

4.2 The Fiqh Schools (Madhhabs) and Their Founders

The term *madhhab* is used in Islamic law in three ways: *First*, it can refer to a particular opinion of a Muslim jurist. *Second*, it can refer to a combination of the principles underlying a group of derivative cases. *Third*, it can refer to a *mujtahid's* individual opinion as the most authorities in the collective doctrinal corpus of the school, irrespective of the question if this *mujtahid* was the school's so-called founder.⁷

The second and third Islamic centuries could be called the "era of Imâms." Many Islamic law schools were named after Imâms who were alive at that time. Islamic jurisprudence has developed over the course of fourteen centuries. Over that span of time, various schools of jurisprudence have emerged, each with its own interpretation and application of the *Sharî'ah*. Many schools splintered further, creating schools that followed different interpretive approaches and applications. The flourishing abundance of ideas and views attests to the intellectual depth and breadth of Islamic jurisprudence. However, nothing precludes a given state from codifying the *Sharî'ah* so as to provide for more certainty regarding the law and clarity and consistency in its application.⁸

Imâms left legacies and large numbers of legal opinions and students behind. These groupings along *fiqh* lines have been the ones that have received the most recognition and adherence. Consequently, they have been practically the only groupings to spread and survive to the present, and are known as the *fiqh madhhabs* or schools. The differences between these schools are by no means confined to matters of law, even though that is primary, since they bear on subjects as diverse as metaphysics and politics. In fact, they relate to all the various subjects on which *Sharî'ah* had something to say, namely to every matter that excited human interest at that time.⁹

Each Imâm developed procedures for *ijtihâd*. The most important of the *fiqh* schools were the ones founded by Abu Hanîfa (150/767), Imâm Mâlik (179/795), al-Shâfi'î (204/820), Ahmad ibn Hanbal (241/855), Dâwud ibn 'Ali (268/881), al-Awza'î (157/774), Sufian al-Thawrî (161/778), Abu Thawr (240/854), Imâm Ja'far al-Sâdiq (148/765), Zaid ibn 'Ali (121/739), 'Abdullah ibn Ibâdh (86/705), and al-Laith ibn Sa'ad (175/791). Each is considered to be a full *mujtahid* and is supposed to have had his own system of theory and applications of *fiqh*.¹⁰

The four schools of law, Hanafi, Mâliki, Shafi'î and Hanbali, are identical in ap-

⁷ Wael B. Hallaq, *The Origins and Evolution of Islamic Law* (Cambridge: Cambridge University Press, 2007), pp. 150-53.

⁸ Auda, *Maqâsid al-Sharî'ah as Philosophy of Islamic Law*, p. 145.

⁹ Auda, *Maqâsid al-Sharî'ah as Philosophy of Islamic Law*, p. 145; Aghnides, *Islamic Theories of Finance*, pp. 133-35.

¹⁰ Auda, *Maqâsid al-Sharî'ah as Philosophy of Islamic Law*, p. 65.

proximately 80 % of their legal conclusions. Variances in the remaining questions are traceable to methodological differences in understanding or authentication of the primary textual evidence. The differences between the various *fiqh* schools, as already anticipated in the chapters on *ijmâ'* and *ijtihâd*, relate chiefly to the applications of *fiqh*, and for we will see in the theory of *fiqh* (*usûl al-fiqh*) they all practically follow the same principles. Al-Sha'râni has compared the several *Fiqh Schools* to so many roads, all of which lead to the same destination. Thus they never called one another heretical (*kâfir*) and usually allow a shift in allegiance from one *Fiqh School* to another. Of the many schools that existed, only six were able to obtain a following. They are known as the six followed (*matbû'ah*) schools: the Hanafîte, Mâlikîte, Shâfi'îte, Hanbalîte, and those of al-Thawrî and Dâwud. The first four are those that had the largest following and have survived to the present; the last two did not survive beyond the seventh century of the *Hijrah*. The rest of the *Fiqh Schools* had little or no following. We will discuss the most important *Fiqh Schools* below. We should add the Ja'farî and Zaidî school whose founders come from Shî'a. They are followed schools led by Shi'î people.¹¹

Do Muslims need different law schools? The answer is not easy, but we could relate an opinion about this problem:

If you say: The truth is one; how can the different ordinances of the four and twelve schools be true?

The Answer: The same water governs in five different ways in five ill people of different disposition, thus: for one, the water is a cure for his illness, and according to medicine, necessary. For another, it is like poison for his sickness and harmful, and medically prohibited. For another, it causes a small amount of harm, and is reprehensible medically. For another the water is beneficial and without harm; according to medicine that is Sunnah for him. And for yet another it is neither harmful nor beneficial; he can drink it with good health, and for him it is medically permissible. Thus, here the truth has become numerous; all five are true. Are you able to say: "The water is only a cure, only necessary, and it governs in no other way?"

Similarly, impelled by Divine wisdom, the Divine ordinances change according to the schools of law and those who follow them, and they change as truth, and all are true and right. For example, since, in accordance with Divine wisdom and determining, the majority of those who follow Imâm Shâfi'î are closer to village life and nomadism than the Hanafîs, and are lacking in social life, which makes the community like a single body, each person recites the *Fâtiha* behind the prayer-leader so as to himself express his pains at the Court of the Dispenser of Needs and utter his private wishes. And this is absolutely right and pure wisdom. However, since most Islamic governments favored

¹¹ Abdurrahman I. Doi, *Shari'ah: Islamic Law* (London: Ta-Ha Publishers, 2008), pp. 131-35; Hallaq, *The Origins and Evolution of Islamic Law*, pp. 153-67.

the school of Imâm-i A'zam, the great majority of those who follow that school are closer to civilization and town life and more fitted for social life. Thus, the community becomes like a single individual and one man speaks in the name of all; all affirm him with their hearts and bind their hearts to his and his word becomes the word of all; according to the Hanafî school, the Fâtiha is not recited behind the prayer-leader. And its not being recited is absolutely right and pure wisdom.¹²

4.2.1 *The Hanafî School and Its Founder: Imâm A'zam*

Abu Hanîfa Nu'mân ibn Thâbit was born in Kufa (80/699) and died in Baghdad (130/767). His grandfather was brought from Persia to Kufa as a slave and later obtained his freedom. His nickname was Imâm A'zam=the Greatest Leader. His greatest master was Hammâd ibn Sulayman (120/738). His teachers include Ibrahim al-Nakha'i and Qâdhî Shûrâyh, 'Alqamah, Masrûq and al-Aswad of the Tâbi'in. Of the Sahâbah we should mention 'Abdullah Ibn Mas'ûd and 'Ali ibn Abu Tâlib. These teachers were leaders of the school of *ra'y* as well. According to the historian Ibn Khallikân¹³, Abu Hanîfa was born early enough to have met four of the Companions, namely, Anas ibn Mâlik, and 'Abdallah ibn 'Awf neither of whom resided in Kufa, and two others. But he never saw them nor received traditions about the Prophet from any of them. His disciples have claimed the contrary. Ja'far ibn Rabi'ah said that he attended the classes given by Abu Hanîfa for five years and never met a man who would remain silent for as long as he did; but would, when questioned on [a point of] jurisprudence, launch into a flow of words as copious as a torrent. He was a master of the highest rank also in the art of drawing conclusions from analogies (*qiyâs*).¹⁴

Abu Hanife practiced the method of teaching in early Islam known as the *halqa* (study circle), in which those who sought knowledge from a master sat around him in a circle and were the recipients of his discourse. Imâm Abu Hanîfa frequented the circle of Imâm Ja'far al-Sâdiq and benefited from it. Sometimes they discussed a problem for sixty days; the decisions were written down by Imâm Muhammad and Imâm Abu Yusuf. His works included classifications of Islamic law according to *bâbs* (parts)

¹² Said Nursi, Bediuzzaman, "Twenty-Seventh Word, Conclusion," *The Words*, trans. Shukran Wahide, (Istanbul: Sozler Publications, 2007), p. 501.

¹³ Ahmad ibn Muhammad ibn Khallikân, *Wafayât al-A'yân wa Anbâ'u Abnâ' al-Zaman*, (Beirut: Dâr al-Kutub al-'Ilmiyyah, 1998), vol. IV, pp. 576-85.

¹⁴ Tashkopruzadeh, *Miftâh al-Sa'âdah wa Misbâh al-Siyâdah* (Beirut: Dâr al-Kutub al-'Ilmiyyah, 1985), vol. II, p. 174; Mannâ' al-Qattân, *Târikh al-Tashrî' al-Islamî* (Beirut: al-Risâlah, 1987), pp. 265-70; Mu'awwadh and Abdulmawjûd, *Târikh al-Tashrî' al-Islamî*, Ali Muhammad al-Mu'awwadh, and Âdil Ahmad Abdulmawjûd, *Târikh al-Tashrî' al-Islamî*, vols. I-II, (Beirut: Dâr al-Maktabah al-'Ilmiyyah, 2000), vol. II, pp. 73-80; Auda, *Maqâsid al-Sharî'ah as Philosophy of Islamic Law*, pp. 65-66; Zuhaylî, *al-Fiqh al-Islamî*, vol. I, pp. 41-5.

and *fasls* (chapters). The number of such legal decisions reached 63,000 and existed in fiqh books.

The genius of Imâm Abu Hanîfa lies in his view of *fiqh* as a dynamic vehicle available to all people in all times. He saw Islam as a universal idea accessible to all races everywhere and in all times. *Fiqh* was not a static code applicable to only one situation in one place but a mechanism that would simultaneously provide stable underpinnings to Islamic civilization and would also serve as a cutting edge in its debate with other civilizations. He saw that the rigorous and exacting methodology of the Madinite School would suffocate the ability of jurists to cope with unforeseen challenges presented by new situations. Therefore, he expanded the basis for sound legal opinions.

According to Imâm Abu Hanîfa, the sources of *fiqh* are: (1) the Qur'an, (2) the *Sunnah* of the Prophet, (3) *Ijmâ'* (consensus) of some, not necessarily all, of the Companions, (4) *Qiyâs* (deduction by analogy to similar cases that had been decided on the basis of the first three principles) and (5) *Istihsân* (creative juridical opinion based on sound principles). With the acceptance of *Istihsân* as a legitimate methodology, Imâm Abu Hanîfa provided a creative process for the continual evolution of *Fiqh*. No Muslim jurist would be left without tools for coping with new situations and fresh challenges from as-yet unknown future civilizations.¹⁵

One other term needs clarification here, i.e. *Ijtihâd* (root word j-h-d, meaning struggle). *Ijtihâd* is the disciplined and focused intellectual activity whose end result is *ijmâ'* or *qiyâs* or *Istihsân*. *Ijtihâd* is a process. The Hanafî school provides the greatest latitude for *Ijtihâd*. However, there are differences in emphasis. In the Ja'farî school, the emphasis is on the *Ijtihâd* of the Imâms. In the Hanafî school the *Ijtihâd* of the Companions of the Prophet is emphasized, but the *Ijtihâd* of the learned jurists is also acceptable. There are also differences between the Kufic schools of *fiqh* (such as that of Imâm Abu Hanîfa) and the Madinite schools of *fiqh* (such as that of Imâm Mâlik) in the latitude allowed for *Ijtihâd*. The *ijmâ'* or consensus of the Madinite School arises primarily through evidence (from the Qur'an) or correlation with the *Sunnah* of the Prophet. The requirements for *ijmâ'* or consensus in the Kufic schools are somewhat more liberal and include not only evidence from the Qur'an and the *Sunnah* of the Prophet, but also the *Ijtihâd* of the Companions or of learned jurists.¹⁶

Abu Hanîfa was a man of independent means and perfect character. He devoted

¹⁵ Ibn Khallikân, *Wafayât al-A'yân*, vol. IV, pp. 576-85; Mu'awwadh and Abdulmawjûd, *Târikh al-Tashrî' al-Islâmî*, vol. II, pp. 80-3; Al-Qattân, *Târikh al-Tashrî' al-Islâmî*, pp. 271-76.

¹⁶ Shamsaddîn Muhammad Al-Dhahabî, *Siyar A'lâm al-Nubalâ*, (Beirut: Al-Risâlah, 1982), vol. VI, pp. 390-403; Tashkopruzadeh, *Miftâh al-Sa'âdah*, vol. II, pp. 174-94; Aghnides, *Islamic Theories of Finance*, pp. 138-40.

his life to the study of religion and law, delivering lectures in Kufa to his private circle of students. His opinion on legal matters was universally sought. He left no works apart from a small book on dogmatics and faith called *al-Fiqh al-Akbar*. His so-called *Musnad* was compiled by one of his students and contains the *hadīths* he used.¹⁷

It was Abu Hanīfa who occasioned the famous controversy regarding the use of opinion (*ra'y*) in legislation, and this activity brought him bitter attacks. The charge made by his enemies was that he emphasized the speculative element at the expense of the *hadīths*, whereas his disciples rightly maintained that he used *qiyās* only when he could not find a provision in the *hadīths*. The truth is that "Abu Hanīfa did not make an exception in the use of *qiyās* but held that they all acted alike." We know that there was not much truth in the allegation that *qiyās* meant the introduction of the use of *ra'y*. On the contrary, *qiyās* curbed the inordinate and lawless use of *ra'y* as it was then practiced by all.¹⁸

It is true that Abu Hanīfa also introduced the principle of *Istihsān*, which was really a case of using *ra'y*, but all the schools have used that. The only difference between Abu Hanīfa and the rest was that Abu Hanīfa knew what he was doing and was not afraid of openly admitting it, while the others did the same thing in a more or less concealed way. The work of Hanīfa can hardly be overestimated, for he made the first attempt to codify Islamic Law, using *qiyās* as one of his bases. In doing this Abu Hanīfa incidentally evolved a theory of law (*usūl al-fiqh*) for the first time. Abu Hanīfa's work was supplemented and completed by his intimate circle of disciples, especially Abu Yusuf, and Muhammad ibn al-Hasan.¹⁹

Here we should mention essential works of the Hanafī school. The writings of the *mujtahids*, like the *mujtahids* themselves, have been grouped by later Hanafīte jurists into three main categories.

1. The so-called *Usūl* (bases) or *Zāhir al-Riwāyah* (of reliable transmission) or *Zāhir al-madhab* (the established teachings of the school). These are the views and opinions of Abu Hanīfa and his disciples Abu Yusuf, Muhammad ibn al-Hasan as well as of Zufar and Hasan ibn Ziyād, which have been recorded in the books called by the same name, i. e., *Kutub Zāhir al-Riwāyah*. These books are the *Mabsūṭ*, the *al-Jāmi' al-Kabīr*, the *al-Jāmi' al-Saghīr* and the *al-Siyar al-Kabīr*, *al-Siyar al-Saghīr*, and *al-Ziyādāt*, all written by Muhammad ibn al-Hasan, Abu Hanīfa's disciple.

2. The so-called *al-Nawādir*. These are the views and opinions of the above jurists

¹⁷ Doi, *Sharī'ah: Islamic Law*, pp. 135-41.

¹⁸ Al-Qattān, *Tārīkh al-Tashrī' al-Islāmī*, pp. 276-79; cf. ibn al-Qayyim al-Jawziyya, *I'lām al-Muwaqqi'īn 'an Rabb al-'Ālamīn* (Beirut: Dar al-Nafā'is, 2002), vol. I, pp. 61, 170.

¹⁹ Cf. Christopher Roederer and Darrel Moellendorf, *Jurisprudence*, (Lansdowne: Juta and Company Ltd, 2007), pp. 470ff.

recorded in other than the above-mentioned books, such as the *al-Kisâniyyat*, *al-Hâruniyyât*, *al-Jurjâniyyât*, and *al-Raqiyyat*; by the same Mubammad, the *Amâli* of Abu Yusuf, the books written by Hasan ibn Ziyâd, Zufar, etc.

3. Finally, the *Wâqi'ât*, namely the views of later *mujtahids*, like 'Isâm al-Dîn ibn Yusuf, ibn Rustam, Muhammad ibn Samâ'ah, Abu Sulaymân al-Jurjâni, Abu Hafis al-Bukhârî, etc. The first book of this kind was the *Nawâzil of Abu al-Laith al-Samarqandî*. It was followed by al-Nâtifi's *Kitâb Majmû' al-Nawâzil wa'l-Wâqi'ât*. Later writers, including Qâdhî khân, compiled works in which they put together the views contained in these earlier books. The best compendiums of the opinions of the first class (*usûl*) are the *Kâfi*, and the *Muntaqâ*. A commentary on the *Kâfi* has been written by al-Sarakhsi in a work called *al-Mabsût*. It is a large work in thirty parts.²⁰

We should present brief information about two important disciples of Imâm A'zam who have been included among the founders as well.

A) *Abu Yusuf, Ya'qûb ibn Ibrâhim*, (113/731-182/799), was by far the most important disciple of Abu Hanîfa. He was the one who wrote out the principles laid down by the master and occupied a position in relation to him that was very similar to that which Plato had to Socrates. Abu Yusuf held office as chief justice (*Qâdhî al-qudhât*) in Bagdad under the well-known caliph Hârun al-Rashid, who sought his advice on the most important affairs of state. In answer to certain questions by the caliph concerning taxation and other matters of public law, Abu Yusuf wrote his famous *Kitâb al-Kharâj*, a valuable essay on those subjects. When Abu Hanîfa decided a point of law and all the jurists of his city were agreed on it, he told Abu Yusuf, "Write it down."²¹

B) *Imâm Muhammad ibn al-Hasan al-Shaybânî* (135/752-189/804-05) was the younger of the two disciples but was the more persistent by far. When Imâm al-Shâfi'î went to Bagdad, Muhammad ibn al-Hasan was there, and the two of them met frequently and discussed points of law in the presence of Hârun-ar-Rashid. Al-Shâfi'î was (later) heard to say: "I never saw a person who, when questioned on a point that required reflection did not betray some uneasiness in his countenance; but I must accept Muhammad ibn al-Hasan." He also said: "The information that I learned by heart from Muhammad ibn al-Hasan would suffice to load a camel."²²

²⁰ Zuhaylî, *al-Fiqh al-Islamî*, vol. I, pp. 64-66; Muhammad Amin ibn 'Âbidîn, *Radd al-Muhtar*, vol. I (Cairo: Maktaba al-Halabî, 1966), pp. 50-51, 69-70; ibn 'Âbidîn, *Rasm al-Muftî (Majmû'ah Rasa'il ibn 'Âbidîn)*, (Istanbul: al-Matba'ah al-Âm'rah, 1325/1907), vol. I, pp. 10-21; al-Qattân, *Târikh al-Tashrî' al-Islâmî*, pp. 279-81.

²¹ Tashkopruzadeh, *Miftâh al-Sa'âdah*, vol. II, pp. 211-17; Mu'awwadh and Abdulmawjûd, *Târikh al-Tashrî' al-Islamî*, vol. II, pp. 84; Doi, *Sharî'ah: Islamic Law*, p. 141; Aghnides, *Islamic Theories of Finance*, p. 140.

²² Mu'awwadh and Abdulmawjûd, *Târikh al-Tashrî' al-Islamî*, vol. II, pp. 85.

Muhammad compiled the applications of the principles laid down by the master into a *corpus juris*, which served as a basis for many future books on the applications of *fiqh* and commentaries. This work constitutes the most authoritative sourcebook for the Hanafite doctrines. The titles of these books have been mentioned above.²³

Imâm Abu Hanîfa did not establish the school of *fiqh* named after him nor did he personally document his methodology. Writing was not common at that time and speaking was still the principal means of communication. Oration was the primary vehicle for instruction and teaching. The Arabic language, syntax and grammar were learned through memorization. Documentation was left to students and disciples of later generations. Specifically, it was not until the 11th century that the Hanafî school was fully elucidated and documented. The greatest among the Hanafî scholars were 'Abdullah 'Umar al-Dabbusi (1038), Ahmed Hussain al-Bayhaqi (1065), 'Ali Muhammad al-Pazdawi (1089) and Abu Bakr al-Sarakhsi (1096).²⁴

Some Terms used in Books of Hanafîte: There are some terms that should be understood by students and researchers in Hanafite *fiqh* books: 1) *Zâhir al-Riwâyah* (of reliable transmission) or *Zâhir al-madhhab* (the established teachings of the school). These are the views and opinions of Abu Hanîfa and his disciples Abu Yusuf, Muhammad ibn al-Hasan as well as of Zufar and Hasan ibn Ziyâd, which have been recorded in the books called by the same name, i. e., *Kutub Zâhir al-Riwâyah*. 2) There are some symbolic phrases in Hanafî books concerning them: *al-Imâm* means Abu Hanîfa; *Shaykhayn* (Two Masters) to Abu Hanîfa and Abu Yusuf; *Imâmayn* (Two Imâms) to Abu Yusuf and Imâm Muhammad. *Sâhibayn* refers to the same and *al-Awwal* to Imâm A'zam. *Al-Thâni* refers to Abu Yusuf and *al-Thâlith* refers to Imâm Muhammad.²⁵ 3) *al-Mutûn* or "*al-Mutûn al-Arba'ah al-Mu'tabarah*" (*The Four Authorized Texts*) are I) *al-Mukhtâr* by Majduddîn 'Abdullah, II) *al-Wiqâyah* by Taj al-Sharî'ah Mahmud, III) *Majma' al-Bahrain* by ibn al-Sa'âti, IV) *Kanz al-Daqâ'iq* by Hafiz al-Dîn of Nasaf.²⁶

From the 10th century on, the Hanafî school was patronized by the Abbasids in Baghdad who enjoyed the protection of the Seljuq Turks. The Turks loved the egalitarian disposition of Imâm Abu Hanîfa as well as the creative aspects of the Hanafî *fiqh*.

²³ Tashkopruzadeh, *Miftâh al-Sa'âdah*, vol. II, pp. 217-22; Auda, *Maqâsid al-Sharî'ah as Philosophy of Islamic Law*, p. 66; Aghnides, *Islamic Theories of Finance*, pp. 140-41.

²⁴ Tashkopruzadeh, *Miftâh al-Sa'âdah*, vol. II, pp. 224-36; Doi, *Sharî'ah: Islamic Law*, p. 141; cf. Melchert, *The Formation of the Sunnî Schools of Law, 9th-10th Centuries*, pp. 48ff.

²⁵ Akgunduz and Cin, *Turk Hukuk Tarihi*, vol. I, pp. 124-25; Abdulkarim Zaidan, *al-Madkhal Li Dirâsah al-Sharî'ah al-Islâmiyyah* (Baghdad, Matba'ah al-Ânî, 1977), pp. 155-59; Qinali-zâdah Ali Chalabi, *Tabaqât al-Mujtahidîn*, The Library of Sulaymaniye, Donated Manuscripts, No: 2172, p. 59/B; Muhammad Abu Zahra, *Abu Hanîfa* (Cairo: Dâr al-Fikr al-Arabî, 1997), pp. 5-20.

²⁶ Akgündüz, *Kulliyât*, p. 38, 77; Tashkopruzadeh, *Miftâh al-Sa'âdah we Misbâh al-Siyâdah*, 2/236-58.

When they embraced Islam, they became Hanafīs and arch defenders of the school. The Turkish dynasties in the 11th and 12th centuries as well as the Ottomans endorsed the Hanafī *fiqh*. The Timurids, Turkomans and the Great Moghuls of India were its champions also. For these historical reasons the Hanafī school is the most widely accepted of the various schools of *fiqh* in the Muslim world today. Most Muslims of Pakistan, India, Afghanistan, Central Asian Republics, Persia (until the 16th century), Turkey, northern Iraq, Bosnia, Albania, Skopje, Russia and Chechenya follow the Hanafī *fiqh*. A large number of Egyptians, Sudanese, Eritreans and Syrians are also Hanafīs, even though, as we shall see later, for reasons rooted in geography the Mâlikī and Shâfiʿī Schools are also well established there.²⁷

4.2.2 *The Mâlikī School and Its Founder: Imâm Mâlik*

The period of the Companions of the Prophet had just come to end when Imâm Mâlik ibn Anas was born in Medina. Mâlik ibn Anas was born in Medina (95/714) and died in Medina too (179/795). His masters are among the *ahl al-athar*, and we should mention some names like Imâm Zuhri (124/742), Imâm Nafiʿ (117/735) and Rabiʿah al-Raʿy (136/753). Mâlik was considered to be a representative of the *hadīth* folk, notwithstanding the fact that he also used *qiyās*, although perhaps to a lesser extent than Abu Hanīfa. This is borne out by an examination of his collection of *hadīths*, called *al-Muwattaʿ*, the first orderly collection of law, where Mâlik based his legal decisions partly on his personal opinion. Note this statement by Abdallah Ibn Qaʿnab.²⁸

I went to Mâlik ibn Anas, in his last illness and saluted him; I then sat down and, perceiving that he wept, I said: O Abu Abdallah; what maketh thee weep?" and he answered, "O Ibn Qaʿnab, why should I not weep? By Allah! I wish I had been flogged and reflogged for every question of law on which I pronounced my opinion founded on my own private judgment."²⁹

Like all scholars of Islam, Imâm Mâlik was famous for his piety and integrity. He stood up courageously, and was prepared to suffer, for his convictions. When the governor of Medina demanded and forced people to swear allegiance to Khalīfah al-Mansūr, Imâm Mâlik issued a *fatwâ* that such an oath was not binding because it was given under coercion. He based this opinion on the *hadīth*, "*The divorce of the coerced*

²⁷ Zaidan, *al-Madkhal Li Dirāsah al-Sharīʿah al-Islâmiyyah*, pp. 159-62; Qinali-zâdah Ali Chalabi, *Ta-baqât al-Mujtahidîn*, The Library of Sulaymaniye, Donated Manuscripts, No. 2172, pp. 59-61; Muʿawwadh and Abdulmawjûd, *Târikh al-Tashrīʿ al-Islâmî*, vol. II, pp. 97-100.

²⁸ Al-Qattân, *Târikh al-Tashrīʿ al-Islâmî*, pp. 282-87; .

²⁹ Al-Dhahabî, *Siyar Aʿlâm al-Nubalâ*, vol. VIII, pp. 48-135; Ibn Khallikân, *Wafayât al-Aʿyân*, vol. IV, p. 5; Aghnides, *Islamic Theories of Finance*, pp. 141-42.

does not take effect.”³⁰ This resulted in many people finding the courage to express their opposition, but he was arrested, found guilty of defiance, and publicly flogged.

The greatest contribution that Imâm Mâlik made was to record the practice of the people of Medina, their *fiqh* and *hadîths*, providing illustrations from the Prophet and his Companions. Having lived and worked in the city of Medina, the home of the *hadîth* folk, Mâlik occupies a conspicuous place in the teaching of *hadîths*. Thus, it is stated in the *Tahdhîb* that, according to al-Bukhâri, the most reliable chain of transmission is Mâlik, from Nâfi‘, from ibn ‘Umar. But, according to Abu Mansûr al-Tamimi, it is al-Shâfi‘î, from Mâlik, from Nâfi‘, from ibn ‘Umar from the Prophet. Among his teachers we could mention Abu Radim Nafi‘ ibn Abdurrahman (786), Nafi‘ mawla ibn ‘Umar (738), Ja‘far al-Sâdiq (814), Muhammad ibn Yahya al-Ansari (739), Abu Hazim Salamah ibn Dinar (757), Yahya ibn Sa‘id, Ib Shihab al-Zuhri (742), and Rabi‘ah al-Ra‘y (754). The teachers mentioned in *Muwatta’*, from whom he narrated *hadîths*, are 95 in total, all of whom were from Medina. Thus, it was because he now brought all the various holders of knowledge who were scattered all around together in one holder (Imâm Mâlik) that he earned the name *Imâm Dâr al-Hijrah*. Of all of his teachers, only six were not from Medina.³¹

He practiced extreme care regarding narrating *hadîths* from just anyone. Imâm Mâlik said, “I do not accept knowledge from four types of people: (1) a person well known to be foolish, even though all the other people narrate from him, (2) a person involved in committing heresy and calling others to innovation in *Dîn*, (3) a person who lies people in daily life, even though I do not accuse him as liar in regards to *hadîth*, (4) and a person who is pious worshipper or scholar but does not properly and correctly memorize what he narrates.”³²

The main sources of Islamic Law, according to Mâlik, are the Qur’an and the *Sunnah*. After that, the *‘Amal Ahl al-Medina*, which was the original term used by Imâm Mâlik ibn Anas, *ijmâ’* and especially *ijmâ’ ahl al-Medina* and *qiyâs*. With respect to secondary sources we could mention *al-maslahah al-mursalâh (istislâh)*, customs, *sadd al-zarâyi’*, *Istihân* and *istishâb*. He issued *fatwâ* at the beginning in *Masjid al-Nabawi* but later started to teach and issue *fatwâ* at his home. He became a master at the age of 17; Imâm Shâfi‘î was one of his disciples.³³

Imâm Mâlik had many disciples who taught *hadîths* on his authority, including al-

³⁰ Mâlik ibn Anas, *Al-Muwatta’*, Kitâb al-Talâq, Hadith No: 1245.

³¹ Al-Qattân, *Târikh al-Tashrî‘ al-Islâmî*, pp. 288-91; Auda, *Maqâsid al-Sharî‘ah as Philosophy of Islamic Law*, p. 67.

³² Tashkopruzadeh, *Miftâh al-Sa‘âdah*, vol. II, pp. 195-99.

³³ Mu‘awwadh and Abdulmawjûd, *Târikh al-Tashrî‘ al-Islâmî*, vol. II, pp. 105-22; al-Qattân, *Târikh al-Tashrî‘ al-Islâmî*, pp. 291-94.

Awza'î, al-Thawrî, Sufian ibn 'Uyainah, al-Laith ibn Saki, ibn al-Mubâarak and al-Shâfi'î. Mâlik was well versed in the study of the Qur'an and the *Sunnah*, and served as an official juridical consultant (*mufti*). This last circumstance may explain why Mâlik was the first one to break with the purely casuistic practices of his predecessors and to attempt to formulate the principles underlying the *hadîths* and the customs of Medina, and to arrange them topically.

Imâm Mâlik left behind a large collection of *fatâwâ*. Not only does the *Muwatta'* of Imâm Mâlik not mirror in any sense the uneasy juxtaposition of the reasoning of individual scholars, local consensus and the reported precedents of the Prophet, but it is also the most authentic compilation of *hadîths* and the traditions of the Companions and Followers. The very title *Muwatta'*, which he gave to his book, suggests the nature of the work: the word means that which has been made smooth, even.³⁴

We should mention here Imâm Mâlik's *fiqh* works too. He has not written any book except *Muwatta'*; but his disciples have collected his *fatâwâ* in different collections.

First, (al-Masâ'il) al-Mudawwanah, a recension of Qâdhî Sahnun Abu Sa'id ibn Abd-al-Salam al-Tanukhi (240/854). It consists of questions by Sahnun and answers by Abdurrahman ibn al-Qâsim, one of Mâlik's students for twenty years. As a rule, these answers repeat the literal words of Mâlik, even though at times they are Ibn al-Qasim's own interpretation of those words. The *Mudawwanah* is a revision by Ibn al-Qâsim of the *Asadiyyah* of Asad ibn al-Furât when it was submitted to Ibn al-Qâsim by Sahnun, who had studied the *Asadiyyah* under Asad. Because Asad failed to incorporate the corrections of Ibn al-Qâsim as found in Sahnun's copy, the *Asadiyyah* fell into oblivion. After Ibn al-Qâsim's death, Sahnun incorporated *hadîths* supporting some of the views into his copy and improved its arrangement. *Mukhtalifah* is another name given to the *Mudawwanah*, although in another version it is the name given to the *Asadiyyah* on account of Asad's was having studied Hanafite law previously as well. The *Mudawwanah* is the greatest Mâlikite authority. Its relation to other books has been compared to that of the opening chapter (*al-Fâtihah*) of the Qur'an. When the Mâlikites speak of "The Book," this is what they mean.³⁵

Second, al-Wâdihah, by Abu Marwân 'Abd-al-Mâlik ibn Habib al-Sulami (238), of Spain, who studied under Ibn al-Qâsim and spread the Mâlikite teachings in Spain. The *Wâdihah* naturally found favor in Spain.

Third, al-Mustakhrajah min al-Asmi'ah al-Masmû'ah min Mâlik ibn Anas, known

³⁴ Mu'awwadh and Abdulmawjûd, *Târikh al-Tashrî' al-Islâmî*, vol. II, pp. 100-1; Doi, *Sharî'ah: Islamic Law*, pp. 142-57; al-Qattân, *Târikh al-Tashrî' al-Islâmî*, pp. 290-91.

³⁵ Mu'awwadh and Abdulmawjûd, *Târikh al-Tashrî' al-Islâmî*, vol. II, pp. 139-40; cf. Melchert, *The Formation of the Sunnî Schools of Law, 9th-10th Centuries*, pp. 156ff.

as a l-*'Utbiyyah*, by Muhammad ibn Ahmed al- Utbi al-Qurtubi (255/869), a student of ibn Habib. This work superseded the *Wâdihah* and became itself an object of study and comment. The *Mudawwanah*, *Wâdihah* and *'Utbiyyah*, with the *Mawâziyyah* of Muhammad ibn al-Mawaz (281/894), a student of Ibn 'Abd al-Hakam, are called *al-Ummahât*, i. e. the mother books. The last work does not seem to have been distributed as widely as the others.

Mâlik's school naturally found much favor in his native city of Medina and in the western part of the Islamic world, namely, in Morocco, Algeria and Tunis, as well as in the so-called Maghreb (meaning West), which included Spain when that country was under Islamic rule; as well as in the other parts of Africa where Islam had already been accepted and in upper Egypt, where it has many adherents at present.³⁶

4.2.3 *The Shâfi'î School and Its Founder: Imâm Shafi'î*

Imâm Muhammad ibn Idris al-Shâfi'î (150/767-204/820) was born in Gaza, and died in old Cairo. He was descended from the Hashimi family of the Quraysh tribe to which the Prophet belonged. He taught in Bagdad for a time and later in Egypt.

As a child, he was very intelligent and bright, always keen to learn traditional Islamic sciences. His father died when he was very young and he was brought up by his mother in a very poor home. Thinking his relatives would help her raise him to be a good Muslim, she took him to Mecca. He spent a great deal of his time among the Bedouins while he mastered Arabic and acquired a great knowledge of Arabic poetry.³⁷

He studied Islamic jurisprudence under the well-known scholar Muslim ibn Khalid al-Nanji, the *muftî* of Mecca (796) and Sufian ibn 'Uyainah (796). At the age of twenty he went to Medina and stayed there as one of Imâm Mâlik's students till the latter's death in 796. He spent a total of nine years with Mâlik during which he managed to learn everything Mâlik had to offer. He also came into contact with other learned men from whom he acquired more knowledge of the Qur'an and the *Sunnah*. Imâm ash-Shâfi'î possessed a very sharp memory and knew all of Imâm Mâlik's *Muwatta'* by

³⁶ Akgunduz and Cin, *Turk Hukuk Tarihi*, vol. I, pp. 127-28; Zaidan, *al-Madkhal Li Dirâsah al-Sharî'ah al-Islâmiyyah*, pp. 162-67; Muhammad Abu Zahra, *Imâm Mâlik* (Cairo: Dâr al-Fikr al-Arabî, 1997), pp. 5-20; Tashkopruzadeh, *Miftâh al-Sa'âdah*, vol. II, pp. 195-99; Auda, *Maqâsid al-Sharî'ah as Philosophy of Islamic Law*, p. 67; Mu'awwadh and Abdulmawjûd, *Târikh al-Tashrî' al-Islamî*, vol. II, pp. 139-40; Ibn Khallikân, *Wafayât al-A'yân*, vol. IV, pp. 3-5.

³⁷ Mu'awwadh and Abdulmawjûd, *Târikh al-Tashrî' al-Islamî*, vol. II, pp. 141-8; *Mawsû'ah al-Adyân al-Muyassarah* (Beirut: Dar al-Nafâ'is, 2002), p. 310; Auda, *Maqâsid al-Sharî'ah as Philosophy of Islamic Law*, pp. 68-69; Zuhaylî, *al-Fiqh al-Islamî*, vol. I, pp. 49-52.

heart.³⁸

But acquiring the knowledge of the scholars in Medina was only the start for al-Shâfi'î because he travelled extensively to most of the places with a reputation for knowledge at the time. In 187/804, he visited Syria and from there proceeded to Egypt where he settled. As a student of Imâm Mâlik, he was received with great honour and respect by the people and scholars of Egypt. And in 810 CE he went to Baghdad where he was surrounded by a large number of students who were eager to acquire knowledge of the faith and practice of Islam from him. One important student there was Imâm Ahmed ibn Hanbal.

Two schools of legal thought or *madhâhib* are actually attributed to al-Shâfi'î, encompassing his writings and legal opinions (*fatâwâ*). Jurists refer to these two schools as "The Old" (*al-qadîm*) and "The New" (*al-jadîd*), corresponding respectively to his stays in Iraq and Egypt. The most prominent transmitters of the New among al-Shâfi'î's students were al-Buwayti, al-Muzani, al-Rabi', al-Muradi and al-Bulqini, in *Kitâb al-Umm* ("The Mother Book"). The most prominent transmitters of the Old were Ahmad ibn Hanbal, al-Karabisi, al-Za'farani, and Abu Thawr, in *Kitâb al-Hujja* ("Book of the Proof"). What is presently known as the Shâfi'î position refers to the New except with respect to approximately twenty-two questions in which Shâfi'î scholars and muftîs have retained the positions of the Old.³⁹

The Muslim Scholars consider al-Shâfi'î to be the vindicator *par excellence* of the *hadîths*, although to the impartial critic this view does not seem very well founded if it is taken to mean that he did not use *ra'y* at all. In fact, the difference between Abu Hanîfa and al-Shâfi'î was more a matter of appearance than reality. Al-Shâfi'î freely admitted the lawfulness of the use of *qiyâs*, and his method of determining the "effective" cause for purposes of *qiyâs* was looser than Abu Hanîfa's. It is true that al-Shâfi'î objected to the principle of *Istihsân* introduced by Abu Hanîfa, but he himself introduced the principle of *istishâb*, which, supplemented by the greater liberty of action afforded by his looser method in *qiyâs*, was as effective a means of introducing personal opinion as Abu Hanîfa's *Istihsân*. But this is true only as a theoretical statement because it may be fairly said that in practice al-Shâfi'î preserved the spirit of the *hadîths* more faithfully and used them more extensively. It is easy to understand why it should be so, if we remember that al-Shâfi'î studied *fiqh* in Mecca and in Medina under Mâlik, the champion of the *hadîth* folk. Imâm Shâfi'î's in-depth studies with Imâm Mâlik made him an expert on the Mâlikî school of law, but in Baghdad, he had a new opportunity to explore the Hanafî school of law deeply. He lived with Hanafî jur-

³⁸ Ibn Khallikân, *Wafayât al-A'yân*, vol. IV, pp. 21-5; Al-Qattân, *Târikh al-Tashrî' al-Islâmî*, pp. 296-99; Tashkopruzadeh, *Miftâh al-Sa'âdah*, vol. II, pp. 199-201.

³⁹ Mu'awwadh and Abdulmawjûd, *Târikh al-Tashrî' al-Islâmî*, vol. II, pp.148.

ists and discussed various legal issues with them, defending the position of his master Imâm Mâlik and he gained a reputation as an upholder of *hadîths*.⁴⁰

The following quotation from the *Risâlah* will illustrate well his tendency "God has not given it to any one after the death of the Prophet to express opinions except on the authority of the knowledge (*'ilm*) that came before him, and such knowledge consists in the Book, the *Sunnah*, the *ijmâ'*, and the sayings and doings (*âthâr*) of the Companions, and then, as I have explained, in *qiyâs* on the basis of the preceding, and no one is allowed to use *qiyâs* until he has learned what has occurred before him in the way of practices (*sunan*) and sayings of the predecessors, and the *Ijmâ's* and differences among the people, as well as the Arabic language."⁴¹

Al-Shâfi'î was very brilliant, and he was unrivalled in his abundant merits and illustrious qualities. To his knowledge of all the sciences connected with the book of God, the *Sunnah*, the sayings of the Companions, their history, the conflicting opinions of the learned, etc., he added a deep acquaintance with the language of the Arabs of the Desert, philology, grammar and poetry.

Ahmad Ibn Hanbal, one of al-Shâfi'î's disciples, is quoted as saying, "al-Shâfi'î was to mankind, what the sun is to the world, and health to the body; what can replace them?"

In contrast to Abu Hanîfa, who liked hypothetical speculation, al-Shâfi'î was rather averse to and probably not very skillful in subtle distinctions. He therefore relied on the revealed sources whenever he could find the desired provisions in them. The following verses composed by al-Shâfi'î bear this out: "*The more experience instructs me, the more I see the weakness of my reason; and the more I increase my knowledge, the more I learn the extent of my ignorance.*"

In short, al-Shâfi'î was an eclectic, who arrived on the scene when the law books had already been arranged into elaborate systems, and the laws sifted and laid down in a hard and established way. He studied the schools of the forerunners and learned from the most prominent jurists; he disputed with the ablest and profoundest and examined their teachings, and later on, on that basis, developed a method that combined the Book, the *Sunnah*, the *ijmâ'* and the *qiyâs*. Thus, he did not confine himself to any one of these sources, as others did.

The avowed object of al-Shâfi'î was to reconcile *fiqh* and tradition, and to those concerned he seemed to have succeeded (*jamâ'a bayn al-fiqh wa'l-sunnah*). This ex-

⁴⁰ Mu'awwadh and Abdulmawjûd, *Târikh al-Tashrî' al-Islâmî*, vol. II, pp. 148-51; Doi, *Sharî'ah: Islamic Law*, pp. 157-60.

⁴¹ Muhammad ibn Idris al-Shâfi'î, *al-Risâlah*, ed. Ahmed Muhammad Shakir (Beirut: al-Maktabah al-Ilmiyyah, d.n.), pp. 39-42, 596-600; Tashkopruzadeh, *Miftâh al-Sa'âdah*, vol. II, pp. 199-208; Aghnides, *Islamic Theories of Finance*, pp. 142-45; al-Qattân, *Târikh al-Tashrî' al-Islâmî*, pp. 299-304.

plains why there was a rapid conversion to his school when al-Shâfi'î appeared in Bagdad. Among the most prominent disciples and followers of al-Shâfi'î were Ahmad ibn Hanbal, Rabi' ibn Sulayman al-Muradi (880), Abu Ya'qub al-Buwaiti (845), Abu Ibrahim ibn Yahya al-Muzani (877), Abu al-Thawr, al-Za'farâni, al-Tabarî and others.

According to the *Tahdhîb* al-Shâfi'î wrote 113 works on interpretation (*tafsîr*), *fiqh*, literature, etc. The works relating to *fiqh* are, the *Risâlah*, the *Kitâb al-Umm*, the two *Jâmi's* and *Mukhtasars* al-Muzani, the *Mukhtasar* of Rabi', etc. The most renowned commentaries on al-Shâfi'î's writings are the *Ta'liqs* of Abu Hâmid al-Isfarâyini, al-Tabarî and al-Mâwardî.⁴²

Baghdad and Cairo were the chief centers of Imâm ash-Shâfi'î's activities. It is from these two cities that the teachings of the Shâfi'î school spread in the 9th century CE. During the time of Sultan Salahuddin, the Shâfi'î *Madhhab* (or school of Jurisprudence) was the most prominent in Egypt, and to this day the Imâm of al-Azhar Masjid is always a Shâfi'î, and the al-Shâfi'î *Madhhab* is industriously studied along with that of the other three schools of the Sunnîs.⁴³

Imâm al-Shâfi'î was a man of strong and vigorous mind, with more worldly experience than Imâm Abu Hanîfa and Imâm Mâlik. From the materials furnished by Imâm Ja'far al-Sâdiq, Imâm Mâlik and Imâm Abu Hanîfa, he formed an eclectic school that found acceptance chiefly among the middle classes. Al-Shâfi'î *Madhhab* has adherents in North Africa, parts of Egypt, southern Arabia and the Malayan Peninsula, and among the Muslims of Ceylon and the Mumbai State in India.⁴⁴

At present, the followers of this school are found in the Strait settlements, the Malayan districts of Thailand, the Hindustani coast (Malabar and Coromandel), in southern Arabia, especially in Hadramut, in Bahrain, in the Persian Gulf states, in certain Central Asian districts, in Dagistan and in the former German East African colonies. Finally, some Muslims in Syria follow the Shâfi'îte teachings only in the private domain. This is also true of those found in Arabia and Egypt.⁴⁵

⁴² Al-Qattân, *Târîkh al-Tashrî' al-Islâmî*, pp. 305-08; Auda, *Maqâsid al-Sharî'ah as Philosophy of Islamic Law*, pp. 68-69; cf. Melchert, *The Formation of the Sunnî Schools of Law, 9th-10th Centuries*, pp. 68ff.

⁴³ Doi, *Sharî'ah: Islamic Law*, pp. 160-62.

⁴⁴ Al-Dhahabî, *Siyar A'lâm al-Nubalâ*, vol. X, pp. 5-99.

⁴⁵ Al-Shâfi'î, *introduction to al-Umm*, vol. I-VIII, (Cairo: Dar al-Ma'rifah, 1973),; Akgunduz, *Türk Hukuk Tarihi*, vol. I, pp. 128-29; Zaidan, *al-Madkhal Li Dirâsah al-Sharî'ah al-Islâmiyyah*, pp. 167-70; Muhammad Abu Zahra, *Imâm Shâfi'î* (Cairo: Dâr al-Fikr al-Arabî, 1997), pp. 4-20; Tashkopruzadeh, *Miftâh al-Sa'âdah*, vol. II, pp. 199-208; al-Qattân, *Târîkh al-Tashrî' al-Islâmî*, p. 313.

4.2.4 *The Hanbalî School and Its Founder: Imâm Ahmad ibn Hanbal*

Imâm Ahmed ibn Muhammad ibn Hanbal (780-855/164-241) was an important Muslim scholar and theologian born in Khorassan into a family of Arab origin. He is considered to be the founder of the Hanbalî school of *fiqh* (Islamic jurisprudence). He began his early study of *hadîth* literature (795) when he was only sixteen years old. Ibn Hanbal started his career by learning jurisprudence (*fiqh*) under the celebrated Hanafî judge Abu Yusuf, the renowned student and companion of Abu Hanîfa. He then discontinued his studies with Abu Yusuf to pursue *hadîths*, travelling around the caliphate at the age of sixteen. It is said that, as a student, he impressed his teachers greatly. Ibn al-Jawzi states that ibn Hanbal had 414 *hadîth* masters from whom he narrated. These included Imâm Shâfi'î, Bishr ibn al-Mufaddal, Isma'il ibn 'Ulayyah, Yahya ibn Sa'id ibn al-Qattan, 'Abdullah ibn Namir and Sufian ibn 'Uyainah. Imâm al-Shâfi'î was one of ibn Hanbal's teachers with whom he shared mutual respect.⁴⁶

Ahmad was a disciple of al-Shâfi'î and, next to Dâwud al-Zâhirî; he was the staunchest opponent of the *ra'y*-folk. He makes very little use of *qiyâs* and bases his system mainly on the sacred texts. He is uncritical in the selection of his *hadîths*, of which he compiled about 28,000 in his *Musnad*. He was a very conservative theologian, which led him into difficulties.⁴⁷

He was the true Shaikh of Islam and leader of the Muslims in his time, the *hadîth* master. He took *hadîth* from Hushaym, Ibrahim ibn Sa'd, Sufian ibn 'Uyaina, 'Abbad ibn 'Abbad, Yahya ibn Abu Zaid. Al-Bukhâri narrated two *hadîths* in the *Sahîh* from him, Muslim 22, Abu Dawud 254, Abu Zur'a, Mutayyan, 'Abdullah ibn Ahmad, Abu al-Qasim al-Baghawi and a huge array of scholars also narrated *hadîths* from him.⁴⁸

Imâm Ahmad ibn Hanbal came to be seen as a threat to the caliph and his religious authority. As a result, he was imprisoned for a long time and was treated harshly by a number of rulers. Caliph al-Ma'mun subjected scholars to severe persecution at the behest of the Mu'tazilî theologians, most notably Bishr al-Marrisi and Ahmad ibn Abu Dawud, mainly to establish the notion that God created the Qur'an as a physical entity (rather than stating that Qur'an is God's speaking in an indescribable way, as held by the *ahl al-sunnah* view).

Almost all of the scholars in Baghdad acknowledged the doctrine of the creation of the Qur'an, with the notable exceptions of Ibn Hanbal and Muhammad ibn Nuh.

⁴⁶ Mu'awwadh and Abdulmawjûd, *Târikh al-Tashrî' al-Islâmî*, vol. II, pp. 159-67; ibn al-Qayyim al-Jawziyya, *l'Îlâm al-Muwaqqi'în 'an Rabb al-Âlamîn*, vol. I, p. 23; al-Qattân, *Târikh al-Tashrî' al-Islâmî*, pp. 314-17; Zuhaylî, *al-Fiqh al-Islâmî*, vol. I, pp. 52-55.

⁴⁷ Al-Qattân, *Târikh al-Tashrî' al-Islâmî*, pp. 317-18.

⁴⁸ Aghnides, *Islamic Theories of Finance*, p. 145-46; Tashkopruzadeh, *Miftâh al-Sa'adah*, vol. II, pp. 208-10.

This greatly pained and angered Ibn Hanbal, so he boycotted some of the great traditionists because of their acknowledgement and often refused to narrate *hadiths* from them. Among those boycotted were a close companion and a colleague of Ibn Hanbal, Yahya ibn Ma'in, about whom it is said that Ibn Hanbal refused to speak to him until he died.⁴⁹

Finally, Ahmad ibn Hanbal and Muhammad ibn Nuh were also put to the test by the order of al-Ma'mun, but they refused to acknowledge the literal creation of the Qur'an like Allah's other creatures. Consequently, they were dispatched in irons to be dealt with by al-Ma'mun himself. On the way Imâm Ahmad prayed to Allah to prevent him from meeting al-Ma'mun. His prayer was answered when al-Ma'mun suddenly died, as a result of which they were both sent back home. Muhammad ibn Nuh died on their return journey, and there was no one to prepare his funeral, pray over and bury him except Imâm Ahmad.⁵⁰

The policy endorsing the premise of the created Qur'an was continued by al-Mu'tasim (who is reported to have had Ibn Hanbal flogged) and by al-Wâthiq (who banished Ibn Hanbal from Baghdad).

Despite being noted as exceptional jurist, Imâm Ahmad deplored his opinions being written and compiled, fearing that this would lead his students away from studying the sources of Law themselves, the Qur'an and the *Sunnah*.

Imâm Ahmad sought to employ exceptional caution when formulating juristic opinions and issuing verdicts, and would frequently warn his students against speaking on matters in which they had no reputable predecessor. This prudent approach is demonstrated in the thought process applied by Ahmad in extrapolating laws from the divine sources, which is as follows:

1) The divine text (the Qur'an and the *Sunnah*) was the first point of reference for all scholars of jurisprudence, and here Ahmad was no exception. Whenever he noticed divine textual evidence for an issue, he never referred to other sources, opinions of the Companions, scholars or resorted to analogical deduction (*qiyâs*).

2) Verdicts issued by the Companions were consulted when no textual evidence was found in the Qur'an or the *Sunnah*. The reasons for ranking the verdicts of the Companions below the Qur'an and the *Sunnah* are obvious: the Companions witnessed the revelation of the Qur'an, and its implementation by Muhammad, who advised the *Ummah* to adhere to the rightly guided caliphs. Hence, the Companions ought to have a better understanding than the later generations.

Imâm Ahmad would likewise never give precedence to a scholarly opinion or ana-

⁴⁹ al-Qattân, *Târikh al-Tashrî' al-Islâmî*, pp. 318-19.

⁵⁰ Doi, *Sharî'ah: Islamic Law*, pp. 162-66.

logical deduction (*qiyâs*) over that of the Companions. If they were divided into two camps over an issue, Imâm Ahmad would similarly document two different narrations.

3) In cases where the Companions differed, he preferred the opinion supported by the divine texts (the Qur'an and the *Sunnah*).

4) In instances where none of the above was applicable, Ahmad would resort to the *mursal hadîth* (where a link was missing between the Successor and Muhammad or a weak *hadîth*). However, the type of weak *hadîth* that Ahmad relied on was such that it may be regarded as a fair *hadîth* due to other evidences (*Hasan li Ghairihi*), not the type that was deemed very weak and thus unsuitable as an evidence for Law. This was due to the fact that, during his time, the *hadîths* had been categorised only as "sound" (*Sahîh*) and "weak" (*dha'îf*). It was only after Ahmad, that al-Tirmidhi introduced a third category of "fair" (*hasan*).

5) Only after having exhausted the aforementioned sources would Imâm Ahmad employ analogical deduction (*qiyâs*) out of necessity, and then with the utmost care.⁵¹

We could say that the school of Imâm Ahmad was codified by his students. He has some books but none directly on law. Two works can be mentioned: *Kitâb al-'Ilal wa Ma'rifah al-Rijâl* (Hidden Flaws in Hadîth) and *al-Musnad*. *Al-Musnad* is among the largest codifications of *hadîths*. His disciples collected his *fatâwâs*: *al-Mudawwana*; Abu Bakr al-Hallâl's (311/923) *al-Jâmi'* and 'Umar al-Khiraqi's (324/935) *Mukhtasar* are the best examples. Detailed information on these works can be found in the chapter on references.⁵²

But the Hanbalî school became more famous in the history of Islam and today because of the works of two important Hanbalî scholars.

First, Ibn Taimiyya (728) was a legendary figure in Islamic history, known by his friends and opponents for his expertise in all Islamic sciences. Aside from being a celebrated scholar, he also gained a great deal of prominence due to his fearlessness, zealous activism, political and military campaigns in Damascus against the invading Tatar. In his book *al-Radd al-Wâfir* ibn Nasir al-Dîn al-Dimashqi mentions 87 scholars from all schools who referred to Ibn Taimiyya as "sheikh al-Islam," a prestigious title given only to jurists and traditionalists whose verdicts reached a high level of fame and acceptance. His fame also earned him many jealous enemies who continued to conspire against him, until he was imprisoned in the citadel of Damascus and died

⁵¹ Al-Dhahabî, *Siyar A'lâm al-Nubalâ*, vol. XI, pp. 177-358; Mu'awwadh and Abdulmawjûd, *Târikh al-Tashrî' al-Islamî*, vol. II, pp. 167-8; ibn al-Qayyim al-Jawziyya, *I'lâm al-Muwaqqi'in 'an Rabb al-Âlamîn*, vol. I, pp. 23-28; al-Qattân, *Târikh al-Tashrî' al-Islâmî*, pp. 320-26.

⁵² Mu'awwadh and Abdulmawjûd, *Târikh al-Tashrî' al-Islamî*, vol. II, pp. 192-95; al-Qattân, *Târikh al-Tashrî' al-Islâmî*, pp. 319-20; Auda, *Maqâsid al-Shari'ah as Philosophy of Islamic Law*, p. 67.

there. His funeral was attended by a large number of inhabitants from Damascus, while the funeral prayer in absentia was prayed over him throughout the Islamic world. He is remembered for his invaluable contributions not only to the Hanbalî school of jurisprudence and theology but also to the rich Islamic heritage. He also produced many students of high caliber. Names such as Ibn al-Qayyim and Ibn Kathir are only some of his virtues. *Fatâwâ Ibn Taimiyya* and *al-Siyâsah al-Shar'îyyah* are among his most well-known works.⁵³

Second, Ibn al-Qayyim al-Jawziyya (751) was Ibn Taimiyya's student and closest companion, sharing times of ease and hardship with him until the latter's death in the citadel. His works in various Islamic sciences earned him much acceptance and fame. Some of his important works include *Zâd al-Ma'âd* in *Sîrah* and *Fiqh*, *I'âm al-Muwaqqi'în* in *Usûl al-Fiqh* and *al-Kâfiyah fil-Intisâr lil-Firqah al-Nâjiyah*, on Hanbalî theology, which is still taught and studied in Hanbalî schools.

His followers are now found in central Arabia, the inland districts of Oman, and in the Persian Gulf states. The others are few in number and are scattered in out-of-the-way localities, in a number of Central Asian cities and in the rural populations of some isolated Syrian villages. The Hanbali school is the official school of Saudi Arabia.⁵⁴

4.2.5 *The Zâhirî School and Its Founder: Imâm Dawud ibn 'Ali al-Zâhirî*

The founder of this school was Dawud ibn 'Ali al-Khalaf (270/883), better known as Dawud al-Zâhirî, who threw *qiyâs* overboard and adhered to the letter (*al-zâhir*) of the Qur'an and the *hadîths* and insisted on sticking to the manifest (*al-zâhir*) or literal meaning of expressions in the Qur'an and the *Sunnah*. The school and its followers are called *Zâhiriyyah*.⁵⁵

Among the textual evidence for their claim, the Zâhirîsts use verses similar to "... *this is clear Arabic language*"⁵⁶ to back their view. In their view, anyone possessing

⁵³ Mu'awwadh and Abdulmawjûd, *Târikh al-Tashrî' al-Islamî*, vol. II, pp. 177-88; cf. Melchert, *The Formation of the Sunnî Schools of Law, 9th-10th Centuries*, pp. 137ff.

⁵⁴ Akgunduz, *Turk Hukuk Tarihi*, vol. I, pp. 129-30; Zaidan, *al-Madkhal Li Dirâsah al-Shar'îah al-Islâmiyyah*, pp. 170-73; Muhammad Abu Zahra, *Imâm Ahmad ibn Hanbal* (Cairo: Dâr al-Fikr al-Arabî, 1997), pp. 6-20; Tashkopruzadeh, *Miftâh al-Sa'âdah*, vol. II, pp. 208-10; al-Qattân, *Târikh al-Tashrî' al-Islâmî*, pp. 327-28; Mu'awwadh and Abdulmawjûd, *Târikh al-Tashrî' al-Islamî*, vol. II, pp. 188-92.

⁵⁵ Mu'awwadh and Abdulmawjûd, *Târikh al-Tashrî' al-Islamî*, vol. II, pp. 196-97; Zuhaylî, *al-Fiqh al-Islamî*, vol. I, pp. 55-6.

⁵⁶ The Qur'an, 16:103.

knowledge of the Arabic language is able to understand the message of God to the extent that he can fulfill his religious duties.

The family of Dawud ibn ʿAli came from Kashan, a town in the neighborhood of Isfahan. His father was a secretary (*Kâtib*) to ʿAbdullah ibn Khâlid, the judge of Isfahan, in the time of Caliph al-Maʿmun. Dawud himself was born in Kufa in 202/817. His family moved to Baghdad later where he was brought up, educated, and later laid the foundation of his school of jurisprudence that bore his name *al-Madhab al-Dawudî* but was better known as the Zâhirîte school (*al-Madhab al-Zâhirî*).⁵⁷

In Baghdad Dawud ibn ʿAli attended the lectures of many eminent jurists, the most prominent of whom was Abu Thawr (246/860); a friend and follower of Shâfiʿî. The education he received from them made him shift from the Hanafîte rite to that to which his father belonged, the Shâfiʿîte, apparently because most of his professors (*shuyûkh*) were more inclined to the Traditionist (*ahl al-hadîth*) school to which Shâfiʿî belonged than to the school of the upholders of opinion (*ashâb al-raʿy*) who were the followers *par excellence* of ibn Hanîfa. Dawud completed his education by an academic trip to Nishapur to meet Ishaq ibn Rahawaih (237/851 or 238/852).

Dawud ibn ʿAli was accomplished, trustworthy, learned, God-fearing, pious and ascetic. He was also well-versed in logic and proficient in the art of disputation. It was said that he believed that the Qurʿan was created and not eternal, but it seems that this was only an accusation. He died in 270/884 in Baghdad.

Dawud ibn ʿAli was a prolific writer. Ibn al-Nadim lists about 150 titles by him, a few of which touched on the fundamentals of religion: "On the *Usûl*," "On the Caliphate," "Consensus and the Refutation of *Qiyâs*," and "On the Refutation of *Taqlîd*." Most of his other books discussed branches (*Furûʿ*) or minor aspects of *fiqh* concerning worship and legal transactions. Unfortunately, no book by him has survived.⁵⁸

It was related that Dawud ibn ʿAli permitted analogy (*qiyâs*) when the cases in question were obvious, but it is more probable that he rejected analogy completely, regardless of whether the cases were ambiguous or obvious. As for consensus (*ijmâʿ*), his position was totally different: he admitted the *ijmâʿ* of the Companions of the Prophet only on the basis that these Companions were in constant contact with the Prophet and fully aware of his intentions.

Dawud ibn ʿAli reexamined all aspects of *fiqh* on the basis of his Zâhirîte attitude. The jurists who were contemporary with Dawud ibn ʿAli took a very critical attitude regarding him and his school. The Shâfiʿîtes in general criticized him severely and con-

⁵⁷ The Committee, *Mawsûʿah al-Adyân al-Muyassarâh*, p. 240; Aghnides, *Islamic Theories of Finance*, p. 146.

⁵⁸ Muʿawwadh and Abdulmawjûd, *Târikh al-Tashrîʿ al-Islamî*, vol. II, pp. 198-203.

sidered the Zâhirîte School to be worthless. Al-Isfarayini (418/1027) maintained that no account should be taken of the Zâhirîtes. Since they rejected analogy (*qiyâs*), he asserted, they were not able to exercise judgment and, therefore, no one among them should be elevated to the position of a judge. Others thought that Dawud ibn 'Ali was ignorant and still others considered him to be a disbeliever. Ahmad ibn Hanbal (241/855), the famous founder of the Hanbalîte School, did not esteem him in any way.⁵⁹

Dawud ibn 'Ali was succeeded as the head of the Zâhirîte School by his son, Abu Bakr Muhammad ibn Dawud (255/869-297/910). But the latter was more of a poet, litterateur, and historian than an enthusiastic scholar of jurisprudence. The Zâhirîte School enjoyed its widest expansion and the height of its prestige in the fourth/tenth century. Tabarî (310/923), though not a Zâhirîte, paid close attention to Zâhirî jurisprudence and studied it with Dawud ibn 'Ali himself. The foremost jurist of the Zâhirîte School in the fourth/tenth century was 'Abdullah ibn Ahmad ibn al-Mughallis (324/936) through whom the *fiqh* of Dawud ibn 'Ali became popular in the Muslim world.

In the following century the Zâhirîte School was already losing ground in the East and before the middle of the century, in the days of the Hanbalîte judge Abu Ya'la (459/1066), the Hanbalîte rite took its place. The Zâhirîte School continued to enjoy some prestige in Syria until 788/1386. The school survived longer in Egypt and had deeper roots. Al-Maqrizi (845/ 1442), the famous historian of the Mamluk period in Egypt, was not a follower of the Zâhirîte school, but he was favorable toward Zâhirîsm.

Ibn Hazm, a well-known practitioner and teacher of this school, would refer to himself and those who followed this view as *ashâb al-Zâhir*, or "the people of the literal sense," as a definition rather than a label. Although he was originally a Shâfi'î jurist, Ibn Hazm joined the Zâhirî school and brought to it a systematic, logical structure. For interpreting sacred texts, he compiled a Zâhirî grammar in which he specifically eliminates the ambiguities that grammarians used to explain certain syntactical forms. He takes the position that language itself provides all that is necessary for understanding the content of the Qur'an and that, therefore, God, who revealed the Qur'an in clear (*mubîn*) Arabic, used the language to say precisely what he means. Each verse should be understood grammatically and lexically in its immediate and general sense: if God wants a verse to have a specific meaning, he provides an indication (*dalîl*), in the same verse or elsewhere, which allows a restriction of the mean-

⁵⁹ M.M Sharîf, *A History of Muslim Philosophy* (Hamburg: Pakistan Philosophical Congress, 1963), vol. I, pp. 274-88.

ing.⁶⁰

He has two important books on Islamic Law: *al-Muhallâ (fiqh)* and *al-Ihkâm (usûl al-fiqh)*. In *al-Ihkâm fi Usûl al-Ahkâm* (Judgment on the Principles of Ahkâm), Ibn Hazm develops his method for classifying human acts within the five established juridical categories (*ahkâm*) of obligatory, recommended, disapproved, forbidden and lawful: for an action to fall into one of the first four categories, there must be a text (Qur'an or authentic *hadîth*) that establishes its particular status; otherwise, the act is lawful. This method is applied further in his voluminous treatise on Zâhirî law, *Kitâb al-Muhallâ* (The Book of Ornaments). Ibn Hazm is also famous for his great work, the *Fisal* (Detailed Critical Examination), in which he offers a critical survey of different systems of philosophical thought in relation to religious beliefs among the skeptics, Peripatetics, Brahmans, Zoroastrians and other dualists, Jews and Christians. Using the examination of these religions to establish the preeminence of Islam, he also attacks all the Muslim theologians, the Mu'tazila and the Ash'arîyah in particular, along with philosophers and mystics.⁶¹

For a certain period Zâhirîsm constituted a school of jurisprudence in the East, but in Muslim Spain it never developed beyond a persecuted philosophy. Even as a philosophy it began to decline there after the death of Ibn Hazm. It is true that Ibn Hazm built a Zâhirîte system of dogma and revised Muslim law from that standpoint, but his views enjoyed only a limited acceptance in the Muslim West.

At one time the Zâhirî school spread as far west as Spain when that country was under Muslim rule, but it boasts no adherents at present.⁶²

4.2.6 The Ja'farî School and Its Founder: Imâm Ja'far al-Sâdiq

This is the school founded by Ja'far al-Sâdiq who was born and died in Medina (702-765). Ja'far ibn Muhammad ibn 'Ali ibn Husayn is believed by the Twelver and Ismailî Shî'a Muslims to be the sixth infallible Imâm or spiritual leader and successor to the Prophet Muhammad. He is the last Imâm recognized by both the Ismailî and Twelver Shî'a schools, and the dispute over who was to succeed him led to a division within Shî'a Islam.⁶³

⁶⁰ Abdurrahman ibn Khaldun, *Târîkh ibn Khaldun*, vol. I, pp. 478.

⁶¹ Cf. Melchert, *The Formation of the Sunnî Schools of Law, 9th-10th Centuries*, pp. 178ff.

⁶² Muhammad Abu Zahra, *Ibn al-Hazm* (Cairo: Dâr al-Fikr al-Arabi, 1997), pp. 3-20; Zaidan, *al-Madkhal Li Dirâsah al-Sharî'ah al-Islâmiyyah*, pp. 179-80; Ali Ibn al-Hazm, introduction to *al-Muhalla*, v. I-XII (Cairo: 1960); Hallaq, *The Origins and Evolution of Islamic Law*, p. 124; Melchert, *The Formation of the Sunnî Schools of Law*, pp. 177-78.

⁶³ Al-Dhahabî, *Siyar A'âm al-Nubalâ*, vol. X, pp. 104-05; Zuhaylî, *al-Fiqh al-Islamî*, vol. I, pp. 58-9.

Al-Sâdiq is said to be highly respected by both Shî'a and Sunnî Muslims for his great Islamic scholarship, pious character, and academic contributions. Although he is perhaps most famous as the founder of the *Ja'farî fiqh*, known as Ja'farî jurisprudence, he had many other accomplishments as well. In addition to being an Imâm in the Shî'a chain, he was also part of the Naqshbandî Sufi chain. He was a polymath: an astronomer, alchemist, Imâm, Islamic scholar, theologian, writer, philosopher, physician, physicist and scientist. He was also the teacher of the famous chemist, Jâbir ibn Hayyan, and of Abu Hanîfa, the founder of the Hanafî madhhab.

The Ja'farî school, Ja'farî jurisprudence or Ja'farî fiqh is the school of jurisprudence derived from the name of Ja'far as-Sâdiq, the sixth Shî'a Imâm. It differs from the four schools or *madhhabs* in its reliance on *ijtihâd*, the use of reason to interpret Islamic laws, as well as on matters of inheritance, religious taxes, commerce, personal status and the allowing of temporary marriage or *mut'ah*. However, despite these differences, there have been numerous *fatwâs* regarding the acceptance of the Ja'farî fiqh as an acceptable *madhhab* by Sunnî religious bodies. These include the Amman Message and a *fatwâ* by al-Azhar. There are many scholars among his disciples, such as Abban ibn Thaghlab al-Bakri, Jâbir ibn Yazid al-Ja'fi and Dawud ibn Farqad al-Asadi. Both Abu Hanîfa and Imâm Mâlik were among those, said to number four thousand, who benefited from his teachings.

The main sources of law for the Ja'farî school are the Qur'an, the *Sunnah*, *ijmâ'* and *'aql*. But the term *Sunnah* covers all the deeds and sayings of the Prophet and the infallible Imâms. The *fiqh* of Jafarî is somewhat different from that of other schools in that it does not employ *qiyâs* but uses the intellect, *'aql*. Another difference is, of course, that it does not use the same *hadîths*. Many Sunnî *hadîths* are excluded because they are attributed to enemies of Shi'ism, as is the case with Aisha's *hadîths*. Also, they have a rich collection of their own unique *hadîths*, related to the Imâms who, according to Shi'î definition, could not commit sin or err. Here the Ja'farî school of law and Shî'a as a theological school have become intermingled.

Ja'farî *fiqh* regarded consensus as valid only if the opinion of the Imâm was included. The line of development in Shi'î jurisprudence was more direct because of the belief that the Imâms were infallible. The Imâms simply reflected and therefore reproduced the original prophetic teaching in different circumstances over a period of time. As a result of this advantage, they did not need to resort to analogy (which, indeed, later became unacceptable in Shi'î theology) nor was much importance attached to consensus. They considered 'Ali and the Ahl al-Bayt (the household of the Prophet) to be the best interpreters of the Qur'an and prophetic teachings. Thus, the Shi'î School is based entirely on traditions and teachings of the twelve Imâms, each of whom was appointed by his predecessor, starting with 'Ali ibn Abu Tâlib and therefore the Prophet himself. The last Imâm entered occultation, and his return is awaited

as the savior.

The Ja'farî school uses *Ijtihâd* by adopting reasoned argumentation in finding the laws of Islam. *Usûlîs* emphasize the role of *Mujtahid* who was capable of interpreting the sacred sources independently as an intermediary of the Hidden Imâms and, thus, serves as a guide for the community. This meant that legal interpretations were kept flexible so as to take account of changing conditions and the dynamics of the times. This school of law is predominant among most Shî'a.

Usûlîs are the majority Twelver Shî'a Muslim group. They differ from their now much smaller rival *Akhhârî* group in favoring the use of *Ijtihâd*, i.e. reasoning in the creation of new rules of *fiqh*, in assessing *hadîths* to exclude traditions they believe to be unreliable, in considering it obligatory to obey a *mujtahid* when seeking to determine islamically correct behavior.

The *Akhhârîs* (Traditionalists) are Twelver Shî'a Muslims who reject the use of *Ijtihâd* or reasoning in the creation of new laws and believe only the Qur'an and *ahadîths* (prophetic sayings and recorded opinions of the Imâms) should be used as sources for law. They form a minority within Shî'a Islam, with *Usûlîs* making up the majority. Unlike *Usûlîs*, *Akhhârîs* do not follow *marja's* who practice *Ijtihâd*.

The *Akhhârî* movement was dominant in Twelver Shî'i Islam from the middle of the Safavid dynasty up until the time of Muhammad Baqir Behbahani (1792) who, along with other *Usûlî mujtahids*, crushed the *Akhhârî* movement. It is found today primarily in the island nation of Bahrain, with reportedly "only a handful of Shî'i 'ulamâ" still *Akhhârî* at the present time.⁶⁴

The views of the Ja'farî school have been transmitted by disciples like Abu Ja'far ibn al-Hasan al-Qummi (290/902) who was the real founder of this school in Iran. Among his works we could mention *Bashâ'ir al-Darajât fi Ulûm Âl-i Muhammad wamâ Khassahum bihi*. The most famous books of the Ja'farî school are *Sharâyi' al-Islam* by Ja'far ibn Hasan al-Muhaqqiq al-Hilli (676/1277), the commentary on this book, i.e. *Jawâhir al-Kalâm* by Muhammad Hasan al-Najafi, *Tadhkirah al-Fuqahâ* by Muhsin ibn Yusuf al-Hilli, and *Miftâh al-Karâmah Sharh Qawâ'id al-Allâmah* by Muhammad ibn Hasan al-Amili (1226).

At one time the Ja'farî school was present in Iran, Iraq, India, Pakistan, Lebanon and Syria. But there are some Ja'farîs in Turkey and in other countries.⁶⁵

⁶⁴ Cf. Robert Gleave, "Akhhârî Shî'i Usûl al-Fiqh and the Juristic Theory of Yusuf ibn Ahmad al-Bahrânî," Robert Gleave and Eugenia Kermeli, *Islamic Law: Theory and Practice*, (New York: I.B.Tauris, 2001), pp. 24ff.

⁶⁵ Zaidan, *al-Madkhal Li Dirâsah al-Sharî'ah al-Islâmiyyah*, pp. 175-78; Muhammad al-Husayin al-Muzaffar (1301-1375), *al-Imâm al-Sâdiq*, 2nd Ed. (Beirut: Dâr al-Zahrâ' li-al-Ṭibâ'a Wa al-Nasr Wa

4.2.7 *The Zaidiyyah School and Its Founder: Imâm Zaid ibn 'Ali*

This is the school founded by Zaid ibn 'Ali (695-740). He was given the title "Zaid the Martyr" (Zaid al-Shahîd) by his sympathizers. He was the grandson of Husayn ibn 'Ali, the grandson of Muhammad. Zaid was born in Medina in 695, from a father who was the Shî'a Imâm 'Ali ibn Husayn, "Zayn al-'Abidîn". Zaid's mother was a former slave from Sind called Jaydâ, who is said to have been presented to his father by the Shî'î rebel leader *al-Mukhtâr*.⁶⁶ His father Ali, the son of al-Hussein ibn 'Ali ibn Abu Tâlib the fourth Khalîfah, was one of the few descendants of Hussein who were spared at Karbalâ. Imâm Zaid's father was highly respected and highly educated and rejected the extremism of those who claimed to be Shî'a. We would say that Imâm Zaid was from *imams of âl al-bait* (descendants of Muhammad). He has refused the extremist Shî'a views; told them "You should go away, you are Rafidhîs". He was respecting Abu Bakr and 'Umar as Caliph and important companions of the Prophet. His followers are the modest Shî'a; they are reasonable Muslims and could accept the rights easily. In the future they could make their neighbors *Wahhabîs* more moderate and may join to *ahl al-sunnah*.⁶⁷

It was in this environment that Imâm Zaid was born. His father died when he was fourteen, and his elder brother Muhammad al-Bâqir took care of him. His early education was done by this same brother, who was considered at that time to be a great scholar. He also studied with another great scholar, 'Abdullah ibn Hasan ibn 'Ali. Both al-Bâqir and 'Abdullah ibn Hasan taught many great scholars and *Imâm*s like Abu Hanîfa and Imâm Mâlik, who took *hadîths* from them. Imâm Zaid also studied under other *Tâbi'in* who resided in Medina.

Later on Imâm Zaid moved to Basra where he met Wâsil ibn 'Atâ, the founder of the Mu'tazilas. He kept moving between Iraq and Hijaz, seeking knowledge. Abu Hanîfa once said concerning Imâm Zaid, "I met Zaid and I never saw in his generation a person more knowledgeable, as quick a thinker, or more eloquent than him. He was in a class by himself."

Imâm Zaid had differences with Khalîfah Abdul Malik, and even rebelled against him. He went to Kufa where he was joined by Shî'a of Iraq. 15,000 people gave him the *Bay'ah* (*obeying contract*) in a *Masjid*, but only about 400 of them stood with him when he faced the army of the Khalîfah. Imâm Zaid felt that a military confrontation

al-Tawzî') vol. I, pp. 60, 151, 205-09; v. II, pp. 144-91; Moojan Momen, *An Introduction to Shi'î Islam: The History and Doctrines of Twelver Shi'ism* (Oxford: G. Ronald, 1985), p. 127-222.

⁶⁶ Zuhaylî, *al-Fiqh al-Islamî*, vol. I, pp. 56-58.

⁶⁷ Bediuzzaman Said Nursi, *Barla Lahikası*, (Istanbul: Sozler, 1990), p. 182.

was the best way to deal with Khalīfah, and felt let down after he was abandoned by his so-called supporters in the same way that his grandfather Hussein had been abandoned by his supporters.

Even though both Imâm Hussein and Imâm Zaid employed a military solution to correct the situation in the Islamic state at that time, what was needed was a group that would work in the *Ummah* to educate it and serve as a safeguard for the *Ummah*, instead of rebelling against the Khalīfah without this preparation, which did not at all solve the problem but rather made matters more complicated.⁶⁸

The stand by Imâm Zaid and his few supporters against the army of the Khalīfah ended with his death. He was heard to say: "I am worried that I will be disappointed just like my grandfather al-Hussein was disappointed." And, in fact, this proved to be true. Although he viewed 'Alī as deserving the Khalīfah, he also recognized the Khalīfah of Abu Bakr, 'Umar and 'Uthman. He also believed that the Khalīfah did not have to be predetermined by the texts but that it was enough to be from Banu Hâshim, and that the Khalīfah was not infallible. He did not document his *Madhhab* that was done later

Several works of *hadīths*, theology and Qur'anic exegesis are attributed to him. The Mu'tazilī school of theology is believed to have adopted many of Zaid's teachings, and therefore followers of the Zaidī school are close to Mu'tazilīte school of theology.

The Zaidī school is close to four large schools of *fiqh*. There are some differences between them, for example, Zaidīs do not allow marriage with an *ahl al-Kitâb* and do not consider their food to be *halâl*. Imâm Abu Zahra, in his book on the history of the Islamic schools (*Târikh al-Madhâhib al-Islâmiyyah*), said that there are two Zaidī *madhabs*, the one before his death and the one that emerged after his death. After the problems that occurred with the Khalīfah Al-Mansur, the Zaidī *madhhab* became weak and other Shī'a Imâms began to influence it. Some of these Imâms did not approve of the Khalīfah of Abu Bakr and 'Umar and this appeared to become an inherent part of the *madhhab*. However, at present the Zaidīs have gone back to Imâm Zaid's views. Two of the scholars who followed the early *madhhab* of Imâm Zaid are Imâm Shawkânî and Imâm Muhammad ibn Isma'îl al-San'ânî.

The Zaidī School's opinions have been codified in two ways.

First, they are codified by his works. His school was documented in *al-Majmû'*, which was documented by his student Abu Khâlid Amr ibn Khâlid Wâsifi. The *Grand Majmû'* or *al-Majmû' al-Akbar* is made up of two sections, *Majmû' al-Hadīth* and *Majmû' al-Fiqh*. The commentary on this book *al-Rawdhah al-Nadhir Sharh Majmû' al-Fiqh al-Kabîr* by Sharafuddîn Yahya al-San'ânî is famous.

⁶⁸ The Committee, *Mawsû'ah al-Adyân al-Muyassarrah*, pp. 291-92.

Second, they are codified by his students' works. After Imâm Zaid's death, many students from his *madhhab* emerged, especially in Yemen. The most interesting thing about this *madhhab* is that they never closed the door to *Ijtihâd*. Al-Hasan ibn 'Ali (al-Nâsir al-Kabîr) (304/917), al-Qâsim ibn Ibrahim (242/856) and his grandson al-Hâdi Yahya (288/901), who founded the Zaidiyyah state in Yemen, are especially more famous Zaidî *mujtahids* who collected the *Madhhab*.⁶⁹

This *madhhab* is very close to that of Abu Hanîfa's in the areas of *Mu'âmalât* or transactions. Nowadays, this *madhhab* is said to be the closest to the four popular *madhabs* of Abu Hanîfa, Mâlik, Shâfi'î and Hanbal. The sources of law in the Zaidî school are the Qur'an, the *Sunnah*, *ijmâ'*, *qiyâs*, *Istihsân*, *al-maslahah al-mursalah*, and *hukm al-'aql*. The *mujtahids* of Zaidî school have improved these sources and used them.

Followers of the Zaidî *fiqh* recognize the first four Twelve Imâms but they accept Zaid ibn 'Ali as their "Fifth Imâm" instead of his brother Muhammad al-Bâqir. After Zaid ibn 'Ali, the Zaidî recognize other descendants of Hasan ibn 'Ali or Husayn ibn 'Ali to be Imâms. Other well-known Zaidî Imâms in history were Yahya ibn Zaid, Muhammad al-Nafs al-Zakiyah and Ibrahim ibn 'Abdullah.

We should mention that the second founder of the Zaidî school and one of the most famous scholars of the *madhhab* of Imâm Zaid is Imâm Shawkânî, who died in 1250 in Yemen. His writings show that he was against *taqlîd*. They also show that he treated all *madhabs* equally, including the *Zaidîs*, and in the issues concerning *Aqîdah* he did not go against that of the *Salaf* at all. Imâm Shawkânî's books include *Nayl al-Awtâr* on *hadîth* and *Fath al-Qadîr* on *Tafsîr*.

Another major scholar of the Zaidî school is Imâm Muhammad ibn Isma'îl al-San'ânî (1059-1182). He was born in Yemen and moved to Mecca where he developed into an extremely capable *mujtahid*. He rejected the *taqlîd* and was severely challenged by those who refused the concept of *Ijtihâd*; however, he held his ground and never paid attention to his objectors. One of his many books is *Subul al-Salâm* on *hadîth*. Both *Subul al-Salâm* and *Nayl al-Awtâr* are now considered to be extremely essential for their contributions in the area of *fiqh* and *hadîth*.⁷⁰

4.2.8 The Ibâdhî School

The Ibâdhî school is associated with the name of 'Abdullah ibn Ibâdh (86/705),

⁶⁹ Auda, *Maqâsid al-Sharî'ah as Philosophy of Islamic Law*, p. 68.

⁷⁰ Zaidan, *al-Madkhal Li Dirâsah al-Sharî'ah al-Islâmiyyah*, pp. 173-75; Muhammad Abu Zahra, *al-Imâm Zaid* (Cairo: Dâr al-Fikr al-Arabî, 1997), pp. 349-60; Momen, *An Introduction to Shi'î Islam*, pp. 127-222.

but they came to be known by this name and developed into an independent law school in the third century H (ninth century CE). The main contributor to this school was Jâbir ibn Zaid al-Azdî (93/711), a student of a number of Companions such as Anas ibn Mâlik, ibn Mas'ûd, 'Âishah, ibn 'Umar and ibn 'Abbas. The chains of students after Jâbir were Muslim ibn Abu Karîmah, al-Rabî' ibn Hatîb, Mahbûb ibn al-Rahîl and Muhammad ibn Mahbûb. The most important book of their school is *Dîwân Jâbir ibn Ziyâd*, which *Ibâdhîs* followed and on which they based their law school.⁷¹

The approved method among early *Ibâdhî* authorities on the formulation of legal opinions was that the decision in any legal case should be based in the first instance on the Qur'an; if there was no ruling to be derived from the Qur'an, then the *Sunnah* should be consulted. If it was not dealt with in the *Sunnah*, it should be taken from the consensus of the Companions (*ijmâ' al-Sahâbah*), and if the Companions were not agreed, then the utmost care must be taken to choose the best of the Companions' opinions. In any case, where no previous decision on the question could be found via the above-mentioned sources, the decision should then be derived from the opinions of the early authorities of the *Ibâdhî* school and the soundest opinions must be followed. At all times each learned man was allowed individual judgment (*al-ra'y*). 'Âlim is one who possesses a full knowledge of the Qur'an, *Sunnah* and the opinions of previous authorities, and each ignorant man (*Jâhil*) is forbidden such judgment. It was a recognized principle among *Ibâdhîs* that the *Sunnah* judges about the Qur'an, and *ra'y* judges about the *Sunnah*. The application of this principle appeared in the rules and laws as laid down by *Ibâdhî* authorities for the stage of secrecy (*maslak al-kitmân*) of their community. Via analogical reasoning, *Ibâdhîs* regarded the stage of secrecy of their movement as identical with the corresponding stage of the Prophet's life and the Muslim community during the Meccan period.

Al-Rabî' ibn Habib, one of Abu 'Ubaydah's students, succeeded him as leader of the *Ibâdhî* community in Basra. The work that contains the *Ibâdhî* collection of *hadîth* is *al-Jâmi' al-Sahîh*, also called *Musnad al-Rabî' ibn Habib*. (The original version of the book composed by al-Rabî' ibn Habib is not in common use; the current version is Abu Ya'qub Yusuf ibn Ibrahim al-Warijlani's rearrangement, entitled *Tartîb al-Musnad*, which contains a total of 1005 traditions, including the narrations added by Abu Ya'qub.) Most of the traditions reported by al-Rabî' ibn Habib is reported by other Sunnî sources with the same wording or with slight differences. However, the *Ibâdhî* collection contains a number of traditions that were not included in the Sunnî collec-

⁷¹ Zuhaylî, *al-Fiqh al-Islamî*, vol. I, pp. 59-62; Amr Khalifa al-Nami, *al-Ibâdhîyah* ('Uman: The Ministry of Awqaf & Religious Affairs, 2007) pp. 23-69; Sultanate of Oman. See: http://www.tawalt.com/monthly/Nami_ibadhîya/Ibâdhîa_1.pdf (accessed 8.7.2009); *Studies in Ibâdhism*; Auda, *Maqâsid al-Shari'ah as Philosophy of Islamic Law*, p. 68.

tion and were described by them as being invented (*mawdhû'*). Likewise, a number of traditions regarded as authentic by Sunnî authorities are considered lies or innovations (*bida'*) by Ibâdhî authorities. The *Ibâdhî* legal system was derived from the material reported solely by Ibâdhî authorities.⁷²

4.2.9 Extinct Schools of Law

We cannot say that the founders of such schools are founders of *madhhabs* because they have no adherents. But they are also *mujtahids*. We could say they are founders of extinct schools of *fiqh*.⁷³

4.2.9.1 Al-Awza'î School

'Abd al-Rahman ibn 'Amr Abu 'Amr, born in Ba'albek (88/757-157/774) was the founder of a law school as well. He had gained a reputation for his ascetic tendencies and good character, and was called the Imâm of Syria. He even had followers in the Maghreb before they went over to the school of Mâlik. Among his contemporaries were Sufian, Mâlik, Ibn al-Mubâarak, and others. According to Hiql, who was the most reliable of the persons who quoted al-Awza'î, the latter decided 10,000 legal questions. But according to another version, the number was 80,000. 'Abd al-Rahman ibn Mahdi said: "The *Imâms* of *hadîth* are four, al-Awza'î, Mâlik, Sufian al-Thawri, and Hammâd ibn Zaid." al-Awza'î was from *ahl al-hadîth*.⁷⁴

Very few of al-Awza'î's writings survive, but his style of Islamic jurisprudence (*usûl al-fiqh*) is preserved in Abu Yusuf's (798) book *al-Radd 'ala Siyar al-Awza'î*, in particular, his reliance on the "living tradition" or the uninterrupted practice of Muslims handed down from preceding generations. For Awzai, this is the true *Sunnah* of Muhammad. Al-Awza'î's school flourished in Syria, the Maghreb, and Muslim Spain but was eventually replaced by the Mâlikî school of Islamic Law in the 9th century. However, given his authority and reputation as an Imâm and pious ancestry, his views retained potential as a source of law and basis for alternative legal approaches and solutions. He died in 774 and was buried near Beirut, Lebanon, where his tomb is still visited today.⁷⁵

⁷² Amr Khalifa al-Nami, *al-Ibâdhîyah* (Sultanate of Oman: The Ministry of *Awqaf* and Religious Affairs).

⁷³ Hallaq, *The Origins and Evolution of Islamic Law*, p. 7

⁷⁴ Aghnides, *Islamic Theories of Finance*, p. 146.

⁷⁵ Zaidan, *al-Madkhal Li Dirâsah al-Sharî'ah al-Islâmiyyah*, pp. 173-75; John L. Esposito, *The Oxford dictionary of Islam*, (Oxford University Press US, 2004), p. 30; for more information see, Hussein F. Kasasbeh, *The Office of Qâdhî in the Early 'Abbâsid Caliphate, 132-247/750-861*, (Deanship of Research and Graduate Studies, Mu'tah University, 1994).

4.2.9.2 Al-Thawrî School

Abu ‘Abdullah Sufian ibn Sa‘îd of Kufa (716-778) was a *Tâbi‘î* Muslim scholar, *Hâfiz* and full *mujtahid*, the founder of the Thawrî school. Among those who quoted him were Mâlik, al-Awza‘î, and others. He was well known for his piety and his thorough knowledge of the *hadîths*. Abu ‘Âsim said of him: “al-Thawrî is the Commander of the Believers in the matter of *hadîths*.” His jurisprudential thought (*usûl al-fiqh*), after his move to Basra, became more closely aligned with that of the Umayyads and of al-Awza‘î. He is reported to have regarded *jihâd* as an obligation only in the event of a defensive war.⁷⁶

Al-Thawrî was one of the “Eight Ascetics [*mutasawwifs*]” who included (the usual list) ‘Âmir ibn ‘Abd al-Qays, Abu Muslim al-Khawlani, Uways al-Qarani, al-Rabî‘ ibn Khuthaym, al-Aswad ibn Yazid, Masruq ibn al-Ajda‘ and Hasan al-Basri.

The most well known of his books, perhaps, is his *Tafsîr* of the Qur‘an, one of the earliest in that genre. An Indian manuscript purports to preserve it up to Qur‘an 52:13, as published by Imtiyâz ‘Alî ‘Arshî in 1965. Also, Tabarî’s *Tafsîr* quotes extensively from the whole text. Al-Thawrî also preserved the books of his Umayyad predecessors. He spent the last year of his life hiding after a dispute between him and Caliph al-Mahdi.

After his death, the al-Thawrî *madhhab* was taken over by his students, including Yahya al-Qattan. His school did not survive, but his juridical thought and especially his transmission of *hadîths* are highly regarded among scholars, and have influenced all the major schools.⁷⁷

4.2.9.3 The al-Laith ibn Sa‘d School

Al-Laith ibn Sa‘d ibn ‘Abdur-Rahmân al-Fahmi was born in Sha‘bân in 94/713 in Qarqashandah, a village twenty-two kilometers from Fustât in Egypt and died in 175/791 in Cairo. His origins go back to Esfehân, Persia (now Iran). He was one of the great Imâm of jurisprudence and the Imâm of the Egyptians. A pious, ascetic, truthful scholar who abstained from unlawful acts, he was also sincere, humble, forbearing and kind-hearted when dealing with people. He is the Imâm, the *Hâfiz* (a title given to whoever memorizes 100,000 *hadîths*), the *shaikh* of Islam, the jurist and scholar of Egypt.

⁷⁶ Ibn Khallikân, *Wafayât al-A‘yân*, vol. II, pp. 322-326; Aghnides, *Islamic Theories of Finance*, pp. 146-47.

⁷⁷ Ibn Khallikân, *Wafayât al-A‘yân*, vol. II, pp. 322-26; Zaidan, *al-Madkhal Li Dirâsah al-Sharî‘ah al-Islâmiyyah*, p. 179.

He started to acquire religious knowledge in his early years. He was a student of some of the greatest scholars of his time, such as 'Ubaydullâh ibn Ja'far, Ja'far ibn Rabi'ah, al-Hârith ibn Yazîd and Yazîd ibn Abu Habib. Al-Laith had high aspirations regarding study. For him, what Egypt alone had to offer was not sufficient. In 113 AH, he decided to travel to Hijâz to perform *Hajj* and seek knowledge. He was twenty years old at that time.

In Mecca and Medina, which were considered the most outstanding sources of religious knowledge in the Muslim world, Al-Laith started to learn jurisprudence and *hadîth* from a unique group of scholars. Ibn Shihâb al-Zuhri was known as the most knowledgeable *Hâfiz* and one of the first scholars to write down the *hadîths* of the Prophet, and he was one of Al-Laith's teachers. Al-Laith also received religious knowledge from 'Ata' ibn Abu Rabah, who was the *muftî* and jurist of Mecca, ibn Abu Malîkah, Nâfi' Ad-Daylami, who was the freed slave of the revered companion 'Abdullah ibn 'Umar ibn al-Khattâb, Sa'îd ibn Sa'îd al-Maqbari, Abu Az-Zubayr al-Makkî and many others. Al-Layth was of the second generation *tabi'în*. Some major scholars of the *tabi'în* he sat with other than Nâfi' were Az-Zuhrî, Yahyâ ibn Sa'îd Al-Ansârî, Ibn 'Ajlân, Hishâm ibn 'Urwah, 'Atâ ibn Abî Rabâh, Sa'îd Al-Maqburî (famous for his reports from Abû Hurayrah) as well as hundreds more. Many famous scholars took from him in *Hadîth* including Ibn Wahb (student of Imâm Mâlik), Abdullah ibn Al-Mubâarak and hundreds more known to the specialists of the sciences of *hadîth*.⁷⁸

After spending many years acquiring knowledge, Imâm Al-Laith was prominent among his contemporary scholars as a brilliant jurist and a trustworthy narrator of the Prophetic *hadîths*. He started a class in his mosque to teach people and a short while later became very famous: students came from everywhere to learn from him. He was one of the most prominent jurists of his time, well known among people everywhere. The caliphs and Emîrs became acquainted with him and scholars praised him and testified to his profound knowledge, his ability to memorize and his mastery of religious affairs.

Imâm al-Laith occupied several posts. He was the head of the Administration of Finance during the reign of Sâlih ibn 'Ali ibn 'Abdullah ibn 'Abbas of Egypt. He was also its head during the caliphate of the 'Abbasid Caliph, al-Mahdi. Previously, the 'Abbasid Caliph Abu Ja'far al-Mansûr asked him to be the ruler of Egypt, but Imâm al-Laith declined.⁷⁹

⁷⁸ Al-Dhahabî, *Siyar A'lâm al-Nubalâ*, vol. VIII, 136-62.

⁷⁹ Zaidan, *al-Madkhal Li Dirâsah al-Sharî'ah al-Islâmiyyah*, p. 179.

4.2.9.4 The Ibn Jarîr al-Tabarî School

Abu Ja'far Muhammad ibn Jarîr al-Tabarî (838-923) was one of the earliest, most prominent and famous Persian jurists, historians and exegetes of the Qur'an who wrote exclusively in Arabic. He is most well known for his *Târikh al-Tabarî* (*Târikh al-Rusul wa al-Mulûk* or *Târikh al-Tabarî*=History of the Prophets and Kings) and *Tafsîr al-Tabarî* (*Jâmi' al-bayân fi Ta'wîl al-Qur'an* or *Tafsîr al-Tabarî*). *Ikhtilâf al-Fuqahâ* was a comparative study of Islamic law schools. He learned *fiqh* from the Shâfi'î school, the Mâlikî school and *fiqh* from *ahl al-Iraq* but remained an independent *mujtahid*. He attempts in *Ikhtilâf al-Fuqahâ* to account for how the opinions used by the schools, if in theory derived from the same principles as is the *Sunnah*, are often in conflict with one another. Al-Tabarî ratifies the opinions of certain authorities by detailing their relationship to the revelation through the medium of the *Sunnah* and the practice of later generations.⁸⁰

He did not hesitate to express his independent judgment (*ijtihâd*), stating his view as to which of the sources he cited was accurate. This was, more understandably, an aspect of his law than of his history. This does not mean he saw himself as innovative. On the contrary, he was very much opposed to religious innovation. In general, Tabarî's approach was conciliatory and moderate, seeking harmonious agreement between conflicting opinions.

He characterized himself as a Shâfi'îte in law and the Shâfi'îtes were happy to have him view himself as such. He was later seen as establishing his own school. Although he had come to Baghdad in his youth to study with ibn Hanbal, he incurred the vehement wrath of that school. Tabarî's *madhhab* is usually called *Jarîrî*. However, in the keenly competitive atmosphere of the times, his school did not survive.⁸¹

4.2.9.5 Sufian ibn 'Uyainah School

Sufian ibn 'Uyainah ibn Maymûn al-Hilali al-Kufi (198/814) was a faithful memorizer, and the Imâm of the Sacred Masjid of Mecca. He was one of the leaders of the study of *hadîths*. He was an Imâm, a *hâfiz*, a proof (*hujjah*), possessing immense knowledge and great ability, and a *muhaddith* (scholar of *hadîths*) of the Haram of Mecca. Imâm al-Shâfi'î said that without Mâlik and Sufian the knowledge of Hijaz (Mecca and Medina) would have been lost. He also said that he found Sufian to have

⁸⁰ Cf. Melchert, *The Formation of the Sunnî Schools of Law, 9th-10th Centuries*, pp. 191ff.

⁸¹ Zaidan, *al-Madkhal Li Dirâsah al-Sharî'ah al-Islâmiyyah*, pp. 180-81; Brannon M. Wheeler, *Applying the Canon in Islam: the Authorization and Maintenance of Interpretive Reasoning in Hanafî Scholarship*, (SUNY Press, 1996), pp. 94-100.

all but six *hadīths*.⁸²

We would like to give here Bediuzzaman's explanation of Sufian ibn 'Uyainah:

At this time, however, due to the supremacy of natural philosophy and the preponderance of the conditions of worldly life, minds and hearts have become scattered, and endeavor and favor divided. Minds have become strangers to non-material matters. Thus, it is because of this that if someone now was to memorize the Qur'an at the age of four and have the intelligence of a *mujtahid* like Sufian ibn 'Uyainah, who held discussions with religious scholars at an early age, he would need ten times longer than Sufian to become qualified to interpret the law. If Sufian acquired the learning in ten years, this man would need one hundred years. Because the period of Sufian's natural study began at the age of reason. His disposition and abilities were slowly prepared and illuminated; they took lessons from everything and became like a match. But his counterpart at the present time, since his thought is submerged in philosophy, his mind plunged in politics, and his heart is giddy at the life of this world, his disposition and abilities have grown distant from interpretation of the law. For sure, they have become distant from interpretation of the Sharī'ah to the degree they have been preoccupied with the modern sciences, and have remained backward in regard to it to the extent he has become learned in the physical sciences. Therefore, he may not say: "I am as intelligent as him. Why can't I become on a level with him?" He does not have the right to say this, and he cannot be on a level with him.⁸³

4.3 Some Theological Schools and their Opinions on *Fiqh*

4.3.1 Some Considerations

The origin of this distinction between *ahl al-sunnah* and *ahl al-bid'ah* (heresy) is based, among other things, on the following statement by the Prophet: "Verily, it shall happen to my community [ummah] what happened to the Sons of Israel. The Sons of Israel split up into 72 sects, and my community shall split up into 73 sects, namely, one more than their sects; all of these sects shall go into the Fire except one." They said: "Oh Prophet of God, which is the one sect that will stay away from the Fire?" He replied: "The sect in which I and my Companions have belonged."⁸⁴

The test of *ahl al-sunnah* then is to hold the same views as the Companions. The content of *ahl al-sunnah* consists for the most part in agreement on a great many

⁸² Al-Dhahabī, *Siyar A'lām al-Nubalâ*, vol. VIII, pp. 454-75; Ibn Khallikân, *Wafayât al-A'yân*, vol. II, pp. 326-29; Salaahud-Deen 'Ali Abdul Mawjood, *Imâm Sufian ibn 'Uyainah*, trans. Abu Bakr ibn Nasir (Riyadh: Dar-us Salam Publications 2006).

⁸³ Bediuzzaman, "Twenty-Seventh Word," *The Words*, pp. 496-97.

⁸⁴ *Sunan al-Tirmidhi*, Hadīth No.171: Abdulqahir al-Baghdadi (429/1037), *al-Farq bayn al-Firaq* (Beirut: Dar al-Ma'rifah, d.n) pp. 4-11.

heads or “pillars” as they call them. Each of these “pillars” must be understood by every adult person of mature understanding. These “pillars” include the fundamental (*usûl*) and secondary (*furû‘*) questions. On the fundamental questions all the *ahl al-sunnah* Muslims were one, although they differed on the secondary points. But their differences were not a matter of error ((*dhalâl*) or impiety (*fisq*).

These pillars embrace a wide range of subjects, including metaphysical questions on matter, accidents and essence, dogmatic theology concerning such matters as the existence, unity, attributes and names of God, the createdness of the universe, the prophets and their miracles, and issues of worship, such as the observation of the five “pillars” of Islam, *fiqh*, public law, such as the question of the caliphate, etc.⁸⁵

4.3.1.1 What is Difference between Islam and Îmân?

The Prophet defined Islam as consisting in the observance of “the five pillars,” namely the creed that there is no God but God and that Muhammad is his Prophet, the five prayers, *zakâh*, fasting during the month of Ramadhân, and the pilgrimage to Mecca. In other words, Islam is the external submission and differs from *îmân* (faith) which means internal submission. This distinction is also acknowledged by al-Bukhâri, although there are those who have considered the two terms synonymous. The opposite of *îmân* is *kufr*, meaning unbelief. According to the view that *îmân* means internal submission only, *kufr*, or unbelief, would not exclude a person from Islam. The majority of *faqîhs* and theologians agreed that Muslims do not become unbelievers (*kâfir*) by erring in the fundamentals of religion (*usûl al-dîn*), that is, in dogma. If a Muslim errs in something other than dogma, if he can justify his opinion by some evidence (*burhân*), then he is saved (*nâjî*). Even if he bases his opinion on the erroneous view of another person (*taqlîd*) he is still saved, according to the majority view. According to one opinion, Muslims are allowed to call other Muslims *kâfirs* as retaliation for the same insult.⁸⁶

The differences between *Islam* and *îmân* (*faith=belief*) have frequently been the subjects of discussion among Islamic scholars. One group has said that they are the same, while another has said that they are not the same but the one cannot exist without the other. They have expressed various similar ideas. There is a subtle difference between the two terms:

Islam is a preference, while belief is a conviction. To put it another way, Islam

⁸⁵ Abdulqahir al-Baghdadi (429/1037), *Usûl al-Dîn* (Beirut: Dar al-Kutub al-Ilmiyyah, 1981), pp. 318-43; *al-Farq bayn al-Firaq*, pp. 11-12; Tashkopruzadeh (968/1560), *Miftâh al-Sa'âdah*, vol. II, pp. 194-257; Aghnides, *Islamic Theories of Finance*, pp. 133-35.

⁸⁶ Colin Turner, *Islam without Allah?: the Rise of Religious Externalism in Safavid Iran*, (Routledge, 2000), pp. 8-10.

takes the side of the truth and is submission and obedience to it, and belief is acceptance of and assent to the truth. We could see certain irreligious people who fervently support the injunctions of the Qur'an. That is to say, such people by taking the part of the truth in one respect were Muslims and were called "irreligious Muslims." And we could see certain believers who did not show any support for the injunctions of the Qur'an; they did not support them and were thus called "non-Muslim believers."

Just as Islam without belief cannot be the means of salvation, neither can belief without Islam.⁸⁷

4.3.1.2 Who is a Muslim?

This question has been variously answered. Some say that every person who believes in Muhammad as a prophet belongs to the Muslim community (*millah al-Islâm*). The Qarâmites claim that every person who says, "There is no God but God, and Muhammad is the prophet of God" is a Muslim. Still others say that every person who believes in the five prayers and in saying them with one's face turned toward Mecca is a Muslim. In our view, a person is a Muslim if he believes in the six pillars of faith until he or she deny one of six pillars. That means that a person is a Muslim if he believes in the createdness of the universe, the unity, eternity, justice and wisdom of its Creator, would not place others on the same level as God nor deny any of His attributes, if he believes in the prophecy and mission of all the prophets, and in the truth of the prophecy of Muhammad, as well as in his mission to all nations, if he believes in his teachings and the Qur'an as the source of divine revelation, finally, if he believes in the obligation of the five prayers, giving *zakâh*, the fast of Ramadan, and the pilgrimage to Mecca.⁸⁸

We should not forget that belief (*îmân*) is a light produced by affirming in detail all the essentials of religion brought by the Prophet and the rest in general. The inability to state something clearly does not indicate its non-existence. Mostly, the tongue is incapable of interpreting the subtleties of what the mind conceives of. Similarly, the intellect cannot contemplate the hidden secrets of the conscience, so how should it interpret all of them? In consequence, one can establish whether or not an ordinary person believes by questioning him and seeking an explanation. You can question him both positively and negatively, saying: "O you common man! Is it possible according to your way of thinking that the Maker in the grasp of Whose power are all six aspects of the world, should be present in just one place of it?" If he replies negatively, then

⁸⁷ Bediuzzaman, *Letters*, Ninth Letter, pp. 52-53.

⁸⁸ Abdulqahir al-Baghdadi, *Usûl al-Din*, pp. 248-52; *al-Farq bayn al-Firaq*, pp. 12-14; Aghnides, *Islamic Theories of Finance*, pp. 135-38.

the fact that Allah is beyond the restrictions of space is firmly established in his conscience, and that is sufficient for him. You can think of further examples in the same way.⁸⁹

According to some scholars, the person who observes all the above is a Muslim. In addition, if such a person abstains from any heresy (*bid'ah*) that involves unbelief he is a Sunnîte Muslim. If, on the contrary, he commits a heresy, there are two possibilities.

(1) The heresy is of the kind committed by the Bâtinites, Bayânites, Mugirites, Mansurites, Janâhites, Sabbâbites, Khattâbites (subdivisions of the Râfidites), the Hululites, those who believe in the transmigration of souls, the Maymunites or Yazidites (both subdivisions of the Khârijites), the Hâitites or Himârites (subdivisions of the Qadarites), or the heresy consists in prohibiting what the Qur'an permits by name, and *vice versa*. In such cases, the individual does not belong to the Muslim community (*millah al-islam*).

(2) The heresy is of the kind committed by the Zaidîtes and Imâmites (subdivisions of the Shî'a), most of the Khârijites, the Mu'tazilîtes, Najjârites, Jahmites, Dirârites and Mujassimites. In this case the individual is considered to be a Muslim in certain respects but not part of the Muslim community. For example, like other Muslims, he is buried in the Muslim cemetery, receives a share in the spoils of war, and may enter a Muslim mosque to pray in it. However, a Sunnî Muslim is not allowed to pray over his dead body, to pray under his leadership (*al-salâh khalfahû*) nor to eat his sacrifice. Nor may a Sunnî marry women of his sect or offer him a Sunnî woman in marriage. In short, these are three classes of Muslims, the Muslims who are Sunnîs, those who are merely Muslims, and finally those who are Muslims in name only but not in reality, such as the Maymunites and Hululites.

The reason why certain groups of Muslims have been considered heretical is not because they differed in the application or even the theory of *fiqh*, since the *ahl al-sunnah* schools will be found to differ among themselves almost as much. It is mainly because of differences on theological and political issues, for these were the principal issues that led to their secession from the main body of Muslims.⁹⁰

⁸⁹ Bediuzzaman, Said Nursi, *Signs of Miraculousness: The Inimitability of the Qur'an's Conciseness*. Trans. by Shukran Wahide, (Istanbul: Sozler Publications, 2007), pp. 37-38.

⁹⁰ Abdalqahir al-Baghdadi (429/), *Usûl al-Din*, pp. 248-52; *al-Farq bayn al-Firaq*, pp. 14-28; Aghnides, *Islamic Theories of Finance*, pp. 135-38.

4.3.2 Some Ahl al-Bid'ah Theological Schools

4.3.2.1 Mu'tazila=Qadariyyah (Opponents of Qadar)

Mu'tazila is a theological school of thought within Islam, anglicized as *Mu'tazilite*. They are usually not accepted by other Sunnî Muslims, although their theology parallels Shî'a Islam, such as their belief in free will, the promotion of justice, and prohibition of evil. The name *Mu'tazilî* is thought to originate from the Arabic root (*i'tazala*) meaning "to leave," "to withdraw." Another name is *Qadariyyah*. *Qadariyyah* (the name is based on the Arabic word *qadar*, meaning "fate") was a theological movement in early Islam that held that human beings were endowed by God with free will. *Qadariyyah* resisted the Umayyad caliphs' claims to be the ordained rulers of all Muslims by God himself and, for that reason its proponents, the Qadarites, supported the Abbasid revolution. Like many early theological movements, some of which had views incompatible with *Qadariyyah*, the Qadarites claimed to be the ideological descendants of Hasan al-Basri.⁹¹

Mu'tazilî theology originated in the 8th century in Basra ('Iraq) when Wâsil ibn 'Atâ (131/748) stopped attending al-Hasan al-Basri's classes after a theological dispute regarding the issue of *al-Manzilâh bayna al-Manzilâtayn* (the intermediate position). This position holds that Muslims who commit grave sins and die without repentance are not considered *neither mu'mins* (believers) *nor do kâfirs* (unbelievers) but occupy an intermediate position between the two. Thus, Wâsil ibn 'Atâ and his followers, including 'Amr ibn 'Ubayd (144/ 761), were called *Mu'tazilî*. The *Mu'tazilîs* later called themselves *Ahl al-Tawhîd wa al'Adl* (People of Divine Unity and Justice), based on the theology they advocated, which sought to ground the Islamic creed in reason. The leaders of this school mentioned Abu 'Ali Juba'i (303/915) and Qâdhî Ahmad ibn Abu Dawud, who instigated the Abbasid caliphs to commit cruelty against Sunnî scholars. With these provocations, the *Mu'tazilî* school became the official school of thought in the Abbasid caliphate.⁹²

The main issue in Islamic Law is the power of the intellect (reason=*aq'l*) as a source of law like revelation. The *Mu'tazilîs* had a nuanced theory regarding reason,

⁹¹ Ibn Khallikân, *Wafayât al-A'yân*, vol. V, p. 3-7; The Committee, *Mawsû'ah al-Adyân al-Muyassarâh*, pp. 452-53; Ali Sâmî al-Nashshâr, *Nash'ah al-Fikr al-Falsafî fi al-Islâm*, (Cairo: Dâr al-Ma'ârif, d.n.), pp. 373-441.

⁹² Al-Sayyid Sharîf al-Jurjani, *Sharh al-Mawâqif*, v. VIII (Beirut: Dar al-Kutub al-Ilmiyyah, 1998), pp. 364-69, 409-16; Sa'd-al-Dîn Mas'ud ibn 'Umar al-Taftâzani, *al-Talwîh li Kashf Haqâ'iq al-Tanqîh*, v. I (Beirut: Dar al-Arqaam, d.n) pp. 405-18; Ahmed Qalqashandî, *Subh 'ül-A'shâ fi Sina'ah al-Insha*, vol. XIII (Cairo: Dâr al-Kutub al-Misriyyah, 1913), pp. 251-53; Tashkopruzadeh, *Miftâh al-Sa'âdah*, vol. II, pp. 163-78; Abdulqahir al-Baghdadi, *Usûl al-Din*, pp. 335-37; Seyyed Hossein Nasr, *Islamic Philosophy from its Origin to the Present: Philosophy in the Land of Prophecy* (Albany: SUNY Press, 2006), pp. 126-27.

divine revelation and the relationship between them. They celebrated the power of reason and the human intellect. To them, it is the human intellect that guides a human in knowing God, His attributes and the very basics of morality. Once this foundational knowledge is attained and one ascertains the truth of Islam and the divine origins of the Qur'an, the intellect then interacts with scripture, such that both reason and revelation come together as the main source of guidance and knowledge for Muslims. They have claimed an extensive use of rationality in the development of their religious views, saying: *"It is not surprising that opponents of the Mu'tazila often charge the Mu'tazila with the view that humanity does not need revelation, that everything can be known through reason, that there is a conflict between reason and revelation, that they cling to reason and put revelation aside, and even that the Mu'tazila do not believe in revelation. But is it true that the Mu'tazila are of the opinion that everything can be known through reason and therefore that revelation is unnecessary? The writings of the Mu'tazila give precisely the opposite portrait."*

In their opinion, human reason is not able to know everything, and therefore humans need revelation in order to reach conclusions concerning what is good and what is bad for them.⁹³ That is, there are three classes of acts.

A) The *first* is that the intellect is competent on its own to discover morality. For instance, according to the Mu'tazilîs, the intellect can know, independently of revelation, that justice and telling the truth (*sîdq*) are morally good. God is under an obligation to order humanity to abide by these.

B) The *second* class of acts covers those of which the intellect can discover their inherent evil and ugliness (*qubh*), such as injustice, mendacity or being in a state of ignorance of the Creator. God cannot do anything else but prohibit these.

C) The *third* class is comprised of those acts to which the human intellect is incapable of assigning moral values. These are known only through revelation and they are recognized as morally good if God orders them or as morally wrong if God forbids them. In short, the human intellect is capable of knowing what is right and what is wrong in a very general sense. Revelation is given by God to detail what the intellect summarizes and to elaborate on the broad essentials. Revelation and reason complement each other and cannot dispense with each other.

The conflict between Mu'tazilîs and Ash'arîs concerning this point was a matter of the focus of obsession (*ijbâr*). Mu'tazilîs were obsessed with divine justice, whereas the Ash'arîs were obsessed with divine omnipotence. Nevertheless, divine self-restraint in Mu'tazilî discourse arises because of divine omnipotence and not as a ne-

⁹³ Al-Sayyid Sharîf al-Jurjani, *Sharh al-Mawâqif*, vol. VIII, pp. 364-69, 409-16; Sa'd-al-Dîn Mas'ud ibn 'Umar al-Taftâzani, *al-Talwîh li Kashf Haqâ'iq al-Tanqîh*, vol. I, pp. 405-18; M.M Sharîf, *A History of Muslim Philosophy*, vol. I, pp. 199-219.

gation of it.

Another issue is authenticity of reports. Mu'tazilīs declare as true all that is established by *mutawâtir* reports, by which we know what the Messenger of God has said. And that which was narrated by only one or two transmitters, or by one for whom error was possible, such reports are unacceptable in religion (*al-diyânât*) although they are acceptable for the proceedings of positive law (*furû' al-fiqh*) as long as the narrator is trustworthy, competent, just and has not contradicted what is narrated in the Qur'an.⁹⁴

We can summarize some principles of Mu'tazila:

a) The Mu'tazilītes, who wanted to avoid everything that might compromise the oneness of God (*tawhīd*), denied the doctrine that the Qur'an was uncreated and eternal.

b) On the question of the relationship of faith (*īmān*) to works (*'amal*), the Mu'tazilītes taught, like the *Khawârij*, that works were an essential part of faith but that a person guilty of grave sin (*kabīrah*) was neither a Muslim – unless he repented – nor a non-Muslim but occupied a "middle ground" (*al-Manzilah bayna al-Manzilatayn*).⁹⁵

c) People were free to choose and act and, therefore, created for their actions (*khalk al-af'âl*).

d) Divine predestination of human acts, they held, was incompatible with God's justice and human responsibility (*adâlah*).

e) They claimed that human reason was capable of discovering, independent of revelation, what was good and what was evil, although revelation corroborated the findings of reason.

The function of revelation was twofold. *First*, it was to aid humans in choosing the right, because they often falter in the conflict between good and evil. God, therefore, must send prophets, for he must do the best for humankind. *Secondly*, revelation was also necessary to communicate the positive obligations of religion, e.g., prayers and fasting, which could not be known without revelation.

God was viewed as pure Essence (*Zât*) without eternal attributes (*sifât*) because this school held that the assumption of eternal attributes in conjunction with Essence will result in a belief in multiple coeternals and violate the pure unadulterated unity of

⁹⁴ Al-Sayyid Sharīf al-Jurjani, *Sharh al-Mawâqif*, vol. VIII, pp. 364-69, 409-16; Abdu'lqahir al-Baghdadi, *Usûl al-Din*, pp. 335-37; 'Abd al-Jabbar in 'Abd al-Karim 'Uthman (ed.), *Sharh al-Usûl al-Khamsa* (Cairo: Maktabat Wahba, 1965); Abu al-Hasan al-Ash'arī in Muhammad 'Abd al-Hamid (ed.), *Maqâlat al-Islâmīyyin wa Ikhtilâf al-Musallīn* (Cairo: Maktabat al-Nahdah al-Misriyah, 1969).

⁹⁵ Al-Sayyid Sharīf al-Jurjani, *Sharh al-Mawâqif*, vol. VIII, pp. 364-78.

God. God knows, wills and acts by virtue of his Essence and not through attributes of knowledge, will and power.⁹⁶

4.3.2.2 Khârijîtes

Khârijîtes (*Khawârij*), literally “those who went out,” is a general term embracing various Muslims who, while initially supporting the caliphate of the fourth and final “rightly guided” caliph, ‘Ali ibn Abu Tâlib, they rejected him later. They first emerged in the late 7th century CE, concentrated in today’s southern Iraq. It is significant that Hurqus ibn Zuhair was elected as one of the heads of the Khârijîtes after the Battle of Siffîn, which was a battle for Muslim leadership with ‘Ali on the one side and the Mu‘âwiya on the other. This probably marks one of the most painful moments in the history of Islam. Many Companions on both sides were disheartened by this conflict. The necessity, therefore, for arbitration between the two parties was broached by a certain al-Ash‘ath ibn Qais. The proposal was accepted by both parties with Abu Musa al-Ash‘arî representing ‘Ali and ‘Amr ibn al-As representing the Mu‘âwiya.⁹⁷

Nonetheless, when the pact was read out by Ibn Qais a large group on ‘Ali’s side objected vehemently to its terms. Most of the members of this group belonged to the Bedouin Tamim tribe. Their spokesperson on this occasion was ‘Urwa ibn ‘Udaiyya, who said, “Are men to arbitrate in the affairs of Allah? There can be no arbitration except by Allah.” In support of his view he quoted the following Qur’anic passage: “*The prerogative of command rests with none but Allah. He declares the truth and he is the best of judges*” (6:57). ‘Ali’s response to this was typical: “There is a word of truth in what they say” he said, “but their ends are devious.”⁹⁸

‘Urwa, along with 12,000 others, then seceded from ‘Ali’s party. They initially set up camp at a place called Harawra on the outskirts of Kufa where they elected ‘Abdullah ibn al-Kawwa as their head. ‘Ali pursued them and engaged them in debate. Ibn al-Kuwwa conceded to Ali’s arguments and he, along with a few others, returned to his ranks.

The rest of the Khârijîtes then left for Nahrawan. Here they elected ‘Abdullah ibn Wahb al-Rasibi and the above-mentioned Hurqus ibn Zuhair as their leaders. Suffice it

⁹⁶ Al-Sayyid Sharîf al-Jurjani, *Sharh al-Mawâqif*, vol. VIII, pp. 364-69, 409-16; Sa‘d-al-Dîn Mas‘ud ibn ‘Umar al-Taftâzani, *al-Talwîh li Kashf Haqâ‘iq al-Tanqîh*, vol. I, pp. 405-18; Mehmed ibn Ferâmuz Molla Khusraw (955/1480), *Mir‘at al-Usûl Fi Sharh-i Mirqât al-Wusûl* (Istanbul: Eser Publications, 1889), vol. I, pp. 276-80; Abdulqahir al-Baghdadi, *al-Farq bayn al-Firaq*, pp. 114-202.

⁹⁷ Mu‘awwadh and Abdumawjûd, *Târikh al-Tashrî‘ al-Islâmî*, vol. II, pp. 4-6; Mawsû‘ah al-Adyân al-Muyassarah (Beirut: Dar al-Nafâ‘is, 2002), pp. 234-35; al-Qattân, *Târikh al-Tashrî‘ al-Islâmî*, pp. 199-205.

⁹⁸ Al-Sayyid Sharîf al-Jurjani, *Sharh al-Mawâqif*, vol. VIII, pp. 364-69, 424-28.

to say that by now this group of Khârijîtes – known as the *Muhakkimah* had already decided on the following principles:

a) The declaration of *kufr* (unbelief) for ‘Ali, Mu‘âwiya and all those who had participated in and agreed to the process of arbitration;

b) *Takfir* (accusation of unbelief) of all those who disagreed with them on any theological issues;

c) The right to kill any of the above;

d) Acts (*‘amal*) like praying and fasting are parts of *îmân* (faith), so whoever abandons these religious acts would become an unbeliever (*kâfir*).⁹⁹

Whereas the Shi‘îtes believed that the Imâmate (leadership) was the sole right of the house of Ali, the Khârijîtes insisted that any pious and able Muslim could be a leader of the Muslim community. And whereas the Sunnîs believed that the Imâm’s impiety did not by itself justify sedition, the Khârijîtes insisted on the right to revolt against any ruler who deviated from the example of the Prophet Muhammad and the first two caliphs, Abu Bakr and ‘Umar. From this essentially political position, the Khârijîtes developed a variety of theological and legal doctrines that set them further apart from both Sunnî and Shi‘îte Muslims.

The only surviving group, the Ibâdî of Oman, Zanzibar and North Africa, reject the Khârijîte appellation and refer to themselves as *ahl al-‘adl wal istiqâmah* (people of justice and uprightness). One of the early Khârijîte groups was the Harûriyya; it was notable for many reasons, including its ruling on the permissibility of female imâms and the fact that a Harûrî assassinated ‘Ali.

The high point of the Khârijîtes’ influence was during the years 690-730 around Basra in southern Iraq, which was always a center of Sunnî theology. Khârijîte ideology was a popular creed for those rebelling against the officially Sunnî caliphate, inspiring breakaway states and rebellions (like Maysara’s) throughout the Maghreb and sometimes elsewhere.

They regarded the territory occupied by other Muslims as part of *Dâr al-Kufr*, the territory of unbelief where it was permitted to attack both people and goods – but also a territory from which one had to exile oneself, as Muhammad had exiled himself from Mecca to escape the unbelievers there. The most extreme were the *Azraqîs* or *Azâriqah*, founded in Persia in 685 by Nâfi‘ ibn ul-Azraq. These pronounced *takfir* on all other Muslims, considering them to be *kuffâr* (unbelievers) who could be killed

⁹⁹ Al-Sayyid Sharîf al-Jurjani, *Sharh al-Mawâqif*, vol. VIII, pp. 364-69, 424-28; al-Sayyid Sharîf al-Jurjani, *Sharh al-Mawâqif*, vol. VIII, pp. 364; al-Qattân, *Târikh al-Tashrî‘ al-Islâmî*, pp. 199-205.

with impunity.¹⁰⁰

4.3.2.3 The Shī'a

The Shī'a is the second largest denomination in Islam, after Sunnī Islam. Shī'a Muslims, although a minority in the Muslim world, constitute the majority of the population in Iran, Azerbaijan, Syria, Turkey, Bahrain and Iraq, as well as in Lebanon.

The Shī'a movement dates from the period when a group of Muslims wanted 'Ali ibn Abu Tālib, the cousin and son-in-law of the Prophet, to become the caliph instead of Abu Bakr, who had been elected to be the first caliph following the death of Muhammad in 632. They advanced his candidacy on the basis of heredity but were outvoted. 'Ali ultimately became the fourth caliph, succeeding 'Uthman who had succeeded 'Umar who had in turn succeeded Abu Bakr. But 'Ali was overthrown by the rebellion by Mu'āwiya, the governor of Syria, whose seat was in Damascus. Mu'āwiya rebelled against 'Ali because he attributed the assassination of his kinsman 'Uthman to 'Ali's followers. 'Ali was subsequently assassinated after losing the *tahkīm* (arbitration) to Mu'āwiya. His followers then constituted what would today be called a political party to reinstate him and to secure succession to the caliphate.¹⁰¹

In 680 Hussain, one of 'Ali's sons led a number of Muslims who were then rebelling against the ruling caliph in an attempt to establish a caliphate in the area between Iran and Iraq based on the line of descent from the Prophet. But Hussain was lured into Iraq, and he and his followers were massacred at a place called Karbalâ. Hussain's martyrdom spurred the Shī'a movement in Iraq and Iran, and the anniversary of Karbalâ is commemorated every year by the Shī'a population. In Iran, in particular, it is conducted by means of a large popular demonstration in which people weep publicly and flagellate themselves as a sign of their remorse.¹⁰²

'Ali is the central figure in the origin of the Shī'a/Sunnī split that occurred in the decades immediately following the death of the Prophet in 632. Sunnīs regard 'Ali as the fourth and last of the "rightly guided" caliphs (successors to Mohammed as the leader of the Muslims) following Abu Bakr (632-634), 'Umar (634-644) and 'Uthman (644-656). The Shī'a feel that 'Ali should have been the first caliph and that the caliphate should pass only to direct descendants of Mohammed via 'Ali and Fâtima. They often refer to themselves as *ahl al-bayt* or "people of the house" [of the prophet].

¹⁰⁰ Qalqashandi, *Subh 'ül-A'şâ fi Sina'ah al-Insha*, vol. XIII, pp. 222-30; Abdulqahir al-Baghdadi, *Usûl al-Din*, pp. 332-33; *al-Farâq bayn al-Firaq*, pp. 72-114; The Committee, *Mawsû'ah al-Adyân al-Muyassarâh*, pp. 234-35.

¹⁰¹ Mu'awwadh and Abdulmawjûd, *Târikh al-Tashrî' al-Islâmî*, vol. II, pp. 7-13; The Committee, *Mawsû'ah al-Adyân al-Muyassarâh*, pp. 32-33, 102-03, 324-25.

¹⁰² Al-Qattân, *Târikh al-Tashrî' al-Islâmî*, p. 205-07.

When 'Uthman was murdered while at prayer, 'Ali finally succeeded to the caliphate. He was, however, opposed by 'Aisha, wife of the Prophet and daughter of Abu Bakr, who accused him of being lax in bringing 'Uthman's killers to justice. After Ali's army defeated 'Aisha's forces at the Battle of the Camel in 656, she apologized to 'Ali and was allowed to return to her home in Medina where she withdrew from public life.

But 'Ali was not able to overcome the forces of Mu'awiya Umayyad, 'Uthman's cousin and governor of Damascus, who also refused to recognize him until 'Uthman's killers had been apprehended. At the Battle of Siffin Mu'awiya's soldiers stuck verses of the Qur'an onto the ends of their spears with the result that 'Ali's pious supporters refused to fight them. 'Ali was forced to seek a compromise with Mu'awiya, but this so shocked some of his die-hard supporters who regarded it as a betrayal that he was killed by one of his own men in 661.

Mu'awiya declared himself caliph. 'Ali's elder son Hassan accepted a pension in return for not pursuing his claim to the caliphate. He died within a year, allegedly poisoned. 'Ali's younger son Hussein agreed to put his claim to the caliphate on hold until Mu'awiya's death. However, when Mu'awiya finally died in 680, his son Yazid usurped the caliphate. Hussein led an army against Yazid but, hopelessly outnumbered, he and his men were slaughtered at the Battle of Karbalâ (in modern day Iraq). Hussein's infant son 'Ali, survived, so the line continued. Yazid formed the hereditary Umayyad dynasty. The division between the Shî'a and what came to be known as the Sunnî had been set.¹⁰³

The Shî'a attribute themselves to the Qur'an and teachings of the final Prophet Muhammad, and in contrast to other Muslims, believe that his family, the Ahl al-Bayt (the People of the House), including his descendants known as Imâms, have special spiritual and political power over the community. Unlike other Muslims, the Shî'a believe that 'Ali ibn Abu Tâlib, Muhammad's cousin and husband of his daughter, Fâtima, was the true successor to Muhammad, who was appointed by God as his prophet, and thus reject the legitimacy of the first three *Râshidûn* caliphs.

The Shî'a faith is vast and includes many different groups. There are various Shî'a theological beliefs, schools of jurisprudence, philosophical beliefs and spiritual movements. Shî'a Islam embodies a completely independent system of religious interpretation and political authority in the Muslim world. The Shî'a identity emerged soon after the death of Muhammad, and Shî'a theology was formulated in the second century and the first Shî'a governments and societies were established by the end of the third

¹⁰³ Al-Sayyid Sharîf al-Jurjani, *Sharh al-Mawâqif*, vol. VIII, pp. 364-69, 416-24; Qalqashandi, *Subh 'ûl-A'şâ fi Sina'ah al-Insha*, vol. XIII, pp. 226-28, 248-51; Abdalqahir al-Baghdadi, *Usûl al-Din*, pp. 331-32; al-Qattân, *Târîkh al-Tashrî' al-Islâmî*, pp. 205-10.

century.

Shī'a is divided into three branches. The largest and most well known is the Twelver (*ithnā 'Ashariyya*) which forms a majority of the population in Iran, Azerbaijan, Bahrain and Iraq. The term Shī'a often refers only to Twelver Shī'a. Other smaller branches include the Ismā'ilī and Zaidī, who dispute the Twelver lineage of Imāms and beliefs.

Shī'a (collective) or Shi'ī (individuals) means follower. "Shī'a" is the short form of the historical phrase *shī'at 'Alī*, which means "the followers of Ali" or "the faction of Ali." Both Shī'a and Sunnī sources trace the term to the years preceding the death of Muhammad.

We can summarize some differences between Shī'a and Sunnī scholars.

1. Shī'a Muslims believe in Twelve Imāms and consider them *ma'sūm* (infallible), like prophets. The Ja'farī Shī'a consider the *Sunnah* to be the oral traditions of Muhammad and their implementation and interpretation by the Imāms who were all scholars and descendants of Muhammad through his daughter Fâtima and her husband, the first Imām 'Ali. That is very important difference. They believe in the *infallibility of the Imāms (ma'sumiyyah)*.

2. Twelver Shī'a Muslims believe that the study of Islamic literature is a continuous process and is necessary for identifying all of God's laws. Sunnī Muslims also believe that they can interpret the Qur'an and *hadīth* with the same authority as their predecessors – that the gate to Ijtihād was never closed. However, the opinions of the 1st- and 2nd-century (7th and 8th century CE) scholars are given greater weight.

3. Traditionally, Twelver Shī'a Muslims consider 'Ali ibn Abu Tâlib and the other 11 Imāms to be not only religious guides but political leaders as well, based on a crucial *hadīth* where the Prophet Muhammad passes on his power to command Muslims to Ali. Since the last Imām, Muhammad al-Mahdi, went into occultation in 939 AD and is not expected back until the end times, this left the Shī'a without a religiously sanctioned government. In general, the Shī'a adhere to one of three approaches to the state: either (i) full participation in government, i.e. attempting to influence policies by becoming active in politics, or (ii) passive cooperation with it, i.e. minimal participation, or (iii) most commonly, the mere toleration of it, i.e. remaining aloof from it. Historically, Zaidī and Ismā'ilī Shī'a Imāms functioned as both religious and political leaders, but after the fall of the Fatimid Empire the Ismā'ilī Imāmate became a religious institution. This changed with the Iranian Revolution, when the Twelver Ayatollah Khomeini and his supporters established a new theory of government for the Islamic Republic of Iran, based on Khomeini's theory of guardianship by the Islamic jurist (*velâyat-i faqīh*) as rule of the Islamic jurist, and jurists as "legatees" of the Prophet Muhammad.

4. Because Islamic law and theology is based partly on *hadīths* (traditions of Muhammad) the Shī'a rejection of some Sunnī *hadīth* and the Sunnī rejection of some Shī'a *hadīths* means that different understandings of Islam emerge.¹⁰⁴

We think that some conflicts can be described as *'amalī* (legal conflicts). They are acceptable. For example, the Shī'a perform ritual prayers (*salāh*) back to back, sometimes worshipping twice consecutively, as in (1+2+2) Asr with *Zuhr*, and *'Ishā* with *Maghreb*, respectively. The Shī'a do not perform non-obligatory prayers in the congregation, like *Tarāwīh*, which Sunnīs pray during Ramadan. Another difference between the groups is that of *Nikāh Mut'ah* or "temporary marriage." While the Sunnī claim that *mut'ah* is forbidden, the Shī'a accept it because it is found in the Qur'an (An-Nisa, 4:24) and a number of Shī'a traditions in which the practice is permitted. There are Sahīh Shī'a traditions that maintain that *mut'ah* is forbidden, but these are dismissed since they contradict other narrations on *mut'ah* that were deemed more acceptable. Many Shī'a discourage the practice of *mut'ah* but maintain that it is permissible.

Sunnīs and Shi'īs agree on the core fundamentals of Islam – the Five Pillars – and recognize each other as Muslims. In 1959 Sheikh Mahmood Shaltūt, Head of the School of Theology at al-Azhar University in Cairo, the most august seat of learning of Sunnī Islam and the oldest university in the world, issued a *fatwā* (ruling) recognizing the legitimacy of the Ja'farī school of law to which most Shī'as belong. As a point of interest, the Ja'farī school is named after its founder Imām Ja'far Sādiq who was a direct descendent, through two different lines, from the Sunnī Caliph Abu Bakr. And al-Azhar University, though now Sunnī, was actually founded by the Shī'a Fatimid dynasty in 969 CE.

However, significant differences between the two Islamic groups remain, and these are what tend to be emphasized. Many Sunnīs would contend that Shi'ī seem to take the fundamentals of Islam very much for granted, shoving them into the background and dwelling on the martyrdoms of 'Ali and Hussein. This is best illustrated at *'Ashūra* when each evening for a period of ten days the Shī'a commemorates the Battle of Karbalā, with a wailing Imām whipping the congregation into frenzy of tears and chest beating. It is alleged that instead of missionary work to non-Muslims, the Shī'a harbor a deep-seated disdain of Sunnī Islam and prefer to devote their attention to winning over other Muslims to their group. There is ongoing violent strife between Sunnīs and Shi'ī in Pakistan. On the other hand, there has been significant cooperation in recent years between the two groups in Lebanon. And some of the most dynamic developments in Islam today are taking place in Shī'a-dominated Iran.

Iran is overwhelmingly Shi'ī – 89%. Shi'ī also form a majority of the population in

¹⁰⁴ Al-Sayyid Sharīf al-Jurjani, *Sharh al-Mawāqif*, vol. VIII, pp. 364-69, 416-24.

Yemen and Azerbaijan, Bahrain and 60% of the population of Iraq. There are also sizeable Shi'a communities along the east coast of Saudi Arabia and in Lebanon. The well-known organization Hezbollah, which forced the Israelis out of southern Lebanon in 2000, is Shi'a. Worldwide, Shi'î constitute 10-15% of the overall Muslim population.¹⁰⁵

4.3.2.4 *Jabriyyah*= *Jahmiyyah* (Proponents of Predetermination)

The *Mujabbirah* (also known as *Jabriyyah*) say that "man has no power over any of his actions. He is a tool in the hands of Allah like pen in our hand." This view is known as *jabr* (compulsion). This doctrine was later upheld, with refinements, by the dominant Ash'arî school of theology. Founded by Jahm ibn Safwan (127/745) of Tirmidh in opposition to *al-Qadariyyah* School, this school is sometimes known by the name of its founder as *al-Jahmiyyah*.¹⁰⁶

It adhered to the following principles. *First*, humans are determined in all actions by divine power, including the acts of faith and virtue or lack of faith and vice. They quoted the Qur'anic verses that obviously confirm their thesis, such as 76:29-30 ("But you cannot will, unless Allâh wills. Verily, Allâh is Ever All-Knowing, All-Wise"), and subjected the verses quoted by their adversaries such as 41:40 to allegorical interpretation. They thus reduced Qur'anic freedom to a warning. *Second*, like the *Qadariyyah*, the school sought to preserve divine transcendence through their interpretation of the attributes pertaining to the self of God. They claimed that because only action and creation may be predicated of God, it is legitimate to attribute those qualities to the divine self. *Third*, the transcendence of God precluded that the world be ever visible to humankind. Hence, they interpreted verse 75:22, which says that the blessed shall behold God in Paradise, as meaning only that they will be in His presence. And they denied the eternity of Paradise and Hell because they held that God alone is eternal.

Although nothing definite can be said about the beginnings of *'ilm al-kalâm* among Muslims, what is certain is that discussion of some of the problems of *kalâm*, such as the issue of predestination (*jabr*) and free will (*ikhtiyâr*), and that of divine justice, became current among Muslims during the first half of the second century after Hijrah. The first formal center of such discussions was perhaps the circle of al-Hasan al-Basri (110/728-29). Among the Muslim personalities of the latter half of the first century are Ma'bad al-Juhani (80/ 699) and Ghilan ibn Muslim al-Dimashqi

¹⁰⁵ Al-Sayyid Sharîf al-Jurjani, *Sharh al-Mawâqif*, vol. VIII, pp. 364-69, 416-24; Momen, *An Introduction to Shi'î Islam*; Seyyed Hossein Nasr (trans.), *Shi'îte Islam* (Albany: Suny Press, 1979); Abdulqahir al-Baghdadi, *al-Farq bayn al-Firaq*, pp. 29-72.

¹⁰⁶ Abdulqahir al-Baghdadi, *al-Farq bayn al-Firaq*, p. 211; The Committee, *Mawsû'ah al-Adyân al-Muyassarah*, pp. 195-97, 207-08; *Nash'ah al-Fikr al-Falsafi*, pp. 314-371.

(105/723) who adamantly defended the ideas of free will (*ikhtiyâr*) and human freedom. There were others who opposed them and supported predestination (*jabr*). The believers in free will were called *Qadariyyah* and their opponents were known as *Jabriyyah*.

Gradually, the points of difference between the two groups extended to a series of other issues in theology, physics, sociology and other problems relating to humankind and the Resurrection, of which the problem of *jabr* and *ikhtiyâr* was only one. During this period the *Qadariyyah* came to be called *Mu'tazila* and some of the *Jabriyyah* became *Ashâ'irah*.

This group is comprised of those who deny any wisdom, objective or reason in the worship of Allah. Such people limit worship to merely following Allah's decree, to simply obeying the commandments without attributing any significance to their worship with respect to success and happiness in this world or the hereafter. According to them, Allah did not create the creation for any purpose or wisdom. Created beings cannot cause anything, nor do they have any power or any inherent nature. There is no cause and effect either in the natural world or in the *Shari'ah* (Law) of Allah. Those things that are forbidden are the same in nature as those that are prescribed; they are forbidden or prescribed not because of their harm or benefit but because of the arbitrary decree of Allah.

Such worship is dry and dreary, devoid of sweetness and spiritual bliss. Their prayers do not cool their eyes. Nor does fulfilling Allah's commandments please their hearts and nourish their bodies. No wonder they refer to their worship as mere *taklîf* (affliction). Many of them even deny the possibility of the love of Allah in the heart of the servant; for, to them, a servant loves Allah's reward and blessings but not the Person (*Zât*) of Allah. Thus they reject the very essence and meaning of Godhood, which lies in His being the ultimate beloved. Worship, indeed, is ultimate love with extreme humility, glorification and reverence.¹⁰⁷

4.3.2.5 The Bâtiniyyah and Qarmathians

Speculative philosophy and theology eventually influenced the *Bâtiniyyah*, though they continued to embrace esoteric knowledge; some Sûfis were also included among the *Bâtiniyyah* for their insistence that there was an esoteric body of doctrine known only to those who had been initiated. Although the Ismâ'ilîs had always acknowledged the validity of both *bâtin* and *zâhir*, around the 12th century this balance

¹⁰⁷ Al-Sayyid Sharîf al-Jurjani, *Sharh al-Mawâqif*, vol. VIII, pp. 364-69, 429-30; Abdulqahir al-Baghdadi, *Usûl al-Din*, pp. 333; *al-Farq bayn al-Firaq*, pp. 212-15; The Committee, *Mawsû'ah al-Adyân al-Muyassarah*, pp. 195-97, 207-08.

was upset by the Nusairis (*Nusairiyyah*) and the Druze who accepted only the hidden meanings and exalted the Imâm to extraordinary heights.¹⁰⁸

The Bâtiniyyah movement took its name from the belief that every *zâhir* (apparent state of things) has a *bâtin* (an inner, allegorical, hidden or secret meaning), especially in connection with revelation. Since this movement adopted some aspects of Greek philosophy, such as emanationism, its followers were considered by Sunnî authors to be heretics and outside the pale of faith. During the caliphate of al-Ma'mun (198-281/813-833) the Bâtiniyyah movement was quite strong; about half a century later it was widespread in Iraq, Persia, Sind (western India), and Oman (southeastern Arabia), as well as in North Africa. But its influence was not lasting. It is to be remarked, however, that while a number of individuals in Muslim Spain shared ideas with the Bâtiniyyah, no sectarian or heretical doctrine ever struck roots or succeeded in winning over communities of any size there.¹⁰⁹

So, the second/eighth century witnessed a heavy atmosphere of esoterism influencing some fundamentals of Islam such as the essence of God, the understanding of the Qur'an and the attitude towards the caliphate. Added to this was a trend of viewing opinion as a valid source of jurisprudence on the same level as the Qur'an and the sayings of the Prophet. At the same time, there was also the Mu'tazilite School that assumed reason to be more decisive in all matters of religion than revelation.

This school of Islamic thought interpreted religious texts exclusively on the basis of hidden rather than literal meanings. Such interpretation gained currency around the 8th century among esoteric Shi'ite schools, especially the schismatic Ismâ'iliyyah, who believed that behind every obvious meaning lay a hidden, true meaning that the Imâm was empowered to interpret. While influenced by speculative philosophy and theology, the Bâtiniyyah remained proponents of esoteric knowledge. Sunnî Muslims condemned the Bâtiniyyah as enemies of Islam for rejecting literal truth and producing confusion and controversy through their multiple textual readings.

Sunnite Muslim scholars condemned the Bâtiniyyah for all interpretations that rejected the literal meaning and accused them of producing confusion and controversy through a multiplicity of readings; this, the Sunnîs alleged, allowed ignorant or mischievous people to claim possession of religious truths and thus deceive those who lacked the knowledge to expose them. The Bâtiniyyah were further labeled by the Sunnîs as enemies of Islam, bent on destroying the Sunnîs' conception of the faith.¹¹⁰

¹⁰⁸ Muhammad Ahmad al-Khatîb, *al-Harakât al-Bâtiniyyeh fi al-Âlam al-Islamî*, (Amman: Matabah al-Aqsâ, 2005, pp. 7-47, 319-431.

¹⁰⁹ The Committee, *Mawsû'ah al-Adyân al-Muyassarah*, pp. 127-28; Philip K. Hitti, *The Origins of the Druze People and Religion*, (Bel Air: BibliBazar, 2007), pp. 49-54.

¹¹⁰ 'Abdulqahir al-Baghdadi, *Usûl al-Din*, pp. 329-31.

The *Qarmatians* (*Qarâmita*: "Those Who Wrote in Small Letters"; also transliterated as "Carmathians", "Qarmathians", "Karmathians" etc.) were a millenarian Ismâ'ilî group centered in eastern Arabia where they established a utopian republic in 899. They are most famous for their revolt against the Abbasid Caliphate and particularly, their seizure of the Black Stone from Mecca and desecration of the Well of Zamzam with Muslim corpses during the *Hajj* season of 930 CE. The Qaramitians were also known as "the greengrocers" (*al-Baqliyyât*) because of their strict vegetarian habits.¹¹¹

In the second half of the ninth century Abdallah ibn Maimun, head of the Qarmatian party, was the founder of this movement. He was a Persian oculist, trained in the school of the Natural Philosophers. He proved able to bring both believers and free-thinkers into a confederacy to attempt the overthrow of the Abbasid government. To the one group he was a conjurer and to the other a pious ascetic or learned philosopher. His colors were white because his religion was that of the pure light to which the soul was to ascend after its earthly wanderings. The duties inculcated were contempt for the body, disregard of the material, community of goods for all the brothers, as well as self surrender to the confederacy, and fidelity and obedience to their chiefs, even to death, for the society had different levels. In accordance with the sequence of existence, viz., God, Reason, Soul, Space and Time, they held that the revelation of God had been made in history and in the constitution of their own brotherhood. The main homes of Qarmatian activity were Basra and Kufa.

In Bahrain and eastern Arabia the Qarmatian state was replaced by the 'Uyûnid dynasty, and it is believed that by the middle of the eleventh century Qarmatian communities in Iraq, Iran and Transoxiana had either been won over by Fatimid proselytizing or had disintegrated. The last mention of the Qarmatians was by w, who visited them in 1050, although ibn Battuta, visiting Qatif in 1331, found it inhabited by Arab tribes whom he described as "extremist Shi'îs" (*rafidiyya ghulât*).¹¹²

4.3.2.6 The *Mushabbihah* and *Mujassimah* (*al-Karrâmiyyah*)

The *Mushabbihah* are those who declare that Allah is like His creation and that the Attributes of Allah are like those of the creation. This was first propagated by Muqâtil ibn Sulayman al-Khurasani during the era of the *tâbi'în*. This group differs from others with respect to its methods of *tashbîh*. It includes the *Musabbihah* of the

¹¹¹ Al-Khatîb, *al-Harakât al-Bâtiniyyeh*, pp. 135-67; *Mawsû'ah al-Adyân al-Muyassarah*, pp. 404-05; Caesar E. Farah, *Islam: Beliefs and Observances*, (Hauppauge: Barron's Educational Series, 2003), pp. 181-82.

¹¹² Mahmud Shakir, *Qarâmita* (Beirut: Dar al-Rashad, 1984), pp. 5-20; Shamsaddîn Muhammad al-Dhahabi, "The Events of 287/803," in *Târîkh al-Islam*, (Beirut: Dâr al-Kitâb al-Arabî, 1997), pp. 29-31.

extreme Shi'a and the *Mushabbihah* of the *Hashawiyah* who said that the Exalted is flesh and blood and possesses bodily limbs. When asked by their companions about this, some of them said "Leave aside the beard and private parts and ask me about anything besides them."¹¹³

The sect of *Karrâmiyyah*, which was founded by Muhammad ibn Karrâm al-Sidjistani (255/869), attracted tens of thousands of people in North Khurasan and Palestine, produced some scholars, was supported by some rulers, and, like many other schools, was annihilated after some centuries of activity. Only their name survived. In some Islamic books some strange and unbelievable various ideas are attributed to them. Such attributions occur both in doctrinal issues like the unity of God, prophethood, resurrection, etc. and juristic affairs. Present research is attempting to evaluate one such attribution to Karrâmiyyah concerning the narrative attributes of God, i.e. His having a body, on the basis of their exegeses.¹¹⁴

They held that the Creator – who is exalted above what they say – is spatially extended and particularized upwards. They said that Allah is sitting on the throne in the *'uluw* direction (above) and that movement and descent is possible for Him. It has been said (reported about them) that they hold that He fills the throne and they differed on the question if that is the limit or is there something else besides it. They use the word *Jism* (corporeal body) with respect to God (*Mujassimah*). The founder of this school is Muhammad ibn Karram who was expelled from Sijistan for heresy. For this reason some scholars call them as *al-Karrâmiyyah*. The *Karrâmiyyah* held God's Word (*Kalâm*) to be *hadîth* (temporal or accidental), yet consider it permissible for a temporal thing to be dependent on divine essence.¹¹⁵

4.3.2.7 *Murji'ah*

Murji'ah holds to the belief of *irjâ'* (the view that sins, major or minor, do not affect faith and that *îmân* (faith) neither increases nor decreases). The first to appeal to this belief was Ghilan ibn Abu Ghilan al-Qadari, who was executed in 105 H. The group claim that actions are not part of faith and that people do not change with respect to

¹¹³ Al-Sayyid Sharîf al-Jurjani, *Sharh al-Mawâqif*, vol. VIII, pp. 364-69, 430-31; Nâsir ibn 'Abd al-Karîm al-'Aql, *al-Firaq al-Kalâmiyah, al-Mushabbihah, al-Ashâ'irah, al-Mâturîdiyyah* (Riyâdh: Dâr al-Waṭan, 2001.), pp. 5-25; Abdulqahir al-Baghdadi, *al-Farq bayn al-Firaq*, pp. 225-30; Ali Sâmî al-Nashshâr, *Nash'ah al-Fikr al-Falsafî fi al-Islam*, (Cairo: Dâr al-Ma'ârif, d.n.), pp. 285-93.

¹¹⁴ Abdulqahir al-Baghdadi, *al-Farq bayn al-Firaq*, pp. 215-25; al-Nashshâr, *Nash'ah al-Fikr al-Falsafî*, pp. 297-310; Toshihiko Izutsu, *The Concept of Belief in Islamic Theology*, pp. 187-95.

¹¹⁵ al-Sayyid Sharîf al-Jurjani, *Sharh al-Mawâqif*, vol. VIII, pp. 364-69, 430-31; Nâsir ibn 'Abd al-Karîm al-'Aql, *al-Firaq al-Kalâmiyah, al-Mushabbihah, al-Ashâ'irah, al-Mâturîdiyyah*, pp. 5-25; Abdulqahir al-Baghdadi, *al-Farq bayn al-Firaq*, pp. 215-25.

faith and that faith does not increase or decrease.

The *Murji'ah* are divided into the following groups.

(i) Those who say that *îmân* (faith) is merely knowledge (*ma'rifah*), even if this is not accompanied by testing (*tasdîq*). This is the position of the *Jahmiyyah*.

(ii) Those who claim that *îmân* (faith) is merely a verbal affirmation even if the person does not truly believe in his heart. This is the position of the *Karrâmiyyah*. They claim that such people had said the *Shahâdah* once in their lives; what is in their heart does not matter. Ibn Taimiyya included the *Karrâmiyyah* among the *Murji'ah* when he said in his *Fatâwâ*, "The *Karrâmiyyah* are the followers of Muhammad ibn Karrâm who claim that *îmân* is the testing and confirmation of the tongue without the heart."¹¹⁶

(iii) Those who claim that *îmân* is belief (*i'tiqâd*) in the heart and the statement on the tongue but those deeds do not enter into it. They are the lightest of the groups in terms of *irjâ'*.¹¹⁷

4.3.2.8 The *al-Najjâriyyah*

These are followers of al-Husayn ibn Muhammad al-Najjâr. They agreed with *ahl al-sunnah* on *khalq al-af'âl* (creation of deeds for human beings by God), that everything exists only by the will of God and some other faith matters. But they agreed with Mu'tazila on the denial of the knowledge of God, the power of God and other eternal attributes of God and the creation of the Qur'an. They claimed that faith cannot increase or decrease. They include many groups among them, such as al-Barghuthiyyah and Za'faraniyyah.¹¹⁸

4.3.3 *Wahhâbism and Salafism*

As is well known; the *Wahhâbites* call themselves *Salafiyyah* and claim that their objective is to return Islam to its original purity at the time of the Blessed Prophet. The founder of that *madhhab* was Muhammad ibn Abd al-Wahhâb, who came originally from the tribe of Najid and the scholars of the Hanbalîte School. He began disseminating his own *madhhab* at 'Ayniyyah, which was affiliated to Yamamah, the ho-

¹¹⁶ Taqi ad-Dîn Ahmad Ibn Taimiyyah, *Majmû'ah al-Fatâwâ*, vol. 7 (Riyadh: Dar al-Wafa, 1997), p. 548; Toshihiko Izutsu, *The Concept of Belief in Islamic Theology*, pp. 46-7.

¹¹⁷ Al-Sayyid Sharîf al-Jurjani, *Sharh al-Mawâqif*, vol. VIII, pp. 364-69, 428-29; Abdulqahir al-Baghdadi, *al-Farq bayn al-Firaq*, pp. 202-07.

¹¹⁸ 'Abdulqahir al-Baghdadi, *al-Farq bayn al-Firaq*, pp. 207-11; Sarah Stroumsa, *Freethinkers of Medieval Islam: ibn al-Rawândî, Abû Bakr al-Râzî and Their Impact on Islamic Thought* (Leiden: Brill, 1999), pp. 177-78.