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FROM THE EDITORS

Greetings,

Welcome back to the new issue of *Ilahiyat Studies*. Regardless of our ethnic, religious, or socio-economic background, the year 2020 has been challenging for all of us. Although theologians, philosophers, and sociologists have warned us that we lived in societies replete with risks, we seem to have turned a deaf ear to those warnings. What has become clear now is that we are not living in a “risk society” anymore where the crisis was just a potential, but in a society where the crisis has become real. This crisis poses a clear and present danger to our existential security as we have experienced through, earthquakes, drought, and the Covid-19 pandemic, among others. However, there is always hope as certain things keep our hopes and aspirations alive, such as our families, friends, and the things we enjoy doing for ourselves and for the public at large. Let us hope that 2021 will be a better year for the whole world.

This issue features five articles and three book reviews. In his article “Once the First Button is Put Wrong... An Assessment of a Study by Judith Pfeiffer on *Kashf al-asrār fī ilzām al-Yahūd wa-l-aḥbār* by Yūsuf Ibn Abī ‘Abd al-Dayyān,” Fuat Aydın presents a critical analysis of J. Pfeiffer’s work on *Kashf al-asrār fī ilzām al-Yahūd wa-l-aḥbār* by Yūsuf Ibn Abī ‘Abd al-Dayyān. In so doing, Aydın tries to refute several claims presented in Pfeiffer’s work: First, Pfeiffer’s attempt to date Ibn Abī ‘Abd al-Dayyān’s text to the seventeenth century is not reasonable because he lived in the sixteenth and not in the seventeenth century. Second, the reason for writing the tract, therefore, cannot be related to the *Qāḍīzādelis - Sivāsīs* debate, but the increased visibility of the Jews in the social and cultural life of Istanbul after the immigration from Spain. Finally, Pfeiffer’s argument that Ibn Abī ‘Abd al-Dayyān literally translated Ṭāshkuprīzādah’s text *al-Radd ‘alā l-Yahūd* is historically

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inaccurate; on the contrary, it is Ṭāshkuprīzādah who benefited greatly from the work of Ibn Abī ‘Abd al-Dayyān.

Faika Çelik’s article, “An Analysis on the Operations and Functions of a Sharī‘ah Court: The Case of Ottoman Üsküdar (1547-1551),” gives a minute analysis of the operations of the Sharī‘ah court of Üsküdar and its records between the years of 1547 and 1551. The article is yet another welcome contribution to the new literature on various roles and functions of the Sharī‘ah courts in the Ottoman State, paying particular attention to the fact that the courts showed huge diversity in the roles they played in the Ottoman system. In line with this argument, the article concludes convincingly that “the court of Üsküdar in the very middle of the sixteenth century primarily functioned as a ‘public registry.’”

Ayşe Zişan Furat’s article “Teaching Religion at Turkish Public Schools: A Theme Oscillating between Faith, Culture, and Politics?” treats vexing questions about the status and nature of teaching religion at public schools within the context of Turkish society, which aims to have a laic state while maintaining its religious character. The article argues that this issue has not been settled yet, for we are still asking the same age-old questions of “What should be the essence of religious education in public schools?” “Should it aim to teach religion as a practice of faith, or should it approach religion as a cultural concept?” These questions are critical when diversity and plurality are regarded as values to be cherished globally and locally. The article aims to provide the reader with a detailed analysis of the Turkish experience to reconcile religious education with the secular education system.

The article entitled “Mullā Şadrā’s Political Legacy: Şadrā’s Theory of Justice and the Religio-Political Authority in Post-Revolutionary Iran,” by Amir Rastin Toroghi and Seyyed Mortaza Hosseini Shahrudi, attempts to analyze the influence Mullā Şadrā has had on the formation of the government in contemporary Iran through his religio-political views to protect righteousness and justice as delineated in his work. The authors try to make intelligible Şadrā’s works to explain his understanding of justice by reference to his philosophy, theology, and commentary on the Qur’ān, and the Shi‘ī tradition. They argue that there is a potential in Şadrā’s philosophical and theological discourse and in his commentary on the Qur’ān that anticipated the formation of the *walāyat-i faqīh*. They further suggest that there are other aspects

of Şadrā's philosophy that maybe connected to the theory of *walāyat-i faqīh* especially in Khomeini's case.

The final article of this issue by Umar Muhammad Noor, "Traditionist Internal Reform: Motives behind the Birth of the First Manual of *ʿUlūm al-Ḥadīth*," aims to determine the motive behind the emergence of *al-Muḥaddith al-fāṣīl baynal-rāwī wa-l-wāʿī* by al-Rāmahurmuzī. According to Noor, although there have been plenty of theories explaining the motive behind the work, none of them could capture the real motive. Contrary to standard accounts, the author argues, *al-Muḥaddith al-fāṣīl* is more than just an explanatory manual that elucidates fundamental theories of the hadith discipline. Instead, the work carries reformative ideas through which al-Rāmahurmuzī attempts to change the state of traditionist scholarship after decades of decadence. The author concludes that *al-Muḥaddith* reflects al-Rāmahurmuzī's critical appraisal of the traditionists and his effort to initiate an internal reform by reviving the methodology of past ḥadīth critics in hadith preservation, which has the potential to combine aspects of both *riwāyah* and *dirāyah*.

As always, as the editorial team, we thank our readers, authors, and anonymous referees for their invaluable contributions. Finally, we want to express our gratitude and appreciation to Bursa İlahiyat Foundation for its continued support.

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ARTICLES

*Once the First Button is Put Wrong... An Assessment of a Study by
Judith Pfeiffer on Kashf al-asrār fī ilzām al-Yahūd wa-l-aḥbār by
Yūsuf Ibn Abī ‘Abd al-Dayyān*

Fuat Aydın



*An Analysis on the Operations and Functions of a Shari‘ah Court:
the Case of Ottoman Üsküdar (1547-1551)*

Faika Çelik



*Teaching Religion at Turkish Public Schools: A Theme Oscillating
between Faith, Culture, and Politics*

Ayşe Zişan Furat



*Mullā Şadrā’s Political Legacy: Şadrā’s Theory of Justice and the
Religio-Political Authority in Post-Revolutionary Iran*

Amir Rastin Toroghi &
Seyyed Mortaza Hosseini Shahrudi



*Traditionist Internal Reform: Motives behind the Birth of the First
Manual of ‘Ulūm al-Ḥadīth*

Umar Muhammad Noor



ONCE THE FIRST BUTTON IS PUT WRONG ...
AN ASSESSMENT OF A STUDY BY JUDITH PFEIFFER ON *KASHF*
***AL-ASRĀR FĪ ILZĀM AL-YAHŪD WA-L-AḤBĀR* BY YŪSUF IBN**
ABĪ ‘ABD AL-DAYYĀN

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Abstract

Refutations by native or converted Muslims to reject religions other than Islam have been produced for ages, including during the Ottoman era. However, studies about such refutations have mainly focused on the Ottoman world from the 19th century until the 2000s. One of the exceptions is Judith Pfeiffer’s study on *Kashf al-asrār fī ilzām al-Yabūd wa-l-aḥbār* by Yūsuf Ibn Abī ‘Abd al-Dayyān. This paper intends to demonstrate that the conclusion reached by Pfeiffer, i.e., that the text, which she dates to 17th century within the context of the Qāḏizādelis-Sivāsīs debate and uses as a reference, is actually a tract called *al-Radd ‘alā l-Yabūd* by Ṭāshkuprīzādah, is not accurate. This paper also aims to demonstrate that Ibn Abī ‘Abd al-Dayyān actually lived in the 16th century and wrote this work in relation to the Jews who had become gradually more visible in the social and cultural life of Istanbul following their migration from Spain and that the use of the reference

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is actually the use of the book of Ibn Abī ‘Abd al-Dayyān by Ṭāshkuprīzādah.

Key Words: Yūsuf Ibn Abī ‘Abd al-Dayyān, Ṭāshkuprīzādah, refutation, Judith Pfeiffer, *Kashf al-asrār*, *radd i’tiqādāt al-Yabūd*

Introduction

In Islamic literature, *raddiyabs* are defined as refutations against religions other than Islam; known in modern studies as religious polemics, these are texts written by followers of a certain religion to demonstrate the authenticity of their respective religion and the inauthenticity of any other religion. The second Vatican Council (1962-65) adopted an inclusive approach¹ towards non-Christian religions. In this context, following the call for *dialogue* as a new method of interreligious relations, such texts were considered examples of interreligious dialogue. Specifically, pursuant to this approach, the centers and institutes established by Catholic Church to pursue this form of dialogue began to carry out biographical works and relevant academic studies to identify the texts written by followers of three Semitic religions against one another.²

¹ For this inclusive approach, which includes Karl Rahner among its principal defenders, see Adnan Aslan, “Batı Perspektifinde Dini Çoğulculuk Meselesi,” *İslam Araştırmaları Dergisi* 2 (1998), 143-163.

² An indicator about the mentioned fact is that relevant studies were carried out in the wake of the Second Vatican Council in 1965. For these and earlier texts, see Moritz Steinschneider, *Polemische und apologetische Literatur in arabischer Sprache, zwischen Muslimen, Christen und Juden, nebst Anhängen verwandten Inhalts* (Hildesheim: Georg Olms., 1966). Since the refutations in Christian and Islamic worlds are considered within the context of dialogue, a bibliography including them was published in the periodical *Islamo-Chrétien*: Robert Caspar et al., “Bibliographie Du Dialogue Islamo-Chrétien, Bibliographie (VII^e X^e siècle),” *Islamochristiana* 1 (1975), 125-176; Miquel De Epalza, Adel-Théodore Khoury, and Paul Khoury (Coordination: Robert Caspar), “Bibliographie Du Dialogue Islamo-Chrétien, Bibliographie (XI^e XII^e siècle),” *Islamochristiana* 2 (1976), 187-248; Robert Caspar, Abdulmajid Charfi et Khalil Samir, “Bibliographie Du Dialogue Islamo-Chrétien, Bibliographie (XI^e XII^e siècle),” *Islamochristiana* 5 (1977), 255-284; Robert Caspar, Abdulmajid Charfi et Adel-Théodore Khoury, “Bibliographie Du Dialogue Islamo-Chrétien, Bibliographie (XIII^e XIV^e siècle),” *Islamochristiana* 4 (1978): 247-267; Robert Caspar, Khalil Samir, and Ludwig Hagmann, “Bibliographie Du Dialogue Islamo-Chrétien, Bibliographie (XI^e XII^e siècle),”

To date, studies about Muslim polemic texts against Jews and Christians or vice versa have often focused on Arabic works from the Umayyad and Abbasid eras. Despite constituting an important six-century period in the 1500-year history of Islam and probably incorporating more diversity than any other era, the Ottoman era has long been overlooked by academicians in this regard. There are presumably two reasons behind this relative negligence. The first reason is the presupposition (especially, of Western academicians) that the glory of the Muslim world ended in the 12th century, that the ensuing periods were mere repetition and that there was be no original thought in any other matter from that point forward. The second reason is the indifference of the academicians from this very region regarding this subject until the 1980s, which was inherited from the Ottomans and can be attributed to reasons such as the scarcity of specialization and the abundance of other things to be done in the field of the history of religions.³

Islamochristiana 5 (1979), 299-317; Khalik Samir, "Bibliographie Du Dialogue Islamo-Chrétien, Bibliographie (septième partie), Autors arabes chrétiens du XIII^e siècle", *Islamochristiana* 7 (1981), 299-317. Studies on Jew-Muslim polemics are mostly carried out by Moshe Perlmann. Moshe Perlmann, "The Medieval Polemics between Islam and Judaism," ed. S. D. Goitein O, *Religion in a Religious Age* (Cambridge Association for Jewish Studies, 1974), 103-138. For a recent Turkish work about refutations by followers of three religions against one another, see Yasin Meral, "Yahudi-Hristiyan-Müslüman Reddiye Geleneği," in *Dinler Arası İlişkiler El Kitabı*, ed. Ali İsra Güngör (Ankara: Grafiker Yayınları, 2017), 161-176.

³ For a study about writings against Christianity not during the entire Ottoman era but only in the 19th century, see Mehmet Aydın, *Müslümanların Hristiyanlığa Karşı Yazdığı Reddiiyeler ve Tartışma Konuları* (Konya: Selçuk Üniversitesi Yayınları, 1989); for a bibliographical study about refutations written in Turkish, see Mehmet Aydın, "Hristiyanlığa Karşı Yazılmış Türkçe Reddiiyeler," *Diyaret Dergisi* 19, no. 1 (1983), 15-23. The doctoral thesis by Mustafa Göregen on refutations against Jews does not include the Ottoman era except for a few texts. See Mustafa Göregen, *Müslüman-Yahudi Polemikleri* (Istanbul: Hikmetevi Yayınları, 2014); Mehmet Alıcı, "Osmanlı Son Döneminde Müslüman-Hristiyan Tartışmalarına Dair Bir Karşılaştırma: Şemsü'l-Hakîka ve Râfi'uş-Şübûbât y'ani, Cevâb-i Risâle-i Şemsü'l-Hakîkat," *Mukaddime: Mardin Artuklu Üniversitesi Sosyal Bilimler Enstitüsü Dergisi* 7, no. 1 (2016), 31-52, <https://doi.org/10.19059/mukaddime.26539>; İsmail Taşpınar, *Hacı Abdullah Petricî'nin Hristiyanlık Eleştirisi*, 4th ed. (Istanbul: Marmara Üniversitesi İlahiyat Fakültesi Vakfı Yayınları, 2014).

The indifference about refutations in the Ottoman era underwent a change as early as the 2000s. A series called *Christian-Muslim Relations, A Bibliographical History*,⁴ which was part of a broader project focusing on the history of Christian-Muslim relationships initiated by a group of academicians including David Thomas, dealt with these relations on a global scale, whereupon individual polemics or even polemical texts on Muslim-Christian relations began to be

⁴ In 2013, I served as a guest lecturer for two months at the Center for Muslim-Christian Relations at Birmingham University, where David Thomas is also an academician. I told Thomas that as a part of this project, I planned to compile polemical texts against Christianity in Ottoman era. Upon my return to Turkey, I browsed all the manuscript catalogs and identified texts by Ṭāshkuprīzādah, Yūsuf Ibn Abī ‘Abd al-Dayyān, and ‘Abd al-Salām al-Muhtadī al-Muḥammadī against Judaism that were attained and published within the scope of the project initiated by Adang, the text of Muḥammad of Athens studied by Tijana Krstić, and the text of Aḥmad al-Trabzūnī. Accordingly, I wrote and realized the introduction and translation of the work of Ṭāshkuprīzādah, as well as the translation of al-Trabzūnī’s text. Among them, however, I only completed the paper about Yūsuf Ibn Abī ‘Abd al-Dayyān and his text, benefiting also from the studies of Pfeiffer and Krstić (for instance, I have to express my gratitude, for she mentioned the Kepenekçi/Kepenkçi record in the copy of manuscript in Sofia and helped me with the correct reading of Ganjizādah in the copy of manuscript in Giresun), which I presented as a communique at the International Congress on Ottoman Studies held by Sakarya University Center of Ottoman Studies on 14-17 October 2015. This paper was eventually published in pages 199-245 of “Konjonktürün Ürettiği Yahudi-Karşıtı Bir On Altıncı Yüzyıl Reddiyesi: *Kitâbu Keşfu’l-Esrâr fi İlzâmî’l-Yebûd ve’l-Abbâr*,” *Osmanlı’da Felsefe, Tasavvuf ve Bilim*, ed. Fuat Aydın and Mükerrrem Bedizel Aydın (Istanbul: OSAMER & Mahya Yayınları, 2016). In addition, the conversion narrative-refutation text of Muḥammad of Athens was presented under the title “Hristiyan Din Adamlığından Osmanlı Kadılığına (!): Bir On Yedinci Yüzyıl İhtida Anlatısı Üzerine” at Symposium on Scholars, Institutions and Intellectual Works from Saḥn-i Thamân to Dâr al-Funûn, held by Istanbul University Faculty of Theology on 22-23 December 2017. Later, this communique was published together with İrfan İnce as “Bir 17. Yüzyıl İhtida Anlatısı: Bir Atinalı Mühtedî, Bir Osmanlı Kadısı,” in *Sabn-ı Semân’dan Dârülfünûn’a Osmanlı’da İlim ve Fikir Dünyası: Âlimler, Müesseseler ve Fikrî Eserler XVII. Yüzyıl*, 507-578 (Istanbul: Zeytinburnu Belediyesi Kültür Yayınları, 2017). Some texts mentioned herein or discovered recently are now being prepared for publication independently of Thomas’ projects, and they will be gradually published at an appropriate occasion and time.

studied separately with regard to each century, in such a manner as to incorporate the Ottoman era.⁵

Thanks to the project initiated by Thomas, the field of Muslim-Christian relations in the Ottoman era finally began to attract the attention it deserves. In addition, the concept of Muslim-Jew relations during the Ottoman period, which had never drawn significant interest in terms of religious polemics despite abundance of studies on Ottoman Jews in historical context,⁶ gradually became a more popular topic during the same period of time. Within the framework of a project developed by Camilla Adang, Sabine Schmidtke, and Judith Pfeiffer, some refutations against Jews during the Ottoman era were studied, and their edited versions and translations were subsequently published. According to statements made by these authors, there are some other ongoing studies situated in the same context. A total of four texts, three from the 16th century and one from 17th century (?), were initially published in the form of individual papers; later, three of them were included in *Contacts and Controversies between Muslims, Jews and Christians in the Ottoman Empire and Pre-Modern Iran*, a book edited by Camilla Adang and Sabine Schmidtke and published by Würzburg Ergon Verlag in 2010.⁷ Moreover, the same scholars indicate

⁵ Eleven volumes have been published in this series so far. For further information about these books and their content, see <http://www.brill.com/publications/christian-muslim-relations-bibliographical-history>.

⁶ For studies about Ottoman Jews, see *Christians and Jews in the Ottoman Empire: The Functioning of a Plural Society*, ed. Benjamin Braudel and Bernard Lewis (New York: Holmes-Meier Publisher, 1982), I-II; Minna Rozen, *Jewish Identity and Society in the Seventeenth Century: Reflections on the Life and Work of Refael Mordekhai Malki*, translated from the Hebrew by Goldie Wachsman. Texts and Studies in Medieval and Early Modern Judaism, 6. (Tubingen: J. C. B. Mohr, 1992); id., *A History of the Jewish Community in Istanbul: The Formative Years, 1453-1566* (Leiden: E. J. Brill, 2002); Avigdor Levy (ed.), *The Jews of the Ottoman Empire* (Princeton: Darwin Press & Washington, D.C.: Institute of Turkish Studies, 1994); Yaron Ben-Nach, *Jews in the Realm of Sultans: Ottoman Jewish Society in the Seventeenth Century* (Tübingen: Mohr Siebeck, 2008); Hatice Doğan, *Osmanlı Devleti'nde Habambaşılık Müessesesi* (Istanbul: Gözlem Gazetecilik Basın Yayın A.Ş., 2003); Ahmet Hikmet Eroğlu, *Osmanlı Devleti'nde Yahudiler (XIX. Yüzyılın Sonuna Kadar)* (Ankara: Berikan, 2013).

⁷ Judith Pfeiffer, "Confessional Polarization in the 17th Century Ottoman Empire and Yūsuf İbn Ebī 'Abdü'd-Deyyān's *Keşfü'l-esrār fî ilzāmi'l-Yebūd ve'l-ahbār*," *Contacts and Controversies between Muslims, Jews and Christians in the Ottoman*

that these texts will be republished in the projected book *Ottoman Intellectuals of Judaism: A Collection of Texts from the Early Modern Period*.⁸

Selected from the articles published within the scope of the project headed by Adang and Schmidtke, this paper will focus exclusively on the study by Pfeiffer that examined *Kashf al-asrār fī ilzām al-Yahūd wa-l-aḥbār* (herein after referred to as *Kashf*), which was written by Yūsuf Ibn Abī ‘Abd al-Dayyān (herein after referred to as Ibn Abī ‘Abd al-Dayyān). The study by Pfeiffer was the first ever text written and published within the scope of the mentioned project. Indeed, all subsequent studies –as will be seen below– refer to her work in terms of the date, religious-social context, and references of the book in question, which was authored by Ibn Abī ‘Abd al-Dayyān. Accordingly, explanations provided by Pfeiffer about the date and religious-social context of Ibn Abī ‘Abd al-Dayyān’s work will be analyzed herein. For this purpose, we will initially touch upon the statements and evaluations provided by Pfeiffer in regard to *Kashf*, as written by ‘Abd al-Dayyān, before trying to demonstrate whether these statements and evaluations are accurate.

Empire and Pre-Modern Iran, ed. Camilla Adang and Sabine Schmidtke (Würzburg: Ergon Verlag Würzburg in Kommission, 2016), 15-56, <https://doi.org/10.5771/9783956506826-15>; Camilla Adang, “Guided to Islam by the Torah: The *Risāla al-bādiya* by ‘Abd al-Salām al-Muhtadī al-Muḥammadī,” *Contacts and Controversies*, 57-72, <https://doi.org/10.5771/9783956506826-57>; Sabine Schmidtke, “Epistle forcing the Jews [to admit their error] with regard to what they contend about the Torah, by dialectical reasoning (*Risālat ilzām al-yahūd fīmā za‘amū fī l-tawrāt min qibal ‘ilm al-kalām*) by al-Salām ‘Abd al-‘Allām, a critical edition,” in *Contacts and Controversies*, 73-82, <https://doi.org/10.5771/9783956506826-73>.

⁸ For these promises, see Schmidtke and Adang, “Aḥmad b. Muṣṭafā Ṭāshkubrīzāde’s (d. 968/1561) Polemical Tract Against Judaism,” *Al-Qantara* 29, no. 1 (enero-junio de 2008), 79, <https://doi.org/10.3989/alqantara.2008.v29.i1.50>; Adang, “A Polemic against Judaism by a Convert to Islam from the Ottoman Period: *Risālat Ilzām al-Yahūd Fīmā Za‘amū fī l-Tawrāt min qibal ‘Ilm al-Kalām*,” *Journal Asiatique* 297, no. 1 (June 2009), 131, <https://doi.org/10.2143/JA.297.1.2045785>; Schmidtke, “Epistle forcing,” 79.

I. Date of *Kashf* According to Pfeiffer

Pfeiffer tries to determine the actual date of the writing of *Kashf* by Ibn Abī ‘Abd al-Dayyān by relying on five extant copies. The first copy is registered at “Giresun Yazmalar 3610/2” in Istanbul, Süleymaniye Library, between folios 30^a-45^b, and has no date of writing or copying. The second is also registered at Giresun 3574/12, between folios 133^a-164^b. The name of the copyist is not indicated; nevertheless, the date of the copy is given as Dhū l-qa‘dah 1245/1830. The third copy is registered under no. 2022 in the section of Bağdatlı Vehbi Efendi, in Istanbul, Süleymaniye Library again, between folios 101^b-120^b. There are two dates on this copy. The first date is recorded just after the end of the text and reads: *ḥurrira fī Şafar al-khayr li-sanat iḥdā wa-sittin wa-alf/1061* [1651] (Written in the month of Şafar al-khayr in the year 1061 [1651]). The second date record is partially deleted and provided in a box following a line drawn beneath the page: [...] *waqa‘a l-farāgh ‘an yad al-faqīr Nadīmī sanat 1177* [1763]. (Completed by the hand of *al-faqīr Nadīmī* in the year of 1177 [1763].)⁹

Pfeiffer takes the text that bears the earliest date as the point of departure. Among the mentioned dates, she considers the one recorded with the word *taḥrīr*, which is the infinitive of the verb *ḥar-ra-ra* and means “to review and correct (a book), edit, write, put (something) onto paper,”¹⁰ as the date when the text was written, and she considers the second one including the word *farāgh*, which is a term for “habendum” commonly used among copyists, as the date of the copy.¹¹

II. Context and Reason behind the Writing of *Kashf*

After determining the date of the writing as 1061/1651, Pfeiffer asserts in consideration of this date that the text was written because of the Qāḍizādelī movement, which led to religious and social havoc in the 17th century.¹² She describes the followers of this movement as an ill-trained group of preachers who advocated the return to pure

⁹ For further information about these copies, see Aydın, “Konjonktürün Ürettiği Yahudi-Karşıtı Bir On Altıncı Yüzyıl Reddiyesi,” 217-219.

¹⁰ Serdar Mutçalı, “ḥar-ra, ḥar-ra-ra,” *Arapça-Türkçe Sözlük*, (Istanbul: Dağarcık, 1995), 157.

¹¹ Pfeiffer, “Confessional Polarization,” 37.

¹² *Ibid.*, 20.

Islam; forbade the use of then-new crops such as tobacco, coffee, and opium; the visitation of the tombs of saintly personalities (*awliyāʿ*); and the participation in order ceremonies and the recital of *ṣalāt wa-salām* after mentioning the name of the Prophet Muḥammad. According to Pfeiffer, the individuals tried to dismiss the Sufi and madrasah-based preachers from the pulpits of Friday mosques in Istanbul. She claims that these persons, who were so harsh even towards Muslims, could easily unite any debates against non-Muslims and participate in activities to make non-Muslims convert to Islam.¹³ In the eyes of Pfeiffer, it was a very common attitude to associate political, military and social failures with religion in those days. For instance, according to the Qāḍīzādelīs, the difficulties experienced in the Ottoman Empire, such as the loss of territory, were because of the Sufi personality of Grand Vizier Boynueğri Meḥmed Pasha; likewise, Vānī Meḥmed Efendī argues that Muslims went astray from authentic Islam because of their extreme coalescence with non-Muslims.¹⁴ For Pfeiffer, in 1651, when the book was written, the Qāḍīzādelīs led by Üstüvānī Meḥmed Efendī encouraged their community to attack visitors of the tekkes and to demolish the Khalwatī tekke in Demirkapı.¹⁵ Pfeiffer allocates a great deal of her article¹⁶ to this incident, trying to show that *Kashf* was written by Yūsuf Ibn Abī ʿAbd al-Dayyān in an environment where the polarization arising from these interpretations of religion brought about a hostile look at non-Muslims and where even the Muslims underwent more severe religious debates between themselves, since the emphasis was on differences rather than similarities.¹⁷

III. Sources Used to Create *Kashf*

After her depiction of the environment in which the text was written, Pfeiffer deals with the question of the sources used by Ibn Abī ʿAbd al-Dayyān to create *Kashf*; according to Pfeiffer, the main source for this work was *Risālah fī l-radd ʿalā l-Yahūd* by Ṭāshkuprīzādah (d. 968/1561), which is almost identical to Ibn Abī ʿAbd al-Dayyān's text in terms of structure, content, and reasoning. Indeed, what Ibn Abī ʿAbd al-Dayyān did was only to add his own story of conversion to

¹³ Pfeiffer, "Confessional Polarization," 20-21.

¹⁴ Ibid., 22.

¹⁵ Ibid., 24.

¹⁶ Ibid., 20-26.

¹⁷ Ibid., 25.

Islam, as well as some additional examples, to detail the evidence provided by Ṭāshkuprīzādah and to translate his text into Turkish.¹⁸

IV. Criticism on Pfeiffer's Statements and Suggestions for a New Context, Reason for Writing, and Reference for *Kashf*

Pfeiffer tries to show that Ibn Abī ‘Abd al-Dayyān wrote his work in the 17th century when the tolerance towards both Muslims and non-Muslims was minimal. Nevertheless, Pfeiffer cannot actually overlook certain inconsistencies, such as the date of the refutation and its connection with the referential text by Ṭāshkuprīzādah, as well as the discrepancy regarding the persons whom Ibn Abī ‘Abd al-Dayyān indicates that he is in a relationship with.

1. In his work, Ibn Abī ‘Abd al-Dayyān says nothing about using the text of Ṭāshkuprīzādah as a source, even though it is completely identical with the former text, except for several added examples and his personal story of conversion. Moreover, even though Pfeiffer suggests on several occasions that the text is entirely plagiarized, Ibn Abī ‘Abd al-Dayyān does not seem to say so.

2. If the text of Ibn Abī ‘Abd al-Dayyān is nothing but a literal translation of the Arabic refutation of Ṭāshkuprīzādah, then the presence of Shaykh al-Islām Sa‘dī Efendī on the two following occasions in the text of Ibn Abī ‘Abd al-Dayyān seems remarkably problematic:

¹⁸ Pfeiffer, “Confessional Polarization,” 25. Pfeiffer published her study about Ibn Abī ‘Abd al-Dayyān and his work in *Contacts and Conversions* in 2016. Nevertheless, she presented another relevant study at an earlier date, at The European Science Foundation Workshop on “The Position of Religious Minorities in the Ottoman Empire and Early Modern Iran, as reflected in Muslim Polemical and Apologetical Literature” held by Istanbul German Oriental Institute on 14-16 June 2007 (see Pfeiffer). As for Schmidtke and Adang, they published Ṭāshkuprīzādah’s text in 2008. Since I did not have the opportunity to read the communique of Pfeiffer in Istanbul, I cannot say whether she expressed therein her conviction that the text of Ṭāshkuprīzādah served as a reference for Ibn Abī ‘Abd al-Dayyān. Nevertheless, since Adang and Schmidtke published the text of Ṭāshkuprīzādah the year following this communique in 2007, Pfeiffer might have reviewed it after the current edition was published in 2016.

In the earlier days, a prominent Jewish rabbi chanced upon me on his return from a visit to the estate of Sa‘dī Efendī. He told me about the conversations therein and indicated that for Sa‘dī Efendī, the term *olam* within the mentioned Biblical paragraph does not mean any assertion about the eternal or timeless character of the Shabbath. Thereupon, I asked, “What about the verse where the Lord says, “Shabbath is for the Lord wherever you reside”¹⁹ in the Torah [...].²⁰

Indeed, Sa‘dī Efendī, who was appointed Shaykh al-Islām after Kamālpashazādah, passed away during his tenure in 1539.²¹ Therefore, Yūsuf Ibn Abī ‘Abd al-Dayyān must be telling about an incident in which he was involved in person but which took place about a century earlier. This would be an evident anachronism. The only way to avoid such an anachronism would be to show that Ṭāshkuprīzādah actually mentioned Sa‘dī Efendī in his text, which was the source for the literal translation (!) by Ibn Abī ‘Abd al-Dayyān. However, even though Ṭāshkuprīzādah knows and mentions Sa‘dī Efendī in *al-Shaqā’iq*,²² he never mentions him in the refutation.²³

3. The phrases, which are as long as a proper paragraph, are present in the text of Ibn Abī ‘Abd al-Dayyān but not in that by Ṭāshkuprīzādah; in addition, explanatory and supportive side notes, as well as similar references, are given within the text rather than in the form of actual side notes or footnotes.²⁴

¹⁹ Leviticus 23/3.

²⁰ In original language: *Evā‘ilde aḥbâr-ı Yebūd’un müte‘ayyinlerinden biri bir gün Şeyhülislām Sa‘dī Efendi’nin âsitâne-i şerifleri ziyâretinden gelür iken bende-i ḥaḳîre buluşub meclisde cârî olan mubâverelerin naḳl idüb aytdı ki Sa‘dī Efendi âyet-i mezkûrede olam lafzından sebtin te‘bîdine delâlet yokdur, buyurdılar ve ben dabî bu âyete ne dersiz ki Ḥaḳḳ Te‘âlâ Tevrât’da buyurub şebbet bî lezûnây beḥal mesyûteh, am demişdir, didim. [...]. Yūsuf Ibn Abī ‘Abd al-Dayyān, *Kitâb Kashf al-asrâr fî ilzâm al-Yabūd wa-l-aḥbâr* (Istanbul: Süleymaniye Library, Bağdatlı Vehbi, MS 2022), fol. 110³.*

²¹ Regarding the life of Sa‘dī Efendī, see Ṭāshkuprīzādah Aḥmad Efendī (as Taşköprülüzâde), *Osmanlı Bilginleri: eş-Şakâiku’n--Nu’mâniyye fî ulemâi’l-Devleti’l-Osmâniyye*, trans. Muharrem Tan (Istanbul: İz Yayıncılık, 2007), 321-233; Mehmet İpşirli and Ziya Demir, “Sâdi Çelebi,” in *Türkiye Diyanet Vakfı İslâm Ansiklopedisi (DİA)*, XXXV, 404-405.

²² Ṭāshkuprīzādah, *Osmanlı Bilginleri*, 321-322.

²³ Pfeiffer, “Confessional Polarization,” 29.

²⁴ *Ibid.*, 34.

Among the above mentioned issues, Pfeiffer explains the second and third issues as insertions by subsequent copyists, without providing any reasonable explanation for this argument;²⁵ however, she adds that there is no such practice present in the tradition of Islamic writings.²⁶ Once these problematic questions are nullified by the assumption of subsequent additions, it becomes clear that the text of Ibn Abī ‘Abd al-Dayyān was written in the 17th century, i.e., at a time when the Qāḏīzādeli movement and religious polarization were at their peak.

The study by Pfeiffer on *Kashf* written by Ibn Abī ‘Abd al-Dayyān serves as a point of departure for those who study Ottoman texts against Jews. Schmidtke and Adang, who actually informed Pfeiffer about *Kashf*²⁷ and prepared the publication of Ṭāshkuprīzādāh’s *Risālah fī l-radd ‘alā l-Yahūd* one year after she presented her initial study about the book as an academic paper,²⁸ also consider the first date at Bağdatlı Vehbi 2022, 121^a as the true date of the writing of *Kashf*, is consistent with the argument of Pfeiffer.²⁹ Nevertheless, both scholars read the date on the text as 1016/1607, despite Pfeiffer’s 1061/1651; accordingly, they claim the text was written in 1607. Interestingly, Pfeiffer, who read the date correctly, read the relevant article containing the date misread, and she even made some useful remarks about their study. In a footnote in the introduction of the paper, Schmidtke and Adang express their gratitude for her

²⁵ Pfeiffer, “Confessional Polarization,” 28.

²⁶ Ibid., 35. As the author puts forth, in Islamic literary tradition, the original text was clearly separated and never mixed with additional elements such as gloss, footnotes, additions, etc.; *ibid.* On this occasion, Pfeiffer does not refrain from ascribing a feature hitherto unseen in Islamic literary tradition to the text of Yūsuf in order to legitimize her argument that the text was written in the 17th century.

²⁷ Pfeiffer says: “I am indebted to Sabine Schmidtke who directed me to the relevant manuscripts; and to Tijana Krstić, who in 2008 made available to me a copy of the Sofia manuscript of Ibn Ebī ‘Abdū’d-Deyyān’s treatise, which I had not seen up to that point,” “Confessional Polarization,” 15, fn. 1.

²⁸ Judith Pfeiffer, “The View of an Insider: Ibn Abī ‘Abd al-Dayyān’s [*Kitāb*] *Kashf al-asrār fī ilzām al-Yahūd wa al-aḥbār*,” *communiqué* presented at The European Science Foundation Workshop on “The Position of Religious Minorities in the Ottoman Empire and Early Modern Iran, as Reflected in Muslim Polemical and Apologetical Literature,” German Oriental Institute, Istanbul: June 14-16, 2007.

²⁹ Schmidtke and Adang, “Aḥmad b. Muṣṭafā Ṭāshkuprīzādāe’s Polemical Tract,” 83.

contributions.³⁰ Apparently, however, these expressions do not extend to the section that includes the misread date or else they would have corrected the date.

The latter two scholars, who published the text of Ṭāshkuprīzādah together with an introduction, did not refrain from pointing out this evident similarity between the text of Ibn Abī ‘Abd al-Dayyān and that of Ṭāshkuprīzādah. Nevertheless, there is a situation that requires further explanation, i.e., the issue of how could Ṭāshkuprīzādah, who was an Ottoman scholar with no reported knowledge of Hebrew present in his intellectual biography, literally translate and transfer expressions from medieval Jewish exegesis classics and the Talmud that were published in Istanbul, probably thanks to the contribution of Jews from Andalusia? According to the authors, this fact can be explained by his use of secondhand references.³¹ Pursuant to another explanation, since they definitively accept the obvious similarities between the texts of Ibn Abī ‘Abd al-Dayyān and Ṭāshkuprīzādah in terms of structure, content, and argumentation,³² and they consider 1607 (?) as the actual date of the work, they argue that either Ibn Abī ‘Abd al-Dayyān had the work of Ṭāshkuprīzādah at his disposal while writing his own work or both men made use of a common reference that remains unknown to us. Nonetheless, despite their awareness of the complications related to the acceptance of 1651 as the writing date, Schmidtke, who prepared *Risālat ilzām al-Yabūd fīmā za‘amū fī l-Tawrāt min qibal ‘ilm al-kalām* of Salām (?) ‘Abd al-‘Allām for publication,³³ and Adang, who published the English translation of the latter in 2009,³⁴ apparently insist that Ibn Abī ‘Abd al-Dayyān wrote his text in the 11th/17th century.

³⁰ “The present writers wish to express their gratitude to Judith Pfeiffer for her helpful remarks on this article,” Schmidtke and Adang, “Aḥmad b. Muṣṭafā Ṭāshkubrīzāde’s Polemical Tract,” 79, fn. 1.

³¹ Schmidtke and Adang, “Aḥmad b. Muṣṭafā Ṭāshkubrīzāde’s Polemical Tract,” 83.

³² Schmidtke and Adang show in a comparative manner the similarities of the thematic and chapter divisions in the three available copies of Ṭāshkuprīzādah and Ibn ‘Abd al-Dayyān; “Aḥmad b. Muṣṭafā Ṭāshkubrīzāde’s Polemical Tract,” 85. As for Pfeiffer, she provides the respective translations of the works and tries to point out similarities between the two. i.e., that both make use of biblical texts; Pfeiffer, “Confessional Polarization,” Appendix III: Sample comparison, 44-51.

³³ Schmidtke, “Epistle Forcing the Jews,” 73-82.

³⁴ Adang, “A Polemic against Judaism,” 134.

As a natural consequence of this dating of the work of Ibn Abī ‘Abd al-Dayyān, the leaders of the project that focused on Ottoman texts against Judaism opted for grounding this work in the context of the 17th century Qāḍizādelī movement and for making relevant explanations. Nevertheless, these efforts are not limited to the mentioned scholars. Tijana Krstić, who also included Ibn Abī ‘Abd al-Dayyān in her doctoral dissertation about conversion narratives during the Ottoman era, accepts the dating of 1651 by Pfeiffer as it is and provides detailed information about the Qāḍizādelī movement, which is the presumed context of the work.³⁵ However, the explanation provided by Pfeiffer that the work of Ibn Abī ‘Abd al-Dayyān is a complete translation of Ṭāshkuprīzādah’s text except for the presence of a conversion story and additional provided examples apparently does not satisfy Schmidtke and Adang based on the fact that an Ottoman scholar would not be so profoundly familiar with Jewish literature. Nevertheless, since they agree with Pfeiffer about the date of the writing, they cannot help but assert that while writing his work, Ibn Abī ‘Abd al-Dayyān either had the text of Ṭāshkuprīzādah at hand or that both authors made use of a common but hitherto unknown reference. Since Krstić accepts 1651 to be the exact date, she righteously finds strange the lack of any information about the Sabbatai Zvi case, which was crucially important to the Jewish world and caused a stir in both Ottoman and Jewish societies at the time.³⁶

In brief, concerning the evident anachronism in the text between the date indicated by Pfeiffer for the work of Ibn Abī ‘Abd al-Dayyān and the mention of Shaykh al-Islām Sa‘dī Efendī, who reportedly lived in the mid-16th century, Pfeiffer’s argument is that the name was subsequently added to the text. In contrast, the theory of Schmidtke and Adang concerns the use of secondhand references or a hitherto unknown common reference used by both authors, since it is impossible to clarify the familiarity of Ṭāshkuprīzādah with Jewish religious literature through his intellectual background. Finally, Krstić finds the absence of any mention of Sabbatai Zvi to be odd, as it was one of the most notable religious incidents in 17th century. All of these thoughts and theories came about because of the *hurriya* and the date indicated with it (1061/1651) in the Bağdatlı Vehbi copy, 120.

³⁵ Tijana Krstić, *Osmanlı Dünyasında İbtida Anlatıları: 15.-17. Yüzyıllar*, trans. Ahmet Tunç Şen (Istanbul: Kitap Yayınevi, 2015), 172-173.

³⁶ Krstić, *Osmanlı Dünyasında İbtida Anlatıları*, 173, 175.

Ḥar-ra-ra, the *ma'lūm* pattern of *ḥur-ri-ra*, means “to carry out a book or another thing in a correct, appropriate, honest, and pure manner,” and the verb was initially used for “writing in a good and correct manner, or fulfilling a task properly;” over the course of time, however, the verb became specialized as a term for books.³⁷ Accordingly, as the following examples reveal, the pattern of *ḥar-ra-ra/ḥur-ri-ra* is another common style of wording in the Islamic tradition of writing,³⁸ and it is not literally used in the sense of the actual

³⁷ In *taf'īl* meter. This means the flawless and fine accomplishment of a book or another object; *ḥarrara* is used when a book or another thing is carried out in appropriate manner. In the essence, it means making something *ḥurr*, namely, pure. The word was eventually employed in the sense of the appropriate fulfilment or realization of writing or other affairs, before being exclusively used for writing (literary composition). In *Asās [al-balāghab, al-Zamakhsharī]* says that a book or another beautiful object is called *ḥarrār* when it is accomplished and corrected in appropriate way; Mütercim Âsim Efendi, *Kâmûsu'l-Mubîṭ Tercümesi: el-Okyânûsu'l-Basîṭ fî Tercemeti'l-Kâmûsi'l-Mubîṭ*, ed. Mustafa Koç and Eyyüp Tanrıverdi (Istanbul: Türkiye Yazma Eserler Kurumu Başkanlığı, 2013), 2:1869. [al-tahrîr], in *al-takrîm* meter. The term is also applied to the adornment of the writings in a book or the liberation of a slave. It is also used for giving a child to the service of Allah, by giving him to the service of the House of God or masjid. Vankulu Mehmed Efendi (Mehmed b. Mustafâ el-Vânî), “Tahrîr,” Vankulu Lügati, ed. Mustafa Koç and Eyyüp Tanrıverdi (Istanbul: Türkiye Yazma Eserler Kurumu Başkanlığı, 2014), 2:727.

³⁸ In Giresun Yazmalar copy, 164^b, the text of Ibn Abî 'Abd al-Dayyân, *tahrîr*, the infinitive form of *ḥarrara*, is used in the sense of “copying.” The copyist is also the copyist of the copy of *al-Risālah al-bādiyah* of 'Abd al-Salām al-Muhtadī available at Süleymaniye Library, Esad Efendi MS 225 6/5, fols. 203-210. The same person is also the copyist of Muḥammad ibn 'Abd al-Raḥmān al-Anṣārî's, *Maqāmi' bāmāt al-ṣulbān wa-rawāti' rawḍāt al-īmān* available at Esad Efendi 225, 6/4: *Ḥarrarabū al-faqîr Fayḍ Allāh al-'Aḫf al-mudarris bi-Dār al-salṭanab al-'ulyā fî sanat kbams wa-mi'atayn ba'd al-hijrah ... sanat 1205*. The name of author is mentioned on the first page after the expression “*wa-ba'd*,” and even at the end, as in the available copies of *Kashf*, after the word “*tamma*,” following the verbs *na-ma-qa-bū* or *aw-ḍa-ḥa-bū*. For use of “*ḥar-ra-ra*” and “*tahrîr*” in the sense of copy and other meanings, see Adam Gacek, *Arapça Elyazmaları İçin Rehber*, trans. Ali Benli and M. Cüneyt Kaya (Istanbul: Klasik Yayınları, 2000). For *ḥarrara* in the sense of copy and relevant examples, see p. 68, 72, 138; 286, 331, 346.

writing of a book.³⁹ Moreover, the presence of two dates at the end of the Bağdatlı Vehbi copy does not mean that the first date points out the time of the writing while the second date indicate the date of the copying. Indeed, some copyists have preserved the date of the previous copy of the text.⁴⁰ If the problem was seen in this way, then there would be no necessity or place for strained interpretations regarding which of the abovementioned dates is the actual date of the text or discussion regarding the identification of the context and sources in consideration of the mentioned date.

Instead, similar to historical criticism, it would much more accurate to base decisions regarding the date of the text on exact and definite data, such as dates and the names of persons and places. For instance,

³⁹ In addition to the abovementioned examples of the use of *ḥar-ra-ra* in the sense of “copy,” we have also seen it used for “author” in a text. This text is the conversion story of Meḥmed of Athens, even though it is referred through different names in various editions. There is an inscription at the end of this text: “*Fa’llāb al-mu‘in wa-‘alaybi l-taklān wa-buwa l-musta‘ān. Ḥarrartubā bi l-ibrām fī shabr min shubūr arba wa-tbalāthīn wa-alf min al-bijrab al-nabawiyyab ‘alaybi afḍal al-taḥiyyab wa-ana l-faqīr Maḥmūd ibn Ḥasan al-Qāḍī mu’allifubū.*” Here, Qāḍī Maḥmūd uses *ḥar-rar-tu* and includes the word *mu’allif* (author) in order to clarify his point. This record can be apparently read as if Meḥmed of Athens, a converted man, educated himself and became an Ottoman qāḍī. Nonetheless, since the protagonist of the story is called Meḥmed, whereas the author calls himself Maḥmūd, and since Meḥmed converted to Islam at a relatively later age, it becomes unlikely that a converted Muslim trained himself to attain the post of qāḍī. İrfan İnce puts forth the following suggestion about the author of mentioned text; the difference between the protagonist and the author of the text arises from the fact that Meḥmed of Athens, who was not fluent in Turkish, told his story to Qāḍī Maḥmūd, who transformed the story into a text for Ottoman luminaries making use of his own cultural background. Therefore, the words *ḥarrartu* and *mu’allif* herein apparently do not mean writing of an original text by thinking, studying, and building it in person. Rather, pursuant to the meaning given in *Qāmūs*, it seems more appropriate to accept it in the sense of “good, correct, and appropriate writing” of the story told by Meḥmed. It is possible to liken this manner of writing to transformation of a story or text, which is apparently told or written by some famous personalities, into a literary text by an editor in the modern sense. For detailed information about Meḥmed of Athens and the book, see İnce and Aydın, “Bir 17. Yüzyıl İhtida Anlatısı,” 507-578.

⁴⁰ Orhan Bilgin, “Ferâğ Kaydı,” in *Türkiye Diyanet Vakfı İslâm Ansiklopedisi (DİA)*, XII, 355.

Shaykh al-Islām Sa‘dī Efendī is mentioned in all four available copies, which were obviously copied from different versions, as well as in the fifth Sofia version,⁴¹ which was available for examination by Pfeiffer. It is impossible that any common name is wrong or, as Pfeiffer puts forth, was subsequently added to the text by another copyist, as these texts have different copy dates and locations.⁴² As we have already indicated above and as Pfeiffer also puts forth, Sa‘dī Efendī was an Ottoman Shaykh al-Islām who passed away in 945/1539. Once it became definite that Sa‘dī Efendī was the essential element of the text and that *Kashf* was therefore written in 16th century, it would be unnecessary to seek any further strained explanation, such as the argument that Ibn Abī ‘Abd al-Dayyān actually just translated the text of Ṭāshkuprīzādah and only made a few of his own additions.

If the foregoing fact were accepted in the first place, then *Kashf* would accurately be considered a continuation of the tradition, including earlier Jewish-based authors such as ‘Abd al-Salām al-Muhtadī, Salam (?)⁴³ ‘Abd al-‘allām, who made use of Hebrew Bible

⁴¹ This Sofia copy and the one registered under no. 3574/12 at Giresun Yazmalar might be copied from the same copy/version or from one another. Indeed, only two of five available copies mention him as Kepenekçi/Kepenkçizâde. See Yūsuf Ibn Abī ‘Abd al-Dayyān, *Radd ‘itiqādāt al-Yabūd* (Istanbul: Süleymaniye Library, Giresun Yazmalar, MS 3574/12), fol. 134^b.

⁴² By providing information about Sa‘dī Efendī in *al-Sbaqā’iq*, Ṭāshkuprīzādah indicates that he was interested in odd/rare books (see Ṭāshkuprīzādah, *Osmanlı Bilginleri*, 322). Based on this fact, Pfeiffer claims that it is possible to accept it as an implication about interreligious discussions; nonetheless, this implication remains a speculation since Ṭāshkuprīzādah does not inform the reader about these books. However, even if both the mentioned expression of Ṭāshkuprīzādah and the reference to Sa‘dī Efendī in *Kashf* indicate that the question about eternal character of Judaism is discussed through the word “Olam” in Torah, they can be considered as information that does not refute but rather supports each another; consequently, even this fact ensures acceptance of the text as a work from 16th century. For the statement by Pfeiffer, see “Confessional polarization,” 29.

⁴³ The word “Salam” herein is not the name of the author and it is given in the catalog as “‘Abd al-‘Allām;” nevertheless, in their studies about the refutation by mentioned author, Joseph Sadan, Camilla Adang, and Sabine Schmidtke gave his name as “Salam Abdulallām.” Sadan, in particular, puts forth numerous grounds in order to justify this choice. The question is dealt in the following paper: Fuat Aydın and Halim Öznurhan, “Bir Nev-Müslimin Yahudilik Reddiyesi: *Risāletü İlzāmi’l-*

exegeses that became available in Istanbul in 1504. A comparison between the texts of these authors reveals an expansion and complexification from ‘Abd al-‘Allām, who adopted a simpler approach, to ‘Abd al-Salām and then to Ibn Abī ‘Abd al-Dayyān in terms of the division of subjects into chapters and the style of explaining these subjects. The first work consists of two chapters, whereas the second and third texts comprise three and four chapters, respectively. Therefore, Schmidtke is right to assert that ‘Abd al-Salām cannot be the reference for Ṭāshkuprīzādah, despite similarities between the two texts.⁴⁴ Indeed, the text of Ṭāshkuprīzādah consists of four chapters and gives a more detailed account of the references available in the of ‘Abd al-Salām. Consequently, it seems reasonable to assert that the text of Ibn Abī ‘Abd al-Dayyān must have served as a reference for that of Ṭāshkuprīzādah, whose work comprises four chapters and gives a more detailed account of the mentioned references than does the text of ‘Abd al-Salām.

Thus, all seems to fall in place. The text was put on paper in a time and environment when Andalusia-based Jews became gradually more apparent and prominent in Ottoman territory. As of 1492, Jews began to be more involved in the public life in Ottoman cities, including Istanbul. In addition, the Andalusia-based intellectual Jews used to discuss religious issues with the highest level of Muslim scholars (for example, Shaykh al-Islām Sa‘dī Efendī) at this time and argued that Judaism was an eternal religion not abolished by Islam. Moreover, a Muslim group called the Lovers of the Messiah (*Ḥubmesīḫīler*)⁴⁵ defended the idea that the Old and New Testaments were still in effect. In such an environment, Ottoman Sultan Suleiman the Magnificent ordered Ibn Abī ‘Abd al-Dayyān to write a work about the Jews. Ibn Abī ‘Abd al-Dayyān wrote the text and submitted it to the Sultan.⁴⁶ Ibn

Yebūd fī mā Ze‘amū fī’t-Tevrāt min Kibeli ‘İlmi’l-Kelām, *Darulfunun Ilabiyat* 30, no. 2 (2019), 457-498, <https://doi.org/10.26650/di.2019.30.2.0032>.

⁴⁴ Schmidtke, “The Rightly Guiding Epistle (*er-Risāla al-bādiya*) by ‘Abd al-Salām al-Muhtadī al-Muḥammadī: A Critical Edition,” *Jerusalem Studies in Arabic and Islam* 36 (2009), 444.

⁴⁵ Ahmet Yaşar Ocak, *Osmanlı Toplumunda Zındıklar ve Mülbidler (15.-17. Yüzyıllar)* (Istanbul: Tarih Vakfı Yurt Yayınları, 1998), 228-230.

⁴⁶ “Having minimized earthly affairs, I sat alone during my old age in a corner of departure distant from the world in order to allocate rest of my life to obedience and worship of God. (...) All of a sudden came an offer for service at the discretion of corporals and sergeants and providence of God; I, however, felt incompetent of

Abī ‘Abd al-Dayyān mentioned Sa‘dī Efendī on two occasions; these two references makes it reasonable and even necessary to date his text to sometime between 1533 and 1539, i.e., the period of his tenure as Shaykh al-Islām until his demise. If the work were written afterwards, then Ibn Abī ‘Abd al-Dayyān would have used, at the very least, the term *marbūm* [the late], as they do when the name of a dead person is mentioned in a text.

Once we accept Ibn Abī ‘Abd al-Dayyān’s text as the reference for that of Tashkoprizādāh, then it becomes clear why, to the surprise of Schmidtke and Adang, Tashkoprizādāh was so familiar with Jewish literature. This acquaintance is owed to the text of *Kashf* by ‘Abd al-Dayyān, who was noticeably familiar with and made use of the Jewish literature available in Istanbul at the time. In fact, we can reverse the argument made by Pfeiffer about the work of Ibn Abī ‘Abd al-Dayyān and assert that the text of Tashkoprizādāh is a complete translation, and maybe –pursuant to the modern perspective– a plagiarism of the work of Ibn Abī ‘Abd al-Dayyān.⁴⁷

Such an argument will also make it easier to answer the question posited by Krstić about why Ibn Abī ‘Abd al-Dayyān never mentions the name of Sabbatai Zvi or his movement; i.e., a text written in one century obviously cannot talk about an incident yet to take place a century later.

Conclusion

Muslim refutations against Judaism and Christianity in the Eastern and Western Islamic worlds began to be published and studied in academic spheres particularly after the Second Ecumenical Council of the Vatican. Even though Mehmet Aydın dealt with some anti-Christian

fulfilling this service since I neither had the power nor the will for it,” In original: “Ve dünya meşgalesin takhîf idüb pîrlik ‘âleminde baqıyye-yi [omrumı] tã‘ata ve ‘ibâdete sarf itmek niyyeti ile zâviye-i ferâgatde münzevi olub oturdum. (...) [Nâgah taqdir-i rütebâni ve qaqlâ-yı sübhan ile quvette ve qudrette imtisâline istiñâ‘atım, ityânına tãqatım hakkında gönlüme ehliyetim olmayan bir khüdmetin teklifi nazil oldu. Ibn Abī ‘Abd al-Dayyān, *Radd ‘ittiqādāt al-Yahūd* (Istanbul: Süleymaniye Library, Giresun Yazmalar, MS 3610), fol. 32^b.

⁴⁷ According to Pfeiffer, the additions made by Ibn Abī ‘Abd al-Dayyān to the literally translated sections of Tashkoprizādāh’s work have complemented the text to make in more persuasive; thus, she admits that the contributions by Yūsuf extend beyond the translation; “Confessional Polarization,” 36.

texts written in the 19th century in his earlier study, another forty years would pass before the classical Ottoman era became the subject of more widespread attention and interest. In 2003, we conducted a literature review to identify texts against Judaism and Christianity during the classical Ottoman age, and we carried out translations and studies about some of them, albeit they were not published. Later, refutations by Jewish-based authors from the Ottoman classical period against Judaism were studied, and relevant editing and publications were carried out within the scope of the research project led by Camilla Adang. One of the first and most comprehensive studies was that by Judith Pfeiffer, which focused on *Kashf al-asrār* by Ibn Abī ‘Abd al-Dayyān. Among the two recorded dates (1061/1651 and 1177/1763) found in the copy available at Süleymaniye Library, Bağdatlı Vehbi collection, Pfeiffer considers the first date as the date of the writing and the second date as the date of copy; as a result, she argues that the context of this work is related to the debate between the Qāḍīzādeli and Sivāsī movements in the 17th century. Thus, Pfeiffer associates refutation with this dispute and displays significant and lengthy effort to justify her argument. The acceptance that this work was written in the 17th century makes problematic the meeting of the author with Shaykh al-Islām Sa‘dī Efendī (d. 945/1539), who is mentioned in each copy of the text; it also makes problematic the lack of mention of Sabbatai Zvi, one of the most important phenomena of the time, as noted by Kristić. Likewise, *Risālah fī l-radd ‘alā l-Yabūd* by Ṭāshkuprīzādah, which has been considered as the source for and original text of ‘Abd al-Dayyān’s text, sparked about additional problems and questions. The most important question concerns the abundance of quotations from Hebrew Bible literature –particularly from Talmudic texts–present in the tract of Ṭāshkuprīzādah, as well as etymological analyses of these quotations and numerous nominal references to medieval Jewish authors. Indeed, relevant biographies provide no information that Ṭāshkuprīzādah had the necessary background to carry out such analyses or to refer to the mentioned medieval Jewish exegetes.

As we have demonstrated above, all these problems are solved once we admit the correctness of the common use of *ḥurrira* in the sense of copying and the identical mentions of Shaykh al-Islām Sa‘dī Efendī in all the texts copied from different versions. Accordingly, since it is definitely known that Sa‘dī Efendī lived in the mid-16th century, the text must have been written in the 16th century and not in the 17th

century. In addition, that text was written not because of the Qāḏizādelī-Sivāsī debate but as a consequence of the unease caused by the ever-growing presence of Jews in Ottoman public life starting in the 15th and 16th centuries; this unease was due to the multiplication of the Jewish population by six or seven times in major Ottoman cities such as Istanbul and Thessaloniki and the rising involvement of Jews in religious discussions with Muslims. Therefore, when the text is definitively dated to the mid-16th century, it is clear why it does not mention Sabbatai Zvi. Indeed, any mention of his name would be meaningless/problematic under these circumstances. Then, again, it would be a more reasonable explanation that *Risālah fi l-radd ‘alā l-Yabūd* by Ṭāshkuprīzādah, who does not come from a background that is able to justify his competence about Jewish religious literature, is not a reference literally translated into Turkish but instead is the Arabic translation of *Kashf* by Ibn Abī ‘Abd al-Dayyān.

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AN ANALYSIS ON THE OPERATIONS AND FUNCTIONS OF A SHARĪ‘AH COURT: THE CASE OF OTTOMAN ÜSKÜDAR (1547-1551)

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Abstract

Through a close reading of a single register found in the sixteenth-century court record series of Üsküdar, this article introduces the reader to the operations of the Sharī‘ah court of Üsküdar and its records from 1547 to 1551. By approaching the court records as both “text” and “document,” it explores the functions of the court, identifies the court officials, defines their roles, and delineates the role played by the *qāḍī*, his court and the local community in the administration of justice. This article can be read as a contribution to the newly emerging literature on variations in the Sharī‘ah courts in the Ottoman Empire in terms of their operations. As the recent literature including this present study demonstrates, the duties of the local Sharī‘ah court in the Ottoman Empire are neither singular nor monolithic. While some of the courts provided notarial and administrative services primarily, others acted as significant sites for dispute resolution. Hence their operations were primarily judicial. What emerges from this study is that the court of Üsküdar in the very middle of the sixteenth century primarily functioned as a “public registry.”

Key Words: Court, Sharī‘ah law, Ottoman, Üsküdar, Istanbul

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Introduction

This article can be read as a contribution to the newly emerging literature on variations in the sharī‘ah courts in the Ottoman Empire in terms of their operations and functions. As Boğaç Ergene perceptively observes, almost every study based upon the sharī‘ah court records, in its very beginning, reiterates more or less the same list of judicial and administrative functions of a sharī‘ah court in a given historical context. Yet, as Ergene warns, “if we wish to attain a deeper insight of the role of the court in a provincial context, we need to be aware that this tendency eliminates as yet unrecognized distinctions in the function of different courts and, therefore, obscures the variations in their ‘characters.’”¹ The main objective of this article, therefore, is to introduce the reader to the court of Üsküdar and the records it produced. In order to do this, I shall attempt to look at the activities of the court, explore its record-keeping practices, identify the court officials to the extent that the court registers allow, attempt to define their roles and functions, and to delineate the role played by the qāḍī, his court and the local community in administration of justice.

Before moving on to the declared aim of the present article, a reminder is in order. In exploring the court of Üsküdar and the records it produced, I limit myself to a close reading in its entirety of a single register, namely, USS 15 (*Üsküdar 15 no’lu Şeriyye Sicili*). The reason behind setting this limit is that USS 15 is one of the largest registers found in the sixteenth century court record series of Üsküdar. It includes 2.212 entries recorded from 954 to 958 AH / 1547-1551 CE. Although this number does not reflect every single issue that came before the court within this four-year period, it still includes most of them, thus providing me with a sizeable body of data to work on.² Yet

¹ Boğaç Ergene, *Local Court, Provincial Society, and Justice in the Ottoman Empire: Legal Practice and Dispute Resolution in Çankırı and Kastamonu (1652-1744)* (Leiden, Boston & Mass.: Brill, 2003), 32.

² For the total number of socio-economic concerns that were brought to the court, either for registration or settlement, within this four-year period, two other registers, namely USS 14 (including cases from 953-955 AH / 1546-1548 CE) and USS 17 (including cases from 955 to 963 AH / 1548-1556 CE), from the Üsküdar’s court register series has to be examined, and those cases that fall within the period have to be retrieved and added to the data I present here. In this study, nonetheless, I restrict myself to a single register, as this register provides me with

another reason why I took USS 15 as a case to dwell upon has to do with the time period it covers. This period is often indicated as the very beginning of the urban transformation that Üsküdar went through from being a semi-rural town serving as a gateway to the Ottoman capital and the capital's threshold for Anatolia in the 1520s to being a significant religious and commercial center with a religiously and ethnically heterogeneous population in 1600s.

It is suggested that Üsküdar was, like other environs of Istanbul, at least to some extent, resettled after the conquest of Constantinople. Nevertheless, it was during the second half of Sultan Süleyman's reign (r. 1526-1566) that it began to truly prosper, increased in size and turned into a religious and commercial center. As the existing scholarship on the development of the town notes, the reason why Üsküdar shifted from a semi-rural transient town to a growing city by the second half the sixteenth century had much to do with the establishment of major pious foundations by the members of ruling elites, including female members of the ruling Ottoman dynasty.³ These pious foundations endowed by the members of the royal household and powerful bureaucrats funded the large-scale construction projects within the town, including but not limited to the building of mosques, charity kitchens, fountains and public baths, dervish lodges, hospitals, caravanserais, and medreses for education. These institutions, often built as complexes (*külliyeye*) not only supplied the various needs of local inhabitants at the time, but also made Üsküdar a place of attraction for many new arrivals, and hence led to the emergence of new neighborhoods around their vicinities.⁴ For instance, according to the fiscal register (*tabrir defteri*) recorded in 1530, the town center (*nefs-i Üsküdar*) included eight neighborhoods and six surrounding villages. In the subsequent register, recorded mostly likely around 1561, however, we see the number of

sufficient data to work on. Nevertheless, in my future publications on the subject, I shall include all relevant data.

³ Sinem Arcaç, "Üsküdar as the Site for the Mosque Complexes of Royal Women in the Sixteenth Century," (Master's thesis, Istanbul: Sabancı University, 2004).

⁴ For the neighborhood of Gülfem, a neighborhood developed around the Gülfem Hatun complex, see Nuray Urkaç Güler, "16. Yüzyılda Üsküdar'da Gülfem Hatun Mahallesi (1540-1600)," (Master's thesis, Istanbul: Marmara University, 2008).

neighborhoods raised to eighteen, while the number of surrounding villages remained the same.⁵

On the basis of the data provided by these two fiscal registers, the population of Üsküdar might be *estimated*.⁶ Nevertheless, approximating the population of Üsküdar on the basis of fiscal registers is indeed complicated and risky because the *raison d'être* of the fiscal registers in Ottoman state practice was to provide the imperial authorities with the number of taxpaying male adults, rather than census figures *per se*. As it has already been stated by Ottomanists, the categories enumerated in the fiscal registers exclude, for instance, women, children, slaves and various tax-exempt groups serving the Ottoman imperial state in various capacities.⁷ This is not the right place to reiterate the contours of Ottoman historiography pertaining to the fiscal registers and how they should be used in Ottoman demographic research.⁸ Nevertheless, what I want to underline is that the existing literature on sixteenth-century Üsküdar points out the fact that Üsküdar started to flourish not only as a center of trade, but also as a center of learning with its growing population, starting from the very beginning of the second half of the sixteenth century, if not a decade earlier. Furthermore, besides its own residents, Üsküdar, as the capital's gateway to Central and Eastern Anatolia, as well as a threshold for state officials, military personnel, merchants, and villagers on their way to the imperial capital, contained a transient population which sought temporary housing within the town. Üsküdar was also a place of transit for fugitive slaves. The presence of this transient population, as argued by Seng, can therefore neither be ignored nor excluded in any demographic analysis pertained to the town of Üsküdar.

⁵ Ahmet Güneş, "16. ve 17. Yüzyıllarda Üsküdar'ın Mahalleleri ve Nüfusu," in *Üsküdar Sempozyumu I* (2004), 42-56.

⁶ Hanefi Bostan, for instance, estimates that Üsküdar had a population of approximately 2.400 inhabitants around 1530, and 4.800 in 1561. M. Hanefi Bostan, "Üsküdar," in *Türkiye Diyanet Vakfı İslâm Ansiklopedisi (DİA)*, XLII, 365. Nevertheless, Ahmet Güneş abstains from giving any numbers on the basis of these registers. Güneş, *op. cit.*

⁷ Ömer Lütfi Barkan, "Research on the Ottoman Fiscal Surveys," in *Studies in the Economic History of the Middle East*, ed. Michael A. Cook (Oxford: Oxford University Press, 1970), 163-171.

⁸ For comprehensive recent analysis in this regard, see Metin M. Coşgel, "Ottoman Tax Registers (*Tabrir Defterleri*)," *Historical Methods: A Journal of Quantitative and Interdisciplinary History* 37 (2004), 87-102.

Therefore, Seng (on the basis of the estimation put forward by Barkan for Istanbul) suggests cautiously that Üsküdar had a population of 28.000 in 1530s.⁹

Hence, having examined this scholarship on the socio-economic development of Üsküdar, I decided to focus on USS 15 to explore if and how this rapid urban transformation, often underlined in the studies exploring this history rather with a macro perspective, is indeed reflected in the court records of the town within a four-year period. Furthermore, the court records of Üsküdar are extremely rich not only in terms of numbers, but also in terms of their content.¹⁰ Despite these rich sources, however, detailed analysis of Üsküdar’s court operations and functions has not yet received due attention from scholars.

I. Approaching USS 15 as “Text” and “Document”

The Ottoman court records have been at the disposal of historians for almost five decades now, with the result that the scholarly works in this field are written in various languages and scholarly tradition is too extensive to explore in any comprehensive fashion and thus lies beyond the scope of this present work.¹¹ Nevertheless, what emerges

⁹ Yvonne J. Seng, “The Üsküdar Estates (*Tereke*) as Records of Everyday Life in an Ottoman Town, 1521-1524” (PhD diss., Chicago, IL.: University of Chicago, 1991), 21.

¹⁰ More recently, some of these registers have been transcribed into the Latin script and published by İslâm Araştırmaları Merkezi (İSAM) in Istanbul. Furthermore, we have several MA theses written on the sixteenth-century court records of Üsküdar. These theses are not thematical explorations but rather they identify, categorize, and provide statistical analysis of the documents pertaining to the social and economic history of the town. See Ekrem Tak, “XVI. Yüzyılın İlk Yarısında Üsküdar’da Sosyal ve İktisadi Hayatın Göstergeleri: Üsküdar Kadı Sicilleri Üzerine Bir Çalışma,” (Master’s thesis, Istanbul: Marmara University, 2002); Kenan Yıldız, “Üsküdar’ın Sosyal ve İktisâdî Hayatı ile İlgili Üsküdar Kadı Sicillerindeki Kayıtların Tespit ve Analizi (H. 954-980/M. 1547-1573)” (Master’s thesis, Istanbul: Marmara University, 2005); Müslüm İstekli, “Üsküdar’ın Sosyal ve İktisâdî Hayatıyla İlgili Üsküdar Kadı Sicillerindeki Kayıtların Tespit ve Analizi (H. 978-991, M. 1570-1584)” (Master’s thesis, Istanbul: Marmara University, 2005); Nihat Yalçın, “1572-1587 (H. 980-995) Yılları Arası Üsküdar Mahkemesi Kadı Sicilleri’nin Sosyal ve İktisadi Açından Değerlendirmesi” (Master’s thesis, Istanbul: Marmara University, 2009).

¹¹ The quandaries surrounding *sijîls* as an historical source and the problems of *sijîl* research have been the subject of several historiographical essays in recent years.

from the scholarly discourse based upon the court records is that, up until the mid-1990s, these historical sources have been used in the field primarily for quantitative analysis. However, later the pendulum shifted in the opposite direction, and they have been employed primarily for discourse analysis. My aim here is to devise a methodology that would combine the two. Indeed, reading *sijils* as both “text” and “document,” to use Najwa al-Qattan’s terms, and employing both discourse and quantitative analysis, is an approach that has been adopted by other scholars in the field over the last decades. The valuable works of scholars such as Işık Tamdoğan, Iris Agmon, Leslie Peirce, and Boğaç Ergene, constitute the landmarks in this regard and my reading of the court records methodologically is very much informed by their works.¹²

There are many different variations of court registers at our disposal. Some registers include only transactions of a particular *waqf*, some include estate inventories and nothing else, while others can be of mixed content, as in the case of USS 15, which includes, but is not limited to, litigations and notarial attestations related to moveable and

These include Dror Ze’evi, “The Use of Ottoman Shari’a Court Records as a Source for Middle Eastern Social History: a Reappraisal,” *Islamic Law and Society* 5, no. 1 (1998), 35-56, <https://doi.org/10.1163/1568519982599616>; Iris Agmon, “Women’s History and Ottoman *Shari’a* Court Records: Shifting Perspectives in Social History,” *Hawwa* 2 (2004), 172-209; Iris Agmon and Ido Shahar, “Shifting Perspectives in the Study of Shari’a Courts: Methodologies and Paradigms,” *Islamic Law and Society* 15 no. 1 (2008), 1-19; Yavuz Aykan and Boğaç Ergene, “Shari’a Courts in the Ottoman Empire Before the Tanzimat,” *The Medieval History Journal* 22, no. 2 (2019), 203-228, <https://doi.org/10.1177/0971945819897437>.

¹² Işık Tamdoğan-Abel, “L’écrit comme échec de l’oral? L’oralité des engagements et des règlements à travers les registres de cadis d’Adana au XVIIIe siècle,” *Revue du monde musulman et de la Méditerranée* 75-76 (1995), 155-165, <https://doi.org/10.3406/remmm.1995.2619>; Agmon, *Family and Court: Legal Culture and Modernity in Late Ottoman Palestine* (Syracuse, N.Y.: Syracuse University Press, 2006); Leslie Peirce, *Morality Tales: Law and Gender in the Ottoman Court of Aintab* (Berkeley, CA: University of California Press, 2003), <https://doi.org/10.1525/9780520926974>; Boğaç Ergene, *Local Court, Provincial Society and Justice in the Ottoman Empire: Legal Practice and Dispute Resolution in Çankırı and Kastamonu, 1652-1744* (Leiden: Brill, 2003); Metin Coşgel and Boğaç Ergene, *The Economics of Ottoman Justice: Settlement and Trial in the Sharia Courts* (Cambridge: Cambridge University Press, 2016), <https://doi.org/10.1017/CBO9781316662182>.

immoveable property, loans and credits, marriage and divorce, estates, bequests and successions, transgressions and offences, as well as imperial orders issued by the central government. The USS 15 consists of 178 folio leaves (i.e., 356 pages) inside the covers, each measuring 31 x 18 cm. A record was numbered on the basis of an “entry” rather than a “case,” because several entries could pertain to a single case. For example, the entry for a litigation against a woman engaged in an illicit sexual relationship (usually brought by the *subaşı* or the neighborhood representatives to the court) may be followed by an entry on the denial of the woman or her husband and yet another on the several bonds of surety posted by both the claimant and the defendant.¹³ Identification of what constituted an entry was decided on the basis of the presence of a formalized introduction at the beginning of a record.¹⁴ Therefore, entries related to fugitive slaves or stray animals, usually containing two parts (part one usually includes the registration of a fugitive slave or stray animal and part two usually includes a record of the handover of the slave or the animal in question to their owners if they could be located or their sale in cases in which the owner was not found) are considered to be a single entry. Entries that are incomplete, cancelled or damaged due to physical conditions in the archives were included as discrete entries. Although the register follows a certain chronological and thematic order in general, this practice is neither uniform nor absolute. In other words, the entries in the register neither follow a strict chronological order nor a thematic one. There are a number of entries related to the same case which were recorded apart from each other. What is more interesting and significant, however, is that these same entries are written down on the exact same date. To make the point more clear, let us consider two entries on Mihri Hatun, wife of a certain janissary, who was brought to the court by Sinān ibn ‘Abd Allāh who happened to be employed in a local mosque. Mihri Hatun was brought to the court on the charges of (public) defamation (*shatm*). The first entry on this case is found on *waraq* (folio) 15b, the second entry is on *waraq* 106a and the third on 155a.¹⁵ All these three entries carry the same date (the middle of Muḥarram 957 AH or January / February 1550 CE), even though they

¹³ For instance, a woman named Lâlezar from a certain neighborhood of Üsküdar appeared in the register three times to save her honor.

¹⁴ The most common formula used is *vech-i tabrîr-i sicil budur ki* for the introduction of an entry.

¹⁵ USS 15/15b/7; 106b/1-2; 155a/5.

were apart from each other in the bound register. Furthermore, there are only minor differences between these three accounts in terms of details of the dispute and the legal categories used. Such examples – and there are many of them – confirm the assumptions of scholars problematizing the record-keeping practices of the courts: “these accounts did not have an immediate relationship with the actual court proceedings.”¹⁶ Indeed, the loose chronological order seen in the court registers suggests that “the drafts prepared by the scribes were probably not transferred to the court registers immediately, but accumulated for some time until they were recorded in the registers in no particular order.”¹⁷ In those cases where we find only slight differences between the accounts of a specific trial, as is seen in the entries related to Mihri Hatun’s hearing, the draft of the proceedings must have been passed on to the court register multiple times due to a scribe’s negligence.

However, there are certain blocks in the register, starting with a title, which include cases related to a series of loans given by a particular *waqf*.¹⁸ Similarly, the registration of fugitive slaves usually (but not always) starts with a title such as “Fugitive Slaves in Üsküdar (‘*abd-i ābiq-ı der Üsküdar*’).”¹⁹ Furthermore, estate inventories were usually recorded at the end of the register.²⁰ Therefore, it won’t be odd to suggest that there were constant attempts on the part of the court personnel at orderly record keeping and the emergence of “headings” in the very beginning of the second half of the sixteenth century can be seen as a step forward in this direction. Among the Üsküdar court record corpus of the sixteenth century, it is also possible to see the

¹⁶ Ergene, *Local Court, Provincial Society, and Justice in the Ottoman Empire*, 127.

¹⁷ *Ibid.*, 129.

¹⁸ Indeed, there are 15 headings within the register. Among these, 12 introduce the financial transactions of pious endowments. For instance, page 117b starts with the following title: “[The following entries] are a copy of the financial/cash transactions of the endowments where Bashir Khalifah served as a trustee (*Beşir Halife’nin mütevelli olduğu vakıf akçelerinin muamelesi suretidir*).” These titles can be seen on pages 40a, 45a, 102a, 117b, 120b, 134a, 137b, 160a, 161b and 169b.

¹⁹ The headings after which the cases related to the fugitive slaves were recorded can be seen on pages 102 b, 130, 154 a, 155b and 166b.

²⁰ Among 35 estate inventories recorded at the register, 33 are recorded after folio 100.

existence of special registers for certain special issues.²¹ All these examples suggest that there were constant attempts to establish an order within disorder on the part of the court personnel to make these registers readily accessible.

II. Recording in Arabic and Turkish

When I started reading the entries in USS 15, I realized that not all the entries are written in Turkish; Arabic is used quite extensively throughout the register. Furthermore, at least one, if not more, of the scribes was bilingual. The same scribe wrote some cases in Turkish and others in Arabic.²² There are 738 entries written in Arabic in USS 15, which makes up approximately one third of the total number of entries. Leslie Peirce, studying the two registers from the court records of Aintab in the sixteenth century, also notes that the registers that she worked on included entries in Arabic. Indeed, she states that although “Turkish was the principal language of the court records of Aintab ... about one-fifth of the cases [are] recorded in Arabic.”²³ She observes that “disputes and voluntary statements of fact are always recorded in Turkish, while the use of Arabic is confined to routine notarial business – for example, purchases and sales, debt negotiations, and appointment of bail agents.”²⁴ But why did the scribes, both at the court of sixteenth-century Aintab and that of sixteenth-century Üsküdar, use Arabic in addition to Turkish? According to Leslie Peirce, the usage of Arabic cannot be explained through resorting to the native language of the speaker at the court. Nevertheless, she does not push this argument further. I suggest that a plausible answer to this usage of Arabic in some cases might be found in the genealogy of what I call the gradual “Ottomanization” of legal discourse.

²¹ For instance, among the recently transcribed and published court registers of Üsküdar in the sixteenth century, volume 56, which includes cases from 1580 to 1581 CE, might also be considered a special register because a majority of the cases recorded in it are related to different communities living in the newly established neighborhood called “Maḥalle-i Ma‘müre.”

²² Examples can be seen 36a, 40b and 42a. For instance, page 36a contains six entries; five of them are in Arabic, and one is in Turkish. All the entries were recorded by the same scribe.

²³ Peirce, *Morality Tales*, 88.

²⁴ *Ibid.*

Najwa al-Qattan argues that the institutionalization of recordkeeping as a court practice led to an appropriation of many of the legal categories and linguistic formulas established within the *shurūṭ* literature. While registering any document at the court, the court personnel used these categories and formulae established within the genre, and thereby attempted to produce uniform and standardized discourse, both in theory and practice. That is why, for instance, sale and purchase deeds, loan and credit contracts, acknowledgments of any legal responsibilities, marriage contracts, guarantee and surety-ship documents, endowment deeds, and lawsuits are remarkably formulaic in structure and repetitive in legal terminology. The *sijil* as text, therefore, according al-Qattan, provides a window into detailed socio-economic transactions of everyday life against a framework of legal categories and linguistic conventions of the *shurūṭ* literature, privileging specific terminologies, values, and meanings, and remaining silent on others.²⁵

The relationship between the *shurūṭ* literature and the judicial practice in the Ottoman Empire at different times and in different locales is yet to be thoroughly investigated. Despite the fact that we have at our disposal many *ṣakk majmū‘abs* – a technical term used by the Ottomans for “how-to-do manuals” intended for the court whose function was the same as that of the *shurūṭ* manuals – a thorough analysis of these *majmū‘abs* like the one offered by Wael Hallaq has not been undertaken either in Turkey or abroad.²⁶ Nevertheless, we

²⁵ Najwa Al-Qattan, “Dhimmi in the Muslim Court: Documenting Justice in Ottoman Damascus 1775-1860” (Ph.D. Diss., Cambridge, Mass.: Harvard University, 1996), 142-145. One of the best examples of this privileging and silencing may be seen, for instance, in the documentary attempts to impartially identify the litigants at the court as well as describe the property which has been sold or purchased, not to mention the physical qualities and defects of (fugitive) slaves and (found) animals.

²⁶ The relationship between the *shurūṭ* and judicial practice has been one of the most contested terrains in the modern historiography of Islamic legal studies. More often than not, this relationship is constructed by resorting to one of the most widely held arguments of modern Western historiography on the Sharia: that there is a “gap,” “discrepancy” or “divorce” between theory and practice in Islamic law. Here is not the place to reiterate this discourse. Suffice it to say that this long-held assumption has been attacked by many revisionist historians of Islamic legal theory in the last two decades. We know now, through the well-documented and well-argued works of Wael Hallaq, that “a complex dialectical relationship did exist between model *shurūṭ* works and legal documents in judicial practice.” Wael B.

have some introductory descriptive works providing summaries of these manuals.²⁷ My analysis here mostly relies on these works; hence my conclusions should be read tentatively. Within this scholarship, a recent article produced by Süleyman Kaya deserves attention because it presents the *şakk majmū'abs* available to scholars from the sixteenth century to the end of the nineteenth century, giving summaries of each manual in terms of form, content and the language(s) in which it was written.²⁸ What appears from Kaya's study is that (as in the early and medieval periods) these manuals were prepared by qualified court personnel, including qāḍīs who had worked in the courts over many years or jurists who had produced works on different branches of the shari'ah. The author of each manual almost inevitably writes an introduction to their work explaining why and how he authored the text and his education in legal studies as well as his work experience in the courts of law. The authors often explicitly state that their manuals contain real cases in which they were personally involved in the shari'ah courts. While in the beginning, the authors of these manuals chose to write exclusively in Arabic, gradually they incorporated Ottoman Turkish (with some Arabic), and finally, at the beginning of the eighteenth century, they began producing most *majmū'abs* exclusively in Ottoman Turkish. In addition to the gradual shift from Arabic to Ottoman Turkish, there appear to have been considerable extensions and modifications in the content and form of the *şakk majmū'abs*. While formerly the manuals contained exemplary cases only on particular topics, later, topics of concern were extended so as to embrace a wider selection of topics discussed in *fiqh* books. A substantial though gradual shift is also observed in the form of the exemplary cases appropriated into the manuals. While in the beginning, exemplary cases were written in the form of summaries (*hujjabs*), gradually, longer court cases were appropriated (in the form

Hallaq, "Model *Shurūḥ* Works and the Dialectic of Doctrine and Practice," *Islamic Law and Society* 2, no. 2 (1995), 109-134, <https://doi.org/10.1163/1568519952599394>.

²⁷ Halit Ünal, "Şurut-Sukuk: İslam Hukukunda Belge Tanzimi", *Diyanet Dergisi* 26, no. 3 (1986); Süleyman Kaya, "Mahkeme Kayıtlarının Kılavuzu: *Sakk Mecmuaları*", *Türkiye Araştırmaları Literatür Dergisi* 3, no. 5 (2005), 379-416; Ümit Ekin, *Kadı Buyurdu Kâtip Yazdı: Tokat'a Dair Bir Sakk Mecmuası* (Istanbul: Bilge Kültür Sanat, 2010).

²⁸ Kaya, "Mahkeme Kayıtlarının Kılavuzu."

of *i'lām* and *ma'rūz*) in which detailed descriptions of the case at hand as well as legal processes and decision of the *qāḍī*, may be seen.

The first *şakk* (not *şburūt*) *majmū'ah*, *Biḍā'at al-qāḍī*, was written by one of the most famous Ottoman jurists of the sixteenth century, Ebussuud Efendī.²⁹ Since all the judges and court personnel knew Arabic, Ebussuud says, he chose to write his manual in Arabic. Furthermore, he emphasizes the fact that he has written many legal works in the past; thus, his aim in this work is to demonstrate to judicial personnel how to register certain transactions at the court using concise legal terminology. Nevertheless, his manual, organized into ten chapters, does not cover all the categories explored in the *fiqh* manuals. Why did Ebussuud Efendī position his work within the *şakk* genre and did not call it *şburūt* and why did he choose to dwell upon only ten chapters of classical *fiqh* manuals are questions that require close reading of his text, which is beyond the scope of this study. Nevertheless, what I want to underline here is that, up until the beginning of seventeenth century, judicial personnel at the *sharī'ah* court seemed very comfortable with reading and writing in Arabic and using classical and medieval sources, including, but not limited to, the employment of *şburūt* manuals as a guide to adjudicating and registering everyday transactions in the court.³⁰ This, I suggest, also explains why almost 740 out of 2.212 entries in USS 15 are written in Arabic rather than in Ottoman Turkish. It must have been much easier (and perhaps even safer) to write certain cases in Arabic.

Nevertheless, this reliance on classical and medieval *şburūt* works seems gradually to have disappeared as the legal scholars from the Ottoman lands started to write *şakk majmū'abs* in Ottoman Turkish.

²⁹ Ebussuud, *Biḍā'at al-qāḍī* (Istanbul: Süleymaniye Library, Laleli MS 3711) as quoted in Kaya, "Mahkeme Kayıtlarının Kılavuzu," 384-385. It appears that the first *şburūt* manual, *Rawḍat al-qāḍīn*, was written in the fifteenth century by Meḥmed ibn Ishāq, and dedicated to Sultan Mehmed the Conqueror. The author writes in Arabic and situates his work within the genre of *şburūt* (not *şakk*) and covers all the categories within the *fiqh* manuals except the rituals.

³⁰ For the main *fiqh* texts that were studied as a part of the curriculum at madrasas by the Ottoman scholars up until the beginning of seventeenth century and the books that these scholars produced see Recep Cici, "Osmanlı Klâsik Dönemi Fıkıh Kitapları," *Türkiye Araştırmaları Literatür Dergisi* 3, no. 5 (2005), 215-248; id., *Osmanlı Dönemi İslam Hukuku Çalışmaları: Kuruluştan Fatih Devrinin Sonuna Kadar* (Bursa: Arasta Yayınları, 2001).

This seems to have happened sometime around the beginning of the eighteenth century. From the *Badā’i‘ al-ṣukūk* written by Meḥmed Sādiq ibn Muṣṭafā Şānizādah, we understand that an Ottoman scholar was able to produce in Ottoman Turkish a *şakk majmū‘ab* very similar to its medieval counterparts as described by Hallaq.³¹ This particular work – and those written and published later – covers not only all the chapters (including the chapters on rituals) of the renowned *fiqh* and *fatwā* manuals of the medieval period but also appropriates various cases written in the form of *ḥujjab*, *i‘lām*, and *ma‘rūz*. However, the “Ottomanization” of *fiqh* language in general and *shurūṭ* literature in particular – epitomized in *şakk majmū‘abs* – seems to have been a long process, so that the extent of this “Ottomanization” in terms of form, content and discourse can only be understood once these manuals are thoroughly explored.

III. The Court Personnel

The court records, more often than not, resist disclosing direct information about the identities and functions of the court officials, including the judge himself. As Leslie Peirce observes, “the judge, situated at the nexus of religion, state, and community, is, as an individual, virtually nameless and textually silent”³² in the thousands of entries recoded in the court registers. In the 356 single pages of USS 15, the judge is named only three times. Unlike court registers from some other places and times, including Üsküdar’s court registers from almost a decade later, the register that I examine does not include an explicit and direct introduction in its beginning that identifies the name of the judge and the date of his appointment. Nevertheless, in the folio numbered 51a, there is a very faint line between the two entries that reads, “it is the beginning of the tenure of the honorable (*mawlānā*) Faqīhī Efendī; the time of registration [is] the 12th day of the month of holy Ramaḍān in 956 AH (4 October 1549 C.E.).”³³ Who was this Faqīhī Efendī? Was he the judge of Üsküdar or was he the deputy judge (*nā‘ib*) functioning under the authority of the judge of Gekbuze? One should note that Üsküdar appears to have been administered from Gekbuze until the 1540s, if not longer. Unfortunately, neither the biographical dictionaries of the period nor the register itself allows me

³¹ For various examples see Hallaq, “Model *Shurūṭ* Works and the Dialectic of Doctrine and Practice.”

³² Peirce, *Morality Tales*, 91-92.

³³ USS 15/51a.

to disclose further information on Faqīhī Efendī and the position he held at the court. First of all, there is no entry on Faqīhī Efendī serving as a judge of Üsküdar in the biographical dictionaries I consulted.³⁴ Added to this, we have only two instances (!) in the thousands of entries in which the judge of Üsküdar's court is referred to by name, not solely with his title.³⁵ In the first instance, the dire quality of the handwriting makes it almost impossible to identify the name of the judge.³⁶ Yet in the second instance, which was registered in February 1551 (mid-Şafar 958 AH), Faqīh ibn Qāsim, who was identified as the noble previous judge of Üsküdar (*Üsküdar'ın sâbık kadısı Mawlânâ Faqīh ibn Qāsim*) came to the court to make an acknowledgment.³⁷ He came to the court along with Sulaymān ibn Dāwūd who happened to be the previous scribe of the late Dāwūd Pasha İmareti. In Sulaymān's presence, he made an acknowledgement that while he was serving as a judge in Üsküdar, he had asked Sulaymān ibn Dāwūd to quit his position due to the complaint from one of the trustees of the *'imārah*. Nevertheless, according to, Faqīh ibn Qāsim, Sulaymān appeared to have been innocent and he [by his action] had caused injustice to him (*ḥayf u zulm*) and for that reason he asked the current judge to ease his situation.

Compared to the judge, who is almost absent, nameless and voiceless in the thousand of entries I read throughout this study, the other functionaries of the court such as deputy judges (*nā'ib al-sbar*), summons officers (*muḥḍir*) and scribes (*kātib al-ḥurūf* or *muḥarrir al-ḥurūf*) are more visible in the text: that is to say, they were not solely identified with their titles. For instance, the entry above on the previous judge of Üsküdar provides an opportunity to at least partially identify the other court personnel present at the court once this acknowledgment took place by listing them among case witnesses

³⁴ In the famous *Sijill-i 'Uthmānī*, for instance, there is no entry on Mawlānā Faqīhī Efendī. Yet there is an entry on a certain judge named Hāshim Chalabī from Üsküdar who at the same time was known as *faqīhzādab* (literally the son of Faqīh). Apparently, Hāshim Chalabī died in 1008 AH (1599-1600 CE). Considering his death, it seems unlikely that this Hāshim Chalabī is the Faqīhī Efendī who served the judge of Üsküdar starting from 956 AH/1549 CE. Nevertheless, considering his identification *faqīhzādab*, most likely he came from the same family. See *Sijill-i 'Uthmānī*, II, 651.

³⁵ These two entries can be seen in USS 15/62a/5 and USS 15/134b/5.

³⁶ USS 15/62a/5.

³⁷ USS 15/134b/5.

(*shubūd al-ḥāl*). Thus from this list of case witnesses, we learn, for instance, that during the time of this acknowledgment, Bashīr Faqīh ibn Ḥusām was a scribe and ‘Abd Allāh Khalīfah ibn Eyice was a deputy judge. Indeed, considering the names inscribed among the rank of witnesses, it appears that neither was Bashīr Faqīh ibn Ḥusām the only scribe, nor was ‘Abd Allāh Khalīfah ibn Eyice the only deputy judge serving in Üsküdar during the four-year period covered in USS 15. It seems that there was more than one scribe and a deputy judge serving at the court simultaneously, and certainly a larger number of other officials such as court summons officers.³⁸

Despite the fact that it is almost impossible to get any idea of the formal training of these court personnel and extent of their roles and functions in the legal process from the court registers, it is possible to provide bits and pieces of information on various roles they assumed in the community as well as other tasks they performed at the court. We know that by the second half of the nineteenth century, as a result of a series of legal reforms, there were substantial shifts in how a court case was recorded. For instance, compared to the earlier centuries, the court entries are not only more detailed, explaining the legal reasoning of the judge and the stance of the parties involved, but each entry also starts with a heading containing the identity of the registrar (*kātib*) and type of the case. This practice had not been in place in earlier centuries. We get bits and pieces of information about the scribes by reading very carefully between the lines. As I mentioned already, we often see them among the case witnesses (*shubūd al-ḥāl*). Among the case witnesses they were often registered as *kātib al-ḥurūf* or *muḥarrir al-ḥurūf*, but sometimes their name is also attached to their title. Then it is easy to identify their trajectory at least partially through looking at other transactions that they were involved in. Furthermore, at least one, if not more, of the scribes was bilingual. As mentioned above, the same scribe wrote some cases in Turkish and others in Arabic.³⁹ As for Bashīr Faqīh ibn Ḥusām, he appears to have served as a court scribe for at

³⁸ Among the deputy judges, I was able to locate Mawlānā Muşliḥ al-Dīn, Bashīr Faqīh ibn Ḥusām and ‘Īsā Faqīh. Among the scribes, we see individuals such as ‘Abdī Khalīfah ibn Ece Khalīfah, Meḥmed ibn Sinān, Sulaymān Chalabī ibn Dāwūd, Mawlānā Ghaybī, Bashīr Faqīh ibn Ḥusām and ‘Īsā Faqīh. Among the court summoners, we see Ramaḍān ibn Ḥusayn and Muştafā ibn Meḥmed.

³⁹ Examples can be seen 36a, 40b and 42a. For instance, in 36a, there are six entries written on this page. Five of them are in Arabic, and one is in Turkish. The entries were made by the same scribe.

least ten years, if not more.⁴⁰ Starting from 1550, we see him serving at the court as a deputy judge.⁴¹ Yet another function that he assumed at the court pertained to bearing witness, an issue that I want to dwell upon next.

Any student who works with the court records can observe from the very start that every case in a court register contains, at its very end, the names of the *shubūd al-ḥāl* (case witnesses) often three or four in number.⁴² Different cases had different witnesses, even though some individuals performed this role quite often; these included, for example, Bashīr Faqīh ibn Ḥusām, whom I mentioned above, and İnehan ibn ʿUthmān, trustee of various *waqfs* in Üsküdar and active user of the court relating to various credit and property transactions. Case witnesses ranged across the social population of the city from local representatives of the imperial state to the established and

⁴⁰ He appears to be a court scribe as early as 946 AH/1539 CE, if not earlier. See, for instance, USS 11/48/1 and USS 11/50/11.

⁴¹ USS 15/59b/1; USS 15/73b/2; USS 15/78b/5; USS15/131a/5.

⁴² It should be underlined that there were two levels at which witnesses served at Ottoman court of law: “circumstantial witnesses” (*ʿudūl-i muslimīn*) and “case witnesses” (*shubūd al-ḥāl*). While the former were identified in the main body of the record and the latter were consistently inscribed underneath the record. Circumstantial witnesses bore witness to happenings or facts pertaining to a case and spoke often in support of a given litigant, verifying his/her testimonial. Case witnesses, on the other hand, testified to the soundness of the proceedings as a whole. Hülya Canbakal, for instance, demonstrates that in the seventeenth-century Aintab people bearing honorific titles, the distinguishing sign of Ottoman elites, were prevailed in the pool of “righteous men,” from which a large majority of the circumstantial and instrumental (or case) witnesses were actually recruited. Hülya Canbakal, *Society and Politics in an Ottoman Town: Ayntab in the 17th Century* (Leiden & New York: Brill Academic Publications, 2006), 130-141, <https://doi.org/10.1163/ej.9789004154568.i-216>. Further on the socio-economic status of witnesses and their role in legal process, see, for example, Ergene, *Local Court*, 27-29; Coşgel and Ergene, *Economics of Ottoman Justice*, 70-79, 141-142; Ronald Jennings, “Limitations of the Judicial Powers of the Kadi in 17th Century Ottoman Kayseri,” *Studia Islamica* 49 (1979), 151-184, <https://doi.org/10.2307/1595562>; Peirce, *Morality Tales*, 97-98; Natalia Królikowska-Jedlińska, *Law and Division of Power in the Crimean Khanate (1532-1774): With Special Reference to the Reign of Murad Giray (1678-1683)* (Leiden & Boston: Brill, 2018), 142-145, https://doi.org/10.1163/9789004384323_006.

respected personalities of the community with no personal connection to the case, to parties with a personal connection to one of the litigants, including, but not limited to, parents, other relatives and neighbors. Also, as we saw in the case of Bashir ibn Husam, there are hundreds of instances in which officials of the court themselves were drafted as witnesses.

In general terms, despite the fact that case witnesses were usually drafted from the higher social classes – some of them being well-known jurists, locally appointed state officials or members of locally well-established families – other witnesses who accompanied the litigants clearly represented the entire spectrum of social classes in the larger community, even those who were positioned in the lower strata, including Gypsies.⁴³ As Hallaq notes, “As an aggregate act, their attestation at the end of each record summing up the case amounted not only to a communal approval of, and a check on, court proceedings in each and every case dispensed by the court, but also to a depository of communal memory that guaranteed present and future public access to the history of the case.”⁴⁴

IV. The Business of the Court (1547-1551)

Analysis of the court records in terms of what I call “form” (types of the documents) demonstrates a multifunctional role of the shari‘ah court in the Ottoman context. Categorization of the entries in terms of their form is related to the fact that not all the entries were written in the same way using the same legal categories and formulae; nor did they serve the same purpose or were all produced by the same institution. My analysis of what I term “form” includes administrative documents sent from the imperial court (such as *farmān* or *barāb*) to the shari‘ah court or from the shari‘ah court to the imperial court (such as *‘arḍ*), price lists (*narkh*), estate inventories (*tarakabs*), legal opinions (*fatwās*), registration documents that indicate withdrawal from litigation through peaceful settlement (*ṣullḥ*), as well as many records in the form of notarial attestations and law suits (See Table 1

⁴³ Faika Çelik, “‘Community in Motion’: Gypsies in Ottoman Imperial State Policy, Public Morality and at the Sharia Court of Üsküdar (1530s-1585s),” (PhD diss., Montreal: McGill University, 2014).

⁴⁴ Wael B. Hallaq, *Shari‘a: Theory, Practice, Transformations* (Cambridge: Cambridge University Press, 2009), 170, <https://doi.org/10.1017/CBO9780511815300>.

below). The category of “notarial attestations”⁴⁵ includes registration of purchase or sale of real estate and moveable property, the endowment of properties, acknowledgments of debts and repayments, renouncement of claims to certain properties, business partnerships, guild arrangements, manumissions, registration of fugitive slaves and animals, bonds of surety, marriage contracts, terms of divorce and child support, inheritance divisions, transfer of tax farms and offices. Similarly, a verbal or physical assault would at times wind up in the court register without this event bringing about any claim, suit or punishment prescribed by the judge. The victims would simply stipulate that the assault be recorded and recognized by the court, and an attested copy of the entry be handed to him for possible use in the future. The category of “lawsuits,”⁴⁶ on the other hand, includes all sorts of complaints and disputes brought to the court to be resolved and settled. Once the entries found in USS 15, both Arabic and Turkish, are analyzed in terms of their form, the following table emerges:

Table 1: Categorization of Entries in terms of “FORM” based upon USS 15

FORM	Number	Percentage (%)
Administrative	48	2.17
Estates	38	1.72
Fatwā	1	0.05
Lawsuits	403	18.22
Other (Damaged/Unclassified)	3	0.14
Price Lists	7	0.32
Registration	1.658	74.95
<i>Waqf</i> Deeds	5	0.23
Withdrawal from Litigation	49	2.22
TOTAL	2.212	100

⁴⁵ In the register, notarial attestations are recorded through the use of certain formulas. The most common formulas used at the beginning of each case are: “[X person] with his own will confessed and admitted that...” (*bi’-t-tav’ ve rızā ikrār ve i’tirāf idüp didi ki ...*) or just simply “[X person] at the court of Shari’ah admitted that ...” (*meclis-i şer’de ikrār idüp ...*). The cases often close with one of the following formulas: “At the request of [X person], this is registered” (*talebi ile tescil olundi*); “At X’s request, this is registered” (*talebi ile kayd-ı sicil olundi*); “with X’s request, it is recorded in the register” (*bi’-t-taleb kayd-ı defter olundi*).

⁴⁶ The most common formulas for the law suits are: “X person filed a complaint -- against Y-- to demand his right” (*bağkim taleb ederum deyu da’vā ettikde*); “X person filed a complaint and stated that...” (*takrİR-i da’vā kılup dedi kim...*) and “X person filed a complaint against them ...” (*üzerlerine takrİR-i da’vā kılup*).

What emerges from this table is that the court's notarial and administrative duties overrode its role in settling litigations. This finding is, in fact, not surprising. As many scholars have already underlined, and as stated by one of the prolific writers on Islamic legal history, Wael Hallaq, "the role of the court as a judicial registry was as important as, if not more important than, that of conflict manager."⁴⁷ For instance, in a survey of mid-eighteenth-century court business in Aleppo, Abraham Marcus demonstrates that no more than 14 percent of all cases were lawsuits, whereas the rest were mostly notarial attestations.⁴⁸ It should be underlined, however, that representing the Ottoman shari'ah court as being primarily a "public registry" ignores the findings of recent literature pertaining to the various functions of the court in other times and places. For instance, one of the main findings of Ergene in his work on the courts of Çankırı and Kastamonu in the eighteenth century is that "Whereas notarial and administrative services occupied nearly all the time of the former, judicial services constituted the greater part of the latter's operations."⁴⁹ That is to say, the "administrative and notarial activities of the court of Çankırı overshadowed its judicial operations."⁵⁰

Like the mid-eighteenth century court of Aleppo and the eighteenth century court of Çankırı, the sixteenth-century court of Üsküdar from 1547 to 1551 primarily functioned as a "public registry." Why were the shari'ah courts not primarily used to resolve disputes compared to industrial societies in which the great majority of conflict resolution is carried out by the state court of law or settlement process controlled by state law? We now know that one of the significant reasons behind this is the existence of informal conflict resolution sites in Muslim societies. The extended family, the clan, religious communities, neighborhoods and the guilds all provided extensive social networks for informal conflict resolution. More often than not, the courts were considered to be the last resort to settle a conflict and mediation constituted a preferred mode of settling disputes.⁵¹

⁴⁷ Hallaq, *Shari'a: Theory, Practice, Transformations*, 35.

⁴⁸ Abraham Marcus, *The Middle East on the Eve of Modernity: Aleppo in the Eighteenth Century* (New York: Columbia University Press, 1989), 130.

⁴⁹ Ergene, *Local Court, Provincial Society, and Justice in the Ottoman Empire*, 32.

⁵⁰ *Ibid.*

⁵¹ For the reasons behind this, see Hallaq, *Shari'a: Theory, Practice, Transformations*, 163.

Recent scholarship demonstrates that court fees were another reason to push possibility of conflict resolution outside the courtroom, especially for those who came from the poorer segments of society. We have very limited scholarship on the costs of accessing court services in different time periods of the Ottoman era, due to the fact that the court records themselves do not easily yield up such information. Boğaç Ergene, for instance, by closely reading the fees charged by the courts of eighteenth-century Kastamonu and Çankırı for dividing the estates of the deceased among their heirs, demonstrates that “division of estates by the court was more costly for the poorer parties than the richer ones.”⁵² On the basis of his findings, Ergene suggests that “if this kind of discrimination is generalizable to other court services, it would be rather naive on our part to expect to find that the poorer segments of the community utilized the courts regularly or as frequently as the richer parties employed them.”⁵³

Besides recording various transactions and settling disputes, the court also functioned as a site of mediation and communication between the “center” and the “province.” This is shown, for example, by the fact that the court registers, including USS 15, often include documents that were not originally composed at the local court, but were dispatched from the imperial government or the provincial governor for fiscal, military, and administrative reasons. Once received, the court personnel recorded these orders for notarial purposes and transmitted them to the public or relevant parties. At times, the court also composed documents either as a response to these orders coming from the higher authorities or asking for the imperial government’s guidance or approval regarding certain problems in the local context. These, what I call “administrative documents,” which include imperial edicts, copies of warrants (*barāb*) and documents composed at the court to be sent to the higher authorities (*‘arḍ*), are related to the mobilization and provisioning of troops, the collection of various (regular and irregular) taxes and, at times, directions about how these taxes were to be spent. Furthermore, there are also edicts that were sent as a response to an individual’s petition to the imperial court. Entries of this nature constitute 2 percent

⁵² Ergene, “Costs of Court Usage in Seventeenth- and Eighteenth-Century Ottoman Anatolia: Court Fees as Recorded in Estate Inventories,” *Journal of the Economic and Social History of the Orient* 45, no. 1 (2002), 39, <https://doi.org/10.1163/156852002320123046>.

⁵³ *Ibid.*

of USS 15's total content. This number seems to be low compared to other places and times. This might be because of the propinquity of the court to the seat of the imperial center of power and the ease of communication between the court personnel and their nearby higher authorities.⁵⁴

V. Analysis of Entries in terms of "Content"

While analysis of the entries in terms of "form" demonstrates multi-functionality of the shari'ah court in a given context, it falls short of disclosing varieties of socio-economic concerns brought to the court either for notarial attestation or for conflict resolution. That is why I categorized the entries in terms of their content. Thus, the category "content" includes varieties of socio-economic concerns and transactions concerning everyday life in the community and brought to the court either for registration or legal settlement.

Table 2: Categorization of Entries in terms of "Content" based upon USS 15

CONTENT	Numbers	Percentage (%)
Estates and Claims on Estates	143	6.46
Fugitive Slaves and Stray Animals	151	6.83
Loans (Credit Transactions)	210	9.49
Market Control and Infringements	75	3.39
Marriage, Divorce or any related claims	47	2.12
Officials (Administrative Documents drafted at the court or sent by the imperial state)	38	1.72
Pious Foundations – Other	244	11.03
Pious Foundations – Loans	523	23.64
Property Transfers, Rent and Related Claims	299	13.52

⁵⁴ For instance, in her work on *şulb* (amicable agreement) cases that are registered in the records of two Ottoman courts – one in Üsküdar, the other in Adana – in the second half of the 18th century, Işık Tamdoğan makes the following observation: "The Adana registers include a relatively small number of cases of various legal types. Numerous administrative appointments and similar issues reflect the variety of non-legal functions performed by the court of a relatively remote province. The Üsküdar registers, by contrast, contain a large number of court cases of the same legal nature and only a few documents pertaining to administrative issues." Tamdoğan, "Sulb and the 18th Century Ottoman Courts of Üsküdar and Adana," *Islamic Law and Society* 15 (2008), 60, <https://doi.org/10.1163/156851908X287307>.

CONTENT	Numbers	Percentage (%)
Proxy and Guardianship	29	1.31
Slaves	38	1.72
Surety	163	7.37
Tax-farming	48	2.17
Transgressions (Assault, Murder, Adultery, Cursing, Trespass, Theft, ... etc.)	188	8.5
Damaged, Incomplete, Unclassified within this list	16	0.73
TOTAL	2.212	100

Before providing a very brief reading of this table, two cautions are in order. Firstly, the categories drawn in the above table should not be read as being rigid and inflexible. There are various entries that could be listed under more than one category. For instance, consider the following entry:

The reason of writing this registration is the following:

Ḥājj ibn Yūsuf and his mother named Sultan from the village of İstavros asked Rayḥān the black slave of Aḥmad Sipahi from the above-mentioned village to come to the honorable sharī‘ah court. [The mother Sultan, initiated litigation against him claiming that] “this above-mentioned black [slave] took my six year old son named Khiḍr as well as other little boys (*oğlancıklar*) named Ḥasan, Ḥusayn, and Muṣṭafā and put them in a carriage and brought them to the field. Then [apparently] he sent the other boys away and he performed an abominable act upon him (*fi’l-i qabīḥ*). [After that] drenched in blood under his belly, my son [was found] hysterical (*belinden aṣağısına kan revan olup akıl gitmiş*). Now I demand that this [situation] be examined.” Upon inquiry the above-mentioned black acknowledged of his own will and without any pressure that “I put Khiḍr, Ḥasan, Ḥusayn, and Muṣṭafā into a carriage and took them to a field. After sending the other boys away, I was overwhelmed by my base self (*nafs*) and I committed an abominable act.” This acknowledgment of the said person is registered in the month of Jumādā l-ūlā [Cemaziyelevvel] in the year 957 AH [May/June 1550 CE]

Witnesses:⁵⁵

⁵⁵ USS 15/62a/1.

I put this litigation case pertaining to rape committed against the six-year-old boy Khiḍr under the category of “Transgressions.” Nevertheless, this case is also very much related to slavery, because the act was committed by Aḥmad’s black slave, Rayḥān. Therefore, due to the overlapping nature of the contents of some of the entries, these frequencies should be read as approximates. Secondly, a detailed analysis of each of these categories is beyond the scope of this research. What I can provide here is an attempt at a delineation of what socio-economic and moral concerns made people resort to the court, hence offering insight into the role of the court in the local setting. Entries under each category could be approached both as a text and a document thus providing us with details not only of the development of the court’s recording practices and legal lexicon, but also of the socio-economic resources of various communities and their interrelations. Furthermore, some of these entries provide a hallmark of negotiations and survival tactics once the issue at stake is an individual’s honor.

What emerges from this table is that among the 2,212 entries registered in USS 15 covering the period from 1547-1551, 767 are related to administration of various *waqfs*’ moveable and immoveable property. This number makes up almost 35 percent of the court’s business within this period.⁵⁶ These documents disclose that *waqfs* supplied funds to support mosques, educational institutions, public baths, soup kitchens, and hospitals. Furthermore, they supplied funds to build urban infrastructure such as buildings, bridges, roads, and fountains. These *waqfs* largely drew their funds from the endowed commercial and agricultural property, such as shops, workshops, farms, orchards, watermills, bazaars or caravanserais, usually built nearby.⁵⁷ It is also essential to underline that many of the better-

⁵⁶ It should be underlined once again that USS 15 does not cover all the transactions registered in the court within this period. Nevertheless, it does include most of them.

⁵⁷ For instance, Nurbanu Sultan endowed the followings for her mosque complex in Üsküdar: In the surrounding district of the complex (Yeni Mahalle), a *ban* with 22 rooms, 14 shops, a double public bath, 16 shops facing that public bath, a small house along with three shops, a house to be used as the *şembâne* to produce candles, 17 shops each with a room and a backyard, a caravanserai, a slaughterhouse, six houses to be used as tanneries and rooms to be rented out to families. Besides these properties endowed in Üsküdar, Nurbanu Sultan also endowed a large number of immoveable properties such as shops and public baths

endowed *waqfs* used some of their revenue to generate capital, and in the process they functioned as financial institutions. Their role as main creditors to the inhabitants of Üsküdar is so pervasive that the loan transactions of, for instance, the well-endowed *waqf* of Salmān Agha⁵⁸ and İbrāhīm Agha⁵⁹ can be seen in every court register in sixteenth-century Üsküdar. As a matter of fact, some of the registers were exclusively allocated to the registration of credit transactions of these two very powerful *waqfs*.⁶⁰

Besides these *waqfs*, which were constituted through the endowment of immovable property, there were also “cash *waqfs*” that were institutionalized through the endowing of a sum of money, the principal of which would be lent out to creditors. The interest paid on the loans would go to support all sorts of social and pious causes.⁶¹ In

in Istanbul. Furthermore, other properties in and outside Istanbul include farms, fields, vineyards, pastures and bread ovens. The *jizyah* tax collected from the non-Muslim inhabitants of Yeni Mahalle would also be transferred to the *waqf*. The *waqf* also owned and accumulated income from over 10.000 sheep annually. The milk and the wool of these sheep were endowed. Arcak, “Üsküdar as the Site for the Mosque Complexes of Royal Women in the Sixteenth Century,” 47-57.

⁵⁸ Selman Agha Zaviyesi was completed in 1506. It was located in the center of Üsküdar. An analysis on the transactions of the *zāwiyah* and its immoveable properties during the reign of Sultan Sulaymān can be seen in Tahsin Özcan, *Osmanlı Para Vakıfları: Kanuni Dönemi Üsküdar Örneği* (Ankara: TTK Basımevi, 2003), 187-194.

⁵⁹ The completion date of this *zāwiyah* is not known. What we do know, however, is that İbrahim Agha, who was one of the chief officials of Sultan Bāyazīd II, he endowed one caravanserai, 14 shops and one house for this *zāwiyah*. Özcan, *Osmanlı Para Vakıfları*, 165-186.

⁶⁰ USS 21 and USS 28.

⁶¹ Whether the “cash *waqfs*” should be permitted or not created great controversy in the sixteenth century among some jurists and exploring this discourse is beyond the purpose of this study. Most Arab jurists saw this as allowing usury and rejected it as un-Islamic. Ottoman jurists in Istanbul, however, saw nothing wrong with the practice as long as the interest did not exceed 10 percent a year and the recipients of the charity were truly needy. For more on this, see Jon E. Mandaville, “Usurious Piety: the Cash Waqf Controversy in the Ottoman Empire,” *International Journal of Middle East Studies* 10, no. 3 (1979), 289-308, <https://doi.org/10.1017/S002074380000118>; Murat Çizakça, *A Comparative Evolution of Business Partnerships: the Islamic World and Europe, with specific reference to the Ottoman Archives* (Leiden: Brill, 1996).

his well-documented work on “cash *waqfs*” in Üsküdar during the reign of Sultan Sulaymān (r. 1522-1566), Tahsin Özcan finds 150 “cash *waqfs*” functioning in Üsküdar during that time.⁶² All in all, among various social and pious causes, these *waqfs* also provided significant amounts of credit to Üsküdar inhabitants from all walks of life. In USS 15, the *waqfs*’ share in providing credit makes up almost 24 percent of the total entries – much higher than individuals in giving and taking loans among themselves – which accounts for almost 10 percent of the entries (See the Table 2 – Credit Transactions).

To state the obvious, notarial attestations and settlements of disputes pertaining to credit, either given by the major *waqfs* or by individuals, constitutes the main reason why inhabitants of Üsküdar frequented the court. As was the case noticed by Seng, in the early 1520s, so was the case in the 1550s: “The community of Üsküdar was linked by an underlying web of credit transactions.”⁶³ Muslim and non-Muslim, male and female residents, poor and prosperous, ruling and subject classes entered into mutual credit transactions. Substantial numbers of loans were given as *qarḏ-i ḥasan* with the holding of collateral as security.

The register also contains disputes, claims, and registrations of the transfer of property. Of the 2.212 entries registered, 299 (almost 14 percent of the total) are related to moveable and immoveable property transfers among the inhabitants of Üsküdar. This number does not include any dealings with the *waqf* properties. For instance, there are various instances in which the immovable properties of the significant *waqfs*, such as shops, rooms, mills, and lands, were rented out or sold (in rare instances) to the inhabitants of Üsküdar. Nevertheless, I included these transactions on *waqf* property under the “Pious Foundations – Other” heading, which includes everything except the loan transactions related to the *waqfs* (See Table II above – Pious Foundations – Other).⁶⁴ All in all, credit transactions and property transfers among the inhabitants and visitors of Üsküdar (excluding the functions of *waqfs* in these two spheres) constitute the main reason for

⁶² Özcan, *Osmanlı Para Vakıfları*.

⁶³ Seng, “The Üsküdar Estates (*Tereke*) as Records of Everyday Life in an Ottoman Town, 1521–1524,” 295.

⁶⁴ This category in fact includes anything on the repair of the *waqf* buildings, administration of the *waqf* personnel, as well as the management of *waqfs*’ immoveable property. This category itself makes almost 11 percent of the entries.

their frequenting the court. Of the 2.212 entries, 509 are related to credit transactions and property transfers either in the form of notarial attestations or lawsuits. As argued by Seng, credit transactions and property transfers provided a nexus that made various social groups and communities communicate at the local level.

The court also registered and at times settled any claims regarding “family law.” Marriage contracts and divorce settlements found their way into the court register, although fewer people in mid-sixteenth-century Üsküdar seem to have used the court as a legal resource for this purpose. There are only 47 entries regarding this out of a total of 2.212. Furthermore, registrations of the estates of the deceased as well as settlement of any claims regarding these estates constituted yet another chore for the court. Compared to marriage acts and divorce settlements, people seem to have sought the legal guidance of the court somewhat more frequently when faced with issues of inheritance.

Registration and litigations regarding fugitive slaves (*‘abd-i ābiq*) seem to constitute yet another significant chore of the court of Üsküdar in the sixteenth century. For instance, Ekrem Tak demonstrates that from 1513 to 1516, 122 slaves were captured within the legal boundaries of Üsküdar. Nevertheless his research does not provide us a context within which we could position these numbers and hence make certain inferences about their percentage compared to the total cases registered in the court.⁶⁵ Similarly, on the basis of data found in USS 15, we could suggest that the ruling authorities in Üsküdar captured 131 fugitive slaves and 21 stray animals within the vicinities of the town. However, as I underlined in the beginning of this study, the total number of entries do not represent all the issues brought to the court within the four years that USS 15 covers. Therefore, it falls short of giving precise figures regarding the extent to which registrations and litigations concerning fugitive slaves constitute the workload of the court. However, as Table 2 demonstrates dealings on fugitive slaves constitute almost 7 % of the registered activities of the court emerged from USS 15. Nevertheless, what emerges from the existing scholarship is that the number of fugitive slaves that was brought to the court would fluctuate, being very high during certain

⁶⁵ Ekrem Tak, “XVI. Yüzyılın İlk Yarısında Üsküdar’da Sosyal ve İktisadi Hayatın Göstergeleri,” 4.

years yet extremely low in others.⁶⁶ There could be many reasons behind this fluctuation and hence further research, I would suggest, is needed to propose diachronically and synchronically contextualized answers, an issue beyond the limits of the present study.

Finally, a word or two needs to be said on the category of “transgressions” which included 188 entries that might be somewhat anachronistically categorized under the rubric of “criminal law.” These entries contain various litigations and registrations regarding murder, assault, theft, drinking alcohol, adultery, public cursing, and trespass. While some of these cases were brought to the court by the town’s police (*subaşı*), the others were brought to the attention of the authorities either by neighborhood representatives or private individuals themselves. The incompleteness of the court records for serial analysis of criminal activities in a given context has already been noted by several scholars. Nevertheless, the *registered* cases that I categorize under the rubric of “transgression” offer us a wealth of information on the world of crime and how criminal justice was administrated in a growing city with a transient population.⁶⁷

Conclusions

Like other local courts in the Ottoman Empire, the court that has been the object of our study constituted just one of the legal sites that people resorted to for settling disputes. As Leslie Peirce notes “The existence of other, perhaps cheaper, venues for dispute resolution and other authorities to whom one might appeal for decisions or for legal

⁶⁶ For a comparison, see for instance *ibid.*; Yıldız, “Üsküdar’ın Sosyal ve İktisâdî Hayatı ile İlgili Üsküdar Kadı Sicillerindeki Kayıtların Tespit ve Analizi,” 54-60.

⁶⁷ On the literature on crime and administration of criminal justice in the Ottoman context, see for instance, Eyal Ginio, “The Administration of Criminal Justice in Ottoman Selanik (Salonica) during the Eighteenth Century,” *Turcica* 31 (1999), 185-209, <https://doi.org/10.2143/TURC.30.0.2004297>; see Tamdoğan, “Atı Alan Üsküdar’ı Geçti,” in *Osmanlı İmparatorluğu’nda Asayiş, Suç ve Ceza*, ed. N. Lévy and A. Toumarkine (Istanbul: Tarih Vakfı Yurt Yayınları, 2007), 80-95; Suraiya Faroqhi, *Coping with the State: Political Conflict and Crime in the Ottoman Empire, 1550-1720* (Istanbul: Isis Press, 1995), 145-161; Fariba Zarinebaf, *Crime and Punishment in Istanbul 1700-1800* (Berkeley, CA: University of California Press, 2010), <https://doi.org/10.1525/9780520947566>; Marinos Sariyannis, ““Neglected Trades”: Glimpses into the 17th Century Istanbul Underworld,” *Turcica* 38 (2006), 155-179, <https://doi.org/10.2143/TURC.38.0.2021272>.

guidance in problematic moments meant that a good deal of the legal life of the province took place outside the court.”⁶⁸ Therefore, our analysis of the functions of the Islamic courts in the Ottoman Empire reflects solely the *registered* portion of judicial life. For a complete picture, we have to move beyond the court and consider exploring alternative sites and strategies for dispute resolution.

This study, when juxtaposed with the existing literature in the field, demonstrates that the operations of Ottoman Shari‘ah courts differed from each other in a number of significant ways including but not limited to the balance between registration and litigation, the record-keeping practices and the breakdown of particular types of cases dealt with by the courts. We can observe these differences across space by comparing court records from different parts of the Ottoman Empire, and also across time by comparing the registers of the same court compiled during different time periods. In this regard, what emerges in this study is that Üsküdar’s court in the very middle of the sixteenth century primarily functioned as a “public registry.” Nevertheless, whether its function shifted from being *primarily* a “public registry” to a legal arena largely engaged in dispute resolution in the years to follow is a pertinent question that needs further research. Therefore, through its detailed examination of data recorded in one register covering the period from 1547 to 1551, the present study lays the groundwork for future comparative analysis of this kind.

The present study also explored the reasons behind the use of Arabic in recording some of the cases in the register. In the available scholarship there is a tendency to assume that in the Turkish-speaking parts of the Empire and in the Balkans, court records were kept almost exclusively in Turkish. Nevertheless, a cursory reading of the sixteenth-century Üsküdar court records suggests that we have some registers completely recorded in Arabic, while in some other registers – as in the case of USS 15 – Arabic was extensively used. I argue that a plausible answer to this usage of the Arabic language in some cases might be found in the genealogy of what I call the gradual “Ottomanization” of legal discourse.

DISCLOSURE STATEMENT

No potential conflict of interest was reported by the author.

⁶⁸ Peirce, *Morality Tales*, 91-92.

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TEACHING RELIGION AT TURKISH PUBLIC SCHOOLS: A THEME OSCILLATING BETWEEN FAITH, CULTURE, AND POLITICS?

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Abstract

Since the proclamation of the Turkish Republic in 1923, many aspects of religious education in public schools, namely, those related to the status of religion courses, have been intensely discussed. However, developing sustainable policies that meet societal and political changes has not always been an achievable goal. This is evident from the interminable renewals of religious education curricula, which always evoke the same debate: “What should be the essence of religious education in public education? Should it aim to teach religion as a practice of faith, or should it approach religion as a cultural concept?” Focusing on this ongoing debate, this paper aims to offer an in-depth analysis of the Turkish endeavor to reconcile religious education with the secular schooling system. This paper concludes that these responses, although presented as part of pedagogical paradigm shifts, have not been impervious to the political turbulence in Turkey.

Key Words: Education policies, religious education, teaching religion in schools, religion in Turkey, Turkish religion courses

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Introduction

For the last 150 years, the sociocultural mechanisms in Turkey, and their religious component in particular, have experienced many challenges. The new Republic's revolutionary legislation generated sharp differences between the Ottoman legacy and the constitutional elements of modern Turkey, including in the realm of education.¹ In this regard, the Unification of Education Law enacted in 1924 was quite significant for religious education policies, as well as practices, since it provided for the transfer of religious instruction from religious authorities to the newly established secular state apparatus, i.e., the Ministry of Education. The new status of religion courses was introduced by various legal acts throughout the Republican period, the last of which was the Constitutional Law of 1982, which signified the completion of this transition by incorporating the religion course as a compulsory subject into school programs.

Being part of compulsory school subjects, the current religion course is designated *Religious Culture and Ethics* according to Article 24 of the aforementioned Constitutional Law. Although the primary motive behind the designation of the course title was explained differently by the scholars who closely observed the period,² it has generated two idiosyncratic features for the current religious education policy in Turkish public schools.

First, Article 24 did not define any organic relationship between the course and the Presidency of Religious Affairs, the state body that is constitutionally responsible for administering all matters regarding Islamic faith and its places of worship. Despite the fact that the existence of the Presidency in a secular state such as Turkey has been

¹ Niyazi Berkes, *Türkiye'de Modernleşme*, 26th ed. (Istanbul: Yapı Kredi Yayınları, 2018), 532-536.

² See, e.g. Beyza Bilgin, "Mezhepler ve Dinler Arası Eğitim ve İşbirliği," *Ankara Üniversitesi İlahiyat Fakültesi Dergisi* 39, no. 1 (1999), 2, https://doi.org/10.1501/Ilhfak_0000000830; Halis Ayhan, "Anayasa'nın 24. Maddesi Işığında Din Eğitiminde Yeni Arayışlar," in *Avrupa Birliği'ne Giriş Sürecinde Türkiye'de Din Eğitimi ve Sorunları Sempozyumu*, ed. Suat Cebeci (Istanbul: Değişim Yayınları, 2002), 103.

a matter of continuous political and scholarly debates,³ it is worth noting that the religion courses at modern Turkish public schools have not been under the auspices of any religious authority, in contrast to many other countries, with the exception of organizing and editing textbooks for a short time during the early Republican period.⁴

Second, Article 24 referred to a distinctive approach in regard to its religious content which, was conceptualized as *metadoxical and expandable to other religions*⁵ in the years following the introduction of the course into the school programs. Such a definition designated the course curriculum as not being oriented to any given denomination within Islam. In addition, it should have included insights, predominantly into the cognitive domain of learning, about world religions other than Islam. Although the lack of consistency of the course's theoretical framework with respect to its content, and particularly with respect to its application in the classroom, has been addressed by many critics, this kind of orientation of the course reflects concerns for meeting the demands that originated from various actors in the religious education policy-making process.

When these two features of the course are juxtaposed to the nature of the Turkish Republic – a predominantly Muslim country that has defined itself as a secular state governed by the rule of law since 1937, Turkish religion courses have continuously sparked interest in academic and political circles throughout the Republican period.⁶

³ Ufuk Ulutas, "Religion and Secularism in Turkey: The Dilemma of the Directorate of Religious Affairs," *Middle Eastern Studies* 46, no. 3 (2010), 389-399, <https://doi.org/10.1080/00263200902899812>.

⁴ The status of religious education in school programs is still among the primary research topics that attract investigators. Since a great number of country surveys is available, academic literature is being kept up-to-date through ongoing research activities. See, e.g. Holger Daun and Reza Arjmand, eds., *Handbook of Islamic Education* (Cham: Springer International Publishing, 2018), <https://doi.org/10.1007/978-3-319-53620-0>.

⁵ Mualla Selçuk and Recai Doğan, "Religious Education in Turkey," in *Religious Education in Europe. Situation and Current Trends in Schools*, ed. Elza Kuyk et al. (Oslo: IKO, 2007), 211, <http://www.evrel.ewf.uni-erlangen.de/pesc/ie-2008-selcuk.pdf>, accessed September 15, 2019.

⁶ For the most recent contributions in relevant literature, see, e.g. Mehmet Bahçekapılı, "Türkiye'de Din Eğitiminin Politik Tarihi," in *Türkiye'de Eğitim Politikaları*, ed. Arife Gümüş (Istanbul: Nobel Yayıncılık, 2015), 371-402;

Although many factors account for the paradigm shifts that religion courses have been subjected to, the topics highlighted by these circles played a significant role in the transformation of its status, as well as its pedagogical and methodological features. Religious, pedagogical, and particularly societal concerns, such as promoting a sound understanding of Islam, fostering social integration between denominationally divided groups, building capabilities for meeting the contemporary individual and societal needs, etc. have been frequently verbalized. However, the new millennium signaled a certain shift in these discussions towards the issue of plurality in the classrooms, reflecting the repercussions of the most stimulating pedagogical discussions worldwide, and most importantly, due to the recently started negotiations for EU accession.

Whether it might be cultural, religious, or even societal diversity under question, the issue of how to deal with such plurality in the classrooms has to a great extent preoccupied the Turkish religious education agenda. While some scholars have discussed it simply from the perspective of representation of the various religions and convictions in the syllabus,⁷ others have elaborated on its connection with citizenship education⁸ and peace education.⁹ Although the listed research publications explore the issue mainly through the religious and pedagogical aspects of religion courses, the historical

Abdurrahman Hendek, "Country Report: Turkey," *British Journal of Religious Education* 41, no. 1 (2019), 8-13, <https://doi.org/10.1080/01416200.2019.1532227>.

⁷ Recep Kaymakcan, "Christianity in Turkish Religious Education," *Islam and Christian-Muslim Relations* 10, no. 3 (1999), 279-293, <https://doi.org/10.1080/09596419908721187>; Cemal Tosun, "Andere Religionen innerhalb des Religionsunterrichts in der Türkei," in *Religiöse Bildung und interkulturelles Lernen: Ein ErasmusPlusProjekt mit Partnern aus Deutschland, Liechtenstein und der Türkei*, ed. André Ritter, Jörg Imran Shröter, and Cemal Tosun (Münster & New York: Waxmann, 2017), 109-25.

⁸ Recep Kaymakcan and Hasan Meydan, "Demokratik Vatandaşlık ve Din Öğretimi: Yeni Yaklaşımlar ve Türkiye'de DKAB Dersleri Bağlamında Bir Değerlendirme," *İnönü Üniversitesi İlahiyat Fakültesi Dergisi* 1, no. 1 (2010), 29-53; Bayramalı Nazıroğlu, "İlköğretim Din Kültürü ve Ahlak Bilgisi Dersi Öğretim Programında Vatandaşlık Eğitimi," *Dinbilimleri Akademik Araştırma Dergisi* 11, no. 2 (2011), 73-95.

⁹ Hüseyin Yılmaz, "Ortaöğretim Din Kültürü ve Ahlak Bilgisi Dersi ve Barış Eğitimi," *EKEV Akademi Dergisi - Sosyal Bilimler* 9, no. 22 (2005), 35-48.

development of religious education practices in Turkey has proven the existence of another vital dimension, i.e., the political implications, in the evolution of religion courses.

Since the early years of the Republican period, the introduction of reform laws, including the Unification of Education Law in 1924,¹⁰ the transition to a multiparty system in 1946,¹¹ the military coups d'état in 1980,¹² the EU accession process¹³ and the latest – the decisions of European Court of Human Rights (ECtHR) on the Turkish compulsory religion course¹⁴, have been frequently exemplified as the milestones in reforming religion courses and reinterpreting their aims and contents. Although respective research periodically indicates that the focus of religious education discussions should be maintained towards its pedagogical dimensions, pedagogical and political realms are inextricably intertwined in Turkey. Nevertheless, as this paper also argues, political concerns still have precedence in Turkish religious education policies at the expense of pedagogical advancements.

By providing an in-depth analysis of the evolution of Turkish religion courses throughout the Republican period, this paper aspires to explore the variety of solutions offered to the challenges encountered in a context in which religious differences are still one of the main identifiers of Turkish sociocultural and political life. Using the Turkish case as a core theme, acknowledging its unique religious composition, of which the Muslims constitute approx. 99% of the whole population, although the number is distributed among different denominations, this paper also revitalizes one of the oldest debates in the field of religious education: “What should be the essence of religious education in public schooling: should it aim to teach religion as a practice of faith, or should it approach religion as a cultural

¹⁰ Recai Doğan, “Cumhuriyetin İlk Yıllarında Tevhid-i Tedrisat Çerçevesinde Din Eğitim-Öğretimi ve Yapılan Tartışmalar,” in *Cumhuriyetin 75. Yılında Türkiye’de Din Eğitimi ve Öğretimi* (Ankara: Türk Yurdu Yayınları, 1999), 227–88.

¹¹ Kaymakcan, “Religious Education in the Multi-Party Period in Turkey,” *Estavest Education* 17, no. 1 & 2 (1996), 91-107.

¹² Ayhan, “Anayasa’nın 24. Maddesi Işığında Din Eğitiminde Yeni Arayışlar.”

¹³ İbrahim Turan, *Avrupa Birliği Sürecinde Türkiye’de Din Eğitimi Politikaları* (İstanbul: İz Yayıncılık, 2013).

¹⁴ Turan, “Ulusal ve Uluslararası Hukuk Açısından Türkiye’de Din Eğitiminin Yasal Dayanakları,” *Ondokuz Mayıs Üniversitesi İlahiyat Fakültesi Dergisi* 32 (2012), 77-109.

concept?" This fundamental question, which is closely related to the tasks assigned to the schools by the policy-makers, is still of significance for the Turkish context for two primary reasons: (1) it reflects continuous debate between the visions of the policy-makers and the demands of the different societal strata, and (2) it refers to the contemporary challenges that multicultural societies encounter in the field of religious education. These challenges have emanated from unsolved tension between majority and minority groups in terms of their representation in the religion courses – a topic that has been gradually emphasized since the early 2000s. Focusing on this longstanding question, the paper aims to analyze policy makers' responses to the issue by offering elaborated insight into the Turkish endeavor to reconcile religious education with the secular schooling system.

Although this paper evaluates the Turkish context only by addressing the evolution of policies regarding religion courses, it should be noted that religious education practices in Turkish public schools are complex in nature. The essence of this complexity is the uneasy combination of different segments that follow miscellaneous but not necessarily concerted objectives. All these segments require further distinctive analyses based on *sui generis* schemes.¹⁵ Therefore, while retrospectively elaborating on the main turning points and paradigm shifts, this paper limits itself to the compulsory religion course, i.e., the current Religious Culture and Ethics course. Since secondary school programs (between 9th and 12th grade) are a continuation of the primary level (between 4th and 8th grade) in terms of their approach and implementation, the paper concentrates only on primary level education. Accordingly, it also offers a generic framework for the developmental process of Turkish religious

¹⁵ In addition to the Religious Culture and Ethics course, three more courses on teaching Islam as a system of faith, i.e. Basic Religious Knowledge (Islam I-II), the Life of Prophet Muḥammad and the Holy Qurʾān, were included in the school programs as elective subjects in 2012. Moreover, *Imam Hatip* Schools, originally established as vocational schools at the secondary level to train future imāms and other religious functionaries, embraced an Islam-oriented program aimed at raising practicing Muslims. At the higher religious education Faculties of theology, Islamic Studies and Religious Studies are different in name but follow the same program comprised of subjects on Islamic Studies, Religious Studies, and Islamic Arts and History.

education policies to be fully comprehended by addressing the question of how and to what extent political changes in Turkey have affected the pedagogical aspects of the religion course.

I. From Religious Instruction to Instructing Religion

Although the compulsory religion course in its current form was introduced to school programs during military rule by the 1982 Constitutional Law, its roots date back to the late Ottoman period. Since the early 18th century, as was previously elaborated,¹⁶ the then existing educational system had already started to encounter many challenges due to different factors, such as insufficiency in meeting contemporary necessities of the time, increasing numbers of students, a lack of necessary human resources, and most importantly, changing political discourse. As part of the larger modernization and secularization efforts directly coordinated by the State, Ottoman education institutions went through many fundamental reform acts. In regard to religious education, these reform acts found their reflections in two interrelated developments: the transformation of the *madrasabs*,¹⁷ the backbone of the Ottoman classical education, through the implementation of a Western style of teaching, and the introduction of religion as a course subject into the newly created Western style public schooling. Nevertheless, the main breakthrough for religious education did not occur in these schools, rather in their new rivals, i.e., *maktabs*.

¹⁶ Ayşe Zişan Furat, "18. Yüzyıl Osmanlı Eğitiminde Dönüşüm: Islah mı? Yenilenme mi?," in *Sabn-ı Semân'dan Dârülfünûn'a Osmanlı'da İlim ve Fikir Dünyası, Âlimler, Müesseseler ve Fikrî Eserler XVIII.Yüzyıl*, ed. Ahmet Hamdi Furat, Nilüfer Kalkan-Yorulmaz, and Osman Sacid Arı (İstanbul: Zeytinburnu Belediyesi, 2018), II, 249-278.

¹⁷ Institutionalized in the 11th century in Seljukian Baghdad, *madrasabs* rapidly became widespread throughout the Islamic world. Although they were private initiatives in origin due to the *waqf* law, the Ruler's *madrasabs* expectedly gained a special reputation. Aside from the apparent nature of the *madrasabs*, i.e. providing religious education, it is well established that the *madrasabs* served their purpose for centuries for educating the *qādis* i.e., the deputies of the sublime authority of the State, and for institutionalizing Sunnī doctrine. Ayşe Zişan Furat, *XV. ve XVI. Yüzyıllarda Osmanlı Medreselerinde Eğitim (Sabn ve Süleymaniye Medreseleri Dönemi)* (Konya: Adal Ofset, 2009), 12-14.

The idea of public schooling was a completely new concept for Ottoman understanding of education at the earliest in the late 18th century. Realizing the power of education in reaching out to its subjects, the Ottoman State, similar to the other contemporary states that were struggling for survival, resolutely started opening public schools, referred to as *maktabs*, first for military purposes, and then for civilian ones, financing them from its own budget.¹⁸ This rapidly but efficiently expanded the public schooling network that was designed in accordance with the new modes of Western style education and was subordinate to the Ministry of Education. Soon, it created an alternative track to the *Şbaykb al-islām* supervised religious-oriented *madrassa* network.¹⁹ Moreover, the transfer of administration and supervision of *şibyān maktabs*, the traditional neighborhood schools established for religious instruction of children, to the Ministry of Education constituted a major milestone towards secularization of Ottoman education, although *şibyān maktabs* maintained their initial purpose until the beginning of the Republican Era.²⁰ *İlmihāl* (Islamic Catechism), next to the Qur'ān Reciting class, continued to be one of the main subjects in *şibyān maktab* programs with an aim of providing students with a practical guide to the basics of Islam in its three interrelated dimensions: faith, worship, and ethics. On the other hand, the opening of *rushdiyyabs*, middle schools aiming to prepare students for further education and providing them with the necessary skills and knowledge for employment, heralded a drastic change for religious education, as it took the form of a regular course subject among other school subjects, such as Math, Literature, and Music, rather than being the *raison d'être* of the newly introduced school system.

The religion course was assigned the name *'Aqā'id-i dīniyyab* (the Doctrines of Religion [Islam]) and, much later, *Ulūm-i dīniyyab* (Religious Studies), although it pursued a similar framework as

¹⁸ See, Selçuk Akşin Somel, *The Modernization of Public Education in the Ottoman Empire 1839-1908 Islamization, Autocracy and Discipline* (Leiden, Boston & Köln: Brill, 2001).

¹⁹ Şerif Mardin, "Turkey: Islam and Modernization," in *Religion and Societies: Asia and the Middle East*, ed. Carlo Caldarola (Berlin & Boston: Walter De Gruyter, 1982), 176, <https://doi.org/10.1515/9783110823530.171>.

²⁰ Salih Zeki Zengin, *Tanzimat Dönemi Osmanlı Örgün Eğitim Kurumlarında Din Eğitimi ve Öğretimi, 1839-1876* (Ankara: MEB Yayınları, 2004), 44.

İlmiḫāl in *şibyān maktabs* in terms of its approach and content.²¹ It is also worth noting that the emphasis of the new school programs moved gradually to instilling the professed national values, particularly during the Second Constitutional Era (1908-1918). In line with this tendency, the Temporary Law for Primary Education of 1913 stipulated the raising of both devoted and patriotic students among the tasks of primary schools.²² As might be expected, national values and patriotism were highlighted during the period of the National War of Independence (1919-1923). Although it would be overrated to claim that religion courses were restructured accordingly, the nationalization of the school program was operationalized by including several topics, such as *responsibilities to the motherland*, into the religion course syllabus in 1922.²³

Reflecting the growing impact of state secularization, two important developments were introduced regarding religious education during this period: conceptualization of religious education as a need for pledging happiness in the afterlife and inclusion of an ethics course to the school programs.²⁴ Although they embraced different perspectives, both impinged upon the students by generating an insulated approach towards religion that confined religious teachings to the realm of doings for the sake of the afterlife rather than for daily practices. Moreover, they presented for the first time the idea that religion and ethics might not come from the same source, contrary to previous practice, which treated them holistically. Even though both matters were challenged in a short time, they opened a new era for religion courses that was characterized by the progressive instrumentalization of religious education for, ironically, secular purposes – a process which should have been postponed until the security concerns of the newly established republic were settled. Considering the

²¹ See Hatice Arpağuş, “Bir Telif Türü Olarak İlmiḫāl Tarihi Geçmişi ve Fonksiyonu,” *Marmara Üniversitesi İlahiyat Fakültesi Dergisi* 22, no. 1 (2002), 25–56.

²² *Tadrisât-i İbtidâ’iyyah Qānûn-i Muvaqqati* (Istanbul: Maḫba‘a-i ‘Âmire, 1329 H), 3.

²³ Türkiye Büyük Millet Meclisi Hükümeti Umûr-i Maârif Vekaleti, *İlk, Orta Tedrisât Mektepleri Müfredât Programı* (Ankara: Türkiye Büyük Millet Meclisi Hükümeti Umûr-i Maârif Vekaleti, 1338 H), 14.

²⁴ Zengin, *Tanzimat Dönemi Osmanlı Örgün Eğitim Kurumlarında Din Eğitimi ve Öğretimi*, 34, 76.

circumstances of that time, removing the religion course from the school programs was seen as the best option by policy makers.

II. Removal from the School Programs

Introduction of the Unification of Education Law in 1924, shortly after the proclamation of the Turkish Republic, as mentioned briefly in the introduction, constituted one of the major breakthroughs in the modern history of Turkish education and maintains its importance even today. Not only did it reconstruct the entire education system by gathering all educational facilities under the same roof, i.e., the Ministry of Education, but it also provided for the removal of religious elements in the system.²⁵ This law also offers valuable insights about how the issue of education was perceived by the founders of the Turkish Republic. The law did not stipulate any specific provisions regarding religion education at public schools, yet it introduced two short-lived novelties for its application: opening of *imam-batip* schools for the purpose of educating religious functionaries and establishing a faculty of theology at the only higher education institution of that time, *Dārulfünūn*, for training experts on religion. Briefly open, they were both consecutively shut down on the grounds of lack of student interest for attendance and remained closed until the political transition into a multiparty system occurred in 1946.²⁶ Apart from those, perhaps the most important consequence generated by the law was the closure of *madrasabs* by the order of the Minister of Education, although its closing was not explicitly mentioned in the text. All these developments signified the end of the traditional religious education and the beginning of a new era in which rules were determined by the secular state, not by the religious authorities. Religion courses in public schools were at the forefront of this transition.

The first school program after establishment of the Republic was introduced in the same year as the Unification of Education Law (1924). It included 2 hours per week of *The Holy Qur'ān and Religion* course from 2nd to 5th grade – a provision which unified two topics that

²⁵ İsmail Kaplan, *Türkiye'de Milli Eğitim İdeolojisi ve Siyasal Toplumsallaşma Üzerindeki Etkisi*, 6th ed. (Istanbul: İletişim Yayınları, 2011), 159.

²⁶ Mustafa Öcal, "From the Past to the Present: Imam and Preacher Schools in Turkey- An Ongoing Quarrel," *Religious Education* 102, no. 2 (2007), 192-193, <https://doi.org/10.1080/00344080701285477>.

had been addressed separately in the school programs until that point. The program stated its primary aim as “to plant love towards Islam in the hearts of the students”²⁷ and left the more detailed and information loaded subjects, such as the *Pillars of Islam*, for the upper classes, i.e., 4th and 5th grade. Although the course seemed primarily focused on the affective dimensions of religion, the absence of the idea of divinity and the intrinsic features of religion not only became a subject of severe critique,²⁸ but it also signaled that the content of the course would adjust itself to the upcoming secularization process in the state.

The next curriculum in 1926 contained evidence of this transformation by presenting more elaborate instructions for implementation of the course.²⁹ In particular, it specified that teachers should not inculcate any bigotry among the students and should correct the students’ misconceptions about religion, as well as their superstitions. Another highlighted topic included warning against the unnecessary inclinations towards the afterlife. Dissimilar to the previous curriculum, this time, it urged teachers to avoid any emphasis on the afterlife by underlining that Islam does not allow certain attitudes, such as considering indigence equal to modesty, or slackness equal to submission. Moreover, the idea that Islam welcomes and praises living in maximum prosperity both as individuals and as a nation became the focus of the new course content.

This new framework of the religion course, aimed at serving a rather social function and reshaping the social context at the expense of its increasing dissociation from the afterlife teachings, indicated a careful instrumentalization of religious education in accordance with the transformed secular interpretations of the state. Moreover, the curriculum introduced two novel and still existing concepts: (a) sound religion and (b) religious education for [building] national welfare, which would both eventually converge in the primary aim of the new programs, i.e., raising good citizens.³⁰ While the former concept

²⁷ Maarif Vekaleti, *İlk Mekteblerin Müfredat Programı* (Istanbul: Maṭba‘a-i ‘Âmire, 1340 H), 13-14.

²⁸ Doğan, “Cumhuriyetin İlk Yıllarında Tevhid-i Tedrisat Çerçevesinde Din Eğitimi-Öğretimi ve Yapılan Tartışmalar,” 275.

²⁹ Maarif Vekaleti, *İlk Mekteblerin Müfredat Programı* (Istanbul: Milli Matbaa, 1926), 45-46.

³⁰ Mustafa Köylü, “Religion and Citizenship Education,” in *Islam and Citizenship Education*, ed. Ednan Aslan and Marcia Hermansen (Wiesbaden: Springer

reflected the new state's fear of any threat that might arise from religious circles, the latter was a result of acknowledging the expediency of religious education in promoting nationalist ideas.

Although religion courses appeared very practical for achieving nationalistic goals, they were gradually excluded from school programs. Their exclusion was finalized by 1931 in urban schools and by 1938 in rural schools. Some researchers³¹ explained it as part of the secularization process, which reached its peak during that period, as attested by the addition of laicism to the Constitutional Law in 1937. However, other researchers described this process as part of the transition towards a modern secular state that called for conceptualizing and operationalizing the notion of *nation*. For example, Bilgin³² explained the nationalization of the school programs as a result of the efforts of the new Republic to build a nation state independent of religion. Thus, the state's quest for identity formation relied heavily on inclusion of national elements at the expense of religious ones.

Nonetheless, both viewpoints fell short in explaining why the religion courses were discredited while they were on the verge of being transformed into a supportive instrument for citizenship education. Regardless of the factors underlying the cessation of religious instruction at public schools, they apparently did not endure for long, and the political landscape changed again with the transition of Turkish politics into a multiparty system in 1946 – a development that heralded new changes, as well as challenges, for the religion course.

III. Resurgence of Religion Courses

Shortly after the gradual removal of religion courses from school programs, the lack of spiritual and moral content in the formal settings

Fachmedien Wiesbaden, 2015), 202, https://doi.org/10.1007/978-3-658-08603-9_14.

³¹ See, e.g. İsmet Parmaksızoğlu, *Türkiye'de Din Eğitimi* (Ankara: Milli Eğitim Bakanlığı, 1966), 26.

³² Bilgin, "The Understanding of Religious Education in a Country Where There is Separation of Religion and State: The Example of Turkey," *British Journal of Religious Education* 15, no. 2 (1993), 39, <https://doi.org/10.1080/0141620930150207>.

became a subject of debate both in public and government circles. First, salient efforts for their reinclusion in the school program were undertaken by the Grand Assembly during the budget discussions in 1946.³³ Discussions revolved around two main current issues of the time: the increasing number of violent acts among youths and the expansion of radicalized ideologies. Religion courses were presented as a practical remedy for both issues.

In reference to the first issue, the exclusion of religion courses from school programs was considered the main cause for the perceived severe moral corruption of youth, as the content of the course was substantially related to moral values. Accordingly, the younger generation was allegedly exposed to a great danger of falling prey to harmful ideological trends. During the assembly discussions, the term *harmful ideology* was used not only in reference to the spreading Communist ideas at that period but also to address the potential harm originating from alternative sources of religious education outside formal schooling. Since state schools were not offering any course on either religion or ethics, the youth was leaning towards other religious education initiatives undertaken by conservative religious groups, which were acting as political agencies outside the school system.³⁴ In addition, traditional religious instruction that families were only capable of giving to their children at home was threatening the system since it was also discordant with ideas that secular education was promoting.³⁵ Therefore, for those who defended the inclusion of religion courses in school programs, religious education was considered among measures to combat the spread of these harmful beliefs among the youth. The counter arguments during the discussions, however, reflected early republican concerns about preserving the secular nature of the newly established state. The provision of religion courses in school programs was perceived as incompatible with the secular education system because religious

³³ TBMM [TGNA], “Yirmiikinci Birleşim” (Ankara: TBMM, 1946), 426-446, https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d08/c003/tbmm0800302_2.pdf, accessed October 25, 2019.

³⁴ Richard F. Nyrop et al., *Area Handbook for the Republic of Turkey*, 2nd ed. (Washington: US Government Printing Office, 1973), 123-124.

³⁵ Parmaksızoğlu, *Türkiye’de Din Eğitimi*, 27-28.

instruction continued to be associated with the backwardness of the late Ottoman State, which was perceived as the reason for its demise.³⁶

One year later, in 1947, discussions were undergoing in the General Assembly and inside the Republican People's Party (RPP), the ruling party of the single party era, which signified that discourse of the political discussions was gradually deviating from the compatibility of religion courses with laicism.³⁷ In addition to being a contributing factor for promoting moral awareness among the youth, religion was then recognized as an essential instrument of national defense against harmful ideologies. Apparently, the benefits of state-supervised religious education had surpassed the potential risks of its implementation.

Whether because the tension between religious and secular spheres in the early Republican period was adequately settled or because the multiparty system generated political pressure on RPP for gaining more votes from different segments of Turkish society, including religious circles, religion became a nongraded two-hour-per-week elective course for the 4th and the 5th grade in 1949. A detailed description in the official order regarding the status of the course as an elective one³⁸ clearly eliminated further questions about its inclusion in school programs. The order postulated that teaching any specific religion or its particular interpretation in the form of a compulsory school subject was not compatible with the principles of the secular state.

The course was designed in the form of a simple *İlmihâl*, presenting its content through an informative and consulting approach, described by Kaymakcan as "interested in faith, worship, and ethics, while ignoring the social and political dimensions of Islam."³⁹ The syllabus for 4th grade addressed the basics of Islam in three main topics: (1) love towards parents, nation, and God; (2) principles of Islam, including prophethood; and (3) ethics in Islam.

³⁶ Ahmet Koç, "Türkiye'de Din Eğitimi ve Öğretimi Üzerine Bir Değerlendirme," *Din Eğitimi Araştırmaları Dergisi* 7 (2000), 292.

³⁷ C.H.P. *Yedinci Büyük Kurultayı* (Ankara: n.p., 1948), 448-469.

³⁸ MEB [MoNE], "İlkokullarda Din Öğretimi Hk.," *Milli Eğitim Bakanlığı Tebliğler Dergisi* 11, no. 524 (1949), 153.

³⁹ Kaymakcan, "A Comparison of Religious Education in Secondary Schools in Turkey and England: With Special Reference to the Teaching of Islam" (PhD diss., Leeds: The University of Leeds, 1998), 91.

However, in the 5th grade, the emphasis was shifted to more intrinsic matters of Islamic faith, such as the pillars of faith and worship.⁴⁰ Although Kaymakcan's remarks on the nature of the program might be criticized by arguing that the line between theological and social aspects of any religion is not always an easy one to draw, the course was limited to certain concise references to Islam's role in social life.

One year later, the Democrat Party's victory in the 1950 general elections heralded an upcoming paradigm shift in the course content. While the Democrat Party's policies mostly concentrated on the struggle against Communism, redefining laicism by merging it with national religious values,⁴¹ their special emphasis on national and moral values found its reflections in the field of education. In 1953, the 5th National Education Council disclosed that the primary school curricula had become a subject for comprehensive reform acts. One of the main topics during the discussions was the need for religion courses in the struggle against perceived ignorance that had been spread by traditional religious education facilities, i.e., *neighborhood maktabs*, as stated by the then minister of education, *Tevfik İleri*.⁴² Promoting "sound" religious education became the new focus of the program. Religious courses were touted as an active agent of social integration and welfare as they were associated with the social functions of Islam and would thus help empower the state.

After the introduction of religion courses at the primary level of education, they were also subsequently included in the middle school program three years later, in 1956. This program deserves special interest because, for the first time, it included units depicting Islam as an essential part of Turkish cultural life. The contribution of Turks to the development of Islam throughout history, as well as the role of Turkish charity institutions, were among those units. The space allocated to religion as part of Turkish culture expanded in the curricula in accordance with the increasing emphasis on the convergence of national and religious elements in Turkish identity formation, indicating a shift from the Republic's nationalist education

⁴⁰ MEB, "İlkokullarda Din Öğretimi Hk.," 153.

⁴¹ Nuray Mert, "Cumhuriyet Türkiyesi'nde Laiklik ve Karşı Laikliğin Düşünsel Boyutu," in *Modern Türkiye'de Siyasi Düşünce, vol. 2: Kemalizm*, 6th ed. (Istanbul: İletişim Yayınları, 2009), 208.

⁴² MEB, "Beşinci Milli Eğitim Şurası - 1953," in *Beşinci Milli Eğitim Şurası* (Ankara: Milli Eğitim Bakanlığı, 1991), 381-389.

policy in the first half of the century, which was focused on establishing the secular foundations of the new republic but was apprehensive of acknowledging religion as part of the Turkish national identity.

One of the reasons for the shifting focus of the religion course towards the social and cultural components of Islam was the growing impact of Turkish Islamic Synthesis.⁴³ Stressing the close link between national and religious values, the Turkish Islamic Synthesis envisaged Islam as the essence of the Turkish cultural and social life, which could unite all of the various segments of Turkish society.⁴⁴ In addition, the military rule's policies, and particularly the Turkish religious education policies as its extension, also accounted for this shift.⁴⁵

Thus, the real leap in the Turkish history of religious education praxis occurred in the year 1982. The Constitution of 1982, which was issued after the military *coup* in 1980 and is still enforced, defined the introduction of religion course in primary and secondary schools as a compulsory subject. Article 24, under the title "Freedom of Religion and Conscience," described the form of religious education at school in detail, along with other religious rights, including acts of worship. The name of the religion course, which was to be taught under state supervision and control according to the article, was defined explicitly as *Religious Culture and Ethics* [*Din Kültürü ve Ahlak Bilgisi*]. The compulsory nature of the course has been the central topic in discussion forums since then. Nevertheless, the real challenge was promulgating the title and content, which indicated that the course orientation would soon give priority to culture over faith.

⁴³ Although its roots date back to the late Ottoman period, the Turkish-Islamic Synthesis became an influential intellectual movement promoted by Aydınlar Ocağı (the Intellectuals' Hearth Association) during the post-coup period. See Bozkurt Güvenç et al., *Türk-İslam Sentezi* (Istanbul: Sarmal Yayınevi, 1991).

⁴⁴ Sam Kaplan, "Religious Nationalism': A Textbook Case from Turkey," *Comparative Studies of South Asia, Africa and the Middle East* 25, no. 3 (2005), 107-108, <https://doi.org/10.1215/1089201X-25-3-665>; See also, M. Necati Öztürk et al., *T.C. Milli Eğitim Bakanlığı Din Eğitimi Çalışma Grubu Raporu (Hizmete Özel)* (Ankara: Milli Eğitim Bakanlığı, 1981).

⁴⁵ Kaymakcan, "A Comparison of Religious Education in Secondary Schools in Turkey and England," 38.

According to Bilgin,⁴⁶ who personally participated in high level official discussions on the process of including the religion course in school programs in 1982, the main reason for the compulsory nature of the course and the choice of its title was to create a steady inclusive ground for the various Islamic sects. The aim was to socially engage their followers to prevent their possible interventions into the Turkish official religious education praxis. The course program ensured the accomplishment of this goal by providing general information on Islam without engaging in details regarding differences between the Islamic sects and by focusing on the ethical and cultural aspects of religion that could be perceived and accepted as a common foundation for all sects. Apart from the fact that it still reflected the concerns towards any party, or any religious group which may pose a threat against the secular nature of the state, the program introduced the concept of supra-denominational religious education, which would constitute the core of subsequent course programs.

However, modifications regarding the course were not only limited to its nature or title. Its content, as well as its theoretical and theological framework, reflected an extraordinary precautionary approach due to the military rule ensuing from the 1980 *coup*. Analysis of the religion course suggests that the social and political concerns of military rule were determinant in specifying the limits of course content. These concerns surfaced in the articulation of the primary aims of the program.⁴⁷ They were described as providing students with the basics of Islam in accordance with laicism, guarding them against superstitions by concentrating on the rationalist and modern interpretations of Islam, and instilling students with values that would contribute to establishing national unity and solidarity. While the first set of aims referred to concerns for the protection of the primary principle of the state, i.e., laicism, the second set described the means for bringing stability to Turkish society. Accordingly, four themes dominated distribution of the units in the course syllabus: (1) the principles of Islamic faith and religion, (2) Atatürk's opinions on

⁴⁶ Bilgin, "Mezhepler ve Dinler Arası Eğitim ve İşbirliği," 2; Bilgin, "Örgün Din Eğitimi'nde Yeni İhtiyaçlar ve Yönelişler," *Din Eğitimi Araştırmaları Dergisi* 6 (1999), 37.

⁴⁷ MEB, "Temel Eğitim ve Ortaöğretim Din ve Ahlak Bilgisi Dersi Programı," *Milli Eğitim Bakanlığı Tebliğler Dergisi* 45, no. 2109 (1982), 155-156.

religion and laicism, (3) patriotism, and (4) religion in Turkish social and cultural life.

IV. Shift in the Religious Education Paradigm

As indicated in previous chapters, many issues regarding religion courses were allegedly clarified with the transformation of the course into a compulsory school subject after the coup in 1980. However, the beginning of the new millennium brought additional challenges that would ultimately urge policy makers to reconsider the status of religion courses, as well as their approach and content. Although some researchers explained the post-2000 developments with the introduction of new religious education approaches, such as the phenomenological and interpretative methods in Turkish academic platforms,⁴⁸ the main incentive was generated as a result of the emerging relations between Turkey and EU rather than due to pedagogical discussions.

Official recognition of Turkey as a candidate for full EU membership on December 12, 1999 at the Helsinki summit of the European Council triggered momentum in almost all state institutions to adjust to EU standards. Accordingly, religious instruction in the schools was given special emphasis by the progress reports, questioning its compulsory nature.⁴⁹ The EU's concerns for the status of the religious education revolved around the issue of minority and majority rights addressed in the reports. As a result, a question of the rights of local cultural and religious minorities set, expectedly, a new agenda for Turkish religious educators for the new millennium.

During the process of adjusting the religion course to European standards, a modification in 2000 concentrated on the theoretical framework of the course and particularly on its approach to religion. By underlining the importance of religion for social integration, the curriculum followed the tradition of the last curricula and embraced religion as a living cultural subject, while perceiving it as an

⁴⁸ See, e.g., the discussions in MEB, *Din Öğretiminde Yeni Yöntem Arayışları Uluslararası Sempozyum Bildiri ve Tartışmalar 28-20 Mart 2001-İstanbul (New Methodological Approaches in Religious Education International Symposium Papers and Discussions 28-30 March 2001-Istanbul)*, 2nd ed. (Ankara: Milli Eğitim Bakanlığı, 2004).

⁴⁹ Turan, *Avrupa Birliği Sürecinde Türkiye'de Din Eğitimi Politikaları*, 274-276.

operational tool for establishing peace and welfare among people.⁵⁰ It even proceeded one step further and addressed religion as the primary unifying element of Turkish societal life by embracing a more inclusive tone. It kept Islam as its primary focus; however, it removed biased descriptions regarding other religions and included some information about other religions and sacred books. However, the 2000 program did not prevent filings of parents' demands for the exemption of their children from the compulsory religious education in the public schools. One of the prominent law cases in the Turkish education history, the case of Hasan and Eylem Zengin vs. Turkey at the ECtHR,⁵¹ has left longstanding marks on religious education discussions and placed the ECtHR decisions not only in the center of the forthcoming EU progress reports' critiques but also among the primary determining factors for subsequent modifications.⁵²

The case was seen by the court based on two interconnected criteria: whether the content of the religion course was taught in an objective, critical and pluralist manner and whether appropriate provisions existed to ensure that parents' religious and philosophical

⁵⁰ Talim Terbiye Kurulu [Board of Education], "İlköğretim (4, 5, 6, 7 ve 8. Sınıf) Din Kültürü ve Ahlak Bilgisi Dersi Öğretim Programları," *Milli Eğitim Bakanlığı Tebliğler Dergisi* 63, no. 2517 (August 22, 2000), 913-915.

⁵¹ Hasan Zengin, an adherent to Alevism, which is the largest non-Sunni Muslim minority in Turkey according to the Court, submitted requests in 2001 to different administrative units of the Ministry of National Education before the administrative courts for his daughter Eylem to be exempted from the Religious Culture and Ethics class. After his requests were dismissed, he brought the case to the ECtHR in 2004. See Case of Hasan and Eylem Zengin vs. Turkey (No. 1448/04) (European Court of Human Rights January 9, 2008).

⁵² See, Commission of the European Communities, "Turkey 2005 Progress Report," Progress Report (Brussels: Commission of the European Communities, November 9, 2005), 31, https://www.ab.gov.tr/files/AB_Iliskileri/Tur_En_Realitons/Progress/Turkey_Progress_Report_2005.pdf, accessed September 12, 2020; Commission of the European Communities, "Turkey 2006 Progress Report," Commission Staff Working Report (Brussels: Commission of the European Communities, November 8, 2006), 16, https://www.ab.gov.tr/files/AB_Iliskileri/Tur_En_Realitons/Progress/Turkey_Progress_Report_2006.pdf, accessed September 12, 2020; Commission of the European Communities, "Turkey 2007 Progress Report," Commission Staff Working Report (Brussels: Commission of the European Communities, November 6, 2007), 17, https://www.ab.gov.tr/files/AB_Iliskileri/Tur_En_Realitons/Progress/turkey_progress_report_2007.pdf, accessed September 12, 2020, etc.

convictions were respected. Although the Turkish Ministry of National Education modified the course program before the Court issued its final decision in 2006, the case's real importance for Turkish religion courses stemmed from the fact that it indicated the need for an update in the content of the curriculum through the inclusion of not only other religions but also other religious groups within Islam. At the time the Court was assessing course content, information on Judaism, Christianity, and other religions was already included,⁵³ and students who certified their adherence to other religions, namely, Judaism and Christianity, were already granted the right of exemption from the compulsory religion course.⁵⁴ However, the request of an Alevi family for exemption of their child from the course was based on the claim that the course was indoctrinating their daughter with the Sunnī faith, adding a new variable to the equation. This circumstance underscored the inconsistency between the stated theoretical framework of the course, which consistently underlined the primary aim of the course as bringing national solidarity among the different Islamic sects,⁵⁵ and its actual practice and implementation in the classroom. Considering this factor, the Court concluded as follows:

If this is indeed a course on different religious cultures, there is no reason to make it compulsory for Muslim children alone. Conversely, if the course is essentially designed to teach the Muslim religion, it is a course on a specific religion and should not be compulsory to preserve children's and their parents' religious freedoms.⁵⁶

The decision of the ECtHR introduced a series of subsequent issues

⁵³ Tuğrul Yürük, "Cumhuriyet Dönemi Din Öğretimi Program Anlayışları" (PhD diss., Ankara: Ankara University, 2011), 146.

⁵⁴ MEB, "Din Kültürü ve Ahlak Bilgisi Dersine Girmek Zorunda Olmayan Öğrenciler," *Milli Eğitim Bakanlığı Tebliğler Dergisi* 53, no. 2317 (July 9, 1990), 553.

⁵⁵ One of the gridlocks in discussions regarding the representation of Alevism in the school programs was whether Alevism should be regarded as an autocephalous religious body or a sub-sect of Sunnī Islam. This issue has yet to be settled based on theological, social and political concerns of the parties involved. See İbrahim Turan, *İnkârdan Diyaloga Türkiye'nin Alevilik Politikaları* (Istanbul: İdil Yayıncılık, 2017).

⁵⁶ European Commission against Racism and Intolerance (ECRI), "Third Report on Turkey" (Strasbourg: Council of Europe, adopted on 25 June 2004, published on 15 February 2005), 20, www.coe.int/ecri, accessed March 14, 2019.

to be addressed. Granting Alevi students an exemption from the course would mean admitting that the course was applied through a confessional approach, although it is described and promoted as embracing a nonsectarian methodology. Moreover, the instructions at the prologue of the course clearly demonstrated that the course was supposed to instill a sense of unity and solidarity, using religion as a cultural adhesive among different segments of society. Granting exemptions to some religious groups, on the other hand, as was the case with non-Muslim children, was also contradictory to the prescribed nature of the compulsory religion course. Two options were left to the Turkish religious education policy makers: (1) changing the status of the course, either by turning it to an optional confessional course, or by installing an exemption mechanism if it remained among compulsory courses or (2) in the case of the latter option, keeping its compulsory status, but changing its content. The Turkish authorities opted for the second option, which paved the way for the 2006 modification of the course.

As was explained by the masterminds behind the modification,⁵⁷ the new curriculum adopted a respect-based approach based on five concepts: “respect for humankind, respect for thought, respect for freedom, respect for anything moral, and respect for cultural heritage.” By locating religion within cultural contexts, it defined itself as “metadoxical” (not oriented to any particular denomination/not involved in any denominational discussion) and “expandable to other religions.”⁵⁸ This meant that while Islam, through its main sources, i.e., the Qur²ān and Sunnah, still constituted the core of the curriculum, other denominations and religions were also to be included. The course program responded to the abovementioned critiques of ECtHR by introducing the units “Interpretations of Islamic Thought” and “Religions and their Universal Advice” in the 8th grade. Thus, Alevism and other religious beliefs within Islam were added to the syllabus for

⁵⁷ Mualla Selçuk, “Developing an Interfaith Dimension in RE: Theological Foundations and Educational Framework with Special Reference to Turkish Experience,” in *Religious Education in a World of Religious Diversity*, ed. Wilna A.J. Meijer, Siebren Miedema, and Alma Lanser-van der Velde, Religious Diversity and Education in Europe (Münster: Waxmann, 2009), 145-147.

⁵⁸ MEB, *İlköğretim Din Kültürü ve Ahlak Bilgisi Dersi (4, 5, 6, 7 ve 8. Sınıflar) Öğretim Programı ve Kılavuzu* (Ankara: Milli Eğitim Bakanlığı, 2006), 2.

the first time.⁵⁹ These parts were broadened by forthcoming modifications to the program, without any alteration to its main framework.⁶⁰

Not only did the decision of the ECtHR become a primary motivation for the state authorities to introduce modifications of religion courses, but it also raised some critiques among the political and pedagogical circles against the current state of the course. Coupled with preparations for a constitutional change, many NGOs, academics and state bodies proposed different prospects for religion courses.⁶¹ One of the leading proposals during that period was transforming the course into a compulsory informative course about religion or/and ethics and offering optional confessional courses for respective religions. In other words, the compulsory religion course should remain in the school program but should be transformed into either an informative course on religion (not Islam) or/and an ethics course. In addition, an optional confessional course should be added into the school program for students who wished to learn more about their own religion. Verbalized strongly by the Education Reform Initiative,⁶² an independent nonprofit think tank⁶³ that released reports on religion

⁵⁹ For further discussion on the inclusion of Alevism in the program, see Hüseyin Yılmaz, "Alevîlik-Sünnîlik Açısından Din Kültürü ve Ahlâk Bilgisi Dersleri," *Cumhuriyet Üniversitesi İlahiyat Fakültesi Dergisi* 13, no. 2 (2009), 189-209.

⁶⁰ For 2010 program, see MEB, *İlköğretim Din Kültürü ve Ahlak Bilgisi Dersi (4, 5, 6, 7 ve 8. Sınıflar) Öğretim Programı ve Kılavuzu* (Ankara: Milli Eğitim Bakanlığı, 2010).

⁶¹ For a detailed analysis on the proposed changes in the constitution and their relevance to religion courses, see Nevzat Yaşar Aşıkoğlu and M. Fatih Genç, "Yeni Anayasa Tartışmaları ve Zorunlu Din Dersleri," *Cumhuriyet Üniversitesi İlahiyat Fakültesi Dergisi* 16, no. 2 (2012), 7-20.

⁶² Aytuğ Şaşmaz et al., *Türkiye'de Din ve Eğitim: Son Dönemdeki Gelişmeler ve Değişim Süreci* (İstanbul: Eğitim Reformu Girişimi, 2011), 11.

⁶³ The Initiative was established in 2003 in close association with Sabancı University. Its 2005 and 2011 reports on religion courses in particular fueled discussions not only in academic circles but also in the popular media. Reports also included results of workshops that the Initiative organized as a part of EU funded Rights in Education Project Education Reform Initiative, "Religion and Schooling in Turkey: The Need for Reform." Although the reports fell short of reaching a common ground for all stakeholders, the fact that the reports drew academic and media attention was still of significance for including voices from different segments of society in the discussions.

courses in 2005, 2007, and 2011, the proposal also indicated that the course content as well as its status, should be changed.

One of the most important features of ERI's reports, particularly the one issued in 2011, was its endeavor to clarify several intermingled terms, e.g., religious education and education about religion, optional and elective courses, by referring to their pedagogical framework. According to the report, the term "religious education" suggests a religion course, which aims to interiorize pillars and practices of a certain religion or faith by giving explicit or implicit references to it[s substance] and approaches other religions from that point of view.⁶⁴ On the other hand, the term "education about religion" refers to the courses that approach religion as a social and scientific phenomenon, treating all religions and faiths equally, while including basic knowledge about world religions, their history, their pillars of faith, their impact on culture, language, literature, and arts, etc. Another key point of the report was the distinction made between the nature of optional and elective courses; an optional course was described as the course that a student attends outside school hours by making a special request to take it, while the elective course was the one that a student would attend during school hours by choosing among the alternative course subjects with the condition that one of the alternatives should be taken. In accordance with these definitions, the initiative insisted that religious education be in the form of an optional course. Such a proposal became a target of the most severe critiques, which conversely opted for elective courses referencing the history of religious education praxis in Turkey. However, it is still of significance for that the related research literature eventually began to turn to pedagogical explanations rather than to those that have political characteristics.

After long discussions on the nature of Turkish secularism, consistency between the status and the approach of the course, Basics of Religious Knowledge (Islam 1-2), Recitation of the Qur'an and the Life of the Prophet Muḥammad were offered within the elective course set of "Religion, Ethics, and Values" for students in the second stage of primary schools and in secondary schools in 2012. Inclusion of these three elective courses, i.e., Basics of Religious Knowledge (Islam 1-2), the Life of the Prophet Muḥammad, the Holy Qur'an, into school

⁶⁴ Şaşmaz et al., *Türkiye'de Din ve Eğitim*, 17.

programs also heralded the transformation of the compulsory religion course.

V. Introduction of a Brand New Concept: A Values Oriented Model

The 2018 curriculum came as a result of extensive revision, which was described as a comprehensive reform act in Turkish education as indicated in the official press release.⁶⁵ During the course of the reform, all programs were renewed in accordance with the new teaching philosophy of the Ministry of Education. The Religious Culture and Ethics course was not an exception; on the contrary, it was reformulated to a great extent within the limits of the Ministry's reconceptualization of education, which was defined through two pillars of education: value-oriented and competence-based. Among them, value orientation was of particular significance for the religion course as it shed light on a highly debated topic within Turkish religious education circles from the early 2000s: what is the relationship between values education and religious education? Promoting the value orientation as 'the primary focus' and the 'main improvement' of the new school curricula, the Ministry chose a set of ten values, i.e., justice, friendship, honesty, self-control, patience, respect, love, responsibility, patriotism, and benevolence, as core values to be taught across all school subjects.

The religion course followed the same trend as other school subjects.⁶⁶ In fact, the 2018 reform did not change the status of the course nor its workload; rather, it concentrated on adjusting the primary conceptual framework of the course to the Ministry's new education philosophy. Surprisingly, none of the detailed explanations for the necessity of a religion course in the school program, the compatibility of its existence with the principles of laicism, or other main topics that occupied Turkish religious education debates throughout the last century took place in the preamble of the curriculum. Likewise, the emphasis that previous curricula had placed on the concept of protecting pupils from superstitious beliefs, as well

⁶⁵ Talim Terbiye Kurulu, "Müfredatta Yenilenme ve Değişiklik Çalışmalarımız Üzerine," July 18, 2017, https://tkb.meb.gov.tr/meb_iys_dosyalar/2017_07/18160003_basin_aciklamasi-program.pdf, accessed December 12, 2019.

⁶⁶ MEB, "Din Kültürü ve Ahlak Bilgisi Dersi Öğretim Programı (İlkokul 4 ve Ortaokul 5, 6, 7 ve 8. Sınıflar)" (Ankara: TC Milli Eğitim Bakanlığı, 2018).

as developing their identity through sound religious codes, was removed. Moreover, definitions regarding the religious approaches applied throughout the curriculum were shortened to only a short remark on the descriptive approach was noted, which the curriculum embraced towards Islam and other religions. Although such an articulation of the course framework can be interpreted as a result of the Justice and Development Party's (JDP)⁶⁷ strengthened influence on the education system or a divergence from the State's security-based approach towards religious education, it also signifies to a great extent normalization of the curriculum.

Moreover, the objectives set for the course, such as to comprehend the effects of religion on social life, culture, and the elements of civilization, to identify different beliefs and interpretations [in religions] and respect them,⁶⁸ indicated a clear emphasis on the social dimensions of religion. In addition, it exhibited an exclusive orientation towards the cognitive domains of learning, while the affective and psychomotor domains of learning were addressed primarily with regard to internalization of the values.

In terms of its religious approach, however, the curriculum followed the tradition of the 2000 curriculum, i.e., metadoxical [in Islam] and was expandable to other religions. Because the curriculum is not oriented to any denomination within the realm of Islam and covers other religions to provide students with a vision of the multicultural structure of the present world, it elucidates its approach to Islam and other religions briefly but separately. First, regarding Islamic content, it carefully notes that the principles of the Qur'an and Sunnah are accepted as the primary basis of the religion, whereas different interpretations of Islamic thought are addressed scientifically

⁶⁷ JDP has gradually gained strength through different state mechanisms after its win in the 2002 elections. President Recep Tayyip Erdoğan's famous expression, "Raising a pious generation" became the summary of the JDP's education policy. Embracing a conservative approach towards education, the beginning of the party's ruling period was marked by the opening of imam-hatip schools, religious vocational schools, and an increase in the number of religious courses in state schools. See Elif Gençkal Eroler, *"Dindar Nesil Yetiştirmek: Türkiye'nin Eğitim Politikalarında Ulus ve Vatandaş İnşası (2002-2016)"* (Istanbul: İletişim Yayınları, 2019).

⁶⁸ MEB, "Din Kültürü ve Ahlak Bilgisi Dersi Öğretim Programı (İlkokul 4 ve Ortaokul 5, 6, 7 ve 8. Sınıflar)," 8.

and supra-denominationally. Basics of theological and legal schools, as well as Sufi orders in Islam, are included under the title “Interpretations in Islamic Thought” in the 7th grade, which indicate that interpretative differences in Islam shall be addressed descriptively in accordance with the students’ level. The envisioned outcomes confirm that learning objectives shall be kept in the cognitive domain. Second, regarding living religions other than Islam, the curriculum describes its method as “scientific, expandable to other religions and phenomenological.” As a result, units on Christianity and Judaism, as well as Indian and Chinese religions, were left to 11th and 12th grade curriculum (for secondary schools), respectively, similar to the previous curricula.

Conclusion

Religious education in modern Turkish schools maintains its significance in line with the social and political changes that Turkey has undergone during the last century. The frequent modifications that it has endured since the beginning of the Republican period attest to its role and importance in state building. The topic has been discussed inclusively by actors who played an active role in policy-making or policy implementation processes. Religious educators, among these actors, have gradually switched their academic focus to the pedagogical content of the course. However, questions related to the political domain, such as the status of religion courses and its relationship with secularism, have been central themes in their research. As this paper indicates, any conclusive answer to those questions cannot be provided without considering political fluctuations, if not turbulences, at both the national and international level.

Starting from the opening of secularized middle schools, *rusbdiyabs*, in the early 19th century, a part of larger modernization of the Late Ottoman State, the religious education policy in Turkey went through many fluctuations in short separate periods of time. At the outset, religious education was transformed into a regular school subject instead of being the primary philosophy of the education system. In parallel with the secularization of the State apparatus after the proclamation of the Republic, new modifications were introduced. The content of the course had gradually broadened; social and cultural aspects of religion had been slowly but steadily included in the course program. Shortly thereafter, the course was removed from school

programs, despite its potential for supporting the State's nationalistic policies through generating 'sound religious' upbringing and building national welfare.

The transition to the multiparty system in 1946 and the military coup in 1980 constituted two important breakthroughs for the religion course. The first introduced it to school programs, and the latter made it compulsory. Both instrumentalized the religion course but through pursuing distinct goals. During the early multiparty period, the Democrat Party blended the religion course with national religious values following its aspirations for redefining nationalism through the help of religious values. The military rule after the *coup*, on the other hand, acknowledged the practical use of the religion course for providing national unity and solidarity.

The post-2000 curricula endeavored to reconcile the changing political contexts in Turkey due to the European Accession negotiations and the ECtHR decisions, which criticized the confessional elements of the course. The respective modifications took place mostly as an effort to transform the learning outcomes of the course into more cognitive ones. However, the JDP's conservative approach to religious education also found its reflections in the religion course but in a gradual way. Interestingly, JDP confined itself with increasing the number of religious courses; but the curriculum of the Religious Culture and Ethics course had not become the subject of large revision until more recently. The most recent 2018 revision was not restricted to the religion course per se. Although it was introduced as a long-expected move to meet current political requirements and local demands, as well as policy-makers' vision, neither the course framework nor its approach was revised. Its main approach, identified in the early 2000s as *metadoxical and expandable to other religions*, remained untouched.

The transition that the religion course has gone through during the modern Turkish history indicates that the efforts to respond to the demands of the different religious, cultural and political circles in Turkey, as well as to the consecutive decisions of the ECtHR, will inevitably necessitate future modifications of the course. This requires a more comprehensive approach to its revision, including the structural characteristics of the course. On the other hand, identifying an all-encompassing solution that would satisfy all parties involved in the discussions would not be easy to achieve in the short term.

However, concentrating more on the contemporary pedagogical challenges pertaining mostly to the plurality in classrooms rather than on the political requirements will contribute to generating long-lasting solutions for policy makers in Turkey.

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**MULLĀ ṢADRĀ'S POLITICAL LEGACY:
ṢADRĀ'S THEORY OF JUSTICE AND THE RELIGIO-POLITICAL
AUTHORITY IN POST-REVOLUTIONARY IRAN**

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Abstract

Apart from its philosophical attractions, the religio-political potentials in the transcendent philosophy of Mullā Ṣadrā Shirāzī (d. 1050/1641) have helped to its dominance in the seminary and university in contemporary Iran. It seems that one of the reasons for the state's support for *al-Ḥikmah al-muta'āliyah* in Iran after the Islamic revolution is the potentials existing in this philosophy to justify the establishment of a religious government based on the discourse of Shī'ī political authority, conspicuously the doctrine of *walāyat-i faqīh* (the guardianship and governance of the jurist). This article aims to demonstrate how Mullā Ṣadrā's theory of moral and social justice could

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have provided an intellectual ground for the establishment of an Islamic state in the Shī'ī sense.

Key Words: Mullā Ṣadrā, justice, moral justice, social justice, authority of the jurist (*walāyat-i faqīh*)

Introduction

In many of his writings, Ṣadr al-muta'allihīn has dealt with transcendent politics (a political system believed to be taken from Transcendental Philosophy or *al-Ḥikmah al-muta'aliyah* which is the school of philosophy founded by Mullā Ṣadrā), while most of his political discussions can be found in *al-Shawāhid al-rubūbiyyah* and *al-Mabda' wa-l-ma'ād*. One should not expect him to rise up and explicitly talk or engage in political issues at an age when he was actually exiled to a small village near Qom - Kahak - due to the expression of some of his beliefs, including the unity of being. How can a scholar who is not allowed to freely express his *scientific* views think of undertaking the country affairs? He must be smart enough to wait for the right opportunity or pave the way for others to benefit from his thought in the future.¹ Having this in mind, we argue that Ṣadrā's method of approaching sociopolitical issues is similar to his method in discussing his special philosophical issues. He does not offer his special ideas in plain wording, but scatter them in different positions with an implicit language; it is up to his followers in later periods to infer and explicate them. In the introduction of *al-Shawāhid al-rubūbiyyah*, he says,

I have deposited some of these issues in dispersed parts of books and treatises. I could not explicitly express many of them because I afraid of becoming famous and prevented them from being spread in all regions, due to the incapacity of the unpurified natures to understand them... And this [misunderstanding] may cause to go astray and to lead others astray.²

¹ See Javādī Āmulī, "Ḥikmat-i Ṣadrā'ī wa-sīyāsāt-i muta'aliyah dar neshastī ba Ayatollah Javādī Āmulī," *Piḡāb-i Ḥawzah* 247, no. 19 (1387 HS).

² Mullā Ṣadrā Muḥammad ibn Ibrāhīm ibn Yaḥyā al-Shīrāzī, *al-Shawāhid al-rubūbiyyah fī l-manābij al-sulūkīyyah*, ed. Jalāl al-Dīn Āshtiyānī, 5th ed. (Qom: Bustān-i Kitāb, 1388 HS) 132; see also Mullā Ṣadrā, *Īqāz al-nā'imīn*, ed. Muḥsin Mu'ayyid (Tehran: Islamic Institute for Research in Philosophy, n.d.), 4; id., "Risālat

A few studies in almost the last three decades have come to discuss the political legacy of Mullā Ṣadrā in modern Iran, especially his influence on one of his commentators in our contemporary time, Ayatollah Khomeini.³ Rizvi asserts that Imām Khomeini has encouraged the linkage of the study of philosophy and mysticism with the political theory of juristic authority or *walāyat-i faqīh* and ‘Allāmah Ṭabāṭabā’ī and some of their prominent students have written major works defending the juristic theory in the language of philosophy and mysticism.⁴

In his only official written letter to a foreign leader, on 1 January 1989, Imām Khomeini invited Mikhail Gorbachev, the General Secretary of the Soviet Union, to let their scholars become familiar with transcendental philosophy of Mullā Ṣadrā.⁵ Ayatollah ‘Abd Allāh Javādī Āmulī, one of Khomeini’s major students and one of the contemporary leading tutors of philosophy and exegesis in Iran and above all, the head of the Iranian delegation to deliver this historical letter, argues that “many of the issues in this letter are related to *al-Ḥikmah al-muta‘āliyah* and the Iranian deputy did not only deliver it but also *taught* its content in an hour.”⁶

Some recent studies have also tried to bring Mullā Ṣadrā’s political legacy to light. Sayeh Meisami’s *Knowledge and Power in the Philosophies of Ḥamid al-Dīn Kirmānī and Mullā Ṣadrā Shīrāzī* is a good example. Discussing the connection between the concept of knowledge and power in Ṣadrā, she has tried to argue that Ṣadrā’s synthetic discourse, either intentionally or unintentionally, has contributed to the formation of the modern theory of religio-political

shawāhid al-rubūbiyyah,” in *Majmū‘i rasā’il-i falsafī-yi Ṣadr al-muta‘allibīn*, ed. Ḥamid Nāji Iṣfahānī (Tehran: Intishārāt-i Ḥikmah, 1375 HS), 284.

³ Rizvi has cited some of these studies: Sajjad Rizvi, “Only the Imam Knows Best: The Maktab-i Tafkīk’s Attack on the Legitimacy of Philosophy in Iran,” *The Journal of Royal Asiatic Society* 22, no. 3-4 (2012), 490, <https://doi.org/10.1017/S1356186312000417>.

⁴ Ibid.

⁵ Rūḥullāh Khomeini, “Ṣaḥīfa-yi Imām,” in *An Anthology of Imām Khomeini’s Speeches, Messages, Interviews, Decrees, Religious Permissions, and Letters*. vol. 21, trans. Maṅṣūr Limba, ed. Ḥusayn Karamyār and Ja‘far Rāzī Khān (Tehran: Institute for Compilation and Publication of Imām Khomeini’s Works, 2008), 224-225.

⁶ Javādī Āmulī, “Siyāsāt-i muta‘āliyah az manẓar-i ḥikmat-i muta‘āliyah,” *Hikmat-i Isrā’* 7, no. 3 (1390 HS), 16.

authority of the jurist or *walāyat-i faqīh* in Iran.⁷ Ṣadrā's influence can also be discussed from a *more political* perspective and that is from the angle of his theory of justice. We try to scrutinize his works to infer and explain his narrative of justice with regard to his philosophy, theology, and commentary on the holy Qur'ān and Shī'ī traditions. At many points amid the discussion, as well as in a separate final section (The Realization of Justice) in particular, we deal with the relationship between Ṣadrā's theory of justice and the philosophical ground it prepares for the establishment of religious authority. We argue that there are undeniable potentials in Ṣadrā's discourse which anticipate the formation of *walāyat-i faqīh*. Also, there are other aspects of Ṣadrā's philosophy which may be connected with the theory of *walāyat-i faqīh* especially in Ayatollah Khomeini's case; for instance, Nasr and Javādī Āmolī have related Khomeini's engagement in political affairs after living an ascetic and gnostic life to the fourth stage of the human's journey to God (*al-asfār al-arba'ah*) upon which the whole structure of *al-Ḥikmah al-muta'āliyah* of Mullā Ṣadrā is based; the fourth stage includes the "return from God to creation with God" (*al-sayr fī l-khalq bi-l-Ḥaqq*) as a mission to help others take on the journey toward Him.⁸

As for the influence of *al-Ḥikmah al-muta'āliyah* on the Islamic revolution, it has been narrated from Ayatollah Khomeini to have said that "The revolution has been formed by two books: *al-Asfār al-*

⁷ Sayeh Meisami, *Knowledge and Power in the Philosophies of Ḥamīd al-Dīn Kirmānī and Mullā Ṣadrā Shīrāzī* (New York: Palgrave Macmillan, 2018), 161, <https://doi.org/10.1007/978-3-319-71192-8>.

⁸ See Seyyed Hossein Nasr, "Theoretical Gnosis and Doctrinal Sufism and Their Significance Today," *Transcendent Philosophy* 1 (2005), 19; Javādī Āmolī, *Walāyat-i faqīh: Walāyat-i feqābah wa-'adālah*, ed. Muḥammad Mehrabī (Qom: Esra International Foundation for Revealed Sciences, 1389 HS), 262-266. Khomeini believes that it is at the fourth state of the journey that the wayfarer "codifies laws, makes the rulings: the outward, formal and the inward, supraformal, reports and communicates on behalf of God, His attributes, His names and His true teachings in proportion to the preparedness of creatures." Khomeini, *The Lamp of Guidance into Vicegerency and Sanctity*, trans. Salam Judy (Tehran: Institute for Compilation and Publication of Imām Khomeini's Works, 2010), 117. Jalāl al-Dīn Āshṭiyānī also asserts that the wayfarer at this stage is qualified for establishing the Ideal City and dealing with all the affairs of the human society; see Āshṭiyānī, *Sharḥ Muqaddame-yi Qayṣarī bar Fuṣūṣ al-ḥikam* (Tehran: Amirkabir Publication, 1370 HS), 667-668.

arba'ab by Ṣadr al-muta'allihīn and *Jawbar al-kalām*, by al-Najafī.”⁹ Apart from Imām Khomeini, many other significant founders of the revolution were also influenced by Ṣadrā's philosophy. After Khomeini, we have to mention Ayatollah Morteza Motahhari, who was somehow a reviver of transcendent philosophy by answering the newly emerging philosophical and ideological issues. Being a prominent master in Islamic philosophy and using its principles, especially *al-Ḥikmah al-muta'aliyah*, he confronted those schools of thought that were against that of the founders of the Islamic Revolution in the pre-revolutionary period, especially the schools of capitalism, socialism and Marxism. Therefore, alongside his numerous writings (among them highly specialized works in *al-Ḥikmah al-muta'aliyah* like *Dars-hā-yi Asfār* and *Sharḥ-i Mabsūṭ-i Manzūmah* stand out), Motahhari had many religious, philosophical, and revolutionary lectures and especially had a serious presence in planning, promoting, and managing the affairs of Hosseinieh Ershad which was finally closed by the Pahlavi regime in 1972. He, like Ṣadrā, considers justice as one of the important goals of establishing a government. Motahhari is in the same story with Mullā Ṣadrā in defining justice and its being based on the existential world. In his view, the true meaning of social justice is to respect the rights of individuals. According to him, the basis of justice is based on rights, and these rights exist inherently in the world of creation and also in the human world.¹⁰

Ayatollah Mohammad Hossein Beheshti¹¹ was another student of 'Allāmah Ṭabāṭabā'i and Imām Khomeini, who played a very important role in the formation and victory of the Islamic Revolution, and in the post-revolutionary period, he had important responsibilities such as the first head of the judicial system and the most influential person to design the constitution and to defend its philosophical and political principles. Studying philosophy both in seminary and university, Beheshti had been directly influenced by Islamic philosophy, especially Transcendent Wisdom. He was one of the attendees at the sessions where 'Allāmah Ṭabāṭabā'i's famous articles,

⁹ “Gozāresh-i neshastha-yi Wujūh-e Siyāsī-yi Ḥikmat-i Muta'aliyah,” *Pigāb-i Ḥawzah* 217, no. 27 (1386 HS), <https://hawzah.net/fa/Magazine/View/3814/4876/40581>, accessed November 15, 2020.

¹⁰ Motahhari, *Collection of Works (in Persian)* (Tehran: Sadra, 1373 HS), I, 80-81.

¹¹ For a detailed narrative of his life and activities, see *Rāst-qāmatān-i Jāwdāne-yi Tāriḳh-i Islām* (Tehran: Bonyād Shahīd, 1361 HS).

later published under the title of *Uṣūl-i Falsafah wa-Rawesh-i Reālism*, were discussed. In his view, in line with the theories of philosophers such as Mullā Ṣadrā, the government is formed to protect the right and justice. This government is established based on the best of schools, i.e. the school of Islam, and follows the model of “ummah and imāmate” in which among from the general public those who gather on the axis of the school of Islam from among the general public have special precedence and priority. The ummah, according to the Islamic ideology, definitely needs Imāmate (leadership in its broad sense which also includes highly qualified scholars) and makes the leader be at the top level of priority to lead the nation.¹² Naturally, such priorities can be compatible with justice-as the goal of establishing government-only if they are rooted in the creation-one of the important facts in Ṣadrā’s theory of justice.

Regardless of the fact that many leaders and thinkers involved in the victory of the Islamic Revolution were among the philosophers of Transcendent Wisdom, the impact of *ḥikmat-i muta‘ālīyah* after the revolution in terms of supporting the intellectual foundations and philosophical principles of the Islamic Republic is also significant. Suffice it to just name some of the Transcendent philosophers who have been supporting the Islamic Republic of Iran and especially the theory of *walāyat-i faqīh* in the post-revolutionary Iran; scholars and philosophers such as Ayatollah Javādī Āmulī, Ayatollah Mesbah Yazdī, Ayatollah Hassan Zadeh Āmolī, Ḥujjat al-Islām Ahmad Ahmādī, Khosropanah, Rashad, Gholamreza Fayazī, Parsania, Yazdanpanah, Rahimpour Azghadī, and many others. Further studies may help to shed light on these aspects of influence Ṣadrā’s philosophy has had on post-revolutionary Iran.

I. Definition of Justice

Muslim scholars have proposed two general definitions for justice; but if they are analyzed accurately, they would be deemed as one. The first definition is “to put everything in its proper position”¹³ and the

¹² Tālebi Darabī, “Insān wa-Jahān dar Niẓām-i Fikrī-yi Shahīd Beheshtī,” *Pigāb-i Ḥawzab* 217, no. 185 (1385 HS).

¹³ Samīḥ Dughaym, *Mawsū‘at muṣṭalaḥāt al-Imām Fakhr al-Dīn al-Rāzī* (Beirut: Maktabat Lubnān Nāshirūn, 2001), 441.

other, "to preserve the rights of the rightful."¹⁴ Nasr considers these meanings for justice to be somehow self-evident when he speaks of justice as "the *intuitive* sense of putting things aright and in their appropriate place, ... [and] of giving each being its due."¹⁵ Rūmī (d. 1273) – the great Persian poet and mystic whose poetry has been repeatedly cited by Mullā Ṣadrā (d. 1640)¹⁶ – has versified the two definitions as follows,

What is justice? To put (a thing) in its right place

What is injustice? To put (a thing) in the wrong place.¹⁷

What is justice? Giving water to trees.

What is injustice? To give water to thorns.¹⁸

It seems that these are not two independent separable definitions; when something or someone is put aright, that has been given its due and right. Mullā Ṣadrā admits both uses; he considers God as "Just" because He has put every being in its appropriate place¹⁹ and, alluding to the *verse of trust*,²⁰ he attributes injustice to humans since he puts

¹⁴ Ḥusayn Tavassulī, *Mabānī-yi Nazārī-yi 'Adālat-i Ijtimā'ī* (Tehran: Bunyād-i Mustaq'afān-i Inqilāb-i Islāmī, 1375 HS), I, 159-175.

¹⁵ Nasr, "Introduction," in *The Sacred Foundations of Justice in Islam: The Teachings of 'Alī ibn Abī Ṭālib*, ed. M. Ali Lakhani (Bloomington, Ind.: World Wisdom & North Vancouver, B.C., Canada: Sacred Web Pub., 2006), xi.

¹⁶ For instance, see, Mullā Ṣadrā, *al-Ḥikmah al-muta'āliyah fī l-asfār al-'aqliyyah al-arba'ab (al-Asfār)* (Beirut: Dār Iḥyā' al-Turāth, 1981), II, 334. Id., "Iksīr al-'ārifīn," in *Majmū'at al-rasā'il al-tis'ab* (Tehran: n.p., 1302 A.H.), 313; id., *Risāla-yi Se Aṣl*, ed. Seyyed Hossein Nasr (Tehran: Tehran University, 1340 HS), I, 71-72; id., "Ajwibat al-masā'il al-Kāshāniyyah," in *Majmū'ī Rasā'il-i Falsafī-yi Ṣadr al-Muta'allibīn*, ed. Ḥāmid Nāji Iṣfahānī (Tehran: Intishārāt-i Ḥikmah, 1375 HS), 149-150; Mullā Ṣadrā, *Īqāz al-nā'imīn*, 11, 62, 65, 71; Mullā Ṣadrā, *Kasr aṣnām al-jābiliyyah*, ed. Jahangiri (Tehran: Sadra Islamic Philosophy Research Institute, 1381 HS), 179; id., *Tafsīr al-Qur'ān al-Karīm*, ed. Muḥammad Khwājāwī (Qom: Intishārāt-i Bīdār, 1366 HS), V, 245.

¹⁷ Mawlānā Jalāl al-Dīn-i Rūmī, *Mathnawī-yi Ma'nawī*, ed. Tawfiq Subḥānī (Tehran: Organization of Publishing of Ministry of Culture, 1373 HS), 914.

¹⁸ *Ibid.*, 684.

¹⁹ Mullā Ṣadrā, *Sbarḥ Uṣūl al-Kāfi*, ed. Muḥammad Khwājāwī (Tehran: Mu'assasa-yi Muṭāla'āt wa-Taḥqīqāt-i Farhangī, 1383 HS), III, 285-286.

²⁰ "Indeed, We presented the *Trust* to the heavens and the earth and the mountains, but they refused to undertake it and were apprehensive of it; but man undertook

the divine trust out of its appropriate place.²¹ As for the other use of justice, the divine providence and mercy is deemed as just since it has paid every being its due (*al-ḥaqq*) and has bestowed upon every talent what it is worthy of;²² on the opposite, people do not let the true justice be observed in this corporeal world by depriving each other of many of their rights,

This world is not the world of residence and stability, neither the place of goodness, completeness, and perfection, nor the source of justice, light, and happiness. For we see that the rights do not reach to those who deserve, but to those who do not deserve.²³

Basically, in Ṣadrā's view, paying dues and rights is equal to the observance of justice, something which is intrinsic and innate in every human being.²⁴ Therefore, justice is a single truth and has got one single meaning with two aspects. Ṣadrā uses terms *‘adl*, *‘adālah*, *i‘tidāl* to refer to justice, and as we will see, he applies justice to a wide scope encompassing three major realms of *creation*, *human soul*, and *community*.

II. The Rationale behind Being Just

Existence or “*wujūd*” is the central issue of Mullā Ṣadrā's philosophy as far as it is recognized as an “existential philosophy.” The most important principle in his Transcendent Philosophy or *al-Ḥikmah al-muta‘aliyah* is the ontological originality and primacy of existence (*aṣālat al-wujūd*). *Aṣālat al-wujūd* is a doctrine rooted in the Avicenna's (d. 1037) distinction between existence and essence in contingent beings. After Avicenna, a controversy emerged in the Islamic East, as to which of the existence or essence is the reality of the things and which is the mere mental abstraction of the reality. Most philosophers especially *Isbrāqīyyūn*, led by al-Suhrawardī (d. 1191), thought essence to be the reality and existence a mere subjective

it. Indeed, he is most unjust and ignorant.” (Q 33: 72). All the English translations of Qur'ānic verses throughout this paper is from *The Holy Qur'ān*, Qara'ī, trans.

²¹ Mullā Ṣadrā, “Aḥwibat al-masā'il al-Kāshāniyyah,” 148.

²² Mullā Ṣadrā, “Risālah fi l-wāridāt al-qalbiyyah,” in *Majmū‘at al-rasā'il al-tis‘ab*, 251.

²³ Mullā Ṣadrā, *Mafātīḥ al-ghayb*, ed. Muhammad Khwājāwī (Tehran: Mu'assasa-yi Taḥqīqāt-i Farhangī, 1363 HS), 441.

²⁴ Mullā Ṣadrā, *Sharḥ Uṣūl al-Kāfi*, IV, 140.

abstraction.²⁵ On the other side, *Muta'allibīn*, led by Mullā Ṣadrā, advocated the originality of the existence, a doctrine that renders the existence the sole reality and the essence a mental abstraction.²⁶ For Ṣadrā, existence is everything and knowledge of existence is the requisite for all knowledge,

Ignorance about the question of being, necessarily makes man ignorant of all the principles of knowledge and foundations because it is through being that everything is known, and ... when someone ignores it, he has ignored everything.²⁷

Therefore, we cannot speak of anything without considering existence. In the world of being, Mullā Ṣadrā introduces justice as an existential thing, even identical with the being. He believes that justice dominates the world of creation, and every object is in its own position and the right of every being is fully granted.²⁸ Coming into existence means getting your right, "it is by existence that any deserving being reaches to its right."²⁹

Therefore, justice is identical with existence and existents. Mullā Ṣadrā explicitly explains this point in *Mafātīḥ al-ghayb*. As for the Divine creational order of 'Be' he says that this order is not by force and constraint but, in fact, it is the Divine permission to include the objects into Divine 'justice' which is identical with the 'existence,' because things seek permission from God to come into being, and God, the All-Merciful, allows them by the creational word of 'Be,'

And His statement *Be* is not by force and constraint, because Allah is indeed free from need of the creatures, nor does He have a need for their existence. Rather, this order is indeed a permission (for them to come into existence), since it is preceded by asking for existence. It is therefore as though the creature has said to his Lord, "Let me enter your

²⁵ For a useful English report of the critics of al-Suhrawardī against the doctrine of the primacy of existence and Ṣadrā's defends, see: Fazlur Rahman, *The Philosophy of Mullā Ṣadrā* (Albany: State University of New York Press, 1975), 31-33.

²⁶ Mullā Ṣadrā, *al-Asfār*, I, 38-44.

²⁷ Mullā Ṣadrā, *al-Shawāhid al-rubūbiyyah*, 141.

²⁸ Mullā Ṣadrā, "Risālah fī l-wāridāt al-qalbiyyah," 251.

²⁹ Mullā Ṣadrā, *Mafātīḥ al-ghayb*, 321.

[realm of] justice which is identical with your [realm of] existence,” and Allah replied, “Be,” or “Enter My realm, I have allowed you.”³⁰

Mullā Ṣadrā along with other Muslim philosophers, admits “the best ordering” in the creation and it seems that his ontology can better support this notion. According to gradation or modulation of existence (*tasbkik al-wujūd*) – another main existential principle in *al-Ḥikmah al-muta‘āliyah* – though one single reality, existence comes in grades, similar to the reality of light in which sunlight and candlelight, for example, are of the same reality yet in different grades. Mullā Ṣadrā says, “The instances of existence are [the same in their reality but] different in terms of intensity and weakness, priority and posteriority, as well as nobility and baseness.”³¹

Therefore, though of the same type, the existents do not enjoy the same grade, but there exists a hierarchy of existence which includes the whole universe. In this hierarchy, the completer and more intense the existent, the higher its position. So that the highest being is the most complete (God) and the last and lowest one enjoys the least portion of perfection and is the nearest to the realm of nothingness (primary matter),

We have already proven that the existence of each thing has a special level of manifestation and a specific degree of actuality and realization, and the ultimate in glory and majesty is self-existent, all-sufficient, necessary, and independent from others, then He qua He, is mere actuality and is sacred from all impurities of potentiality, contingency, imperfection, and deficiencies. Everything other than Him is accompanied by essential contingency and deficiencies in proportion to their diverse degrees and different levels. Therefore, the farther it is from the source of existence and necessity, the more is its contingency and deficiencies until the existence reaches such a level of descent and baseness that its substantial existence becomes its very subsistence in the form that it assumes and its actuality becomes exactly the same as its potentiality [i.e. it has no actuality].³²

Is it not possible for things to be in a position other than what they are now? Mullā Ṣadrā’s answer is obviously negative. Based on the

³⁰ Mullā Ṣadrā, *Mafātīḥ al-ghayb*, 205.

³¹ Mullā Ṣadrā, *al-Asfār*, IX, 186; see also F. Rahman, *The Philosophy of Mullā Ṣadrā*, 35.

³² Mullā Ṣadrā, *al-Asfār*, I, 339; see also, *ibid.*, V, 2; id., *Mafātīḥ al-ghayb*, 234-235.

gradation of existence, all the beings have the same existential reality and the only difference can be the quantity and the quality of existential perfection they possess, that is, the only difference between existents can be justified and explained merely through possession of different grades and positions as well as different existential characteristics. Thus, the specific position of any existent determines its individuation and cannot be removed or changed. In other words, 1. everything is in its own position in creation (and cannot be other than that), 2. Everything receives its own creational rights or its existential characteristics like knowledge, power, etc. Is it not exactly what justice requires?

Before explaining justice in the human world – including individual justice and social justice – it is necessary to focus on the fact that, in Mullā Ṣadrā's view, this kind of justice is a reflection of existential justice. Although justice is a *normative* concept, it is not a mere mental construct; rather, it is derived from reality and the existent world. Ṣadrā explains the necessity for justice in the human world – both in the human soul (individual justice) and in human society (social justice) – based on the existence of justice in the world of creation. He depicts many aspects of the compatibility of individual and social justice with existential justice. In fact, if we ask Ṣadrā “why should one be just?” he will answer, “because the world of creation is just.” Otherwise, the incompatibility between the inner world (microcosm) and the outer world (macrocosm) will make the person as if he is swimming against the flow of water and, as a result, does not achieve what he wants, or as Mullā Ṣadrā says there would be enmity between the one who is far from justice and the just system of existence, and this enmity will lead to his defeat and his failing to achieve what he aspires,

He who follows the caprice and sensuous appetite, which are contrary to wisdom and justice – while the heavens and earth subsist by wisdom and justice – then the world of existence as it is, is corrupted for him, and woe to him for whom the world [of existence] becomes corrupt and his nature opposes the wisdom of being and the system of existence. The giver of subsistence to the world and the Overhearer of the heavens will take revenge from him because he is the enemy of God and the enemy of the world. So, his state will be as God clarifies by His saying, “Had the truth followed their desires, the heavens and the earth would have surely fallen apart [along] with those who are in them.” (Q 23: 71) So, incontrovertibly, he is prevented from what he covets (and) is veiled from what his caprice calls for, as He the Exalted

said, “And a barrier is set between them and what they desire.” (Q 34: 54)³³

This is not limited to the individual realm, but also includes the social arena, because Ṣadrā, according to the verse “Indeed Allah does not change a people’s lot unless they change what is in their souls,” (Q 13: 11) argues that if the divine potentials and blessings (in a society), are not used for the purposes they are created for (i.e. not used according to justice), the blessings will be taken away.³⁴ On the other hand, the ultimate happiness of the habitants on earth is to obey God and His laws to be able to realize in their society the justice that is established throughout creation and the justice that the heavens subsist by.³⁵

Why should we obey God and His laws? According to Ṣadrā, the answer to this question is another justification for the rationale behind justice. The answer is that since one of the prominent attributes of God is justice (which is manifested in the creation and was already discussed as the “existential or creational justice”), man must be just too. This is rooted in the principle of “becoming similar to God and taking on lordly traits” that is widely accepted by Muslim philosophers.³⁶

Also, in Ṣadrā’s view, all levels of justice in all worlds of creation are derived from the justice that exists in the Divine Presence. Here, we are confronted with a hierarchy of justice any lower level of which is the manifestation of one upper level: the just system in a desirable society is the product of following the justice that is established by the prophets and has been delivered by them to the just rulers through their just religious laws; then, the justice of the prophets and saints is the result of the justice that is with the angels; and their justice is derived from the justice existing in Divine world which is, “The spring of all (just) arrangement, the beginning of all goodness and beauty, and the source of all perfection and moderation.”³⁷ According to the

³³ Mullā Ṣadrā, *Spiritual Psychology: The Fourth Intellectual Journey in Transcendent Philosophy (Volumes VIII and IX of the Asfār)*, trans. Latimah-Parvin Peerwani (London: ICAS Press, 2008), 663. (with little alteration)

³⁴ Mullā Ṣadrā, *Tafsīr al-Qurʾān al-karīm*, III, 391.

³⁵ *Ibid.*, II, 248.

³⁶ See Mullā Ṣadrā, *al-Asfār*, I, 21-22.

³⁷ Mullā Ṣadrā, *Tafsīr al-Qurʾān al-karīm*, I, 140-141.

verse (Q 25: 57), Ṣadrā considers the purpose of sending the prophets and codes of laws to be the establishment of justice in human society, which causes the members to take on the conduct of the archangels and to accompany the prophets and saints in the Holy Residence.³⁸

III. The Criterion for Justice

As we already discussed, according to Ṣadrā, the necessity of being just in the human realm is derived from the existence of justice in the creation and from the fact that true happiness comes true only with knowledge of and compatibility with the world of existence and its laws. As a corollary, to find the criterion of justice, we shall also refer to existential justice. According to the aforementioned definition of justice, justice requires to pay attention and use every faculty of the human soul and also to use every individual or group of the society in their proper place and in proportion to their abilities and potentials; and as it will come later, both in the world of creation (macrocosm) and the world of soul (microcosm), reason and rational beings have the highest degree, and therefore, the individual justice and social justice respectively necessitate the superiority of the reason and the wise over other faculties and members. We will now fully explain this matter in each type of justice.

A. Individual Justice

This kind of justice is a representation of the creational justice in the human soul. In comparison to social justice, we may call it individual justice' and since it is mainly discussed in ethical parts of Islamic philosophy, we may call it ethical (or moral) justice. Ethical justice means a balanced manipulation of faculties which is achieved only through the superiority and control of the reason over all other faculties,

The practical (virtues for the human soul) are the justice and the dominion (of reason) over the faculties of desire (or appetite), anger (or aversion), and theoretical faculties, especially estimate.³⁹

³⁸ Mullā Ṣadrā, *Tafsīr al-Qurʾān al-karīm*, I, 278.

³⁹ Mullā Ṣadrā, *al-Mabdaʾ wa-l-maʿād*, ed. Jalāl al-Dīn Āshtiyānī (Tehran: Islamic Institute for Research in Philosophy, 1354 HS), 436. See also: *Ibid.*, 361-362; *al-Asfār*, IX, 90, 126-128; *Tafsīr al-Qurʾān al-karīm*, VII, 64-65; I, 428; *Mafātīḥ al-ghayb*, 687.

On the other hand, corruption and injustice occur when the soul faculties are not manipulated in the purpose they are created for, and the faculties of desire, aversion, and estimate take the control of the soul and dominate the reason.⁴⁰

According to Şadrā, the soul has both practical faculties (*al-quwā l-‘amaliyyab*) and theoretical faculties (*al-quwā l-nazariyyab*).⁴¹ Faculties of sensation (*ḥiss*), imagination (*khayāl*), estimation (*wahm*), and intellect (*‘aql*) or reason are among theoretical faculties⁴² and faculties of desire (*al-quwwab al-shahawiyyab*) and aversion (*al-quwwab al-ghadabiyyab*) are the two motivating (*bā‘ithab*) faculties which – under the effect of information they receive from faculties of imagination, estimation, and intellect –intrigue the acting (*fā‘ilab*) faculty to move the limbs and organs of the body. Desire seeks benefits and interests and aversion relates to disposing of losses, dominating enemies, and getting rid of dangerous events and things.⁴³

The fact is that almost all these faculties – except reason – are common between man and other animals. As a higher state of existence, ‘humanity’ contains every power and faculty that belongs to plants and animals. Vegetation is the most important *differentia* the plants have. Animals possess the vegetative faculty with a host of other qualities missing in plants such as mobility and sensation. Finally, man contains all of these qualities and faculties in addition to intellect (reason) in which plants and animals lack.⁴⁴ Until here, little is exclusive to *al-Ḥikmah al-muta‘aliyah* of Mullā Şadrā, rather, the

⁴⁰ Mullā Şadrā, *Tafsīr al-Qur’ān al-karīm*, II, 249.

⁴¹ Mullā Şadrā, *al-Mabda’ wa-l-ma‘ād*, 258.

⁴² Faculty of reason perceives universals and faculties of sensation and imagination perceive particular cognitive forms (*al-ṣuwar al-juz’iyyab*). As long as the sensual relation with the external object is still there, the perceived form is sensual, and once there is not such relation, the same form would be imaginative. Estimate faculty perceives particular meanings (*al-ma‘āni l-juz’iyyab*). See Mullā Şadrā, *al-Shawābid al-rubūbiyyab*, 299; id., *Mafātīḥ al-ghayb*, 524, Ṭabāṭabā‘ī, *Bidāyat al-ḥikmah* (Qom: Mu’assasa-yi Intishārāt-i Dār al-‘Ilm, 1382 HS), 276.

⁴³ Mullā Şadrā, *Sharḥ al-Hidāyah al-atbiriyyab*, ed. Muḥammad Muṣṭafā Fülādkār (Beirut: Mu’assasat al-Tārīkh al-‘Arabī, 1422 H), 239-240; id., *Mafātīḥ al-ghayb*, 500-501.

⁴⁴ Ibrahim Kalin, *Knowledge in Later Islamic Philosophy: Mullā Şadrā on Existence, Intellect, and Intuition* (New York: Oxford University Press, 2010), 112, <https://doi.org/10.1093/acprof:oso/9780199735242.001.0001>.

discussion goes on the principles of philosophical anthropology accepted by most of the Muslim philosophers who owed these principles mostly to Aristotle. What is novel lies in *how* the human soul possesses all these faculties. Again here, Ṣadrā flashes back to the principle of *gradation of existence*, that is the principle of identity in difference and difference in identity. As “being” is a simple reality that contains the multiplicity of its own modification, and that is one and all other things that exist are its different grades, degrees, and modalities, and that these multiple grades and modalities do not exist in themselves as separate realities,⁴⁵ the human soul is also one simple reality that enjoys its own different grades and modalities called faculties which are not separate entities and existents in themselves. There exists a kind of unification between the soul and its faculties, quoting Ṣadrā, “The soul *is* all of the faculties.”⁴⁶ This is not to be understood to mean that the soul is the collection or aggregate of the faculties since an aggregate for Ṣadrā has no existence apart from the particulars which make it up; rather, faculties are the “modes (*shu’ūn*)” or “manifestations (*mazābir*)” of the soul⁴⁷ and its “essential stations.”⁴⁸ This is due to the graded unity of the soul that includes many grades and levels,

We have already informed you that the truth of man is a collective reality (*ḥaqīqah jam‘iyyah*) and it has an inclusive unity (*waḥdah ta’alluḥfiyyah*) like the unity of the world with varying ranks in disembodiment and embodiment, and clarity and opacity. That is why it is called the small world (microcosm) since its wholeness is ordered in line with the levels of the existents of the world (macrocosm), which are, despite their being numerous, categorized in three main classes of intelligibles (‘*aqliyyāt*), imaginables (*mithāliyyāt*) and sensibles (*maḥsūsāt*) ...; by the same token, the human soul also includes something like the intellect (‘*aql*), something like psyche (*nafs*) and something like nature (*ṭab’*) any of which has their own concomitants. The perfection of human soul is to depart from the level of nature to the stage of intellect in order to become one of the dwellers of the realm of Divine Sovereignty. This occurs when its inner reality is enlightened through knowledge and is detached from the

⁴⁵ See Muḥammad Kamal, *Mullā Sadra's Transcendent Philosophy* (New York: Ashgate, 2006), 73.

⁴⁶ See, Mullā Ṣadrā, *al-Asfār*, VIII, 51, 221, 226.

⁴⁷ F. Rahman, *The Philosophy of Mullā Ṣadrā*, 172.

⁴⁸ Mullā Ṣadrā, “Risālah fī l-ḥashr,” 344.

(material) world through practice.⁴⁹

He explicitly puts the reason in a higher rank in comparison to other faculties⁵⁰ and claims its perfection to be more important,

As the existents are different, happiness attained through comprehending each of them will also be different. Also, just as the existence of rational faculties is nobler and higher (*asbraf*) than the animal faculties of desire and anger and the faculties of the souls of beasts and other animals, in the same token, the happiness and enjoyment gained through its perfection are nobler and more complete.⁵¹

That is why he believes that the reason must train these animal faculties and prevent them from (being excessively affected by) imaginations and estimations and make them act in a way that the practical reason requires.⁵²

In other words, we are faced with two existential hierarchies – the macrocosmic and microcosmic – in which the rational and intelligible stage is the highest level to gain; it is the real truth of humanity and is his ultimate goal in perfection. For Şadrā, parallel to this existential and creational hierarchy, there exists an ethical hierarchy in which the rational aspect of the human must be the highest faculty that controls and manages all other faculties.

In fact, the creational hierarchy in the macrocosm and microcosm is the ontological ground justifying the ethical hierarchy proposed by Muslim philosophers. Referring back to the beginning of this paper, justice is to put everything – including faculties of the soul – in their proper place. According to Şadrā, every faculty has an innate position (*al-mawḍiʿ al-fiṭrī*) and ethical justice, therefore, requires to use every faculty in what it is created for and let them be in their innate positions

⁴⁹ Mullā Şadrā, *al-Shawābid al-rubūbiyyah*, 428.

⁵⁰ In establishing the ontological status of intelligible forms (and as a result, the faculty of intellect) as “more” and “higher,” Şadrā has also adopted an old Peripatetic principle and identifies the basis of intelligibility as incorporeality and disembodiment (*tajarrud*) and affirmed it by his existential principles, especially, the gradation of existence; for an elaborate discussion, see Kalin, *Knowledge in Later Islamic Philosophy*, 107-118.

⁵¹ Mullā Şadrā, *al-Mabdaʾ wa-l-maʿād*, 363.

⁵² Mullā Şadrā, *Mafātīḥ al-ghayb*, 687.

(*mawāḍi‘ubā l-fiṭriyyab*)⁵³. This entails that one must put the highest faculty -the reason- in its deserving position, higher than other faculties so that it can have control over them. Referring to the parallelism of the macrocosm and microcosm, Sadrā clarifies the issue,

The clarification and revealing of this matter to you requires you to know that God has created you similar to Himself. He has made your body and faculties residing therein – which you manage – a small world [microcosm] comparable to the big world [macrocosm], and there is nothing in the (big) world except there is a sample of it in your small world and your kingdom. But the dominant and influential principles in you are: angelic, savage-like, bestial and satanic characteristics. By means of angelic [characteristics] you practice angelic acts like knowledge, purity, obedience, and closeness to the Almighty, by the aversion faculty, you practice the acts of predators like enmity, hatred, attacking people by beating and revilement, and the love of power and authority, by faculty of desire, you practice the acts of beasts such as gluttony, lewdness and greed, and in terms of satanic power, you practice the actions of demons and work out different aspects of evil by ruse, stratagem, and cheating, and get to the intentions of passion and carnal soul. O’ man, thus, it is as though an assembly of an angel, a devil, a dog, and a pig are gathered in you and inside your integument: [the angel is the intellect,] the dog is the anger, the pig is the desire and the estimate is an example of Satan. If you, then, undergo struggling these three ... by means of the light of rational insight and... make all subjugated to the management of the intellect, at that point, the condition will be just and the justice will be manifested in the government of body and all [the four different aspects and faculties] will move on the straight path.⁵⁴

If so, the motivating faculties will be kept far from their extremes and this leads to balanced actions done by the person – another manifestation of justice. If not under the control of reason, the motivating faculty would go to the extremes of either desire or aversion which is obviously in contrast with justice. This is rooted in Aristotle’s definition of virtue as a condition intermediate (a “golden mean” as it

⁵³ Mullā Ṣadrā, *Tafsīr al-Qur’ān al-karīm*, VII, 64-65.

⁵⁴ Mullā Ṣadrā, *Sharḥ Uṣūl al-Kāfi*, IV, 388.

is popularly known) between two other states, one involving excess, and the other deficiency.⁵⁵

B. Social Justice

As we saw in the preceding section, individual justice is a reflection of the creational justice in the realm of the individual soul. The same is true about social justice, except for the arena which is the human society. Mullā Ṣadrā argues that human being is required to establish the Ideal City or Utopia's order following the order that exists in the world of creation and its natural systems, including his or her own physical creation. He likens the Utopia to a healthy and perfect body whose members are ranked according to their innate abilities and serve each other, except for the highest and most honorable organ, which is at the top and is considered as the head and *ruler* of the body. All other natural systems are the same, and anyone who is more honorable and more perfect is in a higher position. Such order, which must also be observed in the Ideal City, is an image of the order in the universal system of creation that represents it in the minor systems,

For the First Cause's relation to all other existents is the same as the relation of the head of the Utopia to all other members of it (and there also exists a hierarchy). Because the intellects disengaged from the material deficiencies rank below the First, then the *animae celestes* (heavenly souls) and the skies are ranked after them, and below them are the material natures and their physical bodies ... Likewise, the Utopia should be as such ... And the head of the Utopia ... (should have) completed his soul and has become an actualized intellect.⁵⁶

⁵⁵ See Richard Kraut, "Aristotle's Ethics," in *The Stanford Encyclopedia of Philosophy* (Summer 2018 Edition), Edward N. Zalta (ed.), <https://plato.stanford.edu/entries/aristotle-ethics/>, accessed October 2, 2020.

⁵⁶ Mullā Ṣadrā, *al-Mabda' wa-l-ma'ād*, 490-492. As for the term "actualized intellect," Muslim philosophers consider different levels of perfection for the soul in terms of his noetic potentiality; the last or near the last stage is what they call "intellect *in actu* (*al-'aql bi-l-fi'l*)" that the soul, whenever needed, presents the intelligible concepts without the need to contemplate; for instance, see Mullā Ṣadrā, *Maḥāṭib al-ghayb*, 20, 136. It is also important to know that Ṣadrā is highly influenced by al-Fārābī on the concept of Ideal City; cf. Richard Walzer, *Al-Farabi on the Perfect State: Abū Naṣr al-Fārābī's Mabādi' ārā'ih al-madīna al-fāḍila* (Oxford: Clarendon Press, 1985), 233-243. In his *Virtuous City*, al-Fārābī was himself influenced by Plato's Republic. Having "fully acknowledged the political aspects

As in the arena of creation, the order of beings from the noble and perfect to the weak means the realization of justice, likewise, in the ethical domain, the superiority of the noble faculty (intellect) entails the realization of ethical justice. Correspondingly, in the social realm, the most important element of the realization of social justice is the rule of the wise and scholars. According to Mullā Ṣadrā and other Muslim scholars who divide the internal main faculties of humankind into desire, aversion, and reason, people can also be divided into three groups: people of desire, people of aversion, and people of reason.

As within the realm of the individual, justice is actualized when the reason is given rule over other faculties, also in the social scope, the people of the reason (the wise) must be at the head of the society, "When justice is maintained the desires are subject to reason and if injustice rules, the reasons will follow the lusts."⁵⁷ Ṣadrā's view of individual justice and the division of people on this basis can clarify that only those who are most in line with the world of creation, both in the realm of theory and action, deserve to rule and lead the society.

The necessity for rulers of a just society to be qualified in terms of moral justice may be justified by this philosophical principle that, "It is

of Plato's thought" (Walzer, "al-Fārābī," in *Encyclopaedia of Islam, Second Edition*, 779-780) al-Fārābī had followed his lead in characterizing the chief ruler but had invested him with prophetic qualities in addition to Plato's philosophic traits. (Majid Fakhry, *Al-Fārābī, Founder of Islamic Neoplatonism: His Life, Works, and Influence* [Oxford: Oneworld Publications, 2002], 104). Apart from any other developments Ṣadrā might have made to al-Fārābī's ideal city (his novel theory of the soul as a good example), what we will focus here is that Ṣadrā adopted al-Fārābī's Islamizing approach toward Plato's legacy and made it *more* Islamic and even Shī'ī by investing the ruler with more *religious* characteristics and by extending the prophetic authority and traits to Imams and also to religious scholars. To find more about the influence of Plato's political theory on al-Fārābī see, Ishraq Ali and Mingli Qin, "On the Relation of City and Soul in Plato and Alfarabi," *Journal of Arts and Humanities* 8, no. 2 (2019), 27-34, and for an instance of linking between Plato's political legacy and contemporary Iran, see Vanessa Martin, "A Comparison Between Khumainī's Government of the Jurist and the Commentary on Plato's Republic of Ibn Rushd," *Journal of Islamic Studies* 7, no. 1 (1996), 16-31, <https://doi.org/10.1093/jis/7.1.16>.

⁵⁷ Mullā Ṣadrā, *al-Shawābid al-rubūbiyyah*, 367.

impossible for the one who lacks a perfection to provide it.”⁵⁸ If a person does not enjoy justice in his inner self, how would he be able to establish justice among others in the society? Never! Because every effect is commensurate with its cause, and every work is similar to its performer. A cause and performer that is unbalanced and unjust, cannot produce a moderate, harmonious, and just effect and action.⁵⁹ How can a person who is unable to resolve the conflict between his intellect and his desire resolve the lawsuits of individuals and set up justice among them?⁶⁰ It is narrated from the first Imām of Shī‘ah, ‘Alī ibn Abī Ṭālib, saying, “How can one establish justice among others while being an oppressor himself?”⁶¹ In Mullā Ṣadrā’s description, the conduct of the prophets and the Friends of God (*awliyā’ Allāb*) is that they start from perfecting themselves and after being perfected and guided, they deal with perfecting and guiding others.⁶² Ṣadrā refutes any defect and fault from the prophets because of their privilege of infallibility and considers them as the owners of wisdom and the conclusive speech (*faṣḥ al-kbiṭāb*)⁶³ which is a sign of government.

In fact, Mullā Ṣadrā’s theory of moral and social justice is influenced by the Shī‘ī doctrine of the Imāmate. Morris considers Ṣadrā’s understanding of the imāmate as a crucial point of intersection between his metaphysics and his political and religious philosophy.⁶⁴

In his view, the role of the imām in the society is equal to the role of the intellective faculty in the human soul in being a just ruler who establishes justice,

⁵⁸ Mullā Ṣadrā, *Sbarḥ Uṣūl al-Kāfī*, IV, 11; for different expressions of this principle, see his *al-Shawāhid al-rubūbiyyah*, 168; id. *Mafātīḥ al-ghayb*, 325; *al-Asfār*, II, 307; *Tafsīr al-Qur’ān al-karīm*, IV, 355.

⁵⁹ For an elaborate discussion, see Javādī Āmulī, *Ḥaqq wa-taklif dar Islām*, 211-212.

⁶⁰ Javādī Āmulī, *Adab-i Qaḍā’ dar Islām* (Qom: Esra International Foundation for Revealed Sciences, 1390 HS), 155.

⁶¹ ‘Abd al-Wāḥid ibn Muḥammad al-Āmidī, *Gburar al-ḥikam wa-durar al-kalim: Majmū‘ab min kalimāt wa-ḥikam al-Imām ‘Alī*, ed. Sayyid Mahdī Rajā’ī (Qom: Dār al-Kitāb al-Islāmī, 1410 H), 517.

⁶² Mullā Ṣadrā, *Sbarḥ Uṣūl al-Kāfī*, I, 197-198.

⁶³ Mullā Ṣadrā, *al-Ḥāshiyah ‘alā Ilābiyyāt al-Sbifā’* (Qom: Intishārāt-i Bidār, n.d.), 40.

⁶⁴ James Winston Morris, *The Wisdom of the Throne: An Introduction to the Philosophy of Mulla Sadra* (Princeton: Princeton University Press, 1981), 91.

As God has created a standing leader and a just ruler for perceptive faculties to refer to, which can distinguish between the true and false in the particular perceptions, so *a fortiori* He has established in the macrocosm an imām who maintains fairness and rules with justice among human beings as the viceregent of God (*khilāfat^{an} min Allāh*) whom people refer to for their doubts, ignorance, incidences, and general beliefs.⁶⁵

As a Shī'ī scholar, Ṣadrā claims that the twelve Shī'ah Imāms and the prophets are the perfect human beings whose creation enjoys a creational justice and balance which is directly done by God Himself,

Be aware that the man guided by the light of God is the most honorable of all creatures... since God had chosen him to be close to Him and has ascribed him to Himself ... God has created him Himself by blowing into it from His (own) soul and kneading the clay for his body with both of His (own) hands ... And he enjoys [...] blessings such as modification (*ta'dīl*), proportion (*taswīyah*), completeness of creation, good form and balance (*ḥusn al-ṣūrah wa-l-i'tidāl*), and good character and justice ... These characteristics and dignities such as being specifically the successor of Almighty God in the microcosm and macrocosm are only for the real ideal man (*al-insān al-ma'nawī al-ḥaqīqī*), not for these similitudes (*al-asbbāh*) and likenesses (*al-amthāl*) of the seeming figures [i.e. the ordinary people who only share the same apparent form of humanity] ... The Lord holds every living being by its forelock and its sustenance lies with Him, and He knows its [enduring] abode and its temporary place of lodging ... so it walks, by nature, in a right manner without misguidance; but as for the human being, due to the existence of the free will that resists against his nature and due to the obtrusion made by the estimate faculty ..., misleading is possible ... and then, he needs someone to guide him ... So, truly the guide is God through the Book and the Messenger – may God bless him and his family – and Imāms who stand in his place.⁶⁶

The infallibles have reached the peak of individual justice which makes them be considered as role models for others in ethical justice; according to Ṣadrā, the *ṣirāṭ* (path) on the Day of Resurrection, which is drawn upon the Hell and is the bridge for people to reach Heaven and salvation, has two faces: theoretical perfection of the human soul

⁶⁵ Mullā Ṣadrā, *Sharḥ Uṣūl al-Kāfi*, II, 404.

⁶⁶ Mullā Ṣadrā, *Tafsīr al-Qur'ān al-karīm*, I, 106-111.

that entails the perfection of the reason in terms of knowing God and godly intellectual truths, and the practical perfection which entails the attainment of ethical justice. *Şirāṭ* is thinner than hair in terms of the former aspect, and is sharper than sword concerning the latter,

The perfection of man in his travel toward God is dependent on the completion of his powers; as for the scientific [aspect], it depends on reaching the certainty in the accurate theories that are more delicate than hair among the divine signs, and as for the practical [aspect], it depends upon the moderate acting of the faculties of desire, aversion and estimate to achieve the *habitus* of justice, which is sharper than a sword. Therefore, the straight pass (*al-şirāṭ al-mustaqīm*) has two faces: one is more delicate than hair and the other sharper than a sword.⁶⁷

On the other hand, according to Shīʿī hadīths, Sadrā believes that the truth of the straight path (*al-şirāṭ al-mustaqīm*) is the truth of the Imām,

And it is mentioned in the hadith narrated by Mufaḍḍal ibn ʿUmar from Abū ʿAbd Allāh (P.B.BH.), as saying, “The path (*al-şirāṭ*) is the way to know God, the Almighty, and there are two paths, one is in this world and the other in the next world; as for the path that is in this world, it is the Imām whose obedience is obligatory. Those who know him in this world and follow his guidance will pass the path that is the bridge over the Hell in the Hereafter.” ... And also, al-Ḥalabī narrated from Abū ʿAbd Allāh (P.B.BH.) who said, “The straight path is the Commander of the Faithful [i.e. ʿAlī ibn Abī Ṭālib].”⁶⁸ ... and it is [narrated] from them (P.B.U.T.) as saying, “We are the straight path.”⁶⁹ And these hadīths narrated from our masters are compatible in [apparent] meaning and inner [meaning] whose clarification needs an extended explanation, ... but in short, we can say: the human soul, from the beginning point of its creation to the end of its earthly life, goes through mental transformations (*intiḳālāt naḫṣāniyyah*) and substantive changes (*ḥarakāt jawbariyyah*) in its essential modes of being (*nashʿah dbāṭiyyah*). Hence, every soul is a path (*şirāṭ*) to the Hereafter in one

⁶⁷ Mullā Şadrā, *al-Shawāhid al-rubūbiyyah*, 366; *Mafātiḥ al-ghayb*, 644-645, 691; *al-Asfār*, IX, 285; see also, *Sharḥ Uşūl al-Kāfi*, I, 423; II, 294, 578; *Tafsīr al-Qurʿān al-karīm*, VI, 284, 286.

⁶⁸ Mullā Şadrā, *Sharḥ Uşūl al-Kāfi*, IV, 274.

⁶⁹ *Ibid.*, 152.

sense, ... some are straight, some are oblique, and some are reversed; and among the straight paths some are reaching, some are stopped or suspended; and among the reaching paths some are fast and some are slow; and the most complete among the straight paths is the soul of the Commander of the Faithful, and next are the souls of his infallible sons; this is based on the (degree of perfection of) practical and theoretical faculties that the above hadith referred to as the two paths in the present and the next world. The first [i.e. perfection of the practical faculties] is to obtain justice and a habitual state of moderation, between excess and deficiency, in the practical reason's employment of the faculties of desire, aversion, and estimate ... This does not happen except through submission to the divine law and obedience of the Imām whose obedience is obligatory. This is what it means that "the path in this world is the Imām." The second [i.e. perfection of the theoretical faculties] is for the soul to cross over the [different] levels of existents and the sensible, psychic, and intelligible stages by means of its theoretical faculty and its practical reason, and to depart from the coverts of veils and coverings into the galaxies of the divine lights.⁷⁰

The Imāms are not only the practical aspect of *şirāṭ* but also its scientific face, because, in truth, the path of God in terms of knowledge is faith in Him and in the Last Day, and this cannot be achieved except by them and by means of their knowledge. Therefore, they are also the path of God in that sense.⁷¹

The philosophical explanation of this fact that the Imām is the truth of *şirāṭ* and the embodiment of justice in such a way that justice has become his very existence can be explained well through Şadrā's existential principles: human in Aristotle and his Muslim followers before Şadrā is the lowest species (i.e. it cannot be differentiated into

⁷⁰ Mullā Şadrā, *al-Arşbiyyah*, ed. Ghulāmḥusayn Āhanī (Tehran: Mawlā, 1361 HS), 263-265. Khomeini also identifies the true justice with *şirāṭ mustaqīm* which is primarily the path of the perfect human –Muhammadan path– and secondarily the path of other prophets and saints; Khomeini, *Şarḥ ḥadīth junūd ‘aql wa-jabl* (Tehran: The Institute for Compilation and Publication of Imām Khomeini's Works, 1395 HS), 152-153; see also, Khomeini, *Tafsīr Sūra-yi Ḥamd* (Tehran: The Institute for Compilation and Publication of Imām Khomeini's Works, 1386 HS), 75-78. He also argues socio-political aspects of *şirāṭ mustaqīm* and considers it exclusive to the prophets and saints and after them, the *‘ulamā’*; Khomeini, *Şaḥīfa-yi Imām*, XIII, 368-370.

⁷¹ Mullā Şadrā, *Şarḥ Uşūl al-Kāfi*, II, 546.

further species), but according to the transcendent philosophy, the human is an intermediate species (i.e. it can be differentiated into further species⁷²) under which many real species can come into existence like the four general types discussed previously: angelic human, satanic human, dog-like human and pig-like human. That is because the human soul, at first, in relation to various existential actualities, is like substratum (*māddab*) which enjoys only the capacity and potential to acquire them, but in its substantial motion and essential transformation, acquires any forms of such existential actualities. If they gradually penetrate the soul, they become habits (*malakab*) and if this process continues, these perfections and actualities become its constituent *differentia* in such a way that the soul, through those perfections, takes on a new *forma individualis* (specific form) and becomes truly equal to them. In other words, along with the intensifying substantial change⁷³ of human existence, the psychic faculties, modes, characteristics, and actions that exist within him, such as knowledge and justice, undergo change and intensification. Because in the transcendent theosophy, the soul is united with its faculties and their actions and modes like justice. Therefore, just as the soul itself is constantly intensifying in one aspect or another, so are its repeatedly experienced inner states and actions. For example, a just man at first finds justice within himself as a transitory state (*ḥāb*), that is, sometimes he enjoys justice, and sometimes he is out of the just path. If he is steadfast on the path of justice, with experience and practice, he will acquire the “habit” (*malakab*) of justice, and finally, his existence will be equated with justice and, technically speaking, justice will be his constituent *differentia*. Such a just man can be called “justice” without any exaggeration.⁷⁴

⁷² See Paul Studtmann, “Aristotle’s Categories,” *The Stanford Encyclopedia of Philosophy* (Fall 2018 Edition), ed. Edward N. Zalta, <https://plato.stanford.edu/archives/fall2018/entries/aristotle-categories/>, accessed May 15, 2020; Farīd Jabr et al., *Mawsūʿat muṣṭalaḥāt ʿilm al-mantiq ʿinda l-ʿArab* (Beirut: Maktabat Lubnān Nāshirūn, 1996), 1080.

⁷³ For an overview of the substantial movement in Mullā Ṣadrā, see F. Rahman, *The Philosophy of Mullā Ṣadrā*, 82-94.

⁷⁴ For an elaborate discussion, see Javādī Āmulī, *Ṣūrat wa-Ṣirat-i-Insān dar Qurʾān*, ed. Ghulām ʿAlī Amīn al-Dīn (Qom: Esra International Foundation for Revealed Sciences, 1381 HS), 159-163, and his, *Qurʾān-i Ḥakīm az Manẓar-i Imām Riḍā*

As we already saw, Ṣadrā called the prophets and the imāms, especially Imām 'Alī, "*al-ṣirāṭ al-mustaḳīm*" and as we will see, he would call them "*mīzān* (just scales)." He argues that,

Any word or action leaves a temporal effect on the soul and leads it to a special transitory state. If the words and actions are repeated, their effects will be affirmed and the states will turn into habits since the difference between state and habit lies in intensity and weakness. The intensification of the quality [soul's state] leads to the existence of a form, that is, a substantial cause in the soul ... When the state of the soul is intensified, it becomes a firmed habit, that is, a psychic form which is the cause of its own special effects ... (In the Hereafter,) the firmed psychic habits become substantial forms, even independent efficient essences in the soul ...⁷⁵ And the human individuals on the Day of Resurrection are resurrected and gathered with different forms (*'alā ṣuwar mukbtalifab*) which are the forms of their repeated actions in this world, therefore, they become multiple different species; some of them are from beasts, some from predators, some are demons and some are angels.⁷⁶

Therefore, the character and deeds of the Imām is the criterion for measuring the deeds and morals of others, because, they are the manifestation of true justice in the world – justice in terms of thought, opinion, attributes, and actions. Here, Ṣadrā uses the Qur'anic term of *mīzān* (Scale or Balance) which in his view, also bears the meaning of moral justice.⁷⁷ According to Shiite Hadiths, *mīzān* is equal to the prophets and the Imāms,

The balance is a valid criterion by which the size and weight of a thing are known, ... and the scale in the Hereafter is of a different type in which the books and the scrolls [of deeds and beliefs] are put and by which they are measured. Among the traditions narrated from our Imāms (P.B.U.T.) in this regard, is what Muḥammad ibn 'Alī ibn Bābawayh has narrated that Hishām ibn Sālīm asked about God's

(P.B.U.H.) (Qom: Esra International Foundation for Revealed Sciences, 1389 HS), 34-35.

⁷⁵ Mullā Ṣadrā, *Asrār al-āyāt* (Manama: Maktabat Fakhr al-Rāzī, 2007), 315-318; see also his *al-Asfār*, IX, 290-293; id., *al-Ḥāshiyah 'alā Ilābiyyāt al-Shifā'*, 168.

⁷⁶ Mullā Ṣadrā, *al-Ḥāshiyah 'alā Ilābiyyāt al-Shifā'*, 168; see also, *al-Asfār*, IX, 290-293, and *Asrār al-āyāt*, 320-322.

⁷⁷ For a detailed explanation of the meaning of *mīzān* and how it is interpreted as justice and is related to *ṣirāṭ*, see Mullā Ṣadrā, *Tafsīr al-Qur'ān al-karīm*, VI, 281, 289.

saying, “We shall set up just scales on the Day of Resurrection” (Q 21: 47), the Imām answered, “they are prophets and their successors.”⁷⁸

It is clear from the above that the infallibles are the most eligible for leading the society towards social justice. They are the successors of God in the macrocosm and microcosm, therefore, the closer we are to the Imām, the closer we are to justice in all its realms. In the next rank after the infallibles, it is the divine wise and scholars who are their best followers and the nearest to them in terms of theory and action. As a *Shī‘ī* believer, Mullā Ṣadrā uses different religious texts to argue that the ‘*ulamā*’ or top *Shī‘ī* scholars are ranked below the Prophets and the Friends of God (*awliyā*³). He ascribes some attributes to the Prophet (P.B.U.H.) the most honorable of which is the knowledge of the divine sciences and the knowledge of the truths of things. He claims that the true scholars, who are the elite among the Prophet’s nation, also inherit this characteristic. That is, they take their knowledge from the prophet and they are epistemically ranked below him; he explicitly says,

This noble prophetic rank is one of the levels that the human soul reaches when its two faculties (both theoretical and practical) are completed with knowledge and obedience, and this occurs primarily to the Muḥammadan soul (*al-naḥs al-Muḥammadiyyah*) – peace and salutations be upon him and his family – and to the elites of his nation and the Friends (*awliyā*³) of God secondarily; [this is] because of His saying, “Say, ‘If you love Allah, then follow me; Allah will love you.’” (Q 3: 31) and His saying, “Whoever obeys Allah and the Apostle they are with those whom Allah has blessed, including the prophets and the truthful ...” (Q 4: 69) It has been narrated, “The scholars are the inheritors of the prophets.” ... and is narrated from the Prophet –peace be upon him and his family –, “God has worshipers who are not prophets [and martyrs] but are envied by the prophets [of the sons of Israel],” and, “The scholars of my nation are like the prophets of the sons of Israel.” O’ You the scholar, unless your sciences are taken from the prophetic niche, you are not a scholar in truth, but by metaphor.⁷⁹

According to Sunnī and Shī‘ī hadīths, Ṣadrā ascribes some characteristics to scholars in his commentary on *al-Kāfi* by Muḥammad ibn Ya‘qūb al-Kulaynī (d. 329/9441), *Sharḥ Uṣūl al-Kāfi*: after the

⁷⁸ Mullā Ṣadrā, *al-Arsbiyyah*, 271-272.

⁷⁹ Mullā Ṣadrā, *Tafsīr al-Qur’ān al-karīm*, VII, 152- 155.

prophets, they rank above all other creatures, and in deep understanding of the religion, they are like the prophets;⁸⁰ they are inheritors of the prophets, trustees of Allah on earth, masters and leaders of people, vicegerents of the Prophet⁸¹ and those whose obedience is obligatory upon the rulers, and not vice versa.⁸²

According to the theory of justice, *‘ulamā’*'s being the best and highest after the prophets is the ground of their guardianship and governance in society over others. Therefore, from Ṣadrā's point of view, there is a direct relationship between knowledge and authority. He explicitly refers to it when explaining the meaning of the Verse of Obedience or *ulū l-amr* verse which reads, "O' you who have faith! Obey Allah and obey the Apostle and those vested with authority among you." (Q 5: 59). He considers the criterion of being the "vested with authority" to be knowledge; even *Ahl al-bayt* (P.B.U.T.) are considered as the examples of the verse because of their knowledge being the highest,

And, based on the most valid interpretations, the referent of *ulū l-amr* is either the scholars of God and the Last Day in general, or the infallible Imāms (peace be upon them) – as it is supported by our fellow believers – *because* they are the most knowledgeable of the scholars; both interpretations go back to knowledge and its perfection.⁸³

He also considers the reason for the sovereignty of *awṣiyā'* (the successors of the Prophet) to be their possession of knowledge,

As for the successors being masters, [this is] due to the fact that they are the most eminent, the best, and the greatest scholars. (On the other hand,) The scholars are the masters of people, because at the level of humanity and in regard with the reality of the human being –i.e. the reason, discernment, and intellection – they are the greatest and most complete. And the superior among the superiors is prior to being the superior and the greatest (of all). The successors – peace be upon them – then, are prior to be the masters of all creatures, except the prophets – peace be upon them.⁸⁴

⁸⁰ *Sharḥ Uṣūl al-Kāfi*, II, 100.

⁸¹ *Ibid.*, 88-89.

⁸² *Ibid.*, 91.

⁸³ *Ibid.*, 91.

⁸⁴ *Ibid.*, 47-48.

IV. The Realization of Justice

From what has been said in the previous section, it can be deduced that according to Mullā Sadrā, the realization of justice is not possible without divine law, and without following the Prophet and the Imāms. This is true of both moral justice and social justice. Sadrā emphasizes that justice finds meaning through “managing the faculties of aversion and desire under the command of *religion* and reason,”⁸⁵ or he says, “that [i.e. justice] is not achieved except through submission to the religious law (*sharī‘ah*) and obedience to the imām whose obedience is obligatory.”⁸⁶ He considers the divine law to be a justice-based rule⁸⁷ and he believes that it is only through obedience to God and submission to His religious laws that social justice can be realized and injustice and unfairness be driven away.⁸⁸

Justifying this view, one may argue that justice is the placement of things in their true position. This requires knowledge of the truth of things. Such knowledge is out of human’s ability, rather, depends on divine revelation through prophets in the form of divine law (*sharī‘ah*). Therefore, the realization of justice requires holding fast to the *sharī‘ah* and its owner which is the Prophet and the Imām. Mullā Sadrā considers every action and thought that occurs within the soul to have a special effect on the soul and believes that recognizing what effect every action and thought has on the soul requires revelatory knowledge brought by the prophets,

To get to know the properties of each of them [actions and thoughts] [and their effect on the human soul] and to have a perfect knowledge of them can appear only from the high horizons (*ma‘āli‘*) of the sayings of the people of Sanctity and Purity among the prophets and saints who take their knowledge from the world of revelation and inspiration and deliver it to the nation in order to inform them of it, due to the impotence of their intellects to get to know the effect of any action, word, thought and intent.⁸⁹

⁸⁵ Mullā Sadrā, *al-Asfār*, IX, 90.

⁸⁶ Mullā Sadrā, *al-‘Arshīyyah*, 264.

⁸⁷ Mullā Sadrā, *al-Mabda’ wa-l-ma‘ād*, 393.

⁸⁸ Mullā Sadrā, *Tafsīr al-Qur’ān al-karīm*, II, 248.

⁸⁹ Mullā Sadrā, *Kasr aṣṇām al-jābiliyyah*, 150.

‘Abd al-Razzāq Fayyāḍ Lāhījī, disciple and son-in-law of Mullā Ṣadrā, brought forth an argument in his *Shawāriq al-ilbām* (Illuminations of the Inspiration) that complements that of his tutor,

The acquisition of the habit of justice ... depends on the knowledge of the effect and the amount of effect of every action and practice in terms of quantity and quality on the soul, which could not be explained in detail by human beings. Rather, it is based on the divine teaching and definition that is achieved by sending prophets and messengers and making religious laws and general regulations. Therefore, obtaining the habit of justice and acquiring the refinement of character traits rest on the existence of prophets and under their direction and guidance - peace be upon them all.⁹⁰

Following Ibn Sīnā, Ṣadrā also considers the existence of social life to rely on the existence of justice, and the realization of justice to depend on the existence of a divine just ruler (prophet) with a just law (*sharī‘ah*).⁹¹

Mullā Hādī Sabziwārī, an eminent Shī‘ī philosopher, gnostic, and jurist in the Qajar period, who ensured the continuation of Mullā Ṣadrā's influence until today, argues that justice requires preferring the superior (*afḍal*) over the inferior (*mafdūl*) [for ruling the society], because the management of the territory should be in accordance with *sharī‘ah* and the law of justice, and this demands great knowledge and justice (in the ruler) which is fully explained in the science of ethics. Therefore, the leader (imām) must be superior to others in terms of knowledge, justice, nobility, courage, and management of the nation.⁹²

Based on Shī‘ī narrations, Ṣadrā considers the prophets and imāms as God's "authority" or "proof" (*ḥujjat Allāh*) focusing primarily on a famous tradition that says, "the earth would not sustain in existence

⁹⁰ ‘Abd al-Razzāq ibn ‘Alī ibn al-Ḥusayn al-Lāhījī, ed. Zain al-Abidin Qhorbani (Tehran: Nashr-i Sayeh, 1383 HS), *Shawāriq al-ilbām*, 686.

⁹¹ Mullā Ṣadrā, *Sharḥ Uṣūl al-Kāfi*, II, 392; Abū ‘Alī al-Ḥusayn ibn ‘Abd Allāh Ibn Sīnā, *al-Shifā’*: *al-Ilābiyyāt*, ed. Sa‘īd Zāyid (Qom: Maktabat Āyat Allāh Mar‘ashī, 1404 HD), 441-442; id., *al-Najāt min al-gbarq fī baḥr al-ḍalālāt*, ed. Muḥammad Taqī Dānishpazhūh (Tehran: Tehran University Press, 1379 HS), 709-710.

⁹² Mullā Hādī-yi Sabziwārī, *Asrār al-ḥikam*, ed. Abū I-Ḥasan Sha‘rānī and Ibrāhīm Miyanjī (Tehran: Islāmiyyah, 1351 HS), I, 439-440; also see id., "Hidāyat al-ṭālibīn fī ma‘rifat al-anbiyā’ wa-l-a’immah al-ma‘šūmīn," in *Rasā’il Ḥakīm Sabziwārī*, ed. Sayyid Jalāl al-Dīn Āshtiyānī (Tehran: Uswah Publication, 1376 HS), 278-279.

without the proof of Allah for His people (*ḥujjat Allāh ‘alā kbalqib*).⁹³ In his view, *khatm-i nubuwwah* or the seal of prophethood (the belief that Muḥammad is the last prophet) does not entail the finality of the presence of God’s proof on earth, rather, it continues its way in the form of Imāmate, with the difference that the Imām does not bring a new divine book including a new legislative revelation. Here, Ṣadrā is using a synthetic discourse of his philosophy and his Shī‘ī theology to explain and prove the absolute authority of the imām.⁹⁴ According to the principles of his philosophy and based on his theory of justice, the true rulers must enjoy the highest levels of knowledge and morality (with the determining criterion of moral justice); as for the religious side, Shī‘ī traditions and thought consider the prophets and imāms as the best creatures of all, with the highest level of knowledge and moral traits, so that, using Ṣadrā’s wording, they are not just persons, but they are “justice.”

A very important point in Ṣadrā’s thought which over the last few decades has been in a better position to devote careful attention is that he extends the divine authority of the Imām to religious scholars, especially at the time of Occultation of the twelfth Imām. Except for his above-mentioned statements about the superiority of the ‘*ulamā*’ (religious scholars) over other groups of people which put them right after the prophets and imāms in rank, there are two more direct clues. The first is a well-known Shī‘ī tradition which is frequently referred to by the proponents of the modern discourse of the guardianship of the jurist (*walāyat-i faqīh*) which means the absolute religio-political authority of top religious scholars or jurists.⁹⁵ This hadith is known as

⁹³ Two chapters of the “Book of the Proof” or “*Kitāb al-ḥujjab*” of al-Kulaynī’s *al-Kāfi* deal with this meaning with different wordings; for Ṣadrā’s commentaries regarding this issue, see *Sharḥ Uṣūl al-Kāfi*, II, 468-508.

⁹⁴ For an elaborate discussion about Ṣadrā’s and his followers’ synthetic discourse regarding the authority of Shī‘ī imām, see Meisami, *Knowledge and Power*, chapters 4-5.

⁹⁵ See Khomeini, *Governance of the Jurist (Walāyat-i faqīh): Islamic Government*, trans. Hamid Algar (Tehran: The Institute for Compilation and Publication of Imām Khomeini’s Works, n.d.), 128-134; id., *Kitāb al-bay‘* (Qom: Ismā‘īliyyān, 1363 HS), II, 638-642; id., *al-Ijtibād wa-l-taqlīd* (Tehran: Institute for Compilation and Publication of Imām Khomeini’s Works, 1426 H), 26-30; Javādī Āmulī, *Walāyat-i Faqīh*, 182, 191-194.

maqbulab (an accepted tradition)⁹⁶ of ‘Umar ibn Ḥanẓalah. The focus of their argument is on this part of hadith that in response to ‘Umar’s question concerning the judicial authority as to whom the Shī‘īs should refer to for judgment, Imām al-Ṣādiq points to the Shī‘īscholars who are well acquainted with Imāms’ ḥadīths and says, “I have made them governor over you. If one rejects what they judge according to our judgment, he has (indeed) belittled God’s judgment and has rejected us, and one who rejects us, has rejected God, and this is as associating ‘others’ with God (*shirk*).”⁹⁷ Ṣadrā simply quotes the narration without any explanation except for a few literary points, and explicitly says that the ḥadīth is so clear which needs no further explanation or commentary.⁹⁸ It seems that *maqbulab* of ‘Umar ibn Ḥanẓalah has been *accepted* by our philosopher, too.

Although here he did not explicitly take a specific position on the theory of *walāyat-i faqīh*, in *al-Shawābiḍ al-rubūbiyyah*, Mullā Ṣadrā emphasizes the authority of the imām and the *‘ulamā’*, specifically jurists, after the closing of the gate of prophethood. Indeed, *ijtibād* (the highly specialized ability of a jurist to deduce the rules of *sharī‘ah* from the accepted sources in the Shī‘ī jurisprudence which are: the Qur’ān, the traditions of the Prophet and his infallible household, consensus, and intellect) is the continuation of prophethood and Imāmate and people are required to refer to the top *mujtabids* during the period of Occultation. Therefore, although after the end of prophecy, the special revelation to the Prophet stops, the nature and function of prophecy (*nubuwwah*) and messenger-ship (*risālah*) continue in the Imāms and *mujtabids*,

[After the Prophet], God preserved the rule (*ḥukm*) of the bringers of good tidings (i.e. God’s messengers) [(Q 4:165)] and the imāms who are immune to errors (*al-a’immah al-ma’ṣūmīn ‘an al-khaṭā’*) – salutations be upon them – and the authority of the jurists (*al-mujtabidīn*). While removing the title [of prophet or messenger] from

⁹⁶ It is called “*maqbulab*” (accepted) because although there are some ambiguities about the reliability of its chains of the transmitters, Shī‘ī scholars have accepted this ḥadīth because of its content and some other reasons. See Khomeini, *al-Ijtibād wa-l-taqīd*, 26; Javādī Āmulī, *Walāyat-i Faqīh*, 389-390. On the other hand, some argue that it cannot prove the absolute religio-political authority of the top jurists; see Mohsen Kadivar, *Ḥukūmat-i Welā’ī* (Tehran: Nashr-i Nay, 1377 HS), 297- 306.

⁹⁷ Mullā Ṣadrā, *Sharḥ Uṣūl al-Kāfi*, II, 371-372.

⁹⁸ *Ibid.*, 373.

them, He established their authority and commanded anyone who is lacking in the knowledge of the divine judgment (*al-ḥukm al-ilāhī*) to take their questions to the people of remembrance (*ahl al-dbikr*) as God said, “If you do not know, ask the people who know the scriptures (*ahl al-dbikr*).” [(Q 21:7)] So, [the jurists] give their expert opinion (*fatwā*) according to their jurisprudence (*ijtibād*) and they could also disagree just like different religious laws (*al-sharāʿi*) disagree as God said “We have assigned a law and a path to each of you.” [(Q 5:48)] Likewise, for every *mujtabid*, He assigned a law and a path (resulting) from his reasoning ... Thus, the prophecy and the messengership in terms of their nature and their function are not stopped or abrogated, rather, only the revelation exclusive to the messengers and the prophets, which includes the descending of the angels to (convey God’s revelation to) their ear and heart, is interrupted, so that neither the *mujtabid* nor the imām are told to be a prophet or messenger.⁹⁹

Basically, guardianship is a divine quality that the Imāms inherit from the Prophet and the scholars inherit from the Imāms and then from each other, throughout history,

Thus *walāyab* (guardianship) is a divine attribute ... Some of the *awliyāʾ* (saints) receive this position from the prophet as a heritage such as the People of the House (*Ahl al-bayt*) – peace be upon them – who saw the Prophet in person, then the religious scholars will take it one after another.¹⁰⁰

This passage is so explicitly attributing the legal-political authority of the prophets and the imāms to jurists which may be a good witness for Mullā Ṣadrā’s contribution to the discursive formation of *walāyat-i faqīh*. Later, confronting the question as to how the Hidden Imām executes his *walāyab* and governs the world during his Occultation, based on this Shīʿī discourse of intermediaries between the imām and the people, Sabziwārī answers,

May people sincerely request the preservation of faith and orthopraxy and knowledge and insight from the “general representatives”

⁹⁹ Mullā Ṣadrā, *al-Shawāhid al-rubūbiyyab*, 436. The translation of the quotation is by Meisami, *Knowledge and Power*, 158-159 with modification and addition.

¹⁰⁰ Mullā Ṣadrā, *al-Shawāhid al-rubūbiyyab*, 437.

(*nuwwāb-i ʿāmm*) and the guardians of the community (*awliyāʿ-i ummah*), which is possible.¹⁰¹

These explicit statements along with an overall understanding of Ṣadrā's theory of justice may lead us to accept Mullā Ṣadrā's legacy of justice as a "discursive springboard" for the establishment of *walāyat-i faqīh*.¹⁰² Maybe that would be one of the reasons of the attraction of Mullā Ṣadrā's philosophy after the Islamic revolution.

In the end, it is worth mentioning the relationship between *walāyah* and knowledge from Mullā Ṣadrā's point of view, and in this way, trying to more clearly compare his political viewpoint and Khomeini's *walāyat-i faqīh*. Since according to Ṣadrā, there is a direct relationship between *walāyah* and knowledge, and knowledge and scholars are of two types, the *walāyah* will also be of two types:

The *sharīʿah* has both exterior (*ẓāhir*) and interior (*bāṭin*) aspects, and the ranks of scholars are so different in terms of each: some are superior and some are inferior, as well as knowledgeable and more knowledgeable. Those whose relation to their prophet is more complete and their proximity to his soul is stronger, their knowledge of esoteric and exoteric aspect of his *sharīʿah* will be more. And those who know both the exterior and interior are more deserving to be obeyed, due to their extreme nearness to their prophet; then those who are below them in rank, until the ranking descends to the scholars of the exoteric only, and they also have ranks, since the one who knows both the principles and the ramifications is more entitled to be obeyed than those who are expert only in one ... Thus, each of the esoteric and exoteric aspects has its own experts, all of whom are included under the rule of the Caliph (the Infallible Imām), who is the highest knowledgeable in both aspects.¹⁰³

Such categorization is also found in Fayḍ al-Kāshānī, Ṣadrā's pupil and son-in-law, who says that the scholars are of three categories:

¹⁰¹ Sabziwārī, *Asrār al-ḥikam*, I, 452; id., "Hidāyat al-ṭālibīn," 293. Translated in Meisami, *Knowledge and Power*, 194.

¹⁰² Meisami, *Knowledge and Power*, 185, 186. In contrast, Toussi claims that Ṣadrā's discourse on politics does not provide such a discursive springboard, nor does it promote an idea of quietism or that of a fundamental separation of religion and politics; Seyyed Khalil Toussi, *The Political Philosophy of Mullā Ṣadrā* (London: Routledge, forthcoming), introduction.

¹⁰³ Mullā Ṣadrā, *Mafātīḥ al-ghayb*, 486.

those who enjoy only the outward knowledge, those who have only the inward knowledge, and those who are masters of both; only the third (originally) deserve to lead the people.¹⁰⁴

Observance of the priority in the authority of the Utopia based on having the highest amount of competency, which is a requirement of justice, is what Ṣadrā has taken from al-Fārābī's political system. According to al-Fārābī, the most deserving person for the governance is the "first head" [comparable to the prophet], followed by the one who is exactly like him and has all his characteristics [comparable to the imām]. However, since al-Fārābī himself was concerned that very few people can enjoy such unachievable levels of qualifications, he suggested that those nearest to them in terms of such qualifications take on this responsibility. For example, they must have the jurisprudence knowledge and be able to deduce unauthorized laws based on the general principles authorized and left by the first head.¹⁰⁵

Therefore, according to Ṣadrā, when there is no prophet or imām, the best scholars who are closest to them should have authority and should be obeyed. What if even the latter did not exist? We should refer to the esoteric scholars in esoteric matters and to the exoteric experts in exoteric matters, "(Even) *al-ulamā'* *al-rāsikhūn* (those firm in (esoteric) knowledge) must obey (refer to) the jurists and *mujtabidīn* in the exoteric knowledge ... but in the esoteric knowledge, the reverse is true."¹⁰⁶

Now, it becomes clear that since according to what was previously quoted from Ṣadrā about the dependence of the realization of justice and governance on the knowledge of *sharī'ah*, in such a matter, we must refer to the jurists, because the jurisprudence is among the

¹⁰⁴ Muḥammad Muḥsin al-Fayḍ al-Kāshānī, *al-Kalimāt al-maknūnah min 'ulūm abi al-ḥikmah wa-l-ma'rifaḥ*, ed. 'Aziz Allāh al-'Uḡarīdī al-Qūjānī (Tehran: Intishārāt-i Farāhānī, 1360 HS), 240.

¹⁰⁵ Abū Naṣr Muḥammad ibn Muḥammad al-Fārābī, *Kitāb al-millab wa-nuṣūṣ ukbar*, ed. Muḥsin Maḥdī (Beirut: Dār al-Mashriq, 1991), 73-75; for a more detailed discussion on how Ṣadrā, following al-Fārābī and Ibn Sinā, was made to suggest substitutes for the first head see Mohsen Elahi, "Jāyghāh-i Sīyāsah dar Ḥikmatimuta'āliyah," in *Sīyāsah-i Muta'āliyah az Manẓar-i Ḥikmah-i Muta'āliyah*, ed. Sharif Lakzaei (Qom: Pazhūheshgāh-i 'Ulūm wa-Farhang-i Islāmī, 1390 HS), III, 319-328.

¹⁰⁶ Mullā Ṣadrā, *Mafātīḥ al-ghayb*, 486.

exoteric aspects of religion. It becomes also clear that how, according to *al-Shawāhid al-rubūbiyyah*, *walāyat-i faqīh* is the continuation of *walāyah* of the prophets and imāms. Using Sadrian terminology, *walāyah*, like existence and knowledge, is a graded reality which includes different degrees. The highest degree is *walāyah* of the prophets and imāms, then the scholars of both the esoteric and exoteric aspects of the religion including the spiritual meaning and the legal sides of it. When we get farther from the infallibles (prophets and imāms), there is no concomitance between the esoteric and exoteric knowledge and a scholar may or may not have both. Therefore, we have to talk about two separate kinds of *walāyah*: exoteric and esoteric. Naturally, *walāyat-i faqīh* is related to the exoteric one. The exoteric *walāyah* seems to have been neglected by many, even it has been rarely taken into account when we are thinking of the top *walī* who are the prophets and imāms. Knysh argues that Ṣadrā's description of the four-step spiritual journey – later adopted by Khomeini – is reminiscent of Ibn 'Arabī's concept of the perfect human (*al-insān al-kāmil*) in its particular emphasis on his functions as a “religious leader of the community of believers” – a function some Western scholars have tended to downplay, instead, focusing on the perfect man's role in the all-important cosmic force tying together the origin and the return.¹⁰⁷

Of course, for Ṣadrā, the distinction between exoteric and esoteric realms of *walāyah* and attributing the former to the religious leader does not mean that every expert in the exoteric knowledge like the Islamic jurisprudence deserves to be obeyed, because, in his view, a jurist also is called “*al-‘ālim al-rabbānī*” (the divinely learned)¹⁰⁸ and therefore, must have special ethical and moral merits, as discussed in his theory of justice. The same is true about Khomeini's theory of *walāyat-i faqīh*, in which such distinction does not mean that “any regular” jurist can rule the society! But only a “fully qualified” jurist (*muḥtabid jāmi‘ al-sbarā'i*) that in addition to his knowledge of *fiqh*, must have other qualifications, most important of which is enjoying

¹⁰⁷ Alexander Knysh, “Irfan Revisited: Khomeini and the Legacy of Islamic Mystical Philosophy,” *Middle East Journal* 46, no. 4 (1992), 635.

¹⁰⁸ Mullā Ṣadrā, *Sharḥ Uṣūl al-Kāfi*, II, 147, 150.

firmly established characteristics of justice and piety among the spiritual conditions.¹⁰⁹

In line with the distinction between exoteric and esoteric *walāyah*, some other factors and realms of exoteric knowledge must be met by the ruling jurist, like the political insight and social perspicacity which are mentioned in the constitution of the Islamic republic as part of the requisites needed for *walī-yi faqīh*.¹¹⁰ These can be compared to some of the qualifications the head of the Şadrīan Utopia must enjoy, such as: “He must be sharp and smart enough to understand the events and the intentions of others ... He should be eloquent and articulate and be able to express completely and clearly what is in his mind.”¹¹¹ Being persuasive can help him to handle the social chaos since, in the past, the speech was the only way to communicate with both the nation and the administrators of the kingdom, even today; public lecture is one of the best ways for politicians to express themselves and handle different social situations. It also can help him to overcome the enemies in the field of psychological warfare, which is one of the requirements of leadership, along with the ability to handle the physical wars.¹¹²

Conclusion

From the viewpoint of Mullā Şadrā, justice has two related senses – granting the right to the rightful and putting things aright – which can be realized in three realms of creation, the human soul, and human society. Justice in the last two areas is derived from and justified by justice in creation. Creational justice requires the superiority of intellect and intellectual beings to others. The same must take place in the human realm: moral justice entails the superiority and management of the intellective faculty, and social justice requires the leadership of the wise and most knowledgeable.

An accurate overview of Mullā Şadrā’s discourse in justice and the related issues brings forth three basic conditions for the ruler of the society whose goal is to establish justice among people:

¹⁰⁹ Hamid Algar, *Constitution of the Islamic Republic of Iran* (Berkeley: Mizan Press, 1980), 67.

¹¹⁰ *Ibid.*

¹¹¹ Mullā Şadrā, *al-Shawāhid al-rubūbiyyah*, 420-1.

¹¹² *Ibid.*, 420.

1. To enjoy the highest degree of intellectuality, rationality, and knowledge, because justice requires that everything be in its place, and in Ṣadrā's view, the place of scholars as possessors of intellectuality and knowledge is higher than all.
2. To enjoy the highest level of moral and individual justice, so that he can establish justice among other members of society.
3. To enjoy the highest level of knowledge about religious and Islamic teachings, because without relying on religion and *sharī'ah*, the establishment of justice in the individual and society is not possible.

Based on his Shī'ī beliefs, Ṣadrā claims that these conditions are primarily held by the prophets and the infallible Imāms, peace be upon them, and the next rank is occupied by the religious scholars who inherit the intellectuality, knowledge, and justice from the Imāms. As a corollary, in the case of the absence of the Imāms – such as the absence of the Twelfth Imām – it is the divine scholars who deserve to rule because, after the prophets and imāms, the scholars have the above qualifications. The above three characteristics are very similar to the main qualifications needed for the leading jurist (*walī-yi faqīh*). According to Article 109 of the constitution of the Islamic Republic of Iran, he must: 1. be a highly qualified jurist (fully acquainted with Islamic teachings), 2. be just and pious, and 3. have political insight and social perspicacity (which is usually accompanied by a taste of rationality).¹¹³ Further studies may help to shed more light on the correlation between Mullā Ṣadrā's legacy and the theory of *walāyat-i faqīh*, especially if they focus on real contemporary instances of this mutual relationship.

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¹¹³ Hamid Algar, *Constitution of the Islamic Republic of Iran* (Berkeley: Mizan Press, 1980), 67; see also Javādī Āmulī, *Walāyat-i Faqīh*, 136-140.

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TRADITIONIST INTERNAL REFORM: MOTIVES BEHIND THE BIRTH OF THE FIRST MANUAL OF ‘ULŪM AL-ḤADĪTH

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Abstract

Al-Rāmahurmuzī's *Muḥaddith al-fāṣil bayna l-rāwī wa-l-wāʿī* has been widely accepted as the first composition in the discipline of ḥadīth sciences (‘*ulūm al-ḥadīth*). However, little is known about the real motive behind this sophisticated work. This paper seeks to contribute to ḥadīth historiography by exposing the agenda behind the composition of *al-Muḥaddith al-fāṣil*. This study suggests that the book reflects al-Rāmahurmuzī's critical appraisal of the traditionist group and his remarkable effort to initiate an internal reform. Contrary to common supposition, his motive was not mainly to preserve ḥadīth theories and technicalities. Instead, he intended to upgrade the traditionist state of scholarship after a significant decline since the abolishment of *miḥnab khalq al-Qurʾān* (the inquisition over the createdness of the Qurʾān). His emphasis on the importance of *dirāyah* aimed to revive the excellence of past ḥadīth scholars and to close the gap that separated the traditionists from their jurist (*fuqahāʾ*) counterparts.

Key Words: *Riwāyah*, *dirāyah*, rationalist, traditionist, reform

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Introduction

Modern Islamic scholars mostly believe that *al-Muḥaddith al-fāṣil bayna l-rāwī wa-l-wāʿī* (the ḥadīth specialist who distinguishes between the transmitter and the attentive listener) by Abū Muḥammad al-Rāmāhurmuzī (d. approximately 360/975) is the first manual of *ʿulūm al-ḥadīth* (ḥadīth sciences). This supposition commenced from Ibn Ḥajar’s (1992, 1:187) statement in which he asserts that the work “is most likely the first compilation in *ʿulūm al-ḥadīth*. Undeniably, there have been compilations that dealt with specific topics before, but it was by far the most comprehensive one.” Ibn Ḥajar (2002, 38) nevertheless criticizes its content for “not covering (*lam yastawʿib*)” major topics in ḥadīth criticism. This remark implies Ibn Ḥajar’s supposition that al-Rāmāhurmuzī’s work aimed to compile all matters related to the discussion on ḥadīth theories and terminologies. Therefore, it is understandable to find modern authors in ḥadīth historiography formed their perception of the book on this supposition as seen in the works of al-Sibāʿī (2003), Abū Zahw (1984), Abū Shuhbah (n.d.), ʿAbd Allāh al-Ghumārī (2008), Nūr al-Dīn ʿItr (1997), Maḥmūd al-Ṭaḥḥān (2010), ʿAbd al-Fattāḥ Abū Ghuddah (2008), Hashim Kamali (n.d.), and many others. Librande’s *Contrast in the Two Earliest Manuals of ʿUlūm al-Ḥadīth: The Beginnings of the Genre*, is a comparative study of *al-Muḥaddith al-fāṣil* and al-Ḥākim’s *Maʿrifah fī ʿulūm al-ḥadīth*, in which the author bases his study on this assumption. He scrutinizes both compilations in their capacities as the first attempt to compile the technical theories of ḥadīth.

Without any intention to contest the above supposition, some modern scholars have revealed other motives behind the emergence of *al-Muḥaddith al-fāṣil*. According to El-Omari (2012), al-Rāmāhurmuzī authored his book due to his concern about the growing trend among ḥadīth transmitters who expressed no interest in evaluating the contents of ḥadīths that they transmitted. Similarly, Ḥātim al-ʿAwnī (1996) suggests that al-Rāmāhurmuzī’s main objective was to respond to flaws in knowledge-seeking activities among ḥadīth students that affected the quality of ḥadīth preservation. These suppositions were undeniably supported by various statements prevail in many parts of *al-Muḥaddith al-fāṣil*. Nevertheless, it constitutes an incomplete picture. The primary and crucial agenda behind this remarkable work remains unexamined.

This study aims to improve our understanding of ḥadīth historiography. It argues that *al-Muḥaddith al-fāṣil* is more than just an explanatory manual that elucidates fundamental theories in the sciences of ḥadīth. This monumental work, in fact, carries reformative ideas by which al-Rāmahurmuzī attempted to change the state of traditionist scholarship after decades of decadence. Traditionalism's triumph over rationalism that followed the abolishment of *miḥnab kbalq al-Qur'ān* (the trial on the createdness of the Qur'ān) raised acute sensitivity to rationalism among traditionist scholars which eventually affected how they preserved the tradition. Most proponents of tradition were too occupied with collecting trivial aspects of ḥadīth and transmission, such as peculiar and elevated *isnāds*, thus they unable to give reasonable efforts to examine its contents. The anti-rationalism attitude was also the fundamental factor behind the hostility shown by traditionalists against the people of reason (*abl al-ra'y*) which mainly consists of the theologians (*mutakallimūn*) and some of the jurists (*fuqabā'*). *Al-Muḥaddith al-fāṣil*, this study will argue, is the reflection of al-Rāmahurmuzī's critical appraisal of the traditionist group as well as his remarkable effort to initiate an internal reform through reviving the methodology of past ḥadīth critics in ḥadīth preservation, which combined aspects of both *riwāyah* and *dirāyah*.

To prove this, the study of this paper will be divided into three parts. The first part will describe the general state of Islamic religious knowledge after the abolishment of *miḥnab kbalq al-Qur'ān* during al-Mutawakkil's administration. Special attention will be given to explicating the traditionalists' take on religious issues following their triumph over the rationalists and the formation of the Hanbalī school in Baghdād. The second part of this paper will shed light on al-Rāmahurmuzī's intellectual life, offering some insights regarding his education and contribution to ḥadīth sciences. This part will also examine the authorities and incidents that partly formed al-Rāmahurmuzī's conception of ḥadīths and traditionists, as well as his position in traditionalist-rationalist polemics. Finally, the third part of this paper will scrutinize al-Rāmahurmuzī's most substantial ideas as contained in *al-Muḥaddith al-fāṣil*. An attempt will be made to uncover the correlation between his thoughts and their socio-religious context.

Before delving deeper into the main discussion, a few terms used in this paper need to be clarified. The term traditionist refers to a

muhaddith, a person who studies and transmits tradition regardless of his theological inclination (Melchert 2001). It is different from the term “traditionalist”, which means a group of scholars who prefer textual sources in theology and legal discourse; hence, it includes jurisconsults who belong to the traditionalist movement and oppose rationalism (Makdisi 1979). This paper also emphasizes the distinctive meaning of the terms “rationalism” and “rationality.” “Rationalism” is the tendency to consider reason the principal device or one of the principal devices to reach the truth in religion, whereas “rationality” involves treating any issue by using reason without prioritizing reason (Abrahamov 1998).

I. The State of Ḥadīth Scholarship in the Post-*Miḥnab* Era

Classical Islamic scholars are basically divided into two main categories, namely, traditionalists and rationalists. This categorization is not a mere modern projection to describe the past but is realized and mentioned by classical historiographers (Makdisi, 1979; Melchert, 2001). Each of the camps applied distinctive approaches in theology and law. Traditionalists focused on the preservation of tradition and preferred to base their discussions of law and theology on textual sources (*nuṣūṣ*). They did not turn to speculative reasoning (*qiyās*) unless no ḥadīth or *athar* was found on the matter (al-Sharastānī, 2005). Some traditionalists even rejected all forms of rationality. On the other hand, rationalists, as reflected by both theologians (*mutakallimūn*) and jurists (*fuqahāʾ*), used reason extensively in exerting legal tenets from religious texts. Despite using tradition as one of their significant sources, the conclusive results of *qiyās* were commonly preferred over traditions in cases in which there was a clash of evidence (Abrahamov 1998).

Throughout Islamic history, the traditionalist and rationalist groups were involved in a series of polemics as they strived to acquire strategic positions to define the ideal religious path for Muslim society. The polemics culminated in an event called the *miḥnab* (*inquisition*), in which the Abbasid administration under Caliph al-Maʿmūn (d. 218/833) sided with rationalists and imposed severe punishments against anyone who rejected the idea of the createdness of the Qurʾān (*kbalq al-Qurʾān*). The real motive behind this controversial policy remains debatable (see, for example, Madelung 1985, Ibrahim 1994, and Arnel 1998). Nevertheless, multiple sources reveal that the *miḥnab* has claimed severe casualties in the traditionalists’ camp as hundreds of them were imprisoned, barred from intellectual activities, and even

annihilated. In this period of hardship, the *muḥaddith* of Baghdād, Aḥmad ibn Ḥanbal (d. 241/855), showed a heroic stance. Despite torture and imprisonment, he defied all efforts to make him accept that the Qur’ān was a creation. Instead, he firmly held to the creed of the *Salaf* (past predecessor) that al-Qur’ān is the word of God (*kalām Allāh*); hence, it is uncreated (see Hoover 2016).

The abolition of the *miḥnab* by Caliph al-Mutawakkil (d. 247/861) indirectly ended rationalist domination. It also became a significant turning point for the traditionalists from the oppressed position to the highest authority in Islamic belief and jurisprudence. Perceived as the hero of the *miḥnab*, Aḥmad ibn Ḥanbal became the center of reference. His popularity laid the foundation for the birth of Ḥanbalism as the only theological-juristic school in Islam (Makdisi 1979, Hoover 2016). As George Makdisi (1979) notes, the Ḥanbalī school came into existence not due to a legal stance taken by its leader but rather as a result of a traditionalist theological stance against Mu‘tazilite rationalism. In this school, people of tradition (*abl al-ḥadīth*) found the ultimate expression of their aspiration. As a result, the Ḥanbalites during the 4th/10th century emerged as the most influential group among the traditionalists and expanded their messages in broad-based classes dedicated to ḥadīth transmission (Holtzman 2015). According to Adam Mez (1937: 205), Ḥanbalites at that time were considered “the representatives of the Old Sunnah” and were not regarded as jurists until much later.

The triumph over the rationalists primarily increased the dependence on the *isnād* tradition among the people of tradition. It eventually escalated the number of traditionists who were occupied by collecting odd and peculiar *isnāds* but had low mastery in comprehending its content. Because of this condition, the Baghdād scholar Abū Muḥammad Ibn Qutaybah (d. 276/889) criticized this attitude in his *Ta’wīl Mukhtalif al-Ḥadīth*. Despite his defense for traditionists against theologian’s abusive remarks, he (1995, 78) had to admit that some traditionists indeed “had refused to master what they have collected, declined from comprehending what they have compiled, and excessively fond of collecting ḥadīths from unnecessary multiple sources.” Ibn Qutaybah then stressed that the conduct is inappropriate for “someone who honestly seeks the pleasure of God by his knowledge.”

As a result of the *miḥnab*, traditionists expressed a hostile attitude toward anything associated with rationalism, especially the speculative

theology (*‘ilm al-kalām*). It generated at least two significant phenomena. First, it brought the traditionists closer to the literal approach in dealing with religious texts, which eventually made their theological and legal exposition considerably shallow. It was evident in, for example, their approach to *ṣifāt* traditions (ḥadīths with anthropomorphic content) that have a certain degree of similarity to anthropomorphism (*mushabbihab*). Therefore, many of their opponents often referred to them with the term *Ḥashwiyyāb*. Second, it affected the traditionists' opinion in the transmission grading system (*al-jarḥ wa-l-ta‘dīl*). Abū Ghuddah (1391 H) notes that some post-*mihṇab* traditionists manipulated issues of Qur’ānic status to suppress their adversaries and ruin their reputations. A significant number of scholars, including traditionists, jurists, and *sunnī mutakallimūn*, fell victim to this scheme (Hurvitz 1994).

In turn, the anti-rationality attitude widened the gap between the traditionists and the jurists (*fuqabā’*). The two parties had been involved in a series of polemics over the concept and the authority of Sunna long before the institution of the *mihṇab*. The jurists often seemed to abandon the legal content of a ḥadīth when it contradicted another source of jurisprudence (Brown 1996). Discussing the condition of ḥadīth studies during his time, Abū Ḥātim Ibn Ḥibbān (2000, 1:19) notes the polarization of Islamic intellectuals into two main camps. The first was the seekers of ḥadīth (*ṭalabat al-akbbār*) who embarked on a journey to various countries for ḥadīth collection but were unwilling to memorize (*ḥifẓ*) and understand its content. Some of them even had inadequate expertise in distinguishing sound and unsound traditions. The second group was the students of law (*mutafaqqih*) whose main concern was legal opinions and debates (*al-ārā’ wa-l-jadal*) and had minimal interest in Sunnah studies and ḥadīth criticism.

In this context, and in addition to reemerging challenges from the revival of *kalām* movements during the Buwayhids' reign, a group of traditionalists attempted to make a difference. They established an intellectual movement that sought to restore the traditionist state of scholarship after decades of deterioration. One of the most outstanding characteristics of the group was their favorable reception of rationality. Despite the strong rejection they expressed toward speculative theology, the group actively promoted *nazar* (reasoning) as an indispensable device that all traditionists should employ. The term *nazar* (reason), according to them, meant “text-critical study,”

“forensic examination,” and “reflective reasoning” (see Gunther 2008). In other words, the group censured rationalism but supported rationality.

On this basis, the reformist group addressed significant issues faced by traditionalists in the 4th/10th century. Regarding the traditionists’ alleged poor mastery in ḥadīth content, they developed special literature on various topics including doubtful readings (*taṣḥīfāt*) due to the increasing number of prominent traditionists who misread *isnāds* and *matns* in their lectures. Abū Sulaymān al-Khaṭṭābī (d. 388/998), Abū l-Ḥasan al-Dāraquṭnī (d. 385/995), and Abū l-Ḥasan al-‘Askārī (d. 382/993) were among those who contributed significantly to developing the subject. On the appropriate interpretation of the ambiguous *ṣifāt* traditions, Abū l-Ḥasan al-Ṭabarī (d. approximately 380/990) published his “*al-Aḥādīth al-musḥkilah al-wāridah fī l-ṣifāt*” (Problematic ḥadīths on divine attributes), followed by Abū Bakar Ibn Fūrak (d. 406/1015) with his *Musḥkil al-ḥadīth wa bayānuh* (Problematic ḥadīths and their explanation). To narrow the gap between the traditionist and the jurist, Abū Sulaymān al-Khaṭṭābī composed *Ma‘ālim al-sunan*, a commentary on Abū Dāwūd’s compendium, based on a specific intention to “attract the jurists to study ḥadīth, and the traditionists to study law” (al-Khaṭṭābī 1932, 1:5).

Like other reform movements in history, the idea of internal reform divided the scholars of tradition into two camps. The first accepted and supported the ideas and developed sophisticated literature to promote a *wasafī* (middle) stance on tradition and reason. This stance prevails, for instance, in al-Bayhaqī’s extensive discussions on *ṣifāt* traditions in *Kitāb l-asmā’ wa-l-ṣifāt* (The book of divine names and attributes), in which he adopts a hermeneutic interpretation (see Noor 2018). He frequently cites the opinions of a particular group of scholars he refers to as *abl al-naẓar min aṣḥābinā* (the people of reason in our fraternity). The second camp, represented by the Ḥanbalites and ultra traditionists, considered the movement a deviation from the way of past pious generations (*al-salaf al-ṣāliḥ*) and viewed it negatively as a continuation of Mu‘tazilite rationalism. Referring to the first camp as Kullābis or Ash‘arites, they used all possible measures to contain the spread of its influence. One of the best examples of this attitude can be seen in Abū Ya‘lā al-Farrā’s *Ibtāl al-ta’wīlāt li-akbbār al-ṣifāt* (Negating the interpretation of *ṣifāt* traditions), which was authored to criticize Ibn Fūrak’s hermeneutical approach to *ṣifāt* traditions. He stated that “it is not permissible to reject these ḥadīths like what had

been done by a group of Mu‘tazilites, nor interpret them like the Ash‘arites. It is compulsory to understand such ḥadīths based on their apparent meanings (*ḥamlubā ‘alā zābiribā*), and (to establish it as) God’s divine attributes which unlike human attributes” (1410 H, 43).

II. Abū Muḥammad al-Rāmahurmuzī: The Polymath-Traditionist

It is not an easy task to establish a comprehensive biography of al-Ramahurmuzī due to limited sources. We are confident, however, that his name was al-Ḥasan ibn ‘Abd al-Raḥmān ibn Khallād. His *kunyah* was Abū Muḥammad. Rāmahurmuzī was his *nisbah*, which associates him with his hometown, Rām-hurmuz, a small village in Khūzistān province (located in today’s Iran). It is said that Rāmhurmuz was the birthplace of Salmān al-Fārisī, one of the reputable companions of the Prophet PBUH (al-Sam‘ānī 1988). In classical geography, Rām-hurmuz was located in the vast region of Persia (Fāris) with Shirāz as its capital city, known for its fertile land and agricultural products such as dates, coconuts, and oranges (al-Ḥamawī 1995). Regarding socio-religious aspects, al-Ḥamawī asserts that Mu‘tazilism was a dominant school among Khuzistan’s Islamic society. Due to minimal data on the life of al-Rāmahurmuzī, some confusion has arisen in identifying his theological inclination. He was mistakenly identified with Abū Muḥammad al-Khallādī, a Mu‘tazilite scholar and disciple of Abū ‘Alī al-Jubbā‘ī (d. 303/915). Librande (1976, 2009), however, clarifies that the two figures were different persons.

Available sources do not provide specific dates to determine al-Rāmahurmuzī’s years of birth and death. Based on al-Sam‘ānī’s information, which places al-Rāmahurmuzī’s first *riḥlah* (travel for ḥadīth seeking) in 290/903, ‘Ajjāj al-Khaṭīb (1983) speculates that he was born in 265/877. A student of ḥadīth, according to al-Khaṭīb, usually would not conduct a journey for ḥadīth seeking before the age of puberty. Referring to the same information, however, Librande (1976) suggests that al-Rāmahurmuzī might have conducted his travel before puberty. Therefore, he estimates al-Rāmahurmuzī’s birth year to be sometime between 270/883 and 280/893. Regarding his year of death, al-Dhahabī (1998) suggests that al-Rāmahurmuzī still alive until approximately 350/961. Others, however, agree that he died by the year 360/970 (see al-Sam‘ānī 1988; al-Ḥamawī 1993).

Al-Rāmahurmuzī’s education started in his early years under the supervision of his father. Unfortunately, no biographical data about his

father seem available in biographical sources (Librande 1976). Nevertheless, according to Muḥib al-Dīn Abū Zayd (2016), his father was one of al-Ṭabarānī's *shuyūkh* (ḥadīth teachers). This notion, however, lacks supportive evidence. For instance, there is no specific entry for 'Abd al-Raḥman ibn Khallād in al-Manṣūrī's extensive work *Irsbād al-qāṣī wa l-dānī ilā tarājum Shuyūkh al-Ṭabarānī* in which he listed out all of al-Ṭabarānī's teachers. The list, however, mentions 'Abd al-Raḥman ibn Khallād al-Raqqī, but he seems to be a different person. Interestingly, 'Abd al-Raḥman ibn Khallād al-Rāmahurmuzī, the father of Abū Muḥammad, is frequently mentioned in al-Mizzī's *Tabdhīb al-kamāl fi asmā' al-rijāl*. His name is included in the list of students who transmitted ḥadīth from Abū Ḥātim al-Sijistānī, Zayd ibn Akhzam, Abū Dāwūd al-Sijistānī, the author of *Sunan Abī Dāwūd*, Yaḥyā ibn Ḥakīm al-Muqawwamī, and others. It gives us the confidence to conclude that he was a prominent scholar of his time. For this reason, his son transmitted at least 48 traditions on his authority in *al-Muḥaddith al-fāṣil* (Librande 1976).

Al-Rāmahurmuzī spent considerable time in Persia's cities, especially Shirāz, to study under the tutelage of their respective authorities. His pursuit of knowledge also brought him to other leading centers such as Mecca, Egypt, Kūfah (now in Iraq), Kāzerun and Sābūr (both now in present-day Iran), and Balkh (now in Afghanistan). These cities were mentioned in *al-Muḥaddith al-fāṣil* when he conveyed certain traditions. However, it is notable that al-Rāmahurmuzī relied heavily on Iraqi scholars. He transmitted most of the traditions mentioned in the book via prominent *musnids* who lived in Baghdād, Kūfah, and Baṣrah. Among them were Abū l-Qāsim al-Baghawī (d. 317/929), Yaḥyā ibn Muḥammad ibn Ṣā'id (d. 318/930), *al-Ḥāfiẓ* Abū Bakar ibn Abī Dāwūd (d. 316/928), *al-Ḥāfiẓ* Muḥammad ibn 'Abd Allāh al-Ḥaḍramī, also known as *Muṭayyan* (d. 297/909), Muḥammad ibn 'Uthmān ibn Abī Shaybah (d. 297/909), and Abū Khalīfah al-Jumaḥī (d. 305/917). He visited 'Askar Mukram, a small city near Baṣrah, to attend a ḥadīth lecture conducted by *al-Musnid* 'Abd Allāh ibn Aḥmad ibn Mūsā al-Aḥwāzī, who was famously known as 'Abdān (d. end of 306/918). In 'Abdān's lecture hall, he saw Abū l-'Abbās Ibn Surayj (d. 306/918), the most outstanding jurist and defender of the Shāfi'i school of his time.

Clearly, al-Rāmahurmuzī did not leave for Iraq to study ḥadīth *per se*. Instead, he came to the region to learn other disciplines such as law, jurisprudence and theology. He studied law and jurisprudence under

the tutelage of Abū Yaḥyá Zakariyyā ibn Yaḥyá al-Sājī (d. 307/919), a prominent *muḥaddith* and *muftī* of Baṣrah. Al-Dhahabī (1988) says that al-Sājī was the primary reference for Abū l-Ḥasan al-Ash‘arī (d. 324/935), the founder of Ash‘arism, in his exposition of the theological creed of the *Salaf*. Among other things al-Rāmahurmuzī received from al-Sājī was the famous *al-Risālah* of al-Shāfi‘ī, which is often considered the first composition in *uṣūl al-fiqh*. A few paragraphs of the book were cited and wisely utilized in *al-Muḥaddith al-fāṣil*. In the same city, al-Rāmahurmuzī also attended lectures of Abū ‘Abd Allāh Zubayr ibn Aḥmad al-Zubayrī (d. 320/932), a prolific author and one of the respected Shāfi‘ī scholars. Taqī al-Dīn al-Subkī (1413 H, 3:295) praised him as an “*imām* who preserved the *madhabb*, good in literature and expert in genealogy.” Al-Rāmahurmuzī diligently recorded al-Zubayrī’s opinions on ḥadīth technicalities, one of which was his opinion on the minimum age for a student of ḥadīth to begin his study. He says, “It is recommended to begin ḥadīth collection at the age of 20 since it is the mature period of human intelligence” (al-Rāmahurmuzī 2016, 168).

In addition to Islamic law and theology, Arabic historiography and linguistics seemed to be at the top of al-Rāmahurmuzī’s list of interests. During his residency in Baghdād, he attended lectures conducted by several renowned linguists, such as Ibrāhīm ibn Muḥammad ibn ‘Arafah al-Azdī, popularly known as *Naftawayb* (d. 323/935), Ibrāhīm ibn Ḥumayd (or Muḥammad) ibn al-‘Alā’ al-Kalābizī (d. 316/928), and Ibrāhīm ibn al-Sarī al-Zajjāj (d. 311/923). He also studied Arabic history and literature under numerous scholars of Baghdād, including the famous historian (*akhbārī*) Abū Bakar Muḥammad ibn Khalaf ibn al-Marzubān (d. 309/921). The influence of these scholars prevails in various parts of al-Rāmahurmuzī’s discussions in both of his existing works, namely *al-Muḥaddith al-fāṣil* and *Amtbāl al-Nabī*.

In 345-6/956-7, al-Rāmahurmuzī returned to his hometown as a polymath-traditionist. His versatility helped him obtain a place in the Persian intellectual milieu, where “a clerk was more honored than the theologian” (Mez 1937, 171). He reportedly corresponded with two Buwayhid viziers who were literary experts, namely, Abū Muḥammad al-Muhallabī (d. 352/963) and Ibn al-‘Amīd (d. 366 /977). He composed a beautiful poem to praise Buwayhid Sultan ‘Aḍud al-Dawlah (d. 372/983). All of these efforts eventually earned him his position in the Buwayhid administration. He was appointed a *qāḍī*

(judge) in the Khūz district for a while. Nevertheless, there is no clear information on who appointed him and how long he held the position.

Al-Rāmahurmuzī’s intellectual legacy is mainly reflected in his works and students. He penned at least 15 works in which he exhibited good mastery of various Islamic disciplines, including Qur’ānic interpretation, linguistics, and ḥadīth sciences (al-Khaṭīb 1983). However, al-Dhahabī (1998) notes that only two of these works survived, namely *Amtbāl al-Nabī* and *al-Muḥaddith al-fāṣil*. The first book was preserved by his Baghdādī student Abū l-Qāsim ‘Abd Allāh ibn Aḥmad (d. 390/999). The latter was sustained by Abū ‘Abd Allāh Aḥmad ibn Ishāq ibn Kharbān al-Nahāwandī (d. approximately 410/1019) and Abū l-Ḥasan al-Dāraquṭnī who received the book directly from its author (al-Sakhāwī 2003). Many Islamic scholars have been associated with al-Rāmahurmuzī as his students. Among them were the *Muḥaddith* Abū l-Ḥusayn of Sayda in Shām Province (d. 402/1011), *al-Ḥāfiẓ* al-Ḥasan ibn Aḥmad Ibn al-Layth of Shirāz (d. 405/1014), and *al-Ḥāfiẓ* Abū Bakar Aḥmad ibn Musā ibn Mardawayh of Iṣfahān (d. 410/1019). These scholars, except the pure traditionists Ibn Mardawayh and Abū al-Ḥusayn of Sayda, were famous for their affiliation with the Shāfi‘ī school. It gives us a good reason to place al-Rāmahurmuzī in the circle of Shāfi‘ī scholars, although there is no entry displaying his name appears in any of the available biographical dictionaries on Shāfi‘ī scholars.

III. Al-Rāmahurmuzī’s Reformation: Reading of *al-Muḥaddith al-fāṣil*

There is no contention among scholars about al-Rāmahurmuzī’s authorship of *al-Muḥaddith al-fāṣil bayna l-rāwī wa-l-wā‘ī*. In fact, he and the book were almost inseparable. In his biographical exposition on al-Rāmahurmuzī, al-Dhahabī (1986, 16:73) introduces him as “*al-imām*, an excellent ḥadīth expert (*al-ḥāfiẓ al-bāri‘*), the traditionist of Persia (*muḥaddith al-‘Ajām*), Abū Muḥammad al-Ḥasan ibn ‘Abd al-Raḥmān ibn Khallād al-Fārisī al-Rāmahurmuzī, the judge, and the author of *al-Muḥaddith al-fāṣil bayna l-rāwī wa-l-wā‘ī*.” His authorship can also be traced back through *isnāds* (chains of transmission) preserved in various *thabt* compilations. Ibn Khayr al-Ishbilī (1998), for instance, states that he attained the authority to transmit *al-Muḥaddith al-fāṣil* from two masters: Abū l-Ḥakam ibn Ghashliyyān and Abū Ṭāhir al-Silafī. The two had received their authority from Abū l-Ḥasan ‘Ali ibn Aḥmad al-Fālī, who received it

from Aḥmad ibn Ishāq al-Nahāwandī on the authority of Abū Muḥammad al-Rāmahurmuzī. Several centuries later, Ibn Ḥajar al-‘Asqalānī (1992) reveals that he has the authority in transmitting *al-Muḥaddith al-fāṣil* through a chain of transmission that linked him to al-Silafī.

Al-Muḥaddith al-fāṣil, according to al-Dhahabī (1986; 1998), exhibits al-Rāmahurmuzī’s profound mastery in ḥadīth studies. This work earned him a respectable position in ḥadīth historiography as the architect of *‘ulūm l-ḥadīth* (al-Ṣāliḥī 2009; Abu Shuhba, n.d.). Since its publication, the work has influenced subsequent works in the field. Its contents were frequently cited by later authors of *Muṣṭalah* compositions such as al-Khaṭīb al-Baghdādī, al-Qāḍī ‘Iyāḍ and Ibn al-Ṣalāḥ (Abū Zayd 2016). In the twentieth century, *al-Muḥaddith al-fāṣil* was published for the first time by ‘Ajāj al-Khaṭīb in 1971 based on four different manuscripts. He equipped the book with a lengthy introduction that analyzed al-Rāmahurmuzī’s intellectual life and examined the book’s overall content. The publication became the only printed edition of *al-Muḥaddith al-Fāṣil* until Muḥib al-Dīn Abū Zayd published the new edition of *al-Muḥaddith al-Fāṣil* in 2016. The latter was printed based on six manuscripts and offered corrections of mistakes and errors found in al-Khāṭīb’s edition.

The content of *al-Muḥaddith al-fāṣil* consists of 95 headings that carry various specific titles. Some of these begin with the term *bāb* (plural: *abwāb*), which means chapter. In the preface section, al-Rāmahurmuzī elucidates the social background that led to the composition of the book. He begins by mentioning a group of people who despised ḥadīth and ridiculed the people of tradition. After praising ḥadīth and traditionists, he mentions (2016, 132) an incident in which “one of the leading scholars (*shuyūkh al-‘ilm*), who has reached a high position due to his intellectual mastery and virtue,” feels disappointed about the insufficient attention he has received from the people of ḥadīth in Baghdād. They prefer to attend the lectures of a traditionist whose mastery of Islamic knowledge is far inferior. He then implicitly mocks the traditionists in some of his works. Al-Rāmahurmuzī sees this attitude as totally inappropriate. He criticizes the scholar for abusing traditionists despite most of his Islamic knowledge originating from them. He then suggests respecting the jurists (*fuqahā’*) without belittling the transmitters (*ruwāṭ*). He also encourages students of ḥadīth to study law the same way he encourages students of law to study ḥadīth.

Al-Rāmahurmuzī’s preface indicates two distinctive groups of people based on their reception to ḥadīth. Although he does not specify the identity of the people who despised ḥadīth and its scholars, he mentions a set of characteristics by which we can safely assume that he is referring to the rationalist group, which consists of theologians (*mutakallimūn*) and some of the jurists (*fuqabā’*). This group was known at that time for their negative perception of the traditionists. However, it is difficult to identify the scholar he mentions in the Baghdād incident. Through his illustration, however, he most likely belonged to the jurist camp. As a traditionist, al-Rāmahurmuzī would hardly call a theologian “one of the leading scholars,” and if he did, his suggestion to respect both jurists (*fuqabā’*) and traditionists (*ruwāt*) would carry no meaning. Therefore it can be concluded that the incident corresponded to the climate of enmity and competition between jurists and traditionists that dominated the post-*miḥnah* era.

Al-Rāmahurmuzī then addresses the students of ḥadīth and advises them to continue holding onto ḥadīth, to evaluate its contents, and to practice the highest standard of conduct in ḥadīth preservation. He also demands that they avoid all negative attitudes that could be used against them. These are al-Rāmahurmuzī’s main ideas that he develops and elucidates in the entire discussion of his book. As clearly reflected in the title, namely *al-Muḥaddith al-fāṣil bayna l-rāwī wa l-wā’i* (the ḥadīth specialist who distinguishes between the transmitter and the attentive listener), al-Rāmahurmuzī explicitly classifies traditionists into two distinctive groups, the transmitter (*rāwī/nāqil*) and the scholar (*wā’i*). He notes (2016, 143) that the classification was mentioned in a prophetic tradition that states, “Sometimes a person who carries (*ḥāmil*) legal knowledge is in fact not a legal expert (*faqīh*). Sometimes a person conveys knowledge (*fiqh*) to someone more intelligent.” He makes it clear that the ḥadīth is not meant to favor one group over another. Instead, he emphasizes that “the compliment given to one of the two groups is actually praise for the other.”

Al-Rāmahurmuzī’s classification reminds us of Ibn Fūrak’s statement in the opening of his *Muskbil al-ḥadīth wa bayānuh*. He classifies the people of tradition (*aṣḥāb al-ḥadīth*) into two equally important groups: first, the people of transmission (*abl al-naql wa-l-riwāyah*), whose focus is mainly to transmit ḥadīths, to preserve its chains of transmission and to scrutinize its authenticity; second, a group that focuses its efforts on mastering various methodologies of reasoning (*naẓar wa-qiyās*) and exerting argumentative aspects of the

ḥadīths. Ibn Fūrak then metaphorically illustrates the task of the first group in defending prophetic traditions as “the treasurers (*kbazanab*)” and the latter as “the guards (*baṭāriqab*).” In cases of disagreement between the two groups on any theological issues, Ibn Fūrak (2005) suggests preferring the opinion held by the people of *nazar* due to their specialty in the field of speculative theology.

It seems that al-Rāmahurmuzī holds a particular view of those whom he called as transmitters. Despite their dedication to *isnād* and *ḥadīth* compilation, the group generally had no significant expertise in technical aspects and content analysis. In fact, many of them had low mastery of Arabic grammar (*i‘rāb*) due to their negative perception of this branch of knowledge and its scholars. As a result, changes and misreading of texts (*taṣḥīf wa laḥn*) often occurred in ḥadīths they transmitted. Regarding this condition, al-Rāmahurmuzī recalls an event he witnessed in one of the lecture sessions he attended in Iraq. ‘Abdān, the Baṣran ḥadīth master, recited a ḥadīth in which a grammatical error ensued. The Shāfi‘ī jurist Ibn Surayj, who happened to be present at the session, notified him of the error. However, ‘Abdān boldly refused the correction and insisted on his version. Based on this incident, al-Rāmahurmuzī (2016, 544) suggests the need to “disregard the formal wordings of this kind of group as well as their negative perception towards Arabic grammar and its scholars.”

Al-Rāmahurmuzī’s concern about the transmitter group does not prevail only in *al-Muḥaddith al-fāsil*. A similar notion also appears in his second surviving book, *Amtbāl al-Nabī*. Upon commenting on a ḥadīth that mentions a particular people who will be forbidden from reaching the Prophet’s cistern (*ḥawḍ*) in the Hereafter, al-Rāmahurmuzī criticizes the Baghdādī traditionist Mūsá ibn Hārūn al-Bazzār, who refuses to recite the ḥadīth due to his conception that it speaks ill against the Prophet’s companions. This stance, according to al-Rāmahurmuzī (1983, 53), reflects “the opinion (*madhbhab*) of a person who has no relation to ḥadīth except its transmission (*riwāyah*).” He then clarifies that the ḥadīth does not concern the Prophet’s companions. Instead, it talks about the apostates (*abl al-riddab*) who transgressed the obligation of *zakāb* soon after the Prophet passed away.

It seems that the composition of *al-Muḥaddith al-fāsil* is based on such a notion of the transmitter group who, at the time, formed the lion’s share of the Islamic scholarly community. All discussions contained in the book aim to elevate them, as well as other students of

ḥadīth, to the highest level of mastery in ḥadīth. Therefore, the book’s content focuses its discussion on materials that encourage students of ḥadīth to practice a set of ethics and accuracy in ḥadīth learning and teaching. Unlike al-Ḥākim in his *‘ulūm al-ḥadīth*, al-Rāmahurmuzī’s book does not direct its focus to discussions of *isnād* and *matn* theories and technicalities. Instead, the work might aptly be called a “behavioral manual” in the sense that it studies the behavior befitting the *muḥaddith* in preserving ḥadīth reports (Librande 1976).

To do so, al-Rāmahurmuzī introduces a concept that divides ḥadīth preservation activities into two major aspects, namely, *riwāyah* and *dirāyah*. *Riwāyah* associates all materials of ḥadīth with the transmission. It involves the question of memory, written means, styles of procumbents, and types of collections, all touching on how to pass on the report (Librande 1976). On the other hand, *dirāyah* is the critical study of ḥadīths that involves studies of *isnād* and *matn* technicalities. It includes the understanding of ḥadīth wordings and legal contents, the categorization of sound and unsound ḥadīths, and the identification of the correct pronunciation of transmitters’ names and *kunyabs*, which are commonly mistaken. In short, the *riwāyah* is the ability to transmit accurately, and the *dirāyah* is the ability to assess a report critically (Librande 1973). Al-Rāmahurmuzī’s strong emphasis on the importance of *dirāyah* is the focal point of the entire content of *al-Muḥaddith al-fāṣil*. He dedicates two lengthy chapters to exposing the merit of someone who combines both *riwāyah* and *dirāyah*. Quoting Abū ‘Aṣim al-Nabīl, he asserts (2016, 252) that “an authority in ḥadīth without *dirāyah* is poor authority.”

Al-Rāmahurmuzī’s emphasis on *dirāyah* echoes the position held by the reformists who advocated rationality as a vital device in preserving tradition. It also indirectly demonstrates his effort to eliminate the gap that separated the traditionists from the jurists for decades. In doing so, he fairly positions himself as an arbitrator by which he neutralizes abusive remarks from both camps. For instance, he states that the traditionists’ poor mastery in legal rulings and the jurists’ low proficiency in ḥadīth sciences are equally embarrassing. He illustrates the following (2016, p.311):

Nothing is uglier than one of our teachers, who has seen a prominent scholar for years, but wrote in his handwriting, “Wakī on the authority of Shaqīq (it should be: Sufyān) on the authority of al-A‘māsh” for more than 20 ḥadīths. All of which he put a *fatḥa* on the *qāf* (of the word Shaqīq) with confidence. He failed to

differentiate between Sufyān and Shaqīq as well as their different live periods. He also did not know the time gap between Wakī' and senior *tabi'īn* and *mukhbaḍrams*. Nevertheless, when he speaks, he points with his finger. When he issues a legal ruling for specific incidents, he closes his eyes in arrogance. This attitude is as bad as the confusion of Abū Khaythamah and his fellow traditionists when asked if it was permissible for a menstrual woman to wash a deceased body. Moreover, if the story of Abū Mūsá was true, that he was asked about a rat carcass that fell into a well and to which he replied that the well is innocent, it is far uglier than this.

The tendency to eliminate the gap can also be seen in al-Rāmahurmuzī's extensive discussions on various theoretical concepts of ḥadīth sciences. In every discussion regarding ḥadīth technicalities, he noticeably seeks to include the opinions of the jurists (*al-fuqabā'*), whom he often calls *ahl al-naẓar*. For instance, when he discusses the topic of elevation and demotion (*al-ta'ālī wa-l-tanazzul*) in *isnād*, after establishing disagreements among traditionists over which is preferable, he proceeds (2016, 204) to state that the topic was also strongly disputed among the people of *naẓar*. In some discussions, he often uses a combination of the traditionists' and jurists' analyses in elaborating principal theories in ḥadīth technical issues. On one occasion, Al-Rāmahurmuzī (2016, 355) says, "The correct opinion to me, based on both tradition and reason (*min tariq al-atbar wa-l-naẓar*), regarding the appropriate age at which a transmitter (*nāqil*) should convey his authority is when he reaches the age of 50." This aspect distinguishes him from previous ḥadīth scholars who wrote on certain aspects of ḥadīth sciences. They seldom include jurists' opinions on issues regarding ḥadīth technicalities. In fact, Muslim ibn al-Ḥajāj in his *al-Tamyīz* (1431 H, 196) clearly states, "Ḥadīth technicality (*ṣinā'at al-ḥadīth*) and mastery in criteria regarding soundness and unsoundness of ḥadīths solely belong to scholars of ḥadīth."

Regrettably, al-Rāmahurmuzī's inclination to include the jurists' framework in discussions on ḥadīth technicalities caused confusion in recognizing the methodology of early ḥadīth scholars in grading reporters. It can be seen in his disagreement with Shu'bah ibn Ḥajjāj's negative remarks on al-Ḥasan ibn 'Umārah. Shu'bah accused Ḥasan of lying because he conveyed ḥadīths from al-Ḥakam bin 'Utaybah whose legal opinion contradicted their content. Al-Rāmahurmuzī (2016, 327) criticizes Shu'bah's opinion, stating that "a *mufti* does not

have to issue a legal ruling in parallel to ḥadīth he acquired, nor has he to transmit the ḥadīth that supports his ruling.” His notion, however, is incompatible with the rule of ḥadīth criticism applied by early critics. In his *Sharḥ ‘ilal al-Tirmidhī*, Ibn Rajab (2001, 2:276) asserts that Aḥmad bin Ḥanbal and most of the ḥadīth experts (*akḥbar al-ḥuffāz*) used to refute many ḥadīths when they learned that their content in conflict with the transmitter’s legal opinion. According to ‘Amr Mun‘im Salīm (n.d., 42), it is because the discrepancy indicates hidden defects in the ḥadīth in question. Admittedly, the principle has become less popular among recent scholars, who mostly hold the principle that says: *al-‘ibrāh ma rawā lā mā raʿā* (what matters is what the transmitter has narrated, not what he subjectively thinks) (Durays 1428 H, 38). I suggest that al-Rāmahurmuzī’s stand, as well as his influence on later compositions in *Muṣṭalah* literature, has to do with this significant shift in ḥadīth criticism. However, further studies are needed to prove this hypothesis.

As part of his emphasis on *dirāyah*, al-Rāmahurmuzī (2016, 313) urges anyone who is a mere transmitter (*al-rāwī al-mujarrad*) to avoid involving himself in topics beyond his expertise. The suggestion is clearly related to the typical post-*miḥnab* traditionists who participated in theological discourses out of enthusiasm. Their poor mastery in abstract and speculative discussions subsequently caused more harm than good. Al-Rāmahurmuzī’s concern has a firm basis. He recalls an incident in which the traditionist-Ḥanbalite Ḥarb ibn Ismā‘īl al-Sirjānī (d. 280/893) published a book entitled *al-Sunnah wa-l-jamā‘ah*, wherein he condemns the theologians and their opinions on various theological issues. The book then was refuted by a Mu‘tazilite scholar who did not only destroy al-Sirjānī’s arguments but also censure the entire traditionists. In this case, al-Rāmahurmuzī blamed al-Sirjānī’s negligence and arrogance as much as he criticized the Mu‘tazilite scholar for making false accusations. He indicates that if al-Sirjānī had combined his expertise in *riwāyah* with comprehension, he would likely have done better (see also el-Omari 2012).

Al-Rāmahurmuzī’s notion of al-Sirjānī’s incident clearly resonates with the reformists’ take on the traditionists’ approach to current theological issues. As mentioned earlier, many traditionists have developed a radical anti-rationality attitude in dealing with theological issues, especially regarding the meaning of *ṣifāt* traditions, which eventually brought them closer to the stance of the *Mushabbihah* (heretic sect that likens God with creature). Because of this, Abū l-

Ḥasan al-Ṭabarī (2015, 56) criticizes their approach and stresses that “the *Mushabbihab* is different from the people of ḥadīth (*ahl al-ḥadīth*) for their belief is not like theirs, and their school (*madhhab*) is different from theirs.” Long before al-Rāmahurmuzī and al-Ṭabarī, Ibn Qutaybah al-Dīnawarī (d. 276/889) explicitly criticized how traditionists elaborate theological issues. Commenting on polemic over the createdness of Qurʾānic utterance (*al-Lafẓ bi-l-Qurʾān*) and the tension within traditionist group that follows, Ibn Qutaybah notes (1985, 37) that the incident arose due to the nature of the topic that beyond the traditionists’ comprehension. They did not have “the analytical device (*ālat al-tamyīz*), the precision of the reflective scholars (*faḥs al-naẓẓārīn*), and the knowledge of the linguists (*‘ilm ahl al-lughab*).” A similar notion resurfaces several decades later in al-Bayhaqī’s comment on Ibn Khuzaymah, a leading ḥadīth scholar in Nishapur, who states that a person’s sound (*sawt al-musawwit*) is uncreated just like the Qurʾān. Al-Bayhaqī (2002, 2:406) finds the statement “absurd (*‘ibārah radiʾah*)” then alludes to Ibn Khuzaymah’s incompetency in theological discussions. He cites Ibn Abī Ḥātim al-Rāzī who have said, “What is the relation between Abū Bakr (Ibn Khuzaymah) and theology? It is better for us and him to keep silent on topics that we have not mastered.”

Conclusion

This study reveals that *Muḥaddith al-fāṣil* is more than the first works in *‘ulūm l-ḥadīth*. It is undoubtedly one of the best articulations of the urgency of reform within the traditionist group to make them compatible with new challenges in a changing context. Through his work, al-Rāmahurmuzī attempted to revive the ethic and methodology of past ḥadīth scholars, which seemed to be fading away in the post-*mihnah* era. His agenda reemerged decades later in the works of several ḥadīth scholars. It prevails in the works of al-Khaṭīb al-Baghdādī (d. 463/1071), who became familiar with al-Rāmahurmuzī’s ideas via several authorities, namely, ‘Ali ibn Muḥammad al-Muʾaddib, Muḥammad ibn Aḥmad al-Daqqāq, and Abū l-Ṭāhir Muḥammad ibn Aḥmad al-Asnānī. All of these scholars received the authority to transmit *al-Muḥaddith al-fāṣil* from Aḥmad ibn Ishāq al-Nahāwandī, al-Rāmahurmuzī’s senior disciple. Al-Khaṭīb diligently developed al-Rāmahurmuzī’s main ideas in *al-Muḥaddith al-fāṣil* into several independent works. For instance, he developed al-Rāmahurmuzī’s idea of reviving the ethics of past ḥadīth scholars in his famous composition titled *al-Jāmi‘ li-akblāq al-rāwī wa-ādāb al-sāmi‘* (The

comprehensive composition regarding the ethics of transmitter and the attentive listener), in which the divisive terms *al-rāwī* (transmitter/student of ḥadīth) and *al-sāmi* (attentive listener/scholar) were obviously inspired by al-Rāmahurmuzī’s work (Librande 1976). Al-Khaṭīb additionally developed al-Rāmahurmuzī’s idea in explicating the rules and principles of ḥadīth criticism in his *al-Kifāyah fī ‘ilm al-riwāyah* and his apologetic defense of traditionists in *Sharaf Aṣḥāb al-ḥadīth*. In short, because of al-Rāmahurmuzī’s work, al-Khaṭīb became a prolific author who produced influential compositions in ḥadīth sciences, to the extent that Ibn Nuṭṭah (d. 629/1231) has famously said, “Every objective person will admit that all ḥadīth scholars coming after al-Khaṭīb are indebted (‘iyāl) to his works” (al-‘Asqalānī 2002).

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BOOK REVIEWS

Al-Ghazālī on Condemnation of Pride and Self-Admiration (Kitāb dhamm al-kibr wa'l-‘ujb); *Book XXIX of The Revival of the Religious Sciences* (Iḥyā’ ‘ulūm al-dīn). Translated with introduction and notes

by Mohammed Rustom

Jules Janssens



Dialectical Encounter: Contemporary Turkish Muslim Thought in Dialogue by Taraneh R. Wilkinson

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Early Sunnī Historiography: A Study of the Tārīkh of Khalīfa b. Khayyāt, by Tobias Andersson

Khairil Husaini Bin Jamil



Al-Ghazālī on Condemnation of Pride and Self-Admiration (Kitāb dhamm al-kibr wa'l-'ujb); Book XXIX of The Revival of the Religious Sciences (Iḥyā' 'ulūm al-dīn). Translated with introduction and notes by Mohammed Rustom (Cambridge: The Islamic Texts Society, 2018), xxxvi + 190 pp., ISBN: 978-1911141-136, \$20.60 (pb)

The book under review forms part of a large-scale project undertaken by The Islamic Texts Society to offer a critical translation of every book which comprises al-Ghazālī's *Iḥyā' 'ulūm al-dīn* (*The Revival of the Religious Sciences*). The explicit aim of the endeavor is to produce volumes which are not only for scholars working in the field, but also for the wider public. Meeting both demands is no easy task for a translator. Fortunately, the translator of *The Condemnation of Pride and Self-Admiration* (the twenty-ninth book of the *Iḥyā'*) Mohammed Rustom has eminently succeeded on this front. He offers a very accessible, easy-to-read translation. At the same time, he pays serious attention to the Arabic text and points out difficult passages for which, on occasion (namely, when it is both grammatically and doctrinally possible), he does not hesitate to present an alternative translation. In cases where a given translation is not literal (see e.g., p. 91) or includes an interpolation (see e.g., p. 85), Rustom indicates this, and when there is a clear need for it, explains the reason(s) for doing so.

Regarding technical terms or expressions, such as *jabbār* or *tazkiyat al-naḥs* (p. 5, n. B and p. 49, n. A respectively), he makes it clear that their understanding (positively or negatively) largely depends on context. Rustom thus justifies the use of different English words to translate the very same Arabic term (for example, with regard to *jabbār*, he renders it as “arrogant” or in some cases “oppressor” when it pertains to humans, and “Compeller” when it pertains to God). Furthermore, Rustom makes good but critical use of Murtaḍa al-Zabīdī's famous commentary upon the *Iḥyā'*, the *Itḥāf al-sādat al-*

muttaqīn, drawing on it not just as a source for helpful explanations of unclear passages and phrases, but also as a reliable text for correcting most of the problematic readings in the printed edition of the *Iḥyāʾ* used as the basis for his translation (i.e., the increasingly popular Dār al-Minhāj edition).

Special mention should be made of how Rustom, inspired by al-Zabīdī, opts for the unusual translation of *maʿrifā* as “previous acquaintance” (p. 59, n. D), which indeed is the sense that al-Ghazālī had in mind in the context in question. Moreover, Rustom does not hesitate to qualify some affirmations as “unclear,” as, for example, the title of chapter 8 in part I of the book. This title is indeed puzzling, not least because the chapter divides into two parts, the first of which deals with the traits of pride, and the second with those of humility. Thus, the opening words of the actual title, *Akblāq al-mutawāḍiʿīn*, “The Character Traits of the Humble,” cover only the second part. One therefore wonders whether the original title did not in fact feature a reference to the *mutakabbirīn* as well, which would help us make more sense of the title, namely “The Character Traits of the Proud and the Humble.”

In only a handful of situations can one express some degree of reservation with regard to a given translation. By way of example, I refer here to the following three cases:

— p. 39, last paragraph: The passage, “Rather, true knowledge is that through which a person knows himself, his Lord, and the seriousness of the end. For God’s proof is against the scholars; hence, the magnitude of the danger of knowledge . . .,” is in need of some qualification. Surely al-Ghazālī is not opposing knowledge as such (cf. p. 73: “the treatment of pride in terms of knowledge is for a person to know himself and to know his Lord . . .”). Rather, he is against an overconfidence in one’s own intellectual capacities which completely ignores the limits of human reason.

— p. 52, third paragraph: As Rustom explicitly mentions in the two corresponding notes, he omits “son of” before “black man” and “white man” respectively, but these qualifications seem to be crucial given that the hadith in which these expressions figure is used by al-Ghazālī to illustrate the problem of “pride because of *lineage and noble descent*” (emphasis mine).

— p. 122, third paragraph: “you, your ability, will and motion” should be reworded to avoid any stylistic/syntactical ambiguities: “you and your ability, will, and motion”

But these “suggestions for correction” offer at best minor improvements, and certainly do not affect the overall high quality of the translation in any significant way whatsoever.

In his introduction to the translation, Rustom highlights the particular significance of *The Condemnation of Pride and Self-Admiration* with respect to the wider framework of the *Iḥyāʾ*. Although it has not received much attention in contemporary scholarship on al-Ghazālī, there is no doubt that this particular book of the *Iḥyāʾ* is one of al-Ghazālī’s most interesting works on morality and human behaviour. Even today, and even outside of Islam, it offers stimulating ideas regarding the dangers inherent in egotistical love. At the end of his introduction (p. xxxvi), Rustom marvelously summarizes this particular text’s ultimate goal: “If a person can break away from the stranglehold of his ego and conquer his self, he will be able to nurture those qualities of the soul that naturally bring about humility. Put differently, to don the garb of humility is to do away with the self altogether. This is why, in the final analysis, humility is not simply to lower the self. Rather, humility is when there is no self left to lower.”

Rustom also draws his readers’ attention to the fact that al-Muḥāsibī’s *al-Riʿāya li-ḥuqūq Allāh* (mainly for content) and Ibn Abī Dunyā’s *al-Tawāḍuʿ wa-l-khumūl* (for hadiths and narrations) constitute the two major sources for *The Condemnation of Pride and Self-Admiration*. Hence, it is not without surprise that one finds many references to both works in the notes to the translation. But al-Ghazālī copied, or was at least heavily inspired by, more passages than are referred to in the actual notes. For example, for chapter 2 of part 1, one finds in notes 1-3 references to al-Bukhārī and Muslim, but all three of the traditions in question are also present in the *Tawāḍuʿ* (a reference to it is only included in note 1). In fact, parts of the *Tawāḍuʿ* are extensively used in chapters 1-3 and near the end of chapter 8 of part 1. As for al-Muḥāsibī’s *Riʿāya*, it also has been used by al-Ghazālī in a much more significant way than the notes actually suggest.

Yet Rustom is clearly aware of this, as can be deduced from the following remark in his introduction (p. xxvi): “But al-Ghazālī’s main source is *al-Riʿāya* In many instances, al-Ghazālī reproduces and/or reworks passages from this book. Yet, even in so doing, al-

Ghazālī is able to reinvigorate al-Muḥāsibī's treatment of pride and self-admiration by carefully integrating materials from the *Ri'āya* into the framework of the organisational genius that guides his own concerns in *The Condemnation of Pride and Self-Admiration*. This results in a much better, and a more logical and stylistic presentation of the subject matter. Even on a purely conceptual level, al-Ghazālī is able to situate the theoretical problem of pride into his sophisticated conception of the human soul in a way that is more nuanced and detailed than we find in the *Ri'āya*." In a private communication, the translator informed me that to have included a reference to all borrowings and creative adaptations would have caused over-documentation and prolixity in the notes, which indeed is a more than valid argument. All of this is to say that Rustom is clearly aware of the fact that al-Ghazālī sometimes restructures or reworks the *Ri'āya*'s discussions on pride and self-admiration into book twenty-nine of the *Iḥyā'*, while also including substantial additions *and* omissions along the way.

Only a detailed examination will allow us to see whether, and if so, to what degree, these alterations and adaptations are doctrinally significant. In order to give the reader an idea of how al-Ghazālī integrates al-Muḥāsibī's treatment from the *Ri'āya* of pride in particular into his book, I present here two concrete examples:

— In the lines that the *Ri'āya* (ed. 'Aṭā, Cairo, 1971, p. 378) devotes to the occurrence of pride between the servant and the Lord, different Qur'anic verses are quoted, three of which are mentioned by al-Ghazālī—in the very same order—at the end of his treatment of the category of pride towards God at the beginning of chapter 5 of part I (even though the notes identify the Qur'anic quotations, it is regrettable that they do not offer a single reference to their use in the *Ri'āya*). However, the first lines of al-Ghazālī's discussion have no parallel with al-Muḥāsibī's exposition, at least not in the immediate context surrounding these Qur'anic quotations, which leads us to believe that something may have been added here by al-Ghazālī. In so doing, especially by including historical examples, such as Nimrod and Pharaoh, al-Ghazālī in all likelihood wanted to stress how stupid and tyrannical such a form of pride actually is.

— In the same vein, near the end of chapter 4 of part II, one finds references to the sayings of David, the companions of the Prophet (on the day of Ḥunayn), and Job that are also mentioned in the *Ri'āya* (pp. 341-43)—a fact that is largely referred to in the notes, although they do

not mention that the hadith, “So God (Exalted is He) inspired him [i.e. David] ... yourself” (p. 127, lines 1-4), is also mentioned in the *Ri‘āya* (p. 342, lines 7-8). It is worthy to observe that al-Ghazālī, with regard to David, adds a saying on patience (which is related to the Biblical story of David and Bathsheba); and, concerning Job, he includes a final note that emphasizes Job’s recognition that God is the real source of his patience. These additions by al-Ghazālī are rather telling insofar as they underscore the fact that the human virtue of patience always has its ultimate source in God.

Granted that al-Ghazālī borrowed from the works of others rather extensively—and in a way that even for his time went beyond conventional practice—as Lazarus-Yafeh noted already almost half a century ago, he nevertheless did so in a very intelligent manner. Indeed, his ability to creatively restructure and adapt his sources allowed him to introduce many new and innovative ideas and/or perspectives into his writings. In order to be able to evaluate such moves in al-Ghazālī’s work in a correct way, it would be imperative to identify, as much and as precisely as possible, the sources upon which he relied. In his introduction, Mohammed Rustom offers us important clues with respect to al-Ghazālī’s treatment pride and self-admiration. Thanks to them and to his outstanding translation, future research can shed greater light, for example, on the precise merit of al-Ghazālī’s fascinating exposition of the virtue of humility in particular.

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Dialectical Encounter: Contemporary Turkish Muslim Thought in Dialogue, by Taraneh R. Wilkinson. (Edinburgh: Edinburgh University Press, 2019), x+269 pp., ISBN: 9781474441537 £20.00 (pb), £80.00 (hb)

This is a highly intelligent book; it concentrates on two contemporary Turkish theologians (Recep Alpyağıl and Şaban Ali Düzgün) but actually does a lot more than that. It provides an accurate snapshot of the state of the discipline of theology as interpreted by higher education institutions in Turkey in modern times, and given the significant role of religion in the country in recent years under the AKP regime this has wider relevance than merely being academic. Wilkinson carefully delineates what the various concepts and names are used for theology in Turkey, how the profession is organized and most interestingly to me its roots in the Ottoman period. Turkey is an unusual country in that it is very close to Europe and the West in general geographically and culturally and yet persists in often being rather mysterious. Although many of the theologians she mentions in the book were trained at least partially in Western institutions, they often have an agenda and orientation which is quite distinct, as one would expect of any respectable culture with deep historical roots in a period with which many outsiders are entirely unacquainted. Here Wilkinson suggests plausibly that it is the attempt at rediscovery of and renewing the Ottoman roots of contemporary cultural trends along with the application of Western theoretical methodology that is proving to be such an intriguing and profitable enterprise.

One unusual, and to my mind refreshing, theme in the book is the desire to get away from the hoary religion versus reason debate that has bedeviled treatments of modern Turkish culture for far too long. There are so many books on tradition and modernity in Turkey that I breathed a sigh of relief to read one apparently not on the topic, and a book actually arguing that such a dichotomy is not helpful. Wilkinson is not keen on dichotomies at all, and her account of the thought of Recep Alpyağıl approves of his search for a description of theological problems that avoid such an either/or approach. On the other hand, it is difficult to read his work and that of Düzgün also and feel that they

are not both searching for an intellectually respectable role for Islam in a cultural climate that is inimical to Islam, and faith in general. This might seem Eurocentric, something they try to avoid, but as Fazlur Rahman pointed out some time ago, these challenges to religion have to be taken on by Muslims as they have been by others. It is all very well to say that historicity is a kind of narrative in itself, yet it is a relevant question in religion to ask what actually happened, since it is not just our idea of what happened that is important, but what really happened that means something to how we determine what we are going to do in our lives. Rahman has had a profound influence on Turkish theology and surely a benign one since few thinkers can compete with him for clarity and perspicuity. His role in the discipline is one of the reasons that Turkish theology today is so rich and variegated.

One theme of the thinkers Wilkinson discusses here is the need for openness, a very profound idea and far less easy to embody than one might think. The problem is to be open but not sucked up into a world of ideas that are not authentically your own, but rather balance that openness with a respect for one's own culture and religion. It is easier of course to be open to ideas that are relatively distant and exotic, and it is remarkable that there is not one reference in the book to Shi'a Islam, despite the large group of Turkish members of that Islamic denomination. Of course, the organization of official religion and its study in Turkey is profoundly Sunni, no openness there.

Dichotomies do sometimes have a role to play, and many modern religious believers experience the dilemma of trying to hold onto their own culture while acknowledging the force of ideas coming from elsewhere. The point is not to resolve the dilemma but to find accurate ways of explaining and describing it, and this is what many of the Turkish thinkers whom Wilkinson discusses go on to do so well. By the time the reader gets to the end of the book it might be felt that some of those old dichotomies have managed to worm their way back into the narrative after all. Nonetheless, this is a remarkably clear and helpful book for anyone seeking an account of the rich character of Turkish theology and will surely be the standard text dealing with the topic for some time to come.

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Early Sunnī Historiography: A Study of the Tārīkh of Khalīfa b. Khayyāt, by Tobias Andersson (Leiden; Boston: Brill, 2018), 324 pp., ISBN: 9789004383173, \$155.00USD, €129.00 (hb)

My first encounter with Khalīfah ibn Khayyāt (d.240AH/854CE) was during my undergraduate study, where in one of the courses I was assigned to review the development of the genre of *ṭabaqāt* (prosopography arranged by affiliation or generation) in early Islam. It was then that I learned that Khalīfah has gained his reputation as a distinguished scholar of history, particularly among the *sunnī* scholars of post canonization of *ḥadīth* scholarship, by virtue of his two works *Ṭabaqāt* and *Tārīkh*. The scholar marks the emergence of a distinct genre of *ḥadīth*-influenced historical writing in Muslim tradition as illustrated by Akram al-‘Umarī who studied the methods and sources of Khalīfah in his edition of *Tārīkh*. Recently, al-‘Umarī’s treatment proves to be a useful source for both Ḥusayn ‘Āṣī in his Arabic survey of Khalīfah’s method in *Ṭabaqāt* and *Tārīkh*, and Tobias Andersson, the author of the present work in review. Furthermore, Khalīfah’s *Tārīkh*, as identified by its first reviewer in the West, Josef Schacht in 1969, as well as Andersson himself in the present work, is the oldest Islamic chronicle that ever survived. Coincidentally, Khalīfah’s *Ṭabaqāt* is also one of the oldest preserved biographical dictionaries of *ḥadīth* transmitters, besides the famous *Ṭabaqāt* of Muḥammad ibn Ṣa‘d (d. 230AH/845CE). The effort of Andersson to “reassess and reappraise Khalīfah’s *Tārīkh* by means of a detailed analysis of both the text and the context of its compilation,” therefore, is a welcomed contribution to not only our apprehension of Islamic historiography, but also to the field of *ṭabaqāt* and *ḥadīth* studies.

Andersson’s historiographical study of Khalīfah’s work has successfully addressed all the crucial aspects demanded by such an endeavor, covering the transmission of Khalīfah’s work; the social and intellectual context of the work; different categories of its sources from main direct informants to major indirect sources; the author’s methodology as reflected by his epistemological outlook of historical knowledge, his system of reference and his selection and evaluation of

transmitters; and ultimately the structure and arrangement of the work which was formed by its concept of chronography, its method of annalistic and caliphal chronology, and its structure of individual years and lists. Following Fred Donner's development of Albrecht Noth's notion of themes in early Islamic historical tradition, Andersson provides us with two appended chapters delineating the treatment of four themes, i.e., prophethood, community, hegemony, and leadership. Moreover, Andersson's work applies the said framework to an early second *hijrī*/eight century treatise whilst Donner had mainly based his outline on third/ninth and fourth/tenth century works. Aided by his familiarity with the methodologies of *ḥadīth* compilers, Andersson manages to demonstrate Khalifah's distinctive approach to these themes. For instance, in dealing with the theme of prophethood, Andersson shows that Khalifah did not pack his work with materials about *shamā'il*, *mu'jizāt*, *dalā'il al-nubuwwah* or succession of Prophets and Messengers before Prophet Muḥammad, rather he focused exclusively on the post-*hijrah* political and administrative history of the Prophet's life. By so doing, it reveals the stark difference between Khalifah's *tārikh* compilation and the general *ḥadīth* compendia that treat the subject of history. It also illustrates Khalifah's near exclusive rumination on chronology and political-administrative history in the *Tārikh*, as can be appreciated as well from his other attitudes in the book such as his little attention to materials normally associated with *maghāzī-sīrah* and establishment of laws pertaining to *ʿibādah* and *muʿāmalāt*. In short, *Tārikh* seems to be more interested in political administration narrative although its target audience, as evidently established by Andersson, are the proponents of Sunnī *ḥadīth* tradition. Khalifah's tendency to de-emphasize certain controversial subjects further supports his adoption of early Sunnī views of many third/ninth century *ḥadīth* scholars.

This most important conclusion concerning administrative materials portrays Andersson's prowess in comparing and contrasting Khalifah's *Tārikh* to other early, contemporaneous, or later works on *sīrah*, *maghāzī*, *futūh*, *kbilāfab*, etc. Simultaneously, it also provides a problem to his thesis. Andersson locates Khalifah amongst the Basran *ḥadīth* scholars of the late second/eighth and early third/ninth centuries, many of whom, according to him, are known to have shared Khalifah's early Sunnī perspective and his transmission-based approach. Hence, Khalifah's methods, selection of sources and concerns can be explained by embracing this context. Andersson has

also ventured to demonstrate Khalīfah's reputation as a *ḥadīth* scholar himself. Citations of Khalīfah in al-Bukhārī's *al-Jāmi' al-Ṣaḥīḥ* are listed in the appendix of the publication. Taking into consideration his Baṣran background and prominent sources, readers might argue that the scholar's purpose was to legitimize and strengthen the authority of his own scholarly community. It may support the thesis of cultural memory in interpreting early historiographical work. Andersson was quick to notice this and provides the framework of *ḥadīth* authority in the epistemology of historical knowledge as a mechanism of defense. Elsewhere, he stresses that "rather than speaking of local historiographical schools to explain the different types of historiography that were compiled in different places during first three centuries AH, it might be more useful to discuss them in terms of different scholarly traditions and networks in addition to local concerns." This illustrates the awareness of the author of the ongoing debate in modern academia. However, Andersson seems to leave the possibility of diverse *madāris* (schools) within the *ḥadīth* tradition itself, its competition, and their possible different expressions of own traditions, although he did assess criticism levelled against Khalīfah by *ḥadīth* scholars, following the principles of *al-jarḥ wa l-ta'dīl*. Additionally, the Baṣran intellectual history and development, as well as the wider Mesopotamian pre-Islamic influences would require further investigation to see possible nexuses. On a smaller note, as a Malay, I was surprised by the mention of Malays in the first *hijrī* centuries of Baṣrah (p. 74), prior to knowing more of the distantly related al-Sayābijah and al-Zaṭṭ (cf. Jat people) in *Le milieu Basrien* of Charles Pellat.

Immersed in the technicalities of *isnād* criticism and study of transmitters, the work in review exhibits high proficiency with *ḥadīth* terminologies and principles. Andersson has also demonstrated that despite being influenced by *ḥadīth* scholars of his time, Khalīfah upheld a realistic view on historical knowledge and applied it in the less strict field of *akhbār* history. Not only that Khalīfah was consistent with the specific transmission formula such as *ḥaddathanā* (so-and-so narrated to us) and *ḥuddithnā 'an* (it was narrated to us that so-and-so said), he was also well aware of his inclusion of both *ṣaḥīḥ* and *da'īf* reports in the work. Again, this buttresses the working of a distinct trend of *muḥaddith-cum-akhbārī* that paved the way for a more stringent *sīrah and tārikh* criticism in the modern period. It would be interesting to learn how many reports that were considered acceptable

by Khalīfah are contested in later or contemporary times. The study of such may shed more light into the development of criticism with regards to materials of historical knowledge.

All in all, I am of the opinion that Andersson's claim of the treatment of three main areas of inquiry pertaining to the early Islamic historical writing is successfully justified. He lists: (1) the contexts, the methods, and the concerns of Khalīfah, (2) the study of chronography among the early *ḥadīth* scholars; and (3) the articulations of pre-classical Sunnī views in early historical tradition. The outline and the arrangement of Andersson's work are undeniably impressive. The presentation is neat and clear, although the use of end-of-line hyphenation is distracting and possibly not suitable for a work that deals with an immense number of technical terms and transliterations. It is discomforting to see the second part of words such as *Khal-īfa's*, *schol-ars*, *consid-erably*, *corre-spondence*, etc at the beginning of a new line especially when the current word processor can automatically maintain a consistent overall look of the text block. Apart from this, the book deserves to be listed amongst the most essential readings particularly for those interested in *sīrah*, *maghāzī*, *ḥadīth*, *ṭabaqāt*, *ruwāt*, *futūḥ*, *khilāfab*, and definitely *tārikh*. It is also useful as an exemplified guide to preparing an academic proposal and writing a thesis for postgraduate researchers in Islamic studies. Although Andersson's study is based on the recension made by Baqī ibn Makhḷad al-Qurṭubī (d. 276AH/889CE), it manages to enhance our understanding of the scholarly enterprise of Khalīfah ibn Khayyāṭ and enriches the academic investigation of the history of early Islam.

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Book

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Michot, Yahya M. *Ibn Sīnâ: Lettre au Vizir Abû Sa‘îd: Editio princeps d’après le manuscrit de Bursa, traduction de l’arabe, introduction, notes et lexique*. Beirut: al-Burâq, 2000.

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