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*On the Theological Aspects that underpin
Sunni Fundamental Islam**

*За богословските аспекти, които подкрепят
фундаменталния сунитски ислям*

Настоящата статия изследва корените на модерния ислямски фундаментализъм. За тази цел авторът прави пространно изложение на възникването и развитието на ислямските школи. В поражението на мутазилитите и нарастването на популярността на ханбалитската школа изследователят вижда теоретичната и практическа база на днешния сунитски фундаментализъм, а Ахмед ибн Ханбали обявява за негов „кръстник“. Основание за това му дават буквализмът, ригоризмът и ориентирания към миналото традиционализъм на тази школа, която набира популярност сред сунитите при всяко по-сериозно предизвикателство в общността или извън нея.

Introduction

The term ‘Fundamentalist’ has been generalized to mean strong adherence to any set of beliefs in the face of criticism, but has by and large retained religious connotations. Fundamentalists claim both that they practice their religion as the first adherents did and that this is how religion should be practiced. The term ‘fundamentalism’, by definition has no connection to Islam. In fact, the term is rooted in Christian theology¹. When applied to Islam, it expresses the desire to establish a moral community based on the ethical ideal as contained in the sacred texts (the Qur’an and *Sunna*). It signifies the longing to return to the roots of Islam to rectify the ills of contemporary Islamic society. If some contemporary scholars are sensitive and have reservations about using the term ‘Islamic fundamentalism’, because of its original application to a Protestant Christian movement, it should be kept in mind, however, that there is widespread recognition of the reality to which the term refers. In the present context Islamic activists define their

movement as *usulliya* (fundamental), which means the desire to safeguard the ethical ideal as expressed in the principles of *al-Shari'a al-Islamiyya* (Islamic law). *Sunni* fundamentalists claim that all ethical knowledge is literally available in the Qur'an and the *Sunna*. Yet, human efforts to understand it that go beyond the literal meaning of the sacred text are necessarily inadequate and always reflect human worldly interests. Hence, any form of independent human reasoning is rejected as *bid'a* (innovation). The fundamental Muslims believe in *Allah* (God) and follow His Prophet Muhammad and live and conduct themselves according to Islamic law. They perceive their way as the true path of Islam.

The point stands, nonetheless, that the vast majority of Muslim fundamentalists are pious individuals who strictly follow the teachings of their Prophet, promote regular attendance at mosques, and promote the reading of the Qur'an. Many promote the concept of theocratic government, in which *al-Shari'a* (Islamic law) becomes the law of the state. They represent the widespread non-violent trend in the Islamic movement. This trend is pragmatic, relatively moderate and believes that the ultimate goals could be attained gradually through education and preaching. The point of all this, of course, is that the transformation of society is to come primarily from the transformation of the individuals within society. The mainstream Islamic movements – the so-called moderate movements - have all renounced violence and already have a powerful impact on social customs, influencing the way many Muslims dress and behave, and halting and reversing secularist trends. In a word, all fundamentalists view modernity as the enemy, that is, the representation of evil. Since modern Western thought is the embodiment of a secularized and pluralistic mindset, it constitutes an intellectual challenge to any traditional religious concept of a God centred universe. Hence, globalization poses a profound moral crisis of faith, culture and society for all Islamic movements.

It should be evident that Sunnis and Shi'ites compose the two branches of Muslim believers in the Muslim world. Both branches had from the first century A.H. strong disagreements, and both of them produced fundamental movements. The tension between *Sunnis* and Shi'ites has remained to the present time, as some Shi'ites rituals are highly offensive to *Sunnis*². In fact they are often more hostile to each other than they are to other religions. The Sunnis are the vast majority today; they make up 85% of the world's 1.3 billion Muslims³. Not surprisingly, the majority of the fundamental movements are of the Sunni variety.

The fundamental debate

In today's Arab countries, Muslim fundamentalists are well embedded in the social fabric, understand the importance of good organization, and are thus able to mobilize considerable constituencies. If ideologies are belief systems through which people view and interpret reality, Muslim fundamentalists view the world through an ideological framework. Their ideology prescribes a simple solution to the persistent crises of

contemporary Arab societies: a return to the fundamentals and true spirit of Islam. They consider Islam as the basis of a political system touching every aspect of life. Whatever the problem, 'Islam is the Solution' and 'The Qur'an is our Constitution'. These slogans and other contemporary calls for a return to Islam in order to solve endemic social and political problems in the Arab countries are not new, but rather rooted in previous historical experiences. Though the rhetoric of the fundamentals offers an appearance of uniformity and simplicity, yet they are splintered into several antagonistic subgroups. Two movements ought to be identified, scriptural fundamentalism and political fundamentalism. The Salafism represents the first and the Muslim Brotherhood represents the latter respectively.

Salafism is a *Sunni* Islamic school of thought that takes the pious ancestors (*Salaf*) of the patristic period of early Islam as exemplary models⁴. The *Salafis* sometimes describe themselves as *al-Muwahidoon* or *Ahl at-Tawheed* or *Ahl al-Hadith*. They view the first three generations of Muslims, who are Prophet Muhammad's companions, and the two succeeding generations after them as examples of how Islam should be practiced. This principle is derived from the following Hadith:

"The people of my generation are the best, then those who follow them, and then those who follow the latter".⁵

The principal tenet of Salafism is that Islam was perfect and complete during the days of Prophet Muhammad and his companions, but that undesirable innovations have been added over the later centuries due to materialist and cultural influences. *Salafism* seeks to revive a practice of Islam that more closely resembles the faith during the time of the Prophet. *Salafis* maintain that innovation (*bid'ah*) in the practice of the Islamic creed would cause considerable rift among Muslims. They frequently quote Prophet Muhammad who emphasized:

"Every innovation is misguidance and going astray"⁶.

Salafis often quote many companions of Prophet Muhammad like ibn 'Abas and ibn 'Umar who considered every innovation as misguidance. Imam Malik ibn Anas conveyed similar sentiment quoting the Qur'an:

"This day I have perfected your Religion for you, completed My favour upon you and I am pleased with Islam as a Religion for you."⁷

Imam Malik then brought his argument to an end by emphasizing that what was not part of the Religion at that time, cannot be part of it at any later time.

What may not be evident to all, on the other hand, is that the *Salafis* while sticking to their traditional activities, like *da'wa* (preaching) and the promotion of Islamic law, some of their groups restrain themselves from adopting any Islamic political programme. This is indeed the case with the *Tablighi Jamaat* group in Indo-Pakistan. In fact, the group does not like to be seen as a group or sect, rather as simple Muslims striving hard to be firm on their faith. They refuse to indulge in political discussions. In their view true religious faith ought to be maintained in freedom from politics⁸. But, there is no guarantee that they will remain politically inactive. For, there is no hard

evidence that the most moderate Islamic fundamentalists have turned their back completely to their ideological beginnings. After all Salafism is fundamentalist in character and insists on the inerrancy of the Hadiths and the strict application of the Islamic law. However, Salafism is still a broader category, what groups or movements qualify as *Salafis* is disputed.

Among the mainstream Islamic non-violent movements with historical roots dating back to the second decade of last century is the society of the Muslim Brotherhood. Although originally based in Egypt, the movement has extended a strong influence outside its boundaries, playing a political role not only in Egypt but also in many Arab countries. The Muslim Brotherhood movement was founded in the city of Isma'iliyah on the Suez Canal in 1928 by *Sheikh* Hasan al-Banna (1906—49), to revive pure Islam and resist colonialism and secularism⁹.

There is reason to consider the foundation of the movement as a reaction to the increasing penetration of Western culture, economics, and technology into Egypt. In the following few years, Egypt was suffering from a deep economic crisis, as a result of the global depression of 1929/ 1930, which contributed to the early popularity of the movement¹⁰.

The Muslim Brotherhood had a distinctive character in that it was Islamic in its goals and concepts but not directly associated with older Islamic institutions or groups such as Al-Azhar and the *Sufi* orders. It did not reject them so much as go beyond them. Hasan al-Banna believed that they were neither actively defending the cause of Islam nor effective in meeting the moral crisis of society and the challenge of modernity. The movement concentrated on educational and devotional programmes calling people to a life proper to Islamic faith and practice. Having reaffirmed the teaching that Islam is a comprehensive way of life, the Brotherhood grounded its teaching in a wide network of social service institutions that provided direct assistance to the community of Muslim believers and meeting their widespread human needs.⁽¹¹⁾ This should come as no surprise, because the success of any ideology largely depends on how it is able to adapt to the needs of society. Hence, the movement developed a large variety of social programmes to build a mass base of support by showing their doctrine in action. These included welfare activities that influence educational institutions and benefit poorer people. It thus became a mass movement and latterly managed to take over professional associations and student unions in the crowded higher education institutions in Egypt.

It should be noted that the social message in the Brothers' teaching is well defined. It preaches that Islam enjoins man to strive for social justice, the eradication of poverty and corruption, and political freedom to the extent allowed by *al-Shari'a* (Islamic law). To meet the needs and challenges of contemporary times, Muslims ought to return to the path of Islam, i.e., to the Islamic fundamental principles. Many would find in this teaching a distinctive mode of response to major social and cultural challenges, which are threatening to dissolve the Islamic identity. From the very beginning the Brotherhood was committed to broad-based social reform, at the same time there is certainly

power in the advocacy of social reforms. A noteworthy programme of social reform was put forward in a book entitled *Social justice in Islam* by the prominent Muslim Brother, Sayyid Qutb¹².

Initially, it is interesting and important to note that Al-Banna's fundamentalist emphasis on the doctrine of the oneness of God (*tawhid*) served as the foundation of his movement's programme in which Islam is the proper point of reference for all aspects of life. Another step in this direction is to interpret this perception to mean that the rules of Islam and its teachings are comprehensive and that Islam as a faith regulates all matters of life for humanity at all times¹³. It soon became apparent that if there is only one sovereign for humanity, it is not possible to separate religion from politics. The Brotherhood's ideology emphasizes the oneness of religion and state. Indeed al-Banna came to consider non-involvement in politics an "Islamic crime"¹⁴. And because the Qur'an and *al-Sunna* constitute a perfect way of life, Islamic governments must be based on this pattern and eventually unified in a caliphate. The Brothers argue that Muslims could not fulfil their rightful destiny in the absence of a true caliphate. The caliphate envisaged represents the idea of global Islamic power and the eventual goal would be the establishment of a caliph under whom all humanity would be subordinate in a world united under Islam¹⁵. In short, the Brotherhood interpret the need for Islam to be in political power is a core value of Islam. That is to say, Islam is no longer restricted to the role of religious faith; it is rather a political ideology, which aims at reconstituting the secular world as a divine order. Hence, the formula that Islam is a *din wa dawla* i.e. 'a unity of religion and state' became a political belief¹⁶. How is this possible? The ambiguity of this terminology is manifested in the rhetorical statements of the Brothers. It is to be expected that it includes a political strategy that aims at assuming control of the modern national states in the Middle East in order to transform them into Islamic states¹⁷.

The standard criticism of this argument is the source from which its related terms are derived. Formulae such as *din wa dawla* (a unity of religion and state), *hakimiyyat Allah* (God's sovereignty), exist neither in the Qur'an nor in the Hadith, nor to be found in any of the authoritative classical writings. They are recent additions, to the fundamental religious discourse in the Middle East¹⁸.

So, although the Brotherhood had from the very beginning renounced violence and chosen to advance its goals through political means (Hassan al-Banna rejected reform by violent means), its credo is distinctly fundamentalist in character. In their credo the Brothers proclaimed:

"Allah is our objective. The Prophet is our leader. The Qur'an is our constitution.

Jihad is our way. Death for the sake of Allah is our highest aspirations. Allah is great, Allah is great".¹⁹

So it can easily be seen how the fundamentalist Islamic ideology is based upon two pillars, which are summarized in two Arabic formulae. The first is the conviction that Islam is *din wa dawla*, i.e. 'a unity of religion and state' committed to the concept of *nizam Islami*, i.e. 'Islamic order' and based on *al-Shari'a* (Islamic law), which provides

an organic and comprehensive system for the regulation of all aspects of human life (individual, social, and political) in accordance with God's will. The second is the conviction that Islam is *din wa dunya*, i.e. 'a religion and a way of life'. We have to bear in mind, that Islam makes no distinction between the spiritual and the secular in life. There is no form of separation between the worldly and the religious. Its aim is to shape both individual lives as well as society as a whole according to *al-Shari'a*. In other words, a true and faithful Muslim society can only be achieved if the political organization of society is Islamic, i.e. through an Islamic state. It follows that every teaching in the Qur'an and the Hadith requires, for its fulfilment, the establishment of an Islamic rule and an Islamic state.⁽²⁰⁾ At the same time, Islamic social life should be rebuilt on the very principles of *Shari'a* Ordinance.

As already indicated the call for a return to the true path of Islam is not new, but rather rooted in the historical experience. Yet, critical attention should be turned to the sources upon which the *Sunni* fundamental theory and doctrine were alleged to be based. It is, therefore, understandable that one has to revisit *usul al-fiqh*, the classical *Sunni* schools of jurisprudence and the theological controversy over the createdness of the Qur'an and its after-effects.

'Usul al-fiqh (roots of Islamic jurisprudence)

Shari'a is the body of Islamic religious law. It is the legal framework within which the public and private aspects of life are regulated for those living in a legal system based on Islamic principles of jurisprudence and for Muslims living outside the domain²¹. In other words, it is a vast system of norms and regulations encompassing all areas of a Muslim's life: religious duties, directives concerning ritual cleanliness, food, and dress; laws of family, inheritance and endowment, contracts and obligations; criminal, fiscal, constitutional and international law. Its purpose is not only to determine relationships between human beings but also to define the standard of right and wrong in all matters considered by God as ethically relevant. In a word, it does not clearly expound what the laws should be but only provides the basic foundation from which Islamic laws and legal principles can be derived. However, before saying anything else it would be useful to emphasize that the divinely revealed text in the corpus of Islamic law should be recognized as separate or distinct, as opposed to the human understanding *fiqh* of a given time and place. Of course the distinction between the law and its sources is carefully maintained in Islamic jurisprudence. What is now commonly understood as *Shari'a* Ordinance and presented as divinely sanctioned are mostly interpretations of fallible human beings. They were influenced by the differing customs of their respective social milieu, though their interpretations are informed by the two primary sources, the Qur'an and the Hadith (*Sunna*). Curiously, for most of the semi-literate Muslim radicals the distinction between the word of God and the interpretation of man is non-existent. They don't believe that *Shari'a* was man-made interpretation of God's words and Prophet's

Hadiths. To them Shari'a is the absolute law from God, and they have successfully caused this idea to take root in the minds of average Muslims.

Indeed, all the 1.3 billion Muslims (Sunnis & Shi'ites) all over the world believe that the Qur'an is a direct revelation from God; and therefore, it is divine, infallible and is not subject to change. The fundamental aim of the Qur'an was to introduce certain standards of behaviour for the Muslim community. It has also been declared to be accessible to all Muslims, and as such it is the duty of Muslims to read it, understand it, and to derive assistance from it in matters relating to their lives. The Qur'an is not quite a compendium of laws and codes. In fact, a small portion of the Qur'an relates to specific guidance establishing what is permissible and what is prohibited. Among the six hundred verses directly related to laws, only about 80 Qur'anic verses are concrete legal pronouncements. Beyond setting some principles, norms and guidelines, a commonly accepted position of Islamic *fiqh* is that except what is categorically prohibited, the default guidance of the Qur'an is permissibility²². But for all practical purposes, law in the Qur'an was, and remains, mostly a set of moral guidelines for behaviour and the settlement of disputes. Since it is a revelation, the divine Qur'anic discourse is considered to be the final arbiter of human affairs.

The Hadith, in Islamic terminology refers to reports about the statements or actions of the Prophet Muhammad, or about his tacit approval of something said or done in his presence. The Qur'an orders Muslims to follow his example as follows:

“Obey Allah and the Messenger (Muhammad) so that you might be shown mercy”.

“There is for you in the Messenger of Allah a beautiful pattern (of conduct) for any one whose hope is in God and the final day, and who engages much in the praise of God”²³.

As the Prophet's life (reflected in his words and deeds) is a model, Muslims turn to Hadith for detailed guidance. The Hadiths were living links to the Prophet and the manifestation of his charismatic authority in everyday life. Therefore, Hadith scholars (*muhaddithun*) dedicated enormous energies to collecting, classifying and studying the Prophet's sayings and deeds, which by that time were known as the *Sunna*. A Hadith consists of two aspects: the text of the report (*matn*) containing the actual narrative; and the chain of narrators (*isnad*), which documents the route by which the report has been transmitted. The *isnad* or *sanad* is so named due to the reliance of the Hadith' specialists upon it in determining the authenticity or weakness of a Hadith. The *isnad* comprises a chain of the narrators, each mentioning the one from whom he heard the Hadith until mentioning the originator of the report along with the report (*matn*) itself. The authenticity of a given Hadith was determined by how close it could be traced back to the time of the Prophet or to the Prophet himself. Though the Hadith scholars (*muhaddithun*) devoted as much attention to the study of the quality of the contents of the Hadiths (*matn*) as to the chain of narrators (*isnad*) and have done a most appreciable work in

coming up with collections of Hadiths and their authentication, these originally oral traditions are neither divine nor infallible²⁴. The important point to be brought out is that the Hadiths (*Sunna*) are relied upon for deducing much of the laws and codes in detail.

Without elaborating in full details, the Qur'an and the Hadith (*Sunna*) have provided the fundamental authority. Yet, neither the Qur'an nor the Hadith covered every situation that the Muslim community have encountered. They did not provide express answers to all the problems that were intrinsic to an organized society. With the passage of time, differences of interpretation appeared among the jurists, reflecting the impact of new ideas. To address the different challenges and to accommodate changes and developments, Muslim jurisprudence (*fiqh*) developed a methodology of its own to interpret and make deductions in line with the two primary and foundational sources ('*usul al-fiqh*'), i.e. the Qur'an and the Hadith. The outcome was the emergence of two secondary sources, namely *Ijma'* (authoritative consensus) and *Qiyas* (analogy or analogical reasoning).

Technically *Ijma'* is "the unanimous doctrine and opinion of the recognized religious authorities at any given time". Sunni Muslims regard *Ijma'* as the third source of *Shari'a*, while the Shi'ites accept it under restricted conditions²⁵. This doctrine played a vital role in the integration of the Muslim community. In its early phase it manifested itself as a general average opinion, a common feeling of the community, and as a binding force of the body of law against unsound and stray opinions. It became a decisive authority in religious affairs. All religious doctrines were standardized through *Ijma'*. Its rejection was and still is considered blasphemy²⁶. However, it is important to note that, as for most issues pertaining to *Ijma'*, there is no consensus about what source its authority is derived from. The most commonly quoted Hadith adduced in support of *Ijma'* is the following:

*"My community (Ummah) will not agree on an error. When you see some difference, it is incumbent upon you to adhere to the great majority"*²⁷.

Yet, it is obvious that the first and second sentences of the Hadith leave a serious gap. While the first sentence emphasizes that the community will never agree upon an error, the second advises one to adhere to the majority in case of dispute. Therefore, some scholars have on the whole maintained the impression that the textual evidence in support of *Ijma'* does not mount to conclusive proof²⁸. If that is the case, then this doctrine is recognized not because of the Qur'an or the Hadith but because Muslims have accepted it as a customary norm. Certainly, the distance between thought and act is great. In reality, there were not many issues on which the community of believers, beginning with the generation of the companions and continuing through the subsequent generations, has a consensus. Hence, *Ijma'* has been abused nearly as much as it was used. That is to say, it has been a common practice among Muslim scholars and jurists to claim consensus about almost anything they have given their juristic opinion on. From this we can conclude that *Ijma'* as a classical Islamic doctrine was not infallible and may not be tenable.

Since there were legal issues that could not be resolved exclusively by reference to the Qur'an or the Hadith or the *Ijma'*, the sole viable answer was *Qiyas*, i.e. the process of analogical reasoning from a known injunction (text) to a new injunction. Namely, to seek similarity between new situations and early practices, especially those of the Prophet. According to this method, the ruling of the Qur'an and Hadith may be extended to a new problem provided that the precedent and the new problem share the same operative or effective cause (*'illah*)²⁹. Gradually, *Qiyas* was recognized by the *Sunnis* as a fourth source of law along with the other three sources and, before long, people began to depend on it. It should be evident that *Qiyas* brought some discipline to the applied human reasoning to determine what is acceptable and what is not for things or situations that are not already covered by the other three sources. What needs to be said in addition is that to gain broad acceptance, *Qiyas* had to be validated by *Ijma'*³⁰. Even though the *Sunnis* generally accept *Qiyas* as one of the four sources of Islamic jurisprudence, there is considerable disagreement about what it is, its scope and the method of validation. In brief, there is hardly anything divine or immutable about *Qiyas*, as it is essentially an exercise in human reasoning. On the other hand, the Shi'ites view the use of *Qiyas* as being an innovation that can easily lead the user to erroneous conclusions regarding matters of jurisprudence. Thus the basic fundamental sources of *Shari'a* law are four. Though, the various schools of Muslim jurisprudence differ on the number of sources to be used or emphasized, all of them include the Qur'an and the Hadith³¹.

From the very start, after the death of the Prophet Muhammad (in 632 A.D.), the Arabs had conquered an enormous empire and the new religion spread across so much geographical zones and through so many diverse cultures. Indeed, the conquerors encountered ethical and legal problems which went far beyond the imaginative horizons of the society in which the Qur'an had been revealed. Many challenges had to be addressed when it came to the application of the *Shari'a* across these widely situated regions. While there has been no disagreement among Muslims that the Qur'an is the literal word of God, there has been and continued to be substantial disagreement about the meaning of certain verses and their application to different situations. Consequently, there were a wide variety of opinions and schools on almost every issue and question. It goes without saying that the disjunction between the utter perfection of God's sacred texts and the imperfect ability of the human mind to grasp their true meaning with certainty, invited the human reason into the elaboration and interpretation of the *Shari'a*. Thus, the issue of *Ijtihad* (independent human reasoning) was brought to the forefront to meet the changing needs and provide justice in Muslim societies. There is reason to believe that *Ijtihad* has enabled Muslims to be flexible and to learn from other cultures³². It may well be that this human reasoning accelerated the process of integration and contributed to the creation of a highly complex Muslim society that was amalgam of many cultures and customs within its enlarged empire.

One thing at least seems certain: during the time of both the Umayyad and the early part of the Abbasid dynasties the practice of *Ijtihad* remained widespread. Simul-

taneously, there were groups of conservatives among Muslims who opposed the practice of *Ijtihad* and *Qiyas*. Their opposition was based on preference to literalism and explicit meaning of the textual evidences. This viewpoint was enunciated in *Sahih al-Bukhari*. Al-Bukhari's opposition to the use of excessive legal reasoning and speculation manifested itself in his subchapters entitled as follows:

"What is said against judging (in religion) made on the basis of one's own opinion (independent reasoning) or by Qiyas"

*"Whenever the Prophet was asked about something regarding which no verse was revealed, he would either say, 'I don't know' or give no reply, but he never gave a verdict based on opinion (independent reasoning) or on Qiyas"*³³.

It has been maintained that those conservatives advocated making the Medina period the ground root of legal interpretation to avoid all sorts of innovations,

(Every innovation is misguidance and going astray). They argued that the only true source of *Shari'a* was, first, the Qur'an then the Hadith (*Sunna*) that includes the words, actions, and precedents of the Prophet. On the basis of this insight, they insisted that the best authorities for those truths were the Prophet's companions and the most upright among his immediate contemporaries. In this context, the advocates of Hadith (*Sunna*), in the long course of their doctrinal wrangle with those who practiced *Ijtihad* produced enormous number of fabricated Hadiths in their effort to make traditionalist dogma the standard jurisprudence throughout the Islamic realm³⁴.

The classical Sunni schools of Islamic jurisprudence

It was in the midst of this controversy that a number of schools (*madhahib* i.e. rites) of Islamic jurisprudence took shape, of which four came to be accepted as official, while the others faded away gradually. Of course, they were not merely schools which differed in respect of theory, but also rites which sometimes differed in practice. They are, in chronological order: the Hanafi School, the Maliki School, the Shafi'i School and the Hanbali School. As the body of legal ideas of a given school crystallized, those doctrines were attached to the individual religious scholar (*'alim*) who formulated them and thus gave his name to the particular school: Abu Hanifa (d.767); Malik ibn Anas (d.795); al-Shafi'i (d.820); Ahmad ibn Hanbal (d.855). These four schools share most of their rulings, but differ on the particular Hadiths they accept as authentic and the weight they give to *Qiyas* or *Ijtihad* in providing answers to the problems in some novel circumstances³⁵. On the whole, the Hanafi School of jurisprudence probably have the most differences with the other three schools. It is considered the oldest, most rational, and most liberal one. Abu Hanifa's training in jurisprudence combined with his experience as a merchant led to his use of reason and logic in applying rules to practical questions of life and broadening those rules through use of *Qiyas* (analogy) and *istihsan* (juristic preference or discretion). His legal views which included legal devices (*hiyal*) were noted for their liberality and respect for personal freedom. They were preserved primarily by

his two disciples Abu Yusuf and Mohammad al-Shaybani³⁶. After the Qur'an and the trustworthy and authentic Hadiths, the Hanafis make considerable use of independent reasoning in legal decisions. It is interesting to note that both the Ottoman Empire and the Mughal Empire (in the Indian subcontinent) adopted that school of law as their dominant body of jurisprudence because the Hanafi interpretations of law tended to give their sultans extra margin space in exerting their authority. The advocates of Hadith opposed Abu Hanifa. Thus, in his lifetime he was disgraced, called ignorant, hypocrite and inventor of new beliefs. He was imprisoned and probably poisoned³⁷.

The Maliki School is sometimes called the School of Medina. It had another approach to defining the *Sunna* of the Prophet Muhammad. The *Sunna* includes not only what was recorded in Hadiths, but also the legal rulings of the four righteous caliphs (*al-Rashidun*), and the practice of the people of Medina. Specifically, the Maliki School gave precedence to the acts of the people of Medina over Hadiths if they were in conflict, because the practice of those people was considered 'living *Sunna*' in as much as the Prophet migrated, lived, and died there. It is of course true that Imam Malik held the Hadith in such reverence that he showed hesitancy in issuing religious verdicts, explaining in one of his more famous statements that the shield of the scholar is "I don't know"³⁸. In fact, he was vehemently opposed to any form of independent reasoning considering it innovation. Malik is the author of the first manual of jurisprudence, *al-Muwatta'* (the Approved). It is a mixture of Prophet's Hadiths, the rulings of his Companions, the practice of the scholars of Medina and the opinions of Malik himself³⁹. Another work, *al-Mudawana*, contains the notes of a long-time student, Ibn Qasem, from his sessions of learning with Imam Malik⁴⁰.

Thus, there were two schools in process of formation during the latter half of the second century A.H. The great dividing line between them was their respective attitudes to the Hadith (*Sunna*). In this context, al-Shafi'i leaped into the arena and acted as an intermediary between the independent legal investigation and the traditionalism of his time, i.e. between the adherents of Hadith (*Sunna*) and the votaries of reason and analogy. Al-Shafi'i was linked with the two dominant schools at the same time. For many years he remained a student of Malik in Medina. When he moved to Baghdad, he studied for several years under one of Abu Hanifa's distinguished students, Muhammad al-Shaybani. He acquainted himself with philosophy, logic, and dialectics. He even took part in debates with *al-Mu'tazila*, who resorted to independent reasoning and came with new rulings⁴¹. In the end he was able to unite both the school of tradition and the school of analogy, in order to stabilize the bases of Islamic legal theory. He admitted the validity of both divine will and human speculation⁴². When he moved to Egypt, he formulated his thoughts in his two works: *al-Risala fi 'Usul al-Fiqh* and *Kitab al-Umm*. He devised a method for systematic reasoning without relying on personal deduction⁴³. His method was to establish a single maxim as the authoritative source of law, thereby unifying the law itself. Hence, he argued that the paramount sources of legal authority are the Qur'an and the authentic Hadiths. Of less authority are the *Ijma'* (consensus) of the community

and thought of scholars (*Ijtihad*) exercised through *Qiyas* (analogical reasoning). Shafi'i would take advantage only of an authentic Hadith, for all traditions of this kind he had the utmost reverence. The jurist should interpret the ambiguous verses of the Qur'an according to the consensus of the Muslims and if there is no climate of opinion according to analogical reasoning⁴⁴. Nevertheless, it soon became apparent that Shafi'i's approach to Islamic jurisprudence and his thoughts of legal unity inadvertently produced more diversity than uniformity. After the formulation of his thoughts and creation of his school, two more conservative schools of law emerged in the third century A.H., namely the Hanbali and the Zahiri. Both schools promoted literalism and explicit meaning of the textual evidences.

The Hanbali School is the fourth *Sunni* school of law. This rigorous school takes its name from Ahmad ibn Hanbal, a major scholar and theologian. His career as dogmatic theologian, coupled with the fact that he did not elaborate a complete system of law, gave him and his immediate followers the reputation of initiating a theological rather than a legal school⁴⁵. There is no reason to doubt that the scriptural fundamentalism of this school was a double reaction against the rational theology of *al-Mu'tazila* on the one hand, and the internal threat of the theology and rituals of the Shi'ites on the other hand. It can be said that against the rational theology of *al-Mu'tazila*, the Hanbalis rejected the rationalist trend, maintained that the Qur'an was the eternal Word of God, and insisted on unquestioning acceptance of the explicit meaning of the scriptural evidences. Against sectarian Shi'ism the Hanbali School advocated the *Sunna* and insisted that belief and practice must be based on the fundamentals as found in the *Traditions* of the Prophet Muhammad⁴⁶. The school derived its doctrine from the Qur'an and the Hadith (*Sunna*), which it placed, above all forms of consensus, and preferred to stick to the plain narration of textual proofs. When no textual evidence was available, verdicts issued by the companions of the Prophet should be considered. Hanbalis would even resort to *mursal* Hadith (with a link missing in the *isnad*) or a weak Hadith, but no independent reasoning (innovations) and no use of legal devices (*hiyal*)⁴⁷.

It should be evident that Ahmad ibn Hanbal became a leading authority in Hadith (Imam *ahl al-Sunna*) and left a huge Hadith encyclopaedia, *al-Musnad*, as living proof of his proficiency and devotion to this science. His juridical decisions are part of this monumental work, which contains more than forty thousand reports on various topics, not necessarily all legal. Of course, ibn Hanbal himself admitted that his collection contained weak Hadiths, which he readily employed in situations where no stronger reports could be found. This compilation has become the source for juridical decisions undertaken by later Hanbali jurists. Yet his school did not enjoy the popularity of the three preceding *Sunni* schools of law. The original fundamentalist assumption that the text of the Qur'an and Hadith provided a literal answer for every conceivable moral question had proved untenable in practice. If the adherents of ibn Hanbal regarded themselves the champions of strict orthodoxy, they were quite impossible for ordinary people to live with. They were regarded as reactionaries and troublesome on account of

their reluctance to give personal opinion on matters of law, their rejection of analogy, and their fanatic intolerance of views other than their own. In later centuries, Hanbali jurists such as Ibn Taymiyya (d.728/1328) and his disciple Ibn Qayyim al-Jawziyya (d.751/1350) reluctantly began to concede the inevitability of interpretation. They had to admit that without analogical reasoning (*Qiyas*) both the Qur'an and Hadith would suffer serious limitations. Hence, they displayed more tolerance to other views than their predecessors and were accounted for making the Hanbali teaching more accessible⁴⁸.

The theological controversy over the createdness of the Qur'an

It can be said that the Muslim society under the early Abbasid caliphs enjoyed a surprising climate of freedom of thinking in its approach to religion and to the phenomenon of belief. There was difference of opinion on various aspects of Islamic teaching, leading to conflicts and hatred amongst adherents of the various schools. Acknowledgment of this diversity within the unity of Islamic law was sanctioned by the following Hadith:

“Difference of opinion within my community is a sign of the bounty of Allah”⁴⁹.

On the one hand, there were the traditionalists and the *fundamentalists* (i.e. the transmission-based) or the blind adherents to spiritual guides, who were troubled by a growing tendency to override the *Sunna*, and those who bowed to the primacy of reason and were alarmed by the enormous growth of oral Traditions or Hadiths that lack authenticity on the other hand. In brief, the two contending camps were: *ahl al-Sunna*, (most of them were adherents of Ibn Hanbal and Malik), who denied innovation and relied primarily on the traditions of the Prophet versus *ahl al-Ra'i* and *ahl al-Kalam* (most of them were *Mu'tazila*) who vigorously asserted their right to exercise independent judgements and spread the light of reason. Though the early Abbasid caliphs adopted a traditional neutral religious policy and showed little active involvement in the actual articulation of Islamic law, it was al-Ma'mun (198–218/813–833) who decided to divert from this policy and in 212/827 adopted and promulgated the rationalist argument of the reason-based scholars on the createdness of the Qur'an. A distinction was implied in this promulgation: the caliph had given his view and to question it was to oppose his authority. Thus, belief in the createdness of the Qur'an became the touchstone of political loyalty. Furthermore, in a declaration issued in 218/833, al-Ma'mun decreed that the scholars involved in various aspects of legal administration were to make public profession of their belief that the Qur'an was the created, not the uncreated, word of God. He attempted in vain to enforce this doctrine on the majority instituting an inquisitorial tribunal (*mihna*). This generated popular opposition and a fundamentalist wave led by Ahmad ibn Hanbal. Many prominent Hadith scholars were humiliated. Most of them, though believing the opposite, submitted to the demand for a profession of createdness, but few refused, notably Ahmad ibn Hanbal. Therefore they were tortured and imprisoned⁵⁰.

Initially, it is important to note that the inter-factional strife between the transmission-based (*ahl al-Hadith* or *ahl al-Sunna*) and reason-based (*ahl al-Ra'i* and *ahl al-Kalam*) scholars which had been going on for more than half a century, constituted the backdrop for the inquisition. The core of contention was of a strictly theological nature, namely God's attributes and the nature of the Qur'an. Though the reason-based camp was adroit in theology and comprised a mixture of groups like the *Mu'tazilite*, *Jahmiyya* and *Hanafi* rationalists, they were still a minority⁵¹. All of them believed that faith depends on comprehension. Probably, they were motivated by a desire to make the ethical ideal relevant in the changing conditions of the Muslim society. Some of them returned God to his transcendence. They withdrew Him from the material world, and the earthly sojourn was returned to the responsibility of man, who was supposed to confront evil by using his free will. On the other hand, the transmission-based camp, the traditionalists or literalists comprised a mixture of adherents of Ahmad b. Hanbal, Malik b. Anas and some Shafi'is as well. They asserted the literalist position that one should accept the outward meaning of the Qur'anic verses or the Hadiths describing God's movements. They believed that the Qur'an is the "speech of God" (*kalam Allah*) and therefore not created. Some of them asserted that God spoke in the anthropomorphic sense of the word. They claimed to be the defenders of the community's unified identity, refused to recognize the legitimacy of any inquiry into the nature of God, and opposed all theological investigations. Not only they hated discussing obscure issues, but also they avoided the people of dialectical theology (*kalam*). Of course, they were followed by the majority of the common people who were incapable of holding theological investigations because they lack intellectual abilities.

For it surely makes sense to assert that literacy was certainly not as widespread among all groups and in all corners of the Abbasid caliphate as it was among the intellectual and spiritual elite or in the central bureaucracy in Baghdad. On the contrary, a substantial part of the inhabitants of the Abbasid provinces, i. e. the masses (*al-'awamm*), was illiterate or only had been introduced to some basic level of literacy, ranging from the mere recognition of the written word as an expression of communication to being able to read but not write. It should be noted further that those common and ignorant people, who did not understand anything about theology, embraced anthropomorphic beliefs, turned to the anthropomorphist Hanbalis for religious guidance, and interfered in the theological discourse⁵².

The vehement controversy over the createdness of the Qur'an was an unprecedented crisis of faith in the history of Islam. The sixteen years' (or more) episode of the *mihna* started in the last four months of al-Ma'mun's reign in 218/833, continued during the nine year reign of his brother al-Mu'tasim (218–227/833–842), the five-year rule of his nephew al-Wathiq (227–232/842–847), and it was faded out gradually during the first four or five years of the reign of al-Mutawakkil (232–247/847–861)⁵³. This episode may seem a pointless theological controversy, which turned infamous by the intervention of a caliph who was noted for the breadth of his intellectual horizons, but it was

more than that. It must be emphasized, however, that the innovation of the notion of the created Qur'an is attributed to Jahm ibn Safwan (d.128/746). This view was accepted and shared by several early sectarian groups, including *al-Khawarij*, most of the *Zaydiyya Shi'a* and *Murji'a*, and many of the *Imami Shi'a (Rafida)*, and all of the *Mu'tazila*⁵⁴. But the traditionalists and fundamentalists opposed this notion and asserted that God does in fact speak, the Qur'an is God's eternal speech and that the Qur'an is one of His uncreated attributes. They equated the assertion that the Qur'an was created with calling God Himself created. It seemed probable to them that if the Qur'an is a created word of God, then it was created in time, might have been created differently, and therefore someone with authority could alter it. In other words, it could be modified to suit different times and the judgement of a God-guided imam might supersede it. Hence, they considered the rationalist argument of the *Mu'tazila* and al-Ma'mun as an attempt to limit God's power and as an attack on the textual authenticity of Islam⁵⁵.

On the other hand, the *Mu'tazila*, who allied themselves with the power of the caliph, took issue with the traditionalist and fundamentalist scholars over the attributes of God and the doctrine of the eternal and uncreated nature of the Qur'an. They regarded this issue as compromising the oneness of God (*tawhid*). Though al-Ma'mun struggled to attest the createdness of the Qur'an by means of several Qur'anic verses, his argument was handicapped by the absence of any Qur'anic verse in which God explicitly created (*khalqa*) the Qur'an⁵⁶. Yet the *Mu'tazila* argued that, since God Himself is not apprehended empirically, how could He have many divine attributes? Contrary to majority opinion, they maintained that the Qur'anic passages that affirmed God's attributes were meant to be understood not literally, but rather metaphorically or allegorically. Similarly, the testimony that the Qur'an is the "speech of God" (*kalam Allah*) or the word of God (and is therefore uncreated and eternal) should not be taken literally. For how could both God and His word be eternal and uncreated? The result would be two divinities (*shirk*)⁵⁷.

The constraint and violence of the inquisitional tribunal increased the enmity between the traditionalists (*ahl al-Sunna*) and the central Abbasid administration in Baghdad, which placed its authority behind the reasoned-based scholars. Of course, the issue attracted the attention of modern scholars, who tried to explain what drove al-Ma'mun to institute the *mihna*. Three hypotheses were offered. One suggested that al-Ma'mun was inspired by the *Mu'tazila* and the Shi'ites⁵⁸. The second explanation suggests that al-Ma'mun's radical break from the neutral religious policy of his predecessors was not the outcome of a doctrinal position. It grew out of an acute situation where all reason-based scholars were harassed and humiliated by the fundamentalists (*ahl al-Sunna*) and the masses in an atmosphere of terror. To him, it was a world turned upside down. This state of affair bothered him so much that he decided to halt the deterioration in the spiritual status of the rationalists. Thus, the *mihna* was an act of self-defence⁵⁹. The third proposes that it was an attempt to assert the supreme and unquestionable authority of the state over religious teachings. The point at issue during the *mihna* was the author-

ity of the caliph versus the authority of *ahl al-Sunna*, who saw themselves and not the caliph as the legitimate repository and authentic transmitters of religious knowledge and tradition. Hence, the caliph instituted an inquisitional tribunal in order to acquire the authority of the *Shari'a* and enhance his power by giving his word theocratic force⁶⁰. It follows that if the Qur'an was uncreated, it expressed something of God's nature and could not be altered; and in this case the final word was with the qualified exponents of the *Shari'a*, the religious scholars, i.e. *ahl al-Sunna*, and not with the caliph⁶¹.

While the attention of modern scholars was focused on the motives behind al-Ma'mun's decision to initiate the Inquisition, less attention has been paid to the after-effects of this episode. As mentioned earlier, the *mihna* was maintained during the reigns of al-Mu'tasim and al-Wathiq. As evidence is meagre, little is known about how *ahl al-Sunna* fared during these difficult years⁶². It was under caliph al-Mutawakkil, however, that it was abolished gradually. There is reason to believe that the caliph's point was not to affirm traditionalist or fundamentalist orthodoxy (Sunnism), that the Qur'an was not created, but rather to quieten the whole controversy. If he was an opponent of the theology of the Shi'ites, he was hardly a sponsor of traditionalism⁶³. Yet, the termination of the *mihna* was an outright victory to the transmission-based scholars (*ahl al-Sunna*) and Ahmad ibn Hanbal was restored to favour and his prestige was increased. As he remained constant in his belief, he is credited with creating a sense of religious authority separate from that of the caliph. Thus, the doctrine of the uncreated nature of the Qur'an became the dogma in *Sunni* Islam along with predestination. Furthermore, the religious institution was recognized as authoritative in certain spheres. On the other hand, though the *Mu'tazila* (*ahl al-Kalam*) continued to exist after the reign of al-Mutawakkil, their presence and what they stood for was discredited. Their theories (on free will, choice, and human responsibility), which could have been useful for the evolution of the Muslim world, were defeated. Their fortunes were more limited. Since they were a small minority, they failed to attract a substantial following⁶⁴.

It is not true, however, that the abolishment of the inquisitional tribunal and the break with the *Mu'tazila* was the end of caliphal support for one or another juridical-theological party over others. But the very difficulty of imposing any one theology probably deterred most rulers from sponsoring any. Hence, most Muslim rulers after the *mihna* were content to follow religious trends, not to set them⁶⁵. Montgomery Watt evaluated the after-effects in the following words:

*"From this time onwards there may be said to have been an understanding between the Sunni religious institution and the changing forms of the political institution (following on the loss of political power by the caliphs in 945). The religious institution was allowed to determine the norms of social life within the caliphate through personal, civil and criminal law, but was not allowed any say in the external policies of the political institution nor even in respect of the relation of the ruler to his subordinates. In return for this degree of recognition the religious institution gave a title of legitimacy to the political institution"*⁶⁶.

At this juncture, it should become obvious that the triumph of Sunnism could be viewed as a culmination of a struggle that was an immediate reaction against a challenge from within, i.e. innovations (*bida'*) represented by the rational theses of the *Mu'tazila* and to some extent the developing rituals of the Shi'ites. However, despite the growing influence of *ahl al-Sunna*, the religious scholars continued to disagree about so many aspects of theology and law. During this period, a variety of theological, legal and philosophical ideas competed for influence among the scholars, each idea having its own adherents. Between the eighth and tenth centuries, jurists of the classical *Sunni* schools (*madhahib*) attracted masses of rank and file Muslims and gradually built up large followings. The jurists of each school of Islamic jurisprudence articulated the distinctive legal doctrines that both regulated their adherents' lives and at the same time set them apart from the other schools. Furthermore, the adherents of the four schools of Islamic law established mosques, institutions of education and separate courts of law, which passed judgements according to their legal traditions. As the jurists of those schools were capable of attracting large followings to their teachings, they demonstrated a remarkable ability to mobilize their followers and create new social entities that were based on legal and moral bonds. ⁽⁶⁷⁾

A short-lived literalist school of law: The Zahiri School

If religious doctrine was still fluid and hotly debated, fundamental and literal tendencies were closing in. In this context, the *Zahiri* School of law emerged. The founder of this school was Dawud ibn Khalaf (d. 270/883). He was known as Dawud al-Zahiri because of his insistence on sticking to the manifest (*zahir*), i.e. to the literal and evident meaning of expressions in the Qur'an and Hadith. The *Zahiriya* were more adamant in their rejection of the recourse to personal opinion i.e. *Ijtihad*, and *Qiyas*. In the same spirit, they limited the basis of *Ijma'* to the companions of the Prophet. They emphasized the importance of applying the rules of Arabic grammar to the text in order to determine the revealed meaning⁶⁸. It is, thus, not surprising that the teaching of this rigid school flourished in Muslim Spain at a period of disruptive ethnic and clan rivalries that saw the decline of the Umayyad caliphate at Cordova and the formation of tiny kingdoms fighting among themselves. Ibn Hazm of Cordova (384–456/994–1064), a jurist and theologian, joined the *Zahiri* School and brought to it a systematic structure of logic. For the interpretation of sacred texts, he took the position that the Arabic language itself provides all that is necessary for the understanding of its content and that, therefore, God, who revealed the Qur'an in clear (*mobin*) Arabic, has used the language to say precisely what He means⁶⁹. Each verse should be understood grammatically and lexically in its immediate and general sense. On the other hand, Ibn Hazm attacked all Muslim theologians, the *Mu'tazila* and the *Ash'ariya* in particular, because they raise questions about the revealed text only to resolve them by purely human means. In his view reason is not a faculty for independent research, much less for discovery. By submitting humans exclusively to the word of God, Ibn Hazm's

literalism freed them from any choice of their own. It is evident that the Zahiri School was the most conservative and rigid and as such was petered out with the passage of time. By the time Ibn Khaldun wrote in the fourteenth century, the school had ceased to function because of the extinction of the personal chains of authority, linking teacher to disciple, through which status as scholar of law was transmitted. Precisely because its teaching has survived in books, the *Zahiriya* (like the Hanbalis) managed to influence the argument of the subsequent fundamentalist Islamic ideology of modern time⁷⁰.

Al-Ash'ari's traditional school of theology

One thing is certain about Sunni traditionalism, its tide was growing strong. As already noted adherents of the Hanafi and Shafi'i schools bowed to necessity and agreed that *Ijtihad* (reasoning) had to be recognized as a source of ethical knowledge. If individual reasoning might lead to probable knowledge, the results could become certain knowledge through the doctrine of *Ijma'*, i.e. authoritative consensus (*My community will not agree on an error*). The traditionalists believed, therefore, that once established, this consensus could not be reconsidered and should be binding for later generations. They tried to meet the demands for both stability and flexibility⁷¹. It would be true to say that traditionalism can be viewed as a compromise between the extreme positions of the fundamentalist Hanbalis and literalist *Zahiriya* who completely rejected interpretation, on the one hand, and the rational *Mu'tazila* who advocated interpretation and emphasized human moral autonomy and freedom, on the other hand. Indubitably, from the tenth century onwards, traditionalism became the dominant trend in *Sunni* Islam. Several rationalists abandoned the dogmatic theses of the *Mu'tazila* and joined the traditional fold of *ahl al-Sunna*. The most prominent among them was Abu al-Hasan Ali al-Ash'ari (260–324/874–936). Originally he was a devout *Mu'tazilite* scholar in Basra. In 300/912 at the age of forty he abandoned the reason-based camp and went back to the traditionalist camp of *ahl al-Sunna* and became the father of the Ash'arite school of theology, which came to dominate *Sunni* Islam in the 11th century⁷². He set up a middle ground between the extremes of ibn Hanbal's literalism and the *Mu'tazila's* attempts to harmonize revelation with reason. In fact, he drew the reasoning of the *Mu'tazila* into the service of orthodoxy. He was not the first to try to apply logic and rational argument to the defence of the Sunni doctrine, yet he had been the first to do this in away acceptable to a large body of *ahl al-Sunna*⁷³. Al-Ash'ari then spent the rest of his life engaged in developing his views, writing polemics and arguing against his former *Mu'tazila* colleagues. He affirmed the unlimited and universal power of God, His attributes, the uncreatedness of the Qur'an, and God's predestination. Yet he stated that God customarily allowed many events to follow from certain causes. Though God decreed all actions and events, the human being should acquire responsibility and remain accounted for his actions. It is further of interest to notice that the adherents of Ahmad ibn Hanbal and the *Zahiriya* regarded al-Ash'ari and his scholastic theology with a great deal of suspicion and mistrust, because of the use of reason, which was unacceptable⁷⁴.

The puritanical Hanbalism: Commanding right and forbidding wrong

What in this context needs emphasizing is that the ultimate setback for the rationalist argument of the reason-based scholars (*ahl al-Ra'i*) coincided with the end of the Abbasid power and prosperity. The standard account notes the disintegration of the Islamic imperial system under the Abbasid caliphs since the second half of the ninth century and throughout the tenth and its replacement by a decentralized network of smaller states ruled by military commanders, emirs, or sultans, who replaced the caliphs as the effective rulers of Muslim provinces. This phenomenon of breakaway provinces began at the peripheries of the vast Abbasid Empire and worked its way into the center. The problems of the Abbasids at this time boiled down to military turmoil, diminishing revenues and shortage of money. Riots and popular demonstrations became commonplace in Baghdad and added to its instability and chaos⁷⁵.

It is obvious and also understandable that despite this military-economic crisis and the subsequent political fragmentation, the *Sunni* schools of Islamic jurisprudence (*madhahib*) continued to grow and develop. As they built up large followings, their adherents were drawn into a variety of social and political confrontations. What can hardly be doubted is the dominance of traditionalism; yet there always remained an anti-traditionalist opposition represented by the adherents of the Hanbali School. It was not mere coincidence that the short-lived increase of the Hanbalis in numbers and vigour occurred just as the Abbasid power was in decline⁷⁶. Precisely because the dissolution of the Abbasid caliphate was accompanied by economic decline, social disruption and chaos, notably in Baghdad and central Iraq, many people were convinced that God was indeed mightily angered, and that the sin for which they were being chastised was that of misguidance and aberration from the true spirit of Islam. In particular the common people (*al-'awamm*) interpreted their misfortunes as a manifest sign of divine displeasure and came to the conclusion that there was only one path to salvation: scriptural fundamentalism, i.e. the return to the literal meaning of the sacred text. Hence, they turned to the anthropomorphist Hanbalis for religious guidance. It is nevertheless virtually certain that correct observance of the literal meaning of the Qur'an and the *Sunna* was, to the Muslim's thought pattern, closely related to political success and economic prosperity.

It was clear that Ahmad ibn Hanbal's conservative theology and charisma gained him the admiration of the rank and file and drew numerous believers to his fold. But it was his moral views, personal piety and behavioural pattern which gave his school its proper character⁷⁷. The practices of austerity, self discipline, self control, and aspiring to the life to come, were among the attributes of the Hanbalis. Their attraction to asceticism infers a critique of materialism and worldliness without a complete renouncement of the world. In other words, the ascetic ideal that guided them emphasized control of physical appetites and not their annihilation, measured relations with society and not a break with it. In their preaching, they were inviting ordinary people to lead a pious life⁷⁸. It is

not without interest to note that, while the Hanbalis asserted that God must be feared, the *Sufis* (mystics) claimed that their love of God was such that fear had fallen away from them⁷⁹. What needs stressing, however, is that the Hanbalis' call for austerity contained nothing that had not been mentioned before either in the Qur'an or the Hadiths. But, if asceticism was a popular sentiment in every medieval Muslim society, it was a central element of the Hanbalis' ideology because it symbolized the path to salvation. Moreover, the essence of the Hanbalis' teaching was based on the fact that real faith should be coupled with proper acts, which means that belief alone can not be complete unless it is coupled with radical religious and ethical criticism. Indeed, ascetical piety emphasizes obedience to a transcendent God and imposing God's will on the natural world. That the Hanbalis were so anxious to impose God's will on society and to curb immoral behaviour was evident in their enforcement of the injunction of '*commanding right and forbidding wrong*'.

This tenet has historically proved to be the major foundation of any Islamic social ethic. Basically, several verses in the Qur'an refer to it:

*"Let there arise out of you a band of people inviting to all that is good, commanding what is right and forbidding what is wrong: they are the ones to attain felicity"*⁸⁰.

*"The believers, men and women, are protectors one of another: they command what is right and forbid what is wrong; they observe regular prayers, practice regular charity, and obey God and His Prophet. On them God will bestow His mercy, for God is Exalted in power and is Wise"*⁸¹.

*"O my son! Establish regular prayer, command what is right, and forbid what is wrong: and bear with patient constancy whatever betide thee; for this is firmness (of purpose) in (the conduct of) affairs"*⁸².

There is also an explicit reference to it in a renowned Hadith, where the Prophet is reported to have said:

*"Whoever sees a wrong, and is able to put it right with his hand, let him do so; if he can't, then with his tongue; if he can't, then in his heart, and that is the bare minimum of faith"*⁸³.

Although the visible and easily understandable manifestation of the tenet contains a severe challenge to a great deal of the reality of social life, it is a mere recommendation without specific instructions. Michael Cook's comprehensive and compelling analysis of the subject represents the first sustained attempt to chart the history of Islamic reflection on this obligation from its origin in the sacred text up until modern times⁸⁴. How wrong is to be forbidden? What restrictions are there on the obligation? One answer is that there was a fairly general restriction of the duty to include only prevention, reserving punishment to the state. Many scholars were prepared to grant the ruler a

monopoly on the use of violence to forbid wrong. However, from a theological as well as ideological point of view, the Hanbalis endorsed the practice of this tenet on the individual level. They did not encourage recourse to the ruler, yet they remained loyal to the authorities in general⁸⁵.

Because the Hanbalis adopted a posture of militant social activism, they sanctioned the legitimacy of using physical force by devoted believers to forbid wrongdoing and to stop corrupt behaviour. What is certain is that Ahmad ibn Hanbal encouraged his disciples to destroy material objects such as jugs of wine and musical instruments, but he made no mention of the wrongdoers themselves, or breaking into homes and intruding privacy⁸⁶. Forbidding wrong was to be performed solely in cases of glaring public offences. Yet, the lines drawn by ibn Hanbal were constantly and inevitably overstepped.

As their numbers grew and their leaders were more militant by the early tenth century, the Hanbalis became a formidable force in Baghdad and the Abbasid caliphs had to appease or oppress them⁸⁷. At the same time the tone of violence was set by a celebrated Hanbali preacher, al-Barbahari (d.329/941), who had enormous influence among the *Sunni* common people of Baghdad. Contrary to ibn Hanbal's teaching, al-Barbahari reinterpreted 'forbidding wrong' and contributed to the civil unrest by inciting riots. From 309/921 until his death, al-Barbahari exploited urban unrest and popular grievances and stirred up his followers not only against suspect wrongdoers, but also against adherents of other *Sunni* schools of law and the Shi'ites. In fact, al-Barbahari and his gangs of 'forbidding wrong' went too far, when in 323/935 they broke into houses, poured out wine, smashed musical instruments, and even interrogated couples on the streets to assure that they were conducting themselves properly. Caliph al-Radi attempted to stop their activities, therefore, he promulgated an edict warning the Hanbalis and condemning them for disorder, spreading anthropomorphic beliefs, molesting good Muslims, and accusing the Shi'ites of infidelity. A number of them were imprisoned and al-Barbahari himself went into hiding⁸⁸. One can not refrain from remarking that, if the Hanbalis' ardour was temporarily subsided, it was to flare up anew as a reaction time and again, whenever the true *Sunni* Islam was seriously challenged from within or without.

It is obvious and also understandable that the Hanbalis' interpretation of the injunction '*commanding right and forbidding wrong*' was part of their self-image as champions and guardians of the true spirit of Islam. What is particularly noteworthy is that their way of confronting immorality varied with the passage of time and according to the changing conditions in the political society of the Islamic world. The three-fold scheme, in the renowned Hadith, 'hand, tongue, and heart' was widely used. One way was to 'command right' and admonish the wrongdoers against committing mortal sins or any immoral acts without resorting to intrusive violence, as Ahmad ibn Hanbal did in his lifetime. The second was to impose personal piety on every Muslim and to go as far as implementing 'forbidding wrong' by force, as already noted in the unruly assaults

against the inhabitants of Baghdad in the tenth century. The third is what the *Salafis* are practising in contemporary Muslim societies. While sticking to their traditional activity of *Da'wa* (preaching), they are obliged to self-restraint, only to resent wrongdoing in their hearts and that is the bare minimum of faith.

General conclusions

However, the evidence surveyed in this study suggests some tentative general conclusions. The first of these is that the two primary sources of Islamic jurisprudence, the Qur'an and authentic Hadith, are characterized by a large measure of generalization and adaptability. They sketch the fundamental principles of the law, as well as the ends it seeks to achieve: to serve human interest in both this life and the afterlife, without entering into details of particulars and the means of those ends⁸⁹. Both sources (*'usul*) provide the basic foundation from which Islamic laws and legal principles can be derived. It should be kept in mind, however, that the divinely revealed text, i.e. the Qur'an, should be recognized as separate or distinct, as opposed to the interpretations of fallible human beings of a given time and place. Strictly speaking, the original fundamentalist assumption that the text of the Qur'an and the Hadith provided a literal answer for every conceivable moral question had proved untenable. Hence, the fundamentalists' slogan '*Islam is the solution*' is an overclaim and an orientation toward the past.

The second conclusion is that, a sacred text is never thought capable of error, and therefore, commands obedience. In fact, 'sacred' when applied to a text, means that apparent difficulties with the text are *a priori* more likely to be the fault of the reader than of the text. The more sacred the text is thought, the more likely the reader is presumably at fault. With every justification, the Qur'an being the unaltered word of God (*Kalam Allah*) can not be at fault. In this context, fundamentalists tend to emphasize that the ethical truth of the Qur'an is beyond human understanding. They argue that human efforts to understand it that go beyond the literal meaning of the text are necessarily inadequate, subjective, and always reflect individual human worldly interests⁹⁰. As blind adherents to spiritual guides, they claim that literal reading of the Qur'an is purer and truer reading; that it is free from independent human reasoning and that fundamentalism is therefore pleasing to God. Yet, this assumption is unsound, futile, and misleading.

It stands to reason that fundamentalism in the Islamic discourse is not a divine command; it is a human decision about how to read the Qur'an and how to stick to the plain narration of textual proofs. At any rate, the literal interpretation of the Qur'an leads to a gross distortion of its meaning. It has been maintained that literalism shares an interesting relationship with both absolutism and extremism. While absolutism is a rigid position in faith, extremism feeds on literalism and absolutism. In brief, literalism describes a way of reading the Qur'an, influencing ideology, political thought, and the conduct of affairs in the Muslim world today. What is certain, is that the beauty and

richness of the Qur'anic meaning lies in its appreciation as a book of guidance supplemented by the splendour of figurative language.

A third conclusion suggested by the evidence is that, in so far as the early Abbasid caliphs adopted a neutral religious policy and showed little active involvement in the articulation of Islamic law, Muslim society enjoyed a climate of freedom of thinking and expression in its approach to religious belief. In the circumstances a variety of theological, legal, and philosophical ideas competed for influence among the scholars, each idea having its own adherents. All had strong arguments to back them, and each is derived from reasonable premises. Thus, religious doctrine was highly fluid and hotly debated. In this scheme of things the caliphs normally collaborated with the proto-*Sunni* men of religion. What seemed most reasonable is to allow such debates to flourish and to permit theologians to argue all sides of the faith. Unfortunately, that was made difficult and things went wrong when the controversy over the createdness of the Qur'an flared up. The ensuing inquisition (*mihna*) that occurred during the reigns of the caliphs al-Ma'mun, al-Mu'tasim, and al-Wathiq was a serious attempt to control the development of Islamic theology and to establish the caliph as arbiter of Islamic orthodoxy.

In adequately assessing the episode of the *mihna*, it is worth noting that its after-effects were far-reaching. On the one hand, it reaffirmed the formation of *Sunni* Islam. It was on traditionalism, so to speak, that Abbasid *Sunni* legitimacy now came to rest. It should be kept in mind, however, that over the course of the *mihna*, the traditionalist scholars, i.e. the Hadith transmitters (*ahl al-Sunna*), gradually developed a degree of social solidarity. It is also true, that after the termination of the inquisition the more militant of *ahl al-Sunna*, represented by the adherents of Ahmad ibn Hanbal, set themselves apart from the rest of the traditionalist camp. They held themselves rigid, forming a new focal point of religious legitimization. It does not need much historical imagination to visualize not only how *Sunni* fundamentalism set itself firmly against all kinds of innovation (*bid'a*), but also how it invigorated and inspired a militant spirit expressed in the practice of *Jihad* (holy war) to expel the Latin crusaders and check the Mongol invasion in the thirteenth century. Repeatedly, the Hanbalis' stern opposition to practices not associated with the *Sunna* of the Prophet Muhammad, remained an important element in the Islamic discourse and had a profound effect in the articulation of the ideology of Islamism in later centuries. On the other hand, the Hanbalis were anxious to impose God's Will and to curb immoral behaviour in society. They considered it permissible to use force in implementing the principle of 'forbidding wrong'. Yet, their literal interpretation of this injunction had a clear potential for violence and subversion. In this case violence is regarded as a divine duty conveyed by sacred text.

With every justification it can be said that Ahmad ibn Hanbal is the godfather of present-day *Sunni* fundamentalism. The rigidity of his teachings, personal piety, and militancy; conduct of *Jihad* by performing the guard duty at the frontiers, his extraordinary will, and endurance of persecution, impressed Muslims and made him the prototype of the fundamentalist theorist-activist, whose example has been repeatedly emulated until the present⁹¹.

A fourth conclusion that emerges is that, the fundamentalist *Sunni* argument maintained its existence superficially through the authority of sacred text, but more so through the culture of fear. Precisely because fear is a natural part of life and a mechanism that can keep one safe in dangerous situations, it has been often manipulated, exploited, and even used to rationalize the irrational. The tenor of the potent terminology of the ‘torture of the grave’ (*athab al-qabr*) is a case in point and is frightening indeed. The ‘torture of the grave’ is well established in Hadith. It appeared in eighth-century epitaphs, and probably, the Hanbalis elevated it to the status of dogma. It is clear that the intention of this scheme was to secure strict obedience. It is not surprising that blind obedience has always been a central feature of the fundamentalist preaching.

On the other hand, the literal interpretation of the ‘torture of the grave’ created a scary distortion, the repercussion of which could be felt until recent times. If the oral tradition that conveyed this expression is authentic, it must be understood in an allegorical sense. Unfortunately, many Muslims today still believe that the basic sense of words in a sacred text is their literal sense. Hence, their preoccupation with the ‘torture of the grave’ remains acute. What is certain is that in most invocations, funeral prayers, Friday sermons, and popular literature, Muslims are frequently reminded to heed this punishment. If a Muslim’s faith is imperfect or if he has committed mortal sins or even immoral acts during life, then his grave would be transformed into an oppressive, constricting space. In other words, the sinner’s body while lying in the grave would feel the weight of the earth pressing down upon his corpse until his rib cage collapses. It would seem superfluous to emphasize that fear is the opposite of love and when fear grows it can turn to anger and often violence. It is therefore of prime importance to realize that, according to the fundamentalist argument, devout Muslims can override fear and escape the ‘torture of the grave’ by pleasing God and dying as martyrs. In doing that, they miraculously bypass the hellish ordeal and go straight to the Garden of Eden. Yet, it is worth pointing out that this legitimization of violence is based on distorted interpretation of religious precepts.

It should be kept in mind, however, that history has taught us time and again that when times were harsh and as result of the recurrence of major crises, people in the Middle East usually would take refuge in religion. They would lift up their eyes to the throne of God and aim at the spiritual promises of the afterlife to make up for their negative feelings of powerlessness and hopelessness in this world of sense and decay.

NOTES

* This study represents part of a major project entitled “The quest for a continuous revision and renewal of religious discourse in the Middle East“. This part is undertaken during tenure of an Alexander von Humboldt-Stiftung fellowship at das Zentrum für Religion und Gesellschaft (ZERG), der Universität Bonn. I should like to thank the AvH foundation for its generous support (for summer 2008). I would like to express my gratitude to Prof. Dr. Wolfram Kinzig of ZERG for his

interest in my research and for inviting me to Bonn. Special thanks go to Prof. Dr. Harald Suermann of *missio* and Bonn University who offered excellent advice and guidance, and for discussion of aspects of this paper. I am also greatly indebted to Prof. Dr. Ulrike Freitag of ZMO (Berlin), Prof. Dr. Gudrun Krüger of FU (Berlin), and Prof. Dr. Stephan Conermann of Bonn University for their kindness and valuable comments.

¹ The term ‘fundamentalism’ was originally coined to describe a narrowly defined set of beliefs that developed into a movement within the Protestant community in the early part of the 20th century in the USA. These religious principles stood in opposition to the modernist tide. The term has since been generalized to mean strong adherence to any set of beliefs. Cf. Ammerman, Nancy, “North American Protestant Fundamentalism”, in: Martin Marty and Scott Appleby (eds.), *Fundamentalisms Observed*. The Fundamentalism Project, vol.1. (Chicago and London: the University of Chicago Press, 1991), 2–4. Cf. also, Marsden, George, *Fundamentalism and American Culture: The Shaping of Twentieth-Century Evangelicalism, 1870–1925* (New York: Oxford University Press).

² For more details on the Shi’ites, see: Momen, Moojan, *An Introduction to Shi’i Islam: The History and Doctrines of Twelver Shi’ism* (New Haven: Yale University Press, 1985); Jafri, S.H.M., *The Origins and Early Development of Shi’a Islam* (London: Longman, 1981).

³ Esposito, John & Mogahed, Dalia, *Who Speaks for Islam?* (New York: Gallup Press, 2007), 2–3.

⁴ The *Salafis* believe that unless the Muslims revert to the puritanism of their pious ancestors (*Salaf*) there will be no salvation. Cf. Dekmejian, Hrair, *Islam in Revolution. Fundamentalism in the Arab World* (New York: Syracuse University Press, 1985), 44.

5. **Sahih al-Bukhari**: kitab fada’il al-sahaba, bab 62: 3650; **Sahih Muslim**: kitab fada’il al-sahaba, bab 44: 2535.

Muhammad ibn Ismail al-Bukhari (810–870 A.D.) was a scholar from Bukhara, hence the name by which he is known. He travelled widely throughout the Abbasid provinces for sixteen years. It is said that he collected over 300,000 Hadith and transmitted only 2602 traditions that he believed to be authentic (*sahih*). Cf. http://en.wikipedia.org/wiki/Sahih_Bukhari. (Accessed online, August 13, 2008). Cf. Auszüge aus Sahih al-Bukhari in: [http://www.way-to-allah.com/dokument/Auszuege_aus_Sahih_Al-Bukhari](http://www.way-to-allah.com/dokument/Auszuege_aus_Sahih_Al-Bukhari.pdf).pdf.

(Accessed online, August 13, 2008). See also, Melchert, Christopher, “Bukhari and Early Hadith Criticism”, *Journal of the American Oriental Society*, 121/ 1 (2001), 7–19.

⁶ **Sahih Muslim**: kitab takhfiif al-salat wa al-khutba, bab 7: 867; **Sunan Ibn Maja**: kitab ‘iteba’ sunan al-khulafa’ al-rashideen, bab 6: 42. Cf. also Every Innovation is Misguidance in: <http://www.al-ibaana.com>. (Accessed online, July 14, 2008).

⁷ **The Qur’an**: 5 (*surat al-Ma’ida*): 3.

⁸ Arjomand, Said, “Unity and Diversity in Islamic Fundamentalism”, in: Martin Marty and Scott Appleby (eds.), *Fundamentalisms Comprehended*. The Fundamentalism Project, vol.5 (Chicago and London: the University of Chicago Press, 1995), 183; for more details on the *Tablighi Jamaat* movement, see, Mumtaz Ahmad, “Islamic Fundamentalism in South Asia: The *Jamaat-I-Islami* and the *Tablighi Jamaat* of South Asia”, in: Martin Marty and Scott Appleby (eds.), *Fundamentalisms Observed*. The Fundamentalism Project, vol.1, 510–24.

⁹ Farmer, Brian, *Understanding Radical Islam. Medieval Ideology in the Twenty-First Century* (New York: Peter Lang Publishing, Inc., 2007), 83. On the background of Hasan al-Banna,

see: Voll, John, "Fundamentalism in the Sunni Arab World: Egypt and the Sudan", in: Martin Marty and Scott Appleby (eds.), *Fundamentalisms Observed*. The Fundamentalism Project, vol.1: 360–64.

¹⁰ Cf. Tal, Nachman, *Radical Islam in Egypt and Jordan* (Brighton: Sussex Academic Press, 2005), 16–17.

¹¹ Voll, "Fundamentalism in the Sunni Arab World: Egypt and the Sudan", 361.

¹² This book is one of the most widely read of all Sayyid Qutb's books. Cf. Sayyid Qutb, *Social Justice in Islam*, Eng. trans. John B. Hardie, revision and introduction by Hamid Algar (Oneonta / NY: Islamic Publication International, 2000); Watt, William Montgomery, *Islamic Fundamentalism and Modernity* (London: Routledge, 1988), 54. On the life and career of Sayyid Qutb, see: Adnan Ayyub Musallam, *The Formative Stages of Sayyid Qutb' Intellectual Career and his Emergence as an Islamic Da'iyah, 1906–1952* (Ph. D. diss., University of Michigan, 1983), 250.

However, Justice has been the goal of all scriptures sent to humanity. Of course, the Qur'an considers justice to be a supreme virtue, cf. *Qur'an*, 5: 8; 16: 90, and 57: 25.

¹³ Cf. Muhammad Abdallah al-Samman, *Hassan al-Banna, al-Rajul wa al - Fikrah* (Cairo: *Dar al-I'tisam*, 1977), 62–63; Esposito, John L., *Islam. The Straight Path* (New York: Oxford University Press, 1994), 156–57.

¹⁴ Almond Gabriel, Sivan Emmanuel, and Appleby R. Scott, "Examining the Cases", in: Martin Marty and Scott Appleby (eds.), *Fundamentalisms Comprehended*. The Fundamentalism Project, vol. 5: 471.

¹⁵ Farmer, Brian, *Understanding Radical Islam*, 83. Cf. also, Sayyid, Bobby, S., *A Fundamental Fear: Eurocentrism and the Emergence of Islamism* (London and New York: Zed Books, 2003), xviii.

¹⁶ Tibi, Bassam, *The Challenge of Fundamentalism. Political Islam and the New World Disorder* (Berkeley and Los Angeles: University of California Press, 1998), 75 and 77.

¹⁷ On the definition of the Islamic state, cf., Kurdi, Abdel-Rahman, *The Islamic State* (London: Mansell, 1984).

¹⁸ Cf., Tibi, *The Challenge of Fundamentalism*, 77.

¹⁹ Muslim Brotherhood Movement Homepage: <http://www.ummah.net/ikhwan>. Cf. also, Farmer, *Understanding Radical Islam*, 83; Dekmejian, *Islam in Revolution*, 58.

²⁰ Guazzone, Laura, "Islamism and Islamists in the Contemporary Arab World", in: Laura Guazzone (ed.), *The Islamist Dilemma. The Political Role of Islamist Movements in the Contemporary Arab World* (Reading: Ithaca Press, 1995), 10. Cf. also, Ayubi, Nazih, *Political Islam: Religion and Politics in the Arab World* (London and New York: Routledge, 1991); Jedaane, Fahmi, "Notions of the State in Contemporary Arab-Islamic Writings", in: Giacomo Luciani (ed.), *The Arab State* (London: Routledge, 1990), 257.

²¹ <http://en.wikipedia.org/wiki/Sharia>. (Accessed online, July 21, 2008).

²² There is only a small number of sound and explicit texts concerning prohibitions, while whatever is not mentioned in a text as being lawful or prohibited falls under the general permissibility of things and within the domain of God's favour. Cf. Yusuf al-Qaradawi, *The Lawful and the Prohibited in Islam* (Delhi, India: Hindustan Publications, no date), 14–15. As to the verses that treat legal topics, see, Coulson, N.J., *A History of Islamic Law* (Edinburgh: Edinburgh University Press, 1964), 12.

²³ *Qur'an*, 3: 132; 33: 21. Cf., Robson, J. "Hadith", *Encyclopaedia of Islam Online*. Ed. P.J. Bearman, Th. Bianquis, C. E. Bosworth, E. van Donzel. and W. P. Heinrichs. Brill Academic

Publishers. See also, Abd al-Ra'uf, Muhammad, "Hadith Literature – I: the Development of the Science of Hadith", in: A.F.L. Beeston et al. (eds.), *The Cambridge History of Arabic Literature: Arabic Literature until the end of the Umayyad Period* (London: Cambridge University Press, 1983), I: 271–288. Several collections of the Hadith compiled by different schools, were considered authoritative by the end of the third century A.D., see, Arjomand, Said, "Unity and diversity in Islamic Fundamentalism", in: Martin Mary and Scott Appleby (eds.), *Fundamentalisms Comprehended*. The Fundamentalism Project, vol. 5: 180.

24. Many compilations of Hadith appeared, but only a few were considered to be reliable. Perhaps only about 20% of Hadiths are authentic. Cf. <http://www.upenn.edu/emeritus/IslamicLaw.pdf>. (Accessed online, August 08, 2008). See also, Hallaq, Wael B., "The Authenticity of Prophetic Hadith: a Pseudo-problem", *Studia Islamica*, 89 (1999), 75–90; Brown, Jonathan, *The Canonization of al-Bukhari and Muslim. The Formation and Function of the Sunni Hadith Canon* (Leiden and Boston: Brill: 2007), 51–53; 209–261. (= Wadad Kadi and Rotraud Wielandt (eds.), *Islam History and Civilization: Studies and Texts*, vol.69); Berg, Herbert, *The Development of Exegesis in Early Islam. The Authenticity of Muslim Literature from the Formative Period* (Richmond: Curzon Press, 2000), 6–50. It is further of interest to note that the recent study of Hadith has made considerable progress and received increasing attention in both Muslim and Western worlds due to the discovery of new sources and to developments in the field of methodology, cf., Motzki, Harald, "The Collection of the Qur'an: A Reconsideration of Western Views in the Light of Recent Methodological Developments", *Der Islam*, vol. 78/1 (2001), 1–34; Juynboll, Gautier, "Some Notes on Islamic First *Fuqaha*'. Distilled from Early Hadith Literature", *Arabica*, 39 (1992), 298; Lucas, Scott C., *Constructive Critics, Hadith Literature, and the Articulation of Sunni Islam. The Legacy of the Generation of Ibn Sa'd, Ibn Ma'in, and Ibn Hanbal* (Leiden: Brill, 2004), 221–369; Müller, Asma Helali, "Étude sur la tradition prophétique: la question de l'authenticité du I/VIIème au VI/XIIème siècles", (Doctoral diss., l'École Pratique de Hautes Études, 2004), 19; Juynboll, Gautier, *Muslim Tradition: Studies in Chronology, Provenance and Authorship of Hadith* (Cambridge: Cambridge University Press, 2008); Juynboll Gautier, *Studies on the Origins and Uses of Islamic Hadith* (London: Variorum, 1996); Dickinson, Eerik, *The development of Early Sunnite Hadith Criticism. The Taqdim of Ibn Abi Hatim al-Razi* (Leiden: Brill, 2001).

²⁵ <http://en.wikipedia.org/wiki/Ijma>. (Accessed online, August 06, 2008). See also, Brown, Jonathan, *The Canonization of al-Bukhari and Muslim*, 144–47 and 203–4; Hallaq, Wael B., *A History of Islamic Legal Theories* (Cambridge: Cambridge University Press, 1997), 20; Hallaq, Wael B., "On the Authoritativeness of Sunni Consensus", *International Journal of Middle East Studies*, 18 (1986), 427–54.

²⁶ Hasan, Ahmad, *The Doctrine of Ijma': A study of the Juridical Principle of Consensus* (New Delhi, India: Kitab Bhaban, 2003), see Introduction. Cf. also: www.globalwebpost.com/farooqm/writings/islamic/ijma.doc. (Accessed online, August 06, 2008).

²⁷ **Sunan Ibn Majah**, Kitab al-Fitan, bab, 8: 3950. Variations of the same Hadith have been also reported in other collections, such as Sunan al-Tirmidhi and Musnad Ahmad, cf. **Sunan al-Tirmidhi**, bab lezoum al-jama'a, 2167; Hasan, Ahmed, **The Doctrine of Ijma'**, 50. See also, Al-Zuhayli, Wahba, *'Usul al-fiqh al-Islami*, 2 vols. (Beirut: *Dar Al-Fikr al-Mu'asir*, 1406/1986), I: 488; Al-Sarakhsi, Muhammad b. Ahmad (d. c. 490/1096), *'Usul al-Sarakhsi*, ed. Abu al-Wafa' al-Afghani, 2 vols. (Beirut: *Dar al-Kutub al-Ilmiyya*, 1414/1993), I: 299; Brown, Jonathan, *The Canonization of al-Bukhari and Muslim*, 144.

²⁸ Cf. Kamali, Muhammad Hashim, *Principles of Islamic Jurisprudence* (Cambridge: Islamic Texts Society, 2003), 236.

²⁹ Cf., <http://www.answers.com/topic/qiyas> (Accessed online, August 07, 2008); Abu Sulayman, Abdul-Hamid, *The Islamic Theory of International Relations: New Directions for Islamic Methodology and Thought* (Herndon, VA: The International Institute of Islamic Thought, 1987), 66.

³⁰ Hasan, Ahmad, *Analogical Reasoning in Islamic Jurisprudence: A Study of the Juridical Principle of Qiyas* (Islamabad: Islamic Research Institute, 1986), 130. Cf. also: http://www.globalwebpost.com/farooqm/writings/islamic/qiyas_prob.doc. (Accessed online, August 06, 2008).

³¹ Abu Sulayman, *The Islamic Theory of International Relations*, 2.

³² Cf., the report written by David Smock on the workshop entitled “Ijtihad: Reinterpreting Islamic Principles for the Twenty-first Century” (March 19th, 2004), in: <http://www.usip.org/pubs/specialreports/sr125.html>. (Accessed online, August 11, 2008). See also, Makdisi, George, “Freedom in Islamic Jurisprudence: *Ijtihad*, *Taqlid* and Academic Freedom”, in: *La notion de liberté au Moyen Ege: Islam, Byzance, Occident*, published under the joint auspices of the University of Paris-Sorbonne and the University of Pennsylvania (Paris, 1985), 79–88.

³³ *Sahih al-Bukhari, kitab al-i'tisam bi'l-kitab wa al-sunna*, bab.7 and bab 8; Ibn Hajar, Shihab al-Din Abu al-Fadl Ahmad b. 'Ali al-'Asqalani (d. 852/1449), *Fath al-bari sharh Sahih al-Bukhari*, ed. Abd al-Aziz b. Baz and Muhammad Fu'ad Abd al-Baqi, 16 vols. (Beirut: *Dar al-Kutub al-'Ilmiyya*, 1418/1997), 13: 349–59.

³⁴ Cf., <http://www.upenn.edu/emeritus/IslamicLaw.pdf>. (Accessed online, August 08, 2008). Cf. also, Goldziher, Ignaz, *Muslim Studies (Muhammedanische Studien)*, trans. C. R. Barber and S. M. Stern. 2 vols. (London: George Allen and Unwin, 1971), II: 42–56 and 78–82; idem, “The Principles of Law in Islam”, in: Henry S. Williams (ed.), *The Historians' History of the World*. 25 vols. (New York: The Outlook Co, 1904), 8: 294–304; Berg, Herbert, *The Development of Exegesis in Early Islam*, 9–11.

³⁵ Cf., <http://en.wikipedia.org/wiki/Fiqh>. (Accessed online, August 14, 2008). See also, Melchert, Christopher, *The Formation of the Sunni Schools of Law, 9th to 10th Centuries CE* (Leiden: E. J. Brill, 1997).

³⁶ Cf., <http://www.oxfordislamicstudies.com/print/opr/t125/e31>. (Accessed online, August 15, 2008); <http://en.wikipedia.org/wiki/Hanfi>. (Accessed online, August 15, 2008). For a recent discussion of the legal devices in the Hanafi school, see: Horii, Satoe, “Reconsideration of Legal Devices (*hiyal*) in Islamic Jurisprudence: the Hanafis and their ‘Exits’ (*makharij*)”, *Journal of Islamic Law and Society*, 9, no.3 (2002), 312–57.

³⁷ Cf., <http://www.globalsecurity.org/military/intro/islam-hanafi.htm>. (Accessed online, August 14, 2008). See also, Brown, Jonathan, *The Canonization of al-Bukhari and Muslim*, 364, n. 6 and 7.

³⁸ Cf., http://en.wikipedia.org/wiki/Malik_ibn_Anas. (Accessed online, August 15, 2008).

³⁹ Brown, Jonathan, *The Canonization of al-Bukhari and Muslim*, 51, n. 6; Abd al-Ra'uf, “Hadith Literature”, I: 273. *Al-Muwatta'* (the Approved) was hailed by al-Shafi'i as the most correct book on earth after the Qur'an, cf.: http://www.sunnah.org/publication/khulafa_rashideen/malik.htm. (Accessed online, August 15, 2008).

⁴⁰ Cf., <http://en.wikipedia.org/wiki/Maliki>. (Accessed online, August 16, 2008).

⁴¹ Cf., http://muslim-canada.org/contribution_shafi.html. (Accessed online, August 18, 2008). The Mu'tazilites (*al-Mu'tazila*) called themselves the defenders of divine unity and Justice.

They were influenced by the influx of Greek philosophical and scientific thoughts with its emphasis on reason, logic, and study of the laws of nature. They relied on reason and rational deduction as tools in Qur'anic interpretation and theological reflection. Cf., Esposito, John L., *Islam. The Straight Path*, 72. On the Mu'tazilites and their rationalist requirements for accepting authentic Hadiths, see: Brown, Jonathan, *The Canonization of al-Bukhari and Muslim*, 178–80; Van Ess, Josef, "L'Autorité de la tradition prophétique dans la théologie Mu'tazilite", in: George Makdisi et al.(ed.), *La Notion d'autorité au Moyen ge: Islam, Byzance, Occident* (Paris : Presses Universitaires de France, c.1982), 216–17.

⁴² Cf., <http://original.britannica.com/eb/topic-537586/Shafiiyah>. (Accessed online, August 18, 2008)

⁴³ Al-Shafi'i, Muhammad b. Idris (d.204/819–820), *Mawsu'at al-imam al-Shafi'i*, ed. Ali Muhammad, 'Adil Ahmad et als. 2nd ed. 11 vols. (Beirut: *Dar Ihya' al-Turath al-'Arabi*, 1422/2001); idem, *Al-Risala*, ed. Ahmad Shakir (Beirut: *al-Maktaba al-'Ilmiyya*, n.d.); idem, *Al-Umm*, 7 vols. (Cairo: *Dar al-Sha'b*, 1968). Cf., <http://en.wikipedia.org/wiki/Shafi%27i>. (Accessed online, August 15, 2008).

⁴⁴ Cf., <http://philtar.ucsm.ac.uk/encyclopedia/islam/sunni/shaf.html>. (Accessed online, August 18, 2008). See also, Brown, Jonathan, *The Canonization of al-Bukhari and Muslim*, 364.

⁴⁵ Indeed, the school's first complete work on positive law, *al-Mukhtasar*, appeared as late as the beginning of the 10th century A.D. Cf. <http://www.answers.com/topic/hanbali-school-of-law>. (Accessed online, August 19, 2008). For more details See also, Brown, Jonathan, *The Canonization of al-Bukhari and Muslim*, 140; Abu Zahra, Muhammad, *Ibn Hanbal* (Cairo: *Dar al-Fikr al-Arabi*, 1965), 179–88; Melchert, Christopher, *The Formation of the Sunni Schools of Law*, 144–46; Hurvitz, Nimrod, *The Formation of Hanbalism: From Piety to Power* (London: Routledge-Curzon, 2002), 78–90.

⁴⁶ Arjomand, Said, "Unity and Diversity in Islamic Fundamentalism", 180. Cf. also, Fazlur Rahman, *Revival and Reform in Islam*, ed. Ibrahim Moosa (Oxford, 2000), 33.

⁴⁷ Melchert, Christopher, "The Adversaries of Ahmad ibn Hanbal", *Arabica*, 44 /2 (1997), 236.

⁴⁸ Cf., <http://en.wikipedia.org/wiki/Ahmad-ibn-Hanbal>. (Accessed online, August 15, 2008); <http://mb-soft.com/believe/txw/hanbali.htm>. (Accessed online, August 19, 2008). Cf., Dekmejian, Hrair, *Islam in Revolution*, 40; Sachedina, Abdulaziz, "The Ideal and Real in Islamic Law", in: R.S. Khare (ed.), *Perspectives on Islamic Law, Justice, and Society* (Lanham/Maryland: Rowman & Littlefield, Inc., 1999), 18; Brown, Jonathan, *The Canonization of al-Bukhari and Muslim*, 52–53.

⁴⁹ Al-Suyuti, Jalal al-Din (d. 911/1505), *Jami' al-jawami' al-ma'ruf bi'l - Jami' al-kabir*. 29 vols. (Cairo: *Majma' al-Buhuth al-Islamiyya*, 1390/1970), harf al-hamza, 822. Cf. Esposito, John L., *Islam. The Straight Path*, 85. It is true that difference of opinion is, in many cases, good and valuable, because it leads to research and deeper investigation. Yet, this controversial Hadith is dismissed as apocryphal by the fundamentalists, cf.: Al-Albani, Muhammad Nasir al-Din (d. 1999), *Silsilat al-ahadith al da'ifa wa al-mawdu'a*, 13 vols. (al-Riyadh: *Maktabat al-Ma'arif*, 1422/2002), I: 141.

⁵⁰ Extensive description of ibn Hanbal's ordeal is given in: Salih ibn Ahmad ibn Hanbal, Abu al-Fadl (d.878), *Sirat al-Imam Ahmad ibn Hanbal*, ed. Fu'ad 'Abdel-Mun'im Ahmad (Alexandria: *Mu'assasat Shabab al-Jami'a*, 1981), 35–47; Ibn al-Jawzi, Abu al-Faraj (d. 597/1201), *Manaqib al-Imam Ahmad ibn Hanbal*, ed. Muhammad Amin al-Khanji (Beirut, 1973), 330–36. Cf. also,

Dekmejian, Hrair, *Islam in Revolution*, 14; Watt, Montgomery, *Islamic Fundamentalism and Modernity*, 27–28; Esposito, John, *Islam. The Straight Path*, 72; Brown, Jonathan, *The Canonization of al-Bukhari and Muslim*, 76–77; Van Ess, Josef, *Theologie und Gesellschaft im 2. und 3. Jahrhundert Hidschra: Eine Geschichte des religiösen Denkens im frühen Islam*, 6 vols. (New York: Walter de Gruyter, 1997), III: 446–81.

⁵¹ The *Jahmiyya* are the followers of Jahm b. Safwan (d. 128/746), who claimed that faith is merely knowledge of God in the heart and disbelief in God is but ignorance of God. For more details cf., <http://www.sunnah.org/aqida/alashaira4.htm>. (Accessed online, August 27, 2008). See also, Madelung, Wilferd, “Early Sunni Doctrine concerning Faith as Reflected in the ‘Kitab al-‘Iman’ of Abu ‘Ubayd al-Qasim b. Sallam (d. 224/839)”, *Studia Islamica*, 32 (1970), 247; Van Ess, Josef, “Dirar ibn ‘Amr und die Gahmiya: Biographie einer vergessenen Schule”, *Der Islam*, 43 (1967), 241–79; *ibid.*, 44 (1968), 1–70 and 318–20.

⁵² Cf. Hurvitz, Nimrod, “Mihna as Self-Defence”, *Studia Islamica*, 92 (2001), 93–111.

⁵³ The exact termination date of the mihna is unclear, cf., Lucas, Scott C., *Constructive Critics, Hadith Literature, and the Articulation of Sunni Islam*, 17 and 194; Hinds, Martin, “Mihna”, *EP*², VII, 2–6.

⁵⁴ Cf., Al-Ash‘ari, Abu al-Hasan ‘Ali b. Isma‘il (d. 324/935–36), *Maqalat al-‘Islamiyyin wa ikhtilaf al-musallin*, ed. Muhyi al-Din Abd el-Hamid, 2 vols. (Cairo, 1969), II: 256–59; Lucas, Scott, *Constructive Critics, Hadith Literature, and the Articulation of Sunni Islam*, 193.

⁵⁵ Brown, Jonathan, *The Canonization of al-Bukhari and Muslim*, 75. See also, Madelung, Wilferd, “The Origins of the Controversy Concerning the Creation of the Koran”, in: J. M. Barral (ed.), *Orientalia Hispanica*, vol.1 (Leiden: Brill, 1974), 504–25.

⁵⁶ Lucas, Scott, *Constructive Critics, Hadith Literature, and the Articulation of Sunni Islam*, 192, n. 129.

⁵⁷ Esposito, John, *Islam. The Straight Path*, 72.

⁵⁸ Patton, Walter, *Ahmad Ibn Hanbal and the Mihna* (Leiden: E.J. Brill, 1897), 52 and 57; Watt, Montgomery, *The Formative Period of Islamic Thought* (Edinburgh: Edinburgh University Press, 1973), 145; Kennedy, Hugh, *The Prophet and the Age of the Caliphates. The Islamic Near East from the sixth to the eleventh century* (London: Longman, 1986, 163–64; Sourdel, Dominique, “La politique religieuse du calife ‘abbaside al-Ma‘mun”, *Revue des études islamiques*, 30 (1962), 27–48. However, some scholars did not accept this hypotheses, cf., Van Ess, Josef, “Dirar ibn ‘Amr und die Gahmiya: Biographie einer vergessenen Schule”, *Der Islam*, 44 (1968), 34; Madelung, Wilferd, “Imam al-Qasim ibn Ibrahim and Mu‘tazilism“, in: *On Both Sides of Bab al-Mandab – Ethiopian, South-Arabic and Islamic Studies Presented to Oscar Lufgren on his Ninetieth Birthday. Transactions of the Swedish Research Institute in Istanbul*, 2 vols. (Stockholm, 1989), II: 39–48.

⁵⁹ Hurvitz, Nimrod, “Mihna as Self-Defence”, 93–111.

⁶⁰ Nawas, John, “The *mihna* of 218/833 revisited: An empirical study”, *Journal of the American Oriental Society*, 116/4 (1996), 698–708; *idem*, “A Re-examination of Three Current Explanations for al-Ma‘mun’s Introduction of the Mihna”, *International Journal of Middle East Studies*, 26 (1994), 615–29; Crone, Patricia, and Hinds, Martin, *God’s Caliph: Religious Authority in the First Centuries of Islam* (Cambridge: University of Cambridge Oriental Publications, 1986), 93; Zaman, Muhammad Qasim, *Religion and Politics under the Early ‘Abbasids: The Emergence of the Proto-Sunni Elite* (Leiden: Brill, 1997), 106–111.

⁶¹ Watt, Montgomery, *Islamic Fundamentalism and Modernity*, 28.

⁶² It seems that none of the Hadith scholars who acknowledged the createdness of the Qur'an under the threat of punishment suffered any discernable loss of prestige or integrity in the eyes of their pupils. See, Lucas, *Constructive Critics, Hadith Literature, and the Articulation of Sunni Islam*, 198.

⁶³ Melchert, Christopher, "Religious Policies of the Caliphs from al-Mutawakkil to al-Muqtadir, AH 232-295/AD 847-908", *Islamic Law and Society*, 3/3 (1996), 318, 322.

⁶⁴ Esposito, John, *Islam. The Straight Path*, 74.

⁶⁵ Melchert, Christopher, "Religious Policies of the Caliphs from al-Mutawakkil to al-Muqtadir", 342.

⁶⁶ Watt, Montgomery, *Islamic Fundamentalism and Modernity*, 28.

⁶⁷ Hurvitz, Nimrod, "From Scholarly Circles to Mass Movements: The Formation of Legal Communities in Islamic Societies", *The American Historic Review*, 108/4 (2003), 986-87.

⁶⁸ As textual evidence for their claim the Zahiriyah used Qur'anic verses. In their view anyone possessing knowledge of the Arabic language is capable of understanding the message of God and fulfilling his religious duties. Cf., *Qur'an*, 16:103; Hallaq, Wael, *The Origins and Evolution of Islamic Law* (Cambridge: Cambridge University Press, 2005), 124. For more details on this rigid school of law, see, Goldziher, Ignaz, *The Zahiris, their Doctrine and their History: a Contribution to the History of Islamic Theology*, ed. and trans. Wolfgang Behn (Leiden: E.J. Brill, 1971).

⁶⁹ Cf., *Qur'an*, 16: 103.

⁷⁰ For a detailed work on Ibn Hazm, see, Arnaldez, Roger, *Grammaire et théologie chez Ibn Hazm de Cordoue: Essai sur la structure et les conditions de la pensée musulmane* (Paris, 1956).

Cf.: <http://www.muslimphilosophy.com/hazm/ibnhazm.htm>. (Accessed online, September 17, 2008); <http://en.wikipedia.org/wiki/Zahiri>. (Accessed online, September 16, 2008). Cf. also, Berkey, Jonathan, *The Formation of Islam. Religion and Society in the Near East 600-1800* (Cambridge: Cambridge University Press, 2003), 216.

⁷¹ Hoebink, Michel, "Thinking about Renewal in Islam: Towards a History of Islamic Ideas on Modernization and Secularization", *Arabica*, 46/1 (1999), 32-35.

⁷² The work which best places al-Ash'ari within his historical and intellectual context is Walter Klein's translation of al-Ash'ari's following book: Al-Ash'ari, Abu al-Hasan Ali ibn Isma'il, *Kitab al-ebana 'an 'usul al-diana*, trans. Walter Klein (New Haven, 1940). Two other books by al-Ash'ari (*al-Luma'* and *Istihsan al-Khaud fi 'ilm al-Kalam*) with valuable notes were translated, see: *The Theology of al-Ash'ari*, trans. Richard McCarthy (Beirut : Imprimerie Catholique, 1953).

⁷³ Cf., <http://www.muslimphilosophy.com/ei2/ashari.htm>. (Accessed online, September 17, 2008); http://en.wikipedia.org/wiki/Abu_al-Hasan_al-Ash'ari. (Accessed online, September 16, 2008).

⁷⁴ Esposito, John, *Islam. The Straight Path*, 73-74.

⁷⁵ On the disintegration of the Abbasid caliphate, see: Lapidus, Ira, *A History of Islamic Societies* (Cambridge: Cambridge University Press, 1988), 126-36; Voll, John, "Islam as a Special World-System", *Journal of World History*, 5/2 (1994), 215.

⁷⁶ Hurvitz, Nimrod, "From Scholarly Circles to Mass Movements", 988. On how the Hanbali moral outlook contributed to the growth of the Hanbali circle, cf., Hurvitz, Nimrod, "Schools of Law and Historical Context: Re- Examining the Formation of the Hanbali Madhhab", *Islamic Law and Society*, 7/1 (2000), 37-64.

⁷⁷ On the personal piety and moral views of Ibn Hanbal, see: Salih ibn Ahmad ibn Hanbal, *Sirat al-Imam Ahmad ibn Hanbal*, 32-40; Ibn al-Jawzi, *Manaqib al-Imam Ahmad ibn Hanbal*, 210–60.

⁷⁸ There are many references to austerity and abstinence in the biographical literature of the Hanbalis, cf.: Ibn Abi Ya'la, Abu al-Husayn Muhammad (d. 525/1131), *Tabaqat al-Hanabila*, ed. Abu Hazim Usama b. Hasan and Abu al-Zahra' Hazim Ali Bahjat, 2 vols. (Beirut: *Dar al-Kutub al-'Ilmiyya*, 1997).

⁷⁹ On the conflict between mysticism and asceticism by the middle of the ninth century, see: Melchert, Christopher, "The transition from asceticism to mysticism at the middle of the ninth century C.E.", *Studia Islamica*, 83 (1996), 64–70.

⁸⁰ *The Qur'an*: 3 (*surat Al-'imran*): 104.

⁸¹ *The Qur'an*: 9 (*surat al-Tauba*): 71.

⁸² *The Qur'an*: 31 (*surat Luqman*): 17. Initially, God carries out the function of commanding the right and forbidding the wrong through Prophet Muhammad, cf.: *The Qur'an*: 7 (*surat al-A'raf*): 157.

⁸³ *Sahih Muslim: kitab kawn al-nahi 'an al-munkar min al-'iman, bab 20*: 49; *Sunan Abi Dawud: kitab al-Malahim, bab al-amr wa al-nahi*, 4340.

⁸⁴ Cf., Cook, Michael, *Commanding Right and Forbidding Wrong in Islamic Thought* (Cambridge: Cambridge University Press, 2001). In another book, the same author, using anecdotes and stories from Islamic sources to illustrate the argument, he unravelled the complexities of the subject by demonstrating how the past informs the present, see: Cook, Michael, *Forbidding Wrong in Islam: An Introduction* (Cambridge: Cambridge University Press, 2003).

⁸⁵ On the Hanbalite theory and practice, see: Cook, Michael, *Commanding Right*, 115–144. Ibn Hanbal instructed his disciples to avoid the authorities when forbidding wrong, see: Cook, Michael, *Forbidding Wrong*, 102–3.

⁸⁶ Cf., Cook, Michael, *Forbidding Wrong*, 80–100; Hurvitz, Nimrod, "From Scholarly Circles to Mass Movements", 997.

⁸⁷ Caliphs al-Muqtadir and al-Qahir yielded to Hanbali pressure, see: Kraemer, Joel, *Humanism in the Renaissance of Islam: The Culture Revival during the Buyid Age* (Leiden: Brill, 1992), 61.

⁸⁸ Ibn al-Athir, 'Izz al-Din Abu'l-Hasan 'Ali (d. 630/1233), *Al-Kamil fi al-Tarikh*, ed. C.J. Thornberg (Leiden: Brill, 1851–1876), VIII: 229–231. Cf. Al-Suli, Abu Bakr Muhammad ibn Yahya, *Akhbar al-Radi wa'l-Muttaqi*, ed. J. Heyworth Dunne (London: Luzac, 1935), 65.

⁸⁹ Sachedina, Abdulaziz, "The Ideal and Real in Islamic Law", 21.

⁹⁰ Hoebink, Michel, "Thinking about Renewal in Islam", 31.

⁹¹ Ibn Hanbal was an example of a martyr-figure who did not actually die, but suffered for his belief, cf., Dekmejian, Hrair, *Islam in Revolution*, 39.