his right hand, and would indeed have cut his life-vein, and none of you could have saved him!" (*Sūrat al-Ḥāqqah* 69:44-47). Any and all accounts which conflict with these premises must be called into question.

Alternatively, it has been suggested that narrative accounts are something which God has made use of in the process of preserving the Qur'an; however, we disagree entirely. On the contrary, we hold that the preservation, gathering, and clarification of the Qur'an are divine acts attributable to God alone, and it is from God alone that they derive their infallibility. As for narratives, they are products of human effort which, like all things human, are flawed and imperfect. Consequently, they would be unfit to bear this heavy burden of responsibility. How could the speculative and uncertain uphold and preserve that which is definitive and certain? How could the higher be indebted to the lower? As for the argument that the Qur'an was preserved thanks to the efforts of certain of the Prophet's Companions or members of his household, this assertion remains inadequate. If a given verse or chapter of the Qur'an had been in the possession of a certain individual, then if this individual had died before passing the verse in question on to others, it would have been lost, and this is a thought which should not be entertained by someone who believes in the Qur'an as the Book of God, who has undertaken its collection, recitation, clarification and preservation from all contradiction, loss or corruption. This is why God's challenge to the Prophet's contemporaries to produce the likes of the Qur'an

would have been impossible to meet, since even if all humankind, together with all of the spirit world, had conspired to produce the likes thereof on any level, they would have failed to do so even had they operated in perfect unison. God's word could never have been mingled with that of human beings or prone to its vicissitudes. As noted earlier, even the trustworthy Apostle who received it from his Lord received a stern warning to the effect that should he attempt to interpolate his own words into God's speech, he would face the severest of punishments (*Sūrat al-Hāqqah* 69:44-47).

Works written by Muslim thinkers down the centuries which equate the Book of God with the statements of His Messenger, and/or with later traditions and reports, have opened the precious revelation to error and deviation. Therefore, they stand in need of deconstruction and radical revision under the Qur'an's own watchful gaze. If the Islamic sciences and the narratives that inform them have any virtue, it inheres in the witness they bear to the Qur'an's having been in fact preserved by God, who has left this task to none of His creatures. If these sciences and narratives had been left to their own devices, they would have doomed us to an inevitable and woesome consequence, namely, the actual corruption of the Qur'an. As it is, however, we have been spared this fate by God's gracious providence.

2. *The examples of narratives which suggest that God did not preserve the Qur'an*

We now turn to specific narratives which claim that the Qur'an contains ungrammaticalities resulting from errors committed by those who recorded it and differences among their local dialects. The following account has been attributed to 'Uthmān Ibn 'Affān and 'Ā'ishah, which tells us that the Arabs would be charged with the task of correcting the Qur'an based on their respective dialects,¹ and that the Qur'an contains irregularities. Al-Suyūṭī stated, "I know that Judge Jalāl al-Dīn al-Balqīnī said, 'The recitations of the Qur'ān may be divided into four categories: *mutawātir*, *āḥād*, *shādhah* and those of the Companions. Those in the first category are the seven most widely known readings; the second category includes the following three, which complete the

ten; the third category consists of the recitations of the Successors such as al-Aʿmash, Yaḥyā Ibn Waththāb, Ibn Jubayr, and others; and the fourth is that the recitations of the Companions.”²

According to this perspective, the Qur’an also contains that which is ungrammatical according to the generally accepted speech of the Arabs. However, it is incumbent upon centers of Islamic learning, both Sunni and Shiʿa, to distance themselves from such groundless teachings, and to reaffirm the Qur’an’s inerrancy and infallibility. We fully expect institutions of religious instruction, including specialized colleges and universities, to rescue the Qur’an from the corruption and deviation to which the Qur’anic sciences have fallen prey. Quoting from al-Wāḥidī in his book *Asbāb al-Nuzūl* (Occasions of Revelation), al-Zarkashī wrote, “If it is possible for there to be passages of the Qur’an which are applied but not recited, this is because God knows best what is in our interests, and He may know how our interests are served by applying teachings [which are not founded in the texts recited].”³

Perhaps what al-Zarkashī was referring to here is the so-called “stoning verse,” which is said to have been recited at one time as part of the Qur’an, after which its recitation was abolished, whereas the legal ruling based on it remained in effect. In reality, this is a verse from the Old Testament, which appears to this day in the Jewish scriptures, but which never appeared in the Qur’an. Some narrators became confused about this matter, however, thinking that the phrase “part of what God had sent down” (*mimmā anzala allāhu*) – or, in some versions, “what had been recited” (*kānat fī mā yutlā*)⁴ – referred to what had been revealed in the Qur’an and recited thereof, whereas in fact, it refers to what had been recited from the Old Testament.

Some accounts indicate that this alleged verse was found in *Sūrat al-Nūr* (24), and others that it was in *Sūrat al-Aḥzāb* (33). In an attempt to explain why the verse can be found nowhere in the Qur’an, some accounts have suggested that the Apostle himself did not allow it to be written down,⁵ while others suggest that it was ʿUmar who refused to allow this.⁶

In a similar phenomenon, accounts which circulated among the Twelver Shiʿites speak of verses supporting the teaching that ʿAlī Ibn Abī Ṭālib was to be recognized as the infallible imam. According to

such accounts, some of the Companions intervened and removed these verses from the Qur'an; according to others they were eaten by a chicken and no one has ever collected the entire Qur'an apart from the infallible imams themselves. One such account reads, for example, "...Abū Ja'far said, 'No one can claim that he has collected the entire Qur'an, both that which conveys an obvious and literal meaning and that which conveys a hidden and esoteric meaning, apart from the sinless guardians.'" Another reads, "Jābir said, 'I heard Abū Ja'far say, "Anyone who says that he has gathered the entire Qur'ān as God revealed it is a liar. Moreover, no one has collected and preserved it as God revealed it from on high but 'Alī Ibn Abī Ṭālib and the infallible imams after him.'"'" Still another reads, "A man once asked Abū Ja'far [about the collection of the Qur'an], to which he replied, 'No one but the sinless guardians (*al-awṣiyā'*) can say that he has collected the entire Qur'an.'"

In a section entitled, "On the fact that the infallible imams have the entire Qur'an," al-Ṣaffār included an account which reads as follows: "As a certain man recited to Abū 'Abd Allāh, I heard pronunciations of the Qur'an which differed from the way in which the Qur'an was normally recited. In reply, Abū 'Abd Allāh declared, 'Ugh! Stop this recitation! Recite as other people do until the awaited Mahdi arrives!' He then brought out the copy of the Qur'an which had been compiled by 'Alī, saying, 'Alī brought it out to the people after finishing it and recording it, saying, "This is the Book of God as it was revealed to Muhammad." To this they replied, "We already have a book which contains all of the Qur'an, so we have no need of this." As for 'Alī, he retorted, "I swear by God, you shall never see it again....'"'"⁷

According to an account passed down by al-Kulaynī (d. 329 AH/941 CE), Abū Baṣīr said, "... the revelation then came to the Prophet in the words, 'One who is minded to ask might ask about the suffering which is bound to befall those who deny the truth. [Know, then, that] nothing can ward it off' (*Sūrat al-Ma'ārij* 70:1-2). But I said, 'O thou for whom I would lay down my life, this is not how we recite it.' And he replied, 'I swear to you this is how it was revealed through Gabriel to Muhammad. And this is how it was recorded in the copy of the Qur'an which is in the possession of Fāṭimah.'" ⁸

There are other accounts of a similar nature which, in the interests of space, we will not cite here. However, a statement worth noting is that of al-Mirza Abu al-Hasan al-Sha^ʿrani (d. 1320 AH/1902 CE), who commented on the aforementioned account with the words, “Any claim to the effect that something might have dropped out of the Qur’an is baseless according to Islam’s leading scholars and hadith transmitters. As for this account of Abū Baṣīr’s, it must be rejected based on the fact that among the individuals through whom it was passed down was Sulaymān al-Daylamī (who is said to have been a liar and an extremist, as was his son who narrated the account on his authority)...”⁹

We cannot, of course, specify the exact percentage of Twelver Shiite scholars and hadith transmitters who believe that the Qur’an has not been corrupted as compared to those who believe that it has. Nevertheless, it can be stated with confidence that the first group is not in the minority – at least in terms of its significance – as it includes pioneering representatives of the Twelver Shiite school of thought who helped to set its course and who headed schools which for centuries occupied places of prominence in the denomination’s scholarly circles. One such scholar was the venerable Shaykh al-Ṭūsī, whose ideas held sway over the Twelver Shiite community for hundreds of years, and whose successors continued to follow more or less blindly in his footsteps until the establishment of the al-Ḥillah School, which marked the beginning of a new phase in Twelver Shiite thought founded upon reason and independent interpretation.

This was followed by the emergence of the modern Akhbāri Current,¹⁰ which dominated the Twelver Shiite arena throughout the eleventh and twelfth centuries AH. The foundation for this current had been laid by Shaykh Muḥammad Amīn al-Istrābādī in his book *al-Fawā'id al-Madaniyah* (Useful Lessons from Madinah). This current played a major role in reviving the notion among Twelver Shi'ites that the Qur’an had been corrupted. In particular, this topic was reopened by the scholar al-Fayḍ al-Kāshānī (d. 1091 AH/1680 CE) who, in the sixth preface to his commentary *al-Ṣāfi*, argued that the Qur’an had been corrupted, and cited various accounts in support of this view. Al-Kāshānī wrote:

It may be concluded from the sum total of these reports as well as other accounts which have reached us via members of the Prophet's household that the Qur'an which we now have in our hands is not the complete revelation which was sent down upon Muhammad. Some of what it now contains is contrary to what God revealed, some has been altered or corrupted; and many elements have been deleted from it, including numerous mentions of the name of 'Alī. Furthermore, the Qur'an is not in the order which would have been pleasing to God and His Apostle.

Al-Kāshānī followed this statement with specific instances of alleged corruption in the Qur'anic text. These include, for example, the claim that the verse which reads, *kuntum khayra ummah* ("you are the best community") in *Sūrat Āl 'Imrān* 3:110 should actually read, *kuntum khayra a'immah* ("You are the best imams"). And this same line of thought was adopted by other Akhbārī scholars the likes of Ni'matallāh al-Jazā'irī (d. 1112 AH/1700 CE), hadith transmitter Yūsuf al-Baḥrānī (d. 1186 AH/1772 CE), and al-Māzandarānī (d. 1081 AH/1670 CE).

Nevertheless, Haydar Hubb Allah concludes that al-Kāshānī did not deny the authority of the Qur'an. In a striking observation which captured Hubb Allah's attention, al-Kāshānī wrote, "The claim that the Qur'an has been corrupted would render it impossible to appeal thereafter to the Qur'anic text. However, we are obliged to cling to the Qur'an and to appeal thereto as the criterion by which we measure accounts and narratives." This observation, which marked the beginning of a powerful argument for the invalidation of the meanings of the Qur'an among members of the Akhbārī Current, was made by al-Kāshānī in a number of his books: *al-Wāfī* (The Comprehensive and Complete), *ʿIlm al-Yaqīn* (Certain Knowledge), and *al-Maḥajjah al-Bayḍā'* (The Faultless Argument). However, in these contexts, al-Kāshānī understood the texts referring to corruption as applying not to the Qur'an itself, but to its interpretation. In other words, he understood the term "corruption" (*al-taḥrīf*) to refer not to changes in the words of the Qur'anic text but, rather, in their exegesis. In his commentary, *al-Ṣāfī* (The Pure and Lucid), al-Kāshānī sought to refute such texts in such a way as to retain the notion of corruption, while at the same time not undermining the meaning of the Qur'anic text. He did

this by saying that the change to which the texts alleging corruption were referring had no appreciable effect on the intended meaning, such as omission of the name of ‘Alī or the names of members of the Prophet’s household, since such omissions would not interfere with the possibility of generalizing from the text in question. As a consequence, the text was not lost or wasted despite the corruption. Alternatively, he proposed that the Prophet’s household compensate for what we have missed. As a result, al-Kāshānī reasoned, we may appeal to the Qur’an, while receiving what was removed from it on the authority of the Prophet’s household.

In sum, the role played by al-Kāshānī’s studies was not so much to tear down the authority of the Qur’an as it was to reinforce the effects of the tearing down that had already occurred. It was on this basis that the twelfth-century AH scholar al-Nabā’ī al-Fattūnī (twelfth century AH/eighteenth century CE) concluded that the key to supporting the belief in the supreme virtues, sainthood and infallible imamate of the Prophet’s household and the duty to obey them, lay in claims that the Qur’an had been changed and corrupted.¹¹

Scholars representing Legal-Theoretical and Rationalist currents involved themselves in refuting claims that the Qur’an had been corrupted, though they differed with respect to whether they rejected the accounts promoting claims of corruption and omission, or whether they interpreted them metaphorically. In his book entitled *Kashf al-Ghiṭā’*, Shaykh Ja‘far al-Jināhī – better known as *Kāshif al-Ghiṭā’* (the Unveiler) (d. 1228 AH/1716 CE) – maintained that

...no addition has been made to it [the Qur’an]: neither chapter nor verse, neither *basmalab*, nor word, nor even so much as a letter. Everything recited from its beginning to its end is by necessity the speech of God Almighty, not only as a teaching of the denomination, but of the entire religion by the unanimous agreement of the Muslim community and in keeping with the reports handed down on the authority of the Prophet and the immaculate and infallible imams. . . Secondly, regarding omissions: There can be no doubt but that the Qur’an has been protected from omissions by the providence of the Almighty Sovereign and Judge, as evidenced by the Qur’an’s own explicit declarations... As for those accounts which claim that elements

are missing from the Book, their apparent meaning is intuitively and unquestionably unsound... Consequently, such reports need to be interpreted metaphorically in one of a number of aspects: (1) The missing element is understood to be absent not from the revelation sent down from on high but, rather, from the creature that received it. (2) The missing element is absent from what was sent down to the heavenly sphere, not from what reached the Seal of the Prophets.¹² (3) The missing element has to do not with the words, but their meanings. (4) What is missing is absent from the extra-Qur'anic revelations (*al-aḥādīth al-qudsiyah*). In my view, the correct view is that what has been revealed of the contents of the Preserved Tablet is incomplete with respect to the written words, but what is missing therefrom has been preserved with the Prophet. As for the Qur'an that was in circulation in the Hejaz and elsewhere, it has not been altered by any omission or deletion since the time of the Prophet.¹³

Al-Sayyid al-Khu'i (d. 1992) devoted a discussion to this issue in his commentary, *al-Bayān*. After asserting that the Qur'an has undergone no corruption, al-Khu'i states, "It is a known fact among Muslims that the Qur'an has undergone no corruption, and that the Qur'an we have now is the entire revelation which was sent down from high upon the Prophet. This has been stated explicitly by numerous scholars of sterling repute, including the leading hadith transmitter of all time, Ibn Bābawayh (d. 381 AH/991 CE), and Abū Ja'far Ṭūsī (Shaykh al-Ṭā'ifāh). Others include the illustrious scholar al-Shahshahānī in his book *al-ʿUrwah al-Wuthqā* (The Firm Hold), famed hadith scholar al-Mawlā Muḥammad al-Qāsānī, and the heroic seeker of knowledge al-Mujāhid Muḥammad Jawād al-Balāghī in the preface to his commentary *Ālā' al-Raḥmān* (Signs of the Most Merciful)." Al-Khu'i then goes on to list, and refute, the arguments put forward by those who maintain that the Qur'an has been corrupted. In this connection he writes:

The second argument: 'Alī had a copy of the Qur'an other than the one in circulation. He presented it to the Companions, but they would not accept it... In response to this argument, it may be said that the Commander of the Faithful's possession of a copy of the Qur'an in which the chapters (surahs)

were ordered differently than they were in the copy of the Qur'an in general circulation at the time is a fact of which there should be no doubt.¹⁴ Furthermore, his Qur'an's inclusion of additions which were not part of the Qur'an proper, though a fact, does not mean that these additions had once been part of the Qur'an but had then dropped out of it by a process of corruption. Rather, these additions consisted of commentary, referred to as *ta'wīl*, or as revelations from God in explanation of what the Qur'an meant ... As such, the copy of the Qur'an in the Caliph's possession contained the names of hypocrites...¹⁵

In response to the claim that accounts transmitted by *tawātur* on the authority of the Prophet's descendents serve as evidence that the Qur'an has been corrupted, al-Khu'i explains that many of these accounts have weak chains of transmission, as a number of them come from *Kitāb al-Qirā'āt* (The Book of Recitations) by Aḥmad Ibn Muḥammad al-Sayyārī who, according to experts in *ʿilm al-rijāl*, held unfounded beliefs, including a belief in reincarnation, and from one ʿAlī Ibn Aḥmad al-Kūfī, who has been said to be a liar with unsound beliefs. However, he also added, "The sheer number of these accounts renders it virtually certain that some of them originated from infallible individuals...." He then lists the accounts indicating that the Qur'an has been corrupted and categorizes them into a number of groups.

Group 1 contains accounts that suggest corruption by reinterpreting verses of the Qur'an which imply a denial of the virtues of the Household of the Prophet. Group 2 consists of accounts which indicate that numerous Qur'anic verses which had mentioned the names of the infallible imams have been removed. After listing such accounts, al-Khu'i responds saying, "As we have explained, some of what was revealed was in the form of commentary and not intended to be part of the Qur'an itself ... otherwise, it would be necessary to reject such accounts due to their inconsistency with the Qur'an and the Sunnah. Furthermore, all of these accounts are contradicted by the *ṣaḥīḥah* [sound hadith collection] of Abū Buṣīr which is narrated in *al-Kāfī*, where we read: 'I asked Abū ʿAbd Allāh about the verse of the Qur'an which reads: "Obey God and obey the Apostle" (*Sūrat al-Nisā* 4:59), to which he replied, "This verse was revealed concerning ʿAlī Ibn Abī

Ṭālib, al-Ḥasan and al-Ḥusayn.” I replied, “People ask why ‘Alī and his household aren’t named in the Book of God,” and he said, “Tell them that the ritual prayer was revealed to the Messenger of God, but without any mention of whether it was to be performed three times or four times, and it was the Messenger of God who eventually explained this to people... Hence, this *ṣaḥīḥah* supersedes all of these accounts.””

Group 3 consists of accounts which suggest that the Qur’an was corrupted via additions and omissions, and that after the death of the Prophet, the Muslim community changed some words and replaced them with others. In response, he notes that not only do these accounts have weak chains of transmission, but they conflict with the Qur’an, the Sunnah, and the consensus of Muslim scholars. In response to Group 4, which consists of accounts indicating that the Qur’an was corrupted via omission alone, al-Khu’i refers back to what was said in connection with the additions that were found in ‘Alī’s copy of the Qur’an, namely, that these were commentaries on the Qur’an than being a part of the Qur’an itself; if any other omission is being referred to in such accounts, he maintains, they must be rejected as inconsistent with the Qur’an and the Sunnah. He also notes that most of these accounts have weak chains of transmission, and some of them are inherently unbelievable.

A group of highly reputed scholars, including al-Muḥaqqiq al-Kalabāsī, al-Muḥaqqiq al-Baghdādī who wrote a commentary on *al-Wāfiyah*, and al-Muḥaqqiq al-Karakī, who wrote an independent treatise on this subject in which he stated that accounts which indicate that things were omitted from the Qur’an must either be interpreted metaphorically or rejected, have declared the need either to interpret these accounts metaphorically, or to reject them. Indeed, if a statement which conflicts with the evidence found in the Qur’an, the Sunnah transmitted by *tawātur*, and the consensus of Islamic scholars cannot be interpreted metaphorically or understood in some other non-literal way, it must be dismissed.

Al-Khu’i lists the following accounts, all of which were passed down via *tawātur*, which support al-Karakī’s position:

- “To hesitate at the presence of a reasonable doubt is better than to

plunge headlong into perdition ... Whatever is consistent with the Book of God, accept it, and whatever conflicts with it, leave it aside." Narrated by Shaykh al-Ṣadūq with a sound chain of transmission on the authority of al-Ṣādiq.

- "If you are presented with two hadiths which differ in substance, measure them against the Book of God. That which agrees with the Book of God, accept it, and that which conflicts with it, reject it." Narrated by the venerable Shaykh Saʿīd Ibn Hibat Allāh al-Quṭb al-Rāwandī, with a sound chain of transmission, to al-Ṣādiq.
- In his commentary, *al-Mizān*, al-Sayyid al-Ṭabāṭibāʿī (d. 1412 AH/1991 CE) demonstrated that the Qurʾan, which God described as a Reminder (*dhikr*) which has been divinely preserved in the form in which it was first revealed, has been protected from additions, omissions, and changes just as He promised His Prophet. In sum, the argument is that God sent the Qurʾan down from on high upon His Prophet, assigning it unique descriptions in many of its verses. If it had changed in any way via addition, omission, or alteration in its words or arrangement, it would have lost these unique qualities.¹⁶

Other highly reputed Shia scholars who have denied the occurrence of corruption in the Qurʾan are al-Sayyid Muḥammad Bāqir al-Ṣadr, Muḥammad Mahdī Shams al-Dīn, and al-Sayyid Muḥammad Ḥusayn Faḍl Allāh, who insist that the Qurʾan is invulnerable to any corruption, and that the accounts which claim otherwise do not stand up in the face of critiques of either their content or their chains of transmission. Indeed, claims that the Qurʾan has been subject to corruption have been unable to impose themselves on reality. Nowhere in the entire world is there a copy of the Qurʾan which differs from that which is in common circulation among all Islamic sects.

In sum, not all Shia hold that the Qurʾan has been corrupted. Furthermore, the Shia current which holds that the Qurʾan was not, in fact, corrupted is an old and genuine one whose leading thinkers belonged to the Twelver Shia sect. As such, it was not some later, extrinsic development that arose from attempts at dissimulation in hopes of currying favor with other sects. Indeed, these same scholars made no attempts to conceal their disagreement with scholars from

other schools of thought, and had no hesitations about making known their views, some rather shocking, on a variety of theological issues.

As mentioned above, there is no version of the Qur'an in circulation among the Shia other than the one known to Muslims everywhere. Even those who maintain that elements of the original recension are missing from the current copies of the Qur'an believe that the Qur'an in its entirety has been preserved by the infallible imams, and that they themselves are bound to abide by what is written in the Qur'an as we now know it. Furthermore, they believe that the absence of the verses which they allege to be missing does nothing to detract from the Qur'anic message, and that the extra-Qur'anic revelations with which the infallible imams have been entrusted are in the sole possession of these infallible imams, and will only be revealed to the rest of the faithful when the Twelfth Imam, the awaited Mahdi, emerges from occultation.

The essential issue is: Was the Qur'an collected and arranged through the planning and efforts of the Prophet's Companions, or by a process which was initiated, powered and guided by God alone? We should have appealed to the Book of God for an answer to this question. Instead, however, we have lent our ears to unfounded narratives compiled in times of sedition, turmoil and polarization. There were some who sought to elevate the Companions by crediting them with the preservation of the Qur'an, while others were only too anxious to bring them into disrepute and elevate the members of the Prophet's household. However, God has left His revelation to the devices of no mere human being. As we are reminded by God Himself in these words spoken to the Prophet Muhammad, "it is for Us to gather it, and to cause it to be read [as it ought to be read]. Thus, when We recite it, follow thou its wording [with all thy mind]: and then, behold, it will be for Us to make its meaning clear" (*Sūrat al-Qiyāmah* 75:17-19).

The Book of God, Blessed and Exalted is He, has been preserved complete down to the word and even the letter ("The words of thy Lord doth find their fulfillment in truth and in justice: None can change His words" – *Sūrat al-An'ām* 6:115), and that its verses have been masterfully arranged in such a way that they form a unified structure which, were a single letter or word changed, would collapse, emptied of its

rhythm, style, and effect. The entire Qur'an, from beginning to end, bears witness to this indubitable reality. Hence, those who do not believe in it, claiming instead that the Qur'an is incomplete, or contains additions or distortions, have lost their faith and fallen into error. And indeed, some have succumbed to the lure of human accounts and narratives and embraced them with enthusiasm, justifying to themselves the transmission of the most heinous claims by appealing to the crafty saying that, "The person who conveys a blasphemous statement is not himself a blasphemer," all the while disregarding the difference between testimony and narration. If a ruler summoned you to testify against someone else concerning a blasphemous word you had heard, and if the testimony required you to mention the statement just as you had heard it, this would be one thing. However, it would be quite another thing for you simply to pass on a narrative as if you were speaking on your own behalf. Nevertheless, under cover of this cleverly worded expression such scholars convey whatever blasphemies Satan has been pleased to place on their lips. They conveniently pass off responsibility for such falsehoods to the party being quoted, since if one attributes a statement to someone else, he is excused for the content of the statement. By prefacing one's statement with, "on the authority of so-and-so or so-and-so", one is freed to propagate whatever blasphemies and falsehoods one wishes.

The Qur'an itself makes mention of, then refutes, what unbelievers and polytheists of its day were saying. Hence, it is clearly not relating facts on the authority of unbelievers and polytheists, or propagating their views. Rather, its purpose is to expose the foolishness of such people's beliefs. After all, it was being alleged that the Most Merciful had fathered a son, for example, or that God's hands were tied, notions that would never endure the test of reason, and which would, on the contrary, bring a curse on those who embraced them. When quoting the repugnant things done and said by infidels and criminals the likes of Pharaoh, Hāmān, and Qārūn, the Qur'an enables those who hear what such people were saying to perceive the depth of their ignorance and their entrapment in falsehoods. Nevertheless, accounts of such individuals frequently featured in hadiths and traditions, and even in Qur'anic commentaries and other scholarly writings, which gave readers the

impression that the beliefs being put forth were actually valid. Hence, if someone were to ask why Muslims have fallen so short of the noble aims and purposes of Islam while losing sight of the Book of God and its noble truths, the answer may lie in this ponderous legacy of wayward notions, opinions and beliefs, and in the divisiveness, fragmentation, and disputes that were sparked by such accounts.

The Book of God, Majestic and Exalted is He, challenged all conscious beings, humans and jinn included, to come forth with something that could rival one of its surahs if they did not believe that it had originated with God, and it persisted in this challenge until one and all confessed their inability to meet it. Nevertheless, even the venerable fields of scholastic theology, Islamic legal theory and history were infiltrated by baseless, frivolous claims that the Qur'an had been corrupted, that some passages abrogated others, and that parts of it had even been forgotten, not to mention accounts of chickens or donkeys eating this verse or that, and some of its words or verses being replaced by others. The destructive influence of such claims down the centuries is felt to this day, as Sunnis continue to accuse Shia of rejecting the Qur'an that is recited by believers worldwide. Fortunately for all of us, the scholars of Islam's various sects and denominations were not entrusted with the Qur'anic revelation the way the Old Testament was entrusted to Jewish clergy who allowed it to be lost or distorted. Rather, God Himself undertook to preserve His revelation lest it be undermined by the distortions of extremists, falsifiers and the ignorant, or lest it depend on any human factor for its existence or structure. For this reason, the Qur'an has remained perfectly intact, and the impossibility of meeting the challenge to produce something like it will remain in perpetuity as a beacon to light the path for all humanity.

Nevertheless, the reliance on extra-Qur'anic texts spread like a cancer as people passed on one faulty narrative after another. Even some Muslim legal scholars placed their trust mistakenly in such narratives, and were led astray as they repeated and discussed them. This growing confidence in extra-Qur'anic narratives hindered progress toward attempts to reestablish unity among the various Muslim sects, which placed their trust in narratives that were mutually incompatible. Certain Shia scholars, for example, held that the Qur'an had been

corrupted by additions and omissions. In fact, however, the entire sectarian tradition was now riddled with weakness, as sect after sect became guilty of being overly lenient in accepting accounts they had received without the least attempt to measure them against the Qur'an or sound reason and logic. Indeed, even the criteria they laid down themselves were often set aside if the account being narrated achieved some sectarian aim or protected some cherished interest. Most of these narratives had originated with individuals who were either ignorant or outright forgers who made a profession of fabricating accounts, promoting the belief that they had been handed down by long chains of reliable narrators, and marketing them to gullible folks who did not think to question something so long as it was prefaced by the magic words, *akhbaranā*, *ḥaddathanā*, and the like. No sooner had such tales been uttered than they made their way into the minds of the masses without the slightest critique or scrutiny.

Hence, I urge everyone in the Muslim community to rethink this questionable tradition, and to subject it to the probing scrutiny and critique of the Book of God. We urge believers everywhere to dismiss anything that contradicts the teaching of the Qur'an, and to remove it from circulation among seekers of knowledge and institutions of Islamic learning.

That said, it bears noting that both the Shia, whose sources cite claims that the Qur'an has undergone corruption, and Sunnis who have propagated the notion that the recitation, if not the application, of certain Qur'anic texts has been abrogated, have continued to use the very same Qur'an. We do not find the Shia using a Qur'an that differs in any way from that recognized all over the Muslim world; indeed, no two Muslims, whatever their sect or school, would differ over the contents of the Qur'an. By contrast, however, al-Ṭabarsī's infamous *Faṣl al-Khiṭāb fī Tahṛīf Kitābi Rabb al-Arbāb* was based on an assortment of spurious claims and invalid accounts which, despite having reliable chains of transmission, have been found to be defective or irregular on the level of content. Furthermore, al-Ṭabarsī combined false reports with traditions passed down by individuals who professed belief in abrogation and other groundless teachings. In sum, the work is to be rejected lock, stock and barrel, and its defects are the responsibility of the author alone.

The legacy of the Islamic narrative tradition has weighed heavily on the community of the Qur'an, distancing them from the revelation of their Lord, and undermining their ability to conjure and draw upon its sovereign power. Hence, rather than engrossing ourselves in sectarian disputes that only draw us farther away from the Book of God while entrenching us in bigoted defenses of texts and beliefs held near and dear by this group or that, the task before us is to redress the errors committed by our predecessors by looking to the Book of God as arbiter of every element of the narrative tradition, however cherished it happens to have been by this or that denomination or school of thought.

SECOND: FORMULATING A DISCOURSE
BASED ON A QUR'ANIC SCHOLASTIC THEOLOGY

In the traditional formulation still being taught in Shia Islamic educational institutions, scholastic theology is no longer fit to be studied and promoted under any circumstances. Consequently, the relevant faculties and academic departments would be best advised to gather all their holdings in this area written before the turn of the twentieth century and tuck them away in a section of their own where they could serve as reference material for scholars specializing in the history and evolution of this science. Suitable topics of interest now classed under the rubric of scholastic theology could be usefully reclassified under the banner of other specializations in the interests of cross-disciplinary research. The topic of the imamate (the caliphate), for example, along with all relevant subtopics, debates and discussions, would be best treated not as a concern of scholastic theology but, rather, under the rubric of Political Science or Islamic Legal Policy.

Another set of issues with which scholastic theology has concerned itself, such as whether language is something established by divine fiat (and, thus, not subject to human inquiry or analysis), or simply a human phenomenon which has evolved based on people's agreeing collectively to express ideas and concepts in this way or that, as well as related inquiries into literal vs. metaphorical meaning, ought to be subsumed under the linguistic sciences, including grammar, syntax, etymology, and rhetoric. Similarly, there exist numerous juristic

questions which found their way into scholastic theology, but which would be better suited for treatment under the rubric of Islamic jurisprudence, which is best equipped to accommodate such issues.

This type of reclassification will help open the way for the formulation of a contemporary scholastic theology and scholastic theological discourse capable of addressing and refuting the objections which have arisen against Islam since the East began encountering the West within the framework of modern civilization. Western Orientalism raised many questions having to do with Islam, both its fundamental teachings and subsidiary matters, which inevitably touched upon Islam's primary and secondary sources: the Qur'an, the Sunnah, and historical writings. Similarly, Anthropology has raised suspicions concerning Muslim peoples, who have been described as barbarians who resist being civilized, urbanized, and the like.

The formulation of a new scholastic theology will offer experts the opportunity to catalogue, analyze, and respond to the various arguments that have been put forward against Islam and Muslims, and which set the stage for the emergence and growth of Islamophobia, the association of Islam with terrorism, and the identification of Muslims as threats to world peace and security.

The new scholastic theology will be tasked with explaining the Islamic position on a range of vital issues. These include, for example, the importance of both protecting and preserving human freedoms. Similarly, it will be called upon to address trends of modernity and progressive and liberal discourse, and to provide answers to the question of why the Muslims have fallen behind while the rest of the world has progressed. After all, of what benefit will scholastic theological discourse be to anyone if its discussions are restricted to traditional topics such as the debates that once raged among the Mutazilites, the Asharites, the Murjites, and the Maturidites, or between Shias and Sunnis, and other issues, many of which are no longer familiar or relevant to the vast majority of Muslims? Indeed, some of the sects and schools of thought which were party to these disputes no longer have followings, whereas all of the contemporary issues we have mentioned represent currents, social groups and parties which exert significant influence in the Islamic world of today. At the same time, given Muslims' widespread

lack of adequate understanding and awareness of their religion, they have become susceptible to pernicious influences from every imaginable quarter. They are influenced all too easily by the doubter, the skeptic, and the outright unbeliever, including those who deny the existence of God outright, adopting approaches based on the latest view to come in vogue, or engaging in dubious comparisons that undermine their appreciation of the truth of Islam. Given the decline in their knowledge and understanding of the Book of God and the message brought by the Seal of the Prophets, Muslim youths in various countries are being taken in by destructive notions and slogans. Lacking a proper appreciation of their past and present and the contradictions which now riddle their societies, these young people's view of Islam has been colored by queries which, however sophisticated they may appear to be, are little more than a variation on the type of questions posed long ago by the people described in *Sūrat al-Baqarah* 2:67-71 who, having been informed by Moses that God had commanded them to sacrifice a cow, sought to deflect the discussion from their responsibility before God and the purpose for which the command had been given by asking about trivial details such as what color, shape, age, etc. the cow was supposed to be until, in their obstinate prevarication, they nearly lost sight completely of the issue at hand. This explains why, in *Sūrat al-Jumu'ah* 62:5, God described the Children of Israel's relationship to the revelation they had received through Moses with the words: "The parable of those who were graced with the burden of the Torah, and thereafter failed to bear this burden, is that of an ass that carries a load of books." For like the ass bearing a load of books, they had no appreciation of the content of what they had been given to carry.

The new scholastic theology for which we are calling must be able to respond to ultimate questions with answers that preserve the Muslims' faith, shielding it from doubts and uncertainties, illusions and half-truths, weakness and hypocrisy, and the temptation to divide their loyalty between God and earthly objects of devotion lest they join the ranks of those of whom God spoke in *Sūrat Yūsus* 12:106, saying, "And most of them do not even believe in God without [also] ascribing divine powers to other beings beside Him."

In order to establish the principles and foundations of this new discipline, we will need to combine a reading of the divine revelation embodied in the Qur'an with a reading of the world around us. Such an approach will help us to correct our course and to renew and revive what has grown obsolete. We have the highest regard for religious educational institutions such as al-Azhar University in Cairo, the University of Ez-Zitouna in Montfleury, Tunis, the University of al-Qarawiyyin in Fez, Morocco and others, whose dedicated, highly competent faculty faithfully man their posts along the frontiers of the Islamic world in a battle for Muslims' and others' minds, hearts and wills.

This new scholastic theological science has the potential to highlight the universal, comprehensive vision which lies at the heart of Islam, and which will give rise in turn to a new scholastic theological discourse bearing the hallmarks of God's final message to humankind, including a sovereign Qur'an, a universal discourse, and a law of mercy and compassion which relieves believers of undue hardships and restraints by permitting that which is wholesome and beneficial and forbidding what is loathsome and harmful. In so doing, the new scholastic theology will nurture human potentials and capacities and let none go to waste, while providing the components of a proper human stewardship before God.

In this and the chapters to follow, I will be working to identify the distinguishing features of the new scholastic theology, and I call upon the world's Islamic educational institutions to work with me toward defining and establishing this vital and pioneering discipline. It may prove helpful in this context to refer to an earlier work of mine entitled, *al-Ta'lim al-Dīnī bayn al-Tajdīd wal-Tajmīd* (Religious Education: From Stagnation to Renewal), which contains a number of suggested curricula that strive to achieve this aim. Islamic educators are invited to reflect carefully on these attempts and to build upon them.

THIRD: SCHOLASTIC THEOLOGY AMONG SOME JEWES AND CHRISTIANS

It appears that it was not among the Muslims alone that scholastic theology was marred by distortions. Indeed, the Qur'an contains references to deviations that had emerged in relation to numerous issues

within the scholastic theology of the Jews and Christians as well. One of the most dangerous phenomena to emerge among scholastic theologians of various faiths was an abandonment of the principle according to which their sacred texts were infallible and unchangeable. Needless to say, it is far more difficult for futile theological debates to gain steam around texts which are not subject to question. Consequently, we find that the deviations into which the possessors of sacred texts fall tend to begin with attempts to “soften up” the texts in one way or another because, as noted, the sacred text which continues to be recognized as stable and unchanging cannot be exploited and made to conform to the wishes of the rabbi, the priest or some other cleric. However, when the text is perceived as fluid and subject to change, it becomes putty in the exegete’s hands, as it were: he can then read into the text meanings that it does not support, and which serve his own ends or prejudices.

The Talmud displays countless examples of interpretations which read extraneous meanings into the words of the text. This practice is particularly common in relation to the divine attributes, as well as the attributes of God’s messengers, laws and precepts. By divorcing the words from the messages they had originally been intended to convey, exegetes relegated to themselves the authority to change the meaning of the revelation itself and to claim that words meant something other than what they had originally been employed to mean, whether these meanings had been established by God Himself, who had taught Adam the names of all things, or by human beings. This type of deviation is spoken of in *Sūrat al-Baqarah* 2:75-76, where God describes a state of hard-heartedness that enables people to distort the divine message without remorse. God remonstrates with people whose hearts have been hardened, saying:

And yet, after all this, your hearts hardened and became like rocks, or even harder: for, behold, there are rocks from which streams gush forth; and, behold, there are some from which, when they are cleft, water issues; and, behold, there are some that fall down for awe of God. And God is not unmindful of what you do! Can you, then, hope that they will believe in what you are preaching – seeing that a good many of them were wont to listen to the word of God and then, after having understood it, to pervert it

knowingly? For, when they meet those who have attained to faith, they say, “We believe [as you believe]” – but when they find themselves alone with one another, they say, “Do you inform them of what God has disclosed to you, so that they might use it in argument against you, quoting the words of your Sustainer? Will you not then, use your reason?”

There are times when the practice of “softening up” the text takes place in secret. Of this we read in *Sūrat al-Baqarah* 2:159: “Behold, as for those who suppress the evidence of the truth and of the guidance which We have bestowed from on high after We have made it clear unto humankind through the divine writ – these it is whom God will reject, and whom all who can judge will reject,” and *Sūrat al-Baqarah* 2:174, “Verily, as for those who suppress the revelation which God has bestowed from on high, and barter it away for a trifling gain – they but fill their bellies with fire. And God will not speak unto them on the Day of Resurrection, nor will He cleanse them [of their sins]; and grievous suffering awaits them.” The same phenomenon is described in different terms elsewhere in the Qur’an: “And lo, God accepted a solemn pledge from those who were granted earlier revelation [when He bade them]: ‘Make it known unto mankind, and do not conceal it!’ But they cast this [pledge] behind their backs, and bartered it away for a trifling gain: and how evil was their bargain!”¹⁷

Sometimes the distorter of scriptures affirms the text as it is, but claims that it is beyond the capacity of one’s mind and heart to comprehend, or that it is so general as to be ambiguous. People of this sort are spoken of in *Sūrat al-Nisā’* 4:155, where God declares, “And so, [We punished them] for the breaking of their pledge, their refusal to acknowledge God’s messages, their slaying of prophets against all right, and their boast, ‘Our hearts are already full of knowledge’ – nay, but God has sealed their hearts in result of their denial of the truth, and [now] they believe in but few things.”

In still other situations, exegetes with questionable motives will declare permissible that which is forbidden by drawing an invalid analogy between a forbidden entity and something which is permissible under the Divine Law. This practice is illustrated in *Sūrat al-Baqarah* 2:275, where we read, “Those who gorge themselves on usury behave

but as he might behave whom Satan has confounded with his touch; for they say, ‘Selling is but a kind of usury’ – the while God has made selling lawful and usury unlawful.” Similarly, the Qur’an warns us against the temptation to distort scripture by seeking to conceal the truths it expresses or mingling them with falsehoods, as when God says, “And do not overlay the truth with falsehood, and do not knowingly suppress the truth” (*Sūrat al-Baqarah* 2:42).

Another form of scriptural corruption takes place when, after adopting the literal import of the text, the exegete links this import to a set of logical conclusions which appear to follow from it, but which in fact twist its meaning, such as adopting the literal meaning of the Qur’anic statement, “God’s hand is shackled!” (*Sūrat al-Baqarah* 2:64), or concluding from the Qur’an’s question, “Who is it that will offer up unto God a goodly loan?” in *Sūrat al-Baqarah* 2:245 that God takes “loans” from His creatures!

There were even those who, especially among the Jews, would go so far as to kill God’s prophets if they found themselves unable to manipulate the sacred text. After all, the prophets, who came in succession to serve as the guardians of the scriptures, would recite them correctly and clearly to the people such that there could be no danger of their being misunderstood or misinterpreted, and expose the falsification in which such miscreants were engaged. This is spoken of in *Sūrat Āl ‘Imrān* 3:112, which reads, “Overshadowed by ignominy are they wherever they may be, save [when they bind themselves again] in a bond with God and a bond with men; for they have earned the burden of God’s condemnation, and are overshadowed by humiliation: all this [has befallen them] because they persisted in denying the truth of God’s messages and in slaying the prophets against all right: all this, because they rebelled [against God], and persisted in transgressing the bounds of what is right.”

Consequently, Jews in the time of the Messenger of God were particularly disturbed by the fact that he confronted them with parts of the divine revelation which they had been concealing. As we read in *Sūrat al-Mā’idah* 5:15, “O followers of the Bible! Now there has come unto you Our Apostle, to make clear unto you much of what you have been concealing of the Bible, and to pardon much. Now there has come unto

you from God a light, and a clear divine writ.” In a similar context, God addressed the Apostle, saying, “But how is it that they [the Jews] ask thee for judgment – seeing that they have the Torah, containing God’s injunctions – and thereafter turn away? Such as these, then, are no believers” (*Sūrat al-Mā’idah* 5:43). By the time of the Prophet, the authentic, original version of the Torah was only in circulation among a very limited number of Jews – a tiny religious elite who prevented it from being recited by the Jewish laity. As we are told in *Sūrat al-Mā’idah* 5:41-45:

O Apostle! Be not grieved by those who vie with one another in denying the truth: such as those who say with their mouths, “We believe,” the while their hearts do not believe; and such of the Jewish faith as eagerly listen to any falsehood without having come to thee [for enlightenment]. They distort the meaning of the [revealed] words, taking them out of their context, saying [to themselves], “If such-and-such [teaching] is vouchsafed unto you, accept it; but if it is not vouchsafed unto you, be on your guard!” [Be not grieved by them –] for, if God wills anyone to be tempted to evil, thou canst in no wise prevail with God in his behalf. It is they whose hearts God is not willing to cleanse. Theirs shall be ignominy in this world, and awesome suffering in the life to come, those who eagerly listen to any falsehood, greedily swallowing all that is evil! Hence, if they come to thee [for judgment], thou mayest either judge between them or leave them alone: for, if thou leave them alone, they cannot harm thee in any way. But if thou dost judge, judge between them with equity: verily, God knows those who act equitably. But how is it that they ask thee for judgment – seeing that they have the Torah, containing God’s injunctions – and thereafter turn away? Such as these, then, are no believers. Verily, it is We who bestowed from on high the Torah, wherein there was guidance and light. On its strength did the prophets, who had surrendered themselves unto God, deliver judgment unto those who followed the Jewish faith; and so did the [early] men of God and the rabbis, inasmuch as some of God’s writ had been entrusted to their care; and they [all] bore witness to its truth. Therefore, [O children of Israel,] hold not men in awe, but stand in awe of Me; and do not barter away My messages for a trifling gain: for they who do not judge in accordance with what God has bestowed from on high are, indeed, deniers of the truth!

During the Children of Israel's exile in Babylon, Nebuchadnezzar destroyed their holy books in an attempt to wipe the Jewish memory out of existence. In response, Ezra worked to establish the Jewish narrative as an acceptable means of validating the sacred texts, and he strove to gather the Torah from the mouths of narrators who, by virtue of the authority with which Ezra had invested the narrative, were allowed to say whatever they wished on the pretext that they had memorized it as part of the Torah revealed to Moses. Ezra and those under his supervision claimed to be reconstructing the books of the Torah lest Judaism and the divine revelation to Moses be lost. In this way, distortions were introduced into the Torah which Ezra constructed based on oral narratives. If those guilty of introducing such distortions were cornered and accused of adding to, corrupting or losing the divine revelation with which they had been entrusted, they would appeal to their status as "the beloved children of God."

This, then, is a brief sampling of the falsehoods that were introduced into scholastic theology by some Jews and Christians, bearing in mind that overall, the Christians' attitude toward the Seal of the Prophets differed markedly from that of the Jews. As we read in *Sūrat al-Mā'idah* 5:82, "Strongest among people in enmity to the believers wilt thou find the Jews and pagans; and nearest among them in love to the believers wilt thou find those who say, 'We are Christians,' because amongst these are men devoted to learning and men who have renounced the world, and they are not arrogant."

Christian and Jewish scholars would sometime take refuge in faith as a means of getting the laity to believe their untruthful claims. If their ruses aimed at corrupting the scriptures were unsuccessful, such scholars would simply ignore the sacred texts. This, of course, made it all the more likely that they would fall into error, such as that of deifying their prophets and messengers. This kind of error is pointed out in *Sūrat al-Mā'idah* 5:17: "Indeed, the truth deny they who say, 'Behold, God is the Christ, son of Mary.' Say: 'And who could have prevailed with God in any way had it been His will to destroy the Christ, son of Mary, and his mother, and everyone who is on earth – all of them?' For, God's is the dominion over the heavens and the earth and all that is between them; He creates what He wills: and God has the power to will

anything!” Similarly, we read in *Sūrat al-Tawbah* 9:30, “And the Jews say, ‘Ezra is God’s son,’ while the Christians say, ‘The Christ is God’s son.’ Such are the sayings which they utter with their mouths, following in spirit assertions made in earlier times by people who denied the truth.”

These are the depths to which both Jews and Christians descended as a result of their failed scholastic theologies, with each group pointing an accusing finger at the other: “Furthermore, the Jews assert, ‘The Christians have no valid ground for their beliefs,’ while the Christians assert, ‘The Jews have no valid ground for their beliefs’ – and both quote the divine writ! Even thus, like unto what they say, have [always] spoken those who were devoid of knowledge; but it is God who will judge between them on Resurrection Day with regard to all on which they were wont to differ” (*Sūrat al-Baqarah* 2:113).

The Qur’an indicates to us that Jewish and Christian scholastic theology prepared the way for a discarding of the divine revelation, a phenomenon which is described in *Sūrat al-A‘raf* 7:175-177, where God says:

And tell them what happens to him to whom We vouchsafe Our messages and who then discards them: Satan catches up with him, and he strays, like so many others, into grievous error. Now had We so willed, We could indeed have exalted him by means of those [messages]: but he always clung to the earth and followed but his own desires. Thus, his parable is that of an [excited] dog: if you approach him threateningly, he will pant with his tongue lolling; and if you leave him alone, he will pant with his tongue lolling. Such is the parable of those who are bent on giving the lie to Our messages. Tell [them], then, this story, so that they might take thought. Evil is the example of people who are bent on giving the lie to Our messages: for it is against their own selves that they are sinning!

FOURTH: ISLAMIC SCHOLASTIC THEOLOGY AND ITS LEGACY

When we look closely at the distortions that have marred scholastic theology among Jews and Christians, we find that they have clear counterparts in scholastic theology as it emerged and evolved among the

various Islamic sects, and that the resulting difficulties have been as severe as, and possibly even more severe than those that have manifested themselves among Jews and Christians.

Those who established the principles of Islamic theology claimed that this science would defend Islamic beliefs from the arguments made against them. In reality, however, we find that after it had been afflicted with so many distortions, Islamic scholastic theology served actually to reinforce and entrench doubts about the religion. Those who had been unable to respond to the Qur'an's challenge began contriving objections to it, fabricating specious arguments, claiming that it had undergone deletions or additions, or that it contained ambiguity, allusion, double entendre, irregularities and the like. Like their predecessors, they set up extra-Qur'anic narratives as judges over the Qur'an itself. Fortunately, however, God did not assign the task of protecting and preserving the Qur'anic revelation to scholastic theologians or jurists, be they Arabs or non-Arabs, to the Prophet's Companions or to their Successors, nor even to the descendents of the Prophet. Rather, He reserved this task for Himself alone. Were this not the case, the Qur'an would have suffered the same corruption as that suffered by the earlier revelations.

Consequently, any and all doubts and arguments that might be raised against the Qur'an collapse in the face of God's challenge to all and sundry to produce something like it. Nevertheless, a number of these arguments, which have been recorded in numerous writings, continue in circulation to this very day, deriving their ongoing persuasive power from the authority attributed to extra-Qur'anic narratives. Indeed, such writings are some of the major sources on which both Orientalists and other enemies of the Qur'an draw for ammunition in their never-ending attacks on the Holy Book.

Were it not for the power that continues to be invested in extra-Qur'anic narratives, the principle arguments against the Qur'an would not have survived to the present day. Be that as it may, these arguments may be divided into four categories. (1) The claim that additions had been made to the Qur'an. According to some, Surahs 113 and 114 (the two that ward off evil, or *al-mu'awwidhatān*) and the *Fātiḥah* had been added to the Qur'an. The Maymunyah, a subsect of the Kharijites, also

held that *Sūrat Yūsuf* (12) was a later addition. (2) The claim that material had been removed from the Qur'an. This claim was based on a hadith falsely attributed to 'Ā'ishah according to which *Sūrat al-Aḥzāb* (33) had once been the same length as *Sūrat al-Baqarah* (2), after which it was reduced to no more than seventy-three verses, as well as the claim by certain extremists to the effect that a surah known as *Sūrat al-Walāyah* (Guardianship) had been concealed, and that it was found in the Qur'anic recension that had been in the possession of the Prophet's daughter Fāṭimah. (3) The claim that some verses of the Qur'an had abrogated others. (4) The claim that the Qur'an contains verses that are ambiguous (*mutashābih*), vague (*ghāmiḍ*), cryptic (*mubham*), and the like.

Some additional claims were similar to those that had been put forward earlier by Jews and Christians, while still others had to do with matters that would never have occurred to either of these groups, but which have come down to us by virtue of the authority that came to be invested in extra-Qur'anic narratives. Such narratives were adopted by many exegetes, Islamic legal theorists and others. In this connection, al-Rāzī wrote, saying, "...before becoming familiar with alien teachings and points of view, people believed firmly that all Muslims recognized what lies between the two covers of the Qur'an as the speech of God. However, upon investigation of these alien theories, they encountered claims that were radically contradictory, such as the account according to which [the Companion] Ibn Mas'ūd is said to have denied that the *Fātiḥah* and surahs 113 and 114 (*al-mu'awwidhatān*) had originally been part of the Qur'an."¹⁸

Muslim scholars were divided into four camps regarding the hadiths which supported this claim regarding Ibn Mas'ūd. The first camp held that they were inauthentic. The second accepted the hadiths as authentic, but interpreted them subjectively, and gave the Qur'an priority over them. The third camp was a wayward and deceptive group who were quick to accept these accounts as authentic in order to use them as a basis for attacking and undermining the reliability of Ibn Mas'ūd by claiming that he denied that surahs 113 and 114 were actually part of the Qur'an. And as for the fourth camp, which comprised the majority of scholars and exegetes, it also accepted the hadiths as valid, but

countered them with powerfully attested narratives to the contrary. Al-Bāqillānī (d. 403 AH/1013 CE) devoted a section of his book *al-Intiṣār lil-Qurʾān* (In Defense of the Qurʾan) to a rational refutation of this argument which is summarized as follows:

- (a) This argument is based on a hadith classified as *āḥād* and which was listed by ʿAbd Allāh Ibn al-Imām Aḥmad in *Zawāʿid al-Musnad* from the hadith passed down by Zirr Ibn Ḥabīsh, who said, “I told Ubayy Ibn Kaʿb that Ibn Masʿūd had not written the two surahs of protection (*al-muʿawwidhatayn*) in his copy of the Qurʾan. Ubayy Ibn Kaʿb replied that the Messenger of God had told him that Gabriel had instructed him to say, ‘I seek refuge in the Lord of the dawn...’, so that he had recited it. Gabriel had also told him to say, ‘I seek refuge in the Lord of humankind,’ so he did so. Thus, we recite what was recited by the Prophet.”¹⁹
- (b) Likewise in *al-Zawāʿid*, ʿAbd Allāh [Ibn Ḥanbal] also included a hadith passed down by ʿAbd al-Raḥmān Ibn Zayd, who said, “ʿAbd Allāh used to scratch out surahs 113 and 114 from his copies of the Qurʾan, saying, ‘They are not part of the Book of God, blessed and exalted is He.’”²⁰ Al-Aʿmash – on whose authority Imām Aḥmad related the hadith to his son ʿAbd Allah – said, “We were told by ʿĀṣim, on the authority of Zirr, that Ubayy Ibn Kaʿb had said, ‘We asked the Messenger of God about them [surahs 113 and 114], to which he replied, “I was told [to recite them], so I did so.”’”²¹
- (c) Zirr Ibn Ḥabīsh stated that, “I once said to my father, ‘Your brother scratches them [surahs 113 and 114] out of the Qurʾan,’ and he did not deny it.” Sufyān Ibn ʿUyaynah, on whose authority this hadith was transmitted in *al-Musnad*, was asked, “Ibn Masʿūd?” (In other words: Does the phrase “your brother” refer to Ibn Masʿūd?) “Yes,” Sufyān replied. Then he added, “They are not found in Ibn Masʿūd’s version of the Qurʾan. He used to hear the Messenger of God use them in a prayer of protection over al-Ḥasan and al-Ḥusayn; however, he did not hear him reciting them in any of his ritual prayers. Consequently, he thought them to be simply incantations.

He continued to insist on this position of his, whereas others verified that they were part of the Qur'an and thus included them in their copies of it."²²

(d) The first part of the aforementioned hadith revolving around Sufyān was narrated by Abū Ya'ālā, while the second part, which is traced back to the Prophet, was narrated by al-Bukhārī, who wrote, "We were told by 'Āṣim that he had heard Zirr Ibn Ḥabīsh say, 'I said to Ubayy Ibn Ka'b, "O Abū al-Mundhir, your brother Ibn Mas'ūd says such-and-such!" But Ubayy replied, "I asked the Messenger of God [about the matter], and he said, 'I was told [to recite them], so I did so.' Thus, we recite what the Messenger of God recited."'"²³ Commenting on the phrase, "such-and-such" in the quote from Zirr Ibn Ḥabīsh, al-Ḥāfiẓ Ibn Ḥajar, stated, "Some narrators may have deliberately left this phrase ambiguous in an attempt to soften its impact. I believe this was done by Sufyan." To this he added, "Sufyān would sometimes mention explicitly what had been said, and at other times he would leave it vague."²⁴

(e) Speaking of the *Fātiḥah*, al-Qurṭubī wrote, "There is unanimous agreement within the Muslim community that it is part of the Qur'an. However, someone might argue, saying: If the *Fātiḥah* were part of the Qur'an, it would have been included by 'Abd Allāh Ibn Mas'ūd in his copy of it. Thus, the fact that he did not include it serves as evidence that, like surahs 113 and 114, the Qur'an does not include the *Fātiḥah*. In refutation of this argument, Abū Bakr al-Anbārī wrote, 'It was related to us by al-Ḥasan Ibn al-Ḥabbāb, who heard from Sulaymān Ibn al-Ash'ath, who heard from Ibn Abī Qudāmah that Jarīr that al-A'mash had said, "I believe it originated with Ibrāhīm, who said, 'When 'Abd Allāh Ibn Mas'ūd was asked why he did not include the *Fātiḥah* in his copy of the Qur'an, he replied, "If I were to do so, I would include it before every surah!"'"'"²⁵

Abū Bakr said, "What this means is that every *rak'ah* (cycle of prayer) can be introduced by reciting the *Fātiḥah* before the surah or

verses that form part of that *rak'ah*. So he [Ibn Mas'ūd] said, 'I condensed [the Qur'an] by dropping it [the *Fātiḥah*], confident of Muslims' having memorized it. I did not fix it in a given location, lest I have to write it down with every surah, since it would [always] precede it in the ritual prayer.'²⁶

These, then, are the hadiths which have been cited in support of this argument. As noted earlier, Muslim scholars fell into four different groups according to the stance they took on these hadiths.

The first group rejected them as inauthentic. A leading figure in this group was Abū Muḥammad Ibn Ḥazm, who said, "All narratives passed down on the authority of Ibn Mas'ūd to the effect that surahs 113 and 114 and the *Fātiḥah* were not included in his copy of the Qur'an are false. Rather, the reading which may correctly be attributed to him is that of 'Āṣim, on the authority of Zirr Ibn Ḥabīsh, on the authority of Ibn Mas'ūd, which contains both the *Fātiḥah* and surahs 113 and 114."²⁷

This view was supported by Imam al-Rāzī in his commentary on the Qur'an, where he wrote, "The best-attested view is that the transmission of this teaching on the authority of Ibn Mas'ūd is fabricated and, hence, inauthentic. With this recognition, we can be rid of this complex."²⁸ Imam al-Nawawī – author of *al-Majmū'* and a commentary on *Ṣaḥīḥ Muslim* – wrote in a similar vein that "Muslims are in unanimous agreement that surahs 113 and 114 and the *Fātiḥah*, as well as all other surahs contained in the copy of the Qur'an [which we have before us] do indeed belong to the Qur'an, and that whoever denies any part thereof is an unbeliever. Narratives attributed to Ibn Mas'ūd concerning the *Fātiḥah* and surahs 113 and 114 are false, and not to be recognized as authentic."²⁹ The same position was taken by the two commentators on *al-Shifā'* by al-Qāḍī 'Iyāḍ – al-Khafājī and Mullah 'Alī al-Qārī³⁰ – and others.

The second group, as noted above, accepted these narratives and viewed them as authentic, but approached them through metaphorical interpretation and a process by which they gave greater weight to other evidence. The most prominent representative of this point of view was al-Ḥāfiẓ Ibn Ḥajar. Commenting on the hadith mentioned earlier on

the authority of al-Bukhārī, Ibn Ḥajar first mentioned others who had also narrated the same hadith, including al-Imām Aḥmad and ʿAbd Allāh, son of Imam Aḥmad, noting that it had been recorded by Ibn Ḥabbān, al-Ṭabarānī, Ibn Mardawayh, and al-Bazzār. The hadith states toward its end, “The Prophet gave instructions for them [surahs 113 and 114] to be used as protective incantations.” However, as noted by al-Bazzār, “None of the Companions adhered to this practice after Ibn Masʿūd, as the Prophet had been correctly reported to have recited them during ritual prayer.” He then went on to mention the interpretation offered by al-Qāḍī al-Bāqillānī, which was adopted by al-Qāḍī ʿIyāḍ and others. Then – after mentioning statements by al-Nawawī, Ibn Ḥazm, and al-Rāzī to the effect that these narratives were not authentic – he wrote, “It is not acceptable to impugn authentic narratives without supporting evidence. Rather, the narrative is valid, but subject to a more nuanced interpretation. Thus, if he is claiming that the consensus of which he speaks has existed in every generation, then his claim is inaccurate. However, if what he means to say is that this consensus eventually stabilized, then his assertion is correct.” Ibn Ḥajar followed this statement with a series of such metaphorical interpretations, which we will be discussing when we present interpretations which are based on the assumption that the transmission of this narrative was valid.³¹

The third group, as stated earlier, quickly accepted these accounts as authentic with the intention of adopting the most unlikely understanding thereof, namely, that Ibn Masʿūd had denied that surahs 113 and 114 were actually part of the Qurʾan. They then used this claim as a basis for attacking and undermining the reliability and integrity of both Ibn Masʿūd and the other Companions of the Prophet. Not only this, but they sought to call into question Muslims’ unanimously-held belief that everything contained in the Qurʾan had been passed down by *tawātur*. The Muʿtazilite scholar al-Nazzām is considered to have belonged to this group, as these anomalous views of theirs, among others, were attributed to him by Ibn Qutaybah,³² though without mentioning him by name.³³

As noted earlier, the fourth group – which comprised the majority of scholars and exegetes – also accepted the hadiths as valid, but then

countered them with powerfully attested narratives affirming that the *Fātiḥah* and surahs 113 and 114 were Qur'anic. What follows is a listing of a number of the narratives on which this group relied:

- (a) In the additions he made to his father's *Musnad*, ʿAbd Allāh Ibn Aḥmad Ibn Ḥanbal reported that ʿUqbah Ibn ʿĀmir had said, “The Messenger of God once took my hand and said, ‘O ʿUqbah Ibn ʿĀmir, shall I teach you the best three surahs of the Torah, the Gospel, the Psalms and the Mighty Qur’an ever to have been revealed from on high?’ ‘Yes!’ I replied, ‘God make me your redemption.’ So he had me recite, ‘Say, God is one,’ ‘Say, I seek refuge in the Lord of the Dawn,’ and ‘Say, I seek refuge in the Lord of humankind,’ and said to me, ‘O ʿUqbah, do not forget them, and never go to sleep for the night without reciting them.’ So I have never forgotten them, and never have I gone to sleep for the night without reciting them.”³⁴
- (b) Muʿādh Ibn ʿAbd Allāh Ibn Khubayb related that his father had said, “We were thirsty and darkness had fallen, but we waited for the Messenger of God to lead us in prayer. When he came out, he took me by the hand and said, ‘Say!’ ‘What shall I say?’ I asked. ‘Say, “God is one,” and the two surahs of protection (surahs 113 and 114) three times every morning and every evening. It will suffice you to do this twice a day.”³⁵
- (c) ʿUqbah Ibn ʿĀmir said, “As I was leading the Messenger of God through a mountain pass, he said to me, ‘O ʿUqbah, will you not ride yourself?’ However, I felt it to be above my station to ride the Messenger of God’s mount. So again he asked, ‘O ʿUqbah, will you not ride yourself?’ Then I was afraid [that if I did not do as he asked], I would be guilty of disobedience. So the Messenger of God got off his mount, and I got on and rode for a while, after which he mounted once more. Then he said, ‘ʿUqbah,³⁶ shall I teach you two of the best surahs ever to have been recited?’ ‘Of course, O Messenger of God!’ I replied. So he had me recite, ‘Say, I seek refuge in the Lord of the dawn,’ and ‘Say, I seek refuge in the Lord of humankind.’ When it

was time for the ritual prayer to be performed, the Messenger of God stepped forward and recited them, after which he passed me, saying, ‘So, what do you think, ‘Uqbah? Recite them before sleeping, and upon waking.’”³⁷

- (d) ‘Uqbah Ibn ‘Āmir also said, “The Messenger of God said, ‘Two surahs have been revealed to me from on high (while another version reads, ‘Verses the likes of which no one has ever seen have been revealed to me from on high.’). So use them to seek protection, for never before has there been anything like them by means of which to seek such protection.’”³⁸
- (e) Similarly, ‘Uqbah related that the Messenger of God had said, “Recite *al-mu‘awwidhatayn*, for you will find nothing comparable through which to seek protection.”³⁹
- (f) According to Abū al-‘Alā’, “A certain man – who, according to Ibn Kathīr, was ‘Uqbah Ibn ‘Āmir – said, ‘We were on a journey with the Messenger of God, and people were following in succession. The time had come for the Messenger of God and me to come down, and he came down after I did, and struck me on the shoulder, saying, ‘Say, I seek refuge in the Lord of the Dawn,’ whereupon he recited the surah, and I recited it with him. Then he said, ‘Say, I seek refuge in the Lord of humankind,’ whereupon he recited the surah and I recited it with him. Then he added, ‘Recite them when you pray.’”⁴⁰ Commenting on this narrative, al-Haythamī stated, “It was narrated by Aḥmad and his men, who passed down the accounts recorded in al-Bukhārī’s collection of sound hadiths. It was also included by Ibn Kathīr in his commentary, where he attributed it to Imam Aḥmad. Additionally, al-Nasā’ī narrated it on the authority of Ya‘qūb, on the authority of Ibrāhīm, on the authority of Ibn ‘Aliyyah. After citing the hadiths passed down via ‘Uqbah with their various chains of transmission, Ibn Kathīr wrote, ‘... these paths of transmission on the authority of ‘Uqbah, having been passed down by a kind of *tawātur*, provide definitive attestation on the authority of numerous hadith scholars.’”⁴¹

- (g) Abū Saʿīd al-Khudrī said, “The Messenger of God used to seek protection from the [envying] eyes of both jinn and human beings. So when the two surahs of protection were revealed from on high, he adopted them exclusively and ceased making use of any others.”⁴²
- (h) ʿĀʾishah is reported to have said, “Whenever the Messenger of God suffered from some physical ailment, he would recite *al-muʿawwidhatayn* and blow on himself. So when his pain grew more severe [toward the end of his life], I would recite prayers of protection over him and pass his own hand over him in hopes of them bringing a blessing.”⁴³

These are most of the hadiths which affirm that *al-muʿawwidhatayni* (surahs 113 and 114) are an integral part of the Qurʾan. Despite the fact that these accounts are worded in different ways and have differing contexts, they serve overall to confirm beyond the shadow of a doubt that these two surahs are as much part of the Qurʾan as the remainder of what was revealed from on high to the Messenger of God.

The hadith narrated by ʿUqbah cited in (c) above states explicitly that the Messenger of God recited them in his ritual prayer, after which he asked, “What do you think, ʿUqbah?” This suggests that ʿUqbah had been under the impression that these two prayers of protection were simply incantations which the Prophet had been granted to use for protection but without being part of the Qurʾan. He may then have asked the Messenger of God about this matter so that when he recited them as part of a ritual prayer, this banished all of his doubts and questions. When, after praying, the Prophet came to ʿUqbah, saying, “What do you think, ʿUqbah? Recite them before going to sleep, and upon waking,” he was telling him, in effect, to pray using them as he had seen the Prophet do.

Al-Bāqillānī devotes a twelve-page section of his momentous work *al-Intiṣār* to a rational discussion and refutation of the claim that surahs 113 and 114 are not part of the Qurʾan. After pointing out that those who circulate this objection do so with the aim of challenging the *tawātur* with which the last two surahs of the Qurʾan had been transmitted, al-Bāqillānī refutes the possibility of Ibn Masʿūd’s having

excluded these two surahs from the Qur'an. Given Ibn Mas'ūd's lofty station and abundant knowledge, al-Bāqillānī points out that had he held a position of this nature, news of it would quickly have spread far and wide and caused no small stir. After all, a dispute over whether two surahs of the Qur'an were integral to the revelation would not have been taken lightly by the Muslim community; as such, it would not have been relegated to the category of minor events, reports of which were found in hadiths passed down by single narrators (*āḥād*). Ibn Mas'ūd's views on juristic issues, both central and subsidiary – such as, for example, the prohibition of placing one's palms together between one's knees during the *rukū'*, or kneeling posture, of prayer, and his dispute with other Companions over certain religious obligations – have gained far wider circulation than this matter has.

If news of such a view on Ibn Mas'ūd's part had become known in the era of the Companions – bearing in mind that they and all other members of the Muslim community after them believed that surahs 113 and 114 were part of the Qur'an – they would have been duty-bound to take him to task and debate him on the issue. After all, it is a known fact that anyone who doubted a single word of the Qur'an (much less two entire surahs!) was considered to have doubted the entire Book, and they would have demanded that the Caliph declare him an apostate and carry out the requisite *ḥadd* punishment against him. Furthermore, this would have been one of the principle reasons 'Uthmān cited to justify his decision not to commission Ibn Mas'ūd to compile the master copy of the Qur'an and to appoint Zayd Ibn Thābit to this task instead. 'Uthmān did, in fact, remonstrate with Ibn Mas'ūd over the latter's unwillingness to surrender his copy of the Qur'an to the Caliph; however, there is no report of the Caliph's having uttered a single word about the claim that Ibn Mas'ūd did not recognize surahs 113 and 114 as part of the Qur'an.

To this refutation, al-Bāqillānī adds that 'Abd Allāh Ibn Mas'ūd had been one of the most prominent Qur'an reciters both during the lifetime of the Prophet and after his death. Indeed, Ibn Mas'ūd had been identified by the Prophet as one of the most important people from whom the Qur'an was to be learned, and there were numerous Companions who did, in fact, learn the Qur'an from him. These include 'Ubayd al-

Salmānī, Masrūq Ibn al-Ajda^ᶜ, ᶜAlqamah Ibn Qays, ᶜAmr Ibn Sharḥabīl, al-Ḥārith Ibn Qays, al-Aswad Ibn Yazīd, and numerous other well-known students of his who spread his learning among others as well. Not one of these many individuals has ever been reported to have transmitted an account of any kind to the effect that ᶜAbd Allāh Ibn Mas^ᶜūd held such a view. If it had come to their attention that he held such a view, it would have become common knowledge, and there would be reports of their having condemned him in the severest of terms. It should be remembered that all of these individuals were among the most revered and upright of Muslims and that, given the fact that they were known to have been Ibn Mas^ᶜūd's companions and students, they would surely have been asked their opinion on this matter, and been obliged to respond to such queries by either approving or disapproving of Ibn Mas^ᶜūd's position. As noted, however, not a single account of such a query, still less responses thereto, has come down to us from any of Ibn Mas^ᶜūd's companions or students. This very absence serves as irrefutable evidence that Ibn Mas^ᶜūd did not deny that *al-mu^ᶜawwidhatayn* – surahs 113 and 114 – were part of the Qur'an.

Further, al-Bāqillānī goes on to note that Ibn Mas^ᶜūd could not have been accused of having taken such a position without testimony that fulfilled the required conditions to serve as legal evidence. The reason for this is that the claim that Ibn Mas^ᶜūd doubted the Qur'anicity of the last two surahs is tantamount to an accusation of apostasy, a highly serious charge conviction on which would have called for the death penalty. Given the seriousness of the charge, then, the testimony supporting it could not be based on accounts that had been passed down via single narrators (*āḥād*), such as the accounts cited earlier on the authority of Zirr Ibn Ḥabīsh. Supposing that Zirr Ibn Ḥabīsh's accounts had fulfilled the conditions to serve as legal evidence, then either Ibn Mas^ᶜūd would have deserved to be convicted of apostasy and punished accordingly, or the entire Muslim community at that time would have been guilty of negligence for not having carried out the divinely prescribed penalty which he deserved. However, neither of these scenarios would have been possible on the basis of an account passed down through a single narrator or chain of transmission.

Al-Bāqillānī then goes on to cite a series of hadiths testifying to Ibn Mas‘ūd’s virtues. According to one such hadith, the Messenger of God said, “Should anyone desire to recite the Qur’an with the freshness with which it was first sent down from on high, let him do so based on the recitation of the son of the mother of ‘Abd Allah [‘Abd Allāh Ibn Mas‘ūd].” This hadith was passed down by Aḥmad Ibn Ḥanbal in his *Musnad*, as well as by Ibn Mājah and al-Ḥākim, and on the authority of Abū Bakr and ‘Umar based on what we find in al-Suyūṭī’s *al-Fathḥ al-Kabīr*.⁴⁴ To this al-Bāqillānī adds the consideration that, assuming for the sake of argument that Ibn Mas‘ūd did, in fact, deny the Qur’anicity of surahs 113 and 114, whether in direct disagreement with the other Companions, or based on a personal interpretation [of, for example, something the Prophet had said or done] suggesting that these surahs were not part of the Qur’an, the fact remains that the consensus according to which everything contained in the Qur’an now in our possession is an integral part thereof would have negated his disagreement, rendering it of no effect.

Following this, al-Bāqillānī cites well-attested narratives which counter what had been passed down by Zirr. These counter-narratives include, for example, the hadiths transmitted on the authority of ‘Uqbah and others of a similar nature. Al-Bāqillānī also lists accounts passed down by companions and students of Ibn Mas‘ūd containing explicit indications of the Qur’anicity of *al-mu‘awwidhatayn*. One such account was narrated by Ibrāhīm, who said, “I asked al-Aswad, ‘Do they belong to the Qur’an?’ ‘Do you mean *al-mu‘awwidhatayn*?’ al-Aswad inquired. ‘Yes,’ I affirmed. ‘Yes, they do,’ he replied.” A similar account is attributed to al-Sha‘bī.

After this, al-Bāqillānī plays the devil’s advocate, posing objections to his own arguments, saying: “What you have said here is correct. However, something must have happened or been said with respect to *al-mu‘awwidhatayn* that caused them, unlike the other surahs of the Qur’an, to be the focus of controversy. Similarly, something must have occurred in relation to Ibn Mas‘ūd in particular for such statements to have been attributed to him.”

“In response to the first objection,” al-Bāqillānī writes, “the Messenger of God used to call down divine protection over both

himself and his grandsons al-Ḥasan and al-Ḥusayn by reciting certain traditional prayers. However, after *al-mu'awwidhatayn* (surahs 113 and 114) were revealed, he limited his invocations of protection to these two prayers alone. This development may have caused Zirr Ibn Ḥabīsh and others to wonder whether these two surahs were simply invocations of protection and nothing more. This uncertainty may have been reinforced by the fact that Ibn Mas'ūd did not include these two surahs in his copy of the Qur'an, which prompted Zirr Ibn Ḥabīsh to ask Ubayy about the matter as in the hadiths cited earlier, and after which there was no more discussion of them.

As for the attribution of doubts about the Qur'anicity of surahs 113 and 114 to Ibn Mas'ūd and to no one else, this is because, confident that all Muslims had memorized these two surahs just as they had the *Fātiḥah* because they had been commanded to seek protection through them by reciting them every morning and every evening, Ibn Mas'ūd left them out of his version of the Qur'an. This reasoning is supported by the fact that in the earliest days of Islam, this issue arose nowhere but in the narratives passed down through Zirr.

Furthermore, if we examine the accounts which attribute to Ibn Mas'ūd statements such as, "They are not part of the Book of God," or, "Do not mingle the Book of God with things that are not part thereof," we find that they exhibit obvious confusion and inconsistency (*iḏṭirāb*). Secondly, it is possible that the narrator was not attributing these statements to Ibn Mas'ūd, but to someone else. And thirdly, the narrator may not have understood exactly what Ibn Mas'ūd was referring to in these statements. He may have been referring to something other than surahs 113 and 114, whereas the narrator misunderstood his intent due to the discussion that had already arisen concerning these surahs. All of these possibilities assume, of course, that the narrative is sound to begin with. In sum, there is nothing in these accounts which could possibly call into question either the *tawātur* with which the contents of our Qur'an were passed down, or the uprightness and integrity of the Companions.⁴⁵

All of this said, it should be remembered that ultimately, what demonstrates the Qur'anicity of everything found between the covers of the Book of God, from the *Fātiḥah* to surahs 113 and 114, is God's

own preservation of the entire Qur’anic revelation, down to the last word and even letter, from being lost or corrupted. “Behold, it is We Ourselves who have bestowed from on high, step by step, this reminder, and, behold, it is We who shall truly guard it [from all corruption]” (*Sūrat al-Hijr* 15:9). “[Know,] then, [that] God is sublimely Exalted, the Ultimate Sovereign, the Ultimate Truth: and [knowing this,] do not approach the Qur’an in haste, ere it has been revealed unto thee in full, but [always] say: ‘O my Sustainer, cause me to grow in knowledge!’” (*Sūrat Ṭaha* 20:114). With these Qur’anic affirmations and commands in mind, we have no need to go on repeating such groundless arguments and attacks generation after generation. Indeed, it would have been more fitting had we paid no attention to them, and allowed their cradle to be their grave. Instead, however, we were taken in by our opponents’ citation of the time-worn phrase, *nāqil al-kufr laysa bi kāfir* (“A conveyor of blasphemy is not a blasphemer”) and by their heavy reliance on extra-Qur’anic narratives and their chains of transmission. When it comes to the Qur’an, the only thing we need to rely on in order to demonstrate its reliability and authenticity is its own inimitable style and eloquence, and human beings’ inability to produce anything remotely resembling it. This is the basis on which we prove the authenticity of its every chapter, its every verse, and even its every word.

We come now to the topic of abrogation (*al-naskh*), which consists of three types: (1) abrogation of a verse or passage with respect to its recitation, though the ruling based thereon continues in effect; (2) abrogation of the ruling based on the passage in question, though it continues to be recited; and (3) abrogation of the passage with respect to both its recitation and the ruling based thereon.

After a detailed discussion of abrogation, we concluded that there is no such thing as abrogation with respect to the Qur’an. What has led many to conclude that abrogation has occurred is the assumption there is inconsistency within the Qur’an such that we are required to posit that one passage has abrogated, or takes priority over, another. Indeed, a variety of factors have served to entrench the belief that some parts of the Qur’an have abrogated others. These factors include: (1) the principle according to which the various parts of the Qur’an were revealed at different times such that one would predate the other; (2) the notion

that some passages have a definitive meaning, while others have only a speculative meaning, (3) the belief that the abrogation of some passages of the Qur'an by others might reflect the divine mercy by relieving human beings of undue hardship, and (4) the existence of passages which scholars have found it difficult to explain in such a way as to avoid concluding that there was an inconsistency between them. It also bears noting that the concept of abrogation has evolved over time, and differs from one juristic school to another. In this connection, I refer my readers to my book entitled *Nahwa Mawqif Qur'ānī min al-Naskh* (Towards a Qur'anic Stance on Abrogation), where I show there are no inconsistencies in the Qur'an that would require us to posit one passage or another.

As for the division of Qur'anic texts into the categories of *muhkam* (clear in and of itself) and *mutashābih* (ambiguous and in need of clarification), it is a topic on which numerous Muslim scholars have waxed prolix. However, I have read the Qur'an from cover to cover more times than I can count, and never have I found it to be anything less than a fount of wisdom and guiding light, a balm to the soul, a path illumined by a radiant brilliance that banishes the last vestiges of darkness and uncertainty and etches itself on the memory with an indelibility that no other text could approach. Unfortunately, many of the issues that have been raised under the rubric of the Islamic sciences have been little more than deceptive ruses whose purpose is to cast doubt into people's minds and hearts and, in this way, discourage people from reciting the Qur'an as it was revealed, and reflecting on its meaning.⁴⁶

One of the most valuable works of its day, al-Bāqillānī's book *al-Intiṣār lil-Qur'ān*, effectively addressed and refuted the specious arguments then in circulation against the Book of God. The approach adopted by al-Bāqillānī (d. 403 AH/1013 CE) in this admirable book was to take, in turn, each argument that had been raised against the Qur'an since the death of the Prophet, outline its premises, and then proceed to pull it up by its roots, as it were. I highly recommend that people of this generation read either al-Bāqillānī's original work or al-Ṣayrafī's abridgement of it, since those who raise objections against the Qur'an may think themselves to be original in their thinking whereas, in fact, they are merely rehashing worn-out arguments that were raised, and debunked, long ago.⁴⁷

It is important to bear in mind here that scholastic theology came into being in relative isolation from the Qur'an, and that when it referred to it, it did so essentially in search of proof texts for the positions it had already formulated. Furthermore, the atomistic, decontextualized reading of the Qur'an associated with traditional scholastic theology is still prevalent today.

The approach advocated by the Qur'an, by contrast, involves a holistic and integral reading of its message. God instructed the Prophet with the words, "Say: 'O followers of earlier revelation! Come unto that tenet which we and you hold in common, that we shall worship none but God, and that we shall not ascribe divinity to aught beside Him, and that we shall not take human beings for our lords beside God.' And if they turn away, then say: 'Bear witness that it is we who have surrendered ourselves unto Him'" (*Sūrat Āl 'Imrān* 3:64). "Say: 'O God! Originator of the heavens and the earth! Knower of all that is beyond the reach of a created being's perception, as well as of all that can be witnessed by a creature's senses or mind! It is Thou who wilt judge between Thy servants [on Resurrection Day] with regard to all on which they were wont to differ!'" (*Sūrat al-Zumar* 39:46). "And on whatever you may differ, [O believers,] the verdict thereon rests with God. [Say, therefore:] 'Such is God, my Sustainer: in Him have I placed my trust, and unto Him do I always turn!'" (*Sūrat al-Shūrā* 42:10). "Behold, We have bestowed upon thee from on high this divine writ, setting forth the truth, so that thou may judge between people in accordance with what God has taught thee. Hence, do not contend with those who are false to their trust" (*Sūrat al-Nisā'* 4:105). "Say [O Prophet]: 'O mankind! The truth from your Sustainer has now come unto you. Whoever, therefore, chooses to follow the right path, follows it but for his own good; and whoever chooses to go astray, goes but astray to his own hurt. And I am not responsible for your conduct.' And [as for thyself, O Muhammad,] follow but what is being revealed unto thee, and be patient in adversity, until God shall give His judgment: for He is the best of all judges" (*Sūrat Yūnus* 10:108-109). "All that you worship instead of God is nothing but [empty] names which you have invented – you and your forefathers – [that] for which God has bestowed no warrant from on high. Judgment rests with God alone –

[and] He has ordained that you should worship naught but Him: this is the [one] ever-true faith; but most people know it not” (*Sūrat Yūsuf* 12:40). “And he added: ‘O my sons! Do not enter [the city all] by one gate, but enter by different gates. Yet [even so,] I can be of no avail whatever to you against [anything that may be willed by] God: judgment [as to what is to happen] rests with none but God. In Him have I placed my trust: for, all who have trust [in His existence] must place their trust in Him alone”’ (*Sūrat Yūsuf* 12:67). “Say: ‘Behold, I take my stand on a clear evidence from my Sustainer – and [so] it is to Him that you are giving the lie! Not in my power is that which [in your ignorance] you so hastily demand: judgment rests with none but God. He shall declare the truth, since it is He who is the best judge between truth and falsehood”’ “...And they [who have died] are thereupon brought before God, their true Lord Supreme. Oh, verily, His alone is all judgment: and He is the swiftest of all reckoners!” (*Sūrat al-An‘ām* 6:57 and 62).

As we have seen, the principle flaw underlying the errors into which scholastic theologians fell was the practice of reading the Qur’an in an atomistic, decontextualized fashion rather than as an integral whole informed by an overarching structural unity.⁴⁸ It is only by taking this overall unity into account that we can be liberated from the tunnel vision and fragmented awareness that have prevented the Muslim community from achieving a comprehensive, integral vision of the Qur’anic message, benefit from its self-explanatory power, and access the actual message it addresses to all people rather than projecting our own perceptions and desires upon it.

As an aside, it should be noted that the Sunnah clarifies the Qur’an. However, it does this not in the sense of revealing the meaning of something which is allegedly vague and ambiguous but, rather, by demonstrating the concrete ways in which the Qur’an is to be applied. In other words, the Sunnah is in the service of the Qur’an, not vice-versa. At the same time, the Sunnah may be seen as forming, together with the Qur’an, a still broader structural unity which encompasses the Prophet’s translation of the Qur’an’s teachings into concrete realities. As we approach the Qur’an in the present day, our responsibility is not to conjure, still less seek to recreate, the historical reality of the generation that received the Qur’an but, rather, to apply it to our own

immediate circumstances as the Prophet did to his. When the Muslim community adheres to this approach, it will be freed from partial, atomistic and decontextualized readings, the needless complexities of debates over controversial hadiths, problematic traditions, textual inconsistencies, and attempts to weigh one text against another.⁴⁹

As for the question of whether the Sunnah can serve as an independent source of legislation, this is a controversial issue that has occupied Muslim legal theorists to no small degree.⁵⁰ The problem that arises when we posit that the Sunnah can, in fact, serve as an autonomous basis for lawmaking is that we open the door to reliance on other sources of evidence in addition to both the Qur'an and the Sunnah, which implies that neither the Qur'an nor the Sunnah – nor even both of them together – is a sufficient basis on which to derive Islamic legal rulings. This unacceptable premise is embodied in baseless assertions such as that, “whereas the revealed texts are finite, the situations human beings encounter are infinite” (*al-nuṣūṣ mutanāhiyah, wal-waqā'i' ghayru mutanāhiyah*), that “the Qur'an is subject to a variety of interpretations” (*al-qur'ān ḥammālu awjuh*), and the like. Indeed, such assertions opened the door to the consideration of more and more sources of evidence until their number came to a whopping fifty! No wonder, then, that confusion arose in Muslims' minds over whether the Qur'an was possessed of sole authority.

FIFTH: AWARENESS OF QUR'ANIC AUTHORITY AMONG THE VARIOUS ISLAMIC SCHOOLS OF THOUGHT

When we speak of the Qur'an as Islam's foundational authority, what we mean is that it is the Qur'an which brings Islamic legal rulings into being. It reveals to us what has passed into obsolescence, having changed due to the passage of time and the hardening of hearts. It then confirms and preserves what has ongoing validity. This understanding of the Qur'an's central authority has been reflected since the earliest days of Islam in the doctrines of its various sects and schools. Nevertheless, it received insufficient emphasis in scholars' treatments of juristic questions and their legal rulings, especially as they pertained to human moral accountability. In what follows we highlight the

importance of recognizing Qur'anic authority as it pertains to discerning the universals and particulars of Islamic jurisprudence. If this is done consistently, jurisprudence is freed from arbitrary assumptions, legal artifices, the temptation to view things from a truncated perspective, and numerous other weaknesses that have dogged it down the centuries as a result of the failure to root it properly in the Qur'an.

We will be examining a number of examples which show that scholars of all of Islam's sects have recognized the central authority of the Qur'an, but that the scope of its influence has been constricted due to the hierarchical construal of the relationship between the Qur'an and the Sunnah. We find, for example, that when a *mujtahid* fails to find a particular Qur'anic passage that applies to a given situation, the Sunnah is summoned as a kind of substitute for the Qur'an. Conversely, when inconsistencies are noted among non-Qur'anic sources, they are examined in light of the Qur'an. The appeal to the Qur'an thus takes place when various passages or accounts conflict and need to be weighed against a higher authority. However, a sounder way to view the sovereignty of the Qur'an would be to start from the premise that every particular of Islamic law or doctrine is rooted in a Qur'anic universal. This universal then needs to be identified and adopted as a point of reference when addressing legal questions and formulating primary and subsidiary rulings based thereon. As God has declared, "No thing have We neglected in the Revelation" (*Sūrat al-An'ām* 6:38), the purpose of which is "to make everything clear" (*Sūrat al-Naḥl* 16:89). As for the practice of appealing to external sources before appealing to the fundamental point of reference (that is, the Qur'an), it suggests a view of the Qur'an as having failed to clarify the issues at hand, or simply as insufficient. However, God asks rhetorically, "Is it not enough for them that We have bestowed this divine writ on thee from on high, to be conveyed [by thee] to them?" (*Sūrat al-Ankabūt* 29:51).

Hence, all other evidence a jurist cites or encounters is subject ultimately to confirmation by the Qur'an, without which it will be the basis for a ruling contrary to what God has revealed. For the Qur'an alone is the foundational source of all sound Islamic legal rulings. And in fact, discussions of textual authority within every Islamic denomination exhibit threads which point, however indistinctly, to an appreciation of

the Qur'an's true sovereignty, and it is out of these threads that we propose to weave together an inter-sectarian approach to the application of the Qur'an's teachings modeled on that of the Prophet himself. In what follows, then, we attempt – without claiming to have exhausted all points of view, and without identifying with every view we cite – to lay out such an approach, our aim being to tease out these threads, nothing more.

Among the Ibadites

According to Abū ʿUbaydah Muslim Ibn Abī Karīmah (the second imam of the Ibadites in Basra, d. 150 AH/767 CE), “The Muslim’s imam is the Qur’an, and his guide is the Sunnah of the Messenger of God. The Muslim loves nothing but that which is loved by God and His Messenger.”⁵¹ Writing in *al-Jāmiʿ*, Ibn Barakah al-ʿUmānī al-Bahlawī (362 AH/973 CE) stated:

All Islamic legal rulings are taken from a single path and a single source, which is the Book of the Lord of the Worlds, who said, “Follow what has been sent down unto you by your Sustainer, and follow no masters other than Him. How seldom do you keep this in mind!” (*Sūrat al-Aʿrāf* 7:3). The Sunnah is also taken from the Book of God. As God commanded, “pay heed unto God, and pay heed unto the Apostle” (*Sūrat al-Māʾidah* 5:92). The Sunnah is the application of the Book of God and, as such, Muslims must adhere to it; so also is consensus, which is founded upon both the Sunnah and the Qur’an. The Sunnah may be divided into two categories: agreed-upon and disputed. The agreed-upon Sunnah consists of those hadiths which, because they have found unanimous acceptance, need not be investigated for their soundness, while the disputed Sunnah consists of hadiths which are not known to all and concerning whose soundness there is some disagreement. Therefore, their soundness needs to be investigated and confirmed. Once the soundness of a hadith’s transmission has been confirmed, there may be disputes over its proper interpretation, and if scholars disagree over the ruling to be derived from it, they must appeal to the Qur’an.⁵²

In answer to the question from his student, Abu Ghānim al-Khurāsānī, concerning whether a man who has had illicit sexual

relations with a woman may marry the woman with whom he had such relations, ‘Abd Allāh Ibn ‘Abd al-‘Azīz (an adherent of the Opinion School within the Ibadite sect, as opposed to the Tradition School) criticized those who held that this practice was permissible, saying, “You content yourselves with accounts passed down by people who cling to opinions and illusions while disregarding the Book of God, which prohibits a man and woman who have had illicit sexual relations from marrying one another. Indeed, never have we seen a people more willing than you are to bow to a mere human account, and more ready to spurn the Book of God!”⁵³

Among the Zaydites

Imam al-Murtaḍā Muḥammad Ibn Yaḥyā al-Hādī (d. 310 AH/922 CE) was of the view that the Sunnah is “that which agrees with the Qur’an. Whatever conflicts with the Qur’an contains untruths about the Messenger of God. Furthermore, the Sunnah clarifies and details that which is stated in general terms in the Qur’an.” In answer to questions posed to him, Imam al-Murtaḍā stated, “Every view we have expressed and every reply we have given can be found in the Book of God, in the unanimously agreed-upon Sunnah on the authority of the Messenger of God, or in a rational proof which is confirmed by the Qur’an. Everything that comes via one of these paths is desirable and sound, and the most brilliant proof in the heart.” In sum, as Imam al-Murtaḍā stated in various places in his books and letters, all proofs derive from the Book of God and/or from a unanimous consensus regarding something based on the Qur’an or the Sunnah.⁵⁴ He also stated in relation to issues posed by ‘Abd Allāh Ibn al-Ḥasan, “Know – may God guide and assist you – that no hadith rightly attributed to the Messenger of God will conflict with the Book of God. Rather, the Revelation will bear witness to its truth. In this connection the Prophet is reported to have said, “Lies are uttered about me just as they were uttered about the prophets before me. If any statement is attributed to me, compare it to the Book of God. Whatever agrees with the Book of God is indeed from me – I said it, and whatever conflicts with the Book of God is not from me – I did not say it.”⁵⁵

On this point we have corroboration from Ṣārim al-Dīn Ibrāhīm Ibn Muḥammad al-Wazīr (d. 914 AH/1508 CE), who said:

As for the Almighty Book, God (blessed and Exalted is He) has pledged to preserve, guard and protect it from contradictions, corruption, alteration and distortion.... No wonder, then, that those who deny the truth of the religion have found no way to change it. On the contrary, those verses which are clear in and of themselves (*āyātuhu al-muḥkamāt*) have remained clear and comprehensible, while those that require clarification and interpretation (*al-mutashābihāt*) have remained accessible and readily explainable by those well-established in knowledge. This is why the Prophet commanded his community of faith to refer to it and rely on it, and instructed them in how to verify the truthfulness of hadiths by measuring them against it.⁵⁶

However, the practice of measuring extra-Qur'anic texts against the Qur'an is limited to hadiths passed down via single narrators (*āḥād*), about which there is some disagreement. This principle was articulated by al-'Izzī, who instructed his students saying, "Hadiths over which there is some disagreement are subject to the rule according to which they must be measured against the Qur'an, which is invulnerable to falsehood ('for, behold, it is a sublime divine writ: no falsehood can ever attain to it openly, and neither in a stealthy manner' – *Sūrat Fuṣṣilat* 41:41-42). For the Qur'an is the authoritative point of reference whenever disagreements arise."⁵⁷

Among the Twelver Shi'ites

The view of Qur'anic authority among the Twelver Shi'ites has been clouded by the spread of views that were circulating between the eleventh and thirteen centuries AH (seventeenth and nineteenth centuries CE), which brought down the authority of the Qur'an. According to the aforementioned views, appeals can only be made to the Qur'an or the Sunnah based on views expressed by the infallible imams belonging to the Prophet's family. In his book entitled *al-Fawā'id al-Madaniyah* (Lessons from Madinah), Muḥammad Amīn al-Istrābādī (d. 1036

AH/1627 CE) put forth the view that “it is impossible to deduce rulings from the apparent meanings of either the Book of God or the Prophetic Sunnah without appealing to the views of the ‘people of remembrance’. This is because the Qur’an was revealed in such a way that it was opaque to the minds of ordinary people, but commensurate with the understanding of the ‘people of remembrance’.” In so saying, al-Istrābādī confined Islam’s authoritative point of reference to the reports and traditions passed down by the family of the Prophet. He wrote:

It is a known fact that given the condition in which we find the Qur’an and the Prophetic Sunnah (that is, containing some passages that abrogate others, and some which are unqualified in their meaning and application, while others are qualified and restricted), it can only be comprehended with their help, as a result of which one must limit oneself to their hadiths.”⁵⁸

The Akhbāri Current was not monolithic in nature, as it included individuals who hesitated to argue for the absolute and unconditional authority of the literal meanings of the Qur’an, as well as that of non-Qur’anic accounts passed down on the strength of a single narrator. However, what we are looking for will be found in the Juristic, or Legal-Theoretical, Current (*al-taḥyār al-uṣūlī*), which countered the Historical Current’s claims to abolish, or at least, undermine the authority of the Qur’anic text, stressing the Qur’an’s independent authority without reference to the Sunnah as a fundamental premise. Accounts passed down on the authority of the imams indicate that whatever narratives people received on their authority should be measured against the Qur’an such that whatever was consistent with it, they should accept, and whatever conflicted with it, they should reject. Moreover, in addition to these arguments, Shaykh Ja‘far al-Jināhī (aka Kāshif al-Ghiṭā’) (d. 1228 AH/1813 CE) drew a connection between the inimitability of the Qur’an and the possibility of understanding it directly. In this connection, he asked, “What sense would it have made for the Qur’an to challenge people to produce something comparable to it had they not been able to understand it – that is to say, had they perceived it as nothing but cryptic symbols and riddles?”⁵⁹

This said, it behooves us to review the positions which certain Twelver Shi‘ite scholars – and most particularly, the legal theorists among them – took on the authority of the Qur’an. Sharīf al-Murtaḍā (d. 436 AH/1044 CE), for example, denied the binding force of reports passed down on the authority of a single narrator, holding that they have only speculative value. Moreover, he held that the first focus of one’s exegesis should be the apparent meaning of the Qur’an, and hadiths of definitive attestation. If neither of these speaks to the issue under consideration, appeal should be made to consensus (that is to say, the consensus of Twelver Shi‘ite scholars). If there is no consensus among these scholars but, rather, considerable disagreement, then appeal must be made to the text of the Qur’an. Otherwise, one must rely on reason, or leave the matter open to choice.⁶⁰

In the preface to his commentary, *al-Tibyān*, Abū Ja‘far al-Ṭūsī (d. 459 AH/1067 CE) sought to offer an explanation of traditions that forbid the interpretation of the Qur’an based on reasoned opinion. According to one such tradition, the Prophet said, “If someone interprets the Qur’an based on his own opinion and arrives at the truth..., he will [still] have committed an error...” Al-Ṭūsī’s interpretation of this tradition was supported by al-Ṭabarsī (d. 548 AH/1153 CE) in the latter’s *Majma‘ al-Bayān* (The Compendium of Clarification), where he wrote, “God has commended the practice of inducing meanings from the text, and has explained how to do this. Those who engage in such induction are referred to in *Sūrat al-Nisā’* (4:83) as ‘proper investigators’ (*alladhīna yastanbiṭūn*). Furthermore, God has reproached those who fail to reflect properly on the Qur’an, which was revealed in clearly comprehensible Arabic. God declares, ‘Behold, We have caused it to be a discourse in the Arabic tongue, so that you might encompass it with your reason’ (43:3).”⁶¹ From the foregoing, it is clear that we are expected to use our reason to understand the Book of God. Hence, the meaning of the hadith quoted above according to which those who interpret the Qur’an based on their reasoned opinion will fall into error must be a reference to those who fail to consider the textual evidence of relevance to the passage concerned. In such a case one is likely to misinterpret the text and lose one’s way.⁶²

The Prophet said, "If you receive a hadith purporting to be on my authority, subject it to the scrutiny of the Book of God. If it agrees with it, accept it, and if it conflicts with it, disregard it." From this it is clear that the Book of God is authoritative, since it is the point of reference against which other texts are to be measured. But how could it be used as a measure by which to judge other texts if it were incomprehensible?! Rather, those who interpret the Qur'an according to their own reasoned opinions, but without considering the textual evidence derived from its words and expressions and thereby arriving at the truth, have misinterpreted the evidence and thus lost their way.⁶³ In a similar vein, the great scholar al-Ḥillī expressed the view that "God could not possibly have intended a meaning contrary to that which appears on the surface of the Qur'anic text without evidence for this in the context."⁶⁴

Among the narratives cited in support of measuring hadiths and other reports against the Qur'an, we have the statement passed down on the authority of Abū 'Abd Allāh, who said, "The Messenger of God said, 'For every truth and for everything that is right, there will be factual evidence, and everything correct will be clearly illumined. Whatever agrees with the Book of God, accept it, and whatever conflicts with it, reject it.'" Ayyūb Ibn Rāshid conveyed on the authority of Abū 'Abd Allāh that "any hadith which does not agree with the Qur'an is of no real value." Similarly, Ayyūb Ibn al-Ḥurr stated, "I heard Abū 'Abd Allāh say, 'Everything should be brought back to the Qur'an and the Sunnah, and every hadith which is not consistent with the Book of God is mere vanity.'"⁶⁵ Commenting on the first of these two last hadiths, al-Māzandarānī wrote, "This and the four hadiths following it support what was said previously to the effect that the Book of God is the origin of all that is true and right, and that whatever is confirmed by the Book of God should be adopted, while everything that conflicts with it must be abandoned. As for things which do not clearly agree or disagree with the Qur'an, we should withhold judgment on them."⁶⁶ About the second account above, al-Māzandarānī had this to say: "However, the realization that there is inconsistency [between the Qur'an and this or that hadith] about a given matter may present us with a difficulty we are unable to resolve, since the Qur'an contains [truths, some of which are] apparent, others of which are hidden, and still others of which are

mysteries which can only be comprehended by those endowed with infallible knowledge.”⁶⁷

Among the Sunnites

Imam al-Shāfi‘ī wrote:

There are people who say that [the Prophet] never established a sunnah (a practice to be emulated by others) that did not originate in the Qur’an. It was the Prophet’s sunnah, for example, which clarified how many daily prayers were to be performed by the Muslim based on the Qur’an’s generalized command to pray. Similarly, laws on buying and selling and the like are based on God’s having said, “And devour not one another’s possessions wrongfully” (*Sūrat al-Baqarah* 2:188) and, “God has made buying and selling lawful and usury unlawful” (2:275). What has been made lawful and unlawful is thus clear in the Qur’an on the divine authority, as is the obligation to perform the daily prayers.⁶⁸

Coming to Imam al-Shāṭibi (d. 790 AH/1388 CE), he held that the meaning of the Sunnah is derived from the Qur’an, the Sunnah being a practical clarification thereof. Al-Shāṭibi wrote:

You find nothing in the Sunnah but that the Qur’an has indicated its meaning, whether in a general or in a detailed manner... Moreover, because God has revealed the Qur’an to make everything clear, it follows that the Sunnah must be present within the Qur’an in a more general form. As we read in *Sūrat al-An‘ām*, “no single thing have We neglected in Our decree” (6:38)... In sum, then, the Sunnah is an elucidation of what is in the Qur’an. This is what we mean when we say that the meaning of the Sunnah is derived from the Qur’an. A thorough reading of both the Qur’an and the Sunnah will also lead one to this conclusion.⁶⁹

From the foregoing it may be seen that those engaged in the Islamic sciences have long had an embryonic awareness of the Qur’an’s being the arbiter and originating source of all Islamic legal rulings and extra-Qur’anic reports, but that this awareness was not allowed to flower into a full-fledged, integrated methodology. The evolution of such a

methodology was thwarted by a number of factors. One such factor was the notion, touched upon earlier, that the Qur'anic revelation and the texts of Islamic law were insufficient in and of themselves to address the myriad practical situations and conundrums with which human individuals and societies are faced. Other factors include sectarian controversies and divisions fueled by bitter disagreements over the matter of the caliphate, as well as, subsequently, by other scholastic theological debates which took on doctrinal overtones. These debates were so fraught with passions, in fact, that one's position on the relevant issues came to be treated as a litmus test for whether one was a believer or not. And as if these tensions were not enough, each of the *ummah*'s individual schools of thought was being racked by tugs of war between the Opinion and Tradition currents. In consequence of all these controversies and divisions, the Muslim community lost sight of the centrality of the Qur'an itself. The Qur'an's role as sovereign arbiter was thus supplanted by the "sovereignty" of sectarian allegiance, blind imitation, and bigotry.

We have no choice, then, but to allow the Qur'an to reassert its authority over the Islamic heritage which, by virtue of the accretions of centuries on end, has become more sectarian than ecumenical. This so-called 'sectarian heritage' has prevented the formation of a communal consciousness within the Muslim community. As a consequence, what we now have are semi-autonomous, disjointed religious *ummahs* rather than the single *ummah* of the Qur'an.

Lest my intent be misunderstood, what I am speaking about here is not a kind of "melting pot" unity in which distinctives disappear, in which case we would be working against the laws through which God Himself governs the Universe. As God declares, "O people! Behold, We have created you all out of a male and a female, and have made you into nations and tribes, so that you might come to know one another. Verily, the noblest of you in the sight of God is the one who is most deeply conscious of Him. Behold, God is All-Knowing, All-Aware" (*Sūrat al-Hujurat* 49:13). In keeping with this declaration by God, the goal I am proposing that we strive to achieve is an integrative unity, the purpose of which is to enable us to fulfill our trust as God's stewards on Earth. We are told in the Qur'anic revelation that God has knit believers'

hearts together. However, we are not told that He has united them in the sense of a complete fusion or merger. When unification is imposed upon entities, they lose their unique individual characteristics. As for the “knitting” process referred to here, it affords a harmony that allows differences of language, skin color, nationality and the like to become sources of enrichment rather than estrangement within the *ummah*, which is empowered to accomplish the tasks of fruitful development while serving as faithful stewards of the Earth in service to God. In the context of this kind of cooperation, progress is achieved toward fulfilling common aims by making use of the unique strengths and gifts of the individuals and groups involved.

This broader goal can be achieved by addressing controversial issues that divide the Muslim community in the following three ways: (1) by viewing them in light of the governing aims and intents of the Qur’an, (2) by addressing them based on a dual reading of the written revelation and the entire creation, and (3) by recognizing them as the complex, nuanced questions which they are rather than as monolithic and unidimensional. In what follows, I will address each of these three points in turn.

First: By viewing controversial issues in light of the governing aims and intents of the Qur’an (*al-maqāṣid al-Qur’āniyah*), namely, affirmation of God’s oneness, inward purification, development and prosperity, nurturing the *ummah*, and Islamic outreach,⁷⁰ we lay the foundation for a Qur’an-centered community capable of fulfilling the trust embodied in being God’s vicegerents on Earth. Identifying the goal we wish to achieve is the best means of ensuring that we are on the right path, and that we are not frittering away our time and energy on fruitless controversies that will do nothing to help us get where we need to go. Furthermore, it will enable us to extricate ourselves from the polarization, power struggles, and verbal sparring which have led to inadequate treatments of the issues at hand. By identifying our more overarching aims, we can classify and prioritize issues based on the extent to whether they clarify, or obscure, the vital aims we share as believers. More specifically, our treatments of metaphysical issues need to be assessed in terms of the degree to which they further the aim of self-purification by nurturing a sense of God’s oneness and holiness,

and the reverent fear and hope to which such an awareness leads. Any discussion of, or approach to, metaphysical or doctrinal issues that fails to meet these criteria should be avoided, as they will serve no useful purpose. Similarly, theological or metaphysical issues which have no direct bearing on our concrete, day-to-day lives (such as, for example, questions surrounding the beatific vision) should not be given any doctrinal importance.

Second: By committing ourselves to a dual reading of the written revelation and the entire creation (including current realities), we acknowledge the inseparable connection between the material and the spiritual in human experience. This methodology is based on the understanding of the Qur'an as an objective equivalent – or mirror – of cosmic existence⁷¹ because, just as the Cosmos is marked by a unified network of laws and patterns that we are called upon to discover and respect, so also is the Qur'an marked by an overarching unity which, when discovered, will help us to frame an integrated methodology on the basis of which to understand both the Qur'an itself and the creation. Accordingly, any issue with a metaphysical dimension needs to be understood and discussed in light of the following three considerations: (1) The structural unity of the Qur'an, as well the Qur'an's structural unity with the Prophetic Sunnah as the practical means of applying the Qur'an's teachings to a world of changing realities; (2) the governing intents of the Qur'an (the divine unity, inward purification, prosperity and development, nurturing the Muslim community worldwide, and Islamic outreach); and (3) the combined reading of the Qur'an and the Cosmos, by means of which we strive to understand the patterns and laws exhibited in the universe and the interactions among them so as to achieve the Qur'an's higher purposes.

Third: By taking a bird's eye-view of the controversial issues that continue to divide the Muslim community, we recognize them for the diverse, complex and multi-dimensional entities which they are, and in so doing, we begin to see them in a more nuanced manner. For while some elements are distinctive to each denomination or school of thought, others are common to all believers, and on the basis of these, we can better fulfill our responsibility to be God's stewards on Earth. This nuanced treatment of issues needs to be adopted by adherents of

all sects and schools of thought, lest we find ourselves embroiled in a new round of sectarian sparring matches.

The dispute over the leadership of the Muslim community may well be Muslims' gravest and most central point of controversy, not only because it led to the demise of the first caliphates and resultant divisions that continue to this very day, but, in addition, because the will, character and role of the Muslim community were reduced to the way in which they answered the question: Who should rule? The answers given to this question – which varied from one school of thought and sect to another – remained fixed and rigid, marking time between the covers of books without any genuine rethought or reconsideration. Meanwhile, the Muslim community suffered from ongoing unrest without a clear vision of the entity that ought to govern and regulate it. Power vacuums were filled by prominent families with their respective bigotries and political, tribal or sectarian axes to grind, which perpetuated societal divisions and politicized jurisprudence. The time has thus come to separate the question of the caliphate from scholastic theological concerns, placing it instead within its rightful context of political and mundane concerns subject to practical analysis in pursuit of the higher aims and intents of the Qur'an (affirmation of the divine unity, inward purification, development and prosperity, nurturing the *ummah*, and Islamic outreach). If we fail to do this, we have nothing to look forward to but an ongoing string of social, political and economic crises like those we have seen throughout our history.

In its treatment of the issue of the caliphate, scholastic theological discourse had blurred the lines between doctrine and politics. As a result, the caliph was no longer viewed simply as a leader whose function was to order the *ummah's* earthly affairs and safeguard its interests. Instead, supported by prevailing interpretations of the Qur'anic phrase *ūlī al-amr minkum* (which has been translated variously as “those from among you who have been entrusted with authority,” “those charged with authority among you,” etc.), as well as a set of hadiths on the subject of rulership (*imārah*) and obedience to rulers (*al-umarā'*), the caliph was conceived of as a near-embodiment of the Prophet. Consequently, the caliphate was discussed within the framework of Muslims' obligation to obey the Prophet, further reinforcing

the belief that the imamate (the caliphate) was a doctrinal issue. This was followed by efforts to establish a textual basis for the caliphate, and thus the foundation was laid for tyranny, because the *ummah* had been reduced to a single individual. One outgrowth of this was a gradual erosion of the *ummah*'s effectiveness, and as Muslim rulers weakened as well, Islamic societies found themselves increasingly vulnerable in the face of growing Western hegemony in its various forms, and torn between two equally bitter choices: either succumb and adapt to Western civilization, including its political culture and its religious, social and economic expressions, or reject the West entirely and revert to inherited, and outmoded, cultural, political and social structures and expressions that had no basis in Islamic law, but which had come to be perceived as legitimate simply because they were familiar.

Therefore, the time has come to be liberated from bondage to scholastic theological discourse. The time has come to separate questions of public policy and political leadership, including the caliphate, from questions of Islamic doctrine, and to shift responsibility for them to the Muslim community under the guidance of the Qur'an and the Prophetic Sunnah so that we can address them properly – that is to say, in light of the higher aims and intents of the Qur'an, and the *ummah*'s ongoing interests and needs. Only then will we be able to emerge from the narrow circle of *takfir* in which one Muslim accuses another (or one Muslim sect accuses another) of unbelief simply on the basis of political disagreements, recognizing that in the realm of the political and, therefore, the practical, it is not a question of who is a believer and who is not but, rather, what is more or less suitable and beneficial.

Several levels to the issue of the caliphate can be distinguished.⁷² First, there is the level of personal merit, which is related to a particular individual who fulfills conditions that others do not, as well as the merits of individual witnesses and the Community of the Qur'an as stewards of the divine message. As God declared in *Sūrat al-Baqarah*, "And thus have We willed you to be a community of the middle way, so that [with your lives] you might bear witness to the truth before all mankind, and that the Apostle might bear witness to it before you" (2:143). However, this witness-bearing role is one that the Muslim community cannot fulfill without an entity to order and regulate its

financial, political, economic, military and social affairs. The first level is also related to the specific beliefs of each sect as they pertain to the qualifications required of the leader of the Muslim community. As for the second level, it consists of two aspects, the first having to do with the authoritative point of reference that will serve as the basis for the community's leadership, and the second having to do with current and ever-changing realities, which bear a major contrast to the historical context in which the dispute over the caliphate first arose.

By "authority" (*marja'iyah*), I mean the arbiter to which appeal is made by the followers of every school of thought or denomination and, beyond this, to whom (or which) all Muslims should appeal. This said, it will be necessary to pause here to consider the authoritative power (*ḥujjiyah*) born by the opinion of the imam (or caliph), or the Companions, as well as the reliability of their narratives, and whether this authoritative power is seen as possessing a sovereignty that might serve as a substitute for that of the Qur'an.⁷³

The dispute over the caliphate can only be resolved by freeing ourselves from the grip of personality cults and blind veneration of the past. Only then can the discussion take place around a point of authoritative reference that lies outside the sectarian framework. Otherwise, we are doomed simply to reproduce our disputes rather than settling them. There is nothing that can bring us together but the Qur'an itself. Were it not for the Qur'an, the Muslim community would not even exist. Hence, in order to overcome the divisions within the Muslim community, Muslims must return to a recognition of the sovereignty of the Qur'an, to which all disputes should be submitted.

When we speak of sovereignty here, we are not speaking of some kind of emotional allegiance, but an allegiance rooted in solid methodology. Furthermore, our recognition of the sovereignty of the Qur'an as the foundational source of all of Islam does not conflict with any Islamic sect or school of thought. After all, no Islamic sect or school of thought has ever claimed, for example, that the Companions, or even the infallible imams of the Twelver Shi'ites, or the imams belonging to the Household of the Prophet so revered by the Zaydites, nor those revered by the Ibadites, challenged or questioned the primacy of the Qur'an. And as for the Prophetic Sunnah, it is the source which shows

the way in which the Messenger of God understood and applied the Qur'an to the social realities of his day, bearing in mind that the Qur'an itself was described by God as the clarification of all things.⁷⁴

When we evoke the sovereignty of the Qur'an, this changes the process of *ijtihad*, since the reliability or authenticity of any given piece of textual evidence then rests on our ability to demonstrate that it has its origin in the Qur'an. Furthermore, an objective fact which no school of thought or sect can disregard is that contemporary social contexts and conditions differ from those that prevailed in the day of the founders of these schools and sects. Therefore, we are all called upon to appeal to the Qur'an as our first and last resort, laying our questions before it and allowing it to speak, learning from the Prophetic Sunnah how the Qur'an was applied within the historical context of the first generation of Muslims, and then applying it within our respective sociocultural contexts in the present day.

As for the Muslim community's political, social and economic affairs,⁷⁵ they can only be managed correctly by restoring the concept of the *ummah* to its rightful place of centrality as set forth in the Qur'an. After all, the Qur'anic discourse was addressed not to a single individual, but to an entire community. As God declared in *Sūrat al-Tawbah* 9:71, "And [as for] the believers, both men and women – they are close unto one another: they enjoin the doing of what is right and forbid the doing of what is wrong, and are constant in prayer, and give zakah, and pay heed unto God and His Apostle. It is they upon whom God will bestow His grace: verily, God is Almighty, Wise!" We read in a similar vein in *Sūrat al-Nisā'* 4:59, "O you who have attained to faith! Pay heed unto God, and pay heed unto the Apostle and unto those from among you who have been entrusted with authority (*ūlī al-amri minkum*); and if you are at variance over any matter, refer it unto God and the Apostle if you believe in God and the Last Day. This is the best [for you], and best in the end."

It should be noted that the phrase, "those from among you who have been entrusted with authority" (*ūlī al-amri minkum*) is not an endorsement of any sort of elitism. On the contrary, the Qur'an condemns the misleading role often played by those in power: "And they will say: 'O our Sustainer! Behold, we paid heed unto our leaders and

our great men, and it is they who have led us astray from the right path!” (*Sūrat al-Aḥzāb* 33:67). Nor does the Qur’an approve the authoritarianism exemplified in Pharaoh when he said cunningly, “O my people! I but want to make you see what I see myself, and I would never make you follow any path but that of rectitude!” (*Sūrat Ghāfir* 40:29). Instead of relying solely on earthly leaders, the Qur’an urges believers to bring their questions before God and His Messenger, saying, “If any [secret] matter pertaining to peace or war comes within their ken, they spread it abroad – whereas, if they would but refer it unto the Apostle and unto those from among the believers who have been entrusted with authority, such of them as are engaged in obtaining intelligence would indeed know [what to do with] it” (*Sūrat al-Nisā’* 4:83). The Qur’an urges people to use their reason rather than mindlessly obeying corrupt leaders, saying, “Thus he [Pharaoh] incited his people to levity, and they obeyed him: for, behold, they were people depraved!” (*Sūrat Zukhruf* 43: 54). Moreover, as in the passage quoted earlier, the phrase, “those from among the believers who have been entrusted with authority” (*ūlī al-amri minkum*) is not a reference to granting some people power over others, but, rather, a reflection of the fact that people have disparate levels of ability, and that not all of them share the same concerns.

However, one notes an authoritarian mentality in some juristic and scholastic theological writings. Al-Qurṭubī, for example, understood the reference to establishment of certain people on earth in *Sūrat al-Ḥajj* 22:40-41, where we read, “And God will most certainly succor him who succors His cause: for, verily, God is Most Powerful, Almighty, [well aware of] those who, [even] if We firmly establish them on earth, remain constant in prayer, and give in charity, and enjoin the doing of what is right and forbid the doing of what is wrong; but with God rests the final outcome of all events” as a reference to God giving some people power to rule over others. Based on this interpretation, al-Qurṭubī concluded mistakenly that the task of commanding the good and forbidding evil is one that belongs to rulers alone.

Consequently, in order to properly address the painful reality faced by the Muslim community today, we need a Qur’anicly inspired methodology which is not bound by sectarian or scholastic theological

biases. We need to be able to analyze issues relating to political rule and balances of power without rehashing past conflicts or trying to emulate the Western experiment. It is hoped that by doing this, we will arrive at a mature vision of the kind of political entity that is best suited to manage the Muslim community's affairs by taking into account both historical changes and social, economic and cultural differences between one group of Muslims and another. The worldwide Muslim community is no monolith, and what is good for some parts of it may not be good for others, just as what was possible in a given historical context may not be possible in another.⁷⁶

The foregoing statements and interpretations offered by Muslim scholars down the ages should help in laying a groundwork, rebuilding a sense of familiarity, if not intimacy, and fostering a kind of solidarity among the many Muslim factions and groups. In so doing, it is hoped that conflicts can be transformed into differences of variety that enrich rather than divide.

However, we need the courage to delve into and clarify the causes behind our differences, and to recognize that they are a result of our having deviated from the true message of the Holy Book and the guidance brought by the Messenger of God, as the Qur'an states, "God has readied for them [yet more] suffering severe [in the life to come]. Hence, remain conscious of God, O you who are endowed with insight – [you] who have attained to faith! God has indeed bestowed on you a reminder from on high. [He has sent] an apostle who conveys unto you God's clear messages, so that He might bless those who have attained to faith and do righteous deeds out of the depths of darkness into the light. And whoever believes in God and does what is right and just, him will He admit into gardens through which running waters flow, therein to abide beyond the count of time: indeed, a most goodly provision will God have granted him" (*Sūrat al-Ṭalāq* 65:10-11). Bygone nations and civilizations were used by God to test them, one by means of the other, and their messages were scattered and garbled by virtue of their disagreements and their abandonment of what God had revealed to them. Thus, the only way the Muslim community can overcome its current crisis is to reaffirm its commitment to the divine revelation and submit once more to its guidance. Part of this commitment involves striving to

ensure that our unity is based first and foremost not on religious conviction or identity, but on our common humanity. Otherwise, the message I seek to convey, however positive, will remain nothing but a pipe dream, hollow words that bear no fruit. May God plant and nurture the best of seeds in our hearts: “And on that day will the believers rejoice in God’s succour: [for] He gives succour to whomever He wills, since He alone is Almighty, a Dispenser of Grace” (*Sūrat al-Rūm* 30:4-5).

CHAPTER FIVE

Differences of Variety, Not Differences of Contradictions

FIRST: VARIETY AND PLURALITY DO NOTHING TO DIMINISH UNITY

What this chapter seeks to demonstrate is that despite various Islamic sects' practice down the centuries of branding one another's adherents as heretics, sinners and infidels, and each sect's belief that it alone would attain to salvation in the hereafter while those of all other sects would be doomed to perdition, we nevertheless find signs of an awareness that they all remained within the fold of Islam. Granted, one encounters doctrinal works whose authors would exclude those with competing points of view from the fold of Islam, claiming, for example, that it was forbidden to marry those of differing theological persuasions (even though they were fellow Sunnis), or to consume meat they had slaughtered. It would be unrealistic to deny the existence of such extreme views even in our own day.

In the beginning of his book entitled, *Maqālāt al-Islāmiyyīn* (The Disparate Theological Opinions of Islamic Sects), Abū al-Ḥasan al-Ashʿarī stated, “After the passing of their Prophet, Muslims differed over matters in relation to which they misled one another, divided into disparate sects, and even disowned one another. Nevertheless, Islam encompassed them all.”¹ Commenting on this statement Ibn Taymiyah wrote:

This was his [al-Ashʿarī's] belief, and it was shared by most of his companions, although some of them – some of the Hanbalites, that is – branded those who disagreed with them as unbelievers. Among jurists, al-Shāfiʿī is quoted as having said, “I do not reject the testimony of the unorthodox unless they belong to the al-Khaṭṭābiyah sect,” because they condoned lying

in one another's defense against those who disagreed with them. As for Abū Ḥanīfah, he was quoted by al-Ḥākim (author of *al-Mukhtaṣar fī Kitāb al-Muntaqā*) as saying that he would declare no Muslim to be an infidel. Abū Bakr al-Rāzī once quoted al-Karkhī and others as affirming a similar view. As for us, our choice is not to brand as an infidel anyone who prays toward the *qiblah*.²

Shams al-Dīn al-Dhahabī wrote saying:

Al-Ashʿarī once made a statement that inspired my admiration, and it is well established. Al-Bayhaqī said, “I heard Abū Ḥāzim al-ʿAbdawī quote Zāhir Ibn Aḥmad al-Sarkhaṣī as saying, ‘When Abū Ḥasan al-Ashʿarī was nearing the end of his life in my home in Baghdad, he called me to him, and I came. And he said to me: “Bear witness of me that I declare no one who prays to the *qiblah* to be an infidel, because they all address themselves to a single Object of Worship, and they differ over nothing but words and expressions.”’ [Al-Dhahabī then stated], “And I profess the same belief. Similarly, our spiritual teacher Ibn Taymiyah used to say toward the end of his life, ‘I declare no member of the *ummah* to be an infidel.’ In this connection, he would quote the Prophet as saying, ‘Place your feet on the straight path and draw near to one another, knowing that the best of all the actions you perform is that of prayer, and that anyone who regularly performs the ritual ablution must needs be a believer.’”³

In sum, what these scholars concluded after lengthy reflection was that as long as doctrinal and juristic disagreements among Muslims do not involve a denial of the call to worship God alone, they provide no basis for accusations of unbelief. Ibn Taymiyah's citation of prayer and the ritual ablution – which together constitute the central rite of monotheistic worship and submission to God Almighty, and the visible fruit of belief – may well have been for the purpose of freeing the criteria of commitment to Islamic doctrine from all the needless complexities that had been thrust upon them by sectarian and scholastic theological wrangling and debate.

In his book *al-Dalīl wal-Burhān* (Evidence and Proof), the Ibādī scholar al-Wārijlānī (d. 570 AH/1174 CE) stated that the religion of

Islam encompasses the various sects of the Muslim community, saying, “No one refers to the ‘Qadriyah religion,’ ‘the Murji’ah religion,’ or ‘the Māriqah religion,’ nor do they speak of ‘the religion of Abū Ḥanīfah,’ or ‘of Mālik,’ or ‘of al-Shāfi’ī.’”⁴ This point was further clarified by Muḥammad Ibn Ibrāhīm al-Kindī (d. 508 AH/1114-15 CE), who wrote, “The Muslims (meaning the Ibadites) took leave of all Kharijites, disassociating themselves from their practice of labeling those who acknowledge the one God, God’s angels, God’s messengers, and the Last Day as polytheists.”⁵ To this, al-Kindī adds that “Muslim jurists (by which he means the Ibadites) have adhered to rightness, truth and justness, about which there is no disagreement among them. Nor is there any dispute among them as to the fact that people fall into one of two categories. The first category consists of people who are bound to God, God’s angels and messengers, the Last Day, death and resurrection, reward and punishment, and whom he declares avowed monotheists,”⁶ as contrasted with adherents of other religions who associated partners with God. Elsewhere al-Kindī asserts, “Those who acknowledge the Qur’an, yet who misinterpret it, distorting the meanings of its words, but who also argue on the basis of the Qur’an, we judge to be avowed monotheists.” Following this, he backtracks somewhat, saying “[such a person] is hypocritical, misguided, and an infidel, [yet] innocent of idolatry and, therefore, immune to being taken as a prisoner of war or treated as booty.”⁷

In this connection, mention should be made of the way in which the Ibadites define the word *kufr*, usually translated as unbelief, and which they attribute to those who disagree with them. Those who read statements by the Ibadites in which they use this word in an unqualified manner may think that they are branding their opponents unbelievers, which is not the case. Rather, what the Ibadites mean by the word *kufr* is ingratitude for the grace one has received.

In his book *Uṣūl al-Daynūnah al-Ṣāfiyah* (Principles of Sound Judgment), Shaykh Abū Ḥafṣ Ibn ‘Amrūs Ibn Faṭḥ al-Nufūsī divides people into three categories with respect to faith and practice. He states:

The first thing of which we have made mention is acknowledgment that God is One, that no aspect of His creation resembles Him in any way, that

He has no partner, and that Muhammad is His servant and His messenger ... Whoever acknowledges these things is excluded from the category of polytheist ... Then God tried and purified them via religious obligations, that is, by the requirement that they act on what they had acknowledged: “Yea, indeed, We did test those who lived before them; and so, [too, shall be tested the people now living: and] most certainly will God mark out those who prove themselves true, and most certainly will He mark out those who are lying” (*Sūrat al-ʿAnkabūt* 29:3). “Those who prove themselves true” are believers, while “those who are lying” are traitors who have abandoned action on the basis of what they acknowledge, and whom God has termed ‘hypocrites.’ God has never applied the term ‘hypocrite’ to a polytheist. Accordingly, the same legal penalties (*ḥudūd*) which apply to believers apply likewise to hypocrites, as does the right to marry and inherit from believers, to slaughter animals whose meat may be eaten by believers, to be buried with believers, and to bear legal testimony which is acceptable among believers. ... The only practices which are prohibited due to their hypocrisy are those of taking them as protectors or allies in times of warfare, and referring to them as believers. They are to be referred to as unbelievers and hypocrites, but not as polytheists. We thus have three categories of people in this respect. First, we have the polytheist who refuses either to acknowledge or act on the articles of faith. Second we have the hypocrite who acknowledges the truth of the articles of faith but refuses to act on them. And third, we have the believer who both acknowledges the truth of the articles of faith and acts on this acknowledgment. Hypocrites are not referred to as polytheists, although they are, like polytheists, described as unbelievers, just as polytheists may not be described as hypocrites.⁸

In his section entitled, “Differences Among People With Respect to Unbelief (*al-kufr*), Major Sins (*al-kabīrah*), and Disobedience (*al-Maʿṣiyah*),” al-Wārijlānī said, “...know that there is unanimous agreement among people that the term ‘polytheism’ (*al-shirk*) refers to unbelief (*al-kufr*), but there is disagreement over whether it refers to unbelief as manifested in one’s actions (*kufr al-afʿāl*). The Sunnites and Muʿtazilites hold that it does not, while the Ibadites and the Kharijites hold that it does.”⁹

Regarding the meaning of the term *kufr* and whether it includes anyone who disobeys God, Abū al-Ḥasan al-Basyawī states that “there are two types of *kufr*: *kufr* with respect to the revelation, and *kufr* with respect to God’s blessings and interpretation of the revelation.”¹⁰

In light of the foregoing, it may be said that the Ibadites do not relegate those who disagree with them to the realm of infidels. And this is the foundation upon which we must build. In keeping with this understanding, Ibn Makkī al-ʿĀmilī, also known as the First Martyr, wrote:

Upon reflection, the major sins may be seen to be related to the five essentials which Islam is intended to preserve, namely: religion, the soul, the mind, progeny, and property. The sin associated with the first essential, that of religion, and which is related to belief, may be classified as either *kufr*, which refers to associating partners with God (*shirk*), or as something less serious than *kufr*, which includes the views of innovators within the *ummah* such as the Murjiʿites, the Kharijites, and the Anthropomorphists (*al-Mushabbihah*).¹¹

As for Zayn al-Dīn al-Jubāʿī (d. 965 AH/1558 CE), also known as the Second Martyr, he held that in order for someone to be judged a Muslim in appearance, it is sufficient for him or her to acknowledge the two testimonies of faith (‘There is no god but God,’ and ‘Muhammad is the Messenger of God’). However, being Muslim is to be distinguished from actual faith (*īmān*); in order for a person to be judged to have faith, he or she must also recognize the five essentials mentioned above. He goes on that what we are saying is supported by numerous hadiths, as well as by the fact that Twelver Shiʿite scholars acknowledge those who disagree with their views to be Muslims, but not believers.¹²

Elsewhere in the same work, al-Jubāʿī explains the disagreement among Twelver Shiʿite scholars over whether those who disagree with them are to be deemed unbelievers or not. He states:

They deem everyone who makes the two confessions of faith to be a Muslim with the sincere intention of entering Islam, regardless of whether he or she is known to believe in the imamate of the imams, or not. The only thing that would cause them to deny that someone is a Muslim would be the presence

of some other disqualifying factor... You will also realize from the foregoing that belief in the imamate of the imams is a foundation of faith for the Twelver Shi'ite sect, which follows necessarily from their teachings. ... When someone is deemed to be a Muslim in appearance, many legal rulings [applicable to Muslims] will likewise be applicable to said individual. In sum, then, the Lawgiver has caused utterance of the two testimonies of faith to be a sign of the validity of applying most legal rulings to the person who has uttered them, such as the permissibility of his marrying a Muslim, deeming him to be ritually pure, deeming his property and his life to be exempt from harm at Muslims' hands, and other subsidiary legal rulings ... Know that a number of Twelver Shi'ite scholars have ruled that those who disagree with them are unbelievers, although the majority of them deem them to be Muslims. The dispute appears to be merely a matter of terminology, since the Twelver scholars who hold that those who disagree with them are Muslims do not mean that they are Muslims in the same way that they themselves are, but simply, as we had occasion to mention earlier, that most rulings which apply to those who are Muslims outwardly will apply validly to these individuals as well.¹³

The issue of the caliphate lies at the center of the Zaydite school of thought, as one must adopt Zaydite belief on this matter in order to belong to it. Hence, we need to clarify their ruling on those who disagree with Zaydite belief on this matter, since this will help us to understand the foundations on which the Zaydites based their openness to people with views that differed from their own. Based on Zaydites' assertion that the text appointing Imam ʿAlī is not of definitive signification,¹⁴ they hold that those who disagree with them on this pivotal issue cannot be declared unbelievers or sinners.

This position was affirmed by Imam al-Manṣūr b'illāh ʿAbd Allāh Ibn Ḥamzah (d. 613 AH/1217 CE) – an adherent of the Jarudite sect, according to whom the texts stipulating that the imamate should belong to ʿAlī are abundantly clear (*jalī*) – who wrote:

Given our principles, the error of those who disagree with us on the matter of the imamate is similar to that of those who relegated the caliphate to themselves rather than to him [ʿAlī Ibn Abī Ṭālib], or on a lesser order of

seriousness. If we do not judge someone who makes an exclusive claim to the caliphate even to be a sinner (*fāsiq*), then how much less could we brand as an infidel someone who believes in such a claim, be he a jurist, a Mu‘tazilite, or a simple layperson? This is based on what we have said previously to the effect that no one can be deemed an unbeliever, or even a sinner, without definitive evidence based on reason, a verse from the Qur’an, or a recognized hadith. Yet in this case, such evidence is lacking.¹⁵

Now, if this is the position which was held by the Jarudites, then there would be all the more reason to attribute it to all Zaydites. In his book *Mishkāt al-Anwār lil-Sālikīna Masālika al-Abrār* (The Niche of Lights for Those Treading the Paths of the Righteous), Imam Yaḥyā Ibn Ḥamzah is quoted by al-Sayyid al-Imām al-Hādī Ibn Ibrāhīm al-Wazīr as saying, “Although we hold that the texts supporting the imamate of the Commander of the Faithful ‘Alī are definitive (*qāṭi‘ah*),¹⁶ their error with respect to them does not call for them to be branded infidels or sinners.”¹⁷

In sum, disputes among the various Muslim sects exclude none of them from the community of faith, since the beliefs and practices which these sects have in common are of far greater significance than those that divide them. This common foundation is something we should all be aware of, and do our best not to undermine or disregard. Those who hold differing opinions must not judge those who disagree with them as deserving of hellfire, or claim that only those who agree with them merit Paradise. People’s fates in the afterlife are in the hands of the All-Wise, All-Knowing One alone.

As for those of us dwelling in this abode of toil, our duty is to hold fast to the rope of God, uniting our hearts around it and seeking to understand each other and work together toward achieving God’s purposes for human beings. Our role on Earth is not to bicker over people’s ranks in Heaven or Hell, but to be God’s stewards. Hence, we need to shed light on the foundation we possess for harmonious coexistence with those who hold differing views under the umbrella of the one Muslim community.

SECOND: THE COMPONENTS OF UNITY AND
PEACE-MAKING AMONG MUSLIMS

Without entering peaceful relations with one another, there is no way for believers to accomplish the tasks involved in being God’s stewards and fulfilling the divine trust on Earth. God has said, “O you who believe! Enter one and all into peace, and follow not the footsteps of the evil one” (*Sūrat al-Baqarah* 2:208). The alternative to entering into peace with one another is to “follow...the footsteps of the evil one” by embroiling ourselves in disputes and wars, which lead in turn to a loss of security and peace of mind and make it impossible to achieve the higher aims and intents of the Qur’an (the promotion of *tawḥīd*, prosperity, inward purification, advancement of the *ummah*, and the spread of Islam). The historical circumstances in which the rightly guided caliphate emerged cannot be repeated or replicated. For at that time, the Muslim community had yet to experience the divisions and sharp conflicts which it has witnessed since then, and newly arising issues were settled based on the authoritative point of reference that had been given in the Qur’an: “Obey God and obey the Apostle” (*Sūrat al-Mā'idah* 5:92). After civil strife had arisen repeatedly within the Muslim community, new questions emerged about matters such as the ruling on someone who commits a major sin or separates himself from the believing community, and the question of who was being addressed in God’s command to “fight against the one that acts wrongfully” (*Sūrat al-Hujurat* 49:9) when there was a dispute between two different groups of Muslims. Other questions had to do with the legal ruling on those who promoted belief in predestination (al-Qadriyah), the absence of human free will (al-Jabriyah), and the impermissibility or impossibility of rendering judgment against a sinner in this life (al-Murji’ah). It was around the answers given to such questions that the various Muslim sects began to form.

Still another issue around which debate swirled was whether the successor to the Messenger of God had been specified in an explicit text, or whether it was a matter to be decided based on the choice of the Muslim community. This issue – that of the caliphate – made its way into scholastic theology, and the practice of accusing others of being

sinners and heretics further perpetuated a spirit of divisiveness, providing this spirit with seeming justifications as though such divisions represented the normal state of affairs, and locking people into competing parties and factions, “each group delighting in what they themselves possess” (*Sūrat al-Mu’minūn* 23:53). These differences were no longer superficial; rather, they went to the heart of people’s understanding of piety, and the meaning of the imamate. By contrast, the differences that had arisen in the first generation of Muslims – at the time when the Qur’an was still being revealed – simply took the form of minor disagreements over how to manage the transition from the pre-Islamic days of ignorance to the age of Islam, in which tribes and factions melted into one another. Consequently, differences at that time had been more limited and superficial than they were after civil strife and wars had broken out among members of the *ummah*.

Among the things that prevented differences or disputes in the early days of Islam from escalating into full-fledged divisions and confrontations was that everyone’s attention was focused on the well-being of the religion and the *ummah*. There was nothing but a “collective self” in which all competing identities and interests were submerged. As God reminded the Prophet in *Sūrat al-Anfāl* 8:62-63, “He it is who has strengthened you with His succour, and by giving you believing followers whose hearts He has brought together: [for,] if you had expended all that is on earth, you could not have brought their hearts together [by yourself]: but God did bring them together.” When the Messenger of God passed away, he had left them on a straight path that was illumined day and night by the light of the Qur’an, and when the caliphate was first established, it was modeled on the leadership of the Prophet and a continuation thereof. Over time, however, hearts grew hard, and they were hardened still further by civil strife and war, while the uprisings that had resulted in the overthrow of the rightly-guided caliphate opened the door to increasingly autocratic and unjust regimes.

A truly just state does not serve one group at the expense of another, but embraces all. However, by the time ‘Umar Ibn ‘Abd al-‘Azīz – whose reign from 98-101 AH/717-720 CE has been viewed as an extension of the rightly-guided caliphate – came to power, divisions within the *ummah* had spun out of control. Consequently, it was vital that

efforts be made to bring about greater unity within the *ummah*, and this is what ʿUmar Ibn ʿAbd al-ʿAzīz set out to do. (We will be turning later to an examination of the unification project undertaken by ʿUmar and the distinctive features of that experiment.) Were it not for ʿUmar Ibn ʿAbd al-ʿAzīz’s endeavors in this area, he would not have been able to establish a just rule based on the fair and equitable treatment of differing factions.

What we wish to stress here is that if the *ummah* is to assert its presence fully, unity is a must. Furthermore unity requires peaceful coexistence among the community’s members, and mutual acceptance by those of them who differ with each other. Difference is not a momentary aberration but, rather, a perennial phenomenon within human societies. However, peaceful coexistence among Muslims is contingent upon a number factors, which include: respect by each Muslim for the sanctity of his or her fellow Muslims (the sanctity of their lives, their property, and their honor), fairness, and equal rights and responsibilities. These are the mainstays of peaceful coexistence within the framework of Islamic community life. Indeed, no other factors are eligible for consideration in formulating a covenant of peace among Muslims. Thus, for example, there is no place for judgments concerning who is, and is not, a believer, or who is destined for Heaven and who for Hell. As al-Shāfiʿī stated, “Even if a group of people were to express the views of the Kharijites, avoiding others and labeling them infidels, this would not make it permissible to take up arms against them. They would still enjoy the sanctity afforded by faith and, as such, would not have arrived at the state in which God would command the Muslim community to fight against them.”¹⁸

Similarly, al-Shāfiʿī wrote, “ʿAbd al-Raḥmān Ibn al-Ḥasan Ibn al-Qāsim al-Azraqī al-Ghassānī informed us that he heard his father say that ʿAdī had written to ʿUmar Ibn ʿAbd al-ʿAzīz, saying, ‘The Kharijites among us curse you.’ ʿUmar replied, ‘If they curse me, then either curse them in turn, or pardon them. If they draw their swords against you, then draw yours against them. And if they strike you, strike them.’”

On the same topic, al-Shāfiʿī wrote:

On the basis of all this we say: Muslims may not shed their blood. So long as they are deemed Muslims and they wage jihad against their [the Muslims'] enemies, they may not be denied a share of the *fay*,¹⁹ nor may they be denied access to the mosques and marketplaces. If they bear witness to the truth while exhibiting these behaviors, whether or not they have actually believed yet, and if they conduct themselves in a chaste and prudent manner, then the judge must make inquiries about them. If they deem it permissible to testify on behalf of someone who adheres to their school of thought by confirming things they have not themselves heard or seen, or to inflict bodily harm on those who disagree with their views or rob them of something via false testimony, then their testimony will be invalid. If, on the other hand, they do not deem such behavior permissible, then their testimony will be valid. Thus, when it comes to heretics or those with unorthodox views who commit wrongdoing, no distinction is to be made between them and others with respect to their rights and responsibilities.²⁰

Among the Ibadites, an early example of openness and understanding toward those with differing views on doctrinal matters was Imam Sālim Ibn Dhakwān al-Hilālī (d. 101 AH/720 CE). Al-Hilālī was a member of the delegation which, according to an account passed down by the Ibadites, went to meet with Caliph ʿUmar Ibn ʿAbd al-ʿAzīz (d. 101 AH/720 CE). Referring to those who disagreed with his school of thought as “our people,” al-Hilālī wrote:

We support intermarriage and mutual inheritance with our people. These practices should not be forbidden so long as they pray with us towards the same *qiblah*... We do not support the practice of falsely accusing someone who turns for prayer in the same direction that we do. Many of the Kharijites deem it permissible to level false accusations of sexual conduct against those who differ with their views even though they know them to be innocent. They may never have even spoken to them before, and know nothing about their character or situation. God has declared, “O you who have attained to faith! Be ever steadfast in your devotion to God, bearing witness to the truth in all equity; and never let hatred of anyone lead you into the sin of deviating from justice” (*Sūrat al-Mā'idah* 5:8). Nor do we deem it necessary to separate ourselves geographically from those who differ with our views, as our circumstances are not comparable to those

faced by the Prophet (ṢAAS) and his Companions, who were obliged to distance themselves from their opponents by migrating from Makkah to Madinah.... We urge rulers who differ with our views to be conscious of God, not to succumb to their fancies and illusions, not to persist in any sin once they have become aware of it, and to distribute charity (*al-ṣadaqah*) and booty collected without warfare (*al-fay'*) in the manner God has commanded them to. ... As for the Kharijites, we urge them to be conscious of God, not to go to excess in their religion, and not to turn away from the path of those whom God has guided aright before them.... Coming to the Murji'ites, we likewise urge them to be conscious of their Lord, and to place their trust in those who believe in the rightful rule of the Muslims who lived before them... As for those who stir up strife and sedition, we call upon them to be conscious of God, to acknowledge the sovereign rule of the Qur'an, to be certain of its promise, and to ostracize and fight against wrongdoers until they repent ... Regarding those with heretical views, we urge them to be conscious of God, and to strive to emulate the example of the Prophet (ṢAAS) even if they find themselves inadequate to the task....As for individuals who accommodate those who differ with our teachings, we urge them to be conscious of God their Lord, not to place their people's judgment above His, and not to cling to a covenant with people who disobey Him. For God allows no one to covenant with those who disobey His command.²¹

Al-Wārijlānī states in *al-Dalīl wal-Burhān*, “In relation to those who differ with him, the Commander of the Faithful should call upon them to abandon whatever is at the root of their error. If they respond, they will be rightly guided, and they will become brothers of ours with whom we share in the same rights and responsibilities.”²² Concerning the uprising led by ʿAbd Allāh Ibn Yaḥyā Ibn ʿAmr al-Kindī (d. 90 AH/709 CE) out of Hadramaut against the Umayyads, Abū Ḥamzah al-Mukhtār Ibn ʿAwf delivered a speech to the people of Makkah in which he stated:

Hear ye! The people belong to us, and we belong to the people. [The only individuals who would be excluded are] the idol worshipper, the tyrannical ruler, and the heretic who invites others to embrace his heresy.²³ If people

refrain from embracing it, we invite them to allow us to establish God's rule over them. If they do so, they shall enjoy the same rights that we do, and bear the same responsibilities. Not included, however, shall be the right for us to ask God's forgiveness of them so long as they persist in their error.

Justice shall encompass us all. They shall be entitled to *al-fay'*, booty from warfare (*al-ghanā'im*), and alms, all subject to their respective legal provisions. They, like other Muslims (that is to say, Ibadites), shall also be entitled to our protection from injustice.... Those of them who refuse to carry out their duties, we will discipline by restraining them and returning them to the right path. If their remissness goes beyond mere negligence of their duties [to active misconduct], we will deem it permissible to fight against them. If, however, they acknowledge their duty to obey us, restricting themselves to their own lands and enforcing their legal rulings among themselves alone, we shall leave them in peace so long as this does not conflict with a Qur'anic text with a definitive and unambiguous meaning or an established practice of the Prophet, and we shall seek judicial redress against them on behalf of those among them who are acting in accordance with their rights and responsibilities. ... If we accuse them of wrongdoing of any kind, we must present evidence to them of the wrongdoing they have committed and warn them to prepare for war on an equal footing... We must not allow them to commit reprehensible acts openly among us ... and we must prevent them from introducing any new practice among us unless it is something that entails no harm. Hence, we have the choice ... If we are in a position of authority over them, we shall put to death any of them who has slain a particular individual rather than deeming them combatants. Otherwise, we shall kill [only] those in authority over them, but leave the general populace in peace. The only common people we would target would be those among them who have cast aspersions on the religion, killed Muslims, or led their enemies to them. Such people, should we gain power over them, shall be put to death even if they repent – unless they repent before we overpower them, in which case we will pray for their slain and bury them [with other Muslims]. We will also inherit from one another subject to the relevant legal provisions, and share together in property, and mutually recognized sanctity.

In a section entitled, “Particular issues relating to those living under the rule of those who disagree [with Ibadite teaching],” al-Wārijlānī states:

Every ruling concerning which Muslims [that is, the Ibadites] have not agreed definitively that they [those who differ with them doctrinally] may be excused for violating, and every ruling which they have confirmed based on witnesses and solemn oaths shall apply to us and against us ... and we are entitled to treat them in keeping with all rulings which they have confirmed based on witnesses and solemn oaths for or against us ... However, in relation to rites of worship such as ritual prayer, zakah, fasting, and the pilgrimage to Makkah, there is no room for any departure from the consensus...”²⁴

Among the Zaydites, we find that those who branded individuals who differed with them as sinners or infidels did not view this as a violation of justice. On the subject of declaring someone an infidel on the basis of his interpretation of texts, Imam Yaḥyā Ibn Ḥamzah (d. 746 AH/1346 CE) wrote in connection with the conditions one must meet in order to qualify as a muezzin:

Those who have proven themselves infidels through interpretation include the proponents of fatalism and anthropomorphism, as well as the Rafidites and the Kharijites. Those who pray toward the *qiblah* in Makkah are of differing opinions on whether such groups should be considered infidels, with some of them ruling them to be unbelievers, and others ruling them to be Muslims. Those judging the fatalists and anthropomorphists to be infidels include the imams descended from the Prophet (ṢAAS), as well as the majority of the Muʿtazilites and the Zaydites. What we mean by declaring someone an infidel based on his interpretations is that such people recognize God Almighty, the divine attributes and wisdom, the prophethood of Muhammad and the Islamic law; they pray towards Makkah, they marry in keeping with the Prophetic Sunnah, and they acknowledge the truthfulness of the Apostle and of the Qurʾan. Nevertheless, they hold beliefs which require that they be classified as infidels.

Imam Yaḥyā, however, holds that such individuals are not to be deemed infidels, his reason being that the textual evidence mentioned in support of the opposing position can be interpreted in numerous ways. Generally speaking, both those who rule them to be infidels and those who rule them to be believers recognize their call to prayer as valid and accept their reports and testimony. In essence, then, their fatalistic, anthropomorphist beliefs do nothing to invalidate their claim to be Muslims and believers.²⁵ In still another argument in support of the position that such people may not be deemed infidels based on their interpretations of Islamic texts, Imam Yaḥyā writes, “They have examined [the evidence], but they have failed to understand it properly. Even so, given the earnest efforts they have expended, their erroneous conclusions exempt them from being branded infidels, and to do so would be a breach of justice.”²⁶

In his book *Īthār al-Ḥaqq ‘alā al-Khalq*, Ibn al-Wazīr quotes Imam al-Dā‘ī ilā Allāh Yaḥyā Ibn al-Muḥsin, who wrote in *al-Risālah al-Mukhrisah li Ahl al-Madrasah* (The Treatise to Silence Adherents of the School):

Support or allegiance [which is prohibited] must not involve assent to a view on something which is subject to interpretation, since many members of the Prophet’s household are known to have followed or assented to unjust rulers in this or that respect for some justifiable reason. Al-Nāṣir [al-Kabīr] (d. 304 AH/916 CE) demonstrated support for many such rulers, while Ja‘far al-Šādiq (d. 148 AH/765 CE) led them in the Friday prayers, and al-Ḥasan Ibn ‘Alī Ibn Abī Ṭālib (d. 97 AH/715 CE) prayed at their funerals.²⁷

Ibn al-Wazīr also cites a statement by al-Imām al-Mahdī Muḥammad Ibn al-Muṭahhar to the effect that, “the kind of support or allegiance which is prohibited by consensus is to love the unbeliever for his unbelief, and the disobedient for his disobedience, not for some other reason, such as having brought benefit to others or protected them from harm, or some other worthy action or quality.”

As noted earlier, the Twelver Shi‘ites deem a person to be Muslim in outward terms based on a simple utterance of the two confessions of faith (“There is no god but God, and Muhammad is the Messenger of

God”), so that whatever legal rulings apply to Muslims likewise apply to him or her. The most important of these rulings is that allowing such a person to marry a Muslim, particularly in view of the fact that inter-marriage among people of differing sects has been prohibited during periods of deep-seated hatred among Islamic subgroups, even among different Sunnite sects. ‘Abd Allāh Ibn Sinān, for example, related that he had once asked Imam Ja‘far al-Šādiq by what criterion a man would be deemed a Muslim such that he could marry a Muslim woman and inherit from another Muslim, and such that his life would be held sacred by other Muslims. Ja‘far al-Šādiq replied, “If he professes Islam outwardly, his life will be deemed sacred, and he will be allowed to marry a Muslim woman and to inherit from another Muslim.”²⁸ Similarly, ‘Abd Allāh Ibn Sinān related as follows: “I heard Abū ‘Abd Allāh [al-Imam Ja‘far al-Šādiq] say, ‘I adjure you to be conscious of God Almighty, and not to bear people on your shoulders lest you be degraded and humiliated. However, as God says in His Book, “speak unto all people in a kindly way” (*Sūrat al-Baqarah* 2:83).’” To this he added, “Visit the sick among you, attend their funerals, bear witness for them and against them, and pray with them in their mosques.”²⁹

THIRD: PRAYER UNITES

If the principle purpose underlying communal prayer is not to bring people to a single geographical location per se but, rather, to foster a spirit of unity, cohesion, cooperation and, above all, peace, then communal worship is not a political expression of submission to an unjust ruler, nor a way of forming partisan blocs. On the contrary, such understandings of communal prayer have not only robbed it of its unifying role, but have turned it into an instrument of divisiveness. When conflicts arise, the act of standing reverently before the one God, facing in a single direction of prayer, and reciting a single Qur’an can help extinguish the flames of deep-rooted hostility and replace them with a spirit of brotherhood, mutual compassion and solidarity. Otherwise, what benefit is to be had from crowding ourselves into a cramped space in order to worship? Communal prayer endows us with a consciousness of what is right. If it does not afford an opportunity for self-

examination and the softening of hearts, then at the very least, it serves as a reminder of Muslims' rights over each other as fellow believers and countrymen answerable to the one God. For unless we understand these deeper meanings of communal prayer, turning it instead into a pretext for partisanship, we have fallen into true heresy.³⁰

This then is the significance to be discerned in the communal prayer. Moreover, if we bear this significance in mind, this should enable us to overcome a concern shared by the adherents of many sects, namely, that if they agree to pray behind, or next to, someone who holds unorthodox or heretical beliefs, they will be condoning or even encouraging this person's error. It should be remembered that communal prayer was established within the framework of the entire Muslim community, not that of a single faction or sect. The communal prayer also needs to be held separate from the notion of pledging allegiance to a ruler, a party, or some other political entity. As for the acceptability of one's prayer, this is between the individual worshipper and God, who knows the secrets of the heart, and who alone perceives the degree of sincerity and humble devotion with which each worshipper comes before Him.

The writings of jurists from a number of Muslim schools of thought reflect an appreciation of this inward dimension of communal prayer. In this connection, al-Nīsābūrī wrote:

Scholars have held differing views on whether one should pray behind the adherent of some unacceptable, heretical teaching. An example of someone who approved this practice was al-Ḥasan al-Baṣrī (d. 109 AH/728 CE), who said, "Pray behind [the heretic], remembering that he alone is responsible for his heresy." Al-Shāfi'ī likewise held the view that a prayer performed behind someone with whom one disagrees will merit a reward even if the person leading the prayer is not in a praiseworthy religious state. Similarly, the Companions of the Messenger of God (ṢAAS) used to pray behind people whom they knew to have dubious ties to the ruler of the day.³¹

This position is confirmed by statements of Ibadite scholars to the effect that performance of the communal prayer in congregations of worshippers who hold differing theological views is actually a religious

duty. In refutation of the views of Hārūn Ibn al-Yamān – an adherent of the Sha‘bite (al-Sha‘biyah) subsect of the Ibadites which held that praying behind imams holding views that differed from those of the Ibadites, though permissible, was nevertheless best avoided – Ibadite scholar Maḥbūb Ibn al-Raḥīl stated:

This attitude is contrary to the views of Muslims who preceded us, and an abandonment of the practice adhered to by the earliest (Ibadite) Muslims, as well as trustworthy predecessors of theirs whose statements are taken as authoritative.... There was no disagreement or dispute among them over the fact that praying the Friday communal prayer behind imams who disagreed with their views was a religious obligation which they were to fulfill eagerly and for which they were to prepare themselves by taking a ritual bath, donning their best attire and perfuming themselves in recognition of the significance and gravity of the rite, and as an expression of their hope for God’s reward.³²

In support of his argument, Ibn al-Raḥīl then cites specific incidents illustrating early Ibadites’ conscientious attendance of communal prayer with those who disagreed with their views.

It may be worth noting in this context that the Sha‘bite subsect of the Ibadites did not, for the most part, prohibit prayer behind Muslims who disagreed with their views, and although they deemed it preferable to refrain from praying behind unjust rulers in particular, they nevertheless viewed even this practice as meriting a divine reward. Similarly, Imam Aḥmad Makkī al-‘Āmilī (the First Martyr) not only deemed it permissible to attend the communal prayer with people with whom one disagreed, but went so far as to stress the desirability of this practice. In his book, *al-Bayān* (The Clear Declaration), he quoted al-Ṣādiq as having said, “He who prays in his own mosque, and then comes to the mosque of those [with whom he disagrees] and prays with them, will acquire their good deeds,” and, “If you pray with them, you will be forgiven for as many sins as there are people who disagree with you.”³³

Contemporary researcher Ahmad ‘Abidini³⁴ has compiled a number of accounts which encourage the practice of praying in congregations that differ with one’s own views. One such account, which ‘Abidini

describes as authentic, reads, “Ḥammād Ibn ‘Uthmān quoted Abū ‘Uthmān as saying, ‘Whoever prays with them [those who hold views that differ from his own] in the first row will be as one who had prayed in the front row behind the Messenger of God (ṢAAS).’”³⁵ After citing other accounts which convey a similar message, ‘Abidini offers the following reflection:

There are numerous accounts which fall within this category... Their powerful authentication, indeed, their overall agreement in spirit, is undeniable. However, the fundamental point here is encapsulated in the question: Why is such a tremendous reward attached to praying with those with whom one disagrees? Why is praying behind an imam of some other doctrinal persuasion equal in merit to praying behind the Messenger of God (ṢAAS) himself? And why is the person worshipping behind him comparable to a warrior wielding the sword in the way of God? Isn’t the basic aim here that of preserving Islamic unity and, as a consequence, preserving the Islam which the Messenger of God (ṢAAS) came to bring, whose foundation he laid, and whose breaches he secured?³⁶

In a discussion of prayer behind fellow Muslims who hold different views from one’s own and the various opinions on this matter among the Zaydites – who viewed them as everything from infidels, to inveterate sinners based on their interpretation of the religion, to blameless believers – Imām Yaḥya Ibn Ḥamzah concluded that what mattered was that the person’s religion not be tainted by the commission of major sins (that is, sins involving not interpretations of the Qur’an and the Sunnah, but immoral conduct) or a failure to act justly. If someone fulfilled this condition, it was Imam Yaḥyā Ibn Ḥamzah’s view that not only would it be permissible to pray behind him, but one’s prayer would merit a reward. He also addressed the matter of allowing oneself to be led in prayer by someone with whom one disagreed on juristic questions relating to ritual purity and prayer – questions over which entire congregations had been known to split. On this issue Imam Yaḥyā Ibn Ḥamzah stated, “According to the most powerfully attested view from the standpoint of Islamic law and legal theory, one may pray behind someone whose school of thought differs from one’s own, and

this whether the person being led in prayer is aware of the difference or not.”³⁷ He also cited arguments in support of this opinion.

Despite the vociferous doctrinal tensions and sectarian conflicts that dot the *ummah*'s historical landscape and plague us to this day, we nevertheless encounter examples down the centuries of successful attempts at scaling the formidable walls that have been erected between one sect or school of thought and another. The break among these differing groups has never been as complete as is often imagined; rather, there have long been points – indeed, broad areas – of contact and mutuality among them. Hence, the call to unity in the modern day is not some anomalous development out of sync with the Islamic tradition. On the contrary, the roots of this unity run deep in Islamic soil. However, they have suffered from long years of neglect, and need to be nurtured and allowed to give rise to new life.

FOURTH: ACADEMIC EXCHANGE AS A UNIFYING FACTOR

The first figure we wish to highlight here is Jābir Ibn Zayd (d. 104 AH/722 CE), the venerable Successor of whom Ibn ʿAbbās once said, “If the people of Basra had adopted the view expressed by Jābir Ibn Zayd, it would have enhanced their knowledge of the Book of God.”³⁸ As a leading jurist not only for the Ibadites, but for the entire *ummah*, Jābir Ibn Zayd served as a bridge among parties in conflict. Abū ʿUbaydah Muslim Ibn Abī Karīmah, the second Ibadite imam following Jābir, once declared, “The hadith scholar who has no guide in jurisprudence will go astray. And had God not bestowed Jābir Ibn Zayd upon us in His grace, we ourselves would have gone astray.”³⁹

This truth is beautifully illustrated in the relationship between Jābir Ibn Zayd and al-Ḥasan al-Baṣrī (d. 110 AH/728 CE). So deep was the bond between these two men that when Jābir Ibn Zayd lay dying, his only wish was to see al-Ḥasan al-Baṣrī, who was in hiding at the time from the notorious Governor of Iraq, al-Ḥajjāj Ibn Yūsuf al-Thaqafī. Despite the danger in which he knew it would place him, al-Ḥasan al-Baṣrī went to visit Jābir, and was the last person to see him alive. Consequently, the Ibadites view [Jābir Ibn Zayd] as a model for those who take a middle position [between conflicting parties], thereby

opening the door to communication with those who hold differing opinions from one's own as happened with 'Umar Ibn 'Abd al-'Azīz.⁴⁰

Imams Abū Ḥanīfah and Mālik

In *Akhhār Abī Ḥanīfah wa Aṣḥābibi* (Reports on Abū Ḥanīfah and His Companions), al-Ṣaymarī (d. 436 AH/1035 CE) tells us that Imam Mālik was once asked about a legal matter, whereupon he issued a fatwa. However, after being informed of Abū Ḥanīfah's opinion on the same matter, he retracted his fatwa and ruled in keeping with Abū Ḥanīfah's view. We have another account passed down by al-Darāwardī, who said, "Once, after the final evening prayer, I saw Mālik and Abū Ḥanīfah engaged in a scholarly discussion at the Prophet's mosque. Whenever either of them learned of the view that his friend embraced and applied, he would express his reservations, yet without arbitrariness or fault-finding. And so on they went until the next morning, when they prayed the dawn prayer in the spot where they had been sitting."⁴¹

Imam Abū Ḥanīfah and the imams descended from the Prophet

Imam Abū Ḥanīfah was known to enjoy similarly cordial relations with the imams descended from the Prophet. Speaking of Imam Zayd Bin 'Alī, Abū Ḥanīfah once said, "Never have I met anyone more ready with a reply than Zayd Ibn 'Alī..."⁴² Nor was the relationship between the two men restricted to the academic sphere, as Abū Ḥanīfah backed Imam Zayd's uprising against Umayyad Caliph Hishām Ibn 'Abd al-Malik with both monetary support and legal rulings. Abū Ḥanīfah also narrated hadiths on the authority of Imam Ja'far al-Ṣādiq (d. 765 AH/1364 CE), son of Imam al-Bāqir Muḥammad Ibn 'Alī. These accounts were included by his students, Muḥammad Ibn al-Ḥasan and Abū Yūsuf, in their respective books despite their opposition to the use of analogical reasoning for which Abū Ḥanīfah had become so well known.⁴³

This dispute is reflected in a contradiction between two versions of an account of a debate that took place between Abū Ḥanīfah and another scholar. According to the account passed down by Hanafite sources, the debate was between Abū Ḥanīfah and Imam Muḥammad al-Bāqir, whereas the version passed down by Twelver Shi'ite sources

describes the debate as having taken place between Abū Ḥanīfah and Imam Jaʿfar al-Ṣādiq.⁴⁴

Imam Mālik Ibn Anas used to quote from Imam Jaʿfar, as did Sufyān Ibn ʿUyaynah.⁴⁵ Sufyān al-Thawrī, Iraq’s most prominent hadith transmitter, also used to attend his sessions, intent on not missing the honor of receiving accounts from him. Speaking of this Sufyān al-Thawrī once said, “When I met al-Ṣādiq, son of al-Ṣādiq Jaʿfar Ibn Muḥammad, I said, ‘O son of the Messenger of God, I am at your service.’”⁴⁶

The schools of legal opinion and tradition

Despite the tugs-of-war that raged between the schools of opinion and tradition, we find hints in some narratives that there were dissenting voices which sought to give credit to the other side where credit was due. One such hint is found in an account transmitted by ʿAbd al-Raḥmān Ibn Mahdī, who said, “It is the knowledgeable man who considers the views of Abū Ḥanīfah.”⁴⁷ Imam Aḥmad considered that al-Shāfiʿī had helped to bridge the gap between the proponents of opinion and the proponents of tradition. For although he himself was a scholar of jurisprudence, al-Shāfiʿī used to come to Imam Aḥmad to hear hadiths from him, and to consult him concerning hadiths he had heard elsewhere as to whether they were strong or weak, and which ones he should and should not accept.⁴⁸

In this connection, Ishāq Ibn Ḥanbal – Imam Aḥmad Ibn Ḥanbal’s paternal cousin – wrote saying, “al-Shāfiʿī used to come here to see Abū Abd Allāh [Aḥmad Ibn Ḥanbal], and they would spend the better part of the day studying jurisprudence together and discussing the hadiths that al-Shāfiʿī had received from Abū ʿAbd Allāh to include in his books.”⁴⁹

The Zaydites and the Hanafites

A similar rapport developed between Zaydite Imam Muḥammad Ibn al-Ḥasan Ibn al-Qāsim (d. 360 AH/971 CE), and Ḥanafite scholar Abū al-Ḥasan al-Karkhī (d. 340 AH/951 CE). Abū ʿAbd Allāh Imam Ibn al-Dāʿī, who studied Ḥanafite jurisprudence under Shaykh Abū al-Ḥasan in Baghdad, would ask his companions to test him on what he had learned. So they would find him obscure legal questions to resolve, and

in the answers he wrote, he never once disparaged the Ḥanafite school of jurisprudence.⁵⁰ Over the years, the two men's mutual respect and admiration grew by leaps and bounds. Qadi Ibn al-Akfānī related, "One day we were in Abū al-Ḥasan al-Karkhī's assembly, and Ibn al-Dā'ī was present as usual. When Abū al-Ḥasan finished the lesson, he rose and left the mosque, and Ibn al-Dā'ī followed him out. When Abū al-Ḥasan turned and saw Ibn al-Dā'ī, he said, 'O noble one, were it not for the fact that there is no virtue in leaving the mosque, I would not have left ahead of you!'"⁵¹ Al-Ṣaymarī tells us in *Akhhār Abī Ḥanīfah wa Aṣḥābihi* that when Abū Ḥanīfah passed away, Ibn al-Dā'ī was intent on attending his funeral and praying over him.⁵²

Imam Ibn al-Dā'ī also developed close ties with Mu'tazilite scholar Abū 'Abd Allāh al-Ḥusayn Ibn 'Alī al-Baṣrī. The two men enjoyed a relationship marked by mutual respect and appreciation despite their disagreement over the question of the caliphate (as Ibn al-Dā'ī held that 'Alī Ibn Abī Ṭālib had been identified in Islamic texts as the rightful caliph, while Abū 'Abd Allāh al-Baṣrī held the opposite view). They would spend long hours studying together, and whenever the topic of the caliphate came up, each of them would do his best to demonstrate the rightness of his own point of view, but without arrogance or obstinacy, and without allowing the disagreement to turn into a quarrel. Abū 'Abd Allāh al-Baṣrī used to tell his students, "There are two issues you should not speak of in Sharīf Abū 'Abd Allāh's presence. One is the matter of the text [that is, whether 'Alī Ibn Abī Ṭālib is explicitly named the successor to the Prophet in an authoritative Islamic text], and the second is the share of the spoils to be set aside for the Prophet's family after his death."⁵³

Ibn 'Asākir (d. 571 AH/1175 CE) describes a particular scene that brought together a number of leading jurists in fourth-century Iraq. Relating an account he heard from al-Sharīf Abū 'Alī Muḥammad Ibn Aḥmad Ibn Abī Mūsā al-Ḥāshimī, Ibn 'Asākir writes, "In 370 AH, I attended a gathering at the house of our shaykh, the leading Hanbalite Abū al-Ḥasan 'Abd al-'Azīz Ibn al-Ḥārith al-Tamīmī. Also in attendance were leading Malikiite scholar Abū Bakr al-Abharī, leading Shafi'ite Abū al-Qāsim al-Dārikī, leading hadith scholar Abū al-Ḥasan Ṭāhir Ibn al-Ḥasan, Shaykh Abū al-Ḥasan Ibn Sam'un, chief among

preachers and ascetics, leading scholastic theologian Abū ‘Abd Allāh Ibn Mujaḥid, and his companion, Abū Bakr al-Bāqillānī.” Given these scholars’ prominence and close association, Ibn ‘Asākir remarked, “If the roof had fallen in on them, no one the likes of them in all of Iraq would have been left to rule on a legal case.”⁵⁴

The Twelver Shi‘ites and the Zaydites

Despite their disagreement over the question of the caliphate, Twelver Shi‘ite and Zaydite scholars adhered to the most refined etiquette in their communications with each other. This positive spirit can be observed in the response penned by al-Sharīf al-Murtaḍā (d. 436 AH/1044 CE) – a leading Twelver Shi‘ite scholar – to his maternal grandfather Imam al-Nāṣir the Great, or al-Aṭrūsh (a leading Zaydite in Daylam, now northern Iran) in his treatise entitled, *al-Masā’il al-Nāṣiriyyāt*. Al-Murtaḍā opens this work as follows:

I have pondered the various issues raised by al-Nāṣir’s jurisprudence (may God have mercy on him) and replied to the questions which have been asked about them, clarifying their various aspects and making mention of those who agree and disagree on them. Of all people, I am the best suited and most entitled to present the thought of this skilled and virtuous scholar, may God honor him, since he was my maternal grandfather... As for Abū Muḥammad al-Ḥasan Ibn Abī al-Ḥusayn Ahmad, also known simply as al-Nāṣir (the younger, as he was his grandfather), and the commander of his father’s army (his father being al-Nāṣir the Elder) ... and who died in Baghdad in 368 AH/978 CE, he was a good, pure-hearted man with nothing but the kindest intentions, the finest of morals, and the most generous manner... Abū Muḥammad al-Nāṣir took over leadership of the ‘Alawites in the City of Peace (Baghdad) when my father (may he rest in peace) retired from the position in 362 AH/973 CE ... As for Abū Muḥammad al-Nāṣir the Elder, who was al-Ḥasan Ibn ‘Alī, his asceticism, his understanding of jurisprudence, and the benefit he graciously bestowed through his knowledge were plain for all to see. It is he who spread Islam in the land of Daylam, whose inhabitants found right guidance after having been lost in error, turning away from ignorance thanks to his prayers of supplication, his praiseworthy way of life and his countless virtues.

Al-Murtaḍā then goes on to cite the account of Abū al-Jārūd Ziyād Ibn al-Mundhir, who said, “When the fifth Shia Imam Muḥammad (Abū Jaʿfar) al-Bāqir (d. 57 AH /733 CE) was asked, ‘Which of your brethren is dearest to you and the most virtuous?’ his reply was, ‘Zayd – he is the tongue with which I speak.’”⁵⁵ In a similar vein, Shaykh Muḥammad Vaez-Zadeh Khorasani describes the approach taken by al-Sharīf al-Murtaḍā in *al-Nāṣiriyyāt*. He writes:

This book, which was penned by its author in allegiance to his grandfather al-Nāṣir despite the fact that they belonged to differing schools of thought, manifests a spirit of understanding and peaceful outreach between two worlds: one Twelver Shiʿite and the other, Zaydite ... It presents not only the approaches of the Twelver Shiʿites and the Zaydites, but those of most other schools as well ... There are eighty-one points of agreement with the Zaydites, while the points of disagreement come to ninety-six... As he does in his other books, particularly in *al-Shāfi fi al-Imāmah* (The Comprehensive Exposition of the Imamate), the author observes the utmost politeness toward others, never attacking anyone or describing anyone’s views as heretical ... Concerning Question 69, [his grandfather] al-Imam al-Nāṣir asserted that “repeating the phrase, ‘Prayer is better than sleep’ twice during the call to the dawn prayer is a heretical innovation.” In comment, al-Murtaḍā states, “This is correct, and it is agreed upon unanimously by our companions.” To this he adds, “Nor is there any dispute over the fact that if someone omits this practice, he deserves no blame or criticism, since some jurists view it as an emulation of the Sunnah, while other others do not. This, given that its omission is not blameworthy, and given that one might have reason to fear that it is a heretical innovation or act of disobedience for which one might deserve blame, it is better omitted from an Islamic legal point of view.” On the subject of wiping one’s feet before ritual prayer, he writes, “As we understand it, the obligatory practice is to wipe the feet, not to wash them; hence, washing them will not merit a reward.” However, he never once uses the word “heretical innovation” either here or in his discussions of any other questions that are sensitive or controversial between Twelver Shiʿites and Sunnis.⁵⁶

Al-Murtaḍā devotes the same tactful treatment to juristic questions

related to the (greater) imamate, which is a fundamental principle of Twelver Shi'ite doctrine. Concerning Point 98, for example, which reads, "No one who fails to meet the minimal requirements of righteousness (*al-fāsiq*) may serve as imam," al-Murtaḍā states, "This is correct. In fact, this is one of the few issues on which all members of the Prophet's household agree...."⁵⁷ In so saying, the author acknowledges the existence of disagreements among the members of the Prophet's household overall, and over the matter of the imamate in particular, yet without viewing these disagreements as detracting from the status of any one group in relation to the others. Further, one notes the kindness and politeness with which he addresses the point of contention, and with which he corrects his grandfather's views.

On Point 207, in relation to which al-Nāṣir has ruled that "a later imam may not contradict an earlier one," al-Murtaḍā remarks, "This stance is inconsistent with our principles, one of which states that the imam is infallible and that, therefore, he does not judge based on personal interpretations which might be subject to dispute."⁵⁸

Al-Nāṣir's ruling on Point No. 205 is that "if the imam errs in or forgets some of his rulings, his imamate will not be invalidated." To this, al-Murtaḍā responds saying, "this ruling is not in keeping with our teachings, since we hold that the imam must be immune to the slightest error just as the prophets were ... However, were we to adopt the position of those who do not stipulate the infallibility of the imam, this ruling would be valid. According to their teachings, the imamate would not be invalidated by a minor error, but only by a major sin. However, since this ruling is based on a teaching we do not espouse, there is no point in preoccupying ourselves with it."⁵⁹ Consider, once again, the tactful manner in which al-Murtaḍā corrects his grandfather and addresses the point of disagreement.

Coming now to Question No. 206, al-Murtaḍā states unequivocally that Twelver Shi'ite teachings conflict with the stance al-Nāṣir has taken while agreeing with other schools of thought. He writes:

[According to al-Nāṣir,] booty shall be taken from the possessions of the outlaw armies. However, this is incorrect, since the possessions of wrongdoers within the Muslim community may not be taken as booty and divided

up as is done with the possessions of those with whom the Muslim community is at war, and I know of no disagreement on this point among Muslim jurists. The unanimously recognized point of reference in this connection is the ruling issued by the Commander of the Faithful regarding the combatants at al-Baṣrah ... However, jurists have disagreed over whether it is permissible to make use of such wrongdoers' mounts and weapons if war is declared. Al-Shāfi'ī held that it was not permissible, while Abū Ḥanīfah stated, "It is permissible so long as war is already ongoing. And in my view, their own weapons may be used to fight against them provided that they are not actually taken possession of."⁶⁰

Note the impartiality with which the author reviews each issue, citing arguments to disprove one opinion and support another while taking the viewpoints of jurists from other schools of thought into consideration, since his aim is to search out whatever perspective on the question at hand is soundest and closest to the truth. Despite his clear affection for his grandfather, al-Sharīf al-Murtaḍā has steered clear of the petty doctrinal quarrels that mar so many of the books written in refutation of those with differing theological or juristic stances.

Ibn Taymiyah and the Twelver jurist Jamāl al-Dīn Ibn al-Ḥusām

Another example of the refined etiquette to which early scholars adhered despite their widely diverging points of view may be observed in the relationship between Shi'ite scholar Jamāl al-Dīn Ibn al-Ḥusām (d. 736 AH/1336 CE)⁶¹ and a number of scholars who held views opposed to his, foremost among them being Ibn Taymiyah (d. 728 AH/1328 CE). It should be remembered that Ibn al-Ḥusām was a student of Shi'ite scholar Ibn al-Muṭahhar al-Ḥillī, author of *Minhāj al-Karāmah fī Ma'rifat al-Imāmah* (The Dignified Path to Knowledge of the Imamate), which was rebutted by Ibn Taymiyah in his *Minhāj al-Sunnah al-Nabawiyah* (The Path of the Prophetic Sunnah). Al-Ṣafadī had this to say about the encounter:

I met with Ibn al-Ḥusām in the village of Majdal Selm in the year 722 AH, and we had a lengthy and lively debate over the possibility, or impossibility, of the beatific vision. He was of pleasing appearance, gentle-mannered and

self-controlled, and the people in those parts held him in the highest regard. Al-Qāḍī Shihāb al-Dīn wrote about him saying, “My last contact with him was in the year 736 AH. After having met frequently with him at the gatherings of our shaykh Taqī al-Dīn Ibn Taymiyah (God have mercy on him), he took a lengthy absence, and I wrote to him. Ibn al-Ḥusām would often attend Ibn Taymiyah’s gatherings and seek enlightenment from him. We would debate with him in the shaykh’s presence, and we would spend long hours together, studying and listening to lectures.”⁶²

Al-Ṣafadī also makes mention of the fact that al-Qāḍī Shihāb al-Dīn and Ibn al-Ḥusām later exchanged lines of poetry which bespeak the intimate friendship and mutual respect which these two scholars had come to share. In the verses that follow, Ibn al-Ḥusām bemoans the suffering he endured when, because of his doctrinal stances, his house was raided and his books were taken away:

If the practice of jurisprudence were a transgression,
I would desist for fear of imprisonment.

But what wrong has the jurist committed against you
That he should be thus censored and maligned?

From the privacy of my own home,
What harm can I do, whether as ‘Alī’s supporter or his detractor?

In purity of heart I follow the Messenger of God, his two grandsons,
and the Radiant One, Madonna of the Arabs.

God is my witness that love of the
The Prophet’s Companions has filled my soul.⁶³

The foregoing examples will, I hope, make it clear that the way to prevent fanaticism and bigotry is through dialogue founded upon sound argument and impartial, open-minded treatment of points of difference. Let us conclude this section with a statement by Imam Shams al-Dīn al-Dhahabī in which he lays the foundation for the acceptance and proper appreciation of those with whom we disagree. He wrote:

Extremists – be they Mu‘tazilites, Shi‘ites, Hanbalites, Ash‘arites, Murji‘ites, Jahmites, or Karramites – have indeed multiplied and filled the Earth. However, among them there are intelligent, pious and knowledgeable individuals. May God pardon and forgive all who acknowledge the divine oneness, direct us away from whimsical fancy and harmful innovation, and grant us a pure love for the Prophetic Sunnah and those who follow it. We ask for the grace to love the learned, their adherents, and their praiseworthy qualities without thereby loving the harmful innovations to which they may have been drawn based on facile interpretations, remembering that what matters is an abundance of virtue.⁶⁴

Why communicate?

The reason communication is so vital is that our allegiance should be to sound argument rather than passive, uncritical reliance on the views of those who preceded us. Dialogue among the adherents of differing schools of thought should be motivated not only by the desire to promote Islamic unity, but even more fundamentally by the desire to seek truth, which can only be discerned through the pursuit of reliable evidence.

Truth is indeed one. However, there are various paths which lead to it. No single path can bring us singlehandedly to truth’s door. Rather, this or that path may bring us closer to the truth in some respects, while distancing us from it in others. Hence, we approach the truth to the best of our ability, but no one can claim to have grasped it completely. It is God alone who, in the life to come, will deliver a verdict concerning the things about which we have differed on Earth. Accordingly each Islamic sect and school of thought down the centuries has had its strengths and weaknesses, and accordingly, their founders and leaders have communicated with each other in the realization that some other school’s arguments or proof might be more powerful or cogent than their own and that, as a consequence, they need one another’s perspectives.

It was his understanding of people’s need for each other in their pursuit of truth that led Imam Abū Ḥanīfah to say, “This stance of ours is an opinion which we would not oblige anyone else to accept. On the contrary, if someone has something better to offer, then let him present it.”⁶⁵ As we saw earlier, it was this attitude of openness and humility

that led Imam Mālik to retract a fatwa he had issued on a matter pertaining to ritual purity, and to adopt instead a fatwa that had been issued by Abū Ḥanīfah.⁶⁶

This concern to seek out the soundest arguments and evidence may be observed in the accounts recorded and passed down to us by the Ibadite Abū Ghānim Bishr Ibn Ghānim al-Khurāsānī in his *al-Mudawwanah al-Kubrā* (The Greater Law Code), where he adopts a comparable approach in the form of dialogues between him and his teacher, ‘Abd Allāh Ibn ‘Abd al-‘Azīz. Abū Ghānim notes the surprise he felt upon learning that Ibn ‘Abd al-‘Azīz sometimes adopted the views of Ibrāhīm al-Nakha‘ī (d. 96 AH/716 CE) over those of jurists belonging to his own school, such as Jābir Ibn Zayd and Abū ‘Ubaydah Muslim Ibn Abī Karīmah. When Abū Ghānim expressed his astonishment at this, his teacher replied, “You are a man who blindly imitates what others say simply because you and they belong to a single school of thought! But why should I not adopt a point of view that I find to be just, and which satisfies my doubts and distances me from error? I have confidence in Ibrāhīm’s opinion, so I rely on him.”⁶⁷

Likewise in his treatise entitled, *al-Masā’il al-Nāṣiriyyāt*, we find al-Sharīf al-Murtaḍā giving serious consideration to the views of people who differ with him. When, for example, he was seeking to formulate a ruling on a subsidiary issue on which no one within his juristic school had stated an opinion, he had no objections to adopting Imam al-Shāfi‘ī’s view on the matter. Commenting on this, al-Sharīf al-Murtaḍā wrote, “[Al-Nāṣir ruled that] there is no difference between water’s passing over ritual impurity, and ritual impurity passing over water.’ However, I have seen no explicit text or statement on this matter by any of my companions. As for al-Shāfi‘ī, he holds that there is a difference between water’s passing over ritual impurity, and ritual impurity’s passing over water. According to al-Shāfi‘ī, two measures of water⁶⁸ will be affected by a ritual impurity’s having passed over it, but not by the water’s having passed over an impurity.” Al-Sharīf al-Murtaḍā then goes on to note that although other jurists differ with al-Shāfi‘ī on this ruling, he himself finds al-Shāfi‘ī’s position to be the most convincing.⁶⁹

The commitment to pursue the most solid facts and arguments has opened up opportunities for agreement among individuals and groups

that one might not have expected to concur on anything. A case in point is the practice of “innovative divorce” (*al-ṭalāq al-bidʿī*), on which Ibn Taymiyah adopted a ruling which was in agreement with that of the Twelver Shiʿites. When treating the issue of whether a husband may make a triple pronouncement of divorce in a single statement, Ibn Taymiyah reviewed the opinions of scholars from both earlier and later periods and found that they divided themselves into three positions, the third of which is that it is forbidden, and that only one of the three pronouncements will be legally binding. This position had been transmitted on the authority of a group of both earlier and later Companions including, for example, al-Zubayr Ibn al-ʿAwāmm and ʿAbd al-Raḥmān Ibn ʿAwf, while the other two positions have been attributed to ʿAlī Ibn Abī Ṭālib, Ibn Masʿūd and Ibn ʿAbbās. The third position was supported by many of the Successors, as well as later figures such as Ṭāwūs, and has been attributed to Abū Jaʿfar Muḥammad Ibn ʿAlī Ibn al-Ḥusayn and his son, Jaʿfar Ibn Muḥammad. Accordingly, some Shiʿites adopted this position, which agrees with that espoused by some companions of Abū Ḥanīfah, Mālik, and Aḥmad Ibn Ḥanbal, and is supported by the Qurʾan and the Sunnah.

In short, Ibn Taymiyah parted ways with the majority of Hanbalites by saying that it is forbidden to make a triple pronouncement of divorce in which all three pronouncements go into effect, thereby rendering the divorce irrevocable via a single pronouncement. Ibn Taymiyah agreed with the Twelver Shiʿites on this point for the simple reason that this is where the evidence had led him. Significantly, Ibn Taymiyah suffered on account of the position he took on this matter, and was even imprisoned for it. Some of Ibn Taymiyah’s opponents claimed that in taking this position, he was agreeing with the Rafidites (Rejectionists). However, he rebutted this charge, noting astutely that,

some people are considered to be innovators for uttering the *basmalah* aloud, neglecting to wipe the outsides of their shoes [as part of their ablution], either at all times or when in the city, uttering the supplication of obedience (*duʿāʾ al-qunūt*) at the dawn prayer, engaging in *mutʿat al-ḥajj*,⁷⁰ forbidding a triple divorce pronouncement from being legally binding, flattening the tops of graves rather than mounding the soil over them, leaving

their hands at their sides during prayer, and other matters over which Sunnite scholars have disputed. It should be remembered, however, that such positions might be correct, or incorrect, since these are matters of interpretation. Hence, none of these practices should be condemned unless it is associated with, or exploited as a means of, engaging in some practice which is itself unjustified (including those in relation to which independent reasoning would be in order, such as covering graves with palm branches stripped of their leaves, since this is a practice that was passed down from some of the Companions).⁷¹

One notes that in this discussion, Ibn Taymiyah avoids describing such positions in and of themselves as right or wrong, the significance of which will be obvious to anyone who knows what a dim view Ibn Taymiyah took of Shi'ism as a whole. And this is why we have cited this example, since it helps to show that if we follow the evidence and arguments themselves wherever they lead, we may end up reaching the same conclusions as people we thought we could never agree with. In sum, what matters is the view itself, not who espouses it. Truth is not recognized based on the individual who utters it. Rather, the individual will be recognized by the truth he or she utters.

This spirit of fairness and tolerance manifests itself in al-Dhahabī's biographical entry for Ishāq Ibn Muḥammad Ibn Aḥmad Ibn Abān al-Nakha'ī, of whom he wrote, "...he was an extremist Shi'ite associated with the Ishāqiyah sect, which holds that 'Alī is God, far exalted be He above all that they attribute to Him! ... In response to such extremists, al-Ḥasan Ibn Yaḥyā al-Nawbakhtī – who was himself a virtuous Shi'ite – wrote, 'Among those who made a virtue of mad extremism in our day and age is Ishāq Ibn Muḥammad, known as al-Aḥmar (the red one), who claims that 'Alī is God, that he appears at all times ... and that he is the one who sent Muḥammad ... He (Ishāq) wrote in a book of his saying, "Even if there had been a thousand [such divine manifestations in human form], they would have remained a single being [that is, God Almighty] ..."'”⁷² Al-Nawbakhtī exhibited his concern for honest inquiry and exactitude by reading the writings of those who differed with his doctrinal views, treating them fairly and avoiding arbitrary generalizations. Al-Nawbakhtī's work on Shi'ite doctrine is still in circulation to this day.

This same conciliatory, truth-seeking attitude is discernible in the exchange which takes place between Zayn al-Dīn Ibn ʿAlī al-Jubāʿī (the Second Martyr, 966 AH/1559 CE) and Shaykh Abū al-Ḥasan ʿAlī Ibn Muḥammad al-Bakrī al-Shāfiʿī (d. 962 AH/1555 CE). As the two scholars traveled together on the pilgrimage to Makkah, al-Jubāʿī read a number of books to al-Bakrī, which led them into lengthy discussions and debates. One such debate – we are told by Ibn al-ʿAwdī, a student of al-Jubāʿī’s – had to do with the question of how God will judge common folk who know nothing about the guidance that delivers one from destruction. Will He accept this negligence on their part? However, it was decided that the true condemnation should be directed at the illustrious, eminent, noble scholars whose thinking has been ossified within a single school of thought to the exclusion of all others. Despite their ability to inform themselves and seek out knowledge, such scholars have contented themselves with blind imitation of their predecessors, whom they believe to have spared them this effort. It is a known fact that the truth can be on one side only, so if one sect says that the truth is on its side based on so-and-so and so-and-so, the other will say the same based on its own illustrious teachers, since there is no sect but that it has illustrious scholars to whom it appeals. Adherents of these sects seem to believe that their predecessors’ efforts were so thorough that they have been spared the need to examine things for themselves. “We are certain of what we believe,” [they say]. But could everyone possess the truth? Impossible! And might some have it? There is no evidence to lend greater weight to one conclusion over another.

Abū al-Ḥasan replied, “With regard to the common folk, we hope that by virtue of God’s gracious pardon, He will not take them to task for their negligence. And as for the scholars, each of them appears to himself to be right!” Said al-Jubāʿī, “How can they be exempt from judgment given what we have said about their failure to investigate?” To this the Shaykh replied, “That is an easy question to answer. An example of this would be someone who was born circumcised, and who would thereby be exempted from the circumcision required by the law.” “Yet, even if someone were born circumcised” rejoined al-Jubāʿī, “this would not exempt him from his legal obligation until he ascertains that he has fulfilled the legal requirement by examining things and

making inquiries of those with expertise, knowledge and experience.” “O Shaykh,” Abū al-Ḥasan rejoined, “This is not the first rule to have been broken in Islam.”⁷³

As will be seen from the foregoing, the reasons for Muslims in conflict to exchange ideas are just as relevant now as they were in the early days of Islam, and their ability to influence and be influenced by one another every bit as real. The true value of such communication lies in the fact that it allows each camp to examine and critique its own positions and to investigate the truths that others may have to offer in light of the single authoritative point of reference which they share in common. As noted earlier, every Islamic school of thought or jurisprudence has both strengths and weaknesses, and none of them holds claim to a monopoly on the truth of this religion.

We also need to reexamine our doctrinal heritage with the aim of revealing both the methodological problems which are shared by the various schools of thought, but which are often concealed by their differences, and those which distinguish one school of thought from another. Moreover, this needs to be done not within the framework of a doctrinal debate or based on the vision of one specific school of thought against which all else is measured but, rather, in light of the centrality of the Qur’an.

FIFTH: UNIFIED AUTHORITY AND ITS IMPACT ON THE ACADEMIC AND DOCTRINAL HERITAGE

Muslims’ unified point of reference in the Qur’an has had a profound and undeniable impact on their heritage, manifesting the identity of the *ummah* in myriad ways, whether conscious or unconscious, intentionally or otherwise. For however much Muslim sects may have differed in their methods of seeking and deriving answers from the Qur’an, their conflicts have always been over interpretation, not over the origin or reliability of the text itself. As we read in *Sūrat al-Ḥijr* 15:9, “Behold, it is We Ourselves who have bestowed from on high, step by step, this reminder, and, behold, it is We who shall truly guard it [from all corruption].”

In what follows we will be identifying certain features of this unified point of reference and tracing its effects, many of which have been camouflaged, as it were, by more obvious doctrinal differences and variations. In so doing, our purpose is to demonstrate that, far from being arbitrary or forced, talk of areas of commonality and integration among Islam's sects and schools of thought is a natural expression of religious inquiry.

The rational orientation which later crystallized in the trend toward legal theorization was accompanied by an openness within Twelver Shi'ite circles toward other doctrinal schools of thought. The degree of openness differed, of course, from one scholar to another and from one generation to another. Overall, however, the notable figures within this trend were scholastic theologians.⁷⁴ The field of scholastic theology requires that one be knowledgeable of the arguments and conclusions put forward by those with opposing viewpoints, which in turn requires a rational, critical bent and presence of mind. Whatever school of thought they belong to, those who possess this critical bent are the most able to communicate with opponents and renew their schools of thought from within. Herein, perhaps, lies scholastic theology's greatest strength. It was scholastic theologians who first opened themselves to the ideas and perspectives of the Mu'tazilites, albeit without adopting them entirely. In contrast, adherents of the school of narrative or tradition tended to isolate themselves from those who differed with them in an attempt to preserve their distinctiveness. This differentiation within the Twelver Shi'ite tradition was observed from without, as evidenced by the observation recorded by al-Shahrastānī who, in his renowned work, *Kitāb al-Miḥāl wal-Niḥāl* (Book of Religious Communities and Sects), wrote, "Some Twelver Shi'ites became Mu'tazilites ... while others joined the reports tradition, whether as anthropomorphists or as Salafites."⁷⁵

From within, we find texts which confirm this early differentiation between the two trends. As Shaykh al-Mufid asserted in *al-Masā'il al-Sarawiyah* (Issues Arising in Sarw), "... hadith transmitters pass on both the good and the bad, not limiting themselves to that which is known. They are not given to investigation and examination or thought or discernment in what they narrate, as their reports are mixtures of the

valuable and the worthless, the difference between the one and the other only being discernible in light of legal principles.”⁷⁶

The roots of this trend are observable among students of the imams who engaged in rational induction or analogical reasoning such as al-Faḍl Ibn Shādhān (d. 260 AH/874 CE), and Yūnus Ibn ‘Abd al-Raḥmān (d. 203 AH/818 CE), both of whom are well thought of among the Twelver Shi‘ites. Nevertheless, they were criticized by leading thinkers of the early Historical Current. This becomes apparent from a statement by Shaykh al-Ṣadūq in his book *Man la Yahḍuruhu al-Faqīh* (Everyone His Own Jurist) in a section entitled, “Grandparents’ share of a grandchild’s inheritance.” After expressing his disagreement with al-Faḍl Ibn Shādhān on the issue in question, Shaykh al-Ṣadūq stated, “...this is one of the reasons he [al-Faḍl Ibn Shādhān] lost his footing on the straight path. Such is the fate of those who engage in analogical reasoning”!⁷⁷

As Haydar Hubb Allah has observed, “The coming of Ibn al-Junayd al-Iskāfī and al-Ḥasan Ibn Abī ‘Uqayl al-‘Umānī in the fourth century AH contributed to the development of a more rationally-based jurisprudence. And because these two men were in closer contact than their associates with other Islamic sects, they began introducing ideas and approaches which, as of that time, were more or less unheard of in Shi‘ite scholarly circles. Ibn al-Junayd, for example, is said to have applied the kind of analogical reasoning for which Sunnite scholars were best known, having been influenced by Sunnite ways of thinking.”⁷⁸

Ibn al-Junayd has many works to his name, including his books *Īdāh khaṭa’ man shanna‘a ‘alā al-shī‘ah fī amr al-qur’ān* (Revealing the Error of Those Who Malign the Shi‘ites in Regard to the Qur’an), *Kashf al-tamwīh wal-ilbās ‘alā aghmār al-shī‘ah fī amr al-qiyyās* (Exposing the Misrepresentation and Concealment of Shi‘ites’ Abundant Knowledge in Regard to the Use of Analogical Reasoning), *Izhāru mā satarahu ahl al-‘inād min al-riwāyah ‘an al-‘itrati fī amr al-ijtihād* (Revealing the Narratives Passed Down on the Authority of the Prophet’s Family Which Have Been Concealed by the Obstinate in Relation to Ijtihad), and *Tahdhīb al-Shī‘ah li aḥkām al-sharī‘ah* (Shi‘ites’ Emendation of Islamic Legal Rulings). In his book entitled *Īdāh al-Ishṭibāh* (Clarification of the Ambiguous), al-‘Allāmah al-Ḥillī tells us that Ibn

al-Junayd undertook in *Tabdhīb al-Shī'ah li aḥkām al-sharī'ah* to do a thorough review of both the fundamental and subsidiary rulings of the Shari'ah; he also made mention of the disagreements over particular questions and adopted methods of inductive reasoning employed by both the Twelver Shi'ah and those who disagreed with their views.⁷⁹

Another influential bridge-builder among the various Islamic schools of thought was the Shi'ite polymath Abū Ja'far al-Ṭūsī (d. 460 AH/1061 CE). By establishing inductive jurisprudence in the Twelver Shi'ite school, al-Ṭūsī benefited from his doctrinally open-minded background. Describing al-Ṭūsī in his *Ṭabaqāt al-Shāfi'īyah* (The Ranks of the Shafi'ites), al-Subkī wrote, “though a Shi'ite jurist, author and compiler, he educated himself in Shafi'ite teachings and studied both legal theory and scholastic theology under the Twelver Shi'ite jurist Abū 'Abd Allāh Muḥammad Ibn al-Nu'mān, also known as al-Mufīd (“The Beneficial One”).”⁸⁰

In the preface to his book *al-Mabsūt fī Fiqh al-Imāmiyah* (The Detailed Exposition of Twelver Shi'ite Jurisprudence), al-Ṭūsī wrote:

I continue to hear educated opponents of ours who study the subsidiary branches of jurisprudence disparaging the work of my fellow Twelver Shi'ites.... They [our opponents] claim that they [my fellow Twelver Shi'ites] deal with a paucity of juristic branches and questions, referring to them as “people who write nothing but contradictory fluff ...” However, this reflects their ignorance of our teachings. If they were to examine our historical reports and our jurisprudence, they would know that most of the issues they discuss are found within our historical accounts as well and set down on the authority of our imams, whose words carry the same weight as that of the Prophet himself (SAAS), whether particularly or generally, explicitly or implicitly... [Furthermore, these issues are dealt with in our writings] not by way of mere analogical reasoning, but in a manner which yields knowledge that must be acted upon... and ... which fulfills one's moral responsibility before God... Consequently, I have set about to compose a work that encompasses everything written on jurisprudence to date ... I have treated most of the branches mentioned by our opponents, my statements being in accordance with the requirements of our school of thought and the guidance of our fundamental principles... If the issue or

branch under discussion is unfamiliar or problematic, I make reference to its causal analysis so that those who examine it will not be obliged merely to imitate the views of their predecessors ... If God facilitates the completion of this book, it will be without parallel among the works written either by my fellow Twelver Shi'ites or by those who differ with us, as I have yet to encounter a single book by any jurist which covers our entire school of thought as it applies to both roots and branches ... As for our fellow Twelver Shi'ites, they have written no comprehensive works of the type I am referring to, but only summaries....⁸¹

In commentary, Haydar Hubb Allah writes, "With the appearance of the books *al-Mabsūṭ* and *al-Khilāf* by Shaykh al-Ṭūsī, the situation began to change. In the first of these works, al-Ṭūsī set out to refute the charge that the Imamites had no jurisprudence, and to show that the Twelver Shi'ites' inherited tradition reflected an understanding of the terminology, premises and issues of Islamic jurisprudence. Al-Ṭūsī appears not to have had access to samples of Shi'ite treatments of juristic issues on which to model his writing. Consequently, he took the branches which had been proposed by the Sunnites in their writings and attempted to formulate Shi'ite positions on them. It was in this way that Sunnite ideas, positions, premises and disputes made their way into Shi'ite thought. Moreover after writing his book *al-Khilāf* (The Dispute) as an exercise in comparative jurisprudence, al-Ṭūsī was able to present *al-Mabsūṭ* with particular mastery and success."⁸² In another work entitled *Ḍiddat al-Uṣūl* dealing with various aspects of the principles of jurisprudence, al-Ṭūsī held that when discussing an issue on which no Shi'ite view had been recorded, one ought to apply a tradition cited by non-Shi'ite scholars provided that no relevant tradition to the contrary had been cited in Shi'ite sources.⁸³

For nearly a century, al-Ṭūsī's ideas held sway over the Shi'ite intellectual field, as virtually all Shi'ite jurists imitated his thought and approach. Eventually, however, critics of al-Ṭūsī and his experiment in openness began to emerge. Foremost among these critics was al-Muḥaqqiq (Muḥammad Idrīs) al-Ḥillī (d. 598 AH/1202 CE), who was followed by al-ḌAllāmah (Abū Qāsim) al-Ḥillī (d. 676 AH/1277 CE) and Ibn al-Muṭahhar al-Ḥillī (d. 726 AH/1326 CE), who built upon al-Ṭūsī's

work thereby contributing to the reinstatement of the ideas propounded by Ibn al-Junayd. Al-Muḥaqqiq al-Ḥillī's book, *Ma'ārij al-Uṣūl* (Stair-steps of Juristic Principles) is a work in comparative legal theory which discusses a number of issues in the field of legal theory from both the author's perspective, and the perspective of jurists holding opposing views such as Abū Ḥanīfah, al-Shāfi'ī, the Jubbā'is, Abū Bakr al-Daqāq, and Abū al-Ḥasan al-Baṣrī.⁸⁴

In keeping with the same spirit, al-Ḥillī studied under Sunnite teachers, a step which clearly bespeaks the high regard in which he held those who differed from him doctrinally, and his appreciation for their labor and learning.⁸⁵ Drawing on his broad academic background, al-Ḥillī made great strides in the area of openness to Sunnite thought, an endeavor for which he was criticized by more traditionally-minded scholars. His writings in the area of comparative jurisprudence include his *Tahdhīb al-Nafs fī Ma'rifat al-Madhāhib al-Khams* (Refinement of the Soul through Knowledge of the Five Schools), as well as comparative juristic encyclopedias such as *Tadhkirat al-Fuqahā'* (Memorial of Jurists) and *Muntahā al-Ṭalab* (The End of the Quest), in which he compiled the views of both Sunnite and Shi'ite jurists. It was during al-Ḥillī's era that the discipline of comparative inductive jurisprudence saw significant development.

Similarly, al-Ḥillī drew on Sunnite thought in his analyses of hadiths, which he divided into the four categories of authentic (*ṣaḥīḥ*), good (*ḥasan*), well-documented (*muwaththaq*),⁸⁶ and weak (*ḍa'if*). He applied this categorization in his book, *al-Durr wal-Murjān fī al-Aḥādīth al-Ṣiḥāḥ wal-Ḥisān* (The Pearls and Coral of Authentic and Good Hadiths), as well as *al-Nahj al-Waḍḍāḥ fī al-Aḥādīth al-Ṣiḥāḥ* (The Clear Path Among Authentic Hadiths).⁸⁷ It is here that al-Ḥillī's fair-mindedness makes itself felt, as he demonstrates appreciation for other thinkers' ideas and adopts them if he finds them persuasive even if they happen to have originated with adherents of schools other than his own.

Numerous Shi'ite scholars wrote commentaries on works dealing with the fundamentals of jurisprudence by Sunnite thinkers such as al-ʿAḍudī, Ibn al-Ḥājib al-Mālikī and others, or on previously existing commentaries or annotations of Sunnite works on Islamic legal theory,

such as his *Ghāyat al-Wuṣūl wa ʿĪdāḥ al-Subul fī Sharḥ Mukhtaṣar Muntahā al-Suʿal wal-Amal fī ʿIlmayy al-Uṣūl wal-Jadal*, a commentary on a work by Ibn al-Ḥājjib (646 AH/1249 CE). Al-Ḥillī also composed a commentary entitled *Sharḥ Ghāyat al-Uṣūl fī al-Uṣūl* on a work by al-Ghazālī.⁸⁸

The work done by al-ʿAllāmah al-Ḥillī gave rise to similar experiments in openness to Sunnite thought, among them the Jabal ʿAmil School represented by the thought of the First and Second Martyrs. The Second Martyr, Zayn al-Dīn Ibn ʿAlī Ibn Aḥmad al-Jubāʿī al-ʿAmilī (d. 966 AH/1559 CE) introduced the hadith sciences – which until that time had been the sole province of Sunnite scholars – into the Shiʿite realm. As Hubb Allah observes, “The First Martyr (Ibn Makkī al-ʿĀmilī) was the first in the cultural history of the Shiʿites to formulate the science of juristic rules. In so doing, he was influenced by the trend toward the formulation of juristic rules among Sunnite scholars during the seventh and eighth centuries AH, which points to the growth of positive interaction between Sunnites and Shiʿites during that period of time.”⁸⁹

In 952 AH/1545 CE, Zayn al-Dīn Ibn ʿAlī al-Jubāʿī al-ʿĀmilī visited Astana (present-day Istanbul), whence he returned with an official permit to teach for the Nūriyah School in Baalbek, which was marked at that time by a highly diverse doctrinal demographic. Though a Hanbalite population center, it was nevertheless surrounded by concentrations of Shiʿites, in addition to varying percentages of Shafiʿites, Hanafites and Malikites. Zayn al-Dīn al-ʿĀmilī’s disciple Ibn al-ʿAwdī provides the following description of those days in the words of his teacher:

Then we went to reside in Baalbek, where for a time we taught the five schools [of jurisprudence] and many of the arts. We befriended its people, who were of a variety of opinions, and we had the most pleasant experience living among them. Those were auspicious, happy days, the likes of which our companions had never witnessed before.

Describing his own experience there, Ibn al-ʿAwdī writes:

I was in his [the Second Martyr’s] service during those days. I will never forget how, as he occupied the most elevated status and was sought out by

the elite and common folk alike, he would issue fatwas to every sect according to its own doctrine, as he gave instruction in the teachings of all the juristic schools. He gave a lesson at its principle mosque ... and the entire town came to follow him and seek his favor.⁹⁰

The school of the Second Martyr (Zayn al-Dīn al-Jubā'ī) survived and thrived through his students, foremost among them being his son, Shaykh Ḥasan, who wrote the book *Muntaqā al-Jumān* (Choice Pearls) in which he drew a distinction between authentic and good hadiths, on one hand, and those found in the four hadith collections recognized as authoritative among the Shi'a⁹¹ on the other. On this matter he wrote:

... the ancients, God have mercy on them, were extremely lenient with regard to the accounts they would accept. Consequently, they began approving accounts even when they had not been passed down by reliable narrators. They did so based on evidence [historical, textual, etc.] indicating that a given hadith was valid and had originated with an infallible imam. Over time, however, most of this evidence was lost, so it is no longer possible to rely on it for acceptance of narratives.⁹²

It was to be expected, then, that the Akhbārī Current would reject anything that might foster openness to those with differing doctrinal views. As Hubb Allah explains, adherents of this trend “believed in the futility of reason .. and the uselessness of the science of the principles of jurisprudence.”⁹³

In the field of Qur'anic exegesis, a number of commentaries shared a common approach that laid the foundation for an exegetical method based on prioritizing the most direct or apparent meaning of the Qur'an, which opened the door to the practice of adopting any exegesis that was supported by the broader lexical context of the Qur'an. The commentaries in which this approach was followed include *Ḥaqā'iq al-Ta'wīl fī Mutashābih al-Tanzīl* (The Realities of Interpreting the *Mutashābih* Verses of the Divine Revelation) by al-Sharīf al-Raḍī, *al-Tibyān fī Tafsīr al-Qur'ān* (The Clear Exposition of the Qur'an) by Shaykh al-Ṭūsī, and *Majma' al-Bayān* (The Compendium of Clarification) by al-Ṭabarsī.

Ḥaqqā'iq al-Ta'wīl fī Mutashābih al-Tanzīl by al-Sharīf al-Raḍī – originally consisting of ten parts, of which only Part V has survived – revolves around

the interpretation of a set of verses which were known in his [al-Ṭūsī's] day to be *mutashābihah*, or ambiguous. His method of explaining them gives one the impression that he is concerned to ward off a suspicion, dispel an illusion or refute an objection ... Appealing to the Qur'an's style and content, he also draws on accounts narrated on the authority of the Prophet (ṢAAS), his Companions, their Successors, and – at times – the authority of the imams. Additionally, he cites statements by pre-Islamic Arabs... and engages with the views of exegetes, linguists, scholastic theologians and jurists from the various Islamic schools of thought.⁹⁴

In his *Tafsīr al-Tibyān*, al-Ṭūsī seeks to achieve a marriage of sorts between exegesis based on opinion, and exegesis based on accounts transmitted on the authority of either the Prophet or the infallible imams. Proposing a four-fold categorization of the meanings of the Qur'an, al-Ṭūsī writes:

Category 1 includes those meanings which are known to God alone – such as when the Day of Judgment will come – and of which no human being is entitled to claim knowledge. Category 2 includes meanings which correspond directly to the written word. Category 3 is comprised of general rather than detailed meanings. The number of daily obligatory prayers and the number of cycles (*rak'āt*) included in each prayer, for example, or the detailed rites of the pilgrimage to Makkah (*al-ḥajj*) may only be known based on an explicit declaration by the Prophet (ṢAAS), or an extra-Qur'anic revelation from God Almighty. And Category 4 includes multiple potential meanings conveyed by the same word or phrase. In relation to Category 4, one must not say that the only meaning intended by God is the one supported by a declaration from a prophet or an infallible imam. Rather, one must say that the words written can be understood to convey a number of potential meanings, any one of which may be the one intended.

The adoption of the aforementioned categorization assumes acceptance of the reports which forbid one to engage in exegesis that is not based on the words of a prophet or an infallible imam. At the same time, however, the adoption of this categorization of the meanings of the Qur'an will not prevent us from offering generalized interpretations of certain verses. No one should consider the interpretation of a verse whose words do not convey its intended meaning in detail, or imitate any exegete, unless the interpretation is agreed upon by consensus, in which case one must adhere to said consensus. The reason for this is that there are some exegetes whose methods and doctrines have been the subject of praise and commendation, such as Ibn ʿAbbās, al-Ḥasan [al-Baṣrī], Qatādah, Mujāhid and others, while there are others whose doctrines have rightly been criticized and condemned, such as Abū Ṣāliḥ, al-Saʿdī, al-Kalbī, and others.

The foregoing pertains to earlier generations of scholars; as for later scholars, each of them adopted those interpretations which were consistent with the teachings of his own school. None of these scholars should merely be imitated; rather, one must rely on valid evidence, be it rational or legal (in the form of a consensus, or widespread transmission on the authority of those whose statements ought to be believed). Reports classified as *āḥād* are not acceptable as evidence in this connection, particularly if such reports are understood to support certain knowledge. Furthermore, if the interpretation in question requires linguistic evidence, then the evidence provided must consist in something which is widely known and recognized among speakers of the language.⁹⁵

In the preface to his commentary entitled *Majmaʿ al-Bayān*, Abū ʿAlī al-Ṭabarsī (d. 459 AH/1067 CE) writes:

Let it be known to my readers on the authority of the Prophet (ṢAAS) and the imams who stand in his stead that the Qur'an may only be explained in keeping with authentic traditions and explicit texts. The wider community of believers has also reported of the Prophet (ṢAAS) that he stated, "If someone interprets the Qur'an based on his own opinion and arrives at the truth..., he will [still] have committed an error."

[At the same time, it should be remembered] that God has commended the practice of inducing meanings from the text, and has explained how to do this. Those who engage in such induction are commended, and are referred to in *Sūrat al-Nisā'* (4:83) as 'proper investigators' (Yusuf Ali). Conversely, God has reproached those who fail to reflect properly on the Qur'an, which was revealed in clearly comprehensible Arabic. God declares, "Behold, We have caused it to be a discourse in the Arabic tongue, so that you might encompass it with your reason" (*Sūrat al-Zukhruf* 43:3). The Prophet (ṢAAS) said, "If you receive a hadith purporting to be on my authority, subject it to the scrutiny of the Book of God. If it agrees with it, accept it, and if it conflicts with it, disregard it." From this it is clear that the Book of God is authoritative, since it is the point of reference against which other texts are to be measured. But how could it be used as a measure by which to judge other texts if it were incomprehensible? Hence, assuming it to be authentic, what this saying of the Prophet (ṢAAS) must mean is that those who interpret the Qur'an according to their own reasoned opinions, but without considering the textual evidence derived from its words and expressions and nevertheless arrive at the truth, have lost their way. ...

It has been reported of ʿAbd Allāh Ibn ʿAbbās that he divided exegesis into four types: (1) exegeses that no one would be excused for being ignorant of, (2) exegeses at which Arabs would arrive intuitively based on their knowledge of their own language, (3) exegeses that would be arrived at only by learned scholars, and (4) exegeses that would be known to God alone... If the apparent meaning of the words of the Qur'an conforms to its actual meaning, then anyone who knows the Arabic language will understand it... As for passages which are worded in such a general way that a literal reading of them will not yield all the detail they imply, their proper understanding requires an explanation by the Prophet (ṢAAS) through divine inspiration. Such passages include, for example, those that speak of the ritual prayer, among numerous others. It would be forbidden to attempt explanations of such passages without relying either on an explicit text which clarifies them, or on an explicit and authoritative statement by the Prophet (ṢAAS). And as for texts that convey two or more possible meanings, the meaning most in keeping with the evidence is the one that should be favored. Furthermore, if an expression could have two or more meanings, and if any one of these

meanings might be the intended one, no one meaning should be favored over the others unless this is based on the statement of a prophet or imam whose truthfulness is beyond doubt.⁹⁶

We may have gone a bit far afield in our exposition of the areas of commonality between the Twelver Shi‘ites and the Sunnites in the Islamic legal sciences. In so doing, however, our purpose has been to dispel the apprehensions which have accumulated over the decades – nay, centuries – of each side’s isolation from and ignorance of the other.

Thanks to the unified source of authority recognized in the Qur’an, the Ibadite imam Jābir Ibn Zayd al-Azdī al-Baṣrī Abī al-Sha‘thā’ was recognized as a leading jurist both among early Sunnite scholars and within the Ibadite and even Ṣufrite⁹⁷ communities. Jābir Ibn Zayd frequently transmitted accounts on the authority of ‘Abd Allāh Ibn ‘Abbās,⁹⁸ as well as on the authority of a number of the Prophet’s Companions. Consequently, Ibadite jurisprudence was based from its earliest inception on a foundation shared by other schools.

This phenomenon is reflected in the accounts included in the two-part *Musnad* of the Ibadite scholar al-Rabī‘ Ibn Ḥabīb, who narrated these accounts on the authority of Companions who had disowned them [the Ibadites], such as Ṭalḥah Ibn ‘Ubayd Allāh, ‘Amr Ibn al-‘Āṣ, ‘Abd Allāh Ibn ‘Umar, ‘Abd Allāh Ibn al-Zubayr, and ‘Alī Ibn Abī Ṭālib. These accounts revolve around subsidiary juristic issues on which Muslims everywhere agree. Additionally, Ibadite writings are filled with arguments based on the example set by Imam ‘Alī Ibn Abī Ṭālib who, when fighting against fellow Muslims who had broken with the Muslim community, refused to allow his soldiers to take their opponents captive or to loot their possessions for booty. Writing to the people of Hadramaut, Ibadite scholar Jawāb Ibn al-Ḥawārī stated:

We have learned that at the Battle of the Camel, ‘Alī Ibn Abī Ṭālib issued instructions forbidding his soldiers to finish off enemy soldiers who lay wounded on the battlefield, to pursue fleeing enemy combatants, to take booty from the possessions of those who turn to the *qiblah* in Makkah in prayer, or to take their women and children captive. Any soldier under ‘Alī Ibn Abī Ṭālib’s command who was found in possession of an enemy

combatant's property was required to return it. This is the report which has come down to us, and we have learned from Muslims (that is, Ibadites) that this is their position [on such matters as well].⁹⁹

Thanks to this same unified source of authority, Zaydites have felt comfortable taking positions that agree with those of the Shafi'ites and the Hanafites on some legal questions. In his work entitled *al-Maniyah wal-Amal* (Death and Hope), Imam Aḥmad Yaḥyā al-Murtaḍā quotes al-Ḥākim al-Jashmī (d. 423 AH/1032 CE) as saying, "The Zaydites take their name from that of Zayd Ibn 'Alī due to their unanimous recognition of him as Imam, and this despite the fact that they do not adopt his views on subsidiary issues. In this respect, they differ from the Shafi'ites and the Hanafites, who are associated with Abū Ḥanīfah and al-Shāfi'ī due to the fact that they follow them on subsidiary matters."¹⁰⁰ Imam Yaḥyā Ibn al-Ḥusayn Abū Ṭālib (known as al-Nāṭiq bil-Ḥaqq, Spokesman for the Truth) is reported to have held that if the teaching of al-Imam al-Hādī [the tenth imam] contained no explicit text on which to base a ruling on a given juristic issue, then he would adopt the view of Abū Ḥanīfah.¹⁰¹ In fact, some narrators of the juristic and hadith-related collection known as *Musnad al-Imām Zayd*, including the Kufan judge Abū al-Qāsim al-Nakha'ī (d. 324 AH/936 CE), and al-Ḥākim al-Ḥasakānī al-Qurashī, known also as Ibn Ḥadhdhā' (d. 490 AH/1097 CE), author of the famed work, *Shawāhid al-Tanzīl li Qawā'id al-Tafḍīl* (Evidences from Revelation for the Foundations of Superiority), were leading Sunnite figures.¹⁰² Later Zaydite thinkers also recognized and made use of Sunnite hadith collections.

I am not arguing here for the authoritativeness of this common heritage, since this is a feature which belongs to the Qur'an alone. Nor am I promoting the centrality of Sunnite teaching. Rather, I have simply sought to show that these areas of commonality grow out of an underlying awareness of the unified authority that has existed within the Muslim community and its thinkers down the centuries despite the intensity of the disagreements and conflicts that have arisen among them.

Summary

There remain numerous lacunae pertaining to jurisprudence, scholastic theology, and Islamic legal theory in the written tradition of the various Islamic sects and schools whose views we have presented. Nevertheless, there is universal agreement among these sects and their adherents that however the process takes place, the valid derivation of Islamic rulings must be based ultimately on the Qur'an itself. These various sects also agree on the Sunnah's role as a clarification of the Qur'an, although in practice, they often divorce the two, dealing with each of them as though it were a separate and independent source of legislation. In so doing, they overlook the fact that the clarification of something must be intimately tied to that which it clarifies. That which is clarified – namely the Qur'an – is primary. As we are reminded in *Sūrat al-An'ām*, “judgment rests with none but God” (6:57), whereas the Sunnah is secondary to the Qur'an and finds its source therein, its role being to teach us how to apply and obey the Qur'anic teachings and translate them into concrete realities.

As we have indicated, however, certain baseless beliefs that have taken root in times of political conflict and theological and juristic debate have come to be treated as unquestionable axioms, such as the notion that the texts of the Qur'an, being limited in number, are inadequate to address the myriad issues and situations with which people are confronted in life. Thanks in large part to this belief, the Sunnah has been proposed as an autonomous source of legal evidence. The result of this development is that when scholars have found no discrete evidence in the Qur'an or the Sunnah of relevance to this issue or that, they invented still more types of evidence. Accordingly, they devised legal principles such as consensus (*ijmā'*), analogical reasoning (*qiyās*), juristic preference (*istihsān*) and an entire system of legal theory which now consists of no fewer than fifty types of legal evidence.

If we are to achieve Islamic unity and understand Islam as a way of life suitable for all times and places, we have no choice but to free ourselves from this legal-theoretical confusion, which has turned the Qur'an into little more than one among a number of legislative sources, albeit the highest ranking among them. If we fail to do so, we will go on being faced with the choice between dependency on a romanticized

past, and a barren modernity uprooted from the past, neither of which will serve us well. The question is: How, given this degree of fundamental confusion over Islamic legal theory and principles are we to approach ongoing developments as they pertain, for example, to democracy, and what authority to ascribe to popular referendums, parliaments, or *shūrā* and *iftā'* councils? Instead of fifty forms of legal evidence, will we end up with sixty or seventy such forms, every one of which vies with the Qur'an for first place as the basis for legal rulings on which no two people agree, and which give us nothing but grief and turmoil? Or will we wake up anew to the fact that the rope to which we have been commanded to cling in the midst of life's storms is the Book of God?

Blueprint for a Covenant Among Islamic Movements

The proper approach to change

If Islamists – that is, those who believe that Islam proposes a comprehensive vision of humanity, life and the cosmos – aim to bring about meaningful change for the *ummah*, they will need to find inspiration for their methodology and guiding principles not from hadiths or other non-Qur’anic sources, nor from ideals imported from contemporary society, but from the Qur’an alone. The following are the most important of such guiding principles.

FIRST: GOVERNANCE IS NOT “THEOCRACY,” BUT RULE
BASED ON A HUMAN UNDERSTANDING OF THE QUR’AN

“Divine governance,”¹ sometimes referred to as theocracy, is a multivalent and ramified philosophical, intellectual and cultural concept which is intimately connected to the Islamic system of thought to which it belongs. It would thus be difficult, if not impossible, to grasp this concept without an understanding of a broad nexus of Islamic concepts, including those of religion, worship and servitude, rule and rulings (whether Islamic, legislative, or customary), divinity, creation, this life and the next, the meaning of discourse, the permissible and the impermissible, the absolute and the relative, general and specific, laws, the unity of religion, the Earth, and more.²

Writers often err by simply drawing a link between the linguistic root associated with a concept, and certain uses thereof. The result has been a kind “false awareness” of the concept involved. A number of intellectual schools have treated the term rule, or governance (*al-ḥukm*, *al-ḥākimiyyah*) over the past several decades in the matter just alluded to. Some have approached it as they would poetry, deconstructing and

reconstructing it in an attempt to reveal its Islamic meaning, while others have treated it as one of the higher intents and aims of Islamic law. Unfortunately, however, such discussions have done nothing but make the concept all the more abstruse. Indeed, confused approaches to the terms *ḥukm* and *ḥākimiyyah* have continued to be the norm, especially since it was introduced into the debate among the *ummah*'s competing sects and movements.

Lest we fall prey to the illusion of having said the last word about this critical concept, I draw attention in what follows to certain signposts or features that need to be observed and taken into account if we are going to approach and understand this concept with the requisite care and precision.

First – Justice: It seems fitting first to draw attention to the call that was received by Abraham to whom God said, “Behold, I will make you a leader of men.” When Abraham asked God, “And [wilt Thou make leaders] of my offspring as well?” there came the solemn rejoinder, “My covenant does not embrace evildoers” (*Sūrat al-Baqarah* 2:124). Hence there is a kind of leadership, or imamate, which comes about through an external agency, which is God's, and there is injustice and justice, two facets of a value need to be defined. In relation to this value, we can better understand what is meant by Qur'anic terms such as *ẓālimun li nafsihī* (one who does himself injustice), *muqtaṣidun* (one who walks the middle path between right and wrong, justice and injustice), and *sābiqun bil-khayrāt* (one who is foremost in righteous deeds) (*Sūrat al-Fāṭir* 35:32). In the aforementioned verse, leadership, or imamate, takes the form of a covenant between God and human beings. God concluded a covenant with Abraham by virtue of which He made him a leader (*imām*). Furthermore, the fact that this covenant “does not embrace evildoers” draws attention to the centrality of justice as second in importance only to the affirmation of God's unity. The centrality of justice applies not only to God's prophets and messengers, but to all who strive for righteousness and social reform. These words addressed by God to Abraham, the forefather of the prophets, opens a window onto all prophets and messengers whom God has made into leaders who guide others by His commands, in whom we have been commanded to have faith, and whose guidance we are to follow. As

God declares, “We raised among them leaders who, so long as they bore themselves with patience and had sure faith in Our messages, guided [their people] in accordance with Our behest” (*Sūrat al-Sajdah* 32:242); “O our Sustainer! ... cause us to be foremost among those who are conscious of Thee! (*wajʿalnā lil-muttaqīn imāman*)” (*Sūrat al-Furqān* 25:74), and, “now, although the unbelievers may choose to deny these truths, [know that] We have entrusted them to people who will never refuse to acknowledge them – to those whom God has guided. Follow, then, their guidance” (*Sūrat al-Anʿām* 6:90).

Second – Divine Election: The fact of God’s having made Abraham a leader illustrates the process of divine election on the individual level. As we read in *Sūrat al-Ḥajj* 22:75, “God chooses message-bearers from among the angels as well as from among human beings. But, behold, God [alone] is All-Hearing, All-Seeing.” The divine choice of one person rather than another, as well as one people over another, is associated with particular qualities or specifications, since individuals and nations are chosen in order to carry out specified tasks related to service as God’s stewards on Earth. As we read in *Sūrat Āl ʿImrān* 3:33, “Behold, God raised Adam, and Noah, and the House of Abraham, and the House of ʿImrān above all mankind.”

Third – Divine Rule: Down the millennia, a number of systems of government have been founded upon the notion of divine rule, or theocracy, in one form or another. Such systems were familiar to the Sumerians, the Akkadians, the Babylonians, the Egyptian Pharaohs, and others. Other governments ruled in the name of a people, the people of a city, a tribe, or a religious elite. An examination of this history may help us to appreciate the idea of divine rule in more absolute or abstract terms. Many ancient systems and laws were rooted in religion in one sense or another. The systems in place in some ancient civilizations were headed by priests, and others by kings. What the priests said and did was considered to be inspired by the gods, which invested these leaders with divine authority or power. Other ancient peoples, such as the Romans, adopted the notion that legislation was a human activity rather than one inspired by divine powers. This separation of law from religion is viewed by many legal scholars as one of the most important distinguishing features of Roman law, in fact.

Sumerian cities were subject fundamentally to religious rule, although there was also a civil governor, who was viewed as the gods' earthly vicegerent and thus, the kingdom's high priest, which meant a kind of unification between temporal and spiritual authority. Laws and legal rulings were enforced in the name of the deity, while the monarch was viewed as being divinely elected in one sense or another.

During the era of Akkadian monarchs there emerged the notion of a worldwide government, and the chief monarch was described as the Supreme Ruler of the Four Directions. The king considered himself a god who was responsible for doing all the gods' bidding on Earth; he expressed the will of the gods, and acted only by their inspiration. He was also responsible before the gods for his people's errors, as a result of which he would generally demand his subjects' absolute obedience.

In the Hittite state of Mesopotamia, by contrast, things differed somewhat from what they were in the major monarchies endowed with divine law in Egypt or Babylon, as earthly rule came to be based on power alone, and the ruler's legitimacy and worthiness of obedience rested on his strength and his ability to achieve victory over others. In this state, the monarch was not viewed as a god or as a divine proxy. Nevertheless, he was seen as being endowed with divine support and provision as long as he was capable of triumphing over his opponents, and he was capable, after death, of joining the ranks of the gods. The king's dreams and visions were viewed as reflecting his communication with the deities.

Perhaps the most significant of the peoples of relevance to the theme of divine governance were the Hebrews, followed by the Children of Israel. The term "Hebrews" is actually broader and more inclusive than the term "Children of Israel." The best attested view historically speaking is that the term "Hebrews" includes all those who crossed the Euphrates River in the direction of Palestine and its environs. The Hebrews who crossed the Euphrates from the East spent long periods moving from place to place in a semi-nomadic existence in search of pasture before settling in the land of Canaan (Palestine), where they intermarried with the local peoples and began embracing their religious beliefs and practices. Following Jacob's emigration to Egypt as told in the story of Joseph, his descendents grew into a sizeable community

whose members were eventually exploited as slave labor under one of Egypt's pharaohs. When, in the divine wisdom, the children of Israel (that is, the descendants of Jacob, who later came to be known as Israel) were chosen to be the bearers of the Torah, God chose His spokesman Moses to lead them out of Egypt and unite the twelve tribes of Israel through a shared bond of belief and religious practice. In order for the Children of Israel to be God's people and dwell in God's kingdom, they were required to accept God's direct rule, place their trust in Moses and his brother Aaron as God's prophets, and obey the commandments inscribed on the tablets which Moses had received from God on the sacred mountain.

During the period of nomadic existence that followed – the forty years of desert wanderings of which we are told in the Old Testament – God undertook to meet the needs of the Children of Israel in one supernatural feat after another. When they asked for water, for example, God provided it for them out of the ground. As we read in *Sūrat al-Baqarah* 2:60, “And [remember] when Moses prayed for water for his people and We replied, ‘Strike the rock with thy staff!’ – whereupon twelve springs gushed forth from it, so that all the people knew whence to drink.” Given the numerous miracles they had witnessed at Moses' hands, the Children of Israel owed complete obedience and submission to the commands God had given them through Moses. However, they frequently rebelled and tried to reject God's direct rule over them. A case in point is the mass revolt that occurred when Moses left the People of Israel to go up the mountain to meet with God. No sooner had Moses absented himself from the community than they turned their backs on the worship of the one God and bowed down to a golden calf in their midst, and this in spite of the fact that Moses' brother Aaron was present in their midst. It was a case of collective disobedience on the part of God's chosen people, who spurred the recognition of the one God and refused to offer him the worship due Him or the proper submission to His governance. In fact, they would frequently lash out at Moses, blaming him for bringing them out of the land of Egypt and depriving them of the delicious fare they had eaten there!³ Indeed, we read in Exodus 32:9: “I have seen these people,” the Lord said to Moses, “and they are a stiff-necked people.”

Following the deaths of Moses and his brother Aaron, Moses's successor Joshua led the Children of Israel into the land of Canaan (Palestine), which God had declared holy, a land of promise. Nevertheless, they were divided once again, and the bonds of solidarity that had once united them began to fray. Some of them assimilated into the local culture with its religious beliefs and worshipped idols. Civil strife was widespread, and whenever there appeared a prophet who called upon them to reunite, he would suffer at their hands. The Children of Israel killed many such messengers from God, rejecting their authority and contenting themselves with a miserable state not unlike the one from which God had once delivered them.

Beginning with the era of the judges, there was a transition from direct divine rule to rule by figures who functioned as God's representatives and by God's law. However, the people continued to be rebellious against God, even asking God to give them kings like those who ruled other peoples in imitation of their political systems just as they had imitated them in the worship of idols. This is spoken of in *Sūrat al-Baqarah* 2:246-247, where we read: "Art thou not aware of those elders of the Children of Israel, after the time of Moses, how they said unto a prophet of theirs, 'Raise up a king for us, [and] we shall fight in God's cause'? Said he: 'Would you, perchance, refrain from fighting if fighting is ordained for you?' Then God raised up Saul as their king, but even then they rebelled against God's decree. And their prophet said unto those elders: 'Behold, now God has raised up Saul to be your king.' They said: 'How can he have dominion over us when we have a better claim to dominion than he!'" Yet despite the people's stubbornness, God raised up righteous leaders such as David and his son Solomon, under whose reigns the Children of Israel witnessed a time of relative stability. "[And We said:] 'O David! Behold, We have made thee a [prophet and, thus, Our] vicegerent on earth: judge, then, between men with justice, and do not follow vain desire, lest it lead thee astray from the path of God': verily, for those who go astray from the path of God there is suffering severe in store for having forgotten the Day of Reckoning!'" (*Sūrat Šād* 38:26).

The Children of Israel experienced divine rule in a highly specific and concrete manner. They were given a divine revelation in the form of

the Ten Commandments which had been communicated verbatim to the prophet Moses, (indeed there were those who claimed that God had penned these commandments with His own finger), and they had been instructed to obey these commandments to the letter. They were graced with prophets who delivered God's messages to them and mediated for them with God Almighty. They all shared in witnessing God's miraculous gifts, such as the manna and the quails that were provided for them in the wilderness, while at the same time, they witnessed the severe and direct divine chastisement that was meted out to those who dared to transgress against the Torah.

During the period of kingly rule, the Children of Israel experienced a time of stability and prosperity, particularly under Kings David and Solomon. However, not long after Solomon's death, they were overtaken by the destruction of which God had warned them through more than one of His messengers. The year 721 BC witnessed the occupation of their capital city, Jerusalem, by the Assyrians. In 587 BC following the Assyrians' overthrow by the Babylonians, Nebuchadnezzar seized the Kingdom of Judah, sacked the temple in Jerusalem, and carried the city's inhabitants away into captivity in Babylon. There thus began a new phase that would stretch on for many centuries in which the Children of Israel lived in exile and were assimilated in varying degrees into peoples throughout the world. Then, after the rise of the Zionist movement under Theodore Herzl in the nineteenth century, there was growing talk of reestablishing the Kingdom of Israel, rebuilding the temple, and reclaiming the territory that had been inhabited by their ancestors based on what was said to be a divine promise.

SECOND: JEWISH AND CHRISTIAN CONCEPTUALIZATIONS OF DIVINE RULE

1. *The Jewish conception of divine rule*

The Jewish conception of divine rule rests on two fundamental principles. The first of these is that God has chosen a particular people to be His own and to live under His direct governance. Furthermore, God has chosen certain members of this people to be prophets and messengers who receive His teachings and communicate them to the people as

a whole. These teachings include the contents of the first five books of the Old Testament (known as the Pentateuch), particularly Exodus and Deuteronomy, which are understood to be God's direct speech to His people and which, therefore, no one can change in any way, whether through removal, addition, alteration, interpretation, or abrogation.

As for the second principle of divine rule from the Jewish perspective, it is that by virtue of having been chosen by God and living under God's direct rule, the Children of Israel are God's beloved children who enjoy a unique place in the divine scheme of things, and whose land has been rendered holy by virtue of their divine sanctification as a people. Before the eras of the judges and the kings, this understanding of divine rule was clear to the Children of Israel. Thus, it can be said that the concept of divine rule within the Jewish religious scheme is based on a direct interaction, or covenant, between God and a specified group of people, namely, the Children of Israel who, because they had been the recipients of such extraordinary divine generosity, were punished with extraordinary severity when they went astray.

As we have seen however, the Children of Israel went from being ruled by God directly to being ruled by prophets appointed as guardians and authorities over them, to being ruled by prophet kings, to being ruled by ordinary kings. Believing that their tendency to rebel was due to the severity of the laws they had been commanded to obey, they asked God to reduce their obligations and lighten their punishments. Instead, however, God in His wisdom announced that the alleviation that had been sought by the Children of Israel would not be granted to those who had rebelled against Him for so long despite His having delivered them from the ignominy of slavery and united them as a nation. The Children of Israel did not properly perceive the grace of God that had been bestowed upon them, and failed to appreciate or recognize God's rights over them.

Sūrat al-Aʿrāf 7:154-157 provides the following description of what took place after the mass rebellion that followed Moses' ascent to the holy mountain:

And when Moses' wrath was stilled, he took up the tablets, in the writing whereof there was guidance and grace for all who stood in awe of their

Sustainer. And Moses chose out of his people seventy men to come at a time set by Us. Then, when violent trembling seized them, he prayed: "O my Sustainer! Hadst Thou so willed, Thou wouldst have destroyed them ere this, and me [with them]. Wilt Thou destroy us for what the weak-minded among us have done? (All) this is but a trial from Thee, whereby Thou allowest to go astray whom Thou willest, and guidest aright whom Thou willest. Thou art near unto us: grant us, then, forgiveness and have mercy on us – for Thou art the best of all forgivers! And ordain Thou for us what is good in this world as well as in the life to come: behold, unto Thee have we turned in repentance!" [God] answered: "With My chastisement do I afflict whom I will – but My mercy overspreads everything: and so I shall confer it on those who are conscious of Me and spend in charity (zakat), and who believe in Our messages – those who shall follow the [last] Apostle, the unlettered Prophet whom they shall find described in the Torah that is with them, and [later on] in the Gospel: [the Prophet] who will enjoin upon them the doing of what is right and forbid them the doing of what is wrong, and make lawful to them the good things of life and forbid them the bad things, and lift from them their burdens and the shackles that were upon them [aforetime]. Those, therefore, who shall believe in him, and honour him, and succour him, and follow the light that has been bestowed from on high through him - it is they that shall attain to a happy state."

Yet, despite the Children of Israel's rebellion and waywardness, the Jewish mindset continued to be profoundly influenced by the concept of divine governance. Indeed, its effects could be felt in all aspects of their life as a community, including their understanding of human nature and divinity, the divine law, the universe, and public order. In short, no realm of the Jewish people's existence was untouched by their understanding of divine rule.

2. The Christian understanding of divine rule

Over time there developed an urgent need for another message that would correct the errors that had resulted from the Jewish people's distorted perception of their relationship with God, with the cosmos, with themselves, with their neighbors, and with their prophets. It was then that God sent Jesus to guide "the lost sheep of the house of Israel"

(Matthew 15:24), to confirm whatever truth the Jews still retained and restore whatever truth had been lost, to declare permissible some things that had been forbidden to them, and to announce the glad tidings of the coming of the final prophet who would bring the law of mercy and compassion.

Christ came to reunite the people of Israel around the Torah, reasserting its authority and teaching them its proper application. He explained that they had misunderstood the Torah, clinging to its superficial meanings alone while disregarding its underlying intents, and in so doing, he sought to restore their ability to adhere to the spirit of the divine law rather than to its letter alone. As we read in Matthew 5:38-42, “You have heard that it was said, ‘An eye for an eye and a tooth for a tooth.’ But I say to you: Do not resist the one who is evil. But if anyone slaps you on the right cheek, turn to him the other also. And if anyone would sue you and take your tunic, let him have your cloak as well. And if anyone forces you to go one mile, go with him two miles. Give to the one who begs from you, and do not refuse the one who would borrow from you.”⁴

One might understand Jesus’ words here and elsewhere as indicating that he was belittling the importance of just punishment, even though such punishments were established in the Torah. However, this would be a misconstrual of Jesus’ message. For what he was aiming to say in effect was, “Do not cling to the literal meaning of the law. Rather try to understand its spirit. Seek to understand it as a whole, with an appreciation of its higher and more comprehensive aims and purposes.” In addition, Jesus sought to draw a proper distinction between the public domain and that peculiar to the Torah, remembering that relationships with individuals and private issues must be governed by a spirit of brotherhood and tolerance. If we are aware of this aspect of Jesus’ message in light of the social and political conditions that prevailed in his day, with the Roman Empire occupying Jerusalem and the rule of the Torah essentially in abeyance throughout the regions where the Children of Israel lived, we can better understand statements of Jesus that focus on the private realm. Such statements should not be taken, however, as meaning that Jesus brought nothing of relevance to the issue of legislation but, rather, limited himself to matters of faith and moral correction.

In this context it is important to note that in keeping with his reassertion of the Torah's authority and sovereignty, Jesus stressed that none of it had been, or ever would be, abrogated, and the impermissibility of introducing any change into its teachings. In this connection he stated, "Do not think that I have come to abolish the Law or the Prophets; I have not come to abolish them but to fulfill them. For truly, I say to you, until heaven and earth pass away, not an iota, not a dot, will pass from the Law until all is accomplished" (Matthew 5:17-18).

At the same time, he presented a sound vision of the Law's application, and stood opposed to the Jewish religious teachers who had not only bowed to the Roman authorities, but made common cause with them by working to reinterpret and even corrupt the texts of the Jewish law in the service of their political interests. So vehement was their opposition to Christ that they went before the Roman governor, Pontius Pilate, and accused Jesus of stirring up discontent among the Jews and inciting them to civil disobedience by claiming to be a king and discouraging them from paying taxes to Caesar:

Then the whole company of them arose and brought him before Pilate.² And they began to accuse him, saying, "We found this man misleading our nation and forbidding us to give tribute to Caesar, and saying that he himself is Christ, a king." And Pilate asked him, "Are you the King of the Jews?" And he answered him, "You have said so." Then Pilate said to the chief priests and the crowds, "I find no guilt in this man." But they were urgent, saying, "He stirs up the people, teaching throughout all Judea, from Galilee even to this place." When Pilate heard this, he asked whether the man was a Galilean. And when he learned that he belonged to Herod's jurisdiction, he sent him over to Herod, who was himself in Jerusalem at that time. When Herod saw Jesus, he was very glad, for he had long desired to see him, because he had heard about him, and he was hoping to see some sign done by him. So he questioned him at some length, but he made no answer. The chief priests and the scribes stood by, vehemently accusing him. And Herod with his soldiers treated him with contempt and mocked him. Then, arraying him in splendid clothing, he sent him back to Pilate. And Herod and Pilate became friends with each other that very day, for before this they had been at enmity with each other.⁵

The exchange that took place between Jesus and Pontius Pilate highlights the issue of divine versus human rule. When Pilate said to Jesus, “Do you not realize that I have the power either to free you or to crucify you?” Jesus replied simply, “You would have no power over me were it not given to you from above” (John 19:10-11). This statement of Jesus has been understood as an affirmation of the principle set forth in the Jewish scriptures (the Old Testament) according to which all authority and power belong to God alone, Who bestows earthly authority upon whomsoever He wills. This principle was likewise affirmed by Paul who, in his epistle to the believers in Rome, wrote saying, “Let every person be subject to the governing authorities. For there is no authority except from God, and those that exist have been instituted by God. Therefore, whoever resists the authorities resists what God has appointed, and those who resist will incur judgment.”⁶

This much may be said, then, about the concept of divine rule within the context of Christianity. As we have seen, Jesus Christ confirmed the Jewish understanding of divine rule, reasserting the authority of the God-given Torah as over against that of the Romans and the human laws they had established. At the same time, the Romans allowed no other law, be it the Torah or any other, to emerge or be enforced in any way that would pose a challenge to their rule. It was within this oppressive context that Christ sought to restore the foundations, principles and intents of the divine law. As such, he did not enjoy the freedom to act fully as he would have wished, as evidenced by the fact that he was later tried on accusations of stirring up an insurrection and, but for the deliverance of God Almighty, would have been crucified by the Roman authorities.

By way of further clarification, we will conclude our discussion of divine rule as understood by the Children of Israel with a number of passages from Maimonides’ (Ibn Maymūn’s) commentary on the Torah. Maimonides wrote:

The principle I seek constantly to make clear is that every prophet other than our lord Moses would receive the revelation from an angel who would make it known to him. As for Moses, his prophethood was distinct from that of everyone who came before him. It was made manifest to him as it

had been to Abraham, and the divine name was declared to Moses alone, not to the people as a whole. Thus not everything that was communicated to Moses reached all of the Children of Israel. Rather, Moses was addressed individually. The ten commandments, for example, were communicated solely to Moses, whereupon he would descend the mountain and inform people of what he had heard, saying, “I stand between the Lord and you at this time in order to deliver to you the word of the Lord.” Moses would speak and God would answer him in an audible voice so that the people could hear him being addressed.⁷

What this indicates, according to Maimonides, is that the words had been addressed to Moses, while the people would hear God’s voice, but not the details of what was being said.

In this manner, Maimonides sought to make clear the bond between God, His people Israel, and the holy land in which they dwelt. In his view and in the view of all other Jewish scholars, this land was literally “the kingdom of God,” to whom absolute rule belonged. Prophets during the Mosaic era were mere message-bearers whose function was to enable people to hear the voice of the Deity who made all decisions.

As for David, he was at once vicegerent and prophet, while Solomon was a vicegerent endowed with kingly reign and prophethood. God speaks of this in the Qur’an, saying, “[And We said:] ‘O David! Behold, We have made thee a [prophet and, thus, Our] vicegerent on earth: judge, then, between men with justice, and do not follow vain desire, lest it lead thee astray from the path of God’: verily, for those who go astray from the path of God there is suffering severe in store for having forgotten the Day of Reckoning!” (*Sūrat Ṣād* 38:26). The prophet-king was a vicegerent in the sense that if he erred in his rule, he would be subject to immediate correction. The account according to which two litigants came to David with a dispute – which is mentioned in both the Torah and the Qur’an – serves to underline this principle.⁸ Similarly, God speaks of the understanding which He granted to Solomon (*Sūrat al-Anbiyā’* 21:79), as though the Creator were granting direct guidance to His vicegerent prophets. Then the people of Israel asked that God give them kings to rule over them. They first asked that such kings reign over them in the way in which the vicegerent prophets had done, after

which they asked that they do so after the manner of the kings who ruled over the neighboring peoples just as they had initially demanded deities like those of the surrounding nations. As God states (*Sūrat al-Aʿrāf* 7:138): “We brought the children of Israel across the sea; and thereupon they came upon people who were devoted to the worship of some idols of theirs. Said [the children of Israel]: ‘O Moses, set up for us a god even as they have gods!’ He replied: ‘Verily, you are people without any awareness [of right and wrong]!’” Such texts make apparent the extent to which the people of Israel were prone to blind imitation.

THIRD: DIVINE RULE AND THE FINAL MESSAGE

The first thing to be noted about the final prophetic message is its positive view of humanity. It affirms human beings’ worthiness to bear the trust and responsibility they were given through the covenant that was made between God and Adam to establish a just civilization as God’s stewards on Earth. God described his Messenger Muhammad as the bearer of the messages of all prophets before him, his purpose being to confirm whatever truths remained therein, correct what had been falsified or corrupted, and purify them of distortions, unfounded interpretations, and undue assumptions while at the same time going beyond them to reveal new truths.

The following verses of the Qur’an offer food for reflection on the concepts of rule (*al-ḥukm*) and governance (*al-ḥākimiyyah*): “judgment (*al-ḥukm*) rests with none but God. He shall declare the truth, since it is He who is the best judge between truth and falsehood” (*Sūrat al-Anʿām* 6:57); “for they who do not judge (*man lam yaḥkum*) in the light of what God has bestowed from on high – it is they, they who are truly iniquitous!” (*Sūrat al-Māʾidah* 5:47); “And on whatever you may differ, [O believers,] the verdict thereon (*ḥukmuhu*) rests with God” (*Sūrat al-Shūrā* 42:10); “they who do not judge (*man lam yaḥkum*) in accordance with what God has bestowed from on high are, indeed, deniers of the truth!” (*Sūrat al-Māʾidah* 5:44); “But nay, by thy Sustainer! They do not [really] believe unless they make thee [O Prophet] a judge (*ḥattā yuḥakkimūk*) of all on which they disagree among themselves, and then find in their hearts no bar to an acceptance of thy decision and give themselves up [to it] in utter self-surrender” (*Sūrat al-Nisāʾ* 4:65).

As Abraham prayed long ago, “O our Sustainer! Raise up from the midst of our offspring an apostle from among themselves, who shall convey unto them Thy messages, and impart unto them revelation as well as wisdom, and cause them to grow in purity: for, verily, Thou alone art Almighty, Truly Wise!” (2:129). In relation to the fundamental tasks which the Messenger of God was assigned to accomplish, there is no explicit mention in the Qur’an of the concept of rule (*ḥukm*) or governance (*ḥākimiyyah*) in the senses in which it came to be discussed in later times. However, an examination of the Prophet’s life will reveal that he taught, issued fatwas, and exercised leadership and judicial authority not from a position of worldly political power, but from his position as a Prophet.

The night before the Messenger of God made his victorious entry into Makkah, he ordered fires lit on the mountaintops around the city in order to intimidate Quraysh and break down their psychological resistance. That same night, Abū Sufyān had set out in the company of al-ʿAbbās with the intention of visiting the Messenger of God and announcing his conversion to Islam. When Abū Sufyān saw the fires and began imagining how many Companions and fighters had come with the Messenger of God, he commented to al-ʿAbbās, “Your nephew’s kingly rule has spread far and wide,” to which al-ʿAbbās replied, “It is not kingly rule, O Abū Sufyān. It is prophethood.”⁹

As will be apparent from this exchange, Abū Sufyān had confused prophethood with kingly rule, whereas for al-ʿAbbās, the distinction between worldly and spiritual authority was clear. This distinction was affirmed by the Prophet on a regular basis. Once, when a man stood trembling before him in awe of his presence, he said, “Have no fear. I am not a king. Rather, I am the son of a woman from Quraysh who ate jerked meat.”¹⁰ In a similar spirit, he once prayed saying, “O God, let me live poor and humble, and die poor and humble.”¹¹ This was a clear disavowal of worldly pomp and authoritarianism, and an affirmation of the prophetic understanding of governance, which was founded upon recitation of the Qur’an, education of the community, and guiding and correcting people’s behavior on this basis. In fact, even actions that might have appeared to be political in nature were undertaken not in pursuit of power or influence, but for educational purposes. This is

the fundamental difference between prophethood and other forms of leadership or governance. The same point is highlighted in the Prophet's statement, "The [true] caliphate will continue after me for thirty years."¹²

Al-Nu'mān Ibn Bashīr reported that he was once with his father Bashīr Ibn Sa'd in the mosque when they were approached by Abū Tha'labah al-Khushanī, who said, "Oh Bashīr, have you memorized the sermon preached by the Messenger of God (ṢAAS) on the caliphs?" "No, I have not," replied Bashīr. Then Ḥudhayfah Ibn al-Yamān, who was seated nearby, said, "I have memorized it." Abū Tha'labah then sat down with them and Ḥudhayfah related, "The Prophet (ṢAAS) once said, 'Prophethood will endure among you so long as God wills it to; then He will abolish it should He so will. A caliphate on the order of prophethood will then come into being and endure for as long as God wills, after which He will abolish it should He so will. This will be followed by a rule that clings tenaciously to power as though it were holding on by its teeth; then God will abolish it should He will to abolish it. This in turn will be followed by a rule of brute force, which will be followed in turn by a caliphate on the order of prophethood.' Then he fell silent." When 'Umar Ibn 'Abd al-'Azīz became caliph, al-Nu'mān's son Ḥabīb said he hoped that 'Umar Ibn 'Abd al-'Azīz would be him [i.e., the caliph who ruled after the order of the Prophet]. Ḥabīb was then ushered in to see 'Umar Ibn 'Abd al-'Azīz, whereupon he related this hadith to him, and 'Umar was pleased. We know of no one who attributed this hadith to al-Nu'mān on the authority of Ḥudhayfah with the exception of Ibrāhīm Ibn Dāwūd.¹³

What this account tells us is that the caliph should realize that his fundamental task is to recite the Qur'an to people, and to teach them the revelation and wisdom. Part of the process of inner purification for which Islam calls involves outer guidance that consists of rewarding those who do good and punishing those who do harm. These aspects of a caliph's rule set it apart from authoritarian, dictatorial forms of government, placing it rather within the framework of spiritual discipline and formation. Consequently, it would be incorrect to say that Islam endorses an authoritarian form of governance based on absolute control by God Almighty, by God's Prophet in His name, by His Prophet's

successors in His name, or in the name of God's law; on the contrary, it is a mechanism whose goals are nurture, purification, recitation and education. In this hadith, which depicts future events in the Muslim community and offers a way of understanding them, the Prophet drew a clear distinction between a caliphate "on the order of prophethood," that is, a caliphate in which the people are governed as a prophet of God would govern them, and an autocratic, dictatorial government by whatever name or on whatever pretext.

Regardless of the outward form of government that exists, however, sovereignty within the Muslim community is centered in the Qur'an, which, unlike previous scriptures, came with divine guarantees that it would be preserved unchanged down the generations. As God said to the Prophet, "And unto you have We vouchsafed this divine writ, setting forth the truth, confirming the truth of whatever there still remains of earlier revelations and determining what is true therein" (*Sūrat al-Mā'idah* 5:48). Based on this role, the Qur'an was imbued with a sovereign authority which qualified it to be the source of a just rule on Earth. Therefore, God continued, "Judge, then, between the followers of earlier revelation in accordance with what God has bestowed from on high" (5:48). The Qur'an was also given as a means of alleviating undue hardship associated with the severity of previous laws. As we read elsewhere, the revelation sent down through the Prophet would "enjoin upon them the doing of what is right and forbid them the doing of what is wrong, and make lawful to them the good things of life and forbid them the bad things, and lift from them their burdens and the shackles that were upon them [aforetime]" (*Sūrat al-A'raf* 7:157). Such features imbued the Qur'an with a unique authority.

Given the sovereignty and centrality of the Book of God, it is viewed as the sole originating source of legal rulings within Islam. Whatever situation arises in the life of the *ummah* or any of its members, the Qur'an contains guidance to its resolution. God has described the Qur'an as "a divine writ which We have bestowed upon thee from on high in order that thou might bring forth all mankind, by their Sustainer's leave, out of the depths of darkness into the light: onto the way that leads to the Almighty, the One to whom all praise is due, unto whom all that is in the heavens and all that is on earth belongs" (*Sūrat*

Ibrāhīm 14:1-2). Speaking to the Prophet, God said, “And upon thee [too] have We bestowed from on high this reminder, so that thou might make clear unto mankind all that has ever been thus bestowed upon them, and that they might take thought,” “We have bestowed from on high upon thee this divine writ, to make everything clear, and to provide guidance and grace and a glad tiding unto all who have surrendered themselves to God” (*Sūrat al-Nahl* 16:44, 89), and, “And thus, too, [O Muhammad,] have We revealed unto thee a life-giving message, [coming] at Our behest. [Ere this message came unto thee,] thou didst not know what revelation is, nor what faith [implies]: but [now] We have caused this [message] to be a light, whereby We guide whom We will of Our servants, and, verily, thou, too, shalt guide onto the straight way” (*Sūrat al-Shūrā* 42:52). Hence, what we are talking about is governance based on a revelation sent down by God on human beings called to be God’s stewards on Earth, whatever their cultural framework, way of life, or field of knowledge, for them to apply its guidance in the adjudication of people’s disputes.

Direct divine rule – theocracy – came to an end with the Children of Israel, whereas in the final prophetic message, God’s rule was mediated through the role of prophethood and through a process of education, training, inward purification, and Qur’anic recitation. Out of these elements – prophethood, caliphate, and the sovereignty of the Book of God – there emerged the components of a thriving civilization. When the Qur’an is recognized as the source of earthly governance, human beings are viewed as responsible for living out the values of justice, integrity, and right guidance embodied in its verses. This is because the guidance of the Qur’an is mediated through a combined human reading of the Qur’anic text and the world of concrete realities. Our understanding of the written message of the Qur’an is thus joined with the unwritten message conveyed by the natural world and the circumstances in which we find ourselves.

Qur’anic governance infuses Islamic law with both adaptability and comprehensiveness. As such, it frees people to rethink and revise legal rulings and to regulate life in a flexible manner, since the values embodied in the Qur’an are capable of accommodating any and all human situations, in any and all times and places. Therefore, not only is

it possible, but it is necessary and right for the rulings derived from the Qur'an to differ from one environment to another and one era to another, and for those deriving them to draw upon all available knowledge and experience.

The sovereign governance of the Qur'an delivered humankind from the direct divine rule as understood by the Children of Israel, in which the performance of miraculous signs and wonders constituted the basis for an unquestioning, submission to the divine edicts, be they comprehensible or otherwise, moderate or onerous. In the place of the tyranny of theocracy, Qur'anic rule gives human beings the opportunity to exercise mindful responsibility for their actions based on a rational understanding of the Qur'an's message and applications.

Theocracy presents people with divine fiats which they have no choice but to implement just as they are, and with realities they have no choice but to accept whether they comprehend them or not. We are reminded, for example, in *Sūrat al-Aʿrāf* 7:171 of the fact that God "caused Mount Sinai to quake above the children of Israel as though it were a [mere] shadow, and they thought that it would fall upon them." Governance that takes place based on the Qur'an, by contrast, places responsibility on human beings to act based on their own rational understanding of the divine revelation. People are called upon to appeal and adhere to the source of divine legislation, with a commitment not to defy it, corrupt it, or twist its meanings in such a way that they and others doubt the religion. People are directed to come to the Qur'an via a straightforward reading which considers language, tradition, and human perceptions. We are not to rush to judgment but, rather, understand that reward and punishment in the final analysis belong not to this world but to the next. After all, this world is a realm of action, not of final reward or recompense. It is not a realm where mountains quake, or where people are punished by being turned into monkeys or swine. Herein lies the radical difference not only between the final divine law and the law given to the Children of Israel, but between two entire ways of life and thought.

Under these circumstances, human beings' worship comes to involve the reading, understanding and application of legal rulings, as a result of which they feel that they themselves have had a part in these

rulings, not simply by receiving them as commands and obligations, but by formulating them. This is what is meant by God's instruction to "pay heed unto God, and pay heed unto the Apostle and unto those from among you who have been entrusted with authority." The phrase "from among you" expresses the fact that the legislation which we have been called upon to adopt has not been imposed on us from without but, rather, is a set of laws in which we have taken part through our own reasoned interpretations, readings, perceptions, and so on. This being the case, there is no need for us to add to them, remove from them, or make them stricter or more lenient, still less reject them or rebel against them.

FOURTH: THE CONCEPT OF DIVINE GOVERNANCE AS A SPUR TO ACTION

To what origins can we trace the modern world's Islamist factions that champion the notion of "divine rule," rising to power in its name and declaring Islam to be founded on this notion? Contemporary Islamic movements may be seen as extensions of earlier jihad movements which made use of all the resources at their disposal, including the vast intellectual and cultural tradition of the *ummah*, in their attempts to mobilize the Muslim community to struggle on its own behalf. Muslims had succeeded in liberating their lands from colonialists, national governments had been established, and independence had been achieved for most of the countries that had been under colonial rule. However, the Islamic factions that had fought for such changes found that most of the aims and ideals to which they had appealed in their attempts to stir the Muslim community to action had been frustrated or, at least, not realized in the way they had hoped. The resulting disappointment led them to re-engage in struggles of various forms. However, such struggles met with only limited success due to a number of causes, some of them historical having to do with inherited patterns of authority and rule, and some of them contemporary having to do with the neo-colonialist period and newly prevalent Western ideas of the state, government, authority and power which had been formulated in isolation from the intellectual influences and distinctive features of the Islamic worldview.

Within this framework, modern Islamist movements embarked on their struggle from within in an attempt to achieve the aims and ideals on behalf of which their forefathers had been martyred, whether in Algeria, Egypt, India, Iraq, or elsewhere. It was clear to the leaders of these modern Islamist movements that the aims of the *ummah* had been thwarted this time by their fellow countrymen and religionists. Hence, in order to restore effectiveness to the *ummah*, reunite its ranks and enable it to achieve cultural and legislative independence, these movements drew on the intellectual and cultural store that had fueled Islamic movements before them. The individuals who headed the regimes now in power in Muslim countries spoke these countries' languages and claimed allegiance to them. However, they replaced the goals specific to the Muslim community with modernist goals, striving for even closer ties with the very powers from which previous generations had fought to be liberated. Leaders of these Islamic movements used all the tools at their disposal to free their fellow citizens from the economic, cultural, intellectual, institutional and organizational subordination to which they had succumbed. However, the existing powers, which had come in as mere surrogates despite their alleged Islamic identities and their feigned identification with the Muslim populations they governed, were in reality nothing but imposters who had appropriated power that was not rightfully theirs. Moreover, since the Islamic groups in question were not in a position to state publicly that the ruling regimes were mere usurpers, they went in search of ideals or slogans around which people could rally. To this end, they began describing the ruling regimes as being *jāhiliyah* in nature, that is, marked by the darkness and ignorance of pre-Islamic days rather than enjoying legitimate governing authority.

The description of Islamic governments in terms of the contrast between divine rule (*al-ḥākimiyyah al-ilāhiyyah*) and the reign of ignorance (*al-jāhiliyyah*) first emerged among Islamist leaders in Pakistan, particularly in the writings of Abu al-ʿAla al-Mawdudi (1903-1979). Pakistan in al-Mawdudi's earlier days was part of greater India, where Muslims had ruled for centuries until the British takeover of India in 1858 from the British East India Company. Following the British takeover, Muslims in India had become a persecuted religious and ethnic

minority, which prompted Islamist leaders to call for the establishment of a Muslim state with autonomy from India. The Islamic Republic of Pakistan came into being in 1947, born of the aspiration to establish a state that would restore Muslims' rights and freedoms, and afford them safety and equitable treatment.

However, when at last an Islamic state was established in Pakistan after tremendous sacrifice, the hopes of those who had made such sacrifices were not realized. The newly formed, presumably Islamic, government appeared to be no different than any other, and the leaders who had taken part in the struggle to win such a state felt they had been duped. Hence, they carried on with the struggle to achieve the state they had dreamed of. As attempts were made to correct their mistakes, the contrasting concepts of divine rule (*al-ḥākimiyyah al-ilāhiyyah*) and the reign of ignorance (*al-jāhiliyyah*) were proposed and discussed by some Islamist thinkers.

Another example of someone who discussed the notion of *ḥākimiyyah* and related concepts was Sayyid Qutb (1906-1966). Given his powerful intellect and distinctive writing style, Qutb became well known for his emphasis on *jāhiliyyah* as a characteristic of rulers who were not governing based on the Islamic revelation. The concept of rule or governance (*ḥākimiyyah*) served as the focus of many of the works he penned after his imprisonment, where he argued that the rulers who had come to power in various parts of the Islamic world following the national liberation uprisings had arrogated to themselves the right to the governance which belongs to God alone, and which must be the foundation of any legitimate human rule. Qutb's interest in, and focus on, this idea reached its peak in his final publications, particularly his *Ma'ālim fī al-Ṭarīq* (Milestones) and *Muqawwimāt al-Mujtama' al-Islāmī* (Components of Islamic Society), whose thesis was that a government's ability to achieve political legitimacy depends on its recognition of the governance of God and its commitment to the divine blueprint for human rule. However, Qutb refrained from delving into the details of such governance, since his primary aim was to raise Muslims' awareness of the fact that their interests were not being served by national leaders, and that despite having achieved independence from the colonial powers, they were still being governed by values

that were at odds with their religion and their Islamic perspective on the world.

Sayyid Qutb elevated the concept of *ḥākimiyyah* in his political thought to the point where the declaration *lā ilāha illā Allāh*, “there is no god but God” was viewed as synonymous with saying that the sole ruler is God and that all earthly authority belonged to Him alone. In short, Qutb made no distinction between the meaning of the governance of God in political rule and the governance of God on the level of the Universe or predestination. In so doing, he followed in the footsteps of al-Mawdudi, who had pitted the governance of God against the governance of human beings, which he viewed as irreconcilably counter to servitude to and worship of God. Essentially, both al-Mawdudi and Sayyid Qutb denied that human beings, whether individuals or community, have any role in governance apart from reception and application of the divine law, since God alone is the ruler.

Under the influence of al-Mawdudi and Qutb, the concept of divine governance came to be construed in the same way in which it had been construed by the Children of Israel in the time of Moses. It had been concluded that God, Exalted and Blessed is He, had established a special kingdom on Earth and laid down its laws and policies. These laws and policies had thus become an inseparable part of the Islamic religion, faith and doctrine, there being no difference between the sacred and the secular, the earthly and the otherworldly, the civil and the religious. Many Islamists attempted to explain al-Mawdudi’s and Qutb’s view in such a way as to show that human beings have an active role in the reception and understanding of the divine law via the process of *ijtihād*. However, the idea of divine governance as it had been understood by previous civilizations, particularly the Jewish tradition, continued to be projected upon the thesis being proposed by al-Mawdudi and Sayyid Qutb, and no amount of explanation or interpretation could make their views more palatable to the contemporary Western mindset, which views this idea as robbing human beings of proper agency. At the same time, many Islamist thinkers, whether they were commenting on or explaining the ideas of al-Mawdudi and Qutb or proposing ideas of their own, had begun projecting modern notions of government, state, power, authority and the divine law onto the Qur’an,

the Sunnah, and other historical realities. As a consequence, the concept of divine rule was beset by such confusion that it required a good deal of analysis, deconstruction and reconstruction lest it cause all of Islam to be misunderstood.

Through the efforts of writers on behalf of some Islamic movements, the concept of divine governance (*ḥākimiyyah*) became paired so closely with that of monotheism (*tawḥīd*) that the two notions were conflated to some extent, and the result was a loss of clear vision within Islamic societies that necessitated a corrective process. If not understood correctly, the notion of governance may conflict with essential features of the Islamic creed. One such feature is the universality of the Islamic message, which may or may not be the same as the universality of Islamic governance. The notion of divine rule (*al-ḥākimiyyah al-ilāhiyyah*) might reasonably be understood to mean the rule of Islamic law as discussed by al-Shāṭibī. As for the topic of authority (*al-sulṭah*), it should be borne in mind that religious authority in the precise sense of the term has never existed in Islam apart from that which belonged to the Messenger of God. During his lifetime, the Messenger of God exercised two types of authority. The first of these was a spiritual authority in his capacity as a Prophet sent by God, and the second was a political authority by virtue of his role as an earthly ruler who was freely and unanimously recognized as such by the people of Madinah, Muslims and non-Muslims alike. Unfortunately, however, Islamists have tended to project contemporary understandings of authority onto the practices of the Messenger of God, as though to disregard his roles as Prophet and Apostle. (“Say [O Prophet]: ‘I am but a mortal man like all of you. It has been revealed unto me that your God is the One and Only God’” *Sūrat al-Kahf* 18:110.)

The entire Muslim community agrees that the Prophet’s religious authority was unique to him, and that he passed it on to no one after him. This is what is meant by the “seal of prophethood.” Hence, it is debatable whether the term “authority” (*sulṭah*) can properly be applied to “prophethood” (*nubūwah*) and the seal of prophethood (*khatm al-nubūwah*). It might be more accurate to describe prophethood as a type of guardianship (*walāyah*), which would be closer to the spirit of Islam. As for what was passed on to the caliphs following the Prophet’s

death, it was restricted to the political sphere, where the caliph played the role of imam and ruler, or head of a state or city government. This point is of particular importance, as numerous scholars have blithely analyzed, deconstructed and reconstructed modern concepts of power, rule and authority as though they were perfectly applicable to earlier periods of history.¹⁴

In sum, then, the Messenger of God did the things he did in his capacity as a Prophet and an Apostle, and the obedience he commanded was derived solely from these roles. As God declares in *Sūrat al-Nisā'* 4:64, “for We have never sent any apostle save that he should be obeyed by God’s leave.” The mere fact that he was obeyed does not make him a ruler like any other; otherwise, God would have referred to him explicitly as such. The Messenger of God had been preceded by numerous other prophets and messengers of whom the Qur’an tells us that God had granted them both prophethood and earthly rule. Hence, if the Messenger of God had been divinely assigned the role of earthly ruler, this would have been mentioned along with the other roles and tasks which the Qur’an attributes to him, such as recitation of the Qur’an, teaching, purifying, and the like, and we would not have been told in the Qur’an that *in al-ḥukm illā lillāh* (*Sūrat al-An‘ām* 6:57), thereby limiting sovereignty to God alone. Indeed, the role of ruler was assigned to the Qur’an itself. As we are told in *Sūrat Āl ‘Imrān* 3:23, people “have been called upon to let God’s writ be their law.”

The tendency to confuse the role of prophet with that of earthly ruler was addressed by the Prophet himself. Speaking to a number of military commanders, he said, “If you besiege people within a fort and they want you to bring them under the protection of God and His Prophet, do not do so. Rather, bring them under your own and your companions’ protection. For should you and your companions fail to live up to your obligations as protectors, this would be less serious in God’s eyes. Do not bring them under God’s rule; rather, bring them under your own. After all, you do not know whether you will succeed in applying God’s rule among them or not.”¹⁵

After the Prophet passed away, the rightly guided caliphs carried out their roles after the manner of a prophet, recognizing themselves as the Prophet’s successors and emulators. This was especially true of the

reigns of Abū Bakr and ʿUmar Ibn al-Khaṭṭāb, the first six years of the caliphate of ʿUthmān Ibn ʿAffān, Imam ʿAlī’s efforts to set things aright after ʿUthmān’s assassination, and the leadership exercised by ʿUmar Ibn ʿAbd al-ʿAzīz. All of these individuals acted with the aim of establishing a caliphate “after the order of prophethood.” These leaders understood that the “order of prophethood” had been defined by the Qur’an itself and that as such, it was not within their purview to modify it in keeping with their own political agendas or to attribute ultimate authority to themselves. In keeping with this understanding, Abū Bakr and ʿUmar Ibn al-Khaṭṭāb often prefaced their letters with statements indicating their awareness of their own fallibility, such as: “This is the opinion of the Commander of the Faithful, ʿUmar Ibn al-Khaṭṭāb,” or, “This is the opinion of Abū Bakr, Caliph of the Messenger of God.” In other cases they might introduce a declaration with the statement, “This is what God has shown to the Caliph of the Messenger of God,” or, “This is what God has shown to the Commander of the Faithful ʿUmar Ibn al-Khaṭṭāb.” However, in so saying, they would not attribute the view or command to God, lest they cause confusion to the Muslim community.

FIFTH: THE CENTRALITY OF THE MODEL OF THE UMMAH AS
CONTRASTED WITH THAT OF THE SECT OR WORLDLY AUTHORITY

When instructing its listeners or readers to command what is good and forbid what is evil, the Qur’an addresses itself to all believers, whether indirectly, as in *Sūrat al-Tawbah* 9:71, “And [as for] the believers, both men and women - they are close unto one another: they enjoin the doing of what is right and forbid the doing of what is wrong, and are constant in prayer, and give zakah, and pay heed unto God and His Apostle. It is they upon whom God will bestow His grace: verily, God is Almighty, Wise!,” or directly, as in *Sūrat Āl ʿImrān* 3:110, “You are indeed the best community that has ever been brought forth for [the good of] mankind: you enjoin the doing of what is right and forbid the doing of what is wrong, and you believe in God.” When the Qur’an does specify a particular group, it specifies the entire Muslim community, or *ummah*, as in *Sūrat Āl-ʿImrān* 3:102-105, which reads:

And hold fast, all together, unto the bond with God, and do not draw apart from one another. And remember the blessings which God has bestowed upon you: how, when you were enemies, He brought your hearts together, so that through His blessing you became brethren; and [how, when] you were on the brink of a fiery abyss, He saved you from it. In this way God makes clear His messages unto you, so that you might find guidance, and that there might grow out of you a community who invite unto all that is good, and enjoin the doing of what is right and forbid the doing of what is wrong: and it is they, they who shall attain to a happy state! And be not like those who have drawn apart from one another and have taken to conflicting views after all evidence of the truth has come unto them: for these it is for whom tremendous suffering is in store.

Nowhere in the Qur'an does God address a sect or subgroup that exists in isolation from the greater *ummah*.¹⁶ Consequently, there is no place for the condescending, bigoted and dismissive attitudes perpetuated by the model of "the single sect that will achieve salvation" which informed Muslims' collective consciousness long ago. The Qur'an itself warns against sectarianism and divisiveness. In no place does the Qur'an direct us to move in self-contained circles within the *ummah*. On the contrary, it instructs us to move freely within the larger circumference of the *ummah* as a whole. No idea that negates the unity of the *ummah* in favor of a sect or denomination will serve the aim of renewal or change. On the contrary, it will only bring about more division, which will lead in turn to the fragmentation of the religion, with each competing group adopting a part of the religion while mistakenly imagining it to be the whole.

The *Ummah*

An examination of the term *ummah* in both its linguistic and conceptual dimensions sheds further light on its significance for an understanding of the Qur'anic teaching on the notion of difference. The term *ummah* occurs sixty times in the Qur'an as an indefinite noun, and in all of these places, it is used in the sense of a fundamental entity to which the existence of other things is attributed, or to which other entities are joined. This sense of the word is illustrated in *Sūrat al-Zukhruf* 43:23 in the

statement made by people attached to the beliefs of their ancestors: “We found our forefathers agreed on what to believe [literally, upon an *ummah*, “*alā ummah*”] – and, verily, it is but in their footsteps that we follow!” The use of the term *ummah* in the most unrestricted sense shows it to be a dynamic entity, a sphere that expands and contracts depending on the elements it includes at any given point in time. As such, the term *ummah* can be applied to an individual just as it can be applied to all people.

The use of the term *ummah* to refer to an individual is found in *Sūrat al-Nahl* 16:120, where Abraham is described as an *ummah*. This description of the great patriarch is consistent with the fact that everyone who came after him was traced back to him, and all of God’s messengers thereafter were among his descendants. Indeed, the Qur’an directs us to adhere to the creed of Abraham. As we read in *Sūrat al-Nisā’* 4:125, “And who could be of better faith than he who surrenders his whole being unto God and is a doer of good withal, and follows the creed of Abraham, who turned away from all that is false – seeing that God took Abraham as an intimate friend?” However, the Qur’an also uses the term *ummah* to refer to a collective. It tells us, for example, that at one time all people constituted a single *ummah*, united in their worship of the one God. “And [know that] all mankind were once but one single community (*ummatan wāḥidah*), and only later did they begin to hold divergent views” (*Sūrat Yūnus* 10:19). It was then that God began sending prophets as warners and as bearers of good tidings, and with them, granting revelation to serve as an arbiter among people concerning the matters over which they differed (*Sūrat al-Baqarah* 2:213).

Had He so willed, God could have made all people a single *ummah*. In His supreme wisdom, however, He chose to test us by sending a variety of messengers, revelations and paths. “And had thy Sustainer so willed, He could surely have made all mankind one single community: but [He willed it otherwise, and so] they continue to hold divergent views...” (*Sūrat Hūd* 11:118). “Unto every one of you have We appointed a [different] law and way of life. And if God had so willed, He could surely have made you all one single community: but [He willed it otherwise] in order to test you by means of what He has vouchsafed unto, you. Vie, then, with one another in doing good works! Unto

God you all must return; and then He will make you truly understand all that on which you were wont to differ” (*Sūrat al-Mā'idah* 5:48).

The concept of *the ummah* is associated with a network of ideas, including those of difference (*al-ikhtilāf*), division (*al-furqah* or *al-tafarruq*), and sect (*al-tā'ifah*). Hence, a proper approach to an understanding the *ummah* in Qur'anic terms requires that we touch upon these various ideas in turn. The Qur'an sometimes uses the term *ummah* in contrast to the divisions and disagreements against which it warns us. It lauds the emergence of

a community (*ummah*) who invite unto all that is good, and enjoin the doing of what is right and forbid the doing of what is wrong: and it is they, they who shall attain to a happy state! And be not like those who have drawn apart from one another (*tafarrāqū*) and have taken to conflicting views (*ikhtalafū*) after all evidence of the truth has come unto them: for these it is for whom tremendous suffering is in store” (*Sūrat Āl 'Imrān* 3:104-105).

However, an *ummah* may forfeit its unity and be split apart:

And, verily, this community of yours is one single community, since I am the Sustainer of you all: remain, then, conscious of Me! But they [who claim to follow you] have torn their unity wide asunder, piece by piece, each group delighting in [but] what they themselves possess [by way of tenets]. (*Sūrat al-Mu'minūn* 23:52-53).

Similarly, as we read earlier, “all mankind were once but one single community, and only later did they begin to hold divergent views” (*Sūrat Yūnus* 10:19).

The trilateral root *f-r-q* occurs seventy times in the Qur'an, referring in each case to some type of difference or disparity. In some cases it refers to a part of a whole, as in *Sūrat al-Shu'arā'* 26:63, where God states, “Thereupon We inspired Moses thus: ‘Strike the sea with thy staff!’ – whereupon it parted, and each part (*firq*) appeared like a mountain vast.” In other cases it is used to distinguish between individual entities: “And [Jacob] added: ‘O my sons! Do not enter by one gate,

but enter by different gates (*abwābin mutafarriqah*).” (12:67) In another context it is used to refer to the Qur’an itself as that which distinguishes between truth and falsehood (*al-furqān*) (*Sūrat al-Furqān* 25:1).¹⁷ The only negative sense in which this root is used has to do with disunity within religion. The Qur’an speaks disparagingly of “those who have broken the unity of their faith (*farraqū dīnahun*)” (*Sūrat al-An‘ām* 6:159). (See also *Sūrat al-Kahf* 18:78: “[The sage] replied: “This is the parting (*firāqun*) of ways between me and thee.”)

Some verbs derived from the trilateral root *f-r-q* have to do with a needed or desirable division or separation between truth and falsehood. Moses prayed to God saying, “O my Sustainer! Of none am I master but of myself and my brother [Aaron]: draw Thou, then, a dividing line between us and these iniquitous folk (*f’afriq baynanā wa bayn al-qawm al-fāsiqīn*)!” (*Sūrat al-Mā’idah* 5:25). In *Sūrat al-Shūrā* 42:7-8, God commands the Prophet, “warn [them] of the Day of the Gathering, [the coming of] which is beyond all doubt: [the Day when] some (*fariq*) shall find themselves in paradise, and some (*fariq*) in the blazing flame.” (See also *Sūrat al-A‘rāf* 7:30.) These verses point to a reality which is affirmed repeatedly in the Qur’an, namely, that had God so willed, all people would have faith. However, since this earthly realm is an abode of testing, each of us has been given a choice, and not all people will follow a single path.

The negative sense in which derivatives of the root *f-r-q* have been used is that of bringing out divisions within religion. This sense is employed in *Sūrat al-An‘ām* 6:159, where God says to the Prophet, “Verily, as for those who have broken the unity of their faith (*farraqū dīnahun*) and have become sects – thou hast nothing to do with them. Behold, their case rests with God: and in time He will make them understand what they were doing.” Similarly, God commands the believers in *Sūrat al-Shūrā* 42:13 to “steadfastly uphold the [true] faith, and do not break up your unity therein (*lā tatafarraqū fīhi*).” *Sūrat al-Nisā’* 4:152 assures us that those who do not draw baseless distinctions among God’s messengers will be rewarded, saying: “But as for those who believe in God and His apostles and make no distinction between any of them (*lam yufarriqū bayna aḥadin minhum*) – unto them, in time, will He grant their rewards [in full].” In *Sūrat al-An‘ām* 6:153,

God warns believers not to allow anyone to separate them from the right path, saying, “And [know] that this is the way leading straight unto Me: follow it, then, and follow not other ways, lest they cause you to deviate from His way (*fa tafarraqa bikum ‘an sabīlihi*).”

The Qur’anic passages cited here point to the source of the division which leads in turn to partisanship, and to the partitioning and fragmentation of the religion. When the religion that forms the foundation upon which the *ummah* has been built is broken into pieces, whether through corruption of the revealed message, as happened among the followers of earlier religions, or through misinterpretation and misunderstanding as happens among Muslims, this results in disparities in people’s perceptions of the religious authority on which they rely, which leads in turn to differences, conflicts and, eventually, open warfare. The reason for this is that the division of the religion distances us from its central authority while undermining its impact on our lives, causing us to wrong and harm one another. After all, matters such as this are not confined to abstract opinions, but affect entire cultural and social structures, as a result of which the differences take on deeper dimensions which not only entrench divisions among members of the *ummah*, preventing them from developing a communal consciousness, but, in addition, perpetuate a tradition which is not governed by the teachings of the Qur’an.

What distinguishes the *ummah* of Islam from other communities of faith is that its revelation has been preserved by God to serve as evidence to humankind of the truth of its message until the Day of Judgment. As only one part of the *ummah*, a sect (*firqah*) would be incapable of upholding the religion, in part because of its incomplete view of things, and in part because of its inability to transcend its narrow sphere of movement. Would a denomination (*ṭā’ifah*), then, be capable of fulfilling this function?

The word *ṭā’ifah* is used in the Qur’an to refer to a group of people that constitutes part of a whole (see, for example, *Sūrat al-Aḥzāb* 33:12-13). The word *ṭā’ifah* is derived from the verb *ṭāfalyatūfu*, meaning to circumambulate about a fixed center. Hence, whereas the word *firqah* points to a separation between the part and the whole, and is thus used to identify an independently existing entity, the word *ṭā’ifah*

suggests unity between the part and the whole, as the *tā'ifah* is something that revolves around the center rather than being drawn toward the periphery.¹⁸ Nevertheless, neither the *firqah* nor the *tā'ifah* is presented in the Qur'an as being capable of upholding the religion. This may be seen from the fact that when a conflict arises between two groups (*tā'ifatayn*) within the Islamic community, it is the larger community – the *ummah* – which acts as a referee or arbiter to contain and resolve the dispute: “Hence, if two groups of believers (*tā'ifatān*) fall to fighting, make peace between them; but then, if one of the two [groups] goes on acting wrongfully towards the other, fight against the one that acts wrongfully until it reverts to God's commandment; and if they revert, make peace between them with justice, and deal equitably (with them]: for verily, God loves those who act equitably!” (*Sūrat al-Hujurāt* 49:9)

It should be noted here that the Qur'an's instructions to “fight against the one that acts wrongfully,” and “make peace” are not addressed to a third “group” (*tā'ifah*). Rather, they are addressed to the believing community as a whole – the *ummah* – whose members are seeking to reconcile the warring groups. If, after reconciliation has been achieved, one of the two groups continues to act abusively toward the other, the entity which fights the group that is in the wrong lest the conflict spread further needs to be the entire believing community, not some third group within the community. The believing community – the *ummah* – is not a party to the dispute, but an arbiter, a refuge to which the parties in conflict can appeal, with no one being excluded.

Based on the foregoing, the word *ummah* (community) in God's words, “that there might grow out of you a community (*li takun minkum ummah*)” (*Sūrat Āl 'Imrān* 3:104) cannot be taken to refer to a part of a whole, or one of a number of smaller circles that move within a larger circle. Rather, the notion of a community out of a community, or a community within a community, refers to the renewal of the *ummah*'s effectiveness whenever it wanes; it refers to a communal entity that is raised up anew when it begins to collapse, a spirit of community that is revived when it grows faint; a sunrise after a sunset, like the emergence of life out of death, and day out of night.

Muslims are thus called upon to support the *ummah* because it is the entity which has been authorized and qualified to uphold the religion. As we read in *Sūrat Āl ‘Imrān* 3:104, God calls for the emergence of “a community (*ummah*) who invite unto all that is good, and enjoin the doing of what is right and forbid the doing of what is wrong; and it is they, they who shall attain to a happy state!” When God issued the command to “uphold the faith, and do not break up your unity therein” (*Sūrat al-Shūrā* 42:13), the command was addressed to all believers. After all, it is not the ruler, the state, the party, or some illusory sect that attains exclusively to salvation that possesses the right to command the doing of what is good and forbid the doing of what is wrong. Rather, it is the *ummah*, and the *ummah* alone. In early writings on Islamic legal policy, the discourse of change was implicitly addressed to those in positions of political power, and as such, it served their interests. Similarly, in recent times, such discourse has been addressed to the state. By contrast, the discourse of change needs to be formulated in such a way that it encompasses the entire *ummah*.

There is a significant difference between the visions of change generated by the model of the *ummah*, and those generated by the model of the lone sect that will attain to salvation. Not only are these visions different; they are at complete odds with each other, and work at utter cross purposes. For whereas the model of the *ummah* gives rise to visions of global unity capable of embracing differences and variety, the model of the “saved sect” promotes visions which are at best partial, truncated, and deconstructive in nature.

1. *Reviving the ummah*

First of all, a distinction needs to be drawn between reviving the *ummah* and re-establishing it. The Apostle is the person who first established the *ummah* in his capacity as the deliverer of a message from God; this was an event that cannot be repeated, since it was associated with the sending down of the divine revelation by means of which the *ummah* was built upon the foundations of the Abrahamic creed. The revelation was sent down in stages on the Seal of Prophets and Messengers so that he might recite it to others over a period of time as they constructed the witnessing, moderate, virtuous community of Islam. This community

would be capable of bearing the burdens of the Islamic message, not by virtue of its being a center of power in the modern, Western sense of centralization but, rather, an exemplar around which other communities and nations would gather voluntarily.¹⁹

As for revival, it is a renewal on foundations that had been laid previously. The process of revival and renewal requires that we have a precise and detailed understanding of the original entity we are seeking to revive and renew; otherwise, our attempts will founder. God has given us an example of such a process in the plan He set forth to revive the message He had revealed to the Children of Israel. After receiving this message from God, their hearts had grown so hard that they had no appreciation for the revelation that had been bestowed on them. (“The parable of those who were graced with the burden of the Torah, and thereafter failed to bear this burden, is that of an ass that carries a load of books [but cannot benefit from them] – *Sūrat al-Jum‘ah* 62:5). They had distorted its meanings, and forgotten a portion of what they had been told to bear in mind through Moses, Aaron, David and Solomon. Hence, God sent Christ to them as a renewer and reviver of the faith, to soften their hearts, restore their humility, and re-energize their faith in God and the effectiveness of God’s law in their lives. When asked if he had come to change the divinely revealed law, Christ replied, “Do not think that I have come to abolish the law or the prophets. I have not come to abolish them, but to fulfill them. For truly I tell you, until heaven and earth disappear, not the smallest letter, not the least stroke of a pen, will by any means disappear from the Law until everything is accomplished” (Matthew 5:17-18). Similarly, we read Christ’s words as recorded in *Sūrat Āl ‘Imrān* 3:50, “And [I have come] to confirm the truth of whatever there still remains of the Torah, and to make lawful unto you some of the things which [aforetime] were forbidden to you. And I have come unto you with a message from your Sustainer; remain, then, conscious of God, and pay heed unto me.”

As the Children of Israel grew increasingly hard-hearted, they fell prey to a kind of formalism that combined an excessive concern for outward ritual and nitpicking adherence to literal applications of the Torah with a blithe disregard for its spiritual aims and purposes. Consequently, the Torah had become a law of shackles and chains

rather than a dispensation of mercy and compassion. In this context, Christ was responsible for renewing people's understanding of the Law as revealed through Moses. Similarly the role of the Muslim community of faith is to revive the Islamic religion and creed by renewing people's understanding of the Law as revealed through the Prophet, a process which includes correcting people's perception of the Law as nothing but a system of do's and don't's. However, we will only succeed in accessing the blessing and light found in God's Law if God's Book is read and understood with a view to its structural unity.

Those who suppose that time is static, or that one can reproduce some era from the past, are mistaken. Such people fail to recognize God's laws governing the Cosmos, one of which is that time is marching toward an end, and to a term appointed by God, namely, the Day of Resurrection, and that no one but the Almighty has the capacity to halt time's progress or to alter its laws. Thus, once a moment is past, no one could possibly reproduce it even if he were to join forces with everyone else on Earth. Similarly, the events that happen at a given time could never be repeated nor even simulated in any precise manner. This being the case, God would never require us to reenact the stories recorded in the Qur'an. Rather, there are only two things He has asked us to do. The first is to recognize the good that was done by the people whose stories have come down to us and discern the ways in which we can emulate that good. And the second is to learn the lessons which those past events and actions were intended to teach us. That is all! God's messengers and prophets were subject to all of God's laws, including those of decay and death. As God declared to the Prophet, "verily, thou art bound to die, [O Muhammad,] and, verily, they, too, are bound to die" (*Sūrat al-Zumar* 39:30).

The events that took place during the era of the Prophet cannot be reproduced. Nevertheless, there are those who mistakenly believe that if we reread the Qur'an as it was first revealed, imagining ourselves to be living in the generation that first received the revelation, and if we chose someone we thought qualified to play a role comparable to that of the Messenger of God among us, we could reproduce the first generation of Muslims in our own time or at some point in the future. Those who cling to this notion fail to perceive the divine wisdom in the fact

that God has severed the connection between His revelation in the Qur'an and the situations with which it was first associated (referred to by some as "the occasions of revelation") lest the Qur'an be seen as bound to the conditions that prevailed at that time. During the final year of his life, the Messenger of God met with the angel Gabriel, and the two of them together rearranged the Qur'an by a divine command that was subject neither to question nor rational analysis. It was through this process that the Qur'an took the form in which it exists today: its one-hundred and fourteen surahs arranged from the longest to the shortest.

Having been divinely collected, preserved, and arranged, the Qur'an has become the equivalent of "the Apostle in residence" in people's midst until the Day of Resurrection. With a transcendent structure capable of addressing the changes that accompany every time and place, it is our authoritative point of reference, our source of guidance and inspiration. For just as it assimilated peoples beyond the Arabian Peninsula into the Muslim community, it will remain capable of such assimilation in a process intended to continue uninterrupted until the end of time. The Qur'an is God's speech addressed to everyone on Earth²⁰ in order that, if they answer its call, they might be restored once more to being a single community after having been rent by conflicts and divisions. The Qur'an continues to look toward the goal of gathering all of humanity under the banner of faith in the one God, thereby ushering them into a state of universal peace. God's call to them is: "O you who have attained to faith! Surrender yourselves wholly unto God, and follow not Satan's footsteps, for, verily, he is your open foe" (*Sūrat al-Baqarah* 2:208). For the Qur'an stands as God's proof to all, not just to some, until the Day of Judgment.

Consequently, the process of reviving the *ummah* and renewing its structure consists of two dimensions. The first dimension is a discourse addressed to those who are part of the Qur'anic community of faith, while the second is the act of addressing those who are outside of this circle. This is the global dimension of Islam. When formulating a discourse based on Islamic authoritative sources, both of these dimensions need to be taken into consideration, however contradictory they may appear to be on the surface.²¹

2. *Did the Messenger of God establish an ummah, or a state?*

Present-day Islamist movements' vision of change rests on the belief that the Messenger of God established a political state – the state of Islam – to uphold the religion and consolidate the foundations of Islamic outreach. In other words, adherents of these movements hold that the Prophet's establishment of a state was based on a divine command rather than being simply a response to the requirements of the political order. Based on this premise, it was concluded that Islam is both a religious and a political entity, and as a consequence, the state became a topic of Islamic legal theory, which led in turn to the formulation of authoritarian conceptions of the Islamic state.

Lest we be drawn into a controversy over whether or not the Messenger of God established a state, we will set out here to demonstrate that a two-tiered authoritarian structure consisting of a head which makes decisions, and a body that carries them out, has no foundation in the life of the Prophet and his manner of relating to his noble Companions. We base our argument on the words of God Almighty, who said, "Muhammad is God's Apostle; and those who are with him are firm and unyielding towards all deniers of the truth, [yet] full of mercy towards one another" (*Sūrat al-Fatḥ* 48:29). This verse speaks of a "withness" which sums up the relationship between the Messenger of God and his Companions. This "withness," or togetherness, is not an absolute subordination or mindless imitation. Rather, they were urged to reflect on the content of the Qur'an and Sunnah, and in this capacity, they were not the Prophet's followers, but rather, his Companions who shared everything together and related to each other with understanding and compassion. There was no 'commander' and 'commanded' among them unless the matter in question had to do with a command which the Prophet had received by way of divine revelation. In such a case, the Prophet himself was bound to obedience just as his Companions were, the only difference between him and them being that whereas they were simply recipients of the command, he bore the responsibility to convey the command to others.

Sūrat al-Fatḥ provides us with a description of the sociopolitical structure of the society that had arisen in the city of Madinah in the Prophet's day. The process by which commands were given, received

and implemented or by which decisions were made was not authoritative or hierarchical but, rather, based on the structure of “withness” or togetherness of the sort spoken of in *Sūrat al-Fath* 48:29. This dynamic is illustrated in an incident relating to the historic Treaty of Hudaibiyah of 6 AH/628 CE. Some of the Companions had been grumbling bitterly about the terms of the aforementioned treaty,²² which they considered egregiously unfair. The Qur’an informs us, however, that the terms of the treaty and the events surrounding it had been divinely ordained for the Muslims’ protection and benefit, saying, “And He it is who, in the valley of Makkah, stayed their hands from you, and your hands from them, after He had enabled you to vanquish them” (*Sūrat al-Fath* 48:24). When some of the Companions complained to the Messenger of God about the provision of the treaty according to which Muslims fleeing from Quraysh would have to be sent back to Makkah, while Muslims fleeing back to Makkah would be given refuge there, he replied, “Whoever [among the Muslims] goes back to them [the Qurayshis] does so because God Himself has sent him away, and if anyone flees to us from them, God will open a way of escape and relief for him.” When the Messenger of God instructed his Companions to slaughter their sacrificial animals and shave their heads (thereby signaling that they would not be completing their pilgrimage at that time), none of them got up or made a move. He repeated his instructions three times, still without arousing a response. But when at last, based on advice from his wife Umm Salamah, the Prophet rose himself to do as he had instructed his Companions, they got up and began shaving each other’s heads with such a vengeance that they nearly did each other in.²³ The Prophet conducted himself in this egalitarian manner despite the fact that there was no room for personal opinion with respect to the command he had given the Companions, since the tie that bound the Companions to him was not one of subordination, but, rather, of togetherness, cooperation and consultation, since God had knitted their hearts together. What a vast contrast there is between this and the authoritarian, patriarchal conceptions that have been formulated around the imam or the caliph, which portray him as a virtual shadow of God on Earth, a guardian of the religion and the religious community, and on the basis of which Islamists in our day and age have constructed

notions of an Islamic state which more or less mirrors the modern state with its far-reaching tentacles!

The Messenger of God was a leader in a class of his own. He cannot properly be compared, for example, to the leader of a political group or party, nor to a guide or leader of a people, since unlike any of these, he was a Prophet and a Messenger who had been sent by God and who was, as we read in *Sūrat al-Nisā'* 4:64, to “be obeyed by God’s leave.” Most Islamist movements, in complete disregard of the differences between their leaders and the Messenger of God, require members to obey them, forbid any discussion of orders or plans prior to their implementation, and treat the outcomes of mutual consultation as merely instructive rather than binding on their leaders. Not only this, but they treat the group as though it enjoyed the same status as the religion itself, and thus prohibit resignations as though they were tantamount to apostasy. In so doing, these groups relegate to themselves an authority which belonged to the Messenger of God alone and which may not rightfully be claimed by anyone after him.

After talking about the “stragglers” (*al-mukhallifin*), that is, the hypocrites who would gather round when it was time to distribute the spoils, but make up excuses for themselves at times that required effort and sacrifice, *Sūrat al-Fath* takes up the mission to deliver the Islamic message outside the narrow circle in which it had been circulating. All previous confrontations had taken place with the people immediately surrounding the Prophet, all of whom were inhabitants of the Arabian Peninsula. Now, however, the community was being summoned to face those outside that peninsula to spread the message of Islam. (“You are indeed the best community that has ever been brought forth for [the good of] mankind” – *Sūrat Āl Imrān* 3:110.)²⁴ The Messenger of God spent his life laying the foundations of a community of faith to be the bearer of a message, and so that message had to go outwards to allow the subjects of surrounding empires the opportunity to be exposed to the evidence for Islam and then make their own decision whether to embrace Islam or not.

Eventually there emerged an Islamic state; gradually however, the state evolved into an imperial expression of its own that had no basis in a divinely revealed text or command. Thus, over time, the split between

the state and the *ummah* – and hence, between the state and the mission to spread the faith – grew ever deeper and wider. This was only to be expected, since the state – a material entity that needed to defend itself physically against those who constituted a threat to its expansion, if not to its very existence – had requirements that were at cross-purposes with those of spreading the Islamic message.²⁵

In sum, upholding the *ummah* is primary; upholding the state is secondary, not the other way around. Establishment of a state which is described as Islamic, but which does not concern itself with the well-being of the *ummah*, will both harm the interests of the *ummah* and hinder the work of spreading the Islamic message, since a state such as this will represent nothing but the rule of a given sect, group, tribe or family, thereby perpetuating conflicts of interests and ever-deepening conflicts. A true Islamic caliphate is a caliphate of the *ummah* (“You are the best community (*khayra ummatin*) that has ever been brought forth for [the good of] mankind” – *Sūrat Āl ‘Imrān* 3:110). The viability of a caliphate is conditional not on the unity of worldly authority, but on that of the Muslim community. A worldly authority might build a far-flung empire, as has happened in the past. However, it cannot build a caliphate. How could it do so based on a narrow sectarian theological discourse incapable of accommodating the variety and multiplicity that mark the worldwide Muslim community?

The concept of caliphate (*khilāfah*) in the Qur’an

The concept of the caliphate (*khilāfah*) expresses itself in a variety of ways in the Qur’an. The trilateral root *kh-l-f* occurs in one hundred twenty-five places, in ten of which it conveys the sense of acting as God’s representative, vicegerent or steward on Earth. Overall, these uses of the root *kh-l-f* can be divided into three categories:

a) *Humanity’s appointment as God’s agents on Earth*

We read in *Sūrat al-Baqarah* 2:30-33:

Behold, your Lord said to the angels, “I will place a vicegerent (*khaliḥah*) on earth.” They said: “Wilt Thou place therein one who will make mischief and shed blood, whilst we celebrate Thy praises and glorify Thy holy

[name]?” He said, “I know that which you know not.” And He imparted unto Adam the names of all things; then He brought them within the ken of the angels and said: “Declare unto Me the names of these [things], if what you say is true.” They replied: “Limitless art Thou in Thy glory! No knowledge have we save that which Thou hast imparted unto us. Verily, Thou alone art All-Knowing, Truly Wise.” Said He: “O Adam, convey unto them the names of these [things].” And as soon as [Adam] had conveyed unto them their names, [God] said: “Did I not say unto you, Verily, I alone know the hidden reality of the heavens and the earth, and know all that you bring into the open and all that you would conceal?”

These verses speak of God’s having created and appointed human beings to be His vicegerents on Earth. Furthermore, they inform us that in preparation for them to bear this responsibility, God endowed human beings with gifts that had not been granted to other creatures. Thus, despite the fact that the angels surpass human beings in their devotion to God’s praise and worship, this was not sufficient to qualify them to carry out the task of being God’s stewards on Earth. Thus, after creating the Earth and establishing a well-defined order and set laws, God willed in His supreme wisdom to entrust these entities to one of His creatures. For the role of vicegerent or steward entails the element of entrustment, as when Moses said unto his brother Aaron: “Take my place (*ukhlufnī*) among my people; and act righteously, and follow not the path of the spreaders of corruption” (*Sūrat al-Aʿrāf* 7:142).

Such entrustment requires that the person to whom the responsibility has been entrusted be given some degree of power or authority, and it was this understanding – not the fact that Adam in particular had been chosen for this role – that raised doubts in the minds of the angels when God announced His intention to place human beings on Earth as his “caliphs.” Specifically, what prepared Adam (representing human beings as a species) to bear the responsibility God had given him was the ability to respond to the laws and mysteries of the universe. This fact is alluded to in the statement, “God taught Adam the names of all things” (*Sūrat al-Baqarah* 2:31), including the role he had been mandated to fulfill, the powers with which he would fulfill it, and the limits by which he was to abide. These limits are referred to in *Sūrat Fāṭir* 35:41, which

reads, “Verily, it is God [alone] who upholds the celestial bodies and the earth, lest they deviate [from their orbits] for if they should ever deviate, there is none that could uphold them after He will have ceased to do so.” Moreover, following the phase of assignment and testing comes the phase of reward and punishment.

b) *God’s appointment of entire peoples and nations in turn*

The concept of an entire people or nation being appointed as God’s vicegerents on Earth is expressed in *Sūrat al-Naml* 27:62, where God asks rhetorically, “Nay – who is it that responds to the distressed when he calls out to Him, and who removes the ill [that caused the distress], and has appointed you stewards on Earth? Could there be any divine power besides God? How seldom do you keep this in mind!”²⁶ The appointment of peoples and nations to be God’s representatives and stewards stems from the overall appointment or election of human beings from among the various creatures on Earth to act as God’s vicegerents. It should be borne in mind that this election or appointment is not a privilege or reward, but rather, a role that has been passed down throughout history from one people or nation to another. Nor does it apply exclusively to believers; rather, it applies to any nation or people that has come into possession of power. Nations which have gained power over others will be charged with a greater responsibility and have a heavier burden to bear. They are given time to prove themselves, but if they fall prey to corruption, power will eventually pass to others to bear the burden of responsibility in their stead, and for them in turn to be put to the test.

c) *Individual appointment*

Individual appointment is based on a divine mandate to exercise control over nature and other creatures. As God said to David, “O David! Behold, We have made you a vicegerent (*khilāfah*) on earth: judge, then, between others with justice, and do not follow vain desire, lest it lead you astray from the path of God” (*Sūrat Šād* 38:26). The role of vicegerent (*khilāfah*) as spoken of here is not the mere exercise of religious authority in accordance with God’s Law as in the case of David and Solomon.

It bears noting here that despite the universality of his message, the Messenger of God is not described in the Qur'an as a steward or vicergerent on Earth. What this indicates is that the era of individual vicegerency or stewardship (*al-istikhlāf*) had come to an end by the time of the Prophet: "Muhammad is only an apostle; all the [other] apostles have passed away before him: if, then, he dies or is slain, will you turn about on your heels?" (*Sūrat Āl 'Imrān* 3:144).

The second type of individual appointment or election, which is an extension of the more general type of appointment, involves a person's being tested through what he or she has been entrusted by God. This is referred to in *Sūrat al-Ḥadīd* 57:7, which states, "Believe in God and His Apostle, and spend on others out of that of which He has made you trustees (*mustakhlafīn*): for those of you who have attained to faith and who spend freely [in God's cause] shall have a great reward." This divine appointment of a certain individual differs from the appointment by one individual of another which we saw earlier involving Moses and Aaron (*Sūrat al-A'rāf* 7:142). However, the common thread which runs through the various instances of God's appointing particular people, and of one person's appointing another, is that of entrustment. Moreover, stewardship, and hence entrustment, contrasts significantly with the notion of inheritance, which has nothing to do with worthiness of the task that devolves upon the individual concerned.²⁷ In fact, inheritance and stewardship differ entirely from one another when attributed to God. For once God's appointment of individuals or nations as His stewards on Earth has run its course, it is not human beings, but God Himself, who will inherit what has been theirs. God declares: "Behold, We alone shall remain after the earth and all who live on it have passed away, and [when] unto Us all will have been brought back" (*Sūrat Maryam* 19:40).

From this it will be seen that the concept of the caliphate (*khilāfah*, derived from the same root as *istikhlāf*, or stewardship) involves far more than a mere succession of nations or individuals in positions of power or influence. Rather, it goes to the heart of the wise purpose for which human beings were brought into existence and their God-given role on Earth. All creatures, human beings included, were brought into existence in order to worship their Creator. However, every species and

every type of entity fulfill this purpose in its own way. As we are told in *Sūrat al-Isrā'* 17:44, “The seven heavens extol His limitless glory, and the earth, and all that they contain; and there is not a single thing but extols His limitless glory and praise: but you fail to grasp the manner in which they glorify Him!” When, out of all creatures in the Universe – including the angels, who are unsurpassed in their devotion to the divine worship and praise – God appoints Adam and his progeny to be His vicegerents or stewards on Earth, this points to the fact that human beings have a role which differs in kind from that of other creatures, and that in order for their worship of God to conform to the assignment they have been given on Earth, it must take place within the framework of their role as stewards or vicegerents.

It is in light of this Qur’anic concept of vicegerency, stewardship or trusteeship (*khilāfah, istikhlāf*) that Muslims need to understand what is spoken of as the Islamic caliphate. For if God’s appointment of human beings as His stewards on Earth places a heavy burden upon them as a race, then a major share of this burden must certainly fall on Muslims in their capacity as adherents of the final divine revelation. After all, the Islamic caliphate is the caliphate not of a worldly power, but of a spiritual community, and the discharge of this trust in keeping with the divine will, which involves eliminating any corruption that may have marred this trust due to human sin and failure, is an affair too weighty to be entrusted to an individual, or to be achieved via this or that political decision.

The primary reason for which any nation fails to carry out the obligations entailed by being God’s stewards on Earth is that they have broken their covenant with God and cut asunder what God has bidden to be joined (see *Sūrat al-Baqarah* 2:26-27). This being the case, the first thing that needs to be done in correction of this situation is to affirm Muslims’ mutual bonds. As we are commanded in *Sūrat al-Baqarah* 2:208, “Enter one and all into peace (*udkhublū fī al-silmi kāffah*), and follow not Satan’s footsteps, for, verily, he is your open foe.”

Any talk of an Islamic caliphate in the absence of peaceful relations among Muslims is a mere self-deception. Moreover, the success of any political formulation in advancing the caliphate on the level of the *ummah* needs to be gauged not in terms of its geographical reach or

temporal longevity but, rather, in terms of how effectively it has advanced peaceful, harmonious relations among all sectors of the *ummah*. Indeed, even the bloodiest, more tyrannical empire might enjoy a vast geographical reach and a lengthy rule, as may be seen in the various phases of the Roman Empire: from monarchy, to republic, to pagan state, to Christian state.

The authoritarian bent that one observes in some, if not all, Islamic movements is nothing new. Indeed, early writings in the area of Islamic legal policy reduced the *ummah* to authority figures such as the sultan, the caliph, etc., while more contemporary writings reduce the *ummah* to the state.²⁸ In both these cases, however, the *ummah* itself is absent. In so doing, such writings reflect the influence of the tribal model of society in which the tribe's chieftain constitutes the community's backbone and source of subsistence. Add to this the fact that such movements are colored on a profound level by the notion of the one sect that achieves salvation, and whose duty is to impose its own vision of Islam through an authority figure tasked with policing correct doctrine. When, due to exclusive identification with this sect or that, the *ummah* is absented from the prevailing discourse, such discourse takes on a dismissive and exclusionary tone. In such an atmosphere, force determines who will have the upper hand, and change comes to be effected solely through the top-down exercise of power. Hence, a society's inability to resolve its differences invites authoritarianism. However, tyranny can only take hold to the extent that a society allows it to. This is not to deny the importance of physical elements in the process of bringing about change. Rather, it is simply to caution against belief in a single sect that attains salvation to the exclusion of all others. Attempts to lord it over one another are, whether we realize it or not, another form of divine chastisement. As we are reminded in *Sūrat al-An'ām* 6:65, "Say, 'It is God alone who has the power to let loose upon you suffering from above you or from beneath your feet, or to confound you with mutual discord and let you taste the fear of one another.'"

Is a static mentality capable of reviving and rebuilding the ummah?

What I am referring to here as the "static mentality" (*al-ʿaqliyah al-sukūniyah*) is one that views the texts of the Qur'an and the Sunnah

solely in light of the knowledge that was available to, and the methodological structures and approaches employed by, the first generation of Muslims, and other relevant historical features and events. Governed by this “static” perspective, contemporary Islamic discourse does not attempt to analyze the aforementioned structures and approaches so as to study them from within. As a result, such modern discourse fails to appreciate the momentous transformations that such structures were likely to undergo. Similarly, it fails to perceive the extent of the impact left by the ongoing overlap and interplay between the local and the global.

While residing in Baghdad, Imam al-Shāfi‘ī (d. 204 AH/820 CE) developed his first system of jurisprudence. It was in Baghdad that al-Shāfi‘ī wrote his renowned work *al-Hujjah* (The Proof), which was read and studied by his students there. He then left for Egypt, where he rethought the entire juristic system he had formulated in Baghdad. Once in Egypt, in fact, al-Shāfi‘ī changed his rulings on all but a mere thirteen questions. In this way, even in his relatively short lifetime, al-Shāfi‘ī managed to produce two distinct systems of jurisprudence, each of which was suited to the particular environment in which it had emerged. It should also be borne in mind that the contrasts between the conditions in Baghdad and Egypt in al-Shāfi‘ī’s day were far less striking or profound than those which exist now between, for instance, Saudi Arabia and the Indian sub-peninsula or Southeast Asia. Nevertheless, some present-day jurists attempt to apply rulings that were originally formulated within the cultural framework that prevailed in second-century AH Hejaz or Kufa by proponents of that day’s juristic schools of thought. In so doing, they are trying to fit a camel through the eye of a needle, as it were. The reason, of course, is that they have failed to perceive the implications of the universality of Islam, which enables the religion to accommodate the vast array of circumstances and conditions that have prevailed down the ages and across the world within a framework of timeless values and ethical constants rather than the time-bound and variable understandings of its adherents.

One manifestation of this static mentality is the notion that modern-day Muslims are called upon to reproduce the historical context in which the Qur’an first appeared, and to model their actions in every

detail after the community that witnessed the revelation of the Qur'an in the generation of the Companions. According to this view, Muslims must establish a state resembling the one that existed in Madinah during the days of the Prophet; furthermore, this state must be the base from which the entire world is brought into submission to the Muslim caliph, who is required in turn to battle "the abode of war" within "the abode of Islam" until the appearance of the long-awaited Mahdi and the return of Christ. Quite unfortunately, contemporary Islamic discourse has remained captive to this vision, while people's thoughts and perspectives have remained bound to past realities without any view to the present or future.

This static mentality is clearly at odds with the principle of the universal applicability of the Qur'an which renders it a source of guidance for all people in all times and places. The attempt to confine the Qur'an's applicability to the socio-cultural context of those who first received it is tantamount to the assertion that the Qur'an is historically bound. Consequently, it is essential that we move past the static mindset that has such a grip on us, and embrace the Qur'an's liberating universality. Furthermore, it should be noted that this static mentality flies in the face of historical fact. Indeed, when circumstances changed after the death of the Prophet, the makeup of the Muslim community underwent changes as well.

If we adopt a reactionary, atavistic, overly nostalgic approach and attitude – by suggesting, for example, that the cause of our problems is change, and that the solution is to revert to the way things were in an earlier time as though the past were the point of reference against which everything should be measured – then the vision we are proposing will be out of touch with both the time in which we are living, and the needs of the Muslim community. How – now that the *ummah* is over fourteen centuries old, having assimilated peoples from across the globe with their varied cultures, histories, languages and mentalities – can we reasonably be expected to gauge our current juristic needs against rulings that were issued when the *ummah* was only years or, at most, decades old?²⁹ The dialectic between human beings and reality has never ceased.

*Al-Hanīfiyah*³⁰ as a mindset with which to approach the renewal of the ummah

In *Sūrat al-Rūm* 30:30-32, God commanded the Prophet, saying:

And so, set your face steadfastly towards the faith (*aqim wajhaka lil-dīn*), turning away from all that is false (*hanīfan*), in accordance with the natural disposition which God has instilled into human beings: for the ever-true faith (*al-dīn al-qayyimu*) affirms that no change could ever corrupt what God has created; but most people know it not. [Turn, then, away from all that is false,] turning unto Him [alone]; and remain conscious of Him, and be constant in prayer, and be not among those who ascribe divinity to aught beside Him, [or] among those who have broken the unity of their faith and have become sects, each group delighting in but what they themselves hold [by way of tenets].

The phrase, *aqim wajhaka lil-dīni hanīfan* – translated here as “set your face steadfastly towards the faith, turning away from all that is false” – gives us a dynamic image of the condition in which the believer is intended to live. As believers, we should travel through life on full alert, being on constant guard against anything that would divert us from our intended destination.

It is worthy of reflection that the term *hanīf*, which refers to someone who turns away from all that is false, is applied in the Qur’an to only one person – to the prophet Abraham, or to his creed. The word occurs in twelve places. In ten of these, including the quote above from *Sūrat al-Rūm*, it is used as an adverb. In the remaining two instances, it is used as an adjective following the past tense of the verb “to be.” In *Sūrat Āl ‘Imrān* 3:67, for example, we are told that “Abraham was neither a Jew nor a Christian, but was one who turned away from all that is false (*kāna hanīfan*), having surrendered himself unto God (*musliman*); and he was not of those who ascribe divinity to aught beside Him.”³¹ Used in this manner, the word *hanīf* may be classified in Arabic as either a noun or an adjective. If classified as a noun, the word might imply a static, unchanging characteristic of Abraham’s person. However, the context in which it is used here allows us to read it alternatively as an

adjective, in which case it describes a dynamic state. As such, the intent here is not to describe movement toward an end point which, when one reaches it, one achieves an ideal state in which there is no need for further movement or change. With this in mind, *al-ḥanīfiyah* may be understood to be a way of life that consists of constant motion, its trajectory being away from falsehood and toward truth and justice. *Al-ḥanīfiyah* is thus founded upon the premise that the natural state of affairs is not one of permanence, but of change.

As an inclination away from falsehood and toward truth, *al-ḥanīfiyah* represents a path toward change based on a kind of dialogue with reality that begins with a rejection of structures and molds which once embodied noble values or ideals but which, over time, deviated from their original purpose and were thus marred and distorted. When this happens, the only way to bring about change is by deconstructing and disengaging from the models of perception associated with these distorted structures. As we are cautioned in *Sūrat al-Isrā'* 17:36, “And never concern yourself with anything of which you have no knowledge: truly, [your] hearing and sight and heart – all of them – will be called to account for it [on Judgment Day]!” It was such an act of deconstruction and disengagement that Abraham was undertaking when he broke his people’s idols in pieces as a way of challenging their worship of these defenseless, mute creatures (*Sūrat al-Anbiyā'* 21:57-66).

Having created us as sentient beings, God has established rites of worship that are sensory, temporal and spatial in nature (including movements of the ritual prayer, the places from which pilgrims on the way to Makkah must enter a state of ritual consecration, the new moons, the direction of prayer, and all other rituals associated with the major and minor pilgrimages). In this way, God has made allowances for our instinctive need for the sensory and the material, while at the same time enabling us to achieve sublime spiritual purposes. Indeed, those who honor these rites and symbols as signs of the relationship between the servant and his/her Lord demonstrate true piety and God-consciousness.

As presented in *Sūrat al-Ḥajj*, the concept of idolatry goes beyond a mere belief in or worship of more than one deity to include other dimensions as well. Idols are more than just graven images that one worships;

they might also include aspects of the cultural and/or economic structures of one's society. The worship of three-dimensional images is one form of idolatry. However, there are other types of idolatry as well. In order for a phenomenon to fit the definition of idolatry, it must fulfill two conditions. The first condition is that it involve some form of material embodiment, and the second is that it be characterized by rigidity or lifelessness. By rigidity or lifelessness, we mean that in order to be idolatrous, a material embodiment must involve the reduction of a spiritual value to a material form as though it were inseparable from it. As such, the value comes to seem as though it were bound to a given sensory image or form even if the value in question is no longer realized through the image in question. Idolization is thus a matter of perception. For example, the gods referred to as Wad, Yaghūth, Ya'ūq and Nasr in *Sūrat Nūḥ* 71:23 had at one time been statues commemorating righteous men who had been revered among the people and who had been looked up to as role models and examples. As time passed, however, people had come to view them as the embodiments of the values associated with uprightness, and eventually they came to be worshipped.

The aforementioned example highlights a key point of contrast between idolatry, which is static and lifeless, and the determined search for truth being referred to here as *al-ḥanīfiyah*, which is dynamic and vibrant. This contrast is alluded to in *Sūrat al-Ḥajj* 22:30-31, where God commands believers, “Shun, then, the loathsome evil of idolatrous beliefs and practices; and shun every word that is untrue, [inclining] towards God, [and] turning away from all that is false.” For while our human propensities tend to lead us over time – albeit, perhaps, unconsciously – toward idolatry, whereby the outer forms which we once recognized as symbolizing vital inner meanings grow ossified and hollow, *al-ḥanīfiyah* serves to correct our course through conscious effort, liberating us from attachment to empty forms and enabling us to re-embrace the sublime values and meanings which these forms were originally intended to embody. The dynamic image conveyed by God's command to Abraham to “set thy face steadfastly towards the [one ever-true] faith, turning away from all that is false (*aqim wajhaka lil-dīn ḥanīfan*)” (*Sūrat al-Rūm* 30:30) may help to clarify for us the message and inspiration which the pilgrimage to Makkah is intended to

convey. This verse presents the believer as a traveler who fixes his gaze on the horizon in search of his destination until he comes upon it.

When we undertake the pilgrimage to Makkah, taking leave of our homelands, our families, our possessions, and the never-ending swirl and press of needs, worries, desires, aspirations and ambitions that mark the narrow circles within which we live our daily lives, we are called upon to reexamine all these realities far removed from their immediate influence, the purpose being to achieve liberation from the idols in whose orbits we move. The reason pilgrims to Makkah are required to wear a seamless garment is in order for them to be stripped of the social and economic distinctions represented by their usual attire. There, around the Kaʿbah, all barriers among human beings come tumbling down. For we are nothing but slaves of the Almighty, standing as equals in the presence of God, His humble guests. While on pilgrimage, people are not – or, at least, should not be – categorized as leaders and followers, elites and plebeians, rich and poor. If, as they are intended to, pilgrims come stripped of their various associations, identities and allegiances, not a whiff of arrogance or bigotry will remain as they interact with each other based on nothing but their shared subservience to God. The Holy Precinct is the place where people relinquish some of their accustomed ways, if even for a short time, in order to free themselves from the shackles of unthinking imitation of their forebears, and rethink their inherited traditions far removed from the tyranny of the habitual and familiar.

The pilgrimage rite of *ramī al-jimār* (casting stones) symbolizes a refusal to surrender to Satan's temptations in emulation of Abraham, who spent his life as a *ḥanīf*, that is, as someone who was on a tireless journey from falsehood to truth, and from evil to good. He was determined to silence Satan, who appealed to his fatherly instincts in an attempt to persuade him not to slaughter his son as God had commanded him to.

Taken as a whole, the pilgrimage is a symbolic act of breaking free from the idolatrous thoughts and behaviors that keep us in chains, a symbolic act which prepares us for concrete acts in our day-to-day lives. Any regression during the pilgrimage to social, cultural, economic or ethnic chauvinism will mean that we have fallen prey to some form

of idolatry, having reduced the pilgrimage to lifeless rituals devoid of any meaning or value. Perhaps this is what lies behind the frenetic and merciless pushing and shoving that has caused so many pilgrims to die in tragic, senseless stampedes.

An Islamic methodology of change for the present day

We may conclude from the foregoing that the methodology of change Muslims need in today's world is founded upon four principles:

PRINCIPLE 1: The sovereignty of the Qur'an rests on two understandings. The first is that the Qur'an is the sole originating source of Islam, appeal to which must not be based on piecemeal, decontextualized readings that treat Qur'anic texts as secondary sources in support of something else. And the second is that the Qur'an's sovereignty is realized within the Islamic context not by divine fiat, but rather, by means of a human reading which humbly recognizes that it approaches truth to the best of its ability, and without claims to infallibility.

PRINCIPLE 2: The sovereignty of the Qur'an is realized by reading reality from the perspective of the *ummah* as an integral whole, not based on partial, sectarian perspectives, or authoritative viewpoints that reduce the Muslim community to a single individual or group.

PRINCIPLE 3: The understanding of the Qur'an must be liberated from static, atavistic points of view according to which the application of Islamic teachings requires the recreation of historical contexts that belong to the past.

PRINCIPLE 4: Islam knows nothing of utopianism but, rather, it recognizes that ideals can never be applied perfectly. Consequently, Muslims are called upon to be constantly striving, and to engage in self-criticism on both the individual and communal levels. Otherwise, we fall into the trap of a subtle idolatry in the mistaken belief that Islam can be reduced to a particular human understanding, expression or application thereof.

Conclusion

There is a great need at the present time for an Islamic discourse that reflects the universality, comprehensiveness, and unrestricted applicability of the Islamic message and the Qur'an. The universality of Islam's message is a feature with tremendous implications, particularly for the current phase of human history.

The Qur'an was revealed in the language of the Arabs to an Arab messenger, and its descent began in Makkah, and was completed in Madinah. The recipients of the Qur'an eventually took it to surrounding civilizations. However, the decision to carry the message to others was not made on their own initiative or by their own choice, but by virtue of a divine command. Nor did such a venture come naturally or easily to them. On the contrary, so great was their attachment to Makkah, "the Mother of all Villages," and its environs that they returned to it after every expedition in a state of intense longing and anticipation. Furthermore, the spread of the Islamic message was not motivated by a nationalist sense of superiority. The Islamic message went out to accomplish two tasks. The first was to invite others to faith in God, and the second was to command good and forbid evil. As God declared to the Muslims: "You are indeed the best community that has ever been brought forth for [the good of] humanity: you enjoin the doing of what is right and forbid the doing of what is wrong, and you believe in God. Now if the followers of earlier revelation had attained to [this kind of] faith, it would have been for their own good; [but only few] among them are believers, while most of them are iniquitous" (*Sūrat Āl 'Imrān* 3:110).

The message of Islam, which is a call to achieve aspirations shared by people everywhere, is a summons to deliver people from the worship of the creature to the worship of the Creator alone, from the injustice of

'religions' to the justice of Islam, and from the constriction of the earthly realm to the expansiveness of this world and the world to come. These are the benefits which are offered to all those to whom the Islamic discourse is addressed. Not bound by any nationalist or self-serving agenda, the Islamic message and model community were able to assimilate other civilizations, turning their members into equal partners in both the adoption of the message and its conveyance to others. Within a few brief decades of the launching of the Islamic call outside the boundaries of the Arabian Peninsula, the southern half of the then-known world (from south China in the East to southern Europe in the West) had been flooded with the light of Islam, which had successfully absorbed unlettered, pagan peoples – Arabs, Mongols, Persians, Turks, Berbers and others – in a vast movement of faith. As for peoples with Jewish and Christian populations, they entered into covenants of protection with the Muslims (being granted "*dhimmi*" status) which incorporated them into the Islamic state while preserving their national identities, and their religious and cultural distinctives. The mighty Roman and Persian Empires alike collapsed, leaving the basin of ancient civilizations radiant with the light of Islam under the governance of the Muslim *ummah*.

By virtue of the universality of Islamic discourse, the Muslim community was able to transcend the East-West duality as it absorbed a diversity of religious and cultural elements. Indeed, while the most modern civilization has been able to do is acknowledge diversity (or claim to have done so), Islamic society has actually integrated such diversity, transforming it into a factor which catalyzes human growth rather than stirring up religious and sectarian division. By presenting itself to people as a model without requiring them to join it or to adopt its religion and values, the Muslim community that was sent out into the world became a beacon that drew others to it as a positive charge draws to it the negative.

A point of utmost importance here is that not everyone who claims to promote universality or globalism is an actual proponent of a truly universal or global perspective. Indeed most, if not all, such claims arise out of faith in the centrality and supremacy of Western culture and civilization as bearer of the torches of 'enlightenment,' 'progress' and 'truth.'

As for the globalism which I am advocating, it is based on the belief that humanity is a single family that was created out of a single soul; we all came from Adam, and Adam came from the dust of the Earth. According to this perspective, the Universe is a home for all human beings. This being the case, no one has the right to sow corruption in any part of the Cosmos, or to treat it as a space for experiments in destruction. Furthermore, it holds that the guidance required by this extended family for a happy life in its cosmic home is contained in a book of cosmic proportions, a book that transcends relativity with a capacity to address the needs of every generation. This cosmic book is, of course, the Qur'an, which contains and confirms the legacy passed down to us by all of God's prophets and messengers, sums up human history, and identifies its purposes for all time. In so doing, the Qur'an encompasses and connects all cultures and civilizations that have ever emerged. In this way, the Qur'an achieves universality or globalism in its true sense rather than simply claiming to do so.

As we have mentioned, humanity is a single extended family that is descended from Adam, who himself came from dust. As God has declared, "All mankind were once one single community; God raised up the prophets as heralds of glad tidings and as warners, and through them bestowed revelation from on high, setting forth the truth, so that it might decide between people with regard to all on which they had come to hold divergent views. Yet none other than the selfsame people who had been granted this [revelation] began, out of mutual jealousy, to disagree about its meaning after all evidence of the truth had come unto them. But God guided the believers unto the truth about which, by His leave, they had disagreed: for God guides onto a straight way him that wills [to be guided]" (*Sūrat al-Baqarah* 2:213). We do not know how human beings' primal unity came to an end, or how they entered the phase of divergence and conflict. We do know, however, that God sent Noah, who lived among his people for 950 years, after which prophetic messages continued to be sent in succession: "We sent aforetime our messengers with clear signs and sent down with them the Book and the Balance [of right and wrong], that men may stand forth in justice; and We sent down iron, in which is [material for] mighty war, as well as many benefits for mankind, that God might test who it is that

will help, unseen, Him and His messengers. For God is full of Strength, Exalted in Might” (*Sūrat al-Ḥadīd* 57:25).

Had God’s prophets and messengers been heeded, they could have restored people’s unity, making them once again into a single community that strives for justice in keeping with God’s ways. However, evil impulses, waywardness, the wiles of the manifest foe and overpowering desires caused only the very few to respond to God’s calls, while the majority were drawn away by Satan and their own errant propensities, by their whims, caprices and lusts. Persisting in disputes, conflicts and struggles they continued to be divided rather than surrendering together to the guidance of the revelation. Once hearts have been infected by a spirit of discord, envy, and rancor, it is no small task to bring them back to a state of unity and harmony. The story of Adam’s two sons illustrates how easily envy can lead one to kill even one’s nearest of kin without the least justification apart from the overwhelming and demented urge to quench a thirst for revenge. However, in His unsurpassed grace, God granted victory over the spirit of mutual animosity to His final Prophet Muhammad and the early believers, whose hearts He knit together in a spirit of brotherhood. Believers’ hearts were not united by ephemeral worldly interests and ambitions but, rather, by a process which was divine in origin: a kind of re-creation and reshaping that brought people together in a community capable of accomplishing the demanding tasks which human beings have been assigned on Earth. Such a community was, and is, marked by the goodwill, moderation and willingness to bear witness to the truth without which it would not be able to carry out its God-given role.

With divine assistance and support, the Messenger of God established the Muslim community to carry the final message to humanity, reminding them that there is a single source, a single Lord, a single religion, a single root, a single purpose, and a single Earth, and that the Earth is a home capable of accommodating us all where God has apportioned sustenance to all according to their needs. The Muslim *ummah* has been established with an eternal message based on the invitation to worship God alone and acknowledge His sole lordship and divinity. By living as an example and a model to be emulated by people everywhere, the Islamic community is called to bring about harmony on Earth

where, radiant with the light of its Lord, it can become a place where righteousness, justice, and God-consciousness are the order of the day, zakat is distributed regularly, and one and all are intent to carry out the shared task of stewardship on Earth. On that day, the world will reap the fruits of true commitment to the Book of God as the human race, once again a united family, enters one and all into peace, and differences among people become mere matters of form that serve to promote further cooperation, mutual appreciation and harmony.

Because the noble Prophet, the seal of God's messengers, was charged with the task of delivering the message of God's oneness to people all over the globe, it was necessary that his discourse not be classist, parochial, nationalist, regionalist, or tribal, but, rather, global in nature. Furthermore, the sovereign authority to which such discourse would appeal would be vested in the Qur'an alone based on a human reading thereof which, however fallible, provides a single, clear path to follow which is neither marred nor taken off course by personal ambition, whim or caprice. Its law would be one which, marked by moderation, balance, mercy and compassion, would be acceptable to all people everywhere and relieve them of undue hardship.

These are the overall features of the Islamic religion[†] that should be highlighted by Islamic discourse. The process of formulating the discourse being described here, which is the ideal we aspire to, will undoubtedly be resisted by closed minds and closed systems of thought which have fallen prey to regional, ethnic and doctrinal prejudices. Needless to say, an Islamic discourse which strives to respond to and reflect the features of the Qur'anic message can never emerge from such atomistic perspectives. Accordingly, we stand in need of a dynamic, interactional, holistic, and integrated understanding of both the written revelation and the world in which we live. Such an understanding will, in turn, only be possible via a global awareness of the sort which is notably absent from contemporary Islamic thought and practice.

In conclusion, I assure my readers that in what I have written here, my purpose has not been to make light of the genuine differences, or even disagreements, which exist within the Islamic community. Nor is it to assert that there is no centralized authority to which Muslims can appeal. Rather, my aim has been to take a step toward a full recognition

of the centrality of the Qur'an and its full applicability to every situation we could possibly face in any day and age. Through such a recognition, Muslims can free themselves from the grip of the illusory centrality to which this or that closed and limited doctrinal school may lay claim. Until we restore to the Qur'an the place of centrality which it merits, we will have no hope of formulating a comprehensive, universal Islamic vision for human life that can withstand the vicissitudes of time. Once we have done so, however, we can embark on the rebuilding of the *ummah* as the witness to truth that God intends it to be.

And in all we do, God alone do we seek.

NOTES

FOREWORD

¹ *Apostasy in Islam: A Historical and Scriptural Analysis* (London: IIIT, 2011), translated by Nancy Roberts.

² Taha Jabir Al-Alwani, *Al-Imām Fakhr al-Dīn wa Muşannafātuhu* [Imam Fakhr al-Dīn and His Works], p. 66.

INTRODUCTION

¹ *Sūrat al-Nisā'* 4:165.

² Happily, this same professor would later become a good friend of mine.

³ In his book entitled, *al-Maqāşid al-Ḥasanah fī Bayān Kathīr min al-Aḥādīth al-Mushtahirah 'alā al-ʿAlīnah* (The Noble Purposes for Clarifying Many Widely Circulating Hadiths), al-Sakhkhāwī stated that this hadith had no origin, and traced its appearance to al-Bayhaqī in *al-Madkhal ilā al-Sunan al-Kubrā* (Introduction to the Major Hadith Collections), who attributed it to Sulaymān Ibn Abī Karīmah on the authority of Juwaybir, on the authority of al-Ḍaḥḥāk, on the authority of Ibn 'Abbās, who said, "The Messenger of God (ṢAAS) declared, 'Whatever you are given of the Book of God, no one has any excuse for not acting thereon. If a given statement or action is not found in the Book of God, then it is a Sunnah-based practice with ongoing validity. If it is not based on my Sunnah, then it is based on what was said by my Companions. My Companions are like the stars in the sky. Whichever of them you follow, you will be rightly guided, and differences among my Companions are a mercy to you.'"

Al-Daylamī included it with the same wording in his hadith collection entitled, *al-Firdaws bi Ma'thūr al-Khiṭāb* (Paradise in Traditional Discourse). Juwaybir is very weak, while al-Ḍaḥḥāk's hadiths narrated on the authority of Ibn 'Abbās are interrupted (*munqaṭi'*), with incomplete chains of transmission. The well-established command left by the Messenger of God as he breathed his last was to cling

steadfastly to the Book of God after he died, since it is the Book of God that protects one from going astray.

Al-Zarkashī traced this hadith to *al-Hujjah* (The Argument) by Naṣr al-Maqdisī, who classed it as *marfūʿ*, that is, as being traceable back to the Prophet, yet without including a chain of transmission. Similarly, it was attributed by al-ʿIrāqī to Ādam Ibn Abī Iyyās in *al-ʿIlm wal-Ḥukm* (Knowledge and Governance) without further comment or explanation. The wording used by al-ʿIrāqī was, “Differences among my Companions are a mercy to my Community,” and he classed it as weak and *mursal* (having an interrupted chain of transmission). The same wording was provided by al-Bayhaqī in his *al-Risālah al-Ashʿariyah* (The Asharite Treatise) without a chain of transmission. I have read in our shaykh’s handwriting that this hadith has been widely quoted, and it was included by Ibn al-Ḥājjib in *al-Mukhtaṣar fī Mabāḥith al-Qiyās* (An Abridged Study on Analogy) with the wording, “Disagreement within my Community is a mercy to people.” This hadith has frequently been questioned, and many of the imams have claimed that it is groundless. However, al-Khaṭṭābī mentioned it in *Gharīb al-Ḥadīth* in a parenthetical comment, saying, “Objections to this hadith were raised by two men, of whom one was a buffoon, and the other an atheist. The first was Iṣḥāq al-Muṣālī, and the second was ʿAmr Ibn Baḥr al-Jāḥiẓ. They both said, ‘If disagreement were a mercy, then agreement would be torment!’” Al-Khaṭṭābī then proceeded to rebut this claim. His discussion offered no clear attribution of this hadith. However, he indicated that he believed it to have a legitimate source. Then our shaykh mentioned something of the foregoing in connection with its attribution.” Suffice it as evidence of this hadith’s weakness that the meaning it conveys is at odds with the teaching of the Qur’an. See al-Sakhkhāwī, *al-Maqāṣid al-Ḥasanah* (The Goodly Aims), Beirut: Dār al-Kitāb al-ʿArabī, First Printing, 1405 AH (1085 CE), p. 70; see also al-Suyūṭī, ʿAbd al-Raḥmān Ibn Abī Bakr, *Tadrīb al-Rāwī fī Sharḥ Taqrīb al-Nawawī* (Training the Narrator in Explanation of al-Nawawī’s *al-Taqrīb*), ed. ʿAbd al-Wahhāb ʿAbd al-Laṭīf, Riyadh: Maktabat al-Riyāḍ al-Ḥadīth, 1965 CE, vol. 2, p. 175, where al-Suyūṭī makes no comment on the hadith; and al-Albānī, *Silsilat al-Abādīth al-Ḍaʿīfah* (The Chain of Weak Hadiths), Riyadh: Dār al-Maʿārif, 1412 AH/1992 CE, vol. 1, p. 141, No. 57, where he stated, “It has no origin ... Al-Manāwī quoted al-Subkī as saying, “It is not known among hadith transmitters. Nor have I found a chain of transmission for it, whether authentic, weak, or even forged.”

⁴ Taha Jābir al-ʿAlwani, *Adab al-Ikhtilaf fil-Islām* (The Ethic of Disagreement in Islam), Book of the *Ummah* Series, No. 9, Doha: Presidency of Islamic Courts and Religious Affairs, Second Printing, 1985 CE, p. 52.

⁵ *Ibid.*, p. 60.

⁶ *Ibid.*, p. 61.

⁷ *Lā Ikrāha fil-Dīn: Ishkāliyat al-Riddah wal-Murtaddīn min Ṣadr al-Islām ilā al-Yawm*, published in English as *Apostasy in Islam: A Historical and Scriptural Analysis* (London: International Institute of Islamic Thought, 2011).

⁸ Narrated by al-Bukhārī and Muslim in numerous places. See, for example, al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, Third Edition, ed. Muṣṭafā Dīb al-Baghā, Beirut: Dār Ibn Kathīr, 1407 AH/1987 CE, vol. 1, p. 153, Hadith No. 385; and al-Qushayrī, *Ṣaḥīḥ Muslim*, ed. Muḥammad Fuʿād ʿAbd al-Bāqī, Beirut: Dār Iḥyāʾ al-Turāth al-ʿArabī, no date, vol. 1, p. 51, Hadith No. 20.

In the context of a Master’s Thesis, Shaykh Mutawallī Ibrāhīm, a student of the late Nāṣir al-Dīn al-Albānī, did a careful examination of all this hadith’s chains of narration which revealed the inconsistency between the content of this hadith and the teachings of the Qur’an. The hadith in question was passed down via no fewer than 234 chains of narrators. However, as experts in the hadith sciences will be aware, the true test of a hadith’s authenticity lies not in the number and variety of chains of narrators through which it was passed down but, rather, in the trustworthiness and integrity of the individuals of which such chains consist. The chains of narrators for this hadith are as follows:

- Forty depend on al-Zuhrī, 24 on al-Aʿmash, twenty on Ḥamīd al-Ṭawīl, 160 on Shuʿayb Ibn Abī Ḥamzah, twelve on Sufyān al-Thawrī, six on al-Ḥasan al-Baṣrī, and four on Sharīk al-Nakhaʿī. Every one of the aforementioned narrators was a “concealer” (*mudallis*), and it is not stated explicitly here that any of them had heard the hadith, nor did any of them make this explicit statement. All of the pivotal narrators are extremely weak; hence, the paths of narration that branch from them are invalid and unworthy of consideration. There are also flaws in their chains of transmission.
- Twenty-three depend on Sammāk Ibn Ḥarb on the authority of those above him, and those above him, eight on Kathīr Ibn ʿUbayd, four on Sufyān Ibn ʿĀmir al-Tirmidhī, three on Ziyād Ibn Qays, one on Ḥātim Ibn Yūsuf al-Jallāb on the authority of ʿAbd al-Muʿmin Ibn Khālid, one on ʿAbd al-Raḥmān Ibn ʿUbayd Allāh, one on ʿAjlān Mawlā Faṭimah, one on Abī ʿUbaydah Muslim Ibn Abī Karīmah, and two that are incompletely narrated (*mursal*). Sammāk is

weak, and all of the others are unknown. Hence, all of them are tainted by a lack of clarity and certainty; hence, they are invalid and unworthy of consideration. There are also flaws in their chains of transmission.

- Seven depend on al-‘Alā’ Ibn ‘Abd al-Raḥmān, two on Sulaymān Ibn Abī Dāwūd, one on ‘Umar Ibn Abī Bakr al-Mūṣalī on the authority of Zakariyā Ibn ‘Īsā, one on Yaḥyā Ibn Ayyūb al-Ghāfiqī, one on Sulaymān Ibn Aḥmad al-Wāsiqī, one on Abī ‘Abd al-Raḥmān al-Wāsiṭī, and one on Abū ‘Abd al-Raḥmān al-Wakī‘ī on the authority of Ibrāhīm Ibn ‘Uyaynah. None of these individuals enjoyed any authority or credibility whatsoever, whether on his own or in association with anyone else.
- Eight depend on Yūnus Ibn Zāyid al-Ayyulī, five on Ibn al-Madhhab on the authority of al-Qaṭī‘ī, five on ‘Abd al-Ḥamīd Ibn Bahram on the authority of Shahr Ibn Ḥawshab, three on Suhayl Ibn Abī Šāliḥ, three on ‘Abd al-‘Azīz al-Darāwirī on the authority of Muḥammad Ibn ‘Amr Ibn ‘Alqamah, one on Abī Bakr Ibn ‘Ayyāsh on the authority of ‘Āṣim Ibn Bahdalah, and one on Muṣ‘ab Ibn Thābit. In addition to the fact that all of these individuals were weak, their chains of transmission contain flaws, so that we are unable to use one to lend support or credibility to another.
- Three depend on Yaḥyā Ibn Bukayr on the authority of al-Layth Ibn Sa‘d. Yaḥyā was weak, and al-Layth was a *mudallis* and did not explicitly state that he had heard the hadith.
- Eleven depend on Qutaybah Ibn Sa‘id on the authority of al-Layth Ibn Sa‘d. As we just saw, al-Layth was a *mudallis* and did not explicitly state that he had heard the hadith. Furthermore, there is irregularity here, perhaps due to Khālid al-Madā’inī’s having introduced Qutaybah Ibn Sa‘id into the chain leading back to al-Layth.
- Ten depend on Shu‘bah on the authority of Wāqid Ibn Muḥammad on the authority of his father on the authority of Ibn ‘Umar, and here we have irregularity (*shudhūdh*) in both the body and the chain of transmission. Furthermore, the narrator is unknown.
- Two depend on Aḥmad Ibn ‘Amr al-Bazzār on the authority of those above him on the authority of al-Qāsim Ibn Mālik on the authority of Abū Mālik al-Ashja‘ī Sa‘d Ibn Ṭāriq Ibn Ashīm on the authority of his father. Al-Bazzār was weak and committed errors in both the body and the chain of transmission; al-Qāsim was likewise weak, and Sa‘d was subject to suspicion. As for the claim that his father was among the Companions of the Prophet, there is doubt

concerning this as well. Hence, the chain of transmission is weak and, therefore, invalid and unworthy of consideration.

- One depends on Naʿīm Ibn Ḥammād on the authority of those above him on the authority of Abū Mālik al-Ashjaʿī Saʿd Ibn Ṭāriq on the authority of his father. Naʿīm was not trustworthy, and Saʿd was subject to suspicion. As for the claim that his father was among the Companions of the Prophet this is subject to doubt. Hence, the chain of transmission is weak and, therefore, invalid and unworthy of consideration.
- One depends on Aḥmad Ibn Yūsuf al-Sulamī on the authority of ʿAbd al-Razzāq. ʿAbd al-Razzāq was a *mudallis* of whom no explicit statements have been made of his having heard hadiths narrated to him, and who grew senile toward the end of his life. Moreover, it is not known whether al-Sulamī heard hadiths from ʿAbd al-Razzāq before or after he lost his mental acuity. Hence, the chain of transmission is weak and, therefore, invalid and unworthy of consideration.
- One depends on Ishāq Ibn Ibrāhīm al-Dubarī on the authority of ʿAbd al-Razzāq. ʿAbd al-Razzāq was a *mudallis* whom no one has explicitly mentioned as having heard hadiths from others, and who grew senile toward the end of his life. He died when al-Dubarī was only six or seven years old; hence, he was weak and, therefore, invalid and unworthy of consideration. In addition, there are flaws in their chains of considered too young for others to narrate accounts on his authority. Hence, the chain of transmission is transmission which render it impossible compare them meaningfully, or to cite them in support of one another. No consideration is to be given to narrators whose integrity has been discredited. Some consideration may be given to narrators who are only slightly weak in their ability to memorize, but not to those whose memory is extremely weak. Furthermore, no consideration shall be given to a hadith whose narrator is unknown or to those affected by *tadlīs*, which undermines our ability to identify the narrators involved.
- As for the body of this hadith, it is unacceptable because it flatly contradicts the Qurʾan by stating explicitly that the combat in which the Messenger of God and Muslims were commanded to engage was for the purpose of compelling people to believe and to state, “There is no god but God.” It is clearly inconsistent with other verses in the Qurʾan which stipulate that people must be given a choice with respect to what they believe. We read, for example, that, “There shall be no coercion in matters of faith” (*Sūrat al-Baqarah* 2:256); “And so, [O

Prophet,] exhort them; thy task is only to exhort: thou canst not compel them [to believe]” (*Sūrat al-Ghāshiyah* 88:22); “Fully aware are We of what they [who deny resurrection] do say; and thou canst by no means force them [to believe in it]. Yet none the less, remind, through this Qur’an, all such as may fear My warning” (*Sūrat Qāf* 50:45); “And [thus it is:] had thy Sustainer so willed, all those who live on earth would surely have attained to faith, all of them; dost thou, then, think that thou couldst compel people to believe?” (*Sūrat Yūnus* 10:99; see *Sūrat Hūd* 11:28).

⁹ Narrated by Aḥmad in his hadith collection and by al-Bayhaqī in his *Shu‘ab al-Īmān* (Branches of Faith) on the authority of Jābir Ibn ‘Abd Allāh. See also: al-Shaybānī, *Musnad al-Imam Aḥmad Ibn Ḥanbal*, ed. Shu‘ayb al-Arna‘ūt, et. al, Beirut: Mu‘assasat al-Risālah, 1421 AH/2001 CE, vol. 38, p. 474, Hadith No. 23489; al-Bayhaqī, *Shu‘ab al-Īman* (Branches of Faith), ed. Muḥammad al-Sa‘īd Basyūnī Zaghālūl, Beirut: Dār al-Kutub al-‘Ilmiyah, 1410 AH/1990 CE, vol. 4, p. 289, Hadith No. 5137.

¹⁰ Narrated by Aḥmad in his hadith collection on the authority of Abū Umāmah al-Bāhili. See al-Shaybānī, *Musnad al-Imam Aḥmad Ibn Ḥanbal*, vol. 36, p. 543, Hadith No. 22209.

¹¹ Fakhr al-Din al-Rāzī, *‘Ismat al-Anbiyā’* (The Infallibility of the Prophets), *‘Ismat al-Anbiyā’*.

CHAPTER ONE

¹ Narrated by al-Bukhārī and Muslim on the authority of Ibn ‘Umar. See al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, op. cit., vol. 4, p. 1510, Hadith No. 3893, and al-Qushayrī, *Ṣaḥīḥ Muslim*, op. cit., vol. 3, p. 1391, Hadith No. 1770.

² Narrated by Abū Dāwūd and Ibn Mājah in their hadith compilations on the authority of Jābir and Ibn ‘Abbās. See Abū Dāwūd, Sulaymān Ibn al-Ash‘ath al-Azdī al-Sijistānī, *Sunan Abī Dāwūd*, ed. Muḥammad Muḥyī al-Dīn ‘Abd al-Ḥamīd, Beirut: Dār al-Fikr, no date, vol. 1, p. 145, Hadith No. 336, and al-Qazwīnī, Abū ‘Abd Allāh Muḥammad Ibn Yazīd, *Sunan ibn Mājah*, Beirut: Dār al-Fikr, ed. Muḥammad Fu‘ād ‘Abd al-Bāqī, Beirut: Dār al-Fikr, no date, vol. 1, p. 189, Hadith No. 572.

³ Al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, op. cit., vol. 2, p. 849, Hadith No. 2279.

⁴ Narrated by al-Bukhārī and al-Nasā’ī. See al-Bukhārī, op. cit. vol. 4, p. 1929, Hadith No. 4774, and al-Nasā’ī, in *al-Sunan al-Kubrā*, ed. ‘Abd al-Ghaffār

Sulaymān al-Bandarī and Sayyid Kusrawī Ḥasan, Beirut: Dār al-Kutub al-ʿIlmiyah, First Edition, 1411 AH/1991 CE, vol. 5, p. 33, Hadith No. 8097.

⁵ The letter in its entirety may be found in Ibn Qayyim al-Jawziyah, *Iʿlām al-Muwaqqiʿīn ʿan Rabb al-ʿĀlamīn* (Information for Those who Write on Behalf of the Lord of the Worlds), ed. Muḥammad ʿAbd al-Salām Ibrāhīm, Beirut: Dār al-Kutub al-ʿIlmiyah, First Printing, 1991, vol. 3, pp. 73ff.

⁶ Ibn ʿAbd al-Barr, *Al-Intiqāʿ*, p. 126.

⁷ Ibn ʿAsākir, Abū al-Qāsim ʿAlī Ibn al-Ḥasan Ibn Hibatʿullah, *Tārīkh Dimashq* (History of Damascus), ed. ʿAmr Ibn Gharāmah al-ʿAmrawī, Beirut: Dār al-Fikr lil-Ṭibāʿah wal-Nashr wal-Tawzīʿ, 1415 AH/1995 CE, vol. 51, p. 339.

⁸ Ibn ʿAbd al-Barr, Abū ʿUmar Yūsuf Ibn ʿAbd Allāh Ibn Muḥammad al-Nimrī al-Qurṭubī, *al-Intiqāʿ fi Faḍāʾil al-Thalāth al-ʿImmah al-Fuqahāʾ Mālik wal-Shāfiʿī wa Abī Ḥanīfah* (Selected Passages Documenting the Virtues of the Three Knowledgeable Imams: Mālik, al-Shāfiʿī, and Abū Ḥanīfah), Beirut: Dār al-Kutub al-ʿIlmiyah, no date, p. 75.

⁹ Al-Juwaynī, *al-Burhān fi Uṣūl al-Fiqh*, ed. ʿAbd al-ʿAzīm al-Dīb, Doha: al-Muhaqqiq, 1400 AH, vol. 2, p. 1146, paragraph 1173. See also Ibn Amīr Ḥājj, *al-Taqrīr wal-Taḥbīr ʿalā Taḥrīr al-Kamāl ibn al-Humām* (a commentary on Kamāl Ibn al-Humām’s work entitled *Taḥrīr al-Uṣūl* on Islamic legal theory), Beirut: Dār al-Kutub al-ʿIlmiyah, Second Printing, 1403 AH/1983 CE, vol. 3, p. 353.

¹⁰ Ibn Amīr Ḥājj, *al-Taqrīr wal-Taḥbīr*, vol. 3, p. 353.

CHAPTER TWO

¹ For a detailed treatment of this topic, see Taha Alwani, *al-Tawḥīd wa Tajalliyātuhu ʿalā al-Ḥayāt al-Insāniyah* (Monotheism and Its Implications for Human Life).

² The term *millah*, translated variously as creed, religion, faith, denomination and religious community, is being used here to refer to a group of people united around particular values, including monotheism, who do not take one another as deities besides God, and among whom one finds no destructive practices such as murder and adultery. As for the term *ummah*, it is treated elsewhere in this study.

³ There were two positions on the matter of the caliphate. According to the first, it was to be established based on agreement and choice, while according to the second, it was to be decided based on an explicit text of the Qur’an or the Sunnah, and by appointment. Those who held the first position maintained that the

caliphate should go to whoever had been approved by the Muslim community or a recognized group of its members. In addition, some insisted that the caliph belong to the tribe of Quraysh or the tribe of Hāshim, and that he fulfill a number of other conditions as well. Those who held that the caliph should be a Qurayshite supported the caliphate of Mu‘āwiyah and his sons, and after them, that of Marwān and his sons. The Kharijites approved one of their number for the caliphate on the condition that he adhere to their beliefs and be just in his dealings with them; otherwise, they would turn against him and possibly even kill him. See al-Ījī, *al-Mawāqif fi ‘Ilm al-Kalām* (Positions in Scholastic Theology), Beirut: ‘Ālam al-Kutub, no date, pp. 7-11.

⁴ *Tawḥīd* (translated generally as monotheism) is the recognition of the unity of God and God’s uniqueness with respect to His divinity, lordship, names and attributes, and the negation of all statements or descriptions that would be contrary to such attributions. *Tawḥīd* liberates human beings from the worship of self, other human beings, and any other entity with the exception of God alone. *Tawḥīd* establishes the order of human life on a foundation that is pleasing to God, and which is in harmony with the standards and elements of abiding validity.

It is impossible for human beings to be fully purified within, or for the Earth to be fruitfully nurtured and developed apart from *tawḥīd*, since the alternative to *tawḥīd* is *shirk*, that is, the association of partners with God in a variety of forms that are not expressive of an attitude of reverence and worship (such as the act of prayer). Furthermore, *tawḥīd* is a sublime aim which cannot be fully realized in human beings’ minds and hearts unless it is reflected in every aspect of knowledge, perception, thought and action, including the spheres of the economy, culture, society, public policy, law, literature, the humanities, and the arts. This is why *tawḥīd* is the most fundamental component of Islam’s comprehensive vision of humanity, life, and the cosmos.

The first generation of Muslims imbibed *tawḥīd* from the pristine spring of the Qur’an and the teachings of the Messenger of God (ṢAAS), and sought to apply its associated principles at all times and in all situations. In this respect, the first generation of Muslims stands apart from all that succeeded it. What happened, then, to bring about the change? The pristine spring was contaminated by, among other things, the philosophy and logic of the Greeks, Roman myths and their distortions, nonsensical accounts passed down by the Persians and fire-worshippers, Jewish folklore, circuitous Christian theology, and other lingering residues of non-Islamic civilizations and cultures, including those of the Arabs themselves. As these elements colored the interpretation of the Qur’an, Muslims’ understanding of

tawhīd was confounded and compromised and, as a consequence, the lights of *tawhīd* and proper Islamic doctrine were dimmed if not entirely extinguished, and faith was robbed of its effectiveness.

⁵ When I speak of conquest supplanting the call to Islam, what I am referring to is the fact that upon their first contact with others, the early Muslims would invite them to believe in God and embrace Islam, attempting to persuade them that the message of Islam was addressed to them. If they responded positively, they would join the *ummah* and become brothers and sisters in faith, and Muslim fighters would retreat from them, guaranteeing their safety. The new converts would have no more reason to fear for their lives, their communities, or their territories. We find an example of this in the message that was sent by the Apostle to Chosroes II, king of the Sassanian Empire, the Byzantine Emperor, the Negus of Ethiopia, and Muqawqis, who was the leader of the Copts [or, possibly, the Sassanian Governor of Egypt]. Similar messages were sent to these leaders in the year 6 AH/627 CE, and they met with varying responses. Chosroes II tore the letter up, while the Byzantine Emperor made no response at all, and as for the Negus of Ethiopia, he embraced Islam, as a result of which the Messenger of God left him in peace. Muqawqis sent gifts to the Messenger of God (ṢAAS), though he did not embrace Islam. The letter which the Prophet sent to Muqawqis with Ḥāṭib Ibn Abī Balṭaʿah read, “Peace be upon those who follow right guidance. And now to our topic: I hereby call upon you to embrace the message of Islam. Surrender [to God], and well-being and peace will be yours. Surrender [to God], and God will grant you a double reward. If you turn away, however, you will bear the guilt of the Copts. ‘Say: “O followers of earlier revelation! Come unto that tenet which we and you hold in common: that we shall worship none but God, and that we shall not ascribe divinity to aught beside Him, and that we shall not take human beings for our lords beside God.” And if they turn away, then say: “Bear witness that it is we who have surrendered ourselves unto Him”’ (Sūrat Āl ʿImrān 3:64).” Muqawqis wrote a letter in reply to the Prophet saying, “In the name of God, Most Merciful, Most Compassionate, to Muḥammad Ibn Abd Allāh from Muqawqis, Sovereign of the Copts, peace. And now to our topic: I have read your letter and understood what you said therein, and what you are inviting me to. I have learned that our prophet has yet to come, and I had thought he would come out of Syria. I have honored your messenger, and have sent you two slave girls who enjoy great respect among the Copts, as well as garments. I am also giving you a mule to ride. Peace be to you.” In response, the Messenger of God did not wage war on him or issue orders to do so. Rather, the

Messenger of God's acceptance of Muqawqis's gift was tantamount to the conclusion of a truce, as well as a tacit agreement that Muqawqis and his subjects would enter into a covenant of protection with the Muslims (becoming *ahl al-dhimmah*, or *dhimmis*). For this reason, the Messenger of God issued instructions for them to be treated well, saying, "Ensure that they receive the best of care, for they merit protection and compassion." See al-Zubayrī, *al-Muntakhab min Kitāb Azwāj al-Nabī* (Selected [Narratives] from the Book of the Prophet's Wives), ed. Sukaynah al-Shihābī, Beirut: Mu'assasat al-Risālah, First Edition, 1403 AH/1983 CE, vol. 1, pp. 55-56, and Ibn Kathīr, *al-Bidāyah wal-Nihāyah* (The Beginning and the End), Beirut: Dār al-Fikr, 1407 AH/1986 CE, vol. 6, p. 193.

⁶ I have dealt in detail with this topic in my studies of the combat verses of the Qur'an, which can be found in my commentary on *Sūrat al-Baqarah*, and which are summarized in my commentary on *Sūrat al-Ḥajj*.

⁷ This verse reads, "Fight against those who - despite having been vouchsafed revelation [aforetime]- do not [truly] believe either in God or the Last Day, and do not consider forbidden that which God and His Apostle have forbidden, and do not follow the religion of truth [which God has enjoined upon them] till they [agree to] pay the exemption tax (*jizyah*) with a willing hand, after having been humbled [in war]."

⁸ The caliphate of ʿUmar Ibn ʿAbd al-ʿAzīz is a case in point. ʿUmar had appointed Ismāʿīl Ibn ʿUbayd Allāh governor over Africa. Ismāʿīl Ibn ʿUbayd Allāh was described by Ibn ʿIdhārī as "... the best emir and the best governor. He never ceased to invite the Berbers to embrace Islam, and it is he who taught [the people of] Africa right from wrong. At the time when ʿUmar sent ten knowledgeable and virtuous followers with him to Africa, alcohol was permissible there. Upon their arrival, however, they prohibited it." See Ibn ʿIdhārī, Abū ʿAbd Allāh Muḥammad Ibn Muḥammad al-Marrākishī, *al-Bayān al-Mughrib fī Akhbār al-Andalus wal-Maghrib* (The Remarkable Collection of Reports on Andalusia and North Africa), Beirut: Dār al-Thaqāfah, Third Printing, 1983 CE, vol. 1, p. 48.

Khalīfah Ibn Khayyāt mentioned in his history that "most of the Berbers entered Islam under his governorship." This being the case, one wonders where his predecessors had been placing their priorities?! It is a known fact that the governor who preceded him – Yazīd Ibn Abī Muslim – whom ʿUmar Ibn ʿAbd al-ʿAzīz had removed from office when he became caliph – had been tyrannical and oppressive. Ibn Khayyāt tells us that Yazīd Ibn Abī Muslim "appeared to think himself a god, and would carry out everything commanded by the Sultan, great or small, by way

of injustices and transgressions against all that was good and right. He would frequently invoke the Divine Names and praise God while giving orders for people to be brought before him and tortured. As they were being tortured, he would say, ‘Glory be to God, and praise. Tug harder, boy, on this or that [part of the victim’s body],’ adding, ‘There is no god but God!’ This state of his was the most wicked of all.” See Abū Muḥammad al-Miṣrī, ‘Abd Allāh Ibn ‘Abd al-Ḥakam Ibn A‘yun Ibn Layth, *Sīrat ‘Umar Ibn ‘Abd al-‘Azīz ‘alā mā Rawāhu al-Imām Mālik Ibn Anas wa Aṣḥābuhu* (The Biography of ‘Umar Ibn ‘Abd al-‘Azīz as Narrated by Imam Mālik and His Companions), ed. Aḥmad ‘Ubayd, Beirut: ‘Ālam al-Kutub, Sixth Printing, 1404 AH/1984 CE, pp. 36-37.

⁹ This statement has been attributed to Imam ‘Alī, who is said to have sent ‘Abd Allāh Ibn ‘Abbās to debate with the Kharijites, saying, “Do not argue with them from the Qur’an, since the Qur’an can be viewed from many angles (*li’anna al-qur’āna ḥammālu awjuh*), and is subject to varying interpretations. Rather, argue with them from the Sunnah, since they will have no choice but to accept it.” Al-Suyūṭī attributed this statement to Ibn Sa‘d in his *Ṭabaqāt* [in the section entitled], “Mastery: The Thirty-ninth Type – Knowledge of Aspects and Equivalents.” Al-Suyūṭī considered the phrase *ḥammālu awjuh* in the statement above to be a commendation of the Qur’an, since he understood the word *awjuh* (aspects) to refer to words that can be used to convey a variety of meanings. However, this is not the case. Muqātil and others also expressed this view. See al-Suyūṭī, *al-Durr al-Manḥūr fī al-Tafsīri bil-Ma’tḥūr* (Scattered Pearls: Interpretation Based on Texts Passed down by Tradition), Beirut: Dār al-Fikr, 1993 CE, vol. 1, p. 40.

A different version narrated by ‘Ikrimah was recorded by al-Khaṭīb al-Baghdādī in *al-Faqīh wal-Mutafaqqih* (Jurists and Those Well-Versed in Jurisprudence), ed. Abū ‘Abd al-Raḥmān ‘Āḍil Ibn Yūsuf al-Gharrāzī, Riyadh: Dār Ibn al-Jawzī lil-Nashr wal-Tawzī’, Second Printing, 1421 AH/ 2000 CE, vol. 1, p. 560.

All of its other chains of transmission are subject to question, while the body of the text contains many things that call for further examination. First of all, the Kharijites are not supposed to have judged their disputes by any authority but the Qur’an itself. If anyone had argued with them based on any other source, they would not have acknowledged it as valid evidence. Secondly, the Qur’an is a statement of the utmost clarity, and all the double entendre or ambiguity, metonymy (allusion), and synonymy noted therein is perceived to be there based on the rules of human speech and comments by linguists; however, these should not be applied

to the divine speech. Numerous scholarly studies, both ancient and modern, have been written on this subject. Ibn Taymiyah denied that metaphor is found in the Qur'an; how much more, then, would he have denied the existence of synonymy?

¹⁰ As used in any statement validly attributed to the Messenger of God, the Arabic word *jamā'ah* (group, community) refers consistently and exclusively to the *ummah*, or Muslim community, since the act of departing from the *jamā'ah* in the days of the Prophet was equivalent to the act of leaving the Muslim community itself. The *ummah* was the entity into which God had graciously gathered the Muslims, and under whose banner He had joined them. It was the *ummah* which was associated with goodness, moderation and all other virtues. Hence, the Messenger of God warned his followers not to place themselves in conflict with it or divorce themselves from it. It was in order to form and build up the *ummah* that God had united believing hearts. Consequently, the *ummah* could never be associated exclusively with a particular sect or denomination. If it holds to a proper self-understanding, a sect, denomination or school of thought will recognize itself as a part of the *ummah*, but would never claim to be the whole.

The hadith that speaks about the division of the *ummah* into many sects that will perish and a single sect that will attain to salvation serves as an example of the kind of weak hadith that has been presented as authentic and well-attested in the service of establishing and perpetuating sectarian and ideological trends. This particular hadith, which is riddled with weaknesses in its body and its chain of transmission alike, has been used to reinforce divisiveness and disagreements and to destroy the unity of the Muslim community.

Despite its weakness, this hadith has provided welcome grist for the mill of every Muslim sect looking for something to shore up its own claims to legitimacy and undermine those of competing sects, each of them wanting, of course, to class itself as "the sect that has been promised salvation" while dooming all other sects to perdition. Adherents of various sects thus circulated it widely, and then, once it had gained wide circulation, felt no need to seek out a chain of transmission for it. Indeed, it is possible that were it not for the popularity this hadith came to enjoy, the Islamic field of sectology would not have emerged and attracted the interest that it did, still less have had the devastating impact which it did on scholastic theology.

One version of this hadith, having been passed down on the authority of several of the Prophet's Companions and judged to be valid with its paths of narrators and supporting text, reads: "The Jewish and Christian communities have each divided

into seventy-one or seventy-two sects, while my community has divided into seventy-three sects.” See al-Sijistānī, *Sunan Abī Dāwūd*, vol. 2, p. 608, Hadith No. 4596; al-Bustī, *Ṣaḥīḥ Ibn Ḥabbān* (arranged by Ibn Balbān), ed. Shuʿayb al-ʿArnaʿūt, Beirut: Muʿassasat al-Risālah, Second Printing, 1414 AH/1993 CE, vol. 14, p. 140, Hadith No. 6247; al-Qazwīnī, *Sunan Ibn Mājah*, vol. 2, p. 1322, Hadiths Nos. 3992 and 3993; and al-Shaybānī, *Musnad al-Imām Aḥmad Ibn Ḥanbal*, vol. 19, p. 241, Hadith No. 12208.

Some other hadiths have been misunderstood or misinterpreted in such a way that they appear to provide support for this hadith although they do not, in fact, support it. The hadiths to which I am referring are the various versions of the authentic, agreed-upon hadith according to which the Prophet declared, “A sect (*tāʾifah*) of my community will continue to adhere to the truth until the command of God comes.” See al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, vol. 3, p. 1334, Hadith No. 2948; and al-Qushayrī, *Ṣaḥīḥ Muslim*, vol. 3, p. 1523, Hadith No. 1920.

The phrase *tāʾifatun min ummatī* (“a sect of my community”) has been understood as referring to the “saved” sect spoken of in the weak hadith mentioned above. However, the actual meaning of this hadith is that, unlike many communities that preceded it, the Muslim community will not witness mass apostasy, or a collective deviation from the truth such as the one that occurred when – with the exception of Aaron and Moses – the Children of Israel turned en masse to the worship of the golden calf in the wilderness. This interpretation of the hadith is supported by other authentic hadiths such as those that read, “My community would never agree collectively to error.” There are approximately eighteen hadiths to this effect, whose sources we have identified in footnotes on *al-Maḥṣūl* in the context of its discussion of consensus (*ijmāʿ*). See al-Rāzī, *al-Maḥṣūl fī ʿIlm Uṣūl al-Fiqh* (A Compendium of the Fundamentals of Jurisprudence), ed., Ṭaha Jābir al-ʿAlwānī, Beirut: Muʿassasat al-Risālah, Second Printing, 1992 CE, vol. 4, pp. 79-83.

Even if we overlook the weakness in the chain of transmission associated with the hadith of the sects, we encounter a number of problems in the body of the text. First of all, it indicates that the Muslim community is worse than either the Jews or the Christians, since the number of sects into which it will divide is even greater than the number into which either of the previous religious communities divided. Secondly, the number of Muslim sects destined for the hellfire is greater than the number of perishing Jewish or Christian sects. Bear in mind here that the Muslim community is the same community which God describes with the words, “And so,

We have bestowed this divine writ as a heritage unto such of Our servants as We chose: and among them are some who sin against themselves; and some who keep half-way [between right and wrong]; and some who, by God's leave, are foremost in deeds of goodness: [and] this, indeed, is a merit most high!" (*Sūrat Fāṭir* 35:32). Note that God excludes none of these three groups from the Muslim community. Furthermore, the hadith of the sects is inconsistent with the Qur'anic verses that speak of clinging to the rope of God and shunning disunity. On the contrary, the hadith in question seems to approve of such disunity and even to provide an authoritative basis for it. See Muḥammad Yaḥyā Sālim 'Azzān, *Ḥadīth Iftirāq al-Ummah Taḥt al-Mijhar* (The Hadith on the Division of the Muslim Community Under the Microscope), Sanaa, Markaz al-Turāth wal-Buḥūth al-Yamani (Yemeni Heritage and Research Center), First Printing, 1422 AH/2001 CE; and Ṭaha Jābir al-'Alwānī, *al-'Irāq bayn al-Thawābit wal-Mutagħayyirāt* (Iraq Between Constants and Variables), Cairo: Maktabat al-Shurūq al-Dawliyah, First Printing, 2004 CE.

¹¹ Upon its establishment in 1600 CE, Queen Elizabeth I granted the East India Company monopolistic powers over trade in India and all British colonies in Southeast Asia. By virtue of this dispensation, the company was transformed from a mere trade establishment into an institution that governed all Indian states and all British colonies in the region with political and military support from the British Empire. This situation remained in place until the Indian Rebellion of 1857-1858.

CHAPTER THREE

¹ When Muslims began recording their knowledge in 143 AH/760 CE (the early Abbasid Era), the study and investigation of belief-related rulings came to be referred to variously as "Islamic legal theory" (*'ilm uṣūl al-dīn*), "the greater jurisprudence" (*al-fiqh al-akbar*), "the science of monotheism" (*'ilm al-tawḥīd*), "the science of Islamic doctrine" (*'ilm al-'aqā'id al-islāmiyah*), and "the science of speech," or scholastic theology (*'ilm al-kalām*). In the title of his well-known work, *al-Fiqh al-Akbar* (The Greater Jurisprudence), Abū Ḥanīfah alluded to the distinction that had come to be made between two primary areas of juristic concern, namely, rites of Islamic worship (*al-'ibādāt*), and day-to-day transactions (*al-mu'āmalāt*). The first of these, referred to as the "greater jurisprudence," dealt with belief-related principles or fundamentals, while the second, termed "minor jurisprudence," dealt with practical matters. These two branches of jurisprudence

worked in tandem to produce what might be described as “a jurisprudence of the soul” which encompasses both that which is permitted to it, and that which is required of it. When Muslim scholars began writing about the classification of knowledge and the various Islamic sciences, they found it easiest to use the term scholastic theology (*‘ilm al-kalām*) to refer to this branch of learning. However, some continued to refer to it variously as the science of doctrines, or the doctrines of the religion (*‘aqā'id al-millāh*), in which context Ibn Rushd (d. 595 AH/1198 CE) penned *Tartīb al-Adillāh fī ‘Aqā'id al-Millāh* (An Arrangement of the Evidence for the Doctrines of the Religion). Others also wrote on this topic. The reason for the variety of names which have been applied to this science is that those who define this discipline have focused on varying aspects of it. Some of its names might be associated with particular historical periods. As noted, the term *‘ilm al-kalām* came into widespread use when the debate between the Mu‘tazilah and the Ashā‘irah began over the speech of God, the question being whether the divine speech is eternal or temporal. The term *‘ilm al-‘aqā'id* (“the science of doctrines”) gained circulation when the focus shifted toward belief-related questions. The emphasis on such matters was so pronounced during one period that certain doctrines were attributed to the authors of relevant works, or to the country to which a letter was being addressed. We have, for example, the Ṭahāwīyah doctrine, so-named in reference to Ja‘far al-Ṭahāwī (d. 331 AH/942 CE). Ibn Taymiyah (d. 728 AH/1328 CE) wrote a work entitled *al-‘Aqīdah al-Wāsiṭiyah wal-Iṣfahāniyah wal-Tadmuriyah* (The Doctrine Originating in al-Wāsiṭah, al-Iṣfahān and Tadmur [Palmyra]). Prior to this, al-Ghazālī (d. 505 AH/1111 CE) had written *Qawā'id al-‘Aqā'id* (The Rules of Doctrines), while Nuṣayr al-Dīn al-Ṭūsī (d. 671 AH/1272 CE) wrote *Tajrīd al-I‘tiqād* (The Abstraction of Belief).

As for the term *‘ilm al-tawḥīd* (“the science of monotheism”) – which occurs frequently in modern writings as well – its use was based on the fact that monotheism was the most frequently discussed topic under the rubric of this science. Within universities, it is common in faculties of Islamic Legal Theory for a department that specializes in the study of belief to be referred as, for example, “The Department of the Science of Belief,” while such departments have begun awarding Masters Degrees and PhDs in this specialization.

² God said, “[And know, O believers, that] Muhammad is not the father of any one of your men, but is God’s Apostle (Messenger) and the Seal of all Prophets. And God has indeed full knowledge of everything” (*Sūrat al-Aḥzāb* 33:40). From this, some concluded that whereas the role of prophet had come to an end, the role

of messenger had not. What these people had failed to notice was that the role of prophet is the basis for the role of messenger. Anyone to whom God has revealed a message is a prophet, regardless of whether God assigns him to convey this revelation as a message to others or not. In other words, the role of messenger is a branch of the role of prophet. Every messenger of God must of necessity also be a prophet since, in order to become a messenger, he must first have been a prophet. However, some individuals suggested fiendishly that although Muhammad was the final prophet, there might still come a messenger after him (ŞAAS). Ibn ʿArabī included a lengthy discussion of this matter in *al-Futūḥāt al-Makkiyah* (Meccan Revelations), which caused some to confuse the meaning of this verse as understood on the basis of general Arabic usage, and the meaning intended by the language used in the Qurʾan. When God used the phrase, “the Seal of all Prophets,” the meaning implicit therein was “the Seal of all Messengers” as well. For if revelation ceases, thereby causing the role of prophet to cease, then the role of messenger will automatically cease as well. With regard to the Companions who were sent out to carry the Prophet’s message to others, they were referred to not as messengers of God but, rather, as messengers of the Messenger of God (ŞAAS). This vital distinction needs to be borne in mind.

³ al-Samʿānī, *al-Intiṣār li Aṣḥāb al-Ḥadīth*, p. 8. See also al-Iṣfahānī, *Ḥilyat al-Awliyā*, vol. 9, p. 113.

⁴ Ibn Taymiyah, *Majmūʿ al-Fatāwā* (Collected Fatwas), ed. Anwar al-Bāz and ʿĀmir al-Jazzār, Jeddah: Dār al-Wafāʾ, Third Printing, 1426 AH/2005 CE, vol. 3, p. 311. See also Aḥmad Ibn Ḥanbal, *Musnad al-Imām Aḥmad Ibn Ḥanbal*, vol. 11, p. 434, Hadith No. 6845, which reads, “We were told by ʿAbd Allāh, who was told by his father, who was told by Ismāʿīl, who was told by Dāwūd Ibn Abī Hind on the authority of ʿAmr Ibn Shuʿayb, who was told by his father, who was told by his father, that a group of men had been sitting outside the Prophet’s door. One of them said, “Didn’t God say thus-and-so?” while another said, “And didn’t God say thus-and-so?” When the Prophet heard this, he came out, his face red as a pomegranate, and said angrily, “Is this what you were commanded? Is this what you were sent out to do?! To pit one part of God’s Book against another? This is precisely what led the nations before you astray! You are to have nothing to do with such practices! Rather, look to what you have been commanded to do, and do it, and to what you have been forbidden to do, and cease doing it.” The other account is similar to this one. We have adopted this narrative because it is confirmed by the Qurʾan, its message being implied by *Sūrat al-Hijr* 15:89-93 quoted earlier.

⁵ A view of this nature is stated in *al-Musawwadah fī Uṣūl al-Fiqh* (An Outline of the Fundamentals of Jurisprudence), whose author, Āl Taymiyah, wrote, “The apparent meaning of Aḥmad Ibn Ḥanbal’s view is that the term *al-muḥkam* refers to verses of the Qur’an whose meaning is clear without any external elucidation, while the term *al-mutashābih* describes verses which require such elucidation.” In keeping with this view, this author described the Sunnah as “a clarification of the ambiguous (*al-mutashābih*) Qur’anic texts by which free-thinkers and atheists have been led astray.” See Majd al-Dīn ‘Abd al-Salām Āl Taymiyah, ‘Abd al-Ḥalīm Ibn ‘Abd al-Salām and Taqī al-Dīn Aḥmad, *al-Musawwadah fī Uṣūl al-Fiqh* (An Outline of the Fundamentals of Jurisprudence), ed. Muḥammad Muḥyī al-Dīn ‘Abd al-Ḥamīd, Cairo: Maṭba‘at al-Madani, 1284 AH/1964 CE, vol. 1, pp. 144-146; and, Ṭaha Jābir al-‘Alwānī, *Naḥwa Mawqif Qur’ānī min Ishkāliyat al-Muḥkam wal-Mutashābih* (Towards a Qur’anic Stance on the Problem of al-Muḥkam and al-Mutashābih), Cairo: Maktabat al-Shurūq al-Dawliyah, First Printing, 2007.

⁶ Al-Rāzī wrote in *al-Tafsīr al-Kabīr*, “Someone has said that if there is a conflict between the Qur’an and a tradition, the tradition should be given priority over the Qur’an. The reason for this is that the Qur’an is stated in general terms (*mujmal*), the evidence for which is found in *Sūrat al-Nahl* 16:44, which reads, ‘And upon thee have We bestowed from on high this reminder, so that thou might make clear unto mankind all that has ever been thus bestowed upon them, and that they might take thought,’ bearing in mind that that which serves to clarify (*al-mubayyin*) is to be given priority over that which is presented in general terms (*al-mujmal*).” See Fakhr al-Dīn al-Rāzī, *al-Tafsīr al-Kabīr* (The Great Exegesis), Beirut: Dār al-Kutub al-‘Ilmiyah, First Printing, 1421 AH/2000 CE, vol. 20, p. 31.

Quite unfortunately, examples of this attitude – according to which a non-Qur’anic narrative is to be given priority over the Qur’an itself – can be found in virtually all of Islam’s juristic schools. For example, Āl Taymiyah wrote in *al-Musawwadah*, “Imam Aḥmad Ibn Ḥanbal was once asked, ‘If you have, on one side, a hadith with an authentic chain of transmission whose content agrees with the apparent meaning of the Qur’an and, on the other side, two authentic hadiths that conflict with the earlier one, which one will you adopt?’ And he replied, ‘I would adopt the two authentic hadiths.’” See Āl Taymiyah, *al-Musawwadah*, vol. 1, p. 609.

However, the Messenger of God could not possibly have contradicted the Book of God. The phrase, “all that has ever been thus bestowed upon them (*mā nuzzila*

ilayhim)” in the passage quoted earlier, namely, “And upon thee have We bestowed from on high this reminder, so that thou might make clear unto mankind all that has ever been bestowed upon them...” was mistakenly understood by al-Rāzī to refer to the Prophet’s application of the divine revelation rather than to the divine revelation itself, referred to in the same passage as “this reminder” (*al-dhikr*). Hence, Imam al-Rāzī slipped up here, bearing in mind that a slip-up on the part of one of the greats is a catastrophe.

⁷ In his commentary on the Sunnah, al-Ḥasan Ibn ‘Alī Ibn Khalaf al-Barbahāwī wrote, “...if you hear someone challenging the traditions and not accepting them, or denying some report handed down from the Messenger of God (ṢAAS), accuse him on Islam’s behalf of having bad views and following bad teaching, since no one should disparage the Messenger of God or his Companions. After all, it is through the traditions that we have come to know God, God’s Messenger, and the Qur’an, as well as good and evil, and this world and the next. The Qur’an needs the Sunnah more than the Sunnah needs the Qur’an.” This is a baseless claim which Imam Aḥmad himself did not dare to make. See al-Ḥasan Ibn ‘Alī Ibn Khalaf al-Barbahāwī, *Sharḥ al-Sunnah* (The Sunnah Explained), ed. Muḥammad Ibn Sa‘īd Ibn Sālim al-Qaḥṭānī, Dammam, Dār Ibn al-Qayyim, First Printing, 1408 AH/1988 CE, p. 35.

⁸ Italics added.

⁹ Al-Rāzī, *al-Tafsīr al-Kabīr*, vol. 20, p. 31.

¹⁰ Al-Shāṭibī, *al-Muwāfaqāt fī Uṣūl al-Sharī‘ah* (Reconciliation of the Fundamentals of Islamic Law), ed. ‘Abd al-Salām Shāfī, annotated and explained by ‘Abd Allāh Darrāz; biographies provided by Muḥammad ‘Abd Allāh Darrāz, Beirut: Dār al-Kutub al-‘Ilmiyah, First Printing, 1425 AH/2004 CE, p. 727.

¹¹ *Ibid.*, p. 737.

¹² Having observed the state of contention that obtained between hadith scholars and the Mu‘tazilah over the issue of predestination, Ibn Qutaybah al-Daynūrī (d. 276 AH/889 CE) stated, “When hadith scholars saw the extreme to which these [the Mu‘tazilah] had gone in their argumentation in favor of predestination, they were moved by a combination of hatred and obstinacy to counter one extreme with another by adopting the abject fatalism being promoted by Jahm Ibn Ṣafwān. In according to Jahm, human beings are incapable of committing any act whatsoever, good or bad, and any action attributed to a human being can only be attributed to him or her in a metaphorical sense. See Ibn Qutaybah al-Daynūrī, *al-Ikhtilāf fī al-Lafz wal-Radd ‘alā al-Jahmiyah wal-Mushabbihah* (Differences in Wording, and a

Rebuttal of the Jahmites and Anthropomorphists), introduced and annotated by ʿUmar Ibn Maḥmūd, Riyadh: Dār al-Rāyah, First Printing, 1991 CE, p. 21.

Even though Jahm was utterly despised by the People of the Hadith, the methodology of intellectual mudslinging and tugs-of-war is bound to lead one where one would not have wanted to go. Describing another form of this type of verbal warfare, Ibn Qutaybah wrote, “A group of people claiming to be Sunnis maintained that faith is uncreated for fear that if they did not, they would have to say that the confession of faith ‘there is no god but God’ (*lā ilāh illā Allāh*) – this being the foundation of the Islamic creed – was created. Then, to make matters still worse, they classed human actions as uncreated as though they were divine attributes! So accustomed had people grown to the description of entities as “uncreated” that if someone had claimed that thrones and chairs were uncreated, even he – or so it seems – would have found a following. See Ibn Qutaybah, *al-Ikhtilāf fil-Laḥz*, pp. 52-53.

¹³ The question of “the creation of the Qur’an” sparked an intellectual firestorm, not to mention social upheaval, of such proportions that it dominated the caliphates of al-Ma’mūn (reigned 198-218 AH/813-833 CE) and al-Mu’taṣim (reigned 218-228 AH/833-842 CE). Muslims’ preoccupation with this issue thus spanned nearly two decades, with an aftermath that lingered far beyond. At the root of this controversy lay the debate that had been sparked by the Mu’tazilites over the Qur’an’s use of the term “word” (*kalimah*) to refer to Jesus (upon him be blessings and peace). There were Christians who argued that their doctrines found support in the Qur’an, which, speaking of Jesus, said, “Christ Jesus the son of Mary was a messenger of God, and His Word which He bestowed on Mary, and a spirit proceeding from Him” (*Sūrat al-Nisā’* 4:171). In response to such claims, the Mu’tazilites were concerned lest the assertion that the Qur’an was God’s uncreated speech and that it was among the eternal Divine Attributes might be interpreted to mean that there was a multiplicity of eternal entities, or used to support the deification of the Qur’an as Jesus had been deified by the Christians. After all, the Qur’an is the word of God, while Jesus is the word of God which God “bestowed upon Mary.” The way out of this conundrum, in the Mu’tazilites’ view, was to view the Qur’an as a created entity just as Jesus was. For according to Islamic doctrine, Jesus, like Adam, was created without a father. Furthermore, the Mutazilites denied the Divine Attributes if, by such attributes, one meant that they were entities with an existence separate from that of the Divine Essence. In other words, they posited that God does not have attributes separate from His Supreme Essence.

Influenced by Mu‘tazilite teaching, al-Ma‘mūn attempted to force all Muslim scholars under his rule to adopt the Mu‘tazilite stance according to which the Qur’an was not eternal, but created. Sunni scholars saw the Mu‘tazilite position as dangerous due to the fact that it might be taken to mean that the Qur’an is a historically conditioned book which was addressed solely to the generation of the Prophet and which, as such, has no relevance to generations thereafter.

The effects of this controversy endured for centuries in the Muslim community. As a matter of fact, however, this was not an Islamic concern. Rather, it was a response to a set of non-Islamic premises and assumptions which were being allowed to shape the internal Islamic discourse. As a consequence, scholars were reading and interpreting the Qur’an based on the logic of non-Islamic doctrines rather than refuting said doctrines based on the logic of the Qur’an.

Influenced by their concern not to validate Christian beliefs, Mu‘tazilite scholars were reading the phrase, “...and His Word which He bestowed on Mary, and a spirit proceeding from Him” without regard for its Qur’anic context. However, in the course of debating with Christians, they had actually internalized Christian theological premises (that, for example, God is living and speaking, that His life is the Holy Spirit and his speech is knowledge, that God, His Word and His power are all eternally subsistent entities, that the word is the Son who appeared physically on Earth in the form of Christ, and the begetting of the Son by the Father can be likened to the generation of speech by the mind, heat by fire, and light by the sun). Consequently, they had begun asking, for example: Is the Qur’an the speech of God? And is it, therefore, timeless and eternal? Does this demonstrate the existence of a timeless, eternal being other than God? And when we talk about “God’s speech,” do we mean the pre-speech content that exists in the mind of God, as it were, or the contents of the eternal archetype of the earthly Quran – the Preserved Tablet (*al-lawḥ al-maḥfūz*) – or the earthly Qur’an itself? This led to further questions, such as whether the “ink” referred to in the Qur’an in relation to God’s words (*Sūrat al-Kahf* 18:109), the “scriptures” of Abraham, Moses and others (cf. *Sūrat Ṭaha* 22:133, 53:36; 87:19, etc), and the utterance of the words of the Qur’an are from God or from human beings. Yet all of these inquiries were based on mistaken premises, as a result of which they were bound to lead to confusion. The Mu‘tazilites’ obsession with the fear of asserting a multiplicity of eternal entities – and, hence, of falling into shirk – itself demonstrates that they were under the influence of non-Islamic intellectual and theological frameworks. The act of drawing an analogy between the Qur’an being a word, and Jesus (upon him be blessing

and peace) being a word would simply not have occurred to them had they taken proper account of the Qur'anic context of the verses in question.

In his work entitled, *Al-Jawāb al-Ṣaḥīḥ li Man Baddala Dīn al-Masīḥ* (The Correct Response to Those Who Have Altered the Religion of Christ), Ibn Taymiyah presented a discussion of this issue that is based on an integrated reading of the Qur'an. Ibn Taymiyah's argument might be summarized as follows: The Qur'an describes Jesus (upon him be blessing and peace) as "the word of God which He bestowed upon Mary." However, the Arabic text lacks the relative pronoun *allatī*, "which", that would be required if the term "word" (*kalimah*) were definite. In effect, then, Jesus is being described in the Qur'an as "one of God's words," whereas in the Christian conception, the word as applied to Jesus refers to an eternal creative power which indwelt Mary. Furthermore, the Qur'an tells us that God bestowed this word on Mary. God, of course, is the Creator; hence, the word which He bestowed is not a creator, as the Creator cannot be bestowed by anything but is rather that which bestows something other than itself.

In sum, then, the problem with the Mu'tazilite approach to this issue consisted not in asking what it means for Jesus or the Qur'an to be God's word but, rather, in the way in which the question was formulated and posed. See Ibn Taymiyah, *Al-Jawāb al-Ṣaḥīḥ li Man Baddala Dīn al-Masīḥ* (The Correct Response to Those Who Have Altered the Religion of Christ), ed. 'Alī Ḥasan Nāṣir and 'Abd al-'Azīz Ibrāhīm al-'Askar, and Ḥamdān Muḥammad, Riyadh: Dār al-'Āṣimah, First Printing, 1414 AH/1993 CE, p. 74.

¹⁴ The reason the Qur'an is alone capable of formulating an adequate epistemic methodology and semantic system is that it has been preserved in both its verbal content and its structure. As God commanded the Prophet in *Sūrat al-Qiyāmah* 75:17-19, "Move not thy tongue in haste, [repeating the words of the revelation:] for, behold, it is for Us to gather it [in thy heart,] and to cause it to be read [as it ought to be read]. Thus, when We recite it, follow its wording and then, behold, it will be for Us to make its meaning clear." This is what makes the Qur'an an integrated, cohesive, authoritative text, unmarred by any contradiction, imbalance, unevenness or inconsistency, every part of it being as powerful and firmly attested as every other. It is this internal harmony – "Will they not, then, try to understand this Qur'an? Had it issued from any but God, they would surely have found in it many an inner contradiction!" (*Sūrat al-Nisā'* 4:82) – which makes it possible to engage in an inductive reading of its contents in such a way as to derive the rules and laws which govern its language, and to construct a precise semantic system

based thereon. This does not mean that the Qur’anic text is closed – on the contrary, it is a hidden treasure whose riches are inexhaustible – but, rather, that it is marked by an inherent clarity, and stands as a witness to the truth in every time and place.

¹⁵ There we read that “there is no beast that walks on earth and no bird that flies on its two wings which is not [God’s] creature like yourselves: no single thing have We neglected in Our decree.”

¹⁶ Āl Taymiyah, *al-Miswaddah fī Uṣūl al-Fiqh*, p. 345.

¹⁷ Aḥmad Ibn Muḥammad Bin ‘Alī al-Wazīr (d. 1372 AH/1952 CE) undertook a critical treatment of the impact of *takfīr* and *tafsīq* (the act of declaring someone an unbeliever or a habitual sinner, respectively) based on one’s interpretations of Islamic texts dealing with themes of relevance to legal theory – such as consensus (*ijmā‘*) and reports passed down by the Prophet’s Companions (*al-akhbār*). As used by Islamic legal theorists, the term *al-kāfir bil-ta’wīl* (an unbeliever by virtue of interpretation) is a Muslim who unintentionally adopts a stance that entails unbelief, such as anthropomorphists and others with heretical beliefs, while the sinner by virtue of interpretation (*al-fāsiq bil-ta’wīl*) is a Muslim who unintentionally adopts a stance that entails unrighteousness, such as wrongdoers the likes of the Kharijites. In this connection, al-Wazīr stated, “This inauspicious practice – declaring someone an unbeliever based on his interpretations of Islamic texts – has afflicted the Islamic community with many a bane, plunging it into all-out civil strife over controversies around academic and juristic topics.” See Aḥmad Ibn Muḥammad Bin ‘Alī al-Wazīr, *al-Muṣaffā fī Uṣūl al-Fiqh* (Essential Islamic Legal Theory), Beirut: Dār al-Fikr al-Mu‘āṣir, First Printing, 1996, p. 397.

¹⁸ A case in point is the misclassification of pricing, whether excessively high or excessively low, as a religious issue rather than as an economic one, in the course of which scholastic theologians needlessly thrust Islamic discourse into a furnace of futile debate that yields no action of any value, as will be seen in a later discussion.

CHAPTER FOUR

¹ Abū ‘Ubayd in his *Kitāb Faḍā’il al-Qur’ān* (The Excellencies of the Qur’ān), Sa‘īd Ibn Manṣūr, Ibn Abī Shaybah, Ibn Jarīr, Ibn Abī Dāwūd, and Ibn al-Mundhir transmitted the following account on the authority of ‘Urwah, who said, “I asked ‘Ā’ishah about ungrammaticalities in the Qur’an – such as those found, for example, in the following passages: *inna al-ladhīna āmanū wal-ladhīna hādū*

wal-ṣābi'ūn [in which the nominative case is used instead of the customary accusative in the word *al-ṣābi'ūn*] (*Sūrat al-Mā'idah* 5:69), *wal-muqīmīn al-ṣalāh wal-mu'tūn al-zakāh* [where the word *al-mu'tūn* is placed in the nominative rather than in the accusative case as is *al-muqīmīn*] (*Sūrat al-Nisā'* 4:162), and *wa imma hādhāni la sāḥirān* [where the word *hādhāni* is placed in the nominative case rather than in the accusative case, which would normally be required after the particle *inna*] (*Sūrat Ṭaba* 20:63),² to which she replied, 'O son of my sister, this is the work of scribes, who erred in [their recording of] the Book.'

The following was related by Ibn Abī Dāwūd on the authority of Sa'īd Ibn Jubayr, who said, "The Qur'an contains four dialects (*arba'atu aḥruf*): *wal-ṣābi'ūn* (*Sūrat al-Mā'idah* 5:69), *wal-muqīmīna* (*Sūrat al-Nisā'* 4:162), *fa'aṣṣaddaqa wa akun min al-ṣāliḥīn* (*Sūrat al-Munāfiqūn* 63:10), and *wa imna hādhāni la sāḥirān* (*Sūrat Ṭaba* 20:63)."

Ibn Abī Dāwūd transmitted on the authority of 'Abd al-A'lā, who quoted 'Abd Allāh Ibn 'Amīr al-Qurashī as saying, "After the first copy of the Qur'an had been compiled, 'Uthmān examined it and said, 'You have done well to gather it all together. However, I see some grammatical errors [in it], which the Arabs will correct in light of their respective dialects (literally, their tongues, *bi alsinatihā*).'" Commenting on this, Ibn Abī Dāwūd stated, "I take the word *alsinatihā* to refer to their language. However, if it had contained solecisms which were unacceptable in the speech of any of the Arabs, he ['Uthmān] would not have deemed it permissible to send it to literate people."

Ibn Abī Dāwūd also transmitted the following on the authority of 'Ikrimah, who said, "When the first copy of the Qur'an was brought to 'Uthmān, he saw some ungrammaticalities in it. And he said, 'If the person dictating was from [the tribe of] Hudhayl, and the person recording from [the tribe of] Thaḳīf, this would not be here.'"

See al-Suyūṭī, *al-Durr al-Manthūr*, vol. 2, p. 745.

In rejecting such accounts, we rely not on the arguments put forward by most scholars, including Ibn Taymiyah, according to whom it would not have been possible for 'Uthmān Ibn 'Affān and other Companions to be aware of solecisms in the Qur'an and to leave them as they were. Rather, our basis for rejecting such a narrative is the Qur'an itself, in which God pledged to preserve the Qur'an's proper recitation (*Sūrat al-Qiyāmah* 75:17-19).

² Jalāl al-Dīn al-Suyūṭī, *al-Itqān fī 'Ulūm al-Qur'ān* (Mastery in the Qur'an Sciences), ed. Sa'īd al-Mandūh, Beirut: Dār al-Fikr, First Printing, 1416 AH/1996 CE), vol. 1, p. 203.

³ Al-Zarkashī, *al-Burhān fī ‘Ulūm al-Dīn* (The Proof in the Sciences of Religion), vol. 2, p. 41.

⁴ Al-Bukhārī, with his chain of transmission, related on the authority of Ibn ‘Abbās that “‘Umar Ibn al-Khaṭṭāb said, ‘I fear that after some time has passed, someone will say, “We do not find stoning in the book of God,” whereupon they will go astray by abandoning a duty God had imposed upon them. For in fact, stoning is the punishment which must be inflicted on those who, despite being married and therefore in a position to meet their sexual needs, commit adultery, provided that evidence for this is established, or the woman is found to be pregnant, or someone confesses to the deed.’ Sufyān said, ‘This is what I have committed to memory. Indeed, the Messenger of God stoned, and we stoned after him.’” See al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, vol. 6, p. 2503, Hadith No. 6441.

⁵ Citing the authority of Kathīr Ibn al-Ṣalt, al-Ḥakīm related the following: “Zayd Ibn Thābit and Sa‘īd Ibn al-‘Āṣ were recording a copy of the Qur’an when they came across this verse. Zayd said, ‘I heard the Messenger of God say, “If an older man and an older woman commit adultery, stone them forthwith.”’ ‘Umar said, ‘When this verse was revealed, I went to the Prophet and said, “Shall I write it down?” but he appeared to be against it. ‘Umar said, ‘Do you not see that if an unmarried older man commits adultery, he is to be flogged, whereas if a married young man commits adultery, he is to be stoned?’” See Muḥammad Ibn Jarīr al-Ṭabarī, *Tafsīr al-Ṭabarī, Jāmi‘ al-Bayān ‘an Ta’wīl Āy al-Qur’ān* (The Compendium of Clarification on Interpreting the Verses of the Qur’an), ed. ‘Abd Allāh Ibn ‘Abd al-Muḥsin al-Turkī, Cairo: Dār Ḥajar, First Printing, 2001, vol. 3, pp. 156ff.

⁶ In *Faḍā’il al-Qur’ān*, Ibn al-Ḍarīr narrated on the authority of Ya‘lā Ibn Ḥakīm, on the authority of Zayd Ibn Aslam that ‘Umar delivered a sermon in which he said, “Have no doubts about stoning, for it is a reality. I nearly recorded it in the Qur’an, whereupon I asked Ubayy Ibn Ka‘b about it, and he replied, ‘Did you not approach me as I was asking the Messenger of God to recite it to me?’ Then you thrust me in the chest, saying, ‘You ask him to recite the verse of stoning while they copulate like donkeys?’” Ibn Ḥajar commented on this, saying, “This indicates why the recitation of this verse was abolished, namely, the dispute which arose over it.” See Ibn Ḥajar, *Fath al-Bārī Sharḥ Ṣaḥīḥ al-Bukhārī*, vol. 12, p. 143.

We have no doubt that this account was fabricated. How is it, then, that this fact escaped Ibn Ḥajar’s critical eye? Accounts dealing with the collection of the Qur’an which portray this process as having been a merely human one rather than

one guided by the Divine Wisdom need to be reexamined. See Ṭaha Jābir al-[‘]Alwānī, *Naḥwa Mauqif Qur’ānī min al-Naskh* (Toward a Qur’anic Stance on the Doctrine of Abrogation), Cairo: Maktabat al-Shurūq al-Dawliyah, First Printing 2007.

⁷ Ibid., p. 213. This account is completely invalid, as it conflicts with the infallibility with which God has endowed the Qur’an, and which He declares explicitly. By making such empty claims, such individuals are guilty of having abandoned the divine revelation and declared war on those who seek to defend it.

⁸ Muḥammad Ibn Ya‘qūb Ibn Ishāq al-Kulaynī, *al-Kāfī*, verified and annotated by ‘Alī Akbar al-Ghifārī, Tehran: Dār al-Kutub al-Islāmiyah, 1363 AH, vol. 8, p. 57.

⁹ Mawlā Muḥammad Ṣāliḥ al-Māzandarānī, *Sharḥ Uṣūl al-Kāfī* (Commentary on *Uṣūl al-Kāfī*), commentary by al-Mīrzā Abū al-Ḥasan al-Sha‘rānī, voweled and verified by Sayyid ‘Alī ‘Āshūr, Beirut: Dār Iḥyā’ al-Turāth al-‘Arabī, 1421 AH/2000 CE, vol. 11, p. 391.

¹⁰ The premise of the Akhbārī current is that reports from the lives of the infallible imams, rather than the Qur’an and the Sunnah, should constitute the sole basis for the derivation of legal rulings. The term Akhbārī is used here in contrast with Uṣūlī, which refers to one who holds that the Qur’an and the Sunnah should serve as the basis for Islamic legal rulings.

¹¹ See Haydar Hubb Allah, *Naẓariyat al-Sunnah fī al-Fikr al-Imāmī al-Shī‘ī* (The Sunni Theory of Twelver Shiite Thought), Beirut: Dār al-Intishār al-‘Arabī, First Printing, 2006, pp. 316-317.

¹² According to some commentaries, the Qur’an was sent down in complete form from the Preserved Tablet to the heavenly sphere on Laylat al-Qadr (the Night of Power), after which it was sent down upon Muhammad in piecemeal form over a period of twenty-three years.

¹³ Ja‘far Kāshif al-Ghiṭā’, *Kashf al-Ghiṭā’ ‘an Mubhamāt al-Sharī‘ah al-Gharrā’* (Clarifying the Obscurities in the Noble Law of Islam), Esfahan, Maktab al-‘Ilām al-Islāmī, First Printing, 1422 AH/2001 CE, vol. 2, p. 298.

¹⁴ Al-Khū‘ī makes clear in his book *al-Ijtihād wal-Taqlīd* (Independent Reasoning and Imitation) that the copy of the Qur’an in ‘Alī’s possession was arranged in the order in which its verses and chapters had been revealed. Nevertheless, al-Khū‘ī also affirms there that the compilation of the Qur’an took place during the lifetime of the Prophet (ṢAAS). In support of this assertion he cites al-Ḥākim al-Nisābūrī, who quotes Zayd Ibn Thābit as saying, “In the presence of

the Messenger of God we worked to collect the Qur'an from scraps of cloth." Statements to this effect were also made by Ibn 'Umar, who spoke of collecting the Qur'an and reciting it every night.

¹⁵ Al-Sayyid al-Khū'ī, *al-Bayān fī Tafsīr al-Qur'ān* (In Elucidation of the Qur'ān), Iran: Manshūrāt Dār Anwār al-Hudā, Eighth Printing, 1981, pp. 197-257.

¹⁶ Ibid., pp. 210-257.

¹⁷ See also, for example, *Sūrat al-Mā'idah* 5:13-15.

¹⁸ Abū Ḥātim al-Bustī, *Ṣaḥīḥ Ibn Ḥabbān* (The Authentic Hadith Collection of Ibn Ḥabbān), arranged by Ibn Balbān, ed. Shu'ayb al-Arna'ūt, Beirut: Mu'assasat al-Risālah, Second Printing, 1414 AH/1993 CE, vol. 10, p. 274, Hadith No. 4429.

¹⁹ Al-Shaybānī, *Musnad al-Imām Ibn Ḥanbal*, vol. 5, p. 129. See also Aḥmad Ibn 'Abd al-Raḥmān Ibn Muḥammad al-Bannā al-Sā'ātī, *al-Fatḥ al-Rabbānī li Tartīb Musnad al-Imām Aḥmad Ibn Ḥanbal al-Shaybānī* ((Divine Guide to the Arrangement of Imam Aḥmad Ibn Ḥanbal's Musnad), Beirut: Dār Iḥyā' al-Turāth al-ʿArabī, Second Printing, no date, vol. 18, p. 352, Hadith No. 546. Al-Sā'ātī tells us that this same hadith was included by Abū Ya'lā in his *Musnad*, as well as by al-Bazzār and al-Ḥamīdī. The version of this hadith with a chain of transmission extending back to the Prophet was included by al-Bukhārī, and by al-Ṭayālīsī in his *Musnad*.

²⁰ Al-Sā'ātī, *al-Fatḥ al-Rabbānī*, vol. 18, p. 351, Hadith No. 544.

²¹ Ibn Ḥanbal, *Musnad al-Imām Aḥmad Ibn Ḥanbal*, vol. 5, pp. 129-130. See also Ibn Ḥajar, *Fatḥ al-Bārī*, vol. 8, p. 750.

²² Al-Sā'ātī, *al-Fatḥ al-Rabbānī*, vol. 18, pp. 351-352, Hadith No. 545. See also Ibn Ḥanbal, *Musnad al-Imām Aḥmad Ibn Ḥanbal*, vol. 5, p. 130.

²³ Ibn Ḥajar, *Fatḥ al-Bārī*, vol. 8, p. 570.

²⁴ Ibid., p. 571.

²⁵ Abū 'Abd Allāh Muḥammad Ibn Aḥmad Ibn Abī Bakr al-Qurṭubī, *al-Jāmi' li Aḥkām al-Qur'ān*, ed. Samīr al-Bukhārī, Riyadh: Dār 'Ālam al-Kutub, 1423 AH/2003 CE, vol. 1, p. 114.

²⁶ Ibid., p. 151.

²⁷ Ibn Ḥazm (Abū Muḥammad 'Alī Ibn Aḥmad al-Andalusī), *al-Muḥallā*, ed. the Committee on Revival of the Arabic Heritage, Beirut: Dār al-Āfāq al-Jadīdah, no date, vol. 1, p. 13.

²⁸ Al-Rāzī, *al-Tafsīr al-Kabīr*, vol. 1, p. 218. See also 'Alā' al-Dīn 'Alī Ibn Muḥammad Ibn Ibrāhīm al-Khāzin, *Lubāb al-Ta'wīl fī Ma'ānī al-Tanzīl* (The Best Interpretations of the Meanings of the Revelation from on High), ed. Muḥammad

‘Alī Shāhīn, First Printing, Beirut: Dār al-Kutub al-‘Ilmiyah, 1410 AH, vol. 4, p. 499.

²⁹ Abū Zakariyā Yahyā Ibn Sharaf al-Nawawī, *al-Majmū‘ Sharḥ al-Muhadhdhab* (a commentary on *al-Muhadhdhab* on Shāfi‘ī jurisprudence by al-Shīrāzī), Beirut: Dār al-Fikr, First Printing, no date, vol. 3, p. 396.

³⁰ Aḥmad Muḥammad ‘Umar al-Miṣrī al-Khafājī, *Nasīm al-Riyāḍ fi Sharḥ Shifā’ al-Qāḍī ‘Iyād*, ed. Muḥammad ‘Abd al-Qādir ‘Aṭā’, Beirut: Dār al-Kutub al-‘Ilmiyah, First Printing, 2001, vol. 4, p. 558.

³¹ Ibn Ḥajar, *Fath al-Bārī*, vol. 8, pp. 742-743.

³² Ibn Qutaybah, *Ta’wīl Mukhtalif al-Ḥadīth* (The Interpretation of Conflicting Narrations), ed. Muḥammad Zahrī al-Najjār, Beirut: Dār al-Jīl, First Printing, 1393 AH/1972 CE, p. 21.

³³ Ibn Qutaybah, *Ta’wīl Mushkil al-Qur’ān* (Interpretation of Problematic Passages of the Qur’an), Beirut: Dār al-Kutub al-‘Ilmiyah, no date, pp. 25, 43.

³⁴ Al-Sā‘ātī, *al-Fath al-Rabbānī*, vol. 18, p. 349. See also Ibn Kathīr (Abū al-Fidā’ Ismā‘īl Ibn ‘Umar al-Qurashī al-Buṣīrī), *Tafsīr al-Qur’ān al-‘Azīm* (An Explanation of the Mighty Qur’an), ed. Sāmī Ibn Muḥammad al-Salāmah, Second Printing, Riyadh: Dār Ṭayyibah lil-Nashr wal-Tawzī‘, 1420 AH/1999 CE, vol. 8, p. 572; and Ibn Ḥanbal, *Musnad al-Imām Aḥmad Ibn Ḥanbal*, [vol.] 28, p. 569, Hadith No. 17334.

³⁵ Al-Sā‘ātī, *al-Fath al-Rabbānī*, vol. 18, p. 349.

³⁶ A diminutive of ‘Uqbah.

³⁷ This was included by both Abū Dāwūd and al-Nasā‘ī, and the narrators cited are trustworthy. It was also narrated by al-Ḥākim in an abbreviated form, while it was approved by al-Dhahabī as authentic. See also al-Sā‘ātī, *al-Fath al-Rabbānī*, vol. 18, p. 349; and Ibn Kathīr, *Tafsīr al-Qur’ān al-‘Azīm*, vol. 8, p. 351.

³⁸ Al-Qushayrī, *Ṣaḥīḥ Muslim*, vol. 1, p. 558, Hadith No. 814.

³⁹ Abū Dāwūd, *Sunan Abī Dāwūd*, vol. 1, p. 463, Hadith No. 1463. See also Ibn al-Athīr (Majd al-Dīn Abū al-Sa‘ādāt al-Mubārak Ibn Muḥammad al-Jazrī), *Jāmi‘ al-Uṣūl li Ahādīth al-Rasūl* (Compendium of Hadiths from the Messenger of God), ed. ‘Abd al-Qādir al-Arna’ūt and Bashīr ‘Awn, Cairo: Maktabat al-Hilwānī wa Maṭba‘at al-Mallāh, Maktabat Dār al-Bayān, First Printing, 1969-1972 CE, vol. 8, p. 489, Hadith No. 6270; al-Sā‘ātī, *al-Fath al-Rabbānī*, vol. 18, p. 350;

⁴⁰ Nūr al-Dīn ‘Alī Ibn Abī Bakr al-Haythamī, *Majma‘ al-Zawā‘id wa Manba‘ al-Fawā‘id* (a secondary hadith collection containing ‘unique’ hadiths from earlier, primary collections), Beirut: Dār al-Fikr, 1412 AH/1991 CE, vol. 7, p. 310.

⁴¹ Ibn Kathīr, *Tafsīr al-Qurʾān al-ʿAẓīm*, vol. 8, p. 533.

⁴² Narrated by Ibn Mājah and al-Tirmidhī, who described the hadith as ‘good’ (*ḥasan*), but *gharīb* (having been transmitted by only one narrator). See also al-Qazwīnī, *Sunan Ibn Mājah*, vol. 2, p. 1161, Hadith No. 3511; and al-Tirmidhī (Abū ʿĪsā Muḥammad Ibn ʿĪsā al-Sulamī), *al-Jāmiʿ al-ṣaḥīḥ* (Sunan al-Tirmidhī), ed. Aḥmad Muḥammad Shākir, et. al., Beirut: Dār Iḥyāʾ al-Turāth al-ʿArabī, no date, vol. 4, p. 395, Hadith No. 2058.

⁴³ Imam Mālik narrated this hadith on the authority of Ibn Shihāb, on the authority of ʿUrwah, who transmitted it on the authority of ʿĀʾishah. Ibn Kathīr wrote saying, “al-Bukhārī narrated it on the authority of ʿAbd Allāh Ibn Yūsuf, Muslim did so on the authority of Yaḥyā Ibn Yaḥyā; Abū Dāwūd did so on the authority of al-Qaʿnabī, and al-Nasāʾī on the authority of Qutaybah; we also have the hadith transmitted by Ibn al-Qāsim and ʿĪsā Ibn Yūnus, and Ibn Mājah from the hadith narrated by Maʿan and Bishr Ibn ʿUmar, all eight of whom narrated on the authority of Mālik. See al-Aṣḥabī, *al-Muwattaʾ*, ed. by Muḥammad Fuʾād ʿAbd al-Bāqī, Cairo: Dār Iḥyāʾ al-Turāth al-ʿArabī, no date, vol. 2, p. 942, Hadith No. 1687; and Ibn Kathīr, *Tafsīr Ibn Kathīr*, vol. 4, p. 572.

⁴⁴ Jalāl al-Dīn ʿAbd al-Raḥmān Ibn Abī Bakr al-Suyūṭī, *al-Faṭḥ al-Kabīr fī Ḍamm al-Ziyādah ilā al-Jāmiʿ al-ṣaḥīḥ* (The Great Opening: Including Additions to the Small Compendium), ed. Yūsuf al-Nahbānī, Beirut: Dār al-Fikr, First Printing, 1423 AH/2003 CE, vol. 3, p. 140, Hadith No. 11242.

⁴⁵ Another topic al-Bāqillānī takes up in his book *al-Intiṣār* is the claim made by the Maymūnites (al-Maymūniyah), a subset of the Kharijites, that *Sūrat Yūsuf* is not Qurʾānic, as well as claims by certain extremist members of the Rafidites (al-Rāfiḍah) that certain ayahs relating to the virtues of the Prophet’s household were dropped from the Qurʾān. However, we will leave a detailed discussion of this matter to some other context.

⁴⁶ Ṭaha al-ʿAlwānī, *Naḥwa Mauqif ʿQurānī min Ishkālīyat al-Muḥkam wal-Mutashābih* (Towards a Qurʾānic Stance on the Problem of al-Muḥkam wal-Mutashābih), Cairo: Dār al-Salām, 2010 CE.

⁴⁷ Abū Bakr Muḥammad Ibn al-Ṭayyib al-Bāqillānī, *al-Intiṣār lil-Qurʾān* (In Defense of the Qurʾān), ed. Muḥammad ʿIṣām al-Quḍāh, Amman and Beirut: Dār al-Faṭḥ and Dār Ibn Ḥazm, First Printing, 1422 AH/2001 CE.

⁴⁸ When I speak of the structural unity of the Qurʾān, I am referring to the fact that God formulated the Qurʾān word by word until it was completed in truth and justice, and no longer would it be possible for anyone to change or falsify its words

in whole or in part. Given the unbroken thread of eloquence and order that runs through the Qur'an from beginning to end, the slightest change, even to a single word, would cause a defect in its fundamental structure and composition. Likening the composition of the Qur'an to the positions of the stars, God said: "Nay, I call to witness the positions of the stars, and, behold, this is indeed a most solemn declaration, if you but knew it! Behold, it is a truly noble discourse, [conveyed] in a well-guarded divine writ which none but the pure can touch: a revelation from the Sustainer of all the worlds!" (*Sūrat al-Wāqī'ah* 56:75-80). When God spoke to the Prophet (SAAS), saying, "Move not thy tongue in haste, [repeating the words of the revelation:] for, behold, it is for Us to gather it, and to cause it to be read [as it ought to be read]. Thus, when We recite it, follow thou its wording [with all thy mind]: and then, behold, it will be for Us to make its meaning clear" (*Sūrat al-Qiyāmah* 75:16-19), He laid out the order in which events relating to the Qur'anic revelation were intended to take place, from gathering, to recitation, to clarification. God pledged to gather the Qur'an by arranging its verses, chapters and its overall structure, and then by providing its proper recitation based on this structure so as to facilitate its memorization and understanding. The Book of God can only be understood with the proper clarity if viewed in light of this divinely ordained structure and order. A disjointed, decontextualized reading, by contrast, conflicts with the Qur'anic revelation's distinctive capacity to clarify and explain itself and, in so doing, it undermines our appreciation and perception of its sovereign power.

From the foregoing, it follows that the Qur'an's existing arrangement is something we are called upon to accept without question as having been divinely ordained, and not something on which the Companions agreed based on their own human understandings or interpretations, their memory, whether individual or collective, or their initiative or determination. What they did was simply to record it in the form of a single book; hence, accounts indicating that the Companions differed over the placement of certain verses or the arrangement of certain chapters have no basis. Furthermore, the stages in which the revelation was conveyed to human beings precluded the occurrence of any abrogation in the Qur'an, including the kind of abrogation which, according to its proponents, cancelled the recitation of some verses even through the rulings on which they were based continued in effect. The reason this is not possible is that the divine clarification of the revelation only came after its recitation; thus, if some part of the Qur'an is not recited, it cannot be part of it in any sense, nor can we have access to its meanings. As for the claim that the rulings based on some verses have been abrogated even though they

continue to be recited, such a development would be unworthy of the All-Wise One, and any accounts which affirm otherwise are unworthy of consideration, be their sources Sunni or Shi'i. See al-ʿAlwānī, *Naḥwa Mawqifin Qurʾāniyyin min al-Naskh*.

⁴⁹ As an example of an issue that requires today's Muslims to apply Qur'anic principles directly to their own circumstances rather than seeking to reenact situations from the past that no longer obtain, one thinks of the prohibition against photographic images, other visual representations, statues, and the like. Such a prohibition fails to recognize that in contemporary society, we no longer face the danger of confusing such images with likenesses of a deity to be worshipped as we might have in the day of the Prophet or his Companions.

⁵⁰ See Ṭaha al-ʿAlwānī, *al-Jamʿ Bayn al-Qirāʾatayn: Qirāʾat al-Waḥy wa Qirāʾat al-Kawn* (A Dual Reading of Revelation: Qur'an and Creation), Cairo: Maktabat al-Shurūq al-Dawliyah, First Printing, 2006 CE.

⁵¹ ʿAmr Khalīfah al-Nāmī, *Dirāsātun fī al-Ibādīyah* (Studies in Ibadism), First Printing, Beirut: Dār al-Maghrib al-Islāmī, 2001, p. 124.

⁵² Abū Muḥammad ʿAbd Allāh Ibn Muḥammad Ibn Barakah al-Bahlawī, *al-Jāmiʿ* (The Full Compilation), ed. ʿIsā Yaḥyā al-Bārūnī, Muscat: Ministry of Tradition and Culture, 2007, vol. 1, pp. 279-280.

⁵³ Abū Ghānim Bishr Bin Ghānim al-Khurāsānī, *al-Mudawwanah al-Kubrā* (The Greater Code), ed. Muṣṭafā Bin Ṣāliḥ Bājū, commentary by Shaykh Muḥammad Yūsuf Iṭmīsh, Sultanate of Oman: Ministry of National Heritage and Culture, First Printing, 2007, vol. 1, p. 212.

⁵⁴ See al-Murtaḍā Muḥammad Ibn Yaḥyā al-Hādī, *Majmūʿ Kutub wa Rasāʾil* (Collected Books and Letters), ed. ʿAbd al-Karīm Aḥmad Jadbān, Ṣaʿdah: Maktabat al-Turāth al-Islāmī, First Printing, 2002, pp. 33-36 of the Editor's Preface.

⁵⁵ Ibid.

⁵⁶ Al-Sayyid Ṣārim al-Dīn Ibn Muḥammad Ibn Ibrāhīm al-Wazīr, *al-Falak al-Dawwār fī ʿUlūm al-Ḥadīth wal-Fiḥ wal-Āthār* (The Spinning Orbit of the Sciences of Ḥadīth, Jurisprudence and Traditions), ed. Muḥammad Yaḥyā Ṣālim ʿIzzāt, Ṣaʿdah: Maktabat al-Turāth al-Islāmī, First Printing, 1994, p. 14.

⁵⁷ ʿAbd Allāh Ibn Ḥammūd al-ʿIzzī, *ʿUlūm al-Ḥadīth ʿInd al-Zaydiyyah wal-Muḥaddithīn* (The Hadith Sciences as Approached by the Zaydites and Traditionists), First Printing, Ṣaʿdah: Muʾassasat al-Imām Zayd Ibn ʿAlī, 2001, p. 58.

⁵⁸ Muḥammad Amīn al-Istrābādī and al-Sayyid Nūr al-Dīn al-Mūsawī al-‘Āmilī, *al-Fawā'id al-Madaniyah wal-Shawāhid al-Makkiyah* (Lessons and Testimonies from Madinah and Makkah), ed. Shaykh Raḥmat Allāh al-Arākī, Qum: Mu'assasat al-Nashr al-Islāmī, Second Printing, 1426 AH/829 CE, pp. 268-269.

⁵⁹ Haydar Hubb Allah, *Naẓariyat al-Sunnah fī al-Fikr al-Imāmī al-Shī'ī* (The Theory of the Sunnah in Twelver Shi'ite Thought), Beirut: Dār al-Intishār al-‘Arabī, First Printing, 2006, p. 348.

⁶⁰ ‘Alī Ibn al-Ḥusayn Ibn Mūsā al-Sharīf al-Murtaḍā, *Rasā'il al-Murtaḍā* (The Letters of al-Murtaḍā), First Printing, ed. Al-Sayyid Aḥmad al-Ḥusaynī, Qum: Dār al-Qur'ān al-Karīm, 1410 AH/1990 CE, vol. 3, pp. 312-313.

⁶¹ Abū ‘Alī al-Ṭabarsī, *Tafsīr Majma' al-Bayān* (The Comprehensive Clarification), Beirut: Mu'assasat al-‘Ālamī, 1415 AH/CE, vol. 1, pp. 39-41.

⁶² Ibid.

⁶³ Ibid.

⁶⁴ Haydar Hubb Allah, *Naẓariyat al-Sunnah*, p. 305.

⁶⁵ Mawlā Muḥammad Ṣāliḥ al-Māzandurānī, *Sharḥ Uṣūl al-Kāfī* (Commentary on *Uṣūl al-Kāfī* [a compilation of Shi'ite hadiths]), comments by al-Mīrzā Abū al-Ḥasan al-Sha'ṛānī, voweled and authenticated by al-Sayyid ‘Alī ‘Āshūr, Beirut: Dār Iḥyā' al-Turāth al-‘Arabī, 1421 AH/2000 CE, vol. 2, p. 345.

⁶⁶ Ibid., pp. 345-346.

⁶⁷ Ibid., p. 346.

⁶⁸ Muḥammad Ibn Idrīs al-Shāfi'ī, *al-Risālah* (The Treatise), ed. Aḥmad Muḥammad Shākir, Beirut: al-Maktabat al-‘Ilmiyah, no date, p. 92.

⁶⁹ Ibrāhīm Ibn Mūsā al-Lakhmī al-Shāṭibī, *al-Muwāfaqāt fī Uṣūl al-Sharī'ah* (Reconciliation of the Fundamentals of Islamic Law), First Printing, ed. ‘Abd al-Salām Shāfi, annotated and explained by ‘Abd Allāh Darrāz, biographies provided by Muḥammad ‘Abd Allāh Darrāz, Beirut: Dār al-Kutub al-‘Ilmiyah, 1425 AH/2004 CE, pp. 729-730.

⁷⁰ The governing aims and intents of the Qur'an (*al-maqāṣid al-qur'āniyah*) are higher, overarching purposes which differ from the specific aims addressed by particular rulings. They also differ from the five “essentials” (*al-ḍarūrāt*) embodied in the preservation of reason (*al-‘aql*), life (*al-nafs*), property (*al-māl*), honor (*al-‘ird*), and the religion (*al-dīn*); complementary entities (*al-ḥājjiyāt*); and embellishments (*al-taḥsīniyāt*). The governing aims and intents of the Qur'an have to do with human beings' movement in life: in their relationship with their Creator, with

other creatures, with the Universe as a whole, and with themselves. Through an inductive reading of the Qur'an, these governing aims and intents can be identified as affirmation of the divine oneness (*al-tawhīd*), inward purification (*al-tazkiyah*), prosperity and development (*al-umrān*), nurturing the worldwide Muslim community (*al-ummah*), and Islamic outreach (*al-da'wah*).

⁷¹ When speaking of an objective equivalent, *al-mu'ādil al-mawḍū'ī*, it should be borne in mind that words generally convey meanings by way of either direct correspondence (*al-muṭābaqah*), inclusion (*al-taḍammun*), or association (*al-iltizām*). Objective equivalence has to do solely with direct correspondence, whereby words correspond both to an image in the mind, and to an external reality. The equivalence of the Qur'an to the Cosmos is a comprehensive, objective equivalence such that it governs the linguistic, mental and actual existence of the Cosmos and its movements subject to the laws and patterns which God has placed therein, and in accordance with which it operates. It is on this basis that the Qur'an can be said to be a clarification of all things, and not to have neglected anything in all of existence. As God declares in *Sūrat al-An'ām* 6:38, "no single thing have We neglected in Our decree." The relationship between the Qur'an and the Cosmos – God's written and experiential revelations respectively – is one of systematic correspondence, an appreciation of which requires knowledge of the mechanisms that operate in both.

⁷² Through an insightful reading of the positions taken by the various Islamic sects and the divisions that have arisen among them over the issue of the caliphate, the conditions on the basis of which someone merits this position, etc., we may conclude that while competence in handling the *ummah*'s affairs is the ultimate goal or intention, we must also consider the manner in which the conditions for such competence are fulfilled in one age or another. Furthermore, the competence to which we refer here goes far beyond meeting specific conditions by a single member of the *ummah* to a vision and approach capable of restoring the *ummah*'s effectiveness and presence in the world at large. There must be a mature, universal vision which orders and integrates all of the *ummah*'s hidden potentialities of strength and diversity. A partial vision will never be sufficient to the task of enabling the *ummah* to become all that it is intended to be.

⁷³ Ayatollah Seyyed Hossein Borujerdi (d. 1380 AH/1961 CE), who, in cooperation with the Grand Sheikh of al-Azhar Maḥmūd al-Shaltūt (d. 1963), helped to foster rapprochement between the Sunni and Shi'a sects, was of the view that we need to propose what he termed the religious custodianship (*wilāyah dīniyah*) of the infallible imams rather than the political custodianship (*wilāyah siyāsīyah*)

known to history. Therefore, held Borujerdi, more emphasis should be placed on *ḥadīth al-thaqalayn* (the account of the two weighty things, the “two weighty things” referring to the Qur’an and the Household of the Prophet respectively, which the Prophet had predicted would never be separated until the Day of Judgment) than on *ḥadīth al-ghadīr* (the account of the Khumm Pond, which makes mention not only of the Prophet’s family, but of ‘Alī in particular). The issue we face today, according to Borujerdi, is not the rightfulness of Imam ‘Alī to a particular historical role but, rather, proper interpretation of the Sharī‘ah, while the unique function of the infallible imams is not participation in politics, a realm in which they only entered in the service of particular interests but, rather, that of delivering and interpreting the Sharī‘ah. See Haydar Hubb Allah, *Su’āl al-Taqrīb bayn al-Madhāhib: Awrāq Jāddah* (In Pursuit of Rapprochement among the Sects: Serious Papers), Beirut: Dār al-Intishār al-‘Arabī, First Printing, 2010, pp. 11-192.

In a more detailed treatment of the same topic, Seyyed Mohammed Hossein Faḍlallah (d. 2010 CE) set forth the difficulties which, in his view, ought most to be discussed. He said, “The vital question in the doctrinal dispute between the Sunnis and the Shi‘a has to do with the caliphate and the imamate. This point of disagreement may well be viewed as the ‘mother’ of all scholastic theological and juristic disputes, insofar as each of these two sects developed a school with its own methods, ideas, doctrinal and cultural distinctives, and sectarian biases.” This issue involves a dispute over two main points: (1) the authoritative power of opinion (*ḥujjiyat al-ra’y*), and (2) the trustworthiness of hadiths (*wathāqat al-ḥadīth*).

First, the authoritative power of opinion (*ḥujjiyat al-ra’y*): The dispute over the legitimacy of the caliphate gave rise to another dispute over the authoritative power of the scholastic theological or juristic opinion held by the caliph, the nature of legitimate rule and, by extension, the legitimacy of treating the ruler’s (caliph’s) opinions and fatwas as a source of Islamic legislation. Still another dispute that arose logically from the former had to do with the authoritative power of the positions taken by the Prophet’s Companions (ṢAAS). This matter was significant as well, as it impacted people’s confidence in the Companions’ juristic or other interpretations, and whether people could apply them to various doctrinal or practical matters. Discussion of practical aspects of Islamic life may have more potential for uniting Muslims across the Sunni-Shi‘a divide than discussions of the question of the caliphate and the imamate, which have come to be associated with deeply held sanctities in the minds and hearts of Sunni and Shi‘a alike. The individuals whose worthiness, or lack thereof, of the caliphate has been a subject of debate are long

gone from this world. Hence, the debate over who should, or should not, have been caliph during a given period of history has no direct relevance to our own. What is, in fact, of relevance, is whether the view held, or the fatwa issued, by this or that caliph or imam is valid for our own day or not. Faḍlallāh notes that by focusing on interpretations, views, fatwas and the like, we may be able to diminish the negative emotional charge that has plagued Sunni-Shi‘a exchanges for so long, since an idea or a legal ruling is not likely to be invested with the same sanctity as an individual would be. When the discussion takes place around the components, conditions and extensions of authoritative power, it opens onto broader horizons than it would if it were focused, as it was traditionally, on individuals to whom personal allegiances were felt and/or who were held sacred by those engaged in the discussion. In this way, then, we may be able to arrive at a new approach to reading the Qur’an and the Sunnah, and a new understanding of historical events and figures.

Secondly, regarding the trustworthiness of hadiths (*wathāqat al-ḥadīth*): Documentation of the written heritage, whether in the form of hadiths passed down from the Prophet, or Qur’anic interpretations attributed to the Companions or the Imams, has been the subject of wide disagreement among Muslims. One outcome of this is that adherents of the Imamate School have forfeited access to numerous hadiths narrated by the Companions on the authority of the Prophet – and, hence, to valuable sources of Islamic ijtihad – because they lack confidence in their chains of transmission and/or the trustworthiness of this or that Companion. By contrast, adherents of the Caliphate School view the Companions as having been upright and trustworthy individuals and, therefore, narrators. Adherents of this school do not believe that the hadiths passed down by the household of the Prophet are critical to the resolution of juristic and scholastic theological questions because they do not view their opinions as possessing authoritative power; furthermore, they consider these hadiths to be *mursalah*, that is, as having incomplete chains of transmission that do not reach all the way back to the Apostle. Adherents of the Imamate School, by contrast, believe that in all of their hadiths, the Imams – whom they view, of course, as being infallible – have drawn directly upon the words of the Apostle. In this connection, Imam Ja‘far al-Ṣādiq is quoted as having said something to the effect that, “My words are those of my father, my father’s words are those of my grandfather, and my grandfather’s words are those of the Messenger of God (ṢAAS).” Accordingly, adherents of the Imamate School hold that, so long as they were transmitted correctly, the hadiths passed down on the authority of the Imams are decisive and final representations of the truth. Hence,

Faḍlallāh states, “Both groups must diligently research the conditions for proper documentation of hadith texts.” See Muḥammad Ḥusayn Faḍlallāh, *Aḥādīth fi Qaḍiyat al-Waḥdah wal-Ikhtilāf* (Hadiths of Relevance to the Issue of Unity and Difference), prepared by Najīb Nūr al-Dīn, Beirut: Dār al-Malāk, First Printing, 2001, pp. 153-155.

⁷⁴It is not our purpose here to discuss or question the authoritative power attributed by the Zaydites and the Twelver Shi‘ites to statements made by the imams descended from the Household of the Prophet, nor that attributed to the words of the Ibadite imams and their predecessors, nor that attributed to the words of the Companions. Rather, we simply wish to emphasize that the authoritative power attributed to these individuals’ statements does not mean that adherents of the aforementioned groups dispute the Qur’an’s being the founding source of truth in Islam, or the Prophetic Sunnah’s being the explanatory source. Although the foregoing quotations do not all indicate a clear distinction between the Qur’an (as foundational source) and the Sunnah (as explanatory source), they do clearly distinguish between these two texts and all others, which is the most important thing. And indeed, the various Islamic sects have numerous sources which make clear that they hold up the Qur’an as the arbiter of all other texts. Examples of such sources follow:

Among the Twelver Shi‘ites:

- al-Shaykh al-Mufīd, Muḥammad Ibn Muḥammad Ibn al-Nu‘mān al-Baghdādī, *al-Tadhkirah bi Uṣūl al-Fiqh* (Reminder of the Principles of Jurisprudence), ed. Shaykh Mahdī Najaf, Beirut: Dār al-Mufīd, First Printing, 1413 AH/1992 CE, p. 45.
- _____. *Al-Ikhtisāṣ*, annotated by ‘Alī Akbar Ghifārī and Muḥammad al-Zarandī, Beirut: Dār al-Mufīd, Second Printing, 1993 CE, p. 281.
- Muḥammad Ibn al-Ḥasan al-Ṭūsī, *al-Tibyān fi Tafsīr al-Qur’ān* (The Clear Manifestation in Explanation of the Qur’an), ed. Aḥmad Ḥabīb Qaṣīr al-‘Āmilī, Beirut: Maktab al-‘Ilām al-Islāmī, First Printing, 1409 AH/1988 CE, vol. 1, p. 14.

Muḥammad Ibn al-Ḥasan al-Ḥurr al-‘Āmilī, *al-Fuṣūl al-Muhimmah fi Uṣūl al-A‘immah* (Important Chapters on the Origins of the Imams), ed. Muḥammad Ibn Muḥammad al-Ḥusayn al-Qā‘nī, Qum: Mu’assasat Ma‘ārif Islāmī Riḍā, First Printing, 1379 AH/1959 CE, vol. 1, p. 427.

Among the Ibadites:

- al-Nāmī, *Dirāsāt ‘an al-Ibāḍīyah* (Studies on the Ibadites), op. cit., p. 124.

Among the Zaydites:

- al-Imām al-Hādī Ibn Ibrāhīm al-Wazīr, *Hidāyat al-Rāghibīn ilā Madhhab al-‘Itrah al-Ṭāhirīn* (Seekers’ Guidance to the Pristine Family of the Prophet), Ṣa‘dah: Markaz Ahl al-Bayt lil-Dirāsāt al-Islāmiyah, First Printing, 2002, p. 148.

Among the Sunnites:

- al-Shāṭibī, *al-Muwāfaqāt fī Uṣūl al-Sharī‘ah* (Reconciliation of the Fundamentals of Islamic Law), op. cit., p. 675.

⁷⁵ According to the late Shi‘ite cleric Waez Vaez-Zadeh Khorasani (d. 2016), the dispute between the Shi‘ites and Sunnites in the present day has no legitimate basis, and it is possible for Shi‘ites to view the governments of the rightly guided caliphs as legitimate provided that “we draw a distinction between two priorities. The first of these is Imam ‘Alī’s acknowledgment of the legitimacy of the caliphates of Abū Bakr, ‘Umar Ibn al-Khaṭṭāb, and ‘Uthmān Ibn ‘Affān even though he was more worthy of the caliphate than they had been, and the second is the importance of resisting the influence of hypocrites and apostates – that is to say, the danger which threatened the Muslim community at that time both on the Arabian Peninsula and elsewhere – through mutual consultation among the recognized elders and authorities of the Muslim community. The second priority was of greater urgency than the first, as evidenced by: (1) Imam ‘Alī’s statement that “You know that of all people, I am the most worthy of it [the caliphate] ... But truly, I will be well so long as the affairs of the Muslims are well, whereas it [my being deprived of the caliphate] harmed no one but me personally”; (2) his statement. “I swear before God, I had no desire for the caliphate” (meaning that he had no wish to be given first priority); and, (3) his statement in the sixth sermon in *Nahj al-Balāghah* that, “the people who pledged allegiance to Abū Bakr, ‘Umar and ‘Uthmān made the same pledge to me... The Emigrants and the Helpers were entitled to engage in mutual consultation, so if they agreed on someone and named him imam, this was a sign of God’s approval...” Khorasani then lists the reasons for which the people chose Abū Bakr at that time, none of which had anything to do with a conspiracy to deprive Imam ‘Alī of a right which they knew full well to be his, and on this basis he concludes that Abū Bakr’s caliphate was, in fact, legitimate. He concludes his discussion with a quote from Shaykh Shaltūt, who said, “Abū Bakr was the manifestation of peace, while ‘Alī was the manifestation of wrath.” See Hubb Allah, *Su‘āl al-Taqrīb*, pp. 193-194.

In the context of his demand that both Sunnite and Shī'ite thinkers rethink their presuppositions, Shaykh Muḥammad Ṣāliḥ al-Ḥā'irī al-Māzandarānī (a contemporary of Borujerdi) maintained that the message conveyed by Ḥadīth al-Ghadīr (the hadith of the Pond of Khumm referred to earlier) is that Imam 'Alī had been nominated, but not appointed, to a political position. See Hubb Allah, *Su'āl al-Taqrīb*, p. 192. In sum, Imam 'Alī put the interests of the Muslim community before his own.

⁷⁶ This is not to deny that the various Islamic schools of thought have offered analyses of how to manage the *ummah*'s affairs. Moreover, although such analyses have remained largely within the orbit of jurisprudence and, possibly, scholastic theology, bound by the strictures of the schools of thought from which they originated, they are nevertheless steps in the right direction, and bear witness to a growing awareness of the need for Islamic thought to address concrete problems and issues.

With regard to the political aspect of the imamate question, we find that some who once insisted that the imamate was set forth explicitly in the text of the Qur'an rather than being a matter of choice have reexamined their points of view, thus opening the way for movement toward concrete cooperation in the modern sphere. This movement is certainly to be welcomed. The questions we need to answer have to do with the most suitable political system, the concept of mutual consultation, how to separate Islamic outreach from political authority, how to establish a just state and, most importantly, how to establish an approach which regulates the relationship between religion and politics in such a way as to promote Qur'anic values, and to define the role of the jurist as one who derives Islamic legal rulings in answer to questions about concrete realities. Questions such as these require us to explore horizons of thought beyond the bounds of the doctrinal past.

CHAPTER FIVE

¹ 'Alī Ibn Ismā'īl al-Ash'arī, *Maqālāt al-Islāmiyyīn wa Ikbtilāf al-Muṣallīm* (The Disparate Theological Opinions of Islamic Sects and Their Worshippers), ed. Helmut Ritter, Beirut: Dār Iḥyā' al-Turāth, no date, pp. 1-2.

² Taqī al-Dīn Abū al-'Abbās Aḥmad Ibn 'Abd al-Ḥalīm Ibn Taymiyah al-Ḥarrānī, *Dar' Ta'arud al-'Aqli wal-Naql* (Warding Off Conflict Between Reason and Revelation), Beirut: Dār al-Kutub al-'Ilmiyah, 1417 AH/1996 CE, vol. 1, p. 95.

³ Ibid. In his book *Minhāj al-Sunnah al-Nabawiyah* (The Path of the Prophetic Sunnah), which he wrote in a scathing critique and refutation of the Twelver Shi'ites, Ibn Taymiyah never once suggested that they were not Muslims.

⁴ Abū Ya'qūb Yūsuf Ibn Ibrāhīm al-Wārijlānī, *al-Dalīl wal-Burbhān* (Evidence and Proof), Second Printing, ed. Sālim Ibn Ḥamad al-Ḥārithī, Muscat: Ministry of Heritage and Culture, 2006 CE, vol. 2, p. 6.

⁵ Muḥammad Ibn Ibrāhīm al-Kindī, *Bayān al-Shar'c* (Elucidation of the Divine Law), Muscat: Ministry of National Heritage and Culture, 1404 AH/1984 CE, vol. 3, p. 418.

⁶ Ibid., p. 419.

⁷ Ibid., p. 418.

⁸ Abū Ḥaḥṣ' Amrūs Ibn Faṭḥ al-Nufūsī, *Uṣūl al-Daynūnah al-Ṣāfiyah* (Principles of Sound Judgment), First Printing, ed. Ḥājj Aḥmad Ibn Ḥamu Kurūm, Muscat: Ministry of National Heritage, 1420 AH/1999 CE, pp. 61-62 in the section entitled, "Dealings Among Monotheists."

⁹ Al-Wārijlānī, *al-Dalīl wal-Burbhān*, vol. 2, p. 38.

¹⁰ Abū al-Ḥasan 'Alī Ibn Muḥammad Ibn 'Alī al-Basyānī al-Basyawī, *Jāmi' Abī al-Ḥasan al-Basyawī* (The Compendium of Abū al-Ḥasan al-Basyawī), ed. Shaykh Aḥmad al-Khalīlī, Muscat: Ministry of National Heritage, 1984, pp. 121-126.

¹¹ Abū 'Abd Allāh Muḥammad Ibn Makkī al-'Āmilī (al-Shahīd al-Awwal), *al-Qawā'id wal-Fawā'id fī al-Fiqh wal-Uṣūl wal-'Arabiyah* (Rules and Lessons in Jurisprudence, Islamic Legal Theory, and the Arabic Language), ed. al-Sayyid 'Abd al-Hādī al-Ḥakīm, Qum: Manshūrāt Maktabat al-Mufīd, no date, vol. 1, p. 226.

¹² Zayn al-Dīn Ibn 'Alī Aḥmad al-'Āmilī, al-Shahīd al-Thānī, *Ḥaqā'iq al-Īmān* (Realities of Faith), ed. al-Sayyid Mahdī al-Rajā'ī, Qum: Matba'at Sayyid al-Shuhadā', First Printing, 1409 AH/1989 CE, p. 105.

¹³ Ibid., pp. 130-131.

¹⁴ As a matter of fact, there were disagreements among Zaydites themselves over how definitive the signification of this text is. In *al-Fuṣūl al-Lu'lu'iyah* (Pearly Chapters), al-Sayyid Ṣarīm al-Dīn Ibrāhīm Ibn Muḥammad al-Wazīr (d. 914 AH/1508 CE) divided texts into those which are manifestly clear (*jalī*), and those which are obscure or indirect (*khafī*). A text classified as *jalī* "is one which signifies one and one meaning only by necessity of the dictionary definition of the words as nouns, verbs, or particles, while a text classified as *khafī* is one which signifies one and one meaning only, not by virtue of dictionary definitions but, rather, based on reflection. According to the majority of our scholars, texts pointing to the imamate

of the Guardian (*al-waṣī*) belong to the second category, not to the first, and on this point they differ with the Jarudites (*al-Jārūdiyyah*) and the Twelver Shi‘ites.”

Furthermore, unlike the Twelver Shi‘ites, the Zaydites do not hold that the text specified one and only one person [as the imam] but, rather, that it belongs to anyone descended from al-Ḥasan and al-Ḥusayn who emerged and claimed it for himself. See Ṣārim al-Dīn Ibrāhīm Ibn Muḥammad al-Wazīr, *al-Fuṣūl al-Lu’lu’iyah fī Uṣūl Fiqh al-‘Itrah al-Zakiyah wa ‘Ilm al-Ummah al-Muḥammadiyah* (Pearly Insights Into the Principles of the Jurisprudence of the Pristine Family of the Prophet and the Knowledge of the Muḥammadan Community), ed. Muhammad Yahya ‘Izzan, Sanaa: The Yemeni Center for Heritage and Research, First Printing, 2002, Paragraph 131, p. 120.

¹⁵ Al-Manṣūr bi’llāh ‘Abd Allāh Ibn Ḥamzah, *al-Shāfi fī Uṣūl al-Dīn* (Compendium of Islamic Legal Theory), First Printing, ed. Majd al-Dīn Ibn Muḥammad Ibn Manṣūr al-Mu’ayyidī, Sanaa: Maktabat Ahl al-Bayt, 1430 AH/2009 CE, vol. 4, pp. 319-320.

¹⁶ The word “definitive” is being used here not in the sense of having definitive signification (*qaṭ‘iyat al-dilālāh*) but, rather, in the sense of enjoying definitive attestation (*qaṭ‘iyat al-thubūt*) as detailed by al-Sayyid Ṣārim al-Dīn Ibrāhīm Ibn Muḥammad al-Wazīr in *al-Fuṣūl al-Lu’lu’iyah*. The position he has chosen is that of Imam Yaḥyā Ibn Ḥamzah, to the effect that the texts having to do with the imamate are *khafī* (veiled, cryptic).

¹⁷ Al-Imām al-Hādī Ibn Ibrāhīm al-Wazīr, *Nihāyat al-Tamwīh fī Izbāq al-Tamwīh* (The End of Commendation for Misrepresentation), First Printing, ed. Aḥmad Ibn Dirham Ibn ‘Abd Allāh Ḥūriyah and Ibrāhīm Ibn Majd al-Dīn al-Mu’ayyidī, Ṣa‘dah: Ahl al-Bayt Islamic Studies [Publishing], 1412 AH/2000 CE, p. 65.

¹⁸ Muḥammad Ibn Idrīs al-Shāfi‘ī, *al-Umm* (The Exemplar), Beirut: Dār al-Ma‘rifah, Second Printing, 1393 AH/1973 CE, vol. 4, p. 217.

¹⁹ Spoils gained without actual fighting having taken place.

²⁰ Al-Shāfi‘ī, *al-Umm* (The Exemplar), p. 217.

²¹ The website for Ahl al-Haqq wa al-Istiḳāmah, the book entitled, *al-Waḥdah al-Islāmiyah min Khilāl Sīrat al-‘Allāmah Sālim Ibn Dhakwān al-Hilālī* (Islamic Unity Via the Life Story of Illustrious Scholar Sālim Ibn Dhakwān al-Hilālī), by Shaykh Aḥmad Ibn Ḥamad al-Khalīlī. See: <https://www.paldf.net/forum/showthread.php?=40281> and <http://ayanemzabghardaia.org>.

²² Al-Wārjilāni, *al-Dalīl wal-Burbān*, the section entitled, “On How the Commander of the Faithful Should Treat Those Who Are in Disagreement” (that

is, in the event that the Ibadites are in a position of power over those who differ with them).

²³ The report of this uprising and Abū Ḥamzah's sermon are also cited by Khalīfah Ibn Khayyāt (d. 240 AH/865 CE). On this basis, it may be concluded that the Ibadites' approach to change and revolution – unlike that of sects such as al-Muḥakkimah (the Kharijites) – was based not on confrontation with the society at large, but solely with those in power. See Khalīfah Ibn Khayyāt al-Laythī al-ʿUṣfurī, *Tārīkh Khalīfah Ibn Khayyāt* (The History of Khalīfah Ibn Khayyāt), ed. Akram Ḍiyā' al-ʿUmārī, Damascus and Beirut: Dār al-Qalam and Mu'assasat al-Risālah, Second Printing, 1397 AH/1977 CE, pp. 384-387.

²⁴ Al-Wārijlānī, *al-Dalīl wal-Burhān*, vol. 1, p. 97.

²⁵ Yaḥyā Ibn Ḥamzah Ibn ʿAlī Ibn Ibrāhīm al-Ḥusaynī, *al-Intiṣār ʿalā ʿUlamā' al-Amṣār* (Triumph over the Scholars of the Cities), Sanaa: Mu'assasat al-Imām Zayd Ibn ʿAlī al-Thaqāfiyah, First Printing, 1424 AH/2003 CE, vol. 2, p. 756.

²⁶ *Ibid.*, vol. 3, p. 570.

²⁷ Muḥammad Ibn al-Murtaḍā al-Yamānī al-Wazīr, *Īthār al-Ḥaqq ʿalā al-Khalq* (Placing Allegiance to Truth Over Allegiance to Human Beings), Second Printing, Beirut: Dār al-Kutub al-ʿIlmiyah, 1987, p. 217.

²⁸ Abū Jaʿfar Muḥammad Ibn al-Ḥasan al-Ṭūsī, *al-Istibṣār fī mā ikhtalafa min al-Akhhbār* (Insight into Differing Historical Accounts), ed. al-Sayyid Ḥasan al-Mūsawī al-Khurāsānī, Tehran: Dār al-Kutub al-Islāmiyah, Third Printing, 1393 AH/1973 CE, vol. 3, p. 184.

²⁹ Aḥmad ʿĀbidīn, “Islamic Unity in Theory and Practice: A Juristic Study of Prayer with Sunnites” (*al-wahdah al-islāmiyah bayn al-shiʿār wal-ʿamal: dirāsah fiqhīyah fī al-ṣalāh maʿa abl al-sunnah*), from *Suʿāl al-Taqrīb bayn al-Madhāhib: Awrāq Jāddah*, published in *Majallat Nuṣūṣ Muʿāṣirah* (Journal of Contemporary Texts), Beirut, No. 11, Year 3, 1428 AH/2007 CE, p. 113.

³⁰ We need to beware of the misuse of accounts according to which, as al-Ḥajjāj Ibn Yūsuf was laying siege to the Sacred Precinct in Makkah, he would stop regularly to perform the communal prayer behind the Sacred Mosque's imam, only to resume hostilities once the prayer had concluded. Those who cite such accounts understand them to signify that while prayer belongs to the realm of the religious and the spiritual, it has nothing to do with the earthly and the political. In fact, however, this scenario presents a proper understanding of neither religious practice nor earthly concerns. Is it an expression of sound religion to desecrate God's sacred house in God's sacred month and to defile those making pilgrimage to His sacred house when even the polytheists of that day would have been loath to

violate such sanctities? Is it an expression of sound religion for Muslims to pray together shoulder to shoulder, only to turn on one another as soon as the prayer has concluded, violating their fellow Muslims' most sacrosanct rights in disobedience to God's commands, as though their coming together in prayer were not a reminder of their duties toward each other as brothers? Similarly, is it a proper understanding of earthly concerns to assume that struggles over power would lead legitimately to this kind of confrontation? It appears that we Muslims have yet to formulate a systematic, insightful vision of the relationship between religion and politics.

³¹ Abū Bakr Muḥammad Ibn Ibrāhīm Ibn al-Mundhir al-Nisābūrī, *al-Awsaṭ fi al-Sunan wal-Ijmā' wal-Ikhtilāf* (The Moderate Approach to Hadith Collections, Consensus, and Difference), Riyadh: Dār Ṭayyibah, First Printing, 1985 CE, vol. 4, p. 222.

³² Abū Sufyān Maḥbūb Ibn al-Raḥīl al-Qurashī, *Sīrat Maḥbūb Ibn al-Raḥīl ilā Abl 'Umān fi Amri Hārūn ibn al-Yamān, al-Siyar wal-Jawābāt li 'Ulamā' wa A'immat 'Uman* (The Life and Times of Maḥbūb Ibn al-Raḥīl to the People of Oman as Pertaining to the Matter of Hārūn Ibn al-Yamān, Biographies and Answers to the Scholars and Imams of Oman), ed. Sayyidah Ismā'īl Kāshif, Muscat: Ministry of National Heritage and Culture, 1406 AH/1986 CE, vol. 1, pp. 289-292.

³³ Abū 'Abd Allāh Muḥammad Ibn Makkī al-'Āmilī (al-Shahīd al-Awwal), *al-Bayān* (The Clear Statement), Lithograph Edition, Qum: Majma' al-Dhakhā'ir al-Islāmiyah, [no date], p. 142.

³⁴ Shaykh Aḥmad 'Ābidīnī, Professor of Graduate Studies at the Shiite Scientific Academy in the city of Esfahan.

³⁵ This same account is narrated by Muḥammad Ibn al-Ḥusayn al-Ṣadūq in his book entitled *Man la yahḍuruhu al-faqīh* (Every Man is His Own Jurist), by Abū Ya'qūb al-Kulaynī in *al-Kāfī*, and by Shaykh al-Ṭūsī in *al-Tahdhīb* with sound chains of transmission.

³⁶ 'Ābidīnī, *al-Waḥdah al-Islāmiyah bayn al-Shi'ār wal-'Amal*, p. 113.

³⁷ al-Ḥusaynī, *al-Intiṣār 'alā 'Ulamā' al-Amsār*, pp. 573-577.

³⁸ Muḥammad Ibn Ismā'īl al-Bukhārī, *al-Tārīkh al-Kabīr* (The Great History), ed. al-Sayyid Hāshim al-Nadwī, Beirut: Dār al-Fikr, no date, vol. 2, p. 204.

³⁹ Amr Khalīfah al-Nāmī, *Dirāsātun 'an al-Ibādīyah* (Studies in Ibadism), Beirut: Dār al-Gharb al-Islāmī, First Printing, 2001, p. 80.

⁴⁰ In contrast with other Umayyad caliphs, 'Umar Ibn 'Abd al-'Azīz (d. 101 AH/720 CE) was known for his conciliatory attitude toward the Prophet's descendents.

⁴¹ Abū ʿAbd Allāh Ḥusayn Ibn ʿAlī al-Ṣaymarī, *Akhhbār Abī Ḥanīfah wa Aṣḥābibi* (Reports on Abū Ḥanīfah and His Companions), Beirut: ʿĀlam al-Kutub, Second Printing, 1985 CE, p. 81.

⁴² Abū ʿAbd Allāh Muḥammad Ibn ʿAlī Ibn ʿAbd al-Raḥmān, *Tasmiyat man rawāʿan al-imām Zayd bin ʿAlī min al-tābiʿīn* (Naming the Successors Who Transmitted Hadiths on the Authority of Imam Zayd Ibn ʿAlī), ed. Ṣāliḥ ʿAbd Allāh Qurbān, Sanaa: The Imām Zayd Bin ʿAlī Cultural Foundation, First Printing, 1424 AH/2003 CE, pp. 117-119.

⁴³ Muḥammad Abū Zahrah, *Imām Jaʿfar al-Ṣādiq: Ḥayātuhu wa ʿAṣruhu wa Ārāʾuhu wa Fiqhuhu* (Imam Jaʿfar al-Ṣādiq: His Life and Times, His Opinions and Jurisprudence), Cairo: Dār al-Fikr al-ʿArabī, First Printing, no date, pp. 199-200, 231-232.

⁴⁴ Ibid. The Twelver Shiʿite school of thought – represented by Imams Muḥammad al-Bāqir and his son, Jaʿfar al-Ṣādiq – views the practice of analogical reasoning (*al-qiyās*) as destructive to the religion, and holds that the first person ever to employ such reasoning was Iblīs. In the Hanafite version, Abū Ḥanīfah cites examples to show that he is not misrepresenting the Messenger of God or casting the text [of the Qurʿan] aside but, rather, that he employs analogical reasoning only in relation to questions concerning which no explicit Qurʿanic text exists. The Hanafite version also portrays Abū Ḥanīfah as convincing Imam al-Bāqir of the soundness of his position (though without necessarily persuading him of the validity of analogical reasoning as a juristic principle). As for the version of the account found in Twelver Shiʿite sources (specifically, that included by al-Kulayni in *al-Kāfi*), it has Jaʿfar al-Ṣādiq showing Abū Ḥanīfah that his method of engaging in analogical reasoning is invalid since, if the examples cited are understood in terms of analogical reasoning, the outcome contradicts the text. Sources associated with different Islamic sects and schools of thought are filled with examples of this type of conflicting transmission of theological debates, with each party attempting to show that the most powerful and convincing arguments are on his side, and that his opponent’s line of reasoning is haphazard and ill-conceived. Consequently, these accounts are best studied not simply as historical narratives, but in terms of the sociology of knowledge. Be that as it may, Abū Zahrah views the Hanafite version as the most reliable.

⁴⁵ Abū Zahrah, *al-Imām Jaʿfar al-Ṣādiq: Ḥayātuhu wa ʿAṣruhu*, pp. 30-31, quoting from al-Iṣfahānī, *Hilyat al-Awliyāʾ*.

⁴⁶ Ibid., p. 54.

⁴⁷ ʿAbd Allāh Ibn Aḥmad Ibn Ḥanbal, *al-Sunnah* (The Sunnah), ed. Muḥammad Saʿīd Sālim al-Qaḥṭānī, Dammam: Dār Ibn al-Qayyim, First Printing, 1406 AH/1986 CE, vol. 1, p. 180, paragraph No. 227.

⁴⁸ Abū al-Ḥusayn Muḥammad Ibn Abī Yaʿlā al-Farrāʾ, *Ṭabaqāt al-Ḥanābilah* (The Ranks of the Hanbalites), ed. Muḥammad Ḥāmid al-Fiqqī, Beirut: Dār al-Maʿrifah, no date, vol. 1, p. 281.

⁴⁹ Ibid.

⁵⁰ Ḥamīd al-Shahīd Ibn Aḥmad Ibn Muḥammad al-Maḥallī, *al-Ḥadāʾiq al-Wardīyah fī Manāqib Aʾimmat al-Zaydiyyah* (Rose Gardens of Virtue: In Praise of the Zaydite Imams), ed. al-Murtaḍā Ibn Zayd al-Maḥzūrī al-Ḥasanī, Sanaa: Maktabat Markaz Badr al-ʿIlmī wal-Thaqāfī, First Printing, 2002, vol. 1, pp. 103-104.

⁵¹ Ibid., p. 104.

⁵² Al-Ṣaymarī, *Akḥbār Abī Ḥanīfah wa Aṣḥābibi*, op. cit., vol. 1, p. 168.

⁵³ This is a reference to the dispute that arose between Abū Bakr and the Prophet's daughter Fāṭimah over whether she and the rest of the Prophet's relatives should continue to receive a full fifth of the spoils of battle now that the Prophet had passed away. (See *Sūrat al-Anfāl* 8:41.) See al-Maḥallī, *al-Ḥadāʾiq al-Wardīyah fī Manāqib Aʾimmat al-Zaydiyyah* (Rose Gardens of Virtue: In Praise of the Zaydite Imams), vol. 2, pp. 102-103. See also al-Maḥdī li Dīn Allāh Aḥmad Ibn Yaḥyā Ibn al-Murtaḍā, *al-Manīyah wal-Amal fī Sharḥ al-Milal wal-Niḥal* (Hope and Death in Explanation of *al-Milal wal-Niḥal*), ed. Muḥammad Jawād Shakūr, Beirut: Dār al-Nadā, Second Printing, 1999, p. 75.

⁵⁴ Abū al-Qāsim ʿAlī Ibn al-Ḥasan Ibn Hibat Allāh Ibn ʿAsākir, *Ṭabyīn Kadhib al-Muftarī fī mā nusiba ilā al-Imām Abī al-Ḥasan al-Ashʿarī* (Exposure of the Lies Fabricated Against Imam Abū al-Ḥasan al-Ashʿarī), Beirut: Dār al-Kitāb al-ʿArabī, Third Printing, 1404 AH/1984 CE, pp. 161-163.

⁵⁵ ʿAlī Ibn al-Ḥusayn Ibn Mūsā, al-Sharīf al-Murtaḍā, *al-Nāṣiriyyāt*, ed. Muḥammad Maḥdī Najaf, introduced by Muḥammad Vaez-Zadeh Khorasani, Tehran: The Center for Research and Islamic Studies at the Global Academy for Theological and Juristic Rapprochement, 1417 AH/1997 CE, pp. 61-64.

⁵⁶ Ibid., pp. 37-48 of the Editor's Preface.

⁵⁷ Ibid., p. 244.

⁵⁸ Ibid., p. 447. Al-Murtaḍā's objection seems to be based on the fact that if al-Nāṣir held that the imam is in fact infallible, then there would have been no need for him to assert the impossibility of a later imam contradicting an earlier one.

⁵⁹ Ibid., p. 442.

⁶⁰ Ibid., pp. 443-445.

⁶¹ A scholar of Jabal ʿĀmil (a mountainous region in south Lebanon), Ibn al-Ḥusām became a student of the Most Learned al-Ḥillī, although there is no mention of him in Shiʿite writings according to Shaykh Jaʿfar al-Muhājir in his book *Jabal ʿĀmil bayn al-Shahīdayn* (Jabal ʿĀmil between the Two Martyrs). However, al-Ṣafadī includes an entry for Ibn al-Ḥusām in his biographical dictionary *al-Wāfi bil-Wafayāt*, where he identifies him as “Ibrāhīm Ibn Abī al-Ghayth Jamāl al-Dīn Ibn al-Ḥusām al-Bukhārī al-Faqīh al-Shāfiʿī, who resides in Majdal Selm, a village in the Ṣafad district toward Nabatiyeh and al-Shaqīf. Like his father before him, Ibn al-Ḥusām was a Shiʿite imam who studied under Ibn al-ʿūd and Miqbil al-Ḥimṣī. He later moved to Iraq, where he studied under Ibn al-Muṭahhar al-Ḥillī. He oversaw two scholarly gatherings, one of which received delegations, and the other of which was for seekers of knowledge, and he would grace each of them with his presence morning and evening. See Ṣalāh al-Dīn Khalīl Ibn Abik al-Ṣafadī, *al-Wāfi bil-Wafiyāt* (The Comprehensive Obituary [a biographical dictionary]), ed. Aḥmad al-Arnaʿūṭ and Turkī Muṣṭafā, Beirut: Dār Iḥyāʾ al-Turāth, 1420 AH/2000 CE, vol. 6, p. 52.

⁶² Ibid., pp. 52-54.

⁶³ Ibid., pp. 52-54.

⁶⁴ Shams al-Dīn Muḥammad Ibn Aḥmad Ibn ʿUthmān al-Dhababī, *Siyar Aʿlām al-Nubalāʾ* (Biographies of the Notable and the Noble), ed. Shuʿayb al-Arnaʿūṭ, Beirut: Muʿassasat al-Risālah, Ninth Printing, 1413 AH/1992 CE, vol. 20, pp. 44-46.

⁶⁵ Ibn ʿAbd al-Barr, *al-Intiqāʾ fi Faḍāʾil al-Thalāthat al-Aʿimmah al-Fuqahāʾ Mālik wal-Shāfiʿī wa Abī Ḥanīfah* (Selected Texts Demonstrating the Virtues of the Three Leading Jurists: Mālik, al-Shāfiʿī and Abū Ḥanīfah), Beirut: Dār al-Kutub al-ʿIlmiyah, no date, p. 136.

⁶⁶ Al-Ṣaymarī, *Akhbār Abī Ḥanīfah wa Aṣḥābihi*, op. cit., p. 81. Al-Ṣaymarī relays the account on the authority of Kādiḥ Ibn Zaḥmah, who said, “A certain man asked Imam Mālik Ibn Anas about a man who had two tunics, one of which was ritually impure, and the other of which was ritually pure. When it was time for the ritual prayer, he said, ‘He should seek to determine the answer for himself.’ So I said to Mālik, ‘Abū Ḥanīfah holds that the man should pray once in one robe, and once in the other.’ Mālik then had the man come back, and he gave him the ruling that had been issued by Abū Ḥanīfah.”

⁶⁷ Abū Ghānim Bishr Ibn Ghānim al-Khurāsānī, *al-Mudawwanah al-Kubrā* (The Great Law Code), ed. Muṣṭafā Ibn Ṣāliḥ Bājū, commentary by Shaykh Muḥammad Yūsuf Iṭfīsh, Sultanate of Oman: Ministry of National Heritage and Culture, First Printing, 2007 CE, vol. 3, p. 78.

⁶⁸ The measure referred to is *qullatayn*, or “two jugs,” which the Shāfi‘ites defined as being equal to 160.5 liters of water.

⁶⁹ al-Khurāsānī, *al-Mudawwanah al-Kubrā*, pp. 72-73.

⁷⁰ The practice of performing the minor pilgrimage (*‘umrah*) during the months for the major pilgrimage (*ḥajj*), then being released from the state of ritual consecration (*iḥrām*) and re-entering it for the major pilgrimage from one’s location within the sacred precincts.

⁷¹ Taqī al-Dīn Ibn Taymiyah al-Ḥarrānī, *Minhāj al-Sunnah al-Nabawiyah* (The Path of the Prophetic Sunnah), vol. 1, p. 44.

⁷² Shams al-Dīn Muḥammad Ibn Aḥmad Ibn ‘Uthmān al-Dhahabī, *Tārīkh al-Islām* (The History of Islam), ed. Muḥammad ‘Abd al-Salām Tadmurī, Beirut: Dār al-Kitāb al-‘Arabī, First Printing, 1407 AH/1987 CE vol. 20, pp. 302-303.

⁷³ Muḥammad Ja‘far Ibn Sulaymān al-Muhājir, *Jabal ‘Āmil Bayna al-Shahīdayn* (Jabal ‘Āmil Between the Two Martyrs), Beirut: The French Institute of Arab Studies, First Printing, 2005, pp. 224-225.

⁷⁴ Imam Muḥammad Abū Zahrah held that the Twelver Shi‘ites “agree to a large extent with the Shafi‘ites in their approach to Islamic legal theory.” Abū Zahrah explains this as follows: “The Shafi‘ites and scholastic theologians’ method of formulating Islamic legal theory was to set forth the rules in and of themselves without being bound to or defending a particular juristic school of thought. This method was referred to as the Shafi‘ite method because most of those employing it happened to be Shafi‘ites, including, for example, al-Ghazālī, Fakhr al-Dīn al-Rāzī, al-Āmidī, al-Bayḍāwī, and others. However, it was also referred to as the scholastic theological method because those who employed it included a good number of Mu‘tazilites, who were classified as scholastic theologians. To this Abū Zahrah adds, “On this basis we may say that when they were first recorded and classified, the principles of Islamic legal theory in the Twelver Shi‘ite school of thought tended to be more general than detailed. In other words, scholastic theologians who were engaged in this field tended to focus on the rules in the abstract rather than using them in the service of subsidiary issues. Accordingly, they would apply them as exacting criteria which regulated and determined their rulings on subsidiary questions, whether in agreement or disagreement with the majority of

Muslims. Thus, adherence to a single method does not necessitate a single way of thinking, just as a single set of regulating criteria does not necessitate a single set of conclusions on subsidiary questions.” See Abū Zahrah, *al-Imām Ja‘far al-Ṣādiq*, pp. 215-218.

⁷⁵ Muḥammad Ibn ‘Abd al-Karīm al-Shahrastānī, *Kitāb al-Milal wal-Niḥal* (Book of Religious Communities and Sects), Beirut: Dār al-Ma‘rifah, 1404 AH/1984 CE, vol. 1, p. 165.

⁷⁶ Al-Shaykh al-Mufid (Muḥammad Ibn Muḥammad Ibn al-Nu‘mān al-Baghdādī), *al-Masā’il al-Sarawiyah* (Issues Arising in Saru), Second Printing, ed. Ṣā‘ib ‘Abd al-Ḥamīd, Beirut: Dār al-Mufid, 1414 AH/1993 CE, p. 72.

⁷⁷ Muḥammad al-Mahdī Baḥr al-‘Ulūm al-Ṭabāṭibā‘ī, *al-Fawā’id al-Rijāliyah* (Principles of Evaluating Narrators), ed. Muḥammad Ṣādiq Baḥr al-‘Ulūm and Ḥusayn Baḥr al-‘Ulūm, Tehran: Maktabat al-Ṣādiq, First Printing, 1363 AH/1944 CE, vol. 3, pp. 214-220.

⁷⁸ Haydar Hubb Allah, *Naẓariyat al-Sunnah*, op. cit., p. 277.

⁷⁹ This description of Ibn al-Junayd’s work was transmitted by al-Ḥillī based on handwritten statements by another scholar (al-Sayyid Ṣafī al-Dīn Muḥammad Ibn Mu‘idd). See al-Ṭabāṭibā‘ī, *al-Fawā’id al-Rijāliyah*, vol. 3, p. 206.

⁸⁰ Abū Naṣr ‘Abd al-Wahhāb Ibn ‘Alī Ibn ‘Abd al-Kāfi Tāj al-Dīn al-Subkī, *Ṭabaqāt al-Shāfi‘īyah al-Kubrā* (The Major Ranks of the Shafi‘ites), Second Printing, ed. Maḥmūd Muḥammad al-Ṭannājī and ‘Abd al-Fattāḥ Muḥammad al-Ḥilu, Cairo: Hājar lil-Ṭibā‘ah wal-Nashr, 1413 AH/1992 CE, vol. 4, pp. 126-127.

⁸¹ Muḥammad Ibn al-Ḥasan al-Ṭūsī, *al-Mabsūṭ fī Fiqh al-Imāmīyah* (The Detailed Exposition of Twelver Shi‘ite Jurisprudence), ed. Muḥammad Taqī al-Kashfī, Tehran: al-Maṭba‘ah al-Ḥaydariyah, 1387 AH/1387 CE, vol. 1, p. 2.

⁸² Hubb Allah, *Naẓariyat al-Sunnah*, op. cit., p. 228.

⁸³ ‘Alī Ibn al-Ḥusayn al-Karakī, al-Muḥaqqiq al-Thānī, *Jāmi‘ al-Maqāsid fī Sharḥ al-Qawā‘id* (The Compendium of Higher Intentions in Explanation of Rules), ed. Mu‘assat Ahl al-Bayt li Iḥyā’ al-Turāth, Qum: Maṭba‘at al-Mahdiyyah, First Printing, 1408 AH/1988 CE, pp. 15-24 of the editor’s preface. As a matter of fact, proponents of the rationalist trend, legal theorists, and scholastic theologians had begun exhibiting an open-minded bent from the days of Ibn al-Junayd and Ibn ‘Uqayl, that is to say, from the fourth century AH.

⁸⁴ ‘Alī Ibn Muḥammad ‘Alī al-Ṭabāṭibā‘ī, *Riyāḍ al-Masā’il fī Bayān Ahkām al-Shar‘ bil-Dilā’il* (Gardens of Questions in Explanation of Legal Rulings with Evidences), Qum: Mu‘assasat al-Nashr al-Islāmī, First Printing, 1412 AH/1991 CE, vol. 2, pp. 55-56.

⁸⁵ Shaykh Shams al-Dīn Muḥammad Ibn Muḥammad Ibn Aḥmad al-Kīshī, an instructor at Baghdad's Nizamiyah (a Sunnite theological seminary and university), was described by al-ʿAllāmah al-Ḥillī in the most glowing terms. Speaking of al-Kīshī, al-Ḥillī wrote, "One of the finest Shafiʿite scholars, he was also one of the fairest-minded researchers." Another scholar for whom al-ʿAllāmah al-Ḥillī had only the highest praise was Shaykh Najm al-Dīn ʿAlī Ibn ʿUmar al-Kātib al-Qazwīnī, whom he described as "among the best Shafiʿite scholars, endowed with both knowledge and wisdom." Still another was Shaykh Ḥasan Ibn Ibrāhīm al-Fārūqī, of whom al-Ḥillī said, "This shaykh was a righteous man, a jurist and scholar of the Shafiʿite school." Similarly, al-Ḥillī spoke highly of Shaykh Taqī al-Dīn ʿAbd Allāh Ibn Jaʿfar Ibn ʿAlī al-Ṣabbāgh al-Kūfī, whom he mentioned as "a Hanafite jurist of Kufa." See Muḥammad Bāqir al-Majlisī, *Biḥār al-Anwār* (Seas of Lights), Beirut: Dār Iḥyāʾ al-Turāth al-ʿArabī, Third Printing, 1403 AH/1983 CE, Ijāzāt al-ʿAllāmah al-Ḥillī, vol. 107, pp. 66-67.

⁸⁶ A hadith classified as *muwaththaq* is one whose chain of narrators consists of reliable people in accordance with Shiʿite criteria, even though some of its narrators are not from among the infallible imams.

⁸⁷ Al-Ṭabātibāʾī, *Riyāḍ al-Masāʾil*, vol. 2, pp. 78-79.

⁸⁸ Hubb Allah, *Naẓariyat al-Sunnah*, op. cit., p. 229.

⁸⁹ Ibid.

⁹⁰ Al-Muhājir, *Jabal ʿAmil bayn al-Shahīdayn*, p. 225.

⁹¹ These four collections are: *Uṣūl al-Kāfī* by al-Kulaynī, *Man Lā Yaḥḍuruhu al-Faqīh* by Abū Jaʿfar al-Ṣadūq, and *al-Tahdhīb* and *al-Istibṣār* by Abū Jaʿfar al-Ṭūsī.

⁹² Al-Karakī, *Jāmiʿ al-Maqāṣid* [get complete bibliographical info for this], p. 24 of the Preface.

⁹³ Hubb Allah, *Naẓariyat al-Sunnah fī al-Fikr al-Shīʿī*, p. 230. In his book *Aṣl al-Shīʿah wa Uṣūluhā* (The Origin and Principles of the Shiʿites), al-Sayyid Muḥammad Āl Kāshif al-Ghiṭāʾ asserts that "Muslims agree that evidence for Islamic legal rulings may only be found in the Qurʾan and the Sunnah, followed by reason and consensus. On this point there is no difference between the Twelver Shiʿites and others, although they do, of course, differ from other sects with respect to a number of matters. For example, the Twelver Shiʿites do not make use of analogical reasoning.... The only hadiths which they recognize as valid parts of the Prophetic Sunnah are those which have been authentically passed down from the Family of the Prophet ... and they believe that the door of ijtihad remains open."

See Muḥammad al-Ḥusayn Āl Kāshif al-Ghiṭā', *Aṣl al-Shī'ah wa Uṣūluhā*, First Printing, ed. 'Alā' Āl Ja'far, Beirut: Mu'assasat al-Imām 'Alī, 1415 AH/1994 CE, p. 94.

Additionally, the Twelver Shi'ites adopt the consensus if it is based definitively on the Sunnah of the Prophet (ṢAAS). See al-Karakī, *Jāmi' al-Maqāṣid*, Preface, p. 20. That is to say, they do not adopt the consensus unless it is based definitively on the words of the infallible imam.

⁹⁴ Kāṣid Yāsir al-Zaydī, *Manhaj al-Shaykh Abī Ja'far al-Ṭūsī al-Karīm* (The Method of the Venerable Shaykh Abū Ja'far al-Ṭūsī), Baghdad: Bayt al-Ḥikmah, First Printing, 2004, pp. 8-9.

If we wish to examine an example of the method adopted by Shi'ite scholar al-Sharīf al-Raḍī (d. 406 AH/1015 CE), it should be taken from a passage that reflects the distinctiveness of Twelver Shi'ite teaching – bearing in mind that some Zaydites attribute Twelver Shi'ite teaching to themselves, as was stated explicitly by Imam 'Abd Allāh Ibn Ḥamzah in his book *al-Shāfi fī al-Imāmah* (The Comprehensive Statement on the Imamate). An instance of this is found in his commentary on the Qur'anic phrase, “those who are deeply rooted in knowledge” (*al-rāsikhūna fī al-'ilm*) in *Sūrat Āl 'Imrān* 3:7, which states that “none knows its final meaning save God and those who are deeply rooted in knowledge...” After enumerating scholars' views and citing Ibn 'Abbās and Mujāhid, al-Raḍī states, “the most painstaking and credible scholars agree that ‘those who are deeply rooted in knowledge’ occupy a medium rank and adopt an ideal approach to the understanding of the text. In other words, such thinkers do not rule out the possibility that scholars may know the Qur'an's final meaning in general terms, though they stop short of claiming that they can know this meaning in its entirety. Rather, they say that of the Qur'an's final meaning, there is an aspect which is known to scholars, and an aspect which is known only to God Almighty... This is the stance taken by early scholars such as al-Ḥasan al-Baṣrī and others. It was also adopted by Abū 'Alī al-Jubbā'ī. As such, “those who are deeply rooted in knowledge” may arrive at the final meaning of that which is *mutashābih* by inferring it from that which is *muhkam*. If, by contrast, the learned could know nothing whatsoever of the final meaning of *al-mutashābih*, then the account according to which the Messenger of God taught the Commander of the Faithful how to interpret the Qur'an would be meaningless. After all, explanation (*al-tafsīr*) and interpretation (*al-ta'wīl*) are only relevant to those parts of the Qur'an the meaning of which is not readily apparent (*al-mutashābih*). As for those parts which convey an unambiguous meaning (*al-muhkam*), no one needs to be taught how to understand them, since everyone who

knows the language will be equally capable of doing so. Otherwise, it would have made no sense for the Prophet to have prayed for God to teach Ibn ‘Abbās how to engage in interpretation (*al-ta’wīl*).” See Abū al-Ḥasan Muḥammad Ibn al-Ḥusayn Ibn Mūsā al-Sharīf al-Raḍī, *Ḥaḡā’iq al-Ta’wīl fī Mutashābih al-Tanzīl* (The Realities of Interpreting the Mutashābih Verses of the Divine Revelation), ed. Muḥammad Riḍā Āl Kāshif al-Ghiṭā’, Beirut: Dār al-Muhājir, no date, pp. 7-11.

A comparison of what al-Sharīf al-Raḍī states here with what one finds in Twelver Shi‘ite commentaries based on accounts passed down on the authority of the Prophet or an infallible imam, such as those of Furāt al-Kūfī and al-‘Ayyāshī – which treat the words of the Qur’an as mere symbols by viewing the term *al-rāsikhūna fī al-‘ilm* as applying to no one but the infallible imams – shows what great strides al-Sharīf al-Raḍī had made along the path of reason and openness to other points of view.

⁹⁵ Al-Ṭūsī, *al-Tibyān*, vol. 1, p. 14.

⁹⁶ Al-Ṭabarsī, *Tafsīr Majma‘ al-Bayān*, vol. 1, pp. 39-43.

⁹⁷ Opinions have differed over Jābir Ibn Zayd’s doctrinal affiliation, the debate over which has been charged with a spirit of distrust and suspicion on the part of Sunnites and Ibadites alike. Some Ibadite views have been based on the assumption that the Sunnites are bent on denigrating the Ibadites, while the Sunnites have fostered the belief that the Ibadites associate themselves with Jābir Ibn Zayd merely as a means of promoting themselves and their ideas. Quite apart from such conspiracies and suspicions, the most realistic scenario is that Jābir Ibn Zayd served as a mediating figure who succeeded in bridging groups with conflicting points of view, as doctrinal structures had yet to crystallize at that time. This view is consistent with the fact that Ibadite sources tend to depict Jābir Ibn Zayd’s role as imam as more intellectual than political or practical, particularly given that he took part in no political events in Basra. Some Sunnite narratives also associate Jābir Ibn Zayd with the Ibadites. Such accounts indicate that Jābir Ibn Zayd was dissatisfied with conditions under Umayyad rule despite his contact with Umayyad Governor al-Ḥajjāj Ibn Yūsuf al-Thaqafī, while according to some Ibadite sources, he was hesitant to let his political views be known. In short, then, the issue at that time was no more than a matter of a political stance toward the ruling authority.

⁹⁸ In his *Tadbkirat al-Ḥuffāz* (Historical Roster of Traditionists), al-Dhababī wrote, “Abū al-Sha‘thā’ Jābir Ibn Zayd al-Azdī al-Baṣrī was an illustrious scholar and a companion of Ibn ‘Abbās on whose authority Qatādah, Ayyūb, ‘Amr Ibn Dīnār, and number of others transmitted accounts. ‘Aṭā’ quoted Ibn ‘Abbās as saying, “If the people of Basra had listened to Jābir Ibn Zayd, he would have

broadened their knowledge of the contents of the Book of God.” Ibn ‘Abbās is also reported to have asked, “Why would you ask me about anything when you have Jābir Ibn Zayd among you?” ‘Amr Ibn Dīnār once said, “Never have I known anyone more knowledgeable of legal rulings than Jābir Ibn Zayd.” Upon encountering Jābir Ibn Zayd as he circumambulated the Ka‘bah, Ibn ‘Umar said to him, “O Jābir, you are a jurist of Basra, and people come to you asking you for fatwas. You must never issue a fatwa unless the ruling is based on unambiguous texts from the Qur’an, and hadiths which are both authentic and broadly adopted and applied by the Muslim community; otherwise, you will perish, and cause others to perish.” Both Abū al-Ḥabbāb Muḥammad Ibn Sawā’ and Īyās Ibn Mu‘āwiyah have been quoted as saying, “When I went to Basra, Jābir Ibn Zayd was their mufti.” Ḥammād Ibn Zayd once said, “Ayyūb was once asked whether he had seen Jābir Ibn Zayd, to which he replied, saying, ‘Yes, and he was so very perceptive!’ whereupon he proceeded to marvel at his understanding.” According to Aḥmad, al-Fallās and al-Bukhārī, he died in 98 AH/716 CE, while al-Wāqidī and Ibn Sa‘d date his death in 103 AH/721 CE, may God have mercy on him. See Shams al-Dīn Muḥammad Ibn Aḥmad Ibn ‘Uthmān al-Dhahabī, *Tadhkirat al-Ḥuffāz* (Historical Roster of Traditionists), Beirut: Dār al-Kutub al-‘Ilmiyah, First Printing, 1998, vol. 1, Biographical Entry 76, pp. 57-58.

He was described by Ibn Ḥibbān al-Bustī as “a Successor who was knowledgeable of the Qur’an and a jurist of Basra.” See Abū Ḥātim Muḥammad Ibn Ḥibbān Ibn Aḥmad al-Tamīmī al-Bustī, *Mashābir ‘Ulamā’ al-Amṣār* (Famed Scholars of the Metropolises), ed. Manfred Fleischhammer, Beirut: Dār al-Kutub al-‘Ilmiyah, 1959, vol. 1, Biographical Entry 89, p. 646.

⁹⁹ Al-Faḍl Ibn al-Ḥawārī, *Jāmi‘ al-Faḍl Ibn al-Ḥawārī*, Muscat: Ministry of National Heritage, 1405 AH/1985 CE, vol. 1, p. 89.

¹⁰⁰ However, it is our view that if we derive legal rulings based on the conditions set down by the infallible imams, then we are treating these conditions as an authoritative point of reference which rivals the Qur’an, which is unacceptable. For the derivation of legal rulings in imitation of the imams is one of the most dangerous forms of imitation. It has plagued virtually all of Islam’s doctrinal schools of thought, and few are those who have escaped its clutches. Such practices are the result of mistaken notions such as, for example, that while Qur’anic text is finite, there are infinite issues which they must address, that the Qur’an bears multiple (conflicting) interpretations, and other assumptions that crept into Muslims’ minds as they distanced themselves from the orbit of the Qur’an.

¹⁰¹ Abū Zahrah, *al-Imām Jaʿfar al-Šādiq*, p. 504. This is further confirmed by what we find in a book entitled *Sharḥ al-Tajrīd fī Fiqh al-Zaydiyyah*, whose author cites Abū Ḥanīfah’s view on an issue relating to intercession without discussion or challenge, thereby indicating that he adopts Abū Ḥanīfah’s ruling. See Aḥmad Ibn al-Ḥusayn al-Ḥusnī, *Sharḥ al-Tajrīd fī Fiqh al-Zaydiyyah* (Explaining the Abstract in Zaydite Jurisprudence), First Printing, ed. Muḥammad Yaḥyā ʿAzzān and Ḥamīd Jābir ʿUbayd, Sanaa: The Yemeni Center for Heritage and Research, 1427 AH/2006 CE, vol. 4, p. 264.

¹⁰² Sharaf al-Dīn al-Ḥusayn Ibn Aḥmad Ibn al-Ḥusayn al-Šanʿānī al-Sayyāghī, *al-Rawḍ al-Naḍīr: Sharḥ Majmūʿ al-Fiqh al-Kabīr* (The Lush Garden: An Explanation of the Great Juristic Compilation), Beirut: Dār al-Jīl, 1980 CE, vol. 1, pp. 17-24. The author of this book demonstrates that the contents of this compilation of hadiths are consistent with what we find in Sunnite hadith collections.

CHAPTER SIX

¹ The Arabic term rendered in English as governance (*al-ḥākimiyyah*) is a verbal noun derived from the active participle *ḥākīm* (ruling, ruler), which is derived in turn from the verb *ḥakama*, meaning to rule or govern. The verbal noun *ḥukm* occurs at least two hundred times in the Qur’an, as well as in many hadiths. Juridical works have devoted entire sections to the concept of rule or governance due to its foundational importance in the field of jurisprudence. The concept also falls under the rubric of logic. The verbal noun *al-ḥākimiyyah* occurs nowhere in either the Qur’an or the Sunnah; however, it has come into frequent use in recent times in the sense of authority or power.

² The provision of thorough linguistic and functional definitions for all of these concepts would call for a separate study altogether. Consequently, I refer researchers and interested readers to the appropriate sources for such definitions. The concept of “religion” is defined by al-Mawḍūdī along with those of “worship, the divine, and the lord,” in his book *al-Muṣṭalahāt al-Arbaʿah* (The Four Terms), while Muḥammad Badr provides a distinctive definition for it in his book *Tārīkh al-Nuẓum al-Qānūniyyah wal-Ijtimāʿiyyah* (The History of Legal and Social Systems). As for the concept of rule (*al-ḥukm*) in its various forms, Fakhr al-Dīn al-Rāzī lists both linguistic and functional definitions for it, and reviews the most significant disagreements among scholars over these definitions. In my annotation of *al-Maḥṣūl*, I have sought to fill out details which al-Rāzī may have glossed over

or treated in an overly summary fashion. See Fakhr al-Dīn Muḥammad Ibn ʿUmar al-Rāzī, *al-Maḥṣūl fī ʿIlm al-Uṣūl* (a comprehensive work on Islamic legal theory), ed. Ṭaha Jābir Fayyāḍ al-ʿAlwānī, Riyadh, Imam Muḥammad Bin Saʿūd Islamic University, First Printing, 1400 AH/2019 CE, vol. 2, p. 633.

The same applies to the concepts of the permissible and the impermissible (*al-ḥalāl* and *al-ḥarām*), the general and the specific (*al-khāṣṣ* and *al-ʿāmm*). As for the concepts of divinity, servitude, creation, this world and the next, the unity of religion, and the Earth, I have dealt with these in detail in my study entitled, “Higher Aims and Intents and Governing Qurʾanic Values” (*al-Maqāṣid wal-Qiyam al-Qurʾāniyah al-ʿUlyā al-Ḥākimah*). All of religion belongs to God, and religion is united within Islam. As we read in *Sūrat Āl ʿImrān* 3:19, “Behold, the only [true] religion in the sight of God is [man’s] self-surrender unto Him.” However people may differ or disagree over religion, it is one before God Almighty, namely, in the form of Islam, or the submission which was brought by Abraham and all prophets after him, and which was completed by our Prophet Muhammad. The creed is one, and the aims and intents are one however varied the laws derived from them.

³ See Exodus 32:9 and 33:3 and 5.

⁴ In a similar vein, see Matthew 5:21-32.

⁵ Luke 23:1-12.

⁶ Romans 13:1-2.

⁷ Mūsā Ibn Maymūn, *Dilālat al-Ḥāʾirīn* (Guidance for the Perplexed), ed. Ḥusayn Atāy, Cairo: Maktabat al-Thaqāfah al-Dīniyah, no date, pp. 391ff.

⁸ According to the Qurʾanic account, recorded in *Sūrat Ṣād* 38:21-16, two brothers brought a dispute to the prophet-king David in order for him to judge the dispute between them. Upon issuing his judgment in favor of the rich brother who had deprived his poor brother of the single sheep he owed, he realized his own guilt, and repented of it. According to the Old Testament account, found in II Samuel 12:1-13, the two litigants were not brothers, but characters in an illustrative

parable told to David by the Prophet Nathan as a means of confronting him with the sin he had committed by having his top commander, Uriah, deliberately killed on the front lines so that David could marry Uriah’s wife. In the Old Testament account, David repents of his sin, and is forgiven by God, though he is also severely chastised.

⁹ Abū Muḥammad ʿAbd al-Malik Ibn Hishām, *al-Sīrah al-Nabawiyah* (The Life of the Prophet), ed. Muṣṭafā al-Saqā, Ibrāhīm al-Abyārī and ʿAbd al-Hafīz

Shalabī, Cairo: Maktabah wa Maṭbaʿat Muṣṭafā al-Bābī al-Ḥalabī, Second Printing, 1955, vol. 2, p. 404.

¹⁰ Al-Qazwīnī, *Sunan Ibn Mājah*, vol. 2, p. 1101, Hadith No. 3312. See also Abū ʿAbd Allāh Muḥammad Ibn ʿAbd Allāh al-Ḥākim al-Nisābūrī, *al-Mustadrak ʿalā al-Ṣaḥīḥayn* (Corrective Supplement to the Two Collections of Authentic Hadiths), ed. Muṣṭafā ʿAbd al-Qādir ʿAṭā, Beirut: Dār al-Kutub al-ʿIlmiyah, Second Printing, 2002 CE, vol. 3, p. 50, Hadith No. 4366.

¹¹ Abū ʿĪsā Muḥammad Ibn ʿĪsā al-Sulamī al-Tirmidhī, *al-Jāmiʿ al-Ṣaḥīḥ* (*Sunan al-Tirmidhī*) (The Authentic Compendium, or the Hadith Collections of al-Tirmidhī), ed. Aḥmad Muḥammad Shākir, et. al., Beirut: Dār Iḥyāʾ al-Turāth al-ʿArabī, no date, vol. 4, p. 577, Hadith No. 2352.

¹² Abū Bakr Aḥmad Ibn ʿUmar al-Bazzār, *al-Baḥr al-Zakḥkḥār al-Maʿrūf bi Musnad al-Bazzār* (The Swelling Sea, known as the Firmly Ascribed Hadith Collection of al-Bazzār), First Printing, ed. Mahfūz al-Raḥmān Zayn Allāh, Madinah; Maktabat al-ʿUlūm wal-Ḥikam, 1997 CE, vol. 9, p. 280, Hadith No. 3828.

¹³ Ibid., vol. 7, p. 223, Hadith No. 2796. See also al-Shaybānī, *Musnad al-Imām Aḥmad Ibn Ḥanbal*, op. cit., vol. 30, p. 355, Hadith 18406.

¹⁴ This practice was first introduced by Imam al-Qarāfī.

¹⁵ Abū al-Ḥusayn Muslim Ibn al-Ḥajjāj al-Qushayrī, *Ṣaḥīḥ Muslim*, ed. Muḥammad Fuʿād ʿAbd al-Bāqī, Beirut: Dār Iḥyāʾ al-Turāth al-ʿArabī, vol. 3, p. 1356, Hadith No. 1731.

¹⁶ Muḥammad Abū al-Qāsim Ḥājj Ḥamad, *al-ʿĀlamīyah al-Islāmīyah al-Thānīyah* (The Second Islamic Globalism), Beirut: Dār al-Sāqī, Second Printing, 2012, p. 595.

¹⁷ See also *Sūrat al-Anbiyāʾ* 21:48 and *Sūrat al-Anfāl* 8:41.

¹⁸ See Ibn Fāris, *Muʿjam Maqāyīs al-Lughah* (Lexicon of the Standards of Language), vol. 3, pp. 432-433, entry for *ṭ-w-f*.

¹⁹ Worldly powers strive to make themselves centers of influence which bring other entities into their orbits, subject them to their control, and extract their obedient submission to their commands and prohibitions. As for the exemplary community, it does not make itself into a center but, rather, a model that exhibits features and qualities that any community on Earth can acquire given the requisite will and effort. The exemplary community opens the way for other communities to achieve what it has achieved, since it strives not for hegemony or domination, but for the good of all and perpetuation of the values on which it stands. There is thus a

notable distinction between the entity that seeks domination over others, and one which strives only to guide others aright, bring them out of darkness into light, and deliver God's message to them, viewing them as brothers and sisters in humanity and in the destiny to which we all aspire.

²⁰ One of the distinctive features of the Islamic message is that of universality, a universality that encompasses both all of humanity, and all times and places. Unlike the revelations that had preceded it, the message of Islam was not addressed solely to a particular people at a particular time or in a particular place; rather, it was a call to all of humanity everywhere. Human unity is recognized within Islam despite differences among people throughout the world. Similarly, Islam teaches that all messengers and messages sent by God exhibit an essential unity. All human beings were created by God, who made them out of a single soul, out of which he created a pair of souls who yielded families, tribes, and nations that would strive to know one another, establish harmonious relations among themselves, and, eventually, enter one and all into Islam.

Imam al-Shāfi'ī opens *al-Risālah* with a description of the stages through which the final prophetic message passed, from the Prophet's addressing his own clan to his addressing all of humanity. After the message of God's unity had first come to him, the Prophet was instructed to "warn thy kinsfolk" (*Sūrat al-Shu'arā'* 26:214). In response, he went out and issued a call to the people of Quraysh, saying, "Redeem yourselves; for I can avail you nothing before God." This was followed by a similar summons to the subtribes of Quraysh, to whom he said, "O descendants of 'Abd Manāf, I can avail you nothing before God!" There then came a divine command to preach to the people of Makkah and its environs (*Sūrat al-Shūrā'* 42:7) and, ultimately, to issue a call to all of his people: "and, verily, this [revelation] shall indeed become [a source of] eminence for thee and thy people: but in time you all will be called to account [for what you have done with it]" (*Sūrat al-Zukhruf* 43:44). A man's "people" are the larger group to which he belongs, which in this case would be the Arabs. The eternal message of good news and warning brought by the Apostle then spread to include all people everywhere. (See Muḥammad Ibn Idrīs al-Shāfi'ī, *al-Risālah*, op. cit., p. 45, No. 158.)

Were we to add anything to al-Shāfi'ī's explication, it would be that after the message of Islam was addressed to the Arabs, it went first to peoples who had not yet received a divine revelation or been sent a prophet or messenger. Only then was it sent out to people everywhere in order to correct the religions they had received, and to unify their authoritative point of reference by exalting the word of Islam above all else. It was in this way that prophethood was "sealed" through the

Messenger of God: As God declared to him, “Now [as for thee, O Muhammad,] We have not sent thee otherwise than to mankind at large, to be a herald of glad tidings and a warner” (*Sūrat Saba’* 34:28), and, “truly and justly has thy Sustainer’s promise been fulfilled. There is no power that could alter His promises: and He alone is All-Hearing, All-Knowing” (*Sūrat al-An‘ām* 6:115).

²¹ However Islamic it may be (or consider itself to be), no state should ever treat the propagation of Islam as a political undertaking, since governments and politics are subject to material considerations. Foremost among such considerations are geopolitical factors and struggles for survival and influence, all of which are incompatible with the propagation of religion. Furthermore, the mission of spreading Islam involves burdens and responsibilities that weigh heavily on even the most powerful state, though this is not to deny the importance of striving to subject political practices to the standards of Qur’anic values.

²² In the year 6 AH/628 CE, the Prophet and 1,400 unarmed Muslims approached Makkah from Madinah in hopes of performing the *ṭawāf* around the Ka‘bah and making animal sacrifices in the ritual pilgrimage. When some leading members of Quraysh objected to their entering the city, negotiations were held and a treaty was drawn up (the Treaty of Hdaybiyah, or *ṣulḥ al-ḥdaybiyah*). According to the terms of the treaty, the Muslims would not be allowed to perform the pilgrimage to Makkah until the following year, and when they did, they would only be allowed to stay in the city for three days, and could only bring with them whatever weapons they might need to protect them from the perils of the journey. If someone from Quraysh came to Madinah to profess Islam without permission from his legal guardian, the Muslims would be obliged to send him or her back to Makkah, whereas any Muslim who left Madinah for Makkah and sought refuge and protection there would be allowed to remain. Additionally, the Prophet forewent both the use of the title “Messenger of God” and the name Allah in the treaty’s wording. Some of the Companions found these terms of the treaty offensive and demeaning. However, the treaty also called for a ban on fighting between Quraysh and the Muslims in Madinah for a whole ten years, which was a boon to all.

²³ Akram Ḍiyā’ al-‘Umarī, *al-Sīrah al-Nabawiyah al-Ṣaḥīḥah* (The Authentic Biography of the Prophet), Fourth Printing, Riyadh: Maktabat al-‘Ubaykān, 2001, vol. 2, p. 446.

²⁴ According to some interpretations of this ayah, it was addressed to the Prophet’s Companions, that is, the first generation of believers, while according to others, it applies more generally. In fact, however, there is no conflict between

these two interpretations, since the concept of the *ummah* is a dynamic one and thus, capable of ongoing renewal. The most noble Apostle did, in fact, establish an *ummah*, and it was this *ummah* which brought the Islamic call out of Madinah into the wider Arabian Peninsula and beyond. In order for the *ummah* to continue carrying out its role, however, it must continue to renew and rebuild itself.

²⁵ The pursuit of material defense and survival is not, in and of itself, worthy of condemnation. In fact, the actions taken in the interests of such goals have often served to eliminate obstacles in the way of spreading the Islamic message. At other times, however, they may indeed hinder Islam's spread and proper understanding. Perhaps it was this duality that we are being alerted to in *Sūrat ʿAbasa* (80), which tells us how the most noble Apostle, preoccupied with what one might term strategic considerations, and believing that if the leaders of Quraysh embraced Islam, this would pave the way for him to spread his message among the weak and oppressed members of society who lived in fear of those in power over them, became so engrossed in efforts to win over the chieftains of Quraysh that he failed to be properly attentive to a humble blind man who had come to him in eager pursuit of knowledge and understanding. The Apostle was then reproached by the Almighty, who informed him anew that the Islamic message is a reminder, and that whoever is willing to do so may take it to heart. This error was committed at a time when the propagation of Islam was the principle aim of the Muslim community, all else being secondary to this central goal. How much more likely, then, would it be for such an imbalance to occur when promotion of the Islamic message has come to be seen merely as one end among many, if not a mere means to an end??

At various times in the history of Islam, the state and the mission to spread Islam have been opposed to one another. At times such as these, the state was an institution founded upon tribal, familial or ethnic connections and loyalties rather than being the representative of the Islamic faith community. When this occurred, the propagation of Islam suffered a decline, and was superseded by the aims of the imperial state. The Islamic conquests largely served the interests of the latter rather than the former, as can be seen from the description of conditions at that time provided by Ibn Khaldūn, who wrote, "The Arab *ummah* had no knowledge or understanding of North Africa, whether before or after the coming of Islam, because the Berbers had protected North Africa from invading nations. Thereafter, the Islamic religion appeared, and through it the Arabs triumphed over all other nations. They marched on North Africa and conquered all of its cities and metropolises, but encountered fierce resistance from the Berbers." (See ʿAbd al-Raḥmān Ibn Khaldūn al-Ḥaḍramī, *Dīwān al-Mubtadaʾ wal-Khabar fī Tārikh al-ʿArab wal-*

Barbar wa man ʿĀṣarahum min Dhawī al-Shaʿn al-Akbar (On the History of the Arabs and the Berbers), ed. Khalīl Shaḥādah, Beirut: Dar al-Fikr, Second Printing, 1988, vol. 6, p. 12.)

The hostility with which Islam was received by the Berbers highlights the confusion that occurred between the religion of Islam and those who had brought it. In an analysis of the situation, Ibn Khaldūn tells us that according to Abū Muḥammad Ibn Abī Zayd, the Berbers apostasized twelve times between Tripoli and Tangiers. They did not become well established in Islam until Ṭāriq and Umayyad Governor and General Mūsā Ibn Naṣīr went to Andalusia after North Africa had been subjugated. Many leading Berbers also went to Andalusia and settled there by virtue of the conquest, whereupon Islam at last took root in North Africa and the Berbers submitted to its rule. Following this, Kharijite teaching spread in influence among them, yielding a plethora of sects, including branches of the Ibadites and Sufrites, and the Berbers went to far as to kill Arab emirs. They murdered the Umayyad Governor Yazīd Ibn Abī Muslim in 102 AH/721 CE, resentful over his abusive treatment of certain Berber guards. In the year 122 AH/740 CE, under the governorship of ʿAbd Allāh Ibn al-Ḥabḥāb during the caliphate of Hishām Ibn ʿAbd al-Malik, the Berbers rose up in response to a massacre carried out against them in Sous (southern Morocco) by Hishām Ibn ʿAbd al-Malik’s army. The Berber uprisings contributed to the demise of the Umayyad Caliphate in favor of the Abbasids, under whom Kharijite teaching in North Africa became all the more entrenched. (See Ibn Khaldūn, *Dīwan al-Mubtadaʾ wal-Khabar*, vol. 6, p. 103.)

Events such as these reveal the cruel contradiction between a state which, no longer embodying the Muslim *ummah*, is little more than a glorified tribe driven by ethnic loyalties, and the spread of a religious message that makes no distinction between Arab and non-Arab. Similarly, they highlight the danger of confusing capitulation to unjust power with the embrace of a religion. The twelve apostasies declared by the Berbers were most certainly not rejections of Islam as a religion but, rather, rebellions against worldly power. There is no consonance between the logic of a tribal authoritarian state and that of religious persuasion, whereas there is perfect consonance between religious persuasion and a state which represents the *ummah*, or Muslim community. The latter’s concern will be to open horizons for the spread of the Islamic message, while the state founded upon tribal authority will seek simply to expand its power and influence.

Given this divorce between the state and concern for promoting the Islamic message, it was only natural that the influence of the centralized authority in

Damascus, and then in Baghdad, would not endure long in North Africa. In 155 AH/772 CE, the state of Banī Midrār was established. This was followed by the Ibadite Rustamid Dynasty in 164 AH/CE, the Idrisid Dynasty in 172 AH/781 CE, and the Aghlabid Dynasty in 184 AH/800 CE. Hence, North Africa soon broke free from the sway of what came to be termed the Caliphate State, which failed to achieve unity even on the level of worldly authority. Indeed, it was its preoccupation with earthly authority that contributed to its dissolution. Nevertheless, the Muslim community integrated North Africa into itself, and thanks to the movement to spread the Islamic message, there commenced a process of familiarization and cross-pollination which flourished despite the obstacles with which its path had been littered by worldly authority and power.

²⁶ The same theme is treated in *Sūrat al-Aʿrāf* 7:65-69 and 73-75; *Sūrat Yūnus* 10:13, 71-73; *Sūrat Hūd* 11:57; and *Sūrat al-Nūr* 24:55.

²⁷ See, for example, *Sūrat al-Shuʿarāʾ* 26:53-59.

²⁸ These conceptions nearly go so far as to reduce the *ummah* to the person of the caliph, whose mandate to preserve the *ummah* and the religion is taken to mean that his will supplants the wills of the *ummah*'s individual members. Ibn Khaldūn identified the function of the caliphate as that of "holding everyone to a view of their otherworldly interests, and the worldly interests that follow therefrom, which is in keeping with the requirements Islamic law ... In actuality, then, it is a trust granted on behalf of the Lawgiver to preserve the religion and to manage worldly affairs in keeping therewith." See 'Abd al-Rahmān Ibn Khaldūn al-Ḥaḍramī, *al-Muqaddimah* (The Prolegomena), ed. 'Alī 'Abd al-Wāḥid Wāfi, Cairo: Nahḍat Miṣr, Third Printing, no date, vol. 2, p. 577.

In his discussion of public offices and the tasks and powers associated therewith, Ibn Taymiyah makes mention of the position of the *muḥtasib*, who served as a kind of religious policeman who would oversee marketplaces and other public spaces, making sure they were kept clean, and that people were observing proper manners, saying, "The *muḥtasib* is tasked with commanding the good and prohibiting the bad with respect to those things which fall outside the jurisdiction of governors, judges, government officials, and the like. Thus, for example, the *muḥtasib* commands the general populace to perform the five daily prayers at their appointed times, and punishes those who fail to do so through beatings and imprisonment... The *muḥtasib* commands people to attend the Friday sermon and other communal prayers, to be truthful in their speech and to fulfill their trusts. Conversely, he prohibits unseemly, harmful acts such as lying, betrayal of trust, and actions related thereto, such as cheating customers at the scales, selling faulty

merchandise, and wronging people in relation to sales, debt repayment, and so on..." See Ibn Taymiyah, *al-Ḥisbah fī al-Islām* (On the Functions of an Islamic Government), Beirut: Dār al-Kutub al-ʿIlmiyah, no date, p. 16.

We thus encounter a blurring of the lines between the space in which the state is entitled to intervene, and that in which it is not, namely, the private space between individuals and their Lord. When these lines are blurred or crossed by the state, it becomes in effect a kind of idol which is worshipped in God's stead.

Space will not permit us to trace everything which has been said on this subject from ancient times to the present by all schools of thought and jurisprudence. Be that as it may, there is a widespread notion that the function of the Islamic state is to impel people to be righteous, as though it were intended to make people into carbon copies of each other. However, this notion reflects a confused understanding of the *ummah* which attributes undue authority to the caliph, the imam or the sultan, who is viewed as God's shadow on Earth. In reality, all the state can do, alongside other activities of the Muslim community, is to make it more difficult for people to find excuses for unethical or impious behavior. God has drawn His servants close to Him and abolished all intermediaries between Him and them, saying to the Prophet (ṢAAS), "And if My servants ask thee about Me - behold, I am near; I respond to the call of him who calls, whenever he calls unto Me: let them, then, respond unto Me, and believe in Me, so that they might follow the right way" (*Sūrat al-Baqarah* 2:186). God has made it clear that He alone can relieve affliction and answer the cry of the distressed: "Nay - who is it that responds to the distressed when he calls out to Him, and who removes the ill [that caused the distress], and has made you inherit the earth? Could there be any divine power besides God? How seldom do you keep this in mind!" (*Sūrat al-Naml* 27:62). God commands His servants to say during every rak'ah of prayer, "Thee alone do we worship, and to Thee alone do we turn for aid," as though worship were God's prerogative, and seeking help were human beings'. Blessed and exalted be He, God continually assures human beings of His nearness to them, that they are to call upon Him before all others, and that He is merciful, compassionate, kind and generous. All we have to do as His servants is to rely on Him and call upon Him, turning our faces to Him alone night and day.

Herein lies the significance of the fact that the Qur'an commands the Messenger of God to collect zakah from the members of the Muslim community, but not to lead the believers in prayer (though it is assumed, for example, in *Sūrat al-Nisā'* 4:102 - "Thus, when thou art among the believers and about to lead them in prayer, let [only] part of them stand up with thee" - that he performed this role

at times). The point here is the voluntary nature of the prayer; those led in prayer have a choice as to whether they participate or not. God instituted the call to prayer (*al-adhān*) as the shared, public means by which believers are to be summoned to perform the ritual prayer, whether communally or, if a communal prayer is not possible, individually. This is why it is a common practice in Muslim countries' marketplace mosques for the daily prayers to be performed by different people at different times. There are some who pray at the very beginning of the time period, others who pray somewhere in the middle, and still others who pray at the very end. It has never been customary for scholars or rulers of the Muslim community to require people to perform the ritual prayer at the beginning of the designated time period or at any other time.

²⁹ Realizing the extent of the qualitative changes that had been witnessed by the Muslim community over the course of the mere decade that had passed since the death of the Prophet (ṢAAS) – the period of time that separated the conquest of Khaybar in 7 AH/629 CE from the major Islamic conquests of Iraq, Syria and Egypt – ‘Umar Ibn al-Khaṭṭāb stopped dividing conquered lands among the conquerors, saying, “Were it not for the last of the Muslims, I would have divided every village that had been conquered as the Messenger of God divided up Khaybar.” See al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, op. cit., vol. 4, p. 1548, Hadith No. 3994.

³⁰ The concept of *al-ḥanīfiyah*, derived from the verb *ḥanafa*, meaning to turn or incline away from, is used in the Qur’an to describe the mindset of those who spurn false creeds founded upon idolatrous beliefs and practices.

³¹ See also *Sūrat al-Baqarah* 2:135.

CONCLUSION

¹ In Semitic languages and ancient civilizations, particularly that of Babylon and the Code of Hammurabi, the prevailing understanding of the term “religion” (*dīn*) and its derivatives was closely bound to the concept of law, and to the related concepts of judge, ruler, and rule. In the Book of Genesis, the word for religion and its derivatives are used to refer to God, which highlights the word’s connection to the Jewish understanding of divine governance, or theocracy. In Volume IV of the Jewish Encyclopedia, we find five meanings for the word “religion,” all of which are closely related to the notions of the judiciary (*al-qaḍā’*), justice (*al-‘adl*), and rule, or governance (*al-ḥukm*). In Volume VI, we find references to the fact that the word “religion” encompasses the law and its sources. Thus, even a law which

grows out of a secular model is referred to as a “religion.” (See Genesis 30:6 and 49:16.) This same meaning continued to be associated with the word during what is termed the “oral culture” phase, while the Qur’anic concept of the term religion, or *dīn*, has also been associated with the meanings that were in circulation in those ancient civilizations. However, no appreciable effort has been made to reconstruct the concept from a Qur’anic perspective.

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SELECTED GLOSSARY OF TERMS

Āḥād: A term used to describe any hadith which is less reliable than one classified as *mutawātir*.

Du‘ā’ al-qunūt (invocation of humility or obedience): Recited during the standing position of ritual prayer, this invocation reads, “O God! Guide me with those whom You have Guided, and strengthen me with those whom You have given strength. Take me to Your care with those whom You have taken to Your care, bless me in what You have given me, and protect me from the evil You have Ordained. Surely You command and are not commanded, and none whom You have committed to Your care shall be humiliated [and none whom You have Taken as an enemy shall taste glory]. You are Blessed, our Lord, and Exalted.”

Gharīb: Literally, “strange,” a hadith described as *gharīb* either has only one narrator, or contains an addition to either its text (*matn*) or its chain of transmission (*isnād*).

Ḥasan: “Good”—a term used to describe a hadith whose authenticity is not as well established as that of a

hadith *Ṣaḥīḥ*, but which is sound enough to be used in juristic argumentation.

Ijtihād: The effort exerted by a suitably qualified scholar of jurisprudence to derive a legal ruling from Muslim legal sources (the Qur’an, the Hadith, analogical deduction and consensus), and to reach certainty on questions of an ambiguous nature.

‘Ilm al-rijāl: Literally, “the science of men,” *‘ilm al-rijāl* is the field of study which examines narrators of prophetic traditions with the aim of identifying which of these narrators are trustworthy and which are not.

‘Illah: An effective or operative cause, which is the specific situation or set of circumstances that triggers the application of a given legal ruling.

Istidlāl: The literal meaning of the term *istidlāl* is to seek evidence (*dalīl*). In the context of Islamic law, it is the pursuit of legal evidence, textual or otherwise, on the basis of which one may arrive at a sound ruling or judgment on a given question or situation.

Al-istidlāl al-mursal, or unrestricted reasoning: Reasoning or argumentation based on unrestricted interests.

Istiḥsān, or juristic preference: A decision to refrain from applying to a given situation the same legal ruling which has been applied to analogous situations in favor of another ruling which is more in keeping with the aims of Islamic Law. In other words, juristic preference involves giving human interests and the aims of the Law (*maqāṣid al-sharī'ah*) priority over the results of *qiyās*, or analogical deduction.

Istiḥāb: Presumption of continuity, that is, the practice of retaining a principle unless there is established evidence of its having changed.

Istiṣlāḥ: Reasoning based on unrestricted interests, that is, the practice of issuing a legal ruling on a case not mentioned explicitly in any authoritative Islamic legal text and on which there is no consensus, based on an unrestricted interest (see below, *al-maṣāliḥ al-mursalah*).

Al-maṣāliḥ al-mursalah, or unrestricted interests (sometimes referred to also as public interests): Interests which are not explicitly identified by any text in the Qur'an or the Sunnah but which are generally agreed upon based on circumstances which arise in human society. Examples of unrestricted interests include the paving of roads, the setting up of administrative offices to handle public needs, the use of traffic signals,

the construction of sewers and waste disposal facilities, etc.

Mashhūr: Well-known, used to describe a hadith that has been passed down through more than two paths of narrators.

Mishnah: The first major written collection of the Jewish oral traditions known as the "Oral Torah."

Munqaṭi': Interrupted—a term used to describe a hadith which lacks a continuous chain of transmission whether or not it is attributed to the Prophet.

Mursal: Incompletely transmitted—used to describe a hadith which lacks either its entire chain of transmission or the last part thereof, and which has been attributed to the Prophet.

Mutawātir: The adjective derived from the noun *tawātur*, meaning roughly, "broadly authenticated."

Qiyās: Analogical deduction—the practice of basing a new legal ruling on a previous ruling concerning a similar case given the similarity between the two cases with respect to their underlying basis or effective cause (*'illah*).

Sadd al-dharā'i': The prohibition of evasive legal devices, or of anything which has the potential of leading to that which is forbidden.

Ṣaḥīḥ: Authentic, sound, trustworthy (of a hadith).

Shādhah: Irregular—a description of statements which are in conflict with those made by the majority of jurists.

Shudhūdh: Irregularity—a situation in which a trustworthy narrator relates an account in a way that conflicts with that of a narrator who is still more trustworthy, or with the account given by a group of trustworthy narrators.

Tadlīs: Literally, “concealment,” *tadlīs* is the practice of narrating a hadith on the authority of someone whom the narrator has met, but from whom he has not actually heard any accounts, or on the authority of someone whose identity has been falsified.

Taʿlīl: The process of identifying the effective cause (*ʿillah*) for a given legal ruling, and/or the situation out of which such a ruling arose.

Talmud: the body of Jewish civil and ceremonial law and legend comprising the Mishnah and the Gemara (a rabbinical commentary on the Mishnah).

Tarjīh: The preference for one view over others based on its being supported by stronger evidence.

Tawātur: Meaning roughly “broad authentication,” the term *tawātur* refers to the process of passing down a historical report or prophetic tradition via so many different chains of narrators that they could not possibly have conspired to deceive, the result being that its authenticity is assumed to be guaranteed.

Al-Zāhiriyyah: A literalist Islamic legal school, founded in 9th Century Iraq by Dāwūd Khalaf and later championed by Ibn Ḥazm, which insists on strict adherence to the literal or apparent meaning (*zāhir*) of the Qurʾan and Hadith as the only source of Muslim law.

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THE CULTIVATION OF A THRIVING MUSLIM CIVILIZATION NECESSITATES THE REDISCOVERY OF THE INDISPENSABLE SKILLS OF ENGAGING IN RESPECTFUL DISAGREEMENT AMONG MUSLIMS.

This competency holds the potential to effectively navigate potentially divisive situations and contentious issues. Al-Alwani's work sheds illuminating insight on the constructive dimensions of disagreement and elucidates how early Muslim societies embraced it as a revitalizing force. Nonetheless, as Islam underwent expansion and development, and the initial generations of Muslims passed away, theological and jurisprudential debates became prevalent, leading to a neglect of the overarching objectives and aspirations of the Ummah. These protracted and intense divisions and conflicts endured over centuries, adversely impacting the advancement, coherence, and potency of the Muslim civilization. The book in question presents numerous exemplary instances wherein celebrated historical figures and scholars within the Muslim community displayed tolerance and comprehension. It fervently urges contemporary Muslims to revive such a spirit of forbearance and understanding. By doing so, they can foster a sense of unity, comprehension, and advancement within the broader framework of the Muslim civilization.

Taha Jabir Al-Alwani (1935–2016) was a graduate of Al-Azhar University and an internationally renowned scholar and expert in the fields of Islamic legal theory, jurisprudence (fiqh), and usul al-fiqh.

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