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Who speaks for Islam? Who explains to Muslims whether human rights are a legitimate concept “in Islam,” whether there is such a thing as “Islamic values” and what they consist of, and whether violence can ever be justified from a religious point of view? Who do Muslims turn to when they look for guidance? To what extent do individual scholars and preachers exert religious authority, and how can it be assessed? What is the role of the Cairo-based Azhar mosque and university, the Shi‘i seminaries in Najaf and Qum or the great Islamic colleges in South Asia for Muslims in their respective countries and beyond, including the Muslim diaspora in the west? The upsurge of Islamism has lent new urgency to these questions, but they have deeper roots and a much longer history, and they certainly should not be considered in the light of present concerns only.

Religious authority is an elusive concept and notoriously difficult to define. Following Max Weber, authority describes the ability (or “chance” as Weber put it) to have one’s rules and rulings followed, or obeyed, without recourse to coercive power. It is indeed the very absence of coercion that for Weber distinguishes authority (Autorität) from power (Macht). In the present context, however, authority and power are not always easy to distinguish. Religious authority can assume a number of forms and functions: the ability (chance, power, or right) to define correct belief and practice, or orthodoxy and orthopraxy, respectively; to shape and influence the views and conduct of others accordingly; to identify, marginalize, punish or exclude deviance, heresy and apostasy and their agents and advocates. In the monotheistic religions founded on revealed scripture, religious authority further involves the ability (chance, power, or right) to compose and define the canon of “authoritative” texts and the legitimate

1 Weber deals with the issue in various contexts, from religion to politics to market relations, and his relevant definitions and comments are dispersed over his massive work, notably Wirtschaft und Gesellschaft (Studienausgabe, rev. ed., Tübingen 1972). Interestingly, the concept of authority does not figure prominently in Stefan Breuer’s Max Webers Herrschaftssoziologie, Frankfurt am Main/New York 1991.
methods of interpretation. Even so brief a sketch illustrates how easily the distinction between authority and power can become blurred. For Weber, authority is intimately linked to the notion of legitimacy. By the same token, it is tied to the concept of trust. Religious authority can be ascribed to individuals, groups of people, or institutions. While it rests on certain qualities and/or qualifications, inherited or acquired, it is the willingness of others to credit any given person, group or institution with religious authority that ultimately renders it effective. Like any kind of authority, religious authority does not denote a fixed attribute, but is premised on recognition and acquiescence. Put differently, it is relational and contingent. In his seminal work, Weber did refer to the relational character of religious authority. Yet he may not have given it the weight it receives in present scholarship which unlike Weber, tends to be uncomfortable with definitions, preferring to emphasize narratives, interactions, and contingency. To focus on the relational aspect and to evaluate the ways religious authority is projected, perceived and put into practice in any given context, adds considerably to the complexity of the issue, and of the research agenda.

Religious authority in Muslim societies is not a new topic. From an early date it has attracted scholars interested in the complex interplay of religion, law, politics and society. As a result, we now have a fair number of sophisticated case studies and some comparative works, mostly collective volumes, dealing with the issue. Not surprisingly, the relevance of (religious) authority to Islamic law, shari‘a as well as fiqh, and vice versa has been discussed at some length.

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3 See, e.g., Khaled Abou El Fadl, The Authoritative and the Authoritarian in Islamic Discourses. A contemporary case study, Austin 1997, and idem, Speaking in God’s Name. Islamic Law, Authority, and Women, London 2001; Baber Johansen, Contingency in a
The most significant addition to a growing field are studies dealing with religious authority and authorities in Muslim diaspora communities in the West. Here the French contributions or, to be more precise, contributions in French, are especially notable. Still, much remains to be explored and better understood.

The present volume is not so much concerned with religious authority, but with religious authorities, men and women claiming, projecting and exerting religious authority within a given context. A number of assumptions merit to be critically examined here: that religious authority ultimately derives from the foundational texts of the Qur’ān and the sunna of the Prophet; that persons matter more than institutions as sources and mediators of religious knowledge and authority; that religious and legal scholars have greater authority than caliphs, sultans and other rulers, pre-modern as well as modern; and that scholars and Sufis are situated at opposite ends of a scale of religious experts or virtuosi, to use an expression dear to Weber. There is little argument concerning the crucial importance of the Qur’ān to Islam and the Islamic tradition. Indeed, Islam may be considered the scriptural religion par excellence. As is well known, the Qur’ān itself classifies other religions according to whether they, too, are monotheistic in their doctrine and based on revealed scripture, distinguishing the “people of the book,” ahl al-kitāb, from the pagan “polytheists,” mushrikūn, who in addition to their polytheist beliefs and practices lack a revealed scripture. According to Muslim belief, the Qur’ān is divine speech revealed to Muḥammad, in the Arabic language, over a period of some twenty years, and “collected” into a book by a group of knowledgeable Muslims just over one decade after Muḥammad’s death in 632 C.E. One cannot insist too much on the fact that for Muslim believers, the Qur’ān is not just divinely inspired: it is God’s very word. For that reason, the text is regarded as eternal and inviolable as far as its wording is concerned. However,


5 In the present context, see especially Brinkley Messick, The Calligraphic State. Textual Domination and History in a Muslim Society, Berkeley 1993; but see also the contribution of Camilla Adang to this volume.
like any text, sacred or other, the Qurʾān requires active minds to explore its meaning(s) and implement its directives under changing circumstances. While it may be too bold for most Muslims to say that by itself, the Qurʾānic text is mute, most will accept that for it to become relevant to their lives, it requires interpretation, highlighting the issue of religious authority. The field of Qurʾānic exegesis (tafsīr) is, of course, vast and varied, and still largely understudied, especially with regard to the social “embeddedness” of individual exegetes and exegetic traditions, and the hermeneutic approaches advocated by them.

The status of the sunna, the collection of reports (sg. ḥadīth) on the sayings, deeds and practices of Muḥammad (and select members of the early Muslim community), as a source of religious authority is less clearly defined and more controversial. It is true that at least among Sunni Muslims, the sunna is generally regarded as the second most important source of Islamic normativity (Baber Johansen) alongside the Qurʾān, complementing the divine word with the exemplary practice of the Prophet and certain members of the early community. Some even hold that in case of conflict, sound ḥadīth can abrogate specific Qurʾānic injunctions. Religious guidance, then, is not only laid down in a text of inviolable status. Muslims can look to living examples of proper thought and conduct, providing role models for Muslim men and women of all times and places. In contrast to the Qurʾān, the sunna does not consist of one book containing divine speech but rather of a number of collections compiled by Muslim scholars of the eighth and ninth centuries C.E. Like Qurʾānic exegesis, ḥadīth scholarship is highly elaborate, especially with regard to the normativity of specific categories of reports. It is even more difficult to assess the weight and impact of other elements of what is usually called the authoritative tradition of Islam, and to analyse the processes of canon building involved. The legal tradition has probably been studied most extensively, including notably the formation of the Sunni and Shiʿi schools of law (sg. madhhab, pl. madhāhib) and their respective textual canons. Interestingly, the

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6 For modern debates on the status of the prophetic tradition, see Daniel W. Brown, Rethinking tradition in modern Islamic thought, Cambridge 1996; for an important South Asian case study, see Martin Riexinger, Sanaʿullāh Amritsārī (1868–1948) und die Ahl-i-Hadīs im Punjab unter britischer Herrschaft, Würzburg 2004.

few studies exploring not just the formation of the schools of law but their actual functioning mostly with the Ḥanbalī one. As yet, we seem to dispose of very few studies dealing with theological schools as schools and networks, and not so much as groups of distinguished individuals and their respective writings.

To deal with the Qurʾān and sunna not just as a source of moral guidance but as normative textual proof regulating human activity in all spheres of life requires expert knowledge, a knowledge premised on a minimum level of literacy and the requisite training, underlining yet again the need to define the scope and basis of religious authority. As is well known, there is no church in Islam, and no ordained clergy. What did emerge at an early date is a class of religious semi-professionals and professionals (sg. ‘ālim, pl. ‘ulamā‘, derived from Arabic ‘ilm, knowledge relevant to religion), religious experts closely resembling Jewish rabbis rather than the ordained clergy of the Christian churches, who claimed the right, on the basis of their acquired religious knowledge, to interpret the foundational texts of

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the Qurʾān and sunna and to compose authoritative texts themselves. For obvious reasons, the ‘ulamāʾ have received considerable attention, and we are now much better informed about the rise of various types of religious and legal scholars, their background, training, and fields of activity, their self-views, and to an extent, their place and image in their respective community or society. In their vast majority, the ‘ulamāʾ are men and always have been. The study of women in Islamic scholarship narrowly defined is slowly developing. The institutes of higher learning (sg. madrasa) which from the eleventh century C.E. onwards spread and developed in all parts of the Muslim world, have met with special interest. We also have a growing number of studies on individual institutions of higher Islamic learning in the pre-modern and modern periods, first and foremost al-Azhar in Cairo and several large Islamic schools and colleges in South Asia.

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But there are still major fields to be explored: to what extent did knowledge (‘ilm) equal authority in religious matters? Who had access to the Qur’an and sunna and the authoritative canon within a given social context, and what were the relevant criteria here (age, gender, status group, language skills)? Who had, or claimed, the right to interpret the Qur’an and sunna? Who was entitled to compose additional authoritative texts in his (or her?) own right and to establish the relevant authoritative canon? What was the scope given to reason in interpreting scripture? What was and is the significance of what Roy Mottahedeh called the silsila mindedness and Jonathan Berkey the isnād mentality of Muslim scholars, saints and ordinary believers: the marked tendency to refer to the normative and authoritative traditions in order to justify their own thoughts, no matter how thin the connection and how far-fetched the analogy? As an authenticating device, or legitimizing strategy, this is a familiar practice. What remains to be studied more systematically are the conventions and formulae employed in specific contexts (see Schmidtke in this volume). But there are also authors who did not resort to this device and fields where it was not commonly used: under which circumstances, then, were earlier texts either used and cited, or used (if not fully plagiarized) without being cited? What is the relative weight of the oral and the written in the acquisition and transmission

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of religious knowledge? The well-known saying that knowledge can only properly be attained at the hands of scholars, not of books, reflects a social ideal (presumably cherished by the scholars themselves). Yet we know of large libraries, private as well as public, and of encyclopaedic works written as early as the ninth century C.E.: who read them and what were the social uses of religious knowledge as it were privately acquired?17

To move to a slightly different domain: how does knowledge relate to personal conduct (Lebensführung to refer once again to Weber) or to charisma, either ascriptive or acquired? In the existing literature, the Hanbali school of law has served as the prime example to study the complex relationship of knowledge, conduct and charisma.18 Several contributions to the present volume (including Afsaruddin, Böttcher, Dennerlein, Dressler, Krämer and Schmidtke) address these issues. At the same time, processes of institutionalization of religious knowledge and religious authority merit closer attention: they include the social functions of the schools of law and theology, the establishment of colleges of higher Islamic learning, and the efforts on the part of governments and rulers to organize religious scholars in court or state-centred hierarchies (see notably Amirpur, Dennerlein, Dressler and Walker in this volume). The Safavid and Ottoman cases are the best known examples here.19 Again it has to be emphasized that while rulers succeeded in creating a hierarchy of religious professionals, from among those willing to work within the state admini-


18 See above, n. 8.

stration, they did not create a church. Storytellers and folk preachers (pl. qaṣāṣ) created their own religious knowledge, at times openly challenging the authority of the scholars and the rulers. Long neglected and underestimated, pre-modern storytellers have now become the object of serious study. Given the salience of Muslim preachers of varying background in the modern age and the modern uses of means of mass communication, much remains to be done here (see also Krämer in this volume).

Much of what has been said so far is relevant to religious scholars, but not necessarily to Muslim mystics (Sufis), for access to God, or truth, can be sought and possibly gained not just by way of textual knowledge, but of a spiritual experience that may ultimately culminate in illumination. Muslim saints and Sufis have held a strong attraction for students of Islam that is reflected in a vast body of literature. While the boundaries between the scholar and the Sufi have been reconsidered, the precise forms and functions of religious authority in the Sufi milieu are still far from exhausted (see Böttcher and Dennerlein in this volume). Initially elitist and confined to small circles, Sufism gradually acquired a broader social base. By the eleventh century C.E., it had reached all classes of society. Some mystics were themselves trained scholars, some were in close contact with the ‘ulamā’ and the political powers that be, others shunned

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these associations as contrary to their spiritual quest. From the twelfth and thirteenth centuries C.E. onwards, Sufis created their own institutions (Sufi brotherhoods or orders, ṭuruq) with specific sites, rites and practices, including specific types of master-disciple-relationships. Some enjoyed court patronage, others avoided it, or rejected it altogether. Within the Sufi milieu, both ṭuruq-affiliated and independent, religious authority was understood and practiced in ways that as a rule differed markedly from those of the ‘ulamā’. It would be an interesting topic for further research to investigate more thoroughly the degree of social inclusiveness and exclusiveness associated with textual and spiritual authority: if one presupposes literacy (in the Arabic language!), the other is commonly thought to be premised on charisma (another of Weber’s difficult concepts), either inherited or acquired.

It is perhaps the rulers and official policies that call for more critical attention than they have hitherto received: that caliphs claimed religious authority from an early date is well documented, and reflected at all sorts of levels from coins to court poetry, and from inscriptions to actual policies. It has been convincingly argued that within the Sunni milieu, the issue of religious authority was far from settled by the outcome of the miḥna (trial, sometimes translated as inquisition) in which the Abbasid caliph al-Ma’mūn (r. 813–833 C.E.) and two of his successors tried to impose the doctrine of the created Qur’ān within their realm, torturing and killing a number of ‘ulamā’ who refused to accept the doctrine on the basis of caliphal authority.  

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23 In addition to the titles cited above, n. 22, see Alexandre Popovic and Gilles Veinstein (eds.), Les voies d’Allah. Les ordres mystiques dans le monde musulman des origines à nos jours, Paris 1996.
25 Muhammad Qasim Zaman, Religion and Politics under the Early ‘Abbasids. The
The role of Sunni caliphs and Muslim rulers more generally in setting the boundaries of legitimate expressions of the faith remains to be studied. Not only did they enjoy wide-ranging powers in organizing the judicial sphere within their realm, allowing them to privilege specific schools of law (and theology), to patronize individual scholars, and to marginalize others or exclude them altogether. Beginning with the collection of the Qur'ān which entailed a significant amount of editorial work, the caliphs also intervened in dogmatic issues, formulating creeds and attempting to enforce them, both before and after the miḥna which allegedly confirmed the sole and exclusive authority of the ‘ulamā’ in their capacity as “heirs to the prophets” (warathat al-anbiyā’), or the “people that bind and unbind” (ahl al-ṣaqd wa-l-hall). The caliphs were thus intimately concerned with defining and defending correct belief and practice (orthodoxy and orthopraxy), and by the same token, preventing heresy and apostasy, and not necessarily as mere executioners only, lending their sword to the men of the pen. The same applied to princes from the Buyid amīrs to the Saljuk sultans and the Moghul emperors with no immediate claim to religious authority but wide-ranging powers which were by no means limited to the “secular” domain. In this context, the Sunni sultans of Morocco provide a special and highly interesting case.

With regard to the rulers, religious authority based on claims to voluntary obedience blends into religious power involving the (legitimate)  


use of coercive force. What has perhaps been studied least are the instances of rulers imposing a particular interpretation of Islam as the “state religion” in their territories. Iran under the (very unorthodox) Shah Ismā‘īl (r. 1501–1524) is the best-known case in point. But what does the term “state religion” mean in an Islamic context, pre-modern as well as modern? Paul Walker’s contribution to this volume sheds fresh light on the Fatimid experience. For the modern period, the Islamic Republic of Iran with its idiosyncratic adaptation of one strand of the Shi‘i tradition provides the most obvious example (see Amirpur in this volume).

The nature, scope and locus of religious authority, then, is far from clear with regard to the pre-modern period. It is even less so in the modern period. More and more groups and individuals are claiming the right to speak on Islam and in the name of Islam. The expansion of mass education, the mass media and new communication technologies have greatly contributed to this state of affairs. Broader access to information and relevant knowledge serves as the basis of wider claims to religious authority. We should perhaps think not so much in terms of a fragmentation of the “religious field” (champ religieux), a field that has never been unified under one single authority, but rather of a proliferation of religious knowledge, actors and normative statements of uncertain status (see Krämer in this volume). The ‘ulama‘ and their characteristic media of expression have by no means disappeared (see Zaman in this volume). But next to them, and often in competition with them, other actors, forums and forms of expression have emerged, some of them well known but subtly transformed (legal opinions, fatāwā, issued by non-specialists are the prime example here), others of a new type altogether (Islamic intel-


lectuals, Islamicists and even social scientists). The general fascination with the internet and its impact on what has been called the public sphere, is of some importance in this context. If scholars trained in the classical tradition are increasingly using new channels of expression (“media muftis”), intellectuals and political activists are laying claim not merely to religious knowledge, but to religious authority based on this knowledge. Now it is not just imams and caliphs that intervene, or interfere, in the religious sphere, but secular authorities such as parliaments and High Constitutional Courts staffed with secular lawyers. In states such as Egypt, where “the principles” of the shari’a serve as the main source of legislation, they decide on the constitutionality of draft laws, or pass judgements in cases involving apostasy charges. Are they, then, to be considered religious authorities, too? At the same time, social scientists researching Muslim communities in the west have emphasized the processes of individualization of religious education and experience. They have also been criticized for underrating countervailing tendencies. In all instances, the element of trust in constituting and maintaining religious authority remains to be more fully explored.


While aware of the wider issues, the editors and authors of the present volume could not possibly cover them all. The volume has a strong focus on Middle Eastern Muslim majority societies in the period from the eighteenth to the twentieth centuries; one paper (Annabelle Böttcher) deals with a Sufi network of Middle Eastern origin operating in the United States of America and Western Europe. In their majority, the authors do not approach their subject with an explicit theoretical agenda. Rather, they offer case studies elucidating important aspects of the wider issue in a way that we hope will deepen our understanding of the relevant phenomenon, and help to further refine the concepts used to analyse the larger issue. Individually and collectively, they highlight the scope and variety of religious authority and religious authorities in Muslim societies past and present: contingency is not just fashionable term.

The majority of the papers were presented at an international symposium “Religious Authorities in Middle Eastern Islam,” organized by the Interdisziplinäre Zentrum “Bausteine zu einer Gesellschaftsgeschichte des Vorderen Orients,” and held in Berlin from 5 to 8 December 2002. Not all speakers were able to contribute to the present volume. Camilla Adang, Asma Afsaruddin and Paul Walker were invited to contribute later.

There are a number of people and institutions we would like to thank for their assistance: Free University of Berlin and the Georges Anawati Foundation for their financial support to both the conference and the present volume; the participants at a seminar we held in the summer of 2003 and our colleagues in the Interdisziplinäre Zentrum for their intellectual input; Jan Thiele, Katja Niethammer and Roman Seidel for their editorial assistance in preparing the volume; Reinhard Schulze for his thoughtful comments and for accepting it in the series Social, Economic and Political Studies of the Middle East and Asia; and Trudy Kamperveen at Brill for her patience in seeing it through the press.

Berlin, December 2005
Gudrun Krämer and Sabine Schmidtke
“THIS DAY HAVE I PERFECTED YOUR RELIGION FOR YOU”
A ZĀHIRĪ CONCEPTION OF RELIGIOUS AUTHORITY
Camilla Adang

Introduction

One of the most salient features of the Zāhirī, or literalist, school of law is its total rejection of *qiyās*: reasoning by analogy. The Zāhirī madhhab, which is now extinct, originated in 3rd/9th century Baghdad, where it was initiated by Abū Sulaymān Dāwūd b. ʿAlī al-Iṣfahānī (d. 270/884). A onetime follower of al-Shāfīʿī, Dāwūd, who had earlier exchanged his “native” Ḥanafī madhhab for the Shāfīʿī one and written two tracts in praise of its *imām*, turned his back on his adopted school after concluding that it, too, left too much room for human, and therefore fallible, speculation. His rejection of *qiyās*, which was regarded by al-Shāfīʿī as one of the four *usūl al-fiqh*, the sources and methods from and by which legal decisions could legitimately be derived, earned Dāwūd the paradoxical nickname *al-Qiyāsī*. However, no less important than his rejection of *qiyās* was

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1 Qurʾān 5:3. The translation used throughout this article is the one by Marmaduke Pickthall, entitled *The Meaning of the Glorious Koran. An Explanatory Translation* (New York/London 1992), with minor changes. Wherever the name “Allah” appears I have replaced it with “God.”


Dāwūd’s opposition to taqlīd, the adoption of the views of an earlier authority without consulting the revealed and inspired sources of the law, a practice he attacked in his writings. In Dāwūd’s view, the only sources from which legal rulings could be extracted were the Qurʾān and reliable prophetic traditions in their most literal sense (zāhir), as well as the consensus of the Prophet’s Companions. The interpretive role of the legal scholars he reduced to a minimum.

None of the numerous works in which Dāwūd presented his system has come down to us, but his principles can be reconstructed from biographical dictionaries and legal compendia emanating from schools other than his own.

Already during the lifetime of the founder, the new school, which became known as the Dāwūdī or Zāhirī madhhab, became very influential, both in its region of origin and elsewhere. Its distinctive views were debated by the school’s opponents and rivals, and included in works dealing with ikhtilāf. For about a century the madhhab was much in vogue and attracted many adherents, although in keeping with their rejection of taqlīd, Dāwūd’s disciples, starting with his own son Muḥammad, felt free to criticise their master. Within a generation after Dāwūd’s death, we hear of Zāhirīs being appointed as qādīs in major cities like Baghdad, Shīrāz, Iṣfahān, Fīrūzabād, Ramla, Damascus, and Fuṣṭāṭ.

Dāwūd’s teachings were also exported to the Islamic West. A number of Mālikī scholars from Qayrawān are known to have met him, and several of his works were introduced in their city, where vivid debates on legal issues were already taking place between Mālikīs and Hanafīs. Even further afield, in al-Andalus, Dāwūd’s writings

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7. It is not clear, however, whether these men were free to judge according to Zāhirī principles, or were required to rule according to the schools that were dominant in their respective districts.
were introduced by a direct disciple of his.\(^9\) Whereas in the heartlands of Islam Zahirism developed alongside, and largely in opposition to, Hanafism, Shafi’ism, Hanbalism and, to a lesser extent, Malikism, in al-Andalus it competed only with the latter school of law. Malikism had come to be adopted as the official madhhab in the Iberian Peninsula, and was actively supported by the ruling branch of the Umayyad dynasty and, after their fall in 422/1031, by the party-kings.\(^10\) Legal scholarship in al-Andalus centred around the ra’\(^y\) (personal opinions) of the venerated imām Mālik b. Anas (d. 179/796) and his immediate disciples,\(^11\) and was initially characterised by a profound suspicion of, and even aversion to the sunna of the Prophet which, it was feared, would undermine the monopoly of the Malikī scholars, few of whom were well-versed in hadith.\(^12\)

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\(^10\) The commonly accepted explanation for this official support is that the participation of a number of leading Malikī scholars in a popular revolt against the Umayyad emir al-Ḥakam I (ruled 180/796–206/828) brought home to the ruler that he needed the support of the ‘ulamā’ in order to ensure his political survival. Without agreeing with it in full, Maribel Fierro summarises this explanation as follows: “[a]n entente cordiale between rulers and Malikī scholars was formed that lasted for the rest of Andalusi history: rulers left the religious field to the Malikīs who in turn agreed to legitimize their rule;” see her “Proto-Malikīs, Malikīs, and Reformed Malikīs in al-Andalus,” in *The Islamic School of Law. Evolution, Devolution, and Progress*, eds. Peri Bearman, Rudolph Peters, and Frank E. Vogel, Cambridge, Mass. 2005, pp. 61f. On the period of the party-kings, see David Wasserstein, *The Rise and Fall of the Party-Kings. Politics and Society in Islamic Spain, 1002–1086*, Princeton, N.J. 1985; María Jesús Viguera Molins, *Los reinos de taifas y las invasiones magrebíes (Al-Andalus del XI al XIII)*, Madrid 1992.


of Zâhirîs in different parts of the Iberian Peninsula. Although several of them contributed to the spread of Zâhirî scholarship in their writings, none of their works has come down to us, so that we remain entirely dependent on the works of their compatriot, the well-known polymath Ibn Ḥazm of Cordoba (d. 456/1064), who is the only literalist to have left a substantial corpus of Zâhirî ʾusūl and fiqrî works.\textsuperscript{13} In what follows we shall examine this man’s views on religious authority, and especially his uncompromising rejection of taqlîd.\textsuperscript{14} It will be seen that his call to replace taqlîd with individual, scripture-based ijtihād, in combination with his disrespectful attitude towards Mālik b. Anas and his followers, set him on a collision course with the religious establishment in al-Andalus, whose monopoly he sought to break. In the first part of this study I shall present some of the arguments that were advanced by the advocates of taqlîd, and Ibn Ḥazm’s refutation of them; the second part will briefly discuss the alternative to taqlîd that was advanced by Ibn Ḥazm, viz. ijtihād for everyone. Although an extensive and ever growing research literature on Ibn Ḥazm renders it superfluous to introduce him here at length, some basic biographical details may be useful in order better to appreciate his position.

\textit{Ibn Ḥazm}

Living in a period that witnessed the final collapse of the Umayyad caliphate in al-Andalus, this son of an important court official exchanged his political aspirations for a life of scholarship after several stints in prison. The author of a literary work on love in all its manifestations and complexities,\textsuperscript{15} Ibn Ḥazm also excelled in genealogy,


\footnote{15 The well-known \textit{Tawq al-ḥamāma}, available to the reader in two English trans-}
law, theology, Qur’ānic studies, Prophetic Tradition and its auxiliary sciences. In legal matters he first followed the Mālikī madhhab which had been his father’s, and which he shared with the overall majority of Andalusis, but at some point in his life, probably around the age of thirty, Ibn Ḥazm became a Shāfi’ī. However, Shāfi’ism satisfied him only briefly and like Dāwūd al-Īṣfahānī before him, he abandoned it for a literalist approach to the revealed texts. And like Dāwūd, he rejected taqlīd and declared that the only source of authority was the Prophet Muhammad, who had brought God’s book, and whose behaviour was divinely inspired. The only valid consensus to be followed was that of the Prophet’s Companions, to the extent, at least, that it agreed with the Prophet’s teachings and actions. Since there is to be no deviation from what had been instituted by God and His Messenger in the lifetime of the latter, the authority of later generations of religious scholars is to be severely restricted, and taqlīd, following an authority whose teachings are bound to differ from those of the Prophet, is strictly forbidden.

Ibn Ḥazm taught these views to a curious, but largely unsympathetic public that was put off by his biting criticism and the offensive language in which he addressed and described his opponents, scholars, magistrates and politicians alike. It is not surprising that a fellow-Andalusi later compared his sharp tongue to the sword of al-Ḥajjāj, the notoriously cruel governor of Iraq. Ibn Ḥazm regarded himself as one of the few Muslims who remained loyal to the legacy of the Prophet and had not turned to an alternative source of authority. He saw it as his mission to bring people back to the original and unadulterated teachings of Islam, but was quick to declare anyone who disagreed with him an unbeliever (kāfir) who would go straight to hell. Needless to say, this did not make him many friends. He was ostracised and became increasingly isolated, and towards the end of his life his books were publicly burned in Seville. He withdrew to his family’s estate in the south-west of the Iberian Peninsula,
and continued to write until his death in 456/1064. His views on the exclusive authority of God and His Messenger can be found in several of his works, among them al-Muhallâ bî l-āthār, al-Durra fimā yajib ‘ittiqāduhu, al-Nubdha al-kāfya, Mulakhhas Ibtâl al-qiyyâs, and especially al-Ihkâm fī usūl al-akhirām.17 The following discussion will be based mainly on the chapters on taqâdîm and ijtihād from the latter work.18 In the present study, only a brief survey can be given, which cannot do full justice to the subtlety of Ibn Ḥazm’s argumentation.19 A more comprehensive discussion is projected for a future publication.

Although Ibn Ḥazm takes issue with all the madhāhib, even that initiated by Dāwūd b. ‘Alī, the present discussion will concentrate on the Mālikiyya. For even though the author is highly critical also of the followers of Abū Ḥanîfa and al-Shâfi‘î (much less of those of Ibn Ḥanbal, who was apparently still regarded as a hadith scholar rather than a faqîh),20 it was the Mālikiyyah who were his adversaries in actual practice, and the ones who tried, albeit unsuccessfully, to silence him.

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18 See Al-Ihkâm fī usūl al-akhirām, vol. 2, pp. 227–319 (= part 6); 587–99 (= part 8).

19 I have taken the liberty to paraphrase Ibn Ḥazm’s arguments, and to reverse the order of some of his discussions. A certain amount of repetition will be inevitable, since it is a feature of Ibn Ḥazm’s method to get his message across.

At the centre of Ibn Ḥazm’s discussion of religious authority are a number of passages from the Qur’ān that are understood in their literal sense. The Qur’ān was revealed by God in plain Arabic speech (26:195), as an exposition of all things (16:89). These two verses are taken by Ibn Ḥazm to mean that God has explained His will very clearly in His revelation, and that one should not try to read more into it than the text provides, or than has been elucidated by the Prophet Muḥammad. Had God wanted to divulge more, He would have done so. The Qur’ān and the sunna are to be taken in their literal sense, without any taʾwīl, and without trying to determine the reasons behind God’s precepts and prohibitions (taʾlīl). This means, for example, that an imperative is to be taken literally, as a divine command which is not open to discussion, unless it has been abrogated by another imperative contained in either the Qur’ān or the sound hadīth. Both these sources contain clear injunctions, and everything that has not been explicitly forbidden or made incumbent is allowed, though with shades of approval and disapproval.

One of the verses most frequently cited by Ibn Ḥazm is 5:3, believed to have been revealed on the occasion of the Prophet’s Farewell Pilgrimage,21 in which God says: “This day have I perfected your religion for you and completed My favour unto you.” In Ibn Ḥazm’s view, this verse, with its emphasis on “this day,” clearly shows that the religion of Islam had been perfected during the lifetime of the Prophet and his Companions, the sahāba. From that moment on, no changes or additions could be made to it. The Muslim community was now left with the Book of God and the example of his Messenger, whose behaviour and sayings are believed by Ibn Ḥazm to have been divinely inspired, on the basis of Qur’ānic verses like 53:4. The sahāba, who witnessed the revelation and were close to the Prophet, were responsible for the reliable transmission of information about his actions and sayings, but this is where their authority ended: they could not themselves institute laws that were not in accordance with the Book of God and the inspired sunna of His Messenger. Thus an opinion by ʿUmar b. al-Khaṭṭāb (who would

become the second caliph) which goes against the express instructions of the Prophet, is to be rejected out of hand, for it is unthinkable that new laws could be added to those instituted, at God’s behest, by the Prophet. According to Ibn Hazm, the Companions never tried to circumvent the authority of the Prophet. It is true that they sometimes issued opinions on the basis of their personal *ra’y*, but they would revoke their decisions the moment they became aware that they contradicted a ruling by the Prophet. The views of individual Companions, then, are of no value whatsoever if they contradict the Messenger of God. The only circumstance under which the Companions may legitimately be invoked as a source of authority is if there is an absolute consensus from which not even one of them deviates, and provided that the opinion agreed upon conforms to the Prophet’s view. A view that contradicts that of the Prophet, even if it were to be commonly held by all Companions, is still devoid of any value. But then this possibility is purely theoretical, for in the lifetime of the Prophet, and even after his death, not a single Companion would have dared to deviate from his way and to advance his own personal *ra’y*. The same can be said of the second and third generations, those of the Successors and the Successors’ Successors.

What galls Ibn Ḥazm is the fact that the advocates of *taqlīd*, in actual practice mainly the followers of Abū Ḥanīfa, Mālik b. Anas and al-Shāfi’ī, try to legitimise their emulation of their *imāms* on the basis of a series of supposed historical precedents, rational considerations, and scriptural passages. These will be presented in what follows.

*Attempts at legitimising taqlīd*

*Historical precedents*

The defenders of *taqlīd* claim that already the Prophet’s Companions often adopted the views of their fellow-ṣahāba, even if they contradicted the rulings of the Prophet. In other words, the ṣahāba were *muqallīds*, and if they were, there is apparently no objection to *taqlīd*. As a case in point, they mention that the eminent Companion Ibn Masʿūd adopted the views of ʿUmar. Ibn Ḥazm, however, argues

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22 On the Companion ʿAbd Allāh b. Masʿūd (d. 32/652), see al-Dhahabī, *Siyar,*
at length that Ibn Mas‘ūd did no such thing; first of all, the traditions that supposedly document this fact are unreliable. And secondly, Ibn Mas‘ūd more often than not disagreed with ‘Umar. He was very close to the Prophet, and was widely regarded as the most knowledgeable person among the Companions in all matters connected with the revelation. He would have been in no need to follow someone else’s opinion; taqlīd is for people who do not know and who need someone else to tell them what they wish to know. If Ibn Mas‘ūd ever accepted ‘Umar’s view, it was only because the latter was the caliph and Ibn Mas‘ūd one of his subjects. Even if it could be demonstrated that the Companions did indeed practice taqlīd—which they did not—this still does not provide a licence to adopt the sayings of Abū Ḥanīfa, Mālik b. Anas, or al-Shāfi‘ī. Surely no one will claim that the latter were more learned than the Prophet’s own Companions!

In a similar way Ibn Ḥazm refutes the arguments of those who say that the Prophet himself in fact condoned the following of individuals other than himself. On one occasion, Mu‘ādh b. Jabal23 allegedly criticised his fellow-ṣaḥāba in the presence of the Prophet for what he regarded as their incorrect performance of the prayer. The Prophet then told his Companions that Mu‘ādh had given them a sunna which they would do well to adopt.24 This hadīth, too, is rejected as being unreliable. But even if it were sound, says Ibn Ḥazm, it would not constitute proof, for according to this tradition Mu‘ādh’s action only became sunna when the Prophet ordered people to follow it. The ultimate source of authority is therefore not Mu‘ādh, but the Prophet.

But the advocates of taqlīd have additional hadīths in their arsenal. In one, the Prophet allegedly said: “Follow those who come after me,”25 which is disqualified by Ibn Ḥazm as an unreliable tradition. In various other reports with the same suspect isnād, the Prophet specifically recommends that the believers take their guidance from

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23 On the Companion Mu‘ādh b. Jabal (d. 17 or 18/638 or 639), see al-Dhahabī, Siyār, vol. 1, pp. 443–461 no. 86.
Abū Bakr, ‘Umar, and others who, he reminds his readers, often disagreed with each other. Another ḥadīth invoked in support of taqlīd is “My Companions are like the stars; you will be guided by whomever you follow.” This tradition, too, is rejected as being weak and therefore devoid of probative value. If genuine, it would sanction the existence of ikhtilāf, but, says Ibn Hazm, God has forbidden division and disagreement (8:46), and it is therefore unthinkable that the Messenger of God would give orders simply to follow anyone among the Companions; for some among them allowed certain practices, while others declared them forbidden. If this were accepted, then the sale of wine—a forbidden substance—would be allowed following Samura b. Junub; a fasting person would be allowed to consume snow following Abū Ṭalḥa, but forbidden to do so according to others. Omitting the ghusl after coitus interruptus (īkṣāl) would be required according to ‘Alī, ‘Uthmān, Ṭalḥa, Abū Ayyūb and Ubayy b. Ka’b, and forbidden according to ‘Ā’isha and Ibn ‘Umar. The sale of fruit before it had ripened would be allowed according to ‘Umar, but forbidden according to others.

Ibn Ḥazm strikes back with a ḥadīth which he does believe faithfully to reflect the words of the Prophet: “Mark my words, you people; I have delivered [my message] and I have left among you, people, something that if held on to, you will not go astray: the Book of God and the sunna of His Prophet.”

Some advocates of taqlīd also appeal to the Prophet’s alleged statement: “you have my custom and the custom of the Rightly-Guided Caliphs,” which in their view provides prophetic endorsement of the acceptance of practices not instituted by Muḥammad himself, and hence of taqlīd in general, including that of the imāms and their disciples. However, it is well known that the first caliphs, or Rāshidūn, were strongly divided among themselves, which means that they did not possess an agreed-upon custom. And we also know, says Ibn

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Hazm, that the Prophet did not order us to do anything we are not capable of, and it is clearly impossible to adopt everything the caliphs disagreed on, for this means adopting one thing and its opposite. We could, of course, pick our choice from among their decisions, but this is tantamount to renouncing Islam, for it would mean that God’s religion would be entrusted to our individual choice. Any one of us could then forbid what he pleases and allow what he pleases, and one would forbid what the other allows. But God says that He has perfected His religion for us (5:3), that we should not transgress the boundaries (2:229), and should not dispute (8:46). What was forbidden at the time of the Prophet must be forbidden until Resurrection Day, what was obligatory then is obligatory until Resurrection Day, and what was allowed at the time is also allowed until Resurrection Day.

If we were allowed to select certain opinions of the Rightly-Guided Caliphs, we would be abandoning the view of one of them the moment we adopted that of another. This would not be “following their custom,” which was supposedly commended by the Prophet. If it is not possible to adopt the views of all of them, and it is not allowed to make a selection on the basis of our personal preferences, the only thing that remains to be done is to accept what the Rāshidūn were indeed agreed upon, which is the need to follow the custom of the Prophet. It is only in this that they should be followed. This cannot be considered taqlīd, for in fact, the custom that is being emulated is the Prophet’s own, which was divinely inspired. He who believes that the Prophet gave orders to follow a different sunna, be it that of the Rāshidūn or anyone else’s, is a liar and an unbeliever.

There is ample evidence that the Rightly-Guided ones adopted the practices of the Messenger of God whenever they became aware of them. ‘Umar once vehemently scolded and even beat a man who asked him about a matter about which he had earlier queried the Prophet, taking ‘Umar as a separate source of authority, as it were. Whoever wants to follow the caliphs should follow them in that which they are agreed upon and abandon taqlīd. The caliphs themselves objected to their decisions being turned into sunna. They did not expect to be emulated; on the contrary, they allowed disagreement. They were often contradicted by their contemporaries, but it would not have occurred to any of them to deny the believers the right to disagree with them. They knew that not they were the true role model, but the Prophet. Many scholars of later generations were rather less modest.
Rational arguments for taqlīd

In their attempts to render *taqlid* acceptable, its upholders not only refer to historical precedent, but also use rational, or rather common-sense, considerations. Some argue that the practice cannot be avoided completely; there are always situations in which you have to accept what someone else says and thereby endow him with authority. When you go to the butcher, for example, and take his word for it that he has mentioned the name of God while slaughtering, as required by Islamic law—although he may well have omitted to do so—you in fact follow him, and it is like that with everything. According to Ibn Ḥazm, this is completely ludicrous, and only someone devoid of intelligence, belief, shame and fear of God could say something like this. For if this counts as *taqlid*, then it is possible to be the follower of every sinner (*fāsiq*) and everyone who holds a deviant opinion, as well as of the Jews and the Christians, because the Muslims buy meat from them just like they buy meat from their fellow-Muslims, and believe them to have mentioned God’s name over their slaughtered animals.²⁹ Does this mean that they follow their religion? Someone who maintains this has in fact renounced Islam. Moreover, if he regards such behaviour as *taqlid*, then he is obliged to follow any and every scholar, rather than adopt the views of one, Mālik, say, or al-Shāfi‘i, to the exclusion of others, in the same way that he would accept the word of any butcher, rather than believing just one of them. If he rejects this comparison, then his own initial argument is proven to be void as well. Besides, one should know that accepting the word of a butcher, an artisan or the seller of a commodity is not *taqlid* at all; we take their word because the Prophet tells us to do so, and *this* is what renders it acceptable. His Companions asked him one day about this very issue, saying, “O Messenger of God, people who were unbelievers until recently come to us with slaughtered animals but we do not know if God’s name has been pronounced over them.” And he said: “Pronounce you the name of

²⁹ According to Ibn Ḥazm, ritual slaughter can be performed by any Muslim, male or female, pious or sinful, as well as by Jews and Christians and even by Zoroastrians. The latter are disqualified by most other Muslim legal scholars. For Ibn Ḥazm, the only requirement is that the name of God be pronounced at the time of the slaughter, be it in Arabic or in another language. See Ibn Ḥazm, *Al-Muḥallā*, vol. 7, pp. 454–56 no. 1053; p. 414 no. 1005.
God and eat,” or words to that effect. As for the Jews and the Christians: God himself has told us to eat the food of the People of the Book and their slaughtered animals (cf. 5:5, 7:157). Obeying a divine or prophetic commandment is not *taqlid*; it is never *taqlid*.

The upholders of *taqlid* insist that a certain measure of it is inevitable, since people who are at a loss need guidance. A blind man or a passenger on a ship needs to be directed towards the *qibla*; they are in need of others for the proper fulfillment of their religious duties, and have to take the other’s word for the correctness of their information. According to Ibn Ḥazm, however, this is merely accepting information, and does not fall under the definition of *taqlid* either, so their attempts at making it acceptable are futile.

**Scriptural arguments for *taqlid***

Some *muqallids* try to defend their position on the basis of the Qur’ānic verse 4:125: “Who is better in religion than he who surrendereith his purpose to God while doing good and who followeth (*wa-ttaba‘*) the religion (*milla*) of Abraham, the upright? God [himself] chose Abraham for friend.” According to Ibn Ḥazm, however, following the prophet Abraham is not *taqlid* either; for *taqlid* is to follow someone whom God has *not* ordered us to follow, and to adopt the views of a man who is *not* a prophet. It is only when there is a sacred text or a valid consensus to the effect that a certain person is to be followed that this is indeed allowed; in the absence of such an indication, no one may be taken as a model to be emulated, and thus be endowed with authority. There is nothing in God’s recommendation to follow the *milla* of Abraham that obliges us to follow Mālik, Abū Hanīfa or al-Shāfī‘ī; we were certainly never ordered to follow *them*, says Ibn Ḥazm. It is like calling a pig a sheep, or a sheep a pig, which does not mean that the pig becomes licit and the sheep prohibited. (This unflattering comparison is a relatively minor insult compared to others we find in Ibn Ḥazm’s works, but it probably did little to endear him to his Mālikī peers.)

The above verse is not the only scriptural passage adduced by the *muqallids*; they quote a series of Qur’ānic verses in which the believers

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30 Cf. al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, vol. 5, p. 2097 no. 5188 (*Bāb dhābiḥat al-ʻarab*).
and those who follow Muḥammad are praised by God, such as 48:29, 18; 4:95, and 9:100. They argue that people who are thus praised by the Lord must be far from error, and therefore, it is implied, worthy of emulation. Ibn Ḥazm agrees that no one disputes the sublime rank of these people, and that they are indeed worthy of praise. But, he says, this speaks against the proponents of taqālīd, not for them. Ibn Ḥazm is convinced that he personally has shown the Companions far more respect than the muqallids have, for he has abandoned the views of the Companions in favour of a binding saying of the Prophet, whereas they have merely abandoned the statements of the Companions in favour of those of Mālik, Abū Ḥanīfa and al-Shāfiʿī. Moreover, the fact that these eminent Companions are worthy of praise does not imply that they be must be followed, for the Messenger of God said that Abū Bakr and ʿUmar, who were the two most excellent men after him, were fallible. Now, it is not allowed to accept the view of anyone who is prone to error.

Ibn Ḥazm rejects as utter nonsense the appeal of the muqallids to verse 4:59 from the Qurʾān, which in his view constitutes the strongest argument against taqālīd. Since this verse is quoted in most discussions of religious (and political) authority in Islam, and is frequently adduced by Ibn Ḥazm as well, it is worth citing here in full: “O ye who believe! Obey God and obey the Messenger, and obey those of you who are in authority (ullā l-amr minkum), and if ye have a dispute concerning any matter, refer it to God and the Messenger if ye are believers in God and the Last Day.” At first sight, it would seem as if this verse appoints a third source of authority, besides God and His Messenger, namely those who are in authority among the Muslims. But who are they, and what is their mandate? The famous exegete al-Ṭabarī (d. 310/923), in his commentary on this verse in his Tafsīr, lists the following interpretations that were known to him. Ullā l-amr are: (1) the military commanders (al-umārāʾ); (2) the rulers (al-salāṭīn); (3) the ‘ulamāʾ and fīqāhāʾ; (4) the Prophet’s Companions (ṣaḥāba); (5) Abū Bakr and ʿUmar only.31 According to Ibn Ḥazm, now, the people of authority among the Muslims are those scholars who do not deviate from God’s commands but whose

31 See Abū Jaʿfar Muhammad b. Jarīr al-Ṭabarī, Tafsīr al-Ṭabarī, Jāmiʿ al-bayān ‘an taʾwīl āy al-Qurʾān, eds. M.M. Shākir and A.M. Shākir, Cairo 1954, vol. 8, pp. 496–503. Al-Ṭabarī himself believes that the first opinion is correct. However, he adds the governors (al-wulāt) to the army commanders.
sayings faithfully reflect His teachings in the Qurʾān, and the Prophet’s precedent as reflected in the ḥadīth, and who do not arrogate any independent authority. In fact, then, they do not constitute an alternative authority at all. God only ordered the Muslims to obey them in what they transmitted on the authority of the Messenger of God, not in anything else. If someone says that these scholars should be followed also in what they state on the basis of their ʿiḥād, this is incorrect.32 And even if it were correct, it would apply to all scholars collectively, not just to some of them, because God did not say: wa-baʾd ʿālī ʾamr mīnkum, but He ordered to follow all those with authority among them, which means all the scholars, to the extent that they are fully agreed on a matter that reflects the teachings and practice of the Prophet. In other words, one is not allowed to follow a certain imām of one’s choice, Mālik, for example, or Abū Ḥanīfa, but must accept the consensus of scholars (ʿijmāʾ), which is in fact a continuation of the agreement of the saḥāba, who in turn, as was seen, only continued to apply the practices of the Prophet. That the scholars are to be obeyed only when there is no disagreement, in other words: when there is ʿijmāʾ, is made clear by the second part of the verse, says Ibn Ḥazm. There it is stated that in case of a dispute, it should be referred to God and His Messenger, and no mention is made at all of those in authority, which means that God deliberately excludes them. This proves that the scholars cannot act as independent authorities in cases where there is no agreement, and that the solution must be found in the sacred sources. The role of the ʿulamāʾ, then, is to be restricted to that of expounding and confirming God’s will as expressed in the Qurʾān and through the example of Muḥammad. On no account are they to add new laws based upon their own raʾy or on equally subjective methods to extract legal rulings from the texts, such as analogical reasoning (qiyās); this would be deception, and exceeding their mandate. Not only are they not to propound their own raʾy, but they cannot accept that of anyone else either. The Prophet is the only one whose sayings may be accepted and whose behaviour may, or rather should, be emulated; he is the only one who was divinely inspired and infallible.

Ibn Ḥazm states elsewhere that the term ʿulū l-ʾamr also applies to the rulers of the Ummma, and that Qurʾān 4:59 demands that they be

32 The term ʿiḥād is probably used here in the sense of raʾy: a personal opinion not grounded in scripture.
obeyed, but, he adds, only to the extent that they abide by God’s law: the moment the ruler issues orders that contradict the revealed texts and the accepted consensus, the duty to obey him lapses. While the role of the scholars, then, is limited to explaining God’s law, that of the rulers is restricted to applying it.

Arguments against taqlīd

Scriptural arguments

To the Qur’ānic passages that are adduced by the muqallīds in support of their point of view, Ibn Ḥazm opposes another series of verses in which God, in his view, clearly condemns the following of any authority other than Himself. Qur’ān 29:43, 41 and 9:16, for example, warns the believers against taking other than God as their patron; such people take the words of one man as their standard, rather than those of God, the Prophet and the remaining scholars. Other verses listed here are 33:66–7: only when it is too late and they are already burning in hell will the people who did not obey God and His Messenger regret that they followed their chiefs and grandees, who only misled them. In Qur’ān 37:157 and 2:111 the people are challenged to produce their book, or their proof. He who does not bring the book of God as a testimony to his saying, and no proof for the veracity of his claim, is a liar, inventing things about God; he who obeys his leaders and grandees abandons that what has reached him from God and His Messenger, says Ibn Ḥazm, but no man or jinn should say anything that is untrue about God (72:5).

The Qur’ān also emphasizes that those who are turned into models of emulation by their followers are themselves opposed to this: “when those who were followed disown those who followed [them], and they behold the doom, and all relations between them would be cut off” (2:166). Ibn Ḥazm points out in a different context that at least some of the imāms of the schools were opposed to taqlīd.

In several verses the Qur’ān criticizes those who refuse to accept the Prophet’s message coming from God, and who cling to the practices and beliefs of their ancestors instead; thus 2:170: “When it is

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said to them: Follow that which God hath revealed, they say: We follow that wherein we found our fathers.” The behaviour described in this verse and others similar in content (e.g., 7:28, 5:104, 2:168–170, and 43:22–24) is like the behaviour of the *muqallid*, says Ibn Ḥazm, but God answers them thus: “who goeth farther astray than he who followeth his own whims, without guidance from God? Lo! God guideth not wrongdoing folk” (28:50); God seals the heart and the ears of such a person, so that he will not be rightly guided (45:23). This, says Ibn Ḥazm, is the description of every *muqallid*: he who turns his own fanciful thoughts into his god will be sent astray by the Lord; his hearing and his sight avail him not, which means that he is not open to the word of God and the *Sunan* which differ from his own way. He does not seek the guidance of the Book of God or the Prophet, but the guidance of someone other than God. The *muqallid* is furthermore described in 6:71 as someone who cries to others instead of God, and is led astray though his friends beckon him to come to them. He should know that the only guidance comes from God (2:120), and that there is no guidance in what does not come from Him.

According to Ibn Ḥazm, then, the text of the Qurʾān clearly demonstrates that the *muqallid* is doomed. Those who accept the eponymous founders of the legal schools as their friends, rather than the Prophet, are no better than the Jews and the Christians, who are condemned by God in the Qurʾān for taking their religious authorities as objects of excessive veneration. (This accusation recurs several times in Ibn Ḥazm’s discussion, as will be seen.) The Scripture declares the imitation of all men and women null and void, and prohibits the emulation of all forefathers and leaders. This view was held by all the pious ancestors, says Ibn Ḥazm.

Apart from verses criticising the imitation of ancestral practices, Ibn Ḥazm also quotes a passage in praise of those who listen to the word of God, that is, those who do not imitate, but follow God’s advice as conveyed by the Prophet (39:17–18).

*The subjectivity of taqlīd*

*Taqlīd*, says Ibn Ḥazm, is completely subjective. On the basis of which criteria does one decide to follow one *imām* and not another? All of them are equally fallible, since apart from the Prophet no one
has been made immune to mistakes. Even the Companions and the Successors had been fallible, although there had not been not a single person among them who deviated from the rules of the Qur’an and the Sunna, and to whom it would have occurred to advance his own ra’i as an alternative to these rules. The Muslims of the first three generations—who were praised by the Prophet as the best of his nation—were all pious individuals (Ibn Hazm calls them al-salaf al-ṣāliḥī) who would not have dared to rule according to their own insights. It is around the year 140 of the Hijra (757–758 C.E.), however, that the rot set in, more than a 130 years after the death of the Messenger of God. This date, which coincides with the last decade of Abū Ḥanīfa’s life, is regarded by Ibn Hazm as the turning point. From now on, scholars not only ruled on the basis of their ra’i, but their disciples began to regard their masters, rather than the Prophet, as models for emulation. This reprehensible innovation, which did not exist before that time, soon became common practice, and around the year 200 of the Hijra (815–816 C.E.) it had spread over the entire world. In his own day Ibn Hazm found that on the face of the earth there was not a soul who did not identify himself as an adherent of Sufyān al-Thawrī,34 Abū Thawr,35 al-Awzā’ī,36 Mālik b. Anas, Ibn al-Qāsim,37 Abū Ḥanīfa,38 Abū Yūsuf,39

al-Shaybānī, Dāwūd b. ‘Alī or Ibn Ḥanbal, while neglecting the Prophet. People no longer searched for God’s law in the Qur’ān or the hadith; in fact, no one paid any attention to the revealed sources. Ibn Ḥazm refers to Sufyān b. ‘Uyayna, who is reported to have said that the affairs of men were in harmony until they were changed by Abū Ḥanīfah in Kūfa, al-Battī in Baṣra and Mālik in Medina. He adds that this is absolutely correct, for these were the first ones to speak their own ra’īy and to reject the hadith; the people immediately accepted this and regarded it as permitted, as people will rush to embrace anything that is false, for the truth is bitter and hard to take. There were some exceptions, namely those individuals whom God rendered immune to such behaviour, and whom He firmly put on the track of the pious ancestors from the three preceding praiseworthy generations. They follow the customs of the Messenger of God, study the Qur’ān, and abandon taqlīd. Ibn Ḥazm prays that he may be counted among these virtuous people.

If the muqallīds admit that there was before the imām of their choice someone more excellent and learned than he—and how could they possibly deny that—why then did they abandon the more excellent and learned one, and do they follow the less excellent and less learned one? If it is a mere matter of chronology, assuming the later ones to be more learned than their predecessors in the first generations, they will be reminded of excellent scholars who lived after their imām, and who would be equally, if not more worthy of being followed.

A Mālikī, a Ṣafī, a Ḥanafī, a Sufyānī or an Awzā’ī should follow Iḥṣām b. Hanbal on these grounds, for he came after all these scholars, and no one among the ‘ulamā’ of the ahl al-sunna, neither the hadith-minded nor the ra’īy-minded ones among them, disputes

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43 Abū ‘Amr ‘Uthmān b. Muslim al-Battī (d. 143/760), transmitter of hadith, but also known for the legal opinions he issued on the basis of his ra’īy; see al-Dhahabī, Siyār, vol. 6, pp. 148–49 no. 60.
the breadth of his knowledge of prophetic hadith and the fatwas of the Companions and the Successors, just like no one denies his discernment, his excellence, his piety, and the caution he exercised when issuing legal opinions. Or they should follow Ishāq b. Ibrāhīm al-Ḥanẓali, who was endowed with similar qualities and in addition possessed sublety of reflection and soundness of understanding, or follow Abū Thawr, who reached the acme of all this.

A Ḥanbalī should rather follow Muḥammad b. Naṣr al-Marwazī, for he came after Aḥmad b. Ḥanbal, transmitted hadiths from him and combined all his knowledge; he also met the disciples of Mālik and al-Shāfi‘ī and the disciples of the disciples of Abū Ḥanifa, who taught him what they knew. There was no one more knowledgeable about the Qur’ān and the hadith, the accounts of the Companions and the proofs, or more subtle in reflection, in addition to his enormous piety and his firm faith. Or he should follow Muḥammad b. Jarīr al-Ṭabarī, or al-Taḥāwī, or Dāwūd b. ‘Alī. A follower of Dāwūd should follow someone who came after him, like his son Muḥammad, or Ibn Suraq, al-Ṭabarī, Muhammad b. Naṣr al-Marwazī, or al-Taḥāwī. All these people, says Ibn Ḥazm, were equally, if not more, learned than the ones who were chosen to be models of emulation, and yet they were not widely accepted as imāms.

It is important to note that Ibn Ḥazm’s disapproval of taqlīd extended even to the founder of the Ḥārīm school, who, though regarded by him as being closer to the truth than the imāms of the other madhāhib, and described in milder terms than they, is nevertheless said to be less excellent and learned in Tradition than the

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46 Abū Ja‘far Muḥammad b. Jarīr al-Ṭabarī, the famous historian and commentator of the Qur’ān, is also regarded as the founder of a distinctive school of law, the Jarīriyya, which was, however, short-lived; see on him al-Dhahabī, Siyār, vol. 14, pp. 267–82 no. 175; C.E. Bosworth, “al-Ṭabarī,” in The Encyclopaedia of Islam. New Edition, vol. 10, pp. 11–15.


48 On Abu l-ʿĀbbās Aḥmad b. ʿUmar b. Suraq (d. 306/918) and his contribution to the development of the Shāfi‘ī school, see Melchert, The formation, Chapter Five.
Companions, and therefore even less than they to be taken as a source of emulation. 49

Even if the muqallids would take care not to choose their model for emulation on the basis of irrational criteria, but on the basis of excellence, their taqlīd would still be void. First of all, the most excellent scholars are themselves opposed to it. All the fuqahā’ that are venerated by their disciples in fact prohibited taqlīd, and declared that the emulator is on the wrong track. It is said of al-Shāfi‘ī that he forbade the people to follow him or anyone else, and Ibn Wahb heard how Mālik denied that he possessed superior knowledge and in fact disapproved of people’s reliance on him. Moreover, the most eminent students of Abū Ḥanīfah and Mālik did not follow them. The differences of opinion between Mālik on the one hand, and his disciples Ibn Wahb, 50 Ashhab, 51 Ibn al-Mājishūn, 52 al-Mughīrah 53 and Ibn Abī Ḥāzin 54 on the other, are very well known. Even Ibn al-Qāsim, who is generally regarded as Mālik’s most prominent student, disagreed with him. Abū Yūsuf, Zufar, 55 al-Shaybānī and al-Hasan b. Ziyād 56 are known to have disagreed with Abū Ḥanīfah, just like Abū Thawr and al-Muzanī 57 held opinions which differed from those of al-Shāfi‘ī. Aṣbagh 58 and Sahnūn 59 disagreed with Ibn

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49 See also Ibn Ḥazm’s Al-Risālah al-bāhirah, sections 86–88.


52 Abū Marwān ʿAbd al-Malik b. al-Mājishūn (d. 213/828 or 214/829), student of Mālik; see al-Dhahabī, Sīyar, vol. 10, pp. 359–60 no. 92.

53 Abū Hishām (or Hāshim) al-Mughīrah b. ʿAbd al-Rahmān b. al-Ḥārith (d. 186/802), legal scholar of Medina; see Ibn Farhūn, Dībāj, pp. 425–26 no. 597.

54 Abū Tammām ʿAbd al-ʿAzīz b. Abī Ḥāzin (d. 184/800), student of Mālik; see Ibn Farhūn, Dībāj, pp. 259–60 no. 338.


56 Hasan b. Ziyād al-Luʾluʾī (d. 204/819), Ḥanāfī scholar; see al-Dhahabī, Sīyar, vol. 9, pp. 543–45 no. 212.


59 On the famous Mālikī scholar from Qayrawān Abū Saʿīd ʿAbd al-Salām b.
al-Qāsim, Ibn al-Mawwāz\textsuperscript{60} disagreed with Ašbagh; Muḥammad b. ‘Alī b. Yusuf\textsuperscript{61} disagreed with al-Muẓanī on many points, and al-Ṭaḥāwī opposed Abū Ḥanīfa and his disciples in many cases.

Secondly, excellence is not a criterion, as even the most excellent person is still fallible and prone to make mistakes, or even commit sins; he should not be followed in that. It is incomprehensible to Ibn Ḥazm that people can adopt the sayings of anyone who was not sent by God with a miracle, was not rendered immune from error, and was not close to God. (The comparison is, of course, with the Prophet Muḥammad.)

But if the īmāms were fallible, their adherents were even more so; they put their masters on a pedestal and attributed near-miraculous powers to them. People like that, who follow someone, anyone, whom God has not ordered them to follow, in this case the founders of the schools of law, are no better than the Christians or the Jews who are accused in the Qurān (9:31) of worshipping their religious scholars (aḥbār) and their monks, as well as the Messiah, i.e., Jesus. The objection that they do not exactly worship their religious leaders, and that there is a great difference between following in someone’s footsteps and worshipping that person, fails to impress Ibn Ḥazm, who insists that deferring to anyone other than God’s Prophet who was, after all, the one who brought the final revelation and whose entire behaviour was divinely inspired, is nothing short of worshipping this person. To follow anyone else is tantamount to \textit{shirk}: ascribing a partner to God. (Needless to say, this is a very serious accusation, and it is not surprising that it elicited very strong reactions among Ibn Ḥazm’s contemporaries, as we shall see.)

And yet the followers of Abū Ḥanīfa, Mālik and al-Shāfī‘ī forbid only what their masters declare to be forbidden, and only allow what their masters declare licit. It is only when the revealed texts agree with the views of their masters that they will accept them, and not

\textsuperscript{60} Abū ‘Abd Allāh Muḥammad b. Ibrāhīm, also known as Ibn al-Mawwāz (d. 269/882 or 281/894), prominent Mālikī \textit{faqih} from Egypt; see al-Dhahabī, \textit{Siyar}, vol. 13, p. 6 no. 2.

\textsuperscript{61} I have not been able to identify this scholar.
the other way around. The Mālikīs are only interested in what Mālik said, or Ibn al-Qāsim, or Saḥmūn; the Ḥanafīs want to see what Abū Ḥanīfa, Abū Yūsuf, or al-Shaybānī said, while the Shāfī‘īs are eager to know what al-Shāfī‘ī thought, and nothing beyond that. They turn away from the sayings of the Prophet, apparently forgetting that he is the only one who can intercede on Judgement Day, and that only following him can save them from the fire, if and when God grants His mercy. Ibn Ḥazm provides several examples to illustrate his point. Those who follow Mālik, he says, have forbidden consumption of the fat of cows and goats or sheep slaughtered by a Jew, and forbidden consumption of the camel and the hare killed by a Jew, emulating Mālik’s mistaken opinion on this matter. Thus they have chosen to disregard God’s own saying on this, namely, that “your food is lawful to them.”

Some muqallids have objected that they have not been equipped with a sufficient measure of intellect or understanding to extract legal rulings from the Qur‘ān and the Tradition of the Prophet, and that they are therefore in need of an interpreter, so to speak. Ibn Ḥazm objects, on the basis of a number of Qur‘ānic passages (4:82, 5:105, 6:164, 2:286) that God makes no unreasonable demands, and does not tax anyone beyond his ability. It is clear from the Qur‘ān that God has given us the ability to understand the legal rulings (ahkām) of the Qur‘ān. If not, He would not have imposed these laws on us. Is it possible that your minds are unable to comprehend what God has ordered you to do, but are capable of understanding al-Shāfī‘ī, Mālik, and Abū Ḥanīfa, Ibn Ḥazm scoffs. God never ordered that they, in particular, should be listened to, to the exclusion of all other scholars!

In this context Ibn Ḥazm tells an anecdote which may well reflect a disputation he had with his opponents in al-Andalus, and which gives an indication of his disdain for them. He says that he asked them the following question: “You all agree with me, don’t you, that

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62 Some Mālikīs apparently believed that what was forbidden for consumption to the Jews should be forbidden to them as well, and as a result they imposed dietary restrictions on themselves that had been abrogated in Islam. Ibn Ḥazm polemicises against them in his Muhallā. See on this polemic my “Ibn Hazm’s Critique of Some ‘Judaizing’ Tendencies among the Mālikites,” in Medieval and Modern Perspectives on Muslim Jewish Relations, ed. Ronald L. Nettler, Chur/Oxford 1995, pp. 1–15.
Jesus the son of Mary, the servant and messenger of God, will descend when the accursed Dajjāl\textsuperscript{63} will appear, and that he will lead the people of Islam according to their religion, and not according to any other religion?”, and that they queried him about the madhhab of Jesus: “Will he judge the Muslims and issue fatwās according to the ra’y of Abū Ḥanīfa, Abū Yūsuf and al-Shaybānī, or following Mālik, Ibn al-Qāsim and Saḥnūn?”

*Was Mālik “the scholar of Medina”?*

Although in most parts of his discussion on *taqlīd* Ibn Ḥazm targets the followers of all the legal schools—with the near-complete exception of the Ḥanbalī madhhab—one section is aimed exclusively at the Mālikīs, and apparently echoes some of the discussions that were taking place in al-Andalus at the time.

According to Ibn Ḥazm, the Mālikīs defend their attachment to the views of their imām by citing a number of sayings attributed to the Prophet which praise Medina, the city in which Mālik lived and taught his disciples. According to one prophetic tradition which exists in several slightly different versions, no one more learned will be found than “the scholar of Medina.” According to the Mālikīs, now, this is a clear reference to their imām. Ibn Ḥazm objects that Mālik was certainly not the only learned person in Medina, nor was he the most learned one. Among his fellow-townsmen were Ibn Abī Dhi‘b,\textsuperscript{64} Ibn al-Mājishūn, Sufyān al-Thawrī, al-Layth,\textsuperscript{65} and al-Awzā‘ī. No one in his right mind would assume that Mālik excelled these men in knowledge, piety, grasp of the Qur’ān, the ḥadīth, and the sayings of the Companions. What, then, makes them say the man intended in the tradition referred to is Mālik, and not, for example,

\textsuperscript{63} The word Dajjāl is often translated as “Antichrist.” The coming of this evil figure is regarded as one of the signs of the approaching Hour. He will ultimately be defeated by the returning Jesus. See A. Abel, “Dājjāl,” in *The Encyclopaedia of Islam*. New Edition, vol. 2, pp. 75–7.

\textsuperscript{64} Abu l-Ḥarīth Muḥammad b. ‘Abd al-Raḥmān b. ʿAbī Dhi‘b (d. 158/774) was a *faqīh* and *ḥadīth* scholar active in Medina; see on him al-Dhahabī, *Siyar*, vol. 7, pp. 139–49 no. 50.

Sa‘īd b. al-Musayyab,⁶⁶ who was more learned and superior to Malik? For all we know the tradition refers to ‘Umar; for during his caliphate the people flocked to Medina to study, and no one was more learned than ‘Umar himself, although Companions like ‘Ali, ‘Ā’ishah, Mu‘ādh and Ibn Mas‘ūd, who also lived there at the time, may have been equally learned though without excelling him in learning. The Malikīs cannot point to their imām’s frequent expressions of his own ra’y as proof of his superior learning either, because ra’y does not equal knowledge (ilm). If it did, then Abū Ḥanīfah and his disciples Abū Yūsuf and al-Shaybānī would be more learned than Malik, since they issued more fatwās and personal opinions than he did. Real learning is to memorise (and comply with) the customs of the Messenger of God and the sayings of the Companions and the Successors, and there were, in Malik’s days, several people who excelled him in this type of learning, as well as others who equalled him. Even if the above-mentioned tradition did indeed refer to Malik, it still only says that there was no one who excelled him in learning, but it does not say that there was no one who was equally learned. So once again, we are back with the question: why Malik, why not any of these others? The Shāfi‘īs on their part counter with another hadith, according to which a man from Quraysh will fill the earth with learning. They take this as a reference to al-Shāfi‘ī, who was of Qurashi descent and claim that there was no one else of that tribe whose learning had filled the earth. Ibn Ḥazm adds that Medina occupied no special place in scholarship at the time. Already in the period of the Companions, Iraq, Syria and Mecca all had their share of learned people, and none of them was inferior to the others. In the period of the Successors, too, it was not possible to rank the people according to the degree of their learning; they were all each other’s equals in this respect, and this was still true for the younger ones among the Successors. In Malik’s generation, now, there were many eminent scholars, and they were no less learned or pious than he. So again, even if the tradition quoted were indeed about Malik, it is still not clear which part of it renders it obligatory to follow him, rather than any other scholar. No one among the Muslims doubts that ‘Umar, ‘Alī, Ibn Mas‘ūd and ‘Ā’ishah were more learned than

⁶⁶ On Sa‘īd b. al-Musayyab (d. 93/711), Successor from Medina, regarded as a forerunner of Malik b. Anās, see al-Dhahabī, Siyār, vol. 4, pp. 217–46 no. 88.
Mālik, and yet this does not require that one follow any one of them, or that one follow any of them in all their sayings, as they do with Mālik. The traditions quoted by the Shāfiʿīs in favour of their imām do not require that the people follow him either. There is also a tradition in favour of the Persians. Does this mean one should follow the opinions of Abū ʿAbd Allāh or of Dāwūd, because they happened to be of Persian descent? Then why should the tradition about the scholar of Medina—which is flawed to begin with—be solely applicable to Mālik, when Medina knew so many other eminent scholars? The fact that Mālik would defend his views by stating that “this is the practice in our city,” as if invoking prophetic precedent, does not hold water either, for the practice of Medina in the decades before Mālik’s birth had been characterised by oppression, injustice and immorality. The city had been ruled by the sinful governors of the Umayyads, and thereafter by equally sinful Abbasid governors. The Mālikīs themselves abandoned the true practice of Medina: the text of Mālik’s Muwatta’ shows that they had broken with the practice of ʿUmar and ʿUthmān.

Another point of intense discussion between Ibn Ḥazm and his Mālikī peers was the latter’s definition of ijmāʿ as the consensus of the scholars of Medina. It would exceed the scope of this study to present this issue in further detail; suffice it to say that Ibn Ḥazm devoted many pages of a highly polemical character to the refutation of this view.67

The alternative for taqlīd: ijtihād

Having stripped the legal scholars of most of their traditional prestige and authority, what alternative does Ibn Ḥazm present to the common believers in search for religious guidance? The answer is that they should first take counsel with themselves. For in Ibn Ḥazm’s view, everyone is in principle his own mujtahid. God has endowed every individual, male or female, free or slave, rich or of modest means, with a certain capacity to understand His laws. God testifies in His Book that He does not tax us beyond our abilities, so when

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He demands compliance with His laws, He must have ensured that we have the wherewithal to understand them. Nevertheless, it cannot be denied that certain people are more qualified than others to discover God’s wishes in the Book and the sunna. If a person is confronted with a novel problem, be it legal or theological in nature, to which he does not know the answer, he should first try to find the solution in the sacred texts by himself, and not simply adopt the view of someone else, for God totally prohibited taqlid, without making any exceptions, neither for the layman nor for the scholar. God’s instructions on this point are addressed to every single person. Taqlid is forbidden to the slave exiled from his country, the layman, the secluded virgin, and the herdsman in the mountains, in the same way that it is forbidden to the erudite scholar, without any difference. Ijtihad means no more than looking for God’s legal rule (hukm) and that of His Messenger. Elaborating on a well-known tradition, Ibn Hazm states that the mere activity of ijtihad—which he interprets as trying to discern God’s will in the revealed sources—earns a person a reward in the afterlife, regardless of whether he is a scholar or a layman. If, moreover, the answer he arrives at should be correct, his reward will be double.

It is only when he finds himself unable to arrive at a solution that the layman should turn to someone more learned, preferably the most learned individual in his community. He must present the issue to him and, once the scholar issues a fatwâ, ask him whether this responsum is based on the sacred texts or rather on the scholar’s own, personal view. If the muftî tells him that he has based his responsum solely on the Book of God and the Custom of the Prophet, the petitioner may, or rather must, accept it; this is not considered taqlid, for obeying the Prophet is never taqlid. However, should the muftî tell him that the responsum reflects his own personal opinion, or the view of Mâlik, or that of Ibn al-Qâsim, Abû Ḥanîfa, Abû Yusuf, al-Shâfi‘i or Dâwûd, or if he mentions the name of a Companion or a Successor or someone of a later generation, of anyone, in short, 68

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68 I have shown elsewhere that Ibn Hazm is actually against the permanent seclusion of women: they should be encouraged to pray in the mosque rather than in their own homes, since this was the practice in the Prophet’s own time, and moreover ajr is acquired by making the effort to go to the mosque; see my “Women’s Access to Public Space according to al-Muhallâ bi-l-‘âthâr,” in Writing the Feminine. Women in Arab Sources, eds. Manuela Marín and Randi Deguilhem, London/New York 2002, pp. 75–94.
who is not the Prophet, or if the scholar rushes him or does not answer him (which may or may not be an expression of consent), the petitioner must not accept his legal opinion, but is obliged to go and ask another scholar, seeking him out wherever he may be. The scholar will only be asked to inform the petitioner of the hukm of God and of His Messenger regarding the specific matter about which he was consulted. But if the petitioner is aware that the scholar has issued a fatwā on the basis of something other than the revealed sources, he shall dissociate himself from him and bolt. The description of this seemingly very simple procedure shows Ibn Ḥazm’s idealism, and perhaps naiveté: ideally, a mufti should admit in all sincerity if his responsum reflects his own ra’y, rather than God’s law. But could he always be trusted to do so? And could the petitioner be bothered to ask in the first place?

Ibn Ḥazm emphasizes that the religious scholar has a responsibility towards the less learned in the community, and should help them whenever their capacity for ijtihad is wanting. This should never mean, however, that the scholar becomes an independent source of authority, or that his views become an alternative to the precedent set by the Prophet. Deferring to the scholar is only allowed to the extent that he can be trusted faithfully to represent God’s law and the practice of His Messenger, in whose days God perfected His religion for us (5:3). A religious scholar should always be aware of the enormous responsibility he has. If he passes off as part of the true revealed law something that is in fact based upon taqlīd, thus leading astray the unsuspecting believer who trustingly sits down at his feet, it is as if he slips poison into honey or—in a rather modern-sounding simile—drugs into cake (al-banj fi l-ka’k), says Ibn Ḥazm. He incurs a major sin, and his punishment in the afterlife will be commensurate. Ibn Ḥazm’s colleagues could consider themselves well and duly warned. However, the onus is not only on the scholar. If a muqallid becomes aware of the prohibition of taqlīd, and yet continues to emulate his master, he, too, commits a grave sin.

Unlike the layman, the scholar must master all the sciences and tools that are required to detect God’s will and to formulate a legal decision. Needless to say, he should be well versed in the Qurʾān and the sunna, as well as in grammar and lexicography. Moreover, he should be able to distinguish reliable transmitters from problematic ones, sound traditions from accounts lacking an uninterrupted chain of transmitters, the chronological order of imperatives and pro-
hibitions, etc. The tools of his trade do not include reasoning by analogy, divining the reasons for God’s commandments (ta’līl) and other arbitrary and therefore objectionable methods. The fact that he must limit himself to the revealed Qur’ān and the inspired hadith in their literal sense means that he may not restrict the application of a verse with a general meaning, nor generalise a verse that has a limited meaning; he should not regard as abrogated what God Himself has not declared abrogated, nor ignore the abrogation of verses that have been abrogated by God. He must not declare licit what God has forbidden, nor forbid what He has declared licit. Anyone who changes, adds to, or detracts from God’s law is a sinner, and the same goes for anyone who rules on his own authority without recourse to the Qur’ān or the sunna of the Prophet, or who follows the opinions of another and thus endows him with authority.

Ibn Hazm’s emphasis on the primacy of the Prophet is well illustrated by the following statement. If someone should consult two legal scholars, and each of them issues a different fatwā, one based on a verse from the Qur’ān, the other on a prophetic hadith, the petitioner should accept the prophetic statement, rather than the ruling from the Book of God, because of what the Lord says in Qur’ān 16:44, addressing Muḥammad: “that thou mayst explain to mankind that which hath been revealed to them,” and because the Messenger of God does not contradict his Lord, but rather expounds His will. Moreover, if it were not for the Messenger of God, says Ibn Hazm, we would not even realise that the Qur’ān is the word of God; we would have no knowledge of God’s religion, and would not know His will, nor His precepts and prohibitions. There is no disagreement among any of the Muslims with regard to the duty to abide by His word and to refrain from what He has ordered us in the Qur’ān to refrain from. There is no disagreement among any of the Muslims, apart from the Azraqiyya, about the duty to stone the married adulterer, although this is not stated in the Qur’ān, nor about the number of prayers to be performed, the manner in which the zakāt is to be collected, or the prohibition of being married simultaneously to a woman and her paternal aunt. Now, none of this is to be found in the Qur’ān, but only in the hadith. This clearly shows, then, that

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a genuine prophetic hadīth—which after all reports a divinely inspired action or saying—can abrogate a ḥukm from the Qurān. It is the Prophet Muḥammad who has the last word, because he was given the last word by none other than God Himself.

Mālikī reactions

Ibn Ḥazm preached his views during his teaching sessions in the Great Mosque of Cordoba and, after his expulsion from the capital, in other major cities in al-Andalus, where they apparently had a similar impact. Although these ideas seem to have appealed to numerous individuals from all walks of life, they were, not surprisingly, vehemently opposed by the Mālikī religious establishment, which resented not only the vicious attacks on their venerated imām and his immediate disciples, but also the challenge Ibn Ḥazm’s teachings posed to their own monopoly position. It should be recalled that almost all preachers, prayer leaders, Qurān reciters, judges, jurists, market inspectors, and other religious or semi-religious personnel were Mālikīs, and by questioning the very foundations of their school Ibn Ḥazm undermined their authority.

It is no wonder that a large number of respected Mālikī fuqahā’ in al-Andalus and North Africa, where Zāhirism had also managed to gain ground, wrote polemical tracts against the literalists in general, and Ibn Ḥazm in particular. In fact, Ibn Ḥazm-bashing became quite popular after his death.70 One example may suffice. In the lengthy biographical entry on Ibn Ḥazm in his Siyar al-lām al-nubalā’, al-Dhahabī quotes the following statement by the Andalusī qādī Abū Bakr b. al-ʿArabī (d. 543/1148),71 himself the son of a fervent disciple of Ibn Ḥazm:

A man brought me a volume by Ibn Ḥazm entitled Nukat al-Islām, containing distressing things (dawāḥī) which I took apart in my Nawāḥī.72 Another brought me a Rīsāla of his on belief, which I criticised in an


72 See ʿArāb, Maʿā l-Qādī, p. 144: Al-Nawāḥī ‘an al-dawāḥī.
epistle entitled al-Ghurra. But the issue is too abominable to refute. [The Zāhiri] say: Only God’s word counts, and we do not follow anyone except the Messenger of God. And [they say] that God has not commanded people to emulate anyone, or to follow the guidance of any human being. They should realise that they do not have any proof and that their position is exceedingly absurd.

This quotation forms only a small part of the critical comments by Ibn al-'Arabi that are quoted—and subsequently refuted—by al-Dhahabi: in the same section, the Andalusi judge calls Ibn Ḥazm a worthless individual who has poisoned al-Andalus with the teachings of literalism, and compares the Zāhiri with the Khārijites, who had also insisted that there is no decision except God’s (lā ĥukm īllā l-lāh). No one in al-Andalus would mistake this for a compliment.

In conclusion

In this article a survey was given of Ibn Ḥazm’s ideas on religious authority. It was seen that his somewhat unusual conclusion is that the right, or even duty, to apply ijtihād is not restricted to legal scholars, but that every individual is, in fact, his own mujtahid, and that the only person whom it is allowed to follow and to emulate is the Prophet Muḥammad, who received his mandate directly from God, and in whose days God perfected Islam and completed His favour unto mankind. This view had far-reaching consequences for the relationship between Ibn Ḥazm and his mostly Mālikī fellow-fuqahā, whom he wished to strip of their in his eyes unlawfully gained authority. In his view, virtually all contemporary religious scholars—with a few exceptions—were in violation of God’s commandment to obey Him and His Messenger, by giving precedence to the rulings of their imām, in the Andalusi case Mālik and a number of his disciples. He failed to understand the reasons that led people to choose one scholar as their model for emulation to the exclusion of all others, and argued that Mālik b. Anas was rather less special than his followers made him out to be.

73 Aʿrāb, Muʿa l-Qādi, p. 150: Al-Ghurra fi naqd al-Durra, i.e., Ibn Ḥazm’s tract al-Durra fi l-ṭiqād.
74 Al-Dhahabi, Siyar, vol. 18, p. 189.
The preceding discussion allows us a glimpse into Ibn Ḥazm’s Zāhīrī reasoning. Since we possess no other Zāhīrī works apart from Ibn Ḥazm’s, it is tempting to attribute his views to the madhhab as a whole, but it should be kept in mind that on many points Ibn Ḥazm’s views differed from those of his fellow literalists, Dāwūd al-Īṣfahānī included, as he himself constantly indicates. This, of course, need not surprise us, considering his strong opposition to taqlīd which he voiced on every possible occasion.

Ironically enough, Ibn Ḥazm himself became a model for emulation after his death: a number of his own disciples were known for their ta‘ṣṣub li-bn Ḥazm, and a group of Zāhīrīs in the Maghrib became known as the “Ḥazmiyya,” something the man himself would certainly have been extremely displeased at.75 This shows that while adherence to the gāhīr and rejection of any authority apart from the Prophet was very attractive in theory, it was less than practical in reality, and ultimately Zāhīrism seems to have fallen victim to the human need for direct contact with an approachable source of authority.

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In Islamic thought, religious and political authority (as well as other kinds of authority, such as moral and social) is firmly grounded in the acquisition and possession of 'ilm, that is, knowledge in the broadest sense, and particularly religious knowledge based primarily on the Qur’ān and the sunna. The Qur’ān and the sunna themselves exhort the faithful to acquire knowledge. Numerous Qur’ānic verses underscore the importance of knowledge in distinguishing the believer from the non-believer at a very basic level, but also in creating a gradation of moral excellence among believers based on the kind and level of knowledge possessed by them. In the creation of the first human being, the Qur’ān points to Adam’s superiority over the angels and all other creatures on the basis of his ability to recite the names of all created beings and things (for example, Qur’ān 2:31). All the prophets, endowed with infallible knowledge directly received from the divine sphere, are clearly in a special category of moral excellence to which no other human being may aspire. Among the commonality of believers, those who reflect prodigiously on the natural signs around them to glean their true purport and who indefatigably ponder the contents of scripture are accorded a high moral station, both in this life and the next.

The hadith literature is also replete with references to the superiority of the learned faithful over those who are not as well learned or not learned at all. One of the most famous, oft-cited hadiths is “The scholars are the heirs of the prophets.” Another well-known hadith “Seek knowledge even unto China,” emphasizes the incumbency of learning for the faithful, an act regarded as equivalent to an act of worship, which confers much merit on the individual.

The Qur’ān and the sunna thus clearly propound a hierarchy of moral excellence predicated to a large degree on the possession of knowledge, with the most excellent occupying the topmost echelons, both in a worldly socio/political and an other-worldly sense. The traditional sources inform us that this hierarchy was already recognized
and implemented during the lifetime of the Prophet and continued to be an organizational principle after his death. This organizational principle is squarely founded on a key Qur'anic concept ṣābiqa (“precedence;” “priority”), which was linked to another Qur’ānically derived concept, faḍl or faḍīla (“excellence;” “virtue”). The Qur’ān, for example, states, “Those who precede(d) are the ones who precede (al-ṣābiqūn al-ṣābiqūn); they are those who will be brought near [to God] in the gardens of bliss” (56:10–12); and “Those who believed and emigrated and struggled in the path of God with their property and selves are of a higher status (aʿżamu darajatān) before God and they are the victorious ones” (9:20).

Precedence in religiously valent deeds—in early conversion to Islam, in emigrating to Medina during the early waves, in participation in the early battles, for example—was thus understood to confer indisputable moral excellence or faḍl/faḍīla on the early Muslims, which translated into a higher religious and socio-political stature as well. Prodigious display of certain moral attributes and aptitudes, in addition to the commission of meritorious deeds, also conferred ṣābiqa or precedence on the individual. Moral traits such as truthfulness, courage, generosity, loyalty to Islam and its Prophet, etc., were all constituent elements of the ṣābiqa-faḍl/faḍīla paradigm.

The concatenation of these two key concepts was particularly invoked in discussions on legitimate leadership between the Sunnis and the Shi’ā, starting in the early formative period and continuing down to our own time.1 The Muʿtazilī-ʿAlid scholar Ibn Abī l-Ḥadīd (d. 655/1257) states that the supporters of ‘Alī were the first to circulate reports which praised his exceptional virtues.2 Other, mainly Shiʿi sources relate that when Abū Bakr entered the mosque in Medina after having been appointed caliph, twelve men from among the muḥājirūn rose to their feet in succession to recite the excellences of ‘Alī and thus establish his singular claim to the caliphate.3 The partisans of Abū Bakr, known as the Bakriyya,4 are then said to have

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1 For a detailed discussion of this subject, see my monograph Excellence and Precedence. Medieval Islamic Discourse on Legitimate Leadership, Leiden 2002, particularly chapter 1.
2 See, for example, his Sharḥ Nahj al-Balāgha, ed. Muḥammad Abī l-Faḍl Ibrāhīm, Cairo 1965–69, vol. 11, pp. 48–50, 338.
4 For whom see Josef van Ess, Theologie und Gesellschaft im 2. und 3. Jahrhundert Hidżra. Eine Geschichte des religiösen Denkens im frühen Islam 1–6, Berlin/New York
responded with reports of their own which eulogized their candidates’ virtues. Thus was launched the manāqib genre which records, sometimes in a vaunting mode, the merits of Abū Bakr and ‘Alī (and of other Companions as well). The manāqib literature is thus a valuable repository of the early debates between the partisans of Abū Bakr and ‘Alī as encoded in the reports and counter-reports generated by them and which it records. A critical scrutiny of these reports provides an invaluable window into competing conceptualizations of leadership and religio-political authority in the formative period.

This article will now focus on a key ingredient of this paradigm: knowledge—copious and beneficial for the individual, his or her fellow beings, and the larger community. Knowledge, as part of the constellation of essential traits possessed by the morally excellent individual, has particular resonance in the early discourse on the construction of religious and political authority, particularly in the dialectics between the Sunnis and the Shi‘a on this crucial topic. This paper will now elaborate on how a certain epistemology of moral excellence, forefronting the role of specialized and privileged knowledge in the legitimate leader of the Muslim polity, is adumbrated in the literature which records this dialectics. This literature includes manāqib sections of hadīth compilations which record the virtues of the Companions of the Prophet, individual works on the merits of the Companions and biographical and historical works which record their lives. In view of space constraints, I will be focusing primarily on how the possession of knowledge is invoked as a cardinal trait in the disputes regarding succession to Muḥammad in the case of Abū Bakr and ‘Alī only.

Parameters of the Discourse

A. Proponents of Abū Bakr

In Sunni-Shi‘i dialectics, the advocates of Abū Bakr’s singular qualifications to become the first caliph (arab. khalīfa, “successor”)


5 This article draws to a large extent on the contents of my above book (as n. 1), especially chapter 3.
emphasize his exceptional knowledge of genealogical relationships among the Arabs. In Sunni *manāqib*, historical, and biographical literature, Abū Bakr is commonly described as “the most knowledgeable from among the Quraysh of the genealogy of the Quraysh” (*ansab Quraysh li-Quraysh*) and “the most learned from among the Quraysh about it” (*a'lam Quraysh bi-hā*). 

Even some pro-ʿAlid sources concede Abū Bakr’s excellence in this area. For example, Hishām al-Kalbī (d. 204/819 or 206/821), the pro-ʿAlid genealogist, stated that Abū Bakr was considered to be the most knowledgeable with regard to the merits of the Quraysh (*maḥāsinuhā*) while ʿAQīl b. Abī Ṭālib, ʿAli’s brother, was the most knowledgeable with regard to its demerits (*masāwihā*).

In the *ridda* (so-called “apostasy”) wars that broke out immediately after the Prophet’s death, this superior knowledge on Abū Bakr’s part was acknowledged as an essential ingredient of the kind of religio-political authority necessary at that critical juncture. Standard Sunni historical and *ḥadīth* works thus magnify Abū Bakr’s role in the *ridda* wars and see in it a testimonial to Abū Bakr’s greater mental acumen and, consequently, greater excellence vis-à-vis other Companions. The historian and exegete al-Ṭabarī (d. 310/923), for example, relates how Abū Bakr’s sound judgment prevailed during the *ridda* wars when he asserted the necessity of fighting those tribes which were resisting the Medinan government. He reports that Abū Bakr stated,

God will not assemble you in error and, by the One in whose hand is my soul, I do not see a matter more excellent with regard to myself than fighting those who withhold from us a camel’s hobble on which the Messenger of God, peace and blessings be upon him, used to take [what was due upon it].

Al-Ṭabarī continues, “The Muslims acceded to Abū Bakr’s opinion, for they saw that it was better than their opinion…”

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8 Al-Ṭabarī, *Taʾrīkh*, vol. 1, p. 119.
Another report states that Abū Bakr undertook the fighting of the people of the *ridda*, and the excellence of his opinion became manifest in that, and his firmness along with his gentleness which was inestimable. Thus God proclaimed His religion through him and slew through His hands and His grace all those who had apostasized from the religion of God until the matter of God became manifest while they were resistant.9

Al-Khāzīn al-Baghdādī (d. 742/1341), the author of *Lubāb al-ta’wil*, relates a report from Abū Bakr b. ‘Ayyāsh to the effect that there was no one more excellent than Abū Bakr born after the Prophet, and that in fighting the “people of apostasy” (*ahl al-ridda*), Abū Bakr had attained the position of “a prophet from among the prophets.”10 Another source depicts ‘Alī as expressing special approval for Abū Bakr’s decision not to give in to the *murtaddūn*.11 As the other serious contender for the caliphate- imamate, ‘Alī’s ratification of the polity’s selection of Abū Bakr as its leader is pregnant with political significance.

In addition to exceptional knowledge of genealogy, Abū Bakr is also lauded for his knowledge of legal and religious matters in general in Sunni sources. The biographer Ibn Sa’d records a report which relates that Ibn ‘Umar was asked who used to give legal opinions to the people (*yuftī al-nās*) during the time of the Prophet and he replied, “Abū Bakr and ‘Umar. None was more learned (*a’lam*) than the two of them.”12 Ibn al-Jawzī records a report from al-Sha’bī in which the latter relates that the people used to say during ‘Umar’s caliphate that “the Prophet was more knowledgeable than Abū Bakr, may God be satisfied with him, while Abū Bakr was more learned than ‘Umar, and Abū Bakr and ‘Umar followed the same course” (*fa-jarā Abū Bakr wa-‘Umar majran wāḥidān*).13

According to another report, the *Khulafā’ al-Rāshidūn* were among only fourteen people who used to offer legal opinions (*fatwā*; pl.

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fatāwā) during the lifetime of the Prophet. A variant report emphasizes, however, that only Abū Bakr used to make such pronouncements in the presence of Muḥammad. Other sources point to Abū Bakr's combination of knowledge and good nature as serving to attract people through him to Islam. For example, Ibn Hishām mentions that people would tend to congregate around Abū Bakr on account of "his knowledge, his mercantile dealings, and his amiable company." In fact, some late sources go so far as to underscore a divine obligation placed upon Muḥammad to consult Abū Bakr on various matters. Aḥmad al-Nuwayrī (d. 733/1332) records a tradition related by 'Abd Allāh b. 'Amr b. al-Áš in which the latter states that he had heard the Prophet say that Gabriel had come to him and adjured, "O Muḥammad, God has commanded you to confer with Abū Bakr" (inna llāh ya`muruka an nastashīr Abā Bakr). Abū Bakr's judicial interpretations find generous mention and praise in various sources. For example Jalāl al-Dīn al-Suyūṭī (d. 911/1505) records a report which points to his contributions on the critical issue of fārā`īd ("inheritance shares"). According to this report, Abū Bakr granted a sixth of inheritance to a grandmother, after ascertaining from Mughfīrī b. Shu`ba and Muḥammad b. Maslama al-Anṣārī that this was Prophetic practice. Al-Suyūṭī and al-Muḥibb al-Ṭabarī provide a list in their respective works of Abū Bakr's legal pronouncements. Ibn al-Murtaḍā (d. 840/1437) mentions that Abū Bakr was asked in particular for his opinion on kalāla, which refers to inheritance in the absence of parents and children.

In his heresiographical work, Ibn Ḥazm states that although Abū Bakr lived a mere two and a half years after the Prophet's death, he transmitted one hundred and forty-two hadiths from Muḥammad and issued numerous fatwas. In contrast, ‘Alī, who lived thirty years

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15 See Muḥibb al-Dīn al-Ṭabarī, al-Riyād al-nadīra, p. 190.
beyond the Prophet’s death, transmitted five hundred and eighty-six ḥadīths, out of which only fifty are saḥīḥ. If their life spans after the advent of Islam and the number of ḥadīths related by each are compared, Ibn Ḥazm maintains, it is clear that Abū Bakr was far more prolific in the transmission of traditions and in the pronouncement of legal opinions. This establishes beyond doubt Abū Bakr’s greater excellence, for “someone with any degree of knowledge knows that what Abū Bakr possessed of knowledge was several multiples more than what ‘Alī possessed” (‘alīma kull dhī ḥazz min al-ṣīm anna llaḍīḥī kāna ʿinda Abī Bakr min al-ṣīm aṭṭāf mā kāna ʿinda ‘Alī minhu).22 Furthermore, Ibn Ḥazm states, the fact that the Prophet appointed Abū Bakr the prayer leader during his final illness proves that he was so appointed on account of his superior knowledge of the prayer rituals (sharāʾiḥā). Similarly, the Prophet appointed Abū Bakr to collect alms (ṣadaqāt), to lead the ḥajj and several military expeditions (buʿūthī) on several occasions, all of which testify to his greater knowledge regarding prayer, alms-giving, the pilgrimage, and jihād, and “these are the support (ʿumda) of religion.”23

In the context of knowledge, Sunni manāqib literature tends to underscore Abū Bakr’s greater maturity vis-à-vis ‘Alī, since from both the pre-Islamic and Islamic perspectives, this was a necessary prerequisite for better comprehension of religious and mundane matters and for the more efficacious application of the religious law. This literature, therefore, underscores Abū Bakr’s stature as one of the Prophet’s oldest Companions, and thus the wisdom that accompanied his advanced years. A report related by Muḥammad al-ʿUshārī (d. 441/1049) highlights Abū Bakr’s greater excellence in having submitted to Islam as a mature man. In this report, narrated by Saʿīd b. al-Musayyab from ‘Abd Allāh Ibn ʿUmar, ‘Alī enumerates four sawābiq of Abū Bakr with which he cannot compete: companionship in the cave, precedence in emigration, performance of the prayer (aqāma l-ṣalāt; in reference to Abū Bakr leading the prayer during the Prophet’s last illness), and the fact that “I believed as a child

22 See his al-Fīṣal fī l-nilal wa-l-ahwāʾ wa-l-nihal, ed. ʿAbd al-Raḥmān Khalīfa, Cairo 1347, vol. 4, p. 108; compare with al-Maqdisī, al-Radd ʿalā l-Rāʾida, ed. ʿAbd al-Maṭn Khalīfa, Cairo 1989, pp. 98–99, where the author states that Abū Bakr was known to have transmitted one hundred and thirty-six ḥadīths from the Prophet while ‘Alī transmitted five hundred ḥadīths, out of which, he maintains like Ibn Ḥazm, only fifty were saḥīḥ.

whereas he believed as an adult” (wa-innī āmantu ṣaghīran wa-āmana kābiran).24

Some Sunni sources, therefore, like Ibn Ḥazm in his fiqāḥ work, devalue the significance of ‘Alī’s conversion on account of the latter’s tender years. Ibn Ḥazm points out that ‘Alī was either ten or five years of age at the time of his submission to Islam, according to most reports (depending on whether he was sixty-three or fifty-eight at the time of his death). In either case, he was a minor and the Prophet’s invitation to him to accept Islam was more in the nature of “a man instructing his young child in religion,” to which he could not but respond. Had he refused, he would not have incurred a sin, for someone who has not reached puberty (ḥilm) is not morally and legally responsible for his actions (ghayr mukallaf). In contrast, Abū Bakr was about thirty-eight years old at the time of his conversion; thus “his submission was legally and morally acceptable before God the Exalted” (wa-huwa l-islām al-mā’mūr bi-hi min ‘inda Allāh ‘azza wa-jalla). Clearly on this score, Abū Bakr’s sābiqa is greater than (asbaq min) ‘Alī’s.25

Ibn Katāḥir (d. 774/1373) cites the following report from the Prophet, the soundness of which is not doubted by the scholars (al-khabar muttafaq ‘alā šiḥḥatihi bayna l-‘ulamā’), in which maturity of age takes precedence even over early submission to Islam. In this report, Muhammad counsels that the best reader of the Book of God should lead the people (aqra’u kitāb Allāh ya’ummu l-nāš).26 Should there be several equally proficient readers of the Qur’ān, one who was the most knowledgeable of them of the sunna should lead them. If there were several candidates equally knowledgeable about the sunna, “then the older of them in age” (fa-akbaruhum sinnan) should assume leadership of the community. If all these traits were equally shared by more than one person, only then would the individual “foremost in submission” (fa-aqdamuhum musliman) accede to the position of the community’s leader. Ibn Katāḥir asserts that “all these traits were

24 This report is given by Muhammad b. ‘Alī b. al-Faṭḥ b. al-‘Ushārī (d. 441/1049) in his work entitled Fadā‘īl Abī Bakr al-Siddīq ‘Abd Allāh b. ‘Uthmān al-‘Umayrī radi Allāh ‘anhu, Ms. Dār al-kutub al-miṣriyya, shelf no. Ta’rikh 424 [microfilm no. 1664], fols. 2b–3a.
26 This hadith has been invoked on various occasions to establish an individual’s precedence in Islam; for further discussion, see my Excellence and Precedence, chapter 3.
united in [Abū Bakr] al-Ṣiddiq” (qad ijtama‘at ḥādhihi l-ṣifāt kulluhā fi l-Ṣiddiq).\textsuperscript{27}

The ready equation of maturity with greater knowledge in the manāqib literature foreboded Abū Bakr’s moral excellence and later his greater qualification for the caliphate-imamate on account of his advanced age. Thus some hadīths tend to emphasize that Abū Bakr was much older than the Prophet. This is in spite of the fact that the sīra and ʿtabaqāt literature report that Abū Bakr was about two years younger than Muḥammad. Nonetheless, some reports persist in presenting Abū Bakr as the older mentor of the Prophet in certain mundane matters, with beneficial consequences for nascent Islam. Al-Bukhārī, for example, records a hadīth related by Anas b. Mālik:

> The Prophet, peace and blessings be upon him, headed for Medina, riding behind Abū Bakr. Abū Bakr was an old man who was well-known while the Prophet, peace and blessings be upon him, was a young man who was unknown. A man encountered Abū Bakr and said, ‘O Abū Bakr! Who is this man in front of you?’ He replied, ‘He is the one guiding me to the [right] path (sabil).’ The casual listener surmised (fa-yasibu l-ḥāsib) that he meant the street (tariq) when in fact he meant the path of goodness (sabil al-khayr).\textsuperscript{28}

The report makes clear that true to his Prophetic function, Muḥammad is of course Abū Bakr’s spiritual mentor; but Abū Bakr was the Prophet’s guide in mundane matters on account of his mature age, his elevated social position, and his knowledge of the topography of the Ḥijāz. Abū Bakr’s unique qualities and knowledge thus facilitated the Prophet’s entry into Medina, leading to the inaugural of the Islamic era and the consolidation of nascent Islam.

Sunni literature further emphasizes Abū Bakr’s instrumental role in winning influential Mekkans over to the Muslim side; Ibn Ḥazm, for example, draws attention to the fact that “the prominent Companions, may God be pleased with them, submitted at his [sc. Abū Bakr’s] hands.” This, he states, “is the most meritorious of deeds,” (ajdāl ‘amal) in which the younger, and thus less socially influential ‘Alī had little part.\textsuperscript{29}

\textsuperscript{27} Ibn Kāθīr, al-Bidāya wa-l-nihāya, Beirut/Riyād 1966, vol. 5, p. 236.


\textsuperscript{29} See his al-Fīṣal fi-l-milal, vol. 4, p. 107.
In this type of dialectics, the Sunnis were inevitably led to postulate the superior knowledge of Abū Bakr (and often of ‘Umar as well), obtained directly from the Prophet to challenge similar claims put forward by the Shi‘a for ‘Alī. The Companion, regarded as second only to the Prophet in knowledge, was also regarded as being the most eligible for the office of the caliph-imam. The following ḥadīth related by ‘Abd Allāh Ibn ‘Umar, recorded by Ibn ‘Abd al-Barr, attests to Abū Bakr’s exceptional and specialized knowledge which the latter literally “imbibes” from the Prophet. The Prophet states in this tradition:

I saw as if I had been given a drinking cup filled with milk, and I drank from it until I became full, and I saw it coursing through my veins between the skin and the flesh. Then some of it overflowed and I gave that to Abū Bakr. They said, ‘O Messenger of God! Is that knowledge which God gave you until you became full and it overflowed and you gave what overflowed to Abū Bakr?’ He said, ‘You have spoken the truth.’

Significantly, a similar tradition is related in regard to ‘Umar.

Conversely, it was stated that since Abū Bakr had in fact become the caliph after Muḥammad, this was evidence of his superior knowledge in itself. Ibn Kathīr was known to have remarked that Abū Bakr must have been the most knowledgeable regarding the Qur‘ān among the Companions, for a well-known ḥadīth states that “the best reciter of the Book of God will lead the people.”

Reports imputing privileged knowledge of the occult to Abū Bakr and ‘Umar occur very rarely in the literature we are looking at, unlike Shī‘ī manāqib literature which routinely attributes such knowledge to ‘Alī as discussed below. For example, one report states that Abū Bakr was the most gifted in the interpretations of dreams; a variant report mentions that the Baṣrān tābirī Muḥammad b. Sirīn (d. 110/728) had commented that Abū Bakr was the most skilled (a‘bar) in oneiromancy after the Prophet. One account mentions

34 Al-Suyūṭī, Ta‘rīkh al-khulajī‘, p. 40.
that ‘Umar predicted his own martyrdom while visiting the grave of Abū Bakr. Imputation of such specialized and esoteric knowledge no doubt occurred in response to Shi‘i ascription of privileged and esoteric knowledge to ‘Alī.

B. Proponents of ‘Alī

In contradistinction to the Sunnis, the Shi‘a tend to emphasize the extraordinary and specialized aspects of ‘Alī’s multi-faceted ʿilm. The hadith, “I am the house of wisdom and ‘Alī is its gate; so whoever desires wisdom, let him approach the gate,” is understood by the Shi‘a as asserting that ‘Alī alone was privy to privileged, esoteric knowledge. On the basis of this report, many among the Shi‘a (and some among the Sunnis) came to ascribe special thaumaturgic powers to him. Shi‘i scholars maintain that ‘Alī acquired such knowledge which was his exclusive preserve from the Prophet; this knowledge in its sum-total was then transmitted successively to the next eleven Imams. Only the Imam of the age could be the repository of this specially bestowed knowledge.

The following well-known “pomegranate tradition” reported on the authority of Muḥammad b. Muslim illustrates the exclusive and hereditary nature of this knowledge. Ibn Muslim relates:

I heard Abū Ja‘far [sc. the fifth Imam, Muḥammad al-Bāqir] say, “Gabriel came to Muḥammad, peace and blessings be upon him, with two pomegranates from heaven. ‘Alī, peace be upon him, met the Prophet and asked, ‘What are these two pomegranates in your hands?’ He replied, ‘This one has to do with prophethood, in which you have no share. As for this, it represents knowledge’. The Prophet then split it into two halves and gave one half to him. The Messenger of God, peace and blessings be upon him, took the other half and said, ‘You are my partner in it and I am your partner in it.’” Then he [sc. Abū Ja‘far] remarked, “By God, there was not a single letter that the Messenger of God, peace and blessings be upon him, learned from God the Almighty that he did not teach to ‘Alī. Then the knowledge reached us.” At that, he placed his hand over his chest.

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With regard to knowledge of the Qurʾān, the Shiʿi author Faḍl b. al-Ḥasan al-Ṭabarṣī (d. 548/1153) reports that ʿAlī affirmed to Ṭalḥa that he had in his possession the musḥaf he himself had copied down as the Prophet dictated to him every verse that had been revealed to him. Furthermore, he possessed knowledge of the interpretation (taʿwil) of every single verse, of every interdiction and positive injunction (ḥarām wa-ḥalāl), and of every legal prescription and sanction of which the community would be in need of until the Day of Judgement “written according to the dictation of the Messenger of God, peace and blessings be upon him, and in my own handwriting.” 38 Ibn Saʿd in his Tabaqāt quotes ʿAlī himself stating that he knew regarding what, where, and about whom each Qurʾānic verse had been revealed, for “indeed, my Lord has granted me a perspicacious heart and a felicitous tongue.”39

Another honorific that, according to the Shiʿa, is applied to ʿAlī alone and points to his possession of unique and comprehensive knowledge, is “ʿAmīr al-Muʿminīn”. According to a report recorded by Ibn Bābawayh, Muhammad al-Bāqir, the fifth Imam, said ʿAlī was called “ʿAmīr al-Muʿminīn” because he was the “storehouse of knowledge” (mīrāt al-ʿilm)40 “from whom people derived knowledge, but he did not derive knowledge from anyone else.” 41

In fact, the extent of ʿAlī’s knowledge and the question of whether it included knowledge of future events and of the occult remain a much debated question among Shiʿi theologians. 42 In general, they maintain that ʿAlī (as well as the subsequent Imams) had knowledge of the unseen (ghayb), but there is no consensus regarding the kind of knowledge this referred to. In one report, ʿAlī himself provides a definition of ʿilm al-ghayb and its extent:

...[K]nowledge of the unseen is the knowledge of the Hour and what God the Almighty has reckoned according to His saying, ‘Indeed with

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40 This is a somewhat free but appropriate translation in this case; usually, mīra means “food provisions” or “supply”.
God is the knowledge of the Hour’ (Qur‘ān 31:34). It is He, exalted is He, Who knows what is in the wombs, male or female, comely or uncomely, generous or niggardly, happy or wretched, who is [destined] for hell as firewood or as a companion for the prophets in Paradise. This is knowledge of the unseen and none knows it save God. Whatever is besides that, He taught it to His Prophet, peace and blessings be upon him and his family, and he taught it to me and prayed for me that my heart [lit. “breast”] would be able to encompass it and my limbs would be able to bear it.43

Abū Ja‘far (sc. Muḥammad al-Bāqir, the fifth Imam) is reported to have distinguished between the general and special knowledge of God (‘ilm ‘amm wa-khāss). According to him, the former kind of knowledge has been granted to the angels, the Prophets and “us” (meaning the twelve Imams) while the latter, which includes knowledge of the Hour, the future etc., is God’s alone.44

The Shi‘ī author Ibn Shahrāshūb maintains, however, that ‘Alī possessed knowledge of the unseen and could prophesy future events, particularly the times of deaths of various people. He quotes al-Āṣbagh b. Nubāta,45 a companion of ‘Alī, who reports:

When a man stood before the Amīr al-Mu‘minīn, peace be upon him, he said, ‘O so-and-so, prepare yourself as you wish, for you will fall ill on such and such a day, in such and such a month, at such and such an hour.’ And it happened as he said and he, peace be upon him, taught Rushayd al-Hajar a part of that and, therefore, they called him Rushayd al-Balāyā. He, peace be upon him, also foretold the slaying of al-Ḥusayn, peace be upon him.46

The Shi‘ī sect al-Bayyāniyya believed that ‘Alī possessed knowledge of the ghayb, which included knowledge of future events and “what the wombs contained.”47

43 Al-Qandūzī, Yanūbī ‘al-mawadda fi shāmā’il al-nabī wa-fadā’il amīr al-mu‘minīn ‘Alī, Qum 1944, p. 66.
45 For whom see, for example, Ibn Ḥajār, Tahdhīb al-tahdhīb, Hyderabad 1908–09, vol. 1, pp. 183–84. According to the Tahdhīb, vol. 1, p. 184, Yahyā b. Ma‘īn reported that Aṣbagh was seduced by his love for ‘Alī into “creating havoc” (atā bi-l-tāmmāt) and, therefore, not to be accepted as a reliable transmitter. Furthermore, the majority of his reports from ‘Alī were not reported by anyone else.
In another report, ‘Ali himself describes the extent of his knowledge of the occult, as related by Ja‘far al-Ṣādiq:

By God, God the Almighty has given me nine things which he did not give to anyone else before me except the Prophet, peace and blessings be upon him. He has opened paths (subul) for me; I have been taught genealogies; the clouds have been set in motion for me; I have been taught ‘deaths and trials’ and decisive speech. I have regarded the heavenly realms by the permission of my Lord and nothing of what came before me and what would come after me was hidden from me...48

An important part of such privileged knowledge conferred upon the Imams was referred to as the knowledge of “deaths (or “destinies”) and trials” (al-manāyā wa-l-balāyā) as occurs in this quote.49 Nu‘aym b. Hammad (d. 228/843) is reported to have stated that ‘Ali possessed knowledge of all the schisms (fitan) that would occur until the Last Hour.50 Al-‘Allāmah al-Ḥilli (d. 726/1325) states that ‘Ali had knowledge of future events and that he foretold his own death and the tragedy at Karbalā’ among other events.51

A report occurring in an Ismaili Shi‘i source contains fulsome praise for ‘Ali’s wide-ranging, comprehensive knowledge which trumped the combined knowledge of some prominent saḥāba. The report, recorded by al-Kirmānī (d. 411/1021), quotes the Prophet as saying:

The most pious among you (atqākum) is Abū Bakr, the most knowledgeable among you regarding inheritance shares (afradukum) is Zayd; the most knowledgeable among you of what is licit and what is illicit is Mu‘ādh; the most truthful (or generous) among you (aṣdaqukum) is Abū Dharr; the best reciter [of the Qur’an] among you is Ubayy; the most knowledgeable in fiqh among you (afqahukum) is ‘Umar; and the most excellent among you in legal decision-making (aqādkum) is ‘Ali.52

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Al-Kirmānī comments, however, that the epithet *aqdākum* in relation to ‘Alī indicates that he possessed the totality of knowledge parcelled out to the other Companions with regard to knowledge of inheritance shares (*farā’id*), *fiqh*, recitation of the Qur’ān, etc.; thus the report actually establishes ‘Alī’s greater excellence in religious and general knowledge of all kinds.

In Arab culture, both pre-Islamic and Islamic, eloquence, including poetic ability, is intimately connected with knowledge; its possession is also a marker of effective leadership. The leader of the tribe in the Jāhiliyya was frequently selected for his dexterity with words and was often referred to as a *khaṭīb* ("orator") or *za‘īm* ("spokesman"). The Arabic language as the vehicle of divine revelation became the sacralized medium of Islam; mastery of Arabic thus became equated with moral excellence and indicated superior knowledge.

On account of all these reasons, ‘Alī’s eloquence and unusual facility with the Arabic language are greatly extolled in the Shi‘ī *manāqīb* literature. Ibn Abī l-Ḥadīd, for example, remarks that ‘Alī is “the leader of the eloquent ones and the master of the rhetoricians” (*imām al-fuṣūḥā‘ wa-sayyid al-bulagḥā‘*) and that his speech “was inferior to the speech of the Creator but superior to the speech of created beings” (*makhlūqīn*). According to one account, the Prophet addressed a crowd of people thus:

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54 Ibn Qutayba, for example, relates an anecdote in which Ibn Hubayra the senior (*al-akbar*) declared that the pious man who spoke Arabic correctly possessed greater merit both in this world and the next than the pious man who did not; see Yaqūt b. ‘Abd Allāh al-Hamāwī, *Irshād al-arīb ilā ma‘rifat al-adīb*, ed. D.S. Margoliouth, New Delhi 1982, vol. 1, p. 23.

O servants of the Merciful One, indeed God has revealed to me a clear book and has commanded me to explain to the people what descended upon them, except in the case of 'Ali b. Abī Ṭālib, who had no need for explanation since God has made his eloquence (faṣāḥatahu) equivalent to mine and his perception (dīrā'yatahu) like mine.56

Since eloquence is squarely based on mastery of the principles of grammar, 'Ali is depicted in Shi‘i sources as having spawned the field of nahw itself.57 Al-‘Allāma al-Ḥillī relates that Abu l-Aswad al-Du‘ali, otherwise widely recognized as the “father” of Arabic grammar, had in fact learned grammar from 'Ali.58 In Sunni-Shi‘i dialectics, knowledge of grammar and its importance thus becomes a point of polemical disputation. In rebuttal of Shi‘i protestations of 'Ali’s greater excellence in this domain, Ibn Taymiyya would maintain that grammar has nothing to do with “the prophetic sciences” ('ulūm al-nuḥwaw) and that the first three caliphs had no need for grammar since there were no linguistic solecisms (laḥn) during their age.59

In this project of oneupmanship, some Shi‘i scholars tend to affirm that all kinds of learning derive from 'Ali’s knowledge. For example, al-‘Allāma al-Ḥillī asserts that kalām, Sufism, eloquent speech (faṣāḥa), grammar, taṣīr, and fiqh all originated with 'Ali. Consequently, the progenitor of the four Sunni madhāḥib and Ash‘arism is none other than 'Ali!60 Al-Shārī‘ al-Murtada states that the Mu‘tazilī concepts of 'adl and tawrīd had been borrowed from 'Ali b. Abī Ṭālib himself, since 'Ali is the true founder of the discipline of kalām. This is so because the Mu‘tazila belong to the school of Wāṣil b. ‘Āṭa’ who was the student of Abū Ḥāshim ‘Abd Allāh b. Muḥammad b.

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58 Al-Ḥillī, Minhāj al-kārāma, p. 178.
60 Al-Ḥillī, Minhāj al-kārāma, pp. 177–80. He states, for example, that Mālik b. Anas had studied with Rabī‘a al-Rāzī, who in turn had studied with ‘Ikrima, who in turn had studied with Ibn ‘Abbās, who in turn had studied with ‘Ali. Abū Ḥanīfah’s students were Abū Yūsuf, Muḥammad b. al-Ḥasan al-Shaybānī, and Zufar; al-Shāfī‘i had studied with Muḥammad b. al-Ḥasan al-Shaybānī and Mālik, and the last two had studied with Abū Yūsuf and Zufar. As for Ahmad b. Ḥanbal, he had studied with al-Shāfī‘i and al-Shāfī‘i’s knowledge derives from Abū Ḥanīfah (through al-Shaybānī and Abū Yūsuf). Abū Ḥanīfah had studied with Ja‘far al-Ṣadiq, whose knowledge through the preceding imams thus ultimately derived from ‘Ali.
al-Ḥanafiyya. Abū Hāshim in turn was the student of his father, Muhammad b. al-Ḥanafiyya, who was a student of ʿAlī. Al-Murtada, like al-Ḥillī above, similarly states that the learning of the four eponyms of the Sunni madhāhib ultimately derives from ʿAlī, while Ibn Abī l-Ḥadīd declared ʿAlī to be the true founder of Ashʿarism and Zaydism.

As a countervailing response to Abū Bakr’s maturity at the time of his conversion, Shiʿī manaqib and apologetic works laud ʿAlī’s youthfulness as a particularly praiseworthy, distinctive attribute. An idealization of youth thus becomes apparent in our survey of the manaqib literature in which ʿAlī’s youthfulness is necessarily posited as a counter-maqaṣaba to Abū Bakr’s maturity. This attitude becomes especially evident in traditions that describe ʿAlī as the master of Arab youths and the youth par excellence of Islam (lā fatā ʾilla ʿAlī). The attitude expressed in such pro-ʿAlid reports is in marked contrast to the predominant Sunni attitude toward youth, and, one may add, to the general thrust of Arab pre-Islamic and Islamic literature and Weltanschauung.

Some Shiʿī sources, therefore, react defensively to Sunni devaluation of ʿAlī’s role during the lifetime of the Prophet on account of his extreme youth. The early 3rd/9th century pro-ʿAlid-Muʿtazili scholar al-Iskāfī thus takes issue with the position that ʿAlī’s minority at the time of his acceptance of Islam vitiated its validity. He concedes, in an ʿAlid-Muʿtazili vein, the importance of achieving puberty for a meaningful conversion and is thus inclined to stress those reports which relate that ʿAlī was in his mid-teens when he accepted Islam. But, al-Iskāfī continues, even if he were to concede the truth of “the best known and most widespread of reports” which relate that ʿAlī was only ten at the time of his conversion, the Sunni position is still untenable for it is known that a youth of this age can have a well-developed intellect and well-formed principles by means of which he can extrapolate rational conclusions. He says further, “when the youth is capable of reasoning and discrimination, he is mature by virtue of his rational faculties (muqallaṣan bi-l-ʿaqliyyāt),

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63 See Afsaruddin, Excellence and Precedence, chapter 1, for a fuller discussion of this topic.
even though his maturity, according to the religious canon, is defined by a different measure.\textsuperscript{64} In this manner, al-İskâfi seeks to undermine the majoritarian view that chronological age is a crucial factor in weighing the moral valence of an individual’s action and thus bolster ‘Ali’s claim to a meaningful conversion despite his tender years.\textsuperscript{65}

Just as we find in a handful of Sunni sources an attempt to aggrandize the esoteric and supernatural aspects of Abū Bakr’s knowledge in response to the Shi’a, some Shi‘i works impute knowledge of the genealogies of the Arabs (‘ilm ansâb al-‘arab) to the Imams as well.\textsuperscript{66}

\textbf{Conclusion}

Two competing visions of knowledge were thus articulated in the medieval period by the Sunnis and the Shi’a; this article has discussed the primary features of the discourse that emerged in the construction of two distinctive types of religio-political authority. There is a body of evidence to suggest that the proto-Sunnis and the proto-Shi‘a in the first century of Islam subscribed to common criteria for assessing the most qualified leader of the polity based largely on broad Qur’anic prescriptions, Prophetic precedent, and Arab customary practices. However, as attitudes hardened on both sides and communal identities sharpened, there was a tendency to accentuate differences rather than delineate common ground. In the case of the Sunni caliph, his superior knowledge and comprehension of both mundane and religious matters established his greater qualification for his office. Abū Bakr’s expertise in genealogy and his judicious interpretation of the hadith which justified the ridda wars are examples of mundane and religious knowledge which together served the Muslim polity well in its hour of crisis and categorically established the legitimacy of his leadership in the view of the majority. The Shi‘a, in turn, would progressively come to attribute the

\textsuperscript{64} Munâqadât Abî ʻJa‘far al-İskâfi li-hā’d mā awradahu l-ţūhâz fî l-‘Uthmâniyya, appendix to al-ţâhîz, Risâlat al-‘Uthmâniyya, ed. ʻAbd al-Salām Muḥammad Hārîn, Cairo 1955, p. 294.
\textsuperscript{65} Al-İskâfi, Munâqadât, p. 298.
\textsuperscript{66} For example, al-Qummî, Başîr, pt. 3, p. 118.
possession of privileged and esoteric knowledge to the rightful Imam of the age, in whom this knowledge ontologically inhered. Such a claim non-pareil easily trumped the ascription of basically pedestrian knowledge to the Sunni caliph. One Shi‘i gloss on the word ‘amma (“the commonality,” referring to the Sunnis) links it etymologically to al-‘umy, “the blind [collective],”67 since it is deprived of inspired, infallible leadership. This development in the Shi‘i perception of the Imam, whose near-perfect knowledge falls just short of a Prophet’s, could not have developed except in the context of intense Sunni-Shi‘i “identity politics” of this nature in the first three centuries of Islam. Ultimately, we may say, it is this epistemological divide which matters the most between the Sunnis and the Shi‘a. Once the evolving Shi‘a in response to specific historical circumstances68 articulated a charismatic conception of the imamate, held by the infallible leader possessed of privileged and esoteric knowledge, in addition to the usual repertoire of common religious and general knowledge, the fault lines between the two divisions of Islam may be regarded as having irreversibly deepened. From the classic Shi‘i vantage point, the fallible Sunni caliph appeared woefully inadequate to lead a charismatic community and too vulnerable to the vagaries of human nature. From the classic Sunni point of view, the Shi‘i imamate smacked of religious and political absolutism, with religious knowledge and, therefore, religio-political authority, restricted to a designated leader and his progeny.

“Are those who know and those who do not know to be regarded the same?” asks the Qur‘ān (39:9). Regardless of how knowledge was constructed, the answer has been a resounding “no”; and, as we have seen, it has had a profound impact on the concept of legitimate leadership in the Islamic milieu.

References


68 Afsaruddin, Excellence, conclusion.
Ibn Ḥazm, al-Fīṣal fī l-mīdāl wa-l-ḥawā ‘wa-l-nihāl, ed. ‘Abd al-Rahmān Khalīfā, Cairo 1347.
Ibn Sa‘d, Muḥammad, Kitāb ‘Abd Ḥaqqī being the Table of al-Fawā‘id, ed. Eduard Sachau et al., Leiden 1904–40.
- Qandīzī, Sulaymān b. Ibrāhīm, ʾTamābī al-mawadda fī shamaīl al-nabi wa-fadāʾil al-amīr al-muʾminīn ʿAlī, Qum 1944.
In his various descriptions of the ranks in Fatimid administration, the Mamluk-era historian al-Maqrîzî noted the special importance of two in particular, the offices respectively of chief qāḍî and of chief dāʾî. Under this dynasty these were two of the highest positions: the chief justice, termed the judge of judges (qāḍî al-quḍât), was outranked only by the imam and the wazîr. The head dāʾî, the dāʾî al-duḥât, followed immediately below. Al-Maqrîzî, who is often our best source for information about the Fatimids, also observed that he knew of no other Islamic government for which the daʾwa continued after the founding of the state. Thus, in contrast to the judiciary, it and the office of its chief administrator formed an institution unique to their rule. Al-Maqrîzî gave it special attention accordingly; it was for him a khitţa (an office or institution of government) and deserved a chapter in his famous topography of Egypt the Khitţat. Although the judiciary and the daʾwa were both responsible for aspects of religious policy and its implementation, the purpose of the latter was always apparently separate and distinct. The daʾwa served primarily as both a proselytizing mission seeking converts to the Ismaili cause and as a tool of instruction for those who were already adherents of it. In this capacity it was in place and active until the close of the dynasty. Therefore the head of the daʾwa remained a major office, continuing to the end only slightly less in rank than that of the chief qāḍî.

The holders of these ranks dressed alike in their official attire and in many respects had similar prerogatives. One difference was that,

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2 Also vocalized khitţa. Its more common meaning is ‘district’ or ‘piece of real estate’.

in processions, the chief qāḍī did not have the right to drums and bugles; only when the same man occupied both offices together— that is, when he was simultaneously both qāḍī al-quḍāt and dā’ī al-duṭṭāt—was he heralded in this manner. But not infrequently one person did in fact hold both positions jointly, raising thereby the interesting question of why they were not simply combined. At other times, however, the separation of the two allowed for the appointment of a non-Ismaili to the supreme judicial office. Presumably the chief dā’ī was always an Ismaili; not so the chief justice. Representatives of other (Sunni) madhhab were at several periods heads of the Fatimid legal system, which is in itself a curious development for a dynasty committed by its very being to Ismaili Shi’ism and presumably a law based strictly on its doctrines.

Thus there are in this situation a number of interesting problems that concern religious authority in this one state. Two parallel institutions functioned here as the guardians of religion in the public sphere: one acting as the official organ of the Ismaili imamate and its imam, the Fatimid caliph; the other dispensing justice and insuring the observance of Islamic law.\(^4\) The latter function included the supervision of mosques and those assigned to officiate in them, the regulation of prayers and prayer times, and other quite specifically religious activities. Religion and religious policy does not constitute in this case a dividing line between the two.

But why was the da’wa lower in rank than justice? Exactly how was the administration of the law kept distinct from the appeal and instruction provided by the da’wa? A full answer is not readily apparent. The Fatimids left no literature that deals explicitly with the subject. Even assuming that their policy was both coherent and everywhere the same, which is certainly not the case, we need to investigate it using the circumstantial evidence supplied by actual events and the details of individual appointments to each of these offices over the entire course of their reign, thereby inductively adducing what was likely the operative rationale behind it. Such a method has the advantage of indicating both how each of these institutions

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\(^4\) It is important to note here that the dispensing of justice is a function of the imamate and that qāḍīs under the Fatimids are not in any real sense independent of the īmām. Ultimately the īmām has the last and final word and his interpretation of what the law is applies to all his subjects, Ismaili, non-Ismaili and non-Muslim alike. In practice, however, the qāḍī had considerable power over individual cases.
functioned as well as generating a history of them and their interaction over time.

The Earliest Phase in the Maghrib

Fortunately, an important text recently brought to light—the memoirs of the early dāʿī Ibn al-Haytham—contains an eyewitness account of the selection of the very first Fatimid qāḍī. Not long after Abū ‘Abd Allāh al-Shī‘ī’s victory over the Aghlabids in 296/909—an event that allowed the foundation of the Fatimid state—the inhabitants of Qayrawān sent word to the great dāʿī, who was then in the administrative capital of Raqqāda, that they wanted him to appoint a qāḍī over them. Abū ‘Abd Allāh without much thought simply asked one of the new converts from Qayrawān then present in his entourage to accept the responsibility. That first choice was the eyewitness whose memoir later recalled the moment. At that time, however, he was still in his early twenties, hardly old enough for such a major position. He suggested instead the senior scholar among the local Shi‘īs, a man named Muḥammad b. ‘Umar al-Marwadhi, who also happened to be the father of his best friend. Abū ‘Abd Allāh quickly agreed but cautioned al-Marwadhi not to use his new position to take revenge for former mistreatments and repression of himself and the other Shi‘īs. The dāʿī knew quite well how the local Shi‘īs had suffered at the hands of the Sunnis, and he also must have known something of the recent history of infighting between the local Ḥanafis and the Mālikis, which had often erupted in connection with one side or the other gaining control of the qāḍīship in Qayrawān.

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6 Ibn al-Haytham reports specifically that the people of Qayrawān expressed need of someone to supervise their markets and scales, see The Advent of the Fatimids, Arabic, p. 64, English, p. 117.


8 On this appointment as well as the background to the fighting among the adherents of these madhhab, see the introduction and notes for The Advent of the Fatimids.
The first protest against the appointment of al-Marwadhi came, however, not from Sunnis but from a leading amir of the Kutama Berbers, himself a loyal ally and Ismaili supporter of the da’i. He is reported to have insisted that a qadi was not needed; he noted that the Prophet had himself appointed none. But Abū ʿAbd Allāh answered: “What is it to us if we name a sweeper for every pile of garbage.” The amir’s protest suggests that the Ismaili community as then constituted had no qadis, and that it was not in need of one. Surely that does not also mean that the Ismailis observed no laws. Though frequently accused of antinomian tendencies, the Fatimids were if anything stricter in their observance than others. Rather, the amir seems to have been hinting that he expected all would become Ismaili and that it was not the business of the new government to regulate the affairs of those who remained outside its fold.

Al-Marwadhi, however, duly took charge of his new office. Based on his recent conversion and acceptance of the Ismaili da’wa, he was also technically himself a da’i, though hardly trained as such. His administration of the law depended instead on a knowledge of Shi‘i jurisprudence gained prior to direct contact with any of the Ismailis. Nevertheless, he acted swiftly to impose Shi‘i law and practice and to forbid the study and application of any other. Ḥanafī and Mālikī law were no longer valid; scholars of either were deprived of their previous occupations; and their lawbooks were rendered useless, of so little value, comments Ibn al-Haytham, that they were used thereafter in pharmacies for paper to wrap remedies or were exported to countries such as Spain where such law remained in effect.

The Fatimids obviously approved of this policy since they kept al-Marwadhi and his harsh, intolerant regime in place for over six years, from his initial appointment in 296/909 until 303/915, when he finally fell from favor and was put in prison where he subsequently died, possibly under torture. Despite his ignominious end,

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9 Madā‘aynā min ḥādhā Ṽa‘alū li-kulli mazbalatin kannāsan, Madelung and Walker, The Advent of the Fatimids, Arabic, p. 64, English, p. 117.
his case proves that, in the beginning, the Fatimids hoped to impose Shi‘ism broadly in their domain with little or no place for the Islam of groups that opposed their interpretation of it. Thus the function of the da‘wa and of the qāḍī would be closely linked and overlapping. One incident, however, reveals another dimension to this problem. At one point al-Marwadhî punished two members of the da‘wa for some infraction of the law and for that he was sharply rebuked. He was told that matters relating to the conduct of the da‘īs were outside his jurisdiction.12 Already, it seems, the da‘wa was to remain independent, its members not subject to the qāḍī’s justice.

Here then are the beginnings of a policy. On the one hand, the Fatimids came to understand that their rule over a significant population of non-Ismailis required a system of justice run by the traditional qāḍī of a type by then common throughout the Islamic world and, on the other, that the Ismaili community, in so far as it was separate, needed its own religious institution, in this case the da‘wa. The necessity of the latter was not reduced or eliminated by the creation of the state and its Ismaili caliphate, but rather persisted as long as the Ismailis constituted a minority. Had they achieved clear overwhelming numerical superiority, as had happened strictly among the Kutāma Berbers under Abū ʿAbd Allāh prior to the victory over the Aghlabids, the situation might have been different.

With respect to the appointment of a judge in Qayrawān, the original policy of maintaining a firm Shi‘i-Ismaili control continued after al-Marwadhî, though subsequent qāḍīs were less prone to apply the harshest of measures. A relatively unknown, Muḥammad b. Maḥfūz al-Qamūdî, followed al-Marwadhî and after him came Ishāq b. Abī l-Minhāl, a former Ḥanafī, now converted to Ismailism. He, like most of the local Ḥanafīs, preferred to join rather than resist the new regime. Mālikī sources claim that it was easy for Ḥanafīs to become Ismaili because they were already quite loose in their interpretation of Islam. Prior to the advent of the Fatimids these two madhhabs engaged in constant infighting, the Ḥanafīs generally supported by the pro-ʿAbbāsid Aghlabid court, the Mālikīs tending to favor the rival Umayyads in Spain. Afterward the Mālikīs went into retreat and the Ḥanafīs converted in such numbers as to eliminate their school in the Maghrib altogether.

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Briefly in 311–12/923–24 Ibn Abī l-Minhāl lost his position to an Isma‘īlī Muḥammad b. ‘Imrān al-Naṭfī, the latter, in contrast to the former, was noted for his severity against the Mālikīs. But al-Naṭfī died soon after and Ibn Abī l-Minhāl resumed the position,13 which he held until his own death over two decades later. His successor, Abīmān b. Bahr b. ‘Alī,14 in office from 333/944–45, had the misfortune of being an Isma‘īlī qādī in Qayrawān when it was captured by the Khārijite rebel Abū Yazīd. Initially the North African Mālikīs welcomed Abū Yazīd’s rebellion despite their own all-too-obvious religious incompatibility with the Khārijites. They were even more opposed to the Shi‘ī Fatimids.

Their leader during this interlude, Abīmān b. Muḥammad b. al-Walīd, was of course Mālikī, in keeping with the predominance of this madhhab among the general population.15 With the restoration of Fatimid rule under the new imam, al-Manṣūr, Fatimid recognition of that fact also brought a quiet change in policy reflecting this same reality.16 With some difficulty the government sought and found a Mālikī willing to accept an appointment to the post of qādī under the Fatimids. Both sides thus compromised. The new qādī, a man of advanced age, stipulated among other matters that he not be forced to accept presents of money or the qādī’s traditional grey mule, both of which he felt would make him too beholden to the government and thus threaten his independence. He preferred not to have his new position exploited by public ceremony. In any case he lived next door to the mosque where he was to hold court and had thus no need of a mount to ride through town.17 There were to be no drums and bugles for this judge.

Once established by al-Manṣūr, this new order seems to have remained in place. Henceforth the qādīs of Qayrawān were Mālikī.

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13 Halm, Reich, p. 221, trans., p. 246.
15 Halm, Reich, pp. 280–81, trans., p. 315.
Still, all along there were other cities where the policy was different. From the beginning those with a predominant Ismaili population, such as the new capital al-Mahdiyya, starting with its occupation in 308/921, had an Ismaili qādı, one not subject to the jurisdiction of Qayrawān. The same was true even earlier of Raqqāda. Under the Aghlabids their administrative enclave at Raqqāda, though close to Qayrawān, often had its own qādı. And the other major cities had their own as well. The judge in Qayrawān could claim greater prestige but he was not himself in control of the others. For the Maghribī period there was thus nothing fully equivalent to the office of qādı al-quḍāt as it developed later in Egypt. But, even so, there are clear indications that the title was in use. One source reported rather specifically that al-Marwadhī had been granted the authority to appoint some judges and justices (al-quḍāt wa-l-ḥukkām) in other parts of the country and that he was allowed to state in his letters and decrees his name with the title qādı al-quḍāt. The application and function of that title in that situation, however, appears to have been limited and there is a possibility that more than one judge used that title at the same time.

Qādı al-Nu‘mān: Was He ever Qādı al-Quḍāt?

With respect to holding supreme authority over the whole of the judiciary in this early period, the one possible exception may be that of Qādı al-Nu‘mān, the most famous of all Fatimid jurists. Unfortunately, the evidence in his case is ambiguous. As with al-Mahdiyya, the judge of al-Manṣūriyya, the new capital constructed by al-Manṣūr beginning at the time of his victory over Abū Yazīd, was to be Isma‘ili. Qādı al-Nu‘mān had been, through the period of the revolt

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20 On this possibility see the discussion by Dachraoui in chapter four of the second part of his Califat fatimide, pp. 397–422, especially pp. 404–7.
of Abū Yazīd and the years thereafter, the judge of (western) Tripoli. Near the beginning of the year 340/951, al-Manṣūr summoned him to take charge in Manṣūriyya, replacing Zurāra b. Ḥmād who himself had only recently succeeded (in 339/950–51) ‘Alī b. Abī Shu‘ayb (or Abī Sufyān). Zurāra, then over ninety, was sent to al-Mahdiyya instead.21 Al-Nu‘mān describes his own assumption of the post in one of his works. There he implies that he was granted at the time jurisdiction over Qayrawān and other cities as well.22 But such a result seems unlikely.23 In yet another of his books he includes the text of his appointment to the court of grievances, the mażālim, in 343/954 by the caliph al-Mu‘izz.24 That decree, which, with respect to mażālim cases, clearly establishes his authority over all other jurisdictions, suggests that his own prior office was previously not considered superior to that of the qādīs in the other major cities.25 And, as important as the mażālim was as a kind of appeals court, it did not confer on Qāḍī al-Nu‘mān the rank of qādī al-qudāt. When he finally departed the Maghrib for Egypt in 363/973 with al-Mu‘izz, he was only the qādī of the army, as he was to remain until his death later that year.

25 This decree says about al-Nu‘mān that the caliph “is satisfied with the discharge of your judicial duties in al-Manṣūriyya and its districts . . .”—i.e. in al-Nu‘mān’s previous jurisdiction. It continues, “Let your authority [now] prevail . . . in every case wherein the mażālim complaints are brought to you . . . Let no judge of al-Mahdiyya or Qayrawān appertain to himself any appeal from the Bedouins . . . The Commander of the Faithful has empowered every justice to look into the judicial matters of the city and its environs wherein he has been assigned. He should not transgress beyond the bounds of his jurisdiction (p. xxix).” A most interesting provision in it states clearly that other judges “cannot entertain [matters] related to the friends (awliyā’ = Ismailīs, members of the dā‘wa) of the Commander of the Faithful, or the [different] classes of his bondsmen, or any of the soldiery stationed in the capital.” All such matters go (now?) to al-Nu‘mān; they cannot be taken before any other judge.
In the eighth/fifteenth century history of the Ismaili imams, the ‘Uyūn al-akhbār, by the dā‘ī Idrīs ‘Imād al-Dīn, Qāḍī al-Nu‘mān’s stature has grown much higher.26 There he is said to have been given control over both the judiciary and the da‘wa and that for the whole of the Fatimid empire.27 Although al-Nu‘mān was certainly a dā‘ī, in addition to a qāḍī, and although he performed some of the functions of the da‘wa, such as reading weekly lessons to the faithful, he was not in charge of the da‘wa. Similarly, despite his high standing with al-Mu‘izz and his enormous prowess as a legal scholar whose works constitute the very foundation of Ismaili law, there is little or no evidence of his role in appointing judges and, beyond the mażālim, in regulating their activities.

The Da‘wa in the Maghrib

The da‘wa as a formal institution remains a mystery for much of this same period. Great numbers of dā‘īs appear to have operated both within the empire and abroad. We have the names of some of them. But the head of the da‘wa was not a dā‘ī al-du‘āt, or at least such a term is not in evidence. Rather he was the bāb al-abwāb.28 Are we then to assume the two terms refer to the same or similar office? For the earliest years the most reliable report cites as the Bāb a shadowy figure named Abū ‘Alī, about whom Ibn Ḥawqal, who was personally acquainted with the man’s son, adds that he had once long before gone by the name Ḥamdān Qarmaṭ— the famous leader of the Qarmonians during their earliest revolts in Iraq. This Abū ‘Alī died in 321/933 near the end of the reign of al-Mahdī and his son succeeded as the Bāb, a rank he held thereafter until the time of the caliph al-‘Azīz. Nevertheless, it is hard to see how either the father or son actually ran the da‘wa.30 Possibly the rank of Bāb was

28 Like dā‘ī al-du‘āt, the term bāb al-abwāb does not translate readily into English, but literally it means door of doors or gate of gates. The Bāb is thus the “door” or “gate” to the imām.
30 Here it is especially important to see Wilferd Madelung, “Ḥamdān Qarmaṭ
more spiritual than practical, a religious office without an administrative responsibility.

*The Later Phase in Egypt: The Judiciary*

The evident confusion about a hierarchy of judges for North Africa and Sicily in the earlier period likely reflects the problem of which city a given source considers. Qayrawân was previously the leading city of the Maghrib and thus its qâdim was most important. With the creation of, first, al-Mahdiyya and then al-Manṣūriyya, Qayrawân no longer could as easily make that claim. Sources that cite the qâdim of al-Manṣūriyya as superior to the rest and list only the holder of that position as the presiding judge may indicate no more than that, his title notwithstanding. In the later Egyptian phase the situation would change, resulting in the elevation of the chief qâdim to a position of true supremacy over all others.

Still, initially, following the conquest, the Fatimids elected to retain the qâdim of Fustat in place and recognize him as the judicial authority in Egypt. He was Abû Tâhir al-Duhâlî, a Mâlikî. Although confirmed in office by the Fatimid general Jawhar, he was “ordered to rule according to the doctrine of the ahl al-bayt in matters of inheritance, divorce and the new moon.”\(^{31}\) In other words, as in the Maghrib, even non-Ismaili judges had to accept certain points of Ismaili law, an accommodation more difficult for some than others.\(^{32}\) Presumably by this time Qâdim al-Nu’mân’s formulation of that law as conveyed in his *Daâî’im al-Islâm* had become widely available and thus readily accessible even to non-Ismaili jurists.

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32 A judge in Barqa once ruled against a man who subsequently complained that he had not followed the *madhhab* of the ahl al-bayt, to which charge the judge reportedly replied, “I would not rule according to their madhhab even if I were held by the hand.” The authorities then brought him to Qayrawân, fastened his hand to a heavy plank and left him there to die. See al-Maqrîzî, *Muqaffâ*, biography of al-Manṣûr, no. 780, vol. 7, pp. 175–76.
There were, however, also restrictions on al-Dhuhlî’s jurisdiction in other ways. From al-Mu‘izz’s arrival in Egypt, the mazālim was given to another judge, ʿAbd Allāh b. Muḥammad b. ʿAlī Thawbān who had come with him. Moreover, following the death of Qāḍī al-Nu‘mān, his son ʿAlī b. al-Nu‘mān began to supervise the judiciary, as if he and al-Dhuhlî held a joint appointment. The notary witnesses, for example, were under ʿAlī, not al-Dhuhlî. In 365/975 the new caliph al-ʿAzīz added control of the mint and the mosques of Fustāṭ and Cairo. Finally, because a paralysis in his side weakened al-Dhuhlî, the caliph removed him from office, turning over full and sole responsibility for it to ʿAlī in 366/976.

According to Ibn Ḥajar al-ʿAsqalānī’s history of the judges of Egypt, ʿAlī b. al-Nu‘mān was the first person in the Fatimid domain to have the title qāḍī al-quḍāt, because the decree (ṣījīl) of his appointment to office specified that all districts were under his control. The office of chief judge in the sense implied by the title qāḍī al-quḍāt or judge of judges suggests that the holder of it has the power to appoint subordinate judges. Both the term and that function were known elsewhere and much earlier. Already by the end of the second/eighth century such a position existed under the Abbasid caliph Ḥārūn al-Rashīd. The first qāḍī al-quḍāt was Abū Yaʿqūb b. Yaʿqūb (d. 182/798 or 183/799). The title itself had a pre-Islamic Sassanian counterpart: mobed mobedan. One report mentions that ʿAlī b. al-Nu‘mān sent his own brother as his delegate to deal with Tinnis, Damietta, al-Farama and other towns. The brother went to these places, arranged for a subordinate in each, and came back.

Nevertheless, the full extent of ʿAlī’s authority is not clear. The wazīr Ibn Killis, who both lectured on legal doctrine and composed a manual of it, perhaps out of a nascent sense of competition, appears, for example, to have supported a possible rival in Ibn Abi l-Minhāl.

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34 On ʿAlī’s career as well as those of the rest of his clan, see the pioneering study by Richard Gottheil, “A Distinguished Family of Fatimid Cadis (al-Nu‘mān) in the Tenth Century,” Journal of the American Oriental Society 27 (1906), pp. 217–96.
35 Ibn Ḥajar, Ṭafsīr al-ʾisr, bio. no. 147, p. 283.
37 Ibn Ḥajar, Ṭafsīr al-ʾisr, p. 283.
The latter had been the qādī of al-Manṣūriyya following the departure of the court. Later he asked to be allowed to come to Egypt, a request ultimately granted by the caliph al-ʿAzīz in 368/979. Once there he was given the mażālim.39

With the death in 374/984 of ʿAlī b. al-Nuʿmān, his brother Muḥammad moved into the same position.40 The latter’s diploma of investiture appointed him to the regions of Miṣr, Alexandria, the Ḥaramayn (Mecca and Madina), and the military districts (junds) of Syria.41 He was to control also prayer times, measures of gold and silver, inheritance, and weights.42 Despite the obvious degree of authority accorded him, it is still not certain that Muḥammad b. al-Nuʿmān was formally granted the title qādī al-quḍāt. That honor appears to have waited for his successor, al-Ḥusayn b. ʿAlī, the grandson of al-Nuʿmān, who became chief judge upon the death of his uncle in 389/999.

For the appointment of al-Ḥusayn, Qalqashandī preserves the entire text of the decree of investiture,43 thus allowing for greater certainty about exactly what responsibilities his position included. He was to supervise the judges assigned to the regions of Egypt—specifically Cairo, Fustat, Alexandria and other districts—plus the Ḥaramayn, the junds of Syria and the various districts of the Maghrib, in a word the whole of the Fatimid empire. Sicily is not mentioned but may have been at the time subsumed under the designation “Maghrib” (aʿmāl al-Maghrib). In addition to the judiciary proper, he would control the mint (dār al-ṭarb),44 standardized measures (ḥyar) and affairs of both congregational and regular mosques (amr al-jawāmiʿ wa-l-masjid). Al-Maqrīzī’s Ittīḥāz45 provides important supplemental

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39 Al-Maqrīzī, Ittīḥāz, vol. 1, p. 247; idem, Muqaffū, bio. no. 630. The latter contains quite useful information on the appointment of judges in the Maghrib during and after the transfer of the court to Egypt.


42 As noted by Ibn Ḥajar, Rafʿ al-īṣr, p. 422.


44 Cf. the Buyid ʿahd appointing ʿAbd al-Jabbār, qādī al-quḍāt of Rayy, Qazwin, Qumm and other cities, which also specifies that he look after the mint and weights and measures, in Rasāʾil al-sāḥib b. ʿAbbād, ed. ʿAbd al-Walīhāb ʿAzzām and Shawqī Ḍayf, Cairo 1966. Suggested by Michael Bates.

information about the persons al-Ḥusayn selected for many of the positions subordinate to his authority: for Fuṣṭāṭ; or for Cairo, which was given to Mālik b. Saʿīd al-Fāriqī; or those to hear cases should he himself be absent, one among them being Ibn Abī l-ʿAwwām; various clerks; the overseer of the mint; and more.46 Two of these men, al-Fāriqī and Ibn Abī l-ʿAwwām, later rose themselves to become the qādī al-quḍāt.

The Dāʿī al-duʿāt

Al-Maqrīzī also claims that this same al-Ḥusayn was the first to hold the title dāʿī al-duʿāt and that by decree (ṣiyīl).47 If, by this title, he refers to the preparing and reading of weekly homilies to the Ismaʿili community, that was done as well by his predecessors back to al-Nuʿmān himself. What may be different is the added responsibility of directing the daʿwa in general, both within the empire and abroad. But about that our information is scant. Presumably al-Ḥasan, the son of Abū ʿAlī, had died by this time; and it appears quite reasonable to assume that one of these chief qāḍīs succeeded him as chief dāʿī. From al-Ḥusayn onward, however, it is clear; the two offices were held by the same person for the next sixteen years.

With the fall of al-Ḥusayn in 394/1004 (he was executed and his corpse burned in 395/1004),48 his first cousin and long-time rival ʿAbd al-ʿAzīz b. Muḥammad b. al-Nuʿmān rose to the position, only to lose it himself in 398/1008 (he was put to death three years later). His successor was the same Mālik b. Saʿīd al-Fāriqī, who had been the qādī of Cairo under his predecessors. The first from outside the clan of al-Nuʿmān, Mālik was a favorite of the caliph and was extremely active in pursuit of his duties both as chief judge and as head of the daʿwa. He increased, for example, the number of weekly sessions of instruction in Ismaʿili doctrine (the maṭlis al-ḥikma) to five.

46 Al-Maqrīzī reports in his Muqaffā (bio. no. 1253) that al-Ḥusayn had his own brother Abu l-Mundhir al-Nuʿmān supervise the mint and the weights and measures and that the brother was also his deputy for judicial matters in Alexandria and its dependencies.
But he, too, like his three predecessors, eventually ran afoul of the imām, al-Ḥākim, and was himself put to death in 405/1014 for reasons that are no where clearly explained.49

With this event, this series of joint appointments to the judiciary and the daʿwa ended. As natural as it had been for the same person to function in both capacities, it is not certain that there ever was a policy of combining them. After a brief hiatus in late 405/1014, al-Ḥākim soon decided to accept the suggestion of one of his trusted advisors and appointed Aḥmad Ibn Abī l-ʿAwwām to the position of qāḍī al-quḍāt.50 Neither the advisor nor Ibn Abī l-ʿAwwām were Ismaʿili, a fact that did not preclude the one from offering advice nor the other from assuming the supreme judicial office. The latter had already served in subordinate legal positions for many years. His general qualifications were never in doubt. But, as a Ḥanafī,51 he obviously could not direct the Ismaʿili daʿwa. For his role as judge, by contrast, the government needed only to stipulate that he rule in accord with Ismaʿili doctrine when and where it applied. Four experts were to sit in his court for consultation in such cases. Otherwise his appointment as outlined in the summary of his decree is much the same as his recent predecessors.52 Like them he controlled the mint, for example, prayer times and the khutba (the Friday sermon); like them he was to administer the judiciary of all the regions of the empire (including by name Sicily), with one curious exception: Palestine, which was, for reasons not known, given to another judge and thereby specifically excluded.

49 The cause is reported to have been Mālik’s visits to the house of Sitt al-Mulk, al-Ḥākim’s sister, complicity with whom the imām regarded as treason in some manner. On Mālik b. Saʿīd and his family in general, see the study (with more details) by Walker, “Another Family of Fatimid Chief Qadis. The al-Fariqīs,” Journal of Druze Studies 1 i (2000), pp. 49–69. Add to the information given there, the killing by al-Ḥākim, in 391, of his tutor Saʿīd b. Saʿīd al-Fārīqī, the brother of Mālik; al-Maqrīzī, Ittāʿāz, vol. 2, p. 42.


51 He was not a Ḥanbalī, as claimed by Ibn Ḥajar (and repeated by many including myself in earlier writings). The editor of the 1998 edition of the Rafʿ al-īṣr has corrected the text (see p. 71, n. 2) on the basis of additional information. Al-Maqrīzī set the record straight in his Muqaffā, bio. no. 584, pp. 603–4. For the details and other sources on this problem see Gary Leiser, “Ḥanbalism in Egypt before the Mamlūks,” Studia Islamica 54 (1981), pp. 159–60. It is also of interest that this man’s nephew, who was likewise Ḥanafī, later became qāḍī al-quḍāt in 453–54 (Ibn Ḥajar, Rafʿ al-īṣr, p. 75), where it specifies that he was given in addition to the judiciary the maẓāālim, the mint, prayers, the khutba, and pious foundations (aḥbās).

52 Al-Maqrīzī, Muqaffā, bio. no. 584.
Having taken care of the judiciary, al-Ḥākim turned to the daʿwa, the direction of which he had let lapse. His choice here was a prominent agent of his, Khatkīn al-Ḍayf, a member, it seems, of a corps of adyāf who served possibly as a kind of paramilitary. Khatkīn’s previous career—he was twice Fatimid governor of Damascus, for example—did not fit that of most daʿīs. He was neither a preacher nor a teacher. His two predecessors had composed a great number of their own weekly lectures and for both men the Druze sacred writings, the Rasāʾil al-Ḥikma, actually cite specific numbered examples, thereby indicating apparently that collections of their writings were in circulation. From the period of Khatkīn’s supervision of the daʿwa, we have as well a number of important works by the great daʿī Ḥamīd al-Dīn al-Kirmānī, who spent time in Egypt at this juncture, quite likely at the invitation of Khatkīn, the support of whom Kirmānī credits. But, despite not composing or perhaps not even reading his own writings in the weekly sessions, Khatkīn was clearly the daʿī al-duʾāṭ. It was he who ran the affairs of the daʿwa.

And Khatkīn was evidently quite effective. Beginning in 408/1017–18 or slightly before, the daʿwa had to confront a series of challenges to its authority raised by the leaders of various groups that later became the Druze. For a while the threat was serious but the daʿwa survived this rebellion against its control eventually. Khatkīn must have played a major part. Two of the five arch-villains in the Druze hierarchy are Khatkīn, as the daʿī al-duʾāṭ, and Ibn Abī l-ʿAwwām, as the qāḍī al-quadāt, both of whom were responsible in part for the suppression of the earliest Druze and their prophet and messiah Ḥamza b. ʿAlī. Druze doctrine thus confirms Khatkīn’s role.

At the moment of al-Ḥākim’s disappearance in 411/1021, both men continued to hold office, Ibn Abī l-ʿAwwām in fact until his death in 418/1027. The fate of Khatkīn is less certain. However, in 414/1023–24, Qāsim b. ʿAbd al-ʿAzīz, great grandson of Qāḍī al-

55 For ʿAbd al-ʿAzīz, see Rasāʾil al-Ḥikma, Beirut 1984, no. 70 (p. 605), citing his 117 and 129th majlis, and no. 74 (pp. 670 and 674), citing his 110th, 125th and 126th majlis. For al-Fāriqī, see Rasāʾil, no. 42 (p. 331), citing the 144th, no. 69 (p. 589), citing his 140th, and no. 74 (p. 669), citing his 7th majlis.
56 Druze references to the qāḍī Ibn Abī l-ʿAwwām occur in Rasāʾil in nos. 9 (p. 79) and 18 (p. 197).
Nu’mān, took charge of the ḍāʿ wa and that implies that Khatkīn was no longer around. In 418/1027 Qāsim added to his responsibilities the judiciary, although barely a year later he was removed from it (but not also from the ḍāʿ wa). Qāsim by several accounts had little talent and gained his high positions almost exclusively because of his distinguished forebears. Still he managed to hang on to the leadership of the ḍāʿ wa without interruption until 441/1049, some twenty-seven years in all. Moreover, the judiciary eventually came back to him as well. In between it belonged to ʿAbd al-Ḥākim b. Saʿīd al-Fāriqī, a brother of Mālik. Like the clan of al-Nu’mān, the al-Fāriqīs themselves constituted a family of qādīs, four more of whom were to occupy the post of qādī al-ṣudāt in the period from 450/1058 to 466/1074. ʿAbd al-Ḥākim fell prey to his own venality in regard to the inheritance of an orphan girl in his charge; he was accordingly removed from office when that scandal became public in 427/1036.

The role of whole families in the judiciary is notable especially over the first century of Fatimid rule from Egypt, less so for the ḍāʿ wa although that impression may stem from the lack of sufficient evidence in the latter case. The involvement of Qādī al-Nu’mān’s many descendants is only the most obvious example. That of the al-Fāriqīs is another. And their grip on various offices extended to many regional and subordinant positions that are less apparent in the surviving historical record than that of the chief qādīs. As but one example in the year 414/1023, Mālik’s son Abu l-Faraj was appointed qādī of the eastern Nile Delta city of Ṭinnīs. Nor is this period likely to have been exceptional in this regard. Evidence from the Maghrib and from much later in Egypt suggest that various

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58 After precisely one year, two months, and twenty days according to Ibn Ḥajār (Rafʿ al-īs, p. 308), bio. no. 163, pp. 307–8.

59 For details—full names and dates with a genealogical chart—see the study of the al-Fāriqīs by Walker cited above n. 49.

60 See also the entry on him in Ibn Ḥajār, Rafʿ al-īs, bio. no. 101, pp. 208–9.

members of the same family frequently held posts in the judiciary either from one generation to the next or simultaneously.\footnote{Much more work needs to be done to collect all the available data which, however, certainly exists, most notably but not exclusively in Ibn Ḥajar’s \textit{Raf\textsuperscript{a} al-iṣr}.}

\textit{Al-Ŷāzūrī and al-Mu‘ayyad}

The next major event in the evolution of these two offices was the acquisition of both by al-Ḥasan b. ‘Alī al-Ŷāzūrī in 441/1050, replacing Qāsim. Al-Ŷāzūrī commenced his phenomenal rise to power as an overseer of the queen mother’s estates. From there he obtained appointments as chief justice and chief \textit{dā‘ī} and finally slightly later as \textit{wazīr}. He was the first to hold all three simultaneously. No \textit{wazīr} before him, including the quite powerful figures, Ibn Killis and al-Jarjarā‘ī, had control of either judiciary or \textit{da‘wa}. Yet it is unlikely that one person could manage what until then had been three separate portfolios, each with its own bureaucracy and various lesser offices. Certainly, then, al-Ŷāzūrī, whose exact qualifications for either the judiciary or the \textit{da‘wa} remain in doubt—was he even actually Ismaili?—had to delegate day to day authority to others.\footnote{There is a biography of him in Ibn Ḥajar, \textit{Raf\textsuperscript{a} al-iṣr}, bio. no. 54, pp. 129–34; also another fairly long in al-Maqrīzī’s \textit{al-Muqaffā}, vol. 3, pp. 366–408 (no. 1188).} For the \textit{da‘wa} he often turned to al-Mu‘ayyad fī l-Dīn al-Shīrāzī, a multi-talented \textit{dā‘ī} recently arrived from Iran, who would ultimately succeed his boss as \textit{dā‘ī} \textit{al-du‘āt} in 450/1059 after a lengthy period of subordinate service.

Al-Ŷāzūrī’s direction of the three branches of government was, in general, highly successful, a high-water mark of Fatimid achievement. The triumphal capture of Baghdad by al-Basāṣīrī in 450/1058 on behalf of the Fatimids was a part of his program. Al-Mu‘ayyad had played a major role in the endeavor, acting for al-Ŷāzūrī. But the \textit{wazīr} did not survive the internal attacks against him. He succumbed to them in 450/1058 and was executed that same year, his fall leading to one of the most chaotic periods in Fatimid history. From 450/1058 until the advent of Badr al-Jamā‘ī in 466/1074, the government moved from one crisis to the next. One scholar estimates that during those years there were fifty-four different appointments
to the wazirate and forty-two to the office of chief qādī. Many involved the reappointment at various times of the same man: Aḥmad b. ‘Abd al-Ḥakim al-Fāriqī, on four separate occasions; ‘Abd al-Ḥakim b. Wahb al-Maljī, at least eight times. Only the daʿwa remained under relatively stable direction; al-Muʿayyad, once in office, suffered less. He lost his position in 454/1062, perhaps another time, but otherwise continued throughout as head of the daʿwa.

Most significantly, for al-Muʿayyad’s appointment to lead the daʿwa in 450/1059, we have the text of the decree issued on the occasion. It appears to be the only example of its kind to reach us. It reviews carefully the new ḍūʿāl’s background and previous service and it provides as well some sense of what were the duties of the office. Another, also preserved, applies to his reinstatement following a brief demotion and exile in 454/1062.

64 Ayman Fu’ād Sayyid in his introduction to his edition of Ibn al-Ṭuwayr’s Nuzhat al-muqlatayn fi akhbār al-dawlatayn, Beirut/Stuttgart 1992, p. 70. 65 On al-Maljī, see Ibn Hajar, Ḥift al-ṣīr, bio. no. 102, pp. 209–10, and Ibn Muyassar, Akhbār Miṣr, ed. Ayman Fu’ād Sayyid as al-Muntaqa min akhbār Miṣr, Cairo 1981, p. 18. One report about him states specifically that in 453/1061 for his second appointment he was also given the mazālim and all the other functions appurtenant to the judiciary, namely prayer, the khutba, and all else, except the daʿwa. In fact, although this man was an Ismaili, I have found no evidence that he was ever given the daʿwa. On him see al-Maqrīzī, Ittiḥād vol. 2, pp. 251, 261, 262, 264, 268, 270, 271, 274, 276. His son later became a judge under al-Mustaʿlī; see Ittiḥāz, vol. 3, p. 28; Ibn Hajar, Ḥift al-ṣīr, p. 364. 66 For this interval we have a record of appointment to the daʿwa of one of the al-Fāriqīs. As well al-Ḥasan b. Majallī b. Asad b. Abī Kudayna al-Murāḍī, who was appointed qādī on several occasions, the first of which occurred in 455/1063, is noted as holding simultaneously, however briefly, the wazirate, the judiciary and the daʿwa in 464/1071 (Ibn Hajar, Ḥift al-ṣīr, bio. no. 56, p. 136; Ibn Muyassar, Akhbār Miṣr, p. 38). If so it would constitute at least the second time that al-Muʿayyad lost it.

67 The Arabic texts of these two sijillūs are preserved in volume seven of ʿImād al-Dīn Idrīs’ ʿUyūn al-akhbār, ed. by Ayman Fu’ād Sayyid in The Fatimids and their Successors in Yaman. The History of an Islamic Community, London/New York 2002, pp. 76–82. Bazat-Tahera Qutbuddin included both as an appendix to her earlier study of al-Muʿayyad’s poetry entitled Al-Muʿayyad fi al-Dīn al-Shirāzī. Founder of a New Tradition of Fatimid Daʿwa Poetry, PhD dissertation, Harvard University, Cambridge, Mass. 1999. There she provides a translation and a photographic fascimile of a ms. that was not consulted by Sayyid. Other mss. are available as well. From them it is clear that Sayyid misread the date of the second of the two in Idrīs’s work (p. 82 of the Arabic) as 455. The correct date is 450. Thus, as they appear in this text, what Idrīs presents as the “second” appointment (pp. 79–82) is actually the first and what he puts first (pp. 77–79) is in fact the second from 454 when al-Muʿayyad was recalled from a short exile and reappointed ḍūʿāl al-duʿāt.
The coming of Badr al-Jamâ‘î in 466/1074 altered permanently the structure of the Fatimid state. Although he himself was to hold a position of supreme authority, a virtual dictator, his rank remained that of a wâżîr, and he was always theoretically subservient to the imam-caliph. In actuality he and those who occupied the same office over the next century were formally titled amîr al-juyûsh, “Commander of the Armies.” The term wâżîr fell out of favor and remained thereafter an informal designation. But, with respect to the two offices under discussion here, the amîr al-juyûsh simply subsumed them as part of his overall authority. The exact steps in this process are, however, not quite clear. As long as al-Mu‘ayyad was alive and able to function as chief of the da‘îwa, Badr did not claim control of that position. Nevertheless, one report indicates that already in 466/1074, he took over the judiciary, appointing on his own behalf a gâdî al-qudât, who, despite the title, was beholden to Badr directly. 68 Four years later, al-Mu‘ayyad died. Until shortly before his death, inscriptions and other evidence show that Badr did not have a title that gave him control of the da‘îwa. Only when al-Mu‘ayyad’s approaching death was obvious did Badr add the titles “Guarantor of the Judges of Muslims and Guide of the Missionaries of the Believers (kâfîl qudât al-muslimîn and hâdî du‘ât al-mu‘minîn), thereby asserting his own direct authority over both the judiciary and the da‘îwa.” 69 The exact meaning of either title, however, remains uncertain, as does its function. Nevertheless, henceforth, these two offices were under the control of the amîr al-juyûsh, who had thus from then onward apparently taken full charge of them both.

Note, however, that the various amîrs of this highest rank—the amîr al-juyûsh—although most often possessing in practice complete dictatorial powers, nonetheless did not themselves claim the titles gâdî al-qudât or dâ‘î al-du‘ât. Later medieval writers might informally

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69 On the timing of his use of these titles, see Ayman Fu‘ā‘d Sayyid, edition of Ibn al-Tuwâyr’s Niẓâh, introduction pp. 46–47. Badr did not have them prior to 30 Dhu l-Qa‘da 470/June 1078; al-Mu‘ayyad died in Shawwâl/May.
state that these military wazīrs were one or the other or both, but the exact title of the amīr al-juwūsh in this regard refers to him as kāfi “guarantor” and as ḥādī “guide”, terms that place him above but not necessarily directly in either the judiciary or the dāʿwa. He would accordingly govern the affairs of both by assigning subordinates to the task. Thus the old office of qāḍī al-ṣudāṭ and dāʿī al-duʿāt were not done away with simply by the advent of military control. Eventually, if not immediately, they reemerged or, perhaps, simply continued without the same degree of independence and thus public notice.

The reign of Badr al-Jamālī, which proved critical for the continuity of the Fatimid state, is so poorly documented by surviving evidence or historical reporting that we cannot verify exactly what happened to the positions of chief qāḍī and chief dāʿī after 470/1078 (the death of al-Muʿayyad). From then until 487/1094, the end of Badr’s rule, we have no names for the post of dāʿī and only a few for qāḍī. The situation is hardly better for the reign of the caliphs al-Mustaʿlī and the first two decades under al-ʿAmīr, when, as the amīr al-juwūsh, Badr’s son, al-Afḍal, exercised the same iron-fisted control over the government as had the father. But, with the murder of al-Afḍal in 515/1121, a semblance of the old order returned. Likewise information from the chronicles begins to flow again. Does that indicate that we simply lack the evidence we need from the previous forty-five years (470/1078–515/1121)? And that, if it were available, we could readily account for the continuity of the two offices and explain how both functioned over the intervening period? At the moment we have no way to tell.

Nonetheless, from 515/1121 until the final collapse of the Fatimid dynasty in 567/1171, the list of holders of both ranks is reasonably complete.60 Six individuals in that period also occupied both positions at one time or another. Four of them received an appointment to the two offices in combination, notably Abu l-Thurayyā Najm b. Jaʿfar, from 526/1132 to 528/1134, Ismāʿīl b. Salāma al-Juljūlī,71 from 534/1140 to 543/1148, Hibat Allāh b. ʿAbd Allāh b. Kāmil, from 549/1154 to 559/1163, and al-Ḥasan b. ʿAbd Allāh b. ʿAlī b.
Salāma, who was known as Ibn al-‘ūrīs, in 559/1163. Several returned to the post of chief qādī at least once. The chief dā‘ī from 517/1123 to 525/1131 served briefly as qādī the following year (in 526/1132). Al-Juljūlī was already chief dā‘ī when he was given the judiciary and he continued as such after he lost it. At the very end two men in particular were locked in an intense rivalry for these positions: Ibn ‘Abd al-Qawī b. al-Jalīs and al-‘Alī b. Salāma (Ibn al-‘ūrīs). If one was appointed to one of the posts the other would conspire either for the other office or to unseat his opponent. They each held one of the positions at the end. Two years later in 569/1174 both were arrested by Saladin (Ṣalāh al-Dīn), the new Ayyubid ruler, for complicity in an attempt to restore the Fatimids. He ordered them both hung, crucified, and, in response to their long-standing personal quarrels, buried together in the same grave.72

The responsibilities of both offices, as revealed by various reports from the period, indicate that it had not changed in any significant way if at all. The chief qādī continued to control the mint, for example, a fact of great interest and some amazement to later Ayyubid and Mamluk era historians. They were favorably impressed by the stability of Fatimid coinage and credited the role of the qādī in keeping it so.73 Other Islamic governments, especially later, did not turn over to the qādī this kind of authority. For the da‘wa we have a description by the contemporary Ibn al-Ṭuwayr of the duties of the chief dā‘ī, of his drafting the weekly lecture on doctrine, producing a neat copy for the caliph’s signature, and his reading of the lesson to an audience of Ismaili faithful who came forward afterward to be touched on the head by that same signature.74 What Ibn al-Ṭuwayr reports about this aspect of the da‘wa in late Fatimid times matches

73 Al-Qalqashandi, Ṣubḥ al-dīwān, vol. 3, pp. 461–2 and note; vol. 10, pp. 384–88; al-Maqrīzī, Ittīḥād, vol. 2, pp. 23, 106; Khīṭat, masawwada, pp. 278–9 (a section specifically devoted to “mentioning those who were appointed to supervise the mint in the days of the Fatimid caliph’s”). Cf. Tyan, Histoire, pp. 410–12. A judge, Abu 1-Hajjāj Yūsuf, who was appointed qādī al-qudūt by the wāżūr al-Ma’mūn in 516/1123, is specifically granted in his decree of investiture authority over the judiciary plus prayer, the khāṭība, the bureau for pious foundations, and the mint. See Ayman Fu‘ād Sayyid, notes to his edition of Ibn Muyassar’s Akhbār Misr.
74 For a translation of this passage see Walker, “Fatimid Institutions of Learning,” Journal of the American Research Center in Egypt 34 (1997), p. 185 n. 27.
more or less an account of similar sessions from well over a century earlier as reported by al-Musabbihī from the reign of al-Ḥākim.\textsuperscript{75}

Conclusions

A comparison of the form and function of these two positions over the final decades of Fatimid rule with an earlier period under the same dynasty in Egypt suggests little or no fundamental changes over the intervening years. Given the general decline of their power and the occurrence of two major schisms in the Ismaili movement as a whole, the continuation of both up to the fall of the Fatimid dynasty is remarkable. The ḍāʾīva, though administering to a shrinking congregation, apparently fulfilled its purpose to the very end. The ḍāʾī al-duṭāt continued to have high rank in the state, only slightly less than that of the chief qāḍī. But, looking for a similar position in the North African phase of Fatimid government much earlier, reveals an important contrast. Until the caliphate moved to Egypt, there had been no office of precisely the same kind. In the Maghrib, although the title itself had been used, there had existed no judge of judges as a super qāḍī with authority over all the others in the realm. Despite his great prestige and closeness to the caliphs, Qāḍī al-Nuʿmān never held such a lofty position. He was the chief judge in respect to the Ismaili community there, but only for the Ismaïlis. The Mālikīs in particular, who constituted the majority, had their own qāḍīs.

On the question of who, aside from the imam, controlled the ḍāʾīva, the matter is not as clear. If it was the bāb al-abwāb, an obscure office that may have been more of a spiritual rank than a government office, it remains hard to follow its development into the later position of ḍāʾī al-duṭāt, if that is what happened. Most likely, the post of chief ḍāʾī, in the sense of an administrative wing of the central government, began as an imitation of that of chief qāḍī when he became the qāḍī al-qudāt in the full sense. It was thus no accident that the first holders of such an office, the sons and grandsons of

al-Nuʿmān, were also chief ṣāḥib. However, for that to have happened, the wide net of the daʿwa in territories far beyond the Fatimid empire, which had until then been tightly organized on a principle of a hierarchy of ranks and gradations of authority, would have had to become subservient to a bureau of the state. Given its previous importance as the engine of the movement, both before the establishment of the state and presumably afterward, that it came to have a status less than that of either ṣāḥib or wazīr is therefore curious. One possible answer derives from the Ismaili concept of “muslim” (muslim) and “believer” (muʾmin). Muslims are all members of the Islamic community; believers are only that portion of it that accept the authority of ‘Alī as the sole legitimate successor to the Prophet and of his descendants, the imams of the Fatimid-Ismaili line. In Badr al-Jamāl’s titles kāfir quḍāṭ al-muslimīn and hāḍī ḍuʿāṭ al-muʾminīn, the same distinction is made. Judges hold authority over Muslims, all Muslims, the broader and more inclusive category, while ḍāʾīs administer to the needs of the community of true believers, a much smaller but more select group within the larger body of Islam. Strictly from the viewpoint of a believer, the chief ḍāʾī is more important than the chief ṣāḥib; quite possibly in this respect he holds higher authority, even with regard to questions involving the application of law. But, for the common citizen of the Fatimid empire, non-Muslims and especially non-Ismaili Muslims, the ṣāḥib remained, in part because of the greater numbers of those who required what he provided, more important. Most inhabitants of the realm never accepted the daʿwa and they had no dealings with the ḍāʾī.

A second answer, one not necessarily incompatible with the first, is that the office of ḍāʾī al-duʿāṭ is not the same as that of bāb al-ḥabwāb and that therefore they are not to be confused or confounded. This explanation is that of the modern Ismaʿlis, particularly of the Ṭayyibīs, who insist that the bāb was all along the spiritual director of the daʿwa, acting for the imām and holding a status second only to him.76 In their view the ḍāʾī al-duʿāṭ is merely a state functionary, a kind of civil administrator for those affairs of the daʿwa that required a quasi-public governmental agency. Conveniently, al-Muʿayyad, who

76 Reiterated by University of Chicago colleague Bazat-Tahera Qutbuddin in private conversations. She is currently gathering the evidence for this view as expressed in the earliest of the Ṭayyibī writings in the Yemen, which thus trace it back at least to the immediate post-Fatimid period.
holds an exalted position as a kind of patron saint among Ṣayyid Ismailis, is considered by them to have been both. He was the bāb, spiritual head of the daʾwa, and at the same time dāʾī al-duʿāt. Not so someone like al-Yāzūrī, who was, according to this view, never the bāb. Admittedly, the evidence for the activities of the daʾwa is harder to come by than for the judiciary and thus many questions about it remain unanswered. Nevertheless, as useful as this distinction might be in explaining certain discrepancies, much of the data does not support it. More likely it constitutes a later doctrinal readjustment designed to ensure the highest possible status for the supreme dāʾī during the absence of the imām as occurred for the Ṣayyid after their imam al-Ṣayyib (and his line) had disappeared.

References


Bianquis, Thierry, *Damas et la Syrie sous la domination fatimide (359–468/969–1076)*.


——, *ʿUyūn al-akhkhār wa-funūn al-ṭāhir fī faḍāʾīl al-aʾimma al-athār*, vol. 7, ed. Ayman
Social aspects of the transmission of knowledge have come into the focus of scholarship in recent years, yet we are still far from having a comprehensive picture, even for specific periods and areas, of the elements that made up the successful career and posthumous reputation of a scholar. Among these elements are different types of documents, whose significance varies over time and space; they include certificates of audition (samā‘āt) noted on the margins, at the beginning or end of manuscripts and autobiographical reports about a scholar’s studies that circulated as fahrasa, mashyakha (mashikha), barnāmaj, thabat or mu‘jam. One of the most variegated types is the ījāza,
or, more specifically the ījāzat al-riwaʿya, the ‘license to transmit’. The recipient, or recipients (mujāz, pl. mujāzūn), is authorized by the issuer (mujīz) to transmit to others the contents specified in the ījāza. They can refer to one or several works, or to a whole body of works that is either precisely specified or only cursorily hinted at. The dividing line between one type of certificate and another is often blurred. If the authorization to transmit follows teaching of the mujāz by the mujīz, for example, this is called ījāzat al-samāʿ or ījāzat al-qirāʿa, according to the kind of instruction. Similarly, the description of the course of one’s studies can form part of an ījāza.\(^4\) It appears that what was originally an oral authorization came more and more to be documented in writing and formalized in structure and terminology in parallel with the growing dominance of the written word and the growing institutionalization of the scholarly culture. Besides the license to transmit that was issued for specified texts, there were text-independent ījāzāt not tied to specific contents or texts. Because of their generally large scope, such documents often no longer appeared in the margins or at the beginning or end of other texts, but themselves became autonomous texts, sometimes in the form of books, often with their own titles.\(^5\) The contents authorized to be transmitted were usually comprehensive, frequently comprising the whole literature of a certain scholarly tradition (ījāza kabīra or ījāza ‘āmma).


The majority of ījāzāt al-riwāya within the Imami tradition⁶ follow a more or less fixed pattern, with formalized phrases that serve as demarcators for the different building blocks of the document. The opening prayer is followed by an introduction, naming the issuer and the recipient as well as the occasion on which the licence was issued. This is followed by the main section detailing the contents and extent of the ījāza. It usually begins with the formula ājaztu lahu an yarwiya ‘annī. . . . Very often the mujīz includes detailed information on his own shaykhī and their chains of transmission. The ījāza usually ends with the conditions attached to it—introduced by formulas such as la-yarwiya dhālīka li-man shā‘a wa-aḥhabba—and a colophon indicating the place and date of issue.

A typical core element of the text-independent ījāza kabīra or ījāza ‘āmma is the autobiographical of the mujīz, usually a complete list of his works, often including even unfinished writings and providing details about the size, content, or other special characteristics of the individual titles.⁷

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⁶ The majority of known ījāzas by Imami scholars from the 4th/10th to the 14th/20th century is listed in Āghā Buzurg al-Ṭihrānī’s (d. 1389/1970) bibliography of Imami literature, al-Dhari‘a ilā taṣānīf al-shī‘a (as n. 5).—In addition to the ījāzat al-riwāya, more specific types of ījāz evolved, such as the ‘licence to teach and to issue legal opinions’ (ījāzat al-tadbīr wa-l-ijāz) in the Sunni world, which is said to go back to the 3rd/9th century (see Stewart, “Doctorate of Islamic Law.”), or the ījāzat al-ijtihād (ījāza ījtihādiyya), which is to be encountered among the Imamis from about the mid-19th century onwards. See, e.g., Āghā Buzurg, Dhari‘a, vol. 1, p. 157 nos. 773, 776, pp. 168–69 no. 845, p. 169 no. 852, p. 173 nos. 868, 871, p. 195 no. 1014, vol. 11, pp. 13–14 no. 63, p. 14 no. 67, p. 15 no. 74, pp. 23–24 no. 132; for this genre, see also Devin J. Stewart, Islamic Legal Orthodoxy. Twelve Shi‘ite Responses to the Sunni Legal System, Salt Lake City 1998, pp. 224ff.

An essential function of comprehensive, text-independent ījāzāt is the documentation of the scholarly tradition, first and foremost the scholars making up the mujāz’s chains of transmission. Moreover, it is not unusual for presentations of scholars to elaborate on other persons who were somehow connected to them, such as family members or predecessors and successors in public office, irrespective of

whether these persons were links in the mujāz’s chains of transmis-

sion or not. For the sake of documentation, a mujāz often quotes

complete ijāzās by earlier scholars in his own licence, even if they

were not his own teachers. Thus this type of ijāza fulfills, among

other purposes, functions similar to those of biographical works. In

many cases these two genres cannot be clearly distinguished. Docu-
mation of one’s own scholarly tradition is also the motive

behind the compilation of independent collections of ijāzāt (kutub al-

ijāzāt).10

Despite the large number of such documents that are available to

us and their indisputable value as source material for the recon-

struction of the history of scholarly traditions and networks, and their

respective curricula, the social meaning and impact of those docu-

ments as constitutive elements of a successful career and the posthu-

mous reputation of a scholar need to be studied carefully. There are

numerous examples of scholars who considered the ijāzāt they received

throughout their lives as evidence of their own reputation; this can be

seen from the way they collected and displayed them in their own

writings. But there were equally accomplished scholars who took

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8 See, e.g., Āghā Buzurg, Dharī’ā, vol. 1, p. 134 no. 627, p. 165 no. 826, p. 172

no. 864, pp. 193–94 no. 1002, p. 221 no. 1160, p. 230 no. 1207, p. 236 nos. 1238,

1239, p. 244 no. 1289.

9 A Twelver Shi‘i example from the 12th/18th century is Le‘lu‘at al-Bahrayn, a

tabaqāt-work of Imami culture (as n. 7), though this is technically an ijāza issued by

Yūsuf b. Ahmad al-Bahrānī for two of his nephews; examples from the 14th/20th

century are al-Lum’ā al-mahdiyya išā t-turuq al-ilmīyya by Ḥasan b. Ḥādī b. Muḥammad


issued for Mahdī b. Muḥammad Taqī al-‘Iṣfahānī in 1329/1911. Cf. Āghā Buzurg,

Dharī’ā, vol. 1, p. 174 no. 877; vol. 18, pp. 354–55 no. 452; furthermore Bughyat

al-wu‘āt fi tabaqāt mashāyikh al-ijāzāt, again a tabaqāt-work which formally is an ijāza,

issued in 1326/1908–9 by the same Ḥasan al-Mūsawī al-Kāẓimī for Muḥammad


no. 874, vol. 3, p. 137 no. 464. Ḥasan al-Mūsawī al-Kāẓimī granted a third ijāza,

entitled al-Taṣbiqāt, which apparently belongs to the same genre; see Dharī’ā, vol. 1,

p. 174 no. 876. He moreover granted an extensive ijāza to Āghā Buzurg al-Ṭīhrānī

which also contains a section dedicated to tabaqāt; cf. Dharī’ā, vol. 1, p. 174 no. 878.

10 For a survey of such collections in Twelver Shi‘i culture, see Āghā Buzurg,


11 There are numerous examples of scholars who quote the ijāzas they had received

earlier in ijāzas they later issued for their own students; see, e.g., Āghā Buzurg,

Dharī’ā, vol. 1, p. 159 no. 785 (ijāza granted by Muḥammad Bāqīr al-Nisābūrī al-

Makkī to Naṣr Allāh b. al-Ḥusayn al-Mudarris al-Ḥāʾirī in 1130/1718 in which the

mujāz quotes the ijāza he was granted by ‘Alī Ḥān al-Madanī, p. 168 no. 843

ijāza granted by Ḥasan b. Ahmad al-Kāshānī to Yaḥyā b. Muḥammad b. al-Ḥasan

al-Hindī in 1337/1918–19 in which the mujāz quotes the ijāzāt he was granted by
pride in never having received an *ijāza* throughout their lives.\textsuperscript{12} A quantitative analysis of more than 900 Imami *ijāzāt* from the 4th/10th to the 14th/20th century listed by Āghā Buzurg (d. 1389/1970) in his bibliography of Imami literature, *al-Dhara‘ī* ālā tasānīf al-shī‘a,\textsuperscript{13} suggests that the *ijāzās* granted by a scholar were of much higher value for his scholarly reputation than the ones he received. One indication for this is that the entries are arranged according to the names of the issuers of the *ijāzās*, an arrangement that is also characteristic for most *ijāza* collections (*kutub al-ijāzāt*).\textsuperscript{14} Moreover, among the scholars who issued the most *ijāzās* during their own lifetime, the number of *ijāzās* they are reported to have received is significantly lower.\textsuperscript{15}

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In addition to the mere quantitative aspect, it apparently also mattered to a scholar’s standing which type of ‘iǧāzā he issued. It seems that the primary function of the ‘iǧāzā ‘āmma or ‘iǧāzā kabīra, which was typically composed by scholars more advanced in age, was to undermine the issuer’s reputation as an accomplished scholar among his contemporaries and for generations to come. In modern times, this genre is often replaced by autobiographies.¹⁶

¹⁶ For an overview of autobiographical writings among Imamis, see Brunner, “Schüttische Autobiographien,” pp. 59–68. See also Autobiographie d’un clerc chétit du Gebal ‘Amil . . . Traduction et annotations par Sabrina Mervin et Haitham al-Amin,
In what follows I intend to examine an ijāza that belongs to the genre of text-independent ijāza ʿāmma, covering more or less the entire culture and literature of Imami scholarship. The ijāza was granted by Sayyid ʿAbd Allāh al-Mūsāwī al-Jazāʾirī al-Tustarī (1112–73/1701–59) four years before his death to four recipients.17

In the introduction, al-Tustarī names two recipients, Muḥammad b. Karam Allāh al-Ūwayzī (d. 1172/1758–59) and the latter’s nephew, Ibrāhim b. ʿAbd Allāh al-Ūwayzī (d. 1197/1782–83). Al-Tustarī reports that the two visited him after he had not seen them for a long time. On this occasion he introduced them to some of his writings (masfūrāt), which they had not known before and which they immediately studied eagerly. The two decided to transmit al-Tustarī’s writings and through him the writings of earlier scholars and therefore asked him to issue an ijāza for them which he subsequently granted.18 The humility of al-Tustarī’s account indicates that the two were at the time already accomplished scholars whom the author esteemed highly. Towards the end of the ijāza, al-Tustarī includes two further persons among its recipients; Ibrāhim b. ʿAbd Allāh b. Nāṣir al-Huwayzī al-Humaylī and Muḥammad b. Muḥammad b. Darwīsh Muḥammad al-Iṣbahānī al-Gharawī had asked him in writing many years earlier to grant them an ijāza,19 which at the time he had been unable to do (he does not tell us why).20

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18 Al-Ijāza al-kabīra, p. 4: . . . ilā an waqʿa ikhtiyārhum . . . ʿalā riwāyat mā arwaḥī min muṣmānaṯīʿulamāʾinā . . .


Al-Tustarī is a well-known Imami scholar about whose life and work most relevant biographical works contain ample information.²¹ While many of his writings in Arabic and Persian, such as commentaries on legal works of earlier Imamīs, treatises dealing with astronomy, and collections of responsa are extant, only his chronicle on Shūshtar (Tadhkira-yi Shūshtar) and the ījāza discussed here have been published so far. The Tadhkira-yi Shūshtar also contains a brief autobiographical and autobiographical paragraph.²² By contrast, next to nothing is known about the four recipients of the ījāza. The few biographical works that have entries on them refer almost exclusively to the information provided by al-Tustarī in his ījāza.²³

A comparison of the present document with other comparable, text-independent Imami ījāzas reveals a number of common features characteristic of this genre. But it also contains a number of special features concerning form and content that set it apart from comparable documents.


To link later generations back to the Prophet and within Shi‘ism to the Imams traditionally serves the purpose of guaranteeing the veracity of what is transmitted; in addition, it was considered as pious usage. As a result of the canonization of the ḥadīth literature, the significance of the isnād as a technical auxiliary decreased, whereas its significance as a blessing grew.24 Al-Tustarī addresses the issue of the function of granting an ījāza on various occasions. In the introduction he states that the two recipients of the ījāza, Muḥammad and Ibrāhīm al-Huwayzī, are not in need of it, as they had apparently received sufficient ījāzāt, through which they already had their place within the network of Imami scholars secured. Rather, they wanted to add further chains to their chains of transmission.25 The author discusses the function of issuing ījāzas again in the context of theoretical elaborations on grammatical, etymological and functional aspects of such documents. Here, al-Tustarī states that the purpose of issuing ījāzāt in particular for the four canonical ḥadīth collections of the Imamis as well as for other writings of their compilers—al-Kulīnī (d. 329/941), Ibn Bābawayh (d. 381/991) and al-Shaykh al-Ṭūsī (d. 460/1067)26—is only to receive blessings, whereas the

24 Yūsuf al-Bahrānī (d. 1186/1772) states, for example, in the introduction to his ījāza granted to Muhammad Mahdī Bahr al-ʿUlūm (d. 1212/1797–98) (transl. Robert Gleave, “The ījāza from Yūsuf al-Bahrānī (d. 1186/1772) to Sayyid Muḥammad Mahdī Bahr al-ʿUlūm (d. 1212/1797–8),” Iran, Journal of the British Institute of Persian Studies 32 (1994), p. 116): “There is no doubt that an ījāza is appropriate in these times; even if it is of little use for confirming the akhbār and proving the paths which stem from the illustrious scholars, [it is of little use] because they are so famous that they cannot be denied, particularly the four books which are as clear as the sun in every land. Since our scholarly predecessors have done this [i.e. given ījāzas], seeking good fortune and blessing in connecting this noble and holy chain back to the Imams, we shall follow their example, agreeing with what they agree and rejecting what they reject.” A similar view was already made explicit by the seventh/thirteenth century ḥadīth expert Ibn al-Ṣalāḥ al-Shahrazūrī (d. 643/1245), see Eerik Dickinson, “Ibn al-Ṣalāḥ al-Shahrazūrī and the isnād,” Journal of the American Oriental Society 122 (2002), pp. 481–505.


transmission of these works, as well as the legal practice in accordance with them, does not require an ḫāṣaṣ (p. 6). In a different context, after outlining the chains of transmission of his teachers back to the Shahīd al-thānī (d. 966/1558), al-Tustarī discusses whether this is sufficient or whether they should be connected back to the Shaykh al-Ṭūsī (p. 103). He explains that whatever has been fixed in writing is to be considered ‘uninterrupted’ (musnad), and it is only pious usage and the blessings attached to it that make it advisable to trace the chains further back to al-Ṭūsī.

It is typical for text-independent ḫāṣat to be issued for the entire legacy of the school tradition. Al-Tustarī discusses the scope of the licence on two occasions. In his introduction he states that the two recipients had asked him for a licence to transmit his writings as well as the writings of earlier Imami scholars in the field of legal sciences, particularly ḥadīth (ṣī funūn al-ʿulūm al-sharīyya siyyamā ʿilm al-ḥadīth) (p. 4). In the main section of the ḫāṣaṣ, he greatly widens the field, including in fact the entire written legacy of Imamism. Here he states that he is issuing a general licence (ḫāṣaṣ ʿāmma) for everything he has the right to transmit, be it following participation in a ṣamāʿ, reading out to a shaykh or on the grounds of an ḫāṣaṣ (ṣamāʿan wa-qīrāʿatan wa-ḫāṣatan), in the fields of traditions, tafsīr and tajwīd, law, theology and legal methodology as well as for all other writings of earlier Imami scholars in the various disciplines and subsections, in the rational sciences as well as the sciences based on revelation (pp. 58–59).

In the document under discussion a number of other features may be seen that are typical for text-independent ḫāṣat. Besides other functions, ḫāṣat always present self-testimonies, insofar as their issuers claim, either implicitly or explicitly, the right to transmit certain subjects of knowledge that they now confer on the mujāz. When the mujāz grants a permit of transmission for his own works, his right to do so is self-evident and does not need any further comment. When the permit extends to texts by other authors, however, the mujāz usually identifies those who have transmitted the knowledge to him, in greater or lesser detail. Often a mujāz indicates his social rank within the scholarly tradition he belongs to. In the case of comprehensive ḫāṣat, composed for the most part by prominent scholars at the height of their careers, the authors apparently seek to strengthen their own eminent position within their professional circle, a core element normally being their autobibliography. Al-Tustarī begins the
main section of his iyun with a detailed list of his own works, containing 32 titles, that the recipients are authorized to transmit. In many instances, he gives further information about the contents and the occasion and date of compilation of the respective titles. When he composed a work for others, he mentions where the autograph is located. At times he notes that a work (usually glosses) is written in an unorganized manner. The general phrase at the beginning of the list of works, as well as the precise information about the individual titles, indicate that al-Tustari intended to present a complete list.

As far as the overall structure of the iyun is concerned, al-Tustari follows the characteristic pattern of such documents. A short opening

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27 Al-Iyun al-kabira, pp. 50–57. Cf. Appendix II.
28 Nos. 1, 3, 4, 5, 7, 8, 10, 11, 12, 13, 14, 16, 17, 18, 23.
29 Nos. 1, 2, 3, 4, 5, 6, 7, 9, 11, 12, 13, 14, 15.
30 Nos. 6, 9, 10.
31 No. 20: hawashi ghayr mudawwana ‘ala... 
32 Al-Iyun al-kabira, p. 50: qad ajaztu li-l-shaykhayn... an yarayiha ‘annan jamii’ mā yasihih isnadahu iayya mimma nataqa bihi fannī aw khaṭṭahu qalamī mimma waﬁqanī Allāh Subhānahu lahū min al-kutub al-mabsura wa-l-mukhtasara wa-hiya...
33 One reason for the discrepancy between the number of titles quoted and the total of al-Tustari’s works might be that he wrote some works only after the iyun was issued. Ağha Buzurg lists the following writings of al-Tustari that are not mentioned in the autobiographical list: Iyun li-sulama’ al-Husayna (Tabaqat, vol. 6, p. 458). It is likely that this title refers to the Iyun al-kabira; Tashir wasilat al-fawz wa-l-āmān [fi madh sithib al-zamān ‘alayhi al-salām] (Dhari’a, vol. 4, p. 191 no. 949, vol. 16, pp. 373–74 no. 1733); Khitām al-kalām fi sharh maftūth al-ākhām (Dhari’a, vol. 7, p. 140 no. 768), being a commentary on the introduction and the second volume of Sharḥ maftūḥ al-ākhām by al-Fayy al-Kashani. Since al-Tustari states in his iyun kabira that he composed a commentary on the same work, entitled Dhukhr al-rā’i fi sharh maftūth al-sharif’i consisting of one volume only, both titles may either refer to the same commentary or represent indeed two commentaries on the same work; al-Ruđis yana (Dhari’a, vol. 11, p. 248 no. 1520; see also vol. 20, p. 114 no. 2173; GALS, vol. 2, p. 586); al-Sī’tal wa-l-jawāb (Dhari’a, vol. 12, p. 246 no. 1615; see also vol. 20, p. 114 no. 2175); al-Lashī al-mahfūz fi du’ū’ al-sihr (Dhari’a, vol. 18, p. 376 no. 524); Risāla fi mā yajibu ‘ala l-insān (Dhari’a, vol. 19, p. 34 no. 177); Dīwān Faqīr al-Jaza’iri (Dhari’a, vol. 9 iii, p. 842 no. 563); Mu’tarık al-maqal fi ‘ilm al-rijal (Dhari’a, vol. 21, p. 210 no. 4651); al-Maqalāt fi l-a’diya wa-l-ahra’ (Dhari’a, vol. 22, p. 118 no. 6344).—Ağha Buzurg also mentions the following translations of al-Tustari from Arabic into Persian: Tarjamat al-Taṣrif al-zanjāniyya (Dhari’a, vol. 4, p. 89 no. 394); Tarjamat Hadīyat al-mu’minīn ilā l-fārisiya, a translation of a work by his grandfather on law, completed on 3 Muharram 1173/26 August 1759 (Dhari’a, vol. 4, p. 147 no. 715). As was mentioned above, this autobiographical is the second list of writings provided by the author; he had included a list of his writings in his Tadbhīr-i Shūqtar (pp. 60–61) completed four years before the issuance of the iyun. All titles mentioned in the Tadbhīr are also included in the autobiographical list in his iyun.
prayer (p. 2) is followed by the introduction (pp. 2–4) containing the characteristic elements, including information about the issuer of the ījāza and the two recipients, as well as details about the meeting between mujīz and mujāzān and the issuing of the document. The structure of the main section of the ījāza—introduced by the characteristic demarcator qad ajaztu li-l-shaykhayn . . . an yarwiyā ‘ānnī (p. 50)—is also typical. In addition to authorizing transmission of his own works, al-Tustarī confers on the recipients the licence to transmit everything he himself has heard from or read to his shaykhs. This sets up the framework for the following portions of the ījāza. Al-Tustarī first discusses his different shaykhs, introducing each with the typical formula wa-ajaztu lahumā . . . riwāyat jamā‘ marwiyātī . . . ‘an . . . (pp. 58–59), . . . jamā‘ mā sahha lī riwāyatuhu bi-l-ījāza al-‘āmma ‘an . . . (p. 83) and . . . mā rawaytuhu bi-l-ījāzāt al-‘āmma ‘an . . . (p. 95). Proceeding from the list of his shaykhs and their transmitters, al-Tustarī then draws a comprehensive network of Twelver Shi‘i scholars with countless chains of transmission covering more than a century, from the time of his grandfather Nī‘mat Allāh al-Jazā‘irī (d. 1112/1701)34 back to the Shahīd al-thānī. In addition, he indicates three chains of transmission connecting the Shahīd al-thānī back to the Shaykh al-Ṭūsī (ch. 12).

Al-Tustarī employs various terms typically used to structure and shorten the presentation of chains of transmission, such as ṣayl and as an indicator of an alternative isnād element (pp. 69, 79, 87, 92, 93, 94). Furthermore, he uses expressions that are typically employed when the isnād fans out: li-l-wālid ṭuruq muta‘addida wa-ahammuh . . . (p. 67), wa-ghayrihim min al-falsifa wa-l-manṭiqiyyīn . . . (p. 72), ‘an ‘iddat min aṣḥābihi minhum . . . (pp. 67, 78, 86). In his discussion of his own shaykhs, he restricts himself to the most important

teachers, as he could not possibly mention all his transmitters in the limited space available. Another common way of avoiding lengthy presentations of isnāds used here is to refer to licences of previous scholars where these are fully presented, or to biographical works containing such information. Al-Tustarī refers to the Wasā’il al-shī’a of al-Ḥurr al-ʿĀmilī (d. 1104/1693) and to the ājāzat of other scholars containing detailed descriptions of their respective chains of transmission, to the Ghawālī al-la’ālī of Ibn ʿAbī Jumhūr al-ʿĀhsāʾī (d. after 906/1693) and to the ʿĀrūṣ al-Muḥammad Bāqir al-Majlisī (d. 1110/1699 or 1111/1700), some of which are contained in the last volume of his Bihār al-anwār, as well as to the ājāzat of his teacher Naṣr Allāh b. al-Ḥusayn al-Mūsawī al-Ḥāʾirī, particularly those collected in his Salāṣīl al-dhahab.

The end of the ājāzat is also characteristic: Al-Tustarī mentions the conditions attached to the licence, introduced by the formula fa-l-maṣāʾila ilā muṣannafīhā wa-hiyā kathīra yaṭīḥu ḥāṣūhā fi ḥādha l-muḥaddith wa-qāṣiru ʿalā l-muḥimm minhā. In addition to the text-immanent structure with its characteristic demarcators, and in contrast to most other comparable documents of this genre, al-Tustarī redefines the textual structure by further subdividing the document into seventeen chapters. The criteria for this division correspond with its internal structure which is characteristic for ājāzat. In the main section of the document, al-Tustarī reserves

41 He announces this in the introduction (p. 4): wa-dhālīka fi ʿiddat fuṣūl.
a separate chapter for his autobiographical section at the beginning of the main section (ch. 5). He also has separate chapters for his two main transmitters—his father Nūr al-Dīn (d. 1158/1745) and Naṣr Allāh al-Ḥāʾirī (chs. 6 and 9). His remaining three transmitters—Muḥammad Ḥusayn b. Muḥammad Ṣāliḥ b. ʿAbd al-Wāsiʿ al-Husaynī al-Khāṭūn Ābādī (d. 1151/1739),42 Raḍī al-Dīn b. Muḥammad b. ʿAlī b. Ḥaydar al-ʿĀmilī al-Makkī (d. 1168/1754–55)43 and Ṣadr al-Dīn b. Muhammad Bāqir al-Radawī al-Qummī (d. 1165/1751–52)44—are dealt with in one single chapter (ch. 11). In addition, al-Tustarī structures his elaboration on the transmitters of his teachers by dividing it into chapters. One entire chapter (ch. 7) is devoted to the transmitters of his father, another (ch. 8) to the transmitters of the latter’s shaykh and father, Nīʿmat Allāh al-Jazāʾirī. The chains of transmission of Naṣr Allāh al-Ḥāʾirī are also given a separate chapter (ch. 10).

A further characteristic of this ʿijāza that sets it apart from comparable documents may be found in the numerous theoretical reflections of the author. These can be observed throughout the entire document, i.e., not only in those parts that are typical for ʿijāza, but also in the biographical section of the document.

Following the introduction (pp. 2–4), al-Tustarī adds three chapters in which he deals with theoretical aspects of the genre ʿijāza and with the typical structure of Imami chains of transmission. In Chapter One (pp. 5–6) he treats grammatical and etymological aspects of the genre and discusses the function of issuing licences to transmit (cf. above). Chapter 2 (pp. 7–9) deals with the admissibility of transmission by means of licences and with the question of its relative significance in comparison with other ways of transmission, particularly the samāʿ. Pointing out the widespread usage of issuing ʿijāzāt in the past as well as the present, al-Tustarī concludes that the admissibility of transmission on the basis of licences is beyond doubt.

Chapters Three (pp. 10–12) and Four (pp. 13–49) contain an analytical presentation of typical Imami chains of transmission. Al-Tustarī opens this section with a quote from the ījāza from Ḥasan b. al-Shahīd al-thānī (d. 1011/1607) for Najm al-Dīn b. Muḥammad al-Husaynī and his sons Muḥammad and ‘Alī in which Ḥasan subdivides the Imami chains of transmission into three periods, ranked around the following three leading scholars: Shaykh al-Ṭūsī, al-Shahīd al-awwal (d. 786/1384) and al-Shahīd al-thānī.45 Al-Tustarī agrees with this division in principle, but points out that within the respective periods there are countless transmitters to be referred to for the chain of transmission to be valid. In the following Chapter Four (pp. 13–49) al-Tustarī provides a list of 129 scholars in chronological order, starting with the second period (pp. 13–17) and continuing into the third period (pp. 17–19). He then continues the principle laid down by Ḥasan b. al-Shahīd al-thānī by labeling the period since the passing away of the Shahīd al-thānī the fourth period.46 Here he provides a list of scholars belonging to this epoch, again in chronological order and subdivided into five generations. Each generation, states al-Tustarī at the end of this section, transmits from the former generation without any interruption or incompleteness in the chain of transmission.47 Exceptions to this rule occur only insofar as some scholars granted each other licences to transmit, so-called ‘honorary’ ījāzas (ījāza mudabbaja) (pp. 47–49). This term is used when two equal and usually reputed scholars grant each other the right to transmit.48

45 Al-Ījāza al-kabīra, pp. 10–11. The ījāza of Ḥasan b. al-Shahīd al-thānī is included in al-Majlīsī, Bihār al-anwār, vol. 109, pp. 3–79; the passage al-Tustarī quotes is to be found on pp. 5–6.
Al-Tustarī restricts himself as a rule to their respective names. Only rarely does he add more information, as in cases when a scholar belongs to more than one generation of transmitters (pp. 34, 37) or when he deems it necessary further to identify a person in order to avoid confusion (pp. 14, 25, 47).

Another theoretical block is to be found at the end of the document, where al-Tustarī discusses in detail the conditions that are attached to receiving a licence (pp. 212–15).

Al-Tustarī considers the documentation of the scholarly tradition to be of prime significance. Towards the end of the document, he adds four chapters dealing with his contemporaries, all of whom, except for one, he had met personally. While al-Tustarī shares the interest of documenting his own scholarly tradition with compilers of comparable documents, the biographical section of the iḥāza does not consist of digressions within the main section of the licence, as was the case, e.g., with ‘Abd Allāh al-Samāḥījī’s (d. 1135/1722) Iḥāza kabīra to Naṣīr al-Jārūdī al-Qaṭīfī, and other comparable iḥāzas of this size at the time. Rather, al-Tustarī strictly differentiates between the main section of the iḥāza and the following independent biographical section (chs. 13–16) that is clearly separated from the preceding section (chs. 5–12) by an introduction (ch. 13). Moreover, even within the biographical section, al-Tustarī presents his material in a systematic and well-structured manner. In the introduction to the biographical section he undertakes a critical evaluation of the Rijāl-works that were compiled since the time of the Shaykh al-Ṭūsī. He criticizes in particular the fact that the authors provided a very incomplete documentation of the earlier generations of scholars. Moreover, since the last Imami biographical work, the Amal al-ʿāmil by al-Ḥurr al-ʿĀmilī (d. 1104/1693) was completed—for which al-Tustarī has the highest respect and in the tradition of which he seeks to put himself—seventy years have passed that have so far remained...
undocumented. In the subsequent chapter 14, al-Tustarî discusses a total of 65 scholars he had met during his lifetime, all of whom are from the Khûzistân area. The respective entries, which are arranged alphabetically by name, as a rule contain a general appreciation of the scholar under discussion, information on the circumstances under which al-Tustarî met him, sometimes even providing exact dates, the transmitters and teachers of the respective scholar, his writings and other biographical details. The majority of the scholars treated here—55 out of 65—had already passed away before the compilation of the ījāza in 1168/1755. Al-Tustarî frequently indicates the decade of their death, at times even the exact year. In five cases he has no information on the date of death. Eight scholars out of 65 are still alive in 1168/1755 and with regard to two persons he is uncertain. Al-Tustarî further dedicates an extensive chapter to ‘Abd Allâh al-Samâhîjî, whom he had never met personally, but whose writings he had found useful (ch. 16).

Within the biographical section of the document a further theoretical portion is to be found. After al-Tustarî writes in detail about 65 of his contemporaries in chapter 14, he undertakes an overall evaluation of those scholars. His judgement is rather negative. The majority of the scholars, he states, did not pass the stage of mere imitation (taqlîd) and even those to whom this does not apply did not proceed far compared to the scholars of the former generations.


53 There are only three exceptions to this rule in the edition of Muhammad al-Samâmî al-Ḥa’rî (nos. 10, 19, 46), all of which are to be attributed to the editor and were not intended by the author of the ījāza; no. 10 is in fact part of the entry no. 9, the father of no. 10; no. 19 belongs to entry no. 18, the brother of no. 19; no. 46 is part of the entry no. 45, the brother of no. 46.

54 Cf. Appendix I.

55 Nos. 1, 4, 5, 6, 8, 9, 11, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 37, 38, 39, 40, 41, 42, 43, 44, 45, 47, 48, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 63, 64, 65, 66, 67, 68.

56 Nos. 1, 8, 9, 11, 15, 18, 20, 22, 25, 27, 29, 30, 40, 45, 48, 59, 64, 66, 67, 68.

57 Nos. 4, 14, 21, 24, 26, 32, 33, 35, 37, 38, 39, 41, 42, 44, 45, 52, 53, 54, 55, 57, 63.

58 Nos. 5, 17, 28, 51, 65. The information provided by the author on the dates of death of nos. 6, 16, 23, 31, 43, 50, 58 is also rather vague.

59 Nos. 2, 3, 12, 34, 36, 49, 60, 62.

60 Nos. 7, 61.
According to al-Tustarī, this did not result from their inability to reach a higher level but rather from the circumstances in times of political turmoil and civil war, poverty and a general disregard for knowledge and its transmission, as well as for scholars in general. These difficulties, which, al-Tustarī explains, are by no means restricted to religious scholars but apply also to philosophers and physicians, are characteristic of the chaotic circumstances in Iran following the fall of the Safavids in 1722. As an example of the favorable circumstances earlier generations were able to enjoy, al-Tustarī mentions the support Muḥammad Bāqir al-Majlisī received from the Safavid rulers when collecting material for his Bihār al-anwār (pp. 197–98).

The significance of the ījāza discussed here lies in two areas. On the one hand, the document is of prime historical value for the reconstruction of the Imami scholarly network of the 18th century.61 This applies to the information on the father and grandfather of al-Tustarī, the four recipients of the ījāza and in particular the 65 contemporaries of al-Tustarī dealt with in the biographical section of the document. The historical significance of al-Tustarī’s ījāza becomes apparent when one compares his information with later biographical literature. In most cases al-Tustarī’s ījāza was the only, in some the main source for the respective biographical entries.62 Given the numerous

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62 Such is the case with nos. 1, 3, 5, 8, 10, 12, 13, 15, 16, 19, 22, 23, 24, 25, 26, 27, 28, 31, 32, 33, 34, 36, 37, 38, 41, 43, 44, 45.—This also applies for persons
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self-testimonies and autobiographical and autobibliographical information it contains, the ījāza is also a rich source of information on al-Tustarī’s own life.

For our understanding of the genre of ījāza, particularly the typology of its forms and analysis of its functions, the significance of the present document lies, moreover, in its being an apparently exceptional case within this genre. Finally, the numerous theoretical reflections it contains provide valuable information on the social practice of issuing licences to transmit in the 18th century, which still remains to be fully explored.*

Appendix I: Contemporary scholars, whom the mujīz met in the course of his life (ch. 14)

The numbering of the following list matches that introduced by the editor of the text. In square brackets are those scholars that are given separate numbers by the editor although the author himself mentioned them only as a digression within another entry without dedicating a separate entry to them. In round brackets is indicated the approximate date of death as given by al-Tustarī. In case this information could be further specified on the basis of later sources, the exact year of death is mentioned in square brackets.

1. Ibrāhīm b. ‘Alī b. Bālīl al-Jazāʾīrī al-Dawraqī (tawwūfiyya ‘ushr al-khamsīn)
   (Āghā Buzurg, Ṭabaqāt, vol. 6, p. 6)
   (al-Amīn, Āyān, vol. 2, p. 204; Āghā Buzurg, Ḏariʿa, vol. 14, whom the author mentions without dedicating a specific entry to them; cf., e.g., al-Ījāza al-kabīra, p. 155, where he mentions a certain Shaykh Muḥammad, with whom he studied under ‘Alī al-Ṭālikānī (= no. 38). Cf. Āghā Buzurg, Ṭabaqāt, vol. 6, p. 638; Āghā Buzurg identifies him on the basis of Tustarī’s information as Muḥammad al-Ṭamāmī al-Jazāʾīrī al-Shīrāzī (= no. 50). For him, cf. Āghā Buzurg, Ṭabaqāt, vol. 6, pp. 649–50. Cf. also al-Ījāza al-kabīra, p. 191, where Fakhr al-Dīn al-Shūshtarī is mentioned as teacher of no. 67. Cf. also Āghā Buzurg, Ṭabaqāt, vol. 6, p. 581.— For the significance of this ījāza as a historical source, see also ibid, vol. 6, p. 457.

* I take the opportunity to thank Rainer Brunner, Etan Kohlberg, Gudrun Krämer, Elizabeth Pond, and Reza Pourjavady who read drafts of this paper and made helpful suggestions.
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p. 74; al-Qazwīnī, Tatmīm, p. 56 no. 6; Āghā Buzurg, Tabaqāt, vol. 6, pp. 18–19)


7. Aḥmad al-‘Alawī al-Khāṭūn Ābāḍī (d. before or after 1168/1755) [d. 1161/1748] (al-Amīn, A’yān, vol. 3, p. 22; al-Qazwīnī, Tatmīm, pp. 60–61 no. 12; Āghā Buzurg, Tabaqāt, vol. 6, pp. 33–34)


10. [Muḥammad b. Ismā’īl al-Burūjīrdī, son of no. 9 who died shortly after his father (al-Amīn, A’yān, vol. 10, p. 20; Āghā Buzurg, Tabaqāt, vol. 6, p. 945)]


15. Ḥusayn b. Ibrāhīm al-Khāṭūn Abādī al-Mashhādī (tuwuffiya maqṭulan ‘ushr al-sittin) [d. 1159/1746–47]


16. Ḥusayn b. Zaḍ al-Bahrānī (d. before 1168/1755)

(al-Amīn, Ayyān, vol. 6, p. 23; Āghā Buzurg, Tabaqāt, vol. 6, pp. 185–86)

17. Ḥaydar al-‘Āmilī al-Mashhādī (d. before 1168/1755)

(al-Amīn, Ayyān, vol. 6, p. 271; al-Qazwīnī, Tatmīm, pp. 139–41 no. 93; Śadr, Takmila, p. 195 no. 163; Āghā Buzurg, Tabaqāt, vol. 6, pp. 230–31)

18. Khamīs b. Šālīḥ al-Khalaf Abādī (tuwuffiya ‘ushr al-sittin)

(al-Amīn, Ayyān, vol. 6, p. 357; Āghā Buzurg, Tabaqāt, vol. 6, p. 246)

19. [his (no. 18) brother Ahmad (alive in 1168/1755)]

(al-Amīn, Ayyān, vol. 2, p. 605; Āghā Buzurg, Tabaqāt, vol. 6, p. 36)

20. Raḥf al-Dīn (Muḥammad Raḥf) b. Faraj (Farrakh) al-Jīlānī al-Radawī al-Rashtī (tuwuffiya ‘ushr al-sittin) [d. 1160/1747–48], uncle of no. 60


21. Zakī (Muḥammad Zakī) b. Ibrāhīm al-Kīrmānshāhī (d. 1159/1746–47)


[ca. 1070/1659–60–1140/1727–28]


23. Śadr al-Dīn b. al-Qāḍī Muḥammad Saʿīd al-Qummī (d. before 1168/1755)

(al-Amīn, Ayyān, vol. 7, p. 385; Āghā Buzurg, Tabaqāt, vol. 6, p. 382)
25. ʿAbd al-Ḥusayn al-Qārī al-Ḥuwayzī (tuwufīyya ʿushr al-arbaʿīn) (Āghā Buzurg, Tabaqāt, vol. 6, p. 412)
33. ʿAbd Muḥammad b. ʿAbd al-Jalīl b. al-Ḥājj ʿAbd Muḥammad al-Ḥuwayzī (d. 1128/1716) (Āghā Buzurg, Tabaqāt, vol. 6, p. 473)
34. ʿAlī al-Burūjūrī al-Nahāwāndī [alive in 1168/1755] (Āghā Buzurg, Tabaqāt, vol. 6, p. 506)
35. ʿAlī b. ʿAzīz Allāh b. ʿAbd al-Muṣallīb b. Muḥammad b. al-Ḥusayn al-Mūsawī al-Jazāʾīrī (d. 1149/1736–37)
36. ‘Alī b. ‘Alī al-Najjār al-Tustarī (alive in 1168/1755), brother of no. 53
(Āghā Buzurg, Tabaqāt, vol. 6, p. 558; Tadhkira, p. 166)

37. ‘Alī b. Naṣr Allāh al-Ḥuwayzī al-Qāḍī (d. 1150/1737–38)
(Āghā Buzurg, Tabaqāt, vol. 6, p. 520)

38. ‘Alī Akbar al-Ṭalāqānī al-Khwānsārī (d. 1160/1747–48)
(al-Amīn, A’yān, vol. 8, p. 171; Āghā Buzurg, Tabaqāt, vol. 6, pp. 496–99)

(d. 1146/1733–34), brother of no. 4
(Āghā Buzurg, Tabaqāt, vol. 6, p. 565; Tadhkira, p. 160)

40. ‘Iwaḍ al-Ūwayzī al-Baṣrī (tuwūfiya ʿushr al-sittīn)
(Āghā Buzurg, Tabaqāt, vol. 6, p. 566)

41. Faṭḥ Allāh b. ’Ilwān al-Dawraqī al-Kabīrī (d. 1130/1717–18)
[1053/1643–44—1130/1717–18]
(al-Kaḥhāla, Muḥjam, vol. 8, p. 52; Āghā Buzurg, Tabaqāt, vol. 6, pp. 578–79)

42. Faraj Allāh b. Muḥammad Ḥusayn al-Tustarī (d. 1128/1716),
brother of no. 57

43. Qawām al-Dīn Muḥammad b. Muḥammad Mahdī al-Ḥusaynī
al-Sayfī al-Qazwīnī (d. before 1168/1755) [d. 1150/1640–41]

44. Karam Allāh al-Ḥuwayzī (d. 1154/1741–42), father of one of
the recipients of the ijāza, Muḥammad b. Karam Allāh al-Ḥuwayzī
(d. 1172/1758–59)

45. Majd al-Dīn b. Afsāl b. Fayd Allāh al-Dizfūlī (tuwūfiya ʿushr al-
hamsīn)
(al-Amīn, A’yān, vol. 9, p. 45; Āghā Buzurg, Tabaqāt, vol. 6, p. 630)

46. [Muḥammad al-Mu’min al-Dizfūlī, brother of no. 45
(Āghā Buzurg, Tabaqāt, vol. 6, p. 747)]

47. Majd al-Dīn b. Shaft al-Dīn b. Faṣāḥ al-Dīn al-‘Abbāsī al-
Qathamī al-Dizfūlī (d. after 1060/1747–48) [d. before 1165/1751–52]
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(Al-Amūn, A’yān, vol. 9, p. 45; Āghā Buzurg, Tabaqāt, vol. 6, pp. 630–31)


51. Muḥammad al-Najjārī al-Tustarī (d. before 1168/1755) (Al-Amūn, A’yān, vol. 9, p. 376; al-Qummī, Fawā’id, p. 552)


57. Muḥammad Bāqir b. Muḥammad Ḥusayn al-Tustarī (d. 1135/1722–23), brother of no. 42 (Al-Amūn, A’yān, vol. 9, p. 187; Āghā Buzurg, Tabaqāt, vol. 6, p. 91; Tadhkīra, p. 162)

58. Muḥammad Taqī al-ʿAlawī al-Riḍā Tawfīqī (d. before 1168/1755) [alive in 1138/1725–26] (Āghā Buzurg, Tabaqāt, vol. 6, p. 118)
59. Muḥammad Rida b. Muḥammad Ḥadi b. Muḥammad Śalih al-
Tabarastānī al-Maẓandarānī (tuwwufiya ‘ushr al-khamsīn)
(Āghā Buzurg, Ṭabaqāt, vol. 6, p. 268)

60. Muḥammad ʿAlī b. Muḥammad Shafīʿ al-Jilānī (alive in 1168/
1755), nephew of no. 20
(Āghā Buzurg, Ṭabaqāt, vol. 6, pp. 534–35)

61. Muḥammad Qasim b. Muḥammad Śadiq al-Astarābādī (d. before
or after 1168/1755)
(al-Amīn, Āyān, vol. 10, p. 40; Āghā Buzurg, Ṭabaqāt, vol. 6, p. 588)

62. Muḥammad Mahdi b. Muḥammad Śalih al-Aftānī (alive in 1168/1755) [d. 1183/1769–70]
(al-Amīn, Āyān, vol. 10, pp. 56–58; Ṣadr, Takmilā, pp. 392–93 no. 379)

63. Muḥammad Hadi b. Muḥammad b. ʿIsa al-Marʿashī al-Tustarī
(d. 1138/1725–26) [d. 1137/1724–25]
(Āghā Buzurg, Ṭabaqāt, vol. 6, pp. 806–7)

64. Maḥmūd b. Muḥammad al-Ḥuwayzī al-Dizfūlī (tuwwufiya ‘ushr al-
khamsīn) [d. after 1150/1737–38]
(Āghā Buzurg, Ṭabaqāt, vol. 6, p. 712)

65. Maṅṣūr b. Muḥammad b. ʿAbd al-Ḥusayn al-Ḥusaynī al-Najafi
al-Ṭaqaqānī (d. before 1168/1755)
(al-Amīn, Āyān, vol. 10, p. 141; Āghā Buzurg, Ṭabaqāt, vol. 6, p. 743)

‘ushr al-sittīn)

67. Naẓar ʿAlī b. Muḥammad Amīn al-Zajjāj al-Tustarī (tuwwufiya
‘ushr al-khamsīn) [d. 1146/1733–34]
(al-Amīn, Āyān, vol. 10, pp. 222–23; Tadhkira, p. 163; Āghā
Buzurg, Ṭabaqāt, vol. 6, p. 784)

68. Yaʿqūb b. Ibrāhīm al-Bakhtiyārī al-Ḥuwayzī (tuwwufiya ‘ushr al-
khamsīn) [d. 1147/1734–35]
Appendix II: Autobibliographical list (ch. 5)

The wording of each title corresponds to the wording in the ījāza. In square brackets are mentioned alternative titles listed either by al-Tustarī in his Tadhkira-i Šūštār (pp. 60–61) or by later authors. The sequence of the titles corresponds to the sequence in which they appear in the ījāza; the numbering corresponds to the numbering introduced by the editor. Only in the case of no. 20 has the entry been further subdivided. In addition to other references, the respective number of each title in the author’s autobibliographical list in Tadhkira-i Šūštār is also indicated.


2. Ḥāshiyya mudawwana ‘alā Kitāb arba‘īn ḥadithan
   Commentary on al-Arba‘īn ḥadithan of Bahā’ al-Dīn al-‘Āmilī (d. 1030/1620–21 or 1031/1621–22) (Tadhkira no. 2; Āghā Buzurg, Ḍhārī’ā, vol. 1, pp. 425–26 no. 2180, vol. 6, p. 13 no. 35; written at the request of his father and completed in 1135/1722–23)

3. Risāla fārisiyya fī tahqīq qiblat baladinā [Tustar] [= Risāla fī qiblat Tustar wa-mā wālāhā/Risāla dar tahqīq-i qibla-yi Shūštār/Tahqīq qiblat Tustar] (Tadhkira no. 3; Āghā Buzurg, Ḍhārī’ā, vol. 17, pp. 44–45 no. 238; see also vol. 20, p. 114 no. 2175; composed following the order of Isfandiyār Beg on 7 Ṣafar 1140/23 September 1727)

4. Risāla ukhrā fi hādhā l-bāb [= Risāla dar tahqīq-i qibla-yi Ḥuwayza] (Tadhkira no. 4; Āghā Buzurg, Ḍhārī’ā, vol. 17, p. 45 no. 240a; composed following the order of Sayyid ʿAlī Khān b. Sayyid Muṭallib, ruler of Ḥuwayza)

5. Risāla mawsūma bi-l-Tuhfa al-nūriyya (Tadhkira no. 5; Āghā Buzurg, Ḍhārī’ā, vol. 3, p. 479 no. 1769; composed at the request of his father and named according to him; completed on 3 Muḥarram 1144/8 July 1731; in this treatise the author deals with ten questions from ten different disciplines, namely tafsīr, ḥadith, fiqh, usūl, manṭiq, ʾrāb, balāgha, nujūm, hay‘a)

6. Risāla mawsūma bi-Kāshīfat al-hāl fī mārifat al-qibla wa-l-zawāl (Āghā Buzurg, Ḍhārī’ā, vol. 17, pp. 241–42 no. 74; cf. also idem,
Tabaqāt, vol. 6, pp. 526–27; composed following the order of the governor ʿAlī Khān al-ṣaghīr al-Ḥuwayzī


10. Risāla fī l-raml


( Āghā Buzurg, Dhariʿa, vol. 4, p. 54 no. 223, vol. 12, p. 212 no. 1401)


18. Risāla fi sīḥyat ʿalāt mustashib al-dhahab al-mastūr fi l-kamm wa-nahwahu (Āghā Buzurg, Dhariʿa, vol. 15, p. 12 no. 57)


(Tadhkira no. 15; Āghā Buzurg, Dhariʿa, vol. 6, p. 229 no. 1288)

20a. Ḥāshiya ghayr muṣawwana ʿalā al-istibṣār [li-l-Shaykh al-Ṭūṣī]

( Āghā Buzurg, Dhariʿa, vol. 6, p. 18 no. 56)

20b. Ḥāshiya ghayr muṣawwana ʿalā al-Madīrīk [al-ḥāḵām fī sharḥ sharāʿī al-īṣlām li-Muḥammad b. ʿAlī sīb al-Shahīd al-thānī]

(Tadhkira no. 17; Āghā Buzurg, Dhariʿa, vol. 6, p. 197 no. 1085)


(Āghā Buzurg, Dhariʿa, vol. 6, p. 95 no. 502)


(Āghā Buzurg, Dhariʿa, vol. 6, p. 226 no. 1266)

20e. Ḥāshiya ghayr muṣawwana ʿalā Rījāl al-Sayyid Muṣṭafā al-Tafriḥī
[= Naqd al-rijāl li-Mīr Muṣṭafā b. Ḥusayn al-Tafrīshī (d. 1021/1612–13)]
(Āghā Buzurg, Dharī‘a, vol. 6, p. 228 no. 1278)

20f. Ĥāshiyya ghayr mudawwana ‘alā Amāli al-Sadūq (d. 381/991)
(Āghā Buzurg, Dharī‘a, vol. 6, p. 25 no. 97)

20g. Ĥāshiyya ghayr mudawwana ‘alā Mughnī al-Labīb ‘an kutub al-‘ārīb
[li-Jamāl ad-Dīn ‘Abd Allāh b. Yusuf b. Hīshām (d. 761/1360)]
(Tadhkira no. 18; Āghā Buzurg, Dharī‘a, vol. 6, p. 212 no. 1186; GAL, vol. 2, p. 23)

20h. Ĥāshiyya ghayr mudawwana ‘alā l-Mūwaffak
(Tadhkira no. 16)

20i. Ĥāshiyya ghayr mudawwana ‘alā Sharḥ al-Šāhīfa [al-kāmila al-sajjādiyya]
li-l-Sayyid ‘Alī Khān [al-Madanī al-Dashtaki] (d. 1120/1708–9)
(Āghā Buzurg, Dharī‘a, vol. 6, p. 124 no. 669)

21. Risāla fi maš’ala hisābiyya min al-mu’dīlāt

22. Risāla fārisiyya fi ta’rîkh baladinā Tustar [= Tadhkira-yi Shūshtar/ Tadhkira-yi Shūshtar fi ta’rîkh-i Tustar]
Edition: Tadhkira-i Shūshtar. An account of Shūshtar, from the earliest time to A.H. 1169, with notices of its celebrated men and memories of the author’s life 1–2, eds. Khan Bahadur Maula Bakhsh and M. Hidayet Husayn, Calcutta: Asiatic Society of Bengal, 1914–24 (Bibliotheca Indica; 206)

23. Risāla fi māl al-nāšib wa-annahu laysa kull mukhālif nāsiban
(Āghā Buzurg, Dharī‘a, vol. 19, p. 27 no. 138)

References


- Encyclopaedia Iranica, London 1985–.
- GAL = Brockelmann, Carl, Geschichte der arabischen Literatur 1–2, Leiden 1943.


Perry, John, Karīm Khān Zand, Chicago 1979.


Savory, Roger, Iran under the Safavids, Cambridge 1980.

forms and functions of 'licences to transmit' (İJAZIS)
In an attempt to approach the subject of religious authority in Morocco, one inevitably encounters the renowned figure of the marabout. While the word itself is derived from the Arabic murā biṭ,¹ the meaning of which is complex and whose origins and historical trajectories merit further study, the marabout is virtually a creation of French colonial research on issues related to religion and politics in North Africa. Nevertheless, it has managed to survive this context and enjoy relatively common usage. Up until today, the marabout, embodying sainthood or charisma, has stood for the politically powerful North African (and more particularly Moroccan) version of ‘popular’ Islam.

Beginning with a critical review of how maraboutism has been understood and used as a paradigmatic model of popular or spiritual as opposed to orthodox or scripturalist religious authority in Morocco, the present article seeks to establish the diversity and composite character of forms of religious authority that, contrary to being clearly distinct from or opposed to each other, were in fact closely interrelated and partly intermingled and, at the same time, (re-)modelled and/or graded according to the convictions and goals of individual

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scholars. This does not imply that disagreement, tension or conflict over religious authority was non-existent in Morocco. On the contrary, the veneration of saints and certain Sufi practices such as dancing or the use of musical instruments, both of which are usually identified with supposedly popular Islam, were at the very heart of scholarly controversies during much of the 19th and the beginning of the 20th centuries. Yet, it will be argued that the different attitudes to these phenomena and the religious profiles that emerged from the pertinent debates can be more adequately understood as the result of strategies employed by concrete actors in a complex and highly competitive social field than as expressions of clearly separate types of religious belief and practice. Hence the contingent and complex character of the phenomenon of religious authority. Based on the itinerary of a turn of the 20th century Moroccan scholar and a preliminary reading of his undisputed chef d’œuvre, a hagiographic survey of the scholars (‘ulamā’) and virtuous (or saints) (ṣūlāḥā’) buried in the city of Fez, I will attempt to analyse in the following how different forms of religious authority were appropriated, (re-)interpreted, and ordered or graded.

Maraboutism and its critique

In order to grasp the exact content of the notion of maraboutism, first developed in French colonial research, it is helpful to return to Alfred Bel’s La religion musulmane en Berbérie, published in 1938. Although the

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author merely regarded his book as making the combined research accomplished by others accessible to a larger public, it became a major reference work for later studies on North African Islam. According to Bel, maraboutism is the result of a fusion of pre-Islamic forms of Berber religiosity (belief in the forces of good and evil, the veneration of manipulators of the supra-natural through magic, the so-called *hommes fétiches*) and a popularised version of Islam introduced in the 15th century within the framework of organized Sufism. From this perspective, maraboutism is seen as having become the dominant religious expression from then on, causing at the same time the deterioration of the intellectual, urban, and ‘quite tolerant’ Islam of the Middle Ages.\(^4\) While Sufi scholars had, according to Bel, originally attempted to spread the orthodox understanding of Islam to tribal populations, they were soon forced to make concessions to pre-existent religious traditions and the limited intellectual capacity of their clientele. At the same time, the growing power vacuum caused by central government disintegration in the 15th and 16th centuries and the Iberian conquests along the Atlantic and Mediterranean coasts enabled local religious experts to become extremely powerful socio-political leaders through exploiting the religious feelings of their followers.\(^5\)

Sans doute faut-il attribuer ce repli de l’Islam sur lui-même à partir du XVI\(^{e}\) siècle, à la vague de fanatisme suscitée par les attaques et les conquêtes des chrétiens sur les côtes de la Berbérie. C’est depuis lors que se substitua à l’Islam intellectuel et relativement libéral du moyen-age, un mysticisme populaire, sans grandeur. Désormais les confréries mystiques et les ‘Marabouts’ répandirent parmi les lettrés et les ruraux une religion, réduite à quelques obligations cultuelles, à la portée de tous, et entièrement orientée contre l’étranger, le mécréant, comme nous l’exposerons....\(^6\)


\(^6\) Bel, *Religion musulmane*, p. 17.
Moreover, the tendency since the 15th century to identify the status of highly venerated descendants of the Prophet (shurafa) with that of the marabout has assigned the latter further legitimacy in the eyes of the population. As prophetic descent has been claimed more or less systematically by holy men ever since or ascribed to them by their followers, cherifism and maraboutism became almost interchangeable.\(^7\) Given the power of this mélange, Bel considered modern scripturalist reformism and its opposition to maraboutism as bound to fail:

Si, par certains côtés, le désir exprimé par les Muslihin, de purifier la religion des scories du paganisme et de la magie peut plaire à quelques intellectuels, on peut assurer que le peuple ne l’envisage pas ainsi.\(^8\)

Once stripped of the colonial bias that led to emphasizing its parochial and xenophobic character, maraboutism gained new momentum in anthropology as a paradigmatic model of a distinctly Moroccan form of religion. Maraboutism is taken here as the expression of a culturally specific local adaptation of Islam. One of the best known examples is the analysis of Moroccan religious development by Clifford Geertz in his comparative study Islam Observed, first published in 1968. Geertz defines maraboutism as the ‘classical religious style’ of pre-colonial Morocco, which in his view is based on the belief that some men (marabouts) are “. . . attached, bound, tied—perhaps the best word is shackled—to God.”\(^9\) The content of this bond and at the same time the proof of its existence is baraka. Baraka, literally divine blessing or grace, is described by Geertz for the Moroccan context as “. . . an endowment—a talent and a capacity, a special ability—of particular individuals.”\(^10\) Inversely, as Geertz has argued elsewhere, in the Moroccan context “. . . personal power, the ability to make things happen the way one wants them to happen—to prevail—was itself the surest sign of grace.”\(^11\) From this perspective, the key issue

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\(^7\) Bel, Religion musulmane, pp. 375–82.
\(^8\) Bel, Religion musulmane, p. 406.
\(^10\) Geertz, Islam Observed, p. 44.
in Moroccan religious and political culture stems from the question of knowing who can legitimately claim *baraka*. According to Geertz, much of the dynamic in Moroccan cultural history is characterized by the tension between what he calls miraculous and genealogical marabouthood or personal and hereditary charisma. In his opinion, this tension accounts for the conflictual character of politics, while its symbolic expression (*maraboutism*), vested with religious legitimacy, remains astonishingly stable. “Popular saint worship, sufist doctrine (both Spanish and Middle Eastern), and the sherifian principle all flowed together, like a swelling stream, into a single precut spiritual channel: *maraboutism*.”

While scripturalism according to Geertz, at least as far as its appeal to larger segments of the population is concerned, merely represents an ‘interlude’ in modern Moroccan history, others have underlined the ongoing tension between *maraboutism* and ‘orthodox’ teachings as two conflicting lines of religious tradition. This is the case with Dale Eickelman’s study of Islam as practised in a pilgrimage centre in post-independence Morocco. Eickelman who insists on the complexity of Moroccan Islam defines the ‘maraboutic synthesis’ as consisting of knowledge of the religious sciences, mysticism, and the ability to convey God’s grace. According to Eickelman, Moroccans have acknowledged the contradiction or at least the difference between ‘orthodox’ Islam and *maraboutism*, without however generating open opposition to the latter.

Throughout the nineteenth century and earlier, the difference between the ‘maraboutic synthesis’ and the formal, ‘orthodox’ teachings of Islam was recognized by religious scholars. As previously mentioned, foreign observers of Morocco in the late eighteenth and early nineteenth cen-

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13 Geertz, *Islam Observed*, p. 54. Two main criticisms of this interpretation have been suggested. Henry Munson Jr. points out shortcomings that result from the fact that Geertz completely ignores written sources and thus scholarly reflection on the religious and political phenomena he describes (H. Munson Jr., *Religion and Power in Morocco*, London 1993, esp. pp. 1–34, 180ff.). Vincent Cornell, for his part, has questioned Geertz’ reduction of sainthood to ‘charisma-as-showmanship’ and, on a more basic level, his definition of religion as a cultural system (Cornell, *Realm of the Saint*, esp. pp. xxxf., xif.).
turies reported interviews with marabouts and religious scholars who sharply distinguished between maraboutism and the formal tenets of Islam. . . . This passivity toward maraboutism among religious scholars lasted well into the twentieth century and can be interpreted as reflecting the strength of maraboutism.  

With similar results but without reference to culturally or locally specific forms such as maraboutism, Gellner considers the contrast between ‘doctor’ and ‘saint’ a decisive one. He does not regard Moroccan society as being different from ‘Muslim society’ as a whole. He actually describes ecstatic popular and sober scripturalist Islam as the religious expressions of two different socio-structural types that characterize Muslim society: the tribe and the city.  

In tune with a larger academic debate that tries to promote a more differentiated understanding of Sufism in the Muslim world in general, Vincent Cornell recently published a detailed study of sainthood and Sufism in Morocco from the 11th to the 16th century, where he firmly contradicts the assumption of a clear-cut division between popular and scholarly, local and universalistic, or tribal and urban Islam. On the basis of an extremely rich collection of original sources, Cornell demonstrates that in opposition to the common understanding of maraboutism the development of sainthood and Sufism in Morocco, far from being merely the expression of a local adaptation and/or popularization, was in fact shaped by scripturalist interpretations of Islam and influenced by religious developments in other parts of the Muslim world. In relation to the formative period of

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16 Eickelman, Moroccan Islam, p. 60.  
Moroccan Sufism in the 11th and 12th centuries, Cornell underlines the normative homogeneity imposed by (urban) ‘ulamā’ on locally powerful religious traditions, such as the veneration of saints. He first of all stresses the urban ethos of Sufism, even that found in the rural areas. Secondly, Cornell argues that as a pivotal religious figure of the Moroccan countryside, the historical murābiṭ of this period frequently had an urban educational background or was at least closely connected by scholarly culture to urban centres of learning. A complex figure, the murābiṭ became a kind of broker for potentially universalistic Islamic ‘normativeness’ in specific local contexts. Thirdly, Cornell states that sainthood and the veneration of saints have been actively revalidated by jurists in the context of hagiography. Hence, far from being considered a heterodox custom, the veneration of saints is actually part of mainstream Sunni Sufism. Altogether, Cornell insists on a differentiation and, at the same time, on the complex interplay of sainthood as social practice and as a scholarly construction. For the 15th and 16th centuries he demonstrates that the socio-political role played by the Shadhiliyya-Jazuliyya should on no account be reduced to the ‘localization’ and/or ‘popularization’ of Islam but was, on the contrary, an expression of the effectiveness of the ‘Muhammadan paradigm’—a key element of ascetic piety and Sufism from the start. “As both an imam and a šāliḥ, the Moroccan saint of the early-modern period was more than just a teacher or a mystic. Instead, he symbolized all aspects of the Muhammadan paradigm.” According to Cornell, this paradigm encompassed the spiritual, the social and the political spheres—hence the activist character of the Moroccan Jazuliyya. On the basis of his findings, Cornell also refutes Bel’s interpretation of the so-called maraboutic crisis, by stressing the more characteristically religious motives of Sufi activists in 16th century Morocco: “... these exem-

20 Cornell, Realm of the Saint, pp. 3ff.
21 Here I draw on the work of Baber Johansen, who defines shari‘a in terms of ‘Islamic normativeness’ (Baber Johansen, Contingency in a Sacred Law. Legal and Ethical Norms in the Muslim Fiqh, Leiden 1999, esp. p. 39).
22 Cornell, Realm of the Saint, pp. 95ff.
24 On the veneration of the Prophet Muḥammad and the ‘imitatio Muḥammadí’ in Muslim piety and Sufism, see Annemarie Schimmel, And Muḥammad is his Messenger. The Veneration of the Prophet in Islamic Piety, London/Chapel Hill 1985.
25 Cornell, Realm of the Saint, p. 233.
asserting religious authority

26 Cornell, Realm of the Saint, p. 233.
27 Cornell, Realm of the Saint, pp. 272 ff.
29 Sources from our period suggest, for example, that the notion of murâbiţ has assumed a rather technical sense denoting descendants from saintly lineages who are not shuafâ’. In fact, we find the famous historian and servant of the central administration (makhzûm) Ahmad b. Khalîd al-Nàširî (d. 1897), known above all for his scripturalist preference, praising his father as having been both a faqîh and a murâbiţ (A. al-Nàširî, Kitâb al-‘Istüyà li-akhbâr dawal al-Maghrib al-Aqṣà 1–8, Casablanca 2001, vol. 8, p. 123). The same use of the notion can be found in documents concerning a consultation of the population of Fes initiated by the Moroccan sultan Mawlâl al-Hasan (r. 1873–1894) in 1886, where the murâbiţûn figure as just one of the groups whose opinion has been solicited. On this consultation and the relevant sources, see Bettina Dennerlein, “Savoir religieux et débat politique au Maroc. Une consultation des ‘gens de Fès’ en 1886,” Hespéris-Tamuda 39 ii (2001), pp. 119–32.
30 For the critique of saint veneration, see the references given above in n. 2.
The choice of Muḥammad b. Jaʿfar al-Kattānī, the famous ‘ālim and muḥaddith from the city of Fez, is by no means arbitrary. Given the complexity of the author’s personal and religious profile, he almost imposes himself as an intriguing case in point. Correspondingly, the image drawn of him in scientific literature is somewhat contradictory. In fact, characterizations of al-Kattānī range from representative of Moroccan traditionalism (Laroui)31 to early salafī (Balqazīz)32—while members of his family try to present him as both a religious reformist and an Islamic constitutionalist.33 Munson Jr. has described al-Kattānī as an advocate of ‘maraboutic scripturalism’, rightly pointing to the merging of different religious styles in this scholar’s biography and oeuvre—although the term maraboutic here, as elsewhere, cannot do justice to the rich and composite tradition of the spiritual and/or saintly dimension of Moroccan Islam.34

Accumulating Religious Capital—Biographical Glimpses

Muḥammad b. Jaʿfar al-Kattānī was born in Fez in 1857–58 into a family of well-known Idrīsid shurafā’. Although of modest social standing, some members of the Kattānī family in Fez had gained a local religious reputation—mostly as Sufis and as miracle-performing friends of God (awliyā’).35 It seems that al-Kattānī’s father, Jaʿfar b. Idrīs (d. 1905), was the first member of the Kattānī family to join the scholarly elite of Fez. Jaʿfar b. Idrīs was indeed considered one of the leading scholars of his generation and was widely respected for

34 Munson Jr., Religion and Power, pp. 87ff.
his integrity and his refusal to accept an administrative position in the judiciary or elsewhere. On a list of registered Fasî scholars from 1896, Ja'far b. Idrîs is mentioned as belonging to the first ‘rank’ (martaba). His son Muhammad b. Ja'far appears on the same list as a member of the second rank. Ten years later, Muhammad b. Ja'far is himself mentioned as a scholar of the first rank—a fact that points to the growing esteem he enjoyed. Like his father before him, Muhammad b. Ja'far entertained strong links with the highly influential activist Kattâniyya, one of the most controversial Moroccan tariqas of his time, who had continuously aroused political and scholarly suspicions. The zawiyya kattâniyya was founded by Muhammad b. Ja'far's great-uncle Muhammad b. 'Abd al-Wâhid al-Kattâni (d. 1872), known as al-Kabîr. The spiritual and political role of this zawiyya and the tariqa identified with it seems highly complex, and is still largely understudied. Even a short outline would clearly...
Muḥammad b. Jaʿfar identified strongly with the Kattāniyya until late in life. This is evident from his *al-Nubdha al-yasīra*, a manuscript text entirely devoted to the ‘house’ of the Kattānis, in which he describes in considerable detail how Muḥammad b. ʿAbd al-Kabīr and his father appeared to him in a dream during his stay in Damascus (i.e., in the years 1917–18 to 1926).41 However, Muḥammad b. Jaʿfar always kept his distance from the political activities of his cousin Muḥammad b. ʿAbd al-Kabīr. Neither does he seem to have intervened in his favour during a trial in 1896 initiated by leading Fez scholars, who had charged Muḥammad b. ʿAbd al-Kabīr with spreading heretical ideas.42 Muḥammad b. Jaʿfar obviously tried to play down his cousin’s controversial pretensions with regard to his spiritual rank as *quṭb* and *ghawth* of his time, pointing out that such highly respected scholars as Muḥyī al-Dīn Ibn ʿArabī and Aḥmad al-Tijānī had defended similar positions.43

Similar to his scholarly profile as an accomplished *ḥadīth* specialist, who nonetheless retained strong personal and spiritual links with the Kattāniyya, Muḥammad b. Jaʿfar’s education bears witness to his extremely broad and inclusive religious culture. Indeed, the list

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42 Muḥammad b. ʿAbd al-Kabīr had been accused by the *ʿulamāʾ* since 1894 of spreading prayer rituals of dubious legality. The sultan’s entourage later supported the accusations and Muḥammad b. ʿAbd al-Kabīr’s teachings were examined by a scholarly council before his innocence was pronounced in a definitive verdict (Bazzaz, “Heresy and Politics”).

of his teachers in exoteric sciences reads like a vademecum of the scholarly elite of Fez. Members of almost all renowned ‘houses’ of religious scholarship are referred to—Muḥammad al-Madani Ibn Jallūn (his ‘umda in hadith-studies), the shaykh al-jama‘a 44 Abu l-‘Abbās ʿAlī b. Muḥammad al-Banni, the quḍāt Abu l-‘Abbās ʿAlī b. Ṣulaymān al-Sijīlāsi, another ‘umda and teacher of hadith-studies), Abu Muḥammad al-Ṣāyyib b. ʿAbd Bakr Ibn Kārīn and Abu l-‘Abbās ʿAlī b. Muḥammad b. Ḥamdūn Ibn al-Ḥājr. 45 At the same time, Muḥammad b. Ja‘far travelled extensively in his formative years, visiting a considerable number of local shrines and saints, particularly in northern Morocco. In the autobiographical section of his al-Nūbdha al-yasira, Muḥammad b. Ja‘far devoted several pages to both the living and dead Moroccan saints he had visited. 46 His visiting of local saints or saintly families was primarily linked to his being initiated into (or his ‘taking’ of) a Sufi tariqa. Yet, he does not seem to have stayed with any of the shaykhīs for an extended period. Taking a particular tariqa was clearly above all a matter of creating spiritual and social bonds. This may explain why Muḥammad b. Ja‘far often took the same tariqa from several people and at times even repeatedly from one and the same person. It may also account for why he was initiated into different ιουρ co by both local shaykhīs and members of the elite. Apart from the Kattāniyya, Muḥammad b. Ja‘far was initiated into the Shādhilīyya, the Dārqāwiyya, the Wazzānīyya and the Tijānīyya. He also took the locally less important ιουρ of the Qādirīyya and the Khalwātīyya. 47 It is interesting to note that Muḥammad b. Ja‘far himself relates how, on the occasion of being granted authorization to transmit the ḍhikr formula of the Tijānīyya by the shaykh al-jama‘a Abu l-‘Abbās ʿAlī b. ʿAlī b. Muḥammad al-Banni

mentioned above, the latter refused to give al-Kattānī authorization to transmit the *wird* (litany), special to the ṭariqa. Al-Kattānī’s unwillingness to abandon the habit of visiting saints and their tombs—a practice heavily criticised by Ahmad al-Tijānī—was given to him as a reason. He later travelled extensively outside Morocco as an established scholar, sojourning in the Hijāz and the Middle East, where his contacts and activities, which cannot be treated here in any detail, testify to the same inclusive approach to religion. He was in touch with both saints and Sufis as well as with *fuqahāʾ* and occasionally even with reformist circles, especially in Damascus.

Like his father, Muḥammad b. Ja’far never held an administrative position but devoted his life exclusively to scholarship. At the age of eighteen he had already started teaching ḥadith at the ṭawīliya kattāniyya. Two years later and probably with the help of his father, he was allowed to teach *fiqh*, taqwīm and mantiq at the prestigious Mosque University of al-Qarawiyyiūn. In Morocco and beyond Muḥammad b. Ja’far was recognized as a specialist of ḥadith, a historian and a Sufi. His writings as listed by his son comprise 64 titles, most of which are still unpublished. They consist in the main of works on *fiqh* (20 titles), ḥadith (15 titles) and history or biography (nine titles).

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49 A detailed description of Muḥammad b. Ja’far’s network in the Arab East clearly lies beyond the scope of this article. Suffice it to say that Muḥammad b. Ja’far went on the *ḥajj* several times and stayed in different places in the Mashriq. After having left his native country again in 1910, he settled in Medina and later in Damascus, before returning to Morocco only shortly before his death. After the completion of this article, an edited version of Muḥammad b. Ja’far’s account of his first *ḥajj* in 1903 has been published (Muḥammad b. Ja’far al-Kattānī, *al-Riḥla al-sāmiyya ilā Iskandariyya wa-Miṣr wa-l-Hījāz wa-l-Bilād al-Shāmiyya*, Beirut/Casablanca 2005). Dates given in the biographical part of the introduction to this work are not always identical with those mentioned in the other sources cited above.


Assessing Religious Authority—al-Kattānī’s Guide to the Tombs of Fez

Given Muḥammad b. Ja‘far al-Kattānī’s career and background, it will not come as a surprise that his undisputed chef d’œuvre consists of a biographical survey of scholars and ‘virtuous’ buried in the city of Fez. The Kitāb Salwat al-anfās wa-muḥādathāt al-akyās bi-man uqwira min al-‘ulamāʾ wa-l-ṣalāḥāʾ bi-Fās, covering more than 1.100 pages in three volumes, was published in Fez as a lithograph in 1316/1898–99 only three years after its completion. All in all, al-Kattānī is said to have worked on it over a period of fifteen years.53 The Salwat al-anfās seems to be part of a revival of the biographical genre in Morocco at the end of the 19th century.54

The enormous amount of information collected over a long period of time and the detailed topographical description of the city of Fez alone make this work an indispensable source for students of Moroccan history. Besides, it stands out among the scholarly productions of its time in the ordering of the material as well as in the thorough listing of bibliographical sources—the latter having been especially commended by E. Lévi-Provençal, a contemporary of al-Kattānī and otherwise rather critical student of Moroccan historiography.55 As far as the ordering of the material is concerned, entries are arranged according to the location of the tomb of the person portrayed—beginning at the centre with the mausoleum of Idrīs the second (al-Anwar) and proceeding from there in concentric circles to the outskirts of Fez. This peculiar method of presenting material, later reproduced in other biographical surveys, was hitherto unknown in Morocco.56
It seems to inscribe urban space into a holy landscape, created and controlled by virtue of hagiography, as part of a scholarly exercise. The *Salwat al-anfās* is clearly conceived to guide the ‘visitor’ (zā’ir) to the tombs of scholars and the virtuous (ṣulahā’), and to preserve the memory of the latter. It therefore seems perfectly logical that the text should begin with a long introduction of more than sixty pages, in which al-Kattānī addresses in considerable detail the issue of how and why visits to tombs should be conducted.

**On Visiting Saints**

The *Salwat al-anfās* must be interpreted in the light of a debate that has gone on since at least the beginning of the 19th century on the question of whether the custom of visiting shrines should be allowed, restricted or completely forbidden. The overriding aim of the introduction, which reads like a veritable treatise on *adab al-ziyāra*, seems to be twofold. Al-Kattānī defends and even encourages the habit of visiting saintly tombs in search of divine blessing or grace (baraka). On the other hand, while accommodating certain widespread practices associated with visiting shrines, al-Kattānī strongly emphasizes the need to observe basic Islamic legal norms and established orthodox beliefs. Moreover, the description of the life and character of the religious people buried in Fez serves the pedagogical aim of erecting models of ethical conduct.

Al-Kattānī is not primarily interested in theoretical questions of sainthood or in abstract definitions of types of religious authority. As already indicated by the title of the book, the author assumes, at least implicitly, that the scholar (ʿālim) and the virtuous (sāliḥ) are of equal worth: he considers both to be bearers of baraka. Indeed, according to Moroccan hagiographic discourse, closeness to God (walāya)—the Arabic term usually considered as the most adequate translation of sainthood—can be based on different forms of knowledge as well as on virtuousness (ṣalāḥ), exemplary conduct (ʿamal) or the performing of miracles (karāmat). Rather than judging or cen-
suring particular types of religious profiles, al-Kattānī seems to turn the veneration of saints into a universal model for religious authority to become effective. According to the author, those who visit a living saint, an outstanding man of learning or a shrine, do so to receive divine blessing or grace. To make this happen, the person visited must distinguish himself by the ability to perform miracles or by his knowledge (‘ilm) and exemplary conduct (‘amal).\(^59\) While avoiding narrow definitions, al-Kattānī nevertheless indicates a possible grading of degrees of saintly religious authority—without however devaluing or excluding any particular one. Thus he maintains that knowledge (‘ilm) is more important to religious standing than performing miracles. Yet, knowledge and closeness to God (walāya) are not necessarily identical or unequivocal when taken on their own.

On the issue of knowledge, al-Kattānī states that the knower of God (al-‘ārif bi-llāh) stands above those who simply hold knowledge of the laws of God (aḥkām Allāh). As far as closeness to God is concerned, al-Kattānī draws a distinction between the acquired closeness of the upright person who fulfills his religious duties in complete obedience to God, which is in principle available to all believers, and the closeness granted by God (walāyat al-takhīs).\(^60\)

As far as the visitor is concerned, al-Kattānī explains that being close to a shrine where a ‘friend of God’ is buried can help to direct one’s longings and thoughts to the hereafter.\(^61\) He states that contrary to certain accusations, it is not the saint who is thought capable of causing harm or giving blessing. The visitor simply seeks the saint’s intercession with God. Having thus stressed the legitimate purpose of visiting shrines, al-Kattānī takes Ibn Taymiyya and others to task for utterly condemning the practice.\(^62\) He does not accept the argument that visiting shrines should be forbidden simply to avoid the risk of common people attaching false beliefs to it or becoming guilty of unlawful behaviour on the occasion. In fact, this so-called sadd al-dharāʾīr argument was the main one brought forward

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\(^{59}\) Al-Kattānī, Salwat al-anfās, vol. 1, p. 16.


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logical and social science research, there is a general preference for the term charisma as opposed to sainthood. For the terminology used in the Maghreb, see also Emile Dermenghem, Le culte des saints dans l’Islam maghrébin, Paris 1954, esp. pp. 24ff.
by Moroccan critics of the saint cult. The principal authorities quoted by al-Kattānī to defend the visiting of shrines remain Sufis—a fact that emphasizes yet again the undiminished importance of Sufism as a major reference in scholarly culture during the period under consideration. One of al-Kattānī’s most important sources in this respect is the ʿarif bi-llāh al-ʿArabī al-Darqāwī (d. 1823), founder of the Darqāwīyya Sufi order, whom the author held in high esteem.

Al-Darqāwī is quoted by al-Kattānī to have qualified ‘sitting between the hands of a shaykh’ as of utmost benefit to the heart (qalb)—the heart being considered in Islamic mysticism as the seat of understanding and of the knowledge of God. Another opinion from a member of the Wazzāniyya referred to by al-Kattānī states similarly that to look a shaykh and a walī in the face is more beneficial than thirty years of fulfilling one’s religious duties (īḥādāt).

At the same time, al-Kattānī provides an extensive list of conditions validating visits to shrines and thus endeavours not merely to defend this practice but also to educate his audience. In addition, he lays down precise beliefs and matters to be borne in mind for the visitor. The author emphasizes, for instance, that the latter should be aware of the fact that God alone is the ultimate ‘mover’—and that even saints act according to his will and not independently. Yet, in the end al-Kattānī considers the intention (niyya) of the visitor to be the determining factor. Thus, for example, the author claims that even the disputed practice of sprinkling oneself with water from a fountain that belongs to a shrine is acceptable as long as the visitor’s intention to share in the baraka of the saint and to seek his intercession with God is the correct one. At one point he also

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64 Al-Darqāwī and followers of the Darqāwīyya are highly praised in the biographical section. The importance of this brotherhood in 19th century Morocco is evident from the fact that, as al-Ǧāfī has revealed, more than half of the biographies from the period after 1830 given in the Salwat al-anfās are devoted to members of the Darqāwīyya (al-Ǧāfī, al-Kattānī, p. 135).


admits that the act of visiting in itself and the intention of the visitor are of greater significance than the religious rank of the visited.\(^{70}\) The emphasis here on the inner dimension of ritual practice complies with the personalized model of religious authority embodied by the shaykh as the spiritual and personal guide promoted by al-Kattānī.\(^ {71}\)

\[Diversity\ and\ Hierarchy\ in\ Hagiographic\ Discourse\]

The repertoire of religious styles and forms of religious authority that emerges from the biographical section of the \textit{Salwat al-anfās} is extremely rich, as is the terminology employed by the author to convey the praiseworthiness of the scholars and virtuous he portrays. The entries include biographies of ‘\textit{ulamā’} and learned Sufis as well as those of more or less illiterate mystics and so-called \textit{majādhibīb}—the ‘attracted’ or the ‘holy fools’ that embody a passive form of piety and frequently, at least in the Moroccan context, one that is non-scholarly.\(^ {72}\) All in all, al-Kattānī seems to aspire to completeness and inclusiveness rather than to establishing a strict division between literate and illiterate or between sober, serious and miracle-performing, popular saints.\(^ {73}\) Nevertheless, the fact that he only includes information confirmed either by respected written sources or transmitted by people ‘of confidence’ (\textit{thiqa}) implies his exclusion of other possible forms of collective memory.\(^ {74}\) This preference seems to reflect above all the significance attached to scholarly transmission devices and to the genealogical principle in general. In any case, it represents at least


\(^{73}\) Dermenghem has suggested this distinction for the saint cult in the Maghreb (see Dermenghem, \textit{Le culte}).

\(^{74}\) A fact observed by E. Lévi-Provençal (\textit{Les historiens des chorfa}, pp. 383f.). On the sources used by al-Kattānī see Basset, “Recherches bibliographiques.”
a formal filter for selecting models of piety and ethical behaviour and corroborates at the same time the authority of the religious scholars. Beyond this formal tool, subtle descriptive nuances allow for a certain ranking of the people portrayed. From his reading of the *Salwat al-anfās*, Abdallah Laroui has derived the following hierarchy of religious status as expressed by al-Kattānī: The *shurafā’* are placed at the top of the hierarchy, classified according to the purity of their genealogy and the miracles ascribed to their lineage. They are followed by the learned Sufis, graded among each other by the miracles they performed and the success of the mystical orders they founded. The ‘simple’ (exoteric) scholars (‘ulamā’) are next in line, followed finally by the more or less illiterate awliyā’ and majādhib.75

Despite the conclusiveness of this scheme, it turns out to be too rigid and consequently an inadequate reproduction of the blurring of dividing lines between different types of religious authority characteristic of al-Kattānī’s attitude. A prime example of the rigidity of Laroui’s scheme is the presumption that ‘simple’ scholars (i.e., those who are not *shurafā’* or Sufis) figure in the second last position in al-Kattānī’s ranking. While it is true that purely exoteric science specialists are portrayed by al-Kattānī in a rather unemotional down-to-the-earth manner,76 the mere fact of depicting them as bearers of *baraka* on equal footing with Sufis and the virtuous or the saints signifies a conscious attempt to inscribe them into a hagiographic model and thus confer them with both scholarly and saintly authority. It should also not be overlooked that, as mentioned earlier, the main sources used by al-Kattānī in composing his survey and his constant reference to people of ‘confidence’ clearly underpin the role of scholars as transmitters and arbiters of ethical exemplarity and religious authority.

An even more telling example of the inclusive but differentiated manner in which al-Kattānī treats different forms of religious authority is how he presents the descendants of the Prophet. This group does not appear to deserve veneration solely nor evenly as a result of its status as such. In fact, the *Salwat al-anfās* reveals a pronounced grading of *shurafā’*, both according to their lineage and their individual achievements. This is evident if we compare how al-Kattānī

75 Laroui, *Nationalisme marocain*, p. 110.
76 See, for example, the entry devoted to al-Kattānī’s ‘master’ in ḥadīth, Muḥammad al-Madani Ibn Jalīn (al-Kattānī, *Salwat al-anfās*, vol. 2, pp. 363f.).
portrays different people belonging to the same category and even to the same lineage. Al-ʿArabī al-Darqāwī who is referred to at length in the course of the entry devoted to his son ʿAlī, is not overly praised as a descendent of the Prophet nor solely in this capacity, although the impeccability of his genealogy as an Idrīṣīd sharīf is indeed underlined.77 Al-Darqāwī is additionally described as the axial saint (qūṭb rabbānī), the most perfect of the knowers of God (akmal al-ṣārifīn bi-llāh) and exemplar (qudwā) for all those proceeding on the mystical path (sālikūn). He is also said to have been granted the great ‘opening’ or illumination (al-fāṭī al-kabīr)78 and to have been a great authority on doctrinal matters in his time (shaykh al-ʿaṣr). Besides, al-Darqāwī is referred to as a faqīh, underlining his firm knowledge of exoteric sciences. Whereas in the case of other learned Sufi shaykhs and founders of a ṭarīqa such as Aḥmad al-Ṭiḥānī (d. 1815),79 al-Kattānī does not necessarily give details on their teachings, some of the broad principles of al-Darqāwī’s ṭarīqa are at least mentioned in the Salwat al-anfās.80 Al-Kattānī depicts the Darqāwīyya as ‘built’ in strict compliance with the sunna and with avoidance of any kind of illegitimate innovation (bidʿa). Other principles mentioned by al-Kattānī are the destruction of man’s lower soul (nafs) and the continuing remembrance of God (dhikr). He characterizes the Rasūl of al-Darqāwī as being of utmost importance to all seekers on the mystical path (murīdūn). Al-Kattānī thus openly articulates the extraordinary respect he has for this Sufi scholar.

In the case of al-Kattānī’s great uncle Muḥammad b. ʿAbd al-Wāḥid (d. 1872), founder of the zāwīyya kattānīyya, his status as an Idrīṣīd sharīf is dealt with much more prominently.81 The reason for this may be personal, since the latter belonged to the author’s close

77 Al-Kattānī, Salwat al-anfās, vol. 1, pp. 176f. Since al-Darqāwī himself was buried in the mother zāwīyya of the Darqāwīyya in Bū Brīḥ, al-Kattānī did not have the opportunity to include this greatly admired Sufi in his Salwat al-anfās. However, more than half of the biography devoted his son actually deals with al-Darqāwī.
78 For a discussion of fāṭī in the context of 19th-century Sudan see Hofheinz, Internalizing Islam, pp. 504–08.
family and played an important role in his upbringing. Moreover, its particular significance here might well be due to the fact that Muḥammad b. ‘Abd al-Wāḥid is described as illiterate (ummī) and thus without formal authority in doctrinal questions. Yet, descent here is not just ascribed to Muḥammad b. ‘Abd al-Wāḥid but validated, so to speak, by the sincere veneration of his ancestor Mowlāy Idrīs (al-Anwar), the founder and patron-saint of the city of Fez, whose shrine Muḥammad b. ‘Abd al-Wāḥid is said to have rarely left. In fact, al-Kattānī acclaims this prominent family member with all the conceivable vocabulary current in Moroccan hagiography, with the exception of reference to formal scholarship. Muḥammad b. ‘Abd al-Wāḥid is presented as the friend of God (waḥī), the sharīf transmitter of baraka, the admonisher (nāṣīh), God’s servant (ʿābid), the one who commemorates God (dhākīr) and obeys him (qānit), and who is grateful to him (shākir). The active social dimension of his prestige is not only expressed in the reference to him as an admonisher. Muḥammad b. ‘Abd al-Wāḥid is furthermore depicted as someone who despised worldly goods and freely gave away all that he possessed. He is also called a malāmatī. Finally, the status of sharīf and holder of esoteric knowledge without formal education may also be combined with that of majdhub. This is the case with yet another member of the Kattānī lineage, Muḥammad b. Mahammad al-Kattānī (d. 1799/1800). His status as a sharīf is only mentioned in passing, without further specification. This may be due to the fact that the person portrayed did not belong


to the author’s close family. It may also be a hint at the less valued religious style he represented. Muḥammad b. Maḥammad is portrayed as al-sharīf al-majdhūb al-mahbūb and as someone with experience of mystical states (alwāl). While he is said to have been ‘grounded’ in mystical knowledge (‘irfān) and iwalāya, he is not seen to have had any miraculously founded or other authority in doctrinal matters. On the occasions he was attracted (to God) or caught by jadhīb, Muḥammad b. Maḥammad even performed acts that were normally forbidden, such as entering other people’s houses in the presence of women without asking permission. While describing him as majdhūb may have been a means of protecting him against accusations of antinomianism, he is obviously less appreciated by the author than other literate or illiterate saintly figures. The inferior position of the portrayed can also be deduced from the fact that al-Kattānī is unable to give the exact date, let alone the time of his death, mentioning only the year 1214 A.H.

Summarizing the above, it can be concluded that it is virtually impossible, at least in the case of Muḥammad b. Jafar al-Kattānī, to maintain that saintly/popular/illiterate/local and established/serious/scripturalist/universally approved forms of religious authority existed as opposites in late 19th and early 20th century Morocco. Neither was there a fixed hierarchy of religious status. Interpreting al-Kattānī’s itinerary and his Salwat al-anfās against the background of competition for religious authority, his strategy was clearly one of inclusion and (re-)appropriation and not of exclusion or open opposition. While accommodating widespread practices and beliefs, al-Kattānī, with his Salwat al-anfās, seems to turn the veneration of saints into a general model for religious authority to become effective. At the same time, he maintains at least implicitly that, in the last instance, recognition must be sanctioned by or mediated through scholarly approval. ‘Scripturalism’ here if understood as the scholarly tradition appears to be the supreme arbiter that gives legitimacy to different religious styles while, at the same time, at least partly drawing on their emotional force and appeal.

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CONSENSUS AND RELIGIOUS AUTHORITY IN MODERN ISLAM: THE DISCOURSES OF THE ‘ULAMĀ’

Muhammad Qasim Zaman

Introduction

Observers of modern Muslim societies, and not just scholars of Islamic law, have long recognized the centrality of the doctrine of “consensus” (ijmā‘) in Islam. This centrality is underscored above all by the place of consensus, alongside the Qur’ān and the normative example of the Prophet Muhammad (ṣunna), as a fundamental “source” of law and legal norms in Sunni Islam. While Shi‘ī jurists have usually been far less certain of it, consensus has wielded considerable authority even among the Shi‘ā. Whether consensus meant the agreement of the community as a whole or only that of its legal scholars has long been debated, though pre-modern jurists—the people primarily writing about the matter—typically limited it to their own ranks. There also was debate about precisely how consensus was arrived at or how the fact that it had indeed been reached was ascertained. For all the uncertainties about it, the authority of consensus, once arrived at and ascertained, was, in theory at least, denied by few; and Muḥammad’s reported statement (ḥadīth) that the community “would not agree on an error” was both widely accepted and influential.1

Yet no foundational source of Islamic legal norms has been more severely challenged in modern times than the doctrine of consensus.

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It is true that the teachings attributed to the Prophet Muḥammad have also been the subject of much debate; but such debate has usually been concerned with the authenticity of particular reports, not the authority of the sunna itself as a foundational source of norms. But as for consensus, Muslim “modernists”—that is, those usually educated in modern Western or westernized institutions of learning and aspiring to rethink their practices, institutions, and discourses in light both of what they take to be “true” Islam and of how they see the challenges and opportunities of modernity—have often been vehement in imputing the intellectual decline of Muslim societies to it. Modernist critiques of consensus take various forms, but there remains a powerful narrative that views consensus as having encouraged servile conformity to authority and thus a concomitant hostility to growth, innovation, and change—in law as in other facets of Muslim life.

The influential Pakistani modernist Fazlur Rahman (d. 1988) spoke for many others when he characterized consensus as a mechanism of “traditional authoritarianism” and as a major cause of the “stagnation” of Sunni Islam in the pre-modern period. To him, consensus represented the community’s “tremendous digestive power” which had enabled it to “swallow small changes without perceptibly moving forward.”

Whether implicitly or explicitly, it is the ‘ulamā’ whom the modernists typically identify with this “traditional authoritarianism” and who, as such, have usually borne the brunt of their criticism on this and other scores. This identification is, of course, hardly surprising and, shorn of its pejorative connotations, it is readily embraced by the ‘ulamā’. After all, the ‘ulamā’’s identity and authority rests, more than anything else, on a continuous engagement with the historically articulated Islamic religious and especially the juristic tradition; and the authority and indeed the coherence of this tradition itself depends on the conviction that it represents fundamental and continuously

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2 For modern debates on the normative example of the Prophet (sunna) and on hadith, see Daniel Brown, Rethinking tradition in modern Islamic thought, Cambridge 1996.
4 Rahman, Islam, p. 201.
transmitted agreements, methodological as well as substantive, among
generations of scholars. But despite invocations of the authority and
continuity of their tradition in terms of consensus, the discourses of
the modern ‘ulamā’ on consensus itself reveal a considerable variety
of perspectives. This diversity is adequately acknowledged neither in
the modernist critiques of consensus, however, nor even in Western
studies of modern Islamic thought. Indeed, when the ‘ulamā’’s per-
spectives have not been simply missed or ignored in modern schol-
arship altogether, they have usually been noticed largely to the extent
that they conform to—and thus can be studied as part of—modernist
critiques of consensus.6

It is true that lines of demarcation between the modernists and
the ‘ulamā’ have sometimes become blurred. There is no better illus-
tration of this than Muḥammad ‘Abduh (d. 1905), a traditionally
trained religious scholar and, towards the end of his life, the grand
mufti of Egypt, who is often regarded as one of the founding fathers
of Islamic modernism.7 Kate Zebiri characterizes Maḥmūd Shaltūt,
the rector of al-Azhar (1958–63), Egypt’s millennium-old center of
Islamic learning, as likewise a “modernist”,8 and similar judgments
might not be inapt in many other instances. Yet, if the discourses
of the ‘ulamā’ and the modernists sometimes shade into each other,
just as those of the ‘ulamā’ and the Islamists might, the ‘ulamā’ can
hardly be said to have therefore become indistinguishable from other
religious intellectuals and activists or, for that matter, marginal to
modern Islamic thought and politics. Indeed, while the ‘ulamā’’s posi-
tion and roles obviously differ in different Muslim societies, they are
often recognizable, and distinguishable from others, in terms not just
of their intellectual formation and their vocation, but also of their
mode of argumentation—a style whose distinctiveness and authority
typically rests on its discursive engagement with the history of ear-
lier scholarly debates.9

6 See, for example, George Hourani, “The Basis of Authority,” pp. 210–14.
7 On ‘Abduh and his influence on subsequent generations of Arab and Muslim
thinkers, see Albert Hourani, Arabic Thought in the Liberal Age, 1798–1939, Cambridge
1983, pp. 130–92 and passim. Also see Malcolm H. Kerr, Islamic Reform. The Political
and Legal Theories of Muhammad ‘Abduh and Rashid Rıdā, Berkeley/Los Angeles 1966.
8 Kate Zebiri, Maḥmūd Shaltūt and Islamic Modernism, Oxford 1993.
9 For a discussion of how the modernists and the ‘ulamā’ might be differentiated
from each other, and from the Islamists, see Muhammad Qasim Zaman, The Ulama
My purpose here is not to defend or illustrate these categories of analysis, however, any more than it is to examine the modernist critique of consensus or, for that matter, the relations between the modernists, the Islamists, and the ‘ulamā’. My concern is, rather, to examine some of the ways in which the ‘ulamā’ have thought about issues relating to consensus in modern times. The ‘ulamā’’s rich and varied discourses on the subject—of which I will only offer a brief sample here—have been little studied. Yet they offer us much more than a fuller understanding of the modern career of the idea of consensus. Given that appeals to consensus have long been central to articulations of religious authority, the ‘ulamā’’s discourses also illuminate how religious authority is itself re-imagined in a world which lacks earlier certainties either about consensus or about those who were once thought to represent it.

Revisiting “Those in Authority”

One of the most detailed modern discussions of issues relating to consensus occurs in the course of Muḥammad Rashīd Riḍā’s (d. 1935) commentary on Qur‘ān 4:59 in his Tafsīr al-Manār. The Tafsīr al-Manār, so-called because this monumental work of exegesis was first serialized in Riḍā’s journal al-Manār, is thoroughly suffused with the influence of Muḥammad ‘Abduh. Though Riḍā is the principal author of this commentary, ‘Abduh’s voice and words are ubiquitous and his “presence” pervades the entire project.10 Qur‘ān 4:59 reads: “O believers, obey God, and obey the Messenger and those in authority among you (ḥālāt al-mīn). If you should quarrel on anything, refer it to God and the Messenger, if you believe in God and the Last Day; that is better, and fairer in the issue.”11 As quoted by Riḍā, ‘Abduh argued that “those in authority” are neither merely the ruling elite, as some had suggested, nor the ‘ulamā’, as others

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10 Muhammad Rashīd Riḍā, Tafsīr al-Qur‘ān al-kašīf al-mashhūr bi-Tafsīr al-Manār 1–12, ed. Ibrāhīm Shams al-Dīn, Beirut 1999 [hereafter Tafsīr al-Manār]. For a study of this work, see J. Jomier, Le commentaire coranique du Manār. Tendances modernes de l’exégèse coranique en Égypte, Paris 1954. Unless there are clear indications that the views expressed are those of ‘Abduh or of both ‘Abduh and Riḍā, I assume the latter to be the author of this work.

had argued. The characterization refers, rather, to those responsible for regulating—in traditional language, for “loosening and binding”—the community’s affairs in general:

These are the rulers (umara) and the governors (hukkam), the ‘ulama’, the military commanders, and all those leaders and notables to whom people turn in need and in matters concerning the public interest (al-‘ama). When they all agree on a matter, it is necessary that they be obeyed, provided that [the following conditions are satisfied]: that they be from amongst us; that they not contravene a command of God or the [most authoritative of] the reported teachings of the Prophet . . .; that they be unconstrained in their discussion on the matter [in question] and in their agreement on it; that what they do agree upon is itself a matter of public interest and one that ‘those in authority’ do have the requisite authority and knowledge to rule on . . .

It is not only the “people of authority” of Qur’an 4:59 that are being equated here with “those who loosen and bind.” ‘Abduh and Riḍa equally conflate this now consolidated locus of authority with the ahli al-‘ijma—the people whose agreement constitutes an authoritative consensus. Their primary concern in this innovative conflation is twofold. First, while much of Sunni juristic thought has equated consensus with the consensus specifically of the jurists, ‘Abduh and Riḍa seek to make them—and even the ‘ulama’, more generally—only one component amongst those whose deliberations ought to be constitutive of consensus. This broadening of consensus beyond the ranks of the ‘ulama’ and, indeed, beyond specifically legal matters, goes hand in hand with the severe criticism to which ‘Abduh and Riḍa subject the ‘ulama’ of their own time. Second, where most

jurists saw consensus as infallible and, by the same token, as authoritative for all times, ‘Abduh and Riḍā strive to anchor it in considerations of “public interest.” Those deliberating on such considerations are hardly immune from errors of judgment and, in any case, the results of such consideration must vary with time and place.16

If consensus is not merely the agreement of the jurists, and especially the jurists of previous generations, how is it to be arrived at in the present? Riḍā suggests that “those in authority” might well be comprised of the elected representatives of the people, a consultative body (shūrā) that has been delegated by them to arrive at decisions on their behalf.17 Essentially, he sees the work of “those in authority,” as brought together in such a consultative assembly, as a form of collective ījtihād and, as such, as the equivalent of consensus.18 Riḍā conceives of a division of labor within the ranks of such a consultative assembly. The members of this assembly might select a number of people from among themselves to deal with particular problems, and the agreement of that select group can count as an ījmāʾ.19 On matters on which “those in authority” differ, recourse is to be had, according to Riḍā, not to a simple majority vote but rather to the shariʿa’s foundational texts, the Qurʾān and the sunna. Here again, however, it is a select body from among the ranks of “those in authority” that is to see how the guidance provided by the

16 Cf. Riḍā, Taṣfīr al-Manār, vol. 5, p. 170. Kerr, Islamic Reform, pp. 203–4, detects an unresolved tension between Riḍā’s traditional view of the infallibility of consensus—a consensus which had typically been arrived at retrospectively—on the one hand, and, on the other, the fact that ījmāʾ as a collective ījtihād designed to meet new problems in the modern world would be anything but infallible (on ījmāʾ as collective ījtihād, see n. 18). I am inclined to see less of a tension here than Kerr does, however, for Riḍā does clearly acknowledge that the ālā l-amr’s agreement is binding on others not because it is infallible but because it saves the larger community from dissension. Riḍā, Taṣfīr al-Manār, vol. 5, p. 148.


18 Riḍā, Taṣfīr al-Manār, vol. 5, p. 172: “… the ījtihād of ‘those in authority’ is the third of the [fundamental] sources of the shariʿa; and when they agree on their opinion, acting according to it becomes binding on the individuals of the community and on its rulers…”

19 Riḍā, Taṣfīr al-Manār, vol. 5, p. 163. As Gudrun Krämer has observed, however, there is no dearth of ambiguities in the writings of those who have appealed in modern times to the Qurʾānic ideal of shūrā or “consultation”—not least in the matter of its relationship with ījmāʾ. Cf. Gudrun Krämer, Gottes Staat als Republik. Reflexionen zeitgenössischer Muslime zu Islam, Menschenrechten und Demokratie, Baden-Baden 1999, pp. 124f. and index, s.vv. “Konsens,” “shūrā”.
foundational texts is to be interpreted in the matter at hand to resolve
the particular disagreements. 20

“[T]his incorporation of ījmāʿ into a formal institution” is, as Malcolm Kerr points out, “a new departure unprecedented in Islamic history.” 21 It figures prominently in many modernist conceptions of how ījmāʿ ought to function in a changed world, 22 perhaps nowhere quite so clearly as in a famous lecture on ījtihād delivered by the influential Indian modernist poet and philosopher Muhammad Iqbāl (d. 1938) in 1930 and later published as part of his Reconstruction of Religious Thought in Islam. Iqbāl argued that ījmāʿ—“perhaps the most important legal notion in Islam” 23—should not be allowed to remain “a mere idea,” which is precisely what it had been for much of Islam’s history. It ought, rather, to become a “permanent legislative institution,” an equivalent of a collectively undertaken ījtihād. Ījtihād has typically been understood by Muslim jurists as the exertion of sustained effort, by individual jurists, to arrive at rulings in light of the foundational texts on newly arising and hitherto unregulated problems. Iqbāl, however, proposed that the legislative assembly be the site of a collective ījtihād. “The transfer of the power of ījtihād from individual representatives of schools to a Muslim legislative assembly which, in view of the growth of opposing sects, is the only possible form ījmāʿ can take in modern times, will secure contributions to legal discussion from laymen who happen to possess a keen insight into affairs. In this way alone we can stir into activity the dormant spirit of life in our legal system, and give it an evolutionary outlook.” 24 As for the consensus of the earlier generations, and even the consensus of the companions of the Prophet, Iqbāl, like ‘Abduh and Riḍā, remained unimpressed with its binding authority. 25 He recognized that making the legislative assembly the arena of ījtihād and of ījmāʿ—of which he took the Turkish Grand National

21 Kerr, Islamic Reform, p. 197.
24 Iqbal, Reconstruction, p. 165.
25 Iqbal, Reconstruction, p. 166.
Assembly’s decision, in 1924, to abolish the caliphate as a commendable instance—could lead to “grave mistakes,” for most legislators would know nothing about “the subtleties of Mohammedan Law.” But he sought to remedy this danger by having the ‘ulamā’ guide the legislative process, though the long term solution he had in view was to reform the structure and content of legal education.26

If Iqbal’s formulations on consensus were indebted to those of ‘Abduh and Riḍā, he did not say so. But the idea of a collective ijtihād undertaken by a legislative (or in Riḍā’s case, a consultative) assembly, or the suggestion that such ijtihād need not be the preserve only of the ‘ulamā’ and yet they are to be associated in some form with the work of this body, has strong parallels with Riḍā’s thinking on this matter. In the course of his own informal studies in Islamic law and legal theory, Iqbal was in close contact with Sayyid Sulaymān Nadwī (d. 1953), a distinguished product of the Dār al-‘Ulūm of the Nadwat al-‘Ulamā’ in Lucknow and one of the most prominent of India’s religious scholars during the first half of the 20th century.27 As Jamal Malik has argued, the inception of the Nadwat al-‘Ulamā’ in the late 19th century was itself an expression of efforts to forge a new Muslim consensus under conditions of colonial rule. That consensus remained elusive,28 though the Nadwa was, and has remained, more successful in establishing a self-conscious orientation towards the religious and intellectual trends in the Arab Middle East.29 Rashīd Riḍā’s influence loomed large on the Nadwat al-‘Ulamā’ during its early decades, and Riḍā was a guest of honor at the Nadwa in 1912.30 It is conceivable, then, that Iqbal might

26 Iqbal, Reconstruction, p. 167.
28 Jamal Malik, “The Making of a Council. The Nadwat al-‘Ulamā’,” Zeitschrift der Deutschen Morgenländischen Gesellschaft 144 i (1994), pp. 60–91, esp. 68f., 79, 81, 87, 90f. The consensus whose scope and limits Malik explores is not the consensus of the jurists, however, but refers rather to the efforts of leading late-19th century Muslims to respond to the challenges posed to them by life in the framework of colonial rule in India.
30 Zaman, “Arabic, the Arab Middle East,” p. 67. Malik has also noted some
have imbibed Riḍā’s ideas through Sulaymān Nadwī’s influence.\textsuperscript{31}

Whatever the provenance of Iqbāl’s ideas on consensus, however, they have shaped subsequent modernist discussions on legislation, especially in Pakistan.\textsuperscript{32} Many \textquote{ulamā’} of more recent times have themselves come to recognize the idea of collective \textit{ijtihād} as a sort of consensus.\textsuperscript{33} And though it is tempting to see this as an instance of modernist influence on them, it may well be that the idea, as it appears among the \textquote{ulamā’}, has a different genealogy. In the South Asian context, its acceptance among many of them may have less to do with Iqbāl than with the fact that it goes back to ‘Abduh and Riḍā; and Iqbāl may have himself been indebted to the latter through Sulaymān Nadwī, that is, through yet another traditionally educated scholar.

The influence of ‘Abduh and Riḍā is also palpable on Maḥmūd Shaltūt, the rector of the Azhar of Egypt from 1958–63. For Shaltūt, \textit{ijmā’} is “the agreement of the people of discernment (\textit{ahl al-naṣar}) in matters of public interest.”\textsuperscript{34} These are the people of authority and, as such, those who ought to be consulted (\textit{rijāl al-shūrā}). The right to undertake \textit{ijtihād} belongs, in principle, to every individual “with the ability for reflection and investigation,” and \textit{ijmā’} is but a collective \textit{ijtihād (al-ijtihād al-jamā’ī)\textsuperscript{35}}. This, indeed, is the only form in which any meaningful consensus can come about at all. The consensus of the community as a whole, Shaltūt says, can concern little more than matters universally agreed upon among Muslims and

\textsuperscript{31} Neither Masud in his work on Iqbāl (see above n. 23) nor Malik in his work on the Nadwat al-‘Ulamā’ (see above n. 30) notes the possibility of this influence. It is worth underscoring, however, that my suggestions about the provenance of this influence are at best tentative. Cf. Michael Cook, \textit{Commanding Right and Forbidding Wrong in Islamic Thought}, Cambridge 2000, p. 511 n. 37 for a reminder that such ideas were very much in the air in the days of ‘Abduh and Riḍā.


\textsuperscript{35} Shaltūt, \textit{al-İslām}, p. 555.
known by them all; but such a consensus can scarcely serve as the source of continuing legal development. And as for the agreement of all jurists on a given matter, it is virtually impossible that widely scattered scholars, shaped by their different milieux and bringing their diverse intellectual resources to bear on the matter in question, would actually all agree in their judgments on it. Though he does not put it this way, consensus for Shaltūt is local consensus; and, as he says explicitly, in being determined by considerations of public interest, it “varies with the difference of time, of place, and of circumstance.”

Local, Evolving, and Overlapping Consensus

The debate about how consensus relates to local customary norms has a long history in Islamic jurisprudence. Here, however, I propose only to briefly consider one instance of how this question has been discussed in modern times. The scholar whose views I consider at some length in this section is ‘Ubayd Allāh Sindhī (d. 1944), an Indian ʿālim active in late colonial British India. Sindhī was born into a Sikh family in the Punjab, in northern India, converted to Islam as a youth, and then studied for many years at the madrasa of Deoband in the United Provinces (now Uttar Pradesh) in northern India. Since its founding in 1867, this premier institution of traditional Islamic learning has, together with thousands of other “Deobandi” madrasas, come to represent a distinct “reformist” orientation within Sunni Islam in South Asia. In the course of his studies at Deoband, Sindhī became a devoted follower of Mawlānā Mahmūd Hasan (d. 1920), who is known not just as a leading religious scholar but also as the leader of a secret effort, during World War I, to make common cause with the Ottoman Turks to bring

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36 Shaltūt, al-Islām, p. 553.
37 Shaltūt, al-Islām, pp. 555f.
38 Shaltūt, al-Islām, p. 555.
39 For a useful orientation, see Gideon Libson, Jewish and Islamic Law. A Comparative Study of Custom During the Geonic Period, Cambridge 2003, pp. 72–76. For an instance of modern discussions on this and related matters, see Bowen, Islam, Law, and Equality in Indonesia.
an end to British colonial rule in India. This effort did not come to
to anything and Maḥmūd Ḥasan spent several years in exile on the
island of Malta. Sindhī, who had been dispatched by Maḥmūd Ḥasan
to Kabul, in Afghanistan, to pave the way for this revolutionary
movement, also spent many years in exile in the Ḥijāz, prior to
shorter stays in Turkey and even in Communist Russia.

While he remained committed to the memory and teachings of
Maḥmūd Ḥasan, the strongest intellectual influence on Sindhī’s
thought was that of the 18th century north Indian reformist thinker,
Shāh Walī Allāh (d. 1762). Sindhī saw his own work as little more
than a commentary on the writings of Walī Allāh, which he wanted
to make the basis of a new movement of intellectual and religious
reform in 20th century India. But while invocations of Walī Allāh’s
ideas—and claims to his legacy—are ubiquitous in his discourse,
Sindhī’s own voice and views shape the ways in which Walī Allāh
is appropriated.\(^4^1\) In what follows, I will leave aside the question of
how “true” Sindhī is to the implications of Walī Allāh’s thought,
and will analyze Sindhī’s positions as expressive, in the first instance,
of his own rather than of Walī Allāh’s reformist project.\(^4^2\)

Sindhī’s ideas and, as he presents them, his interpretations of Walī
Allāh’s thought, have considerable interest for our discussion of con-
sensus though it should be borne in mind that he does not always
characterize them as pertaining to issues of “consensus” or present
them in the context of a discussion specifically of consensus. This is
as true of his view of what I will describe as “local consensus” here
as it is of his proposals regarding what might be called an “over-
lapping consensus.”\(^4^3\)


\(^4^3\) I borrow the phrase “overlapping consensus” from the philosopher John Rawls
Sindhī argues that if a movement of socio-political and religious reform is to be successful, it ought, wherever possible, to adapt itself to rather than to explicitly challenge local consensus. In their scope and universality, the teachings of Walī Allāh transcended differences of time and place, and yet, Sindhī says, many of the successors of Walī Allāh sought to adapt his teachings to the norms specifically of the Ḥanafī school of Sunnī law. They did so because most Muslims in India adhere to the Ḥanafī school, and to have gone against its prescriptions would create unnecessary, even insurmountable, obstacles on the reformist path.\textsuperscript{44} Indeed, despite Walī Allāh’s personal distaste for the practice of taqlīd—that is, of strict adherence to the legal norms and rules recognized as authoritative within one’s school of law—he had considered it justified in the interest of maintaining a local consensus.\textsuperscript{45} As Sindhī sees it, furthermore, an effort on the part of some of the more enterprising but less astute disciples of Walī Allāh to create a Muslim polity on the north-west frontiers of the Indian subcontinent floundered precisely because they were not adequately attentive to local norms. His example here is the practice, sanctioned by Sayyīd Aḥmad (d. 1831), the head of this short-lived frontier polity, of forcing Afghan women to marry the Muslim soldiers who had accompanied him to the north-west frontier. While Sayyīd Ahmad’s reasoning had been that he was thereby trying to rid the Afghans of the un-Islamic custom of not letting their widows to remarry, the coercive implementation of otherwise widely recognized Islamic norms served only to turn the local people against the fledgling state. As Sindhī puts it, those with an “international” orientation had come up against others with “national” (or local) commitments, and had lost in the face of the latter’s opposition.\textsuperscript{46}

But while he emphasizes the importance of working with and through local consensus—and seems, in doing so, to sometimes equate

\textsuperscript{d. 2003}. See “The Idea of an Overlapping Consensus,” in idem, Political Liberalism, New York 1993, pp. 133–72. Though there are certain interesting parallels between the overlapping consensus as Sindhī and as Rawls see it, my discussion here of Sindhī’s ideas under this rubric should itself not be taken to imply any such parallels.

\textsuperscript{44} Sindhī, Siyāsī takrīk, pp. 112–14.

\textsuperscript{45} Sindhī, Falsafa, pp. 175–85.

consensus with local customary practices—his view of consensus is anything but static. Consensus not only varies from one place to another, as the foregoing would suggest, but also from one time to another. The fundamental source of law in Islam, he insists, is only the Qur’an. The sunna, typically understood as the normative example of the Prophet and, as such, second in authority to the Qur’an itself, comprises, for Sindhi, the effort of the Prophet and his earliest companions to devise “bylaws” (sic) in light of the earliest community’s needs and their shared understanding of the Qur’an itself. The sunna represents Islam’s earliest “consensus” just as the evolving body of substantive Islamic law (fiqh) represents the evolving consensus of later generations of Muslims. Either way, consensus is a product of changing needs and, as such, subject to change by subsequent generations; the Qur’an alone is the source of timeless norms.47

“Any agreement—a unanimous agreement or one by a majority—on the part of those who have established a government on the basis of the Qur’an’s ‘fundamental law’ is ijma’. This [consensus] is not limited to a particular age.”48

Sindhī finds the makers of consensus described in Qur’an 9:100: “And those leading the way (al-sābiqūn), the first of the Emigrants and the Helpers, and those who followed them in doing good (wa-ladhihi na ittaba‘ahum bi-iḥsān)—God will be well-pleased with them and they are well-pleased with Him...”49 This Qur’anic verse is not usually counted by medieval jurists to be among those relevant to consensus, and though Sindhī does not do much to explain its relevance in this regard, there are clues in the medieval exegetical tradition that might account for its importance to Sindhī. In his commentary on this work, al-Ṭabarī (d. 923) adduces reports that evoke a time when the “canonical” text of the Qur’an had yet to be established—a development that is usually traced to the reign of the third successor of Muḥammad, the caliph ‘Uthmān b. ‘Affān (r. 644–56).

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47 Sindhi, Falsafa, pp. 87–93.
48 Sindhi, Falsafa, p. 91.
49 Emphasis added. I have slightly modified Arberry’s rendering of this verse in light of M.M. Pickthall, The Meaning of the Glorious Qur’an, New York 1952. Arberry translates al-sābiqūn as “the outstrippers,” which is evocative but vague. The Emigrants (al-muhājirūn) in this verse are those who had emigrated with Muhammad from Mecca to Medina in 622 C.E.; the Helpers (al-ansār) are those natives of Medina who had assisted these migrants in establishing themselves in their new surroundings.
Hearing this verse recited, the second caliph, ʿUmar b. al-Khaṭṭāb (r. 632–44), is said to have realized that, contrary to his earlier presumption, the Emigrants and the Helpers were not unique in their religious precedence and that others, too, might share with them the coveted rank this verse celebrates.50 Though Sindhī does not cite such reports, this exegetical context suggests that, to him, this Qurʾānic verse establishes the historical “connectedness” of the community’s righteous elite even as it assures him of the rectitude of their agreements in their own day and age.51 Consensus, then, means the evolving agreements of those who follow the companions of Muḥammad in “doing good” and who, like them, strive to “outstrip” one another in doing so:

As time passes and new circumstances arise, it will be incumbent on those committed to ‘doing good’ (ittibāʾ bi-l-iḥsān) and to implementing the fundamental law of the Qurʾān to debate the changes that have come about in their time. Just as the Emigrants and the Helpers [among the companions of Muḥammad] had inductively derived their norms from the Qurʾān’s fundamental law, so would this ‘good doing’ group derive detailed rules [for its own time]. This would be their consensus. And in this regard, it would be incumbent upon others to adhere to the consensual decisions of these ‘doers of good’ [within their ranks].52

If Sindhī shares with many ʿulamāʾ of modern times a concern to make consensus an instrument of legitimizing change, even of speeding it along, he is more lonely in advocating what might best be described as an interfaith, overlapping consensus. Members of different religious communities can, he argues, be persuaded to come together

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50 Al-Ṭabarī, Tafsīr al-Ṭabarī, al-nasammā Jāmī al-bayān fi taʾwil al-Qurʾān 1–12, Beirut 1999, vol. 6, p. 455 (nos. 17131f.). There are echoes, in such reports, of disputes in the early community over questions of relative “precedence” (sābiqa) in conversion to Islam, a contested matter inasmuch as it determined not only social and religious prestige but also one’s share in the stipends given out by the government. Cf. Martin Hinds, “Kūfān Political Alignments and their Background in mid-Seventh Century A.D.,” International Journal of Middle East Studies 2 (1971), pp. 346–67, esp. 348f. Other reports, also involving ʿUmar, relate not to the ranking of the later Muslims in relation to the Emigrants and the Helpers, but to the politically charged question of the Helpers’ ranking in relation to the Emigrants: cf. al-Ṭabarī, Tafsīr, vol. 6, p. 455 (no. 17133).


52 Sindhī, Falsafa, pp. 91–92. Quotation at p. 91.
in promoting “shared human interests” in terms of the teachings of their own scriptures: Hindus, Christians, and Muslims can all stand and collaborate on this common ground, but do so in terms of their own scriptural justifications.\(^{53}\) The central idea he invokes here, by way of Wali Allāh but going back to the Andalusian mystic Ibn ‘Arabī (d. 1240), is that of the “unity of being” (\(\text{\textit{wahdat al-wujūd}}\)). This is a controversial mystical doctrine that sees God as the only reality—a reality that, while ultimately transcendent, also continually manifests itself in all creation.\(^{54}\) While critics of this doctrine have long derided it for its pantheistic connotations, Sindhī takes \(\text{\textit{wahdat al-wujūd}}\) to mean that adherents of different faiths believe in different manifestations of what is ultimately the same reality and, as such, that they can agree on moral norms rooted in a perception of that reality even as they arrive at them in terms of their own traditions.

These views were articulated at a time when the end of British colonial rule in India was in sight and there was vigorous debate on how the different religious communities were to order their relations in an independent India. Though he died before the creation, in 1947, of a separate Muslim homeland which to many Muslims was the only way of securing the cultural and religious future of India’s Muslims, his position was in accord with those among the ‘\(\text{ulamā’}\) who were \textit{opposing} rather than supporting the demand for Pakistan.\(^{55}\) Even among those ‘\(\text{ulamā’}\), however, Sindhī’s position is unique in basing the justification for a shared Indian nationhood on the mystical doctrine of \(\text{\textit{wahdat al-wujūd}}\). To his mind, this doctrine makes


\(^{55}\) On the ‘\(\text{ulamā’}\) who, in late colonial India, were opposed to the creation of a separate Muslim state in South Asia on grounds both that it violated the global unity of the Muslim community and that Muslims in particular locales were free to think of themselves as part of a “nation” alongside non-Muslims living there, see Zaman, \textit{The Ulama}, pp. 31–37.
it possible to have a distinct Indian identity of which the Hindu and the Islamic traditions are shared sources. By the same token, it allows for an Indian Islamic identity shaped by the peculiar historical experience of Islam in India. But if the various religious communities of India can eventually agree on certain shared norms, Muslims living in different Muslim societies, or Muslims and non-Muslims elsewhere, can also have an overlapping consensus of their own, one that retains their local peculiarities yet finds enough common ground.

The values that would define this common ground are, however, to be drawn from the Qur’ān. As noted earlier, Sindhi regards the Qur’ān as the most perfect source of eternal verities; but, following Walī Allāh, he also believes that the Qur’ān’s account of the teachings of the various prophets points to an “intellectual unity” of their ideas. If Sindhi’s emphasis on the Qur’ān’s centrality as the ultimate basis of his overlapping consensus would seem to dim any potential appeal of such consensus to those who are not Muslims, many among the ‘ulamā’ have remained equally suspicious of his ideas. Indeed, despite his otherwise impeccable credentials as a traditionally trained religious scholar, the very novelty of many of his positions has served to marginalize him among the ‘ulamā’. His most vociferous critic, Mawlānā Mas’ūd ‘Ālam Nadwī, accuses him of denying Islam’s superiority over other faiths, and of misconstruing

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58 Sindhī, Falsafa, pp. 96–97. Abu l-Kalām Āzād (1888–1958), an Indian contemporary of Sindhi and one of the most important Muslim leaders to oppose the idea of a separate state for the Muslims of India, had also espoused the idea of the “oneness of religions.” In his 1931 commentary on al-Fātiḥa, the opening chapter of the Qur’ān, Āzād had presented this idea as “the foundation of the message of the Qur’ān.” See Ian Henderson Douglas, Abul Kalam Azad. An Intellectual and Religious Biography, Delhi 1988, pp. 208ff. (the quotations are from p. 209). But Āzād was a much less systematic thinker than Sindhi, though, as Douglas shows, the idea of the “oneness of religions” was to remain a consistent feature of his thought (cf. Douglas, Abul Kalam Azad, p. 289).
59 For a somewhat similar ambiguity in Āzād’s conception of the “oneness of religion,” cf. Douglas, Abul Kalam Azad, pp. 210f. Douglas says nothing, however, about Sindhi, let alone about points of comparison between Sindhi’s religious thought and Āzād’s.
60 Mas’ūd ‘Ālam Nadwī’s critique was published around the time of ‘Ubayd Allāh Sindhī’s death, in 1944, in the journal Mo‘ārif (Azamgarh/India). There is a detailed, point by point, rebuttal of Mas’ūd Nadwī’s critique in Akbarabādī, Nāqīd, where Mas’ūd Nadwī’s essay is also reproduced. My references to this essay are to this reprint.
the Qur’ān in taking it as a platform for inter-religious unity.\textsuperscript{61} Furthermore—as a product of the aforementioned Nadwat al-‘Ulamā’, with its marked Arab orientation—Mas’ūd Nadwī takes the idea that an Indian Islam was as valid an expression of the religious tradition as Islam in, say, the Arab world to signify a “nationalization” of Islam and, as such, a denial of its universality.\textsuperscript{62} To Sindhī, of course, this acknowledgment of the particular contexts in which a tradition evolves is the first step to then finding an overlapping consensus on which different articulations of Islam and, indeed, different religious traditions, might come together in terms of shared norms. But to Mas’ūd Nadwī, such a view seems to take too much away from the continuity and coherence of a shared, cross-cultural and global Islamic tradition.

In the end, although Mas’ūd Nadwī does not say so in this way, at issue between Sindhī and his critics are distinct views of the Islamic tradition itself. Though himself trained in that tradition at the premier institution of Islamic learning in South Asia, Sindhī does not mince words in his critique of facets of the ‘ulamā’’s scholarly tradition. He states, for instance, that he owed his own comprehension of the Qur’ān to Wali Allāh and to some of the scholars of Deoband rather than to medieval exegeses which, despite their immense authority, were of little help to him in understanding the Qur’ān in a world very different from the one in which they had been produced.\textsuperscript{63} With some exceptions, he is also very critical of his fellow ‘ulamā’ for being unable to interpret the Qur’ān in terms that would be readily understood by the non-specialist or appreciated in the context of changed times. “I have never been persuaded,” he writes, “of [the merits of] a religious education that works well with students of madrasas but does not with those of the [modern] colleges. If this is the nature of our religious education, then it can hardly be regarded as instruction in true Islam. For the Qur’ān has been revealed for the [benefit of the] entire world: if we cannot explain it to the Muslims among the college students in the way in which we can successfully explain it in the madrasas, how then would we ever be able to teach the Qur’ān to those who are not even Muslims?”\textsuperscript{64}

\textsuperscript{61} Mas’ūd Nadwī in Akbarābādī, Nāqid, pp. 266–67.
\textsuperscript{62} Mas’ūd Nadwī in Akbarābādī, Nāqid, pp. 271–72.
\textsuperscript{63} Sindhī, Falsafa, pp. 53–56; also ibid., pp. 97, 140.
\textsuperscript{64} Sindhī, Falsafa, p. 139.
Despite his criticism of facets of the Islamic tradition, especially as understood by his fellow ‘ulamā’, Sindhī does not seek a radical break with it. On the contrary, he sees the loss of the continuity with the Islamic past as precisely the reason for the “chaos” (intishār) in the collective life of the Indian—and presumably other—Muslims.⁶⁵ Yet his is a far more independent view of the tradition than many of his fellow travelers among the ‘ulamā’ might be comfortable with. To him, reestablishing a vital link with the tradition ought to be predicated on a thoroughgoing critique that separates what is valid in this tradition from the invalid even as what is deemed to have validity is itself adjusted to modern needs.⁶⁶ Many among the other ‘ulamā’, however, not only prefer to insist that the continuity in question has never been seriously compromised, they also fear that any radical critique would finally entail precisely the sort of discontinuity that Sindhī himself laments. Sindhī, of course, wants to reconfigure the Islamic tradition in a way that it is fully at home in both its Indian and its modern environments and as such becomes part, even the basis, of an overlapping consensus among members of different faiths in India—and beyond.⁶⁷ This vision is unsettling to many ‘ulamā’ not because it is either utopian or mystical, but rather because it seems to require too radical a reorientation of Islam as they have usually understood it. It is also distasteful, as Mas’ūd Nadwī’s critique makes clear, because its cosmopolitanism is, in the first instance at least, Indian rather than Islamic.⁶⁸

Old Consensus in a New Garb?

If ‘Ubayd Allāh Sindhī’s project of devising an overlapping consensus among members of different faiths, in India and beyond, has attracted more misgiving than sympathy on the part of many other Indian ‘ulamā’, it is easier to find concerns similar to his on the matter of a shared language of Islamic discourse that would bring together Muslims of different backgrounds and orientations. Notable among

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⁶⁷ Sarwar, Maulānā ‘Ubayd Allāh Sindhī, pp. 431–32.
⁶⁸ Mas’ūd Nadwī in Akbarābādī, Nāqīd, pp. 266–85, esp. 274f.
those who have written on consensus in this vein is the Qatar-based
Egyptian scholar Yusuf al-Qaradawi. Qaradawi has dexterously
employed the print and electronic media as well as the internet to
broadly disseminate his views and his writings, and he is arguably
the most influential of the ‘ulamā’ in the contemporary Muslim world.
This influence rests not merely on the fact that Qaradawi is highly
prolific and able to effectively harness modern technologies to his
cause; it is also furthered by his insistence on a path of “modera-
tion” that seeks to navigate between devotion to the Islamic heritage
and a selective receptivity to modern knowledge just as it cautions
against Islamist radicalism without yet embracing political passivity.69

This path of moderation has many ambiguities, however, and,
along with much else, Qaradawi’s reflections on consensus offer us
a glimpse of some of them. He writes:

Immunity from error has not been guaranteed to any individual within
the community, no matter who that might be, but rather to the commu-
ity as a whole . . . . The beliefs, basic principles and understandings,
and the fundamental laws on which the community has agreed with
a definitive consensus and which each generation has received from
its predecessor as a lived and certain reality are what represent the
‘constants of the community’ (thawbih al-umma) in its belief, thought,
and practice. These are what embody the unity of the community . . . and
they protect it from dissolving into other groups and communi-
ties . . . . [Such consensus] is the ‘forbidden zone’ of the community’s
heritage, where no development, renovation or ijtihad is to be coun-
tenanced. This is a highly limited zone, and yet a very important one.
Without it, the community would be ruined, its identity stripped from
its skin and lost.70

Even as he restricts consensus to the “constants” that define and
help sustain an Islamic identity, Qaradawi argues that there is much
more on which the Muslims actually agree than they have often rec-
ognized. Muslim religious scholars and preachers ought to enlarge
the sphere of this agreement and, he says quoting Rashīd Riḍā, to
coopere in matters on which they disagree.71 But mere toleration

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69 For a discussion of some facets of Qaradawi’s thought, see Muhammad Qasim
Zaman, “The ‘Ulama of Contemporary Islam and their Conceptions of the Common
Good,” in Public Islam and the Common Good, eds. Dale F. Eickelman and Armando
70 Yusuf al-Qaradawi, Kayfa nata’ilal ma’ta’ turāth wa-l-tamadhub wa-l-ikhtilāf, Cairo
2001, pp. 43–44.
71 Al-Qaradawi, Kayfa nata’ilal, p. 177.
of difference is insufficient. Qaraḍāwī’s concern is to see Muslims transcend particular differences in order to forge a united front against the common—non-Muslim—foes who, for their part and despite their own particular differences, are deemed to be united against Muslims.²² Even those who might otherwise be regarded as “wayward innovators” (al-mubtaḍī‘ūn wa-l-munḥarifūn) can be allied with other Muslims on this platform and “on the basis of the fundamentals of the faith and the worldly interests that we share [with them].”⁷³ One of Qaraḍāwī’s examples of the recourse to this strategy is al-Ghazālī’s (d. 1111) decision to muster all intellectual resources, no matter how unsavory their provenance, in combating the philosophers—to criticize the philosophers from, say, the perspective of the rationalist Mu’tazilī theologians despite his own disagreements with the Mu’tazilī. For, as al-Ghazālī put it, disagreements with such theologians concerned matters of “detail” (tafṣīl), which should not impede the making of a common cause, whereas disagreements with the philosophers were on the very fundamentals of the faith.⁷⁴ Qaraḍāwī aspires, then, to base an intra-Muslim unity on a minimalist consensus—minimalist both in the sense that it is only on what he calls the constants of the faith and practice that everyone is presumed to be agreed on, and in the sense that those who do not agree on even such fundamentals are presumed to be united in the effort to harm those who do. But inasmuch as the “constants” are shared by all Muslims, Qaraḍāwī urges them to heighten and deepen the awareness of what they do share.

When, however, he speaks of those who are to play leadership roles in the community, it is a much stronger sense of mutual agreement, indeed of consensus, that he takes for granted. There are, he says, disagreements that amount to a variety of options (iḥtiṭāf al-tanawwū’) and others that are the result of contradictory perspectives (iḥtiṭāf al-taḍādd). While he commends the former inasmuch as they testify to the richness of the Islamic tradition and to its ability to

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²² Al-Qaraḍāwī, Kayfa nataḥāmāl, pp. 181f. Here, again, Qaraḍāwī expresses his indebtedness to Rīḍā for this conception of a necessary intra-Muslim alliance.

²³ Al-Qaraḍāwī, Kayfa nataḥāmāl, p. 182.

²⁴ Al-Qaraḍāwī, Kayfa nataḥāmāl, p. 184, citing al-Ghazālī’s Third Introduction to his Tahāfut al-falāsīfa. For this passage, see al-Ghazālī, The Incoherence of the Philosophers, trans. Michael E. Marmura, Provo 2000, pp. 7–8 (paragraph 22). My understanding of this passage differs somewhat from Marmura’s rendering of it.
adapt to change through its varied internal resources, he sees little room for the latter.\(^{75}\) If, in other words, the very commitment of a person to the constants of the faith and to their advancement is not to be doubted, the only kind of “disagreement” that can be imagined on his part is one that concerns the particular manner in which he chooses to express that commitment.\(^{76}\)

Qaraḍāwī’s position is, in the end, far less inclusive of rival orientations within Islam than it professes to be. But he is also more firmly committed than, say, Sindhī, to the continuing validity of the historically articulated Islamic religious tradition. Qaraḍāwī’s recommended path of moderation, or his recognition of the need to speak to people in the language of their age,\(^{77}\) does not entail for him anything like the radical restructuring of the tradition that Sindhī so insistently calls for. Even as he envisions restricting the authority of ḥijma‘ to the constants of the faith, his own positions are often in line with long established ways of thinking about the tradition—in line, that is, with the community’s consensus. That “the content of the message is stable, while the means for disseminating it vary”\(^{78}\) indicates as much. But there are more instructive indications to similar effect in his criticism of “those who call for renovation and development, seeking [thereby] to change Islam itself to accord with their own whims.”\(^{79}\) Such people think of Islamic substantive law (fiqh), he says, merely as expressing a “point of view, [that is,] as representing the opinion of a particular individual in a particular milieu at a particular time, so that when the time changes...it becomes incumbent to create new laws...While this is indeed the case so far as the particulars of a jurist’s ḥijāḥ are concerned, it is not so as regards the totality of the law. The latter represents the vast juristic riches in whose creation and development towering Muslim intellects have participated...”\(^{80}\) Such formulations suggest a much more expansive view of Islam—of Islam as a scholarly and especially as


a juristic tradition—than is immediately apparent in Qaraḍāwī’s seemingly minimalist insistence on the non-negotiable “constants.” The point is not that Qaraḍāwī’s expansive view of Islam as a tradition makes it resistant to change. It need not do so; and, indeed, the ‘ulamā’ tradition has continued to evolve to the present. The point is rather that taking a theoretically limited view of consensus does not, for Qaraḍāwī, necessarily entail a challenge to the substantive content of consensus.

Put differently, to radically curtail the authority of consensus itself poses less of a problem for fellow ‘ulamā’ if the views one then goes on to espouse can be accommodated within that consensus. That the converse is equally true is tellingly illustrated by the furor an Azhar scholar of an earlier generation had raised with a book he had published in 1925 on the “principles of governance in Islam.” This scholar, ‘Alī ‘Abd al-Rāziq (d. 1966), had argued that, contrary to a long-established belief, the institution of the caliphate had no religious sanction, that it had all along been a coercive political institution, and that it could therefore be easily, and indeed appropriately, replaced by some other political office that might actually serve the interests of the people better than the caliphate usually had. Given that the institution of the caliphate has typically been recognized in medieval juristic and theological works to rest not on any explicit textual basis in the Qur’ān or the sunna but rather on consensus—that is, on the agreement of the community and of its scholars that it is a religiously mandated office—‘Abd al-Rāziq’s argument, though not presented as an attack on the authority of consensus as such, was nothing short of that. The price he paid for

81 Cf. H.A.R. Gibb, *Modern Trends in Islam*, Chicago 1947, p. 13: “[I]t is a significant fact that the only claimants to *ijtihād* whose claims have been supported by some measure of consensus have been those who rejected certain of the beliefs or practices sanctioned by *ijma*, not in order to modernize the doctrines of Islam, but in order to return to the practice of the primitive community.” As would be noticed, Gibb’s suggestion here is different from mine. I am not arguing that *ijtihād* becomes more palatable when done in the name of “the primitive community,” but that it is the substance of consensus, rather than its long recognized status as an authoritative source, that has tended to primarily matter to ‘ulamā’ like Qaraḍāwī.


83 ‘Abd al-Rāziq is also the author of a book specifically on the juristic doctrine of consensus: *al-Ijmā fī l-sharī‘a al-Islāmiyya*, Cairo n.d. [1947]. Remarkably however for a scholar whose earlier work had created such controversy precisely by its chal-
this challenge was severe condemnation and ostracism by the leading ‘ulamā’ of the Azhar. What this example helps us see clearly, however, is the paradox that the ‘ulamā’ have been able to sometimes seriously question and limit consensus as a source of legal norms with much more success than they have the actual substance of what is supposed to derive from this source. That critiques and redefinitions of consensus might be treated with greater forbearance when the substance of consensus is being readmitted to the mainstream of religious discourse is equally illustrated in Qaraḍāwī’s view of the ‘ulamā’, as compared to that of Sindhī. Sindhī writes as a fully accredited Deobandī scholar, yet, as we have observed, he is highly critical of his fellow ‘ulamā’, of their institutions, and of what he takes to be the inadequacies of the tradition as they understand it. Qaraḍāwī, on the other hand, writes for an audience that is imagined to comprise Islamists, modernists, as well as lay Muslims; but he does so in a way that largely reinforces rather than undermines the authority of the Islamic tradition and of his fellow ‘ulamā’ who profess to represent it.84

Conclusion: Consensus and Religious Authority

Many observers of contemporary Islam have pointed to the significance of what Dale Eickelman and James Piscatori have characterized as the “fragmentation of authority.” Where the ‘ulamā’ once saw themselves as the primary locus of religious authority in Islam, their claims to providing authoritative guidance have come to be increasingly contested by the “new religious intellectuals.”85 The latter are products not of madrasas but of Western institutions of learning, and they primarily appeal, through dexterous use of print, electronic, and

85 On the “new religious intellectuals” and the “fragmentation” of religious authority of which they are a product, see Dale F. Eickelman and James Piscatori, Muslim Politics, Princeton 1996, pp. 37–79, 131–35 and passim.
information technologies, to an urban audience of people whose educational backgrounds are often comparable to their own. Yet, as I have argued elsewhere, modern communication and information technologies or mass higher education have not necessarily curtailed the influence of the traditionally educated religious scholars; in fact, the ‘ulamā’ have often adapted their religio-political roles to changing times and challenges in ways that have made possible a new visibility for them in the public sphere.86

The discourses analyzed in this paper indicate the degree to which many among the ‘ulamā’ have come themselves to explicitly recognize the fragmentation of their authority. This is not to say that the generality of the ‘ulamā’ necessarily concur on this point. Many continue to insist that, inasmuch as they are “experts” in matters of religion, on par with specialists in any other area of life, it is only their consensus that can be authoritative in such matters.87 And where Qaraḍjavī takes the ḥadīth about the community not agreeing on an error to mean that particular individuals or groups within the community, however seemingly authoritative, are therefore not beyond reproach, for they are not covered by the Prophet’s promise of infallibility, others have found comfort in a quite different interpretation of this same ḥadīth. Already in the 18th century, Shāh Wāli Allāh had understood it to mean that, however misguided the generality of the people might be, there always would be some who do stick to the right path.88 On this reading of the ḥadīth, the consensus that really matters—the consensus of the pious remnant within the community—

86 See Zaman, The Ulama.
87 Cf. Samī’ al-Ḥaqq, “Mutajaddidīn awr munkirīn-i ḥadīth kā jāhilāna taṣawwur-i sunnat,” in idem, Islām awr ‘āṣr-i ḥādiq, Akora Khattak 1396 A.H., pp. 315–20, esp. 318. Also cf. Faruki, Ijma and the Gate of Ijtiḥad, pp. 11–12 (quoting Muftī Muhammad Shafī‘, a leading Deobandī scholar of Pakistan). On the self-image of the modern ‘ulamā’ as religious experts, see Zaman, The Ulama, pp. 98–102 and 229 n. 49. Note that many medieval jurists also recognized that, in particular matters, consensus meant the consensus of those most knowledgeable among them. As al-Ghazālī said, the dissenting view of a theologian or a grammarian had no bearing on juristic consensus but did matter if the consensus concerned issues of theology or grammar; al-Ghazālī, al-Mustaṣfī min ‘ilm al-uṣūl 1–2, Beirut 1995, vol. 1, p. 215.) Many ‘ulamā’ of recent times have, for their part, come to see matters of religion in general as a distinct field, of which they are the experts. This way of imagining both religion and themselves is distinctly modern, however.
need not be intimidated or deemed any less significant for having
the weight of the majority against it.89

Yet, while such views are hardly inconsequential, the recognition
within the ranks of the ‘ulamā‘ that many more voices than their
own are and, indeed, ought to be part of the process through which
a consensus must emerge is worth underscoring. One might object,
of course, that even if the debate within their ranks is not merely
about their own privileged position, qua ‘ulamā’, but rather about
how best to secure the continuing relevance of the Islamic tradition
in a time of radical change, the latter concern again returns them
to center stage inasmuch as they see themselves as the best educated
people in that tradition. We can see some of Qaraḍāwī’s views as
tending precisely in this direction. Qaraḍāwī does not however insist
on the exclusive authority of the ‘ulamā‘, a fact that may account for
the resonance of his appeal to many more people than are devoted
exclusively to the traditionally educated scholars. But if many ‘ulamā‘
have come to acknowledge other voices in the making of consensus,
is this a recognition of the importance of diversity as a good in itself
rather than simply a calculated adjustment to a world in which the
‘ulamā‘ see themselves as increasingly marginalized? Is the acknowl-
dgment of the need to heed varied voices very much more than a
plea for their own voices to be heard?

Inasmuch as such questions concern the “real” intent of the ‘ulamā‘,
they are not easily answered. A more fruitful perspective is, in any
case, one that might—irrespective of the intent behind them—allow
us to see the variety of approaches within the ranks of the ‘ulamā‘
even to questions as central to their tradition as consensus and its
authority. In terms of intellectual sophistication and in their social
and political implications, these discourses often leave much to be
desired. There continues to be uncertainty, for instance, on just how
a consensus is to be arrived at: that “those in authority,” or those
who follow the Prophet’s companions in “doing good,” would all
agree in their understanding either of the world around them or of

51–53. (Rafi‘ ‘Uthmānī does not, however, credit Wali Allāh with this interpreta-
tion of the prophetical tradition in question.) On Rafi‘ ‘Uthmānī, the president of
the Dār al-‘Ulūm of Karachi, a major Deobandī madrasa of Pakistan, see Zaman,
The Ulama, pp. 87, 108–110, 140.
the foundational texts from which they seek their guidance in navigating through change is an assumption that remains insufficiently examined. Indeed, there is also a more sinister side to this neglect. Even Qaraḍāwī, whose discourses find a great deal of their resonance precisely on account of his appeal to “moderation,” is at best ambiguous on the scope of dissent within a Muslim community. His view that true believers concur in everything that really matters is but a short step on a slippery slope to asserting that those who do turn out genuinely to disagree with what is supposed to be the correct position on a given matter cannot be “good” Muslims at all. However attractive some of Sindhi’s proposals about an overlapping consensus among members of different religious communities—but also among Muslims of different backgrounds—might seem, they, too, say little by way of precisely how such a consensus is to be reached. And yet, for all their inadequacies, these discourses are a mark of the degree to which many among the ‘ulamā’ have striven to adapt themselves and their conceptions of religious authority to the rapidly changing world around them. I have tried to show in this paper that a large part of this effort concerns the ways in which voices and perspectives other than their own can become part of a new and evolving consensus. In this effort, the ‘ulamā’ might disagree among themselves quite as much as they might agree with those outside their ranks. Both the agreements and the disagreements are crucial to understanding the debates not just on consensus but also on religious authority in contemporary Islam.

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Under the impact of what has been called the “pragmatic turn”, scholars in the humanities and social sciences have been much pre-occupied with action, motion and interaction: agency has become a key word, processes and trajectories are the subject of intense scholarly enquiry, social spaces are explored, and so are boundaries, ever shifting and constantly negotiated. Things are in flux, people are mobile, ideas are constructed and developments contingent, nothing is uniform, no choir sings unisono: the universe is a perpetuum mobile. This fascination with change, and exchange, and transformation, interactive, interwoven and entangled, full of contradictions and for this reason never unilinear, has affected the titles of papers and monographs, which privilege the active verb over the abstract noun, and the plural over the singular: “Drawing Boundaries” can thus be read as a bow to fashion, and it certainly is.

Given the preoccupation with change, mobility and hybridity so characteristic of academic discourse at the turn of the millennium, it is not easy to come to terms with what is still the object of much contemporary Islamic scholarship: to draw boundaries, delineate spaces, and classify actions according to what appear to be fixed categories of right and wrong, engaging in the very kind of normative, prescriptive writing so abhorrent to the (post-) modern scholar. What has been denounced as an expression of the “colonial mind” (to count, to frame, to classify) seems to matter greatly to Muslims who view themselves as decidedly anti-colonial.1 The urge to circumscribe the space of legitimate thought and action rather than to open it up, and to categorize acts and notions rather than to contextualize and deconstruct them, seems to express a need alien to the distant

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1 Out of a large body of literature, Timothy Mitchell’s influential study *Colonising Egypt*, Cambridge 1988, illustrates the anti-colonial and by the same token anti-orientalist approach especially well.
observer but deeply relevant to those involved. The remarkable output of fatwas addressing all sorts of issues, from the utterly mundane (such as whether it is permissible for a woman to pluck her eyebrows or, on a more serious level, to wear a wig while undergoing chemotherapy) to the ultra-sensitive (such as the correct view on Jihad, and suicidal acts of martyrdom more specifically), suggests a strong demand for moral guidance, and an equally strong readiness to offer it. So does the proliferation of religious advice literature, ranging from short pamphlets to earnest enquiries into the limits of legitimate doubt and interpretation, and from lengthy monographs to brief exchanges on the internet, TV and the radio. While fatwas are still by and large the domain of ‘ulamā’, religious advice literature is not.

The search for guidance and for certainty highlights the issue of religious authority that has been of great relevance to Muslim communities from a very early date, always controversial and contested, and never fully resolved. One of the prime concerns of religious authority, and not just in a Muslim context, is to define correct belief and practice. In fact, much time and energy have been devoted to regulating the latter, covering the minutest detail of ritual practice as well as proper conduct more generally. Though never uniform, orthopraxy has been described as the defining characteristic of Islam.

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2 After a lengthy period of neglect, when only a few Islamicists would touch them, while most historians and social scientists would consider fatwas to be too normative and too much the domain of Muslim scholars, and for that reason too far removed from social reality, fatwas have regained favour with historians, anthropologists, including legal anthropologists, and political scientists, especially so since they have hit the internet; see M. Khalid Masud, Brinkley Messick and David S. Powers (eds.), Islamic Legal Interpretation. Muftis and Their Fatwas, Cambridge 1996; Jakob Skovgaard-Petersen, Defining Islam for the Egyptian State. Muftis and Fatwas of the Dār al-Iftā, Leiden 1997. On internet fatwas, see Gary R. Bunt, Islam in the Digital Age. E-Jihad, Online Fatwas and Cyber Islamic Environments, London 2003; also Peter Mandaville, Transnational Muslim Politics. Reimagining the Umma, London 2001.


as a religion. But contrary to what is often said, the same holds true for correct belief, though even a brief foray into the field will reveal how difficult it is to establish exact boundaries here, and to define with any degree of precision what Sunni or Imami or Ismaili orthodoxy consisted of at any given point in time, and in any particular place and social milieu. By the same token, heresy has always been more easily denounced than clearly defined. What does come out is that orthodoxy is not necessarily identical with the practices of urban ‘ulamā’, or the preferences of the powers that be, for the simple reason that the practices of the former and the policies of the latter tend to be diverse, and subject to change.

In the modern age, the issue of religious authority has become increasingly complex and confounding, as more and more individuals, groups and institutions are asserting their right to speak on Islam, and to do so with authority. Some take it upon themselves to declare as marginal, or un-Islamic, those that do not share their own convictions, or fail to meet their expectations. Others call for reason and moderation. The ‘ulamā’ have by no means disappeared from the stage: in countries such as Morocco, Saudi Arabia, Iran, Iraq, India or Malaysia they still play a significant role in religious and in public life. But next to them, and in close competition with them, other actors have emerged, using different forms and forums of expression, some of them adapted from older models, others decidedly new. They include Islamic activists and intellectuals, who share what has been termed the “Islamic discourse”: at its core we find the claim that Islam offers a set of norms and values ordering human existence at all levels that is coherent, comprehensive and immune to change; that this set of norms and values is solely derived from the Qur’ān and sunna of the Prophet (as faithfully transmitted by the first generations of Muslims); that for Islam to be fully realized, the shari‘a, representing divine will and law, must be applied exclusively and in its entirety; and that this set of norms and values enshrined in divine shari‘a makes Islam into a system competing with

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other systems to which at least on a moral level, it is vastly superior. Many Muslims, and not just ‘ulamā’, balk at a discourse that in spite of its declared rootedness in the normative tradition is so patently modern. Others don’t. In any event, we are faced with an unprecedented variety of agents, and forums, and normative statements of uncertain status. While this variety could be hailed by postmodern scholars as well as by advocates of civil society as a sign of creative diversity and healthy dynamism, it still raises serious questions regarding the scope and nature of Muslim religious authority today. For who is to be trusted as a guide, and on what grounds?

Yûsuf al-Qaraḍāwî: Preacher and Activist

Yûsuf ‘Abd Allâh al-Qaraḍāwî is a major presence on the stage, who has been able to hold his place over several decades, omnipresent and yet not as easy to define as one might think. To begin with, there is surprisingly little information on the man deriving from independent sources: no critical biography or study of his work has been published, except for a handful of articles dealing with selected aspects. The most important sources for his life and work are his memoirs (three volumes comprising almost 1,500 pages were published in Cairo between 2002 and 2005, taking the reader up to the late 1970s) as well as a number of internet websites, most of them close to the object of study.6 They give us an idealized image of Qaraḍāwî

as a preacher, teacher and activist, providing detailed information on the schools he attended, the books he wrote, the talks he gave and the travels he made. They also speak at length of his teachers, colleagues, friends, and family, of life in his native village, his studies at al-Azhar, and his work in Qatar and beyond.

This is the outline of his career: Yusuf ‘Abd Allāh al-Qaraḍāwī was born in September 1926 in the village of Saft al-Turāb in the Egyptian province of Gharbiyya, close to the district capitals of al-Mahalla al-Kubrā and Tanta, into a family of very modest background, tenant farmers on the paternal side, and fruit and grain merchants on the maternal one. His father died when he was not yet two (he was therefore considered an orphan, although his mother was still alive), and he was subsequently raised in the homes of his mother’s family and of his paternal uncle, an illiterate farmer. Like many village children of his time, he entered a local Qur’anic school (kuttab) and by the age of ten had memorized the Qur’an. It was then that village people started to call him “shaykh Yusuf”. For a number of years, he also attended the government primary school in the afternoon. Like other children of the same background, Yusuf was familiar with Sufism as practiced locally. But in contrast to leading Islamists from Hasan al-Banna to Sayyid Quṭb to Muḥammad al-Ghazālī, he was not attracted to Sufism and the Sufis, disapproving of their “exaggerations”, though he was inspired by Abū Ḥāmid al-Ghazālī’s Iḥyā’ ʿulūm al-dīn. Having finished his primary education at age twelve, Yusuf was yearning to continue with his education and to join al-Azhar. However, his family was poor, and though in contrast to secular schools and colleges, al-Azhar offered free education and even gave grants to needy students, his family hoped for him to either go into trade or work as a peasant rather than to embark on a lengthy course of study at a time when many Azhar graduates were unemployed. Yusuf though showed little inclination to engage in trade or agriculture, and eventually got his way. In the academic year 1939–40, he was admitted to the closest branch of the Azhar school system (al-māḥad al-dīnī al-ibtidā‘ī), situated in Tanta, Orient 44 iv (2003), pp. 523–30, contains useful information, but also a number of factual errors.

one of the major commercial and industrial centres in the country, where he lived with one of his maternal aunts (his mother died during his first year in Ṭanṭā).

Qaraḍāwī distinguished himself early: he was an excellent student, but he was also an activist who, while still at school, committed himself to the Islamic call (daʿwa), starting in his native village and its vicinity. If we are to believe his memoirs, he was deeply impressed by the marches and slogans of the Muslim Brother Boy Scouts (jawwāla) and by an encounter with Ḥasan al-Bannā, founder and Supreme Guide (murshid) of the Muslim Brotherhood, who visited Ṭanṭā during Qaraḍāwī’s first year of study there. Three years later, in 1942–43, Yūsuf al-Qaraḍāwī formally joined the Muslim Brotherhood which, during the same years, was developing into a major political force in the country. By the time he entered the secondary level at the Ṭanṭā Religious Institute, he had established himself in the two networks that were to provide the framework of his life and career for decades to come: al-Azhar and the Muslim Brotherhood. He quickly became a very active member in the Muslim Brother student and daʿwa branches, travelling all over the delta and to Cairo. At the same time, he wrote his first theatre play and several qaṣīdas devoted to Islam and the Ikhwan. When after the first Arab-Israeli War of 1948 and the assassination of Egyptian Prime Minister Fahmī al-Nuqrāshī, the Muslim Brotherhood was dissolved in early December 1948, Qaraḍāwī was arrested and briefly imprisoned in Ṭanṭā. After Ḥasan al-Bannā’s assassination in February 1949, he and his fellow brothers were transferred to prison camps near Cairo (they were several times moved between Tura and Huckstep Camp) and then released. In spite of all these troubles, he finished second on a nationwide scale in the final examinations at the Ṭanṭā Religious Institute and qualified to enter university.

In 1949, Qaraḍāwī moved to Cairo to study at al-Azhar University, enrolling first in the Faculty of Theology (uṣūl al-dīn) and then in the Department of Islamic Education which was then part of the Faculty of Arab Language. In parallel, he continued to preach and teach as a Muslim Brother activist (dāʾīya). In 1952, he was commissioned by the new Supreme Guide, Ḥasan al-Huḍayyībī, to tour

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8 On his early involvement with the Ikhwan, see al-Qaraḍāwī, Ibn al-qarya, vol. 1, pp. 159–78, 233–86.
Drawing Boundaries

Upper Egypt as well as Syria, Jordan and Palestine on behalf of the Brotherhood.\(^9\) The power struggle between the new regime of the Free Officers and the Muslim Brotherhood interrupted his academic career. Along with many other Muslim Brothers, Qaraḍāwī was arrested in January 1954, interned in the Cairo Military Prison, and released in March of the same year. Still he was able to take his final exams at al-Azhar shortly after. A few months later, things became much more serious:\(^{10}\) Following the alleged attempt of a member of the Muslim Brother’s Secret Apparatus on Nasser’s life in October 1954, Qaraḍāwī was arrested with thousands of Ikhwan and again interned, this time under extremely harsh conditions, at the Cairo Military Prison. When he was released from prison in June 1956, he had to pledge not to engage in political activities, and he was banned by the security services from any public engagement, including preaching and teaching. This, of course, jeopardized his career at al-Azhar, which was not allowed to employ him as imam or Friday preacher. In this difficult situation, the Ministry of Awqāf offered him part-time employment so that he was able to continue with his studies. Having missed the entrance examinations for the subsequent stage of studies at al-Azhar, he spent one year at the Department of Arabic Language and Literature at the Arab League’s Institute of Higher Studies where a number of prestigious scholars from ‘Abd al-Razzāq al-Sanhūrī to Shafīq Ghurbāl to Sāṭī al-Ḫuṣrī were then teaching, and at the same time tried to learn some English so as to become even more proficient in spreading the Islamic call.

In the summer of 1957, Qaraḍāwī passed the entrance examination for al-Azhar’s Faculty of Theology (uṣūl al-dīn) and there chose to specialize in Qur’ānic exegesis and ḥadīth. To earn his living, he also taught at a private school in Zamalek, one of the most Europeanized districts of Cairo, and gave private Arabic lessons to the daughter of Yāsīn Sīrāj al-Dīn, brother to one of the most prominent Wafdist leaders in the country. In the wake of Nasser’s nationalization of the Suez Canal and the tripartite aggression against Egypt, during which the Muslim Brothers sided with the government against France, Britain and Israel, the Ministry of Awqāf overrode the ban on his public appearance and recruited him to preach.

\(^{10}\) On the following, see al-Qaraḍāwī, Ibn al-qarya, vol. 2, pp. 100–201, 228, 248.
at the Zamalek mosque. He was again dismissed after about one year when his services were no longer needed. The Ministry then employed him in administrative functions which gave him little satisfaction, except for the first fatwas he was asked to write, though not under his full name.\textsuperscript{11} In 1958, he was married after a long and difficult search for a suitable spouse, compounded by his lack of means and his involvement with the Muslim Brotherhood.\textsuperscript{12} Shortly after, he transferred from the Ministry of Awqāf to al-Azhar’s General Directorate of Islamic Culture, where he was charged, among other things, with editing shaykh Shaltūt’s works, including notably his \textit{al-Islām ‘aqīda wa-sharī‘a}.\textsuperscript{13} His known commitment to the Ikhwan did not compromise his reputation at al-Azhar. Responding to demands from Egyptian embassies abroad that pointed to the lack of suitable teaching materials for Muslims living in the West, Qaraḍāwī was invited by al-Azhar’s General Directorate of Islamic Culture to write a book on the Permissible and the Forbidden in Islam (\textit{al-halāl wa-l-ḥarām fī l-islām})—the very epitome of the bounds defined by religious authorities for the pious believer. First published in 1960, the book became his most influential publication, reprinted and translated into many languages from Persian, Turkish, Urdu and Swahili to Bahasa Indonesia, and from English, German and Spanish to Chinese.\textsuperscript{14}

With his degrees in Islamic Education, Arabic language and literature, Qur’ānic and \textit{ḥadīth} studies, Qaraḍāwī could consider himself well trained and qualified as an Islamic scholar. He was also slowly becoming known in Azhar and Muslim Brother circles. Being banned from public preaching in Egypt, and having a growing family to sustain, he applied for a position at one of al-Azhar’s religious institutes abroad. On demand from Qatar, he was sent there in

\textsuperscript{12} Al-Qaraḍāwī, \textit{Ibn al-qarya}, vol. 2, pp. 260–79. Throughout his book, he speaks lovingly of his wife (whose name we never learn, and who only becomes Umm Muhammad after giving birth to their first son, following four daughters). He also speaks with pride and tenderness of his seven children, notably the two elder daughters who entered successful careers as natural scientists and at the same time seem to have behaved as model mothers.
\textsuperscript{14} Introduction to the first edition of the book and al-Qaraḍāwī, \textit{Ibn al-qarya}, vol. 2, pp. 289f., 300–5, which mention a couple of theses devoted to it, written in Pakistan.
September 1961 to direct the newly founded College of Higher Religious Studies (al-maḥāḍ al-dīnī al-thānawī) at Duha. Qatar was then not even independent, with no radio, TV or newspapers. These were modest beginnings from which to start, but Qaraḍāwī seems to have enjoyed full support from the government and influential members of the ruling family. When the Egyptian government refused to extend his mission to Duha beyond the original four years, the Qatari authorities offered him a permanent position and a Qatari passport. Social life and intellectual exchange became more animated during the long summer breaks, which receive extensive coverage in the memoirs. It was during the summer vacations in Egypt (when it was possible for him to travel there), Lebanon, Jordan, Syria and Turkey as well as during conferences and lectures in South Asia, South East Asia, America and Europe that he was able to expand his contacts among Muslim Brothers, fellow scholars, intellectuals, publishers and media people. Several pilgrimages to Mecca served the same purpose. If we are to believe his memoirs, he moved almost exclusively in Islamic circles.

In December 1970, the study which he intended to be his doctoral thesis, Fīqh al-zakāt, was finally published in Beirut, as part of his self-declared mission to prove the necessity of an “Islamic solution” (ḥatmiyyat al-hall al-islāmī) as opposed to the socialist solution proposed by the Nasserist left. But it was only after Nasser’s death, under the aegis of new Egyptian president Anwar al-Sadat who sought a rapprochement with the spokesmen of moderate Islam (as defined by him and/or those willing to cooperate), that Qaraḍāwī was able to finally overcome various administrative obstacles and to submit his dissertation to al-Azhar. Given the changing political climate in the country, the thesis was well timed and well received. Qaraḍāwī was awarded a doctorate in July 1973, again with highest distinctions, but never returned to teach at al-Azhar. Rather, he was made director of the Department of Islamic Studies at the newly founded College of Education at Qatar University (then in its

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15 The long story of his attempts to obtain a doctorate is related with considerable detail in Ibn al-qarya, vol. 3, pp. 171ff., 231, 269–79, 367–69, including the praise he received and some of the criticism he had to face, notably from salafi circles (pp. 184, 367–9). The study was subsequently translated into a number of “Islamic” and Western languages.
developing stage) in 1973 which was transformed into the Faculty of Sharī‘a and Islamic Studies in 1977–78.\(^{16}\) From 1980, he served as director of the Centre for Sunna and Sīra Studies (markaz buhūth al-sunna wa-l-sīra al-nabawīyya) there. After retiring as dean of the Faculty of Sharī‘a and Islamic Studies in 1990, he spent the following academic year in Algeria as chairman of the higher institutes of Islamic Studies there, returning to Qatar shortly before the “constitutional coup” against an eventual Islamist victory in the second round of the Algerian parliamentary elections, scheduled for spring 1992.

A highly prolific writer, Qaraḍāwī has published dozens of books and textbooks, pamphlets, talks, sermons and fatwa collections; he also has two theatre plays and several collections of (“Islamic”) poetry to his credit.\(^{17}\) He has been involved in a number of journals from the Oxford Journal of Islamic Studies to various Arabic dailies and weeklies close to the Islamic trend such as al-Manār al-Jādīd, a journal published since 1998 by Islamist intellectuals in Egypt to develop an Islamic agenda for the 15th/21st century.\(^{18}\) But what marks him out among the scholars-cum-activists of his generation is his early involvement with the new media.\(^{19}\) When Qatar opened a radio station in 1970, shortly after followed by its first TV channel, Qaraḍāwī was invited to introduce regular religious programs there: “Light and Guidance” (nūr wa-hīdāya) was broadcast for seventeen years by Radio Qatar, and “The Guidance of Islam” (hadī al-islām) continued even longer on Qatar TV. For many years, his Friday and Ramadan sermons were broadcast by Qatar radio and TV as well, whose audience gradually spread from the Gulf area to wider parts of the Middle East and beyond, especially when it went on satellite. In the

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\(^{17}\) Yūsuf al-Qaraḍāwī, Kālimāt, pp. 228–31; also www.qaradawi.net (2004). His memoirs are lavishly interspersed with poetry written by himself as well as others.


second half of the 1990s, the Qatar-based satellite channel al-Jazeera gave another boost to Qaraḍāwī’s name and popularity. To judge from impressionistic evidence, the weekly program “Sharī‘a and Life” (al-sharī‘a wa-l-ḥayāt), started in 1996, in which he figures very prominently, is hugely popular, though we do not dispose of any reliable figures concerning his audience and impact. At about the same time (1997 and 1999), Qaraḍāwī established an active presence on the internet (see notably his homepage www.qaradawi.net as well as www.islamonline.net).

For decades, Qaraḍāwī has travelled all over the Islamic world, Europe, the United States, Canada and Australia to attend conferences and to give lectures and interviews. When the first Islamic banks and investment companies were established in the early 1970s, Qaraḍāwī was invited to serve as an informal consultant or to join their board of advisers.\(^{20}\) Since the 1980s, he sits or has sat on the boards of major Islamic institutions and associations, especially in the Middle East and Europe, including the Royal Centre for Islamic Civilization Studies (Āl al-Bayt Foundation) in Amman, the Board of Trustees of the International Islamic University in Islamabād, the Organization of the Islamic Call in Khartum, the Paris-based Union des Organisations Islamiques de France (created in 1983), and the Centre of Islamic Studies in Oxford. Perhaps even more important are his positions as member of the Islamic Fiqh Academy of the Mecca-based Muslim World League\(^{21}\) and the Organization of the Islamic Conference with headquarters in Jidda (majma‘ al-fiqh al-islāmī and al-majma‘ al-fiqhī al-islāmī, respectively, neither of them known for the moderate leanings commonly ascribed to Qaraḍāwī) as well as chairman of the European Council for Fatwa and Research, created in 1997 and based in Dublin,\(^{22}\) providing him with a forum to

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20 Al-Qaraḍāwī, Ibn al-qarya, vol. 3, pp. 341–52; for his role in Islamic economics more generally, see Mariani, “Youssef al-Qardawi”.
21 Founded in 1978, Qaraḍāwī was not among its original members; Reinhard Schulze, Islamischer Internationalismus im 20. Jahrhundert. Untersuchungen zur Geschichte der islamischen Weltliga, Leiden 1990, pp. 292–304. Interestingly, Qaraḍāwī does not figure in this important study.
actively shape Muslim opinion (and practice). In July 2004, he was elected chairman of the new International Association of Muslim Scholars (al-ittihād al-‘ālamī li-‘ulamā’ al-muslimīn) uniting Sunni, Shi‘ī, Zaydi and Ibadi scholars that since its founding conference in Dublin has met with considerable interest.\(^23\)

So there is an institutional basis to his authority and influence that has to be reckoned with. Yet we know next to nothing about his finances which must be of some importance in this context, beyond the patronage of the state of Qatar and its ruling family that he enjoyed from the time of his arrival there. Unless it exists in Qatar and the Gulf at large, there seems to be no circle of students and followers on the lines of the classical ḥalqa or ṣuhba that plays an important role with other personalities exerting (religious) authority, from Ḥasan al-Bannā to Shaykh Faḍlallāh. Within the Sufi milieu, personal ties are still indispensable for creating institutional structures, local as well as translocal. Shi‘ī scholars cannot rise to highest rank without building up extensive networks of family, friends and students, as well as institutions of patronage and welfare from their own house to schools, offering stipends to their students, to hospitals and charity funds. Little of the kind is mentioned with regard to Qaraḍāwī.\(^24\) His personal conduct does not seem to matter much to the impact his words make. There are no references to any personal charisma he might have or to sizeable patronage networks he controls. There is no Qaraḍāwī Fund or Foundation to foster his prestige and influence. An International Islamic Charitable Association (al-hay‘a al-khayriyya al-islāmiyya al-‘ālamīyya), founded on his initiative and based in Kuwait has not had much of an impact yet. The same holds true for the Qatar Islamic Fund for Zakāt and Ṣadaqa (ṣundūq

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Qaraḍāwī can rely on a wide-ranging network of Islamic scholars, preachers and activists, especially from the Muslim Brotherhood, but he does not appear to have a personal following beyond the rather impersonal community of Muslim audiences all over the world (if we except Qatar which in spite of al-Jazeera and islamonline.net based in Duha, is not exactly the hub of the Islamic world). In this respect he is a distinctly modern figure that could not have existed, and be considered a religious authority, before the age of modern mass media and communication. The question of how under these conditions, trust is built to serve as the basis of religious as well as any other kind of authority remains to be addressed.

In spite of his insistence on action rather than mere talk as the sign of the committed Muslim, Qaraḍāwī is essentially a man of the word, whose influence derives largely from his omnipresence on the stage and the sheer volume of his published work. Here as elsewhere, form matters as much as content. With all his learning and the prestige derived from it, Qaraḍāwī does not come across as a scholar, but as a preacher, teacher and major media character who reaches out to the common man and woman. To do so, he relies primarily on fatwas, sermons and booklets, written in an accessible style, inexpensive and for that reason easily available to large audiences. His output of fatwas delivered orally (during meetings, on the phone, on radio or TV) or in writing has reached huge proportions, only a small part of them collected and published.25 Given his unfailing willingness to offer his reasoned opinion on each and every subject, his webpage describes him as a marja‘ (a “source of emulation”), a title usually reserved for high-ranking Shi‘i scholars. Translations of his work have allowed him to reach an international audience that cannot follow his oral presentations in Arabic, serving as a healthy reminder that even in the age of mass communication, the

25 Fatāwā mu‘āṣira 1–3, Cairo 1993. For collections of his (annotated) Friday sermons, see Khuṭub al-shaykh al-Qaraḍāwī 1–2, Cairo 1997–98 (note the title shaykh rather than “doctor” used in this context).
new media, using mostly Arabic and English, are not all important in shaping Muslim opinion(s).

Qaraḍāwī, then, is all over the place, and he is not shy of letting people know. His website portrays him as one of the eminent personalities of our age, excelling in the roles of scholar, thinker, preacher and activist (fi ḥalāl wa-l-ḥalāl wa-l-dāʿa wa-l-ḥijāda). No Muslim, it declares, can fail to encounter him in one way or another. Qaraḍāwī was a brilliant student, and the pride in his academic accomplishments comes out strongly in his (self-) portrayals. Just how much his doctoral degree means to him and others can be seen from the fact that he is commonly referred to as Dr. Qaraḍāwī. Perhaps the vigorous campaign of self-promotion can be viewed as another proof of his firm rootedness in the present age (the muḥāsara so strongly recommended in his work on fiqh and Muslim life and thought more generally). It certainly breaks with traditional notions of scholarly restraint requiring that the praise come from others, first and foremost one’s academic peers.

Yūsuf al-Qaraḍāwī: Teacher of His Age

Qaraḍāwī’s self-appointed task is to define for present-day Muslims the position of Islam on any given subject. People look for guidance; he gives them certainty. Islam, he insists, is not a harsh religion, oppressing people, ignoring their needs, smothering their feelings, and causing them hardship and anxiety. Quite on the contrary. God wanted Islam to provide them with a sense of ease, not of distress (yūsūr lā ‘usr). But there are clear limits to what one may do, and say, and think. Because of his learning, and not any esoteric knowledge unavailable to others, Shaykh Qaraḍāwī knows them, and sets them out to be known by all. Drawing boundaries is his profession.

At both the intellectual and the institutional levels, Qaraḍāwī firmly places himself in the ṣalafī reformist tradition, reaching back to the late 19th and early 20th centuries (and quite distinct from the modern ṣalafī trend advocating a literalist approach to the normative sources, rejecting any kind of adaptation or innovation as propagated by Qaraḍāwī, often combined with militant Jihadism; modern Salafism is close to Wahhabism but not necessarily identical with it). At the level of theory and methodology, he propagates the ṣalafī way of approaching Islam, sharī‘a and fiqh, citing Ibn Taymiyya (d. 1328),
Ibn Qayyim al-Jawziyya (d. 1350) and Rashīd Riḍā (1865–1935) as the models to emulate. 26 As mentioned, Qaraḍāwī has been closely associated with two institutions claiming the Salafi legacy, al-Azhar and the Muslim Brotherhood. Almost exclusively Azhar-trained, Qaraḍāwī has always maintained his links with his mother institution which was instrumental in lending him scholarly prestige and credibility in the first place, providing him with the first positions in his academic career. Among his teachers, special praise goes to Mahmūd Shaltūt (1893–1963, shaykh al-Azhar from 1958 to his death) and Muhammad al-Bāḥī (rector of al-Azhar University 1961–64, during the period of nationalization which he defended). 27

His relations with the Muslim Brotherhood are, for obvious reasons, more intricate. Though able to reorganize after Nasser’s death and to establish a visible presence within and outside of Egypt, the Brotherhood was still legally banned and membership a criminal offence five decades later. Qaraḍāwī was therefore well advised to show some care in his public dealings with the Brothers. He never hesitated to confirm the strong influence Ḥasan al-Banna (1906–49), the founder of the Muslim Brotherhood, and Muḥammad al-Ghazālī (1917–96), one of the most prominent Egyptian Islamic scholars-cum-activists, had on his intellectual and personal development. He also never tried to hide his early affiliation with the Ikhwan, whom he had joined when still a student at Taṭār, continuing his activities during his student years at al-Azhar. Qaraḍāwī was not the only young man of religion to do so, illustrating the fact that it would be wrong to draw too sharp a line between ‘ulamā’ on the one hand, and (lay) Islamic activists on the other. 28 Less clear is his position

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28 In addition to his memoirs (especially Ibn al-qayya, vol. 1, pp. 313–19, where
vis-à-vis the Brotherhood since its reorganization in the 1970s. Relations seem to have been cordial enough for the Ikhwan to offer him the position of Supreme Guide (al-murshid al-tāmm) more than once, an invitation he consistently declined.  

To go by his academic credentials and literary production, Qaraḍawī has a broad profile, ranging from Qur’ānic exegesis to ḥadīth to fiqh, with a marked preference for the latter. In fact, he has no serious interest in theology as an academic discipline, dismissing kalām as harmful, and he is openly hostile to philosophy.  

Focussing on ethics, sharī’a and fiqh, he has made it his aim to transcend the boundaries of the established schools of law (and theology) (sg. madhhab) and to contribute to a vision of Islam that is comprehensive and inclusive, and therefore relevant to all Muslims, be they Sunnī, Shi’ī, Ḥanbalī, Mālikī, Shāfī’ī or Ja’farī. In this respect, he is, of course, neither original nor unique. Rather, he represents an important trend among modern Muslims (notably those aiming at reform) to bridge

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29 http://www.arabicnews.com/ansub/Daily/Day/040112/20040211217.html; for the offer made in 1976, see Ibn al-qarya, vol. 3, pp. 379–84. Since its reorganization, the Brotherhood has followed the practice of appointing the eldest member of the Guidance Council, making for a rapid succession of Supreme Guides in the 1990s and early 2000s. The middle generation of Ikhwan are still waiting for their chance to rise to the highest positions of leadership within the organization. I have seen no proof for the claim that Qaraḍawī is or ever was in charge of the Ikhwan’s finances; Kursawe, “Yusuf ‘Abdallāh al-Qaraḍawī <sic>,” p. 526.  

30 He seems to consider (speculative) theology (kalām) to be at best useless and harmful at worst for the controversies it has caused among believers without being able to win a single convert to Islam from among the unbelievers (Risālat al-‘Azhar, pp. 103–8). As to philosophy, he calls on Muslims to develop an Islamic one and to reject not just the Greek tradition, but also (past) efforts from al-Fārābī to al-Ghazālī to the Brethren of Purity (Ikhwān al-ṣafā), to create a new synthesis out of Islamic and Greek thought. Islamic monotheism, he argues, cannot be reconciled with Greek paganism in which, like the English king, God reigns but does not rule (ibid., pp. 115–17).
the gap between the existing schools, sects and branches of Islam, and more specifically between Sunnis and Shi‘is (taqrīb). His insistence on Islamic oekumenism may also reflect personal experiences: brought up as a Shāfi‘ī in his native village of Saft al-Turāb, he registered as a Ḥanafī at al-Azhar where he was also in close contact with Mālikī students form the delta and Upper Egypt; the majority of Qataris follow the Ḥanbalī school. For understandable reasons, the material that has gained widest circulation contains little methodological reflection, and virtually no discussion of the sources, methods, terms or categories employed. Qaraḍāwī does have a number of publications, however, in which he discusses his approach and methods.

Regarding the various schools of law, Qaraḍāwī tries to go beyond partisan affiliation and to look for general rules and principles reflecting the essence of sharī‘a (maqāṣid al-sharī‘a), and responding to the demands of modern times. For a trained ‘ālim, he puts unusual emphasis on the historicity of fiqh and its controversies (khilāf, ikhtilāf). In contrast to many others, he welcomes the existing plurality of views and rulings as natural and healthy, yet he also dismisses them as a matter of the past that need no longer concern Muslims today who would be better advised to study present realities rather than to let themselves be drawn into the intricacies of traditional fiqh (this is the realism and pragmatism, al-‘adāqal-‘adīmiyya and al-maydāniyya, he keeps recommending). It should be said that this applies mostly to substantive law. When it comes to legal methodology, he seems to basically follow established rules and principles, putting special emphasis on judicial preference. What he calls for, then, is a “new fiqh” that takes into account conditions in the real world, focussing on general principles (fiqh al-‘awlawīyyat) and the necessity to balance different needs and aspirations (fiqh al-‘awlāzanāt).

33 For programmatic statements, see notably his Tayṣīr al-fiqh li-l-muslim al-ma‘āṣir fi ḏaw‘ al-qu‘ān wa-l-sunna, vol. 1, Cairo 2004; Aвлawīyyat, esp. pp. 30–45; al-Halāl wa-l-harām fi l-islām, here quoted from the 11th ed., Cairo 1977, ch. 1; al-Siyāsa al-sharī‘yya fi ḏaw‘i l-nuṣūṣ al-sharī‘yya wa-maqāṣidāhā, Cairo 1998, which deals at some length with the concept of maṣlaḥa; also Risālat al-Azhar, pp. 108–11. His al-Fatwā bayna l-indibāt wa-l-tasayyub (Beirut 1995) is specifically concerned with iftā‘ (I am grateful to Bettina Gräf for providing me with a copy). I have not seen his al-Ijtihād fi l-sharī‘a al-islāmiyya, which he occasionally refers to.
34 For a serious study of his use and concept of maṣlaḥa, see Aḥmad al-Raisūnī,
Qaraḍāwī projects himself as the voice of Islam, well-versed in the grand tradition, yet of independent mind, rational, practical and level-headed, and I think he is widely perceived as such.\(^{33}\) The key concepts here are balance, moderation, unison, and the pragmatic realism just mentioned (\(\text{tawāzūn, ītīdāl, jamā', wāqī'yya, maydāniyya}\)) He steps forward as the authoritative spokesman for the \(\text{jûstî milîieu}\), for good and proper measure, the middle-of-the-road position mentioned in Qur’ān 2:143 (\(\text{wa-kadhâlika ja‘alnâkum ummātan wasaţân li-takûnû shuhadâ‘a ‘alâ l-nâsî}\)) and so appreciated by Muslims of all ages.\(^{36}\) In one of his booklets, this reads as follows:\(^{37}\)

\[\text{[Qaraḍāwī]}\text{ is one of the most eminent advocates of “Islamic centrism” (\(\text{al-wasaţīyya al-islâmiyya}\)), combining loyalty to the \(\text{salaf}\) with renewal, blending thought and activism, focussing on the \(\text{fuq̄h}\) of the Prophet, the objectives (\(\text{maqāsid}\)) of \(\text{shari‘a}\) and its priorities, establishing a proper balance between the unchangeable elements of Islam and the changing requirements of time, taking all that is useful from the past and welcoming anything new that is right and proper, to seek inspiration from the past, to live with the present, and to look forward to the future.}\]

His website states the same in different words, managing to get virtually all the buzz words of modern Islamic jargon into one paragraph. His writings, we read, are:\(^{38}\)

\[\text{in the first place derived from the sources of our Islamic scientific legacy, rooted in the Qur’ān and \text{sunna} and the ways of the earliest}\]

\[\text{“Yûsuf al-Qaraḍāwî . . . faqīh al-maqāsid,” in: Yûsuf al-Qaraḍāwî, Kalîmât, pp. 115–32. The study by his student and secretary, ‘Işâm Tulayma, al-Qaraḍâwî . . . faqîhun, Cairo 2000 is of limited interest.—The best known proponent of a “new figh”, at least in the Arab world, is the Sudanese scholar-cum-activist Hasan al-Turâbî who has published widely on the subject. It might be worth while exploring commonalities of thought between these two figureheads of contemporary Islamic discourse.}\]

\[\text{\(^{33}\) This impression is not just based on the volume Yûsuf al-Qaraḍâwî, Kalîmât, whose contributors strongly insist on his moderation, subtlety and openness to change (within the parameters of established faith and religion).}\]

\[\text{\(^{36}\) For more detail, see my “Much Ado About Values,” in Sharia. Islamic Law in the Contemporary Context, eds. Abbas Amanat and Frank Griffel, Palo Alto, California (forthcoming); for sophisticated presentations of this approach, see Muhammad al-Tālibî, \text{Ummat al-wasaţ, Al-Islâm wa-tabâddiyât al-mu‘āṣara}, Tunis 1996 and Mohammad Hashim Kamali, Freedom, Equality and Justice in Islam, Cambridge 2002. Also Yûsuf al-Qaraḍâwî, Kalîmât, pp. 893–934.}\]

\[\text{\(^{37}\) Ridda (see below, n. 42), p. 79 (\(\text{al-mu‘allif fī l-suţār, presumably added by the series editors).}\]}\]

\[\text{\(^{38}\) www.qaradawi.net (2004). The quote is incomplete, as the text goes on to detail three more features distinguishing his style.}\]
Muslims (minhaj al-salaf al-ṣāliḥ), without neglecting the present age, combining authenticity and modernity in proper fashion (fa-jamaʿat bayna l-ṣāla wa-l-muʿāṣara bi-haqqin). Second, they combine scholarly investigation with intellectual reflection and a reformist orientation. Third, they are free from blind imitation and partisanship (taharrarat min al-taqlīd wa-l-ʿaṣabiyya al-madhhabīyya) as well as from intellectual dependence on imported schools of thought, be they from the West or the East. Fourth, they are characterized by the balance they keep between (the advocates of) harshness and permissiveness (fīḍūl bayna l-mutazammitin wa-l-mutahallīlīn), manifesting a happy centrisim that does neither too much nor too little (wa-tajallat fīhā al-was multitayya al-muyassara bi-ghayr tafī tit wa-lā sfīt). What may sound somewhat abstract has a definable political context: the theory and practice of radical Islamism that Qaraḍāwī like other ʿulamāʾ has been expected to deal with, and has consistently denounced, be it with reference to the concept of ghuluww, as traditionally applied to individuals and groups believing, among other things, in the divine status of human beings, notably ‘Alī and some of his descendants, and/or the transmigration of souls, or modern concepts of religiously sanctioned violence and extremism (ʿunf, taṭarruf). As a teacher and preacher caring for Islam today, he sees it as his task to set other Muslims straight about Islam and the Islamic way of doing things (minhāj al-īlm). This includes the sadly ignorant masses who still have a basic capacity to learn. It includes his fellow ʿulamāʾ at al-Azhar who have yet to appreciate more fully the merits of pluralism, diversity and a certain suppleness in adapting the legacy of Islam to present needs and realities. As he is one of them, he feels qualified to offer them constructive criticism and good advice (al-dīn al-naṣīḥa). But most of all it addresses the plight of a young generation so eager to fight for Islam and indeed to sacrifice themselves (and others) to this noble goal. For many years, Qaraḍāwī has been among those showing concern for the trials and aberrations of “Islamic youth,” full of good intentions, but ignorant and misguided, and

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ready to strike out at anyone who is not of their mind, or dares to get in their way. They need guidance (tarshīd) from those with proper knowledge of what is right and what is wrong. For this purpose, Qaraḍāwī has written a series of books and treatises, some of which sold in very high numbers and were translated into various “Islamic” and Western languages. Islam, he insists, is the religion of right and proper balance, of light and ease. Islamic law is not there to make life difficult for Muslims, and to create a world filled with darkness, where every other thing is either sinful or illicit. The world must not be painted black. Against their obsession with sin and transgression, and the violence deriving from it, he raises the call for a lighter approach to life and to religion (fiquh or khaṭṭ al-taysīr):41

I believe that the (Islamic) movement must go beyond thinking in terms of crisis, trials, and tribulations to adopt a well-balanced centrist outlook, corresponding to the centre position of the Muslim umma and the Islamic way. God wanted (the guiding principle to be) ease, not distress (yusr lā ‘usr).

Qaraḍāwī On Apostasy

The message is uplifting, and it has been well received even among Islamist circles (see below). As always, questions begin when the general principles are translated into specific rules dealing with specific issues. Apostasy is a case in point. Qaraḍāwī dealt with it in a booklet, published in Cairo in 1996 as part of a series entitled “Guiding the Islamic Awakening” (rasā’il tarshīd al-sahwā). Some seventy pages long and printed in small format, the treatise is written in a straightforward manner with no scientific pretensions. Like with so much of Qaraḍāwī’s writing, the main purpose is not scholarly, but more immediately political. At the time it was published, the Rushdie Affair

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40 According to his website, several hundred thousand copies were printed of al-Šahwā al-islāmiyya bayna l-juhūd wa-l-taṭarruf (Cairo/Beirut 1984), which was also translated into several languages. In a similar vein, see al-Šahwā al-islāmiyya wa-humūm al-waṭan al-‘arabī wa-l-islāmī, Cairo 1988; al-İslām wa-l-ʿunf. Nazarāt taʾīliyya, Cairo 2005 and the titles cited above, n. 39; also al-Fatāwā al-muṭāṣira and a series of fatwas published since 11 September 2001.

41 Aqwilwiyyāt, p. 114.

42 Jarīmat al-riddā wa-ʾuqbat al-murtadd fī ḍaww al-qrāʾān wa-l-sunna, Cairo 1996 (silsilat rasā’il tarshīd al-sahwā, no. 6), 73 pp.
was still fresh on everybody’s mind. Closer to home, the Egyptian public was preoccupied with two spectacular court cases involving apostasy, or rather the charge of apostasy, levelled against Egyptian citizens: the trial of the murderers of Faraj Fawda, a self-avowed secularist who in June 1992 was killed by members of the Jihad Organization (tanzīm al-jihād) to punish him for his alleged apostasy, and of Naṣr Ḥāmid Abū Zayd, then a lecturer in Arabic literature at Cairo University, who in June 1995 was found an apostate by the Cairo Court of Appeal which declared his marriage to his Muslim wife null and void; the verdict was confirmed by the Court of Cassation in August 1996. The couple subsequently went into exile in Europe. Added to it came an attempt on the life of Nobel prize winner Najib Mahfūz in October 1994, whom his would-be assassins equally branded an apostate, followed by a series of charges of apostasy against Egyptian academics, writers and intellectuals which, however, were not admitted by the Egyptian courts.43

Qaraḍāwī’s treatise has to be read against the background of these widely publicized court cases, in which, it should be added, he was not personally involved. In writing it, he as it were assumed the role of expert witness to set forth the correct position of Islam (bayān), a role which in real life was played by Muḥammad al-Ghazālī and the Azhar scholar Maḥmūd Mazrūʿa, who in the trial against Fawda’s assassins had testified for the defence. Whereas Ghazālī had used ambiguous language, Mazrūʿa had vigorously defended the right and indeed the duty of every single Muslim to fight an apostate if the authorities failed to do so, if necessary by killing him.44 The competition with these scholars, both fellow Azharites and one (Ghazālī)

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44 For the original texts, see Maḥmūd Muḥammad Mazrūʿa, Ahkām al-ridda wa-l-murtaddin min khilāl shahādatay al-Ghazālī wa-Mazrūʿa, Cairo 1994 (I am grateful to Armin Hasemann for having provided me with a copy) and Ahmad al-Suyūṭī, Muḥākamat al-murtaddin. Al-Miṣāji al-kāmil li-shahādatay al-Ghazālī wa-Mazrūʿa fi qaddiyat Fawda wa-kāflat radid al-asfāl allaṭṭā fajrāfat qaddiyat al-ridda, n.p. n.d. There is no dearth of violent statements calling upon Muslims to fight apostasy with all possible
close to Qaraḍāwī, provides a subtext to the text, although Qaraḍāwī does not even hint at the possibility that his statements might have anything to do with current affairs. By the same token, he does not refer to contemporary authors, be they unyielding hardliners like Mazrū‘a or known moderates like Muḥammad Salīm al-‘Awwā, a distinguished lawyer and Islamist intellectual quite close to him, who also published widely on the issue.

The small book illustrates his style and approach very well: When it comes to Islamic law and doctrine, there are no open questions for Yūsuf al-Qaraḍāwī, only answers solidly grounded in revelation as enshrined in the Qur’ān and the sunna of the Prophet. Certain knowledge is circumscribed and accessible to the knowledgeable, of whom he is one. If one cannot expect theory and method in a booklet meant for wide distribution, and with few scholarly pretensions

means and to kill the apostates wherever they find them; among the most notorious is the spiritual mentor of the Jihad Organization that assassinated Anwar al-Sadat in October 1980 (and killed Fawda in 1992); ‘Umar ‘Abd al-Raḥmān, Kalimat haqq, Murā‘ı‘at al-duktur ‘Umar ‘Abd al-Raḥmān fi qadiyyat al-jihād, Cairo 1987; in a similar vein, Sheik Omar Ahmed Ali Abdurrahman, The Present Rulers and Islam. Are they Muslims or not? London 1990. To further document the tradition of religious scholars testifying for the defence, that is to say those Muslims who take the law into their own hands, see again in the context of the trial of Sadat’s assassins, Šalāḥ Abū Ismā‘īl, Shahādat al-shaykh Šalāḥ Abū Ismā‘īl fi qadiyyat tanẓīm al-jihād, Cairo 1984. It might be added that in spite of these spirited defences, the murderers of Sadat and of Faraj Fawda were found guilty of murder and duly executed.

45 Al-Suyūṭī includes the relevant parts of Qaraḍāwī’s “excellent study” (from p. 44 of the original) in his Muḥākamat al-murtaddīn, pp. 31–43. Further included are statements of the Fatwa Council of al-Azhar and the mufti of the Republic, Muḥammad Sayyid al-Ṭanṭāwī, condemning unwarranted acts of violence against apostates; ibid., pp. 63–73; but see also the scathing critique of Šanṭāwī’s logic and argument in: Muḥammad Salīm al-‘Awwā, Azmat al-mu‘assasa al-diniyya, Cairo/Beirut 1998, esp. pp. 21–32. Al-‘Awwā distinguishes not just between private and public, but also between individual and collective apostasy. For a strong condemnation of Faraj’s murderers, and those supporting them with their fatwas, see his “Faraj Fawda wa-l-lugha al-marfū‘a” (first published August 1993), reprinted in: al-‘Awwā, Shakhṣiyyāt wa-nawāqif ‘arabiyyya wa-misrīyya, Beirut 2004, pp. 23–33, esp. p. 32. Al-‘Awwā distinguishes not just between private and public, but also between individual and collective apostasy. For a strong condemnation of Faraj’s murderers, and those supporting them with their fatwas, see his “Faraj Fawda wa-l-lugha al-marfū‘a” (first published June 1992), in ibid., pp. 60–63. For ‘Awwā’s association with Qaraḍāwī, with whom he co-signed a fatwa regarding Muslim soldiers in the US army, see Nafi, “Fatwā and War,” p. 99, or his contribution to Yūsuf al-Qaraḍāwī, Kalimat, pp. 741–63.
except for the claim to full authority, it would have been useful to be referred to where such information might be found. We do not get that. Instead, the booklet closes on a glowing tribute to Qaraḍāwī’s many qualities as preacher, teacher, activist, who because of his commitment to Islam went to prison more than once. Qaraḍāwī, his readers learn, is a powerful preacher who “convinces the mind and stirs the heart,” an “authentic writer who never repeats himself and imitates no one” (though manifestly untrue as will be seen by anyone moderately familiar with his work, it serves to indicate that he does not practice *taqlīd*, blind imitation of legal precedent), a “jurisprudent distinguished by his deep knowledge and his moderation,” a scholar qualified in the various fields of Islamic studies, a poet whose poetry is recited by Islamic youth from East to West, whose writings combine “the precision of the jurist, the inspiration of the writer, the vision of the reformer (*mujaddid*), and the fervour of the missionary (*dā'īya*)”.

Like any other contemporary Islamic writer, Qaraḍāwī quotes liberally from the Qur’ān and the *sunna*, using the major collections recognized by Sunnis as authentic; he refers to historical events (as seen by him); and he mentions eminent scholars of the formative period of Islamic law and doctrine to support his argument; in this particular instance, they include Ibrāhīm al-Nakhaṣī (d. ca. 717) and Sufyān al-Thawrī (d. 778), who are often quoted in this context, with the added benefit that both lived before al-Shāfiʿī, and before the legal schools and doctrines had become more firmly established to which Qaraḍāwī does not feel himself bound. But he does not discuss his use of analogy or judicial preference or any other kind of legal reasoning. He does, however, assert that what he is engaged in is *ijtihād*, independent reasoning on the basis of the normative texts, and that his *ijtihād* allows him to distinguish truth from falsehood, and to clearly define it in an area where confusion has reigned all too long, not least because of the meddling of the ignorant and the unqualified. The statement deserves to be quoted in full.

In this treatise, we will exert *ijtihād* to discern the truth of these matters, in which truth has been confounded with falsity (*iltabasa l-ḥaqq*

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bi-l-hāṭil) and everything has become confused (wa-khtalata l-ḥābil bi-l-nābil), relying on the texts of the Qurʾān and the sunna, as understood by the companions (of the Prophet) and the sayings of the most eminent scholars of the community.

His subject is the one border that must not be crossed in the wrong direction: the border protecting the realm of Islam against unbelief. The title of the treatise is explicit enough: Qaraḍāwī does not deal with the issue, or even the problem of apostasy. He deals with the crime (jarīma) of apostasy and the punishment (ʿuqūba) of the apostate. The first chapter shows Qaraḍāwī at his most authoritative and orthodox. His main themes and positions are set forth simply and with much conviction, allowing for no debate. Though the border protecting faith from unbelief may not be defined with perfect clarity, it does not shift, nor can it be negotiated. There is no room for fuzziness here. Islam involves certain basics that cannot be discussed: the profession of faith (shahāda) expresses and requires unconditional obedience to God the Creator and Lawgiver, and to Muḥammad as His messenger. The confirmation of tawḥīd leaves no room for any authority other than the word of God and of His messenger. The first element of the shahāda implies the liberation of humankind from their enslavement to other human beings, and their exclusive submission to divine sovereignty (ḥākimiyya)—one of the key themes Qaraḍāwī adopted from Mawdūdī and Ḥuṣayn b. Abd al-Majid al-Qarājī (d. 1973), former head of the Muslim Brotherhood, who in his famous book “Preachers, not Judges (duʾāt lā quḍāt),” published in Cairo in 1969, had rejected the concept of ḥākimiyya for the very reason that it was not in the Qurʾān and by the same token illegitimate.⁵₀ Divine sov-

⁵₀ In his memoirs, Qaraḍāwī also offers a positive evaluation of ḥākimiyya; Ibn al-gayya, vol. 3, pp. 63–65. For Ḥuṣayn b. Abd al-Majid al-Qarājī, see my Gottes Staat als Republik, pp. 220–26 and “Die Korrektur der Irrtümer”. For a fuller study, see Jan-Peter Hartung, Viele Wege und ein Ziel. Leben und Wirken von Sayyid Abū l-Hasan al-Nadwī (1914–1999), Würzburg 2004. Qaraḍāwī was in touch with Abu l-Hasan Nadwī from the early 1950s; see also his al-Shaykh Abū l-Hasan al-Nadwī kamāʿ arafīhu, Damascus 2001. Nadwī was one of the few internationally renowned Islamic scholars to contribute to Yūṣuf al-Qaraḍāwī, Kalimāt.
ereignty (ḥākimiyya), Qaraḍāwī asserts, does not negate human agency, so to speak, for it is human beings who have to understand the texts, and derive rulings from them to fill the space for which there is no authoritative textual evidence (yamla al-farāgh fimā lā nass fihi). This empty space, in which “human reason navigates in the light of revelation and tradition,” is extensive (Ridda, p. 36). It must be statements of this order that have led readers to describe Qaraḍāwī as a moderate, if not a liberal. Indeed, it has been said that one of the most common stratagems of liberal reformer has been precisely to define the shari‘a primarily in terms of its “empty spaces” and to fill them with new, and idiosyncratic, readings of scripture and Islam more generally. Qaraḍāwī remains ambiguous, however: a little earlier in the text he argued that the claim that (to have recourse to) revelation entailed immobility, retrogression and reaction, and (to rely on) human will equalled development and progress, revealed a stubborn determination to follow a will and law other than the will and law of God (Ridda, p. 31). In other words, (exclusive, excessive, or ill-placed) reliance on human reason amounts to a violation of ḥākimiyya, which in the relevant literature is commonly identified with polytheism (shirk), which, in its turn, involves apostasy. Qaraḍāwī does not say so explicitly, and does not have to do so—any reader familiar with the concept of ḥākimiyya (as most of his readers are) will know and be able to fill this particular gap.

Most interesting from a methodological point of view is Qaraḍāwī’s attack on those interpreters that place specific injunctions of scripture in a specific context with the aim not of denying their intrinsic validity, but of restricting their binding force to this particular context. Reference to the “occasions of revelation” (asbāb al-nuzūl) is a well-established element of legal and theological interpretation, and indeed indispensable to it. But here it is used for a novel purpose: to highlight the “occasions of revelation” constitutes one of the best-known interpretive strategies of modernist readers who by giving priority to the specificity of the injunction over its general normativity, try to expand the scope of human discretion without abandoning the textual framework of the Qur‘ān and sunna. The Egyptian lawyer and former head of the Supreme State Security Court, Muḥammad

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Sa'īd al-ʿAshmāwī, is among the most prominent champions of contextualization. Qaraḍāwī rejects this hermeneutical approach as violating the basic legal rule according to which the general meaning of a provision takes precedence over the specific cause, or context of its revelation (fa-l-maṣāra ʿalā ʿumūm al-lajfāz, lā ʿalā khusūṣ al-sabāb ka-mā qarrara aʿīmmat al-islām; Ridda, pp. 31f.). He touches a nerve here, for contextualization (my term, not his) not only questions the relative weight of general as opposed to specific provisions of the Qurʾān and sunna. It also requires an exact definition of the context in which they are embedded, which as a rule does not emerge from the text itself, but has to be established on the basis of external evidence. This is, of course, the very aim of the exegetical sub-discipline of ḥubb al-nuzūl (“occasions of revelation”), which seeks to construct a tight chronological order of facts and events in which to securely place all textual references, no matter how small. In order to use it for their own ends, modernists tend to uncritically rely on a historical tradition that only emerged generations after the event. Contextualization therefore makes its advocates vulnerable on more than one account. Qaraḍāwī himself is no more concerned with the authenticity and reliability of early Muslim historiography than most of his Muslim contemporaries, the modernists included (Western scholarship is a different story altogether). He cares about what contextualization does to the authority of the text.

Regardless of what he has to say on free space and human reason navigating in the light of revelation and tradition in a more general context, here he wishes the text to be understood as explicit and univocal. The contrasts he paints are stark and the choices clear: it is either God or an idol (tāghūt), either Islam or its wilful denial (jāhiliyya) (Ridda, pp. 28, 33f.). The only response to the divine will and call is to hear and obey (samiʿna wa-aṭaʿnā as the Qurʾān tersely puts it). Islamic doctrine (ʿaqīdat al-islām) is there to rule supreme and to rule exclusively. Islam will never accept to be banished to the margins of Muslim society, or to be challenged by worldviews

54 His view of Islamic history is entirely uncritical, and concerned primarily with defending the glory of Islam against its critics at home and abroad; see, e.g., his Tārikhunā al-mustarāʾ ʿalaihi, Cairo 2005.
proposing other ways of looking at God, man, life and existence, from existentialism to nationalism to patriotism or any other “belief without revelation,” which are but vain idols (Ridda, pp. 37–43). Having thus asserted the exclusive claim of Islam on the hearts and minds of Muslims, and its sole right to order human life individually and collectively, Qaraḍāwī turns to the main issue: apostasy in its various manifestations. The first thing one notices is that like so many others, Qaraḍāwī does not go into the question of what exactly is apostasy, and how it can be distinguished from sin, unbelief, heresy, or blasphemy. Rather, he launches into a critique of the agents of apostasy, from Christian missionary activities to the dual onslaught of communism and secularism (al-ghazw al-ʿalmānī al-lādīnī). Second, Qaraḍāwī looks at apostasy from the perspective of Muslim society, not the individual believer. There is little new in his violent attack on the unholy alliance of Christian missionaries, communists and secularists, so much part of contemporary Islamist representations of the un-Islamic Other: originating from the outside, but managing to cross the line to get inside and to insidiously undermine the strength, cohesion and confidence of the Muslim community.55 Along with Muḥammad al-Ghazālī and many others, Qaraḍāwī has long stood at the forefront of the fight against secularism (for which one is to read atheism).56 Now Christian missionaries, communists and secularists do not exactly represent major forces to be reckoned with in Egypt or the Arab world today. The situation may be somewhat different in parts of Africa and Asia where Christian missionaries

55 Gilles Kepel’s image of the riders of the apocalypse comes to mind (Le Prophète et Pharaon. Les mouvements islamistes dans l’Égypte contemporaine, Paris 1984), but as far as I am aware, it does not occur to Qaraḍāwī who certainly would not wish to use Christian imagery. See also Salwa Ismail, “Confronting the Other. Identity, Culture, Politics, and Conservative Islamism in Egypt,” International Journal of Middle East Studies 30 ii (1998), pp. 199–225.

56 Among his many publications warning against the evils of foreign influence and subversion, from Christian missionary activity to liberalism, socialism and communism, see al-Hulūl al-mustawrada wa-kayfa jannat ‘alā ummatinā, Cairo 1988 [first published in 1971] or al-Ṭā’tāruṣ al-ʿalmānī fī muwājahat al-islām (namūzaj turkiyya wa-tūnis), Cairo 2001. His website www.qaradawi.net (2004) draws attention to the dangers of Christian missionary activity in the poverty-stricken societies of Africa and Asia, and situates Qaraḍāwī’s commitment to the da’wa in this context. According to the same source, he called on Muslims to collect 1 billion US-Dollars to “protect their faith and identity” (“Give a dollar to save a Muslim”); according to other sources, the slogan was to “give one dinar to save a Muslim,” Yūsuf al-Qaraḍāwī, Kalimāt, pp. 974–84.
have indeed been as active as their Muslim counterparts, if perhaps not as successful. Why in spite of their obvious inability to, as he describes it, “cross the line” and to win converts in Muslim societies today, do they continue to be so vigorously, and indeed so viciously attacked? Qaradāwī’s identification of Islam and identity at both the individual and collective levels, as opposed to secularism and alienation which can only “get in” through treason and violence, provides an answer.

When Qaradāwī identifies the decision to give up Islam (for some other belief or possibly no belief at all) with high treason, he is again saying nothing new. He uses strong language, though. Lacking compelling textual evidence from the Qurʾān and sunna to support this identification (a fact he chooses not to comment upon), he follows standard practice by invoking memories of the historical ridda, the secession of Arab tribes after Muḥammad’s death, which, equally typically, he describes as treason on both religious and political grounds, which significantly enough, is again collective. This may not be what the secessionists themselves thought they were doing, some of whom may not even have adopted Islam as their religion when submitting to Muḥammad and for that reason could not possibly interpret their act in terms of apostasy. To Qaraḍāwī, the matter is clear, for to abandon the community of Islam was, and is, tantamount to high treason. Qaraḍāwī then moves to stating that according to the teachings of all eight (!) legal schools, the punishment of the apostate is death, quoting prophetic hadith and various scholarly opinions as well as the practices of the Rightly Guided caliphs and/or their governors. Again there is no suggestion of the possibility that what was thought to be right in the 1st century after the hijra might not be suitable for the 15th. Such a conclusion would be in perfect accord with Qaraḍāwī’s plea to develop a new fiqh corresponding to present realities rather than to blindly follow the teachings of past generations of frail and fallible humans. In this particular instance, Islamic law and practice constitute an uninterrupted continuum

57 Hasemann, “Zur Apostasiediskussion”.
58 In this context, Qaradāwī refers to Abu I-Hasan Nadwī’s interesting booklet Ridda wa-l-Abā Bakr Ṭahā, Cairo 1985, in which Nadwī laments the present state of Muslims, calling for more determined action on the part of the ‘ulamā’; al-Qaraḍāwī, Ridda, p. 46.
59 He comes back to the issue later in the text; al-Qaraḍāwī, Ridda, pp. 63–67.
reaching from the Prophet to the present. No need to practice *ijtihād*, then. It should be kept in mind that so far he has not even dealt with the act of apostasy as such: what does it mean to cross the line, and how does one know it happened in the first place? Complete silence.

Rather than addressing the substance of the matter, Qaraḍāwī deals with its consequences for Muslim society. Referring to Ibn Taymiyya, he dwells on the distinction between “mere” apostasy (*riḍḍa mujarrada*) on the one hand, “apostasy light” so to speak which is limited to the act of renouncing Islam, and “grave” apostasy (*riḍḍa ghallīqa or mughallāqa*) on the other, “apostasy plus” as it were, in which apostasy is accompanied by acts of aggression and corruption (*iḥsād fi l-ārd*); whereas the former allows for the call to repentance (*istitāba*), and is thus redeemable, the latter does not, inevitably leading to the death penalty. “Apostasy light” is always private, whereas any kind of public apostasy is “grave” and (in principle?) punishable with death (*Ridda*, pp. 55–57), although it does not become entirely clear when the call to repentance is permissible, or indeed required, and when it is not (pp. 61–63). Given the academic debate about whether “in Islam” it makes sense to distinguish between the public and private domains in ways similar to what is known in the West, this distinction between public and private, so very matter-of-fact and utterly conventional, might cause surprise. Incidentally, Qaraḍāwī is not alone in thinking on those lines. Many contemporary authors do the same when discussing vice and immorality and the need to punish these transgressions (for transgressions they remain). Privacy is a highly valued commodity. In a rather Victorian manner, most will argue that what is done in the privacy of the home need not concern outsiders, least of all the government or Islamist vigilantes: my home is my castle.

Qaraḍāwī is primarily concerned with the gravest offence: apostasy that is not as it were privately performed, but publicly displayed, a provocation potentially enticing others to do the same (*al-riḍḍa al-dāʾīyya*). The public manifestation of apostasy, he states, amounts to a declaration of war against God and his Prophet and the spreading of corruption on earth (*Ridda*, pp. 49f.). Again, there are two forms this war or aggression can take: physical (*al-muḥāraba bi-l-yad*) and verbal (*al-muḥāraba bi-l-lisān*), with the written word being even more pernicious than the spoken one. Here Salman Rushdie serves as the prime example (*Ridda*, pp. 52f.). Even if he were to go unpunished, Qaraḍāwī adds, the writer publicly displaying his apostasy
would still suffer “literary death,” ostracized by the Muslim community and deprived of their love and esteem (Ridda, pp. 53ff.). Why? Because the apostate who flaunts his apostasy threatens the very foundation of communal identity, and by the same token joins the enemy, transferring his allegiance from his society, community and homeland to another:60

Apostasy is never just an intellectual stance: it also entails a change of allegiance, an exchange of identity, and a transformation of belonging. The apostate transfers his allegiance and sense of belonging from one community (umma) to another, and from one homeland (watan) to another, that is to say from the abode of Islam to another. He cuts himself off from the community of Islam of which he was a member (allati kāna ‘udwan fi jasadihā), and with his mind and heart and will he joins its enemies.

There is much to be said on this interpretation of Islamic law and dogma: not only does Qaraḍāwī classify any kind of apostasy that is or becomes public as an act of aggression, or war, against God, his Prophet, and his community, whereas many contemporary ‘ulamā’ would only consider apostasy followed by acts of physical aggression as constituting discord and sedition (fitna) and for that reason to be punishable with death. Most striking of all is the unblinking transition from the community of Muslims (umma) to the homeland (watan)—of whom? Muslims only? The apparent identification of religion, territory and identity, blending traditional notions of community and decidedly modern ones habitually denounced as irreconcilable with Islam, begs many questions: are Christianity or Judaism external to say, Egypt? And if the sense of belonging is based on Islam only, where do the Copts fit? Does Buddhism pose a threat to Egyptian national interest, or the Baha’i faith? In other contexts, especially when dealing with non-Muslim minorities in Islamic society, Qaraḍāwī has offered more coherent thoughts on religion, nation and community today.61 In a collective fatwa dealing with the issue of Muslim

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60 Ridda, p. 56. Interestingly, the passage occurs virtually verbatim in his memoirs, Ibn al-qarya, vol. 3, p. 257, where he presents it as a warning to Mu’ammur al-Qaddaﬁ who in May 1972 had invited him to a conference on the Islamization of law. For muhāraba, rebellion and apostasy, see also Khaled Abou El Fadl, Rebellion and Violence in Islamic Law, Cambridge 2001.

soldiers fighting in the US army against Muslims in Afghanistan, published in October 2001, Qaraḍāwī went so far as to place loyalty to the (nation-) state above loyalty to the umma—a position so close to secular definitions that he found himself accused of treason and apostasy.\(^{62}\) In his booklet on apostasy, he seems to argue the opposite. What may be largely due to the format much contemporary thinking on Islam, state and society has adopted, where collections of fatwas, articles and essays are more readily available than monographs (this applies not just to Qaraḍāwī but to advocates of moderate or liberal visions of Islam, too), still creates major problems of consistency.

As Qaraḍāwī himself makes perfectly clear, apostasy is not a subject to play with, or to dabble in. The transfer of allegiance it entails menaces the unity and welfare of the Muslim community, opening the door to terrible dangers, to discord and violence \((\text{fitna})\) tearing apart the body politic, leading to bloodshed and civil war. Here communist rule in Afghanistan serves as his example. The spectre of \(\text{fitna}\) is thus invoked once again, and in a rather effective manner.\(^{63}\)

After all this drama, the anticlimax comes somewhat unexpectedly. Qaraḍāwī raises the voice of reason and moderation: to accuse a fellow Muslim of apostasy, cutting him off from his family and community (women do not seem to figure as independent agents here), is a very serious matter that calls for utmost caution \((\text{Ridda, pp. 58 ff.})\). Apostasy can only be properly diagnosed by religious experts \((\text{al-rāśikhūn fī l-’ilm, min ahl al-ikhtiṣās})\). A decision of such importance

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\(^{63}\) The concept, if not the scarecrow of \(\text{fitna}\) in classical as well as modern times deserves of closer study. For early concepts, see Ahmed As-Sirri, Religiös-politische Argumentation im frühen Islam \((610–685)\). Der Begriff Fitna. Bedeutung und Funktion, Frankfurt a.M. 1990.
must not be left to the ignorant, the rash or the extremist. The death penalty can only be executed by the legitimate head of the community on the basis of a verdict passed by a competent Islamic judiciary (\textit{wali al-amr al-shar\'i ba\'da hu\text{"u}\text{"u}m al-qad\'a\' al-isl\â\text{"u}m al-mukhta\text{"u}}) \textit{(Ridda}, p. 61). Where are these agencies to be found today? Qara\text{"u}\text{"u}w\text{"a}i does not say. Though he does refer to the fatwas against Rushdie and the writer Rash\‘ad Khalifa issued by the Fiqh Academy of the Muslim World League (of which, it will be remembered, he is a member) as a verdict conforming to due form and process, he does not specify the agency qualified to execute it. Khumayn\‘i in his capacity as leader of the Islamic Republic of Iran is not mentioned. What can be inferred from his statement, though, is that contrary to what Islamist activists supported by scholars like Mazr\‘u\‘a have proclaimed, and indeed practiced, private individuals cannot take the law into their own hands, even when the government remains inactive in the face of what has been duly identified as apostasy.

What we are left with, then, is unrelenting strictness concerning the act and its dire consequences if it be allowed to go unpunished, combined with disturbing vagueness as to the implementation of the verdict. Verbal radicalism followed by the call for due reflection, caution and restraint is by no means uncommon in contemporary Islamic discourse. It is also highly problematic, for the boundaries so sharply drawn turn out to be quite ill-defined: vigour does not equal rigour. One point that comes out quite clearly here as well as elsewhere in Qara\text{"u}\text{"u}w\text{"a}i’s writings is his insistence on the proper qualifications of those who identify the boundaries, watch over them, and, if need be, punish the transgressor: they are the ‘\text{"u}lam\‘\‘a and the rightful imam. But while ‘\text{"u}lam\‘\‘a of varying status and influence are still to be found in Muslim societies today, the rightful imam is not. So what becomes of the verdicts passed in due fashion by the qualified authorities? Qara\text{"u}\text{"u}w\text{"a}i does not say.

He seems to be aware of the problem, though, for in the next subchapter he moves on to the gravest offence yet: the apostasy of the rulers which he denounces in the strongest terms \textit{(Ridda}, pp. 68–71). The way he lashes out against the rulers who betray their duty to protect the faith, oppose apostasy and pursue the apostate to actually protect the latter, entering into an alliance with the enemies of God to fight the friends of God, belittling shari\‘a, treating all that is sacred to the community with contempt, pursuing the preachers of truth, shutting the doors in the face of the da\‘wa, using
the scholars that are willing to serve them, while all the time claiming that in spite of all their blatant acts of apostasy they are still Muslims, is virtually indistinguishable from the rhetoric of radical Islamists. It is also plainly allusive to present realities in most Middle Eastern countries, Egypt included. What distinguishes Qaraḍāwī from say, Shaykh ʿUmar ʿAbd al-Rahmān are the practical consequences he draws from this diagnosis:64 Who should judge the miscreants, he asks, when they control the official institutions of fatwa and the judicial apparatus? It is not self-justice that he advocates: Muslim public opinion, he argues, the Islamic conscience at large, led by free scholars, preachers and thinkers will have to oppose the impious rulers. This is how French colonialism in Algeria and Russian imperialism in the Muslim republics of Central Asia were eventually brought to an end—and the war against Islam led by certain westernized “nationalist” and secularist rulers in certain countries after their independence was even worse. But what is the conclusion? Qaraḍāwī does not say. His readers will know that French colonialism and Russian imperialism were overcome by armed resistance, which was not led by the most learned of the community. Qaraḍāwī does not try to harmonize his arguments with the ones elaborated a few pages earlier. It would be quite possible for someone to read his argument as a justification of armed struggle against infidel rulers provided it be led by “free scholars”—a position difficult to reconcile with the one generally adopted by Shaykh Qaraḍāwī.

Confusion deepens on the last pages where Qaraḍāwī introduces yet another variant of apostasy: the “hidden” or “veiled” apostasy (ridda mughallafa) of the hypocrites that do not openly declare themselves, better to infiltrate the body politic and to spread their deadly poison, and for that reason even more harmful and dangerous than all variants of overt heresy and unbelief (Ridda, pp. 71–73). They control the print and the audiovisual media, and although the knowledgeable have no difficulty detecting their machinations, they cannot fight them within the framework of the law. They can only beat them at their own game, with thought defeating thought, until their credibility is destroyed and truth triumphs over falsity. For if God be for us who can be against us?

64 See above, n. 44.
Over the years, Qaraḍāwī has consistently condemned all expressions of exaggeration and excess “in religion,” be it with reference to the time-honoured concept of ghuluww or to present-day instances of religiously sanctioned violence, as irreconcilable with the Islamic virtue of moderation. In spite of the ambiguities just outlined, he appears to enjoy a certain level of credibility here. Qaraḍāwī was cited by the (“historic”) leaders of the Egyptian Jamā‘a Islāmiyya, when in 2002 they publicly repented and renounced violence in their struggle for Islam. Here we have one of the few instances where Qaraḍāwī’s impact on the outlook, behaviour and policies of a specific group of Muslims can be tested. While castigating the ills and evils of modern times, he does not invite or condone violence against others, be they Muslim or non-Muslim (the exceptions are foreign occupation, colonialism, Zionism and Israel). In this sense he can be considered a representative of moderate Islam, or, as he would say, of Islamic centrism (al-wasatiyya al-islāmiyya). Muslim centrists are moderate when compared to militant Islamist radicals—but then who is not? Moderation does not equal liberalism, and Qaraḍāwī is certainly not a liberal. A careful study of his positions on a wider range of issues, from the freedom of expression to party politics, from diets to divorce, from computer games to Pokemon, from insurances to organ transplantations, from interest rates to investment strategies, and from the status of non-Muslims to the lawfulness of sports, film and the theatre will lend more substance to this claim—and over the past five decades he has pronounced himself on all of these. So there are gaps to fill, and vast spaces to explore in the light of reason, and perhaps of revelation, too.

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65 See his al-İslâm wa-l-f‘unf, where he explicitly condemns the attacks on the World Trade Center (pp. 27ff.), but justifies suicide attacks in Israel and Palestine (pp. 31–39); also Nafi, “Fatwâ and War,” esp. pp. 97ff. In his Aslahiyyât (pp. 167–91) he details proper ways of dialoguing with the Other, from secularists to orientalists to government officials.


67 It is enough to look at what he has to say on homosexuals or Jews and Christians when not talking about Islamic tolerance, to be disabused of this notion; see, e.g., Risâlat al-Azhar, pp. 23ff., 124.
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A DOCTRINE IN THE MAKING? VELĀYAT-E FAQĪH IN POST-REVOLUTIONARY IRAN

Katajun Amirpur

The way in which Iranian clerics are acknowledged as religious authorities, or themselves lay claim to such a position, has undergone fundamental changes since the Islamic Revolution, specifically in the period after Ayatollah Khomeyni’s death in 1989. The same is true of the functions performed and the range of powers held by clerics, first and foremost the marja‘ as primus inter pares. Not surprisingly, the arguments used to support their claims to religious authority (and political power) have also changed. This paper will discuss both the arguments employed by post-revolutionary Iranian clerics in favor of velāyat-e faqīḥ (the rule of the Supreme Jurisconsult) and those of its critics. In terms of individual authors, I will focus on the arguments put forward by Ayatollah Moḥammad Taqī Mešbāḥ Yazdī, one of the theoreticians of the official Iranian position, and the viewpoints of Iran’s most outstanding dissident on the subject, Ḥoseyn ʿAli Montazerī.

One of the crucial points distinguishing modern Shi‘ite Islam from Sunni Islam is the fact that it has a clergy that is hierarchically organized.1 This clergy became the highest non-governmental authority

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1 After 15 to 17 years of study, the student receives permission to issue legal opinions (fatāwā). From this point on he is a mujtahid and entitled to bear the title of hujjat al-islām (“evidence of Islam”). If he can attract a large following, and if a number of scholars of equal or higher rank recognize his authority, they will at some time begin to address him with the title of āyat Allāh (“sign of God”). Every mujtahid who is recognized by several marāji‘ al-taqlīd (“sources of emulation”, sg. marja‘ al-taqlīd’), who has a large number of “followers” (muqallīd, i.e. a believer who has chosen a “source of emulation”), has authored a collection of legal opinions and written a “practical treatise” (risālat taṣdīq al-masā’il; pers. resāle-ye ‘amalīye), a treatise on ritual obligations, can himself become a “Source of Emulation.” In terms of its theoretical foundations, the institution of the marja‘ was elaborated by Mortażā Anṣārī (1800–1864). Cf. Juan R. Cole, “Imami Jurisprudence and the Role of the Ulama. Mortaza Ansari on Emulating the Supreme Exemplar,” in Religion and Politics in Iran. Shi‘ism from Quietism to Revolution, ed. Nikki R. Keddie, New Haven/London 1983, pp. 33–46. He was also the first generally recognized marja‘. In subsequent years, several supreme “sources of emulation” were often recognized because agree-
in Iran with the victory of the ʿUSHULI school over the AKHBARĪ school in the nineteenth century. From then on, all believers had to choose a “source of emulation” (MARJĀʾ-e TAQLĪD). Renowned clerics were thus not only able to build up a large following; by the same token, large sums of money were placed in the marjāʾ’s hands, for the ordinary Shiʿite believer is obliged to pay the Imam’s share (SAHM-e EMĀM) to his “source of emulation,” who manages it on behalf of the Imam during the period of the Great Occultation (GHYBAT-e KOBRE). (Previously, the believers had paid the Imam’s share to the local mullah.) The larger a cleric’s following, the more funds he has at his disposal, and hence the more power—financial as much as social—he is able to wield. This element of religious taxation secured some scholars a high degree of financial autonomy vis-à-vis the state, a factor which enabled those at the top of the Shiʿite hierarchy to play an important role in politics, as became apparent in the tobacco protest of the 1890s. Still, Shiʿite clerics in Iran and Iraq were mostly quietists in the first part of the twentieth century; the majority held chiliastic expectations of salvation, maintaining that, until the return of the Twelfth Imam, any kind of rule—even the rule of the clergy—could be but illegitimate. Awaiting the coming of the Imam-Mahdī,


The clerics use these funds mainly for the theological colleges and their students’ means of subsistence—but only for those students who study jurisprudence. Clerics who specialize in fields other than Islamic law cannot become a marjāʾ, no matter how great their knowledge. This does not imply that they are not accepted as religious authorities, but rather that they are not entitled to receive a share of the Fifth (and the Imam’s share). For example, Allāmā Taḥātabātī (1892–1981), author of the Qur’ānic commentary al-MIZĀN fī TAFTĪR AL-QURʾĀN, was one of the most highly esteemed scholars of his time. His commentary was a seminal work in Shiʿite Qur’ānic exegesis, and his philosophical works are counted among the most influential in the Shiʿite debate on materialism. Still, he did not receive any part of the Imam’s share since he had neither a collection of legal treatises to his name, nor did he teach law.


they withdrew from active participation in the affairs of the state—as their predecessors had done in previous centuries.⁶

One of the most outstanding personalities contesting this attitude was Ayatollah Rühollah Khomeynî (1902–1989), who articulated his opposition while living in exile in Iraq in the 1960s and 1970s. In his view, the Shi’ite scholars (or to be more precise, the jurisconsults among them) are not only the sole authority for interpreting revelation (i.e., the Qur’ān), but they are also responsible for having its injunctions implemented. As a result, the clergy must not only be involved in politics, but must assume political leadership.⁷ Khomeynî pointed out that only the most learned of all jurisconsults, the universally accepted marja’, is capable of leading the Muslim community. Article Five of the Iranian Constitution prescribes the Supreme Jurisconsult’s Rule (velāyat-e faqīh). It states that the deputy of the Twelfth Imam (nā’eb-e emām) and his representative on earth is to be “the jurisconsult capable of leadership,” who is “accepted and acclaimed as Islamic leader by the majority of the population”—a much debated point lately.⁸ The debate revolves around a number of questions: who is qualified and legitimized to be this leader, by whom he is to be legitimized, and how is the population to be involved, raising the issue of popular sovereignty.

This paper does not deal with those intellectuals, scholars and activists who are fundamentally opposed to the concept of velāyat-e faqīh: they can be found among secularists as well as among quietist clerics.⁹ Even in Khomeynî’s time, the concept of velāyat-e faqīh was

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⁸ Botschaft der Islamischen Republik Iran (ed.), Verfassung der Islamischen Republik Iran, Bonn 1980, p. 27.
⁹ It is difficult to ascertain just how high the number of quietists among the Shi’ite clergy is at any given moment in time. Willfried Buchta maintains that in the 1990s, the majority of the Iranian clergy was opposed to velāyat-e faqīh. In supporting his view, he cites data given to him by an employee of the “Committee for Defending the Rights of the Shi’ite Marja’iyya (Lajnat al-dīfā‘ an ḥuqūq al-marja’iyya al-shī‘iyya).” This Committee is an underground organization dedicated to non-violent resistance against clerical rule. It claims to have about 1,000 members, most of them Arabs and Iranians. No official figures are available on the ratio of political to non-political clerics in Iran, and it is difficult to ascertain whether the Committee’s figures are correct. According to the Committee, of a total of 20 Grand
not without its critics. Jean-Pierre Digard, Bernard Hourcade and Yann Richard even claim that most scholars based in Qom were opposed to \textit{velāyat-e faqīh} at that time.\textsuperscript{10}

\textit{How to Qualify as Valī-ye Faqīh and Whose Standards are to be Met?}

In March 1989, Khomeynī disavowed Grand Ayatollah Ḥoseyn ‘Alī Montazerī (b. 1922), his designated successor in the position of \textit{valī-ye faqīh} and leader of the revolution (\textit{rahbar}),\textsuperscript{11} and dismissed him from public office.\textsuperscript{12} However, no adequate replacement could be found for Montazerī, because the clerics willing to serve in this function were no “source of emulation,” and the “sources of emulation” were not willing.\textsuperscript{13} In response to this situation, Khomeynī ordered that Article 109 of the constitution which prescribed that the \textit{valī-ye faqīh} be a \textit{marja’}, a “source of emulation,” be suspended.\textsuperscript{14} This measure considerably lowered the level of religious qualification demanded of the holder of the highest public office. Khomeynī’s reasoning now shifted to politics: he argued that instead of someone steeped in

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\textsuperscript{10} Digard et al., \textit{L’Iran}, p. 172.

\textsuperscript{11} Khomeynī’s successor is also addressed as leader of the revolution (\textit{rahbar}), as the Iranian religious establishment maintains that the Islamic Revolution is still ongoing.

\textsuperscript{12} In a letter to Khomeynī, Montazerī had criticized violations of human rights and blamed the government for the continuing economic problems, as well as the fact that investments were blocked. For Montazerī’s biography, see Yann Richard, “Hoseyn-‘Ali Montazerī,” \textit{Orient} 26 (1985), pp. 303–306; N. Schahgaldian, \textit{The Clerical Establishment in Iran}, Washington 1989, pp. 48–49.

\textsuperscript{13} H. Teimourian, “The mullah goes back to the mosque,” \textit{The Middle East} (May 1989), p. 21. Shahrough Akhari, “Elite Factionalism in the Islamic Republic of Iran,” \textit{The Middle East Journal} 41 ii (1987), p. 190. On the other hand, there are scholars who maintain that Montazerī, too, was not accepted as a \textit{marja’} at this time; see Maziar Behrooz, “Factionalism in Iran under Khomeini,” \textit{Middle Eastern Studies} 27 iv (1991), p. 609; N. Schahgaldian, \textit{The Clerical Establishment}, p. 37. In the early 2000s, Montazerī appeared to be widely recognized as \textit{marja’}. However, this may be largely due to his oppositional views.

religious scholarship or well versed in juridical subtleties, the office of valī-ye faqīh required a leader with sound political instincts, and that this person need not necessarily be a marja'. This was a sudden turn, given the fact that he had previously argued that only the universally accepted marja' was capable of leading the Muslim community. To justify his new position, he now stated that he had always thought it sufficient for the Supreme Jurisconsult to be a mere mujtahid. The relevant passage in the constitution was thus amended to read as follows: the indispensable qualification for the Supreme Jurisconsult is āgāh būdan be zamān, “to be up to date politically and to be able to represent the Revolution’s ideological foundations and goals.”

According to Olivier Roy, this qualification also influenced the official titles of “Leader of the Revolution” (rahbar-e engelāb), “Highest Authority of Leadership” (maqām-e mōʿazzam-e rahbarī), or just “Leader,” which is the title most often used to address Khomeynī’s eventual successor, Khāmene’ī. In theory Khomeynī, too, held the title of “Leader of the Revolution,” but he was rarely addressed as such. Because of his overwhelming authority he was called Imam, even though he referred to himself as nāʿeb-e emām, the deputy of the Imam. (Unlike the Sunnis, Shi‘ites do not use this title for the leader(s) of prayer, but rather reserve it for the Twelfth Imam.) Critics have always targeted this practice—precisely because it might give rise to the impression that with Khomeynī the Twelfth Imam had returned. Ayatollah Sharī’atmadārī was of the opinion that the title sounded blasphemous to Iranians, even when used for Arab clerics such as “Imam” Muḥyīn al-Ḥakīm.

‘Alī Khāmene’ī (b. 1939) was appointed by the Council of Experts (majles-e khobregān), the body charged with the task of selecting the valī-ye faqīh, shortly after Khomeynī’s death on 3 June 1989. Yet the fact that Khāmene’ī does not combine the highest political and religious rank in his person, since he is not generally accepted as a

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17 Qānūn-e asāsī-ye jomhūrī-ye eslāmī-ye īrān, p. 32.
“source of emulation,” poses considerable problems. There are presently several scholars whose juridical qualifications far exceed Khâmene’î’s. A powerful religious authority could thus challenge and undermine his claim to lead the Shi’ite community. This is perhaps why immediately after taking office Khâmene’î put his greatest rival Montazerî under house arrest. Khâmene’î is acutely aware of this situation, as is evident from his repeated attempts to elevate himself to the status of marja’-e taqlid. After Khomeynî’s death, most of the Shi’ites followed Grand Ayatollah Abu l-Qāsim al-Khû’î as their marja’-e taqlid, while some chose Grand Ayatollah Mar’ashî Najafî or Grand Ayatollah Golpâyegâni.20 After Khû’î’s death in 1992, the Khû’î Foundation located in London opted for Golpâyegâni as his official successor.21 Upon Golpâyegâni’s death in 1993, Khâmene’î made the first move to unite the positions of valî-ye faqîh and marja’-e taqlid in his person: he arranged for Golpâyegâni to be honored with a state funeral in Tehran, planning to position himself as his successor by leading the prayers at the grave. Golpâyegâni’s family, however, thwarted his plans and buried the deceased in Qom with only his closest relatives present. After Golpâyegâni’s family had publicly rebuffed him, Khâmene’î declared his support for Ayatollah Moḥammad Arâkî (died 1994), a cleric who was not interested in politics, a move followed by 24 clerics from the middle ranks of the Iranian clergy who were counted among the “political clerics.” The non-political faction of Qom’s clergy refused to accept this move, however; they nominated Grand Ayatollah Šâdeq Rûhânî (d. 1997), a student of Khû’î’s, as marja’-e taqlid. Rûhânî called for the clergy’s complete withdrawal from politics and was immediately arrested.22

After Arâkî died in 1994, Khâmene’î again sought to become marja’-e taqlid.23 But many ‘ulamâ’ and ordinary believers were incensed


22 Further information on this event is offered in Hermann, “Von der Wirtschafts- zur Legitimationskrise,” pp. 541–64.

at Khāmene‘ī’s attempts to have himself declared a “source of emulation” without having published a “practical treatise” (resāle-ye ‘amalīye), a necessary precondition to qualify as marja‘. Leading Iranian clerics, such as Khāmene‘ī’s brother-in-law shaykh Tehrānī, who was at that time exiled in Iraq, wrote a petition (and ran a high personal risk in doing so) demanding that Ayatollah Montazerī, persona non grata par excellence, be appointed Arākī’s successor. He maintained that Montazerī was the only qualified jurisconsult, being the most learned of all Iranian clerics and the only marja‘ living in Iran.24 Mehdi Karrūbī, at the time member of the Council of Experts, and other high-ranking clerics, such as Ayatollah Khalkhālī, supported this petition.25 Others voiced their criticism as well: Mehdi Bāzārgān (d. 1995), first Prime Minister of the Islamic Republic and at the time leader of the semi-legal oppositional “Freedom Movement” (Nehzat-e āzādī), argued in an interview with the Persian Service of the BBC that the religious establishment of the Islamic Republic was trying to undermine one of the basic principles of the Shi‘a, namely the more or less democratic way of choosing one’s own religious authority. Bāzārgān complained that the unity of state and religion that existed in Iran was being exploited to force upon the population a marja‘ chosen by officials—an act unprecedented in Shi‘ite history.26

Having attracted scathing criticism from diverse quarters, Khāmene‘ī publicly stated that he had no interest in becoming Arākī’s successor for the Iranians.27 At the same time, however, he offered himself as the “source of emulation” to Shi‘ites living outside Iran—an obvious attempt to attain leadership over the Shi‘ites living in the diaspora and to strengthen his position in Iran at least indirectly.

Another attempt made by Khāmene‘ī to establish his leadership over the clergy was to gain personal financial control over the Grand

24 Although it is not necessary that Iranian Shi‘ites choose an Iranian as their “source of emulation,” nationality frequently plays a role.
25 BBC, Persian Service 11/30/1994. Those who signed the petition expressed the opinion that Montazerī was undoubtedly the most learned and most qualified Shi‘ite scholar of the time. ‘Ali Tehrānī was sentenced to a prison term of twenty years in absentis in December 1994. See Ėṭtelā‘āt 21/12/1994.
27 W. Buchta’s assessment that Khāmene‘ī managed to become accepted as Grand Ayatollah in Iran (see Buchta, “Die Islamische Republik Iran und die religiös-politische Kontroverse um die marja‘īyat,” p. 458) must be corrected: a substantial part of the population and the clergy do not even accept his claim to the title of Ayatollah.
Ayatollahs: he suggested that all believers should pay the Imam’s share directly to his office and that he would then distribute the funds to the Grand Ayatollahs to finance their theological colleges and students. To grant Khâmene’î the right to receive “their” Imam’s share would have been tantamount to accepting him as the “Absolute Source of Emulation.” Khâmene’î’s proposal was roundly rejected by several renowned “Sources of Emulation” including Grand Ayatollah Yûsof Şâne’î, who stated that he was neither interested in losing his independence, nor was he in favor of the current politicized version of religious leadership.28

Critics like Grand Ayatollah Montazerî view these attempts to attain the position of “Source of Emulation” as a grave danger for the idea of the marja’iyya.

Well, is this not degrading the Shi’ite doctrine of the source of emulation, when the night after the death of Ayatollah Arâkî, they brought a few people in the street of the Society of Seminary Teachers, just like they do now, then three or four people came from Tehran and, in fact, (those who were mentioning him [as the source of emulation]) were not more than seven or eight people, and with hardly seven people, they wanted to make him a source of emulation, whereas he is not at the level of issuing edicts and being a source of emulation? Hence, they degraded the doctrine of the Shi’ite source of emulation; they made it childish, with a bunch of kids from [the Ministry of] ‘Intelligence’ that they brought.29

One generation after the Islamic Revolution, scholars’ titles, then, say more about their bearers’ position in the political hierarchy of Iran than about their scholarship and their standing in the religious community or with their lay followers. In former times a scholar more or less automatically turned into an authority after having educated several generations of students. A scholar held in high regard rose to the top of this hierarchy without being officially granted a title. Since the Islamic Revolution, those who hold important political, not academic, positions are granted a title. After Khomeynî’s death, Khâmene’î was thus immediately declared the new Leader of the Revolution, and from that day on addressed as ayatollah.30 This

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form of address was based on his new political position, not his learning. Hāshemī Rafsanjānī, the former Iranian President and influential head of the Expediency Council (majles-e tashkhis-e maslahat-e nezām), is also addressed as ayatollah, at least in the media controlled by the conservatives. As Moḥammad Mojtahed Shabestarī, a leading reformist theologian, points out:

It may happen that someone today is known as Hūjjat al-ĕslām, that there are political changes during the next two years, and he becomes Ayatollah. Or the other way around . . . someone is Ayatollah today, and, in the course of two years, because of yet other political changes, nobody calls him Ayatollah anymore.\(^{31}\)

**Divine Designation, Part One: The Power Only God Can Grant**

Critics claim that by changing the constitution, Khomeynī has in effect abolished the velāyat-e faqīh.\(^{32}\) This may be true regarding the juridical and religious qualifications the valī-ye faqīh was originally supposed to have. But the idea that the holder of this rank and office was to be granted absolute power actually gained in importance with the changes made to the constitution: The “absolute guardianship of the Supreme Jurisconsult” (velāyat-e motlaq-ye faqīh) was now inscribed into the constitution. No longer empowered with simple guardianship, the position of the “Supreme Jurisconsult” was rendered absolute. To compensate for the lack of religious authority, the officeholder was given greater political powers, expressed in the term motlaq, which in this context represents a novelty in Shī‘ite jurisprudence. The valī-ye faqīh may thus be only one legal scholar among many—and not even a high-ranking one. But his political

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\(^{31}\) Moḥammad M. Shabestarī, personal communication to the author in December 1994.

power is absolute, based not on his religious authority, but solely on his appointment to office.

The leading Iranian reform theologian Mohsen Kadivar\(^{33}\) (b. 1959) characterizes Khomeyni’s early ideas concerning *velāyat-e faqīh*—as formulated in the constitution of 1979—as “the general appointive authority of jurists.” In contrast, he describes the new form of *velāyat-e faqīh*, as reflected in the revised constitution of 1989, as the “absolute appointive authority of the jurists.”\(^{34}\) Kadivar stresses that the difference between the two refers mainly to political authority. The “absolute appointive authority of the jurists” gives the Supreme Jurisconsult absolute authority, elevating his decrees (*ḥokm-e hokūmati*) over those of the *sharī‘a*: “The orders of the Supreme Jurists, according to this thesis, must not only be obeyed as a religious duty; they must also prevail, in cases of contradiction, over the state law and the sacred law alike.”\(^{35}\)

Interestingly, Khāmene’ī was not initially in favor of this reading of the *faqīh*’s power. During a Friday Prayer in 1989 he said that the authority of Islamic government could only be exercised within the framework of the ordinances of the sacred law. Khomeyni reprimanded him for this attitude and stated that: “Government in the form of the God-given absolute mandate was the most important of the divine commandments and has priority over all derivative divine commandments . . . [It is] one of the primary commandments of Islam and has priority over all derivative commandments, even over prayer, fasting and pilgrimage to Mecca.”\(^{36}\) Said Amir Arjomand

\(^{33}\) Kadivar is involved in deconstructing *velāyat-e faqīh* by showing that there are other Shi‘ite theories of the state. Nonetheless, Kadivar never made a frontal attack on *velāyat-e faqīh*. He rather demonstrated the historical evolution of Shi‘ite political theory and concepts of the state, as well as the spectrum of different views on political rule in contemporary Shi‘ite thought. Mohsen Kadivar, *Nazariyeh-ye daeulet dar feuq-e shi‘e*, Tehran 1998. Of equal importance is his book *Hokumat-e velā‘ī. Andishe-ye siyāsī dar eslām*, Tehran 1998. For further information about Kadivar see Farzin Vahdat, “Post-revolutionary Discourses of Mohammad Mojtaheh Shabestari and Mohsen Kadivar. Reconciling the Terms of Mediated Subjectivity,” *Critique* 17 (2000), pp. 136–54.


called this “the new theocratic absolutism,” and, commenting on Khâmeneî’s subsequent change of mind, concluded: “Khâmeneî not only understood the principles of the new theocratic absolutism but propounded them.”

Ayatollah Moḥammad Taqī Mešbâḥ Yazdî (b. 1934) is one of Khâmeneî’s most fervent supporters, a member of the Council of Experts and the head of “The Imam Khomeynî Education & Research Institute.” He provided the basic argument to support Khâmeneî’s claim to supreme religious authority, writing several books on the question of velâyat-e faqîh. In his opinion, the term motlaq means that Khâmeneî stands above the constitution. As his right to leadership is absolute, he can claim far more extensive rights than those explicitly set out in the constitution.

But why does the leader have absolute rights? This is—according to Mešbâḥ Yazdî—due to the fact that the faqîh has been chosen by God himself. Only someone chosen by God has the right to rule. Whether the people accept the faqîh or not is irrelevant. He does not lose his legitimacy (mashrû’iyat) if they refuse to offer him their recognition (maqbulîyyat). According to Mešbâḥ Yazdî, the people may give the government some sort of, as he puts it, “objective reality,” but their approval is not required for it to be legitimate. “That is why, in the time of the Great Occultation, the government receives its legitimacy from God and not from the people.”

38 This institute, which is directly answerable to the rahbar, was originally founded to counter anti-Islamic propaganda. Information on the institute and its homepages is offered in Matthias Brückner, “Der Ayatollah im Netz—offizielle zwölferschüttische Websites,” Orient 4 (2002), pp. 537–58.
40 Mešbâḥ Yazdî, Velâyat-e faqîh, p. 49.
41 Mešbâḥ Yazdî, Velâyat-e faqîh, p. 55.
42 Mešbâḥ Yazdî, Velâyat-e faqîh, p. 25.
43 Mešbâḥ Yazdî, Velâyat-e faqîh, p. 21.
The mashrūʿīyyat remained valid nonetheless. The Imams just could not realize their claim to authority.  

Mešbāḥ Yazdī compares three different modes of legitimacy: popular will, the ethical values followed by the ruler, and rule by divine grace. In the Islamic Republic of Iran, the latter is the case. This, as Mešbāḥ Yazdī tries to point out, provides an obvious advantage: while the people, if given a choice, might end up electing a bad government, God will always choose the best one. Mešbāḥ Yazdī makes it clear that God is not arbitrary when choosing a rahbar. A rahbar must fulfill several prerequisites: he must know how to interpret the religious rulings (ahkām) and have reached the grade of ījthād. He must be an honest and pious person thoroughly familiar with society’s problems and needs. He must also know how to move in international circles, and “be able to tell friends from enemies.”

While only the Prophet, Fāṭima, and the Imams are infallible (mašūm), the rahbar is qarib be mašūm—almost infallible, which is why he, coming closest to the fourteen Infallibles, has to lead society during the Great Occultation. For this reason, all people are bound to obey him. It is the faqīh who grants legitimacy to the actions of the people, not vice versa. A law is legitimate only because the faqīh has approved it, not because it has been passed by a democratic assembly. According to Mešbāḥ Yazdī, parliament has no function and can be immediately dissolved if the faqīh is not satisfied with its work.

Following Khomeynī, Yazdī claims that the rahbar can suspend certain pillars of religion like the pilgrimage, but he cannot change the usūl, the principles of religion. Were he to do so, his authority or the right of leadership would be taken from him (velāyat az ū salb mishawad). Mešbāḥ Yazdī does not explicitly state how and by whom the rahbar would be divested of authority, but it can be safely assumed that it would be through God. The rahbar does not need to know,

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44 Mešbāḥ Yazdī, Velāyat-e faqīh, pp. 27ff.
46 Mešbāḥ Yazdī, Velāyat-e faqīh, p. 48.
47 Mešbāḥ Yazdī, Velāyat-e faqīh, p. 54.
48 Mešbāḥ Yazdī, Velāyat-e faqīh, p. 51.
49 Mešbāḥ Yazdī, Velāyat-e faqīh, p. 56.
51 Mešbāḥ Yazdī, Velāyat-e faqīh, pp. 63f.
nor be able to do everything. Mešbaḥ Yazdī’s interpretation of the idea of šūrā (consultation among the believers) allows for the rahbar to consult specialists for advice; the final decision, however, is his alone to make, as was the case with the Prophet.\textsuperscript{52} Since—in theory—the rahbar may err, Mešbaḥ Yazdī allows for criticism—in principle. The conditions he sets, however, make criticism almost impossible. For example, it must not play into the enemy’s hands.\textsuperscript{53} He further believes that a large number of mujtahids and their opinions lead to chaos, maintaining that the head of state should be followed in all political and politico-religious issues. Even if another mujtahid is wiser, it is harām—forbidden by religion—to follow him in these issues. Only in personal matters may other mujtahids be chosen.\textsuperscript{54}

This is quite an unusual point of view, since the Shi’a commonly maintain that there can be several “sources of emulation” and everybody is free to choose the marja’ he prefers. But however unusual this position may be, Mešbaḥ Yazdī is not alone in advocating it. Former Parliamentary President Nāteq Nūrī (who unsuccessfully ran for the presidency in 1997 for the conservatives) shares this opinion, stating that:

\begin{quote}
It is necessary that different interpretations and points of view exist—but there has to be a focus on the vali-ye amr’s interpretation. If we really wish to know which point of view is true, we have to look at what the vali-ye amr has to say on the subject. I think it is wrong to say that so-and-so cannot be allowed to hold an opinion. By all means—let him hold an opinion. But there has to be a last word (faṣl al-khiṭāb). There is nothing to be said against there being different interpretations, but if we want to know the right one, we have to ask the leader. The last word on the different interpretations of Islam is the leader’s privilege. If we do not go by that, the result will be deviation.\textsuperscript{55}
\end{quote}

Mešbaḥ Yazdī also answered a question put forward by many critics: why is the rahbar not chosen for a limited period of time? According to him, the rahbar is to be the noqte-ye thābet, the fixed point of the system. Another question often raised is whether the

\textsuperscript{52} Mešbaḥ Yazdī, Velāyat-e fuqīh, p. 64.
\textsuperscript{53} Mešbaḥ Yazdī, Velāyat-e fuqīh, pp. 69f.
\textsuperscript{54} Mešbaḥ Yazdī, Velāyat-e fuqīh, p. 68.
rahbar may be corrupted by the fact that he cannot be voted out of office. Mešbāḥ Yazdī counters this criticism by pointing out that this simply cannot happen in the case of the rahbar, just and pious as he is. Otherwise God would not have chosen him.56

Mešbāḥ Yazdī presents velāyat-e faqīh as the only Shi‘ite form of government, and insists on this being an undisputed truth. According to him, there is general consensus that during the Great Occultation, the clerics, or rather their primus inter pares, has to take over as ruler.57 He maintains that different opinions exist only in questions of minor importance, such as how broad the powers of the rahbar should be.58 Mešbāḥ Yazdī holds that even in the traditions of the Imams, the recwāyāt, the faqīh is named as the Mahdi’s representative,59 and he also interprets the Qur’ān as proof for his argument, citing Qur’ān 4:59, “O ye who believe! Obey God, and obey the apostle, and those charged with authority among you.” Classical Shi‘ite interpretation maintains that ʿulū l-amr, “those charged with authority,” designates the Imams, since to obey them means to obey God. Obedience should, by definition, be based on the correct understanding of divine law: therefore, those obeyed should be infallible, and these are the Imams. It would have been contradictory of God to ask believers to follow a deviant path. That is why, according to Mešbāḥ Yazdī, they never laid claim to the right to lead the Shi‘ite community. In contrast, the Sunni reformer, Muḥammad ʿAbduh (d. 1905), interpreted ʿulū l-amr as “princes, rulers, ‘ulamā’, commanders of the soldiery and all chieftains and leaders to whom people resort for their needs and public interests.”60 At the same time, ʿAbduh did not believe them to be infallible. Khomeynī took a similar stance, but limited those who are “charged with authority” in the time of the Great Occultation to the ʿulamā’. He never claimed that this opinion was the Shi‘ite consensus. While endorsing this argument, Mešbāḥ Yazdī went a step further, anchoring it historically.61

56 Mešbāḥ Yazdī, Velāyat-e faqīh, pp. 72f.
57 Mešbāḥ Yazdī, Velāyat-e faqīh, pp. 18, 21.
58 Mešbāḥ Yazdī, Velāyat-e faqīh, p. 62.
59 Mešbāḥ Yazdī, Velāyat-e faqīh, p. 61.
61 Hamid Mavani draws the following conclusion on the proofs furnished by Khomeynī: “In general, the tradition reports put forth by Ayatollah Khomeini suffer
What is remarkable in the context of Mešbāḥ Yazdi’s argumentation is the fact that in the Islamic Republic of Iran, the Supreme Jurisconsult is still elected by the Council of Experts—human beings after all. One could thus ask if it is not humans who in actual fact grant legitimacy to the faqih. But the conservatives have an answer in the ready: according to Mešbāḥ Yazdi, the faqih is by no means elected by the Experts—he is discovered (kashf) by them, and this discovery is based on a message sent to them by God. Such an answer, however, cannot address further queries, such as why the appointment of someone who draws his legitimacy directly from God still has to be confirmed by the Council of Experts (as has been laid down in the Iranian constitution and as happened in 1998). Nor does this answer explain why—at least in theory—the Council of Experts has the power to dismiss him from office. How is this to be understood? That God has sent the Experts a message that He now wishes to take sovereignty away from this particular person? It is also difficult to understand why the people, who appear to have very little to say in this particular interpretation of the velāyat-e faqih, should be granted such an important right as the election of the Council of Experts, an election open to all Iranians over eighteen. How is it possible that humans, supposedly incapable of choosing one outstanding mujtahid from among a few, should be able to identify—from among hundreds of clerics—the 86 experts who are to make up the Council of Experts? Once more, Mešbāḥ Yazdī has an answer. In response to being asked why elections are still held in Iran—for, after all, the leader is appointed by God—he said that: “In the times we are living in, and specifically since Western pressure is so strong, it is difficult to abolish a tradition like elections.”

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63 As quoted in Ganjī, Talāqī-ye fāshīstū, p. 108.
An incident in 2000 showed that Khâmene’î, too, subscribed to the point of view that the people and their vote are not really important, revealing in the process how he sought to compensate for his lack of religious authority by repeatedly stating the claim that the constitution enshrined his position as a leader with absolute rights. In August 2000, parliament—at the time dominated by reformers—scheduled a debate on a new Press Law. Designed to protect journalists from judicial arbitrariness, this law was to establish a clear definition of those circumstances under which newspapers could be banned and journalists imprisoned. Compared to the prevailing situation, this law would have represented a marked improvement, or at the very least would have meant clearer regulations for determining what was forbidden and what not. However, Khâmene’î ensured that the bill was not even discussed: he had the President of Parliament Mehdi Karrûbî read a letter asking parliament to cancel any discussion about the bill. The bill, so the letter stated, was contrary to Islam and any debate on it unnecessary. This incident is revealing in two points: firstly, that Khâmene’î ignored the constitution—for the constitution does not grant the faqîh the right to exercise his veto in such affairs, unless of course one interprets the term “absolute guardianship of Jurisconsult” to mean that he possesses this right. And that is the second point: during Khomeynî’s rule, Khâmene’î had already publicly declared that he considered the Supreme Jurisconsult to stand above the constitution, and that the constitution itself depended solely on his signature. His conduct in this incident seems to have been directed towards making this very point. Otherwise, his behavior is difficult to explain: ultimately there was no need for him to embark on a course of direct confrontation with the parliament, since the Council of Guardians, ranking higher than the parliament, reviews all laws passed by parliament as to their compatibility with the Islamic character of the constitution. The Council of Guardians would have almost certainly rejected the bill. Maybe Khâmene’î took this step in order to demonstrate

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what *moṭlaq* really means—namely that the Supreme Jurisconsult indeed stands above the constitution and may veto any law. In January 2004, Khāmene’ī himself commented upon this event and the role he played. He said: “The Leader of the Revolution’s power is God-given”. Referring to the cancelled parliamentary debate, he said that the whole point of the system was that it is the Leader who is entrusted with the task of solving society’s problems. He was completely in his rights to act as he had because the Leader is chosen by God. “No rule is accepted in the Iranian democracy but the one transferred to the Leader by God.” And again: “God grants this rule to humans who are just and morally above all reproach, and accepted by the people.” Possibly, it is this divine designation which, in the eyes of his followers, gives him the right to bear the title of *marja’*.

**Divine Designation, Part Three: Power to the People? Montazerī’s Interpretation of Velāyat-e faqīh**

The concept of *velāyat-e faqīh* has its critics and enemies. But it has its supporters as well, some of them offering quite different definitions of what *velāyat-e faqīh* entails. Some of the clerics in favor of the concept propagate a democratic reading. But how is it possible to arrive at such diverse definitions of the *faqīh*’s rights and duties? All defenders of *velāyat-e faqīh* agree that God is the only sovereign. Opinions differ solely as to whom He has endowed with sovereignty until the Twelfth Imam’s return. The position we have dealt with till now maintains that God has endowed the *valī-ye faqīh* alone with absolute sovereignty.

Grand Ayatollah Ḥoseyn ‘Alī Montazerī advocates a different stance. As previously mentioned, Montazerī had been expected to succeed Khomeynī as *valī-ye faqīh*. After his dismissal, Montazerī withdrew quietly to teaching and his studies. He was kept under strict house arrest for a long period before the conditions were relaxed somewhat in later years. In 1997, as President Mohammad Khātamī came into office, Montazerī returned to the political stage. At the

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time, he warned the newly elected President in an open letter not to tolerate any interference in his policies by Khamenei just because Khamenei thought himself to be above the constitution. Following this public statement, the letter Khomeyni had written to Montazeri to force his resignation eight years previously was read for the first time in parliament, the aim being to discredit Montazeri. In this letter Khomeyni had characterized Montazeri—whom he had always referred to as “the fruit of my life”—as too “simple minded” (sade), saying that he was a disgrace to the Revolution and Islam, and that he had become a nuisance. In 1989 however, the public had merely been told that Montazeri had been deposed “for the good of the system and of Islam.”

Montazeri reacted to this public slandering a few days later by launching an open attack on Khamenei in a speech that received much attention. On the occasion of the birthday of Imam ‘Ali, Montazeri addressed a few followers and supporters at his home, but the speech was later widely circulated on tapes, and parts of it were published in the Iranian press, the internet and abroad. In the speech Montazeri explained that the fathers of the Iranian constitution (and he had been one of them) had never envisaged the establishment of a system such as the one that existed in Iran today. The Supreme Jurisconsult had been meant to merely act as a supervisor. The idea was that he should stand guard over the three powers of the state and see to it that they did not violate the principles of Islam; he was not supposed to interfere in state affairs. He was meant to take action only if and when society was about to “deviate from the path of Islam”. Furthermore, the Supreme Jurisconsult

67 The letter was reprinted in Montazeri—az ouj tà forûd, special issue of the magazine Arzeshhâ, ed. Mohammad Reyshahri, Tehran 1998, p. 20. Reyshahri is a fierce opponent of Montazeri. The magazine is the political mouthpiece of his faction. The letter was first published in Abrâr 11/22/1997, p. 2.
68 The speech was reprinted in Montazeri—az ouj tà forûd, special issue of the magazine Arzeshhâ, pp. 44–48; Keyhân, London, 12/4/1997, p. 4; www.dfn.org/Voices/iran/montazeri.com. Later he elaborated on this speech in more detail in his autobiography. The biography was first published in the internet under www.montazeri.com, an internet page that no longer exists (the author downloaded the autobiography in December 2000) and then, later, abroad: Hosayn Montazeri, Khâtorsí-e Æyatollàh Montazeri, Essen 2001.
was to be elected, and office was to be held for a specified term. It was beyond doubt, Montazeri claimed, that in 1979 a choice had been made for a republic, i.e. for a rule of, for, and by the people.69

Montazeri and Mešbāḥ Yazdī differ on the question of who has been given sovereignty and on the question of who chooses the faqih. According to Montazeri, it is not God. God has authorized not just the faqih, but the people in their entirety—and it is the people who then choose the faqih. From this it follows that there has to be a social contract between the faqih and the people. As he puts it:

In reality, there is a social contract between the people and the valî-ye faqîh, and the constitution was drafted on that basis. Accordingly, his term may be limited and temporary, like that of the president or a member of parliament. And given that the valî-ye faqîh is accorded responsibility to the people, he is not infallible. He must accept criticism and be responsible for his actions.70

Montazeri accused Khâmene’î of having twisted the constitution’s original intentions. At no time, he stated, was it envisaged that the valî-ye faqîh should stand above the constitution. Montazeri called what Khâmene’î established in Iran a dictatorship of the Supreme Jurisconsult. Moreover, Montazeri felt that the entire concept of velâyat-e faqîh had in the meantime lost its raison d’être, since the original idea was that the most learned of all scholars was to watch over the state. But through the “new definition” of the Supreme Jurisconsult’s function, his office had become an institution uncannily resembling the Presidency. How, Montazeri asked, does the holder of this office differ in his qualifications from the President? Both have to be competent and possess a clear political vision. But what is the use of this new office if there is no difference to that of the President? Naturally, for Montazeri, there can be no difference, since he does not accept the reasoning of Khâmene’î’s followers: that the Supreme Jurisconsult has divine legitimacy. Instead Montazeri says that, according to Shi’ite jurisdiction, the Twelve Imams were chosen by God—they alone, and no one else. Logically enough, no other person could lay claim to have divine legitimation.71

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69 Montazeri—az ouj tā forūd, special issue of the magazine Arzeshhā, pp. 44–48.
Criticism of the positions taken by Mešbāḥ Yazdī and Khāmene'i is becoming more widespread, even at times from unexpected quarters. Grand Ayatollah Ahmad Bigdelī Āzarī Qomī (d. 1999), for example, was one of Montazerī’s fiercest opponents. He was a member of the Council of Experts which voted Khāmene'i into the office of Supreme Jurisconsult, and, as editor of the newspaper Resālat, was one of the most vocal leaders of the group supporting Khāmene'i’s claim to the office of valī-ye faqīh in 1989. In numerous articles he defended Khāmene'i against those who pointed out the latter’s lack of qualifications. Moreover, Āzarī Qomī was of the opinion that Khāmene'i should hold absolute power. That he was not a “source of emulation” should not be interpreted to mean that his power could be limited. Āzarī Qomī went so far as to state that even Khomeynī’s decrees needed Khāmene'i’s approval in order to still be valid after his death.\(^\text{72}\) (Others, such as the defenders of the Rushdie Fatwa, maintained that everything Khomeynī said must be respected forever; although fatwas are usually no longer valid after the death of the marja’ who originally issued them.) In 1996, however, Āzarī Qomī publicly withdrew his support for Khāmene'i, stating that he thought him unfit for the office of marja’-e taqlīd.\(^\text{73}\) It is likely that Khāmene'i’s attempts to style himself marja’ caused this change of mind; such self-aggrandizement finds its critics even among Khāmene'i’s former supporters. Shortly afterwards, Āzarī Qomī again criticized Khāmene'i, going so far as to suggest that Khāmene'i should limit his activities to politics and elect Montazerī to be his deputy in religious matters. If politics were not to change substantially, he stated, the people “will dump us in history’s dustbin.”\(^\text{74}\)

The subject of the Supreme Jurisconsult’s range of power is widely discussed. In June 2003, 148 members of the Iranian Parliament signed a declaration calling Khāmene'i’s autocratic leadership and his claim to be ruling in God’s name (and hence claiming to be infallible) an expression of unbelief (kufr). The people, the declaration stated, have the right to judge their leaders’ actions, to criticize them, and to dismiss them “if they are not content with them.”


Introducing “divine and absolute power” inspiring dread among the population was denounced as an “oppression of human dignity.”

_Uncertain Authority and the Consequences_

One thing becomes clear when analyzing the different definitions of the faqih’s rights and duties and his legitimacy. Besides the complete abolition of velāyat-e faqih, which the supporters of democracy are demanding more openly than before, there exists another option, at least in theory: to turn the institution of the velāyat-e faqih into a more democratic one. While this may even have been the original intention of the fathers of the constitution, as Montazeri claims, Khāmene’ī claimed God-given authority, and criticism of him is even called and punished as an “offense against the holy religious values” (ehānat be moqaddasāt-e dīnī).76 Khāmene’ī’s lack of religio-juridical authority has probably forced him to look for a different mode of legitimation. Khāmene’ī might thus be the only marja’ in Shi‘ite history to have become a “Source of Emulation” due to his alleged divine designation and not because of his religious authority and knowledge of Islamic law. With this, the concept of marja’īyya has undergone a fundamental change.

References


76 Ebrahīm Yazdī, the leader of the Freedom Movement was charged of having insulted ‘Ali Khāmene’ī in December 1997, his crime being described as an “offense against the holy religious values” (ehānat be moqaddasāt-e dīnī). See _Frankfurter Allgemeine Zeitung_ 12/29/1997, p. 12.


Botschaft der Islamischen Republik Iran (ed.), *Verfassung der Islamischen Republik Iran*, Bonn 1980.


www.montazeri.com
RELIGIOUS AUTHORITY IN TRANSNATIONAL SUFI NETWORKS: SHAYKH NĀZIM AL-QUBRUSĪ AL-ḤAQQĀNĪ AL-NAQSHBANDĪ*

Annabelle Böttcher

Transnational Islamic networks adapt to national borders while at the same time challenging state sovereignty.¹ Their leaders map space and boundaries by licensing and de-licensing norms and actions. Their religious authority is based on their claim of being a link between the here and the hereafter, between the profane and the Divine. If they are capable of convincing their disciples of the legitimacy of their claim, the success can be channeled into a visible and expanding corporate body and an informal network structure. Its cohesion and dynamics depend largely on the network leader’s social and communicative skills. Thus “imagined communities”² are created and translated into structural entities. While transnational religious, political, economic, and social networks are important players in a “transnational civil society,”³ their concepts of transnational authority renders state monopoly of political authority problematic.

In the following article I will focus on the complex relationship between religious authority, corporate identity, and network structure through the case study of a dynamic Sufi network of the Naqshbandiya tradition.⁴ The question is how is religious authority translated into

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⁴ For more information on the Naqshbandiya in general see Hamid Algar, “The Naqshbandi Order. A Preliminary Survey of its History and Significance,” *Studia Islamica* 44 (1976), pp. 123–52; Muhammad Ahmad al-Darnayaqa, *al-Tariqa al-Naqshbandiyya wa-dālimuhā*, Beirut 1987; Marc Gaborieau, Alexandre Popovic, and
some form of transnational structural entity. Among the countless networks of the Naqshbandiyya Sufi tradition I chose the Ḥaqqāniyya headed by Shaykh Nāẓim al-Qubrusi, because it represents an expanding transnational network with a multi-ethnic following. The Turkish anthropologist Tayfun Atay estimates that the shaykh has followers from 65 nationalities. They are of various ethnic and national origins such as Lebanese, Syrians, Jordanians, Turks, Malaysians, Sri Lankis, British, Germans, Swiss, Italians, Dutch, Spanish, Canadians and Americans. The Ḥaqqāniyya claims to have millions of followers all over the world among them many converts to Islam. Shaykh Nāẓim is said to have initiated about half a million disciples from Western countries and the US. According to the Ḥaqqāniyya, by 1998 about 15,000 new disciples joined the network in the US. Its headquarters is based in Cyprus where Shaykh Nāẓim runs a Sufi convent accommodating hundreds of disciples and guests throughout the year.

My research is based on participant observation and informal talks with Shaykh Nāẓim and his disciples in Lebanon, Syria, the United States and Germany from 1999 to 2003. I have consulted books and journals published by the network and their websites on the internet.


5 Even though Shaykh Nāẓim is a Turkish Cypriot, in his publications all proper names are written in Arabic transcription. His wife’s name is written in Turkish transcription.


10 This research is part of a larger research project on Islamic transnational networks, which was financed by grants from the German Academic Exchange Council and the German Research Council. I would like to thank the Center for Middle Eastern Studies, Harvard University, John Donohue and the CEMAM (Centre d’Études sur le Monde Arabe Moderne) at the University of Saint-Joseph in Beirut and Gudrun Krämer, Sabine Schmidtk and the Institute for Islamic Studies at the Free University of Berlin for hosting and counselling me. Furthermore my thanks go to Shaykh Jamāl al-Dīn Dirschl and other disciples of the Ḥaqqāniyya for their patience and support.
The Shaykh’s Charismatic Appeal

Due to a minimum of institutionalized infrastructure, the Ḥaqqāniyya is created and held together by the charismatic appeal and the religious authority of its network leader. They are based on the Sufi doctrine of a spiritual master having to guide a disciple’s spiritual training and the disciple having to trust and obey his spiritual master. The latter establishes a spiritual link with each disciple (arab. rāḥita), because his charismatic appeal attracts them. If he is still alive, he also creates social links among the disciples by initiating marriages and organizing sub-networks for ritual and social purposes. He nominates national delegates (arab. khulāṣ, sing. khalīfa) and authorizes them to lead ritual meetings. Thus a visible corporate body and an informal structure is created. Its stability and growth depend on his charismatic appeal and the consolidation of his religious authority. The network leader has to rely on his social skills to convince his disciples of the legitimacy of his religious authority. This is translated into individual and collective actions by the disciples; they will adhere to the network structure, do voluntary work, contribute financially, adapt to behavioral patterns like dress codes, observance of rituals etc. In a sohbet Shaykh Nāzim described this: “[t]he power to draw people together is a gift from heaven.”

A closer look at Shaykh Nāzim’s biography might give some clues as to how this “gift from heaven” was acquired. Details on Shaykh Nāzim’s biography derive from written and oral hagiographic accounts. They are composed of hagiographic topoi, which do not necessarily include historically verifiable facts. Their aim is to prove his legitimacy as a religious authority by convincing the reader or listener that he is a saint (arab. wāli) with a privileged access to God. This quest for legitimacy is typical for hagiographies of living saints which are still “under construction.” It is difficult for the researcher to

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11 There are examples of Sufi networks with deceased shaykhs. In these cases the disciples establish a spiritual link with him. Nevertheless these networks have a “managing director” at their head.

12 A sohbet (arab. suḥba) is a lesson by the teacher for the disciples.


15 For an excellent historic analysis of hagiographic construction in the later
reconstruct his chronologically convincing biography because the hagiographic accounts of the location of places and durations of his stays are contradictory.

**Reconstruction of Shaykh Nāzim’s Biography**

Shaykh Nāzim was born in Larnaka between 1920 and 1922 into a Sufi family. His paternal grandfather was the shaykh of the Hala Sultan Tekke of the Qādiriyya Sufi network in Cyprus. His mother came from a family tracing their genealogy to Jalāl al-Dīn Rūmī (1207–1273), one of the spiritual founders of the Mevlevi Sufi tradition.

Shaykh Nāzim was the youngest of four children. He went to secondary school in Nicosia. In 1944 he followed his two brothers and one of his sisters to Istanbul to study chemistry at the University of Istanbul. Through his eldest brother he came into contact with the Naqshbandiyya tradition for the first time. The death of this brother during the Second World War provoked a deep crisis in the young man’s life. He abandoned his university studies and devoted himself to the study of Sufism with Shaykh Jamāl al-Dīn al-Lāsūnī, who cannot be identified. His major spiritual master (arab. *murshid*) seemed to the study of Sufism with Shaykh Jamāl al-Dīn al-Lāsūnī, who cannot be identified. His major spiritual master (arab. *murshid*) seemed

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**Notes**


to have been Shaykh Erzurumi Hacı Süleyman Efendi (arab. Sulaymān Arḍurūmī), who taught in the Fatih area of Istanbul. Then the young Nāzim went to Homs to study Qurʾān recitation. From Homs he traveled to Tripolis and later to Damascus. In one hagiographic account he is said to have spent a year in spiritual retreat in Aleppo.

In 1945 he met Shaykh ‘Abd Allāh Dāghistānī in the Daqqāq mosque in the old city of Damascus, whom he accepted as his sole spiritual master. Shortly afterwards Shaykh Nāzim left Syria and traveled extensively. In 1952 he returned to Syria and married Amina ‘Ādīl in Damascus. She was a neighbor and disciple of Shaykh ‘Abd Allāh Dāghistānī. In a personal communication she mentioned that both she and her husband were also disciples of the famous Kurdish Shaykh Muḥammad Dhu l-Faqār in Syria. He is not mentioned in any of the official hagiographic versions insisting on Shaykh ‘Abd Allāh being Shaykh Nāzim’s only spiritual master since his departure from Istanbul.

In the following years Shaykh Nāzim travelled a lot. It is often unclear where he resided. Apparently his wife stayed behind with her family in Damascus, where her husband joined her several times a year. In 1967 his deportation from Syria to Cyprus after the outbreak of the war with Israel is mentioned. In the early 1970s, when Shaykh Nāzim asked Shaykh ‘Abd Allāh for permission to settle in Medina, near the Prophet’s grave, he was ordered instead to go to London to “spread Islam in the West” (arab. nashr al--Islām fī l-gharb) every year during the month of Ramaḍān. Even though he had a very difficult start, it was the beginning of a successful career as the leader of a transnational network. This coincided with the death

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21 Al-Dimashqī, al-Rashāḥāt al-Haqqāniyya, p. 95.
23 Al-Dimashqī, al-Rashāḥāt al-Haqqāniyya, p. 96.
24 I am using the Arabic transcription of her name.
26 Informal talk with Shaykha Amina in July 1999 in Sofar (Lebanon). Shaykh Muhammad Dhu l-Faqār came from a village near Damascus. After he joined the Naqshbandiya in Damascus, he moved to Tripolī in 1918. He had many disciples in the Middle East. He died in 1951 and is buried in Damascus. See Muḥammad Ahmad al-Darnayqa, al-Turq al-sūhyya fi Tarābulus, PhD dissertation, Université Saint Joseph, Beirut 1980, p. 159.
28 Al-Dimashqī, al-Rashāḥāt al-Haqqāniyya, pp. 52–53.
of Shaykh ‘Abd Allāh Dāghistānī in 1973 and Shaykh Nāzīm becoming his successor. For several reasons the succession went relatively undisputed. The network was very small. Even though it is always difficult to estimate the size of a Sufi network, it included a few dozen followers in Syria, Lebanon, and Cyprus. Shaykh ‘Abd Allāh’s only daughter and her husband could have claimed the succession, but they were not interested in Sufism. When Shaykh Nāzīm assumed the leadership, the closest disciples either accepted him, as was the case with the Qabbānī brothers from Tripolis in Lebanon, or split off and founded a new Sufi network, as was the case with a certain Shaykh Ḥusayn from ‘Afrīn in Syria.

In 1980 Shaykh Nāzīm returned to Cyprus and settled there. In the following decades he continued to travel all over the world establishing his headquarters in Lefke, Cyprus and London. His high mobility was one of the reasons for the transnational expansion of his Sufi network.

The Caucasian Origins of the Ḥaqqāniyya

Shaykh ‘Abd Allāh was one of several Sufi shaykhs in Damascus, representing a Daghestani line of the Naqshbandiyya-Mujaddidiyya-Khālidiyya tradition. It traces its origins from Central Asia via India to the Middle East, where the famous Kurdish shaykh, Khālid al-Naqshband (1776–1827) plays a key role in spreading this tradition. He lived in Suleymaniye, Delhi, Baghdad, and Damascus and is considered to be a famous “renewer” of the faith (arab. mujaddid). One

31 Habibis, A Comparative Study, p. 144.
32 According to Brazilian anthropologist Paolo Pinto from the Universidade Federal Fluminense in Rio de Janeiro, there is only one Naqshbandī shaykh in ‘Afrīn, Shaykh Ḥasan. He is 74 and inherited his position from his father. (I thank Paolo Pinto for this information, e-mail dated August 2003.)
33 For the role of mobility in the growth of transnational networks, see Böttcher, “Sunni and Shi‘i Networking,” p. 46.
34 Hamid Algar, “A Brief History of the Naqshbandī Order,” in Naqshbandis. Cheminements et situation actuelle d’un ordre mystique musulman, eds. Marc Gaborieau,
of his delegates (arab. khulafa’, sing. khalifa) was Shaykh Ismā’il al-Shirwānī al-Kurdāmīrī (1787–1840)35 from Dagestan. In the Arabic sources of the Haqqāniyya, Shaykh Ismā’il is presented as the most prominent student and successor of Shaykh Khālid al-Naqshband.36 From there he spread the network to Central Asia, the Volga Basin and Afghanistan in the name of the Naqshbandiyya-Mujaddidiyya-Khālidīyya tradition.37 His disciples and successors, Shaykh Khāṣṣ Muḥammad (1786–1844),38 Shaykh Muḥammad al-Yaraghī (1777–1848),39 and Shaykh Jamāl al-Dīn al-Ghumāqī (1788–1869) continued his work.40 The latter was a wealthy landowner who followed Shaykh Muhammad al-Yaraghī and became his successor in 1824.41 Shaykh al-Ghumāqī initiated famous guerilla chiefs such as Shaykh Shāmil to whom he also married his daughter Zāhida.42 This clearly


42 Kabbani, The Naqshbandi Sufi Way, p. 302; al-Qabbānī, al-Futūḥāt al-Haqqāniyya,
shows that the ties between the disciples of the Sufi network were overlapped by family ties.

When Shaykh Shâmil was arrested by the Tsarist forces in 1859, his father-in-law, Shaykh Ghumûqî, ordered his disciples from Daghestan, Khazan, Chechnya, Armenia and Azerbaijan to flee to the Ottoman Empire. He himself took his clan to Istanbul in 1862.43 His closest disciples and successors, Shaykh Abû Alîmd al-Sughûrî and Shaykh Muḥammad al-Madanî stayed in Daghestan to continue their military campaign.44 They later also fled into the Ottoman Empire. Shaykh al-Madanî went to Istanbul in the early 1880s, where—according to the accounts of the Ḥaqqāniyya—the Sultan became one of his disciples and gave him a piece of land in the mountains in Güneyköy near Bursa.45 It is more probable, however, that the clan was allocated land within a resettlement treaty between the Ottoman Empire and Russia concluded in the 1860s.46 There he began to build a village and a Sufi convent for the refugees of his network. His student and successor was Shaykh Sharaf al-Dîn al-Dâghistânî (1876–1936), who was also his nephew and son-in-law.47 He had two successors, Shaykh ʿAbd Allâh al-Dâghistânî, who left Turkey and settled in Damascus, and Shaykh Mehmed Efendî, who settled in Yalova and built his own network.48

Shaykh ʿAbd Allâh al-Dâghistânî was born in 1891 in Daghestan and trained by his uncle, Shaykh Sharaf al-Dîn al-Dâghistânî.49 Though his uncle left Daghstan in the 1870s, Shaykh ʿAbd Allâh did not follow until the end of the 1890s. He also settled in Güneyköy.
According to accounts of the Ḥaqqāniyya, Shaykh ‘Abd Allāh is said to have married one of his daughters to King Fārūq’s son and accompanied the couple to Egypt. However, the king had only one son, Fu’ād, who was not born until 1952. In other accounts of disciples, the son-in-law was a high-ranking Egyptian aristocrat. The marriage is said to have ended in a divorce after half a year and the Dāghistānī clan returned penniless to Aleppo. Shaykh Jamāl says Shaykh ‘Abd Allāh and his family arrived in Damascus and were given shelter in a Sufi convent. Later they settled in a slum area on the outskirts of Damascus with other refugees from Daghestan, Turkmenistan and Chechnya. There they built a modest house and a small mosque which also served as a Sufi convent. Shaykh ‘Abd Allāh died in 1973 in a Beirut hospital and was buried in his mosque. Shaykh Nāzim became the 40th shaykh of the spiritual genealogy (turk. silsile, arab. silsila) of the Naqshbandiyya-Mujaddidiyya-Khālidīyya-Dāghistānīyya-Ḥaqqāniyya. By that time the Ḥaqqāniyya was a small immigrant Sufi network including mainly family members. Its leader, Shaykh ‘Abd Allāh, did not leave any trace in the biographical collections of Damascene shaykhs.

Shaykh Nāzim as the “Marketing Director” of the Naqshbandiyya

Today, under Shaykh Nāzim’s leadership this Caucasian Naqshbandi lineage is clearly witnessing a revival due to his charismatic appeal. He is the first network leader since Shaykh Khālid, who is not from Daghestan. What is even more surprising is Shaykh Nāzim’s success in transcending language, ethnic and national boundaries. It is difficult

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51 Informal talk with Shaykh Jamāl al-Dīn Dirschl in September 2003 in Berlin (Germany).
to describe a shaykh’s multiethnic, multinational, and multilingual charismatic appeal, because it is experienced differently by each disciple. However, there must be something universal about it if it attracts so many followers from such diverse backgrounds.

One factor of Shaykh Nāẓím’s transnational appeal is the multilingual transfer of his message. His mother language being Turkish, he is able to communicate in English and Arabic. For the majority of his disciples English seems to be the *lingua franca*. Among the elite members of the network Turkish and Arabic is used. Besides Shaykh Nāẓím transcended ethnic ties within his own family. While he is of Cypriot-Turkish origin, his wife is a Tartar and his two designated successors, Shaykh Hīshām and Shaykh ‘Adnān, are Arabs.

This multilingual and multietnic life-style is successfully marketed due to Shaykh Nāẓím’s high mobility. Until recently he travelled extensively all over the world, visiting and instructing his growing discipleship. By maintaining a schedule of regular presence at his two headquarters, one in Lefke in Cyprus and one in London, disciples and those interested were also able to meet him easily.

Depending on seniority and the degree of involvement, I distinguish two categories of discipleship in the Ḥaqqāniyya: the elite level and the ordinary level.56 Elite disciples are of Middle Eastern or Caucasian origin. They have a solid Sufi background and have accepted Shaykh Nāẓím because they are convinced of the legitimacy of his succession. Among them are the members of the Qabbānī family, a prominent Lebanese Sufi family from Tripolis. This family includes high-ranking ‘ulamā‘ such as the Sunni mufti of Lebanon as well as successful businessmen. Shaykhs ‘Adnān and Hīshām Qabbānī were already disciples of Shaykh ‘Abd Allāh in the 1950s. They all studied together at Shaykh ‘Abd Allāh’s house. After his death in 1973, they accepted Shaykh Nāẓím as their master and later they were chosen as his successors. Other elite members of the Ḥaqqāniyya are of Caucasian origin.

The majority of the ordinary followers are Muslim converts. They usually have little knowledge of spiritual or Sufi traditions and Islamic culture and barely speak Arabic or Turkish before adhering to the network. From London and Lefke the network slowly expanded

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through extensive travels of Shaykh Nāzim around the globe. During his trips meetings were organized in private houses, mosques or Sufi convents during which people spontaneously declared their adherence to the shaykh.

According to disciples’ accounts the initial interest in the Ḥaqqāniyya is some kind of “spiritual thirst” (arab. ‘aṭash rūḥī). For them Shaykh Nāzim is “a real fountain for the thirsty.” They are motivated by a search for spirituality. In his research on disciples in a West-German town, the German sociologist Jörg Hüttermann has qualified them as “searchers.” A minority has more specific needs which are satisfied by his eschatological teachings. Many of them hear of Shaykh Nāzim from acquaintances or friends. Then they seek further information from the nearby local group of the Ḥaqqāniyya. At a later stage they are invited to meet the shaykh during his visits in the area or else they travel to London or Lefke to meet him there. In many accounts of disciples the first meeting is crucial. His charismatic appeal is felt as a strong attraction by the potential disciple. According to the Ḥaqqāniyya, Shaykh Nāzim has a particularly strong power of divine attraction (arab. jadhba), which he was invested with because the truth of attraction (arab. ḥaqiqat al-jadhba) was revealed to him. According to Buehler, a Naqshbandi shaykh is magnetized by the experience of divine presence. It enables him to transfer this magnetizing experience to his disciples.

A saint has a mediating role between the Divine and the human, which is symbolized by his position in the spiritual genealogy (turk. silsile, arab. silsila). He is the heir of the Prophet and has to nominate a successor once he leaves this earth, “so that his chair will

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57 Al-Dimashqī, al-Rashāhīt al-Ḥaqqāniyya, p. 38; informal talk with Zayna T. in July 1999 in Beirut (Lebanon).
58 Laleh Bakhtiar, Sufi Women in America. Angels in the Making, Chicago 1996, p. 84; written text of a soḥbet held by Shaykh Nāzim and sent by a mailing list from the American branch of the Ḥaqqāniyya on August 17, 2003.
60 During a soḥbet in 1980 one disciple mentioned that many came to Sheikh Nāzim because they were afraid of hell. See Sheikh Nazim al-Qubrusi, Mercy Oceans’ Hidden Treasures, Konya 1988, p. 138.
never be empty.” According to Shaykh Nāzim, six truths have been revealed to a saint which invest him with supernatural powers: the truth of attraction (arab. َّاقِتَةُ الْجَذْبُ), the truth of divine outpouring (arab. َّاقِتَةُ الْفَيْدَ), the truth of supplication (arab. َّاقِتَةُ الْتَّوَاصِلُ), the truth of concentration (upon the spiritual master) (arab. َّاقِتَةُ الْتَّواجْعُ), the truth of spiritual guidance (arab. َّاقِتَةُ الْإِرْشَادُ) and the truth of being beyond spatial restriction (arab. َّاقِتَةُ الْحَيْضُ). These truths characterize a spiritual master and invest him with “extraordinary powers.” Through the “truth of divine outpouring” (arab. َّاقِتَةُ الْفَيْدَ), the shaykh becomes a mediator between the human and the Divine. This is often described as “divinely emanating grace” which Sufis utilize to connect the human microcosm to other parts of the macrocosm. According to the Naqshbandiyya teachings, disciples have to be initiated by the shaykh because it is him who connects them to the spiritual genealogy. Through the spiritual link, the ṭalāṭa, the disciple has the privilege of sharing “divine outpourings” (arab. َّيُوُدُ, sing. َّيْدُ), which flow through the spiritual genealogy and are “distributed” by Shaykh Nāzim. Shaykh Nāzim compares divine outpouring to rain drops which are distributed by the shaykh. He does not have to be physically present, which is very convenient for transnational networks. “If you know the wavelength, you can tune in, for a real Sheikh must send.” The fact that Shaykh Nāzim can be spiritually present while he is physically absent is explained by his ability of “being beyond spa-

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tial restriction.” According to him, he has total control over his physical body and thus he is capable of overcoming space in a minimum amount of time or he can be at several locations at the same time.72

“A wali is faster than the speed of light. True spirituality travels millions of miles per second”73

Disciples approach the network with a conscious or unconscious agenda of expectations and desires. An individual’s integration into the network structure is the result of some sort of a voluntary agreement, which is subject to constant re-evaluation.74 Their aim is to experience the Divine. One young female disciple of Western non-Muslim background describes her expectations:

...I want to know how to fill my daily life with holiness. How do I deal with the simplest things? That is exactly what I want to learn. For this reason it is important to do the simplest things with the shaykh, like strolling in the garden and looking to see if the oranges are ripe.75

Like this young woman, most network members are convinced that Shaykh Nāzīm can “fill their daily life with holiness.” According to the teachings of the Ḥaqqāniyya, he is not a mortal human being, but a “saint” (ārāb. wālī),76 an “inwardly purified” person, who

73 Oral statement of Shaykh Zainulabedin Kazmi, a Pakistani shaykh of the Ḥaqqāniyya living in London, during a soḥbet in May 2003, Berlin (Germany).
continues the exhortation and instruction of the people after the death of the Prophet Muḥammad.\footnote{Al-Haqqani, \textit{The Quran}, pp. 78, 102–3.}

God has been sending His messengers. All of them have the same message: Come back to God... After the seal of the prophethood\footnote{The Prophet Muḥammad is considered to be the seal of prophets (\textit{khātam al-anbiyāʾ}). For more details see Annemarie Schimmel, \textit{And Muhammad is His Messenger. The Veneration of the Prophet in Islamic Piety}, Chapel Hill/London 1985, p. 56; Richard Bell, “Muhammad and Previous Messengers,” \textit{Muslim World} 24 iv (1934), pp. 330–40.} the same message is carried out by the saints. Who are these saints?... Saint means friend of God.\footnote{Shaykh Zainulabedin Kazmi, a Pakistani shaykh of the Óaqqāniyya living in London, during a \textit{sohbet} in May 2003, Berlin (Germany).}

This explains part of the attraction felt towards Shaykh Nāzīm. Disciples confirm the existence of such supernatural powers through accounts of his miracles (arab. \textit{karāmāt}, sing. \textit{karāmā}). They are a cornerstone of a wali’s religious authority.\footnote{Disciples confirm the existence of such supernatural powers through accounts of his miracles (arab. \textit{karāmā}). They are a cornerstone of a wali’s religious authority.} Being able to experience miracles obviously makes adherence to the network attractive. Because network members think that they “get something” for their involvement in the network, they will continue to invest their time, their energy, and their money. Shaykh Nāzīm is aware of the consumer aspect of his relationship with his disciples, whom he sometimes addresses as “buyers.”\footnote{Naqshbandi, \textit{Mercy Oceans. Book Two}, p. 81.} He even calls himself jokingly the “marketing director of the Naqshbandiya.”\footnote{Markus Dressler, “Die \textit{†arīqat Naqšbandīyya},” \textit{Spirita. Zeitschrift für Religionswissenschaft} 8 i–ii (1994), p. 48.}

British anthropologist Daphne Habibis has underlined the active role disciples play in legitimizing Shaykh Nāzīm’s religious authority through stories of his miraculous powers.\footnote{Habibis, \textit{Comparative Study}, p. 186.} To bolster religious authority miracles have to be witnessed by a public; they have to impress and convince potential disciples.\footnote{Paul, “Hagiographische Texte,” p. 25.} Elite members play a key role in spreading them among the disciples by describing them in
their publications. One major category is the service-oriented miracle. It usually renders some sort of “service” to the disciple, by either offering a remedy or escape from an unpleasant or even life-threatening situation.

According to Shaykh ‘Adnân Qabbâni, Shaykh Nâzîm forestalled cancer from killing a female relative of the Qabbâni-clan for a period of ten years. Another family member of the Qabbâni-family, Salîm Qabbâni, once nearly died in a car crash. He described how “the car was miraculously pushed back onto the road. This was done by Shaykh Nâzîm.”

One miracle, which frequently appears in oral and written hagiographic accounts of shaykhs, is the power to manipulate the weather, more precisely to produce rain. This is also the case with Shaykh Nâzîm. During a visit to Spain in 1999 he recommended that his disciples read a certain verse from the Qur’ân 50,000 times. After three weeks, torrential rains fell and caused flooding, which was attributed to the reading of the verses. In Cyprus Shaykh Nâzîm participated himself in rain prayers. During another drought in Cyprus, one of his German disciples, Shaykh Jamâl al-Dîn Dirschl, remembered having collected stones from a dried riverbed. Then Shaykh Nâzîm read verses from the Qur’ân over them and later the stones were put in a sack, tied with a rope and sunk into the sea. Again torrential rains fell and the area was flooded, so Shaykh Nâzîm asked his disciples to pull out the sack with stones from the sea to stop the rain.

Each disciple has his or her own story about the miracles performed by Shaykh Nâzîm. They believe that he is capable of manipulating
natural forces with his supernatural powers. Many disciples describe a feeling of these supernatural powers during their first encounter with him. Some were literally overwhelmed by them and even fainted. It is not unusual that potential Sufis during their first meeting with their shaykh “recognize” him as their shaykh even though they have never met him before. The meeting becomes a turning point in their life and they retrospectively reconstruct their biographies as a lifelong search for their beloved master. It is a topos in Sufi oral and written accounts. The German shaykh, Jamāl al-Dīn Dirschl, met Shaykh Nāẓim at the grave of Rūmī in Konya. He immediately knew that the shaykh was the guide he had been searching for since he had left his native village in the Bavarian countryside.⁹³ The encounter was a turning point in his life and he has served Shaykh Nāẓim ever since as a devoted disciple.

Because of these supernatural powers, living and dead shaykhs are important elements in the universe of a Sufi network. After their deaths Naqshbandī shaykhs are hidden from human perception behind a veil, but their powers do not cease and can be invoked through the prayer of intercession (arab. tawassul). This is often done near tombs of “deceased” shaykhs. They are important centers of Sufi pilgrimage (arab. ziyāra, pl. ziyārat)⁹⁴ and explain the patterns of mobility in Sufi networks. Each network has its proper “spiritual topography.” For the Ḥaqqāniyya the tomb of Shaykh ‘Abd Allāh Dāghistānī in Damascus and the graves of their shaykhs in Turkey, Saudi Arabia, Palestine, Syria, Turkmenistan, Uzbekistan, Iran, Afghanistan, India, Pakistan, Chechnya, Daghestan and Azerbaijan mark the borders of the Ḥaqqāniyya’s conception of space.⁹⁵ Eleven out of 39 shaykhs of their genealogy are buried in what is nowadays Uzbekistan.

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⁹³ Informal talk with Shaykh Jamāl al-Dīn Dirschl in July 2002 in Berlin (Germany).
⁹⁵ For a map of the shrines see Kabbani, The Naqshbandi Sufi Way, inside cover.
The relationship between Shaykh Nāẓīm and his disciples is reinforced through a number of rituals. They bolster his religious authority and strengthen his dominant position in the network structure. To become part of a Sufi network, a disciple usually takes an individual oath of allegiance (arab. ḥay'a) in a formal ceremony with his spiritual master. It consists of the follower’s formal acceptance of the shaykh’s religious authority and the shaykh’s formal acceptance of a novice as a disciple. In Sufi language this connection is called the ṭābi'ita and compared to the umbilical cord. A German girl compared taking the oath to a wedding ceremony with the shaykh. It creates a formal connection between the shaykh and his disciple: “One connects one’s heart with the heart of the shaykh and stays in contact with him.”

As for Naqshbandī shaykhs in general, the ṭābi'ita is the most important element of religious legitimacy for Shaykh Nāẓīm, because it links him to his disciples while he is part of the spiritual genealogy of his Sufi tradition (turk. silsīlə, arab. silsila) going back to the Prophet Muḥammad. According to the disciples it is this connection that allows them to be protected from danger and benefit from the supernatural powers of their shaykh. And it is through the connection to their shaykh that disciples enter the divine hierarchy on the lowest level as wayfarers on the spiritual path.

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98 Imran, “Interview,” p. 43.


The *rābiṭa* also draws a line between those who are part of the network and those who remain in the periphery. Those who established such a spiritual link also created a social connection to the network and belong to its structure, while those who did not remain outside. In the Ḥaqqāniyya a novice who has just established such a link with the shaykh is a *mubtadi?* or *mubtadi?‘a* and a more advanced follower a *murīd* or *murīda*. A non-connected “sympathizer” is called a *muḥibb* or *muḥibba*. Having established such a link does not entail any duties, since most of Shaykh Nāzim’s followers are “holiday *murīdūn*” or *muḥībūn*. They are not willing to change their life-styles and move to Lefke to be close to their shaykh. Instead they maintain a loose adherence to the shaykh and visit him during their holidays.  

With the growing demand Shaykh Nāzim initiates disciples by taking the oath of allegiance collectively from whole crowds of audiences without knowing them individually. He also accepts gradual familiarization with Islam and the rules of the Sufi network after the adherence, whereas this is a prerequisite for most Sufi networks. Sympathizers are allowed to frequent the rituals without taking the oath and adhering officially to the network. By adapting the conditions for adherence to the network to the needs of his Western disciples, Shaykh Nāzim was able to attract a large number of people.

To reinforce the link with the spiritual master, the *murīd* or *murīda* should try to remain in constant association with him, preferably in his physical presence. According to Shaykh Nāzim this informal get-together is called a *sohbet* (arab. *ṣuḥba*). In it he addresses the audience verbally and spiritually after having linked the disciple’s heart with the chain of shaykhs through which the disciple connects with the Holy Prophet. *Sohbet* is part of the spiritual guidance (arab. *irshād*), which the shaykh bestows upon his disciples. Shaykh Nāzim claims to have been in 7,000 *sohbet* with his shaykh, “Abd Allāh Dāghistānī.”  

Due to the quantitative and qualitative size of the network, many disciples are not able to make *sohbet* in the physical presence of their shaykh. Therefore according to Shaykh Nāzim an appointed local

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deputy is also able to bring the blessing (arab. *baraka*) to the assembled group, but disciples describe its effect as being much weaker. Furthermore, to deliver the teachings to a large transnational audience, *sohbets* are recorded and distributed around the world “like rare jewels.” They are accessible in print, online, on video, and audiostream. To offer Sufi teachings to the broader public is part of a transnational marketing strategy previously unknown. For many disciples the *sohbets* of their Sufi shaykhs are considered to be part of their intimate relationship, which they would never make accessible to a non-initiated audience.

Another important ritual is invocation of God’s names (turk. *zikr*, arab. *dhikr*). Laleh Bakhtiar, a prominent female disciple of Shaykh Nāzīm, compared the invocation to a journey in search of divine revelation under the guidance of the shaykh. This refers to the wondrous nightly journey (arab. *mi‘rāj*) the Prophet Muḥammad undertook accompanied by the Gabriel from Mecca to Jerusalem and from there through the seven heavens until he reached divine presence. There secrets were revealed to him. Like the Prophet the disciples of a Sufi shaykh might one day “traverse the seven levels of heavenly knowledge.” Such a journey should only be undertaken under the guidance of a perfect spiritual guide (arab. *murshid kāmil*). During the invocation of God’s name, the disciple should forget everything and concentrate only on the shaykh (arab. *tawajjuh*).

To learn to concentrate during his invocation, Shaykh Nāzīm is said to have even practiced under water.

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103 Al-Qubrusi, *Ocean of Unity*, p. 66.
104 Informal talk with Shaykh Jamāl al-Dīn Dirschl in August 2003 in Berlin (Germany).
110 Chodkiewicz, “Quelques aspects,” pp. 70–75.
to annihilate in his shaykh (arab. *fanāʾ fi l-shaykh*), which ideally will lead him to the dissolution in the Messenger (arab. *fanāʾ fi l-rasūl*) and then in God (arab. *fanāʾ fi llāh*).

For this the disciple gets homework (arab. *ważīfā*).112 A recitation formula or word is given by the shaykh to the disciple, which he is not supposed to reveal to anyone and which he has to recite at home individually. This should be done under the close supervision of the spiritual master. However, Shaykh Nāzim cannot direct each of his disciples individually and adapted his spiritual guidance tools accordingly. In a talk given to a large audience in Colombo, Sri Lanka, Shaykh Nāzim gave the word *Wadūd*113 in public to all the novices present. They were to recite it daily 100, 300, 500, 700 and then 1,000 times. He warned them that his spiritual body would visit them daily and control them.114

Another important Sufi ritual for advanced disciples is the spiritual retreat (arab. *khalwā*). According to the Ḥaqqāniyya, each creature and plant comes into this world from seclusion: the chick from the egg, the baby from the mother’s womb, the flowers and fruits from the bud.115 Each Sufi should undergo at least one spiritual retreat in a lifetime.116 It should last from 3 to 40 days and should first be done with others in semi-seclusion.117 In Sufi tradition the spiritual retreat of forty days is common because Moses is said to have gone into retreat for forty days on Mount Sinai.118

Shaykh Nāzim went into a retreat with his shaykh, Shaykh ‘Abd Allāh, in Medina. They rented a tiny room near the grave of the Prophet “with the intention of a retreat in the proximity of the

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113 It means the very loving and is one of the most beautiful divine names (*asmāʾ husnā*); see Louis Gardet, “Al-Asmāʾ al-Ḥusnāʾ,” in *The Encyclopaedia of Islam. New Edition*, vol. 1, pp. 714–17.


116 Daghistānī, *Der Naqshbandi Weg*, p. 46.


Prophet” (arab. bi-qāṣd al-mujāwara wa-l-khalwa). Shaykh ‘Abd Allāh covered the windows with dark cloth. He allowed Shaykh Nāzim to leave the room only to go to the Prophet’s mosque for the five daily prayers. He himself stayed in the room on his prayer rug absorbed in prayers and meditation without eating, drinking or sleeping. Shaykh ‘Adnān, the designated successor of Shaykh Nāzim, and his wife make a yearly retreat together at the grave of Shaykh ‘Abd Allāh in Damascus.

Shaykh Nāzim’s German disciple, Shaykh Jamāl al-Dīn Dirschl, was allowed to enter his first forty-day retreat after many years of devoted service to the shaykh. Together with three other men, he moved into an apartment in an old Sufi convent in Istanbul. They only left their rooms for daily prayers. Shaykh Jamāl described his experience as spiritually disappointing.

Female Disciples and Female Religious Authority

The Ḥaqqāniyya has a large Western female following. They are integrated into the network, but are all connected directly to Shaykh Nāzim, not to his wife, Shaykha Amīna, who has received a longer and more thorough training from her master Shaykh ‘Abd Allāh in Damascus than her husband.

Shaykha Amīna was born in 1933 in Kazan in Tatarstan, a Soviet republic. In 1937 she fled with her family under dramatic circumstances through the Caucasus to Erzurum in Turkey. When she was seventeen she moved to Damascus with her family. They settled in a slum area next to Shaykh ‘Abd Allāh, and she studied with him and the famous Sufi shaykh, Dhu l-Faqār. After her marriage

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120 Informal talk with Shaykh Jibrīl Fuʿād in September 2000 in Damascus (Syria).
121 Informal talk with Shaykh Jamāl al-Dīn Dirschl in May 2003 in Berlin (Germany).
122 For more details on the problem of male genealogies in Sufism, see Annabelle Böttcher, “Islamic Teaching among Sunni Women in Syria,” in Everyday Life in the Muslim Middle East, eds. Donna Lee Bowen and Evelyn A. Early, Bloomington 22002, p. 298.
124 Al-Qabbānī, al-Futūḥāt al-Ḥaqqāniyya, p. 334.
to Shaykh Nāzīm, she was trained for one year in the house of Shaykh ʿAbd Allāh. But there is no mention her receiving spiritual authorization. After Shaykh ʿAbd Allāh’s death in 1973, her husband became her spiritual master: “On one side there is the shaykh and the other the husband. That is no problem. That is one thing, the other is another thing.”

She has four children, two daughters and two sons. While her husband was traveling for months, she was left alone to raise her children, sometimes under difficult conditions. When her children were grown, she started to accompany her husband on his trips. During the lifetime of Shaykh ʿAbd Allāh Dāghistānī, she had already directed female disciples. At the time it was very difficult for women to satisfy their spiritual and religious needs. They were allowed to participate in the men’s zikr with Shaykh Nāzīm behind a curtain, but they were refused attendance to the sohbet. Hence they were deprived of the “divine outpourings”. One female disciple, Hoda Boyer, participated in a female zikr in Damascus in 1978:

His [Shaykh Nāzīm’s] wife was a sheikha and gave a zikr for about two hundred women in Damascus. I was very impressed by his wife’s learning. She had memorized a lot of the Qur’ān. She spoke Arabic, Turkish, Russian. She knew the hadith.

In London, a growing female audience explicitly demanded Shaykha Amīna’s guidance, which was a surprise to her. She responded because she felt that it was her duty. This is not the beginning of a male-female joint venture in religious leadership, merely a delegation of duties. Shaykha Amīna does not compete with her husband in any way. Instead she confines herself to a traditional role allocated to elite women in Sufi networks. She accepts her husband as the supreme religious authority. This avoids conflicts of loyalty among the disciples and makes Shaykh Nāzīm the uncontested leader of the whole network.

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125 Bakhtiar, Angels in the Making, p. 39.
126 Informal talk with Shaykha Amīna ʿĀdil in July 1999 in Sofar (Lebanon).
128 Habibis, Comparative Study, p. 144.
130 Informal talk with Shaykha Amīna ʿĀdil in July 1999 in Sofar (Lebanon).
The teachings of Shaykh Nāẓim show how conservative, even hostile he is in his attitude towards women. In front of mixed audiences, he said that women are the queens of their well-equipped homes, therefore there is no need for them to go outside. All the evil in the world comes from women who leave their houses without asking permission. Since wives refuse to obey their husbands, the world is filled with problems. On the Day of the Last Judgement, women are not questioned directly but through their fathers and brothers. Therefore men are responsible for them, like shepherds over the herd. During a trip to Sri Lanka, Shaykh Nāẓim scolded his audience for encouraging their daughters to study instead of getting married. He regretted that they asked him to pray for their daughters to become prime ministers: “I can understand if they are asking these things for the sons.” According to Shaykh Nāẓim, women should stay at home instead of asking for a professional career. After all they just steal work from millions of jobless men.

While Shaykh Nāẓim teaches a traditional role model with a focus on family life, motherhood and responsibility, he has not been able to implement this in his own family. During the period of his retreats and his extended trips, his wife was left alone for months with the children. During these periods she could not possibly have relied on the classical model because the male provider of the family was simply not there to support her. Her daughter comments on this:

I missed my father a great deal because he was always traveling for the sake of Islam and Sufism. My mother never complained. Sometimes my mother was pregnant and gave birth to my brother or sister and my father would not return until three or four months after the child was born. My mother never complained because she knew that her husband was helping to propagate submission to God’s will. My mother was like both father and mother because she raised us alone when my father traveled.

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Shaykh Nāzim’s transnational religious authority is based on his claim to be the only link between prophecy and mankind, between the profane and the Divine. This connection is symbolized through the lineage of spiritual masters in which he represents the last living link. This unique place puts him in constant contact with the seal of the prophets, Muḥammad. Thus he claims to be the bearer of secret knowledge through which he has acquired supernatural powers.

Shaykh Nāzim’s teachings are aimed at providing elements legitimizing his claim of having supernatural powers which are confirmed through disciples’ accounts of his miracles. They combine theoretical teachings with practical exercises. Narrations about the traditions and the historic background provide evidence of Shaykh Nāzim being the inheritor of a Caucasian line of the Naqshbandiyya-Mujaddidiyya-Khālidîyya-Dâghistâniyya tradition. These theoretical teachings are complemented with practical training in rituals.

The growing number of disciples is the result of him having convincingly marketed his religious legitimacy. Due to his success and his growing following he has lowered the conditions defining adherence to the network. While many leaders of Sufi networks require regular weekly or monthly attendance in ritual and social activities, Shaykh Nāzim does not require anything from his followers or sympathizers. Due to this lack of demands and rules of attendance, this quantitative growth was not translated into a transnational network structure. Shaykh Nāzim has not succeeded in creating an institutionalized structure with reliable disciples willing to invest time and money over a longer period. This is an essential prerequisite for regular financial transactions and the establishment of an institutional structure with places for ritual performance and teaching. The Ḥaqqāniyya constitutes a fluid body which is only substantiated in the network leader’s physical presence.

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THE MODERN DEDE
CHANGING PARAMETERS FOR RELIGIOUS AUTHORITY
IN CONTEMPORARY TURKISH ALEVISM

Markus Dressler

Introduction

While Turkey is beginning its membership negotiations with the European Union, Turkish Alevi try to capitalize on the European pressure for reform.\(^1\) Most Alevis welcome the understanding of the European Commission that Alevi form a religious community deserving recognition.\(^2\) While publicly asserting their identity as a cultural-religious community, they debate internally the features constituting it. One of the central topics in this internal discussion is the future role of the \textit{dede}, the traditional leader of the Alevi community.

The Alevi internal debate on \textit{dedelik}, the \textit{dede} institution, is part of a larger process of reconceptualization of the Alevi tradition. The first phase of this process, which got under way in the late 1980s, was characterized by organization and institution building and by the Alevi’s desperate desire for recognition. By now, the legitimacy of a distinct Alevi identity is widely acknowledged, and the debate on Alevism seems to have entered a new phase, in which questions concerning its internal organization and its representation have come to the forefront. I hold that contemporary Alevism faces two major challenges that seem to be of crucial importance for its future development.

\(^1\) I thank the editors, especially Gudrun Krämer, for their thorough critique of an early draft of this paper. I discussed a later version at the \textit{Study Group on Modern Turkey} at Harvard University, which helped me to clarify some important points; in particular I want to thank Aykan Erdemir. Further thanks are due to Ali Yaman, who critically read this paper and shared with me his valuable insights, and to Carole Woodall for her very helpful comments.

The first challenge concerns the representation of Alevism vis-à-vis Islam and the state. Alevis are currently intensifying their endeavours to receive official recognition by the state. This accentuates and deepens the Alevi internal struggle as to whether and how they should be incorporated in the state structure. The fierce debate circles around a couple of highly contested issues: Which organizations and spokespersons can legitimately represent Alevism? Should Alevism be treated as an Islamic sect or as a religion in its own right? Is Alevism a religion at all or should it rather be regarded as a particular Anatolian philosophy and culture?

The second challenge can be described in terms of changing authority structures and new demands for religious leadership. In the context of the traditional Alevi village, the authority of a dede depended on a combination of qualities: descent, social skills, as well as ritual, mythical, and doctrinal knowledge. Ideally, the dede would have all of these qualities. Thus, in the pre-modern setting, the authority of the dede encompassed both political and religious spheres of life. In fact, these spheres were not differentiated but interconnected in Alevi worldview and practice. In the course of the 20th century, however, the traditional community structures dissolved through secularization and urbanization. The rapid social change contributed to a decline of the dede’s authority, which coincided with the emergence of a new type of Alevi leader. These new Alevi leaders run the modern Alevi organizations and represent Alevism in public. Currently, Alevi elites in Turkey as well as in the European diaspora debate the skills and kinds of knowledge a “modern” dede should have, how he should be trained, and which functions he would have to fulfil.

This article describes the present Alevi debate on the modern dede and analyzes it in the context of the contemporary reformulation of Alevism in terms of culture and religion. I argue that dedelik, the institution of the dede, is being secularized, i.e., the role of the dede is constrained to ritual contexts increasingly defined as “religious” in opposition to “non-religious” functions such as representation of the community. While this means a limitation of the dede’s authority, it

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also indicates new respect, and—as I will try to show—possibilities for an extension of his influence.

In order to clarify the significance of the current attempts to reformulate the dede institution, I will first give a brief account of the traditional dedelik and the changes it underwent in the course of Alevism’s transformations in the 20th century.

Authority in Traditional Alevism

The office of the dede is a core institution of traditional Turkish Alevism. The designation “traditional” is not meant to suggest any inferiority in comparison to the attribute “modern;” neither is a necessary evolution from “the tradition” to “the modern” implied. By the term “traditional Alevism” I simply mean Alevism as it was practiced before secularization and urbanization impacted on the Anatolian and Thracian countryside, thereby altering its social structures and boundaries. In this sense, the notion of traditional Alevism is a historic reconstruction mainly based on Alevi accounts of the 20th century and a very limited amount of relatively recent anthropological research. One should keep in mind that the term “Alevism” (Alevilik) itself is distinctively modern. It emerged only in the early 20th century, reflecting the evolution of a new trans-regional identity linking previously only partially connected groups which shared similar narratives, beliefs, as well as social and ritual practices. These proto-Alevi groups lived fairly separate from Ottoman society and had only limited access to written culture.

Despite these methodological provisos, I nevertheless maintain that the term “traditional Alevism” has heuristic value. For one, the

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4 By far the most comprehensive study on the dedelik is the dissertation of Ali Yaman, published as Alevilik’te dedelik ve ocaklar, Istanbul 2004.
5 “Turkish Alevism” is here understood geographically. The barely researched Alevi communities of the Balkans, mainly Albania and Bulgaria, are not included. Although this article focuses mainly on Alevis who define themselves as ethnic Turks, a considerable amount of Alevis are Kurdish (approximately 15–20 % of the population of Turkey are estimated to be Alevi, roughly one third of them speaking Kurdish dialects).
6 With “proto-Alevism” I do not want to suggest an evolutionist frame for the development of Alevism; the term is rather an expression of the awareness that the notion of “Alevism” is a modern invention, and that one has to be careful with projecting modern concepts on pre-modern realities.
various Alevi accounts of “traditional Alevism” (geleneksel Alevilik) as well as anthropological research show that even Alevi communities without any direct connections and living far away from each other appear to have a great amount of commonalities concerning community structures, practices, and beliefs. I use the term “traditional Alevism” to label these transmitted commonalities. The notion of traditional Alevism is therefore an ideal type signifying a not yet secularized and urbanized Alevism as it emerges from the collective memories of Alevi themselves, as well as from historical reconstructions.

In traditional Alevism, dedelik, the office of the dede, comprised social and religious leadership functions. Irène Mélíkoff sees in the dede a continuation of the pre-Islamic Turkish Shaman, the kam-özan. Conceptualizing Alevism as “Islamicized Shamanism” allows her to explain the miraculous powers attributed to the dede, as well as his role as healer and mediator. Whether of shaman origin or not, these skills, as well as a concept of distinguished descent, soy, form the backbone of the dede’s authority. Descent is the main social marker in traditional Alevism. The Alevi dedes are revered as evlad-i resul, or seyyid, either term indicating descent from the Prophet Muhammad—in Alevism, as a rule, through Muhammad’s daughter Fatima and Ali; the charisma of the family of the Prophet (the ahl al-bayt) is believed to be passed on from generation to generation. The dede lineages are called ocak. Ocak literally means hearth and distinguishes a holy lineage. The ocak lineages are complemented by non-ocak

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8 Mélíkoff, Hadji Bektach, chap. 1.
10 A very good description of the socio-religious organization of traditional Alevism based on an analysis of written primary sources as well as field research conducted in the early 1980s is provided by Krisztina Kehl-Bodrogi, Die Kızılbağ/Aleviten. Untersuchungen über eine esoterische Glaubensgemeinschaft in Anatolien, Berlin 1988, pp. 167–79. For a more recent description of Alevi village life based on fieldwork conducted in the late 1980s and early 1990s see David Shankland, The Alevis in Turkey. The Emergence of a Secular Islamic Tradition, London 2003, chapters 4–6.
11 Reputation and authority of different ocak, and, indeed, different types of ocak vary significantly. For a detailed description see Yaman, Dedelik kurumu, pp. 94f.
lineages, whose members are called *talib*. *Talib* cannot become *dede*, since this is a prerogative of male *ocak* members. Which member of an *ocak* embarks on a career as *dede* depends on his social standing in the community, his religious knowledge, and his leadership qualities. The relationship between members of an *ocak* clan and those *talibs* who recognize the members of this *ocak* as *dede* is referred to in terms of parents and children. Intermarriage between the two groups was considered incest and strictly forbidden, and the bonds between particular *dede* and *talib* families used to be hereditary.

The main role of the *dede* was to lead the Alevi rituals, especially the *cem* ceremonies, the major form of communal Alevi worship. His descent granted him the religious charisma required for the performance of the rituals as well as for instruction on the requirements and rules of the mystical path. In addition, the *dede* was acting as mediator and judge. Traditional Alevis would not consult sharia courts but solve conflicts within their communities; the *dede* had the right to sanction unruly behaviour and expel those community members who violated its basic rules.

The tight social boundaries of traditional Alevism and the dominant position of the *dede* were important factors allowing Alevis to remain fairly autonomous at the margins of Ottoman society. There were signs of an erosion of traditional Alevism’s social structures already in the second half of the 19th century. This erosion has been a gradual process that took place with differing speed and intensity depending on the location. In general it can be said that it was not until the mid 20th century that the damages in the community structures seemed to have become irreversible.

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13 Yaman, *Dedelik kurumu*, pp. 94f.
14 Mechanisms of conflict resolution are incorporated in the *cem* ceremony clearly showing the conflation of ritual and judicial practices in traditional Alevism.
The social structures of traditional Alevism were affected by the secularization politics of the early Turkish Republic (founded in 1923), e.g., the ban of all tarikat (Sufi order) activities in 1925. Although Alevism is not a Sufi order in a technical sense, some Alevis are associated with the Çelebi branch of the Bektashi order, which was also banned. There are accounts of how dedes were discriminated against by local state representatives in the early years of the Republic. However, as Ali Yaman argues, the efforts to prevent the dedes from visiting their associated talibs had only limited effects and should not be seen as the main reason for the decline of the dedelik.17

Much more significant was the economically motivated exodus to the urban centres in the middle of the century, which often cut the close dede-talib relations and thus undermined the social network of traditional Alevi communities.18 With the younger Alevi generations turning to leftist ideologies in the 1960s and 70s, the dedes’ authority was further damaged. Sometimes dedes were portrayed as charlatans exploiting ordinary people. From the viewpoint of the dedes, Ali Yaman characterizes the time from the 1960s to the late 1980s as a period when the dedes were “temporarily out of duty.”19 At the same time, a new Alevi middle class evolved in the cities. The breakdown of the traditional hierarchies made possible the emergence of a new urban Alevi elite, i.e., individuals who assumed leadership functions in secular organizations drawing on an Alevi constituency.20 This new elite is the backbone of the new Alevi public presence as a forceful social movement.

Today, the dedes are “back in duty,” but their duties are being newly negotiated. From the late 1980s onwards, Alevis put more emphasis on the religious dimension of Alevism.21 In the aftermath

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17 Yaman, Dedelik kurumu, pp. 50, 117.
18 Cf. Shankland, Alevis in Turkey, pp. 135f.
19 Yaman, Dedelik kurumu, pp. 115–21.
of the coup d'état in 1980, the parameters of Turkey’s religio-political discourse were redefined. The left, political home for many Alevi in that period, was largely destroyed and lost its appeal. In an attempt to depoliticize the public sphere, Islamic institutions and symbols were fostered by the military elites. The presence of religious symbols in the public sphere increased considerably, roughly along the lines of the so-called Turkish-Islamic Synthesis, an ideology that was fostered by the military elites as well as by civilian politicians like Turgut Özal, Turkey’s prime minister from 1983 to 1989.

The Turkish-Islamic Synthesis aimed to reconcile a universalistic Muslim with a particularistic Turkish identity. It was committed to a re-defined Kemalism articulated in terms of a conservative modernism, which was Islamic but secularist and committed to a nationalism directed against perceived separatist threats, be they ethnic or religious. Alevi did not subscribe to this new ideology, which defined Turkish Islam as Sunni Islam, and which paved the way for intensified efforts in assimilating them. The establishment of mandatory religious education based on the Sunni faith in schools, and the increase in mosque construction in Alevi villages—mostly against the will of the inhabitants—were manifestations of this policy.

Seeking for a place within the parameters of the new discourse, Alevi returned to their cultural tradition, which they increasingly formulated in religious terms, thus to a certain extent appropriating the discourse of post-1980 identity politics. Alevi began to forcefully confront Turkish society with their demands for recognition of Alevism as an identity significantly different from mainstream Sunni Islam. Public discussions on the nature of Alevism emerged. What is Alevism, and What do the Alevi want? became widely debated questions. Advocating their difference from Sunni Muslims, Alevi activists developed answers for both a curious public and the Alevi community itself. Starting to write about Alevism, they engaged in Alevi historiography and embarked on a scripturalization of Alevi beliefs and practices. At the same time, they started an organization building

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23 For a concise account of the military coup and the Turkish-Islamic Synthesis see M. Hakan Yavuz, Islamic Political Identity in Turkey. Religion and Global Politics, Oxford 2003, pp. 69–75.
process, creating new Alevi networks and spaces. In this context, the dedes gained new respect and began to play an important role in re-connecting Alevism with its traditions.

For the survival of Alevism as a religious tradition with more than merely folkloristic appeal, the question of how to sustain the dede institution gained importance. How should dedelik be redefined in the context of a modern, mainly urban Alevism? Today, especially in urban environments, the mediating functions of the dede seem to be gone; they had been tied into the social relationships of traditional rural Alevism, and have widely vanished. There are significant socio- logical differences between traditional and urbanized Alevi community structures. In the urban context the cem ceremonies conducted in the cemevis (“cem house”) of the new Alevi organizations usually disregard traditional dede-talib affiliations which had in a traditional setting been a prerequisite for the ceremony, since they defined the ritual and social boundaries of the community. In an urban cem, the presiding dede does not necessarily know the participants, which usually make up a random mix of Alevis from all sorts of different backgrounds.24

The current discussion on the dedelik originated in an urban context, but its repercussions are also felt in the countryside.25 Many Alevis still regard the dedes as authoritative carriers of Alevi traditions. The dede is still regarded as indispensable for the main Alevi rituals. I have not heard of any cem ceremony held without a dede presiding. However, his role as main source of Alevi knowledge is contested by non-dede Alevis, and by new community organizations, which provide social and cultural services.26 Non-dede Alevis, who publish on Alevism covering a wide range of themes such as mythol-

25 There are still Alevi villages where parts of the social structures of traditional Alevism are maintained. Some villages still, or again, have regular communal rituals like the cem, and to varying degrees acknowledge the leadership of resident or visiting dedes. But as the study of Shankland shows, the authority of the dede is also in the village curtailed by the secular state institutions, which compete with the dede in authority. Additional pressure is felt through emigrated villagers who not only support their left behind families, but also bring back the ideas discussed in the new urban Alevi centers, thus making the urban transformations of Alevism indirectly felt in the villages. Cf. Shankland, Alevis in Turkey, passim.
logy, history, beliefs, and practices,\textsuperscript{27} contribute directly to the production of new Alevi knowledge.\textsuperscript{28} The dede play only a marginal role in the leadership of Alevi organizations which are mostly led by talib Alevis: intellectuals, journalists, businessmen, lawyers, and engineers.\textsuperscript{29} The new Alevi elite has the organizational qualities needed for the management of Alevi associations, and the communicative skills to use the opportunities that emerged with the privatization of the Turkish media in the 1980s.\textsuperscript{30} Familiar with the cultural codes of the Kemalist middle class, these new secular elites represent Alevism in public; they give press conferences, participate in talk shows, and speak at conferences.\textsuperscript{31} Hence, the leaders of the largest Alevi associations have gained “media charisma,” i.e., their public presence reaffirms their authority and adds to their standing within the Alevi community.

\textit{İzzettin Doğan: Prototype of the modern dede?}

Only very few dedes are engaged in Alevi institution building and public representation. However, there is one prominent exception. This is İzzettin Doğan (b. 1940), a professor of law at Galatasaray University of Istanbul, who is the president of the Cem Foundation, a Kemalist and state-loyal Alevi association with its headquarters in Istanbul.\textsuperscript{32} Doğan’s success has several reasons: his relative closeness


\textsuperscript{29} According to the informed estimate of Ali Yaman, only a minority of those having leadership functions in the modern Alevi organizations belongs to a dede lineage. Yaman, “Anadolu Alevileri’nde otorite,” p. 339.


to the Turkish state and its elites, his successful networking, and his
descent. The combination of these qualities endows him with a
charisma that is rather unique among the contemporary Alevi elite,
and that helped him to emerge as the most influential contemporary
Alevi leader, receiving by far the most extensive media coverage.33

İzzettin Doğan enjoyed the privilege of an elite education at
Galatasaray Lisesi in Istanbul, a prestigious private high school where
classes are held in French. Already in his youth he got acquainted
with the worldviews and cultural codes of the secularist upper mid-
dle class; this certainly helped him to bond later on with Kemalist
circles.34 Politically, Doğan tries to counter the prevalent image of a
naturally leftist Alevism. In 1983, he was among the founding mem-
ers of the Nationalist Democratic Party, which was sponsored by
the military after the coup d’état.35 Doğan’s self-proclaimed goal in
joining this nationalistic party leaning to the right was to force the
political centre to recognize Alevi issues. However, he left the party
after only three months, realizing that this was an unrealistic objec-
tive.36 Henceforward, he has abstained from direct involvement in
party politics; rather, he tries to convey an image of political inde-
pendence, which allows him to engage in a dialogue with parties
across the political spectrum including the religious right—an inevi-
table source of harsh criticism from leftist Alevis.37 Doğan can be con-
sidered a moderate, pragmatic Kemalist, committed to an inclusive
Turkish Nationalism. His commitment to Kemalism and the state
enhances his stand within Turkey’s state centrist political discourse.

Striving for leadership of the Alevi movement, İzzettin Doğan tries
to conquer the symbolic territories of Alevi imagery. One example
is visual representation. While it is common among Turkish Alevis
to display Atatürk’s picture next to those of the Alevi saints Ali and
Hacı Bektaş,38 the Cem Foundation takes this practice one step fur-

34 Doğan is known for being on good terms with leading political figures. Shankland,
*Alevis in Turkey*, p. 164.
36 İzzettin Doğan, “Dedeler Toplantısı konuşması,” in CEM VAKFI Çalışmaları ve
Vakıf Genel Başkan Prof. Dr. İzzettin Doğan’ın görüş ve düşünceleri, ed. CEM Vakfı,
İstanbul 1998, p. 158.
38 See Markus Dressler, *Die civil religion der Türkei. Kemalistische und alaviti sche Atatürk-
Rezeption im Vergleich*, Würzburg 1999, pp. 101–4. This aspect is different for most
other. In its publications as well as at its organized public events, the portrait of Doğan is added to this arrangement, thus, one could argue, elevating Doğan to the phalanx of Alevi saints.\textsuperscript{39} The symbolism of this particular arrangement is important. Ali and the 13th century Anatolian saint figure Hacı Bektaş represent the Alevi tradition. In Alevi imagery, Ali symbolizes the struggle for justice, while Hacı Bektaş represents Alevi ethics and secularism.\textsuperscript{40} Hacı Bektaş is further imagined as a pre-modern founding father of Turkish nationalism. The portrait of Atatürk, the very symbol of Kemalism, underlines the commitment to Turkish Secularism and Nationalism. İzzettin Doğan tries to establish himself as the modern heir of these Alevi founding fathers; claiming to represent the values they stand for, he tries to partake in their charisma. From this self-assigned position he promotes an understanding of Alevism as Turkish Islam in line with the country’s secularist and nationalist principles.\textsuperscript{41}

One reason for why it is possible for Doğan to engage in such highly loaded symbolism is his descent. In the province of Malatya, his father Hüseyin Doğan dede was both a powerful regional leader of the Baliyan tribe and a prominent dede as representative of the Ağıçen Ocak, which is one of the most prominent ocaks of Anatolia. As both a tribal and religious leader, Hüseyin Doğan had considerable political influence, reflected in his service as Member of Parliament throughout the 1950s. He was initially a member of the Republican People’s Party but then joined the ranks of the Democratic Party—a move causing a lot of resentment among leftist Alevis who associate the Democratic Party with reactionary Islamist politics.\textsuperscript{42} Like his father, İzzettin Doğan is a controversial figure in the Alevi community. It is clear however, that Doğan has inherited and draws on the charisma ascribed to his father.

\textsuperscript{39} Cf. Dressler, \textit{Alevitische Religion}, pp. 179f.
\textsuperscript{40} Dressler, \textit{Alevitische Religion}, p. 226; see also Vorhoff, “Past in the Future,” pp. 100–2.
\textsuperscript{41} He distinguishes this Turkish Islam from the Arab Islam, which he sees expressed in Sunnism. See Ayhan Aydın, \textit{İzzettin Doğan’ın Alevi İslam inancı, kültürü ile görüş ve düşünceleri}, Istanbul 2000, p. 80.
\textsuperscript{42} Engin, “İzzettin Doğan: Türkiye’de,” p. 18.
In the context of urban Alevism, traditional dede-talib bonds may weaken, allowing charismatic dedes like İzzettin Doğan to attract supporters who do not belong to lineages traditionally affiliated with them. When the traditional dede-talib affiliations become less salient, opportunities for competition between dede lineages arise. An example of this is found in the correspondence between a group of Alevi talib now living in Istanbul and their efendi from Hacı Bektaş, a representative of the çelebiyan, \(^{43}\) whom they recognize as their highest authority. The exchange took place in 1991 and was initiated by a letter of the talib, in which they convey to the efendi a list of suggestions for how to improve the situation of Alevis in contemporary Turkey. In their letter, they encourage the çelebiyan to supervise Alevi communities more closely and to develop a centralized Alevi network. They further demand the organization of national dede conventions, suggest control of the education of the dedes and the establishment of dede training programs. In his response, the efendi explains: “You say that the dedes must always be licensed. The majority of dede say, ‘My ancestors came before Hacı Bektaş’ or even ‘He [i.e. Hacı Bektaş] had no descendants anyway’. \(^{44}\) There are those who say, ‘My ancestors are older’. How is it possible to discipline those who wish to act in this way, who do not know the truth?”\(^{45}\)

The efendi’s criticism of independent ocaks which challenge the authority of the çelebiyan, targets Alevi dedes like İzzettin Doğan.\(^{46}\) Doğan stresses the prominence of his Ağıçiçen Ocak, tracing its lineage back to Muhammad and Ali (through Ali Asker, son of the fourth Shi'ite Imam Zayn al-‘Abidin).\(^{47}\) Doğan claims that his ocak had been established in Anatolia already at the very beginning of

\(^{43}\) The çelebiyan branch of the Bektashi order claims superior authority over other Alevi lineages based on its alleged direct descent from Hacı Bektaş Veli, the patron saint of the Bektashi order. A considerable part of Alevi ocaks recognizes the çelebiyan as their main authority; their dedes in exchange receive formal authorization by the çelebiyan.

\(^{44}\) This is a reference to the internal dispute amongst the Bektashis as to whether Hacı Bektaş had progeny or not. While the babayan branch believes that he stayed childless, the çelebiyan branch holds that he had children. The çelebiyan (the efendis) claim direct descent from Hacı Bektaş.

\(^{45}\) Shankland, Alevis in Turkey, p. 151.

\(^{46}\) Shankland, Alevis in Turkey, pp. 149–52.

\(^{47}\) As Doğan recounts, Ali Asker was saved from the Kerbela massacre and then raised by Turkmen Shi'ites. The line of Muhammad had thus continued in a Turkish environment. Aydın, İzzettin Doğan’ın Alavî İslam, p. 46.
the Turkish invasion in the 1070s. At the time of Hacı Bektaş Veli’s arrival in the 13th century, the Ağuıçen Ocak would already have professed Alevism in Anatolia for at least 200 years.\(^{48}\)

The correspondence between the *efendi* and his *talib* had an interesting epilogue. Confronted with the *talibs’* demands to assume a more pro-active leadership role, to centralize in order to concentrate resources, and to exert more control over the education and the activities of the *dedes*, the *efendi* could only express his sympathy with these demands, but had no concrete suggestions about how to achieve these tasks. Eventually, the respective Alevi group joined the Cem Foundation, whose leader is, as I showed, directly competing with their *efendis* from Hacı Bektaş. With funding obtained through İzzettin Doğan, the community managed to build and run a *cemevi*, in which several of them found employment.\(^{49}\) It appears that the Cem Foundation as an Alevi organization, representing Alevi interests vis-à-vis the state and trying to allocate resources for Alevis, simply had more to offer than the *efendi* from Hacı Bektaş, and thus appears to have won this contest in religious authority.

With the Cem Foundation, and his influence in a number of further Alevi organizations sponsored by the Cem Foundation, İzzettin Doğan has built an infrastructure that allows him to popularize his vision of Alevism and to claim leadership of the Alevi movement. However, the Cem Foundation and İzzettin Doğan are strongly disputed within the Alevi community. Doğan claims to represent up to 99% of the Alevi population.\(^{50}\) This is an illusionary number and directly contradicts similar claims by the Alevi Bektashi Federation.\(^{51}\)

\(^{48}\) Aydın, *İzzettin Doğan’ın Alevi İslam*, p. 53. Doğan further stresses the authority of his *ocak* as compared to *dikme ocaks*, i.e. *ocaks* which became established through the authorization of another *ocak* (as representative) but can not trace back their ancestry to Muhammad themselves: “There are of course not that many dede who are [in fact] descendents of the prophet. Whilst the number of dedes is small, there are many who profess dedelik.” Aydın, *İzzettin Doğan’ın Alevi İslam*, p. 54. Although his descent is critical for his charismatic appeal, Doğan does himself not profess dedelik: this is at least partly due to the fact that his wife is not of Alevi descent. Instead of his, his younger brother is continuing the active *dedelik* of the lineage.

\(^{49}\) Shankland, *Alevis in Turkey*, pp. 151f.


an Alevi umbrella organization, which unites 450 organizations, including not only organizations from Turkey but also the powerful Federation of the Alevi Communities in Germany.

Training the Modern Dede

A recent poll in which 400 Alevis from the countryside as well as the city were asked about their opinion on the dedelik supports the general sense of urgency expressed in Alevi publications. While 71.9% of the interviewees saw the dedes as not sufficiently qualified, 73.5% were nevertheless of the opinion that the institution was necessary for the development of Alevisim. These numbers may be of limited statistical value, but seem an accurate reflection of the general mood.

One major concern is the dedes’ state of education. Mehmet Çamur, president of the Şahkulu Sultan Foundation, which is located in a former Bektashi lodge and maintains one of the most vibrant Alevi centres of Istanbul, demanded in 1998 that dedes should be educated at universities: “[T]hey have to study philosophy, they should be familiar with the social sciences, and they have to know the literature very well.” More recently he declared that Alevis should rather keep their affairs in their own hands, independent of state institutions. Accordingly, he announced that the Şahkulu Foundation will soon commence a dede training program.

While there are many members of dede lineages, only a few dedes are actually capable of performing the rituals. Finding such dedes is one of the biggest problems of Alevi organizations that want to offer regular cem ceremonies. Hüseyin Gülen, former president of

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55 Shankland estimates that in the Alevi village he studied roughly 10% belonged to dede lineages. Shankland, Alevis in Turkey, p. 79.
the Gazi Mahallesi Cemevi in Istanbul, estimates the number of dedes still capable of performing the Alevi ceremonies in the traditional way as not higher than 500.\textsuperscript{57} To solve this problem, Gülen encourages the creation of high schools for dedes—analogous to the Imam Hatip high schools, which train students for basic mosque services and qualify their graduates for university admission. This idea was also recently supported by Reha Çamuroğlu, a well respected Alevi intellectual and author of many articles and books on Alevis.\textsuperscript{58}

It is no incident that Alevis living in Western Europe and especially Germany, who have been a driving force in the Alevi revival, participate prominently in the debate.\textsuperscript{59} Even more so than Alevis in Turkey they were confronted with the problem of finding qualified dedes for occasional cem ceremonies.\textsuperscript{60} However, the secular condition of Germany allows Alevis to pursue the issue more openly than it would be possible within the constraints of Turkey’s religio-political discourse.\textsuperscript{61}

\textit{Debating Dedelik in Germany}

The Alevi Academy, based in Wiesloch/Germany, has so far offered the most systematic attempt to modernize the education of the dede. In line with the Alevi Bektashi Federation, the Alevi Academy is opposed to an integration of Alevism in the structures of the Directorate of Religious Affairs and prefers to keep the education of dedes outside of the state’s supervision.

In 2003, the Academy began an “Educational Program for the Perfection of the Dede,” developed in close cooperation with the

\textsuperscript{57} Aydın and Dalgakıran, “Üç cemevine kadın.”

\textsuperscript{58} Odabaşı, “Aleviler dedeliği tartışıyor.”


\textsuperscript{60} Sökefeld, “Alevi Dedes in the German Diaspora,” pp. 171f.

\textsuperscript{61} In Turkey, Alevis still have to be very careful with explicitly religious claims, which in the past often led to investigations by state attorneys who tend to interpret particularistic identity claims, be they based on religion or ethnicity, as separatism. In this discourse expressions of loyalty to the state, e.g., when Mehmet Çamur emphasizes that “[t]he new dede generation has to be respectful towards laicism, democracy, and scientific thinking” (Aydın and Dalgakıran, “Üç cemevine kadın”)—are a mode of legitimation.
Federation of the Alevi Communities in Germany. The objective of this program was to improve the educational foundation of dede candidates. The seminar program covered the following subjects: history of religions, Islamic and Alevi history, the Alevi path and its rules, Alevi poetry, sub-groups of Alevism, format and problems of Alevi education, Sufism, comparative religion, sacred days and principles of Alevism, basic terms of Alevism, Alevi in Europe, the significance of music in Alevism, and historic and religious dimensions of Bektashism.62 These subjects are studied in weekend seminars taught by non-Alevi and Alevi academics as well as a small number of dedes. The subjects actually taught by dedes indicate the fields of knowledge in which the authority of the dedes is still regarded as indispensable. In fact, dedes were co-instructors of the courses on “The Alevi Path and Its Religious Principles” and “Sacred Days of Alevism and its Religious Principles.” The remaining subjects were taught by non-dedes, and even non-Alevis. As pointedly put by Aykan Erdemir, “[s]cholars who had previously conducted ethnographic research on Alevis were now in a position to teach Alevi religious guides what Alevism was really all about.”63

The Academy emphasizes that the seminar program is not a sufficient training for an aspiring dede and cannot provide legitimacy for exercising dedelik. It is rather a supplementary education program that aims to combine traditional and modern methods and kinds of knowledge. The program provides insight into the Alevis’ conscious efforts to maintain their tradition in the face of experienced existential challenges. The following quote from the program is a good example of the dialectic relationship between the legitimizing force of tradition, contemporary necessities, and an utopian vision of a “modern Alevism”:

63 Aykan Erdemir, “Islamic Nonprofits in Turkey. Reconfiguration of Alevi Belief and Practice,” paper presented at the Annual Meeting of the American Anthropological Association, Chicago, November 20, 2003, p. 3. The idea of non-Alevis teaching Alevis on Alevism might be surprising, but does not seem all too strange for Alevis themselves—provided the non-Alevi instructors have received their knowledge through authoritative Alevi sources. This view is expressed by Hıdır Uluer, president of the Karacaahmet Sultan Cultural Association, which is one of Istanbul’s largest Alevi associations. See Aydın and Dalgakıran, “Üç cemevine kadın.”
We are of the opinion that it is impossible to approach the education of religious specialists (dinadamları) such as dedes... in accordance with the needs of the Alevi society of today if we close the eyes in front of the necessities of our society, and if we apply [instead] traditional understandings, habits and methods... Enormous differences in every regard have come up between the place, function, and the education methods of the superior religious specialists of the past and those of today. We think that the most reasonable way to embark upon this enterprise is to take an approach that comprises the today and the future without breaking with the past, and without destroying the essence of our belief and our values... ⁶⁴

Recently, dede Hasan Kılavuz, chairman of the “Dede Commission of the Federation of the Alevi Communities in Germany,” pushed the debate with controversial statements regarding the meaning of dedelik in the modern age. In a manner strikingly different from the organizations surrounding the Cem Foundation, which try to establish the notion of “Alevi Islam,” he stresses the incompatibility of Alevism and the dedelik with basic features of Sunni Islam, and vehemently rejects any attempts to reconcile Alevism with the Islamic tradition:

Alevilik is a belief (inanç) in its own right. Alevis possess a belief that sees God everywhere in the universe. Alevis performed their worship and beliefs for a thousand years in a modest and extremely pure form; today, some dedes try to decorate this form of belief with fake pearls. These dedes, which are insecure about themselves, which are carried away by a minority complex towards the Sunni Muslim faith, distance the essence of Alevism from our traditions and customs... We cannot connect the faith of the Anatolian Alevis with the basic principles of the Islamic religion. ⁶⁵

Kılavuz further argues that Alevis would not share any of the major religious practices obligatory for Muslims; neither could the fundamental beliefs and practices of Alevism be encountered within Sunni Islam. Sharply distinguishing Alevism from Islam, Kılavuz’ argumentation paves the ground for an understanding of Alevism as a belief or faith (inanç) “in its own right.” He describes the history of

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⁶⁴ Alevi Akademisi, “Alevi Akademisi Dedeler Yetkinleşme.”
Anatolian Alevism as a history of opposition to Sunni Islam, thus strengthening a particularistic Alevi identity based on a shared memory of resistance against Sunni oppression. Nevertheless he recognizes the need to adjust this tradition to modern conditions. Unlike the “Alevi Islam” protagonists, however, his vision of modern Alevism does not entail recognition of Islamic features in Alevism, and he does not employ the term “religion” (din) for Alevism. Instead he stresses humanistic principles, and argues in particular for an enforcement of gender equality within Alevi practice: “These young dedes have to put aside conservatism and fanaticism and have to lead [our] mothers and sisters (our women), who are well-equipped and rooted in the tradition, to active teaching and service.”

Kılavuz then lists the different positions traditionally limited to men—including the dede position—and demands their opening for women. He further demands a redefinition of the relation between dede and talib. Dedelik would have to be adjusted to present needs. This might also mean an extension of the dede’s duties. For example he proposes that Alevis should have their dedes conduct their burial services instead of calling a Sunni imam, as is common praxis. In fact there appears to be a trend to strive for more independence from Sunni institutions, and funeral ceremonies are one example for that. Usually, Alevis call on the local imam to wash their dead and conduct the ceremonies. But more and more cemevis have their own washing and cooling facilities for their deceased community members. In June 2004, I observed a funeral service at the Okmeydani/Istanbul branch of the Hacı Bektaş Veli Anatolia Cultural Foundation. The ceremony was jointly led by a dede and a Sunni imam. This was obviously a new practice. I was told by participants that usually there would no dede be involved. Further, I was told that the imam sent by the municipality would also be of Alevi descent (Alevi çocuk, literally “an Alevi child”)—otherwise they would not accept him.

Kılavuz’ provoking positions generated a lively debate. In a recent interview with the monthly magazine of the Federation of the Alevi

67 Fieldnotes, June 1, 2004.
Communities in Germany, Cafer Kaplan, a young Alevi dede living in Germany, who is also a member of the Federation’s Dede Commission (in German Geistlichenrat, “council of the clergymen”), strongly supported the proposals of Hasan Kilavuz. He stressed in particular the need for dedes to be educated and demanded concrete steps leading to a modernization of dedelik: “If we among us dedes could develop a common system and a common voice, then we could set Alevism on a more solid basis. Therefore we dedes have to create a standard regarding the belief. Thus we could prevent the differences in between our people regarding the belief.”

The need for a standardization of Alevism is also felt in Turkey. Ali Yaman, himself a member of a dede lineage, explains that according to his observations “the idea of a need for standardization increasingly becomes popular among all the Alevi elites and the dedes.”

This standardization would mainly affect the form and content of the cem ceremonies.

It is nowadays common among the larger Alevi associations to have dede commissions as part of their organizational structure. The dede council of the Confederation of the Alevi Communities in Europe, the biggest European Alevi umbrella organization, has formulated a “sequence of cem,” thus trying to provide dedes with a blueprint for how to conduct a cem ceremony, the traditional forms of which are regionally slightly different. This dede council has also published a calendar of sacred days for Alevis, providing information for how to celebrate Alevi holidays.

Alevi associations entertaining cemevis will usually employ a dede for ritual and advisory services. Naturally they would look out for one whose religious and political outlook they would see corresponding to their own convictions. A separate, often beautifully decorated room for the dede in charge has become a standard feature of cemevis.

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71 Şahin, Anlevi Movement, p. 222.


of a certain size. The integration of dedes into the secular Alevi associations and the establishment of the dede council as a new Alevi institution exemplify the differentiation of authority in modern Alevism. It secures the dede’s active participation in the Alevi reformation process while at the same time limiting his authority to a newly defined religious sphere. The more or less systematic incorporation of the dede into Alevi organizations marks a shift in the power relations between dedes and non-dede Alevis, since it “meant that executive directors could not only hire and fire religious guides [dedes], but could also have a say in congregational ceremonies and religious matters.”

Erdemir gives the example of a hired dede who was fired after he urged women participating in the cem ceremony to cover their hair, a demand found unacceptable by his association.

Alevi internal discussions about modern Alevi education provide us with a further example for the confinement of the dedes’ authority. Dedes seem to have only limited influence on the development of curricula for Alevi instruction at elementary schools, which has been offered in some Berlin public schools since 2002. Since fall 2004, Alevism is also part of a new inter-religious, dialogue-oriented class called “Religious Education for All,” offered in the state schools of Hamburg. Headed by İsmail Kaplan, the Federation of the Alevi Communities in Germany is the driving force behind Alevi school instruction in Germany. It has formed an “education council,” separate from its dede council. The Alevis most engaged in the project of Alevi education, such as İsmail Kaplan, belong to the new elite of secular Alevi functionaries and intellectuals. This shows that the dedes are not seen as the main authority for Alevi instruction anymore. Nevertheless, they still have a role in symbolically accompanying and thus legitimating it. The provisional curriculum of the Federation of the Alevi Communities has, for example, prominent dedes in its advisory committee.
the current head of the çelebiyan from Hacı Bektaş, Derviş Tur dede, former chairman of the federation’s dede council, as well as Şükrü Ağçagıt dede, who was also among the staff of the Alevi Academy’s dede training program. The incorporation of Veliyettin Ulusoy is of particular importance since many Alevis regard him as the direct descendent of Hacı Bektaş Veli and many ocaks subscribe to him as highest Alevi authority. The symbolic connection to Ulusoy, as well as the fact that the Federation of the Alevi Communities in Germany has dedes from Turkey in their dede council, exemplifies the transnational character of the Alevi movement.

Conclusion: Changing Parameters of Authority

The transformations of Alevi identity in the 20th century can be summarized in terms of first secularization, then a turn to leftist ideologies, and finally a cultural and religious reorientation. These transformations had far-reaching consequences for the socio-religious structures of Alevism, especially for the position of the dedes. Traditional Alevism was based on the social and religious interactions in the rural village community. Drastic economic and social changes, however, led to a rural exodus, which destroyed traditional bonds of affiliation based on kinship and lineage. As a consequence, Alevism lost much of its pervasiveness as a system of social control. Simultaneously, a broader concept of Alevism that could provide a common identity transcending regional particularities emerged in urban environments. Alevis began to envision themselves through the wider lenses of “culture,” and—increasingly, since the Alevi revival in the late 1980s—“religion.” In this context, the dedes gained new respect and began to play an important role in re-connecting Alevism with its traditions, even if their newly assigned role was much less powerful than it had been in traditional Alevism. Only occasionally do they take up leadership positions in Alevi organizations, e.g., İzzettin

Aleviischen Religionsunterricht,” Köln: Föderation der Aleviten Gemeinden in Deutschland, 2001 [unpublished manuscript]. I am grateful to Ismail Kaplan from the Federation for providing me with a copy of the manuscript.


80 In a recent poll among 400 Alevis from the city and the countryside, 89.8% declared that they saw Alevism in cultural and religious terms. Yıldız, “Alevilerin yüzde 71’i.”
Doğan in the Cem Foundation, and Hasan Kilavuz, the chairman of the Federation of the Alevi Communities in Germany’s dede council. The only sphere which is still dominated by the dede is the field of Alevi ritual. Descent from an ocak lineage is still considered a necessary precondition for leading the ceremonies. But even here the Alevi associations curtail the authority of the dede, and the dede is mainly fulfilling symbolic functions and certain assigned duties within a more and more explicitly defined Alevism. However, the differentiation of authority within contemporary Alevism bears also the possibility for a newly increased importance of the dede, especially if the trend to religionize Alevism continues. Then, the dede as a form of an Alevi priest is likely to acquire additional functions such as extended ritual duties, but also as a spiritual counselor and community representative.

For the survival of Alevism as a religious tradition, the question of how to sustain the dedelik is crucial. How can dedelik be redefined in the context of a modern, mainly urban, Alevism? New formulations of dedelik, the office and functions of the dede, are thus among the most visible and most radical changes of modern Alevism.

As I tried to demonstrate, authority in Alevism is becoming secularized insofar as the traditional accumulation of powers and functions in the dede institution became differentiated. Whilst the dedes still maintain their authority in ritual contexts, they are not the leaders of the community anymore, which is now organized and represented by Alevi associations and foundations that are mostly headed by non-dede Alevis. Regarding matters of belief, the dede has to compete with secular sources of knowledge. This shift and differentiation of authority reflects the rationalization and secularization of Alevism. In this regard İzzettin Doğan is no exception. He is, however, extraordinary insofar as he fulfils both traditional and modern prerequisites for leadership, combining descent of a prominent dede lineage with secular knowledge, political influence, and organizational skills.

81 The most radical approaches to the reformulation of the dedelik question even the idea of charisma via descent. An example is the position of Riza Zelyut, an Alevi journalist and author of many popular books on Alevism. Instead of descent, he argues, virtues and merit of a person should decide on whether he could become a dede. While this is certainly a marginal opinion, it nevertheless reveals the range of positions possible in the Alevi discourse. Yıldız, “Alevilerin yüzde 71’i.”
The Alevi case shows that authority is not a static condition; rather, the process of ascribing and exerting authority has to be seen as part of a dynamic negotiation in a given discourse—discourse here understood as the institutional context that sets the rules for identity politics and controls the language through which it is communicated. Any authority claim will have to be newly negotiated if its evidence decreases in a changing context. New authorities have a chance to be established if they succeed in making their claims evident and manage to convey their legitimacy to those upon whom they want to exercise their authority. The concentration of authority in the institution of the dede made sense in pre-modern Alevism, when the well-being of the community depended on strict socio-religious borders erected against a hostile environment. The bonds between dede and talib lineages secured allegiances and provided social structure. This has changed in the modern, urban context. Erdemir reports of Alevis who, when asked about their ocak, responded with the names of Alevi organizations: “For them, the Alevi organization they attended was their lineage, and the dede working at that organization was their religious guide.”

This example illustrates how traditional intra-Alevi affiliations give way to less formalized bonds, which appear more suitable to an urban environment. Following the reconstruction of Alevi identities in accordance with criteria based less on kin and descent but on ethnicity, political outlook, religious convictions, and, last but not least, convenience, relations between Alevis, and also boundaries between Alevis and Sunnis have to be re-negotiated.

In order not to get ultimately absorbed by the Sunni majority, Alevis are forced to interact with state institutions, which are clearly inclined to Sunnism. Authority is most likely to be ascribed to those who are believed to best fulfil the requirements for such an endeavour—the judgment will obviously depend on the stance one takes towards state authority. However, legitimacy is achieved not only by means of ideological positioning, but also through the sheer benefits a particular authority secures for those who subscribe to it, as in the above-mentioned case of the Alevi migrants to Istanbul who joined

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the Cem Foundation after their dedes could not offer them any material or organizational prospects.

The differentiation of authority in modern Alevism leads to internal tensions. Traditionalist Alevis fear that changes in the institutions of Alevism betray the Alevi heritage and might in the end only accelerate its dissolution. Modernist Alevis see the opening of the Alevi tradition and its institutions, their reformulation, and the development of objective criteria for dedelik in addition to the requirement of descent as a must for its survival in the modern context. Both traditionalists and modernizers are aware of the severe challenges Alevism faces in its post-traditional period. The debate on dedelik reflects this awareness. It has to be seen as part of an objectification process which manifests itself in new organizational formations (e.g., the Alevi umbrella organizations) and institutions (e.g., the dede councils) as well as attempts to standardize beliefs and rituals. Alevism is increasingly scripturalizing, thus inevitably defining itself much more closely than pre-modern oral Alevism ever did. I regard the creation of the modern dede as part of a reformulation of Alevism as a religious tradition, in the process of which authority is differentiated. The modern dede seems to become a kind of Alevi priest, a religious specialist whose authority is defined by his knowledge and services in the field of ritual. In this “modern” arrangement the dede is assigned the role of the religious leader as expressed in the following quote by İzzettin Doğan: “[The dedes] are leaders of the faith. It is the institution of the dedelik that . . . guarantees the interpretation of the Koran in accordance with the conditions of the present age.”

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83 Objectification I understand with Dale F. Eickelman and James Piscatori as “the process by which basic questions come to the forefront in the consciousness of large numbers of believers: ‘What is my religion?’ ‘Why is it important to my life?’ and ‘How do my beliefs guide my conduct?’ ” Objectification describes the process by which “religion has become a self-contained system that its believers can describe, characterize and distinguish from other belief systems.” Dale F. Eickelman and James Piscatori, Muslim Politics, Princeton 1996, p. 38.

84 Aydin, İzzettin Doğan’ın Alevi İslam, p. 51.


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