

ARGUING
THE JUST WAR
IN ISLAM

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to my parents

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INTRODUCTION

On June 18, 2005, President George W. Bush addressed military personnel stationed at Fort Bragg, North Carolina, and also, by way of television, the nation and the world. Although the announced topic of the speech was policy in Iraq, during his address the president asserted that the conflict there is part of something much larger. The United States and its allies, he declared, are fighting a global war, one between democratic nation-states, dedicated to the protection and spread of liberty, and movements determined to resist those efforts. The war thus has an ideological dimension. Although the antidemocratic forces had taken aim at the United States and its allies much earlier, that war came home to the United States on September 11, 2001, along with the message that there are people who hate the United States and the values it espouses. They are not only determined to resist the spread of those values; they are also

committed to attacks against the power and interests of the United States. In June 2005 the president stated that Iraq had become the epicenter of this struggle, and then quoted Osama bin Laden: “This third world war is raging in Iraq. The whole world is watching, and the struggle will end in victory and glory or in misery and humiliation.”¹

President Bush depicted the fighting in Iraq, along with the global struggle against those who practice “murder and destruction,” in ideological terms, although he did not name the “hateful ideology” of the enemies of democracy and freedom until August 2006, when he spoke about “Islamic fascists.”² The set of notions articulated by Osama bin Laden and like-minded persons has been called by many names: “bin Ladenism,” “Islamofascism,” “Talibanism,” “jihadism,” and, most commonly, “fundamentalist,” “radical,” or “militant” Islam.³ Whatever else it may involve, the ideology of those associated with attacks on U.S. embassies in Kenya and Tanzania (1998), on the USS *Cole* and on U.S. forces stationed at Khobar in Saudi Arabia (2000), on the World Trade Center and the Pentagon (September 11, 2001), on coalition forces stationed in Iraq (since March 2003), and on public transportation facilities in Madrid (March 11, 2004) and London (July 7, 2005) is associated with appeals to Islam. Those carrying out the attacks were and are Muslims. More importantly, in the context of the president’s speech and of this book, when these people give reasons for their actions, they cite Islamic sources and speak in Islamic terms. Noting this fact, many Americans and Europeans argue that the global war of which the president spoke is not well described as ideological. It is better construed as religious.

Many of the president’s most ardent supporters speak in this way. Evangelical Christians, in particular, describe such events as encounters between Christian and Islamic civilizations. They portray the conflict as one between the children of light and the children of darkness, between the truth of God and the deception of the devil.

Following 9/11, when the president proclaimed that “Islam means peace” and asserted that those carrying out the attacks had “hijacked” Islam, prominent evangelicals like Franklin Graham, Charles Coulson, Jerry Falwell, and Jerry Vines declared him wrong. For these men and their followers, Islam is a false religion, inevitably associated with wickedness, especially in the form of indiscriminate violence. Other, less theologically minded commentators speak more in terms of a conflict of civilizations, but the view of Islam is much the same. Most of these people have seized on statements by Osama bin Laden and his associates to make the point that the attacks of 9/11 were not an aberration in the tradition of Islam. Rather, those who carried out the attacks were true followers of Muhammad, while those attempting to disassociate Islam from the policies of al-Qa’ida were said to be “ostensible” Muslims, lacking in conviction, untrustworthy, or unrepresentative of the faith.⁴

One of the purposes of this book is to provide a systematic description of the religious perspective of al-Qa’ida and other militant groups.⁵ Those who wish to argue that Islam has nothing to do with the attacks of 9/11 or with the tactics of Iraqi “insurgents” will find no comfort here. The facts are plain. Osama bin Laden, Ayman al-Zawahiri, and other militants lay claim to some of the central practices and themes of Islamic tradition. In fact, statements by al-Qa’ida leaders are best understood as attempts to legitimate or justify a course of action in the terms associated with Islamic jurisprudence, or what I shall call Shari’a reasoning. Invocations of the Shari’a speak to notions that are very basic in Islam. Ultimately, *al-shari’a* signifies the faith that there is a right way to live, a way that leads to happiness in this world and the next. According to Islamic tradition, not all ways of ordering life are morally equivalent. As creatures who come from, and ultimately will return to, God, human beings must live within divinely ordered limits.

The close relation between militants and Islamic tradition is not

the whole story, however. Those trying to drive a wedge between “true Islam” and the declarations of al-Qa‘ida have good reasons for doing so. The point of such an observation is *not* simply that there are some “moderate” Muslims who want to be good citizens of the United States, the United Kingdom, and other European countries. Nor is it that there are numerous Islamic texts that suggest a view different from that of bin Laden and his comrades—Qur’an 5:32, for example, which indicates that anyone who kills another without cause symbolically kills the entire world. However beautiful the thought, the citation of such a text does not provide an adequate response or an alternative to the statements of militant Muslims. The latter present arguments in order to legitimate particular ways of acting, and these arguments display a determined intention to engage the full range of sources approved in the practice of Shari‘a reasoning. To counter them, one must develop arguments that suggest a similar intention.

The fact is that Muslims today are involved in a serious argument about political ethics. This argument is framed in terms of practices that are central to Islamic tradition. Post-9/11, leading Christian evangelicals, conservative commentators, and others claim that Islam is intimately or even intrinsically bound up with indiscriminate violence. Muslim apologists and those committed to cultural diversity assert that Islam has nothing to do with violence of this type. The truth, as in most cases, is more complicated. Islam is a *living* tradition, in which men and women attempt to forge links between the wisdom of previous generations and the challenges posed by contemporary life, in hopes of acting in ways consistent with the guidance of God. Shari‘a reasoning is one of the modes, if not the primary mode, in which contemporary Muslims make this attempt.

The overarching purpose of this book is to describe the practice of Shari‘a reasoning among contemporary Muslims, particularly with respect to the debate over armed force and political ethics inspired

by the arguments of militant activists. The form of argument associated with Shari‘a reasoning involves appeals to tradition. Arguments are evaluated as better or worse, persuasive or not, in terms of the ways in which advocates of various positions make use of historical precedents. Differences between the political ideas advanced by militants and those advanced by other Muslims are not settled by way of appeals to broad or abstract principles like equality or respect for the autonomy of persons. Rather, those engaged in Shari‘a reasoning cite texts, which are interpreted in connection with particular instances in the story Muslims tell about the beginnings and subsequent development of their tradition. Respect for tradition manifests itself in the ways in which people interpret, for example, the Prophet Muhammad’s orders to Muslim soldiers or the military response of Abu Bakr, the first *khalifa*, or leader, of the Muslims following the death of the Prophet in 632, to the “turning” or “apostasy” of certain Arab tribes.

An understanding of Muslim arguments about the just war thus requires a good deal of knowledge about the ways Muslims tell the story of the emergence and development of their community. Some of the most basic aspects of this story are outlined in Chapter 1, in response to the question “What is Islam?” The various answers provide the historical and religious context in which Muslim arguments about war and political ethics make sense.

Chapters 2 and 3 extend this historical discussion. Chapter 2 explains how Muslims came to a consensus regarding the range of sources appropriate for those engaged in Shari‘a reasoning, as well as the rules governing the interpretation of approved texts. In this development, the growth of a class of specialists, *al-‘ulama* (literally, “the learned,” sometimes referred to as “Muslim clerics”), was critical. Chapter 3 outlines the most important political and military judgments advanced by members of this class between 750 and 1400 C.E.⁶ Most of the *ahkam al-jihad*, or judgments pertaining to armed

struggle, emanate from this period, when Muslim political power was at its height. These opinions provide a set of standard references or “consensual precedents” by which contemporary Muslims try to measure the rights and wrongs of specific proposals regarding the political uses of military force.

Chapters 4 and 5 discuss contemporary arguments and their consequences. Chapter 4 details the ways in which today’s militants may be understood as the most recent exponents of an argument advanced by numerous Muslims over the last two centuries. At its simplest, this is an argument about how Muslims should conduct themselves when they are *not* in a position of power. In its details, the argument deals with questions about the justification and conduct of armed resistance. It proceeds by way of an attempt to “stretch” the consensual precedents associated with the premodern *ahkam al-jihad* to the new situations created by European colonialism and, more recently, by the geopolitical predominance of the United States. The resistance argument is controversial, to say the least. The important questions are “*How* is it controversial?” and “What does the controversy say about contemporary Muslim political discourse?” Chapter 5 demonstrates that the controversy over militant justifications of armed resistance indicates a crisis of legitimacy in Muslim thought. Arguments on all sides in this controversy reflect the lack of Muslim consensus regarding the identification of legitimate or right authority in affairs of state. They may also be interpreted as reflecting a crisis in the practice of Shari‘a reasoning itself. The question *Who* has the right to make decisions about matters of politics, including those related to the use of military force, is intimately related to another: *Who* has the right argument, with respect to the kind of political order required by the Shari‘a? Militants set their program of armed resistance in the context of a particular vision of political order. In doing so, they lay claim to the mantle of historical precedent, that is, to the mantle of the Shari‘a. Other Muslims, articulating a

different vision, point to sources of Shari‘a reasoning that underwrite democratic political forms.

Given such competing visions, is it possible to say which side is correct, or who is likely to win? Chapter 6 concludes that much depends on the ways in which groups of Muslims perceive their political context, and that this perception varies, depending on whether one is speaking about the United States, the European Union, or the historical heartland of Islam. Not least important, in thinking about the prospects for success of the arguments made by Muslim advocates of democratic government, are the perceptions Muslims have regarding the conduct of the United States and its allies in connection with the war on terror.

CHAPTER ONE
SOURCES

Islam is peace.

—President George W. Bush, September 17, 2001

[Islam] is a very evil and a very wicked religion.

—Franklin Graham, December 20, 2002

[Islam] is the religion of Jihad in the way of Allah so that Allah's
Word and religion reign supreme.

—Osama bin Laden, November 24, 2002

The disparate statements above demonstrate clearly that Islam is a contested notion. Since September 11, 2001, “Islam,” “Muslim,” *ji-had*, *fatwa*, and related terms have featured regularly on television and radio talk shows. Politicians, evangelical preachers, talk-show hosts, and ordinary people use them with apparent ease. But their use is reflexive: their use shows more about where the speaker stands in the spectrum of political debate than about the historical and current meanings of the words. Even the statement by bin Laden is reflexive; for the arguments of contemporary Muslim politicians, preachers, talk-show hosts, and ordinary people also reveal a wide range of interpretations of the meaning of Islam. It seems that in this context at least, language, ostensibly an instrument of communication, can become an obstacle to it.

It is possible to bring some order to this confusion by identifying

some standard sources of Muslim political argument. The story of Muhammad and the early Muslims, the theological perspective mediated by the Qur'an and the sayings of the Prophet, the institutional and legal arrangements developed as Islam came to prominence as a civilization—when contemporary Muslims talk about politics, each and all of these are cited as precedents indicative of what it means to practice Islam. Islam is a living tradition, in which people attempt to discern links between historical patterns construed as exemplary and the facts of current political life. To exert oneself, to expend one's resources in this attempt, demonstrates one's responsibility toward God and one's fellow humans. As Muslims carry out this task, they call upon foundational narratives, beliefs about God and the world; they cite examples from the past in order to present reasons for current or future action. They demonstrate their connections with a transgenerational community and invite others to evaluate and respond to their claims about God's will.

Basic Terms

Let us first examine lexical meanings. *Al-islam* literally means “the submission.”¹ In standard Arabic references, where the term indicates the importance of the submission of human beings to God, *islam* refers to the attempt to order life in ways that acknowledge God as the “Lord of the worlds,” the one “from whom you come, and to whom you will return.” *Muslim* refers to “one who submits,” that is, to someone engaged in the attempt to order life in ways that acknowledge the lordship of God.²

“Islam” thus signifies a way of life undertaken with the intention of serving God. In this context, President Bush's assertion that “Islam means peace” has some legitimacy. The Arabic *al-islam* is derived from the same root as *al-salam*, and the latter does in fact mean “peace.” In taking up the service of God and in submitting

themselves to his will, humans acknowledge who and what they are; they act according to their nature, which is to seek peace in this world and the next. Happiness and peace, on both personal and social levels, follow. This notion of Islam, which amounts to a promise to those who believe and do good works, today attracts more than a billion believers in every nation on Earth. In the United States alone, the number of Muslims is estimated at 4 million, roughly equivalent to the number of Episcopalians.³

Now, what is the substance of this submission to the will of God? To put it another way, what is Islam? Of the many possible answers, I shall focus on three. Islam, the submission to the will of God, may be defined as (1) a religious movement that begins with the life and work of the man Muhammad, in the Arabian Peninsula in the seventh century C.E.; (2) the natural religion of humanity; and (3) the driving force behind a great world civilization. We may think of (1) as focused on the story of Muhammad and his followers; of (2) in terms of Islamic theology, particularly in terms of notions of the nature and destiny of human beings as creatures of God; and of (3) as expressing the cultural and political significance of Islam as the dominant religion in a region stretching from North Africa to China and from south-central Europe to the Indian subcontinent, Indonesia, and beyond.

The Story of Muhammad

According to tradition, Muhammad, son of ‘Abdullah, was born in the Year of the Elephant. In the standard scholarly estimation, this would be equivalent to 569 or 570 C.E. The terminology of Muslim biographers makes it clear that we are dealing with “holy history.” Such biographers relate the story of Muhammad in ways familiar in the history of religion. Like the founding narratives of Judaism, Christianity, and other long-standing religious traditions, the avail-

able sources are not crafted in the framework of the “scientific history” practiced in academic departments since the mid-nineteenth century. Rather, they are “proclamatory biographies,” the purpose of which is to build faith. There is no reason to doubt the broad outlines of the stories associated with Muhammad and the early Muslims, even as there is no reason to doubt the historical basis of the broad outlines of the gospel narrative concerning Jesus of Nazareth, or of reports concerning sayings of the rabbis of the Talmud. But in all these cases we ought not to push the details. When Muslim writers related the stories of Muhammad and his companions, they meant to provide an account of the work of God in the world—and such an enterprise is always, in some sense, a matter of reaching beyond scientific history. The point of holy history is to answer religious questions: not simply or even primarily “How did these events transpire?” but “Why did they occur?”

With respect to the story of Muhammad, the answer of Muslim biographers is clear: Muhammad, son of ‘Abdullah, was born in order to fulfill the plan of God for humanity. Just as that plan included the birth and career of Moses, prophet to the “tribe of Israel,” and Jesus, son of Mary, prophet to the “followers of the messiah,” so it was to be that, at the end of days, God would send a prophet to the Arabic-speaking tribes living in Hijaz (the Arabian Peninsula, including the area we know as Saudi Arabia, Yemen, and the other Gulf states). This prophet would call the tribes, and with them all humanity, to faith, even as Moses and Jesus had done in other places and times.

Thus the oldest extant biography of Muhammad begins with a genealogy by which we learn that the Arabic-speaking prophet was descended from Abraham, and hence ultimately from Adam, the first human being. There follows a narrative of kings and prophets, centered on relations between Mecca, city of Muhammad’s birth, and Yemen, site of a powerful kingdom in the fifth and sixth centuries.

We learn that the rulers of Yemen eventually came under the sway of Abyssinia (Ethiopia), and that the allied kingdoms repeatedly tried to extend their dominance to Mecca. In every case, however, they were foiled because of God's protection of the (eventual) birthplace of the Prophet. In fact, they were warned to leave Mecca alone:

. . . lo from Qurayza came

A rabbi wise, among the Jews respected.

"Stand back from a city preserved," said he,

"For Mecca's prophet of Quraysh true-guided."⁴

Muhammad, we are told, was born in the Year of the Elephant. This nomenclature derives from a story in which the tribes of the Arabian Peninsula repelled an Abyssinian/Yemeni invasion. The invaders made use of an elephant or elephants, which the Arabs perceived as providing an overwhelming advantage.⁵ The Arabs' only hope was that God, the "defender of the *Ka'ba*" (the "Cube," a building in Mecca), might intervene. And indeed, this is what happened: the elephant refused to march in the direction of Mecca, and a flock of stone-throwing birds executed an aerial bombardment, causing the invaders to retreat.

This episode yields some valuable information about the context of early Islam—the political, social, and religious life of Arab tribes in the sixth and early seventh centuries. First, it is clear that at this time the Arabian Peninsula was a political backwater. Prominent Jewish tribes had established a small imperial state in Yemen in the late fourth and early fifth centuries, but by 550 any power it retained depended on the maintenance of good relations with the Abyssinian ruler in East Africa. The Abyssinian ruler combined religious and political power. He bore a staff resembling a bishop's crosier, signifying his status as the head of a very ancient Christian church. At the same time he ruled over an empire, which was from time to time a player in the great-power rivalry between the Byzantines and the

Sassanids. That rivalry provides at least a partial explanation for the Abyssinian involvement in south and central Arabia. Byzantine and Sassanid rulers fought over and dominated the heartland of the Middle East, which the Arabs called *al-shams*—Syro-Palestine, the region in which late Hellenistic kings like Antiochus Epiphanes reigned supreme after the death of Alexander the Great. The Romans added the area to their vast holdings by the late first century B.C.E. By the Year of the Elephant, the great cities of Damascus and Jerusalem were solidly under Byzantine (and thus Christian) control, although the Sassanids, based in Iran and organized around Zoroastrianism, maintained enough strength in Iraq to threaten these Byzantine holdings.

In late antiquity as today, trade was a major interest of great powers. This interest brought the Byzantines and Sassanians into frequent conflict, particularly with respect to the travel of merchant caravans between Damascus, Jerusalem, and the shoreline of the Arabian Sea, where several ports provided access to ships traveling to and from India. Most of the conflicts between the great powers played out north of the vast deserts of the Arabian Peninsula; no ruler wanted to send fighting forces there. But by the early to mid-sixth century the great powers began hiring the "uncivilized" tribes living in the Peninsula to raid rival caravans and thus disrupt trade. As the activities of these mercenaries affected merchant traffic through the desert, reducing the flow of people with goods and money to the southern ports in Yemen, and thereby threatening Abyssinia's revenues from Middle Eastern trade, Abyssinian interest in the region increased.

The Arabian Peninsula of the sixth and early seventh centuries was a bit player in the drama of great-power politics, and social organization there was based on a tribal order. The sources are filled with names like Banu Qurayza (tribe of Qurayz), Banu Hasaniyyah, and, above all, Banu Quraysh. In each case, the name is tied to a clan

ancestor, an indication that the tribes were understood as extended family units. Arab tribes divided themselves along the lines of “settled” and “plain,” the former referring to those whose ancestral traditions established them as living in one place, the latter to the more stereotypical nomads (Bedouins, *al-badu*). Tribal units provided Arabs with a notion of territorial and social boundaries. Members of the Banu Quraysh, for example, were immediately associated with “settled” Arabs whose habitual territory included the city of Mecca and its environs. “City” is really an exaggeration; during the sixth and seventh centuries, Mecca was a kind of outpost with a few buildings and a well, which served as a way-station for merchant caravans. One of the buildings—the *Ka’ba*, or “Cube”—and the well, which in the stories is identified as Zamzam, the well from which Hagar and Ishmael drank, loom large in the story of the Abyssinian/Yemeni invasion. As Ibn Ishaq has it, ‘Abd al-Muttalib, the grandfather of the Prophet, tried to dissuade the invading forces from attacking Mecca. When asked why he did not rather appeal to them to avoid harm to the Ka’ba, which the invaders identified as a holy site, ‘Abd al-Muttalib replied that the shrine had its own protector (that is, God), who might fight for it if he wished. This account reveals not only a strong sense of tribal identity and vocation, but also the eminence of the Quraysh, and within it, the family of the Prophet, among the Arab tribes.

Most of the sources indicate that the tribes were fiercely devoted to living out patterns identified with their clan ancestors. As the Islamic narrative has it (with some support in the historical record), the tribal order might also be viewed as a loose confederation, in which groups speaking mutually recognizable dialects shared enough in the way of culture and religion that they could be rallied against a common enemy. In the story of the Year of the Elephant, leaders among the Quraysh apparently developed policies intended to foster unity among the tribes by describing the Ka’ba as a “house of prayer for all Arabs” and by referring to Mecca as a cultural center for all

Arab tribes. The various tribes were encouraged to observe a tradition of pilgrimage to the Ka’ba during months set apart for this purpose. During these months Mecca was considered a zone of peace, with no fighting allowed. The various tribes were encouraged to bring along, and to place within the Ka’ba, symbols of their patron deities. Observances included ceremonies of animal sacrifice, circumambulation of the Ka’ba, and ritual feasting, the last accompanied by songs celebrating the *muruwwa*, or manliness, of the great tribal ancestors.

From these reports, we learn much about the religious and moral aspects of Arab tribal culture. Thus, the stories recounting that each tribe was to set a talisman of its favorite deity in the Ka’ba point to a kind of polytheism. Each tribe had its favorite or patron deity, but all were part of a pantheon of gods and goddesses, and the special powers of some apparently made them attractive across tribal lines. For example, *al-lat* (the goddess) had her sphere of influence in the field of fertility; *al-uzza* (the mighty) had power over health; and *al-manat*, whose name may be translated as “fate” or even “death,” controlled the time and means of that reality. These three are depicted as special intermediaries between human beings and the powerful, distant Creator, known simply as *al-lah* (the god).

The central moral value of the tribes seems to have been *muruwwa*. The remnants of tribal poetry cited by biographers of Muhammad suggest that we should think of *muruwwa* in terms of the set of virtues associated with a tribal chief. Thus, the notion includes bravery in battle, for the chief leads his tribe into battle. It includes wealth and generosity, for the chief holds large numbers of livestock, and is thus able and willing to put on great feasts for the members of his tribe, who are best construed as “clients” under the patronage of the “big man.” Along with his holdings in livestock and other goods, the *muruwwa* of the chief appears in the number of women (wives and concubines) and children he maintains.⁶

Such virtue is worthy of remembrance, in the sense that those

whose lives show them as great men are celebrated in songs. Our sources suggest that the tribes did not dwell much on life after death. For them, the goal was to live life to the fullest, and the greatest tragedy occurred when it might be said that someone died “too soon,” that is, before taking a proper measure of the goods associated with manliness.

Finally, Arab tribal culture placed great importance on the *sunna* (literally, “beaten path”), or way of the ancestors. Indeed, acknowledgment of tribal deities, the bravery and generosity associated with manliness, and the hope that one might be remembered come together in connection with this *sunna*. The stories of attempts by the Quraysh to foster connections among the tribes by means of the symbol of the Ka’ba point to such a cultural system, as do songs like the following:

But for three things, that are the joy of a young fellow,
I assure you I wouldn’t care when my deathbed visitors
arrive.
First, to forestall my charming critics with a good swig
Of crimson wine that foams when the water is mingled in;
Second, to wheel at the call of the beleaguered a curved-
shanked steed
Streaking like the wolf of the thicket you’ve startled lapping
the water;
And third, to curtail the day of showers, such an admirable
season,
Dallying with a ripe wench under the pole-propped tent,
Her anklets and her bracelets seemingly hung on the
boughs of a pliant, unriven gum-tree or a castor-shrub.
So permit me to drench my head while there’s still life in it,
For I tremble at the thought of the scant draught I’ll get
when I’m dead.

I’m a generous fellow, one that soaks himself in his
lifetime;
You’ll know tomorrow, when we’re dead, which of us is the
thirsty one.⁷

As the Muslims would have it, the culture of the tribes provided an illustration of *al-jahiliyya*, a term variously translated as “heedlessness” or “ignorance.” Islam stood in opposition to this system at every point, replacing the pantheon of deities with the claim that there is no god but *al-lah*; the virtue of manliness with the notion of *al-taqwa*, meaning “piety” or “godly fear”; the ideal of remembrance with pictures of a Final Judgment and an afterlife filled with rewards and punishments; and the beaten path of the ancestors with a call to judge by “that which God has sent down,” that is, by revelation. This constitutes the challenge of Muhammad to Arab tribal culture; as our sources have it, just before his death in 632 Muhammad would claim that “Arabia is now solidly for Islam.” Thus the foundational narrative of Islam is one in which Muhammad and his companions participate in a kind of cultural revolution, by which the tribes of the Arabian Peninsula are transformed into the *umma*, or community of faith.⁸

The story of Muhammad and the early Muslims thus begins in the context of Arab tribal culture, and ends in a claim that this culture has been transformed by the movement of Islam. The Muslim proclamatory biographies presume God’s preparation of the Peninsula for the coming of the Arab Prophet. The invasion in the Year of the Elephant, the moves by the Quraysh to emphasize the Ka’ba as a house of prayer for all Arabs—these are not random developments. Rather, they occur within the plan of God. And thus, the birth of Muhammad comes “in the fullness of time.” Grandson of ‘Abd al-Muttalib, son of ‘Abdullah, Muhammad comes into the world accompanied by signs. According to Ibn Ishaq,

It is alleged in popular stories (and only God knows the truth) that Amina d. Wahb, the mother of God's messenger, used to say when she was pregnant with God's messenger that a voice said to her, "You are pregnant with the lord of this people and when he is born say, 'I put him in the care of the One from the evil of every envier; then call him Muhammad.'" As she was pregnant with him she saw a light come forth from her by which she could see the castles of Busra in Syria.⁹

Such signs would be a continuing part of the life of the Prophet. The biographies tell us that, in his teens, Muhammad accompanied a caravan to Damascus. On the way, the experienced drivers were startled when Bahira, a well-known Christian monk, stopped them on the road and invited them to his hermitage for a meal. The drivers had passed by many times; until that day, Bahira, unwilling to interrupt his devotion of prayer and fasting, had not acknowledged their presence. On this day, however, he brought the caravan into his hermitage, provided the travelers with food, and examined Muhammad carefully. As the story goes, Bahira identified Muhammad as the one whose appearance and life story matched the descriptions "in the Christian books." He then directed Abu Talib, Muhammad's uncle and guardian: "Take your nephew back to his country and guard him carefully against Jews, for by God, if they see him and know about him what I know, they will do him evil; a great future lies before this nephew of yours, so take him home quickly."¹⁰

Such interactions with a Christian or warnings about Jews are at this point simply a means of affirming the role of God's providence. As we learn from other reports, there were other, more immediate challenges for Muhammad to deal with. The deaths of his father (before Muhammad's birth), his mother (shortly after), and his grandfather (before he turned eight) left the boy an orphan. Abu Talib

became his guardian. As with everything else in the story, the protection of Abu Talib came as a gift of God:

By the morning brightness and by the night when it grows still,

Your Lord has not forsaken you, nor does He hate you.

The future will be better for you than the past.

Your Lord will give you so much that you will be well satisfied.

Did He not find you an orphan and shelter you? Did he not find you lost and guide you?

Did He not find you in need and make you self-sufficient?

So do not be harsh with the orphan and do not chide the one who asks for help.

Talk about the blessings of your Lord. (Qur'an 93)¹¹

Indeed, as Ibn Ishaq has it,

The Prophet grew up, God protecting him and keeping him from the vileness of heathenism [that is, the religiosity of the tribes] because he wished to honor him with the role of prophet, until he grew up to be the finest of his people in manliness, the best in character, most noble in lineage, the best neighbor, the most kind, truthful, reliable, the furthest removed from filthiness and corrupt morals, through loftiness and nobility, so that he was known among his people as "the trustworthy" because of the good qualities which God had implanted in him.¹²

The way was thus well prepared, and Muhammad with it. Once he married Khadija, a somewhat older woman of means, Muhammad began to engage in retreats, perhaps in imitation of the hermetic practices of monks like Bahira.¹³ It was during one of these retreats

that Muhammad heard the call to prophesy. The story is worth quoting at length:

Every year during [the month of Ramadan] the prophet would pray in seclusion and give food to the poor that came to him. And when he completed the month and returned from his seclusion, first of all before entering his house he would go to the Ka'ba and walk round it seven times or as often as it pleased God; then he would go back to his house until in the year when God sent him, in the month of Ramadan in which God willed concerning him what He willed of His grace, the prophet set forth to Hira as was his wont, and his family with him. When it was the night on which God honored him with his mission and showed mercy on His servants thereby, Gabriel brought him the command of God. "He came to me," said the prophet of God, "while I was asleep, with a coverlet of brocade whereon was some writing, and said, 'Read!' I said, 'What shall I read?' He pressed me with it so tightly that I thought it was death; then he let me go and said, 'Read!' I said, 'What shall I read?' He pressed me with it again so that I thought it was death; then he let me go and said 'Read!' I said, 'What shall I read?' He pressed me with it the third time so that I thought it was death and said 'Read!' I said, 'What then shall I read?'—and this I said only to deliver myself from him, lest he should do the same to me again. He said:

Read in the name of your Lord who created,
Who created the human creature from a clot of blood.
Read! Your Lord is the most beneficent.
He taught by the pen.
Taught humanity that which it did not know."

(Qur'an 96:1-5)¹⁴

The report continues, indicating Muhammad's confusion, even despair, with respect to comprehension of what had happened, until the angel Gabriel returned to confirm that this was a call to prophesy. Khadija encouraged Muhammad, as did her cousin, Waraqa. In keeping with the notion that Muhammad's mission fulfilled a prior plan of God, we learn that Waraqa "had become a Christian and read the scriptures and learned from those that follow the Torah and the Gospel." Waraqa also indicated that Muhammad would find the way of prophecy difficult: "You will be called a liar, and they will use you spitefully and cast you out and fight against you."¹⁵

From this point, the story of Muhammad may be described as a dialectic between struggle and hope. By tradition, the date of the encounter with Gabriel is 610. Over the next twenty-two years, until his death in 632, Muhammad received periodic visitations by the divine spirit, and with these, revelations that make up the Qur'an. Many of these revelations are, by tradition, correlated with specific challenges posed by the residents of Mecca, that is, the Quraysh. Leading men of the tribe perceived a challenge in Muhammad's preaching. And, as any impartial reader would admit, in this perception they were not mistaken.

We should now return to the tribal structure of Arab society. Here, our sources indicate that many who heard Muhammad preach understood him to accuse their ancestors, the great men whose deeds constituted a legacy for and identity of particular tribes, of error. Thus, Ibn Ishaq relates that the great men of the Quraysh tribe in Mecca said to Muhammad's uncle: "O Abu Talib, your nephew has cursed our gods, insulted our religion, mocked our way of life and accused our forefathers of error. Either you must stop him or you must let us get at him." Or again, Muhammad is one who "brought a message by which he separates a man from his father, or from his brother, or from his wife, or from his family."¹⁶

Such characterizations are common in the history of religions.

New religious movements constitute an attack on established life-ways, which in some sense have their own sacred legitimacy. At the heart of Muhammad's preaching was a call for his kin to renounce the ties of ancestry and to constitute a new community. This community would be defined by its worship of one god, *al-lah*, the Creator and Lord of all.

Say to the ingrates: I do not worship what you worship, and you do not worship what I worship. I will never worship what you worship, and you will never worship what I worship. You have your religion, and I have mine.
(Qur'an 109)

The story Muslims tell reflects a steady effort on the part of the Prophet, with small numbers of converts at first. The community of Muslims meets with resistance; its members must endure the opprobrium of their Arab kin. At times the resistance breaks out in acts of violence; for some period, some of the leading men of the Quraysh sustain a boycott of the families of the Muslims. Throughout the early years of the Prophet's ministry, Muhammad counseled his followers to endure and to preach, but never to fight. They were to bear witness to the "clear evidence" of the Qur'an regarding the judgment of God:

When the sky is ripped apart, in rightful obedience to its Lord's command;

When the earth is leveled out, casts out its contents, and becomes empty, in rightful obedience to its Lord's command;

You humans, toiling laboriously towards your Lord, will meet Him.

Whoever is given his record in his right hand will have an easy reckoning and return to his people well pleased.

Whoever is given his record from behind his back will cry out for destruction, and will burn in the blazing fire.
(84:1–12)

In later years, the Qur'an would remind the Muslims of the "grace" by which God called them into a new community and gave them a mission: to command the right and forbid the wrong.¹⁷ In this early stage, though, their ability to carry out the mission was limited. Not only were they few in number; when persecuted, they were not allowed to fight back. That stance would change in 622 C.E.—in Islamic terms, the year 1—when Muhammad moved his followers to a new location. The migration to Medina, *al-hijra*, constitutes a defining moment in the story. For the time being, the community would carry out its mission not only by means of preaching and worship, but by means of fighting and other political activity. From this point, Muhammad is to be regarded as both prophet, in the sense of one who proclaims a religious message, and statesman, in the sense of one who exercises leadership in connection with the aims of a community competing for power.

Traditional biographies symbolize this shift, first, by giving an account of agreements between Muhammad and the tribes living in Medina. We are told that certain of the great men of these tribes came to Mecca and entered into negotiations with Muhammad. The ostensible reason for this was their need to arbitrate an intertribal conflict in Medina, and their hope that the "Arab prophet" might provide assistance. The negotiations took place over several years, and by time of the migration, a few of Muhammad's companions were already living in Medina, acquainting its residents with Islam. When the move finally took place, representatives of the Medinan tribes took an oath that bound them to Muhammad. They were to support him, respect his orders, and, above all, to fight with him against the Meccans. Why the stress on fighting? As the biographers

have it, God gave the order, specifically by revealing the verses recorded in Qur'an 22:39–40:

Those who have been attacked are permitted to take up arms because they have been wronged.

God has the power to help them; those who have been driven unjustly from their homes only for saying, "Our Lord is God."

If God did not repel some people by means of others, many monasteries, churches, synagogues, and mosques, where God's name is much invoked, would have been destroyed.

Fighting is thus justified, in the sense of permitted, in order to resist injustice. And the accounts of the agreements between Muhammad and the Medinan tribes suggest that the Prophet understood this permission to fight as requiring preparation for the coming campaign.¹⁸

Thus Muslim biographies present a second signification of Muhammad's move toward politics, by way of accounts of his approach to intertribal relations in Medina. Of these, the most significant had to do with relations between the followers of Muhammad and Medinan Jews. Although we do not know much about the practice of Judaism (or, for that matter, of Christianity) in Medina, Muslim biographers provide names of Jewish leaders who interacted with the Prophet. These are typically listed along with some indication of tribal affiliation; from this evidence, it appears there was a Jewish presence in a number of the Medinan tribes, with particular strength in three or four. The account of Muhammad's relations with these begins with presentations of the agreement Muslims call the Medinan Constitution, which is striking in its stipulations of parity between Muslims and Jews. According to the document, each community maintained its independence; each was to fight along-

side the other, to bear its own costs and keep its own war prizes; each was to observe its own customs and patterns of worship.

Such parity did not last long, however. The account of the constitution leads into a tale of the steady degeneration of relationships between Muslims and Jews. Ibn Ishaq, for example, moves quickly to stories of Jewish criticism of the Prophet, followed by a long account of the revelation of *surat al-baqara*, chapter 2 of the Qur'an, in which the recalcitrance of the Jews of Medina is interpreted as consistent with the ways the people of Israel treated Moses. Christians, too, are criticized for their errors with respect to the religion of Jesus. Both Moses and Jesus, we are told, practiced the religion of Abraham, and that is *al-islam*.

They say, "Become Jews or Christians, and you will be rightly guided."

Say: "No, ours is the religion of Abraham, the upright, who did not worship any god besides God."

Say: "We believe in God and in what was sent down to us and what was sent down to Abraham, Ishmael, Isaac, Jacob, and the Tribes, and what was given to Moses, Jesus, and all the prophets by their Lord. We make no distinction between any of them, and we devote ourselves to God." (Qur'an 2:135–136)¹⁹

Hereafter the story is all downhill with respect to Muslim-Jewish relations, to the point where the Jewish tribes were accused of violating their agreement with Muhammad by providing assistance to the Meccans. Those tribes with particularly large concentrations of Jews were either banished or, in one memorable episode, treated as a conquered foe, with all adult males executed, and women and children taken by the Muslims as slaves.²⁰

The charge that Medinan Jews provided assistance to the Meccans leads to the third and most prominent way by which traditional bi-

ographers signified the Prophet's political authority: the campaign against the Meccans. Here the major accounts focus on battles between the Muslims, their Medinan allies, and the Meccans. Those who fight under Muhammad's command are praised as true Muslims who obey God and God's Prophet. These make sacrifices, for which they will receive rewards:

Do not think of those who have been killed in God's way as dead.

They are alive with their Lord, well provided for, happy with what God has given them of his favor;

Rejoicing that for those they have left behind who have yet to join them there is no fear, nor will they grieve;

Rejoicing in God's blessing and favor, and that God will not let the reward of the believers be lost. (Qur'an 3:169–171)

Others, who are reluctant to fight, are encouraged to do so:

Why should you not fight in God's cause and for those oppressed men, women, and children who cry out, "Lord, rescue us from this town whose people are oppressors! By your grace, give us a protector and helper!"? (Qur'an 4:75)

Those who fail to answer the call or who (as in the case of the Meccans) actively resist are variously described as hypocrites, ingrates, or idolaters.

The story of the Prophet's campaign against the Meccans is not only military. Diplomacy plays a part, as the stories depict Muhammad cultivating and solidifying relations with tribes throughout the region by means of treaties of mutual protection and, in a number of cases, marriage. In the end, the Meccans are isolated and defeated, and the Prophet concludes his life with the pronouncement: "Arabia

is now solidly for Islam." In the place of tribal loyalties, the stories tell us, there is now a community of those who submit to God. In the place of the pantheon of patron deities, there is the worship of *allah*, the Creator and Lord of all. In the place of manliness and associated virtues, there are piety and obedience to God and God's Prophet. In the place of fame, there is the promise of resurrection and judgment. And finally, in the place of the *sunna* of the ancestors, there are the Qur'an and the example of the Prophet.

The Natural Religion of Humanity

In one sense, the story of Muhammad is self-contained. The narrative by which Muslims speak of the Prophet's call and his struggles with the Meccans is one that needs no additional data. If one asks the question "Why this story?" or "What justified Muhammad in this campaign to bring the Arabian Peninsula under the influence of Islam?" one has only to look at the reports of the Prophet's call. His was a divine mandate, and from the standpoint of the faithful, that fact is sufficient.

In another sense, though, the story reaches beyond the career of Muhammad. We have already seen how traditional biographers stressed the role of providence in preparing the way for the Arab Prophet. We have also seen how accounts of his relations with Medinan Jews correlate with Qur'anic texts that stress the continuity of Muhammad's mission with those of Moses, Jesus, and, behind them both, Abraham. This is, indeed, one of the more striking features of the story of Muhammad: from the Muslim point of view, his is the latest, and perhaps the last, great chapter in the story of God's dealings with human beings.

To put this in the language of theologians, we might say that the mission of Muhammad rests on the fact that he is proclaiming the "natural" religion of humanity. Muslims say that every child is born

a Muslim, and that the child's parents then make him or her into a Jew, a Christian, a Zoroastrian—or a member of the *umma* of the Prophet.²¹ For an explanation of this claim, we may turn to the Qur'an, beginning with the chapter called "Heights" (7:172–173):

When your Lord took out the offspring from the loins of
the Children of Adam and made them bear witness
about themselves,

He said, "Am I not your Lord?"

And they replied, "Yes, we bear witness."

So, you cannot say on the Day of Resurrection, "We were
not aware of this,"

Or, "It was our forefathers who, before us, ascribed
partners to God, and we are only the descendants who
came after them: Will you destroy us because of
falsehoods they invented?"

On first reading, these verses relate something very strange, and Muslim commentaries devote many pages to explaining the process by which God "took out the offspring from the loins of the Children of Adam." Nevertheless, the import is clear. These verses proclaim that all human beings are responsible to worship the one God—that is, to practice Islam. They cannot escape this responsibility, nor can they cite their inherited traditions as an excuse for failure to fulfill it. One might speak of the verses as depicting a kind of primordial covenant between God and humanity. Thus, to speak of God as taking the offspring from the loins of the children of Adam is to suggest that all generations, all peoples, and all individuals are rightly called to bear witness to the God from whom they come, and to whom they will return.

To elaborate further, we may turn to other verses in the Qur'an. The claim is that *al-islam*, submission to the will of God, is natural to humanity. Submission describes the proper disposition of

creatures whose life and capacities have their source in the power and will of a divine other. Thus, in Qur'an 30:30, God exhorts the Prophet to "stand firm" in devotion to *al-din* ("the religion," meaning Islam). This, the verse continues, "is the natural disposition God instilled in humankind." Or again, at 33:72, a verse reminiscent of 7:172–173, we read that God offered *al-amana*, or the trust, to the heavens, the earth, and the mountains, but they refused to undertake it. Only human beings were bold enough to do so. As Muslim commentators suggest, this verse points to a notion of humankind as the "vice-regent" of God.²² Acceptance of the trust involves a responsibility of stewardship, in accord with which God will call each human being to account. The world, and with it humankind, was not created "for play. If We had wished for a pastime, We had it in Us." Rather, God created the world, and set humankind within it, as a demonstration of God's glory, and to that end "We hurl the truth against falsehood, and truth obliterates it . . . Everyone in the heavens and the earth belongs to God, and those that are with God are never too proud to worship God, nor do they grow weary; they glorify God tirelessly, night and day" (21:16–20).

The notion of Islam as natural to humanity has as its corollary the claim that human beings are capable of acknowledging God. Here, the Qur'an insists that the capacity to "reflect" or to engage in dialectical reasoning provides access to the divine. In particular, human beings are able to reflect on a variety of "signs" by which creation points to its maker.

One of God's signs is that He created you from dust and—
lo and behold!—you became human and scattered far
and wide.

Another of God's signs is that He created spouses from
among yourselves for you to live with in tranquility: He
ordained love and kindness between you.

There truly are signs in this for those who reflect.
Another of God's signs is that He created the heavens and the earth, the diversity of your languages and colors.

There truly are signs in this for those who know.
Among His signs are your sleep, by night and by day, and your seeking God's bounty. There truly are signs in this for those who can hear.

Among His signs, too, are that God shows you the lightning that terrifies and inspires hope; that God sends water down from the sky to restore the earth to life after death.

There truly are signs in this for those who use their reason.
Among God's signs, too, is the fact that the heavens and the earth stand firm by His command.

In the end, you will all emerge when He calls you from the earth.

Everyone in the heavens and earth belongs to Him, and all are obedient to Him. He is the One who originates creation and will do it again—this is even easier for Him.

God is above all comparison in the heavens and the earth;
God is the Almighty, the all wise. (Qur'an 30:20–27)²³

The power and scope of the capacity for reflection is shown, above all, in the story of Abraham, to which the Qur'an recurs sixty-nine times, in twenty-five chapters; these constitute almost one-fourth of the chapters of the Qur'an. In chapter 2, Abraham proves his faithfulness by obeying God's commandments (122–124). He and his son, Ishmael, build the Ka'ba as a sanctuary dedicated to worship of Allah (125–129). Such exemplary behavior lends itself to the rhetorical question of 130–132:

Who but a fool would forsake the religion of Abraham?
We have chosen him in this world and he will rank among the righteous in the Hereafter. His Lord said to him, "Devote yourself to me."

Abraham replied, "I devote myself to the Lord of the universe," and commanded his sons to do the same.

But what is the religion of Abraham, and how did he come to practice it? At 3:65–67, Jews and Christians listening to the Qur'an are challenged: "Why do you argue about Abraham when the Torah and the Gospels were not revealed until after his time? . . . Abraham was neither a Jew nor a Christian. He was upright, in a condition of submission [*hanifan musliman*]." That Abraham's submission is to God is indicated by what immediately follows: "and he was not with the idolaters." That the submission is not mediated by Jewish or Christian sources is important, as is the obvious fact that Abraham's religion is also not mediated by the Qur'an. All these texts come after Abraham's discovery of true faith, which provides the paradigmatic example of the religious potential of human reflection.

At 6:74–82 we read a brief account of what might be called Abraham's religious quest. The account begins at night, when Abraham sees a star and says, "This is my Lord." When the star sets, however, he is not satisfied with it as an object of devotion. The moon rises and soon replaces the star in Abraham's estimation: "This is my Lord." It also sets, of course, and is then replaced by the sun. Only now does the seeker exclaim: "My people, I disown all that you worship besides God. I have turned my face as a true believer towards Him who created the heavens and the earth." As the Qur'an has it, "In this way We showed Abraham a mighty dominion over the heavens and the earth, so that he might be a firm believer." God, in other words, is guiding the process. But Abraham's understanding

comes through the exercise of his capacity to reflect. He does not hear a prophet; he does not read or recite a sacred text. His quest exemplifies the natural capacity of human beings to interpret the evidence of creation as requiring the acknowledgment of that One which is the true source of all. That One, *al-lah*, exercises dominion over the creation. Whereas the creation is contingent, that One is eternal. Whereas the creation is finite, that One is infinite.

The natural state of human beings, as of all creation, with respect to God is submission. But the Qur'an indicates that most humans do not realize this. While Abraham exemplifies the human potential, most do not reflect, and thus do not acknowledge the right of their Lord. As the Qur'an states at 30:30, although submission is the "natural disposition" of humankind, "most people do not realize it." More typically, the Qur'an indicates that human beings "do not reflect"; that is, they fail to exercise the capacity by which their religious potential becomes active. The reason for this failure? "Rivalry in worldly increase distracts you," says the Qur'an at 102:1. Human beings seek security. To that end, they strive for goods that enable them to negotiate the realities of the natural, and especially the social, world. Such striving yields some success. But "some success" is never "enough"; someone else always has more, and this state of affairs means that no one is ever really secure. And, in the end, the quest for security must be futile, because all human beings must die.

The quest for security inhibits reflection and, with it, the kind of awareness of God associated with submission. Given this circumstance, it seems that human beings are doomed. Created in order to serve God, placed in a world conceived as a theater for God's glory, the this-worldly existence of humanity is best construed as a test, at the end of which comes the Day of Judgment. The Qur'an holds that on that day each and all will stand before God, who will distribute rewards and punishments according to what each has done.

The crashing blow!

What is the crashing blow?

What will explain to you what the crashing blow is?

On a Day when people will be like scattered moths, and the mountains like tufts of wool,

The one whose good deeds are heavy on the scales

Will have a pleasant life.

But the one whose good deeds are light will have the bottomless pit for a home.

What will explain to you what that is?

Blazing fire. (Qur'an 101:1–11)

Humankind, it seems, is in a troublesome situation. Created to serve God, and thus responsible for their deeds, they are nonetheless blinded by their striving for worldly security. For most, the kind of God-consciousness advocated by the Qur'an involves a radical departure from the activities they experience as normal. Most suffer from a "sickness of heart." Is there a cure?

To this question, the Qur'an poses an answer: God sends prophets as an act of divine mercy. God is not required to provide assistance with the human plight. Nevertheless, God does so, and this fact is one of the reasons for the persistent Qur'anic description of God as "the merciful, the compassionate." Prophets come in order to remind human beings of their situation. In accord with the emphasis on submission as the religious disposition natural to humanity, they do not reveal anything new. Rather, the point of prophecy is to state that which is obvious upon reflection. The uniqueness of prophets consists in the clarity and power by which they convey this truth.

Prophecy is thus a matter of restating that religion which is natural to humankind. And God, in his mercy, sends prophets to every nation. Each brings the message of submission to a particular people, proclaiming it in their language. Thus any list of prophets is the-

oretically quite extensive. The Qur'an is most interested, however, in recalling the names of those familiar to its audience: heroes from biblical tradition and others (such as Thamud) whose preaching formed part of Arab lore. The message of all prophets is the same: human beings come from God and will return to God. God is one, unique, not to be confused with any creature. Human beings are created to serve God and will be held accountable for what they have done. God, responsibility, and judgment—these constitute the threefold theme of the natural religion. One might put it this way: the history of humanity is the history of God's attempts to remind human beings of their true nature, and to warn them of the consequences flowing from a lack of attention.

We can sharpen the Qur'anic notion of prophecy if we attend to its most characteristic formulations of the mission of Muhammad. He is the prophet who speaks Arabic; the Qur'an is an "Arabic scripture." Muhammad's vocation is to perform for his people the same task performed, for other communities, by Moses and Jesus. Moses brought the Torah to the people of Israel. Later, Jesus brought the *Injil*, or Gospel, to this same people; their rejection of his mission led to the division between the people of Israel and the people of the messiah. Even so, Muhammad brings the Qur'an to the Arabs.

We must go further, however. When Moses brought the Torah to the people of Israel, he did not found a religion called Judaism. Moses proclaimed *al-islam*, that submission which is the natural or appropriate condition of God's creatures. Judaism is an add-on, created by later generations who inherited the preaching of Moses, and then added to or took away from the Torah. Similarly, Jesus brought the Gospel to the people of the messiah, but he did not found Christianity. That term refers to the practice of followers of Jesus, some of whom were faithful, while others interpreted the Gospel in ways that mixed error with the truth that Jesus proclaimed—that is, the truth of submission. Thus, when Muhammad brings the Qur'an to the

Arabs, he also provides a fresh statement of the natural religion. Muhammad calls Jews and Christians, as well as Arab idolaters, to practice submission. The Qur'an presents itself as a "criterion" (25 and elsewhere) by which differences between previous religions may be adjudicated. And the followers of Muhammad have, as their mission, the continuing task of reminding Jews, Christians, and others of the truth of Islam. Faced with error, or more particularly with the kind of stubborn resistance to truth illustrated in the behavior of the Jews of Medina, the *umma* of Muhammad is called to command right and forbid wrong by appropriate means; as an old and prominent tradition has it, to correct error by the hand (signifying political and, if necessary, military action), the tongue (preaching and instruction), and the heart (disapproval).²⁴

The Driving Force behind a World Civilization

Muhammad died in 632. Still flush with the surrender of Mecca, it seems the Muslim community was at first confused. Should the movement continue? If so, who would succeed the Prophet? And how should that person, or persons, direct the community?²⁵

Traditions preserved by Muslims are fascinating in this regard, suggesting a considerable disagreement among those attached to Muhammad.²⁶ For our purposes, however, it is more important to describe the resolution than the range of disagreement. In brief, the answers were (1) yes, the movement should continue; (2) leadership, in the sense of *al-khilafat*, the succession or in some sense continuation of the Prophet's role, should fall to outstanding companions of Muhammad; and (3) the leadership, in the first instance assigned to Abu Bakr (d. 634) and 'Umar (d. 644), should direct the Muslim community in a sustained mission of commanding right and forbidding wrong, by the hand, tongue, and heart. As Abu Bakr puts it in a standard report: "O people, those who worshipped Mu-

hammad [must know that] Muhammad is dead; those who worshipped God [must know that] God is alive [and] immortal.” The statement continues, with Abu Bakr quoting Qur’an 3:144:

Muhammad is only a messenger; and many a messenger
has gone before him.
So if he dies or is killed, will you turn back on your heels?
He who turns back on his heels will do no harm to God;
and God will reward the grateful.²⁷

Practically speaking, this statement meant two things. First, Abu Bakr made sure that Muhammad’s consolidation of Arab tribes held. In the most famous instance, the new leader ordered military action designed to compel the payment of taxes used to fund the Muslim mission.²⁸ When several of the tribes indicated they considered their duty to pay, and thus to provide material support for the Muslim mission, null and void, Abu Bakr declared that their agreement was not simply with the man Muhammad, but with God. In that sense, failure to pay constituted a special mix of religious and political wrongdoing, which was termed *al-ridda*. Usually translated as “apostasy,” the term is in fact more suggestive of renegade behavior, by which one harms the ability of a community to fulfill legitimate goals, while at the same time violating a contract with God. *Al-ridda*, in other words, is neither a simple matter of treason nor a matter of changing one’s mind about matters of religious belief. Abu Bakr’s campaign constitutes an important precedent, pointing to a special relationship between religion and politics—in Arabic, between *al-din* (religion, law, custom, that to which one is obligated, and which connects one to others) and *al-dunya* (the affairs of this world, including economics, ordinary political activity, and the like).

Having secured the religious solidarity of Arabia, Abu Bakr and ‘Umar turned to spreading Islam to the rest of the world. The speed and expanse of the Muslim “conquest” are well known. By the time

of ‘Umar’s death, Muslim forces dominated Egypt, Syro-Palestine, and most of Iraq. Under two subsequent leaders, ‘Uthman (d. 656) and ‘Ali (d. 661), the remainder of Iraq and much of Iran came under the sway of Islam.²⁹ In later centuries, northern Africa, the Indian subcontinent, Anatolia (or Turkey), and portions of southern and central Europe came under Islamic control; at the outer edges, Muslim influence stretched into sub-Saharan Africa, throughout the realm of Mongols and Turks (including portions of China), to Indonesia and the Philippines.³⁰ Such geographic scope prohibits generalizations about the influence of Islam on religious and political behavior. Nevertheless, certain ways of speaking about the expansion of Islam became common. We may speak of these as precedents, in that subsequent generations of Muslims would recur to them as modeling important—because legitimate—values.

One of the standard reports concerning Muhammad’s last days has the Prophet dictating letters to the rulers of the great empires of his day—the Byzantine Caesar, the Sassanid great king, the Abyssinian negus—and summoning them to *al-islam*. It will be best, he writes, if these rulers accept Islam, and they may do so by bearing witness that there is no god but God, with Muhammad as God’s prophet. In this way, they may avoid strife and bring blessings to their people.

If the rulers in question will not accept Islam, they should at least enter into a tributary relationship with the community of Muhammad. In this way they will acknowledge the supremacy of Islam, and in some sense point their people toward Islam as the true religion. Failing this, however, these rulers should understand that Muhammad is the recipient of a divine mission, which he will carry out using all necessary and appropriate measures. That mission is to call people to *al-islam*; for this purpose, God gave the Prophet the Book (that is, the Qur’an) and a sword.³¹

We may set aside questions about the historical accuracy of this

report, in the sense of questions like “Did Muhammad really write such letters?” For our purposes, the important datum is that this report provided a precedent for subsequent generations of Muslims. For the vast majority of Muslims, the expansion of Islam was an act of divine providence. It established governments that acknowledged Islam as the true and natural religion of humanity and replaced regimes that, by reason of their religious and moral errors, could be described as tyrannical. The expansion of Islamic government thereby increased the chances for groups of human beings to live together in (relative) peace and to attain a degree of justice. Such expansion also provided an opening by which people liberated from tyranny might hear the message of Islam and accept it, should they wish to do so. Alternatively, the recipients of liberation might continue in their inherited religion, provided they accepted the protection of Islamic government and observed certain proprieties. In all, the way in which Muslims spoke about the territorial expansion of Islam suggests an intention one might describe as “beneficent paternalism.” This perspective casts the expansion as a matter of “opening” territory to Islam, rather than of “conquest.” Similarly, the Muslims did not consider that they were bringing something foreign or strange to other lands. Islam is natural to humankind. It is not a thing that one human being gives to another, but is the gift of God, to be acknowledged as such. Bringing human beings into a right relationship with their Creator is the purpose of God; it is the reason why God sends prophets. In this sense, then, Muslims came to speak of the early expansion as *al-jihad*, an aspect of the struggle “to make God’s cause succeed” (Qur’an 8:39).

Islamic expansion thus involved a systematic program of regime change, in which *jihad* became the symbol for Muslim effort. Notions of honorable combat developed in connection with this, as did notions of martyrdom and sacrifice for the cause of God.

We shall return to these notions. More significant at this point is

that the story Muslims tell about their community suggests that the Islamic notion of “regime change” involved replacing tyrannical governments with something better, that is, with Islamic government, or rule by *al-shari‘a*. Usually translated as “Islamic law,” *al-shari‘a* is more appropriately rendered as “the path” or “the way.” The term suggests that there is a right way to live, and that is the way associated with Islam, the natural religion. As we are using it here, *al-shari‘a* indicates an Islamic version of the “rule of law,” that is, of the notion that there is a standard by which rulers and ruled alike must be judged. Through centuries of Islamic expansion and dominance, rulers and ruled appealed to this notion as a way to debate questions of legitimacy. What are the obligations of a legitimate ruler? That person should possess many attributes—a good character, physical health and strength, a sound mind, proper ancestry.³² Above all, however, a ruler is obligated to govern by the Shari‘a. In essence, this is what is meant by speaking of government as *al-khilafat*, and the ruler as *al-khalifa*. Both terms imply succession. The system of government “succeeds” or “follows in the path of” the Prophet, as does the ruler or, in some cases, the ruling class or governing elite.

Rule by the Shari‘a also speaks to the obligations of citizens in an Islamic state: they should pay taxes, participate in the *jihad* in an appropriate manner, honor the ruler in all legitimate claims. This constellation of duties gave rise to a large and continuing debate over the legitimacy of rebellion. Should citizens in an Islamic state depose a ruler who strays from the divine path? At the very least, it is clear that the duty of citizens to obey or honor the claims of the leader is limited to policies that are legitimate, that is, associated with the Shari‘a.³³

The phrase “obligations of citizens” applies, in the first place, to Muslims living under an Islamic government. Under the new regime of Islam, non-Muslims had obligations, too. The phrase “people of

the Book,” which applied primarily to Jews and Christians, but was eventually enlarged to include Hindus and others living in the territories that came under the sway of Islam, correlated with a standing signified by the term *ahl al-dhimma*, “protected people.” Such people lived as recognized minority communities, with their own structures of authority, religious observances, and laws. Yet their status was set by, and Muslims recognized it in terms of, the overarching rule of Shari‘a. According to this norm, the non-Muslim communities paid special taxes, were required to observe restrictions on public demonstrations of worship, experienced limits on their ability to build churches and synagogues, and in general were required to behave in ways deemed respectful of the priority of Islam. Thus, in one sense, the Shari‘a did not apply to them—for example, in terms of laws of marriage and divorce. In another sense, it certainly did, for the terms of their protection were set according to the Shari‘a standard.

Thus, if we were to highlight one feature of Islamic civilization as central, we could make a strong case for the notion of “governance by the Shari‘a.” But what was the Shari‘a? And how is it ascertained?

That is the subject of the next chapter. Before turning to those questions, let us return briefly to the quotations at the beginning of this chapter. Who is right? Does Islam “mean peace”? Or is it a “very evil and very wicked religion”? Is it the religion of “Jihad in the way of Allah so that Allah’s Word and religion reign supreme”?

If we attend to the story of the Prophet Muhammad, to claims about Islam as the natural religion of humanity, and to the development of Islamic civilization as built on the notion of deposing tyrants in the name of a kind of rule of law, then we must in some sense grant the first and last characterizations. Islam promises peace to those who follow the natural religion of humanity. It commands its followers to strive for peace. It does not, of course, understand peace as a simple matter of the absence of conflict. Rather, Islam is associated with the idea that peace requires justice, and that these

terms signify a condition best served when human societies are ordered in ways that may be described as legitimate.

Similarly, Islam is the religion of *jihad*, in the sense of struggle. That is the premise of Islamic mission. Through the ministry of Muhammad and the proclamation of the Qur’an, God created a community dedicated to commanding right and forbidding wrong. The community fulfills this duty by spreading the blessings of legitimate government, and by calling humanity to return to the natural religion.

The claim that Islam is a “very evil and very wicked” religion emanates from a different kind of discussion, one that is not well adjudicated by historical or sociological description. Perhaps, though, we might change the question slightly, and instead ask whether Islam presents anything very different from other religions of the world. The evidence suggests that the answer is no, whether one is thinking about notions of deity or revelation or political order. Christians and Jews, at least, will find strongly familiar elements in the story of Muhammad, the claims of Islamic theology, and the motifs of Islamic civilization outlined here. The familiarity stems from the fact that Islam is built upon a set of ideas common throughout the ancient Near East. These traditions all taught, and still teach, that there is one God, Creator and Lord of the universe; that human beings are accountable to this God, who fills the earth with signs of his power and beneficence; that this accountability is to be measured by a divine standard, an “instruction” or “law.” They teach that human beings should order their common life by that standard, and that they will be judged by its terms. To speak of such commonalities is not to deny important differences between faiths. For those who are Christians, for example, the identification of intimacy between God and Jesus the Christ suggested by the designation “son of God” is critical to understanding the relationship that obtains between God and humanity. Islam denies this identification, and indeed sees it as an er-

ror. For those who are Jews, participation in the continuing life of a particular people, with its special history of God's providence and election, is not to be denied. But Islam does deny this, at least in the sense of criticizing Judaism as fostering a kind of ethnic consciousness that runs contrary to the universality of God's judgment and mercy. Judaism, Christianity, and Islam are not the same religion. They are, however, close relations. To speak of Islam, in particular, as "very evil and very wicked" is to separate it from its obvious moorings in the history of the ancient Near East, and to deny facts that are obvious to any objective reader of the Qur'an or of the story of Muhammad. In assessing the value of Islam, we do well to defer judgment until we know more about the ways Muslims, as people involved in an attempt to ascertain and submit to God's will, have conducted themselves over time. Judaism, Christianity, and Islam all claim a special revelation that serves to orient the lives of believers. In this, they claim a kind of suprahuman status for certain notions about the world and about human responsibility. In working out the meaning of these notions, however, these three faiths are very much an affair of human beings, involved in an attempt to negotiate existence in diverse historical and political contexts.

CHAPTER TWO

SHARI'AH REASONING

Historically, Muslims have dealt with questions about right and wrong in a variety of ways. Early on, Islamic civilization produced a number of exceptional philosophers. The great al-Farabi (d. 945) modeled his work *The Virtuous City* on Plato's dialogue *Laws*. Ibn Sina (d. 1045) wrote on medicine and politics. Ibn Rushd (d. 1145) composed a number of important and innovative commentaries on the works of Aristotle.¹

Even more substantial is the literature Muslims call *adab*, letters, the reflections of cultivated and learned people on the manners and morals appropriate to particular issues and types of work. Thus, al-Jahiz (d. 839) compiled a formidable collection of tales about miserly behavior, the moral import of which was to demonstrate the problems stemming from a lack of generosity. Others wrote works reflecting on the professional ethics appropriate to the practice of

medicine. Still others composed "mirrors for princes," reflecting on the problems of statecraft.²

Alongside these modes of reflection is another that stands out partly because of its endurance and partly because of its contemporary significance. This is the way of thinking I call Shari'a reasoning.

Al-shari'a is usually translated as Islamic "law."³ But it is more than that. Literally, *al-shari'a* means "the path." In a more extended sense, it refers to the path that "leads to refreshment." With the advent of Islam, this extended sense lent itself to the notion of a path leading to "success," a way to paradise, a way associated with happiness in this world and the next. *Al-shari'a* is thus a metaphorical representation of a mode of behavior that leads to salvation. As the Qur'an has it, those who walk the "straight path" (*sirat al-mustaqim*) are "successful" with respect to the judgment of God (1:6-7).

More prosaically, *al-shari'a* stands for the notion that there is a right way to live. The good life is not a matter of behaving in whatever ways human beings may dream up. It is a matter of "walking" in the way approved by God; or, reflecting the notion of Islam as the natural religion, the good life involves behavior that is consistent with the status of human beings as creatures. As Muslim theologians had it, it is possible to imagine God creating other worlds, in which creatures unlike human beings might be judged according to a different standard.⁴ Once God created the world in which we live, however, he did so in a way that distinguished right from wrong, good from evil. Further, God set these distinctions in the context of a world that ultimately moves toward judgment. On the great and singular day which the Qur'an speaks of in terms such as *al-akhira* (the hereafter) or *yawm al-din* (the Day of Judgment or of Justice), human beings will see clearly the rewards or punishments they have acquired by acting in certain ways.

Given such notions, it is hardly strange to find Muslims inquiring about right and wrong very early on. The Qur'an summoned its

hearers to right behavior and exhorted believers to refer questions to God and God's Prophet. Indeed, the Qur'an indicates that submission is measured in terms of obedience to these two sources, which Muslim tradition came to associate with the Qur'an and with the *sunna*, or example of Muhammad, particularly as related in *ahadith*, or reports, of the Prophet's words and deeds, as witnessed by his companions.

From very early on, then, Muslim inquiry regarding right and wrong was associated with the interpretation of texts. Not surprisingly, a class of specialists emerged, trained in the reading and interpretation of the Qur'an and *ahadith*. The *'ulama*, or learned ones, became an important resource for a community devoted to inquiry regarding the Shari'a, particularly in contexts where literacy levels were low, and where the available means of book production made texts rare and expensive. More recently, however, groups of "lay" Muslims have asserted their right and duty to read and interpret, sometimes in conversation with the *'ulama*, and sometimes in opposition to them. As such groups have it, comprehension of the Shari'a is the duty of all Muslims, who must read and interpret the sacred texts to the best of their ability. As we move through the twentieth and into the twenty-first century, the participation of such groups must be viewed as one of the most important developments in the story of Shari'a reasoning.

Early Developments

When 'Umar, second leader after the Prophet, died in 644, the first wave of Muslim expansion was drawing to a close. According to standard tradition, 'Uthman, as third leader, inherited 'Umar's system of administering the newly established Muslim regimes. In this system, a centrally located group of officials, buttressed by a military presence, governed a prescribed territory. Income from taxes levied

on land held by (pre-Islamic) residents of each territory provided both funding for local administration and revenues to the leader in Medina. The latter used these funds to support further expansion, in line with the mission of Islam.

In each territory, the establishment of a new administration bore witness to the hegemony of Islam; the priority of Islamic values provided legitimacy for political authority. Territorial governors, along with the fighters supporting them, conducted prayers after the pattern established in the Arabian Peninsula. Along with the prayers came religious instruction. In this connection, the foremost activity, requiring the specialized knowledge of teachers, was recitation of the Qur'an. Although it is difficult to evaluate the traditional report that credits 'Uthman with standardizing the written text of the Qur'an, it makes sense that systematization of the scriptural text would coincide with the expansion of Islam. When pre-Islamic residents of the territories converted to Islam—and certainly some did—the specialists trained in reciting the Qur'an acquired additional authority and importance.⁵

Given the report of 'Uthman's role in establishing the Qur'anic text, it is ironic that opposition to his rule developed around the charge that he failed to govern by the Book of God. In 656 a group of fighters dissatisfied with the administration of affairs in Egypt came to Medina, seeking 'Uthman's intervention. Seemingly satisfied with his response, the group began the return journey. Along the way, it seems they began to doubt the leader's intention to carry through as promised. Some returned to Medina and assassinated 'Uthman.⁶

By prior agreement, leadership passed to 'Ali ibn Abi Talib, the cousin of Muhammad and one of the earliest converts to the prophetic mission. 'Ali sought reconciliation with those responsible for 'Uthman's death. In doing so he offended the members of 'Uthman's family, in particular the territorial governor of Syria. Mu'awiya, arguing that 'Ali's failure to punish the rebels constituted a failure of

justice, brought his army to challenge the leader. As the opposing forces approached each other, ready for battle, Mu'awiya's men placed copies of the Qur'an on their lance points and advanced, chanting "Let the Qur'an decide!" 'Ali accepted the challenge, thereby sending the dispute to arbitration. Conducted by those who knew the Qur'an best, the judgment nevertheless failed to provide a clear resolution. Even more, the process of arbitration led to further divisions among the Muslims, so that a certain number seceded from the ranks of 'Ali's supporters, declaring themselves bound only by God and God's Book. These Kharijites (*al-khawarij*, those who exited) constituted a kind of pious opposition. In the ensuing strife, they declared themselves opposed to both sides. In the end, however, their activities did more harm to 'Ali than to Mu'awiya. One of their number assassinated the fourth leader in 661.

Thus began a period of great disorder, which in Islamic tradition received the name "first *fitna*"—what one might call a civil war—as various groups competed for power. Of these, Mu'awiya's was the strongest, not least because the territory of Syria provided economic resources superior to those elsewhere. When the Syrian forces, by now commanded by Mu'awiya's son Yazid, destroyed the army of 'Ali's son Husayn at Karbala (in southern Iraq) in 680, the great conflict was, for all practical purposes, resolved. Rebel forces in Iraq and in the holy cities of Arabia continued to mount an intermittent resistance, and in 692 'Abd al-Malik even attacked the Ka'ba to put down a rebellion. Nevertheless, for the next sixty years (that is, until the 740s) the political and military epicenter of Islam would be Damascus.

Polemics between the two most important divisions within Islam take the events of this first *fitna* as a point of departure. The Shi'a, or partisans of 'Ali, claim that the victory of Mu'awiya and his descendants constituted a rejection of right leadership, and thus a departure from the Prophet's (and God's) design for the Muslim commu-

nity. Sunni Muslims, or, as the traditional description has it, “the people of the prophetic example and the consensus (of the Muslims)” (*ahl al-sunna wa’ l-jama’a*), also perceive these early struggles as critical, though typically they assign blame to all involved. Both labels, Sunni and Shi’i, cover a multitude of subgroupings, and their use with respect to Muslims in this very early period is not entirely appropriate. But the labels would emerge strongly as the different perspectives of these divisions became relevant to the development of Shari’a reasoning.

More interesting is the clear priority of the Qur’an in arguments about right and wrong, even in this very early period. The slogan “Let the Qur’an decide!” indicates that most Muslims recognized the relevance of the revealed text in ascertaining guidance. Similarly, the role of the mediators in the dispute provides a glimpse of the importance of a class of specialists whose role was to preserve and recite the Qur’anic text.

The importance of this class increased with the consolidation of power by Mu’awiya’s descendants in Damascus. Sometimes known as the Marwanids, and more typically as the Umayyads, these constituted the first imperial rulers in Islam. As their critics put it, with the Umayyads, leadership changed from *al-khilafat*, or governance by one fit to be called the successor to Muhammad, to *al-mulk*, the kingship, meaning a system in which leadership is passed from father to son, without concern about qualities of character.

The Umayyads, of course, preferred to cast their regime as *al-khilafat*, and presented themselves as God’s appointed rulers. In court poetry from the time, we read propaganda consistent with this claim:

The earth is God’s.
He has entrusted it to his *khalifa*.
The one who is head in it will not be overcome.⁷

Again,

God has garlanded you [Umayyad rulers] with the *khilafa*
and guidance;
For what God decrees, there is no change.⁸

Indeed, Umayyad rule is crucial to the maintenance of true religion:

We [God] have found the sons of Marwan [Umayyads]
pillars of our religion,
As the earth has mountains for its pillars.⁹

And again,

Were it not for the caliph and the Qur’an he recites,
The people had no judgments established for them and no
communal worship.¹⁰

Of course, recitation of the Qur’an was not confined to the caliph. The class of specialists responsible for it was to some extent sponsored by Umayyad rulers, as is suggested in this poetry. Nevertheless, some reciters apparently maintained an independent center of power.

One of the first of these independent scholars was al-Hasan al-Basri (d. 728). As the name indicates, al-Hasan’s location was Basra, in the south of Iraq, the geographic center of resistance to the Umayyads. Al-Hasan’s fame seems to exceed our actual information about him. Subsequent generations have claimed him as the inspiration for Sufism, that peculiar form of popular Islam that gained a massive following in later centuries. At the same time, various Sunni and Shi’i groups claim al-Hasan as one of the early advocates of their favorite doctrines.¹¹ His exploits are legendary, and sayings attributed to him often cryptic.

What does seem clear is that al-Hasan functioned as a critic of some Umayyad claims, and that he did so in a way that advanced the

notion that learning itself constitutes a kind of authority. When asked about Umayyad claims to divine legitimacy, al-Hasan supposedly said: "There is no obedience owed to a creature in respect of a sin against the Creator," thus pointing to a limit on Umayyad (or other human) authority. That this claim follows from the Qur'anic text seems obvious; after all, there is no god but God.¹²

As noted, al-Hasan claimed authority on the basis of *'ilm*, or knowledge, and specifically of knowledge of Islamic texts. By the 730s the phenomenon of authority based on learning was widespread, with particular centers in Damascus (or, more generally, Syria), Iraq, and the holy cities of Mecca and Medina.

We know only a little about the activities of scholars in Damascus. Local traditions focus on a figure called al-Awza'i, who is cited as the founder of a distinctive approach to Shari'a reasoning. No works of al-Awza'i are available to us, though some of his opinions are quoted by other scholars. We can surmise that there was a sustained conversation between Muslims and Christians (and perhaps Jews) in the region, not least because works by John of Damascus (d. 750), a prominent Christian theologian, are posed in terms of dialogues between scholars of these traditions concerning issues related to the attributes of God.¹³ These dialogues (and, one assumes, the attendant discussions) would become important in the development of Shari'a reasoning somewhat later, in the ninth century.

The most notable learned figure in Mecca and Medina at this time was Malik ibn Anas (d. 795). Here again, information is not extensive. If we take Malik's great work, *al-Muwatta* (The Well-Trodden), as representative, it seems clear that some Muslim scholars were developing a way of thinking in which verses from the Qur'an were connected with, and thus interpreted through, reports of the practice of Muhammad, his companions, and the continuing tradition of practice of the Muslims in Mecca and Medina.¹⁴

By contrast with Damascus and with the holy cities, we have a

great deal of information regarding Iraq. If we take al-Hasan al-Basri less as an individual, and more as a "type," representative of the behavior of a group of learned people in the first half of the eighth century, we begin to see the lines of a religious critique of Umayyad rule. Indeed, much of what we have from later generations of Muslims suggests that scholars located in Iraq in the 720s and 730s spent a great deal of time and energy discussing the grounds of such criticism and, beyond this, the proper mode of resistance to what they deemed illegitimate rule. One must use such reports with caution, of course, as later generations often read back into the eighth century something of their own concerns—such as the tendency of various groups to claim al-Hasan al-Basri as the source of their own movements. There is no reason to doubt, however, that numbers of religious specialists in Iraq constituted an intellectual wing of a growing "pious opposition" to Umayyad rule. Our information about these is connected to the success of the Abbasid revolt, which by the late 740s or early 750s attained a level of success sufficient for historians to speak of a relocation of power in the Islamic empire from Damascus to Baghdad, and from the Umayyad to the Abbasid clan.

Formative Developments

By the time the Abbasid clan established its *khilafat*, there was a growing class of religious specialists in Iraq, claiming the authority to distinguish right from wrong on the basis of religious knowledge. All of these connected authority with the text of the Qur'an, and the Abbasids took note of this fact. They promoted their cause by promising to establish "government by the Book of God." Having acknowledged the priority of the Qur'an, however, those claiming authority by reason of knowledge differed considerably in approach. Some, who came to be associated with the kind of the dialectical theology Muslims called *al-kalam*, literally "speech," but in this context

“theological disputation,” held that the import of the Qur’an was best extracted through a process of rigorous, systematic argument. The most influential of these, in the early years of Abbasid rule, came to be known as Mu‘tazilites, separatists. Mu‘tazilites focused on clarifying the system of doctrine outlined in the Qur’an. Their interpretations are not themselves an example of Shari‘a reasoning, though they had clear political import and, through the ministrations of the Abbasid caliphs, would come to play a critical role in the development of the practice.

For late eighth-century examples of Shari‘a reasoning, we must turn to a different circle of Iraqi scholars, of whom the most famous were Abu Hanifa (d. 767), Abu Yusuf (d. 798), and al-Shaybani (d. 804). Muslim sources assign credit to the first of these as the founder of the circle, which eventually came to bear his name. Abu Yusuf and al-Shaybani were the two greatest students of Abu Hanifa, and their works bear witness to the approach taken in his “school.” Two such works are particularly important. Abu Yusuf’s *Kitab al-kharaj* deals with the administration of territories in which an Islamic regime comes to power. It thus reflects a continuing discussion regarding governance of conquered or liberated areas.¹⁵

Al-Shaybani’s *Kitab al-Siyar*, by contrast, deals with “movements” or “relations” between territories. Al-Shaybani was thus interested in international relations. Indeed, the modern historian of international relations Majid Khadduri once spoke of this early Iraqi scholar as the Hugo Grotius of Islam, implying that al-Shaybani stands to the development of an Islamic “public international law” as does Grotius to the development of the Western version of such norms.¹⁶ Whether or not Khadduri’s comparison is apt, it is true that al-Shaybani’s work reflects judgments or opinions on a number of important political and military topics: the declaration and conduct of war, the status of treaties between rulers, grants of safe passage for persons traveling from one territory to another for purposes of di-

plomacy, trade, and the like are all at issue, as are matters of policy within Islamic territory—for example, the status of rebels, the collection of taxes, and the obligations of Jews, Christians, and other “protected” communities.¹⁷

In the works of Abu Yusuf and al-Shaybani, we see the emergence of a specific class of religious specialists, and also of a particular style of reasoning about matters of right and wrong. Al-Shaybani’s work is especially instructive. The book is constructed in terms of a series of judgments, or more properly “opinions” (*al-fatawa*), issued by Abu Hanifa, Abu Yusuf, or al-Shaybani. At one point, for example, the text indicates a question directed to al-Shaybani: “Would a sudden attack at night be objectionable to you?,” that is, as a tactic in war. The reply, “No harm in it,” is to be taken as al-Shaybani’s response, reflecting the consensus of the school on this point.¹⁸

We get a better sense of how these scholars worked by attending to a story related by Muslim historians. Here, Harun al-Rashid, the Abbasid ruler in Baghdad from 786 to 809, famous to all readers of the *Thousand and One Nights*, calls on several scholars to render an opinion on a vexing question. Faced with unrest in Iran, Harun sought peace by offering clemency and protection to a rebel leader. Having accepted Harun’s offer, the leader returned to his province, where he promptly reorganized his forces and resumed his troublesome activities. Does this subsequent behavior render Harun’s promise of clemency and protection moot?

The question is not to be taken lightly. Technically, Harun provided the rebel leader with *al-aman*, a trust or pledge of safe passage. On pragmatic grounds, it is not good policy for rulers to violate their word; further, the granting of such a pledge establishes a religious obligation. As the story proceeds, we find Abu Yusuf and al-Shaybani arguing that, having given the pledge, the Abbasid ruler is obligated to treat the rebel leader in a distinct fashion. He may entreat the leader to cease his troublesome activities, of course. And

if rebel troops violate certain standards of conduct, the Abbasid fighters may act as a police force quelling a public disturbance. But Harun ought not to authorize his troops to capture the leader directly, nor, if the leader is captured in the course of a police action, is Harun permitted to authorize the summary execution of the man in question.

Abu Yusuf and al-Shaybani do not stand alone in this instance. Other scholars provide Harun with a different opinion. In this case, the argument is that the grant of *al-aman* presumed the rebel leader would behave in a certain way; since he did not, the trust is null and void. Harun is justified in authorizing his troops to capture the leader, and further in ordering his execution.

In this particular instance, the Abbasid ruler chose the second opinion. Nevertheless, both Abu Yusuf and al-Shaybani subsequently served in an official capacity, and Muslim historians remember their names—not the names of those scholars whose advice pleased Harun al-Rashid.¹⁹

The primary work of scholars like Abu Yusuf and al-Shaybani, of course, was teaching. The Hanafi school developed as men like these trained others. As we read their texts, we see them citing the Qur'an and reports of the practice of Muhammad and his companions. We also see them issuing opinions that do not directly invoke these sources, but rather appear to involve a claim that learned men, devoted to a life of study, can render trustworthy opinions on matters of right and wrong. Their authority thus rests on the notion that devotion to learning creates a disposition for justice, or a leaning toward virtue. Here, it is interesting that the Hanafi school spoke of *al-ra'y* (opinion) and of *al-istihsan* (good opinion) as legitimate grounds of judgment. The combination of learning and piety makes for wise people—not perfect or infallible, of course, but nevertheless “sound”—and for wise judgment.

We know more about the Hanafi school than about others, for the obvious reason that scholars like Abu Yusuf and al-Shaybani had

dealings with the Abbasid court. The existence of the schools associated with al-Awza'i and Malik ibn Anas, as well as the existence of disagreement among scholars (as, for example, in the story about Harun and the rebel leader), suggested to some that the Hanafi approach, however exemplary, did not command universal assent. It is not strange, then, that we find scholars arguing for a synthesis that would take the best of the various schools and place Islamic practical reason—that is, Shari'a reasoning—on a firmer, more systematic theoretical ground. Of these, the most outstanding was and remains the great al-Shafi'i (d. 820). His works, in particular *al-Risala* (The Treatise), on the sources by which one comprehends the guidance of God, set forth proposals that transformed the practice of Shari'a reasoning.²⁰

Standard histories of Islamic jurisprudence credit al-Shafi'i with establishing a full-blown theory of Islamic law. That claim is not quite accurate.²¹ Al-Shafi'i's real contribution lies in his insistence that all local or regional traditions, as well as all scholarly opinions, must be judged with respect to two sources: the Qur'an, and the *sunna*, or exemplary practice of the Prophet. With respect to developments described thus far, this meant, for example, that the traditions associated with al-Awza'i, Malik, and Abu Hanifa and his students could not stand on their own. Even Malik's *Muwatta*, with its claim to represent a continuous tradition of practice going back to the earliest Muslims, must be subjected to review. One can be certain of God's guidance only by referring to a sound or well-documented report of the Prophet's words and/or deeds.

The import of this point becomes clear if we attend to the fullness of al-Shafi'i's argument. He begins with praise of and petition to God:

Praise be to God who created the heavens and the earth, and made the darkness and the light . . . Praise be to God to whom gratitude for one of his favors cannot be paid save

through another favor from him, which necessitates that the giver of thanks for his past favors repay it by a new favor, which in turn makes obligatory upon him gratitude for it . . . I ask him for his guidance: the guidance whereby no one who takes refuge in it will ever be led astray.²²

Al-Shafi'i's petition for guidance sets the tone for his argument, which is that God provided for this human need by sending the Prophet Muhammad with a "book sublime." With respect to this Book, God "made clear to [human beings] what He permitted . . . and what He prohibited, as He knows best what pertains to their felicity in this world and in the hereafter."²³ Al-Shafi'i stresses that the guidance offered in the Qur'an is comprehensive and sure: "No misfortune will ever descend upon any of the followers of God's religion for which there is no guidance in the Book of God to indicate the right way."²⁴

According to al-Shafi'i, the general mode by which God provides guidance may be described as *al-bayan*, a declaration. There are, however, several categories of declaration, and some of these suggest the necessity of other sources accompanying or alongside the Qur'an. Thus, one may speak of declarations "explicit" in the Qur'an, as in commands that believers pray. One may also speak of declarations tied to specific Qur'anic texts, but for which the Prophet's words specify the proper form of obedience. An example is that prayer should be performed five times a day, and at specific times. Then, too, there are declarations from the Prophet, establishing duties even where there exists no specific Qur'anic text. Finally, there are declarations apprehended by human beings through the use of their capacity for reason, for example in locating the precise direction of prayer.²⁵

This discussion of the various types of declaration by which God provides guidance serves to establish that the quest for the Shari'a, or path, involves reference to a set of sources, which must be con-

strued in relation to one another. Theoretically, the entire world constitutes a "sign," a source by which human beings may ascertain God's guidance. More concretely those in search of guidance refer to texts—to the Qur'an, which as God's speech constitutes a source "about which there can be no doubt" (2:1); to reliable reports concerning the exemplary practice of the Prophet; and to "reasoning" in the sense of interpreting and applying the signs provided by God in the interests of obedience.

In each and all of these sources, God's declarations are clear. That does not mean, however, that ascertaining them is simple. To begin, al-Shafi'i says, the Qur'an and reports of the Prophet's practice are in Arabic. This is not a language everyone knows; and those who do know it are not equal in their comprehension of its rules. For some (in effect, many) purposes, reading and interpreting these texts requires expertise, and there is thus an important role for experts—that is, the "learned"—in ascertaining the guidance of God. Al-Shafi'i reinforces this point with reference to a series of distinctions designed to facilitate interpretation of revealed texts. Some have "general" applicability, as in "God is the creator of everything, and He is a guardian of everything" (Qur'an 39:63). Some have "particular" reference; that is, the declarations are directed toward particular people or contexts, as in "The people have gathered against you, so be afraid of them" (Qur'an 3:167). Of course, in some cases declarations with particular references may take on or contain a general point.²⁶

In some cases, the meaning is clarified with reference to the *sunna*, or exemplary practice, of Muhammad. At this point, al-Shafi'i's unique contribution becomes clear. As he has it, the Qur'an contains God's declaration that obedience to God requires obedience to the Prophet. For

God has placed His Apostle [in relation to] His religion, His commands, and His Book, in the position made clear by

Him as a distinguishing standard of His religion by imposing the duty of obedience to him [the Prophet] as well as prohibiting disobedience to him.²⁷

For this reason, one who wishes to identify with Islam must pronounce the *shahada* (confession of faith), indicating faith in God and in Muhammad as the messenger of God.

As al-Shafi'i has it, the authority of the Prophet is such that reports of his words and deeds confirm and explain the guidance contained in the Qur'an. They also extend it, in the sense that a sound report of the Muhammad's words or deeds may itself establish a duty in cases in which there is no Qur'anic text. We have, as it were, two sets of texts with which Shari'a reasoning must work: the Qur'an, as the Book of God; and *ahadith*, reports of the *sunna*, or practice, of the Prophet. The latter may interpret the former but will never contradict it; the former establishes the importance of the latter. To show this, al-Shafi'i embarks on a long discussion of "the abrogating and the abrogated," by which we come to understand that interpretation of the divine declarations sometimes involves understanding that a text revealed at one time may be abrogated or rendered null and void by a text revealed at a later point. For al-Shafi'i, verses of the Qur'an may be abrogated only by other verses of the Qur'an; while one report of the Prophet's practice may abrogate another report, it can never be the case that any report of the words and deeds of Muhammad abrogates any verse of the Qur'an.²⁸ Of course, such stress on *ahadith* makes it crucial that one have a way of distinguishing "sound" reports—those in which one may have confidence that its text stems from the Prophet himself—from those which are "weak," and thus not suitable for use in making judgments. And if some sound reports abrogate others, one must have a way of relating specific sayings or deeds of the Prophet to particular times in his career. Al-Shafi'i's treatise relates some of the basic rules

of what one might call "*hadith* criticism," particularly with respect to the problems of judging the "chain" (*al-isnad*) by which reports are transmitted. During the next century several other scholars would devote their skills to this issue, with the result that six major collections of *ahadith* came to be identified as useful in the context of Shari'a reasoning.²⁹

If all this sounds very complex, that is because it is so! Al-Shafi'i's text promises that God provides guidance. The comprehension of guidance involves struggle, however, and in that struggle, not everyone is equal. In particular, those who understand the language and rules of interpretation pertaining to the signs provided by God serve as guardians of right and wrong, in the sense of rendering opinions on the duties incumbent on human beings.

The learned are not infallible, of course. Indeed, the system outlined by al-Shafi'i is made to order for disagreement. After all, the meaning of God's declarations is not obvious. This much al-Shafi'i has said, and he reinforces it again and again. As the argument continues, we learn of the variety of ways by which scholars attempt to extract guidance from the Qur'an and from the practice of the Prophet. Some, by which al-Shafi'i means the scholars of the Iraqi school, rest their opinions on *ra'y* or *istihsan*. Others trumpet the validity of other modes of reasoning. All are engaged in *ijtihad*, meaning that they exert "effort" in the attempt to ascertain the path of God. But the best form of such effort, says al-Shafi'i, is one that stays as close as possible to God's declarations. This is called *al-qiyas*, a kind of reasoning by analogy, in which the texts of the Qur'an and the *sunna* are treated as precedents from which one may draw wisdom. In this connection, the objective of interpretation is to establish a fit between precedent and current circumstance, by way of identifying a principle or ground that unites them. As an example, consider al-Shafi'i's discussion of the duties pertaining to parents and children:

The Book of God and the sunna of the Prophet indicate that it is the duty of the father to see to it that his children are suckled and that they are supported as long as they are young. Since the child is an issue of the father, the father is under an obligation to provide for the child's support while the child is unable to do that for himself. So I hold by analogical deduction [that] when the father becomes incapable of providing for himself by his earnings, or from what he owns, then it is an obligation on his children to support him by paying for his expenses and clothing. Since the child is from the father, the child should not cause the father from whom he comes to lose anything, just as the child should not lose anything belonging to his children, because the child is from the father. So the forefathers, even if they are distant, and the children, even if they are remote descendants, fall into this category. Thus I hold that by analogy he who is retired and in need should be supported by him who is rich and still active.³⁰

The duties of children to support their elderly parents, and even a more extended duty of those who are active to support those who are retired, are drawn by way of analogy from textual precedents requiring parents to care for children.

As al-Shafi'i's text shows, such judgments are not self-evident. Throughout, he engages the views of others from the learned class. In the end, effort is what is required; in effect, God requires a conscientious attempt at the comprehension of guidance. How does one distinguish one opinion from another? According to al-Shafi'i, one should look for consensus, a convergence of views. The more extensive the consensus, the more likely that a particular opinion is in fact correct. Even here, however, disagreement is possible, unless one finds an opinion on which the entire Muslim community agrees. In

that case, the opinion must be correct, for the Prophet said: "My community will never agree on an error." Such agreement must have been a rare thing, however; al-Shafi'i provides no examples.³¹

The Classical Theory

Al-Shafi'i did not develop his system in a vacuum. That much is already clear, by way of the relation of his argument to the regional "schools" in which religious specialists developed their distinctive approaches to the problem of guidance. But we must fill out the picture with a brief account of the religious policies of the Abbasid caliphs.

The Abbasids came to power in the 740s. In doing so, they rode the wave of religious criticism of the Umayyads. Promising government by the Book of God, the new rulers appealed to many in the developing class of the learned, and through them to popular religious sentiment. In so doing, the Abbasids obtained a measure of legitimacy. They also pointed to a problematic that would persist throughout the centuries of their dominance.

The problem was as follows: a slogan like "Government by the Book of God" is appealing, in part, because it is simple. Followers of Iraqi scholars like Abu Hanifa understood it, as did everyone else in the 740s. Once in power, however, the Abbasids found such general appeals of limited use. What mattered, with respect to actual governance, was the ability of a ruler to command the loyalty of particular groups, each of which varied in important details. One might, of course, decide to rule by using a large measure of coercion. The Umayyads had shown that such a strategy could work, at least for a time. And, from another point of view, the true problems of governance in the far-flung realm now controlled by Muslims had to do with economic integration and reform, especially as these matters affected the competing interests of merchants and the landed class.

Abbasid rulers clearly spent a great deal of time on such matters, and they showed themselves willing to use coercive measures.

As Max Weber put it in his studies of political economy, however, rulers seek legitimacy, at least in part to avoid the costs of coercive governance. The goal is to rule with authority, meaning that the subjects of rule believe there are reasons to follow the ruler's directives other than those associated with fear.³² The Abbasids understood this psychology, and they sought to ally themselves with various religious parties, searching for a message of broad appeal. Indeed, in some cases the search seems to have been not only a matter of political expediency. The caliph al-Ma'mun, for example, is reported as a man genuinely interested in the debates of the learned, responsible for (among other things) the institution of a major translation project by which works from antiquity were put into Arabic.³³

Al-Ma'mun ruled from 813 to 833. His quest for religious allies led him, first, to break with precedent by appointing someone other than a family member as his successor. In 817 'Ali al-Rida, a man of piety revered by large segments of Muslim society, agreed to succeed al-Ma'mun as ruler. When al-Rida died the following year, this particular plan became moot.³⁴

Al-Ma'mun possessed other resources, however. Thus he turned to some of the scholars associated with the Mu'tazila, which formed part of the general religious movement during the Abbasid revolt. Its members practiced a highly distinctive form of religious reasoning called *al-kalam*, a kind of dialectic argumentation focused on doctrinal concerns. By the time of al-Ma'mun, members were known for adherence to five principles: *al-tawhid*, or unity, stressing the uniqueness of God in relation to God's creatures; *al-'adl*, or justice, in the sense that God is the author of moral law, always does what is right or best for God's creatures, and requires that human beings use their freedom to follow in this path; "the promise and the threat," meaning that God will enforce the moral law by means of rewards

and punishments, in this world and the next; "commanding right and forbidding wrong," in the sense that human beings have a duty to pursue justice; and "the intermediate position," indicating the distinctive way the group approached the religio-political disputes associated with the early conflicts between 'Ali and Mu'awiya.³⁵

For our purposes, the Mu'tazili teaching on *al-tawhid* is the most important; for it was this principle that led to a highly distinctive and controversial judgment regarding the Qur'an. When al-Ma'mun's alliance with members of the group led him to impose a *mihna*, or test, upon important members of the learned class, the resulting outcry had important consequences for the development of Shari'a reasoning.

For the Mu'tazila, *al-tawhid* meant that God is "incapable of description" in human terms. In a certain sense, this is a notion shared by all Muslims. The Qur'an declares:

He is God, the one;
God, the eternal, absolute;
He does not beget, nor is He begotten;
And there is none like Him. (112)

At the same time, the Qur'an speaks of God as "all-seeing," "all-knowing," "powerful," "wise"—in effect, attributing to God the kinds of abilities characteristic of human beings, albeit in superlative quantities. At 2:256 we read:

God! There is no god but God,
The Living, the self-subsisting, supporter of all.
No slumber can seize Him, nor sleep.
To him belong all things in the heavens and on earth.
Who can intercede with Him, except as He permits?
He knows that which is before, and after, and behind his
creatures.

They shall not comprehend any aspect of His knowledge,
save as he wills.

His Throne extends over the heavens and the earth, and He
feels no fatigue in guarding and preserving them, for He
is the Most High, the Supreme.

The image of God here is as a king—a superlative one, to be sure, but comparable to those familiar in human experience. The suggestion is that one trying to think about God should take human kingship to the maximum, and in doing so will begin to understand the awesome power of deity.

The Mu'tazila feared the possibility of misunderstanding presented by such anthropocentric language. Their interpretation of *al-tawhid* was designed to clarify the meaning of the Qur'an, specifically by means of a proposal about the relationship between human language and the deity of God. Mu'tazili thinkers insisted that *all* speech about God was metaphorical. This stricture applied not only to ordinary speech but even to the "divine speech" enshrined in the Qur'an. When the sacred text speaks of God's throne extending over the heavens and the earth, this is a kind of accommodation on God's part, employing a vivid image in order to suggest the sense of awe appropriate to creatures encountering the deity. The "throne verse," powerful as it is, does not reach to God's "essence," which ultimately must be described in negative terms: God is "not finite," "has no beginning and no end," "begets not, and is not begotten."³⁶

The Mu'tazila spoke of the Qur'an as "God's *created* speech." They insisted that the Holy Book provided the best guide with respect to human attempts to acknowledge and respond to the maker of heaven and earth. Yet they thought it important to signify that even this book, "within which there is no doubt," and which provides "guidance for the pious," did not constitute a mode of direct address by God to humanity.³⁷

There were several reasons for this Mu'tazili version of *al-tawhid*. Not least was their worry that popular modes of interpretation might elide the distinctions between Islamic and Christian representations of deity. As Muslims understood it, the practice by which Christians referred to Jesus of Nazareth as "son of God" confused the creature with the Creator. If popular piety presented God as sitting on an actual, albeit heavenly, throne, or as actually seeing (by means of some superlative capacity of vision), how much difference would remain between Muslims and their Christian subjects?³⁸ And there is in fact evidence that Muslims did speak in ways that suggested the kind of embodied God who might be able to sit on a throne, watch over humanity, and so on. Popular creeds promised that the blessed would "behold the face of God" in paradise. In doing so, the creeds rested on the notion that the Qur'an, as God's speech, is God's self-description. For many reciting the creeds, the pages of the Qur'an might be created, as were the ink and the voice of the reader. But the speech is God's speech. One who hears the Qur'an recited or reads with comprehension does not simply encounter notions of deity. Such a person is in the presence of nothing less than the living God.

Under Mu'tazili tutelage, al-Ma'mun determined to institute a test by which the learned would testify to their adherence to the doctrine of God's created speech. According to standard accounts, the test focused on well-known scholars in and around the capital. The same accounts insist that most of those subjected to the test swore their allegiance to the Mu'tazili doctrine of the Qur'an. It seemed that al-Ma'mun was well on his way to ensuring a uniform notion of orthodox practice, which would certainly serve well in the Abbasid quest to secure religious support.

The main (and, in some accounts, the sole) holdout among the learned was Ahmad ibn Hanbal (d. 855).³⁹ Ahmad was a scholar of *ahadith*; that is, he specialized in collecting reports about Muham-

mad's words and deeds, and in searching these out so as to ascertain those that were sound.⁴⁰ The connection between Ahmad's scholarship and the work of al-Shafi'i is striking. Not that they agreed on all points; however, Ahmad shared with al-Shafi'i the idea that the divine path was best comprehended by a faithful reading of the precedents established in the Qur'an and the *sunna*. It is significant that much of the substance of popular piety involved appeals to the Prophet's words and deeds. Thus, the notion that the blessed will see God's face rests not on the Qur'an, but on reports from the Prophet. Similarly, stories of God shaping the human creature out of clay and breathing life into it are prophetic extensions or elaborations of verses in the Qur'an. Perhaps most important, sayings attributed to the Prophet tie the Qur'an and other scriptural texts to a heavenly book, specifically characterizing the Qur'an as an Arabic version of the divine speech enshrined in this "mother of books."

Accounts of the *mihna* thus present Ahmad ibn Hanbal as the champion of the kind of popular piety associated with *ahadith*. He was an adherent of the *sunna* of the Prophet who did not substitute his own theory of religious language for the Prophet's characterization of the Holy Book. And, true to this image, Ahmad did not swear allegiance to Mu'tazili doctrine. Rather, he insisted that he would not answer, because the caliph lacked competence to put the question.

It is important to note the technical and reserved way in which Ahmad ibn Hanbal resisted the *mihna*. Traditional accounts do suggest that his differences with al-Ma'mun and thus with the Mu'tazila were substantive. For Ahmad, faithfulness required staying within the language of revealed texts. One might qualify the throne verse by saying something to the effect that God's throne is unlike any present to ordinary experience. One would not, however, speak of the depiction as metaphorical; the verse is God's self-description. Nevertheless, Ahmad's resistance to the test was technical. Claiming that

the authority of the caliph rested on adherence to the Shari'a, he noted that there was no text in the Qur'an or in sound reports of the prophetic *sunna* on which to base the claim that the Qur'an was "created" speech. Where there was no text, there could be no binding judgment; where there was no binding judgment, there could be no obligation; where there was no obligation, there was no right or duty of the ruler to demand obedience. With respect to the question at hand, the caliph had no right to restrict the conscience of a Muslim. Al-Ma'mun had overstepped his bounds.

Answering the caliph's summons, Ahmad appeared at court. By this time, al-Mu'tasim (833–847) held the office, al-Ma'mun having died. Having been flogged and imprisoned by order of the ruler, Ahmad presented a careful justification for resistance. A Muslim, he said, is obligated to honor the ruler, and to obey all lawful orders. Faced with an unjust command, the same Muslim is obligated to refuse obedience. According to Ahmad, such refusal ought not to be confused with a right to revolt. Ahmad seems to have been one of those scholars who held that revolution is never (or almost never) justified. Rather, the refusal of an unjust command should be construed as "omitting to obey." Ahmad's resistance to the *mihna* thus provides a fascinating instance of political behavior. On the basis of the stories of the *mihna* and of Ahmad's continuing refusal of association with the Abbasids, even after the caliph al-Mutawakkil (847–861) succeeded to power and reversed al-Ma'mun's order, Michael Cook speaks of Ahmad's "apolitical politics."⁴¹ By this, Cook means to capture the political relevance of a life devoted to religious testimony, inclusive of a refusal of any and all direct associations with governing institutions.

One could say more about this episode in Islamic history. However, the point with respect to our interests has to do with Ahmad ibn Hanbal as an exemplar of developing trends in the practice of Shari'a reasoning. Devotion to the Prophet and, with it, the interest

of the learned in identifying sound reports of the prophetic *sunna* had tremendous implications for the development of Shari'ah reasoning. Al-Shafi'i and Ahmad ibn Hanbal are two of the most important figures in this development. Indeed, Ahmad would be remembered as much for his collection of prophetic reports as for his various responses to questions, even as al-Shafi'i would be remembered for his systematic statement defining the Qur'an and the prophetic *sunna* as primary sources for comprehending the Shari'ah.

By the eleventh and twelfth centuries, the system toward which al-Shafi'i and Ahmad ibn Hanbal pointed was firmly in place, with scholars like al-Mawardi (d. 1058), al-Sarakhsi (d. 1096 or 1101), Ibn 'Aqil (d. 1119), and Ibn Rushd (d. 1198) as exemplary practitioners. Their goal, via Shari'ah reasoning, was comprehension of the divine path. To this end, they worked with *usul al-fiqh*, the sources of comprehension, meaning a system of agreed-upon texts and rules of interpretation by which the learned might craft *al-fatawa*, opinions or responses to questions raised by the faithful, and thus facilitate the Muslim community's fulfillment of its mission, namely, commanding right and forbidding wrong, for the good of all humankind.

As an example, consider the brief account given in Ibn Rushd's prefatory remarks to *Bidayat al-Mujtahid*, a book intended to aid in the training of the special class of the learned trained in *al-fiqh*, or comprehension, of the Shari'ah.⁴² Ibn Rushd's work is a compilation of the opinions of the learned on a variety of questions. The opinions gathered on these questions show the ways in which the learned work with texts (the Qur'an and the *sunna*) in order to judge cases. In some cases, judgments are based on explicit texts. There may nevertheless be important issues of interpretation, such as those related to whether a given prescription is general or particular. Thus, when the Qur'an (at 9:103) orders the Prophet to "take *zakat* [alms] of their [believers'] *mal* [wealth], wherewith you may purify them and may make them grow," it is important to know that the word *mal* ap-

plies only to certain kinds of holdings. Or again, when Qur'an 17:23 orders "Do not say 'fie' unto them nor repulse them, but speak to them a gracious word," it is important to understand that the prohibition is not only of one specific kind of act, but of all sorts of rude or antisocial behavior: "beating, abuse, and whatever is more grievous."⁴³

Similarly, it is important to know the type of prescription or prohibition implied by a particular text. Some judgments indicate that a particular act is "obligatory," as in the order to establish right worship by praying five times daily. Others are recommended, as in acts of worship above and beyond such required prayers. Still others are forbidden, as in the command against eating carrion. Others are "reprehensible," in that they make it easier for one to perform forbidden acts. Finally, some judgments indicate that a particular act is "permissible"; that is, there is choice with respect to its commission or omission. In each case, it is critical to know not only how to classify an act, but also how it applies to particular agents. Thus, some acts are "communal" obligations; that is, so long as some perform them, others may be excused. Others, by contrast, are "individual" obligations, which no one can perform for anyone else. Fighting in war, at least in most circumstances, provides an example of a communal obligation. Praying five times a day provides an example of individual duty.

In ascertaining the type of judgment enshrined in the Qur'an and the *sunna*, some opinions are clear, in the sense that there is no dispute about them, while others must be described as "probable." The latter are within a range of acceptable interpretations, and thus reasonable or conscientious disagreement is tolerated.

There are cases, however, for which there is no clear text. With respect to these, a scholar must exert his reason. The preferred mode for such effort is *al-qiyas*, or analogy, already mentioned in our discussion of al-Shafi'i's work. As Ibn Rushd puts it, legitimate "analogy

is the assigning of the obligatory judgment for a thing to another thing, about which the Shari'a is silent, [because of] its resemblance to the thing for which the Shari'a has obligated the judgment or [because of] a common underlying cause between them."⁴⁴ In some cases, the analogy between a judgment enshrined in the Qur'an and the *sunna* is established through a kind of similitude (*al-shabah*) of cases; in others, by an appeal to a common principle (*al-'illa*) that joins them. As Ibn Rushd has it, the differences between these are subtle, and they often lead to disagreement. With respect to such differences, one may often be instructed by the consensual judgment of the learned, which suggests that a given judgment (attained by reasoning) is "considered definitive [because of] predominant probability."⁴⁵ But the fact that such consensus (*al-'ijma*) rests on interpretations of the Qur'an and the *sunna* always leaves open the possibility that a specific judgment might be overturned or overridden as a result of new information, difference of circumstance, and the like. Thus Ibn Rushd establishes the notion that independent judgment—that is, the promulgation of a learned opinion that overturns a precedent established in the judgment of earlier generations of scholars—always remains a possibility.

Wael Hallaq characterizes the work of Ibn Rushd and other 'ulama of the eleventh and twelfth centuries as a kind of "golden age" of Shari'a reasoning among Sunni Muslims. The terminology of Sunni and Shi'i is not particularly useful for the very early period of Islamic history. It is relevant at this point, however, and thus it is useful to think of a comparable golden age among Shi'i scholars, either in connection with the work of noteworthies like al-Mufid (d. 1023) and his students Sharif al-Murtada (d. 1044) and Muhammad ibn al-Hasan al-Tusi (d. 1068) in eleventh-century Baghdad, or in connection with the school of al-Hilla, a town located between Kufa and Baghdad, in the thirteenth and fourteenth centuries.⁴⁶ As the locations suggest, a distinctively Shi'i approach to Shari'a reasoning grew up in the southern and eastern portions of Iraq; Iran also be-

came an important center. Both Baghdad and Hilla scholars may be associated with the *Ithna ash'ari*, or Twelver, version of Shi'ism, meaning that they accepted the notion that after the death of Muhammad, leadership of the *umma* passed to 'Ali as his designated successor, and then to a series of others, up to the twelfth imam, Muhammad, son of Hasan al-Askari.⁴⁷ As the Shi'a had it, the infant Muhammad was taken into hiding by the will and purpose of God in 873/874, where he will remain until the day of God's decision. At that point the hidden imam will appear as al-Mahdi, the rightly guided one, who will lead the faithful in establishing the reign of justice and equity, and will rule over humanity for a thousand years.

From the Shi'i point of view, the events of the first *fitna* thus constituted a rejection of the Prophet's plan for his community, and further created a context in which the majority of Muslims were prevented from following the straight path associated with *al-shari'a*. This rejection, confirmed in the subsequent careers of 'Ali's sons and their successors, meant that important parts of the enterprise of Shari'a reasoning were to be viewed with suspicion. In particular, the use of reports of the Prophet's *sunna* needed critical scrutiny, so as to ascertain when and where persons involved in the rejection of 'Ali's leadership might have altered or even fabricated these important texts.

The work of Shi'i 'ulama thus presupposed an alternative to the great collections of *ahadith* utilized by Sunni scholars. In this regard, the Shi'a drew on tenth-century works by collectors like al-Kulayni (d. 941/942) and Ibn Babuya (d. 991), each of whom focused on the *isnad*, or chain, of transmitters attached to a specific report. Reports were judged "sound," and thus useful for the normative purposes of Shari'a reasoning, only in cases in which the chain was secured through the inclusion of the name of one of the designated imams or leaders, or of the names of people whose trustworthiness was established by the leaders' testimony.⁴⁸

Interestingly, certain of the reports approved in Shi'i collections

testify to the authority of “reason” (*al-‘aql*) in the affairs of humanity. These reports correlate with the general tendency of Twelver ‘*ulama* to affirm *al-‘aql* as one of the sources of Shari‘a reasoning. The precise import of this affirmation—that is, in what way it serves to distinguish Shi‘i from Sunni versions of the practice of Shari‘a reasoning—is a matter of some debate. We might note the way in which Shi‘i scholarship and piety delighted in stories whereby the learned find consensus on a certain matter, only to have one dissenter rise and prove the consensus wrong—in which case “consensus” is the error of the majority, and “right reason” the mode by which the dissenter makes the case. Such stories fostered a culture in which the learned considered themselves more independent, and thus more willing to revise precedent than in the Sunni case.⁴⁹ At the same time, the development of the Shi‘i approach to Shari‘a reasoning indicates that the Twelver ‘*ulama* were not always clear about the extent to which reason should be viewed as an independent source of judgment. In the sixteenth- and seventeenth-century debates between *usulis*, advocates of reason, and *akhbari*, advocates of textual precedent, Twelver ‘*ulama* engaged in complicated disputes regarding this question. While all parties asserted that, in principle, a sound judgment is in accord with right reason, it was not—some would say, still is not—clear just how this claim works in relation to specific cases.⁵⁰

The Modern Setting

The eleventh and twelfth centuries saw the emergence of a large number of brilliant practitioners of Shari‘a reasoning. For both Sunni and Shi‘i Muslims, the work of these scholars helped to define the framework of Shari‘a reasoning for subsequent generations, so that ‘*ulama* thought of themselves as participating in a transgenerational conversation about the rights and wrongs of human behavior. In this

conversation, the methods of interpreting and applying the Qur’an and the *sunna* developed by the learned during the formative period and golden age of Shari‘a reasoning provided a framework by which subsequent practitioners shaped their own arguments. Further, the judgments scholars in these periods reached about specific questions—for example, “When may the ruler of the Muslims authorize military force?” or “What tactics are acceptable in the conduct of war?”—served as precedents to which subsequent generations of scholars would recur.

In either case—that is, whether one is speaking about the framework of Shari‘a reasoning or about judgments pertaining to specific questions of right and wrong—the practice of Shari‘a reasoning involved a balance between continuity and creativity. With respect to continuity, the accomplishments of earlier generations demanded respect. A scholar working in the fourteenth century, as did Ibn Taymiyya (d. 1328), styled himself a follower of Ahmad ibn Hanbal and his disciples, referred to his predecessors as guides and teachers, and clearly thought that in some sense they were his betters. Similarly, al-Wansharisi (d. 1508) expressed his particular debt to Malik ibn Anas and his followers, and in his opinions showed particular deference to their approaches and judgments. In this emphasis on continuity with the past, Ibn Taymiyya and al-Wansharisi were typical. Scholars learned the craft of Shari‘a reasoning at one or another center of Islamic learning—Damascus, Baghdad, Cairo, the holy cities—in terms of the practice of one of several *madahib*, schools, or, perhaps more accurately, trajectories of interpretation. Having mastered a set curriculum, a scholar received a certificate signifying qualification to advise believers regarding the Shari‘a in a manner appropriate to his level of attainment. For most, this meant practicing *al-taqlid*, or imitation, meaning a qualification to repeat the consensual judgment of scholars associated with a particular trajectory of interpretation. For others, it meant practicing *al-taqlid* with a

wider range; these were qualified to repeat the consensual judgments of each of the four standard schools, and to engage in comparison and contrast so that those seeking advice might select the judgment that seemed best, or most advantageous.

For a few, however—scholars like Ibn Taymiyya and al-Wansharisi—training in Shari‘a reasoning provided a platform by which to engage in independent judgment. Here, the ability to create might rest on fresh insight into the sources and framework of Shari‘a reasoning. As noted in the discussion of Ibn Rushd’s summary of the theory of sources, analogical reasoning could be the source of much disagreement. Ibn Taymiyya understood this, and he argued that many of his predecessors leaned on this overmuch in their attempts to distinguish right from wrong. Appealing to the example of Ahmad ibn Hanbal, Ibn Taymiyya held that a direct appeal to *al-maslaha*, “that which is salutary with respect to public interest,” in many cases constituted a more honest and better approach, not least because it did not attempt to force connections between textual precedents and contemporary judgment.

At other times, the ability to create rested on an understanding that distinctive circumstances call for new judgments. Thus, when al-Wansharisi dealt with the question “Are Muslims living under a non-Islamic government required to emigrate to the realm of Islam?” he argued that the proper answer would be yes, despite the fact that the consensual precedent of several generations suggested the opposite. In doing so, al-Wansharisi appealed to the special circumstances created by the Spanish *reconquista*, and argued that these constituted a renewed threat, not only to the security of Muslims living in this formerly Islamic territory but to the rest of Islamic civilization.⁵¹ Muslims who continued to reside in Spain constituted a security risk, in the sense that their lives and property might be seized by the new regime and utilized to extort territorial or other concessions from the Muslim ruler.

Thus, new times or new insights might yield new approaches or judgments. Nevertheless, Shari‘a reasoning is properly characterized as a conservative practice, in the sense that it requires that most participants follow the line of precedent. True creativity, in the sense of establishing new or further precedent, is reserved for the few. When those few claim the right of independent judgment, their claims are likely to be controversial. It is not surprising, then, that the history of Shari‘a reasoning is a history of conflict, in which argument is often connected with violence. That Ibn Taymiyya spent much of his life, and wrote most of his books, in the prison of the Mamluk ruler in Cairo, is instructive.

Similarly instructive are the careers of several figures who stand out as early respondents to the great changes that began to affect Muslim societies in the mid to late eighteenth centuries. The first, Shah Wali Allah of Delhi (1703–1762), was the most eminent member of the learned class working during the closing decades of Mughal rule.⁵² Beginning in the sixteenth century with Babur (d. 1530), the Mughal rulers asserted Islamic dominance in India. By the time of Wali Allah’s birth, the power of the Muslims was fading, and Aurangzeb (d. 1707) was the last great Mughal ruler in the Indian subcontinent. Muslim scholars like Wali Allah hoped to revivify Islamic power through renewed attention to the practice of Shari‘a reasoning. To that end, he established a new center for the training of young scholars, whose job it would be to call the Muslims of India to fulfill their vocation of exercising leadership by commanding right and forbidding wrong.

The project would prove difficult, however, not least because of the gradual yet seemingly irresistible growth of British power. One of the sons of Wali Allah would deem it necessary to declare in 1820 that India should no longer be regarded as Islamic territory. In part, ‘Abd al-‘Aziz’s *fatwa*, or opinion, reflected intra-Muslim polemics. In solidifying their power, the British turned first to Shi‘i Muslims,

who were concentrated in the north; 'Abd al-'Aziz and other Sunni 'ulama regarded this recognition of the Shi'a as an establishment of heresy.

At the same time, the 1820 ruling reflected a more basic reality: whether working through the Shi'a or through the Hindus, the British were not dedicated to the Shari'a. From 'Abd al-'Aziz's perspective, British rule meant a non-Islamic establishment, in which the ability of the Muslim community to carry out its historical mission would necessarily be limited. For Islam to flourish, there should be a political entity dedicated to rule by the Shari'a. A Muslim ruler or a group of Muslim rulers should plan and carry out policy, in consultation with the learned class. And in such a context, the flourishing of Islam would redound to the benefit of all those governed, and indeed of all humanity—even, or perhaps especially, those members of the protected Jewish and Christian—or, more importantly in India, Hindu and Parsee (Zoroastrian)—communities. While 'Abd al-'Aziz did not declare that the new situation required armed resistance, his opinion did suggest the need for struggle aimed at change. The participation of Muslims in the 1857 rebellion known as the Sepoy Mutiny summons echoes of the opinion of 'Abd al-'Aziz. And when a number of the learned responded to this failed rebellion by founding a new center of Islamic Studies in Deoband in 1867, the spiritual and physical descendants of Wali Allah and 'Abd al-'Aziz were important participants.⁵³ Today their influence is most clearly felt in the activities of two quite distinctive groups: the Tablighi Jama'at, which aims at revival of Islamic influence through the cultivation of spirituality among Muslims; and the Taliban, best known for their brief but noteworthy period of governance in Afghanistan between 1990 and 2001.⁵⁴

A second figure illustrating the early modern course of Shari'a reasoning is Muhammad ibn 'abd al-Wahhab (1703–1791), the founder of the Wahhabi movement.⁵⁵ 'Abd al-Wahhab's legacy in Saudi

Arabia and, through Saudi missions, throughout the world is pervasive. His career began in relative modesty, however. In the eighteenth century, the Arabian Peninsula was regarded as a backwater by the rulers of the Ottoman state. Perhaps, though, the very distance between economic and cultural centers like Istanbul, Damascus, and Baghdad provided space for a reformer like 'Abd al-Wahhab. In any event, he and his colleagues began to issue Shari'a opinions condemning much of the religious practice of those living in the historical land of Muhammad. In 1746 the group of scholars formed an alliance with the family of al-Sa'ud, adding political and military force to their campaign against *jahiliyya*. As the Wahhabi-Saudi leadership understood it, the combination of "calling" Muslims to repentance and punishing (fighting) anyone who refused the invitation was consistent with the Shari'a vision of Muslim responsibility. Commanding right and forbidding wrong through the establishment of an Islamic state was the key in carrying out the mission of Islam.

For a third set of developments in the early modern period, we turn to Iran, where Shi'i scholars found it necessary to issue opinions urging the Qajar rulers to use military force in order to resist Russian incursions into Iranian territory. In doing so, the Twelver 'ulama presented themselves as guardians of the Shi'i (and thus, from their point of view, the Islamic) character of the Iranian state. While not without precedent in the premodern practice of Shi'i scholars, such judgments did move the 'ulama in the direction of an activism that would enhance their authority as leaders of a resistance intended to safeguard the territory of Islam against foreign intruders.⁵⁶

Shari'a reasoning is best regarded as an open practice, in that readings of its sources with a view toward discerning divine guidance in particular contexts can yield disagreement. So it is not surprising that the course of Shari'a reasoning from the 1700s to the present is characterized by vigorous (and not always irenic) argu-

ment. Thus, even as some of those inheriting Wali Allah's mantle took Shari'a precedents to suggest a duty of armed resistance to British rule in India, others suggested that the new context led in a different direction. Similarly, even as the Wahhabi scholars allied themselves with the Saudi clan in a movement that would issue in the founding of a new state, or as the Shi'i *'ulama* urged resistance to foreign influence in Iran, their judgments were subjected to criticism. For now, let us focus on India, where the scholars of Deoband could support the pietistic revival of the Tablighi Jama'at, as well as the political and military campaign of the Taliban. Even more distinct was the program of educational reform advocated by Sayyid Ahmad Khan. Declaring that armed struggle cannot be required in the face of superior force, Sayyid Ahmad cited Qur'an 13:11 (God "never changes the condition of a people until they change themselves") in support of a program of modern scientific and technical as well as traditional learning. By this means, he argued, the historical stature of the Muslim community might be restored, for those who control scientific and technical knowledge hold the keys to political influence. And political influence, in turn, would create a space for Muslims to command right and forbid wrong.⁵⁷

Sayyid Ahmad's program of reform provided the inspiration for a new center of learning, Aligarh Muslim University, which came to represent a kind of "modernist" or "reformist" approach to the new situation of Muslims. Whereas Deoband maintained a more or less traditional approach, particularly with respect to the training of religious specialists, Aligarh Muslim University sought to train a new type of Muslim leader: a "lay" person, literate in the sources of Shari'a reasoning, but also trained in the kinds of scientific and technical learning that Sayyid Ahmad saw as the root of British power. But although both institutions could be described as "Shari'a minded," in the sense of advocating a particular role for the Muslim community, connected with its historical mission of religious

and moral leadership, Sayyid Ahmad's university came under serious criticism from those who thought they discerned in its program an overly cooperative, even conciliatory, approach to British rule. In particular, Jamal al-Din, known as al-Afghani (1839–1897), mounted a vigorous critique of Sayyid Ahmad, arguing that the first task before the Muslims was to free themselves from British dominance. Only afterward would it make sense for Muslims to determine the course of reform most appropriate for carrying out their mission in the modern world.

Al-Afghani advocated extensive reform.⁵⁸ From his perspective, the traditionalism represented by Deoband was inadequate to the condition of Muslims in the nineteenth century. Muslims must first comprehend the nature and scope of the change affecting the Indian subcontinent, and indeed the whole of the realm of Islam. Al-Afghani thought the change could be described only as a catastrophe. Moving from India to Turkey to Egypt to Iran, this mysterious and charismatic personality carried a message of reform based on a return to authentic Islamic sources. For al-Afghani, however, such return could not simply be a matter of reading and rereading precedents set in other generations. To cope with their loss of power, Muslims needed to recover a sense of the openness of the Shari'a vision, particularly with respect to scientific and technical learning. Quoting the Prophet, "Seek knowledge, wherever you may find it," al-Afghani argued that true religion—true Islam—supports scientific inquiry, and that a community practicing true religion—again, true Islam—would find itself, as a matter of course, fostering scientific and technical expertise. Noting that Christian scriptures are filled with such otherworldly sentiments as Jesus' or Paul's suggestions that poverty or celibacy might be of greater value than the creation of wealth or the building and maintenance of families represented in marriage, al-Afghani argued that Europeans had obtained scientific and technical prowess only by the abandonment of faith

represented by the Enlightenment. By contrast, Muslims lost such prowess as a result of their lack of piety, and recovery of piety would go hand in glove with recovery of scientific power.

The first order of the day, however, should be the reassertion of the political vision associated with Shari‘a reasoning. Given that Muslims were called to lead humanity, al-Afghani argued, how could they accept the dominance of Great Britain, of France, or of Russia, particularly in the territories historically associated with Islamic rule?

Al-Afghani’s legacy transcended a career marked by recurrent failures. His encounter with Ahmad Khan occurred during a sojourn in India in 1879 after time spent in Afghanistan, Turkey, and Egypt. In every case, his personal charisma proved sufficient to secure him access to circles of power, seemingly with great ease. But his outspokenness proved equally sufficient to ensure that no circle of power could long abide al-Afghani’s presence. By the early 1880s he was living in Paris, where he wrote several influential works, in particular a response to Ernst Renan’s portrayal of an inevitable rivalry between science and religion. In the early 1890s al-Afghani reemerged as a player in the Iranian resistance to British rule, even traveling to Russia in order to explore the possibilities of support from that quarter. There he found allies among the Shi‘i *‘ulama*, who increasingly viewed the Qajar rulers as ready to sacrifice the Islamic identity of the state for monetary gain. The Tobacco Revolt of 1890–91 saw these scholars joining with al-Afghani and others who sought to reverse the shah’s sale of Iran’s tobacco industry to Great Britain, on the grounds that this transaction (which would have required Iranian tobacco producers to sell their crop to the British, and Iranian tobacco users to buy from British suppliers) reduced the independence necessary to the maintenance of a viable state. When, in 1906, a coalition of Shi‘i *‘ulama* and political activists moved to define and delimit the authority of the Qajar shah through the establishment of

a written constitution, it was not difficult to perceive the influence of al-Afghani.

Throughout these travels, al-Afghani’s most consistent intellectual partnership was with the Egyptian Muhammad ‘Abduh (1849–1905), and it is through ‘Abduh that one may see his most enduring legacy. ‘Abduh, who would become the leading member of the *‘ulama* in Egypt, tried to walk a careful line by which political independence and religious reform might be combined. Egypt, and by extension other territories historically associated with Islam, needed to move toward political independence, and to that end, European dominance must not become a permanent fact of life. At the same time, Muslims must be ready to govern themselves and to carry out their mission in a new situation. To that end, a broad reform of education, both at the elite level of the training of members of the learned class, and at the level of educating lay experts in scientific and technical matters, would be necessary. In obtaining both goals, the one thing to be avoided at all costs was a premature stand-off between Muslim activists and European military and economic might.⁵⁹

As grand mufti, ‘Abduh issued numerous opinions in the style characteristic of Shari‘a reasoning. His enormous contributions are worthy of a separate study in themselves. Of chief importance for our purposes, however, he prepared the way for the crisis in the relationship between Shari‘a reasoning and political vision that would occupy Muslims in the 1920s.

The First World War posed a major crisis for European civilization. It led to a loss of faith, to an unsatisfactory settlement in the Treaty of Versailles, and ultimately to the rise of National Socialism in Germany and the renewal of European conflict in 1939.

The war also posed a crisis for Islam.⁶⁰ The regional crises created by the expansion of British rule in the Indian subcontinent, the comparable struggles to which al-Afghani contributed in Egypt and

Iran, and the continuing Wahhabi-Saudi campaigns in the Arabian Peninsula all reflected the passing of great and long-standing political arrangements. By 1914 only the Ottoman empire remained as a symbol of the old territory of Islam and its universal *khilafat*. In 1921 the great powers of Europe had divided the heartland of that empire as spoils of war, with the French taking Syria and Lebanon and the British adding Palestine, Transjordan, Iraq, and the Arabian Peninsula to their already established hegemony in Egypt and India.

The Ottoman empire now consisted of one state, Turkey. However, that was changing as well. Already in 1914, a group of young military officers recognized the weakness of the old regime. By 1918 these “young Turks” were effectively in control of state administration. And by 1921 and 1922 Mustafa Kemal, better known as Atatürk, and his colleagues were on the road to declaring that the identity of Turkey would be recast as a secular republic rather than an Islamic state. By 1924 the new Turkish republic would announce that it could no longer support the Ottoman ruler. If others wished to do so, they could find a home and financial means to support the institution associated with the historical *khilafat*.

The abolition of Ottoman rule posed a crisis of legitimation in the realm of Islam. Interestingly, the greatest outcry came from India, which had never been under Ottoman rule. The real value of the Ottoman ruler, as the poet/philosopher Muhammad Iqbal (d. 1932) put it, was as a symbol of Islamic unity.⁶¹ The Muslims of India, as elsewhere, were at a crucial point in their struggle with European power. The Ottoman *khilafat*, whatever its problems, constituted a focal point around which Muslims might rally. The *khilafat* movement, as a plea to the Turks to maintain the Ottoman ruler, formed a part of the landscape of the Indian campaign for independence in the mid-1920s.

The Turks deemed the call of Iqbal and other Indians as too little, too late. Turkey would attend to its own issues. Nevertheless, to Iqbal it seemed clear that the immediate future of Islamic renewal

would involve the various regional communities focusing on their own struggles. Perhaps one day these communities would reemerge, strong enough to unite and once again play a world-historical role.

Egyptian and other Arab Muslim scholars interpreted the abolition of the Ottoman court variously, differing on the type of rule represented by the Ottomans. Clearly, these were sultans—an old word, quite literally associated with military power. And the rule of sultans had not been all bad. Insofar as the Ottomans acknowledged the priority of the Shari'a, consulted with the learned, and maintained the proper relationship between Muslims and the protected peoples, they approached the ideals of an Islamic state. But the *'ulama* concluded that the Ottoman rulers did not really deserve the title “caliph”; if nothing else, their lack of connection with the Arabian Peninsula constituted a point against them.

The demise of the Ottomans thus represented an opportunity. Could Muslims reestablish *khilafat*, in its full and proper sense? As interest in this topic grew, so did consciousness of the importance of a settlement. The needs of Indian Muslims were one thing; the needs of Arab Muslims in Palestine were another. Agreement on the meaning of *khilafat* would give a unified focus to Arab resistance to expanded emigration and settlement by European Jews. The issue needed care, since it focused on the Shari'a and its sources. But it also needed resolve, given the crisis of Arab Islam.

As a matter of Shari'a judgment, discussion of the issue fell largely to the scholars of al-Azhar, the ancient seat of Islamic learning in Cairo. Discussion began in 1925, with a listing of the traditional qualifications for one who might hold the title *khalifa*: physically capable, from the tribe of Quraysh, knowledgeable in the sources of Shari'a, and so on. The scholars clearly sought a classical form of governance: a single ruler, legitimate by reason of acknowledgment of the Shari'a, governing in consultation with members of the learned class, establishing Islamic religion.

Early in the discussion, a challenge emerged. 'Ali 'Abd al-Raziq, a

younger scholar of considerable promise, published a treatise on Islamic government. Colleagues viewed the argument as revolutionary, or—to put the matter in more strictly Islamic terms—as an “innovation.” The term was, and remains, negative.⁶²

In one sense, al-Raziq's thesis was simple. The sources of Islam indicate the importance of just government. Indeed, they support the view that the establishment of just government is an obligation, and that all human beings are required to work toward this goal. Some texts indicate that this obligation flows from reason; others, that it is a matter of revelation. In any case, no one should argue with the judgment that Muslims are obligated to exert themselves in the service of establishing just and wise governance.

That said (so al-Raziq argued), neither the Qur'an nor the *sunna* of the Prophet establishes a particular pattern of governance. True, the sources indicate that Muhammad exercised leadership in politics as well as religion, at least after the migration to Medina in 622. But his political leadership rested on a very different basis from his authority in religion. As Prophet, Muhammad was the recipient of divine revelation, by which God (through Muhammad) called people to faith and provided a discipline for the believers, establishing patterns of worship and ritual observance. As political leader, Muhammad derived his authority from his contemporaries' recognition of his trustworthiness and skill in managing affairs of state. Not least important in these considerations was his skill as a diplomat and a military leader. It was in view of these abilities that Muhammad's followers, as well as some non-Muslims, pledged loyalty to him in political and military affairs. And those who followed or succeeded him, holding the title of *khalifa*, attained that position on the basis of a similar set of worldly skills.

It is true (al-Raziq continued) that the rightly guided caliphs, meaning the first four successors to Muhammad, also commanded a certain respect in matters of religion. This authority, however, did

not derive from a sense that they were somehow Muhammad's successors in the office of Prophet. Rather, the religious authority of Abu Bakr, 'Umar ibn al-Khattab, 'Uthman, and 'Ali ibn Abi Talib stemmed from their recognized status as significant companions of the Prophet, and thus from their familiarity with his *sunna*. Those who followed these early leaders and claimed the title *khalifa* were a diverse group. They did both some harm and some good, which is what one should expect from human beings attempting to fulfill their obligations. The community's acknowledgment of their leadership rested on recognition of their political and military skills. No one, al-Raziq asserted, should confuse authority in religion and authority in politics; they are distinct. The Muslim community should recognize this fact, and understand that restoration of the Ottoman caliphate, or of any other particular pattern of governance, is not a requirement of religion.

In one sense, al-Raziq's argument was not new. We have already seen that many Muslims regarded the Umayyads as “kings” rather than “caliphs.” The practice of hereditary rule, by which the eldest son of the ruling clan assumed his father's duties, in itself mitigates the claim that Muslims should be ruled by the best of each generation. In addition, for most purposes the authority of the learned and the authority of rulers did involve a *de facto* division of labor, and some of the latter regarded a certain distance between their craft and the practice of ruling as required *de jure* as well.

Nevertheless, a firestorm of criticism greeted al-Raziq's treatise. In 1931 al-Azhar declared it a forbidden book. Al-Raziq never advanced professionally; when he died in 1966 he still held a position equivalent to that of a graduate student instructor.

Why this reaction?

One part of the explanation seems to be that al-Raziq's exploration of the sources went further than the al-Azhar scholars were prepared to go. It was one thing to criticize specific rulers like Mu'awiya,

Yazid, al-Ma‘mun, and others for shortcomings in politics or religion. It was another thing entirely to suggest that Muhammad’s political leadership was not intrinsically connected with his authority as Prophet, or to suggest that the rightly guided caliphs’ recognition as particularly outstanding associates or companions of the Prophet was important only with respect to their religious, and not their political, role. Al-Raziq himself was at great pains in his treatise to note that his argument went further than others’, and that his thesis regarding the distinction between religious and political authority ran counter to the historical consensus of the *‘ulama*. Nevertheless, al-Raziq was convinced that he was right, and said forcefully that the Muslim community would be better off if it followed his line rather than that of received tradition.

A second reason for the vigorous reaction to al-Raziq’s treatise is closely related. The thesis that religion and politics are distinct, and that the Muslim community will do better to keep them so, was articulated at a time of great political ferment throughout the historical territory of Islam. As a scholar, al-Raziq made his points with great care. The argument is largely negative: Having examined the sources, he says, I think it highly probable that the consensus point of view is wrong. Others, more activist in nature, are busy putting the point into practice. If Muslims are not bound by the politics of the past, they are free to act on the notion that changing circumstances require new political arrangements. Precedents established by earlier generations do not bind the Muslim conscience. The point is to approximate justice in our own time, a goal that can (with all due respect to our predecessors) lead in new directions.

The reforms in Turkey, by which the post-Ottoman state was recast as a secular republic, present one example of this activist trend. In Egypt, the ferment surrounding the Wafd (Delegation) of Sa‘ad Zaghlul Pasha and the struggle for independence from British domination present another. Those who viewed these developments as

positive noted that the scholars of classical Islam took the best wisdom of their day and gave it an Islamic twist, and argued that Muslims thinking about political life in the 1920s should do the same. As reformers saw it, the forms of government associated with political success in the modern world were an admixture of monarchic and nonmonarchic forms; some countries had written constitutions, others did not. All converged on one point, however: they capitalized on the gifts of all their citizens and built institutions designed to encourage full participation, insofar as possible. It is possible to speak of this as democracy, or as a matter of republican virtue. In any case, the implication (for the Muslim reformers) was that one must avoid models of governance that restricted power to the one or to the few. A modern state needed the contributions of all its population if it was to flourish.

‘Abd al-Raziq’s treatise thus coincided with the program of activists who suggested that Egypt, and by extension other historically Muslim states, should view the descriptive “Islamic” less as a matter of formal institutions, and more as a matter of the implementation of values of justice and equity. Such activists did not necessarily believe that modern politics required the kind of radical separation of religious and political institutions characteristic of the new Turkish republic. Some argued, for example, that states with Muslim majorities should recognize some sort of Islamic religious establishment, along the lines of England’s recognition of the Anglican Church. And most supposed that the policies of a state in which Muslims constitute a majority would bear an Islamic stamp. The reformists’ vision of the precise nature of Muslim influence differed. The one thing on which they agreed was that a state ought not to restrict or foreclose participation or debate by any of its citizens. Nor should any instantiation of the sentiments of a Muslim majority arbitrarily restrict the participation of non-Muslims. A modern state needed the contributions of each and all.

With these details, it is perhaps clearer why al-Raziq's thesis was startling. In one fell swoop, a scholar of al-Azhar, steeped in the sources of Shari'a reasoning, mitigated or did away with the priority of the classical model of political order. There need be no *khilafat*; no ruler dedicated to governance by the Shari'a; no consultation between a religious establishment and political leaders; and no priority for Muslims as the first citizens of an Islamic state. The logic of al-Raziq's model can be taken further, so that the sense of mission that permeates the classical notion of order is altered. The Islamic community now exists as one among others, dedicated to the formation of individual conscience through education and persuasion, but drastically reduced with respect to the making of policy.

Al-Raziq's interpretation of the relevant sources did not develop in a vacuum. Muhammad 'Abduh had set the stage for much of the debate over the *khilafat*, and some of 'Abduh's *fatawa* lent themselves to the view that a modern state could not afford to forgo the contributions of any of its citizens. In Egypt, this meant that Coptic Christians, in particular, should receive rights and opportunities adequate to their participation as citizens. 'Abduh had also called for a reopening of some old theological debates, particularly with respect to the question "Does reason, apart from special revelation, give sound knowledge with respect to the basic precepts of social morality?" Although 'Abduh's discussion was circumspect, it seemed clear to many that his answer was yes, and that the many reservations classical theology associated with this question should be withdrawn or overridden. In the end, 'Abduh was willing to sacrifice much of the classical vision of order for the sake of *al-maslaha*, or public good.

On the opposite side, among those repudiating the reformer's treatise, one of the foremost critics was the venerable Rashid Rida, 'Abduh's student and close associate.⁶³ Rida did not deny al-Raziq's central claim, that the sources of Shari'a did not establish a detailed

plan of government. He did, however, deny that religion and politics could be distinguished as sharply as al-Raziq suggested. Arguing that politics required a moral grounding more extensive than the vague phrase "basic precepts of social morality," Rida held that humanity was still in need of the superintendence of the Muslim community. Political order depended on a shared and secure sense of public morality; in turn, an adequate public morality depended on an establishment of true religion. And thus, Copts or Jews or other citizens of Egypt could benefit from the state's public acknowledgement of Islam.

Rida agreed that a modern state needs the contributions of all its citizens. But such an acknowledgment did not preclude the notion that those citizens have different contributions to make. Muslims, or at least those most knowledgeable in the sources and tradition of Shari'a reasoning, should provide leadership. Others, whose knowledge of religion and morality was less secure, should submit to the government of the best.

That said, Rida argued for a kind of consultative or even a parliamentary *khilafat*, in which representatives of the people would deliberate about the course of policy. He was not entirely clear on the makeup of such a representative or consultative assembly. One might, for example, imagine an assembly in which a certain number of seats were assigned to Muslims, another number to Christians, and so on. Or one might imagine an assembly in which some members were elected to represent particular districts or interest groups, while others were members of the religious class, chosen by their peers at al-Azhar or other institutions of learning. Rida also thought for a time that the Muslim community could benefit from the establishment of a universal *khilafat*, which would serve in ways analogous to the Vatican; that is, it would control the holy cities of Mecca and Medina, oversee the pilgrimage, and, on occasion, intervene as a kind of *primus inter pares* authority in Shari'a debates. It would not,

however, possess the kind of imperial political control wielded by the Abbasids or Ottoman or Mughal rulers. That kind of authority would be left to the more regional communities that Europeans and North Americans call nations.

In the end, Rida's arguments carried the al-Azhar debate. They did not translate into political reality, however. As Egypt struggled toward independence, the combination of a declining monarchy and a nascent, almost anarchic parliamentary democracy could not bring order quickly enough. Beginning in 1948, the military began to take control. When, in 1952, Gamal 'abd al-Nasr led an officers' revolt, the pattern followed ever since emerged: rule by a strongman, ready to recognize, limit, and/or dissolve parliament whenever he deems fit; a recognition of Islam as the official religion and the sources of Shari'a as primary for legislation, but with its role effectively circumscribed to deal with questions of marriage and divorce; official recognition of Coptic Christians and other minorities as equal under the law, but in practice laboring under more or less severe restrictions on religious practice and social opportunities; and finally, a way of regulating Islamic practice, including Shari'a debate, that ensures that its most vital expression takes place in private associations, outside the officially sanctioned public centers of learning.

This last is signified, most importantly, by the movement known as *ikhwan al-muslimin*, the Muslim Brothers, whose founder, Hasan al-Banna, established the movement almost at the very moment 'Ali 'abd al-Raziq published his controversial thesis.⁶⁴ In 1928, as the learned at al-Azhar began their critique of al-Raziq, a high school instructor in an outlying town (Americans would call it "the boon-docks") began his program of renewal. Members of the learned class would view Hasan al-Banna and his successors as ignorant and unreliable in the art of Shari'a reasoning. The appeal of the movement, however, lay at least in part in its reiteration of an old theme in Islamic tradition: the equality of Muslims with respect to the duty to

seek God's guidance, and the correlative right to do so by consulting the Qur'an and the example of the Prophet.

Hasan al-Banna spoke of his movement as combining the virtues of every populist approach in the history of Islam: a *shari'a madhab*, a Sufi way, a school of *kalam*, or theology, and so on. He gave talks, and issued opinions, on the subject of *jihad*, on women's roles, and on the right form of Islamic government. With respect to the last, Hasan held that an Islamic state is by definition a Shari'a state. Otherwise, it would be illegitimate. And the Shari'a should, by dint of textual precedent, be discerned through a process of consultation among the Muslims. In this process, Hasan and his followers were prepared to listen to members of the learned class. But they reserved the right to judge for themselves which, if any, of the learned articulated the right opinion.

With the Brothers, we actually see something new in the history of Shari'a reasoning. The deference to the learned class as experts in religion is shown as a historical accident; for it rested largely on certain social facts: most Muslims could not read, or if they could, they could not obtain access to the texts necessary for the practice of reasoning about the Shari'a. By the 1920s, however, the growth of a professional class, able to read and discuss matters of religion, combined with the increased availability of books made possible by developments in print technology, meant that deference would no longer be the rule. With Hasan al-Banna, the movement toward a serious Islamist movement had begun.

Hasan's political vision might be viewed as a crudely expressed form of the ideas presented by Rashid Rida. Islamic government, in the sense of government by the Shari'a, is critical for the Muslim community to carry out its mission. In turn, that mission is critical, if humanity is to flourish. The human creature is, by dint of the plan of God, a social being. Men and women bear the imprint of the primordial covenant outlined in Qur'an 7:171-172. They are thereby

able to ascertain the fact of their responsibility. They may even be able to discern the broad outlines of their obligations to God and to one another. Yet in their quest for security, and given the truncated witness of other prophetically founded communities, human beings need a clear and forceful articulation of moral precepts, if they are to have a hope of living in a just social order. Islam provides this, by means of the sources and practice of Shari'a reasoning. And the Muslim community provides an outlet for the dissemination of principles of justice.

In the hands of an obviously charismatic figure like Hasan al-Banna, this message swept over Egypt, and by 1948 the Brothers constituted a strong force in Egyptian politics. Hasan's assassination the following year proved less a defeat for the movement, and more a confirmation that Egyptian elites were not yet ready to listen to the message of Islam. When Nasr came to power in 1952, he called on the Brothers to mobilize support. When he turned on the Brothers in 1954, jailing their leaders on charges of sedition, Nasr recognized their power in another way. A lay movement, formed around the symbol of Shari'a and prepared to engage in Shari'a reasoning, had found its way to prominence. If it lacked the direct power associated with the established institutions of government, it nevertheless proved able to exercise considerable indirect power by means of its standing as a popular embodiment of the classical Shari'a vision.

Hasan al-Banna's vision, and the movement developed around it, was and remains the best-known example of a broad and popular trend in twentieth-century Islam. Abu'l a'la Mawdudi and the Jama'at-i Islami represent a south Asian equivalent.⁶⁵ Mawdudi, a journalist by trade, began writing in the 1930s, arguing for the importance of India as a Muslim state. When Muslim desire for a state independent of Hindu influence gained momentum, Mawdudi took an opposing view. Once Pakistan attained independence in 1947, however, Mawdudi moved to the new country and began a campaign to ensure that Pakistan would truly be a Muslim state. One of

the first tests of his influence came in the 1954 debates over the constitution, particularly with respect to the import of describing Pakistan as an Islamic state, in which the Shari'a would be recognized as the law of the land. The crux of the issue, for Mawdudi, had to do with the status of the movement known as Ahmadiyyat. Formed around the revisionist teachings of Mirza Ghulam Ahmad (d. 1908), the movement stressed that Islam should be a missionary religion, devoted to the preaching of the word of God delivered through Muhammad. While that notion was not, in itself, controversial, the Ahmadiyyat surrounded it with arguments for freedom of conscience, including freedom of religion, speech, and association. The formal position of the group tied these arguments to the text of the Qur'an, and used that text as a means of criticizing a number of Shari'a precedents in which the learned relied on reports of the prophetic *sunna* for guidance. Among these, laws governing apostasy, blasphemy, and the status of non-Muslims were especially prominent.

On Mawdudi's view, Ahmadiyyat's platform challenged important features of the Shari'a vision of political order. In a tract discussing the finality of the prophecy of Muhammad, he argued that any community must set boundaries, lest its role in identity formation become a dead letter. The Muslim community through the centuries accomplished this in part by way of its insistence that Muhammad is the "seal" of the Prophets, meaning the final moment in God's call to humanity to follow the natural religion of submission. Mirza Ghulam Ahmad's preaching rendered this point moot by opening the truth to endless debate. According to Mawdudi, both reason and revelation make necessary the judgment that Ahmadiyyat is not an Islamic movement, and that its followers are not true Muslims. They may live in Pakistan, or in any other Islamic state, but only according to Shari'a provisions for the protected peoples. Their preaching and practice thereby contained, they will pose less of a threat to themselves and to others.

Here, Mawdudi reiterated aspects of the classical Shari'a vision of

order. At the same time, he established himself and his movement as legitimate participants in debates about God’s guidance, despite his lack of formal standing among the learned. Indeed, when the 1956 Constitution declared Ahmadiyyat a non-Islamic movement, Mawdudi’s Jama‘at became an important player in Pakistani politics, a role it has maintained ever since.

For our purposes, the most important aspect of movements like the Muslim Brothers and the Jama‘at-i Islami is the impetus provided for a kind of “democratization” of Shari‘a reasoning. In its early stages, the social practice of Shari‘a reasoning developed in tandem with the rise of an elite class. The learned were those dedicated to and entrusted with the task of preserving and interpreting the sources provided by God as signs. Their task was to render sound opinions regarding the import of these sources for particular cases.

By the mid-twentieth century, however, the habitual deference of ordinary Muslims to the opinions of the learned was fading. The one great exception to this trend was among the Shi‘a, particularly in connection with their increasing prominence in Iran. The crisis over the abolition of the Ottoman caliphate did not have the same resonance for the Shi‘a as it did for Sunni Muslims. In Iran, the promulgation of the Constitution of 1906 and, with it, of a *majlis*, or consultative assembly, provided material for Shari‘a debate. While many, perhaps even most, of the Twelver ‘*ulama* supported the constitution, others argued that the establishment of an assembly suggested that laws would be made by human beings, rather than according to the sources and methods of Shari‘a reasoning. After the First World War, the weakness of the Qajar rulers made the constitutional question moot. Religious authorities were more interested in maintaining the independence of the Shi‘i state from European control. Reza Pahlavi’s seizure of power in 1921 and his elevation to the throne in 1926 provided a partial resolution, though the debate over relations with foreign powers would continue, reemerging in particular with

the development of Iran’s capacity to produce oil and, after the Second World War, the development of Cold War politics. Particularly in connection with the pro-American policies of Shah Reza Pahlavi (ruled 1953–1978), one sees an enhanced role for the Shi‘i ‘*ulama*. The speeches of the Ayatollah Khomeini provide a good example of the way that Shi‘i authorities during this period maintained their historical suspicion that doing business with foreign powers needed careful review, lest the independence of Iran be undermined. At the same time, Khomeini’s various pronouncements provide a good illustration of the sense of vocation among the Shi‘i ‘*ulama*, by which the learned are “guardians” not only of the religious tradition, but of the Shi‘i identity of Iran. While it is true that opposition to the Shah was widespread, and that lay persons like the sociologist/activist professor ‘Ali Shari‘ati and the literary figure Jalal Al-e Ahmad played a very important role in the public debate over the political definition of Iran, the role of the ‘*ulama* in defining Iran after the revolution of 1978–79 makes attention to their historical place in Iranian society and in the practice of Shari‘a reasoning extremely important.⁶⁶

It is not, of course, that the institutions associated with Sunni learning were passing, or that the Sunni ‘*ulama* were without influence. The movements centered around Hasan al-Banna and Mawlana Mawdudi admired the learning of the scholarly class, and were happy to seek and to listen to their opinions.

However, these same movements reserved the right to judge for themselves which of the learned to follow; to put it another way, they effectively reserved judgment on matters of practice for themselves. And why not? As they saw it, God calls individuals to reflect on the signs that point toward divine guidance. Islam knows no priesthood; the learned are not to be confused with a class set apart to handle the mysteries of God. Further, it is clear that the learned throughout the centuries argued among themselves, so that a distinction between “good” and “bad” or “better” and “worse” opinion has always been

an aspect of the practice of Shari‘a reasoning. What is required is the ability to read texts, preferably in Arabic, and the willingness to engage in argument. Given the increased availability of books and higher levels of literacy common to historically Islamic as well as other modern societies, why should the merchants and schoolteachers, soldiers and government officials associated with the Muslim Brothers or Jama‘at-i Islami wait for the scholars of al-Azhar or other institutions to render opinions? If the Qur’an indicates that God changes the condition of a people only when they change themselves, then perhaps the call of the present time is to action on the part of each and all the Muslims. That, at any rate, would seem to be the heritage of Hasan al-Banna and Abu’l a‘la Mawdudi.

And so began a new chapter in the history of Shari‘a reasoning. This chapter is still unfolding. We see sections of it in the career of the Egyptian writer, martyr for the cause of the Muslim Brothers, Sayyid Qutb.⁶⁷ We see further sections in the arguments advanced by members of the Islamic Group, connected with the assassination of Egyptian President Anwar Sadat in 1981, and in the activity of the “Afghani Arabs” whose consciousness formed in connection with the teaching of Abdullah Azam during the fight to repel Soviet forces during the 1980s.⁶⁸ And, in that connection, we see the continuation of this chapter in the history of Shari‘a reasoning in the career of one of the Afghani Arabs, Osama bin Laden, whose various statements are the most important example currently before us. The precise nature of his contribution, and those of other militants, is yet to be determined.