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THE DIVISION OF THE SEAS IN INTERNATIONAL AND ISLAMIC LAW AND THE CONCEPT OF *ḤARĪM AL-BAḤR*: A COMPARATIVE *FIQH* STUDY

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Abstract

This original research paper investigates how the division of the seas between international (the high seas) and territorial waters is approached in Islamic law as compared to international law. It describes the conceptualization of the seas against the background of contemporary international and Islamic law and analyses the Islamic legal concept of the appurtenance of the sea, *ḥarīm al-baḥr*, as a suitable vehicle to accommodate the modern division. The paper draws on source material from different Islamic schools, with a focus on the Ibāḍī school, which historically has paid relatively more attention to the seas. It suggests legal mechanisms that may be activated with regard to notions of territorial and international waters in Islamic law. The study arrives at the conclusion that some modern representations of *ḥarīm al-baḥr* are not commensurable with its intended legislative purpose (*ʿillah*).

Introduction

Contemporary international law is known for its division of the seas between international (the high seas) and territorial waters. This division is of importance for topics ranging from the usage of resources to maritime piracy. Islamic law, on the other hand, has historically followed a rather specific conceptualization of the division of lands (*taqsīm al-maʿmūrah*) with manifold implications on Islamic legal rules pertaining to personal status, punishments, and financial transactions. How do international law and classical Islamic law each visualize and conceptualize the seas? Do both systems have a similar concept of the division of the seas? Did the classical division of lands in Islamic law affect the status of the seas? Is the concept of *ḥarīm al-baḥr*, the protective zone of the sea, suitable to advocate a division of the seas on Islamic grounds, or could there be other Islamic legal mechanisms? The paper investigates these questions and concludes by suggesting a number of Islamic legal mechanisms vis-à-vis a possible division of the seas in Islamic law.

On the Conceptualization of the Seas in International Law and Islam

The United Nations Convention on the Laws of the Sea (UNCLOS) defines territorial waters as extending to 12 nautical miles from the baseline or low water mark off the coast. This belt is considered part of the sovereign territory of the state, subject to its jurisdiction. Sovereignty also extends over bed and subsoil of the territorial sea, as well as its air space.[1] Innocent passage of war and trade ships as well as transit are permissible.[2] Some states claim a contiguous zone of up to 24 nautical miles; this is used to prevent or punish infringement. Differing interpretations of the Law of Sea may lead to conflict.[3]

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[1]   United Nations Convention on the Law of the Sea, 10 December 1982, Art 2(1), 23 ff. https://www.un.org/depts/los/convention_agreements/convention_overview _convention.htm.

[2]   UNCLOS, Articles 17 ff., 23 ff.

[3]   UNCLOS, 23 ff.; Michael Tsimplis, "The Liabilities of the Vessel," in *Maritime Law*, ed. Yvonne Baatz, 5th ed. (London: Routledge, 2020), 313 ff.,

While the concept of a territorial belt off the coast existed prior to UNCLOS, the establishment of the agreed-upon distance developed over time. From the 18th century, states claimed three (British Empire, US, France) to six (Spain) nautical miles, corresponding to the distance of a cannon shot at the time.[4] After World War II, many states claimed the continental shelves –some (e.g., Chile, Peru) extending up to 200 nm– so as to claim potentially valuable resources for themselves. These claims, however, have been disputed as an overextension of territorial claims.[5]

The sources of UNCLOS and preceding international maritime laws are commensurate with the five sources mentioned in Article 38 of the Statute of the International Court of Justice, listed as primary sources (conventions or treaties, customary law, and general principles recognized by civilized nations), and as secondary sources, judicial decisions, and the teachings of highly qualified publicists.[6]

As for the high seas or international waters, UNCLOS Article 87 defines the "Freedom of the high seas" thus:

> 1. The high seas are open to all States, whether coastal or land-locked. Freedom of the high seas is exercised under the conditions laid down by this Convention and by other rules of international law. It comprises,

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https://doi.org/ 10.4324/9781003046943-7; Anthony Aust, *Handbook of International Law* (Cambridge, UK & New York: Cambridge University Press, 2005), 301 ff.

[4]   James Kraska, *Maritime Power and the Law of the Sea: Expeditionary Operations in World Politics* (New York: Oxford University Press, 2011), 115.

[5]   Kraska, *Maritime Power*, 88.

[6]   The exact wording of Art. 38 is as follows:

   1) The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply:

   a) international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;

   b) international custom, as evidence of a general practice accepted as law;

   c) the general principles of law recognized by civilized nations;

   d) subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

   2) This provision shall not prejudice the power of the Court to decide a case *ex aequo et bono*, if the parties agree thereto. (International Court of Justice, *Statute of the Court*, icj-cij.org).

inter alia, both for coastal and land-locked States: (a) freedom of navigation; (b) freedom of overflight; (c) freedom to lay submarine cables and pipelines, subject to Part VI; (d) freedom to construct artificial islands and other installations permitted under international law, subject to Part VI; (e) freedom of fishing, subject to the conditions laid down in section 2; (f) freedom of scientific research, subject to Parts VI and XIII. 2. These freedoms shall be exercised by all States with due regard for the interests of other States in their exercise of the freedom of the high seas, and also with due regard for the rights under this Convention with respect to activities in the Area.[7]

Western readings on the history of international law describe the division between territorial and international waters as the result of an ongoing discussion in the 17th century. Spain and Portugal, the emerging maritime powers of the late 15th and 16th centuries, had divided the seas between themselves. Hugo Grotius (and others, see below) had opposed this, underlining the freedom of the seas.[8]

Before the advent of Islam, the Mediterranean was governed by Roman law. A common point of reference in Western readings of the history of law, Roman law regarded the open sea as *res nullius* (ownerless property) or *res communis* (common property).[9] Roman vessels sailing outside coastal view were seen as extensions of the land, but imperial order could not be established beyond the human element on the ship.[10] Roman jurisdiction was exercised over any part of the coastal belt under Roman control.[11] As for the Indian Ocean, however, no unified sociocultural or geopolitical entity is known to have existed prior to the advent of Islam.[12] The free use of the ocean

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[7] UNCLOS, Article 87.

[8] Kraska, *Maritime Power and the Law of the Sea*, 47ff.; Hugo Grotius, *The Free Sea*, trans. Richard Hakluyt, ed. David Armitage (Indianapolis: Liberty Fund, 2004).

[9] Kaius Tuori, "The Savage Sea and the Civilizing Law: The Roman Law Tradition and the Rule of the Sea," in *Thalassokratographie: Rezeption und Transformation antiker Seeherrschaft*, ed. Hans Kopp and Christian Wendt (Berlin & Boston: De Gruyter, 2018), 201 ff., https://doi.org/10.1515/9783110571820-009; see also Hassan S. Khalilieh, *Islamic Law of the Sea: Freedom of Navigation and Passage Rights in Islamic Thought* (Cambridge & New York: Cambridge University Press, 2019), 28, https://doi.org/10.1017/9781108630702.

[10] Khalilieh, *Islamic Law of the Sea*, 28.

[11] Khalilieh, *Islamic Law of the Sea*, 28.

[12] *Ibid.*, 28.

seems to have been common ground up to the advent of the new colonial powers from the 15th century onwards.[13]

Grotius, in his *De Jure Praedae: On the Law of Prize and Booty*, devotes a chapter to the "Freedom of the Sea." This chapter appeared in 1609 under the title *Mare Liberum* (The Free Sea).[14] Grotius is, in the Western reading of the history of international law, considered to be the intellectual precursor or even founding father of modern international law of the seas. There is, however, reason to question this evaluation, as much as there is a need to find the missing link between Roman law concepts and those formulated by Grotius. Grotius, who was Dutch, built on the legal philosophy of his predecessors, particularly the School of Salamanca (the Spanish scholastics), Vitoria and Suarez, who had been exposed to the centuries' old established practice of Muslim rule in the Mediterranean.[15] Given the historical background of colonial competition between the great seafaring powers of the day, it may have been Grotius' main intention to counteract the Spanish and Portuguese approach of claiming the high seas for themselves.[16] As Manṣūr rightly pointed out, the Dutch had a large trade fleet, but only a small military one.[17]

The sea routes to India, the East African Coast, Java, and China were already established in pre-Islamic times.[18] Muslim exposure to the sea and seafaring experience may have differed widely according to the advent of Islam in the different regions of its emerging world. While

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[13] David Armitage, introduction to *The Free Sea*, by Hugo Grotius, trans. Richard Hakluyt (Indianapolis: Liberty Fund, 2004), xi-xx; cf. Ḥasan Ṣāliḥ Shihāb, *Aḥmad ibn Mājid wa-l-milāḥah fī l-Muḥīṭ al-Hindī* (Raʾs al-Khaymah: Markaz al-Dirāsāt wa-l-Wathāʾiq, 2001), 43 ff.

[14] Armitage, introduction, xi.

[15] Mark Somos and Joshua Smeltzer, "Vitoria, Suárez, and Grotius: James Brown Scott's Enduring Revival," *Grotiana* 41 (2020), 140 ff.; more research is needed to identify Islamic influences in the writings of these scholars.

[16] See Kraska, *Maritime Power*, 48.

[17] ʿAlī ʿAlī Manṣūr, *al-Sharīʿah al-Islāmiyyah wa-l-qānūn al-duwalī al-ʿāmm* (Cairo: al-Majlis al-Aʿlá li-l-Shuʾūn al-Islāmiyyah, 1971), 105.

[18] George Fadlo Hourani, *Arab Seafaring in the Indian Ocean and Medieval Times* (New York: Octagon Books, 1975), 3 ff.; Philippe Beaujard, *The Worlds of the Indian Ocean: A Global History Volume 1: From the Fourth Millennium BCE to the Sixth Century CE* (Cambridge & New York: Cambridge University Press, 2019), 566 ff.

the Arabs from inland areas of the Arabian Peninsula may have been newcomers to seafaring, Omani and Yemeni tribes had a thorough naval experience sailing and trading the Indian Ocean. Ibn Khaldūn (d. 804/1406) mentions Bedouin nature as a reason for the lack of seafaring culture. In his *Muqaddimah*, he records the initial skepticism of ʿUmar ibn al-Khaṭṭāb about the sea, and the first reluctant steps toward building an Islamic fleet in the time of ʿUthmān, upon Muʿāwiyah's repeated request, which culminated in the first campaign on Cyprus in 27-28 AH /649 CE.[19]

Subsequent centuries experienced a quantum leap, from ʿAmr ibn al-ʿĀṣ' famous dissuasion to ʿUmar from venturing into the sea – warning him that humans are like "worms clinging to a piece of wood" at sea,[20] to eventual Islamic dominance over the Mediterranean.[21] *Ribāṭ* and jihad[22] on the sea and its littoral became realities in the *thughūr* (sg. *thaghr*), the military outposts of North Africa and Greater Syria (*bilād al-shām*), along the coastline of Syria, Lebanon, and Palestine. The Mediterranean advanced from a Roman inland sea (*mare nostrum* or *baḥr al-rūm*, the Roman Sea, in Arabic parlance) to a Muslim-dominated sea (referred to as *baḥr al-shām*, the Sea of Greater Syria). To the East, the Indian Ocean became culturally unified with the advent of Islam,[23] Muslim fleets sailed from Oman via Melaka to China. A (potential) unification of legal concepts and procedures along the coastlines is still subject to research. The existence of the Malay maritime code (*Undang-undang laut Melaka*) may give insights into the importance of Islamic legal concepts of seafaring, at least for later periods.[24] To the West, Muslim historians (such as al-Masʿūdī [d.

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[19]   See Abū Zayd Walī al-Dīn ʿAbd al-Raḥmān ibn Muḥammad Ibn Khaldūn, *Muqaddimat Ibn Khaldūn*, ed. ʿAbd Allāh Muḥammad al-Darwīsh (Damascus: Dār Yaʿrib, 2003), I, 436 ff.

[20]   Abū Jaʿfar Muḥammad ibn Jarīr ibn Yazīd al-Ṭabarī, *Tārīkh al-rusul wa-l-mulūk*, 2nd ed. (Cairo: Dār al-Maʿārif, 1975), III, 259 ff.

[21]   Ibn Khaldūn, *Muqaddimah*, I, 439.

[22]   The term *ribāṭ* (from r-b-ṭ, to bind) specifically refers to settling in the fortified outposts of the Islamic state for defensive purposes, while *jihād*, from j-h-d, to strive for the sake of Allah, in this context, generally refers to military and affiliated actions.

[23]   See Khalilieh, *Islamic Law of the Sea*, 89.

[24]   Richard Winstedt and P. E. de Josselin de Jong, "The Maritime Laws of Malacca," *Journal of the Malayan Branch of the Royal Asiatic Society* 29, no. 3 (1956), 22-59; Zakaria M. Yatim, "The Development of the Law of the Sea in Relation to Malaysia,"

346/957]), have preserved random reports on travels from the Iberian Peninsula across the Atlantic (*baḥr al-ẓulumāt*, the "ocean of darknesses").[25] The Red Sea had the political and cultural status of an inland lake from early Islamic times; so had the Black Sea under Ottoman rule until the 18th century.[26] By the 14th-15th centuries, the unrivaled expertise of Muslim geographers, seafarers, and cartographers was used by the newly arising colonial powers, Portugal and Spain, in their struggle for hegemony over the oceans.[27] In other words, seas and littorals globally were exposed to Islamic culture, and Islamic culture, inclusive of its law and sciences, was affected by a preoccupation with the sea.

The seas either divided between the realms of Islam and non-Islam and represented actual borders, or they gradually came to be surrounded by Islamic territories, like the Mediterranean after the consolidation of Islamic hegemony and the Red Sea. They became places of hajj routes, travel, wars and treaties, taking prisoners, undertaking trade, and earning a livelihood. The seas remained places of interaction between individuals of different religions and cultures.[28] The influence of maritime Islamic culture on the adjoining peoples and cultures of both the Mediterranean and the Indian Ocean is well established.[29] The influence of Islamic legal rules on institutions,

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Malaysian Management Journal 1 (1992), 87-88; Stamford Raffles, "The Maritime Code of the Malays," *Journal of the Straits Branch of the Royal Asiatic Society* 3 (July 1879), 62-84; Mardiana Nordin, "*Undang-Undang Laut Melaka*: A Note on Malay Maritime Law in the 15th Century," in *Memory and Knowledge of the Sea in Southeast Asia*, ed. Danny Wong Tze Ken (Kuala Lumpur: Institute of Ocean and Earth Sciences [IOES], University of Malaya, 2008), 15-21.

[25] Anwar ʿAbd al-ʿAlīm, *al-Milāḥah wa-ʿulūm al-biḥār ʿinda l-ʿArab* (Kuwait: al-Majlis al-Waṭanī li-l-Thaqāfah, 1979), 34 ff.

[26] Khalilieh, *Islamic Law of the Sea*, 8; Nihat Çelik, "The Black Sea and the Balkans under Ottoman Rule," *Karadeniz Araştırmaları* 6/24 (2010), 19.

[27] See Hourani, *Arab Seafaring*, 51 ff.; Beaujard, *Worlds of the Indian Ocean*, 566 ff.

[28] See Omar H. Ali, *Islam in the Indian Ocean World: A Brief History with Documents. The Bedford Series in History and Culture* (Boston & New York: Bedford/St. Martin's, 2016).

[29] For the Indian Ocean, see the newer work of Abdulrahman Al-Salimi and Eric Staples, *A Maritime Lexicon: Arabic Nautical Terminology in the Indian Ocean*, ed. Abdulrahman Al-Salimi and Ersilia Francesca (Hildesheim: Olms Verlag, 2019).

practices, and legal theories in East and West, however, has hardly been researched.[30]

Contemporary literature often belittles Muslim jurists' contributions to the law of the seas, within the Islamic framework as well as with regard to the Islamic influences on international legal concepts. Khadduri states, "Most of the Muslim jurists are silent about the sea, and those few who treated the subject scarcely provide us with adequate materials to reconstruct a legal theory of the sea as a vehicle between nations in war and peace."[31] Udovitch, in his introduction to *Kitāb Akriyat al-sufun*, an 11th century treatise on maritime trade laws, echoes this tone.[32] While it is obvious to remind these voices of the casuistic character of Islamic law,[33] one should also not forget that

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[30] Contemporary research on Islam in the Indian Ocean does not focus on legal rules and institutions, but on Islam as a cultural force and unifier between stakeholders and networks as well as navigation; see Tuba Azeem, "Muslims' Share of the Waves: Law, War and Tradition," *Policy Perspectives* 17, no. 2 (2020), 81, https://doi.org/10.13169/polipers.17.2.0067; cf. Patricia A. Risso, *Merchants and Faith: Muslim Commerce and Culture in The Indian Ocean*, ebook edition (New York: Routledge, 2019); Hourani, *Arab Seafaring*; Syed Sulaiman Nadvi, *The Arab Navigation* (Lahore: Ashraf, 1966). For an exhaustive bibliography on navigation studies, cf. Juan Acevedo and Inês Bénard, "Indian Ocean Arab Navigation Studies Towards a Global Perspective: Annotated Bibliography and Research Roadmap," Technical Note 2, Version 3, University of Lisbon: ERC RUTTER Project, 31 December 2020, https://doi.org/10.6084/m9.figshare.12389855.

Hassan Khalilieh in his *Islamic Law of the Sea* has recently expounded on the immense contribution of Islamic Law and practice on the formation of the international law of the seas. See also Khaled Ramadan Bashir, *International Islamic Law: Historical Foundations and Al-Shaybani's Siyar* (Cheltenham: Edward Elgar, 2018), doi:10.4337/9781788113861.

[31] Majid Khadduri, *War and Peace in the Law of Islam* (Baltimore & London: The Johns Hopkins Press, 1955)*,* 111 ff.: "Few subjects has the juristic literature of Islam treated so inadequately as salt-water warfare. The indifference reflects not only early Muslim mistrust of the Sea, but also, perhaps more important, the fact that Muslim power was essentially a land –not sea– power." (p. 109); This statement unfortunately defies the historical reality of Muslim marine presence in the Mediterranean, the Red Sea, and the Indian Ocean.

[32] Abraham L. Udovitch, "An Eleventh Century Islamic Treatise on the Law of the Sea," *Annales Islamologiques* 27 (1994), 38.

[33] See Azeem, "Muslims' Share of the Waves," 76.

specific, relevant manuscripts may have been lost. The very discovery of *Kitāb Akriyat al-sufun,* "The Book on Hiring Ships," an 11th century Mālikī treatise,[34] may be indicative of the existence of similar manuscripts yet to be unearthed. As the focus of other contemporary scholars may have been on the cultural role rather than the legal agency of Islam in the seas, future research may bring the actual Islamic legal contribution into the limelight.[35] To assume a lack of (legal) interest in the seas defies centuries of historical Islamic hegemony over the same.[36] Initial research seems to hint that Ibāḍī scholars were more focused than others on the seas.[37] These writings may have been

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[34] Muḥammad ibn ʿUmar al-Kinānī, *Kitāb Akriyat al-sufun*, translated and analyzed by Hassan S. Khalilieh, in *Admiralty and Maritime Laws in the Mediterranean Sea (ca. 800-1050): The Kitāb Akriyat al-Sufun vis-à-vis the Nomos Rhodion Nautikos* (Leiden & Boston: Brill, 2006); see also Udovitch, "An Eleventh Century Islamic Treatise on the Law of the Sea," 37-54.

[35] As Azeem points out, "There is vast amount of scholarly work to be unearthed in primary Sunni schools, historical accounts of Muslim travelers, legal commentaries, fatawas, khitab, glossaries, policy and legal directives of rulers, in the Mediterranean and Indian Ocean rims": Azeem, "Muslims' Share of the Waves," 81; Khalilieh made a major contribution in uncovering the Muslim contribution to maritime laws, but focuses, in his own mold, on natural and customary law concepts; see Khalilieh's *Admiralty and Maritime Laws in the Mediterranean* and *Islamic Law of the Sea.*

[36] As does, for instance, Kaegi's remark that "There was no tradition of Arab or Muslim seafaring" (Walter E. Kaegi, *Muslim Expansion and Byzantine Collapse in North Africa* [Cambridge University Press, 2010], 209), which does obviously not consider Arab seafaring experience in the Indian Ocean or Muslim hegemony over the Mediterranean, see also Udovitch, "Treatise on the Law of the Sea," 37-54.

[37] Wilkinson enthusiastically asserts that the Ibāḍī school is the only school to develop a system of maritime trade laws. The seas obviously played a major role for Oman, Ibāḍī heartland for centuries. The possibility that more directed research may uncover the existence of comparable laws in other legal schools should, however, not be excluded; John C. Wilkinson, *Ibāḍism: Origins and Early Development in Oman* (Oxford: Oxford University Press, 2010; Oxford Scholarship Online, 2011), 21, doi:10.1093/acprof:oso/9780199588268.001.0001.

For the exposure of Ibāḍī *fiqh* encyclopedias to maritime questions see Nāṣir ibn Sayf al-Saʿdī, "al-Baḥr min khilāl al-jawābāt wa-l-nawāzil al-fiqhiyyah al-ʿUmāniyyah: al-nuẓum, wa-l-ʿalāqāt, wa-l-ḥawādith," in *al-Awrāq al-ʿilmiyyah [Proceedings] li-l-muʾtamar al-dawlī: Turāth ʿUmān al-baḥrī, 23-25 October 2018,* ed. Aḥmad ibn Ḥāmid al-Rubʿānī (Al Khoudh, Oman: Markaz al-Dirāsāt al-

overlooked in the mainstream literature. Based on the current source situation, it seems premature to state that "neither the schools nor the other legal authorities set up comprehensive maritime codes."[38] Maritime codes, such as the Malaysian *Undang-undang laut Melaka*, have come down to us from later eras (here, the 15th century), and there is no reason to categorically deny the possibility that earlier codes existed.

The question that needs to be asked in this context is whether there was, from the point of view of the *fuqahāʾ* (scholars of *fiqh*), a need for a particular Islamic theory of the "sea as a vehicle between nations in war and peace"[39] that is different from the legal theory of international relations *(siyar,* see below). Rather than implying neglect on the part of the Muslim jurists, I suggest that they saw no need for a distinctive legal theory of international relations regarding the seas, because most legal cases (regarding warfare, highway robbery and piracy, travel, *amān* [security], trade and customs) did not differ in between the land and the seas.

Taqsīm al-maʿmūrah, the Division of Land – and Seas? On the Conceptualization of the Seas in Islamic Law

Islamic *fiqh* compendia have always been expressive of the reality at hand. They discussed real legal cases, attempting to provide actionable solutions. It lies in the nature of these texts to discuss legal questions *(masāʾil)* that need a solution, not to formulate theories. The theoretical foundations, however, can be deducted from a comparison and analysis of these legal questions and their discussion. Cases related to the sea, whatever is taken from it of food and resources, piracy, trade, taxes, jihad, *ribāṭ*, taking prisoners, individuals stranded at the shore, people lost on the seas, and so forth, are integrated into the books of *fiqh* of all legal schools. (Legal) conceptualizations of the seas may also be found in books of geography and nautical sciences, history, travelogues, and contracts, with regard to Muslim practices across time and space.

ʿUmāniyyah, Sultan Qaboos University, 2020), 208-231; also, in the same proceedings: al-Khulūd bint Ḥamdān Khāṭiriyyah, "Turāth ʿUmān al-baḥrī fī l-fiqh al-Ibāḍī min khilāl Kitāb Bayān al-sharʿ li-l-shaykh al-qāḍī Muḥammad ibn Ibrāhīm al-Kindī (t. 508 hijrī/1115 mīlādī)," 443-463.

38 Azeem, "Muslims' Share of the Waves," 76.

39 Khadduri, *War and Peace in the Law of Islam,* 111 ff.

The Islamic theory of international relations (generally *siyar*, pl. of *sīrah*[40]) pivots around rules of conduct between Muslims and non-Muslims in both domestic and international spheres, in times of war and peace. Given the monistic character of Islamic law, there is no difference between sources of legal rules in international relations and others: they are derived from the primary and secondary sources.[41] First specialized extant treatises, such as the works of al-Awzāʿī (d. 157/774), his student al-Fazārī (d. 188/803), and standard works such as al-Shaybānī's (d. 189/804) *K. al-Siyar al-kabīr* stem from the second century AH, and subsequent *fiqh* compendia of all Islamic schools include discussions of related legal cases.[42] In classical Islamic jurisprudence, lives, properties, and minor children of non-Muslims inside and outside the abode of Islam are protected through covenant or treaty (generally, *ʿahd*; more specifically, *amān*: a guaranty to security of life and possessions). An *amān* granted to non-Muslims can be temporary (*amān al-mustaʾmin, amān muʾaqqat khāṣṣ*) or permanent (*amān ahl al-dhimmah, amān muʾabbad*). While each of these forms of *amān* or covenant has different conditions in terms of who may conclude it on behalf of the Muslims (the *imām* or head of state, his representative, or any Muslim individual), the basic principle is that authority needs to be invested in that person or group of persons

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[40]　The Ḥanafī scholar al-Sarakhsī (d. 483/1090) produced an often quoted definition of the term *siyar* in the introduction to his Book of Siyar (*Kitāb al-siyar*), a chapter of *K. al-Mabsūṭ*: "Know that *al-siyar* is the plural form of *sīrah* (transl. method, way): and this book has been named so as it explains the method of the Muslims in their transactions (*muʿāmalāt*) with the polytheists (*mushrikūn*) of the people of war (*ahl al-ḥarb*), and those who are under treaty among them (*ahl al-ʿahd minhum*), of *mustaʾminūn* and *ahl al-dhimmah*, as well as with the apostates (*al-murtaddūn*), who are the most despicable disbelievers, as they are in a state of denial after their profession of faith; as well as with rebels (*ahl al-baghy*), whose situation is unlike the situation of the polytheists, even if they are ignorant and misguided in their interpretation [of Islam]; Abū Bakr Shams al-aʾimmah Muḥammad ibn Aḥmad ibn Sahl al-Sarakhsī,: *Kitāb al-Mabsūṭ* (Beirut: Dār al-Maʿrifah, 1993), X, 2.

[41]　See Anke Iman Bouzenita, "The siyar – An Islamic law of nations?" *Asian Journal of Social Science* 35, no. 1 (2007), 19-46, https://doi.org/10.1163/156853107X170150, 37 ff.

[42]　See Bouzenita, "Transgressing the Terms of Covenant in the Islamic Jurisprudence of International Relations: The cases of Socotra and Cyprus in Comparison," *Intellectual Discourse* 28, no. 2 (2020), 460 ff.

by the head of state. Once established, the *amān* is to be respected. It can be cancelled due to a proven transgression from the person under covenant. While the permanent *amān* (*dhimmah*) is comparable to the modern concept of citizenship, the temporary *amān* is needed to legally enter *dār al-Islām* for any purpose, including trade. Absence of *amān* may entail loss of life and property or be a reason for legal expulsion. The *mustaʾmin* (seeker of *amān*) needs to be allowed to transit or be escorted safely (i.e., safe passage) back to his *maʾman* (place of entry or security) once his term or mission has ended.[43]

Classical *fiqh* compendia are famous for their division of lands into different territories, i.e., the territory of Islam (*dār al-Islām*) or the territory of unbelief (*dār al-kufr*, also *dār al-ḥarb*). This division does not necessarily correspond to any fixed geographical location, but rather it depends on the laws and systems that are implemented, and upon security and defense.[44] *Dār al-ʿahd*, or the land under covenant, is sometimes constructed as a third entity, but legally pertains to either one of the abodes, depending on the terms of contract.[45] Given the prominence this division has in classical *fiqh* compendia, due to its consequences on many legal cases (usually referred to under *ikhtilāf al-dārayn*: the differences in the two abodes), one would expect that any discussion of the seas and their possible division would have been held within this framework. It seems, however, that classical scholars have not explicitly devoted themselves much to the sea and its legal status as far as this division is concerned. This does not necessarily

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[43] ʿAbbās Shawmān, *al-ʿAlāqāt al-duwaliyyah fī l-sharīʿah al-Islāmiyyah* (Cairo: Dār al-Thaqāfah li-l-Nashr, 1999), 73 ff.; cf. Bouzenita, "Transgressing the Terms of Covenant," 460 ff.

[44] The bulk of available literature on this topic is immense; I therefore refer to the minimum of works providing definitions and terminology: on *dār al-Islām*/*dār al-ḥarb* and related rules, cf. Wizārat al-Awqāf wa-l-Shuʾūn al-Islāmiyyah, *al-Mawsūʿah al-fiqhiyyah al-Kuwaytiyyah* (Kuwait: Dār al-Salāsil, 1404-1427/1983-2006), XX, 201 ff. (definitions); on *maʾman* see *al-Mawsūʿah al-fiqhiyyah al-Kuwaytiyyah*, XLII, 228 ff.; cf. Muḥammad Khayr Haykal, *al-Jihād wa-l-qitāl fī l-siyāsah al-sharʿiyyah* (Beirut: Dār Ibn Ḥazm, 1996), 662ff.; for different *fiqhī* definitions, cf. Luṭfī Ismāʿīl al-Faṭṭānī, *Ikhtilāf al-dārayn wa-atharuhū fī aḥkām al-munākaḥāt wa-l-muʿāmalāt* (Cairo: Dār al-Salām, 1998), 23 ff.

[45] Al-Faṭṭānī, *Ikhtilāf al-dārayn*, 37ff.

mean that the seas are not subject to this division in their legal conceptualization.[46]

The sea was obviously considered as defying security. Some early Ibāḍī *fiqh* encyclopedias, such as Abū Bakr al-Kindī's (d. 557/1162)[47] *Muṣannaf*, advise that earning a livelihood should not be sought through the sea, whereas traveling by sea for hajj and jihad was considered acceptable.[48] Al-ʿAwtabī (d. 512/1119), the author of *K. al-Ḍiyāʾ*, a work of comparative *fiqh*, mentions the teaching of al-Imām al-Shāfiʿī that hajj is not obligatory for the people of Oman as the sea is not a safe hajj route, and no enemy could be more inimical than the sea.[49] Al-ʿAwtabī concludes that the pilgrimage of the people of Oman counts like two pilgrimages, due to its difficulty.[50] The Ḥanbalī scholar Ibn Qudāmah (d. 620/1223) in his *al-Mughnī* asserts, on the authority of the Prophet (pbuh), that someone martyred at sea has the equivalent reward of two martyrdoms on land.[51]

The Ḥanafī compendium *Radd al-muḥtār ʿalá l-durr al-mukhtār* by Ibn ʿĀbidīn, (d. 1252/1836) mentions different views with regard to the categorization of the seas as *dār al-Islām* or *dār al-ḥarb* (*dār al-*

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[46] Interestingly, the issue seems to have been neglected by some contemporary authors as well. Khalilieh (*Islamic Law of the Sea*) goes to great lengths to explain the division of the world into the abodes of Islam and *kufr* and the various affiliated legal rules, but does not examine the status of the seas in the jurisprudential writings with regard to this division.

[47] Abū Bakr Aḥmad ibn ʿAbd Allāh ibn Mūsá al-Kindī, a polymath and *mujtahid* from Nizwa, Oman, who left a rich literary heritage. See Sayf ibn Ḥamūd ibn Ḥāmid al-Baṭṭāshī, *Itḥāf al-aʿyān fī tārīkh baʿḍ ʿulamāʾ ʿUmān*, 2nd ed. (Oman: Maktabat al-Mustashār al-Khāṣṣ li-Jalālat al-Sulṭān li-l-Shuʾūn al-Dīniyyah wa-l-Tārīkhiyyah, 2004), I, 362 ff.

[48] Abū Bakr Aḥmad ibn ʿAbd Allāh ibn Mūsá al-Kindī, *al-Muṣannaf*, ed. Muṣṭafá ibn Sālim Bājū (Muscat: Wizārat al-Awqāf wa-l-Shuʾūn al-Dīniyyah, 2016), XVIII, 52; cf. al-Saʿdī, "al-Baḥr," 217.

[49] Abū l-Mundhir Salām ibn Muslim al-ʿAwtabī, *Kitāb al-Ḍiyāʾ*, ed. al-Ḥājj Sulaymān ibn Ibrāhīm Bābzīz and Dāwūd ibn ʿUmar Bābzīz (Muscat: Wizārat al-Awqāf wa-l-Shuʾūn al-dīniyyah, 1436/2015), XI, 49; cf. al-Saʿdī, "al-Baḥr," 217.

[50] Al-ʿAwtabī, *Kitāb al-ḍiyāʾ*, XI, 50; cf. al-Saʿdī, "al-Baḥr," 217.

[51] Muwaffaq al-Dīn Abū Muḥammad Ibn Qudāmah al-Maqdisī, *al-Mughnī* (Cairo: Maktabat al-Qāhirah, 1968), IX, 200 ff.

kufr). The author states, citing al-Ḥamawī,[52] that the desert and open sea (*al-baḥr al-māliḥ*: lit. "the salty sea") are classified as *dār al-ḥarb* if there is no *dār al-Islām* on the other side of it; that the surface of the open sea (*saṭḥ al-baḥr*) takes the rule of *dār ḥarb* (according to the *Ḥāshiyah* of Ibn Saʿūd). "The reader of the *Hidāyah* was asked whether the open sea (*al-baḥr al-māliḥ*) pertained to *dār al-ḥarb*, or *dār al-Islām*? He answered: It does not pertain to either of them, as no one can subjugate it."[53] For some scholars, the lack of state authority over the deep sea seems reason enough not to categorize it as either abode of war or of peace. The author of *Radd al-muḥtār*, however, prefers the view that the open sea (like the desert) is categorized as *dār al-ḥarb*, and refers to a preceding discussion of the marriage of a non-Muslim. In that chapter, the author explicitly states that whatever is not classified as *dār al-ḥarb* or *dār al-Islām*, like the open sea (*al-baḥr al-māliḥ*), takes the rule of *dār ḥarb*, "as nobody has any authority over it". If, for instance, a *dhimmī* embarks on the open sea, he is considered to have left *dār al-Islām*, and his *dhimmī* contract is void; the *mustaʾmin* who takes to the open sea thereby loses his contract, and his merchandise will be taxed (*ʿushr* will be levied) upon reentry to *dār al-Islām*.[54] The legal reason is the lack of authority (*wilāyah*) over the open sea.[55]

The theme of authority with regard to the seas is verifiable in the earliest works on Islamic international relations (*siyar*). In his *Kitāb al-Siyar*, one of the earliest and most extensive works on this topic, al-Fazārī (d. 192/807) mentions (as a remark about the partition of war spoils if somebody finds his possessions among the spoils of war, after the non-Muslim enemy had taken control of it): "Whatever the sea has seized (*mā ghalaba ʿalayhi l-baḥr*) is in the same category as what the

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[52]   Abū ʿAbd Allāh Shihāb al-Dīn Yāqūt ibn ʿAbd Allāh al-Rūmī al-Ḥamawī (d. 626/1229), author of *Muʿjam al-buldān*, a literary geographical encyclopedia.

[53]   Muḥammad Amīn ibn ʿUmar Ibn ʿĀbidīn, *Radd al-muḥtār ʿalā l-durr al-mukhtār: Sharḥ Tanwīr al-abṣār* (Beirut: Dār al-Kutub al-ʿIlmiyyah, 2003), VI, 267; The discussion comes under the headline: "The desert and open sea have the status of the abode of war."; cf. Muhammad Hamidullah, *Muslim Conduct of State* (Lahore: Ashraf, 1945), 83 ff.; Aḥmad Abū l-Wafāʾ, *Aḥkām al-qānūn al-duwalī wa-l-ʿalāqāt al-duwaliyyah fī l-fiqh al-Ibāḍī* (Muscat: Wizārat al-Awqāf wa-l-Shuʾūn al-Dīniyyah, 2013), II, 69.

[54]   Ibn ʿĀbidīn, *Radd al-muḥtār*, IV, 363.

[55]   See Hamidullah, *Muslim Conduct of State*, 85ff.

enemy has conquered."[56] The analogy drawn from the enemy's authority or control to that of the sea is obvious. The enemy's authority defies Islamic authority, and so does the sea's. Elsewhere, al-Fazārī refers to "something found in the sea in enemy territory, of gems or pearls" and its property status; a clear indication of the existence of different divisions of the sea, depending on who can claim authority over them, the enemy, or the Muslims.[57]

An excerpt from the Shāfiʿī scholar al-Shāshī (d. 344/955) may serve to further elucidate this point regarding the lack of authority over the high seas: "The hand of authority (*yad al-tasalluṭ*) extends over the greater lands and what they enclose of the seas (inland lakes), [but] not over the greater oceans and whatever is in them [...]"[58] The discussion of *wilāyah* (authority), or rather the absence of it, with regard to the seas in the quoted excerpts of *fiqh* compendia is based on the basic conceptualization of what constitutes *dār al-Islām* and its antipode: that authority as well as security either belong to Islam (i.e., are being upheld by Muslims), or do not. We may take the scholars' references as a hint at their underlying concept of authority. The high seas defy Islamic authority and security, just like enemy territory.

Apart from the legal conceptualization vis-à-vis the division of lands in *fiqh* compendia, excerpts from geographical and nautical literature are often referred to in contemporary contributions to prove the division of seas in Islam. Al-Idrīsī (d. 560/1165, in his epochal work *Nuzhat al-mushtāq fī ikhtirāq al-āfāq* commissioned by the ruler of Sicily, describes manned outposts on the coastline of the Arab Sea (by the mouth of the Tigris River): wooden pole constructs with platforms occupied by guards who row over to their posts and back with small

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[56]   Abū Isḥāq Ibrāhīm ibn Muḥammad ibn Ḥārith al-Fazārī, *Kitāb al-Siyar li-shaykh al-Islām Abī Isḥāq al-Fazārī*, ed. Fārūq Ḥamādah (Beirut: Muʾassasat al-Risālah, 1987), 152, para. 127.

[57]   Al-Fazārī, *Kitāb al-Siyar*, 107, para. 13.

[58]   Niẓām al-Dīn Abū ʿAlī Aḥmad ibn Muḥammad ibn Isḥāq al-Shāshī, *Uṣūl al-Shāshī* (Beirut: Dār al-Kitāb al-ʿArabī, 1982), 395; cf. Abū l-Wafāʾ, *Aḥkām al-qānūn al-duwalī*, II, 69. The context of the discussion relates to levying *khumus* (a fifth of its value, which is to be paid to the state) on ambergris (*ʿanbar*) and the Ḥanafī views on it. Given that ambergris is taken from the sea and not by force, it does not count as booty (*ghanīmah*); therefore, it is to be treated like fish and the *khumus* is not levied on it. *Ghanīmah*, on the other hand, is what is taken by force; thus, *khumus* is levied on it.

boats.[59] Whether this practice was common at the time to protect the coastline from intruders, or exceptional, is a subject for more research. It may, however, serve as an indicator of an extension of territorial sovereignty to the shoreline.[60]

Aḥmad ibn Mājid (1435-1500 CE), the well-known seafarer and scholar who spent his life on the Indian Ocean, and a precursor to Grotius by nearly two centuries, was the author of several books summarizing his knowledge on seafaring and navigation, most importantly *K. al-Fawāʾid wa-l-qawāʿid fī uṣūl ʿilm al-baḥr*. As much as Ibn Mājid may have drawn on the customs of his time, shaped by many prior and contemporary seafaring nations (China, India, Persia, and coastal African nations, among others), his knowledge was in turn taken up by the Portuguese in the Indian Ocean. He is often referred to as having made a distinction between territorial and high seas, defining the end of territorial waters as the point where the view of the coast vanishes from the view of the seafarer positioned atop the highest mast of a sailing vessel as it leaves the shore.[61] This distance could be measured at four nautical miles under normal conditions.[62] Ibn Mājid, however, does not mention any numbers in defining this distance. The hard evidence for these statements proves to be a minor quote from his book:

> But the sea does not belong to any of these groups (referring to the great seafaring nations of Chinese, Indians, Persians, and Africans); once the lands disappear from your sight, the only thing left to you is your knowledge of the stars and how to be guided by them.[63]

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[59] Abū ʿAbd Allāh Muḥammad ibn Muḥammad ibn ʿAbd Allāh al-Idrīsī, *Kitāb Nuzhat al-mushtāq fī ikhtirāq al-āfāq* (Cairo: Maktabat al-Thaqāfah al-Dīniyyah, 2002, I, 385.

[60] See Khalilieh, *Islamic Law of the Sea*, 166: "Save for Idrisi's unique fixing of the maritime sovereignty of the coastal village of Bajanis at six miles (10 kilometers), the breadth of a territorial sea varies from one place to another due to topographical differences."

[61] See ʿAbd al-ʿAlīm, *al-Milāḥah*, 183; cf. Abū l-Wafāʾ, *Aḥkām al-qānūn al-duwalī*, II, 56, and Khalilieh, *Islamic Law of the Sea*, 104 ff.

[62] ʿAbd al-ʿAlīm, *al-Milāḥah*, 219; cf. Abū l-Wafāʾ, *Aḥkām al-qānūn al-duwalī*, II, 66.

[63] Shihāb al-Dīn Aḥmad ibn Mājid ibn Muḥammad al-Najdī, *Kitāb al-Fawāʾid fī maʿrifat ʿilm al-baḥr wa-l-qawāʿid*, transcr. Najm al-Dīn Beg (Damascus: Ecole Superieure d'Arabe, 1926), Manuscript/Mixed material, Library of Congress no. 2008401696, https://www.loc.gov/item/2008401696/, 350/151; cf. ʿAbd al ʿAlīm,

Although the quotation has frequently been used as evidence for the existence of a division in Islam between territorial and international waters, caution is advised. The context is clearly the nautical orientation of the seafarer according to the coastline or lack of it; if the coast is out of sight, the sailor can only rely on the stars. The text does not carry any implication of a conceptual or legal division of the seas.

More fruitful in this context may be the discussion of *maʾman* in the *fiqh* literature. It is the safe place any individual seeker of *amān* must be returned to without being harmed. The *maʾman* or place of safe refuge designates the marking point where Islamic authority ends, be it on land or at sea. Two examples from the Mālikī *madhdhab*, of representatives of different periods (Ibn Saḥnūn's [d. 240/855] *al-Mudawwanah* and Ibn Rushd's [d. 595/1198] *al-Bayān wa-l-taḥṣīl*) may illustrate how differently this marking point came to be defined even within the same legal school, depending on the spheres of influence and authority in different eras.

> Mālik was asked about Romans who disembark on the Muslims' coast with an *amān*. They have merchandise with them and buy and sell [engage in trade]. They then embark on the sea, returning to their homelands, and as they are extremely far out at sea (*fa-idhā amʿanū fī l-baḥr*), the wind casts them to the shores of some Muslim lands, other than the ones they had taken their *amān* from. Mālik said: I opine (*arā*) that their *amān* is still valid as long as they are trading [on their business trip] until they return to their countries, and I do not see (*lā arā*) that they should be attacked.[64]

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al-Milāḥah, 183; cf. Khalilieh, *Islamic Law of the Sea*, 104 ff.; Abū l-Wafāʾ, *Aḥkām al-qānūn al-duwalī*, II, 66.

[64] The reference is also interesting with regards to its interpretation in the contemporary literature. Abū l-Wafāʾ, *Aḥkām al-qānūn al-duwalī*, II, 69 (mis)reads Mālik's answer "I opine that they are still in the state of having *amān*, as long as they are trading (on their business trip) (*mā dāmū fī tajrihim*)" as "as long as they are in their sea (*mā dāmū fī baḥrihim*)". The principles he deduces from this example, the first of which being "the supposition of the existence of areas in the sea under the authority of non-Muslim states," are therefore without evidence. Upon verification in different editions of the *Mudawwanah*, I have come to the conclusion that the text actually reads "*tajrihim*" and not "*baḥrihim*." If the author has come to his reading based on analysis of different manuscripts rather than a misreading of the text, I assume that he would have mentioned it. See also: Muḥammad ibn Ibrāhīm al-Kindī, *Bayān al-sharʿ* (Muscat: Wizārat al-Turāth al-

Ibn Rushd, centuries later, specifies the *maʾman*, the safe refuge, for a group of people who had entered *dār al-Islām* to undertake trade and then travel back via the sea: where is their *maʾman*, their safe place, where they do not fear their enemy? He refers to the view of some that their safe place is their land, once they get out of the sea, as the number of Muslim ships in the sea is very high.[65] This alludes to the fact that the sea was under Islamic authority at the time, and that non-Muslim territory started on the other side of that sea, as compared to al-Imām Mālik's time (see above) where the end of Islamic territory regarding the sea seems to have been conceptualized as "where ships cannot be sighted."

These examples also showcase that non-Muslims are in need of an *amān* to enter Islamic territory from the sea. With regard to the treatment of *mustaʾminūn*, it does not look like the *fuqahāʾ* differentiated between people coming from the land- or seaside. In the *fiqh* scholars' conceptualization, the sea constituted an effective border if the coastline on the other side led to the non-Islamic territory, whereas the sea was considered part of Islamic territory if the opposite side was under Islamic control. In this case, Islamic authority automatically extended over the sea and foreign ships needed permission for passage. There was, on these grounds, no need for a juristic treatment and theorization of territorial and international seas.

Upon perusal of the relevant *fiqhī* treatises, we may summarise that the classical *fuqahāʾ* have mentioned a number of legal cases related to the sea regarding trade, piracy, and jihad and *ribāṭ*. These do not differ essentially from comparable cases on land. Many examples support this reasoning. Al-Fazārī's *Kitāb al-Siyar*, for instance, states with regard to the division of spoils on land and at sea: "I asked him: If

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Qawmī wa-l-Thaqāfah, Salṭanat ʿUmān, 1993), LXIX, 192, for a discussion of similar cases of doubtful or pretended *amān*.

[65]   Abū l-Walīd Muḥammad ibn Aḥmad Ibn Rushd al-Qurṭubī, *al-Bayān wa-l-taḥṣīl wa-l-sharḥ wa-l-tawjīh wa-l-taʿlīl fī l-masāʾil al-mustakhrajah* (Beirut: Dār al-Gharb al-Islāmī, 1988), III, 60-62; cf. Abū l-Wafāʾ, *Aḥkām al-qānūn al-duwalī*, II, 74 ff. and Khalilieh, *Islamic Law of the Sea*, 105.

Khalilieh, interestingly, after quoting Ibn Mājid (see above) sets the maritime belt (the visible distance from the coast) on a par with *maʾman*, referring to Ibn Rushd; although the two statements were made in different contexts and the *maʾman* with regard to the sea obviously had different interpretations, depending on the security situation at the specific time (Khalilieh, *Islamic Law of the Sea*, 105 ff.).

they (the *Murābiṭūn*) take the horses with them in their boats (*marākib*) on the sea, does the horse's owner receive a share at sea just like he does on land? He said: Yes."[66] Khadduri infers with regard to permissible and impermissible actions in marine warfare: "As a general rule the jurists agreed to apply, by analogy, the rules governing a castle in land warfare to a vessel in sea warfare."[67] While the possibility cannot be excluded, some examples quoted by Khadduri do not bear any relation to sea warfare at all,[68] and no Muslim jurist seems to have explicitly stated this analogy.

Borders in early and late medieval times, and in the conceptualization of the *fuqahāʾ*, were not hard, permanent, or sacrosanct, but rather were considered to be fluid. While *ribāṭ* and *thughūr* along the land or sea borders, for instance in Greater Syria (*bilād al-shām*) and the Caucasus (*arḍ al-rūm*), were considered outposts of *dār al-Islām*, they were also points of extension for that *dār* and starting points for military campaigns. From this perspective, there was no difference between a land or sea border with regard to the entry and exit of individuals, be they traders or travelers, just as there was no difference in the rules of warfare on land and at sea. Whoever entered *dār al-Islām* via a land or sea border could be a Muslim from *dār al-Islām*, a Muslim from *dār al-kufr*, a *dhimmī*, *mustaʾmin* or *ḥarbī* without prior *amān* or clarified status. Permission or denial of entry as well as taxes on goods and merchandise were levied according to the person's status and, in the case of *mustaʾminūn*, often based on reciprocal agreements.

Some contemporary authors try to prove the existence of a territorial sea in Islamic law on the basis of taxes having been levied, as discussed in the *fiqh* literature. Nāṣir al-Saʿdī mentions a number of cases in the *fiqh* and historical literature (with relevance to Oman, mainly) that draw a connection between state protection (*ḥimāyah*) and levying *zakāh* and *ʿushūr*.[69] What can be concluded from these

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[66] Al-Fazārī, *Kitāb al-Siyar*, 113, see also para. 253.

[67] Khadduri, *War and Peace in the Law of Islam*, 113.

[68] The discussion of the permissibility to attack enemy vessels at sea if they shield themselves with Muslims, women or children seems to be a reference to the famous case of *tatarrus* on land, discussed in Shaybānī's *K. al-Siyar al-kabīr* (see Khadduri, *War and Peace in the Law of Islam*, 113). This is clearly Khadduri's interpretation: Shaybānī himself does not mention the sea in this case.

[69] Al-Saʿdī, "al-Baḥr," 211 ff.; cf. al-Khāṭiriyyah, "Turāth ʿUmān al-baḥrī," 448.

cases and reports is that the sea was considered a border just like the land border, and that harbors and ports receiving seafarers and traders were outposts of *dār al-Islām*. As for the various dues that were levied (on merchandise) during the different periods of Islamic history, they are linked to the personal legal status of their owner: Muslim (liable to pay *zakāh*), *dhimmī* (liable to pay *ʿushūr*) or *ḥarbī mustaʾmin* (liable to pay taxes according to the principle of reciprocity).[70] These examples are not conclusive with regard to the existence of territorial seas in the modern sense, but they do prove the existence of entry points to *dār al-Islām*.

ʿUmar ibn ʿAbd al-ʿAzīz is reported to have written to his governors regarding the general permissibility of acquiring a livelihood from the land and the sea alike, and informing them that earnings from such work should not be taxed. ʿUmar's instruction is sometimes quoted to support the concept of free seas; however, it seems to refer to the concept of subservience (*taskhīr*) rather than to questions of authority or the division of seas.[71]

An interesting aspect to discuss here is the authority of the captain on board the ship: how far did his authority go, and does the question of his authority allow conclusions with regard to the status of the seas? ʿAbd al-ʿAlīm contends that the captain's authority and jurisdiction over his boat and what is on it, the transport of goods, and dicta on territorial and high seas, was accepted practice in Ibn Mājid's time and today has become part of international law.[72] I am inclined to be more cautious with regard to the extent of the captain's authority in Islamic law. The practice regarding the captain's authority may have changed from era to era, and according to the influence of different legal interpretations. Generally, the extent and limits of the captain's authority depended on the specific powers that the state (personified by the head of state or imām) had invested him with.

If the open sea really was regarded as enemy territory (*dār al-ḥarb*), it is likely that the same legal rules (in their diversity and different interpretations) found in the *fiqh* compendia with regard to the legal

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[70]   See al-Saʿdī, "al-Baḥr," 213.

[71]   Manṣūr, *al-Sharīʿah al-Islāmiyyah wa-l-qānūn al-duwalī*, 106; ʿAlī Muḥammad Muḥammad al-Ṣallābī, *ʿUmar ibn ʿAbd al-ʿAzīz: Maʿālim al-tajdīd wa-l-iṣlāḥ al-rāshidī ʿalá minhāj al-nubuwwah* (Cairo: Dār al-Tawzīʿ wa-l-Nashr al-Islāmiyyah, 2006), 69; cf. Abū l-Wafāʾ, *Aḥkām al-qānūn al-duwalī*, II, 33.

[72]   ʿAbd al-ʿAlīm, *al-Milāḥah*, 184.

authority of a (here: military) leader in enemy territory would be applied. While according to some schools the captain had the authority to implement some rules and punishments, according to other schools he may have had to bring delinquents on shore to the state authorities (usually referred to as the *imām*) for judgment.[73] Although the captain of a ship may have been invested with certain powers, it is to be expected that some cases had to be resolved ashore, in the presence of the head of state or appointed judge (*qāḍī*) in a formal hearing. To what extent was legal authority represented on board a vessel through the presence of a judge? Or, in the absence of that, did principles allowing the community of Muslims to take over certain functions come to be applied? Further investigation is needed in order to answer these questions. Despite contemporary attempts at classification, Islamic law (with its own independent systemic categories and rationale) cannot be categorized as following exclusively either the personality or the territoriality principle of law.[74] Accordingly, more research is necessary to examine the relationship between the implementation of different types of Islamic law, be they related to personal status, trade, taxes, punishments (*ḥudūd* and *taʿzīr*), spatial considerations (*dār al-Islām*, *dār al-ḥarb*), and invested authority (*wilāyah*) on the seas.

A cursory reading reveals diverse case studies in the *fiqh* compendia which incorporate the question of *wilāyah* on the sea, for instance in Ibn Qudāmah's *al-Mughnī*: if someone had participated in sea raids and then wanted to settle on the coast, he needs to ask for permission from the person who has authority over all the ships; it does not suffice to ask the one in authority over his ship alone.[75] It is to be expected that cases regarding authority (*wilāyah*) on the open seas have been treated comparably to cases implementing legal rules (*al-ḥukm al-sharʿī*) in *dār al-ḥarb*, with difference of opinion involved mainly in the domain of punishments for capital crimes (*ḥudūd*).

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[73]   Bouzenita, "The Principles of Territoriality and Personality in Islamic Law: Is There a Locus Regit Actum in Shari'ah?" *International Journal of the Humanities* 9, no. 7 (2011), 185-195, https://doi.org/10.18848/1447-9508/cgp/v09i07/43287.

[74]   See Bouzenita, "The Principles of Territoriality and Personality," 165.

[75]   Ibn Qudāmah, *al-Mughnī*, IX, 209.

Cases of maritime piracy generally take the same rule as highway robbery (*ḥirābah*, *qaṭʿ al-ṭarīq*).[76] This may serve as proof that no major differences existed between land and sea with regard to legal rules; a transgression against people's lives and properties is the same at sea as on land. Interesting for our topic is the following from al-Kindī's *Bayān al-sharʿ*: "In case they (the pirates) leave the borders of the Muslims' governance, they may be left alone and not prosecuted, but if they commit a crime in the governance of the Muslims, penalty (*ḥadd*) is adjudged according to their deeds."[77] "Muslims' governance" here obviously refers to shores and waters under Islamic authority.[78] Al-Kindī insists that pirates who pretend to leave their criminal actions and embrace Islam need to be brought to the *imām* first, to ascertain the credibility of their case.[79] Similar cases underline the necessity to forward cases to the *imām* to decide.[80] According to al-Kindī, it is also permissible to destroy pirate vessels that are moored on the shores.[81]

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[76]   See ʿAbd al-Raḥmān ibn Aḥmad ibn Muḥammad Fāyiʿ, *Aḥkām al-baḥr fī l-fiqh al-Islāmī* (Jeddah: Dār al-Andalus al-Khaḍrāʾ & Beirut: Dār Ibn Ḥazm, 2000), 581; Anke Iman Bouzenita and Saʿīd al-Ṣawāfī, "ʿUmān wa-l-qarṣanah al-baḥriyyah," *al-Tajdīd* 25, no. 49 (2021), 215-247.

[77]   Al-Kindī, *Bayān al-sharʿ*, LXIX, 189; cf. Bouzenita and al-Ṣawāfī, "ʿUmān wa-l-qarṣanah al-baḥriyyah," 497.

[78]   The famous letter of al-Imām al-Salṭ, directed to his armies ahead of the Socotran campaign in the 3rd century H to restore Omani rule after an insurgence of the local Dhimmah population, contains the opposite advice: "If the matter between you and your enemy extends to the African coastline (*raʾs al-zinj*: Guardafui, on today's Somalian coastline), take it out there; and if the matter between them and you has been decided, do not violate your agreement, Allah willing. Should the matter not be decided up to Tabramah, then take it as far as Tabramah (probably Barmah on the East African coast), Allah willing. I hope that you will have enough food to last you until then, Allah willing"; See Nūr al-Dīn ʿAbd Allāh ibn Ḥumayd al-Sālimī, *Tuḥfat al-aʿyān bi-sīrat ahl ʿUmān*, ed Abū Isḥāq Aṭfayyish (Ruwi, Muscat: al-Maṭābiʿ al-Dhahabiyyah, 1983), 182; cf. Bouzenita, "A Reading in the Applied Ibāḍī Fiqh of International Relations: The Directive of Imām al-Salṭ (d. 275/888) to His Army Concerning Socotra," *Ilahiyat Studies* 10, no. 1 (2019), 7-45, https://doi.org/10.12730/13091719.2019.101.188, 40.

[79]   Al-Kindī, *Bayān al-sharʿ*, LXIX, 194.

[80]   *Ibid.*, LXIX, 194.

[81]   *Ibid.*, LXIX, 195.

The Division of the Seas and the Concept of *Ḥarīm al-baḥr*

While classical scholarship has devoted ample space to the discussion of the *ḥarīm* or protected zone, modern scholarship and encyclopedias generally touch on the issue without in-depth discussion.[82] However, a number of contemporary authors (probably starting with Hamidullah's groundbreaking work *Muslim Conduct of State*, 1945) have referred to the Islamic legal concept of *ḥarīm*, more particularly the *ḥarīm* of the sea (*ḥarīm al-baḥr*), as a vehicle to declare the division of the seas into territorial and international waters as Islamically recognized or valid. While details of the contemporary contributions will be discussed below, we will begin with a discussion of the concept of *ḥarīm al-baḥr* and explore its suitability to accommodate this analogy.

It is incumbent to investigate the *fiqhī* definition, rule (*ḥukm*), rationale (*ʿillah*) and/or wisdom (*ḥikmah*)[83] of legislation of the legal concept of *ḥarīm*. Linguistically, the term *ḥarīm*, (pl.: *ḥurum*, from the root word *ḥ-r-m*, to prohibit, forbid, protect) refers to whatever is forbidden and must not be violated or transgressed against, including the clothing that the pilgrim in the state of purification (*muḥrim*) puts aside, the yard/compound of a house or mosque, what a person fights for and protects, and a protected space (*ḥimā*).[84]

Technically, the *ḥarīm* of a particular place or thing comprises the rights and facilities that surround it;[85] "it was called this because it is prohibited for anyone other than the proprietor to monopolize its

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[82] Against the trend, a master's thesis was devoted to the topic in 1999: Ḥasan ibn Khalaf ibn Saʿīd al-Riyāmī, "al-Ḥarīm wa-aḥkāmuhū fī l-fiqh al-Islāmī: Dirāsah muqāranah" (master's thesis, Mafraq, Jordan: Jāmiʿat Āl al-Bayt, 1999).

[83] The term *ʿillah* or rationale in Islamic legal theory describes the reason for which a legal rule was legislated; it follows a number of conditions and procedures for identification and is, briefly, inseparable from the existence of the legal rule ("The legal rule turns with its rationale in existence and absence"). The *ḥikmah* or wisdom, on the other hand, generally refers to the effect of implementing the legal rule, which may or may not transpire with its implementation. The difference or congruence between *ʿillah* and *ḥikmah*, and whether a legal rule can or cannot be rationalized though its *ḥikmah* is a contested field among legal theorists, the point of view adapted here is that the two concepts are different; cf. Wahbah al-Zuḥaylī, *Uṣūl al-fiqh al-Islāmī* (Damascus: Dār al-Fikr, 1986), I, 646 ff.

[84] *Al-Mawsūʿah al-fiqhiyyah al-kuwaytiyyah*, XVII, 212.

[85] *Ibid*.

usage."[86] The *ḥarīm* of something are the facilities that surround it, pertain to it, and are off-limits. The Shāfiʿī school defines *ḥarīm* as what is needed for a complete usage of something, even if the original usage can occur without it.[87]

Fiqh compendia of all schools discuss the *ḥarīm* or protected zone of houses, villages, mosques, trees, date palms, cultivated lands, and explicitly of different water sources: wells, springs, canals (*aflāj*), streams and rivers, and the sea. The legitimacy of a *ḥarīm* goes back to the Prophetic hadith "Whoever digs out a well has a protected zone (*ḥarīm*) of 40 cubits (*dhirāʾ*)[88] in which to tether his livestock," as well as similar hadiths and *āthār*.[89] The conditions for possessing this type of land are the same as the conditions for taking possession of barren land by reviving (i.e., cultivating) it.[90]

Scholars of various schools differ on the exact extension of the *ḥarīm* of a particular thing. This difference is due to different narrations that vary in their description of the particular extent. In addition, some scholars prefer to assess the extent of the *ḥarīm* depending on the specified measurements in the narrated texts, while others consider the particular purpose and kind of usage and are therefore open to assessing it on the basis of custom (*ʿurf*).[91] Ḥanafī scholars, for instance, differentiate between a well from which a human could draw water and one that needed an animal to draw water from it and therefore needs more space to be operated.[92] Scholars of the Mālikī and

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[86]   *Ibid*.

[87]   *Ibid*.; cf. the definitions in al-Riyāmī, "al-Ḥarīm wa-aḥkāmuhū," 11 ff.

[88]   The term *dhirāʿ* designates a unit of length measurement in Islamic culture (such as *farsakh*, *mayl* and *barīd*) and may be translated as ell or cubit; cf. al-Riyāmī, "al-Ḥarīm wa-aḥkāmuhū," 54 ff. and Khalilieh, *Islamic Law of the Sea*, 118. A *dhirāʿ* corresponds to approximately half a meter, with divergent views; al-Riyāmī, "al-Ḥarīm wa-aḥkāmuhū," 71.

[89]   *Al-Mawsūʿah al-fiqhiyyah al-kuwaytiyyah*, XVII, 213.

[90]   *Ibid*., 213.

[91]   Hanā Fahmī ʿĪsá, "Ḥimāyat al-sharīʿah al-Islāmiyyah li-l-bīʾah al-ṭabīʿiyyah: Dirāsah fiqhiyyah muqāranah," *Majallat Kulliyat al-Sharīʿah wa-l-qānūn bi-Ṭanṭā* 33 (2018), 200; al-Riyāmī, "al-Ḥarīm wa-aḥkāmuhū," 32.

[92]   *Al-Mawsūʿah al-fiqhiyyah al-Kuwaytiyyah*, XVII, 214; see ʿAlāʾ al-Dīn Abū Bakr ibn Masʿūd ibn Aḥmad al-Kāsānī, *Badāʾiʿ al-ṣanāʾiʿ fī tartīb al-sharāʾiʿ*, 2nd ed (Beirut: Dār al-Kutub al-ʿIlmiyyah, 1986), VI, 195 ff.

Shāfiʿī schools suggest that the exact limits of the protected zone change according to need, purpose, kind of use, and type of soil.[93]

A transgression against the *ḥarīm* is not permissible, and buildings erected in this zone can be destroyed, even if it is a mosque.[94] The transgression may be considered more severe in case the *ḥarīm* of public property (like rivers and seas) has been usurped, as accessibility must be safeguarded. It is not permissible to erect residential or other buildings on the beach, for example.[95] The discussion of the extent of a particular *ḥarīm* is also linked to the legal maxim of preventing harm (*lā ḍarar wa-lā ḍirār*).[96]

The *Ḥarīm* of the Sea in Islamic Law

The discussion of *ḥarīm* of water sources (wells, springs, rivers) is often embedded in the context of *iḥyāʾ al-mawāt*, the cultivation of barren land. Scholars of the Ḥanafī school seem to have focused on the *ḥarīm* of wells and rivers.[97] The *Majallat al-aḥkām al-ʿadliyyah* mentions different protective zones[98], but does not discuss the *ḥarīm* of the sea. It also stays true to the principle of open access to water resources,[99] common property of water, grass, and fire,[100] and declares "seas and large lakes are free for all to use."[101]

The *Mudawwanah* states that neither wells nor springs have a specified *ḥarīm* in the *fiqh* of Imām Mālik, with the exception of what involves any harm.[102] Al-Siqillī (d. 451/1059) mentions specified *ḥarīm* zones for different types of wells, springs, and rivers, but does not

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[93] *Al-Mawsūʿah al-fiqhiyyah al-Kuwaytiyyah*, XVII, 214.

[94] ʿĪsá, "Ḥimāyat al-sharīʿah al-Islāmiyyah li-l-bīʾah," 203.

[95] Ibid., 204.

[96] Al-Riyāmī, "al-Ḥarīm wa-aḥkāmuhū," 43 ff.

[97] Al-Kāsānī, *Badāʾiʿ al-ṣanāʾiʿ*, VI, 195 ff.; al-Sarakhsī, *Kitāb al-Mabsūṭ*, XV, 31.

[98] Charles Robert Tyser, D. G. Demetriades, and Ismail Haqqi Effendi, trans., *The Mejelle: Being an English Translation of Majallah el-Ahkam-i-Adliya and a Complete Code of Islamic Civil Law* (Kuala Lumpur: The Other Press, 2001; repr. 2003), paragraphs 1280 ff., 209 ff.

[99] *Ibid.*, paragraph 1234ff., 202.

[100] *Ibid.*, paragraph 1234.

[101] *Ibid.*, paragraph 1237, 202.

[102] Mālik ibn Anas ibn Mālik ibn ʿĀmir al-Aṣbaḥī al-Madanī, "Ḥarīm al-ābār," in *al-Mudawwanah* (Beirut: Dār al-Kutub al-ʿIlmiyyah, 1415/1994), IV, 168; cf. ʿĪsá, "Ḥimāyat al-sharīʿah al-Islāmiyyah li-l-bīʾah," 198.

mention the sea.[103] Some Mālikī jurists, like Ashhab ibn ʿAbd al-ʿAzīz (d. 204/819) did not opine in favor of the existence of a protective zone to the sea.[104]

Al-Māwardī (d. 450/1058) in his *al-Aḥkām al-sulṭāniyyah* goes into great detail discussing the *ḥarīm* of rivers, wells, and springs, and a multitude of related legal rules, in the chapter titled "On reviving barren land and the extraction of water."[105] He does not, however, discuss the *ḥarīm* of the sea or any division of the sea. The Ḥanbalī scholar Abū Yaʿlā's book with the same title is nearly identical in approach and discussion; he does not mention the *ḥarīm* of the sea, either.[106] Wahbah al-Zuḥaylī, in his encyclopedic *al-Fiqh al-Islāmī wa-adillatuhū*, renders the scholars' views on the *ḥarīm* of different kinds of wells and rivers, but does not mention the *ḥarīm* of the sea.[107]

Upon perusal of the *fiqh* compendia of different legal schools and traditions, it seems that the compendia of the Ibāḍī school have more references to the topic than do other schools. One may infer that the sea and its *ḥarīm* have not been a focal point of the scholars. Al-Riyāmī emphasizes that only the scholars of the Ibāḍī school have mentioned the *ḥarīm* of the valley (*wādī*) and the sea.[108] This corresponds to my

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[103] Muḥammad ibn Yūnus al-Tamīmī al-Ṣiqillī, *al-Jāmiʿ li-masāʾil al-Mudawwanah*, ed. scholars (*majmūʿah min al-bāḥithīn*) from Maʿhad al-Buḥūth al-ʿilmiyyah wa-Iḥyāʾ al-Turāth al-Islāmī (Mecca: Jāmiʿat Umm al-Qurá, 2013), XVIII, 225.

[104] Abū Muḥammad ʿAbd Allāh ibn Abī Zayd al-Qayrawānī, *al-Nawādir wa-l-ziyādāt ʿalá mā fī l-Mudawwanah min ghayrihā min al-ummuhāt* (Beirut: Dār al-Gharb al-Islāmī, 1999), X, 251; cf. Khalilieh, *Islamic Law of the Sea*, 120.

[105] Al-Māwardī, *al-Aḥkām al-sulṭāniyyah*, 264-274.

[106] Al-Qāḍī Abū Yaʿlā Muḥammad ibn al-Ḥusayn ibn Khalaf ibn al-Farrāʾ, *al-Aḥkām al-sulṭāniyyah*, ed. Muḥammad Ḥāmid al-Fiqī, 2nd ed. (Beirut: Dār al-Kutub al-ʿIlmiyyah, 1938), 209 ff.

[107] Wahbah Muṣṭafá al-Zuḥaylī, *al-Fiqh al-Islāmī wa-adillatuhū*, 4th ed. (Damascus, n.d.), VI, 511 ff.

[108] Al-Riyāmī, "al-Ḥarīm wa-aḥkāmuhū," 102; he refers to al-Fursuṭāʾī's *al-Qismah wa-uṣūl al-araḍīn* and al-Shaqsī's *Minhāj al-ṭālibīn*: Abū l-ʿAbbās Aḥmad ibn Muḥammad al-Fursuṭāʾī al-Nafūsī, *al-Qismah wa-uṣūl al-araḍīn: Kitāb fī fiqh al-ʿimārah al-Islāmiyyah*, ed. Bakīr ibn Muḥammad al-Shaykh Balḥāj and Muḥammad ibn Ṣāliḥ Nāṣir (al-Qarārah: Nashr Jamʿiyyat al-Turāth, 1997); Khamīs ibn Saʿīd ibn ʿAlī ibn Masʿūd al-Shaqsī, *Minhāj al-ṭālibīn wa-balāgh al-rāghibīn*, ed. & annot. Muḥammad Kamāl al-Dīn Imām (Muscat: Wizārat al-Awqāf wa-l-Shuʾūn al-Dīniyyah, 2011).

own findings. Numerous cases in the Ibāḍī *fiqh* literature show that the question of *ḥarīm al-baḥr* was discussed and applied over the centuries,[109] a clear indicator of the important role of the geographical coastline for followers and scholars of the Ibāḍī school.

Abū Bakr al-Kindī states in his *Muṣannaf*, on the authority of Abū l-Hawārī, a third century H Omani Ibāḍī scholar, that the *ḥarīm* of the sea's coastline is 500 *dhirāʿ*(cubits). If the extension of this zone of 500 cubits is barren land, no one has a claim over it, no one may build on it, unless he cultivates the land.[110] He also mentions a different opinion: a *ḥarīm* of 40 *dhirāʿ* from the coastline; the zones start from the point of highest extension of the tide toward the land side ("*thumma al-ṭarīq, thumma al-buyūt*"), respectively. The purpose of this zone (be it 40 or 500 cubits) is to allow people to benefit from the sea by ensuring its accessibility for all. Hence, it is not permissible to build within this zone, and whoever did so is to be dispossessed of the building.[111]

Al-Shaqṣī (d. 1090/1679) explains:

The *ḥarīm* of the sea is 40 cubits, starting from the point where the high tide reaches to people's facilities. And it is said: The *ḥarīm* of the sea is 500 cubits and more if there is no sign of cultivation, and this is considered barren land (*mawāt*) for those who cultivate it. And it is said: It is permissible to benefit from it, and no one may forbid [access to] it, even if he builds on it and cultivates it.[112]

Al-Fursuṭāʾī, a North African Ibāḍī scholar (d. 504/1110) mentions a difference of opinion between the scholars regarding the distance: 500, 200, or 40 cubits, starting from the highest point of extension of the tide. He emphasizes the prohibition of building in this zone, even for

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[109] Al-Saʿdī, "al-Baḥr," 209 ff.

[110] Al-Kindī, *al-Muṣannaf*, XI, 7.

[111] The contemporary *Muʿjam al-muṣṭalaḥāt al-Ibāḍiyyah* summarizes the most salient rules, referring to the most important Ibāḍī works cited here, among them al-Fursuṭāʾī, Abū Bakr al-Kindī, and al-Shaqṣī (Majmūʿah min al-bāḥithīn, *Muʿjam al-muṣṭalaḥāt al-Ibāḍiyyah*, 2ⁿᵈ ed. [Muscat: Wizārat al-Awqāf wa-l-Shuʾūn al-Dīniyyah, 2012], I, 243); see also al-Kindī, *Bayān al-sharʿ*, XXXIII, 10-11, 42, 65, & 233; cf. al-Khāṭiriyyah, "Turāth ʿUmān al-baḥrī," 448 and al-Saʿdī, "al-Baḥr," 208, and their entries on *ḥarīm al-baḥr* in Ibāḍī *fiqh* compendia.

[112] Al-Shaqṣī, *Minhāj al-ṭālibīn*, III, 447.

the inhabitants of the coastline, whether they own the land or not.[113] If someone has already cultivated or built on this *ḥarīm*, it will not be destroyed, under condition that it is not communal property. The *ḥarīm* originally concerns the land side of the highest tide point; the scholars did not consider this *ḥarīm* to extend into the sea. The same ruling applies to people who anchor their boats (*aṣḥāb al-marāsī*). If they have already built a structure to anchor their boats, they will not be kept from using these facilities and the way leading to it, whether they own the land or not. As for those who have moorage stations (*ājām*, sg. *ujum*)[114] in the sea, they are entitled to a surrounding *ḥarīm* and may hinder people from cultivating it, blocking the way to fishing grounds, and the like.[115] Although the author mentions a *ḥarīm* located in the sea, rather than on the shore, it is obvious that he discusses a particular place reserved for the personal benefit and usage of an individual, not a territorial belt adjacent to the land.

According to the 19th century work *K. Lubāb al-āthār*, the *ḥarīm* of the sea is 40 cubits from (the highest point of) the tide. It is not permissible to hinder anyone from using it. Should someone build on the *ḥarīm*, the construction should be destroyed, and it is not permissible to live in a house built (by oneself or somebody else) in the *ḥarīm*, even if that structure has not been demolished. The same source gives the contemporary reader a hint as to the intricateness of natural topography of the littoral and its repercussions on the *fiqhī* deliberations:

> A case study on the authority of Ḥabīb ibn Sālim:[116] About the *ḥarīm* of the sea, if it turns to sea, as well as what the sea had covered before, and it becomes land, and the sea does not cover it anymore; or what used to be land, then turned to sea and back again to land. What is the legal rule on it? He said: If it used to be sea and then turned to land, it is considered barren land. And if it used to be *milk* (property) and

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[113] Al-Fursuṭāʾī, *al-Qismah wa-uṣūl al-araḍīn*, 538 ff.

[114] The term may relate to a natural station in the sea, a rock or sandbank. See editor's note, al-Fursuṭāʾī, *al-Qismah*, 539.

[115] Al-Fursuṭāʾī, *al-Qismah*, 538 ff.

[116] Ḥabīb ibn Sālim ibn Saʿīd Ambūsaʿīdī, a 12th c. H Omani scholar.

turned to sea and then became land again, it is considered property as it was: it does not change. And Allah knows best.[117]

Nūr al-Dīn al-Sālimī (d. 1914), in his *Jawhar al-niẓām*, cites different views on the *ḥarīm* of the sea, like the well or the river, starting from the (highest point of) the tide, toward the land, 500 cubits to allow for free access.[118]

The (Ibāḍī) scholars mentioning the *ḥarīm* of the sea do not quote particular narrations, nor do they explicitly refer to the Prophetic Sunnah. It is therefore not clear whether they refer to an established sunnah or accepted custom (*ʿurf*). As a matter of fact, buildings have not always been 40 or 500 cubits away from the sea: a question brought forward to the 12th/18th century Omani scholar Muhammad ibn ʿAbd Allāh ibn ʿUbaydān mentioned that in Muscat the sea reached up to the walls of houses. The questioner wanted to know if there was any difference between constructed ports and natural ones. The shaykh answered that he did "not recall any difference."[119]

Scholars of the Ḥanafī, Mālikī, Shāfiʿī and Ḥanbalī schools have expressed different views regarding the permissibility of cultivating the littoral (*iḥyāʾ al-sāḥil*).[120] The discussion is documented in later Ibāḍī works which debated the permissibility to "lease (*ijārah*) the *ḥarīm* of the coast (*ḥarīm al-sāḥil*), which is (the same as) the *ḥarīm* of the sea." Saʿīd ibn Khalfān al-Khalīlī (1230-1287 AH/1863-1906 CE) declared it permissible, as the coast's *ḥarīm* takes the same rule as the coast itself.[121] The argument for its non-permissibility clearly centers around its being common property. Fāyiʿ concludes that the *imām* may

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[117] Muhannā ibn Khalfān ibn Muḥammad al-Būsaʿīdī, *Kitāb Lubāb al-āthār al-wāridah ʿalá l-awwalīn wa-l-mutaʾakhkhirīn al-akhyār* (Muscat: Wizārat al-Turāth al-Qawmī wa-l-Thaqāfah, 1985), VII, 108.

[118] Nūr al-Dīn ʿAbd Allāh ibn Ḥumayd al-Sālimī, *Jawhar al-niẓām fī ʿilmay al-adyān wa-l-aḥkām*, ed. Abū Isḥāq Aṭfayyish and Ibrāhīm al-ʿAbrī, 2nd ed. (Muscat: Wizārat al-Awqāf wa-l-Shuʾūn al-Dīniyyah, 2018), III-IV, 105 ff.

[119] Al-Saʿdī, "al-Baḥr," 209; Ibn ʿUbaydān Muhammad ibn ʿAbd Allāh, *Jawāhir al-āthār* (Muscat: Wizārat al-Turāth al-Qawmī wa-l-Thaqāfah, 1985), V, 3.

[120] Fāyiʿ, "Aḥkām al-baḥr," 461 ff.; the discussion of its non-permissibility clearly centers around its being common property.

[121] Saʿīd ibn Khalfān al-Khalīlī, *Ajwibat al-Muḥaqqiq al-Khalīlī*, ed. Badr ibn ʿAbd Allāh al-Raḥbī, 2nd ed. (Muscat: Maktabat al-Jayl al-Wāʿid, 2011), IV, 196; cf., Aflaḥ ibn Aḥmad al-Khalīlī, *al-Siyāsah al-sharʿiyyah ʿinda l-imāmayn al-muḥaqqiq al-Khalīlī wa-l-ʿallāmah al-Sālimī* (Dhākirat ʿUmān, 2016), 61, 116.

allocate permission to lease parts of the beach for a specified time for purposes that benefit the public.[122]

What is apparent from these *fiqhī* discussions as a common denominator is the focus on the access to and usage of facilities. The protection of access to different sources of water, including the sea, through the institution of *ḥarīm* is also commensurate with the fact that water is categorized as public property according to the Prophetic hadith "People share in three things: water, meadows and fire."[123] Following this rationale, the *ḥarīm* of the sea is the *ḥarīm* of public property. It needs to be protected from individual monopolization, to the extent that unlawfully erected buildings should be removed.

Modern Conceptualizations

Hamidullah refers to the concept of *ḥarīm* ("appurtenance") as having been developed

> regarding municipal law so as to apply to wells, roads, waterways, canals, houses, etc., yet it does not seem to have been developed and worked out so as to apply to international law, more particularly to open sea. And probably there was then no need even.[124]

None of the pre-20th century classical scholars of *fiqh* have mentioned the concept of *ḥarīm* with regard to the status of the (open) sea or the belt adjacent to the coastline. In contrast, the number of references in contemporary literature to this concept (as grounded in modern international law) has begun to increase exponentially. This snowball effect is likely to produce an avalanche of related literature.

Fāyiʿ explicitly states that the classical scholars did not know the modern-day division of the seas into territorial and international waters,[125] and asserts that there is no obstacle for accepting the division and the 12 nautical mile zone on the basis of international agreements, accepted custom and mutual benefits.[126] He refers to the concept of *ḥarīm* as a "suitable legal accommodation of the territorial sea."[127] The author constructs, on the basis of Qāriʾ al-Hidāyah's view (that the sea

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[122] Fāyiʿ, "Aḥkām al-baḥr," 468.

[123] Reported by Aḥmad, Abū Dāwūd, and Ibn Mājah.

[124] Hamidullah, *Muslim Conduct of State*, 84-85.

[125] Fāyiʿ, "Aḥkām al-baḥr," 681.

[126] Ibid., 682 ff.

[127] Ibid., 684.

pertains neither to *dār al-Islām* nor *dār al-ḥarb*), that all states are bestowed with equal rights with regard to the free use of the seas, in navigation, fishing, laying pipes and cables, aviation, creation of artificial islands, and scientific research; he thereby reiterates the specifications of UNCLOS.[128]

Abū l-Wafāʾ asserts, after a number of definitions of the term *ḥarīm* in different *fiqh* compendia that the idea of *ḥarīm* "with certainty alludes to the existence of internal waters, ports and the territorial sea, and the continental shelf in Islamic law, as these are considered necessary to benefit from the sea or are attachments to it."[129] Although he is aware that the *ḥarīm* of a river or sea relates to the landside or territory of the state on firm ground (*al-yābisah*), and that Muslim scholars did not discuss the concept of *ḥarīm* as comprising the sea side adjacent to the land, he extends the concept as to comprise the sea side adjacent to the land. In his view, territorial waters and ports can be considered *ḥarīm* as they are essential in order to fully benefit from the sea economically, with regard to customs and security.[130] He therefore extends the classical *fiqh* concept of *ḥarīm al-baḥr* so as to accommodate the modern international legal concept of territorial (and international) seas.

Al-Dawsarī explicitly states, after citing the classical definitions of *ḥarīm*: "And territorial water is equivalent to the owner of a water source. This extrapolation, in my view, is acceptable due to its correspondence in the legislative rationale (*al-ittifāq fī l-ʿillah*)."[131] He declares the territorial zone as acceptable on the basis of international custom (*ʿurf*) in the realization of benefit (*maṣlaḥah*), and asserts that

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[128]   Ibid., 688 ff.

[129]   Abū l-Wafāʾ, *Aḥkām al-qānūn al-duwalī*, II, 59; see also the concise translated version: Ahmed Abou-El-Wafa, "Ibāḍī Jurisprudence and the Law of the Sea," in *Ibadi Jurisprudence, Origins, Developments and Cases*, ed. Barbara Michalak-Pikulska and Reinhard Eisener (Hildesheim: Olms, 2015), 257-264: "The concept of *ḥarīm* of the sea ineluctably proves that Ibāḍī jurists have known the existence of maritime zones under the sovereignty of a coastal state," 259.

[130]   Abū l-Wafāʾ, *Aḥkām al-qānūn al-duwalī*, II, 62.

[131]   Nāʾif ibn ʿUmār ibn Watyān al-Dawsarī, "al-Ikhtiṣāṣ al-qaḍāʾī ʿalá l-miyāh al-iqlīmiyyah wa-l-dawliyyah: dirāsah fiqhiyyah muqāranah," *Majallat Kulliyyat al-sharīʿah wa-l-dirāsāt al-Islāmiyyah* 31, no. 2 (2013), 302.

Islamic law corresponds with [international] law with regard to the state's sovereignty of the territorial sea.[132]

Al-Riyāmī arrives at the conclusion that, as is not permissible to transgress a *ḥarīm* unless there is a communal benefit, any transgression against sea or airspace pertaining to a country is (therefore) not permissible. [133] These references reflect the general tenor in the contemporary literature to "accommodate" prevailing international legal concepts. A common denominator of these contributions may be the juristic background of most of the authors. A critical contribution to the literature that questions this methodology seems to be absent.

The most recent contribution in this respect, Hasan S. Khalilieh's erudite work on the "Islamic Law of the Sea" (2019) deserves a more detailed discussion. Khalilieh starts out defining the term *ḥarīm* as an "inviolable zone within which development is prohibited or restricted to prevent the impairment of: (a) natural resources [...] and (b) utilities [...], and other public spaces crucial to public welfare."[134] While these statements are correct, they are also incomplete, as private property (houses, trees) may also have a *ḥarīm*, as described above. Subsequently, the legislative reason and purpose between the *ḥarīm* of a natural resource, utility, or private space may differ. As evidence from the Prophetic Sunnah, he quotes "a tradition attributed to the Prophet" (without the usual referencing from the standard hadith collections, referring to al-Kasānī's *Badāʾiʿ al-ṣanāʾiʿ*, VI, 195) and Hamidullah's translation): 'Every land has its appurtenance forbidden to other than the proprietor' (*li-kull arḍ^{in} ḥarīm^{an}*)."[135]

As a matter of fact, al-Kāsānī refers to the Prophetic Sunnah generally without mentioning a particular hadith. Discussing the question of someone who digs out a well in barren land (*arḍ al-mawāt*), he confirms that this well has a *ḥarīm*, "because the Prophet (pbuh) defined a *ḥarīm* for the well, and the spring has a *ḥarīm* by

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[132]   Al-Dawsarī, "al-Ikhtiṣāṣ al-qaḍāʾī," 302.

[133]   Al-Riyāmī, "al-Ḥarīm wa-aḥkāmuhū," 129.

[134]   Khalilieh, *Islamic Law of the Sea*, 118.

[135]   *Ibid*.

consensus, because he (peace be upon him) established a *ḥarīm* for every land."[136]

As we have seen, the *ḥarīm* of the sea has been specified by some scholars, but has not been mentioned by all of them. As these scholars have not quoted particular hadith in their discussions, we may conclude that they made use of analogy (*qiyās*) and *ʿurf* for the specific limit of the *ḥarīm*. The respective discussions clearly show that what is meant by *ḥarīm* of the sea is the landside, not the water side of the sea. This also becomes apparent from Khalilieh's mentioning of a legal case study discussed in Ibn Abī Zayd al-Qayrawānī's *al-Nawādir wa-l-ziyādāt* and the reference to the opinion of Ashhab ibn al-ʿAzīz al-Qaysī (140-204/757-820). The case discusses a (potential) protective (land) zone adjacent to the sea, not the sea adjacent to the land:

> A group of people settle near the seaside as voluntary guards, between them and the sea is a woodland area. They cultivate this area until it reaches the sea. Are they allowed to do so, or is it your opinion that the sea has a *ḥarīm*, because of the fear of the Romans [who could invade the country], or because of what the *murābiṭūn* (guards) benefit from it for their livestock? He [al-Qaysī] said: They are not forbidden from what they want from the woodlands, unless it is near a settlement and they harm the people living there. And I do not think that the sea has a *ḥarīm*.[137]

The Mālikī scholar does not opine for the existence of a *ḥarīm* of the sea; however, in the context of the above-mentioned case the meaning of *ḥarīm* of the sea clearly relates to the landside, not the waterside of it.

Conclusion

In summary, there are obvious differences between the concepts of *ḥarīm al-baḥr* in Islamic law and "territorial seas" in international law.

According to the scholars' discussions, what is meant by *ḥarīm al-baḥr* is the land side of the sea, starting from the highest point of

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[136] Al-Kāsānī, *Badāʾiʿ al-ṣanāʾiʿ*, VI, 195. Khalilieh treats this passage as if a hadith from the Prophet (pbuh) existed and generalizes its validity to incorporate the shores; Khalilieh, *Islamic Law of the Sea*, 118.

[137] Al-Qayrawānī, *al-Nawādir wa-l-ziyādāt*, X, 251; Khalilieh, *Islamic Law of the Sea*, 120.

extension of the tide, not the water side.[138] Its institution follows the sources and mechanism of Islamic legal rules. *Ḥarīm* is conceptualized as a protective zone around a facility. The legislative rationale (*ʿillah*) of *ḥarīm*, although the scholars did not explicitly mention it, is apparently to ensure free access to using this facility. If the property (facility) around which a *ḥarīm* is legislated is private (like a house, tress, well – particularly if constructed on newly cultivated barren land), the proprietor must be able to use his/her property and nobody must hinder him or her. If it is public property, the general public must be able to use it and must not be hindered from access to it (whether river or sea). In this sense, the ruling governing the *ḥarīm* follows the ruling of whoever cultivated it.[139] The legislative wisdom (*ḥikmah*) lies in warding off harm (*dafʿ al-ḍarar*) in manifold variations, such as the prevention of monopoly, the protection of resources, the preservation of facilities from over-use, and to safeguard its functionality and cleanliness. The legislation of *ḥarīm al-baḥr* is to guarantee access to the sea from the landside for everyone and to curb monopolization, because the status of the sea in Islamic law is that it is communal property.

The *fiqh* concept of *ḥarīm al-baḥr* is apparently not a suitable concept to arrive at a similar conceptualization of territorial and international seas in Islamic and international laws.[140] The Islamic legal concept that does apply with regard to the status of the seas adjacent to or in between lands that are characterized as *dār al-Islām* is the extension of authority (*wilāyah*) or state sovereignty over the sea belt adjacent to its land. Some of the scholars quoted have explicitly given the open sea the status of *dār al-ḥarb*, whereas others have held that it pertains neither to *dār al-Islām* nor to *dār al-ḥarb*, based on the lack of authority (*wilāyah*) over it.

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[138] The only scholar who seems to have referred to something on the water side is Fursuṭāʾī, and he refers explicitly to anchor place or moorage on natural rocks or sandbanks in the sea; al-Fursuṭāʾī, *al-Qismah*, 538 ff.

[139] See al-Riyāmī, "al-Ḥarīm wa-aḥkāmuhū," 116.

[140] Khalilieh arrives at the conclusion that "It can safely be deduced that the modern concept of the territorial sea is duly compatible with the Islamic tradition, given that its seaward breadth does not encroach upon the high sea and state sovereignty is limited to a breadth of several miles." (*Islamic Law of the Sea*, 165). I cannot completely refute the result, but neither can I agree to his argumentation and methodology.

State authority of *dār al-Islām* extends over the coastal sea belt, as well as over any seas surrounded by Islamic territory; correspondingly, the coastal belt adjacent to *dār al-kufr* would be regarded as territory belonging to *dār al-kufr*. This zone may be defined according to the need, and in agreements and treaties with other states. The *maʾman* or point of safe refuge can be considered as a marker where this extension of authority ends. Historically, checkpoints to demarcate territorial waters did exist. State authority does extend over a ship: the captain may take over legal functions in Islamic law. Many legal cases and their treatment in the *fiqh* compendia, such as those involving questions of taxes, *amān*, piracy, and so forth, as well as existing historical contracts, illustrate that this has been a reality at sea for centuries.

There is apparently no difference, in the scholars' discussions, between a sea or land border with regards to *amān* and taxation of goods. Islamic authorities can therefore demand taxes for right of passage, grant or deny entry into ports, and claim their coastline to prevent foreign military or pirate attacks. The high seas are, first, communal property and need to be accessible for all. They are obviously not under Islamic control (*wilāyah*) unless surrounded by *dār al-Islām*, but the captain of a ship may –depending on legal interpretation and the powers with which the head of state has invested him– exercise certain legal functions on the high seas.

Rather than being based on an elusive "Natural Law" or "Islamic Law of Nature,"[141] the initial concept of using the seas is that of *taskhīr*, the subservience of "whatever is available in the heavens and the earth" (Q 31:20). It is this shared concept which led Muslim rulers to defy upcoming territorial claims of European powers in the 16th century.[142] This original subservience and permissibility of things needs to be delineated through specific evidence in the main Islamic sources of legislation, the Qurʾān and Sunnah. If seen from the perspective of property, original ownership of anything belongs to the Creator, while human beings are permitted to make use of things in the sense of the

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[141] Khalilieh, *Islamic Law of the Sea*, 215. Natural law concepts and their relation to Islamic legal theory and discussion in contemporary literature need a thorough study and cannot be diligently discussed here. Suffice it to say that the Lawgiver in Islamic Law is, by unanimous agreement of all Muslim scholars, Allah Almighty.

[142] See Khalilieh, *Islamic Law of the Sea*, 8; see also Yatim, "Law of the Sea in Relation to Malaysia," 88.

rights and responsibilities that accompany trusteeship. Water resources generally (be they lakes, rivers, wells, or seas) are considered public or communal property (*milkiyyah ʿāmmah*), not private property, based on the often-quoted hadith ("People share in three things; water, meadows and fire.").[143] A specific evidence may overrule this general one.

The division of the seas in international law into territorial and open seas is the result of historical developments and based on the accepted sources of international law, with its specific conceptualization. Islamic legal concepts of the seas are derived from Islamic legal sources. An Islamic state entity could, subject to the *ijtihād* of its head of state, agree to this division under international contracts, but it is not required to do so.

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[143] Abū ʿAbd Allāh Muḥammad ibn ʿAlī ibn Muḥammad al-Ḥawlānī al-Shawkānī, *Nayl al-awṭār: Sharḥ Muntaqá l-akhbār min aḥādīth Sayyid al-akhyār* (Beirut: Dār al-Kutub al-ʿIlmiyyah, 1983), V, 305-306; cf. Abū l-Wafāʾ, *Aḥkām al-qānūn al-duwalī*, II, 68 ff. and al-Fursuṭāʾī, *al-Qismah*, 59, 238.

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THE DIGI-IMAGE AGE AND THE ISSUE OF THE GENERICIZATION OF TRUTH IN THE CONTEXT OF COMPARATIVE RELIGION[*]

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Abstract

With digitalism, humanity entered a new age—the digital metaphysical period. Significant distinctions from previous epochs mark this period. Indeed, digitalism produces a transformation in every field via its specified applications, resulting in the creation of a new natural cosmos and a new human species. Unarguably, in addition to all its productions, the field in which digitalism most excels, owing to its inherent nature, is the adoption of an imaginary state of being as a database. This field, which we might refer to as the digi-image, has a significant impact on fields that can be changed into imaginary productions, such as belief, mystification, value, and culture, as well as

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the process of change in general. This study is a comparative and theoretical study of the new role that faiths, beliefs, and civilizations will play due to digital image transformation.

Introduction

It is essential to characterize historical eras in terms of the types of knowledge or production methods that they are socially connected with. Indeed, social contract ideas have dominated the history of philosophy. Perhaps more critical than this is the Torah and the Bible being referred to as the Old and New Testaments, respectively. This demonstrates that combining people's periodic experiences with significant treatises is an old practice. Perhaps one of the most critical purposes of religions, cultures, beliefs, and social and political systems is to facilitate the formation of an acceptable, functioning, and legitimate contract environment. As a result, it is feasible to discuss several contract types that have affected social life in the past. Today, however, we are approaching, or have arrived, at a period when digital contracts govern our cohabitation arrangements. Discussion of digital humans or digital civilization has become an everyday occurrence. Indeed, digitization reveals a reality that transcends the use of a simple instrument in human existence. Humanity and civilization are both pushed into a new definition zone by digitalism, into a new range of social contracts, and compelled into metaphysical and ethical tales by a digital world.

Furthermore, man has not avoided the effect of religions, which construct the incentives for loyalty, morality, and spirituality that we perceive as decisive factors in the ancient tale and typological structure. However, conflict, competition, and incompatibility exist between the direction, severity, recommendations, and models of these religious activities and the digital universe's judgments in this field. It is also interesting how digitalism has a mystical component that manipulates the original religious suggestions and adapts them to new contexts. These trends, if not for all faiths, are believed to have resulted in new crises for Islam. Despite these difficulties, new prospects for iconoclasm and pagan faiths are arising (such as Christianity, Far East religions, and local beliefs and religions). When we examine the

relationships between these faiths and the digital process, we see that they have a high level of mechanization in building effective methods for communicating their signals and unconscious meanings. Indeed, the presence of symbolic pagan culture and its constituents on a digital platform provides more convenient opportunities for a matter of reason. In contrast, it seems as if the Islamic religion, whose symbolism and symbolic prominence appear to be incompatible with digital platforms, is confronted with a new issue. Additionally, the fact that digital platforms and metaphysics are generated mainly in the Far East and the Christian world indicates different conditions.

This study examined how digitalism changes individuals and civilizations. Particular attention is given to human creative productions and how representations of religions and beliefs are reworked via digitalism. Because the digital world creates new opportunities for inventive productions, against this background, an attempt is made to comprehend the realities that faiths, particularly Islam, face in this new position. Paganism, Christianity, and Islam have all been called into question on a fundamental level by the potential of the digital era.

This study compares the present test of digital persons with religion and religions with digital people. The work has been incorporated into theoretical and retheoretical frameworks. Indeed, it is intended to achieve a new level of analysis and conceptualization via the techniques and capabilities of the field of "Imagology" and related disciplines. As a consequence, several solutions for the significant issues of the digital age are advanced.

I. Digitalism and the Virtual Transformation of People

Numerous studies on various elements of digitization have been published recently. More significantly, this process has a direct effect on all facets of human creation. In fact, the period's unique advantages do not stop with counting. However, there are grave misgivings regarding the direction in which this period has led individuals. These reservations are not delusory, however, because this is a process in which we can examine the outcomes in various ways and, more importantly, engage with the consequences directly.

Digitalization results in creating a new language, the destruction of culture and values, and an assault on human individuality through virtual reality. Many of these complaints, undoubtedly, center on the

alienation created by digitalization. Indeed, although digitalism creates novel conditions in various fields, it is also considered a source of a new sort of alienation –which we might refer to as post-alienation– that manifests itself in every matter of life. There is a movement toward holistic, metamorphosis-based, and soft alienation-based forms of alienation. Because we may speak of a new type of individual and social fabric that are adaptable and coercive, yet convincing, transitions occur under the influence of narcosis, and all components of the hierarchical cycle can be replaced.

All classical arguments are metamorphosed; in this transformation, there are bytes instead of atoms, images instead of sights, brands instead of identity, consumption instead of culture, instrumental communication instead of human communication, and love and virtual pornography instead of love. Erotic fragmentation has undertaken a particular function that imposes metaphysical images on all objective processes. Solidity disappeared, but its influence began to spread, disperse, split and spread to many platforms. This also has turned all motives into obscure but efficient, undetectable concepts. As virtual reality becomes the new condition, everything has begun to lose its physicality by assuming virtual roles as excessively alluring yet instantaneously replaceable. At this point, shallow, dispersed, and square thinking patterns (screen-centered, rootless, immediate, changeable, inflexible, and limited) have started to predominate over holistic, disciplined, analytical, and in-depth thinking (Öztürk 2019).

No adventure is more significant than reality itself. Although the virtual world's inherent system generates highly charged experiences, it has not yet generated a reality as spectacular as the one that has driven humankind to its knees. In other words, despite the virtuality of the virtual environment, its outcomes have generated a human reality that is rather dramatic. Baudrillard and his contemporaries refute this assertion via novel terms such as transparency, hyperreality, and fractal pathology (Baudrillard 2011: 133). As a result, a novel and new, detached social revolution will be discussed (Baudrillard 2011: 187). Along with this, humankind did not spontaneously go on such an endeavor. The classical human (premodern human type) is intolerant for a variety of reasons. On the other hand, the way people work has made it hard to accept one another.

Thus, digitalism is a thick wall (metaphorically speaking) that people construct against one another; it is an accessible, immediate, fun, and function-centered environment in which individuals have an

increased opportunity to intervene in their affairs. Even in this day and technology, it may be challenging to complete a reasonably basic transaction at a bank, and the abundance of harmful human queues is an added benefit. The sensation of securely carrying out tasks under a machine's leadership, without submitting to human whims, with command systems in the virtual world by adhering to a technological agreement is not, however, to be underestimated.

Now, it is evident why people adore gods rather than philosophy's pointless and boring analyses. Indeed, it is entirely understandable that the Islamic faith focused its criticism on paganism rather than on philosophical currents, except at the margins. Because paganism is like a digital playground, complete with persuasive, inclusive, and incredibly rich subliminal material, it is a playground in which the subject is missing, where human desires find a new shape in commodities and where all meanings are ambiguous.

In this practical field, it is possible to assert that paganism is superior to philosophy and that philosophy is often at its service. Of course, this is not a reference to philosophy's intellectual riches, its dizzying historical context, its quest for coherence, or its issues and dilemmas. The parallel here is about the limitations of the philosophical–human link and the immensely alluring human targeting of pagan dynamics. Indeed, philosophy has often been overcome by the enticing passion of paganism, sometimes joining the service of paganism and forming several peculiar and complex dogmas and gods. Additionally, philosophy amassed many pupils endowed with enlightenment's power, who would be submissive and stubborn in this matter. This kind of transformation reveals new shapes that might vary from period to period.[144]

This new digital revolution is not entirely self-contained inside this grand narrative. Because technological development infuses human transformation with a new ideological dimension (Habermas 1977), man imbues technical aspects with spiritual significance (Robins 1996: 41). With the instinct of in corporeality, the predominance of visual

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[144] Of course, we can think that these findings, which are very contrary to philosophy's daily and academic images, are shocking. To open a new front in the debate, it is possible to say briefly that critical philosophers are no strangers to these expressions. *Popper, Feyerabend, Deleuze, Foucault, Habermas* and similar philosophers had important discussions on this issue. Ali Öztürk's work titled *İmajoloji* contains broad criticisms, determinations, and suggestions on the subject.

sense (Berger 1990: 21) results in a typology that finds existence apart from experience. These and comparable mechanisms rob the human experience of several facets. As a result, since the digital person is unaware that his life process provides him with vulnerability and is controlled, he is also impervious to any examination or critical signal. Confusing signals obliterate all forms of critique and structural mental activity. Due to the ferocity of the virtualization process, individuals have begun to seek the opposites of the values inscribed in them in the cyberspace productions they encounter. Indeed, the imaginary world created by the cyber field has had a matter on the human crucible of belief: It may be argued that it arranges its ontological and cosmological secrets periodically, not via revelation or wisdom, but through the cyber field's productions and following its instrumental expectations. Because the field of aliens, such as UFOs and similar components, that guides the evolution of the human race and even nature is nonsensical, it develops very efficient subconscious talents (Öztürk 2019: 274).

This virus first forms a recognizable picture in our brains via hundreds of instruments and specific film industry productions and then obtains credibility. Similar assertions are made in certain scientific films and are accompanied by arresting pictures culled from film stills to convince the masses. We are seeing the metamorphosis of these decorations, which significantly impact people's common sense and conceptual growth, into an information flow in which virtual visuals back up religious claims from legendary eras. Perhaps most significantly, everything is presented in a game-piece format. Authenticity and forgery are inextricably linked, and one may simply be substituted for the other. However, falsehood strikes and seriously harms the truth (Öztürk 2011: 106). For instance, any economically manipulative fiction or message has the potential to flip all markets on its heads and to affect those who interact with the real economy daily. This is a complex subject with several facets, ranging from political to psychological.

People's spiritual needs, and perhaps more crucially, their future plans, can be influenced by new types of fraudulent virtual market intermediaries. The Qu-post tales spawned a new generation of shamans. Quantum sisters subscribe communities and people to new healing metaphysics via sessions of transmitting good energy to the cosmos through social media, television, and other social platforms. Contradictions are prevalent in regard to analytical thinking styles, e.g.;

Quantum sisters: "Send positive energy to the universe"!

I am perplexed, the fastest sending path in space is the speed of light, and energy can reach that speed.

If I send positive energy now, the nearest star (except the Sun) is four years away.

If it misses, this energy will go away for millions of years.

So when will he be back?

Here, it is a complete enigma because it can take billions of years.

The approach is not positive at all. Yes, all of life in this day is theatrical, but a large portion of it is more so. These instances look hilarious at first glance; they arise on digital platforms as effective mechanisms that shape people's daily lives, political and economic inclinations, provide erroneous, inconsistent, but effective metaphysical facts, and trade hope and destiny.

As Öztürk (2019: 247) notes, these and related events are explained by the idea of "foam awareness." This phenomenon, dubbed the foam consciousness level, possesses an imagist quality: the codes are founded on an emotional contract based on the acceptance of general information, symbolic sympathy, and imposition. While this is hugely destructive and choppy, it is also a transient and ironic state of affairs.

However, the following is necessary for a judgment process based on analysis, virtue, and wisdom:

- a good and common-sense approach,

- staying true to knowledge and truth,

- maturity,

- to be fully aware of listening to the parties and their approaches,

- making goodwill essential in understanding, considering the possibility of misunderstanding,

- an understanding of the kind that is not confined to our own experiences, passions, and traumas,

- keeping all our faculties and sensory channels open to understanding. The phenomenon of digitalization in question perceives all judgments through symbols and images that have been

sabotaged through new image conventions. On the other hand, common-sense inquiry pays attention to factors such as:

- Misunderstandings caused by tools,

- Misunderstandings caused by us,

- Misunderstandings caused by intermediaries and various centers, etc.

Naturally, with the networks of digital organizations, digitalization has gained a new dimension, including the digitalization of these advancements and their philosophical underpinnings. Digital organization, by its very nature, enables judgments to be made about offensive symbols wherever possible. This, along with numerous other consequences, is corrupted in those who are compatible and opposed and those who are exhausted and beaten; legitimacy and a drive to prefer deprivation over privacy. Thus, individual and social sharing is not energizing but instead resemble a tangled mohair thread knitted with deep traumas. Everyone loses because it does not transcend the reductionist confines of signs that are knitted together with imaginary faults that are discovered or lost. What is gained and lost when an individual's garden is stolen after years of creating a virtual garden on a website?

This virtual reductionism enables both the producer and the consumer to work more efficiently. As a result, it promptly and sufficiently arouses interest, necessitating the absence of another alternative, and it also precludes the formation of prospective alternatives or leads them to die. In this instance, sight has supplanted the hand, heart, mind, and all our other abilities. This path, which enables us to obtain fast-food (undigested and undigested, pansy judgments) judgments in the short term, results in significant psychological and social traumas over time. The foam-consciousness model, which takes these self-created traumas into account as a secondary indicator, sabotages damaging traumas. Even if these traumas are produced by foam trauma, they become chronic and schizophrenic due to the sign bombardment's persistence. In the face of these new and widespread pagan behaviors, paganist and iconic belief centers are powerless. Every day, in digital temples, disposable gods are recreated. Additionally, new avenues for iconistic (iconic) religions have been established. Numerous unconscious and suggestive semiconscious messages can thus be identified. On the one hand, the belief-centered "akaid" (belief system) pattern, founded on

morality and value-centered Islam, can exist solely in the digital world through the "word," and the effect of practice is shrinking. On the other hand, his "speech" is open to manipulation in a variety of ways. All these points require rapid resolution.

II. The Qu-Post Era and the Epistemology of Digital Human/Digi-Socialization

The relevance of the connection between historical periods and contracts is stressed in the introduction. This paradigm can characterize humanity's contracts with excellent knowledge throughout three fundamental periods using a Western-centric epistemology.

1) Premodern period/Classical period

2) Modern Period

3) Qu-post Term (Öztürk and Emre 2020)

It is worth noting that although the primitive era (prehistoric and nonhistorical) and its characteristics are not included in the Western historical perspective's classifications of this time, they play a critical vertical role in influencing all subsequent periods. It merits particular attention, particularly considering pagan culture and its objectives for legitimizing the looting system. The ancient Greek phenomenon, which Western culture defines as a substance, has immanent and qualified original definitions. Of course, it would be absurd to assert that they gained the capacity to label people who are not themselves as barbarians simply via observation of the other. The issue here is inextricably linked to the ethnocentric and even more civil-centric (civilization-centric) suppression of historical delimitation zones. Essentially, a critical epistemic equation establishes the contrast between universal and globalized knowledge and, therefore, the urge to be imperial. Additionally, a scenario has emerged with another kind of deviation – an area of experience that is localized with the local area and where the pagan and ghetto are also current.

If we return to the classical definition range, when we examine the premodern period, the period of empires that it encompasses and which serves as their practical historical embodiment, it was critical that a local element, as a commodity or value, be deepened at the center's turning and possess a universal and superior cultural identity. Naturally, this method required a short depth and accumulation. The

center was established to increase its qualification by bringing every new product discovered in the neighborhood to the center. Thus, any local aspect may find a home within a more significant identity. Organic and harmonic integrity is established throughout time as a result of the syntheses. This concept, which is entirely applicable to the Islamic experience (Öztürk 2011: 130), made sense throughout Rome's and Christianity's multiple grave crises. This did not occur in the contemporary age; the center was thriving in homogenizing all local components. While doing so, an imperative character was used as a reference point. Modernity melted all distinctions into a single pot and gave them a unifying aspect. While this has resulted in irreparable grief, it has also resulted in the formation of a unifying framework around a paradigm.

The Qu-post word coined by us –globalization, postmodernism, poststructural phenomena, and quantum– to name a few, is a conception that encompasses both theory and methodologies. Additionally, the term qu relates to digi-intellectualism, which alludes to the process of computerization. The Qu-post era has produced an environment conducive to developing narcissistic, pathoschizoid, virtual-clique-ghettoic human traits, which also mirror schizophrenia personality features that experts model using fragmented, unconscious signs (Öztürk 2020).

The Qu-post era saw the mass manufacture of various indigenous cultures and ideals using a plastic identity as a secondary production tool. These readily created and consumed ideals (Adorno 2001) obtain credibility via standardization in Western capitals (Doğan 2013: 120). Thus, a local element that became marketable due to globalization has been extensively changed, quantified, priced, and commodified as a necessary component of other processes, decoupled from its historical and spontaneous origins.

Along with this process, the tradition's cultural aspects were sanitized, packaged, confined, and imprisoned inside an instrumental and professional framework, particularly in the West. It has since been transformed into a museum piece. On the other hand, in non-Western civilizations, cultural aspects undergo fast alterations, being integrated with all contemporary reasoning and turning into a new role as a kind of commercial product. This is the period of humanity during which everyone was compelled to contribute to the phenomenon's existence. The great mirror is created by drawing all humanity into the laboratory environment. Its technological and meta-ideological infrastructure was

supported by a natural-like virtual ecosystem (Öztürk 2020). This process has corrupted both tradition and modernity, resulting in the emergence of what we refer to as the Qu-post period. It is also feasible that this circumstance may pave the way for a new synthesis in the long term.

The classical era, particularly in the Eastern-Islamic world, established the leader – mass connection as virtue sharing and model offering. Today, the interaction between the leader and the masses (or any kind of leadership) takes the shape of a therapy-hypnosis spiral. An eager connection develops between the leader and the people, rather than an intellectual transfer or an emotional provocation. Rather than reason, reasoning, and enriching engagement, the processes of attraction, seduction, and consolidation take precedence. The person becomes a component of the feedback as an apparatus of the grand mechanism during the Qu-post era. People become an unconscious component of the system's evolution, even if it is to the system's harm. All digital technologies are modularized in response to customer input. Additionally, the customer has become the platform's capital. Through training and recommendation, experts exploit this capital. The behind-the-scenes or hardware and software phases are very methodical. At the same time, production and outputs are chaotic and caught in a highly metaphorical or semi metaphorical quandary, specifically hardware and software for Kant and Hegel and output and product for Nietzsche and Sartre. In summation, philosophers who advocated for system mechanization contributed to the equipment of this digital structure, while philosophers who engaged in speculation, rhetoric, and aggressive metaphors provided advertising and display boards.

A contradictory language has started to pervade all modes of communication and connection. A fundamental language coding system has formed that is inconsistent, rootless, ironic, symbolic, and arbitrary. Era-specific conceptualizations will likewise have to be this way throughout this period. Indeed, throughout the qu-post-digi-magical era, professionals cultivated a narcissistic, pathoschizoid, virtual-clique-ghettoistic personality feature that takes on schizophrenia characteristics via fragmented unconscious signs (Öztürk 2017). Yes, this human species is fueled by new technology, affecting future generations by arresting themes such as superhuman-posthuman, endless cycle, desire for power, nihilism, evolution, education, asceticism, development, biodevelopment, morality, suffering, sadness, longevity, and immortality (Dağ 2018). However, it

is primarily sustained by the world's crises of metaphysical turbulence and humanization recessions. This method is heavily influenced by worldwide postmodern thinking and behaviors (Küçükalp and Çevirici 2018).

Believing technology has a self-evident objective nature and naïvete (Heidegger 1977: 4). Subliminal symbolic phenomena market shopping is holy in the digital visionary *mutashābihāt* age. Because anybody has the right to shop, is it the case? For instance, can a person believe that when shopping, he or she may freely pick an outfit that fits him or her? That election has been depicted before in exhibitions, ads, television programs, and other forms of media. Could it not be that a decision had already been made in numerous sign temples that formed in one's unconsciousness? Are our preferences woven into the fabric of other looms? Is it not true that our anger, love, body, and spirit are constantly being updated? Traditional societies, on the other hand, conducted business according to their disposition and sect. Specific options were explored via experimentation, generally with a commitment to classic collectivism, but the person was given a chance to reflect on facts, procedures, beliefs, and the ability to choose.

However, there is no presentation-adaptation connection that relies on initial values and can be examined with confidence intervals using specific values and items. Our naive mechanism of existence has been transformed into multipleschizophrenic flexible patterns, with a heap of instrumentalized ore that has become highly complex. Its motivations and value triangulations have become blurred, and the principles it serves and the application outputs are inextricably linked. Thus, we have succumbed to indecision and developed abnormal reflexes as a result of the obsessive pendulum. Indeed, when the model version evolves, the individual's duties and goals may shift as well. In a state of estrangement, we have indicated that the imagist theory of alienation allows for various sorts of alienation (Öztürk 2019). However, this kind of alienation is atomized on the ground, resulting in an infinite number of combinations (the interaction and displacement of the variables here are not only horizontal but also vertical and deep; that is, the displacement of the eyes is not enough, but the toenail and the eye can be displaced as well; moreover, the nail can reach gastronomic pleasure apart from attaining the sense of sight). It is a distinctive kind of alienation that has developed into an instrument, but its premise may also be instrumental (Öztürk 2019).

In a novel process, images and symbols have acquired numerous meanings (Eliade 1961) in what is the commodification of symbols (Wernick 1996). The commodity's symbolization has taken on new shapes. Since the communication phenomenon, as defined by classical assumptions, has evolved significantly from the primary helix of the conveyer, the message, and the transmitted (Açıköz 2017) (Mcluhan 2011), people today find shape in pools designed by professional hands, regardless of whether these professionals are patented or pirated. Every religious system, society, and interest group on the planet supports this human type in one way or another, willingly or unwillingly. This kind of individual is suicidal. Perhaps a remedy is achievable by honestly defending, modeling, implementing, and changing authentic value-based human relationships. We discuss a breakup, a scenario that cannot be dismissed based only on rhetorical, romantic, or everyday terms.

The internet platform alienates individuals in their real and personal relationships and might sometimes exhaust their desires and dreams. Thus, there is an appealing aspect as well. In a communication platform based on pure unmanned messages created without an interlocutor, both parties may experience pain and fury at times, or both parties may be tricked with virtual and unrequited joy at times. It is a way of looking at life, analogous to a peculiar "deception" game that begins with itself. As a result, the message might become a component of conflict and posturing rather than a component of communication. The internet world is an intriguing plant of irony, with its qualities that you cultivate in your jar yet direct toward another person. When political and religious concerns are involved, the coefficient of this pathological curve might have geometric repercussions. This plant can transform an unimportant actor into a sociopsychological predictor of significant issues. This is a perilous state of affairs, a disease that both producers and consumers should be aware of.

In this setting, a new situation has developed in which we cannot explain digital dictatorship's determination (Harari 2016). We need new conceptions of digital identity that go beyond the definition of digital footprints since this texture reshapes individuals. Each of us has a digital identity account, like our virtual bank account, and we effectively amass our personality in the digital realm as well. Additionally, although our funds were held in the bank in classical life, we now have a new kind of creation that our personalities have

grabbed and sold to us, transforming it into blackmail. This is a critical matter. First, let us consider the conditions in which our personality may exist.

It is possible to list the main risks in terms of the shape that the digital world has taken over our identities, as follows:

a. Superficial and shallow consciousness

b. Exhibitionist identity

c. Ego and hedonism vortex

d. Symbolic and reductionist episteme

e. Disposal existence (a form of "throw-away" production of identity, belief, judgment, and similar vital principles)

f. Post alienation; Digi-alienation

g. The flood of manipulation, deception, and manipulation

h. Active and variable addiction, chronic negligence and pathology, etc.

Perhaps as a continuation of this discussion, we will discuss a new process by which the cybernetic organism, as a new human species, emerges via a living and machine-informed design (Barrett 1999: 176-177). In summation, although technology was unable to build a paradise for humans, it did succeed in producing its human beings. This natural process has a profound effect on every aspect of human beings in a variety of ways. Similarly, religion, belief, education, and values all affect and change several disciplines. We are confronted with processes whose future evolution is unknown. On the one hand, media outlets provide popular publications and content that contribute to establishing a global culture among people; on the other hand, national publications emphasize the relevance of local-national culture and values. In such a broadcast environment, clashes between local-national ideals and global identities are unavoidable, and people and organizations are subjected to a painful process of selecting between these two volatile environments (Nas 2019: 182). Indeed, subidentities, local identities, national identities, and global identities all exist. Apart from macro identity conflicts, marginal identities, the pressures of the new generation, and chaotic identities all find their way to their intended recipients in various ways. Additionally, we lack any filtering or interface protection, which means that these assaults will intensify.

In a literal sense, this is a new sort of epistemic jetlag. This multidimensional catastrophe requires immediate examination. These procedures are briefly considered.

III. The Genericization of Truth (Comparative Religion Matters in the Context of Digi-Imaginary Socialization)

Is truth a well-guarded secret? How is it comprehended? What is the difference between truth and fact? Why did the man go on such a journey? What is the answer to this issue at this point in human history in terms of religion and culture? These and other questions might be raised concerning this multifaceted subject. Indeed, by resolving these and similar problems, civilizations, philosophy, science, and all human creations, most notably religions, affect our existence. The path to truth must pass via several persuasive channels. However, it is adamant about being seen with human eyes. Indeed, the tale of Prophet Moses clearly expresses this. This concept is equally effective in expressing the fine line that separates Christianity, Islam, and pagan faiths.

When Moses came to the place appointed by Us and his Lord addressed him, He said: "O my Lord! show (Thyself) to me that I may look upon thee." God said, "by no means cans thou see Me (direct); but look up on the mount; if it abide in its place then shalt thou see Me." When his Lord manifested his glory on the mount, He made it as dust, and Moses fell in a swoon. When he recovered his senses, he said, "Glory be to Thee! To thee, I turn in repentance, and I am the first to believe." (God) said, "O Moses! I have chosen thee above (other) men by the mission I (have given thee) and the words I (have spoken to thee): take then the (revelation) which I give thee and be of those who give thanks." (Q 7:143).

God indeed heard the voice of all people via the prophet Moses. Because man is a visual entity, all men by nature desire visuality to perceive. This is a more compelling incentive than Aristotle's finding that "Man inherently desires knowledge (All men by nature desire to know)" (Aristotle 1996). Finally, individuals believe what they see to be more dependable than what they know. It is no accident that many philosophical, scientific, and contemporary perspectives get their legitimacy from this drive. However, the eye has lost its innocence (Kearney 1988: 2).

It is necessary to see, yet it is also deceptive. Since sight is a tremendous deception, the Israelites chose the golden calf of Samira to

the God of Moses in this fashion. This tension has shaped human history. Because God declined to make a direct appearance, it would not be an exaggeration to assert that this tension is a significant factor in the evolution of civilizations. For, just as God dropped into man's heart, he was pictured as coming into being via his hand. The God, who is poured into pictures, signs, symbols, paintings, sculptures, and carvings and who does not fit on the mountain, has been constructed in a reductionist manner by human hands everywhere. Perhaps a reductionist feature of the "Allah is the Light of the skies and the earth" metaphor laid the groundwork for another manipulation opportunity on this occasion. Because man can define God any way he likes, based on his image, prejudice, practice, and interests, rather than on God's projections. There are several options for such a course.

Indeed, there is no distinction in terms of God's notion between Islam and paganism. Although Islam emphasizes a superimage (beyond-image) belief system and a news-centered view of God, other belief systems have built a belief system based on God's image, symbol, and experience projections. This perspective has imbued all human pursuits with a unique impetus. In miniature architecture, music, everyday life, and all other areas, there is a unique meta-systematic process that we may trace. However, it is recognized that diverse orientations have resulted in a plethora of distinct options for the Christian experience.

A similar incident is mentioned in the Bible as follows: (18) Moses said, "Please. Let me see your Glory" (19). GOD said, "I will make my Goodness pass right in front of you; I will call out the name GOD right before you. I will treat well whomever I want to treat well, and I will be kind to whomever I want to be kind" (20). GOD continued, "However, you may not see my face. No one can see me and live" (21-23). GOD said, "Look, here is a place right beside me. Put yourself on this rock. When my glory passes by, I will put you in the cleft of the rock and cover you with my hand until I have passed by. Then, I will take my hand away, and you will see my back. However, you will not see my face" (Bible-Exodus-33: 18-23.

Indeed, these two terms exemplify the distinction between Islam and Christianity. It expands the realm of possibilities, particularly in terms of digitally instrumentalized ideals and beliefs. While the Qur'an does not submit God to any image or epistemology, Christianity has brought the notion of God incredibly close to paganism, or at the very

least, adapted it to the Roman representation and human form systematics.

Öztürk (2019: 87-90) tried to explain this issue as follows: Understanding the difference between worshiping something and worshiping depends on solving epistemic confusion. Many anthropologists accepted the projection of idolatry as synonymous with worship and offered a reductionist account of the genesis of religions and beliefs. For instance, it is natural for humans, who are more connected to nature than evolutionists, to worship a symbol that represents a natural element. What about the religious act? How did they come to do such an unnatural act? Additionally, at a period when they are just starting to deviate from nature. In this sense, the embodiment of symbols, deeds, convictions, and beliefs generated by a plane that transcends the width-length-depth ratio is sacred. The channel and production connection provides a world of possibilities for imagist knowledge as a distinct debate subject.

The issue may be discussed in terms of belief systems. We might consider the Christian world's contribution to the junction of the imagist and holy space by introducing God, whom Plato viewed as an idea issue (this is a superior level), to the agenda with a motive based on the perception of the icon unique to Rome. In Islamic culture, God is not actually contained inside a picture or emblem; instead, it is a question of faith. As a result, there is no discipline of study dedicated to God's sculpting. God, on the other hand, is the shaper. As a result, the preceding approach came face to face with a religious perspective oriented toward the person and centered on the mode of connection with God. The technical distinction between channels and production may be seen here.

Christianity advocated a God based on a group and center structure in this manner. The symbol has attempted to create a secondary signifier based on affiliation and registration. In other words, there is no individual attachment if you are an iconologist and experience God as an icon. This creates a unique position for witnesses or those who qualify as witnesses. Thus, religious identification is only conceivable via affiliation with a recognized center and group. As a result, no one can become a Christian on their own. Christianity and mythology have expanded the number of doors that open to one another in this situation. When we get to the base of the dilemma, we notice that the first question that comes to mind is whether the God of philosophy is an invented God. Christianity developed this image of God into an icon

over time. Clearly, the iconistic framework made it simpler to change the deity, which may be illusory. It is apparent from this that the Ancient Greek and Roman possibilities also had a significant role. However, there is no path from a belief-based view of God with a practically extinct image region (*mutashābih*/allegorical) to an icon entirely founded on signification and understood via the connection of belief. As a result, most skeptical reflexes may suffer religious crises due to the inconsistencies encountered when attempting to move the coded God issue to the imagined plane. That is why both the God of philosophy and Christianity are always reformable and intervenable deities. Indeed, although Nietzsche's declaration, "Deity is dead," generates excitement in many groups, it is not unique since he had the Jews slaughtered prior to the Christian God. Additionally, efforts to assassinate the deity are a significant motivator in mythology and ancient cultures. This also illustrates a distinct parallel with the case of unjustly assassinating prophets.

Although it is difficult to reconcile the broad features of religions with the definitions of Islamic religious belief, the following table has been created to aid in comprehension. Because religions have structured ideas and practical counterparts for the average person, such as God, prophet, worship, and afterlife, this is a grave error, given the Eastern-Islamic world's preparedness. Religions and beliefs exhibit asymmetrical patterns in a variety of ways. The aim of using Islamic faith as a foundation for this research is to enable comparisons via this methodical approach. Because other faiths are not structured in the way Muslims believe, they are exceedingly complicated and ambiguous, with numerous characteristics that may vanish. As a result, the table below has been constructed to aid in the comprehension of the distinctions.

PAGAN AND LOCAL	CHRISTIANITY	ISLAM
The Understanding (Concept) of God		
Uncertain, mystical, pagan, iconoclastic, polytheistic, etc.	It can become iconic, obscure, mystifying, producing institutional sacramental practices, polytheistic.	He is known by faith and knowledge, above (**beyond**) icon and image, unique and unique. Its properties are known, although its

		nature is not fully grasped.
	The Understanding of the Prophecy	
Self-Securities; Leader, chief, king, sage, shaman, etc.	If the witnessing saints are to be counted in the way we understand them, then Jesus is not the prophet but God in some manner. In the modern-day, popes are even more superior than Muslims' prophets since they can intervene and build the revelation. They are free to adjust their religion as they like.	The representative is chosen by God and sent to him by revelation.
	Understanding of revelation	
Poetry, mystification, magic, mystery, metaphor, and the words and visions of certain fictitious characters	Revelation is a book written by witnesses (Biblical preface), not by gods to prophets, but by witnesses who wrote the account of God Jesus (McDowell 1977: 1-5). The halo may continue, and popes may compose a new Bible if they like; what occurred at the Nicaean Council was not a failure to locate the true Bible but a failure to comprehend Muslims. It is the beginning of the Christian faith's formalization. Indeed, the trinity was embraced as a fundamental concept there. It was completed by the Istanbul consul (for further details see Waardenburg 2011; Gürkan 2011). In other words, a few Gospels were selected and recognized as official doctrines at that location. This update may proceed. In other words, Christianity is a religion that allows for structural change at the discretion of the clergy. The Church of England, Protestantism,	Text/Letter sent from Allah to His Prophet and open to all humanity.

| | Calvinism, and the plethora of religious institutional practices growing now are not coincidental. This cannot be explained just by present requirements but also by a condition relating to Christianity's institutional development. | |

Form of Religion

| Meditative, relational and tribal, class and similar qualifications and limited acceptance and possibilities. | It is guaranteed inside the walls of the club and institution. For if you become a Christian, you risk being ejected from the faith. Based on centralized registration. It is restricted to the institution's functional area. | Whoever wants to believe and live according to their beliefs and values may do so without recourse to intermediaries or references. A particular group institution, for example. It is not a monopoly; you may be a Muslim alone on an island, whether you are a slave or a king; wherever, there are appropriate ideals and ways of worship. |

Belief &Value

| Tribal and mainly formed performances based on kinship, dense symbols, and contemplative motions. The need for identity building, communitization, clique formation, and socialization, among other | Values at the initiative of institutions and clergy along with some values. | Genuine understanding of God, belief in the unseen, belief in what the prophets brought, open to everyone based on unprivileged values, faith, good deeds, avoidance of evil, belief in the afterlife, etc. |

things,
collectively
believing in the
same thing rather
than discovering
the truth.

It is practically irrelevant for believing in the digital era to locate meaning in connections such as those that link heart, virtue, responsibility and morality. The main form is representativeness, symbolic and fictitious packaging, circulation, flexibility to new technology, and adaptability to exotic and cryptic ceremonial concerns. Perhaps more noticeable and appealing are the rituals that promote hedonism and egoism or collect material for generalized extreme experiences that promote narcissism and masochism. On the one hand, religion is rationalized and reduced to reductionist rules on the virtual scientific platform; on the other hand, it acquires a character that thrills and attracts parties on pirated digital platforms via its very bizarre and marginalized manifestations. Now, we may speak about a sizable population of young people who believe religion can be established and announced as national holidays. In other words, religion has started to assume the shape of socioepistemic experiences that cater to our spiritual desires, rather than a motivating region based on the awareness and responsibility of the hereafter within the context of people's relationships with Mawlá (Protector).

The sociopolitical dynamics that create religion as a socioepistemic and ghetto or national apparatus are the origins of deism discussions that have recently evolved in Turkey and cannot be explained by philosophical considerations alone. Indeed, this consequence has resulted in replacing religious messages in social media with historical excitement celebrations and general self-confidence messages. In other words, values and traditions have been interpreted as a component, tool, and servant of our sociocultural, political, and ghetto roles (metaphysics and attitude determinations generated through narrow network relationships), and the marketing problem associated with these has completely transformed religion's mute and primary message, transforming it into a consumable, sociocultural tool. Additionally, religion as a symbolic consumption value in conflicts of interest has generated a symbolic distance against religion, particularly among younger generations, while religious supporters have transformed this position into a symbolic consumption debate. This

has resulted in extreme religious activities and methods in places of social conflict (Öztürk 2011).

Historically, a wide variety of definitions of religiosity have been made. It is possible to talk about many definitions, such as mystical piety, air piety, common religion, esoteric piety, strict piety, moderate piety, loose piety, predecessor piety, marginal piety, destructive piety, *rāfiḍī* piety, and hypocritical piety. All these are definitions and descriptions with certain validity. However, we would like to classify a few primary religious forms, taking into account the current developments:

a. Sectoral, institutional, and intellectual rationale holistic-reductionist religion: Religion that is owned, produced and institutionalized through madrasah (university), theology, religious, and other organizations. It is the way religion combines several facets of life with its logical and intellectual frameworks and theory, practice, and modeling. It is founded on establishing an unbreakable connection between the spirit of the moment, social demands, and religion. However, it now risks becoming a speculative and intellectual activity on a variety of subjects.

b. Symbolic-emblematic-codified (forms coded across several networks) and sign-reductionist religion forms: The experience of religion in which religious symbols and arguments are instrumentalized and subjected to heated symbol warfare. A very beneficial mode of manufacturing in the digital era.

c. Religion as a fragmented, fragmentary, and sarcastic form: The quest for a holy manner of meditation, healing, and catharsis along religious lines, which is not uncommon in the errant lives of the new generation.

d. The unhealthy and alienating type of religion compels people and communities to engage with religion to create a daily life connection resembling different psychiatric disorders.

e. Ghettos (forms that provide unity of perception and judgment on new networks that go beyond the classical community form are mentioned) Religion form: The aspect of religion that converts a person into a member of the religious group to which he belongs, as well as the way the religious group constructs

perception, judgment, and practice via the use of its new networks.

f. Value-centered, humane, and moral forms of religion: In my opinion, the proper form of religion that was shown in the first emergence of Islam and that balances and normalizes the above forms of religion and finds meaning in values, humanity, and morality, presents a universal nature and form.

The stage manifested, explained, and arranged in the last article has an obvious dimension.

- A genuine understanding of God: one and only, creator, omnipotent, etc.
- A clear understanding of prophecy, announced through prophets, bringing news, etc.
- It is like the revelation that there is no possibility of open intervention by institutions and individuals with explicit and supra-human references.
- A precise individual and community expectation: striving for good and avoiding evil.
- There is an apparent belief in the afterlife, an awareness that everyone is responsible for everything they do, supra-communal, humane, and moral.
- The determination of knowledge and belief guarantees all ontological, cosmological, and human processes with a coherent and understandable scenario.

There is a textural mismatch between the value-centered, humanizing, ethically driven type of religion and contemporary digital technology. There is a lengthy and complex period of crisis in which a new accord between essence and value and symbolic transference must be reached. They often end up being diametrically opposed when conveyed in the representation of one another.

For this:

a. It is critical to maintaining a humanizing and moral kind of religion. Because most of these forms are a direct antidote to contemporary alienation, we shall be liberated from many of the difficulties we face today via worship, virtue, moral and multidimensional interaction with other people, all of which are practiced. Even five times daily ablutions and collective prayers may save individuals from addiction, associability,

and a variety of other modern condemnations. Anti-exhibitionism, modesty, *infāq* (donation), family and kinship myth, and dozens of other factors all contribute to the near impossibility of modern illnesses. Multiple instances are conceivable.

b. Existing technologies need Islamization, moralization, and humanization.

c. The hunt for cures for damaging technologies and products should be hastened. A significant portion of technologies are entwined with content and mechanizations that affect morality, family, and the human experience of cohabitation, and when we add weapons and technology that degrade the environment, we have a vast field. These must be addressed individually with new sensitivity.

d. Alternative Islamic, moral, and humanitarian technologies and products are being developed.

e. Faith, morality, decency, and a sense of human responsibility are required in the face of chaos. The digital era encompasses a plethora of ideas, attitudes, and behavior complexes whose origins, aims, and shapes are unknown.

Islamic civilization will face severe difficulties in the approaching era. The Muslim intellect, consistent with a sterile religious life and human connections, seeks knowledge and resolutions to specific difficulties. However, neither history nor life nor the future develops via sterile and restricted outputs. We are confronted with reality or virtual reality undergoing a fresh transformation that is exceedingly complicated and chaotic while remaining unpredictable. That is why we want theoretical, practical, and model outputs that strive to resolve chaos and confusion rather than techniques based on sterile recommendations. As a result, there is a strong demand for dynamic discourse and action operability that is context-aware, in addition to strictly systematic models. Naturally, value, humanity, and moral concerns should be the primary motivators in this process.

Conclusion

Digitization may be seen as a new era in human history in one manner or another. As the epistemological source of digitalization, image systematics, image clustering, image dynamics, and image burn, imaginary projections based on image epistemology (imagology) are precious resources. It is unimaginable that faiths and beliefs would

pass through this process unaffected or without having an influence. However, not all faiths and religions anticipate the same kind of inquiries and responses. This, in turn, creates a new avenue for the imagined formation of symbolist and iconistic reductionist beliefs (Izetbegovic 1994), culture, and religions. There are new problems for Islam's religion, motivated by real-world reasons such as belief, value, morality, and virtue. However, in regard to Islam, it is recognized that there are specific, powerful reasons and behaviors against all sorts of alienation brought about by the digital age.

However, they must be evaluated on a multidimensional level. Otherwise, we will discuss either a model that is unrelated to the present or a belief system that has lost its identity due to the period's spirit. Although new opportunities emerge for pagan and radical symbolic identification beliefs, their symbolic creations may also be utterly split into digital fragmentation and incorporated into apparatus processes.

We cannot fix issues at their source in the mechanical and digitalized world since the source is unaffected by the problems. As a result, it is vital to build systems with value at the center in addition to solid alternatives. The digital platform is a manipulative platform, and it is dangerous to make judgments and continue without first detoxifying from its influence. As a result, many behaviors of old civilizations may be reformed to protect against constant digital attacks. It is a particular danger for decision-makers to create works with a more significant influence on life without building calm spiritual systems.

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POPULAR PIETY IN INDONESIA: "AESTHETICIZATION" AND REPRODUCTION OF ISLAM[*]

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Abstract

Globalization and democratization have greatly contributed to the rise of Islamic popular culture especially popular piety in Indonesia. Popular piety can be defined as Muslims' religious expressions that are driven mostly by their culture or atmosphere rather than their ideology. This article will observe several phenomena of popular piety such as the flourish of the hijâb among middle-class urbanite Muslims, dahwahtainment, the hijrah movement, the burgeoning of ʿumrah pilgrimage with celebrities etc. It is interesting to see these phenomena as part of the process of re-Islamization, secularization, or even post-Islamism. In my view, popular piety is part of the process of public

Islam which in turn will generate civil Islam. The phenomena of popular piety will not only be viewed from the perspective of commodification of Islam and consumerism of Muslims, but also as an "aestheticization" of Islam which would foster a much broader interpretation of Islam in Indonesia.

Key Words: Popular piety, *ḥijāb*, *ʿumrah*, public Islam, civil Islam, post-Islamism

Introduction

As the world's largest populous Muslim country, Indonesian Islam is undergoing such remarkable developments in the last two decades especially since Islam is more publicly visible and articulate.[1] "Modernization"[2] and globalization, among the others, have flourished the development of Islam which many scholars name it as Islamic resurgence (Islamization) which is conspicuous almost in all aspects of society.[3] Currently, Indonesian Muslims which comprise approximately 87% of the population[4] have demonstrated their vitality as a system of symbolic and collective identity which in turn has also influenced the social and political dynamics of Indonesian society. Therefore, the positive responses and expressions of Muslims to "modernity" bring Lapidus to assert that Islam is a religion of

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[1] Robert W. Hefner, *Civil Islam, Muslims and Democratization in Indonesia* (Princeton: Princeton University Press, 2000), 123.; Azyumardi Azra, "Political Islam in post-Soeharto Indonesia," in Virginia Hooker and Amin Saikal (eds.), *Islamic Perspectives on the New Millennium* (Singapore: ISEAS, 2004), 133.

[2] Regardless of many debates on the discourse of modernization, the writer shares his views with those who believe that there are multiple modernities, to distinguish between modernity in the Western context and other contexts. Further see S. N. Eisenstadt, "Multiple Modernities," *Daedalus* 129, no. 1, (2000), 1-29.

[3] Noorhaidi Hasan, "The Making of Public Islam: Piety, Agency, and Commodification on the Landscape of the Indonesian Public Sphere," *Contemporary Islam* 3/3 (2009), 232-233, https://doi.org/10.1007/s11562-009-0096-9.

[4] Based on national census in 2010. Further see Indonesian Central Bureau of Statistics https://sp2010.bps.go.id/index.php/site/tabel?tid=321&wid=0 (accessed on July 15, 2019).

modernization.[5] Along with the rise of Indonesian Muslims' consciousness to demonstrate their religiosity in the public sphere, Islam has increasingly moved to the center and become part of political expressions, legal transactions, economic activities, as well as social and cultural practices.[6]

The rise of Islamic identity in the Indonesian public spheres has been marked by the proliferation of religious symbols and new lifestyles. Currently, many expressions on Islam are more visible in the public spheres and also in the media such as fancy mosques, Islamic schools, Islamic banks, Islamic hospitals and medication, Islamic music and movies, ḥijāb, daʿwahtainment[7] on TV and internet, etc. New genres of daʿwah such as cyber daʿwah and cellular daʿwah through many kinds of social media and web-based services bring Islam into everyday life and personal convenience, accessibility, and immediacy.[8] The emergence of Islam in the public spheres is such an expression of Muslims' freedom to express their identity. Undoubtedly, the proliferation of Islamic popular culture is more obvious nowadays due largely to globalization and democratization.

Among the above Islamic popular culture, the writer is particularly interested in the phenomenon of popular piety. Normatively, religiosity is more profound in Islam as personal piety. The flourish of Islam socially and culturally nowadays, however, could be clearly seen as popular piety or symbolic piety. The writer prefers to define the term as the collective forms of religious-based lifestyles practiced by Muslims that are mostly inspired by their circumstances rather than

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[5] Ira M. Lapidus, "Islamic Revival and Modernity: The Contemporary Movements and the Historical Paradigms," *Journal of the Economic and Social History of the Orient* 40, no. 4 (1997), 457.

[6] Noorhaidi Hasan, *Laskar Jihad: Islam, Militancy, and the Quest for Identity in Post-new Order Indonesia* (Ithaca: Cornell Southeast Asia Program, 2006).

[7] Type of television program of preaching which combine performative religious skills with entertainment, for further reading see Dicky Sofjan "Gender Construction in *Dakwahtainment*: A Case Study of Hati ke Hati Bersama Mamah Dedeh," *Al-Jāmiʿah: Journal of Islamic Studies* 50, 1 (2012), https://doi.org/10.14421/ajis.2012.501.57-74.

[8] Greg Fealy, "Consuming Islam: Commodified Religion and Aspirational Pietism in Contemporary Indonesia," in *Expressing Islam: Religious Life and Politics in Indonesia*, ed. Greg Fealy and Sally White (Singapore: ISEAS, 2008), 29-30, https://doi.org/10.1355/9789812308528-006.

beliefs. Among this kind of popular culture are the increasing usages of ḥijāb among urban middle-class Muslims, hijrah[9] movement and Arabism,[10] dakwahtainment, etc.

This paper tries to answer some questions such as what are the varieties of popular piety, to what extent do globalization and democracy give to the rise of popular piety, and what is the meaning of popular piety in the dynamics of Islam and modernity in Indonesia. To acquire a good interpretation from the above phenomena, the writer should not rely on the individual context but more important should be within a given social context. Ḥijāb of female Muslims for example should not only be understood as personal piety (ethical) but could also be viewed as aesthetical or even political phenomena. Likewise, the phenomenon of hijrah among the youth, and the Arabic culture both in fashion and utterances or communication have been seen as a new face of Indonesian Islam. In general, however, popular piety as a phenomenon of democratization of Indonesia could be viewed as aestheticization, reproduction of Islam, moderate Islam, and later exclusivity of Islam.

Public Islam & Popular Culture

Since the last decade of the New Order government in the 1990s, Islam has been flourishing significantly in Indonesia. The government's openness towards Muslims provided an opportunity for the emergence of the middle-class Muslim generation to exhibit religious symbols more explicitly in the public sphere.[11] Owing to the mass and rapid development of Islamic education since the mid of the New Order government, devout Muslims (*santri*) rose significantly and

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[9] Historically, the term hijrah is traced to the commemoration of the day when the Prophet Muhammad (PBUH) emigrated from Makkah to Madinah. The term is translated as emigration especially among young generation of Muslims to declare a spiritual emigration and pursue a better life in the world and here after. For further reading see Taufiqur Rahman et al. "Hijrah and the Articulation of Islamic Identity of Indonesian Millenials on Instagram," *Jurnal Komunikasi: Malaysian Journal of Communication* 37/2 (2021), 154-170.

[10] The term is related to the adoption of Arabic cultures such as lifestyle, language, fashion as the Muslim daily life.

[11] Fealy, "Consuming Islam," 15-16.

became a significant segment in the society.[12] Witnessing the shift of the attitude of the state towards Islam, Indonesian Muslims initiated various activities to demonstrate the victory of Islam. Since they believe that Islam could play a significant role in the public arena, they implemented various "Islamic visions" at the level of education, economics, as well as politics.

Furthermore, Brenner argues that since the late 1970s the phenomenon of 'the Islamic resurgence' has had a profound impact on religion, politics, and society throughout the Islamic world and beyond. As she further explains:

> One of the most conspicuous symbols of this powerful and resilient movement is the style of women's clothing or 'veil.' In Java veiling isymbolizes a new historical consciousness that deliberately disassociates itself from the past. Javanese women who adopt the veil often invoke the idiom of 'becoming aware' as a means of distancing themselves from their own pasts and conceptualizing the process by which they have used their newfound knowledge and practice of Islam to bring about the personal change.[13]

In addition, the development of Islam in the country is also reinforced by global Islam which also reverberated since the end of the 20th century. Undeniably, however, although global Islam also brought about a significant influence on Islamism or even radicalism, the writer believes that moderate Islam would be much obvious in the religious life in Indonesia. Globalization also brings about the influx of foreign culture in the country which in turn influenced significantly Indonesian culture including the Islamic popular culture. Eventually, popular Islam is one of the phenomena of the emergence of public Islam.

When religion comes to a certain territory, it undergoes such kind of contextualization since religion is such a culture that could be also adaptive to certain social settings and corresponds to surrounding

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[12] Farish A. Noor, "Popular Religiosity in Indonesia Today: The Next Step after 'Islam Kultural'?" in *Al-Jāmiʿah: Journal of Islamic Studies* 53/2 (2015), 284-286, https://doi.org/10.14421/ajis.2015.532.283-302.

[13] Suzanne Brenner, "Reconstructing Self and Society: Javanese Muslim Women and 'the Veil'," *American Ethnologist* 23/4 (November 1996), 673-697, https://doi.org/10.1525/ae.1996.23.4.02a00010.

culture.[14] The encounter of a religion with a local culture has given birth to a mixed culture (syncretism) which is functional within the society. As a religion, Islam could develop into an adaptive culture since it is influenced by ideology and market interest. This is such an endless process within a society in which Islam has been continuously adapting to certain cultural processes. In other words, Islam is undergoing such kind of contextualization in such ultra-modern era which could change also its religious practices. Religion tends to be understood from its outer appearance; an image made by the people (aesthetic). Whereas ethical values as the substance of a religion which creates a blueprint of social practices do not give significant influence.[15] It means that Islam which is more visible in the public sphere is due largely to the aesthetic factors rather than ethical values of religion.

Obviously, the growth of Islamic consciousness in Indonesia could be seen with the proliferation of Islamic institutions and publicly religious symbols.[16] The phenomena of sharīʿah, ḥalāl, hijrah among the celebrities and Ustādh celebs, for instance, have been seen as a trend, which does not only attract public attention about the new face of Indonesia celebrity but also the religious spirit of public figures, which became the spotlight, although substantially this change is still a debate.

Interestingly, this phenomenon is also well captured by the industry and world of entertainment. If in a few decades, the industry did not really consider the notion of ḥalāl and sharīʿah as the focus of their product promotion, this change has created its own market. Ḥalāl and sharīʿah are expressively and distinctively stated for Muslims as the biggest share of the products, not only for food but also fashion, cosmetics, and other health product industries This development, of course, cannot be separated from changes on the socio-political level, since reformation era when we could witness the abundant new Islamic institutions such as Islamic boarding schools, integrated Islamic schools, Islamic alms and donations, Islamic finance (bank, insurance, and pawnshop), Islamic hospitals and medication, Islamic political

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[14] James W. Dow, "The Evolution of Religion: Three Anthropological Approaches," *Method & Theory in the Study of Religion* 18/1 (2006), 75-77.

[15] Irwan Abdullah, *Konstruksi dan Reproduksi Kebudayaan* (Yogyakarta: Pustaka Pelajar, 2010), 113-114.

[16] Hasan, "The Making of Public Islam," 236-237.

parties, and even the latter from the moderate to the conservative ones. On the entertainment sides, the television, film, and music industries have also experienced significant variations, in which Islamic text and music narratives have their own segments in any range of age. However, this development does not necessarily shift or eliminate the level or class of society especially among Indonesian Muslims. On a high level of society, for instance, a new trend of people performing pilgrimage to Mecca either with standard price or with the most exclusive ones, many new fancy mosques built, more Muslims wearing ḥijāb (Muslim outfits) or attending religious sermons on TV or four or five-star hotels, etc, are some other Islamic consciousness which spotlights the phenomena.

In contrast to the New Order era in which people tend to hide their religious identity, since the beginning of the reformation era, Muslims are eager to demonstrate their religiosity. Hijrah, which is basically a ritual personal has become a collective action following the social movement of popular daʿwah which massively fills public space and social media. Recent research conducted by IDN found that hijrah has become a growing trend among Indonesian Muslim millennials (IDN Research Institute, 2020). Most of the respondents in the research agreed that some hijrah behaviors were mostly about their daily lifestyle changes.[17] Similarly, another research by Farchan also mentions that the trend of hijrah, especially among urban millennial Muslims, puts a new color to Indonesian Islam. The interpretation of hijrah has undergone a transformative shift from the geographical realm as the concept of hijrah at the time of the Prophet Muḥammad to the personal realm. The thinking construction of millennial generation thinking on hijrah, in general, is "changing attitudes, behavior, and lifestyles in accordance with Islamic values."[18]

Obviously, democratization brought about media liberalization and Islamic media is not the exception. The most visible is the mushroomed of Islamic printing media such as books, novels, magazines, tabloids, and bulletins which for more than three decades

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[17] IDN Research Institute (2020), Indonesia Millennial Report 2020. https://cdn.idntimes.com/content-documents/Indonesia-millennial-report-2020-byIDN-Research-Institute.pdf, accessed September 17, 2021.

[18] Yusa' Farchan and Zulfa Rosharlianti, "The Trend of Hijrah: New Construction of Urban Millennial Muslim Identity in Indonesia," *The Sociology of Islam* 1/2 (June 2021), 1-24.

had been subjected to government criticism and state restriction in the name of security, political stability, and economic development. Other phenomena of public Islam are the flourish of electronic media such as Islamic movies, Islamic soap operas (TV series), religious sermons on TVs, cyber da'wah, streaming radio, or online magazines, and also Islamic social media. All the above phenomena correspond with the demand of middle-class Muslims which also rising significantly.

The phenomena of public Islam which are blossoming and more visible nowadays are part of the democratization process in Indonesia. Along with the growth of Indonesian economics, the number of middle-class Muslims also rose significantly.[19] The writer argues that the more visible Islam in the public spheres is part of the involvement of Indonesian Muslims in the democratization of the country. This phenomenon is significant for the future of Muslims' identity and also the future of a strong nation-state of Indonesia. Islamic identity is not manipulated by the state as during the New Order period, but also not forced by certain Islamic groups as happened lately. The rise of the involvement of Muslims in the public spheres secures private interests and also the building of Muslims' civil society.

The development of information technology plays a significant role in the pace of Islamic popular culture in Indonesia. The usage of modern tools such as TV, hand-phones, the internet, and social media in most Muslims' daily life has given significant influence to the way how Muslims live. Thanks to the availability and accessibility of the internet in Indonesian cities since the end of the Suharto regime, the Islamic popular culture has also increased significantly not only in the public spheres but also in the media. In the post-Suharto era, therefore, the cyber world is not only occupied by proponents of democratization but also by many radical Islamist groups. These various online activities –from democratization efforts to fundamentalist cyber wars– mirror the liberal attitude towards the internet in the post-Suharto era. The ease of accessibility of the internet in Indonesia becomes apparent in terms of the transition from an authoritarian to a more democratic political system. However, the widely spread of online and media literacy has eased ordinary Muslims to be more familiar with doctrinal concepts and religious reasoning which was previously mostly the domain of the religious scholars

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[19]   Ariel Heryanto, *Identity and Pleasure: The Politics of Indonesian Screen Culture* (Singapore: NUS Press, 2014), 31-32.

alone.[20] Apparently, modernization gives significant changes to Muslims' religiosity. Hijab for example which was previously known as the outfits of outdated and low-level Muslims has been becoming more visible nowadays as a modern and middle-class daily life. Religious symbols which were previously well available in worship places such as mosques, nowadays are becoming more visible in public spheres. Hence, currently, Islam has become part of the popular culture in Indonesia.

Commodification of Islam and "Aestheticization"

In *the Politics of Piety*, Saba Mahmood articulates the concept of piety as a state of "'being close to God:' a manner of being and acting that suffused all of one's acts, both religious and worldly in character,"[21] the observance of Ṣalāt operated as more than a ritual obligation, but as a site of self-formation. Hence, "ritual (i.e., conventional, formal action) is understood as the space par excellence of making their desires act spontaneously in accord with pious Islamic conventions"[22]

However, in the era of globalization, where social media then becomes an important part of contemporary life, religious commodification is unavoidable. Religious symbols, including piety, which previously were in the personal area, a secret relationship between man and his/her God, then shifts to a social or popular area which could be loaded with various interests. Hence, as noted by Mahmood, the religious practice, such as wearing a veil could be debatable whether it is kind of a false awareness, a pragmatic action, or because of religious patriarchy.[23]

The flourish of Islamic popular culture, the rise of middle-class Muslims, and the adoption of many symbols of modernity could be regarded as symbolic piety. The writer believes that re-Islamization

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[20] Armando Salvatore and Dale Eickelman, "Preface: Public Islam and the Common Good," in *Public Islam and the Common Good*, ed. A. Salvatore and Dale. F. Eickleman (Leiden: Brill, 2004), xi-xii.

[21] Saba Mahmoud, *Politics of Piety: The Islamic Revial and the Feminist Subject* (Princeton & Oxford: Princeton University Press, 2005), 122.

[22] Mahmoud, "Rehearsed Spontaneity and the Conventionality of Ritual: Disciplines of 'Ṣalāt'," *American Ethnologist* 28, no. 4 (2001), 833.

[23] Mahmoud, *Politics of Piety*, 158.

took place in Indonesia in terms that Muslims' religiosity rose significantly. The mixture of spirituality and modernity should not necessarily lead Islam to secularization as religions have more than merely survived well in many parts of the modern world.[24] Berger even concludes that modernity does not necessarily bring about a decline of religion.[25] Further, it is such a kind of new identity of moderate Muslims who could not only show their religiosity personally but also publicly. The writer, however, views that the re-Islamization of the country is such kind of shifting from old-fashioned to modern Islam.

The overwhelm of Islamic piety in Indonesia has given to the rise of Islamic popular culture and also popular piety culture. In the last ten years, public Islam has been represented by the abundance of religious symbols in any public sphere. Islamic fashion has been growing market all over the world, especially in Muslim majority regions such as Southeast Asia.[26] Therefore, religious symbols in public are not only signs of Islamic popular culture and Muslims' consumerism, but also popular piety. Among the phenomena of popular piety are the growing usages of hijab among the middle class, performing ʿumrah pilgrimage with celebrities, attending religious sermons on TV programs, etc.

Many middle-class Muslim women in some big cities in Indonesia are eager to join ḥijāb communities such as *ḥijāber* community, *ḥijābers* socialite (*socialita*), Kivitz, etc. On a certain occasion, the group held a religious gathering such as religious sermons, talk shows, luncheons, fashion shows, cooking classes, charity, etc. The Hijabers Community (HC) is one of the vendors of women's Muslim fashion that has many branches and organizes many events in some big cities in the country. As noted by Hoesterey in his article "Film Islami: Gender, Piety and Pop Culture in Post-Authoritarian Indonesia:"

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[24] Armando Salvatore, "Tradition and Modernity within Islamic Civilisation and the West," in *Islam and Modernity: Key Issues and Debates*, ed. Muhammad Khalid Masud, Armando Salvatore and Martin van Bruinessen (Edinburgh: Edinburgh University Press, 2009), 4-9.

[25] Peter L. Berger, "Further Thoughts on Religion and Modernity," *Society* 49 (2012), 313, https://doi.org/10.1007/s12115-012-9551-y.

[26] Annelies Moors, "'Discover the Beauty of Modesty': Islamic Fashion Online," in *Modest Fashion: Styling Bodies, Mediating Faith*, ed. Reina Lewis (London & New York: I. B. Tauris, 2013), 36, 10.5040/9780755694181.ch-001.

With a relaxing of controls on freedom of expression in the post-1998 period, popular culture has been a fertile ground for aesthetic experimentation. Products that "breathe Islam" are increasingly popular among Muslim middle classes eager to explore new forms of religiosity through consumption and public piety (Fealy, 2008; Hasan, 2009; Hoesterey, 2008; Howell, 2008; Jones, 2007; Smith-Hefner, 2007). In addition to a surge in the popularity of religious commodities such as digital Qur'an, Islamic fashion, and cassette sermons, during the 1990s and early 2000s, there was also remarkable growth in the Islamic publishing industry, especially in the market segment of Islamic self-help (Watson, 2005; Hoesterey, 2008; Fadjar et al., 2006) [27]

All the above phenomena are only a few examples of the flourish of popular piety. They share many things in common, i.e., the rise of middle-class Muslims, Muslim consumerism, the commodification of Islam, and others of the more observable of public Islam. In such circumstances, popular piety is becoming more obvious in society. Therefore, the writer tends to define Islamic popular piety as forms of various Islamic practices which are mostly driven by their circumstances rather than their belief.

Alexander Darius coins the term of commodification of religion as 'the supermarket of religion' which refers to commodities of religious symbols, the object of consumption which is readily available in economic life and the media landscape. As he further mentions, "it is a process of recontextualization of religious symbols, language, and ideas from the original religious context to media consumer culture."[28] In terms of Indonesia, the mushroomed public Islam has created a giant market, consumerism, and commodification. The dynamic relationship between religiosity (public Islam) and commodification of Islam is a reciprocal phenomenon. On the one hand, the more public Islam reflects the need for more religious commodities, and the more widely consumed Islamic commodities the more widely spread of public Islam. Therefore, Indonesian Muslims nowadays require such religious practices which are performed in more fun, nice outfits, good

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[27] James B. Hoesterey and Marshall Clark, "Film Islami: Gender, Piety and Pop Culture in Post-Authoritarian Indonesia," *Asian Studies Review* 36 (June 2012), 207-226.

[28] Alexander Darius Ornella, "Commodification of Religion," in *Encyclopedia of Sciences and Religions*, edited by Runehov A.L.C., Oviedo L. (Springer, Dordrecht, 2013), https://doi.org/10.1007/978-1-4020-8265-8_201034.

branding, and good travel bureau, etc. Religious symbols and status such as ḥijāb among middle-class Muslims, attending religious sermons on TV stations, and ʿumrah pilgrimage are becoming valuable commodities. This opportunity is being used by certain segments of the society to acquire more benefits, either media, trading, as well as travel bureaus.

Furthermore, all kind of lifestyle and reality are undeniably undergoing such kind of "aestheticization," and religions let alone Islam is not an exception. "Aestheticisation" is a critical concept to analyze the religious phenomena in contemporary society, which is marked by commodification and consumerism. A long time ago, Simmel has already indicated the rising of "aestheticization" of reality and the increasing importance of style. Further, he argued that in such a modern era, the essence of life is no longer important except as an art, the most significant of life is the image of live itself.[29] The symptom of course may lead to the eclipse of the sacred, although the writer tends to say that it produces new experiences and religious emotions. Giuseppe and William even argue that aestheticization of religion not only underlines the importance of form and style, but also involves experiences and emotions.[30]

Modernization has been marked by the shifting of ethic to symbolic (consumptive) culture. Wearing clothes, for example, is not merely ethical needs but also a symbolic need that has to do with the kinds of clothes and the venue and atmosphere when the clothes are worn. Attending religious sermons on TV stations, for example, could not merely be considered as religious duties, but also as an aesthetic aspect of religiosity as people should wear proper and elegant clothes.

The glorification of Islam as described above in many ways then has an impact on the religious spirit and the search for the true truth of Islam. Symbolic religion is intertwined with modernization has caused many groups to lose their religious meaning. This is where the phenomenon of hijrah then thrives, especially among urban youth.

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[29] Georg Simmel, "The Problem of Style," *Theory, Culture and Society* 8 (1991), 63-65.

[30] Giuseppe Giordan and William H. Swatos, Jr. (eds.), *Religion, Spirituality and Everyday Practice* (Dordrecht: Springer, 2011).

The term hijrah directs an individual in a process where he tries to become a more devout Muslim.[31]

The case of fancy-stylish ḥijāb and ʿumrah pilgrimage could not only be seen as religious duties. It may be true that most people's first desires to wear ḥijāb or performing ʿumrah pilgrimage are driven by their religion, although many others are not the case. The writers tend to underline here that many religious rituals have been filled up with religious celebrations which underline more on joy and pleasure. ʿUmrah pilgrimage in Indonesia for example will not be as crowded as nowadays if there are no such offers to perform ʿumrah with celebrities. Another similar phenomenon nowadays is the ʿumrah pilgrimage plus visiting Islamic historical countries such as Turkey, Egypt, Jordan, etc. Apparently, all the above phenomena are the capitalization of religion which shifted ʿumrah as worship and also at the same time as religious refreshment.

Popular piety could also lead to objectification and privatization of religion. Some scholars of the Muslim modern world have noted that due to the widely spread of literacy and mass media, ordinary Muslims have become more familiar with religious basic concepts and doctrines which initially only belong to some religious scholars. The detachment of Muslims from their traditional and cultural belief and the self-contained system was labeled by Dale Eickelman and James Piscatori as religious objectification.[32] The widely available of various religious teachings on the internet have made Islam a more private domain. Although a Muslim could culturally belong to a certain religious group, in many cases one could freely decide for one's religious matters regardless of his/her religious affiliations.

Furthermore, as previously mentioned, another phenomenon to respond to this modernity are the Hijrah and Arabism movement. Taking a term from the Prophet Muḥammad's Hijrah from Mecca to Medina, the new social movement which is currently developing among the millennial Muslim generation tries to find a new meaning

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[31] *Yuyun Sunesti, Noorhaidi Hasan and Muhammad Najib Azca,* "Young Salafi-niqabi and Hijrah: Agency and Identity Negotiation," *Indonesian Journal of Islam and Muslim Society* 8/2 (2018), 173-197, https://doi.org/10.18326/ijims.v8i2.173-198.

[32] Dale F. Eickelman and James Piscatori, *Muslim Politics* (Princeton, NJ: Princeton University Press, 2004), 38-39.

of Islam through hijrah. Interestingly, this movement is not only seen as a way to try to get back to the Islamic way of life by performing Islamic rituals and religious life, but also performing Arabic lifestyle, such as in fashion and utterances of communication in daily life. If the glorification of Islam after the New Order was marked by the use of hijab for the women, the hijrah movement is seen in the Islamic values juxtaposed with the Arabic lifestyle such as the use of Arabic *kaftan*, wide ḥijāb even with burqah or niqāb, and Muslim clothes (*baju koko*) with above the knee pants (*cingkrang*) for men. Somehow, it is followed by the changes in utterances in communication, by inserting or modifying with   Arabic language such *ukhtī, akhawāt, ikhwān, ʿafwan, fī amān Allāh, shafāka'llāh, jazākum Allāh khayran, bāraka'llāh, in shāʾa'llāh, naʿūdhu billāh, shukran*, etc. which are getting popular in the last ten years.

It is undeniable that the presence of social media is one of the things that attract the millennial Muslim generation to do the hijrah movement. It is even seen as a modern way of Islamic preaching which helps the millennial Muslims understand religion better and bring them closer to their faith. Social media spreads the circulation of information about the study of Islam quickly and widely, including the hijrah movement. Therefore, hijrah for the millennial Muslim generation can be considered as a medium in creating a religious identity that is framed in the construction of the daʿwah movements

The above phenomena are actually part of the globalization and democratization process that have been developing in society. As mentioned above, after the New Order, the reformation era which are later supported by significant developments in the digital world does not only foster a stronger religious milieu such as the massive of ḥijāb and dakwah movement or the hijrah among the youth, but also the religious commodification by creating a very dynamic and various trends of religious piety which is so-called popular piety.

Secularization or Moderating Islam

Many people may assume that globalization and modernization would marginalize religions and push religious values near to vanish. In the same vein, many scholars argue that religions could not mingle with a globalized world. The writer certainly agrees with Berger arguing that although modernization may have some secularization effects, some counter-secularization may arise in the form of

spiritualism or individual religious consciousness.[33] Turner even asserts that globalization invokes the rise of new forms of spirituality, especially middle-class people who have been influenced by western consumer values.[34] Kitiarsa also proposes that the turn of religion into marketable goods in Asia is part of secularization.[35] There are many aspects of popular Islam which seems could justify this assumption such as that the commodification of Islam would desacralize the religious aspects of Islam, that popular piety could lead to religious formality or symbolic piety, that popular piety could lead Muslims to be more permissive, etc. The writer contends, however, that globalization and modernization do not necessarily require secularization, at least, in the case of Indonesia.

The onward development of modernization does not necessarily entail secularization. Contemporary modern Islam in many parts of the world has proved that Islam could survive and attested.[36] It may be true that commodification of Islam could desacralize the religious aspects of Islam. The growth of dahwahtainment on TV and the internet has been criticized as artificial preaching, because it focuses on the packages of entertainment rather than the content of da'wah itself. But, in my view, modernization could even add to the religious passions of Muslims.   In addition, their choice of religious style is in accordance with their rational choice rather than previously which was more on emotional or cultural choice. The rational choice on their religiosity in many senses necessitates them to learn more about their religion. In choosing how to dress for their daily life, how to perform ʿumrah pilgrimage and religious sermons, and how to change their lifestyle

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[33] Peter L. Berger, "The Desecularization of the World: A Global Overview," in *The Desecularization of the World: Resurgent Religion and World Politics*, ed. Peter L. Berger (Washington: Ethic and Public Policy Center, 1999), 1-5.

[34] Bryan S. Turner, "Religious Diversity and the Liberal Consensus," in *Religious Diversity and Civil Society: A Comparative Analysis*, ed. Bryan S. Turner (Oxford: The Bardwell Press, 2008), 65-66.

[35] Pattana Kitiarsa, "Introduction: Asia's Commodified Sacred Canopies," in *Religious Commodifications in Asia: Marketing Goods*, ed. Pattana Kitiarsa (London: Routledge, 2008), 3.

[36] Berger, *The Many Altars of Modernity: Toward a Paradigm for Religion in a Pluralist Age* (Boston & Berlin: De Gruyter, 2014), 68-69.

Muslims are engaged in religious creativity.[37] The mixture of spirituality and modernity should not necessarily lead Islam to secularization as religions have more than merely survived well in many parts of the modern world.[38] Rather, it is such a kind of new identity of –let's say– moderate Muslims who could not only show their religiosity personally but also publicly. In the view of the writer, however, the re-Islamization of the country is such a kind of shifting from old-fashioned to modern Islam.

In this sense, a research by Fatimah Husein sees a change in the theology of piety from the personal to the social realm. Taking some phenomena of *ṣadaqah* (charity) and reciting Qurʾān, One Day One Juzʾ (ODOJ) she examines "how *riyāʾ*, an established concept in Islamic theology that refers to showing off one's piety, has gained new relevance in the context of contemporary uses of social media for religious purposes."[39] According to Campbell, since "digital religion," being present on a variety of online media ranging from websites to mobile apps, "does not simply refer to religion as it is performed and articulated online, but points to how digital media and spaces are shaping and being shaped by religious practice."[40]

On the account that popular piety could lead to religious formality or symbolic piety, the writer tends to maintain that popular piety is another 'approach' of formal piety. The presence of Muslims in the religious sermons, wearing ḥijāb, and ʿumrah pilgrimage would not happen unless they are eager to do so. The most obvious is the slogan of a ḥijāb vendor sharʿī & stylish which does not disobey to the most religious aspects of religious practices, sharʿī. Similarly, the other forms of popular piety also will not violate the religious values of Islam.

It might be true that popular piety could lead Muslims to be more permissive, in terms that Islamic values are less sacred. The most

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[37]   John R. Bowen, *A New Anthropology of Islam* (Cambridge: Cambridge University Press, 2012), 42.

[38]   Ariel Heryanto, *Identity and Pleasure*, 31.

[39]   Fatimah Husein and Martin Slama, "Online Piety and its Discontent: Revisiting Islamic Anxieties on Indonesian Social Media," *Indonesia and the Malay World* 46/134 (2018), 80, https://doi.org/10.1080/13639811.2018.1415056.

[40]   Heidi A. Campbell, "Introduction: The Rise of the Study in Digital Religion," in *Digital Religion: Understanding Religious Practice in New Media Worlds*, ed. Heidi. A. Campbell (London: Routledge, 2013), 1.

current obvious phenomenon is the phenomenon of *jilbāb*. The enthusiasm of women Muslims to wear *jilbāb*[41] is obvious in many different levels of society so that emerged the term *jilbāb*. This term satirizes many teenage urban women Muslims wearing a scarf but does not really cover their chest. It will not be a problem of course if they do not wear scarfs at all. The *jilbāb* phenomenon may be the most apparent for the permissiveness of Muslims which could lead to be secular or liberal views.

The phenomena of public Islam which is blossoming and more visible nowadays are part of the democratization process in Indonesia. Along with the growth of Indonesian economics, the number of middle-class Muslims also rose significantly. The writer argues that the more visible Islam in the public spheres is part of the involvement of Indonesian Muslims in the democratization of the country. The more modern a Muslim, the more he would learn that Muslims require modern ideas such as equality and democracy and no longer consider them as merely Western values.[42] This phenomenon is significant for the future of Muslims' identity and also the future of a strong nation-state of Indonesia. The rise of the involvement of Muslims in the public spheres secures private interests and also the building of Muslims' civil society.

Reproduction of Islamic values

The flourish of popular piety culture in a broader context is such as the process of social reproduction of Islamic values. As many Muslims believe, the writer does consider that Islamic values are ageless, eternal, and cross the boundaries of space and time. Islam which has been survived for centuries proved that it accommodates local and modern values. As Kitiarsa argues, popular piety culture is a "complex historical and cultural construction" that does not necessarily lead to religious disorder or yield new religious forms that contradict with the

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[41] The term *jilbāb* which is derived from Q 33:59 means a scarf or veil that cover women Muslims' head and chest. In many cases, *jilbāb* and ḥijāb are used interchangeably, but in Indonesian context, *jilbāb* is a scarf and a part of ḥijāb. From the perspective of sharīʿah, therefore, many *jilbāb* do not qualify the concept of ḥijāb.

[42] Hefner, "Public Islam and the Problem of Democratization," *Sociology of Religion* 62/4 (Winter 2001), 498.

existing religious belief and practices.[43] The presence of Islamic popular culture nowadays could not be considered as fleeting, worldly, or even not Islamic. As Talal Asad portrays Islam as a drama of religiosity, he asserts that "Islam does not belong to a "fixed stage of an Islamic theatre." Along with the development of the world, Islam also develops in its ways to adjust to any socio-cultural contexts.[44] Therefore, popular piety cultures which grow in many Muslim worlds are part of the reproduction of Islamic values.

The first point is the shifting of Islamic values from traditional to modern ones. As the writer has indicated in the previous paragraph, Indonesian Muslims during the reformation era have made a substantial leap from traditional to "fashionable" Islam. Previously, Muslims are anxious and afraid to express their identity as Muslims such as to convey Islamic greetings to other Muslim counterparts or in certain official forums, to wear religious attire such as ḥijāb in public space, etc. During the Suharto era, ḥijāb for example had been seen mostly as the attire of rural area people.[45] Nowadays, Islam is not only present in the public sphere but even is becoming an elite culture. The most obvious is ḥijāb which is not only worn by middle-class Muslims as their religious duties but even by many celebrities as a popular lifestyle. Islam has been seen by Indonesian Muslims as their new identity.

The second point is that Islam becomes an urban and fashionable lifestyle. Islamic sermons (Ind. *Pengajian*) for example are no longer as religious duties but also as formalities. In the previous era, religious sermons were purely religious duties that were held in mosques or private houses. As Islam nowadays has been as a public realm, religious sermons are held at fancy urban mosques or four-five star hotels. This trend brings about a new enthusiasm and dynamism for Muslim urbanites to exhibit Islam in their daily life, hence new demands for contextualized values of Islam.[46] The emergence of some

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[43] Kitiarsa, "Introduction: Asia's Commodified Sacred Canopies," 3.

[44] Talal Asad, "The Idea of an Anthropology of Islam", in *Occasional Papers* (Washington DC: Center for Contemporary Arab Studies, Georgetown University, 1986), 11.

[45] Brenner, "Reconstructing Self and Society."

[46] Akh Muzakki, "Islam as a Symbolic Commodity: Transmitting and Consuming Islam through Public Sermons in Indonesia," in *Religious Commodifications in Asia: Marketing Goods*., ed. Pattana Kitiarsa (London: Routledge, 2008).

modern urban Sufism[47] in some big cities as Jakarta explains how Islam is becoming the lifestyle of urban middle-class Muslims. The sermons on TV stations are also a good example of how Muslims considered religious sermons as part of their lifestyle. Apparently, this shifting is such a transformation of Islam from traditional and rural religion to be urban and modern Islam.

Finally, the notion of *ustādh* and *ʿulamāʾ* also undergo such kinds of social and cultural negotiations. Initially, the terms *ustādh* and *ʿulamāʾ* in Indonesia refer to a person having broad and deep religious values after finishing his study in religious schools. The status of *ustādh* or *ʿulamāʾ* itself is more ascribed by the society rather than achieved; it is quite sacred status within society. Nowadays, the perception of society toward *ustādh* is slightly changing. The more presence Islam in the public sphere in the form of popular culture entail many *ustādh*s appear on TV programs and other public spheres. This phenomenon brought about major differences between *ustādh* and *ʿulamāʾ* in Indonesian context. While the term *ʿulamāʾ* does not change much in society, recently the status of *ustādh* is slightly below the status of *ʿulamāʾ*. This phenomenon happened due to the emergence of a new term, i.e., *ustādh* celeb, which refers to young *ustādh*s who are famous among the youths and middle-class and frequently appear on TV programs. Some notable *ustādh* celebs are Ust. Yusuf Mansur, Ust. Solmed (Sholeh Mahmud Nasution), Ust. Nur Maulana, and the late Ust. Uje (Ustadh Jefri Al-Buchori). The presence of some *ustādh* celebs attracts many young and middle-class Muslims to learn Islam as these *ustādh* could interpret or reproduce Islamic values in accordance with the need of the middle-class urbanites.

Conclusion

Amidst the surge of global Islamism and the contestation of religiosity in Indonesia from the ultra-conservative, moderate, to the liberal Islam ones, Indonesian Muslims demonstrate their visibility in the public spheres. The rise phenomena of Islamic popular piety are among the ongoing process of accommodation of Indonesian Muslims toward globalization and also modern values. Therefore, the writer believes that popular piety culture would take part significantly to

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[47] Some notable urban Sufism in Jakarta are Manajemen Qalbu of Abdullah Gymnastiar, Majlis Dzikir of Arifin Ilham, Emotional-Spiritual Quotient of Ary Ginanjar, and Sentuhan Qalbu of Firdaus Djamari.

modernize Indonesian Islam. Although popular piety could be simply understood as swallowing of Islamic belief, the writer tends to argue that it could be seen as the phenomenon of aestheticization and privatization of religion and also part of the reproduction of Islamic values. Eventually, popular piety is such a process of moderate-rational Muslims' contestation and negotiation in the public sphere.

While conservative Muslims or Islamists always refer to scripturalist Islam, Islamic popular culture refers to Islam of the mass' and the populace's interpretation of Islamic values. Therefore, the notion of Islamic popular culture is inclusive, adopts much of local values, and is popular among urban and middle-class Muslims. In this context, Weintraub asserts that Muslim popular culture is such a mixture of global Islamic resurgence, Western consumer culture, and also local cultures.[48] In the meantime, contestations of many different poles of religious beliefs also take part in adjusting religious life in the country. Islamic da'wah and teachings which are broadly available in many forms give a lot of choices for Muslims to choose which is suitable for their levels of religious beliefs. All the dynamic socio-cultural interaction undoubtedly will not bring about Indonesian Islam into literalist or scripturalist Muslim, but moderate one instead. In general, Islamic popular culture could be seen as part of the post-Islamism process in Indonesian Islam.

The phenomena of Islamic popular culture could be seen as the emergence of Indonesian middle-class Muslims. Along with modernization, the wake of Indonesian Islamic religiosity is represented nowadays by Muslim urbanites. It was them who may dominate the contestation of religious narratives. Although there are many variants of Islam among the urbanite Muslims, some modernization values such as rationalism when it meets with religiosity would generate and reproduce new modern values in Islam.

DISCLOSURE STATEMENT

No potential conflict of interest was reported by the author.

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[48]　Andrew N. Weintraub, "Introduction: The Study of Islam and Popular Culture in Indonesia and Malaysia," in *Islam and Popular Culture in Indonesia and Malaysia*, ed. Andrew N. Weintraub (London: Routledge, 2011), 3.

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Malaysia, edited by Andrew N. Weintraub, 1-17. London: Routledge, 2011. https://doi.org/10.4324/9780203829004.

THE MUʿTAZILISM OF AL-ZAMAKHSHARĪ: A BAHSHAMĪ OR A ḤUSAYNĪ?

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Abstract

Al-Zamakhsharī's Muʿtazilī identity is undisputed, aside from a few isolated assertions or inquiries to the contrary. In fact, alongside historical records that depict him as a loyal Muʿtazilī and even a propagandist for his madhhab, the opinions he expressed and the approaches he employed in his works serve as evidence for this claim. The two Muʿtazilī schools that operated during his time in the Muslim world, in particular in his own region of Khwārazm, were the Bahshamiyyah and the Ḥusayniyyah. Considering this fact, in terms of his theological identity, it could be asserted either that he is a member of one of the Bahshamī or Ḥusaynī schools or that he positions himself "in search of a broadly based, catholic Muʿtazilism" instead of taking a clear stand. This study, while providing partial evidence for the latter claim, argues that his Ḥusaynī identity is rather evident from his ideological stance and opinions.

Key Words: Kalām (Islamic theology), al-Muʿtazilah, al-Ḥusayniyyah, al-Bahshamiyyah, al-Zamakhsharī

Introduction: Muʿtazilism in Khwārazm and al-Zamakhsharī

Abū l-Qāsim Maḥmūd ibn ʿUmar al-Zamakhsharī (d. 538/1144) was a Muʿtazilī scholar mostly known for his competence in Arabic language and literature and especially his Qurʾānic commentary *al-Kashshāf*, whose influence transcends sectarian boundaries. He hailed from Khwārazm, where Muʿtazilah was still alive and had been, in a sense, reborn at a time when it had largely been destroyed in the rest of the Islamic world. It is highly probable that Khwārazm, where the presence of Muʿtazilah was observed until the end of the 8th/14th or the beginning of the 9th/15th century, was systematically introduced to Muʿtazilī thought and therefore, that a serious effort to spread the Muʿtazilī perspective was made in the region for the first time by Abū Muḍar Maḥmūd ibn Jarīr al-Ḍabbī al-Iṣfahānī (d. 507/1114), who was also al-Zamakhsharī's teacher.[1] In fact, Yāqūt al-Ḥamawī (d. 626/1229) reports that he introduced Muʿtazilī ideas to Khwārazm and spread them there and that many people, including al-Zamakhsharī, gathered around him and became members of his sect under the influence of

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[1]   Although figures bearing the *nisbah* "al-Khwārazmī" such as Abū Muḥammad al-Khwārazmī were also recorded during an earlier period in the history of Muʿtazilah, i.e., in the 12th generation (*ṭabaqah*), which consisted of the students of al-Qāḍī ʿAbd al-Jabbār (d. 415/1025), there is no evidence that these people taught or spread the Muʿtazilī perspective in Khwārazm; see al-Mahdī li-Dīn Allāh Aḥmad ibn Yaḥyá Ibn al-Murtaḍá, *Kitāb Ṭabaqāt al-Muʿtazilah*, ed. Susanna Diwald-Wilzer (Beirut: Manshūrāt Dār Maktabat al-Ḥayāh, 1961), 118; Abū Saʿd al-Muḥassin ibn Muḥammad ibn Karrāmah al-Ḥākim al-Jushamī, *al-Ṭabaqatān al-ḥādiyah ʿasharah wa-l-thāniyah ʿasharah min Sharḥ ʿUyūn al-masāʾil*, ed. Fuʾād Sayyid and Ayman Fuʾād Sayyid (in *Faḍl al-iʿtizāl wa-ṭabaqāt al-Muʿtazilah*; Beirut: Orient-Institut Beirut, 2017), 401. Therefore, although it can be said – by reference to the example of al-Zamakhsharī – that the introduction of Muʿtazilī thought to the Khwārazm region began in the 5th/11th century, this fact does not provide sufficient evidence that Muʿtazilī thought was spread in any systematic way at that time; see Orhan Ş. Koloğlu, *Mutezile'nin Felsefe Eleştirisi: Harezmli Mutezilî İbnü'l-Melâhimî'nin Felsefeye Reddiyesi* (Bursa: Emin Yayınları, 2010), 42-43. Additionally, Madelung states that there are indications that Muʿtazilī thought became entrenched in Khwārazm before al-Ḍabbī but does not provide any concrete evidence for this claim; see Wilferd Madelung, "The Theology of al-Zamakhsharī," in *Actas del XII Congreso de la U.E.A.I. (Malaga, 1984)* (Madrid: Union Européenne d'Arabisants et d'Islamisants, 1986), 486.

his scholarly and moral competence.[2]

Within this historical and sociological context, it cannot be denied that the first Muʿtazilī scholar who achieved great and widespread fame in Khwārazm was al-Zamakhsharī. During the three centuries after al-Zamakhsharī, aside from Ibn al-Malāḥimī (d. 536/1141), who was his contemporary and with whom he exchanged religious knowledge, the Muʿtazilah, of which figures such as Abū l-Faḍl Muḥammad ibn Abī l-Qāsim ibn Bāyjūq al-Baqqālī al-Khwārazmī (d. 576/1180), Abū l-Ḥasan ʿAlī ibn Muḥammad al-ʿImrānī al-Khwārazmī (d. 560/1165), and Abū l-Fatḥ Nāṣir ibn ʿAbd al-Sayyid ibn ʿAlī al-Muṭarrizī (d. 610/1213), who were his disciples, and Abū Yaʿqūb Sirāj al-Dīn Yūsuf ibn Abī Bakr al-Khwārazmī al-Sakkākī (d. 626/1229), who was known as a groundbreaking scholar in Arabic rhetoric, and his disciple in theology, Abū l-Rajāʾ Najm al-Dīn Mukhtār ibn Maḥmūd ibn Muḥammad al-Zāhidī al-Ghazmīnī (d. 658/1260) could be counted as important representatives in the region, established absolute dominance in Khwārazm. According to information and narratives drawn from classical sources, the facts that the people had adopted the idea of *iʿtizāl* during the period in which al-Zamakhsharī lived,[3] all the people of Khwārazm were Ḥanafīs and Muʿtazilīs,[4] and that in the following centuries, all the people of al-Jurjāniyyah (which was one of the administrative and economic centers of Khwārazm) had accepted Muʿtazilism and engaged in *kalām* (theology) to the point of having theological discussions in the bazaars and streets[5] significantly confirm this point. The claim of Ibn Baṭṭūṭah (d. 770/1368-1369) that "the

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[2]   Abū ʿAbd Allāh Shihāb al-Dīn Yāqūt ibn ʿAbd Allāh al-Ḥamawī, *Muʿjam al-udabāʾ* (*Irshād al-arīb ilá maʿrifat al-adīb*), ed. Iḥsān ʿAbbās (Beirut: Dār al-Gharb al-Islāmī, 1993), VI, 2685-2686. Madelung, in line with the opinion mentioned above, says that this determination of Yāqūt al-Ḥamawī cannot be certain and should be viewed with suspicion; see Martin McDermott and Wilferd Madelung, Introduction to *Kitāb al-Muʿtamad fī uṣūl al-dīn* by Rukn al-Dīn Maḥmūd ibn Muḥammad Ibn al-Malāḥimī al-Khwārazmī, ed. Martin McDermott and Wilferd Madelung (London: Al-Hoda, 1991), h-v.

[3]   ʿAbd al-Salām ibn Muḥammad al-Andarasbānī, *Fī sīrat al-Zamakhsharī Jār Allāh*, ed. ʿAbd al-Karīm al-Yāfī, in *Majallat Majmaʿ al-Lughah al-ʿArabiyyah bi-Dimashq* 57/3 (August 1982), 369.

[4]   Sayyid Murtaḍá Ḥasanī Ibn Dāʿī, *Tabṣirat al-ʿawām fī maʿrifat maqālāt al-anām*, ed. ʿAbbās Iqbāl Āshtiyānī (Tehran: Sharikat-i Intishārāt-i Asāṭīr, 1364 HS), 91.

[5]   Abū Yaḥyá Jamāl al-Dīn Zakariyyā ibn Muḥammad ibn Maḥmūd al-Qazwīnī, *Āthār al-bilād wa-akhbār al-ʿibād* (Beirut: Dār Ṣādir, n.d.), 520.

intellectual part of the people of Khwārazm had the Muʿtazilī belief, but they refrained from revealing this because the sultan was a member of the Ahl al-sunnah"[6] indicate that this dominance continued until the end of the 8th/14th century. Given all this evidence, the following determinations have been made: In the 12th-13th centuries, Khwārazm was the sheltered home of Muʿtazilah,[7] it was rare to encounter a non-Muʿtazilī person in Khwārazm, and it was well known that everyone was accepted as Muʿtazilī without questioning; if an individual was not a Muʿtazilī, the only way to let people know about this sectarian identity was to deny being a Muʿtazilī.[8] It has also been noted that in locations other than Khwārazm, the nisbah "al-Khwārazmī" became identical to "al-Muʿtazilī."[9]

However, the Muʿtazilī scholars of the region excelled in philology/linguistics rather than theology, which is noteworthy. These scholars, of whom al-Baqqālī, also referred to as "al-Naḥwī," as well as al-Sakkākī are exemplary, were also interested in fiqh as well as language, but kalām was either overlooked or not their area of interest.[10] In light of his own interest and the impact he had on the next generation, it is important to mention al-Zamakhsharī's role in the construction of this scholarly identity.

Aside from the exceptional claims made by certain Shīʿī authors that al-Zamakhsharī had a tendency toward Shiism (*al-tashayyuʿ*),[11] the following claims have typically been argued: that al-Zamakhsharī's seminal masterpiece, *al-Kashshāf*, cannot be an indicator of Muʿtazilī identity or at least cannot be considered to be a sectarian

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[6] Abū ʿAbd Allāh Shams al-Dīn Muḥammad ibn ʿAbd Allāh ibn Muḥammad Ibn Baṭṭūṭah al-Ṭanjī, *Riḥlat Ibn Baṭṭūṭah: Tuḥfat al-nuẓẓār fī gharāʾib al-amṣār wa-ʿajāʾib al-asfār*, ed. Muḥammad ʿAbd al-Munʿim al-ʿAryān and Muṣṭafá al-Qaṣṣāṣ (Beirut: Dār Iḥyāʾ al-ʿUlūm, 1987), I, 367.

[7] Ignaz Goldziher, "Aus der Theologie des Fachr al-dīn al-Rāzī," *Der Islam* 3 (1912), 222.

[8] Lutpi Ibrahim, "az-Zamakhsharī: His Life and Works," *Islamic Studies* 19/2 (Summer 1980), 101.

[9] Daniel Gimaret, "Muʿtazila," in *The Encyclopaedia of Islam New Edition*, VII, 785.

[10] Koloğlu, *Mutezile'nin Felsefe Eleştirisi*, 49.

[11] Muḥammad Bāqir ibn Zayn al-ʿābidīn ibn Jaʿfar al-Mūsawī al-Khʷānsārī, *Rawḍāt al-jannāt fī aḥwāl al-ʿulamāʾ wa-l-sādāt*, ed. Asad Allāh Ismāʿīliyyān (Qom: Maktabat Ismāʿīliyyān, 1390-1392 H), VIII, 120-123.

commentary,[12] that the commentaries of the Shī'ī authors Abū Ja'far al-Ṭūsī (d. 460/1067) and al-Ṭabarsī (d. 548/1154) are much closer to being Mu'tazilī works than is *al-Kashshāf*,[13] that this commentary is largely based on the Sunnī tafsīr tradition, and that Mu'tazilī beliefs were hardly mentioned in the commentary, as if they were ignored, or that such beliefs are even indistinguishable from a typical Sunnī approach.[14] Despite these claims, which are mostly found in the recent literature, based on *al-Kashshāf*'s apparent account and mode of expression, in the tradition, there is the perception that al-Zamakhsharī secretly included innovative (*bid'ī*) Mu'tazilī ideas in his work in a way that would constitute a basis for the work to be appreciated by Sunnī circles who were not aware of them.[15] Essentially, "the fact that he made interpretations that are out of context in *al-Kashshāf* in order to base innovative Mu'tazilī ideas on the Qur'ān (…) and considered the verses in accordance with the basic principles of Mu'tazilah as 'clear (*muḥkam*)' and the others as 'ambiguous (*mutashābih*)' (…) and the fact that he implicitly made heavy accusations to Ahl al-sunnah by affording adjectives such as Mujbirah (Predestinarians) and Ḥashwiyyah to the Ash'arīs in particular,"[16] are sufficient to invalidate the claims of an "ambiguous Mu'tazilism." Beyond this evidence, the facts that – in the introduction to *al-Kashshāf* – he mentioned certain features of the Qur'ān (its being divided into sūrahs and verses, which are separated from each other by intervals and ultimate boundaries [*bi-*

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[12] J. J. G. Jansen, *The Interpretation of the Koran in Modern Egypt* (Leiden: E. J. Brill, 1980), 63.

[13] Gimaret, "Mu'tazila," 786.

[14] Walid A. Saleh, *The Formation of the Classical Tafsīr Tradition: The Qur'ān Commentary of al-Tha'labī (d. 427/1035)* (Leiden: Brill, 2004), 22, fn. 40; cf. W. Montgomery Watt, *Islamic Philosophy and Theology: An Extended Survey* (Edinburgh: Edinburgh University Press, 1985), 108.

[15] Abū l-'Abbās Taqī al-Dīn Aḥmad ibn 'Abd al-Ḥalīm Ibn Taymiyyah al-Ḥarrānī, *Majmū' fatāwā*, ed. 'Abd al-Raḥmān ibn Muḥammad ibn Qāsim (Medina: Mujamma' al-Malik Fahd li-Ṭibā'at al-Muṣḥaf al-Sharīf, 2004), XIII, 357, 358-359; id., *Muqaddimah fī uṣūl al-tafsīr*, ed. 'Adnān Zarzūr (Kuwait: Dār al-Qur'ān al-Karīm & Beirut: Mu'assasat al-Risālah, 1972), 82, 86; Abū l-Faḍl Shihāb al-Dīn Aḥmad ibn 'Alī ibn Muḥammad Ibn Ḥajar al-'Asqalānī, *Lisān al-Mīzān*, ed. 'Abd al-Fattāḥ Abū Ghuddah and Salmān 'Abd al-Fattāḥ Abū Ghuddah (Beirut: Maktab al-Maṭbū'āt al-Islāmiyyah, 2002), VIII, 8.

[16] Mustafa Öztürk and Mehmet Suat Mertoğlu, "Zemahşerî," *Türkiye Diyanet Vakfı İslâm Ansiklopedisi* (*DİA*), XLIV, 236.

fuṣūl wa-ghāyāt], etc.) and that he said that these features are qualities only applicable to something that is created (*mubtada᾽, mubtadaʿ, munsha᾽, mukhtaraʿ*; it is obvious that the use of these many concepts expressing createdness together highlights the strength of this emphasis) as well as the fact that he exempted Allah, who reserved the attribute of being eternal only for himself and mandated the attribute of being created out of nothing for everything else, specifically emphasizing the createdness of the Qurʾān with this expression,[17] are clear proofs that al-Zamakhsharī had a Muʿtazilī identity.[18]

Although largely considered to be spurious (actually, this was not the case) based on a great deal of data and presumptions in the manuscripts and commentaries,[19] the anecdote expressed by Ibn

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[17] Abū l-Qāsim Maḥmūd ibn ʿUmar ibn Muḥammad al-Khwārazmī al-Zamakhsharī, *al-Kashshāf ʿan ḥaqāʾiq ghawāmiḍ al-tanzīl wa-ʿuyūn al-aqāwīl fī wucūh al-taʾwīl*, ed. ʿĀdil Aḥmad ʿAbd al-Mawjūd and ʿAlī Muḥammad Muʿawwaḍ (Riyadh: Maktabat al-ʿUbaykān, 1998), I, 95.

[18] For examples of interpretations of these expressions as an indication of Muʿtazilī beliefs, see Abū Muḥammad Sharaf al-Dīn Ḥusayn ibn ʿAbd Allāh ibn Muḥammad al-Ṭībī, *Futūḥ al-ghayb fī l-kashf ʿan qināʿ al-rayb wa-huwa Ḥāshiyat al-Ṭībī ʿalá l-Kashshāf*, ed. Muḥammad ʿAbd al-Raḥīm et al. (Dubai: Jāʾizat Dubay al-Dawliyyah li-l-Qurʾān al-Karīm, 2013), I, 617, 628; Sirāj al-Dīn ʿUmar ibn ʿAbd al-Raḥmān ibn ʿUmar al-Qazwīnī al-Bahbahānī al-Fārisī, *al-Kashf ʿan mushkilāt al-Kashshāf*, ed. ʿAmmār Yūnus ʿAbd al-Raḥmān al-Ṭāʾī (in "Ḥāshiyat al-Kashf ʿan mushkilāt al-Kashshāf li-l-Imām ʿUmar ibn ʿAbd al-Raḥmān al-Qazwīnī al-mutawaffá 745 H min awwalihī ilá nihāyat al-āyah 23 min sūrat al-Baqarah -Dirāsah wa-taḥqīq-" [PhD diss.], Baghdad: Dīwān al-Waqf al-Sunnī Kulliyyat al-Imām al-Aʿẓam, 2010), 86; Saʿd al-Dīn Masʿūd ibn ʿUmar ibn ʿAbd Allāh al-Taftāzānī, *Ḥāshiyah ʿalá l-Kashshāf*, ed. ʿAbd al-Fattāḥ ʿĪsá al-Barbarī (in "Taḥqīq al-juzʾ al-awwal min Ḥāshiyat al-ʿAllāmah Saʿd al-Taftāzānī ʿalá l-Kashshāf li-l-Zamakhsharī" [PhD diss.]; Cairo: Jāmiʿat al-Azhar, 1978), 11, 12; Abū l-Ṭāhir Majd al-Dīn Muḥammad ibn Yaʿqūb ibn Muḥammad al-Fīrūzābādī, *Nughbat al-rashshāf min khuṭbat al-Kashshāf*, ed. ʿUmar ʿUlwī ibn Shihāb (Shāriqah: Dār al-Thaqāfah al-ʿArabiyyah li-l-Nashr, 2001), 112. For the opinions and detailed evaluations of *al-Kashshāf* commentators and *ḥāshiyah* writers concerning the introduction to the work, see Mesut Kaya, "el-Keşşāf'ta Gizli İʿtizāl: ez-Zemaḫşerī'nin Tefsir Mukaddimesi Üzerinden *Ḫalḳu'l-Ḳurʾān* Tartışmaları," *Ankara Üniversitesi İlahiyat Fakültesi Dergisi* 56/1 (June 2015), 107-135.

[19] Andrew J. Lane, "You Can't Tell a Book by Its Author: A Study of Muʿtazilite Theology in al-Zamakhsharī's (d. 548/1144) *Kashshāf*," *Bulletin of the School of Oriental and African Studies* 75/1 (2012), 75-82.

Khallikān and cited by many later *ṭabaqāt* authors by reference to him, which claims that "When al-Zamakhsharī wrote *al-Kashshāf* for the first time, he started with the phrase 'Praise be to Allah, the Creator of the Qurʾān (*khalaqa l-Qurʾān*),' but later on, he was worried that this beginning would not be accepted by the people, and he transformed this expression into 'Allah, who made the Qurʾān (*jaʿala l-Qurʾān*) a … word,'"[20] shows that al-Zamakhsharī's devotion to the Muʿtazilī belief is indisputable and unquestionable, at least in the collective imagination of scholarly circles.[21] The widespread circulation of these

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[20] Ibn Khallikān says here that, in terms of Muʿtazilī thought, the verbs "create (*khalaqa*)" and "make (*jaʿala*)" actually express the same meaning, namely, the createdness of the Qurʾān, and he adds that the phrase "… who sent down the Qurʾān (*anzala l-Qurʾān*)" [which is also included in contemporary printed copies] is a correction (*iṣlāḥ*) included by other people, not the author; see Abū l-ʿAbbās Shams al-Dīn Aḥmad ibn Muḥammad ibn Ibrāhīm ibn Abī Bakr Ibn Khallikān, *Wafayāt al-aʿyān wa-anbāʾ abnāʾ al-zamān*, ed. Iḥsān ʿAbbās (Beirut: Dār Ṣādir, 1977), V, 170. cf. Abū ʿAbd Allāh Shams al-Dīn Muḥammad ibn Aḥmad ibn ʿUthmān al-Dhahabī, *Tārīkh al-Islām wa-wafayāt al-mashāhīr wa-l-aʿlām*, ed. ʿUmar ʿAbd al-Salām Tadmurī (Beirut: Dār al-Kitāb al-ʿArabī, 1995), XXXVI, 489; Abū l-Ṭayyib Taqī al-Dīn Muḥammad ibn Aḥmad ibn ʿAlī al-Ḥasanī al-Fāsī, *al-ʿIqd al-thamīn fī tārīkh al-balad al-amīn*, ed. Fuʾād Sayyid (Beirut: Muʾassasat al-Risālah, 1986), VII, 141; Abū l-Falāḥ ʿAbd al-Ḥayy ibn Aḥmad ibn Muḥammad Ibn al-ʿImād al-Ṣāliḥī al-Ḥanbalī, *Shadharāt al-dhahab fī akhbār man dhahab*, ed. Maḥmūd al-Arnāʾūṭ and ʿAbd al-Qādir al-Arnāʾūṭ (Damascus & Beirut: Dār Ibn Kathīr, 1989), VI, 196-197.

[21] In the tradition, some individuals did not accept this narrative, which claimed that al-Zamakhsharī changed the phrase. For example, according to al-Ṭībī (d. 743/1343), it was unnecessary and meaningless for al-Zamakhsharī to write "khalaqa" at the beginning, since he made it clear in his continuing statements that the Qurʾān was created; al-Ṭībī, *Futūḥ al-ghayb*, I, 617. Al-Fīrūzābādī (d. 817/1415) also agrees with this view, claiming that al-Zamakhsharī did not have any concerns about concealing his Muʿtazilī identity and even boasted of it, and so this author does not consider it possible that al-Zamakhsharī deliberately changed this phrase; al-Fīrūzābādī, *Nughbat al-rashshāf*, 104. On the other hand, al-Jurjānī (d. 816/1413) is of the opinion that if the narration of the change reflects the truth, there are certain reasons that this change is correct and wise. However, according to this author, this change cannot be interpreted as an effort to completely conceal Muʿtazilī ideas, given the fact that, since al-Zamakhsharī later states a definite opinion that the Qurʾān is created (*ḥādith*), he only avoids repetition by doing so; Abū l-Ḥasan al-Sayyid al-Sharīf ʿAlī ibn Muḥammad ibn ʿAlī al-Jurjānī, *al-Ḥāshiyah*

narrations should be understood as "an effort to combat Mu'tazilism, which is thought to be revived."[22] In fact, Sunnī biographical works generally describe al-Zamakhsharī as an Arabic linguist or the author of *al-Kashshāf* (*ṣāḥib al-Kashshāf*) but do not discuss him as a scholar of kalām (or *uṣūl*; i.e., the fundamentals of religion).[23] A possible reason for this omission is that al-Zamakhsharī's theological views are seen as innovative (*bid'ah*) by the authors in question. Consequently, although they praise al-Zamakhsharī by saying that he was virtuous with respect to many matters and knowledgeable in various religious fields, they also note that he was a Mu'tazilī and that he clearly expressed this fact without hiding it (*yataẓāhar bi-l-i'tizāl, yatajāhar bi-dhālik*),[24] that he was uncompromisingly devoted to his sect ([*kāna*] *Mu'taziliyyᵃⁿ qawiyyᵃⁿ fī madhhabihī*),[25] that he was entrenched in Mu'tazilī opinions ([*kāna*] *mutaḥaqqiqᵃⁿ bi-l-i'tizāl*),[26] and furthermore, that he assumed the duties of a spokesman/propagandist in order to spread Mu'tazilī and bid'ah views (*kāna dā'iyᵃⁿ ilá l-i'tizāl*

'alá Kitāb al-Kashshāf (Cairo: Sharikat Maktabat wa-Maṭba'at Muṣṭafá al-Bābī al-Ḥalabī wa-Awlādihī, 1966), 3.

22   Lane, "You Can't Tell a Book by Its Author," 83.

23   Lane, *A Traditional Mu'tazilite Qur'ān Commentary: The* Kashshāf *of Jār Allāh al-Zamakhsharī (d. 538/1144)* (Leiden & Boston: Brill, 2006), xvi.

24   Abū l-Faraj Jamāl al-Dīn 'Abd al-Raḥmān ibn 'Alī ibn Muḥammad Ibn al-Jawzī, *al-Muntaẓam fī tārīkh al-umam wa-l-mulūk*, ed. Muḥammad 'Abd al-Qādir 'Aṭā and Muṣṭafá 'Abd al-Qādir 'Aṭā (Beirut: Dār al-Kutub al-'Ilmiyyah, 1992), XVIII, 38; Yāqūt al-Ḥamawī, *Mu'jam al-udabā'*, VI, 2688. The narratives suggesting that when al-Zamakhsharī visited someone and appeared before him, he preferred to be presented as "Abū l-Qāsim al-Mu'tazilī is at the door," are also a clear indication that he adopted Mu'tazilism as a defining identity and believed that this identity was even a reason for pride; see Ibn Khallikān, *Wafayāt al-a'yān*, V, 170; Taqī al-Dīn al-Fāsī, *al-'Iqd al-thamīn*, VII, 141; Ibn al-'Imād, *Shadharāt al-dhahab*, VI, 196.

25   Abū l-Faḍl Jalāl al-Dīn 'Abd al-Raḥmān ibn Abī Bakr ibn Muḥammad al-Suyūṭī, *Bughyat al-wu'āh fī ṭabaqāt al-lughawiyyīn wa-l-nuḥāh*, ed. Muḥammad Abū l-Faḍl Ibrāhīm (Beirut: Dār al-Fikr, 1979), II, 279.

26   Abū l-Ḥasan Jamāl al-Dīn 'Alī ibn Yūsuf ibn Ibrāhīm ibn 'Abd al-Wāḥid Ibn al-Qifṭī al-Shaybānī, *Inbāh al-ruwāh 'alá anbāh al-nuḥāh*, ed. Muḥammad Abū l-Faḍl Ibrāhīm (Cairo: Dār al-Fikr al-'Arabī & Beirut: Mu'assasat al-Kutub al-Thaqāfiyyah, 1986), III, 270.

wa-l-bidʿah);[27] therefore, they wish that Allah would forgive him[28] and keep them away from his views and beliefs.[29] The statement by al-Qāḍī ʿIyāḍ, (d. 544/1149), who was a Mālikī qāḍī (judge), ḥadīth, fiqh, and language scholar, "Praise be to Allah, who prevented a bidʿah follower or *fāsiq* (venial sinner) from choosing me as his heir by giving me his hand, and who thus kept me away from spiritual debt to him,"[30] is an important example of this tendency, even if it is an expression of personal resentment.

In light of the aforementioned data, although it can be clearly seen that there is no doubt regarding al-Zamakhsharī's affiliation with the Muʿtazilah, the main point that remains unclear concerning his theological identity is which sect he followed within the scope of the Muʿtazilī belief.

1. Intra-Muʿtazilī Separation/Factionalism before al-Zamakhsharī

In addition to the ongoing separation into the Basrah and Baghdad schools, after Abū ʿAlī al-Jubbāʾī (d. 303/916), a conflict arose within the Basran Muʿtazilah, most likely arising from intrasectarian leadership conflicts between Abū ʿAlī's disciple Abū ʿAbd Allāh Muḥammad ibn ʿUmar al-Ṣaymarī (d. 315/927) and Abū Hāshim (d. 321/933).[31] As Abū Hāshim began to gain a dominant position in the

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27   Al-Dhahabī, *Tārīkh al-Islām*, XXXVI, 490; id., *al-ʿIbar fī khabar man ghabar*, ed. Abū Hājar Muḥammad Saʿīd ibn Basyūnī Zaghlūl (Beirut: Dār al-Kutub al-ʿIlmiyyah, 1985), II, 455; al-Suyūṭī, *Ṭabaqāt al-mufassirīn*, ed. ʿAlī Muḥammad ʿUmar (Cairo: Maktabat Wahbah, 1976), 121; Shams al-Dīn Muḥammad ibn ʿAlī ibn Aḥmad al-Miṣrī al-Dāwūdī, *Ṭabaqāt al-mufassirīn* (Beirut: Dār al-Kutub al-ʿIlmiyyah, 1983), 315.

28   Al-Dhahabī, *Siyar aʿlām al-nubalāʾ*, ed. Shuʿayb al-Arnaʾūṭ et al. (Beirut: Muʾassasat al-Risālah, 1981-1988), XX, 156 (*Allāh yusāmiḥuhū*).

29   Al-Dhahabī, *Mīzān al-iʿtidāl fī naqd al-rijāl*, ed. ʿAlī Muḥammad al-Bijāwī (Beirut: Dār al-Maʿrifah, 1963), IV, 78 (possibly referring to al-Zamakhsharī's pseudonym "Jār Allāh:" *ajāranā ʾllāh*).

30   Abū l-ʿAbbās Shihāb al-Dīn Aḥmad ibn Muḥammad ibn Aḥmad al-Qurashī al-Maqqarī, *Azhār al-riyāḍ fī akhbār ʿIyāḍ*, ed. Muṣṭafā al-Saqqā et al. (Cairo: Maṭbaʿat Lajnat al-Taʾlīf wa-l-Tarjamah wa-l-Nashr, 1942), III, 383.

31   Later Muʿtazilī sources emphasized that the differences of opinion between Abū ʿAlī and his son Abū Hāshim did not pertain to the essence of the issue, that similar differences existed among different sectarian authorities and their disciples in the past, and that these differences should not necessarily be interpreted as malicious;

sect, al-Ṣaymarī's disciple Abū Bakr Ibn al-Ikhshīd (d. 326/938) emerged as a new rival. This new faction, which developed under his leadership and gained visibility due to the opposition of Abū Hāshim to a degree that would result in excommunication (*takfīr*), was accepted as a new school under the name al-Ikhshīdiyyah.[32] The fact that Ibn Ḥazm (d. 456/1064) mentions Ibn al-Ikhshīd as one of the three great Muʿtazilī imāms of the period alongside Abū l-Qāsim al-Balkhī (d. 319/931) and Abū Hāshim is essentially an indication of a triple school situation that can be divided into the Baghdad school, Bahshamiyyah, and Ikhshīdiyyah.[33] However, at the end of a century-long process, the influence of Ikhshīdiyyah was broken, and only Bahshamiyyah remained on the stage as the sole representative of the Basrah school.[34]

The last important divergence within the Muʿtazilah was arose due to Abū l-Ḥusayn al-Baṣrī (d. 436/1044), a student of al-Qāḍī ʿAbd al-Jabbār (d. 415/1025), one of the most important scholars of Bahshamiyyah. Although al-Shahrastānī (d. 548/1153) portrays Abū l-Ḥusayn as a representative of Bahshamiyyah who held different views,[35] his followers formed a separate school under the name of Ḥusayniyyah due to methodological divergences arising from his

for this reason, on the one hand, sources attempt to make the current situation of Abū Hāshim more moderate, while on the other hand, they implicitly point out that the separation was due to a leadership struggle rather than a serious doctrinal conflict; Abū l-Ḥasan Qāḍī l-quḍāt ʿAbd al-Jabbār ibn Aḥmad ibn ʿAbd al-Jabbār al-Hamadānī, *Faḍl al-iʿtizāl wa-ṭabaqāt al-Muʿtazilah wa-mubāyanatuhum li-sāʾir al-mukhālifīn*, ed. Fuʾād Sayyid and Ayman Fuʾād Sayyid (in *Faḍl al-iʿtizāl wa-ṭabaqāt al-Muʿtazilah*; Beirut: Orient-Institut Beirut, 2017), 303; Ibn al-Murtaḍá, *Kitāb Ṭabaqāt al-Muʿtazilah*, 95.

[32] Abū ʿAbd Allāh Fakhr al-Dīn Muḥammad ibn ʿUmar ibn Ḥusayn al-Rāzī, *Iʿtiqādāt firaq al-Muslimīn wa-l-mushrikīn*, ed. Muḥammad al-Muʿtaṣim bi-llāh al-Baghdādī (Beirut: Dār al-Kitāb al-ʿArabī, 1986), 46.

[33] Abū Muḥammad ʿAlī ibn Aḥmad ibn Saʿīd Ibn Ḥazm al-Andalusī al-Ẓāhirī, *al-Faṣl fī l-milal wa-l-ahwāʾ wa-l-niḥal*, ed. Muḥammad Ibrāhīm Naṣr and ʿAbd al-Raḥmān ʿUmayrah (Beirut: Dār al-Jīl, 1996), V, 70-71.

[34] For the events of the Bahshamiyyah-Ikhshīdiyyah conflict, see Koloğlu, *Cübbâîler'in Kelâm Sistemi* (Istanbul: İSAM Yayınları, 2017), 108-118; id., "Behşemiyye-İhşîdiyye Çekişmesi: Kısa Bir Tarihsel İnceleme," *Uludağ Üniversitesi İlâhiyat Fakültesi Dergisi* 18/2 (June 2009), 286-296.

[35] Abū l-Fatḥ Tāj al-Dīn Muḥammad ibn ʿAbd al-Karīm al-Shahrastānī, *al-Milal wa-l-niḥal*, ed. Muḥammad Sayyid Kīlānī (Beirut: Dār al-Maʿrifah, 1975), I, 85.

intense use of philosophy and doctrinal differences with respect to the fact that he expressed views that were incompatible with those of his predecessors. One of the most important representatives of Ḥusayniyyah, who transmitted Abū l-Ḥusayn's views, is Ibn al-Malāḥimī, a contemporary of al-Zamakhsharī.

Bahshamiyyah and Ḥusayniyyah disagreed concerning different issues both with respect to the methods of proof used in judgments (even if they agreed on the judgments reached) and concerning determinations and judgments directly related to the issues. Al-Shahrastānī mentions that Abū l-Ḥusayn's opposition to Bahshamiyyah were as follows: denial of states (*aḥwāl*) and certain related points, denial of colors' being "accidents" and the reality of the nonexistent (*shayʾiyyat al-maʿdūm*), and the reduction of all attributes of God to being all-knowing (*ʿālim*), capable (*qādir*), and perceiving (*mudrik*).[36] On the other hand, Taqī al-Dīn al-Najrānī (d. the first half of the 7th/13th century), one of the important representatives of Ḥusayniyyah, lists sixteen issues,[37] while Fakhr al-Dīn al-Rāzī (d. 606/1210) increases this number to fifty by reference to subtopics.[38]

2. Al-Zamakhsharī in the Context of the Bahshamiyyah - Ḥusayniyyah Distinction

From the perspective of the Basrah and Baghdad schools, which were the main divisions among the Muʿtazilah, it would be appropriate to argue that the Baghdad school was not operative in Khwārazm at the time of al-Zamakhsharī, since no representative or diffused view could be identified. However, according to Fakhr al-Dīn al-Rāzī, who is known to have engaged in debate with the Muʿtazilī-Ḥanafī disciples of al-Zamakhsharī, "the two Muʿtazilī schools still in existence at that time in the region are the followers of Abū Hāshim [al-Jubbāʾī] and Abū l-Ḥusayn al-Baṣrī."[39] Therefore, the question that must be asked regarding al-Zamakhsharī becomes clear: Should he be considered a

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[36] *Ibid.*

[37] Taqī al-Dīn Mukhtār ibn Maḥmūd al-ʿUjālī al-Najrānī, *al-Kāmil fī l-istiqṣāʾ fī-mā balaghanā min kalām al-qudamāʾ*, ed. al-Sayyid Muḥammad al-Shāhid (Cairo: Wizārat al-Awqāf al-Majlis al-Aʿlá li-l-Shuʾūn al-Islāmiyyah, 1999), 60.

[38] Al-Rāzī, *al-Riyāḍ al-mūniqah fī ārāʾ ahl al-ʿilm*, ed. Asʿad Jumʿah (Kairouan: Kulliyyat al-Ādāb wa-l-ʿUlūm al-Insāniyyah bi-l-Qayrawān & Markaz al-Nashr al-Jāmiʿī, 2004), 287-295.

[39] Al-Rāzī, *Iʿtiqādāt*, 48.

member of Bahshamiyyah or of Ḥusayniyyah?

Late Zaydī sources consider al-Zamakhsharī to be included among the students of al-Ḥākim al-Jushamī (d. 494/1101),[40] who was a staunch defender of Bahshamiyyah.[41] Although it cannot be definitively proven that he was a direct student of al-Ḥākim al-Jushamī, it can be said that he visited Jusham after al-Jushamī's death and studied there with al-Jushamī's disciple Aḥmad ibn Muḥammad ibn Isḥāq al-Khwārazmī (d. after 525/1130-31). In any case, there is no doubt concerning the fact that he was knowledgeable of al-Jushamī's works and views.[42]

On the other hand, his close teacher al-Ḍabbī was a Ḥusaynī, and Ibn al-Malāḥimī, to whom he taught tafsīr and from whom he learned kalām (as mentioned above),[43] was the last important representative of the Ḥusayniyyah and even of the pure Muʿtazilah, which is incompatible with Shiism.[44] It is obvious that another of al-Zamakhsharī's kalām teachers, Shaykh al-Islām Abū Manṣūr Naṣr al-Ḥārithī,[45] was a Muʿtazilī, but aside from that point, no information can be found to indicate his school affiliation. It should be noted, however, that al-Zamakhsharī did not consider himself to be a "professional

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[40] Al-Jushamī states that Abū l-Ḥusayn al-Baṣrī was not welcomed by his [al-Jushamī] sectarians [Bahshamīs] because he "contaminated his soul by getting involved in philosophy and opposed some of the evidences of previous scholars in his works;" see al-Jushamī, *al-Ṭabaqatān al-ḥādiyah ʿasharah wa-l-thāniyah ʿasharah*, 402. Ibn al-Murtaḍá (d. 840/1437) also expresses al-Jushamī's opinions in exactly the same way and states that Bahshamīs did not like Abū l-Ḥusayn al-Baṣrī for these two reasons; however, he adds that this approach is a kind of bigotry, because Allah made Abū l-Ḥusayn's knowledge useful for people; see Ibn al-Murtaḍá, *Kitāb Ṭabaqāt al-Muʿtazilah*, 119.

[41] Ibrāhīm ibn al-Qāsim ibn al-Imām al-Muʾayyad bi-llāh, *Ṭabaqāt al-Zaydiyyah al-kubrá* (*Bulūgh al-murād ilá maʿrifat al-isnād*), ed. ʿAbd al-Salām ibn ʿAbbās al-Wajīh (Amman: Muʾassasat al-Imām Zayd ibn ʿAlī al-Thaqāfiyyah, 2001), II, 892; cf. ʿAdnān Zarzūr, *al-Ḥākim al-Jushamī wa-manhajuhū fī tafsīr al-Qurʾān* (Beirut: Muʾassasat al-Risālah, 1971), 80.

[42] Madelung, "The Theology of al-Zamakhsharī," 487.

[43] Al-Andarasbānī, *Fī sīrat al-Zamakhsharī Jār Allāh*, 368.

[44] According to Koloğlu's determination, Ibn al-Malāḥimī became acquainted with Abū l-Ḥusayn al-Baṣrī's theology through Abū Muḍar al-Ḍabbī. Koloğlu, "İbnü'l-Melâhimî," in *Türkiye Diyanet Vakfı İslâm Ansiklopedisi* (*DİA*), EK I, 616.

[45] Al-Andarasbānī, *Fī sīrat al-Zamakhsharī Jār Allāh*, 368, 379.

theologian" even after his spiritual partnership with Ibn al-Malāḥimī.[46] Another interesting point is that although he uses the expression "the two masters (*al-shaykhān*)" in *al-Minhāj*, which is his only known work on kalām, as in the usual practice of the Basra school, and that although he referred many times to Abū ʿAlī and Abū Hāshim al-Jubbāʾī, the founder of Bahshamiyyah, and even once to al-Qāḍī ʿAbd al-Jabbār, who was the most important name in Bahshamiyyah after its founder, none of the names of Abū l-Ḥusayn al-Baṣrī or his followers were mentioned.[47]

Even though al-Zamakhsharī's work *al-Minhāj* is Muʿtazilī, it seems difficult at first glance to answer the question of which school lies at its heart, since it is a fact that this text is not a complete work of kalām in which any sectarian line is defended in this context and that it refrains from discussing deep theological issues and intra-Muʿtazilah polemics. Furthermore, it is also a factor that the text is content to convey controversial views from time to time without expressing al-Zamakhsharī's own opinion concerning issues that are the subject of dispute between Bahshamiyyah and Ḥusayniyyah. However, the facts that no section of *al-Minhāj* contains an attitude supporting the Bahshamī views criticized by Abū l-Ḥusayn and that there is no mention of the theory of modes (*aḥwāl*) and the thingness of nonexistent (*shayʾiyyat al-maʿdūm*), which are the distinguishing features of Abū Hāshim and Bahshamiyyah, can be interpreted as an indication that al-Zamakhsharī was mostly under the influence of Ḥusayniyyah. Madelung also analyzes his sectarian position, especially in light of his approaches to proving the existence of God and divine attributes, and concludes that he is close to the Ḥusayniyyah side (in particular, as might be expected, as established by Ibn al-Malāḥimī).[48]

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[46] Madelung, "The Theology of al-Zamakhsharī," 488.

[47] Madelung, "The Theology of al-Zamakhsharī," 489; Koloğlu, *Mutezile'nin Felsefe Eleştiris*i, 49.

[48] Madelung, "The Theology of al-Zamakhsharī," 489-492. By reference to Madelung, Schmidtke emphasizes the influence of Ḥusayniyyah and Ibn al-Malāḥimī on al-Zamakhsharī. However, it is understood that she had a more definite opinion than did Madelung on this matter; see Sabine Schmidtke, Introduction to *A Muʿtazilite Creed of az-Zamaḫšarî (d. 538/1144) (al-Minhâğ fî uṣûl ad-dîn)* by Abū l-Qāsim Maḥmūd ibn ʿUmar ibn Muḥammad al-Khwārazmī al-Zamakhsharī, ed. and trans. Sabine Schmidtke (Stuttgart: F. Steiner, 1997), 9.

On the other hand, it has been suggested that al-Zamakhsharī is not Ḥusaynī but Bahshamī based on certain statements in *al-Kashshāf* in addition to those in *al-Minhāj*. This argument has been grounded on the basis of issues such as the acceptance of the thingness of the nonexistent[49] and the rejection of saintly miracles (*karāmāt*),[50] which are characteristics of the Bahshamī school.[51]

Due to the aforementioned features of al-Zamakhsharī's works, it does not seem possible to determine his views concerning all the points of disagreement between Bahshamiyyah and Ḥusayniyyah. Although more specific information can be known regarding some of these issues, it is essential to fill in the gaps and to engage in a form of mind reading (interpretation) based on the indicators regarding others. Therefore, at this stage, it is possible to propose approaches to certain issues and to make determinations based on the data that can be accessed.

2.1. The Thingness of the Nonexistent

It can be said that the issue of whether the nonexistent (*maʿdūm*) can be evaluated as a "thing (*shayʾ*)" or an "entity (*dhāt*)" arises in the context of the encompassing aspect of God's knowledge. In fact, it is reported that figures such as Jahm ibn Ṣafwān (d. 128/745-746) and Hishām ibn al-Ḥakam (d. 179/795) say that God's knowledge deals with what has originated (*ḥādith*) and that he could not know something before it came into existence.[52] Bahshamīs first pointed out

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[49] Hilmi Kemal Altun, "Behşemiyye ve Hüseyniyye Arasında Zemahşerî'nin Yerinin Değerlendirilmesi," *Kilis 7 Aralık Üniversitesi İlahiyat Fakültesi Dergisi* 6/11 (December 2019), 721.

[50] Altun, "Behşemiyye ve Hüseyniyye Arasında Zemahşerî," 723.

[51] For the claim that al-Zamakhsharī is closer to the Bahshamī sect, see also Fethi Ahmet Polat, *İslâm Tefsir Geleneğinde Akılcı Söyleme Yöneltilen Eleştiriler: Muʿtezilî Zemahşerî'ye Eşʿarî İbnü'l-Müneyyir'in Eleştirileri* (Istanbul: İz Yayıncılık, 2007), 84-85.

[52] Abū l-Ḥasan ʿAlī ibn Ismāʿīl Ibn Abī Bishr al-Ashʿarī, *Maqālāt al-Islāmiyyīn wa-ikhtilāf al-muṣallīn*, ed. Hellmut Ritter (Wiesbaden: Franz Steiner Verlag, 1980), 36, 280; Abū l-Qāsim ʿAbd Allāh ibn Aḥmad ibn Maḥmūd al-Balkhī al-Kaʿbī, *Kitāb al-Maqālāt wa-maʿahū ʿUyūn al-masāʾil wa-l-jawābāt*, ed. Hüseyin Hansu et al. (Istanbul: İstanbul 29 Mayıs Üniversitesi Kur'an Araştırmaları Merkezi [KURAMER] & Amman: Dār al-Fatḥ, 2018), 251, 254; Abū Manṣūr ʿAbd al-Qāhir ibn Ṭāhir al-Baghdādī, *al-Farq bayna l-firaq*, ed. Muḥammad Muḥyī al-Dīn ʿAbd al-Ḥamīd (Beirut: al-Maktabah al-ʿAṣriyyah, 1995), 67, 211.

the distinction between "essence (*dhāt*)" and "existence (*wujūd*)" in order to justify the claim that beings are subject to God's knowledge before they come into being, and they claimed that a thing had reality before its existence, and from this point of view, they argued that the nonexistent is a "thing." According to them, both the "existent (*mawjūd*)" and the "nonexistent (*maʿdūm*)" are essence (*dhāt*).[53] Their definition of the nonexistent as "that is known which is nonexistent (*al-maʿlūm alladhī laysa bi-mawjūd*)"[54] is an expression of the aforementioned concern. Later, the issue was also discussed in the context of God's omnipotence by al-Qāḍī ʿAbd al-Jabbār.[55] On the other hand, beginning with Abū l-Ḥusayn, the Ḥusaynīs defended the identity of essence and existence,[56] thus rejecting the idea that a thing can have reality before its existence and therefore that the nonexistent is a "thing."[57]

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[53] Abū l-Ḥusayn Qiwām al-Dīn Aḥmad ibn Abī Hāshim Muḥammad Mānakdīm Shashdīw al-Ḥusaynī, *Taʿlīq ʿalá Sharḥ al-Uṣūl al-khamsah*, ed. ʿAbd al-Karīm ʿUthmān (with the name *Sharḥ al-Uṣūl al-khamsah*, wrongly attributed to al-Qāḍī ʿAbd al-Jabbār; Cairo: Maktabat Wahbah, 1965), 51.

[54] Mānakdīm Shashdīw, *Taʿlīq*, 176; Rukn al-Dīn Maḥmūd ibn Muḥammad Ibn al-Malāḥimī al-Khwārazmī, *Kitāb al-Muʿtamad fī uṣūl al-dīn*, ed. Martin McDermott and Wilferd Madelung (London: Al-Hoda, 1991), 543.

[55] Ibn al-Malāḥimī expresses the Bahshamīs' concern as follows: "It is known that God is omnipotent and He is related to what is subject to efficient causality, and there could not be a relation to absolute non-existence," that is, when "thingness" is not attributed to the *maʿdūm*, the omnipotence of God may become dysfunctional; Ibn al-Malāḥimī, *Kitāb al-Fāʾiq fī uṣūl al-dīn*, ed. Wilferd Madelung and Martin McDermott (Tehran: Iranian Institute of Philosophy & Institute of Islamic Studies Free University of Berlin, 2007), 47. For Bahshamiyyah's approaches to the nature of the *maʿdūm*, see Richard M. Frank, "al-Maʿdūm wal-mawjūd: The Non-existent, the Existent and the Possible, in the Teaching of Abū Hāshim and His Followers," *Mélanges de l'Institut dominicain d'études orientales du Caire* 14 (1980), 185-210.

[56] Ibn al-Malāḥimī states that Abū l-Ḥusayn himself defended the view that "the existence of one thing is its essence" in *Taṣaffuḥ* and put forward evidences in this regard; Ibn al-Malāḥimī, *Kitāb al-Muʿtamad*, 254.

[57] Ibn al-Malāḥimī, *Kitāb al-Fāʾiq*, 46-47, 91. For a description and analysis of the Bahshamī-Ḥusaynī dispute with respect to the issue of the thingness of *maʿdūm*, see Mehmet Fatih Özerol, "Hüseyniyye ve Behşemiyye'ye Göre Maʿdûm'un Şeyiyyeti," *Uludağ Üniversitesi İlâhiyat Fakültesi Dergisi* 29/1 (June 2020), 167-187.

Al-Zamakhsharī says that the term "thing" can also be used for the "impossible (*muḥāl*)" and the "nonexistent (*maʿdūm*);"[58] however, he defines "thing" as "that which can be known and informed about (*mā ṣaḥḥa an yuʿlam wa-yukhbar ʿanhu*)."[59] In light of this information, there are some findings that indicate that "al-Zamakhsharī follows the Bahshamī tradition by naming *maʿdūm* as "thing," that is, with a form of being, and that he thinks differently from Abū l-Ḥusayn al-Baṣrī in this regard."[60] However, at this point, it should be noted that the definition in question is used jointly by Ḥusaynīs and Bahshamīs,[61] regardless of the discussion concerning whether the *maʿdūm* has an entity/reality when does not exist.[62]

In addition, although al-Zamakhsharī seems to have accepted the Bahshamī approach when he says that the term "thing" can be used for *maʿdūm*, he differs from them by also describing *muḥāl* as a "thing." (In fact, it is obvious that no meanings such as existence/entity/thingness can be attributed to *muḥāl*; therefore, from the point of view of the Bahshamī tradition, at least in the context that is the subject of this discussion, it is not possible to call *muḥāl* a "thing.")[63] However, Ibn al-Malāḥimī states that unless "thing" is used to describe an entity (*dhāt*) as do the Bahshamīs, it means "something that is the subject of knowledge but whose existence (thingness in the

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[58]   Al-Zamakhsharī, *al-Kashshāf*, I, 311-312.

[59]   *Ibid.*, I, 208.

[60]   Altun, "Behşemiyye ve Hüseyniyye Arasında Zemahşerî," 721.

[61]   e.g., see al-Qāḍī ʿAbd al-Jabbār, *al-Mughnī fī abwāb al-tawḥīd wa-l-ʿadl*, ed. Maḥmūd Muḥammad al-Khuḍayrī (Cairo: al-Dār al-Miṣriyyah li-l-Taʾlīf wa-l-Tarjamah, n.d.), V (*al-Firaq ghayr al-Islāmiyyah*), 249; Mānakdīm Shashdīw, *Taʿlīq*, 221.

[62]   e.g., see Ibn al-Malāḥimī, *Kitāb al-Fāʾiq*, 92.

[63]   As a matter of fact, in his supercommentary (*ḥāshiyah*) on *al-Kashshāf*, Ibn al-Munayyir states that al-Zamakhsharī differs from both Ahl al-sunnah and ahl al-bidʿah in terms of how he explains the concept of "thing." While explaining this difference, considering the fact that he said that "in the eyes of Muʿtazilah, the name 'thing' is used for both 'existent (*mawjūd*)' and 'non-existent (*maʿdūm*) whose existence is possible,' it is understood that al-Zamakhsharī was actually opposing the Bahshamī view that Ibn al-Munayyir ascribed to the all Muʿtazilah without customization; Abū l-ʿAbbās Nāṣir al-Dīn Aḥmad ibn Muḥammad Ibn al-Munayyir al-Judhāmī al-Jarawī, *al-Intiṣāf fī-mā taḍammanahū l-Kashshāf min al-iʿtizāl*, ed. ʿĀdil Aḥmad ʿAbd al-Mawjūd and ʿAlī Muḥammad Muʿawwaḍ (along with *al-Kashshāf*; Riyadh: Maktabat al-ʿUbaykān, 1998), I, 312.

sense of entity) cannot be mentioned," and he points to the "existence of a second eternal deity" as an example of these things "which can only be conceived in the mind," that is, a *muḥāl*/impossible matter.[64] Consequently, in addition to the fact that Ibn al-Malāḥimī expresses the same definition used by al-Zamakhsharī, it is possible to say that their approaches to the scope of the concept of "thing" overlap exactly, and it is necessary to approach the characterization of al-Zamakhsharī as a Bahshamī with skepticism due to his approach to the issue of the thingness of *maʿdūm*. His subsequent interpretation of the word "thing" in Q 19:9, "*I did indeed create thee before, when thou hadst been nothing!*" should not be overlooked: "After all, *maʿdūm* is not a 'thing' or some 'thing' to be regarded/accredited (*laysa shayᵓᵃⁿ yuʿtadd bihī*)."[65] Ibn al-Munayyir (d. 683/1284) states that al-Zamakhsharī first interpreted the phrase correctly as "*maʿdūm* is not a thing," contrary to the Muʿtazilī view, but he later put forward a second opinion compatible with the Muʿtazilī approach.[66]

Moreover, al-Fāḍil al-Yamanī (d. 750/1349), who wrote a supercommentary on *al-Kashshāf*, also makes the following claim when interpreting the phrase "Allah, who attributes the feature of being created out of nothing to everything other than himself" in the introduction to al-Zamakhsharī's *al-Kashshāf*: "He does not accept that *maʿdūm* is 'thing,' just like Abū l-Ḥusayn [al-Baṣrī] and Maḥmūd al-Khwārazmī [Ibn al-Malāḥimī]; and the fact that he uses the term 'thing' for '*maʿdūm*' and even '*mustaḥīl* (impossible)' in some places in *al-Kashshāf* means that it is possible to know and inform about them."[67]

2.2. Proving the Existence of God (*Ithbāt al-Wājib*)

The standard argument of kalām scholars for proving God's existence is an argument from creation, and it is basically formulated as the claim that the elements that make up the universe have been created and that something that is created also needs a creator to bring it into existence. Instead of employing concepts from the standard atomist discourse such as "atom/the indivisible part (*jawhar/al-juzᵓ alladhī lā yatajazzaᵓ*)" for the proof of the existence of God, al-

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[64] Ibn al-Malāḥimī, *Kitāb al-Fāᵓiq*, 92.

[65] Al-Zamakhsharī, *al-Kashshāf*, IV, 8.

[66] Ibn al-Munayyir, *al-Intiṣāf*, IV, 9.

[67] ʿImād al-Dīn Yaḥyá ibn al-Qāsim al-Fāḍil al-Yamanī al-ʿAlawī, *Tuḥfat al-ashrāf fī kashf ghawāmiḍ al-Kashshāf* (registered under the name of *Durar al-aṣdāf ʿan ḥall ʿuqad al-Kashshāf*, MS Istanbul: Koca Ragıp Paşa Library, 175), 2b.

Zamakhsharī primarily discusses bodies (*ajsām*).[68] The claim that this tendency is an indication that he followed Abū l-Ḥusayn,[69] who refrained from confirming or rejecting atomism and remained uninterpreted with respect to this issue,[70] is open to question, at least in terms of the certainty of the alleged indicators. This claim does not exclude atoms, which are constitutive elements of bodies. However, regarding this issue, it would be appropriate to say that he followed the approach of Ibn al-Malāḥimī, who essentially said that the existence of God cannot be proven by examining the creation of accidents since after all, certain accidents can be created by other actors (*qādir*s), but since creating bodies belongs only to God, proving their creation means implicitly proving the creation of accidents as well.[71] On the other hand, he also points to accidents and their creation, which are one of the basic elements of the classical argument from createdness and which are referenced by the Bahshamīs in the continuation of this account. At first glance, this view can be considered a deviation from Abū l-Ḥusayn's understanding and a stance close to that of Bahshamiyyah. Abū l-Ḥusayn probably did not find "the argument from createdness" based on the concept of accidents to be sufficiently strong and criticized it, maintaining that the philosophers' criticism of the notion of accidents and the method based on it has led to certain impasses.[72] However, in further

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[68]   Al-Zamakhsharī, *Mu'tezile Akāidi: Kitâbü'l-Minhâc fî usûli'd-dîn*, ed. and trans. with an introduction by Ulvi Murat Kılavuz and Abdulkerim İskender Sarıca (Istanbul: Klasik Yayınları, 2021), 39.

[69]   Madelung, "The Theology of al-Zamakhsharī," 489.

[70]   Ibn al-Malāḥimī, *Kitāb al-Mu'tamad*, 140.

[71]   *Ibid*., 84.

[72]   Ibn al-Malāḥimī, *Kitāb al-Mu'tamad*, 84. Another reason for this attitude of Abū l-Ḥusayn is that he thinks differently from Bahshamīs regarding the nature of accidents. While they regard an "accident" as a kind of real being (= *ma'nâ*) (e.g., see Mānakdīm Shashdīw, *Ta'līq*, 96, 98; Abū Muḥammad al-Ḥasan ibn Aḥmad Ibn Mattawayh al-Najrānī, *Kitāb al-Majmū' fī l-Muḥīṭ bi-l-taklīf*, ed. J. J. Houben [attributed to al-Qāḍī 'Abd al-Jabbār; Beirut: al-Maṭba'ah al-Kāthūlīkiyyah, 1965], I, 33), the Ḥusaynīs assumed accidents to be attributes determining the changing characteristics (*aḥkām*) and states (*aḥwāl*) of the body; Ibn al-Malāḥimī, *Kitāb al-Mu'tamad*, 125-126; al-Najrānī, *al-Kāmil*, 115. Based on this claim, the method for constructing the argument from createdness employed by the Bahshamīs is called the "method of *ma'ānī*," and that used by the Ḥusaynīs is called the "method of *aḥwāl*;" al-Rāzī, *al-Riyāḍ al-mūniqah*, 288. For a brief explanation of these

discussion of the subject, al-Zamakhsharī turned to developing a discourse in line with Abū l-Ḥusayn and uses his preferred "argument of particularization (*takhṣīṣ*)."[73]

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differences with respect to the argument from createdness, see Özerol, *Mutezile'de Tevhid: Son Büyük Mutezilî İbnü'l-Melâhimî'nin Düşünce Sisteminde Tevhid* (Bursa: Emin Yayınları, 2019), 50-53.

[73] Al-Zamakhsharī, *Muʿtezile Akāidi*, 40. The essence of the argument rests on the notion of the necessity of a particularizing agent (*mukhaṣṣiṣ*), who selects and chooses one of these possible alternatives for something whose existence or nonexistence is possible or whose existence is possible with this or that property. It seems that when Abū l-Ḥusayn saw that the classical formulization of the argument from createdness was insufficient, he turned to a new construct based on the necessary-contingent (*wājib-mumkin*) distinction made by Ibn Sīnā (d. 428/1037). However, instead of Ibn Sīnā's concepts of necessary being (*wājib al-wujūd*) and contingent being (*mumkin al-wujūd*), he used classical theological concepts such as *qadīm* (eternal/beginningless), *muḥdath* (created later) and *ḥādith* (temporally created) as did al-Zamakhsharī (see Madelung, "Abū l-Ḥusayn al-Baṣrī's Proof for the Existence of God," in *Arabic Theology, Arabic Philosophy: From the Many to the One, Essays in Celebration of Richard M. Frank*, ed. James E. Montgomery [Leuven, Paris & Dudley (Mass.): Uitgeverij Peeters en Department Oosterse Studies, 2006], 275) and in this sense, he did not compromise on the principle of creation. Therefore, this argument, which combines the temporality (*ḥudūth*) and contingency (*imkān*) methods for proving the existence of God and which is claimed to have been put forward for the first time by al-Juwaynī (d. 478/1085), generally under the name of the method of *jawāz* (contingency), was also used by Abū l-Ḥusayn al-Baṣrī before him. However, the thesis that Abū l-Ḥusayn was the first to reveal this method (Madelung, "Abū l-Ḥusayn al-Baṣrī's Proof," 274) is controversial. Namely, aside from the fact that the concept of a particularizing agent (*mukhaṣṣiṣ*) had been in circulation since the first theologians (see Shlomo Pines, *Madhhab al-dharrah ʿinda l-Muslimīn wa-ʿalāqatuhū bi-madhāhib al-Yūnān wa-l-Hunūd*, translated into Arabic by Muḥammad ʿAbd al-Hādī Abū Rīdah [Cairo: Maktabat al-Nahḍah al-Miṣriyyah, 1946], 39, fn. 7), it is also claimed that the first person to employ the notion of *takhṣīṣ* was al-Bāqillānī (d. 403/1013) (see Majid Fakhry, "The Classical Islamic Arguments for the Existence of God," *The Muslim World* 47/2 [April 1957], 139, fn. 29). In addition, al-Baghdādī (d. 429/1037-1038), who was a contemporary of al-Bāqillānī, uses the idea of *takhṣīṣ* more clearly than does the latter while constructing his argument. In the words of al-Baghdādī, "The reason why a *ḥādith* emerges at a different time from other *ḥādith*s of the same kind is the existence of a specifier (*mukhaṣṣiṣ*) creator who determines its emergence at this time. If such a specification did not exist, it

Another factor that draws al-Zamakhsharī closer to the Bahshamī model of reasoning is that he justifies the fact that the world needs a creator through the fact that the subject of human actions needs such a creator to occur, and thus by comparing the unseen to the perceptible world.[74] This method, which can be called the proof of *qiyās* (comparison), was criticized by Abū l-Ḥusayn al-Baṣrī.[75] According to him, a proof of the existence of God cannot be attained by comparing human actions because the knowledge that an entity that can exist or remain in nonexistence needs an effect is mandatory (*ḍarūrī*) knowledge and does not need to be put forward by *qiyās*.[76] Ibn al-Malāḥimī agrees with him concerning the necessity of this

would not be better for this *ḥadīth* to appear at this time rather than before or later" (al-Baghdādī, *Kitāb Uṣūl al-dīn* [Beirut: Dār al-Kutub al-ʿIlmiyyah, 1981], 69). However, it is possible to say that Abū l-Ḥusayn was the first to construct this argument, as seen in al-Juwaynī, and even in a more philosophical form and at a more developed/mature level. For an account of the argument in al-Juwaynī, see Imām al-Ḥaramayn Abū l-Maʿālī Rukn al-Dīn ʿAbd al-Malik ibn ʿAbd Allāh al-Juwaynī, *al-ʿAqīdah al-Niẓāmiyyah fī l-arkān al-Islāmiyyah*, ed. Muḥammad Zāhid al-Kawtharī (Cairo: Maṭbaʿat al-Anwār, 1948), 11-12; id. *Lumaʿ al-adillah fī qawāʿid ʿaqāʾid Ahl al-sunnah wa-l-jamāʿah*, ed. Fawqiyyah Ḥusayn Maḥmūd (Cairo: al-Muʾassasah al-Miṣriyyah al-ʿĀmmah li-l-Taʾlīf wa-l-Anbāʾ wa-l-Nashr, 1965), 80-81; id., *Kitāb al-Irshād ilā qawāṭiʿ al-adillah fī uṣūl al-iʿtiqād*, ed. Asʿad Tamīm (Beirut: Muʾassasat al-Kutub al-Thaqāfiyyah, 1996), 49-50; id., *al-Shāmil fī uṣūl al-dīn*, ed. ʿAlī Sāmī al-Nashshār et al. (Alexandria: Munshaʾāt al-Maʿārif, 1969), 263.

74 Al-Zamakhsharī, *Muʿtezile Akāidi*, 40. With the statements of Abū Hāshim and Bahshamīs in this direction, cf. al-Qāḍī ʿAbd al-Jabbār, *al-Mughnī*, ed. Tawfīq al-Ṭawīl and Saʿīd Zāyid (Cairo: al-Muʾassasah al-Miṣriyyah al-ʿĀmmah li-l-Taʾlīf wa-l-Tarjamah wa-l-Ṭibāʿah wa-l-Nashr, n.d.), VIII (*al-Makhlūq*), 16; Ibn Mattawayh, *Kitāb al-Majmūʿ*, I, 69-70; al-Rāzī, *al-Maṭālib al-ʿāliyah min al-ʿilm al-ilāhī*, ed. Aḥmad Ḥijāzī al-Saqqā (Beirut: Dār al-Kitāb al-ʿArabī, 1987), I, 210.

75 Al-Najrānī, *al-Kāmil*, 155. Ibn al-Muṭahhar al-Ḥillī (d. 726/1325) also follows in Abū l-Ḥusayn's footsteps in this regard and says that this form of inference (*istidlāl*) based on comparison is "weak" even though it is often used; Jamāl al-Dīn al-Ḥasan ibn Yūsuf ibn ʿAlī Ibn al-Muṭahhar al-Ḥillī, *Manāhij al-yaqīn fī uṣūl al-dīn*, ed. Yaʿqūb al-Jaʿfarī al-Marāghī (Qom: Dār al-Uswah li-l-Ṭibāʿah wa-l-Nashr, 1415 AH), 258.

76 Al-Rāzī, *al-Riyāḍ al-mūniqah*, 288; al-Najrānī elaborates on these criticisms and responds to the objection that their methods are also *qiyās*; *al-Kāmil*, 156 f.

knowledge.[77] On the other hand, after expressing Abū l-Ḥusayn's conclusion, Ibn al-Malāḥimī also uses the other method (*qiyās*), which he calls the method of "our masters (*shuyūkhunā*)," and responds to objections to it.[78]

In the face of these data, al-Zamakhsharī seems to have combined and reconciled the styles of reasoning of the Bahshamīs and those of the Ḥusaynīs in his approach to the proof of the existence of God. Therefore, it seems unlikely that we can identify an absolute and definite sectarian orientation from this point of view.

2.3. Divine Attributes

One of the main divergences concerning the subject of divine attributes pertains to the relationship between essence and attributes. At this point, two basic approaches emerged, one being the realist approach, which states that "attributes are entitative determinants (*maʿānīⁿ*) that have additional realities to the essence," and the other, the nominalist commenting that "the independent existence of attributes cannot be considered without the essence, and these are only names pointing to the qualities in the essence." In principle, the first of these stances can be described as the Sunnī approach and the other as the Muʿtazilī approach.[79] When al-Zamakhsharī stated that as a general principle, "God has power over all those who can be empowered, not by way of the qualities (*li-maʿānīⁿ*) that make them necessary, but by His essence, He knows all known things by essence, He is alive by His essence, hears and sees by His essence and perceives by essence all that is comprehended,"[80] this claim shows that he was an open defender of the aforementioned Muʿtazilī approach.

An attitude contrary to the general acceptance of Muʿtazilah concerning the nature of attributes is the characterization of attributes as states of the essence in the context of Abū Hāshim's theory of modes (*aḥwāl*). The Ḥusaynīs, on the other hand, share the opinion that God has certain qualities through His essence and openly oppose Abū Hāshim's approach. In fact, Ibn al-Malāḥimī discusses the Sunnī view on the basis of discourse, stating that "attribute is an element added to

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77   Ibn al-Malāḥimī, *Kitāb al-Fāʾiq*, 131.

78   Ibn al-Malāḥimī, *Kitāb al-Muʿtamad*, 172-175.

79   Koloğlu, "Muʿtezile'nin Temel Öğretileri," *İslâmî İlimler Dergisi* 12/2 (December 2017), 47.

80   Al-Zamakhsharī, *Muʿtezile Akāidi*, 42.

the [divine] essence (*wa-naḥnu naʿnī bi-l-ṣifah hāhunā huwa kull amr zāʾid alá l-dhāt*)" at one stage in an attempt to oppose the attitude of philosophers who are excessively exclusionary and ignore attributes; however, in the final analysis, he reduces these attributes to God's essence and says that "the characterization of God with these qualities means ascribing these characteristics to His essence (*yufīd iḍāfat hādhihī l-aḥkām ilá dhātihī taʿālá*)."[81] What is noteworthy here is the use of the term *ḥukm* for attributes. Although Ibn al-Malāḥimī says that the separation can be reduced to words, given that he most likely views Abū Hāshim's approach as a concession toward the Sunnī view, he clearly states that God is omnipotent, wise, and living not through certain real entities or states/modes (*aḥwāl*) but by essence. On the one hand, he says that there is a need for a *ḥukm* beyond the essence of God, which forms the basis for the characterization of the essence of God via these attributes. However, this notion of "being additional to the essence" cannot be seen as an ontological separation, and these qualities, which are called *aḥkām*,[82] cannot be considered real entities or states.[83] It does not appear that al-Zamakhsharī uses the term *ḥukm* openly, possibly as a reflection of his general tendency not to engage in detailed technical discussions within Muʿtazilah. However, in addition to not mentioning the notion of modes, which is one of the distinctive qualities of Bahshamiyyah, the fact that he also states that God is all-hearing, wise, and omnipotent by His essence in

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[81] Ibn al-Malāḥimī, *Tuḥfat al-mutakallimīn fī l-radd ʿalá l-falāsifah*, ed. Wilferd Madelung and Hassan Ansari (Tehran: Iranian Institute of Philosophy & Freie Universität Berlin, 2008), 44; cf. id., *Kitāb al-Muʿtamad*, 234.

[82] Ibn al-Malāḥimī, *Kitāb al-Muʿtamad*, 182.

[83] Ibn al-Malāḥimī, *Kitāb al-Fāʾiq*, 68. In the words of Ibn al-Malāḥimī, even though Abū l-Ḥusayn al-Baṣrī, absolutely opposes the claim that God should have a mode/state in addition to His essence in the sense understood by Abū Hāshim and Bahshamīs (for example, to have the attribute of omniscience for being omniscient), he does not object to the fact that it is called "state," "attribute," or even "knowledge (*ʿilm*)" as a separate entity (*maʿná*), only as a literal usage, without any real equivalent. However, Ibn al-Malāḥimī does not accept this approach. Additionally, Abū l-Ḥusayn does not explicitly use the term *ḥukm* as does Ibn al-Malāḥimī; Ibn al-Malāḥimī, *Kitāb al-Muʿtamad*, 200-201. On the other hand, Abū l-Ḥusayn clearly states that God is wise and omnipotent by His essence (*li-dhātihī*); Abū l-Ḥusayn Muḥammad ibn ʿAlī ibn Ṭayyib al-Baṣrī, *Taṣaffuḥ al-adillah*, ed. Wilferd Madelung and Sabine Schmidtke (Wiesbaden: Harrassowitz Verlag, 2007), 74, 79.

al-Kashshāf and in *al-Minhāj*[84] is an indication that he does not accept the notion of modes, which can be seen as an element beyond the essence and therefore follows the line adopted by the Ḥusaynīs along with the majority of Muʿtazilah.

In line with this general Muʿtazilī attitude, which identifies affirmative attributes (*al-ṣifāt al-thubūtiyyah*) by the essence, certain attributes are reduced to others. In this context, first, God's being capable of hearing (*samīʿ*) and seeing (*baṣīr*) is reduced to his being perceiving (*mudrik*). That is, to be capable of hearing and seeing means that God perceives the things that are heard and seen when they exist. In the final analysis, this trait depends on the feature of being "living (*ḥayy*);" because God, who is capable of hearing (and hence is perceiving), does not have – by means of being hearing – a special and independent attribute beyond being alive.[85] However, it should be noted that this reduction does not mean ignoring the attributes of "hearing" and "seeing." At this stage, a conflict arises between the Basrah and Baghdad schools. Baghdādīs do not consider it permissible to use the attribute of being "perceiving" with respect to God on the grounds that doing so would entail assimilating Him to creatures (*tashbīh*), and these figures identify his being "hearing" and "seeing" with his being omniscient (*ʿalīm/ ʿālim*).[86] This issue appears to be a conflict between Basrah and Baghdad schools rather than a Ḥusaynī-Bahshamī split. However, different determinations regarding the approach of Abū l-Ḥusayn al-Baṣrī to the issue give the impression that this topic is also the subject of dispute between Bahshamiyyah and Ḥusayniyyah. Ibn al-Malāḥimī says in one passage that "in *Taṣaffuḥ*, he [Abū l-Ḥusayn] presented the inference of Baghdad school about the impossibility of describing God as 'perceiving,' and although he did not openly express his own preference, he did not answer this;"[87] however, in another passage, he states that "he quoted this inference, which he says is the strongest evidence of the Bahshamīs," and then

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[84] Al-Zamakhsharī, *al-Kashshāf*, IV, 128; V, 197, 376.

[85] Al-Qāḍī ʿAbd al-Jabbār, *al-Mughnī*, V, 241; Mānakdīm Shashdīw, *Taʿlīq*, 168.

[86] Mānakdīm Shashdīw, *Taʿlīq*, 168; al-Ḥillī, *Manāhij al-yaqīn*, 283; al-Manṣūr bi-llāh Ibn al-Rashīd al-Qāsim ibn Muḥammad ibn ʿAlī al-Zaydī, *Kitāb al-Asās li-ʿaqāʾid al-akyās fī maʿrifat Rabb al-ʿālamīn wa-ʿadlihī fī l-makhlūqīn wa-mā yattaṣil bi-dhālik min uṣūl al-dīn*, ed. Albert Naṣrī Nādir (Beirut: Dār al-Ṭalīʿah, 1980), 71, 73.

[87] Ibn al-Malāḥimī, *Kitāb al-Fāʾiq*, 38.

quotes his reply against it.[88] Most likely because of this ambiguity, it has been believed that Abū l-Ḥusayn adopted the view of the Baghdādīs.[89] However, Taqī al-Dīn al-Najrānī, who discussed the issues of controversy between Bahshamiyyah and Ḥusayniyyah and who was critical of Bahshamī views as a follower of Ḥusayniyyah, states that Abū l-Ḥusayn, whom he describes as "our master (*shaykhunā*)," opposes the use of the attribute "perceiving" for God but also does not find it correct to declare a judgment concerning this matter, and in this sense, he adopts an attitude of suspension of judgment (*tawaqquf*).[90] In this context, it is necessary to approach the claim that Abū l-Ḥusayn directly reduced these two attributes to being

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[88] Accordingly, Abū l-Ḥusayn says that the inference that God cannot be perceiving is valid for those who view the attribute of being alive in the same way for the beings in the world of attestation and the unseen world and for those who consider it to be a state of living being; Ibn al-Malāḥimī, *Kitāb al-Muʿtamad*, 236. It seems that the people in question here are Bahshamiyyah. Al-Ḥimmaṣī (d. 600/1204), the first known follower of Abū l-Ḥusayn in Twelver Shiism, also made the following claim without mentioning any names: "Our masters (*mashāyikhunā*) proved that this attribute (being "perceiving") is present for God by the fact that his being alive is the element that makes this attribute necessary." Thus, he states that the objection to this claim is invalid, since the modes of being "alive" for God and for beings in the world of attestation are different; Sadīd al-Dīn Maḥmūd ibn ʿAlī ibn al-Ḥasan al-Ḥimmaṣī al-Rāzī, *al-Munqidh min al-taqlīd* (Qom: Muʾassasat al-Nashr al-Islāmī, 1412-1414 AH), I, 57, 58.

[89] Al-Rāzī, *Muḥaṣṣal afkār al-mutaqaddimīn wa-l-mutaʾakhkhirīn min al-ʿulamāʾ wa-l-ḥukamāʾ wa-l-mutakallimīn*, ed. Ṭāhā ʿAbd al-Raʾūf Saʿd (Cairo: Maktabat al-Kulliyyāt al-Azhariyyah, n.d.), 171; Fakhr al-muḥaqqiqīn Muḥammad ibn al-Ḥasan ibn Yūsuf al-Ḥillī, *Miʿrāj al-yaqīn fī sharḥ Nahj al-mustarshidīn fī uṣūl al-dīn*, ed. Ṭāhir al-Salāmī (Karbalāʾ: al-ʿAtabah al-ʿAbbāsiyyah al-Muqaddasah, 1436 AH), 179; Kamāl al-Dīn Mītham ibn ʿAlī ibn Mītham al-Baḥrānī, *Qawāʿid al-marām fī ʿilm al-kalām*, ed. al-Sayyid Aḥmad al-Ḥusaynī (Qom: Maktabat Āyat Allāh al-ʿUẓmá al-Marʿashī al-Najafī, 1406 AH), 90, 95; Abū ʿAbd Allāh Jamāl al-Dīn Miqdād ibn ʿAbd Allāh al-Suyūrī, *Irshād al-ṭālibīn ilá Nahj al-mustarshidīn*, ed. Mahdī al-Rajāʾī (Qom: Maktabat Āyat Allāh al-Marʿashī al-ʿĀmmah, 1405 AH), 205, 206; Madelung, "The Theology of al-Zamakhsharī," 491; id., "Abu 'l-Ḥusayn al-Baṣrī," in *The Encyclopaedia of Islam New Edition*, XII (Supplement), 25.

[90] Al-Najrānī, *al-Kāmil*, 277. Al-Rāzī is also of the opinion that Abū l-Ḥusayn suspended judgment on this issue; *Iʿtiqādāt*, 48.

ʿālim, as in the Baghdad school, with caution.[91] Moreover, even though he is of the same opinion as the Baghdad school on this issue, as he distinguishes between the visible (*shāhid*) and unseen (*ghayb*) worlds in the context of the will, this stance can be considered to be the personal opinion of Abū l-Ḥusayn rather than the established opinion of the Ḥusaynī school.

Ibn al-Malāḥimī himself gives an objectionable answer to this question when he claims – as discussed above – that Abū l-Ḥusayn did not answer and that he considers being capable of hearing and seeing as being perceiving, as does the Basrah school in general. According to him, contrary to the opinion of the Baghdad school, omniscience and perceiving are two qualities that are separate from each other, and the second cannot be reduced to the first.[92] Al-Zamakhsharī, on the one hand, says that God "perceives all that is perceivable by His essence" and further mentions that He is "hearing and seeing by His essence."[93] However, he identifies the attributes of seeing and hearing elsewhere with being perceiving, and he opposes the Baghdādī view – without naming it – by saying that God's perceiving is something different from his knowing.[94] Therefore, the fact that he mentions His attributes of being capable of hearing (*samīʿ*) and seeing (*baṣīr*) – along with His being actually hearing (*sāmiʿ*) and seeing (*mubṣir*) – separately does not mean that he does not evaluate these attributes in terms of His being perceiving.[95] In this respect, he adopts the common view of the

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[91] As a matter of fact, unlike other authors, Zaydī scholar Ḥusām al-Dīn Qāsim ibn Aḥmad al-Maḥallī (d. first half of 8th/14th century), who wrote a gloss (*taʿlīq*) on Mānakdīm Shashdīw's *Taʿlīq ʿalā Sharḥ al-Uṣūl al-khamsah*, notes that Abū l-Ḥusayn, like Ibn al-Malāḥimī, adopted the Bahshamī [hence the established Baṣran Muʿtazilī] view; Schmidtke, *The Theology of al-ʿAllāma al-Ḥillī* (Berlin: Klaus Schwarz Verlag, 1991), 200, fn. 143.

[92] Ibn al-Malāḥimī, *Kitāb al-Fāʾiq*, 38-39; For a detailed discussion of this issue, see id., *Kitāb al-Muʿtamad*, 212-238.

[93] Al-Zamakhsharī, *Muʿtezile Akāidi*, 42.

[94] *Ibid.*, 46.

[95] Thus, he indeed expresses the opinions that God's perception of what is subject to hearing and seeing is absolutely beyond that of other "hearing" and "seeing" beings and that He perceives the smallest, subtlest, and most hidden things as well as the most gigantic, densest, and most obvious things (al-Zamakhsharī, *al-Kashshāf*, III, 579); in addition, adding that God is truly *samīʿ* (capable of hearing) and *sāmiʿ* (actually hearing) and that "hearing" here means perceiving through hearing (*al-Kashshāf*, IV, 381), he also says that God hears and sees every sound and

entire Basrah school and therefore that of the Ḥusaynīs, except perhaps Abū l-Ḥusayn. Even if the claim that Abū l-Ḥusayn adopted the Baghdādī view is accepted as true, the claim that al-Zamakhsharī should be seen as belonging to Bahshamiyyah, not Ḥusayniyyah, as a result of his differentiation from Abū l-Ḥusayn does not seem very accurate.

In the context of divine attributes, one of the main issues that is the subject of dispute between the Bahshamīs and the Ḥusaynīs is the will. In fact, the Muʿtazilah agree that will is an attribute of action.[96] In this context, like Abū ʿAlī, Abū Hāshim does not accept the fact that God is *murīd* by His essence, as in the case of other affirmative attributes, and he sees His will as an attribute of action. In the words of al-Qāḍī ʿAbd al-Jabbār according to the Muʿtazilah, when God creates/makes the will, he becomes a "willer (*murīd*)" although He was not a willer beforehand. In this sense, He is the one who wills with a created will. However, they also emphasize the fact that God is the willer in the real sense,[97] and thus they oppose the reduction of will to any other element. The objection here is directed toward figures such as Abū l-Hudhayl (d. 235/849-50 [?]), al-Naẓẓām (d. 231/845), al-Jāḥiẓ (d. 255/869), and al-Kaʿbī, who were the predecessors or contemporaries of them. In fact, Ibn al-Malāḥimī states that they opposed the claim God's being a willer is something different from or beyond/additional (*zāʾid*) to His motive (*dāʿī*) for action. According to the majority of these figures, the characterization of God as the one who wills his actions means that He does not commit these acts unconsciously (as *sāhī*) or under coercion (as *mukrah*); in addition, His being the one who wills the actions of others has the same meaning as His ordering them.[98] He himself believes that God being a willer (*murīd*) consists of the existence of motives for action (*dāʿī*) and the absence of deterrents

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everything that can be seen in a single state and that perceiving any one thing does not prevent Him from perceiving the others (*al-Kashshāf*, V, 22).

[96] Al-Kaʿbī, *Kitāb al-Maqālāt*, 255; al-Qāḍī ʿAbd al-Jabbār, *al-Mughnī*, ed. George C. Anawati (Cairo: al-Muʾassasah al-Miṣriyyah al-ʿĀmmah li-l-Taʾlīf wa-l-Tarjamah wa-l-Ṭibāʿah wa-l-Nashr, 1962), VI/2 (*al-Irādah*), 3.

[97] Al-Qāḍī ʿAbd al-Jabbār, *al-Mughnī*, VI/2, 3.

[98] Ibn al-Malāḥimī, *Kitāb al-Fāʾiq*, 42; id., *Kitāb al-Muʿtamad*, 240; cf. al-Rāzī, *al-Riyāḍ al-mūniqah*, 223 (al-Naẓẓām), 260 (al-Jāḥiẓ), 279 (al-Kaʿbī); al-Naẓẓām also adds the meaning of God's judgment concerning a thing; al-Kaʿbī, *Kitāb al-Maqālāt*, 255.

(*ṣārif*) preventing Him (from acting), and no additional element (*maʿnā zāʾid*) beyond these characteristics should be accepted.[99]

While al-Zamakhsharī describes the "willer" as "the one who is able to act in a certain way and not in another [although it is also possible],"[100] he defines the will as "the state that requires the action to occur by a living thing in this way rather than another."[101] It is not overlooked that he does not use the term "attribute" or "entitative determinant (*maʿnā*)" for will but describes it as a "state (*ḥāl*)" and directly associates it with acting. After that, he first mentions Ibn al-Malāḥimī's definition of will without mentioning that figure's name and then notes that it is wrong to attribute the same characteristics of the "willing" human to God. What he means by this claim is probably that if a separate attribute of "will" is ascribed to God, it will be believed that He has a "will" that takes the form of orientation (*qaṣd*) and inclination (*mayl*) in human beings.[102] This view seems close to the opinion expressed by al-Naẓẓām and al-Kaʿbī. In fact, al-Kaʿbī noted that al-Naẓẓām said that "God intends to negate from Himself the unconscious deed (*sahw*), ignorance (*jahl*), and being under coercion (*ikrāh*) by using the word 'will'," and he clearly states that he also holds this view.[103] In the final analysis, alongside the names mentioned, Abū l-Ḥusayn al-Baṣrī and Ḥusaynīs are of the same opinion with respect to denying a separate will for God, and al-Zamakhsharī also seems to incline in this direction intellectually. On the other hand, he says that when the attribute "will" is ascribed to God, He is the one who wills by a created entitative determinant (*maʿnā ḥādith*), that is, through will, and that anyone who supports this view must accept the existence of an accident that does not inhere in a substrate. It would be appropriate to say that the aforementioned view, which was the opinion of Abū ʿAlī and Abū Hāshim and later that of Bahshamiyyah, was implicitly refuted here, as noted above.

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99 Ibn al-Malāḥimī, *Kitāb al-Fāʾiq*, 43; id., *Kitāb al-Muʿtamad*, 240, 249. In his words, even though Abū l-Ḥusayn understands the will to be something additional (*zāʾid*) to the actual motive (*dāʿī*) in the world of attestation, and in this sense, even though he makes a distinction between the world of attestation and the unseen world, his opinion of God's will is not different from that of Ibn al-Malāḥimī.

100 Al-Zamakhsharī, *Muʿtezile Akāidi*, 46.

101 Al-Zamakhsharī, *al-Kashshāf*, I, 243.

102 Al-Zamakhsharī, *Muʿtezile Akāidi*, 46; id., *al-Kashshāf*, I, 243-244.

103 Al-Kaʿbī, *Kitāb al-Maqālāt*, 257.

As a matter of fact, commenting on the verse "*God wills to give them no share in the Hereafter.*" (Q 3:176), to the question that "while it would be sufficient to just say 'God does not give them any share in the Hereafter,' what it means to use the word will?" al-Zamakhsharī responds as follows: It is intended to point out that the motive (*dāʿī*) for their deprivation of bounties and torment in the hereafter is whole and complete, so that there is no deterrent (*ṣārif*) due to their turning to unbelief."[104] It is noteworthy that the term "complete (*khāliṣ*) motive" is used here. Namely, Ibn al-Malāḥimī also says that the will is nothing other than the complete motive that leads to doing the deed or the dominant (*mutarajjiḥ*) motive that makes doing it superior to not doing it.[105] At this point, it should be noted that he differs from Abū l-Ḥusayn al-Baṣrī, who distinguishes between the use of the notion of the will for God and for man, that is, between the world of attestation and the unseen world, and who argues that will in the world of attestation is something beyond the motive for action.[106] While al-

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[104] Al-Zamakhsharī, *al-Kashshāf*, I, 663. Similarly, he interpreted the verse "*When Allah wills a thing ...*" (Q 36:82) in the context of will, as follows: "When the motive of wisdom leads Him to create, without any deterrent;" he also explains the phrase "[His] order to create" as having the complete motive to perform this act (*an yakhluṣ dāʿīhi ilā l-fiʿl*); *al-Kashshāf*, V, 197.

[105] Ibn al-Malāḥimī, *Kitāb al-Fāʾiq*, 169.

[106] Ibn al-Malāḥimī, *Kitāb al-Fāʾiq*, 43; id., *Kitāb al-Muʿtamad*, 117. Ibn al-Malāḥimī's concern with respect to this matter consists in opposing the views of Islamic philosophers who try to explain existence through the "theory of emanation" by identifying God's "knowing" with his "willing." He himself wrote a refutation of this position. As a result, in order to justify this understanding, figures who hold this view make a distinction between the unseen world and the world of attestation and assume different definition and content of the will of God and that of man; Ibn al-Malāḥimī, *Tuḥfat al-mutakallimīn*, 92-93. For details concerning Ibn al-Malāḥimī's discussion of this issue, see Koloğlu, *Mutezile'nin Felsefe Eleştirisi*, 186-190; cf. id., "İbnü'l-Melâhimî," 617. In this context, the statement of Ibn Mītham al-Baḥrānī (d. 699/1300) that "Abū l-Ḥusayn al-Baṣrī and his followers accepted will and nonwill (*karāhah*) as entitative determinants (*maʿnâ*) other than and beyond knowing (*ʿilm*) in the world of attestation (that is, for human agents) and the fact that they equated will and knowing for God." (see al-Baḥrānī, *Qawāʿid al-marām*, 88) may be valid for Ibn al-Malāḥimī in terms of the second part, yet the statement that he distinguishes between the unseen world and the world of attestation is not correct. As a matter of fact, al-Najrānī clearly points to this differentiation between Abū l-Ḥusayn and Ibn al-Malāḥimī; al-Najrānī, *al-Kāmil*, 284.

Zamakhsharī says that the act occurs through the power and will of the agent/actant (*fāʿil*), he interprets this will of man as the orientation and inclination of the agent to act and as the completeness of his motive in this matter.[107] In light of these data, it is appropriate to say that al-Zamakhsharī's understanding of will is a Ḥusaynī attitude in line with the views of Ibn al-Malāḥimī.

It can be said that the Muʿtazilah has a relatively uniform attitude concerning basic issues related to the attribute of power. Because the overwhelming majority of Muʿtazilah view God's omnipotence as His main attribute, it is admitted that knowing other attributes is of secondary importance.[108] In line with this account, it is accepted by both Bahshamīs and Ḥusaynīs that God has power over everything that is subject to power (*qādir alá kull al-maqdūrāt*), and the views of some Muʿtazilīs, such as al-Naẓẓām, al-Aswārī (d. 240/854), and al-Jāḥiẓ, that God is not able to oppress (*ẓulm*), lie (*kidhb*), or abandon "the optimum ([a human's] best interest; (*aṣlaḥ*)" were explicitly rejected by both Bahshamīs and Ḥusaynīs on the grounds that this view would limit the power of God.[109] On the other hand, that it is impossible for God to actually create (or even will) evil (*qabīḥ*) due to His justice and wisdom, a point which is naturally agreed upon by all Muʿtazilīs. Al-Zamakhsharī also expresses the claim that "God has power over everything subject to power" in a general and encompassing manner in both *al-Minhāj* and *al-Kashshāf*.[110]

Following this consensus concerning the point that God does not commit evil deeds, a conflict between Bahshamiyyah and

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[107] Al-Zamakhsharī, *al-Kashshāf*, II, 201.

[108] Mānakdīm Sashdīw, *Taʿlīq*, 151; Ibn Mattawayh, *Kitāb al-Majmūʿ*, I, 103; Ibn al-Malāḥimī, *Kitāb al-Muʿtamad*, 182, 183.

[109] Al-Qāḍī ʿAbd al-Jabbār, *al-Mughnī*, ed. Aḥmad Fuʾād al-Ahwānī (Cairo: al-Muʾassasah al-Miṣriyyah al-ʿĀmmah li-l-Taʾlīf wa-l-Tarjamah wa-l-Ṭibāʿah wa-l-Nashr, 1962), VI/1 (*al-Taʿdīl wa-l-tajwīr*), 127; Abū l-Ḥusayn al-Baṣrī, *Taṣaffuḥ al-adillah*, 89; Ibn Mattawayh, *Kitāb al-Majmūʿ*, I, 246 f. In this part, Abū l-Ḥusayn al-Baṣrī goes one step further and states that Abū ʿAlī, Abū Hāshim, and Abū l-Qāsim al-Balkhī al-Kaʿbī not only say that God is capable of committing evil but also consider it possible for an evil act to come to pass through Him; see Abū l-Ḥusayn al-Baṣrī, *Taṣaffuḥ al-adillah*, 89. Al-Ḥimmaṣī also draws the same conclusion regarding Abū ʿAlī and Abū Hāshim; al-Ḥimmaṣī, *al-Munqidh*, I, 156.

[110] e.g., see al-Zamakhsharī, *al-Kashshāf*, I, 545; III, 402; IV, 135; id., *Muʿtezile Akāidi*, 42, 45.

Ḥusayniyyah arises. Bahshamīs bases the fact that Allah does not commit an evil act on the fact that He knows that the act is evil and does not need it at the same time.[111] Abū l- Ḥusayn al-Baṣrī and Ibn al-Malāḥimī, on the other hand, argue that it is absolutely impossible for God to commit an evil action since it is absolutely impossible for Him to have a motive (*dāʿī*) for committing an evil act.[112]

On the one hand, al-Zamakhsharī emphasizes that "the actor/agent only commits an act with a motive and refrains from doing it thanks to a deterrent,"[113] at the same time, he suggests two things as the reason why God does not actually commit evil deeds (and furthermore, does not command them): He does not have a motive for doing so, and he has a deterrent (*ṣārif*) not to do it.[114] From this point of view, it is possible to say that he defends the views of Abū l-Ḥusayn al-Baṣrī and Ibn al-Malāḥimī almost in the same way, and therefore he follows in the footsteps of the Ḥusayniyyah, not those of the Bahshamiyyah, in this regard. On the other hand, it should be noted that while he justifies the claim that God does not commit an evil act, he also includes the aforementioned Bahshamī inference,[115] and in this sense, he exhibits a reconciliatory approach.[116]

As noted above, both the Bahshamīs and the Ḥusaynīs faced the problem of the creation of human actions by God, while given that they argue and claim in principle that "God has power over everything

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[111] Al-Qāḍī ʿAbd al-Jabbār, *al-Mughnī*, VI/1, 77; Ibn Mattawayh, *Kitāb al-Majmūʿ*, I, 257; Mānakdīm Sashhdīw, *Taʿlīq*, 316.

[112] Abū l-Ḥusayn al-Baṣrī, *Taṣaffuḥ al-adillah*, 93, 97; Ibn al-Malāḥimī, *Kitāb al-Fāʾiq*, 128.

[113] Al-Zamakhsharī, *Muʿtezile Akāidi*, 40

[114] Al-Zamakhsharī, *al-Kashshāf*, II, 437.

[115] al-Zamakhsharī, *Muʿtezile Akāidi*, 40, 48

[116] This conciliatory attitude was not limited to al-Zamakhsharī. Personalities such as Ibn Mītham al-Baḥrānī and Ibn al-Muṭahhar al-Ḥillī, who are followers of the Ḥusaynī sect, primarily base their opinions concerning the issue of God's not committing malicious/evil acts on the notions of *dāʿī* and *ṣārif*, and as a background for this discussion, they point to the way of explanation employed by Bahshamīs; see al-Baḥrānī, *Qawāʿid al-marām*, 111-112; Ibn al-Muṭahhar al-Ḥillī, *Kashf al-murād fī sharḥ Tajrīd al-iʿtiqād* (Beirut: Muʾassasat al-Aʿlamī li-l-Maṭbūʿāt, 1988), 283; id., *Manāhij al-yaqīn*, 375; Therefore, at this point, it can be said that the use of the Bahshamīs' inference cannot be taken as an indicator of a distinctive identity.

which is subject to power." At this point, the main concern seems to be to leave the door open to the doctrine of acquisition (*kasb*),[117] which argues that human action occurs via the creation of God and the acquisition of the servant, and therefore such action occurs under the influence of two capable agents (*qādir*); thus, it is possible to establish a relationship between evil acts and God. Since the Bahshamīs also argued that "a single created action (*maqdūr*) cannot be under the power of two capable agents,"[118] to reconcile this claim with the assumption that "God is omnipotent," they develop the following belief: God has absolute power over the infinite number of all classes (*ajnās*) of acts that are subject to power, and therefore He also has power over the "classes" of acts that are subject to man's capability; however, He has no direct power over the very acts of human beings.[119] On the other hand, the Ḥusaynīs defend the claim that God is also capable of the very acts of human beings to preserve the extent of His power.[120]

Al-Zamakhsharī does not express a clear preference regarding this controversial technical aspect of the issue. According to him, to discuss a capable agent and its power/effectiveness over anything, the act must not be impossible (*mustaḥīl*) in essence. Therefore, as he puts it, when the expression "capable of doing everything/has power over everything" is used [for God], things that are impossible naturally constitute an exception to this rule. A single act being subject to the power of two capable agents, on the other hand, is a controversial issue.[121] Considering his attitude of suspended judgment, it is not very accurate to suggest that "he is not Ḥusaynī, on the grounds that al-Zamakhsharī considers the existence of two capable agents for one act among impossible actions, and in this respect, he does not include the actions of the men among the subjects' of God's power all."[122]

2.4. [A Human's] Best Interest (*al-Aṣlaḥ*)

Although the principled acceptance that it is obligatory for God to perform all the actions that He performs for His servants in the most

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[117] Koloğlu, *Cübbâîler'in Kelâm Sistemi*, 374.

[118] e.g. see al-Qāḍī ʿAbd al-Jabbār, *al-Mughnī*, VIII, 131-161.

[119] Al-Qāḍī ʿAbd al-Jabbār, *al-Mughnī*, VI/1, 159; Mānakdīm Sashdīw, *Taʿlīq*, 58, 155-156.

[120] Ibn al-Malāḥimī, *Kitāb al-Fāʾiq*, 83-84; al-Ḥimmaṣī, *al-Munqidh*, I, 206.

[121] Al-Zamakhsharī, *al-Kashshāf*, I, 209

[122] Altun, "Behşemiyye ve Hüseyniyye Arasında Zemahşerî," 728.

correct and best way possible can be attributed to the entire Muʿtazilah, the schools of Basrah and Baghdad disagree concerning the extent of this obligation to make/create the best (*al-aṣlaḥ*). Basran Muʿtazilīs to some degree identify the *aṣlaḥ* with favor (*lutf*) and consider it to be an obligation of God to do only what is considered necessary in terms of religious obligation (*taklīf*).[123] Therefore, according to these figures, it is obligatory for God to do the best (*aṣlaḥ*) only with respect to the religious field, not the worldly field.[124] On the other hand, according to the Baghdādīs, beginning with al-Kaʿbī, it is obligatory for God to perform/create the best in worldly matters too.[125]

While their approach to the obligatoriness of performing the worldly *aṣlaḥ* for God is a distinguishing feature between the Basrah and Baghdad schools at this stage, this situation simultaneously produced a Bahshamī-Ḥusaynī split with the emergence of Ḥusayniyyah and his adoption of the Baghdādī view.[126] The fact that al-Najrānī does not mention this issue among the issues of controversy between the two schools probably stems from the belief that it can ultimately be reduced to a verbal dispute.[127] At this point, it should be noted that Abū l-Ḥusayn exhibits a hesitant or, in other words, a middle-of-the-road attitude regarding the worldly *aṣlaḥ*, stating that – although there is a motive for this act – it is sometimes obligatory and sometimes not.[128] On the other hand, the established opinion of the

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[123] Al-Qāḍī ʿAbd al-Jabbār, *al-Mughnī*, ed. Muṣṭafā al-Saqqā (Cairo: al-Dār al-Miṣriyyah li-l-Taʾlīf wa-l-Tarjamah, 1965), XIV (*al-Aṣlaḥ - Istiḥqāq al-dhamm - al-Tawbah*), 53, 61; Ibn Mattawayh, *Kitāb al-Majmūʿ*, ed. Jan Peters (Beirut: Dār al-Mashriq, 1999), III, 130.

[124] Al-Qāḍī ʿAbd al-Jabbār, *al-Mughnī*, ed. Abū l-ʿAlāʾ ʿAfīfī (Cairo: Maṭbaʿat Dār al-Kutub al-Miṣriyyah, 1962), XIII (*al-Lutf*), 20-21; XV, 254; Ibn Mattawayh, *Kitāb al-Majmūʿ*, ed. J. J. Houben (Beirut: Dār al-Mashriq, 1980), II, 332-333, 360.

[125] Ibn al-Malāḥimī, *Kitāb al-Fāʾiq*, 292; al-Ḥimmaṣī, *al-Munqidh*, I, 298; al-Ḥillī, *Manāhij al-yaqīn*, 399.

[126] Ibn al-Muṭahhar al-Ḥillī attributes the view that the worldly *aṣlaḥ* is obligatory to a group of Basran Muʿtazilīs as well as al-Kaʿbī and Baghdadian Muʿtazilīs, which very likely refers to the Ḥusaynīs; al-Ḥillī, *Kashf al-murād*, 322.

[127] Koloğlu, "Muʿtezile'nin Hüseyniyye Ekolünün Dünyevî Aslah Konusuna Yaklaşımı," *İslâm Araştırmaları Dergisi* 39 (March 2018), 20, fn. 40.

[128] Ibn al-Malāḥimī, *Kitāb al-Fāʾiq*, 293; al-Ḥimmaṣī, *al-Munqidh*, I, 300. In this attitude of Abū l-Ḥusayn, the following objection by the Bahshamīs was effective: "If it were obligatory for God to do the [worldly] *aṣlaḥ*, then something that has no end, in other words, something which is impossible, would require making it

Ḥusaynīs beginning with Ibn al-Malāḥimī is in line with that of al-Kaʿbī and the Baghdad school. God's generosity (*jūd*), which is cited by al-Kaʿbī and later by Baghdādīs as a main reason for the obligatoriness of the worldly *aṣlaḥ* for God, seems to be identified with the presence of God's motive for doing so in Ḥusaynian thought and the absence of any deterrent to prevent doing so.[129] From this point of view, the fact that the Baghdādī view overlaps with the general act theory of the Ḥusaynīs seems to be the most important factor in the adoption of this view by the Ḥusaynīs.[130]

In his *al-Minhāj*, al-Zamakhsharī addresses the issue of *aṣlaḥ* only in the context of "worldly interest" and conveys the opposite view to that of al-Kaʿbī and Jubbāʾīs without stating his own preference.[131] Note that, other than mentioning the concept of *aṣlaḥ* under the title of "Favors (*al-Alṭāf*)," he never uses the concept of *aṣlaḥ* in his commentary[132] and prefers the terms favor (*lutf*) or favors (*alṭāf*) and

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obligatory upon Him, because He is able to make the *aṣlaḥ* that has no end (*yaqdir min dhālik ʿalā mā lā yatanāhā*) (e.g., see al-Qāḍī ʿAbd al-Jabbār, *al-Mughnī*, XIV, 56; cf. Ibn al-Malāḥimī, *Kitāb al-Fāʾiq*, 292) On the other hand, al-Rāzī states that Abū l-Ḥusayn tended to regard this act as obligatory under conditions in which the objection from the Bahshamīs could be eliminated, that is, as long as the worldly *aṣlaḥ* never came to an infinite regression, which is impossible, because it can be said that there is a motive here and that deterrents are out of the question; al-Rāzī, *al-Riyāḍ al-mūniqah*, 294.

129 Ibn al-Malāḥimī, *Kitāb al-Fāʾiq*, 292; al-Ḥillī, *Manāhij al-yaqīn*, 399. However, for example, while Imāmī Muʿtazilī scholar al-Shaykh al-Mufīd (d. 413/1022), who adopted the approach of the Baghdad school, argues that the worldly *aṣlaḥ* is obligatory for God, he grounds this claim on the fact that God is generous and that the opposite is not possible, and he does not mention the existence of a motive and therefore its influence; Abū ʿAbd Allāh Muḥammad ibn Muḥammad ibn al-Nuʿmān al-Ḥārithī al-ʿUkbarī al-Shaykh al-Mufīd, *Awāʾil al-maqālāt fī l-madhāhib wa-l-mukhtārāt* (Beirut: Dār al-Kitāb al-Islāmī, 1983), 63. As a matter of fact, it should be noted that al-Kaʿbī approaches the issue from the perspective that God is not only omnipotent, omniscient, and wise but also generous (*jawād*), and not doing *aṣlaḥ* can entail nongenerosity; al-Kaʿbī, *Kitāb al-Maqālāt*, 323.

130 Koloğlu, "Mu'tezile'nin Hüseyniyye Ekolünün Dünyevî Aslah Konusuna Yaklaşımı," 13-14.

131 Al-Zamakhsharī, *Muʿtezile Akāidi*, 55.

132 At this point, it should be noted that although he does not use the concept of "*aṣlaḥ*," he clearly states that it is obligatory for God to "fulfill an issue that is a

that contrary to Abū ʿAlī, who argues that favor cannot come from anyone other than God, he approaches the attitude of Abū Hāshim, who divided the notion of grace as follows: "first of all, God's act; second, obligated person's (*al-mukallaf*) own act, and third, the act of third person other than the obligated person, not God or the obligated person."[133] All of these facts can be interpreted at first glance as evidence that al-Zamakhsharī adopts the Bahshamī approach. However, the last category in Abū Hāshim's classification is not included in his view, and a dual division is seen in a way that can be formed from the action of God and the obligated person himself.[134] In fact, this view coincides with that of Ibn al-Malāḥimī, who develops the aforementioned dual classification, not the triple classification of Abū Hāshim.[135] In addition, although Ibn al-Malāḥimī does not use these concepts in the same way – al-Zamakhsharī's division of favor into two categories, as the *muḥaṣṣilah* that ensures the existence and continuity of something such that when this exists (although it is possible to do so in both cases), the obligated person is inclined to obey by his own choice, and if it did not exist, he would be deemed to have disobeyed, and as the *muqarribah* that makes the obligated person closer to obedience if it exists and brings closer the one who is not close if it does not exist, even if it is possible to perform the action in both ways, as well as al-Zamakhsharī's dual division with respect to "harm (*mafsadah*)," which is the opposite of favor (*maṣlaḥah*), in the same way, is a distinction that exists in Ibn al-Malāḥimī.[136]

In addition to these points, al-Zamakhsharī's explanation of al-Kaʿbī's view as the claim that "God has a motive for making the worldly *aṣlaḥ* and there is no deterrent that will prevent him from doing this"[137] – as stated above – is the established position of the Ḥusaynī tradition. The fact that he does not make an explicit choice here can be explained by his conciliatory attitude as well as by his view of Bahshamī position as a literal/verbal divergence from the Ḥusaynī

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religious *maṣlaḥah* and not refrain from doing it" and to "show the way that will lead to the truth."; al-Zamakhsharī, *al-Kashshāf*, III, 426; IV, 80.

[133] Al-Qāḍī ʿAbd al-Jabbār, *al-Mughnī*, XIII, 27; Mānakdīm Sashdīw, *Taʿlīq*, 519.

[134] Al-Zamakhsharī, *Muʿtezile Akāidi*, 55

[135] Ibn al-Malāḥimī, *Kitāb al-Fāʾiq*, 256.

[136] Al-Zamakhsharī, *Muʿtezile Akāidi*, 55; id., *al-Kashshāf*, I, 168; cf. Ibn al-Malāḥimī, *Kitāb al-Fāʾiq*, 251.

[137] Al-Zamakhsharī *Muʿtezile Akāidi*, 55.

approach, as in Ibn al-Malāḥimī.[138]

2.5. Saintly Miracles (*al-Karāmāt*)

It can be said that the possibility and occurrence of saintly miracles, or more accurately, extraordinary phenomena (*khāriq al-ʿādah*) other than miracles, constitute the main issues regarding a split between Ahl al-sunnah and Muʿtazilah. However, it does not seem possible to generalize views pertaining to the "rejection of the saintly miracles" even for the Muʿtazilah. While some Sunnī sources attribute the rejection of saintly miracles to all Muʿtazilah,[139] others generally refer to Abū l-Ḥusayn al-Baṣrī as the only Muʿtazilī scholar who accepted the possibility and occurrence of saintly miracles.[140] For example, al-Rāzī states in one instance that he opposed earlier Muʿtazilīs such as Abū ʿAlī, Abū Hāshim, and al-Qāḍī ʿAbd al-Jabbār and criticized their arguments in this regard.[141] Based on these data, it is possible to characterize the issue of the existence of *karāmāt* as a Bahshamī-Ḥusaynī conflict within the Muʿtazilah – at least for some time. In fact, as al-Qāḍī ʿAbd al-Jabbār openly states and defends, Abū Hāshim and Bahshamīs think that there should be a necessary relationship between being a prophet and presenting an extraordinary phenomenon (miracles in this context), and they identified these two states with each other.[142] In this sense, while the Bahshamīs consider the extraordinary phenomenon in terms of "signification [to the prophethood]" and subject it to a rational evaluation in the context of God's attributes of

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[138] Ibn al-Malāḥimī, *Kitāb al-Fāʾiq*, 294-295.

[139] For example, see al-Baghdādī, *Kitāb Uṣūl al-dīn*, 175; Abū l-Yusr Muḥammad ibn Muḥammad ibn Ḥusayn al-Bazdawī, *Uṣūl al-dīn*, ed. Hans Peter Linss (Cairo: Dār Iḥyāʾ al-Kutub al-ʿArabiyyah, 1963), 227; Abū l-Muʿīn Maymūn ibn Muḥammad ibn Muḥammad al-Nasafī, *Tabṣirat al-adillah fī uṣūl al-dīn*, ed. Claude Salame (Damascus: Institut Francais de Damas, 1990), I, 536; Nūr al-Dīn Aḥmad ibn Maḥmūd al-Ṣābūnī, *al-Kifāyah fī l-hidāyah*, ed. Muḥammad Ārūchī (Beirut: Dār Ibn Ḥazm, 2014), 208; al-Taftāzānī, *Sharḥ al-Maqāṣid*, ed. ʿAbd al-Raḥmān ʿUmayrah (Beirut: ʿĀlam al-Kutub, 1998), V, 72.

[140] For example, see al-Rāzī, *Kitāb al-Arbaʿīn fī uṣūl al-dīn*, ed. Aḥmad Ḥijāzī al-Saqqā (Beirut: Dār al-Jīl, 2004), II, 377; al-Jurjānī, *Sharḥ al-Mawāqif*, ed. Maḥmūd ʿUmar al-Dimyāṭī (Beirut: Dār al-Kutub al-ʿIlmiyyah, 1998), VIII, 314.

[141] Al-Rāzī, *al-Riyāḍ al-mūniqah*, 163-164, 294.

[142] Al-Qāḍī ʿAbd al-Jabbār, *al-Mughnī*, ed. Maḥmūd al-Khuḍayrī and Maḥmūd Muḥammad Qāsim (Cairo: al-Dār al-Miṣriyyah li-l-Taʾlīf wa-l-Tarjamah, 1965), XV (*al-Tanabbuʾāt wa-l-muʿjizāt*), 217-221, 242-243.

justice (*al-ʿadl*) and wisdom, the Ḥusaynīs, on the other hand, tend to accept such phenomena via a scripture/tradition (*al-naql*)-oriented approach based on statements in the Qurʾān and the Sunnah that extraordinary phenomena are seen in people other than the prophets. However, it is possible to say that their acceptance of saintly miracles, not their rejection of such events, became a settled topic among the late Muʿtazilah, since in the Bahshamiyyah, there is no significant representative who rejected saintly miracles after al-Qāḍī ʿAbd al-Jabbār.[143] Indeed, Abū Rashīd al-Nīsābūrī (the first half of the 5th/11th century), a disciple of al-Qāḍī ʿAbd al-Jabbār, says that the idea that extraordinary phenomena seen through the people other than the prophets weaken the ability to use miracles as indicators of prophethood and render such miracles meaningless is not valid, subsequently adding that in order for a miracle to prove prophethood, there must be a prophetic claim beforehand and stating that this claim is not in question for anyone other than the prophet; therefore, he accepts the possibility of saintly miracles.[144] It is also noteworthy that he exhibits a largely "Ḥusaynī" spirit, stating that denying the possibility of miracles would mean denying many traditions pertaining to the occurrence of such phenomena.[145]

Beginning with Abū l-Ḥusayn, the Ḥusaynīs tend to accept the existence of saintly miracles. As Ibn al-Malāḥimī himself defends the existence of saintly miracles, he counts Ibn al-Ihkshīd among those who consider *karāmāt* possible, as well as Abū l-Ḥusayn al-Baṣrī. However, he attributes to Ibn al-Ikhshīd the view that "saintly miracles are possible on the grounds of reason (*jāʾiz ʿaqlan*), but indications whose source is revealed texts make them impossible.[146] Al-Najrānī also confirms Ibn al-Malāḥimī's view of Ibn al-Ikhshīd. In al-Najrānī's words, "Muʿtazilī shaykhs," such as Abū l-Ḥusayn al-Baṣrī, Rukn al-Dīn Maḥmūd al-Khwārazmī (Ibn al-Malāḥimī), except for Abū Hāshim and al-Qāḍī ʿAbd al-Jabbār, argue for the possibility and occurrence of

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[143] Kevser Demir Bektaş, *Muʿtezile ve Keramet: Behşemiyye ve Hüseyniyye Ekolleri Arasında Kerametin İmkânı Üzerine Tartışmalar* (Istanbul: Endülüs Yayınları, 2019), 24.

[144] Abū Rashīd Saʿīd ibn Muḥammad ibn al-Ḥasan al-Nīsābūrī, *Ziyādāt al-Sharḥ*, ed. Richard C. Martin (in "A Mutazilite Treatise on Prophethood and Miracles: Being Probably the Bab ala l-nubuwwah from the Ziyadat al-sharh by Abu Rashid al-Nisaburi" [PhD diss]; New York: New York University, 1975), 147, 155-156.

[145] Al-Nīsābūrī, *Ziyādāt al-Sharḥ*, 146.

[146] Ibn al-Malāḥimī, *Kitāb al-Fāʾiq*, 317-322.

saintly miracles on grounds both of reason and of tradition. In addition, al-Najrānī clearly states that he also holds this opinion and presents detailed arguments in support of it.[147]

In other respects, it has been claimed that al-Zamakhsharī rejects the occurrence of saintly miracles in his *al-Kashshāf*,[148] and the expression "*wa-fī hādhā ibṭāl li-l-karāmāt*," which he employed while commenting on the verse concerning the time of doomsday (Q 72:25), has been translated as "... there is clear evidence for the cancellation of all types of saintly miracles," interpreting it a Bahshamī expression that encompasses all aspects of the issue.[149] Although at first glance, this statement can be attributed to an attitude of absolute rejection, when we examine al-Zamakhsharī's statements here in terms of the underlying concepts, we understand that he is only addressing the issue of "reporting from the unseen world (*al-ghayb*)" and that he seems to reject such a *karāmah*, in line with the Qurʾān's clear statements that "only God will know the unseen/unknown (*al-ghayb*)." As a matter of fact, he states that the people to whom saintly miracles are attributed are not prophets, even if they are saints whom God has blessed, and that God has made only prophets aware of certain secret divine information in a way specific to them. The fact that he later notes that the expressions in the verse show the invalidity of issues such as divination and magic (*ibṭāl al-kahānah wa-l-tanjīm*),[150] can be seen as a sign that the issue or the context in al-Zamakhsharī's mind only pertains to *karāmah* claims regarding having information about the *ghayb* or telling or informing others about the *ghayb*. Therefore, based on this statement alone, it would be a hasty generalization to say that al-Zamakhsharī rejected saintly miracles and therefore that he was a Bahshamī.

From the same point of view, al-Zamakhsharī's expression "For, in the absence of the prophet, it is evil (*qabīḥ*) for God to disrupt the natural course of events and ..."[151] in *al-Minhāj* is open to the

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[147] Al-Najrānī, *al-Kāmil*, 354-376.

[148] Madelung, "al-Zamakhsharī, Abu 'l-Ḳāsim Maḥmūd b. ʿUmar," in *The Encyclopaedia of Islam New Edition*, XII (Supplement), 841. It should be noted here that a theological/sectarian affiliation is not provided based on this attitude of rejection.

[149] Altun, "Behşemiyye ve Hüseyniyye Arasında Zemahşerî," 723.

[150] Al-Zamakhsharī, *al-Kashshāf*, VI, 235.

[151] Al-Zamakhsharī, *Muʿtezile Akāidi*, 57

interpretation that he argues that extraordinary events (*khāriq al-ʿādah*) can only be associated with the prophet; therefore, he does not accept the occurrence of extraordinary phenomena other than miracles (*karāmāt* in this context). However, it should not be overlooked that he states that such extraordinary events cannot occur "in the absence of prophets" instead of claiming that they cannot occur "through people who are not prophets" (in fact, the use of such an expression would clearly show that he rejected saintly miracles). It is also possible to view this claim as a very limited "acceptance of saintly miracles." For example, Ibn Ḥazm also states that the extraordinary phenomena that are stated to have occurred through the Companions while the Prophet Muḥammad was alive and which are given as evidence for the existence of saintly miracles, are miracles belonging only to Muḥammad (such as groaning sounds coming from the palm stump, increasing water in the bowl, etc.) because they occurred while the Prophet Muḥammad was alive, not after his death, and he narrates that these events took place by their hands as a way of honoring/blessing (*ikrām*) the aforementioned Companions. According to him, such a situation is not possible after the death of the Prophet Muḥammad.[152] This opinion coincides with the general understanding of miracles among the Ahl al-sunnah,[153] who evaluate saintly miracles as miracles of the prophet in the final analysis.

The relatively clearest indication that al-Zamakhsharī adopts a Bahshamī approach that rejects saintly miracles is seen in the following statements from the section of *al-Minhāj* that lists the characteristics of miracles: "And again, [the miracle] occurs at the time of the one who claims prophethood, because the truth of the claim is a feature of prophethood, and there can be no question of the existence of a feature without the thing that has that feature."[154] However, it should be investigated whether this statement can also be attributed to the attitude of "limited acceptance" mentioned above. In fact, while interpreting the verses (Q 3:42-43) regarding Mary, the mother of Jesus, speaking to angels, al-Zamakhsharī also mentions "the possibility that it is an anticipatory miracle (*irhāṣ*) for Prophet Jesus."[155] While al-Ṭībī,

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[152] Ibn Ḥazm, *al-Uṣūl wa-l-furūʿ*, ed. ʿĀṭif Muḥammad al-ʿIrāqī et al. (Cairo: Dār al-Nahḍah al-ʿArabiyyah, 1978), II, 301.

[153] e.g. see al-Taftāzānī, *Sharḥ al-ʿAqāʾid al-Nasafiyyah*, ed. Ṭāhā ʿAbd al-Raʾūf Saʿd (Cairo: al-Maktabah al-Azhariyyah li-l-Turāth, 2000), 133.

[154] Al-Zamakhsharī, *Muʿtezile Akāidi*, 69.

[155] Al-Zamakhsharī, *al-Kashshāf*, I, 557.

a Sunnī author, addresses this statement, he notes that this incident could be an anticipatory miracle for prophet Jesus in the eyes of the Muʿtazilīs, as al-Zamakhsharī also claims,[156] Abū Ḥayyān al-Andalusī (d. 745/1344) states that the Muʿtazilah accept certain extraordinary situations other than miracles, such as *irhāṣ* (an anticipatory miracle for a prophet), under certain conditions. One condition he proposes is that a prophet already exists at the time of the *irhāṣ*, which in this example is the Prophet Zechariah.[157] With the support of these comments, if it can be concluded that al-Zamakhsharī accepts *irhāṣ* from his statements, it can be noted that he does not categorically reject the existence of extraordinary states other than miracles; this view leaves the door open to the possibility that he accepted saintly miracles or at least makes it difficult to refute this opinion absolutely.

2.6. Enjoining Right and Forbidding Wrong (*al-Amr bi-l-maʿrūf wa-l-nahy ʿan al-munkar*)

It does not seem possible to talk about an open disagreement between Bahshamiyyah and Ḥusayniyyah concerning issues such as the obligatoriness and conditions of enjoining good and forbidding wrong. Despite the fact that enjoining good deeds may carry different provisions, such as being obligatory (*wājib*) or recommended (*mandūb*), depending on the verdict of the act ordered, since it is obligatory to abandon all kinds of evil (*qabīḥ*), it can be said that there is a consensus regarding the fact that it is an obligation to forbid evil.[158] Even with regard to forbidding wrong, the representatives of the two schools seem to have agreed to a large extent with respect to the following conditions, which were put forward so that this decree of obligatory duty would not be overturned: the one who is kept away from sin must not be caused to sin further, and the person who forbids him from doing wrong must not be killed or injured in a way that causes organ loss.[159]

However, there is disagreement even between Abū ʿAlī and Abū Hāshim concerning how to know the obligatory nature of enjoining

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[156] Al-Ṭībī, *Futūḥ al-ghayb*, IV, 104.

[157] Abū Ḥayyān Muḥammad ibn Yūsuf ibn ʿAlī al-Andalusī, *Tafsīr al-baḥr al-muḥīṭ*, ed. ʿĀdil Aḥmad ʿAbd al-Mawjūd and ʿAlī Muḥammad Muʿawwaḍ (Beirut: Dār al-Kutub al-ʿIlmiyyah, 1993), II, 476.

[158] Mānakdīm Sashdīw, *Taʿlīq*, 745; Ibn al-Malāḥimī, *Kitāb al-Fāʾiq*, 542; al-Ḥimmaṣī, *al-Munqidh*, II, 209; Ibn al-Muṭahhar al-Ḥillī, *Manāhij al-yaqīn*, 542.

[159] Mānakdīm Sashdīw, *Taʿlīq*, 143; Ibn al-Malāḥimī, *Kitāb al-Fāʾiq*, 546.

good and forbidding wrong. While Abū ʿAlī is of the opinion that this nature can be known completely on grounds of reason,[160] Abū Hāshim argues that it can be known on grounds of revelation (*shar*ᵃⁿ).[161] It is noted that Abū l-Ḥusayn al-Baṣrī was also of the opinion that this point can be known on grounds of reason.[162]

Second, even if the provision of obligatoriness is omitted, there may be disagreement concerning whether it would still be good (*ḥasan*) to forbid someone from evil in a situation such as the one mentioned above. In line with the common acceptance mentioned, al-Qāḍī ʿAbd al-Jabbār states that one of the conditions for the obligatoriness of forbidding wrongdoing is that the person who forbids evil knows that doing so will not result in harm to his life or property or that a positive possibility prevails in his mind in this regard. However, according to him, this situation may vary from person to person. If insulting and beating will not have a bad effect on the situation of the person who forbids evil, then it can be said that the obligation to forbid evil remains in effect. However, it is not obligatory to forbid evil if it will lead to a bad effect and harm his position. He states that whether it is good to perform this act of forbidding evil, which is not obligatory, is also evaluated separately.

However, two different determinations have been made regarding al-Qāḍī's view concerning this point. According to al-Qāḍī, as quoted by Mānakdīm, if it is a question of preserving the honor of religion by enduring this state of humiliation, it is good to forbid wrong; otherwise, it is not.[163] Ḥusaynī authors such as Ibn al-Malāḥimī quote al-Qāḍī's view as follows: if the abandoned act has a more serious quality than the thing to which the person who performed the forbidding is exposed (e.g., if an act that expresses blasphemy is put to an end by forbidding from evil, but the person who performed the forbidding is killed by the other who is being forbidden), in this case, it would be "evil (*qabīḥ*)" to forbid wrong. In this context, they attribute the view

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[160] Mānakdīm Sashdīw, *Taʿlīq*, 742. Ibn al-Malāḥimī and, possibly inspired by him, al-Zamakhsharī ascribe to Abū ʿAlī the view that this nature "can be known both on grounds of reason and revelation;" Ibn al-Malāḥimī, *Kitāb al-Fāʾiq*, 543; al-Zamakhsharī, *Muʿtezile Akāidi*, 66; id., *al-Kashshāf*, I, 605.

[161] Mānakdīm Sashdīw, *Taʿlīq*, 742; al-Ḥimmaṣī, *al-Munqidh*, II, 211.

[162] Al-Ḥimmaṣī, *al-Munqidh*, II, 214.

[163] Mānakdīm Sashdīw, *Taʿlīq*, 143.

that forbidding would be good to Abū l-Ḥusayn al-Baṣrī.[164]

It is understood that al-Zamakhsharī presents the opinion of al-Qāḍī ʿAbd al-Jabbār by quoting Ibn al-Malāḥimī. However, he differs from Abū Hāshim by justifying the obligatoriness of enjoining good and forbidding wrong via both scriptural and rational proofs;[165] in addition, it is clear that he differs from the view of al-Qāḍī, who is a Bahshamī as quoted by the Ḥusaynī sources, concerning whether it would be good in the aforementioned case and that he approves of Abū l-Ḥusayn's view.[166]

2.7. Restoration (*al-Iʿādah*)

The nature of the restoration has been the subject of controversy as a natural consequence of the split between the Bahshamiyyah and the Ḥusayniyyah concerning how religious obligations (*taklīf*) should be terminated. Two main approaches have emerged in this context: "passing away (*fanāʾ*)" means either that "the universe loses its quality of being and becomes absolute non-existence (*al-ʿadam al-maḥḍ*)" or that it is separated into parts (*tafrīq*) but that these parts still continue to exist.[167] The first of these possibilities is referred to as the "annihilating (*iʿdām*)" view, as it envisages the occurrence of nonexistence instead of existence, and the other possibility is referred to as the "separation (*tafrīq*)" view, since it advocates the separation of existing things into parts.[168] As al-Najrānī, who is a Ḥusaynī, says, "Our choice in this matter is to reveal the invalidity of the idea of *iʿdām*,"[169] it is clear that the first opinion belongs to the Bahshamīs and the second to the Ḥusaynīs. Accordingly, while the Bahshamīs argue that restoration (*iʿādah*) will occur in the form of creation from nothing, just as in the case of the first creation, Ḥusaynīs, on the other hand, are of the opinion that restoration will take place not from nothing but as a merging (*jamʿ wa-taʾlīf*) of parts that are fragmented but still

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[164] Ibn al-Malāḥimī, *Kitāb al-Fāʾiq*, 546; cf. al-Ḥimmaṣī, *al-Munqidh*, II, 219.

[165] Al-Zamakhsharī, *Muʿtezile Akāidi*, 66.

[166] *Ibid*., 66-67.

[167] Abū l-Qāsim Najm al-Dīn Jaʿfar ibn al-Ḥasan ibn Abī Zakariyyā Yaḥyā al-Muḥaqqiq al-Ḥillī, *al-Maslak fī uṣūl al-dīn*, ed. Riḍā al-Ustādī (Mashhad: Majmaʿ al-Buḥūth al-Islāmiyyah, 1414 AH), 132.

[168] Koloğlu, "Fenâ: Son Dönem Mutezilesinde Teklîfin Sonlandırılması Üzerine Tartışmalar," *Uludağ Üniversitesi İlâhiyat Fakültesi Dergisi* 18/1 (January 2009), 426.

[169] Al-Najrānī, *al-Kāmil*, 379.

preserve their existence.[170] Although there are differences of opinion regarding the reality of nonexistent that lies at the core of the divergence, among other things, the Ḥusaynīs emphasize that the view of *iʿdām* is wrong in terms of wisdom. Accordingly, in the event that the obligated person (*al-mukallaf*) is completely destroyed and recreated from nothing, the peculiar qualities that separate obligated persons from each other will disappear alongside everything else. The person who will be rewarded or punished by being recreated will not be the person who was on the right path or fell into disobedience while he was alive but will be a copy (*mithl*) of him created from nothing. This situation, in fact, would mean repaying someone who did not deserve it and would constitute oppression (*ẓulm*) and evil (*qabīḥ*) on the part of God.[171]

At first glance, it does not seem easy to identify the side to which al-Zamakhsharī inclines with respect to this point of divergence. Namely, he employs approaches that can be attributed to both opinions in different contexts. While explaining the verse "*Even as We produced the first creation, so shall We produce a new one (nuʿīduhū)*" (Q 21:104), he uses a Bahshamī style of expression by giving the following answer to the question "What is the nature of the first creation and, in comparison, how [the God] will perform the recreation in the same

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[170] Ibn al-Malāḥimī, *Kitāb al-Fāʾiq*, 443, 444 (provided that this is al-Jāḥiẓ's view and that they themselves adopt it); id., *Tuḥfat al-mutakallimīn*, 175; al-Ḥimmaṣī, *al-Munqidh*, II, 181, 190 (provided that this is the opinion of al-Jāḥiẓ and a group of later Muʿtazilah). With respect to this divergence and discussions concerning the nature of the restoration, see Koloğlu, "Mutezile Kelamında Yeniden Yaratma (İʿâde)," *Usûl: İslâm Araştırmaları* 9 (June 2008), 8-15.

[171] Al-Najrānī, *al-Kāmil*, 386; Ibn al-Malāḥimī, *Kitāb al-Fāʾiq*, 455-456. This form of inference was used by Ibn Sīnā to prove the impossibility of the recreation of the *maʿdūm*, in other words, the act of restoration in general; see Abū ʿAlī al-Ḥusayn ibn ʿAbd Allāh ibn ʿAlī Ibn Sīnā, *al-Shifāʾ (al-Ilāhiyyāt)*, ed. Georges C. Anawati and Saʿīd Zāyid (Qom: Maktabat Āyat Allāh al-Uẓmá al-Marʿashī al-Najafī al-Kubrá, 2012), 36. Therefore, it is possible that this objection by Ibn Sīnā had an effect on the shaping of the Ḥusaynī view. As a matter of fact, Ḥusaynī authors reformulate and use this inference in line with their own way of thinking, but they note that Ibn Sīnā's objection is not binding on them, since they do not agree to the belief in a restorate from nothing; Ibn al-Malāḥimī, *Tuḥfat al-mutakallimīn*, 177; al-Ḥimmaṣī, *al-Munqidh*, II, 194; Baḥrānī, *Qawāʿid al-marām*, 147 (noting that philosophers agree on this point and that the opinion of Abū l-Ḥusayn and Ibn al-Malāḥimī and his own preference tend in this direction.)

way:" "The first creation is to bring into existence from non-existence; He will bring it back from non-existence in the second creation, just as He brought it into existence from non-existence in the first creation."[172] Since the view that recreation will occur in the form of a creation from nothing is generally accepted by the Ahl al-sunnah,[173] Ibn al-Munayyir argues that with this statement, al-Zamakhsharī is returning to the truth from the misconception that he expressed elsewhere, that is, "the view that restoration is the bringing together of disintegrated parts."[174] However, the main point that al-Zamakhsharī emphasizes here is that restoration will occur just as in the case of the first creation in terms of being subject to God's power, that is, that it can be done more properly.[175] In fact, Ibn al-Munayyir also draws a certain inference

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[172] Al-Zamakhsharī, *al-Kashshāf*, IV, 168.

[173] For example, see al-Baghdādī, *Kitāb Uṣūl al-dīn*, 232; al-Rāzī, *Kitāb al-Arbaʿīn*, II, 39; al-Jurjānī, *Sharḥ al-Mawāqif*, VIII, 316; Shams al-Dīn Muḥammad ibn Ashraf al-Ḥusaynī al-Samarqandī, *al-Ṣaḥāʾif al-ilāhiyyah*, ed. Aḥmad ʿAbd al-Raḥmān al-Sharīf (Kuwait: Maktabat al-Falāḥ, 1985), 91. The issue is not mentioned in the early Māturīdī sources. Ibn al-Humām (d. 861/1457), one of the later Māturīdīs, states that the issue is not definitive, and based on the fact that the bodies will disappear completely except for ʿajb al-dhanab (al-Bukhārī, "al-Tafsīr," 39/3, 78/1; Muslim, "al-Fitan," 141-143; Ibn Mājah, "al-Zuhd," 32), he seems to be inclined to accept the recreation model in the form of both creation from nothing and unifying disintegrated parts (atoms). (Kamāl al-Dīn Muḥammad ibn ʿAbd al-Wāḥid ibn ʿAbd al-Ḥamīd Ibn al-Humām al-Sīwāsī, *al-Musāyarah fī ʿilm al-kalām wa-l-ʿaqāʾid al-tawḥīdiyyah al-munjiyah fī l-ākhirah*, ed. Muḥammad Muḥyī al-Dīn ʿAbd al-Ḥamīd [Cairo: al-Maktabah al-Maḥmūdiyyah al-Tijāriyyah, n.d.], 144). The Māturīdī scholar Abū l-Barakāt al-Nasafī (d. 710/1310) explains recreation (ḥashr) as follows: after decomposing into parts and changing the form/structure (hayʾah), this structure is recreated with all its features, bringing together the disintegrated parts and creating life in them. On the other hand, this style of explanation, which is similar to the Ḥusaynī approach, constitutes an exceptional view among the Ahl al-sunnah; see Abū l-Barakāt Ḥāfiẓ al-Dīn ʿAbd Allāh ibn Aḥmad al-Nasafī, *Sharḥ al-ʿUmdah fī ʿaqīdat Ahl al-sunnah wa-l-jamāʿah al-musammá bi-l-Iʿtimād fī l-iʿtiqād*, ed. ʿAbd Allāh Muḥammad ʿAbd Allāh Ismāʿīl (Cairo: al-Maktabah al-Azhariyyah li-l-Turāth & al-Jazīrah li-l-Nashr wa-l-Tawzīʿ, 2011), 436. A similar exceptional approach is advocated by al-Ṣābūnī (d. 580/1184), an earlier Māturīdī author; see *al-Kifāyah*, 375.

[174] Ibn al-Munayyir, *al-Intiṣāf*, IV, 169.

[175] Al-Zamakhsharī, *al-Kashshāf*, IV, 168. Elsewhere, he states that the second creation is a creation like the first and that it takes the form of "bringing into existence from

about al-Zamakhsharī from the latter's interpretation of the verse "*Surely, We will do this*" as "We are capable of doing this." According to him, al-Zamakhsharī actually argues that what God promises to do in the verse is not to recreate bodies from nothing, even though He is able to do so, but to restore them in the form of reuniting separated parts with their old forms.[176] This passage is a very clear expression of the Ḥusaynī view. Moreover, in another place, al-Zamakhsharī reveals this inclination in much clearer terms. He even explains the verse "*But does not man call to mind that We created him before out of nothing?*" (Q 19:67), which was uttered by God after the addressees were surprised at being resurrected after they had died and turned toward denial, as follows: He created atoms and accidents by bringing them into existence from nonexistence, and the second creation is similar and virtually has an example to follow. According to al-Zamakhsharī, this creation consists of bringing "existing and lasting parts together (*taʾlīf wa-tarkīb*) and returning them to their former unified (*majmūʿah*) states after have exhibited disintegrated (*tafkīk wa-tafrīq*) states.[177]

Conclusion and Evaluation

In light of the data taken from historical and biographical sources, the determinations and testimonies of the authors of *al-Kashshāf* commentaries and supercommentaries, and most importantly, the views that he puts forward in his own works, although certain exceptional claims have been made, it is an undoubted fact that al-Zamakhsharī has a Muʿtazilī identity. In addition, it is plausible to characterize him as an exceptional scholar of language, rhetoric, and tafsīr rather than as a scholar of kalām (theologian) in the technical sense. Therefore, *Kitāb al-Minhāj*, which is the only theological work from which his creed or theological affiliation can be determined, provides a basis for this identification only as a general framework. In

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non-existence," and he summarizes the difference between them via these statements: in the first, He made it from the very beginning/for the first time (*ibtidāʾan*), while He had not yet made a like, but the second is a [re]creation that will come into effect after He has made a like. However, what he also emphasizes here, as the continuation of the verses and the general context indicate, is the issue of God's omnipotence; al-Zamakhsharī, *al-Kashshāf*, IV, 543 (in the context of the commentary of Q 29:19-20).

[176] Ibn al-Munayyir, *al-Intiṣāf*, IV, 169.

[177] Al-Zamakhsharī, *al-Kashshāf*, IV, 41.

fact, although al-Zamakhsharī does not organize *al-Minhāj*, which consists of nine chapters (*bāb*), in the manner of Muʿtazilī authors, namely, in line with the five principles (*al-uṣūl al-khamsah*) of the Muʿtazilah, by opening main headings and elaborating them, he does deal with the principles of "promise and threat (*al-waʿd wa-l-waʿīd*)" and "enjoining good and forbidding wrong (*al-amr bi-l-maʿrūf wa-l-nahy ʿan al-munkar*)" in separate sections. Considering the fact that other titles also implicitly refer to the remaining three principles in terms of content, it can be seen that *al-Minhāj* is a work that addresses the five basic principles of Muʿtazilah.[178]

The question-answer style structure of *al-Minhāj,* which is defined as "a short credal tract on theology,"[179] or "a brief summary of his theological creed,"[180] functions as a kind of thematic introduction to the specific subject of a passage and offers the opportunity to present opposing perspectives in a balanced manner. Based on this initial impression of his desire to "keep the balance" and his lack of an openly partisan attitude in *al-Minhāj*, it is stated that al-Zamakhsharī is in search of a defense of "a broadly based, catholic Muʿtazilism."[181] In this context, based on the content of the work, it has also been noted that in terms of compiling the ideas put forward by previous generations and presenting the relevant arguments, he aimed to reveal the agenda of the Muʿtazilah in those days, which is now only represented by

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[178] The second chapter, titled "Knowing the Eternal by His Attributes" – and constituting the most voluminous part of the work – is within the scope of the principle of *tawḥīd*, while the following sections "Imposing Obligation (*al-Taklīf*)," "Favors (*al-Alṭāf*)," "Pains (*al-Ālām*)," "Sustenance, Prices, and Terms of Death (*al-Arzāq wa-l-asʿār wa-l-ājāl*)," and at the end "Prophethood (*al-Nubuwwāt*)," are within the scope of the *ʿadl* principle. Although it seems that a separate title has not been opened with respect to the principle of "the intermediate position (*al-manzilah bayna l-manzilatayn*)," al-Zamakhsharī dealt with this issue in terms of its nature and content under the title "Promise and Threat."

[179] Schmidtke, Introduction, 9.

[180] Madelung, "The Theology of al-Zamakhsharī," 488.

[181] Madelung, "The Theology of al-Zamakhsharī," 493. Beyond Bahshamī and Ḥusaynī views, his use of elements such as the tawḥīd argument of Abū l-Qāsim al-Balkhī al-Kaʿbī, who is a Baghdādī, when appropriate (see *Muʿtezile Akāidi*, 44) can be interpreted as a reflection of this attitude; for al-Kaʿbī's presentation of the evidence, see al-Kaʿbī, *ʿUyūn al-masāʾil wa-l-jawābāt li-Abī l-Qāsim al-Balkhī al-Kaʿbī (273-319 H)*, ed. Rājiḥ ʿAbd al-Ḥamīd Saʿīd Kurdī et al. (Amman: Dār al-Ḥāmid, 2014), 111-115.

Bahshamiyyah and Ḥusayniyyah.[182] On the other hand, his answers, especially with the phrase "*qultu* (I would say)" – as stated above – can be seen as an implicit indication of his undisclosed preferences regarding issues that are controversial between schools.[183] The fact that the question-answer style, which reflects the fact that he is in search of information, actually features a didactic style in which the respondent reveals the correctness of his own view and rejects contrary views[184] supports this possibility. However, his interpretations and approaches in *al-Kashshāf* often do not provide a clear and direct indication concerning whether he is a follower of the Bahshamiyyah or of the Ḥusayniyyah, considering the facts that even the "Muʿtazilī" identity of the work has been put into question and that there are, from time to time, even expressions that can be attributed to both views. However, it is also noteworthy that this dual approach emerges in the context of the methods used to address and prove these points rather than as a response to the substance of the issues.

Despite the fact that it is not possible to determine al-Zamakhsharī's opinions concerning each of the controversial issues that distinguish the Bahshamiyyah and Ḥusayniyyah, which become particularly important when the details are examined, and despite his conciliatory attitude, according to which he tries to avoid disagreements – at least apparently – it can be determined that his dominant tendency with respect to these disagreements is much closer to Ḥusaynī convictions. Undoubtedly, the most decisive factor at this point must be the fact that he learned kalām from Ibn al-Malāḥimī, one of the most important representatives of Ḥusayniyyah, with whom he had mutual teacher-student relations. The fact that al-Zamakhsharī's views sometimes completely overlap with or are similar to the discourses of Ibn al-Malāḥimī in terms of his definitions, his interpretations of theological

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[182] Oliver Leaman, "Sabine Schmidtke (ed. and tr.): *A Muʿtazilite Creed of az-Zamaḫšarī (d. 538/1144) (al-Minhāj fī uṣûl ad-dīn)*. (Abhandlungen für die Kunde des Morgenlandes, Bd. LI, 4), 83 pp. Stuttgart: Deutsche Morgenländische Gesellschaft, Kommissionsverlag Franz Steiner, 1997. DM 42," *Bulletin of the School of Oriental and African Studies* 61/3 (October 1998), 537.

[183] Sebastian Günther, "Schmidtke, Sabine (ed. & tr.): A Muʿtazilite Creed of az-Zamahsarî (d. 538/1144) (*al-Minhâj fī uṣûl ad-dīn*). (Abhandlungen für die Kunde des Morgenlandes, Band LI, 4). Franz Steiner Verlag, Stuttgart, 1997," *Bibliotheca Orientalis* 56/5-6 (September-December 1999), 778.

[184] Hans Daiber, "Masāʾil wa-Adjwiba," in *The Encyclopaedia of Islam New Edition*, VI, 638.

issues and even in his mode of expressing these views makes it possible to identify al-Zamakhsharī as a follower of Ḥusayniyyah who was shaped specifically by Ibn al-Malāḥimī. Although Abū l-Ḥusayn al-Baṣrī, the founder of the school named after him, established the intellectual boundaries of the sect to a large extent, he also emphasized "individual" convictions that were not followed by his successors in certain respects. The fact that Ibn al-Malāḥimī, who occasionally opposed Abū l-Ḥusayn al-Baṣrī, was referred to as "al-shaykh"[185] by both al-Najrānī, who is Ḥusaynī, and by the Yemeni Zaydī-Muʿtazilī Ḥusām al-Dīn al-Raṣṣāṣ (d. 584/1188), who followed the views of Bahshamiyyah, a term which only applies to those who occupy a certain position within the Muʿtazilah, and the fact that al-Qāsim ibn Muḥammad (d. 1029/1620), although a relatively late source, refers to Ibn al-Malāḥimī's view on a matter concerning which he differed with the views of Abū l-Ḥusayn as "al-Malāḥimiyyah," almost like an independent school,[186] confirm this judgment.

DISCLOSURE STATEMENT

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[185] Al-Najrānī, *al-Kāmil*, 105; Abū Muḥammad Ḥusām al-Dīn al-Ḥasan ibn Muḥammad ibn al-Ḥasan al-Raṣṣāṣ, *al-Barāhīn al-ẓāhirah al-jaliyyah ʿalá anna l-wujūd zāʾid ʿalá l-māhiyyah*, ed. Hassan Ansari, in *A Common Rationality: Mutazilism in Islam and Judaism*, ed. Camilla Adang et al. (Würzburg: Ergon Verlag, 2007), 341.

[186] Al-Qāsim ibn Muḥammad, *Kitāb al-Asās*, 69.

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BOOK REVIEWS

Seeing God in Sufi Qurʾan Commentaries: Crossings between This World and the Otherworld by Pieter Coppens

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The Crisis of Kingship in Late Medieval Islam: Persian Emigres and the Making of Ottoman Sovereignty by Christopher Markiewicz

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Seeing God in Sufi Qurʾan Commentaries: Crossings between This World and the Otherworld by Pieter Coppens (Edinburgh Studies in Islamic Apocalypticism and Eschatology, Edinburgh: Edinburgh University Press, 2018), x + 294 pp., ISBN 978 1 4744 3505 5 (hardback, £80.00; paperback, £24.99; E-book as PDF or ePub, £80.00), doi: 10.1017/S0041977X20002554

From the inception of the Sufi movement, Sufis regarded the Qurʾān as a source of mystical knowledge. According to Sufi exegetes, the words of the Qurʾān are in fact allusions (*ishārah* pl. *ishārāt*) which pertain to "divine truths" (*ḥaqāʾiq*, sing. *ḥaqīqah*). Accordingly, Sufi hermeneutics of the Qurʾān is called "the exegesis by allusion" (*tafsīr bi-l-ishārah*) or "the allusive exegesis" (*tafsīr ishārī*). While undergoing personal mystical experiences, Sufis penetrated the exoteric (*ẓāhir*) layer of the Qurʾānic text and reached its esoteric (*bāṭin*) layers, thus discerning the divine truths from the Qurʾān. Their insights which are recorded in the surviving Sufi *tafsīr*-works are accompanied by a personal and sometimes ecstatic tone which is quite rare in the "conventional" and traditional works of *tafsīr*.

"The allusive exegesis" was not systematically applied on every Qurʾānic verse, because the deliberations of Sufi exegetes did not rely exclusively on mystical experiences. The Sufis who interpreted the Qurʾān were also traditionists, jurisprudents, and theologians, and in many cases members of the religious establishment. Accordingly, their *tafsīr*-works which were dictated to generations of Sufi disciples also contain passages of "conventional" interpretations. In other words, the Sufi *tafsīr*-works are also the outcome of intellectual endeavors in other fields of knowledge such as Hadith, Islamic law, and Arabic grammar and lexicography. This combination of esoteric and conventional interpretation raises the question: Is the definition "Sufi *tafsīr*-work" valid? This is one of the pivotal questions that Pieter Coppens's 2018 monograph presents. Another pivotal question is whether the deliberations in the *bāṭin* layers of the Qurʾān contradict the "conventional" interpretation of the Qurʾān.

For most scholars and students, the Sufi exegesis of the Qurʾān remains *terra incognita* for two main reasons. First, reading a Sufi *tafsīr*-work is an especially demanding task. Scholars and students need to be well-grounded in the following disciplines: Qurʾān, Hadith, Arabic grammar and lexicography, Islamic law and theology, and the history of Islam. Above and beyond this "basic" knowledge, scholars who wish to read the Sufi *tafsīr*-works need to familiarize themselves with the prominent figures of Sufi history, obtain proficiency in the Sufi vocabulary and be able to draw the basic outlines of Sufi thought. Second, Sufi *tafsīr*-works (and other Sufi works for that matter) are incorrectly regarded as marginal, esoteric, and almost irrelevant for the study of mainstream Islam. This is surprising because their authors were mainstream-Sunnī scholars in addition to being active Sufis. Coppens's monograph is therefore a welcome addition to the rather narrow bookshelf of comprehensive monographs and introductory articles on Sufi *tafsīr* authored by Richard Gramlich, Carl W. Ernst, Gerhard Böwering, Alan Godlas, Kristin Z. Sands, and Annabel Keeler.[1]

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[1]   See, for example: Richard Gramlich, *Abu l-ʿAbbās B. ʿAṭāʾ: Sufi und Koranausleger* (Stuttgart: Steiner, 1995); Carl W. Ernst, *Ruzbihan Baqli: Mysticism and the Rhetoric of Sainthood in Persian Sufism* (Richmond: Curzon Press, 1996); Gerhard Böwering, "The Major Sources of Sulamī's Minor Qurʾān Commentary," *Oriens* 35 (1996): 35-56; Böwering, *The Mystical Vision of Existence in Classical Islam: The Qurʾānic Hermeneutics of the Ṣūfī Sahl al-Tustarī (d.283/896)* (Berlin: De Gruyter, 1980); Böwering, "The Qurʾān Commentary of al-Sulamī," in *Islamic Studies Presented to Charles J. Adams*, ed. Wael B. Hallaq and Donald P. Little, 41-56 (Leiden: Brill, 1991); Böwering, "The Scriptural 'Senses' in Medieval Ṣūfī Qurʾān Exegesis," in *With Reverence for the Word: Medieval Scriptural Exegesis in Judaism, Christianity, and Islam*, ed. Jane Dammen McAuliffe et al., 346-365 (Oxford: Oxford University Press, 2003); Böwering, "The Writings of Shams al-Dīn al-Daylamī," *Islamic Studies* 26, no. 3 (1987): 231-236; Alan Godlas, "Influences of Qushayrī's *Laṭāʾif al-ishārāt* on Sufi Qurʾanic Commentaries, Particularly Rūzbihān al-Baqlī's *ʿArāʾis al-bayān* and the Kubrawi *al-Taʾwīlāt al-najmiyya*," *Journal of Sufi Studies* 2, no. 1 (2013): 78-92; Godlas, "Ṣūfism," in *The Blackwell Companion to the Qurʾān*, ed. Andrew Rippin, 350-361 (Oxford: Blackwell, 2006); Kristin Z. Sands, "On the Subtleties of Method and Style in the *Laṭāʾif al-ishārāt* of al-Qushayrī," *Journal of Sufi Studies* 2, no. 1 (2013): 7-16; Sands, *Ṣūfī Commentaries on the Qurʾān in Classical Islam* (London: Routledge, 2006); Annabel Keeler, "Mystical Theology and the Traditionalist Hermeneutics of Maybudī's *Kashf al-*

The corpus of Coppens's monograph includes five Sufi *tafsīr*-works which were composed in the 11th century, a period that witnessed a growing interest in organizing and documenting knowledge. The *tafsīr*-works under discussion are: (1) Abū ʿAbd al-Raḥmān al-Sulamī's (d. 412/1021) *Ḥaqāʾiq al-tafsīr* (2) Abū l-Qāsim al-Qushayrī's (d. 465/1072) *Laṭāʾif al-ishārāt* (3) Rashīd al-Dīn Maybudī's (fl. second half of the fifth/eleventh to first half of the sixth/twelfth century) *Kashf al-asrār wa-ʿuddat al-abrār* (4) Shams al-Dīn al-Daylamī's (d. 587/1191?) *Taṣdīq al-maʿārif* and (5) Rūzbihān al-Baqlī al-Shīrāzī's (d. 606/1209) *ʿArāʾis al-bayān fī ḥaqāʾiq al-Qurʾān*. Except for al-Daylamī, whose biography is rather obscure, the above-mentioned authors were prominent figures in the history of Sufism. They all flourished in the major learning centers in the Persian speaking areas of the ʿAbbāsid caliphate: Al-Sulamī and al-Qushayrī lived and taught in Nishapur; Maybudī came from Yazd; al-Daylamī probably spent his entire life in Hamadan; and finally, Rūzbihān who travelled throughout the Muslim world, settled in Shiraz. The *tafsīr*-works of these authors were written in Arabic, except for Maybudī's – which is the first *tafsīr* written in Persian.

The focal point of Coppens's monograph is the crossings between this world and the hereafter. Coppens demonstrates that Sufis perceived these boundary crossings between both worlds as indefinite and indistinct. According to his description (pp. 1-6, 256-257), Coppens undertook the project of reading Sufi *tafsīr*-works with the idea of identifying and analyzing the Sufi concepts of the hereafter. As the Qurʾān (and subsequently, the Hadith literature) is abundant in descriptions of the carnal delights of Paradise and the corporeal torments of Hell, Coppens assumed that the Sufis would develop these descriptions of Paradise and Hell in their deliberations about the relevant Qurʾānic passages on the afterlife. However, while scrutinizing the five *tafsīr*-works in search for the Sufi perception of the hereafter, Coppens discovered that the five authors under review showed minimal interest in the "tangible" aspects of the afterlife.

Asrār," in *Sufism and Theology*, ed. Ayman Shihadeh, 15-30 (Edinburgh: Edinburgh University Press, 2007); Keeler, *Sufi Hermeneutics: The Qurʾan Commentary of Rashīd al-Dīn Maybudī* (Oxford: Oxford University Press, 2006); Keeler, "Ṣūfī *Tafsīr* as a Mirror: Al-Qushayrī the *Murshid* in his *Laṭāʾif al-ishārāt*," *Journal of Qurʾanic Studies* 8, no. 1 (2006): 1-21.

Instead, these authors focused their discussions on the concept of seeing God (*ruʾyat Allāh*) in the hereafter.

The concept of seeing God, sourced in Q. 75:22-23 ("Upon that day faces shall be radiant, gazing upon their Lord")[2] represents the utmost reward that is promised to the believers in the hereafter. This promise of seeing God instigated hairsplitting discussions in the various theological schools, and raised theological questions: For example, Will the believers see God with their "physical" eyes? Will God be revealed to them in a specific form? These two questions are related to the concept of *ruʾyat Allāh*. In addition, the Sufis promoted the concepts of meeting (*liqāʾ*) God and being near (*qurb*) to Him in this world and the hereafter. Coppens discusses the deliberations of his five Sufi authors on *ruʾyat Allāh*, *qurb*, and *liqāʾ* as they are reflected in four Qurʾānic narratives. In these narratives (the banishment of Adam from Paradise, the attempts of Moses and Muḥammad to attain or re-attain the vision of God, and the procession of the resurrected in the Day of Judgement) humans attempted to cross the boundary between this world and the hereafter.

The monograph comprises two introductory chapters (1, 2) that provide the historical and thematical background which are needed for developing the thesis. The thesis is detailed in five loosely connected chapters (3, 4, 5, 6, 7), and they could be read as separate or independent essays. Coppens's thesis is that Sufis had little interest in eschatological ideas about the hereafter, and that they conceived the otherworld as the primary domain in which the Sufi would see God and be near Him. Moreover, the possibility of seeing God and being near Him in this world was always part of the Sufi discourse. In the final chapter (8), Coppens presents a summary of the research conclusions.

The Introduction (pp. 1-38) raises the question whether *tafsīr*-works written by Sufis should be categorized as "Sufi commentaries." The first scholar to suggest that these works form a separate category within the genre of *tafsīr* was the illustrious Ignaz Goldziher (d. 1921). While Sufi authors never referred to their works as "Sufi *tafsīr*," traditionalist scholars labelled *tafsīr* works which relied on allegorical

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2   Citations from the Qurʾān in this review are according to A. J. Arberry, *The Koran* (Oxford: Oxford University Press, 1964).

interpretations (*bāṭin*) as "unpraiseworthy" (*ghayr maḥmūd*) thus grouping them under a separate category.

Chapter 2 (pp. 39-82) presents an historical background of the Sufi movement in Nishapur, brief biographies of the five authors under discussion, and a survey of their hermeneutical practices. This chapter is essential for anyone who wishes to embark on a study of Sufi *tafsīr*. A real gem in this chapter is an analysis of a passage taken from al-Daylamī's commentary of the Qurʾān, in which al-Daylamī planted autobiographical hints. Based on these hints, Coppens reconstructed a richly detailed picture of the life of the mysterious al-Daylamī. It is noteworthy that al-Daylamī's commentary is divided among several manuscripts which are preserved in the Yeni Cami and Veliyyüddin Efendi Libraries in Istanbul. None of these manuscripts was published.

In Chapter 3 (pp. 83-134), Coppens reads the relevant passages on the hereafter in the *tafsīr*-works of the five authors and identifies two attitudes (which, following Christian Lange he dubs "hot" and "cold") towards the corporeal torments that await the sinners in Hell, and the carnal delights that are promised to the righteous in Paradise. The "hot" attitude is to demonstrate contempt of Paradise and Hell, as they "veil" the believer from God. The "cold" attitude disregards Paradise and Hell, and stresses that the reward promised to the believer is to be near God. Al-Sulamī's *tafsīr* which is in fact a reservoir of sayings of early Sufīs reflects the "cold" attitude towards the hereafter. Thus, for example, al-Sulamī quotes Sahl al-Tustarī (d. 283/896) who said that the true believer fears only to be separated (*hijrān*) from God; therefore, he does not fear the eternal Fire. In the same vein, the believer yearns to meet God and disregards the material delights of paradise. The other four authors offer deliberations that range from "cold" to "hot" attitudes to the hereafter. Maybudī, for example, criticizes people who are motivated by reward or punishment. At the same time, he expresses his yearning to see God. Rūzbihān, the fifth author in the monograph, represents an approach which is radically different from the above-mentioned "cold" and "hot" attitudes. Rūzbihān discusses the manifestation (*tajallī*) of God in this world and the possibility of seeing Him during one's lifetime. Rūzbihān's immanent conceptions of the hereafter and descriptions of a physical Hell are so different than the other four authors, that one can ask whether he should have been included in Chapter 3 at all.

Chapter 4 (pp. 135-173) presents the case study of the first crossing from the hereafter to this world, namely Adam's descent from heaven, or his banishment from paradise. Coppens leads us through four introductions about Adam in different bodies of literature (pp. 135-143) before returning to the five authors who were so meticulously presented in the previous chapter. Evidently, each of the five authors had a different approach to the story of Adam. Al-Sulamī and al-Qushayrī addressed the story of the banishment from paradise by offering insights sourced in the Hadith and the Ashʿarī theological literature. Unlike these descriptions, Maybudī and Rūzbihān crafted their independent narratives on this Qurʾānic story. We find that al-Sulamī and al-Qushayrī highlighted the themes of divine predetermination and punishment as reflected in the story of Adam; whereas, Maybudī and Rūzbihān's emphasized the theme of divine love and mercy in their narratives.

Chapter 5 (pp. 174-200) focuses on the vision of God in theology and Sufism. A concise description of the theological paradigm precedes a description of the views of al-Qushayrī, al-Daylamī, and Rūzbihān. As an Ashʿarī theologian, al-Qushayrī rationalized the theoretical possibility of seeing God in this world from a theological point of view. His succinct discussion (pp. 184-185) cannot therefore be labelled as "Sufi." By contrast, al-Daylamī and Rūzbihān enthusiastically confirmed the possibility of seeing God in this world. These two authors refer to the indirect "vision" of a non-anthropomorphic (hence abstract and transcendent) God who is "seen" in one's heart. As Coppens remarks, this "indirect inner vision" of God corresponds with the concept of a transcendent God that was developed by the rationalistic trends of Islamic theology (Muʿtazilism and Ashʿarism).

Chapter 6 (pp. 201-226) discusses the views of the five authors regarding their interpretation of Moses's request "Oh my Lord, show me, that I may behold Thee!" (Q 7:143). The chapter begins with a useful survey of various theological views about the possibility that Moses saw God (pp. 203-208). Theologians disagreed on the question whether Moses indeed saw God, because according to the Qurʾān, "...when his Lord revealed Himself to the mountain, He made it crumble to dust; and Moses fell down swooning" (Q. 7: 143). Coppens uses this survey to identify the various positions of the five authors and locate these positions on the theological spectrum. All five authors agree that before Moses asked God to reveal Himself to him, Moses

attained an ecstatic state in which he lost his senses. From this point on, we see that the five authors split between two opinions: al-Qushayrī and Maybudī denied that Moses saw God, while al-Sulamī implied that he did. Rūzbihān claimed to have seen Moses, and that Moses indeed saw God with his own eyes.

Following Richard Gramlich, Coppens argues that the story of Moses signifies the Sufi yearning to experience in this life the beatific vision of God which is promised to the righteous who will arrive to heaven. The yearning to meet (*liqā'*) God in this world endangered the normative religion; whoever meets God in this life, will lose interest in abiding by the religious rules, as he already received the utmost reward.

Chapter 7 (pp. 227-255) discusses the possibility that Muḥammad saw God in his ascension (*al-mi'rāj*) to heaven. The story of the ascension and its preceding story, the night journey (*al-isrā'*) from Mecca to Jerusalem are central narratives in Islam and were thoroughly examined in many studies (Brooke O. Vuckovic and Frederick Colby's works are the most recent ones).[3] However, Coppens presents a yet unknown angle, that of the Sufi understanding of the vision of God during the ascension. The views of the five authors are presented in their deliberations of the two Qur'ānic passages which are traditionally associated with the night journey and Muḥammad's ascension (Q 53:1-18, Q 17:1).

Finally, the Conclusion (Chapter 8, pp. 256-266) answers the two pivotal questions that Coppens presented in the Introduction. According to Coppens, Sufi *tafsīr* forms a distinctive group (if not a genre) within the field of Qur'ān exegesis because the *tafsīr* sometimes relies on personal experience (p. 256). The five works are offshoots of the same religious trend, although they are radically different from one another in style and content (p. 263).   An important conclusion bolstered by previous research (the work of Steven Katz, for instance) pertains to the potential that "the allusive exegesis" holds of

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[3]   Brooke Olson Vuckovic, *Heavenly Journeys, Earthly Concerns: The Legacy of the* Mi'raj *in the Formation of Islam* (London: Routledge, 2005); Frederick Colby, *Narrating Muhammad's Night Journey: Tracing the Development of the Ibn 'Abbās Ascension Discourse* (Albany, NY: SUNY Press, 2008).

contradicting the more conservative tradition of Qurʾān exegesis.[4] Coppens proves throughout the monograph that the Sufi exegetes developed solutions to accommodate the mystical ideas with the conventional theological concepts. Thus, speaking about seeing God with one's heart does not infringe the appropriate discourse about God which Muʿtazilī, Ashʿarī and even traditionalist theologians required (p. 262).

The monograph is well-researched and thought-provoking, and I believe that it paves the way for future research on Sufi *tafsīr*-works. Coppens conducted excellent research in reading his sources and analyzing them. The translations that he offers are flawless, although it is a bit odd that he did not rely on one of the several consensual English translations of the Qurʾān and offered his own translation of the Qurʾān instead (see for example, p. 240). Even the vocalization that he offers for the Arabic and Persian texts is immaculate. Only two instances in the text were problematic: on p. 118, intoxication is *sukr* or *sakar*, and not *sakr*; on p. 179, the beautiful maidens of paradise are *al-ḥūr al-ʿīn* rather than *ḥūr al-ʿayn*. However, these are minor flaws. The only substantial weakness that I find in this monograph is its unwieldy structure. Each of the five independent essays (chapters 3 -7) offers a separate discussion on each of the five authors. This means there are twenty-five sub-chapters about the five authors. Even though the discussion relates to fascinating material, the overall reading experience is that of repetitiveness, which is indeed tiring. One would expect a greater degree of synthesis from a published monograph. As in other cases of doctoral dissertations that "crossed the boundary" to the abode of published monographs, Coppens's work (based on his 2015 doctoral dissertation) could have benefitted from a much more radical editing work that considered the structure of the work. That said, Coppens should be commended for producing a well-written monograph which informs us on a body of literature that is not accessible to all.

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[4]   Steven T. Katz, 'The 'Conservative' Character of Mysticism," in *Mysticism and Religious Traditions*, ed. Steven T. Katz (Oxford: Oxford University Press, 1983), 3-60; Katz, "Mysticism and the Interpretation of Sacred Scripture," in *Mysticism and Sacred Scripture*, ed. Steven T. Katz (Oxford: Oxford University Press, 2000), 7-67.

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The Crisis of Kingship in Late Medieval Islam: Persian Emigres and the Making of Ottoman Sovereignty by Christopher Markiewicz (Cambridge Studies in Islamic Civilization, Cambridge, United Kingdom: Cambridge University Press, 2019), 364 pp., ISBN: 978-1108492140; $89.70 (hb), doi: 10.1017/9781108684842

Christopher Markiewicz's *The Crisis of Kingship in Late Medieval Islam* is an impressive contribution to the history of the late medieval world. At its core, this study is about Persian scholar and chancellor Idrīs-i Bidlisī, his life story, experiences in the Aqqoyunlu and Ottoman courts, and his multiple works, particularly of his history *Hesht Behisht*. However, this book is a lot more than Bidlisī's life and times. Markiewicz brilliantly weaves together various political notions and ideas that occupied the 15th-century statesmen and intellectuals, and how these notions came to be adopted by all the Muslim polities of the period.

The leading argument of the book is a strikingly clear one: the dissolution of the Abbasid Caliphate in the hands of the Mongols in the 13th century, as well as the fragmentation of the Chinghissid Ilkhanate in the 14th century, left various successor states scrambling for means, tools, and ideas to legitimize their rule. Even though, one of the fundamental conditions for the caliphate had been Qurayshid descent for most Sunnī jurists, very few late medieval Islamic dynasties had any reasonable links to the Prophet's clan. In the absence of Qurayshī descent, succession from and relation to the Chinghissid family could have been an alternative way to assert one's right to rule. As a matter of fact, Timur did just that. However, how about the rising dynasties of the 14th, 15th, and early 16th centuries, namely the Ottomans, Aqqoyunlus, the Uzbeks, and the Safavids? How did they legitimize their rule? Markiewicz contends that the intellectual climate of the 15th and early 16th centuries was a lot more organic and interwoven than that has been previously assumed. Chancellors, intellectuals, scholars

who worked for one court at one time did not hesitate to offer their services to another. They felt very little unease doing that. Idrīs-i Bidlisī was a chancellor in the Akkoyunlu court. With the dissolution of the Akkoyunlu and the rise of the Safavids,[1] he left Iran and self-exiled himself in the Ottoman capital. Markiewicz argues that Bidlisī carried with himself various notions about kingship, the universe, and faith. He deployed these notions in his magnum opus, *Hesht Behist (The Eight Paradises)*. In this book, he presented the Ottoman sultans as *khalīfa-yi raḥmānī* (vicegerent of God) and *mujaddid*s. Markiewicz argues that the former concept that Idrīs-i Bidlisī first encountered during his service in the Akkoyunlu court became particularly useful to define Ottoman rule. Markiewicz calls this a "new vocabulary of sovereignty," which was first formulated in the Timurid court, and which was eventually embraced by all Muslim polities of the time. This "new vocabulary" was based on "the claims of authority in cosmological doctrines that anticipated the ordination of one individual to usher in a new era of universal justice, order, and peace." (2) 15th century was a fertile ground to bring about these innovative notions: Sufi networks and millenarian movements ushered a new age of intellectual vibrancy, which was transmitted easily through a fractured political landscape. (5) Even though the Ottomanists are inclined to think of the Ottoman Empire as an isolated self-rising polity, Markiewicz vehemently opposes this notion. The Ottomans were never free of the political "anxieties" of the age. "The Ottoman claims to legitimacy that solely based on the Ottoman Sultan's status as warrior of the faith, Oguz descendant, or Seljuk heir failed to accommodate the increasingly complex terrain in which the Ottomans operated and exercised power." (11) In this context, an emphasis on the "sultan" himself became more important than the previous cultural manifestations of kingship. Markiewicz focuses on the life and times of Idrīs-i Bidlisī to explore how these ideas were created and adopted. The Ottomans and Akkoyunlus did not magically agree on "similar conceptions of sovereignty." Markiewicz asserts that migrants like

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[1]   Markiewicz persuasively argues that Idrīs-i Bidlisī's departure from Tabriz was not necessarily because of the rise of Ismail and the Safavid Shiism but rather because of his unease with the years of turbulence and frequent reversals of fortune he experienced during this period. Otherwise, confessionally speaking, Bidlisī was quite comfortable with fluid notions of Islam, oscillating between Sunnism and Shiism (68-71) before his emigration.

Idrīs-i Bidlisī brought and circulated "specific formulations of kingship" and shaped the Ottoman political discourse with those notions.

In history, Bidlisī found the medium to explore the aforementioned notions of kingship. He participated in the debate between the "Arabophone" and "Persophone" historians on the meaning and purpose of history. (21) Bidlisī advanced the concept *khilāfat-i raḥmānī*, which was based on "astrological, mystical, and philosophical" conceptions rather than exclusively relying on more traditional ways to legitimize the Ottoman rule such as their role in ghaza, or hailing from the Oghuz or Seljukid lineage. *Khilāfat-i raḥmānī* offered Bidlisī a "coherent vision of kingship" that personified in the Ottoman sultans. The concepts such as *sahibkıran* and *mujaddid* also gained wide currency at this time to define the Ottoman sultans. Scholars like Bidlisī were responsible for the wide circulation of these concepts. Markiewicz further argues that Idrīs-i Bidlisī's influence on future Ottoman historians was immense. *The Eight Paradises* has almost a hundred extant copies all around the world, whereas for instance Tursun Beg's *Tārīkh-i Abū l-Fatḥ* had only a few. Even though subsequent historians found Bidlisī's prose heavy and ornate, he did influence the literary expectations of the subsequent generation of historians as many of them tried to emulate Bidlisī's literary style.

Christopher Markiewicz's book is one of the best studies of the fifteenth-century Islamic world and notions of kingship and how these notions were not born out of abstract speculations but rather brought about and circulated by scholars who emigrated from one court to another. Markiewicz's bibliography is near exhaustive; he uses all three languages of the Ottoman intellectual world, Turkish, Arabic, and Persian with ease. The book successfully places the Ottoman Empire within the wider "ecumene" of the Islamic world. We often think about the development of the Ottoman Empire as an independent and isolated process, connected to their expansion to the West while downplaying their relations with the Muslim Empires and reducing their relationship with these empires to a series of conflicts. Markiewicz displays how intellectuals such as Bidlisi influenced the Ottoman political culture and in turn perhaps influenced by it.

There are not many faults one can find with this study as it is well-written, well-argued, and well-sourced. One general issue, not specifically with this study, but with any intellectual effort that takes at its center an individual is the risk of the author overemphasizing the

importance of his subject. For instance, one could credibly argue that Kemalpaşazade and Neşri had an equally strong influence on future Ottoman historical writing. As a matter of fact, Abdülkadir Özcan is of the opinion that *Hesht Behist's* information is mostly taken from Neşri's *Kitāb-i Jihānnumā*,[2] which makes Neşri's role more important than Bidlisī's in shaping future historical scholarship. If we especially consider the ornate writing style of Bidlisī and how it was criticized at the time of its production, the issue of his influence becomes even more problematic. Bidlisī's very clear influence can be however seen in Sadeddin's *Tāj al-tawārīkh* so much so that Sadeddin's work is often considered to be a translation and continuation of Bidlisī's work. The reader hopes to see more in the study about the extent of this influence. Even though Markiewicz mentions Sadeddin's work and Bidlisī's influence on him in passing, he does not dwell much on this subject.

This book is an excellent intellectual history like Cornell Fleischer's now-classic study *Bureaucrat and Intellectual in the Ottoman Empire: The Historian Mustafa Ali.* Christopher Markiewicz seems to be the intellectual heir to Cornell Fleischer's legacy among many of his very successful students. *The Crisis of Kinship* is a very promising study with many questions answered rather than obscured regarding the Ottoman political ideology. If read along with Hüseyin Yılmaz's recent work *Caliphate Redefined: The Mystical Turn in Ottoman Political Thought* (Princeton University Press, 2018) and Shahzad Bashir's *Messianic Hopes and Mystical Visions* (University of South Carolina Press, 2003) *The Crisis of Kingship* would fill a very visible gap in the study of the late medieval Islamic world. I wholeheartedly recommend this work to anyone who studies this period.

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Özcan, Abdülkadir. "Heşt Bihişt." In *Türkiye Diyanet Vakfı İslam Ansiklopedisi (DİA)*, XVII, 271-273.

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[2]　Abdülkadir Özcan, "Heşt Bihişt," in *Türkiye Diyanet Vakfı İslam Ansiklopedisi (DİA)*, XVII, 271-273.

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Book

Kātib Chalabī, Ḥājī Khalīfa Muṣṭafā ibn ʿAbd Allāh. *Kashf al-ẓunūn ʿan asāmī l-kutub wa-l-funūn*. 2 vols. Edited by M. Şerefeddin Yaltkaya and Kilisli Rifat Bilge. Istanbul: Maarif Matbaası, 1941-1943.

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

Book Chapter

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Online Citation

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