

# Ilahiyat Studies

A Journal on Islamic and Religious Studies

ISSN: 1309-1786

■ Volume 7 ■ Number 1 ■ Winter / Spring 2016

Bursa Ilahiyat  
Foundation



---

# İLAHIYAT STUDIES

A Journal on Islamic and Religious Studies

www.ilahiyatstudies.org

Volume 7, Number 1, Winter / Spring 2016

---

<b>Publisher</b>	: Bursa İlahiyat Foundation
<b>Editors</b>	: Kemal Ataman, <i>Uludağ University</i> , Turkey Turgay Gündüz, <i>Uludağ University</i> , Turkey
<b>Associate Editors</b>	: Kasım Küçükalp, <i>Uludağ University</i> , Turkey Seda Ensarioğlu, <i>Uludağ University</i> , Turkey Ulvi Murat Kılavuz, <i>Uludağ University</i> , Turkey
<b>Book Review Editor</b>	: Kadir Gömbeyaz, <i>Kocaeli University</i> , Turkey
<b>Assistant Editors</b>	: Büşra Kılıç Ahmadi, <i>Uludağ University</i> , Turkey Samet Yazar, <i>Uludağ University</i> , Turkey Ümmügül Betül Kanburoğlu, <i>Uludağ University</i> , Turkey

---

## EDITORIAL BOARD

---

Abdulaziz Sachedina, <i>University of Virginia</i> , USA	Jules Louis Janssens, <i>KU Leuven</i> , Belgium
Afnan H. Fatani, <i>King Abdul-Aziz University</i> , Saudi Arabia	L.W. C. van Lit, <i>Yale University</i> , USA
Ali Yaşar Sarıbay, <i>Uludağ University</i> , Turkey	Maribel Fierro, <i>Centro de Ciencias Humanas y Sociales</i> , Spain
Andrew Rippin, <i>University of Victoria</i> , Canada	Mustafa Kara, <i>Uludağ University</i> , Turkey
Asma Afsaruddin, <i>Indiana University</i> , USA	Omid Safi, <i>Duke University</i> , USA
Ayman Shihadeh, <i>University of London</i> , UK	Sabine Schmidtke, <i>Freie Universität Berlin</i> , Germany
Bülent Şenay, <i>Uludağ University</i> , Turkey	Sarah Stroumsa, <i>The Hebrew University of Jerusalem</i> , Israel
Bülent Uçar, <i>Universität Osnabrück</i> , Germany	Sönmez Kutlu, <i>Ankara University</i> , Turkey
Carl W. Ernst, <i>University of North Carolina</i> , USA	Tahir Uluç, <i>Necmettin Erbakan University</i> , Turkey
David Thomas, <i>University of Birmingham</i> , UK	Wael Hallaq, <i>Columbia University</i> , USA
F. Jamil Ragep, <i>McGill University</i> , Canada	Walid Saleh, <i>University of Toronto</i> , Canada
Frank Griffel, <i>Yale University</i> , USA	Wan Mohd Nor Wan Daud, <i>University of Technology Malaysia</i> , Malaysia
Gabriel Reynolds, <i>University of Notre Dame</i> , USA	William Chittick, <i>Stony Brook University</i> , USA
İsmail Güler, <i>Uludağ University</i> , Turkey	
James W. Morris, <i>Boston College</i> , USA	

---

*İlahiyat Studies* is published in print (ISSN: 1309-1786) and online (e-ISSN: 1309-1719) biannually by Bursa İlahiyat Foundation, Hacılar Mh. Eceler Sk. Sema Apt. No: 6/5, Osmangazi, Bursa-Turkey.

**Aims and Scope:** *İlahiyat Studies* is an international, peer-reviewed multidisciplinary journal dedicated to publishing scholarly articles on all aspects of Islam and the Muslim peoples and on religious studies. Available in print and online, and published twice a year, the journal aims to become one of the leading platforms in the world for new findings and discussions of all fields of Islamic and religious studies.

**Annual Subscription:** Annual subscription for each volume of two issues (print edition) is ₺130, \$100 (US) for institutions; ₺30, \$30 (US) for individuals, and ₺20, \$20 (US) for students. An institutional subscription to the print edition includes free access to the online for any number of concurrent users across a local area network.

**Abstracting & Indexing:** *İlahiyat Studies* is currently indexed in and abstracted by *ATLA Religion Database®*, *Scopus*, *Index Islamicus*, *Index Copernicus International*, *Religious and Theological Abstracts*, and *TR Dizin*.

**Disclaimer:** The publisher and Editors can not be held responsible for errors or any consequences arising from the use of information contained in this journal; the views and opinions expressed do not necessarily reflect those of the editors and publisher.

**Copyright © 2010-2016 Bursa İlahiyat Foundation.** All rights reserved. No part of this publication may be reproduced, in any form or by any means, electronic, photocopying or otherwise, without permission in writing from the publisher. Copyright of articles is assigned to *İlahiyat Studies* from the date on which the article is accepted for publication. *İlahiyat Studies* permits single copying of single published articles for private study or research, no matter where the copying is done. Multiple copying of journals or parts of journals without permission, however, is in breach of copyright. Permission is normally given upon request to the Managing Editor, Copyright and Permissions to the [editor@ilahiyatstudies.org](mailto:editor@ilahiyatstudies.org), for illustrations, tables and short extracts from the text of individual articles published in our journals to be copied, provided that the original source of the material is acknowledged in each case and the permission of the authors is also obtained.

ILAHİYAT STUDIES  
Volume 7, Number 1, Winter/Spring 2016

**CONTENTS**

---

Kemal Ataman & Turgay Gündüz	From the Editors	3
---------------------------------	------------------	---

**ARTICLES**

Fatih Mehmet Şeker	Turkish Political Thought with regard to State Authority and Community Culture: Why can a Community not Seize the State?	7
-----------------------	---	---

Muhammad al-Atawneh	<i>Kburūj</i> in Contemporary Islamic Thought: the Case of the “Arab Spring”	27
------------------------	---	----

Hadiye Ünsal	On the Revelation Circumstances and General Emphases of Sūrat al-Aḥzāb: An Analysis within the Scope of Textual and Non-textual Context	53
--------------	--	----

Nail Okuyucu	Shāfi‘ī <i>Uşūl</i> Thought in Late Third- Century AH: Edition, Translation, and Interpretation of Chapters on <i>Uşūl al- fiqh</i> in <i>al-Wadā‘i‘</i> by Ibn Surayj (d. 306/918)	87
--------------	--	----

**BOOK REVIEWS**

Oliver Leaman	<i>L’Islam: Religione dell’Occidente</i> , by Massimo Campanini	137
---------------	--	-----

Kemal Enz Argon	<i>The Sufi Doctrine of Man: Şadr al-Dīn</i>	139
-----------------	--	-----

	<i>al-Qūnawī's Metaphysical Anthropology</i> , by Richard Todd	
David S. Powers	<i>Religious Scholars and the Umayyads: Piety-minded supporters of the Marwānid Caliphate</i> , by Steven C. Judd	143
Michael Brett	<i>Mysticism and Philosophy in al-Andalus: Ibn Masarra, Ibn al-ʿArabī and the Ismāʿīlī Tradition</i> , by Michael Ebstein	148

#### OBITUARY

Asma Afsaruddin	Ṭāhā Jābir al-ʿAlwānī (1935-2016)	153
-----------------	-----------------------------------	-----

## FROM THE EDITORS

The current issue of *Ilahiyat Studies* features four articles and four book review essays. Fatih Mehmet Şeker's article, "Turkish Political Thought with regard to State Authority and Community Culture: Why can a Community not Seize the State?" considers one of the most vexing problems the Turkish society is facing today: The Gülen Movement and its relation to the Turkish Republic. According to Dr. Şeker, the Gülenists have made the greatest mistake by considering Turkey as a community and to ground itself in a policy that is peculiar to the community but not to this land, the Turkish society. By doing that the movement has whittle off certain concepts such as community, solidarity, and cooperation in the imagination of the whole nation, utilizing good for evil and becoming the story of a ruined ideal, making other similar groups and Sufi orders look suspicious in the eye of the state and the society at large. The article makes the point that, this politico-religious organization seems to have transformed the culture of the community, a long-lasting source of power and strength for the state, into the most important means of waging an open war against the government and state. It becomes evident that the Gülen Movement is a clear and present danger for the state; and if there is anything to be learned from history, it is that a powerful and well-functioning state would not allow anything to threaten its very existence.

Muhammad al-Atawneh's "*Kburūj* in Contemporary Islamic Thought: The Case of 'Arab Spring'" basically revisits the debate about the place of opposition and civil disobedience within the Islamic intellectual history, and how this debate was made visible in the current events of political unrest in the Muslim world by questioning the boundaries of the permissible and the forbidden in regard to popular protest against the ruler from the vantage point of contemporary Sunnī scholars. According to the author, the contemporary '*ulamā*' of various background have not been able to reach a consensus as to what an Islamic attitude should be towards

even any “rightful and peaceful” opposition. Although there seems to be no consensus on the issue, there are cases, however, in which certain religious figures and institutions support political protests in certain countries, objecting similar social and political movements in others.

In her article “On the Revelation Circumstances and General Emphases of Sūrat al Aḥzāb: An Analysis within the Scope of Textual and Non-Textual Context,” Hadiye Ünsal presents a general assessment of the time of revelation of Sūrat al-Aḥzāb and attempts to date the verses and verse groups by establishing a connection between the verses in the sūrahs and the riwāyahs in these verses and a method of inference. Basing her argument upon previous biographical references and narrative-based classical exegesis, Dr. Ünsal concludes that the occasions of revelation of al-Aḥzāb involved plans by external polytheist groups and inside collaborators. And especially the *ḥijāb* verse and verses that are aimed at his wives seek to prevent and obviate the smear campaign against the Prophet Muḥammad, particularly with regard to his marriage with Zaynab and generally about his family and wives.

The final article of this issue by Nail Okuyucu, “Shāfi‘ī *Uṣūl* Thought in Late Third-Century AH: Edition, Translation, and Interpretation of Chapters on *Uṣūl al-fiqh in al-Wadā‘i*‘ by Ibn Surayj (d. 306/918),” introduces the edition and translation of relevant titles in *al-Wadā‘i*‘ to provide Ibn Surayj’s views, who is regarded as “the second al-Shāfi‘ī,” on *uṣūl*. Although Ibn Surayj’s works on Islamic law are no longer available, the later chapters of *al-Wadā‘i li-manṣūṣ al-sbarā‘i*‘, one of his two extant works, bear the following titles: abrogation (*naskh*), prophetic traditions (*sunan*), single-transmitter report (*khabar al-wāḥid*), consensus (*ijmā‘*), analogy (*qiyās*) and knowledge (*‘ilm*). This study also attempts to discuss Ibn Surayj’s place in the evolution of Islamic legal theory, and how Ibn Surayj interprets al-Shāfi‘ī’s understanding of *uṣūl*.

With the publication of the issue 7/1 we are happy to let you know, again, that our editorial team is getting more international and diversified. We extend our warm welcome to the new members of the editorial team, F. Jamil Ragep, McGill University, Canada; Gabriel Reynolds, University of Notre Dame, United States; L. W. C. van Lit, Yale University, United States; Tahir Uluç, Necmettin Erbakan University, Turkey; Wael Hallaq, Columbia University, United States, and Walid Saleh, University of Toronto, Canada. We also would like

to thank our former members, Ali Köse, Burhanettin Tatar, Christoph Bochinger, Jane I. Smith, Recep Alpyağıl, and Mustafa Köylü for their dedication, hard work, and sincerity. We will continue to benefit from their experience and expertise in the future.

In the meantime, while Seda Ensarioğlu will be working as an associate editor of the journal, Samet Yazar will serve as an assistant editor. We are grateful to them both for their service in advance.

And finally we would like to remind our prospective authors that, there is an updated version of the Style Sheet of *Ilahiyat Studies* that can be reached at our website (<http://www.ilahiyatstudies.org>). It is greatly appreciated if our prospective authors could consult with the style sheet before they submit their essays. Thank you all for your patience and cooperation.

Editors

Kemal Ataman & Turgay Gündüz

E-mail: [ataman@uludag.edu.tr](mailto:ataman@uludag.edu.tr) E-mail: [tgunduz@uludag.edu.tr](mailto:tgunduz@uludag.edu.tr)

## ARTICLES

---

*Turkish Political Thought with regard to State Authority and  
Community Culture: Why can a Community not Seize the State?*

Fatih Mehmet Şeker



*Khurūj in Contemporary Islamic Thought: The Case of the “Arab  
Spring”*

Muhammad al-Atawneh



*On the Revelation Circumstances and General Emphases of Sūrat al-  
Aḥzāb: An Analysis within the Scope of Textual and Non-textual  
Context*

Hadiye Ünsal



*Shāfiʿī Uṣūl Thought in Late Third-Century AH: Edition, Translation  
and Interpretation of Chapters on Uṣūl al-fiqh in al-Wadāʿiʿ  
by Ibn Surayj (d. 306/918)*

Nail Okuyucu





# **TURKISH POLITICAL THOUGHT WITH REGARD TO STATE AUTHORITY AND COMMUNITY CULTURE: WHY CAN A COMMUNITY NOT SEIZE THE STATE?**

Fatih Mehmet Şeker

*Istanbul Medeniyet University, Istanbul-Turkey*

E-mail: fatih.seker@medeniyet.edu.tr

---

## **Abstract**

Actual issues that can be treated in relation to orders (*ṭarīqabs*) and communities (*jamā'abs*) resemble a labyrinth in which one can easily become lost. This process is similar to running on a minefield to grasp the true essence and objectively notate the principles of such issues that add some metaphysical spice to life. Indeed, true words are not always sweet and are sometimes bitter. Such difficulty becomes even more apparent when one treats an issue such as the Gülen Community, which significantly falls within the scope of intelligence. The manifestation of everything can equally be interpreted as total concealing. It is easier said than done to disclose why political power and the Gülen Community became foes. Therefore, direct words may not accurately represent the implications between the lines.

*Key Words:* State authority, community, religious order, politics, Gülen movement, AK Parti (Justice and Development Party), Fethullah Gülen, Sa'īd Nürsī.

## **Introduction: Complaining is Prior to Telling the Story**

Once the historical circumstances are taken into account, past incidents seem very normal. Nevertheless, once circumstances leave the scene, it is clear that the incidents will be viewed and conceived in a very different manner. In this regard, it is wrong to evaluate any past crystallized issue through a current approach, as it is wrong to

evaluate present cases in the context of the past. However, the climate in which one lives indeed determines one's perspective; the measure is where one stands rather than the point observed. Accordingly, in an interview with Olivier Roy, an expert researcher on "personal and familial history," an Afghan asks Roy to explain the reason behind the Soviet occupation of Afghanistan. Before waiting for Roy's geostrategic analyses, he responds: "For melons, I think. Indeed, I don't understand for what else one would come here."<sup>1</sup> As rhetorical philosophers indicate, the mind of man is either at the tip of his pen<sup>2</sup> or in his words.

Actual issues that can be treated in relation to orders and communities resemble a tunnel in which one can easily become lost, which is similar to running on a minefield to grasp the true essence and objectively notate the principles of such issues that add some metaphysical spice to life; indeed, true words are not always sweet and are sometimes bitter. This difficulty becomes even more apparent when one treats an issue, such as the incidents occurring between the Ak Parti (Justice and Development Party) government and the Gülen Community, which significantly falls within the scope of intelligence in Turkey, especially in the aftermath of December 17, 2013. The manifestation of everything can equally be interpreted as the concealing of everything. It is easier said than done to disclose why political power and the Gülen Community became foes, merely grounding the answers in apparent reasons. Therefore, direct words may not accurately represent the implications between the lines. "Disclosing wisdom to one who is not confident is tormenting." It is necessary to speak only as much as the mind can comprehend.<sup>3</sup> The expression "The statement of truth is superior to the statement itself."<sup>4</sup> applies here as well. Therefore, we evidently do not deny that there are people who have penetrated into the essence of this issue, which

<sup>1</sup> Olivier Roy, *Kayıp Şark'ın Peşinde* [*En quête de l'Orient perdu*], ed. Jean-Louis Schlegel, trans. Haldun Bayrı (Istanbul: Metis, 2014), 137.

<sup>2</sup> Gelibolulu Muştafâ 'Âlî, *Manâqib-i bunarwarân*, ed. Ibn al-Amîn Maḥmūd Kamâl [Inal] (Istanbul: Türk Tarih Encümeni, 1926), 9.

<sup>3</sup> İsmâ'îl Rusûkhî Anqarawî, *Sharḥ al-Mathnawî* (Istanbul: Maḥba'a-i 'Âmirah, 1289), I, 53.

<sup>4</sup> Müstakîmzâde Süleyman Sa'deddin [Mustaqîmzâda Sulaymân Sa'd al-Din], *Risâle-i Melâmiyye-i Şuttâriyye* [*Risâla-i Malâmiyya-i Şuttâriyyab*], in *Melâmet Risâleleri: Bayrâmî Melâmiliği'ne Dâir*, ed. Abdurrezzak Tek (Bursa: Emin, 2007), 252.

cannot be disclosed everywhere. Once we address the clear aspects of the incident, the occurrences of yesterday and today are precursors to what is to come in the future. The history of Turkey provides concrete examples of this fact. “Whoever is to grasp can grasp through a hair.”<sup>5</sup>

An analysis of the history of orders and communities reveals that the same occurrences are continuously repeated; the reason behind never-ending wars is that differences in temperaments, extravagances, and understatements have nourished one another, and everyone has a say to support his own cause, idealizing the people and classes he likes and appreciates; everyone uses his position as a hindrance to entangle his opponents, and no one ever wants to discuss what is best for Turkey; consequently, one always deems himself to be right. In fact, Muṣṭafā ‘Āli of Gallipoli is right: “Indeed, it is rare to find one who is truly right; however, in those days, those who claim they are right are abundant.”<sup>6</sup> Therefore, when speaking about the community, one must speak about the state and vice versa; regardless of the noise that seeks to oppress every voice, one must question the possibility of refreshing this problem, which concerns the destiny of the entire country, and one should not forget that man is responsible for his deeds. As “complaining is prior to telling the story,”<sup>7</sup> we have to settle the account of what the permissions and authorizations that are granted to orders and communities bring and take away. The rest will be mere gossip. “At this seat, the pretention of ignorance can never be a pretext.”<sup>8</sup>

### **I. Can a Community Seize the State?**

Various organizations in which people gather, communities and orders above all constitute the tightening links of the chain of the state. The state is apparent everywhere to anyone who knows how to look; through the medium of these gathering-places, the state

<sup>5</sup> Ismā‘il Ḥaqqī Būrsawī, *Sbarḥ al-Mathnawī* (Istanbul: Maṭba‘a-i ‘Āmirah, 1287), I, 4.

<sup>6</sup> Gelibolulu Muṣṭafā ‘Āli, *Naṣīḥatu s-selāṭīn* [*Naṣīḥat al-salāṭīn*], in *Muṣṭafā ‘Āli’s Counsel for Sultans of 1581: Edition, Translation, Notes*, ed. Andreas Tietze (Wien: Verlag der Österreichische Akademie der Wissenschaften, 1979), 93.

<sup>7</sup> “Şikâyet hikâyet üzerine mukaddemdir.” Ismā‘il Ḥaqqī Būrsawī, *Sbarḥ al-Mathnawī*, I, 3.

<sup>8</sup> Gelibolulu Muṣṭafā ‘Āli, *Naṣīḥatu s-selāṭīn*, 91.

becomes the people. Community, which places individuals under the order of the same will and has the secret of melting people into a greater whole, gathers everyone similarly to a shrine, becoming a milestone on the way to becoming a nation. Since no one can attain perfection on his own, “fellows back up one another; whenever one falls, the other picks him up.”<sup>9</sup> The sense of belonging turns into an ability. Elements that can never blend in any other condition are blended in the same mold. In the history of the Turks, most elements are grounded in legends and epics; accordingly, this approach is rendered as functional as possible. An atmosphere loaded with mysticism is constituted. This is the heads side of the medallion. The tails side is knotted up in the question of whether the state can take the form of a state.

This question, which answers itself, can take us to many points, including the following: As with the state, which constitutes a metaphysical influence on life, the community occurs since man is not self-sufficient. Each man overcomes his deficiencies through others.<sup>10</sup> In a community environment, “prayers are accepted, whereupon benediction is bestowed.”<sup>11</sup> In other words, man becomes self-sufficient by the virtue of his fellow creatures. Each meets a requirement that is necessary for another.<sup>12</sup> For this reason, cities, societies, and communities are formed. This cooperation assures their existence and subsistence. A community emerges as a consequence of the feeling of sufficiency within a rank, similarly to a state emerging as a sign of the self-sufficiency of a society.<sup>13</sup> Human nature is inclined to seek shelter and co-habit with fellow creatures. Man seeks perfection within society but can only attain it through the assistance of others;<sup>14</sup> in a community environment, man understands

<sup>9</sup> Sinan Paşa [Sinān Pāshā], *Tazarru'-nâme* [*Taḍarru'(-nāmab)*]: *Yakarışlar Kitabı*, ed. Mertol Tulum (Istanbul: Türkiye Yazma Eserler Kurumu Başkanlığı, 2014), 453.

<sup>10</sup> Plato, *Devlet*, trans. S. Eyüboğlu and M. A. Cimcoz (Istanbul: Remzi Kitabevi, 2012), 54-55.

<sup>11</sup> Abū ‘Alī Ḥusayn ibn ‘Abd Allāh ibn ‘Alī Ibn Sinā, *al-Sbifā’*: *al-Ilābiyyāt*, eds. Georges C. Anawati, Ibrāhīm Madkūr, and Sa‘īd Zāyed (n.p.: n.d.), 452.

<sup>12</sup> Ibn Sinā, *al-Sbifā’*: *al-Ilābiyyāt*, 441.

<sup>13</sup> Aristoteles, *Politika* [*Politics*], trans. Furkan Akderin (Istanbul: Say, 2013), 51.

<sup>14</sup> Al-Fārābī, Abū Naşr Muḥammad ibn Muḥammad ibn Ṭarhkhān, *Kitāb taḥşil al-sa‘ādab* (Beirut: Dār al-Andalus, 1981), 61-62.

himself and matures. For this reason, he comes together with others.<sup>15</sup> Each is engulfed in one another. Perfection can be attained only in the environment of a city, a society or a community. The state, and therefore laws and justice, constitutes the ideal framework for attaining perfection. Accordingly, the Ottoman philosopher Qinālīzāda argues that *man's need of man is obligatory*.<sup>16</sup> In his view, society forms the individual.

The hierarchy of the individual, the community, and the nation shows that the state, which is a type of mirror that reflects everyone, has limits that no rank can surpass. Life is a realization as much as an idealization. Since the state cannot be imprisoned within a circle drawn by the community, it cannot merely consist of the scope of a rank. Therefore, let us reiterate the following: The state is governed by means of politics not by means of this or that community. At this stage, the expression “Caution means casting a glance at the consequence, namely, the other aspects and outcomes of something”<sup>17</sup> becomes meaningful. Rulers cannot compromise<sup>18</sup> since they know that tolerance will cause the world to slip through their hands.<sup>19</sup> Once siblings argue, their father will undoubtedly get along with all of them. Sometimes, the grace of the state defeats its wrath, and sometimes, it is the opposite; however, after all, the state reigns over all of history as an overlooking plane tree, learns necessary lessons and keeps going. A. H. Tanpınar, the author of *Huzur [A Mind at Peace]*, is in the right: “Today, one can think Turkey can be or become anything. However, Turkey has to be but one thing, which is Turkey. This will be possible only if she proceeds under her own circumstances.”

A comparison between the state and the community, which is a comparison that is obligatory albeit wrong, indicates the greatness of the problem. The problem, which sinks deep while political will and community appear to melt into one another, becomes salient sooner

<sup>15</sup> Al-Fārābī, *Kitāb ārāʾ abl al-madīnah al-fāḍilah*, ed. Albīr Naṣrī Nādīr (Beirut: Dār al-Mashriq, 1986), 117.

<sup>16</sup> Kınalīzāde Ali Çelebi [Qinālīzāda ‘Alī Chalabī], *Ablāk-ı Alāʾī [Akblāq-i ‘Alāʾī]*, comp. Mustafa Koç (Istanbul: Klasik, 2007), 157.

<sup>17</sup> Ismā‘īl Haqqī Būrsawī, *Sharḥ al-Mathnawī*, II, 27.

<sup>18</sup> Sinan Paşa, *Tazzarru‘-nâme*, 477.

<sup>19</sup> Qochi Beg, *Qochi Beg Risālasī* (Constantinople: Maṭba‘at Abū l-Ḍiyāʾ, 1886), 36-46.

rather than later. The fight is not a quarrel about who will rule the state; rather, it is the assignment of a roadmap by the state through the government and the community. The state intervenes in the community as soon as the latter matures in the field of politics; therefore, what the community views as a strength is in fact a weakness, and the power of community is valuable only as far as it is allowed. Any structure that is established in a manner similar to the state is born, matures and finally comes to an end. It is as clear as day that whoever aims at political power will have accomplished his task once he attains such a target. In this respect, this problem serves as a laboratory to observe how an organization, which does not abide by the invisible limits drawn by the state, can sustain its rule. Anyone involved in politics knows well that this involvement comes at a price. As religion determines the trajectory of the state, the latter forms the religion. There are countless examples thereof. This is what occurs within the state. Regarding the culture of orders, everything occurs within the relationship between the disciple and the mentor. "The right of the mentor is greater and higher than all other rights."<sup>20</sup> The same applies not only for madrasah and *takkab* but also for the realm of communities. The approach, *in which the organization carries the prayers of a sage (pīr)*, is also valid in the environment of religious orders. Once the frame is left, the *prayers of a sage* leave for other elements. Yūsuf Kāmil Pāshā, the Grand Vizier to Ottoman Sultan ‘Abd al-‘Azīz, said the following: "Ruling goes together with wisdom/a vizier has to be a ruler." In a state that abides by these words, each rank has a word of its own, and each skill has a body of its own.

## II. Disguises of a Community

A community that has apparently forgotten the network of legitimacy for being the heritage of orders and that does not remember self-reflection or returning to its origins becomes an action that demolishes the thought of reclusion in Sufism. Consequently, a psychology that monopolizes all ways to Allah is born. However, "in the days of traditional culture, religious orders are separate, not as rivals or elements that look at each other with an evil eye but as necessary parts of a whole." "Their difference of temperament only

---

<sup>20</sup> Abū l-Khayr Ṭāshkuprīzāda ‘Iṣām al-Dīn Aḥmad ibn Muṣṭafā, *Mawḍū‘āt al-‘ulūm*, trans. Kamāl al-Dīn Meḥmed Efendī (Darsa‘ādat: Iqdām Maṭba‘asī, 1313), I, 69.

exists since such difference renders service to the true goal.” Therefore, whether someone is Qādirī or Naqshbandī depends on his temperament. “Both orders support each other in terms of the availability for their members with regard to the search for truth.”<sup>21</sup>

Therefore, each order may have a distinct style; nevertheless, they agree on the method. Regarding the community, it pursues other alliances instead of picking legitimacy from the tradition of orders. It attempts to dive into politics while its cultural domain must mature. It strives to become a natural element in the path along which the state advances. It wants to render the mechanisms that maintain the system in line with its logic. Accordingly, it embraces discourses by groups who are against it in terms of ideals to create space for itself, and it attempts to lean on the components that it supposes to be powerful. The community looks to the idealization of the *Nursism* (*Nurculuk*) by Şerif Mardin, seeking legitimacy elsewhere and not within itself. The community turns its gaze away from Turkey and towards international gathering-places. A member of the community, who has confidence in nobody save herself, does not adopt the idea of a Turkey beyond the prescribed borders. They ground themselves on whence they look rather than where they stand. They take actual power, not principles, seriously. They do not think that the driving element that conserves the internal is only external and that the internal shall fade away once the external does so. In this regard, it is difficult to speak about an average ideology to determinate the route of the community that has a multi-character structure and that establishes a system on the basis of issues that it must obey rather than on ideas that it appreciates. The absolute meaning of the values, which are dubbed principles, are within the mentality of those who direct the movement. Although the view is so clear, this organization, which provides people with a sense of belonging, undeniably captivates its members within the group feeling of the community. It is true that the “Coming into existence of all entities and the survival of any who exist is through affection.”<sup>22</sup> “Affection is such a trouble that one does not know until one is involved.”<sup>23</sup> Nevertheless, “affection renders one deaf and blind.” Thought and caution shy

<sup>21</sup> İsmet Özel, *Sorulunca Söylenen* (Istanbul: Tiyo, 1999), 406.

<sup>22</sup> Kınalızâde Ali Çelebi, *Ablâk-ı Alâî*, 420.

<sup>23</sup> İsmâ'il Hâqqî Bûrsawî, *Sbarh al-Mathnawî*, I, 184.

away from whoever is under the domination of feelings.<sup>24</sup>

The community reminds people that they have a place to which they belong and ensures that everyone can safely moor at this harbor. Nevertheless, the greatest problem of the community is the lack of feeling of determination by its own field of activity; in other words, it fails to consider that anyone or anything that is not content with its natural space is condemned to disappear. It may be intelligible that, seeking to preserve its prestige in this country and to maintain a certain balance in the face of supposedly powerful elements, the community does not clearly express its intentions. Therefore, the profile of the community can be summarized in the following terms: the *community is what one who talks about it mentions about it*. As with all other things in the age of modernity, the community is a composition. Although firm in ideology, it does not refrain from wrapping itself up in every color. On the one hand, it does not appease traditional Islam; on the other hand, it does not abstain from becoming a representative of liberal Islam. Thus, the issues that are framed through *Risāla-i nūr* by Saʿīd Nürsī and the exegeses by Fethullah Gülen fade away in practice. Practical reason often hands over its functions to obligations. Apparently, the heads of the community do not think that the collections by Saʿīd Nürsī can solve everything. Good intentions are disclaimed by deeds. The fact that “knowledge without deed is sin and deed without knowledge is heresy”<sup>25</sup> becomes void. The saying “Overlook my deeds, regard my statements/leave out of speech the maker and behold his speeches”<sup>26</sup> is no longer applicable. The issues, which are evident in the true nature of things, become unclear. The arguments that gain meaning in the saying “No religion is greater and wealthier than Islam before the folk gnosis and no verdict is superior to that of Islam.”<sup>27</sup> becomes nothing but a tangled ball of problems. Nobody thinks that the potential to abandon Islam is identical with the potential to abandon

<sup>24</sup> Sinan Paşa, *Maʿārif-nâme* [*Maʿārif-nāmab*]: *Özlü Sözler ve Öğütler Kitabı*, ed. Mertol Tulum (Ankara: Atatürk Kültür Merkezi, 2013), 82, 192.

<sup>25</sup> “Bî-amel olan ilim vebâl ve bilâ-ilim olan amel dalâldir.” *Tâshkuprîzâda Aḥmad Efendî, Mawḍûʿât al-ʿulûm*, I, 111.

<sup>26</sup> “Fîilimi ko, kavlime eyle nazar/sözüne bak sahibinden kıl güzer.” Müstakîmzâde Süleyman Saʿdeddin, *Risâle-i Melâmiyye-i Şuttâriyye*, 299.

<sup>27</sup> Keykâvus [Unşur al-Maʿâlî Kaykâwûs ibn Iskandar ibn Qâbûs], *Kabusnâme* [*Qâbûs-nāmab*], trans. Mercimek Ahmed [İlyasoğlu], ed. Orhan Şaik Gökyay (Istanbul: Kbalcı, 2007), 35.



Turkey. An approach that deems that anything permissible for the survival of the community gains acceptance. The individual is not allowed to remember himself. Personality is denied for the sake of the community. Placing its reflections under the order of the day, the community assumes a character with multiple faces and multiple aspects. The community wraps itself up into a syncretic character and appearance. It transforms into a market seller who closes out towards evening. His course is inclined to pave the way for hesitation. On the one hand, it identifies with Turkey; on the other hand, it disintegrates. Embarking on a supra-community search, it turns the political discourse of the day into a means of domination over local parties. For all of these reasons, we can assert that *the content of the community exceeds the estimates*. This may be the best phrase to explain the nature of the incident between the government and the community, an incident that surpasses a simple conflict.

Another phrase can be added as follows: Currently, it is conventional to speak about politics and sociocultural problems rather than issues within the scope of the Sufi tradition and the experience of religious order. The argument that the “social functions of orders have overtaken their religious function”<sup>28</sup> is also viable for communities. The community will die once it is imprisoned in a terminology that is in line with the level of everyday politics; in case it does not foresee this fact, it will go astray from the original claim of ensuring the domination of a certain ideology because its mode makes such an ideology dominant. Since it is currently confined in reality, its adaptation points undergo incessant change. In addition, the decline continues as it does not refrain from expressing an intellectual matter through political discourse. Although it claims to keep politics at arm’s length, it is imprisoned in an entirely political circle. The criteria, which are for determining the differences between politics and ideology, compel the community to leave the stage. It never directly assumes an attitude that is in line with the faiths or convictions that it seeks, constituting a way of life in the long term. Thus, a huge gap is formed between thought and act. Each new step deepens this gap to render it irreparable. The observation of this view as it is will never be sufficient to comprehend the meaning of the ebbs and flows within the community.

---

<sup>28</sup> İsmet Özel, *Sorulunca Söylenen*, 173.

At this point, the noted rank evolves into an organization that belongs to everyone but also to no one. Now, it claims certain names and nicknames, beginning with *community*, the most comprehensive of all, towards brotherhood (*jāmi‘ab*), service (*bizmet*), *Nursists* etc. and is dubbed with several names. In the eyes of its members, there is a reason behind each naming given to the community that constitutes its reality. The names vary, including *bizmet*, *jāmi‘ab*, *Nursism* (*Nurculuk*), and *Fetullahism* (*Fetullahçılık*), and finally, they gather under the umbrella concept of *jamā‘ab* (*cemaat*). This word, which signifies much without explaining anything at all, becomes a flag for the *nürsists*. It indicates a basin of mentality that we can comprehend not through definition but through mere depiction. The influence of the fluctuating attitude in the political arena is reflected in the names. At present, the approach of political power arrives at the word *assassins*. Whether such names are equivalent or reflect the true sense is determined according to the user of these names. Points of support are continuously refreshed and renewed due to political concerns. Such denominations provide their users with higher maneuverability; they do not have a cultural basis or framework but are consequence of a strategic positioning. We can continuously ask whether these concerns can be right or not.

Undeniably, the community is on the path of Sun Tzu, who says “keep your friends close but your enemies closer.” which evidently bears a logic that addresses and applies to everyone. Therefore, the community, which sets sail to a double-temperament world and is housed under the same roof with ideally opposite groups, collaborates with those whom it grudges even hell itself. The community prefers a discourse that is in compliance with its party and spirit. It follows the following principle: “Whichever *madhhab* suits your intent, it is your *madhhab*; whichever spirit looks congenial, that is your spirit.”<sup>29</sup> Thus, it is obliged to make implicit promises in certain domains. The community submits to persons and ranks that it deems powerful and that it fears. Accordingly, the behaviors of its collaborators are counted as those of the community.

Once it places its spirit under the order of politics and thus vaporizes its course, the community can never be itself in many aspects. The world that this rank desires renders such self-realization impossible, as its method of desiring the world. The brief meaning of

<sup>29</sup> Sinan Paşa, *Maârif-nâme*, 112.

the above is as follows: Seeking to reinforce its position through politics, the community desires constant expansion and growth rather than intensification. In this respect, it presents quantity as quality. Abandoning its character, it no more understands that the expansion of the contact network is a moral problem. The community does not estimate that this attitude and expansion during a transitional period will bring axial dislocation and endless turmoil. It no more provides a uniform view in terms of its present position and its defended issues; therefore, it rapidly withdraws from being a community and attempts to flee its very own history. It is unaware that any movement that does not have Turkey as its benchmark cannot have a future. The community pretends not to have heard the old saying that “the man of the community is not convinced by self-sufficiency.”<sup>30</sup> In the end, its loyalty to Turkey becomes debatable. The community plunders the opportunities given by the country to eliminate possible objections. It conducts actions that grant consent to the destruction of the state for the sake of unseating so-called adversaries. It is aware that it can only survive provided that it is authoritarian; nevertheless, it looks to approaches based on democracy, law, and freedom. Taking shelter under a previously disclaimed point, the community shows that everyone can somehow come together, political attitudes are of a transitive nature, friends may become foes as foes can become friends, and disputes, which appear with regard to amity and enmity, are not based on a solid ground.

The community is the sum of what it experiences. The greatest difference between its past and present is that it displays a composition that does not seem to blend in many aspects and that it assumes a borrowed style. One reaches the following conclusion: *If a person or rank lays great stress on something, it indeed hints that it is not related to that thing.* Due to the need for conciliating ideology with the current conditions, the present always prevails. Scales are broken once the future is stuck in reality. The garment of community for political aims becomes its essence. This anomaly cannot bring a normal life; therefore, blending becomes dissolution.

---

<sup>30</sup> Nurettin Topçu, *Mehmet Âkif*, 2<sup>nd</sup> ed. (Istanbul: Dergâh, 1998), 13.

### III. Community Has to Vanish to Exist

The community seems to be in oblivion, forgetting the following: The highest worship is the justice it makes peculiar to its members;<sup>31</sup> the heavens and earth are grounded in justice;<sup>32</sup> law, which is the pillar of the heavens, is supported by justice;<sup>33</sup> and whoever disregards the criteria of justice will pay for doing so through the emergence of Divine fervor.<sup>34</sup> In such oblivion, the community claims that only it grows and can grow true men. Based on which, the community no longer allows anyone else to breathe. It spreads a group of its members to all of Turkey, even claiming that anyone can represent *Nursism*. It no more refrains from molesting the right of a country on behalf of disciples who know *alif* (ا) for being straight at *kāf* (ك) for being curved. The community does not want to remember that it will fall on its sword. There are many examples of this,<sup>35</sup> and justice will be performed once an unfair person is addressed with an equal injustice.<sup>36</sup>

In brief, the greatest mistake of the community is to consider Turkey as a community and to ground itself in a policy that is peculiar to the community but not to this land. Indeed, our country is not a stranger to this attitude. A glance at the Ottoman era shows that this was almost a traditional behavior. When there was a Bosnian Grand Vizier, he brought along his own men; if he was Albanian, then he advanced his own. The wise always suffered.<sup>37</sup> As the example of Soqollu Mehmed Pāshā shows, each vizier grants benevolence to his

<sup>31</sup> Cevdet Paşa [Jawdat Pāshā], *Tezâkir-i Cevdet* [*Tadhâkir-i Jawdat*], ed. Cavid Baysun (Ankara: Türk Tarih Kurumu, 1986), IV, 162.

<sup>32</sup> Abū Ḥāmid Muḥammad ibn Muḥammad al-Ghazālī, *Ma'ārij al-quḍs fī madārij ma'rīfat al-naḥs* (Beirut: Dār al-Kutub al-'Ilmiyyah, 1988), 94, 99, 100.

<sup>33</sup> Yusuf Has Hacib [Yūsuf Khāṣṣ Ḥājib], *Kutadgu Bilig*, trans. Reşid Rahmeti Arat (Ankara: Türk Tarih Kurumu), 2003, couplets: 3461, 3463, 449, 461.

<sup>34</sup> Na'imā Muştafā Efendī, *Târib-i Na'imâ* [*Târiḥ-i Na'imâ*], ed. Mehmet İpşirli (Ankara: Türk Tarih Kurumu, 2007), I, 25.

<sup>35</sup> Sinan Paşa, *Ma'ārif-nâme*, 196.

<sup>36</sup> Al-Fārābī, *Fuṣūl al-madanī*, ed. Douglas Morton Dunlop (Cambridge: Cambridge University Press, 1961), 141-143.

<sup>37</sup> Gelibolulu Muştafā 'Āli, *Mevâ'idu'n-Nefâis fī-Ḳavâ'idil-Mecâlis* [*Mawâ'id al-naḥâ'is fī qawâ'id al-majâlis*], ed. Mehmet Şeker (Ankara: Türk Tarih Kurumu, 1997), 320.

own people. Official ranks are granted to relatives and friends.<sup>38</sup> Thus, the image of Gelibolulu ‘Ālī Efendī and Ibn al-Amīn Maḥmūd Kamāl Beg is a great mirror to reflect the community that boasts of and claims to have solved all of its problems. Once this view is questioned, the community, which has hitherto left an impression of drawing its strength from silence and caution, becomes active. It brings into view the connection between itself and politics. The dignity of silence becomes the frivolity of declamation; ultimately, the mechanism inevitably breaks down.

During its sojourn in the labyrinths of politics, the community reveals what it can abandon and what it can defend to the end. Currently, a weakness that trusts not in Allah but in earth rules. The fact that world will go dry once the rule of predestination and fate governs is overlooked. Regardless of how accurate the warning is, man cannot succeed if such warning does not comply with providence. The community seems unaware that no effort will help if it is down on its luck and that caution will be void once providence abandons it.<sup>39</sup> It does not take into account that Allah knows everything that man, either implicitly or explicitly, does, says or thinks.<sup>40</sup> The way of life in which one must fear Allah at each step, is abandoned. From this perspective, it is worth discussing who draws the course of the community. In other words, since the adversaries answer to this question only via a shortcut and it is questioned whether the claims are true, the response will satisfy neither of the two parties. It is reasonable to ask whether the leaders of the community can accept responsibility for their acts. In this respect, we are undeniably in the face of an incident in which the rumors are worse than the facts. The question of whether the issues, expressed by the representatives of community, have representative power

<sup>38</sup> Ibn al-Amīn Maḥmūd Kamāl (İnal), “Muştafā ‘Ālī Efendī,” in *Manāqib-i bunarwarān*, ed. Ibn al-Amīn Maḥmūd Kamāl (Istanbul: Maṭba‘a-i ‘Āmirah, 1926), 12.

<sup>39</sup> Kerīmuddīn Mahmud-i Aksarayī [Karīm al-Dīn Maḥmūd-i Āqsarāyī], *Müsāmeretü’l-Abbār* [*Musāmarat al-akbbār*], trans. Mürsel Öztürk (Ankara: Türk Tarih Kurumu, 2000), 39, 56, 86, 148.

<sup>40</sup> Muhammed b. Alī b. Süleyman er-Rāvendī [Abū Bakr Najm al-Dīn Muḥammad ibn ‘Ālī ibn Sulaymān al-Rāwandī], *Rābat-üs-Sudūr ve Āyet-üs-Sürūr* [*Rāḥat al-şudūr wa-āyat al-surūr*] (*Gönüllerin Rabatı ve Sevinç Alâmeti*), trans. Ahmet Ateş (Ankara: Türk Tarih Kurumu, 1999), I, 71.

awaits an answer. Therefore, the issues that surround the question of who will be responsible for the acts performed on behalf of the community should be appropriately placed on the agenda. It is necessary to cease crushing the salvation of our country in the mill of politics.

As state officials and policy makers are well aware, one cannot understand the community through the comprehension of Sa'îd Nûrsî. This lineage, established around Fethullah Gülen, constitutes an internal hierarchy towards lower layers. Anyone involved in the movement fulfills his respective duty in the community. The same should apply for the state as well. Anyone who feels that he belongs to this country should fulfil his duty, become friends with its friends and foes with its foes, proceed in a reasonable, average course and not go astray for the sake of another direction. The community should act as a community and the state should act as a state; the order's sheikh should not place himself in the shoes of the president. It should be remembered that the country will become unbalanced once any rank surpasses its assigned duty and attempts to dominate the others. Another point to consider is the following characteristic of Turkish political philosophy: "An object who does not obey has to become involved in politics."<sup>41</sup> Anyone who is aware of this fact will not allow the following saying: "If only sultans of yore knew how to distinguish the right person from the wrong, whose business is all treachery."<sup>42</sup>

We have the following two-faced view: The deeds of the community, which desires everything but does not assume responsibility for its desires, signify not the demolition of the tradition of order but taking the latter to new grounds on the course of the past. According to those who see heads side of the coin, the state cuts its own throat by shaking off a structure for which it has cleared the way for so long. Since doing so is impossible, the community is either intensified or localized and domesticated. Above all, the assignment of new communities to the areas in vacancy shows that political power cannot be indifferent to the culture of the community. It is true that some problems are impossible to solve today, as they were yesterday; indeed, all elements, driven forward since the beginning of modernity, have become possible by oppressing others. In this

<sup>41</sup> For an example, see Ibn al-Amîn, "Muşafâ 'Âli Efendi," 9.

<sup>42</sup> Gelibolulu Muşafâ 'Âli, *Mevâ'idu'n-Nefâis*, 330.

regard, since the community has left its original sphere, it is clearly necessary to return to this sphere. In consideration of the saying “Knowing your weaknesses is such maturity that there is nothing superior to it,”<sup>43</sup> the community has to vanish to exist once again. As Allah created this world of beings out of nothing, something has to set sail to the realm of nonexistence before it can come into being again.<sup>44</sup> “As the saying goes, water flows back to whence it flows.”<sup>45</sup>

We will have taken the first step towards comprehending the situation if we can answer the following question: *How did the community become powerful enough to decide on the course of politics?* The distance between points of departure and arrival is more profound than expected; therefore, the tracts by Nürsî can only serve as a beginning on the way to finding the characteristic traits of the community. Therefore, the community sets its sight not on tomorrow but on yesterday, it should seek possibilities of taking refuge in the realm of orders in which connection with anything other than Allah is over, and it should remember that Sufism is the way of life of a living Islam, that Turkish Islam has an entirely mystical character and that no one unaware of this fact can establish a connection with the nation. Accordingly, the sayings “no enemy can counter if there is maturity in religion and diligence in piety” and “the course of religion is the ground for benediction in life”<sup>46</sup> should become its motto, so much so that the community should make these sayings into amulets so its members should wear them. In brief, the community should not further test whether strategic methods do not lead to sovereignty in a profound and spiritual life, whether communities without a mystical aspect cannot maintain their gains and traditions of local life, and whether entrainment merely around the works of Sa‘îd Nürsî will never be sufficient.

<sup>43</sup> İsmail Hakkı Bursavî [İsmâ‘îl Hâqqî Bûrsawî], *Kitâbü'n-Ne‘îce* [*Kitâb al-natîjab*], eds. Ali Namlı and İmdat Yavaş (Istanbul: İnsan, 1997), I, 75.

<sup>44</sup> Şams al-Dîn Ahmed al-Aflākî al-‘Ârifî [Shams al-Dîn Ahmed al-Aflākî al-‘Ârifî], *Manâkıb al-‘Ârifîn* [*Manâqib al-‘ârifîn*], ed. Tahsin Yazıcı (Ankara: Türk Tarih Kurumu, 1976), I, 175; id., *Âriflerin Menkıbeleri*, trans. Tahsin Yazıcı, 3<sup>rd</sup> ed. (Ankara: Milli Eğitim Bakanlığı, 1995), I, 355.

<sup>45</sup> İsmâ‘îl Hâqqî Bûrsawî, *Sbarh al-Matbnawî*, I, 404.

<sup>46</sup> Bûrsawî, *Tuhfe-i Aliyye* [*Tuhfa-i ‘aliyyab*], ed. Şeyda Öztürk, in *Üç Tuhfe: Seyr-i Sülûk*, (Istanbul: İnsan, 2000), 209, 229.

The history of the Turks undeniably provides the state with a divine character.<sup>47</sup> Thus, it is easier said than done to rearrange Turkish political life, leaning on the authority of the community in the face of state authority; as is known, the customs of each generation are subject to the customs of its own ruler. The people are of the religion of their ruler.<sup>48</sup> People often imitate sultans, to whose religion they are adherent.<sup>49</sup> The difference between rulers and others is that the word of the former is absolute law. Dynasties, cities and provinces are always subject to a person, and once this person dies or is abandoned, the government of power is upside down.<sup>50</sup>

There is not much to say about the opponents who consider communities to be the greatest obstacle against becoming a nation but who will establish their own community given half a chance; It has the value of the statements of opponents who do not fear criticizing the community when it is stronger but not when it is weak. The state should not rely on anyone who has acclaimed the community yesterday but who has now changed sides. We are far beyond the stage of “friend becomes foe upon harsh treatment and violence.”<sup>51</sup> In spite of everything, let us lend an ear to Niẓām al-mulk: “One should fight against an enemy while estimating the possibility of peace; one should prefer peace without ignoring war; one should establish intimacy with friends in such a manner that it is possible to break the bonds and break them in such a manner that it is possible to re-establish them; the best is to choose the middle course.”<sup>52</sup> Please bear in mind that anyone who looks naively at the culture of the community and the order evaluates the view as follows:

<sup>47</sup> Âşık Paşa-zâde [‘Āshiq Pāshā-zādal], *Osmanoğullarının Taribi*, eds. Kemal Yavuz and M. A. Yekta Saraç (Istanbul: K Kitaplığı, 2003), 340.

<sup>48</sup> İbn Haldun [Abū Zayd Walī al-Dīn ‘Abd al-Raḥmān ibn Muḥammad Ibn Khaldūn], *Mukaddime [Muqaddimab]*, trans. Süleyman Uludağ, 2<sup>nd</sup> ed. (Istanbul: Dergâh, 1988), I, 242.

<sup>49</sup> Kınalızâde Ali Çelebi, *Ablâk-ı Alâî*, 462.

<sup>50</sup> Niẓāmü'l-mülk [Niẓām al-mulk], *Siyâset-nâme [Siyâsat-nâmab]*, trans. Mehmet Altan Köymen, (Ankara: Türk Tarih Kurumu, 1999), 95-96, 166.

<sup>51</sup> Abū l-Najīb ‘Abd al-Raḥmān ibn Naşr al-Suhrawardī al-Shayzarī, *Nahj al-sulūk fi siyâsat al-mulūk*, trans. Naḥîfî Meḥmed Efendî, 3<sup>rd</sup> ed. (Istanbul: ‘Alî Riḍâ Efendî Maṭba‘asî, 1286), 28.

<sup>52</sup> Niẓām al-mulk, *The Book of Government or Rules for Kings: The Siyâsat-nâme or Siyar al-mulūk*, translated from the Persian by Hubert Darke (New Haven: Yale University Press, 1960), 251; id., *Siyâset-nâme*, 344.



“If they see two friends, they long for a fight / once the two are in conflict, they long for the throwing of stones.”<sup>53</sup> Although the community censors certain facts to some extent, all is clearer than it seems. Everybody knows very well who is who; therefore, nobody should refrain from disclosing who he is and stand where he should stand.

### Conclusion

The Gülen Community, which is the symbol of a period, has become open to investigation by others in Turkey, triggering the pruning of the community concept in the imagination of the nation, utilizing good for evil and becoming the story of a ruined ideal. This community leaves the impression of a lock clamped by its own history. In this respect, the condition of the Gülen Community includes lessons to be learned. The community, which has been synonymous with absolute obedience throughout history, has currently become a reaction to a significant extent. The current situation demonstrates the level of political competence of the community. This political and religious organization has transformed the culture of the community, a long-lasting source of power and strength for the state, into the most important means of combatting the government. Ultimately, consequences of this attitude exceed the Gülen Community and brings readiness against all communities. Currently, in Turkey, the field of communities and orders is no longer reliable or safe. Passing through anxious times, the country shall face the psychological effects of this fact in upcoming years. Thus, let us conclude with the saying that “only the brave understand the truth”<sup>54</sup> and repeat all again: “Whoever talks knows not himself; whoever knows does not talk.”<sup>55</sup>

### REFERENCES

Aksarâyî, Kerîmuddîn Mahmûd [Âqsarâyî, Karîm al-Dîn Maḥmûd]. *Müsâmeretü'l-Abbâr* [*Musâmarat al-akbbâr*]. Translated by Mürsel Öztürk. Ankara: Türk Tarih Kurumu, 2000.

<sup>53</sup> Sinan Paşa, *Maârif-nâme*, 294.

<sup>54</sup> “Hakk anlamak merd işidir.” İsmâ‘îl Ḥaqqî Bûrsawî, *Sharḥ al-Mathnawî*, I, 520.

<sup>55</sup> “Söyleyenler kendin bilmez bilenler söylemez.” Müstakîmzâde Süleyman Sa‘deddin, *Risâle-i Melâmiyye-i Şuttâriyye*, 277.

- Anqarawī, Ismā‘īl Rusūkhī. *Sbarḥ al-Mathbnawī*. 6 vols. Istanbul: Maṭba‘a-i ‘Āmirah, 1289.
- al-‘Ārifī, Şams al-Dīn Aḥmed al-Aflākī [Shams al-Dīn Aḥmad al-Aflākī al-‘Ārifī], *Manāqib al-‘Ārifīn* [*Manāqib al-‘ārifīn*]. 2 vols. Edited by Tahsin Yazıcı. Ankara: Türk Tarih Kurumu, 1976.
- . (as Ahmet Eflākī) *Âriflerin Menkıbeleri*. 2 vols. Translated by Tahsin Yazıcı. 3<sup>rd</sup> ed. Ankara: Milli Eğitim Bakanlığı, 1995.
- Aristoteles. *Politika* [*Politics*]. Translated by Furkan Akderin. Istanbul: Say, 2013.
- Âşık Paşa-zâde [‘Āshiq Pāshā-zādal], *Osmanoğullarının Taribi*. Edited by Kemal Yavuz and M. A. Yekta Saraç. Istanbul: K Kitaplığı, 2003.
- Bürsawī, Ismā‘īl Ḥaqqī. (as İsmail Hakkı Bursevî). *Kitābü’n-Neṭice* [*Kitāb al-natijab*]. 2 vols. Edited by Ali Namlı and İmdat Yavaş. Istanbul: İnsan, 1997.
- . *Sbarḥ al-Mathbnawī*. 2 vols. Istanbul: Maṭba‘a-i ‘Āmirah, 1287.
- . *Tubḥe-i Aliyye* [*Tuḥfa-i ‘aliyyab*]. Edited by Şeyda Öztürk. In *Üç Tubḥe: Seyr-i Sülûk*. Istanbul: İnsan, 2000.
- Cevdet Paşa [Jawdat Pāshā]. *Tezâkir-i Cevdet* [*Tadhâkir-i Jawdat*]. 4 vols. Edited by Cavid Baysun. Ankara: Türk Tarih Kurumu, 1986.
- al-Fārābī, Abū Naşr Muḥammad ibn Muḥammad ibn Ṭarkhān. *Kitāb taḥşil al-sa‘ādab*. Beirut: Dār al-Andalus, 1981.
- . *Fuṣūl al-madanī*. Edited by Douglas Morton Dunlop. Cambridge: Cambridge University Press, 1961.
- . *Kitāb ārā’ abl al-madīnah al-fāḍilah*. Edited by Albīr Naşrī Nādir. Beirut: Dār al-Mashriq, 1986.
- Gelibolulu Muştafā ‘Ālī. *Manāqib-i bunarwarān*. Edited by Ibn al-Amīn Maḥmūd Kamāl [İnal]. Istanbul: Türk Tarih Encümeni, 1926.
- . *Mevâ’idu’n-Nefâis fî-Kavâ’idi’l-Mecâlis* [*Mawâ’id al-naḡâ’is fî qawâ’id al-majâlis*]. Edited by Mehmet Şeker. Ankara: Türk Tarih Kurumu, 1997.
- . *Naşîḫatu s-selâṭin* [*Naşîḫat al-salâṭin*]. In *Muştafâ ‘Ālī’s Counsel for Sultans of 1581: Edition, Translation, Notes*. Edited by Andreas Tietze. Wien: Verlag der Österreichische Akademie der Wissenschaften, 1979.
- al-Ghazālī, Abū Ḥāmid Muḥammad ibn Muḥammad. *Ma‘ārij al-quḍs fî madārij ma‘rifat al-naḡs*. Beirut: Dār al-Kutub al-‘Ilmiyyah, 1988.

- İbn Haldun [Abū Zayd Walī al-Dīn ‘Abd al-Raḥmān ibn Muḥammad Ibn Khaldūn]. *Mukaddime* [*Muqaddimab*]. 2 vols. Translated by Süleyman Uludağ. 2<sup>nd</sup> ed. Istanbul: Dergâh, 1988.
- Ibn Sīnā, Abū ‘Alī Ḥusayn ibn ‘Abd Allāh ibn ‘Alī. *al-Shifā’*: *al-Ilābiyyāt*. Edited by Georges C. Anawati, Ibrāhīm Madkūr, and Sa‘īd Zāyed. n.p.: n.d.
- Ibn al-Amīn Maḥmūd Kamāl [İnal]. “Muṣṭafā ‘Ālī Efendī.” In *Manāqib-i bunarwarān*, 3-133. Edited by Ibn al-Amīn Maḥmūd Kamāl. Istanbul: Maṭba‘a-i ‘Āmirah, 1926.
- Keykāvus [‘Unşur al-Ma‘ālī Kaykāvūs ibn Iskandar ibn Qābūs]. *Kabusnâme* [*Qābūs-nāmab*]. Translated by Mercimek Ahmed [İlyasoğlu]. Edited by Orhan Şaik Gökyay. Istanbul: Kabaıcı, 2007.
- Kınalızāde Ali Çelebi [Qinālīzāda ‘Alī Chalabī]. *Ablāk-ı Alâ’î* [*Akblāq-i ‘Alā’î*]. Compiled by Mustafa Koç. Istanbul: Klasik, 2007.
- Müstakīmzāde Süleyman Sa‘deddin [Mustaqīmzāda Sulaymān Sa‘d al-Dīn], *Risāle-i Melâmiyye-i Şuttâriyye* [*Risāla-i Malâmiyya-i Shuṭṭâriyyab*]. In *Melâmet Risâleleri: Bayrâmî Melâmilîği’ne Dâir*, 211-342. Edited by Abdurrezzak Tek. Bursa: Emin, 2007.
- Na‘īmā Muṣṭafā Efendī. *Târib-i Na‘imâ* [*Târîkh-i Na‘imâ*]. Edited by Mehmet İpşirli. Ankara: Türk Tarih Kurumu, 2007.
- Nizâmü’l-mülk [Nizām al-mulk], *Siyâset-nâme* [*Siyâsat-nāmab*]. Translated by Mehmet Altan Köymen. Ankara: Türk Tarih Kurumu, 1999.
- . *The Book of Government or Rules for Kings: The Siyâsat-nâma or Siyar al-mulûk*. Translated by Hubert Darke. New Haven: Yale University Press, 1960.
- Özel, İsmet. *Sorulunca Söylenen*. Istanbul: Tiyo, 1999.
- Qochi Beg. *Qochi Beg Risâlasî*. Constantinople: Maṭba‘at Abū l-Ḍiyā’, 1886.
- Plato, *Devlet* [*Politeia*]. Translated by S. Eyüboğlu and M. A. Cimcoz. Istanbul: Remzi Kitabevi, 2012.
- er-Rāvendî, Muhammed b. Ali b. Süleyman [Abū Bakr Najm al-Dīn Muḥammad ibn ‘Alī ibn Sulaymān al-Rāwandī]. *Râbat-üs-Sudûr ve Âyet-üs-Sürûr* [*Râbat al-şudûr wa-âyat al-surûr*] (*Gönüllerin Rabatı ve Sevinç Alâmeti*). 2 vols. Translated by Ahmet Ateş. Ankara: Türk Tarih Kurumu, 1999.

- Roy, Olivier. *Kayıp Şark'ın Peşinde* [En quête de l'Orient perdu]. Edited by Jean-Louis Schlegel. Translated by Haldun Bayrı. Istanbul: Metis, 2014.
- Sinan Paşa [Sinān Pāshā]. *Ma'ārif-nāme* [Ma'ārif-nāmab]: *Özli Sözcükler ve Öğütler Kitabı*. Edited by Mertol Tulum. Ankara: Atatürk Kültür Merkezi, 2013.
- . *Tazarru'-nāme* [Taḍarru'-nāmab]: *Yakarışlar Kitabı*. Edited by Mertol Tulum. Istanbul: Türkiye Yazma Eserler Kurumu Başkanlığı, 2014.
- al-Suhrawardī, Abū l-Najīb 'Abd al-Rahmān ibn Naşr al-Shayzarī. *Nahj al-sulūk fī siyāsāt al-mulūk*. Translated by Naḥīfī Meḥmed Efendī. 3<sup>rd</sup> ed. Istanbul: 'Alī Riḍā Efendī Maṭba'ası, 1286.
- Ṭāshkuprīzāda, Abū l-Khayr 'Işām al-Dīn Aḥmad ibn Muşṭafā. *Mawḍū'āt al-'ulūm*. 2 vols. Translated by Kamāl al-Dīn Meḥmed Efendī. Darsa'adat: Iqdām Maṭba'ası, 1313.
- Topçu, Nurettin. *Mehmet Âkif*, 2<sup>nd</sup> ed. Istanbul: Dergâh, 1998.
- Yusuf Has Hacib [Yūsuf Khāşş Hājib]. *Kutadgu Bilig*. Translated by Reşid Rahmetî Arat. Ankara: Türk Tarih Kurumu, 2003.

# ***KHURŪJ* IN CONTEMPORARY ISLAMIC THOUGHT: THE CASE OF THE “ARAB SPRING”**

Muhammad al-Atawneh  
*Ben-Gurion University of Negev-Israel*  
E-mail: alatawnh@bgu.ac.il

---

## **Abstract**

The “Arab Spring” has challenged contemporary Muslim religious scholars (*‘ulamā’*) to address the popular issues of opposition to the ruler (*al-khurūj ‘alā l-ḥākim*). It seems that these *‘ulamā’*, from various schools of Islamic thought, are unable to reach a consensus on these matters. Their positions range from wide recognition of the right to nonviolent civil protest, e.g., protest rallies, strikes, civil unrest, etc., to the strict prohibition of all expressions of popular protest, as being foreign to Islam. This picture is even more complex when one discerns the ambivalent approaches of various religious institutions and figures, both official and private that have supported protests in certain countries, but objected to protest in others. This article investigates these religio-legal positions regarding popular protest against the ruler: What are the boundaries of the permissible and the forbidden in regard to popular protest against the ruler from the vantage point of contemporary Sunnī scholars? My central claim here is that a significant gap exists between the different current Islamic legal positions on the issue of popular protest against the ruler and its restriction. These positions are mostly derived from the general understanding of the different schools of Islamic legal thought today regarding the theory of the Muslim state, especially of the relationship between the ruler and his subjects.

*Key Words:* *Khurūj*, Arab spring, protest, Islamic law, Islamic government

---

The onset of the “Arab Spring” has challenged contemporary Muslim religious scholars (‘*ulamā*’) to address the popular issues of protest and opposition to the ruler (*al-kburūj ‘alā l-ḥākim*) [hereafter: *kburūj*]. It seems that these ‘*ulamā*’, from various schools of Islamic thought, are unable to reach a consensus on these matters. Their positions range from wide recognition of the right to nonviolent civil protest, e.g., protest rallies, strikes, civil unrest, etc., to the strict prohibition of all expressions of popular protest, as being foreign to Islam. This picture is even more complex when one discerns the ambivalent approaches of various religious institutions and figures, both official and private, that have supported protests in certain countries, but objected to protest in others (see the Wahhābī case below). These positions are expressed in various writings and religious texts devoted to this subject, among which are legal decisions (*fatāwā* = *fatwās*) written in recent years by leading religious figures and religious institutions.<sup>1</sup>

In this article, I will investigate these legal positions regarding popular protest against the ruler. As such, the central question is: What are the boundaries of the permissible and the forbidden in regard to popular protest against the ruler from the vantage point of Sunnī Islamic law? This article is divided into three primary sections. The first is devoted to a discussion of the theoretical, legal, and judicial aspects in the modern and the classical legal sources. This deliberation is important for deepening our understanding of the changes that have occurred in modern Islamic religious thought about the matter of public protest and its legitimate limits. The second section will deal with the issue of protest from the viewpoint of contemporary Islamic scholars. Lastly, the third section considers the “Arab Spring” as a test case for the investigation of various legal

<sup>1</sup> See, for example, Salmān al-‘ūdāh, *As’ilat al-thawrab* (Beirut: Markaz Namā’ li-l-Buḥūth wa-l-Dirāsāt, 2012); also available at: <http://www.goodreads.com/ebooks/download/13516777>; ‘Alī Muḥyī al-Dīn al-Qaradāghī, “al-Ta’ṣīl al-shar‘ī li-l-muḥāharāt al-silmiyyah aw al-thawrāt al-sha‘biyyah: mā yajūz” minhā wa-mā lā yajūz” ma’a munāqashat al-adillah,” <http://www.qaradaghi.com/chapters.aspx?ID=154>, accessed August 2015; Council of Senior Scholars (Saudi Arabia, hereafter: CSS), “Bayān fī ḥukm al-muḥāharāt,” <http://www.alriyadh.com/2011/03/07/article611507.html>, accessed August 2015; Mishārī al-Dhāyidī, “Fatāwā l-muḥāharāt,” *al-Sharq al-awsaṭ*, March 12, 2011, <http://www.aawsat.com/leader.asp?section=3&article=612175&issueno=11792>, accessed August, 2015.

practical approaches. My central claim here is that a significant gap exists between the different current Islamic legal positions on the issue of popular protest against the ruler and its restriction. These positions are mostly derived from the general understanding of the different schools of Islamic legal thought today regarding the theory of the Muslim state, especially of the relationship between the ruler and his subjects.

### ***Khurūj* in Classical Islamic Law**

A study of the relevant classical Islamic literature teaches us that there is a lack of consideration given to modern expressions of protest, such as rallies, strikes, civil unrest, etc. Nonetheless, protest and opposition to the ruler may occur within the frameworks of two relevant, key classical doctrines: “opposing the ruler (*al-khurūj ‘alā l-ḥākim*)” and “commanding right and forbidding wrong (*al-amr bi-l-ma‘rūf wa-l-nahy ‘an al-munkar*).” Both these doctrines have enjoyed serious consideration in important textual sources: the Qurʾān and the Sunna, as well as in the positive legal literature of the *al-siyāsah al-shar‘iyyah*, particularly in regard to the ruler-ruled relationship.<sup>2</sup>

A discussion of these two doctrines is characterized by a legal dispute between the *‘ulamā’* of the various schools of thought, especially on the matter of the essence and limits of opposition to the ruler. First, note that obedience to the ruler (*walī al-amr*) is anchored both in the Qurʾān and in the Prophetic tradition. For example, Q 4:59 says:

O you who believe! Obey Allah, and obey the Messenger and those of you who are in authority; and if you have a dispute concerning any matter, refer it to Allah and the Last Day. That is better and more seemly in the end.<sup>3</sup>

Practically speaking, this obligation to obey is agreed upon in principle by the commentators and *‘ulamā’* of all the different schools. However, there were differences of opinion about the definition of “holders of authority (*wulāt al-umūr*).” While the

<sup>2</sup> For more on *al-siyāsah al-shar‘iyyah* see Frank E. Vogel, “Siyāsa: In the sense of siyāsa shar‘iyya,” in *The Encyclopaedia of Islam Second Edition*, IX, 694-696.

<sup>3</sup> All the Qurʾānic translations into English are taken from: Muhammad M. Pickthall, *The Meaning of the Glorious Qurʾan*, rev. and ed. ‘Arafāt Kāmil ‘Ashshī (Beltsville, MD: Amana Publications, 2006).

important commentators of the Qurʾān, such as Ibn Kathīr, al-Ṭabarī, etc., agree on the essence and manner of obedience to Allah and His Prophet, there is disagreement regarding the “authorities:” Does this refer to the Muslim religious scholars or to the rulers? Apparently, these commentators tended to associate the requirement of obedience to both types of authority figures. This is the position of Ibn Kathīr, for instance, who surveyed the various opinions on this and chose the broadest application of the term “authorities” – that is to say, including both the rulers and the *ʿulamāʾ*. In his opinion, a Muslim must obey them all, as long as their words and/or actions do not contradict the dominant legal interpretation.<sup>4</sup>

Yet, Ibn Kathīr, like many other commentators, does not clearly define the main cause for disobedience – nor the limits of obedience to the “authorities.” Anyhow, these commentaries, as well as the relevant classical literature assigns the question of *kburūj* a military nature, such as a coup during which the ruler is deposed due to his blatant blasphemy (*kufṛ bawāḥ*). Thus, the doctrine of *kburūj* does not relate at all even to the mildest expressions of protest that we recognize today.<sup>5</sup>

The questions of *kburūj* may also be tied to the classical doctrine of “commanding right and forbidding wrong.”<sup>6</sup> As previously stated, this commandment is anchored in the Qurʾān, reiterated in a number of verses.<sup>7</sup> Al-Juwaynī (a Shāfiʿī legal scholar, d. 1085) determined that this commandment is the individual obligation of every Muslim (*farḍ ʿayn*) when dealing with issues having a consensus in Islamic law. However, this is not so when the law is unclear and requires *ijtihād* (independent reasoning), in which case the obligation falls to the *ʿulamāʾ*, who required to clarify such laws and, in doing so, to meet their obligation to command right action and forbid

<sup>4</sup> Abū l-Fidāʾ ʿImād al-Dīn Ismāʿīl ibn ʿUmar Ibn Kathīr, *Tafsīr al-Qurʾān al-ʿazīm*, ed. Sāmī ibn Muḥammad al-Salāmah, 2<sup>nd</sup> ed. (Riyadh: Dār Ṭībah li-l-Nashr wa-l-Tawzīʿ, 1999), II, 345-346.

<sup>5</sup> Kāmil ʿAlī Ibrāhīm Rabbāʿ, *Naẓariyyat al-kburūj fī l-fiqḥ al-siyāsī al-Islāmī* (Beirut: Dār al-Kutub al-ʿIlmiyyah, 2004), 203-204; for more on *kburūj* in classical Islamic sources see Jamāl al-Ḥusaynī Abū Farḥah, *al-Kburūj ʿalā l-ḥākīm fī l-fikr al-siyāsī al-Islāmī* (Cairo: Markaz al-Haḍārah al-ʿArabiyyah, 2004).

<sup>6</sup> Rabbāʿ, *Naẓariyyat al-kburūj*, 131-146.

<sup>7</sup> Among these verses: Q 3:104, 110-114; Q 9:71, 111-112; Q 22:41; Q 31:17.



wrongdoing.<sup>8</sup> It seems that the judicial standing of this commandment, whether it is the individual's obligation (*farḍ 'ayn*) or collective duty (*farḍ kifāyah*), is in dispute.<sup>9</sup> In his comprehensive research on Islamic doctrine, Michael Cook presents this dispute in a notable manner. He claims that various disputes exist regarding the essence of this commandment, its mechanism of implementation, and even who is obliged to fulfill it.<sup>10</sup>

Cook focuses on the tools and mechanisms for performing this commandment or, in other words "How does one command right action and forbid wrongdoing?" In this context, it is possible to discern a central method at the heart of this legal discussion on the observance of this commandment, based on the prophetic tradition:

It is incumbent upon those among you who see any evil to change it, whether by hand, by the use of words, or in your heart, at the very least.<sup>11</sup>

Superficially, the classical *'ulamā'* agree on the chronological order determined by the Muslim tradition, as expressed by hand or by word, and only afterwards by the heart. However, a dispute exists primarily surrounding the practical implementation of this tradition. For example, al-Nawawī (a Shāfi'ī scholar, d. 1277) determined that whomever is killed while attempting to actively make a change, or by hand, is a *shabīd* (martyr), like one who died sanctifying Allah.<sup>12</sup>

<sup>8</sup> Imām al-Ḥaramayn Abū l-Ma'ālī Rukn al-Dīn 'Abd al-Malik ibn 'Abd Allāh al-Juwaynī, *Kitāb al-irṣād ilā qawāṭi' al-adillab fī uṣūl al-i'tiqād*, ed. As'ad Tamīm (Beirut: Mu'assasat al-Kutub al-Thaqāfiyyah, 1985), 311-312.

<sup>9</sup> *Farḍ 'ayn* is an act that is obligatory for Muslims individually – each will be rewarded for performing it or punished for failing to perform it. *Farḍ kifāyah*, on the other hand, is an act that is obligatory for the Muslim community collectively – if it is sufficiently carried out by some members in a certain Muslim community, then other Muslims in that community need not perform it; but if nobody takes it upon himself or herself to perform the act on behalf of the community, then all that community's Muslims have failed (and will be punished).

<sup>10</sup> Michael Cook, *Commanding Right and Forbidding Wrong in Islamic Thought* (Cambridge, UK & New York, NY: Cambridge University Press, 2000), 17-18.

<sup>11</sup> See Abū Zakariyyā Muḥyī al-Dīn Yaḥyā ibn Sharaf ibn Mūrī al-Nawawī, *Sbarḥ matn al-Arba'in al-Nawawīyyah fī l-ahādīth al-ṣaḥīḥah al-Nabawīyyah*, 4<sup>th</sup> ed. (Damascus: Maktabat Dār al-Fath, 1984), 91.

<sup>12</sup> *Ibid.*

Despite this, it was found that other *‘ulamā’* strictly limit this method in cases in which harm may befall the one enacting the commandment. Abū Ḥāmid al-Ghazālī (d. 1111) noted, for instance, that individuals should avoid performing this commandment in cases where their lives are endangered.<sup>13</sup> Yet, such individuals view the chronology of change as being dependent on their ability to render change and so they prefer changing things by hand; if they are unable to make the indicated change physically, then they attempt to do so by means of their words; if this too fails, then they turn to the heart – defined as revealing their internal revulsion and non-acceptance of the negative practices they wish to change.

In any event, this classical legal discussion of methods for criticizing a ruler, or for making criticism in general, serves the current legal discussion on modern expressions of protest, such as rallies, strikes, civil unrest, etc. Attempts are being made to delineate the boundaries of the permitted and the forbidden in public protest against the “authorities” by means of renewed interpretations of relevant classical sources and positive judicial tradition.

### **Protest and Opposition in Modern Sunnī Religious Thought**

It seems that the past disputes, regarding opposition and the commandment to do right and forbid wrongdoing, not only continue to exist, but have increased in vigor among the contemporary religious scholars. These differences of opinion stem from different legal perceptions of the theory of the modern Islamic state, particularly on the issue of the ruler and his subjects. As mentioned above, a variety of positions are currently being espoused, ranging from the total rejection of all expressions of protest (mainly represented by Wahhābī Islam), to a broad toleration of public protest, with its many nonviolent expressions, such as rallies, strikes, etc.

As for the Wahhābī position, it rejects all the various expressions of modern protest.<sup>14</sup> In essence, this position stems from a classical

<sup>13</sup> Abū Ḥāmid Muḥammad ibn Muḥammad al-Ghazālī, *Iḥyā’ ‘ulūm al-dīn* (Cairo: al-Maktabah al-Tijāriyyah al-Kubrā, n.d.), III, 319-320.

<sup>14</sup> CSS, “Bayān;” see also “A Fatwā from the Council of Senior Scholars in the Kingdom of Saudi Arabia Warning Against Mass Demonstrations,” <http://islamopediaonline.org/fatwa/fatwa-council-senior-scholars-kingdom-saudi-arabia-warning-against-mass-demonstrations>, accessed August 2015; see

Wahhābī doctrine based on the teachings of Ibn Taymiyyah (d. 1328) on ruler-ruled relations, especially about the obligation to obey rulers. A study of Wahhābī doctrine on this matter clearly teaches that there is an almost total and unequivocal obligation to obey the ruler. Classical Wahhābī political theory is based on the assumption that the goal of government in the Muslim world is to protect the *sharī‘ah* and to enforce its commandments. In order to enforce the observance of the *sharī‘ah*, a temporal ruler is required and obedience to him is a religious obligation. Nonetheless, the ruler must seek the counsel of the *‘ulamā’*, since they hold the authority to clarify principles of the *sharī‘ah*. Al-Sheikh Muḥammad ibn ‘Abd al-Wahhāb (d. 1792) divided political hegemony between the *‘ulamā’* (the religious authorities on religious issues) and the *umarā’* (the rulers). Within the framework of this cooperation, enforcement of the *sharī‘ah* requires that the ruler commits to its tenets, that the state provides ongoing support and that legitimization is forthcoming from the religious sector. Despite the great significance of this system of interrelations, Ibn ‘Abd al-Wahhāb did not provide a precise model of such cooperation, nor guidelines for the overall structure and the functions of the parties involved.<sup>15</sup>

In many respects, contemporary Wahhābīs are loyal to the classical formula for the division of power between the *‘ulamā’* and

---

also “Hay’at kibār al-‘ulamā’ fi l-Sa‘ūdiyyah tuḥarrim al-muzāharāt fi l-bilād wa-tuḥadhdhir min al-irtibātāt al-fikriyyah wa-l-ḥizbiyyah al-munḥarifah,” *al-Sbarq al-awsaṭ*, March 7, 2011.

<sup>15</sup> Note that in Saudi Arabia authoritarian power may be drawn not only from religion/the sacred, but also stems from tribal or clan social structures and from long-standing cultural norms. For a general discussion on the sources of authoritarian power in the Arab Gulf monarchies, see Eric Davis, “Theorizing Statecraft and Social Change in Arab Oil Producing Countries,” in *Statecraft in the Middle East: Oil, Historical Memory, and Popular Culture*, eds. Eric Davis and Nicolas Gavrielides (Miami: Florida International University Press, 1991), 1-35; James Peterson, “Tribes and Politics in Eastern Arabia,” *Middle East Journal* 31 (1977): 297-312; Joseph Kostiner, “Transforming Dualities: Tribe and State Formation in Saudi Arabia,” in *Tribes and State Formation in the Middle East*, eds. Philip Khoury and Joseph Kostiner (Berkeley: University of California Press, 1990), 226-248; Christine Helms, *The Cohesion of Saudi Arabia* (Baltimore: Johns Hopkins University Press, 1981), chs. 1-3; Muhammad al-Atawneh, “Reconciling Tribalism and Islam in the Writings of Contemporary Wahhābī *‘Ulamā’*,” in *Facing Modernity: Rethinking ‘Ulamā’ in the Arab Middle East*, ed. Meir Hatina (Leiden: E. J. Brill, 2009), 211-227.

the *umarāʾ*. This approach may be seen in the work of the supreme religious authority in Saudi Arabia, the Council of Senior Scholars (*Majlis bayʿat kibār al-ʿulamāʾ*; hereafter: CSS).<sup>16</sup> A blatant example of the perception of these is regarding the division of power was aired by Ibn Bāz (a former Grand Mufti, d. 1999). In his speech, he revealed his positions on “authorities” and why they must be obeyed. In answer to one of the questions directed to him during the discussion “Which is the authority (*wulāt al-amr*) to be obeyed: the religious authorities (*ʿulamāʾ*) or the political rulers (*umarāʾ*)? Ibn Bāz answered: “both are “the authorities,” the *ʿulamāʾ* and the *umarāʾ*...” And he added:

The authorities are both the *ʿulamāʾ* and the *umarāʾ* of the Muslims... It is obligatory that they be obeyed by good deeds, for only in this way will peace reign and we will be protected from the tyranny of the strong over the weak; furthermore, disobedience will bring anarchy, and the strong will overcome the weak ...<sup>17</sup>

According to Ibn Bāz, the role of the *ʿulamāʾ* is to ascertain the will of Allah by analyzing His words, while the role of the *umarāʾ* is to implement those interpretations. Ibn Bāz expected the subjects of the Kingdom to obey the authorities and to follow the direction of both the *ʿulamāʾ* and the *umarāʾ* – as long as their instructions are not contrary to the commandments of the *sharīʿah*. He instructed the believers to obey the King and the authorities in the Kingdom; he even associated obedience to Allah and His Prophet with obedience to the ruler. Ibn Bāz primarily based his claims on “public interest (*maṣlaḥah ʿāmmah*),” a basic principle in Islamic legal theory, by means of which the ruler’s actions are legitimized within the doctrinal

<sup>16</sup> In Saudi Arabia there are two official religious institutions for issuing legal opinions: the Council of Senior Scholars (CSS) and the Permanent Committee for Scientific Research and Legal Opinion (CRLO). These two institutions, led by the Grand Mufti, constitute the ‘religious pyramid.’ More in Muhammad al-Atawneh, *Wabbābi Islam Facing the Challenges of Modernity: Dār al-Iftā in the Modern Saudi State* (Leiden: Brill, 2010), 17-34, <https://doi.org/10.1163/ej.9789004184695.i-210>

<sup>17</sup> ʿAbd al-ʿAzīz ibn ʿAbd Allāh ibn ʿAbd al-Raḥmān Ibn Bāz, *Majmūʿ fatāwā wa-maqālāt mutanawwiʿah*, ed. Muḥammad ibn Saʿd al-Shuwayʿir (Riyadh: Maktabat al-Maʿārif, 1997), VII, 117; On authority in modern Islam see Khaled Abou El Fadl, *Speaking in God’s Name: Islamic Law, Authority, and Women* (Oxford: Oneworld Press, 2001), 31-85.

structure of *al-siyāsah al-shar‘iyyah*.<sup>18</sup> As such, Ibn Bāz demanded full obedience to all royal commands, even those outside the purview of the *sharī‘ah*, such as: traffic regulations, employer-employee relations, and welfare issues, since these matters fall within the parameters of public welfare.

In light of this, Wahhābīs today, like their forefathers, assign authority to the ‘*ulamā’* and to the *umarā’* and consider them both as authorities to be obeyed. However, the range of this required obedience has not yet been delineated, nor tested, for each of them. Moreover, they expected that the Kingdom’s subjects would obey all the authorities, barring any contradictions to the *sharī‘ah*, as interpreted by the Wahhābī scholars themselves. Meanwhile, these Wahhābīs avoid offering any clear definitions on the state and its institutions, including the right to protest and oppose the ruler.

A review of the publications of the CSS, since 1971 (the year it was founded) and until now, revealed a lack of discussion on these subjects. During the past four decades, there were over 60 biannual meetings dealing with hundreds of social topics, such as ceremonies, social ethics, technological innovations, and banking. Yet none of these meetings and discussions dealt with political issues or matters of governance. Madawi al-Rasheed claims that the source of this avoidance of political discussion is due to the fact that the Wahhābīs:

... really, naively believe in the Islamic nature of the state they created; therefore, they do not have to supply religious theory for something that already exists. But this is also the result of the lack of will to deal with the sensitive issue of political theory in Saudi Arabia, even when the source of this theory is within the religious circles.<sup>19</sup>

<sup>18</sup> In modern, as in classical, Arabic discourse, the term *siyāsah* is defined as ‘proper administration of the subjects by political office-holders’ and is an expression of the application of *sharī‘ah* practice. Thus, the compound *siyāsa shar‘iyya* describes administrative practice (*siyāsah*) within the limits assigned to it by Islamic law. See, respectively, Abū l-Faḍl Jamāl al-Dīn Muḥammad ibn Mukarram Ibn Manẓūr al-Anṣārī al-Miṣrī, *Lisān al-‘Arab* (Beirut: Dār Ṣādir, 1956), 108; Abū Zayd Walī al-Dīn ‘Abd al-Raḥmān ibn Muḥammad ibn Muḥammad Ibn Khaldūn, *Muqaddimat Ibn Khaldūn* (Alexandria: Dār Ibn Khaldūn, 1982), 213.

<sup>19</sup> Madawi al-Rasheed, *Contesting the Saudi State: Islamic Voices from a New Generation* (Cambridge, UK & New York, NY: Cambridge University Press, 2007), 47.

In practice, the *‘ulamā’* and the *umarā’* fulfill different socio-political functions in Saudi Arabia.

The *‘ulamā’* are responsible for the clarification of religious rules, which indirectly guide the governmental circles that are involved in fashioning the social policy. This is clearly manifested in the cooperation between the Government and the *‘ulamā’* on the socio-judicial plane and manifested as political decisions supported by the *‘ulamā’* – especially those not befitting the *sharī‘ah*.

To the same extent, a believer is obligated to refuse to obey a ruler or an authority demanding that he/she break the rules of the *sharī‘ah*:

If ... a command contradicts the will of Allah, do not obey – neither the *‘ulamā’*, nor the rulers. A possible example of such a command [to be disobeyed] is a command to drink wine or commit extortion.<sup>20</sup>

These types of commands are perceived to be blatant blasphemy (*kufṛ bawāḥ*), among the greatest sins in Islam. A person committing such a sin is ousted from the Muslim community.

Nonetheless, overt rebellion is forbidden:

It is forbidden to express opposition to the rulers, even when they are not fulfilling the rules of the *sharī‘ah*, rather one must offer them gentle counsel.<sup>21</sup>

In other words, any resistance to a ruler failing in his *sharī‘ah* observance is done clandestinely, by means of secret advice (*naṣiḥah*) or via a letter (*maktūbah*), thus drawing his attention to the deviation and showing him how his deeds are not in line with the *sharī‘ah*. In any case, advice is not to be given publically.<sup>22</sup>

Unlike the Wahhābī approach, that rejects all modern expressions of protest, it is possible to observe an essentially different approach in regard to the issues of *kburīj*. This approach is presented in the writings, legal opinions, and declarations of many religious scholars and institutions in the contemporary Sunnī world that recognize

<sup>20</sup> Ibn Bāz, *Majmū‘ fatāwā*, VII, 115.

<sup>21</sup> *Ibid.*

<sup>22</sup> *Ibid.* On the substantial differences between *naṣiḥah* and Western forms of criticism, see Talal Asad, *Genealogies of Religion: Discipline and Reason of Power in Christianity and Islam* (Baltimore: Johns Hopkins University, 1993), 200-236.

various expressions of protest, including rallies, strikes, civil unrest, etc. For example, Sheikh Yūsuf al-Qaraḍāwī, one of the most well-known Sunnī *‘ulamā’* of our times, published a legal opinion on public protest, in which he expressed broad support for nonviolent public protest of various types. He rejected claims made by other scholars who denounce popular protest, claiming that they have no legal basis for that opinion. For instance, the claim that protest rallies are new innovations forbidden by Islam (*bid‘ah*) is very problematic, since only innovations relevant to religious matters are forbidden by Islam, especially regarding the accepted ritual commandments (*‘ibādāt*), but not innovations in the realm of customs (*‘ādāt*). Al-Qaraḍāwī finds support in a basic Islamic principle that states: “Things are permissible unless proven to be unlawful (*al-aṣl fī l-ashyā’ al-ibāḥah*).”<sup>23</sup> For al-Qaraḍāwī, rallies are innovations within the framework of custom and, as such, they are within the realm of the permissible, as long as they do not negate other legal norms, as in the use of violence, ethical violations, etc. In the words of Sheikh al-Qaraḍāwī:

It is the right of the Muslims, like all the other nations of the world, to hold marches and rallies, at which they may voice their legitimate demands to the authorities and decision-makers in a voice that cannot be ignored. It is likely that a single voice will not be heard, but the voice of the masses cannot be ignored ... because the will of the many is stronger than that of the individual ... The legal proof that supports such rallies is that they are within the purview of the leaders and of civilian life; the basic (legal) assumption here is that this is permitted.<sup>24</sup>

In essence, this position, taken by Sheikh al-Qaraḍāwī, is a result of his overall understanding of the theory of the modern Islamic state, as expressed by the predominant acceptance of democratic methods, including the right to protest and show opposition. In this context, he also says:

<sup>23</sup> According to Islamic law, the deeds and omissions of human beings fall into five ethico-legal categories, called *al-aḥkām al-khamsah*: obligatory (*farḍ* or *wājib*); recommended (*mustaḥabb* or *mandūb*); permitted (*mubāḥ*); reprehensible (*makrūh*); and forbidden (*ḥarām*).

<sup>24</sup> Yūsuf al-Qaraḍāwī, “Mawqif al-Islām min al-dīmūqrāṭīyyah,” at al-Qaraḍāwī’s official website: <http://qaradawi.net/new/all-fatawa/7234-2014-04-20-10-43-27>, accessed August, 2015.

Democracy is the best guarantee for the protection of society from oppressive regimes and tyranny... We are obliged to adopt the democratic method and mechanisms in order to realize justice and to respect human rights, and to stand against oppressive and tyrannical regimes ...<sup>25</sup>

According to al-Qaraḏāwī, modern, democratic methods of protest, like rallies, strikes, etc., are consistent with Islam.

Sheikh ‘Alī Muḥyī al-Dīn al-Qaraḏāghī, the General Secretary of the International Union for Muslim Scholars (al-Ittiḥād al-‘Ālamī li-‘Ulamā’ al-Muslimīn; hereafter: IUMS),<sup>26</sup> continues in line with al-Qaraḏāwī, claiming that rallies and other expressions of protest are permitted, as long as they observe the following conditions:

1. They must be quiet and nonviolent and must maintain their quiet nature; even if they encounter violent resistance from the side of the regime, they are never to become violent, for that would be an infraction of another Islamic law.
2. Protest rallies are only to be held in response to government corruption, oppression, or tyranny, or due to legislation countering the accepted legal tradition, such as: usury, alcoholism, or governmental encouragement of abominations, e.g., adultery.
3. In cases when the government aligns itself with other hostile, anti-Muslim governments and helps them, either economically, militarily or politically.
4. These permissible rallies may not serve personal, political or political party interests.

<sup>25</sup> Ibid.; more on al-Qaraḏāwī’s theory of the Islamic State see David Warren, “The ‘Ulamā’ and the Arab Uprisings 2011-13: Considering Yusuf al-Qaradawi, the ‘Global Mufti,’ between the Muslim Brotherhood, the Islamic Legal Tradition, and Qatari Foreign Policy,” *New Middle Eastern Studies* 4 (2014): 2-32.

<sup>26</sup> The IUMS was established in July 2004 in Dublin, Ireland, by a group of scholars under the leadership of Sheikh al-Qaraḏāwī. In October 2010, the IUMS headquarters was moved to Doha, Qatar, and two additional branches were established in Egypt and Tunisia. The structure and composition of the IUMS has been transformed since its creation. Today, the IUMS is considered the largest-ever Islamic religious body, with ca. 60,000 members, representing thousands of religious councils and organizations from all over the Arab and Islamic worlds: Sunnīs, Shī‘īs, Sufis, Ibāḏīs. More on IUMS membership is found at its website: <http://www.qaradaghi.com/chapters.aspx?ID=154>, accessed September 3, 2016.



5. They must avoid all practices that may contradict Islamic law and ethics.

According to Sheikh al-Qaradāghī, rallies observing the above restrictions cannot be considered illegitimate *khurūj* as defined by the classical sources. He believes that the voicing of criticism via rallies is consistent with the “giving of advice (*naṣīḥah*),” the familiar concept found in the classical legal sources. He adds that calling for change is mandated by the doctrine of “commanding right and forbidding wrong,” anchored in the Qurʾān itself.<sup>27</sup>

### **The “Arab Spring”**

The above theoretical legal discussion indicates two central legal trends associated with issues of popular protest and the boundaries of the modern, Muslim socio-political context. These trends relate to the “Arab Spring” most clearly. As such, it is possible to point to two main camps: those supporting popular protest (who view it as a religious imperative) versus those who reject it (as being foreign to Islam).

An outstanding representative of the pro-“Arab Spring” camp is the IUMS that published a number of *fatwās* and made several statements in recent years in this regard; they paved the way for protest marches and rallies as legitimate expressions. For example, in a statement summarizing the Fourth Conference of the IUMS Board of Governors, held in Doha, Qatar on 15-16 November, 2012, the participants expressed their unconditional support and even warned against “counter-revolutionary forces:”

The IUMS praises the Arab rebellions and names itself among their leading supporters.

These countries continue to experience a difficult period of transition, such that even though two years have passed since the success of these revolutions, many forces seek to cause counter-revolutions with the help of foreigners. All this is happening in order to put an end to the popular uprisings and to cause them to fail...<sup>28</sup>

Following these words, additional IUMS statements were made about the uprisings in certain countries, supporting the denunciation of those governments and calling them to resign. Moreover, these

<sup>27</sup> Al-Qaradāghī, “al-Taʾṣīl al-sharʿī,” 6.

<sup>28</sup> See <http://iumsonline.org/ar/aboutar/newsar/d2538>, accessed May, 2016.

statements urged Arabs, Muslims, and international communities to support the protesters, as may be seen in the following statement regarding the Syrian uprising:

The IUMS denounces the brutality of the Syrian security forces towards quiet protesters.

We refuse to accept the baseless justifications and claims of the Syrian rulers regarding terrorists among the civilian protesters. We call upon the nations, the *'ulamā'* and the Muslim intellectuals to mark this coming Friday as a day of support for the Syrian people, currently rebelling against the injustice and tyranny of the Syrian regime. We call for a peaceful rally following the weekly prayer session and ask that everyone raise a prayer for the fallen martyrs and say prayers in support of the Syrian people and its peaceful revolution.<sup>29</sup>

Note that additional *'ulamā'* and institutions agree with the IUMS' position in regard to protest marches and rallies. For instance, a very similar pronouncement was made by the Kuwaitī Salafī Movement, partially reiterating the same claims. They claim that tyrants and corrupt forces in the government are responsible for all the ills in Arab society. Furthermore, that the opposition to tyranny is one of the most important goals of the *sharī'ah* (*maqāṣid al-sharī'ah*), requiring obligatory practice by the entire Muslim community. Within this context, this declaration suggests methods for expressing protest against dictatorship and tyranny, such as protest marches, as a means of observing a basic *sharī'ah* principle, i.e., demanding justice.<sup>30</sup>

Following a declaration made by the Syrian Grand Mufti, Aḥmad Badr al-Dīn Ḥassūn, who claimed that it is the “religious obligation” of Muslims to support Asad, a Saudi scholar, Sheikh ʿĀʾiḍ al-Qarnī, expressed a particularly adamant position on this matter. He published a *fatwā* that claims that the killing of Syrian President Asad would be justified and he called on the religious institutions, such as al-Azhar in Egypt and the CSS, to publish a joint legal opinion against Asad.<sup>31</sup> Like Sheikh al-Qarnī, Sheikh Salmān al-ʿUdah questions the

<sup>29</sup> This statement was published widely by the media and Internet. See <http://www.ikhwanweb.com/article.php?id=28697>, accessed August, 2015.

<sup>30</sup> “al-Ḥarakah al-Salafiyyah: Jawāz al-masīrāt wa-l-muzāharāt ḥaythu annahā min al-maṣāliḥ al-mursalāh,” *al-Anbāʾ*, March 10, 2011.

<sup>31</sup> See <http://www.islamtoday.net/albasheer/artshow-12-163896.htm>, accessed May, 2016.

legitimacy of the regimes in Egypt, Libya, Syria, and Yemen. In his book, *Asʿilat al-thawrah* [*Questions on Revolution*], he discusses various aspects of the ruler-ruled relationship and claims that it is the right of every nation to protest and oppose its rulers and, if needs be, to protest actively.<sup>32</sup>

Al-Qarnī and al-ʿŪdah, like many other Saudi scholars related to the events of 30 June, 2013 and described them as a “coup.”<sup>33</sup> They also condemned the violence done by the Egyptian military and security forces against the protesters, and blamed the new government for attempting to enforce a new reality by the use of force.<sup>34</sup> The Saudi scholars added to this, describing that revolution as: “a heinous sin, expressed via the grievous rebellion against the legitimate, chosen ruler of Egypt, together with ‘local and international groups’.”<sup>35</sup>

Upon further examination of this subject, note that those supporting protest hold a position in which, in this day and age, quiet rallies, protests, and strikes, civil unrest, etc. are legitimate expressions of protest for bringing about solutions to existing problems. These pro-protest scholars especially emphasize that the struggle against corruption in all its forms, such as embezzlement of public funds or the misuse of power at the expense of national interests, is a basic legal obligation. Nonetheless, one should avoid actions (in protest) that contradict Muslim legal principles, e.g., causing damage to public or private services and property or to

---

<sup>32</sup> See footnote 1.

<sup>33</sup> A statement in this regard has been published by 56 Saudi scholars denouncing the violent means by which the Egyptian armed and security forces dealt with protestors. Among the signatories were Muḥammad ibn Nāṣir al-Suḥaybānī, Professor of Advanced Studies, Dept. of Islamic Jurisprudence, Faculty of Islamic Law, Islamic University; Khālid ibn ʿAbd al-Raḥmān al-Ujaymī, former Professor, University of Islamic Sciences; Ḥasan ibn Šālih al-Ḥamīd, Professor, University of al-Qāsim; Badr ibn Ibrāhīm al-Rājihī, Supreme Court Judge in Meccah; and ʿAbd Allāh ibn ʿAbd al-ʿAziz al-Zāyidī, Associate Professor, College of Islamic Law. For the entire original statement, see <http://www.parisvisionnews.com/muslim-world-news/91-political-news/8082-the-declaration-of-the-saudi-ulamā-regarding-the-coup-in-egypt.html>, accessed August, 2015.

<sup>34</sup> *Al-Abram Weekly*, August 14, 2013 at: <http://weekly.ahram.org.eg/News/3720/17/Wavering-Salafis.aspx>, accessed August, 2015.

<sup>35</sup> *Ibid.*

industry. Actions taken may not disrupt public life, nor the functioning of a valid government, nor national security.

Contrary to the supporters of Muslim protest, there are also ‘*ulamā*’ who oppose it and who denounce protest rallies, defining them as un-Islamic. For example, the official Syrian religious leadership refused to accept the pronouncements of the Saudi IUMS, even blaming it for presenting a foreign, non-Muslim agenda – one that targets the Syrian nation. Among other things, this was manifested by the aforementioned rejection of the IUMS’ declarations by senior Syrian religious figures, among whom is Sheikh Sa‘īd Ramaḍān al-Būṭī (killed in 2013) and the Grand Mufti, Sheikh Aḥmad Ḥassūna, who published an opposing proclamation, as follows:

The pronouncement of the IUMS confirms that President Bashshār al-Asad has decided to cancel the state of emergency and also the reforms enacted by President Asad, such as legislation of the “New Parties Law.” In spite of this, the IUMS has chosen to ignore the importance of these steps, because he is tied to a plot by foreign powers that have set as their goal the disruption of stability in Syria.<sup>36</sup>

A similar position may be identified in the words of the Kuwaiti Sheikh, ‘Uthmān al-Khamīs, who absolutely rejects the “Arab Spring” protests, as contradicting Islamic law, as he interprets it.

In regard to the Egyptian revolution, he writes, for example, that it is: “bereft of any religious basis and, as such, whomever of the protesters who is killed is not a *shabīd*.”<sup>37</sup> According to al-Khamīs, the Egyptian uprising is not Islamic, because its goals were material. The protesters did not, he claimed, act in accordance with the *sharī‘ah*, rather they demanded democracy.<sup>38</sup> Al-Khamīs’ statement was rejected by Egyptian scholars, such as Sheikh Jamāl Quṭb, Sheikh ‘Abd al-Ḥamīd al-Aṭrash (former head of al-Azhar’s Fatwā Committee) and others.<sup>39</sup>

<sup>36</sup> <http://www.aksalser.com/?page=viewnews&id=fa632fd97d8183acdf626ede54a53ea8>, accessed May, 2016;  
<http://www.assafir.com/MulhakArticle.aspx?EditionId=2157&MulhakArticleId=408959&MulhakId=3533>, accessed August, 2015.

<sup>37</sup> <http://www.alarabiya.net/articles/2011/06/28/155197.html>, accessed August, 2015.

<sup>38</sup> Ibid.

<sup>39</sup> Ibid.

In any case, the Muslim scholars in the camp opposing the “Arab Spring” protests attempted to negate almost all the modern expressions of protest, e.g., rallies, strikes, etc., claiming that they are *khurūj* and, as such, contradict the oath of loyalty to the ruler. According to them, rulers are not designated as sinners if they err or if they fail in certain matters discussed above.<sup>40</sup> Moreover, protest rallies are often perceived to be either a source or a cause of negative phenomena and may lead to *fitnah* – an Arabic word with connotations for discord, riots, chaos, and even chaotic situations that may cause a person to deviate from his/her faith. Additional negative arguments cited by these scholars against protest rallies are: that they provide inappropriate contact between men and women who are not close relatives or spouses; that they prevent prayers from being said on time; and so forth. As such, and in light of religious tenets, these rallies caused more damage than good.

Furthermore, for some of these scholars, protest rallies are considered innovations forbidden in Islam. In their opinion, modern protest marches and rallies are actions that stem from non-Islamic cultural norms; as such, the participants are blindly mimicking Western experiences, that do not demand a Muslim state with *sharī‘ah* laws, but rather voice slogans that are not fundamental to Islam. An additional claim made against forms of modern protest is that they lead to people’s physical harm and endanger their lives and wellbeing – which the *sharī‘ah* designates as: “corruption in the land (*fasād fi l-ard*).” Actions such as these are considered crimes and those committing them will suffer severe punishment. Even if a protester did not actually commit a single crime his/herself, the rally itself may cause criminal deeds to occur. If so, mass protests are forbidden, in accordance with the *sharī‘ah* principle: “avoidance of actions that may cause harm” (*sadd al-dharī‘ah*), taking into consideration the armed struggles that often end with the loss of Muslim life. These scholars found precedents in the prophetic tradition, in which: “to curse a Muslim is an evil deed and to fight him is an heretical act (*sibāb al-Muslim fusūq<sup>um</sup> wa-qitāluh<sup>ū</sup> kufī<sup>um</sup>*).”<sup>41</sup>

One of the most challenging approaches in regard to Arab protests belongs to the official Wahhābī religious authorities. As stated above, from the Wahhābī standpoint, members of different generations,

<sup>40</sup> Ibid.

<sup>41</sup> Al-Bukhārī, “al-Adab,” 44.

advice (*naṣīḥah*) is the only legitimate tool available for the voicing of criticism against the ruler. Being the case, every other form of dissent, such as protest rallies, are forbidden, because they contradict the commandments of the *sharī‘ah* as strictly interpreted by the Wahhābīs. This position is obvious in the statements and legal ruling of the CSS over the past few decades. The CSS’s reaction to the rallies in Riyadh before the Gulf War (early 1990s) well reflected this position. In a written opinion statement on protest rallies, the CSS determined that rallies are not among the solutions, are not means for change, but rather significant causes of internal rifts within society. In the words of the undersigned scholars, rallies during which people march in the streets shouting are not the right way to bring about change. Reforms and changes are achieved by means of respectful advice.<sup>42</sup>

This position, rejecting protest rallies, is anchored in the CSS’s legal ruling that determines:

Such behavior [public protesting] is forbidden by Islamic law, because it is essentially rebellion that does not serve any national goals ... They [protest rallies] are forbidden innovations to be avoided ...<sup>43</sup>

Sheikh ‘Abd al-‘Azīz Āl al-Sheikh, the Grand Mufti of the Kingdom, noted that Islam encourages social order and compassion among believers, and not by means of rallies that bring about bloodshed and property damage. Similar words were spoken by Sheikh al-Fawzān, another member of the CSS; he said that protest rallies are “not the Muslim way,” since none were ever recorded in Islamic history.<sup>44</sup>

These positions of the Saudi religious establishment were all expressed in relation to the events of the “Arab Spring” in a number of pronouncements and legal decisions given over the past years. For example, a CSS announcement from 6 April, 2011 determined:

It is the duty of the scholars to make pronouncements in times of trouble and crisis, as is the case now in various parts of the Arab world. The CSS approves the ban on protest rallies and stands for the giving of advice (*naṣīḥah*) to the ruler, as a legitimate means of

---

<sup>42</sup> CSS, “Bayān,” 3-6.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

achieving change.<sup>45</sup>

Members of the CSS express support for their position using verses from the Qurʾān, such as: “And hold fast, all of you together, to the bond of Allah, and do not be divided.” (Q 103:3). In the CSS’s approach, change must be based on *sharīʿah* principles in order to assure the right and avoid the wrong. Reforms must not be attempted by protest rallies or other means that cause social disorder and may harm other Muslims. These declarations reaffirm the ban on protest and draw attention to the only legitimate means of protest – advising the ruler, while expressing and noting needs and demands.<sup>46</sup>

A similar mood may be identified in the words of the Grand Mufti, Āl al-Sheikh, who denounced the protests in Tunisia and Egypt, claiming that they are in no way or shape a part of the path of Islam, since they endanger the unity of the Muslim world. In his words, protesters are dangerous and cause disorder, of which enemies may take advantage by making things worse, as already occurred in a few Muslim countries.<sup>47</sup> He urges protesters:

Make every possible effort to increase solidarity ... mutual aid, by means of giving advice, understanding, and cooperation towards justice and piety; also forbid sin and the infraction of religious laws...<sup>48</sup>

It is interesting to note that Āl al-Sheikh blames the many sins committed by Muslims for the lack of stability in the Middle East and the unrest resulting from the “Arab Spring:”

The dissension, the lack of stability, the non-functionality of the security mechanisms, and the collapse of unity with which the Muslim states are currently coping are direct results of the sins and deviations from the religious framework committed by the public.<sup>49</sup>

However, it seems that the position of Wahhābī Islam regarding the “Arab Spring” protests in states such as Libya and Syria is somewhat different; these two protests received the CSS’s backing and even recognition as legitimate *jibād* against dictatorship. In the

<sup>45</sup> “Hayʾat kibār al-ʿulamāʾ,” *al-Sharq al-awsat*, March 7, 2011.

<sup>46</sup> Ibid.

<sup>47</sup> <http://www.islamtimes.org/ar/doc/news/216049>, accessed August, 2015.

<sup>48</sup> Ibid.

<sup>49</sup> Ibid.

summary proclamation of its 78<sup>th</sup> Session, held on 18 June, 2013, the following words were spoken:

The CSS denounces the crimes of the Syrian regime and its supporters, such as the Hizbullah, Iran, and Russia, that are participating in the genocide of the Syrian people, the banishment of Muslims from their homes and the destruction of the country ... The CSS calls upon all the Muslim states to use every possible means to aid the oppressed Muslims and the leaders of the *jibād* in Syria ... Furthermore, the CSS recognizes that the sacrifices of its Muslim brethren in Syria, in life and property, represents a victory for [Muslim] religion...<sup>50</sup>

How then is it possible to explain the apparent duality of the Wahhābī position in relation to the “Arab Spring” protests in the different countries? Essentially, this seemingly conflicted position is consistent with the Wahhābī doctrine of *kburūj*. When all is said and done, the Wahhābī legal approach supports the removal of rulers who have been proclaimed as “heretics” for having committed blatant blasphemy (*kufr bawāḥ*), as described above. Based primarily on legal grounds, *kburūj ‘alā l-ḥākim* was enacted against the presidents of Libya and Syria, whose deeds removed them from Islam. For instance, according to Sheikh Ṣāliḥ al-Luḥaydān, a senior member of the CSS (a former head of the Supreme Judiciary Council of Saudi Arabia), the Government of Syria is “atheistic” and “the Ba‘th Party is malevolent and fascistic, and will lead to disaster on the Arabs.”<sup>51</sup> Al-Luḥaydān urges the Syrian people: “to devote themselves to the opposition of the Syrian regime, even at the cost of loss-of-life.”<sup>52</sup> He took a similar approach to Mu‘ammar al-Qadhāfī, the former Libyan ruler, calling for his overthrow, claiming that: “al-Qadhāfī’s regime is not Islamic” and “he [al-Qadhāfī] is not an *imām* [a religious leader] or even a real Muslim.”<sup>53</sup>

It seems that the coup against Egyptian President Mohamed Morsi provided the greatest challenge for the Wahhābī doctrine on *kburūj*. Indeed, Morsi was defined as a legitimate ruler (*walī al-amr*), chosen by the majority of the Egyptian people; moreover, the coup against

<sup>50</sup> <http://www.assakina.com/fatwa/25889.html>, accessed September 3, 2016.

<sup>51</sup> <http://english.peopledaily.com.cn/90001/90777/90854/7305137.html>, accessed August, 2015.

<sup>52</sup> Ibid.

<sup>53</sup> Ibid.



Morsi was done violently by the Egyptian Army, which fits forbidden *kburūj*. While the Saudi Government blessed the military coup and even generously funded the new government, the religious establishment refrained thus far from comment. This lack of a response by the Egyptian religious authorities was criticized by Prince Khālid ibn Ṭalāl, who asked the CSS to clarify its position regarding the events in Egypt after the military coup (post 3 July, 2013). Among other things, the Prince cited the following:

This may embarrass you, but you must remember that you [the *‘ulamā’*] are the heirs of the Prophet [The use of this Islamic expression indicates the importance of speaking the truth, even if it contradicts official policy, i.e., that of the Saudi Government] ... Your silence regarding the events in Egypt, especially the most recent ones, is bringing both the Egyptian people and the Saudi nation, and even the whole Arab and Muslim world, to a state of confusion...<sup>54</sup>

A number of days later, on 24 August, 2013, Prince Khālid tweeted about his concern regarding the outcome of the religious support for the military coup in Egypt. In his words, President Morsi is the supreme authority-holder (*walī al-amr*) of the Egyptian people; therefore, Egyptian Muslims must obey him in accordance with Muslim law. He warned that granting approval for this legally invalid act [Morsi’s deposition] would serve as a precedent for the deposition of the Saudi ruler, King ‘Abd Allāh (d. 2015).<sup>55</sup>

## Conclusion

The purpose of this article was to test the boundaries between the permitted and the forbidden in relation to popular protest against the ruler from the vantage-point of contemporary Sunnī Muslim scholars, especially in light of the events of the “Arab Spring.” The above discussion teaches about existing disputes on this issue between contemporary Muslim scholars from various schools of thought. Clearly, the question of popular protest and its modern expressions, such as rallies, marches, strikes, civil unrest, etc., were not addressed

<sup>54</sup> This letter was widely published in Internet and other media. See for example, “Khālid bin Ṭalāl: ‘alā ‘ulamā’ al-Mamlakah al-khurūj ‘an ṣamtūhim wa-tibyān al-ḥaqq fī aḥdāth Miṣr,” *al-Akbbār* 24, August 20, 2013, <http://staginga24pp.argaam.com/article/detail/145551>, accessed August, 2015.

<sup>55</sup> [https://twitter.com/Khalid\\_BinTalal/status/371339070439309312/photo/1](https://twitter.com/Khalid_BinTalal/status/371339070439309312/photo/1), accessed August, 2015.

by the classical Islamic law. The classical sources dealt primarily with the concepts of *kburūj* or the forcible military opposition to/deposition of a ruler. It seems that the classical law, much like the modern law, agrees on the matter of the deposition of a ruler deemed likely to commit blatant blasphemy (*kufīr bawāb*). However, modern Islamic law does not agree regarding the modern expressions of protest and presents two central approaches, both, for the main part, derived from the general Muslim theory of the modern state.

On the one hand, the first approach accepts protest as a part of the democratic process that does not necessarily contradict Muslim law. This is represented by Muslim scholars from various schools of thought and legal trends, such as the IUMS, Sheikh al-Qaraḏāwī and many others. This approach lends legitimacy to quiet protest, the primary requirement being nonviolence. These scholars justify passive and active opposition, as long as there is no blatant contradiction with legal and ethical norms for public morals or tort damages. Moreover, this camp of *‘ulamā’* defines quiet protest actions as being obligatory (like other Islamic positive commandments, e.g., “commanding right and forbidding wrong”) for the creation of a more moral society. In this context, it is the duty of every Muslim to try, in accordance with his/her abilities, to make changes, as stated in the prophetic tradition.

On the other hand, the second approach considers the norms of modern protest to be non-Islamic (usually from Western cultures); as such, they are rejected by *sharī‘ah* law. This approach is mostly represented by Wahhābī Islam, as expressed by the official Saudi/Wahhābī establishment at the start of the events of the “Arab Spring.” In truth, the Wahhābī reaction was consistent with the legal doctrine on the theory of the state and ruler-ruled relations, that permits overt rebellion, only in cases of desecration or blatant heresy. This position is clearly presented by proclamations and legal opinions published by the official representatives of the religious authorities. These spokesmen completely rejected the protest actions in countries like Egypt, Yemen, and Tunisia, because, as they understood it, the rulers of these countries did not violate sacred principles. The protests in other countries were received differently. The deeds of the rulers of Libya (al-Qadhāfī) and of Syria (al-Asad) did, indeed, blatantly violate sacred principles. As such, in the words of Sheikh al-Luḥaydān, not only is it permitted to depose them, but it

is every Muslim's duty to oppose their regimes to the best of their abilities, even at the cost of loss of life.

In conclusion, the modern-day Sunnī legal position toward opposition and protest is significantly different – while one camp permits a broader spectrum of protest actions, the other camp rejects them as being foreign to Islam, while both stem from a general understanding of the theory of the modern state. While the members of the former accept democratic principles, including popular protest, as a mechanism for venting criticism, the members of the latter reject democracy and its tools, including protest and opposition. However, these modern Islamic legal viewpoints on the theory of the state and their influences on socio-political norms are topics for further discussion beyond the scope of this article.

## REFERENCES

- Abou El Fadl, Khaled. *Speaking in God's Name: Islamic Law, Authority, and Women*. Oxford: Oneworld Press, 2001.
- Abū Farḥah, Jamāl al-Ḥusaynī. *al-Khurūj 'alā l-ḥākīm fī l-fīkr al-siyāsī al-Islāmī*. Cairo: Markaz al-Haḍārah al-ʿArabīyah, 2004.
- al-Abram Weekly*. August 14, 2013.  
<http://weekly.ahram.org.eg/News/3720/17/Wavering-Salafis.aspx>.  
 Accessed August, 2015.
- Asad, Talal. *Genealogies of Religion: Discipline and Reason of Power in Christianity and Islam*. Baltimore: Johns Hopkins University, 1993.
- al-Atawneh, Muhammad. *Wahhābī Islam Facing the Challenges of Modernity: Dār al-Iftā in the Modern Saudi State*. Leiden: Brill, 2010.  
<https://doi.org/10.1163/ej.9789004184695.i-210>
- . "Reconciling Tribalism and Islam in the Writings of Contemporary Wahhābī 'Ulamā'." In *Facing Modernity: Rethinking 'Ulamā' in the Arab Middle East*, edited by Meir Hatina, 211-227. Leiden: E. J. Brill, 2009.
- al-Bukhārī, Abū ʿAbd Allāh Muḥammad ibn Ismāʿīl. *Ṣaḥīḥ al-Bukhārī*. Beirut: Dār Iḥyāʾ al-Turāth al-ʿArabī, 2001.
- Cook, Michael. *Commanding Right and Forbidding Wrong in Islamic Thought*. Cambridge, UK & New York, NY: Cambridge University Press, 2000.

- CSS (Council of Senior Scholars [Majlis hay'at kibār al-‘ulamā’]) (Saudi Arabia). “Bayān fī ḥukm al-muẓāharāt.”  
<http://www.alriyadh.com/2011/03/07article611507.html>. Accessed August, 2015.
- . “A fatwā from the Council of Senior Scholars in the Kingdom of Saudi Arabia warning against mass demonstrations.”  
<http://islamopediaonline.org/fatwa/fatwa-council-senior-scholars-kingdom-saudi-arabia-warning-against-mass-demonstrations>). Accessed August, 2015.
- Davis, Eric. “Theorizing Statecraft and Social Change in Arab Oil Producing Countries.” In *Statecraft in the Middle East: Oil, Historical Memory, and Popular Culture*. Edited by Eric Davis and Nicolas Gavrielides, 1-35. Miami: Florida International University Press, 1991.
- al-Dhāyidī, Mishārī. “Fatāwā l-muẓāharāt.” *al-Sbarq al-awsaṭ*. March 12, 2011.  
<http://www.aawsat.com/leader.asp?section=3&article=612175&issuen=11792>). Accessed August, 2015.
- al-Ghazālī, Abū Ḥāmid Muḥammad ibn Muḥammad. *Iḥyā’ ‘ulūm al-dīn*. 4 vols. Cairo: al-Maktabah al-Tijāriyyah al-Kubrā, n.d.
- “al-Ḥarakah al-Salafīyyah: Jawāz al-masīrāt wa-l-muẓāharāt ḥaythu annahā min al-maṣāliḥ al-mursalah.” *al-Anbā’*. March 10, 2011.
- “Hay’at kibār al-‘ulamā’ fī l-Sa‘ūdiyyah tuḥarrim al-muẓāharāt fī l-bilād wa-tuḥadhdhir min al-irtibāṭāt al-fikriyyah wa-l-ḥizbiyyah al-munḥarifah.” *al-Sbarq al-awsaṭ*. March 7, 2011.
- Helms, Christine. *The Cohesion of Saudi Arabia*. Baltimore: Johns Hopkins University Press, 1981.  
<http://english.peopledaily.com.cn/90001/90777/90854/7305137.html>. Accessed August, 2015.
- <http://www.alarabiya.net/articles/2011/06/28/155197.html>. Accessed August, 2015.
- <http://www.assafir.com/MulhakArticle.aspx?EditionId=2157&MulhakArticleId=408959&MulhakId=353>. Accessed August, 2015.
- <http://www.parisvisionnews.com/muslim-world-news/91-political-news/8082-the-declaration-of-the-saudi-ulama-regarding-the-coup-in-egypt.html>. Accessed August, 2015.
- [http://www.aksalser.com/?page=view\\_news&id=fa632fd97d8183acdf626ede54a53ea8](http://www.aksalser.com/?page=view_news&id=fa632fd97d8183acdf626ede54a53ea8), accessed May 2016. Accessed May, 2016.
- <http://www.islamtoday.net/albasheer/artshow-12-163896.htm>. Accessed May, 2016.

- [https://twitter.com/Khalid\\_BinTalal/status/371339070439309312/photo/1](https://twitter.com/Khalid_BinTalal/status/371339070439309312/photo/1). Accessed August, 2015.
- <http://www.assakina.com/fatwa/25889.html>, accessed September 3, 2016.
- <http://iumsonline.org/ar/aboutar/newsar/d2538>. Accessed May, 2016.
- <http://www.ikhwanweb.com/article.php?id=28697>. Accessed August, 2015.
- <http://www.islamtimes.org/ar/doc/news/216049>. Accessed August, 2015.
- Ibn Bāz, ‘Abd al-‘Azīz ibn ‘Abd Allāh ibn ‘Abd al-Raḥmān. *Majmū‘ fatāwā wa-maqālāt mutanawwi‘ah*. 13 vols. Edited by Muḥammad ibn Sa‘d al-Shuway‘ir. Riyadh: Maktabat al-Ma‘ārif, 1997.
- Ibn Kathīr, Abū l-Fidā’ ‘Imād al-Dīn Ismā‘il ibn ‘Umar. *Tafsīr al-Qur‘ān al-‘azīm*. 7 vols. Edited by Sāmī ibn Muḥammad al-Salāmah. 2<sup>nd</sup> ed. Riyadh: Dār Ṭibah li-l-Nashr wa-l-Tawzī‘, 1999.
- Ibn Khaldūn, Abū Zayd Walī al-Dīn ‘Abd al-Raḥmān ibn Muḥammad ibn Muḥammad. *Muqaddimat Ibn Khaldūn*. Alexandria: Dār Ibn Khaldūn, 1982.
- Ibn Manzūr, Abū l-Faḍl Jamāl al-Dīn Muḥammad ibn Mukarram al-Anṣārī al-Miṣrī. *Lisān al-‘Arab*. 15 vols. Beirut: Dār Ṣādir, 1956.
- al-Juwaynī, Imām al-Ḥaramayn Abū l-Ma‘ālī Rukn al-Dīn ‘Abd al-Malik ibn ‘Abd Allāh. *Kitāb al-irṣād ilā qawāṭi‘ al-adillah fi uṣūl al-i‘tiqād*. Edited by As‘ad Tamīm. Beirut: Mu‘assasat al-Kutub al-Thaqāfiyyah, 1985.
- “Khalid bin Ṭalāl: ‘alā ‘ulamā’ al-Mamlakah al-khurūj ‘an ṣamtihim wa-tibyān al-ḥaqq fi aḥdāth Miṣr.” *al-Akbbār* 24. August 20, 2013.  
<http://staginga24pp.argaam.com/article/detail/145551>. Accessed August, 2015.
- Kostiner, Joseph. “Transforming Dualities: Tribe and State Formation in Saudi Arabia.” In *Tribes and State Formation in the Middle East*. Edited by Philip Khoury and Joseph Kostiner, 226-248. Berkeley: University of California Press, 1990.
- al-Nawawī, Abū Zakariyyā Yaḥyá ibn Sharaf ibn Mūrī. *Sharḥ matn al-Arba‘in al-Nawawiyyah fi l-aḥādīth al-ṣaḥīḥah al-Nabawiyyah*. 4<sup>th</sup> ed. Damascus: Maktabat Dār al-Fatḥ, 1984.
- Peterson, James. “Tribes and Politics in Eastern Arabia.” *Middle East Journal* 31 (1977): 297-312.
- Pickthall, Muhammad M. *The Meaning of the Glorious Qur‘an*. Revised and edited by ‘Arafāt Kāmil ‘Ashshī. Beltsville, MD: Amana Publications, 2006.
- al-Qaradāghī, ‘Alī Muḥyi al-Dīn. “al-Ta’ṣīl al-shar‘ī li-l-muzāharāt al-silmiyyah aw al-thawrāt al-sha‘biyyah: mā yajūz<sup>u</sup> minhā wa-mā lā yajūz<sup>u</sup> ma‘a

- munāqashat al-adillah.” <http://www.qaradaghi.com/chapters.aspx?ID=154>. Accessed August, 2015.
- al-Qaraḍāwī, Yūsuf. “Mawqif al-Islām min al-dīmūqrāṭiyyah.” at al-Qaraḍāwī’s official website: <http://qaradawi.net/new/all-fatawa/7234-2014-04-20-10-43-27>. Accessed August, 2015.
- Rabbāʿ, Kāmil ʿAlī Ibrāhīm. *Nazariyyat al-kburūj fī l-fiqh al-siyāsī al-Islāmī*. Beirut: Dār al-Kutub al-ʿIlmiyyah, 2004.
- al-Rasheed, Maḍawī. *Contesting the Saudi State: Islamic Voices from a New Generation*. Cambridge, UK & New York, NY: Cambridge University Press, 2007.
- al-ʿŪdah, Sheikh Salmān. *Asʿilat al-thawrah [Questions on Revolution]*. Beirut: Majmaʿ Namāʿ li-l-Buhūth wa-l-Dirāsāt, 2012.
- Vogel, Frank E. “Siyāsa: In the sense of *siyāsa sharʿiyya*.” In *The Encyclopaedia of Islam Second Edition*, IX, 694-696.
- Warren, David. “The ‘*Ulamā*’ and the Arab Uprisings 2011-13: Considering Yusuf al-Qaradawi, the ‘Global Mufti,’ between the Muslim Brotherhood, the Islamic Legal Tradition, and Qatari Foreign Policy.” *New Middle Eastern Studies* 4 (2014): 2-32.

**ON THE REVELATION CIRCUMSTANCES AND GENERAL  
EMPHASES OF SŪRAT AL-AḤZĀB:  
AN ANALYSIS WITHIN THE SCOPE OF TEXTUAL  
AND NON-TEXTUAL CONTEXT**

Hadiye Ünsal

*Çukurova University, Adana-Turkey*

E-mail: hunsal@cu.edu.tr

---

**Abstract**

Sūrat al-Aḥzāb is generally considered to be of Medinah origin. No information is available regarding the date that the origin was revealed during the Prophet's ten years in Medinah. Based on previous biographical references and narrative-based classic exegeses, this study conducts a general assessment of the time of revelation of Sūrat al-Aḥzāb and attempts to date the verses and verse groups by establishing a connection between the verses in the *sūrabs* and the *riwāyabs* in these verses and a method of inference (discourse analysis). Given the historical data, it is presumably said that the chapter al-Aḥzāb was revealed, not at once but in different groups, in AH 5 within a few months, and all verses of the *surab* pertain to the incidents of this period. The occasions of revelation of al-Aḥzāb involved plans by external polytheist groups and inside collaborators. This study concludes that, especially the *ḥijāb* verse and verses that are aimed at his wives, which tell them not to go out and make an appearance as in the Days of Ignorance and to wear garments that will make them recognizable when going out, seek to prevent and obviate the smear campaign against the Prophet Muḥammad, particularly with regard to his marriage with Zaynab and generally about his family and wives.

*Key Words:* Sūrat al-Aḥzāb, dating the Qur'ānic revelation, Makkī and Madanī, Zaynab bint Jaḥsh, Zayd ibn Thābit, Battle of the Trench.

## Introduction

The revelation of the Qurʾān lasted for approximately twenty-three years, including the first thirteen years in Meccah and the remaining ten years in Medinah. The chapters (*sūras*) that were revealed during these periods are investigated under the titles Makkī and Madanī in *ʿulūm al-Qurʾān* literature. The chapters and verses that were revealed during the Meccan period primarily mention the problems of faith and morality in the context of contrast between monotheism (*tawḥīd*) and paganism (*shirk*). Regarding the Medinan period, the chapters and verses primarily address the tense relations and actual battles between Muslims and polytheists and Ahl al-kitāb and questions about social order and law.

Because verses were revealed in direct connection with historical and social events that involve Muḥammad, polytheists, believers, Jews, and Christians over a twenty-three-year period, the Qurʾān does not have common integrity in terms of text and composition. We suggest that Qurʾān verses have as much systematic integrity as the life experience of a person or a society. The Qurʾān has a thematic integrity that focuses on the cause of monotheism (*tawḥīd*). This integrity, however, is valid for the Meccan period. In Madanī chapters and verses, monotheism (*tawḥīd*) remains intact as a theme. However, the majority of the verses in Madanī chapters generally address legal issues and polemics with Jews and Christians because Muslims had a social structure that enabled them to comment on their living order and multidimensional practical problems emerged due to their new life and coexistence with Jewish neighbors. Consequently, Madanī chapters and verses became more complex in thematic and systematic terms.

According to the renowned narrative by al-Bukhārī (d. 256/870) from Zayd ibn Thābit in *al-Ṣaḥīḥ*, Qurʾān verses were collected between two covers and transformed into a collection of sheets (*muṣḥaf*) during the caliphate of Abū Bakr, upon suggestion and encouragement by ʿUmar.<sup>1</sup> The content and nature of the collection process is uncertain; with the exception of the theses defended by orientalist such as John Wansbrough (d. 2002),<sup>2</sup> the activity probably

<sup>1</sup> Al-Bukhārī, “Faḍāʾil al-Qurʾān,” 3.

<sup>2</sup> See John Wansbrough, *Quranic Studies: Sources and Methods of Scriptural Interpretation*, Foreword, translations, and expanded notes by Andrew Rippin (New York: Prometheus Books, 2004), 1-52.



comprises the assembly of Qurʾān verses, which were in a scattered condition and written on objects such as stones, bones, leather, and parchment.

Based on the narrative that Muḥammad arranged verses within chapters at the behest of Gabriel,<sup>3</sup> Islamic sources accept that the organization of verses was based on religious communication (i.e. it is *tawqīfī*). In addition, the narrative on the mutual lecture about verses and chapters by the Prophet and Gabriel that is revealed every year in Ramaḍān is proposed as evidence of this acceptance. The composition of shorter sūrahs, which were primarily revealed in Meccah, is probably *tawqīfī*, considering the integrity of theme, and interval letters (*fāṣilah*) and rhymes (*sajʿ*). The Qurʾān is recited during common prayers, such as *ṣalāh*, since the beginning of its existence. Therefore, many chapters and verses should be recited in a certain order. Accordingly, the process of organizing verses and/or verse groups in longer sūrahs that were revealed in a longer time span, such as al-Baqarah, Āl ʿImrān, and al-Nisāʾ, may have been realized by the will of the copying commission. Many verses in longer chapters, such as al-Baqarah, Āl ʿImrān, al-Nisāʾ, and al-Māʾidah, such as verses 238-239 in al-Baqarah, lack contextual meaning, which supports this probability. Other disputes during the collection and copying of the Qurʾān, such as the determination of the precise place or singular *sūrah* status of certain verses, such as verses 128-129 in Sūrat al-Tawbah (chapter 9)<sup>4</sup> can be evaluated within the scope of the same possibility.

In this respect, Ibn Ḥanbal (d. 241/855) provides a narrative/report<sup>5</sup> in his *al-Musnad*. During the dictation of the Qurʾān verses, the Prophet also indicated their place in the composition. However, we have to consider this argument with a grain of salt in terms of certitude; we have to accept that this information only discusses verses. According to books by al-Bukhārī (d. 256/870) and Muslim (d. 261/875), various narrated verses that were quoted by

<sup>3</sup> Aḥmad ibn Ḥanbal, *al-Musnad*, I, 57.

<sup>4</sup> See Abū Jaʿfar Muḥammad ibn Jarīr al-Ṭabarī, *Jāmiʿ al-bayān ʿan taʾwīl āy al-Qurʾān* (Beirut: Dār al-Fikr, 2005), I, 43; Abū Bakr ʿAbd Allāh ibn Sulaymān ibn al-Ashʿath Ibn Abī Dāwūd, *Kitāb al-maṣāḥif*, ed. Arthur Jeffery (Leiden: Brill, 1937), 30-31; Mustafa Öztürk, “Nuzūl of the Qurʾān and the Question of Nuzūl Order,” *Ilabiyat Studies: A Journal on Islamic and Religious Studies* 6, no. 2 (2015): 197, <https://doi.org/10.12730/13091719.2015.62.131>

<sup>5</sup> Aḥmad ibn Ḥanbal, *al-Musnad*, IV, 218.

Companions (*ṣaḥābah*), such as ʿUmar and ʿĀʾishah, have a content that may serve as evidence that their composition is not *tawqīfī*. The narrative by ʿUmar on the final two verses of Sūrat al-Tawbah and the narrative by Zayd ibn Thābit on the 23<sup>rd</sup> verse of Sūrat al-Aḥzāb<sup>6</sup> on their respective places in the Qurʾān are worth noting.

In the case that these narratives are considered authentic in terms of proof (certitude), the length of these studies are probably approximately several passages or verse groups, especially in the longer chapters. The notion that each verse in greater chapters such as Āl ʿImrān, al-Nisāʾ, al-Māʾidah, al-Tawbah, which are revealed in various periods during the decade in Medinah, are precisely assigned to certain places in the sūrahs prior to the complete formation of these chapters, upon an order such as “Place this verse before or after that verse in the chapter” is improbable and unconvincing. A person can oppose the argument on the practical organization of verse groups in longer chapters by claiming that Muḥammad said that the Qurʾān in *ṣalāb* and unorganized verses cannot be expressed in this practice. Note that all chapters were not revealed at once; therefore, they were not said by Muḥammad and his Companions as a whole in the beginning of the Qurʾān. The claim that Muḥammad, who recommends keeping the recitation as short as possible, especially in a communal *ṣalāb*, thoroughly read chapters of tens of pages, such as al-Baqarah, Āl ʿImrān, al-Nisāʾ, and al-Māʾidah, is unfounded.<sup>7</sup>

Regarding the order of chapters, according to general acceptance among most scholars,<sup>8</sup> the organization of muṣḥaf, which begins with Sūrat al-Fātiḥah and ends with al-Nās, is established based on the practical opinion of the Companions. In this composition, al-Fātiḥah is placed first as a preface, whereas the following 113 chapters are often aligned by length from longer to shorter or larger to smaller. However, some scholars are convinced that the organization of sūrahs is not *ijtihādī* but is *tawqīfī*. Narratives on classification of sūrahs by the Prophet as “*al-sabʿ al-ṭiwāl* (seven long sūrahs),” “*miʿūn* (sūrahs with approximately one hundred verses),” “*mathānī*

<sup>6</sup> Al-Bukhārī, “Faḍāʾil al-Qurʾān,” 3, 6.

<sup>7</sup> See Öztürk, “*Nuzūl* of the Qurʾān and the Question of *Nuzūl* Order,” 200-201.

<sup>8</sup> Abū l-Faḍl Jalāl al-Dīn ʿAbd al-Raḥmān ibn Abī Bakr al-Suyūṭī, *al-Itqān fī ʿulūm al-Qurʾān*, ed. Muṣṭafā Dīb al-Bughā, 2<sup>nd</sup> ed. (Beirut: Dār Ibn Kathīr, 2006), I, 194.

(with less than a hundred verses)<sup>9</sup> seem to support the argument that it is *tawqīfī*. However, these narratives should be cautiously treated. In the case if the organization of the chapters that depend on the notification and determination by Muḥammad, when asked about placing the Sūrat al-Anfāl in the eighth position, even though it is shorter and smaller than al-Tawbah, and the lack of *basmalah* in the beginning of the latter, ‘Uthmān would not have given the following answer, as noted by al-Bāqillānī (d. 403 /1013): “Since the chapters al-Anfāl and al-Tawbah are similar in terms of content, I considered al-Tawbah as a continuation of al-Anfāl; Rasūl Allāh passed away before making us any explanations about these chapters. Therefore, I placed the two consecutively in the muṣḥaf but did not separate them with *basmalah*.”<sup>10</sup>

The question of presentation (*‘arḍāb*) is addressed. Every year during Ramaḍān, Muḥammad and Gabriel read to each other the verses and sūrahs that are revealed during the year; this presentation must have occurred in a certain order. The presentation presents many ambiguities. First, the following information remains unclear: when the presentation began, how many times the presentation occurred during the revelation, the positions of the Prophet and Gabriel during this presentation, how Gabriel participated in the presentation, whether the Companions heard the Qur’ān read during this ritual or saw Gabriel and the Companions that attended the final presentation.<sup>11</sup> Therefore, accurate deductions about the order of verses and chapters based on *‘arḍāb*, which is already obscure with regard to its true content, are not possible.

The order of the verses in muṣḥaf is neither thematic nor systematic, and the verses are not in chronological order. The first generation of Muslims personally witnessed the historical and social basis surrounding the revelation of Qur’ān verses. Some verses were

<sup>9</sup> Abū ‘Ubayd al-Qāsim ibn Sallām al-Harawī, *Faḍā’il al-Qur’ān wa-ma‘ālimubā wa-ādābubā*, ed. Aḥmad ibn ‘Abd al-Wāhid al-Khayyāfī (al-Muḥammadiyyah: al-Mamlakah al-Maghribiyyah Wizārat al-Awqāf wa-l-Shu’ūn al-Islāmiyyah, 1995), II, 29.

<sup>10</sup> Al-Qāḍī Abū Bakr Muḥammad ibn al-Ṭayyib ibn Muḥammad al-Bāqillānī, *al-Intiṣār li-l-Qur’ān*, ed. Muḥammad ‘Isām al-Quḍāh (Amman: Dār al-Fatḥ & Beirut: Dār Ibn Ḥazm, 2001), I, 281-282. Also see Öztürk, “Nuzūl of the Qur’ān and the Question of Nuzūl Order,” 201.

<sup>11</sup> For further information and assessments about *‘arḍāb*, see Ziya Şen, *Kur’an’ın Metinleşme Süreci* (Istanbul: Ensar Neşriyat, 2007), 113-123.

directly addressed or treated in several verses; consequently, they never perceived the Qurʾān as a text that was independent from their life experience or the guidance of Muḥammad. This is why they did not feel the need to organize the Qurʾān in any manner. Because the Qurʾān directly addresses its era and environment and the problems that emerged under these circumstances, they never needed to record the dates of the revelation of verses. Consequently, even the verses about the battles that occurred during the time of revelation, such as Badr, Uḥud and the Battle of the Trench do not comprise a sufficient amount of historical information to clarify how these battles occurred. As a result, contemporary Muslims, whose generation is fifteen centuries from the time of revelation, experience significant difficulty in determining the initial, original, and historical meaning of Qurʾān verses.

Understanding the chronology of the revelation is vital to appropriately understanding the message of the Qurʾān during the formation of the first Muslim community and how Muḥammad and his Companions perceived and practiced this message. Historical references, prophetic biographies, exegeses or ḥadīth sources do not provide satisfactory information to constitute this chronology. Regarding the perception of the Qurʾān by Muḥammad and his Companions, the following remarks by Montgomery Watt (d. 2006) illuminate other reasons for the lack of information on this issue:

To those who were Muslims when the revelation came, the application must have been obvious. Those who only became Muslims much later, however, required to know a little about the historical circumstances. Gradually the more intelligent would have in their minds a rough historical framework into which to fit events and incidents, though, where the Arab episodic conception of history dominated, this framework would be of the simplest. While the commentators preserve some information about the ‘occasion’ on which particular passages were revealed, much less information of this kind has been preserved than one would have hoped for; and there are contradictions in what has been preserved. It is also possible that some of the ‘occasion’ are no more than the conjectures of later Muslim scholars.<sup>12</sup>

---

<sup>12</sup> W. Montgomery Watt, *Islamic Revelation in the Modern World* (Edinburgh: Edinburgh University, 1969), 71.

According to Shāh Walī Allāh al-Dihlawī (d. 1176/1762), the majority of narratives, which are quoted as revelation motives in exegesis books, does not constitute a valid basis for the revelation; instead, they are “narratives of interpretation” to establish a relationship between the incidents after the revelation of verses and the associated Qurʾān verses or to interpret these events based on the verses.<sup>13</sup>

Despite these problems, this study makes general assessments of the period in which Sūrat al-Aḥzāb was revealed in consideration of the information and opinions in prophetic biographical books and classic exegeses that are based on narratives. We attempt to establish a connection between the verses in the *sūrah* and relevant narratives and between current verses and verse groups via a discourse analysis.

In Islamic exegesis (*tafsīr*) tradition, individual verses are sometimes known by proper names, such as *ḥijāb*, *jilbāb* or *āmanāb*. Although they can be treated under separate titles, this method is not a solid method for separately examining verses with regard to dating. A careful lecture of Qurʾān sūrahs demonstrates that the verses often assume the form of different groups with the integrity of passages. In conventional Islamic sciences, however, the indication of a single reason may be sufficient in regard to proving via the Qurʾān or deriving verdicts from the Qurʾān. Therefore, the question of integrity is reduced to the connection of a verse with the previous or following one. Pursuant to literal *iʿjāz*, each verse and sūrah is believed to have a strong connection under a romantic approach. Accordingly, some compelling and fictional relationships are generated within the scope of a subdiscipline, which is referred to *al-tanāsub bayna l-āyāt wa-l-suwar* or *tanāsub al-āy wa-l-suwar* in *ʿulūm al-Qurʾān* terminology.<sup>14</sup> In this regard, the views of ʿIzz al-Dīn ibn ʿAbd al-Salām (d. 660/1262) and al-Shawkānī (d. 1250/1834) are very important. Al-Shawkānī extensively analyzes the relationship between verses and highlights Sūrat al-Baqarah, in which verses 39-40 tell the story of Adam and Heaven; from this point, the passage begins to provide the account of Moses and Israelites. For al-

<sup>13</sup> Abū ʿAbd al-ʿAzīz Quṭb al-Dīn Shāh Walī Allāh Aḥmad ibn ʿAbd al-Raḥīm al-Dihlawī, *al-Fawz al-kabīr fī uṣūl al-tafsīr*, trans. Saʿīd Aḥmad al-Bālanfūrī (Damascus: Dār al-Ghawthānī li-l-Dirāsāt al-Qurʾāniyyah, 2008), 69-70.

<sup>14</sup> For more extensive assessment about the subject, see Ömer Özsoy, *Kurʾan ve Tarihsellik Yazıları* (Ankara: Kitâbiyât, 2004), 46-47.

Shawkānī, any reasonable person can discern that a book, which is gradually revealed for twenty-three years in relation to countless events, will evidently comprise contradicting and disconnected verses. In some cases, a forbidden thing can become permissible, or vice versa; some verses are about believers, whereas some verses are about heathens. Certain verses focus on past communities, whereas some verses focus on then-present people and groups. In addition, some verses are about worshipping, practices, frightening, and wrath or award. According to al-Shawkānī, both the long chapters and the medium-sized chapters are revealed after various separate incidents.

According to al-Shawkānī, the quest for a relationship between verses and chapters is based on the assumption that the revelation of the Qurʾān is reflected in the composition of muṣḥaf. Anyone who is slightly informed about the Qurʾān knows that this finding is not valid. Al-ʿAlaq, al-Muddaththir, and al-Muzzammil were the first revealed chapters; they are located in the latter parts of the book. Therefore, the quest for a relationship between verses and chapters is not based on the revelation order of the Qurʾān; it is based on the order established by the Companions during the activities of collection and dictation. Consequently, preoccupation with the problem of *tanāṣub al-āy wa-l-suwar* is futile. Allah characterized the Qurʾān in Arabic and sent His speech (*kalām*) consistent with linguistic traditions of Arabs. For instance, an Arabian speaker addresses various subjects during a speech. The mode of expression and style in the Qurʾān is similar.<sup>15</sup>

### Place of Sūrat al-Aḥzāb in Revelation Order

In the current muṣḥaf, Sūrat al-Aḥzāb consists of 73 verses. However, some narratives in various sources indicated that the chapter consisted of numerous verses at the time of revelation. For example, according to a narrative by Zirr ibn Ḥubaysh, Ubayy ibn Kaʿb relates that this chapter was as voluminous as al-Baqarah and included the verse known as *rajm*. Afterwards, 73 verses, including *rajm*, were abolished. According to another narrative by ʿUrwah ibn Zubayr, ʿĀʾishah suggested that Sūrat al-Aḥzāb consisted of approximately 200 verses; however, ʿUthmān could identify only 73

<sup>15</sup> Abū ʿAbd Allāh Muḥammad ibn ʿAlī al-Shawkānī, *Fath al-qadīr: al-Jāmiʿ bayna fannay al-riwāyah wa-l-dirāyah min ʿilm al-tafsīr* (Beirut: ʿĀlam al-Kutub, n.d.), I, 72-73.

verses during the copying process of the Qurʾān text.<sup>16</sup>

al-Qurṭubī (d. 671/1273) evaluates the problem as a type of abrogation,<sup>17</sup> whereas the modern exegete al-Ṭāhir ibn ʿĀshūr (d. 1973) considers the narrative by ʿĀʾishah weak in terms of evidence and insists that the narrative would be open to reversion in the following form if it were authentic: “ʿĀʾishah told extinct verses in Qurʾān were present in Sūrat al-Aḥzāb.” Based on the assumption of authenticity of the narrative by Ubayy ibn Kaʿb, Ibn ʿĀshūr provides a brief assessment: Ubayy attached many verses from other similar chapters in terms of theme and addressees, such as al-Nisāʾ, to Sūrat al-Aḥzāb. Then, the Companions did not follow the same path or method in regard to the organization of Qurʾān verses, naming and classification of chapters, and memorization (*ḍabṭ*) of wordings in *mansūkh* verses.<sup>18</sup>

The Sūrah is named after the word *aḥzāb* in verses no. 20 and 22. It is the plural of *ḥizb*, which lexically means “part, section, division or group of people.” In Arabic, the expression *ḥizb al-raḥul* signifies the friends of the same mind or advocates of a person.<sup>19</sup> The word *aḥzāb* is also used in the following chapters: Hūd 11:17, al-Raʿd 13:36, Maryam 19:37, Ṣād 38:11, 13, al-Muʾmin 40:5, 30 and al-Zukhruf 43:65. In the verse 30 of al-Muʾmin, *aḥzāb* signifies “Noah, ʿĀd, Thamūd people, as well as those destroyed afterwards.” The word *aḥzāb* in Sūrat al-Aḥzāb signifies groups such as the Quraysh tribe, Banū Ghaṭafān, Fazārah, Banū Asad, and Banū Sulaym, who gathered against Muḥammad and Muslims and in the siege of Medinah, which caused the Battle of the Trench.<sup>20</sup>

<sup>16</sup> See Aḥmad ibn Ḥanbal, *al-Musnad*, V, 132; al-Qāsim ibn Sallām, *Faḍāʾil al-Qurʾān*, 146-147; Abū ʿAbd Allāh Muḥammad ibn Aḥmad al-Qurṭubī, *al-Jāmiʿ li-ahkām al-Qurʾān*, ed. Muḥammad Ibrāhīm al-Ḥafnāwī and Maḥmūd Ḥāmid ʿUthmān (Cairo: Dār al-Ḥadīth, 2002), VII, 427; al-Suyūfī, *al-Itqān*, II, 718.

<sup>17</sup> Al-Qurṭubī, *al-Jāmiʿ*, VII, 427.

<sup>18</sup> Muḥammad al-Ṭāhir ibn Muḥammad ibn ʿĀshūr al-Tūnisī, *Tafsīr al-taḥrīr wa-l-tanwīr* (Tunis: Dār Saḥnūn li-l-Nashr wa-l-Tawzīʿ, 1997), XXI, 246.

<sup>19</sup> Abū Maṣṣūr Muḥammad ibn Aḥmad al-Azharī, *Tabdhīb al-lughab*, ed. Riyāḍ Zakī Qāsim (Beirut: Dār al-Maʿrifah, 2001), I, 800; Abū I-Faḍl Muḥammad ibn Mukarram Ibn Manẓūr, *Lisān al-ʿArab* (Cairo: Dār al-Ḥadīth, 2003), II, 420.

<sup>20</sup> See Abū Muḥammad Jamāl al-Dīn ʿAbd al-Malik Ibn Hishām, *al-Sīrah al-Nabawīyyah*, ed. Muṣṭafā al-Saqqā, Ibrāhīm al-Abyārī, and ʿAbd al-Ḥāfiẓ al-Shalabī, 5<sup>th</sup> ed. (Beirut: Dār al-Khayr, 2004), III, 170-171; Muhammed Hamīdullah [Muḥammad Ḥāmid Allāh], *Islām Peygamberi*, trans. Salih Tuğ, 5<sup>th</sup> ed. (Istanbul:

Sūrat al-Aḥzāb is unanimously considered to be revealed in Medinah.<sup>21</sup> In exegesis sources, however, no information about when it was revealed during the ten years of revelation in Medinah. Specific information about revelation dating in Islamic tradition is provided via various revelation orders, which are attributed to scholars such as Ibn ‘Abbās, Jābir ibn Zayd, and Ja‘far al-Şādiq. According to the revelation order list quoted by al-Ya‘qūbī (d. after 292/905), the Sūrat al-Aḥzāb was revealed after al-Ḥaṣhr and prior to al-Nūr.<sup>22</sup> In another list quoted by Ibn al-Ḍurays (d. 294/906) from Ibn ‘Abbas, Sūrat al-Aḥzāb, in the 89<sup>th</sup> position, was revealed immediately after Āl ‘Imrān and before al-Mumtaḥinah.<sup>23</sup> Al-Aḥzāb is the 89<sup>th</sup> chapter in the order of revelation according to Jābir ibn Zayd; it was revealed after al-Anfāl and before al-Mā‘idah.<sup>24</sup> According to a list quoted by al-Shahrastānī (d. 548/1153) from ‘Alī ibn Abī Ṭālib to Muqātil ibn Sulaymān (d. 150/167), al-Aḥzāb is the 84<sup>th</sup> chapter, following al-Mā‘idah and preceding al-Mumtaḥinah. Al-Shahrastānī quotes another list via Ibn Wāqid and al-Imām Ja‘far al-Şādiq; in this list, al-Aḥzāb is in no. 89, after Āl ‘Imrān and before al-Mumtaḥinah.<sup>25</sup>

Maulana Muhammad Ali (d. 1951) places al-Aḥzāb among the chapters that are revealed between 5 and 8 AH. For him, al-Aḥzāb was revealed after al-Nūr and before al-Faḥ.<sup>26</sup> The revelation

---

İrfan Yayımçılık, 1993), I, 241-242; id., “Hendeck Gazvesi,” in *Türkiye Diyanet Vakfı İslām Ansiklopedisi (DİA)*, XVII, 194.

<sup>21</sup> Abū ‘Abd Allāh Muḥammad ibn ‘Umar Fakhr al-Dīn al-Rāzī, *al-Taḥsīr al-kabīr: Maḥātib al-ghayb*, 2<sup>nd</sup> ed. (Beirut: Dār al-Kutub al-‘Ilmiyyah, 2004), XXV, 164; al-Qurtubī, *al-Jāmi‘*, VII, 427; Ibn ‘Ashūr, *Tafsīr al-taḥrīr wa-l-tanwīr*, XXI, 245.

<sup>22</sup> Abū l-‘Abbās ibn Wāqid al-Ḥamad ibn Ishāq al-Ya‘qūbī, *Tārīkh al-Ya‘qūbī*, ed. ‘Abd al-Amīr Muḥannā (Beirut: Sharikat al-‘Alamī li-l-Maḥbū‘āt, 2010), I, 362.

<sup>23</sup> Abū ‘Abd Allāh Muḥammad ibn Ayyūb ibn al-Ḍurays, *Faḍā’il al-Qur’ān wa-mā unzila min al-Qur’ān bi-Makkah wa-mā unzila bi-l-Madīnah*, ed. ‘Urwah Badīr (Damascus: Dār al-Fikr, 1987), 34.

<sup>24</sup> Al-Suyūṭī, *al-Itqān*, I, 82.

<sup>25</sup> Abū l-Faḥ Muḥammad ibn ‘Abd al-Karīm al-Shahrastānī, *Tafsīr al-Shahrastānī al-musammā Maḥātib al-asrār wa-maṣābiḥ al-abrār*, ed. Muḥammad ‘Alī Ādharshab (Tehran: Markaz al-Buḥūth wa-l-Dirāsāt li-l-Turāth al-Makḥūṭ, 2008), I, 19-23.

<sup>26</sup> Maulana Muhammad Ali, *Introduction to the Study of The Holy Qur’ān* (Lahore: The Aḥmadiyya Anjuman Isha‘at-e-Islam, n.d.), 5; Muhammad Ali, introduction to *The Holy Qur’ān with English Translation and Commentary* (Ohio: The Aḥmadiyya Anjuman Isha‘at-e-Islam, 2002), 27.



occurred in 7 AH.<sup>27</sup> Muḥammad ʿĀbid al-Jābirī (d. 2010) claims that al-Aḥzāb is revealed in 4 AH, in the 95<sup>th</sup> position, before al-Mumtaḥinah and after Āl ʿImrān.<sup>28</sup> ʿIzzat Darwazah (d. 1984) locates it in the 97<sup>th</sup> position. For him, al-Aḥzāb was revealed after al-Jumʿah and before al-Nisāʾ.<sup>29</sup>

These revelation orders and dating attempts indicate that Sūrat al-Aḥzāb was revealed at once and as a whole. However, even a superficial and complete reading of the chapter shows that the chapter was probably revealed not as a whole but in passages. Determining the precise chronology of al-Aḥzāb is improbable within revelation order. None of the previously mentioned orders of revelation include specific information about the revelation time of various passages in the chapter; they probably extend the determinations about the revelation of initial passages to all verses. In addition to these problems, the references in various verse groups to several incidents, such as the Battle of the Trench, the Banū Qurayzah Battle, and the marriage of Muḥammad and Zaynab bint Jaḥsh, provide a general opinion about the period in which the chapter was revealed. Considering these events, the chapter may have been revealed in 5 AH in the form of passages. This determination remains uncertain.

<sup>27</sup> Muhammad Ali, *The Holy Qurʾān*, 823.

<sup>28</sup> See Muḥammad ʿĀbid al-Jābirī, *Fahm al-Qurʾān al-ḥakīm: al-Tafsīr al-wāḍiḥ ḥasab tartīb al-nuzūl* (Beirut: Markaz Dirāsāt al-Waḥdah al-ʿArabiyyah, 2009), III, 183.

<sup>29</sup> Muḥammad ʿIzzat Darwazah, *al-Tafsīr al-ḥadīth*, 3<sup>rd</sup> ed. (Tunis: Dār al-Gharb al-Islāmī, 2008), VII, 345. Orientalists, who accept Qurʾān as a kind of autobiography of Muḥammad and accordingly deal with dating Qurʾān verses in order to analyze his psychology, also accept that al-Aḥzāb was revealed in Medinah. See Gustav Weil, *Historisch-Kritische Einleitung in den Koran* (Bielefeld: Velhagen & Klasing, 1844), 68-80; Theodor Nöldeke, *Geschichte des Qurāns: die sammlung des Qurāns*, ed. Friedrich Schwally, 2<sup>nd</sup> ed. (Leipzig: Dieterich'sche Verlagsbuchhandlung, 1909), 164-234; John Medows Rodwell, *The Koran* (Pennsylvania: The Pennsylvania State University, 2004), 338-485. Theodor Nöldeke (d. 1930) and Regis Blachère (d. 1973) place Sūrat al-Aḥzāb to 103<sup>rd</sup> position (after al-Ḥaṣr and before al-Munāfiqūn). As for J. William Muir (d. 1905), he thinks the chapter was revealed after al-Nūr and before al-Ḥadīd. For Muir, al-Aḥzāb is about incidents that occurred in 5 AH. See Sir William Muir, *The Corān: Its Composition and Teaching and the Testimony It Bears to the Holy Scriptures* (London: Society for Promoting Christian Knowledge, 2006), 46.

According to Mawdūdī (d. 1979), the chapter does not consist of verses that exclusively address a given subject in terms of the main theme and background; instead, it consists of several verse sequences that are gradually revealed in connection with the events of the time and comprise various judgments.<sup>30</sup> Darwazah agrees that the intertextual and non-textual context highlights fragmentary and long-lasting revelation of the verses in the chapter.<sup>31</sup> We consider these evaluations, especially arguments about the large variety of the themes in the chapter, seem to be based on a superficial viewpoint. As shown in a justified manner, the themes, which are considered to differ, are in a direct or indirect relationship with one or two main themes: the Battle of the Trench and the marriage of Muḥammad with Zaynab bint Jaḥsh.

In conventional exegeses and sources on *asbāb al-nuzūl* (circumstances of revelation), several narratives discuss the reasons behind the revelation of Sūrat al-Aḥzāb. The majority of these narratives address various incidents but do not mention date or time records.<sup>32</sup> Based on the general content of the chapter, some exegetes make inferences such as “Sūrat al-Aḥzāb was about how hypocrites hurt the Prophet and talked against him with respect to his marriages or other issues.”<sup>33</sup> Early biographical sources on the Prophet provide information about the date and time of the Battle of the Trench and Muḥammad’s marriage with Zaynab bint Jaḥsh; however, no connection between this information and various verse groups within al-Aḥzāb is established.

### Thematic Frame and Dating of the Chapter

The first verse of al-Aḥzāb begins with an address to Muḥammad, in which he is reminded about his duty and responsibility before Allah and was told not to succumb to disbelievers and hypocrites. This command is almost identically repeated in verse 48, in which the Prophet is told not to worry about torments by disbelievers and hypocrites. He is subsequently told to rely on Allah and His support.

<sup>30</sup> See Abū l-A‘lā Mawdūdī, *Tefhimu l-Kur’an: Kur’an’ın Anlamı ve Tefsiri* [Tafhīm al-Qur’ān], trans. Muhammed Han Kayanī et al., 2<sup>nd</sup> ed. (Istanbul: İnsan, 1996), IV, 383-384.

<sup>31</sup> Darwazah, *al-Taḥsīn al-ḥadīth*, VII, 345.

<sup>32</sup> See Abū l-Ḥasan ‘Alī ibn Aḥmad al-Wāḥidī, *Asbāb al-nuzūl*, 2<sup>nd</sup> ed. (Beirut: Dār al-Kutub al-‘Ilmiyyah, 1991), 200-208.

<sup>33</sup> Al-Qurṭubī, *al-Jāmi‘*, VII, 427.

The commandment to trust in Allah is also mentioned in the third verse of the chapter. Prior to this chapter, the Prophet is instructed to abide by the divine orders that are revealed to him.

Exegeses include various narratives about the revelation circumstances of the first three verses. According to one narrative, this group of verses was revealed with regard to Abū Sufyān, 'Ikrimah ibn Abī Jah̄l and Abū l-A'war 'Amr ibn Sufyān. The polytheists, who came to Medinah as guests of 'Abd Allāh ibn Ubayy ibn Salūl after the Battle of Uḥud, wanted to see the Prophet; he agreed to meet them. At the meeting, the polytheists told the Prophet "to give up talking abusively about their gods al-Lāt, al-Manāt and al-'Uzzā so that they no more talk negatively of him and his Rabb." Rasūl Allāh was deeply hurt by these words; 'Umar, who was in his company, said: "Oh the messenger of Allah! Let me kill them right on here." The Prophet, however, said that he forgave them. Then, "Go away with the curse and wrath of Allah on you," said 'Umar, and the Prophet ordered them to leave Medinah. The first verses of al-Aḥzāb were revealed upon this event.<sup>34</sup>

According to another narrative that was quoted by Ibn 'Abbās, a group of polytheists from Meccah, including Walīd ibn Muḡhīrah and Shaybah ibn Rabī'ah, came to Muḡammad and said: "If you give up your cause, we will bestow you half of our possessions." Shaybah promised to marry his daughter to the Prophet. The hypocrites and Jews in Medinah threatened Muḡammad with death unless he relinquished his cause. The initial verses were revealed upon these occurrences.<sup>35</sup>

<sup>34</sup> Abū Ishāq Aḡmad ibn Muḡammad al-Tha'labī, *al-Kashf wa-l-bayān fī tafsīr al-Qur'ān*, ed. Sayyid Kisrawī Ḥasan, 4<sup>th</sup> ed. (Beirut: Dār al-Kutub al-'Ilmiyyah, 2004), V, 76-77; al-Wāḡidī, *Asbāb al-nuzūl*, 201; Abū Muḡammad al-Ḥusayn ibn Mas'ūd al-Baghawī, *Tafsīr al-Baghawī al-musammā Ma'ālim al-tanzīl*, ed. Khālīd 'Abd al-Rahmān al-'Akk and Marwān Sawār, 4<sup>th</sup> ed. (Beirut: Dār al-Ma'rifāh, 1995), III, 505; al-Qurṭubī, *al-Jāmi'*, VII, 428. For a similar narrative, see Abū l-Ḥasan Muqāṭil ibn Sulaymān, *Tafsīr al-Muqāṭil ibn Sulaymān*, ed. 'Abd Allāh Maḡmūd Shaḡḡhātah (Beirut: Mu'assasat al-Tārīkh al-'Arabī, n.d.), III, 468-471.

<sup>35</sup> Abū l-Qāsim Maḡmūd ibn 'Umar al-Zamakhsharī, *al-Kashshāf 'an ḡaqā'iq ḡhawāmiḡ al-tanzīl wa-'uyūn al-aqāwīl fī wujūb al-ta'wīl*, ed. Muḡammad 'Abd al-Salām Shāhīn, 3<sup>rd</sup> ed. (Beirut: Dār al-Kutub al-'Ilmiyyah, 2003), III, 504; al-Suyūṭī, *Asbāb al-nuzūl al-musammā Lubāb al-nuqūl fī asbāb al-nuzūl* (Beirut: Mu'assasat al-Kutub al-Thaqāfiyyah, 2002), 205.

Some other narratives describe the motive behind the revelation of the mentioned verse group. Some of these narratives give the impression of a scenario that was created using the content of the first verse, whereas other narratives seem anachronistic. According to one of these narratives, a group from Banū Thaḳīf comes to Muḥammad and says: “Let us worship al-Lāt and al-‘Uzzá for one more year; then the Quraysh will understand our importance in your eyes.” According to Darwazah, this incident does not comply with the time of the revelation of the sūrah.<sup>36</sup>

The expressions in the first three verses hint that Muḥammad was exhausted by disbelievers and hypocrites, which caused his resistance to weaken. The phrase “do not obey the disbelievers and the hypocrites” in verses 1 and 48 support this argument. The issues, which exhausted Muḥammad, relate to his marriage with Zaynab bint Jaḥsh, as shown in verses 4-7 and 36-38. According to many exegeses, Muḥammad’s marriage with his adopted child Zayd’s former wife Zaynab bint Jaḥsh after their divorce became a point of gossip among hypocrites who tried to discredit him. The commandment for Muḥammad not to obey hypocrites in the first verse may also refer to the activities by the polytheist enemy forces to intimidate and break the resistance of the Prophet in an environment when the Battle of the Trench was inevitable. Verses 11-20, especially 13-18, depict a situation about hypocrites. The order of disobedience may be related to the threats from polytheists.

### **Question of Adoption and Muḥammad’s Marriage with Zaynab bint Jaḥsh**

Considering verses 4-5, the order of disobedience may be connected with the rumors about Muḥammad’s marriage with Zaynab bint Jaḥsh. These verses are about the problem of child adoption. According to common opinion of Islamic scholars, the expression in verse 4, “Allah has not made your adopted sons your true sons,” abolishes the tradition of child adoption; the following verse orders to call the adopted children by the names of their true father instead of the names of their adopters.

Mawdūdī establishes a connection between the first two verses and these verses, which forbid adoption; accordingly, he makes the following assessments:

---

<sup>36</sup> See Darwazah, *al-Tafsīr al-ḥadīth*, VII, 348.

First, two verses were revealed after Zayd divorced Zaynab. Muḥammad felt that it was time to completely abolish child adoption, which was a custom of Jāhiliyyah. He had to act in person for the process and decided to marry the widow of his adopted child to entirely annihilate the tradition; Allah inspired him in the same manner. Muḥammad was loath because the tradition could provide the disbelievers and hypocrites, who were already mad about his achievements, with a means of propaganda. He did not fear for his personal fame but was worried about possible harm to Islam. This incident could cause mistrust among the followers of Islam and push Muslims with weaker faith into suspicion. Therefore, Muḥammad preferred not to step into action to abolish this Jāhiliyyah custom because this move could further harm the purpose of religion.<sup>37</sup>

Verses 4-5 on adoption distinctly address the marriage between the Prophet and Zaynab bint Jaḥsh. Before Muḥammad, Zaynab was married to Zayd, who was his well-known adopted child. Verses 36-37 discuss the incident involving Muḥammad, Zayd, and Zaynab. Verse no. 36 refers to the marriage of Zaynab bint Jaḥsh to Zayd and the role of Muḥammad in this union. According to the following verse, the conjugal life of Zayd and Zaynab did not go well; however, Muḥammad recommended Zayd “not to divorce.” He hid something as he feared the people who surrounded him. According to early exegetes, a hidden feeling of Muḥammad was his desire for Zayd and Zaynab to divorce so that he could marry Zaynab. Exegetes such as Muqātil ibn Sulaymān and al-Ṭabarī (d. 310/923) have cited very interesting narratives about this topic.<sup>38</sup> Due to common recognition of the chastity of the Prophet, subsequent exegetes preferred to interpret this expression in the verse in different senses.<sup>39</sup>

Regardless of the consistency and persuasiveness of the mentioned interpretations, the exegetes claim that verses 4-5, which forbid adoption, were revealed prior to verses 36-37. Therefore, Allah imposed the verdict on the prohibition of adoption, and Muḥammad demonstrated the actual practice of this judgment by marrying

<sup>37</sup> Mawdūdī, *Tefbimu'l-Kur'an*, IV, 386.

<sup>38</sup> See Muqātil ibn Sulaymān, *Tafsir al-Muqātil ibn Sulaymān*, III, 494-495; al-Ṭabarī, *Jāmi' al-bayān*, XII, 16-17.

<sup>39</sup> For further information and assessments on the problem, see Mustafa Öztürk, “Kur'an Kısaları Bağlamında İsrâiliyyât Meselesine Farklı Bir Yaklaşım -Tefsirde İsrâiliyyât Karşıtı Söylemin Tahlil ve Tenkidi-,” *İslâmî İlimler Dergisi* 9, no. 1 (2014): 11-68.

Zaynab bint Jaḥsh, who was the former wife of his former adopted child Zayd. This argument, however, does not seem accurate. In the days of Companions, verses 4-5 were not construed as the total abolition of child adoption for everyone, and this rule was not applied. The following information provided by al-Qurṭubī is striking:

The prohibition in the relevant verse is not valid for persons who are commonly called/known with the name of their adopters, such as Miqdād ibn ‘Amr. Miqdād was mostly known through the name of his adopter. Indeed, everyone knew him as Miqdād ibn Aswad. Once Aswad ibn ‘Abd Yāghūth had adopted him in Days of Ignorance and he became famous with this identity. Upon revelation of this verse, “I am son of ‘Amr,” said Miqdād, but people continued to call him “son of Aswad.” Those who called him Miqdād ibn Aswad were on purpose; nevertheless, nobody from earlier generations dubbed them sinners. The same goes for Sālim, the foster child (*maulā*) of Abū Ḥudhayfah. Sālim was also called in reference to Abū Ḥudhayfah [and not to his natural father, even after the revelation of the verse]. Moreover, the same applies for persons who are adopted and known with the name of their adopters, after becoming known through their adopting family. Zayd ibn Ḥārithah, however, is in a different situation. It is not permissible to call him “Zayd ibn Muḥammad.” Whoever does so commits a sin pursuant to verse “*wa-lākin mā ta‘ammatat qulūbukum*” by Allah. Wa-Allāh<sup>u</sup> a‘lam.<sup>40</sup>

Considering these facts, the argument “It was time to terminate the custom of adoption; therefore, Allah, first of all, revealed the verses to forbid it; then, He demonstrated its application in the example of Muḥammad,” seems insignificant. Although the Qur’ān punished the immoral custom of *zibār* with atonement and did not completely abolish it, the total abolition of child adoption cannot be justified as a human and appropriate practice. Thus, the descendants of the Companions construed these verses as the abolition of adoption for the case of Muḥammad and Zayd. This specific abolition of adoption is probably available in the interpretations by early exegetes about the expression *wa-tukhfī fī nafsika* in verse 37.

We think that the verses 4-5 about adoption were revealed after the verses about the Prophet, Zayd, and Zaynab. However, the place in which these verses are displayed in muṣḥaf is not consistent with this conclusion. First, the order of muṣḥaf is not chronological.

<sup>40</sup> Al-Qurṭubī, *al-Jāmi‘*, VII, 433.

Therefore, the composition of the book cannot be the basis for chronicling the progress of events. The order of the book manifests certain statements that are noncompliant with chronology, with regard to establishment of the dates of some of the judgments in the Qurʾān. For example, verse 119 of al-Anʿām reads as follows:

And why should you not eat of that upon which the name of Allah has been mentioned while He has explained in detail to you what He has forbidden you, excepting that to which you are compelled. And indeed do many lead [others] astray through their [own] inclinations without knowledge. Indeed, your Lord – He is most knowing of the transgressors.

Explanations of what is forbidden to eat are given in verse 145 of al-Anʿām and verse 3 of al-Māʾidah. However, this fact complicates the revelation order of the Qurʾān and the composition of muṣḥaf because this explanation is provided beforehand. Al-Anʿām was revealed in Meccah, whereas al-Māʾidah was revealed in the late Medinah period. The other verse about *ḥarām* food (Q 6:145) is introduced after 26 more verses. Addressing this problem, Fakhr al-Dīn al-Rāzī (d. 606/1210) indicates that the chronological difference between the two verses is negligible.<sup>41</sup> This problem is proof that the order of the verses, especially in the longer chapters, is established during the practical process (*ijtibādī*).

The problem with verse 119 in al-Anʿām is also applicable to verses 234 to 240 of al-Baqarah. Many chapters, which consist of verses about a main theme, do not comply with the chronological order of events. For instance, the initial verses of al-Anfāl include a debate about booty in the wake of the Battle of Badr prior to treating the pre-war conditions and how the battle occurred. Verse 17, however, returns to the post-war period. Verse 42 and the subsequent verses relate the incidents prior to Battle, whereas verses 67-70 mention the Battle and the problem of prisoners.

No chronological order can be derived from this composition. Considering the debates about booty in the initial verses of al-Anfāl, the reader realizes the function of the narrations in the verses regarding before and after Badr to conclude these discussions. This realization is similar to reminding a wealthy person of his past after he endure many years of poverty. Many verses about the period

<sup>41</sup> Fakhr al-Dīn al-Rāzī, *al-Taḥfīr al-kabīr*, XIII, 136.

before the Battle of Badr begin with the postposition “*idb*,” which means “back then, once.”

In this respect, no chronological significance exists in the precedence of verses on child adoption (verses 4-5) to verses about the marriage of Muḥammad and Zaynab bint Jaḥsh (verses 37-38) in Sūrat al-Aḥzāb. The custom of child adoption was likely forbidden based on the content of verses 36-37, namely, the marriage, and upon objections and gossip about this event. Our emphasis on Muḥammad may seem strange. The historical data provided by al-Qurtubī and expressions such as “Muḥammad is not the father of any one of your men,”<sup>42</sup> and “his wives are in the position of the mothers of believers.”<sup>43</sup> demonstrate that the problem of adoption was personal instead of general; it concerned the case of Muḥammad, Zayd, and Zaynab. Although the verse, “Muḥammad is not the father of any one of your men.”<sup>44</sup> means that Muḥammad is not the father of Zayd ibn Ḥārithah, which suggests that he can marry his former wife Zaynab bint Jaḥsh without any objection, the expression “his wives are in the position of the mother of believers.”<sup>45</sup> actually means “Muḥammad is your father.”

These controversial verses are apparently related with the marriage that caused rumors in the community and repercussions in the family and private life of the Prophet. As previously mentioned, Zayd, who was the adopted child of Muḥammad, married and subsequently divorced Zaynab bint Jaḥsh before the Prophet united with the same woman. Many other verses in the chapter are directly or indirectly related to this incident. Prior to the analysis of the extent of this relationship, we provide and assess relevant information about the date of the marriage of Muḥammad and Zaynab. The marriage is closely connected with the verses about the Battle of the Trench, which constitutes the core of the chapter.

In *siyar* and *ṭabaqāt* literature, three viewpoints are expressed about the date of the marriage of Muḥammad and Zaynab bint Jaḥsh, namely, 3, 4, and 5 AH.<sup>46</sup> For al-Balādhurī (d. 279/893), the claim that

<sup>42</sup> Q 33:40.

<sup>43</sup> Q 33:6.

<sup>44</sup> Q 33:40.

<sup>45</sup> Q 33:6.

<sup>46</sup> Abū l-Fidā? Ismā‘īl ibn ‘Umar Ibn Kathīr al-Dimashqī, *al-Bidāyah wa-l-nibāyah*, ed. ‘Abd Allāh ibn ‘Abd al-Muḥsin al-Turkī (Giza: Hajr li-l-Ṭibā‘ah wa-l-Nashr,



the marriage may have occurred in 3 AH is unfounded.<sup>47</sup> Al-Ṭabarī dates the marriage to 5 AH.<sup>48</sup> Ibn Saʿd (d. 230/845) quotes a narrative in which the marriage date of Muḥammad and Zaynab bint Jaḥsh is the first day of Dhū l-qaʿdah in 5 AH; he adds that the date seems reasonable considering the following words by ʿĀʾishah: “Rasūl Allāh married Zaynab bint Jaḥsh upon our return from Battle of al-Muraysīʿ or shortly after.”<sup>49</sup> According to this date, the verses about marriage of Muḥammad and Zaynab were revealed immediately after the Battle of the Trench because the Battle ended only a few days prior to marriage. The information provided by Ibn Saʿd requires no other words about the time interval of the revelation of the chapter. However, it offers a vague basis for the revelation of verses about this marriage. As many exegetes infer, these verses were revealed during a smear campaign by hypocrites against Muḥammad as a result of the marriage. In psychosocial terms, the smear campaign probably occurred during the battles; therefore, Muḥammad must have married Zaynab prior to the Battle of the Trench.

Regarding the Battle of al-Muraysīʿ (Invasion of Banū l-Muṣṭaliq), which is mentioned in the narratives about the date of the marriage, it began in Shaʿbān 5 (2 Shaʿbān 5 AH/27 December 626) and ended after one month (1 Ramaḍān 5 AH/24 January 627) upon Muḥammad’s return to Medinah.<sup>50</sup> The Battle of the Trench began one month after the Battle of al-Muraysīʿ, on 7 Shawwāl 5 AH. Therefore, Muḥammad married Zaynab bint Jaḥsh during this month between the two Battles. According to a narrative by al-Wāqidi (d. 207/823), at the end of entrenching, Muḥammad accommodated behind the Mountain of Salʿ, where his wives ʿĀʾishah, Umm Salamah, and Zaynab bint Jaḥsh stayed with him for a few days.<sup>51</sup>

---

1997), VI, 150; Kasım Şulul, *İlk Kaynaklara Göre Hz. Peygamber Devri Kronolojisi*, 3<sup>rd</sup> ed. (Istanbul: İnsan Yayınları, 2011), 661-662.

<sup>47</sup> Abū l-Ḥasan Aḥmad ibn Yaḥyá al-Balādhurī, *Jumal min Ansāb al-asbrāf*, ed. Suhayl Zakkār and Riyāḍ al-Ziriklī (Beirut: Dār al-Fikr, 1996), II, 67.

<sup>48</sup> Al-Ṭabarī, *Tārīkh al-rusul wa-l-mulūk*, ed. Muḥammad Abū l-Faḍl, 2<sup>nd</sup> ed. (Cairo: Dār al-Maʿārif, 1968), II, 562.

<sup>49</sup> See Abū ʿAbd Allah Muḥammad Ibn Saʿd, *Kitāb al-ṭabaqāt al-kabīr*, ed. ʿAlī Muḥammad ʿUmar (Cairo: Maktabat al-Khānjī, 2001), X, 110-111.

<sup>50</sup> Abū ʿAbd Allāh Muḥammad ibn ʿUmar al-Wāqidi, *al-Maghāzī*, ed. Marsden Jones (Beirut: ʿĀlam al-Kutub & London: Oxford University Press, 1966), I, 404.

<sup>51</sup> Al-Wāqidi, *al-Maghāzī*, II, 454.

Then, the Battle of al-Muraysī<sup>6</sup>, which is the event of the necklace, the marriage of Muḥammad and Zaynab bint Jaḥsh and the Battle of the Trench occurred within a period of approximately three months. Sūrat al-Aḥzāb includes explicit or implicit expressions about these incidents. Verses and verse groups on the Battle of the Trench, the punishment of Banū Qurayzah Jews and Muḥammad's marriage with Zaynab bint Jaḥsh are comprehensible. Although other verse groups seem out of context, verses in the chapter are essentially related to these events.

We discuss the verses that have an indirect reference to the marriage between Muḥammad and Zaynab bint Jaḥsh. Verse 6 expresses that the Prophet is more worthy of the believers than themselves and his wives are in the same position as their mothers. According to verse 40, "Muḥammad is not the father of any one of your men, but he is the Messenger of Allah and last of the prophets." Verse 56 states "Indeed, Allah confers blessing upon the Prophet, and His angels ask him to do so. O you who have believed, ask Allah to confer blessing upon him and ask Allah to grant him peace." Verse 69 indicates "O you who have believed, be not like those who abused Moses; then Allah cleared him of what they said. And he, in the sight of Allah, was distinguished." In addition, the verses on obedience and the metaphor of trust at the end of the chapter warn believers against rumors and smear campaigns by hypocrites about Muḥammad's marriage with Zaynab bint Jaḥsh and advise the faithful not to join this dirty movement, as in the preceding event of necklace (*ifk*). The verses 45-46 indicate that Muḥammad is sent as a witness, forerunner, alerter, inviter, and a candle who glitters with heavenly light; thus, the text intends to reinforce the commitment to the Prophet among believers by reference to his position in the eyes of Allah.

Verses no. 50 and 51 also seem relevant to the marriage between Muḥammad and Zaynab bint Jaḥsh. The former includes specific provisions for Muḥammad about polygamy with women who are given due compensation and women who are wives of the captives. The latter tells the Prophet to relax regarding which of his wives he is to divorce or keep. Apparently, the marriage of Muḥammad and Zaynab bint Jaḥsh and his privileged status about marriage caused discomfort within the Muslim community and his family. According to a narrative, Umm Sharīk wanted to marry Muḥammad after presenting herself to him and without asking for any dowry; Rasūl Allāh accepted. 'Ā'ishah asked "How can a woman grant herself?;"

when verses 50-51 were revealed, she made an interesting comment: "I see your Rabb almost runs after your wish and desire."<sup>52</sup>

To end the rumors about the marriage of Muḥammad and Zaynab bint Jaḥsh and the disturbance caused by the gossip, verse 37 of the chapter reads "So when Zayd had no longer any need for her, We married her to you" and directly associates the marriage with divine will. Verse 38 states "There is not to be upon the Prophet any discomfort concerning that which Allah has imposed upon him. This is the established way of Allah with those prophets who have passed on before." Previous exegetes support this last phrase and reveal a connection between the marriage of Muḥammad and Zaynab, and the marriage of David with the wife of Ūriyā.<sup>53</sup>

Verses 40-41 reiterate the position and mission of Muḥammad and seek an end to any controversy about his marriage with Zaynab bint Jaḥsh: "Past prophets [just like hereby last one] were persons who communicated the verses of Allah to mankind and who feared no one but Him. Evidently, Allah is the only power to call them to account. O believers! Muḥammad is not the father of any one of your men. [Therefore he is not the father of Zayd either.] He is the Messenger of Allah and last of the prophets. And ever is Allah, of all things, Knowing."

### **Battles of the Trench and Banū Qurayzah**

Verses 9-25 in Sūrat al-Aḥzāb treat the Battle of the Trench and discuss the differing behaviors and attitudes of believers and hypocrites in face of the danger of war and enemy. Verses 26-27, relate the battle against Banū Qurayzah.<sup>54</sup> According to scholars such as Qatādah, 'Urwah ibn Zubayr (d. 94/713), Ibn Ishāq (d. 151/768) and al-Bayhaqī (d. 458/1066), the Battle of the Trench occurred in

<sup>52</sup> Al-Bukhārī, "Tafsīr," 33/7; "al-Nikāḥ," 29; Muslim, "al-Raḍā'," 49, 50; al-Nasā'ī, "al-Nikāḥ," 1; Ibn Mājah, "al-Nikāḥ," 57; Aḥmad ibn Ḥanbal, *al-Musnad*, VI, 134, 158, 261.

<sup>53</sup> See Muqātil ibn Sulaymān, *Tafsīr al-Muqātil ibn Sulaymān*, III, 496; Abū l-Ḥasan 'Alī ibn Aḥmad al-Wāḥidī, *al-Wasīl fī tafsīr al-Qur'ān al-majīd*, ed. 'Adil Aḥmad 'Abd al-Mawjūd et al. (Beirut: Dār al-Kutub al-'Ilmiyyah, 1994), III, 474. Also see al-Qurṭubī, *al-Jāmi'*, VII, 495.

<sup>54</sup> See al-Wāqidī, *al-Maghāzī*, II, 494-495; Ibn Hishām, *al-Sirab al-Nabawīyyah*, III, 193-194; Ibn Kathīr, *al-Bidāyah wa-l-nibāyah*, VI, 8-9.

Shawwāl 5 AH.<sup>55</sup> According to Muḥammad Ḥamīd Allāh, the war on 7 Shawwāl 5 AH (March 1, 627), lasted approximately one month and ended on the first day of Dhū l-qa‘dah (24 March 627).<sup>56</sup>

The relevant verses in the chapter generally focus on the distress that was suffered by Muslims during the Battle of the Trench and the attitude of hypocrites. The verses 9 to 12 summarize and depict the situation of believers and hypocrites during the war:

O you who have believed, remember the favor of Allah upon you when armies came to attack you and We sent upon them a wind and armies of angels you did not see. And ever is Allah, of what you do, Seeing. Remember when they came at you from above and from below you, and when eyes shifted in fear, and hearts reached the throats and you assumed about Allah various assumptions. There the believers were tested and shaken with a severe shaking. And remember when the hypocrites and those in whose hearts is disease said, “Allah and His Messenger did not promise us except delusion.”

Verse 25 highlights the outcome of the battle: “And Allah repelled those who disbelieved, in their rage, not having obtained any good. And sufficient was Allah for the believers in battle, and ever is Allah Powerful and Exalted in Might.”

In the same group of verses about the Battle of the Trench, verses 13-14 read as follows: “And when a faction of them said, ‘O people of Yathrib (Medinah), there is no stability for you here, so return home.’ And a party of them asked permission of the Prophet, saying,

<sup>55</sup> See Ibn Hishām, *al-Sirah al-Nabawīyyah*, III, 169; Ibn Sa‘d, *Kitāb al-ṭabaqāt al-kabīr*, II, 70; Ibn Kathīr, *al-Bidāyah wa-l-nibāyah*, VI, 9. There are also some sources that claim Battle of the Trench occurred in Dhū l-qa‘dah 5 AH, or even in 4 AH. The latter argument is put forth by scholars such as Mūsā ibn ‘Uqbah and Ibn Ḥazm; see Abū Muḥammad ‘Alī Ibn Ḥazm al-Andalusī, *Jawāmi‘ al-sirah al-Nabawīyyah* (Beirut: Dār al-Kutub al-‘Ilmiyyah, [1983]), 147; nevertheless, authors like al-Bayhaqī (d. 458/1066), Ibn Qayyim (d. 751/1350), Ibn Kathīr (d. 774/1373), and Ibn Ḥajar criticize this claim. See Abū Bakr Aḥmad ibn Ḥusayn al-Bayhaqī, *Dalā’il al-nubuwwah wa-ma‘rifat aḥwāl šāḥib al-sharī‘ah*, ed. ‘Abd al-Muṭī Qal‘ahjī (Beirut: Dār al-Kutub al-‘Ilmiyyah, 1988), III, 396; Abū ‘Abd Allāh Shams al-Dīn Muḥammad Ibn Qayyim al-Jawziyyah, *Zād al-ma‘ād ‘alā bady kbayr al-‘ibād*, ed. Shu‘ayb al-Arna’ūt and ‘Abd al-Qāḍir al-Arna’ūt, 27<sup>th</sup> ed. (Beirut: Mu’assasat al-Risālah & Kuwait: Maktabat Manār al-Islāmiyyah, 1994), III, 269-270.

<sup>56</sup> See Ḥamīdullah, “Hendek Gazvesi,” XVII, 194.

‘Indeed, our houses are unprotected,’ while they were not exposed. They did not intend except to flee. And if they had been entered upon from all its surrounding regions and fitnah had been demanded of them, they would have done it and not hesitated over it except briefly,” whereas verses 18-19 indicate the following: “Already Allah knows the hinderers among you and those hypocrites who say to their brothers, ‘Come to us’ and do not go to battle, except a few, indisposed toward you. And when fear comes, you see them looking at you, their eyes revolving like one being overcome by death.” Therefore, the verses that recommend obedience and loyalty to Muḥammad are not restricted to the verses about his marriage with Zaynab bint Jaḥsh; however, they are also related to the defense of Medinah against polytheist and allied enemy forces. These verses refer to two incidents (the marriage and the Battle of the Trench) that occurred within one month.

On the day of his return from the Battle of the Trench, Muḥammad called Bilāl al-Ḥabashī at noontime and ordered that afternoon *ṣalāh* is to be performed in the lands of Banū Qurayzah; then, he girded and mounted his horse (23 Dhū l-qa‘dah 5 AH/15 April 627). As Muḥammad came in front of the castle where Banū Qurayzah took refuge, he separately addressed the Jewish chiefs and invited them to Islam. As they refused, he asked them to leave the fort and surrender. When they refused to yield, the battle begun. Banū Qurayzah remained under siege for approximately fifteen to twenty-five days. Helpless due to siege and lacking the promised assistance by the hypocrites, the Jews asked for the conditions that were granted for Banū Naḥīr, namely, to leave Medinah with only goods on a camel. However, Muḥammad refused this offer and told them that they could only surrender without reserve. The siege lasted a while before Banū Qurayzah consented to yield. At the behest of Muḥammad, the warriors of Banū Qurayzah were condemned to death, whereas approximately 100 women and children were released. The possessions of Banū Qurayzah were distributed to Companions as booty, and the remaining lands were sold to provide horses and guns for jihād. Meanwhile, Muḥammad obtained Rayḥānah bint Zayd, who was a woman among the captives, as net share.<sup>57</sup>

<sup>57</sup> Al-Bukhārī, “al-Maghāzī,” 14; al-Wāqidi, *al-Maghāzī*, II, 445, 496-525; Ibn Hishām, *al-Sirah al-Nabawīyyah*, III, 184-199; Ibn Sa‘d, *Kitāb al-ṭabaqāt al-*

Verses 26-27 in Sūrat al-Aḥzāb address this Battle:

And He brought down those who supported them among the People of the Scripture from their fortresses and cast terror into their hearts so that a party you killed, and you took captive a party. And He caused you to inherit their land and their homes and their properties and a land which you have not trodden. And ever is Allah, over all things, competent.

The following two verses, which are traditionally known as “verses on choice,” discuss the family life of Muḥammad in the wake of the Banū Qurayzah Battle. According to certain narratives, verses 28-29 – “O Prophet, say to your wives, ‘If you should desire the worldly life and its adornment, then come, I will provide for you and give you a gracious release. However, if you should desire Allah and His Messenger and the home of the Hereafter – then indeed, Allah has prepared for the doers of good among you a great reward’” – were revealed upon the following event: As the wives of Muḥammad saw the booty from the Jews after the sieges of Banū Qurayzah and Banū Naḍīr, they said “O Rasūl Allāh! The wives of Kisrā and Kaiser lead a life of luxury in adornments, jewels, courtesans, and servants, while we live in poverty and discomfort.” They made certain relevant requests and annoyed Muḥammad. Thus, the “verses on choice” were revealed.<sup>58</sup>

According to a parallel comment by Ibn ‘Ashūr, Muslims obtained notable booty from Banū Qurayzah and led a comfortable and wealthier life. The life standards of Muḥammad remained unchanged. This fact caused complaints among his wives. The verse on choice was revealed to put an end to these complaints and to warn Muḥammad’s wives.<sup>59</sup>

### **Framework of the Address to Muḥammad’s Wives and Incident of *Ifk***

Some verses in al-Aḥzāb, especially verses 30-34, directly address the wives of Muḥammad. Verse 30 reads: “O wives of the Prophet,

*kabīr*, II, 70-74; Casim Avcı, “Kurayza (Benî Kurayza),” in *Türkiye Diyanet Vakfı İslâm Ansiklopedisi (DİA)*, XXVI, 431-432.

<sup>58</sup> See Abū l-Thana’ Shihāb al-Dīn Maḥmūd ibn ‘Abd Allāh al-Ālūsī, *Rūḥ al-ma‘ānī fī tafsīr al-Qur’ān al-‘azīm wa-l-sab‘ al-mathānī*, 2<sup>nd</sup> ed. (Beirut: Dār al-Kutub al-‘Ilmiyyah, 2005), XI, 178.

<sup>59</sup> For associated comments, see Ibn ‘Ashūr, *Tafsīr al-taḥrīr wa-l-tanwīr*, XXI, 314.

whoever of you should commit a clear immorality – for her the punishment would be doubled two fold, and ever is that, Allah, easy.” Verses no. 32 and 33 include the following phrases:

O wives of the Prophet, you are not like anyone among women. If you fear Allah, then do not be soft in speech [to men], lest he in whose heart is disease should covet, but speak with appropriate speech. And abide in your houses and do not display yourselves as [was] the display of the former times of ignorance. And establish prayer and give zakāh and obey Allah and His Messenger. Allah intends only to remove from you the impurity [of sin], O people of the [Prophet’s] household, and to purify you with [extensive] purification.

These verses probably refer to the incident of *ifk*. The incident of *ifk*, which are also treated in verses 11-22 of *Sūrat al-Nūr* (24), occurred during the campaign against Banū l-Muṣṭaliq, which occurred between 2 Sha‘bān 5 AH/27 December 626 and 1 Ramaḍān 5 AH/24 January 627, almost a month prior to the Battle of the Trench. According to numerous sources, on the return home from the Invasion of Banū l-Muṣṭaliq, Muḥammad orders to depart before dawn. However, ‘Ā’ishah has walked away from the camp to relieve herself. Returning to the site, she notices that her necklace has fallen and begins to search, thinking that the procession will wait for her. However, she loses a considerable amount of time by searching for the drops in the dark. By the time she arrives at the encampment, the caravan has departed; she begins to wait and believes that they will look for her upon noticing her absence. Meanwhile, she falls asleep. Ṣafwān ibn al-Mu‘aṭṭal al-Sulamī, who is a rearguard in the army, finds ‘Ā’ishah during his routine check of the encampment, mounts her on his camel and leads the beast to catch the caravan. Although he walks fast, they can only join the caravan when the latter has a break in the heat of late morning.

The delay was not badly perceived; ‘Abd Allāh ibn Ubayy ibn Salūl, who was the chief of Banū Khazraj prior to Hijrah but was not granted the leadership of Medīnah upon the arrival of Muḥammad, triggered rumors and the incident caused discomfort in the community. Words uttered by ‘Abd Allāh ibn Ubayy and his men to insult, humiliate, and drive a wedge between Muḥammad and his father-in-law Abū Bakr rapidly became a smear campaign because Muslims such as Ḥassān ibn Thābit, Miṣṭaḥ ibn Uthāthah and Ḥammah bint Jaḥsh contributed to the rumors. Worried about the events, Muḥammad hesitated in reaching a conclusion; he decided to ask

some of his acquaintances for advice and took the subject to public at maşjid to be spared of these rumors. Verses 11 and 12 of Sūrat al-Nūr were revealed, and ʿĀʾishah was absolved from slanders.<sup>60</sup>

Considering that the Invasion of Banū l-Muşṭaliq occurred one month prior to the Battle of the Trench and the information about the marriage between Muḥammad and Zaynab during the one month between the two Battles, the Prophet must have suffered serious distress and oppression due to rumors about his marriage with Zaynab and slanders against ʿĀʾishah. Verses 1 and 48 tell him not to surrender to hypocrites and disbelievers. These verses are reminiscent of various chapters: “Do not obey the disbelievers” or “turn aside from them,”<sup>61</sup> which were revealed to enhance his endurance under intense oppression from polytheists during his time in Meccah.

The verses in Sūrat al-Aḥzāb about the wives of Muḥammad are a type of precaution against bad experiences, such as the incident of *ifk*. They indicate that if a wife of Muḥammad is involved in an immoral deed, her punishment will be doubled because she is no ordinary woman but a woman who has to refrain from talking to another man and cannot leave her home if possible. Likewise, the verses that are named with proper nouns, such as *ḥijāb*<sup>62</sup> and *jilbāb*, can be considered within the scope of the mentioned precaution. The verses in the chapter about the wives of Muḥammad probably address the incident of *ifk*.

### Assessment and Conclusion

The main theme of Sūrat al-Aḥzāb is the Battle of the Trench, which began on 7 Shawwāl 5 AH (1 March 627) and ended on 1 Dhū l-qaʿdah 5 AH (24 March 627), in addition to the subsequent Banū Qurayzah Battle. Verses about the Prophet’s marriage to Zaynab bint Jaḥsh were probably revealed during the Battle of the Trench. In *siyar* literature, various viewpoints about the date of marriage are

<sup>60</sup> See al-Bukhārī, “al-Shahādah,” 15; “al-Maghāzī,” 34; “Tafsīr,” 24/5-10; Muslim, “al-Tawbah,” 56, 57, 58; Ibn Hishām, *al-Sīrah al-Nabawīyyah*, III, 232-240; Ibn Saʿd, *Kitāb al-ṭabaqāt al-kabīr*, II, 59-61; Abū l-Qāsim ʿAbd al-Raḥmān ibn ʿAbd Allāh al-Suhaylī, *al-Rawḍ al-unuf fī sharḥ al-Sīrah al-Nabawīyyah li-Ibn Hishām*, ed. ʿAbd al-Raḥmān al-Wakīl (Cairo: Dār al-Kutub al-Islāmiyyah, 1967), VI, 436-451.

<sup>61</sup> See Q 25:52; Q 43:89.

<sup>62</sup> According to Ibn Saʿd, the *ḥijāb* verse was revealed in Dhū l-qaʿdah 5 AH. See Ibn Saʿd, *Kitāb al-ṭabaqāt al-kabīr*, X, 168.



expressed; the date is generally considered to have occurred in 5 AH. According to some narratives by authors such as Ibn Sa‘d and al-Wāqidi, Muḥammad married Zaynab bint Jaḥsh shortly after the Invasion of Banū l-Muṣṭaliq. During the Battle of the Trench, Zaynab was with the Prophet and some of his other wives. The Battle of al-Muṣṭaliq began on Sha‘bān 5 AH (2 Sha‘bān 5 AH/27 December 626) and ended on Muḥammad’s return to Medinah after approximately one month (1 Ramaḍān 5 AH/24 January 627).

Considering all historical data, the chapter al-Aḥzāb was probably revealed in 5 AH within a few months. All verses pertain to the incidents of this period. However, all verses in the chapter were presumably not revealed at once but in different groups within the mentioned period. All verse groups are related. The main motive behind the revelation of al-Aḥzāb involved plans by external polytheist groups and inside collaborators, such as Banū Qurayzah Jews and hypocrites against Muḥammad and Muslims who want to destroy them. This plan was actually put into practice in the Battle of the Trench.<sup>63</sup>

The axis of the chapter focuses on the Battle of the Trench and the battle against Banū Qurayzah. Many other verses treat the marriage of Muḥammad to Zaynab bint Jaḥsh, his privileged status with regard to polygamy, and warnings to his wives. The verses about these problems may seem unrelated with the verses about the Battle of the Trench. Seventy-three verses within al-Aḥzāb may initially discuss incidents and problems for a one-month period during the Battle of the Trench.

All verses in Sūrat al-Aḥzāb are a type of shield for Muḥammad. This shield protects against threats by polytheists outside Medinah and gossip and discrediting campaigns by Jews and hypocrites in Medinah, especially gossip about the Prophet’s marriage with Zaynab bint Jaḥsh. In this context, the verses are similar to the scenario of a feature film, which is based on a one-week or one-month life experience of various dramatic events.

In this peculiar context, the Qur’ān relates the occurrences to the perspective of Muḥammad or the Companions; therefore, the book is written from the perspective of the incidents. In verses 9 to 22, some striking psychoanalyses about the mood of Muslims and hypocrites

<sup>63</sup> Cf. Öztürk, “Nuzūl of the Qur’ān and the Question of Nuzūl Order,” 198.

during the siege are observed. The lack of a third-person narrator can also pave the way for gaps and brevity in terms of historical information.

Verses 4-5 in al-Aḥzāb refer to the marriage between Muḥammad and Zaynab bint Jaḥsh; these verses are the first step in obviating rumors about the marriage. Verses 36-40 relate the consequence of marriage; the phrases “There is not to be upon the Prophet any discomfort concerning that which Allah has imposed upon him” and “Muḥammad is not the father of any one of your men” provide the Prophet with a type of moral protection. The intention is to neutralize gossip by hypocrites and eliminate complaints by the affected believers and his wives, such as the interesting reproach “I see your Rabb almost runs after your wish and desire,” by ‘Ā’ishah.

With respect to the divorce of Zayd and Zaynab and Muḥammad’s marriage with the latter, certain exegetes and jurists state: “Allah wanted to abolish the custom of child adoption; so, He revealed verses 4 and 5 as a preparation; then, He realized the actual abolition of child adoption through marriage of Muḥammad with Zaynab.” These comments can scarcely be harmonized with divine justice-fairness or associated controversial issues about predestination or divine will. The best known exegetes in the classical era were members of the Ash‘arite school, and Ash‘arite Kalām defines Allah using absolute will. Good and evil were not considered to be independent from the revelation; instead, they were only defined via the revelation. Therefore, Allah attributes very dramatic roles to Zayd and Zaynab in his eternal scenario instead of the direct abolition of adoption, which is unimportant and does not bear any moral problem according to Ash‘arite viewpoint. In Ash‘arite Kalām, a man/object is obliged to live a predestined life by absolute and endless divine will, even though he seems free.

Sūrat al-Aḥzāb reflects a defensive counter-attacking style and strategy to place Muḥammad under protection. Many verses and expressions, including “Muḥammad is not the father of any one of your men.” (Q 33:40), “The Prophet is more worthy of the believers than themselves.” (Q 33:6), as well as phrases about the privilege of Muḥammad in marrying the women indicated in verse 50, and “O Muḥammad! And any that you desire of those wives from whom you had temporarily separated – there is no blame upon you in returning her!” are tangible examples of the mentioned strategy.

Many verses in the chapter order show obedience to Muḥammad and refrain from tormenting him. Verse 56, which is traditionally known as *ṣalawāt verse*, underlines the unconditional support and devotion that should be displayed towards the Prophet. These verses warn believers about joining the smear campaign against Muḥammad, especially over his marriage with Zaynab, and invite them to look after their Prophet.

Based on these assessments, especially the *ḥijāb verse* and verses that are aimed at his wives, which tell them not to go out and make an appearance as in the Days of Ignorance and to wear garments that will make them recognizable when going out, seek to prevent and obviate the smear campaign against Muḥammad, particularly with regard to his marriage with Zaynab and generally about his family and wives. The expression “O wives of the Prophet, you are not like anyone among women.” (Q 33:32) is proof of this approach. Sūrat al-Aḥzāb intends to protect Muḥammad against hypocrites, Muslims and his own household due to the traumatic consequences of the *ifk* incident during the Battle of al-Muṣṭaliq.

## ACKNOWLEDGMENTS

I want to offer my gratitude to Professor Mustafa Öztürk, that he read this article and shared his evaluation with me.

## REFERENCES

- Aḥmad ibn Ḥanbal, Abū ‘Abd Allāh ibn Muḥammad. *al-Musnad*. 4 vols. Istanbul: Çağrı Yayınları, 1982.
- al-Ālūsī, Abū l-Thana’ Shihāb al-Dīn Maḥmūd ibn ‘Abd Allāh. *Rūḥ al-ma‘ānī fī tafsīr al-Qur’ān al-‘aẓīm wa-l-sab‘ al-mathānī*. 16 vols. 2<sup>nd</sup> ed. Beirut: Dār al-Kutub al-‘Ilmiyyah, 2005.
- Avcı, Casim. “Kurayza (Benî Kurayza).” In *Türkiye Diyanet Vakfı İslâm Ansiklopedisi (DİA)*, XXVI, 431-432.
- al-Azharī, Abū Maṣṣūr Muḥammad ibn Aḥmad. *Tabdhīb al-lughab*. 4 vols. Edited by Riyāḍ Zakī Qāsim. Beirut: Dār al-Ma‘rifah, 2001.
- al-Baghawī, Abū Muḥammad al-Ḥusayn ibn Mas‘ūd. *Tafsīr al-Baghawī al-musammā Ma‘ālim al-tanzīl*. 4 vols. Edited by Khālid ‘Abd al-Rahmān al-‘Akk and Marwān Sawār. 4<sup>th</sup> ed. Beirut: Dār al-Ma‘rifah, 1995.

- al-Bāqillānī, al-Qāḍī Abū Bakr Muḥammad ibn al-Ṭayyib ibn Muḥammad. *al-Intiṣār li-l-Qurʾān*. 2 vols. Edited by Muḥammad ʿIsām al-Quḍāh. Amman: Dār al-Fatḥ & Beirut: Dār Ibn Ḥazm, 2001.
- al-Balādhurī, Abū l-Ḥasan Aḥmad ibn Yaḥyá. *Jumal min Ansāb al-asbrāf*. 13 vols. Edited by Suhayl Zakkār and Riyāḍ al-Ziriklī. Beirut: Dār al-Fikr, 1996.
- al-Bukhārī, Abū ʿAbd Allāh Muḥammad ibn Ismāʿīl. *al-Jāmiʿ al-ṣaḥīḥ*. 8 vols. Istanbul: Çağrı Yayınları, 1981.
- al-Bayhaqī, Abū Bakr Aḥmad ibn Ḥusayn. *Dalāʾil al-nubuwwah wa-maʿrifat aḥwāl ṣāḥib al-sbarīʿab*. 7 vols. Edited by ʿAbd al-Muʿī Qalʿahjī. Beirut: Dār al-Kutub al-ʿIlmiyyah, 1988.
- Darwazah, Muḥammad ʿIzzat. *al-Taḥsīn al-ḥadīth*. 10 vols. 3<sup>rd</sup> ed. Tunis: Dār al-Gharb al-Islāmī, 2008.
- al-Dihlawī, Abū ʿAbd al-ʿAzīz Quṭb al-Dīn Shāh Walī Allāh Aḥmad ibn ʿAbd al-Raḥīm. *al-Fawz al-kabīr fī uṣūl al-tafsīr*. Translated by Saʿīd Aḥmad al-Bālanfūrī. Damascus: Dār al-Ghawthānī li-l-Dirāsāt al-Qurʾāniyyah, 2008.
- Fakhr al-Dīn al-Rāzī, Abū ʿAbd Allāh Muḥammad ibn ʿUmar. *al-Taḥsīn al-kabīr: Mafātīḥ al-ghayb*. 33 vols. 2<sup>nd</sup> ed. Beirut: Dār al-Kutub al-ʿIlmiyyah, 2004.
- Hamīdullah, Muhammed [Muḥammad Ḥamīd Allāh]. “Hendek Gazvesi.” In *Türkiye Diyanet Vakfı İslām Ansiklopedisi (DİA)*, XVII, 194-195.
- . *İslām Peygamberi*. 2 vols. Translated by Salih Tuğ. 5<sup>th</sup> ed. Istanbul: İrfan Yayıncılık, 1993.
- Ibn Abī Dāwūd, Abū Bakr ʿAbd Allāh ibn Sulaymān ibn al-Ashʿath. *Kitāb al-maṣāḥif*. Edited by Arthur Jeffery. Leiden: Brill, 1937.
- Ibn al-Ḍurays, Abū ʿAbd Allāh Muḥammad ibn Ayyūb. *Faḍāʾil al-Qurʾān wa-mā unzila min al-Qurʾān bi-Makkah wa-mā unzila bi-l-Madīnah*. Edited by ʿUrwah Badīr. Damascus: Dār al-Fikr, 1987.
- Ibn ʿĀshūr, Muḥammad al-Ṭāḥir ibn Muḥammad al-Tūnisī. *Tafsīr al-taḥrīr wa-l-tanwīr*. 30 vols. in 15 vols. Tunis: Dār Saḥnūn li-l-Nashr wa-l-Tawzīʿ, 1997.
- Ibn Ḥazm, Abū Muḥammad ʿAlī al-Andalusī. *Jawāmiʿ al-sīrab al-Nabawiyyah* (Beirut: Dār al-Kutub al-ʿIlmiyyah, [1983]).
- Ibn Hishām, Abū Muḥammad Jamāl al-Dīn ʿAbd al-Malik. *al-Sīrab al-Nabawiyyah*. 4 vols. Edited by Muṣṭafá al-Saqqa, Ibrāhīm al-Abyārī, and ʿAbd al-Ḥāfiẓ al-Shalabī. 5<sup>th</sup> ed. Beirut: Dār al-Khayr, 2004.

- Ibn Kathīr, Abū l-Fidā' Ismā'īl ibn 'Umar al-Dimashqī. *al-Bidāyah wa-l-nibāyah*. 21 vols. Edited by 'Abd Allāh ibn 'Abd al-Muḥsin al-Turkī. Giza: Hajr li-l-Ṭibā'ah wa-l-Nashr, 1997.
- Ibn Mājah, Abū 'Abd Allāh Muḥammad ibn Yazīd. *al-Sunan*. 2 vols. Edited by M. Fu'ād 'Abd al-Bāqī. Istanbul: Çağrı Yayınları, 1992.
- Ibn Manzūr, Abū l-Faḍl Muḥammad ibn Mukarram. *Lisān al-'Arab*. 9 vols. Cairo: Dār al-Ḥadīth, 2003.
- Ibn Qayyim al-Jawziyyah, Abū 'Abd Allāh Shams al-Dīn Muḥammad. *Zād al-ma'ād 'alā bady kbayr al-'ibād*. 6 vols. Edited by Shu'ayb al-Arna'ūt and 'Abd al-Qādir al-Arna'ūt. 27<sup>th</sup> ed. Beirut: Mu'assasat al-Risālah & Kuwait: Maktabat Manār al-Islāmiyyah, 1994.
- Ibn Sa'd, Abū 'Abd Allāh Muḥammad. *Kitāb al-ṭabaqāt al-kabīr*. 11 vols. Edited by 'Alī Muḥammad 'Umar. Cairo: Maktabat al-Khānjī, 2001.
- al-Jābirī, Muḥammad 'Ābid. *Fahm al-Qur'ān al-ḥakīm: al-Tafsīr al-wāḍiḥ ḥasab tartīb al-nuzūl*. 3 vols. Beirut: Markaz Dirāsāt al-Waḥdah al-'Arabiyah, 2009.
- Mawdūdī, Abū l-A'lá. *Tefhimu'l-Kur'an: Kur'an'ın Anlamı ve Tefsiri [Tafhim al-Qur'ān]*. 7 vols. Translated by Muhammed Han Kayanī, Yusuf Karaca, Nazife Şişman, İsmail Bosnalı, Ali Ünal, Hamdi Aktaş et al., 2<sup>nd</sup> ed. Istanbul: İnsan, 1996.
- Muhammad Ali, Maulana. *Introduction to the Study of The Holy Qur'an*. Lahore: The Aḥmadiyya Anjuman Isha'at-e-Islam, n.d.
- . *The Holy Qur'an with English Translation and Commentary*. Ohio: The Aḥmadiyya Anjuman Isha'at-e-Islam, 2002.
- Muir, Sir William. *The Corān: Its Composition and Teaching and the Testimony It Bears to the Holy Scriptures*. London: Society for Promoting Christian Knowledge, 2006.
- Muqātil ibn Sulaymān, Abū l-Ḥasan. *Tafsīr al-Muqātil ibn Sulaymān*. 5 vols. Edited by 'Abd Allāh Maḥmūd Shaḥḥātah. Beirut: Mu'assasat al-Tārīkh al-'Arabī, n.d.
- Muslim, Abū l-Ḥusayn Muslim ibn al-Ḥajjāj. *al-Jāmi' al-ṣaḥīḥ*. 3 vols. Edited by M. Fu'ād 'Abd al-Bāqī. Istanbul: Çağrı Yayınları, 1992.
- al-Nasā'ī, Abū 'Abd al-Raḥmān Aḥmad ibn Shu'ayb. *al-Sunan*. 8 vols. Istanbul: Çağrı Yayınları, 1992.
- Nöldeke, Theodor. *Geschichte des Qurāns: die sammlung des Qurāns*. Prepared by Friedrich Schwally. 2<sup>nd</sup> ed. Leipzig: Dieterich'sche Verlagsbuchhandlung, 1909.
- Özsoy, Ömer. *Kur'an ve Tarihsellik Yazıları*. Ankara: Kitâbiyât, 2004.

- Öztürk, Mustafa. "Kur'an Kıssaları Bağlamında İsrâiliyyât Meselesine Farklı Bir Yaklaşım -Tefsirde İsrâiliyyât Karşıtı Söylemin Tahlil ve Tenkidi-." *İslâmî İlimler Dergisi* 9, no. 1 (2014): 11-68.
- . "Nuzûl of the Qur'ân and the Question of Nuzûl Order." *İlahiyat Studies: A Journal on Islamic and Religious Studies* 6, no. 2 (2015): 181-218. <https://doi.org/10.12730/13091719.2015.62.131>
- al-Qâsim ibn Sallâm, Abû 'Ubayd al-Harawî. *Faḍâ'il al-Qur'ân wa-ma'âlimub<sup>â</sup> wa-âdâbub<sup>â</sup>*. 2 vols. Edited by Aḥmad ibn 'Abd al-Wâhid al-Khayyâtî. al-Muḥammadiyyah: al-Mamlakah al-Maghribiyyah Wizârat al-Awqâf wa-l-Shu'ûn al-Islâmiyyah, 1995.
- al-Qurtubî, Abû 'Abd Allâh Muḥammad ibn Aḥmad. *al-Jâmi' li-aḥkâm al-Qur'ân*. 12 vols. Edited by Muḥammad Ibrâhîm al-Ḥafnâwî and Maḥmûd Ḥâmid 'Uthmân. Cairo: Dâr al-Ḥadîth, 2002.
- Rodwell, John Medows. *The Koran*. Pennsylvania: The Pennsylvania State University, 2004.
- al-Shahrestânî, Abû l-Faṭḥ Muḥammad ibn 'Abd al-Karîm. *Tafsîr al-Shabrastânî al-musammâ Maḥâṭib al-asrâr wa-maṣâbiḥ al-abrâr*. 2 vols. Edited by Muḥammad 'Alî Âdharshab. Tehran: Markaz al-Buḥûth wa-l-Dirâsât li-l-Turâth al-Makhṭûṭ, 2008.
- al-Shawkânî, Abû 'Abd Allâh Muḥammad ibn 'Alî. *Faṭḥ al-qadîr: al-jâmi' bayna fannay al-riwâyah wa-l-dirâyah min 'ilm al-tafsîr*. 5 vols. Beirut: 'Ālam al-Kutub, n.d.
- al-Suhaylî, Abû l-Qâsim 'Abd al-Raḥmân ibn 'Abd Allâh. *al-Rawḍ al-unuf fî sbarḥ al-Sirah al-Nabawiyyah li-Ibn Hisbâm*. 7 vols. Edited by 'Abd al-Raḥmân al-Wakîl. Cairo: Dâr al-Kutub al-Islâmiyyah, 1967.
- al-Suyûtî, Abû l-Faḍl Jalâl al-Dîn 'Abd al-Raḥmân ibn Abî Bakr. *al-Itqân fî ulûm al-Qur'ân*. 2 vols. Edited by Muṣṭafâ Dîb al-Bughâ. 2<sup>nd</sup> ed. Beirut: Dâr Ibn Kathîr, 2006.
- . *Asbâb al-nuzûl al-musammâ Lubâb al-nuqûl fî asbâb al-nuzûl*. Beirut: Mu'assasat al-Kutub al-Thaqâfiyyah, 2002.
- Şen, Ziya. *Kur'an'ın Metinleşme Süreci*. Istanbul: Ensar Neşriyat, 2007.
- Sulul, Kasım. *İlk Kaynaklara Göre Hz. Peygamber Devri Kronolojisi*. 3<sup>rd</sup> ed. Istanbul: İnsan Yayınları, 2011.
- al-Ṭabarî, Abû Ja'far Muḥammad ibn Jarîr. *Jâmi' al-bayân 'an ta'wil ây al-Qur'ân*. 15 vols. Beirut: Dâr al-Fikr, 2005.
- . *Târîkh al-rusul wa-l-mulûk*. 10 vols. Edited by Muḥammad Abû l-Faḍl. 2<sup>nd</sup> ed. Cairo: Dâr al-Ma'ârif, 1968.

- al-Thaʿlabī, Abū Ishāq Aḥmad ibn Muḥammad. *al-Kashf wa-l-bayān fī tafsīr al-Qurʾān*. 6 vols. Edited by Sayyid Kisrawī Ḥasan. 4<sup>th</sup> ed. Beirut: Dār al-Kutub al-ʿIlmiyyah, 2004.
- al-Wāḥidī, Abū l-Ḥasan ʿAlī ibn Aḥmad. *al-Wasīṭ fī tafsīr al-Qurʾān al-majīd*. 4 vols. Edited by ʿĀdil Aḥmad ʿAbd al-Mawjūd, ʿAlī Muḥammad Muʿawwaḍ, Aḥmad Muḥammad Şīrah, Aḥmad ʿAbd al-Ghanī Jamāl, ʿAbd al-Raḥmān ʿUways, and ʿAbd al-Ḥayy Faramāwī. Beirut: Dār al-Kutub al-ʿIlmiyyah, 1994.
- . *Asbāb al-nuzūl*. 2<sup>nd</sup> ed. Beirut: Dār al-Kutub al-ʿIlmiyyah, 1991.
- al-Wāqidī, Abū ʿAbd Allāh Muḥammad ibn ʿUmar. *al-Magbāzī*. 3 vols. Edited by Marsden Jones. Beirut: ʿĀlam al-Kutub & London: Oxford University Press, 1966.
- al-Yaʿqūbī, Abū l-ʿAbbās ibn Wāḍiḥ Aḥmad ibn Ishāq. *Tārīkh al-Yaʿqūbī*. 2 vols. Edited by ʿAbd al-Amīr Muhannā. Beirut: Sharikat al-ʿĀlamī li-l-Maṭbūʿāt, 2010.
- Wansbrough, John. *Quranic Studies: Sources and Methods of Scriptural Interpretation*. Foreword, translations, and expanded notes by Andrew Rippin. New York: Prometheus Books, 2004.
- Watt, W. Montgomery. *Islamic Revelation in the Modern World*. Edinburgh: Edinburgh University, 1969.
- Weil, Gustav. *Historisch-Kritische Einleitung in den Koran*. Bielefeld: Velhagen & Klasing, 1844.
- al-Zamakhsharī, Abū l-Qāsim Maḥmūd ibn ʿUmar. *al-Kashshāf ʿan ḥaqāʾiq ḡhawāmiḍ al-tanzīl wa-ʿuyūn al-aqāwīl fī wujūb al-taʾwīl*. 4 vols. Edited by Muḥammad ʿAbd al-Salām Shāhīn. 3<sup>rd</sup> ed. Beirut: Dār al-Kutub al-ʿIlmiyyah, 2003.





**SHĀFĪ'Ī UŞŪL THOUGHT IN LATE THIRD-CENTURY AH:  
EDITION, TRANSLATION, AND INTERPRETATION OF  
CHAPTERS ON UŞŪL AL-FIQH IN AL-WADĀ'Ī'  
BY IBN SURAYJ (D. 306/918)**

Nail Okuyucu  
Marmara University, Istanbul-Turkey  
E-mail: nail.okuyucu@marmara.edu.tr

---

**Abstract**

Ibn Surayj, a prominent figure in the formative period of the Shāfi'ī law school, has played an important role in both the transformation of Shāfi'ī substantive law and the development of early Islamic legal theory. Ibn Surayj reportedly wrote approximately four hundred works, few of which are extant today. Thanks to his contribution to the school, he is known as “the second al-Shāfi'ī (*al-Shāfi'ī al-ṣaghīr*);” indeed, according to some modern scholars, Ibn Surayj is the true founder of the Shāfi'ī school and Islamic legal theory. Although Ibn Surayj's works on Islamic law are no longer available, the later chapters of *al-Wadā'ī' li-manṣūṣ al-sbarā'i'*, one of his two extant works, bear the following titles: abrogation (*naskh*), prophetic traditions (*sunan*), single-transmitter report (*khabar al-wāḥid*), consensus (*ijmā'*), analogy (*qiyās*), and knowledge (*ilm*). This study presents the edition and translation of relevant titles in *al-Wadā'ī'* to provide Ibn Surayj's views on *uṣūl*. In addition, this paper discusses Ibn Surayj's place in the evolution of Islamic legal theory, and how Ibn Surayj interprets al-Shāfi'ī's understanding of *uṣūl*.

*Key Words:* Islamic legal theory, Shāfi'ī law school, Ibn Surayj, *al-Wadā'ī'*

## 1. Introduction: Notes on the Evolution of Shāfi'ī Uşûl Thought from al-Shāfi'ī to Ibn Surayj

According to anecdotes in classical hagiographical books and many modern academic papers, al-Shāfi'ī (d. 204/820) is the founder of Islamic legal theory. In the eyes of Fakhr al-Dīn al-Rāzī (d. 606/1210), the role of al-Shāfi'ī in *uşûl* is similar to that of Aristotle in logic and al-Khalīl ibn Aḥmad in Arabic prosody (‘*arūḍ*).<sup>1</sup> Unlike his predecessors, al-Shāfi'ī wrote a work exclusively on *uşûl*, and, after that, he gained a significant position in the fields of Islamic law and *uşûl*. According to the Shāfi'īs, the birth of the science of *uşûl* was enabled through this work by their eponym, conferring clear superiority over other schools of law and *fiqh* circles. Indeed, Ḥanafī and Mālīkī *fiqh* circles engaged in significant thought on *uşûl* prior to the Shāfi'ī school and played an important part in the formation of Shāfi'ī legal thought. Nevertheless, *al-Risālah* is considered the first work to exclusively address *uşûl al-fiqh* because neither *mujtabid* scholars (considered as eponyms in both circles) nor their pupils left behind any work on *uşûl*.<sup>2</sup>

A more profound analysis of the third century AH is required to comprehend the evolution of legal theory after al-Shāfi'ī, along with Islamic thought in general and science of jurisprudence in particular. Third-century AH is a period when the science of jurisprudence had almost attained its classical form and content, and the transformation of the earliest *fiqh* circles into madhhabs was almost accomplished. The era equally stands out as a time of development not only for Islamic sciences but also for Islamic thought in general and the Islamic schools

<sup>1</sup> Abū ‘Abd Allāh Muḥammad ibn ‘Umar Fakhr al-Dīn al-Rāzī (d. 606/1210), *Manāqib al-Imām al-Shāfi'ī*, ed. Aḥmad Ḥijāzī al-Saqqā (Cairo: Maktabat al-Kulliyāt al-Azhariyyah, 1986), 156.

<sup>2</sup> Ḥanafī jurists Abū Yūsuf and Muḥammad ibn Ḥasan al-Shaybānī also reportedly wrote several works on *uşûl*; nevertheless, these works are actually about substantive law. See George Makdisi, “The Juridical Theology of Shāfi'ī: Origins and Significance of *Uşûl al-Fiqh*,” *Studia Islamica* 59 (1984): 6-7, <https://doi.org/10.2307/1595294>. Several recent studies have unearthed important findings about *uşûl* thought prior to al-Shāfi'ī. For some of those studies, see Ahmad Y. Hasan, *The Early Development of Islamic Jurisprudence* (Islamabad: Islamic Research Institute, 1970); Yasin Dutton, *The Origins of Islamic Law: The Qur'an, The Muwaḥḥa' and Madīnan 'Amal* (Surrey: Curzon Press, 1999); Şükrü Özen, “İslām Hukukunda Aklileşme Süreci: Başlangıçtan Hicri IV. Asrın Ortalarına Kadar” (PhD diss., Marmara University, 1995); Metin Yiğit, *İlk Dönem Hanefî Kaynaklarına Göre Ebû Hanîfe'nin Uşûl Anlayışında Sünnet* (Istanbul: İz Yayıncılık, 2009).

that formed this thought in particular. More specifically, regarding *uṣūl al-fiqh*, the followers of al-Shāfi'ī, jurists from other *fiqh* circles, and independent *mujtabids* and legal experts widely contributed to the development and enrichment of the discipline via their texts on *uṣūl*.

Al-Shāfi'ī's influence on *uṣūl al-fiqh* thought and literature is traceable from various lines. First, we can review texts written by his followers, who were known as pupils (*aṣṣāb*). Certain texts by Abū Ya'qūb al-Buwayṭī (d. 231/846) and Abū Ibrāhīm al-Muzanī (d. 264/878) are firsthand sources in which the thoughts of al-Shāfi'ī on *uṣūl* are both narrated and improved. In the later chapters of his *al-Mukhtaṣar*, al-Buwayṭī summarizes and narrates the content of *al-Risālah* and some other *uṣūl*-related texts by al-Shāfi'ī. The chapter titled *Bāb<sup>un</sup> fī l-Risālah*, which covers approximately 4 folios, summarized *al-Risālah* in a manner that highlights al-Shāfi'ī's prominent views.<sup>3</sup> Next come the chapters called *Ṣifāt naby al-Nabī*, *Min ikhtilāf al-ḥadīth* and *al-Waḍ'c 'alā Mālik*, which are not directly associated with the problem of substantive law.<sup>4</sup> Nevertheless, these chapters are also abstracts based on texts by al-Shāfi'ī on *fiqh* and the science of ḥadīth. In the treatise titled *Kitāb al-amr wa-l-naby 'alā ma'nanā l-Shāfi'ī min mas'ā'il al-Muzanī*, al-Muzanī presents a schematic summary of al-Shāfi'ī's views on command and prohibition (*amr* and *naby*).<sup>5</sup> Although al-Muzanī's work is apparently grounded on al-Shāfi'ī's expressions and opinions, he does not necessarily adhere to his master and attempts to create a more comprehensive classification. Prominent ideas outlined in his classification address the literal meaning, the generality of *nuṣūṣ* (Qur'ānic verses and ḥadīths) and the determination of the relations between generality and particularity, which are also intensely treated by al-Shāfi'ī. Alongside these works, it should be noted that the views on *uṣūl* quoted from both the first generation of Shāfi'ī jurists in classical works on *uṣūl al-fiqh* and other sources from the Shāfi'ī school were valuable in

<sup>3</sup> Abū Ya'qūb Yūsuf ibn Yaḥyá al-Miṣrī al-Buwayṭī, *al-Mukhtaṣar* (Istanbul: Murat Molla Library, Murad Molla, MS 1189), fols. 169r-173r.

<sup>4</sup> *Ibid.*, fols. 173r-185v.

<sup>5</sup> See *Kitāb al-amr wa-l-naby 'alā ma'nanā l-Imām al-Shāfi'ī min mas'ā'il al-Muzanī*, ed. Robert Brunschvig, "Le livre de l'ordre et de la défense d'al-Muzanī," *Bulletin d'études orientales* 11 (1945): 145-196.

developing early Shāfiʿī *uṣūl* thought.<sup>6</sup>

The second line that one should observe to unveil Shāfiʿī influence on *uṣūl* includes works by authors who are not actually Shāfiʿī jurists, despite their contact with Shāfiʿī *fiqh* circles. These authors include Abū Jaʿfar al-Ṭabarī (d. 310/923), Ibn Khuzaymah (d. 311/924) and Muḥammad ibn Naṣr al-Marwazī (d. 294/906), all of whom were disciples of al-Shāfiʿī's pupils in Baghdad and Egypt and who attained the Shāfiʿī legal acquis. All three have outstanding expertise on ḥadīth and substantially adopt al-Shāfiʿī's views on *uṣūl* in *al-Risālah*, acknowledging his concepts and ideas in their texts. The exegesis *Jāmiʿ al-bayān* by al-Ṭabarī, *al-Ṣaḥīḥ* by Ibn Khuzaymah and *al-Sunnab* by al-Marwazī are notable books that reveal not only how al-Shāfiʿī's views on *uṣūl* are circulated and perceived but also how he influenced Ahl al-ḥadīth circles during 3<sup>rd</sup>-century AH.<sup>7</sup>

A third line from which al-Shāfiʿī's impact can be traced includes the texts written by the members of opposing *fiqh* circles. Al-Shāfiʿī had severely criticized Ḥanafī and Mālikī schools, the two dominant *fiqh* circles in Muslim lands formed prior to his time. Jurists from both schools drafted texts to respond his criticisms. Some of these texts directly targeted al-Shāfiʿī, bearing his name in the title, whereas others can be considered as critical reviews of *al-Risālah* that addressed relevant criticisms and arguments. In this respect, we mention one name from each school: *Kitāb al-radd ʿalā Bisr al-Marīsī wa-l-Shāfiʿī fī l-akbbār* by ʿĪsā ibn Abān from Ḥanafī school<sup>8</sup> and *Kitāb al-radd ʿalā l-Shāfiʿī* by Ibn al-Labbād (d. 333/944) from the Mālikī school.<sup>9</sup>

<sup>6</sup> For the role of first-generation jurists in the development of Shāfiʿī *uṣūl* thought, see Nail Okuyucu, *Şāfiî Mezhebinin Teşekkül Süreci* (Istanbul: Marmara Üniversitesi İlahiyat Fakültesi Vakfı Yayınları, 2015), 275-310.

<sup>7</sup> For interpretation of Shāfiʿī *uṣūl* thought during the second generation of the Shāfiʿī school in the transition period, see Okuyucu, *ibid.*, 348-364.

<sup>8</sup> See Abū Bakr Aḥmad ibn ʿAlī al-Jaṣṣāṣ al-Rāzī (d. 370/981), *al-Fuṣūl fī l-uṣūl*, ed. ʿUjayl Jāsim al-Nashamī (Kuwait: Wizārat al-Awqāf wa-l-Shuʿūn al-Islāmiyyah, 1985), I, 103; Şükrü Özen, “ʿĪsā b. Ebān,” in *Türkiye Diyanet Vakfı İslām Ansiklopedisi (DİA)*, XXII, 481. For criticisms by ʿĪsā ibn Abān on al-Shāfiʿī, see Murteza Bedir, “An Early Response to Shāfiʿī: ʿĪsā b. Abān on the Prophetic Report (*Kbābā*),” *Islamic Law and Society* 9, no. 3 (2002): 285-311, <https://doi.org/10.1163/156851902320901170>

<sup>9</sup> Edited by ʿAbd al-Majīd ibn Ḥamdah (Tunis: Dār al-ʿArab li-l-Ṭibāʿah, 1986). For notable evaluations of the treatise, see Sherman A. Jackson, “Setting the Record

All of these texts, which belong to pupils of al-Shāfi'ī, Ahl al-ḥadīth *mujtabids* affected by al-Shāfi'ī or even opposing groups, clearly demonstrate that the legal theory improved by al-Shāfi'ī was considered by various circles throughout third-century AH. The text, which will be edited and translated below, includes chapters about *uşul al-fiqh* from *al-Wadā'i' li-manşūş al-sbarā'i'* by Ibn Surayj, the most distinguished figure among third-generation Shāfi'īs.<sup>10</sup> Works by Ibn Surayj on substantive law intend to provide the madhhab with a consistent and complete structure; moreover, his efforts concerning *uşul* reflect a discipline that had yet to become independent from substantive law, pursuant to dominant characteristics of the late third and early fourth century AH. Like many other contemporaneous works on *uşul*, treatises by Ibn Surayj were either a part of his works on substantive law or addressed certain issues related to *uşul*. Indeed, *Kitāb al-bayān 'an uşul al-aḥkām*, al-Ṭabarī's contemporaneous work, was actually an introduction to *al-Laṭīf*, his own work on

---

Straight: Ibn Labbād's Refutation of al-Shāfi'ī," *Journal of Islamic Studies* 9, no. 2 (2000): 121-146, <https://doi.org/10.1093/jis/11.2.121>

<sup>10</sup> Ibn Surayj was one of the most important figures in the formative period of the Shāfi'ī school. Throughout the school's first and second generations, the Shāfi'ī fiqh circle refrained from forming a conventional madhhab structure; nevertheless, thanks to Ibn Surayj's efforts, the formation process gained acceleration and along with his pupils, he transformed the Shāfi'ī school into a classical fiqh madhhab. Because al-Shāfi'ī rejected *taqlid* and insisted on action through authentic ḥadīth, his pupils and related jurists opted for a more liberal contemplation of jurisprudence. Accordingly, a concept of madhhab centred on the views of a single jurist was not established in the early days. The process of creating such an establishment became even longer as almost extreme adversary views and criticisms by al-Muzanī were accompanied by the reluctance of Ahl al-ḥadīth circles to gather around the authority of a single jurist. Ibn Surayj subjected the jurisprudential knowledge in this environment to a retrospective assessment and attempted to determine the limits of *ijtihād* and *taqlid*. Thus, he provided a theoretical framework for affiliation (*intisāb*) with a school in which the views of a given jurist were considered essential and central. Moreover, he wrote hundreds of works on fiqh and trained dozens of students, not only becoming one of the most critical figures in early days of Shāfi'ī school but also being dubbed as its true founder. For the role of Ibn Surayj in the Shāfi'ī school's formative period, see Okuyucu, *Şāfiî Mezbebinin Teşekkül Süreci*, 407-506; Christopher Melchert, *The Formation of Sunni Schools of Law (9th-10th Centuries C.E.)* (Leiden: Brill, 1997), 87-115.

substantive law.<sup>11</sup> The text, the edition and translation of which will be presented below, consists of several titles on *uṣūl* in the later chapters of *al-Wadā'i li-manṣūṣ al-sbarā'i*, the treatise written by Ibn Surayj on substantive law in light of al-Shāfi'i's views.

## 2. Edition and Translation

### 2.1. Problem of Attribution of the Work to Ibn Surayj

According to classical Shāfi'i sources and biographies, although the index of Ibn Surayj's works contains four hundred titles, very few of those titles are given distinct names. It is noted that Ibn Surayj wrote a *mukhtaṣar* on substantive law. However, one will not encounter *al-Wadā'i li-manṣūṣ al-sbarā'i* as a book title in earlier sources. The name of the book appears for the first time in works by al-Nawawī (d. 676/1277).<sup>12</sup> Apart from texts on Shāfi'i substantive law, which are grounded on works by al-Nawawī, Ibn Surayj's views on legal theory are often quoted through *al-Wadā'i* in *al-Baḥr al-muḥīṭ* by al-Zarkashī (d. 794/1392). A comparison of these citations and *al-Wadā'i* reveals that the sections, narrated literally, contain exactly the same expressions, whereas those which are narrated only regarding sense also include similar expressions.<sup>13</sup> As far as we can determine, al-Isnawī (d. 772/1370) was the first biographer to ascribe *al-Wadā'i* to

<sup>11</sup> This observation extends to al-Jaṣṣāṣ and Ibn al-Qaṣṣār (d. 397/1007). *al-Fuṣūl*, the renowned work by al-Jaṣṣāṣ, was actually an introduction to *Aḥkām al-Qur'ān*, whereas *al-Muqaddimab* by Ibn al-Qaṣṣār was a preface for the *kbilāf* book called *'Uyūn al-adillab fī mas'āl al-kbilāf bayna fuqabā' al-amṣār*. See Şükrü Özen, "İbnü'l-Kassâr," in *Türkiye Diyanet Vakfı İslâm Ansiklopedisi (DİA)*, XXI, 104. For characteristics of *uṣūl* works from third-century AH, see Aḥmad ibn 'Abd Allāh ibn Muḥammad al-Duwayḥī, *Ilm uṣūl al-fiqḥ min al-tadwīn ilā nihāyat al-qarn al-rābi' al-bijrī: Dirāsab tāriḫiyyab istiqrā'iyyab taḥlīliyyab* (Riyadh: Jāmi'at al-Imām Muḥammad ibn Su'ūd al-Islāmiyyah, 2006), I, 519-524.

<sup>12</sup> See Abū Zakariyyā Muḥyī al-Dīn Yahyā ibn Sharaf ibn Mūrī al-Nawawī, *al-Majmū' sbarḥ al-Mubadḍbab* (Beirut: Dār al-Fikr, n.d.), I, 289; al-Nawawī, *Tabḍīb al-asmā' wa-l-luḡbāt*, ed. 'Abduḥ 'Alī Kushk (Damascus: Dār al-Fayḥā' & Dār al-Manhal Nāshirūn, n.d.), III, 439.

<sup>13</sup> See Abū 'Abd Allāh Badr al-Dīn Muḥammad ibn Bahadur ibn 'Abd Allāh al-Zarkashī, *al-Baḥr al-muḥīṭ fī uṣūl al-fiqḥ*, ed. 'Abd al-Qādir 'Abd Allāh al-Ānī, 2<sup>nd</sup> ed. (Kuwait: Wizārat al-Awqāf wa-l-Shu'ūn al-Islāmiyyah, 1992), I, 204; II, 256, 312; IV, 110, 201, 516; V, 23. Also see al-Zarkashī, *al-Manḥūr fī l-qawā'id*, ed. Taysir Fā'iḳ Aḥmad Maḥmūd, 2<sup>nd</sup> ed. (Kuwait: Wizārat al-Awqāf wa-l-Shu'ūn al-Islāmiyyah, 1985), II, 228.

Ibn Surayj with this title.<sup>14</sup> Later authors such as Ibn Hidāyat Allāh al-Ḥusaynī (d. 1014/1605),<sup>15</sup> Kātib Chalabī (d. 1067/1657),<sup>16</sup> Riyāḏizāda (d. 1087),<sup>17</sup> and modern bibliographers have attributed the work under the same name to Ibn Surayj.<sup>18</sup>

According to current records, there are two copies of *al-Wadā‘i‘*. The complete copy at Süleymaniye Library (Ayasofya, MS 1502) comprises 126 folios and bears a colophon dated to 21 Jumādā l-ākhir 591 (2 June 1195).<sup>19</sup> The copy includes, albeit only occasionally, footnotes and correction records. The other copy, which is at the beginning of corpus no. 250 in the Kattānī section of al-Khizānah al-‘Āmmah, Rabat, lacks serious parts and consists of 66 tablets. Despite many deficiencies, the colophon of this copy reads as collated with the original copy; nevertheless, the date of copying is not given.<sup>20</sup> The Süleymaniye manuscript will be denoted by “أ,” and the Rabat manuscript by “ب.” In our edition, we focused on the Süleymaniye manuscript and demonstrated the differences in the Rabat manuscript in footnotes through reference to the publication by Şālih ibn ‘Abd Allāh. While preparing the text for this edition, textual variants between copies were identified; we relied on the preferences of Şālih ibn ‘Abd Allāh with respect to orthographic differences, but made our own decisions with respect to the paragraphing process.

<sup>14</sup> Abū Muḥammad Jamāl al-Dīn ‘Abd al-Raḥīm ibn al-Ḥasan al-Isnawī, *Ṭabaqāt al-Šbāfi‘iyyah*, ed. Kamāl Yūsuf al-Ḥūt (Beirut: Dār al-Kutub al-‘Ilmiyyah, 2002), I, 316.

<sup>15</sup> Abū Bakr al-Ḥusaynī Ibn Hidāyat Allāh, *Ṭabaqāt al-Šbāfi‘iyyah*, ed. ‘Adil Nuwayhid, 3<sup>rd</sup> ed. (Beirut: Dār al-Āfāq al-Jadidah, 1982), 245.

<sup>16</sup> Ḥājī Khalifāh Muştafā ibn ‘Abd Allāh Kātib Chalabī, *Kashf al-ẓunūn ‘an asāmi l-kutub wa-l-funūn*, eds. M. Şerefettin Yaltkaya and Kilisli Rifat Bilge (Ankara: Maārif Vekāleti, 1941), II, 2005.

<sup>17</sup> ‘Abd al-Laṭif ibn Muḥammad Riyāḏizāda, *Asmā‘ al-kutub al-mutammim li-Kashf al-ẓunūn*, ed. Muḥammad Altūnjī (Cairo: Maktabat al-Khānjī, n.d.), 339.

<sup>18</sup> See Bağdatlı İsmail Paşa İsmā‘il Pāshā al-Baghdādī, *Hadīyyat al-‘arīfīn asmā‘ al-mu‘allifīn wa-āthār al-muşannifīn*, eds. Kilisli Rifat Bilge, İbnülemin Mahmud Kemal İnal, and Avni Aktuç (Ankara: Milli Eğitim Bakanlığı, 1951), I, 57; ‘Umar Riḏā Kaḥḥālāh, *Mu‘jam al-mu‘allifīn: Tarājim muşannifī l-kutub al-‘Arabiyyah* (Beirut: Maktabat al-Muthannā, n.d.), II, 31; Khayr al-Dīn al-Ziriklī, *al-A‘lām: qāmūs tarājim li-asbḥar al-rijāl wa-l-nisā‘ min al-‘Arab wa-l-musta‘ribīn wa-l-mustasbriqīn*, 15<sup>th</sup> ed. (Beirut: Dār al-‘Ilm li-l-Malāyīn, 2002), I, 185.

<sup>19</sup> See *al-Wadā‘i‘ li-mansūş al-sbarā‘i‘*, fol. 126r.

<sup>20</sup> See Şālih ibn ‘Abd Allāh ibn Ibrāhīm al-Dawīsh, introduction to *al-Wadā‘i‘ li-mansūş al-sbarā‘i‘* by Abū l-‘Abbās Aḥmad ibn ‘Umar Ibn Surayj, ed. Şālih ibn ‘Abd Allāh ibn Ibrāhīm al-Dawīsh (Riyadh: n.p., 1990), I, 70-71.

## 2.2. Edition and Translation:

### الودائع لمنصوص الشرائع

(من الورقة برقم 124-أ الى الورقة برقم 126-ب)

#### باب ذكر النسخ

إذا قيل لك النسخ على كم ضرب فقل على ضروب ثلاثة؛ نسخ للحكم وتبقيّة للخطّ، ونسخ للخطّ وتبقيّة للحكم، ونسخ للخطّ والحكم جميعاً. والحجة في ذلك ما روي عن عائشة رضي الله عنها أنها قالت: "كنا نقرأ على عهد رسول الله صلى الله عليه وسلّم<sup>21</sup> الرضاع عشر رضعات معلومات يُحرّم من فنسخن بخميس". فهذا ما نسخ حكمه وخطّه. وأما ما نسخ خطّه وثبت حكمه فالحجة فيه ما روي عن عمر رضي الله عنه أنه قال: "كنا نقرأ على عهد رسول الله صلى الله عليه وسلّم<sup>22</sup> الشيخ والشيخة إذا زنيا فارجموهما البتة". فهذا ممّا نسخ خطّه وثبت حكمه وهو الرجم. وأما ما نسخ حكمه وثبت خطّه فمثل قول الله تعالى "يَأَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ حَقَّ تُقَاتِهِ" (آل عمران، 102) ومثل قوله "إِنَّكُمْ وَمَا تَعْبُدُونَ مِنْ دُونِ اللَّهِ حَصَبُ جَهَنَّمَ أَنْتُمْ لَهَا وَارِدُونَ" (الأنبياء، 98). فهذا ممّا نسخ حكمه وثبت خطّه.

ولا ينسخ القرآن بالسنة لأن القرآن لا ينسخ إلا بقرآن. والحجة ما قال الله تعالى "مَا نُنسخ مِنْ آيَةٍ أَوْ نُنسِهَا نَأْتِ بِخَيْرٍ مِنْهَا أَوْ مِثْلَهَا" (البقرة، 106). فالخير هو الصلاح لنا أو المنفعة لأن القرآن لا يفضل بعضه على بعض.

<sup>21</sup> "وسلّم" زائد في التحقيق.

<sup>22</sup> "وسلّم" زائد في التحقيق.



### باب ذكر السنن

إذا قيل لك السنن على كم ضرب فقل على ضروب ثلاثة: فمنها ما يؤخذ من الأمر؛ والأمر أمران: أمر فرض وأمر ندب فالأوامر إذا وردت فهي على الإيجاب حتى تقوم دلالة الندب. وضرب ثانٍ وهو ما أخذ عن الفعل. والأفعال على ضربين: فعل عام وفعل خاص. فأفعاله عليه السلام العموم حتى تقوم دلالة الخصوص وعمومها داخل في ضربي الأمر من الفرض والندب. والضرب الثالث ما أخذ عن العمل بحضرته عليه السلام فلم يوجد منه نهي عنه وهذا فضرِب واحد وهو على الندب دون الفرض. فهذه طرق السنن.

والسنن ففيها مُجْمَل ومَقَسَّر والمذهب في ذلك القضاء بمفسرها على مجملها. وفيها ناسخ ومنسوخ فيحكم ناسخها على منسوخها. وفيها مَقَدَّم ومَوْخَّر فيستعمل حكم ذلك على ما يوجه فيها. وفيها خاصّ وعمامّ والعموم أولى بنا من الخصوص حتى تقوم الدلالة على الخصوص فيما مخرجه مخرج<sup>23</sup> العموم وكذلك إذا كانت خاصة فهي على خصوصها حتى تقوم دلالة العموم.

### باب ذكر أخبار الآحاد

إذا قيل لك ما الأصل في قبول خبر الواحد فقل كتاب الله وسنة نبيه وما انفقت عليه الأمة. فالحجة من الكتاب ما قاله تعالى: "يَا أَيُّهَا الَّذِينَ آمَنُوا إِن جَاءَكُمْ فَاسِقٌ بِنَبَأٍ فَتَبَيَّنُوا أَن تُصِيبُوا قَوْمًا بِجَهَالَةٍ" الآية (الحجرات، 6). فأمر الله تعالى بالتوقّف عند خبر الفاسق وفي ذلك دلالة على قبول خبر العدل وترك التوقّف عند خبره. وقال تعالى: "وَيَقُولُونَ هُوَ أَدْنَىٰ قُلْ أَدْنَىٰ خَيْرٌ لَّكُمْ" (التوبة، 61)، وفي هذا دلالة أنه كان عليه السلام يسمع من كل قائل واحدا

<sup>23</sup> مخرج زائد في ب-

كان أو إثنين. وفيما روي عنه عليه السلام من قبول خبر الأعرابي على رؤية الهلال في أول الشهر دلالة على ما وجب بالآية وفي توجيهه لمعاذ وعلي وابن مسعود رضوان الله عليهم إلى اليمن دلالة على إثبات خبر الواحد. وما اتفقت عليه الأمة من الخبر إذا ورد فلم يوجد له معارض أنه مقبول فثبت بإجماعهم إثبات خبر الواحد.

### باب ذكر كيفية الإجماع

إذا قيل لك ما الأصل في وجوب حكم الإجماع فقل كتاب الله وسنة نبيه. فالحجة من كتاب الله قوله تعالى: "وَكَذَلِكَ جَعَلْنَاكُمْ أُمَّةً وَسَطًا لِتَكُونُوا شُهَدَاءَ عَلَى النَّاسِ" (البقرة، 143) فالوسط العدل والشهادة هي القول بالحق ألا تراه تعالى يقول: "وَيَكُونَنَّ الرُّسُلُ عَلَيْكُمْ شُهَدَاءً" (البقرة، 143) أي ناطقا بالحق. والحجة من السنة ما روي عنه عليه السلام أنه قال: "لا تجتمع أمتي على ضلالة" وما قاله عليه السلم: "فما رآه المسلمون حسنا فهو عند الله حسن وما رأوه قبيحا فهو عند الله قبيح". فأثبت الله الحجة بما هذه صفته. فقد علم بهذا النص أن المراد به الخواص من الناس لا العوام وهم أهل العلم والقائلون بالحق. فحقيقة الإجماع هو القول بالحق فإذا حصل القول بالحق من واحد فهو إجماع، وإن حصل من إثنين أو ثلاثة فهو إجماع، وما حصل من ثلاثة إلى جملة لا تحصى فهو إجماع. فالحجة على أن الواحد إجماع ما اتفق عليه الناس في أبي بكر الصديق رضی الله عنه لما منعت بنو حنيفة الزكاة فكانت مطالبة أبي بكر رضی الله عنه لها بالزكاة حقا عند الكل وما انفرد بمطالبتها غيره وكلهم مجمعون على أن مطالبة حق. فإذا ثبت أن واحدا إجماع كان الإثنان فصاعدا بمعناه.

### باب ذكر إثبات القياس

إذا قيل لك ما الأصل في إثبات القياس فقل كتاب الله وسنة نبيه. فالحجة من الكتاب قوله تعالى: "وَلَوْ رَدُّوهُ إِلَى الرَّسُولِ وَإِلَى أُولِي الْأَمْرِ مِنْهُمْ لَعَلِمَهُ الَّذِينَ يَسْتَنْبِطُونَهُ مِنْهُمْ" (النساء، 83). فالقياس استنباط بحمل فرع على أصل لاشتباه بينهما في الأصل. وقوله عز وجل "إِنَّ اللَّهَ لَا يَسْتَحْيِي أَنْ يَضْرِبَ مَثَلًا مَّا بَعُوضَةٌ فَمَا فَوْقَهَا فَأَمَّا الَّذِينَ آمَنُوا فَيَعْلَمُونَ أَنَّهُ الْحَقُّ مِنْ رَبِّهِمْ" (البقرة، 26). فثبت حكم القياس لأن القياس هو تمثيل الشيء بالشيء وتشبيه الشيء بالشيء. فإذا جاز ذلك من فعل من لا تخفى عليه خافية ليريكم وجه ما تعلمون<sup>24</sup> فهو ممن لا يخلو من النقص والجهالة أجوز. وما قاله تعالى: "مَنْ أَوْسَطَ مَا تَطَّعُمُونَ أَهْلِيكُمْ أَوْ كِسْوَتُهُمْ" (المائدة، 89) وهذا لا سبيل إلى معرفة الحكم فيه إلا من وجه التحري والاحتياط وهذا لا يمكن فعله إلا بتقدير العقول. وما قاله تعالى: "فَجَزَاءٌ مِّثْلُ مَا قَتَلَ مِنَ النَّعَمِ" (المائدة، 95) فالمثل هو القياس لأنه حمل الشيء على نظيره لاشتراك بينهما.

والحجة من السنة ما روي عن النبي صلى الله عليه وسلم<sup>25</sup> أنه قال للخنثمية "أرأيت لو كان على أبيك دين ما كنت فاعلة، قالت كنت أقضيه، فقال لها النبي صلى الله عليه وسلم<sup>26</sup> فدين الله أحق أن يقضى". فقد ثبت القياس بالكتاب والسنة.

فكل حادثة أو نازلة فهي مذكورة في الأصل بالمعنى والفرق بينها وبين أصلها أن الأصل مذكور بالاسم والمعنى والفرع مذكور بالمعنى.<sup>27</sup> فإذا تفرق الأصل بالمعنى والفرع بالاسم فقد أمر الله تعالى عند ذلك برد الفروع

<sup>24</sup> في -أ- تعملون والصحيح ما أثبتناه.

<sup>25</sup> "وسلم" زائد في التحقيق.

<sup>26</sup> "وسلم" زائد في التحقيق.

<sup>27</sup> في -أ- و -ب- "بالاسم" ولكن الصحيح ما أثبتناه باعتبار المعنى.

الى الأصول ألا تراه تعالى يقول: "فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ" الآية (النساء، 59). والمنازع فيه الحادثة والمردود اليه الأمر من الله عزّ وجلّ في كتابه وسنة نبيه صلى الله عليه وسلّم.<sup>28</sup>

### باب طلب العلم

إذا قيل لك ما الأصل في طلب العلم تقول كتاب الله وسنة نبيه صلى الله عليه وسلّم<sup>29</sup> وما اتفقت عليه الأمة. فالحجة من الكتاب قوله تعالى: "فَلَوْلَا نَفَرَ مِنْ كُلِّ فِرْقَةٍ مِنْهُمْ طَائِفَةٌ لِيَتَفَقَّهُوا فِي الدِّينِ" الآية (التوبة، 122). فأفادنا بذلك حكم طلب العلم. وما قاله عليه السلام "اطلبوا العلم ولو بالصين فإنّ طلب العلم فريضة على كلّ مسلم". وقد أجمعت الأمة على أنّ علم ما لا يسع جهله فرض على الإنسان أن يعلمه فإذا علمه كان طلب<sup>30</sup> ما سوى ذلك فضلا لا فرضا. فعلى كلّ من علم أنّ الله قد فرض عليه فرائض وتواعده على تركها أن يعلمها ويعلمها وأن يسارع الى موافقة الله تعالى فيها رغبة في ثوابه وخوفا من عقابه وطلبا لمرضاته. والله نسأل التوفيق بمنّه وهو حسبنا ونعم الوكيل.

تمّ الكتاب بعون الله وهو الودائع لمنصوص الشرائع، ووافق الفراغ من نقله يوم الجمعة الحادي والعشرين من جمادى الآخر سنة إحدى وتسعين وخمسمائة.

وحسبنا الله ونعم الوكيل

<sup>28</sup> صلى الله عليه وسلّم " زائد في التحقيق.

<sup>29</sup> صلى الله عليه وسلّم " زائد في التحقيق.

<sup>30</sup> طلب " زائد في ب-

***Al-Wadā'i' li-manṣūṣ al-sbarā'i'* (fols. 124v-126r)****Abrogation**

If you are asked “How many types of abrogation are there?,” the answer is as follows: There are three types of abrogation: (a) abrogation of ruling while preserving the wording; (b) abrogation of wording while preserving the ruling; and (c) abrogation of both wording and ruling. Evidence for the preceding is the following saying by ‘Ā’ishah (R.A.): “In the time of Raṣūl Allāh (pbuh), we used to recite [a verse], namely, ‘Ten definite breastfeedings lead to a ruling of ḥarām.’ Later on, ten definite breastfeedings were abrogated and replaced with five definite breastfeedings.” This is [a verse] in which both ruling and wording are abrogated. An example of a verse with abrogated wording and preserved ruling is the following saying narrated from ‘Umar (RA): “In the days of Raṣūl Allāh (SAW), we read the verse ‘in the case of fornication between a married man and a married woman, stone (*rajm*) both’.” For this [verse], the wording is abrogated. Nevertheless, the ruling, which means stoning penalty, remains the same. An example of a verse in which the ruling is abrogated, and the wording is preserved can be found in the following words by Allah: “O you who have believed! Fear Allah as He should be feared.” (Q 3:102) and “Indeed, you and what you worship other than Allah are the firewood of Hell. You will be coming to it.” (Q 21:98). These verses are abrogated regarding the ruling, but remain intact regarding the wording.

The Qur’ān cannot be abrogated through Sunnah because the Qur’ān can only be abrogated through itself. Evidence for this is found in the following phrase by Allah: “We do not abrogate a verse or cause it to be forgotten except that We bring forth one better than it or similar to it.” (Q 2:106). The better example is one that includes well-being or interest for us. Otherwise, no part of the Qur’ān can be considered superior to the other.

**Sunnahs**

If you are asked “How many types of Sunnah are there?,” answer as follows: There are three types of Sunnah. The first type consists of those obtained via commands. Commands are divided in two, indicating either obligation or recommendation. In case there is no evidence on recommending nature of commands, they express sense binding (*ijāb*). The second type consists of those obtained via acts.

Actions are divided in two, namely, general (*‘āmm*) and particular (*khāṣṣ*). Prophetic actions are general unless there is evidence of particularity. The generality of actions applies for both obligatory and recommending types of order. The third type consists of those obtained via acts committed in the presence of the Prophet (pbuh) and that are not prohibited by him. Such Sunnah has a single piece of evidence and expresses recommendation, not an obligation. These are the ways in which Sunnahs are obtained.

Some Sunnahs are ambiguous (*mujmal*), whereas others are elaborated (*mufassar*). Our view of this issue is that the elaborated is superior to the ambiguous. Among Sunnahs, some are abrogating (*nāsikh*), whereas others are abrogated (*mansūkh*). Those abrogating are superior to the abrogated. Among Sunnahs, some are antecedent, whereas others are subsequent. Actions are committed as necessary within their context. Among sunnahs, some are particular, whereas others are general. For us, the general are superior to the particular. Nevertheless, in the case of any evidence of particularity [of a present Sunnah] about a general issue, the ruling obeys this fact. Likewise, in the case of any evidence on the generality of a particular Sunnah, the ruling respects this fact.

### **Single-Transmitter Report (*Khabar al-wāḥid*)**

If you are asked about the “basis for the acceptance of a single-transmitter report,” answer as follows: The Book of Allah, Sunnah of His Prophet, and the view on which the community agrees. Evidence from the Book is found in the following verse: “O you who have believed! If there comes you to you a grave sinner one with information, investigate, lest you harm a people out of ignorance” (Q 49:6). Allah orders investigation in the face of information by the grave sinner (*fāsiq*). Thus, the verse comprises evidence of acceptance of report through the fair one and not an investigation of his report. Moreover, Allah indicates, “And among them are those who abuse the Prophet and say, ‘He is an ear.’ Say, ‘It is an ear of goodness for you ...’” (Q 9:61). Thus, the verse reveals that the Prophet lent an ear to anyone saying something regardless of whether there are one or two such persons. With respect to the evidence of Sunnah, the tradition that indicates that the Prophet accepted a report by Bedouin about how the latter saw a crescent at the beginning of Ramaḍān also includes evidence for the issue necessary pursuant to verse. The Prophet’s sending of Mu‘ādh, ‘Alī,

and Ibn Mas'ūd to Yemen also bears evidence to prove the authoritativeness of a single-transmitter report. The community has a consensus on the following: Once a report is narrated, it is accepted unless there is any other contradicting report. Thus, the authoritativeness of single-transmitter report is proved through consensus.

### **The State of Consensus**

If you are asked about “the ground for the obligatory nature of consensus ruling,” answer as follows: The Book of Allah and Sunnah of His Prophet. Evidence from the Book of Allah is the following: “And thus we have made you a just community that you will be witnesses over the people” (Q 2:143). Just means fair, whereas witnessing means telling the truth. Accordingly, Allah adds, “that ... the Messenger will be a witness over you.” The witnessing of the Messenger means his telling the truth. Evidence through Sunnah is the following ḥadīths narrated from the Prophet: “My community does not agree on perversion. Whatever is beautiful in the eyes of Muslims is beautiful in the presence of Allah, whatever is ugly in their eyes is ugly in His presence as well.” Allah notes things that bear this attribute as authoritative. Thanks to these reports, it is known that the expression “Muslims” signifies *khawāṣṣ* and not *‘awāmm*. *Khawāṣṣ* means people who are well-informed and tell the truth. The basis of consensus is also to tell the truth. Consensus occurs when the truth is told, whether by one or either two or three persons. Whatever comes from a group of three to a countless number of people is also considered consensus. Example for consensus through a single person can be the incident in which people agreed on a deed by Abū Bakr. Once Ḥanafīs did not want to give obligatory alms (*zakāb*), Abū Bakr said it was necessary to collect them, and his opinion was approved by all, even though nobody else expressed such a view. Everybody agreed that Abū Bakr’s argument for the necessity of collecting obligatory alms was right. Thus, as is shown for a single person, consensus can occur through two or more persons.

### **Evidence of the Authoritativeness of Analogy**

If you are asked about “the basis for the evidence [of authoritativeness] of analogy,” answer as follows: The Book of Allah and Sunnah of His Prophet. The following verse is the proof from the Qur’ān: “But if they had referred it back to the Messenger or to those of authority among them, then the ones who can draw correct

conclusions from it would have known about it” (Q 4:83). The analogy is an *istinbāṭ* (unveiling of a meaning through *ijtibād*) that is drawn by ascribing the new problem (*farʿ*) to the precedent (*aṣl*) pursuant to the similarity between them regarding precedence. Another example from Allah’s (the Mighty and Sublime) verses is given below: “Indeed, Allah is not timid to present an example – that of a mosquito or what is smaller than it, and those who have believed know that it is the truth from their Lord.” (Q 2:26). Thus, analogy is conclusively ruled as a legitimate method. Indeed, the analogy is the representation of one thing with another and to resemble one thing to another. If it is permissible that One, to whom nothing is secret, can make an analogy to unveil to you the source of your knowledge, this is easily permissible for those who are not devoid from deficiency and ignorance. The ruling in verse “... average of that which you feed your own families or clothing them...” (Q 5:89) can be attained in no way other than search (*taḥarrī*) and discretion (*iḥtiyāt*). This, in turn, is only possible through an appreciation of reasons. The “equivalent” (*mithl*) in “... the penalty is an equivalent from sacrificial animals to what he killed” (Q 5:95) is also an analogy because the analogy is the ascription of one thing to another because of common characteristics between them.

One example from Sunnah is the narrated conversation between Muḥammad (pbuh) and a woman from Khath‘am tribe. The Prophet asks the woman, “What do you say (*a-raʿayti*); if your father had a debt, wouldn’t you pay it?” “I would pay it,” responds the woman; then, the Prophet says, “Then, what is of top priority is to pay your debt to Allah.” Thus, the authoritativeness of analogy is approved through the Qurʾān and Sunnah.

Each incident (*ḥādithab*) or new experience (*nāzilab*) is expressed in the sense of precedence. The difference between them and the precedent is that whereas the precedent is expressed both nominally and semantically, the new one is only uttered in a sense. When the precedent differentiates regarding sense and the new differentiates regarding name, Allah orders the new to be sent back to the precedent. Accordingly, He (may His glory be glorified) speaks as follows: “And if you disagree over anything, refer it to Allah and the Messenger.” (Q 4:59). Incident is the object of disagreement, whereas the order in Book of Allah or Sunnah of the Prophet is the point of reference.



### **Demand for Knowledge**

If you are asked about “the basis of demand for knowledge,” answer as follows: The Book of Allah, Sunnah of His Prophet and the consensus of the community. An example from the Qurʾān is provided in the following verse: “For there should separate from every division (*firqah*) of them a group remaining to obtain understanding (*tafaqqub*) in the religion.” (Q 9:122). The verse provides a ruling on the demand for knowledge. The ḥadīth, “Seek knowledge even unto China. Indeed, the demand for knowledge is an obligation (*farīḍah*) for all Muslims.” can serve as evidence through Sunnah. The community agrees that it is obligatory for a man to learn things for which ignorance will be wrong. Once the necessary knowledge is obtained, the rest will be no more obligation but virtue (*fadl*). Anyone who is aware that Allah has laid certain obligations upon human being and that He threatens in the case that such obligation is abandoned should learn and teach them. And he/she should expect their reward and fear the punishment and should act as soon as possible to according to this order by asking His assent.

We beg Allah for the ability to achieve. Sufficient for us is Allah, and He is the best Disposer of affairs.

Thus, the book, called *al-Wadāʿi li-manṣūṣ al-sbarāʿi*, has been completed.

Its narration (copying) is dated to Friday, 21 Jumādā l-ākhir 591 [2 June 1195]. Sufficient for us is Allah, and He is the best Disposer of affairs.

### **3. An Analysis of the Views and Approach of Ibn Surayj**

Some of Ibn Surayj’s four hundred works are reportedly about legal theory; nevertheless, it is unknown whether he wrote a text on *uṣūl* in the classical sense.<sup>31</sup> Some of Ibn Surayj’s writings about legal

<sup>31</sup> Among the works of Ibn Surayj, which are definitely named, the following address *uṣūl al-fiqh*: *Risālat al-bayān ʿan uṣūl al-aḥkām*, *Itbāt al-qiyās*, *al-Radd ʿalā Dāwūd fī inkārib* l-qiyās, *al-Radd ʿalā Ibn Dāwūd fī l-qiyās*. The first one is a 15-page treatise, written upon a letter from jurists living around Tashkent to summarize the approaches of al-Shāfiʿī, al-Mālik, Sufyān al-Thawrī, Abū Ḥanīfah, his pupils and Dāwūd ibn ʿAlī on legal theory. See Tāj al-Dīn ʿAbd al-Wahhāb ibn Taqī al-Dīn al-Subkī, *Ṭabaqāt al-Shāfiʿiyyah al-kubrā*, ed. Maḥmūd al-Ṭanāḥī and ʿAbd al-Fattāḥ al-

theory intend to prove the authoritativeness of analogy, a controversial topic at the time. Ibn Surayj was engaged in a tough struggle against the *Zāhiri* school, which refused analogy; accordingly, he wrote refutations of almost all of the *Zāhiri*s with whom he lived in Baghdad during his lifetime.<sup>32</sup> Apparently, most of Ibn Surayj's writings focus on analogy. Nevertheless, as is shown in the preceding chapter along with the views attributed to him in works on legal theory, he addressed almost all of the fields related to the essential problems of *uṣūl*.

Problems, as treated by Ibn Surayj, do matter in terms of the development of a source mentality in the *Shāfi'i* fiqh circle. Indeed, titles in chapters that Ibn Surayj collected at the end of *al-Wadā'i*<sup>34</sup> address the Qur'ān, Sunnah, consensus, and analogy, the four sources of Islamic law (*al-adillah al-arba'ah*). Ibn Surayj does not allocate a separate title for the Qur'ān. Instead, he treats the problem of abrogation, which he deems one of the most important issues about this source. This first chapter, titled *Bāb dhikr al-naskh*, classifies abrogation primarily in terms of the manner of occurrence, before touching upon the relation of abrogation between the Qur'ān and Sunnah. The triple division by Ibn Surayj – i.e., abrogation of ruling while preserving the wording, abrogation of wording while preserving the ruling, and collective abrogation of wording and ruling – cannot be observed in the texts by al-*Shāfi'i* or his pupils. The classification, which is a contribution to *Shāfi'i* legal theory by Ibn Surayj, would be improved later by Abū Ishāq al-Marwazī (d. 340/951), who divides abrogation into six categories in terms of manner of occurrence.<sup>33</sup>

---

Ḥulw, 2<sup>nd</sup> ed. (Cairo: Hajr li-l-Ṭibā'ah wa-l-Nashr, 1993), III, 456-457. *al-I'dbār wa-l-indbār*, mentioned among al-Zarkashī's references, also seems to be about *uṣūl* (*al-Baḥr al-muḥīṭ*, I, 7). Most likely, refutations by Ibn Surayj against Muḥammad ibn Ḥasan al-Shaybānī, 'Īsā ibn Abān, and al-Qāsānī were also about *uṣūl*. For the list of works, see Okuyucu, *Ṣāfi'i Mezhebinin Teşekkül Süreci*, 412-414.

<sup>32</sup> The texts, committed to paper during discussions about the authoritativeness of analogy between Ibn Surayj and al-Qāsānī are considered to reach one thousand pages. See al-Jaṣṣā, *al-Fuṣūl fi l-uṣūl*, IV, 32.

<sup>33</sup> Abū Ishāq al-Marwazī's classification is as follows: (1) abrogation where the ruling of the abrogated is abolished and its wording (*rasm*) remains intact; (2) abrogation where the ruling and wording of the abrogated are abolished and the ruling and wording of the abrogative remain unchanged; (3) abrogation where the ruling of the abrogated is abolished, whereas the wording of the abrogative is abolished and its

Ibn Surayj's views on the relation of abrogation between the Qur'ān and Sunnah possess historical significance because they differ slightly from al-Shāfi'ī's approach and pave the way for an adversarial approach that would spread in the course of time and would be accepted (to some extent) among the school. One of the most important elements in al-Shāfi'ī's legislative statement (*bayān*) theory and abrogation approach is that the Qur'ān and Sunnah do not abrogate one another. According to al-Shāfi'ī, verses and ḥadīths constitute two separate sets in terms of abrogation; therefore, Sunnah cannot abrogate the Qur'ān and vice versa.<sup>34</sup> In the chapter about abrogation in *al-Wadā'i*, Ibn Surayj treats the problem with regard to the abrogation of the Qur'ān via Sunnah; moreover, in the chapter about Sunnah, he touches upon both abrogating and abrogated Sunnahs. Apparently, Ibn Surayj seems to maintain al-Shāfi'ī's opinion. Nevertheless, quotations from him in works on legal theory reveal certain significant differentiations in his approach. Almost all sources agree that Ibn Surayj was the first Shāfi'ī *mujtabid* to propose a different approach compared to the eponym of the Shāfi'ī school in terms of the abrogation problem.<sup>35</sup> For Ibn Surayj, the Qur'ān may abrogate Sunnah, even though this never actually happened; his justification is that the Qur'ān is stronger than Sunnah.<sup>36</sup> However,

---

ruling remains unchanged; (4) abrogation where the ruling and wording of the abrogated are abolished, whereas the wording of the abrogative is abolished but its ruling remains unchanged; (5) abrogation without either wording or ruling, also with an unknown abrogative; and (6) abrogation that was primarily abrogative and then abrogated, but where there is no *nuṣūṣ* recited between two rulings. This classification is repeated by al-Māwardī and Ibn al-Sam'ānī; according to the latter, last two types were the results of extreme constraint. Abū Ishāq al-Marwazī mentions another kind of abrogation, which is forgotten without being abolished by a known abrogative and is deprived of both wording and ruling in this respect. See al-Zarkashī, *al-Baḥr al-muḥīṭ*, IV, 103-107.

<sup>34</sup> Abū 'Abd Allāh Muḥammad ibn Idrīs al-Muṭṭalibī al-Qurashī al-Shāfi'ī, *al-Risālah*, ed. Aḥmad Shākīr (Egypt: Maktabat al-Ḥalabī, 1940), 106-117.

<sup>35</sup> According to Muḥammad ibn Naṣr al-Marwazī, the pupils of al-Shāfi'ī followed their eponym with regard to relation of abrogation between Qur'ān and Sunnah. See *al-Sunnab*, ed. Abū Usāmah Salīm ibn 'Īd al-Hilālī (Kuwait: Gharās li-l-Nashr, 2005), 442, 576.

<sup>36</sup> Abū I-Ḥasan 'Alī ibn Muḥammad al-Māwardī, *al-Ḥāwī l-kabīr fī fiqh madhhab al-Imām al-Shāfi'ī*, eds. 'Alī Muḥammad Mu'awwaḍ and 'Ādil Aḥmad 'Abd al-Mawjūd (Beirut: Dār al-Kutub al-'Ilmiyyah, 1994), XIII, 189; XIV, 359; al-Zarkashī, *al-Baḥr al-muḥīṭ*, IV, 118.

Ibn Surayj has a similar point of view regarding the abrogation of the Qurʾān by Sunnah, saying that although multiple successive (*mutawātir*) Sunnah may abrogate the Qurʾān, such abrogation has never occurred. For him, it is not reason but the actual situation that renders abrogation of the Qurʾān by Sunnah unacceptable.<sup>37</sup>

Consequently, Ibn Surayj maintains al-Shāfiʿī's fundamental argument that the Qurʾān and Sunnah can be abrogative or abrogated only within themselves; however, he explains this fact through the actual situation, paving the way for new interpretations within the madhhab. After Ibn Surayj, Shāfiʿī scholars of *uṣūl*, who deny abrogation of the Qurʾān via Sunnah, began to discuss whether it is reason or revelation (*sharʿ*) that prevents this from occurring. Grounding on actual state, Ibn Surayj argues that revelation is the preventive element, and he gains the support of many Shāfiʿī jurists, Abū Ishāq al-Marwazī above all. However, some Shāfiʿī scholars such as Abū Ishāq al-Isfarāʾīnī (d. 418/1027) and ʿAbd al-Qāhir al-Baghdādī (d. 429/1037) consider this impossible in terms of reason.<sup>38</sup> Abū Bakr al-Ṣayrafī (d. 330/941), another pupil of Ibn Surayj and commentator of *al-Risālah*, indicates that al-Shāfiʿī objects to the abrogation of Qurʾān via Sunnah grounding on present evidence and that he does not consider impossible the abolition of a ruling, determined by the Qurʾān, through Sunnah. Therefore, al-Ṣayrafī attributes the view that the preventive element is *sharʿ* to the eponym.<sup>39</sup> The problem of abrogation of the Qurʾān via Sunnah

<sup>37</sup> Al-Māwardī, *al-Ḥāwī l-kabīr*, XVI, 78-79, 104. According to al-Zarkashī, this view, ascribed to Ibn Surayj, is inaccurate and the latter agrees with al-Shāfiʿī about the impossibility of abrogation of Qurʾān via Sunnah. See al-Zarkashī, *al-Baḥr al-muḥīṭ*, V, 266-267. For relevant opinions attributed to Ibn Surayj, see Abū Ishāq Ibrāhīm ibn ʿAlī al-Shīrāzī, *al-Tabṣīrah fī uṣūl al-fiqh*, ed. Muḥammad Ḥasan Haytū (Damascus: Dār al-Fikr, 1403), 264; Abū l-Maʿālī Rukn al-Dīn ʿAbd al-Malik ibn ʿAbd Allāh al-Juwaynī, *al-Talkhīṣ fī uṣūl al-fiqh*, ed. ʿAbd Allāh Jawlam al-Nibālī and Shubayr Aḥmad al-ʿUmarī (Beirut: Dār al-Bashāʾir al-Islāmiyyah, 1996), II, 514-515.

<sup>38</sup> Defenders of reasonable impossibility include al-Muḥāsibī, ʿAbd Allāh ibn Saʿd, al-Qalānisi, the Zāhiriīs and, according to a report, Aḥmad ibn Ḥanbal. Conversely, Abū Ishāq al-Shīrāzī defends impossibility in terms of revelation. See al-Zarkashī, *al-Baḥr al-muḥīṭ*, IV, 111; al-Shīrāzī, *Sbarḥ al-Lumaʿ*, ed. ʿAbd al-Majīd Turkī (Beirut: Dār al-Gharb al-Islāmī, 1988), I, 501.

<sup>39</sup> Asserting that abrogation of Qurʾān via Sunnah is out of question, al-Ṣayrafī claims that no opposite example can be found. For him, when saying “abrogation of Qurʾān via Sunnah is impermissible (*lā yajūz*),” al-Shāfiʿī uses the term in the same meaning

remained controversial among Shāfi'ī scholars of *uṣūl* and in the course of time, some accepted abrogation through Sunnah. For example, Ibn Fūrak (d. 406/1015) states both that most Shāfi'īs accept abrogation of Qur'ān via multiple successive (*mutawātir*) Sunnah and that al-Ash'arī defends this view.<sup>40</sup>

Despite his explicit expressions in *al-Risālah*, Shāfi'ī scholars began to discuss abrogation of Sunnah via the Qur'ān, and two opinions were ascribed to al-Shāfi'ī in this respect. According to Abū Ishāq al-Marwazī, although al-Shāfi'ī explicitly states that he does not accept such abrogation, a second view is attributed to him later, in the wake of the interpretation of some of his expressions. In the course of time, this interpretation transforms into a report, and two different opinions are ascribed to al-Shāfi'ī about the matter.<sup>41</sup> Shāfi'ī scholars of *kalām* confirm that their eponym accepted this type of abrogation. Abū Ishāq al-Marwazī apparently defends this argument, whereas al-Ṣayrafi claims that al-Shāfi'ī's opinion was definitely in the same direction. Each of these arguments is adopted by many Shāfi'ī scholars of *uṣūl*, and the issue of which party constitutes the majority is controversial.<sup>42</sup> Al-Māwardī notes that Ibn Surayj, who did not touch upon this problem in *al-Wadā'i*, seems to dissent from al-

---

as in "It is impermissible to marry with close relative (*maḥram*).” As for abrogation of rulings about will, one of the most debated issues in this respect, al-Ṣayrafi asserts that Qur'ān is abrogative, whereas Sunnah merely indicates the new ruling. Nevertheless, al-Zarkashī indicates that al-Shāfi'ī did not say such a thing and this interpretation, which highlights impossibility in terms of revelation, cannot be attributed to the eponym. See al-Zarkashī, *al-Baḥr al-muḥīṭ*, IV, 114-115.

<sup>40</sup> Al-Zarkashī, *al-Baḥr al-muḥīṭ*, IV, 109; Abū Bakr Muḥammad ibn Ḥasan Ibn Fūrak al-Anṣārī, *Mujarrad maqālāt al-Shaykh Abī l-Ḥasan al-Ash'arī*, ed. Daniel Gimaret (Beirut: Dār al-Mashriq, 1987), 199-201. According to al-Zarkashī, the Ash'arīs, Mu'tazilah and other *kalām* scholars adopt the same view. In addition, citing al-Dabūsī and al-Bājī, he notes that Ḥanafī and Mālikī jurists, respectively, are generally of the same opinion. See *ibid.*, IV, 110. Al-Āmidī also ascribes this view to Ibn Surayj. See Abū l-Ḥasan Sayf al-Dīn 'Alī ibn Muḥammad al-Āmidī, *al-Iḥkām fī uṣūl al-ahkām*, ed. Sayyid al-Jumaylī (Beirut: Dār al-Kitāb al-'Arabī, 1984), III, 165.

<sup>41</sup> Al-Zarkashī, *al-Baḥr al-muḥīṭ*, IV, 118. According to al-Zarkashī, the interpretation, which leads to the second approach, is inaccurate and no such meaning can be derived from statements by al-Shāfi'ī. See *ibid.*, IV, 120.

<sup>42</sup> See al-Zarkashī, *al-Baḥr al-muḥīṭ*, IV, 118. Ibn Barhān attributes the view of the possibility of such abrogation, adopted by *uṣūl* scholars like Qādī Abū l-Ṭayyib and al-Juwaynī, to the majority, whereas al-Rāfi'ī claims that majority of Shāfi'īs adopt the opposite view. See *ibid.*

Shāfi'ī and accepts the abrogation of Sunnah via the Qur'ān. His justification is once again the Qur'ān's superiority to Sunnah.<sup>43</sup> With regard to this problem, pupils of Ibn Surayj have attempted to propose an interpretation that will not lead to a contradiction between the legislative statement (*bayān*) theory of al-Shāfi'ī and his abrogation approach, adding that Ibn Surayj also concurs with al-Shāfi'ī in this regard.<sup>44</sup> According to Ibn Surayj, the term "better" in the verse about abrogation (Q 2:106) signifies "better" with regard to deeds of objects; his explanation is important because it touches upon a much-debated issue in discussions of the abrogation problem between the Qur'ān and Sunnah in the ensuing literature.

The problem of abrogation via analogy (*qiyās*) is another point for which Ibn Surayj comes to the forefront. *Al-Wadā'i'* includes no explicit opinion of Ibn Surayj about the question; nevertheless, two views are ascribed to him.<sup>45</sup> Al-Anmāṭī, his tutor, reflected on the authoritativeness of analogy when it was a serious topic of debate, arguing that Qur'ānic verses and ḥadīths (*nuṣūṣ*) can be particularized and abrogated using a clear analogy (*al-qiyās al-jalī*). The approach of al-Anmāṭī and – if he agreed – Ibn Surayj can be considered as a step toward expanding the scope of analogy, which is among the most important sources of *ijtihād* and jurisprudence.<sup>46</sup> According to al-Anmāṭī, the Qur'ān can be abrogated by analogy originating from the Qur'ān, and Sunnah can be abrogated via analogy originating from Sunnah. Essentially, his approach is

<sup>43</sup> Therefore, Qur'ān is superior to Sunnah and cannot be abrogated by it; nevertheless, the opposite is possible. See al-Māwardī, *al-Ḥāwī l-kabīr*, XIII, 189.

<sup>44</sup> See al-Zarkashī, *al-Baḥr al-muḥīṭ*, IV, 121-123.

<sup>45</sup> See al-Zarkashī, *ibid.*, IV, 131-132.

<sup>46</sup> Ibn Surayj considers abrogation as a kind of legislative statement (*bayān*) just like particularization; therefore, if particularization through clear analogy (*al-qiyās al-jalī*) is permissible, then abrogation should be, too. This approach, also stated by al-Sarakhsī, arises from the fact that abrogation of a Qur'ān ruling via an analogy derived from Qur'ān is indeed considered as abrogation of Qur'ān, whereas abrogation of a Sunnah ruling via an analogy derived from Sunnah is indeed considered as abrogation of Sunnah. Al-Sarakhsī indicates that such an argument is invalid because of the consensus among Companions. See Shams al-a'imma Abū Bakr Muḥammad ibn Aḥmad ibn Abī Sahl al-Sarakhsī, *Uṣūl al-Sarakhsī* (Beirut: Dār al-Ma'rīfah, n.d.), II, 66. Al-Anmāṭī's relevant views are given in Shāfi'ī sources on *uṣūl*, whereas Ibn Surayj's opinions are only treated in Ḥanafī *uṣūl* works; consequently, there are doubts about its ascription to Ibn Surayj.

consistent with the thought of al-Shāfiʿī, who considers the Qurʾān and Sunnah as separate sets in terms of abrogation.<sup>47</sup> This approach by al-Anmāṭī and Ibn Surayj provided an analogy with abrogative capacity. However, it was not adopted by Shāfiʿī jurists: even Ibn Surayj’s pupils, including al-Ṣayrafī and Abū Ishāq al-Marwazī, objected to the idea.<sup>48</sup>

Ibn Surayj includes two titles about Sunnah in *al-Wadāʿiʿ*; in the first chapter, he classifies Sunnah pursuant to various aspects; in the second, he justifies the authoritativeness of single-transmitter report. In the chapter titled *Bāb dbikr al-sunan*, Sunnah is classified according to the following aspects: (a) methods of its acquisition; (b) explicitness-implicitness; (c) abrogative-abrogated; (d) presentation-retardation; and (e) particularity-generality.

Ibn Surayj divides Sunnah into three methods of acquisition:

1. Acquired through commands (*mā yuʿkbadb* ‘*an al-amr*)

There are two types of commands:

- a. Obligatory commands
- b. Recommended commands

2. Acquired through actions (*mā ukbidba* ‘*an al-fiʿl*)

There are two types of action:

- a. General action
- b. Particular action

3. Acquired through acts committed in the presence of the Prophet and not prohibited by him (*mā ukbidba* ‘*an al-ʿamal*)

In the wake of classification, the expression “Here are the ways to acquire prophetic traditions (*fa-bādbihī turuq al-sunan*)” indicates that the distinction is founded on how rulings based on Sunnah are obtained.

The ensuing literature classified Sunnah of the Prophet for several reasons; during classification, traditions are subject to a triple division

<sup>47</sup> Al-Bāji indicates that according to al-Anmāṭī, clear analogy is identical to *mafbūm al-kbiṭāb*, therefore, it is not an analogy in a real sense and should be evaluated within the scope of *manṭūq*. See Abū l-Walid Sulaymān ibn Khalaf ibn Saʿd al-Tujībī al-Bāji, *Iḥkām al-fuṣūl fī aḥkām al-uṣūl*, ed. ʿAbd al-Majīd Turkī (Beirut: Dār al-Gharb al-Islāmī, 1986), I, 435; al-Zarkashī, *al-Baḥr al-muḥīṭ*, IV, 132-133.

<sup>48</sup> Al-Zarkashī, *al-Baḥr al-muḥīṭ*, IV, 131-132.

such as verbal, actual, and tacit approval.<sup>49</sup> Earlier ḥadīth literature employs expressions to correspond to the preceding distinction for traditions; nevertheless, the earliest works on ḥadīth methodology do not comprise a clear distinction. Indeed, the distinction was developed later by legal theory scholars and penetrated into ḥadīth methodology through discipline.<sup>50</sup> Authors of the first still-extant works on legal theory have made various classifications including more categories instead of a standard triple division.<sup>51</sup> Classification by Ibn Surayj is very important because it corresponds to the distinction among verbal, actual, and tacit approval. Consequently, command (*amr*) signifies the imperative expressions of legislative nature by the Prophet. Ibn Surayj also treats which class serves as a source of types of rulings. Albeit in a single phrase, he touches upon problems about evidence that will eventually become an essential matter of debate in works of legal theory. The rulings, which is derived from commands (namely, verbal statements by the Prophet), are principally obligatory (*wujūb*). Ḥadīths signify obligation unless there is a presumption for the recommendation. Ḥadīths, which indicate obligation or recommendation, are principally general. Ḥadīths involve generality unless there is any presumption of particularity.

At this point, we can note a notable differentiation between Ibn Surayj and al-Shāfi'ī in treating the problem. In *al-Risālah*, al-Shāfi'ī treats the matter based only on prohibition (*nahy*), without explicit mention of the indication of command. Conversely, Ibn Surayj treats the issue based on command and does not touch upon prohibition. According to al-Shāfi'ī, prohibition indicates being forbidden unless there is a contrary presumption; he does not mention an indication of command, and his attitude has paved the way for an intra-school

<sup>49</sup> Triple division is presented in a standardized manner in later sources; nevertheless, categories such as *imā'*, *ishārah* and *kitābah* are also added in *uṣūl* sources.

<sup>50</sup> Halit Özkan, "Takrîf Sünnet ve Sahîh-i Buhârî'deki Takrîrler" (master's thesis, Marmara University, 2000), 12-13.

<sup>51</sup> Al-Jaṣṣāṣ divides expressions emerging from Muḥammad (pbuh) in categories such as *qawl*, *kitābah*, *fi'l*, *dalālah* and *tanbîh*, *ishārah*, and *iqrār*. See *al-Fuṣūl fi l-uṣūl*, II, 32-37. Classification by al-Bāqillānī is as follows: Qur'ān, Sunnah, actions, and approvals of Muḥammad that replace his sayings, consensus, and rulings derived from *manṭūq* of Qur'ān and Sunnah via *ijtibād*. See Abū Bakr Muḥammad ibn al-Ṭayyib ibn Muḥammad al-Baṣrī al-Bāqillānī, *al-Taqrīb wa-l-irshād (al-ṣagbīr)*, ed. 'Abd al-Ḥamid ibn 'Alī Abū Zunayd (Beirut: Mu'assasat al-Risālah, 1993), III, 377.



debate on his opinion about the problem. For some, al-Shāfi'ī's expressions on prohibition are also valid for commands; therefore, al-Shāfi'ī thinks that command indicates obligation unless there is an opposite presumption. Some others, however, ascribe two opinions to al-Shāfi'ī in this respect. According to the first point of view, command has a common indication between recommendation (*nadb*), permissibility (*ibāḥab*) and obligation (*wujūb*), whereas the second approach claims it only indicates obligation. Al-Zarkashī finds the evidence for the second argument more reliable; nevertheless, he indicates that the first idea, which is derived from *zābir al-madḥab* of al-Shāfi'ī, is superior. Although al-Zarkashī considers the first view superior, notable Shāfi'ī jurists of an earlier period have adopted the second approach. Apart from Ibn Surayj, Abū Sa'īd al-Iṣṭakhrī (d. 328/939) and Abū 'Alī Ḥusayn ibn Ṣāliḥ ibn Khayrān (d. 320/932) agree with the latter.<sup>52</sup> Ibn Surayj, who treats the problem on the basis of an indication of command, remarks that command is obligatory without touching upon any relevant debate.<sup>53</sup>

Another problem that is often addressed in discussions about the indication of command and is related to obligation is whether there is a modality (*ṣiḡḥab*) peculiar to command. Despite al-Ash'arī and Ash'arī theologians who claim there is no particular mode of command, the public majority discusses the presence of a particular mode (*if'al - li-yaf'al*). The discussion arises from the distinction between inner speech and outer speech (*al-kalām al-naḥsī* and *al-kalām al-laḥẓī*); accordingly, the Ash'arīs, who consider kalām as

<sup>52</sup> See al-Zarkashī, *al-Baḥr al-muḥīṭ*, II, 365. Moreover, views about *nadb* and *tawaqquf* (abstaining) are attributed to al-Shāfi'ī. Al-Bāqillānī concludes that al-Shāfi'ī is for *tawaqquf*; nevertheless, he is accused of injustice by al-Juwaynī. For the debate, see al-Bāqillānī, *al-Taqrīb wa-l-irṣād*, II, 46-48; al-Juwaynī, *al-Talkḥiṣ fi uṣūl al-fiqh*, I, 264.

<sup>53</sup> Certain Ḥanafī *uṣūl* sources attribute the view of *tawaqquf* in this regard to Ibn Surayj; nevertheless, this attribution seems inaccurate. See *Uṣūl al-Sarakhsī*, I, 15; Ṣadr al-sharī'ah 'Ubayd Allāh ibn Mas'ūd ibn Mahmūd al-Bukhārī al-Maḥbūbī, *al-Tawḍīḥ*, ed. Zakariyyā 'Umayrāt (Beirut: Dār al-Kutub al-'Ilmiyyah, 1996), I, 287. According to al-Taftāzānī, what Ibn Surayj means with *tawaqquf* is defining of which sense is intended among imperative modes that have multiple meanings, not the meaning for which this mode is imposed. For him, this mode is imposed so as to be common in terms of wording between obligation, recommendation, permissibility and threat. See Sa'd al-Dīn Mas'ūd ibn 'Umar al-Harawī al-Taftāzānī, *al-Talwīḥ 'alā l-Tawḍīḥ* (Cairo: Maktabat Ṣabīḥ, n.d.), I, 293.

*nafsī*, assert there is no particular mode in language imposed for command.<sup>54</sup> In this respect, there are allegations that Ibn Surayj agreed with al-Ash‘arī and even that he ascribed this view to al-Shāfi‘ī. Such assertions are groundless. Indeed, pursuant to such acceptance, one should argue that *if‘al* mode does not correspond to an obligation or any other meaning whatsoever without additional evidence.<sup>55</sup> However, in *al-Wadā‘i‘*, Ibn Surayj notes that command indicates obligation unless there is a presumption in favor of the recommendation.

In *al-Wadā‘i‘*, the Prophet’s acts are classified not in terms of ruling (obligation-recommendation) but in terms of generality-particularity; nevertheless, certain sources claim that Ibn Surayj also classified actions with regard to ruling. Accordingly, in the event that acts of the Prophet are free from presumptions and clearly intend worship, they indicate obligation; no other meaning can be ascribed unless there is contrary evidence. Such deeds are committed primarily by the Prophet and are not committed either to obey an imperative or to express the indeterminate.<sup>56</sup> Ibn Surayj thus justifies this distinction through the indication of several verses and consensus among Companions;<sup>57</sup> in this respect, he differs from al-Shāfi‘ī. Thus, al-Shāfi‘ī reportedly claims that even the actions of the Prophet, which include explicit intention of worship, indicate

<sup>54</sup> Ali İhsan Pala, *İslâm Hukuk Metodolojisiinde Emir ve Yasakların Yorumu* (Ankara: Fecr Yayınları, 2009), 85-86.

<sup>55</sup> See al-Zarkashī, *al-Baḥr al-muḥīṭ*, II, 352-353; Abū l-Muzaffar Manṣūr ibn Muḥammad ibn ‘Abd al-Jabbār al-Ṭamīmī al-Marwazī al-Sam‘ānī, *Qawāṭi‘ al-adillah fī l-uṣūl*, ed. Muḥammad Ḥasan Ismā‘īl al-Shāfi‘ī (Beirut: Dār al-Kutub al-‘Ilmiyyah, 1999), I, 49.

<sup>56</sup> Abū ‘Alī ibn Khayrān, Ibn Abī Hurayrah, and al-İştakhrī defend the same. See Shams al-Dīn Muḥammad ibn ‘Uthmān ibn ‘Alī al-Mardīnī, *al-Anjum al-zābirāt ‘alā ḥall al-fāz al-Waraqāt fī uṣūl al-fiqh*, ed. ‘Abd al-Karīm ibn ‘Alī Muḥammad ibn al-Namlah, 3<sup>rd</sup> ed. (Riyadh: Maktabat al-Rushd, 1999), 175. If there is no intention related to worship, Ibn Surayj is reported to defend the indication of obligation once again; nevertheless, for al-Juwaynī, this attribution is wrong because Ibn Surayj cannot defend such a view. See al-Juwaynī, *al-Burbān fī uṣūl al-fiqh*, I, 185. Reportedly, long discussions of this matter took place between the al-Ash‘arī who defended *tawaqquf* and pupils of Ibn Surayj. See Ibn Fūrak, *Mujarrad maqālāt al-Shaykh Abi l-Ḥasan al-Asb‘arī*, 192.

<sup>57</sup> Ḥusayn ibn Khalaf al-Jabūrī, “al-Imām Abū l-‘Abbās ibn Surayj wa-ārā‘uhū l-uṣūliyyah,” *Majallat al-Jāmi‘ah al-Islāmiyyah bi-l-Madīnah al-Munawwarah* 81-82 (1409): 173-176.

recommendation. For al-Shāfi‘ī, a verse about the Prophet’s being a “beautiful model” (Q 33:21), which is also used as evidence by Ibn Surayj, cannot be interpreted as an indication of obligation, and the Prophet’s deeds can comprise both recommendation and obligation.<sup>58</sup> Even though he does not address this subject in the relevant chapter of *al-Wadā’i‘*, Ibn Surayj is clearly aware of the dispute about the indication of actions. Indeed, he provides some explanations of consensus on the obligatory feature of certain actions despite the dispute mentioned above.<sup>59</sup>

In *al-Wadā’i‘*, acts of the Prophet are classified in terms of generality and particularity, with the indication that the actions are general unless there is adverse evidence. In other words, such action is the origin of a binding verdict for all Muslims and is not restricted by the personality of Muḥammad (pbuh). Then, again, actions, which are a type of Sunnah from which sharī‘ah originates, indicate rulings that are valid for everyone subject to sharī‘ah. Rulings derived from the action are valid for everyone regardless of their obligatory or recommendatory nature.<sup>60</sup> The third type of Sunnah, namely, tacit approvals of the Prophet, is handled in terms of the ruling that it signifies, not content. Accordingly, he argues that they merely signify recommendation.<sup>61</sup> Later works on legal theory treat the tacit approvals of Muḥammad (pbuh) with respect to two aspects in particular: some *uṣūl* scholars evaluate approvals in terms of action,

<sup>58</sup> Al-Mardīnī, *al-Anjūm al-zābirāt*, 175-178; Abū l-Ḥasan Taqī al-Dīn ‘Alī ibn ‘Abd al-Kāfi al-Subkī (d. 756/1355), *al-Ibbāj fi sharḥ al-Minbāj: ‘alā Minbāj al-uṣūl ilā ‘ilm al-uṣūl li-l-Qāḍī al-Bayḍāwī al-mutawaffā sanat 685 H.* (Beirut: Dār al-Kutub al-‘Ilmiyyah, 1995), II, 264-265; al-Āmidī, *al-Iḥkām*, I, 174; al-Juwaynī, *al-Burbān fi uṣūl al-fiqh*, ed. Abū ‘Abd al-Raḥmān Ṣalāḥ ibn Muḥammad Ibn ‘Uwayḍah (Beirut: Dār al-Kutub al-‘Ilmiyyah, 1997), I, 183.

<sup>59</sup> Rubbing on boots (*maskb ‘alā l-kbuff*) is an example for this consensus. See *al-Wadā’i‘*, fols. 17v-17r. For other examples of acts of Muḥammad (pbuh), see *ibid.*, fols. 41v, 44r.

<sup>60</sup> For a ruling that is derived from acts of Muḥammad (pbuh) and that signifies generality, see *al-Wadā’i‘*, fols. 75r. For discussions about acts of Muḥammad (pbuh), see Abū Shāmah Shihāb al-Dīn ‘Abd al-Raḥmān al-Maqdisī, *al-Muḥaqqaq min ‘ilm al-uṣūl fi-mā yata‘allaq’ bi-af‘āl al-Rasūl*, ed. Aḥmad Kuwaytī (al-Zarqā’: Dār al-Kutub al-Athariyyah & Riyadh: Dār al-Rāyah, 1989). For how Ibn Surayj gives evidence an act of Muḥammad for a general ruling, see *al-Wadā’i‘*, fols. 75r.

<sup>61</sup> See *al-Wadā’i‘*, fols. 124v-125r.

whereas others consider it a third, independent type of Sunnah.<sup>62</sup> Ibn Surayj assesses tacit approvals of the Prophet within the scope of recommendation; therefore, this may be interpreted as he does not consider them within the framework of the Prophet's actions. Although he does not clearly touch upon this problem, the conclusion seems reasonable because Ibn Surayj essentially incorporates evidence of actions within obligation while he deems approvals to have an advisory character.

Other classifications by Ibn Surayj in the chapter mentioned above show early traces of the eventually dominant tradition of classification among kalām-oriented *uṣūl* scholars. Fiqh-oriented *uṣūl* scholars traditionally attempt to constitute a quadruple classification, especially on wording issues; conversely, kalām-oriented *uṣūl* scholars prefer binary classifications in the company of concept pairs. Ibn Surayj opts for the concept pair of *mujmal-mufassar* instead of *mujmal-mubayyan* based on the acceptance of the notion that Sunnah incorporates indeterminate expressions. Apparently, the debate about whether ḥadīths comprised indeterminate expressions emerged upon objections by Dāwūd al-Zāhirī. According to Dāwūd al-Zāhirī, like the Qurʾān, Sunnah does not include an indeterminate expression; on the contrary, by quoting a phrase, Ibn Surayj defends the position of al-Shāfiʿī against the Zāhirī school. The problem is associated with whether *taklīf* can be determined via indeterminate addressing and about responsibility in the absence of a legislative statement (*bayān*). Dāwūd al-Zāhirī asserted that Sunnah can incorporate no indeterminate expression, probably because of the position of the Prophet.<sup>63</sup> For Ibn Surayj, deeds should be committed pursuant to the determinate that unveils the indeterminate; nevertheless, he does not address the relationship of statements between verbal, actual, and tacit approval Sunnahs.

<sup>62</sup> See Özkan, *Takrîrî Sünnet ve Sabîb-i Bubârî'deki Takrîrler*, 13-18; id., "Takrîr," in *Türkiye Diyanet Vakfı İslâm Ansiklopedisi (DİA)*, XXXIX, 469.

<sup>63</sup> Those who accept there are indeterminate expressions in Sunnah point to the evidence that Muḥammad (pbuh) assigned Muʿādh ibn Jabal to collect alms before sending him to Yemen, but the Prophet did not make any statement about the manner of collection. For them, this type of addressing is yet to put forth any statement, and the responsibility is clear. See al-Zarkashī, *al-Baḥr al-mubīṭ*, III, 455-456.

In this respect, Ibn Surayj is involved in another notable problem, namely, discussion about the retardation of legislative statements (*bayān*). This discussion has theological extensions. Although some views are attributed to al-Shāfi'ī, the issue was treated only as of al-Muzanī and not touched upon by eponym. According to basic Shāfi'ī sources on legal theory, he considers the retardation of *bayān* possible; nevertheless, during earliest debates, various opinions are ascribed to al-Muzanī.<sup>64</sup> Ibn Surayj supports the idea that a conclusive and explanatory ruling (*bayān*) required about a problem that is indicated in religious sources can lag until the moment when it is actually experienced and requires a ruling. Most Shāfi'īs, including Ibn Surayj's peers and pupils, agree with him.<sup>65</sup>

Remaining phrases in the chapter on Sunnah of *al-Wadā'i'* address the classification of Sunnah pursuant to various aspects. Presentation-retardation (*muqaddam-mu'akkkbar*) signifies the relation of precedence-subsequence in line with the occurrence order of ḥadīths. The relation of generality-particularity between ḥadīths is expressed as follows: some ḥadīths are particular, whereas others are general, and a ḥadīth on the general is left intact unless there is a presumption of particularity. Conversely, a particular ḥadīth is left intact unless there is a presumption on its generality. These phrases remind the relationship between general and particular, insistently treated by al-Shāfi'ī in *al-Risālah*, along with the principles that he offers for their determination. One prominent argument by Ibn Surayj

<sup>64</sup> During discussions among pupils of Ibn Surayj about this problem, al-Ṣayrafī claimed that retardation of *bayān* was possible in the eyes of al-Muzanī; thereupon, Ibn Abī Hurayrah protested and, citing *al-Manībūr* by al-Muzanī, asserted that the latter does not accept retardation of *bayān* after the moment of the requirement. See al-Zarkashī, *al-Baḥr al-muḥīṭ*, III, 497.

<sup>65</sup> See al-Shīrāzī, *al-Tabṣīrah fī uṣūl al-fiqh*, 207. Despite the foregoing statements, al-Ṣayrafī is given among those who reject the possibility of the retardation of *bayān*. See Abū Shujā' Fakhr al-Dīn Muḥammad ibn 'Alī ibn Shu'ayb Ibn al-Dahhān, *Taqwīm al-naẓar fī mas'āl khilāfiyyah dbā'i'ah wa-nubadh madhbabiyyah nāfi'ah*, ed. Ṣāliḥ ibn Nāṣir ibn Ṣāliḥ al-Khuzaym (Riyadh: Maktabat al-Rushd, 2001), II, 79. In the discussion, opposite views are attributed to al-Ṣayrafī and Abū Ishāq al-Marwazī; in later literature, the Mu'tazilah, most Ḥanafīs, some Shāfi'īs and Mālikīs are considered a party, whereas the Ash'arīs and most Shāfi'īs are considered a counterparty. Accordingly, al-Ṣayrafī has reportedly changed his mind in this matter following his discussion with al-Ash'arī. For parts of the debate, see al-Zarkashī, *al-Baḥr al-muḥīṭ*, III, 493-501.

address when and under what circumstances a deed will be committed pursuant to a general wording. According to Ibn Surayj, no deed can be performed immediately pursuant to a general expression and one will wait until it is determined whether a piece of evidence has particularized that expression. With regard to this problem, various of al-Shāfi‘ī’s ideas are interpreted in different manners, so much so that even adversarial arguments are ascribed to him; consequently, Ibn Surayj’s many pupils and peers agree with him, even though al-Şayrafī indicates it is necessary to act pursuant to the general without seeking any such prerequisite.<sup>66</sup> In light of statements by al-Juwaynī, many Shāfi‘ī *uṣūl* scholars agree with Ibn Surayj about this question.<sup>67</sup> Therefore, Ibn Surayj’s statement that a general ḥadīth will remain general unless there is a presumption of its particularity should instead be understood through the addition of the expression, “following relevant research.”<sup>68</sup>

The following chapter of *al-Wadā‘i‘* is dedicated to the authoritativeness of a single-transmitter report. Conditions for the acceptance of a single-transmitter report and the problem of authoritativeness are among the fundamental problems in *al-Risālah* by al-Shāfi‘ī, who attains a distinguished position in the face of the dominant *fiqh* traditions of his day through his unique approach and criticisms. This fact has motivated Ibn Surayj to allocate a separate chapter to the problem. Ibn Surayj, however, exclusively engages in

<sup>66</sup> See al-Zarkashī, *al-Baḥr al-muḥīṭ*, III, 36 ff. Thus, a dispute was born and created between Ibn Surayj and al-Şayrafī. According to the latter, the main point is the existence of a particularizing element, and it is necessary to act pursuant to the precedent situation if no objection is present. Ibn Surayj, however, considers the absence of a particularizing element as a condition, and relates acting in line with the general to realizing a condition. For him, the modes that connote the particular can include all individuals only after the presumptions that can signify the particular are abolished (*ibid.*, III, 51). Thereupon, Ibn Surayj was attributed with holding the view of *tawāqquf* about whether there is any mode peculiar to the general. Such attribution, however, is wrong; see *ibid.*, III, 52-53.

<sup>67</sup> Al-Juwaynī, *al-Talkhīṣ fī uṣūl al-fiqh*, II, 163-164. For al-Şayrafī’s views on the matter and falsity of expressions ascribed to him, see al-Zarkashī, *al-Baḥr al-muḥīṭ*, III, 41-46.

<sup>68</sup> The problem is debated with its various aspects; remember that there is a distinctive assessment between the moment of first encounter addressing (*kbītāb*) and the moment of due deed and that accordingly, parties’ expressions are interpreted in various manners.

grounding the authoritativeness of a single-transmitter report, refraining from discussions about conditions of action or the validity of prerequisites proposed by other *mujtabids* and *fiqh* circles. At this point, *al-Wadā'i* stands out for incorporating the Qur'ānic verses and ḥadīths, hitherto unemployed by al-Shāfi'ī for grounding the authoritativeness of this evidence, into the discussion and for making new arguments. In addition to the evidence utilized by al-Shāfi'ī, Ibn Surayj refers to verses that order rejection of a grave sinner's reports without investigation (Q 49:6) and that describe how the Prophet accepted the reports communicated to him (Q 9:61). According to Ibn Surayj, the former verse means that reports by just persons should be accepted, and no hesitation is required. As for the latter verse, the Prophet relied on the persons who reported to him, regardless of whether one or two reporters were communicating.<sup>69</sup> Additional evidence through Sunnah is that Muḥammad (pbuh) relied on the word of the Bedouin who said he saw a crescent at the beginning of the month, whereupon he sent 'Alī, Mu'ādh ibn Jabal, and Ibn Mas'ūd to Yemen. According to al-Jaṣṣāṣ, these ḥadīths were also used by 'Īsā ibn Abān to ground the authoritativeness of single-transmitter report.<sup>70</sup> In addition, the community has agreed that a report for which there is no opponent should be accepted.<sup>71</sup> Even though it is not mentioned in *al-Wadā'i*, Ibn Surayj also considers the evidence of reason while proving the authoritativeness of a single-transmitter report.<sup>72</sup>

Consensus, which is the topic of the following title, reflects the matured contemplation of sources in the phrases of Ibn Surayj. Although it is clearly stated in al-Shāfi'ī's *uṣūl* thought, there is controversy about whether al-Shāfi'ī adopted the approach of four

<sup>69</sup> In his analysis of evidence to justify the authoritativeness of a single-transmitter report, al-Jaṣṣāṣ criticizes Ibn Surayj, albeit without uttering his name. According to al-Jaṣṣāṣ, no such argument is possible pursuant to the negative implication (*mafbūm mukhbālif*) in Q 49:6, whereas reasoning related to Q 9:61 is the weakest deduction ever made on this matter. See *al-Fuṣūl fī l-uṣūl*, III, 79-81.

<sup>70</sup> *Ibid.*, 82-83.

<sup>71</sup> 'Īsā ibn Abān had also justified authoritativeness by virtue of consensus. See *ibid.*, III, 85.

<sup>72</sup> Argumentation is hereby supported by al-Ṣayrafī and al-Qaffāl among Shāfi'īs and Abū l-Ḥusayn al-Baṣrī among Mu'tazilāh. See al-Zarkashī, *al-Baḥr al-muḥīṭ*, IV, 259-260.

sources of law.<sup>73</sup> Nevertheless, we can definitely say Ibn Surayj placed consensus as the third source, following the Qurʾān and Sunnah. In various parts of *al-Wadāʿiʿ*, Ibn Surayj provides consensus with an equivalent legislative power, in terms of being a source of law, to the Qurʾān and Sunnah. He bases obligations and other rulings on this evidence (consensus), verses and ḥadīths.<sup>74</sup> The final chapter, which is dedicated to consensus, primarily addresses the authoritativeness of such evidence before touching upon who has the ability to participate in consensus and whether there is any restriction on the number of *mujtabids* who will deliver an opinion on the occurrence of consensus. The authoritativeness of consensus is justified via both the Qurʾān and Sunnah. In the verse that identifies Muslims as a just community (Q 2:143); just means fairness, whereas witnessing means ruling in truth. Indeed, the witnessing of the Prophet points to his expression of truth. Relevant grounds in Sunnah include ḥadīths such as “My community does not agree upon perversion.” and “Whatever is beautiful in the eyes of Muslims is beautiful in the presence of Allah, whatever is ugly in their eyes is ugly in His presence as well.” For Allah, the consensus among persons with such attributes is authoritative. Elsewhere, Ibn Surayj indicates that guidance arises through such consensus.<sup>75</sup>

Ibn Surayj highlights scholarly competence related to the

<sup>73</sup> Joseph E. Lowry, “Does Shāfiʿī Have a Theory of Four Sources of Law?,” in *Studies in Islamic Legal Theory*, ed. Bernard G. Weiss (Leiden: E. J. Brill, 2002), 23-50. For a relevant assessment, see Murteza Bedir, “er-Risāle,” in *Türkiye Diyanet Vakfı İslām Ansiklopedisi (DİA)*, XXXV, 118.

<sup>74</sup> Ibn Surayj says the following about legislative power of consensus: “A *farḍ* (obligation) can only be conclusive by means of Qurʾān, Sunnah or consensus. In case none of these evidences point out an obligation, the ruling in dispute becomes Sunnah. As about rubbing of ears, some claim it is obligatory to wash ears as a whole, while according to some, it is obligatory to wash the inner part or outer part. Since a *farḍ* cannot be decided via dispute, wiping ears is Sunnah.” See *al-Wadāʿiʿ*, fol. 9v. To highlight the power of consensus, the section “Ṭahārat al-māʾ,” the first title after the preface in *al-Wadāʿiʿ*, enlists the Qurʾān, Sunnah, consensus among the community and the witnessing of reason as evidence of the cleanliness of water. See *ibid.*, fol. 2v. Consensus may occasionally be the ground for a ruling together with Qurʾān and Sunnah; however, it may also serve as the basis of ruling on independent evidence, when certain rulings, not supported by verses and ḥadīths, are grounded in consensus. For relevant examples, see *ibid.*, fols. 13v, 46v, 50v, 53r, 57v.

<sup>75</sup> See *al-Wadāʿiʿ*, fols. 12v-12r.



capability to participate in consensus, which will eventually become a major point of debate. For him, the verses and ḥadīths, which prove the authoritativeness of consensus, are related to persons with certain qualities not everybody. However, such persons will be taken into account when determining a consensus that will propose a definitive ruling about any religious issue. In his words, consensus is the affair of *kbawāṣṣ*, not of *ʿawāmm*. *Khawāṣṣ* are persons who are competent in science and who express the truth. Is there any threshold on the minimum number of such persons to conclude that consensus exists? Ibn Surayj's view on this issue might be his most striking opinion in the history of Islamic legal theory. For him, the basis of consensus is the expression of truth; therefore, it can be occurred even through view of a single person. Ibn Surayj does not differentiate between emanations of the truth from one, two or three persons. He grounds the occurrence of consensus both upon Abū Bakr's opinion about starting jihad against Ḥanafites who rejected giving obligatory alms (*zakāh*) and upon how Companions adopted this view even though Abū Bakr was the first and only one to express it.<sup>76</sup> If a consensus can be formed through a single person's opinion, it can easily be formed through the view of two or more people. There is a significant difference between how Ibn Surayj contemplates the problem and the context in which it is narrated in subsequent *uṣūl* sources. Ibn Surayj's acceptance reminds us of tacit consensus on the one hand and the consensus, which occurs in a manner similar to reconciliation after dispute, on the other hand. Nevertheless, *uṣūl* scholars ascribe to him the following opinion: If there is a single mujtahid during a century, his view can be deemed authoritative at a level equivalent to consensus.<sup>77</sup>

<sup>76</sup> *Al-Wadā'i*, fols. 125v-125r. For al-Juwaynī's criticism on Ibn Surayj, see al-Zarkashī, *al-Baḥr al-muḥīṭ*, VI, 485-486.

<sup>77</sup> Abū ʿAbd Allāh Shams al-Dīn Muḥammad Ibn Amīr Ḥājj (d. 879/1474), *al-Taqrīr wa-l-taḥbīr*, 2<sup>nd</sup> ed. (Beirut: Dār al-Kutub al-ʿIlmiyyah, 1983), III, 123; Muḥammad Amīn ibn Maḥmūd al-Bukhārī Amīr Bādshāh, *Taysīr al-Taḥrīr* (Beirut: Dār al-Fikr, n.d.), III, 339-340; Abū I-Ḥasan ʿAlāʾ al-Dīn ʿAlī ibn Sulaymān ibn Aḥmad al-Mardāwī, *al-Taḥbīr sharḥ al-Taḥrīr fī uṣūl al-fiqh*, eds. ʿAbd al-Raḥmān ibn ʿAbd Allāh al-Jabrīn, ʿIwāḍ ibn Muḥammad al-Qaranī, and Aḥmad ibn Muḥammad al-Sarrāḥ (Riyadh: Maktabat al-Rushd, 2000), IV, 1602. According to Abū Ishāq al-Isfarāʾīnī, the number is irrelevant in such condition and consensus can be obtained from the view of a single interpreter. Nevertheless, according to al-Zarkashī, the majority view matters and therefore, the number is important. See al-Zarkashī, *al-Baḥr al-muḥīṭ*, IV, 516.

Ibn Surayj does not treat some controversial issues about occurrence of consensus, such as whether there is a need for consensus among all scholars or whether reconciliation among the majority can be called consensus if there is a single opposing scholar. Nevertheless, the use and manner of assertion of consensus in *al-Wadā'i*<sup>6</sup> provide us with certain clues about his relevant ideas. At this stage, his view of consensus and manner of using this evidence contrasts with certain principles that al-Shāfi'i stressed. In *al-Wadā'i*<sup>6</sup>, evidence of consensus is employed to support the views of his school and weaken adversarial arguments; therefore, it sometimes actually goes beyond the theoretical framework established by al-Shāfi'i.<sup>78</sup>

In *al-Wadā'i*<sup>6</sup>, the last chapter to directly address *uṣūl al-fiqh* is dedicated to grounding the authoritativeness of analogy. Analogy stands out as a more serious problem than other sources because of the transformation of ongoing debates on authoritativeness, along with the actual adversaries and addressees of Ibn Surayj. Because al-Shāfi'i established a strong relation between *ijtibād* and analogy and almost identified the two, his evidence and arguments for the justification of *ijtibād* and the prevailing opinion (*ghālib al-zann*) were suitable to employ in discussions about the authoritativeness of analogy in the ensuing literature. Moreover, because the examples used in al-Shāfi'i's arguments were a type of *ijtibād* of *taḥqīq al-manāṭ*, he had to develop new arguments against analogy deniers accepting this type of reasoning.<sup>79</sup> Ibn Surayj stands out as a figure

---

According to Ibn Abī Hurayrah, the pupil of Ibn Surayj, there is a difference between whether such a person is in an administrative position or is a *mufti/mujtabid*; the view of the former cannot be considered as consensus, whereas the view of the latter can. See al-Āmidī, *al-Iḥkām*, I, 312.

<sup>78</sup> Ibn Surayj treated certain problems of substantive law with regard to contradiction between consensus and disagreement, and reinforced the rules on which madhhab views are based; for relevant examples, see *al-Wadā'i*<sup>6</sup>, fols. 3r-4v, 6r-7v, 12v-13r, 15v, 18r. Al-Shāfi'i objects to the fact that local agreements in Medinah and some other regions are adopted as consensus; for him, the entire community should agree on an issue before it can become consensus. For al-Shāfi'i's view on consensus, see Bilal Aybakan, *Fıkıh İliminin Oluşum Sürecinde İcma* (Istanbul: İz Yayıncılık, 2003), 120-131.

<sup>79</sup> Al-Shāfi'i grounds the legitimacy of *ijtibād* and prevailing opinion (*ghālib al-zann*) on examples such as determination of qiblah and the designation of justness of witnesses and of animals to be sacrificed upon breaching the prohibitions of *ḥajj*. These examples are in kind of *ijtibād* of *taḥqīq al-manāṭ*. For further information, see

who not only explicitly used al-Shāfi'ī's arguments in debates on analogy but also developed new arguments. His efforts can deservedly be considered as a defense of al-Shāfi'ī in particular and Sunnī fiqh in general against the Zāhirī school, which was on the rise as an analogy denier during early fourth-century AH. Ibn Surayj made a substantial contribution to the development of analogy through his debates with Zāhirī jurists, along with his works for grounding the authoritativeness of analogy. Indeed, the texts, written during his discussions about analogy with Muḥammad ibn Dāwūd, reportedly reached a thousand pages. *Al-Radd 'alā Dāwūd fī inkārib' l-qiyās* and *Ibbāt al-qiyās*, which are attributed to Ibn Surayj in the relevant sources, can be considered the records of these debates.<sup>80</sup>

Apparently, Ibn Surayj included three pieces of evidence, except for the verse about prohibitions of *ḥajj*, in analogy debates. Al-Shāfi'ī, who treated debate based on *ijtihād* and the prevailing opinion (*ghālib al-ẓann*), had not cited the mentioned verses as evidence. Conversely, Ibn Surayj cites as evidence the verse “So take warning, O people of vision!” (Q 59:2) and becomes the first to develop the well-known argument that analogy is a transition procedure.<sup>81</sup> The evidence cited by Ibn Surayj to ground the authoritativeness of analogy also comprises a description of analogy and explanations of its elements. For example, the description of analogy for the first piece of evidence, the word *istinbāt* (Q 4:83), is as follows: “Analogy is an *istinbāt* (unveiling of a meaning through *ijihād*) that is drawn by ascribing the new problem (*far'*) to the precedent (*aṣl*) pursuant to similarity between them in terms of precedence.” In the fourth piece of evidence, the word “equivalent/*mithl*” (Q 5:95) is identified with analogy, and he asserts that “Analogy is to ascribe one thing to its similar (*naẓīr*) grounding on the commonality between them.” The third piece of evidence (Q 5:89) is interpreted to highlight the principles of investigation (*taḥarrī*) and cautious attitude (*iḥtiyāt*), insisting that these principles are possible only through judgment by reasonable persons. Following his second piece of evidence (Q 2:26), Ibn Surayj provides an interesting justification: the use of

---

Yunus Apaydın, “Kıyas,” in *Türkiye Diyanet Vakfı İslâm Ansiklopedisi (DİA)*, XXV, 530.

<sup>80</sup> See al-Zarkashī, *al-Baḥr al-muḥīṭ*, V, 26.

<sup>81</sup> Al-Qāsānī, the Zāhirī scholar who objects to Ibn Surayj in this debate, cites the verse on the sufficiency of the Qurʾān (Q 29:51) as counterproof. See al-Zarkashī, *al-Baḥr al-muḥīṭ*, V, 22.

representation and resemblance by omniscient Allah to provide man with justification of/grounds for (*wajb*) his knowledge serves as a ground for their use by people who are subject to deficiency and ignorance.

Strikingly, Ibn Surayj expressed almost all of the key concepts used for analogy during his assertion of the verses noted above as the basis for authoritativeness. His definitive phrases are knitted with concepts such as *istinbāt*, *ishtibāb*, *tamtbil*, *tashbīh*, *naẓīr*, *mithl*, *wajb*, and *taḥarrī*. His evidence through Sunnah is a ḥadīth that is not uttered by al-Shāfiʿī in this respect and that will eventually become much-debated in relevant discussions. Ibn Surayj, who grounds the authoritativeness of analogy with verses and ḥadīths in *al-Wadāʿi*, is also attributed with rational arguments in *uṣūl* sources.<sup>82</sup> These arguments comply with phrases that are provided after the evidence in *al-Wadāʿi*. For example, new incidents for which there is no ruling in verses and ḥadīths are mentioned in the Qurʾān and Sunnah in terms of cause (‘*illah*’), although not in wording. The difference between precedent and new incidents, which are elements of analogy, is that precedent is cited in terms of both name and meaning, whereas new incidents are only cited in terms of meaning.<sup>83</sup> In the event of a nominal difference between a precedent and a new incident that have the same meaning, one needs an analogy, namely, to send the new back to the precedent pursuant to the relevant verse (Q 4:59). Ibn Surayj gives the Qurʾān and Sunnah as the precedent and does not discuss whether rulings determined via consensus can serve as a precedent in the analogy process.

References to Ibn Surayj in the *uṣūl al-fiqh* literature reveal that his contribution to evidence of analogy was not restricted to discussions of authoritativeness. He addresses several problems about the use of such evidence and the determination of its limits, expressing views on many issues that were already being discussed or even asserted by him the first time. Accordingly, Ibn Surayj can be considered an *uṣūl* scholar who wanted to expand the domain of analogy. For example, he objects to the view that analogy can be conducted exclusively

<sup>82</sup> See al-Zarkashī, *al-Baḥr al-muḥīṭ*, V, 26.

<sup>83</sup> In *al-Wadāʿi*, the relevant expression reads “the new one is mentioned in name;” nevertheless, it must be as set forth above, because the former contradicts Ibn Surayj’s purpose. This error, probably caused by a copying mistake, is repeated in both versions. See *ibid.*, fol. 126v; II, 677 (Ṣāliḥ ibn ‘Abd Allāh’s edition).

through *ʿillab*, claiming that analogy can be instead carried out based on names and language. For him, *ʿillab* is not an element that connotes legal judgment as of the beginning but is merely proof that shows the name of the new. Therefore, it is possible to conduct analogy through an indication of the name.<sup>84</sup> To extend the domain of analogy, Ibn Surayj also asserts that general wordings in the Qurʾān can be particularized through clear analogy (*al-qiyās al-jalī*).<sup>85</sup> With respect to Ibn Surayj’s other contributions to thought on analogy, he states that there is a consensus about the permissibility of analogy on *ʿaqliyyāt*,<sup>86</sup> addresses the issue of analogy of

<sup>84</sup> This is exactly like how, pursuant to analogy to the term “fornication,” sexual intercourse with animals is also deemed fornication or how, pursuant to analogy to the term “theft,” grave robbing is subject to same ruling. See al-Jabūrī, “al-Imām Abū l-ʿAbbās ibn Surayj wa āraʾuh<sup>ū</sup> l-uṣūliyyah,” 37-38. For al-Baṣṭī, Ibn Surayj’s opinion is therefore wrong; according to the former, most rulings are determined through their meaning, and not their name. See Abū l-Ḥusayn Muḥammad ibn ʿAlī al-Baṣṭī, *al-Muʿtamad fī uṣūl al-fiqh*, ed. Khalīl al-Mays (Beirut: Dār al-Kutub al-ʿIlmiyyah, 1983), II, 272-273. Shāfiʿī jurist al-Kiyā al-Harrāsī agrees and claims that al-Shāfiʿī’s expressions about wine (*kbāmī*) falsified the views of Ibn Surayj. See al-Zarkashī, *al-Baḥr al-muḥīṭ*, V, 64-65. Al-Shāfiʿī’s view on the matter is unclear. Ḥanafī *uṣūl* writers and al-Zanjānī indicate that al-Shāfiʿī accepts analogy in language; some Shāfiʿī *uṣūl* scholars, however, disagree. Ibn Surayj’s disciple Ibn Abī Hurayrah, Shāfiʿī *uṣūl* scholars al-Shīrāzī, al-Rāzī and Mālikī scholar al-Bāqillānī support Ibn Surayj, whereas al-Juwaynī, al-Āmidī, al-Ghazālī, most Ḥanafīs and Ibn al-Hājib do not. See Muḥammad ibn ʿAlī al-Yamanī al-Shawkānī, *Irṣād al-fuḥūl ilā taḥqīq al-ḥaqq min ʿilm al-uṣūl*, ed. Aḥmad ʿIzzū ʿInāyah (Beirut: Dār al-Kitāb al-ʿArabī, 1999), I, 49; al-Āmidī, *al-Iḥkām*, I, 57; Ḥasan ibn ʿUmar ibn ʿAbd Allāh al-Sīnāwīnī (d. 1347), *al-Aṣl al-jāmiʿ li-ṭīqāḥ al-durar al-manzūmah fī silk Jamʿ al-jawāmiʿ* (Tunis: Maṭbaʿat al-Nahḍah, 1928), I, 66. In the beginning, al-Subkī did not accept this view, but later, he changed his mind, agreeing with Ibn Surayj. See Tāj al-Dīn Abū Naṣr ʿAbd al-Wahhāb ibn Taqī al-Dīn al-Subkī, *al-Ashbāḥ wa-l-naẓāʾir*, eds. ʿAdīl Aḥmad ʿAbd al-Mawjūd and ʿAlī Muḥammad Muʿawwaḍ (Beirut: Dār al-Kutub al-ʿIlmiyyah, 1991), II, 174-175. For justifications of Ibn Surayj, see al-Jabūrī, “al-Imām Abū l-ʿAbbās ibn Surayj wa āraʾuh<sup>ū</sup> l-uṣūliyyah,” 37-38.

<sup>85</sup> Taqī al-Dīn al-Subkī, *al-Ibbāj fī sharḥ al-Minhāj*, II, 175; al-Āmidī, *al-Iḥkām*, II, 337. According to al-Zarkashī, hereby view, attributed to Ibn Surayj, does not reflect his true opinion; therefore, Ibn Surayj defends this argument on the ground of generality and not through clear analogy. See *al-Baḥr al-muḥīṭ*, III, 369.

<sup>86</sup> Al-Zarkashī, *al-Baḥr al-muḥīṭ*, V, 63.

resemblance,<sup>87</sup> proposes a rule for how testing (*sabr*) can be carried out to determine *‘illab*,<sup>88</sup> accepts the particularization of *‘illab* determined via verses and *ḥadīths*<sup>89</sup> and performs an octal classification of analogy.<sup>90</sup> Apart from problems about sources, he delivers opinions on many other questions within the scope of *uṣūl*. Consequently, Ibn Surayj has become an opponent of various problems in classical *uṣūl* works.<sup>91</sup> *Bāb ṭalab al-‘ilm*, the final chapter of *al-Wadā’i‘*, should have been written with reference to a chapter in *al-Risālah*. Previously in his *al-Mukhtaṣar*, al-Buwayṭī had also provided a classification of knowledge for learning about al-Shāfi‘ī. Although Ibn Surayj does not reflect this classification completely as is, his distinction between obligatory and virtue (*faḍl*) recall al-Shāfi‘ī’s classification.<sup>92</sup>

#### 4. Assessment and Conclusion

Late third- and early fourth-century AH witnessed significant developments of the evolution of *uṣūl al-fiqh* thought. In this post-*al-Risālah* period, many texts were written about *uṣūl al-fiqh*. Most of these texts consist of treatises on certain topics, introductions on substantive law books, or relevant chapters in works about various problems that are not directly about Islamic law. Although the period between al-Shāfi‘ī and Ibn Surayj was a time when issues about *uṣūl al-fiqh* were much debated and problems gradually became detailed and comprehensive, the writings on *uṣūl* had not yet become an

<sup>87</sup> There are controversial views about this matter that cite him. See al-Jabūrī, “al-Imām Abū l-‘Abbās ibn Surayj wa-ārā’uh<sup>ū</sup> l-uṣūliyyah,” 38-39; al-Juwaynī, *al-Talkhīṣ fī uṣūl al-fiqh*, III, 236-237; al-Zarkashī, *al-Baḥr al-muḥīṭ*, V, 41-42.

<sup>88</sup> Al-Zarkashī, *ibid.*, V, 181-182.

<sup>89</sup> Al-Zarkashī, *ibid.*, V, 137.

<sup>90</sup> Al-Sam‘ānī and through him, al-Zarkashī, mention this classification, but do not relate the sections within. See al-Sam‘ānī, *Qawāṭi‘ al-adīllab*, II, 126; al-Zarkashī, *ibid.*, V, 36.

<sup>91</sup> Many views are attributed to him with regard to much debated issues among *uṣūl* scholars, such as the authoritativeness of opinions of Companions (*qawl al-ṣaḥābī*) and the revealed laws preceding Islam (*sbar‘ man qablanā*), *istiṣḥāb* etc. For example, see al-Shūrāzī, *al-Tabṣīrah fī uṣūl al-fiqh*, 207; Abū Hāmid Muḥammad ibn Muḥammad al-Ghazālī, *Shifā’ al-ghalīl fī bayān al-sbab wa-l-mukhbīl wa-masālik al-ta’īl*, ed. Ḥamad al-Kubaysī (Baghdad: Maṭba‘at al-Irshād, 1970), 342-344, 368; al-Jabūrī, “al-Imām Abū l-‘Abbās ibn Surayj wa-ārā’uh<sup>ū</sup> l-uṣūliyyah.”

<sup>92</sup> For comparison, see *al-Risālah*, 357-369; al-Buwayṭī, *al-Mukhtaṣar*, fol. 172v.

independent discipline.<sup>93</sup> Works by Ibn Surayj on *uṣūl* should be evaluated in this respect.

Ibn Surayj occupies a distinguished position in the history of Islamic legal theory. His works on *uṣūl* include relevant chapters, already discussed here, within *al-Wadāʿi*,<sup>94</sup> apparently polemical treatises on analogy, and citations based on his discussions with his pupils and circle. In consideration of limited data from *al-Wadāʿi* and extinct treatises, these citations become even more important for relating Ibn Surayj's views on *uṣūl*. References to Ibn Surayj in later *uṣūl* literature are mostly based on these citations and works written by subsequent Shāfiʿī *uṣūl* scholars, his pupils above all. Works by Ibn al-Qās, Abū Ishāq al-Marwazī and al-Ṣayrafī are especially worth mentioning.

Ibn Surayj owes his place in the history of Islamic legal theory to his interest in Islamic theology (*kalām*) and disciplines that developed along with Islamic theology. The reserved attitude of al-Shāfiʿī and his pupils about Islamic theology enabled acceptance of their new *fiqh* approach among Ahl al-ḥadīth circles; consequently, almost all of this circle's prominent figures, including Ibn Surayj's tutor al-Anmāṭī, adopted an explicitly adversarial attitude against Islamic theology. Ibn Surayj, however, did not embrace this attitude completely, instead addressing disciplines such as dialectic and disputation (*jadal* and *munāẓarab*) that are not appreciated by those circles. Ibn Surayj's environment in Baghdad must have influenced his behavior. Ibn Surayj attended several courses by Abū l-Ḥusayn al-Khayyāṭ and Abū l-Ḥasan al-Bardhaʿī, prominent Muʿtazilī scholars of the time. In addition, he made room for personalities such as al-

<sup>93</sup> In his papers on Ibn Dāwūd al-Zāhirī and al-Ṭabarī, Devin Stewart claims the opposite, asserting that in the mentioned period, *uṣūl al-fiqh* attained the status of an independent discipline and accompanied the first examples of his writings. For him, these earliest examples by Ibn Dāwūd and al-Ṭabarī had a similar content and style to later *uṣūl* works, albeit comprising notable differences compared to *al-Risālah*. See "Muḥammad b. Jarīr al-Ṭabarī's *al-Bayān ʿan uṣūl al-abḥām* and the *Genre of Uṣūl al-Fiqh* in Ninth Century Baghdad," in *Abbasid Studies: Occasional Papers of the School of Abbasid Studies, Cambridge, 6-10 July 2002* (Leuven: Peeters Publishers and the Department of Oriental Studies, 2004), 346-348; "Muḥammad b. Dāwūd al-Zāhirī's Manual of Jurisprudence: *al-Wuṣūl ilā Maʿrifat al-Uṣūl*," in *Studies in Islamic Legal Theory*, ed. Bernard G. Weiss (Leiden: Brill, 2002), 137.

Mas‘ūdī in his circle.<sup>94</sup> The main proof of Ibn Surayj’s interest in these domains is the attribute of *mutakallim* himself, in addition to *faqīh* and *uṣūlī*.<sup>95</sup> According to Ibn Surayj, Islamic theology and its methods would not harm Islamic law in any manner; therefore, he took these methods to legal theory.<sup>96</sup> After him, Shāfi‘ī jurists began to devote greater attention to Islamic theology.<sup>97</sup> This intervention undeniably influenced the formation of the characteristic of the tradition of writing on legal theory, which is known as Islamic theology-oriented *uṣūl* (*ṭarīqat al-mutakallimīn*). Abū Ḥafs al-Muṭawwi‘ī describes Ibn Surayj’s contribution to the emergence of this new approach, which is intertwined with dialectic and disputation, by dubbing him “the person who opened the door to disputation and taught dialectic to people.”<sup>98</sup>

In his writings about creeds, Ibn Surayj seems to have adopted the Salaf creed; nevertheless, he did not refrain from entering debates that disturbed Ahl al-ḥadīth circles at the time. The points of debate at the forefront related to goodness-evil (*ḥusn-qubḥ*), such as the status of things before revelation and the problem of gratitude to a giver of benevolence, are enlightening examples for determining Ibn Surayj’s attitude. In both debates, Ibn Surayj agrees with the Mu‘tazilah, indicating that things were based on permissibility before revelation and that gratitude to a giver of benevolence is reasonably obligatory.<sup>99</sup> His views on these problems were supported by some of

<sup>94</sup> Şükrü Özen, “İbn Süreyc,” in *Türkiye Diyanet Vakfı İslâm Ansiklopedisi (DİA)*, XX, 364. About Ibn Surayj’s attending courses by Abū l-Ḥusayn al-Khayyāt, see Abū l-Ḥasan ‘Imād al-Dīn ‘Abd al-Jabbār ibn Aḥmad Qāḍī ‘Abd al-Jabbār, *Faḍl al-i‘tizāl wa-ṭabaqāt al-Mu‘tazilah*, ed. Fu‘ād Sayyid (Tunis: al-Dār al-Tūnisīyyah, 1974), 301.

<sup>95</sup> See Abū l-Faraj Muḥammad ibn Ishāq Ibn al-Nadīm, *al-Fihrist*, ed. Ibrāhīm Ramaḍān (Beirut: Dār al-Ma‘rifah, 1997), 263.

<sup>96</sup> T. Nagel, “Aḥmad b. ‘Omar b. Sorayj,” in *Encyclopaedia Iranica*, I, 643.

<sup>97</sup> Bilal Aybakan, “Şāfi‘ī Mezhebi,” in *Türkiye Diyanet Vakfı İslâm Ansiklopedisi (DİA)*, XXXVIII, 237.

<sup>98</sup> Al-Subkī, *Ṭabaqāt al-Shāfi‘īyyah al-kubrā*, III, 22.

<sup>99</sup> For Ibn Surayj’s argument and his thoughts about status of things prior to sharī‘ah, see *al-Wadā‘i*; fols. 123r-124v. For various parties’ views of that question, see al-Zarkashī, *Salāsīl al-dhabab*, ed. Şafīyyah Aḥmad Khalīfah (Cairo: al-Hay‘ah al-Miṣriyyah al-‘Āmmah li-l-Kitāb, 2008), 120-122; also see Abū l-Baqā’ Taqī al-Dīn Muḥammad ibn Aḥmad Ibn al-Najjār al-Ḥanbalī, *Sbarḥ al-Kawkab al-munīr bi-mukhtaṣar al-Taḥrīr*, ed. Muḥammad al-Zuhaylī and Nazīh Ḥammād, 2<sup>nd</sup> ed. (Riyadh:



his pupils and were defended in Shāfi'ī circles for some time; nevertheless, they eventually caused a disturbance. The emergence of disturbance was primarily attributable to the gradual identification of the Shāfi'īs with the Ash'arī school. Indeed, major Ash'arī theologians such as al-Bāqillānī and Abū Ishāq al-Isfarā'inī accept the superior status of Ibn Surayj and some others in the science of jurisprudence but complain that these personalities, who read and were influenced by Mu'tazilī works in their old age, unconsciously adopted certain Mu'tazilī views, unaware of their consequences.<sup>100</sup> According to Reinhart, discussions arising from Ibn Surayj's theological attitude emerged once he began to discuss certain issues that previously were not discussed in Ahl al-ḥadīth circles and thus opened "Pandora's box."<sup>101</sup>

Because of this attitude, Ibn Surayj was partially ignored during subsequent periods of the Shāfi'ī school, and some of his views and approaches were abandoned. His preferences in substantive law and *uṣūl* did not gain high recognition in later periods. Nevertheless, for a time he was a very notable Shāfi'ī jurist and *uṣūl* scholar. During early fourth-century AH, he was the most influential Shāfi'ī *mujtabid* and established the line representing the mainstream Shāfi'ī school. Indeed, in some of the discussions mentioned above, he gained his pupils' support, and Ibn Surayj's opinions and approach were recognized in Shāfi'ī circles for some time. This shows that during the first half of fourth-century AH, a Shāfi'ī identity was established around Ibn Surayj's views. It is necessary to consider this periodic influence in recognizing Ibn Surayj's place both in the history of *uṣūl* and in the formation of the Shāfi'ī school in terms of opinions on the substantive law.

Ibn Surayj's efforts in *uṣūl* highlight an important historical era for the development not only of *uṣūl* thought but also of legal theory as an independent discipline. If al-Shāfi'ī is considered the first writer on *uṣūl*, we can say that his emphases and essential theses were adopted and maintained by his pupils, whereas Ibn Surayj, in general terms,

---

Maktabat al-'Ubaykān, 1997), I, 325-329; al-Zarkashī, *al-Baḥr al-muḥīṭ*, I, 203; al-Sam'ānī (d. 489/1096), *Qawāṭi' al-adillab*, II, 48.

<sup>100</sup> See al-Zarkashī, *al-Baḥr al-muḥīṭ*, I, 140-141; al-Subkī, *Ṭabaqāt al-Shāfi'īyyah al-kubrā*, III, 202.

<sup>101</sup> A. Kevin Reinhart, *Before Revelation: The Boundaries of Muslim Moral Thought* (Albany: State University of New York Press, 1995), 16.

inherited the *uṣūl* thought of the Shāfi‘ī circle. In this respect, we can discuss the continuity of al-Shāfi‘ī and Ibn Surayj’s efforts on *uṣūl*. Ibn Surayj continued to discuss the problems pursuant to his inherited way of thought, brought along certain expansions in various aspects and paved the way for partial evolutions in conventional thought. His approach to abrogation, style of intervention with discussions such as the retardation of *bayān*, and use of consensus as evidence for substantive legal issues are all worth mentioning as examples of continuity and interruptions in *uṣūl* thought.

## REFERENCES

- al-Āmidī, Abū l-Ḥasan Sayf al-Dīn ‘Alī ibn Muḥammad. *al-Iḥkām fī uṣūl al-aḥkām*. 4 vols. Edited by Sayyid al-Jumaylī. Beirut: Dār al-Kitāb al-‘Arabī, 1984.
- Amīr Bādshāh, Muḥammad Amīn ibn Maḥmūd al-Bukhārī. *Taysīr al-Taḥrīr*. 4 vols. Beirut: Dār al-Fikr, n.d.
- Apaydın, Yunus. “Kıyas.” In *Türkiye Diyanet Vakfı İslām Ansiklopedisi (DİA)*, XXV, 529-539.
- Aybakan, Bilal. *Fıkıh İlminin Oluşum Sürecinde İcma*. Istanbul: İz Yayıncılık, 2003.
- . “Şāfi‘ Mezhebi.” In *Türkiye Diyanet Vakfı İslām Ansiklopedisi (DİA)*, XXXVIII, 233-247.
- al-Bāji, Abū l-Walīd Sulaymān ibn Khalaf ibn Sa‘d al-Tujībī. *Iḥkām al-fuṣūl fī aḥkām al-uṣūl*. 2 vols. Edited by ‘Abd al-Majīd Turkī. Beirut: Dār al-Gharb al-Islāmī, 1986.
- Bağdatlı İsmail Paşa [İsmā‘īl Pāshā al-Bağhdādī]. *Hadiyyat al-‘arīfīn asmā’ al-mu‘allifīn wa-‘āthār al-muṣannifīn*. 2 vols. Edited by Kilisli Rifat Bilge, İbnülemin Mahmud Kemal İnal, and Avni Aktuç. Ankara: Milli Eğitim Bakanlığı, 1951.
- al-Bāqillānī, Abū Bakr Muḥammad ibn al-Ṭayyīb ibn Muḥammad al-Başrī. *al-Taqrīb wa-l-irshād (al-ṣagbīr)*. 3 vols. Edited by ‘Abd al-Hamīd ibn ‘Alī Abū Zunayd. Beirut: Mu‘assasat al-Risālah, 1993.
- al-Başrī, Abū l-Ḥusayn Muḥammad ibn ‘Alī. *al-Mu‘tamad fī uṣūl al-fiqh*. 2 vols. Edited by Khalīl al-Mays. Beirut: Dār al-Kutub al-‘Ilmiyyah, 1983.
- Bedir, Murteza. “er-Risāle.” In *Türkiye Diyanet Vakfı İslām Ansiklopedisi (DİA)*, XXXV, 117-119.

- . “An Early Response to Shāfi'ī: 'Īsā ibn Abān on the Prophetic Report (Khabar).” *Islamic Law and Society* 9, no. 3 (2002): 285-311. <https://doi.org/10.1163/156851902320901170>
- al-Buwayṭī, Abū Ya'qūb Yūsuf ibn Yaḥyá al-Miṣrī. *al-Mukhtaṣar*. Istanbul: Murat Molla Library, Murad Molla, MS 1189.
- al-Dawīsh, Šāliḥ ibn 'Abd Allāh ibn Ibrāhīm. Introduction to *al-Wadā'i li-manṣūš al-sbarā'i*, by Abū l-'Abbās Aḥmad ibn 'Umar Ibn Surayj, I, 1-84. Edited by Šāliḥ ibn 'Abd Allāh ibn Ibrāhīm al-Dawīsh. Riyadh: n.p., 1990.
- Dutton, Yasin. *The Origins of Islamic Law: The Quran, The Muwatta and Madinan Amal*. Surrey: Curzon Press, 1999.
- al-Duwayḥī, Aḥmad ibn 'Abd Allāh ibn Muḥammad. *Ilm uşul al-fiqh min al-tadwīn ilā nihāyat al-qarn al-rābi' al-ḥijrī: Dirāsah tārikhiyyah istiqrā'iyyah taḥlīliyyah*. 2 vols. Riyadh: Jāmi'at al-Imām Muhammad ibn Su'ūd al-Islāmiyyah, 2006.
- al-Ghazālī, Abū Ḥāmid Muḥammad ibn Muḥammad. *Shifā' al-ghalīl fī bayān al-shabab wa-l-mukhbil wa-masālik al-ta'īl*. Edited by Ḥamad al-Kubaysī. Baghdad: Maṭba'at al-Irshād, 1970.
- Hasan, Ahmad Y. *The Early Development of Islamic Jurisprudence*. Islamabad: Islamic Research Institute, 1970.
- Ibn Amīr Ḥājī, Abū 'Abd Allāh Shams al-Dīn Muḥammad. *al-Taqrīr wa-l-taḥbīr*. 3 vols. 2<sup>nd</sup> ed. Beirut: Dār al-Kutub al-'Ilmiyyah, 1983.
- Ibn al-Dahhān, Abū Shujā' Fakhr al-Dīn Muḥammad ibn 'Alī ibn Shu'ayb. *Taqwīm al-nazar fī mas'ūl kbilāfiyyah dhā'i'ah wa-nubadh madhbabiyyah nāfi'ah*. 5 vols. Edited by Šāliḥ ibn Nāṣir ibn Šāliḥ al-Khuzaym. Riyadh: Maktabat al-Rushd, 2001.
- Ibn Fūrak, Abū Bakr Muḥammad ibn Ḥasan al-Anṣārī. *Mujarrad maqālāt al-Shaykh Abī l-Ḥasan al-Ash'arī*. Edited by Daniel Gimaret. Beirut: Dār al-Mashriq, 1987.
- Ibn Hidāyat Allāh, Abū Bakr al-Ḥusaynī. *Ṭabaqāt al-Shāfi'iyyah*. Edited by 'Ādil Nuwayhiḍ. 3<sup>rd</sup> ed. Beirut: Dār al-Āfāq al-Jadīdah, 1982.
- Ibn al-Labbād, Abū Bakr Muḥammad ibn Muḥammad. *Kitāb al-radd 'alā l-Shāfi'ī*. Edited by 'Abd al-Majīd ibn Ḥamdah. Tunis: Dār al-'Arab li-l-Ṭibā'ah, 1986.
- Ibn al-Nadīm, Abū l-Faraj Muḥammad ibn Ishāq. *al-Fibrīst*. Edited by Ibrāhīm Ramaḍān. 2<sup>nd</sup> ed. Beirut: Dār al-Ma'rifah, 1997.
- Ibn al-Najjār, Abū l-Baqā' Taqī al-Dīn Muḥammad ibn Aḥmad al-Ḥanbalī. *Sharḥ al-Kawkab al-munīr bi-mukhtaṣar al-Taḥrīr*. 4 vols. Edited by Muḥammad al-Zuḥaylī and Nazīh Ḥammād. 2<sup>nd</sup> ed. Riyadh: Maktabat al-'Ubaykān, 1997.

- Ibn Surayj, Abū l-‘Abbās Aḥmad ibn ‘Umar. *al-Wadā’i‘ li-manşūş al-sbarā’i‘*. Istanbul: Süleymaniye Library, Ayasofya, MS 1502.
- . *al-Wadā’i‘ li-manşūş al-sbarā’i‘*. Edited by Şāliḥ ibn ‘Abd Allāh ibn Ibrāhīm al-Dawīsh. Riyadh: n.p., 1990.
- al-Isnawī, Abū Muḥammad Jamāl al-Dīn ‘Abd al-Raḥīm ibn al-Ḥasan. *Ṭabaqāt al-Shāfi‘iyyah*. 2 vols. Edited by Kamāl Yūsuf al-Ḥūt. Beirut: Dār al-Kutub al-‘Ilmiyyah, 2002.
- al-Jabūrī, Ḥusayn ibn Khalaf. “al-Imām Abū l-‘Abbās ibn Surayj wa-ārā’uhū l-uşūliyyah.” *Majallat al-Jāmi‘ab al-Islāmiyyah bi-l-Madīnah al-Munawwarah* 81-82 (1409): 143-196.
- Jackson, Sherman A. “Setting the Record Straight: Ibn Labbād’s Refutation of al-Shāfi‘ī.” *Journal of Islamic Studies* 9, no. 2 (2000): 121-146.
- al-Jaşşās, Abū Bakr Aḥmad ibn ‘Alī al-Rāzī. *al-Fuṣūl fī l-uşūl*. 4 vols. Edited by ‘Ujayl Jāsīm al-Nashamī. Kuwait: Wizārat al-Awqāf wa-l-Shu‘ūn al-Islāmiyyah, 1985.
- al-Juwaynī, Abū l-Ma‘ālī Rukn al-Dīn ‘Abd al-Malik ibn ‘Abd Allāh. *al-Burbān fī uşūl al-fiqh*. 2 vols. in one vol. Edited by Abū ‘Abd al-Raḥmān Şalāḥ ibn Muḥammad Ibn ‘Uwayḍah. Beirut: Dār al-Kutub al-‘Ilmiyyah, 1997.
- . *al-Talkbīş fī uşūl al-fiqh*. 3 vols. Edited by ‘Abd Allāh Jawlam al-Nibālī and Shubayr Aḥmad al-‘Umarī. Beirut: Dār al-Bashā’ir al-Islāmiyyah, 1996.
- Kātīb Chalabī, Ḥājī Khalīfah Muştafā ibn ‘Abd Allāh. *Kashf al-zunūn ‘an asāmī l-kutub wa-l-funūn*. 2 vols. Edited by M. Şerefettin Yalrkaya and Kilisli Rifat Bilge. Ankara: Ma‘ārif Vekāleti, 1941.
- Kahḥālāh, ‘Umar Riḍā. *Mu‘jam al-mu‘allifīn: Tarājim muşannifi l-kutub al-‘Arabiyyah*. 13 vols. Beirut: Maktabat al-Muthannā, n.d.
- Lowry, Joseph E. “Does Shāfi‘ī Have a Theory of Four Sources of Law?” In *Studies in Islamic Legal Theory*, edited by Bernard G. Weiss, 23-50. Leiden: E. J. Brill, 2002.
- al-Maqdisī, Abū Shāmah Shihāb al-Dīn ‘Abd al-Raḥmān. *al-Muḥaqqaq min ‘ilm al-uşūl fī-mā yata‘allaq’ bi-af‘āl al-Rasūl*. Edited by Aḥmad Kuwaytī. al-Zarqā’: Dār al-Kutub al-Athariyyah & Riyadh: Dār al-Rāyah, 1989.
- Makdisi, George. “The Juridical Theology of Shāfi‘ī: Origins and Significance of Uşūl al-Fiqh.” *Studia Islamica* 59 (1984): 5-47. <https://doi.org/10.2307/1595294>
- al-Mardāwī, Abū l-Ḥasan ‘Alā’ al-Dīn ‘Alī ibn Sulaymān ibn Aḥmad. *al-Taḥbīr sharḥ al-Taḥrīr fī uşūl al-fiqh*. 8 vols. Edited by ‘Abd al-Raḥmān

- ibn 'Abd Allāh al-Jabrīn, 'Iwaḍ ibn Muḥammad al-Qaranī, and Aḥmad ibn Muḥammad al-Sarrāḥ. Riyadh: Maktabat al-Rushd, 2000.
- al-Mardīnī, Shams al-Dīn Muḥammad ibn 'Uthmān ibn 'Alī. *al-Anjum al-zābirāt 'alā ḥall alfāz al-Waraqāt fī uşûl al-fiqh*. Edited by 'Abd al-Karīm ibn 'Alī Muḥammad ibn al-Namlah. 3<sup>rd</sup> ed. Riyadh: Maktabat al-Rushd, 1999.
- al-Māwardī, Abū l-Ḥasan 'Alī ibn Muḥammad. *al-Ḥāwī al-kabīr fī fiqh madhhab al-Imām al-Sbāfi'î*. 19 vols. Edited by 'Alī Muḥammad Mu'awwaḍ and 'Ādil Aḥmad 'Abd al-Mawjūd. Beirut: Dār al-Kutub al-'Ilmiyyah, 1994.
- al-Marwazī, Muḥammad ibn Naşr. *al-Sunnab*. Edited by Abū Usāmah Salīm ibn 'Īd al-Hilālī. Kuwait: Gharās li-l-Naşr, 2005.
- Melchert, Christopher. *The Formation of Sunni Schools of Law (9th-10th Centuries C.E.)*. Leiden: Brill, 1997.
- al-Muzanī, Abū Ibrāhīm Ismā'īl ibn Yaḥyá. *Kitāb al-amr wa-l-naby 'alá ma'ná l-Imām al-Sbāfi'î min mas'ā'il al-Muzanī*. Edited by Robert Brunschvig. "Le livre de l'ordre et de la défense d'al-Muzanī." *Bulletin d'études orientales* 11 (1945): 145-196.
- Nagel, Tilman. "Ahmad b. 'Omar b. Sorayj." In *Encyclopaedia Iranica*, I, 643.
- al-Nawawī, Abū Zakariyyā Muḥyī al-Dīn Yaḥyá ibn Sharaf ibn Mūrī. *al-Majmū' sbarḥ al-Mubadhdhab*. 20 vols. Beirut: Dār al-Fikr, n.d.
- . *Tabdhīb al-asmā' wa-l-huḡbāt*. 4 vols. Edited by 'Abduh 'Alī Kushk. Damascus: Dār al-Fayḥā' & Dār al-Manhal Nāshirūn, n.d.
- Okuyucu, Nail. *Şāfi'î Mezhebinin Teşekkül Süreci*. Istanbul: Marmara Üniversitesi İlahiyat Fakültesi Vakfı Yayınları, 2015.
- Özen, Şükrü. "İslām Hukukunda Aklîleşme Süreci: Başlangıçtan Hicri IV. Asrın Ortalarına Kadar." PhD diss., Marmara University, 1995.
- . "İbnü'l-Kassâr." In *Türkiye Diyanet Vakfı İslām Ansiklopedisi (DİA)*, XXI, 104-105.
- . "İbn Süreyc." In *Türkiye Diyanet Vakfı İslām Ansiklopedisi (DİA)*, XX, 363-366.
- . "Îsâ b. Ebân." In *Türkiye Diyanet Vakfı İslām Ansiklopedisi (DİA)*, XXII, 480-481.
- . "Müzenî." In *Türkiye Diyanet Vakfı İslām Ansiklopedisi (DİA)*, XXXII, 246-250.
- Özkan, Halit. "Takrîf Sünnet ve Sahîh-i Buhârî'deki Takrîfler." Master's thesis, Marmara University, 2000.

- . “Takrir.” In *Türkiye Diyanet Vakfı İslâm Ansiklopedisi (DİA)*, XXXIX, 469-471.
- Pala, Ali İhsan. *İslâm Hukuk Metodolojisinde Emir ve Yasakların Yorumu*. Ankara: Fecr Yayınları, 2009.
- Qāḍī ‘Abd al-Jabbār, Abū l-Ḥasan ‘Imād al-Dīn ‘Abd al-Jabbār ibn Aḥmad. *Faḍl al-i‘tizāl wa-ṭabaqāt al-Mu‘tazilab*. Edited by Fu‘ād Sayyid. Tunis: al-Dār al-Tūnisīyyah, 1974.
- al-Rāzī, Abū ‘Abd Allāh Muḥammad ibn ‘Umar Fakhr al-Dīn. *Manāqib al-Imām al-Sbāfi‘i*. Edited by Aḥmad Ḥijāzī al-Saqqa. Cairo: Maktabat al-Kullīyyāt al-Azhariyyah, 1986.
- Reinhart, A. Kevin. *Before Revelation: The Boundaries of Muslim Moral Thought*. Albany: State University of New York Press, 1995.
- Riyāḍīzāda, ‘Abd al-Laṭīf ibn Muḥammad. *Asmā’ al-kutub al-mutamim li-Kashf al-ḡunūn*. Edited by Muḥammad Altūnjī. Cairo: Maktabat al-Khānjī, n.d.
- Şadr al-sharī‘ah, ‘Ubayd Allāh ibn Mas‘ūd ibn Maḥmūd al-Bukhārī al-Maḥbūbī. *al-Tawḍīḥ*. 2 vols. Edited by Zakariyyā ‘Umayrāt. Beirut: Dār al-Kutub al-‘Ilmiyyah, 1996.
- al-Sarakhsī, Shams al-a‘immah Abū Bakr Muḥammad ibn Aḥmad ibn Abī Sahl. *Uṣūl al-Sarakhsī*. 2 vols. Beirut: Dār al-Ma‘rifah, n.d.
- al-Sīnāwīnī, Ḥasan ibn ‘Umar ibn ‘Abd Allāh. *al-Aṣl al-jāmi‘ li-ṭiḍāḥ al-durar al-manẓūmah fī silk Jam‘ al-jawāmi‘*. 2 vols. Tunis: Maṭba‘at al-Nahḍah, 1928.
- Stewart, Devin. “Muḥammad b. Jarir al-Ṭabarī’s *al-Bayān ‘an Uṣūl al-Aḥkām* and the Genre of *Uṣūl al-Fiqh* in Ninth Century Baghdad.” In *Abbasid Studies: Occasional Papers of the School of Abbasid Studies*, edited by John Nawas, 321-349. Leuven: Peeters Publishers and the Department of Oriental Studies, 2004.
- . “Muḥammad b. Dā‘ūd al-Zāhirī’s Manual of Jurisprudence: *al-Wuṣūl ilā Ma‘rifat al-Uṣūl*.” In *Studies in Islamic Legal Theory*, edited by Bernard G. Weiss, 99-158. Leiden: Brill, 2002.
- al-Subkī, Abū Naṣr Tāj al-Dīn ‘Abd al-Wahhāb ibn Taqī al-Dīn. *Ṭabaqāt al-Sbāfi‘iyyah al-kubrā*. 10 vols. Edited by Maḥmūd al-Ṭanāḥī and ‘Abd al-Fattāḥ Muḥammad al-Ḥulw. 2<sup>nd</sup> ed. Cairo: Hajr li-l-Ṭibā‘ah wa-l-Nashr, 1993.
- . *al-Asbbāḥ wa-l-nazā‘ir*. 2 vols. Edited by ‘Ādil Aḥmad ‘Abd al-Mawjūd and ‘Alī Muḥammad Mu‘awwaḍ. Beirut: Dār al-Kutub al-‘Ilmiyyah, 1991.
- al-Subkī, Abū l-Ḥasan Taqī al-Dīn ‘Alī ibn ‘Abd al-Kāfi. *al-Ibbāj fī sharḥ al-Minhāj: ‘alā Minhāj al-wuṣūl ilā ‘ilm al-uṣūl li-l-Qāḍī al-Bayḍāwī al-*

- mutawaffā sanat 685 H.* 3 vols. Beirut: Dār al-Kutub al-ʿIlmiyyah, 1995.
- al-Shāfi'ī, Abū ʿAbd Allāh Muḥammad ibn Idrīs al-Muṭṭalibī al-Qurashī. *al-Risālah*. Edited by Aḥmad Shākir. Egypt: Maktabat al-Ḥalabī, 1940.
- al-Shawkānī, Muḥammad ibn ʿAlī al-Yamānī. *Irsbād al-fuḥūl ilā taḥqīq al-ḥaqq min ʿilm al-uṣūl*. 2 vols. Edited by Aḥmad ʿIzzū ʿInāyah. Beirut: Dār al-Kitāb al-ʿArabī, 1999.
- al-Shīrāzī, Abū Ishāq Ibrāhīm ibn ʿAlī. *Sbarḥ al-Lumaʿ*. 2 vols. Edited by ʿAbd al-Majīd Turkī. Beirut: Dār al-Gharb al-Islāmī, 1988.
- . *al-Tabṣīrah fī uṣūl al-fiqh*. Edited by Muḥammad Ḥasan Haytū. Damascus: Dār al-Fikr, 1403.
- al-Taftāzānī, Saʿd al-Dīn Masʿūd ibn ʿUmar al-Harawī. *al-Talwīḥ ʿalā l-Tawḍīḥ*. 2 vols. Cairo: Maktabat Ṣabīḥ, n.d.
- Yiğit, Metin. *İlk Dönem Hanefî Kaynaklarına Göre Ebû Hanîfe'nin Usûl Anlayışında Sünnet*. Istanbul: İz Yayıncılık, 2009.
- al-Zarkashī, Abū ʿAbd Allāh Badr al-Dīn Muḥammad ibn Bahadur ibn ʿAbd Allāh. *al-Baḥr al-muḥīṭ fī uṣūl al-fiqh*. 6 vols. Edited by Abd al-Qādir ʿAbd Allāh al-ʿĀnī. 2<sup>nd</sup> ed. Kuwait: Wizārat al-Awqāf wa-l-Shuʿūn al-Islāmiyyah, 1992.
- . *al-Mantḥūr fī l-qawāʿid*. 3 vols. Edited by Taysīr Fāʿiq Aḥmad Maḥmūd. 2<sup>nd</sup> ed. Kuwait: Wizārat al-Awqāf wa-l-Shuʿūn al-Islāmiyyah, 1985.
- . *Salāsīl al-dhabab*. Edited by Şafīyyah Aḥmad Khalīfah. Cairo: al-Hayʾah al-Miṣriyyah al-ʿĀmmah li-l-Kitāb, 2008.
- al-Ziriklī, Khayr al-Dīn. *al-Aʿlām: qāmūs tarājīm li-asbḥar al-rijāl wa-l-nisāʾ min al-ʿArab wa-l-mustaʿribīn wa-l-mustasbriqīn*. 8 vols. 15<sup>th</sup> ed. Beirut: Dār al-ʿIlm li-l-Malāyīn, 2002.





## BOOK REVIEWS

---

*L'Islam: Religione dell'Occidente*

by Massimo Campanini

Oliver Leaman



*The Sufi Doctrine of Man:*

*Şadr al-Dīn al-Qūnawī's Metaphysical Anthropology*

by Richard Todd

Kemal Enz Argon



*Religious Scholars and the Umayyads:*

*Piety-minded supporters of the Marwānid Caliphate*

by Steven C. Judd

David S. Powers



*Mysticism and Philosophy in al-Andalus:*

*Ibn Masarra, Ibn al-ʿArabī and the Ismāʿīlī Tradition*

by Michael Ebsstein

Michael Brett





***L'Islam: Religione dell'Occidente***, by Massimo Campanini  
(Milan: Mimesis, 2016), 153 pp., ISBN: 978-8857532998, €12.75  
(hb)

This is a concise but rich book, full of ideas and arguments, and it is based on the thesis, as its title suggests, that Islam is a Western religion. It is not clear to me what precisely that means for the author but I think it is supposed to mean that Islam is not to be viewed as an exotic Eastern religion alien to Western culture. There were after all many links with Europe even before the years of mass immigration and this is a book about sources, historical sources that link in particular Christianity and Islam, and their major actors, Jesus and Muḥammad. Campanini points out that Islam does not see itself as a new religion but indeed as the original monotheistic faith, yet he seems to me to be a bit too ready to accept this assertion. Just because that is a claim the religion makes we do not have to accept it, perhaps it is wrong. He is generally mild in his assessment of what religions say about their major biographical figures, so Jesus and Muḥammad are regarded as being described fairly realistically, but Moses by contrast is not. The critique of the historical Moses, developed in the past by Freud and today by Assmann, is taken to be plausible by Campanini, although he does not discuss how the suggestion of a lack of historicity in this figure would offend Islam, for whom of course Moses is a prophet.

This is a book on sources, we are told, but not in the sense of those like Wansbrough, Crone, and Cook, who are dubious about the account that Islam gives of itself. Campanini also discusses scholars such as Neuwirth, Sinai, Donner, and Luxenberg and contrasts them well with contemporary Muslim thinkers such as Tariq Ramadan who tend to be unscientific and apologetic in their approach to the origins of Islam. I was surprised that he does not discuss Neuwirth's thesis which accords with his that Islam is a European religion; they both see it as their role to challenge the image of Islam as an exotic and Eastern religion which is systematically different from anything familiar to non-Muslims. The lengthy comparison between Jesus and Muḥammad is part of this programme and it is a useful discussion, bringing out many relevant points of interest, so it is appropriately the longest chapter in the book. It is followed by chapters on theology

and history and in a mere 150 pages or so the author covers a lot of ground. Hegel on Jesus, Haykal on Muḥammad, Spinoza on monotheism, a wide variety of thinkers are brought into the discussion and accurately described.

On the other hand, it might be thought that this concentration on sources is a bit overdone. After all, the religion as it is at any particular time takes a certain form which is not that significantly linked with its origins, it often seems. There is certainly a story about origins which is very important to how the religion sees itself, and also how others see it, but does the historical accuracy of the story really make much difference? Similarly, when we compare religions the fact that they often seem rather alike does not necessarily mean that they really are. We love to try to encapsulate religions in a relatively concise and definitive phrase, but how useful this is remains to be seen. When we look at the variety of forms of belief and practice, and how they compare across the monotheistic religions, perhaps we should despair of ever achieving such a resolution. A tidy mind is offended by the messiness of living religions and yet the attempt to force them into a logical and historical straitjacket is not always a praiseworthy task.

One of the advantages of this book is the many voices that Campanini allows to express themselves in it, ranging from speculations about ancient Egyptian religion to modernist Muslim thinkers today. As one would expect, there is a strong representation of contemporary Italian thought on Islam, and clearly that has become a significant scholarly contribution to the study of Islam. This provocative book like many good books raises more questions than answers, and readers will find it a stimulating and rewarding examination of the topic.

**Oliver Leaman**

*University of Kentucky, Lexington, KY-USA*

E-mail: [oleaman@uky.edu](mailto:oleaman@uky.edu)

***The Sufi Doctrine of Man: Şadr al-Dīn al-Qūnawī's Metaphysical Anthropology***, by Richard Todd (Leiden: Brill, 2014), ISBN: 978-9004-27123-4, €107.00 / \$138.00 (hb)

Richard Todd's recent work should be welcomed as a very useful short and accessible introduction to the work of Şadr al-Dīn al-Qūnawī, who, as Todd describes, was an important figure in Turkish Islamic history as a main expositor and disseminator of the teachings of and the foremost disciple of the great Andalusī mystic, Muḥyī al-Dīn Ibn 'Arabī (d. 638/1240). Al-Qūnawī was one of the most influential Muslim intellectual figures of his day, a Sufi master, religious scholar, and a lucid thinker, actively involved in the intellectual and spiritual life of the Near East. Al-Qūnawī was able to expound and interpret Ibn 'Arabī's thought to a wide circle of students and peers. He interpreted Ibn 'Arabī's thought and systematized its structure and scope but was also a talented metaphysician in his own right.

As the author notes, the image of al-Qūnawī as a Sufi intellectual figure comes from certain factors. We see the focused nature of his expositions, his acquaintance with the works of Ibn Sīnā and the Ikhwān al-ṣafā'. Al-Qūnawī used Avicennian terminology and was ready to engage the pre-eminent philosopher of his day in reasoned debate. Todd notes however that al-Qūnawī was frequently at pains to highlight the limitations of philosophical methodology in its discursive form. This was true especially where the fruits of syllogistic reasoning clashed with revelation. This struggle to harmonize reasoning with revelation makes a contemporary reading of al-Qūnawī's work interesting.

Todd's recent work on al-Qūnawī is in two major sections, the first section containing an introduction which describes a biography of al-Qūnawī, his anthropology in context, the political setting, the cultural and intellectual climate, and his biography in medieval sources. Todd describes al-Qūnawī's major works and his methodology. Al-Qūnawī claimed that his works are not the product of thought and deliberation but of inspiration and he is not in the habit of quoting and referring to others, and Todd deems these claims accurate.

The author describes al-Qūnawī's work in relation to Ibn 'Arabī's and that al-Qūnawī's and Ibn 'Arabī's works are not merely the same but coincide or differ in terms of doctrines, structure, and style. Al-Qūnawī makes a critique of rational inquiry but is seeking not to dismiss the validity of rational inquiry outright but rather to highlight its inevitable limitations vis-a-vis metaphysics. Todd describes al-Qūnawī's doctrinal synthesis as being Aristotelian in its premise: the nobility of a science is determined by the nobility of its object and nobility is judged by the criteria that general sciences are superior to specific ones. Todd analyzes how al-Qūnawī is compared to and departs from other Islamic philosophers in general questions of the noblest divine science. Todd describes and compares this work with terms such as "Neoplatonism" and "Hermeticism." There is a final stage of perfection with describable characteristics. Various different currents can be integrated within an Islamic perspective.

Todd provides a context for al-Qūnawī's "anthropology" and Todd establishes a conceptual framework surrounding al-Qūnawī's treatment of cosmology, where it agrees and departs from standard theories of his times. From the "First Intellect/Sublime Pen/the Universal (Muḥammadan) Spirit down to "the Human Being," Todd describes a familiar medieval Neoplatonic structure. Todd also describes cosmological questions in letters to al-Ṭūsī and also the "sublunary world," completing the first section of his book.

The subject of the second major section of Todd's work is a defining theme in al-Qūnawī's doctrines, what Todd calls his "anthropology," his doctrine of man. As Todd describes, al-Qūnawī's anthropology focuses not only on the nature of human beings in their earthly state and afterlife but also, and more fundamentally on the metaphysical principles underpinning their existence and teleological end. For Ibn 'Arabī and al-Qūnawī the study of man is grounded in a primarily metaphysical meaning of human nature. This understanding reaches its apogee in the concept of the perfect human being, *al-insān al-kāmil*. This is conceived of as a theophanic manifestation in which God contemplates the hidden treasures of His Essence and through whom the world's existence is sustained. The vicegerency (*khilāfab*) according to Ibn 'Arabī, befits none save the perfect human being alone, for God has made his outer form from the forms and realities of the cosmos and has made his inner form after his own image. For al-Qūnawī as for his master, this reasoning is grounded in the Qur'ān. The idea that the human being encapsulates the cosmos

is one that can be found in other intellectual traditions, the Hermetic corpus, with influence clearly discernible in early and medieval Islam. The concept of man as microcosm is echoed by different authors and schools. Al-Qūnawī is not the first medieval Muslim thinker to lay emphasis on the study of human nature, nor does his metaphysical doctrine of man constitute a break from the spirit of the tradition in which he wrote: but it remains significant nonetheless by dint of its breadth, complexity, and lasting legacy. Todd's analysis of al-Qūnawī's anthropology is founded upon an examination of all of al-Qūnawī's major works and has been structured according to the overarching scheme of man's *exitus* and *reditus*, or existential journey. This is described first by describing man's metaphysical origins, the nature of worldly dependence upon God. Todd outlines al-Qūnawī's description of this relationship and how al-Qūnawī differs from other philosophers. Todd considers al-Qūnawī's theories regarding the spiritual principles underlying man's existence in areas of "indeterminacy and determination," "the cognitive relationship," "the Divine affairs," "the immutable essences," "the common measure," "the Barzakh," the "five presences," and the "Divine secret." Todd describes "the human state" whereby, for al-Qūnawī, human beings occupy a privileged place in the universal scheme of things. Todd examines al-Qūnawī's theories about the seemingly paradoxical relationship between mankind's elevated metaphysical stature and his lowly, earthbound nature. Because al-Qūnawī considers the human being's underlying essence to be a distinct relationship to God's knowledge, al-Qūnawī speaks of a process whereby the individual becomes manifest in the corporeal world as a passage from knowledge to concrete essence.

In Todd's chapter on "liberation," al-Qūnawī treats man's existential journey culminating in perfection, and consciously actualizing all degrees of existence within himself. Todd notes that al-Qūnawī speaks of the complete journey of man qua man, from origin until its final end and what he has in mind is not the relative evolution achieved by the vast majority of humankind ending in heaven or hell. Rather he sees a voyage of a few progressing beyond the highest degrees of paradise and the constraints of all determinate worlds in order to realize the theophany of the Essence. This is a potential in all human beings. Todd's conclusion places al-Qūnawī in his historical context and concludes that his doctrine of man includes not only the Qur'ānic portrayal of man as the summit of creation and God's

vicegerent on Earth, but also many echoes of the mystical and philosophical traditions of the Hellenistic world, a blend of Abrahamic and Greek thought. Todd notes however that this is not to detract from the scale and significance of al-Qūnawī's achievement.

As Todd notes, until recently only two of al-Qūnawī's works had been edited while the rest were long-lost lithographs or unedited manuscripts as are many of Ibn 'Arabī's works. Todd notes that studies of al-Qūnawī so far are in two groups: those devoted to his work and own thought and those that are concerned with the part al-Qūnawī played in Ibn 'Arabī's milieu and there has been a dearth of material on al-Qūnawī's doctrines. Amidst this dearth of material, Todd succeeds in introducing al-Qūnawī's work but also in showing points of differentiation exemplified by al-Qūnawī's thought as it sometimes converges and diverges with other intellectual figures in its medieval setting. Todd's portrayal of divergences in al-Qūnawī's thought demonstrate a diversity of Islamic thought in the medieval period, also showing that, as today, simple descriptions of Islamic thought as monolithic and insular do not do justice to the tradition but a proper appreciation of the depth and diversity of the philosophy requires deeper study and reflection. Todd's work is a good beginning for those wishing such. This recent work by Richard Todd is interesting as an important contribution to the field of Islamic Studies as there has hitherto been no major published work about Ṣadr al-Dīn al-Qūnawī available in English. Especially for English-speaking students of Islamic philosophy and Sufism, this book bridges an important gap. Todd's analysis of al-Qūnawī's thought, his description of his works, and sample excerpts succeed in giving a rich introduction and overview and should be a very welcome addition to the field.

**Kemal Enz Argon**

*Necmettin Erbakan University, Konya-Turkey*

E-mail: keargon@konya.edu.tr



***Religious Scholars and the Umayyads: Piety-minded Supporters of the Marwānid Caliphate***, by Steven C. Judd, (Culture and Civilization in the Middle East, 40) (Oxon & New York: Routledge, 2014), x + 197 pp., ISBN: 978-0-415-84497-0, £85.00 (hb)

Islamic historical chronicles, beginning with al-Ṭabarī, routinely portray the Umayyad caliphs as un-Islamic, godless, cynical, and/or impious men who were more interested in this world than the next and who contributed to the corruption of both Islam and Muslim society. These same sources portray Muslim scholars as opponents of Umayyad worldliness who kept their distance from the caliphs, led political opposition to the regime, and contributed little or nothing to the development of Islamic law. This model was subsequently adopted by Western scholars such as Goldziher, Wellhausen, Hodgson (who coined the popular term “piety-minded opposition”), Watt, and Hawting, and it has prevailed more or less intact down to the present time. According to a variant of this model, the Umayyads were in fact pious men, but their efforts to create a workable and efficient bureaucracy were opposed by the emerging Traditionists; and it was only during the ‘Abbāsīd era that the Umayyad caliphs came to be portrayed in negative terms.

These two models, as Judd explains in Part I of the monograph, rely too heavily on al-Ṭabarī, who, in order to trumpet ‘Abbāsīd triumphalism, needed a foil: hence, his severe bias against the Umayyads. Any effort to reevaluate the history of the Umayyad period must somehow bracket the “grand narrative” formulated by al-Ṭabarī in favor of other sources (e.g., caliphal letters, poetry, and coins) and/or methods (e.g., archaeology and prosopography). First steps in this direction have been taken by Fred Donner, Chase Robinson, and Antoine Borrut. Building upon this scholarship, Judd attempts to reconstruct “the scholarly world” (p. 14) of the Umayyads during the Marwānid period, that is to say, from the reign of ‘Abd al-Malik down to the fall of the dynasty in 132/750. His answer to the “problem” associated with the reliance on historical chronicles is to exploit an alternative source: the biographical dictionary. The monograph is based largely on the close study of ten biographical dictionaries compiled between the 9<sup>th</sup> and the 15<sup>th</sup> centuries CE. Judd

argues that the compilers of these texts did not have the same goals and biases as al-Ṭabarī and other chroniclers. Used carefully, he asserts, these texts not only serve as a corrective to the chronicles but also preserve a counter-narrative to the teleological vision formulated by al-Ṭabarī in the 9<sup>th</sup> century and repeated down to the present.

Each of the five chapters in Part II is devoted to a key Umayyad era scholar who became a “focal point” (p. 39) of subsequent scholarship: All five were supporters of the Umayyads, all shared the dynasty’s support for predestinarianism and opposition to Qadarism, and all recognized the normative value of the earlier practice of the community (*sunnah māḍiyah*) – in addition to that of the Prophet.

1. Al-Shaʿbī (d. 103-109/721-727) was initially associated with opposition to ʿAbd al-Malik but subsequently reconciled with the Caliph, who hired him as a tutor for his son and sent him on important diplomatic missions, one to Byzantium, the other to Egypt. At the end of his life, between 99 and 102/717 and 720, under ʿUmar II and Yazīd, he served as the qāḍī of al-Kūfah, where he was the focal point of an extensive scholarly network that included not only scholars but also caliphs. Al-Shaʿbī was a prominent transmitter of reports from Companions of the Prophet, contributed to the development of the *isnād* as a tool for the authentication of those reports, and was a respected legal scholar. He and his disciples were supporters of the Umayyads.
2. Al-Zuhrī (d. 124/742) was continuously – and proudly – employed by the Umayyads for nearly five decades. He received substantial stipends from the regime and he also acquired large country estates. He was a central figure in the development of scholarly support for the regime.
3. The Basran scholar ʿAbd Allāh ibn ʿAwn (d. 151/768) was a supporter of the Umayyads and opponent of the ʿAbbāsids and ʿAlids. Although he was not directly employed by the regime, he was a member of the network of pro-Umayyad scholars.
4. The Damascene scholar al-Awzāʿī (d. 157/774) was arguably the most important and influential pro-Umayyad scholar. Although he declined to accept formal employment by the regime, he nevertheless exercised considerable influence on

the caliph Hishām (r. 105-125/724-743) and on Umayyad theological doctrine.

5. The Kufan traditionist Sufyān al-Thawrī (d. 161/778) did not serve in an official post or receive a state stipend but nevertheless was a strong supporter of the Umayyads and a central figure in the network of pro-Umayyad scholars.

These five piety-minded men were the focal points of a loose and informal but broad and extensive scholarly network that supported the Umayyad regime and its interpretation of Islam throughout the Marwānid period. They exercised substantial influence on the development of Islamic legal doctrine. There was in fact no clear-cut opposition between piety-mindedness and opposition to the regime: Some members of the scholarly community supported the regime, others opposed it. Generally speaking, supporters of the regime advocated predestination and *sunnah māḍiyah* while opponents of the regime advocated free will (Qadarism) and the use of human reason (*raʿy*) to develop law.

In Part III Judd turns from piety-minded scholars to qāḍīs. In Chapter 8 (“The function of the qāḍī under the Umayyads”), he notes that all of the qāḍīs who served the regime were Muslims and that most of them held predestinarian views. Their jurisdiction included marriage, divorce, inheritance, orphans and their property, and torts, and they based their judgments on the Qurʾān and Sunnah. They enjoyed a considerable measure of judicial autonomy and independence while interacting with either the caliph and/or the governor. They were loyal to the regime, implemented its religious policies, and were a “local voice of official Umayyad views on matters of doctrine and law” (p. 97). In Chapter 9 (“The network of Umayyad qāḍīs”), Judd presents the results of his prosopographical study of ten biographical dictionaries. Rather than attempting to cover the entire Islamic world from al-Andalus to Khurāsān, he focuses on five major administrative centers: Damascus, Medīnah, Fustāṭ, al-Kūfah, and al-Baṣrah, identifying seventy-one men who served as qāḍīs during the Marwānid period. The chapter includes five useful tables that list the names and tenures of all the men who served as qāḍīs in each of these five administrative centers. These qāḍīs were all paid by the state. The level of bureaucracy (e.g., the venues where judgments were issued and the presence or absence of court personnel) varied from one center to the next and across a spectrum from less formal to

more formal. The qāḍīs of Medīnah were part of the network of pro-Umayyad religious scholars and many of them had ties to al-Zuhri and to the caliphal court in Damascus. In Egypt, the qāḍīs were appointed and removed by the governor of the province. Seven of sixteen qāḍīs in Fuṣṭāṭ had ties to ‘Amr ibn al-‘Āṣ (d. 51/671), who led the conquest of Egypt. The qāḍīs of Fuṣṭāṭ and al-Kūfah were also charged with extra-judicial responsibilities relating to the police, treasury, granary, finances, and the seal. In al-Baṣrah, nine of twelve qāḍīs had links to Anas ibn Mālik (d. 93/711). More than the Muslims in the other four administrative centers, Baṣrans were reluctant to serve the regime. In sum, these seventy-one Umayyad qāḍīs, like the five scholars studied in Part II, were both piety-minded *and* supporters of the Umayyad regime. In Chapter 10 (“Umayyad judicial administration and its ‘Abbāsīd legacy”), Judd identifies the common features of Marwānīd-era qāḍīs as follows: they were members of a broad but informal scholarly network that revolved around a core group of piety-minded scholars who had close ties to the regime; they studied with many of the same teachers; they held predestinarian views; they were reluctant to issue judgments on the basis of *ra’y*; they found persuasive authority in the *sunnah māḍiyah*; they welcomed government service; they were themselves piety minded; and they were supporters of the Umayyad regime. Following the ‘Abbāsīd takeover in 750, some of these pro-Umayyad scholars, such as Ibn ‘Awn, “played an influential role under the new regime” (p. 68). Others, such as al-Awzā‘ī and Sufyān al-Thawrī, refused to serve the ‘Abbāsīds or to accept a judicial appointment. Generally speaking, however, scholars were not punished for their support of the Umayyads and most late-Umayyad qāḍīs in the five major administrative centers remained in office under the ‘Abbāsīds. Even those scholars who were most closely associated with the Umayyads continued to attract students and reasserted their influence. These scholars and their disciples made important contributions to the development of Islamic legal doctrine, especially in the areas of the law of war, division of spoils, and classification of conquered land. Thus, the contribution of Umayyad era scholars to the development of Islamic law is greater than the standard model (see above) would suggest.

Judd has persuasively severed the connection between piety-mindedness and opposition to the Umayyad caliphs. Although he may not have fully reconstructed the “scholarly world” of the Muslims

who served the Umayyads, he has made important steps in that direction. One wishes that he had paid more attention to Umayyad legal material, but this subject wisely has been left “for a future study” (p. 105) that is eagerly anticipated. One also wishes that Judd had explained the political relevance of the theological views of Marwānid era scholars and qāḍīs that he so carefully documents. Also, with regard to historical teleology, grand narratives, and counter-narratives, one wishes that he had engaged more deeply with the scholarship of Antoine Borrut (p. 137); and that he had at least mentioned Tayeb El-Hibri, a pioneer in the literary-critical approach to ‘Abbāsīd era chronicles and to narrative representations of “what really happened.” The book is clearly organized and generally well written, but it would have benefited from careful proof-reading: *aṣalaḥa* should be *aṣlaḥa* (p. 43); ḥammād should be Ḥammād (p. 46); Kūua should be Kūfa (p. 47); Muṣa‘ab should be Muṣ‘ab (p. 52, three times); *Istakbalafabu* should be *istakblafabū* (p. 59); al-Wahāb should be al-Wahhāb (p. 64); Khudhāmīr is perhaps Khudhāmīr (p. 101); al-Nahās should be al-Naḥḥās (p. 118); “concusions” should be “conclusions” (p. 127); ‘Ābas should be ‘Ābis (p. 136); and “There are not examples” should be “There are no examples” (p. 144).

These peccadillos notwithstanding, Judd is to be congratulated for producing a solid and persuasive monograph on Umayyad scholars and qāḍīs. *Religious Scholars and the Umayyads* will take its place as an important contribution to our understanding of Umayyad history, the judiciary, and Islamic law.

**David S. Powers**

*Cornell University, Ithaca, New York-USA*

E-mail: dsp4@cornell.edu

***Mysticism and Philosophy in al-Andalus Ibn Masarra, Ibn al-ʿArabī and the Ismāʿīlī Tradition***, by Michael Ebstein, (Islamic History and Civilization: Studies and Texts, 103) (Leiden & Boston: Brill, 2014), ix + 276 pp., ISBN: 978-90-04-25536-4, €114.00 / \$148.00 (hb)

As its title indicates, this is a thesis which sets out to identify the many features of the mystical writings of the two Andalusians, Ibn Masarra (883-931) and Ibn al-ʿArabī (1165-1240), which they have in common with the mythical and Neoplatonic cosmogonies and cosmologies in the assortment of works from the late ninth and tenth centuries belonging to what Michael Ebstein calls the Ismāʿīlī tradition. His purpose is to demonstrate the causal connection between the two sets of compositions, and in so doing to account for the difference between the mysticism of the two Westerners and that of Sufis writing in the East. It is a task meticulously carried out under five chapter headings: the Word of God and the Divine Will; Letters; the Friends of God; the Perfect Man: from Shīʿī sectarianism to universal humanism; and Parallel Worlds. The first deals with the problem of relating a pre-Islamic concept of creation through a descending order of emanations with a Creator by definition above and beyond His creation. The second describes the correlation between the hierarchical structure of this creation and the twenty-eight letters of the Arabic alphabet. The third considers the concept of the Friends of God, those who in every generation ensure the guidance of God in succession to His Prophets, specifically Muḥammad, a notion associated in Shīʿism with the Imām and his faithful, otherwise with the individual saint. In the fourth chapter this concept of the Friend of God runs into that of the Perfect Man, a Platonic Idea variously embodied in such Friends as the Prophets and Imāms, but existing at a level of creation immediately below God, and at a lower level bridging the divide between the lower corporeal and the upper spiritual world. That in turn leads into the final chapter, the Parallel Worlds of the macrocosm and the microcosm, in which the correspondence between the two leads to the ascent of the mind through the contemplation of its signs to the understanding of the universe and knowledge of its Creator.

Given that in this literature there is a polar opposition between the Shī'ite and especially the Fāṭimid concept of belief in the Imām as the way to God, and Ibn al-ʿArabī's ascent of the spirit through the hierarchy of the heavens through the contemplative efforts of the individual, Ebstein has shown in convincing detail the debt of the great mystic to the works in his Ismā'īlī tradition. The problem is one of nomenclature, which raises the question he addresses in his Conclusion, namely the appropriateness of the term Ismā'īlī. As a modern term, it properly applies to the Nizārīs and the Ṭayyibīs, the sects derived from the community of the Fāṭimid faithful which was finally formed in the 960s with the recognition by the Iranian Neoplatonists, specifically al-Sijistānī, of the line of al-Mu'izz as that of the Seventh Imām, Muḥammad ibn Ismā'īl ibn Ja'far al-Šādiq, the one yet to come. Prior to that, it is better to speak of a variety of such Seveners, a question further complicated by the thesis of Fāṭimid origins in a line of hidden Imāms whose followers were the totality of believers in his second coming, but who split over the appearance of the Fāṭimid Mahdī (who incidentally claimed descent from ʿAbd Allāh ibn Ja'far al-Šādiq). As far as their literature is concerned, it is moot point if they could have been the only ones to pick up on the late Classical cosmogonies and cosmologies and incorporate them into Islam. This is acknowledged by Ebstein, who not only includes in his corpus the *Rasā'il* of the Ikhwān al-ṣafā', which clearly belong to the literature of the Seveners, but the works attributed to Jābir ibn Ḥayyān, supposedly a disciple of Ja'far al-Šādiq, and those of the 9<sup>th</sup>-century Sunnī mystic al-Ḥākim al-Tirmidhī. His preference is nevertheless for 'the Ismā'īlī tradition,' a bracket which, with the emphasis upon 'tradition,' may be broadly accepted, with this caveat, as the core of a major thesis.

**Michael Brett**

*School of Oriental and African Studies, London-UK*

E-mail: mb7@soas.ac.uk





## OBITUARY

---

**Ṭāhā Jābir al-ʿAlwānī (1935-2016)**



## ṬĀHĀ JĀBĪR AL-‘ALWĀNĪ (1935-2016)

Dr. Ṭāhā Jābir al-‘Alwānī was born in Iraq in 1935. After completing secondary school there, he left for al-Azhar, the prestigious institution of religious higher learning in the Sunnī Islamic world. After he completed his bachelor’s degree in the College of Sharī‘ah and Jurisprudence at al-Azhar, al-‘Alwānī returned to Iraq and taught in the College of Islamic Sciences for six years. He also joined the military reserves there, rising to the rank of lieutenant, while additionally teaching at the Military Academy. Al-‘Alwānī took advantage of his sojourn in Baghdad at that time and studied with some of the leading Iraqi scholars of Islam. After the Ba‘th Party came to power in Iraq, al-‘Alwānī found himself compelled to leave the country in 1969 and returned to Cairo. There he continued his studies at al-Azhar, completing his master’s and then his PhD degree in Islamic jurisprudence (*uṣūl al-fiqh*) in 1973.

Shortly thereafter, Dr. al-‘Alwānī left for Riyadh, Saudi Arabia where he was appointed Professor of Islamic Jurisprudence at Al-Imam Muhammad Ibn Saud Islamic University. He taught there for ten years (1975-1985) and then immigrated to the United States, settling down in North Virginia. Throughout the 1980s, he was very active in promoting Islamic studies and Islamic education both in the Arab world and in the United States. Dr. al-‘Alwānī held a number of important positions during his lifetime that won him considerable renown and recognition among Muslims globally and, more narrowly, among American Muslims. He was a founder-member of the Council of the Muslim World League in Meccah and a member of the Islamic Fiqh Academy in Jeddah, established by the Organization of the Islamic Conference. He was also a key participant in the establishment of the International Institute of Islamic Thought (IIIT) in Herndon, Virginia in the United States in 1981 and later became its president. He furthermore founded and then chaired the Fiqh Council of North America. He also served as the President of the Graduate

School of Islamic and Social Sciences in Ashburn, Virginia, and occupied the Imām Al-Shāfi‘ī Chair in Islamic legal theory there.

The formidable intellectual and religious legacy that Dr. al-‘Alwānī left behind includes the understanding that he imparted of Islam and Muslims in interfaith dialogue with a number of non-Muslim partners. Dr. al-‘Alwānī recognized very early on that Muslims, as a minority group within the vibrant pluralist society of the United States, would have to establish common ground with non-Muslims of good will. As a result he established partnerships and friendships with scholars from different religious backgrounds. The Washington Theological Consortium recognized his contributions in this endeavor by awarding him their first chair ever in Islamic Studies.

As an immigrant and naturalized American citizen, Dr. al-‘Alwānī remained concerned about how American Muslims could continue to be productive citizens in their country while remaining true to their religious beliefs and values. In 1994, while president of the Fiqh Council of North America, he developed the concept of *fiqh al-aqalliyāt* (the jurisprudence of minorities) to facilitate interaction between the Muslim minority and the non-Muslim majority populations and to provide the former with a firm identity and mooring in American society based on *fiqhī* principles. In his book *Nazarāt ta’assusiyyah fī fiqh al-aqalliyāt (Foundational Considerations with regard to the Jurisprudence of Minorities)*, al-‘Alwānī focuses on what he regards as the main questions undergirding the formulation of this specific jurisprudence of minorities.

Al-‘Alwānī’s answer was motivated by considerations of the common or public good (*al-maṣlaḥah al-mursalab* or simply *maṣlaḥah*), a cardinal principle of *fiqh al-aqalliyāt*. Rather than consider Western nations as part of the *dār al-ḥarb*, in view of changed historical circumstances, they should rather be considered as constituting *dār al-da‘wah* (the abode of summoning), where Muslims may safely propagate and practice their faith. In common with other reformist scholars, al-‘Alwānī emphasizes the normative authority of the Qur’ān over the sunna and asserts that what he calls “the higher principles” animating juridical thinking can only be derived from the Qur’ān. In his influential work *Towards a Fiqh for Minorities: Some Basic Reflections*, Dr. al-‘Alwānī explained his Qur’ān-centered methodology that lays stress upon the higher

principles of kindness and justice derived especially from Q 60: 8-9 and Q 5: 8 as governing relations between Muslims and non-Muslims. This methodology has become influential in liberal Muslim circles, although criticized in more conservative quarters, and must be regarded as a major contribution to the process of reviving and reforming Islamic thought in the contemporary world.

Dr. al-ʿAlwānī's complete oeuvre includes over thirty publications on various aspects of Islamic studies, including the well-known *The Ethics of Disagreement in Islam*; *Islamic Thought: An Approach to Reform*; *Source Methodology in Islamic Jurisprudence*, and *The Qur'an and the Sunnah: The Time-Space Factor*. A number of his works are considered influential in the project known as the "Islamization of Knowledge," spearheaded by the IIIT under the directorship of another renowned American Muslim scholar Ismāʿīl Rājī al-Fārūqī. Such a project involved the rereading of foundational Islamic texts and the revival of dynamic thinking among Muslims in different disciplines, including the social and applied sciences, within the ethical world-view established by Islam.

On March 4, 2016, while traveling back from a trip to Cairo to his home in the United States, Dr. al-ʿAlwānī unexpectedly passed away. The IIIT spoke for many of his admirers when it stated, "Sheikh Taha's demise is an enormous loss not only for his immediate family but for the larger IIIT family around the world, for the American Muslim community, and the Muslim ummah." The Washington Theological Seminary described him as "a great legal and philosophical scholar of Islam, a visionary educator, and a generous peacebuilder among Muslim communities and with other faiths."

There could be no better obituary for Ṭāhā Jābir al-ʿAlwānī, a man of vision and peace who challenged both intellectual and socio-cultural boundaries in order to stress our common humanity in the eyes of God. May his soul rest in peace.

**Asma Afsaruddin**

*Indiana University, Bloomington-USA*

E-mail: aafsarud@indiana.edu



---

## ILAHİYAT STUDIES

A Journal on Islamic and Religious Studies

www.ilahiyatstudies.org

Volume 7, Number 1, Winter / Spring 2016

---

### GUIDELINES FOR CONTRIBUTORS

The papers submitted to *Ilahiyat Studies* should make some noticeable contribution to Islamic and religious studies. The papers will be held to imply that it contains original unpublished work and is not being submitted for publication elsewhere.

Since *Ilahiyat Studies* sends all papers for review, a copy should be submitted in a form suitable for sending anonymously to the reviewers. Manuscripts are evaluated by anonymous peer review, therefore, authors must remove all identifying information from their texts. Authors should refer to themselves in the text and citations in the third person. For example, instead of writing "I argue (Nasr, 2007)...." write "Nasr (1997) argues..."

All submissions are assessed by referees, but the Editorial board reserves the right to decide what articles will be published.

Unsolicited book reviews may not be published.

Full name(s) of author(s) must be listed, along with university or professional affiliation, address, city, state, country, phone/fax number(s), and email address where you can be reached. Provide a two-sentence biography that we can use in your article. Current information only.

All papers must include an abstract of no more than 150 words.

It is strongly advised that the length of the article should not exceed 12,000 words. Book reviews and conference reports must not exceed 1500 words. All pages should be numbered consecutively.

All papers should have an introductory section in which the objectives and methodology of the article are explained and a final section, which summarizes the main points, discussed and the conclusions reached.

Manuscripts should be typed double-spaced on one side of the A4 only. Tables, graphs and figures should be on separate pages. All submissions should be in MS-Word (2003, 2007 or higher) format. Leave margins of at least 4 cm on top, bottom, and sides.

Text and references must follow the format outlined in *Ilahiyat Studies Style Sheet*, available at: <http://ilahiyatstudies.org/index.php/journal/manager/downloadLayoutTemplate>

A reference list must be included at the end of the manuscript in the following style:

#### *Journal Article & Entry*

Eichner, Heidrun. "Dissolving the Unity of Metaphysics: From Fakhr al-Dīn al-Rāzī to Mullā Şadrā al-Shīrāzī." *Medioevo* 32 (2007): 139-197.

Aydınlı, Abdullah. "Ebū Zer el-Gıfārī." In *Türkiye Diyanet Vakfı İslâm Ansiklopedisi (DİA)*, X, 266-269.

#### *Book*

Kātib Chalabī, Hājī Khalīfa Muştafā ibn ‘Abd Allāh. *Kashf al-zunūn ‘an asāmī l-kutub wa-l-funūn*. 2 vols. Edited by M. Şerefeddin Yalıtıkaya and Kilisli Rifat Bilge. Istanbul: Maarif Matbaası, 1941-1943.

Michot, Yahya M. *Ibn Sīnā: Lettre au Vizir Abū Sa‘d: Editio princeps d’après le manuscrit de Bursa, traduction de l’arabe, introduction, notes et lexicque*. Beirut: al-Burāq, 2000.

#### *Book Chapter*

Janssens, Jules. "The Reception of Avicenna's Physics in the Latin Middle Ages." In *O ye Gentlemen: Arabic Studies on Science and Literary Culture in honour of Remke Kruk*, edited by I. Vrolijk and J. P. Hogendijk. Leiden: Brill, 2007, 55-64.

#### *Online Citation*

Frank, Richard. "Elements in the Development of the Teaching of al-Ash‘arī." *Le Muséon: Revue D'Études Orientales* 104 (1991), 141-190. doi:10.2143/MUS.104.1.2006086.

Page references to works referred to in the text should take the following form: (Touraine, 1995: 9-10). The verses of the Qur‘ān should be referred to as follows: Q 2:23; Q 17:108; the references from the Old and New Testament should carry chapter name and number, and verse number.

Arabic words should be transliterated according to the style used by the Library of Congress.

# İlahiyat Studies

A Journal on Islamic and Religious Studies

ISSN: 1309-1786

■ Volume 7 ■ Number 1 ■ Winter / Spring 2016

## Contents

### ARTICLES

**Fatih Mehmet Şeker** Turkish Political Thought with regard to State Authority and Community Culture: Why can a Community not Seize the State?-

**Muhammad al-Atawneh** *Khurūj* in Contemporary Islamic Thought: the Case of the “Arab Spring”

**Hadiye Ünsal** On the Revelation Circumstances and General Emphases of Sūrat al-Aḥzāb: An Analysis within the Scope of Textual and Non-textual Context

**Nail Okuyucu** Shāfi‘ī *Uşūl* Thought in Late Third-Century AH: Edition, Translation and Interpretation of Chapters on *Uşūl al-fiqh* in *al-Wadā‘i*‘ by Ibn Surayj (d. 306/918)

### BOOK REVIEWS

ISSN: 1309-1786



13091786201671