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FROM THE EDITORS

Greetings,

It is our great pleasure to introduce this second issue of volume 7 of *Ilahiyat Studies*. The current issue features three articles and five book reviews.

In her article "Jews in the Qurʾān: An Evaluation of the Naming and the Content" Salime Leyla Gürkan provides the reader with an in-depth analysis of the way the Qurʾānic verses treat the Jews and the people of Israel in general. In pursuing the subject, Dr. Gürkan attempts to determine the reasons for the frequent mention of the Jews/the people of Israel, the context in which these verses were revealed, and the message they can convey. The article makes it clear that, the most effective way to understand the meaning of the verses addressing the Jewish question is to determine the religious, cultural, and religious context of the seventh-century Arabian Peninsula. According to Gürkan, this is necessary because there is not a fixed doctrine concerning the Jews in the Qurʾān, for it did not regard the Jewish people as a monolithic structure even at the time of the Prophet of Islam.

Spahic Omer's article "The ʿAbbāsids and the Architectural Development of the Prophet's Mosque: The Consequences of a Political Disintegration" presents a detailed chronological analysis of the contributions of the ʿAbbāsid caliphs to the architectural development of the Prophet's Mosque in Medina. According to Dr. Omer, although the caliphs in general treated the Mosque with outmost respect, there were times when the architectural integrity was at risk; and even the very existence of the Mosque itself was threatened because of the chaos in society caused by political turmoil. The article concludes that there were undeniable conceptual as well as functional inadequacies vis-a-vis the Mosque. However,

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these inadequacies cannot be attributed to the ʿAbbāsid caliphs as such, but to the general state of affairs of the time, which eventually prevented the ʿAbbāsids from performing its entrusted duties and responsibilities.

The final article, "Definitiveness of Proof of *Ḥarām* and *Ḥukm* of Its Denial in the Ḥanafī School," by Seyit Mehmet Uğur addresses the question of how to determine what is *ḥarām* from various perspectives in the Ḥanafī school. Uğur argues that the traditional view that "proof for prohibition must be definitive to determine what is *ḥarām* and declare the denier as unbeliever" cannot be accepted as absolute or even preferable position of the Ḥanafī school. The article concludes that, definitiveness of proof is not necessary to determine *ḥarām* because it can also be determined through speculative proof. However, only those who deny a *ḥarām* determined through a definitive proof in terms of authenticity and signification could be declared unbeliever.

There has been no major change worthy of note concerning the *Ilahiyat Studies* except that we mourn the loss of Andrew Lawrence Rippin (1950-2016), who was a Canadian scholar of Islam with special interests in Islamic History, the Qurʾān, and the history of its interpretation. On behalf of our editorial team, we extend our sincere sympathy to Dr. Rippin's family and to the entire academic community.

We wish you the very best and look forward to seeing you again.

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ARTICLES

Jews in the Qurʾān: An Evaluation of the Naming and the Content

Salime Leyla Gürkan

The ʿAbbāsids and the Architectural Development of the Prophet's Mosque: The Consequences of a Political Disintegration

Spahic Omer

Definitiveness of Proof of Ḥarām *and* Ḥukm *of Its Denial in the Ḥanafī School*

Seyit Mehmet Uğur

JEWS IN THE QUR'ĀN: AN EVALUATION OF THE NAMING AND THE CONTENT

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Abstract

No other people are mentioned in the Qur'ān as often as the people of Israel. They appear in sixteen sūrahs and approximately forty verses by name (*banū Isrā'īl*). The Qur'ān also makes reference to the Jews either by name (*al-yahūd/hūd*) or within the context of the people of the book (*ahl al-kitāb*). This paper aims to discuss the Qur'ānic verses about the Jews and the people of Israel in terms of the naming and the content. Key questions to be addressed are: What is the purpose of the frequent mention of the people of Israel in the Qur'ān? What is the context and the content of the verses about the Jews and the people of Israel both in Meccan and Medinan sūrahs? What message or messages are intended to or can be conveyed by these verses?

Key Words: Qur'ān, Jews (*yahūd/hūd*), the people of Israel (*banū Isrā'īl*), the people of the book (*ahl al-kitāb*), the Prophet Muḥammad, Muslims, *Islām*.

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Introduction

The word "religion (*dīn*)" is used in the Qurʾān as a term that includes all religion(s).[1] Nevertheless, the Qurʾān does not mention religions or religious systems individually or by name (in fact, there is no Qurʾānic usage of a plural form of the word *dīn*, i.e., *adyān*). Instead, the Qurʾān refers to religious groups, such as "Jews" (*al-yahūd*), "Christians (*al-naṣārā*)," "Sabians (*al-ṣābiʾūn*)," "Zoroastrians (*al-majūs*)," and "idolaters (*al-mushrikūn*)." The reason the Qurʾān makes reference to these religious groups only lies in the fact that the Qurʾān's interest in other faiths/religious groups is, quite naturally, not of a scientific/descriptive or even purely theological purpose but rather pertains to their relations with Muslims as well as, and to the extent of, the common points between their traditions.[2] It is possible to say that this has much to do with the nature of the Qurʾān as a holy book that was revealed (or made, if you like) gradually, in parallel to the experience and needs of the first Muslim community (thus, even universal messages are delivered within a context). This is why the Qurʾān does not even give a place to the beliefs and practices of the above-mentioned groups in a holistic and systematic way. And how appropriate would it be to do so, considering that religions as living faiths are not stagnant entities but rather change and diversify over time? Thus, religions, even in the Qurʾānic usage, seem tantamount to peoples' ways of believing and acting in the course of history. The true religion (*al-dīn*), on the other hand, is essentially identified, in the Qurʾān, with *islām* in its primary and broadest sense, i.e., the upright faith in and obedience to the one and only God as exemplified by the faith/obedience of the Prophet Abraham.[3]

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1 See Q 48:28: "It is He Who has sent His Messenger with the guidance and the religion of truth, to proclaim it over all religion (*al-dīn kullihī*)"; Q 109:6: "Unto you your religion (*dīnukum*), and unto me my religion." See also Q 3:85.

2 Having said that, the Qurʾān also points to beliefs such as dualism, reincarnation, and materialism in an indirect way, without necessarily associating them with any particular faith/religious group.

3 See Q 2:135: "Say [unto them, O Muḥammad]: Nay, but [we follow] the religion of Abraham (*millat Ibrāhīm*), the upright, and he was not of the idolaters," Q 3:95: "So follow the religion of Abraham, the upright. He was not of the idolaters." Q 4:125: "Who is better in religion than he who surrenders to Allah while doing

The fact that the Qurʾān does not talk about religions but religious groups, that is to say, not about Judaism (*al-yahūdiyyah*) but about Jews (*al-yahūd/hūd*) or the people of Israel (*banū Isrāʾīl*), and again, not about Christianity (*naṣrāniyyah*) but about Christians (*naṣārâ*), should also be seen as the result of a general usage in that period. For this is the case in Jewish and Christian Scriptures as well. In fact, the Hebrew terms *yahadut* and *dat yehudit*, which correspond, respectively, to "Judaism" and "Jewish religion" in modern Hebrew, do not occur in the Hebrew Bible and occur just once in the Rabbinic literature, albeit in the meaning of "Jewish custom/way of life" rather than that of religion.[4] Even in the medieval Jewish literature, it is quite rare to find the term Judaism (*yahadut*). Thus, this term, in the sense of the religious tradition of the Jews, seems to find a common usage only in modern Jewish literature. In the Hebrew Bible, which similarly lacks a word corresponding to religion, a mention is made of peoples (*goyim/ʿamim*) instead of religions. Again, reference is made to the term *torah* as the teaching/law of Moses that the people of Israel are obliged to obey, as well as several terms meaning "law/rule/judgment" (*ḥuka*, *mishpat*, *dat*, *din*)[5] that, unlike the term *torah*, are used for other peoples as well. Thus, in Jewish tradition, the teaching of the people of Israel/Jews is indicated by the term *torah*, which is also the name of the book given to the Prophet Moses[6] and the entire written and oral tradition in its broader sense.

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good (to men) and follows the religion of Abraham?" Q 98:5: "And they are ordered naught else than to serve Allah, keeping religion pure for Him, as men by nature upright, and to establish worship and to pay the poor due. That is true religion."

4 *Mishna*, Ketuboth 7:6 (*dat Moshe ve-yehudit*); *Esther Rabba* 7:11 (*yehudatan/yahadut*). The term Judaism (*Ioudaismos*) was first used in the 2nd century BCE by the Greek-speaking Jews of Antioch to separate themselves from the Greeks who belonging to the Hellenistic culture (*Hellenismos*) as well as other pagans (*Allofulismos*). See II Maccabees 2:21; 8:1; 14:38; IV Maccabees 4:26; and Galatians 1:13-14. The term *Ioudaismos* was later transferred to Latin as *Iudaismus* and from there spread to other Western languages in the form of Judaism, Judaisme, Judaismus, Judaismo, etc.

5 Although in modern Hebrew, the word *dat* means "religion," in the Hebrew Bible, it carries the meaning "law." Again, the Biblical word *din* means "judgment/decision."

6 Exodus 12:49; Leviticus 24:22; Numbers 15:15-16; Joshua 1:7; II Kings 10:31; Jeremiah 9:13. Here, the difference between the Biblical *torah* and the Qurʾānic *dīn* is apparent. The term *torah* appears to be related to content (law, rule,

The fact that the word *tawrāh* is used in the Qurʾān in that the latter sense as the revelation/teaching given to the people of Israel/Jews[7] (and not the first five books given to Moses per se, which are instead called *al-kitāb*) runs parallel to this broader usage. At this point, it is also important to emphasize that although the term *al-yahūdiyyah*, corresponding to *yahadut*, was unknown in the Arabic language at the time, the Qurʾān, instead of offering a new conceptualization based on religions, seems to retain the present usage based on religious groups, for the possible reasons mentioned above.

In light of these introductory remarks, the purpose of this paper is to discuss the Qurʾānic verses about the Jews and the people of Israel in terms of the naming and the content. Some of the key questions to be addressed are: What is the purpose of the frequent mention of the people of Israel in the Qurʾān? What is the context and the content of the verses about the Jews and the people of Israel both in Meccan and Medinan sūrahs? And what messages are intended to or can be conveyed by these verses?

The Qurʾānic Names for Jews

The Qurʾān refers to Jews by several names or terms. These are *banū Isrāʾīl* (بنو اسرائيل), *al-yahūd / yahūdī* (اليهود/يهودي), *hūd* (هود), *alladhīna hādū* (الذين هادوا), *ahl al-kitāb* (أهل الكتاب), *ahl al-dhikr* (أهل الذكر), *alladhīna ūtū l-kitāb* (الذين أوتوا الكتاب), *alladhīna ūrithū / warithū l-kitāb* (الذين أورثوا/ورثوا الكتاب) and *alladhīna yaqraʾūna l-kitāb* (الذين يقرؤون الكتاب). The range and usage of these names/terms differ in Meccan and Medinan sūrahs. The name *banū Isrāʾīl* (the children/people of Israel), designating a historical group, occurs more often in Meccan than Medinan sūrahs, but in the latter, the content is sometimes more detailed. The names *al-yahūd/yahūdī*, on the other hand, which are used in the meaning of Jew/Jewish in

instruction, etc.), whereas the term *dīn*, as much as it includes the meanings of law, order, path, etc., primarily refers to sovereignty/dominance (in the name of God) and submission/obedience (in the name of human beings). Thus, it indicates a relational dimension between God/Creator and humans/creatures. For more information on the Qurʾānic *dīn*, see Sayyid Abul Aʿlá Mawdūdī, *Four Key Concepts of the Qurʾān*, trans. and ed. Tarik Jan (Leicestershire: The Islamic Foundation, 2006), 145 ff.

7 For more information on the topic, see Baki Adam, *Yahudi Kaynaklarına Göre Tevrat* (Istanbul: Pınar Yayınları, 2002).

modern Arabic, as well as *hūd*, exist only in Medinan sūrahs. In Meccan sūrahs, the Jews are referred to only in three verses and by the term *alladhīna hādū*. In a similar way, the terms *ahl al-kitāb* and *alladhīna ūtū l-kitāb*, which pertain to both Jews and Christians, but mostly to Jews, occur almost entirely in Medinan sūrahs, and only once in Meccan sūrahs. The terms *alladhīna ūrithū/warithū l-kitāb*, *alladhīna yaqraʾūna l-kitāb* and *ahl al-dhikr*, on the other hand, all appear merely in Meccan sūrahs.[8]

It is quite understandable why the Qurʾānic passages, where the Jews are mentioned by name, exist almost entirely in Medinan sūrahs. This is because the Qurʾān, as indicated earlier, was revealed gradually in accordance with the experience of the first Muslim community; and in the Meccan period, the Muslims had not yet come into proper contact with Jews. In turn, the passages where the people of Israel as a historical group are mentioned have a more equal share in Meccan and Medinan sūrahs. Again, in Meccan sūrahs, mention is made of Jews (and Christians) in terms of *ahl al-kitāb* (the people of the book) in several places.

Moreover, in relation to the period of Moses and the following periods, reference is generally made to the people of Israel as a historical group (both Meccan and Medinan sūrahs), whereas with regard to the people of the Torah living in the period of the Qurʾān, reference is mainly to Jews either by name or in terms of the people of the book. Occasionally, reference is made to the people of Israel, but less as a historical group and more a group identified with Jews (mostly Medinan sūrahs). This entire usage also runs parallel, to a great extent, to the historical reality and the way the terms the people of Israel and Jew are used in the Hebrew Bible. In the passages from the pre-exilic period (i.e., before the Babylonian Exile, the 6th century BCE) alongside *bene yisrael* (the children of Israel) and *ʿam yisrael* (the people of Israel), the names *yisrael* and *yehuda* are used to designate, respectively, the northern and southern Israelite tribes. The name *yehudi*, on the other hand, which does not exist in the Torah, mostly appears in the exilic and post-exilic periods (especially in the late books of Esther, Ezra-Nehemiah, and Daniel) [9] alongside the

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[8] For all these passages, see footnotes 13, 14, 33, 34, 40, 41.

[9] See, for example, Esther 2:5; 3:4; 5:13; 6:10; 8:7, etc. (*yehudi*); Nehemiah 1:2; 2:16; 5:1, 8, etc. (*ha-yehudim*); Ezra 4:12, 23; 5:1, 5; Daniel 3:8, 12 (*yehudaye/yehudaʾin*); 5:13 (*yehudi*). In the prophetic books (*Neviim*) of II

names *bene yisrael*, *ʿam yisrael*, *yisrael*, and *yehuda*.[10] In the Rabbinic literature, which belongs to the post-biblical period (from the 2nd century CE), alongside the frequently used *yisrael*, which corresponds to a theological and social category, the name *yehudi* is also used to designate a religio-ethnic group (Jews).[11]

Accordingly, the Qurʾānic *banū Isrāʾīl*, which corresponds to the biblical *bene yisrael*, *ʿam yisrael*, and *yisrael*, is used mostly in relation to the period between the times of the Prophets Moses and Jesus and, occasionally, the period of the Prophet Muḥammad. As for the Qurʾānic *al-yahūd* and the related terms, they are used in parallel to the biblical *yehudi* and almost entirely with reference to later periods, in this case, the period of Islam. The sons of Jacob, on the other hand, unlike the biblical usage, are designated as *asbāṭ* rather than *banū Isrāʾīl*, except in one place.[12]

Kings and Jeremiah, it occurs in plural form as *ha-yehudim* (II Kings 16:6; 25:25; Jeremiah 32:12; 38:19; 40:11, 12; 41:3; 43:9; 44:1; 52:28, 30). For a post-exilic prophetic usage, see also Zechariah 8:23 (*ish yehudi* = Judean/Jewish man). It is argued that until the 2nd century BCE, the word *yehudi* did not mean a "Jew," which refers to a religious identity; it rather meant a "Judean," that is, a member of the tribe/kingdom of Judah or someone from the land of Judaea. For more information, see Shaye J. D. Cohen, *The Beginnings of Jewishness: Boundaries, Varieties, Uncertainties* (Berkeley: University of California Press, 1999), 82 ff. However, in the book of Esther, which is usually dated to the late Persian and early Hellenistic period (4th century BCE), the word *yehudi* seems to refer to a "Jew" in terms of religious identity. This is also the only book where the term *mityahadim* is used (8:17), which means "to become/look like *yehudi*:" "And many from the peoples of the country became/declared themselves Jews (*mityahadim*) for the fear of the Jews (*ha-yehudim*) had fallen on them."

10 See, for example, Malachi 1:1; 2:16; Daniel 1:3; 9:7, 11, 20; Ezra 2:2, 70; 3:1; Nehemiah 1:6; 8:17, etc.

11 In the *Mishna*, the word *yehudi* occurs only in three passages (Megillah 2:3; Nedarim 11:12; Ketuboth 7:6), whereas in the Talmud, it occurs more often. The word *yisrael* is used in the *Mishna* sometimes to refer to the whole Israelite stock (Terumoth 8:12) and other times to describe ordinary Israelite men, excluding the kohens/priests and the Levites (Terumoth 7:2; 9:2; Yebamoth 2:4; 7:1-5).

12 See Q 2:136, 140; 3:84; 4:163. Again, regarding the split of the people of Israel in the desert into twelve branches, the term *asbāṭ* is used (Q 7:160). The only place where the name *banū Isrāʾīl* is used to designate the sons of Jacob is Q 3:93. For the description of the sons of Jacob as *bene yisrael* (the children of Israel) in the Hebrew Bible, see also Genesis 45:21.

In what follows, a detailed examination will be made of the usage and content of these Qurʾānic names for Jews.

Ahl al-Kitāb

The first reference to Jews chronologically in the Qurʾān appears to be in the form of *alladhīna ūtū l-kitāb*, meaning those who have been revealed to or given the book. This phrase and its correlative *ahl al-kitāb*, except for two Meccan passages,[13] occur almost entirely in the Medinan sūrahs; the first form, together with its close correlatives, appears in sixteen verses and the second one in thirty-one verses.[14] On the other hand, similar phrases, like *alladhīna ūrithū l-kitāb/warithū l-kitāb*, *alladhīna yaqraʾūna l-kitāb*, *alladhīna ūtū l-ʿilm*, and *ahl al-dhikr*, are all used in passages from the late Meccan period.[15]

According to the interpretations given in the tafsīr books, the people mentioned in these passages are *ahl al-Tawrāh* (*wa-l-Zabūr*), (i.e., the people of the Law/Torah and the Psalms), that is, a group or certain men from among the Jews (e.g., Kaʿb ibn al-Ashraf, Phinhas ibn ʿĀzūrā, Zayd ibn Qays)[16] or even *ahl al-Tawrāh wa-l-Injīl*, (i.e., the people of the Law/Torah and the Gospel), that is, both Jewish

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[13] Q 74:31; 29:46.

[14] *Alladhīna ūtū l-kitāb*: Q 74:31 (Meccan); Q 2:101, 144-146; 3:19-20; 4:47, 51(-54), 131; 5:5, 57 (-58); 9:29; 57:16; 98:4. *Alladhīna ātaynāhum al-kitāb*: Q 2:146. *Alladhīna ūtū naṣīb*^{an} *min al-kitāb*: Q 3:23(-25). *Ahl al-kitāb*: Q 29:46 (Meccan); Q 2:105, 109; 3:64-65, 69-72, 75, 98-99, 110(-112), 113(-114) (110-118), 199; 4:123, 153(-158), 159(-162), 171; 5:15, 19, 59(-62), 65(-66), 68, 77; 33:26; 57:29; 59:2, 11; 98:1, 2(-3), 6.

[15] *Alladhīna ūrithū l-kitāb*: Q 35:32; 42:14. *Alladhīna warithū l-kitāb*: Q 7:169. *Alladhīna yaqraʾūna l-kitāb*: Q 10:94. *Alladhīna ūtū l-ʿilm*: Q 17:107. *Ahl al-dhikr*: Q 16:43; 21:7.

[16] See Abū l-Ḥasan Muqātil ibn Sulaymān ibn Bashīr al-Azdī al-Balkhī, *Tafsīr Muqātil ibn Sulaymān*, ed. ʿAbd Allāh Maḥmūd Shiḥātah (Cairo: al-Hayʾah al-Miṣriyyah al-ʿĀmmah li-l-Kitāb, 1979), I, 130; Abū Jaʿfar Muḥammad ibn Jarīr ibn Yazīd al-Āmulī al-Ṭabarī, *Tafsīr al-Ṭabarī: Jāmiʿ al-bayān ʿan taʾwīl āy al-Qurʾān*, ed. ʿAbd Allāh ibn ʿAbd al-Muḥsin al-Turkī (Cairo: Dār Hijr li-l-Ṭibāʿah wa-l-Nashr, 2001), II, 419 ff. (Q 2:109); Abū l-Qāsim Jār Allāh Maḥmūd ibn ʿUmar ibn Muḥammad al-Khwārazmī al-Zamakhsharī, *al-Kashshāf ʿan ḥaqāʾiq ghawāmiḍ al-tanzīl wa-ʿuyūn al-aqāwīl fī wujūh al-taʾwīl*, eds. ʿĀdil Aḥmad ʿAbd al-Mawjūd and ʿAlī Muḥammad Muʿawwiḍ (Riyadh: Maktabat al-ʿUbaykān, 1998), I, 309, 568 (Q 2:109; 3:69).

and Christian groups or individuals.[17] Most of the time, when the passage has a negative context, it is considered to be referring to those from among Jews and Christians who rejected the message of the Prophet Muḥammad (i.e., *ahl al-kidhb wa-l-kufr*). When the passage has a positive context, on the other hand, as in the examples of Q 10:94 or 21:7, it is taken to be about Jews such as ʿAbd Allāh ibn Salām and Kaʿb al-Aḥbār who accepted the message of the Prophet Muḥammad (i.e., *ahl al-ṣidq wa-l-īmān*) or about the first Muslims, namely, the people of the Qurʾān.[18] However, as will be discussed below, these interpretations do not seem so accurate.

As mentioned earlier, according to the chronological order of the Qurʾān, the first reference to Jews is made in Sūrat al-Muddaththir from the Meccan period:

> And We have set none but angels as guardians of the Fire; and We have fixed their number only as a trial for *unbelievers*, in order that *those who have been given the Book* (*alladhīna ūtū l-kitāb*) may arrive at certainty, and the *believers* may increase in faith, and that no doubts may be left for *those who have been given the Book* and the *believers* ... (Q 74:31)

In this passage, there is mention of some three groups: 1) those who reject the Prophet and his monotheistic message (Unbelievers), 2) those who accept the Prophet and his message (Believers), and 3) those who have been given the book (People of the Book). The passage, which has obviously a positive context, makes reference to the people of the book as a group standing between believers and unbelievers, but somewhere closer to the former. And this is the case in other passages, where the phrases *alladhīna yaqraʾūna l-kitāb* and *ahl al-dhikr* are used.

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[17] See al-Ṭabarī, *Tafsīr al-Ṭabarī*, V, 284, 489 (Q 3:69); al-Zamakhsharī, *al-Kashshāf*, I, 538, 567 (Q 3:64); Abū ʿAbd Allāh Fakhr al-Dīn Muḥammad ibn ʿUmar al-Rāzī, *Tafsīr al-Fakhr al-Rāzī al-mashhūr bi-l-Tafsīr al-kabīr wa-Mafātīḥ al-ghayb* (Beirut: Dār al-Fikr, 1981), VII, 226 (Q 3:19), 234 (Q 3:20). It is quite clear that Q 4:171, which deals with the doctrine of the Trinity, is addressed to the Christians.

[18] See, for example, al-Ṭabarī, *Tafsīr al-Ṭabarī*, XII, 286 ff; XVI, 228-229; Muqātil ibn Sulaymān, *Tafsīr Muqātil ibn Sulaymān*, I, 248; Fakhr al-Dīn al-Rāzī, *Tafsīr al-Fakhr al-Rāzī*, XVII, 170; see also Abū Manṣūr Muḥammad ibn Muḥammad ibn Maḥmūd al-Māturīdī, *Taʾwīlāt al-Qurʾān*, eds. Hatice Boynukalın and Bekir Topaloğlu (Istanbul: Mizan Yayınevi, 2006), VII, 110; id., *Taʾwīlāt al-Qurʾān*, eds. Murat Sülün and Bekir Topaloğlu (Istanbul: Mizan Yayınevi, 2007), IX, 261.

> If you were in doubt as to what We have revealed unto you, then ask *those who have been reading the Book* (*alladhīna yaqraʾūna l-kitāb*) from before you: the Truth has indeed come to you from your Lord; so be in no wise of those in doubt. (Q 10:94)
>
> Before you, also, the messengers We sent were but men, to whom We granted inspiration. If ye realize this not, ask of *those who possess the Message* (*ahl al-dhikr*). (Q 21:7)[19]

In these verses, too, the people of the book are mentioned in a positive context in parallel to the claim of the Qurʾān that it is the book from God and, therefore, is the continuation of the former prophetic/revelatory tradition. Thus, the people of the book, as the receivers or inheritors of the former revelation, are expected to be the first to recognize and confirm the revelation that has been given to the Prophet Muḥammad. Thus, the people of the book are seen here as a kind of reference point or authority of recognition in this matter. Considering that these passages belong to the Meccan period, it is very unlikely that what is meant by *alladhīna yaqraʾūna l-kitāb* (those who have been reading the Book) or *ahl al-dhikr* (the people of the Message) are the Jewish individuals who became Muslim, as that event happened much later in the Medinan period. Again, the fact that a reference is being made to the people who are related to the former revelation makes it equally impossible that it is about the first Muslims coming from an idolatrous (*mushrik*) background. It is more likely that what is meant by "those who have been reading the Book" and "the people of the Message" in these verses are those individuals who have been coming from a monotheistic tradition and are acquainted with the former revelation, that is to say, Jews and Christians and/or even *muwaḥḥid* Ḥanīfs, such as Waraqah ibn Nawfal and ʿUbayd Allāh ibn Jaḥsh, who were well-informed in the Bible.[20] Indeed, in the *Tafsīr* of al-Ṭabarī, there is an interpretation

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[19] See also Q 16:43.

[20] The word *ḥanīf* is used in the Qurʾān in terms of "surrendering to one God" or "believing in one God," with similar meanings to the words *muslim* and *muwaḥḥid*. It usually occurs in relation to the prophet Abraham (Ibrāhīm), the pioneer of monotheism. The origin of the word is believed to be the Syriac *ḥanpā*, which means "pagan" or "gentile." This begs a question: How did a term such as *ḥanpā*, which carries a negative connotation ("pagan"), come to have a positive meaning in the Qurʾān (*ḥanīf* = "monotheist believer")? One paper offers a reasonable explanation of the transformation the word *ḥanpā* went through

quite in line with this: that what is intended by *ahl al-dhikr* (the people of the Message) are those who could read *Tawrāh* (the Torah) and *Injīl* (the Gospels) and the books outside these.[21]

Thus, in these early Qurʾānic passages, the Prophet and the Muslims are considered to have something in common with the people of the book as against the idolatrous Arabs.[22] To emphasize again, at this stage, the people of the book are seen in an ideal sense as a group who are expected to recognize the revelation of the Prophet Muḥammad. There is also anticipation that there will be those among them who respond positively to the call of the Prophet:

> Those who follow the Messenger, the unlettered Prophet, whom they find mentioned in their own [Scriptures], in the Law/Torah and the Gospel; for he commands them what is just and forbids them what is evil; he allows them as lawful what is good [and pure] and prohibits them from what is bad [and impure]; He releases them from their heavy burdens and from the yokes that are upon them. So it is those

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and how it came to indicate, in the Christian literature, someone "who is a believer outside of Jewish – and even Christian – faith," i.e., "a gentile believer," which is considered to be the precursor of the Qurʾānic *ḥanīf*. For this explanation, see François de Blois, "*Naṣrānī* (Ναζωραῖος) and *ḥanīf* (ἐθνικός): studies on the religious vocabulary of Christianity and of Islam," *Bulletin of the School of Oriental and African Studies* 65, no. 1 (2002), 17-25. For the contrast made between *ḥanīf* and Christian priest/Jewish rabbi in the Islamic literature (Yāqūt), see W. Montgomery Watt, "Ḥanīf," in *The Encyclopaedia of Islam*, III, 165. As indicated by de Blois, for the usage of the word *ḥanpā* in the New Testament in relation to the prophet Abraham, which bears a clear similarity to the Qurʾānic usage, see also Romans 4:9-12: "Is this blessing then only for the circumcised, or also for the uncircumcised? For we say that faith was counted to Abraham as righteousness. How then was it counted to him? Was it before or after he had been circumcised? It was not after, but before he was circumcised. He received the sign of circumcision as a seal of the righteousness that he had by faith while he was still uncircumcised. The purpose was to make him the father of all who believe without being circumcised, so that righteousness would be counted to them as well ..." Cf. "Abraham was not a Jew, nor a Christian; but he was an upright man who had surrendered (to Allah), and he was not of the idolaters" (Q 3:67).

21 Al-Ṭabarī, *Tafsīr al-Ṭabarī*, XIV, 227.

22 See also Q 11:17: "Is he [to be counted equal with them] who relies on a clear proof from his Lord, and a witness from Him recites it, and before it was the Book of Moses, an example and a mercy?"

> who believe in him, honor him, help him, and follow the light, which is sent down with him, it is they who will prosper. (Q 7:157)

At this point, Muḥammad Ḥamīd Allāh indicates that in the Meccan period there had been some Jews who were informed with the message of the Prophet Muḥammad through Arab idolaters whom they had commercial relations with and might have also exercised some negative influence on.[23] However, at this stage, except for some isolated contacts,[24] direct and proper relations had not been experienced yet between Muslims and Jews, a situation that would end up in negative outcomes. Therefore, the Meccan passages generally reflect the attitude of Muslims to the people of the book in a neutral environment and testify to a Muslim anticipation of their support in the face of harsh opposition from the Arab idolaters. Moreover, even in the Medinan period, which witnessed an environment of conflict, it is declared in Sūrat al-Māʾidah (Q 5:5) that the food of *ahl al-kitāb* (i.e., animals slaughtered by them) and their women (i.e., marriage with them) are both permitted (*ḥalāl*) for Muslims. This decree indicates that the Qurʾān, in principle, confirms the establishment of social and even marital relations with Jews (and Christians), regardless of the current state of relations, mostly contentious.[25]

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[23] See Muhammad Hamidullah [Muḥammad Ḥamīd Allāh], *The Life and Work of the Prophet of Islam*, ed. and trans. Mahmood Ahmad Ghazi (Islamabad: Islamic Research Institute, 1998), I, 419, 420, 422; id., *Le Prophète de l'Islam* (Paris: Librairie Philosophique J. Vrin, 1959), I, 369, 371, 373.

[24] The *Tafsīr* of al-Ṭabarī states that in the Meccan period, a group of Medinan Jews talked to the Prophet Muḥammad and asked him about the attributes of God, and upon this question, the Sūrat al-Ikhlāṣ was revealed. See al-Ṭabarī, *Tafsīr al-Ṭabarī*, XXIV, 728 ff. See also Fakhr al-Dīn al-Rāzī, *Tafsīr al-Fakhr al-Rāzī*, XXXII, 175; Mehmet Paçacı, "Kur'an'da Ehl-i Kitap Anlayışı," in *Müslümanlar ve Diğer Din Mensupları: Müslümanların Diğer Din Mensuplarıyla İlişkilerinde Temel Yaklaşımlar,* ed. Abdurrahman Küçük (Ankara: Türkiye Dinler Tarihi Derneği Yayınları, 2004), 46.

[25] From the Qurʾānic passage stating that the food of the people of the book is permitted (*ḥalāl*) to Muslims, de Blois comes to the conclusion that the people of the book thus mentioned in the Qurʾān were the Jewish Christians who accepted Jesus Christ and continued to observe the Jewish law, including eating only kasher food. See de Blois, "*Naṣrānī* (Ναζωραῖος) and *ḥanīf* (ἐθνικός)," 16.

Again, as indicated in another passage in Sūrat al-ʿAnkabūt, from the late Meccan or early Medinan period,[26] despite the existence of some hostile groups or individuals among the people of the book, the positive tone is preserved by emphasizing common points between them and Muslims, especially the monotheistic faith (*tawḥīd*).

> And dispute you not with the *People of the Book*, except with means better [than mere disputation], unless it be with those of them who inflict wrong, but say, "We believe in the revelation which has come down to us and in that which came down to you; Our God and your God is one; and it is to Him we surrender (*muslimīn*)." (Q 29:46)

As part of this emphasis on *tawḥīd*, in the early period of Medina, the Jews (and Christians) "as a community," and in terms of a minimum requirement of faith and common terms between them and Muslims, are invited to *islām* in its broader sense, that is, in the meaning of the "monotheistic faith or tradition of Abraham," the faith/tradition that Jews and Christians claim to represent:

> Say: "O *People of the Book*! Come to common terms as between us and you; that we worship none but Allah; that we associate no partners with him; that we erect not, from among ourselves, Lords and patrons other than Allah." If then they turn back, say you: "Bear witness that we [at least] are Muslims". (Q 3:64)

> Say: "... follow the religion of Abraham (*millat Ibrāhīm*), upright in faith (*ḥanīf*[an]); he was not of the idolaters (*mushrikīn*)." (Q 3:95)

These Qurʾān verses have been interpreted by Montgomery Watt such that the Prophet Muḥammad, in the early years of the Medinan period, invited Jews, unlike the idolatrous Arabs, to become *muwaḥḥid*/*muʾmin* (i.e., monotheist) and not *Muslim* (i.e., follower of the Prophet Muḥammad); this is why, according to Watt, Jews are

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[26] There are different opinions as to the date of Sūrat al-ʿAnkabūt. According to one, it was revealed in the Meccan period, except for the first ten verses, or vice versa. For this, see Mustafa Öztürk, *Kur'an-ı Kerim Meali: Anlam ve Yorum Merkezli Çeviri* (Ankara: Ankara Okulu Yayınları, 2014), 447. It is also considered to be revealed toward the end of the Meccan period (85th or 83rd sūrah in chronological order).

designated as *muʾmin* in the Constitution of Medina.[27]

Although this argument seems to be correct to a certain extent, what Watt further suggests, that the Prophet at the beginning presented himself as a messenger sent solely to the Arab tribes, is apparently inaccurate. For it is clear from the Qurʾānic passages that the message of the Prophet (or the revelation given to him) was intended to unfold through a gradual process, and the universal emphasis was part of this message right from the beginning. As quoted above, the call of the Prophet to the people of the book to come to a monotheistic Abrahamic faith indicates an effort to find common ground and a place of conciliation with Jews (and Christians) "as a community." And, as also pointed out earlier, it is clearly seen in some other Meccan passages that, in addition to this general call to the people of the book to follow the monotheistic faith, Jews (and Christians) "as individuals" are invited to become *Muslim*. To quote again, in the Meccan Sūrat al-Aʿrāf it is stated:

> Those who follow the Messenger, the unlettered Prophet, whom they find mentioned in their own [Scriptures], in the Law/Torah and the Gospel ... So it is those who believe in him, honor him, help him, and follow the light, which is sent down with him, it is they who will prosper. Say: "O mankind! I am sent unto you all, as the Messenger of Allah, to whom belongs the dominion of the heavens and the earth; there is no god but He; it is He that gives both life and death. So believe in Allah and His Messenger, the unlettered Prophet ... Follow him that you may be guided." (Q 7:157-158)

Accordingly, it is understood that in the beginning of the Medinan period, as in the period of Mecca, the language of peace was retained to a great extent. However, as a result of what the Qurʾān calls "the hostile attitude" on the part of the Jews, an increase in the language of criticism became apparent. And this time, the people of the book,

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[27] See W. Montgomery Watt, *Muhammad at Medinah* (Oxford: Clarendon Press, 1956), 200 ff. In the document called the Constitution of Medina, Muslims are described as *ummah wāḥidah* and the Jews as *ummah min al-muʾminīn*. That the Jews are referred to as *muʾmin* is taken to mean that the Jewish groups living in Medina were to be under protection (*amānah*) and would have the right to live their religion freely. See Uri Rubin, "The 'Constitution of Medina': Some Notes," *Studia Islamica* 62 (1985), 15-16, doi:10.2307/1595521. See also Q 6:84; 24:55; 42:15; 2:139; 28:55.

in the example of the Jews, were placed closer to Arab idolaters because of their common ideology and attitude toward Muslims:

> It is never the wish of those who disbelieve among the *People of the Book*, nor of the *idolaters*, that anything good should come down to you from your Lord. But Allah will choose for His special mercy whom He will, for Allah is Lord of grace abounding. (Q 2:105)

> Many of the *People of the Book* wish they could turn you (people) back to infidelity after you have believed, from selfish envy, after the truth has become manifest unto them. But forgive and overlook, till Allah accomplish His purpose; for Allah has power over all things. (Q 2:109)

> It is the wish of a party of the *People of the Book* to lead you astray. But they shall lead astray [not you], but themselves, and they do not perceive! (Q 3:69)

> O you who believe! Take not for friends those who take your religion for a mockery or sport whether among those who received the Book before you, or among the disbelievers. But keep your duty to Allah if you are true believers. (Q 5:57)

However, it is important to note that there is no generalization in the criticism leveled on the people of the book in the above-quoted verses. Despite that the plural language is sometimes used and that it is apparently Jews who are more criticized than Christians, the Qur'ān clearly distinguishes between the well-behaved and the ill-behaved among each group, by saying:

> Among the *People of the Book* are some who, if entrusted with a hoard of gold, will [readily] pay it back; others, who, if entrusted with a single silver coin, will not repay it unless you constantly stood demanding, because, they say, "there is no call on us [to keep faith] with these ignorant (*ummiyyīn*)"... (Q 3:75)

> Not all of them are alike: of the *People of the Book* are a group that stand; they recite the revelations (*āyāt*) of Allah all night long, and they prostrate themselves in adoration. They believe in Allah and the Last Day; they enjoin what is right, and forbid what is wrong; and they hasten in good works. They are in the ranks of the righteous. Of the good that they do, nothing will be rejected of them; for Allah knows well those that do right. (Q 3:113-115)

> And there are, certainly, among the *People of the Book*, those who believe in Allah, in the revelation to you, and in the revelation to them, bowing in humility to Allah. They will not sell the revelations of Allah for a miserable gain! For them is a reward with their Lord ... (Q 3:199)

In these verses, especially in Q 3:113-115 and Q 3:199, the people of the book who are praised because of their faith, practice, and morality, are explained in the tafsīr books as those Jewish and/or Christian groups or individuals who had faith – in the Prophet – and became Muslim (e.g., ʿAbd Allāh ibn Salām and his companions or the Negus [al-Najāshī] of Abyssinia and thirty men/women from his people or forty men/women from the people of Najrān or eight men/women from the Greek people, or all of these).[28] Although there are different opinions on the verse "those who believe in the revelation to you, and in the revelation to them" (Q 3:199), it is reasonable to think that what is meant here are the followers of the Prophet Muḥammad from among the people of the book. On the other hand, it is not clear what is meant by "the revelations (*āyāt*) of Allah" in the verse "they who recite the revelations of Allah all night long" (Q 3:113); is it the Torah and the Gospels or the Qurʾān? According to the majority view, these revelations (*āyāt*) are those of the Qurʾān, and what is meant by "belief in Allah" in the verse "They believe in Allah and the Last Day" (Q 3:114) is the belief not only in God but also in all the prophets.[29] Again, the passage "They enjoin

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[28] Al-Ṭabarī, *Tafsīr al-Ṭabarī*, V, 692; al-Zamakhsharī, *al-Kashshāf*, I, 571, 611; al-Māturīdī, *Taʾwīlāt al-Qurʾān*, eds. Ahmed Vanlıoğlu and Bekir Topaloğlu (Istanbul: Mizan Yayınevi, 2005), II, 342; Fakhr al-Dīn al-Rāzī, *Tafsīr al-Fakhr al-Rāzī*, VIII, 111, 205-207; IX, 159; Abū ʿAbd Allāh Muḥammad ibn Aḥmad ibn Abī Bakr al-Qurṭubī, *al-Jāmiʿ li-aḥkām al-Qurʾān wa-l-mubayyin li-mā taḍammanahū min al-Sunnah wa-āy al-Furqān,* ed. ʿAbd Allāh ibn ʿAbd al-Muḥsin al-Turkī et al. (Beirut: Muʾassasat al-Risālah, 2006), V, 175. For a critique of the views in the tafsīr books that confine the abovementioned people of the book to those of them who believe in the Prophet Muḥammad, see also Mehmet Okuyan and Mustafa Öztürk, "Kur'an Verilerine Göre 'Öteki'nin Konumu," in *İslam ve Öteki: Dinlerin, Doğruluk/Kurtarıcılık ve Birarada Yaşama Sorunu*, ed. Cafer Sadık Yaran (Istanbul: Kaknüs, 2001), 184 ff.

[29] Fakhr al-Dīn al-Rāzī, *Tafsīr al-Fakhr al-Rāzī*, VIII, 111, 206-207; al-Ṭabarī, *Tafsīr al-Ṭabarī*, V, 689-691. According to another account given in the *Tafsīr* of al-Ṭabarī, those who are mentioned in the above-mentioned Qurʾānic verses are in fact the people of the book or the people from other religions (V, 697-698).

what is right, and forbid what is wrong" in the same verse is explained in terms of enjoining the belief in Allah and the Prophet and forbidding polytheism (*shirk*) and denial of the Prophet.[30] In fact, without narrowing down the meaning of these verses that much, it is possible to think that the people of the book mentioned here, too, are those who accepted the revelation given to the Prophet Muḥammad. However, unlike Q 3:113-115 and Q 3:199, there is no mention of belief in Q 3:75; it is rather about moral/immoral behavior. In fact, in the early tafsīr books, this verse is explained with reference to different groups within the people of the book. According to al-Ṭabarī, those who pay it back when entrusted with money and those who do not are two different groups among the Jews; for al-Zamakhsharī, on the other hand, the first group are the majority of the Christians and the second group are the majority of the Jews.[31]

From these interpretations, it is reasonable to assume that these three sets of Qurʾānic verses refer to different groups within the people of the book. Thus, Q 3:75, which points to moral behavior, speaks of two different parties among them, one well-behaved and the other ill-behaved. The Q 3:113-115 and Q 3:199, on the other hand, which are restricted to the principle of belief, might be seen to refer to those who came to believe, either secretly or openly, in the revelation that has been given to the Prophet Muḥammad. In other words, these three passages can be classified into three groups: (1) one referring to the well-behaved among the people of the book ("If entrusted with a hoard of gold, they will pay it back"); (2) the second referring to those among them who believe in the Prophet in secret ("They recite the revelations of Allah all night long"); (3) and the third referring to those who again believe in the Prophet but this time in an open way, apparently ("They will not sell the revelations of Allah for a miserable gain"). Otherwise, when all these passages are seen to equally pertain to those from among the people of the book who became Muslim, one would come to the conclusion that in the Qurʾān, morality is identified with being Muslim, which is against the truth. Besides, in this case, it would remain unexplained why the Qurʾān speaks of those from the people of the book who became

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30 Al-Ṭabarī, *Tafsīr al-Ṭabarī*, V, 699; Fakhr al-Dīn al-Rāzī, *Tafsīr al-Fakhr al-Rāzī*, VIII, 111, 208.

31 Al-Ṭabarī, *Tafsīr al-Ṭabarī*, V, 507-508; al-Zamakhsharī, *al-Kashshāf*, I, 571. See also Fakhr al-Dīn al-Rāzī, *Tafsīr al-Fakhr al-Rāzī*, VIII, 110.

Muslim not simply as "Muslims" but as "the people of the book (*ahl al-kitāb*)" all the time.

On the other hand, when other *ahl al-kitāb* passages, those with critical or disapproving content, are concerned, the criticism here seems to be mainly directed toward the better educated among the people of the book, especially among the Jews. The Qurʾān accuses them of taking the side of the idolatrous Arabs, whom they once used to call *ummī* (= unscriptured/unlettered), and of supporting them as against the Prophet and his followers, namely Muslims, who pursue the monotheistic tradition of the former prophets. These adversaries among the people of the book/Jews do so, according to the Qurʾān, despite the fact that they were awaiting a Messenger as announced in their Scripture.[32]

> O *People of the Book*! Now has come unto you, making [things] clear unto you, Our Messenger, after the break in [the series of] our messengers, lest you should say: "There came unto us no bringer of glad tidings and no warner [from evil]": But now has come unto you a bringer of glad tidings and a warner [from evil]. And Allah has power over all things. (Q 5:19)
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> Say: "O *People of the Book*! Do you disapprove of us for no other reason than that we believe in Allah, and the revelation that has come

[32] Muḥammad Ḥamīd Allāh notes that from the Arab chronicles of the time and from some of the modern occidental works (Casanova's *Mohammed et la fin du monde*) it is understood that "in the beginning of the seventh century of the Christian era the Jews as well as the Christians were awaiting the advent of a great personality, the last divine messenger, who would give to humanity what it needed." See Hamidullah, *The Life and Work of the Prophet of Islam*, I, 417; id., *Le Prophète de l'Islam*, I, 367. Indeed, in the books of ḥadīth and sīrah, there are accounts of the Jews of al-Ḥijāz having an anticipation of a prophet and this anticipation having a role in the decision of the Jews such as ʿAbd Allāh ibn Salām to become Muslim. See, for example, al-Bukhārī, "Manāqib al-anṣār," 51; Abū ʿAbd Allāh Muḥammad Ibn Isḥāq ibn Yasār, *Sīrat Ibn Isḥāq*, ed. Muḥammad Ḥamīd Allāh, 2nd ed. (Konya: Hayra Hizmet Vakfı, 1981), 62-66; id., *The Life of Muhammad: A Translation of Isḥāq's* Sīrat Rasūl Allāh, trans. with introduction and notes by A. Guillaume (Lahore: Oxford University Press, 1967), 93-98; see also Reuven Firestone, "Jewish Culture in the Formative Period of Islam," in *Cultures of the Jews: A New History*, ed. David Biale (New York: Schocken Books, 2002), 544-546. Moreover, we understand from the New Testament that a similar anticipation existed among the Jews of Palestine during the time of Jesus Christ. See Mathew 16:13-14; 21:10-11; Mark 8:27-28; Luke 7:11-17; 9:18-20.

> to us and that which came before [us], and [perhaps] that most of you are rebellious and disobedient?" ... Many of them do you see, racing each other in sin and rancor, and their eating of things forbidden. Evil indeed are the things that they do. Why do not the rabbis and the priests forbid them from their [habit of] uttering sinful words and eating things forbidden? Evil indeed are their works. (Q 5:59, 62-63)
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> Have you not turned your vision to those *who were given a portion of the Book*? They believe in sorcery and evil, and say to the Unbelievers that they are better guided in the [right] way than the Believers! (Q 4:51)
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> And when there comes to them a Book from Allah, confirming what is with them, although from of old they had prayed for victory against those who disbelieve, when there comes to them that which they [should] have recognized, they refuse to believe in it but the curse of Allah is on those without Faith. (Q 2:89)[33]

In these passages, then, the emphasis is placed on the hostility and the denial of many from the people of the book (mostly Jews, apparently) toward the Prophet of *tawḥīd*; and this attitude is seen, in the Qurʾān, as contradicting the prophetic/monotheistic background they have a claim to. Consequently, it is possible to say that in the *ahl al-kitāb* passages, there are both approving and disapproving statements, and the latter are mostly directed toward their hostile attitude and the concomitant immoral behavior.

Banū Isrāʾīl

Another term used in relation to the Jews in the Qurʾān is *banū Isrāʾīl*, meaning the children or people of Israel. This name appears in sixteen sūrahs and forty verses: twenty-four of them are Meccan,[34] and sixteen of them (especially in the long sūrahs such as al-Baqarah,

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[33] In the *Tafsīr* of al-Ṭabarī it is stated that those who are referred to as "*Inna lladhīna kafarū* ... (Those who reject faith)..." in Q 2:6 are the Jews and the hypocrites from among the Muslim Arabs of Medina (i.e., from the tribes of [Banū l-] Aws and [Banū l-] Khazraj). See al-Ṭabarī, *Tafsīr al-Ṭabarī*, I, 258.

[34] Q 7:105, (128-129) 134, 137, 138(-139, 145, 148, 150-154, 171); 20:47, 80(-81), 83(-94); 26:17, 22, 59, 197; 27:76; 10:90, 93; 40:53, 59; 44:30; 45:16(-17); 46:10; 32:23; 17:2, 4, 101, 104.

Āl ʿImrān, al-Nisāʾ, al-Māʾidah and al-Ṣaff) are Medinan.[35] In addition, the word *Isrāʾīl* as the name of the prophet-patriarch Jacob occurs in two verses, one Meccan and one Medinan.[36]

As noted by Arthur Jeffery, the name *banū Isrāʾīl* was well known by the time of the Prophet Muḥammad, while before that time, the name *Isrāʾīl* only appeared in the inscriptions found in South Arabia.[37] According to Goitein, the fact that this name did not occur in any authentic poetry from the pre-Islamic period indicates that the Prophet had an original knowledge of and interest in the former monotheistic religions.[38] According to the testimony of the Qurʾān, which depicts the Prophet as *al-nabī al-ummī* (an unlearned/unscriptured messenger), the origin of this knowledge and interest is first and foremost the very revelation he received from God.[39]

The term *banū Isrāʾīl*, as explained in the tafsīr books, designates the descendants of Jacob. As stated earlier, it is used mostly in relation to the period between the times of the Prophets Moses and Jesus and occasionally with reference to Jews living in the period of the Prophet Muḥammad. In the Meccan verses, the people of Israel are mentioned as a historical people and generally in the third-person, whereas in the Medinan verses, they are identified with the Jews of the Qurʾānic period, and therefore, the second-person form is usually employed. Again, in the Meccan sūrahs, especially in Sūrat al-Aʿrāf, where a detailed account of the story of the people of Israel is given, the main themes are the encounter of the Prophet Moses with Pharaoh and, after a long struggle and many miracles displayed for Pharaoh, the redemption of the people of Israel under the leadership of Moses from their slavery in Egypt, the miraculous crossing of the

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35 Q 2:40, 47 (-57, 63-74), 83(-84, 87, 93, 100), 122, 211, 246(-247); 3:49, 93; 5:12(-13), 32, 70, 72, 78, 110; 61:6, 14.

36 Q 19:58; 3:93.

37 See Arthur Jeffery, *The Foreign Vocabulary of the Qurʾān* (Baroda: Oriental Institute, 1938), 61.

38 S. D. Goitein, "Banū Isrāʾīl," in *The Encyclopaedia of Islam*, II, 1020.

39 See Q 7:157-158. For the possible implications of the term *ummī* and the expression *al-nabī al-ummī*, the preferred meaning of the latter being unlearned/unscriptured prophet, i.e., "a vessel that was unpolluted by intellectual knowledge of word and script," see Sebastian Günther, "Muḥammad, the Illiterate Prophet: An Islamic Creed in the Qurʾan and Qurʾanic Exegesis," *Journal of Qurʾanic Studies* 4, no. 1 (2002), 7-16, doi:10.3366/jqs.2002.4.1.1.

sea and coming to Mount Sinai, their worship of the golden calf when Moses left to meet with God to receive the tablets of law, and their inheriting the land of blessings (the land of Canaan) with the permission of God.[40] As for God's covenant with and favor to the people of Israel and giving them the book, the former is mentioned in five places and the latter in four.[41] In Medinan passages, on the other hand, the struggle of Moses with Pharaoh and the crossing of the sea is mentioned only once.[42] The emphasis is instead on the covenant made between God and the people of Israel, mostly in Sūrat al-Baqarah; God's taking their word and showing His favor to them over other peoples by giving them the book and sending them prophets; and their breaking the promise that they had given to God.[43] There is also mention of their relations, mostly antagonistic, with the Prophet Jesus.[44] Some of the commandments and prohibitions given to the people of Israel (e.g., the forbidden foods, the prohibition against shedding the blood of the innocent, the commandment to slaughter a cow, the prohibitions of Sabbath) are also given place mostly in the Medinan sūrahs.[45] Thus, in the Meccan passages, the main subject matter is the people of Israel as a historical entity, with emphasis placed on the "redemption" of Israel from Egypt. In the Medinan passages, on the other hand, the main subject matter is the Jews of the time of the Prophet Muḥammad and, in relation to them (namely, as their ancestors), the people of Israel, which indicates a clear identification between the people of Israel and the Jews; and the emphasis is undoubtedly on the "covenant" of Sinai.

Alongside this variation in content, a difference of style is also apparent. One example is the account of the story of the golden calf, as told in Sūrat al-Aʿrāf from the Meccan period and in Sūrat al-Baqarah from the Medinan period.

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40 For all these, see Q 7:102-154; 20:47, 83-98; 26:17; 17:101; 10:90;

41 See Q 7:140, 171; 44:30-32; 45:16-17; 20:80-81; 7:140; 40:53; 32:23; 17:2. See also 20:77-79; 26:197; 27:76; 46:10.

42 See Q 2:49-50.

43 See Q 2:40, 47-48, 51-57, 63-64, 80, 83-84, 87, 93, 100, 122, 211, 246-247; 5:12-13, 20-26, 70.

44 See Q 3:49; 5:72, 78, 110; 61:6, 14.

45 See Q 2:65-66; 3:93; 5:32.

> The *people of Moses* made, in his absence, out of *their* ornaments, the image of calf, [for worship] ... When *they* repented, and saw that *they* had erred, *they* said: "If our Lord have not mercy upon us and forgive us, we shall indeed be of those who perish." (Q 7:148-149)

> And when We appointed forty nights for Moses, and in his absence *you* took the calf [for worship], and *you* did grievous wrong. Even then We did forgive *you*; there was a chance for *you* to be grateful. (Q 2:51-52)

Again, in the accounts of the Sinai covenant and the preference (or election) of the people of Israel by God over other peoples, as told in the same sūrahs, one can find a similar difference of style.

> When We shook the Mount over *them*, as if it had been a canopy, and they thought it was going to fall on *them* ... (Q 7:171)

> We did aforetime grant *to the Children of Israel* the Book, the power of command, and prophethood; We gave *them*, for sustenance, things good and pure; and We favored *them* above the nations. (Q 45:16)

> And remember We took *your* covenant and We raised above *you* [the towering height] of Mount [Sinai] ... (Q 2:63)

> *O Children of Israel*! call to mind the [special] favor which I bestowed upon *you*, and that I preferred *you* to all other [for My Message]. (Q 2:47)

In fact, this difference in both content and style indicates that the mention of the people of Israel in the Meccan and Medinan sūrahs aims at different purposes. In the Meccan sūrahs, the people of Israel are mentioned, for the most part, with reference to their struggle with Pharaoh in the name of God (*tawḥīd*) and as a people living a persecuted life due to their monotheistic faith. Thus, they are presented as precursors of early Muslims, i.e., the followers of the Prophet Muḥammad, who also happen to be struggling with idolatrous Arabs. Muslims are reminded in this way that the people of Israel were eventually rescued and exalted by God, and so would be Muslims.

> Said Moses to his people: "Pray for help from Allah, and [wait] in patience and constancy; for the earth is Allah's, to give as a heritage to

> such of His servants as He pleases; and the end is [best] for the righteous" ... "It may be that your Lord will destroy your enemy and make you inheritors in the earth; that so He may try you by your deeds." (Q 7:128-129)
>
> And We made a people, considered weak [and of no account], inheritors of lands in both east and west, lands whereon We sent down Our blessings. The fair promise of your Lord was fulfilled for the Children of Israel, because they had patience and constancy ... (Q 7:137)
>
> We did indeed aforetime give the Book to Moses; be not then in doubt of its reaching [you]; and We made it a guide to the Children of Israel. (Q 32:23)[46]

Moreover, by bringing up the examples of Pharaoh and his companions, alongside other peoples (such as the peoples of Noah, ʿĀd, Thamūd and Lot), who persecuted their prophets and, therefore, were punished with destruction, the idolatrous Arabs are being warned of possible demise unless they put an end to their enmity with the Prophet and his followers. In this way, a parallel is drawn between the people of Israel and Muslims, on the one hand, and Pharaoh and the Arab adversaries, on the other.

> Such were the towns whose story We relate unto you: There came indeed to them their messengers with clear [signs] but they would not believe what they had rejected before ... Most of them We found not men [true] to their covenant but most of them We found rebellious and disobedient. Then after them We sent Moses with Our signs (*āyāt*) to Pharaoh and his chiefs, but they wrongfully rejected them. So see what was the end of those who made mischief. (Q 7:101-103)
>
> … And We leveled to the ground the great works and fine buildings which Pharaoh and his people erected [with such pride]. (Q 7:137)
>
> We have sent to you, [O Meccans!] a messenger, to be a witness concerning you, even as We sent a messenger to Pharaoh. (Q 73:15)

Accordingly, the early Qurʾānic passages from the Meccan period address Muslims and their Arab adversaries by using the example of the people of Israel and their enemies. Here, the reference is to the early period of the history of the people of Israel, when they were a

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[46] See also Q 46:12.

persecuted people. As for the passages from the Medinan period, a period in which Muslims entered into a direct relationship with Jews, this time the Qur'ān's address is primarily to Jews either directly or indirectly, in terms of the people of Israel or the people of the book, and only secondarily to Muslims. In these latter passages, the failing and insincerity of the Jews with the prophetic tradition and their concomitant hostility toward Muslims are criticized, a resemblance being indicated between them and the people of Israel, who after their redemption from Egypt rose against their prophets and broke their covenant with God over and over again.

> And when We appointed forty nights for Moses, and in his absence *you* took the calf [for worship], and *you* did grievous wrong. Even then We did forgive *you*; there was a chance for *you* to be grateful. (Q 2:51-52)

> And remember We took a covenant from the Children of Israel... Then did ye turn back, except a few among you, and you backslide [even now]. (Q 2:83)

> We took the covenant of the Children of Israel and sent them messengers. Every time there came to them a messenger with what they themselves desired not, some [of these] they called impostors, and some they [go so far as to] slay. (Q 5:70)

> Say: "O People of the Book! Why reject you the signs (*āyāt*) of Allah, when Allah is Himself witness to all you do?" Say: "O you People of the Book! Why obstruct you those who believe, from the path of Allah, seeking to make it crooked, while you were yourselves witnesses [to Allah's Covenant]? But Allah is not unmindful of all that you do." (Q 3:98-99)

Thus, there is both positive and negative mention of the people of Israel and the Jews in the Qur'ān: they are praised as the most important monotheistic group (the emphasis of the Meccan passages), on the one hand, and are chastised for their disposition toward transgression (the emphasis of the Medinan passages), on the other, as can be found in the Hebrew Bible as well.[47] As indicated earlier, these two dimensions or periods of the history of the people of Israel/Jews are employed in the Qur'ān in accordance with the

[47] See, for example, Deuteronomy 4:5-7; 32:15-18; Psalms 147:19-20; Jeremiah 3:11; 11:10.

experience of the Muslims and their relations with surrounding peoples, both Arabs and Jews. However, unlike the common Orientalist interpretation, this twofold presentation of the people of Israel in the Qurʾān seems to be for contextual reasons rather than tactical.

Al-Yahūd/Hūd/Hādū

As for the names *al-yahūd*, *hūd*, and *alladhīna hādū*, which are the direct designations for the Jews in the Qurʾān, they appear in twenty-two verses altogether, three of them Meccan and nineteen of them Medinan. The terms *al-yahūd* and *yahūdī*, the proper names for Jew/Jewish in Arabic, the latter being also found in pre-Islamic Arab poetry,[48] as well as the term *hūd*, all occur in Medinan sūrahs.[49] In Meccan sūrahs, on the other hand, Jews are mentioned only in three verses and in the form *alladhīna hādū*.[50] As indicated earlier, the apparent reason for this is that Muslims did not come into proper contact with Jews in the Meccan period.

Again, the biblical name *yehudi*, which is the counterpart of the Arabic *yahūdī*, is used in the books of the Hebrew Bible outside the Torah and mostly from the post-exilic period. In these earlier Jewish books – at least until the 2nd century BCE – it is mostly used in the meaning of "Judean," that is, a member of the tribe/kingdom of Judah or, in a broader sense, someone from the land of Judaea; it designates in this way those who survived of all the Israelite tribes.[51] As for the Jewish writings from the Antique period (i.e., the first two centuries of the Christian Era), Philo of Alexandria uses the term *ioudaiois*, the Greek counterpart of the term *yehudi*, as a name that includes all

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[48] See Jeffery, *The Foreign Vocabulary of the Qurʾān*, 294.

[49] *Al-yahūd/yahūdī*: Q 2:113, 120; 5:18, 51, 64, 82; 9:30; 3:67; *hūd*: Q 2:111, 135, 140 (the other six passages where the term *hūd* appears are all related to the prophet called Hūd and his people: Q 7:65; 11:51, 53, 58, 60, 89); *alladhīna hādū*: Q 2:62; 4:46, 160; 5:41, 44, 69; 6:146; 62:6.

[50] *Alladhīna hādū*: Q 6:146; 16:118; 22:17.

[51] II Kings 16:6; 25:25; Jeremiah 40:11; 44:1; 52:28-30; Zechariah 8:23; Esther 3:4, 6; Nehemiah 1:2; 3:33-34; 13:23; I Chronicles 4:18. In the Aramaic passages of the Hebrew Bible (Ezra 4:12, 23; 5:1, 5; 6:7, 8, 14; Daniel 3:8, 12), it occurs as *yehudaye*. See also Yehoshua M. Grintz, "Jew: Semantics," in *Encyclopaedia Judaica,* 2nd ed., XI, 253. Cf. Zeitlin, "The Names Hebrew, Jew and Israel: A Historical Study," *The Jewish Quarterly Review* 43, no. 4 (1953), 371, doi:10.2307/1453236. See also footnote no 9.

Israelites from the time of the patriarch Abraham to his own time; and this name, as distinguished from the name *ebraios* (Hebrew), seems to carry more of a religious than an ethnic meaning.[52] Josephus Flavius, on the other hand, states that the Jews were originally named *ebraious* (Hebrews), after their ancestor Eber, but after the return from the Babylonian Exile (6th century BCE), they were called *ioudaious*, with reference to the tribe of Judah.[53] For the tribe of Judah (Greek: *iouda*), as further explained by Josephus, was the first tribe that settled in the land of Canaan, and this is why both the land (Judea) and the people (Judah) living there were called by this name.[54] In the New Testament, on the other hand, the name *ioudaios* designates a religio-ethnic group who derive from the descendants of Jacob. And the Jewish origin of Jesus Christ, as well as the twelve disciples, is emphasized.[55]

As for the Rabbinic literature, as indicated earlier, here Jews are usually designated as *yisrael*/*bene yisrael*, but the name *yehudi* is also frequently used. What is most interesting is that in the Babylonian Talmud, an explanation is offered as to why the character of Mordechai in the book of Esther is called *yehudi*, despite that he comes from the tribe of Benjamin.[56] Here, the Talmud confers upon the term *yehudi* a completely religious meaning by defining it not as someone coming from the tribe of Judah or from the land of Judea[57] but, in a similar meaning to the Qurʾānic *ḥanīf*/*muwaḥḥid*, as "someone who rejects idolatry."[58] This meaning goes against the ethnic/racial connotation that the term *yehudi* has acquired in the medieval and modern periods.

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52 Philo, "On the Life of Moses (De Vita Moysis) I," I, VII; "On the Nobility (De Nobilitate)," IV, in *The Works of Philo*, trans. C. D. Yonge (Peabody, Mass.: Hendrickson Publishers, 1993). For the original Greek text, see id. (as Philonis Judaei), *Opera Omnia: Textus Editus Ad Fidem Optimarum Editionum* (Lipsiae: Sumtibus E. B. Schwickerti, 1828-1830), IV, 115, 122; V, 263.

53 "Antiquities of the Jews," 1:146 (in *Josephus: The Complete Works*, trans. W. Whiston [Nashville, Tenn.: Thomas Nelson Publishers, 1998]). For the original Greek text, see http://www.perseus.tufts.edu/hopper/text?doc=Perseus%3atext%3a1999.01.0145, accessed May 15, 2015.

54 "Antiquities of the Jews," 11:173.

55 Mathew 2:2; Mark 15:18; John 4:9; 8:31.

56 Esther 2:5.

57 See footnote no 8.

58 Megillah 13a.

In parallel to this usage of the term *yehudi*, the Qurʾānic *al-yahūd*, *hūd*, and *alladhīna hādū* also designate Jews as a religious rather than an ethnic group. This is especially true for the phrase *alladhīna hādū*, which means "those who are/become Jews." Again, in the verses in which it is indicated that Abraham and *asbāṭ* (sons of Jacob) were neither Christian nor Jewish,[59] the terms *al-yahūd* and *hūd* are used to indicate religious identity, in a similar way to the term Christian (*naṣrāniyy*^{an}). The same connotation is apparent in the mention of the Jews together with other religious groups as well (i.e., believers, Christians, Sabians, Zoroastrians) regarding the question of being on the right path.[60] Moreover, *al-yahūd* and its correlatives are used in connection to the Jews living in the time of the Prophet Muḥammad. To distinguish them from the people of Israel, a religio-ethnic group that lived in the past, the Qurʾān also addresses Jews in this way: "*Those are a people who have passed away. Theirs is that which they earned, and yours is that which you earn. And you will not be asked of what they used to do.*"[61] However, the Qurʾān also, not infrequently, transitions between verses in which the people of Israel of the past are mentioned and verses that address the Jews living in the time of the Prophet Muḥammad.[62] In this way, it recognizes that the Jews are the successors of the people of Israel in terms of faith and religious tradition. At the same time, they are criticized for making the same mistakes the people of Israel did, as in the verse: "*Unto those who are Jews We forbade every animal with claws/undivided hoof … That We awarded them for their rebellion.*"[63] Although this verse seems to refer to a Biblical prohibition from the time of the people of Israel, the reason the name "Jews/*alladhīna hādū*" is used here instead of "children of Israel/*banū Isrāʾīl*" might be explained by the fact that this prohibition was retained in the later Jewish law.[64]

On the other hand, the verses in Sūrat al-Baqarah, "*They say: 'Become Jews or Christians if you would be guided [to salvation]')*"

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[59] Q 3:67; 2:140.

[60] Q 2:62; 5:69; 22:17.

[61] Q 2:134, 141.

[62] See, for example, Q 2:83-85, 87; 5:12-13.

[63] Q 6:146. See also 16:118. According to the tafsīr books, these are animals such as camels, horses, and donkeys. See, for example, al-Ṭabarī, *Tafsīr al-Ṭabarī*, IX, 638 ff.

[64] See *Mishna*, Hullin 3-8 (7:6).

and "*the Jews will not be pleased with you, nor will the Christians, till you follow their religion*,"[65] indicate that the Jews of al-Ḥijāz were undertaking an effort to win converts, just as the Christians were doing. In fact, the Muslim historians al-Yaʿqūbī (3rd/9th century) and al-Maqdisī (4th/10th century) note that in the pre-Islamic period, there were Arabs within the tribes of Ḥimyar, Banū Kinānah, Banū l-Ḥārith, [Banū] Kindah, Ghassān, [Banū l-]Aws and [Banū l-]Khazraj who accepted the religion of the Jews.[66]

Again, criticism is prevalent in the Qurʾānic passages regarding the Jews mostly due to their hostility toward Muslims as well as their immoral behavior, which is seen as the reason for that hostility. However, neutral and even approving statements are also given place in some verses.

> Lo! We did reveal the Torah, wherein is guidance and a light, by which the Prophets who surrendered (unto Allah) judged the Jews, and the rabbis and the priests (judged) by such of Allah's Scripture as they were bidden to observe, and thereunto were they witnesses. So fear not humankind, but fear Me. And barter not My revelations for a little gain. Whoso judges not by that which Allah has revealed: such are disbelievers. (Q 5:44-45)[67]

Criticism in the Qurʾān toward Jews pertains to issues of faith, religious laws and practices, Jewish religious leaders/rabbis and their relations with the Prophet Muḥammad and Muslims. In the passages on the question of faith, Jews are charged of claiming to be "sons of God and His beloved," having a "monopoly on paradise," being "greedy of life" (this might also be a reference to Jewish belief in a messianic age), displaying enmity toward God, his messengers (especially the Prophet Jesus and the Prophet Muḥammad), and his angels (the archangels Michael and Gabriel), and telling that "God's hand is tied up/fettered" and "ʿUzayr is son of God."[68] In the passages

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[65] Q 2:135, 120.

[66] Abū Naṣr al-Muṭahhar ibn Ṭāhir al-Maqdisī, *Kitāb al-badʾ wa-l-tārīkh*, ed. Clément Huart (Baghdad: Maktabat al-Muthanná, n.d.), IV, 35; Ibn Wāḍiḥ Aḥmad ibn Isḥāq ibn Jaʿfar al-Yaʿqūbī, *Tārīkh al-Yaʿqūbī* (Beirut: Dār Ṣādir, n.d.) I, 257. See also Jawād ʿAlī, *al-Mufaṣṣal fī tārīkh al-ʿArab qabla l-Islām* (Beirut: Dār al-ʿIlm li-l-Malāyīn, 1970), VI, 514-515; Hamidullah, *The Life and Work of the Prophet of Islam*, I, 428; id., *Le Prophète de l'Islam*, I, 380.

[67] See also Q 2:62; 5:69.

[68] For all these, see Q 2:96, 98, 111 (113); 5:18, 64; 9:30; 62:6.

on the question of religious practice, on the other hand, they are criticized of "taking usury though they were forbidden" and "devouring people's wealth wrongfully;" it is also stated that they were forbidden certain foods (e.g., animals with claws, the fat of oxen and sheep) because of their disobedience and wrongdoings.[69] As regards the rabbis and religious leaders of the Jews (*rabbāniyyūn* and *aḥbār*), it is recognized on the one hand that there are those who "judged the Jews by God's Scripture" and "became witnesses" (in issues such as an eye for an eye); on the other hand, there are those who failed to forbid Jews from "uttering sinful words and eating things forbidden" and those who "distort the Scripture with their tongues" by saying "it is from God when it is not."[70] Ordinary Jews (alongside Christians) are also criticized for "taking their rabbis to be their lords" and "not knowing their Scripture."[71] In fact all this information on the Jewish belief and practices requires a detailed examination, which is beyond the scope of this paper.[72]

As for the verses on the relations of the Jews with the Prophet and the Muslims, here lies the main criticism of the Qurʾān: Jews, at least quite a few of them, resist the message of the Qurʾān by saying "We believe in what was sent down/revealed to us" and "Our hearts are

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69 For all these, see Q 4:160-161; 6:146; 16:118.

70 For all of these, see Q 3:78; 5:44-45, 62-63.

71 Q 9:31; 2:78-79. One finds in the Jewish writings from the late Antique and Rabbinic periods that the majority of the ordinary Jewish people were generally ignorant and loose in religious issues. See Graham Harvey, *True Israel: Uses of the Names Jew, Hebrew and Israel in Ancient Jewish and Early Christian Literature* (Leiden & New York: E. J. Brill, 1996), 151-152; Sacha Stern, *Jewish Identity in Early Rabbinic Writings* (Leiden & New York: E. J. Brill, 1994), 114 ff. Although it is well known that the Jews of al-Ḥijāz had their own institutions for religious education (*bayt al-midrash*) and were better off from their Arab neighbors in terms of literacy (see Michael Lecker, "Zayd b. Thābit, 'A Jew with Two Sidelocks': Judaism and Literacy in Pre-Islamic Medina (Yathrib)," *Journal of Near Eastern Studies* 56, no. 4 (1997), 259, doi:10.1086/468576; Hamidullah, *The Life and Work of the Prophet of Islam*, I, 426; id., *Le Prophète de l'Islam*, I, 378), a similar case of a discrepancy between the educated and the ordinary in terms of religious knowledge and practice might be true for the Jews of al-Ḥijāz as well.

72 For a work on this topic, see Baki Adam, "Müslümanların Yahudilere Yönelttiği Teolojik Eleştiriler," in *Müslümanlar ve Diğer Din Mensupları: Müslümanların Diğer Din Mensuplarıyla İlişkilerinde Temel Yaklaşımlar,* ed. Abdurrahman Küçük (Ankara: Türkiye Dinler Tarihi Derneği Yayınları, 2004), 103-118.

the wrappings/hardened;" they change the words from their context and say to the Prophet: "We heard and we disobeyed," "Hear you as one who hears not," and "*rā'inā*;" they try to prevent others from accepting God's religion;[73] and they "save a few (*illā qalīl*[*m*])" among them but act in a deceitful/treacherous way toward Muslims.[74] In fact, both the Bible and the Qur'ān testify that in the past, the people of Israel/Jews committed similar wrongdoings against their prophets and their Scripture.[75] When compared with criticism expressed in the Hebrew Bible[76] and in the New Testament,[77] the critical tone of the Qur'ān toward Jews does not look so harsh.[78]

Another important point to note is that when speaking of the behaviors and beliefs of the Jews, the Qur'ān usually employs expressions and metaphors that have been used in the Hebrew Bible. The statement "Our hearts are the wrappings/hardened,"[79] for example, is particularly interesting; here, the Arabic word "ghulf/غلف" is used, which means "flesh of the foreskin." In fact, a similar expression occurs in the book of Deuteronomy, where it is said that if the people of Israel return to God, He will "circumcise their heart," which is to say, He will take off the foreskin of their

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[73] Q 2:75, 88-91, 120, 135; 4:46 (cf. Exodus 19:8; Romans 10:16); Q 5:13, 41-42, 64, 82; 6:91, 147.

[74] Q 2:83-85; 4:162; 5:(12)13.

[75] In the Torah, it is said that the people of Israel, despite the covenant they made with God, frequently acted in a disobedient way from the time of Moses (see Numbers 14:21-23). Again, a common theme appearing in the books of later prophets is the disobedience of the people of Israel and their following of other peoples' gods and serving them (see, for example, Judges 2:10-15; Jeremiah 2-4; Hosea 8:1-3).

[76] See, for example, Amos 5; Micah 9-12; Mathew 23; cf. *The Babylonian Talmud*, Sotah 22b.

[77] Jewish religious leaders, in particular, are usually mentioned in terms of acting against Jesus and his followers and being responsible for his killing. See, for example, Mathew 26:47-27:26; Mark 14:43-15:15; Luke 22:47-23:25; John 5:15-18; 8:44-48; 9:22; 11:45-53; 18:12, 31-40; Acts 12:1-3; 14:2; 18:12-13; 25:24; I Thessalonians 1:14-15.

[78] For a similar comparison between Christian and Muslim depictions of the Jews in the literature from the medieval period, see N. A. Stillman, "Yahūd," in *The Encyclopaedia of Islam*, XI, 240.

[79] Q 2:88; 4:155.

hearts[80] and in this way their heart will be purified so that they will come to love God and follow in His ways.[81] Accordingly, it is possible to assume that when the Jews of Medina said "Our hearts are the wrappings/hardened," they had been rejecting the call of the Prophet Muḥammad by using the biblical expression of the circumcision of the heart.

As for the statements "We heard and we disobeyed" and "*rāʿinā*,"[82] these seem to be allusions to certain biblical expressions as well. Indeed, the first statement might be referring to the response of the people of Israel to God's order to obey during the ratification of Sinai covenant: "All that the Lord has spoken we will do, and we will be obedient."[83] It might also be referring to the well-known biblical commandment: "*Shemaʿ Yisrael*/Hear, O Israel!"[84] What is interesting here is that although the literal meaning of the word *shemaʿ* is "hear/listen," it also includes the meaning "be obedient." Thus, in response to the call of the Qurʾān, the Jews of Medina might have been saying, "We heard and we disobeyed (*samiʿnā wa-ʿaṣaynā*)"

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80 "And the Lord your God will circumcise your heart and the heart of your offspring, so that you will love the Lord your God with all your heart and with all your soul, that you may live" (Deuteronomy 30:6; see also Jeremiah 4:4). There is a similar passage in Ezekiel 36:25-26: "I will sprinkle clean water on you, and you shall be clean from all your uncleannesses, and from all your idols I will cleanse you. And I will give you a new heart, and a new spirit I will put within you. And I will remove the heart of stone from your flesh and give you a heart of flesh. And I will put my Spirit within you, and cause you to walk in my statutes and be careful to obey my rules."

81 See A. Cohen, ed., *The Soncino Chumash: the Five books of Moses, with Haphtaroth. Hebrew text and English translation, with an exposition based on classical Jewish commentaries* (London: The Soncino Press, 1983), 1142.

82 Q 4:46.

83 Exodus 24:7; 19:5, 8. In another Qurʾānic passage, it is said: "And remember We took your covenant and We raised above you (the towering height) of Mount (Sinai): (saying): 'Hold firmly to what We have given you, and hearken:' They said: 'We heard, and we disobeyed.' And they had to drink into their hearts (of the taint) of the calf because of their faithlessness. Say: 'Vile indeed are the behests of your faith if you have any faith!'" (Q 2:93; cf. 5:6). Here, what is meant by the expression "We heard and we disobeyed" is not the literal response the people of Israel gave to God at Sinai but rather their actual deeds that they did afterwards, such as the worship of the calf, rejecting the divine order of entering the land of Canaan and bowing down to other gods (see Exodus 32).

84 "Hear, O Israel! The Lord our God, the Lord is one." (Deuteronomy 6:4).

by alluding to the words of the people of Israel in the Sinai covenant: "We will listen and we will do (*wa-shamaʿnu wa-ʿasinu*)."[85] There is also an obvious phonetic similarity between the Hebrew word *ʿasa*/עשה, which means "he did," and the Arabic word *ʿaṣá*/عصى, which means "he disobeyed," making the allusion even more apparent.

In the same way, the expression "*rāʿinā* (observe/look at us)" might be an allusion to the biblical metaphor of "shepherd" (*roʿe*/רועה),[86] which is used with reference to God as well as Moses and David in their relation to the people of Israel. But in the Qurʾānic verse, what is implied with this expression, too, is a negative meaning through a play of words. In fact, the Hebrew word *raʿ*/רע, which means "bad," bears an obvious phonetic similarity to the Arabic word *rāʿ*/راع. Thus, in the Jews saying *rāʿinā*, an insult might have been intended to the Prophet Muḥammad (meaning "our bad one"). Indeed in the ḥadīth books, there are various accounts according to which the Jews of Medina used to play with words with the intent to insult the Prophet as well as the Muslims.[87] In fact, a similar kind of ridicule and contempt toward the Prophet are found in medieval Jewish literature as well.[88]

Again, it is possible to see the statement "*Allah's hand is tied up/fettered* (مغلولة)", which is also attributed to Jews in the Qurʾān, as an allusion to certain expressions that are used in the Hebrew Bible with reference to the people of Israel, such as, "Is the Lord's hand not shortened;"[89] and the Jews of Medina were obviously familiar with

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85 Deuteronomy 5:27. See also Exodus 24:7 (*naʿase ve nishmaʿ* = we will do and we will listen/be obedient).

86 See Genesis 49:24; Isaiah 40:10-11; Jeremiah 43:12; Ezekiel 34:12, 23; Psalms 23:1; 80:1.

87 See, for example, Muslim, "al-Salām," 10-12. For an evaluation of this Jewish play or war with words, see also Firestone, "Jewish Culture in the Formative Period of Islam," 550-552 and Hikmet Zeyveli, "Kur'an ve İndiği Dönem: Kur'an'da Yahudilere Yapılan Tarihî Atıfları Doğru Anlamak," in *Kur'an ve İslami İlimlerin Anlaşılmasında Tarihin Önemi*, ed. M. Mahfuz Söylemez (Ankara: Ankara Okulu Yayınları, 2003), 123-124.

88 See, for example, Maimonides, "Epistle to Yemen," in *A Maimonides Reader*, ed. Isadore Twersky (New York: Behrman House, 1972), 457.

89 See, for example, Numbers 11:21-23: "But Moses said: 'The people among whom I am number six hundred thousand on foot, and You have said, I will give them meat, that they may eat a whole month!' Shall flocks and herds be slaughtered for

such expressions.

Another important topic that is brought up in the Qurʾān in relation to the Jews is the question of salvation. In two verses from the Medinan period that recall a pluralist understanding of religion, those among Jews as well as Christians and Sabians who believe in God and the Last Day as well as doing good deeds are promised reward in the hereafter.

> Those who believe, and those who are Jews, and the Christians and the Sabians, whoever believes in Allah and the Last Day, and work righteousness, shall have their reward with their Lord; on them shall be no fear, nor shall they grieve. (Q 2:62; 5:69)[90]

In the classical tafsīr books, particularly in al-Ṭabarī, the Jews (and Christians, etc.) mentioned in this verse are explained to be those among them who lived in the time of the Prophet Muḥammad and believed in him or else those who lived before him.[91] Al-Ṭabarī also notes that there are those such as Ibn ʿAbbās who claimed that this verse is referring to the Jews (and Christians, etc.) who believed and acted in accordance with their own *sharīʿah*(s), but it is abrogated by the following verse: "And who seeks as religion other than *Islām* it will not be accepted from him, and he will be a loser in the

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them, and be enough for them? Or shall all the fish of the sea be gathered together for them, and be enough for them?' And the Lord said to Moses, 'Is the *Lord's hand shortened*? Now you shall see whether my word will come true for you or not.'" See also Isaiah 59:1-3: "Behold, the *Lord's hand is not shortened*, that it cannot save, or his ear dull, that it cannot hear; but your iniquities have made a separation between you and your God, and your sins have hidden His face from you so that He does not hear. For your hands are defiled with blood and your fingers with iniquity; your lips have spoken lies; your tongue mutters wickedness;" and see Lamentations 2:3: "... He [God] has *withdrawn from them His right hand* in the face of the enemy."

90 For another passage from the Meccan period that mentions these groups together, albeit not in the context of salvation, see Q 22:17.

91 See al-Ṭabarī, *Tafsīr al-Ṭabarī*, II, 39-45; VIII, 561-562, 572-573; al-Zamakhsharī, *al-Kashshāf*, I, 277; Abū l-Fatḥ Tāj al-Dīn Muḥammad ibn ʿAbd al-Karīm ibn Aḥmad al-Shahrastānī, *Tafsīr al-Shahrastānī al-musammá Mafātīḥ al-asrār wa-maṣābīḥ al-abrār*, ed. Muḥammad ʿAlī Ādharshab (Tehran: Markaz al-Buḥūth wa-l-Dirāsāt li-l-Turāth al-Makhṭūṭ, 2008/1386SH), I, 386-387; Fakhr al-Dīn al-Rāzī, *Tafsīr al-Fakhr al-Rāzī*, III, 112.

Hereafter."[92] According to al-Shahrastānī, on the other hand, who does not accept abrogation (*naskh*) in the Qurʾān, the related verse in Sūrat al-Baqarah is qualified by this verse in Sūrat Āl ʿImrān.[93] At this point, the inclusive interpretation put forward by al-Qushayrī, according to which all *muwaḥḥid*s from among other religions are considered to be saved, constitutes an exception.[94] However, those who hold to the interpretations based on the idea of abrogation or of qualification overlook the fact that the verse in Sūrat al-Baqarah is repeated in Sūrat al-Māʾidah with the exact same words, and the latter is considered to be revealed later than the verse in Sūrat Āl ʿImrān. What is important at this point are the verses that precede the related verse in Sūra al-Māʾidah, as quoted below:

> If only the People of the Book had believed and been righteous, We should indeed have blotted out their iniquities and admitted them to gardens of bliss (*jannāt al-naʿīm*). If only they had stood fast by the Law (*Tawrāh*), the Gospel (*Injīl*), and all the revelation that was sent to them from their Lord, they would surely have been nourished from above them and from beneath their feet.[95] There is from among them

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92 Q 3:85. See al-Ṭabarī, *Tafsīr al-Ṭabarī*, II, 45-46. This view of abrogation (*naskh*) is in fact al-Ṭabarī's own conclusion and not that of Ibn ʿAbbās. What is accounted from Ibn ʿAbbās is no more than this: Q 3:85 is revealed later than Q 2:62. See Okuyan and Öztürk, "Kur'an Verilerine Göre 'Öteki'nin Konumu," 200.

93 See al-Shahrastānī, *Tafsīr al-Shahrastānī*, I, 388. See also Recep Arpa, "Şehristanî'nin Nesh Anlayışı," *İslâm Araştırmaları Dergisi - Turkish Journal of Islamic Studies* 32 (2014), 57.

94 "It is quite approvable that there are different ways, as long as they derive from the same origin. When one accepts God as depicted in his revelation and believes what is revealed as regards the existence and attributes of Him, the divergence in laws (*sharīʿah*s) and different names given to them is not an obstacle in earning the consent of God" (Abū l-Qāsim Zayn al-Islām ʿAbd al-Karīm ibn Hawāzin ibn ʿAbd al-Malik al-Qushayrī, *Laṭāʾif al-ishārāt: Tafsīr ṣūfī kāmil li-l-Qurʾān al-karīm*, ed. Ibrāhīm Basyūnī, 2nd ed. [Cairo: al-Hayʾah al-Miṣriyyah al-ʿĀmmah li-l-Kitāb, 1981], I, 96). For a detailed evaluation of the interpretations made on this passage and a critique of the exclusive interpretations, see Okuyan and Öztürk, "Kur'an Verilerine Göre 'Öteki'nin Konumu," 196-204.

95 Cf. Deuteronomy 28:9-13: "The Lord will establish you as a people holy to himself, as he has sworn to you, if you keep the commandments of the Lord your God and walk in his ways. And all the peoples of the earth shall see that you are called by the name of the Lord, and they shall be afraid of you. And the Lord will make you abound in prosperity, in the fruit of your womb and in the fruit of your

> a party on the right course but many of them follow a course that is evil. O Messenger! Proclaim the (message) which has been sent to you from your Lord ... Say: "O *People of the Book*! you have no ground to stand upon unless you stand fast by the Law, the Gospel, and all the revelation that has come to you from your Lord." It is the revelation that comes to you from your Lord, that increases in most of them their obstinate rebellion and blasphemy. But sorrow you not over (these) people without faith. (Q 5:65-68)

Here, it is stated that for the people of the book to be nourished (blessed) both in this world and the world to come, they have to believe in and act in accordance with "all the revelation that was sent to them" alongside the Torah (*Tawrāh*) and the Gospel (*Injīl*). However, in these verses, reference is being made to an "*abundance* of nourishment" in this world and the "gardens of *bliss*" in the hereafter. Thus, it might be taken that if they believe in and act in accordance with their own Scriptures only, there will still be a reward, but in that case, it will be a lesser one than the total blessing. However, this implication seems to be undermined by the statement "you have no ground to stand upon unless you stand fast by the Law, the Gospel, and all the revelation that has come to you from your Lord."

Indeed in the tafsīr books, "the revelation that was sent to them" mentioned in the verse is explained as the revelation that has been sent to the Prophet Muḥammad, namely, the Qurʾān, or else all the books that have been sent to the prophets. And the statement "[to] stand fast by the Law, the Gospel, and all the revelation" is interpreted in terms of accepting all the rules and commandments (such as daily prayer) mentioned in these books and recognizing the Prophet announced in them.[96] A similar emphasis is made in another verse in Sūrat al-Baqarah:

> livestock and in the fruit of your ground, within the land that the Lord swore to your fathers to give you. The Lord will open to you his good treasury, the heavens, to give the rain to your land in its season and to bless all the work of your hands. And you shall lend to many nations, but you shall not borrow. And the Lord will make you the head and not the tail, and you shall only go up and not down, if you obey the commandments of the Lord your God, which I command you today, being careful to do them."

[96] Al-Ṭabarī, *Tafsīr al-Ṭabarī*, VIII, 564; al-Zamakhsharī, *al-Kashshāf*, II, 268; Fakhr al-Dīn al-Rāzī, *Tafsīr al-Fakhr al-Rāzī*, XII, 49-50.

> Say you: "We believe in Allah, and the revelation given to us, and to Abraham, Ismael, Isaac, Jacob, and the Tribes, and that given to Moses and Jesus, and that given to (all) prophets from their Lord; we make no difference between one and another of them; and unto Him we have surrendered (*muslimūn*). So *if they believe as ye believe, they are indeed on the right path*; but if they turn back, it is they who are in schism; but Allah will suffice you as against them, and He is the All-Hearing, the All-Knowing. (Q 2:136-137)

In fact, the idea of absolute pluralism, which acknowledges the equality of all religions in terms of truth, did not find much acceptance in the Islamic tradition. However, Islam obviously takes a pluralistic approach in providing other religious groups, especially the monotheistic ones, with the right to live and in permitting social and legal relations with them. And when it comes to the question of the salvation of other religious groups, the majority view in Islamic tradition is that those who had a monotheistic faith but died without coming into contact with the true message of Islam will indeed have a share in the world to come.[97] In the opposite case, when belief in the Prophet Muḥammad is always considered to be a necessary condition for salvation, even in the case of those who did not have direct or correct contact with the message of the Prophet, such a condition would undermine the Qurʾān's own accusation against Jews and Christians that they claim to have a monopoly on salvation (Q 2:111, 113). If we put aside the question of religious truth – as the position of the Qurʾān is clear on that – it is reasonable to think that in every religion there might be those who believe in God and in the hereafter and who do good deeds, and therefore, there should be hope of salvation for them. It is possible to understand the statement "There is from among them a party on the right course" in Sūrat al-Māʾidah within this vein and not as necessarily referring to the Muslims from among them.

However, as far as the Qurʾān's people of the book are concerned, namely, those who lived in the time of the Prophet Muḥammad and came into direct contact with him, they are required in the Qurʾān to *eventually* accept the message of the Prophet. Thus, the people of the book, in order to be true to their own prophetic/Abrahamic tradition,

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[97] Ḥujjat al-Islām Abū Ḥāmid Muḥammad ibn Muḥammad ibn Muḥammad ibn Aḥmad al-Ghazālī, *Fayṣal al-tafriqah bayna l-Islām wa-l-zandaqah*, ed. Riyāḍ Muṣṭafá ʿAbd Allāh (Damascus & Beirut: Dār al-Ḥikmah, 1986), 105 ff.

are required by the Qurʾān to accept the revelation given to the Prophet who happens to be the last link of the chain in that tradition. This is considered a necessary concomitant of following their own books: "O *People of the Book*! You have no ground to stand upon unless you stand fast by the Law (Torah), the Gospel, and all the revelation that has come to you from your Lord."[98] In fact, for the Jews (and the Christians) to accept the message of the Prophet is seen by the Qurʾān as more a question of moral and religious integrity than pure theology. Thus, as a further step in the face of a continuing hostile attitude of the Jews, threatening language is also adopted in some later passages:

> O you *People of the Book*! Believe in what We have (now) revealed, confirming what was (already) with you, before We change the face and fame of some (of you) beyond all recognition, and turn them hindwards, or curse them as We cursed the Sabbathbreakers. (Q 4:47)

It is important, even necessary, to understand these and the above-quoted harsh verses on the people of the book within the context of the relations between the Prophet and the Jews and the eventual state of affairs. It is important, first, to recognize the gradual change in style of the verses on the people of the book in general and the Jews in particular, and second, to consider the information given by early Muslim historians – though questioned by some Orientalists – regarding the relations between the Prophet and the Jewish tribes of Medina. These considerations lead to the following conclusion: the Jews of Medina failed to accept, mainly for pragmatic reasons,[99] the call for peace and reconciliation by the Prophet, as exemplified in the statements "Come to common terms as between us and you" and

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[98] Q 5:68. See also 17:107-108: "Say: 'Whether you believe in it or not, it is true that those who were given knowledge beforehand, when it is recited to them, fall down on their faces in humble prostration;' and they say: 'Glory to our Lord! Truly has the promise of our Lord been fulfilled!'" For a justification of the view that the belief in the Prophet Muḥammad is necessary condition for salvation, see Mustafa Altundağ, "Kur'an Hitâbının Ehl-i Kitabı Bağlayıcılığı Üzerine," *Bakü Devlet Üniversitesi İlahiyat Fakültesinin İlmi Mecmuası* 2, no. 1 (2005), 79-121; see also Mesut Erdal, "Kur'ân'a Göre Ehl-i Kitab'ın Uhrevi Felah ve Kurtuluşu Meselesi," *Dicle Üniversitesi İlahiyat Fakültesi Dergisi* 4, no. 1 (2002), 1-33.

[99] For the possible socio-political and religious reasons for the hostile attitude of the Medinan Jews toward the Prophet Muḥammad, see Firestone, "Jewish Culture in the Formative Period of Islam," 548 ff.

"Unto you your religion, and unto me my religion,"[100] which was also set forth in the Constitution of Medina.[101] Moreover, as indicated in

[100] Q 109:6, 3:64.

[101] The Constitution of Medina is a document of historical value. This document, from article no. 15 onward, which is in conformity with the rule that "*there is no compulsion in religion*" (Q 2:56), assures the protection of the Jews as long as they remain on peaceful terms with Muslims. Moreover, in article no. 25, it is stated that "Unto the Jews their religion, and unto the Muslims theirs" (cf. Q 109:6). For more information on the content of the Constitution and the view that it includes the three major Jewish tribes (i.e., Banū Qaynuqāʿ, Banū Naḍīr and Banū Qurayẓah), see Hamidullah, *The Life and Work of the Prophet of Islam*, I, 147-160; id., *Le Prophète de l'Islam*, I, 126-137. For different views, see also R. B. Serjeant, "The *Sunnah Jāmiʿah*, Pacts with the Yathrib Jews, and the *Taḥrīm* of Yathrib: Analysis and Translation of the Documents Comprised in the So-Called 'Constitution of Medina'," *Bulletin of the School of Oriental and African Studies* 41, no. 1 (1978), 4-43; Rubin, "The 'Constitution of Medina'," 5-20; Saïd Amir Arjomand, "The Constitution of Medina: A Sociolegal Interpretation of Muhammad's Acts of Foundation of the *Umma*," *International Journal of Middle East Studies* 41, no. 4 (2009), 558-560, 562-564, doi:10.1017/S0020743809990067; Michael Lecker, "Did Muḥammad Conclude Treaties with the Jewish Tribes Naḍīr, Qurayẓa and Qaynuqāʿ?," *Israel Oriental Studies* 17 (1997), 29-36; Michael Lecker, *The "Constitution of Medina": Muḥammad's First Legal Document* (Princeton, NJ: The Darwin Press, 2004), 3. Lecker, counter to his earlier view he put forward in his article, later argued in his book that the Constitution did not include the three major Jewish tribes (see Lecker, *The "Constitution of Medina,"* 49 ff.). In opposition, Arjomand argues that Banū Qaynuqāʿ were included right from the beginning in the Constitution under the name of "the Jews of ʿAwf" (article no. 15). On the other hand, the group depicted as "the Jews of Aws" (article no. 27, considered to be an addition to the document following the Battle of Uḥud) were Banū Qurayẓah (see Arjomand, "The Constitution of Medina," 573 [n. 25], 560). In Sūrat al-Anfāl (verses 56-58), which is considered to have been revealed immediately after the Battle of the Trench, it is said: "They are those with whom you did make a covenant but they break their covenant every time, and they have not the fear (of Allah). If you gain the mastery over them in war, disperse, with them, those who follow them, that they may remember. If you fear treachery from any group, throw back (their covenant) to them, (so as to be) on equal terms; for Allah loves not the treacherous." These verses indicate that the Qurayẓah Jews, who were accused of treachery after the Battle of the Trench, as well as the Qaynuqāʿ and the Naḍīr Jews, who had also been accused earlier of treachery after the Battles of Badr and Uḥud, were under treaty with Muslims. For this, see al-Ṭabarī, *Tafsīr al-Ṭabarī*, XI, 235; al-Zamakhsharī, *al-Kashshāf*, I, 592-593; Fakhr al-Dīn al-Rāzī, *Tafsīr al-Fakhr al-Rāzī*, XV, 188-190. Besides all these, it seems unreasonable to think that the Prophet Muḥammad, while he was

the Qurʾān, they acted against the Muslim community in the most critical times, despite their having been in covenant relationship with them.[102] It is understood that, in response to this, those among them who continued on the treacherous way were punished. This action of the Prophet, which has been adopted toward a hostile group as a last resort, should be distinguished from the question of salvation of individuals as well as that of normal relations in times of peace.

Concluding Remarks

When looking at the Qurʾānic verses on the Jews/people of Israel and the people of the book overall, there are two points that need to be emphasized: (1) Firstly, the content and style of these verses change, somewhat gradually, from the ideal and neutral, even positive, to the actual and negative; this is due to the experience Muslims had with Arab idolaters as well as Jews in the Meccan and Medinan periods, respectively. (2) Secondly, and in parallel to the first point, the main criticism of the Qurʾān against the Jews seems to be less about the matters of pure belief and religious practice than the hostile attitude of the Jews of Medina toward a monotheistic Prophet and his followers, as well as their concomitant arguments, particularly the claim of religious superiority, which is used by them as a justification for hostile and immoral behavior. In other words, the language of criticism employed in the Qurʾān seems to be dependent on the actual context and thus aims at the language of debate/ridicule and rivalry on the part of the Jews. Accordingly, the Jews who are mentioned negatively in the Qurʾān are not a peaceful group who, though they do not recognize the prophethood of Muḥammad, nevertheless accept the call of conciliation with Muslims and remain faithful to it; rather, they are a group who wage a theological and political campaign against Muslims and ally with Arab idolaters with whom the former has been at war. Thus, the emphasis of the Medinan verses on the betrayal of the people of Israel of their covenant with God in the past should be understood in this vein. Again, there is the verse "*O you who believe! Take not the Jews and Christians for friends/protectors* (*awliyāʾ*)",[103] which is usually dated

seeking to create conciliation between Muslims and Jews, would by-pass the major Jewish tribes of Medina.

102 Q 8:56-58.

103 Q 5:51.

to the time of the Battle of Uḥud. This verse is about how Muslims should not look to Jews and Christians to be their allies in times of war; it is not about being on neighborly and friendly terms with them, namely, having civil relations in ordinary times of peace.[104]

In fact, understanding these verses on Jews (and Christians) in their own context is crucial, as it prevents one from making generalizations. It helps one to instead develop a framework of behavior and conduct based on the principle of experience and the rule of reciprocity – just like the case in the time of the Prophet Muḥammad. Accordingly, as it is indicated in the Qurʾān, the ancient people of Israel and the Jews succeeding them are not the same and homogenous peoples. By the same token, the Jews who lived in later periods and even today, despite their common religious-cultural and historical-political heritage with the Jews of the past, are not identical with them, nor are they a homogenous community in themselves. This does not mean to say that some of the points of criticism leveled on the Jews in the Qurʾān might be/are true for the Jewish groups living in later periods and even today. It is rather to say that the perspective displayed in the Qurʾān and the statements made within a certain context are not to be taken as a fixed "doctrine" but as a flexible "set of principles" that need to be readapted to and reevaluated in light of new experiences. At this point, the course of the relations between Muslim ruling societies and Jewish communities in the past, in both a positive and negative sense, testifies to the possibility of realization of the above-mentioned principles and change of attitudes in accordance with new situations, again in terms of both conciliation and confrontation.

Moreover, because the history of the people of Israel is used in the Qurʾān – particularly in the Meccan sūrahs – as a means of example and reference for the early Muslims, it is possible to see for the Muslims of today a similar exemplification in the history of the Jews. The experience of the European Jews, in particular, might be seen as

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[104] See Ṭabarī, *Tafsīr al-Ṭabarī*, VIII, 506-508; al-Māturīdī, *Taʾwīlāt al-Qurʾān*, eds. Mehmet Boynukalın and Bekir Topaloğlu (Istanbul: Mizan Yayınevi, 2005), IV, 248. From the accounts that have come down to us in the ḥadīth literature, one understands that the Prophet Muḥammad had commercial relations with the Jews and had Jewish neighbors with whom he had been most of the time on good terms. See, for example, al-Bukhārī, "al-Buyūʿ," 14; al-Tirmidhī, "al-Birr," 28; Abū Dāwūd, "al-Adab," 122, 123, etc.

an important example of the relations of Muslim communities with European societies. Again, in a broader context, it is fair to say that the constant criticism in the Qurʾān of the failings of the ancient societies, including the people of Israel/Jews, do not only aim at those societies (Jews, in this case) and early Muslims but also pertain to Muslim societies in every period. If one fails to see this, then s/he will also fail to understand the wider meaning and message of many of the Qurʾānic passages, including those related to Jews.

REFERENCES

Adam, Baki. "Müslümanların Yahudilere Yönelttiği Teolojik Eleştiriler." In *Müslümanlar ve Diğer Din Mensupları: Müslümanların Diğer Din Mensuplarıyla İlişkilerinde Temel Yaklaşımlar*, edited by Abdurrahman Küçük 103-118. Ankara: Türkiye Dinler Tarihi Derneği Yayınları, 2004.

———. *Yahudi Kaynaklarına Göre Tevrat*. Istanbul: Pınar Yayınları, 2002.

ʿAlī, Jawād. *al-Mufaṣṣal fī tārīkh al-ʿArab qabla l-Islām*. 10 vols. Beirut: Dār al-ʿIlm li-l-Malāyīn, 1970.

Altundağ, Mustafa. "Kur'an Hitâbının Ehl-i Kitabı Bağlayıcılığı Üzerine," *Bakü Devlet Üniversitesi İlahiyat Fakültesinin İlmi Mecmuası* 2, no. 1 (2005): 79-121.

Arjomand, Saïd Amir. "The Constitution of Medina: A Sociolegal Interpretation of Muhammad's Acts of Foundation of the *Umma*." *International Journal of Middle East Studies* 41, no. 4 (2009): 555-575. doi:10.1017/S0020743809990067.

Arpa, Recep. "Şehristanî'nin Nesh Anlayışı." *İslâm Araştırmaları Dergisi - Turkish Journal of Islamic Studies* 32 (2014): 67-122.

de Blois, François. "*Naṣrānī* (Ναζωραῖος) and *ḥanīf* (ἐθνικός): studies on the religious vocabulary of Christianity and of Islam." *Bulletin of the School of Oriental and African Studies* 65, no. 1 (2002): 1-30.

Cohen, A., ed. *The Soncino Chumash: the Five books of Moses, with Haphtaroth. Hebrew text and English translation, with an exposition based on classical Jewish commentaries*. London: The Soncino Press, 1983.

Cohen, Shaye J. D. *The Beginnings of Jewishness: Boundaries, Varieties, Uncertainties*. Berkeley: University of California Press, 1999.

Erdal, Mesut. "Kur'ân'a Göre Ehl-i Kitab'ın Uhrevi Felah ve Kurtuluşu Meselesi." *Dicle Üniversitesi İlahiyat Fakültesi Dergisi* 4, no. 1 (2002): 1-33.

Firestone, Reuven. "Jewish Culture in the Formative Period of Islam." In *Cultures of the Jews: A New History*, edited by David Biale, 514-576. New York: Schocken Books, 2002.

Freedman, Harry, Maurice Simon, S. M. Lehrman, J. Israelstam, Judah J. Slotki, Joseph Rabbinowitz, A. Cohen, and Louis I. Rabinowitz, trans. *Midrash Rabbah*. 13 vols. in 10 vols., London: The Soncino Press, 1961.

al-Ghazālī, Ḥujjat al-Islām Abū Ḥāmid Muḥammad ibn Muḥammad ibn Muḥammad ibn Aḥmad. *Fayṣal al-tafriqah bayna l-Islām wa-l-zandaqah*. Edited by Riyāḍ Muṣṭafá ʿAbd Allāh. Damascus & Beirut: Dār al-Ḥikmah, 1986.

Goitein, S. D. "Banū Isrā'īl." In *The Encyclopaedia of Islam*, II, 1020-1022.

Grintz, Yehoshua M. "Jew: Semantics." In *Encyclopaedia Judaica*. 2nd ed. XI, 253-254.

Günther, Sebastian. "Muḥammad, the Illiterate Prophet: An Islamic Creed in the Qur'an and Qur'anic Exegesis." *Journal of Qur'anic Studies* 4, no. 1 (2002): 1-26. doi:10.3366/jqs.2002.4.1.1.

Hamidullah, Muhammad [Ḥamīd Allāh, Muḥammad]. *The Life and Work of the Prophet of Islam*. 2 vols. Edited and translated by Mahmood Ahmad Ghazi. Islamabad: Islamic Research Institute, 1998.

———. *Le Prophète de l'Islam*. 2 vols. Paris: Librairie Philosophique J. Vrin, 1959/1378.

Harvey, Graham. *True Israel: Uses of the Names Jew, Hebrew and Israel in Ancient Jewish and Early Christian Literature*. Leiden & New York: E. J. Brill, 1996.

Ibn Isḥāq, Abū ʿAbd Allāh Muḥammad Ibn Isḥāq ibn Yasār. *Sīrat Ibn Isḥāq*. Edited by Muḥammad Ḥamīd Allāh. 2nd ed. Konya: Hayra Hizmet Vakfı, 1981.

———. *The Life of Muhammad: A Translation of Isḥāq's* Sīrat Rasūl Allāh. Translated, with introduction and notes, by A. Guillaume. Lahore: Oxford University Press, 1967.

Josephus. *Josephus: The Complete Works*. Translated by W. Whiston. Nashville, Tenn.: Thomas Nelson Publishers, 1998; online source for the original Greek version: 15 May 2016.

http://www.perseus.tufts.edu/hopper/text?doc=Perseus%3atext%3a1999.01.0145.

Jeffery, Arthur. *The Foreign Vocabulary of the Qurʾān*. Baroda: Oriental Institute, 1938.

Lecker, Michael. *The "Constitution of Medina": Muḥammad's First Legal Document*. Princeton, NJ: The Darwin Press, 2004.

———. "Did Muḥammad Conclude Treaties with the Jewish Tribes Naḍīr, Qurayẓa and Qaynuqāʿ?." *Israel Oriental Studies* 17 (1997): 29-36.

———. "Zayd b. Thābit, 'A Jew with Two Sidelocks': Judaism and Literacy in Pre-Islamic Medina (Yathrib)." *Journal of Near Eastern Studies* 56, no. 4 (1997): 259-273. doi:10.1086/468576.

Maimonides. "Epistle to Yemen." In *A Maimonides Reader*, edited, with introduction and notes, by Isadore Twersky, 437-462. New York: Behrman House, 1972.

al-Maqdisī, Abū Naṣr al-Muṭahhar ibn Ṭāhir. *Kitāb al-badʾ wa-l-tārīkh*. 6 vols. Edited by Clément Huart. Baghdad: Maktabat al-Muthanná, n.d.

al-Māturīdī, Abū Manṣūr Muḥammad ibn Muḥammad ibn Maḥmūd. *Taʾwīlāt al-Qurʾān*.

vol. II. Edited by Ahmed Vanlıoğlu and Bekir Topaloğlu. Istanbul: Mizan Yayınevi, 2005.

vol. IV. Edited by Mehmet Boynukalın and Bekir Topaloğlu. Istanbul: Mizan Yayınevi, 2005.

vol. VII. Edited by Hatice Boynukalın and Bekir Topaloğlu. Istanbul: Mizan Yayınevi, 2006.

vol. IX. Edited by Murat Sülün and Bekir Topaloğlu. Istanbul: Mizan Yayınevi, 2007.

Mawdūdī, Sayyid Abul Aʿlá. *Four Key Concepts of the Qurʾān*. Translated and edited by Tarik Jan. Leicestershire: The Islamic Foundation, 2006.

Muqātil ibn Sulaymān, Abū l-Ḥasan Muqātil ibn Sulaymān ibn Bashīr al-Azdī al-Balkhī. *Tafsīr Muqātil ibn Sulaymān*. 5 vols. Edited by ʿAbd Allāh Maḥmūd Shiḥātah. Cairo: al-Hayʾah al-Miṣriyyah al-ʿĀmmah li-l-Kitāb, 1979.

Okuyan, Mehmet and Mustafa Öztürk. "Kur'an Verilerine Göre 'Öteki'nin Konumu." In *İslam ve Öteki: Dinlerin, Doğruluk/Kurtarıcılık ve Birarada Yaşama Sorunu*, edited by Cafer Sadık Yaran, 163-216. Istanbul: Kaknüs, 2001.

Öztürk, Mustafa. *Kur'an-ı Kerim Meali: Anlam ve Yorum Merkezli Çeviri*. Ankara: Ankara Okulu Yayınları, 2014.

Paçacı, Mehmet. "Kur'an'da Ehl-i Kitap Anlayışı." In *Müslümanlar ve Diğer Din Mensupları: Müslümanların Diğer Din Mensuplarıyla İlişkilerinde Temel Yaklaşımlar*, edited by Abdurrahman Küçük, 41-63. Ankara: Türkiye Dinler Tarihi Derneği Yayınları, 2004.

Philo. *The Works of Philo*. Translated by C. D. Yonge. Peabody, Mass.: Hendrickson Publishers, 1993.

——— (as Philonis Judaei). *Opera Omnia: Textus Editus Ad Fidem Optimarum Editionum*. 8 vols. Lipsiae: Sumtibus E. B. Schwickerti, 1828-1830.

al-Qurṭubī, Abū ʿAbd Allāh Muḥammad ibn Aḥmad ibn Abī Bakr . *al-Jāmiʿ li-aḥkām al-Qurʾān wa-l-mubayyin li-mā taḍammanahū min al-Sunnah wa-āy al-Furqān*. 24 vols. Edited by ʿAbd Allāh ibn ʿAbd al-Muḥsin al-Turkī, Muḥammad Riḍwān ʿIrqsūsī, Māhir Ḥabbūsh, Ghiyāth al-Ḥājj Aḥmad, Khālid al-ʿAwwād, Muḥammad Muʿtazz Karīm al-Dīn, Muḥammad Anas Muṣṭafá al-Khinn, Muḥammad Barakāt, and Kāmil Muḥammad al-Kharrāṭ. Beirut: Muʾassasat al-Risālah, 2006.

al-Qushayrī, Abū l-Qāsim Zayn al-Islām ʿAbd al-Karīm ibn Hawāzin ibn ʿAbd al-Malik. *Laṭāʾif al-ishārāt: Tafsīr ṣūfī kāmil li-l-Qurʾān al-karīm*. 3 vols. Edited by Ibrāhīm Basyūnī. 2nd ed. Cairo: al-Hayʾah al-Miṣriyyah al-ʿĀmmah li-l-Kitāb, 1981.

al-Rāzī, Abū ʿAbd Allāh Fakhr al-Dīn Muḥammad ibn ʿUmar. *Tafsīr al-Fakhr al-Rāzī al-mashhūr bi-l-Tafsīr al-kabīr wa-Mafātīḥ al-ghayb*. 32 vols. Beirut: Dār al-Fikr, 1981.

Rubin, Uri. "The 'Constitution of Medina': Some Notes." *Studia Islamica* 62 (1985): 5-23. doi:10.2307/1595521.

Serjeant, R. B. "The *Sunnah Jāmiʿah*, Pacts with the Yathrib Jews, and the *Taḥrīm* of Yathrib: Analysis and Translation of the Documents Comprised in the So-Called 'Constitution of Medina'." *Bulletin of the School of Oriental and African Studies* 41, no. 1 (1978): 1-42.

Stern, Sacha. *Jewish Identity in Early Rabbinic Writings*. Leiden & New York: E. J. Brill, 1994.

Stillman, N. A. "Yahūd," In *The Encyclopaedia of Islam*, XI, 239-242.

al-Shahrastānī, Abū l-Fatḥ Tāj al-Dīn Muḥammad ibn ʿAbd al-Karīm ibn Aḥmad. *Tafsīr al-Shahrastānī al-musammá Mafātīḥ al-asrār wa-maṣābīḥ al-abrār*. 2 vols. Edited by Muḥammad ʿAlī Ādharshab.

Tehran: Markaz al-Buḥūth wa-l-Dirāsāt li-l-Turāth al-Makhṭūṭ, 2008/1386SH.

al-Ṭabarī, Abū Jaʿfar Muḥammad ibn Jarīr ibn Yazīd al-Āmulī. *Tafsīr al-Ṭabarī: Jāmiʿ al-bayān ʿan taʾwīl āy al-Qurʾān*. 24 vols. Edited by ʿAbd Allāh ibn ʿAbd al-Muḥsin al-Turkī. Cairo: Dār Hijr li-l-Ṭibāʿah wa-l-Nashr, 2001.

Watt, W. Montgomery. *Muhammad at Medina*. Oxford: Clarendon Press, 1956.

———. "Ḥanīf." In *The Encyclopeadia of Islam*, III, 165-166.

al-Yaʿqūbī, Ibn Wāḍiḥ Aḥmad ibn Isḥāq ibn Jaʿfar. *Tārīkh al Yaʿqūbī*. 2 vols. Beirut: Dār Ṣādir, n.d.

al-Zamakhsharī, Abū l-Qāsim Jār Allāh Maḥmūd ibn ʿUmar ibn Muḥammad al-Khwārazmī. *al-Kashshāf ʿan ḥaqāʾiq ghawāmiḍ al-tanzīl wa-ʿuyūn al-aqāwīl fī wujūh al-taʾwīl*. 6 vols. Edited by ʿĀdil Aḥmad ʿAbd al-Mawjūd and ʿAlī Muḥammad Muʿawwiḍ. Riyadh: Maktabat al-ʿUbaykān, 1998.

Zeitlin, Solomon. "The Names Hebrew, Jew and Israel: A Historical Study." *The Jewish Quarterly Review* 43, no. 4 (1953): 365-379. doi:10.2307/1453236.

Zeyveli, Hikmet. "Kur'an ve İndiği Dönem: Kur'an'da Yahudilere Yapılan Tarihî Atıfları Doğru Anlamak." In *Kur'an ve İslami İlimlerin Anlaşılmasında Tarihin Önemi*, edited by M. Mahfuz Söylemez, 119-136. Ankara: Ankara Okulu Yayınları, 2003.

THE ʿABBĀSIDS AND THE ARCHITECTURAL DEVELOPMENT OF THE PROPHET'S MOSQUE: THE CONSEQUENCES OF A POLITICAL DISINTEGRATION

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Abstract

This article discusses the contributions of the ʿAbbāsid caliphs to the architectural development of the Prophet's Mosque in Medina. Since the protracted ʿAbbāsid rule went through several precarious phases, it was frequently marred by acute religious and socio-political disorders and turbulences, so much so that its mere existence was occasionally threatened. The history and architectural development of the Prophet's Mosque was not immune to such conditions. Its architectural integrity and predisposition, and overall functioning as a community development center, were now and then at risk. Thus, this article focuses on discussing the consequences and implications of a political disintegration during the ʿAbbāsid era for the architectural development and serviceability of the Mosque. The paper concludes that the ʿAbbāsid contributions to the architectural development of the Mosque were reasonable; however, there was a big room for improvement. The reasons for certain conceptual as well as functional inadequacies were not as much attributable to the ʿAbbāsids as to the prevalent circumstances in the state that eventually incapacitated the ʿAbbāsid government from performing its entrusted duties and responsibilities.

Key Words: The ʿAbbāsids, the Prophet's Mosque, Medina, political disintegration

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Introduction

When first built by the Prophet (pbuh), the principal Mosque in Medina was extremely simple. It was just a roofless and unpaved enclosure. However, as the needs and capacities of the first Muslim community in Medina both intensified and diversified, the Mosque, which was meant to function as a community development center, responded by considerably altering its architectural morphology in order to meet the pressing demands of the nascent community and its civilization-building project in Medina. So dynamic were the processes to which the form and function of the Mosque had been subjected that eventually, the Mosque needed to be significantly enlarged a couple of years before the Prophet's death.

The Prophet's Mosque was a community center *par excellence*, performing numerous religious and social roles and functions. The Mosque thus was a centre for religious activities, a learning centre, the seat of the Prophet's government, a welfare and charity centre, a detention and rehabilitation centre, a place for medical treatment and nursing, a place for some leisure activities (Omer 2013, 68). While responding to the challenges posed to it on the religious, socio-political, and educational fronts, the design and structural configuration of the Mosque in the end contained on the *qiblah* (direction of prayer) side three porticoes with each portico having six pillars made of palm trunks, a shelter on the rear side for the poorest and homeless in Medina for both male and female, a ceiling on the front and rear sides made of palm leaves and stalks, a *minbar* (pulpit), a ground strewn with pebbles, a pavement outside one of the entrances, a *dakkah* or *dukkān* (seat, bench) for communication purposes, lamps as a means for lighting up the Mosque, several compartments and facilities that facilitated the various functions of the Mosque, and a person, or persons, whose job was to keep the Mosque clean (al-Samhūdī 1997, 2: 388-398).

Prior to the ʿAbbāsids, the Prophet's Mosque was significantly expanded three times, by Caliphs ʿUmar ibn al-Khaṭṭāb (d. AH 24/644 AD), ʿUthmān ibn ʿAffān (d. AH 36/656 AD), al-Walīd ibn ʿAbd al-Malik (d. 97 AH/715 AD). The first two caliphs represented the epoch of the four rightly-guided caliphs (*al-khulafāʾ al-rāshidūn*), and the third caliph represented the Umayyad period which marked a drastic departure from the religious and political character as well as spirit of

the former.

In each of the three instances, the realm of the Prophet's Mosque was imbued and imprinted with the spirit and moral fiber of a different era and the spiritual as well as socio-political predisposition of its generations, so much so that studying the major historical expansions of the Mosque, which signified the milestones in its architectural evolution, corresponds to studying the major phases of the civilizational development of the Muslim community (*ummah*) at large. This is so because, since its inception, the fate of the Prophet's Mosque, in its capacity as the second most consequential mosque on earth after al-Masjid al-ḥarām in Mecca to which pilgrimage has been strongly recommended, stood for the microcosm of the religious and civilizational fates of the entire Muslim community. This was so, furthermore, because the Mosque exemplified a center of gravity of almost all the spiritual, intellectual, and emotional aspirations, goals, and purposes of all Muslims, both at the individual and collective, or institutional, levels.

Similar to the legacies of most of their political predecessors, no sooner had the ʿAbbāsids assumed the leadership authority than they busied themselves with improving the architectural condition and performance of the Prophet's Mosque. The architectural output varied from one sovereign to another. However, so long, erratic and challenging was the ʿAbbāsid rule that neither consistent nor sustainable approaches, nor tactics, could have been expected from them. The second phase of the ʿAbbāsid rule is regarded as a phase of a Muslim political disintegration, after which the Muslim world never recovered. The first phase, though held in high esteem by many, represented in many ways a transition and the paving of the way for the former.

This paper discusses several aspects of the state of the architectural development of the Prophet's Mosque against the background of the prevalent social, political, and religious conditions during the ʿAbbāsid caliphate. The discussion will revolve around the following three themes: main aspects of the ʿAbbāsid architectural contributions to the Prophet's Mosque, an architectural inadequacy, and the Prophet's Mosque as a victim of a political disintegration.

As regards the earlier studies on the subject, they could be divided into two categories. First, there are studies that treat the architectural contributions of the ʿAbbāsids to the Prophet's Mosque, but only as

part of their general exposition of the history of the Mosque and its notable expansions. Most of such works are regarded as classic, and in that capacity, they have been regularly referred to in this article. However, most of such works approached the case of the architectural relationship between the ʿAbbāsids and the Mosque in a sheer descriptive and historical manner. Little attention was given to the potential analytical and critical dimensions of the subject in question. Thus, this article aims as much at delving into a number of the theme's several pivotal aspects as at arousing the interest of the readers concerning the latter's religious, historical, and overall civilizational import. An exception to this occurrence was Muḥammad ibn Jubayr (d. AH 614/1217 AD), a famous Spanish Muslim traveler who in his travel chronicle *The Travels of Ibn Jubayr* described the pilgrimage he made to Mecca and Medina, critically assessing the worrying socio-religious situation in the latter and focusing on the role and architectural appearance and significance of the Mosque. The author perhaps did so because he was an insightful traveler and outsider whose religious and scholarly purpose and objectives were vastly different from most subsequent historians.

The second type of the studies on the architectural contributions of the ʿAbbāsids to the Prophet's Mosque are those contemporary books and articles that in essence reproduced most of the substance of the scholarly works from the first category. The theme of the ʿAbbāsids and the architecture of the Prophet's Mosque was just one of numerous topics that the authors of such books and articles dealt with. Quite a number of such works were referred to as well in this article wherever appropriate. Certainly, the modern Saudi mega-expansions of the Prophet's Mosque renewed interest in studying the general history of the architecture of the Prophet's Mosque, locally and abroad.

Some of such works are the encyclopedic books titled "The Architecture of the Prophet's Holy Mosque" and "Story of the Great Expansion" produced by groups of Saudi and foreign scholars and experts. Worth mentioning are also the books on the history of the architecture of the Prophet's Mosque and its expansions titled *ʿImārat wa-tawsīʿ al-Masjid al-Nabawī al-sharīf ʿabr al-tārīkh* ("The Architecture and Expansions of the Noble Prophet's Mosque throughout History") by Nājī Muḥammad al-Anṣārī, and *al-Madīnah al-munawwarah: Taṭawwuruhā al-ʿumrānī wa-turāthuhā al-miʿmārī* ("Luminous Medina: Its Urban Growth and Architectural

Heritage") by Muṣṭafá Ṣāliḥ Lamʿī. Though indirectly related to the subject, Doris Behrens-Abouseif's excellent article titled "Qāytbāy's *Madrasah*s in the Holy Cities and the Evolution of Ḥaram Architecture," published in *Mamlūk Studies Review* (no. 3 [1999], 129-149), needs also to be mentioned. It goes without saying that the scarcity of scholarly works that focus exclusively on the socio-religious dimensions of the relationship between the ʿAbbāsids and the architecture of the Prophet's Mosque motivated the author of this article to undertake this study and thereby fill to some extent a glaring academic gap.

Main Aspects of the ʿAbbāsid Architectural Contributions to the Prophet's Mosque

The ʿAbbāsid caliphate signified the third form of the Muslim rule to succeed Prophet Muḥammad (pbuh), after the rightly-guided caliphs (*al-khulafāʾ al- rāshidūn*) (AH 11-40/632-661 AD) and the Umayyad caliphate (AH 41-132/661-750 AD). They came to power in AH 132/750 AD, having earlier overthrown the Umayyads. They made the region of modern-day Iraq the epicenter of their rule, building the city of Baghdad as their capital whereto the political and economic center of power was instantly transferred from Damascus, Syria, the nucleus of the previous Umayyad regime. The ʿAbbāsids clung to power until they were destroyed by the Mongol invasion in AH 656/1258 AD. Hulāgū Khān sacked Baghdad on February 10, 1258 AD (AH 656), causing great loss of life. Al-Mustaʿṣim (d. AH 656/1258 AD), the last reigning ʿAbbāsid caliph in Baghdad was then executed on February 20, 1258 AD. The ʿAbbāsids still maintained a feeble show of authority, confined to religious matters, in Egypt under the powerful Mamlūk dynasty, but their ceremonial and titular caliphate, as it was recognised at that juncture, finally disappeared with al-Mutawakkil III (d. AH 923/1517 AD), who was carried away as a prisoner to Constantinople by the Ottoman Sultan Selim I (Hitti 1996, 484-489). Hence, the end of the ʿAbbāsid caliphate spelled the end of the Mamlūk state, and *vice versa*.

Just as during the Umayyad caliphate, the city of Medina, which served as the capital of the nascent Muslim state from the beginning until AH 36/656 AD, was a distant provincial city during the ʿAbbāsid regime as well. However, due to its remarkable and rich historical legacy, its reputation as a pilgrimage city and its perpetual standing as a Muslim spiritual and, to an extent, intellectual hub in the hearts and minds of all Muslims, Medina was never neglected. For obvious

reasons, it was a target and focus of every sincere, faithful, and knowledge-seeking Muslim. For equally obvious reasons, it was a target and focus of every ambitious – legitimate or otherwise – political activist or group. The city's everlasting capacity and lure, coupled with its geographical remoteness from the existing political centers of gravity, were impossible to ignore or underestimate. It functioned throughout as a melting pot, so to speak, of especially political ideas, initiatives, and actual movements. Naturally, both as the conceptual and physical embodiment of virtually everything the city of Medina was standing for, the Prophet's Mosque always stood at the epicenter of all city's events.

Prior to the ʿAbbāsids and their Muslim leadership, the Prophet's Mosque was significantly expanded three times. When the ʿAbbāsids assumed authority over the Muslim state, they knew that they had to subtly deal with the intrinsic character and predilections of Medina and its towering legacies, neither trying to alter or fully control them, for doing so was impossible, nor leaving them to bourgeon and operate alone within the framework of a new political climate and outlook, for doing so was at once unproductive and detrimental to the ʿAbbāsid political survival. A middle path that nonetheless would now and then swing between the two extremities, subject to the prevailing socio-political and economic conditions in the whole state in general, and in Medina in particular, had to be adopted.

Thus, the ʿAbbāsid relationship with Medina, by and large, was one of opacity, uncertainty, and unpredictability. It wavered between provisional and expedient peace and accord, turbulent physical conflicts and clashes, and periods of psychological pressure, tensions, and feuds. The same tendencies and conditions, by extension, tinted the ʿAbbāsid relationship with the Prophet's Mosque and its architectural developments, so much so that its potentials and performances, every so often, were not only debilitated, but also discriminated against and victimized. Obviously, for the city of the Prophet (pbuh) and his Mosque it should be expected more from a regime that is regularly described as "remarkable," "a savior," "a deliverer," and one whose historical chapter up to the Mongol conquest and devastation of Baghdad in AH 656/1258 AD is regarded as the "Islamic golden age" (Hitti 1996, 297-316).

On the whole, the ʿAbbāsid general architectural contributions to the Prophet's Mosque, as outlined both by classical and modern

historians, such as al-Samhūdī (1997, 2: 535-540), Ibn Kathīr (1985, 10: 135), al-Yaʿqūbī (2002, 2: 277), al-Ṭabarī (1989, 2:79), Ibn al-Najjār (1981, 103-105), al-Quāitī [al-Quʿayṭī] (2007, 105-110), al-Anṣārī (1996, 111-118), Badr (1993, 2: 65), and others, are as follows.

Al-Mahdī (d. AH 169/785 AD), the third ʿAbbāsid caliph, undertook a major extension of the Mosque that lasted from AH 161/778 AD till AH 165/781 AD. According to some accounts, his father and second ʿAbbāsid caliph, al-Manṣūr (d. AH 159/775 AD), intended to do the same, but was overtaken by death. Hence, his son and successor, al-Mahdī, embarked on the expansion merely two years after his enthronement. Some planning and preparation works might have started even earlier. Moreover, some less reliable accounts even suggest that the first ʿAbbāsid caliph, al-Saffāḥ (d. AH 137/754 AD), did somewhat expand the Mosque, albeit without providing details as to the nature and scope of the assignment, thereby significantly adding to the dubiousness and unreliability of the said accounts (al-Samhūdī 1997, 2: 536).

As was the case with all former major Mosque expansions, for Caliph al-Mahdī's expansion, too, land to be incorporated into the Mosque had to be acquired and property demolished. The extension on this particular occasion had only affected the northern sector facing the Shām region (Syria and Palestine). According to al-Quāitī (2007, 106), though several sources have quoted that about 50 meters were added to the structure of Caliph al-Walīd – that is, the Mosque as it was after its latest expansion – a closer examination reveals the figure to have been exaggerated by about 22.5 meters, for it was the whole area affected by the demolition and reconstruction that came to about 50 meters, and not the expansion itself. The Mosque had nevertheless still continued to maintain its rectangular shape.

Many, however, maintained that about 50 meters were added to the Mosque's northern sector, rather than 22.5 meters. The western, eastern, and southern *qiblah* (prayer direction towards south) sides were not involved in the expansion. That was detailed by the ten additional columns from the direction of the courtyard of the Mosque to the women's *saqāʾif* (covering roofs) area, and five new *saqāʾif* for the women in the same northern section (Ismāʿīl 1998, 45).

The reconstruction was tastefully embellished with mosaic inlay. Gold, too, was used mainly for the purpose of decoration, most probably on the ceiling which was made of teakwood. The name of

Caliph al-Mahdī, along with a brief description of the expansion project and its history, was inscribed on the walls of the Mosque (Ibn al-Najjār 1981, 104; al-Yaʿqūbī 2002, 2:277). The same building materials as those employed by Caliph al-Walīd in the earlier expansion were used for this expansion as well (Dawāḥ 2006, 193). They were: cut and chiseled stone dressed in plaster, marble, mosaics, teakwood meant primarily for roofing, and stone columns reinforced with lead and iron to add to their strength and durability. Al-Yaʿqūbī (2002, 2:277), nevertheless, refers to the use of marble columns, which in some measure might be true. Marble was also used for overlaying the exterior of the Prophet's tomb.

The enclosure of the *maqṣūrah* (literally, a cabinet or a compartment, and technically, a raised platform with protective screens adjacent to the *qiblah* wall with direct private access to, or right in front of, the *miḥrāb* or praying niche area), which was first built by Caliph ʿUthmān, was also rebuilt after its floor level had been compacted to be even with the rest of the Mosque's area that surrounded it (al-Quāitī 2007, 106; al-Samhūdī 1997, 2:539). Ibn Kathīr (1985, 10:135), and al-Ṭabarī (1989, 2:79), however, only mention that the *maqṣūrah* was demolished and done away with (*azāla*), without referring to its subsequent rebuilding.

Al-Mahdī also wanted to remove six steps to the *minbar* (pulpit), which the Umayyad caliph, Muʿāwiyah ibn Abī Sufyān (d. AH 61/680 AD), had added to the original state of the Prophet's *minbar* which had only three steps, but gave up the idea at the advice of Mālik ibn Anas (d. AH 179/795 AD), the leading scholar of Medina, because the planned action was bound to cause damage to the logs on which the original *minbar* had been built (Ibn Kathīr 1985, 10:135). According to al-Ṭabarī (1989, 2:79), al-Mahdī was told by Mālik ibn Anas that "the nails had penetrated both the new wood which Muʿāwiyah had added and the original wood, which was ancient. It was to be feared that if the nails were drawn out from it and it was strained, it would break, so al-Mahdī left it alone."

Following this expansion by al-Mahdī, the Mosque had four doors in the wall facing the *qiblah* and as many in the northern one opposite to it. The east and the west both had a total of sixteen entrances, eight on either wall and an additional four doors for the convenience of the dignitaries, and in order to provide easy access to the *imām* (prayer leader) and the *amīr* to the *maqṣūrah* (al-Quāitī

2007, 107). In its courtyard, the Mosque also had 64 conduits or gutters (*ballāʿah*) for regulating rainwater (Ibn al-Najjār 1981, 105). The three square minarets erected during al-Walīd's expansion remained unaltered (Ismāʿīl 1998, 45).

After Caliph al-Mahdī, the Mosque was not significantly enlarged or expanded until it was destroyed by a second major fire in AH 886/1481 AD during the reign of the Mamlūk Sultan Qāytbāy (d. AH 902/1496 AD), a period of about 720 years. It was only then that a next expansion was undertaken. (During a first major fire in AH 654/1256 AD, several sections of the Mosque needed to be significantly overhauled, including the Prophet's tomb or his sacred burial chamber, but to most scholars (Dawāḥ 2006, 194) that did not amount to a major expansion.) However, scores of noteworthy repairs and improvements were carried out during the reigns of al-Mahdī's successors.

For example, Caliph Hārūn al-Rashīd (d. AH 194/809 AD) is reported to have ordered for the ceiling of the Mosque by the Prophet's tomb to be repaired. Similarly, Caliph al-Maʾmūn (d. AH 218/833 AD) did some unspecified work on the Mosque to which it is sometimes referred as repairs and improvements, and other times as a minor expansion (al-Samhūdī 1997, 2:540). Caliph al-Mutawakkil (d. AH 247/861 AD) had commissioned the tiling of the floor of the Prophet's tomb in white marble during AH 246/860 AD. However, according to some scholars, it was the whole floor of the Mosque that was tiled in white marble, while its walls were repaired with mosaic inlay. In addition, a marble dado was added running at a height of 175 centimeters. Following this, Caliph al-Muʿtaḍid (d. AH 290/902 AD) had the eastern façade overlooking the courtyard of the Mosque repaired in AH 282/895 AD, Caliph al-Muqtafī (d. AH 555/1160 AD) had seen in AH 548/1153 AD to the renewal of the marble on the lower section of the exterior wall around the Prophet's tomb, Caliph al-Mustaḍīʾ (d. AH 575/1180 AD) adorned the walls of the Prophet's tomb with marble, and Caliph al-Nāṣir (d. AH 622/1225 AD) in AH 576/1180 AD rebuilt the eastern wall of the north-eastern minaret and constructed a dome in the middle of the courtyard, creating a space for storing and keeping valuable books and copies of the Qurʾān. The Umayyad *minbar* was also then renovated. (Ismāʿīl 1998, 46; al-Quāitī 2007, 107). Several notable Mamlūk works on the Mosque prior to AH 886/1481 AD and afterwards – a period technically still regarded as part of the ʿAbbāsid era – are not covered in this article

because on account of their volume and complexity, they merit a separate comprehensive study.

Ibn Jubayr (d. AH 614/1217 AD), who traversed much of the Muslim world from AH 578/1182 AD to AH 581/1185 AD, described the Prophet's Mosque after he had visited Medina in AH 580/1184 AD as oblong in shape. It had two hundred and ninety columns that were like straight props, for they reached the ceiling and had no arches bending over them. (It is interesting to note that on the word of al-Quāitī [2007, 57], as early as after the expansion of the Mosque by the third Caliph ʿUthmān, the columns were crowned in pairs by arches. It is thus unclear what Ibn Jubayr had exactly in mind when he said this, and whether he specifically meant certain types of arches and their spandrels, and how they seemed and functioned with reference to the columns and ceiling.) They were composed of stone hewn into a number of round, bored blocks, mortised together and with melted lead poured between each pair so that they formed a straight column. They were then covered with a coat of plaster, and rubbed and polished zealously until they appeared as white marble. This, perhaps, made al-Yaʿqūbī believe and record in his *Tārīkh* that some columns were of marble – as mentioned earlier. The southern section of the Mosque that had five rows of porticoes was enfolded by a *maqṣūrah* that flanked its length from west to east and in which there was a *miḥrāb*. The Mosque had a central courtyard which was covered with sand and gravel. It was surrounded on all four sides by porticoes. The southern side had five rows of porticoes running from west to east, or parallel to the *qiblah*, and the northern side also had five rows of porticoes in the same style. The eastern side had three porticoes and the west four (Ibn Jubayr 2001, 198-201).

Since especially the latter periods of the ʿAbbāsid caliphate were fraught with the rapid weakening and ultimate disintegration of the state and its centralized government in Baghdad, following which many petty dynasties of Arab, Turkish or Persian origin, were parceling out the domains of the Caliph both in the east and the west, the city of Medina was becoming increasingly isolated from the ʿAbbāsid political centers in Iraq. As such, it was becoming more and more vulnerable to the political and religious ambitions and advances of the emerging small dynasties. The city was often caught in the crossfire in the fast-growing ideological Sunnī-Shīʿī conflicts and disputes as well. Understandably, during the upheavals in question, the religious purity and inviolability of the Prophet's city and his

Mosque were constantly targeted as a source of political and even religious leverage. As a corollary of that, the architectural morphology and function of the Prophet's Mosque were greatly affected in the process.

An Architectural Inadequacy

Notwithstanding the above-said contributions of the ʿAbbāsids to the development and architecture of the Prophet's Mosque, it cannot be said about them that they were outstanding. On the whole, their legacy in relation to the Mosque leaves a lot to be desired. The blame, however, is not to be attributed as much to the ʿAbbāsids themselves as to the general conditions in the state that eventually incapacitated the ʿAbbāsid administration from performing its entrusted duties and responsibilities.

A sign of such an apparent shortcoming is the fact that many historians often vastly disagree as to which ʿAbbāsid sovereign did exactly what to the Mosque. Although Caliph al-Mahdī carried out a major expansion, yet most historians provide only brief and cursory, often inconsistent, accounts about the subject matter. But if the expansion and other ʿAbbāsid contributions to the Mosque were more reflective of, and commensurate with, the degree and proportion of the ʿAbbāsid in particular initial power, ambitions, and glory, as well as the overall size of their territories and the longevity of their empire, the situation would certainly be different, for the primary job of classical historians was to record and preserve the legacies of history-makers and their history-making decisions, initiatives, actions, and communications. If an event or a decision was perceived as less important and less consequential, then less attention was accorded to it and less space in historical files and records was allocate to it. Simply put, if the imprints left by the ʿAbbāsids on the history and development of the Mosque were amply outstanding and historic, they would go neither unnoticed nor scarcely discerned and documented.

To be fair to Caliph al-Mahdī, nonetheless, he did what he could and what perhaps was needed to be done to the Prophet's Mosque at that time. By no means was he in a position to do more. That was so because he did not only expand the Prophet's Mosque, but also *al-Masjid al-ḥarām* in Mecca which, admittedly, was in need of more urgent attention and a larger and more challenging expansion. What he spent for both expansions amounted to millions of *dirham*s

(silver) and hundreds of thousands of *dīnār*s (gold) which were brought from Iraq, Egypt, and Yemen, but most of which had to be spent for the expansion of *al-Masjid al-ḥarām*. So complex and demanding was the expansion in Mecca that al-Mahdī at one point vowed: "I have to accomplish this expansion even if I had to spend all the money available in the government's treasuries (*buyūt al-amwāl*)" (al-Ṭabarī 1989, 2:78-79; al-Quāitī 2007, 85-89; Bāsalāmah 2001, 45-55).

Both Mecca and Medina were the places of seasonal as well as unceasing pilgrimages: *ḥajj*, *ʿumrah*, and visits (*ziyārah*) to the Prophet's Mosque which have been sanctioned and highly recommended. Thus, the two holy cities and their holy Mosques with their various facilities were in need of constant protection, upkeep, upgrading, and whenever necessary, generous enlargement and expansion policies and programs. The endless expansion of the Islamic state connoted an endless increase in Muslim population. That, in turn, spelled out an increased demand for visiting the two cities and their Mosques, which further necessitated the incessant improvements and additions of the indispensable facilities along the routes to the pilgrimage sites and inside the two cities themselves. On top of what was needed to be rendered and kept in the best architectural and serviceable condition, it goes without saying, were *al-Masjid al-ḥarām* and the Prophet's Mosque as the ends of each and every Muslim's spiritual cravings.

Whoever was in charge of the holy cities, therefore, had an additional set of pressing responsibilities to be dutifully discharged. Such was an obligation and burden, rather than a privilege. Hence, a title of *khādim al-Ḥaramayn* (the servant of the two holy sanctuaries or cities) was later invented in order to aptly reflect the real meaning and significance of the assumed responsibilities towards Mecca and Medina and their holy Mosques.

As a small digression, the first Muslim leader in history known for sure to have used the title *khādim al-Ḥaramayn* was Ṣalāḥ al-Dīn al-Ayyūbī (d. AH 589/1193 AD), both as a means to attain closeness to God when he was fighting the Crusaders and hence, on behalf of the ʿAbbāsids, was disposing of the greatest challenge and misfortune the Muslim world has hitherto known (Fakkar 2015), and as a leader under whom the cities of Mecca and Medina and their holy Mosques were reborn and flourished, to the point that at that juncture,

according to Richard Bulliet (2015), pilgrimage to Mecca replaced the caliphate as the central unifying entity in Islam. However, according to some sources of Islamic history, the title *khādim al-Ḥaramayn* as an attribute of the caliph (Muslim leader) had occasionally been used even prior to the time of Ṣalāḥ al-Dīn al-Ayyūbī. Some of the prominent subsequent leaders who took up the same title were the Mamlūk sultan al-Malik al-Ashraf Abū l-Naṣr Barsbāy (d. AH 841/1438 AD) and the Ottoman sultan Selim I (d. AH 927/1520 AD). At any rate, it seems as though the *khādim al-Ḥaramayn* designation was oscillating from being merely honorable and hereditary to being expressive and indicative of tributes for outstanding services rendered to the two holy cities and their holy Mosques, and by extension, to Islam and Muslims at large.

Apart from a few individuals and their rather isolated schemes, the relationship between the ʿAbbāsid sovereigns and the city of Medina was at best average, lukewarm, and halfhearted. It could be described as interest-oriented, rather than genuine correlation and reciprocal involvement-oriented. An example of this propensity is the following act of Caliph al-Mahdī himself. When he was in Medina, during the pilgrimage and visit when he commissioned the expansion of the Prophet's Mosque,

> He ordered that five hundred men descended from the Prophet's *anṣār* of Medina (helpers, the natives of the Medina city) be chosen as a special guard and helpers for him in Iraq. He assigned them salaries apart from their state allowances, and granted them an allotment of land when they arrived with him at Baghdad, which was known as the allotment of the *anṣār* (al-Ṭabarī 1989, 2:79).

Al-Mahdī was fully aware that not long ago during the caliphate of his father and predecessor, al-Manṣūr, most of the city of Medina under the leadership of Muḥammad ibn ʿAbd Allāh called the Pure Soul (d. AH 146/763 AD), who represented the Ḥasanid branch of the ʿAlids, had rebelled against the newly formed ʿAbbāsid establishment and was in war with the latter. So unfortunate was the conflict, and far-reaching its consequences, that it involved some of the most prominent members of the religious and intellectual leaderships in the state, many of whom were based in Medina. Consequently, the relationship between Medina – especially those citizens who sympathized with and supported the ʿAlids and their political cause, because during the ʿAbbāsid propaganda to topple the Umayyads they had been courted by the former, and then in the aftermath of the

craved victory, were deceived and forsaken – and the ʿAbbāsids hit the lowest point. Following the failed insurgence and later the death of Caliph al-Manṣūr, whose reputation had been significantly dented by how he dealt with the former, conciliatory efforts were desperately needed, for Medina and its citizenry had to be brought on-board at all costs.

Caliph al-Mahdī's expansion of the Prophet's Mosque ought to be seen as one of such conciliatory efforts. Most of the other initiatives and programs of him are to be viewed in that same light as well. For that reason was he universally recognized and accepted as a generous, kind, and esteemed ruler, both in the private and public circles, and by both the friends and foes of the ʿAbbāsid regime. This includes the ʿAlids, too. Hence, even the historians with an outright ʿAlid (Shīʿī) penchant, such as al-Yaʿqūbī (2002, 2:274-281) and al-Masʿūdī (1982, 3:322), were reasonably supportive and benevolent towards him and his political legacy.

The first ʿAbbāsids' lukewarm and largely interest-based relationship with Medina and its Mosque was further exacerbated when the state commenced to disintegrate and the actual power fell into the hands of powerful regional leaders and sultans. This phenomenon started to occur most emphatically from the second half of the 3rd AH/9th AD century, only about a century and a couple of decades after the establishment of the ʿAbbāsid Empire. Moreover, that was a time when the first actual or quasi-independent states or sultanates began to emerge on the ruins of the dwindling caliphate. Those states broke off entirely from the central government or remained only nominally dependent upon the Caliph in Baghdad (Hitti 1996, 455). The matter reached something of an apogee when some of those states and sultanates later became so large and powerful that they made the caliphs in Baghdad enjoy but nominal command even over the capital, the symbol, and nucleus of the ʿAbbāsid rule since its construction in the year AH 145/762 AD by Caliph al-Manṣūr.

The first of such independent regional rulers who left his mark on Medina and its Mosque was Aḥmad ibn Ṭūlūn (d. AH 271/884 AD), the founder of the Ṭūlūnid dynasty that ruled Egypt and Syria between AH 255/868 AD and AH 293/905 AD. Even though the control of the Ṭūlūnid rulers over Medina was nominal and they had no actual army in the whole region, their names yet were mentioned

ritualistically and ceremonially on the pulpit of the Prophet's Mosque alongside the names of the reigning ʿAbbāsid caliphs. Despite its nominal and titular character, the unprecedented development marked the beginning of an era when Mecca and Medina were to be almost on a permanent basis most influenced, and regularly even *de facto* controlled, by whoever ruled over Egypt: Ṭūlūnīs, Ikhshīdīs, Shīʿī Fāṭimīs, Ayyūbīs, Mamlūks and even Ottomans (Badr 1993, 2:127).

In passing, targeting the major mosques as a means for gaining political mileage is an old occurrence, almost as old as the earliest political disputes and military contests among Muslims. That the ʿAbbāsid leaders were more than willing to partake in the trend, and yet to bring it to another level, testifies the following report of Ibn Kathīr (1985, 9:158). While Caliph al-Mahdī was once paying a visit to the great Mosque of Damascus which was regarded as a wonder of the world, he lamented: "The Umayyads outshone us (the ʿAbbāsids) due to three things: this Mosque of theirs for which I know no equal on earth; due to the nobility of their adherents; and due to the personality of ʿUmar ibn ʿAbd al-ʿAzīz (ʿUmar II); by God, there will never be anyone like him among us." Other two ʿAbbāsid caliphs, al-Maʾmūn and al-Muʿtaṣim (d. AH 228/842 AD), are also reported to have expressed a similar admiration for the Damascus Mosque when they, too, once visited the city (Ibn Kathīr 1985, 9:158).

Certainly, al-Mahdī's expansion of the Prophet's Mosque – as well as *al-Masjid al-ḥarām* – should be seen, apart from the established perspective of sincerely discharging his caliphal duties towards Islam and Muslims, as gesture politics as well, done for political reasons and intended to attract public attention in desperate attempt by the ʿAbbāsids to exit from the shadow of the Umayyads and their Muslim civilizational inheritance. The trend continued unabated throughout the long and colorful history of Islam and its cultures and civilization.

Al-Mahdī's decision to inscribe on the southern courtyard wall of the Prophet's Mosque his name as the benefactor, a concise history of his expansion undertaking, and elaborate words of eulogy in the main for his own personality and rank which contained some Qurʾānic verses, are to be further viewed along the similar lines of gesture politics. Although al-Mahdī was not the first who inscribed Qurʾānic verses on the walls of the Mosque – and mosques in general – (such a highly controversial subject preceded him by approximately 70-85 years when the first Umayyad architectural masterpieces chiefly

in Syria and Palestine where built), he nonetheless was among those known to have contributed significantly to the permanent emergence of such a novel practice in Muslim architecture as recording patrons' names, lavish supplications for them, as well as recording buildings' histories on newly-erected buildings.

Before al-Mahdī, his father al-Manṣūr crowned his historic expansion of *al-Masjid al-ḥarām* by placing an inscription above one of the Mosque's gates. The inscription began with the name of Allah, praises of Prophet Muḥammad (pbuh) and two Qur'ānic verses from chapter Āl ʿImrān, verses no. 96 and 97, on the origins and significance of *al-Masjid al-ḥarām*, and after supplications in favor of al-Manṣūr, the inscription cited the dates of the initiation and completion of the expansion in mosaic pieces of black and gold. Words suggesting that al-Manṣūr expanded the Mosque because he was a caring Caliph concerned about the wellbeing of his subjects, were also highlighted (al-Quāitī 2007, 84). Perhaps, the earliest building undertaking where the name of a patron was inscribed was the construction of the Dome of the Rock. On it, most probably, the name of the Umayyad caliph, ʿAbd al-Malik ibn Marwān (d. AH 86/705 AD), was written, which however was later tampered with (Creswell 1989, 36).

However, Ibn al-Najjār (1981, 101) reported that it was ʿUmar ibn ʿAbd al-ʿAzīz (d. AH 101/720 AD) who, while reconstructing and enlarging the Prophet's Mosque on behalf of Caliph al-Walīd, was the first who made an inscription on the southern courtyard wall of the Mosque. Later, al-Mahdī inscribed his own addition right beneath that of ʿUmar's. However, all things considered, it appears plausible that the entire inscription belonged in fact only to al-Mahdī. This could be corroborated by the following points.

Firstly, the alleged inscription of ʿUmar entailed no specific name; it only referred to *ʿAbd Allāh Amīr al-Mu'minīn* (a servant of God, Commander of the faithfuls) which can be anyone. Moreover, al-Mahdī's full name was Abū ʿAbd Allāh Muḥammad ibn ʿAbd Allāh. There is no word "ʿAbd Allāh" in al-Walīd's full name. Secondly, ʿUmar's inscription did not state a construction date, nor any other relevant detail, whereas al-Mahdī's explicitly did, which suggests that the former was just a preface to the latter. Thirdly, no well-known historian, apart from Ibn al-Najjār, refers to ʿUmar's inscription, whereas most of them plainly agree that al-Mahdī did inscribe his

name and other supplementary statements on the Mosque. Fourthly, the compositions and styles of the two inscriptions were such that they reasonably indicate that they were written as one piece, the first part (allegedly ʿUmar's) being an introduction to the second one (al-Mahdī's) wherein the name of Caliph al-Mahdī was explicitly mentioned. That is why, in addition, they were positioned one beneath the other. Fifthly, neither ʿUmar nor al-Walīd was historically known as those inclined to producing inscriptions on their buildings, something that was not the case with al-Mahdī and other prominent ʿAbbāsid rulers.

The Prophet's Mosque as a Victim of a Political Disintegration

Following the disintegration of the ʿAbbāsid central government and the breakup of its vast territories into a number of petty autonomous or pseudo-autonomous states and dynasties, the city of Medina and its Mosque, most of the time, were targeted as a source as well as means of support for the religious and political causes of a majority of those states and dynasties. Since around that time the Sunnī-Shīʿī conflicts were at their peak, assuming formal and institutional dimensions that spread across all levels of state power and governance, the Prophet's Mosque, too, especially in terms of its decoration strategies and contents, facilities provision, and overall religious and social performances, was affected by their increasing intensity and broadening range.

In other words, the Prophet's Mosque, which intrinsically since its inception possessed and radiated a universal at once physical and metaphysical meaning, purpose, and appeal, all of a sudden was attempted to be particularized, regionalized, and conceptually as well as functionally downgraded. Accordingly, it started to degenerate. It was significantly maltreated. From being an end and objective, it was attempted to become a mere means and outlet. From being an engine of change and a catalyst for civilizational awareness and progress, it was attempted to become an obstacle and impediment to the same. And finally, from being a symbol of the dynamism and innovation in the eclectic culture and civilization of Islam and its peoples, it was attempted to become a facilitator and sign of their inconsequentiality, lethargy, and stagnation.

Ultimately, the Mosque was subjected only to some erratic maintenance activities. No major expansion or overhaul of its built

form was undertaken until it was badly damaged in a fire in AH 886/1481 AD during the reign of the Mamlūks the epicenter of whose government (sultanate) was in Egypt. This by no means implies that the Mosque was never in need either of a considerable expansion or a renovation program during an entire period of 720 years (that was a period that separated Caliph al-Mahdī's expansion and that of the Mamlūks). However, it stands to reason that no regional ruler was in a position to actually rise to the challenge of effectively sustaining and upgrading the Mosque, to make it keep pace with the vibrant demands of the laws of history and civilization-making. The Mosque and its innate identity and mission were larger than all of them and their restricted political agendas. It kept them and their limited and localized scopes in the shadow of its universal and supernatural distinctiveness and objective. Historical accounts reveal that since Medina was a relatively small and economically challenged city, all the earlier expansions necessitated the use of international and imported workforce, expertise, and building materials. Likewise, finances from more than a few Islamic centers were needed for the purpose. However, virtually no subsequent ruler had what it takes, plus their apparent reluctance and prolonged political instability, to embark on a comprehensive Mosque sustainability and maintenance, and if necessary physical expansion, program.

Thus, from the era of al-Mahdī onwards, one can hear only about a prolonged architectural indifference, the various acts of misuse, and ill-treatment of the Mosque and its prestige, especially when it and the city of Medina came under the control of the Shīʿī Fāṭimīs (al-Quāitī 2007, 111-113), and some intermittent repair and maintenance works, such as repairing some interior walls as well as certain sections of the ceiling and the floor, which were affected by different ʿAbbāsid sovereigns. (As said earlier, the remarkable Mamlūk works on the Mosque are beyond the scope of this article as they deserve an independent inquiry.) Medina and its Mosque were important because, as pointed out by Walker (2009, 8), both Mecca and Medina as the two sacred cities in Islam possessed huge symbolic significance. Any ruler could claim ultimate supremacy only if he controlled them, if his name as the ruling sovereign was mentioned on the *minbar*s (pulpits) of the two holiest Mosques in Islam by imploring God to bestow His blessings on Him. This aspect of the *khuṭbah* (religious sermons delivered from *minbar*s) and its

variations "is a vital tool for determining the history of dynasties" (Walker 2009, 8).

Having thus been unable, indisposed, incompetent or outright dishonest towards the true meaning of the Prophet's Mosque, most of the Muslim rulers ended up leaving their imprints by simply adding to the compound beautification and ornamentation of the Mosque by means of inscriptions, designs, decorative and serviceable objects, and structural substances. They did so because such was an affordable and at the same time meaningful and expedient, albeit superficial, course of action, for different intended ideas and messages could thereby be easily conveyed to the beholders, both explicitly and implicitly. However, so insignificant in the grand scheme of things were the feats in question that hardly any historian mentioned them in detail. It might yet have become a serious handicap for the Mosque and its proper functioning, which however most people failed to comprehend. Only when Ibn Jubayr visited Medina and its Mosque in AH 580/1184 AD did the mentioned problematic subject matter come to the fore as part of his detailed description of the Mosque. Ibn Jubayr (2001, 202) thus wrote:

> The lower half of the south wall is cased with marble, tile on tile, of varying order and color; a splendid marquetry. The upper half is wholly inlaid with pieces of gold called *fusayfisā'* (mosaics) in which the artist has displayed amazing skill, producing shapes of trees in diverse forms, their branches laden with fruits. The whole Mosque is of this style, but the work in the south wall is more embellished. The wall looking on the court from the south side is of this manner, as also is that which does so from the north side. The west and east walls that overlook the court are wholly white and carved, and adorned with a band that contains various kinds of colors.

Without going into further details, Ibn Jubayr (2001, 202) simply concluded that "it would take too long to portray and describe the decorations of this blessed Mosque …" Some potential folktales and even superstitious beliefs, with regard to some decorative and functional aspects of the Mosque, are likewise referred to. "God best knows the truth of all this," was Ibn Jubayr's inference (Ibn Jubayr 2001, 200-203).

As for the sacred *rawḍah* (the area in the Mosque extending from the Prophet's house, wherein he was later buried, to his *minbar* or pulpit) which is described by the Prophet (pbuh) as one of the

gardens of Paradise, and the sacred chamber, originally one of the Prophet's houses, that enclosed the graves of the Prophet (pbuh), Abū Bakr and ʿUmar ibn al-Khaṭṭāb, Ibn Jubayr also described them as featuring numerous silver and fewer golden lamps. Their built forms were so wondrous, and decorative designs and patterns so captivating, that they were hard to portray or describe (Ibn Jubayr 2001, 198-203).

At the same time, however, Ibn Jubayr was able to discern that the said architectural and artistic state of the Mosque was rather a symptom, or an indication, of alarmingly serious spiritual disorders that were plaguing the city of Medina and the cities of the entire al-Ḥijāz region. For instance, he reported that when he was in Mecca in the month of Ramaḍān in AH 579/1184 AD – about 69 years before the establishment of the Mamlūk sultanate as yet another state within the ailing ʿAbbāsid caliphate – as a sign of Muslim disunity and disintegration there were five simultaneous *tarāwīḥ* (the Prayer associated with the holy month of Ramaḍān) congregations inside *al-Masjid al-ḥarām*: the Shāfiʿī, which had precedence over the others, Ḥanafī, Ḥanbalī, Mālikī, and even the Zaydī congregation. The last was a Shīʿī branch that followed the Zaydī Islamic jurisprudence. Ibn Jubayr refers to the parts of the Mosque that belonged to those congregations, the *miḥrāb*s (praying niches) and the candles used for lighting and adornment at those specific locations (Ibn Jubayr 2001, 97).

Ibn Jubayr (2001, 71) thus lamented at one point that:

> The greater number of the people of these al-Ḥijāz and other lands are sectaries and schismatics who have no religion, and who have separated in various doctrines. They treat the pilgrims in a manner in which they do not treat the Christians and Jews under tribute, seizing most of the provisions they have collected, robbing them and finding cause to divest them of all they have.

Also:

> The traveler by this way faces danger and oppression. Far otherwise has God decreed the sharing in that place of his indulgence. How can it be that the House of God should now be in the hands of people who use it as an unlawful source of livelihood, making it a means of illicitly claiming and seizing property, and detaining the pilgrims on its account, thus bringing them to humbleness and abject poverty.

> May God soon correct and purify this place be relieving the Muslims of these destructive schismatics with the swords of the Almohades (a puritanical Muslim dynasty ruling in Spain and northern Africa during the 6th AH/12th AD and 7th AH/13th AD centuries) (Ibn Jubayr 2001, 73).

About the *amīr* of Mecca, Ibn Jubayr (2001, 72) also wrote: "Such was his speech, as if God's Ḥaram were an heirloom in his hand and lawfully his to let to the pilgrims." Consequently, Ibn Jubayr inferred that "there is no Islam save in the Maghrib [Muslim West where the Almohades ruled] lands."

In the same vein, as a final point, Ibn Jubayr presented a remarkable lesson in the character of true Muslim architecture when he said about the Prophet's Mosque, and especially the Prophet's tomb inside it, that its charge was more noble and the Prophet's resting-place more exalted "than all that adorns it" (Ibn Jubayr 2001, 202). The tacit message of Ibn Jubayr thus was that the architecture of the Mosque – and indeed the whole realm of Muslim architecture, both as a theory and sensory reality – ought to submit to the authority of the transcendent Islamic message and its Prophet (pbuh) only, rising above the stifling confines of deadening symbolism, overindulgence and theoretical as well as practical dryness and formalism. In Islam, it follows, ultimate beauty is not in colors, tones, sounds, and shapes. Rather, it is in piety, righteousness, and virtue. Its repositories are not walls, ceilings, floors, vessels, or any other material objects – including human and animal bodies – but rather hearts, souls, and minds. In Islam and its art and architecture, therefore, the matter is to be subservient to the soul, the physical form to the spiritual and cerebral function, meaning, and purpose. Accordingly, the Prophet (pbuh) declared that God is beautiful and He loves beauty (Muslim, "al-Īmān," 147). One of His beautiful names is *Jamīl* (Beautiful). Hence, man is told thus that beauty and the beautiful on earth are only those things, objects, ideas, representations, experiences, and milieus as are in full conformity with the highest metaphysical standards and criteria of beauty. On the same note, the Prophet (pbuh) unsurprisingly proclaimed to the effect that if devoid of a required spiritual dimension, generally outward appearances count for nothing in the spiritual kingdom. He said: "Verily, Allah does not look into your appearances or your wealth, but He looks into your hearts and your deeds" (Muslim, "al-Birr wa-l-ṣilah," 33).

In view of that, the way the Prophet's Mosque functioned and some of its sectors architecturally and artistically looked like amid the paralyzing degeneration and division of the Muslim community, was rather offensive to the Islamic worldview and the body of its teachings and values. Similarly, it was offensive to the presence of the Prophet's grave inside it. So, therefore, when a first major fire in AH 654/1256 AD seriously damaged the section of the Mosque containing the Prophet's tomb, which was excessively embellished and ornamented and with which, mainly due to Shīʿī elements, some inappropriate activities were associated, a great many people, including scholars, interpreted the unfortunate event as an act of God aimed to purify the tomb as well as the Mosque of those inappropriate elements and activities (al-Samhūdī 1997, 2:600). Al-Samhūdī (1997, 2:600), who in principle agreed with those scholars, wrote that at that time Medina and its Mosque were under the firm control of the Shīʿah, with the city's magistrate or judge (*qāḍī*) and *khaṭīb* (the person who delivered sermons in the Mosque) being from them. The situation was such that nobody from the Sunnī ranks was able to openly study the Sunnī books.

Conclusion

As soon as their overthrow of the Umayyads was complete, the ʿAbbāsids seem to have busied themselves with improving the architectural condition of the Prophet's Mosque. They did so, partly, on account of them seeing the matter as part of their responsibilities towards the Mosque, the holy city of Medina, and the whole Muslim community (*ummah*), and, partly, on account of them seeing it expedient to draw on the extraordinary at once spiritual and civilizational legacy of the Mosque and the city of Medina for their freshly unveiled political goals and agendas. Thus, according to some unconvincing accounts, the first ʿAbbāsid caliph, al-Saffāḥ, did somewhat expand the Mosque. However, regardless of the authenticity, or otherwise, of the accounts, they are reticent about the nature and scope of the assignment. The second caliph al-Manṣūr is also reported to have intended to expand the Mosque, but was prevented from doing so by his passing away. It is highly probable that it was due to this that his son and successor, al-Mahdī, embarked on a major expansion of the Mosque merely two years after his enthronement. Some planning and preparation works might have started even earlier.

After Caliph al-Mahdī, the Mosque did not undergo any major renovation or expansion works until it was seriously damaged by two major fires, in AH 654/1256 AD and in AH 886/1481 AD. Following the first fire, the Mosque, including the Prophet's tomb or his sacred burial chamber, needed to be extensively overhauled. To many scholars, nonetheless, that did not amount to a major expansion. It was only after the second fire, during the reign of the Mamlūk sultan Qāytbāy, that a next large expansion was undertaken. A period of about 720 years separated between Caliph al-Mahdī's expansion and that of Sultan Qāytbāy. In addition, numerous minor repairs and improvements were carried out during the reigns of al-Mahdī's successors up till the first inferno.

All things considered, the contributions of the ʿAbbāsids to the development and architecture of the Prophet's Mosque were not as outstanding as one might expect. Generally speaking, their legacy in relation to the Mosque leaves a lot to be desired. The blame, however, is not to be attributed as much to the ʿAbbāsids themselves as to the general circumstances in the state that ultimately incapacitated the ʿAbbāsid administration from performing some of its essential duties and responsibilities. For the creation and fostering of the latter, many responsible parties were to share culpability. The ʿAbbāsids were only one of them.

During a long period of political instability and disintegration – especially during the latter periods which were fraught with the rapid weakening and ultimate disintegration of the ʿAbbāsid state and its centralized government in Baghdad, following which many petty dynasties of Arab, Turkish or Persian origin were parceling out the domains of the Caliph both in the east and the west – neither the ʿAbbāsid sovereigns nor any of the regional rulers were in a position to fully rise to the challenge of effectively sustaining and upgrading the Mosque, to make it keep pace with the vibrant demands of the laws of history and civilization-making. The Mosque and its innate identity and mission were larger and more commanding than all of them and their restricted political agendas. It kept them and their limited and localized scopes in the shadow of its universal and supernatural predisposition, meaning and purpose. In addition, it was not uncommon that the Mosque was attempted to be manipulated and clearly mistreated and misused by some malevolent religious and political protagonists for the sake of their bigoted and myopic religious and socio-political ends.

REFERENCES

al-Anṣārī, Nājī Muḥammad. 1996. *ʿImārat wa-tawsīʿ al-Masjid al-Nabawī al-sharīf ʿabr al-tārīkh*. Medina: Nādī l-Madīnah al-Munawwarah al-Adabī.

Badr, ʿAbd al-Bāsiṭ. 1993. *Al-Tārīkh al-shāmil li-l-Madīnah al-Munawwarah*. Medina: n.p.

Bāsalāmah, Ḥusayn ʿAbd Allāh. 2001. *Tārīkh ʿimārat al-Masjid al-ḥarām bi-mā iḥtawá min maqām Ibrāhīm wa-Biʾr zamzam wa-l-minbar wa-ghayr dhālik*. Cairo: Maktabat al-Thaqāfah al-Dīniyyah.

Behrens-Abouseif, Doris. 1999. "Qāytbāy's *Madrasah*s in the Holy Cities and the Evolution of Ḥarām Architecture." *Mamlūk Studies Review* 3: 129-149.

Bulliet, Richard W. n.d. *Religion and the State in Islam: From Medieval Caliphate to the Muslim Brotherhood*. Denver: University of Denver Occasional Paper Series. Paper no. 2. https://www.du.edu/korbel/middleeast/media/documents/bullietfinal.pdf Accessed November 21, 2015.

Creswell, Keppel Archibald Cameron. 1989. *A Short Account of Early Muslim Architecture*. Cairo: The American University in Cairo Press.

Dawāḥ, Ḥamad ʿAbd al-Karīm. 2006. *Al-Madīnah al-Munawwarah fī l-fikr al-Islāmī*. Beirut: Dār al-Kutub al-ʿIlmiyyah.

Fakkar, Galal. 2015. "Story behind the King's Title." *Arab News*, January 27, 2015. http://www.arabnews.com/news/695351.

Hamid, Abbas. 1996. *Story of the Great Expansion*. Jeddah: Saudi Bin Ladin Group.

Hitti, Philip K. 1996. *History of the Arabs*. New York: St. Martin's Press.

Ibn Jubayr, Abū l-Ḥusayn Muḥammad ibn Aḥmad. 2001. *The Travels of Ibn Jubayr: A mediaeval Spanish Muslim visits Makkah, Madinah, Egypt, cities of the Middle East and Sicily*. Translated into English by Roland J. C. Broadhurst. New Delhi: Goodword Books.

Ibn Kathīr, Abū l-Fidāʾ ʿImād al-Dīn Ismāʿīl ibn ʿUmar. 1985. *al-Bidāyah wa-l-nihāyah*. Edited by Aḥmad Abū Milḥim, ʿAlī Najīb ʿAṭwī, Fuʾād al-Sayyid, and Mahdī Muḥammad Nāṣir al-Dīn. Beirut: Dār al-Kutub al-ʿIlmiyyah.

Ibn al-Najjār, Abū ʿAbd Allāh Muḥibb al-Dīn Muḥammad ibn Maḥmūd ibn al-Ḥasan. 1981. *Akhbār madīnat al-Rasūl al-maʿrūf bi-l-Durrah al-thamīnah*. Edited by Ṣāliḥ Muḥammad Jamāl. 3rd ed. Mecca: Maktabat al-Thaqāfah.

Ismāʿīl, Muḥammad Kamāl. 1998. *The Architecture of the Prophet's Holy Mosque al Madīnah*. Edited by Salmá Samar Damlūjī. London: Hazar.

Lamʿī, Muṣṭafá Ṣāliḥ. 1981. *Al-Madīnah al-Munawwarah: Taṭawwuruhā al-ʿumrānī wa-turāthuhā al-miʿmārī*. Beirut: Dār al-Nahḍah al-ʿArabiyyah.

al-Masʿūdī, Abū l-Ḥasan ʿAlī ibn Ḥusayn ibn ʿAlī. 1982. *Murūj al-dhahab wa-maʿādin al-jawhar fī l-tārīkh*. Beirut: Dār al-Maʿrifah.

Muslim, Abū l-Ḥusayn Muslim ibn al-Ḥajjāj al-Qushayrī. 2005. *Sahīh Muslim*. Translated into English by ʿAbdul Ḥamid Ṣiddīqī. 4th ed. New Delhi: Islamic Book Service.

Omer, Spahic. 2013. *The Prophet Muhammad (pbuh) and Urbanization of Madinah*. 3rd revised ed. Kuala Lumpur: International Islamic University Malaysia Press.

al-Quāitī [al-Quʿayṭī], Sultān Ghālib. 2007. *The Holy Cities, the Pilgrimage and the World of Islam: A History from the Earliest Traditions till 1925 (1344H)*. Louisville, KY: Fons Vitae.

al-Samhūdī, Abū l-Ḥasan Nūr al-Dīn ʿAlī ibn ʿAbd Allāh. 1997. *Wafāʾ al-wafāʾ bi-akḥbār Dār al-Muṣṭafá*. 4 vols. in 2 vols. Edited by Muḥammad Muḥyī al-Dīn ʿAbd al-Ḥamīd. Beirut: Dār Iḥyāʾ al-Turāth al-ʿArabī.

al-Ṭabarī, Abū Jaʿfar Muḥammad ibn Jarīr ibn Yazīd. *Al-Ṭabarī: The Early ʿAbbāsī Empire*. 1988-1989. Translated into English by John Alden Williams. 2 vols. Cambridge, NY: Cambridge University Press.

Walker, Paul E. (ed. and trans.). 2009. *Orations of the Fatimid Caliphs Festival Sermons of the Ismaili Imams: An Edition of the Arabic Texts and English Translation of Fatimid* khuṭbas. London: I. B. Tauris & Institute of Ismaili Studies.

al-Yaʿqūbī, Abū l-ʿAbbās Aḥmad ibn Abī Yaʿqūb Isḥāq ibn Jaʿfar. 2002. *Tārīkh al-Yaʿqūbī*. Edited by Khalīl al-Manṣūr. 2 vols. in 1 vol. Beirut: Dār al-Kutub al-ʿIlmiyyah.

DEFINITIVENESS OF PROOF OF *ḤARĀM* AND *ḤUKM* OF ITS DENIAL IN THE ḤANAFĪ SCHOOL

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Abstract

In Islamic law, knowledge of *ḥarām* as a judgement (*ḥukm)* category is as important as determining the deeds that are *ḥarām*. Accordingly, work on *uṣūl al-fiqh* describes the concept of *ḥarām* from several perspectives. Pursuant to some classical Ḥanafī work on *uṣūl al-fiqh* and certain modern *uṣūl* studies, the common Ḥanafī view is that proof for prohibition must be definitive to determine what is *ḥarām* and its denier is subjected to excommunication (*takfīr*). Nevertheless, based on a general approach in classical Ḥanafī work on *uṣūl al-fiqh* and the use of the *ḥarām* concept in *furūʿ* books, it is impossible to accept the foregoing view as the absolute or preferable opinion in the Ḥanafī school. This study discusses the correctness of this relation for the foregoing approach to the Ḥanafī school through the following claim: According to common Ḥanafī view, definitiveness of proof, which signifies prohibition, is not necessary for determining *ḥarām*; it can be equally determined through speculative proof. Thus, it is impossible to declare someone unbeliever unless he / she denies a *ḥarām* with definitive proof.

Key Words : Ḥanafī school, *ḥarām*, definitive proof (*dalīl qaṭʿī*), *ḥukm* of denial of *ḥarām*.

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Introduction

All religions, ethical and legal systems have prohibitive and mandatory rules pursuant to their normative nature.[1] According to the Qurʾān, prohibition begins with humanity's history.[2] Tests, which are the purpose of human existence on earth, as well as the characteristics and needs of man, render the presence and legitimacy of prohibition inevitable.

Ḥarām is the most common term used to indicate the prohibited zone in *fiqh*. This area is defined as a *copse of Allāh*[3] in a ḥadīth; determination of its boundaries is very important for individual's and society's earthly and heavenly lives. *Faqīh* is responsible for declaring the deeds that are *ḥarām*. In addition, *uṣūl al-fiqh* fulfils the duty of determining the content of *ḥarām* as a *ḥukm* category.

According to lexicon, *ḥarām* means prohibition, prohibited, and banned, and it is the opposite of permissible (*ḥalāl*) and neutral/permitted (*mubāḥ*). In certain cases, it reflects holiness and inviolability, such as in "*ḥarām* months" and "al-Bayt al-ḥarām."[4] In relevant verses, ḥadīths, and *fiqh* works, terms, such as forbidding (*ḥaẓr*), proscribed/forbidden (*maḥẓūr*), evil (*qabīḥ*), and forbidden efforts (*manhiyyʿan ʿanhu*), are also used with synonymous or near-synonymous meanings.[5]

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1 For more detailed information, see Vecdi Aral, *Hukuk ve Hukuk Bilimi Üzerine* (Istanbul: Filiz Kitabevi, n.d.), 51-59; Talip Türcan, *İslam Hukuk Biliminde Hukuk Normu* (Ankara: Ankara Okulu Yayınları, 2003), 53-170; Kürşat Demirci, "Haram," in *Türkiye Diyanet Vakfı İslâm Ansiklopedisi (DİA)*, XVI, 97-100; Cengiz Batuk, "Tabu," in *Türkiye Diyanet Vakfı İslâm Ansiklopedisi (DİA)*, XXXIX, 334-335.

2 Q 2:35; 7:19-22.

3 Al-Bukhārī, "al-Īmān," 39; Muslim, "al-Musāqāt," 107; al-Tirmidhī, "al-Buyūʿ," 1.

4 Abū l-Faḍl Muḥammad ibn Mukarram Ibn Manẓūr, *Lisān al-ʿArab* (Beirut: Dār Ṣādir, 1990), s.v. "*ḥrm*;" Muḥammad Murtaḍá al-Ḥusaynī al-Zabīdī, *Tāj al-ʿarūs min jawāhir al-Qāmūs*, ed. Muṣṭafá Ḥijāzī (Kuwait: Maṭbaʿat Ḥukūmat al-Kuwayt, 1989), s.v. "*ḥrm*."

5 See Seyit Mehmet Uğur, "Fıkıh Usûlünde Haram Kavramı," (master's thesis, Istanbul: Marmara University, 2009), 9-14; Uğur Bekir Dilek, "İslam Hukuk Metodolojisinde Teklifi Hüküm Terimleri (Doğuşu-Gelişmesi-Terimleşmesi)," (PhD diss., Konya: Selçuk University, 2010), 124-136; Recep Çetintaş, *İlk Beş Asır Fıkıh Usulü Literatüründe Teklîfî Hüküm Terminolojisi* (Ankara: Fecr Yayınevi, 2015), 202-227.

Scholars of Ḥanafī *uṣūl al-fiqh* define *ḥarām* with a focus on sanctions for the committer and rewards for those who leave *ḥarām*. According to al-Jaṣṣāṣ (d. 370/981), *maḥẓūr*, which he uses as synonymous with *ḥarām*, signifies "what the *mukallaf* (the one vested with responsibility) will deserve for punishment upon commitment and reward upon abandoning."[6] ʿAlāʾ al-Dīn al-Samarqandī (d. 539/1044), defines *ḥarām* as the opposite of *farḍ* (obligatory) and the definitive *wājib* (compulsory), therefore, it is what makes the committer sinful and the commitment to which leads to the threat of punishment.[7] Al-Lāmishī (d. 5th-6th century AH) uses the same method and quotes two definitions, specifically, the "thing for which one deserves reprimand for committing," the "thing for which one becomes a sinner because of doing and acquires merit for approaching Allah if it is abandoned."[8] According to Ibn al-Sāʿātī (d. 694/1295), *ḥarām* is something that "the commitment to which, as a deed, causes denunciation that is pursuant to *sharīʿah*." The last description, which is more accurate owing to the fact that it put *mubaḥ* that leads to abandonment of *wājib* out of the *ḥarām*[9], is identical to the definition of *maḥẓūr* by Shāfiʿī jurist Sayf al-Dīn al-Āmidī (d. 631/1233).[10] Ṣadr al-Sharīʿah (d. 747/1347) and Mullā al-Fanārī (d. 834/1431) define *ḥarām* as "something for commitment of which a person is punished."[11] In contrast, Mullā Khusraw (d.

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6 Abū Bakr Aḥmad ibn ʿAlī al-Jaṣṣāṣ al-Rāzī, *al-Fuṣūl fī l-uṣūl*, ed. ʿUjayl Jāsim al-Nashamī, 2nd ed. (Kuwait: Wizārat al-Awqāf wa-l-Shuʾūn al-Islāmiyyah, 1985), III, 247.

7 Abū Bakr ʿAlāʾ al-Dīn Shams al-Naẓar Muḥammad ibn Aḥmad al-Samarqandī, *Mīzān al-uṣūl fī natāʾij al-ʿuqūl (al-Mukhtaṣar)*, ed. Muḥammad Zakī ʿAbd al-Barr (Cairo: Maktabat Dār al-Turāth, 1997), 43.

8 Abū l-Thanāʾ Maḥmūd ibn Zayd al-Lāmishī, *Kitāb fī uṣūl al-fiqh*, ed. ʿAbd al-Majīd Turkī (Beirut: Dār al-Gharb al-Islāmī, 1995), 61.

9 Abū l-ʿAbbās Muẓaffar al-Dīn Aḥmad ibn ʿAlī ibn Taghlib Ibn al-Sāʿātī, *Nihāyat al-wuṣūl ilá ʿilm al-uṣūl al-maʿrūf bi-Badīʿ al-niẓām al-jāmiʿ bayna kitāb al-Bazdawī wa-l-Iḥkām*, ed. Ibrāhīm Shams al-Dīn (Beirut: Dār al-Kutub al-ʿIlmiyyah, 2004), 105.

10 See Abū l-Ḥasan Sayf al-Dīn ʿAlī ibn Muḥammad al-Āmidī, *al-Iḥkām fī uṣūl al-aḥkām*, ed. ʿAbd al-Razzāq ʿAfīfī (Riyadh: Dār al-Ṣumayʿī, 2003), I, 153.

11 Ṣadr al-Sharīʿah al-Awwal ʿUbayd Allāh ibn Masʿūd al-Maḥbūbī, *al-Tawḍīḥ sharḥ al-Tanqīḥ*, ed. Muḥammad ʿAdnān Darwīsh (along with Saʿd al-Dīn Masʿūd ibn ʿUmar al-Taftāzānī's *al-Talwīḥ ilá kashf ḥaqāʾiq al-Tanqīḥ*; Beirut: Sharikat Dār al-Arqam ibn Abī l-Arqam, 1998), II, 275; Shams al-Dīn Muḥammad ibn Ḥamzah Mullā al-Fanārī, *Fuṣūl al-badāʾiʿ fī uṣūl al-sharāʾīʿ*, ed. Muḥammad Ḥasan

885/1480) does not directly define *ḥarām*. Nevertheless, in the content of his expressions, "*ḥarām* necessitates punishment, whereupon one who commits it will deserve punishment due to such an act" is similar to the foregoing descriptions.[12]

Apparently, sanction, which is an essential element in the abovementioned descriptions, signifies punishment, denunciation, and sinfulness. Another common feature in these descriptions is the relation between the commitment of *ḥarām* and sanction. Ṣadr al-Sharīʿah and Mullā al-Fanārī suggest that punishment is an inevitable consequence of committing *ḥarām*. Nevertheless, man is not necessarily punished for committing *ḥarām*, due to a lack of intent or forgiveness from Allāh. For the possibility of engaging in *ḥarām* by mistake, one can oppose the obligatory causal link between sin and *ḥarām* that is described by al-Samarqandī and al-Lāmishī.[13] While defining *ḥarām*, al-Jaṣṣāṣ uses the term "being worthy of punishment," Ibn al-Sāʿātī mentions "causing denunciation," and Mullā Khusraw discusses "requiring punishment" and "deserving punishment." Thus, these scholars believe that there is no obligatory relation between sanction and the commitment of *ḥarām* and seek a more accurate definition that can evade foregoing objections. Unlike others, al-Jaṣṣāṣ and al-Lāmishī strikingly refer to "gaining merit when abandoned" in their definitions of *ḥarām*. Whether or not avoiding an act can lead to reward is closely related to the problem of requiring the obligation (*taklīf*); therefore, it is still a controversial topic among jurists.[14] We are content with the present information because the descriptions of *ḥarām* with regard to *ḥukm* are not

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Muḥammad Ḥasan Ismāʿīl al-Shāfiʿī (Beirut: Dār al-Kutub al-ʿIlmiyyah, 2006), I, 244.

12 Muḥammad ibn Farāmūz (Farāmurz) ibn ʿAlī Mullā Khusraw, *Mirʾāt al-uṣūl sharḥ Mirqāt al-wuṣūl* (Istanbul: Dār al-Ṭibāʿah al-ʿĀmirah, 1309), II, 390, 393-394.

13 For this question, see Badr al-Dīn Muḥammad ibn Bahādur ibn ʿAbd Allāh al-Zarkashī, *al-Baḥr al-muḥīṭ fī uṣūl al-fiqh*, ed. ʿAbd al-Qādir ʿAbd Allāh al-ʿĀnī and ʿUmar Sulaymān al-Ashqar, 2nd ed. (Kuwait: Wizārat al-Awqāf wa-l-Shuʾūn al-Islāmiyyah, 1992), I, 256-257.

14 See Abū Ḥāmid Muḥammad ibn Muḥammad al-Ghazālī, *al-Mustaṣfá min ʿilm al-uṣūl* (along with Muḥibb Allāh Ibn ʿAbd al-Shakūr al-Bihārī's *Musallam al-thubūt* and ʿAbd al-ʿAlī Muḥammad ibn Niẓām al-Dīn al-Anṣārī's *Fawātiḥ al-raḥamūt bi-sharḥ Musallam al-thubūt fī uṣūl al-fiqh*; Būlāq: al-Maṭbaʿah al-Amīriyyah, 1322), I, 90.

directly associated to the theme of our paper.[15]

In addition to sanction, religious ordinances/rules (*al-aḥkām al-sharʿiyyah*) can be described as based on the quality of proof that is determined. In fact, when defining and explaining *farḍ* and *wājib*, Ḥanafī jurists account for the definitive or speculative nature of proof. Accordingly, *farḍ* is an act for which commitment is determined via definitive proof (*dalīl qaṭʿī*), while *wājib* is that in which commitment is determined via speculative proof (*dalīl ẓannī*).[16] Is a similar case in question when defining and explaining *ḥarām* in the Ḥanafī school?

In modern *uṣūl al-fiqh* works and those about *ḥarām*, it is asserted that proof about prohibition has to be definitive for *ḥarām* to be determined in the Ḥanafī school. For example, Khuḍarī Beg (d. 1927) asserts that according to Ḥanafīs, the *ḥukm* is *ḥarām* if the proof, which requires obligatory avoidance of an act, is determined in a definitive manner, and that *ḥukm* will be *makrūh taḥrīmī* (prohibitively disliked/discouraged) when it is determined in a speculative manner.[17] Therefore, Khuḍarī Beg claims that definitiveness of proof is a prerequisite for authenticity (*thubūt*), in other words, its belonging to its origin, for which *ḥarām* can be determined according to Ḥanafīs; similar assertions are common in many modern works on the same problem.[18]

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[15] For other *ḥarām* descriptions and evaluation with the *ḥukm* of *ḥarām* commitment in focus, see Uğur, "Fıkıh Usûlünde Haram Kavramı," 19-25.

[16] Abū Zayd ʿUbayd Allāh ibn ʿUmar ibn ʿĪsá al-Dabūsī, *Taqwīm al-adillah fī uṣūl al-fiqh*, ed. Khalīl Muḥyī al-Dīn al-Mays (Beirut: Dār al-Kutub al-ʿIlmiyyah, 2001), 77; Abū l-Ḥasan Abū l-ʿUsr Fakhr al-Islām ʿAlī ibn Muḥammad al-Bazdawī, *Uṣūl al-Bazdawī*, ed. ʿAbd Allāh Maḥmūd Muḥammad ʿUmar (along with ʿAlāʾ al-Dīn ʿAbd al-ʿAzīz ibn Aḥmad al-Bukhārī's *Kashf al-asrār ʿan Uṣūl Fakhr al-Islām al-Bazdawī*; Beirut: Dār al-Kutub al-ʿIlmiyyah, 1997), II, 436-438; Abū Bakr Shams al-aʾimmah Muḥammad ibn Abī Sahl al-Sarakhsī, *Uṣūl al-Sarakhsī*, ed. Abū l-Wafāʾ al-Afghānī (Hyderabad, al-Dakkan: Lajnat Iḥyāʾ al-Maʿārif al-Nuʿmāniyyah, n.d. → Beirut: Dār al-Kutub al-ʿIlmiyyah, 1993), I, 110-111; al-Samarqandī, *Mīzān al-uṣūl*, 28-29.

[17] Muḥammad Khuḍarī Beg, *Uṣūl al-fiqh*, 6th ed. (Egypt: al-Maktabah al-Tijāriyyah al-Kubrá, 1969), 34, 49-50.

[18] For example, see Wahbah al-Zuḥaylī, *Uṣūl al-fiqh al-Islāmī* (Damascus: Dār al-Fikr, 1986), I, 85-86; Muḥammad Abū l-Fatḥ al-Bayānūnī, *al-Ḥukm al-taklīfī fī l-sharīʿah al-Islāmiyyah* (Damascus: Dār al-Qalam, 1988), 197, 204; Zekiyyüddin Şaʿbân [Zakī al-Dīn Shaʿbān], *İslâm Hukuk İlminin Esasları (Usûlü'l Fıkh)*, trans. İbrahim Kâfi Dönmez, 5th ed. (Ankara: Türkiye Diyanet Vakfı Yayınları, 2001),

Ḥanafīs and most scholars agree that an exactitude of proof is necessary for determining *ḥarām*. In other words, the proof must be precise, clear, and binding in such a manner that there is no need for interpretation or explanation. Khuḍarī Beg and those on the same page indicated that proof for Ḥanafīs should also be definitive in authenticity when determining *ḥarām*, and the proof that has definitive authenticity are Qurʾānic verses, multiply transmitted traditions (*al-sunnah al-mutawātirah*), and consensus (*ijmāʿ*). According to several of these scholars, *ḥarām* can also be determined through the well-known ḥadīth (*al-sunnah al-mashhūrah*).[19] Putting aside the debates about the definitiveness of *ijmāʿ* and *al-sunnah al-mashhūrah*,[20] when definitiveness for both authenticity and significance (*dalālah*) is required to conclude that an act is *ḥarām*,

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251-252; Fahrettin Atar, *Fıkıh Usûlü*, 5th ed. (Istanbul: Marmara Üniversitesi İlâhiyat Fakültesi Vakfı [İFAV] Yayınları, 2002), 127; ʿAbd al-Karīm Zaydān, *al-Wajīz fī uṣūl al-fiqh* (Beirut: Muʾassasat al-Risālah, 2002), 41,46; Aḥmad Maḥmūd al-Shāfiʿī, *Uṣūl al-fiqh al-Islāmī* (Beirut: Manshūrāt al-Ḥalab al-Ḥuqūqiyyah, 2002), 229; Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence*, 3rd rev. and enl. ed. (Cambridge, UK: The Islamic Texts Society, 2003), 410, 421; Ferhat Koca, "Haram. Fıkıh," in *Türkiye Diyanet Vakfı İslâm Ansiklopedisi (DİA)*, XVI, 100; Abdullah Kahraman, "İslam'da Helal ve Haramın Yeri ve Fıkıh Usulü Açısından Temellendirilmesi," *İslam Hukuku Araştırmaları Dergisi* 20 (2012), 51; Muhsin Koçak, Nihat Dalgın, and Osman Şahin, *Fıkıh Usûlü* (Istanbul: Ensar Neşriyat, 2013), 214; Kahraman, *Fıkıh Usûlü*, 3rd ed. (Istanbul: Rağbet Yayınları, 2014), 211.

19 Khuḍarī Beg, *Uṣūl al-fiqh*, 49; al-Zuḥaylī, *Uṣūl al-fiqh al-Islāmī*, I, 86; Şaʿbân, *İslâm Hukuk İlminin Esasları*, 251.

20 In Ḥanafī *uṣūl*, consensus (*ijmāʿ*) is often expressed as definitive proof; nevertheless, it is understood that the definitive or speculative character of consensus varies depending on its form of occurrence, document, related topic, method of its report to posterities, and quality of related *mujtahid*. For additional information, see al-Bazdawī, *Uṣūl*, III, 386; al-Sarakhsī, *Uṣūl*, I, 318-319; ʿAlāʾ al-Dīn ʿAbd al-ʿAzīz ibn Aḥmad al-Bukhārī, *Kashf al-asrār ʿan uṣūl Fakhr al-Islām al-Bazdawī*, ed. ʿAbd Allāh Maḥmūd Muḥammad ʿUmar (along with Abū l-ʿUsr al-Bazdawī's *Uṣūl al-Bazdawī*; Beirut: Dār al-Kutub al-ʿIlmiyyah, 1997), III, 385-386; ʿAdnān Kāmil al-Sarmīnī, *Ḥujjiyyat al-ijmāʿ* (Jeddah: Dār Nūr al-Maktabāt & Muʾassasat al-Rayyān, 2004), 404-414; İbrahim Kâfi Dönmez, "İcmâ," in *Türkiye Diyanet Vakfı İslâm Ansiklopedisi (DİA)*, XXI, 426. About epistemological value of well-known ḥadīth (*al-sunnah al-mashhūrah*), see al-Bazdawī, *Uṣūl*, II, 534-536; al-Sarakhsī, *Uṣūl*, I, 291-295; ʿAbd al-ʿAzīz al-Bukhārī, *Kashf al-asrār*, II, 534-537; Mehmet Ali Yargı, *Meşhur Sünnetin Dindeki Yeri* (Istanbul: Ensar Neşriyat, 2009), 101-140.

one who denies *ḥarām* should consequently be declared an unbeliever. Indeed, some authors, who ascribe this condition to the Ḥanafī school, assert that those who deny *ḥarām* is declaredunbelievers under the Ḥanafī school.[21]

Is it possible to accept that the restriction that definitiveness of the authenticity of proof is necessary for determining *ḥarām*, and, accordingly, that the view that one who denies *ḥarām* will be declared as an unbeliever is the general opinion of the Ḥanafī school? Do the approaches in conventional *uṣūl* works and use of the term *ḥarām* in *furūʿ* works support such assertions? In the classical period, were there any Muslim jurists who defended these assertions? This study intends to answer these questions. As such, we analyze relevant approaches in Ḥanafī *uṣūl* works, as well as the use of the term *ḥarām* in *furūʿ* books. Because the topic of this study is *ḥarām* in the Ḥanafī school with regard to its proof and declaration of its denier as an unbeliever; related definitions and problems in *uṣūl* works by kalām scholars are beyond the scope of this paper. Likewise, issues that are related Ḥanafī *uṣūl* works, such as identical or similar *ḥarām* concepts, as well as their relation to the latter, divisions of *ḥarām*, *ḥarām* as an indulgence/concession (*rukhṣah*), the relation between *ḥarām* and other religious rules/ordinances, its origin, ways of obtaining it, forms of its expression in the Qurʾān and ḥadīths, and objectives and justifications for declaing *ḥarām* are beyond the scope of this study.

I. The Treatment of *Ḥarām* in *Uṣūl* Works

Al-Dabūsī (d. 430/1039), al-Bazdawī (d. 482/1089), and al-Sarakhsī (d. 483/1090) examine *ʿazīmah ḥukm*s (initial determined rules) in four categories, specifically, *farḍ*, *wājib*, *sunnah*, and *nāfilah,* while *ḥarām* is not discussed as a *ḥukm* category.[22] Evidently, this does not mean that they do not consider *ḥarām* as a religious rule. Because abandoning *ḥarām* is *farḍ* and *farḍ* is the opposite of *ḥarām*, the foregoing jurists evaluate *ḥarām* in the scope of *farḍ* and do not

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[21] Khuḍarī Beg, *Uṣūl al-fiqh*, 49; al-Zuḥaylī, *Uṣūl al-fiqh al-Islāmī*, I, 86; Ṣaʿbân, *İslâm Hukuk İlminin Esasları*, 251-252; Maḥmūd al-Shāfiʿī, *Uṣūl al-fiqh al-Islāmī*, 235; Kamali, *Principles of Islamic Jurisprudence*, 421; Kahraman, *Fıkıh Usûlü*, 211.

[22] See al-Dabūsī, *Taqwīm al-adillah*, 77-80; al-Bazdawī, *Uṣūl*, II, 436, al-Sarakhsī, *Uṣūl*, I, 110-116, 117.

separately discuss it in related divisions. Indeed, al-Sarakhsī highlights two aspects of *wājib* in the following definition: "*Wājib* signifies what is compulsory to do; as for problems about *ḥalāl* and *ḥurmah* (being *ḥarām*), it signifies what is compulsory to abandon."[23] Therefore, in al-Sarakhsī's division of *ḥukm*s, *wājib* includes both what is compulsory to do and abandon. Consequently, according to his division, *farḍ* also includes *ḥarām*. ʿAbd al-ʿAzīz al-Bukhārī (d. 730/1330) has a clearer approach to the issue. For him, the *ḥukm*s in al-Bazdawī's classification covers acts in forms of commitment and abandonment. When the proof for the *ḥarām* character of an act is definitive, such as in prohibitions of *maytah* (impure meat) and *khamr* (wine), it is *farḍ* to abandon the act subject to prohibition. When the proof, which expresses prohibition, is not definitive but incorporates doubt – doubt in the examples by ʿAbd al-ʿAzīz al-Bukhārī apparently indicates speculative character with regard to authenticity – it is *wājib* to abandon the act.[24] Ibn Malak (d. after 821/1418) also indicates that *ḥarām* is included within *farḍ* or *wājib* depending on definitiveness of proof.[25] This established relation between *ḥarām* and *farḍ*, as well as the evaluation of *ḥarām* within the scope of *farḍ*, are important for analyzing the problems below. Followers of this approach include jurists, such as al-Akhsīkathī (d. 644/1247),[26] al-Khabbāzī (d. 691/1293),[27] and Ḥāfiẓ al-Dīn al-Nasafī (d. 710/1310).[28]

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23 Al-Sarakhsī, *Uṣūl*, I, 111.

24 ʿAbd al-ʿAzīz al-Bukhārī, *Kashf al-asrār*, II, 436.

25 ʿIzz al-Dīn ʿAbd al-Laṭīf ibn ʿAbd al-ʿAzīz Ibn Malak, *Sharḥ al-Manār* (along with Yaḥyá ibn Qarājā al-Ruhāwī, *Ḥāshiyah ʿalá Sharḥ al-Manār*, ʿAzmīzādah Muṣṭafá ibn Bīr ʿAlī's *Ḥāshiyah ʿalá Sharḥ al-Manār*, and Burhān al-Dīn Muḥammad ibn Ibrāhīm al-Ḥalabī's *Anwār al-ḥalak ʿalá Sharḥ al-Manār li-Ibn Malak*, in *Sharḥ al-Manār wa-ḥawāshīhi min ʿilm al-uṣūl*; Darsaʿādah: Maṭbaʿa-i ʿUthmāniyyah, 1315), 579-580.

26 See Abū l-Barakāt Ḥāfiẓ al-Dīn ʿAbd Allāh ibn Aḥmad al-Nasafī, *Sharḥ Ḥāfiẓ al-Dīn al-Nasafī li-kitāb al-Muntakhab fī uṣūl al-madhhab li-Muḥammad ibn Muḥammad ibn ʿUmar al-Akhsīkathī*, ed. Salim Öğüt (Istanbul: n.p., 2003), 560.

27 Jalāl al-Dīn Abū Muḥammad ʿUmar ibn Muḥammad ibn ʿUmar al-Khabbāzī, *al-Mughnī fī uṣūl al-fiqh*, ed. Muḥammad Maẓhar Baqā (Mecca: Jāmiʿat Umm al-Qurá Markaz al-Baḥth al-ʿIlmī wa-Iḥyāʾ al-Turāth al-Islāmī, 1403), 83-86.

28 Al-Nasafī, *Kashf al-asrār: Sharḥ al-muṣannif ʿalá l-Manār* (along with Aḥmad ibn Abī Saʿīd ibn ʿAbd Allāh [ʿUbayd Allāh] Mullā Jīwan al-Laknawī's *Nūr al-anwār ʿalá l-Manār*; Beirut: Dār al-Kutub al-ʿIlmiyyah, 1986), I, 448 ff.

However, certain Ḥanafī jurists treat *ḥarām* independently in their *ḥukm* classifications. As far as we can determine, the first of these scholars was al-Jaṣṣāṣ. Al-Jaṣṣāṣ divides voluntary acts of *mukallaf* (the legally responsible agent), mentally into three categories: *mubāḥ*, *wājib*, and *maḥẓūr*.[29] Elsewhere, he groups acts into four categories in religio-juridical terms, specifically, *wājib*, *maḥẓūr*, *mandūb* (recommended), and *mubāḥ*.[30] For him, *maḥẓūr* is "the act upon the commitment of which mukallaf will be worthy of punishment and abandonment will be worthy of reward."[31] In *uṣūl* work, *maḥẓūr* is occasionally used instead of *ḥarām*, therefore, al-Jaṣṣāṣ must have meant *ḥarām* with *maḥẓūr*. Nevertheless, please remember that al-Jaṣṣāṣ did not mention the foregoing classifications under the title or in the context of religious ordinances/rules.[32] For *ḥukm* classifications by ʿAlāʾ al-Dīn al-Samarqandī and al-Lāmishī, *ḥarām* is discussed separately. Nevertheless, the contrast between *ḥarām* and *farḍ* remains decisive in *ḥarām* definitions. According to these two jurists, the concepts of *ḥarām*, *muḥarram*, and *nahy* are opposites of *farḍ* and definitive *wājib*; therefore, it is possible to attain the definition of *ḥarām* based on the opposite definitions for *farḍ* and definitive *wājib*. They mention several of the foregoing examples to show how to attain defining *ḥarām* through *farḍ*. In a sense, they ascribe *ḥarām* definitions to chapters about *farḍ* and definitive *wājib*.[33] In addition, al-Samarqandī in particular, emphasizes *farḍ* more than *ḥarām*. Jurists who separately discuss *ḥarām* include Ibn al-Sāʿātī (d. 694/1295),[34] Ṣadr al-Sharīʿah (d. 747/1347),[35] Mullā al-Fanārī (d. 834/1431),[36] Ibn al-Humām (d. 861/1457),[37] Mullā Khusraw (d. 885/1480),[38] Ibn ʿAbd al-Shakūr (d. 1119/1707),[39] and Abū Saʿīd al-Khādimī (d. 1176/1762).[40]

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29 Al-Jaṣṣāṣ, *al-Fuṣūl fī l-uṣūl*, III, 247.

30 *Ibid*., II, 166.

31 *Ibid*., III, 247.

32 The first division by al-Jaṣṣāṣ is under the title of *ḥukm* about things prior to religious declaration/*waḥy*. The second division that is mentioned is related to the fact that ordering something requires abandoning its opposite.

33 Al-Samarqandī, *Mīzān al-uṣūl*, 43; al-Lāmishī, *Kitāb fī uṣūl al-fiqh*, 61.

34 Ibn al-Sāʿātī, *Nihāyat al-wuṣūl*, 105.

35 Ṣadr al-Sharīʿah, *al-Tawḍīḥ*, II, 271, 275.

36 Mullā al-Fanārī, *Fuṣūl al-badāʾiʿ*, I, 244.

37 Kamāl al-Dīn Muḥammad ibn ʿAbd al-Wāḥid Ibn al-Humām, *al-Taḥrīr fī uṣūl al-fiqh al-jāmiʿ bayna iṣṭilāḥay al-Ḥanafiyyah wa-l-Shāfiʿiyyah* (along with

II. Definitiveness of Proof for *Ḥarām*

A. Definitiveness of Proof for *Ḥarām* in *Uṣūl* Works

As indicated in introduction, many modern studies assert that in the Ḥanafī tradition, the proof, which prohibits an act, must be definitive in authenticity and signification to determine the *ḥarām*.[41] Does this argument accurately reflect the views of the founding imāms of the school and classical Ḥanafī jurists?

In his work, al-Imām Muḥammad does not describe *ḥarām* or provide definitive or speculative character of its proof. Ḥanafī *uṣūl al-fiqh* relates the views of Muḥammad al-Shaybānī as follows: An act, the abandonment of which is demanded in a conclusive and binding manner and with definitive proof, is *ḥarām*. If such demands (*ṭalab*) occur upon not definitive but speculative proof, the act is not called *ḥarām* but is *makrūh taḥrīmī*. Whoever commits *makrūh taḥrīmī* becomes worthy of punishment similar to one who commits *ḥarām*. Therefore, according to al-Shaybānī, *makrūh taḥrīmī* is essentially *ḥarām*. Nevertheless, he refrains from naming this *ḥarām* because it is determined through speculative proof and calls it *makrūh taḥrīmī*.[42] As is seen, in his distinction between *ḥarām* and *makrūh*

Muḥammad Amīn ibn Maḥmūd Amīr Bādshāh al-Bukhārī's *Taysīr al-Taḥrīr*; Egypt: Maṭbaʿat Muṣṭafá al-Bābī al-Ḥalabī wa-awlāduhū, 1350), II, 134-135.

38 Mullā Khusraw, *Mirʾāt al-uṣūl*, II, 390, 393-394.

39 Muḥibb Allāh Ibn ʿAbd al-Shakūr al-Bihārī, *Musallam al-thubūt* (along with Abū Ḥāmid Muḥammad ibn Muḥammad al-Ghazālī's *al-Mustaṣfá min ʿilm al-uṣūl* and ʿAbd al-ʿAlī Muḥammad ibn Niẓām al-Dīn al-Anṣārī's *Fawātiḥ al-raḥamūt bi-sharḥ Musallam al-thubūt fī uṣūl al-fiqh*; Būlāq: al-Maṭbaʿah al-Amīriyyah, 1322), I, 58-59.

40 Abū Saʿīd Muḥammad ibn Muṣṭafá ibn ʿUthmān al-Khādimī, *Majāmiʿ al-ḥaqāʾiq min al-uṣūl* (Istanbul: Shirkat-i Ṣaḥāfiyya-i ʿUthmāniyyah, 1308), 36-37.

41 Khuḍarī Beg, *Uṣūl al-fiqh*, 34, 49-50; al-Zuḥaylī, *Uṣūl al-fiqh al-Islāmī*, I, 85-86; al-Bayānūnī, *al-Ḥukm al-taklīfī*, 197, 204; Şaʿbân, *İslâm Hukuk İlminin Esasları*, 251-252; Atar, *Fıkıh Usûlü*, 127; Zaydān, *al-Wajīz*, 41; Maḥmūd al-Shāfiʿī, *Uṣūl al-fiqh al-Islāmī*, 229; Kamali, *Principles of Islamic Jurisprudence*, 410, 421; Koca, "Haram. Fıkıh," 100; Kahraman, "İslam'da Helal ve Haramın Yeri," 51; Koçak, Dalgın, and Şahin, *Fıkıh Usûlü*, 214; Kahraman, *Fıkıh Usûlü*, 211.

42 Ṣadr al-Sharīʿah, *al-Tawḍīḥ*, II, 277; Saʿd al-Dīn Masʿūd ibn ʿUmar al-Taftāzānī, *al-Talwīḥ ilá kashf ḥaqāʾiq al-Tanqīḥ*, ed. Muḥammad ʿAdnān Darwīsh (along with Ṣadr al-Sharīʿah al-Awwal ʿUbayd Allāh ibn Masʿūd al-Maḥbūbī's *al-Tawḍīḥ sharḥ al-Tanqīḥ*; Beirut: Sharikat Dār al-Arqam ibn Abī l-Arqam, 1998), II, 277; Mullā al-Fanārī, *Fuṣūl al-badāʾiʿ*, I, 244; Mullā Khusraw, *Mirʾāt al-uṣūl*, II, 394; al-

taḥrīmī, al-Imām Muḥammad takes the power of proof as a benchmark and stipulates definitiveness of proof for determining *ḥarām*. On the other hand, *uṣūl* works by influential Ḥanafī scholars, including al-Dabūsī, al-Bazdawī, al-Sarakhsī, al-Lāmishī, ʿAlāʾ al-Dīn al-Samarqandī, al-Akhsīkathī, Ibn al-Sāʿātī, al-Nasafī, Ṣadr al-Sharīʿah, Mullā al-Fanārī, and Mullā Khusraw, do not comprise an explicit *ḥarām* definition based on the definitiveness of proof. Moreover, the prerequisite of definitive proof is only ascribed to al-Imām Muḥammad and not to Abū Ḥanīfah or Abū Yūsuf.[43] Indeed, the fact that there is no explicit quotation from Shaykhayn (i.e., Abū Ḥanīfah and Abū Yūsuf) about the issue may be a clue that suggests that they do not require definitive proof for *ḥarām*.

As stated above, it is not surprising not to see any information on this issue in the work by *uṣūl* scholars who treat *ḥarām* within the scope of *farḍ* and do not mention it as an independent *ḥukm*. Moreover, their analysis of *ḥarām* in the context of *farḍ* can be interpreted in such a manner that they defend the necessity of definitiveness of proof for *ḥarām*. Indeed, the Ḥanafī school agrees that the proof of *farḍ* should be definitive. Nonetheless, most *uṣūl* scholars, who treat *ḥarām* as an independent *ḥukm* category, do not mention the condition of definitive proof in their definitions of *ḥarām*. For example, al-Jaṣṣāṣ defines the concept of *maḥẓūr* as "the act for which the *mukallaf* will be worthy of punishment upon commitment and of reward upon abandonment."[44] Thus, he does not require definitive proof as a condition. Even though they do define *ḥarām* separately, al-Lāmishī and ʿAlāʾ al-Dīn al-Samarqandī consider the contrast between *farḍ* and *ḥarām* as decisive to their *ḥarām* definitions; accordingly, they define *farḍ* as related to the sanctions

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Khādimī, *Majāmiʿ al-ḥaqāʾiq*, 37. For examples about use of terms *ḥarām* and *makrūh* in the works by al-Imām Muḥammad, see Mehmet Boynukalın, muqaddimah to *al-Aṣl*, by Abū ʿAbd Allāh Muḥammad ibn al-Ḥasan al-Shaybānī, ed. Mehmet Boynukalın (Beirut: Dār Ibn Ḥazm, 2012), I, 262-267.

43 Ṣadr al-Sharīʿah, *al-Tawḍīḥ*, II, 271, 275-277; Mullā al-Fanārī, *Fuṣūl al-badāʾiʿ*, I, 244; Mullā Khusraw, *Mirʾāt al-uṣūl*, II, 394; al-Khādimī, *Majāmiʿ al-ḥaqāʾiq*, 37. Likewise, Ottoman *uṣūl al-fiqh* works do not ascribe the condition of definitive proof to entire Ḥanafī school. See Büyük Ḥaydar Efendī, *Uṣūl-i Fiqh Dersleri* (Istanbul: al-Maktabat al-Maḥmūdiyyah, n.d.), 426-427; Meḥmed Seyyid, *Uṣūl-i Fiqh: Madkhal* (Istanbul: Maṭbaʿa-i ʿĀmirah, 1333), 77-79; Maḥmūd Asʿad al-Saydīshahrī, *Talkhīṣ-i Uṣūl-i Fiqh* (Izmir: Maṭbaʿa-i Nīkūlāyidī, 1313), 443.

44 Al-Jaṣṣāṣ, *al-Fuṣūl fī l-uṣūl*, III, 247.

that one who abandons it will face. In addition, they describe *farḍ* in relation to determining proof as "the necessity of which is determined via definitive proof."[45] Nevertheless, the two *uṣūl* scholars define *ḥarām* exclusively in consideration of the sanction that the committer will face and never discuss the definitiveness of proof.[46] Ibn al-Sāʿātī also does not mention definitive proof in his *ḥarām* definition.[47] Likewise, Ḥanafī *uṣūl* scholars, such as Ṣadr al-Sharīʿah, Mullā al-Fanārī, and Mullā Khusraw, define *ḥarām* as related to the sanction that the committer will be subject to, but do not review the necessity of definitiveness of proof. Further, there is a striking difference in *farḍ* and *ḥarām* definitions by these scholars. This difference is so apparent because these scholars assert that an act, the commitment of which is preferred and abandonment of which is prohibited through *definitive proof*, is *farḍ*; while an act, the abandonment of which is preferred over its commitment and the commitment of which is *prohibited*, is *ḥarām*. At this point, *uṣūl* scholars are attentive to their use of words. Unlike *farḍ*, they never discuss the definitiveness of proof for *ḥarām*.[48] Because each indication in the succinct work is chosen with the utmost diligence, these *uṣūl* scholars apparently do not believe that definitiveness of proof is a condition for *ḥarām*, because they do not mention it in any manner whatsoever, even though they explicitly express the necessity of definitive proof for the authenticity of *farḍ*.

Statements by foregoing scholars about the distinction between *ḥarām* and *makrūh taḥrīmī* appear to support our argument. Indeed, an act, the abandonment of which is preferred over its commitment, and the commitment of which is prohibited, is *ḥarām*, while an act that is not prohibited is *makrūh*.[49] *Makrūh* is divided in two as *makrūh tanzīhī* (prohibitively disliked, but to a lesser degree) and *makrūh taḥrīmī*. According to Abū Ḥanīfah and Abū Yūsuf, *makrūh taḥrīmī* resembles *ḥarām* but is not included in the latter. On the other hand, *makrūh tanzīhī* resembles *ḥalāl*. According to two

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45 Al-Samarqandī, *Mīzān al-uṣūl*, 28-29; al-Lāmishī, *Kitāb fī uṣūl al-fiqh*, 57.

46 Al-Samarqandī, *Mīzān al-uṣūl*, 43; al-Lāmishī, *Kitāb fī uṣūl al-fiqh*, 61.

47 Ibn al-Sāʿātī, *Nihāyat al-wuṣūl*, 105.

48 Ṣadr al-Sharīʿah, *al-Tawḍīḥ*, II, 271, 275; Mullā al-Fanārī, *Fuṣūl al-badāʾiʿ*, I, 241, 244; Mullā Khusraw, *Mirʾāt al-uṣūl*, II, 390, 393; al-Khādimī, *Majāmiʿ al-ḥaqāʾiq*, 36.

49 Ṣadr al-Sharīʿah, *al-Tawḍīḥ*, II, 271; Mullā al-Fanārī, *Fuṣūl al-badāʾiʿ*, I, 241; Mullā Khusraw, *Mirʾāt al-uṣūl*, II, 390; al-Khādimī, *Majāmiʿ al-ḥaqāʾiq*, 36.

jurists, *makrūh*, in both aspects, is outside of *ḥarām*. The commitment of *makrūh* is not prohibited, but its abandonment is preferred over commitment. Because there is no prohibition of commitment, a person who commits *makrūh taḥrīmī* or *makrūh tanzīhī* does not deserve punishment, but becomes subject to reprimand (*ʿitāb*).[50] Therefore, *makrūh taḥrīmī* is not included in *ḥarām* according to Abū Ḥanīfah and Abū Yūsuf. Unlike al-Imām Muḥammad, the two founding members of the school and their followers believe that whether the act is prohibited or not and whether the committer is worthy of punishment or not are the main criteria for distinguishing between *ḥarām* and *makrūh taḥrīmī*, and do not account for the definitive or speculative character of proof. The main criteria for distinction between *ḥarām* and *makrūh taḥrīmī* by al-Imām Muḥammad is whether the proof is definitive or speculative.

Ibn al-Humām, as well as scholars that he influenced, such as Ibn Amīr Ḥājj (d. 879/1474), Amīr Bādshāh (d. 987/1579), Muḥibb Allāh Ibn ʿAbd al-Shakūr (d. 1119/1707), and Niẓām al-Dīn al-Anṣārī (d. 1225/1810), introduce the prerequisite of definitive proof as the absolute view of the Ḥanafī school and not merely the opinion of al-Imām Muḥammad. Therefore, if the proof about non-fulfilment of an act is definitive in authenticity and significance, the act, of which abandonment is required, is *ḥarām*; if its proof about non-fulfilment is speculative, then such act will be *makrūh taḥrīmī*. *Makrūh taḥrīmī* and *ḥarām* are identical in terms of deserving punishment.[51] Thus, a similar distinction between *farḍ* and *wājib* on the basis of

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[50] Ṣadr al-Sharīʿah, *al-Tawḍīḥ*, II, 277; al-Taftāzānī, *at-Talwīḥ*, II, 277; Mullā al-Fanārī, *Fuṣūl al-badāʾiʿ*, I, 244; Mullā Khusraw, *Mirʾāt al-uṣūl*, II, 394; al-Khādimī, *Majāmiʿ al-ḥaqāʾiq*, 37.

[51] Ibn al-Humām, *al-Taḥrīr*, II, 135; Abū ʿAbd Allāh Shams al-Dīn Muḥammad ibn Muḥammad Ibn Amīr Ḥājj, *al-Taqrīr wa-l-taḥbīr*, ed. ʿAbd Allāh Maḥmūd Muḥammad ʿUmar (Beirut: Dār al-Kutub al-ʿIlmiyyah, 1999), II, 103; Muḥammad Amīn ibn Maḥmūd Amīr Bādshāh al-Bukhārī, *Taysīr al-Taḥrīr* (along with Kamāl al-Dīn Muḥammad ibn ʿAbd al-Wāḥid Ibn al-Humām's *al-Taḥrīr fī uṣūl al-fiqh*; Egypt: Maṭbaʿat Muṣṭafá al-Bābī al-Ḥalabī wa-awlāduhū, 1350), II, 135; Ibn ʿAbd al-Shakūr, *Musallam al-thubūt*, I, 58; ʿAbd al-ʿAlī Muḥammad ibn Niẓām al-Dīn al-Anṣārī, *Fawātiḥ al-raḥamūt bi-sharḥ Musallam al-thubūt fī uṣūl al-fiqh* (along with Muḥibb Allāh Ibn ʿAbd al-Shakūr al-Bihārī's *Musallam al-thubūt* and Abū Ḥāmid Muḥammad ibn Muḥammad al-Ghazālī's *al-Mustaṣfá min ʿilm al-uṣūl*; Būlāq: al-Maṭbaʿah al-Amīriyyah, 1322), I, 58.

definitiveness of proof is equally employed for separating between *ḥarām* and *makrūh taḥrīmī*; and *ḥarām* is accepted as a symmetrical of *farḍ*. Most modern *uṣūl al-fiqh* authors, and specifically Khuḍarī Beg, explain *ḥarām* with regard to the Ḥanafīs, and mention an indication for definitive proof. The difference between these and the above-mentioned author is that the latter introduce the prerequisite of definitiveness of proof, which al-Imām Muḥammad exclusively postulated as a criterion for separating between *ḥarām* and *makrūh taḥrīmī*, as the absolute opinion of the Ḥanafī school. In fact, given the foregoing arguments and perspectives, this is in contrast to the approaches of Abū Ḥanīfah and Abū Yūsuf, as well as their followers and, thus, the majority of *uṣūl al-fiqh* scholars, for *ḥarām* and *makrūh taḥrīmī*. Indeed, it is a separate matter to prefer the view of al-Imām Muḥammad in this issue. Nevertheless, introducing his views as the general opinion of Ḥanafī school does not seem appropriate because such an attitude would indicate that Shaykhayn and their followers completely agreed with al-Imām Muḥammad.

This is the challenge when we address the problem in the context of *ḥarām* and *makrūh taḥrīmī*. However, the question is also worth analyzing with regard to the Ḥanafī distinction between *farḍ* and *wājib*, the established relation between proof and *ḥukm*, and when certain *uṣūl* scholars evaluate *ḥarām* in the scope of *farḍ*.

The lexical meanings of *farḍ* are "appreciation/measurement," "to cut," and "exactitude." When considering these lexical meanings, Ḥanafīs argue that *farḍ* can be only be determined through definitive proof, such as the Qurʾān, multiply transmitted tradition, and consensus. Consequently, all *farḍ* definitions incorporate a discussion of definitive proof. The lexical meanings of *wājib* are "lesser," "necessary," and "required." It is indicated that *wājib* is determined with proof, such as an isolated ḥadīth/single report (*khabar al-wāḥid*), the authenticity of which is in doubt; accordingly, the definition of *wājib* reflects the speculative nature of proof.[52] However, most scholars do not accept such distinctions between *farḍ*

[52] Al-Dabūsī, *Taqwīm al-adillah*, 77; al-Bazdawī, *Uṣūl*, II, 436-438; al-Sarakhsī, *Uṣūl*, I, 110-111; al-Samarqandī, *Mīzān al-uṣūl*, 28-29; al-Lāmishī, *Kitāb fī uṣūl al-fiqh*, 56-57; ʿAbd al-ʿAzīz al-Bukhārī, *Kashf al-asrār*, II, 436-438; Ṣadr al-Sharīʿah, *al-Tawḍīḥ*, II, 271-272; Ibn al-Humām, *al-Taḥrīr*, II, 135; Mullā Khusraw, *Mirʾāt al-uṣūl*, II, 390. For detailed information, see al-Bayānūnī, *al-Ḥukm al-taklīfī*, 78-87.

and *wājib*.[53] For example, opposing the distinction between *farḍ* and *wājib*, al-Imām al-Shāfiʿī admits that the words *farḍ* and *wājib* essentially have separate lexical meanings. In addition, he states that there is a difference between a *ḥukm* that is determined through definitive proof and one that is determined with speculative proof. Accordingly, the denier of the former will be declared as an unbeliever, while the latter will not. Al-Imām al-Shāfiʿī defends that there should not be a terminological difference between *farḍ* and *wājib*. For him, in the terminology, both words signify acts for which the committer is praised and the abandoner is reprimanded in terms of *sharīʿah*.[54] According to deprecators of this view, the difference between proof in terms of power and weakness, as well as definitive and speculative character, does not necessitate any essential difference in *ḥukm*s, which are determined through this proof. For example, the explicit or implicit, or even powerful or weak character of *wājib*, does not indicate any difference with regard to whether such thing is *wājib*. *Likewise, the definitive or speculative character of proof that determines* ḥurmah *does not necessitate any difference in such act in terms of being* ḥarām *or not. Therefore, it is unacceptable to assign* farḍ *and* ḥarām *to the definitive and* wājib *and* makrūh taḥrīmī *to the speculative*.[55]

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[53] Several opinions are reported from Aḥmad ibn Ḥanbal on this problem. According to the most precise perspective, he does not differentiate between *farḍ* and *wājib*. Nonetheless, he reportedly calls *farḍ* what is determined through definitive proof and *wājib* what is determined through speculative proof, such as *khabar al-wāḥid* and *qiyās*. In addition, he reportedly names *farḍ* what is determined via Qurʾānic verses and *wājib* what is determined via Sunnah. See Abū l-Wafāʾ ʿAlī ibn ʿAqīl ibn Muḥammad ibn ʿAqīl al-Baghdādī al-Ḥanbalī, *al-Wāḍiḥ fī uṣūl al-fiqh*, ed. ʿAbd Allāh ibn ʿAbd al-Muḥsin al-Turkī (Beirut: Muʾassasat al-Risālah, 1999), III, 163.

[54] Al-Taftāzānī, *at-Talwīḥ*, II, 272.

[55] Al-Āmidī, *al-Iḥkām*, I, 136. Al-Ghazālī insists there is no difference between *farḍ* and *wājib*; however, he does not deny the distinction of *wājib* as definitive and speculative, and says there will be no restriction in terminology as far as meanings are comprehensible. See al-Ghazālī, *al-Mustaṣfā*, I, 66. Al-Ṭūfī also objects to the relation established by the Ḥanafīs between proof and *ḥukm*; nevertheless, he says the dispute between the Ḥanafīs and most scholars is just about wording, and cites specific examples about the distinction between *farḍ* and *wājib*. See Najm al-Dīn Abū l-Rabīʿ Sulaymān ibn ʿAbd al-Qawī al-Ṭūfī, *Sharḥ Mukhtaṣar al-Rawḍah*, ed. ʿAbd Allāh ibn ʿAbd al-Muḥsin al-Turkī (Beirut: Muʾassasat al-Risālah, 1987), I, 276-277.

Ḥanafīs response to the above objection as follows: First, *farḍ* and *wājib* have different lexical meanings. In addition, there is a clear difference between the two concepts in terms of their respective *ḥukm*. This difference consists of the fact that denial of *farḍ* necessitates unbelief (*kufr*) while the denial of *wājib* does not. In addition, *farḍ* and *wājib* differ from each other in terms of levels of obligation to act as required. In this respect, the obligation of acting with *farḍ* is more powerful than with *wājib*. This is not surprising, because *authenticity of the signified* (madlūl) *depends on the authenticity of proof. When two types of evidence differ in terms of power, the* ḥukm*s that are determined by these proofs will surely differ*.[56]

As shown, most scholar's criticisms against the division of *ḥukm* based on the definitive and speculative features of proof is not specific to the distinction between *farḍ* and *wājib*; the separation is also applicable for *ḥarām* and *makrūh taḥrīmī*. Likewise, we do not necessarily have to limit the relation that is established by the Ḥanafīs between the definitive or speculative character of proof, and the true nature of *ḥukm*s that is determined by these proofs, only with *farḍ* and *wājib*. In this respect, it is apparently possible to consider the prerequisite of definitive proof as a common perspective of Ḥanafī madhhab. As indicated above, the treatment of *ḥarām* by certain Ḥanafī *uṣūl* scholars in the scope of *farḍ* strengthens this possibility. Indeed, if *ḥarām* is the opposite of and symmetrical to *farḍ*, the definitiveness of proof should be obligatory for *ḥarām*, just as it is for *farḍ*. However, these two points – in other words, the Ḥanafī approach on the relation between proof and *ḥukm* and their evaluation of *ḥarām* in the scope of *farḍ* – allow us to attain an indirect conclusion that is not direct and compulsory. In any case, the foregoing *ḥarām* definitions express explicit and direct information for the fact that definitive proof is not a prerequisite.

In contrast, treating *ḥarām* in the context of *farḍ* does not necessitate that these two *ḥukm* categories must be identical in every aspect – aside from the fact that the demand of the Lawgiver is affirmative in *farḍ* and negative in *ḥarām*. In other words, two features of *ḥarām* are highlighted for its lexical meaning. One of these traits is that its limits are definite and do not allow a rise or fall;

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[56] Al-Sarakhsī, *Uṣūl*, I, 111-112; ʿAbd al-ʿAzīz al-Bukhārī, *Kashf al-asrār*, II, 441; Ṣadr al-Sharīʿah, *al-Tawḍīḥ*, II, 272.

the other is that it is determined by definitive proof.[57] It is impossible to claim that the first trait also exists in *ḥarām*. This is because some acts, which are not known beforehand but eventually appear, can be ruled *ḥarām*. Nevertheless, there is no such case that can be in question for *farḍ*. Evidently, one of the two essential characteristics of *farḍ* is not present for *ḥarām*. Likewise, determination through definitive proof, another feature of *farḍ*, may not be applicable for *ḥarām*. Then, again, Ḥanafī jurists occasionally use the term *farḍ* for the demands from the Lawgiver that are not determined with definitive proof. For example, one of the meanings of *farḍ* is "the act in the absence of which the *ḥukm* of legality (*jawāz*) will die out." This category includes following examples: Performing *masḥ*, which is rubbing one-fourth of the head in ablution, and rinsing the mouth and nostrils in major ablution (*ghusl*) are *farḍ* and prayer of *witr* is *farḍ* according to Abū Ḥanīfah. Therefore, *farḍ* is divided into two categories that are definitive/belief-related and speculative/practical; one who denies practical *farḍ* is not declared as an unbeliever.[58] Even though *farḍ* here signifies *wājib* and possibly *rukn* (core element) in some cases; this does not change the fact that the term *farḍ* is equally used for demands in which proof is not definitive. This is yet additional evidence that treating *ḥarām* in the scope of *farḍ* does not necessitate definitiveness of the proof for *ḥarām*. Moreover, given this fact about *farḍ*, one can claim the following: "If the term *farḍ* is used for *ḥukm* of certain problems for commitment of which there is no definitive demand by the Lawgiver and if *farḍ*, in this respect, is classified as definitive and speculative, likewise, the *ḥarām* quality may be determined even without definitive demands by the Lawgiver for abandoning such an act; accordingly, similar to *farḍ*, *ḥarām* should also be divided into subgroups, such as definitive/belief-related and speculative/practical."

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[57] Al-Bazdawī, *Uṣūl*, II, 437; al-Sarakhsī, *Uṣūl*, I, 110.

[58] Ṣadr al-Sharīʿah, *al-Tawḍīḥ*, II, 272; al-Taftāzānī, *al-Talwīḥ*, II, 272-273; Mullā Khusraw, *Mirʾāt al-uṣūl*, II, 391; id., *Durar al-ḥukkām fī sharḥ Ghurar al-aḥkām* (Karachi: Mīr Muḥammad Kutubkhānah, n.d.), I, 6, 17, 112; Dāmād ʿAbd al-Raḥmān ibn Muḥammad Shaykhīzādah, *Majmaʿ al-anhur fī sharḥ Multaqá l-abḥur* (along with Burhān al-Dīn Muḥammad ibn Ibrāhīm al-Ḥalabī's *Multaqá l-abḥur* and ʿAlāʾ al-Dīn Muḥammad ibn ʿAlī ibn Muḥammad al-Ḥaṣkafī's *al-Durr al-muntaqá fī sharḥ al-Multaqá*; Beirut: Dār Iḥyāʾ al-Turāth al-ʿArabī, n.d.), I, 11, 21.

Some *uṣūl* work comprises expressions that being *ḥarām* may be determined with speculative proof. According to Ibn Malak, classifying the initial determined rules (*ʿazīmah*) by al-Nasafī includes *ḥarām*, *makrūh*, and *mubāḥ*. Ibn Malak states the following about *ḥarām*: "*Ḥarām* is included by *farḍ* or *wājib*, because if the necessity of *ḥarām*, as in the prohibition of wine, is *determined via definitive proof*, it is *farḍ* to abandon it. If the necessity of abandoning *ḥarām* is *determined via speculative proof*, such as the prohibition of chess, it is *wājib* to abandon it.[59] Thus, Ibn Malak clearly indicates that *ḥarām* can be determined via speculative proof.[60]

B. Definitiveness of Proof for *Ḥarām* in *Furūʿ* Works

After an analysis of definitiveness of proof of *ḥarām* in *uṣūl* works, the use of *ḥarām* should be examined in *furūʿ al-fiqh* works. Thus, we will be able to determine compliance or non-compliance between *uṣūl* and *furūʿ* on this issue. However, it is impossible to address all of the problems where the term *ḥarām* is used in *furūʿ*

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[59] Ibn Malak, *Sharḥ al-Manār*, 580. For an explanation of this treat by Ibn Malak, see Yaḥyá ibn Qarājā al-Ruhāwī, *Ḥāshiyah ʿalá Sharḥ al-Manār* (along with ʿIzz al-Dīn ʿAbd al-Laṭīf ibn ʿAbd al-ʿAzīz Ibn Malak's *Sharḥ al-Manār*, ʿAzmīzādah Muṣṭafá ibn Bīr ʿAlī's *Ḥāshiyah ʿalá Sharḥ al-Manār*, and Burhān al-Dīn Muḥammad ibn Ibrāhīm al-Ḥalabī's *Anwār al-ḥalak ʿalá Sharḥ al-Manār li-Ibn Malak*, in *Sharḥ al-Manār wa-ḥawāshīhi min ʿilm al-uṣūl*; Darsaʿādah: Maṭbaʿa-i ʿUthmāniyyah, 1315), 580; ʿAzmīzādah Muṣṭafá ibn Bīr ʿAlī, *Ḥāshiyah ʿalá Sharḥ al-Manār* (along with ʿIzz al-Dīn ʿAbd al-Laṭīf ibn ʿAbd al-ʿAzīz Ibn Malak's *Sharḥ al-Manār*, Yaḥyá ibn Qarājā al-Ruhāwī's *Ḥāshiyah ʿalá Sharḥ al-Manār*, and Burhān al-Dīn Muḥammad ibn Ibrāhīm al-Ḥalabī's *Anwār al-ḥalak ʿalá Sharḥ al-Manār li-Ibn Malak*, in *Sharḥ al-Manār wa-ḥawāshīhi min ʿilm al-uṣūl*; Darsaʿādah: Maṭbaʿa-i ʿUthmāniyyah, 1315), 580.

[60] Here, Ibn Malak might mean *makrūh taḥrīmī* via *ḥarām*. Nonetheless, his statements about *ḥukm* on chess in the commentary on *Majmaʿ al-baḥrayn* rule out this possibility. More precisely, Ibn al-Sāʿātī states that chess is absolutely *ḥarām*. Ibn Malak annotates that chess is *ḥarām* whether it is in the form of gambling or not. See Ibn al-Sāʿātī, *Majmaʿ al-baḥrayn wa-multaqá l-nayyirayn fī l-fiqh al-Ḥanafī*, ed. Ilyās Qablān (Beirut: Dār al-Kutub al-ʿIlmiyyah, 2005), 823 and footnote 9. In Ḥanafī school, there are two views that dub chess *makrūh* or *ḥarām*, respectively. See Burhān al-Dīn Abū l-Ḥasan ʿAlī ibn Abī Bakr al-Marghīnānī, *al-Hidāyah sharḥ Bidāyat al-mubtadī*, ed. Muḥammad ʿAdnān Darwīsh (Beirut: Sharikat Dār al-Arqam ibn Abī l-Arqam, n.d.), IV; 381; Ibn al-Sāʿātī, *Majmaʿ al-baḥrayn*, 823; Shaykhīzādah, *Majmaʿ al-anhur*, II, 553.

works in a single paper. Therefore, we attempt to attain a conclusion by using subjects with examples in which due quality and quantity enable a determination about our problematic in *furūʿ* works.

In *furūʿ* works, specifically at the beginning of the chapter on *karāhiyyah* (being *makrūh*), the concept of *makrūh* is addressed and provides information about *ḥarām* and *makrūh taḥrīmī* that is similar to that in *uṣūl* works.[61] According to these works, the position of *makrūh taḥrīmī* in the face of *ḥarām* is similar to that of *wājib* with respect to *farḍ*; some work ascribes this positioning exclusively to al-Imām Muḥammad.[62] Several other works prefer the views of Abū Ḥanīfah and Abū Yūsuf over al-Imām Muḥammad about whether *makrūh taḥrīmī* is *ḥarām* or is close to *ḥarām*.[63] Pursuant to such information in *furūʿ* works, al-Imām Muḥammad is apparently the only scholar to require definitive proof for *ḥarām*. Nevertheless, some approaches accept this requirement as the madhhab's general view. For example, the foregoing position is introduced as an absolute Ḥanafī view in some sources.[64] In addition, some works define *ḥarām* as "something the commitment of which is prohibited via definitive proof," which clearly indicates a prerequisite for definitive proof. Thereupon, something, the commitment of which is

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[61] For some examples, see ʿAlāʾ al-Dīn Abū Bakr ibn Masʿūd al-Kāsānī, *Badāʾiʿ al-ṣanāʾiʿ fī tartīb al-sharāʾiʿ* (Cairo: al-Maṭbaʿah al-Jamāliyyah, 1910 → 2nd ed., Beirut: Dār al-Kutub al-ʿIlmiyyah, 1986), V, 118 . Also see al-Marghīnānī, *al-Hidāyah*, IV, 360; Muḥammad Amīn ibn ʿUmar ibn ʿAbd al-ʿAzīz Ibn ʿĀbidīn, *Ḥāshiyat Radd al-muḥtār ʿalá l-Durr al-mukhtār sharḥ Tanwīr al-abṣār fī fiqh madhhab al-Imām Abī Ḥanīfah al-Nuʿmān*, 2nd ed. (along with ʿAlāʾ al-Dīn Muḥammad ibn ʿAlī ibn Muḥammad al-Ḥaṣkafī's, *al-Durr al-mukhtār sharḥ Tanwīr al-abṣār*; Beirut: Dār al-Fikr, 1992), VI, 337-338.

[62] Shams al-Dīn Muḥammad ibn Ḥusām al-Dīn al-Khurāsānī al-Quhistānī, *Jāmiʿ al-rumūz* (Qazan: n.p., 1299), II, 165; Zayn al-Dīn ibn Ibrāhīm ibn Muḥammad Ibn Nujaym al-Miṣrī, *al-Baḥr al-rāʾiq sharḥ Kanz al-daqāʾiq*, 2nd ed. (Beirut: Dar al-Kitāb al-Islāmī, n.d.), VIII, 205.

[63] For works that adopts the view of Shaykhayn, see al-Quhistānī, *Jāmiʿ al-rumūz*, II, 165. Also see Shaykhīzādah, *Majmaʿ al-anhur*, II, 523; ʿAlāʾ al-Dīn Muḥammad ibn ʿAlī ibn Muḥammad al-Ḥaṣkafī, *al-Durr al-mukhtār sharḥ Tanwīr al-abṣār*, 2nd ed. (along with Muḥammad Amīn ibn ʿUmar ibn ʿAbd al-ʿAzīz Ibn ʿĀbidīn's *Ḥāshiyat Radd al-muḥtār ʿalá l-Durr al-mukhtār sharḥ Tanwīr al-abṣār fī fiqh madhhab al-Imām Abī Ḥanīfah al-Nuʿmān*; Beirut: Dār al-Fikr, 1992), VI, 337.

[64] Mullā Khusraw, *Durar*, I, 310; Shaykhīzādah, *Majmaʿ al-anhur*, II, 523; Ibn ʿĀbidīn, *Radd al-muḥtār*, VI, 337.

prohibited by speculative proof, is *makrūh taḥrīmī*.[65] These data all reveal an ambiguity about whether the prerequisite for definitive proof is the madhhab's common view or whether it only belongs to al-Imām Muḥammad. We will first analyze examples in which definitive proof is required for the *ḥukm* of *ḥarām* and then those where the term *ḥarām* is used without definitive proof to examine whether there is an equivalent for this fact in *farʿī* (secondary) issues and to investigate the solidity of the prerequisite for definitive proof.

1. Certain Examples on Necessity of Definitive Proof for Authenticity of *Ḥarām*

According to a narrative by al-Ḥasan ibn Ziyād (d. 204/819), horsemeat is *ḥarām* for Abū Ḥanīfah.[66] However, *ẓāhir al-riwāyah*[67] reads that horsemeat is *makrūh* according to Abū Ḥanīfah, but not according to Imāmayn (i.e., al-Imām Muḥammad and Abū Yūsuf).[68] According to al-Kāsānī (d. 587/1191), Abū Ḥanīfah used the term *makrūh* instead of *ḥarām* to refer to horsemeat, due to the presence of controversial ḥadīths and disputes among the former scholars.[69] Again, in a chapter about the *ḥarām* parts of the meat of *ḥalāl* animals, al-Kāsānī provides valuable information on Abū Ḥanīfah's approach to the definitiveness of proof for *ḥarām*. Al-Kāsānī indicates that it is *ḥarām* to consume flowing blood, genitals, testicles, bladders, and the gall of edible animals. He also cites that Abū Ḥanīfah said "Blood is *ḥarām*. For me, eating others is *makrūh*,"

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65 Shaykhīzādah, *Majmaʿ al-anhur*, II, 523; al-Ḥaṣkafī, *al-Durr al-muntaqá fī sharḥ al-Multaqá* (along with Dāmād ʿAbd al-Raḥmān ibn Muḥammad Shaykhīzādah's *Majmaʿ al-anhur fī sharḥ Multaqá l-abḥur* and Burhān al-Dīn Muḥammad ibn Ibrāhīm al-Ḥalabī's *Multaqá l-abḥur*; Beirut: Dār Iḥyāʾ al-Turāth al-ʿArabī, n.d.), II, 523; Ibn ʿĀbidīn, *Radd al-muḥtār*, VI, 337.

66 Al-Kāsānī, *Badāʾiʿ*, V, 39.

67 The *ẓāhir al-riwāyah* (authoritative transmission), is the name for the five books of Abū Ḥanīfah's direct disciple, Muḥammad ibn al-Ḥasan al-Shaybānī (d. 189/805). Al-Shaybānī's *al-Aṣl* (or *al-Mabsūṭ*), *al-Jāmiʿ al-ṣaghīr*, *al-Jāmiʿ al-kabīr, al-Siyar al-kabīr*, and *al-Ziyādāt* are called *ẓāhir al-riwāyah*, for being authoritative and reliable as to transmitting and collecting the most authoritative doctrines of Abū Ḥanīfah, Abū Yūsuf, and al-Shaybānī, the founding figures of the Ḥanafī school, or the fundamental doctrines of the formative period of the School.

68 Abū ʿAbd Allāh Muḥammad ibn al-Ḥasan al-Shaybānī, *al-Jāmiʿ al-ṣaghīr* (Karachi: Idārat al-Qurʾān wa-l-ʿUlūm al-Islāmiyyah, 1990), 475-476.

69 Al-Kāsānī, *Badāʾiʿ*, V, 39.

using the term "absolute *ḥarām*" for flowing blood but *makrūh* for the rest.[70] Al-Kāsānī explains the attitude of Abū Ḥanīfah below: Absolute *ḥarām* signifies those, the *ḥarām* quality of which is determined through definitive proof. Flowing blood is in this category. As a matter of fact, a Qurʾānic verse[71] clearly indicates that flowing blood is *ḥarām*. This verse is unequivocal (*mufassar*).[72] In addition, there is a general consensus (*ijmāʿ*) on the *ḥurmah* of flowing blood. However, this is not the case for others. Their *ḥurmah* is determined through new legal opinions (*ijtihād*), the emergence of a lexically equivocal verse – "(The Messenger) … makes lawful for them the good things and prohibits for them the evil"[73] – and relevant ḥadīths. Accordingly, Abū Ḥanīfah calls flowing blood *ḥarām*, while the others are *makrūh*.[74] Consistent with al-Kāsānī's explanation, *ḥarām* can only be determined through definitive proof according to Abū Ḥanīfah, similar to al-Imām Muḥammad. Indeed, the foregoing explanation and inference for al-Kāsānī is most likely accurate. Nevertheless, this report cannot conclusively prove that Abū Ḥanīfah required definitive proof for *ḥarām*. The attitude of Abū Ḥanīfah can be due to the verse[75] that makes a point of proper using the wordings *ḥalāl* and *ḥarām*. Consequently, this calls an inference that is most likely true by al-Kāsānī is into question. Like al-Imām Muḥammad, al-Kāsānī also embraces the prerequisite of definitiveness of proof for *ḥarām*; this approach has evidently influenced his inference. In contrast, when providing this information, al-Kāsānī clearly uses the term *ḥarām* about *ḥukm* for eating organs that Abū Ḥanīfah classified as *makrūh*. This use is not only in contrast to the prerequisite for definitive proof that he ascribes to Abū Ḥanīfah and al-Imām Muḥammad but also to his own opinion on the issue.[76] Additionally,

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70 Al-Kāsānī, *Badāʾiʿ*, V, 61. Also see Abū Muḥammad Fakhr al-Dīn ʿUthmān ibn ʿAlī ibn Miḥjan al-Zaylaʿī, *Tabyīn al-ḥaqāʾiq sharḥ Kanz al-daqāʾiq* (Būlāq: al-Maṭbaʿat al-Kubrá l-Amīriyyah, 1313), VI, 226; Shaykhīzādah, *Majmaʿ al-anhur*, II, 744; Ibn ʿĀbidīn, *Radd al-muḥtār*, VI, 749.

71 Q 6:145.

72 *Mufassar* refers to a word whose meaning is absolutely clear so there is no need to explain it further. It is the counterpart of *mujmal*, which denotes a word or text that is inherently unclear and provides no indication as to its precise meaning.

73 Q 7:157.

74 Al-Kāsānī, *Badāʾiʿ*, V, 61.

75 Q 16:116.

76 Al-Kāsānī, *Badāʾiʿ*, V, 37, 47.

the report that was related by al-Kāsānī through Abū Ḥanīfah is not present in Ḥanafī *furūʿ* works prior to al-Kāsānī.

Two following *ḥukm*s for the same problem reflect two different approaches in the school: According to Asad ibn ʿUmar, "a person who vows not to 'eat *ḥarām*' does not break his oath upon eating the meat from apes, dogs or crows if he does not literally express these animals in his oath. Indeed, absolute *ḥarām* is what is prohibited by definitive proof. There is no definitive proof for prohibiting eating the meat from the mentioned animals, as these issues are subject to *ijtihād*. However, according to al-Ḥasan ibn Ziyād, all of these are *ḥarām*, even when the proof is not definitive.[77]

Ḥanafī jurists occasionally provide the definitiveness of proof as a clear condition for *ḥarām*. Al-Kāsānī indicates that things, the *ḥurmah* of which are determined via definitive proof, are called *ḥarām*. In contrast, things for which the *ḥurmah* is subject to *ijtihād*, and those for which there is no definitive proof, which is subject to dispute, are *makrūh*.[78] To our knowledge, al-Kāsānī is the first ever Ḥanafī jurist to accept the prerequisite of definitive proof as the common opinion in the Ḥanafī school. Ibn al-Humām, in accord with the *uṣūl* approach, requires definitiveness of proof that expresses the prohibition for which *ḥurmah* can be determined, and considers *ḥarām* as counterpart of *farḍ*.[79] Ibn Nujaym states that Abū Ḥanīfah and Imāmayn did not use the term *ḥarām* in case there is no definitive proof.[80] Ibn Nujaym also states that it is *ḥarām* to ride on the sacrifice of hady unless it is a necessity. However, he believes that this act should not be *ḥarām,* but should be *makrūh taḥrīmī*, because the proof for the problem is not definitive.[81] For Ibn ʿĀbidīn, when both authenticity and significance of proof is definitive, the *ḥukm* will be *farḍ* or *ḥarām*; while it will be *makrūh taḥrīmī* or *wājib* when either authenticity or significance are definitive and the other is speculative.[82] Such views indicate that the definitiveness of

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77 Al-Kāsānī, *Badāʾiʿ*, III, 57.

78 *Ibid.*, V, 37, 47.

79 Ibn al-Humām, *Sharḥ fatḥ al-qadīr ʿalá l-Hidāyah sharḥ Bidāyat al-mubtadī*, ed. ʿAbd al-Razzāq Ghālib al-Mahdī (Beirut: Dār al-Kutub al-ʿIlmiyyah, 2003), I, 234. For the chapters where Ibn al-Humām's statements in this work are quoted, see Ibn Nujaym, *al-Baḥr al-rāʾiq*, I, 262; Ibn ʿĀbidīn, *Radd al-muḥtār*, I, 370.

80 Ibn Nujaym, *al-Baḥr al-rāʾiq*, I, 363.

81 *Ibid.*, III, 78; also see *ibid*., I, 99.

82 Ibn ʿĀbidīn, *Radd al-muḥtār*, I, 95.

proof is a necessity for the authenticity of *ḥarām* in the eyes of the mentioned jurists. Nevertheless, Ibn Nujaym and Ibn ʿĀbidīn are apparently followers of Ibn al-Humām in this respect. Accordingly, they quote *al-Taḥrīr* by Ibn al-Humām and its exegesis *al-Taqrīr*, while addressing this problem in their *uṣūl* works.[83] Ibn al-Humām is the first ever *uṣūl* scholar to introduce the condition of definitive proof as the absolute view of the school and not merely al-Imām Muḥammad's perspective. Therefore, expressions by later Ḥanafī jurists, who are based on the views of Ibn al-Humām, are not sufficient for proving that the condition of definitive proof is the absolute opinion of the Ḥanafī school.

Ḥanafī jurists explain *ḥukm* for certain problems with the wording "*ḥarām*," but prefer expressions, such as "not *ḥalāl*," "not permissible (*jāʾiz*)" or "*makrūh*" for others. In this context, one can propose the following objection: "Jurists used *ḥarām* for problems with definitive proof and other terms for problems without it; therefore, definitive proof is a prerequisite for *ḥarām*." However, we believe that using these expressions is not a consequence of requiring the condition for definitive proof; rather, it is a necessity arising from the verse, "*And do not say about what your tongues assert of untruth, 'This is lawful (*ḥalāl*) and this is unlawful (*ḥarām*),' to invent falsehood about Allah. Indeed, those who invent falsehood about Allah will not succeed.*"[84] Accordingly, the use of the same style in relevant work by other schools that do not require definitive proof for *ḥarām* indicates this fact.[85]

It is also a well-known fact that Ḥanafī jurists do apply the term *ḥarām* to questions where there is definitive proof for prohibition. Nevertheless, this does not necessarily indicate that *ḥarām* is exclusively used for problems that have definitive proof and,

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[83] See Ibn Nujaym, *Fatḥ al-Ghaffār bi-sharḥ al-Manār al-maʿrūf bi-Mishkāt al-anwār fī uṣūl al-Manār* (along with glosses by ʿAbd al-Raḥmān al-Baḥrāwī al-Ḥanafī al-Miṣrī; Beirut: Dār al-Kutub al-ʿIlmiyyah, 2001), 251; Ibn ʿĀbidīn, *Sharḥ Sharḥ al-Manār li-l-ʿAllāmah al-Shāmī fī uṣūl al-fiqh al-musammá Nasamāt al-asḥār*, ed. Fahīm Ashraf Nūr, 3rd ed. (Karachi: Idārat al-Qurʾān wa-l-ʿUlūm al-Islāmiyyah, 1418), 164.

[84] Q 16:116.

[85] For related examples, see Abū ʿAbd Allāh Shams al-Dīn Muḥammad ibn Abī Bakr Ibn Qayyim al-Jawziyyah, *Iʿlām al-muwaqqiʿīn ʿan Rabb al-ʿālamīn*, ed. Abū ʿUbaydah Mashhūr ibn Ḥasan (Riyadh: Dār Ibn al-Jawzī, 1423), II, 73 ff.; Çetintaş, *İlk Beş Asır Fıkıh Usûlü Literatüründe Teklîfî Hüküm Terminolojisi*, 216-227.

consequently, this is necessary for the authenticity of *ḥarām*. Likewise, terms, such as *makrūh* or not *ḥalāl*/not permissible, are employed for most problems without definitive proof when the *ḥukm* is subject to dispute. However, this does not indicate that *ḥarām* is never used for such problems. The following examples will clarify this aspect.

2. Examples that Show that Definitive Proof is not Necessary for the Authenticity of *Ḥarām*

Furūʿ al-fiqh works use the term *ḥarām* when stating the *ḥukm* for certain problems, despite the lack of definitive proof.[86] For example, it is *ḥarām* to deliberately invalidate an ongoing prayer without an excuse.[87] The significance of the verse *"… and do not invalidate your deeds,"*[88] which was quoted for justifying this *ḥukm*,[89] is not definitive for the *ḥukm*.

According to several Ḥanafī sources, it is *ḥarām* to add hair extensions.[90] The ḥadīth, "May Allah curse the one who adds hair extensions …,"[91] is cited as evidence for this *ḥukm* and has a definitive significance in terms of sense; nevertheless, its authenticity is not definitive. Several essential texts clearly declare that it is *ḥarām* to listen to musical instruments/merriment (*malāhī*).[92] Proof, as reported by al-Marghīnānī in this issue, is a *farʿī ḥukm* in the school. Apparently, the authenticity of the ḥadīth, "It is sin to listen to musical

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[86] Please note that the examples under this title comprise questions where *ḥukm* is declared through the word *ḥarām* and its derivatives; accordingly, the questions where *ḥukm* includes expressions such as "not *ḥalāl*" or "not *jāʾiz*" are not included.

[87] Mullā Khusraw, *Durar*, I, 121; Shaykhīzādah, *Majmaʿ al-anhur*, I, 140.

[88] Q 47:33.

[89] See Mullā Khusraw, *Durar*, I, 121.

[90] Abū l-Faḍl ʿAbd Allāh ibn Maḥmūd al-Mawṣilī, *al-Ikhtiyār li-taʿlīl al-Mukhtār*, ed. Muḥammad Muḥyī al-Dīn ʿAbd al-Ḥamīd, 2nd ed. (Istanbul: al-Maktabat al-Ḥanafiyyah, 1953), IV, 231.

[91] Al-Bukhārī, "al-Libās," 83; Muslim, "al-Libās," 115, 119.

[92] Al-Marghīnānī, *al-Hidāyah*, IV, 362; al-Mawṣilī, *al-Ikhtiyār*, IV, 233; Burhān al-Dīn Muḥammad ibn Ibrāhīm al-Ḥalabī, *Multaqá l-abḥur* (along with Dāmād ʿAbd al-Raḥmān ibn Muḥammad Shaykhīzādah's *Majmaʿ al-anhur fī sharḥ Multaqá l-abḥur* and ʿAlāʾ al-Dīn Muḥammad ibn ʿAlī ibn Muḥammad al-Ḥaṣkafī's *al-Durr al-muntaqá fī sharḥ al-Multaqá*; Beirut: Dār Iḥyāʾ al-Turāth al-ʿArabī, n.d.), II, 554.

instruments, rebellion (*fisq*) to be in a place where instrument is played, and disbelief (*kufr*) to enjoy it," reported by al-Mawṣilī (d. 683/1284), is not definitive.[93]

According to al-Marghīnānī, wearing a ring made of stone, iron or brass is *ḥarām*.[94] Justifying this *ḥukm*, he quotes al-Imām Muḥammad's perspective such that, "(Men) do not wear rings other than silver,"[95] and asserts that there is an explicit proof (*naṣṣ*) about the *ḥurmah* of wearing stone, iron or brass rings. His other evidence is the Prophet's reproaching of a person who was wearing a brass ring: "Why do I detect the stench of idols on you?" And of another person wearing an iron ring: "Why do I see you wearing the jewellery of the people of Hell?"[96] Expression by al-Imām Muḥammad clearly does not bear the quality of *sharʿī* proof. The significance of the ḥadīth on *ḥukm* is definitive; nevertheless, its authenticity is not.

In some Ḥanafī sources, all games and entertainment, which are seen as *lahw* and include backgammon, chess, and others, except for three, are declared *ḥarām*.[97] *Ḥarām* rulings[98] on games that have no gambling element, such as chess, are based on the ḥadīth, "All plays are *ḥarām* except three: a person plays with his wife, breaking (training) one's horse, and archery"[99] provides additional evidence that Ḥanafī jurists do not necessarily require definitiveness of proof to

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93 Hereby ḥadīth, which is not included in the essential ḥadīth books, is not authentic according to Ibn Qayyim. See Ibn Qayyim al-Jawziyyah, *Ighāthat al-lahfān min maṣāyid al-shayṭān*, ed. Muḥammad Sayyid Kīlānī (Cairo: Maktabat Dār al-Turāth, 1961), I, 245.

94 Al-Marghīnānī, *al-Hidāyah*, IV, 364. Also see al-Nasafī, *Kanz al-daqāʾiq* (*fī l-fiqh al-Ḥanafī*), ed. Sāʾid Bakdāsh (Beirut: Dār al-Bashāʾir al-Islāmiyyah & Medina: Dār al-Sirāj, 2011), 607.

95 Al-Shaybānī, *al-Jāmiʿ al-ṣaghīr*, 477.

96 Al-Tirmidhī, "al-Libās," 43; Abū Dāwūd, "Khātam," 4.

97 Al-Ḥalabī, *Multaqá l-abḥur*, II, 553. For only chess, see Ibn al-Sāʿātī, *Majmaʿ al-baḥrayn*, 823. Pursuant to his adoption of the prerequisite for definitive proof for *ḥarām*, al-Kāsānī indicates that backgammon and chess are *makrūh*; however, he later says that they are included under gambling or amusement (*lahw*), and claims that these are *ḥarām*. See al-Kāsānī, *Badāʾiʿ*, V, 127.

98 Al-Kāsānī, *Badāʾiʿ*, V, 127; Shaykhīzādah, *Majmaʿ al-anhur*, II, 553; al-Ḥaṣkafī, *al-Durr al-muntaqá*, II, 553.

99 The sources in which ḥadīth is quoted use the term *bāṭil* instead of *ḥarām*. See al-Tirmidhī, "Faḍāʾil al-jihād," 11; Abū Dāwūd, "al-Jihād," 24; Aḥmad ibn Ḥanbal, *al-Musnad*, XXVIII, 533, 573.

pass the judgment for *ḥarām*. Indeed, it is very difficult to claim definitiveness for both the authenticity and the significance of the foregoing ḥadīth.

Based on the verse, "(the Messenger) … forbids them what is evil (*khabā'ith*)," [100] al-Mawṣilī asserts that it is *ḥarām* to eat the meat of animals that do not have flowing blood, such as flys, scorpions, and snakes, except for the locust. [101] The significance of the verse, which is referred to as proof of this *ḥukm*, is speculative. Indeed, "evil" is not well-defined and is relative depending on time, ground, and persons. Then again, there are views on the *ḥurmah* of *banj* (herbs that have narcotic effects) and horse milk. [102] However, there is no definitive proof in this respect; besides, their *ḥukm* is controversial, even within the school. [103]

According to Abū Ḥanīfah, when a hound eats the prey that it catches, the prey, which was previously caught, also became *ḥarām*. For Imāmayn, only the prey eaten by the hound is *ḥarām*. Animals that were previously taken by the hound are not *ḥarām*. [104] To justify the former argument, scholars refer to the following ḥadīth: "If the hound has eaten some of the prey it obtained, do not consume that prey, because the hound caught it for itself." [105] However, the ḥadīth includes no direct *ḥukm* related to previously hunted animals. Therefore, this ḥadīth has no direct significance with regard to the disputed problem. In addition, we can claim that the authenticity of ḥadīth is not definitive. The verse, "… Lawful unto you are (all) things good and pure: and what ye have taught your trained hunting animals (to catch) in the manner directed to you by Allah: eat what they catch for you…," [106] employed to justify this argument, does not precisely signify the *ḥurmah* of these preys. In fact, it is not clear whether the hound has eaten previous preys. Given the nature of the

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100 Q 7:157.

101 Al-Mawṣilī, *al-Ikhtiyār*, V, 19.

102 Abū Muḥammad Badr al-Dīn Maḥmūd ibn Aḥmad al-ʿAynī, *al-Bināyah fī sharḥ al-Hidāyah*, 2nd ed. (Beirut: Dār al-Fikr, 1990), XI, 427-428.

103 Ibid., *al-Bināyah,* XI, 427-428.

104 Abū l-Ḥusayn Aḥmad ibn Abī Bakr Muḥammad ibn Aḥmad al-Qudūrī, *al-Mawsūʿah al-fiqhiyyah al-muqāranah: al-Tajrīd*, eds. Muḥammad Aḥmad Sirāj and ʿAlī Jumʿah Muḥammad (Cairo: Dār al-Salām, 2004), XII, 6279.

105 Al-Bukhārī, "al-Dhabā'iḥ wa-l-ṣayd," 10; Muslim, "al-Ṣayd wa-l-dhabā'iḥ," 2, 3; al-Tirmidhī, "al-Ṣayd," 6.

106 Q 5:4.

issue and his position in the madhhab, it is striking that al-Qudūrī (d. 428/1037), who reports this view, uses the term *ḥarām* to express the opinions of the founding jurists of the Ḥanafī school with regard to an issue for which there is no definite argument and that is controversial within the school.

There is no harm in the wages (*rizq*) of a judge; nevertheless, if *qāḍī* demands wages as a prerequisite, saying that "I will carry out judgment in exchange for a certain amount of wage," results in a wage that is *ḥarām*. However, there is no definitive injunction in this regard. Hereby, *ḥukm* is attained when the activity of a judgment is a type of worship and when it is *ḥarām* to be paid for worshipping.[107]

Some Ḥanafī *fiqh* works absolutely use the term *ḥarām* for beverages made of date and grape juice, such as *sakar*, *ṭilāʾ*, *munaṣṣaf*, *faḍīkh*, *muthallath*, *naqīʿ al-zabīb*, and *naqīʿ al-thamar*;[108] which are not included under the category of *khamr*. Therefore, *ḥurmah* of *khamr* (wine) is definitive, while others are speculative/subject to *ijtihād* and less than that of wine; accordingly, one who denies the *ḥurmah* of beverages that are other than wine will not be declared as an unbeliever.[109] Pursuant to the Ḥanafī approach, the *ḥurmah* of these beverages, which are not included in the context of wine, are based on non-definitive evidence, such as a single report (*khabar al-wāḥid*) and words of Companions (*qawl al-ṣaḥābī*). A single report, which was mentioned by al-Kāsānī, is the ḥadīth that states that wine is exclusively made of date and grape.[110] Words of Companions that are related to the question are actually views of ʿAbd Allāh ibn Masʿūd and ʿAbd Allāh ibn ʿAbbās, who

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[107] Al-Marghīnānī , *al-Hidāyah*, IV, 383; al-ʿAynī, *al-Bināyah*, XI, 311.

[108] Recipes for these beverages are provided as follows: *Sakar* is a fresh date juice that rises and becomes intoxicating. It is also known as *naqīʿ al-thamar*. *Ṭilāʾ* is grape juice that is boiled until two thirds vaporise. It is also named *muthallath*. *Munaṣṣaf* is fresh grape juice of which half is eliminated through boiling and becomes intoxicating. *Faḍīkh* is an intoxicating beverage that is obtained by immersing cut dry dates in water. *Naqīʿ al-zabīb* is the dry grape juice that automatically rises and becomes intoxicating.

[109] Al-Kāsānī, *Badāʾiʿ*, V, 115; al-Marghīnānī, *al-Hidāyah*, IV, 393, 397-398; al-Nasafī, *Kanz al-daqāʾiq*, 619; al-Ḥalabī, *Multaqá l-abḥur*, II, 568-570; Shaykhīzādah, *Majmaʿ al-anhur*, II, 568-570.

[110] Muslim, "al-Ashribah," 13, 14; al-Tirmidhī, "al-Ashribah," 8; Abū Dāwūd, "al-Ashribah," 4.

declared *sakar* and *naqīʿ al-zabīb* as *ḥarām*.[111] As shown, intoxicating beverages, except for wine, are clearly declared as *ḥarām* on the one hand, but there is reportedly no definitive proof for their *ḥurmah* on the other hand. In addition, the indication that the denier of *ḥurmah* for these beverages will not be declared as an unbeliever can be accepted as evidence for the lack of definitive proof for their *ḥarām* quality. As this example shows, Ḥanafī jurists may occasionally pass judgment for *ḥarām* on issues that do not have definitive proof.

Foregoing examples from Ḥanafī *fiqh* works demonstrate that the term *ḥarām* was used for some issues without definitive proof. If we are to accept the indication of definitive proof in the *ḥarām* descriptions that are ascribed to the Ḥanafī school, how can we reconcile these descriptions with their foregoing use in the *furūʿ* works? There are two possibilities in question. First, these jurists are mistaken and naively behave on the issue by using the term *ḥarām* without definitive proof. However, due to the relevant divine warning,[112] jurists have shown great care and timidity in using the word *ḥarām* since the earliest time periods and prefer expressions, such as "not *ḥalāl*," "not permissible," *makrūh* or *mamnūʿ* rather than *ḥarām*. The mentioned Ḥanafī jurists' style in their related works clearly reflects this diligence. Strikingly, most of these jurists are authors of essential texts that are highly influential in the Ḥanafī school. Moreover, it is not correct to assert that all of these jurists, who have lived in different places and across time periods, were incorrect in their foregoing usage. After all, other Ḥanafī jurists have never criticized their usage of the term.

Second, we claim that the word *ḥarām* in the foregoing usages signifies *makrūh*, because other sources prefer the term *makrūh* for several of the issues that are dubbed *ḥarām* above.[113] This argument,

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111 Al-Kāsānī, *Badāʾiʿ*, V, 114.

112 Q 7:32; 16:116.

113 For example, according to some works, it is *ḥarām* to play chess, while it is *makrūh* in others. Al-Marghīnānī, *al-Hidāyah*, IV, 381; al-Mawṣilī, *al-Ikhtiyār*, IV, 230; al-Nasafī, *Kanz al-daqāʾiq*, 614. Al-Marghīnānī says it is *makrūh* to eat meat from domestic donkeys, mules, hyenas, lizards, and insects, while the same is *ḥarām* according to Ibn al-Sāʿātī. See al-Marghīnānī, *al-Hidāyah*, IV, 347; Ibn al-Sāʿātī, *Majmaʿ al-baḥrayn*, 713. Adding hair is *ḥarām* for al-Mawṣilī but *makrūh* for al-Ḥalabī. See al-Mawṣilī, *al-Ikhtiyār*, IV, 231; al-Ḥalabī, *Multaqá l-abḥur*, II, 553.

which is apparently a constrained interpretation, becomes void because the same author uses *makrūh* for one of the successive problems and *ḥarām* for the other.[114]

For us, it is impossible to reconcile the use of this term with the precondition of definitive proof in the *ḥarām* descriptions that are ascribed to the Ḥanafī school. On the other hand, there is no unconformity between *uṣūl* and *furūʿ*, as it is wrong to ascribe this precondition to the Ḥanafī school as an absolute prerequisite. In contrast, the mentioned uses are a compulsory consequence of the foregoing approach in *uṣūl al-fiqh* works because the Ḥanafī jurists do not require definitiveness of proof for determining *ḥarām* and *ḥarām* can also be determined with speculative proof. In addition, they manifest this approach in *furūʿ*. If we admit that definitive proof is not an indispensable condition for determining *ḥarām*, we can prevent possible objections about incorrect or naive attitudes of the Ḥanafī jurists when using the term *ḥarām* and will not longer need to constrain interpretations of its use or have difficulty when reconciling *uṣūl* and *furūʿ*.

III. *Takfīr* of the Denier of *Ḥarām*

Even though contemporaneous works are more attentive on this issue than previous ones, some sources assert that whoever denies *ḥarām* will be subject to excommunication (*takfīr*) pursuant to Ḥanafī *uṣūl*. These sources introduce excommunication of the denier as the general opinion of the Ḥanafī school.[115] The question here is directly related to and a consequence of the problem of the definitiveness of proof for determining *ḥarām*. Specifically, if the Ḥanafī school were to accept that *ḥarām* could be exclusively determined through proof that had a definitive authenticity and significance, the *ḥarām* denier would inevitably have to be

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[114] For example, having indicated that backgammon and chess are *makrūh*, al-Mawṣilī says that it is *ḥarām* to add hair extensions. Again, he explains it is *ḥarām* to listen to musical instruments, just before stating that it is *makrūh* to add the sign of *ʿashr* (that indicates every passage of the Qurʾān that consists of ten verses) and punctuations in the text of the Qurʾān. See al-Mawṣilī, *al-Ikhtiyār*, IV, 230-231, 233. For a similar approach, see Ibn al-Sāʿātī, *Majmaʿ al-baḥrayn*, 713, 823; al-Ḥalabī, *Multaqá l-abḥur*, II, 512-513, 553.

[115] For example, see al-Zuḥaylī, *Uṣūl al-fiqh al-Islāmī*, I, 86; Şaʿbân, *İslâm Hukuk İlminin Esasları*, 251-252; Maḥmūd al-Shāfiʿī, *Uṣūl al-fiqh al-Islāmī*, 235; Kamali, *Principles of Islamic Jurisprudence*, 421; Kahraman, *Fıkıh Usûlü*, 211.

excommunicated. Indeed, because proof about prohibition is definitive for authenticity, its denial is impossible and because it is also definitive for significance, it would not be subject to interpretation. Therefore, this approach may be attributed to al-Imām Muḥammad, who requires definitive proof for *ḥarām*, as well as to his followers, such as al-Kāsānī and Ibn al-Humām.[116] However, it would not be accurate to introduce excommunication for the *ḥarām* denier as the absolute opinion of the Ḥanafī school, because most Ḥanafī jurists do not establish definitiveness of proof as a condition for determining *ḥarām*. Now, we will analyze whether this conclusion, based on the connection between definitiveness of proof for *ḥarām* and *ḥukm* on its denial, is verified by the approach in *uṣūl* and *furūʿ* works.

A. *Ḥukm* of Denial for *Ḥarām* in *Uṣūl* Works

Expressing *ḥarām* as a distinct *ḥukm* category, al-Samarqandī, al-Lāmishī, Ibn al-Sāʿātī, Ṣadr al-Sharīʿah, Mullā al-Fanārī and Mullā Khusraw clearly indicate that the denial of *farḍ* will necessitate *kufr*,[117] but do not say anything about excommunication (*takfīr*) for a denier of *ḥarām*.[118] Even Ibn al-Humām and Ibn ʿAbd al-Shakūr, who espouse that definitive proof is needed for determining *ḥarām* in the general Ḥanafī view, do not discuss the question of excommunication for *ḥarām* deniers. This fact does not suggest that *ḥarām* deniers will not be excommunicated according to Ibn al-Humām and his followers. Indeed, these scholars do not describe the *ḥukm* of denial

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[116] Indeed, al-Kāsānī, who adopts the prerequisite of definitive proof for determining *ḥurmah*, uses *makrūh* instead of *ḥarām*, because denial of *ḥarām* will require *kufr* pursuant to his approach. Thus, he accounts for the belief-related aspects of the issue while declaring *ḥukm* about problems with speculative proof. See al-Kāsānī, *Badāʾiʿ*, V, 37. Again, al-Kāsānī consistently distinguishes between practical and belief-related and uses the term *makrūh* for practical *ḥarām*. See al-Kāsānī, *Badāʾiʿ*, V, 47.

[117] Al-Samarqandī, *Mīzān al-uṣūl*, 28-29; al-Lāmishī, *Kitāb fī uṣūl al-fiqh*, 57; Ṣadr al-Sharīʿah, *al-Tawḍīḥ*, II, 271; Mullā al-Fanārī, *Fuṣūl al-badāʾiʿ*, I, 242; Mullā Khusraw, *Mirʾāt al-uṣūl*, II, 391.

[118] Al-Samarqandī, *Mīzān al-uṣūl*, 43; al-Lāmishī, *Kitāb fī uṣūl al-fiqh*, 61; Ibn al-Sāʿātī, *Nihāyat al-wuṣūl*, 105; Ṣadr al-Sharīʿah, *al-Tawḍīḥ*, II, 275-276; Mullā al-Fanārī, *Fuṣūl al-badāʾiʿ*, I, 244; Mullā Khusraw, *Mirʾāt al-uṣūl*, II, 394; al-Khādimī, *Majāmiʿ al-ḥaqāʾiq*, 37.

when treating *farḍ*.[119] In addition, they implicitly express excommunication for *ḥarām* deniers by accepting the definitiveness of proof of *ḥarām* and introducing this as the general view of the school.

Apparently, Abū Saʿīd al-Khādimī is the only jurist to address this problem in an *uṣūl* work, and provides some valuable information. According to al-Khādimī, *ḥarām* consist of two parts, specifically, *ḥarām* for its own sake (*li-dhātihī*) and *ḥarām* for something else (*li-ghayrihī*). Pursuant to deductive analogy (*qiyās*), it would be *kufr* to consider any of these parts of *ḥarām* as *ḥalāl*, even though some scholars adopt this approach. It is likely that al-Khādimī means al-Kāsānī, Ibn al-Humām and their followers with "some scholars." According to al-Khādimī, the common opinion is that a *ḥarām li-dhātihī* denier will be excommunicated, while a *ḥarām li-ghayrihī* denier will not. This opinion is justified as follows: A scholar's denial of *ḥarām* causes excommunication. When a non-scholar denies *ḥarām* that is determined via definitive proof, he will be excommunicated; but he will not be subject to *takfīr* for denying *ḥarām* without definitive proof.[120] These views, which are reported by al-Khādimī, are important for our topic, although they are accompanied with certain problems.

The justification for the "denial of *ḥarām* being *kufr* pursuant to *qiyās*," as expressed by al-Khādimī, is unclear. The relation of the opposition between *ḥarām* and *farḍ* may be influential in this respect. Then again, for al-Khādimī, the view of absolute excommunication is in contrast to common Ḥanafī opinions. Prohibitions about wine, impure meats, and pork, which are presented as examples of *ḥarām li-dhātihī* in *uṣūl* works,[121] are definitive in both authenticity and significance, with a consensus about their *ḥarām* character. As such, the view "it is *kufr* to deny *ḥarām li-dhātihī*," which was described as common by al-Khādimī, may be accepted as truth. Nevertheless, it appears to be incorrect to absolutely accept the allegation that denying *ḥarām li-ghayrihī* does not require *kufr*. In fact, the example of *ḥarām li-ghayrihī*, in which

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[119] Ibn al-Humām, *al-Taḥrīr*, II, 134-135; Ibn ʿAbd al-Shakūr, *Musallam al-thubūt*, I, 57-58. Ibn Amīr Ḥājj, *al-Taqrīr wa-l-taḥbīr*, II, 103; Amīr Bādshāh, *Taysīr al-Taḥrīr*, II, 134-135; al-Anṣārī, *Fawātiḥ al-raḥamūt*, I, 57-58.

[120] Al-Khādimī, *Majāmiʿ al-ḥaqāʾiq*, 37.

[121] Ṣadr al-Sharīʿah, *al-Tawḍīḥ*, II, 276; Mullā Khusraw, *Mirʾāt al-uṣūl*, II, 394.

unfair exploitation of other's riches is forbidden, provides definitive proof for both authenticity and significance.[122] There is no dispute about *ḥurmah* of the unfair exploitation for possessing others. However, there are disputes about whether a person, who deems this act as *ḥalāl*, should be excommunicated.[123] Sexual intercourse with a woman on her period is *ḥarām li-ghayrihī*; and according to an approach, it is *kufr* to consider this *ḥalāl*.[124] Therefore, a denier of at least a certain *ḥarām li-ghayrihī* is excommunicated. Consequently, we should evaluate such *ḥarām*s separately when examining the power of their respective evidence, rather than categorically claiming that denying *ḥarām li-ghayrihī* does not require *kufr*. The view that the "denial of *ḥarām* by scholar is *kufr*," as reported by al-Khādimī to explain common opinion, also requires an explanation. Indeed, scholars can deny the *ḥurmah* of a deed based on a legitimate justification or response. Denial based on interpretation (*taʾwīl*) does not necessitate *kufr* insofar as the denied thing is not determined by definitive proof. Therefore, the argument, "denial of *ḥarām* by scholar is *kufr*," can only be deemed valid for *ḥarām*s that have definitive proof. Aside from all of these controversial issues, one who absolutely denies *ḥarām* cannot be excommunicated pursuant to the approach that was introduced as common opinion by al-Khādimī.

When considering the information in *uṣūl al-fiqh* works where *ḥarām* is accepted as a separate *ḥukm* category, it is not accurate to exclusively ascribe the view that the denier will be absolutely excommunicated without any distinction between different *ḥarām*s to the Ḥanafī school. This view can be ascribed to al-Imām Muḥammad due to his approach to the question of proof for *ḥarām*; but it cannot be considered the common opinion of the school. For us, *uṣūl* scholars except for al-Khādimī do not address the problem because they know that *ḥarām* can be determined through definitive or speculative proof. Consequently, they do not impose a general

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[122] Q 2:188; 4:10, 29. For a similar criticism and refusal of this view, see Ramaḍān Efendī ibn Muḥammad al-Ḥanafī, *Ḥāshiyah ʿalá Sharḥ al-ʿAqāʾid* (Istanbul: Salah Bilici Kitabevi, n.d.), 311.

[123] Zayn al-Dīn Khayr al-Dīn ibn Aḥmad al-Ayyūbī al-Ramlī, *al-Fatāwá l-khayriyyah li-nafʿ al-bariyyah*, 2nd ed. (Būlāq: al-Maṭbaʿah al-Amīriyyah al-Kubrá, 1300), II, 234. Also see Ibn ʿĀbidīn, *Radd al-muḥtār*, II, 292.

[124] Al-Sarakhsī, *al-Mabsūṭ* (Beirut: Dār al-Maʿrifah, n.d.), X, 158-159; al-Mawṣilī, *al-Ikhtiyār*, I, 34; Ibn al-Humām, *Fatḥ al-qadīr*, I, 166. Also see Shaykhīzādah, *Majmaʿ al-anhur*, I, 53.

ḥukm about its denial; instead, it is more appropriate to examine each *ḥarām* case in light of its determining proof to come to a conclusion.

B. *Ḥukm* on the Denial of *Ḥarām* with regard to *Furūʿ* Examples

In the foregoing chapters about the definitiveness of proof for determing *ḥarām*, we attempted to articulate how the term *ḥarām* is used in Ḥanafī *fiqh* books for many acts that lack definitive proof and are controversial both within a school and between schools. This fact indirectly demonstrates that every *ḥarām* denier cannot be excommunicated. In fact, denying a *ḥukm*, which is determined via speculative proof, does not require *kufr*. Otherwise, a jurist, who, in contrast to specific Ḥanafī sources, thinks that playing chess, listening to musical instruments, wearing rings of stone, iron or brass, and eating meat from scorpions and snakes are not *ḥarām*, must be excommunicated. However, it is impossible to accept such excommunication. Therefore, these and similar examples in *furūʿ* works are sufficient to manifest that denying *ḥarām* with definitive proof can constitute a basis for excommunication and not an absolute denial of any *ḥarām*. However, it is important to address a question with clear expression on the problem for better comprehension.

Al-Imām Muḥammad uses *ḥarām* for *ḥukm* about wine and *ḥarām makrūh* for *sakar* and *naqīʿ al-zabīb*.[125] Thus, he intends to demonstrate that the latter *ḥarām* is determined via speculative and not definitive proof.[126] Later, this concept evolved into *makrūh taḥrīmī*.[127] Notwithstanding, al-Kāsānī more or less claims that the consumption of intoxicating beverages, such as *sakar*, *faḍīkh*, and *naqīʿ al-zabīb* is *ḥarām*, even though they are included under the category of *khamr*; but he adds that a person who believes that drinking these is *ḥalāl* cannot be excommunicated. The justification is that these three beverages are determined via non-definitive proof, such as a single report or words of Companions. *Ḥurmah* of *khamr*, on the other hand, is determined by definitive proof.[128] Likewise, al-Marghīnānī says that "there are four *ḥarām* beverages," and uses the

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[125] Al-Shaybānī, *al-Jāmiʿ al-ṣaghīr*, 485.

[126] Al-Kāsānī, *Badāʾiʿ*, V, 118.

[127] Boynukalın, Muqaddimah, 263.

[128] Al-Kāsānī, *Badāʾiʿ*, V, 114-115. Also see al-Zaylaʿī, *Tabyīn al-ḥaqāʾiq*, VI, 44-45.

wording *ḥarām* for three drinks, specifically, *ʿasīr*, *naqīʿ al-thamar*, and *naqīʿ al-zabīb*, which are made from grapes and dates, in addition to wine. Then, he dubs the second of the three *ḥarām makrūh*, and "absolute *ḥarām*" for the others. Nonetheless, he remarks that the *ḥurmah* of these three beverages is less than wine, because the *ḥurmah* of the latter is determined via definitive proof, while the *ḥurmah* from the others is subject to independent reasoning (*ijtihād*). Consequently, whoever considers wine *ḥalāl* is excommunicated, while anyone accepting the others as *ḥalāl* is not.[129] Here, *ḥarām* is used for the mentioned beverages, and deniers of their *ḥurmah* are not excommunicated; therefore, *ḥarām* is equally applied for things that are not determined by definitive proof. Deniers of any given *ḥarām* are not excommunicated.

If the denial of *ḥarām* is accepted as absolute *kufr*, the excommunication of denier of *ḥarām*s, which are based on well-known Sunnah or *qiyās* as proof, will emerge as a problem when examining the characteristics of this proof. Specifically, despite the presence of adverse views in Ḥanafī *uṣūl*,[130] denying well-known Sunnah does not require *kufr* pursuant to common opinion. Some *uṣūl* scholars even discuss a consensus on this issue.[131] In contrast, Ḥanafī sources comprise several examples of determination of *ḥarām* through well-known Sunnah. For example, pursuant to the ḥadīth, "Rasūl Allāh forbade eating the flesh from all predators that had dogteeth and birds of prey that had claws,"[132] as the meat from these animals is declared *ḥarām*.[133] According to al-Kāsānī, the foregoing

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[129] Al-Marghīnānī, *al-Hidāyah*, IV, 393-398.

[130] Reportedly, denying well-known Sunnah is *kufr* according to some Ḥanafī jurists; nevertheless, this approach is not adopted by Ḥanafī *uṣūl* scholars. See Abū l-Yusr Muḥammad ibn Muḥammad al-Bazdawī, *Maʿrifat al-ḥujaj al-sharʿiyyah*, ed. ʿAbd al-Qādir ibn Yāsīn (Beirut: Muʾassasat al-Risālah, 2000), 121-122; al-Samarqandī, *Mīzān al-uṣūl*, 429-430.

[131] Al-Dabūsī, *Taqwīm al-adillah*, 212; al-Bazdawī, *Uṣūl*, II, 535; al-Sarakhsī, *Uṣūl*, I, 292-294; ʿAbd al-ʿAzīz al-Bukhārī, *Kashf al-asrār*, II, 534-535. For further information about *ḥukm* on denial of well-known Sunnah, see Yargı, *Meşhur Sünnetin Dindeki Yeri*, 129-133.

[132] Muslim, "al-Ṣayd wa-l-dhabāʾiḥ," 15, 16; Abū Dāwūd, "al-Aṭʿimah," 32; al-Tirmidhī, "al-Ṣayd," 9, 11.

[133] Declaring *ḥukm* for eating these, some sources employ expressions, such as "not *ḥalāl*," and "not *jāʾiz*," while others clearly dub them "*ḥarām*." For examples of the latter, see al-Samarqandī, *Tuḥfat al-fuqahāʾ* (Beirut: Dār al-Kutub al-

ḥadīth is a well-known Sunnah.[134] Some sources state that it is *ḥarām* to eat the meat from a domestic donkey.[135] Reportedly, the ḥadīth about the prohibition of eating domestic donkeys by the Prophet during the Battle of Khaybar[136] is also a well-known Sunnah.[137] In addition, the ḥadīth "a man cannot marry the aunt (mother's or father's sister) of his wife"[138] is reportedly a well-known Sunnah.[139] Accordingly, the following rule is inferred from this question: "If, the wedding of two women, assuming one of them is man, is not *ḥalāl* when they are relatives; it is then *ḥarām* that a man marries with these two women."[140] As such, proof of *ḥurmah* for marriage with milk kins, except for the wet-nurse and milk sibling, is the ḥadīth, "whatever is *ḥarām* through lineage is *ḥarām* through milk"[141] which is also well-known Sunnah.[142]

Apart from other proofs such as *ijmāʿ* and *qiyās*, the following question can be posed for justification of mentioned *ḥukm*s: What is the *ḥukm* for denying a *ḥarām* that is determined through well-known Sunnah? If we adopt the approach about *kufr* of denial in certain recent *uṣūl* works, it is impossible to give a satisfactory

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ʿIlmiyyah, 1984), III, 65; al-Kāsānī, *Badāʾiʿ*, V, 39; Ibn al-Sāʿātī, *Majmaʿ al-baḥrayn*, 713; al-Ḥalabī, *Multaqá l-abḥur*, II, 512.

134 Al-Kāsānī, *Badāʾiʿ*, V, 39.

135 Ibn al-Sāʿātī, *Majmaʿ al-baḥrayn*, 713; al-Ḥalabī, *Multaqá l-abḥur*, II, 513.

136 Al-Bukhārī, "al-Dhabāʾiḥ wa-l-ṣayd," 28; Muslim, "al-Ṣayd wa-l-dhabāʾiḥ," 26, 27, 36; Abū Dāwūd, "al-Aṭʿimah," 34.

137 Al-Kāsānī, *Badāʾiʿ*, V, 37.

138 Al-Bukhārī, "al-Nikāḥ," 27; Muslim, "al-Nikāḥ," 33-40, al-Tirmidhī, "al-Nikāḥ," 30.

139 Declaring the *ḥukm* about this problem, some sources do not apply the term *ḥarām* and say, for example, "a woman cannot marry upon her aunt/her wedding is not *jāʾiz*." See al-Kāsānī, *Badāʾiʿ*, II, 262; al-Marghīnānī, *al-Hidāyah*, I, 226; al-Mawṣilī, *al-Ikhtiyār*, III, 123. Some sources, however, clearly indicate that it is *ḥarām*. See Ibn al-Sāʿātī, *Majmaʿ al-baḥrayn*, 514.

140 For some sources that pass judgment on this problem, without using the term *ḥarām*, see Al-Kāsānī, *Badāʾiʿ*, II, 262, al-Marghīnānī, *al-Hidāyah*, I, 226. For some works that employ the term *ḥarām*, see Ṣadr al-Sharīʿah, *Sharḥ al-Wiqāyah* (Amman: Muʾassasat al-Warrāq, 2006), III, 11; Mullā Khusraw, *Durar*, I, 330-331; al-Ḥalabī, *Multaqá l-abḥur*, I, 325.

141 Al-Bukhārī, "al-Nikāḥ," 20; Muslim, "al-Raḍāʿ," 1; al-Tirmidhī, "al-Raḍāʿ," 1.

142 Al-Kāsānī describes this ḥadīth as *mashhūr*. See al-Kāsānī, *Badāʾiʿ*, IV, 3. For other sources that ground the prohibition on this ḥadīth, see al-Marghīnānī, *al-Hidāyah*, I, 258; al-Mawṣilī, *al-Ikhtiyār*, III, 168; Ibn al-Sāʿātī, *Majmaʿ al-baḥrayn*, 513.

answer to this question. According to this approach, the situation will require *kufr* since the denied *ḥukm* is *ḥarām*. On the other hand, denial of well-known Sunnah, which is the proof of *ḥukm*, is not a reason for excommunication. It is impossible to assert that about an issue, denial of proof does not require *kufr*, but that who denies the *ḥukm*, determined via proof, is to be excommunicated. Such argument includes a clear contradiction.[143] To evade such contradiction, we should accept that it is *kufr* to deny *ḥarām*s, the authenticity and significance of which are determined through definitive proof; and that the denial of any *ḥarām* does not require *kufr*.

A similar problem occurs with regard to denial of *ḥarām*, the proof of which is *qiyās*. As is known, there are occasional *ḥukm*s on *ḥurmah* of some acts pursuant to *qiyās*. One of the best known examples is views of jurists about content of prohibition of usury/interest (*ribā*). Most jurists admit *ribā* can be permissible for goods other than the six types indicated in the ḥadīth on *al-ashyāʾ al-sittah*,[144] but they argue about the reason for usury.[145] According to Ḥanafīs, reason for usury is unity of measure (*kayl*) or scales (*wazn*). Therefore, the exchange of a weighable or measurable commodity, such as rice or iron, with the same kind of goods of different amount or pursuant to date signifies usury and is *ḥarām*. Thereupon, Ḥanafī jurists declare all transactions with usury element as *ḥarām*.[146] On the other hand, *qiyās* signifies superior conviction (*ẓann ghālib*).[147]

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[143] About validity of a similar situation for *farḍ* determined via well-known Sunnah, see Yargı, *Meşhur Sünnetin Dindeki Yeri*, 139.

[144] Al-Bukhārī, "al-Buyūʿ," 74-81; Muslim, "al-Musāqāt," 79-84.

[145] Al-Marghīnānī, *al-Hidāyah*, III, 62; al-Mawṣilī, *al-Ikhtiyār*, II, 42.

[146] Al-Marghīnānī, *al-Hidāyah*, III, 61; al-Mawṣilī, *al-Ikhtiyār*, II, 42; Mullā Khusraw, *Durar*, II, 186-187; al-Ḥalabī, *Multaqá l-abḥur*, II, 84. Ḥanafī *uṣūl* scholars give the example of usury while explaining *qiyās*, so as to include the abovementioned issues. See Ṣadr al-Sharīʿah, *al-Tawḍīḥ*, II, 127; Ibn Malak, *Sharḥ al-Manār*, 754-757.

[147] About the previous problem, this fact initially seems like another evidence that *ḥarām* can be determined by speculative proof in Ḥanafī school, since *qiyās* signifies speculation and some acts are declared *ḥarām* in Ḥanafī school pursuant to *qiyās*. Nevertheless, the following explanation annihilates such possibility: *Qiyās* is not determinant but exhibiting; therefore, the particular *ḥukm* is determined through not *qiyās* but the proof of original *ḥukm*. See Ṣadr al-Sharīʿah, *al-Tawḍīḥ*, I, 50-51. According to this approach, the proof for *ḥurmah* of exchange of rice with rice in different quantity is neither *qiyās* nor

Therefore, denial of a *ḥukm*, which is ruled upon *qiyās*, does not require *kufr*. For example, is it possible to excommunicate the Ẓāhirīs, who do not consider *qiyās* as a *sharʿī* proof, the Shāfiʿīs or Mālikīs, who have different opinions about *ʿillah* despite admitting *qiyās*, on the ground that they do not accept the exchange of one ton of iron with one and a half tons of it signifies usury and is thus *ḥarām*? Since this is impossible, we conclude that denial of certain *ḥarām*s does not require *kufr* according to Ḥanafī school.

Views in kalām and *fiqh* books show there is no obligatory relation between denial of *ḥarām* and *kufr*. In this respect, the denied *ḥarām* should be *ḥarām li-dhātihī* and be determined through definitive proof for it can require *kufr*. Thus, who denies *ḥarām*s determined via speculative proof or *ḥarām li-ghayrihī* is not excommunicated. According to another approach, without any distinction of *ḥarām li-dhātihī* or *ḥarām li-ghayrihī*, it is *kufr* to consider that things ruled *ḥarām* by the religion – such as marriage with close relative, wine, animal carcass (impure meat), pork, and blood – are *ḥalāl*.[148] This view, however, does not necessarily require absolute excommunication of denier of *ḥarām*. Indeed, the examples reveal that all these *ḥarām*s have definitive proof.

Conclusion

For determination of *ḥarām*, proof has to be definitive in terms of both authenticity and significance. This view is unanimously attributed to al-Imām Muḥammad. Apparently, al-Kāsānī is the first ever jurist to introduce this view of al-Imām Muḥammad as general approach of Ḥanafī school. Ibn al-Humām, on the other hand, is the first *uṣūl* scholar to present it as common view of the school in his *uṣūl* work. Ibn Nujaym, Ibn ʿAbd al-Shakūr, and Ibn ʿĀbidīn follow Ibn al-Humām in this respect. A similar approach is observable in most modern *uṣūl al-fiqh* works, particularly those by Khuḍarī Beg, who clearly and precisely ascribes this view to Ḥanafī school.

ʿillah (the underlying reason behind the ruling), but it is the ḥadīth on *al-ashyāʾ al-sittah* and other relevant injunctions.

148 Ibn Nujaym, *al-Baḥr al-rāʾiq*, I, 207. Also see Mullā Khusraw, *Durar*, I, 324; Shaykhīzādah, *Majmaʿ al-anhur*, I, 697; Ibn ʿĀbidīn, *Radd al-muḥtār*, II, 292-293. For further information in kalām books, see al-Taftāzānī, *Sharḥ al-ʿAqāʾid* (Istanbul: Fazilet Neşriyat, n.d.), 190; Ramaḍān Efendī, *Ḥāshiyah ʿalá Sharḥ al-ʿAqāʾid*, 250, 312-313; Ahmet Saim Kılavuz, *İman Küfür Sınırı – Tekfir Meselesi* (Istanbul: Marifet Yayınları, 1977), 153-156.

Given that *farḍ* and *ḥarām* in Ḥanafī *uṣūl* are two symmetrical *ḥukm* categories and that the motive behind distinction between *farḍ* and *wājib* is present in separation between *ḥarām* and *makrūh taḥrīmī*, it seems a natural consequence of consistency of Ḥanafī *uṣūl* to take into account the power of proof for distinguishing *ḥarām* and *makrūh taḥrīmī* and to claim *ḥarām* can exclusively be determined through definitive proof. Nevertheless, the underlined differences between *ḥarām* and *farḍ*, as well as occasional use of the term *farḍ* despite lack of definitive proof about the demand of the Lawgiver, rules out absolute acceptance of this judgment. In addition, pursuant to Ḥanafī *uṣūl* works, the argument, which claim *ḥarām* can only be determined through definitive proof, is introduced as the point of view of al-Imām Muḥammad and not as the common opinion of Ḥanafī school. According to most Ḥanafī jurists, the main criteria for distinction between *ḥarām* and *makrūh taḥrīmī* is not whether proof is definitive or speculative; instead, the benchmark is whether the act is prohibited or not, and whether the committer is worthy of punishment or not. This approach in *uṣūl* works, as well as use of term *ḥarām* in *furūʿ* works with regard to declaration of *ḥukm* for many issues without definitive proof about prohibition, show it is not accurate to introduce the prerequisite of definitive proof as the general opinion of Ḥanafī school.

The problem of *ḥukm* about denial of *ḥarām* is directly related with the quality of proof through which *ḥarām* is determined. On this matter, in consideration of information in *uṣūl* works and usage in *fiqh* books, it is not true to introduce the necessity for excommunication of denier of *ḥarām*, without any distinction between *ḥarām*s, as the single or preferred opinion of Ḥanafī school. According to both *uṣūl* and *furūʿ* works, *ḥarām* can be determined through definitive or speculative proof depending on the situation; therefore, whoever denies *ḥarām*s, which are determined via proof with definitive authenticity and significance, will be excommunicated, while the rest does not require *kufr*.

REFERENCES

Abū Dāwūd, Sulaymān ibn al-Ashʿath al-Sijistānī. *Sunan Abī Dāwūd*. 5 vols. Istanbul: Çağrı Yayınları, 1981.

Aḥmad ibn Ḥanbal, Abū ʿAbd Allāh Aḥmad ibn Muḥammad al-Shaybānī. *Musnad al-Imām Aḥmad ibn Ḥanbal*. 50 vols. Edited by Shuʿayb al-Arnāʾūṭ and ʿĀdil Murshid. Beirut: Muʾassasat al-Risālah, 2001.

al-Āmidī, Abū l-Ḥasan Sayf al-Dīn ʿAlī ibn Muḥammad. *al-Iḥkām fī uṣūl al-aḥkām*. 4 vols. Edited by ʿAbd al-Razzāq ʿAfīfī. Riyadh: Dār al-Ṣumayʿī, 2003.

Amīr Bādshāh, Muḥammad Amīn ibn Maḥmūd al-Bukhārī. *Taysīr al-Taḥrīr* (along with Kamāl al-Dīn Muḥammad ibn ʿAbd al-Wāḥid Ibn al-Humām's *al-Taḥrīr fī uṣūl al-fiqh*). 4 vols. Egypt: Maṭbaʿat Muṣṭafá al-Bābī al-Ḥalabī wa-awlāduhū, 1350.

al-Anṣārī, ʿAbd al-ʿAlī Muḥammad ibn Niẓām al-Dīn. *Fawātiḥ al-raḥamūt bi-sharḥ Musallam al-thubūt fī uṣūl al-fiqh* (along with Muḥibb Allāh Ibn ʿAbd al-Shakūr al-Bihārī's *Musallam al-thubūt* and Abū Ḥāmid Muḥammad ibn Muḥammad al-Ghazālī's *al-Mustaṣfá min ʿilm al-uṣūl*). 2 vols. Būlāq: al-Maṭbaʿah al-Amīriyyah, 1322.

Aral, Vecdi. *Hukuk ve Hukuk Bilimi Üzerine*. Istanbul: Filiz Kitabevi, n.d.

Atar, Fahrettin. *Fıkıh Usûlü*. 5th ed. Istanbul: Marmara Üniversitesi İlâhiyat Fakültesi Vakfı (İFAV) Yayınları, 2002.

al-ʿAynī, Abū Muḥammad Badr al-Dīn Maḥmūd ibn Aḥmad. *al-Bināyah fī sharḥ al-Hidāyah*. 12 vols. 2nd ed. Beirut: Dār al-Fikr, 1990.

ʿAzmīzādah, Muṣṭafá ibn Bīr ʿAlī, *Ḥāshiyah ʿalá Sharḥ al-Manār* (along with ʿIzz al-Dīn ʿAbd al-Laṭīf ibn ʿAbd al-ʿAzīz Ibn Malak's *Sharḥ al-Manār*, Yaḥyá ibn Qarājā al-Ruhāwī's *Ḥāshiyah ʿalá Sharḥ al-Manār*, and Burhān al-Dīn Muḥammad ibn Ibrāhīm al-Ḥalabī's *Anwār al-ḥalak ʿalá Sharḥ al-Manār li-Ibn Malak*, in *Sharḥ al-Manār wa-ḥawāshībi min ʿilm al-uṣūl*). Darsaʿādah: Maṭbaʿa-i ʿUthmāniyyah, 1315.

Batuk, Cengiz. "Tabu." In *Türkiye Diyanet Vakfı İslâm Ansiklopedisi (DİA)*, XXXIX, 334-335.

al-Bayānūnī, Muḥammad Abū l-Fatḥ. *al-Ḥukm al-taklīfī fī l-sharīʿah al-Islāmiyyah*. Damascus: Dār al-Qalam, 1988.

al-Bazdawī, Abū l-Ḥasan Abū l-ʿUsr Fakhr al-Islām ʿAlī ibn Muḥammad. *Uṣūl al-Bazdawī* (along with ʿAlāʾ al-Dīn ʿAbd al-ʿAzīz ibn Aḥmad al-Bukhārī's *Kashf al-asrār ʿan Uṣūl Fakhr al-Islām al-Bazdawī*). 4 vols. Edited by ʿAbd Allāh Maḥmūd Muḥammad ʿUmar. Beirut: Dār al-Kutub al-ʿIlmiyyah, 1997.

al-Bazdawī, Abū l-Yusr Muḥammad ibn Muḥammad. *Maʿrifat al-ḥujaj al-sharʿiyyah*. Edited by ʿAbd al-Qādir ibn Yāsīn. Beirut: Muʾassasat al-Risālah, 2000.

al-Bihārī, Muḥibb Allāh Ibn ʿAbd al-Shakūr. *Musallam al-thubūt* (along with Abū Ḥāmid Muḥammad ibn Muḥammad al-Ghazālī's *al-Mustaṣfá min ʿilm al-uṣūl* and ʿAbd al-ʿAlī Muḥammad ibn Niẓām al-Dīn al-Anṣārī's

Fawātiḥ al-raḥamūt bi-sharḥ Musallam al-thubūt fī uṣūl al-fiqh). 2 vols. Būlāq: al-Maṭbaʿah al-Amīriyyah, 1322.

Boynukalın, Mehmet. Muqaddimah to *al-Aṣl*, by Abū ʿAbd Allāh Muḥammad ibn al-Ḥasan al-Shaybānī. Edited by Mehmet Boynukalın. Beirut: Dār Ibn Ḥazm, 2012. I.

al-Bukhārī, Abū ʿAbd Allāh Muḥammad ibn Ismāʿīl. *al-Jāmiʿ al-ṣaḥīḥ*. 8 vols. Istanbul: Çağrı Yayınları, 1981.

al-Bukhārī, ʿAlāʾ al-Dīn ʿAbd al-ʿAzīz ibn Aḥmad. *Kashf al-asrār ʿan uṣūl Fakhr al-Islām al-Bazdawī* (along with Abū l-ʿUsr al-Bazdawī's *Uṣūl al-Bazdawī*). 4 vols. Edited by ʿAbd Allāh Maḥmūd Muḥammad ʿUmar. Beirut: Dār al-Kutub al-ʿIlmiyyah, 1997.

Büyük Ḥaydar Efendī. *Uṣūl-i Fiqh Dersleri*. Istanbul: al-Maktabat al-Maḥmūdiyyah, n.d.

Çetintaş, Recep. *İlk Beş Asır Fıkıh Usulü Literatüründe Teklîfî Hüküm Terminolojisi*. Ankara: Fecr Yayınevi, 2015.

al-Dabūsī, Abū Zayd ʿUbayd Allāh ibn ʿUmar ibn ʿĪsá. *Taqwīm al-adillah fī uṣūl al-fiqh*. Edited by Khalīl Muḥyī al-Dīn al-Mays. Beirut: Dār al-Kutub al-ʿIlmiyyah, 2001.

Demirci, Kürşat. "Haram." In *Türkiye Diyanet Vakfı İslâm Ansiklopedisi (DİA)*, XVI, 97-100.

Dilek, Uğur Bekir. "İslam Hukuk Metodolojisinde Teklifi Hüküm Terimleri (Doğuşu-Gelişmesi-Terimleşmesi)." PhD diss., Konya: Selçuk University, 2010.

Dönmez, İbrahim Kâfi. "İcmâ." In *Türkiye Diyanet Vakfı İslâm Ansiklopedisi (DİA)*, XXI, 417-431.

al-Ghazālī, Abū Ḥāmid Muḥammad ibn Muḥammad. *al-Mustaṣfá min ʿilm al-uṣūl* (along with Muḥibb Allāh Ibn ʿAbd al-Shakūr al-Bihārī's *Musallam al-thubūt* and ʿAbd al-ʿAlī Muḥammad ibn Niẓām al-Dīn al-Anṣārī's *Fawātiḥ al-raḥamūt bi-sharḥ Musallam al-thubūt fī uṣūl al-fiqh*). 2 vols. Būlāq: al-Maṭbaʿah al-Amīriyyah, 1322.

al-Ḥalabī, Burhān al-Dīn Muḥammad ibn Ibrāhīm. *Multaqá l-abḥur* (along with Dāmād ʿAbd al-Raḥmān ibn Muḥammad Shaykhīzādah's *Majmaʿ al-anhur fī sharḥ Multaqá l-abḥur* and ʿAlāʾ al-Dīn Muḥammad ibn ʿAlī ibn Muḥammad al-Ḥaṣkafī's *al-Durr al-muntaqá fī sharḥ al-Multaqá*). 2 vols. Beirut: Dār Iḥyāʾ al-Turāth al-ʿArabī, n.d.

al-Ḥaṣkafī, ʿAlāʾ al-Dīn Muḥammad ibn ʿAlī ibn Muḥammad. *al-Durr al-mukhtār sharḥ Tanwīr al-abṣār* (along with Muḥammad Amīn ibn

ʿUmar ibn ʿAbd al-ʿAzīz Ibn ʿĀbidīn's *Ḥāshiyat Radd al-muḥtār ʿalá l-Durr al-mukhtār sharḥ Tanwīr al-abṣār fī fiqh madhhab al-Imām Abī Ḥanīfah al-Nuʿmān*). 6 vols. 2nd ed. Beirut: Dār al-Fikr, 1992.

———. *al-Durr al-muntaqá fī sharḥ al-Multaqá* (along with Dāmād ʿAbd al-Raḥmān ibn Muḥammad Shaykhīzādah's *Majmaʿ al-anhur fī sharḥ Multaqá l-abḥur* and Burhān al-Dīn Muḥammad ibn Ibrāhīm al-Ḥalabī's *Multaqá l-abḥur*). 2 vols. Beirut: Dār Iḥyāʾ al-Turāth al-ʿArabī, n.d.

Ibn ʿĀbidīn, Muḥammad Amīn ibn ʿUmar ibn ʿAbd al-ʿAzīz. *Ḥāshiyat Radd al-muḥtār ʿalá l-Durr al-mukhtār sharḥ Tanwīr al-abṣār fī fiqh madhhab al-Imām Abī Ḥanīfah al-Nuʿmān* (along with ʿAlāʾ al-Dīn Muḥammad ibn ʿAlī ibn Muḥammad al-Ḥaṣkafī's, *al-Durr al-mukhtār sharḥ Tanwīr al-abṣār*). 6 vols. 2nd ed. Beirut: Dār al-Fikr, 1992.

———. *Sharḥ Sharḥ al-Manār li-l-ʿAllāmah al-Shāmī fī uṣūl al-fiqh al-musammá Nasamāt al-asḥār*. Edited by Fahīm Ashraf Nūr. 3rd ed. Karachi: Idārat al-Qurʾān wa-l-ʿUlūm al-Islāmiyyah, 1418.

Ibn Amīr Ḥājj, Abū ʿAbd Allāh Shams al-Dīn Muḥammad ibn Muḥammad. *al-Taqrīr wa-l-taḥbīr*. 3 vols. Edited by ʿAbd Allāh Maḥmūd Muḥammad ʿUmar. Beirut: Dār al-Kutub al-ʿIlmiyyah, 1999.

Ibn ʿAqīl, Abū l-Wafāʾ ʿAlī ibn ʿAqīl ibn Muḥammad ibn ʿAqīl al-Baghdādī al-Ḥanbalī. *al-Wāḍiḥ fī uṣūl al-fiqh*. 5 vols. Edited by ʿAbd Allāh ibn ʿAbd al-Muḥsin al-Turkī. Beirut: Muʾassasat al-Risālah, 1999.

Ibn al-Humām, Kamāl al-Dīn Muḥammad ibn ʿAbd al-Wāḥid. *Sharḥ fatḥ al-qadīr ʿalá l-Hidāyah sharḥ Bidāyat al-mubtadī*. 10 vols. Edited by ʿAbd al-Razzāq Ghālib al-Mahdī. Beirut: Dār al-Kutub al-ʿIlmiyyah, 2003.

———. *al-Taḥrīr fī uṣūl al-fiqh al-jāmiʿ bayna iṣṭilāḥay al-Ḥanafiyyah wa-l-Shāfiʿiyyah* (along with Muḥammad Amīn ibn Maḥmūd Amīr Bādshāh al-Bukhārī's *Taysīr al-Taḥrīr*). 4 vols. Egypt: Maṭbaʿat Muṣṭafá al-Bābī al-Ḥalabī wa-awlāduhū, 1350.

Ibn Malak, ʿIzz al-Dīn ʿAbd al-Laṭīf ibn ʿAbd al-ʿAzīz. *Sharḥ al-Manār* (along with ʿAzmīzādah Muṣṭafá ibn Bīr ʿAlī's *Ḥāshiyah ʿalá Sharḥ al-Manār*, Yaḥyá ibn Qarājā al-Ruhāwī's *Ḥāshiyah ʿalá Sharḥ al-Manār*, and Burhān al-Dīn Muḥammad ibn Ibrāhīm al-Ḥalabī's *Anwār al-ḥalak ʿalá Sharḥ al-Manār li-Ibn Malak*, in *Sharḥ al-Manār wa-ḥawāshīhi min ʿilm al-uṣūl*). Darsaʿādah: Maṭbaʿa-i ʿUthmāniyyah, 1315.

Ibn Manẓūr, Abū l-Faḍl Muḥammad ibn Mukarram. *Lisān al-ʿArab*. 9 vols. Beirut: Dār Ṣādir, 1990.

Ibn Nujaym, Zayn al-Dīn ibn Ibrāhīm ibn Muḥammad al-Miṣrī. *al-Baḥr al-rāʾiq sharḥ Kanz al-daqāʾiq*. 8 vols. 2nd ed. Beirut: Dār al-Kitāb al-Islāmī, n.d.

———. *Fatḥ al-Ghaffār bi-sharḥ al-Manār al-maʿrūf bi-Mishkāt al-anwār fī uṣūl al-Manār* (along with glosses by ʿAbd al-Raḥmān al-Baḥrāwī al-Ḥanafī al-Miṣrī). Beirut: Dār al-Kutub al-ʿIlmiyyah, 2001.

Ibn Qayyim al-Jawziyyah, Abū ʿAbd Allāh Shams al-Dīn Muḥammad ibn Abī Bakr. *Ighāthat al-lahfān min maṣāyid al-shayṭān*. 2 vols. Edited by Muḥammad Sayyid Kīlānī. Cairo: Maktabat Dār al-Turāth, 1961.

———. *Iʿlām al-muwaqqiʿīn ʿan Rabb al-ʿālamīn*. 7 vols. Edited by Abū ʿUbaydah Mashhūr ibn Ḥasan. Riyadh: Dār Ibn al-Jawzī, 1423.

Ibn al-Sāʿātī, Abū l-ʿAbbās Muẓaffar al-Dīn Aḥmad ibn ʿAlī ibn Taghlib. *Majmaʿ al-baḥrayn wa-multaqá l-nayyirayn fī l-fiqh al-Ḥanafī*. Edited by Ilyās Qablān. Beirut: Dār al-Kutub al-ʿIlmiyyah, 2005.

———. *Nihāyat al-wuṣūl ilá ʿilm al-uṣūl al-maʿrūf bi-Badīʿ al-niẓām al-jāmiʿ bayna kitāb al-Bazdawī wa-l-Iḥkām*. Edited by Ibrāhīm Shams al-Dīn. Beirut: Dār al-Kutub al-ʿIlmiyyah, 2004.

al-Jaṣṣāṣ, Abū Bakr Aḥmad ibn ʿAlī al-Rāzī. *al-Fuṣūl fī l-uṣūl*. 4 vols. Edited by ʿUjayl Jāsim al-Nashamī. 2nd ed. Kuwait: Wizārat al-Awqāf wa-l-Shuʾūn al-Islāmiyyah, 1985.

Kahraman, Abdullah. *Fıkıh Usûlü*. 3rd ed. Istanbul: Rağbet Yayınları, 2014.

———. "İslam'da Helal ve Haramın Yeri ve Fıkıh Usulü Açısından Temellendirilmesi." *İslam Hukuku Araştırmaları Dergisi* 20 (2012): 43-69.

Kamali, Mohammad Hashim. *Principles of Islamic Jurisprudence*. 3rd rev. and enl. ed. Cambridge, UK: The Islamic Texts Society, 2003.

al-Kāsānī, ʿAlāʾ al-Dīn Abū Bakr ibn Masʿūd. *Badāʾiʿ al-ṣanāʾiʿ fī tartīb al-sharāʾiʿ*. Cairo: al-Maṭbaʿah al-Jamāliyyah, 1910 → 7 vols. in 5 vols. 2nd ed. Beirut: Dār al-Kutub al-ʿIlmiyyah, 1986.

al-Khabbāzī, Jalāl al-Dīn Abū Muḥammad ʿUmar ibn Muḥammad ibn ʿUmar. *al-Mughnī fī uṣūl al-fiqh*. Edited by Muḥammad Maẓhar Baqā. Mecca: Jāmiʿat Umm al-Qurá Markaz al-Baḥth al-ʿIlmī wa-Iḥyāʾ al-Turāth al-Islāmī, 1403.

al-Khādimī, Abū Saʿīd Muḥammad ibn Muṣṭafá ibn ʿUthmān. *Majāmiʿ al-ḥaqāʾiq min al-uṣūl*. Istanbul: Shirkat-i Ṣaḥāfiyya-i ʿUthmāniyyah, 1308.

Khuḍarī Beg, Muḥammad. *Uṣūl al-fiqh*. 6th ed. Egypt: al-Maktabah al-Tijāriyyah al-Kubrá, 1969.

Kılavuz, Ahmet Saim. *İman Küfür Sınırı – Tekfir Meselesi*. Istanbul: Marifet Yayınları, 1977.

Koca, Ferhat. "Haram. Fıkıh." In *Türkiye Diyanet Vakfı İslâm Ansiklopedisi (DİA)*, XVI, 100-104.

Koçak, Muhsin, Nihat Dalgın, and Osman Şahin. *Fıkıh Usûlü*. Istanbul: Ensar Neşriyat, 2013.

al-Lāmishī, Abū l-Thanāʾ Maḥmūd ibn Zayd. *Kitāb fī uṣūl al-fiqh*. Edited by ʿAbd al-Majīd Turkī. Beirut: Dār al-Gharb al-Islāmī, 1995.

al-Marghīnānī, Burhān al-Dīn Abū l-Ḥasan ʿAlī ibn Abī Bakr. *al-Hidāyah sharḥ Bidāyat al-mubtadī*. 4 vols. Edited by Muḥammad ʿAdnān Darwīsh. Beirut: Sharikat Dār al-Arqam ibn Abī l-Arqam, n.d.

al-Mawṣilī, Abū l-Faḍl ʿAbd Allāh ibn Maḥmūd. *al-Ikhtiyār li-taʿlīl al-Mukhtār*. 5 vols. Edited by Muḥammad Muḥyī al-Dīn ʿAbd al-Ḥamīd. 2nd ed. Istanbul: al-Maktabat al-Ḥanafiyyah, 1953.

Meḥmed Seyyid. *Uṣūl-i Fiqh: Madkhal*. Istanbul: Maṭbaʿa-i ʿĀmirah, 1333.

Mullā al-Fanārī, Shams al-Dīn Muḥammad ibn Ḥamzah. *Fuṣūl al-badāʾiʿ fī uṣūl al-sharāʾiʿ*. 2 vols. Edited by Muḥammad Ḥasan Muḥammad Ḥasan Ismāʿīl al-Shāfiʿī. Beirut: Dār al-Kutub al-ʿIlmiyyah, 2006.

Mullā Khusraw, Muḥammad ibn Farāmūz (Farāmurz) ibn ʿAlī. *Durar al-ḥukkām fī sharḥ Ghurar al-aḥkām*. 2 vols. Karachi: Mīr Muḥammad Kutubkhānah, n.d.

———. *Mirʾāt al-uṣūl sharḥ Mirqāt al-wuṣūl*. 2 vols. Istanbul: Dār al-Ṭibāʿah al-ʿĀmirah, 1309.

Muslim, Abū l-Ḥusayn Muslim ibn al-Ḥajjāj. *Ṣaḥīḥ Muslim*. 3 vols. Edited by Muḥammad Fuʾād ʿAbd al-Bāqī. Istanbul: Çağrı Yayınları, 1981.

al-Nasafī, Abū l-Barakāt Ḥāfiẓ al-Dīn ʿAbd Allāh ibn Aḥmad. *Kanz al-daqāʾiq* (*fī l-fiqh al-Ḥanafī*). Edited by Sāʾid Bakdāsh. Beirut: Dār al-Bashāʾir al-Islāmiyyah & Medina: Dār al-Sirāj, 2011.

———. *Kashf al-asrār: Sharḥ al-muṣannif ʿalá l-Manār* (along with Aḥmad ibn Abī Saʿīd ibn ʿAbd Allāh [ʿUbayd Allāh] Mullā Jīwan al-Laknawī's *Nūr al-anwār ʿalá l-Manār*). 2 vols. Beirut: Dār al-Kutub al-ʿIlmiyyah, 1986.

———. *Sharḥ Ḥāfiẓ al-Dīn al-Nasafī li-kitāb al-Muntakhab fī uṣūl al-madhhab li-Muḥammad ibn Muḥammad ibn ʿUmar al-Akhsīkathī*. Edited by Salim Öğüt. Istanbul: n.p., 2003.

al-Qudūrī, Abū l-Ḥusayn Aḥmad ibn Abī Bakr Muḥammad ibn Aḥmad. *al-Mawsūʿah al-fiqhiyyah al-muqāranah: al-Tajrīd*. 12 vols. Edited by Muḥammad Aḥmad Sirāj and ʿAlī Jumʿah Muḥammad. Cairo: Dār al-Salām, 2004.

al-Quhistānī, Shams al-Dīn Muḥammad ibn Ḥusām al-Dīn al-Khurāsānī. *Jāmiʿ al-rumūz*. 2 vols. Qazan: n.p., 1299.

Ramaḍān Efendī ibn Muḥammad al-Ḥanafī. *Ḥāshiyah ʿalá Sharḥ al-ʿAqāʾid*. Istanbul: Salah Bilici Kitabevi, n.d.

al-Ramlī, Zayn al-Dīn Khayr al-Dīn ibn Aḥmad al-Ayyūbī. *al-Fatāwá l-khayriyyah li-nafʿ al-bariyyah*. 2 vols. 2nd ed. Būlāq: al-Maṭbaʿah al-Amīriyyah al-Kubrá, 1300.

al-Ruhāwī, Yaḥyá ibn Qarājā. *Ḥāshiyah ʿalá Sharḥ al-Manār* (along with ʿIzz al-Dīn ʿAbd al-Laṭīf ibn ʿAbd al-ʿAzīz Ibn Malak's *Sharḥ al-Manār*, ʿAzmīzādah Muṣṭafá ibn Bīr ʿAlī's *Ḥāshiyah ʿalá Sharḥ al-Manār*, and Burhān al-Dīn Muḥammad ibn Ibrāhīm al-Ḥalabī's *Anwār al-ḥalak ʿalá Sharḥ al-Manār li-Ibn Malak*, in *Sharḥ al-Manār wa-ḥawāshīhi min ʿilm al-uṣūl*). Darsaʿādah: Maṭbaʿa-i ʿUthmāniyyah, 1315.

Ṣadr al-Sharīʿah al-Awwal, ʿUbayd Allāh ibn Masʿūd al-Maḥbūbī. *Sharḥ al-Wiqāyah*. 3 vols. Amman: Muʾassasat al-Warrāq, 2006.

———. *al-Tawḍīḥ sharḥ al-Tanqīḥ* (along with Saʿd al-Dīn Masʿūd ibn ʿUmar al-Taftāzānī's *al-Talwīḥ ilá kashf ḥaqāʾiq al-Tanqīḥ*). 2 vols. Edited by Muḥammad ʿAdnān Darwīsh. Beirut: Sharikat Dār al-Arqam ibn Abī l-Arqam, 1998.

al-Samarqandī, Abū Bakr ʿAlāʾ al-Dīn Shams al-Naẓar Muḥammad ibn Aḥmad. *Mīzān al-uṣūl fī natāʾij al-ʿuqūl (al-Mukhtaṣar)*. Edited by Muḥammad Zakī ʿAbd al-Barr. Cairo: Maktabat Dār al-Turāth, 1997.

———. *Tuḥfat al-fuqahāʾ*. 3 vols. Beirut: Dār al-Kutub al-ʿIlmiyyah, 1984.

al-Sarakhsī, Abū Bakr Shams al-Aʾimmah Muḥammad ibn Abī Sahl. *al-Mabsūṭ*. 30 vols. Beirut: Dār al-Maʿrifah, n.d.

———. *Uṣūl al-Sarakhsī*. 2 vols. Edited by Abū l-Wafāʾ al-Afghānī. Hyderabad, al-Dakkan: Lajnat Iḥyāʾ al-Maʿārif al-Nuʿmāniyyah, n.d. → Beirut: Dār al-Kutub al-ʿIlmiyyah, 1993.

al-Sarmīnī, ʿAdnān Kāmil. *Ḥujjiyyat al-ijmāʿ*. Jeddah: Dār Nūr al-Maktabāt & Muʾassasat al-Rayyān, 2004.

al-Saydīshahrī, Maḥmūd Asʿad. *Talkhīṣ-i Uṣūl-i Fiqh*. Izmir: Maṭbaʿa-i Nīkūlāyidī, 1313.

Şaʿbân, Zekiyyüddin [Zakī al-Dīn Shaʿbān]. *İslâm Hukuk İlminin Esasları (Usûlü'l Fıkh)*. Translated into Turkish by İbrahim Kâfi Dönmez. 5th ed. Ankara: Türkiye Diyanet Vakfı Yayınları, 2001.

al-Shāfiʿī, Aḥmad Maḥmūd. *Uṣūl al-fiqh al-Islāmī*. Beirut: Manshūrāt al-Ḥalab al-Ḥuqūqiyyah, 2002.

al-Shaybānī, Abū ʿAbd Allāh Muḥammad ibn al-Ḥasan. *al-Jāmiʿ al-ṣaghīr*. Karachi: Idārat al-Qurʾān wa-l-ʿUlūm al-Islāmiyyah, 1990.

Shaykhīzādah, Dāmād ʿAbd al-Raḥmān ibn Muḥammad. *Majmaʿ al-anhur fī sharḥ Multaqá l-abḥur* (along with Burhān al-Dīn Muḥammad ibn Ibrāhīm al-Ḥalabī's *Multaqá l-abḥur* and ʿAlāʾ al-Dīn Muḥammad ibn ʿAlī ibn Muḥammad al-Ḥaṣkafī's *al-Durr al-muntaqá fī sharḥ al-Multaqá*). 2 vols. Beirut: Dār Iḥyāʾ al-Turāth al-ʿArabī, n.d.

al-Taftāzānī, Saʿd al-Dīn Masʿūd ibn ʿUmar. *Sharḥ al-ʿAqāʾid*. Istanbul: Fazilet Neşriyat, n.d.

———. *al-Talwīḥ ilá kashf ḥaqāʾiq al-Tanqīḥ* (along with Ṣadr al-Sharīʿah al-Awwal ʿUbayd Allāh ibn Masʿūd al-Maḥbūbī's *al-Tawḍīḥ sharḥ al-Tanqīḥ*). 2 vols. Edited by Muḥammad ʿAdnān Darwīsh. Beirut: Sharikat Dār al-Arqam ibn Abī l-Arqam, 1998.

al-Tirmidhī, Abū ʿĪsá Muḥammad ibn ʿĪsá. *al-Jāmiʿ al-ṣaḥīḥ*. 5 vols. Edited by Aḥmad Muḥammad Shākir. Istanbul: Çağrı Yayınları, 1981.

al-Ṭūfī, Najm al-Dīn Abū l-Rabīʿ Sulaymān ibn ʿAbd al-Qawī. *Sharḥ Mukhtaṣar al-Rawḍah*. 3 vols. Edited by ʿAbd Allāh ibn ʿAbd al-Muḥsin al-Turkī. Beirut: Muʾassasat al-Risālah, 1987.

Türcan, Talip. *İslam Hukuk Biliminde Hukuk Normu*. Ankara: Ankara Okulu Yayınları, 2003.

Uğur, Seyit Mehmet. "Fıkıh Usûlünde Haram Kavramı." Master's thesis, Istanbul: Marmara University, 2009.

Yargı, Mehmet Ali. *Meşhur Sünnetin Dindeki Yeri*. Istanbul: Ensar Neşriyat, 2009.

al-Zabīdī, Muḥammad Murtaḍá al-Ḥusaynī. *Tāj al-ʿarūs min jawāhir al-Qāmūs*. 40 vols. Edited by Muṣṭafá Ḥijāzī. Kuwait: Maṭbaʿat Ḥukūmat al-Kuwayt, 1989.

al-Zarkashī, Badr al-Dīn Muḥammad ibn Bahādur ibn ʿAbd Allāh. *al-Baḥr al-muḥīṭ fī uṣūl al-fiqh*. 6 vols. Edited by ʿAbd al-Qādir ʿAbd Allāh al-

ʿĀnī and ʿUmar Sulaymān al-Ashqar. 2nd ed. Kuwait: Wizārat al-Awqāf wa-l-Shuʾūn al-Islāmiyyah, 1992.

Zaydān, ʿAbd al-Karīm. *al-Wajīz fī uṣūl al-fiqh*. Beirut: Muʾassasat al-Risālah, 2002.

al-Zaylaʿī, Abū Muḥammad Fakhr al-Dīn ʿUthmān ibn ʿAlī ibn Miḥjan. *Tabyīn al-ḥaqāʾiq sharḥ Kanz al-daqāʾiq*. 6 vols. Būlāq: al-Maṭbaʿat al-Kubrá l-Amīriyyah, 1313.

al-Zuḥaylī, Wahbah. *Uṣūl al-fiqh al-Islāmī*. 2 vols. Damascus: Dār al-Fikr, 1986.

BOOK REVIEWS

An Anthology of Philosophy in Persia, Volume 5: From the School of Shiraz to the Twentieth Century
edited by S. H. Nasr and M. Aminrazavi

Amos Bertolacci

The Alexandrian Summaries of Galen's On Critical Days*: Editions and Translations of the Two Versions of the* Jawāmīʿ*, with an Introduction and Notes*
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The Popularisation of Sufism in Ayyubid and Mamluk Egypt, 1173-1325
by Nathan Hofer

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An Anthology of Philosophy in Persia, Volume 5: From the School of Shiraz to the Twentieth Century, edited by S. H. Nasr and M. Aminrazavi (London: I. B. Tauris Publishers in association with The Institute of Ismaili Studies, 2015), xx + 544 pp., ISBN: 978-1-84885-750-6, $69.95 (hb)

The volume under consideration is presented as the final element of the monumental series *An Anthology of Philosophy in Persia*, which started in 1999 with *From Zoroaster to ʿUmar Khayyām* (Vol. I, Oxford University Press; republished in 2007 by I. B. Tauris), and continued with *Ismaili Thought in the Classical Age* (Vol. 2, Oxford University Press, 2001; Suheyl Academy, 2005; I. B. Tauris and The Institute of Ismaili Studies, 2008), *Philosophical Theology in the Middle Ages and Beyond* (Vol. 3, I. B. Tauris and The Institute of Ismaili Studies, 2010), and *From the School of Illumination to Philosophical Mysticism* (Vol. 4, I. B. Tauris and The Institute of Ismaili Studies, 2013). With the almost 600 pages of the present volume, a quarter of century of groundbreaking research and painstaking organizational efforts by the general editor, Seyyed Hossein Nasr, and his co-editor, Mehdi Aminrazavi, has come happily to an end. In bringing to completion this volume – and, with it, the colossal enterprise which it concludes – the two main editors have been assisted by a vast and qualified group of scholars, mainly but not exclusively Iranian, whose name are recorded in the List of Contributors (pp. xvii-xx) and who have mostly penned the English translations of the chosen texts.

The historical period covered by the volume under consideration is quite wide: it goes from the IXth/XVth century to the XIVth/XIXth century for "half a millennium" (p. 18), if we consider the authors taken into account (since Jalāl al-Dīn Dawānī, 830-908/1427-1502, to Mīrzā Abū l-Ḥasan Ṭabāṭabāʾī, 1238-1314/1822-1896), or even "six or seven centuries" (p. 3), if we extend the consideration to the schools to which the authors belonged. In any case, the twentieth century, mentioned in the title, falls mostly outside, rather than inside, the scope of investigation. For this reason, although the overall series is declared complete, the general editor in the introduction (p. 16) expresses the auspice of a future further volume, which might take into consideration the influence of Western thought on contemporary

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Iranian philosophy (on this, see for instance Roman Seidel, "Early Translations of Modern European Philosophy: On the Significance of an under-researched Phenomenon for the Study of Modern Iranian Intellectual History," in *Iran's Constitutional Revolution of 1906 and Narratives of the Enlightenment,* ed. Ali Ansari [London: The Gingko Library, 2016]).

As with the preceding volumes of the series, the present volume displays a very harmonic architecture, made of a basic three-fold division into main historical segments, corresponding to the three prime philosophical schools active in Iran in the period under consideration, namely the "School of Shiraz" (XV-XVI c.) and the "School of Isfahan" (XVI-XVIII c.) under the Ṣafavid rulership, and the "School of Tehran" (XVIII-XIX c.) under the Qajar dynasty. Four authors of the first school are considered (the already mentioned Jalāl al-Dīn Dawānī; Ṣadr al-Dīn Dashtakī; Ghiyāth al-Dīn Manṣūr Dashtakī; Shams al-Dīn Khafrī); nine of the second school (Mīr Dāmād; Mīr Findiriskī; Mullā Ṣadrā; ʿAbd al-Razzāq Lāhījī and Ḥasan ibn ʿAbd al-Razzāq Lāhījī; Sayyid Aḥmad ʿAlawī; Mullā Rajab ʿAlī Tabrīzī; Mullā Muḥsin Fayḍ Kāshānī; Qāḍī Saʿīd Qummī; Muḥammad Ṣādiq Ardistānī); and eight of the third school (Quṭb al-Dīn Nayrīzī; Mullā Ismāʿīl Khājūʾī; Mullā ʿAlī Nūrī; Ḥājjī Mullā Hādī Sabzawārī; Mullā ʿAbd Allāh Zunūzī; Āqā ʿAlī Mudarris Ṭihrānī [Zunūzī]; Āqā Muḥammad Riḍā Qumshaʾī; and the already mentioned Mīrzā Abū l-Ḥasan Ṭabāṭabāʾī [Jilwah]). For each author a sample of significant texts is provided, ranging from one to three according to the importance of the figure and the extent of his philosophical production. The editors take good care in explaining the reasons of the selection they make, in terms of general periodization according to only three schools among the many existent, the choice of some authors to the exclusion of others in the vast horizon of scholars active in the period under consideration, and the focus on given works – and on specific texts in these works – within a philosophical production whose precise limits have still to be ascertained, but which can at once be deemed immense, both in the case of single authors and, *a fortiori*, on a larger scale (see General Introduction, pp. 15-16); their options should not be regarded, by their own admission, as normative, since they are necessarily governed by the amount of knowledge of the field in current scholarship, the availability of manuscripts and editions of works, and the ways of arrangement and exposition that are presently most suitable to

provide a basic orientation in an immense historical and doctrinal field. The volume has the evident merit of providing a plain and accessible English translation of a sample of texts capable of conveying, singularly taken, a concrete idea of the doctrinal concerns and theoretical motives lurking behind the single authors' production, and, cumulatively taken, a clear glimpse of the main features and trends of the period under consideration, in terms of continuity with previous historical stages and capacity of original speculation. The readers familiar with Arabic and Persian will find the translation surely helpful, whereas those who do not read these languages will be granted access, by means of it, to a treasure of knowledge otherwise remote. The properly anthological section is complemented by a series of devices that help to keep the content within a unified setting: a wide-ranging General introduction and a detailed Prolegomenon at the beginning; specific introductions to the single main periods and authors in the course of the volume; and a Select Bibliography and a comprehensive Index of names, works, and places, at the end.

A detailed analysis of each entry surpasses the boundaries of the present review: only future research, relying on the preliminary information that this volume conveys, will be able in the next decades to test the soundness of the historical and doctrinal account provided, and the correctness of the translations presented, adjusting and complementing with additional data, where necessary, the systematic and detailed picture that the volume brings forth. Moreover, each entry has its own profile, in terms of quantity of texts translated and amount of additional information provided. Some significant examples of the richness of the volume under consideration and of its value, however, can be given. Let us take, for instance, the section on Sayyid Aḥmad ʿAlawī (died between 1054/1644 and 1060/1650), which is structurally pivotal, in so far as it represents the middle element of the second section of the volume, devoted to the School of Isfahan (pp. 261-282). ʿAlawī is an interesting figure not only as one of the protagonists of the philosophical scenario *stricto sensu*, but also in a more general, transcultural and interreligious, perspective: the specific introduction to him mentions the work he composed in response to Pietro Della Valle's anti-Islamic polemic, as well as his illuminationist commentary on the Gospels (p. 262). Another commentary of his, regarding the philosophical masterpiece of Avicenna (Ibn Sīnā, d. 438/1037), *Kitāb*

al-shifāʾ (*Book of the Cure*, or: *of the Healing*), is selected in the anthological section to represent, alone, ʿAlawī's thought. The translation, by M. Fakhry, regards two excerpts of ʿAlawī's voluminous commentary on the *Ilāhiyyāt* (*Science of Divine Things*, or *Metaphysics*) of Avicenna's *al-Shifāʾ*, entitled *Miftāḥ al-Shifāʾ* (*The Key of the Shifāʾ*). The two excerpts of ʿAlawī's commentary have been translated one after the other, without any break of continuity between the end of the first and the beginning of the second (on p. 276, lin. 8), and in the reverse order, since the first concerns *Ilāhiyyāt* IX and the second *Ilāhiyyāt* VIII. The translation conveys a wealth of doctrinal and historical information, that gives a vivid idea of the *forma mentis* of the author. The two excerpts deal with two fundamental topics of Avicenna's metaphysics, in which the Shaykh al-Raʾīs's teaching comes into close contact, and somehow into conflict, with traditional Islamic belief: eschatology (i.e. the doctrine of the survival of the human being in the afterlife) in treatise IX, and God's type of knowledge (i.e. the discussion of the issue of whether, being pure intellect, He can know sensible particulars) in treatise VIII. On these two topics Avicenna held very peculiar positions, in so far as in the *Ilāhiyyāt* of *al-Shifāʾ* he excluded bodily resurrection from the range of topics having philosophical relevance, and admitted for God a knowledge of the sensible particulars that could take place only in an universal way; these positions do not look compatible *prima facie* with standard Muslim faith about corporeal rewards and punishments in the afterlife, and about divine omniscience, and for this reason they were denounced – together with Avicenna's doctrine of the world's pre-eternity – as heterodox by al-Ghazālī in the *Tahāfut al-falāsifa* (the *Incoherence of the Philosophers*). It is therefore the commentator's task to rescue Avicenna from the charge of unbelief on these topics.

This is precisely the goal that ʿAlawī pursues in his glosses and, towards this aim, one can admire his remarkable effort in the translated pages of providing a consistent view of Avicenna's standpoint in the *Ilāhiyyāt*, at different levels. First of all, ʿAlawī shows that Avicenna's account of these topics in the *Ilāhiyyāt* is congruous with the positions expressed on the same issues in the other parts of *al-Shifāʾ*, as the commentator's references to the part on Natural Philosophy in the first excerpt, and to the part on Psychology in the second excerpt attest. Secondly, coherence is sought between *al-Shifāʾ* and other relevant works of the Avicennian

corpus, like the *Risālah aḍḥawiyyah fī l-maʿād* (the so-called *Treatise on Destination*) on the first issue, and the *Kitāb al-ishārāt wa-l-tanbīhāt* (*Book of Pointers and Reminders*) on the second, of which long passages are quoted. Finally, Avicenna's position is situated in a historical hermeneutical perspective, which starts with Jalāl al-Dīn Dawānī, the initiator of the School of Shiraz, passes retrospectively through Fakhr al-Dīn al-Rāzī and Shihāb al-Dīn al-Suhrawardī, and arrives to the first disciples of Avicenna, like Bahmanyār and Lawkarī (all of whom are explicitly quoted); in this way, ʿAlawī attests, on the one hand, the continuity of Avicennism across different times and schools of thought, but he also signals, on the other, the interplay between Avicenna's philosophy and Islamic *kalām*, and the illuminationist accretions that Avicennism underwent during its history. ʿAlawī's historical excursus, however, does not stop with Avicenna, but continues backward before him, with references to the Ikhwān al-Ṣafāʾ, Abū l-Ḥasan al-ʿĀmirī, and al-Fārābī among Arabic authors, and to Plotinus, Plato, and Anaximenes among the Greeks, thus evidencing the tendency towards a rediscovery of the philosophical authorities of the past, typical of the Ṣafavid renaissance (on this, see R. Pourjavady, S. Schmidtke, "An Eastern Renaissance? Greek Philosophy under the Safavids [16th-18th centuries AD]", *Intellectual History of the Islamicate World* 3 (2015), 248-290). By enlarging progressively, the context of Avicenna's commented texts – first to the entire *al-Shifāʾ*, then to Avicenna's *oeuvre*, and finally to the receptors and sources of his thought – ʿAlawī is able to complement, refine, and correct their content and to bring them gradually into line with Islamic orthodoxy. ʿAlawī's work is surely a commentary, but much more than a plain exegesis: it seriously takes into account the text of Avicenna commented upon, in order to explain it, but it also encompasses a whole series of references to other works and authors, so as to provide, on each issue discussed, a specimen of the development of Islamic philosophy, from its roots in Greek philosophy until the author's times. On all these accounts, from the translated pages one can guess that Seyyed Hossein Nasr, in the specific introduction to the section on Sayyid Aḥmad ʿAlawī, is perfectly entitled to state that his commentary is "the most important ever written on Ibn Sīnā's magnum opus" (p. 261).

Moreover, as he quotes the texts of the *Ilāhiyyāt* that he picks up as lemmata of his commentary, ʿAlawī resorts to a manuscript tradition of the work that is decidedly better than the one on which

current printings are based: in this regard, ʿAlawī's quotations allow to emend the faulty readings still widespread in standard editions. Just to take one example: the passage of *Ilāhiyyāt* IX.7, corresponding to p. 423.4 of the Cairo edition, quoted twice as lemma by ʿAlawī (see pp. 264, 273), clearly includes the term *maqbūl* ("taken"), in spite of the reading *manqūl* ("transmitted", "conveyed") adopted by the Cairo edition; along with the most numerous and reliable manuscripts of the *Ilāhiyyāt* (see A. Bertolacci, *The Reception of Aristotle's* Metaphysics *in Avicenna's* Kitāb al-Šifāʾ: *A Milestone of Western Metaphysical Thought* [Leiden & Boston: Brill, 2006], 550), ʿAlawī's lemma corroborates the evidence that prompts to replace the current translation "It must be known that, [as regards] the return [i.e. the destiny of the human being in the afterlife], there is [to begin with] that which is conveyed by (*manqūl min*) the religious law" (see Avicenna, *The Metaphysics of* The Healing, a parallel English-Arabic text translated, introduced, and annotated by M. E. Marmura [Provo: Brigham Young University Press, 2005], 347.29-30), with the translation "It must be known that, [as regards] the return, there is [to begin with] that which is taken from (*maqbūl min*) the religious law."

On the other hand, one should not seek absolute precision of detail or complete circumstantial information, in this work as in any other anthology of this size. To remain within the section on Sayyid Aḥmad ʿAlawī, some inaccuracies surface here and there. To being with, as already mentioned, the two excerpts of ʿAlawī's commentary have been translated as if they belonged to one and the same section of the commentary, and as if they faced a single topic, whereas in fact they are distinct textual units and deal with two distinct themes. The bibliographical reference provided at the beginning of the translation (*Sharḥ al-Shifāʾ* [Tehran 1384SH/2006], 12-29, 87-117) – which abbreviates S. J. Ashtiyani, H. Corbin (eds.), *Anthologie des philosophes iraniens depuis le XVII^e siecle jusqu'a nos jours. Tomes I-IV. Textes choisis et présentés par Sayyed Jalaloddin Ashtiyani. Introduction analytique par Henry Corbin* (Tehran-Paris, 1350-1358SH/1971-1979; repr., 1384SH/2006, vol. II, Tehran-Paris 1354SH/1975), 12-29, 87-96 (instead of pp. 87-117) – in the final bibliography is not related to Sayyid Aḥmad ʿAlawī in any way, and it is recorded according to a different date (1350-1358SH/1971-1979, years of the original publication, instead of 1384SH/2006, year of the reprint). Secondly, a more detailed *apparatus fontium* in the footnotes would have helped the reader to identify authors, works,

and passages quoted by ʿAlawī in the commentary; as far as Avicenna is concerned, for example, only the direct consultation of the original texts of ʿAlawī's commentary and of Avicenna's work reveals that ʿAlawī's glosses regard *Ilāhiyyāt* IX.7, p. 423.4-12 of Cairo edition, in the first excerpt, and *Ilāhiyyāt* VIII.6, p. 358.1-2, 10-11, 14-15, and VIII.7, p. 362.18, in the second. Finally, the translation shows other minor peculiarities: for instance, the passage of *Ilāhiyyāt* IX.7, p. 423.4, mentioned above and quoted twice by ʿAlawī', is translated as "Some aspects of resurrection are *admitted by* religious law" on p. 264, and "It should be known that resurrection is of two types: that which is *acceptable to* the religious law" on p. 273 (where in both cases the reading is correctly *maqbūl min*). Likewise, the translator renders the passage "His statement 'In the Book of the Soul' until the end" – i.e. ʿAlawī's quotation of a lemma occurring in *Ilāhiyyāt* VIII.7, p. 362.18 – as "The statement in *De Anima* …" (p. 280), as if ʿAlawī were referring to a passage of Avicenna's *De Anima*, rather than citing a retrospective reference to the *De Anima* made by Avicenna himself in *Ilāhiyyāt* VIII.7 (see ibid., n. 1).

The volume under consideration is a depository of invaluable information on the period taken into account, capable of providing a solid general orientation in a still largely unexplored field and of spreading a basic acquaintance of this segment of the history of philosophy in the Islamic world also among a non-specialized audience. The importance of this period has not escaped contemporary historians of *falsafah*, and recent studies have aptly emphasized the relevance of the schools of Shiraz, Isfahan, and Tehran (see, for instance, D. Gutas, "The Heritage of Avicenna: The Golden Age of Arabic Philosophy, 1000-ca. 1350", in *Avicenna and His Heritage*. *Proceedings of the International Colloquium "Avicenna and his Heritage", Leuven-Louvain-la-Neuve, 8-11 September 1999*, ed. J. Janssens and D. De Smet [Leuven: Leuven University Press, 2002], 81-97 [pp. 82, 97], and P. Adamson, *Philosophy in the Islamic World* ["A History of Philosophy Without any Gaps", vol. 3] [Oxford: Oxford University Press, 2016], Part III, Chapters 41, 52-55, 62). The present volume, with its huge extent, comprehensive scope, and articulated structure, has the undoubtable merit of establishing these three schools as an autonomous field of investigation, worth of specific and systematic attention, and of showing concretely that, far from ending with Averroes and from being restricted to its so-called "golden age" in the VI-VIIIth/XII-XIVth centuries, post-Avicennian

philosophy in the Islamic world, in one of its branches, has flourished in Iran until at least the beginning of the twentieth century, thus determined an age of its development that is not less "golden" than the previous one. Stimulated and supported by the results of the research contained in the present volume, the reader will be able to refine and update at his wish the knowledge of specific authors, phases, and theories of the period under investigation, on the basis of the historical, doctrinal, and bibliographical information provided in this book.

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The Alexandrian Summaries of Galen's* On Critical Days*: Editions and Translations of the Two Versions of the* Jawāmīʿ*, with an Introduction and Notes, by Gerrit Bos and Y. Tzvi Langermann (Islamic Philosophy, Theology and Science, Studies and Texts, 92) (Leiden & Boston: Brill, 2015), 128 pp., ISBN: 978-90-04-28221-6, €90.00 / $125.00 (hb)

The vehicle of Galen's enormous impact on Medieval Muslim, Christian, and Jewish physicians was not only his books, which were translated from Greek into Arabic, Hebrew, Latin, and Persian, but also the so-called "Alexandrian Summaries" of his works produced in Late Antiquity. They overlap for the most part with the sixteen Galen's treatises which were selected for the curriculum of medical studies in pre-Islamic Alexandria and in the early centuries of Islam. They do not merely shorten the originals, but show a critical attitude towards Galen's doctrine and sometime revise it.[1] Galen's writings were thus transformed by deliberate intervention on the part of unnamed medical writers and sometime it was this revised Galen to enter into the medieval medical learning.

In this important contribution to the scholarly research G. Bos and Y. Tzvi Langermann present the first edition and translation of the Arabic and Hebrew (from a lost Arabic text) versions of the summaries to *On Critical Days* and focus on the points where they diverge critically from Galen.[2] According to Galen fevers have critical turning points in their developments towards a crisis, which will determine the fate of the patient. These critical days occur at regular intervals. Galen looks for a cause of this regularity not only in the

[1] They are different from Maimonides' *Epitomes* of the sixteen Galenic treatises of medical curriculum which follow literally Galens' originals: cf. Maimonides, *Medical Aphorisms, Treatises 1-5, A Parallel Arabic-English Edition*, edited, translated and annotated by G. Bos (Provo: Brigham Young University, 2004).

[2] Cf. the previous work by Y. Tzvi Langermann, "The Astral Connections of Critical Days: Some Late Antique Sources Preserved in Hebrew and Arabic," in *Astromedicine, Astrology, and Medicine, East and West*, eds., A. Akasoy, C. Burnett, and R. Yoeli-Tlalim (Firenze: Sismel. Edizioni del Galluzzo, 2008), 99-118.

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field of medicine, but also in that of astrology, astronomy, and arithmology.

A Preface, pp. vii-ix, places the text in its context. It is followed by the first chapter, "The 'Summaries' and Other Recensions of Galen", pp. 1-10, where the authors present a critical review of studies on the *Summaria Alexandrinorum* – in particular Emilie Savage-Smith (2002) and Peter Pormann (2004).[3] The authors enlarge their analysis not only to the "Alexandrian Summaries," but also to other epitomes of Galen's works such as those ascribed to Yaḥyá al-Naḥwī (John the Grammarian) and the recently discovered summary of the *Elements According to Hippocrates* attributed to Ḥunayn ibn Isḥāq.[4] All these texts were written with the same aim of the "Summaries" in mind: first, to make Galen's teachings more accessible for the students. To this aim Galen's materials are organized in a more succinct form. And second, they were written to up-to date Galen's doctrine by correcting it with the medical developments occurred between Galen's life and the time of composition of these abridgments half-millennium later. Thus in the "Summaries" Galen's text is paraphrased, the information is organized differently, there is some information not from Galen, the space devoted to a given issue differs from the original.

In the second chapter, pp. 11-27, the authors present a review of the Arabic "Summary" and of the Hebrew "Summary" both with comments on their divergences from Galen's *On Critical Days*. The two "Summaries" are concise and seem to pay more attention to regimen and to the treatment of the patients than Galen's original work.

The authors give some examples of these attitudes: in the "Arabic Summary" paragraph [1] presents a classification of critical days into

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[3] E. Savage-Smith, "Galen's lost ophthalmology and the "Summaria" Alexandrinorum," in *The Unknown Galen,* ed. V. Nutton (London: Institute of Classical Studies, School of Classical Studies of the University of London, 2002), 121-138, doi:10.1111/j.2041-5370.2002.tb02285.x; Peter E. Pormann, "The Alexandrian Summary (*Jawāmiʿ*) of Galen's *On the Sects for Beginners*: Commentary or Abridgement," *Bulletin of the Institute of Classical Studies* 47 (2004), 11-33, doi:10.1111/j.2041-5370.2004.tb02307.x.

[4] G. Bos and Y. Tzvi Langermann, "An Epitome of Galen's *On the Elements* Ascribed to Ḥunayn ibn Isḥāq," *Arabic Sciences and Philosophy* 25, no. 1 (2015), 33-78, doi:10.1017/S0957423914000095.

six types which one cannot find in Galen. Paragraphs [10]-[12] distinguish in a very concise way good and bad critical days and those days on which a crisis does not occur. Paragraphs [15] and [16] arrange the critical days in order of frequency and not according to the swiftness of the illness' resolution as in Galen's original work. Paragraph [21] presents the three moments of the crisis and their use in determining the critical day. The instructions of the summary are a simplification of Galen's long treatment. Paragraph [23] correlates the critical days to stellar cycles. A marginal note of the MS Princeton University Library, Garrett 1G (*olim* Garrett 1075), observes that this kind of correlation is mentioned by Galen in book II and book III, but not in book I. Paragraph [24] which discusses the exit from the disease has no correspondent text in Galen's original work. Paragraph [25] summarizes a long discussion in Galen and prescribes three requirements for prognostication: the study of Hippocrates' *Prognosis*, practical experience of the physician, and understanding of the pulse. Paragraphs [26]-[28] list the signs indicating recovery and those indicating danger. These three paragraphs have no parallels in Galen who refers to the two categories of signs without any further specification. The text of the "Arabic Summary" details Galen's general statement. At paragraph [35] the summary of the second book starts. We do not find the long introductory discussion with which Galen opens the second book. Paragraph [37] faces the problem that critical days are thought to occur in tetrads: the first crisis not occurs before day four, but the second often occurs after three days and not four. It does not mean that tetrads are to abandon. Instead two tetrads overlap and their sum is seven and not eight. Then the second tetrad and the third are counted separately, the third and the fourth are consecutive, the fourth and the fifth also overlap, the fifth terminates on the seventeenth day. Seven, eleven, fourteen, seventeen, and twenty are all critical days. Nothing in Galen's original corresponds to this passage even if the authors suggest that this calculation is designed to fit a remark by Galen (Kühn's edition, p. 867.13-14) that day 17 is stronger than 18 and 20 than 21, and another remark (Kühn's edition, p. 870.8-11) where Galen quotes Hippocrates' *Prognosis* according to which "periods end on day four, seven, eleven, fourteen, seventeen, and twenty. At paragraph [62] book III starts: it is devoted by Galen to the etiology of the critical days. It is strongly reorganized in the "Arabic Summary" as well demonstrated in a previous study of one of the authors: Langermann (2008).

The Hebrew version (from a lost Arabic) presents many differences with Galen's original text and with the "Arabic Summary" in terms of organization and content. It is shorter and without repetitions. The structure in three books is reorganized in smaller sections each one with its own title. Concerning the contents, this version is much more practical and it avoids intricate theoretical issues. It is interesting to notice that in paragraph [1] we find the etymology of the term "crisis," which derives "from Greek and Syriac." This mention to Syriac seems to give a useful suggestion to the *vexata quaestio* of the authorship of the "Summaries:" it seems to indicate that they were written originally in Arabic by Syriac-speaking Christians.

In the third chapter, pp. 28-64, the authors present the Arabic versions of the "Alexandrian Summaries" of Galen's *On Critical Days*. The Arabic version allegedly attributed to Ḥunayn ibn Isḥāq is survived in two manuscripts: the above-mentioned manuscript of Princeton and the MS Tehran, Majlis 6037 (without foliation). These manuscripts present two different redactions of the Arabic "Summary" of Galen's *On Critical Days*, which employ different technical vocabularies – see the valuable comparative examples at p. 30. For this reason, G. Bos and Y. Tzvi Langermann decided to present first the Arabic text of Princeton MS, then that of Tehran MS, and finally, in chapter four (pp. 65-86), a clear and richly annotated English translation. They translated for the most part the Princeton version, which seems more correct, and they recorded the variants of Tehran MS (siglum T) in the notes to the translation. It would have been useful and clearer to have at least the Arabic of Princeton MS and the English translation of it in facing pages. Throughout the notes to the text the "Arabic Summary" is constantly keyed to page and line numbers in Kühn's edition of Galen's Greek text and to page in Glenn Cooper's edition of Ḥunayn's Arabic translation of Galen's work: see Langermann's sharp review of Cooper's edition in *Aestimatio* 9 (2012), 220-240.

In the fifth and sixth chapters, pp. 87-121, there is the edition and English translation of the "Hebrew Summary." It was completed in 1322 by Shimshon ben Shlomo, an unknown author. It is survived in six manuscripts (pp. 87-88). The basic MSS used for this edition are MS Paris, Bibliothèque Nationale, *héb*, 117 till the paragraph 24 and from then MS St. Petersburg, RNL, *Heb.I*, 332, while the variants of the

other MSS are noted in the apparatus. The authors devoted a paragraph to Shimshon ben Shlomo's vocabulary which is familiar with the consolidated scientific terminology of early fourteenth century, but presents some unique choices in particular in the translation of the Pythagorean theories: see pp. 89-91 for some interesting examples. Unfortunately, the fact that the original Arabic text on which Shimshon ben Shlomo works is lost limits the possibility to inquire this topic. Also the English translation of the Hebrew text is richly annotated and keyed to page and line numbers in Kühn's edition and to page in Glenn Cooper's edition. The notes are very informative and they are of great help for the reader to constantly underline the differences with Galen's original treatise and to clarify the particular choices of vocabulary.

What follows is a selected bibliography and an Arabic-English Glossary and Index derived from the Princeton MS. In virtue of the different technical vocabularies employed in the "Arabic Summaries" it would be desirable an Arabic Glossary and Index also for the Tehran MS. An Hebrew Glossary and Index and an Index of Subjects close this useful volume which masterly shed light not only on Galen's tradition, but more in general on the history of science.

REFERENCES

Bos, Gerrit and Y. Tzvi Langermann. "An Epitome of Galen's *On the Elements* Ascribed to Ḥunayn ibn Isḥāq." *Arabic Sciences and Philosophy* 25, no: 1 (2015): 33-78. doi:10.1017/S0957423914000095 .

Langermann, Y. Tzvi. "The Astral Connections of Critical Days: Some Late Antique Sources Preserved in Hebrew and Arabic." In *Astromedicine, Astrology, and Medicine, East and West*, edited by A. Akasoy, C. Burnett, and R. Yoeli-Tlalim, 99-118. Firenze: Sismel. Edizioni del Galluzzo, 2008.

Maimonides. *Medical Aphorisms, Treatises 1-5, A Parallel Arabic-English Edition*. Edited, translated and annotated by G. Bos. Provo: Brigham Young University, 2004.

Pormann, Peter E. "The Alexandrian Summary (*Jawāmiʿ*) of Galen's *On the Sects for Beginners*: Commentary or Abridgement." *Bulletin of the Institute of Classical Studies* 47 (2004): 11-33. doi:10.1111/j.2041-5370.2004.tb02307.x.

Savage-Smith, Emile. "Galen's lost ophthalmology and the "Summaria" Alexandrinorum." In *The Unknown Galen*, edited by V. Nutton, 121-138. London: Institute of Classical Studies, School of Classical Studies of the University of London, 2002. doi:10.1111/j.2041-5370.2002.tb02285.x.

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The Origins of the Shīʿa: Identity, Ritual, and Sacred Space in Eighth-Century Kūfa, by Najam Haider, (Cambridge, NY: Cambridge University Press, 2011), xvii + 276 pp., ISBN: 978-1-107-01071-0, £67.00 / $108.00 (hb)

Studying the early history of Islam has been largely problematic due to scarcity of reliable data and appropriate methods to assess them. The Muslim *ḥadīth* (report) corpus has been the main source of information for the study of early Islam, but the reliability of Muslim reports has come under scrutiny due to deficiencies outlined mainly in the works of Goldziher and Schacht. Consequently, Islamicists have grown increasingly suspicious of studies that rely on Muslim reports. However, recent methodological developments seem to be overcoming this general lack of trust in Muslim sources. One of the most significant breakthroughs was achieved in 1996 by Harald Motzki and Gregor Schoeler who, independently from each other, developed the *isnād-cum-matn* method into a robust method for dating and analysing Muslim reports. Since then, both scholars have shown in numerous studies that through the use of *isnād-cum-matn,* it is indeed possible to extract reliable historical data from Muslim reports.

The invaluable methodological contributions of the two scholars have propelled the studies of early Islam and encouraged others to explore new methodologies in the study of early Islamic sources. Najam Haider's work is a promising representative of such a trend.

The book aims to address two chief questions regarding the origins of the Imāmī and Zaydī communities. In terms of the Imāmīs the central question of book is "at which point did the Imāmīs constitute an insular community with distinctive practices that set them apart from a vague overarching Kūfan Shīʿism?" (p. 16). In terms of the Zaydīs, the book questions the historical accounts in heresiographical sources that indicate Zaydism came into existence by merging the Jārūdiyyah and the Batriyyah. In other words, Haider is testing both Imāmī and Zaydī narratives regarding their origins. According to these narratives, the Imāmī scholars trace the existence of the Imāmī community as a distinct sectarian group to around the fifth and sixth Imāms al-Bāqir and al-Ṣādiq in the early 2nd/8th century.

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There is also a consensus that Zaydism came into existence "by merging two streams of Kūfan Shīʿism – the Jārūdiyyah and the Batriyyah – around the revolt of Zayd ibn ʿAlī in 122/740" (p. 17).

The author tries to find an answer to these questions through a comparative study of the internal structure and form of a number of selected Sunnī, Imāmī, and Zaydī legal traditions. Before examining the relevant traditions, Haider reviews recent developments in the study of *ḥadīth* and focuses particularly on the works of Motzki, Schoeler, Modarresi, Kohlberg, and Lucas, and concludes that "it is possible to assert with considerable confidence that ritual law traditions were recorded without wholesale fabrication in the early 2nd/8th century" (p. 34). In footnote 58 that appears at the end of this sentence, the author elaborates his position regarding the authenticity of the early Muslim sources. He accepts that some forgeries could have occurred "but the burden of proof with respect to these texts falls on those who claim the fabrication" (p. 34). Consequently, he maintains that because his study relies on a large number of traditions, they should be considered authentic.

It needs to be noted that Motzki also made a strong case for such an argument in his "Dating Muslim Traditions: A Survey"[257] and "The Qurʾān: A Reconsideration of Western Views in Light of Recent Methodological Development."[258] Motzki maintained that there are indeed some *aḥādīth* that were fabricated but there are also many authentic traditions in the Muslim *ḥadīth* corpus, which are of vital importance for recovering the history of Islam and the Qurʾān.[259] Therefore, it is safe to assert that Haider takes the same approach as Motzki (and Scholer, Modarresi, Kohlberg, and Lucas) to Muslim traditions and sets out to work with a group of traditions without establishing their authenticity.

Haider gathers these traditions from canonical and non-canonical Sunnī, Imāmī, and Zaydī *ḥadīth* collections and analyzes them in the second part of the book, chapters 3, 4, and 5. The selected traditions

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257 Harald Motzki, "Dating Muslim Traditions: A Survey," *Arabica* 52, no. 2 (2005), 235, doi:10.1163/1570058053640349.

258 Motzki, "The Collection of the Qur'ān. A Reconsideration of Western Views in Light of Recent Methodological Developments," *Der Islam* 78, no. 1 (2001), 1-34, doi:10.1515/islm.2001.78.1.1.

259 Ibid., 4-5.

cover three important legal issues: The recitation of the *basmalah* in the prayers (Chapter 3), the recitation of *qunūt* in ritual prayers (Chapter 4), and prohibition of alcoholic drinks (Chapter 5).

The author implements time and place restrictions on the gathered traditions in order to increase the reliability of his study. He filters Kūfan traditions and focuses on transmitters who lived in the 2nd/8th century. Haider is to investigate the origins of the Shīʿī identity, thus focusing on the traditions that were circulated in al-Kūfah, the most important centre for the development of early Shīʿism, makes sense. Further, considering that there has been more speculation about the traditions from the 1st/7th century, the author focuses on the transmitters who lived in the 2nd/8th century. Such a filtering also has another benefit for the study; the research already has to deal with a large number of traditions and implementing these restrictions reduces the number to a more manageable amount.

The book takes on a comparative analysis of the filtered traditions in three stages: "(1) use of legal authorities, (2) chains of transmission, (3) narrative style/literary form" (p. 42). In the first stage, Haider identifies authority figures in each group of traditions, namely Sunnī, Imāmī, and Zaydī traditions. By doing so, he tries to determine the timeframe in which each community began to use different authority figures in their traditions. Haider considers the use of independent authority figures an indication for developing an independent identity. In the second stage, his aim is to find out if there are shared transmitters in Sunnī, Imāmī, and Zaydī traditions. In other words, he investigates to what extent they have relied on independent transmitters. This investigation is based on the premises that "the point after which a sectarian group begins relying on completely unique sets of transmitters and distinct chains of transmission (roughly) intimates the development of an independent group identity" (p. 44). In the third stage, Haider proposes that there should be a correlation between the emergence of an independent sectarian identity and stylistic peculiarities in each group's traditions, thus he searches for stylistic peculiarities to determine when these peculiarities came into existence.

In the first case study, he examines traditions pertaining to the recitation of the *basmala* in the prayers. He locates 233 traditions in Sunnī, Imāmī, and Zaydī sources but only 102 of them were circulated in al-Kūfah in the 2nd/8th century, thus he only focuses on

102 traditions. In the analysis of the authorities Haider finds that there is no notable overlap between the Imāmīs and Sunnīs. Imāmī traditions rely on the opinions of the fourth Imām al-Sajjād, the fifth Imām al-Bāqir, and the sixth Imām al-Ṣādiq who lived in the 2nd/8th century. On the other hand, Sunnī traditions rely on the opinions of non-ʿAlīds including ʿAlī's purported rivals Abū Bakr and ʿUmar.

The study also concludes that there is "a small but significant intersection between the Imāmīs and Zaydīs" (p. 84). While Imāmīs revere only their Imāms, the Zaydīs revere ʿAlīds in general including al-Bāqir and al-Ṣādiq. Further, interestingly, the study finds that there is significant overlap between Sunnī and Zaydī traditions prior to 127/745 and equally significant divergence after 127/745. The study of chains and transmitters, and narrative style of these traditions also provide a similar result. Consequently, the analysis of the traditions on the issue of the recitation of the *basmalah* in the prayers returns with the conclusion that Imāmī narratives regarding the origins of their identity are attestable. Analysis of the Imāmī traditions demonstrates that they have relied on the opinions of independent authorities, narrated through distinctive *isnād*s and narrative styles. Thus, Imāmīs had an independent communal identity in the early 2nd/8th century. The remaining two case studies on the issues of the recitation of *qunūt* in ritual prayers (in total he locates 469 traditions but uses 242 Kūfan traditions) and prohibition of alcoholic drinks (in total he locates 695 traditions but uses 363 traditions) concur with this finding.

On the other hand, the study contradicts the classical Zaydī narrative on the origins of Zaydism. According to the Zaydī narrations, an independent Zaydī identity came into existence through the merging of Batrī and Jārūdī Shīʿism, after the revolt of Zayd ibn ʿAlī in 122/740. However, Haider's study shows that "while it is clear some type of change occurred within Zaydism in the mid 2nd/8th century, there is little evidence for the merging of Batrīs and Jārūdīs" (p. 86). Rather, the study finds that Zaydism transformed from Batrism to Jārūdism through the 2nd/8th century.

This study provides a significant contribution to the fields of Shīʿi studies, Islamic law and early history of Islam, but perhaps mostly to *ḥadīth* studies. Haider successfully implements a new method on Muslim traditions and reaches ground-breaking conclusions regarding the origins of early Shīʿism. It appears that Haider's method

is considerably influenced by Motzki and Schoeler's *isnād-cum-matn* method but he is certainly not implementing the *isnād-cum-matn* method as they would have. His method seems to be a modified version of the *isnād-cum-matn* method; the author provides *isnād* and *matn* analysis of the traditions but this analysis does not come near the complexity and sophistication of the *isnād-cum-matn* method. In addition, unlike the *isnād-cum-matn* method, the main objective of the method is not to date the early traditions. Instead, it makes general and brief observations about the traditions and points out a few distinct peculiarities in both *isnād* and *matn* analysis, in order to extract information about the identities of the sectarian groups to whom these traditions are attributed.

The reason for such a less complex study is not difficult to comprehend. The vast numbers of traditions used in this study make it impractical to implement *isnād-cum-matn*. In total the work analyzes 707 traditions and if one were ambitious (or senseless) enough to examine these traditions according to the *isnād-cum-matn* method, it would have taken significantly longer to conclude the research and the outcome would have been published in many volumes instead of a single work. In this regard, Haider's method is well suited to examine traditions that exist in vast numbers and he skilfully demonstrates that it is possible to extract reliable information from early Islamic sources without going to too much trouble.

REFERENCES

Motzki, Harald. "Dating Muslim Traditions: A Survey." *Arabica* 52, no. 2 (2005): 204-253. doi:10.1163/1570058053640349.

———. "The Collection of the Qur'ān: A Reconsideration of Western Views in Light of Recent Methodological Developments." *Der Islam* 78, no. 1 (2001): 1-34. doi:10.1515/islm.2001.78.1.1.

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The Politics and Culture of an Umayyad Tribe: Conflict and Factionalism in the Early Islamic Period, by Mohammad Rihan (London & New York: I. B. Tauris, 2014), viii + 231 pp., ISBN: 978-1-78076-564-8, £58.00 / $148.00 (hb)

Mohammad Rihan's book is an erudite examination of the history of the Arab tribe ʿĀmilah up to the end of the Umayyad period. By tracing the political trajectory of this tribe, the author aims to achieve a broader goal – "to shed some light on the history of the Umayyad tribal world" in general because, as Dr. Rihan insightfully notes, "[e]arly Islamic political history is to a large extent tribal history" (p. 1).

The book is divided into five chapters, and the political history of the tribe is discussed in three of them (Chapters 2-4), each covering a particular period. Since Chapter 1 is a methodological introduction, purporting to explain definitions and usages, while the last chapter critically surveys modern Arab scholarship about the tribe and its alleged connection to Jabal ʿĀmilah, in what follows, I will begin by surveying the three chapters discussing the political history of ʿĀmilah, followed by the concluding chapter. Because of its important methodological implications, I will leave my discussion of the first chapter to the end.

Chapter 2 looks for traces of the tribe ʿĀmilah in pre-Islamic times, including possible mentions of their name in Assyrian inscriptions and in Aramaic texts. Moving to a later historical period, the 3rd-4th centuries AD, and using epigraphic evidence, Dr. Rihan discusses the contacts between ʿĀmilah and the kingdom of Palmyra. The chapter then moves to a later period, that of the Byzantine influence over the Arabian Peninsula, and the Byzantine efforts to secure their position in this region against the encroachments of Arabs and the Sassanids. It is within this broad context that Dr. Rihan presents the role of ʿĀmilah as defenders of Byzantine interests. Because the scarcity of sources does not permit to write a dense narrative of this tribe during this period, as the author notes, he deduces "shreds of its history from the larger, more extensive history" of the Arab allies of Byzantium (p. 37), oftentimes making conjectures about ʿĀmilah based on information about other Arab tribes of the region. The chapter ends

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with a discussion of the genealogy of ʿĀmilah as presented in Arabic primary sources, but the author astutely notes that genealogical lineages in many cases reflect not actual descent but the political alignments of a tribe.

Chapter 3 examines the role of ʿĀmilah during the early decades of the Muslim conquests. Having initially met the invading armies with animosity, ʿĀmilah eventually sided with them which, according to Dr. Rihan, might have been the result of not just cultural and linguistic affinity with the advancing Muslims but also of the greater economic profit that the new alliance promised them. The author suggests that the change in the political orientation of the Syrian Arab tribes, from pro-Byzantine to pro-Muslim, might have been a (hitherto unexamined) contributing factor to the success of the early Islamic conquests.

ʿĀmilah's rise to greater importance is further detailed in Chapter 4, which traces their history under the Umayyad dynasty. Having successfully allied themselves with the new rulers, the ʿĀmilīs became a powerful military force that had direct influence on the political and military destinies of the Caliphate. Dr. Rihan provides evidence of their participation in such an important event as the Battle of Ṣiffīn, and argues that they were instrumental in subduing Berber tribes in North Africa. According to Dr. Rihan, after the fall of the Umayyads ʿĀmilah fell from importance because of their close alliance with the fallen dynasty and the inability to swiftly adapt to the new political order.

The concluding chapter critically assesses modern Arab scholarship about the alleged connection between the tribe, Jabal ʿĀmilah, and the spread of Shīʿism in the region. Dr. Rihan rejects the popular view that Jabal ʿĀmilah was Shīʿī from the early days of Muslim rule, and that the current Shīʿah in this region are the descendants of ʿĀmilah. Rather, he argues, the spread of Shīʿism here was a long process and not the result of the efforts of individual missionaries.

Let us turn to Chapter 1, entitled "The Tribe 'Amila: by Way of a Definition," and promising to explain what the author actually means by the "tribe 'Amila," but also by the term "tribe" more generally ("[W]hat is meant by 'tribe'? What do we mean exactly by the 'Amila tribe?", p. 5, cf. also p. 9). This is a welcome discussion since the study of tribal history, and early Islamic tribal history in particular, is

fraught with two problems. One is, as was noted, the scarce coverage of the early Islamic period in primary sources and another, more general problem, is the definition of the term "tribe" itself. As Dr. Rihan rightly notes, tribes are not bound by geographic borders and present more fluid forms of social organization that are prone to change with greater ease. Thus, another question to ponder is, he suggests, how different was the unit called "tribe 'Amila" in the 7th century from the one in the 8th? And the author promises a rich, theoretically informed discussion based on extensive social scientific and historical literature (e.g., n. 8, p. 160).

The discussion itself, however, contains several problems. One is that the main two questions raised by the author are left unanswered: firstly, the definition of "tribe" in general and of "'Amila" in particular; secondly, the question of historical continuity, namely, whether "the tribe 'Amila in the pre-Islamic milieu coincide[d] perfectly with the tribe 'Amila established in the Umayyad state" (p. 8). After a discussion of the several Arabic terms used in the primary sources referring to various units of social organization, and having noted that Arab authors mostly referred to ʿĀmilah as a *ḥayy* and at times as a *qabīlah*, the author leaves the reader lost as to what each of these indigenous terms might have actually meant. He does note, to be sure, that none of the terms have a clear definition, but the discussion appears to be without a clear goal and the question posed at the beginning of it, "[h]ow should we identify ['Amila]?" is left unanswered. Further, as if having clarified the matter, the author draws to a conclusion by stating that "[w]hat is clear so far is that 'Amila constituted a tribal unit (*ḥayy*) which increased or decreased in prestige, number and influence through the centuries" (pp. 11-12). Other than stating the absolute obvious – any social unit may increase or decrease in prestige, number, and influence over time –, the sentence creates an illusion of having provided an answer to a question previously posed ("What is clear so far"), which it doesn't. Firstly, the fluidity of any social unit, as noted, is pretty much a truism. Secondly, the author himself acknowledges a page earlier that a "clear definition for each group [*ḥayy* included] has not been reached" (p. 10). Stating that ʿĀmilah was called a *ḥayy*, therefore, adds nothing to our knowledge of it.

Having provided no answers to the questions initially posed, the author proceeds to ask another one: "How did 'Amila survive as a

single unit […]? What kept it together for so many centuries despite the good and bad times?" (p. 12, emphasis mine). The way these questions are posed is one problem, the way the author tries to answer them is another.

Using the term "single unit" and stating that something "kept it together," and then asking a question of a second order (just *how* was it kept together?), implies that the questions of identity and historical continuity (raised by the author himself, p. 5) have been successfully solved. But they haven't, as I already discussed. Furthermore, the causes of this continuity that the author proposes, and the authorities he uses to uphold his explanations, raise further questions.

Several causes to the survival of ʿĀmilah as one unit are noted (not all of them are explicitly said to be causes, but their successive listing following the question posed suggests they are implied as such). To begin with, the author states that "[i]t is with Ibn Khaldun that we need to start searching for answers" (p. 12). The mere fact of calling upon this medieval thinker as an expert and theoretician of all things Arab is already problematic, an unfounded Orientalist trope.[1] Indeed, the natural-scientific *cum* theological argument of Ibn Khaldūn explaining a person's respect for one's blood ties (*ʿaṣabiyyah*, p. 13) has no explanatory power for our purposes. As if to rectify this, Dr. Rihan then states that "[t]he fact that tribal units held together by group feeling (*ʿasabiyyah*) can survive is endorsed by *modern scholarship*" (as if assuming that the notion of *aṣabiyyah* has been successfully explained, which it has not, p. 13, emphasis mine), and in support he calls upon none other than Robertson Smith. However, the examples from the latter's *Kinship and Marriage in Early Arabia*, first published in 1885, provide no clarification beyond stating that it was a feature of *ḥayy* to live and to act together, that they had a common name, and that they formed the basic social unity among Arabs. Elsewhere in his book, Smith avers that because the word *ḥayy* occurs both in Arabic and Hebrew, "the group founded on unity of blood is a most ancient feature of Semitic society."[2]

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1 In Aziz Al-Azmeh's pithy formulation, "Ibn Khaldūn … is … taken as the unchallenged sociological and cultural interpreter of medieval North Africa and much of medieval and modern Arab-Islamic culture …," *Ibn Khaldūn: An Essay in Reinterpretation* (Budapest: Central European University Press, 2003), vii.

2 W. Robertson Smith, *Kinship and Marriage in Early Arabia* (Cambridge: University Press, 1885), 40.

The author is on firmer ground in his discussion of kinship and descent which help establish and maintain social ties in a group that is not circumscribed geographically (pp. 14-17). Still, just how exactly, or whether at all, this general discussion applies to ʿĀmilah is mot made sufficiently clear (other than stating that they manipulated their genealogy for political purposes, p. 17).

After a short discussion of the usefulness of maintaining ties with neighboring tribes (what the author calls "neighborliness," pp. 17-18), Dr. Rihan provides what in his view is another element "upon which the tribal structure is based," namely, *muruwwah* (p. 18), a polyvalent term that denoted in pre-Islamic Arabic a certain set of Bedouin "manly" virtues. The short paragraph that purports to explain *muruwwah*, however, is problematic. Firstly, it takes this emic category for granted – as existing out there in the world and not a term denoting a set of values prized in the society in question (in other words, it mistakes a *value* for a *fact*). It moreover uses what one may call "insider reports" to establish its existence, namely, the poetry of ʿAdī ibn al-Riqāʿ, who praised the *muruwwah* of his tribe: the fact that the poet of a tribe should praise its virtues, and that this praise is no evidence of the actual existence of such virtues, needs no elaboration. The main problem with the paragraph, however, is the explanatory power accorded to this category: while the author does not openly state what *muruwwah* has to do with answering the central question opening this sub-chapter, the reader is left with the impression that it is one of the elements, along with the previously listed kinship/descent and "neighborliness," that enabled ʿĀmilah to persists as a "single unit."

The chapter concludes with two sections discussing the economic activities of nomadic Arabs in pre-Islamic times, ʿĀmilah included, and their tribal hierarchy. It ends with a paragraph that comes closest to defining, finally, what the tribe ʿĀmilah is, but still falls short of the mark. Having rightly noted that the term "tribe" itself is a category often used by sedentary people to denote nomads, marking them as "different" (an insight that, one wishes, were elaborated earlier on and at greater length), Dr. Rihan then proceeds to define it as "a *group* in the *technical sense*: it has maintained permanent existence; it has a name; there are established and accepted principles for membership; and there are norms which permit and regulate its distinctive existence" (p. 23, emphasis mine). While the last two

statements, about the principles of membership and the norms that regulate a group's existence, could make for a viable definition, still, they are not substantiated anywhere in the book. But it is the first two definitions of this "group in a technical sense" (just what is the *technical* meaning of *group*, one wonders) that are completely misleading: stating that something is a group *because* (and I take the colon in that sentence to imply causation) it has a *name* is not an explanation. (Thus, because "Muslims" in the US have a name, this doesn't mean they are a "group.") And stating that it is such because it has *maintained existence* is nothing but a circular argument. Ultimately, the failure to provide answers to the questions raised and to successfully define that which is studied in the book, leaves the reader wondering how much of the historical narrative that follows in the subsequent chapters refers to ʿĀmilah as one entity.

REFERENCES

Al-Azmeh, Aziz. *Ibn Khaldūn: An Essay in Reinterpretation*. Budapest: Central European University Press, 2003.

Smith, W Robertson. *Kinship and Marriage in Early Arabia*. Cambridge: University Press, 1885.

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The Popularisation of Sufism in Ayyubid and Mamluk Egypt, 1173-1325, by Nathan Hofer, (Edinburgh Studies in Classical Islamic History and Culture) (Edinburgh: Edinburgh University Press, 2015), 320 pp., ISBN: 978-0-7486-9421-1, £70.00 (hb)

Sufism as we know it today – the Sufism of organized brotherhoods and the veneration of saints – was formed in the later Middle Ages, specifically during the twelfth and thirteenth centuries. It was then that Sufism became also a mass movement, not on the margins of the religious and social landscape of medieval Muslim societies but capturing a central role in the experiences of Islam for a majority. In the context of Egypt and Syria, it was under the Ayyūbids and the early Mamlūks that Sufism truly became popular.

But, as Nathan Hofer rightly asks in the introduction, what does popularisation mean? Was Sufism popular because it was non-elite, or was it popular because everyone was involved? The main argument of this book is that Sufism was produced and consumed at all levels of society. The argument that the masses somehow found in Sufism an antidote to the dry legalism of the *ʿulamāʾ* is rejected outright, and replaced by an emphasis on the collective and social aspects of Sufism over the theological and the spiritual.

The book is very neatly divided into three parts, each with a particular Sufi collectivity as its focus. Perhaps the best thing about this very valuable book is the plurality it brings into our understanding of medieval Egyptian Sufism. All the subjects here are Sufis, in the sense they were engaged with larger tradition of discourse and praxis, but "[w]hat it meant to be a Sufi at the *khānqāh* often differed substantially from what it meant to be a Sufi in Qūṣ or a follower of al-Shādhilī" (p. 25).

Part one is a study of the state-sponsored Sufis of the Saʿīd al-Suʿadāʾ *khānqāh* in Cairo, established by Saladin in 1173. This *khānqāh* provided an organisational setting for the influx of immigrant Sufis from the eastern and western parts of the Islamic world, specifically non-Egyptians educated in the Shāfiʿī or Mālikī legal schools. Most of the rank-and-file Sufis at the *khānqāh* were traditional scholars travelling in search of knowledge, and not

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associated with any mystical order. They represented what Hofer calls juridical Sufism, grounded in the law, and overseen by an official position at the top hierarchy of the *khānqāh*, the *shaykh al-shuyūkh* or Chief Sufi.

The main responsibility of the Sufis at the state *khānqāh* was weekly public processions, offering blessings to the sultan and to the ruling elite. The Sufis also distributed water to the crowds attending these public processions, another form of blessing. While some authors, like al-Udfūwī or Tāj al-Dīn al-Subkī, viewed these state-sponsored Sufis as insincere, the Cairene crowds and the ruling elites definitely saw their public processions as producing holiness, or *barakah*. As Hofer insightfully explains, the *barakah* was not created by the state, or by the individual Sufis of the *khānqāh*, who were not considered holy in and of themselves, but by the engagement with the crowd in a formalised and reproducible setting.

Part two is focused on the Shādhiliyyah, which emerged in this period as the largest mystical order in Egypt. Hofer rejects simplistic accounts of the rise of mystical orders at this period as a reactive response (to disasters, to dry legalism, or the declining influence of the Shīʿah), and emphasizes the active agency of the Sufis themselves. Sufi authors and leaders created the Shādhilī, as well as other orders, as an institutionalised identity, where social praxis that is reproduced by means of texts and repeated rituals. These Sufi authors retroactively identified aspects of group identity with the eponymous master.

For the Egyptian Shādhiliyyah, this consolidation of institutional identity was achieved through the hagiographic treatises of Ibn ʿAṭāʾ Allāh al-Iskandarī, at least fifty years after the death al-Shādhilī himself in 1258. Ibn ʿAṭāʾ Allāh uses the biographies for the necessary "textualisation of collective practice and the idealisation of the eponymous identity" (p. 129), so that Shādhilī identity be distinguished form that of other Sufis, and legitimized by means the acknowledgements made by legal scholars. Ibn ʿAṭāʾ Allāh was also a political figure, leading protests against Ibn Taymiyyah's doctrinal rejection of saintly intercession.

The Shādhiliyyah was different from other orders because it required no *silsilah* for the sanctity of the eponym, nor dress requirements in the form of a *khirqah*. This, and their attachment to mainstream juridical discourse, meant that Shādhilī followers would

be part of society, work, and live in the world. There could also be relations of reciprocity with the political authorities – they were not state-sponsored like the Sufis of the Saʿīd al-Suʿadāʾ, but were "state-sanctioned." These pragmatic approaches are the ones that most probably made the Shādhilīyyah so popular in medieval Egypt.

Part three is devoted to the Sufis of Upper Egypt, which are seen as a coherent collectivity that did not coalesce into a Sufi order. Upper Egypt was different because it was far away from the capital and from state patronage, a centre for pilgrimage and trade, and a Shīʿī and Christian stronghold. Upper Egypt also maintained close links with the Maghreb, and the same Sufis were known in both regions.

The Sufism of Upper Egypt was therefore largely in aggressive opposition to state power, and its ideology articulated as a criticism of the moral failures of the ruling elites. The practice of Sufism in Upper Egypt relied on the miracles of saints, and left its mark through the veneration of the tombs of saints – it was the miracle rather than the *silsilah* that legitimated the Sufi in Upper Egypt, "objects of veneration and not of emulation" (p. 225). The main source for this characterization of the Sufis of Upper Egypt comes from the fascinating treatise by Ibn Nūḥ, who places belief in miracles as one of the fundamentals of Sufi identity, and regards miracles as unintentional by-product of access to the realm of the unseen.

I found this book a very valuable addition to the history of Sufism during a critical juncture in its history. It is exceptionally clear, while also maintaining a thorough engagement with theoretical literature. The mapping of the different Sufi paths is particularly constructive. The exclusive focus on the social sphere can, however, be restrictive. There is not enough attention to the material evidence of the *khānqāh*s and tombs in and around which these different forms of Sufism were experienced. I was also intrigued to know how much the social was informed by the development of philosophical Sufism at precisely the same time. The concluding remarks about the emergence of Jewish Sufism promise more to come from this author.

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