KÜLLİYE
ULUSLARARASI SOSYAL BİLİMLER DERGİSİ
INTERNATIONAL JOURNAL OF SOCIAL SCIENCES

# Is Islamic Legal Literature a Manifestation of Politics? : An Analysis within the Scope of the Narrative Change in Legal Discourse on *Istitāba*

**Ahmet TOPAL***

**Abstract**

Orientalists such as Schacht claimed, without sound evidence, that Islamic legal writings as a whole represent politics. Others such as Humphreys followed their lead and looked almost obsessively for any divergences across classical writings in various disciplines including Islamic law with an eye to taking the changes in the narrative structure across classical writings as an indication of an allegedly surreptitious political agenda of classical Muslim scholars. Is Islamic legal literature really a manifestation of politics? In an effort to provide an answer to this question against this background, this paper deals with the narrative change seen in the scope of application of istitāba between the 8th and the 11th century legal writings of al-Šāfiʿī and al-Ghazālī on istitāba, a legal institution that refers to calling on an apostate (murtadd) to repent in cases of apostasy (irtidāt). It particularly examines the alleged impact which the narrative change across classical jurists' writings on the notion of istitāba had upon the formation of Sunnism as purported by some. In fact, some Western scholars claim that in the 11th century al-Ghazālī deviated from the norm set in the 8th century by al-Šāfiʿī when the former limited the scope of istitāba only to common people, removing that right from dāʿīs (the propagandists), an apparent divergence which was then linked to another earlier apparent divergence between al-Baghdādī and al-Aśʿarī. Looking at these divergences, they argue that al-Baghdādī and al-Ghazālī served as state apparatuses to protect the Sunnī identity of the Seljukid state against her enemies, a claim which has been skillfully used to make it appear that contemporary intolerant applications of the institution of istitāba is rooted in Islamic law and the "Sunni orthodoxy." Providing a close comparative reading of the relevant classical works by al-Aśʿarī and al-Baghdādī as well as al-Šāfiʿī and al-Ghazālī along with others such as Abū Yūsuf and al-Sarakhsī, this work argues that such divergences are more apparent than real, while also showing that these Western scholars have done much disingenuity to make it appear the otherwise, in an effort to form a myth about Islamic law and Sunnism. This seems to represent, this paper further argues, what seems to be quite a common tendency among some western scholars to link narrative changes across classical sources to politics especially when it serves to compromise the strength of unity of practice and belief of the people of Turkish Republic. Finally, on the basis of the analysis on istitāba and relevant matters, this paper rebuts the idea that Islamic law is a manifestation of politics.

**Key Words:** Islamic Law, *irtidāt* (apostasy), Islamic heresiography, Turkish Republic, Sunnism.

*Dr. Öğr. Üyesi, Hitit Üniversitesi, e-mail: ahmet.topal@aya.yale.edu
ORCID: https://orcid.org/0000-0003-3127-1674.

Bu makaleyi şu şekilde kaynak gösterebilirsiniz / To cite this article (APA):

Topal, A. (2023). Politics shaping religion?: Is Islamic legal literature a manifestation of politics? : an analysis within the scope of the narrative change in legal discourse on Istitāba, *Külliye*, [Türkiye Cumhuriyeti'nin 100. Yılı Özel Sayısı], 257-277. https://doi.org/10.48139/aybukulliye.1357760

**Makale Bilgisi** / Article Information:

| **Geliş** / *Received* | **Kabul** / *Accepted* | **Türü** / *Type* | **Sayfa** / *Page* |
|---|---|---|---|
| **10 Eylül 2023** | **24 Ekim 2023** | **Araştırma Makalesi** | **257-277** |
| *10 September 2023* | *24 October 2023* | *Research Article* | |

**İslam Hukuk Literatürü Siyâsetin bir Tezâhürü müdür?: *İstitâbe* Hakkındaki Anlatı Değişimi Özelinde Bir Analiz**

**Özet**

Schacht gibi oryantalistler, sağlam delillere dayanmaksızın, İslam hukuk metinlerinin, siyasetin bir tezâhürü olduğunu iddia ettiler. Klasik eserlerdeki anlatı değişimlerinin, alimlerin sözümona gizli siyasi ajandalarının bir tezâhürü olduğunu ispat etmek amacıyla, Humphreys gibileri ise, önceki oryantalistleri takip ederek, neredeyse takıntılı bir şekilde İslam hukuku dahil farklı disiplinlerde yazılmış klasik eserlerin anlatılarında değişiklikler bulmaya koyuldular. İslam hukuk literatürü gerçekten siyasetin bir tezâhürü müdür? İşte bu tarihi arkaplan içerisinde bu soruya cevap bulmaya çalışan bu makale, irtidât (dinden çıkma) durumlarında, mürtedi tövbeye davet etme anlamına gelen istitâbenin uygulama kapsamına dair 8.yy. ile 11.yy.'larda yaşamış olan Şâfiʿî ve Gazâlî tarafından yazılan fıkıh metinlerinde görülen anlatı değişimini konu edinmektedir. Çalışma özellikle, istitâbe kurumuna dair klasik fıkıhçılar arasındaki bu anlatı değişiminin Sünnîliğin oluşumundaki modern dönemde iddia edilen rolünü incelemektedir. Esasen bazı batılı yazarlar, istitâbe hakkını avamla sınırlı tutup, dâileri bundan mahrum bırakan 11.yy. âlimi Gazâlî'nin, Şâfiʿî gibi 8.yy. âlimleri tarafından konulan normlardan saptığını iddia etmektedir. Bağdâdî ile Eşʿarî arasındaki benzer bir sapmayı da kullanarak, Gazâlî ve Bağdâdî'nin Selçuklu devletinin Sünnî yapısını korumak için devlete çalışan birer araç olduğu iddia edilmektedir. Bu iddia, istitâbenin modern dönemdeki toleranssız uygulamalarının, İslam hukûku ve "Sünnî ortodoksluğundan" kaynaklandığını öne sürmek için kullanılmıştır. Bu çalışma, Bağdâdî ile Eşʿarî ve Şâfiʿî ile Gazâlî'ye ek olarak, Ebû Yûsuf ve Serahsî gibi alimlerin de eserlerini karşılaştırmalı olarak incelemek suretiyle, bu sapmaların yüzeysel olduğunu iddia etmektedir. Aynı zamanda, bazı Batılı yazarların, durumun aksini doğru göstermek ve böylece İslam hukuku ve Sünnilik hakkında bir algı oluşturabilmek için oldukça çabaladıklarını da gözler önüne sermektedir. Çalışma, bu durumun, bilhassa Türkiye Cumhuriyeti halkının inanç ve pratik birliği gücünü kırmaya yönelik olduğu durumlarda klasik kaynaklardaki anlatı değişimlerinin siyasi menfaatlere bağlanmasını öngören batılı yazarlar arasında yaygın olduğunu düşündüğümüz bir eğilimi de yansıttığını iddia etmektedir. Neticede makale, İslam hukuku'nun siyasetin bir tezâhürü olduğu iddiasını, istitâbe ve ilgili meseleler ışığında çürütmektedir.

**Anahtar Kelimeler:** İslam Hukuku, irtidât, Fırak Geleneği, Türkiye Cumhuriyeti ve Sünnilik.

## Introduction

Turks' entrance to the Islamic World as a politically relevant group was at a time when the Sunnī majority of the ʿAbbāsids were at the hands of Shīʿite Būyids. Turks sided with their Sunnī fellow Muslims against Shīʿis. In this regard, Seljukids, who sprang from the Oghuz tribal group of Turks (Bosworth, 2010, p. 33), fought against Shīʿite Būyids and Ismāʿīlī Fāṭimids as the protector of the ʿAbbāsid caliph and defender of the Sunnism (Bosworth, 2010, p. 41).

Their siding with the Sunnī ʿAbbāsids seems to have influenced the course of Islamic history in that majority of Muslims remained Sunnīs as opposed to Shīʿīs. Starting with the Karakhānids, Turkish states, including the Seljukids and the Ottomans, have supported Māturīdism and Ḥanafism in various ways. At the same time, they allowed other schools to flourish, such as by appointing Sunnī scholars to *madrasa*s (colleges) like al-Ghazālī (Özervarlı, 1996), who was despite being an Aš'arī and Šāfiʿī, played a key role in the establishment of the Sunnī identity among the population through his writings and teachings.

This led to the formation of a harmony of practice and belief within the Muslim population (Kaya, 2019, p. 51). The existence of a harmonious society, which seems to exists also in modern day Turkey, constitutes a collective strength which perhaps allows us to unite at times of distress and disaster, such as the 15th

of July 2016 failed coup attempt and the recent earthquakes of 6th of February 2023, where despite all its differences, Turkish citizens worked simultaneously and collectively to save its state and people.

This strength of modern Turkish Republic, however, seems to be attacked on various occasions not only by using military force but also through the manipulation of classical sources in Islamic studies. In fact, there appears to be a common tendency among some western scholars who study the history of Muslim societies, especially those with Turkish origin and of Sunnī background, to associate any divergence across classical texts to politics (Schacht, 1979, pp. 152-153).

This tendency, which has its roots in Hegelian and Kantian theories of the new way of studying the Bible (Hourani, 1967, pp. 235-238), though impugned (Owen, 1973, p. 287 and Topal, 2023) for its applications in the past, is still in effect in contemporary scholarship.

In this regard, some Western scholars who studied the history of Seljukids, like Humphreys (1988, p. 149), Griffel (2001, p. 351), al-Tikriti (2005), and Safi (2006), to name a few, assume without justification that classical Muslim scholars were somehow inclined towards giving up from their own opinions for material gains.

These scholars seek to find any change or anything they consider extraordinary in classical scholars' beliefs, convictions, and practices, and link it to (a) material gain(s), which is something that must have led classical scholars to deviate from the norm (Watt, 1956, pp. 336-337), something which also has been challenged using three Ottoman jurists elsewhere (Atçıl, 2017).

This tendency is resulted from a common mistrust to classical sources on various aspects of Islamic studies, a mistrust which presupposes that Muslim sources do not represent the "realities" of what has taken place, but rather, political interests of the ruling elites. This attitude towards the classical sources in Islamic studies and, to use Humphreys words, "*inquiries of this kind are by now fairly common in the early Islamic field*" (Humphreys,1988, p. 98).

To further illustrate, Humphreys' following remarks, which he made in a chapter entitled "Ideology and Propaganda: Religion and State in the Early Seljukid Period" in his reference work widely used in Western academia called *Islamic History: A Framework for Inquiry*, can be insightful in representing the level of mistrust these scholars apparently have towards all genres of classical sources that fall under Islamic studies:

> "Only a few genres of medieval Islamic writing (panegyric poetry, mirrors for princes and political polemics)

> openly identify themselves as propaganda... The ideological dimension in a text, the hidden agenda which has shaped the author's choice and treatment of his subject, must usually be sought between the lines. Moreover, a text hidden ideology may differ from or even contradict to its apparent content and purpose." (Humphreys, 1988, p. 151.)

The excerpt from this well-known reference work indicates that there is a tendency among Western scholars to effectively consider all types of writings to be politically motivated. Put differently, they ultimately regard classical Muslim authors nothing more than state apparatuses who acted not on any principle, religious or otherwise, but on material gains, primarily aiming to justify the dominance of the ruling elite and the political system which they established, as indicated by Humphreys (1988, p. 150).

These contemporary scholars naturally accused classical jurists, too, of being state apparatuses, such as the ones who lived in the Seljukid State, as argued by Humphreys (1988, p. 149), Griffel (2001, p. 351), al-Tikriti (2005), and Safi (2006), and Ottoman State, as argued by Yilmaz (2018, p. 66) and Sariyannis (2018 p. 23ff).

To illustrate, consider the remarks of Yilmaz (2018, p. 66), who accuses jurists, in this case on a mass level, of being state apparatuses:

> "…juristic writings, with all the diversity of opinions they may have, are governed primarily by the idea of legalistic legitimacy of authority on the basis of Islamic law and the organization of government per demands of the Sharia."

The assumption that lies behind these accusations is that Islamic law right from its beginning represents the political interests of the ruling family, which Schacht claims, was the Umayyad dynasty. In fact, Schacht considered Islamic law itself as the product of the Umayyad politics. In this regard, he makes the following remarks:

> "The earliest Islamic *qâḍîs*, officials of the Umayyad administration, by their decisions laid the foundations of what was to become the Mohammedan religious law. They gave judgement according to their own discreation or "sound opinion" (*raʾy*), basing themselves on customary practice, which in the nature of things incooparated administrative regulations, and taking the letter and the spirit of the Koranic "legislation" and of recognized Islamic religious norms into account as much as they thought fit....As a result, the popular and administrative practice

> of the late Umayyad period was transformed into the religious law of Islâm." (Schacht, 1955, 69-72).

Thus, here Schacht presupposes the idea that Islamic law as we know it is, in reality, not based primarily on the Qurʾān and the Sunna of the Prophet as classical Muslim scholars claim, but rather constitutes a later trajectory of scholars working for the legitimization of the various states, including first and foremost, the Umayyad dynasty, and later on, others like Seljukids and Ottomans.

Presumably taking Schacht's assumptions for granted, Sariyannis (2018 p. 23ff), Lambton (1974, p. 404), and Yılmaz, (2018, p. 66) seem to consider the whole genre of Islamic law as a manifestation of politics. Consequently, it does not come as a surprise to find these scholars searching for changes in the narrative structures across legal texts or even changes in the mere amount of literary works produced within the field of Islamic law, or any other field for that matter within which Muslims produced literary works or even architectural ones, as Necipoğlu seems to have argued (1992, 197ff.), all with the purpose of trying to find the surreptitious agenda behind such divergences from the norms.

The flimsy and subjective nature of this approach to classical sources is so obvious that it had to be acknowledged even by some of the very authors who adopt it. For instance, when referring to this common approach among Western scholars to classical sources Humphreys reveals the flimsy and, in reality, unacademic nature of this whole enterprise by making the following remarks (Humphreys, 1988, p. 151):

> "It is easy to take this rule [i.e. the rule that the true ideology or purpose of any given classical source must be sought between the lines, as these might be different and even contrary to what has been put forward by the author, as noted above] too far; we may begin to see goblins wherever we look, distorting the true intention and cultural significance of a work in an obsessive search for its ideological underpinnings."

As such, the assumption that Islamic law as we know it today is a later trajectory by people who, despite initially not being legal professional jurists, worked for the Umayyad dynasty (Schacht, 1955, 72), seem to have led many, if not all (Atçıl, 2017), to analyse the later developments in the legal tradition as well as other traditions in the times of Seljukids and Ottomans as illustrated above with the pre-assumption that the body of legal literature as a whole represents the accumulation of various politics of different ruling elites in different times (Humphreys, 1988, p. 149-168, Sariyannis 2018, and Yılmaz, 2018).

Is Islamic law a manifestation of the political interests of past ruling families/dynasties, as seem to be argued by these scholars? Does any change, in this

regard, seen in the narrative structure of any given legal issue across classical legal texts represents manifestation of politics of any given ruling class? Could such changes in the narrative structure of any given legal matter be resulted from refinement of the matter in hand with sincerity? Or are such changes need to be considered as mere representations of material gains that authors who diverted from the norm must have received by his/her divergence?

In an attempt to find answers to these questions, this paper focuses first on one such divergence across classical legal sources on a particular legal institution, an apparent divergence which has been exploited, to my knowledge, by two Western scholars to make it appear that it is politically motivated.

This apparent change is across classical legal manuals with regard to *istitāba*[1] (right to repent) (al-Sarakhsī, n.d., v. 10, p. 99 and al-Maydānī, n.d., v. 3, p. 635). The term will be discussed with excerpts from classical sources below but suffice it to say here that it refers to calling on an apostate (*murtadd*) to repent in cases of apostasy (*irtidāt*) (Peters, 1976).

Looking at the divergence across the legal writings by al-Šāfiʿī (d. 204/820) and al-Ghazālī (d. 505/1111) on the scope of the application of *istitāba*, some Western writers claim that 11th century scholar al-Ghazālī deviated from the norm set in the 8th century by al-Šāfiʿī when the former limited the scope of *istitāba* only to common people, removing that right from *dāʿī*s (the propagandists).

This divergence was then linked to another earlier apparent divergence between al-Baghdādī (d. 429/1037-38) and al-Ašʿarī (d. 324/935-36). On the basis of these divergences, Griffel argues, criticizing Van Ess for not realizing this, that al-Baghdādī and al-Ghazālī served as state apparatuses to protect the Sunnī identity of the Seljukid state against her enemies, a claim which has been neatly used to indicate that contemporary intolerant applications of the institution of *istitāba* is rooted in Islamic law and the "Sunni orthodoxy."

This paper provides, for the first time in literature, a critical analysis of the alleged impact which the narrative change on the legal institution of *istitāba* between the writings of these classical jurists had upon the formation of Sunnism. It demonstrates that these divergences are more apparent than real, and that some Western scholars seem to have done much disingenuity to make it appear the otherwise.

This conclusion with regard to the apparent divergences between these classical scholars represents the tendency of linking any change across classical scholars' works to politics, a tendency which had its roots in the writings of earlier

[1] For the lexical meaning of the word *istitāba*, see (Ibn Manẓūr, 1955-56, p. 454 and Wehr & Cowan, 1979, p. 119).

orientalists such as Schacht which received strong criticism (e.g. Owen, 1973, p. 287, Atçıl, 2017, p. 298ff. and Topal, 2023, p. 6-7).

Adopting this approach to classical sources with the acceptance of them as primarily manifestations of politics in various times, one would necessarily look for any change or deviation and then attempt to provide it with a context that would justify one's predisposition that divergences across classical sources represent political motivations. However, the assumption that scholars were inclined to justify the ruling elite and the system that they established has been challenged (Atçıl, 2017, p. 298ff. and Topal, 2023, p. 6-7).

Furthermore, at the core of this approach lies the acceptance that Qurʾān and the body of Sunna were later trajectories by competing groups that attempted to justify their views on various matters, legal or otherwise, using the authority of religion. In this regard, Vishanoff (2004, p. 3) and Sadeghi (2013, p. 34) assume that *uṣūl al-fiqh* (Islamic jurisprudence) functioned to justify the existing, presumably pre-Islamic rules, by basing them on the Quranic verses and prophetic traditions. Similar remarks have been made by others as well (Sherman, 2002).

To illustrate, Sadeghi (2013, pp. 34-35), referring to the rules of the process of law-making as outlined in classical *uṣūl al-fiqh* manuals, makes the following remarks: "…*one cannot assume that these normative and philosophical discussions describe the historical reality of how the law developed in practice*." Likewise, Vishanoff notes, referring to his work, *"[his work] shows how al-Shāfiʿī (d. 204/820) integrated these concepts into a hermeneutical theory that reconciles conflicting revealed texts and laws by systematically exploiting the ambiguities of Arabic, thus making it possible to ground Islamic law in revelation*." (Vishanoff, 20013, p. 1).

Their approach to Islamic law has received strong criticism which demonstrated that *uṣūl al-fiqh*, unlike what they claim, had perennial influence upon the process of law-making in Islamic law (Topal, 2020, p. 64-65, 72ff).

Thus, the tendency to regard classical sources, legal or otherwise, as manifestations of political interests of the ruling elites does not do justice to the historical realities, and this tendency has been challenged on several different grounds (e.g., Topal, 2020, 2022, and 2023).

In an effort to contribute to the trend of challenging this tendency, this paper will next analyse the two alleged divergences: namely (i) the divergence between al-Ghazālī and al-Šāfiʿī and (ii) the divergence between al-Baghdādī and al-Ašʿarī.

These divergences have been exploited to argue that classical authors functioned as state apparatuses in the Seljukids. However, as will be shown, by analysing the nature of these two divergences and the relevant literature, classical

and contemporary, this paper reveals that these divergences only represent the development and refinement within the legal and theological discourse rather than manipulation of the narrative on *istitāba* and relevant issues as argued by Griffel and al-Tikriti. At the same time, it provides insights into the nature of the works produced in the West by revealing some of the assumptions which they rely on without justification, as also noted by Owens (1973, p. 287).

## I. Alleged Divergence between al-Ghazālī and al-Šāfiʿī

The apparent deviation is that al-Ghazālī was less tolerant towards *murtadd*s (apostates) in comparison to al-Šāfiʿī, the founder of the Šāfiʿī school of law.

Griffel argues that while al-Šāfiʿī granted what is referred to in Islamic legal manuals as "*istitāba"* (al-Sarakhsī, n.d., v. 10, p. 99 and al-Maydānī, n.d., v. 3, p. 635) to all who apostate, al-Ghazālī did not, restricting it to only common people (Griffel, 2001, pp. 342, 352). In fact, regarding the view of al-Ghazālī whom he quotes (al-Ghazālī, 1964, p. 61), Griffel makes the following remarks: "*If the accused is someone from among the mass of people who does not know things, he should be granted the right to repent… But in the case of a dāʿī or anyone who spreads unbelief amongst the believers, there should be no forgiveness."* (Griffel, 2001, p. 352).

Griffel then goes on to provide support for his arguments by citing from the treatments of apostasy in the writings of al-Šāfiʿī and al-Ghazālī. However, in an effort to make his case, he seems to even misquote al-Ghazālī. At one place, he claims that al-Ghazālī admits in his *Šifāʾ al-Ghalīl* that the Prophet and the Salaf did not pass judgement on the issue of apostasy in the way similar to his own judgement. In fact, he Griffel says, "*This deviation from the principles of Islamic law established in the second/eight century is even more astonishing, since al-Ghazālī acknowledges that the Prophet and his companions did not judge this way*." (Griffel, 2001, p. 352).

Yet, when one goes back to the source which Griffel cites to make his case, one finds that al-Ghazālī does not actually acknowledges in any way whatsoever that his judgement is in opposition to the Prophet's or that of his companions. Rather, he mentions a counterargument that might potentially be raised by critics against al-Ghazālī's own view to argue that al-Ghazālī's view sits ill with those of the Prophet and his companions.

The counterargument that might be raised is (al-Ghazālī, 1971, p. 223):

"وينقدح في مقابلة هذا النظر أن يقال: أعرض النبي عليه السلام على المنافقين مع تواتر الوحي بنفاقهم وعلمه بهم وظهور المخايل منهم وأنكر بناء الأمر على الباطن وقال: "هلا شققتم عن قلبه" في الحديث المشهور. فإذا ألم المسلمون ببلد من ديار الكفار فأسلم سكانها وقد أظلتهم السيوف وغلبهم قهر المسلمين وسطوتهم الى القراب

ونعلم قطعا أنهم لم يلهموا الهداية للدين ولم تنشرح صدورهم لليقين ولكن أقيمت كلمة الشهادة وهو السبب الظاهر مقام العقيدة الباطنة التي لا نطلع عليها، كدأب الشرع في نظائره."

This translates as the following:

> *The following criticism against this view stirs up: The Prophet, peace be upon him, let the hypocrites alone despite having certain knowledge through the revelation, knowing them, and the treacheries coming into light from them. And he did not want to base judgement on the inward and said: "Have you cut open his heart," as mentioned in a famous ḥadīth. When Muslims caused suffer in a land of the country of the unbelievers and its populace converted to Islam under the shadows of swords, while the authority of Muslims dominated them, overpowered them with swords, and [when] we know for sure that they had not embraced the guidance to the religion and their chests were not [yet made] open to certain belief, nevertheless the pronunciation of the šahāda, which is the apparent reason, was put in lieu of the inward belief that is beyond our reach, which is something that is in line with the Šarīʿa in similar cases*.

Al-Ghazālī then refutes this potential counterargument by making the following remarks (Al-Ghazālī, 1971, pp. 223-224):

"ويمكن أن يجاب بأن العوام والمقلدة يبنون الدين على المصلحة فيتلبسون بها مختارين وينتزعون التحول من دين الى دين. وكذلك يعتقدون الالتزام بالسان مع القهر تركا للدين. ولأجله يمتنع المصرون المصممون في العقائد عن النطق به. وأما المنافقون فكان يظهر كفرهم على النفاق بالمخايل لا بالتصريح. ولايجوز بناء الأمر على المخايل. وأما الزنديق، فقد جاهر بالالحاد ثم حاول ستره بتقية هي من صلب دينه."

This translates as follows:

> *It is possible to respond by saying that ordinary people base [their decision on] belief upon [their] welfare, and they remain in doubt in respect thereof,*[2] *choosing one religion and leaving another. Similarly, they believe the necessity of paying lip service while desisting from leaving the religion, [a desist] which leads the sincere resolute in matters of belief abstain from pronouncing it. As to the hypocrites, they would reveal their unbelief of hypocrite nature through treacheries not through public statements. And it is not permissible to base one's judgement on*

[2] For the entry on التمس see, (Lane, 1968, p. 2705).

> *inferences. As to the zindīq, he certainly exposed his disbelief and then attempted to cover it up through his taqiyya, which is out of his stubbornness in his religion.*

Here, al-Ghazālī explains the difference between hypocrites and *zindīq*s who spread disbelief among Muslims clandestinely. He notes that the case of hypocrites is different from these people in that the former's unbelief is not certain, as it is based on treacheries, while the latter's unbelief is certain, as it is based on their own statements.

Treachery could be due to unbelief, or something else like greediness or envy. Since treacherousness does not necessarily entail unbelief, knowing that someone committed treachery is not a certain knowledge to base one's ruling on to say that treacherous person is an unbeliever. It is true that the Prophet knew through revelation who the *munāfiqūn* (hypocrites) were. However, it is still not a knowledge that is available to regular people that could be used as the basis for punishing people.

Thus, Ghazālī argues that the case of a *dāʿī* and a *munāfiq* are different in that the disbelief of the former is certain while that of the latter is not, thus cannot be punishable legally.

This shows that Griffel misquotes al-Ghazālī to support his accusations, which he attempts to further support by putting the following words into al-Ghazālī's mouth: "*Islamic law cannot remain on the same level as the time of the Prophet and his companions. It must not shy away from the threat posed to the Islamic community by the activities of the secret apostates.*" (Griffel, 2001, p. 353). And yet, it is clear in the excerpt that al-Ghazālī only raises the counterargument to refute the potential criticism that one may raise against his own view.

It is far-fetched, and even dishonest, to make it appear that as if al-Ghazālī's mentioning this potential counterargument to his view is to acknowledge the veracity of what is mentioned in the counterargument.

Others seem to have followed Griffel's lead on this, propagating the same assumptions and misconceptions on the alleged change in jurists' views of *istitāba* over time to combat state enemies. Al-Tikriti says on this very point: "*While al-Ghazali conceded that true inner conviction can only be perceived by God, and that his theory was inconsistent with actions in the times of the early Islamic community, he argued that the fresh threat posed by secret apostates in his own time merited this change in the shariʿa interpretation*." (al-Tikriti 2005, p. 135).

When discussing the legal case of a frequent apostate, al-Šāfiʿī might well be referring to common people. At the end of the day, al-Šāfiʿī did not experience the *dāʿī* movement in the Muslim lands. Hence, he would speak in general terms

that is relevant to the circumstances around him. Since there were no *dāʿī*s around, al-Šāfiʿī, when saying that the number of *istitāba* was not limited for anyone, whether a born Muslim or a convert, he would probably be speaking of ordinary people. On the other hand, in the time of al-Ghazālī there was a serious *dāʿī* movement which propagated disbelief among Sunnīs, and thus he must have felt the need to spell out clearly the scope of the law on apostasy.

Similarly, if al-Ghazālī was so dedicated to make up legal rules regarding *istitāba* in his work in order to save the Sunnī fabric of the state, as Griffel claims, one wonders why he would punish only the *dāʿī*s who tricked the public into disbelief and not also the public who were falling into the tricks? Griffel never considers this question.

As such, the divergence that is allegedly seen across the writings of al-Šāfiʿī and al-Ghazālī with regard to *istitāba* is not real. Griffel seems to have done much ingenuity to make it appear that this deviation was real, such as by misquoting al-Ghazālī as mentioned above.

Misquotation is not the only way they use to form an apparent deviation across classical writings. Another method is an eclectic approach to the source material that was available to them. In this regard, Griffel claims that Ḥanafīs also held that *istitāba* is a necessary condition for the application of the capital punishment in cases of apostasy. In fact, he makes the following remarks: "*The necessity of istitāba was generally accepted amongst the jurists of the Ḥanafī, Shāfiʿī, and the Ḥanbalī schools until at least the beginning of the fifth/eleventh century.*" (Griffel, 2001, p. 349).

There are some remarks within the Ḥanafī manuals that would seem to support Griffel's claim, where al-Sarakhsī discusses the question of whether or not someone repeating apostasy should be granted *istitāba* each time. He makes the following remarks (al-Sarakhsī, n.d., v. 10, 99):

"فإن ارتد ثانيا وثالثا فكذلك يفعل به في كل مرة فإذا اسلم خلى سبيله لقوله تعالى فإن تابوا واقاموا الصلاة واتوا الزكاة فخلوا سبيلهم."

This translates as follows:

> *If they apostate a second or third time, the same thing [giving the apostate the right to repent],*[3] *is done to him each time. Then if he becomes Muslim, they will let him go because of what God said on this, [which is,] "If they repent, perform prayers, and pay alms-tax, then set them free*." (Qurʾān, 9:5.)[4]

[3] He is referring to the case where someone apostates once (al-Sarakhsī, n.d., v. 10, 99).

[4] For the translations of the Qurʾānic verses, this work relies mainly on Yazır (1979) and Pickthall (2011).

Al-Sarakhsī then goes on to discuss an opposite view to this, making the following remarks (al-Sarakhsī, n.d., v. 10, 99):

"وكان علي وعمر رضي الله عنهما يقولون اذا ارتد رابعا لم يقبل توبته بعد ذلك ولكن يقتل على كل حال لانه ظهر انه مستخف مستهزئ وليس بتائب واستدلا بقوله عز وجل ان الذين امنوا ثم كفروا ثم امنوا ثم كفروا ثم ازدادوا كفرا لم يكن الله ليغفر لهم."

This translates as follows:

*ʿAlī and ʿUmar (may God be pleased with them) would say that if someone apostates a fourth time, his repentance would never be accepted after that. Rather, he would be put to death in any case. This is because he is teasing and making fun [of the religion] and not repenting. And they backed their views with the statement of the Mightiest and the most Majestic [where He says,] "Those who believe, then disbelieve, then believe (again) and (again) disbelieve, and go on increasing in unbelief, - Allah will not forgive them nor guide them nor guide them on the way.*" (Quran, 4:137).

Al-Sarakhsī then goes on to mention the view of the Ḥanafīs on this, where he makes the following remarks (al-Sarakhsī, n.d., v. 10, 100):

"لكنا نقول الاية في حق من ازداد كفرا لا في حق من امن واظهر التوبة والخشوع فحاله في المرة الرابعة كحاله قبل ذلك. واذا اسلم يجب قبول ذلك منه لقوله تعالى ولا تقولوا لمن القى اليكم السلام لست مؤمنا."

This translates as follows:

*However, we [Ḥanafīs] say that the verse is about one who went on increasing in unbelief and not about one who believed and showed repentance and sincerity. Thus, his case in the fourth time is just like his case before that. As a result, if he repents, it is necessary to accept it from him. This is due to what God says on this, "And do not say to those who offer you a salutation, "You are no believer!*" (Quran, 4:94).

The excerpts which have so far been provided from al-Sarakhsī do seem to support Griffel and al-Tikriti's position (al-Sarakhsī, n.d., v. 10, 99) and (al-Sarakhsī, n.d., v. 10, 100). Nevertheless, in these, there is an emphasis on the sincerity of the apostate in his repentance, (al-Sarakhsī notes n.d., v. 10, 100):

"الا أنه ذكر في النوادر أنه اذا تكرر ذلك منه يضرب ضربا مبرحا لجنايته ثم يحبس الى ان يظهر توبته وخشوعه وعن ابي يوسف رحم الله تعالى انه اذا فعل ذلك مرارا يقتل غيلة وهو ان ينتظر فاذا اظهر كلمة الشرك قتل قبل ان يستتاب."

This translates as follows:

> *However, it is mentioned in al-Nawādir that if he repeats that [i.e. apostasy], he needs to be beaten well for his crime and then put into prison until his repentance and sincerity become apparent. And it is narrated from Abū Yūsuf, may God have mercy on him, if he does this several times, he needs to be killed by assassination, which is done by putting him under probation and if he reveals a word of disbelief, he needs to be killed without granting him the right to repent*. Thus, the excerpt rebuts Griffel's argument that *istitāba* was universally applied in cases of apostasy within the Ḥanafī school of law.

Furthermore, even a much earlier Ḥanafī source, which Griffel himself quotes (Griffel, 2001, p. 343), namely Abū Yūsuf's *Kitāb al-Kharaj,* mentions that there is disagreement among Ḥanafī scholars on the necessity of *istitāba* (Abū Yūsuf, n.d., p. 180):

> "قال ابو يوسف: وأما المرتد عن الإسلام إلى الكفر فقد اختلفوا فيه، فمنهم من رأى استتابته ومنهم من لم ير ذلك."

This translates into English as follows:

> *Abū Yūsuf said: As to the one who apostates from Islam to unbelief, the scholars certainly differed on this, so among them are those who regard his istitāba [a necessity] and those who do not regard [it] as such.*

Thus unlike what Griffel proposes, earlier Ḥanafī sources like *Kitāb al-Kharaj* and others (al-Šaybānī, 2012, v.7, p. 492) do not have unanimity on the necessity of granting *istitāba* to a *murtadd* and on the contrary, it is said to be only *mustaḥabb* (recommended) (al-Sarakhsī, n.d., v. 10, 100).

Yet, Griffel achieves a false narrative among Ḥanafī jurists of a general acceptance of *istitāba* from a frequent apostate simply by circumscribing the data available on this.

Other discrepancies such as these are to be found in his work as well, such as his distinction between a *kāfir* (unbeliever) and a *murtadd* (apostate) (Griffel, 2001, p. 349). However, as Griffel himself notes, "*al-Shāfiʿī does not distinguish between a kāfir and a murtadd*." (Griffel, 2001, p. 348).

There is one thing common among these discrepancies, that is, that they seem to attempt to justify the contemporary narrative about Islamic law as it was laid down by classical jurists such as al-Ghazālī that it is allegedly the source of

intolerance and backwardness, which constitutes a false narrative that was scrutinized elsewhere (Topal, 2022).

That seems to be the reason why he discusses Salman Rushdie and argue that unlike what Goldziher suggests, who claimed that apostasy was barely punished with the capital punishment (Griffel, 2001, p. 340), intolerance towards cases of apostasy among scholars is not a contemporary phenomenon (compare this with Hassner, (2011)), but rather goes back to much earlier, even to the time of al-Baghdādī, who Griffel claims diverged from his predecessors, a claim which will be analysed now.

## II. Alleged Divergence between al-Baghdādī and al-Aš'arī

The apparent divergence is on the description of the *umma* in ʿAbd al-Qāhir al-Baghdādī's (d. 1037) *al-Farq bayn al-Firaq* (Tritton, 2012), where he deviated in his description of 19 extreme sects of Šīʿites from the way they were described in the previous works on this matter written before him such as *Maqālāt al-Islāmiyyīn* by al-Aš'arī. Here are the remarks by Griffel on this:

> "*ʿAbd al-Qāhir al-Baghdādī's distinction between the ahl al-ahwāʾ (the erring groups) and those "who claim to belong to Islam, yet do not" introduced a new way of thinking about the Muslim community that paved the way first to al-Ghazālī's (d. 505/1111) and Ibn Taymiyya's (d. 728/1328) infamous condemnations of their doctrinal opponents and, later, to the often deadly practice of political takfīr in the 20th and 21st centuries.*" (Griffel, 2013, 143).

In *al-Farq*, al-Baghdādī classifies the Muslim community into 73 sects, all of whom will go to hell except for one, which is the saved party (*firqa nājiya*). Among many other points, he follows the example of his predecessors in taking the 70-odd *firaq* tradition as a model for the structure of his work. Yet he does something unique lacking in the previous works on the subject written before him. These works include books such as al-Malatī's (d. 377/987) *Kitāb al-Tanbīh* (al-Malaṭī, 2007), Abū al-Qāsim al-Kirmānī's (d. c. 410/1025) short commentary on the *firaq* tradition (Dedering, 1931), or al-Aš'arī's (d. 324/936) *Maqālāt al-Islāmiyyīn* (al-Aš'arī, 1980). In fact, the distinctiveness of *al-Farq* is that it has a section on the groups that claim to be part of the Muslim community although, according to al-Baghdādī, they are not.

These groups are, as he identifies, 19 in number, and their names are as the following: Sabaiyya, Bayāniyya, Mughīriyya, Ḥarbiyya, Manṣūriyya, Janāḥiyya, Ghurābiyya, Mufawwaḍa, Dhimmiyya, Šarīʿiyya, Numāʾiriyya, Ḥulūliyya, Aṣḥāb al-Ibāḥa, Aṣḥāb Tanāsukh, Ḥāyiṭiyya, Ḥimāriyya, Yazīdiyya, Maymūniyya, and Bāṭiniyya (al-Baghdādī, 1920, p. 17). Their beliefs in both *al-Farq* and *Maqālāt*

will be analysed comparatively below with an eye to finding al-Baghdādī's motivation in deviating from the way they were classified previously.

i. Manṣūriyya

Al-Baghdādī notes that they held such views as that the paradise and hell do not exist, which clearly goes against the Sunnī creed which states that paradise and hell have already been created and will not perish (al-Māturīdī, n.d., p. 81). The practices of disbelief of Manṣūriyya seems to have come in the open later and their leader, Abū Manṣūr al-ʿIjlī, was executed by the governor of ʿIrāq, Yūsuf b. ʿUmar al-Thaqafī as a result (al-Baghdādī, 1910, pp. 234-235). The description of Manṣūriyya by al-Aśʿarī is almost identical to this, with same extreme views as denying the existence of hell and paradise (al-Aśʿarī, 1950, v. 1, p. 74).

ii. Janāḥiyya

Al-Baghdādī mentions that they followed ʿAbd Allāh b. Muʿāwiya b. ʿAbd Allāh b. Jaʿfar, who, they considered, was God, which clearly goes against the Sunnī creed by any standard (al-Baghdādī, 1910, pp. 235-237). Al-Aśʿarī makes similar remarks in his *Maqālāt*, noting, for instance, that the soul of God was in ʿAbd Allāh b. Muʿāwiya and that it is said that they considered him even as God (al-Aśʿarī, 1950, v. 1, p. 67).

iii. Bayāniyya

This is another group with an anthropomorphist understanding of God. al-Baghdādī notes that they held that God is a man made of light and that all of His parts will perish except for His face (al-Baghdādī, 1910, p. 228). This goes against the Sunnī belief that nothing is like onto God (al-Māturīdī, n.d., p. 107). Similar remarks are to be found in al-Aśʿarī's description of this group (al-Aśʿarī, 1950, v. 1, p. 66).

iv. Sabaʾiyya

Another group which they both seem to treat is Sabaʾiyya, whose members believed that ʿAlī is God (al-Aśʿarī, 1950, v. 1, p. 82, al-Aśʿarī, 1950, v. 1, p. 85, and Ibn Ḥajar, 1379, v. 7, p. 270).

I cannot analyse all sects here out of economy. Nor is it necessary to do so. But, both al-Baghdādī and al-Aśʿarī describe similarly the groups which they both treat (al-Baghdādī, 1910, pp. 222-299 and al-Aśʿarī, 1950, v. 1, pp. 66-86), which proves that the divergence Griffel claims exists between the two is only apparent.

Moreover, the term *ghāll* (pl. *ghulāt*) (Lane, 1968, p. 2288), where al-Aśʿarī classified these sects under, was a term used to refer to groups which exceeded the

limits about *imām*s, taking them from the realm of humanity and considering them as God, or to those who held other forms of extreme views which put them outside of the pale of Islam (Ibn Ḥazm, 1964, v. 1, p. 173 and al-Aš'arī, 1950, v. 1, p. 66), very much similar to the way the term is used regarding *Ahl al-Kitāb* in the Qur'ān (4:171).

As a result, what initially appears to be a potential explanation for the divergence between al-Aš'arī and al-Baghdādī turns out to be a rather flimsy argument that relies on the assumption that the term *ghulāt* referred to, though heretical, Muslim groups that held radical views from the viewpoint of Sunnī orthodoxy.

Why did al-Baghdādī make this divergence, though? It could be that some people among the audience of al-Baghdādī might not have enough knowledge on whether or not people from among these extreme groups were under the pale of Islam. Or the term *ghulāt* may have gone through semantic change over time. As a result, al-Baghdādī might have wanted to clarify their status to the public.

Whatever the case may be, the fact remains that the divergences between the writings of al-Baghdādī and al-Aš'arī as well as al-Ghazālī and al-Šāfi'ī are only apparent. This demonstrates that the tendency which is seen among some Western scholars to associate any divergence across classical sources, legal or otherwise, does not rely on sound evidence.

## III. Conclusion

This paper deals with what seems to be a common practice among some western scholars with regard to their approach to classical sources of Islamic studies in any field, including but not limited to Islamic law and Islamic Theology. They seem to incline towards attaching any divergence seen across classical texts to politics. In an effort to demonstrate the unacademic nature of this tendency, this paper analysed two such divergences and showed that the authors who wrote on this matter, namely Griffel and al-Tikriti, seem to have manipulated or complicit in the manipulation of, the apparent divergences across classical sources by al-Ghazālī, al-Šāfi'ī as well as al-Baghdādī and al-Aš'arī.

First, the present work has analysed the alleged divergence between al-Ghazālī al-Šāfi'ī on *istitāba*. Contrary to Griffel's argument, who seems to go as far as to misquote al-Ghazālī in its support, as well as to that of al-Tikriti, who repeated the same accusations directed towards al-Ghazālī by Griffel, this paper argued that the difference between the two classical authors' views in respect of the scope and the number of *istitāba* in case of apostasy is not real.

To support this argument, this paper has pointed out that during the time of al-Ghazālī, there was a strong *dā'ī* movement, as also indicated by Griffel, which

apparently did not exist during the time of al-Šāfiʿī. Hence, this work argued that both scholars' remarks on the issue of *istitāba* should be interpreted in consideration of the context in which they penned their works. Not having any *dāʿī*s around him, the present work further argued, al-Šāfiʿī could not naturally be expected to specify that *istitāba* does not apply to *dāʿī*s.

If al-Ghazālī was politically motivated, this work further argued, to keep the Sunnī identity of his state to the degree that he might even change what constitutes a *Muslim* and what constitutes a *kāfir*, as argued by Griffel, al-Ghazālī would have also made common people's apostasy a reason for capital punishment, too, which he did not, as admitted by Griffel.

Second, on the basis of an analysis of the relevant primary sources, this paper then examined another divergence, which Griffel claims exists between al-Baghdādī and al-Aśʿarī. Contrary to his view, this work argued that *ghulāt* (extremes) then referred to those Šīʿī sects which exceeded the boundaries of Islam and were already regarded by the predecessors of al-Baghdādī, such as al-Aśʿarī, al-Malaṭī, and al-Kirmānī, to be outside of the pale of Islam. This work thus concluded that this deviation which Griffel attempts to associate with the previous divergence to accuse classical jurists of being state apparatus is not real either.

In conclusion, by analysing the apparent divergences between the writings of al-Šāfiʿī and al-Ghazālī on the issue of *istitāba* as well as the one between al-Aśʿarī and al-Baghdādī, this paper illustrated what seems to be a common tendency among some Western scholars to associate any divergence across writings of classical scholars within various subfields of Islamic Studies to political interests, a tendency which has recently reached its climax in the writings of scholars of Islamic Political Thought who regarded the whole Islamic legal literature as manifestations of political interests of ruling powers.

In this regard, this paper has also discussed in the introduction the origins of this tendency. Although this tendency is rooted in the writings of early orientalists such as Schacht whose approach to classical sources has received strong criticism, still finds its way into contemporary scholars' writings on the history of Muslim civilizations from various aspects including Islamic law, Islamic heresiography, Islamic theology, and Islamic historiography, as illustrated above, in the writings of such scholars as Griffel, al-Tikriti, Yilmaz, and Safi.

Revealing the flimsy and unacademic nature of this approach on the basis of an analysis of the previous literature on one hand and demonstrating this using the two apparent divergences between al-Šāfiʿī and al-Ghazālī as well as al-Aśʿarī and al-Baghdādī on the basis of an analysis of primary sources on the other, the present work contributes to the field of Islamic studies in general and its various

subfields in particular, including, but not limited to, Islamic law, Islamic heresiography, and Islamic historiography.

Finally, this paper demonstrates how far some scholars could go to exploit these apparent divergences across classical sources at the expense of misquoting or misrepresenting them, presumably with the purpose of forming a myth about Islamic law and Sunnism, which constitute a strength of unity of practice and belief of Turkish states, in past, present, and, hopefully, future.

## IV. References

Abū Yūsuf, Yaʿqūb b. Ibrāhīm. (n.d.). *Kitāb al-Kharaj*. Dār Būslāma.

Al-Baghdādī, Abū Manṣūr ʿAbd al-Qāhir b. Ṭāhir. (1920). *Al-Farq bayn al-Firaq.* [Moslem Schism and Sects]. Kate Chambers Seelye (Trns.) New York: Np.

Al-Baghdādī, Abū Manṣūr ʿAbd al-Qāhir b. Ṭāhir. (1910). *al-Farq bayn al-Firaq wa Bayān al-Firqa Nājiya Min-hum*. Muḥammad Badr (Ed.) Cairo: Maṭbaʿa Maʿārif.

Al-Baghdādī, Abū Manṣūr ʿAbd al-Qāhir b. Ṭāhir. (n.d). *al-Farq bayn al-Firaq*. Muḥammad Muḥy al-Dīn ʿAbd al-Ḥamīd (Ed.).Cairo.

Al-Aš'arī, Abū al-Ḥasan ʿAlī b. Ismāʿīl. (1950). *Maqālāt al-Islāmiyyīn wa Ikhtilāf al-Muṣallīn*. Muḥammad Muḥyī al-Dīn ʿAbd al-Majīd (Ed.). Cairo: Maktaba al-Nahḍa.

Al-Aš'arī, Abū al-Ḥasan ʿAlī b. Ismāʿīl. (1980). *Maqālāt al-Islāmiyyīn wa Ikhtilāf al-Muṣallīn*. Hellmut Ritter (Ed.). Wiesbaden: Verlag.

Atçıl, A. (2017). The Safavid Threat And Juristic Authority in The Ottoman Empire During The 16th Century. In *International Journal of Middle East Studies, 49(2),* (pp. 295–314). http://www.jstor.org/stable/26333892.

Bilgin, M. (1997). Hak Dini Kur'an Dili. In *TDV İslâm Ansiklopedisi* (pp. 153-163), 15, Türkiye Diyanet Vakfı İslâm Araştırmaları Merkezi.

Bosworth, E. (2010). The steppe peoples in the Islamic world. In *D. Morgan & A. Reid (Eds.), The New Cambridge History of Islam (The New Cambridge History of Islam, pp. 19-77).* Cambridge: Cambridge University Press.

Dedering, S. (1931). Ein Kommentar der Tradition über die 73 Sekten. In *Le Monde Oriental 25* (35-43).

Dressler, M. (2005). "Inventing Orthodoxy: Competing Claims for Authority and Legitimacy in the Ottoman-Safavid Conflict". In *Legitimizing the Order*. Leiden, The Netherlands: Brill. https://doi.org/10.1163/9789047407645_010.

Al-Ghazālī, Abū Ḥāmid. (1971). *Šifāʾ al-Ghalīl fī Bayān al-Šubha wa al-Mukhīl wa Masālik al-Taʿlīl*. H.al-Kabīsī (Ed.). Iršād.

Al-Ghazālī, Abū Ḥāmid. (1964). *Faḍāʾiḥ al-Bāṭiniyya wa Faḍāʾil al-Mustaẓhiriyya.* A. Badawī (Ed.). al-Dār al-Qawmiyya li al-Ṭibāʿa wa al-Našr.

Griffel, F. (2001). Toleration and Exclusion: Al-Shāfiʾī and al-Ghazālī on the Treatment of Apostates. *Bulletin of the School of Oriental and African Studies, University of London, 64(3),* 339–354.

Griffel, F. (2013). Der eine und das andere: beobachtungen an islamischen häresiographischen texten, by Josef van Ess. In *Ilahiyat Studies, 4(1)* (pp. 139–144).

Ibn Ḥajar, Abū al-Faḍl al-ʿAsqalānī. (1379). *Fatḥ al-Bārīʾ Šarḥ al-Bukhārī.* Dār al-Maʿrifa.

Ibn Ḥazm, Abū Muḥammad. (1964). *Kitāb al-Faṣl wa al-Milal wa al-Niḥal*. Baghdād. Np.

Hassner, R. E. (2011). Blasphemy and Violence. In *International Studies Quarterly, 55(1),* (pp. 23–45). http://www.jstor.org/stable/23019512.

Hourani, A. (1967). Islam and the Philosophers of History. *Middle Eastern Studies, 3(3),* 206–268.

Humphreys, S. R. (1988). *Islamic History: A Framework for Inquiry*. Bibliotheca Islamica.

Jackson, Sherman. (2002). "Fiction and Formalism: Toward a Functional Analysis of uṣūl al-fiqh." In *Studies in Islamic Legal Theory*. Edited by Bernard Weiss. (pp. 177-201). Brill.

Kaya, B. (2019). Nizamiye Medreseleri ve Eğitim Geleneği. In *İstanbul Sabahattin Zaim Üniversitesi Sosyal Bilimler Dergisi 7* (pp. 49-66).

Lambton, Ann K. S. "Islamic Political Thought." In *The Legacy of Islam*. Edited by Joseph Schacht and Clifford Edmund Bosworth, 404–24. Oxford: Oxford University Press, 1974.

Lane, E. W. (1968). *An Arabic-English Lexicon Derived from the Best and Most Copious Eastern Sources*. Librairie du Liban.

Al-Malaṭī, Abū al-Ḥusayn Muḥammad. (2007). *Kitāb al-Tanbīh wa al-Radd ʿalā Ahl al-Ahwāʾ wa al-Bidʿa*. Muḥammad Zāhid b. Ḥasan al-Kawṯarī (Ed.). Maktaba Azhariyya li-l-Turāṯ.

Ibn Manẓūr, Muḥammad b. Mukarram (1955-56). *Lisān al-ʿArab.* Np.

Al-Māturīdī, Abū Manṣūr. (N.d.). *Sharḥ Fiqh al-Akbar lī-Abī Ḥanīfa*. ʿAbd Allāh b. Ibrāhīm al-Anṣārī (Ed.). N.p.

Al-Maydānī, ʿAbd al-Ġanī al-Ġanīmī. (n.d.) *al-Lubāb fī Šarḥ al-Kitāb*. Āsitāna.

Necipoğlu, Gülru (1992). "A Kânûn for the State, a Canon for the Arts: Conceptualizing the Classical Synthesis of Ottoman Arts and Architecture." In *Soliman Le Magnifique et Son Temps.* Edited by Gilles Veinstein, 195–216. Paris: Documentation Française.

Peters, R., & Gert J. J. De Vries. (1976). Apostasy in Islam. In *Die Welt Des Islams, 17(1/4),* (pp. 1–25). https://doi.org/10.2307/1570336.

Pickthall, Marmaduke William. (2011) *The Meaning of the Glorious Qur'an Revised New modern English edition*. Islamic Dawah Centre International.

Safi, Omid. (2006). The Politics of Knowledge in Premodern Islam: Negotiating Ideology and Religious Inquiry. The University of North Carolina Press.

Sadeghi, Behnam. (2013). *The Logic of Law Making in Islam: Women and Prayer in the Legal Tradition*. Cambridge University Press.

Al-Sarakhsī, Abū Bakr Šams al-Aʾimma Muḥammad b. Abū Sahl Aḥmad. (n.d.). *al-Mabsūṭ*. Dār al-Maʿrifa.

Al-Šaybānī, Muḥammad b. al-Ḥasan. (2012). *al-Aṣl*. Muḥammad Boynukalın (Ed.) Dār Ibn Ḥazm.

Schacht, J. (1979). The Origins of Muhammadan Jurisprudence. Oxford University Press.

Al-Tikriti, N. (2005). Kalam in the Service of State: Apostasy and the Defining of Ottoman Islamic Identity. In *Legitimizing the Order*. Brill.

Tritton, A.S. (2012) al-Baghdādī. In *Encyclopaedia of Islam (2nd Edn.).* P. Bearman, Th. Bianquis, C.E. Bosworth, E. van Donzel W.P. Heinrichs (Ed.). Brill.

Topal, Ahmet. (2022). Did Islamic Law Cause Islamic Civilization to Decline?. In *Ondokuz Mayıs Üniversitesi İlahiyat Fakültesi Dergisi - / 53* (pp. 595-616).

Topal, Ahmet. (2023). "The Narrative Change in Muslim Historiography within the Context of the Expedition to al-Kharrār". In *Türkiye İlahiyat Araştırmaları Dergisi 7 / 1*, (pp. 1-19. https://doi.org/10.32711/tiad.1233329.

Topal, Ahmet.(2020) "The Role of the Arabic Language in *istinbāṭ al-ḥukm* within the Context of Criminal law: A General Framework for Inquiry into the

Linguistic Categories of *uṣūl al-fiqh* of the Ḥanafī school of law." PhD dissertation. Leeds University.

Owen, R. (1973). Studying Islamic History [Review of The Cambridge History of Islam, by P. M. Holt, A. K. S. Lambton, & B. Lewis]. In *The Journal of Interdisciplinary History, 4(2),* (pp. 287–298).

Özervarlı, M. S. (1996). Gazzâlî. In *TDV İslâm Ansiklopedisi* (pp. 505-511), 13, Türkiye Diyanet Vakfı İslâm Araştırmaları Merkezi.

Sariyannis, Marinos. (2018). *A History of Ottoman Political Thought Up to the Early Nineteenth Century*. Brill.

Vishanoff, David R. (2004) "Early Islamic Hermeneutics: Language, Speech, and Meaning in Preclassical Legal Theory." PhD dissertation. Emory University. http://david.vishanoff.com/wp-content/uploads/Dissertation.pdf.

Watt, W. M. (1956). *Muhammad at Medina*. Clarendon Press.

Wehr, H. & Cowan, M. (1979). *A Dictionary of Modern Written Arabic (Arabic-English)*. Harrassowitz.

Yazır, E. M. H., (1935-39). *Hak Dini Kur'an Dili: Yeni Meâlli Türkçe Tefsir*. Matbaai Ebüzziya.

Yılmaz, Hüseyin. (2018). Caliphate Redefined: The Mystical Turn in Ottoman Political Thought. Princeton University Press.

**Çatışma beyanı:** Makalenin yazarı, bu çalışma ile ilgili taraf olabilecek herhangi bir kişi ya da finansal ilişkileri bulunmadığını dolayısıyla herhangi bir çıkar çatışmasının olmadığını beyan eder.