



Did Islamic Law Cause Islamic Civilization to Decline?

İslâm Hukûku İslâm Medeniyeti'nin Gerilemesine
Sebep Oldu Mu?

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DID ISLAMIC LAW CAUSE ISLAMIC CIVILIZATION TO DECLINE?

ABSTRACT

The question of why Islamic ‘civilization’ declined, and the theories proposed to provide an answer to that question constitute a significant topic of discussion within the field of Islamic studies. This paper focuses on one of the theories advanced to deal with this important question, a theory which claims that ‘the all-embracing Islamic law was one of the primary causes behind Islamic civilization’s decline and its inability to revive.’ In an effort to scrutinize the integrity of this theory as it is presented by Saunders, the present work analyzes relevant literature. This paper finds that such a theory relies heavily on certain assumptions of 18th and 19th century Orientalists. Most importantly, it argues that such a theory is self-contradictory because if it was Islamic law that caused the decline of Islamic ‘civilization,’ it could have not allowed it to rise in the first place.

Keywords: *Islamic Law (Shari‘a), Islamic Civilization, Orientalism, And Islamophobia, Islamic Decadence, Secularism.*



İSLÂM HUKÛKU İSLÂM MEDENİYETİ’NİN GERİLEMESİNE SEBEP OLDU MU?

ÖZ:

İslâm medeniyeti neden gerilemiştir sorusu ve bu soruya cevap vermek üzere ortaya atılan teoriler, İslâmî çalışmalar alanında önemli bir tartışma alanı oluşturmuştur. Bu makale, bu meseleyi ele alan bir teoriyi incelemeye tabi tutmaktadır. Bu teoriye göre yaşamın her yanını kuşatan İslâm hukuku, İslâm Medeniyeti’nin gerilemesinin ve bir daha dirilişe geçememesinin başlıca sebeplerinden biri olarak görülmektedir. Saunders tarafından sunulan bu hipotezin doğruluğunu ölçmek üzere, bu makale ilgili literatürü analiz etmektedir ve bu iddianın, 18.-19. y.y.’larda yaşamış oryantalistlerin birçok eleştiri almış olan ön kabullerine dayandığını tespit etmektedir. İlâveten, ve daha da önemlisi, bu teorinin kendi içinde çelişik olduğunu ortaya koymaktadır. Çünkü eğer İslâm hukûku, İslâm medeniyetinin gerilemesinin ve tekrar ayağa kalkamamasının sebebi olsaydı, onun ilk defa yükselişe geçmesine de izin vermezdi.

Anahtar Kelimeler: *İslâm Hukûku, İslâm Medeniyeti, Oryantalizm, İslamofobi, İslâm’ın gerilemesi, Sekülerizm.*

INTRODUCTION

The works produced within the field of Islamic studies in the West have received strong criticism for been conducted in an isolated way from other fields of studies. In his review of the well-known and influential reference work “*The Cambridge History of Islam*,” Owen argues that scholars of this field in the West have made arguments in accordance with their peculiar, and often time concealed, guidelines different than those adopted in the works produced in other fields and unknown to the historians outside of Islamic studies. Such hidden rules which scholars of Islamic studies in the West adopted constitutes nothing but mere assumptions, and they are not based on evidence in any way.^[1]

Among the primary assumptions which 19th and 20th century orientalists^[2] relied on without justification were the idea that the basic unit of analysis of societies of the Middle East is ‘civilization’ that is defined in terms of a religious essence, and in the case of Middle Eastern societies, ‘Islamic.’ Similarly, the primary concern of the historians of Middle East remains to track the rise and fall of these units of analysis and compare them with each other, almost always to the disadvantage of the “Islamic” societies.^[3]

One of the assumptions which scholars like Gibb and Bowen, who were actually following earlier orientalists, relied on without sound evidence was the idea that the Muslim societies were in decline.^[4]

Although the field of Islamic Studies in the West has gone through different phases,^[5] and the quality of the works produced in the discipline has changed enor-

[1] Roger Owen, “Studying Islamic History,” Review of *The Cambridge History of Islam* by Peter M. Holt, A. K. S. Lambton, and Bernard Lewis in *The Journal of Interdisciplinary History* 4, no. 2 (1973): 287–98. <https://doi.org/10.2307/202268>, 287.

[2] See J.D.J. Waardenburg, ‘Mustashrikūn’ in Encyclopaedia of Islam, Second Edition, ed. P. Bearman, Th. Bianquis, C.E. Bosworth, E. van Donzel, W.P. Heinrichs, P.J. Bearman (Volumes X, XI, XII), Th. Bianquis (Volumes X, XI, XII), et al. Accessed September 14, 2022. doi: http://dx.doi.org/10.1163/1573-3912_islam_COM_0818.

[3] Roger Owen, “The Middle East in the Eighteenth Century --An ‘Islamic’ Society in Decline? A Critique of Gibb and Bowen’s Islamic Society and the West” in *Bulletin (British Society for Middle Eastern Studies)* 3, no. 2 (1976): 110–17. <http://www.jstor.org/stable/194585>, 110–111.

[4] Ibid, 113.

[5] See Zachary Lockman, *Contending Visions of the Middle East: The History and Politics of Orientalism Second Edition* (New York: Cambridge University Press, 2010), 216–278. See also Maxime Rodinson, *Europe and the Mystique of Islam*, trs. Roger Veinus (Seattle: University of Washington Press, 1987), 83–129; Yahya Sadowski, “The New Orientalism and the Democracy Debate” in *Middle East Report*, no. 183 (1993): 14–40. <https://doi.org/10.2307/3012572>; Fred Halliday, “‘Orientalism’ and Its Critics” in *British Journal of Middle Eastern Studies* 20, no. 2 (1993): 145–63. <http://www.jstor.org/stable/195877>; Aziz Al-Azmeh, *Islams and Modernities* (London and New York: Verso, 1993), and Tariq Ali, *The Clash of Fundamentalisms: Crusades, Jihads and Modernity* (London: Verso, 2002).

mously,^[6] there are still some works that are left unchallenged and thus seem to continue to exercise a significant influence over contemporary scholarship.

One of these works is the paper entitled “*The Problem of Islamic Decadence*” by J. J. Saunders, which relies on the assumption that Muslim societies were in decline after around 1200, and he proposes a theory to explain why.^[7]

The strengths of this work, however, are greatly offset by a number of assumptions underlying his work. The relevance of these assumptions lies in the fact that they are still being reiterated in more recent works that touch upon the subject.^[8]

These works constitute reiterations of the 19th and 20th century orientalist scholars’ assumptions. For instance, Kuran argues that Islamic law even with its rules on pilgrimage caused Islamic civilization’s economic decline.^[9] Kuran’s work has received many criticisms for its bias towards the data.^[10] Thus, his work will not be subject to further analysis in the present work.

It is noteworthy, however, to mention that Ebrahim and Sheikh are among scholars who criticize Kuran’s main argument that Islamic law is the cause of economic decline in Muslim societies. In fact, they “absolve Islam from holding back the progress of Muslim societies”^[11]

[6] In this regard, for an analysis of the state of the development of scholarly works on the study of one of the areas of research within Islamic Studies, namely the study of autobiographical writing in the Arabic literary tradition, see Ahmet Topal, *The Autobiography of Taşköprülüzâde: The Study of Pre-modern Autobiographical Writing in the Arabic Literary Tradition*, (Istanbul: Gümüşev Yayıncılık, 2021), “Arap Edebiyatı Otobiyografi Yazın Geleneği: Taşköprülüzâde Örneği,” in *Universal Journal of Theology 6 / 1 (Haziran 2021)*: 183-205.

[7] John Joseph Saunders, “The Problem of Islamic Decadence,” in *Journal of World History 7 (1963)*:701-720, pp. 702-703.

[8] See, for instance, Timur Kuran, *The Long Divergence: How Islamic Law Held Back the Middle East* (Princeton University Press: New Jersey, 2011) and “Why the Middle East Is Economically Underdeveloped: Historical Mechanisms of Institutional Stagnation” in *The Journal of Economic Perspectives 18*, no. 3 (2004): 71–90. <http://www.jstor.org/stable/3216807>. Also see Ahmed El Shamsy and Noel James Coulson, “sharia” in *Encyclopedia Britannica*, August 25, 2022, <https://www.britannica.com/topic/Shariah>.

[9] Timur Kuran, *The Long Divergence: How Islamic Law Held Back the Middle East*, 7.

[10] See, for example, Abdul Azim Islahi, review of “*The long divergence: how Islamic law held back the Middle East by Timur Kuran*” *Journal of King Abdulaziz University - Islamic Economics*, Vol. 25, No. 2 (2012): pp. 253-261).

[11] Muhammed Shahid Ebrahim and Mustapha Sheikh, “The Political Economy and Underdevelopment of the Muslim World: A Juridico-Philosophical Perspective,” in *Bangor Business School Working Paper No. BBSWP/12/011* (October 1, 2012), 21. <https://ssrn.com/abstract=2171175> or <http://dx.doi.org/10.2139/ssrn.2171175>.

Still, Ebrahim and Sheikh put the blame for the underdevelopment of Muslim societies' economies on its misapplications by classical jurists and later scholars who follow their lead in deriving law from the sources of Islamic law.^[12]

As a matter of fact, Ebrahim and Sheikh argue that the ratiocination of the jurists like Shāfi'ī revolved around *'illa* (*ratio legis*) of an existing legal ruling as opposed to its *hikma* (economic rationale) or *maqāṣid al-sharī'a* (the objectives of *Sharī'a*), and this led to what they consider, though without much justification, errors.^[13]

It also claims that the establishment of a methodology by each school of law that guides the process of law-making in each one of these schools circumscribed the unfettered use of *ijtihād* (legal reasoning) and made it almost practically impossible to develop new theoretical frameworks that provide rules and regulations of legal reasoning.^[14]

I believe that this is a natural consequence of following the principles of a founding father of a given discipline or field of research. It is rarely the case where a genius comes out and provides his/her own theoretical frameworks that are not in line with the previous authorities' frameworks.

In the case of Islamic law, only a few came up with their own schools of law and only four of them within the Sunni creed found appreciation among the majority of scholars and survived. Shāfi'ī was one of them who studied as the pupil of the pupil of Abū Ḥanīfa and Imām Mālik yet found his own school of law.^[15]

Moreover, laying the foundation of a field of research does not by itself constitutes a cause for the decline of research in that field but rather a contribution to it, not only in the case of Islamic law but in other fields of research as well.^[16]

Furthermore, if it was the misapplication of Islamic law as it was practiced by classical jurists such as Abū Ḥanīfa and Muḥammad Idrīs al-Shāfi'ī that caused the underdevelopment seen in the economies of contemporary Muslim societies,

[12] Ibid, 8-9.

[13] Ibid, 9. For a discussion of the role of *'illa* (*ratio legis*) in law-making in Islamic law, see Bünyamin Korucu, "Fıkıhta İnsan Davranışının Ölçülmesi" *Universal Journal of Theology* 5 / 2 (Aralık 2020): 43-76, pp. 63.

[14] Ebrahim and Sheikh, "The Political Economy and Underdevelopment of the Muslim World," 8.

[15] BİLAL AYBAKAN, «ŞĀFĪĪ», TDV İslâm Ansiklopedisi, <https://islamansiklopedisi.org.tr/safii> (10.11.2022).

[16] To illustrate, it would be absurd to criticize al-Khawarizmī for his contributions to algebra and consider them as obstacles preventing free research within the field of mathematics (see below). For an analysis of the development of schools of law in this regard, see Bünyamin Korucu, "Amaç, Yapı ve İşleyiş Yönünden Fıkıh Mezhebi" (PhD Diss., Marmara University, 2022), 170-185, 187-195. <https://tez.yok.gov.tr/UlusalTezMerkezi/tezSorguSonucYeni.jsp>.

as Ebrahim and Sheikh seem to claim,^[17] it could have not allowed the growth of Muslim economies in the first place either.

Thus, there is a need to provide a critical analysis of the idea that Islamic law was the cause of the decline of Islamic civilization. Hence, I believe that the present work will fill an important gap in the scholarship by examining Saunders' paper.

The present work examines Saunders' paper as a case study with an eye to assessing the integrity of this theory. Drawing on the previous scholarship which provides insights into some of the assumptions that Saunders bases his main thesis on, this paper provides a critical analysis of Saunders' arguments.

The next section (Section 1) examines Saunders' arguments, providing a critical analysis of the claim that Islamic law is the cause of the decline of Islamic civilization and its inability to revive. Here, I discuss three major presuppositions, which this claim relies on and present their origins while discussing problems associated with each one of them. Based on the previous section, the next section (Section 2) examines Saunders' approach towards the data he relies on in an effort to support his main thesis. In Section 3, I finally pinpoint the primary inconsistency in Saunders' theory, which collapses his theory altogether from the beginning. Thus, by demonstrating that his line of thought in his paper is in fact self-contradictory, the present work rebuts Saunders' main thesis that 'Islamic civilization declined because of the all-encompassing Islamic law and the lack of a secular component in it that could have otherwise broken the shackles of Islamic law and revive.'^[18]

1. A CRITICAL ANALYSIS OF SAUNDERS' ASSUMPTIONS

The Problem of Islamic Decadence by Saunders examines what he considers the decadence of the Islamic civilization. Saunders argues that the Islamic Civilization declined primarily due to both economic and theological reasons. In that regard, his work may aptly be described as a supplement to the work of Ernest Renan, who espoused a racialist theory which was given a prominent place in Gustave Le Bon's *La Civilisation des Arabes*.^[19]

Saunders attempts to answer most specifically the question of why Islamic civilization did not revive just as the Christian civilization did after its decline. Saunders argues that the answer to the question of why Islamic civilization declined should be sought after in the fact that unlike Christianity, Islam did not have a se-

[17] Ebrahim and Sheikh, "The Political Economy and Underdevelopment of the Muslim World," 7.

[18] Saunders, "The Problem of Islamic Decadence," 709.

[19] Ernest Renan, "L'Islamisme et la Science" (Paper presented at the Paper presented at Conference University of Sorbonne, Paris, 29 March 1883), 19.

cular component in it. And this did not allow it to break the shackles of dominant orthodoxy and all-encompassing *Shari'a*.^[20]

The claim that Islamic law is the cause of the backwardness of Islamic civilization, a civilization which once, as Saunders himself admits, boasted a great superiority in almost all aspects of life,^[21] continue to be reiterated even in contemporary discussions in the academia and on the media.^[22] Therefore, I suppose that this is a very needed discussion.

1.1. An Overview of Saunders' Arguments

In an effort to answer the question of why Islamic civilization declined, Saunders provides a historical background for his argument. Upon outlining what he considers the background for the topic, Saunders touches upon his consideration of the cultural relationships between the Western and Islamic civilizations. He argues that these relationships fall under three historical periods.

The first phase falls between the 9th-13th centuries, when Islamic civilization was flourishing and in a superior position in comparison to the Western civilization. The second phase falls between 13th-17th centuries, in which Islamic civilization was producing less in comparison to Western civilization. The last phase is from 17th-up to his time, when Islamic civilization was dominated by Western civilization in almost all spheres of life.^[23]

Saunders argues that any effort to understand the reason(s) behind the decadence of Islamic civilization in the last of these three phases of the cultural relationship between Islamic and Western civilizations needs to start from an analysis of the first two of these phases, namely the birth and maturity of Islamic civilization.^[24]

In an effort to situate his theory within the theories advanced before him, Saunders goes on to say that he only partly agrees with the existing theories that attempt to explore the cause(s) of the decadence of Islam. Thus, he goes on to mention several types of theories advanced by previous scholars, covering such theories as political, economic, theological as well as racialist advanced by the likes of Montes-

[20] Saunders, "The Problem of Islamic Decadence," 709.

[21] Ibid, 702.

[22] See, for instance, Kuran, *The Long Divergence*.

[23] Saunders, "The Problem of Islamic Decadence," 702.

[24] Ibid, 706.

quieu, Gibbon, and Herder, Gabineau and Gustav Le Bon, as well as Ernest Renan,^[25] which all attempt to answer the question of why Islamic civilization declined.

In order to examine the issue of decline in a civilization, he considers the accumulation of 'positive knowledge' as the standard of measurement of decline in a society. Based on this measurement, he says, for instance, that Byzantium and Hellenic civilizations were static and in decline respectively.^[26]

Next, based on the same measurement, Saunders goes on to an analysis of Islamic Civilization, seen in three phases. His analysis of the matter is comparative in nature. As such, while analyzing Islamic civilization in three phases, he makes comparisons between Islamic Civilization and Western civilization.

In this regard, he discusses the last phase where he considers the Islamic civilization was declining. In an effort to make the point that the Islamic civilization was declining, he goes on to mention several examples. Among these is his assertion that Ibn Khaldūn, the founding father of the science of what we style today as 'sociology,' could not find any pupil who would posthumously complete his *Muqaddima*.

Moreover, Saunders goes on to note that Islamic philosophy was already dead by 1200, which he considers was partly because *Tahāfut al-Falāsifa* [Inconsistencies of Philosophers]. In this regard, he seems to consider al-Ghazālī the Thomas Aquinas of the Islamic civilization.^[27]

Among many other partial factors for the decline of Islamic civilization he discusses the Mongol invasions of the lands which were under Muslim rule in 10th century, which shattered the Islamic unity and imposed great economic damage to the society.^[28] Saunders considers this political and economic destruction as a cause for Muslims to turn to Islam.

The relevance of this to the so-called decline of Islamic civilization is that according to Saunders, people's turning to religion necessarily brings with it an adverse impact on the development of science. This is, Saunders goes on to say, primarily due to the loss of interest among people, be it Muslim or Christian, in nature as their focus is upon God.^[29]

[25] Ibid, 704.

[26] Ibid, 705.

[27] Ibid, 709.

[28] Ibid, 711.

[29] Ibid, 718.

Upon arguing that the cause of scientific development is hindered by people's interest in religion and God, Saunders then proceeds to his discussion of the reason why Islamic civilization could not recover from the decadence which it found itself in just as the Western civilization did.'

In a comparative way, therefore, he analyzes similar catastrophes which both Islamic and Western civilizations went through, covering the Hun invasion in the 4th century and the irruption of Magyars in the 9th century as well as what he considers barbarian invasions of Muslim lands in the Middle East and Spain.^[30]

Saunders then goes on to offer his answer to the question of why Islamic civilization, unlike the Western civilization, could not revive after the catastrophes which inflicted upon it. Here he discusses how Christianity inherited, what he considers, the great culture of Greek, which was a pagan culture and thus secular in nature.

He argues that it was this secular component which Christian civilization inherited from Greek pagan culture that allowed it to revive. On the other hand, Islam, Saunders argues, was a religion that was born far from the civilized world into a desert. In other words, Saunders argues, there was no existing civilization that could provide a secular component that equipped Western civilization with necessary tools to fight the dominancy of the religion.^[31]

In short, according to Saunders, in the face of political and economic depressions, Muslims found no way other than turning to Islam, and this caused them to believe that because they had God, they would no longer be in need of anything else.^[32]

Thus, due to the lack of a secular stream within Islamic civilization, Saunders further argues, Muslims were unable to break the shackles of all-embracing Islamic law and revive, and this was, he considers, destructive for the intellectual activity that was once present in what he describes as the maturity phase of Islamic Civilization.^[33]

[30] Ibid, 711.

[31] Ibid, 719-720.

[32] Ibid, 720.

[33] Ibid, 719-720.

1.2. The Assumptions of the Idea That ‘Islamic Civilization Declined Due to Shari‘a’

This section provides with a critical analysis of the claim that Islamic civilization declined due to the all-embracing Islamic law by showing some of the major assumptions which it relies on as well as problems associated with these assumptions.

Before moving into an analysis of some of the major assumptions which Saunders bases his theory on, it is worth mentioning, however, what I consider to be the core problem that seems to have led Western scholars to rely on these assumptions, which I will explore below.

When examining Islamic civilization, it may become easier for the Western audience to understand Islamic civilization if the author compares it with Western civilization with which they are expected to be more familiar, which is something understandable.

However, if the author attempts to consciously or unconsciously fit Islamic societies into the concepts and models they draw from other societies, and in this case, from the Western societies, this may lead to a superficial and in most, if not all, cases, an incorrect analysis, which is a phenomenon that occurs over and over again in the scholarly works produced within Islamic studies.^[34] And this is something that we also find to be the case here in Saunders’ paper who attempted to apply a theory to Islamic societies but failed to do so for a number of reasons which I will go over below.

To begin with, this tendency to conduct research on Muslim societies by drawing comparisons between Islamic and Western ‘civilizations’ was a characteristic of traditional orientalists, as it constitutes an appropriate way to use historical studies as an apparatus for the justification of colonialism.^[35] Without first understanding how the field of Islamic studies has developed from its nineteenth-century roots with such intentions behind, it is almost impossible to understand assumptions which steer Islamic historians in the way they conducted their rese-

[34] In the case of linguistic analysis of the linguistic aspects of the science of Islamic jurisprudence, some of the contemporary scholarship attempt, consciously or unconsciously, to impose a theory of language or law, to which a different kind of linguistic or legal material gave rise to, upon a linguistic or legal material found in the manuals of Islamic jurisprudence. Ali, for instance, attempts to use Grecian theory of language as the framework within which to understand the linguistic categories of Islamic jurisprudence (for more on this, see Muhammed M. Yunis Ali, *Medieval Islamic Pragmatics: Sunni Legal Theorists’ Models of Textual Communication* (London and New York: Routledge, 2009), 10. For an analysis of the approach Ali adopts, see Ahmet Topal, “The Role of the Arabic Language in *istinbāt al-ḥukm* within the Context of Criminal law: A General Framework for Inquiry into the Linguistic Categories of *uṣūl al-fiqh* of the Ḥanafī school of law” (PhD dissertation, Leeds University, 2020), 64-72.

[35] See below.

arch. I will now turn to an analysis of some of these assumptions, which Saunders relies on without justification to support his main thesis that Islamic law held Islamic civilization back.

1.2.1. Assumption 1: “The Basic Unit of Analysis in Historical Studies is Civilization.”

One of the assumptions that 19th and 20th century orientalists widely relied on was that the Islamic phase within human history should be taken as a period within human development, a period (or civilization) that had to be scrutinized in terms of its Islamic element.^[36] When applied to historical studies and especially Islamic historical studies, this assumption led to two problematic tendencies in the way Muslim societies were studied in the West: the study of Muslim societies was conducted in a comparative way with Western societies, often to the disadvantage of the latter, and it overlooked the differences between Muslim societies or groups that fall under the broad terms of ‘civilization’ or ‘period’. I will next explore the issues with these two tendencies, thus showing where Saunders’ arguments come from.

1.2.1.1. The Colonial Aspect of the Term ‘Civilization’

Holding the assumption that ‘civilization’ or ‘period’ is the most basic unit of historical inquiry, Islamic historians in the West focused their attention on exploring the quiddity and the nature of this period (or civilization), i.e. Islamic civilization or period, which sets it apart from other civilizations or periods within the human history. Such an inquiry, which was thus comparative in nature, led Islamic historians to examine Islamic civilization with the tendency to compare it with European civilization, often with the disadvantage of the former.^[37]

To this end, the leading German orientalists of the 19th century preoccupied themselves with such comparisons. Among them was Becker, who was one of those scholars whose primary concern was to study the relationship between Islam and Hellenism, argued that Islamic civilization was the continuation of post-classical antiquity, though one that was lacking the concept of “free citizen,” which the success of the European civilization was depended upon.^[38]

[36] For further details, see Roger Owen, “Studying Islamic History,” Review of *The Cambridge History of Islam* by Peter M. Holt, A. K. S. Lambton, and Bernard Lewis in *The Journal of Interdisciplinary History* 4, no. 2 (1973): 287–98. <https://doi.org/10.2307/202268>, 292-293

[37] Roger Owen, “Studying Islamic History,” 293.

[38] Ibid.

Comparisons of this nature were thus so designed to put Muslim societies at an inferior level than European societies. The purpose behind this was to justify European imperialism which was harshly exercised over the Muslim societies in the 19th century.^[39] “More generally, any work which compared Islamic and other civilizations to the former’s disadvantage neatly provided justifications for European tutelage exercised over the Muslim countries of the Near and Far East.”^[40]

Thus the use of ‘civilization’ or ‘period’ in the West as the most basic element of historical inquiry into Muslim societies seems to be part of a colonial project. Since Saunders assumes that the fundamental unit of analysis in historical studies on Muslim societies is ‘civilization,’^[41] the motivation behind his analysis of the matter in hand seems to be part of this colonial project and not one that is stimulated by scholarly curiosity or something of this nature, thus lacking, right from the beginning, the objectivity that is expected from every reasonable scholar.

1.2.1.2. Inappropriateness, and Unscientific Roots, of the Use of ‘Civilization’

Apart from being an apparatus that was made use of by colonialism as such, considering ‘civilization’ or ‘period’ as the most basic study unit of historical studies calls for further analysis due to its significance in the way Islamic studies were conducted in the West.

The idea of using ‘civilization’ or ‘period’ as the basic unit of analysis within historical studies has its roots in the writings of scholars like Hegel, and it had a great impact on the way orientalist viewed Islam. Hence, it is relevant to the matter in hand. Therefore, I would like to present it here, rather briefly, in the following paragraphs.

As a matter of fact, Hegel and Kant with their theories have led to a new way of looking at the Bible among Christians, whereby, they considered, the source of Bible could no longer be regarded as God. On the contrary, they argued, the Bible was nothing more than the production of human intellect. Being a human product, it followed, it was entirely appropriate to study the Bible just like any other book. This, of course, meant that the Bible, just as any other book, should well reflect its author(s)’ circumstances and conditions in life.

Following, it was thus possible for anyone to scrutinize and criticize the Bible just as they do other books. When adopted, such an approach would then lead a

[39] Ibid.

[40] Ibid, 294.

[41] See, for instance, Saunders, “The Problem of Islamic Decadence,” 702, 704-705.

critical scholar to focus his attention upon pinpointing the relationships between the author(s)' thoughts and their environments, the social life which they were in, what was taking place around them at the time or before they wrote the Bible, and the literary works of the same or similar nature written in other periods, and most importantly what they consider to be the spirit of the period. Looking the Bible that way, people viewed Jesus in an altered way, and they began to look for historical Jesus that is beyond the hero that was depicted in the narratives found in the stories in the Bible.^[42]

This novel understanding of the Christian religion played a key role in the way orientalist viewed Islam. Because Christianity was considered to be a corrupt religion, combining elements of divine as well as human origin, their scrutiny of the religion of Christianity was centered around attempts to assess the degree to which the text of the Bible was divine.^[43]

According to this understanding, which seems to be affected by the secular movement of the milieu, the doctrines of the religions were divine, but the laws were not. Scholars like Becker would say that they find it useful to study Islam rather than Christianity. This is primarily because they were bound to it with thousand ties and thus would be less objective towards it. As such, they noted that Islam, which has a book, a prophet, and a long tradition, stands out as a good example for a study of faith which aims at understanding the nature of religions and how they develop through time.^[44]

This, in fact, sheds light on the origin and the direction of much of the scholarship of the 19th century in the West.^[45] To illustrate, like many Hungarian Jews, Ignaz Goldziher was a Neologian, but espoused the main thesis of the German-Jewish reformism that religious systems included both divine and human elements in them.^[46] He seems to be under the influence of Sprenger and Nöldeke, who applied the methods of critical history to Islam. Another influence on him in arriving to this type of understanding of religious systems seems to be the science of mythology developed by people like Max Müller, the aim of which was to attempt to explain myths as the product of a collective spirit of a people or an age, at the core of which lies an attempt to distinguish religion from myth.^[47]

[42] Albert Hourani, "Islam and the Philosophers of History" in *Middle Eastern Studies* 3, no. 3 (1967): 206-68. <http://www.jstor.org/stable/4282205>, 235-238.

[43] *Ibid*, 239-240.

[44] *Ibid*, 238-239.

[45] *Ibid*, 239.

[46] *Ibid*, 240-241.

[47] *Ibid*, 241.

Going beyond Goldziher, this attitude towards religions including Islam, whose primary purpose was to disentangle the human element from the divine element, has continued to be an important driving force in Islamic studies.^[48]

This equal view of all religious systems as products of a combination of divine and human origin seems to have led, by extension, to another line of thought. If some of the Bible, one can assert with assurance, is not from God, then the rest might not be from Him either. In fact, according to this way of thinking, all religions were considered to be the product of human mind, whether individual or collective, which was an idea that was implicitly found in one of the predominant ideas of the 19th century where all that exists is nothing more than part of a continuous self-maintaining and self-creating 'process' or 'development',^[49] which excludes God from the equation in interpreting whatever occurs in human history.

When this concept was applied to historical analysis, the fundamental unit of analysis was 'period' or 'civilization.' Everything that took place in a 'civilization' or 'period' as well as all organizations within were segments of a whole, each segment being an expression of what they considered the 'force' of a given 'period' or a 'civilization.' Some of those scholars who adopted such an approach considered this force to be religion while others considered this force to be 'spirit.' And yet others defined it as race, or class.^[50]

Having adopted such a line of thought, the question that these scholars focused their attention on was no longer whether or not Islam was true. Rather, they attempted to find out the nature and characteristics of Islamic 'civilization' or 'period' that distinguished it from other 'civilizations' or 'periods.' Similarly, they made efforts to find out in what way it uniquely contributed to the process of human experience.^[51]

Taking 'civilization' or 'period' as the fundamental unit of analysis in historical studies, an approach whose historical roots I have thus presented in the previous paragraphs, has received many criticisms from contemporary historians simply because the term 'civilization' or 'period,' to them, does not have a unifying force in any shape or form, be it religious or racial etc., that could justifiably make it feasible to consider everything that takes place within it part of that unity.

On the contrary, they argue, 'civilization' or 'period' is too large of a unit of analysis for historical studies. To illustrate, when applied to the case of Muslim

[48] Ibid, 242.

[49] Ibid, 244.

[50] Ibid.

[51] Ibid, 244-245.

societies, the term obscures the differences between the different societies that it attempts to include under the broad term ‘Islamic civilization’ as a whole, which in turn leads to conclusions that contradict to the data. They argue that narrower terms should be used as the basic unit of historical study.^[52]

In the light of the ongoing discussion, it is noteworthy to highlight the fact that Saunders presupposes in his paper without justification that all that happened within the Islamic societies resulted from the religious essence of the ‘civilization’, that is, ‘Islam.’^[53] However, the fact that people profess belief in the religion of Islam does not necessarily mean, the logic dictates, that their society act primarily on the principles of the religion all the time.

1.2.2. Assumption 2: “Islamic Civilization Was Feudal.”

Another assumption that underlies Saunders’ theory is the idea that ‘Islamic civilization’ was feudal.^[54] Like the previous one, this has also received criticism. In fact, this and the previous assumption, namely that Islamic civilization was a religious and feudal civilization, seems to be rooted in the writings of Max Weber, who studied Muslim societies in comparison to others and, as was usual among orientalist of this age, to the disadvantage of the former. In fact, he compared what he considers ‘Islamic civilization’ to ‘modern European civilization’ and criticized the former for being religious and feudal.^[55] Saunders just repeats these ideas in his paper without justification.^[56]

This reflects an idea that puts all religions under the same basket in an effort to distance West from its past,^[57] and is rooted in the thinking of Hegel, a topic which I will now turn to.

As a matter of fact, Hegel had a strong influence on the way the historians of the 19th century thought of human history. Four main phases in human history can be identifiable according to Hegel, namely oriental, Greek, Roman, and the German. The role which Hegel considered Islam played was only secondary, and once it helped pave the way for the last phase, namely the German phase, its mission was over. Some of the followers of Hegel’s idea chose to focus on positive values of each phase in their historical analysis while others of his camp on negative values

[52] Ibid.

[53] Saunders, “The Problem of Islamic Decadence,” 704.

[54] Ibid, 715.

[55] Owen, “Studying Islamic History,” 293.

[56] See, for instance, Saunders, “The Problem of Islamic Decadence,” 704.

[57] See Kathleen Davis, *Periodization and Sovereignty: How Ideas of Feudalism and Secularization Govern the Politics of Time*, The Middle Ages Series, ed. Ruth Mazo Karras and Edward Peters (Philadelphia: University of Pennsylvania Press: 2008), 132-133.

thereof. The scholars of the former camp regarded Islam and Christianity as stages in the development of humanity that were necessary to be completed in order for humanity to reach to its maturity, i.e. to the German phase.^[58]

One of those from among the first camp was Auguste Comte, and according to this way of thinking of phase, both Christianity and Islam fitted in the same period, namely the medieval. This was because both Christianity and Islam possessed monotheism as well as feudalism.^[59] Hence comes Saunders' consideration of Islamic civilization as religious and feudal.

1.2.3. Assumption 3: "Islam Prevents Scientific Development."

Such a positivist approach to religion in general and to Islam in particular was one of the attitudes that had an influence on the way Islamic studies were conducted in the West, and we can see the traces of this approach in Saunders' paper as well. In fact, Saunders begins his paper by quoting Sarton where he notes the following: "... the progress of scientific knowledge in the Western world was long hindered by the domination of a system of theology which we commonly style scholasticism and which is found, not only in Christianity, but in Judaism, Islam and even Buddhism. Scholasticism prevails as long as men are convinced that to seek God is more important than to understand Nature: its "cure" is experimental science. But only the European nations found this remedy: the Eastern, particularly the Islamic nations, did not."^[60]

Von Kraemer and Sprenger are two scholars who brought such positivist ideas into Islamic Studies first. These scholars attempted to explain the rise of Muslim nations with material dynamics in the past. To this end, positivists made efforts to make sense of the conversion of people into Islam in great numbers by human factors. For instance, C. H. Becker argued that the conversion of Christians and others who fell under the rule of Muslims into the religion of Islam must essentially be explained with a desire on the part of the converts to accumulate wealth and gain status. In other words, Becker claims that these people's conversion into the religion of Islam was not due to the fact that they enjoyed the religion over the ones they previously had. Rather it was because they desired to take part within administration and escape from paying taxes.^[61]

This mode of consideration of the religion of Islam transformed into a worse form when adopted by some writers who were in favor of racialist theories such

[58] Hourani, "Islam and the Philosophers of History," 246-247.

[59] Ibid, 247.

[60] Saunders, "The Problem of Islamic Decadence," 701.

[61] Hourani, "Islam and the Philosophers of History," 249.

as Ernest Renan. According to Renan the scientific achievements which Muslims made in the past should never be attributed to them or the religion of Islam.

As a matter of fact, having considered Islam as a religion that prevented the use of reason and thus an obstacle for the growth of scientific knowledge, Renan argues that the scientists who made great achievements in what is sometimes referred to as ‘the golden age of Islam’ were not Muslims in reality.^[62]

Such assertions as this are found in Saunders’ paper, where he notes, “Islam was liberal only when it was weak, but by 1200 it had defeated the external attacks of the Crusaders, and the internal threats of Ismā‘īlian heresy, it was strong enough to kill science and philosophy.”^[63]

2. AN ANALYSIS OF SAUNDERS’ APPROACH TOWARDS THE DATA

The majority of the works produced in the field of Islamic History rely on the idea that Muslim societies were in “decline” after around 1200 up to the modern times and that they had been under the influence of European societies since 1800s.^[64] As is illustrated above, this is not a view of Islam that is based on evidence. Rather, it relies heavily on certain assumptions which have been shown to be problematic in many respects. At the core of the issue seems to lie the fact that these scholars approach to Islam in a way that imposes the theories and convictions driven from the Western experience of religion.

Thus, they seem to impose the findings of their studies of the religion, which are primarily based on their analysis of Christianity, upon a somewhat foreign religion to them, namely Islam, without justification. In this regard, as they attempted disassociate the modern Europe from its past, namely Christianity, they considered secularism as the “cure” to the so called “decline” of Western ‘civilization’ that marked what they regarded the “Dark Ages” of the European History.^[65] Being a religion, according to them, Islam was in “decline,” too.

Having already considered Islam on the outset as just another form of what the modern Western culture had depicted by then as the boogie man in the room with its religiosity and feudalism, namely Christianity which does not really belong to

[62] Ibid, 250.

[63] Saunders, “The Problem of Islamic Decadence,” 704.

[64] Owen, “Studying Islamic History,” 295.

[65] Saunders, “The Problem of Islamic Decadence,” 702.

the age of the so-called “reason,”^[66] people like Saunders seem to have made much ingenuity when studying Islam.

There are many points in Saunders’ paper that illustrates his bias even towards the data that he chooses to mention in his paper about Islam and Muslim societies. All of these come down to an attempt to disassociate especially any scientific achievements from the religion of Islam, which is a religion that, he firmly believes, sits ill with scientific development.

To illustrate, Saunders addresses several characteristics of Muslim societies which debunks his imposition of the theory that any religion hinders scientific development upon Islam. He mentions one of the sayings attributed to the Prophet Muhammad where he is reported to have encouraged seeking knowledge even as far as China, which clearly undermines his theory that Islam as a religion is an obstacle to the scientific development.

To do away with such a negative affect that such sayings will obviously have on his theory of Islam as a source of backwardness and decadence with its all-embracing Islamic law, he argues, with no justification, that scholars of theology and law never venerated it [i.e. the aforementioned saying of the Prophet] fully.^[67]

He touches on the fact that Islam does not have a papacy. And yet, he puts ‘*ulamā*’ (scholars) into the position of a papacy and claims that they functioned as a collective papacy, again without any justification.^[68]

Moreover, Saunders also addresses another issue which undermines the image he portrays of Islam as a religion, namely the issue of great achievements which Muslims made in the past.^[69]

Saunders argues that these achievements were largely limited to the field of medicine.^[70] Yet, to name but one, al-Khawārizmī was a Muslim mathematician, who founded a system that facilitated some of the scientific developments of our age. al-Khawārizmī’s numbers and his novel calculation methods actually provided the key to many scientific achievements of our age such as the construction

[66] Hourani, “Islam and the Philosophers of History,” 247.

[67] Ibid, 708.

[68] Ibid, 718. There appears to be no parallel to Inquisition in Medieval Muslim societies which inflicted upon scientists for holding certain beliefs regarding the Nature as opposed to what the likes of Galileo were experiencing in the Medieval Europe (see Burhanettin Tatar, “Kutsal Metin ve Otorite: Tarihsel-Fenomenolojik Bir Analiz” in *Milel ve Nihal* 14 (2017): 64-76, p.p. 75).

[69] W. Montgomery Watt, *The Influence of Islam on Medieval Europe* (Edinburgh: Edinburgh University Press, 1972), 9.

[70] Saunders, “The Problem of Islamic Decadence,” 709.

of skyscrapers and kilometers- long bridges and enabled calculation of the point where a space probe will intersect with the orbits of one of Jupiter's moons. They also helped pave the way for nuclear physics, biotechnology, pharmaceutical, global economy, software development etc.^[71] Therefore, Saunders' claim that Muslim scientific development was limited mostly to the area of medicine is not sound.^[72]

Thus, the scientific developments such as these that were seen in the Muslim societies in the past that clearly surpassed those that took place in the West casts doubts into the integrity of the idea that Islam kills science.

3. SELF-CONTRADICTION OF THE IDEA THAT ISLAMIC CIVILIZATION DECLINED DUE TO SHARĪ'A

Above I have provided the issues with the assumptions that the idea that Islamic law (*Shari'a*) was the main culprit behind the decline of Muslim societies and the lack of revival thereof. This section highlights, perhaps more importantly, the self-contradiction in this theory.

According to this theory, people turn to religion when they face material disasters, such as those which inflicted upon Muslim and Christian people with invasions.^[73] According to the theory, having turned to religion, both Christians and Muslims lost their interest in the study of nature, which hindered the development of science in both traditions.

Such an argument might well hold for the path which Christian societies followed in the past. However, holding such a view for Muslim societies does great injustice to Muslim societies. Saunders makes great ingenuity in fitting Islam into his concept of religion which he clearly derives from his understanding of Christianity. This becomes apparent when he dismisses data from Islamic history that contradicts and debunks his theory.

As a matter of fact, Saunders states that Islamic 'civilization' did not experience revival due to the fact that it lacked the essential secular element in it. Yet, Islamic 'civilization' did not possess a secular constituent in it during 7th-12th centuries

[71] Michael Hamilton Morgan, *Lost History: The Enduring Legacy of Muslim Scientists, Thinkers and Artists* (Washington: National Geographic, 2007), 92-93.

[72] For more information on scientific contributions of Muslims especially those living in the Muslim Spain (al-Andalus) on the West, see Watt, *The Influence of Islam on Medieval Europe*, 30-43.

[73] Ibid, 718. In the case of Islamic civilization, he is referring to the Mongol invasion. However, he also considers Turkish rules over Islamic world as causes for the decline of Islamic civilization (see, for instance, his remarks on Ottoman rule, Saunders, "The Problem of Islamic Decadence," 709).

either, which is something Saunders himself suggests,^[74] but it reached what he considers its peak.^[75]

If it was the lack of secularism that stopped Muslim societies from reviving in the last phase, then it would not have been possible for Muslim societies to rise for the first time either, which is a fact that debunks Saunders' initial thesis, and yet he never addresses it.

CONCLUSION

The question of why 'Islamic civilization' declined constitutes a central question that much of the orientalist of the 19th-20th centuries attempted to provide an answer to. One of the theories advanced to explain the reason for the decline of 'Islamic civilization' claims that all-encompassing Islamic law and the lack of 'Islamic civilization' of a secular component that could have otherwise help Muslims escape from the shackles of Shari'a was one of the primary causes for the decline of 'Islamic civilization.'

As I showed above, this theory relies heavily on certain assumptions which were held by 19th-20th century orientalist, and which received many criticisms. Moreover, a close reading of such a theory reveals its weaknesses, especially the fact that it is self-contradictory, as I showed above. Thus, the theory that Islamic law caused the decline of Muslim societies is not successful for a number of reasons.

To begin with, a close reading of relevant literature on the study of Islamic history in the West reveals that the theory that takes Islamic law as the primary cause for the decadence of Muslim societies and for their inability to revive does not to rely on strong evidence but rather on several presuppositions, which I have covered in this paper.

Perhaps the main presupposition that such a theory relies on is the assumption which presupposes without justification not only Christianity or Islam but any religion with its rules and regulations as a source of backwardness that inevitably leads their adherents into sluggishness and decline.

To illustrate, like many others whose thoughts I have touched upon above, Saunders, who espoused to such a secularistic approach to religious systems, considers Islamic law as one of the most obvious reasons for the "freezing" of Muslim societies, and he argues that the lack of 'Islamic civilization' of a secular tradition

[74] He notes that Islam was surprisingly open and receptive and ready to incorporate into its materials that became available to it when it moved out of the backward culture of Arabia. Yet, he never revises his theory in line with his findings (see Saunders, "The Problem of Islamic Decadence," 707).

[75] Ibid, 711.

which could challenge the predominance of all-embracing religious law prevented 'Islamic civilization' to experience its Renaissance.^[76]

Yet, as is often the case with other scholars of Islamic history who adopted such an approach in the West, Saunders provides no proof to support the claim that Islamic law is the cause of decadence in Muslim societies, as I demonstrated above. Therefore, I argued that considering religious systems as obstacles which prevent people who adhere to them from scientific development calls for more justification than by just stating it.

The theory that Islamic law was the primary cause of the decadence seen in Muslim societies relies also on other presupposition that the most basic unit of analysis in the study of Muslim societies is 'civilization' or 'period.' I have shown the roots of this presupposition in the early orientalist and presented counter arguments disproving them.

I have also discussed other presuppositions that the theory that Islamic law is the cause of the decadence in Muslim societies relies on. In this regard, I discussed the assumption that the standard of measurement for progress in a given society is the accumulation of positive knowledge.^[77] I also noted another assumption that is related to the previous one, namely the idea that Muslim societies were in stagnation and decline after around 1200s.^[78] Despite the fact that they are different in nature, these assumptions, in essence, are similar to each other in that all of these are rooted in several ideologies such as various sects of Catholicism, Protestantism, secularism, German-Jewish reformism, and Marxism. Using Saunders' paper as a case study, I discussed the impact certain scholars such as Hegel, Kant, Comte, Von Kraemer, Sprenger, Max Weber, Gustave Le Bon, and Renan, each of whom espoused one or the other of these ideologies, had upon the way orientalist viewed and studied the history of Muslim societies.

Thus, I have shown that the theory that Islamic law was one of the primary causes for the decline of Islamic 'civilization' and its inability to revive relies on several presuppositions which are ideologically driven, and which do not rely on sound evidence.

Perhaps more importantly, I argued that the theory espoused by people like Saunders is self-contradictory. If it was Islamic law and the lack of a secular component in the religion of Islam that caused Muslim societies to decline and prevented from reviving again, Muslim societies could have not been able to rise in the first

[76] Saunders, "The Problem of Islamic Decadence," 709.

[77] Ibid, 705.

[78] Ibid.

place in the 7th century and surpass Western societies for centuries either, which collapses this theory altogether.

Regardless of its weaknesses, the theory that Islamic law was the cause of backwardness and decline of Muslim societies still finds its way into narratives in academia and media. This seems to be primarily due to the fact that it constitutes a form of Islamophobia that justifies the imposition of Western values in general, and Western legal systems in particular, upon Muslim societies.

Finally, another reason that allows this theory to be reiterated especially in academia appears to be the fact that it has not been subject to any critical analysis in the previous scholarship. Providing such a critical study, I believe that the present work thus will fill an important gap in the study of Islamic law in particular and Islamic studies in general.

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