

AJIS

AMERICAN JOURNAL
of ISLAM AND SOCIETY

VOLUME 39 NO. 3-4 • 2022

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VOLUME 39 2022 NUMBERS 3-4

AMERICAN JOURNAL
of
ISLAM AND SOCIETY

A double-blind and peer-reviewed
interdisciplinary and international journal

Previously published as
American Journal of Islamic Social Sciences



INTERNATIONAL INSTITUTE OF ISLAMIC THOUGHT

American Journal of Islam and Society (AJIS p-ISSN 2690-3733, e-ISSN 2690-3741) is a double-blind, peer-reviewed interdisciplinary and international journal published by the International Institute of Islamic Thought (IIIT). AJIS publishes a wide variety of scholarly research on all facets of Islam and society: anthropology, economics, history, philosophy and metaphysics, politics, psychology, and law. The journal was previously published (1981-2019) as American Journal of Islamic Social Sciences (AJISS p-ISSN 0887-7653, e-ISSN 2642-701X).

AJIS is indexed in the following databases:

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Subscription Rates (two print issues per year)

Institution: USD 125.00*

Individuals**: USD 65.00*

Past issues: USD 19.95*/each (plus Shipping and Handling)

*Plus 6% tax for sales inside the United States. For tax exemptions, please provide a copy of any reseller or sales tax exemption certificate.

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EDITORIAL

Editorial Note

OVAMIR ANJUM

I want to begin by congratulating my colleagues at the helm of the *American Journal of Islam and Society* (AJIS), as well as readers and contributors, that the journal is now finally SCOPUS-indexed. Consistently in circulation since its establishment in 1984, AJIS is now an open-access, biannual, double-blind peer-reviewed and interdisciplinary journal with global reach. Its newly acquired formal status speaks to its consistently high standards of scholarship and invites an ever-larger group of aspiring and senior scholars to publish their finest work on a variety of areas in Islamic thought and society.

The issue of the *American Journal of Islam and Society* comprises four contributions, each exploring a different way in which Islam and society interact. Wardah AlKatiri proposes an Islamic vision to address the world's deteriorating environmental prospects; Yousef Wahb addresses the challenge of upholding Islamic communal norms in North America; Sami al-Daghistani aspires to put the field of Islamic economics into conversation with classical Islamic ethics and spirituality; and Tabinda Khan addresses a theoretical lacuna in Western political scientists' study of Islamism.

Wardah AlKatiri's article "How about a Green Caliphate? Global Islamic Environmental Governance for Devout Muslim Communities" boldly proposes a "Green Caliphate," that is, a faith-motivated environmental

governance for a network of Muslim societies, ones that place local Muslim community at its heart. The specter of the ecological judgment against human exploitation of God's earth has led to disastrous consequences for the planet. Paradoxically, the greatest victims of this cosmic crime are the poorest societies on earth that have seen none of the great prosperity that the elite of the Global North speak of. The Green Caliphate emerges against the background of climate emergency from multiple perspectives: social justice, knowledge sharing, and cultural transformation. Drawing on Schumacher's *Small is Beautiful* and Ovamir Anjum's "Who Wants the Caliphate?", this article broaches the concept of a Green Caliphate in pursuit of the Fourth World, a world beyond what can be captured by the iniquitous and exploitative models in place.

Yousef Wahb's "Competing Authorities: Islamic Family Law and Quasi-Judicial Proceedings in North America" addresses a crucial challenge facing Muslims who seek to resolve their private disputes. Since Islamic marriage and divorce laws do not always align with North American family legislative schemes, Muslims are burdened with trying to simultaneously meet their obligations toward both legal systems. Unlike secular law, Islamic divorce proceedings, for instance, require either the husband's eventual consent or the availability of a Muslim judge; they prescribe substantive obligations and rights for divorcees that are comparable to corollary relief provided by family law statutes. The paper recommends a holistic framework to settle family disputes in compliance with Islamic law and in a legally enforceable manner. A proper institutionalization of Islamic alternative dispute resolution (ADR) services can go a long way in ensuring Islamically-complaint forms of divorce, annulment, corollary relief, and other situations, and may facilitate the role of a secular court to secure relief in religiously compatible ways such that its involvement could be limited to the enforcement of rights that are pre-approved by Islamic law.

Sami al-Daghistani's intervention in Islamic economic discourse, titled "Beyond *Maṣlaḥah*: *Adab* and Islamic Economic Thought," focuses on *maṣlaḥah* (benefit or well-being) and *adab* (righteous behavior or character) as ethically intertwined concepts that are discussed in relation to the acquisition of wealth (*kasb*) by certain classical Muslim scholars

such as al-Shaybāni (d. 805), al-Muḥāsibī (d. 857), Ibn Abī al-Dunyā (d. 894), al-Māwardī (d. 1058), and al-Ghazālī (d. 1111). Personal piety in this ethically defined world is closely related to righteous economic behavior under the banner of *adab*'s moral stipulations. *Maṣlahah* ordinarily pertains to safeguarding economic activities and preserving wealth; our author proposes that it can simultaneously be seen as a derivative of *adab*.

Tabinda Khan, in her paper titled “Challenges with Studying Islamist Groups in American Political Science,” contends that the lack of disciplinary dialogue between political theory and comparative politics compromises the understanding of the politics of traditional Islamic scholars and Islamists in American political science. The empirically-im-poverished textualist readings of Islamic politics in the field of political theory and the theoretically simplistic liberal frameworks of comparative politics both produce unsatisfactory results, she observes. By contrast, the interdisciplinary field of Islamic legal studies might have the potential to bridge the division between political science, law, and area studies approaches to the study of Muslim societies.

Together these papers offer fantastic food for thought and points of departure for further study in a variety of fields.

OVAMIR ANJUM
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ARTICLES

How about a Green Caliphate? Global Islamic Environmental Governance for Devout Muslim Communities

WARDAH ALKATIRI

Abstract

Over fifty years into global environmental negotiations since the first UN Conference in 1972 on the Human Environment in Stockholm, to the Climate Change Conference COP27 in Sharm El Sheikh in 2022, the major environmental concerns of our time are no closer to being resolved. Negotiations continued to fall by the wayside. Given the commitment to economic development and sovereignty of the nation states, the deadlocks are understandable. Against this background, this article proposes a “Green Caliphate” as a faith-motivated global

Wardah Alkatiri obtained her PhD from the University of Canterbury, New Zealand. She is a human ecologist and sociologist of Islam whose interdisciplinary work focuses on the transition to post-carbon world. She is a senior lecturer in environmental health, community development, philosophy, and development studies at Universitas Nahdlatul Ulama Surabaya, Indonesia.

Alkatiri, Wardah. 2022. “How about a Green Caliphate? Global Islamic Environmental Governance for Devout Muslim Communities.” *American Journal of Islam and Society* 39, nos. 3-4: 6–56
• doi: 10.35632/ajis.v39i3-4.3100

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environmental governance for a network of Sharia-based countries and devout local Muslim communities around the world. The article offers a set of rationales for considering the Green Caliphate in the light of climate emergency from multiple perspectives: social justice, knowledge sharing, and cultural transformation. Drawing on Schumacher's *Small is Beautiful* and Ovamir Anjum's "Who Wants the Caliphate", this article broaches the concept of a socially and environmentally-responsible caliphate governance which might be in congruent with the Schumacherian pursuit of the "Fourth World" where government and economics are under genuine human control because the size of such units are small, sensible, and human scale, and where the pace of development is in accordance with the religious cosmology of their members to adapt. The Green Caliphate is envisioned on a decolonial horizon of pluriversality towards a multipolar world order.

*In the cycle of nature there is no such things as
victory or defeat; there is only movement.*

*Within that cycle there are neither winners nor losers, there are
only stages that must be gone through. Both will pass. One will
succeed the other, and the cycle will continue until we liberate
ourselves from the flesh and find the Divine Energy.*

—PAULO COELHO, "MANUSCRIPT FOUND IN ACCRA"

1. Introduction

This article proposes an alternative global framework that might work, at least, for one sector of humanity. Though limited to *Sharia*-based countries and devout members only of the global *Ummah*, the article enumerates the intractable problems involved in current climate change actions which, in the end, infer that half a loaf is better than none. The proposed political vision of a "Green Caliphate" offers liberation from the concrete prison of western industrial culture that became a global phenomenon in the last few centuries since the adoption of the practices and culture of western

Europe by societies and countries around the world (whether through compulsion or influence). Therefore, this prospect is a pragmatist position in the entanglement of socio-ecological emergency. Among the major tasks of the Green Caliphate is to bring out what Heilbroner (1977) terms ‘Statist Religion’,¹ a movement away from individual to communal ethics—a proposition in ecological politics disparate from Ophul’s² ‘Brave New World’, or Hardin’s “injustice is preferable to total ruin” (Hardin 1968:1247). Furthermore, in the face of hunger and other crises by which climate change threatens the Global South, and the need to care for Muslims on the margins, this article seeks to contend with the modern social justice paradigm that Richard Miller (2010) articulates. Overall, it offers a rejoinder to Ovamir Anjum’s (2019) call to resurrect the Caliphate, along the lines of envisioning the Schumacherian ‘Fourth World’ (Schumacher 1973).

Climate change, plastic pollution, biodiversity loss, and other unprecedented environmental issues raise a multitude of associated problems for society. The solutions required need to combine knowledge and skills from all disciplines. While this article is concerned with societal-environmental relations in the Muslim world, the article belongs to transdisciplinary Islamic studies. It draws on my PhD thesis in Sociology (Alkatiri 2015) according to which Muslim societies are largely divided along three ‘symbolic universes’, namely, Islam, nationalism, and westernism. The “Green Caliphate” being proposed should be treated as a seed notion that calls the attention of, and for contributions from, scholars on Islamic law, theology, and political theory to develop the idea in further detail. At this stage, what the article aims at is exposing the hard truth behind the continued lack of success in international climate diplomacy³ (from the Kyoto protocol in 1997 to the COP26 in 2021), whereby national sovereignty consistently stands in the way of creating an international framework for collective action. Historian Arnold Toynbee was exactly correct in his prediction:

The present-day global set of local sovereign states is...not capable of saving the biosphere from man-made pollution or of conserving the biosphere’s non-replaceable natural resources...Will mankind murder Mother Earth or will he redeem her? This is the enigmatic question which now confronts (sic) Man. (1976: 593-596)

Thus, the article articulates the rationale for faith-motivated global environmental governance, set in the network of Sharia-based countries and devout local Muslim communities in non-Sharia-based countries. The models for operationalizing the Green Caliphate can be inspired by the relocalization practices espoused by Transition Network (TT), Global Ecovillage Network (GEN), and the concept of a minimal or night-watchman state in Robert Nozick (2013).

Turning Ideas into Action

Relocalization is a technical term used in the sociology of green community movements. It refers to the notion of a shifting society in the context of ecological emergency, against the centrifugal forces of centralization and globalization. As such, relocalization is a decentralist approach in green politics. It does not seek to shift the larger society at once; rather, it seeks to work on a community scale. Its ideals were inspired by Schumacher's *Small is Beautiful* (1973). The single theme in all relocalization groups is their attempts to produce a coherent and holistic approach to confront social and ecological problems through the creation of the 'alternative society' model, minimizing ecological impact but maximizing human happiness and well-being. Relocalization draws upon multiple disciplines with pragmatic strategies shaped around the 'limits to growth' analysis. It aims to equip people with resilience and adaptive capabilities in the face of looming scarcity and environmental degradation.

Since I finished my PhD in 2015, I have observed that scientific communities are increasingly willing to speak out about the state and gravity of their scientific findings which strongly indicate that modern civilization as we know it will end over the next few decades, due to climate change and other socio-ecological reasons. Among the most recent proclamations of this type are Paul Ehrlich (in Carrington 2018), Sprat and Dunlop (2018), climate scientists (in Corn 2019), and the modeling of Mark Titchener (2022). While the logic of 'limits to growth' and 'peak oil' has been around within scientific communities for some time, there is a conventional wisdom that scientists must not frighten the public but

rather must focus its gaze on technical solutions. For this reason, this discussion has not been made public until quite recently.

In anticipation of environmental ‘collapse’ scenarios,⁴ Transition Network (TT 2022) was initiated in 2006 in the small rural UK town of Totnes, Devon, by Rob Hopkins. The movement espouses ‘resilience’, which refers to the ability of a system, from individual people to whole economies, to hold together and maintain their ability to function in the face of change and shocks from the outside (Hopkins 2008). On the strength of the cause, the Transition Network has become the fastest growing environmental movement in the Global North (Barry and Quiley 2009). There are over 300 official transition town initiatives in the UK alone in 2022. The concept and network are now spreading to Australia, New Zealand, Austria, Belgium, Germany, Luxemburg, France, Italy, Hungary, Croatia, Israel, Japan, Brazil, Colombia, Mexico and USA. Elsewhere, Global Ecovillage Network (GEN 2022) was founded by Hildur and Ross Jackson in 1991, as a global association of people and communities who try to create room for social, ecological, and spiritual values, and thus live together in greater ecological harmony. In 2022, the network connects approximately 10,000 communities and related projects in 116 countries within 5 regional networks and the youth arm, NextGEN, through virtual and real-world alliances. The GEN association seeks to develop strategies for a global transition to resilient communities and cultures.

The relocalization movement is clearly different from conventional environmentalism and the mainstream ‘sustainable development’ of the United Nations. The relocalization movement presents as a rejection of what they see as an outmoded dominant western worldview, in favor of worldviews that recognize the interdependence of humans and their ecosystems. My fieldwork and observation of these communities in New Zealand show that the movement attracts hippies and liberalists. It is a community where anti-authoritarianism thrives. The founders of the communities propounded their initiatives as concrete actions that can be done ‘here’ and ‘now’ by committed, like-minded people. Despite the fact that many among the communities are well read and tech-savvy, the movement maintains precautionary principles in the use of new technology. They insist on thinking through the social and environmental impacts of new technologies before their use. The founders of TT and

GEN believe that their models can be duplicated and their culture can be propagated to convert society at large.⁵ In principle, emphasized relocalization activists Ted Trainer and Samuel Alexander of Simplicity Institute in Australia, the movement should attempt to replace the core institutions of consumer capitalism, rather than merely building resilience within them. Trainer puts forward a radical ‘zero growth economy’ in which,

1 There can be no interest payments to eradicate growth:

If you do away with growth then there can be no interest payments. ...The present economy literally runs on interest payments of one form or another, an economy without interest payments would have to be totally different mechanisms for carrying out many processes... Therefore *almost* the entire finance industry has to be scrapped, and replaced by arrangements whereby money is made available, lent, invested etc., without increasing the wealth of the lender. That is incomprehensible to most current economists, politicians and ordinary people. (Trainer 2011:77)

2 There is radical change in cultural attitudes towards consumption, hence the notion of ‘economic sufficiency’ must be embraced at the cultural level. (Alexander 2012:7)

3 Market activity would not be driven by an ethics of profit maximization, but by some ethics of genuine mutual benefit and concern. (Alexander 2012:7-8)

The proponents of TT and GEN are confident that they will eventually win out because the current system is not meeting the needs of a large percentage of the world’s population (Jackson and Jackson 2002), or simply because other environmental scenarios are very unlikely (Hopkins 2008). Nevertheless, they are perfectly aware that the existing economy is quite capable of accommodating what the movement is doing without replacing the fundamental structure of consumer-capitalist society: “In recent years, resilience has been gradually adopted by large companies and governments, to the point of losing its original radicality. As it is used most of the time, the concept does not fundamentally challenge the assumptions underlying established systems” (Hopkins in Cara 2021, para 3).

Regarding the Global South's issues, the founder of GEN contends that people in the West are predominantly unaware of their predicaments: "the global society of the 21st century is in crisis – spiritually, socially and environmentally, though Western media mostly do not reflect this view, and this is not surprising since the crisis is most visible in the other 90% of the world's population" (Jackson and Jackson 2002:130).

Accordingly, I have classified the relocalization movement according to their ulterior motives into the 'survivalists', such as Transition Network (TT), who aim to prepare for the conditions of scarcity and social destruction which they anticipate will result from climate change, looming ecological collapse, and energy crisis; and the 'redemptionists', such as Global Ecovillage Network (GEN), who have been driven by psychological dissonance between a sense of their own values and ethical standards and the behavior that people are forced to adopt through participation in consumer-capitalist society.

As someone working in the Global South, I observe that the enduring domination and control of the postcolonial world in global politics could give rise to a sentiment that dismisses the need for global cooperation to tackle complex environmental challenges. The satirical illustration under the headline "UN Climate Change Conference in 2021" in Section 2 demonstrates this reality plainly. Against this ethical dilemma, a reconciling and reuniting worldview is needed. Toward this end, I humbly propose the *Tawhidi* (unitive) worldview explicated in my recent work on Islamic mysticism (Alkatiri 2021a).⁶ It is a set of assumptions about the world that have powerful effects on people's cognition and behavior. The *Tawhidi* worldview in question serves as the philosophical undergirding that influences the practice of this research – much like what Neuman (2000) calls *research methodology*, and others have called *paradigm* (Lincoln & Guba 2000; Mertens 2007). Against the dualistic vision of reality that characterizes the modern rational worldview, the *Tawhidi* worldview as a research methodology or paradigm guides me to see everything as governed by a single Principle and unified by a common Center. The satirical illustration below demonstrates how the *Tawhidi* worldview in question transcends the impasse on climate change diplomacy: it moves away from the blame game of contemporary climate

change politics. Moreover, in a step towards decolonizing the research, I have placed Muslim voices and Muslim epistemology in the center of the research process, and thereby lifted the cultural blinders imposed by dominant ideologies and Western rationalism. My PhD research assessed the willingness, ability, and possibility of local Muslim communities in Indonesia (as the world's largest Muslim nation) to pursue the ideals and actions of relocalization (Alkatiri 2015). I found that two local communities—namely, Hidayatullah in Balikpapan, East Kalimantan (Alkatiri 2018a), and An-Nadzir in Gowa, South Sulawesi—provide the closest example of intentional communities which can be transformed into models of endogenous⁷ Islamic relocalization.

Last in order (but not in importance) is the promise of the minimal state or night watchman state. This is a form of government in political philosophy where the state's legitimate function is only the protection of individual from assault, theft, breach of contract, or frauds (see Nozick 2013). The advocates of this school are called minarchists. They argue that the state has no right to use its force to interfere with transactions between people. The only legitimate governmental institutions are the military, police, and courts. I believe this scheme would best serve conditions of the post-carbon world where creativity and older virtues of fortitude, courage, foresight, and prudence will once again become a necessity. This is the only political scheme that would allow a life of creativity and liberate people to freely choose their own social arrangements, where no compulsory loyalty to a state ideology is required. Moreover, it can be extrapolated from Hallaq (2012, ix-x), that the weaker or more "minimal" the state, the more compatible it is with Islam (Alkatiri 2018a)—because the state in the Islamic sense should be organized organically around divine sovereignty. Nonetheless, numerous issues remain to be addressed, given the non-organizational structure of Islam, where there is no central religious authority for the whole *Ummah*. I imagine a world summit to be organized by the *Ummah*, where Muslim scholars and jurists (*fuqahā'*) make comprehensive deliberation about environmental problems and arrive at a consensus (*ijmā'*). The council that arranges the summit could be founded, for example, by Organization of Islamic Cooperation (OIC). Muslim communities around the world

would there be called to mobilize ecological actions based upon Islamic jurisprudence in a decentralized Muslim world based upon communities. Leaders and active members of local communities from around the world would be the basic nuclei of such an organization.

This article is organized as follows. In the midst of the ‘materialization’ that has been taking place in the Global North and South, Section 2 demonstrates that the United Nations climate change negotiations have simply bogged down in ideological tensions. The depiction of the given positions at a climate conference in a satirical illustration is meant to hammer home the deadlock of negotiation behind closed doors. Further to what has been argued in Sections 1 and 2, Section 3 enumerates more rationales (from social justice, knowledge sharing, and cultural transformation perspectives) for considering the Green Caliphate against the background of climate emergency. Drawing further on Schumacher’s *Small is Beautiful* and Ovamir Anjum’s “Who Wants the Caliphate?”, Section 4 seeks to broach the ideas of Green Caliphate in the pursuit of the “Fourth World”.

2. Transcending Historic Debts

We have seen the clash of the worlds of science and politics, economics and ethics, on issues of climate change, plastic waste crisis, and energy transition. The global community’s commitments to a state-centric framework in addressing global environmental challenges and reducing greenhouse gas emissions has put them in a bind, as displayed dramatically at the COP26 climate change conference in Glasgow when the Global North was placed in a hot seat by the Global South. The scene revealed that many of the latter deeply resent the North; their bitterness was not easily mollified despite the economic development that has already been achieved. The ‘Global South’, a synonym for the ‘Third World’, bore witness to the grave environmental damage that came with the industrial-capitalist model of development promoted by western countries. The satirical illustration that follows in the next section is gleaned from COP26, to help get across the main points of the article. References to the transcribed speeches of the Global South leaders are in endnotes 9-11. I shall like to highlight that behind the ethical dilemmas we are facing today is the

Third World’s “captive mind” (Alatas 2006) within which the development theory was adopted uncritically in a wholesale manner, or in other words, the subconscious white supremacy stereotype that manifested itself in the eurocentric nature of development in the Global South. Schumacher’s *Small is Beautiful* (1973) helps to substantiate my proposition about what is wrong with development projects in the Third World or Global South, and thus offers a rationale for the ‘Fourth World’.

The following grouping of Muslim populations into three types was made in reference to my thesis, “Theorizing Muhammad’s Nation” (Alkatiri 2017a). The common Muslim grievance against the history of western colonialism yields three broad responses, which I argue stem from three symbolic universes: (i) Westernism, (ii) Nationalism, and (iii) Islam. My broader thesis research shows that the ‘symbolic universe’ is a deeply political concept in the strictest sense of the term. Not only does it define individual and collective interactions between Cognition, Meaning, and Action, it defines, by consequence, their ultimate loyalty and the objects of their devotion.⁸

Table 1 – Muslims in Muslim-majority countries classified by symbolic universe (Alkatiri 2017: 184).

	Symbolic Universe	Vision of Geographical Territory	Economic Vision	Worldview with Regard to the Ecological Crisis
1	Westernism (eco- and/or anthropocentrism of the modern scientific worldview)	Citizens of the global world created by Western colonialism/imperialism (global world)	Capitalist (development ideology)	Humans as earth-bound creatures
2	Nationalism (nation-centrism)	Compatriot (countryman) (nation-state)	Capitalist (development ideology)	Humans as earth-bound creatures
3	Islam (theo-centrism)	Muhammad’s nation (global world)	Islamic values	Humans as divine creatures

The division of the Muslim population along symbolic universes has political implications for the context of climate change and the transition to non-fossil fueled- civilization. I argue that the symbolic universe of Nationalism, including ethno-nationalism, is the Pandora's Box of evils. From a global environmental perspective, nationalist interests may come in conflict with the common good, for the latter confines its concerns to a bounded area where the sovereignty of the state is supreme and the national community is the object of devotion. My work elsewhere describes the nation-building enterprise in the history of Indonesia (Alkatiri 2018a), as it encouraged the ceaseless desire to compete with other nations. Nationalist Global Southerners - Muslims or not – are mired in the values of the very industrial society in the North that had produced the economic and ecological crisis they protest against.

Moreover, although Nationalists and Westernists (including but not limited to liberal Muslims and neoliberal politicians) may disagree on many things, they all agree on endless economic growth, progress, and development. Both agree that economic growth is the panacea to all ills, making us all rich, happy, and healthy. Both believe that as long as science and technology continue to advance, growth and progress can be maintained. In addition, by perceiving humans as earth-bound creatures, it is impossible for both Nationalists and Westernists to renounce the lust and greed that makes ever-greater demands upon the environment. There is no way for them to transcend the debts of history, inciting the elusive dream of economic progress.

3. UN Climate Change Conference: A Satirical Illustration

The UN Secretary General

“The time is past when humankind thought it could selfishly draw on exhaustible resources. We know now the earth is not a commodity. In this seminal event we are here to unite our voices, with a single mission to protect and hand on the planet to the next generation. We are the last generation that can take the steps to avoid the worst impacts of climate change. Future generations will judge us harshly if we fail to uphold our

moral and historical responsibilities. We must now agree on a binding mechanism under international law to decarbonize the world and stop financing denials of climate change. Business as usual is no longer an option. We must shift towards net zero, nature-positive, and socially equitable walk. The time to act on it is now, the decision we take today will bind us to the path for the coming years.”

i) *West-wannabes of the Global South (Muslim or otherwise)*⁹

“Sure, we will definitely go along with that view, as long as the rich nations understand our national circumstances. Underdeveloped and developing countries have not fully accomplished development. We should be given more leeway: even though we have emerging economies, we are not out of the woods yet. Give us money and appropriate technologies and we will figure out how to deal with these challenges.”

ii) *Nationalists of the Global South (Muslim or otherwise)*¹⁰

“The developed countries consume more global energy and contribute more to global emission than developing countries. That has caused global inequity in energy consumption, and now the developing countries have to reduce their global carbon emissions?”

“The United States, 4 or 5% of the world population, still uses 25% of the world’s resources! You outsourced production to China and then you say China is the carbon polluter? China’s producing you buckets, China’s producing your nuts and bolts, China’s producing your phones, try to produce it in your own countries and see your carbon emission rise! You love lecturing us because you have a colonial mentality. Then there are the colonial structures and institutions: you lend us our own money! The International Monetary Fund comes to our societies and tells us, here’s the money we are giving you—no! It is our money, you gave us our money back as debt and then you lecture us how we should live: it’s extraordinary, it’s

not just a colonial mentality, it's colonial structures and institutions which reproduce themselves year after year after year. Let me tell you something: the climate justice movement is not clued enough on this, it just says it's the future that we're worried about. What future? What future do children in the African continent have, in Asia, in Latin America? They not only don't have a future, they don't have a present! They're not worried about the future, they're worried about their present. Your slogan is, we're worried about the future, what future? That's a middle class bourgeoisie western slogan, you have got to be worried about NOW ... 2.7 billion people can't eat now, and you're telling people, reduce your consumption. How does that sound to a child who hasn't eaten in days? You have got to clue into this, guy, you have got to clue into this. Otherwise, this movement will have no legs in the third world!"

iii) *Muhammad's Nation of the Global South*¹¹

A. Traditionalists

"Nothing is outside the power of God. Everything happens for a reason. God let the climate alter to warn and punish humanity for its consumerism, destruction of the environment and personal excesses, as the Quran predicts already: *Corruption has flourished on land and sea as a result of people's actions and He will make them taste the consequences of some of their own actions, so that they may return* (Q. 30:41)... So, fighting climate change is futile. People should rely on God to protect them, and should return to righteousness.

We are not here to tell you that greed and 'green' cannot coexist, we all know that. We are here to tell you that what's happening is the thing that God inflicted upon humankind before us, as the Quran says: *Have they not seen how many generations We destroyed before them which We had established upon the earth as We have not established you? And We sent [rain from] the sky upon them in showers and made rivers flow beneath them; then We destroyed them for their sins and brought forth after them a generation of others*" (Q. 6:6) – so, there's no such thing as winning or losing here."

B. Environmentalists

“But isn’t there a strong prohibition in Islam to forecast ‘the Hour’? The Prophet himself, in the Hadith of Gabriel, said, “About the Hour, he who is questioned knows no more than the questioner.” The fact is that we are all traveling here on a single spaceship, meaning Earth! The conference ended in such a deadlock—we have not many choices left—we just have to return to righteousness and resurrect social justice, returning to smaller scale, more self-reliant Muslim communities with simpler ways of living and with self-local governance, no poverty, no affluence, people must be equipped with resilience and adaptive capabilities in the face of looming scarcity and environmental degradation. We have got to devise a completely new way of living and redefine an Islamic ‘good life’.

C. Fundamentalists and Islamists

“Let me tell you, we must stop being naïve: look around and listen to what other people are saying. Climate change is just another western hypocrisy and double standards. The climate movement is all about maintaining western civilization at the expense of the Global South and certainly the Islamic world. Look, it didn’t bother them one bit, the US just approved a trillion-dollar infrastructure Bill to repair and replace aging public works, roads, bridges, airports, high-speed internet access, and power grids that many of us have never been able to build yet...and yet they are lecturing the Global South to stop developing? Have you not heard about their spaceship tourism? Billionaires are spending their cash on launching themselves into space for fun! If climate change is so true, let’s go to hell together, then. In fact, they have more to lose than we do.

Before analyzing these paradigmatic positions, some further prefatory remarks are in order.

Material Civilization

Before climate change entered the equation, Schumacher had strongly criticized the fallacy of ‘material progress’ and warned of the dire consequences it would cause to the “Third World”. Schumacher found that ‘materiality’ has been the spirit of development, as explicitly stated in a British Government White Paper on Overseas Development: “To do what lies within our power to help the developing countries to provide their people with the *material opportunities* for using their talents, or living a full and happy life and steadily improving their lot” (Schumacher 1973: 173). I have argued elsewhere that a belief in ‘infinite material progress’ has discommodious relations with Darwin’s theory of evolution and the secularization of Christianity’s doctrine of incarnation (Alkatiri 2021a). When the Global South achieved its independence from European rulers, that belief in progress congealed into what is called ‘development ideology’. A vulgar Americanization then became a comprehensive concept of economic development during the 20th century. As a matter of fact, ever since their struggles for independence, Southerners exerted all their strength to rival their colonizers in the Global North. The ‘development ideology’ has been firmly held by virtually all citizens: the bureaucrats, the politicians, the government economic managers, the industrialists, the intelligentsia, the academics, even the religious scholars and ulema remote from scientific understandings of natural resources and industrial production. Ironically enough, colonial powers remain heavily involved in postcolonial economies, exerting influence through a variety of economic, political, and social channels (including, crucially, international aid).

In the Morass of Development

The failures of development aid in the Global South have been widely reported. Critics have drawn attention to hierarchical and asymmetrical relations with the Global North and the inherent dependency that development schemes foster. They refer to economic analyses to conclude that satisfactory development for the Global South is impossible in a global economy driven by market mechanisms or Breton Woods-style

economic assistance. Moreover, much of the development in the Global South is not appropriate to the needs of the majority of the population. (That is, foreign investors never invest in what is most needed.) These mechanisms have brought about development in the interests of the rich, namely Southerner elites, transnational corporations, and those who consume the Global South's raw materials. Thus, conventional capitalist development is a process of plunder. These critics have advocated that the Global South should re-localize problems as they become too complex and too interconnected. My PhD research dealt with this issue exhaustively (Alkatiri 2015).

In *Small is Beautiful*, Schumacher identified the emergence of a “dual economy” in virtually all developing countries: a dual economy within which there are two different patterns of living as widely separated from each other as two different worlds. One is modern and the other pre-modern; the former took place in one or two big cities, and the other in rural and small towns. In the course of time, the “dual economy” turned into a source of social and political tensions that continue to this day. Most post-WWII development efforts went into the modern sector in big cities, which (depending on the country) may have served only fifteen percent of the population. The assumption behind that policy was that the modern sector in big cities will grow until it has absorbed almost the entire population (which was of course what happened in many of the highly developed countries). Given the size of the population in many developing countries, however, such an assumption was utterly unrealistic. Even so, mass migration transpired everywhere, the population concentrating in major big cities.

There are at least two philosophical issues that Schumacher perceptively identified plaguing the notion of development. The first is its materialist philosophy, which precludes consideration of invisible things. Having bought into the materialist ideas, Southerners tend to be fixated on the outcomes of development and overlook the (invisible) preconditions needed for its success. They failed to realize that development does not start with goods but with people, their education, organizations, and discipline. Development aid might not entirely overlook these preconditions but would treat them too as material things

to be planned, scheduled, and purchased with money according to a comprehensive development plan. Interestingly, while in every branch of modern thought the concept of evolution plays a central role, development thinkers in the modern West tend to think of the Global South's development not in terms of evolution but in terms of creation:

the Almighty is not credited with having been able to create anything complex. Every complexity, we are told, is the result of evolution. Yet our development planners seem to think that they can do better than the Almighty, that they can create the most complex things at one throw by a process called planning, letting Athene spring, not out of the head of Zeus, but out of nothingness, fully armed, resplendent, and viable. (Schumacher 1973: 176)

Occasionally these developmentalists were successful, carrying out extraordinary unfitting things, creating small 'ultra-modern islands' in a premodern society. But what happened in the long run was a process of "mutual-poisoning" (177) whereby successful development in the cities destroyed the economic structure of the hinterland. The hinterland took its revenge through mass migration into cities, poisoning them and making them utterly unmanageable.

The second philosophical issue compounded the fallacy of the first by casting morality out of the equation. In line with my own proposition about the divorce of ethics and science and the crucial need to reintegrate ethics into our rationality (Alkatiri 2021a), Schumacher identified the loss of ethics from modern rationality as accounting for the failure of development in the Global South. Having achieved the marvelous power of science and technology, ethics has no place, and is in fact no longer needed. He noted that during the worldwide economic depression in 1930, the great economist Lord Keynes felt moved to speculate on the economic possibilities for our grandchildren:

the day might not be all that far off when everybody would be rich. We shall then once more value ends above means and

prefer the good to the useful. The time for all this is not yet. For at least another hundred years we must pretend to ourselves and to every one that fair is foul and foul is fair; for foul is useful and fair is not. Avarice and usury and precaution must be our gods for a little longer still. For they can lead out of the tunnel of economic necessity into daylight. (Schumacher 1973: 24)

The Keynesian message, Schumacher underscored, is clear enough: “ethical considerations are not merely irrelevant, they are an actual hindrance, for foul is useful and fair is not.” Nearly a hundred years from then, in the face of the pressing climate change agenda, the developmentalist ideology appears as the most dangerous achievement of the post-World War II era. It has become apparent that the most wicked socio-ecological problems in the Global South came hard on the heels of economic development in these regions. Terms like pollution, biodiversity loss, environmental health, ecological crisis, greenhouse gas emission, etc. suddenly came into prominence. These are glaring signs that we have moved into ecological overshoot, eating into the earth’s natural capital and undermining the earth’s ability to regenerate. They are proof that our current methods of production are already eating into and devastating the very substance of industrial civilization (fossil fuels, the tolerance margins of nature, and consumerist-materialist culture).

Were Schumacher and his proponents simply turning a blind eye to the positive outcomes of development in the Global South, to the way it raised the standard of living, healthcare quality, mass education, women’s empowerment, and the benefits of technological advancements, to say nothing of consumer goods, entertainment, and information dissemination? I read them to point out the illusion of unlimited natural resources and the desire of unlimited progress that had been taken for granted in development ideology. As Schumacher put succinctly, “We are not blind! We are men and women with eyes and brains ... and we do not have to be driven hither and thither by the blind workings of The Market, or of History, or of Progress, or of any other Abstraction” (Schumacher 1973: xii). He problematized the attitude of treating as valueless everything that human beings have not made themselves (e.g., non-renewable resources). On the contrary, they are irreplaceable capital which we have not made

but simply found and without which we can do nothing. This very illusion has made the development ideologues unable to recognize that the modern industrial systems, in all their intellectual sophistication, consume the very basis on which they have been erected. Perceptively, Schumacher ascribed this fallacy to the self-delusion of unlimited intelligence. It could be that their astonishing scientific and technological achievement is what made people believe that natural resources too have no limits, but that belief, disastrously, constitutes the modern economic rationality (Alkatiri 2021a).

Truly, how can material progress be infinite? Heidegger identified a quality of modern man as being “in flight from thinking,” as having abandoned “meditative thinking.”¹² As someone raised in the Global South, I learned in high school and understood at once the inescapable Law of Conservation of Mass and the Laws of Thermodynamics, the applications of which were key to my undergraduate studies in chemical engineering. These laws state that in any closed system, mass and energy cannot be created or destroyed (even if it may degenerate and decay, as in the second and third laws of thermodynamics). Given that our planet is also a closed system, these laws describe the limits of what the Earth can do. Infinite economic growth is impossible on a finite planet. Just like the threat of death makes people more aware of their lives, the idea that the earth has a finite fate should have made us concerned with conservation and protection of nature. As a believer, though, I believe nothing is outside the power of God. The world as a reality is the *mulk* and it is through the *malakūt* that God is directly involved in the world. The Quran states: *Say: In whose hand is the dominion (malakūt) over everything, protecting all while none can protect against Him, if you truly know? (Q. 23:88)*. We must face the coming catastrophe with serenity, wisdom, and resignation.

More Rationales for Considering a ‘Caliphate’

This article sets out from a belief that the Earth is a closed system with a finite amount of natural resource stocks and energy flows. Our economy is embedded in society, which in the end is embedded in the biosphere. Consequently, we must align our economic and social activities within the limits of the biosphere. Endless development is impossible, and a

global transition to a low-carbon economy in the face of climate change is a necessity, not an option. Moving to a non-fossil fuel civilization (as required by greenhouse gas emissions targets) implies a reform of all spheres of life, since renewable energy sources will not be able to sustain the existing consumer society and green technology will not be up to the task of maintaining modern civilization as we know it. To reduce carbon dioxide requires an alteration in nearly every facet of the economy and therefore nearly every facet of our culture. This section examines a series of ways in which Islamic environmental governance might help to mitigate climate change and cope with the consequences.

Social Justice

The Intergovernmental Panel on Climate Change (IPCC) concluded that climate change is happening and human actions are making a significant contribution to this change. We contribute through our energy use, unsustainable consumption, population growth and ecological changes such as deforestation. The IPCC predicts temperature rises of at least 2°C (probably more), which will result in drastic weather changes and weather events, including droughts, floods, storms, forest fires, and accompanying human health problems, as well as the risk of extinction or significant changes in the distribution of many species. There is even the possibility of a ‘tipping point’ for a significant and catastrophic environmental impact, such as thawing of the permafrost, which in turn might trigger further rapid changes and repercussions that are, as yet, unknown. This assessment is endorsed by a large body of scientific agencies—including every one of the national scientific agencies of the G8+5 countries—and by the vast majority of climatologists. The majority of research articles published in refereed scientific journals also supports this scientific assessment.

Since their beginning in the mid-1990s, UN Climate Change Conferences were held to establish legally binding obligations for countries to reduce their greenhouse gas emissions. The urgency to curtail emissions of greenhouse gases demands a global shift away from fossil fuels and, by implication, may constrain development by stifling

economic growth and advancement. It certainly placed a burden and threatened the material interests of powerful economic and political interests. The COP26 conference in Glasgow in 2021 reemphasized the need for global action to achieve net-zero emissions by 2050. Compared to previous events, COP26 was regarded as largely successful in raising awareness about the urgency to take action on climate change (if not successful in the urgency of actually implementing the actions). With colonial history reinscribing the North-South divide, the core contest between competing demands of various countries in reaching the ideals of development has been the major, if not the single, cause of the fragility of collective climate efforts.¹³ For legitimate reasons, bringing people out of poverty and hunger remains the utmost priority for many in developing countries.

The toxic intersection of several crises (poverty, hunger, pandemics, climate emergency, more) puts us in an impossible situation. On top of everything else, it is practically unthinkable to fulfill what the energy transition needs to curb carbon emissions and rescue the planet while the Global South remains marching on the road to historical redemption, pursuing more development in order to break the “middle-income trap” (cf. e.g., Felipe, Abdon, & Kumar 2012; Paus 2017; Lanonne 2021; Lin n.d.). An idea of voluntary simplicity (Alkatiri 2021b) would certainly be unattractive for the secular Southerner majority. On the other hand, the uneven causes and impact of climate change between North and South is widely known. On the issue of climate justice, scholars focus on efforts that often secure privileged populations while harming, excluding, and criminalizing populations whose lives have been made precarious by climate change, or where the response to the climate crisis is also reinforcing discrimination, segregation, and displacement among marginalized peoples (Rice, Long, Levenda 2021).

Just as arduous is the challenge on the issue of global plastic pollution, also with a similar pattern of cause called ‘waste colonialism’. ‘Waste colonialism’ is much like the nasty habit of careless and greedy people throwing their rubbish over the fence into their neighbor’s garden. Without adequate pollution control and environmental legislation, and with mindless plastic overconsumption ns into the bargain, the Global

South became the dumping ground for the developed world. In the fullness of time, the unmanaged plastic waste and industrial pollutants from developing countries fetched up in world oceans, contaminating fish and seafood for the entire world population.¹⁴ Marine pollution and climate change are both the ultimate “commons problem”, as ecologist Garrett Hardin defined it (Hardin 1968). Revolutionary changes are needed by everyone, in every part of the world—without reinscribing older patterns of exploitation.

The Global South

The contrast between China and sub-Saharan African countries as follows draw a picture of the diversity among nations commonly grouped into the “Global South”. China is largely regarded as one of the developing countries, but on ideological grounds it is excluded from the “Third World.” In 2005, one in six people in China lived below the World Bank’s “dollar a day” poverty threshold, a third below the “two dollar a day” threshold, the median annual consumption was about \$1,200 at purchasing power parity, and 20 percent of young children were stunted by malnutrition. But national economic growth was stellar and supported by substantial investments in capital equipment and infrastructure. The scale of China’s production, markets and military gave it a significant voice in international affairs, millions live in urban enclaves of prosperity, and life expectancy at birth was 72 years. The situation was very different for people in the worst-off among sub-Saharan African countries – for example, Malawi, where, despite recent strong growth, median consumption was less than a third of China’s, the per capita level of investment less than a tenth, the scale of the economy was globally negligible, and life expectancy was 48 years (Miller 2010:7). How can one develop a common environmental framework when even countries of the so-called “Global South” are already facing such disparate conditions?

Colonial and postcolonial rules established the structure of economic, political and social frameworks in the (ex)colonized regions. The structure of these frameworks is important because the distributions of benefits and burdens resulting from them fundamentally affect people’s

lives. My work (Alkatiri 2017b, 2018a) investigates economic, political, and social tensions in Indonesia, a country in the Global South that has the world's largest Muslim population and has been accentuated with the political and economic dominance of the Christian and Chinese minority (Chua 2004). Historical accounts narrated by Utama (2016: para 4-6) make Indonesia a concrete example of Schumacher's critiques about how Third World development failed to bring incommensurable 'noneconomic factors' into the calculations of policy makers. The anti-Chinese resentment that it brings lasts to this day (Koesoemawiria 2021):

While Dutch rule kept native Indonesians to farming work, the Chinese were told to run the businesses. Therefore, once Indonesia gained independence, virtually every retail store in Indonesia was owned by a person of Chinese ethnicity... The stereotype that the Chinese were very economically minded lasted long into the 1950s and 1960s during the regime of Indonesia's first president, Sukarno... Suharto [the second president] needed growth in the economy, so during that period the Chinese were given opportunities to promote economic growth in the country, where the next two decades would be known as a time of great economic prosperity in Indonesia with Chinese-Indonesians at its helm...

My article on Indonesia (Alkatiri 2021b), a country with an abundance of natural resources, contends with the crucial task of exiting the present collision course between global civilization and finite biosocial reality. Yet due to economic development, a significant part of the Indonesian population has become attached to their level of prosperity, feel entitled to keep it, and will not accept restraints on their lifestyles.

Extreme Poverty and Hunger

Millions of people suffer extreme poverty, illness, and insecurity in the Global South. Extreme poverty and hunger are the most daunting challenges to emission reduction attempts, because of the economic

disruption the latter portends. When the COP26 was held in 2021, about 957 million people across 93 countries were going hungry (Lagada 2021). Hunger and malnourishment were on the rise even before the global COVID-19 pandemic exacerbated matter. Thirty countries recorded a Global Hunger Index above 23, with Somalia ranking the highest at 50.8. A number of other Muslim-majority countries besides Somalia were on the list, including Yemen, Sierra Leon, Nigeria, Afghanistan, Djibouti, Sudan, Pakistan, Mali, and Burkina Faso. India, which has a 213 million Muslim population, was affected by hunger and malnourished with an index of 27.5. The immensity of the issue defies the numbers that can be marshalled to represent it.

Weather-related events, including those associated with climate change, have also impacted food availability in many countries and thus contributed to the rise of food insecurity. We need to anticipate the negative effects from climate change that will cause changes in global weather patterns and cycles, which will be both unpredictable and long term. Poor regions are the most vulnerable in the near future, in terms of failing harvests, higher prices, and malnutrition. This multifaceted crisis will only increase pressure in other areas of the world to increase production, while basic living conditions in deprived areas further decrease.

The more I thought about it the more I am convinced that a spiritual worldview is the only way to *transcend*—not solve—this deadlock. Spiritually-infused governance like that promised by a Green Caliphate seems the only way to imagine solidarity, sharing food supplies across territorial borders, welcoming climate refugees, and promoting simple living for solidarity with the needy. The practice of altruism and selfless concern for the well-being of others does not belong to modern rationality. In the modern scientific worldview, Hamilton's theory of altruism even suggests that any seemingly generous behavior must be driven by some kind of selfish motivation (see Alkatiri 2021a, 96-102, for the case of the scientist George Price)! Elsewhere, the utilitarian school of thought, in which religious principles play no substantive part, may end up in nihilistic apathy at best or 'Prometheus acts' of the worst kind. Miller (2010) notes that utilitarianism gives rise to extraordinary demands, as seen in the dramatic thought experiments this ethical system encourages.

On the other end of the spectrum, the intractable linkage between poverty and hunger reminded me of a letter written by the fourth Caliph of Islam, Sayyidina ‘Ali ibn Abi Talib. ‘Ali was appointing Malik al-Ashtar as governor of Egypt. When he came to advising him about the poor, ‘Ali began the passage with the exclamation, “Allah, Allah!” to stress its urgency. He continued: “This is onerous for the governors, but God makes it light for those who aspire to the Hereafter, who restrain their soul in patience, and trust in the truth of that which is promised by God” (Nahj 1999: 377; Reza 1996: 542-3; Shah-Kazemi 2006: 92). In the words of ‘Ali, the poor, the destitute, the crippled, the orphans, the elderly, are “those who are in most need of justice from you” and should be treated in a manner such that “God may excuse you on the day you meet Him.” In this worldview, the spiritual element is what makes practicable an ideal that otherwise would be a heavy burden. The “burden” of having to help those who are weak and helpless – and assisting those who will bring no political benefit – is transformed into inescapable duty concomitant upon one’s spiritual conviction. More on Caliphate governance is discussed below under Section 4.

The Modern Framework for International Justice and Transnational Power

There is no unanimity even on the frameworks for improving the situation of the global poor. The distributive justice paradigm, developed in philosophy by John Rawls and others, reaches a limit when confronted with diverse populations, unsound governments, and global markets (Scott, William, Baker, et al. 2011). Meanwhile, within the framework of greenhouse justice, the question of distributive justice at the global level is gaining importance. Greenhouse gas emission damages others at no cost to the agent responsible. A few theories of externalities have been offered in reference to this problem – Pigou’s carbon tax, or Coase’s carbon trade – but they still function under conditional assumptions about certainty, governmental efficacy, and international cooperation, whereas the practice of such frameworks have to contend with multiple jurisdictions, a global scale, a long term horizon, major uncertainties, unequal competition, the balance of power between North and South,

and, above all, the weak representation of those most affected (the Global South and future generations).

Against this complicated background, many come to the moral certitude that affluent people in the Global North have a vast, largely unmet responsibility to help deprived people in the Global South escape these terrible conditions. Philosophers Peter Singer and Thomas Pogge have influenced this camp. Pogge criticized heartless, self-centered Western politics, by which

One third of all human deaths are due to poverty-related causes, to malnutrition and to diseases that can be prevented or cured cheaply. Yet our politicians, academics and mass media show little concern for how such poverty might be reduced. They are more interested in possible military interventions to stop human rights violations in developing countries, even though such interventions – at best – produce smaller benefits at greater cost. This Western priority may be rooted in self-interest. But it engenders and is sustained by a deeply flawed moral presentation of global economic cooperation. The new global economic order we impose aggravates global inequality and reproduces severe poverty on a massive scale. On any plausible understanding of our moral values, the prevention of such poverty is our foremost responsibility. (Pogge 2001:6)

Likewise, Peter Singer puts forward a Principle of Sacrifice: “If it is in our power to prevent something very bad from happening, without thereby sacrificing anything else morally significant, we ought, morally, to do so” (Singer 1972: 241). Everyone thus has a duty not to spend money on luxuries or frills, and to use the savings thus secured to help those in dire need. Singer even condemns buying clothes beyond the need to keep oneself warm; he insists that everyone who is not needy has a duty to donate until donating more would impoverish him (Singer 1972: 235).

Conversely, Richard Miller regards Singer’s commitment as a stern philosophical premise that no one would pay attention to, and disagrees with Pogge’s position because he believes that someone can be wrongfully

exploited while he is made better off (Miller 2010: 4). Miller reasons that the North has a moral responsibility to help the global poor but only as a *limited* duty by not taking advantage of their deprivation when pursuing the North's own goals. Nonetheless, Miller acknowledges that the international relations as they have evolved at present, constantly give people in developing countries reason to resent governments, firms, and people in developed countries (231). He asserts, nevertheless, that the colonial legacy in the Global South has become a bitter pill to swallow for the troubled conscience in the West, who do not merit the Southerners' resentment because they too have to "pay the price of alienation from their government and unease at their own prosperity" (231). A good portion of Miller's book is dedicated to explaining the nature of American empire (especially as it steers the course of development in the Global South) and the moral obligations it generates. While he argues that climate change negotiations should be driven by each country's equal willingness to make sacrifices, he contends that the US, as the world's predominant power, has a residual duty to meet the basic needs of those whose development policies it has molded (Miller 2010: 5, 117-209).

To theorize the new forms of human justice, Miller examines a series of ways in which conduct originating in the Global North affects lives in the Global South. They are:

- i Exploitation in the Transnational Economy ("People in developed countries take advantage of people in developing countries in deriving benefits from bargaining weakness due to desperate neediness. To express appreciation of the equal worth of people in developing countries and a proper valuing of their autonomy, people in developed countries must be willing to use the benefits to relieve the underlying desperate neediness," 3)
- ii Inequity in International Trade Agreements ("The governments of major developed countries, led by the United States, take advantage of bargaining weaknesses of the peoples in developing countries, often due to desperate neediness, to shape arrangements far more advantageous to developed countries than reasonable deliberations would sustain. This creates a duty of a citizen of one of these countries (especially pressing in the United States) to support new measures that reasonable deliberations would yield," 3)

- iii Negligence in Climate Harms (granting “the American combination of contribution to the harm and reluctance to contribute to its remedy,” “there is little agreement on what standard of international equity should govern humanity’s response to global goal in limiting future climate change”. Miller proposes what he calls “a model of fair teamwork, as the equitable way of coping with the current tendency to cause unintended climate harm, [by which] people everywhere should seek an impartially acceptable allocation of sacrifices in a joint effort to keep global warming within bounds,” 4)
- iv Imperial Irresponsibility (“Global justice should identify moral responsibilities due to ways in which some governments exercise power over lives in foreign countries... the violent destruction inflicted and sponsored by the United States generates large responsibilities. Extensive violent destruction in developing countries within the fairly recent past generates a correspondingly extensive duty of repair, even if this violence is not unjust. In addition, systematic tendencies toward injustice in this violence create a political duty of a U.S. citizen to take part in movements to reduce abuses of destructive power,” 5)

In the first half of the 20th century, deeply indebted to anticolonial thought from South Asia and Africa, postcolonial theory emerged as a body of thought that was primarily concerned with the social, political, economic, and historical impacts of European colonial rule around the world. Much of postcolonial theory is concerned with the lingering forms of colonial authority after the formal end of colonial empire. (That is, the prefix ‘post’ in postcolonial is not meant to imply that the work of colonialism has ended.) From a postcolonial theory perspective, Miller’s argument is an attempt to reimagine politics and ethics from the center of the new imperial power. While Miller seeks to bring greater nuance by pointing out the dilemmas faced by citizens of developed countries in opposing their own governments, his notion of limited moral duties opens his argument to charges of self-contradiction. He writes, in analogy,

I have done nothing wrong if I bump into my neighbor because he has rushed onto the sidewalk without looking to see who is

coming. (In contrast, if I intentionally push him, I do wrong and am responsible for the consequences even if he thoughtlessly missed an opportunity to dodge my push). (Miller 2010: 84)

In doing so, he glosses over the “three axes that define development” in developing countries, as identified by Arturo Escobar (2011). These are, namely, development’s forms of knowledge, as they are elaborated into objects, concepts, theories, and the like; the system of power that regulates its practice; and the forms of subjectivity fostered by this discourse, through which people come to recognize themselves as developed or underdeveloped.

I have noticed similar tendencies among Western-educated Southerners to avoid, ignore, or trivialize colonial legacies precisely in shaping developmentalist ideologies in the South, and to turn a blind eye to the attendant economic inequality in postcolonial structures. Without taking these postcolonial elements into account, the promotion of libertarian maxims according to which reduction in government intervention in the economy will better respect liberty and/or self-ownership of its citizens has, in my observation, led Indonesian liberals – including the Muslim supporters enumerated by Fakhri (2015) and Rahim, Nazi & Goje (2017) – to the service of corporatist development and oligarchy.¹⁵ In a striking contrast to Schumacher’s propositions discussed earlier, Global Southern liberals, intentionally or not, tend to support the neo-liberal argument that the global poor simply need more developed technology; they tend to believe that their conditions can be repaired by full and free trade relations. This position is summed up by libertarian philosopher Jan Narveson:

There is no sound basis for thinking that we have a general and strong duty to rectify disparities of wealth around the world, apart from the special case where some become wealthy by theft or fraud. The nearest thing we have to a rational morality for all has to be built on the interests of all, and they include substantial freedoms, but not substantial entitlements to others’ assistance... The true savior of the world’s poor is the businessman, not the

missionary. What we do need to do is strike down barriers to commerce, rather than requisition “aid.” (Narveson 2004)

Miller’s broader objective to re-theorize principles of human justice is comparable to the UN’s attempt to reconceptualize development in Sustainable Development Goals. Such attempts seem far out of touch with eco-alarmism in the present-day environmental debate. James Lovelock, who first articulated the idea that it is too late for the project of sustainable development, argues that we should strive for *sustainable retreat* instead:

The error they share is the belief that further development is possible and that the Earth will continue, more or less as now, for at least the first half of this century. Two hundred years ago, when change was slow or non-existent, we might have had time to establish sustainable development, or even have continued for a while with business as usual, but now is much too late; the damage has already been done. To expect sustainable development or a trust in business as usual to be viable policies is like expecting a lung-cancer victim to be cured by stopping smoking. (Lovelock 2006: 4)

The Islamic environmental governance proposed by this article is addressed to a world realizing the specter of natural resource exhaustion, global pollution, climate change, and food crisis, all to a scale that could well undermine the prospect of global civilization. Both the North and South need to adopt limiting principles to enable our societies to say “enough”.

Knowledge Sharing

From my observation, the vast majority of common people in the Global South are far from being informed about the looming crisis. Their willingness, let alone their ability, to do anything serious about the impending catastrophe as a result of dependence on fossil fuels is still a long way

off. By contrast, a Green Caliphate can ensure the dissemination of environmental knowledge.

Like almost all environmental issues, the debate over climate change is a debate over culture, worldview, and ideology. It is a truism that scientists can only set the parameters for understanding the technical aspects of a particular scientific issue but they do not have the final word on whether society accepts or even understands their conclusion. As a result, while scientific consensus on climate change exists, the *social consensus* does not exist. The growing partisan divide over the issue is present everywhere, even in the Global North. There is no broad socially accepted belief on the issue of climate change, in the sense of “beliefs that represent those on the political left, right and center, as well as those whose cultural identifications are urban, rural, religious, agnostic, young, old, ethnic or racial” (Hoffman 2012:32). Hoffman insightfully connects this predicament to the question of how people interpret and validate the opinions of the scientific community, the answer to which can be found not in physical sciences but social science disciplines of psychology, sociology, anthropology, and others. He points to the fact that people’s interpretation of complex scientific issues is based on their prior ideological preferences, personal experience, and values, all of which are heavily influenced by their referent groups and their individual psychology. The cultural process of interpreting complex scientific information such as climate change begins with the psychological notion that humans are ‘cognitive misers’. Humans have limited cognitive ability to fully investigate every issue they face. Accordingly, people everywhere employ ideological filters that reflect their identity, worldview, and belief systems, and these filters are strongly influenced by group values. This leads to the notion of ‘cultural cognition’: people tend to endorse the position that most directly reinforces the connection they have with others in their referent groups. In doing so, they cement their connection with their cultural groups and strengthen their definition of self.

Psychology explains this tendency as being driven by human’s innate desire to maintain a consistency in beliefs by giving greater weight to evidence and arguments that support preexisting beliefs, and by expending disproportionate energy trying to refute views or arguments that

are contrary to those beliefs. Instead of investigating complex issues, they often simply learn what their referent group believes and seek to integrate those beliefs with their own views. This analysis suggests the promise of intra-faith communication to disseminate climate change knowledge.

Redefining Islamic Principles of a 'Good Life'

The main contention of this article should be clear by now: that consumer society and techno-industrial society are inherently unsustainable. Without addressing the fundamental problem of 'overshoot', all technological attempts (electric vehicles, renewable energy, green buildings, new urbanism, etc.) will be of no avail. They will simply be another form of denial and delusion to maintain the economic-growth-bound status quo. Among the most important tasks of global environmental governance under the Green Caliphate is redefining Islamic principles of a 'good life' against a world where the pursuit of production, efficiency, and short-run profit are dominant.

The starting premise of this article is that the root cause of sustainability problems as scientifically understood are (i) the nature of consumption, (ii) the nature of economy, and (iii) the cultural definition of 'a good life'. Brown (2001) argues that insatiable consumer culture in modern life originated from the matrices of European colonial capitalism. The fixation on 'self-actualizing our potential' is the defining feature of modern culture. In most cases, modernization of the Global South is identified with westernization. While pre-modern society lived in sufficiency, limited wants, a satiable self, simplicity, community, security, collective and cooperative production, and thereby, minimalism and sustainability, modern society is driven by improvement, insatiable wants, self-actualization, self-realization, self-development, more is better, economic growth, insatiable freedom, and individualism.

Both Karl Marx and John Stuart Mill promulgated the latter paradigm, although Marx was troubled because of the absent material preconditions for a world in which all people are democratically and justly able to develop in this way. For Marx, the essential ingredient for

insatiable self-actualization is the absence of class society; for Mill, it was the liberation of the market. In a similar fashion, Thorstein Veblen's theory of Leisure Class in sociological economics contends that people always try to be more and to have more in an endless effort to achieve social esteem and self-esteem. Veblen maintained that both the rich and poor feel self-esteem by how others judge them, so they are constantly comparing themselves with those both above and below them. A spiritual worldview offers a striking contrast to this incessant anxiety. The Sufi has always taught that man is in quest of 'the Infinite'. Even his endless effort toward the gaining of material possession and his dissatisfaction with what he has, is an echo of this thirst which cannot be quenched by the finite. This is why the Sufi considers the station of contentment (*rida*) to be an exalted spiritual condition attainable only by those who have reached the proximity of the Infinite and have shed the bonds of finite existence.

Of course, awareness is the first step to any change. Accordingly, cultural transformation among devout Muslims necessitates the cultivation of sustainability literacy, to understand the inescapable laws of Conservation of Mass and Thermodynamics which necessarily limit the growth pursued in the 'development' ideology. In this way, the ulema and Muslim leaders will be sufficiently informed to devise an "environmental Shariah" that correctly situates human society within the context of Earth's limited natural energy flows and resource stocks. Given the physical constraints of the planet, the currently dominant ethical framework and the endless rat-race of modern life have placed humanity in a 'riverbed' of self-destruction, as Bossel (1998), Lovelock (2006), and others contend. Technological fixes can temporarily improve conditions but they cannot move us out of this riverbed of unsustainability. The future path of humanity will have to follow a different riverbed.

Here is where Muslims need to redefine a genuinely Islamic development model and its parameters. An Islamic development paradigm should not aim at fostering heedlessness of God and one's own inner reality, or being stifled by the prison of one's own creation. Diverging from the dominant Eurocentric development paradigm, an Islamic development must begin with its own criteria of human happiness, which

does not envisage life as a big marketplace where humans are free to roam around and choose objects at will. Psychologists have contributed a set of critiques of consumerism in the context of climate change, and Muslims can draw on these in redefining Islamic conceptions of the good life (see for example, Spence, Pidgeon and Uzzell 2009). If we consume less, we may end up being happier people. Furthermore, following the traditional classifications of *Maqasid al-Shariah*, this article urges Sharia-based countries to redefine the utilization of natural resources and the objectives of their ‘development’ into (i) necessities (*daruriyat*), (ii) needs (*hajiyyat*), and (iii) luxuries (*tahsiniyat*) in the light of Islamic values, as formulated by Al Shatibi (2006). Finally, this article suggests the need for *ijtihad*⁶ for the planet on three fundamental issues in the Muslim communities: (i) the hegemony of the development and economic growth paradigm, (ii) the sovereignty of nation-states and their competing interests, and (iii) the birth control issue vis-à-vis overpopulation.

Restoring Tawhidi Worldview

It is a fact that Muslim-majority countries are not less attracted to industrialization than the West and do not reveal any less destructive trends towards the environment. The majority of Muslims no longer hold the sacred view of nature. Elsewhere (Alkatiri 2021a) I have addressed the underlying philosophical causes and pointed out how the disenchantment of nature is linked to the forces that have been central to modernization and secularization in the Muslim world. While recognizing the ‘development paradigm’ and ‘development discourses’ that dictated the environment-development relationships in the (ex)colonized world, I was intrigued nonetheless by the blatant apathy and indifference about environmental problems among the Ulama at large and the absence of ecological issues being espoused as an integral part of Islamic teachings in their *da‘wa*. Among the consequences of modernization in Islamic world is the loss of the esoteric view of Islam and, concomitantly, the sense of sacredness associated with natural world. The advancement of the rational scientific *Weltanschauung* and the application of subject-object dualism into religious thought has expunged the esoteric

dimension of Islam and drained the religion of its ability to answer existential questions intellectually.

In modern environmental studies, Darwin's evolutionary biology has been broadly espoused for promising to cultivate a 'relational thought' that would refuse the separation between human and nature. Yet there are bewildering antinomies produced by interpretations of Darwin's theory of evolution. Darwin's ideas have given rise to numerous social, psychological, and ethical dilemmas. The evolutionary worldview needs to be replaced by a unitive (*Tawhidi*) worldview to remedy these perils. Even though the eco-alarmists believe it's already too late, the true believers in God, in the 'unseen' (*ghayb*), will remain hopeful for God's mercy. Muslims must change their attitude towards nature in order to fundamentally address the harmful impact of their activities on the environment. They need to reclaim a sacred view of nature, by which humanity is a part of nature instead of separate from it. Of course, Muslims believe in the eschatological *qiyamah*—even if this does not forestall the climate catastrophe, it is still virtuous to revive the central theological anthropology of Islam whereby human is both vicegerent (*khalifah*) and servant ('*abd*') of God. The vicegerents are responsible on earth to God for their actions; they are custodians and protectors of the earth, which they are given authority to control on the condition that they remain faithful as the *khalifah* of God.

4. Caliphate as the 'Fourth World'

Cut the Vicious Circle, let the Muslims free to heed the call of Eco-Jihad

Previous sections laid out challenges that cannot be met by making marginal adjustments here or there. As fundamental lifestyle changes towards social-environmental responsibility are becoming more critical, devout Muslim communities should be given an equal chance as part of civil society to pursue climate and energy transition actions. More generally, it is high time to rediscover the moral force in the world's religions in relation to the natural world, toward fostering sensibilities of reverence, respect, restraint, redistribution, and responsibility.

In February 2022, the United Nations Environment Programme held the ‘Faith for Earth’ dialogue to explore the potentials of faith actors inspiring their followers to engage in environmental actions. On the other hand, despite laudable academic works in Western universities to articulate authentic Islamic views of nature (including my contribution to this discourse in Alkatiri 2021a), there is a bitter irony to the failure of mainstream discourse to stand up for the communitarian rights of devout Muslims to develop themselves outside the rigid frames carved by the states and nationalist elites. Drawing upon ethnographic data and experiential understandings from my engagement in the community, I have argued for the potential of a global network of local Muslim communities to heed the clarion call to eco-jihad. This possibility is seeming more plausible, given the help that the latest digital communication technologies might provide. At the same time, however, I found two major handicaps on the way to operationalizing an Islamic environmental vision: the persistence of nationalism and intra-Muslim rivalry. I have observed that intra-Muslim conflicts have intensified over the last few decades due to Western counterterrorism discourses and practices (Alkatiri 2018b, 2019, Mustapha 2021). Drawing on postcolonial theory and secularization theory, I have analyzed the colonial and domination practices of nation-states in both destroying the environment and marginalizing Muslims on cultural, political, and economic fronts (Alkatiri 2017b, 2018a, 2023). The Orwellian control of official religion and extermination of any expression of alternative visions of Islam in Indonesia proved to be unassailable obstacles to pursuing the path of eco-jihad (Alkatiri 2015). The neutralization theory of hatred (Sell et al. 2021) may help to shed light on how Islamophobia and religious extremism constantly and mutually amplify each other in a vicious circle, pitting different factions in Muslim communities against one another.

Further to what has been advanced in Section 2, this article begins to articulate the notion of a Green Caliphate. Ovamir Anjum (2019) offers a comprehensive analysis of the extant literature and advocates a contemporary return to the political imagination of the caliphate. Strictly speaking, the caliphate refers to the political-religious governance¹⁷ of the Muslim community and the lands and peoples under its dominion in the centuries

following the demise of the Prophet Muhammad. The loss of the Ottoman Caliphate after the First World War marked the global end of caliphate governance. Against the background of the failure of development and state building in the Muslim world, along with the mutually-reinforcing phenomena of despots and terrorists, Anjum contemplates the caliphate as the only civilizational alternative that can safeguard the interests of the most vulnerable. He proposes a reimagination of the caliphate

as a confederation of government in the core regions of Islam that protects a range of human rights for all, provides political and economic stability to these regions, and allows Muslims to develop a variety of local political arrangements while embracing the larger religious and cultural unity of these regions. Such an order would not only be in accordance with the divine command but also is the only long-term alternative to the mutually reinforcing coterie of despots and terrorists. (Anjum 2019: 52)

Anjum notes the 2018 *New York Times* reporting on the continuing power of the idea of the caliphate among a significant portion of Muslims worldwide. These people include those who abhor ISIS and categorically condemn its violence as well as its religious outlook. My ethnographic work corroborates Anjum's claim (e.g., Alkatiri 2018a, 145-53). Like democracy, liberalism, capitalism, or socialism, caliphate is a notional category. The political unity of Muslims and the continuity of Prophetic governance is one such ideal that has been part of Muslim identity throughout history. Anjum identified various Muslim interpretations of the caliphate: some construed establishing the caliphate as an obligation regardless of its efficacy (complying with Imam al-Ghazali), and others (like Ibn Taymiyya and Imam al-Haramayn al-Juwayni) emphasized its rational nature. Anjum himself seems to agree with the latter, in his response to detractors who object that this proposal is undesirable, unfeasible, and unnecessary (6-11). Furthermore, considering the circumstances of Muslims worldwide, who have least benefitted from the industrial revolution (and whose resources were controlled by colonial powers), Anjum contends that the caliphate may be the only

way to avoid the further spiraling degradation of Muslim societies and states into terrorist fiefdoms (6). Nonetheless, he warns proponents of the caliphate, against romanticizing it: “the caliphate is not an institution that can magically, merely by dint of a declaration, guarantee Muslims’ independence and well-being. Nor did it last continuously and unproblematically throughout its thirteen centuries of existence” (8). Any attempt to reenact such a global institution must make a compelling case for its ability to address political, social, economic, and ecological challenges confronting Muslims (9).

In my opinion, the most relevant feature of the caliphate system lies in the prospect of caring for Muslims on the margins in the looming food crisis by which climate change threatens the Global South. Anjum notes, “Islamic tradition brings no differentiation of rights and duties of Muslims based on regional or territorial affiliation. Numerous scriptural commandments of solidarity and mutual support make it impossible to cut off Muslims in one region from the needs, suffering of other Muslim except on pragmatic grounds” (46). This article is a response to Anjum’s appeal for resurrecting the caliphate whose ecological governance, as far as this article is concerned, would be in the spheres of both everyday human behavior and the production and treatment of natural capital. The former sphere obtains with both the global network of local devout Muslim communities and Sharia-based countries. The mode of production and treatment of natural capital, by consequence, applies only to the latter. We still need to imagine how to liberate global devout Muslim communities from being subjects of the state, and to bind them under the Green Caliphate’s environmental governance. An international consensus is needed to support the legitimacy of global Islamic environmental governance for the devout members of the *Ummah*.

Having been disillusioned by the failure of modern ideologies to solve the problems of Muslim societies, Muslim thinkers have increasingly turned to Islamic models for help. In this regard, Pervez Manzoor (1988) distinguished between ‘Sharia-oriented’ thought and ‘fundamentalist’ thought. The former focuses on civil society institutions which foster Islamic practices without necessarily coming into conflict with the state. In contrast, the latter demands nothing less than the capture

of political power at the level of the state. By referring to debates on de/centralization in ecological politics, my PhD puts forward a third model to be considered: relocalization with local governance as a bottom-up model of Muslim community movement. This would facilitate a Dar al-Islam-focused environmental governance for the Ummah within minimal state frameworks. Furthermore, as mentioned earlier, I argue that Islamic governance should be organized organically around the center of God's sovereignty (Alkatiri 2018a). Perhaps fortuitously, my proposed model resonates with one proposed by Seyyed Hossein Nasr:

one can envisage the possibility of the rise, once again, of a trend in the future towards a kind of Islamic political thought which combines the ideal of the unity of the Islamic world, based on culture, Divine Law, intellectual life, etc., with separate political units which embrace the majority peoples and cultural zones of the Islamic world, such as the Arabic, the Persians, the Turkish, etc... (Nasr 1994: 313)

Such a project of 'the unity of Islam as a world civilization' certainly depends on creative interpretations of Shariah. Only such a creative reinterpretation would enable it to work under modern conditions and yet be in consonance with the Islamic conscience, toward lending meaning and cogency to the moral and civilizational aspirations of Muslims today.

In summary, I seek to contribute to ongoing debates by venturing the idea of a Green Caliphate and introducing it to the Schumacherian vision of the "Fourth World":

We envision a Fourth World, where government and economics are under genuine human control because the size of such units are small, sensible, and human scale, where there is a maximum of decentralized decision-making, and where the pace of change is regulated not by the appetites of an overmighty minority for profit and power, but by the day-to-day needs of small-scale human communities and the psychic capacities of their members to adapt. (McClaghry 1989: x-xi)

Given that the challenges at hand are so enormous, theoretical acceptance of an environmental practice by educated people is not enough. Muslim communities worldwide need leaders like those caricatured as ‘hippies’¹⁸ by the developmentalist ideologues, in order to speak to those who long for peace and dare to challenge the established social order, authoritarian politics, conservative modes of behavior, excessive consumerism, and unbalanced concentrations of wealth and power. These personalities could be there already among the Muslim communities around the world (Alkatiri 2021a).

5. Conclusion

The article makes a case for a faith-motivated global environmental governance. In light of the failures of conventional environmentalism on the one hand, and the widening inequalities and crises in the Muslim world on the other, there is every reason to put the Green Caliphate project at the top of the list of the Organization of Islamic Cooperation (OIC). A global convention is needed to set devout Muslims free to pursue Islamic ways of living in ecologically-sound ways, and, given the presence of various schools and styles of Islam, under any social arrangement they wish. Above all else, there is plenty of evidence that suggests modern civilization as we know it will not make it to the middle of this century. We are very likely entering uncharted territory where we have to figure out new ways of living. Minimalism is going to be the defining theme of the coming future, including perhaps minimal states. Under those circumstances, the Green Caliphate could play very well across the global framework for a post-carbon world, to stand shoulder to shoulder with the Transition Network, Global Ecovillage Network, and other relocalization initiatives.

Endnotes

- 1 “What is crucial in statist religion, as I foresee, is the elevation of the collective and communal destiny of man to the forefront of public consciousness, and the absolute subordination of private interests to public requirements” (Heilbroner 1977: 95).
- 2 “Better that we should choose Brave New World and try to make it as benign as possible than to continue along the path of non-politics; for this would surely earn us – quite justly – the enmity of posterity” (Ophuls 1977: 171).
- 3 Since environmental issues entered the international agenda in the early 1970s, global environmental politics and policies have been developing rapidly (Najam et al 2006, Conca 2015). Global Environmental Governance (GEG) is defined broadly as the sum of organizations, policy instruments, financing mechanisms, rules, procedures, and norms that regulate the processes of global environmental protection. Climate change, and increasingly ocean pollution as well, are at the center of the global framework on environmental governance.
- 4 There are three scenarios that have been considered to predict imminent socio-ecological events on scientific grounds: Adaptation, Evolution and Collapse. Although we cannot predict the future, science informs us that the future can be predicted by the laws of nature, the restrictions of the planet, the constraints of ecological systems, the availability of resources, and the peculiarities of human individuals and human societies. Adaptation scenarios take for granted that technological innovation will solve everything. Evolution and Collapse scenarios require a radical change of attitude. Evolution insists that society will manage to preserve its coherence, although in a more localized form, and consume less energy and natural resources. Collapse scenarios are based on predictions of the impact of climate change, where the energy crisis will result in fracturing and disintegrating, whether at once or gradually, society as we know it.
- 5 The following are examples of initiatives being taken in the green community movement (Jackson and Svensson 2002, Hopkins 2008, Norberg-Hodge 2019):
 - Local finance, with community banks, credit unions, local investing, local currencies and timebanks, cooperatives.
 - Local business, which includes local business alliances, ‘Buy local’ campaigns, local business loyalty card networks.
 - Community energy, where people come together to tackle diverse aspects of low-carbon energy transition. Community energy production is either funded and owned by local communities, or the investment comes from people outside the local communities.
 - Community food and farming, with community supported agriculture (CSA) programs in which consumers link up directly with nearby farmers and receive a portion of the harvest throughout the year, farmer’s market, permaculture, and farmland trusts. CSA has helped small-scale diversified farms to thrive in growing numbers, and farmland trusts protect arable land from development.

- Community media, which includes community radio stations, independent TV channels and community-owned broadband.
 - Alternative schooling
 - Traditional and complementary medicine, focusing on prevention with herbal remedies, homeopathy, bodywork, relaxation techniques, and more, while continuing to draw on the emergency and life-saving care that allopathic medicine provides.
 - Community building strategies
 - Various resistance and renewal movements.
- 6 Drawing substantially on Seyyed Hossein Nasr's works and a unique research method, my use of the term '*Tawhidi* worldview' seeks to contribute to the literature on Islamic philosophy and mysticism. The idea of a unitive (*Tawhidi*) worldview has been deliberated by many scholars, including Ismail Al-Faruqi (1982), Osman Bakar (2010) and Masidul Alam Choudury (2019).
- 7 'Endogenous' refers to causes, goals, ideas, and motivations originating from within, rather than from without (Haverkort and Rist, 2007: 7).
- 8 Peter Berger and Thomas Luckmann (Berger and Luckmann, 1991[1966]), in their sociology of knowledge and of religions, take the view that society is not a system or a mechanism, but rather, a symbolic construction composed of (1) ideas, (2) meaning, and (3) language. Along that line, they argued that Religion and Nationalism are each 'symbolic universes' under which realities are socially constructed. Such a concept of society, in my view, is more readily applicable to the study of Muslims in the context of a global world rather than the national Muslim societies mapped onto the bounded region of the nation state. A 'symbolic universe' can be imagined as a 'pair of glasses' that the person uses to make sense of social realities. It has the capacity to confer identity, to provide meaning, to legitimate and identify allegiances, and to do so with both cognitive and affective components. The 'symbolic universe' is comparable to what anthropologists call 'cosmologies', namely descriptive models of the world and normative models for action, which contain our most fundamental and important assumptions about the world, our place as human beings within it, and what constitutes a good and worthwhile life. Cosmologies also have a paradigmatic or epistemic character, and hence are socially sanctioned and rarely challenged. The difference is that a 'symbolic universe' is developed through the history of a particular human collective's interactions with others, and therefore it also has a capacity to confer identity as a 'cosmology' may not. The origin of the 'symbolic universe', according to Berger & Luckmann, is in the constitution of humans as world-constructors, fearing chaos, needing security and belonging and an explanation of death. Accordingly, for Berger and Luckmann, religion is a social construction, and hence, a human product. From my practicing Muslim background, I introduce the dimension of spiritual or mystical experience and meaning into the conceptual premises of a 'symbolic universe'. This modification

to Berger and Luckmann's model of sociology of knowledge and of religion sets a religious 'symbolic universe' apart, while better explaining Muslims' decisions to act voluntarily. The omission of the mystical dimension and its significance has, I argue, impeded the development of a sociology of religion which rings true from the interior perspectives of those who practice a religion – something that I contend is indispensable if religiosity in modern times is to be better understood.

- 9 For various references: Indonesia's Finance Minister (Bhwana 2021), India and China over coal (Cursino & Faulkner 2021), African group requests for \$1.3 trillion a year (Ainger 2021).
- 10 For decolonizing the climate movement, see Prashard 2021.
- 11 The conversations within "Muhammad's nation" were extracted from my ethnographic accounts. The Environmentalist position (B) represents myself and my works (Alkatiri 2015, 2017, 2021a, 2021b).
- 12 Heidegger distinguished between 'calculative thinking' (goal-driven thinking) and 'meditative thinking' (deeply contemplative of "the meaning which reigns in everything that is") (1995/2003: 89). A product-oriented calculative thinking is the defining feature of modern rationality.
- 13 The UN Secretary General Antonio Guterres admitted: "The collective political will was not sufficient to overcome some deep contradictions" (UN 2021: line 8).
- 14 On plastic waste and marine pollution in Indonesia, an archipelagic country and the world's second largest fish producer after China, see my work, "The Dilemma of Anti-Fish Campaign" (Alkatiri 2022).
- 15 In today's world, kindness is no longer enough. These authors enumerated a number of Indonesian Muslim figures regarded as 'liberal'. Among them is former President Abdurrahman Wahid. During his presidency, in an interview with Hutauwatr and Manivannan (2004: 226-246), when they were discussing an Asian alternative to the Western model of development, Wahid said that he believes Islam is a way of life but did not see a clear concept of state in Islam (237). Wahid adopted a modern nation-state concept for Indonesia, instead, and infused it with the principles that characterized his pursuit of civil society ideals. Advocating libertarian maxims, Wahid wanted to reduce the role of the government. He declared in the cabinet that ministers should not try to curtail or challenge people's creativity. The government should only make plans and then coordinate with NGOs in organizing activities (229). On the other hand, while aiming at 'food sovereignty', he wanted to save the agriculture sector from foreign investment and multinational corporations and keep it, instead, for local communities and peoples (229). Wahid displayed an unflinching good presupposition of others that demonstrates the Indonesian *pesantren's* characteristic of *husnu dzon* (*husn al-zann* in Arabic, thinking of others and their actions in positive light). Sadly, this virtuous practice is inappropriate to the exploitative world order under the Global North's 'empire' and the uneven distribution of power inherent in contemporary geopolitics. While Wahid wanted to change the strategy

towards economic growth, by not depending on foreign investment, export, and industrialization, and instead building a people's economy and catering for the domestic market (237), he continued to resist the interviewers' negative view of capitalism (230-232). He put forward his confidence in human agency and inherent good nature. Evoking a Sufi doctrine of esoteric possibility, he suggested that even the International Monetary Fund (IMF) can always be changed toward serving the people (233). Notably, the Rupiah went down steadily throughout his period in office. The interviewer provoked the discussion by suggesting that the international agency in control of the Indonesia's money wanted him to fail (233). Still, Wahid resisted this argument. From my "Green Caliphate" perspective, Wahid provides a full-circle experimentation of a civil society activist trying to apply the small-scale, largely homogenous community's contexts of Indonesia's Islamic *pesantren* to the vast, complex, and heterogeneous nation-state system – in this case, demonstrating the limits of the Rawlsian paradigm of distributive justice.

- 16 Ijtihad is the intellectual effort of trained Islamic scholars to arrive at legal rulings not covered in the schools of law, by reinterpreting the Quran and Sunna while taking into consideration the variables imposed by the fluctuating circumstances of Muslim society.
- 17 Hallaq (2012) contends, as my article (Alkatiri 2018a) also supports, that the modern nation state is far from compatible with Islam. The caliphate's Islamic governance is dissimilar to the modern 'state' in many ways, including the latter's demands of territorial sovereignty.
- 18 To be clear, these are the 'visionary hippies' explained by Robert (1969), not the other types.

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Beyond *Maşlahah*: *Adab* and Islamic Economic Thought

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Acknowledgements: This paper was part of the “Theory and Uses of *Maqāṣid al-Sharīʿa*” symposium organized by the International Institute for Islamic Thought (IIIT) in collaboration with the American Journal of Islam and Society (AJIS). I would like to express my thanks to the organizers of the symposium, Ovamir Anjum and Shuruq Naguib, and their team for putting together a wonderful workshop and for their support, to Mohammad Hashim Kamali for his keynote address, and to the fellow participants for their input. I would also like to thank the two blind reviewers, Ovamir Anjum, and Basit Kareem Iqbal for all their comments and suggestions, as well as to the AJIS editorial team for the publication process.

al-Daghistani, Sami. 2022. “Beyond *Maşlahah*: *Adab* and Islamic Economic Thought.” *American Journal of Islam and Society* 39, nos. 3-4: 57–86 • doi: 10.35632/ajis.v39i3-4.2988

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Abstract

This paper focuses on *maṣlaḥah* (benefit or well-being) and *adab* (righteous behavior or character) as ethically intertwined concepts that are discussed by classical Muslim scholars in relation to the acquisition of wealth (*kasb*) and overall economic engagement. Particularly in certain works of al-Shaybāni (d. 805), al-Muḥāsibī (d. 857), Ibn Abī al-Dunyā (d. 894), al-Māwardī (d. 1058), and al-Ghazālī (d. 1111), personal piety is closely related to righteous economic behavior under the banner of *adab*'s moral stipulations. In light of al-Ghazālī's understanding of economic provision as part of his overall theory of eternal happiness (*sa'ādah*), the concept of *maṣlaḥah* can be analyzed in the context of *adab* as an extension of *Sharī'a* law. While *maṣlaḥah* is from a legal standpoint crucial for safeguarding economic activities and preserving wealth, concomitantly, in this paper I treat *maṣlaḥah* as a derivative of *adab* and its holistic vision of human nature. In particular, I address what constitutes economic provision as an ethical endeavor in selected classical texts; and how the concept of *adab* preserves and enhances economic behavior as conceived by classical Muslim scholars.

Introduction

Islamic economic thought, tradition, or philosophy is usually described as pertaining to (classical) Muslim scholars' theories and evaluations of different concepts and ideas in a transhistorical epistemological framework that would often encompass the fields of ethics, law, and theology. For some contemporary scholars, Islamic economic thought predates modern Islamic economics and finance, yet the two seem to have different methodological and epistemological frameworks within which they operate.¹ I analyze the importance and relevance of classical scholars' ideas, approaches, and strategies to acquisition of wealth and other related economic processes within Islamic intellectual history and ethics. In contrast to conventional wisdom in economics which elevates

self-interest and individual preferences of consumerism,² the classical texts analyzed below stress communal ways of living, concerns of equity, and redistributive justice. The theoretical accounts and economic philosophy extrapolated from a few selected classical scholars attest to a different and much more complex consideration of the *economic* in comparison to how it has been commonly understood in the modern period. By allowing gains and curtailing excessive behavior, these texts show-case that moral virtue and personal discipline curbs social inequality and economic intemperance, and that personal piety manifests also in market governance.

Previously,³ I have focused on the development of the legal discourse and the importance of *maşlahah* in preserving economic activities in classical and contemporary contexts. This paper, however, takes a different turn, by analyzing economic provision or acquisition of wealth (often referred to as *kasb*) in a few ethical-economic texts. I read these texts by focusing on *maşlahah* (benefit or well-being) and *adab* (righteous behavior) as ethically intertwined concepts, whereby personal piety is concurrent with the curtailment of (economic) exorbitance. Although *maşlahah* is important for safeguarding economic activities and encouraging frugal earning patterns by preserving one's wealth, concomitantly, I explore the relationship between *maşlahah* and the overall ethos of *adab* as extension of *Sharī'ah*'s law. This entails also a study of other equally important yet neglected conceptualizations that complement ethically-driven economic engagements, often expressed through the stations or *maqāmāt*, such as *wara'*, *zuhd*, *faqr*, *sabr*, *tawakkul*, *riḍā*, and *taffakur*, since these conceptualizations necessitate an ethical self (as a set of one's moral traits) when engaging with commerce and business. First, I posit that *maşlahah* as conceived in al-Ghazālī's *Mustaşfā* can be appraised as an ethical concept in being an embodiment of *Sharī'ah* law that informs his overall moral epistemology and ethical system found also in *Iḥyā'*. Second, I do not claim that Sufism or Sufi literature discussed in this paper provides all answers to various economic predicaments in Islamic tradition – after all, many scholars who wrote on economic issues were not Sufis themselves but only resorted to particular conceptualizations – but rather that *adab* is an overarching term that corresponds to *maşlahah*

and hence complements the study of economic thought by offering vistas for analyzing economic engagements as part of cultivating the inner self and maintaining a virtuous character. I will predominantly concentrate on the understanding of *kasb* (and *zuhd* as renunciation) in economic affairs and think conceptually and critically about *maṣlaḥah* as an ethical category that concurs with *adab*'s more holistic vision of human nature regarding economic provision and welfare. This will help me placing the idea of earning a righteous living within a broader metaphysical context that was by many classical Muslim scholars conceptualized as a technique of self-examination. The major theme of this paper is hence concerned with the question of what constitutes economic provision as an ethical endeavor in selected classical texts, and how the concept of *adab* preserves and enhances economic behavior as conceived by selected classical Muslim scholars.

In the first part, I consider *maqāṣid* and *maṣlaḥah* as laid out by al-Ghazālī (d. 1111). Given that al-Ghazālī's *Mustaṣfā min 'Ilm al-Uṣūl*⁴ was produced toward the end of his life – which according to Ahmed El Shamsy employs a teleological approach also in legal reasoning – it could be also read in tandem with his previous works and in the broader context of merging ethical predispositions with legal deliberations, noticeable also in his economic thought. Following that, I analyze certain classical scholars who wrote on *zuhd* and *kasb*, such as al-Shaybānī (d. 805), al-Muḥāsibī (d. 857), Ibn Abī al-Dunyā (d. 894), al-Māwardī (d. 1058), and al-Ghazālī, to establish a link between preservation of wealth (*māl*) and general well-being (*maṣlaḥah*), under the banner of *adab* as a moral reconfiguration of individual conduct.

On the History of Islamic Economic Thought and *Maṣlaḥah*

Early Muslim societies were well acquainted with trade. The narrations depicting the prophet Muḥammad and several of his companions as merchants, familiar with Mecca's trading routes, testifies to Qur'an's favorable approach to commerce.⁵ There are several theses in academic circles explaining "Islam's" occupation with commerce and trading. While some scholars assert that early Muslim society developed a

rudimental form of market economy by advocating accumulation of capital and robust system of investments,⁶ others claim that Muslim culture never developed the institution of corporation and other financial mechanism due to the restricting nature of Islamic law.⁷ Both theses are incorrect in assuming only one particular and overarching narrative in explaining a composite economic history, spanning centuries, be it accumulation of wealth or, on the other hand, *Shari'ah's* alleged rigidity in managing economic affairs. As open as Muslim scholars were to other cultures in various fields, including (economic) philosophy, it is not surprising that some scholars integrated Ancient Greek ideas into their systems, especially Aristotle's (d. 322 BC) and Bryson's (d. 5th century BC) thought.⁸ Yet, for Muslim scholars, who surpassed their Greek counterparts in analyzing economic postulates, economic thought was intricately related to the Qur'anic text and the legal-Sufi intellectual output, encompassing the nature and limits of accumulation of wealth and general well-being within the discourse of economic gains and poverty as a spiritual principle. Those scholars' polyvalent approach to economic thought – given their legal, theological, and Sufi orientation – pinpoints to a complex and multifaceted economic philosophy that cannot be simply explained by asking whether profit-making was licit or not. For many classical scholars, ethical-economic behavior is expressed through a moral understanding of human relationship⁹ (tied to various concepts, such as *Shari'ah*, *adab*, *akhlāq*, and so forth) that theorized economic engagements geared toward higher ends. In addition to the Qur'an and Sunna,¹⁰ which provided Muslim society with a moral cosmology, pre-modern Muslim scholars expanded on concepts that were usually associated with the legal discourse.

The term to describe household management or *oikonomia* is often referred to *'ilm tadbīr al-manzil*,¹¹ with roots in Aristotelian philosophy, which pertained to family-based management of a household that can be extended also to society at large. Especially in the 9th and 10th centuries, various Greek texts were translated into Arabic, which had an impact also on the development of economic philosophy of some of the major Muslim philosophers, such as Ibn Sīnā and Naṣīr al-Dīn al-Ṭūsī.¹² *Tadbīr al-manzil* formed, in addition to ethics (*'ilm al-akhlāq*) and politics (*'ilm al-siyāsah*),

practical philosophy, whose underlying norm was justice (*‘adl*). However, classical Muslim scholars expanded on those topics, theorizing on market, fair price, development of industries, supply and demand, and other phenomena, often linking the macro-economic relations with the ethical self and the Divine law. What we nowadays call “economics” or “economic science”¹³ has rather little in common with *oikonomia* (*oikos* as household, and *nomos* as law; as management of household affairs) and was in classical Islamic texts from the 8th to 13th centuries founded upon a rather different epistemological footing, often invoked through *kasb* as earning or acquisition of wealth, *infāq* or spending, and *iqtiṣād*¹⁴ and their ethical (*adabi*) dimension. Acquiring (or dealing with) wealth was hence neither a pure technical matter nor a legal obligation, but primarily a moral engagement¹⁵ that hearkened to the process of introspection and encompassed both individual and communal or governmental affairs. Such an idea of the ethical self was closely knitted with economic development in works by, for instance, al-Shaybānī (*Kitāb al-Kasb*), Ibn Sinā (*al-Siyāṣah*), Naṣīr al-Dīn al-Ṭūsī (*Akhlāq-i Nāṣiri*), and al-Ghazālī (*Iḥyā’ ‘Ulūm al-Dīn*), inextricably related to the spiritual qualities of *iqtiṣād* and *kasb*.

Instead of looking into specifics of commercial laws, in this section, I focus on the concept of *maqāṣid al-Sharī‘ah* (or the purposes of Islamic law) and *maṣlaḥah* that have been discussed at length within Islamic history and legal studies, yet rarely explained in ethical-economic terms. Given that the contemporary understanding of the concepts of *maqāṣid al-Sharī‘ah* and *maṣlaḥah* have remained primarily in the backdrop of the legal discourse, they have been seldomly discussed in the context of cosmological and metaphysical doctrines of *adab*. Barter exchange, property rights, acquisition of wealth, and other economic mechanisms for the above-mentioned scholars employ both material or worldly and non-material or spiritual meanings, and are part and parcel of the Qur’anic metaphysical system that undergirds large parts of their reasoning.

The concept of *maqāṣid al-Sharī‘ah* was structurally introduced by al-Juwāynī (d. 1085), and developed by al-Ghazālī (d. 1111), ‘Izz al-Dīn ‘Abd al-Salām (d. 1243), and al-Shāṭibī (d. 1388), to name but a few scholars.¹⁶ In the 11th century al-Juwāynī developed *maqāṣid* according to the categories of necessities. He proposed five levels of *maqāṣid*:

necessities (*darūrāt*), general needs (*al-hājah al-‘ammah*), moral behavior (*al-makrumāt*), recommendations (*al-mandūbāt*), and specifics.¹⁷ As a theologian, an adherent of *taşawwuf*, and, in essence, an ethicist, in his *Mustaşfā* al-Ghazālī elaborated on the *maqāşid* in the context of safeguarding the five categories of faith (*dīn*), human self (*nafs*), intellect (*‘aql*), offspring (*nasl*), and wealth (*māl*).¹⁸ Since the *maqāşid* are implicit in texts, the very idea of preservation of the five categories explicates not only legal but also ethical concerns. The claim that *maqāşid* entails the gist of *Sharī‘ah*’s moral law presupposes that it deals with ethical aspects of legal norms, whereby ideas of justice and social welfare are contextualized as metaphysical axioms. Preservation of the five categories, including the preservation of wealth (*ḥifẓ al-māl*),¹⁹ hence takes into consideration economic and commercial activities such as allocation of wealth, circulation of money, and intentions behind one’s economic actions, which are viewed as ethically driven endeavors. While objectives stay the same, the means to attain them need to be thought anew and are thus always contemporary. The five rules of one’s actions are meant to measure *Sharī‘ah* in the Qur’an, Sunna, and *ijmā‘*. Although a nominal Ash‘arī,²⁰ in *Mustaşfā* al-Ghazālī concedes that not all human acts are specified by the Divine law, which also raises the question of whether God is the sole imposer of obligations,²¹ and what is the role of the ethical self in this process. Unlike Mu‘tazilites, who hold that reason recognizes and determines good and evil, al-Ghazālī posits that reason cannot create rules for one’s actions, since it is *Sharī‘ah* that classifies acts.²² Yet, in line with his moral epistemology, the ethical self is nurtured through an array of techniques embedded in various stations of the soul, while human benefit underpins the sacred law. It is through the textual sources that al-Ghazālī implements the spirit of the law as guiding principles of his overall ethical theory of happiness. After identifying the objectives of the law (*maqāşid al-Sharī‘ah*), a cause is valid if it corroborates the policies of those objectives.²³ The legal rules, however, are for al-Ghazālī never disassociated from their underlying benefit, in that the *a priori* structures of the law are attained through inductive reasoning and the concept of appropriateness (*munāsaba*), as well as through techniques of self-examination, such as *tawbah*, *wara’*, *zuhd*, and *faqr*.

Maṣlaḥah as common good or well-being has been referred to as the basis of the methodological principles of Islamic law (*uṣūl al-fiqh*) and was specified in the cases where the foundational texts, the Qur'an and Sunna, were silent on particular matters. *Maṣlaḥah* denotes prohibition or permission on the basis of whether it serves the public good in a community.²⁴ The application of the concept has become more prominent in the modern period due to its importance to contemporary legal issues. Al-Juwāyni conceptualized *maṣlaḥah*, whereas al-Ghazālī expanded on the term also in the context of economic thought. More specifically, for al-Ghazālī, *maṣlaḥah* as an integral part of *maqāṣid* means observing and fulfilling objectives of the lawgiver.²⁵ In *Iḥyā'*, he clearly states that *fiqh* is an ethical category that was with time made to refer only to the technical side of the law. Al-Ghazālī informs us that *fiqh*

has become a specialized branch of fatwas and waqfs, on small details about them, and excessive debates surrounding them... The meaning of *fiqh* in the first period was, however, undisputedly linked to the science of the path of the hereafter, knowledge of the details of harmful matters of the self, that which corrupts human action, understanding of indulging in the wickedness of the world, perseverance for reaching the grace of the hereafter, and [God's] fear's domination over the heart.²⁶

In the context of legal reasoning explicated in *Mustaṣfā* and his ethical system developed in *Iḥyā'*, he weaves his Sufi inclinations into legal theory, since applying *maṣlaḥah* in various economic activities seems to be a prerequisite. For instance, al-Ghazālī asserts that the value of human labor does not rest on the idea of gaining profit, whereas the production of necessities for the common good is perceived as a social and individual obligation (*farḍ kifāya*). It is hence safe to state that human conduct is seen in light of benefit and disutility (*maṣāliḥ/mafāsid*) permeated by the moral law. This presupposes that righteous economic behavior is part of the higher objectives of *Sharī'ah*, whereby one tries to increase *maṣlaḥah* or general well-being instead of utility in a conventional sense. Such a perception of economic activities further indicates that wants

are replaced with needs, and that all activities must be seen as means to achieve goals toward increasing the welfare of an individual or a community. In other words, if acquiring wealth is a necessary human endeavor, seen also as a religious obligation, it conveys a message that an individual act has also broader social effect. However, if economic postulates are treated as wants and predicated upon exclusionist policies, such as hoarding of money, counterfeiting of coins, and selling or buying illicit goods,²⁷ then *maşlahah* decreases in public sphere, for those policies can cause disturbances in the market. This narrative suggests that *maşlahah* operates within the ethical-economic frame by fulfilling needs and regulating wants.

In what follows, I take a closer look at the history of *adab* in its ethical understanding as virtuous traits of character and an extension of *Sharī'ah* law. I argue that *adab* is an overarching term that is comprehensive of *maşlahah*, in how it informs righteous economic behavior, especially in the works of al-Ghazālī and other ethicists who discussed economic provisions and financial transactions through the *kasb-zuhd* discourse.

Adab and Righteous Earnings

Classical legal scholars, Sufis, and theologians, such as al-Shaybānī (d. 805), al-Muḥāsibī (d. 857), Ibn Abī al-Dunyā (d. 894), Abū Naşr al-Sarrāj al-Ṭūsī (d. 988), al-Māwardī (d. 1058), al-Rāghib al-Işfahānī (d. 1108), and al-Ghazālī, wrote about earning a righteous living and partaking in a communal exchange of goods, and encouraged fair market prices. While not all scholars belonged to the tradition of *taşawwuf* or referred to *maşlahah* directly, they examined the notion of well-being or common good when discussing economic behavior. In those texts economic endeavors are interlinked with personal discipline intended to curb excessive (economic) behavior, and personal piety informs broader socioeconomic relations. Sufi figures such as Ibn al-Mubārak (d. 797), al-Sulamī (d. 1106) and al-Qushayrī (d. 1074) referred to the spiritual stations of *maqamāt* and the virtuous traits of character, which is important for our discussion on *adab* and the development of ethical-economic genre through *kasb-zuhd* discourse. In the following pages, I showcase some of those

scholars and their economic philosophy. While numerous Sufis analyzed, described, and proscribed how one should behave in accordance with the normative etiquette of Islam,²⁸ in this section I do not position Sufism on a pedestal but rather refer to the mechanisms of *kasb* and *zuhd* to explain the intricate relation between ethical behavior and economic predicaments. Texts penned by certain Sufi thinkers are often normative and instructional, emphasizing self-discernment, scrupulousness, and inner worldly asceticism, in order to overcome vicissitudes in personal life and in society. It is impossible, however, to discuss moral predicaments in economic affairs without addressing them in the context of *adab* and its polyvalent human functions.

In the premodern period, *adab* was (along with the *hadīth* tradition) perceived as the basis for the *Sharī'ah*'s normative system. *Adab* as the non-prophetic tradition was the quintessential (practical) wisdom that traveled through generations. Between the 8th and 9th centuries CE it became regarded as Islamic etiquette, cultivated by both courtiers and literati.²⁹ While the term *adab* etymologically relates to *da'b* as custom or habit and carries both an ethical and practical meaning as "high quality of soul, good upbringing, urbanity and courtesy," after the 7th century it acquired also an intellectual meaning,³⁰ as the sum of knowledge that makes one courteous.³¹ In the classical period, *adab* carried polyvalent functions, some of which designate it as social education, traditional mannerism, shaping of character, or even literature. The term *adab* and its derivatives demonstrate an understanding of integrative moral education, pertaining to courteous or righteous behavior, good character, nobility, and human tendency of eruditeness. Despite not being a Qur'anic term, it was very much rooted in the religious text and its ethical norms, and hence functioned in various domains – from *siyāṣah*, to literature, to economic thought. Salvatore maintains that

adab helped in providing a significant nexus between the cultivation of the self, on the one hand, and general ideas of integration of the body politic, on the other. This happened not only because *adab* provided an ethical grammar to the high bureaucracy, but also due to its frequent association with discourses on the 'circle of justice'.³²

Adab is then a method rather than a norm³³ applicable to all segments of human life, often under the banner of *Sharī'ah*'s moral law that includes also the pursuit of economic well-being. During the Islamic revivalist period in the 18th-19th century, *adab* became disassociated from *Sharī'ah*'s normativity, since Muslim reformists transformed it into an the value of "civilized" behavior, whereas nowadays it is closely associated with *akhlāq* or ethics. Unlike *adab*, however, *akhlāq* became prevalent in the modern period, in part also due to the rise of political Islam and its more puritan interpretations.³⁴

It is well established that *adab* as socio-moral chivalry was also the foundation of Sufi practice.³⁵ *Adab* can, among various other definitions, mean fulfilling God's order, maintaining good character and manners,³⁶ performing righteous deeds, activity directed toward the outer world (*ẓāhir*) and the inner self (*bāṭin*),³⁷ as well as human interaction.³⁸ These forms of attitudes allow one to pursue the *maşāliḥ* in this world, while striving on one's spiritual quest, for perfection, and for "unveiling" (*mukāshafa*) of Divine presence on the path toward the hereafter. The well-known Sufi al-Sulamī stated that "All of Sufism is [nothing but] *adab*. For each mystical moment (*waqt*) there is an *adab*; for each [spiritual] state there is an *adab*; for each station [of the mystical path] there is an *adab*. Whoever follows *adab* will achieve the status of the real men (*rijal*) [of the mystical path]."³⁹ The outward actions are thus bound to inner certitudes. In other words, in the context of *adab*, one's daily economic activities, including purchases, sales, participation in barter exchange, and dealing with money or wealth in general, mirrors one's inner predisposition, moral behavior, and social responsibilities. The spiritual stations of *maqāmāt*, such as *tawbah* (repentance), *wara'* (watchfulness), *zuhd* (renunciation), *faqr* (spiritual poverty, as in absence of desire), *ṣabr* (patience), and *tawakkul* (trust in God), along with *taqwā* (piety or consciousness of God) were analyzed from the jurisprudential-ethical standpoint as part of larger economic discourse. *Maqāmāt* can be obtained through a rigorous spiritual exercise and devotion through daily activities, as an aspect of one's religious life. Only when the first spiritual stage has been acquired can another be reached. In the context of financial and commercial activities, the stations of *wara'*, *zuhd*, and

faqr are of particular importance, for they showcase the relationality between one's religious strivings and economic postulates. This relationality further provides an insight into the correlation between earning or acquisition of wealth (*kasb*) and extramundane detachment (*zuhd*).⁴⁰

While *nafs* (self or soul) can index the power of human ego through desires, lust, cravings, and inclinations toward that which is harmful, it also describes the human spirit that has the ability to comprehend, and is hence associated with the heart (*qalb*) as a spiritual organ.⁴¹ The highest level of *nafs* is *al-nafs al-muṭma'inna*, as a complete reliance on the Divine, by attaining contentment (*rāḍiya*) and satisfaction (*riḍā'*).⁴² However, one purifies one's heart also by purifying one's wealth through engaging in righteous economic activities, such as providing for one's family and paying *zakāt*.⁴³ According to the Khurāsānī Sufi al-Qushayrī, *nafs* as the human soul, including its deficiencies, has two categories – those that one acquires and those that are intrinsic to human being.⁴⁴ By introducing various Sufi figures, in his *Epistle* al-Qushayrī holds that *wara'* as scrupulousness is the beginning of abstention or renunciation,⁴⁵ an act of consideration better than fasting and praying,⁴⁶ and an awareness to avoid greed.⁴⁷

The apparent historic tension between *zuhd* and *kasb* as opposite conceptualizations generated a lively discussion on their affectability for righteous economic behavior. The term *zuhd*, however, must be seen in its Islamic context, since it does not mean a total rejection of the world (as it has been often interpreted through Christian notion of abstinence) but diverse views of inner-worldly self-contemplation,⁴⁸ linked to piety, that include also socioeconomic engagements. One of the earliest accounts on *zuhd* in Islamic tradition was the writings of Ibn al-Mubārak, who stated that *zuhd* means that one should live in the world without being part of it.⁴⁹ Furthermore, for al-Qushayrī *zuhd* is associated with wisdom, for

that which is prohibited is an obligation, whereas renouncing that which is lawful is a virtue. They also say that having little property – provided that the servant of God endures his condition patiently, satisfied with whatever God has apportioned for him and content with what God bestows upon him – is better

than living comfortably and lavishly in this world, for God Most High urged His creatures to abstain from this world, when He said: “The enjoyment of this world is little; the world to come is better for him who fears God.”⁵⁰

He asserts that *zuhd* derives from the Qur’anic passage “In order that you not despair over what has eluded you and not exult [in pride] over what He has given you. And Allah does not like everyone self-deluded and boastful,”⁵¹ because one who renounces “does not delight in anything he has of this world, nor is he sorry about losing something of it.”⁵² Renunciation is germane to feeling unremorseful about losing one’s possessions and to having an absolute trust in the Divine order. Al-Qushayrī narrates that ‘Abd al-Wāhid ibn Zayd said that “Renunciation is to give up both the dinar and the dirham,”⁵³ pinpointing that *zuhd* is about giving away one’s belongings.⁵⁴ Al-Qushayrī states that he heard from Shaykh al-Sulamī that “True Reality is that the servant of God is independent of anything except God and its mark is not being in need of any provisions” and “poverty is a clothing that brings about contentment (*rida*), if one has realized its true meaning.”⁵⁵ Purifying one’s wealth is conjoined with emptying of mundane possessions by embracing (spiritual) poverty (*faqr*).⁵⁶ Of course, such an attitude does not convey that wealth is a sin or that profit is illicit, but rather that one has to constantly reexamine one’s own attachment to the material world and reassess (economic) matters at hand. For al-Sulamī and al-Qushayrī, *faqr* pertains to renouncing the world (*zuhd*) and the ego, by equating wealth with poverty. In ethical-economic genre, *zuhd* is closely associated with *kasb* as earning, wealth as *māl*, and *faqr* as spiritual poverty.

Al-Shaybānī’s *Kitāb al-Kasb* was among the first to study not only legal but also traditional and ethical themes of economic engagement,⁵⁷ arguably merging legal precepts of *Sharī’a* with moral reverberations of the notions of wealth and poverty. For al-Shaybānī, who very much focused on *zuhd* yet opposed those Sufis (*mutakashshifa*) who completely resorted to its teachings as a total submission to God and hence neglected their social (and economic) life, *kasb* as individual or collective activity must be considered for the public good (*maşlahah*). Any work on

the law of sale already contains a degree of renunciation, meaning that *zuhd* is more about avoiding that which is harmful and pursuing that which is licit, rather than a wholesale asceticism.⁵⁸ Al-Shaybānī holds that *kasb* as righteous earning contributes toward the common good, since through it one can provide, first, for one's own family, and second, for the community.⁵⁹ *Kasb* pertains to basic needs and necessities, such as food, clothing, and shelter.⁶⁰ In this context, one's daily and practical obligations are aligned with religious and spiritual commitments, as *kasb* becomes a necessary endeavor:⁶¹ "Permissible earning is in the category of cooperation in acts of devotion and obedience."⁶² Since hoarding and collecting wealth is harmful, abstaining from such acts means devoting time to licit earning in cooperation with others,⁶³ in line with spiritual purification.⁶⁴ *Kasb* is intrinsically related to relying on God (*tawakkul*),⁶⁵ by also diverging from wastefulness, extravagance, boastfulness, and accumulating wealth.⁶⁶ Wasting food pertains not only to material but also to spiritual extravagance; hence, al-Shaybānī states that wasting food would be an illicit act. *Kasb* also means providing food, clothing, and shelter to others, if one can do so. By stating various *fiqh* maxims (e.g., whatever are the means to facilitate *wājib* is itself *wājib*), al-Shaybānī gives precedence to and deems preserving wealth as a sacrifice for future generations.

Al-Muḥāsibī's *al-Makāsib wa al-Wara'* is also a text on ethical-economic thought, whereby financial transactions (*mu'āmalāt*) are analyzed in the context of watchfulness (*wara'*), renunciation (*zuhd*), reliance on God (*tawakkul*), and spiritual introspection (*muḥāsaba*). Al-Muḥāsibī, who was a Shāfi'ī jurist and a Sufi whose intellectual influence can be also found in al-Ghazālī's *Iḥyā'*, believed that when engaging in economic activities and earning a living, one should also exercise mindfulness, remembrance of God (*dhikr*), and closeness to God (*al-taqqarrub*), and should purify one's hearth (*ṭahārat al-qulūb*) from harmful and unlawful deeds⁶⁷ while relying on God's sustenance (*rizq*).⁶⁸ Al-Muḥāsibī "integrates the theological (*kalāmī*), legal (*fiqhī*) and ethico-spiritual (*ṣūfī*) dimensions of earning a livelihood,"⁶⁹ by analyzing the processes of purchasing and selling, how to earn a living and provide for others, as part of virtue ethics. By navigating the worldly life, one must keep balance

between miserliness and expenditure in preserving one's dignity. This pertains to engaging in activities in a proper manner by adhering to scrupulousness (*wara'*) in commerce and crafts. In *Kitāb Ta'dīb al-Murīd*, he further describes an educational scheme (*ta'dīb*) on how to govern oneself throughout the day, including economic postulates indicating that *kasb* is to be obtained first and foremost by one's fair earnings. Moreover, in *Kitāb al-Waṣāyā al-Naṣā'ih al-Dīniyya*,⁷⁰ al-Muḥāsibī examines the impact deeds have on the soul and the so-called Islamic psychology (*'ilm al-naḥs al-islāmī*), paying a considerate attention to wealth. Since the origin of happiness is God-consciousness or *taqwā* (like what al-Ghazālī believed), the basis of one's discontent is love of the worldly life or *ḥubb al-dunyā*. The accumulation and desire of wealth or lavish expenditure (*isrāf*) prevents one from being careful and economical in one's sustenance as well as from being miserly (*bakhīl*).

Ibn Abī al-Dunyā provides a similar account in *Iṣlāḥ al-Māl*, analyzing *zuhd* in relation to *kasb* by theorizing commerce as a bifurcated activity that pertains to this world and the hereafter. He divides economic themes into several fields. The first part of the book addresses licit acquisition and positive functions of wealth, acquiring money, securing a righteous livelihood, and different types of craftsmanship, whereas the second focuses on saving money (*qaṣd al-māl*) and basic human necessities such as foods and clothing, inheritance, and the notion of poverty. The motivations for earning a livelihood are both individual, such as overcoming poverty, and communal, such as helping others in need or managing a vocation. Ibn Abī al-Dunyā perceived wealth as both belonging to the material and the moral realm, while addressing spiritual qualities of human economic behavior. He analyzes beneficial functions of money as a divine generosity.⁷¹ Instead of passively indulging in solitude, *zuhd* presupposes a rather dynamic engagement with daily obligations, including earning a living in whose core is the vision of the eternal life.⁷² Charity has to be given by everyone who possesses money,⁷³ however, saving money is a virtue on its own right, because it can benefit others, while unnecessary spending might bring upon harm.⁷⁴ Ibn Abī al-Dunyā maintains that high prices of goods at market can translate into miserliness; therefore, a seller or buyer is permitted

to withdraw from a trading agreement. Earning a livelihood by ethical means translates into providing also for others, which is a form of *jihād*.⁷⁵ Thus, both wealth and poverty can become causes of great distress and trouble if not handled with spiritual care.⁷⁶

Al-Māwardī's *Adab al-Dīn wa al-Dunyā* deals not only with legal injunctions, but also with the cultivation of personal virtuous (*adab*). The book covers three subjects, namely *adab al-dīn* (virtues of religious conduct), *adab al-dunyā* (virtues of mundane conduct), and *adab al-naḥs* (virtues of personal conduct). With this text al-Māwardī showed how to balance (*wasat*) revelation with reason, law with morals, and legal prescriptions with ethical manners, relying on logic (*ilm al-mantiq*), empirical research (*al-tajriba*), and introspection (*al-mushāhada*). *Adab* as a moral education is for al-Māwardī the discipline of body, mind, and soul, associated with cultivating economic awareness in terms of securing just conduct at markets, minimizing harm when engaging with barter exchange, and providing for one's family.

The source of *adab* is reason (*ʿaql*) and upbringing.⁷⁷ *Adab al-dunyā* is inextricably related to economic provision and one's piety. Al-Māwardī cautions that one must take something from this world (*dunyā*) that will be beneficial for the hereafter (*ākhirā*). This includes work (*ʿamal*), since there is no work in the hereafter.⁷⁸ He considers business and trade as part of two basic human activities, namely agriculture and production. He divides human occupation into three types. The first involves active or rational thinking (*ṣināʿa al-fikr*), and includes governmental and scientific posts, which are highly regarded. The second involves actions (*ṣināʿa al-ʿamal*), and includes farmers and blue-collar workers. The third involves both active thinking and actions (*ṣināʿa al-fikr wa al-ʿamal*), and includes secretaries and construction workers.

One of the conditions for the (moral) revival of the human being (*al-aṣḥāḥ al-insān*) is having sufficient financial means (*al-mādda al-kāfiya*). Financial security means obtaining that which grows on its own, such as plants and animals. In order to obtain commodities and economic resources, one must utilize management skills. In this context, *kasb* as work leads towards securing financial means (*al-mādda*) and human needs (*al-hāja*) in two ways – either through trading (*tijāra*) or

industry (*ṣināʿa*).⁷⁹ On the other hand, *zuhd* means that the one who performs introspection (*muḥāsaba*) is afraid of one's own passions and hence retreats to poverty (*faqr*) rather than focusing on riches (*ghinā*). Al-Māwardī bases his reasoning on the Qur'anic injunction indicating that if one is satisfied with small provision (*rizq*), God would be pleased with his (limited) contribution.⁸⁰ The moral revival of the human being also means meeting economic needs of members of the community, and encompasses behavioral patterns that extend to oneself and others. Aspects of obligations towards the self include piety, practicing self-control, avoiding wastefulness and boastfulness, refraining from envy, affluence, and so forth.⁸¹ Obligations toward family and members of the community involve helping those in need or in debt as well as practicing tolerance, forgiveness, and trying to meet others' economic needs.⁸²

Moral integrity also means practicing moderate economic behavior and includes giving charity (*ṣadaqa*) as a manifestation of one's piety in order to attain happiness.⁸³ Giving charity prevents harmful tendencies in business and trading and can be enacted either by providing assistance by exercising generosity or by being kind to others in both words and deeds. The aim of financial help or owning property is not to be wasteful or boastful but to obtain a level of efficiency and social cohesion.

Social inequalities, al-Māwardī informs us, are a natural progression; however, they can be advantageous only if there is cooperation between different groups of people. Although al-Māwardī believes in a particular social strata system that is based on God's wisdom, human beings can turn their differences into benefits by focusing on their work, to provide for basic needs and to avoid disputes. Governmental authority is required to guarantee an equitable distribution of income. To create a welfare society, the governmental authority regulates and manages public finances, revenues, security of society, levies *zakāt* and *fa'i*, and provides benefits to the members of the community from the treasury. A righteous governmental authority is, however, not a technology of governance that fashions virtuous subjects according to its own laws but rather is based on subjects' pious behavior. State institutions led by the head of the governmental authority is needed not only to enforce rules

but also to create harmony in the community. While the governmental authority is meant to provide for public welfare, it cannot do so without the support of the private sector. In other words, both the governmental authority and the members of the community have the obligation to preserve and enact a particular moral character and integrity to meet the needs of the economy.

One of the pinnacles of the ethical-economic genre is certainly al-Ghazālī, who provided a detailed account of economic engagements by combining both philosophical reasoning and Sufi conceptualizations in the context of his theory of eternal happiness (*sa'ādah*). *Sa'ādah* permeates his theological, legal, and Sufi thought, and it encompasses also the very concept of *maṣlaḥah* as benefit. He often references other Sufi scholars, including al-Muḥāsibī and al-Rāghib al-Iṣfahānī, when discussing economic ideas. Al-Ghazālī's economic thought is primarily found in the third book of the second volume of the *Iḥyā'*, titled *Kitāb Adab al-Kasb wa al-Ma'āsh*.⁸⁴ It is centered on the concept of eternal happiness (*sa'ādah*) in light of his science of the hereafter (*'ilm ṭarīq al-ākhirah*);⁸⁵ it is part of his overall ethical system or moral epistemology aimed at reviving the lost religious sciences of the day. Economic activities, which one is expected to perform daily,⁸⁶ form part of this system. Eternal happiness is achieved through self-examination and self-knowledge that cleanses the self from worldly desires, in whose core is also commercial life. Al-Ghazālī asserts that poverty means being independent from worldly desires,⁸⁷ while at the same time maintaining a “healthy” engagement with the phenomenal world. One who is close to God is either a person who performs obligatory acts and avoids sins, one who profits from God's grace and voluntarily performs good deeds (*iḥsān*), or a person who falls short in performing obligatory acts.⁸⁸ Such division extends to one's relation with other members of society. He asserts that throughout the day one should occupy oneself with that which is beneficial in the afterlife and with gaining (economic) provisions that assist one in achieving eternal happiness in the hereafter. If one cannot occupy oneself with such acts when associating with people, then one should instead seek solace in solitude. Since the very object of trade and commerce is two-fold – either to gain subsistence or wealth⁸⁹

– al-Ghazālī upholds that *iḥsān* must be practiced in the market as an act of generosity. He cautions that one should take only that much of goods from this world as is necessary for one’s life,⁹⁰ and that the level of consumption must be balanced between necessity and extravagance.⁹¹ Since the ultimate goal of trade and commerce is for al-Ghazālī not gaining profits for the sake of making money, but the remembrance of the hereafter, one has to provide for oneself, one’s family, and community.⁹²

In the context of his overall ethical system, al-Ghazālī holds that counterfeiting of coins (*dīnārs* and *dirhams*) is prohibited since it can affect market rates.⁹³ He affirms that man lusts for money and that taints his righteous character. *Māl* is one of the five necessities (*al-ḍarūrīyāt*) that *Sharī‘ah* provides for, safeguarding righteous conduct against any temptation (*fitna*).⁹⁴ While money has been created in order to fulfil basic human needs, one should seek balance when dealing with it and avoid miserliness (excessive restriction on expenditure) and extravagance (excessive spending of wealth).⁹⁵ Accordingly, economic activities extend to provision of basic human needs – such as food, clothing, and shelter⁹⁶ – which are in accordance with *Sharī‘ah*’s law in order to improve one’s general well-being. In *Kimiyā*, al-Ghazālī puts forward the idea that gaining profit is licit if particular conditions are met; trading with illicit goods is illicit, for one can trade only with one’s possessions.⁹⁷ Yet, since having wealth also opens the door for possible enjoyment of illicit pleasures, he constantly draws attention to the fact that money does not possess an intrinsic value. Rather, its value lies in how it facilitates exchange of commodities.⁹⁸ The value of money is hence related also to labor as a means to achieve higher ends:

The creation of *dirhams* and *dīnārs* is one of many bounties of God. Every aspect of economic activities relies on dealings with these two types of money. They are two metals that have no intrinsic benefit on their own; nonetheless, people need them, so that they can use them as [as a medium] for exchange for food, clothing, and other goods. Sometimes, one needs what one does not own and one owns what one does not need.⁹⁹

One can take a similar approach in regard to the concept of *siyāsah* as public policy, which was also informed by *adab*'s narratives of good governance and statecraft. Many great *adab* anthologies contain literary chapters dealing with *siyāsah*. *Siyāsah* was treated together with *maṣlahah* in legal manuals, theological treatises, and Sufi texts¹⁰⁰ in terms of advising rulers how to acquire power, distribute wealth, and fund public operations through. In this context, *adab* functions to form virtues of self-restraint and good governance, pertaining to securing the economic, social, and religious life of the community. According to Salvatore, *siyāsah* "circumscribes a borderline area of human activity that is both legitimized from within the jurisprudential dimension of the *shari'a* tradition and escapes it for delimiting a separate field demarcating the autonomy of rulers from a too rigid application of religious norms."¹⁰¹ If the political power of the rulers was, in theory, operating within the *Sharī'ah*, then *siyāsah* has to be considered as an extension of the moral law¹⁰² and pinpoints an inner-worldly human behavior that informs daily activities, including economic life.

In *Iḥyā'*, the *adab* of the self and the *adab* of the socioeconomic life coincide, for the cultivation of the self leads toward establishing civil ethic that can be facilitated by a ruler and hence reflected in an Islamic polity. Al-Ghazālī's notion of *siyāsah* describes the intricate relation between the ruler or governance and *maṣlahah* as common good or welfare. He claims that the meaning of *siyāsah* must improve human affairs by guiding people to the righteous path, in order to obtain salvation both in this world and in the hereafter (*ṭarīq al-ākhirah*). *Siyāsah* is then associated with the economic preservation and ruler's management over it.¹⁰³ The main principles of just policy are justice (*'adl*) and good governance, whereas oppressive policy expounds self-interest and unjust reign.

In *Naṣīḥat al-Mulūk*,¹⁰⁴ composed initially in Persian for Sulṭān Muḥammad b. Malikshāh (proclaimed in 1099) of the Saljūq Empire, al-Ghazālī informs us that Islamic governance has the task to ensure just economic activities while exercising *Sharī'ah*-mandated obligations.¹⁰⁵ In discussing the spiritual life of a ruler,¹⁰⁶ al-Ghazālī claims that a ruler is obligated to obtain prosperity for his people and should cooperate with '*ulamā'*'. The responsibility of the ruler and the intervention of the

governmental authority is grounded on the basis of regulating economic conduct and facilitating secure conditions for trading. *Siyāsah* as a political regulation and *maşlahah* as common good were to be considered in the context of the institution of *ḥisbah*, which also encompasses supervision of markets and financial practices in markets.¹⁰⁷ While Islamic governance practiced supervision of markets by sanctioning fraudulent transactions and unlawful contracts, the mechanism of the *ḥisbah* institutions varied according to different regions and eras. What stayed the same, however, was the very nature of *ḥisbah*, which was run by a *muḥtasib* or a public auditor who supervised transactions, prices, advertisements, and weights, not only as legal enforcements but also as moral behavior.¹⁰⁸ Various scholars wrote on its mechanisms, describing the role and responsibilities of a *muḥtasib*, and providing manuals on how to monitor illicit activities in markets, such as forestalling and inflating the prices of goods in times of scarcity. The role of the *muḥtasib* was in al-Ghazālī's view to ensure supply and provision of necessities and to promote justice through assuring price control in times when necessary.¹⁰⁹ In this setting, Islamic governance is founded not only on legal-political but also (and essentially) on ethical foundations sustained by the very Muslim community that supports its governmental system.¹¹⁰

Adab as the inner disposition of the soul and the practice of self-examination geared toward spiritual proximity to the divine on the path toward the hereafter is hence part of al-Ghazālī's science of unveiling (*'ilm al-mukāshafa*) found in the *Iḥyā'*¹¹¹ and his overall understanding of piety, which pertains to both the *adab* of the inner self and the *adab* of a wider community. It encompasses voluntary acts as virtuous traits of character and is neither a term reserved specifically for the tradition of *taṣawwuf* nor it is disassociated from jurisprudence. The theoretical consideration of *adab* as a moral formulation correlates to the practice of renouncing excessive economic gains within the context of the purification of the heart,¹¹² and is often invoked together with *maşlahah* as benefit. Al-Ghazālī cautions that spiritual guidance based on the ethos of *adab* is ultimately about *tawakkul* and inward consciousness of the Divine that brings about poised character.¹¹³

Conclusion

In the classical texts discussed above on ethical-economic genre, *Sharī'ah* and *adab* are fluid categories and not shielded monoliths. Mechanisms such as charity (*ṣadaqah*) and the alms-tax (*zakāt*) and institutions such as charitable trust funds (*waqf*) and supervision of markets (*ḥisbah*) were conceived in the works of al-Shaybānī, al-Muḥāsibī, Ibn Abī al-Dunyā, al-Māwardī, and al-Ghazālī not only within the legal realm of *maqāṣid al-Sharī'ah*, the preservation of common good (*maṣlahah*), and policy-oriented governance (*siyāsah shar'īyyah*), but were also articulated through the conceptualization of *adab* as the moral practice of attaining the hereafter.

Ethical questions formed the gist of economic thought in those deliberations, including by cultivating *adab* (often in ways subsumed by *Sharī'ah* normativity). Questions of economic justice (*'adl*), prohibition of usury (*ribā*), and just governance (*aḥkām al-sulṭāniyyah*) were discussed in legal texts, theological works, and Sufi treatises. Those scholars believed that implementing justice was crucial for providing welfare to the community. This was not only a matter of legal injunction or political decision, but rather an ethical issue embedded in how one performs and cultivates righteous character. Acquiring wealth, redistribution of goods, participating in trade, and supervising market regulations were conceived in relation to stipulating *maṣlahah* also in the context of the stations of *maqāmāt*, such as renunciation of the world (*zuhd*), spiritual poverty (*faqr*), and trust in God (*tawakkul*). While commercial laws (*mu'āmalāt*) were studied as legal injunctions, they complemented acts of worship (*ibādāt*). It is against this background that wealth and earning a living were conceptualized together in light of the divine.

From this vantage point, we can deem Islamic ethical-economic thought not simply an amalgamation of legal rules and economic obligations but rather a multidimensional process rooted in an overarching concept of *adab*. There, personal traits are constantly foregrounded through the intricacy of moral principles.

Endnotes

- 1 See Sami Al-Daghistani, *The Making of Islamic Economic Thought: Islamization, Law, and Moral Discourses* (New York: Cambridge University Press, 2022).
- 2 For more on the comparison between conventional and Islamic economics, see Waleed Addas, *Methodology of Economics: Secular vs. Islamic* (Kuala Lumpur: International Islamic University Malaysia, 2008).
- 3 Sami Al-Daghistani, "Semiotics of Islamic Law, *MaşlaĦa*, and Islamic Economic Thought," *International Journal for the Semiotics of Law* 29 (2016): 389–404.
- 4 Al-Ghazālī, *Mustaşfā min 'Ilm al-Uşūl*, 4 vols. (Medina: Sharika al-Madīna al-Munawwara li al-Ṭabā'at, 2008).
- 5 See e.g. Qur'an 4:29-30; see also Michael Bonner, "Poverty and Economics in the Qur'an," *The Journal of Interdisciplinary History* 35, no. 3 (2005; special issue on Poverty and Charity: Judaism, Christianity, and Islam, ed. Mark Cohen): 391-406.
- 6 Benedikt Koehler, *Early Islam and the Birth of Capitalism* (Lanham, MD: Lexington Books, 2015).
- 7 Timur Kuran, "The Absence of the Corporation in Islamic Law: Origins and Persistence," *American Journal of Comparative Law* 53 (2005): 785-834.
- 8 Abdul Azim Islahi, "The Myth of Bryson and Economic Thought in Islam," *Journal of King Abdulaziz University: Islamic Economics* 21, no. 1 (2008): 57-61.
- 9 On *Sharī'a*'s moral law and its cosmological imprint, see Sami al-Daghistani, *The Making of Islamic Economic Thought*. On "mystical Sharīsm" see Wael Hallaq, *The Impossible State* (New York: Columbia University Press, 2013).
- 10 See Qur'an e.g. 4:58, 11:84, 16:76, 43:15, etc.
- 11 See e.g. Ibn Manzur, *Lisān al-'arab*, s.v.
- 12 For Aristotel's and Bryson's influence in Ibn Sīnā's economic thought, see e.g. Nurizal Ismail, *A Critical Study of Ibn Sīnā's Economic Ideas* (MA thesis, International Institute Islamic Thought and Civilization, 2012); Yassine Essid, *A Critique of the Origin of Islamic Economic Thought* (New York: E.J. Brill, 1995), 186.
- 13 The philosophy of economic growth, barter exchange, and other economic mechanisms were in Islamic tradition embedded in a particular framework that cannot be simply replicated or reinstalled in the contemporary era, due to the loss of a quintessential paradigm that has occurred with the onslaught of colonialism and modernity. For more on the colonial impact on the social, political, and intellectual life in Muslim societies, see e.g. Wael Hallaq, *Sharī'a* (Cambridge: Cambridge University Press, 2009). For more on modern Islamic Economics, see e.g. Muhammad Akram Khan, *What Is Wrong With Islamic Economics? Analysing the Present State and Future Agenda* (Cheltenham, UK; Edward Elgar); Asad Zaman, "Re-Defining Islamic Economics," in *Basic Concepts, New Thinking and Future Directions in Islamic Economics*, eds. Taha Egri & Necmettin Kizilkaya (Cambridge: Cambridge Scholars Publishing, 2015), 58-76.

- 14 *Iqtisād* from *qaṣada*, meaning “purpose,” “justice,” “aim,” “direction,” “objective.”
- 15 See e.g. Adi Setia, “The Restoration of Wealth: Introducing Ibn Abī al-Dunyā’s *Iṣlāḥ al-Māl*,” *Islamic Sciences* 13, no. 2 (2015): 93; idem, “The Meaning of ‘Economy’: *Qaṣd, Iqtisād, Tadbīr al-Manzil*,” *Islamic Sciences* 14, no. 1 (2016): 120-121.
- 16 For al-Shātibī, *maqāṣid* is the attainment of good and prevention from evil, presenting the core of *Shari‘a*’s law. See also al-Ṭūfi’s (d. 1316) account of *maqāṣid* in Najm al-Dīn al-Ṭūfi, *Risālat fi Ri‘āyat al-Maṣlahah*, N/A, 1993, 139 as at Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence* (Cambridge: The Islamic Text Society, 2005), 242; and ‘Izz al-Dīn Ibn ‘Abd al-Salām, *Qawā‘id al-Ahkām fi Maṣāliḥ al-Anām* (Cairo: Maktabah al-Kulliyāt al-Azhariyyah, 1991).
- 17 Al-Juwāynī, *Kitāb al-Irshād ilā Qawā‘i‘ al-Adilla fi Uṣūl al-I’tiqād*; Al-Juwayni, *A Guide to the Conclusive Proofs for the Principles of Belief*, trans. Paul E. Walker (UK: Garnet Publishing, 2001); Jasser Ouda, *Maqāsid al-Shari‘a* (Herndon, VA: IIIT, 2008), 17.
- 18 Al-Juwāynī, *Kitāb al-Irshād*, vol. 1, 286-287. Prior to al-Ghazālī and al-Juwaynī, al-‘Āmirī presented the concepts with which the latter two operated.
- 19 See for instance al-Ghazālī’s categorization of *maqāṣid* also in relation to economic provision and *kasb*. Al-Ghazālī, *Iḥyā’ ‘Ulūm al-Dīn* (Beirut: Dār al-Ma‘rifah, 1982.), vol. 2.
- 20 Ash‘arīs believe that all human acts are created by God, often invoked through the following Qur’anic verse 37:96: “While Allah created you and that which you do.”
- 21 Aḥmad Zakī Mansūr Ḥammād, “Abū Ḥāmid al-Ghazālī’s Juristic Doctrine in *Mustaṣfā min ‘Ilm al-Uṣūl*” (Phd diss., University of Chicago, 1987), vol. 1, 17.
- 22 Ibid.
- 23 See e.g. Ahmed El Shamsy, “The Wisdom of God’s Law: Two Theories,” in *Islamic Law in Theory*, eds. A. Kevin Reinhart and Robert Gleave (Leiden: Brill, 2014), 31.
- 24 Abdul Aziz bin Sattam, *Sharia and the Concept of Benefit: The Use and Function of Maslaha in Islamic Jurisprudence* (London: I.B.Tauris, 2015).
- 25 See al-Ghazālī, *al-Mustaṣfā*, Vol. 1.
- 26 Al-Ghazālī, *Iḥyā’*, Vol. 1, 32 as at Sami Al-Daghistani, *Ethical Teachings of Abū Ḥāmid al-Ghazālī: Economics of Happiness* (London: Anthem Press, 2021), 70.
- 27 Al-Ghazālī, *Iḥyā’*, Vol. 1, 17; see also Vol. 2.
- 28 See e.g. al-Sulamī, *Kitāb Adab al-Suhba*, ed. Meir Kister (Jerusalem: Israeli Oriental Society, 1954); Bernd Radtke, R. Sean O’Fahey, and John O’Kane, “Two Sufi Treatises of Ahmad Ibn Idris,” *Oriens* 35 (1996): 143-178; Bernd Radtke, *Adab al-muluk: Ein Handbuch zur islamischen Mystik aus dem 4/10. Jahrhundert* (Beirut: Beirut Texts und Studien, 1991); al-Sarraj, *Kitāb al-Luma‘*, ed. Kamil Mustafa al-Nihawandi (Beirut: Dar al-Kutub al-‘Ilmiyya, 2001).
- 29 For more, see e.g. Armando Salvatore, “Secularity through a ‘Soft Distinction’ in the Islamic Ecumene? *Adab* as a Counterpoint to *Shari‘a*,” *Historical Social Research*

- 44, no. 3 (2019): 35-51; Barbara Daly Metcalf, "Introduction," in *Moral Conduct and Authority: The Place of Adab in South Asian Islam*, ed. Barbara Daly Metcalf (Berkeley: University of California Press, 1984), 1-20.
- 30 *The Encyclopaedia of Islam* (Leiden: Brill, 1996), s.v. *adab*, 175. Its naissance is associated with the writings of Ibn al-Muqaffa' (d. 756).
- 31 See also Ibn Manẓūr, *Lisān al-'Arab* (Qom: Adab al-Hawza, 1984), s.v. *adab*, 43 f.
- 32 Salvatore, "Secularity through a 'Soft Distinction' in the Islamic Ecumene?" 40.
- 33 Salvatore, "Secularity through a 'Soft Distinction' in the Islamic Ecumene?" 41; Seeger A. Bonebakker, "Adab and the Concept of Belles-lettres," in *Abbasid Belles-lettres*, ed. Julia Ashtian, T. M. Johnstone, J.D. Latham and R. B. Serjeant (Cambridge: Cambridge University Press, 1990), 16-30.
- 34 See Cathérine Mayeur-Jaouen, ed., *Adab and Modernity: A Civilising Process?* (Leiden: Brill, 2019), 31.
- 35 See e.g. Alexander Knysh, *Sufism: A New History of Islamic Mysticism* (Princeton: Princeton University Press, 2017), Chapter 5; on the definition of *adab*, see *The Encyclopaedia of Islam* (Leiden: Brill, 1996), s.v.
- 36 Knysh, *Sufism*, 138.
- 37 Ibn Khaldūn, *Shifā' al-Sā'il wa Tahdhib al-Masā'il*, ed. Muhammad Muti' al-Hāfiz (Damascus: Dār al-Fikr, 1996).
- 38 See al-Ghazālī, *Iḥyā'*, Vol. 2; al-Ghazālī, *Al-Ghazālī on Islamic Guidance*, trans. Muhammad Abul Quasem (Selangor, Malaysia: National University of Malaysia, 1979).
- 39 Al-Sulamī in Knysh, *Sufism*, 139; see also al-Sulamī, *Kitāb Adab al-Suhba*, ed. Meir Kister (Jerusalem: Israeli Oriental Society, 1954).
- 40 See e.g. Setia, "The Restoration of Wealth," 82-83.
- 41 For a detailed account of the *nafs* and *tazkīya* in the Qur'an and Islamic intellectual history, see e.g. Gavin Picken, *Spiritual Purification in Islam: The Life and Works of al-Muḥāsibī* (London: Routledge, 2011), 123-167.
- 42 Ibn al-Qayyim al-Jawziyyah stated that the *nafs* can achieve tranquility if it undergoes the process from doubt to certainty, from ignorance to knowledge of God, from heedlessness to remembrance of God, from deceit to repentance and truthfulness, and from boastfulness to submission and humility. In relation to the purification of the heart, Ibn Taymiyyah states that *tazkīya* means to make something pure (*zakiyyan*), either in essence or in belief. See Ibn al-Qayyim al-Jawziyyah, *al-Rūḥ*, ed. Muḥammad 'Alī al-Qutb and Walīd al-Dhikrā (Beirut: al-Maktabah al-'Aṣriyyah, 2000), 259; Ibn Taymiyyah, *Majmū' Fatāwā Shaykh al-Islām Aḥmad Ibn Taymiyyah* (Riyadh: Matābi' al-Riyāḍ, 1963), Vol. 10; see also Picken, *Spiritual Purification in Islam*, 138-139, 149.
- 43 Al-Tirmidhī (d. 869), who as a jurist and a Sufi scholar synthesized Islamic theology, mysticism, and cosmology, wrote on training the self, holding that one must

perform voluntary work, seek salvation in the hereafter, fight against lust for power, and discipline the soul by purifying oneself. The *nafs* is for al-Tirmidhī the “‘land’ (*arḍ*) of debauchery, inclined to carnal appetite after carnal appetite and desire after desire; it does not gain calmness nor does it gain stability. Its actions vary, none of them resembling the other; one time it is servitude and another it is divinity, one time it is surrender and another it is domination, one time it is incapacity and another it is capability. So, if the soul is contented and disciplined, it will become obedient.” Muḥammad b. ‘Alī al-Tirmidhī, *Nawādir al-Uṣūl* (Istanbul: n.p., 1876), 201 as at Picken, *Spiritual Purification in Islam*, 153. Moreover, for al-Ghazālī, *nafs* has two meanings: that of anger, sexual and carnal appetite, which has to be battled, and that pertaining to human essence and spiritual qualities.

- 44 Al-Qushayri, *Epistle on Sufism*, trans. Alexander Knysh (Reading, UK: Garnet Publishing, 2007), 109.
- 45 *Ibid.*, 130.
- 46 *Ibid.*, 131.
- 47 *Ibid.*, 132.
- 48 Knysh, *Sufism*, 170-174.
- 49 For one of the earliest and most comprehensive Sufi works in the *zuhd* genre, see Ibn al-Mubārak, *Kitāb al-Zuhd wa al-Raqā’iq* (Riyad: Dār al-Mi’rāj al-Dawliyya, 1990). Knysh holds that the work praises humility and seclusion, yet it steers away from an extreme understanding of trust in God (*tawakkul*). See also Feryal Salem, *The Emergence of Early Sufi Piety and Sunnī Scholasticism* (Leiden: Brill, 2016), 105-138.
- 50 Al-Qushayri, *Epistle on Sufism*, 134.
- 51 Qur’an, 53:27.
- 52 Al-Qushayri, *Epistle on Sufism*, 134.
- 53 *Ibid.*, 136.
- 54 Al-Junayd also stated that it relates to “keeping your hands free from possessions and your heart from attachment [to this world]” (*ibid.*).
- 55 *Ibid.*, 282.
- 56 Al-Qushayri, *Epistle on Sufism*, 129 f.
- 57 Al-Shaybānī, *Kitāb al-Kasb* (Ḥalab: Maktabah al-Maṭbu‘āt al-Islāmiyyah, 1997).
- 58 Michael Bonner, “The *Kitāb al-Kasb* attributed to al-Shaybani: Poverty, Surplus, and the Circulation of Wealth,” *Journal of the American Oriental Society* 121, no. 3 (2011): 414.
- 59 Al-Shaybānī, *Kitāb al-Kasb*, 70; Adi Setia, “Imam Muḥammad Ibn al-Ḥasan al-Shaybānī on Earning a Livelihood,” 105.
- 60 Al-Shaybānī, *Kitāb al-Kasb*, 36.
- 61 *Ibid.*, 71.

- 62 Ibid., 164.
- 63 Ibid., 135.
- 64 Ibid., 136.
- 65 Ibid., 83, 93.
- 66 “*Al-israf wa al-saraf wa al-makhila wa al-tafakhur wa al-takathur*.” Michael Bonner, “The *Kitab al-Kasb* attributed to al-Shaybani,” 418.
- 67 See Adi Setia, *Kitāb al-Makāsib (The Book of Earnings) by al-Hārith al-Muḥāsibī (751-857 C.E.)* (Kuala Lumpur: IBFIM, 2016).
- 68 Al-Muḥāsibī, *al-Makāsib wa al-Waraʿ* (Beirut: Muʿssasah al-Kutub al-Thaqāfiyyah, 1987), 42.
- 69 Adi Setia, “Al-Muḥāsibī: On Scrupulousness and the Pursuit of Livelihoods: Two Excerpts from His *al-Makāsib wa al-Waraʿ*,” *Islamic Sciences* 14, no. 1 (2016): 73.
- 70 The title bears two names. For more about the background of the book, see Picken, *Spiritual Purification in Islam*. For al-Muḥāsibī’s economic analysis, see al-Muḥāsibī, *Kitāb al-Waṣāyā*, ed. ‘Abd al-Qādir Aḥmad Aṭā (Beirut: Dār al-Kutub al-‘Ilmiyyah, 1986).
- 71 Ibn Abī al-Dunyā, *Iṣlāḥ al-Māl* (Beirut: Muʿassasah al-Kutub al-Thaqāfiyyah, 1993), 33.
- 72 Ibid., 41.
- 73 Ibid., 33, 46, 48.
- 74 Ibid., 100.
- 75 Ibid., 73.
- 76 Abū Naṣr al-Sarrāj al-Ṭūsī (d. 988) in *Kitāb al-Lumaʿ* discusses seven *maqāmāt* (spiritual stations) that relate to economic activities. The first is *tawbah* (repentance), which corresponds to the awareness of the Divine presence in one’s heart (*qalb*) and brings about spiritual uplift. The second is *waraʿ* (watchfulness or abstention), pertaining to self-reflection and self-restraint. The third is *zuhd* (renunciation) as a precaution against worldly endeavors. The fourth is *faqr* (spiritual poverty) as denying excessive behavior such as spending, in order to achieve spiritual thrust and contentment. The fifth is *ṣabr* (patience) that has to be practiced in trading activities, which brings about spiritual endurance. The sixth is *tawakkul* (trust in God), which means devoting oneself to the higher order, encompassing both *maʿrifa* and *ʿamal*, while the final station is *riḍāʿ* (pure contentment) as a submission to *qadā* (fate). Exercising those *maqāmāt* are essential for attaining what classical scholars refer to as righteous economic behavior and underlines the importance of moral attitude toward wealth. Abū Naṣr al-Sarrāj al-Ṭūsī, *Kitāb al-Lumaʿ fī al-Taṣawwuf*, ed. Reynold Alleyne Nicholson (Leyden: Brill, 1914), 43-52.
- 77 Al-Māwardī, *Adab al-Dīn wa al-Dunyā*, 41, 370.
- 78 Ibid., 211-213.

- 79 The known ways of earning or *makāsib* are based on agriculture, animal products, benefits from trading, and benefits from industry. Ibid., 335.
- 80 Ibid., 347.
- 81 Ibid., 352.
- 82 Ibid., 251-262.
- 83 Ibid., 180-188.
- 84 See the English translation al-Ghazālī, *The Book of the Proprieties of Earning and Living*, trans. Adi Seita (Kuala Lumpur: Islamic Banking & Finance Institute Malaysia, 2013).
- 85 For a more detailed discussion of al-Ghazālī's economics, see al-Daghistani, *Ethical Teachings of Abu Hamid al-Ghazālī*.
- 86 Al-Ghazālī, *Bidāyat al-Hidāya*, 90; al-Ghazālī, *The Beginning of Guidance*, 54.
- 87 See al-Ghazālī, *Iḥyā' 'Ulūm al-Dīn*, Vol. 4.
- 88 Al-Ghazālī, *Bidāyat al-Hidāya*, 91-92.
- 89 Al-Ghazālī, *Iḥyā'*, Vol. 2, 63.
- 90 Al-Ghazālī, *The Revival of Religious Sciences*, 100; see also al-Ghazālī, *Iḥyā'*, Vol. 2.
- 91 Al-Ghazālī, *Iḥyā'*, Vol. 2, 1.
- 92 Al-Ghazālī, *Bidāyat al-Hidāya*, 90.
- 93 Al-Ghazālī, *Iḥyā'*, Vol. 2, 68.
- 94 Al-Ghazālī, *Iḥyā'*, Vol. 3, 231.
- 95 Al-Ghazālī, *Iḥyā'*, Vol. 2, 1.
- 96 Al-Ghazālī, *Mizān al-'Amal* (Cairo: Dār al-Ma'ārif, 1964), 377.
- 97 Al-Ghazālī, *Iḥyā'*, Vol. 2; al-Ghazālī, *Kimiyā*, 474.
- 98 Ashqar & Wilson, *Islamic Economics: A Short History*, 248. Money should not be spent for its own sake: al-Ghazālī, *Iḥyā'*, Vol. 3, 278.
- 99 Al-Ghazālī, *Iḥyā'*, Vol. 4, 91.
- 100 See, for instance, Fawzi M. Najjar, "Siyāsa in Islamic Political Philosophy," *Islamic Theology and Philosophy: Studies in Honor of George F. Hourani*, ed. M.E. Marmura (Albany: State University of New York Press, 1984), 92-110; al-Māwardī, *Aḥkām al-Sulṭāniyya* (Cairo: al-Babi al-Halabi, 1973); al-Ghazālī, *Nasihat al-Muluk: al-Ghazālī's Book of Counsel for Kings*, trans. F.R.C. Bagley (London: Oxford University Press, 1964).
- 101 Armando Salvatore, "The Islamicate *Adab* Tradition vs. the Islamic *Shari'a*, from Pre-Colonial to Colonial," Working Paper Series of the HCAS "Multiple Secularities – Beyond the West, Beyond Modernities," Leipzig, March 2018, 14.
- 102 Hallaq, *The Impossible State*, 67.
- 103 Al-Ghazālī, *Iḥyā'*, Vol. 2, 10-11, 53, 55.

- 104 On the discussion about the authorship of *Naṣīhat al-Mulūk*, see e.g. Patricia Crone, “Did al-Ghazālī Write a Mirror for Princes? On the Authorship of *Naṣīhat al-Mulūk*,” *Jerusalem Studies of Arabic and Islam* 10 (1987): 167-197; Carole Hillenbrand, “A Little-Known Mirror for Princes by al-Ghazālī,” in *Words, Texts, and Concepts Cruising The Mediterranean Sea: Studies on the Sources, Contents and Influences of Islamic Civilization and Arabic Philosophy and Science: Dedicated to Gerhard Endress on his Sixty-Fifth Birthday*, ed. Gerhard Endress, Arnzen Rüdiger, and J. Thielmann (Leuven: Peeters, 2004); Ann K.S. Lambton, “The Theory of Kingship in the *Naṣīhat al-Mulūk*,” *The Islamic Quarterly* 1 (1954): 47-55.
- 105 Al-Ghazālī, *Counsel for Kings*, ix, xviii.
- 106 *Ibid.*, xxxviii.
- 107 Including Abū Yūsuf (d. 798), al-Shaizārī (d. 1193), al-Ghazālī, and Ibn Taymiyyah. Abū Yūsuf’s *Kitāb al-Kharaj*, which is essentially a classical text on *fiqh*, discusses *kharaj* (collected taxes), *‘ushūr* (a tithe payable by Muslims), and *ṣadaqāt* (alms) in light of state governance’s fiscal policy while providing advice to rulers based on religious law. For Abū Yūsuf, the ruler is responsible for the general welfare of the people. In his letter to the caliph Hārūn al-Rashīd he asserted that providing for the (general) welfare of the people and preventing forms of hardships constitutes one of the basic objectives of Islamic governance. This includes also providing social goods for the development of the economy and fair distribution of income from taxes. What determines the functioning and executing of such objectives is for him nested in the moral code of Islamic governance. See e.g., Muhammad Khalid Masud, “The Doctrine of *Siyāsa* in Islamic Law,” *Recht van de Islam* 18 (2001): 3; Abū Yūsuf, *Kitāb al-Kharaj* (Beirut: Dār al-Ma‘rifah, 1979), 61, 64; Abū Yūsuf, *Kitāb al-Kharaj*, trans. A. Ben Shemesh (Leiden: Brill, 1969); ‘Abdur Raḥman bin Naṣr Al-Shaizārī, *Aḥkām al-Ḥisbah* (Beirut: Dār al-Thaqāfa, n.d.).
- 108 See e.g. Islahi, *Contribution of Muslim Scholars to Economic Thought and Analysis*.
- 109 Al-Ghazālī, *Iḥyā’*, Vol. 2, 312. Normal price was considered the market price. Al-Ghazālī holds a similar view, as with Ibn Hazm (d. 1064), who was one of the proponents of the imposition of taxes in times when the government is facing resource deficiencies. For Ibn Hazm, a ruler (in the name of Islamic governance) should provide what is nowadays called a basic standard of living—food, clothing, and shelter. To remedy poverty, the ruler has to regulate disproportionate levels of income, while providing enough to fulfill basic needs. Similar to al-Ghazālī’s view on good governance is Ibn Taymiyyah’s notion of *siyāsah*, which is grounded in the Qur’anic promulgation of faith and good deeds. Islamic governance ought to act as a trustee in order to facilitate justice in community. A just ruler aims to eliminate corruption and (political) incompetency, while striving to secure ruler’s good character. Ibn Taymiyyah holds that *ḥisbah* must act in accordance with the Qur’anic statement of promoting the good and forbidding the harmful, who encouraged one’s active role in economic affairs, while diverting from hoarding of wealth

and food supplies. Ibn Qayyim al-Jawziyya also thought of *hisbah* and *siyāsah* as a constitutive part of *Shari'a*. See Qur'an 3:104; al-Ghazālī, *Iḥyā'*, Vol. 4, 72; Ibn Taymiyyah, *Al-Ḥisbah fī al-Islām*, 14 (Cairo: Dār al-Sha'b, 1976); Ibn Qayyim al-Jawziyya, *Zād al-Ma'ād* (Cairo: Matba'ah al-Miṣriyyah, n.d.), 15; Ibn Hazm, *al-Muhalla* (Cairo: Matba'ah al-Nahdah, 1347 A.H/1928 A.D.), Vol. 2 and 6.

- 110 In addition to al-Ghazālī, al-Māwardī believed that the institution of *hisbah* has its origins in the Qur'an. Even though al-Māwardī did not introduce the concept of *maṣlahah* in relation to economic thought, his *al-Aḥkām al-Sulṭāniyyah* explores *siyāsah* as governmental ordinances in the function of a religious leader (*imām*) who aims at securing and preserving legal matters in the community. A ruler is supposed to preserve religion, uphold justice, manage wealth, and enforce law fairly, among other things. The dimension of justice (*'adl*) is based on reciprocity between governmental authority and community and predicated upon creating welfare for oneself and community. As a founding principle of governance of virtue, justice is associated with an attitude that ranges between excess and miserliness. See al-Māwardī, *al-Aḥkām al-Sulṭāniyyah* (Cairo: al-Babi al-Halabi, 1973), 3-4; Christopher Melchert, "Māwardī's Legal Thinking," *Al-Uṣūr al-Wuṣṭā*, 23 (2015): 68-86. Texts dealing with legal matters, such as electing a leader of the community, preserving market functions, and applying penal codes, are, however, encapsulated in a religious vision of a community. This is well narrated in al-Māwardī's *Adab al-Dīn wa al-Dunyā*. See al-Māwardī, *Adab al-Dīn wa al-Dunyā* (Beirut: Dār al-Minhāj, 2013).
- 111 For more on the notion of unveiling and ethics of happiness, see al-Ghazālī, *Al-Iqtisād fī al-i'tiqād* (Damascus: 2003); al-Ghazālī, *Mizān al-'Amal* (Cairo: Dār al-Ma'ārif Press, 1964); al-Ghazālī, *Bidāyat al-Hidāya* (Beirut: Dār al-Bashar al-Islāmiyya, 2001); al-Ghazālī, *The Beginning of Guidance*, trans. Abdur-Rahman ibn Yusuf (Santa Barbara: White Tread Press, 2010).
- 112 See al-Ghazālī, *Iḥyā'*, Vol. 2.
- 113 Al-Ghazālī, *Bidāyat al-Hidāya*, 44; al-Ghazālī, *The Beginning of Guidance*, 23.

Competing Authorities: Islamic Family Law and Quasi-Judicial Proceedings in North America

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Abstract

North American Muslims seeking to resolve their private disputes confront multifaceted access to justice issues. Since Islamic marriage and divorce laws do not always align with North American family legislative schemes, Muslims are burdened with trying to simultaneously meet their obligations toward both legal systems. Unlike secular law, Islamic divorce proceedings require either the husband's eventual consent or the availability of a Muslim judge. They also prescribe substantive obligations and rights for

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Wahb, Yousef Aly. 2022. "Competing Authorities: Islamic Family Law and Quasi-Judicial Proceedings in North America." *American Journal of Islam and Society* 39, nos. 3-4: 87-111 • doi: 10.35632/ajis.v39i3-4.2993

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divorcees that are comparable to corollary relief provided by family law statutes. The absence of religious quasi-judicial dispute resolutions poses barriers to Muslims obtaining a religious divorce or annulment, and to acquiring subsequent relief, such as financial settlements and custody, in accordance with their religious beliefs. To respond to these overlapping barriers, this paper analyzes forms of Islamic legal authority to grant religious divorce or annulment, and to mediate or arbitrate corollary relief using religious law. The paper concludes with recommendations for a holistic framework to settle family disputes in compliance with Islamic law and in a legally enforceable manner.

Introduction

North American Muslims in contested divorce cases are limited to obtaining court-ordered divorces (which may not fulfill the requirements of Islamic divorce), or soliciting the help of religious leaders, such as imams, religious counselors, or Islamic organizations (who may not have the binding legal authority under either Islamic or secular law).¹ Muslim communities in North America largely view their religious leaders (imams and religious scholars) as voluntarily-appointed mediators and arbitrators.² Families seek unofficial assistance from religious leaders to solve marital disputes, resulting in a largely unregulated “ad hoc system of individual imams and arbitrators reaching unreported decisions.”³ Such ‘private ordering’ causes numerous problems including unclear legal authority or religious legitimacy, inaccurate and inconsistent decisions, underqualified decision-makers, and even potential abuse.

Secular laws differ in allowing, restricting, or banning the enforceability of faith-based arbitral awards, especially when processed based on Islamic law. On the other hand, Muslim spouses face challenges in seeking to enforce their Islamic-based marital contracts (marriage and separation agreements) due to judicial inconsistency in interpreting their religious terms. The presumed state neutrality limits the legislative and judiciary from intervening in interpreting religious principles or resolving religious issues. Consequently, North American Muslims pursue

alternative dispute-resolution mechanisms to settle their private affairs outside of courts in a context that is more adept to their needs.

Islam views the institution of marriage in a sacred manner, with the Quran (the primary source of law) considering it to be a sign from God⁴ and the practice of prophets.⁵ Despite this religious frame of marriage, Islamic law, compared to other canonical laws, may be the first to transform marriage from a “status” to a “contract.”⁶ It treats the marital union as a binding religious agreement and civil act between two legally and morally responsible individuals who pledge to fulfil a religious duty.⁷ This social and religious contract automatically embeds Islamic law’s enforceable terms and binds both parties by its religious rules, even if not explicitly stated.

Religious recognition of civil divorces is constrained by Islamic law’s exclusion of non-Muslim judges from having judicial authority, especially in family law matters. Even if civil proceedings were to align with religious practices, the civil judge’s faith identity determines the Islamic legitimacy of their judgments. This theological and legal matter is central to classic Islamic law, the function of family courts in most Muslim countries today, and the practice of many North American Muslims. The development of Islamic legal theories on judicial authority during periods of Muslim diaspora grants flexibility to legally characterize the state of Muslim minorities residing in non-Muslim countries, and to provide alternative family dispute resolution mechanisms in the absence of Muslim judges.

The most utilized marriage dissolution methods under Islamic law that do not require the involvement of any judicial decision-maker are: *ṭalāq* and *khulʿ*. *Ṭalāq* is “a verbal or written unilateral divorce issued by the husband, explicitly or implicitly signaling his intent to divorce.”⁸ *Khulʿ* is “a verbal or written bilateral divorce initiated by the wife, denoting divestment. It is a contractual agreement that fiscally compensates the husband in exchange for his release of the marital bond.”⁹ Notably, there is no inherent equivalency between Islamic and civil methods of marriage dissolution:

Only in limited circumstances can a civil divorce or annulment be treated as *ṭalāq* or *khulʿ*. A wife who is granted a civil divorce

or annulment despite the husband's contest must independently acquire a religious marital dissolution. To facilitate marital dispute resolutions in Canada, Islamic legal authority is needed to: (1) grant a religious divorce or annulment complementing a civil divorce, and (2) mediate or arbitrate corollary relief using religious laws and principles.¹⁰

In reality, North American imams are involved in the process of *ṭalāq* or *khulʿ* as mediators. In cases when the husband withholds *ṭalāq* or his contest to *khulʿ*, imams differ in their approaches. Some imams assume the role of a judge to be able to grant an annulment (*faskh*) or order a divorce (*ṭalāq*). Both of these methods do not require involving the unreasonably contesting husbands. Other imams refrain from intervening in dispute resolution, fearing serious consequences.

Family Law in the Modern Muslim World

Islamic law (*fiqh/sharīʿah*) is not a product of state legislation; it is the outcome of juristic analyses of primary divine sources. Nonetheless, political, social, and institutional dynamics influenced the development and application of Islamic law. These dynamics in which jurists function necessitated coherent sets of legal doctrines and juristic methodologies, which have been adopted by legal schools of thought (*madhhab*, pl. *madhāhib*). *Madhāhib* have material differences in their substantive doctrines, including their approaches to the regulation of the family unit.¹¹ They commonly endorse a gendered and hierarchal structure of the family in their positions on foundational and financial issues. This may be “to the benefit of the husband ... but with a strong underlying element of transactional reciprocity of obligations.”¹² Even so, the profound differences of *madhāhib* affect the applications of rights and remedies under Islamic family law.

Madhāhib systematically developed with jurists applying primary sources to emerging issues through hermeneutic and legal reasoning methods, creating different interpretive communities documented in treatises, legal opinions (*fatāwā*, sing. *fatwā*), and judicial decisions. Islamic

jurisprudence continued to evolve over stages, including the developments of multi-genre and interdisciplinary scholarship, codification of legislation, and establishment of legal institutions and state judiciary.

Early Islamic legal history embodied different forms of legal pluralism beyond its modern conception (which emerged in response to legal centralism)¹³. One instance of intra-Islamic pluralism is demonstrated by the historic *madhāhib* diversity of judicial appointments to occasionally accommodate various educational and cultural backgrounds. Moreover, non-Islamic faith-based adjudication was recognized to accommodate Abrahamic religious minorities. Indeed, these demonstrations of legal pluralism were often subject to domestic politics across dynasties and between competing legal cultures;¹⁴ they illustrate the development of legal institutions under complex relationships of law, politics, and society. Historic examples of legal pluralism, as influenced by communal applications of Islamic law, are necessary to understand the development of the modern legal pluralism of Islamic family courts.¹⁵

The recognition of non-Islamic conceptions of marriage is part of Islam's commitment to family law pluralism. Arguably, this resembles the space modern liberalism creates for private matters and secular family law.¹⁶ Islamic family law pluralism is framed by four principal factors: 1) the impossibility of resolving the differences resulting from the human interpretation in the law-finding process, 2) the contractual nature of Islamic family law and its mix of mandatory and permissive rules, 3) the non-judicial religious regulation of the family providing parties an opportunity to depart from the default terms of Islamic law, and 4) the willingness of Islamic law to give limited recognition to marriages under non-Islamic family law systems pursuant to the principle of granting non-Muslims autonomy over their religious affairs.¹⁷

Despite ongoing secular influence during the post-colonial era, the codification of law in Muslim countries generally preserved religious principles. In particular, secularization had the least effect on Islamic family law, which is largely preserved throughout the Muslim world. Although areas relating to penal, financial, and administrative laws were modified, "the law of personal status, of which certain parts relating to marriage and inheritance were directly derived from the

Quran, remained virtually intact until modern times.”¹⁸ The different Islamic-based codification projects, including the extensive *Majalla*, codified topics of financial transactions, wills and estate, and testimonial evidence,¹⁹ but did not include any family law matters. In 1917, the first attempt to draft a comprehensive Islamic family code arose: the *Ottoman Family Law* code was intended to centralize power and standardize legal rules.²⁰ This code was adopted by multiple Middle Eastern countries for a long period, with some contemporary states, such as Lebanon and Jordan, still implementing parts of it today.²¹ A key reason behind the effective application of this code is its juristic flexibility of basing its rulings on multiple *madhāhib*, contrary to the *Majalla*. This inspired Muslim countries to rely on vast legal literature in legislating family codes and reforming legal culture.

The emphasis on the supremacy of Islamic law in family matters is dealt with in contemporary jurisprudence and explicitly mentioned in case law. For example, in 1979, the Egyptian Court of Cassation stated that all policies must be “[b]ased on a purely secular doctrine ... to which society in its entirety can adhere and which must not be linked to any provision of religious laws.”²² However, while secularizing general policies, the Court explicitly maintained “the established jurisprudence of this court that the Islamic Shari’a ... applies as a matter of principle to the rules of *family relations*.”²³ Despite the general preservation of Islamic family law, it has not remained stagnant. It has underwent remarkable changes over time and continues to bring forth new and sometimes controversial modifications.

Currently, most family law systems in Muslim countries make room for legal reforms to re-examine classic juristic codes.²⁴ In this capacity, legislation encompasses legal doctrines beyond common orthodox schools and responds to evolving social dynamics.²⁵ These reforms offer women additional rights in complex cases such as the guardian’s right to conduct a marriage, spousal and child support, custody of children, and judicial dissolution of marriage. For example, marital dissolution by judicial annulment or court-ordered divorce is typically available in most Muslim countries based on a selective preference for one of the orthodox schools of law:

judicial dissolution ... a Maliki doctrine, is applicable today in most Muslim countries ... the classical Hanafi law practically does not allow a wife to demand dissolution of her marriage on any other ground. But in Pakistan, though with a majority of Hanafi followers, The Dissolution of Muslim Marriages Act of 1939 entitles a wife to demand dissolution for fourteen other causes as well.²⁶

Despite acceptance for legal reform across several countries, only Turkey is considered to have abolished *sharī'ah*, with Tunisia partially abandoning it by abolishing polygamy.²⁷ Most Middle Eastern and Arabian countries follow *sharī'ah*, in both procedural and substantive law, and adapt it to modern social changes without substantially changing its basic principles.

The Religious Authority of a Non-Islamic Judiciary

Access to justice is influenced by the forum of adjudication. Two authoritative positions guide the judiciary: the legal scholar (*muftī*) and the judge (*qāḍī*). The distinct difference between them is that a *muftī* issues a non-binding *fatwā*, while a *qāḍī* issues an enforceable judgement (*ḥukm*). Accordingly, religious normative rulings are classified into two categories: 1) what can be obtained only through a *fatwā*, such as issues related to acts of worship including prayer and fasting rituals, and 2) what can be obtained through either a *fatwā* or a *ḥukm*, such as issues related to contractual agreements including marriage and divorce.²⁸

Although the Islamic concept of the judiciary has several definitions, they all relate to the authority of a *qāḍī* and their *ḥukm*. In essence, a *ḥukm* is a legally and morally binding judgment issued by a legitimate authority based on a divine source that irrevocably resolves a conflict.²⁹ Notably, a *ḥukm* not only binds the litigants but also morally obligates any third parties, such as jurists who may hold contrary views.³⁰ A *ḥukm* is authoritative “not because it accords with one specific legal rule or another, but because of the imperium tied to [the *qāḍī*’s] institutional position” within the legal system.³¹ The religiously binding nature of a judgment necessitated Muslim

jurists to develop strict eligibility conditions for judicial appointments. The vast majority of *madhāhib* require a *qāḍī* to have obtained a high level of scholarship in Islamic law³² and be: a Muslim, recognized by the current political authority,³³ upright and of good manners, and physically competent and mentally stable.³⁴ Other conditions are disputed between the *madhāhib*, such as the *qāḍī*'s gender³⁵ and lineage.³⁶ Additional conditions propounded by specific theological groups also exist.³⁷

The Islamic legal system's evolution was not solely a result of its codification, but also involved the systemization of court systems, the requirement of judicial appointments, and legal training.³⁸ The shift from the traditional ruling system to the nation-state, coupled with secularization and codification, influenced the shape and character of the judiciary. The qualifications for judges have changed, for example, from a particular level of Islamic scholarship to the modern credentials of law schools.³⁹ Though these changes may be justified by the reduction of judicial discretion that accompanied the codification of Islamic law, they eroded the religious nature of the judicial position and its societal and theological expectations. Nevertheless, even after secularization, the religious authority of judges and the exclusivity of Muslim judges in family courts remain part of the Islamic family law rules.⁴⁰

Exceptions to Conditions of Judicial Appointment

A fundamental Islamic objective is to provide justice for all and maintain social stability. Hence, Islamic law considers the appointment of judges to be a communal responsibility.⁴¹ Therefore, if no functioning judicial system is established, all of society will be held religiously accountable. Al-Juwaynī ranked “establishing adjudication among Muslims, relieving the oppressed from the oppressors, and resolving conflicts between litigants” to be one of the fundamentals of the Islamic faith and among the most critical communal obligations.⁴² Other Shāfiʿī scholars held that accepting the position of a judge, if the conditions are met, is more important than participating in *jihād*.⁴³ The communal duty of ‘enjoining good and forbidding evil’⁴⁴ demands community members to assist the judiciary by upholding social justice and by securing individuals’ rights

through testimonial duties.⁴⁵ Judgeship itself is considered a means of enjoining good and forbidding evil.⁴⁶ Religious and worldly interests are attained by its establishment.⁴⁷

As a matter of practical adaptation, Islamic law, across its different schools and throughout history, accommodated a wide range of exceptions when conditions of judicial appointment could not be met. Almost all *madhāhib* suggest circumstantial flexibility that permits waiving some conditions to protect civil rights, ensure social security, and provide alternative dispute resolution avenues. Aḥmad ibn Ḥanbal commented on the importance of access to justice not being compromised by strict compliance to the qualifications: “there has to be a judge [available for people] lest that their rights will be violated.”⁴⁸ Hence, Ḥanbalī jurists state that the conditions, in general, are to be satisfied as much as possible, giving priority to the best available candidates.⁴⁹

Concerning the condition of legal knowledge, the Mālikī school permitted the appointment of a *muqallid* or an unknowledgeable candidate with the stipulations that the former only abide by the verdict of their *Imam of the madhhab*,⁵⁰ and the latter consult scholars before issuing a judgment.⁵¹ In discussing the condition of religious uprightness, many Ḥanafī jurists legitimized the appointment of impious (*fāsiq*) judges, while prohibiting the political authority from initiating their appointment, to facilitate access to justice.⁵² Otherwise, “there will be no legitimate judicial system, especially in our times.”⁵³ Moreover, Ḥanafī jurists legitimized Muslim judges appointed by a non-Muslim authority if the Muslim community in their jurisdiction approves of them.⁵⁴

Regarding the condition of being recognized by a legitimate Muslim authority, Shāfi‘ī jurists discouraged judges from resigning because the incoming ruler was unjust or otherwise illegitimate. They also discouraged the public from de-appointing “unqualified” judges,⁵⁵ to prevent the greater harm of social disturbance against the political ruling system. The Twelver Shia school also permitted some exceptions related to the judge’s level of scholarship and uprightness, despite the school’s strict stipulation of validating judicial appointments by the ‘Imam.’⁵⁶

This wide range of exceptions created distinct legal doctrines particular to some of these schools. The term ‘judge of necessity’ (*qāḍī al-ḍarūrah*)

was coined and most developed by the Shāfi‘ī school.⁵⁷ The word ‘necessity’ refers to the societal need to increase access to justice, which supersedes the importance of satisfying individual prerequisites for a judicial appointment: the appointee’s decisions are “implemented because of *necessity*, so as not to vitiate people’s concerns and interests.”⁵⁸ The emphasis on necessity also reinforces the circumstantial nature of these appointments, which are only permissible as an exception to the rule thereby preserving the stipulation that the original qualifications of a *qāḍī* should be met whenever possible.⁵⁹ This approach is reflected in the circumstantial authority granted to a judge of necessity. Specifically, the authority of such a judge is contingent on their scholarly consultation, prior to issuing a judgment, which ensures the use of sound legal reasoning.⁶⁰ Additionally, the judgments must explicitly refer to supporting evidence such that litigants can question its strength as well as the credibility of any witnesses.⁶¹ Such rules demonstrate the complexity of justifying the legitimacy of a judge of necessity, assessing the scope of their role, and mitigating the risk of procedural abuse.

The Community Replacing Legal Authorities

Muslim communities living under the governance of a non-Muslim legal system are guided by Islam’s framework of communal responsibility (*farḍ kifāyah*) to further implement its higher objectives.⁶² Specifically, in the absence of an appointment process for *qāḍīs*, Islamic law entrusts community leaders⁶³ with the responsibility to appoint the most qualified judges available. Notably, the communal facilitation of marital resolutions has been explicitly recognized: “it is permissible for the wife of an absent husband [who cannot be located] to raise her issue [for divorce] to the [Muslim] judge, the [Muslim] ruler ... or the Muslim community.”⁶⁴ Although these rulings can be found in all *madhāhib*,⁶⁵ they are most prominent in the Ḥanafī and Mālikī schools.

Some of these juristic rulings emerged during the expansion of non-Muslim authorities over Muslim lands. For example, the 15th century Ḥanafī Ibn al-Humām stated that Muslim communities residing in Cordoba, Valencia, and some parts of Ethiopia, where non-Muslim authorities have taken over, should appoint a ruler and a judge to the best of their capabilities.⁶⁶

Communally-appointed judges were also mentioned in the 16th century by al-Wansharīsī in *al-Mi‘yār al-Mu‘rib*, which cites numerous Mālikī jurists’ opinions outlining the methods in which the community can independently function in minority situations in the absence of Muslim judicial authorities. An early explicit mention of minority Muslims was made by the 19th century Ḥanafī jurist Ibn ‘Ābidīn, “in lands of non-Muslim authorities, it is permissible for Muslims to establish congregational prayers and Eids... an appointment of a judge will be legitimate by the Muslim communal approval.”⁶⁷ He added that Muslims should request such facilitation from the authorities of these lands.

The recent history of Indian Muslims also highlights the development of access to justice discourse under the British colony. The 20th-century Indian scholar Ashraf Tahānawī recognized the extreme difficulty in applying Islamic family law or following all the resolutions of the Ḥanafī school, the most dominant school in the sub-continent under the restrictive British rule. In his *al-Ḥīla al-Nājiza*, he discussed the legal ways Muslim women may get a divorce in complex scenarios where husbands are not consenting to it.⁶⁸ His scholarship is considered part of the long struggle of Indian Muslims against the Anglo-Muhammadan Law, developed by the British to deal with their Muslim subjects.⁶⁹

Islamic Dispute Resolution Laws

Among multiple Alternative Dispute Resolution (ADR) models in classical Islamic law, three are relevant to family matters in North America: community-led adjudication (*qaḍā al-darūrah*), private settlement (*ṣulḥ*),⁷⁰ and arbitration (*taḥkīm*).⁷¹ The first model regulates community-appointed judges as a temporary alternative to the absence of official judges. A key criterion of the faith identity of the original or alternate judging authority being Muslim is a matter of consensus in classical Islamic law.

The second model, *ṣulḥ*, is encouraged by the Quran and Sunna as a means for disputants to resolve their disputes. *Ṣulḥ* is broadly defined to include mediation, negotiation, and conciliation: a “settlement grounded upon compromise negotiated by the disputants themselves or with the help of a third party.”⁷² Since *ṣulḥ* entails waiving or compromising rights, it can only apply to the domain of the ‘rights of people,’ as opposed to the

non-negotiable ‘rights of God’ (i.e. ritualistic acts and some prescribed penalties). In the context of marital discord, the Quran exhorts couples by stating that “*ṣulḥ* is the best.”⁷³

The Islamic concept of dispensing justice in society encourages individuals to seek *ṣulḥ* as opposed to publicly litigating disputes.⁷⁴ Judges are recommended to extricate themselves from their judicial duties by commanding disputants to attempt *ṣulḥ* first.⁷⁵ The development of classical *ṣulḥ* laws extended to early codification in the 16th century, the Ottoman *Majaua* in the 19th century,⁷⁶ and to the Malaysian *Shariah Civil Procedure Act* of 2011 mandating parties to attempt *ṣulḥ* with trained officials before proceeding with the court.⁷⁷

Ṣulḥ is categorized by Muslim jurists into different types of settlements based on the nature of the dispute and the relationship between the parties. The categories include agreements: between a Muslim and non-Muslim state (i.e. international treaties, truces, and amnesty to combatants or prisoners of war); between disputants over property, indemnification, businesses, or financial agreements; and between a husband and a wife over divorce and its relief settlements. Couples generally have inherent authority over marriage breakdown without a necessary need for judicial acknowledgement.

The third model of dispute resolution in classic Islamic law is voluntary binding arbitration (*taḥkīm*). While some Muslim scholars consider this form of dispute resolution to be exemplified by the verse Q. 4:35, other modern legal practitioners view it to only signify a particular form of court-appointed arbitrators who do not substitute a judge in granting a final binding judgment.⁷⁸ Nonetheless, all agree on the widely accepted practice of arbitration.⁷⁹ Islamic substantive law provide details of the topics that may be arbitrated, the required qualifications of arbitrators, their duties, termination of arbitration or the arbitrator’s mandate, and different remedies. Aside from the requirement of the arbitrator to be a Muslim (especially in family arbitration), most of these laws and procedures can be integrated within secular arbitration schemes that support freedom of contract.

Taḥkīm is a contract wherein the parties agree to arbitrate, instead of resorting to *qadā*, on the appointment of an arbitrator and the process commencing the proceeding through the issuance of the award.⁸⁰ Thus, the essential elements of *taḥkīm* in Islamic law are: the parties, the

arbitrator, the written or verbal consent of the contract, the subject matter, and the award. Regarding the subject matter, the majority of jurists limit arbitration to transactional matters that are normally within the private rights of people.⁸¹ Similar to *ṣulḥ*, *taḥkīm* cannot decide on the ‘rights of God,’ especially pertaining to penalties and punishments. Subject to procedural differences among the *madhāhib*, *taḥkīm* is allowed in family disputes.⁸² The authority to grant a religious divorce without the consent of the couple is a matter of disagreement among the *madhāhib* limited to the scope of the court-appointed arbitrators in their mediation-arbitration process.⁸³ Arbitration is terminated by disqualification or withdrawal of the arbitrator(s), withdrawal of consent by either party, the loss of legal capacity of a party, or pronouncement of the award.⁸⁴ In the case of more than one arbitrator, their unanimous opinion on the award is required.

Islamic law limits the power of judicial review of arbitral awards. The enforcement of the award is considered to be indisputable provided that certain conditions are met: 1) it is issued by a qualified arbitrator, 2) on a valid subject matter of *taḥkīm*, 3) in accordance with the principles of Islamic law, and 4) with the unrevoked consent of the parties throughout the entire process.⁸⁵ Modern legal systems in the Muslim world regulate arbitration processes in light of the above classical Islamic law rules, the freedom to contract, and the facilitation of binding agreements outside the court at a reasonable cost and in a timely manner.⁸⁶

Modern Islamic Jurisprudence on Family Minority Issues

In the absence of a functioning Islamic ruling system, diverse legal doctrines allow the community to either recognize temporary adjudicators or replace them. However, the issue of the judge’s faith identity remains a contentious point in contested simple divorce proceedings initiated by the wife. Facing theological, legal, and social challenges in attempting to reconcile religious obligations under two independent frameworks (Islamic and secular legal systems) prompted the emergence of the genre Law of Minorities (*fiqh al-aqalliyyāt*)⁸⁷ in the 1990s.⁸⁸ It typically addresses issues related to marriage, divorce, food, clothes, political engagement, and financial transactions to facilitate non-contentious implementation of *sharī‘ah*

in such personal affairs.⁸⁹ However, *fiqh al-aqalliyāt* primarily produces jurisprudence that can be described as the ‘exception to the rule’ by relying on an unsolidified definition of ‘Muslim Minority’ and juristic principles that operate within a temporary frame of exigency.

To posit diasporic contemporary issues within traditional Islamic law, *fiqh al-aqalliyāt*’s legal reasoning primarily grapples with the demarcation of a ‘Muslim minority’. This term can be traced back to the emergence of Muslim communities in Europe following the end of Islamic Spain in 1492,⁹⁰ and extends to the contemporary circumstances of Muslim communities across North America.⁹¹ However, the term was not commonly used by Muslim jurists, historians, theologians, or even writers of political thought before the 20th century.⁹² Today, the term has yet to acquire a fixed definition outside of international law’s definition of ‘religious minority’.⁹³ Instead, it generally refers to the socio-legal status of Muslims living among a society governed by non-Muslim political and legal systems. This fluid concept is confused by the hybrid secular and theocrat nature of most modern legal systems in the East, creating a distinction between a Muslim state and an Islamic state.

Fiqh al-aqalliyāt’s exception to the rule jurisprudence provides solutions to matters of living in a morally alien society⁹⁴ by employing three legal principles: (1) the traditional taxonomy of the globe according to Islamic international law;⁹⁵ (2) the implied contractual obligations and rights of citizenship to non-Muslim governance; and (3) the juristic maxims of necessity (*darūrah*), public interest (*maṣlaḥa*), and need (*hājah*). These three principles collectively impute an ongoing state of contingency for Muslims in the West, which problematically contradicts the current American Muslim emphasis on belongingness and political engagement. Thus, *fiqh al-aqalliyāt* may fall short of providing practical and consistent answers to recurrent pressing questions, let alone providing a vision for the future of Muslims in the West.

Although addressing audiences in the West, the majority of *fiqh al-aqalliyāt* literature is originally authored in Arabic, illustrating the controversial privileging of “contributions of scholars in the Arab world at the expense of the quotidian practices and attitudes of Muslims actually living under Western secularism.”⁹⁶ Such privilege triggers cultural challenges among

diverse ethnicities by amplifying certain voices in the representation of religious leadership. Despite globalization's influence on cross-pollinating intellectual discourses, Western and Middle Eastern Islamic scholarship continue to be competing voices of authority for minority Muslim communities.

Modern *fatāwā* vary in their approaches towards the validity of a secular court-ordered divorce (i.e., issued by a non-Muslim judge) contested by the husband. *Fatāwā* issued by fifteen governmental and non-governmental bodies across the globe between 2000 to 2021 were analyzed.⁹⁷ Fourteen of the fifteen *fatāwā* strictly hold that a court-ordered divorce obtained by the wife without the verbal or written religious divorce granted by the husband is not religiously binding. Only one *fatwā* holds otherwise. Many of the *fatāwā* propose that Islamic centers and mosques, represented by their Imams, should be religiously authorized to legitimize civil divorces and certain legal settlements among community members. Although all *fatāwā* advocate for adjudicating disputes through Islamic institutions or religious leaders, none precisely demarcate the scope of religious or legal authority they would be granted nor establish procedural rules to secure sound religious practices and legal compatibility. The majority of religious scholars and *fatwā* institutions, and the practices of many North American imams, still uphold the view that court-ordered divorces ordered by non-Muslim judges, when contested by the husband, are not inherently binding.⁹⁸

Driven by doctrines of the state of minority, traditional exceptions to the conditions of judicial appointment, binding implications of contract law, considerations of wider conceptions of social contract theories, and facilitation of access to justice, contemporary Muslim scholars differ on the religious legitimacy of a civil divorce and whether it qualifies as an 'Islamic divorce' or not. Despite *fiqh al-aqalliyāt*'s emphasis on family law, North American Muslims have much to do to transform the pre-modern Islamic legal tradition into a workable body of rules that satisfies the requirements of political liberalism.⁹⁹

Conclusion: Recommendations for Islamic ADR in North America

Three classical Islamic models of dispute resolution are applicable to different circumstances unique to the North American Muslim community.

Qāḍī al-ḍarūrah can resolve *faskh* cases to remove religious barriers to divorce for Muslim women. It “may be successful” where one of the concerned parties refuses to acknowledge or resolve a dispute, and where there is broad community support for one or more qualified individuals to serve in this capacity.”¹⁰⁰ *Ṣulḥ* can be a means to reach marital contracts involving *ṭalāq*, *khulʿ* and their reliefs (spousal support, child support, parenting, contact, division of property, and *mahr*). If *ṣulḥ* fails, *taḥkīm* can instead be used to award *ṭalāq*, *khulʿ* and their reliefs (spousal support, child support, parenting, contact, division of property, and *mahr*).

Compared to the other two forms of settlement, the conditions for *taḥkīm* are easier to be fulfilled and pose little risk of abuse.¹⁰¹ However, the viability of its success depends on both the religious community and secular legal system. Mandated by communal responsibility, Muslim scholars should develop an ADR model that conforms with Islamic law and is adept to the North American context. On the other hand, the secular legal system should ensure the enforceability of the arbitral awards without bargaining civil rights or compromising state neutrality towards religion.

The following chart proposes family ADR services that can be offered by a diverse group of Muslim scholars and legal practitioners through the lens of both Islamic and secular procedures:

		Husband Consenting to Marriage Dissolution		Husband Contesting Marriage Dissolution (if Mediation / Arbitration fails)
ADR Method	Islamic	<i>Ṣulḥ</i>	<i>Taḥkīm</i>	Community-appointed judges
	Secular	Mediation/ Negotiation	Arbitration	N/A
Outcomes	Islamic-compliant Civilly-enforceable Corollary Relief	Domestic Contract / Separation Agreement	Arbitral Award	Inform wife of Islamic rights to be obtained under the respective legislative scheme
	Islamic Marriage Dissolution	Convince husband to grant a Religious Divorce (<i>ṭalāq</i>) or consent to it (<i>khulʿ</i>)		After a civil divorce is granted, a hearing will determine the grant of Religious Annulment to the wife (<i>faskh</i>)

The institutionalization of family ADR services would enable parties to holistically end their marriage through a *ṭalāq* or *khulʿ* as well as create a morally and legally binding instrument arranging their separation rights and responsibilities, either in the form of a contractual agreement or an arbitral award, depending on the procedure used and the jurisdiction's applicable laws. In addition to facilitating marital dissolution and securing Islamic-compliant corollary relief through the med-arb procedures outlined in the above chart, parties may also seek assistance in drafting civilly enforceable prenuptial contracts upon entering the marriage in compliance with Islamic law.

Perhaps most importantly, where husbands unjustly withhold *ṭalāq* or consent to *khulʿ*, the institutionalization of ADR services will help address the crucial need for quasi-judicial authority to grant *faskh*. Although *faskh* should be addressed by the community-appointed judges independent from the legal system and the arbitration scheme, a holistic ADR body is best situated to investigate allegations and issue proper Islamic solutions. In some *faskh* cases, as the chart describes above,

the wife would be informed of her rights within the Shariʿah and advised to bring her case to the local courts so that she can obtain these rights. After the case has been settled in court, the arbitration institute can issue a document attesting to the finality of the divorce, explain the basis for the decision, and indicate that the non-Shariʿah court was used as a means to obtain what the Shariʿah had already granted, and that the woman is free to remarry once she completes her waiting period. Such a solution honors the primacy of Shariʿah while respecting the local law.¹⁰²

In this scenario, involving a secular court is limited to enforce rights that are pre-approved by Islamic law (i.e., executing a judgment rather than making it).

Stringent measures must be taken to avoid risks of unqualified self-appointed adjudicators conducting informal ADR services, processes prone to power imbalances and conflicts of interest, and decisions lacking uniformity or legal or religious enforcing authority. These measures

include standardizing necessary Islamic qualifications and legal training for community-appointed judges, procedures for granting *faskh* (including guidelines for admissible evidence), and procedures for applications, submissions, hearings, and documentation. The proposed institution should ensure Islamic jurisprudential and cultural diversity in the composition of its decision-makers and establish mechanisms of maintaining administrative oversight and combating religious or social abuse. Its decision-makers may also serve as court expert witnesses to answer Islamic law-related questions in a scholarly and culturally appropriate manner. As such, the proposed body would contribute to the potential of vibrant Islamic-North American family ADR, functioning in coherence with the existing legal system and in harmony with the ethos of multiculturalism.

The three adaptive frameworks of *ṣulḥ*, *taḥkīm*, and *qāḍī al-ḍarūrah* inform the work of the Muslim community to facilitate religious annulments for Muslim women and establish representative entities that provide dispute resolutions mechanisms. Institutionalizing Islamic ADR services can address Muslim community issues regarding religious divorce or annulment, Islamic-compliant corollary relief, and assistance with pre-nuptial or separation agreements incorporating Islamic principles. Resolving family disputes through religious law is imperative for North American Muslims to protect their religious beliefs, family values, and the spiritual dimension of arranging their personal affairs.

Endnotes

- 1 For an examination of how family law disputes in the Canadian Muslim community are understood and addressed in both cultural and legal contexts, see Yousef Aly Wahb, "Faith-Based Divorce Proceedings: Alternative Dispute Resolutions for Canadian Muslims," *Canadian Family Law Quarterly* 40, no. 2 (2022).
- 2 Zahela Kamarauddin, Umar A. Oseni & Syed Khalid Rashid, "Transformative Accommodation: Towards the Convergence of Shari'ah and Common Law in Muslim Authority Jurisdiction," *Arab Law Quarterly* 20, no. 3 (2016): 257.
- 3 Julie Macfarlane, *Islamic Divorce in North America: Choosing a Shari'a Path in a Secular Society* (Oxford: Oxford University Press, 2012), 262.
- 4 Quran 30:21.
- 5 Quran 30:38.
- 6 Majid Khadduri, "Marriage in Islamic Law: The Modernist Viewpoints," *American Journal of Comparative Law* 26, no. 2 (1978): 213.
- 7 "The [A]rabic word 'uqud' covers the entire field of obligations, including those that are spiritual, social, political, and commercial. In the spiritual realm 'uqud' deals with the individual's obligations to Allah; in social relations the term refers to relations including the contract of marriage." Noor Mohammad, "Principles of Islamic Contract Law," *Journal of Law and Religion* 6, no. 1 (1988): 116.
- 8 Wahb, "Faith-Based Divorce Proceedings," 111.
- 9 It is prohibited for the husband to compel his wife to agree to *khul'* as an alternative to his grant of unilateral divorce; otherwise, he would be disentitled to *khul'*s financial compensation. *Ibid.*, at 110-113.
- 10 *Ibid.*, 112.
- 11 *Ibid.*, 175-76.
- 12 Lama Abu-Odeh, "Modernizing Muslim Family Law: The Case of Egypt," *Vanderbilt Journal of Transnational Law* 37, no. 4 (2004): 1070-1073.
- 13 John Griffiths, "What is Legal Pluralism?" *Journal of Legal Pluralism & Unofficial Law* 18, no. 24 (1986):1-2.
- 14 Sherman A. Jackson, "The Primacy of Domestic Politics: Ibn Bint Al-A'azz and the Establishment of Four Chief Judgeships in Mamlūk Egypt," *Journal of the American Oriental Society* 115, no. 1 (1995): 53-56.
- 15 Aron Zysow, "Islamic Law and Political Authority," *Harvard International Review* 7, no. 6 (1984): 44.
- 16 Mohamed Fadel, "Political Liberalism, Islamic Family Law and Family Law Pluralism" in *Marriages and Divorce in Multi-Cultural Context: Reconsidering the Boundaries of Civil Law and Religion*, ed. Joel A. Nicholes (Cambridge University Press, 2010), 165-66.

- 17 Ibid., 175-193.
- 18 Khadduri, "Marriage in Islamic Law," 214.
- 19 For more about codification projects that involved diverse *madhāhib* and more legal areas, see Fatima El-Awa, *ʿAqd al-taḥkīm fi al-sharīʿah wal-qānūn* (Beirut: al-Maktab al-Islāmī, 2002), 105-127.
- 20 Kristen Stilt, Salma Waheedi & Swathi Griffin, "The Ambitions of Muslim Family Law Reform," *Harvard Journal of Law & Gender* 41 (2018): 308.
- 21 El-Awa, *ʿAqd al-taḥkīm*, 92.
- 22 Hussein Ali Agrama, "Sovereignty, Indeterminacy: Is Egypt a Secular or Religious State?" *Comparative Studies in Society and History* 52, no. 3 (2010): 506.
- 23 Maurits S. Berger, "Secularizing Interreligious Law in Egypt," *Islamic Law & Society* 12, no. 3 (2005): 406 (emphasis added).
- 24 Syed Naqvi, "Modern Reforms in Muslim Family Laws: A General Study," *Islamic Studies* 13, no. 4 (1974): 235.
- 25 For a survey of divorce schemes in modern Muslim states, see Abdullah An-Naʿim, *Islamic Family Law in a Changing World: A Global Resource Book* (London: Zed Books, 2002).
- 26 Ibid., 240.
- 27 Khadduri, "Marriage in Islamic Law," 217.
- 28 Shihāb al-Dīn Aḥmad ibn Idrīs al-Qarāfī, *al-Furūq*, ed. Muḥammad Sirāj & ʿAlī Jumʿa, 1st ed., 4 vols. (Cairo: Dār Al-Salām, 2001), 1:1182.
- 29 See the term *ʿQaḍāʾ* in *al-Mawsūʿah al-Fiqhiyyah al-Kuwaitiyyah* (Kuwait: Dār al-Safwa 1995), 33:291-93.
- 30 Shihāb al-Dīn Aḥmad ibn Idrīs al-Qarāfī, *al-Iḥkām fi tamyiz al-fatāwā ʿan al-ahkām wa taṣarrufāt al-qāḍī wal-imām* (The Criterion for Distinguishing Legal Opinions from Judicial Rulings and the Administrative Acts of Judges and Ruler), translated by Mohamad Fadel (Yale University Press, 2017), 14.
- 31 Anver Emon, "Islamic Law and the Canadian Mosaic: Politics, Jurisprudence, and Multicultural Accommodation," *Canadian Bar Review* 87, no. 2 (2008): 400.
- 32 For the distinct requirements by each Sunni school, see *al-Mawsūʿah al-fiqhiyyah*; Ghulam Murtaza Azad, "Qualifications of a Qāḍī," *Islamic Studies* 23, no. 3 (1984): 249. For a discussion on the conditions in the Shia school, see Muḥammad Ḥasan al-Najafī, *Jawāhir al-kalām fi sharḥ sharaʿiʿ al-Islām*, ed. Ḥaidar al-Dabbāgh, 2nd ed, 44 vols. (Iran: Muʿssasat al-Nashr al-Islāmī, 2012), 41:12-95.
- 33 *Al-Mawsūʿah al-fiqhiyyah*.
- 34 Shams al-Dīn Muḥammad ibn Aḥmad al-Khatīb al-Shirbīnī, *Mughnī al-muḥtāj ilā maʿrifat maʿānī alfāz al-minhāj*, 4 vols. (Cairo: Muṣṭafā al-Bābī al-Halabī, 1985), 4:375.

- 35 Abū Bakr ibn Mas‘ūd Kāsānī, *Badā’i‘ al-ṣanā’i‘ fī tartīb al-sharā’i‘* (Beirut: Dār al-Kutub al-‘Arabi, 1974), 9:4079; Karen Bauer, “Debates on Women’s Status as Judges and Witnesses in Post-Formative Islamic Law,” *Journal of the American Oriental Society* 130, no. 1 (2010): 1.
- 36 Muḥammad al-Ḍasūqī, *Hāshiyat al-ḍasūqī ‘alā al-sharḥ al-kabīr*, 4 vols., (Cairo: ‘Īsa al-Halabī, 2004), 4:129-130; al-Najafī, *Jawāhir al-kalām*, 41:14.
- 37 For example, the Twelver Shia school requires the judge to believe in the Imams of the family of the Prophet. Hussein al-Khush, *Fiqh al-qaḍā’* (Beirut: Dar al-Malak, 2004), 102-115.
- 38 See e.g. Najibah M. Zin, “The Training, Appointment, and Supervision of Islamic Judges Malaysia,” *Pacific Rim Law and Policy Journal* 21, no. 1 (2012):115.
- 39 See Nadia Sonneveld & Ahmed Tawfik, “Gender, Islam and Judgeship in Egypt,” *International Journal of Law in Context* 11, no. 3 (2015): 348.
- 40 Lynn Welchman, *Women and Muslim Family Laws in Arab States: A Comparative Overview of Textual Development and Advocacy* (Amsterdam: Amsterdam University Press, 2007), especially the chapter “Shari‘a Postulates, Statutory Law and the Judiciary”.
- 41 Abū Bakr Aḥmad ibn ‘Alī Al-Jaṣṣās, *Sharḥ kitāb adab al-qaḍī lil-imām Abī Bakr al-Khaṣṣāf* (Beirut: Dār al-Kutub al-‘Ilmiyyah, 2012), 361-65.
- 42 ‘Abdulmalik al-Juwaynī, *Nihāyat al-Maṭlab fī Dirāyat al-Maḍhahab*, ed ‘Abdul‘azīm al-Dīb, 1st ed., 20 vols. (Beirut: Dār Al-Minhāj, 2007), 18:458.
- 43 Abū Ḥāmid al-Ghazālī, *al-Wasīṭ fī al-Maḍhhab*, ed. Aḥmad Ibrāhīm & Muḥammad Tāmer, 1st ed., 7 vols. (Cairo: Dār al-Salām, 1997), 7:287. See also al-Bayhaqī, *al-Sunan al-Kubrā* (no. 20172): the famous *tābī’ī* Masruq said, “To judge between people [with the truth] for one day is better for me than making jihad for a year.”
- 44 For a discussion on this communal duty, see Abū Ḥāmid al-Ghazālī, *Ihyā’ ‘Ulūm al-Dīn*, 1st ed., 10 vols. (Jedda: Dār al-Minhāj, 2011), 4:535–663; David Decosimo, “An *Umma* of Accountability: Al-Ghazālī against Domination,” *Soundings: An Interdisciplinary Journal* 98, no. 3 (2015): 260.
- 45 Jalāl al-Dīn al-Ṣuyūṭī, *al-Ashbāh wal-Nazā’ir*, ed. Muḥammad Tāmer & Ḥāfiẓ Ḥāfiẓ, 7th ed., 2 vols. (Cairo: Dār al-Salām, 2018), 2:722.
- 46 Abū al-Ḥasan al-Māwardī, *al-Ḥāwī al-kabīr*, ed. ‘Ādil ‘Abd al-Mawjūd and ‘Alī Mu‘awwaḍ, 1st ed., 11 vols. (Beirut: Dār al-Kutub al-‘Ilmiyyah, 1994), 16:7; Burhān al-Dīn Ibrāhīm ibn Farḥūn, *Tabṣirat al-ḥukkām fī uṣūl al-uqḍiyah wa manāhij al-aḥkām*, ed. Jamāl Mar‘ashlī, special edition, 2 vols. (Riyadh: Dār ‘Ālam al-Kutub, 2003), 1:10.
- 47 Badr al-Dīn Ibn Jamā‘ah, *Tahrīr al-aḥkām fī tadbīr ahl al-Islām*, ed. Fu‘ād Aḥmad, 1st ed., (Qatar: Ri‘āsat al-Maḥākīm al-Shar‘iyyah wa-al-Shu‘ūn al-Diniyyah, 1985), 88.
- 48 Maṣṣūr ibn Idrīs al-Buhūṭī, *Kashāf al-qinā’ ‘an matn al-iqnā’*, 6 vols. (Beirut: ‘Ālam al-Kutub, 1983), 6:286.
- 49 *Ibid.*, 296.

- 50 Ibn Farḥūn, *Tabṣirat al-ḥukkām*, 1:21-22.
- 51 Al-Dasūqī, *Hāshiyat al-Dasūqī*, 4:129.
- 52 Muḥammad ibn ʿUmar Ibn ʿĀbidīn, *Radd al-muḥtār ʿalā al-durr al-mukhtār sharḥ tanwīr al-abṣār*, ed. ʿĀdil ʿAbd al-Mawjūd and ʿAlī Muʿawwaḍ, 1st ed., 14 vols. (Beirut: Dār al-Kutub al-ʿIlmiyah, 2011), 8:25.
- 53 Ibid.
- 54 Ibid., 5:368; Niẓām, *al-Fatāwā al-hindiyyah*, ed. Maḥmūd Maṭrajī, 6 vols. (Damascus: Dār al-Fikr, 1991), 3:307. Al-ʿIzz ibn ʿAbd al-Salām (d. 660/1262), who is a Shāfiʿī jurist, also adopted this opinion: al-ʿIzz ibn ʿAbd al-Salām, *Qawāʿid al-aḥkām fi maṣāliḥ al-anām*, ed. Nazīh Ḥammād and ʿUthmān Jumʿah, 1st ed., 2 vols. (Damascus: Dār Al-Qalam, 2000), 1:121-2. Another Shāfiʿī reference to the same opinion is attributed to Ibn al-Rifʿah (d. 710/1310) by al-Damīrī (d. 808/1405): Kamāl al-Dīn al-Damīrī, *al-Najm al-wahhāj fi sharḥ al-Minhāj*, 1st ed., 10 vols. (Jedda: Dār al-Minhāj, 2004), 10:151. However, al-Khaṭīb al-Shirbīnī (d. 977/1570) rendered Ibn ʿAbd al-Salām’s opinion inaccurate. Also see ʿAbd al-Karīm Zaydān, *Niẓām al-Qaḍāʾ fi al-Sharīʿah al-Islāmiyah* (Beirut: Al-Risala Foundation, 1989), 36-37.
- 55 Zakariyā al-Anṣārī, *Asnā al-maṭālib sharḥ rawḍ al-ṭālib*, ed. Muḥammad Tāmir, 2nd ed., 9 vols. (Beirut: Dār al-Kutub al-ʿIlmiyah, 2012), 9:103-04.
- 56 Al-Najafī, *Jawāhir al-Kalām*, 90-94; al-Khush, *al-qaḍāʾ*, 163.
- 57 Ibn Ḥajar al-Haytamī, *Tuḥfat al-muḥtāj bi Sharḥ al-Minhāj*, ed. Anwar al-Dhāghistanī, 1st ed., 10 vols. (Kuwait: Dār al-Ḍiyā, 2020), 7:219.
- 58 Ibn al-Naqīb al-Miṣrī, *The Reliance of the Traveler*, translated by Nuh Keller (Maryland: Amana Publications Beltsville, 2008), 629-30.
- 59 *Al-Mawsūʿah al-fiqhiyyah*, 13:166.
- 60 This position is agreed upon by all *madhāhib*. Ibid.
- 61 Al-Haytamī, *Tuḥfat al-muḥtāj*, 7:59.
- 62 For an overview of the legal concept of *Farḍ Kifāyah* and its applications, see Yousef Aly Wahb, “*Farḍ Kifāyah*: The Principle of Communal Responsibility in Islam,” *Yaqeen Institute*, 2021, <https://yaqeeninstitute.ca/yousef-wahb/fard-kifayah-the-principle-of-communal-responsibility-in-islam>.
- 63 In the Islamic tradition, they are called “*ahl al-ḥall wa al-ʿaḳḍ*”, the people with discretionary political and social power to enact or dissolve a pact. See al-Haytamī, *Tuḥfat al-muḥtāj*, 531-532.
- 64 Muḥammad al-Mukhtār Shinqīṭī, *Mawāhib al-jalīl min adillat Khalīl* (Beirut: Dār al-Kutub al-ʿIlmiyah, 2004), 3:210.
- 65 For the Shāfiʿī recognition of community-appointed judges, see al-Haytamī, *Tuḥfat al-muḥtāj*, 7:531-532. For Ḥanbali authorization of the community to validate judgments, see Abū Yaʿlā al-Farrā, *al-Aḥkām al-sultāniyya*, ed. Muḥammad al-Fiqī, 2nd ed. (Beirut: Dar al-Kutub al-ʿIlmiyyah, 2000), 73.

- 66 Al-Kamāl ibn al-Humām, *Sharḥ fath al-qadīr*, ed ‘Abdulrāziq al-Mahdī, 1st ed., 10 vols. (Beirut: Dār al-Kutub al-‘Ilmiyyah, 2003), 7:246.
- 67 Ibn ‘Ābidīn, *Radd al-muhtār*, 8:43.
- 68 For a historic and legal background of the issue in India, see Rohit De, “The Two Husbands of Vera Tiscenko: Apostasy, Conversion, and Divorce in Late Colonial India,” *Law and History Review* 28, no. 4 (2010): 1012-1020.
- 69 Emon, “Islamic Law and the Canadian Mosaic,” 402-410 (describing the British enactment of Muslim Personal Law (Shariat) Application Act (1937) to be a failed attempt of accommodating Islamic Law and the different methodologies of its schools).
- 70 The linguistic meaning of *ṣulḥ* is ending a dispute. The legal meaning is ending a dispute through a contract.
- 71 The linguistic meaning of *taḥkīm* is designating a third party and authorising them to decide on a matter.
- 72 Aida Othman, ““And Amicable Settlement Is Best’: *Ṣulḥ* and Dispute Resolution in Islamic Law,” *Arab Law Quarterly* 21, no.1 (2007): 68.
- 73 *Quran* 4:128.
- 74 Walid Iqbal, “Dialogue and the Practice of Law and Spiritual Values: Courts, Lawyering and ADR: Glimpses into the Islamic Tradition,” *Fordham Urban Law Journal* 28, no. 4 (2001): 1036.
- 75 Othman, “And Amicable Settlement Is Best,” 73-80.
- 76 The Majalla included two chapters on *ṣulḥ* and *ibrā’* (discharge of others’ liability) formulating 40 articles of their laws and procedures.
- 77 Othman, “And Amicable Settlement Is Best,” 72.
- 78 Mohammad Salim El-Awa, *Dirasāt fī qānūn al-taḥkīm al-miṣrī wal-Muqāran* (Cairo: Arab Centre for Arbitration, 2009), 216-17. The binding authority of the mandatory mediation is in the final judgment of the judge and not the agreement facilitated by the mediator, which is another key difference between arbitration and mediation. According to this view, the debate on whether the two family representatives of both spouses are characterized as agents (*wakīls*) or adjudicators (*ḥākims*) does not apply to the scope of arbitration discussed in this article.
- 79 *Ibid.*, 219-20.
- 80 Mahdi Zahraa & Nora Hak, “*Taḥkīm* (Arbitration) in Islamic Law within the Context of Family Disputes,” *Arab Law Quarterly* 20, no. 1 (2006): 11.
- 81 *Ibid.*, 27-29.
- 82 *Ibid.*
- 83 Jurists disagreed on whether an arbitrator can assume the power of a *qāḍī* to grant a divorce. The Mālikīs, a minority opinion among the Shāfi‘īs, and one opinion of the Ḥanbalīs grant arbitrators an authority to separate the couple without their consent.

However, the Ḥanafīs, and one opinion of the Shāfi‘īs and Ḥanbalīs consider the two arbitrators (in the scenario of being court-appointed) as only representatives of the disputants and, therefore, do not have the authority to separate them without their consent. *Ibid.*, 35-38.

84 *Ibid.*, 38-41

85 *Ibid.*, 30-31. Prior to the issuance of the arbitral award, parties can withdraw or remove the arbitrator(s). Some jurists suspend the right to withdraw once the arbitration process commences.

86 For details on the development of modern Arbitration Law in Muslim countries, see Al-Awa, *Dirasāt fī qānūn al-tahkīm*, 311-356.

87 See ‘Abdullah ibn Bayyah, *Ṣinā‘at al-fatwā wa-fiqh al-aqalliyyāt* (Rabat: Markaz al-Dirāsāt wa-al-Abḥāth wa-Iḥyā’ al-Turāth, al-Rābiṭah al-Muḥammadiyyah lil-‘Ulamā’, 2012).

88 See Andrew March, “Are Secularism and Neutrality Attractive to Religious Minorities? Islamic Discussions of Western Secularism in the ‘Jurisprudence of Muslim Minorities’ (*Fiqh Al-Aqalliyyat*) Discourse,” *Condozo Law Review* 30, no. 6 (2009): 2824-2827.

89 Zahela Kamarauddin, Umar A. Oseni & Syed Khalid Rashid, “Transformative Accommodation: Towards the Convergence of Shari’ah and Common Law in Muslim Authority Jurisdiction,” *Arab Law Quarterly* 20, no. 3 (2016): 255.

90 Amila Buturovic, “European Islam,” in *The Oxford Handbook of Global Religions*, ed. Mark Juergensmeyer (Oxford: Oxford University Press, 2006), 437.

91 Sherman Jackson, “Islamic Law, Muslims and American Politics,” *Islamic Law and Society* 22, no. 3 (2015): 270-271; Aḥmad Abū Sunnah, *al-‘Urf wal ‘ādah fī ra’y al-fuqahā’* (Cairo: Dār al-Bashā’ir, 2004), 253-254.

92 Mahmood Ghazi, “Shari’ah and the Question of Minorities,” *Policy Perspectives* 6, no. 1 (2009): 68.

93 *Ibid.*, 64.

94 March, “Are Secularism and Neutrality Attractive to Religious Minorities?,” 2825.

95 A) *dār al-Islam* (territory of Islam), b) *dār al-sulḥ* (territory of treaty), and c) *dār al-ḥarb* (territory of war).

96 March, “Are Secularism and Neutrality Attractive to Religious Minorities?,” 2837.

97 For a discussion on the modern *fatāwā* regarding secular court-ordered divorces and the related practices of Canadian imams, see Yousef Aly Wahb, “Validity of Court-ordered Divorces in Modern *Fatwas* & Family Dispute Resolution as Practiced by Canadian Imams,” *Canadian Journal of Law and Society* 38, no. 1 (2023).

98 *Ibid.*

99 Fadel, “Political Liberalism,” 198.

100 Musa Furber, “Alternative Dispute Resolution: Arbitration & Mediation in non-Muslim Regions,” Tabah Analytical Brief no. 11 (Tabah Foundation, 2011), 8-9.

101 *Ibid.*, 10.

102 *Ibid.*, 12.

Challenges with Studying Islamist Groups in American Political Science

TABINDA M. KHAN

Abstract

In this paper, I will explain why the lack of debate between political theory and comparative politics has led to an inadequate understanding of the politics of traditional Islamic scholars and Islamists in American political science. In the first section, I analyze the impact of the text-based approach of political theory; in the second, of the liberal frameworks of comparative politics; and in the third, a promising new development: the interdisciplinary field of Islamic legal studies, which has the potential to bridge the division between political science, law, and area studies approaches to the study of Muslim societies. I argue that

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Khan, Tabinda M. 2022. "Challenges with Studying Islamist Groups in American Political Science." *American Journal of Islam and Society* 39, nos. 3-4: 112-141 • doi: 10.35632/ajis.v39i3-4.3085
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the reliance of political theorists on seminal Islamist texts, rather than on the interpretations of texts during legal and political processes, limits their ability to represent the evolution of pragmatic Islamist theory in countries such as Pakistan. Moreover, whereas political theorists, such as Lucas Swaine, have demonstrated the futility of applying liberal assumptions to theocrats, comparativists continue to predominantly rely on liberal categories and frameworks, which produces a distorted view of Islamists. The division of labor between political theory and comparative politics, and the lack of conversation that results from it, makes it difficult—if not impossible—to fairly represent or analyze contemporary Islamist groups in American political science.

Introduction

In many Muslim-majority states today, there is a tension between Islamist demands for sharia compliance and secular conceptions of individual rights. Now, more than ever, rigorous analyses of political institutions in Muslim societies are needed to develop the intellectual resources for toleration, democracy, and pluralism. However, the rich and nuanced knowledge about Islam that is developed in history, religion, and anthropology departments is rarely transferred to political science.¹ This is partly because the institutional matrix in which the discipline is embedded—poised as it is between the United States government, public policy think-tanks, and mainstream media—imposes a framework of debate rooted in U.S. foreign policy interests. However, it is also partly due to the methodological peculiarities of the discipline of political science itself.

American political science has historically regarded itself as a social science, rather than as a humanistic discipline, but in recent decades, it has increasingly become dominated by rational choice models, game theory, and statistics. From 2000 on, the “Perestroika movement” criticized the American Political Science Association (APSA) and its journal, the *American Political Science Review* (APSR), for privileging such methods over qualitative research—a criticism that remains relevant for the discipline today.² This trend in political science has relegated historical studies

of religion to the margins of the discipline or excluded them altogether. Moreover, while comparativists strive to construct models using systematic comparisons and empirical evidence, the assumptions of these models are rarely formulated in conversation with political theorists who study moral and political philosophy. The conjunction of these two factors makes it difficult to study Islam through a comparative politics lens without superimposing liberal frameworks and assumptions, an activity that invariably devolves into a measurement of to what extent a Muslim voice is “liberal” and therefore “good.” At the same time, political theorists tend to analyze seminal texts written by Islamist thinkers, such as Mawdudi, rather than tracing the evolution of their ideas in the context of political practice or examining the ongoing interpretation and reinterpretation of these ideas inside contemporary political and legal institutions.

Due to the text-based approach of political theory, Islamist thinkers appear static and dogmatic, and due to the liberal framework undergirding comparative politics, it is impossible to represent their moral reasoning in their own words. Even though political theorists, such as Lucas Swaine, have questioned the efficacy of using liberal reasoning to persuade theocrats, such critiques have had little impact on the dominant methodological frameworks used by comparativists—as theorists mostly talk to theorists, and comparativists to comparativists (with some exceptions).³ The problem, then, is not so much that all Islamists are “static” and “bad” but that American political science’s methodological lenses are “text-based” and “liberal”. This is not an argument for moral relativism, as there are good reasons for regarding liberalism, particularly constitutional liberalism, as more ethical than illiberalism. However, it is to say that unreflective categorizations of groups as liberal or illiberal eclipse the moral and political critiques of liberalism by non-liberal groups, which have much to teach us about how liberal arguments were historically received in Muslim societies, refracted through the prisms of class, religion, and western imperialism and colonialism.

When the ulama (traditional Islamic scholars) and Islamists in Pakistan rail against liberalism, for example, they are not reacting to *constitutional* liberalism per se but either to “a democracy without [ethical or religious] limits” (which I discuss in the third section below) or to what Jennifer Pitts

has described as the *imperial* liberalism of the 19th century, through which the civilizing narrative was used to classify colonized subjects as morally inferior and therefore incapable of self-governance.⁴ This authoritarian impulse of liberalism was displayed by state, legal, and intellectual elites in Pakistan—as well as by allied Muslim modernist reformers—whenever they argued that it was justified to coercively “modernize” Islam through the state because the Islamic tradition was “stagnant” and its scholars “obscurantist”.⁵ According to this line of thinking, which was articulated by individuals who often called themselves liberal or allied with human and women’s rights groups, traditional Islamic scholars could be ignored because they were “obscurantists”.⁶

To understand why the word “liberal” carries such a negative valence in Pakistan, as well as in many other Muslim-majority contexts, we need to understand how liberalism was interwoven with imperialism and the colonial episteme, through which knowledge traditions, such as sharia, were in Kugle’s words, “framed, blamed, and renamed”.⁷ So long as liberalism remains the hegemonic methodological lens through which political scientists look at other contexts—and so long as critiques of liberalism developed by political theorists are not absorbed into comparative politics—the discipline of political science can neither adequately represent this problem, nor devise institutional solutions for it.

In this paper, I will explain why the lack of debate between political theory and comparative politics has led to an inadequate understanding of the politics of traditional Islamic scholars and Islamists in American political science. In the first section, I analyze the impact of the text-based approach of political theory; in the second, of the liberal frameworks of comparative politics; and in the third, a promising new development: the interdisciplinary field of Islamic legal studies, which has the potential to bridge the division between political science, law, and area studies approaches to the study of Muslim societies.

1. Text-based Approach of Political Theory

While most debates in political theory are centered on the philosophy of liberalism, it is the subfield of American political science that is most

open to engagement with rival philosophical perspectives. However, even when political theorists take a comparative approach, they tend to analyze seminal texts rather than practical reasoning within institutions. For instance, Mawdudi's political theory is studied through his early essays and the Muslim juristic tradition (fiqh) through juristic texts, rather than through speeches, essays, or interviews in which thinkers explain the principles underlying their decisions, in the context of political struggles, or through case judgments in which juristic texts are interpreted alongside other sources of law.⁸ The unstated assumption that the ulama and Islamists can be understood through texts—rather than being actors for whom text and context are co-determined and co-evolving—can also be seen in the work of comparativists such as Vali Nasr. For Nasr, the Jamaat-e-Islami's advocacy for the restoration of democracy in Pakistan, in opposition to authoritarian Islamization, was a “pragmatic” choice made in resistance to the “constant lure of ideology.”⁹ This same choice could, however, be interpreted as an ongoing adaptation of moral and political theory to practical needs—or as praxis—if we accept the possibility that “interests” and “ideology” are not a binary choice for Islamists, as for other groups, but mutually constituted.¹⁰

When it comes to the study of Islam, the division of labor between subfields in American political science (which requires comparativists to focus on action and political theorists to focus on texts) is not only counter-productive but dangerous. It runs the risk of perpetuating the Orientalist assumption that society can be understood through texts and that texts can be understood apart from social practices of interpretation.¹¹ As I show later in this paper, Mawdudi developed a principled justification for adapting his theory to the needs of Pakistan's political context. This was not an abandonment of ideology, as Nasr may have argued, but an *evolution* of ideology, as the application of principles to practice was continually debated and reworked during political struggle.

In *Political Liberalism*, Rawls argued that an ideal liberal political conception would result from an “overlapping consensus” between adherents of different “comprehensive doctrines of the good”, who would give normative allegiance to the constitutional order for reasons “internal” to their own doctrine. In a pluralistic society, this conception

had to be “free-standing” from any particular comprehensive doctrine of the good—such as religion—because if it were embedded in any one doctrine, there would be an interminable exchange of mutually unacceptable reasons between citizens: public deliberation would break down and become impossible.¹² Several moral and political theorists have disagreed with Rawls about whether the proper units of analysis are individuals or ways of life,¹³ whether reason is “free-standing” from notions of the good or embedded in moral traditions,¹⁴ and whether individuals can be said to choose freely among beliefs or if they are socialized into worldviews and ways of thinking that constrain their horizon of options.¹⁵ The comparativist Alfred Stepan, too, resisted the idea that religion must be taken “off the political agenda” in public debates and insisted on the “twin tolerations” of religion and democracy.¹⁶ Many such critiques of Rawlsian liberalism, however, were structured as a defense of religion in public deliberation rather than as a considered analysis of how religious debates actually worked in Muslim politics (Nathan Brown’s *Arguing Islam* is a welcome exception to this trend).¹⁷

A notable dissenting work in political theory is Lucas Swaine’s *The Liberal Conscience*, in which he argues that the only plausible way to persuade theocrats—that is, groups that regard the enforcement of religious law as obligatory—of the merits of liberal institutions is to construct an argument based on the freedom of conscience.¹⁸ Swaine argues that liberals, to be true to the liberal principle of non-coercion, must formulate arguments in favor of liberal political institutions that theocrats could accept from the perspective of their own moral framework. An implication of his argument, which is broadly situated within the tradition of deliberative democracy, is that liberals must give theocrats reasons *internal* to their moral framework during lawmaking and, in some conditions, allow them territorial or legal autonomy within liberal states where they constitute a minority. However, even Swaine’s book is intended to justify why religion should even be allowed “on the political agenda” in liberal polities—a premise that is not readily accepted in mainstream western political theory. This makes it difficult to study the politics of Islamic debates, which are often nuanced, complex, and fine-grained, within the academic tradition of western political theory.

Since the late 1990s, a new field of comparative western and Islamic political thought has emerged in north American political science. Exemplified by Roxanne Euben's *Enemy in the Mirror: Islamic Fundamentalism and the Limits of Modern Rationalism*, it remains at the margins of political theory and, like the rest of the sub-field, is confined to the study of texts, rather than to the analysis of their interpretation inside contemporary Muslim legal and political institutions.¹⁹ Comparative political theory puts western political theory in conversation with non-western traditions. Lucas Swaine, in effect, provides a justification for why liberal philosophers in the center ought to embrace this kind of in-depth study of non-western moral traditions. However, by focusing primarily on the seminal texts of Islamist thinkers, such as Mawdudi, comparative political theorists can inadvertently divert attention from the fact that he modified his original theory during Pakistan's early constitutional negotiations and during his later struggles against opponents. For instance, Euben and Zaman have criticized Mawdudi's early vision of an Islamic state for neglecting institutional checks on a ruler's power, the absence of which could lead to absolutism:

Mawdudi showed little interest in the institutions and mechanisms through which the ruler's power might be kept in check. But then, to Mawdudi, there was no real danger that the ruler would misuse the authority and power vested in him, for his virtue and piety—to which he owed his position in the first place—would keep him perennially mindful of his accountability to God...It is, however, a short step to despotism in the name of religion...²⁰

I agree with Euben and Zaman's interpretation of Mawdudi's early utopia, as it certainly has the potential for despotism and totalitarianism. However, it was a utopia. From 1948, as Mawdudi became active in Pakistan's constitutional struggle, he developed a theoretical justification for why parliamentary democracy and individual rights were acceptable from an Islamic perspective—so long as the constitution guaranteed sharia compliance through courts.

While Euben and Zaman consulted a wide range of texts by Mawdudi that span his entire career and lifetime, the text chosen for inclusion in their edited reader of Islamic political thought is Mawdudi's "The Islamic Law", which is a theoretical justification rather than a commentary on the specific features of institutional design.²¹ Classes on Islamic political thought are a welcome addition to the north American political science curriculum, to be sure, but given the general preoccupation of political theory with texts rather than arguments during the course of political struggle, only studying seminal Islamist texts by Mawdudi and Qutb could lead people to draw dangerous conclusions about Islamist participation in democracy.²² I will briefly explain how Mawdudi's ideas changed, in reaction to his political environment and to debates with the ulama and others, in order to illustrate how a focus on texts (as opposed to action, or to texts-interpreted-during-action) can be misleading.

After Mawdudi first outlined the contours of his Islamist utopia, he spent years participating in politics, explaining his ideas to modern-educated Muslims, and suffering from the excesses of a predatory state. From the early 1950s, the Jamaat-e-Islami developed a body of praxis-oriented theory that was a meditation on Islamic constitutionalism in Pakistan—a hybrid of sharia, democracy, and individual rights—and far from his original utopia. Mawdudi experienced firsthand the dangers of unrestrained executive power when he spent 20 months in jail, from 1948-50, due to the Punjab Public Safety Act, which in Khurshid Ahmad's words was "a law where the imprisonment of a person is ordered by the Provincial Executive without even letting him know the charge against him."²³ By May 1952, Mawdudi had expanded his 4-point formula for a sharia-compliant constitution to 8 points, including the following demands: "(5) That none of the basic civic rights of the people—security of life and property, freedom of speech and expression, and freedom of association and movement—shall be forfeited except when a crime has been proved in an open court of law after affording due opportunity of defence; (6) That the people shall have the rights to resort to a court of law against transgressions on the part of the legislative or the executive machinery of the State; (7) That the Judiciary shall be immune from all interference from the Executive; (8) That it shall be the responsibility

of the State to see that no citizen remains unprovided for in respect of the basic necessities of life, viz, food, clothing, shelter, medical aid and education.”²⁴ Experiences with executive excess, particularly with military authoritarianism, continued to shape Mawdudi and his associates.

Since as early as February 1948, Mawdudi had insisted that the constitution of Pakistan recognize sharia as “the inviolable basic code for all legislation” and that the government’s powers be “derived from, circumscribed by and exercised within the limits of Islamic Shari‘ah alone.”²⁵ Constitution-drafters at first insisted on the sovereignty of parliament but conceded that perhaps a state council of ulama, later converted to the Council of Islamic Ideology (CII), could be created to advise parliament on how to make laws Islamic. Mawdudi then developed an institutional demand that was midway between what Islamists wanted and what politicians were willing to concede. From May 1952, he had abandoned the claim, mentioned in his political theory of an Islamic state, that the Head of State have the right to interpret sharia (rather than the ulama or people), and had adopted the argument, first suggested by Muhammad Asad, that the Supreme Court have the authority to review legislation for its repugnancy to sharia. (He had already accepted elections and limited legislation by parliament).²⁶

Not only did Mawdudi’s ideas about institutional arrangements evolve but he also emphasized the need for an independent judiciary and reform in the law of preventive detention. In 1953, after the eruption of riots targeting the Ahmadi community, Mawdudi, who had written the pamphlet *The Qadiani Problem*, was given a death sentence by a military court.²⁷ The judges appointed to inquire into the cause of riots released a report in 1954 that did not offer the ulama and Islamists reasons internal to the Islamic tradition for why Ahmadis should not be declared non-Muslim in the constitution.²⁸ This report had caricatured the ulama and bypassed their tradition entirely, relying on citations from the Quran to support arguments. Rather than countering the arguments of Mawdudi and the ulama with counter arguments that could be accepted by traditional Islamic institutions, state elites relied on repression. Ultimately, Mawdudi’s death sentence was commuted, and he was released in 1955.

In his comments on the 1956 draft constitution, however, he now emphasized the need to reform the law of preventive detention, which he argued was even worse than that found in India. He said that “in our Islamic republic, which should have been more liberal and just than a non-Islamic state”, a person could be detained without trial and the chance to defend himself, which “is the very negation of justice.”²⁹ He contrasted the 1956 draft constitution of Pakistan, which allowed “any restrictions” on civil liberties, including the freedoms of speech, assembly, and association, with the Indian constitution, which allowed only “reasonable restrictions.”³⁰ Moreover, he also criticized the clauses that gave the President, elected indirectly by the national assembly and senate, the authority to dissolve the national assembly and dismiss the Prime Minister. He wrote:

This is obviously the way of dictatorship and not of democracy... Any scheme which gives so much power in the hands of a single individual is absolutely unjustifiable and cannot be tolerated even for a single moment...an ambitious President with the support of a few ambitious highups in the services of the country can at any time turn the Cabinets and the Assemblies into mere playthings.³¹

Similarly, he opposed the exemption of military courts from Supreme Court jurisdiction, as well as the authority given to the President to impose an emergency, suspend fundamental rights, and prevent redress through the Supreme Court. Mawdudi pleaded with representatives for restraints on executive power—a point that was a complete about-turn from his original political theory of an “amir” who would be responsible for enforcing sharia (with potentially dictatorial powers):

Have the Hon’ble Members of the Constituent Assembly presumed that angels alone will be elected to the Presidentship of the country and that none throughout the country excepting the President—not even the Central Ministers, nor any of the 300 members of the National Assembly, nor the Judges of the Supreme Court—can be trusted in times of emergency?

If the Hon'ble Members of the Constituent Assembly really hold this opinion about themselves and their nation what is the necessity of staging this show of democracy? The best thing in this case would be to just elect some angel as President and entrust to him with full confidence all the judicial, executive and legislative powers for life and then beseech him to nominate another angel to succeed him after his death.³²

From this background, we can see why it can be dangerous to teach American students only seminal Islamist texts, without juxtaposing them with other texts written during political struggles, texts that reflect the reconsideration of ideas in light of changing circumstances and personal experience. The core principle to which Mawdudi, and many other Islamists, remained committed was sharia compliance—not dictatorship. Therefore, a change in their ideas on how best to attain sharia compliance, given the institutional contours and history of a particular state, need not be a deviation from, or a moderation in, their ideology. It can signal an ongoing commitment to interpret and apply principles, in light of experience, rather than to rigidly adhere to a predetermined interpretation of texts heedless of changes in society and politics. The latter is a premise imposed on the study of Islamist thought by the methodological peculiarities of our discipline. It needs to be rigorously examined and contested.

2. Liberal Frameworks of Comparative Politics

On one hand, political theorists focus on the texts of Muslim thinkers to understand their values; whereas on the other hand, comparativists study the political processes of Muslim societies but through the lens of liberal values. The current division of labor in political science neither allows comparativists to generate political theory that can be used as a methodological lens to analyze the experience of Muslim societies nor to use insights from the field to contribute to debates in political theory. With the notable exception of Mona El-Ghobashy's work on the evolution of the Muslim Brothers in Egypt, many comparative politics analyses

of Islamists have a tendency to devolve into an exercise in measuring how far Islamists are from a liberal benchmark, rather than showing the complexity of who they are in a way that does justice to their experience.³³ After 9/11, a considerable literature on Islam and democracy was generated in comparative politics, of which Alfred Stepan's argument for the "twin tolerations" of religion and democracy was particularly influential.³⁴

As mentioned earlier, Stepan disagreed with Rawls that in a liberal democracy it was necessary to "take the truths of religion off the political agenda."³⁵ To support his argument, he pointed to the experience of consolidated democracies in the west where "democratic bargaining" between religious and political actors, rather than "liberal arguing", was crucial in crafting the "twin tolerations" of religion and democracy. Using the case of leading Islamist parties in Indonesia, Stepan argued that "public theological debate" could help generate public commitment to democracy. He cited the argument made by leaders of one of the most influential Islamist parties in Indonesia, the Nahdatul Ulama, that the concepts of "ijma" (consensus) and "ijtihad" (independent reasoning) in the Muslim juristic tradition could be realized through modern parliamentary institutions. Neither of the two parties in Indonesia that Stepan cited, NU or Muhammadiyah, was demanding a sharia-based state.

As there are a few crucial differences between Indonesia and other cases such as Pakistan and Afghanistan, Stepan's optimism can be unfounded. First, in Indonesia, modernist scholars have organized a grassroots movement (NU). When they make arguments linking concepts drawn from the Muslim juristic tradition (fiqh) such as "ijma" and "ijtihad" to modern parliamentary institutions, they are able to generate tangible social and electoral support for these ideas. Similarly, in Turkey, the authoritarian regime of Mustafa Kemal inherited a centralized bureaucracy that controlled religious institutions and was able to impose a modernist interpretation of Islam (which entailed the idea that the "essence" of Islam were its ethical teachings while the juristic tradition was non-binding).³⁶ A survey of the attitudes of Turkish citizens towards sharia revealed that they viewed Islam as a source of ethics and regarded sharia-based laws as a non-essential or optional feature of the religion.³⁷

Contrary to Indonesia, modernist scholars in Pakistan have not organized a grassroots movement; so when they make a theological argument that goes against the consensus interpretation of Deobandi or Bareilvi madrasa-educated scholars, it is the latter group that prevails due to its institutional power. Unlike Mustafa Kemal in Turkey, military rulers in Pakistan in the 1960s and 2000s were unable to impose a modernist interpretation of Islam on grassroots Islamic institutions, even though they appointed modernist scholars to the Council of Islamic Ideology. The Mughal Empire did not have as strong and centralized a religious bureaucracy as the Ottoman Empire and legal reforms by the British Indian colonial state in the mid-19th century further broke the links between the state and Islamic institutions. To this day, mosques and madrasas remain autonomous from the state. Moreover, madrasa-educated ulama participate in the democratic process through ulama-led parties. This constrains the ability of rulers in Pakistan to coercively impose a modernist interpretation of Islam, as was done by Mustafa Kemal in Turkey. Stepan focuses on modernist arguments in Indonesia, perhaps because doing away with the demand for state-enforced sharia seems a straightforward way to reconcile Islam with liberalism. However, his assumption that modernist arguments would be as acceptable a basis for institutional design in Pakistan, as they are in Indonesia, is unwarranted.

Second, in their volume *Democracy and Islam in Indonesia* (2013), Kunkler and Stepan contrast the NU and Muhammadiyah (which they believe generated “a consensus supportive of democracy” before Indonesia’s transition) with the Egyptian Muslim Brothers (which in their opinion “ha[d] not undergone a comparable change”). Among the evidence they cite is a “suggestion” on the Muslim Brothers’ website that “Parliament have all of its laws reviewed by a court of Islamic judges, thus limiting parliamentary power”.³⁸ This is precisely the institution of Islamic judicial review that the ulama and Jamaat-e-Islami in Pakistan proposed, negotiated, and adapted during its early constitutional struggle. While Kunkler and Stepan’s analysis may explain the situation in Indonesia, it is a mistake to regard Islamic judicial review as inherently irreconcilable with democracy or to define “modernism” as the “moderate” Islam, as the Turkish writer Mustafa Akyol did in his book *Islam*

without Extremes. As Akyol's book was featured in the CNN program GPS with Fareed Zakaria, it was widely disseminated in the American public sphere—further spreading the idea of a “good” Islam compatible with liberalism and a “bad” Islam hostile to it.³⁹ Pakistan's Jamaat-e-Islami is far closer to the Egyptian Muslim Brothers in its ideology than to the Indonesian parties that Stepan has analyzed. Jamaat-e-Islami has been unrelenting in its demand for a sharia-based state because it, and the ulama parties that are affiliated with grassroots Islamic institutions, regard the enforcement of sharia as a religious obligation—not a choice. They are traditionalist Muslims, not modernists.

In Pakistan, Islamist and ulama parties view sharia as a core feature of Islam. They understand sharia through the Muslim juristic tradition (fiqh), which modernists, such as Akyol and 19th century reformers before him, such as Chiragh Ali in India, dismiss as “medieval” scholarship colored by Arab customs that is no longer applicable or binding for contemporary Muslims. Leaving aside the question of whether the idea of a modern sharia-based state is itself a contradiction in terms (as Hallaq argues in *The Impossible State*), a study of their practical role in Pakistani politics shows that even if groups demand sharia-based laws – even if they demand a sharia-based state and are unrelenting in their struggle for it – this does not mean that they are “immoderate” or “anti-democratic.” Rather than being inherently anti-democratic, the mechanism of Islamic judicial review can potentially help achieve a *modus vivendi* or settlement between Islamism and liberalism in a democracy by allowing for “authentic deliberation” i.e., the exchange of “reciprocal reasons” with civility and respect.⁴⁰

Moreover, it is dangerous to assume that modernist Muslim scholars, who can more easily justify assimilation to liberal and western values due to their willingness to overturn the consensus opinions of Muslim jurists, are the only kind of “moderate” or “democratic” Muslim group. This conflation is frequent in North American policy discussions and is difficult for lay audiences to detect. It is perpetuated in comparative politics because comparativists do not possess the methodological framework to represent non-liberal Muslim thinkers and groups on a fair footing—frameworks that don't pathologize them as deviants. If

a Muslim group can be more readily represented in liberal language or measured along a liberal yardstick, it is more likely to be categorized as good. This is not always the case, as Muslim modernist scholars in Pakistan, such as Fazlur Rahman and Javed Ghamidi, have advised military regimes who diverted attention from their subversion of democracy and violations of human rights by decreeing Islamic legal reforms presented as “progressive” and “pro-women”.⁴¹ General Musharraf, in particular, seized the banner of “Enlightened Moderation”—playing on the perception in U.S. policy circles that traditionalist Muslims were extremists and obscurantists—to justify his regime and gain the support of Pakistani women’s rights groups and the liberal intelligentsia.

Vali Nasr, who has written books on Mawdudi and the Jamaat-e-Islami, and is active in policy circles in Washington, repeated this pattern when he drew a distinction between Pakistan’s center-right Muslim League, describing it as a symbol of “Muslim democracy,” and the Islamist Jamaat-e-Islami, which wants a sharia-based Islamic state. He argued that the Muslim League’s diffuse Islamic populism was a better model for the co-existence of Islam and democracy than a principled commitment to sharia.⁴² Nasr neglected to mention that the Muslim League, led by Nawaz Sharif, sponsored the Sharia Bill in 1998, a constitutional amendment that declared the Quran and Sunnah the supreme law and gave the federal government the authority to issue directives in this regard. This amendment was initially criticized by members of the Islamist Jamaat-e-Islami as well as the Jamiat-e-Ulama-e-Islam (F), the largest party of Deobandi ulama, because it could lead to the abuse of power. Mawlana Sheerani railed against the Bill in the National Assembly:

...the purpose of amending Article 239 will be that the constitution will become an ordinary law and you will not have an effective document in light of which there can be public oversight of the government. And the government will be all in all. This means that you superimpose the administration on both the parliament and the judiciary that however the administration wants, it can trample the parliament, trample the judiciary, and in this way this country be destroyed.

Sir Speaker! It is said that we are doing this for the supremacy of the Quran and Sunnat. Isn't the Quran above this constitution? Isn't it sacred? But...this constitution of yours, this is a treaty with the four units...If you remove this treaty from the middle then you will be unable to save the country. Therefore, do not misguide people in this way that taking the name of the Quran and Sunnat you achieve your interests from them...Let me clarify that the Jamiat-e-Ulema Islam will not accept the Fifteenth Amendment in this form and will decide against it.⁴³

Similarly, in the Jamaat publication *Weekly Asia*, a writer argued that Sharif's Bill was a pretext for establishing a dictatorship:

When in the name of shariat enforcement all the authority is given in the hands of the Federal Government, then this will open the way for the establishment of dictatorship and personal supremacy. It is true that shariat is the same for the federation and the provinces, but it is better to adopt the method of division of powers, according to the Federal Constitution, for the steps, guidance, and powers related to its enforcement, rather than giving the leader of the Federal Government the sword which he can keep using wherever and whenever he wants. These days rulers have become accustomed to the politics of revenge and interests and are generally lacking in honesty and integrity. If power is concentrated in their hands, then this will prove to be a source of brutality instead of justice, and dictatorship instead of Shariat.⁴⁴

The contrasting categories with which the author closes the passage, "dictatorship instead of Shariat", are instructive. In this context, we can see that the danger that Mawdudi's utopia would lead to a religious dictatorship, which political theorists still highlight when they analyze seminal Islamist texts, was no longer coming from his party, as it had evolved in its thinking and also lacked the necessary electoral and social power. The danger was posed by a mainstream center-right party, whose

“Islamic populism” comparativists such as Vali Nasr extolled based on the assumption that a party that does not demand sharia can be more easily assimilated to a liberal democratic framework. Once again, the gap between the study of political theory and that of Muslim political institutions, coupled with the insulation of comparative politics from political theory, leads to conclusions that are misleading.

As I recounted earlier, since the 1950s, the Jamaat-e-Islami has demanded sharia-based laws but also a division of powers, democracy, an independent judiciary, and the reversal of colonial laws of preventive detention. In the 1980s, the party benefited from General Zia’s Islamization campaign and its student wing entrenched itself in public universities, acting both as a moral police and as a check on leftist groups that resisted martial law. However, women’s rights groups and modernist scholars also collaborated with the military ruler Ayub Khan in the 1960s and Musharraf in the 2000s to have their own interpretations of state Islamic laws decreed. Nearly every Pakistani political party has at one point or another negotiated power-sharing with the military; Islamist and ulama parties are not an exception to this rule. However, unlike the Muslim League, the Islamist Jamaat-e-Islami has a well-developed body of theory about why sharia-based laws were necessary, a record of how leaders such as Mawdudi adapted this demand to fit the constitutional and legal framework that Pakistan inherited from the British,⁴⁵ and an institutionalized party structure, requiring turnover in leadership. It is a mistake to label the “Islamic populism” of the Muslim League as “moderate,” as Vali Nasr does, merely because it does not entail the demand for sharia enforcement.

The case of Pakistan shows that traditionalist Muslim groups, whether Islamist or ulama-led, can participate in democracy, and indeed develop a strong commitment to it—conditional on the institutional accommodation of their demand for sharia and their form of moral argumentation—within the constitutional democratic framework. That is, even in tough cases, it is possible for Islamism and liberalism to co-exist in a constitutional democracy (particularly, as there is the potential for an “overlapping consensus” between fiqh and liberal citizenship, as Andrew March argues). Therefore, Pakistan, rather than Indonesia, can give us

important insights about accommodating groups that are unrelenting in their demand for a sharia-based state within a democratic framework in which secular individual rights are also protected. Pakistan is perhaps one of the toughest cases for this argument because of the Pakistan Army's role in organizing the Afghan mujahideen against Soviet forces, using covert CIA funding, which significantly increased the power of Deobandi ulama both in Pakistan and Afghanistan.

Since the mid- to late-1990s, mainstream ulama and Islamist parties in Pakistan pursuing their demands within the constitutional framework have been accompanied by militant groups calling for an overthrow of the constitutional order and the enforcement of sharia by force. These calls for violence only intensified during the U.S. occupation of Afghanistan and the War on Terror. Electoral religious parties were able to counter the arguments of militants precisely due to the *modus vivendi* arrangements that had taken shape by the 1980s: (a) Islamic judicial review by the Federal Shariat Court and the Supreme Court Shariat Appellate Bench, (b) a good faith effort by judges to engage with the juristic tradition (*fiqh*) when exercising Islamic judicial review, and (c) the constitutional right to pass sharia-based laws through parliament. It is impossible to understand the role of the ulama and Islamists in Pakistani politics, or in the politics of Muslim societies in general, without examining legal scholarship on contemporary applications of sharia. The field of Islamic legal studies in American universities is not only necessary for political scientists studying Islam to be acquainted with but also has the potential to bridge the divide between political theory and comparative politics, poised as it is between political theory, religion, and law. It is centered on studying the interpretation of texts within institutions, which is precisely the frame needed to understand the ulama and Islamists.

3. The Field of Islamic Legal Studies as a Bridge

The Deobandi ulama and Islamists tend to associate the term “liberal” with a *madar pidar aazad jamhooriyat* (“a democracy free of mother and father”), which roughly translates to “a democracy without limits” or a live-and-let-live, *laissez-faire*, free-for-all attitude towards politics,

and in turn, collective ethics. This is anathema to them. Their disdain for this brand of liberalism, however, is accompanied by a commitment to Islamic constitutionalism. According to several legal scholars who have studied Pakistan, such as Martin Lau and Karin Yefet, the constitutional provisions related to Islam and individual rights have not only co-existed but worked in a mutually reinforcing way.⁴⁶ In an article on Justice Cornelius's growing support for legal Islamization, as a means to strengthen liberal constitutionalism, Clark Lombardi explains why this combination is not as paradoxical or unexpected as it would seem.⁴⁷

It is important for political scientists to consider the possibility that deep-rooted support for constitutional democracy among religious parties in Pakistan has been possible precisely because its constitution recognizes sharia compliance as an obligation—in addition to democracy, individual rights, and non-discrimination on the basis of sex alone. In this case, the liberal-Islamist conflict would be less a clash of irreconcilable ideas or civilizations than a practical question of the kinds of institutions that could accommodate the disparate touchstones for political legitimacy found in the Muslim juristic tradition (fiqh), on one hand, and liberalism, on the other: i.e., “sharia compliance” versus “the consent of the governed.”⁴⁸

The case of Pakistan confirms Lucas Swaine's argument that a plausible defense of liberal institutions to theocrats could be an argument based on the freedom of conscience.⁴⁹ Common law judges and ulama judges were able to achieve an accommodation between fiqh-based and rights-based demands through “internal” or “reciprocal” reasoning and mutual respect.⁵⁰ The liberal principle that political legitimacy derives from the “consent of the governed” and the ulama's belief that enforcing sharia is an obligation on rulers can be bridged by a principle shared by both traditions: freedom of conscience, which in the Deobandi ulama's tradition is expressed in the principle of toleration between Muslim sects. Mawlana Thanwi's maxim, “don't leave your maslak and don't interfere with the maslak of others” (*apna maslak choro nahiN, doosray ka maslak chero nahiN*), is frequently cited by influential ulama. It is what allowed the ulama of different sects—Deobandis, Barelvis, Shia, and Ahl-e-Hadith—to make a joint demand for an Islamic constitution.⁵¹ They agreed that each sect was entitled to live by its own interpretation of sharia.⁵²

Current methods in mainstream political science do not allow us to see these institutional pathways to toleration and democracy because of the separation of political theory from comparative politics, as well as political science, as a whole, from Islamic and area studies departments. A promising new development is the emergence of Islamic Legal Studies programs at American universities, which are encouraging interdisciplinary collaboration between scholars of Islam and the Islamic legal tradition, on one hand, and lawyers and political scientists, on the other. Legal scholars such as Asifa Quraishi-Landes, Intisar Rabb, Clark Lombardi, and Noah Feldman are prominent in this emerging field, although it does not yet have much integration with, or traction in, mainstream political science.⁵³ Within the niche of comparative political theory, however, Andrew March is notable for his engagement with Islamic legal scholars, both through his study of Muslim juristic texts and through professional conferences and workshops.⁵⁴ Whereas March explores the potential for an “overlapping consensus” between the Muslim juristic tradition (*fiqh*) and Rawls’ conditions for liberal citizenship, Intisar Rabb studies the institutions through which *fiqh* is accommodated in a legal system and the relationship between the state and jurists.⁵⁵ These two parallel literatures may still be speaking to political theorists and lawyers respectively, bound as they are by the conventions of professional publications in their disciplines. However, these scholars have been in conversation in inter-disciplinary spaces—a conversation in which the text-based approach of political theory is counter-balanced and complemented by the institutional focus of the law. This is the combination that is needed to adequately represent the moral-epistemic concerns of Muslim jurists (*fuqaha*) and Islamists when analyzing their political role in Muslim societies.

For instance, when contributing to debates on Islamic constitutionalism—and to comparative constitutional law more broadly—Rabb takes an approach that meets the rigor of comparative politics yet avoids the pitfall of uncritically reproducing liberal paradigms as benchmarks. In her study of Iraq, Rabb divides Islamic constitutionalism into three types, based on the relationship between the state and jurists:

dominant constitutionalization—where a constitution explicitly incorporates Islamic law as the supreme law of the land; *delegate constitutionalization*—where a constitution incorporates Islamic law but delegates its articulation to the jurists; and *coordinate constitutionalization*—where a constitution incorporates Islamic law, laws of democratic processes, and liberal norms, placing them all on equal footing. Iran is an example of the first, where jurists effectively control the government and all interpretive legal decisions; Gulf Arab states are an example of the second, where interpretive authority over Islamic family law in particular is vested in the juristic classes; and Egypt and Morocco are examples of the third, where the government and interpretive decision makers have devised schemes of differing relationships with the jurists.⁵⁶

She sees the juristic class as a “Fourth Branch” with which the other branches have a relationship ranging from exclusion (Turkey) to dominance (Iran).⁵⁷ This kind of typology allows us to move beyond the study of seminal Islamist texts, by thinkers such as Mawdudi and Qutb, so that we can study the impact of sharia-based arguments in terms of varied institutional configurations across countries and legal and constitutional evolution over time. Moreover, unlike most studies of Islamic law in Pakistan that focus on outcomes (Lombardi being an exception), Rabb considers how the *process* of judicial deliberation influences the legitimacy of decisions. She argues that the Egyptian judiciary’s past engagement with Islamic law demonstrated that “more judicial deliberation of Islamic law may better ensure stability and legitimacy through processes of dynamic interpretation in ways that affirm the... constitutional pre-commitments to Islamic law and that aid democratic, rights-regarding, rule-of-law values.”⁵⁸ Her attention to deliberation—and to the impact of Islamic constitutionalism on democracy—places her work close to debates in political theory.

These two branches of scholarship—comparative constitutional law and political theory—have not yet been integrated in a meaningful way, which is essential for developing a deeper understanding of sharia and

democracy that could better inform policy and institutional design. In Ran Hirschl's words, existing scholarship on courts and religious tribunals in "constitutional theocracies" is "[a]kin to early maps of the world where tracts of emptiness cover much of the non-Western world... a terra incognita of sorts, almost completely uncharted, let alone theorized."⁵⁹ There is a need to develop theory on this "jurisprudential landscape," as he argues, but even more so to link scholarship in the field of Islamic Legal Studies with works in comparative political theory and comparative politics. It is particularly important to not restrict ourselves to an analysis of legal systems but to analyze political and social institutions as well. The question of sharia is not simply a legal question that can be settled in courts. It is a question that is argued in the public sphere—in political rallies, television talk shows, and parliament. Nathan Brown rightly draws attention to this process in *Arguing Islam after the Revival of Arab Politics* (2017), as does Tamir Moustafa in *Constituting Religion* (2018).⁶⁰ Intisar Rabb's work on judicial deliberation shows that arguments about Islam can take on different colors in different institutional spaces. Therefore, Brown's "view from the public sphere" and Rabb's "view from the courts" are complementary perspectives that, when integrated, significantly enrich debates on Islamic argumentation.

Clark Lombardi's work, too, has much to contribute to political science debates on Islam. Rather than focusing on theoretical texts written by Islamists or on case judgments, he traces the evolution of Justice Cornelius's ideas, from 1960 until 1991, to consider the potential compatibility of liberal constitutionalism and Islamization in Pakistan.⁶¹ With the context-sensitivity of a historian and the rigor of a legal and political theorist, he tells the story of a complex man. In Pakistan's early years, the Catholic, Cambridge-educated Cornelius, like many others in the legal elite, considered talk of an Islamic state "repellent."⁶² However, the onset of secular authoritarianism convinced him that the best way to hold the executive accountable was to "re-sanctif[y]" fundamental rights "in the eyes of Pakistan's Muslim rulers and masses" by "connecting them to the religion not of the departed colonial master but of their own indigenous Islamic beliefs."⁶³ Lombardi explains that this conviction was rooted in his understanding of British legal history. Cornelius believed that Pakistani

judges could learn from the experience of British judges who “had convinced Britons and the British king to recognize the supra-constitutional power of fundamental rights” when they “convincingly described” them as “norms that reflected the command of Christian law.”⁶⁴ In his article, Lombardi analyzes how political events in Pakistan, as well as the Sanhuri code in the Middle East, led Cornelius to reconsider his position on the role of Islam in Pakistan’s legal system.

By tracing the evolution of Cornelius’s thought, in the context of Pakistan’s political and legal history, Lombardi is able to show the malleability of liberal constitutionalist and Islamist positions and the potential for an “overlapping consensus” in practice. He is only able to do so because he considers ideas about Islamic law in the context of evolving legal interpretations and executive-judicial struggles. As a legal scholar, he takes interpretation seriously and therefore highlights Cornelius’s view that lawyers ought to be trained in the Islamic tradition so they could “dispute credibly with madrasa-trained Islamic scholars” and “win support...for liberal lay interpretations of Islam”.⁶⁵ Although Lombardi regards the liberal rule of law as a desirable goal, he gives readers a view of *Cornelius’s* understanding of liberal constitutionalism, which was in harmony with—rather than defined in opposition to—the judicial accommodation of the Islamic legal tradition.

As a legal practitioner, Cornelius knew that arguing in terms of the Islamic legal tradition was necessary for communicating with madrasa-trained scholars and that this communication could yield support for a range of opinions, from liberal to illiberal. That is the kind of flexibility and change that we can only observe once we see texts-in-motion and liberalism-as-articulated-by-local-actors. Such a fine-grained analysis is, unfortunately, difficult to encapsulate in the models that currently dominate comparative politics.⁶⁶ Intisar Rabb’s argument on the legitimacy of judicial deliberation intersects with debates in deliberative democracy, while Lombardi’s work on liberal constitutionalism and legal Islamization intersects with Andrew March’s work on fiqh and liberal citizenship, as well as with Lucas Swaine’s argument in *The Liberal Conscience* (2005). Even if it remains a challenge to represent non-liberal voices through comparative politics models, a deeper conversation between political

and constitutional theorists focusing on Muslim contexts would prove fruitful.

Conclusion

Studying Islam within mainstream political science entails at least two pitfalls: first, the danger of studying Islamist texts separate from contemporary legal and political practice, which is the dominant method in political theory; second, studying Islamist groups without seriously considering the fact that for many of them, sharia compliance is a moral imperative not an individual choice, which makes it counter-productive to view them through a liberal lens and measure them against a liberal benchmark. Scholars of comparative politics often take the latter approach because they are not in conversation with political theorists and therefore do not update the premises of their empirical models to reflect the latest debates in political theory.

Therefore, a methodological peculiarity of American political science—the conception of “political theory” and “comparative politics” as two separate sub-fields that are not integrated—can have grave consequences for the study of Muslim legal and political institutions. The misguided beliefs that Islamists are unyielding adherents of canonical texts, or that “modernism” is the only kind of “moderate” Islam that can be reconciled with democracy, are a result of these sub-fields not speaking to one another, as well as being separated from humanities departments studying Islam and Muslim societies. Interdisciplinary programs that integrate the study of the Islamic legal tradition with western political science and law, such as emerging Islamic Legal Studies programs, would greatly improve the quality of political science scholarship on Muslim societies.

Endnotes

- 1 For instance, Saba Mahmood's *Politics of Piety: The Islamic Revival and the Feminist Subject* (Princeton: Princeton University Press, 2005) was a seminal work that shifted the study of Islam in anthropology. In political science, Steven Fish's article, "Islam and Authoritarianism" (*World Politics* 55, no. 1 (October 2002): 4-37), which contained a statistical analysis of the link between Islam and democracy was heavily cited. His book, *Are Muslims Distinctive? A Look at the Evidence* (Oxford: Oxford University Press, 2011), continued this theme and was among *Choice's* Top 25 Academic Titles for 2012. Yet Fish didn't cite, let alone incorporate, Mahmood's analysis.
- 2 For an overview of this movement, which began with an anonymous email from "Mr. Perestroika", see Kristen Renwick Monroe, *Perestroika!: The Raucous Rebellion in Political Science* (New Haven: Yale University Press, 2005). For an early criticism of the movement, see David D. Laitin, "The Perestroikan Challenge to Social Science." *Politics & Society* 31, no. 1 (March 2003): 163-84. Laitin focuses his criticism on the arguments in Bent Flyvbjerg, *Making Social Science Matter: Why Social Inquiry Fails and How It Can Succeed Again* (Cambridge, UK: Cambridge University Press, 2001). For a retrospective review of the movement, see Timothy W. Luke and Patrick J. McGovern, "The Rebels' Yell: Mr. Perestroika and the Causes of This Rebellion in Context," *PS: Political Science and Politics* 43, no. 4 (2010): 729-31.
- 3 Lucas Swaine, *The Liberal Conscience: Politics and Principle in a World of Religious Pluralism* (New York: Columbia University Press, 2005). In political theory, see also John Gray, *The Two Faces of Liberalism* (New York: New Press, 2000). The comparativist Steven Fish cited neither theorist in his 2011 book, *Are Muslims Distinctive? A Look at the Evidence* (Oxford: Oxford University Press, 2011).
- 4 Jennifer Pitts, *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France* (Princeton: Princeton University Press, 2006). When I refer to the ulama, I am referring primarily to the Deobandi ulama who influenced the struggle for an "Islamic constitution" in Pakistan, and when I refer to Islamists, I am referring primarily to the Jamaat-e-Islami that was allied with the ulama in this effort. I have analyzed their Urdu writings at length in Tabinda M. Khan, "Institutions Not Intentions: Rethinking Islamist Participation in Muslim Democracies," PhD dissertation, Columbia University, 2015.
- 5 For an analysis of this process in Pakistan, see Tabinda M. Khan, "Women's Rights between Modernity and Tradition," in Avishek Ray and Ishita Banerjee-Dube eds., *Nation, Nationalism and the Public Sphere: Religious Politics in India* (New Delhi: Sage, 2020).
- 6 See Makau Mutua, "Savages, Victims, and Saviors: The Metaphor of Human Rights," *Harv. Int'l LJ* 42 (2001): 201 for an analysis of this cultural phenomenon in the field of international human rights, in general.
- 7 Scott Alan Kugle, "Framed, Blamed and Renamed: The Recasting of Islamic Jurisprudence in Colonial South Asia," *Modern Asian Studies* 35, no. 2 (May 2001): 257-313.

- 8 See Roxanne L. Euben and Muhammad Qasim Zaman, *Princeton Readings in Islamic Thought: Texts and Context from al-Banna to Bin Laden* (Princeton: Princeton University Press, 2009) and Andrew March, *Islam and Liberal Citizenship: The Search for an Overlapping Consensus* (Oxford: Oxford University Press, 2009).
- 9 Seyyed Vali Reza Nasr, "Islamic Opposition to the Islamic State: The Jamaat-i Islami, 1977-88," *International Journal of Middle East Studies* 25, no. 2 (May 1993): 261-283; at 262.
- 10 For instance, in considering why some "hacks" to Islamic law are accepted while others are ignored, Rumea Ahmed writes: "The answer is simple: power. A hack is adopted only when it advances the interests of the powerful". See Rumea Ahmed, *Sharia Compliant: A User's Guide to Hacking Islamic Law* (Stanford, CA: Stanford University Press, 2018), 159.
- 11 Bernard S. Cohn, "Notes on the History of Indian Society and Culture," in *Structure and Change in Indian Society*, ed. Milton Singer and Bernard S. Cohn (Chicago: Aldine, 1968), 8.
- 12 See John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993) and John Rawls, "The Idea of Public Reason Revisited," *The University of Chicago Law Review* 64, no. 3 (1997): 765-807.
- 13 John Gray, *The Two Faces of Liberalism* (New York: New Press, 2000).
- 14 Michael Sandel, *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press, 1998), Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (Notre Dame: University of Notre Dame Press, 2007) and Elaine Hadley, *Living Liberalism: Practical Citizenship in Mid-Victorian Britain* (Chicago: University of Chicago Press, 2010).
- 15 Saba Mahmood's critique in "Feminism, Democracy, and Empire: Islam and the War on Terror," in *Gendering Religion and Politics: Untangling Modernities*, ed. Hanna Herzog and Ann Braude (New York: Palgrave Macmillan, 2009). See also her book, *Politics of Piety*.
- 16 Alfred Stepan, "Religion, Democracy, and the 'Twin Tolerations,'" *Journal of Democracy* 11, no. 4 (2000): 37-57, at 45; and in Alfred Stepan, *Arguing Comparative Politics* (Oxford: Oxford University Press, 2001).
- 17 Nathan Brown, *Arguing Islam after the Revival of Arab Politics* (New York: Oxford University Press, 2017).
- 18 Lucas Swaine, *The Liberal Conscience: Politics and Principle in a World of Religious Pluralism* (New York: Columbia University Press, 2005).
- 19 Roxanne Euben, *Enemy in the Mirror: Islamic Fundamentalism and the Limits of Modern Rationalism: A Work of Comparative Political Theory* (Princeton: Princeton University Press, 1999). See also Andrew March, "What Is Comparative Political Theory?," *The Review of Politics* 71 (2009): 531-65 and Fred Dallmayr, ed., *Border Crossings: Toward a Comparative Political Theory* (Lanham, MD: Lexington Books, 1999).

- 20 Roxanne L. Euben and Muhammad Qasim Zaman, *Princeton Readings in Islamic Thought: Texts and Context from al-Banna to Bin Laden* (Princeton: Princeton University Press, 2009), 82.
- 21 Reprinted from Sayyid Abul A'la Maududi, *The Islamic Law and Constitution*, translated and edited by Khurshid Ahmad, 2nd ed. (Lahore: Islamic Publications, 1960).
- 22 For instance, in addition to Maududi's text included in the Princeton volume cited above, another text that receives a great deal of attention is Sayyid Qutb, *Milestones* with a Foreword by Ahmad Zaki Hammad (Indianapolis: American Trust, 1990).
- 23 Khurshid Ahmad, "Introduction," [dated 1960] in *The Islamic Law and Constitution* (translated and edited by Khurshid Ahmad) (Lahore: Islamic Publications Ltd., 1980 [October 1955]), 28.
- 24 *Ibid.*, 29-30.
- 25 *Ibid.*, 27.
- 26 Leonard Binder, *Religion and Politics in Pakistan* (Berkeley: University of California Press, 1961), 105. Binder mentions that the idea for Islamic judicial review by the Supreme Court had first appeared in an article by Muhammad Asad (Leopold Weiss), who was the Director of Islamic Reconstruction in Punjab. This article was published and analyzed in a Jamaat-e-Islami periodical in October 1948, which termed the idea un-Islamic because it was against the practice of the rightly guided Caliphs.
- 27 *Ibid.*, 302.
- 28 *Report of the Court of Inquiry constituted under Punjab Act II of 1954 to enquire into the Punjab Disturbances of 1953* (Lahore: Punjab Govt., 1954).
- 29 Sayyid Abul A'la Maududi, "Comments on the Draft Constitution of 1956," Appendix III in *The Islamic Law and Constitution* (translated and edited by Khurshid Ahmad) (Lahore: Islamic Publications Ltd., 1980 [October 1955]), 366.
- 30 *Ibid.*, 367.
- 31 *Ibid.* 369-370.
- 32 *Ibid.*, 372 and 374.
- 33 Mona El-Ghobashy, "The Metamorphosis of the Egyptian Muslim Brothers," *International Journal of Middle East Studies* 37, no. 3 (2005): 373-95. Chatterjee discusses the colonial origins of this comparative practice in Partha Chatterjee, *Lineages of Political Society: Studies in Postcolonial Democracy* (New York: Columbia University Press, 2011).
- 34 Alfred Stepan, "Religion, Democracy, and the 'Twin Tolerations,'" *Journal of Democracy* 11, no. 4 (2000): 37-57.
- 35 *Ibid.*, 45.
- 36 M. Sukru Hanioglu, "The Historical Roots of Kemalism," in *Democracy, Islam, and Secularism in Turkey*, ed. Ahmet T. Kuru and Alfred Stepan (New York: Columbia University Press, 2012).

- 37 M. Hakan Yavuz, "Turkey: Islam without Shari'a?" in *Shari'a Politics: Islamic Law and Society in the Modern World*, ed. Robert Hefner (Bloomington: Indiana University Press, 2011).
- 38 See Chapter 1, "Indonesian Democratization in Theoretical Perspective", in Mirjam Kunkler and Alfred Stepan eds., *Democracy and Islam in Indonesia* (New York: Columbia University Press, 2013).
- 39 Mustafa Akyol, *Islam Without Extremes: A Muslim Case for Liberty* (New York: W.W. Norton, 2011).
- 40 For a discussion of "reciprocal reasoning", see Amy Gutmann and Dennis Thompson, "The Moral Foundations of Truth Commissions," in *Truth v. Justice: The Morality of Truth Commissions*, ed. Robert I. Rotberg and Dennis Thompson (Princeton: Princeton University Press, 2000), 36.
- 41 I have analyzed this process in Khan, "Women's Rights between Modernity and Tradition".
- 42 Seyyed Vali Raza Nasr, "The Rise of 'Muslim Democracy,'" *Journal of Democracy* 16, no. 2 (April 2005), 13-27.
- 43 *The National Assembly of Pakistan Debates*, Official Report, Thursday, the 17th Sep., 1998 (Volume IV: No. 15), 1552.
- 44 Mawlana Gauhar Khan, "Nifaz-e-Shariat aur 15 tarmeemi bill: Jamaat-e-Islami haq-e-iqdam tak tehreek jari rakhay gee," *Weekly Asia*, 8th October 1998, p. 8. He also warned workers that secular parties were criticizing the Shariat Bill because they believed in parliamentary sovereignty and did not support the principle of court-interpreted shariat as a check on parliament. So, he advised them to carefully frame their criticism of Sharif's Bill on grounds of its institutional design, and on how it would not achieve the benefits of shariat, and to not inadvertently strengthen the arguments of secular critics about the very idea of a Shariat amendment.
- 45 See Seyyed Abul A'la Mawdudi, "Comments on 1956 Constitution," Appendix IV in *The Islamic Law and Constitution*, translated and Edited by Khurshid Ahmad (Lahore: Islamic Publications, 1960).
- 46 See Martin Lau, *The Role of Islam in the Legal System of Pakistan* (Boston: Leiden, 2006) and Karin Carmit Yefet, "The Constitution and Female-Initiated Divorce in Pakistan: Western Liberalism in Islamic Garb," *Harvard Journal of Law and Gender* 34 (2011): 553-615. See also Paula R. Newberg, *Judging the State: Courts and Constitutional Politics in Pakistan* (Cambridge: Cambridge University Press, 2002).
- 47 Clark B. Lombardi, "Can Islamizing a Legal System Ever Help Promote Liberal Democracy?: A View from Pakistan," *University of St. Thomas Law Journal* 7, no. 3 (2010).
- 48 For a review of classical and medieval Islamic political theory, see Peter Hardy, *The Muslims of British India* (Cambridge: Cambridge University Press, 1972), 23-26 and 107-114. See also Muzaffar Alam, *Languages of Political Islam in India 1200-1800* (New

- Delhi: Orient Blackswan, 2004) for the different understandings of sharia found in the adab and akhlaq genres in Mughal India. The latter tradition, in Alam's view, stretched the meaning of sharia beyond a juristic understanding. Therefore, the juristic tradition was not central to all genres of political theory found in Muslim empires.
- 49 Lucas Swaine, *The Liberal Conscience: Politics and Principle in a World of Religious Pluralism* (New York: Columbia University Press, 2005).
- 50 For a discussion of the importance of "authentic deliberation" in deeply divided societies, see Amy Gutmann and Dennis Thompson, "The Moral Foundations of Truth Commissions," in *Truth v. Justice: The Morality of Truth Commissions*, ed. Robert I. Rotberg and Dennis Thompson (Princeton: Princeton University Press 2000).
- 51 Mawlana Mufti Rafi Usmani, "Deeni Siyasi JamatoN ki Khidmat main," *Al-Balagh* 31, no. 4 (September 1996): 3-18, at 9; and Mawlana Samiul Haq (Speech), "Nifaz-e-qawaneen maiN Shia Sunni tafreeq tabah kun hai: qazi adaltoN ko kitab o sunnat ka paband karana ho ga," *Al-Haqq* 18 (February 1983): 5-11, at 6.
- 52 This toleration breaks down when it comes to groups not recognized as Muslim sects by the broader Muslim community, such as Ahmadis. See Jeremy Menchik, *Islam and Democracy in Indonesia: Tolerance without Liberalism* (New York: Cambridge University Press, 2016) for an analysis of this problem in Indonesia.
- 53 See Asifa Quraishi-Landes, "Islamic Constitutionalism: Not Secular, Not Theocratic, Not Impossible," *Rutgers Journal of Law and Religion* 16 (2014): 553; Intisar A. Rabb, "We the Jurists: Islamic Constitutionalism in Iraq," *U. Pa. J. Const. L.* 10 (2007): 527; Clark Lombardi, *State Law as Islamic Law in Modern Egypt: The Incorporation of the Shari'a into Egyptian Constitutional Law* (Leiden: Brill, 2006); Noah Feldman and Roman Martinez, "Constitutional Politics and Text in the New Iraq: An Experiment in Islamic Democracy," *Fordham Law Review* 75 (2006): 883.
- 54 For instance, on 24-25 March 2017, a conference on "Religion and the State" was held in Tunis that was co-sponsored by the Arab Association of Constitutional Law, the Tunisian Association of Constitutional Law, and Harvard Law School's Islamic Legal Studies Program. This conference brought together political scientists, scholars of Islam and Islamic law, and lawyers from universities in the U.S. and U.K. as well as from Muslim-majority countries in the Middle East and South Asia.
- 55 Andrew March, *Islam and Liberal Citizenship: The Search for an Overlapping Consensus* (Oxford: Oxford University Press, 2009) and Intisar A. Rabb. "We the Jurists': Islamic Constitutionalism in Iraq," *University of Pennsylvania Journal of Constitutional Law* 10, no. 3 (2008): 527-579.
- 56 Intisar Rabb, "We the Jurists", 531.
- 57 *Ibid.*, 555. See also Intisar Rabb, "The Least Religious Branch? Judicial Review and the New Islamic Constitutionalism," *UCLA Journal of International Law and Foreign Affairs* 17, no. 1/2 (2013): 75-132.
- 58 Rabb, "The Least Religious Branch?", 85.

- 59 Ran Hirschl, "Constitutionalism in a Theocratic World" in *The Limits of Constitutional Democracy*, ed. Jeffrey K. Tulis and Stephen Macedo (Princeton: Princeton University Press, 2010), 256-279, at 259.
- 60 Nathan Brown, *Arguing Islam after the Revival of Arab Politics* (New York: Oxford University Press, 2017); Tamir Moustafa, *Constituting Religion: Islam, Liberal Rights, and the Malaysian State* (Cambridge: Cambridge University Press, 2018).
- 61 Clark B Lombardi, "Can Islamizing a Legal System Ever Help Promote Liberal Democracy: A View from Pakistan," *U. St. Thomas LJ* 7 (2009): 649.
- 62 *Ibid.*, 656.
- 63 *Ibid.*, 668.
- 64 *Ibid.*, 667.
- 65 *Ibid.*, 681-82.
- 66 For a more recent essay by Lombardi, see Michael W. Dowdle and Michael A. Wilkinson, eds., *Constitutionalism beyond Liberalism* (Cambridge University Press, 2017).

REVIEW ESSAY

Islam, Authoritarianism, and Underdevelopment: A Global and Historical Comparison

CAMBRIDGE: CAMBRIDGE UNIVERSITY PRESS, 2019. 316 PAGES.

AHMET KURU

In 2019 Professor Ahmet Kuru published his acclaimed *Islam, Authoritarianism, and Underdevelopment: A Global and Historical Comparison*. I say ‘acclaimed’ not as an endorsement but merely to point to accolades it received, such as the jointly awarded and prestigious 2020 American Political Science Association’s Jervis-Schroeder Book Award. Moreover, it was keenly promoted by Kuru and publishers via a global book tour including Harvard, on top of receiving reviews in *Foreign Affairs* and numerous political science and history journals. More recently, its arguments featured in a widely reported op-ed penned by former UK Prime Minister Tony Blair in the wake of the Taliban reconquest of Afghanistan, where he characteristically decries ‘Islamism’ as “a first-order security threat to the west”.¹

The book itself takes a long-durée approach to questions about Islam’s place in the development of Muslim states and society, especially in the contemporary post-WW2 period. Based on Kuru’s research, the roots of authoritarianism, conflict, and underdevelopment lay in ancient

religio-political configurations continuing to exert pressure till today and leading the Muslim world to become “stagnant” (3), unable to produce intellectuals to counter the growing power of the West in the sixteenth and seventeenth centuries. As Muslim polities began their patronage of Islamic scholars (ulema), this weakened the independence of the jurists. Subsequent changes also weakened the merchant class, leading to the creation of an “ulema-state alliance” which (though militarily powerful) “failed to revive early Muslims’ intellectual and economic dynamism because they virtually eliminated philosophers and marginalized merchants” (5). Even in avowedly secular states that emerged in the 20th century there continued an “enduring marginalization of intellectuals and the bourgeoisie” and hence ‘underdevelopment’ and authoritarianism (6).

Here, I do not challenge such core assumptions about the lack of liberal democracy in many Muslim majority countries, nor his accurate dissecting of the spurious link between Islam and violence. In this review, I want to challenge many of his other core assumptions, expose the strawmen fallacies he builds around postcolonial approaches, and highlight the implication, methodological and otherwise, of the narrative which positions the Muslim world as uniquely lagging behind the rest of the world. I do this by tackling his claim that Muslim religious scholars are the ones to blame for a lack of democracy and for ‘underdevelopment’—itself a loaded term explored in latter sections. As the interpreters and conveyors of Islamic tradition, the ulema (diverse as they are) cannot be divorced from what Islam is. Kuru acknowledges this as much himself—it is, after all, ‘Islam’ that appears in the very title of his book. Therefore, we can say that Kuru’s argument is really one which positions Islam itself as having failed to aid Muslim majority states today in keeping up with standards Kuru has set up.

By failing to keep up with this standard, Kuru presents Muslims as stagnant, volatile, and in need of *further evolution* to reach contemporary (western) standards of civilization. With a growing body of work acknowledging the power of narratives in shaping our thoughts and interactions, his work cannot be dismissed as a purely academic exercise without real world consequences. Neuroscience has long shown us that narratives are central

to human cognition (Gazzaniga 1998; 2005; 2012). The brain's propensity to organize thoughts in narrative form is related to "our general capacity to see how contiguous events relate to one another."² What is more, "these narratives of our past behavior pervade our awareness [in the present]."³ In political science, Wehner and Thies have similarly demonstrated that "ruling narratives ... provide the background for elites to construct world-views in foreign policy including goals, choices, and interests" (2016, 421). In other words, the narratives we hold are consequential for how we perceive our reality, thus making them hugely important entities to study and decipher in their own right (for a review, see Sadriu 2021). Kuru's work frames Muslims and Islam as in need of fundamental reform and leads the audience to think and act on this framing, something which supports harmful interventions against Muslim societies globally.

Delving into Kuru's theorization, the article works through three key issues: (1) the broader, incessant tendency of research to stereotype Islamic scholars as supporting authoritarianism; (2) the propensity to frame problems in the Muslim world as a matter generated entirely from internal dynamics; and (3) the role of discriminatory narratives about Muslims globally in legitimizing intrusive policies. I work through these issues to show the connection between Kuru's ideas and broader machinations in global politics and how a truly postcolonial analysis (an approach he strawmans frequently) can produce more fruitful ways to approach the interactions between Muslims, Islam, and the international. There is a strong base in political science and its attendant fields of security studies, foreign policy, and international relations more broadly that have paid attention to the Islamophobic and colonial underpinnings of academic and policy work on Muslims (Jabri 2006; Kundnani 2014; Qureshi 2015; Richter-Montpetit 2014; Croft 2012). This review contributes to such a discussion by focusing on how Kuru's narrative construction of a Muslim world as a distinct civilization living in the shadow of western modernity legitimizes intrusive and violent policies at the international political level. This is not to pin the onus on his particular work, but rather to show the broader imperial milieu it inhabits and how it fits neatly into many popular, rightwing, and leftwing discourses about the degenerative force of Islam in the world today. In academia, too, there

is a sympathetic audience of comparative and world politics scholarship that is only recently being called out for its inherently biased perspective on the world.⁴

After first highlighting the merits of Kuru's analysis and its embrace by current advocates of continued intrusive intervention into Muslim societies, I turn to an alternative reading of the current state of the Muslim world to show the diversity that exists, and then scrutinize Kuru's criticism of postcolonial approaches on the question about the links between Islam, authoritarianism, and development. Far from promoting the wellbeing of Muslims globally through an 'honest discussion', Kuru merely perpetuates mainstream White "civilizationist conceptualization of politics and security that occludes racial and colonial violence" (Howell and Richter-Montpetit 2020, 11) and which upholds the current global unjust status quo. The aim is hence to bring the international political context into focus, rather than seeing the Muslim world as a closed unit unwilling to change and held down by the 'curse of history' (Gruffydd Jones 2006; Barkawi 2016; Mohamedou 2017). This is necessary if we are to decolonize IR and broader political science knowledge away from a liberal hegemonic vision of reality that sees itself surrounded only by otherness and barbarity and especially the ways in which "IR has consistently portrayed Islam, the radical Other, as a pathological form beyond the pale of modernity" (Pasha 2006, 81).

Islam 'in Crises' and the Role of 'the Scholars'

The narrative Kuru establishes, of a Muslim world beset by authoritarianism, violence and a lack of democracy is one which is commonly seized upon by politicians and ideologues in the present to buttress policies aimed at controlling and discriminating against Muslims. It also supports a broader liberal tendency to set up the world as comprised of 'developed' (read: western) and 'underdeveloped' (read: 'other') states requiring intervention. To take a well-known contemporary example – though one which is far from unusual – France's President Emmanuel Macron eagerly built his 2022 reelection bid around a widely publicized speech to declare that "Islam is a religion that is currently experiencing a

crisis all over the world.”⁵ The raft of measures outlined to deal with this include even greater state control over Muslim associations and promoting ‘home-grown’ Islamic scholars who can convey French republican values. In foreign policy, the notion of ‘crises’ besetting the Muslim world is used to justify France’s increasingly bellicose footprint in its former colonies like Mali (Wing 2016). Meanwhile, accusations of war crimes in the country by French forces—such as the bombing of a wedding party in late 2020, according to locals—are rejected, though the military cannot even tell us the precise number of ‘terrorists’ killed during the strike (Essa 2021). That France is experiencing a resurgent far-right, increasing state intrusion in people’s private lives, expansion of security service prerogatives, and a general retrenchment of civil liberties (Haubrich 2003) is not important.⁶

However, much of the mainstream media and scholarly circles in the liberal West are more interested in debating ‘how Islamic is ISIS’ rather than how violent is France. An “essentialized and tautological understanding[s] of violence, as inherent to Islam’s pathological and traditional otherness” (Pasha 2006, 81) is thus sustained through a narrative of global Muslim otherness while the crises narrative—which Kuru promotes in his book—legitimizes the hiding in plain sight of *liberal violence* in the name of *global order*.

This narrative also lends credibility to popular commentators like Mustafa Akyol, who is given a platform in influential magazines like *Foreign Affairs* and regular columns in the *New York Times* to proclaim “Yes, Islam is facing a crisis” and to advocate for liberal western-style reform in the Muslim world. Like Kuru, Akyol blames Islamic scholars as largely responsible for violence, underdevelopment, and “failing to keep up with the times” (Akyol 2020). This in turn bolsters a wider narrative of ‘good’ and ‘bad’ Muslims—the latter as pre-modern, where “culture stands for habit, for some kind of indistinctive activity whose rules are inscribed in early founding texts, usually religious, and mummified in early artifacts,” and thus stuck in time (Mamdani 2002, 767). I tackle this claim in the next section in detail. What is relevant here is that Kuru, both in the book and in subsequent interviews and promotional tours, casts himself in the mold of a native informant sharing intimate

knowledge of ‘his people’ with the outside world, hence making such a narrative more potent. But it is not just secular liberal states like France that seize upon the supposed crisis in the Muslim world precipitated by Islamic scholars, in order to attack Muslims. China, for example, has rounded up over one million people in the Western region of Xinjiang as part of its ‘people’s war on terror’ that is legitimized in terms of blaming ‘wild imams’ for encouraging people to not toe the line set by the Chinese Communist Party. So-called ‘re-education camps’ are premised on challenging “radical ideas”, reducing the propensity for violence. They frame Muslim minorities in Xinjiang as “backward” and in need of state sponsored development programs (Greitens, Chestnut, Lee, and Yazici 2020).

The embrace of Kuru’s central premises about the allegedly depressed state of the Muslim world by ideologues and politicians does not mean he had intended the work to buttress their arguments. However, the premises supporting his work merit scrutiny, especially when in speaking to the popular press to promote the book he utters phrases like “the Muslim world is largely stuck in history” and that Muslims need to “stop living in history and make peace with their current conditions” (Kuru 2020).

As Kuru puts it himself, the book’s key idea is that sometime between the ninth and twelfth centuries, social and political configurations developed such that the Muslim world became “stagnant” (3) and could no longer produce intellectuals that could counter the growing power of the West in the sixteenth and seventeenth centuries.⁷ As noted above, he argues that after Muslim polities began their patronage of Islamic scholars, this weakened the independence of the jurists. Subsequent changes also weakened the merchant class and led to the creation of an ‘ulema-state alliance’ which, though military powerful, “failed to revive early Muslims’ intellectual and economic dynamism because they virtually eliminated philosophers and marginalized merchants” (5). Current UK Prime Minister Boris Johnson, famous for having referred to Muslim women as resembling ‘letter-boxes’ and ‘bank-robbers’, presented a similar argument a few years ago when he argued “there must be something about Islam that indeed helps to explain why there was no rise of the bourgeoisie, no liberal capitalism and therefore no spread of democracy

in the Muslim world.”⁸ Strange bedfellows, indeed. Even in the secular states that emerged in the 1900s there continued, according to Kuru, an “enduring marginalization of intellectuals and the bourgeoisie” (6).

The outcome of this alliance between religious scholars and the state according to the framework he develops is implicated in three contemporary problems characterizing the Muslim world. One is violence (and especially the terroristic variety, 31); the second is authoritarianism (55); and third is socio-economic underdevelopment (65). All this can be linked for Kuru back to an alliance in medieval times giving rise to radical and obscurantist scholars working hand-in-glove with an elite empowered by rents from natural resources to circumvent democratic processes that could lead to western-style development.

Kuru’s choice of title gives the reader a sense that she would be reading a book on the Muslim world as a whole, and that by reading this book the reader would be better served in understanding the challenges in that world today. What follows is a disappointment, since over the course of seven chapters we are given a largely Arab world-focused tract—with a healthy dose of Turkey and Iran—that is replete with a reading of history that supports racist narratives about Muslims ‘stuck in time’ and also misrepresents the genesis of problems today in the Muslim world. Kuru’s ignoring of South and Southeast Asia has already been addressed elsewhere (Türkmen 2019). Perhaps the only glimmer of light in the book is his accurate demonstration that Islam is not uniquely responsible for violence in the world.⁹

Unfortunately, in attempting to locate the root of current intra- and inter-state violence in some Muslim majority states, he runs into major problems. The argument he offers is not compelling, nor is it based on a proper accounting of academic disciplinary trends. It is however consequential given the book’s wide dispersal and whose arguments fit neatly into pre-existing narratives about a Muslim world ‘in crisis’. My criticism going forward will focus on working through these two points: Kuru’s historical narrative about the development of Muslim societies, especially the role of the ulema, and the theoretical weight he attempts to give this argument by enlisting political science approaches through a largely caricatured version of postcolonial approaches that he seeks to

tear down. On the first point, and whereas he blames this on a supposed ninth/twelfth century union between state and the ulema that stifled innovation, as I will show, it was never the case that the state had that authority over the ulema or law in the way he presents it, that is, until colonialism ruptured life beginning in the 19th century. Meanwhile, in the 20th and our current century, it was frequently ulema activism that pushed against authoritarianism and violence, and proposed ideas for greater socio-economic development. This is not to give an overly rosy picture of the ulema but rather to acknowledge the diversity across the Muslim world and to give an accurate account of their role in contemporary political developments.

Who are Islamic Scholars and What Do They Do?

The first problem with the narrative Kuru establishes is the treatment—or rather, the lack thereof—of the category “ulema”. We are never given a proper definition warranted by a prize-winning, university-press published book, but are led to assume this refers to jurists. Never mind that ‘the philosophers’ against whom the jurists are juxtaposed by Kuru—such as Ibn Khaldun, dubbed ‘the father of sociology’ (d. 1406), Taftazani (d. 1390), Mulla Sadra (d. 1640) and others used as examples of outliers in an otherwise decaying Muslim world—were all heavily invested in the scholarship of jurisprudence! What matters here is that Kuru’s discussion of the relationship between the ulema and the state is, as will be shown, only a marginally altered form of the outdated ideas of ‘Oriental despotism’ that characterized Muslims as subservient to executive rule and which were thoroughly debunked in a critical and widely read book by Edward Said (1978). According to this obsolete thesis, Muslim societies are in a depressed state because they are unable to mobilize intellectual or economic resources to challenge their authoritarian leaders who work in tandem with a pliant and greedy religious clergy.¹⁰

If this sounds all too familiar, it is because Kuru is also working from similar starting points. His innovation appears to be in bringing together a great many orientalist assumptions and repackaging these as an original contribution. Indeed, his book relies on another only thinly-veiled but

equally outdated thesis that has been routinely dismissed for decades in fields such as Islamic Studies and History: that is, the idea that early in Islam's history, the gates of jurisprudential innovation were closed and intellectual pursuits in legal innovation halted. The historian-cum-war-monger Bernard Lewis also perpetuated such ideas (Lewis 2011, 226-8). Strange bedfellows, indeed. For Kuru, a certain "conservatism" can be blamed as the "main reason why Muslim thought has been stagnant for centuries and recently caught unprepared to respond the jihadist claims of Al-Qaeda and ISIS" (25). Such ideas would not be out of place in any of the myriad of right-wing commentaries produced daily about the 'backwardness' of Muslim societies and the tacit role this backwardness plays in fomenting violence. Neither would they be foreign to the countless political science works produced for the most prestigious outlets since the 2000s that have focused most noticeably on variations of a narrative seeing Islam as posing the biggest threat to liberal-western order (Pasha 2017). Indeed, the resurgent "Islam vs. West" narrative presumes a universal liberalism, just as an "intensified secularization becomes the new crusade" (Pasha 2017, xxi).¹¹

Crucial to such analysis about the Muslim world is a narrative about recalcitrant Muslim scholars promoting extremism in the region. Kuru's work supports such a thesis openly, and in many sections of the book even references Wael Hallaq, an authoritative author and Professor of Islamic Law at Columbia University, to support his views. However, emblematic of the shoddy research underpinning Kuru's work, it appears as though he has not really read Hallaq. As Professor Hallaq demonstrated over three decades ago, this idea of centuries of intellectual inertia in the Muslim world is "baseless and inaccurate" and—relevant to our present discussion—he outlines the development of Islamic legal theory and positive law well into the 19th-century Ottoman period (Hallaq 1984). What is clear for Hallaq is that the ulema were constantly debating newly invented tools and instruments so as to respond to contemporary problems (Hallaq 1984). In his more recent work, *The Impossible State* (2012), Professor Hallaq joins a chorus of other scholarship to outline the role of the ulema more broadly, in an argument that directly challenges Kuru's caricature of Muslim societies and the role of the jurists. Hallaq points

to the ways in which Islamic societies developed across the centuries in a way where executive authority (what he calls ‘Sultanic authority’) could never fully creep into the domain of the judiciary, because the “community” from which the jurists emerged from came before the “executive, both historically and logically, just as the Sharia (Islamic Law) takes precedence, at both levels, over that executive” (2012, 50). So much for Kuru’s thesis about a powerful political elite dominating a moribund ulema.

We must appreciate this alternative narrative gleaned from serious legal and historical work if we are to fully appreciate the reasons for violence and authoritarianism today. This way, we avoid the pitfall of extending causal weight to a single (heterogenous as they are) group, the ulema, as part of analytical heavy lifting. Jurists and judges—the group allegedly coopted by the twelve century—are better thought of in the Muslim context as civic leaders called upon to run civic affairs.¹² Their power was not vested in them by an executive but by the community, because they were seen to defend and guard the Sharia. Moreover, the courts, as an expression of executive power itself, “could not make law, and its ultimate reference was neither itself nor an executive authority” (Hallaq 2012, 54). As we can see, the ulema did not “make law” as Kuru falsely argues (168), but in fact protected society from executive overreach. Kuru’s argument that the ulema continually resisted progressive reforms well into the 19th century by keeping up “medieval interpretations” that opposed democracy and separation of powers (47-48) is also mistaken. Works in Ottoman History—the Ottomans representing the largest and longest-lasting Islamic polity to date (1299-1922), and thus an important case to test his theories—have long shown the ulema’s relentless engagement in intellectual juristic enquiry, in debates around constitutionalism, and their promotion of education drives and state reform throughout the seventeenth and eighteenth centuries (Tezcan 2010; Yaycioglu 2016) and later nineteenth and twentieth centuries (Bein 2011; Yilmaz 2015; Ahmed 2018). Such trends intersected with social/political processes across the Muslim world, from Afghanistan (Ahmed 2017) to Indonesia (Laffan 2003).

While Kuru exhibits some awareness of the different historical and philosophical trends in Islamic history, he is less inclined to draw on

contemporary scholarship when it disproves his own thesis. Take the Princeton Professor of Near Eastern Studies and Religion, Muhammad Qasim Zaman, whom Kuru references eight times but whose book *The Ulama in Contemporary Islam* first published in 2002—a book that literally includes the subtitle ‘The Custodians of *Change*’ (my emphasis)—is ignored. Zaman writes on 18th and 19th century South Asia, a region Kuru dismisses as merely imitating Ottoman trends. Yet Kuru need only have read the introduction to this book, where Zaman directly responds to the idea that the ulema were a recalcitrant force:

The ‘ulama have not only continued to respond—admittedly, with varying degrees of enthusiasm and success—to the challenges of changing times; they have also been successful in enhancing their influence in a number of contemporary Muslim societies, in broadening their audiences, in making significant contributions to public discourses, and even in setting the terms for such discourses ... the ‘ulama, as I show in this book, are hardly frozen in the mold of the Islamic religious tradition, but this tradition nevertheless remains their fundamental frame of reference, the basis of their identity and authority. (2002, 2-10)

As Zaman shows, the ulema are not a static nor homogenous community: they are diverse; although bound by tradition, they are active interpreters of it, shaping their responses to an evolving world around them. Kuru’s narrative of a subservient Muslim juristic mirrors the one about an “overbearing religious tradition” besetting the Muslim world propagated by figures like Fouad Ajami, a keen advocate of the Iraq War—a war he saw as a necessary prelude to the Arab/Muslim world’s road “toward modernity and development” (Ajami 2003, 10). Strange, strange bedfellows indeed!

Reviving Orientalism

To remind the reader about the power of narratives, we recall that these are our “main interface with the world”; narratives are constantly drawn

boundaries constructed for ourselves and others (Baker 2010). Kuru's work fits neatly into renowned comparative literature professor Mona Baker's schema of how narratives become powerful, in that his work contributes to a public, disciplinary and meta-narrative at the same time.

At the risk of sounding banal, it is worth recalling at this juncture that it was Edward Said, himself emerging from the original field studying narratives (literary criticism), who first developed a fully-fledged framework for understanding how European colonial endeavors created and became reliant on stock narratives about the world around them in constituting their imperial affairs (1978). Ideas of 'the East' as barbaric, backward, lazy, exotic, and violent became part and parcel of the legitimation of colonial subjugation. Juxtaposed with these qualities was an 'enlightened' western world. Over the past decade, narrative approaches in political science have produced important insights into the ways in which political elites leverage the narratives around them as part of their rhetorical jostling—for influence, to push particular policies, or to out-manuever their opponents (Jackson 2006; Krebs 2015; Goddard 2009; Koschut et al 2017). Other work has also explored how narratives sustain "regimes of truth" and the wider structures of meaning wherein narratives are built, such as by academic output (Dunn 2006), a topic I aim to contribute to here. I view Kuru's work as part of a larger process that sustains narratives of Muslims as backward and in need of civilizing. Blaming Muslim scholars and the state in the nitty-gritty of his argument does not distract from this in the slightest, for humans need very little cues for their cognitive process to elicit emotional responses (Miall 2011). Islam features in the very title of his book alongside negative associations to 'authoritarianism' and 'underdevelopment', thus conjuring popular tropes of a religion responsible for 'global' and 'historical' regression (other words found in his title!).

Being charitable at this stage, one might argue that despite the bombastic title there is substance to the main argument he makes within. Alas, this is lacking. Besides the mischaracterization of the role of Islamic scholars outlined above, he commits two further errors in accounting for the ways in which authoritarianism and lower levels of development are sustained in some parts of the Muslim world. Both have consequences beyond his work.

Kuru bases much of his judgment on Freedom House scores and levels of GNI, literacy, years of schooling and life expectancy (2; it is also the subject of Chapter 3, pp. 56-66). However, the merits of viewing the Muslim world as homogenous when addressing the question of democracy is wholly inappropriate—if not juvenile—and ignores cultural, geographic, political and other differences (cf. Dharish, Mazlan and Manan, 2020). Sadly, Kuru’s narrative more accurately fits into the general homogenizing tendency of neo-orientalists such as “Samuel Huntington, Bernard Lewis and other intellectuals and journalists to serve the political and ideological function of rationalising US imperialism and Western hegemony in the world” (Amin-Khan 2012). Kuru is inattentive to this context and maintains a homogenizing tendency.

Indeed, the nuance needed to appreciate the diversity in the Muslim world eludes Kuru. This brings us to another criticism: for Kuru, Muslims lagged behind Western Europe because the latter embraced diversity among its burgeoning influential classes, with the military and clergy joined by artisans and merchants and wider developments like the emergence of universities (157-63). This was allegedly lacking in the Muslim world because of the ulema-state alliance that dismissed philosophical enquiry and shunned innovation. But this simply reproduces Eurocentric narratives that position Europe or ‘the West’ as the principle subject driving world history, being uniquely responsible for all that is good—in the process legitimizes imperialistic endeavors (Sabaratnam 2013). As research has shown, however, Europe’s architectural tastes, for example, were largely modeled on those found in Muslim polities (Darke 2020) while the origin of institutions like common law (and things like the jury and trusts) were likely taken directly from Sharia law (Makdisi 1998). I return to the ways in which our modern world is very much a product of Muslim might at the end of this section.

For now, it is worth continuing our own narrative of how Kuru’s work is little more than a stylized form of the classic orientalism that Sadowski noted almost three decades ago had sought to prove that “Muslim countries have the most terrorists and the fewest democracies in the world,” and moreover that they always would because of an

absence of societal pressure groups that could challenge them (!). In other words, “rather than challenging the ruler’s authority, the argument went, groups in Islamic societies tended to be vehicles of supplication and collaboration” (Sadowski 1993). Kuru seems to simply have shifted from blaming Islam (via an elaborate defense on pages, 2, 3, 9-10 and the whole of chapter 2) to blaming the ulema. Yet we have already noted that this is a distinction largely without a difference.

It is worth reiterating our argument from above: the ulema were historically the guardians of the Sharia (Islamic Law) and emerged from within society, not outside of it, and their role was to guard the community from the executive. The claim that they were an obscurantist group, dismissing innovation and propping up authoritarianism, means that Islam, too, must necessarily be seen in his narrative as a “kind of family curse that lives on, crippling the lives of innocents generations after the original sin that created it” (Sadowski 1993). However, the Muslim judiciary “was not in the service of applying a law determined by the dominant powers of a state or a peremptory ruler but rather of safeguarding a Shari‘a law whose primary concern was the regulation, on moral grounds, of social and economic relations” (Hallaq 2012, 59). Even as the executive, typically the sultans, deliberated with others to appoint judges, “no judge presiding in a Shari‘a court, the default court of the land, could apply any other law. It was unheard of,” since everyone, including the sultan, “stood under the Shari‘a law, not above it” (Hallaq 2012, 59). In fact, “It is by no means an exaggeration to say that the Shari‘a and its jurists emerged from the midst of society” (Hallaq 2012, 56) and that, as a “bottom-up system of governance”, the “Islamic system was a democracy of the first order, superior, at any rate, to its modern Western counterpart” (Hallaq 2012, 52).¹³

Hallaq is hardly alone in showing both the centrality and integrity of the Shari‘a judicial system to Muslim societies (Brown 1997). Kuru thus misses the crucial role of Shari‘a—“understood not simply as a legal system but more broadly as a set of institutions and practices”—in regulating the relationship between the executive, the community and the ulema (Brown 1997, 365). It was only the emergence of state building projects—premised on Weberian and broader Christian-European

ideals—that fundamentally changed this relationship by restricting Sharia to narrow legal issues rather than a set of institutions and practices (Brown 1997), opening a space where the ulema could hold more sway. The ulema continued to serve Muslim societies until the shari’*a* was effectively dismantled. By ignoring this fact, Kuru’s narrative positions Muslims as lacking any genuinely useful indigenous sources of inspiration for legal-political development and thus beholden to the trajectory set by Euro-centered liberalism. It is this very narrative that ignores the “mutually constitutive nature of modernity and colonialism,” premised on a racial logic of superior and inferior subjects of the world ripe for intervention (Howell and Richter-Montpetit 2019). And this leads us to the next criticism of Kuru, the strawman of postcolonial theory he builds up and then proceeds to dismiss.

Take for example research into the case of the Republic of Kosovo, the newest Muslim-majority country in the world. Local Islamic scholars there long advocated for mass political participation, rallied against corruption in the face of authoritarian leadership and rising extremism, only to be left in the lurch and swept up by the so-called ‘war on terror’ that criminalized their basic existence as a threat to global peace (Sadriu 2015; 2019). It was not the ulema—whom Kuru sees as stuck in a twelfth-century construct of their own making and professing conservative values—that has led Kosovo to its present depressed state (with mass youth unemployment and a depressed economy). Rather, what has achieved these problems is the experience of brutal settler-colonialism and genocide after the dismemberment of the Ottoman Empire in 1912, followed by a communist dictatorship, only to be replaced in the 2000s with a post-communist secular elite that orientalizes its own citizens and is helped along by western officials that prioritize ‘order’ and neoliberal economic reform above all else.¹⁴ Here, we may mention also that despite Howell and Richter-Montpetit (2019, 2020) and other critical scholars usefully highlighting the racialized logics of contemporary western academia and security practices that remain central to the organization of the world, still more has to be done to understand the particular place Islam and Muslims have in all this. In particular, a focus on the logic of anti-Black racism must not blind us to appreciating how Muslim identity

shapes the experience of White hegemony today (Qureshi 2020; 2010; Ferizaj 2019).

For another example, take the case of Algeria, whose colonial history goes back further still (1832-1962) and resulted in the murder and plunder of half its population, and which created a disconnect between a French-educated elite and the masses, convening the conditions for brutal dictatorship and civil war in the 1990s (Bennison 1998; Sartre 2001 [1956]). Further demonstrating the orientalist and essentialist narrative underpinning Kuru's work is a tendency to "downplay the importance of imperialism. Indeed, a fairly consistent refrain in orientalist studies is that 'in the Middle East the impact of European imperialism was late, brief, and for the most part indirect'" (Sadowski 1993). To be sure, for orientalists,

There is no point in dwelling on the fact that half the populations of Libya and Algeria died during the course of their colonial occupation. The fact that the Ottoman and Qajar Empires were effectively deindustrialized when European imports wiped out their proto-industrial manufactures during the 19th-century era of 'free trade' is irrelevant to issues of economic development. (Sadowski 1993)

Forget also that endowments (Arabic: *awqaf*) bequeathed by the rich to society and offering education scholarships and other services were effectively robbed by imperial states, depriving the community of a source of income—something which post-colonial elites maintained (Hennigan 2004).

In short, the narrative offered by Kuru fits neatly into many popular, rightwing, and leftwing discourses about the degenerative force of Islam in the world today. In academia, too, there is a sympathetic audience of comparative and world politics scholarship that is only recently being called out for its inherently biased perspective on the world. For example, Howell and Richter-Montpetit's (2019) recent article demonstrates the "methodological Whiteness" embedded in security studies that promotes a liberal militarism casting those outside the liberal world as dangerous and ripe for reform. I tackle this further below, though here it is worth

mentioning that Kuru, too, seems to suffer from a failure “to comprehend ‘the colonial global’ (Bhambra 2013, 309)—the entwined, co-constitutive relations between social, political, and economic processes and actors in Europe and the colonies and the concomitant fundamental raciality and coloniality of the modern subject... [but also] the stubborn persistence of racialized relations in the postcolonial/settler colonial present” (Howell and Richter-Montpetit 2019, 6-7).

That is to say, it is inconceivable that Christian Europe’s economic and political rise as imperial hegemons can be discussed without a deeper analysis of its co-constitution with the rest of the world—especially Muslim polities (Nisancioglu 2014; Anievas and Nisancioglu 2013; Mikhail 2020; Bull and Watson 1984). In ignoring this, Kuru upholds rather than challenges the notion of Europe as the apex of civilization, and makes “becoming like Europe a moral imperative” (Howell and Richter-Montpetit 2020). Missing from his narrative altogether is the long peace and economic dominance experienced in Muslim empires like the Ottoman (Barkey 2008; Pamuk 2009) and Mughal cases (Washbrook 2007; Pardi 2017).

Will the Real Postcolonialists Please Stand Up?

It is at this juncture that we can also address Kuru’s political science angle, and especially his misrepresentation of postcolonial/decolonial approaches and reliance on assumptions made in the democratic peace debates. Kuru introduces what he considers to be the postcolonial or anti-colonial approach as one which “stresses Western colonization of Muslim countries and ongoing Western exploitation of their resources as reasons for Muslim societies’ contemporary problems. Many ideological groups in Muslim countries, from Islamists to secularists, have shared this anti-Western perspective” (xv). Kuru’s argument is that because Muslim societies had “already suffered multiple political and socio-economic crises” from the twelfth century onwards, these cannot be seen as the necessary nor sufficient condition for contemporary violence (xv).

Putting aside the idea that denouncing exploitation of resources is sufficient to be labeled ‘anti-Western’, I want to focus here on the source

of contemporary violence that is identified not just by Kuru but a range of scholars, and which is subject to increasingly lively debate. One of the main issues identified by especially postcolonial/decolonial scholarship is an “understanding of global war as a distinctly late modern form of control” (Jabri 2006, 47), and especially its implication in the ways in which liberal order-making is required “to make war on whatever threatens it” (Dillon and Reid 2009, 42). Even this idea, as Howell and Richter-Montpetit note, however, does not go far enough in acknowledging racist ideas underlying this process and that certain people are considered *more dangerous* than others (Howell and Richter-Montpetit 2019). It is my contention that Kuru’s narrative works to legitimize Muslims as uniquely dangerous.

This is achieved largely by focusing on the purported source of problems beguiling the Muslim world today, that is, “authoritarianism” through the alliance of state and ulema. The main thrust of the argument is given ‘scientific’ backing through the adoption of Democratic Peace theories. Democratic Peace Theory begins with an empirical fact “that democracies do not go to war with one another” and theorizes that this is down to accountable democratic institutions which prevent elites from waging war. This theory is not without its critics (for a thorough assessment, see Rosato 2003). In particular, adding to the above critique by Jabri, postcolonial approaches have long noted that peace in democracies is only sustained through ideas and policies which “allows the continuation of violence against ‘nonliberal’ others...” (Barkawi and Laffey et al., 2001; Jahn 2018). In other words, democracies may be peaceful with one another, but they are certainly not peaceful outside of this field of a “zone of democratic peace.” In fact, authoritarianism is often a justification for violence against non-liberal societies. For Kuru, this is only an after-thought, however, and an issue to be dismissed in favor of arguments focusing on the internal depression of Muslims. Violence in the Muslim world is also attributed to the ulema, who have “contributed to the escalation of violent sectarianism in the Middle East” (30), an argument that ignores the largely exogenous impetus for sectarianism as a product of imperialism (Makdisi 2016). That “violence is characteristically a multicausal phenomenon” (30) should be treated as no more

than a rhetorical ploy by Kuru and a cover for his real argument: that the ulema is to blame for everything, because they are both extremist and fail to hold authoritarianism to account.

His other claims, for instance that “Muslim societies have largely been unable to counter the propaganda of ISIS and other jihadist groups” because of the “inability [of the ulema’s ambition] to monopolize the interpretation of Islam and the resulting intellectual stagnation among Muslims” (30), are also demonstrably false. A rich literature exists showing how the ulema worked to systematically counter extremist narratives during and before the rise of ISIS (Sanberg and Colin 2020; Thurston 2015; Ashour 2006), while some of the most important counter-terrorism programs in the world would not work without the help of local Islamic scholars (Boucek 2008). A closer analysis would allow for appreciation of how global processes of conflict *and* peace are mutually constituted by a range of actors interacting across states and societies.

The causes of violence are bitterly contested in political science, ranging from rationalist explanations focusing on strategic dynamics of communication between states, commitment problems, states going to war simply because some issues cannot be compromised on (Fearon 1995), or even those accounts viewing war as a part and parcel of the making of states in the first place (Tilly 1985). In the context of civil war, the results are even more disparate, with factors ranging from elite competition/greed (Collier and Hoeffler 2004), grievance/repression (Young 2013), and opportunity-cost scenarios (Fearon and Laitin 2003). Kuru’s analysis relies heavily on Solingen (2007), who gathered data to show disparities between the Middle East and East Asia following WW2 and argued that “since 1965 the incidence of interstate wars and militarized conflicts has been nearly five times higher in the Middle East” (Solingen 2007, 758). The clear tendency here is to ignore imperial wars by proxy. In the final analysis, Solingen puts the disparities she noticed in peace down to “distinctive models of political survival.” Those in East Asia prefer integration into global systems, while Middle Eastern states focus on inward-looking self-sufficiency. Crucially, and as Kuru notes (28), Solingen highlights that “both models relied on authoritarianism, state institutions and the military as key allies in securing political control”

(Solingen 2007, 758). Kuru does not follow through the logic of her argument, however. For Solingen, this divergence can be partly explained by the domestic partners buttressing this system. She argues that the key role here was played by the Arab middle class, mainly working for the state bureaucracy (2007, 764). (No mention of Islamic scholars here.) And while Solingen mentions the importance of the military in sustaining authoritarianism in the Middle East, Kuru is characteristically silent on this: we get no sense of how militaries deftly play off various societal forces to maintain their hegemony (see the case of Egypt in Abul-Magd 2014). Gulf states, by contrast, do not fit either Kuru's or Solingen's model: they have been far more peaceful—and richer—than others in the Middle East, while rulers there relied more heavily on legitimacy from Islamic scholars (Niblock 2004). Indonesia and Malaysia—both Muslim majority states—also feature in Solingen's model for East Asia and are clear outliers that Kuru cannot account for; both are competitive democracies and economically stable. Indeed, recent research suggests that it is not Muslim-majority status that is statistically significant in accounting for democracy and what would be considered liberal rights; rather, being from the MENA region and having oil displays the strongest effect (Albertsen and De Soysa 2017).

In short, the narrative of an authoritarianism-violence nexus and the alleged role that an alliance with the ulema plays in this is not demonstrated via any detailed discussion of cases beyond the Arab world. (Not to mention that only a quarter of Muslim-majority states are located in what is commonly regarded as the Middle East.) Moreover, nor does the argument Kuru propose adequately consider exogenous factors, or foreign intervention, in the relationship:

Western colonization/occupation is not a necessary condition either, because several non-Western countries and groups have fought each other for various reasons ... [the anti-colonial approach] overemphasizes the impact of Western countries' policies toward other parts of the world while downplaying the role of non-Western countries' own domestic and regional dynamics. (19)

This passage betrays a fundamental misunderstanding of the co-constitution of states and liberal order-making mentioned above, the latter directed primarily through war but also other means, and which is central to postcolonial analysis. Indeed, the role of violence as a material, epistemic, and structural force in world politics is central to understanding “their joint role in imperialism’s shaping of people, places, and relations” (Laffey and Nadarajah 2016, 128). What is Kuru’s own baseline for violence? By avoiding this question, he exoticizes Muslims and appears to internalize the liberal western belief that the West is more peaceful. In the process, western violence is normalized as merely responding to external anarchy—a ‘state of exception’—rather than encouraging the kind of research that uncovers the ways in which the colonial backdrop and attendant securitization is held together by stigmatizing certain groups (Howell and Richter-Montpetit 2019).

In his defense, Kuru claims that it cannot be western imperialism that led to the Muslim world’s supposed underdevelopment, since Germany and Japan—both examples of states invaded by the US—experienced hugely successful post-WW2 rebuilding; hence, the argument goes, the explanation for violence must be “country-specific characteristics” (19). Yet this mischaracterizes and conflates the largely Anglo-French imperial endeavors of the eighteenth, nineteenth, and twentieth centuries with the ascent of US rule following WW2, a period characterized by complex alliance structures affording the US a primary position but one which was willing to delegate and work with others in the service of global capitalist accrual (Harvey 2007). In this post-war setting, Germany and Japan’s development was built up via massive economic support and tutelage as part of “bringing Europe and Japan into alignment with the United States to shape the global financial and trading system in ways that effectively forced all other nations to submit” (Harvey 2007, 32). By the 1950s, most Muslim-majority countries were not even independent, so the analogy and ‘explanation’ simply does not hold.

Moreover, the claim that some Muslim countries were not even colonized, like Saudi Arabia, Turkey, and Iran (18), obscures what postcolonial theory has shown to be the subtler shades of imperialism.

Postcolonial theorists outline the ways in which western imperialism has endured through economic bodies that regulate global trade patterns, through engineered coups, support for military rulers, and ‘strategic alliances’ that crackdown on democratic opposition. The coup against Iran’s democratically elected president in the 1950s comes to mind. Although Turkey and Saudi Arabia were never formally colonized, they do not operate outside of western hegemonic power-structures that have dominated the post-WW2 world. Nor are people living there insulated from epistemic categories shaped by, and in the favor of, such a system and its continued hold over the globe (Quijano 2007). For example, take Turkey’s continued desire for EU membership despite decades of rejection, sustained by a deep-rooted a desire to be accepted by the West (Sandrin 2020).

If postcolonial/decolonial approaches necessarily involve the deconstruction of ideas that place Europe at the center of development and elevate Eurocentric historiographies above others (Sabaratnam 2011), then Kuru’s deeper assumptions must needs be interrogated. This is especially pressing given the book’s wide dispersal and the bait it will provide for future narrative-building against Muslims. Indeed, the central tendencies of Kuru’s work have so far been shown to include orientalist assumptions and a dismissal of exogenous (read: colonial) factors in issues like state conflict and “underdevelopment”. Here, we can finally turn to what is meant by development.

As a discourse—a set of discursive tropes and practices—development it has functioned since the end of WW2 as a rallying cry for a host of policies directed towards mainly the non-Western world in a bid to get places there to “catch up with the West” (Dallmayr 1996, 149-50). Development/modernization drives resembled colonial practices of old, since indigenous intellectual arguments for how change could be brought about were systematically suppressed in favor of western-style technical programs designed to remake societies in a Western mold (Escobar 1993). Such a discourse, rather than helping level out inequality between the global north and south, has actually entrenched a relationship of dependence and facilitated continued practices of domination (Duffield 2010). Such debates have surfaced in IR theorizing too, with

“neo-modernization” theories providing theoretical foil for contemporary hegemonic processes that view non-liberal states as problems that must be “managed” (Blaney and Inayatullah 2002). For Muslims, globally, this has manifested in a quixotic mix of policies pursued by western states against them: on one hand, there is the desire to root out ‘traditional Islam’, to ‘make way’ for modernization in the liberal western mold, while at other times the Muslim’s very devotion to the Sharia is leveraged to battle enemies (like the Soviets). Whenever Islamic forces have come close to power, the ensuing crackdown by secular/authoritarian regimes has generally been supported, implicitly or otherwise, by major western powers. And it is not just the likes of Huntington, whose racist diatribe helped legitimize intellectual Islamophobia in the 1990s by arguing that “Western democracy strengthens anti-Western political forces” and “complicates relations between Islamic countries and the West” (Huntington 1993, 12). The coup in Egypt in 2013 and the meek support for the preceding, democratically-elected government is testimony to the ways in which the liberal zeitgeist across the board tacitly endorses secular rule above notions of democracy that may bring Islamists to power.

Kuru’s book thus reinforces a narrative focusing on the purely internal dynamic of states that he believes can potentially change but won’t do so unless they embrace in totality the same Renaissance-Protestant Revolution trajectory of Europe that produced a bourgeois and intellectual class (187-193). Kuru thus falls into the tendency to reproduce what historian of Islamic reform movements Indira Falk Gesink has referred to as the propensity of scholarship to have “only the modernists’ side of the story”. Attempts in International Studies to acknowledge the interaction between ‘Western/non-Western perspectives’ have unfortunately also relied on such framing (an example is Euben 2002). Yet Gesnik shows that despite the modernists depicting the Islamic legal tradition as stagnant and in need of revival, 19th-20th century debates about reform at the Al Azhar University—one of the pre-eminent higher education institutions in the Muslim world—was characterized by intense debates among conservatives *with modernists* in a challenge to western-style centralization efforts seeking to further

the intrusive powers of the state (2010, 9).¹⁵ Indeed, the Muslim challenge against global hegemony and local authoritarian regimes is well documented (Ayoob 2007).

On one level, we can read in Kuru a tendency to reinforce a liberal bias at the heart of much research that prioritizes “the actions, discourses, beliefs, and strategies used by liberal actors” rather than appreciating the embeddedness of “individual agents and global ideological structures” (Adamson 2005, 547-8). On another level, we see the perpetuation of the type of Eurocentric analysis that postcolonial scholarship has warned sustains current disciplinary blind spots by favoring a model that sees Europe as the source of all inspiration (Sabartnam 2011). It is thus no exaggeration to say that Kuru’s narrative is of the type which sustains the notion of a western/liberal world’s unique role in ‘helping’ the rest of world ‘catch up’—and hence a whole host of destructive, misplaced policies that ultimately generate more global violence (Rampton and Nadarajah 2017). This narrative also produces imperial hubris (Barkawi 2004), costly wars that kill countless people and destroy countries, and, in places like Afghanistan, a failed understanding of motivations for local resistance (Egnell 2010). One of these consequences is clear to all: the United States of America has just lost its longest war to a sophisticated insurgency sustaining itself via a powerful ideology, eager local recruits, exceptional organizational capacity, and an astute balancing of regional powers. Unfortunately, judging by the banal, orientalist commentaries (in the mold of that I have described above) in reputable American and British papers, it seems as though little has been learned from this experience.¹⁶ For popular writers commenting on the end of the war like Thomas Friedman, stereotyping is even more brazen: “When were the good old days for government in Afghanistan? Before Genghis Khan? Before gunpowder?”, he quips, before asking rhetorically, “Could the future bury the past there or would the past always bury the future?”¹⁷ The overall agenda Kuru has set in his book provides the foil for narratives of a Muslim world stuck in the past and perpetually violent. However, the liberal western trajectory assumed to be universal by Kuru is simply undesirable for many. Insisting on its perpetuation will only lead to more bloodshed.

Conclusion: What's in a Story?

Narratives matter not only because they shape our understanding of a present situation but because they also intervene into the world for future narrative building (Herman 2013). In attempting to show that the relationship between the state and Islam today is derivative of the relations between the *pre*-nation-state's relationship with Islam in the Muslim world, Kuru is guilty of anachronism: the authoritarianism that does exist today in some parts of the Muslim world results from the modern state's drive towards western-inspired modernization. Indeed, the dialectic that has produced the modern Muslim states of the world today cannot conceivably be viewed as produced sometime in the eleventh/twelfth century to endure to this day. To do so would be to reject basic social-scientific understandings of the world as constituted by diverse identities, practices, and agents. It would, moreover, render Muslims as immune from change and stuck in time in an even more warped form of orientalism than Said ever imagined, though no doubt to the delight of hawkish interventionists everywhere.

This discussion is important because the narrative established by Kuru is powerful, if ultimately misleading. It is powerful because, as decades of research in cognitive psychology and latterly political science has shown, narratives are the underlying means through which we store and recall memories; they bear down powerfully on how we interpret the present. His book's wide dispersal in academia and the mainstream press will no doubt help set the tone for debates.¹⁸ This is because questions of violence, development, and democracy remain essential themes of political and broader social science research and as such, any generalizations about their causes needs to be scrutinized carefully. In this article I argued that narrating current issues of democracy and inter-state violence in the broad category that is the Muslim world as being due to Islamic scholars' connections to the state is based on outdated orientalist tropes and also misreads the sources of disorder today. If Islamic scholars are perceived as the primary source of this problem, this makes it harder to see their role in combatting precisely the ills of authoritarianism and violence; at the same time, because they

are the ones who ultimately hold sway in interpreting what Islam is, the narrative lends credence to intrusive policies that seek to reform Islam and Muslim societies from the outside, ultimately generating resistance and hostility.

Moreover, this account further perpetuates notions of an underdeveloped Muslim world constantly in need of intervention that serves as cover for the ‘everywhere war’ that today characterizes US military ambitions (Gregory 2011). Looking at a map of bombings and ‘counter-terror’ activities recently produced by Brown University’s Watson Institute for International and Public Affairs, it is clear that a disproportionately high burden for such ambitions is placed on Muslim majority states. This, “despite the Pentagon’s assertion that the U.S. is shifting its strategic emphasis away from counterterrorism and towards great power competition with Russia and China,” while there is in fact “yet to be a corresponding drawdown of the counterterror apparatus.”¹⁹ The effects of this mischaracterization will not be felt by scholars like Kuru but by ordinary Muslims from Mali to Xinxiang who will bear the brunt of political order-making premised on the notion of a backward Muslim subject requiring reform. To be sure, the narrative Kuru establishes buttresses increasingly maligned approaches to the study of world politics that have been shown to reproduce racist and Eurocentric accounts that end up ultimately legitimizing war and intervention around the world.

A more accurate narrative needs to acknowledge the complex variance in peace, democracy, and development experienced across Muslim majority countries and the leading role many civil society leaders, such as Islamic scholars, are playing in defining the contours of debate, mobilizing people, and holding leaders to account. If we are to take the role of Muslim scholars seriously in all this, it should be done via a deep appreciation for disciplinary trends in Islamic Studies and History. More broadly, scholars should be attuned to narratives that exceptionalize the Muslim world as uniquely responsible for the ills of the world and how the ways in which they write perpetuate such myths. Fruitful avenues for research should include how contemporary processes of peace and war are mutually constituted by alliance structures, ideological commitments, and economic agendas at the global level. Lastly, the topics covered

in this paper also encourage further debate within critical approaches, especially postcolonial/decolonial ones in IR, in terms of the role that religious identity plays in the broader racialized logics characterizing liberal hegemony today.

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doi: 10.35632/ajis.v39i3-4.3146

Endnotes

- 1 “Islamism remains first-order security threat to west, says Tony Blair,” *The Guardian*, 6 Sept 2021, <https://www.theguardian.com/politics/2021/sep/06/islamism-remains-first-order-security-threat-to-west-says-tony-blair>.
- 2 Gazzaniga 1998, 24.
- 3 Gazzaniga 1998, 174.
- 4 One recent example is Howell and Richter-Montpetit’s (2019) recent article demonstrating the “methodological Whiteness” embedded in security studies that promotes a liberal militarism casting those outside the liberal world as dangerous and ripe for reform.
- 5 Transcript of “Fight against separatism – the Republic in action: speech by Emmanuel Macron, President of the Republic, on the fight against separatism” (Les Mureaux, 02 Oct. 2020). Available at <https://www.diplomatie.gouv.fr/en/coming-to-france/france-facts/secularism-and-religious-freedom-in-france-63815/article/fight-against-separatism-the-republic-in-action-speech-by-emmanuel-macron>.
- 6 The crisis narrative is consistently drawn on by France’s political and cultural elite in pushing back against criticism of the state’s inability to properly manage people of Muslim heritage in the country, and the feeling of alienation which ensues (Adida, Laitin and Valfort 2014; Mucha 2017). Indeed, “the key political battle being waged in contemporary France” is centered on trying to “focus the anxiety onto immigrants and their descendants—in other words, to blame the consequences of inequality on those who tend to suffer from it the most” (Wolfreys and Wolfreys 2017, 127). The problem, put differently, is not to be seen in the French system—borne of liberal modernity—but Muslims themselves failing to adjust to it. Much like Kuru, France’s political and social elite seem adamant that it is Muslim internal decay causing all this.
- 7 The great Algerian Muslim intellectual Malek Bennabi presents an almost identical argument about the decline of Muslim societies. However, his idea is rooted in a recognition of Muslims needing to find succor in Islam, rather than western modernity. Kuru’s book does not cite him once.
- 8 Quoted in *The Guardian* and available via <https://www.theguardian.com/politics/2019/jul/15/boris-johnson-islam-muslim-world-centuries-behind-2007-essay>.
- 9 This is the subject of chapter one, where Kuru points to data that not only shows Muslim majority states are less violent when it comes to global homicides rates, but also demonstrates that the onset of terrorist violence is a chiefly post-1980s affair (15).
- 10 Such a narrative legitimizes forms of intervention premised on ‘saving’ Muslims (especially women) that simultaneously establishes a hierarchy of global good with western liberals at the top (Abu-Lughod 2015). I return to this in detail later.

- 11 As Bilgin (2008) has also shown, such is the hegemony of western IR that “thinking past western IR” is fraught with the difficulty of separating out those western discourses suffused in non-western approaches, due in part to the ways in which modernity has been imagined as a western project discounting (erasing) the contributions of others. Indeed, as Acharya and Barry Buzan have also noted, almost all IR theory “is produced by and for the West, and rests on an assumption that western history is world history.” The need to diversify the field so as to make it less hegemonic has also already been noted (Shani 2008) but, as will be shown, Kuru does not allow for critique of the “assumptions of western cultural distinctiveness and superiority which are constitutive of the discipline” (Krishna 1993; Tickner 2003; Pasha 2005; Hobson 2007; Hutchings 2007; Shani 2007a).
- 12 Cesari pushes back on Hallaq’s characterization of the state/Islam dialectic as one of incomparability (2018, 2-3; see also Emon 2016). For purposes of our discussion, however, I believe Hallaq is closer to the truth in terms of outlining the independence of the ulema in the face of executive authority. For an interesting example from the Ottoman era, see Sheikh 2016.
- 13 This alternative narrative of history can form an important backdrop for further debate about the role of Islam in the world, a debate free of orientalist assumptions and paternalistic analysis that ignore indigenous solutions to contemporary problems of political order.
- 14 It is not exaggeration, therefore, to say that the narrative Kuru establishes here legitimizes the attack against the ulema in Kosovo rather than allowing for their positive role in the development of a just political order.
- 15 For Kuru, conservative forces continued to dominate from the twelve century onwards, stifling innovation. Of particular note is a faction of Muslims, known as Salafis, who are blamed for this and dealt in characteristically uncritical ways: “Salafis take the Quran and Hadiths literally and reject any innovative interpretations” (16). Kuru ignores the various strands of Salafism, from the quietist to violent and everything in between (Bubalo and Fealy; Liow 2009; Salae 2017; Anjum 2016). Blagden and Porter (2021) similarly produce such narratives. For Kuru, drawing particular ire is the figure of Ibn Taymiyya, one of the most illustrious and misunderstood figures in history. It is worth dwelling on this briefly because it again shows the tendency of Kuru to caricature Islamic history and the ulema and to ignore scholarship that disproves his ideas. His attacks against Ibn Taymiyya—the “representative” of the “jurisprudential approach” (149)—is used to contrast regressive figures with enlightened philosophical ones (represented by Ibn Rushd and others) and to buttress his point about the lack of intellectual enquiry in the Muslim world from the 13th century onwards (as compared to events in Christian Europe). Serious scholarship on Ibn Taymiyya by prominent scholars like Michot (2011; 2012; 2013), Anjum (2012; 2016) and Hoover (2006; 2019) is completely neglected in favor of outdated works that paint misleading images of Ibn Taymiyya. He becomes a proxy for all that is wrong with contemporary ulema. This leads to absurd claims that Ibn

Taymiyya promoted “literal understandings”, “attacked logic,” and the “ulema-state alliance (146). Such claims appear to be stem from Kuru reading the title of Wael Hallaq’s book *Ibn Taymiyya Against the Greek Logicians* (1993) without actually delving into it. As Kuru notes, Ibn Taymiyya spent much of his life in prison due to his religious and political activism and indeed died there. His ideas have been used both to promote quietism and radical moves against authority. (Thus he is clearly not a simple authoritarian.) What is more, his contributions to philosophy, politics, ethics, legal theory, economics, and more should not be reduced to soundbites and distortions.

- 16 For a typical report in the *New York Times*, see Sanger and Shear 2021; its equivalent can also be found in the *Financial Times*, see Findlay, Yousafzai and Manson 2021.
- 17 Thomas Friedman, “What Joe Biden and I Saw After the U.S. Invaded Afghanistan,” *New York Times*, April 18, <https://www.nytimes.com/2021/04/18/opinion/joe-biden-afghanistan-2002.html>.
- 18 Kuru boasts of it being translated into Indonesian while the Turkish, Arabic and Japanese are forthcoming. See <https://www.jadaliyya.com/Details/40252>; such interviews about the book have also featured in Balkan media: <https://balkans.aljazeera.net/teme/2020/8/30/ahmet-t-kuru-samo-politicki-i-finansijski-nezavis-na-ulema-moze-donijeti-promjene>.
- 19 <https://watson.brown.edu/costsofwar/papers/2021/USCounterterrorismOperations>.

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BOOK REVIEWS

Rivals in the Gulf: Yusuf al-Qaradawi, Abdullah Bin Bayyah, and the Qatar-UAE Contest Over the Arab Spring and the Gulf Crisis

MILTON: ROUTLEDGE, 2021. 136 PAGES.

DAVID H. WARREN

David H. Warren enriches the rising literature on ‘ulama’ and the “Arab Spring” with his first book, which provides an overview of the history of Yusuf al-Qaradawi and Abdullah Bin Bayyah’s relations with Qatar and the UAE, respectively; both ‘ulama’ and states’ engagement with the “Arab Spring”; and the political thought of both ‘ulama’ and its connection to both states’ foreign policy. After describing the book’s structure here, I discuss the book’s methods and core arguments. I then engage methodologically with some of its arguments and conclude with why this book is a good model for scholarship on the ‘ulama’.

This relatively short book consists of an introduction, five chapters in two parts, and a conclusion. The first part is on al-Qaradawi and Qatar. The first chapter tackles al-Qaradawi’s history with Qatar and the role he and other Azharite ‘ulama’ played in the education system, which led to the decline of Qatar’s Wahhabi ‘ulama’. The following two chapters tackle al-Qaradawi and Qatar’s engagement with various Arab uprisings.

Part two focuses on Bin Bayyah and the UAE. In two chapters, the book discusses the UAE-Bin Bayyah relations and their engagement with the “Arab Spring.”

Warren situates his discussion in two bodies of literature across two disciplines: (1) state branding as a foreign policy strategy of small states like Qatar and the UAE (Political Science); (2) ‘ulama’ and politics (Islamic Studies). In addition to the broad spectrum of secondary literature he draws on, his data includes primary texts of the ‘ulama’ (books, sermons, etc.) and information from his fieldwork in Qatar in 2012-2013 and the UAE in 2019. However, the book does not provide a methodological discussion on how the data was collected or analyzed—a feature that is common in many accounts in Islamic studies, at least in the ‘ulama’ literature I am aware of.

The book argues that Qatar and the UAE utilize religious branding as a foreign policy strategy to secure US protection in a hostile region. Al-Qaradawi and Bin Bayyah, Warren argues, “have played crucial roles in how Qatar and the UAE have crafted alternate brands of Islamic reform” (2) through their Jurisprudence of Revolution and Jurisprudence of Peace, respectively. Those diverging intellectual projects, according to Warren, are built on similar intellectual roots: *wasatiyya* (centrism or moderation), Rashid Rida’s “model of refashioning once-marginal classical concepts and modes of reasoning and bringing them to the center of Islamic legal thought” (74), majoritarian understanding of democracy, conceptualizing the state as a neutral entity, and “the modern tension that pre-supposes the lay believer as rational and capable of self-governance while maintaining a continued need for the personal authority of a scholar” (8). While al-Qaradawi responds to the modern threat of the ‘ulama’'s authority by cultivating an independent image, Bin Bayyah seeks the state’s intervention to institute this authority. Finally, the book argues that Qatar and the UAE should be considered centers in the Muslim moral geography alongside traditional hubs.

Warren’s much-needed, innovative work extends these arguments from the secondary literature. The argument about the ‘ulama’'s “crucial role” in “shaping” these states’ religious vision may need a clearer articulation, as it may ambiguously apply to shaping the rulers’ beliefs (a deep

impact), on the one hand, or only shaping their instrumentalist discursive strategies (superficial impact), on the other. The book approaches Qatar and the UAE as utilitarian actors, although it does not consider Qatar's pro-Arab Spring stance as a form of opportunism or *realpolitik* (40). (Warren holds the same position on Qatar's pro-Muslim Brotherhood stance.¹) While this is explained by al-Qaradawi's long-lasting deep ideological influence on many Qatari officials through his education efforts, the book later returns to a utilitarian conceptualization, claiming that Qatar's "sponsorship of al-Qaradawi was contingent upon Qatar's foreign policy goals" (62). In that regard, the book seems inconsistent about the extent of al-Qaradawi's influence. On the other hand, the UAE seems to have a consistent utilitarian image in the book, showing that Bin Bayyah's impact is merely through the state's appropriation of his discourse. Effectively, then, the book considers the role of the 'ulama' as being to provide discourses that states happen to find beneficial for their foreign policy.

As I have stated elsewhere, Warren provides the richest analytical account so far of al-Qaradawi's "Arab Spring" politics because he studies different uprisings and pays attention to how contextual factors (like his network) are as important as textual (discursive and ideological) factors.² This is partly due to the abundance of his data obtained through a myriad of sources (including al-Qaradawi's rich autobiography), including timely fieldwork with al-Qaradawi himself. On the other hand, the book explains Bin Bayyah's absolutist political stances merely through a single (textual) factor: his concern over the chaos of religious discourse (103). It contextualizes this using Hussein Agrama's work on how the state blurs the line separating the secular and the religious to further its intervention. This explanation is not as robust compared to that accorded al-Qaradawi, which might reflect to a comparative data shortage on Bin Bayyah. A thorough investigation of Bin Bayyah's biography, the context where he developed his thought, his network, and the details of how his cooperation with the UAE started would be necessary to a fuller account. Unlike al-Qaradawi, who spent most of his life in Qatar, understanding Bin Bayyah requires us to go beyond his recent context in the UAE to earlier contexts like Saudi Arabia and Mauritania.

Finally, Warren's emphasis on Rashid Rida's influence on both 'ulama' resembles his earlier work on Rifa'ā al-Tahtawi's influence on Ali Gomaa's politics.³ This line of research traces current 'ulama's politics to its "modernist roots."⁴ Though such a project is appealing from an intellectual history perspective, establishing the concrete effects of this connection is tenuous, and requires substantive work to show how these 'ulama' were influenced by those predecessors at the level of particular issues.

Granted these notes, *Rivals in the Gulf* provides a model of scholarship that is much needed. I believe that a synthesis between the humanities (and Islamic studies, in particular) and social sciences is crucial for our studies of the 'ulama'. I deeply appreciate empirically-rich descriptive works like Usaama al-Azami's both panoramic and detailed *Islam and the Arab Revolutions*.⁵ But also, as a social science student, I find Warren's analysis and explanation integral for deepening our debate on how to understand the 'ulama's politics. It is especially fruitful when both textual and contextual, ideal and pragmatic factors are studied rigorously. This is established through the interdisciplinary, multi-methodological approach that Warren adopts.

In short, *Rivals in the Gulf* is an essential read to understand how two major competing Islamic political visions are developed in the intersection between the 'ulama' and states in a regional and international political context.

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Endnotes

- 1 David H. Warren, "Qatari Support for the Muslim Brotherhood Is More Than Just Realpolitik, It Has a Long, Personal History," *Maydan*, July 12, 2017, <https://www.themaydan.com/2017/07/qatari-support-muslim-brotherhood-just-realpolitik-long-personal-history/>.
- 2 Muhammad Amasha et al., "Roundtable on State Islam after the Arab Uprisings" (Jadaliyya, November 17, 2020), <https://www.jadaliyya.com/Details/41990>; David H. Warren, "The 'Ulamā' and the Arab Uprisings 2011-13: Considering Yusuf al-Qaradawi, the 'Global Mufti,' between the Muslim Brotherhood, the Islamic Legal Tradition, and Qatari Foreign Policy," *New Middle Eastern Studies*, March 21, 2014.
- 3 David H. Warren, "Cleansing the Nation of the 'Dogs of Hell': 'Ali Jum'a's Nationalist Legal Reasoning in Support of the 2013 Egyptian Coup and Its Bloody Aftermath," *International Journal of Middle East Studies* 49, no. 3 (August 2017): 457-77.
- 4 David H. Warren, "The Modernist Roots of Islamic Autocracy: Shaykh Abdullah Bin Bayyah and the UAE-Israel Peace Deal," *Maydan*, August 27, 2020, <https://themaydan.com/2020/08/the-modernist-roots-of-islamic-autocracy-shaykh-abdullah-bin-bayyah-and-the-uae-israel-peace-deal/>.
- 5 Usaama Al-Azami, *Islam and the Arab Revolutions: The Ulama Between Democracy and Autocracy* (C Hurst & Co Publishers Ltd, 2021).

Tree of Pearls: The Extraordinary Architectural Patronage of the 13th-Century Egyptian Slave-Queen Shajar al-Durr

OXFORD: OXFORD UNIVERSITY PRESS, 2020. 204 PAGES.

D. FAIRCHILD RUGGLES

Almost any survey of medieval Islamic history will cover the figure of Shajar al-Durr (“Tree of Pearls” in Arabic), who was one of the few women in Islamic history to hold the title of Sultan, and the only one to do so who began her life as a slave. She is also well known as a pivotal figure in Egyptian politics, as she marked the transition between Saladin’s Ayyubid dynasty (1171–1250 CE) and the Mamluk sultanate (1250–1517 CE). However, works that analyze Shajar al-Durr’s biography, reign, and influence often overlook her role as an architectural innovator. In *Tree of Pearls*, art historian D. Fairchild Ruggles highlights Shajar al-Durr’s architectural innovations and argues that her “architectural patronage...changed the face of Cairo and had a lasting impact on Islamic architecture” (1). The book focuses on two buildings: the mausoleum of Shajar al-Durr’s husband, al-Salih, and Shajar al-Durr’s own mausoleum. Ruggles argues that, in al-Salih’s mausoleum, Shajar

al-Durr initiated the Mamluk-era trend of placing a domed mausoleum prominently in urban space and attached to a madrasa complex. In her own mausoleum, Shajar al-Durr innovated the use of Damascus-style gold mosaic in Egypt, a trend often attributed to the later Mamluk Sultan Qalawun. Shajar al-Durr strikingly used this gold mosaic to represent herself—a tree of pearls—in the *mihrab*, thus using her architecture to make “a daring presentation of personal identity” (139). Ruggles richly illustrates her argument with color photographs and other images, and the end result is a lucid introduction to Shajar al-Durr’s career and especially her mastery of the symbolic language of public architecture.

In the Introduction, Ruggles articulates her motivations in pursuing this project and provides an overview of the main primary sources for Shajar al-Durr’s life, including the works of Ibn Wasil (d. 1298), Sibṭ ibn al-Jawzī (d. 1256), al-Makin Ibn al-ʿAmid (d. 1273) and Bar Hebraeus (d. 1286). She also presents a brief review of previous scholarship on this topic, ranging from Götz Schregle’s classic study on Shajar al-Durr, to R. Stephen Humphery’s study of Ayyubid Syria, to Doris Behrens-Abouseif’s works on Islamic architecture in Cairo. Chapter One uses these primary and secondary sources to present a concise biography of Shajar al-Durr. To situate Shajar al-Durr in a broader context, Chapter Two discusses late Ayyubid history, including the confusing internal power struggles that wracked the Ayyubid family. It also provides a brief overview of two related forms of slavery practiced by the late Ayyubids—military slavery and concubinage—which would both define the contours of Shajar al-Durr’s life.

Chapter three is the first properly art-historical chapter. It introduces the layout of the medieval greater Cairo area, including Fustat, Fatimid al-Qahira, and the Citadel. It focuses on the location and architecture of the Salihīyya Madrasa complex, which is noted for being the first building in Egypt to combine the four Sunni law schools into one madrasa. While the Salihīyya madrasa was not built by Shajar al-Durr, but by her husband al-Salih, Shajar al-Durr would later add al-Salih’s mausoleum onto this madrasa after his death. This chapter also briefly explains the institutions of the *waqf* and the madrasa in a way that is accessible to non-specialists.

Chapter Four provides a gripping account of the drama surrounding Shajar al-Durr's rise to power as Sultan, including the death of Sultan al-Salih in the middle of a battle against the Crusaders, the conspiracy to hide his death, and the family feuds that ensued. This chapter highlights how precarious this moment was for Egypt and how important Shajar al-Durr was as the "human hinge" (141) between the Ayyubids and the Mamluks. It also discusses how Shajar al-Durr exercised her public authority as Sultan, even as she had to hide her body behind a screen or veil: she issued decrees, minted coins, and had her name read in the Friday *khutba*. After providing this historical context, Chapter Five focuses on the mausoleum that Shajar al-Durr added onto al-Salih's madrasa. This mausoleum was groundbreaking, as "the urban placement of the tomb, its extraordinary visibility, and its aggrandizement as a defining element in a larger commemorative complex...became the new paradigm" (101). That is, the fact that Cairo's skyline is full of soaring domes is thanks to a trend initiated by Shajar al-Durr.

Chapter Six details the three-month reign of Shajar al-Durr as sultan, her political marriage to the mamluk Aybak, and her eventual dethronement and murder. While her sultanate was short-lived, Ruggles reminds us that Shajar al-Durr was a powerful figure behind the scenes both before and after her official reign. The chapter focuses on Shajar al-Durr's commissioning of her own mausoleum, especially her use of Damascus-style gold mosaic to depict a tree of pearls in the mihrab, "an extraordinary reference to herself in the most highly charged place in any building where prayer occurs" (139). Ruggles argues that Shajar al-Durr herself initiated the trend of adding gold mosaic to buildings in Egypt, noting that she would have had ample opportunity to see gold mosaic in such buildings as the Umayyad Mosque of Damascus while traveling through Syria with her consort, al-Salih.

Finally, Chapter Seven considers the impact that Shajar al-Durr's gender had on her architectural innovations. Ruggles suggests that, because Shajar al-Durr was not allowed to be seen in public and was expected to be modest in her physical person, she instead used the symbolic language of public architecture to create larger-than-life, self-aggrandizing monuments to both herself and her husband. That is,

her gender was central to her architectural innovation in that she found creative, symbolic ways to circumvent the restrictions on her physical person. The book ends with a charming appendix with a recipe for the pudding called Umm Ali—a popular Egyptian dessert possibly named after the woman who had Shajar al-Durr killed.

I found this book quite delightful to read. Its lucid prose, clear organization, and vivid photographs bring the subject to life. Specialists will be interested in Ruggles' arguments about Shajar al-Durr as an architectural innovator, but non-specialists will also find the book accessible and engaging. I think it will prove especially useful for undergraduate students studying any topic relating to Medieval Islamic history, including political history, social history, women's history, or the history of slavery. It pushes back against those who would either dismiss Shajar al-Durr as an exception or glorify her as a romantic heroine, instead humanizing Shajar al-Durr and analyzing the opportunities and obstacles she faced as an enslaved woman. It provides excellent examples for students of how to engage in primary source analysis and historiographic debate. Finally, it demonstrates how important it is to consider the material record when studying women in medieval Islamic history, as Shajar al-Durr's material legacy tells a different story from the primary source texts written about her by men. As Ruggles says, "While the written chronicles focus on her as a political *anomaly* whose autonomous rule was rectified through forced marriage to the army commander, the material records show her to have been an *innovator* whose extraordinary tomb patronage forever changed the communicative potential of Egyptian architecture to express the identity of the patron in built form and in urban space" (141, emphasis in the original). While I have taught undergraduates about Shajar al-Durr many times before, before reading *Tree of Pearls* I had never appreciated the significance of her architectural patronage or the material legacy she left behind.

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The Qur'an in South Asia: Hermeneutics, Qur'an Projects, and Imaginings of Islamic Tradition in British India

LONDON: ROUTLEDGE, 2022. 288 PAGES.

KAMRAN BASHIR

Kamran Bashir's *The Qur'an in South Asia* addresses the question of how Sunni Muslims in India dealt with their intellectual heritage and identified with their past tradition in the wake of European colonialism and missionary activism. He focuses mainly on the Muslim scholars Sayyid Aḥmad Khān (d. 1898), Ashraf ʿAlī Thānawī (d. 1943) and Ḥamīd al-Dīn Farāhī (d. 1930), who wrote extensively on approaches to understanding the Qur'an after the mutiny/uprising that occurred in 1857 and the partition of India in 1947.

The first chapter begins with a survey of pre-modern and early modern exegetical works that were composed in South Asia. Bashir illuminates what approaches Muslim scholars before the time of the famous Indian scholar Shāh Walī Allāh (d. 1762) used to gain a better understanding of the Qur'an. According to him, commentators particularly relied on *isrāʿīliyyāt* and *asbāb al-nuzūl* and inter-connectivity (*rabṭ-i āyāt*) of Qur'anic verses, based on which meanings of the Qur'an were derived. Furthermore, the chapter deals with the question of how Shah Walī Allāh

shaped the ideas of subsequent exegetes by dealing with already established concepts of Qur'anic exegesis. The Delhi scholar, who earned the epithet of both traditionalist and modernist, was particularly skeptical of the use of previous sources such as *isrā'iliyyāt* and *asbāb al-nuzūl*. According to Bashir, Walī Allāh's method to rethink former exegetical approaches permeated to scholarly works of the nineteenth and twentieth century. However, Muslim scholars in the post-Mutiny period regarded Walī Allāh's work as a continuation of classical exegetical works.

The second chapter deals with the European context. Bashir points out that the criticism of nineteenth-century Orientalists such as Muir and Nöldeke was particularly directed against the structure and composition of the Qur'an. This literature reached the Indian subcontinent in the wake of British colonialism, which led many Indian scholars to write an exegesis in the first place. In addition, Bashir points to inter-religious debates with Christians and Hindus, as well as intra-religious polemics between Sunni streams such as the Barelwīs, Deobandīs, and Aḥmadīs, which influenced the development of Qur'anic hermeneutics.

In the third chapter, Bashir discusses the exegetical tradition after 1857. He briefly introduces the Muslim institutions that emerged after the Mutiny and the scholars who shaped the thinking in each school. The author also sheds light on why he sees Sayyid Aḥmad Khān, Ashraf 'Alī Thānawī, and Farāhī as representative samples and chose them for his analysis. One of the reasons Bashir selected the three scholars was that they were affiliated with educational institutions such as the Madrasa Dār al-'Ulūm in Deoband, the Muhammadan Anglo-Oriental College at Aligarh, and the Nadwat al-'Ulamā' at Lucknow, which exerted great influence on Muslim intellectuals. Moreover, all three did not only write about exegetical methods, but also launched extensive Qur'an programs directed at a specific readership which had a lasting impact in South Asia even after 1947.

The fourth chapter explores thoughts and ideas which, in the wake of European influence in South Asia and the findings of modern science, called for questioning the methodology of exegetical tradition and Kalām. According to Bashir, Sayyid Aḥmad Khān's criticism was directed at the epistemological approaches Muslims used to understand the Qur'an. Among other things, he criticized Muslims for trusting inferences that

were gleaned through syllogisms rather than engaging with the findings of modern science that followed empirical approaches. For him, the exegetical tradition was not always reliable, as each exegete also followed a specific agenda. Sayyid Khān assumed that there can be no contradiction between science and the Qur'an. This also led him to seek rational explanations for the miracles described in the Qur'an. Bashir mentions the example of angels (*malā'ika*), which Sayyid Khān did not regard as embodied entities. Rather, he understood them to be the greatness and power of God manifested in nature and the abilities possessed by humans. Bashir suggests that Sayyid Khān did not present his view completely detached from Islamic tradition. He cited Islamic scholars such as Ibn 'Arabī (d. 1240) and al-Qayṣarī (d. 1350) to support certain presuppositions for his conclusions. At this point, Bashir criticizes previous studies for only addressing Sayyid Khān's conclusions, but not how he arrived at them. Bashir explains that in the process of determining the meaning of a particular passage, Sayyid Khān first looks at Islamic tradition and linguistic details. In doing so, he emphasized that earlier exegetes read the Qur'an under the influence of Jews and Christians, allowing mythological narratives to enter the exegetical works. Bashir concludes that it would be wrong to recognize in Sayyid Khān a mere apologist, since his criticism is directed against "the chords of Muslims religious thinking" (115).

The fifth chapter discusses the Deobandī scholar Ashraf 'Alī Thānawī, whose work drew primarily on pre-modern exegetical works and authentic hadith. Bashir explains that Thānawī also wanted his commentary on the Qur'an to counter interpretations that were speculative from his point of view, such as those of Sayyid Aḥmad Khān. In addition to relying on traditional sources, Thānawī also invoked the interconnectivity (*rabṭ*) of successive Qur'anic verses to explain certain passages, a method that enjoyed great popularity among nineteenth-century Qur'anic commentators. Bashir also argues that while Thānawī drew on *sabab* literature, he did so more to express his commitment to exegetical tradition, rather than using the material to buttress his opinion. The author describes Thānawī as a scholar who always sought to follow the "traditional" path, and he assumed that the majority opinion of Muslims in the past was also valid in his time.

This allowed him, according to Bashir, to build an image as a guardian of the exegetical tradition, protecting it against “modernist” Muslims.

The sixth chapter of the book deals with Farāhī, who assumed that historical context and linguistic aspects had limited use in the exegesis of the Qur’an because they were not reliable in part due to having too much distance from the time of the Prophet. He presumed that his concept of *naẓm* (coherence), which was based on seeing the Qur’an as a coherent text, would solve this problem. Unlike Thānawī and pre-modern scholars, his understanding of *naẓm* did not refer only to interconnectivity of verses (*rabṭ-i āyāt*). Rather, he assumed that certain suras and groups of suras are interwoven. To grasp the connectivity of the suras, Farāhī first looked for the central theme, the pillar (*‘amūd*), of the sura around which all other verses revolved. He also divided the suras of the Qur’an into new groups based on their structure and theme. Each of the groups also had a pillar and each sura of the group dealt with a particular facet of the main theme of the group. Furthermore, Farāhī placed great emphasis on engaging with exegetical tradition rather than rejecting it. Farāhī and Thānawī did not differ in this respect of referring to pre-modern exegeses. Rather, they differed in how they employed the exegeses in their comprehensive Qur’an projects.

In the seventh chapter, Bashir summarizes the results of his analysis. He deduces from his analysis that certain concepts existed on the Indian continent prior to European influence, such as *naẓm*, which was already relied upon by al-Mahā’imī (d. 1431) in the fifteenth century. According to Bashir, however, the difference lay in the extent to which the three scholars in his sample defined *naẓm* and the extent to which they focused on this concept. All three scholars engaged pre-modern exegeses such as those of al-Bayḍāwī (d. 1316) and Rāzī (d. 1209) to determine the meaning of the Qur’an, suggesting that there was no absolute break with Islamic tradition. For this reason, Bashir concludes, the view that “modernists” stand for a break with tradition must be considered an illusion since they did not dismiss the tradition; rather, they tried to engage with the tradition (albeit in a distinct way). According to Bashir, those labeled “modernists” like Sayyid Khān did not intend to cause a rupture with tradition, but they aimed to change the tradition. For this reason, Farāhī and Sayyid Khān could be approached more as “internal

critics”. However, this would imply that there were guardians of a uniform tradition before, which, according to Bashir, is not the case.

Bashir elaborates on this idea in chapter eight, in which he addresses what his findings mean for research on the Islamic tradition in South Asia. A recurring question in Bashir’s book is the extent to which the dichotomous division of scholars into “modernists” and “traditionalists” is tenable. Bashir states that researchers incorrectly present the Islamic tradition as uniform and coherent. This leads to the erroneous conclusion that traditionalists were the guardians of a coherent Islamic tradition while modernists rebelled against this tradition. In the view of scholars such as Sayyid Khān and Farāhī, this coherence and uniformity had never existed in the Islamic tradition. Bashir concludes that the classification into “modernists” and “traditionalists” began due to the polemical discourse of the time, which was adopted by researchers on Modern Islam.

Bashir’s book is one of the first works to deal comprehensively with the exegetical tradition in South Asia. However, the book does not delve very deeply into the respective exegeses; it rather illuminates how modern exegeses deal with the exegetical legacy of the past. While Bashir insists on the point that there has never been a break with Islamic tradition in South Asia, he does not take into account that modernists do not necessarily distinguish themselves by discarding tradition. Sometimes modernists are understood as reformers or revisionists. Other times they are distinguished by placing more emphasis on certain values. It would have been interesting to know how Bashir would have classified these criteria in his understanding of nineteenth- and twentieth-century Muslim scholarship. Even so, the book provides a comprehensive overview of various approaches that Muslims used to understand the Qur’an in the course of colonialism and that continue to shape the development of hermeneutical approaches in South Asia today.

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Buying Buddha, Selling Rumi: Orientalism and the Mystical Marketplace

LONDON: ONEWORLD, 2020. 320 PAGES.

SOPHIA ROSE ARJANA

In this topically and theoretically eclectic project, Sophia Rose Arjana analyzes the way that religious consumption perpetuates Orientalism. Arjana focuses on the consumption habits of Nones and New Agers, two amorphous groups linked by their avowed disregard for the strictures of religious traditions. She contends that their clothing, travel, and self-care practices commodify “the Orient” for Western consumers. Arjana terms this field of consumption the “mystical marketplace,” a network of symbols, figures, and objects that circulate non-Christian religious traditions to those desperate for enchantment. Within the mystical marketplace, tourism to Bali or Rumi translations stripped of their Islamic content (220-21) are not, as they might appear, means for learning from other religious traditions. Rather, the mystical marketplace in *Buying Buddha, Selling Rumi* dislocates religious symbols and entrenches Orientalism. Arjana’s postscript explicates her intention to expose the hegemonies—of whiteness, of coloniality, of Protestant normativity—which structure these forms of consumption. Her engaging concepts and case studies do just that, all in a broadly accessible register.

Arjana substantiates the mystical marketplace through virtual ethnography, site visits, and archival research. Ethnographic data collection

provides contemporary examples of “muddled Orientalism,” or the “mixing of images, terms, and tropes from the imagined Orient” (3). Archival work fills in the gaps by linking the mystical marketplace to Orientalist knowledge production from the mid-nineteenth century onward. Arjana generally employs discursive analysis to interpret these sources, alongside a visual analysis of the symbolic meaning of images. Conceptually, Arjana brings critical approaches to religious consumption (Jain 2014; Shirazi 2016; Lofton 2017) into conversation with Edward Said and Michel Foucault. Said elucidates how the imagination of “the Orient” is made real through knowledge production; Arjana shows how contemporary consumption perpetuates this process. Foucault’s notion of heterotopia illustrates how festivals and mystical tourism leverage the enchantment of an imagined Orient to draw in consumers (13; 44-45). Throughout, Arjana engages theories like these to tease out the racial, socio-economic, and gendered implications of the mystical marketplace.

Arjana opts for breadth rather than depth when engaging her case studies. Given the sprawling nature of muddled Orientalism and commercial markets, this decision arises as much from necessity as it does choice. Arjana finds a seemingly limitless number of case studies from social media, online retail, and international tourism. Her analysis sutures them together by their repetition of terms like “mystical” and symbols like the lotus flower. The advantages and disadvantages of this mode of analysis are evident. For example, on page 142, Arjana links a treatise from 1869 that frames Sufism as Aryan, neo-Sufi thinkers in the mid-twentieth century, and contemporary proponents of Sufi psychology on the basis of their shared distinction between Sufism and Islamic tradition. This line of thinking clearly suggests the relationship between Orientalist knowledge production and Sufi-influenced wellness programs. However, without direct historical connections, the reader is left to wonder whether the resemblance between these examples is the result of causation or coincidence. In cases with such temporal and spatial distance, additional evidence would have strengthened Arjana’s case for the colonial roots of the mystical marketplace.

The early chapters contain Arjana’s overarching arguments about Orientalism, consumption, and modernity. The Introduction outlines the

main arguments of the book: a search for enlightenment drives mystical consumption; the mystical marketplace perpetuates colonialism and capitalism; and “muddled Orientalism” erases religious traditions. Chapter 1 argues that concepts like “mysticism” took form through colonial knowledge production and identifies Orientalist tropes that are widespread in the mystical marketplace. In this line of thinking, Arjana extends Richard King’s genealogy of “mysticism” (1999) and J. Z. Smith’s claim that scholars produced the category of “religion” (1998). Chapter 2 examines cultural colonialism—according to Arjana, the extraction of symbols and practices from a tradition (72)—and shows how this process effaces the religious traditions that it ostensibly engages. Arjana identifies several consequences of cultural colonialism, such as the conflation of non-Christian traditions and the valorized poverty of mystical tourism workers (108-12). The following chapter argues that the excess of choices provided by secular modernity disenchant consumers, which increases the appeal of products that promise enchantment. A survey of the branding of tourism, fashion, exercise, and beauty products evidences the prevalence of this marketing strategy.

The final three chapters describe more specific instances of muddled Orientalism. All three chapters contextualize their main subject—religious traditions in Chapters 4 and 5, and popular English-language entertainment in Chapter 6—before detailing the Orientalist dynamics found in relevant products, marketing strategies, and narratives. The fourth chapter surveys the muddled Orientalism of Hinduism and Buddhism in, for example, wellness resorts that blend yoga and Ayurvedic medicine or the separation of Zen practice from Buddhism. Chapter 5 paints the Orientalist disassociation of Sufism from Islam in broad strokes before transitioning to more specific examples of misattributed Sufi couplets and the industries which profit from them. The final chapter ties the mystical marketplace to the diffuse Orientalist tropes in popular media like the *Star Wars* films and the television show *Lost*. While these chapters offer value to a wide range of scholars, the entirety of Chapter 5 and Chapter 6’s examination of landscapes and costuming in *Star Wars* will be the most relevant to specialists of Islam.

As with any monograph that is so ambitious in its scope and varied in its theoretical engagements, there are several aspects of the book

which would have benefitted from further attention. Most centrally, Arjana's analysis generally represents religion and commerce as mutually exclusive. Take, for example, Arjana's statement that, "the question arises whether Shambhala is more of a religion or business model" (185). This question forecloses the possibility that "Shambhala" (presumably Shambhala International) is *both* business model and religion. According to a recent assessment of scholarship on religious consumption, Arjana's bifurcation of commerce and religion may inadvertently adopt a Protestant framework of religion (McLaughlin et al., 2020). Beyond imposing Protestant norms onto her case studies—a significant concern given Arjana's critique of "mysticism" on similar grounds (24-32)—the delineation of religion and business undercuts Arjana's analysis of the hegemonies that fuel consumption in the mystical marketplace. Asking whether Shambhala is a business or a religion prevents more incisive questions, like how the religious ethics of Shambhala International facilitate extractive institutional practices. Arjana unpacks how profit motive affects religious traditions. But this misses a similarly important force in the mystical marketplace: the potential of religious formations to structure economic exploitation.

Additionally, Arjana's approach to religion and mysticism as primarily categories of knowledge occludes their embodied dimensions. This framework of religion perpetuates what Donovan Schaefer has called the "linguistic fallacy" (2015), or the problematic assumption that religion is essentially cognitive and rational. Practically speaking, the linguistic fallacy misapprehends the material aspects of religion as discursive (Schaefer 2015: 4-10). For instance, Arjana mentions David Morgan's illuminating notion of visual piety (1997) on page 160, but her analysis only focuses on the meaning of symbols. *Star Wars* and *Lost* become "visual texts" (232) and lotus images turn into signs of "the East" (11). One wonders what insights Arjana might have drawn had she also attended to the ritual practices, embodied relationships, and social structures which images mediate, as Morgan suggests in his work. Nonetheless, its engaging subject matter and plethora of case studies make *Buying Buddha*, *Selling Rumi* a useful teaching resource, especially for undergraduates in courses that touch on Orientalism, consumption, or pop

culture. Given the vitality of these topics, *Buying Buddha, Selling Rumi* is a welcome entry in a growing stream of scholarship on the forces that motivate religious consumption.

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doi: 10.35632/ajis.v39i3-4.3154

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FORUM

Muslim Intellectual History: A Survey

SAULAT PERVEZ

Abstract

This article strives to chart the intellectual history of Muslims and the trans-civilizational, discursive tradition of Islam spanning fourteen centuries. It chronicles the scholarly projects shaping Islamic thought as they developed in the wake of the Prophet's (s) death and intensified in the ensuing centuries despite the numerous changes and tumultuous times the Muslim *ummah* encountered. Together with an accompanying map and visual timeline, it endeavors to empower students of Islam in general and Islamic Studies programs in particular with an appreciation of the

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Pervez, Saulat. 2022. "Muslim Intellectual History: A Survey." *American Journal of Islam and Society* 39, nos. 3-4: 206–272 • doi: 10.35632/ajis.v39i3-4.2332

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breadth and depth of Muslim intellectual history. The article begins by tracing the foundation of early regional centers, the side-by-side formation of disciplines, the development of the various legal schools as well as the many strains of Islamic thought, and how they not only influenced one another but also became absorbed into mainstream Islam, ending with an overview of the impact of modernity on Islamic thought. Through this effort, I hope that students will be able to cultivate a rudimentary understanding of Islamic scholarship in its historical context, make interdisciplinary connections, critically engage with the individual disciplines in their focused study, and gain an overall nuanced reverence for the collective Muslim intellectual legacy across 1400 years along with the diversified scholarly struggles to diligently honor and observe the message received from the Prophet Muhammad (s).

Introduction

Muslim intellectual history is rich and complex. It started as a simple effort to continue to live according to the *Sunnah* in the aftermath of the Prophet's (s) death, became refined over time, and also branched into new directions even as it remained grounded in core revelatory concepts. Yet, too often, students of Islam in general and Islamic Studies programs in particular learn the core disciplines of Qur'an, *hadith*, and *fiqh* along with secondary subjects such as Sufism, theology, and philosophy as discrete blocks of knowledge. While these are fundamental to any curriculum devoted to introducing students to Islamic sciences, their gains in learning can be ahistorical and devoid of context. Frequently, such programs rely on the previous knowledge of students to make important connections that may or may not be possible due to the diversity in student population and their uneven prior exposure to Islam. Moreover, they do not enable students to truly understand the evolution of inherited knowledge and the interdisciplinary exchanges that took place historically, thereby making it difficult to see their relevance in today's day and age.

Whereas students are taught *'ulum al-Qur'an*, *'ulum al-hadith*, and *fiqh* as distinct disciplines, they actually developed in tandem and

impacted one another in lasting ways; these linkages are evident when we hear the same scholarly names recurrently mentioned in *‘ulum al-hadith*, *fiqh*, and *usul al-fiqh* courses. Furthermore, the *‘ulama* (religious scholars) continued to be affected by internal debates as shaped by external factors. While most of these ideas were at first considered strange and deviating from the norm, eventually many were absorbed into mainstream Islamic thought, as shown throughout the article. Scholars, teachers, and imams sometimes allude to these phenomena but these connections are often glossed over due to limitations of time or the need to focus on the subject at hand. Hence, the objective of this survey is to closely follow the trajectory of Muslim intellectual history with the purpose of illuminating these interactions and the outcomes they produced so that students are able to grasp the historical debates and shifts that have resulted in our present received knowledge as well as the salient narratives today.

In accomplishing this goal, I benefited immensely from contemporary academic texts in English and relied on this literature heavily to piece together the story of Muslim intellectual history; one can see the range of these resources in the endnotes. Early on, it became clear to me that, contrary to what many people may naturally think, it was *hadith* not the Qur’an that became the crux around which much of Islamic scholarship and intra-Muslim debates formed in the early period of our intellectual history. The Qur’an had become fixed during the caliphate of ‘Uthman (ra) and it was the far more fluid *hadith* that led to disagreements, fiery debates, even persecutions. While the Qur’an is the unequivocal primary revelatory source in Islam, the importance of *hadith* in Islamic scholarship as a second revelatory source and a lens that explicates the Qur’an cannot be overemphasized. After all, the companions of Prophet Muhammad (s) had learned their religion from him and had taught it to others, who then taught it to yet others in a seamless chain of teachers from generation to generation over the course of centuries. Therefore, in both daily circumstances and extraordinary situations, the question often was and is: what did the Prophet (s) say and how had he acted? With *hadith*’s central place in Muslim intellectual history, it should not be surprising that the steady development of *hadith* sciences greatly impacted both jurisprudence and Qur’anic sciences. Indeed, scholarly

perspectives on *hadith* continued to be relevant in the modern times and it remains a significant feature of scholarly analyses and communal conversations today. I have tried to capture this scholarly preoccupation with *hadith* in the survey which sometimes takes place in the form of one set of scholars minimizing it while another, in response, is maximizing it.

This survey is organized both chronologically and thematically. In narrating the events as a story, it begins with the death of the Prophet (s) and ends in contemporary times, highlighting and elucidating the various developments as they took place during the intervening 14 centuries. At the same time, when dealing with a thematic topic, related scholars are mentioned in groups spanning several centuries. The article follows the same pattern as an Islamic Studies program, with more time devoted to core disciplines than the various strains in Islamic thought such as theology, philosophy, and mysticism. I hope that the background students learn in this survey will serve as a springboard for more in-depth and critical engagement when studying the sciences and topics individually. Lastly, the intellectual history presented in this article focuses on Sunni scholarship in the central Islamic lands. Considering that compiling a fully exhaustive list of every scholar in each field in the totality of Islamic tradition, even when restricted to Sunnis, is nearly an impossible task, this survey and the timeline only include salient features, trends, figures, and shifts. Moreover, scholars in our intellectual tradition were quite often polymaths who had mastery over multiple sciences and areas of knowledge; it is one of the limitations of this survey that it does not encapsulate their full achievements but only highlights their contribution in one or two spheres.

The survey is accompanied with a visual timeline (see the QR code/link at the end of the article) which may be helpful in locating contemporaneous scholars across disciplines and appreciating the plurality of Islamic thought historically at any given time; it has a key with color-coded categories. Kindly note that the category in which each scholar is highlighted is based on their discussion in the survey (which only captures a small element of the vast and interdisciplinary contributions of these *'ulama*). The dates until 1000 AH (around the beginning of the 17th century CE) are given as per the *hijri* calendar in both the survey and the timeline while the rest are according to their Gregorian equivalent.¹ All the dates, unless otherwise noted,

signify the years of death. The timeline also provides some dynastic and political context while the map highlights cities across the Muslim world.

Section I: The Regional Schools

The Prophet's mosque in Madina was already the site of study circles (*halaqas*) during his lifetime, a practice which continued after his demise in 11 AH. These *halaqas*, which also took place in homes and public spaces, were now led by some of his companions whom people turned to when they had questions. Students eager to learn joined these esteemed personalities and themselves grew into teachers, earning disciples of their own who went on to become scholars,² creating a chain of transmission known as "*isnad*"³ (not to be confused with the *isnad*⁴ of a *hadith*,⁵ although the narrative concept is similar due to the oral nature of scholarship in early Islam). That is, initially, lessons were orally transmitted from teachers to students who often took notes. As such, memory played a very important role in transfer of *'ilm* (knowledge) between scholars and their disciples; knowledge was embodied by the scholar and could be accessed only through personal interaction. Due to the primitive nature of the Arabic script, written material was not considered authentic unless one had heard it from the author and was given permission to transmit it, creating an uninterrupted *isnad* (chain of transmission) extending from the author to successive generations of students. Even when books became common, the practice of a scholar reciting a text (*sama'*) or having students read it out loud (*qira'a*) continued for many centuries; in this way, teachers would ensure accuracy of student versions of the text which were either copied by hand by the students or bought from professional copyists. In the fifth century AH onwards, the practice of *sama'* was largely overtaken by *ijaza* (permission to transmit) which was issued by the teacher even if a student had only recited part of the book.⁶

In the aftermath of Prophet Muhammad's (s) death, there emerged four regional centers of learning:

- **Makkah:** 'Abdullah ibn 'Abbas (ra) is intimately linked with the Makkan circle. After a series of political appointments, he settled in Makkah where his students benefited from his vast knowledge of

the Qur'an and the earliest recorded exegetical (*tafsir*) efforts took place.⁷ Ibn Abbas's (d. 68) disciples, Ikrima (d. 104) and Sa'id ibn Jubayr (d. 95), traveled to other parts of the Muslim world and spread his knowledge. Later renowned teachers of Makkah were Ibn Jurayj (d. 150) and Sufyan ibn 'Uyayna (d. 196).

- **Madina:** An assortment of companions, such as Zayd ibn Thabit (ra), 'Ubayy ibn Ka'b (ra), 'A'isha (ra), Abu Hurayra (ra), Umm Salama (ra), and 'Abdullah ibn 'Umar (ra), laid the foundation of this school.⁸ In contrast with the Makkan school, Qur'anic scribes Ubayy ibn Ka'b (d. 20) and Zayd ibn Thabit (d. 51) were wary of indulging in or documenting *tafsir* for fear of proliferating flawed opinions or erroneous analyses⁹ and instead focused on preservation of the *Sunnah* of the Prophet (s)¹⁰ although reports about circumstances of revelation and meanings of certain words have survived.¹¹ Incidentally, 'A'isha (d. 58), Abu Hurayra (d. 58), and 'Abdullah ibn 'Umar (d. 73) were among the leading *hadith* transmitters.¹² Their students, from among the *tabi'in* (successors), were called the Seven Sages of Madina and included Sa'id ibn al-Musayyib (d. 94), 'Urwah ibn al-Zubayr (d. 94), Qasim ibn Muhammad ibn Abi Bakr (d. 108), among others. Prominent female scholars were Mu'adha bint 'Abdallah (d. 83) and 'Amra bint 'Abd al-Rahman (d. 106); while both studied with 'A'isha, the latter also learned from many female companions, such as Umm Salama (d. 64), and was consulted regularly by other *fuqaha'*. In this string of students who eventually became teachers from one generation to another, which also boasted such names as al-Zuhri (d.124) and Hisham ibn 'Urwa (d. 145), came Malik ibn Anas (d. 179), one of the *tabi' tabi'in* (successor of successors), after whom the Maliki *madhhab* (legal school) came to be known. By this time, the Madinan school had firmly established a traditionalist reputation focused on upholding the *Sunnah* of the Prophet (s) as enshrined in Madinan practice (*'amal*).¹³ Malik ibn Anas' students included al-Shafi'i (d. 204), the eponym of the Shafi'i *madhhab*.
- **Kufa:** Abdullah ibn Mas'ud (ra) founded the Kufan center when he was dispatched there by Caliph Umar (ra) and was tasked with fostering Islamic learning in the city. Ibn Mas'ud's (d. 32) students were 'Alqama ibn Qays (d. 62) and 'Amir al-Shabi (d. 103). 'Alqama's student Ibrahim al-Nakha'i (d. 96) taught Hammad ibn Abi Sulayman

(d. 120) whose disciple, Abu Hanifa (d. 150), came to be known as the father of the Hanafi *madhhab*. While ‘Amir al-Shabi was a committed traditionalist in line with the Madinan school (known as *Ahl al-Sunnah* or *Ahl al-Hadith*, people of the Prophetic tradition or *athar*), and others who followed his conservative approach included Sulayman al-A‘mash (d. 148) and Sufyan al-Thawri (d. 161),¹⁴ Ibrahim al-Nakha‘i adopted a dialectical methodology which was refined over the next generations of scholars that were influenced by him; these scholars came to be called *Ahl al-Ra’y* (people of legal reasoning) because they were more interested in drawing jurisprudential conclusions through analogy and analysis than simply preserving Prophetic *Sunnah*.¹⁵ There was constant tension between the adherents of *Ahl al-Hadith* and *Ahl al-Ra’y*, with the latter being considered a deviant form of scholarship by the mainstream traditionalists. Nonetheless, Abu Hanifa and his students, Abu Yusuf (d. 182) and al-Shaybani (d. 189), mastered the art of *ra’y*.

- **Basra:** The female companion, Nusayba bint al-Harith (ra), relocated to Basra from Madina and taught there until she died in 22 AH. Anas ibn Malik (ra), one of the leading transmitters of *hadith*, also settled in Basra, a garrison town, in his old age. He taught Muhammad ibn Sirin (d. 110), Hafsa bint Sirin (d. ca. 100), and al-Hasan al-Basri (d. 110). Al-Hasan al-Basri had grown up in Madina where he received his early Islamic education and met many companions, such as Anas ibn Malik (d. 90). Al-Hasan was well-known for his inspiring sermons and constantly sought to instill a spiritual awareness in people, reminding them of the transient nature of earthly life, our ultimate purpose as revealed by God, and the reality of the hereafter.¹⁶ Another ascetic figure, Rabi‘a al-‘Adawiyya (d. 185), was Basran and is renowned for her piety and renunciation of worldly pleasures. As such, the Basran school came to be seen as the precursor of later Sufi movements.

The above descriptions, however, do not adequately capture the interactions between the scholars of different centers. For example, the student of Ibn Abbas, Sa‘id al-Jubayr, also studied with ‘A‘isha and Ibn ‘Umar in Madina and later moved to Kufa where he shared his wealth of knowledge with students of his own, returning to Makkah in his last years.¹⁷ Once the companion Abu al-Darda (ra, d. 32) joined his official post in Damascus

during the caliphate of ‘Uthman (d. 35), he established a Qur’an study circle, thereby initiating the Damascus school. His wife, Umm al-Darda (d. 81), was also a respected scholar in Damascus whose classes were attended by the Caliph Abd al-Malik al-Marwan (r. 65-86).¹⁸ Al-Awza‘i (d. 157) was a *hadith* scholar based in Syria too. When al-Zuhri, the famous Madinan successor who was renowned for his memory and transmission of *hadiths*, relocated to Damascus, his precious knowledge proliferated there.¹⁹ The slave Ma‘mar ibn Rashid (d. 153) became his student and when Ma‘mar later moved to Yemen, Abdul Razzaq al-Sinani (d. 211) came under his tutelage and he inscribed Ma‘mar’s lectures in book form, thereby preserving the knowledge Ma‘mar had gained from al-Zuhri and his other teachers.²⁰ According to some reports, it was the Abbasid Caliph al-Mansur (r. 136-158) who asked Malik ibn Anas to record the normative tradition of Madina which he did in the form of *al-Muwatta*,²¹ relying extensively on the reports he had learned from al-Zuhri.²² Al-Mansur also requested several Madinan scholars to travel to Baghdad to teach *hadith* to Abu Yusuf and other students of Abu Hanifa; likewise, the Kufan al-Shaybani was a student of Malik ibn Anas.²³ Al-Shafi‘i himself arrived in Baghdad as a disciple of Malik ibn Anas and debated al-Shaybani. Ahmad ibn Hanbal (d. 241), who was quickly being recognized as a master of *hadith* and would go on to be the force behind the Hanbali *madhhab*, was grateful for al-Shafi‘i’s eloquence and felt that finally someone had both the knowledge and quick-wittedness to challenge the *Ahl al-Ra’y*.²⁴ It is reported that al-Shafi‘i learned *hadith* from Ibn Hanbal while teaching him jurisprudence.²⁵ When al-Shafi‘i went to Egypt, he studied under Nafisa bint al-Hasan (d. 208), the great-great-granddaughter of the Prophet (s).²⁶ As evident from the few names mentioned above, there was lively participation of female companions and successors in the scholarly circles. Women, just like men, enthusiastically shared the knowledge they had heard from their Prophet (s) with people flocking to them to listen and learn from them; some of the female students then became instructors themselves. Their teaching, however, was not restricted to *hadith* transmission only but included as well legal interpretations of reports meant to inculcate proper practice of Islam.²⁷ Their reports were also routinely accepted in reaching legal rulings by their male counterparts.²⁸ Moreover, the earliest and still functioning institution of learning,

al-Qarawiyyin University in Fez, Morocco, was founded by a female philanthropist, Fatima al-Fihri (d. 266), in 245 AH.

Section 2: The Civil Wars

At this point, we must acknowledge certain stark ground realities that scholars and the Muslim community as a whole had to grapple with. The first *fitna* (great trial; also known as civil war), which lasted from 35 to 40 AH, started from the rebellion against Caliph ‘Uthman, continued through the caliphate of ‘Ali (ra), and culminated in Mu‘awiyyah (ra), the governor of Syria, establishing himself as the Caliph of the *ummah* (the entire global community of Muslims). Unrest was again triggered after Mu‘awiyyah (d. 60) named his son, Yazid (d. 64), to the throne, initiating dynastic rule contrary to the custom of *shura* (consultation) established by the previous caliphs. It propelled al-Husayn (ra), the son of ‘Ali (d. 40) and the grandson of the Prophet (s), to reject this succession and resulted in the massacre at Karbala by Yazid’s army and the beheading of al-Husayn (d. 61). Various other rebellions against governors also took place during and after the caliphate of Yazid, including the siege of Makkah after ‘Abdullah ibn Zubayr (ra) declared his caliphate. This second *fitna* ended in 73 AH after the Umayyads emerged as the victors with the martyrdom of Ibn Zubayr.²⁹

The Kharijis were political rebels who separated from ‘Ali’s army in the Battle of Siffin (37 AH) and became an extremist fringe group. The Kharijis upheld the Qur’an as the sole guidance to be interpreted individually and without context, rejecting the authority of the *Sunnah*.³⁰ They not only assassinated ‘Ali but also reared their heads in the second *fitna*, causing sectarian divides. The ‘*ulama* were predominantly pro-‘Ali but acquiesced to the Umayyad rule in the interest of unity, particularly against the Khariji attacks and incursions.³¹ Dismissing Umayyad *Qadari* claims³² that implied fatalism, i.e., that their victory over ‘Ali was destined by God, scholars mostly practiced *irja’* (suspension of judgement) and relegated to God the decision of who was right between the companions.³³ Yet, this did not mean that the relationship between the scholars and the ruling elite was fully peaceful. In fact, many *fuqaha’* participated in the rebellions during the second *fitna* and paid the price for it by being

executed, imprisoned, or going into hiding. Others were able to pacify the politicians and win their freedom.³⁴ Overall, the Umayyads were not universally opposed by the scholars, nor did they indiscriminately assail the scholarly class for their pro-‘Ali sentiments: “The scholars as well as the rulers could tolerate a range of opinions and attitudes.”³⁵ Notable among the Umayyad rulers was ‘Umar ibn ‘Abd al-Aziz (r. 99-101) whose enthusiastic support for traditionalist scholarly pursuits and encouragement for the preservation of the *Sunnah* resulted in the formation of *sirah* (biography) of the Prophet (s) as a field of knowledge, something discouraged by previous Umayyad caliphs.³⁶ Ibn Ishaq (d. 151) is well-known as the author of an early *sirah* text.

The third *fitna* took place between 126 and 132 AH due to inter-Umayyad civil wars and the simmering discontent against the ruling Marwanid family of the Umayyads turning into a concerted effort to oust them largely in the name of ‘Ali and his family. Known as the Abbasids, titled after the clan of the Prophet’s (s) uncle, al-‘Abbas (ra), they defeated the Umayyads in 132 AH and installed a *khalifa* (caliph) who, contrary to the original claims, was not from the descendants of ‘Ali, thereby angering them.³⁷ Hence, the partisans (*shi‘a*) of ‘Ali splintered from the collective piety-minded coalition who had helped bring the Abbasids to power, while those who accepted their rule with the hope of unifying the *ummah* formed the *Ahl al-Sunnah wal-Jama‘ah* (those who adhere to the *Sunnah* and unite upon it).³⁸ Until this time, there hadn’t been a formal Shi‘a-Sunni differentiation among the early scholars, many of whom had shared pro-‘Ali sentiments along with a general reverence for all the *khulafa-e-rashidun* (the rightly-guided caliphs).³⁹ While the Sunnis vested their religious authority in the ‘*ulama*’, the Shi‘a saw the family of the Prophet (s) as the vessel of continued esoteric knowledge and conferred special status on their descendants, calling them *imams* (leaders).⁴⁰ Over time, the Shi‘a Muslims further branched into several sects, with the Imami or Twelver Shi‘as forming the majority along with smaller groups such as the Isma‘ilis and the Zaydis. The bulk of the Shi‘a came to believe that the following 12 imams were divinely directed members of the Prophet’s family and held the authority to interpret the Qur’an and *Sunnah*: ‘Ali, al-Hasan (d. 50), al-Husayn, ‘Ali Zayn al-‘Abideen (d.

94), Muhammad al-Baqir (d. 114), Ja‘far al-Sadiq (d. 147), Musa al-Kazim (d. 183), ‘Ali al-Rida (d. 203), Muhammad al-Taqi (d. 220), ‘Ali al-Naqi (d. 254), al-Hasan al-‘Askari (d. 260), and Muhammad al-Mahdi (the Hidden Imam).⁴¹ In addition, prominent Shi‘a scholars over the centuries have included Hakima bint al-Iman al-Jawad (d. 274), Kashshi (d. 339), Ibn Babawayh (d. 380), Shaykh al-Mufid (d. 413), al-Tusi (d. 458), Jamal al-Din ibn Tawus (d. 673), al-Shahid at-Thani (d. 965), Muhammad Sadr ad-Din al-Shirazi (d. 1640), and Fatemeh Kashani (d. 1702).

Section 3: *Hadith* Scholarship

The politically tumultuous situation impacted the ‘*ulama* in numerous ways. Aside from the tricky predicament of choosing sides, defining their own stances, and explicating the religious ramifications of Umayyad actions as mentioned above, they had to constantly strive to affirm the authority of the Prophet (s) and preserve his *Sunnah*. This became an urgent matter in the face of Khariji and later Mu‘tazili (see below) emphasis on the uncontested legitimacy of the Qur’an alone.⁴² Due to competing political interests and the various sides vying for influence, there was also an upsurge in fabricated traditions attributed to the Prophet (s) in the aftermath of the second *fitna*.⁴³ The Qur’an had become fixed during the caliphate of ‘Uthman⁴⁴ but *hadith* proved to be a far more fluid terrain because, unlike the Qur’an, the Prophet (s) discouraged the writing of *hadith* as he did not want his words to be mistakenly conflated with the Qur’an.⁴⁵ Just as *hadith* was used to advance political and sectarian agendas,⁴⁶ so was Qur’anic exegesis⁴⁷ and the task fell to the ‘*ulama* to maintain the authenticity of the former and uphold the correct interpretation of the latter. As such, beginning in the late Umayyad and early Abbasid period, a “self-aware scholarly and educated class (*al-khassa*) appeared which began distinguishing itself from the masses (*al-‘amma*).”⁴⁸

The companions would often simply say, “The Prophet (s) said...” without identifying who they heard his words from.⁴⁹ After all, there were other companions to verify them; we see this in the many corrections ‘A’isha made of prophetic reports, for instance.⁵⁰ However, after their passing, there began appearing forged reports that were highly

political and contentious in nature, mirroring the unfolding of tumultuous events described above.⁵¹ In order to sift through and find reliable *hadiths*, *‘ulama* started asking, “Whom did you hear it from?” *Hadith* collectors began traveling from city to city to gather and record *hadiths*, tracing their full *isnads*.⁵² ‘Abdullah ibn Mubarak (d. 181),⁵³ a famous *hadith* collector and critic, reportedly said, “The *isnad* is part of religion, if not for the *isnad*, whoever wanted could say whatever they wanted.”⁵⁴ Notably, women were not known for narrating any fabricated *hadiths*.⁵⁵ However, the increasing “professionalization” of *hadith* transmission, marked by demanding journeys (*rihlas*) and stringent criteria for verification of narrators, became unsuitable for female participation in this endeavor, leading to an overall decline in their *hadith* activity for the next two and a half centuries.⁵⁶ While traditionalists and *hadith* scholars began focusing on scrutinizing *hadith* literature, the Kufan scholar Abu Hanifa, like his predecessors, preferred to rely only on well-known *hadiths* and his own legal reasoning (*ra’y*).⁵⁷ It was his way of inoculating his responses and decisions from fraudulent *hadiths*. His students, Abu Yusuf and al-Shaybani, followed suit. Even though the traditionalists saw their approach as radical and lax, the Abbasids began favoring all sorts of erudite activities, such as *ra’y* and *kalam* (rational theology), as the nascent Muslim empire suddenly found itself in a considerably advanced intellectual milieu in its conquered lands.⁵⁸

Meanwhile, al-Shafi‘i traveled from Makkah to Madina to study under the towering scholarship of the traditionalist Malik ibn Anas, who had compiled *al-Muwatta*, containing *hadiths*, sayings of the companions, and opinions of early scholars, including himself.⁵⁹ Instead of the general practice of students copying notes based on their teacher’s judgements and justifications which would then be collected and made available as *Masa’il*, Malik captured the “full range of discrete topics in a deliberate and systematic arrangement” in one volume which was divided by chapters.⁶⁰ Indicative of the intimate connection between the development of the *hadith* and *fiqh* disciplines, *al-Muwatta* essentially was the “first compendium of Islamic law” and the first “book of *hadith* organized according to subject matter.”⁶¹ Yet, it also represented how Islam was originally practiced as the living, non-textual *Sunnah* of the

Prophet (s), the companions, and other authoritative figures until Malik's time. As such, Malik held the *'amal* (practice) of Madina in great esteem – so much so that he believed it was a better measure for identifying Islamic legal parameters than the textual *hadiths* – and felt that the “way things are done here” should be replicated everywhere else as Islam spread.⁶² Al-Shafi'i had obtained a copy of *al-Muwatta* and memorized it before arriving in Madina, where he stayed under Malik's tutelage most likely until his teacher's death.⁶³ In 184 AH, al-Shafi'i journeyed to Baghdad, the newly founded capital of the Abbasids. Here, he encountered both *Ahl al-Ra'y* as well as theologians (*mutakallimun*, those who practiced *kalam*) and his engagements with both had a profound impact on the development of his own ideas. Al-Shafi'i criticized the theologians for demanding certainty and prioritizing consensus to the exclusion of differences of opinion, recognizing that law was the proper vehicle to accommodate diversity and plurality through interpretive methods.⁶⁴ On the other hand, he experienced firsthand the dialectic power of *ra'y* but was dismayed when its proponents would at times ignore authenticated *hadiths* in favor of their reasoning.⁶⁵ He realized that they represented the localized Kufan legal approach, just as Malik rooted his legal thought in the *'amal* of the Madinan people.⁶⁶ Instead of locating the normativity of a *hadith* in a particular place, such as Kufa or Madina, al-Shafi'i would argue that the soundness of its *isnad* should determine normativity.⁶⁷ This view paralleled the efforts of *hadith* collectors who were willing to undertake great journeys and were bringing new verified reports with full *isnads* to the fore.⁶⁸ This concern with authenticity is also evident at this time in the related science of history which was initially known as *Maghazi* (Expeditions of the Prophet (s))⁶⁹ and later called *sirah*. *Al-Maghazi* by al-Waqidi (d. 207) displays this concern because, unlike Ibn Ishaq, he meticulously lists his sources and strives to corroborate them, which is likewise seen in the efforts of Ibn Hisham (d. 218) who revised Ibn Ishaq's *sirah* to rid it of unverified content. Aban (d. 105), the son of 'Uthman ibn 'Affan, was one of the pioneers in this field. A later subgenre of historical scholarship was the *Shama'il* (prophetic virtues and characteristics); one of these books was written by Qadi 'Iyad (d. 544). Another subgenre focused on proofs that illustrated the prophetic

standing of Muhammad (s); two renowned authors of this type of books were al-Hakim al-Nishapuri (d. 405) and his student, al-Bayhaqi (d. 458).

To al-Shafi‘i, coming into his own as a scholar, the regional traditions of Abu Hanifa and Malik did not seem viable for the ever-growing Muslim society. As shown by El Shamsy, the state of affairs in Egypt, where al-Shafi‘i spent his last years and revised his *ar-Risala* (*The Message*), was a case in point. Egypt’s Arab elites, descendants of the original conquerors, enjoyed a high status and came to represent a communal normative culture, a “distinctly Egyptian form of Malikism”;⁷⁰ they were also economically superior, since they received a state pension in return for continuing service in the militia.⁷¹ This meant that Arab genealogy was paramount and even conversion to Islam did not afford many opportunities to (the non-Arab) locals unless they were able to establish clientage with an Arab.⁷² At the turn of the century, this neat social hierarchy was increasingly being threatened as non-Arabs began to increase and learned alternate ways to ascend to powerful political and intellectual positions.⁷³ Moreover, Abbasid centralizing efforts wrested control of key communal affairs from the Egyptian Arab elites, including the judiciary, which had traditionally been locally sourced; the Abbasid appointment of a Hanafi judge was seen as an affront by the Maliki Egyptians. The Abbasids dispatched their own troops to bring order in Egypt, thereby eliminating the need for their pension and subsequently discontinuing it. This situation in Egypt further confirmed for al-Shafi‘i that the old order was dying and that a new approach which was grounded in textual (not communal) normativity was the need of the hour.⁷⁴ Therefore, he proposed a system which foregrounded the Qur’an and the authentically transmitted *Sunnah* as revelatory sources⁷⁵ followed by consensus (*ijma‘*) and *qiyas* (analogical reasoning). In doing so, he affirmed the traditionalist partiality for *hadith* while also creating room for controlled *ra’y*. This synthesis of the warring factions of ‘*ulama* proved to be revolutionary and came to be accepted in time by all four emerging legal schools (*madhahib*),⁷⁶ making al-Shafi‘i the father of *usul al-fiqh* (legal theory).⁷⁷ Furthermore, by moving away from communal tradition and instead centering communal interpretation, al-Shafi‘i also shifted focus from Arab genealogy to the Arabic language itself, something which could be learned and mastered, thereby leveling the “playing field between Arabs and non-Arabs.”⁷⁸ At the

same time, al-Shafi'i paved the way for the scholarly class (*al-khassa*) as not only the guardians of tradition but also its interpreters, separate from the majority of people (*al-'amma*) who drew on prophetic tradition for largely charismatic reasons.⁷⁹

Section 4: Formation of Legal Schools

In the mean time, Ahmad ibn Hanbal solidified his position as a traditionalist in Baghdad, focusing on promoting *hadith* and, unlike al-Shafi'i, minimally relying on *qiyas*.⁸⁰ He was known for his mild asceticism, impeccable character, and rejection of any government employment.⁸¹ On the other hand, Abbasids gravitated towards the *Ahl al-Ra'y*, who served as court-appointed *qadis* (judges), unlike their teacher Abu Hanifa, who had refused to do so. The intellectual-minded Abbasids, who inaugurated the House of Wisdom in 214 AH,⁸² were also increasingly drawn to the *mutakallimun* and their rational theology. The traditionalists, including Ahmad ibn Hanbal, were quite critical of *kalam* due to its advocates' extra-revelatory contention that one's intellect alone was capable of arriving at universal truths (such as the existence of God).⁸³ The Mu'tazilis⁸⁴ in Iraq debated Christians in the name of defending Islam using the cosmological argument⁸⁵ which goes back to Plato and Aristotle, finding a common language between Muslims and non-Muslims. In rationally upholding God's eternal and everlasting presence, though, they ended up denying core Qur'anic concepts, such as the attributes of God and His Book's timeless existence. The Mu'tazilis, influenced by their engagement with Christian theologians and Hellenistic ideas, insisted on the createdness of the Qur'an, in order to distinguish it from the exclusivity of God, which not only implied that its interpretation could be metaphorical and temporal but also diminished the authoritativeness of Prophetic *hadith* as a means of understanding the Qur'an. The traditionalists, in contrast, persisted in asserting the uncreatedness of the Qur'an along with *hadith* as a revelatory source which indicated and clarified the meaning of the Qur'an.⁸⁶ These two strands in Islamic thought co-existed despite palpable tensions, each side disparaging the other, until Caliph Ma'mun (r. 198-218) stepped in and made createdness

of the Qur'an the official Abbasid stance, vowing to persecute anyone who opposed it, thereby launching the *mihna* (inquisition), which lasted from 218 AH through 234 AH; it was endorsed by subsequent *khalifas* until it was reversed by Caliph Mutawakkil (r. 232-247).

As a result of the *mihna*, many traditionalists, including followers of Malik and al-Shafi'i, were mistreated, imprisoned, tortured, even executed. Along with the *mutakallimun*, the court-appointed Hanafis oversaw this persecution, further widening the rift between the *Ahl al-Hadith* and *Ahl al-Ra'y*.⁸⁷ Ahmad ibn Hanbal was also imprisoned, interrogated, and flogged for refusing to accept the establishment's stance. Even when he was released from prison, he continued to be harassed by the authorities and often lived in hiding for fear of further reprisal.⁸⁸ Regardless, he refused to shift from his principled stand, despite knowing the price he had to pay for it; this added to his already exceptional reputation, making him the face of the traditionalist opposition. When the *mihna* was officially discontinued, it signaled the traditionalists' victory over the ruling elite, signifying that the authority to define orthodoxy rested with the *'ulama*, not the caliph.⁸⁹ During this time, the traditionalists had gained much popular support too. However, this triumph was bittersweet because there was a distinct sense of loss, not only for the scholars that had died from torture but for those who had caved during the inquisition and tarnished their reputations. Ahmad ibn Hanbal emerged as the "unquestioned moral leader" of the traditionalists and he took a very stern approach towards these scholars.⁹⁰ The traditionalists began to purge their camp of Sunni *mutakallimun*⁹¹ as well, with *lafz al-Qur'an* becoming a defining issue. This concept referred to the createdness of the "physical sound of the [Qur'an] being recited or its written form on a page," and was accepted by some traditionalists and Sunni rationalists, although the most conservative voices among the traditionalists considered even this opinion to be heretical.⁹² Ahmad ibn Hanbal, and his most ardent followers after his death, claimed that anyone advocating *lafz al-Qur'an* as created was a *Jahmi*, thereby delegitimizing the position itself.⁹³ Therefore, the aftermath of the *mihna* deepened divisions among the traditionalists, which explains the eventual formation of the Hanbali *madhhab* as distinct from the

Shafi'i one (even though their scholarly networks had been interlinked). The Shafi'is were more tolerant of Sunni *mutakallimun*; this is reflected in the *madhhab*'s evolution, where traditionalists and rationalists have co-existed whereas the Hanbali school's trajectory has been mostly uniformly traditionalist.⁹⁴ The Mu'tazilis declined and eventually lost all credibility among the Sunnis and assimilated into Shi'a theology around the fifth *hijri* century.⁹⁵

Up until now, we have seen the fundamental role the prophetic *Sunnah* has played in the fostering of initial Islamic legal thought and how approaches towards both became sophisticated due to cross-breeding of ideas through scholarly engagement. The fields of *hadith* and *fiqh* (jurisprudence) are thus interdependent; it is no coincidence that jurists such as Malik ibn Anas and Ahmad ibn Hanbal were the *hadith* giants of their time as well. By the third century, the earlier zeal for *hadith* collection had led to a three-tiered *hadith* criticism method: "demanding a source (*isnad*) ... evaluating the reliability of that source, and ... seeking corroboration for the *hadith*."⁹⁶ The *faqih* (jurist) relied on the authenticity of *hadith*, whether as proven over time in communal practice (like Malik ibn Anas or Abu Hanifa) or through collection and criticism of reports (like al-Shafi'i and Ahmad ibn Hanbal). As such, although *hadith* and *fiqh* eventually developed into distinct disciplines, they share an intimately connected history. Moreover, although the eponyms of legal schools developed their methodologies in their lifetimes, much of the work in terms of transmitting and refining their wealth of knowledge, including the formalization of each as a legal school, took place by their respective circle of students spanning generations, who preserved their teachers' works, produced texts of their own explicating their teachers' approaches, and extended them with new cases, at times adopting strategies from a rival camp. For instance, just as al-Shafi'i had accepted legal reasoning, we see the *Ahl al-Ra'y* integrating *hadith* sciences into jurisprudence in the third century, with the Hanafi jurist al-Thalji (d. 267) grounding his school's legal methodology in *hadith* and recasting legal reasoning accordingly.⁹⁷ In addition, subsequent generations of Hanbali scholars relied more on *qiyas* than their founding father. Individual Maliki jurists were also impacted by al-Shafi'i's methods, whereas Egypt

eventually adopted the Shafi‘i *madhhab*. Al-Shafi‘i’s students spread his ideas far and wide, which led to these convergences across *madhahib*;⁹⁸ the task of scholars became easier with the availability of paper, causing a “knowledge explosion” in third and fourth centuries AH.⁹⁹

The growing dependency on *hadith* led collectors to begin synthesizing reports, thereby initiating the *sahih* (authentic) movement in the third century and the production of definitive volumes of *hadith*. The foremost of these were by al-Bukhari (d. 256) and Muslim (d. 261), followed by their disciples and peers, Ibn Majah (d. 272), Abu Dawud (d. 275), Tirmidhi (d. 278), and Nasa‘i (d. 302), all interacting in the vibrant traditionalist Baghdad scene which also included Shafi‘i scholars along with Ibn Hanbal and his circle.¹⁰⁰ They were motivated by the sentiment that there were now enough authenticated *hadiths* that scholars need not rely on weak ones in determining legal and doctrinal issues.¹⁰¹ Seen initially as deviating from the norm of transmission-based ‘*ulama*, who nonetheless relied on reports with problematic *isnads* to reach legal decisions, the collections of al-Bukhari and Muslim were later studied and promoted by Shafi‘i scholars, eventually leading to their widespread recognition by all the legal schools in the fifth century.¹⁰² This was yet another step in solidifying the elite (*al-khassa*) position of scholars from the masses (*al-‘amma*), for whom their “amateur hadith collection was a means of tying themselves to their Prophet.” With the success of the *sahih* movement, the authenticated compilations superseded personal compendia.¹⁰³

An important consequence of the standardization of *hadith* collections was the resurgence in women scholarship in this arena in the late fourth century.¹⁰⁴ While the early female transmitters “represent the localized reproduction of religious knowledge,” which eventually became obsolete in the zeal for *hadith* collection from all and sundry, the consolidation of *hadith* tradition in written texts gave women a more stabilized environment to contribute to this field once again.¹⁰⁵ Daughters usually learned *hadith* from their mothers, fathers, grandparents, and other family members, including husbands; early examples of fathers teaching their daughters are Sa‘id ibn al-Musayyib’s daughter who learned *hadiths* from him and Malik ibn Anas’s daughter who

memorized *al-Muwatta*; this became increasingly common and contributed to the revival of female scholarship.¹⁰⁶ In Baghdad, Amat al-Wahid (d. 377) memorized the Qur'an, learned Shafi'i fiqh, and narrated from her father while Amat al-Salam (d. 390), under her father's guidance, became a *hadith* scholar.¹⁰⁷ For the most part, women's scholarship was focused on gaining expertise in *hadith*, which they then taught to both male and female students. Karima al-Marwaziyya (d. 463) in Makkah became a celebrated transmitter of *Sahih al-Bukhari*.¹⁰⁸ Fatima al-Juzdaniyya (d. 514) was renowned for her narration of al-Tabarani's (d. 360) collections. Fatima b. Sa'd al-Khayr (d. 600) had the opportunity to learn from al-Juzdaniyya in Isfahan; she later settled in Egypt where there was much proliferation of *hadith* study.¹⁰⁹ In Baghdad, Shuhda al-Katiba (d. 574) and Tajanni al-Wahbaniyya (d. 575) were considered major *hadith* scholars; Shuhda was also a master calligrapher.¹¹⁰ Fatima al-Samarqandiyya (d. 578), on the other hand, was known for her legal acumen; her father, a scholar, married her to his faithful student, al-Kasani (d. 587), who became a famous jurist himself.¹¹¹

The process of transmitting and collecting *hadiths* continued after the *sahih* movement, but during the fifth *hijri* century the *hadith* scholars began accepting the fact that recording *hadiths* in circulation was coming to an end.¹¹² Focus shifted to explication of existing *hadith* collections which led to the development of the *hadith* commentary (*sharh al-hadith*) genre over time. Similar to Qur'anic *tafsir* (see below), the *shuruh* (commentaries) became an interdisciplinary site where the commentator relied on multiple sources of information (lexicology, legal precepts, scriptural verses, rationalist hermeneutics, history, and more) to advance a certain interpretation; at the same time, the *hadith* commentators also deployed more specialized methodologies such as biographies of the transmitters, knowledge of various narrations of the *hadiths*, and analyses of the compilers' editorial choices.¹¹³ Early commentaries addressed popular *hadiths*, obscure vocabulary, problematic *isnad*, and ambiguity in meaning. Examples include al-Khattabi's (d. 388) *shuruh* of *Sunan Abi Dawud* and *Sahih al-Bukhari*; Ibn Abd al-Barr's (d. 463) commentary of Malik's *al-Muwatta*, and al-Mazari's (d. 536) *sharh* of *Sahih Muslim*.¹¹⁴ Subsequent *hadith* commentaries were more encyclopedic, with detailed analyses of

each *hadith* along with explanation of their *isnads* and their organization according to headings. The *sharh* of *Sahih Muslim* by al-Nawawi (d. 676) and the famous commentary of *Sahih al-Bukhari, Fath al-Bari*, by Ibn Hajar al-Asqalani (d. 852) fall in this category.¹¹⁵ Shorter commentaries also appeared and were more accessible for general readers, such as al-Zarkashi's (d. 794) concise *sharh* of *Sahih al-Bukhari* and al-Haytami's (d. 974) commentary of al-Nawawi's renowned forty *hadith* collection.¹¹⁶ Writing commentaries became a hallmark of reputable *hadith* scholars, an undertaking that enabled them to interact with the *hadith* tradition;¹¹⁷ notable *shuruh* in the later period are by Ali Qari (d. 1606) of Makkah, al-Sindi (d. 1728) of Yemen, and the Indian al-Mubarakpuri (d. 1935). Topical *hadith* collections with editorial annotations also became commonplace; for instance, jurists such as al-Ishbili (d. 581), al-Maqdisi (d. 600), and Ibn Daqiq al-Id (d. 702) devoted themselves to examining legal rulings in *hadiths* and discussing them in detail as part of the *ahkam al-hadith* (laws derived from *hadith*) genre.¹¹⁸ *Takhrij* was another genre that appeared in the seventh century AH onwards, which reviewed all the *hadiths* that had appeared in a previous scholarly work and discussed their reliability.¹¹⁹ Scholars who undertook such efforts included al-Mundhiri (d. 656), Ibn al-Mulaqqin (d. 804), Zayn al-Din al-'Iraqi (d. 806), and Shams al-Din al-Sakhawi (d. 902).

The prior acknowledgement of a shared methodology, forming the first principles of *usul al-fiqh*, followed by the approval of a shared body of *hadith*, provided not only a mutually agreed-upon worldview but also a common language across *madhahib* which was then used for inter-*madhhab* debates and polemics,¹²⁰ each school solidifying its identity and entrenching its own positions over centuries.¹²¹ Yet, inter-*madhhab* scholarly engagement did occur and often led to hybridization of ideas and influence, just as it did with the regional centers in the early decades of Islamic scholarship. For example, Sufyan al-Thawri had been educated in Kufa but adopted the exegetical approach of Ibn 'Abbas.¹²² Likewise, al-Hasan al-Basri was influenced by the Madinan Sa'id ibn al-Musayyib.¹²³ We continue to see this intermingling with al-Shafi'i, who started out as a disciple of Malik ibn Anas but later evolved his own intellectual project. At times, the interaction did not necessarily lead to change of

affiliation. Muhammad ibn ‘Abd al-Hakam (d. 268), an Egyptian Maliki, was a student of al-Shafi‘i; despite being influenced by his teacher, he returned to formally practicing Malikism.¹²⁴ On the contrary, al-Buwayti (d. 231) and al-Muzani (d. 264), two key students of al-Shafi‘i, embraced their teacher’s methods and left their earlier respective Maliki and Hanafi associations; in doing so, their particular approach represented the co-mingling of ideas across schools.¹²⁵ The compilers of the *sahih* books were part of the diverse traditionalist network in Baghdad. For instance, both al-Bukhari and Muslim were students of Ibn Hanbal but did not like his flexibility in using weak *hadith* (which he preferred to *qiyas*, such as his traditionalist resolve),¹²⁶ propelling them to identify and collect *sahih hadiths* only, a telling sign of their Shafi‘i teachers’ impression on them. Moreover, al-Tahawi (d. 321), who started out within the Shafi‘i circle, later switched to Hanafism. Incidentally, al-Tahawi’s *al-Aqidah al-Tahawiyah* has become the defining document explicating the basic traditionalist creed, irrespective of one’s *madhhab*; it represents the effects of al-Shafi‘i’s ideas through his heavy reliance on *hadith* as evidentiary support.¹²⁷ Likewise, al-Ash‘ari (d. 324) started out as a disciple of Mu‘tazilis in Basra but eventually abandoned that school in favor of the Sunni worldview; in defending the latter, however, he employed rationalist techniques, thereby founding the Ash‘ari theological school and converging some of the Mu‘tazili ideas as well as certain forms of theological reasoning itself into mainstream Islam (see Section 6).¹²⁸

Section 5: Qur’anic Exegesis

The development of early Qur’anic *tafsir* (exegesis) was an integral part of *hadith* and, hence, orally transmitted.¹²⁹ After all, the Prophet (s) was the very first exegete (*mufasssir*) and his words together with circumstances of revelation (*asbab al-nuzul*) have reached us through reports by his companions.¹³⁰ ‘Abdullah ibn ‘Abbas was considered to be the companion with the foremost knowledge of the Qur’an; as outlined earlier, he, along with ‘Abdullah ibn Mas‘ud and Ubayy ibn Ka‘b, et al., headed the initial regional schools. Despite being in different cities, their views were remarkably similar. This can be seen in their unanimous refusal to

speculate about the *mutashabihat* (ambiguous verses) as well as their *bilakayf* (without asking how) acceptance of God's attributes.¹³¹ These teacher-companions employed their exceptional linguistic skills to explicate Qur'anic Arabic but often consulted other companions about meanings of arcane words.¹³² They greatly influenced the exegetical views of their disciples who continued their work. In addition to lexical explanations, their primary exegetical techniques were *tafsir al-qur'an bil-qur'an* (exegesis of the Qur'an from the Qur'an),¹³³ *bil-sunnah* (from the Prophetic *Sunnah*), and *bi aqwal al-sahabah* (from the sayings of the companions). Early *tafsir* activity was unstructured, partial, and synoptic,¹³⁴ largely for the purposes of instruction in *halaqas* alongside answering people's questions. It stayed this way through the generation of the successors (*tabi'in*). The *tabi' tabi'in* (successors of successors), on the other hand, approached *tafsir* in a holistic manner, encompassing the entire Qur'an according to its chapter arrangement.¹³⁵ The very first scholar to provide a verse-by-verse commentary of the Qur'an was Muqatil ibn Sulayman (d. 150).¹³⁶

The Qur'an was the first book of Islam as well as Arabic literature.¹³⁷ The study of Qur'an, as evident through grammatical terminologies used in the earliest commentaries, led to the creation of the science of grammar.¹³⁸ Caliph 'Ali reportedly assigned his secretary, Abu'l Aswad al-Du'ali (d. 69), to record the basics of Arabic grammar in order to safeguard the language from corruption.¹³⁹ Other grammarians followed, such as 'Abdallah ibn Abi Ishaq (d. 117) and al-Kisa'i (d. 189), primarily in Kufa and Basra, but al-Sibawayhi (d. 180) is credited with writing the ultimate reference book of Arabic grammar in the classical period.¹⁴⁰ The grammarians developed very sophisticated techniques that became vital to the understanding of Qur'an. Lexicology and grammar were so central to early *tafsir* activities that exegeses were often lexical glosses.¹⁴¹ Thus, philology was a crucial hermeneutical tool utilized by classical exegetes. It not only analyzed root words but also placed them in their pre-Islamic historic and linguistic contexts, probing the grammatical structure of verses and comparing usages of the same or similar terms across different verses.¹⁴² Nonetheless, *mufasssirs* skillfully used their linguistic acumen and interdisciplinary sources to bolster the overarching orthodox Qur'anic narrative. As such, exegetes did not deploy linguistic

analysis in an unrestricted way; rather, they tempered it by the larger objective of reinforcing the revelatory sources.¹⁴³

Yet, Qur'an and *hadith* remained interdependent as prophetic reports continued to be employed as an exegetical tool. As such, the *tafsir* efforts of this initial time reflect the overall scholarly milieu as we have seen with *hadith* and *fiqh*, complete with inclusion of forged *hadiths*, lack of *isnad* in reports, unattributed opinions, and the deployment of sectarian and political agendas.¹⁴⁴ Furthermore, the development of *tafsir* was unique because, unlike jurists, exegetes routinely utilized pagan literary references as well as Judeo-Christian anecdotes (*isra'iliyyat*) in explicating Qur'anic verses and themes.¹⁴⁵ This distinguishes the discipline from *fiqh* in an important way: since the Qur'anic content goes far beyond legal or dogmatic issues, exegetes relied on a variety of sources and were far more flexible than their stringent juristic counterparts.¹⁴⁶ It also explains the presence of weak traditions in many *hadith* collections: in matters concerning morality and spirituality, scholars have been quite lenient in accepting reports even though they may have problematic *isnads*.¹⁴⁷

Through *tafsir*, scholars also historicized the Qur'an using the *sirah* of Prophet Muhammad (s). This contextualization not only grounded the text in daily communal Muslim life but also facilitated the deduction of legal and moral guidance.¹⁴⁸ At the same time, some *tafsir* (commentaries), especially those associated with mystical and theological hermeneutics, focused predominantly on symbolic and allegorical interpretations rather than historical readings of the text;¹⁴⁹ this can be seen in the works of the Sufi al-Qushayri (d. 465), the Mu'tazili al-Zamakhshari (d. 538), and the theologian-philosopher Fakhr al-Din al-Razi (d. 606). 'Ulum al-Qur'an distinguishes between the two familiar strands of *tafsir bil-ma'thur* (exegesis based on tradition or *athar*) and *tafsir bil-ra'y* (exegesis based on personal reasoning), the former being the traditionalist Sunni view that values exoteric (apparent) meaning and the latter encompassing theological and other groups that prefer esoteric (metaphorical) interpretation.¹⁵⁰ However, *mufassirs* utilize interdisciplinary resources which are difficult to categorize in such binary classifications. For example, the *tafsir* of al-Tha'labi (d. 425), who hailed from the fourth *hijri* century intellectual center of Nishapur, contains an abundance of pagan

literary references and yet maintains the Sunni worldview.¹⁵¹ In addition, the genealogical tradition is an important feature of Qur'anic exegesis: each new exegete would first cite the interpretations of the previous *mufassirs* and then add his own views. This ensured continuity as well as inclusion of a plurality of interpretations.¹⁵² Hence, al-Qurtubi (d. 671), whose commentary is generally considered to be *tafsir bil-ma'thur*, drew from, among others, al-Zamakhshari, who is usually associated with *tafsir bil-ra'y*.¹⁵³ Therefore, considering the historiography of *tafsir*, these can be simplistic categories that neither fully encompass the rich and genealogical features of *tafsir* nor account for the core mainstream *Sunni tafsir* corpus for the better part of Muslim intellectual history.¹⁵⁴ Other noteworthy *mufassirs* included al-Wahidi (d. 468) of Nishapur, Ibn Attiya (d. 546) of al-Andalus, and the Persian al-Baydawi (d. 685).

Al-Shafi'i's conceptualization that gave prophetic reports a unique authority in law also impacted the exegetes. This is clearly evident in the esteemed *tafsir* of al-Tabari (d. 310), considered a *magnum opus* in its field, who argues along the same lines in his Introduction, which in itself utilizes an authorial voice inaugurated by al-Shafi'i through his theoretical works (compare, for instance, with the lecture notes published by Abu Hanifa's students and Malik's *al-Muwatta* which is simply a compilation of traditions and sayings;¹⁵⁵ earlier Qur'anic commentaries were also published in the form of lecture notes presenting a univocal voice as opposed to the multiple opinions included by al-Tabari).¹⁵⁶ Likewise, following the trajectory of the *hadith* discipline, the fourth century saw a proliferation of *tafasir* grounded in authentic Islamic sources as opposed to pagan references or *isra'iliyyat*. These included the works of the Persian *mufassirs* Ibn Abi Hatim (d. 327), Abu'l Shaykh (d. 369), and Ibn Mardawayh (d. 410). However, with the integration of rational theology into mainstream Islam (see next section), the Sunni establishment embedded theological and literary *tafasir* in *madrassa* curricula rather than these traditionalist ones. For instance, al-Zamakhshari's *tafsir* was part of the standard *madrassa* curriculum for many centuries.¹⁵⁷ Ibn Kathir (d. 774) revived the traditionalist strain when he criticized the inclusion of inauthentic reports and *isra'iliyyat* in Qur'anic commentary;¹⁵⁸ his teachers included al-Fazari (d. 729) and al-Mizzi (d. 742). Significantly, Ibn Kathir was a traditionalist

Shafi'i who came in the wake of the many strides made by *hadith* sciences, culminating in the *sahih* movement and the acceptance of these collections as definitive and permanent. As such, he evaluated the reports in al-Tabari and Ibn Abi Hatim's works according to the *hadith* canon.¹⁵⁹ Al-Suyuti (d. 911) followed suit, centering *isnad*-based *hadiths* in his *tafsir*. Yet, the traditionalist exegetes remained on the periphery of the Sunni establishment until their works were resurrected and reprinted in the twentieth century.¹⁶⁰ Today, Ibn Kathir's *tafsir* is taught in universities as well as seminaries and has become accessible to the public in its abridged form, turning it into a "central text in the Arabic-Islamic world."¹⁶¹

Tafsir, like *sharh al-hadith*, remains a robust field in the present age, but one of the contemporary approaches to *tafsir* has been thematic works that do not focus on the established order of the Qur'an but instead link verses from various sections according to main ideas identified by the writer.¹⁶² In addition, we find original *tafasir* in local languages reflecting indigenous contexts, as opposed to only the proliferation of translated Arabic works which was the norm before.¹⁶³

Section 6: The Synthesis of Rational Theology

The Mu'tazilis continued to teach after the *mihna*. With the emergence of Sunni *mutakallimun*, and despite traditionalist censure, efforts in rationalist theology – finding proofs for universal truths outside of the Qur'an and *Sunnah* in the quest for certitude – kept cropping up. The fact that al-Bukhari believed that *lafz al-Qur'an*, the recitation of the Qur'an, was created goes to show how pervasive *kalam*'s influence had become.¹⁶⁴ However, it was al-Ash'ari's reconciliation of orthodox Islamic concepts with *kalam* – along with the refinement of these ideas over the coming centuries – that brought it into the folds of accepted ideology. Rejecting the createdness of the Qur'an controversially espoused by Mu'tazilis, al-Ash'ari affirmed core traditionalist convictions such as accepting the essential attributes of God as actual, the punishment of the grave, the existence of heaven and hell, and that believers will see God in the hereafter.¹⁶⁵ In giving this priority to revelation, al-Ash'ari nonetheless felt that it was necessary to provide evidentiary proofs and

rational arguments rather than the usual “scriptural attestations” alone.¹⁶⁶ While the Mu‘tazilis were overly focused on God’s transcendence and the traditionalists confined themselves to more apparent interpretations that in their extreme forms verged on anthropomorphism,¹⁶⁷ al-Ash‘ari sought a middle path which was neither excessively allegorical nor literal.¹⁶⁸ In doing so, he shunned any comparisons or similitudes between God and His creation, and instead insisted that it was not possible for humans to understand the true nature of God’s attributes.¹⁶⁹ His students and subsequent generations of scholars, such as al-Baqillani (d. 403) and Abu Ishaq al-Isfarayini (d. 418), took the overall theological framework created by al-Ash‘ari and built upon it, clarifying and extending his arguments. Eventually, the Ash‘ari conception of God became widely accepted among Sunnis, especially among the Malikis and Shafi‘is.

A contemporary of al-Ash‘ari, al-Maturidi (d. 333), was developing his own theological critique of Mu‘tazilis in Samarqand. He was influenced by Abu Hanifa’s opinions that had spread to Central Asia, as well as Murji‘ism, which emerged from the concept of *irja‘*, the deferment of passing judgement on companions involved in the early *fitnas*. By now, it was known more by its transfigured implication, fully embraced by al-Maturidi, that one’s faith and actions were two separate things and the quality of the latter did not determine the sincerity of the former, with faith neither increasing nor decreasing.¹⁷⁰ Here, he diverged from al-Ash‘ari, who asserted that faith consisted of “both beliefs and acts, increasing and decreasing according to the righteousness of the latter”¹⁷¹ (which was also the position of the traditionalists). Therefore, while Ash‘aris maintained the predestinarian view that God is the ultimate creator of all human acts, al-Maturidi asserted that although actions were decreed by God, humans are free to determine their own deeds.¹⁷² Further, al-Maturidi conceded that the essential (e.g., omniscience and power) and the active (e.g., forgiveness and mercy) attributes of God were coeternal, whereas Ash‘aris only accepted the essential as such.¹⁷³ Al-Ash‘ari argued that humans know the difference between good and evil through God’s revelation, whereas al-Maturidi stated that God has endowed humans with the capacity to distinguish between right and wrong through their reasoning guided by revelation. At the same time,

the two theologians shared their zeal for discrediting Mu'tazili ideology and foregrounding revelation as the basis for rational thought. In doing so, they strived to achieve a balance between revelation and reason, which led to the Muslim *ummah* gaining two theological strains that enabled them to counter external criticism in a rational and coherent manner.¹⁷⁴ Al-Maturidi's ideas won support mainly within the Hanafi *madhhab* and gradually spread to much of the Islamic world through Ottoman support. Prominent Maturidi scholars include theologian Abu al-Mu'īn al-Nasafi (d. 508) and Jamal al-Din al-Ghaznawi (d. 593).

Hence, the fourth century AH was marked not only by the crystallization of the four *madhahib* but also the advancement of the theological schools which became embedded in these legal schools. Hanbalis maintained their own staunchly traditionalist brand of theology, which encouraged a simple reading of scripture (both Qur'an and *Sunnah*) and spurned *kalam*. The prestigious al-Azhar University was also founded in this century in Cairo by the Shi'a Fatimids in 360 AH; it was later converted to a Sunni institution by Salahuddin Ayyubi (r. 566-589). A simultaneous current that began to simmer in the Muslim world in third century onwards was *falsafa* (philosophy). While the Mu'tazilis adopted Hellenistic reasoning as a common language with their non-Muslim counterparts, the Muslim philosophers mastered Greek philosophy and endeavored to integrate it with the theocentric worldview of Islam, seeking certitude through demonstrative proofs. Al-Kindi (d. ca. 252), a key figure in Baghdad's nascent House of Wisdom, was responsible for overseeing the translation of Greek works into Arabic. His thinking was greatly shaped by these philosophical treatises and he wrote many texts of his own on a range of subjects; as such, he has been called the father of Arabic philosophy. In an atmosphere heavily influenced by the Mu'tazilis, al-Kindi strived to show the compatibility between theology and philosophy to prove universal truths for the sake of verifying creed. While his intellectual output was later overshadowed by the philosophers al-Farabi (d. 339) and Ibn Sina (d. 428), the "translations produced in the Kindi circle would become standard philosophical texts for centuries to come."¹⁷⁵ Al-Farabi came to be known as the "Second Teacher," after Aristotle,

who was known as the “First Teacher.”¹⁷⁶ Ibn Sina, trained in the Islamic sciences from an early age, has a preeminent position within philosophy as a grand systematizer who is also renowned for his synthesis of rational philosophy and rational theology.

Kalam prior to Ibn Sina was formulated in reaction to Mu‘tazili stances; as such, the theories and arguments developed by Sunni *mutakallimun* had remained generally the same in the intervening centuries.¹⁷⁷ Meanwhile, *falsafa* had been independently evolving from the time of al-Kindi with very little influence on theology.¹⁷⁸ Ibn Sina masterfully fused these two separate strands together so that “post-[Ibn Sinan] *kalam* emerged as a truly Islamic philosophy, a synthesis of [Ibn Sina’s] metaphysics and Muslim doctrine.”¹⁷⁹ The two main contributions of Ibn Sina which highly influenced future theologians were his distinction between existence and essence, along with distinguishing “that which is necessary by virtue of itself..., namely, God,” from “that which is necessary but by virtue of another..., namely, everything other than God (which is deemed to exist necessarily, albeit by virtue of God and not by virtue of itself).”¹⁸⁰ In doing so, Ibn Sina’s conception of God reduced His connection to the world as passive and encompassing only general knowledge. This view yielded a lot of criticism from theologians.¹⁸¹ However, considering that contemporary *kalam* had become inadequate and outdated in the face of the far more sophisticated *falsafa*, theologians in the post-Ibn Sina era had no choice but to tackle the pillar of philosophy erected by Ibn Sina, even as they sought to refute him.¹⁸² In the process, Sunni *mutakallimun* grounded their rational claims using Ibn Sina’s writings, thereby consolidating these ideas in Sunni theology.¹⁸³ The increasing use of logic along with philosophical terms and categories in theological reasoning illuminate the enduring influence of Ibn Sina on Islamic thought, as shown below.¹⁸⁴

Section 7: Reason v. Revelation I

The fifth century saw the rise of al-Ghazali (d. 505), who is commonly known as a *mujaddid* (renewer) of the faith. A student of the famous Shafi‘i and Ash‘ari scholar al-Juwayni (d. 478), al-Ghazali was recruited by Nizam al-Mulk (d. 485), the grand vizier of the Seljuk empire, to

teach in the newly introduced chain of Islamic colleges, al-Nizamiyya, which subscribed to the Shafi'i Ash'ari orientation and, hence, aided in its spread.¹⁸⁵ The first one was established in Baghdad in 457 AH, and al-Ghazali began teaching there in 484 AH. Just as other eminent scholars had done before him, al-Ghazali sought to protect the purity of the *din* (religion, i.e., Islam) from any corrupting forces. Now that theology was in the process of being integrated into mainstream Sunni scholarship, the threat that Sunni orthodoxy faced was the encroachment of *falsafa*.¹⁸⁶ An important point to note is that al-Ghazali was not so much opposed to philosophy itself but rather the distortion of core Islamic concepts by Muslim philosophers such as al-Farabi and Ibn Sina.¹⁸⁷ In his *Incoherence of the Philosophers*, he highlighted three conclusions which he deemed to be theologically fallacious and, hence, constituted unbelief (*kufr*): their assertion that the universe is coeternal with God, the denial of bodily resurrection, and the declaration that God only has knowledge of universals, not particulars.¹⁸⁸ As for their other claims, some he deemed *bid'a* (innovative) and others as tolerable. In doing so, al-Ghazali himself displayed remarkable command of logic and philosophy, deconstructing and critiquing *falsafa* with skill and mastery. At the same time, he sought to resolve the tension between reason and revelation by proposing that those verses that cannot be rationally explained be interpreted in a figurative manner (*ta'wil*). For instance, he explained, since there are "valid demonstrative arguments proving that God cannot have a 'hand' or sit on a 'throne,'" these should be read symbolically.¹⁸⁹ This resolution, known and elaborated as the universal rule, preferred reason over revelation; it came to be widely accepted by Muslim theologians and became the standard Ash'ari position.¹⁹⁰

While al-Ghazali is often blamed for the decline of philosophy in the Muslim world in modern times, he in fact introduced Aristotelian logic – via Ibn Sina's writings – in theological discourse so much so that it became a permanent feature of subsequent literature.¹⁹¹ As such, rather than banishing philosophy completely, it became repurposed, adapted into *kalam*, and accepted accordingly within mainstream Islamic thought; this can be seen most clearly in the scholarship of al-Razi a century after al-Ghazali.¹⁹² Further, Ibn Rushd (d. 520), one of the greatest

Muslim philosophers who hailed from Muslim Spain, followed al-Ghazali with a critical response, *Incoherence of the Incoherence*. Although *falsafa* proper, like Mu‘tazili theology, found better reception among the Shi‘a and thrived there, it did not entirely disappear among the Sunnis, as evident in the scholarship of the Andalusians, Ibn Bajja (d. 533) and Ibn Tufayl (d. 581), as well as the Persian Suhrawardi (d. 587), and the Ottoman Anqarawi (d. 1631).¹⁹³ The increasingly diverse and religiously pluralistic world of al-Ghazali is reflected in another important text he wrote, which explained how to reconcile the numerous strains within the Muslim *ummah*, including the various *madhahib* and theological schools, not to mention other strands such as *falsafa*, *tasawwuf* (Sufism), and Shi‘a sects. In order to forge unity and discourage the hasty charge of *kufir*, he emphasized the commonality around basic beliefs, i.e., testifying to the oneness of God, the prophethood of Muhammad (s), and existence of the Day of Judgement, while also underscoring the importance of affirming what has been established through *tawatur* (massive transmissions)¹⁹⁴ or *ijma‘* (consensus) of the Prophetic *Sunnah*. If someone contradicts any of these, then they may be denounced as an unbeliever (*kafir*) – because essentially they are saying that the Prophet (s) lied, which is tantamount to blasphemy.¹⁹⁵ In doing so, he created expansive boundaries for multiplicity in interpretation and approach, protected under the umbrella of religious tolerance.

Despite vigorously defending Islam through his academic work, his many accomplishments, and his constant efforts in validating creed through theological reasoning, al-Ghazali experienced a crisis of faith in 488 AH. He abruptly left his teaching position along with its accompanying pomp and prestige, choosing the minimalistic life of an ascetic instead.¹⁹⁶ Having gained proficiency in a host of Islamic sciences, al-Ghazali grasped that theological erudition was not sufficient in and of itself in gaining redemption in the hereafter; he felt closest to achieving this goal and sensing certitude when he was among the spiritually-fulfilling milieu of the mystics.¹⁹⁷ During this time, he wrote *Revival of the Religious Sciences (Ihya’ ‘Ulum al-Din)* in which he made a persuasive case for infusing *tasawwuf* into theology. Preoccupied with salvation in the afterlife, al-Ghazali criticized the worldly environment of ‘*ulama* who

are beholden to the court and sought to ground Islamic practice, both scholarly as well as individual, in the “living presence of God.”¹⁹⁸ In order to do so, he integrated the otherwise parallel world of Sufism into Islamic orthodoxy by emphasizing that “a life according to the Shari’a was the necessary basis of the sufistic life,”¹⁹⁹ thereby arguing that it was at the heart of religious sciences, not external to them. As such, he declared that *tasawwuf* was a necessary component to be internalized by every Muslim individual, not something to be undertaken by a select few.²⁰⁰ He was finally persuaded to return to academia and spent his last years teaching at al-Nizamiyya in Nishapur, which incidentally was where he had received his initial education.

Section 8: *Tasawwuf*

Original traces of what eventually morphed into the Sufi movement, as mentioned at the beginning of this article, were present in Basra in the austere and spiritually devoted figure of al-Hasan al-Basri, whose teachings impacted generations of students. The designation of “sufi” (from *suf*, Arabic for wool) was applied in the second century AH to self-abnegating individuals who wore wool to signify their renunciation of the world. The initial manifestation of this worldview was expressed in a variety of social and spiritual ways by numerous pious people united in their aversion of material pursuits.²⁰¹ Inward-looking, focused on self-control, and driven to attain closeness to God, they eventually emerged as a unified group in Baghdad in the second half of the third century AH, with Junayd al-Baghdadi (d. 298) being a renowned member; eventually, the term Sufi came to represent a distinctive mode of piety as embodied by these mystics.²⁰² There were other regional Sufi circles in various parts of the Muslim world, including Iran, Central Asia, as well as Syria, and while differing in practice, they shared a general affinity due to their ascetic lifestyles.²⁰³ They were on a path (*tariq*), marked by stations (*maqamat*; sing. *maqam*), leading to annihilation of the self and attainment of certain knowledge of God. Those that reached this outcome were among the spiritual elect (*wali*, pl. *awliya*), the masters, among the *khassa*. As in other Islamic disciplines, disciples spread and recorded their master’s teachings and

biographies, analyzing and extending their scholarship.²⁰⁴ Students also sought out multiple teachers, as with *hadith* and jurisprudence.²⁰⁵

Within Sufism, there has always existed an extremist fringe that exhibited antinomian qualities.²⁰⁶ These figures, such as Bayazid (d. 234) and al-Hallaj (d. 309), have considered themselves above and beyond established traditions, indulging in questionable acts and declarations that triggered criticism from not only the mainstream scholarly class but also fellow Sufis, the majority of whom continued to ground their spiritual endeavors in the Shari‘ah.²⁰⁷ In fact, many strong critics of Sufism, including Ibn al-Jawzi (d. 597) and Ibn Taymiyya (d. 728), were themselves Sufis who only denounced its radical elements.²⁰⁸ As a result, there was an urgency to delineate “normative” Sufi practices and thus formed two orientations, the traditionalist and the academic; as was typically the case in other Islamic fields, the latter embraced rational theology whereas the former rejected it.²⁰⁹ Exemplars of traditionalist Sufis were Abu Talib al-Makki (d. 386), Abu Nu‘aym al-Isfahani (d. 430), and ‘Abd Allah al-Ansari (d. 481). Their rationalist counterparts were al-Sarraj (d. 378), al-Sulami (d. 412), and al-Qushayri. Al-Qushayri was the star student of al-Hasan ibn ‘Ali al-Daqqaq (d. 405); al-Daqqaq wedded his daughter, Fatima bint al-Hasan (d. 480), a Nishapuri *hadith* scholar and an ascetic, to al-Qushayri, who became a known Ash‘ari²¹⁰ whose books and *tafsir* helped crystalize the theological synthesis of Sufism.²¹¹ Several famed scholars emerged from this family in the many generations after Fatima. These included the historian al-Farisi (d. 529) along with the *hadith* scholars Amat al-Qahir Jawhar (d. 530) and Amat Allah Jalila (d. 541).²¹² They represent the kinship networks among ‘ulama families which became customary across the Muslim world.²¹³ This Shafi‘i-Ash‘ari-Sufi current of Nishapur is also connected to al-Ghazali’s transformation. Al-Ghazali was familiar with Sufism from his earliest studies in Nishapur, because he had many teachers who were sympathetic to Sufism. It is possible that when he became more interested in theology and philosophy, he may have neglected *tasawwuf*. However, when theology and philosophy proved inadequate for him, he turned to mysticism and returned to Nishapur.²¹⁴ In turn, the theology-minded Sufis’ efforts were complemented by al-Ghazali’s aims to generalize Sufism and led to a

cross-fertilization that helped promote Sufi teachings and infused them into the lives of ordinary people.²¹⁵

Beyond theoretical endeavors, Sufis increasingly started forming spiritual lineages and strengthened the master-disciple relationship centered on training, with the focus shifting to having a single master during the seventh and eighth centuries.²¹⁶ Some of the major figures which became eponyms of later Sufi orders (*tariqas*) were ‘Abd al-Qadir al-Jilani (d. 561), Mu‘in al-Din Chishti (d. 633), and Baha’ al-Din Naqshband (d. 791). This formalization of Sufism resulted in the Sufi lodge growing into an enduring institution and the flourishing of *tariqas*, exemplified by practices such as *dhikr* (remembrance of God through invocation), *wird* (litany), simple living, and seclusion.²¹⁷ The captivating influence of Sufi masters, however, came hand-in-hand with royal favor and the dependency on “worldly networks of clients and institutions of patronage.”²¹⁸ This paradox of worldliness in the aftermath of Sufism’s institutionalization prompted a counter-culture of traveling *derwishes* (mendicants), such as the Qalandariyah, who refused to conform to any conventions and carried much influence in the countryside, where they were frequently the major source of Islamic knowledge.²¹⁹ Their plain-spoken message of piety and poverty attracted a devout following, despite their often eccentric appearances and practices.²²⁰ Together, these developments coincided with the rise in popular fervor around sainthood, although not every Sufi master-trainer or *derwish* captured such attention.²²¹ Nonetheless, people were drawn to the *awliya’* and celebrated them by building elaborate tomb-shrines, hoping for their intercession; these customs, fueled by devotees, spread Sufi ideas into every sphere of society, taking a life of their own, often in contradiction to more formal Sufi traditions.²²²

Sufism’s spiritual zeal was also adapted into philosophy, most prominently represented by the intellectual Ibn al-‘Arabi (d. 638) and his followers, such as al-Qunawi (d. 673) and al-Qaysari (d. 751). As a matter of fact, Ibn al-‘Arabi persistently disavowed the philosophers’ claim that reason is the apex of all knowledge, even as he acknowledged the importance of logic and its benefits. Instead, he advocated for “direct divine ‘revelation’”²²³ – referred to as *kashf* (unveiling), *fath* (opening), *tajalli* (manifestation), etc. – which alone could yield truly “worthwhile knowledge, consisting

of metaphysical insights and ... the knowledge of God.” He believed that only a select few could reach this level of *maʿrifa* (gnosis), and considered himself to be one of them.²²⁴ In explicating his theories, Ibn al-ʿArabi linked Qurʿan, *hadith*, and practice of the faith with a “comprehensive metaphysical and cosmological vision.”²²⁵ Clearly influenced by al-Ghazali (and unconsciously borrowing from Ibn Sina²²⁶), his constant reference to *falsafa* was indicative of the intellectual culture of his time,²²⁷ causing him to adopt a metaphysical vocabulary that actually gave generations of disciples the tools to “bring Sufism closer to the discourse of *falsafah*.”²²⁸ Ibn al-ʿArabi was born in al-Andalus, studied the Islamic sciences with several teachers, traveled widely, and later settled in Damascus. He had a great influence among the Ottomans, where commentaries on his works at one point were adopted as *madrasa* textbooks and his controversial doctrine of *wahdat al-wujud* (oneness of being)²²⁹ became the central Ottoman Sufi tenet from the 8th century AH onwards.²³⁰ Scholars, including Sufis, have critiqued this doctrine for erasing the creator-creature division, thus promoting antinomian qualities as well as undermining religious law.²³¹ The development of the Sufi-philosophical ideas is illustrative of yet another post-Ibn Sinan phenomenon where subsequent scholars – whether philosophers, *mutakallimun*, or Sufi – employed Ibn Sina’s conceptual and linguistic framework to “assemble their own metaphysical systems.”²³² These sophisticated and technical epistemologies eventually merged with Shiʿa scholarship, where philosophy came to be known as *hikmat*.²³³

Section 9: Reason v. Revelation II

From the seventh century AH onwards till the modern times, certain Sunni systems became embedded in the Middle East and South Asia. Calling it the Late Sunni Tradition, Brown explains, “A Muslim scholar ... would loyally follow one of the established schools of law, one of the established schools of speculative theology, and participate in one or more Sufi brotherhoods.”²³⁴ This period is also known for the leniency of *hadith* scholars in authenticating many *hadiths* that were previously considered problematic. To their credit, they had a lot more narrations at their disposal than al-Bukhari and Muslim, for example; however, many *hadith* critics, including the Syrian al-Nawawi,

the compiler of *Riyad as-Salihin* (*The Gardens of the Righteous*), cited Ibn Hanbal's precedence in utilizing weak *hadiths* in matters not related to the prohibition or permissibility of an act. Hence, so long as they could prove that a *hadith* was not forged, it became admissible.²³⁵ At the same time, *hadith* scholars such as the Kurdish Ibn al-Salah (d. 643) emphasized that *isnad* was not the only way to ensure reliable transmission through the centuries; in fact, there was a need to meticulously collate all existing manuscripts of an extant work to establish reliability.²³⁶ As a result, the Syrian al-Yunini (d. 701) and later the Egyptian Ibn Hajar al-^cAsqalani produced critical recensions of al-Bukhari's *Sahih*.²³⁷ During this time, women thrived in *hadith* scholarship and benefited yet again from the stability of traditionalism.²³⁸ With the widespread acceptance of written transmissions (*ijzas*) and the proliferation of elite 'ulama' families, women's endeavors flourished during the sixth to the ninth centuries AH.²³⁹ Often, women learned in informal settings, away from the more standardized *madrasas*, giving them the flexibility not only to obtain *ijzas* but also grant them.²⁴⁰ In Damascus, renowned female scholars included Fatima bint 'Abbas (d. 714), Sitt al-Wuzara' (d. 716), Zaynab bint al-Kamal (d. 740), 'A'isha bint Muhammad (d. 816), and Bai Khatun (d. 864). Zaynab reportedly gave an *ijza* to Ibn Battuta (d. 779).²⁴¹

The seventh to eighth century AH also witnessed the revival of Ibn Hanbal's staunch traditionalism in the formidable appearance of Ibn Taymiyya, who singlehandedly revived the debate over reason and revelation, taking on the Shafi'i Ash'ari elites in Damascus, which attracted a medley of scholars after the tragic fall of Baghdad²⁴² in 656 AH.²⁴³ Just as al-Ghazali learned philosophy *par excellence* in order to undermine its erroneous conclusions, Ibn Taymiyya acquired an expertise in *kalam* in an effort to invalidate it; like his predecessor Ibn Hazm (d. 456), Ibn Taymiyya fiercely criticized the theological and philosophical bent of Islamic scholarship.²⁴⁴ Note that the Hanbali Ibn Taymiyya did not reject *kalam* itself,²⁴⁵ like al-Ghazali did not oppose philosophy as a science. Therefore, just as al-Ghazali's writing ended up incorporating *falsafa*, Ibn Taymiyya too adopted a theological style in his output, with his brand of *kalam* known as "Qur'anic rational theology ... based more squarely on the revealed texts while nevertheless fully engaging the philosophical tradition."²⁴⁶ In doing so, Ibn Taymiyya did not reject reason altogether in

favor of revelation; instead, he contextualized reason in light of revelation, demonstrating that “sound reason and authentic revelation never come into actual conflict.”²⁴⁷ In the process, he showed that the very concept of reason, as employed by both theologians and philosophers, is flawed. He was also keenly aware that the rationalized version of God was so abstract and remote that it made it difficult for one to love God and be in awe of Him in order to fully worship and obey Him, something which he sought to rectify. Unlike the theologians/philosophers who endorsed reason without qualification, and al-Ghazali who found it lacking certainty in his quest for knowing the truth,²⁴⁸ Ibn Taymiyya presented reason as natural intellect which upholds revelation, thereby resolving the tension between reason and revelation along with refuting the universal rule articulated by al-Ghazali and explicated by al-Razi.²⁴⁹ For instance, he took contemporary theologians to task for divorcing language from its intended context by translating *ta’wil* as figurative interpretation, when the *Salaf* – the first three generations of Muslims²⁵⁰ – only used it as *tafsir* or knowledge solely possessed by God. By foregrounding the *Salaf*, Ibn Taymiyya invoked them as authoritative figures and the most important referents for understanding the depth of revelation.²⁵¹ Employing philosophical and theological arguments, he called for a return to the primary sources of the Shari’ah (*Qur’an*, *Sunnah*, consensus, and analogy), just as al-Shafi’i and Ibn Hanbal had before him. Ibn Taymiyya castigated the scholarly elitism (*al-khassa*) of Damascus, investing in more egalitarian interpretations that would be particularly attractive to later Salafis.

Although Ibn Taymiyya has often been depicted as a dogmatic literalist, he actually displayed exceptional skill in engaging with both rationalist positions and the intellectual tradition, something which scholars are beginning to acknowledge.²⁵² Yet, unlike al-Ghazali, Ibn Taymiyya did not impact much change until his works, like Ibn Kathir’s *tafsir*, were revived in the modern age and gained currency due to his centering of the *Qur’an*, the Prophetic *Sunnah*, and the *Salaf*. In fact, reminiscent of the persecution endured by Ibn Hanbal, Ibn Taymiyya too paid the price of his strident views by being imprisoned multiple times, ultimately dying in his jail cell.²⁵³ Ibn Qayyim al-Jawziyya (d. 751) was his foremost disciple and remained faithful to him. Their contemporaries in Damascus included the Shafi’i

Ash'aris Taqi al-Din al-Subki (d. 756) and his son Taj al-Din al-Subki (d. 771), who held powerful positions as Chief Judges, as well as the Shafi'i traditionalists al-Dhahabi (d. 748), a *hadith* critic, and Ibn Taymiyya's student, Ibn Kathir.²⁵⁴ Despite the persistent existence of a traditionalist strain, Ash'ari and Maturidi theological schools continued to flourish, as apparent in the works of the Persians al-Taftazani (d. 794) and al-Jurjani (d. 817) and their influence on Ottoman '*ulama*.²⁵⁵ The exceptional Ibn Khaldun (d. 808), a social historian and philosopher of history who was born in Tunis, also contributed to theological scholarship. A Maliki Ash'ari, he cautioned against the liberal use of reason, reminding his peers that to recognize the limits of reason does not negate it.²⁵⁶ He advocated logical techniques for the sake of attaining clarity but maintained that reason alone cannot unveil universal truths which can only be accessed through religion. Hence, he recommended that reason be used in conjunction with "religious knowledge, and most importantly that it be employed critically."²⁵⁷

Another Maliki, al-Shatibi (d. 790), censured both the extreme strictness of the Sufis and the indulgent leniency of his fellow jurists in Andalus, calling people to follow the middle path as practiced by the Prophet (s) and his companions. Reacting to the entrenched elitism of both the Sufis and the *fuyaha*, he highlighted the simple nature of revelation which had come to an unlettered people, thereby rejecting the interpolation of complex sciences such as theology and philosophy; instead, he emphasized that law must be explained in a way which makes it easier for ordinary people (*al-'amma*) to fulfill their daily obligations.²⁵⁸ In order to do so, he clarified that the Shari'ah must be implemented keeping in mind the higher objectives (*maqasid al-Shari'ah*) – the protections of faith, life, progeny, property, and intellect – that underpin its execution on moral foundations.²⁵⁹ At the same time, he cautioned that while Shari'ah is meant to benefit people, it must be determined as intended by God through revelation and not become subservient to the whims of humans.²⁶⁰

Section 10: Regional Linkages

In the eighth century AH and onward, the Ottoman Empire, which had embraced the Hanafi *madhhab* together with Maturidi theology, became

the site of various scholarly conflicts reflective of the larger *ummah*. This included the widespread recognition and integration of theology and logic, as displayed in the lasting influence of al-Sanusi (d. 895), with a minority scholarly population, such as al-Yusi (d. 1691), maintaining a sustained vociferous objection to such ideologies. In addition, Sufi beliefs and practices were woven into the very fabric of Ottoman life.²⁶¹ Scholarly engagement throughout cities in the Ottoman Empire, as in previous times, enabled '*ulama*' to interact and learn from one another, their shared Arabic language facilitating dialogue.²⁶² Turkish was written using the Arabic script from the tenth through the early 20th century CE at which time it was replaced with Latin alphabets. Prominent scholars included the Turkish al-Bursevi, aka Hocazade (d. 893), Kemalpaşazade (d. 942), Abu l-Su'ud Effendi (d. 982), Tashkubrizade (d. 968), Katib Çelebi (d. 1657), and Minkarizade (d. 1677), as well as the Yemeni Aydarusi (d. 1627), Khayr al-Din (d. 1671) of Ramla, al-Nabulsi (d. 1731) of Damascus, and the Bosnian Mehmed Refik Hadžiabdić (d. 1872). The efforts of the Kurdish al-Kurani (d. 1690) in obtaining the works of Ibn Taymiyya and Ibn Jawziyya as well as his subsequent commentary were crucial in rehabilitating the image of Ibn Taymiyya in modern Islamic thought.²⁶³ Across the Ottoman Muslim world, women continued to engage in Islamic scholarship with a wider interest in the various sciences.²⁶⁴ While Umm al-Khayr Amat al-Khaliq (d. 902) al-Dimashqiyyah and Umm al-Hana bint Muhammad al-Misriyyah (d. 911) were renowned *hadith* scholars, others went beyond *hadith* studies. For example, Asma' bint Kamal al-Din (d. 904) of Zabid and 'A'isha al-Ba'uniyya (d. 922), who was born in Damascus, excelled in Qur'an, *hadith*, and law; Fatima bint Yusuf (d. 925), who settled in Makkah and died there, was known for her asceticism; Khadija bint Muhammad (d. 930) of Aleppo was learned in *fiqh*; Fatima bint Abd al-Qadir (d. 966) of Aleppo was the *shaykha* of two Sufi institutions, and Zaynab bint Muhammad (d. 980), born in Damascus, extended her *hadith* expertise to calligraphy.²⁶⁵

Arabic also provided important regional linkages between Muslims of East and West Africa with the rest of the Islamic world. Through trade and intellectual exchanges, sub-Saharan Africa became integrated with the rest of the *ummah*. Arabic-speakers were present in West Africa as

early as the 11th century CE and the Arabic language gradually became “central to the social and intellectual life of Muslim communities,” so much so that later military expeditions spearheaded by scholars resulted in the establishing of states where Arabic would be the language of administration and instruction.²⁶⁶ Many of the major Islamic works could be found in West Africa where scholars also generated commentaries based on their own contexts, both in Arabic and in *Ajami* (local languages using an Arabic script).²⁶⁷ Known as *Bilad al-Sudan*, Land of the Blacks, the Maliki *madhhab* proliferated there. In addition to legal opinions, *ijazas*, and commentaries, West African scholars produced devotional, polemical, and political writings.²⁶⁸ Sufism continues to dominate in the region despite recent challenges from Salafis (see next section). Prominent West African scholars include Ahmad Baba al-Timbukti (d. 1627), ‘Uthman dan Fodio (d. 1817), al-Kanimi (d. 1837), Umar Tall (d. 1864), al-Shinqiti (d. 1913) of present-day Mauritania, Ahmad Bamba (d. 1927), and Ibrahim Niassé (d. 1975) of Senegal. Female ‘*alimas* and *muqaddamas* (spiritual guides) were Maryam Nafisa bint Ahmad Mahmud (d. 1954), Fatimatu bint al-Sarri Muhammadi (d. 1958), Safiya bint al-Bah (d. 1974), Hajiya Saudatu (d. 1976), Hajiya Iya (d. 1986), and Aminatu bint ‘Abdallahi (d. 1997).²⁶⁹ East Africa, where the Shafi‘i *madhhab* along with Sufism gained currency, was greatly influenced by Yemen and the Hadramawt along with interaction with Persia as well as Oman.²⁷⁰ Harar, for instance, has 356 saints, 10 percent of whom are female.²⁷¹ Due to commercial ties, Islam spread as early as the eighth century CE on the East African coast but made its mark inland as late as the 19th century.²⁷² The union of male Muslim traders with local women resulted in the emergence of a “Swahili society, a culture both African and Islamic.”²⁷³ Kiswahili was also written in the Arabic script until colonial times. In the modern period, the region’s Sufi traditions have come under attack with the increasingly political Salafi opposition.²⁷⁴ Key East African figures include Ahmad ibn Ibrahim of Harar (d. 949), Muhammad Mar’uf ibn Ahmad (d. 1905), Uways al-Barawi (d. 1909), and Al Amin ibn Ali al-Mazrui from Mombasa (d. 1947).

Similar to the spread of Islam in sub-Saharan Africa, commercial activity first introduced Islam to Southeast Asia in the 11th century

CE.²⁷⁵ Muslim traders came from the Middle East, southern Arabia (Hadramawt), India, and China; some eventually married local women and settled in the Malay archipelago.²⁷⁶ The local populations found Sufi ideas and practices appealing which aided their amenability to accepting the faith;²⁷⁷ ultimately, they adopted the Shafi‘i Ash‘ari orientation with a strong Sufi tendency.²⁷⁸ The Arabic script was also embraced for Malay, known as *Jawi*, and served as a unifying language across the archipelago; it became the standard Malay language until the 20th century and propelled the advent of a vibrant literary and religious written culture.²⁷⁹ During colonial times, *Jawi* was mostly relegated to the religious education sphere. In Malaysia, the Latin script was adopted in order to be inclusive of its diverse population; however, *Jawi* continues to be one of the official languages in Brunei.²⁸⁰ Engagement with the Islamic centers of learning across the world enabled scholarly interaction, flow of books, and exchange of ideas.²⁸¹ Many Southeast Asian students, also known as *Jawi* in the Arab lands, went to study Islam abroad and returned to the Malay archipelago to teach and undertake religious duties; some chose to relocate to the Middle East.²⁸² *Hajj* provided a crucial platform for scholarly encounters and propagation of knowledge both for sub-Saharan African and Southeast Asian Muslims, as well as for scholars and students from other parts of the Muslim world. Countering narratives of unidirectionality and peripheral existence, as with West Africa, scholars emphasize “multidirectional flow of ideas” between the Malay archipelago and the rest of the *ummah*.²⁸³ Some of the renowned scholars hailing from various parts of Southeast Asia were Abdurrauf Singkel of Sumatra (d. 1693), Muhammad Arshad al-Banjari (d. 1812), Dawud al-Fattani (d. 1847), Ahmad Khatib of Minangkabau (d. 1916), Tok Kenali (d. 1933), Hamka (d. 1981), and Harun Nasution (d. 1998). Many queens ruled Southeast Asia at different junctures and advanced the spread of Islam while also sponsoring religious scholarship. Examples include Taj al-‘Alam Safiyyat al-Din Syah (d. 1675) and Sultana Zakiyat al-Din Syah (d. 1688) of Aceh. As wives of rulers, pious women such as Ratu Pakubuwana (d. 1732) and Ratu Ageng (d. 1803) of Java also patronized religious learning and created spaces where devotional practice could take place.²⁸⁴

China's Muslim Hui community has been an integral part of its history since the arrival of merchants from the Islamic world around the 14th century CE. Hu Dengzhou (d. 1597) traveled to Islamic hubs of learning in Central Asia and Makkah to gain knowledge which he disseminated to the local population after his return; he brought crucial religious texts with him which enabled him to create a systematized program known as scripture hall education.²⁸⁵ Soon, the *Han Kitab* genre flourished which brought a comingling of Islamic and Chinese literary traditions; these were Chinese-language Islamic texts that made "advanced Islamic teaching accessible to the highly Sinicized Muslims of Southeast China" and became a hallmark of local religious education.²⁸⁶ Wang Daiyu (d. 1650) and Liu Zhi (d. 1724), both from Nanjing, along with Yunnan's Ma Zhu (d. 1711) epitomized the thriving Han Kitab literature. Yunnan's Ma Dexin (d. 1874) and Ma Lianyuan (d. 1903) represent a shift toward the writing of Arabic and Persian texts.²⁸⁷ Muslim women initiated schools for fellow women which have later emerged as female-run mosques that are also devoted to community service.²⁸⁸ As in other places, *Hajj* embodied both spiritual and communal significance for Sino-Muslims, giving them an opportunity to interact with the scholarly networks both during their travel as well as in Makkah and Madina.²⁸⁹

Islam has been vibrant for centuries in modern-day Xinjiang where it has sustained the Uyghurs, a Turkic people that identify more with their Central Asian counterparts than China which annexed it in 1884; regionally, various dialects of *Turki*, which uses an Arabic script, are still spoken and are mutually understandable. The Naqshabandi Sufi order has been quite popular among the Uyghurs whose mystic orientation has been captured by the *tazkirah* genre of writing.²⁹⁰ Saint veneration at shrines, located generally in remote areas, has been a common form of piety although there have been reform efforts of such practices in modern times due to Salafi influences.²⁹¹ Arshad al-Din (d. 766) and Afaq Khoja (d. 1694) are two historical figures that have gained sainthood over time. The Chechen Kunta-Hajji (d. 1867) and the Daghestani al-Ghazi Ghumuqi (d. 1869) were Qadiriyya and Naqshbandiyya-Khalidiyya Sufi masters, respectively, in these Muslim-majority areas of the North Caucasus where Sufism also held sway.²⁹² Despite their resistance,

both Chechnya and Daghestan eventually became republics of Russia. Within the Russian empire, the published works of the Hanafi Maturidi al-Marjani (d. 1889) of present-day Tatarstan represent the grappling of social realities via theological discourse during the nineteenth century.²⁹³ Azerbaijan, which has a majority Shi'a population, also endured Russian rule and restrictions on the practice of Islam but became independent in the 20th century. The sixth Shaykh al-Islam of the Caucasus, Muhammad Hasan Shakavi (d. 1932), has written a commentary of the Qur'an in Azeri.

Section 11: Reform and Revival

The period since the 18th century CE (approximately the 12th century AH onwards) was marked by reform and revival movements which emerged in West Africa, Central Arabia, and South Asia in the face of modernization and colonization.²⁹⁴ Early revivalist scholars were Shah Wali Allah (d. 1762) in India, al-San'ani (d. 1768) in Yemen, Ibn 'Abd al-Wahhab (d. 1792) in the Hijaz, and 'Uthman dan Fodio in modern-day Nigeria. Dan Fodio was also a revolutionary military leader of the expansionist Sokoto Caliphate. As the Ottoman and Mughal Empires slowly imploded and then quickly disintegrated, scholars scrambled to make sense of this rapid decline of the Muslim *ummah*.²⁹⁵ In doing so, they also had to contend with Orientalists who were keen to school Muslims about Islam and its history.²⁹⁶ Then, too, the ever growing influence of Western colonial education disrupted both the financial backing and prestige of Islamic institutions, with graduates and scholars suddenly facing a changed landscape where neither their expertise held any value nor the languages they had mastered.²⁹⁷ This precarious environment led scholars to hold on to the *madhahib* in an "uncompromising and uncritical manner."²⁹⁸ The increasing focus on theology and Sufism since the postclassical period resulted in scholarly engagement with recent texts in the form of commentaries and glosses, leading to the wide usage of a curriculum that was no longer in touch with classical works.²⁹⁹ Interestingly, the written culture had taken on such a life – as feared by the prescient Ibn Hanbal³⁰⁰ – that layers upon layers of authorial scholarly voices had created a distance from the classical '*ulama*' and their groundbreaking

works. This, combined with the European zeal for obtaining ancient Islamic texts (whether through looting or buying) caused a decrease in availability of classical books as well as their neglect.³⁰¹ A significant component of the reform and revival movement was the identification and recension of early manuscripts by committed bibliophiles, editors, and publishers.³⁰² Influenced by scholars such as al-Shawkani (d. 1834), al-Attar (d. 1835), Siddiq Hasan Khan (d. 1890), and al-Ta'wil (d. 1899), who emphasized the importance of the classical period, reformers such as Rifa' al-Tahtawi (d. 1873), Muhammad 'Abduh (d. 1905), al-Husayni (d. 1914), al-Jaza'iri (d. 1920), Ahmad Zaki (d. 1934), Rashid Rida (d. 1935), and Ahmad Shakir (d. 1958) devoted themselves to locating, authenticating, editing, and financing the printing of such works as Ibn Khaldun's *al-Muqaddima*, al-Shafi'i's *Umm*, al-Tabari's Qur'anic commentary, Ibn Taymiyya's numerous works, and Ibn Kathir's *tafsir*, among others.³⁰³

The rise of print media and the decline of traditional Islamic learning made scholarly works not only easily available to people beyond the 'ulama', but also provided an opportunity for intellectuals and autodidacts to analyze them and reach their own conclusions without the time-honored teacher-student training based on *isnad*.³⁰⁴ Critiquing the entrenched ideologies constitutive of the postclassical period as *taqlid* (blind following),³⁰⁵ which in their opinion had led to stagnation, reformers and activists demanded a return to these original texts in order to emerge out of the current malaise.³⁰⁶ They saw this textual corpus as a "reservoir of intellectual and ethical resources necessary for the development of Muslim societies" which "could be harnessed to combat the backwardness and superstition that early twentieth century reformers saw in the postclassical tradition" even as "it offered a vantage point from which to engage with Western thought and its political and cultural hegemony without losing one's identity."³⁰⁷ As such, the reform and revival movements formed in conversation with both the indigenous Islamic heritage and the Western gaze Muslims apprehensively grappled with in modern times. They were largely motivated by a quest to undermine the postclassical tradition, seeking to disrupt the hierarchy of classical and postclassical scholars (*al-khassa*) with a more egalitarian view of Islam that equally privileged themselves.³⁰⁸

While Khayr al-Din al-Tunisi (d. 1890) focused on political reform, the works of Jamal al-din al-Afghani (d. 1897), al-Kawakibi (d. 1902) in Syria, Muhammad Iqbal (d. 1938) in India, and Hasan al-Banna (d. 1949) in Egypt criticized Western encroachment and called for the unification of Muslims. Further, Sayyid Qutb (d. 1966), Mawdudi (d. 1979), and Muhammad Asad (d. 1992) challenged Western notions of modernity and development, especially as adopted by Muslim regimes, and advanced alternate models grounded in Islam.³⁰⁹ At times, scholars were at loggerheads over different conceptions of reform. For instance, in India, the reformist ideologies of Shah Muhammad Isma‘il (d. 1831) and Fazl-i Haqq Khayrabadi (d. 1861), the respective scholars who inspired the later Deobandi and Barelwi schools, fiercely clashed even though each sought to safeguard the faith from the colonial threat and to define what it meant to be truly Muslim in the modern context.³¹⁰ Likewise with the Barelwi Ahmad Raza Khan (d. 1921) and the Deobandi Ashraf Ali Thanwi (d. 1943), mirroring the larger dialectic across the *ummah* between the postclassical traditionalists and the Salafis in the 20th century. In fact, this intense debate between the Deobandis and Barelwis on how best to honor the Prophet Muhammad (s) has continued in the subcontinent even in the postcolonial present.³¹¹ Women, who became subjects of reform (as evident in Thanwi’s *Baheshti Zewar*³¹²), also actively participated in Islamic revival movements from the confines of their homes.³¹³ They became an integral part of the Tablighi Jamaat, founded by Ilyas Kandhlewī (d. 1944) in India, even though it had started out as an all-male affair.³¹⁴ On the move with their government-employed husbands and away from their *zenana* (female) quarters back home, these women found creative ways to take part in political and spiritual movements.³¹⁵ Unlike South Asia, women gather in mosques in countries such as Egypt, Iran, and Malaysia, where similar trends in female activism can be seen. Since Malaysia’s independence, female scholars have been actively participating in the public square through lectures delivered at mosques and private events as well as via broadcast and social media.³¹⁶ Women in today’s Central Asian countries of Uzbekistan, Kazakhstan, and Kyrgyzstan have homeschooling networks for religious education and provide other communal leadership services informally.³¹⁷ Some female scholars from this time include Zayn al-Sharaf (d. 1672), Quraysh al-Tabariyyah (d. 1696), and

Fatima bint Hamad al-Fudayli (d. 1831), all three from Makkah; Khunathah al-Ma'afiri (d. 1746); Nana Asmau (d. 1864) of Sokoto Caliphate; the Indian Shams-un-Nisa (d.1887); Lihaz-un-Nisa (d. 1888); Amatullah al-Dihlawiyya (d. 1938); the Egyptians 'A'isha Abd al-Rahman, aka Bint al-Shati' (d. 1988) and Zaynab al-Ghazali (d. 2005), Noor Jahan Thanwi (d. 2017), as well as Munira al-Qubaysi (d. 2022). The treatment of women in Islam became a dominant theme in modern times which continues till today, leading to both modernists highlighting women's rights in Islam as well as the emergence of feminist interpretations of the Qur'an critiquing patriarchal tendencies in Islamic scholarship.³¹⁸

Muslim reformers and activists were inevitably influenced by the seemingly sophisticated Orientalist scholarly currents that cast suspicions on the core science of *hadith*.³¹⁹ Central to the argument among Muslim modernists – reflective of the Mu'tazili approach – was an emphasis on the fixedness and authority of the Qur'an over and above the Prophetic *Sunnah*, which was not only discounted but also suspected of rampant forgery and external intrusion.³²⁰ While some advocated a "Qur'an-only" methodology, others, such as Sayyid Ahmad Khan (d. 1898), Abduh, Rida, and Fazlur Rahman (d. 1988), accepted the Prophetic *Sunnah* but disregarded traditional scholarship, critiquing prior *hadith* criticism techniques as insufficient.³²¹ Unlike the efforts of the classical scholars who had endeavored to establish authenticity based on *isnad* (transmission), modernists increasingly undertook *matn* (content) criticism and, countering established scholarly consensus spanning centuries, declared only *mutawatir* (massively transmitted) *hadiths* as possessing certainty whereas dismissing the single-transmission (*ahad*) reports as yielding only probable knowledge.³²² In effect, since such *mutawatir hadiths* are only a handful, they basically disavowed the vast majority of what has been passed down as *Sunnah*.³²³ On the jurisprudence side, Ibn 'Ashur (d. 1973) strove to revive al-Shatibi's *maqasid al-Shari'ah* approach in an effort to renew *usul al-fiqh* (legal theory).

On the other hand, some groups, like the followers of Ibn 'Abd al-Wahhab, 'Abd al-Aziz ibn Baz (d. 1999) and Muhammad bin Salih al-'Uthaymin (d. 2001), along with al-Albani (d. 1999), saw *hadiths* as the "ultimate source of interpreting the faith" and revived *hadith* criticism, seeking to purge

the body of prophetic traditions of weak reports.³²⁴ Known as Salafis, they echo the early *Ahl al-Hadith* in centering the *Sunnah*.³²⁵ Although Ibn ‘Abd al-Wahhab was not against *madhahib* per se, al-Albani did not believe in following any legal schools as they had come to exist.³²⁶ He found them to be rigid and felt they demanded uncritical adherence, so much so that he parted from his Hanafi father and left his home due to such differences.³²⁷ Like the modernists, the Salafi al-Albani wanted to wrest control from layers upon layers of ‘*ulama*’ (*al-khassa*), who in his opinion had corrupted the original scriptural teachings as encompassed in the Qur’an and *Sunnah*.³²⁸ A self-taught man, he prided himself on breaking free from the scholarly chain and being a direct follower of the Prophet Muhammad (s), something which led him to detach himself from the Wahhabi Salafis as well.³²⁹ Nonetheless, al-Albani honored the founding members of the four schools of law as *imams* who were part of the first three generations of Muslims; however, he accused the followers of the *madhahib* of *taqlid*.³³⁰ Instead, he foregrounded the Qur’an and *Sunnah* and asserted that his scriptural understanding was the “absolute truth,” feigning to remove himself from the interpretive process.³³¹ In his quest for certainty, he tried to minimize differences and castigated the scholars of *madhahib* for plurality in legal rulings, especially the existence of contradictory opinions.³³² In that vein, he encouraged his students and Muslims in general to demand textual proofs for scholarly rulings and gave lay people (*al-’amma*) the confidence to gain knowledge of *hadiths*, whereas previously this was the domain of the scholarly class (*al-khassa*).³³³ Al-Albani became renowned across the Muslim world and, like scholars before him, his teachings spread through his works and his students who recorded his lectures.³³⁴

Critics of al-Albani upbraided him for bypassing centuries of traditional scholarship and disparaged his literalistic interpretations that narrowly focused on *hadith* to the exclusion of *fiqh*.³³⁵ Refuting both the Salafis and modernist scholars were the postclassical traditionalists, who continued to revere the intellectual legacy of Muslims as received through the ages. They celebrated legal pluralism and subjective interpretation as a crucial aspect of Islamic law, recognizing that legal reasoning, whether through *ijtihad* or *taqlid*, was a fallible process; they argued that the spectra of views “help remove hardship” and “accommodate different societal

and individual needs.³³⁶ In doing so, these scholars adapted to the needs of modern times by allowing movement across legal schools for flexibility in opinions, restored Malik's inclination for following communal practice in matters where *hadiths* existed but were never acted upon by the Prophet (s),³³⁷ and accepted figurative interpretations.³³⁸ They also began giving textual proofs for their rulings and adopted al-Albani's practice of indicating the grading of a *hadith* when citing it.³³⁹ Nevertheless, they continued to censure modernist and Salafi efforts as haphazard, underscoring the necessity of juristic training in order to conduct *hadith* criticism.³⁴⁰ Proponents of the postclassical traditionalist approach included al-Kawthari (d. 1952), 'Abd al-Fattah Abu Ghudda (d. 1997), and Sa'id al-Buti (d. 2013). Contemporary modernist Islamic scholars inspired by Rida were Muhammad al-Ghazali (d. 1996) and Yusuf al-Qaradawi (d. 2022); while their approach was similar to traditionalists in that they respected received knowledge through chains of scholars, their interpretive processes were more flexible and liberal.³⁴¹ Other Salafi autodidacts were 'Abd al-Qadir al-Arna'ut (d. 2004) and 'Ali al-Halabi (d. 2020).

Conclusion

In the end, a crucial question to ask is: What is the relevance and utility of inherited tradition in today's time and space? In a world where the legalistic-extremist-bad Muslim versus Sufistic-peaceful-good Muslim trope³⁴² is actively endorsed, with no dearth of scholars reducing the complexity, richness, and diversity of Islamic thought to one-dimensional stereotypes and simplistic depictions of an obsession with the past, it is vital to educate ourselves of the full scope of our scholarly heritage in order to engage our intellectual history with both measured reverence and constructive criticism. This is all the more important because Muslims today are especially susceptible to internalized Islamophobia, due to the constant onslaught of dominant Islamophobic narratives that single out Islam as well as its scholarly tradition as exceptionally problematic and seek to undermine key figures in Muslim intellectual history.³⁴³ Moreover, as Muslims struggle to find their place in the contemporary world, it may be comforting to know that striking the right

balance between *Qur'an* and *Sunnah* is not just a core concern for us but has been a salient inspiration among scholars for centuries.

It is also crucial to realize that in spite of the many disputations, there was much in common among the various groups, ensuring a plurality and multivocality that allowed each to carve out and inhabit a niche, coexisting and enriching Islamic thought as a whole. May we appreciate the hard work which has preceded us and acknowledge the great debt we owe the giants who have erected the lampposts that continue to guide us today. Above all, my hope is that having a sense of the larger picture will allow students of Islam in general and Islamic Studies in particular to delve deeper, ask probing questions, and make important connections during the individual study of each discipline and topic, enabling us to inch closer to the ultimate goal as encountered by every generation in these 1400 years: how best to lead our lives in accordance with the will of God and the example of the Prophet Muhammad (s).

The map and timeline accompanying the present survey
of Muslim intellectual history are available at this link:

<https://www.ajis.org/index.php/ajiss/libraryFiles/downloadPublic/4>
and QR code.



Endnotes

- 1 To determine the Gregorian equivalent, here is a good formula: $CE = 0.970229 \times AH + 621.5643$. For conversion from CE to *hijri* year, use the following formula: $AH = 1.030684 \times (CE - 621.5643)$.
- 2 While the early “scholars” were known as ‘*fuqaha*’ and ‘*ulama*’, these were loosely applied terms and did not signify the technical meaning they came to carry with the systematization of Islamic scholarship. Calling them “memorizers, collectors, and exemplars,” Ovamir Anjum explains that they were “trustworthy receptacles of the Companions’ teachings and judgments, and they were sages—wise men and women—who embodied that knowledge and advised others, answering people’s questions that arose out of the day-to-day practice of Qur’an and the known Sunna” (*A History of Islam in Action: The Umayyad Period 40-132/661-750*, Ch. 8, unpublished manuscript).
- 3 To see an *isnad* of an *ijaza* (certification) in Qur’anic recitation spanning 14 centuries, for instance, see Figure 3.1 in Ingrid Mattson, *The Story of the Qur’an* (Chichester, West Sussex: Blackwell, 2013).
- 4 *Isnad* is the “chain of transmission through which a scholar traced the *matn*, or text, of a hadith back to the Prophet ... an effort to document that a hadith had actually come from Muhammad.” Jonathan Brown, *Hadith: Muhammad’s Legacy in the Medieval and Modern World* (Oxford: OneWorld, 2018), 4.
- 5 *Hadith* is a “report describing the words, actions, or habits of the Prophet” and serves as the “unit through which the Sunna was preserved, transmitted, and understood” (Ibid., 3).
- 6 For more details on how oral and written transmission took place across the disciplines, see Brown, *Hadith*, 44ff; Mattson, *The Story of the Qur’an*, Ch. 3; Ahmed El Shamsy, *The Canonization of Islamic Law: A Social and Intellectual History* (New York: Cambridge University Press, 2013), Ch. 6; Asma Sayeed, *Women and the Transmission of Religious Knowledge in Islam* (New York: Cambridge University Press, 2013), 123-125 and Ch. 4, and Sean Anthony, *The Expeditions: An Early Biography of Muhammad by Ma’mar ibn Rashid* (New York: New York University Press, 2015), xxii-xxiii and xxviii-xxxi. See also Gregor Schoeler and Shawkat Toorawa, *The Genesis of Literature in Islam: From the Aural to the Read* (Revised edition, Edinburgh: Edinburgh University Press, 2009).
- 7 Hussein Abdul-Raof, *Schools of Qur’anic Exegesis: Genesis and Development* (New York: Routledge, 2010).
- 8 “School” here refers to tendency in approach towards Islam and not the legal schools (*madhahib*; sing. *madhhab*) that were formalized much later, in the fourth century AH.
- 9 Abdul-Raof, *Schools of Qur’anic Exegesis*.
- 10 *Sunnah* is the “normative legacy of the Prophet ... and, although it stands second to the Qur’an in terms of reverence, it is the lens through which the holy book is interpreted and understood” (Brown, *Hadith*, 3).

- 11 Schoeler and Toorawa, *The Genesis of Literature in Islam*.
- 12 Brown, *Hadith*.
- 13 Yasin Dutton, *Early Islam in Medina: Malik and His Muwatta* (London: Bloomsbury, 2022).
- 14 Anjum, *A History of Islam in Action*.
- 15 Brown, *Hadith*; El Shamsy, *The Canonization of Islamic Law*.
- 16 Anjum, *A History of Islam in Action*.
- 17 Ibid.
- 18 Mohammad Akram Nadwi, *al-Muhaddithat: The Women Scholars in Islam* (Oxford: Interface Publications, 2014). Nadwi notes that *hadith* scholarship among women waned in Syria after the first *hijri* century but revived again in the sixth century AH. Shaykh Akram Nadwi's 43-volume biographical compilation of female *hadith* scholars is now available in Arabic: *al-Wafa' bi asma' an-Nisa'* (Jeddah: Dar al-Minhaj, 2021).
- 19 El Shamsy, *The Canonization of Islamic Law*.
- 20 Anthony, *The Expeditions*.
- 21 El Shamsy, *The Canonization of Islamic Law*. Schoeler and Toorawa in chapter 4 of *The Genesis of Literature in Islam* also explain that the early texts were written for the court, where they were stored in the royal library.
- 22 Dutton, *Early Islam in Medina*.
- 23 El Shamsy, *The Canonization of Islamic Law*.
- 24 Nimrod Hurvitz, *Formation of Hanbalism: Piety into Power* (New York: Routledge, 2011).
- 25 El Shamsy, *The Canonization of Islamic Law*; Hurvitz, *Formation of Hanbalism*.
- 26 Nadwi, *al-Muhaddithat*.
- 27 Sayeed, *Women and the Transmission of Religious Knowledge in Islam*.
- 28 Nadwi, *al-Muhaddithat*.
- 29 Anjum, *A History of Islam in Action*.
- 30 Ibid.
- 31 Ibid.
- 32 *Qadar* (divine predestination) is one of the articles of faith and indicates Muslim belief in God's ultimate and complete power. The Umayyads politicized this core concept to justify their political ends and the suffering endured by the community during their rule. By "attributing their licentiousness and iniquities to qadar," Umayyad rulers and governors sought to "gag the opposition, exonerate the unscrupulous rulers and justify their political misfortunes" (Abdul-Raof, *Schools of Qur'anic Exegesis*, 57). In other words, the Umayyads asserted that to reject them was to deny God's plan (Anjum, *A History of Islam in Action*).

- 33 Anjum adds the following caveat: “The other implication of the doctrine of deferment was that actions were not part of the definition of faith. The two types of deferment (*irjāʿ*) are often distinguished by the Sunni traditionalists” (*A History of Islam in Action*, Ch. 8).
- 34 Ibid.
- 35 Ibid., Ch. 8.
- 36 Ibid.
- 37 Malika Zeghal and Marilyn Waldman, “Islamic World” (*Encyclopedia Britannica*, 2019). <https://www.britannica.com/topic/Islamic-world>.
- 38 Ibid.
- 39 Anjum, *A History of Islam in Action*.
- 40 Brown, *Hadith*.
- 41 Ibid.
- 42 Christopher Melchert, “Ahmad ibn Hanbal and the Qur’an,” *Journal of Qur’anic Studies* 6, no. 2 (2004): 22–34.
- 43 Brown, *Hadith*.
- 44 The inscribed Qur’an in the form of *sahifas* (loose pages) – as meticulously verified by the chief scribe, Zayd ibn Thabit, and his team – was safely kept by Abu Bakr (ra, d. 13), then ‘Umar (d. 23), and then Hafsa (ra, d. 45). During the caliphate of ‘Uthman, a final codex was compiled as a *mushaf* (collection of pages) and circulated as the official written Qur’an. For a detailed discussion of how the Qur’an was compiled and finalized, see Mattson, *The Story of the Qur’an*, p. 95-100. See also Yasin Dutton, “The Form of the Qur’an: Historical Contours” in *The Oxford Handbook of Qur’anic Studies*, ed. Mustafa Shah and Muhammad Abdel Haleem (London: Oxford University Press, 2020) regarding companions’ written copies of the Qur’an which differed from one another and variant readings (*qira’at*).
- 45 Brown, *Hadith*. Brown explains that only a few companions wrote down some of his sayings as private notes.
- 46 Ibid.
- 47 See Abdul-Raof, *Schools of Qur’anic Exegesis*, Ch. 3; Mattson, *The Story of the Qur’an*, 192-3, and Hurvitz, *Formation of Hanbalism*, Ch. 8.
- 48 Jonathan Brown, *The Canonization of al-Bukhari and Muslim: The Formation and Function of the Sunni Hadith Canon* (Boston: Brill, 2007), 57.
- 49 Brown, *Hadith*.
- 50 For details, see Zainab Alwani, “Muslim Women as Religious Scholars: A Historical Survey,” in *Wiener Islamstudien, Volume 3: Muslima Theology: The Voices of Muslim Women Theologians*, eds. Ednan Aslan, Marcia Hermansen, and Elid Medeni (Frankfurt am Main, DEU: Peter Lang AG, 2013).

- 51 Brown, *Hadith*.
- 52 El Shamsy, *The Canonization of Islamic Law*.
- 53 For a detailed study of his life and work, see Feryal Salem, *The Emergence of Early Sufi Piety and Sunni Scholasticism: 'Abdallāh b. al-Mubārak and the Formation of Sunni Identity in the Second Islamic Century* (Leiden: Brill, 2016).
- 54 Brown, *Hadith*, 80.
- 55 Nadwi, *al-Muhaddithat*.
- 56 Sayeed, *Women and the Transmission of Religious Knowledge in Islam*, 3.
- 57 El Shamsy, *The Canonization of Islamic Law*.
- 58 Martin Nguyen, *Modern Muslim Theology: Engaging God and the World with Faith and Imagination* (Lanham: Rowman & Littlefield, 2019).
- 59 El Shamsy, *The Canonization of Islamic Law*.
- 60 *Ibid.*, 37.
- 61 Dutton, *Early Islam in Medina*, 39.
- 62 *Ibid.*, 64. See also chapter 4.
- 63 Kecia Ali, *Imam Shafi'i: Scholar and Saint* (Oxford: Oneworld, 2011).
- 64 El Shamsy, *The Canonization of Islamic Law*.
- 65 *Ibid.*
- 66 *Ibid.*
- 67 *Ibid.*
- 68 *Ibid.*
- 69 More than the locations of battles or raids, Anthony explains in *The Expeditions* (2015) that the term “*maghazi*” here refers to “sites of sacred memory... A *maghazah*, therefore, is also a place where any memorable event transpired and, by extension, the *maghazi* genre distills all the events and stories of sacred history that left their mark on the collective memory of Muhammad’s community of believers” (xix-xx).
- 70 El Shamsy, *The Canonization of Islamic Law*, 96. Any references here to Maliki or Hanafi are used informally to identify the respective followers of Malik ibn Anas and Abu Hanifa, not their legal schools which were formalized in the fourth century. See Dutton, *Early Islam in Medina*, Ch. 5, for an exchange between Malik and al-Layth ibn Sa’d (d. 175) regarding Malik’s objection that al-Layth’s *fatwas* in Egypt were running counter to Madinan ‘*amal*.
- 71 El Shamsy, *The Canonization of Islamic Law*.
- 72 This entailed that an Arab patron would give protection to a non-Arab, his client. Both patron and client were called *mawla* (pl. *mawali*). Anjum in *A History of Islam in Action* explains that at first Muslim and Arab were synonymous terms but by the end of the 1st century, a significant number of non-Arabs had become Muslim.

In terms of *'ulama*, he notes that in the 1st century, Arab *'ulama* outnumbered non-Arab *'ulama*. In the 2nd century, non-Arab *'ulama* equaled Arab *'ulama*. In the 3rd century, non-Arab *'ulama* outnumbered Arab *'ulama*. By the 4th century, the distinction between non-Arab and Arab lost any importance.

- 73 For more details, see El Shamsy, *The Canonization of Islamic Law*, 100-103. The patron-client relationship was common during the Ottoman Empire as well. For a detailed overview of how Bosnian Muslims resourcefully integrated themselves in the contemporary educational elite circles, see Ayelet Zoran-Rosen, "The Emergence of a Bosnian Learned Elite: A Case of Ottoman Imperial Integration," *Journal of Islamic Studies* 30, no. 2 (2019): 176-204.
- 74 El Shamsy, *The Canonization of Islamic Law*.
- 75 Ibid. El Shamsy also remarks, "al-Shafi'i most probably adopted the justification of prophetic tradition as evidence of divine intention from the Hanafis in Iraq" (78) who had utilized this argument in a debate with Kharijites when the latter refused to accept *hadith* in interpreting Qur'anic verses.
- 76 Wael Hallaq notes the following about another potential school: "The Zahirite school, by contrast, which remained steadfast in its literalist/traditionalist stand and adamantly refused to join this synthesis, was left behind and before long expired." Hallaq, *The Origins and Evolution of Islamic Law* (Cambridge: Cambridge University Press, 2005).
- 77 This science was refined in the next few centuries: legal acts were categorized as obligatory (*fard/wajib*), recommended (*mandub*), permissible (*mubah*), prohibited (*haram*), and repugnant (*makruh*); acts were further distinguished based on whether they were valid (*sahih*), invalid (*fasih*), or null and void (*batil*); explication of imperative and prohibitive forms; the distinction between recurrent (*mutawatir*) reports that are similar in wording (*lafzi*) and those that differ in wording but share the same meaning (*ma'nawi*); the delineation of attributes that *hadith* transmitters must possess as required by jurists, such as justice (*'adl*), truthfulness (*sadiq*), precision (*dabt*), etc.; criteria based on which reports are evaluated and given preference (*tarjih*); rules of abrogation (*naskh*); how and when consensus (*ijma'*) may be reached or reasoning (*qiyas/ijtihad*) may be employed, and *maqasid al-Shari'ah* (the higher objectives of Shari'ah), among others. For detailed treatment of *usul al-fiqh*, see Wael Hallaq, *A History of Islamic Legal Theories: An Introduction to Sunni Uṣūl al-Fiqh* (Cambridge: Cambridge University Press, 1997).
- 78 El Shamsy, *The Canonization of Islamic Law*, 116.
- 79 Ibid.
- 80 Hurvitz, *Formation of Hanbalism*.
- 81 Ibn Hanbal's followers, including his son 'Abdullah (d. 290), would serve as judges for the court. Ibid.
- 82 The House of Wisdom began as a library of manuscripts on a host of subjects in the arts and sciences in many languages; it was later expanded as a research center where scholars engaged in translations, analyses, discussions, and production of

- literary works. Salim Al-Hassani, *1001 Inventions: The Enduring Legacy of Muslim Civilization* (Washington, D.C.: National Geographic, 2012).
- 83 Hurvitz, *Formation of Hanbalism*.
- 84 Wasil ibn ‘Ata (d. 131) of Basra is considered to be the founder of the Mu‘tazilis. For more details on the Mu‘tazilis, see Mattson, *The Story of the Qur’an*, 143-6; El-Tobgui, *Ibn Taymiyya on Reason and Revelation*, 41-42, and Blankinship, “The Early Creed,” in *The Cambridge Companion to Classical Islamic Theology*, ed. Tim Winter (Cambridge, UK: Cambridge University Press, 2008), 47-51.
- 85 That is, “an argument for the existence of God which claims that all things in nature depend on something else for their existence (i.e. are contingent), and that the whole cosmos must therefore itself depend on a being which exists independently or necessarily” (Oxford Languages).
- 86 El Shamsy, *The Canonization of Islamic Law*.
- 87 Hurvitz clarifies that there were Sunni *mutakallimun* as well as Hanafis who opposed the *mihna*. Sunni *mutakallimun* were those scholars who opposed the Mu‘tazili positions but did not reject *kalam* altogether. Hurvitz also asserts that the *mihna* was meant to “advance the collective interests of all *mutakallimun*,” not just the Mu‘tazilis (*Formation of Hanbalism*, 129).
- 88 Hurvitz, *Formation of Hanbalism*.
- 89 Mattson, *The Story of the Qur’an*. She adds, “the *mihna* had the long-term effect of strengthening the social profile of the scholarly class, who henceforth tried to assert their independence from political rulers to judge on matters of religious law and belief, while simultaneously calling upon the power of the state from time to time to enforce the orthodoxy they delineated” (145).
- 90 Ibid., 152.
- 91 See note 87.
- 92 Brown, *The Canonization of al-Bukhari and Muslim*, 77.
- 93 Hurvitz, *Formation of Hanbalism*; for detailed discussion, see 152-155. *Jahmis* were followers of Jahm ibn Safwan (d. 128); this term was used pejoratively by Hanbalis to indicate Mu‘tazili tendencies among peers. Jahm ibn Safwan had questionable beliefs such as “faith is merely an internalized knowledge in the heart, without any outward expression at all” along with “the view that heaven and hell are not eternal” (Blankinship, “The Early Creed,” 44).
- 94 Hurvitz, *Formation of Hanbalism*.
- 95 Blankinship, “The Early Creed.” Sajjad Rizvi discusses the Mu‘tazili influence on Shi‘a theology in Oliver Leaman and Sajjad Rizvi, “The Developed *Kalam* Tradition,” in *The Cambridge Companion to Classical Islamic Theology*, 92-94.
- 96 Brown, *Hadith*, 80.
- 97 Hallaq, *The Origins and Evolution of Islamic Law*.

- 98 El Shamsy, *The Canonization of Islamic Law*.
- 99 *Ibid.*, 157.
- 100 Brown, *The Canonization of al-Bukhari and Muslim*.
- 101 *Ibid.*
- 102 *Ibid.*
- 103 *Ibid.*, 58. Brown explains, “Since the early days of Islam, the transmission of hadiths was a means for everyday Muslims to bind themselves to the inspirational authority of the Prophet and incorporate his charisma into their lives. Like all early Muslim scholarship, the collection and study of hadiths was not the product of institutions of learning; it was undertaken by devout individuals whose eventual knowledge and pious allure earned them positions of respect and authority in their communities” (57).
- 104 Sayeed, *Women and the Transmission of Religious Knowledge in Islam*.
- 105 *Ibid.*, 103.
- 106 Nadwi, *al-Muhaddithat*. For detailed descriptions, see 44-46, 98-102, and 142-149.
- 107 *Ibid.*
- 108 Sayeed, *Women and the Transmission of Religious Knowledge in Islam*.
- 109 Nadwi, *al-Muhaddithat*.
- 110 *Ibid.*
- 111 *Ibid.*
- 112 Brown, *The Canonization of al-Bukhari and Muslim*. Brown mentions that al-Daraqutni (d. 385) and al-Harawi (d. 430) each compiled *hadith* collections that they considered *sahih* which they believed should’ve been included by al-Bukhari and Muslim.
- 113 Joel Blecher, “Hadith commentary,” in *Encyclopedia of Islam, Third Edition*, ed. Kate Fleet, Gudrun Krämer, Denis Matringe, John Nawas, and Everett Rowson.
- 114 *Ibid.*
- 115 *Ibid.*
- 116 *Ibid.*
- 117 Brown, *Hadith*.
- 118 *Ibid.*
- 119 *Ibid.*
- 120 *Ibid.* Brown notes, “The *Sahihayn* canon was an ideal polemical weapon to use against one’s opponents. But that did not mean that scholars felt they had to obey all the hadiths found in the two collections in their own work. If a scholar of the Shafi’i or Hanafi school of law found a hadith in al-Bukhari’s or Muslim’s collections that he disagreed with, he had no compunction about criticizing its authenticity.

- ... Only in the early modern and modern periods has it become controversial to criticize the *Sahihayn*, but this is primarily due to Muslim scholars' eagerness to protect the status of two books that they see as symbols of an Islamic tradition under attack from modernity" (41-2).
- 121 Some scholars have considered this to be the 'closing of the gate of *ijtihad* (independent reasoning based on revelatory sources).' However, Hallaq forcefully opposes this view in Wael Hallaq, "Was the Gate of *Ijtihad* Closed?" *International Journal of Middle East Studies* 16, no. 1 (1984): 3-41.
- 122 Abdul-Raof, *Schools of Qur'anic Exegesis*.
- 123 Ibid.
- 124 El Shamsy, *The Canonization of Islamic Law*.
- 125 Ibid.
- 126 Brown, *The Canonization of al-Bukhari and Muslim*.
- 127 Ibid.
- 128 Brown, *Hadith*.
- 129 Abdul-Raof, *Schools of Qur'anic Exegesis*.
- 130 For detailed treatment of the interaction between *hadith* and *tafsir*, see R. Marston Speight, "The Function of Hadith as Commentary on the Qur'an, as Seen in the Six Authoritative Collections," in *Approaches to the History of the Interpretation of the Qur'ān*, ed. Andrew Rippin (Piscataway, NJ, USA: Gorgias Press, 2013).
- 131 Abdul-Raof, *Schools of Qur'anic Exegesis*.
- 132 Ibid. See also, Mattson, *The Story of the Qur'an*.
- 133 This refers to the method that utilizes verse(s) from one part of the Qur'an to explain another verse(s).
- 134 Abdul-Raof, *Schools of Qur'anic Exegesis*.
- 135 Ibid.
- 136 Ibid.
- 137 Schoeler and Toorawa, *The Genesis of Literature in Islam*.
- 138 C.H.M. Versteegh, *Arabic Grammar and Quranic Exegesis in Early Islam* (Leiden: E.J. Brill, 1993).
- 139 Al-Du'ali also added markings to indicate short vowels and double consonants while the dots and diacritical marks were added later. Mattson, *The Story of the Qur'an*.
- 140 Michael Carter, *Sibawayhi* (London: I.B. Tauris, 2004). Other prominent grammarians in subsequent generations include al-Farra (d. 207), Ibn Qutaybah (d. 276), and al-Sarraj (d. 316). Ibn Qutaybah was also a prolific writer of moralistic books on a variety of topics. See Schoeler and Toorawa, *The Genesis of Literature in Islam*, 103-4, where they also mention the Mu'tazili al-Jahiz (d. 255) who reportedly wrote over 200 books on a wide range of subjects.

- 141 For a detailed treatment of this, see Versteegh, *Arabic Grammar and Qur'anic Exegesis*, and S.R. Burge, *The Meaning of the Word: Lexicology and Qur'anic Exegesis* (London: Oxford University Press, 2015).
- 142 Mattson, *The Story of the Qur'an*.
- 143 Walid Saleh, "Hermeneutics: al-Tha'labi," in *The Wiley Blackwell Companion to the Qur'an*, ed. Andrew Rippin and Jawid Mojaddedi (Chichester, UK: Wiley Blackwell, 2017).
- 144 Abdul-Raof, *Schools of Qur'anic Exegesis*.
- 145 Ibid.
- 146 Mattson, *The Story of the Qur'an*.
- 147 Brown, *Hadith*.
- 148 Andrew Rippin, "Tafsir," in *Encyclopedia of Islam, Second Edition*, ed. P. Bearman, Th. Bianquis, C.E. Bosworth, E. van Donzel, and W.P. Heinrichs.
- 149 Ibid.
- 150 Abdul-Raof, *Schools of Qur'anic Exegesis*.
- 151 Walid Saleh, "Hermeneutics: al-Tha'labi."
- 152 Walid Saleh, *The Formation of the Classical Tafsir Tradition: The Qur'an Commentary of al-Tha'labi* (Leiden: Brill, 2004).
- 153 Walid Saleh, "Medieval Exegesis: The Golden Age of *Tafsir*," in *The Oxford Handbook of Qur'anic Studies*.
- 154 Walid Saleh, "Preliminary Remarks on the Historiography of *Tafsir* in Arabic: A History of the Book Approach," *Journal of Qur'anic Studies* 12 (2010): 6-40. See also Rippin, "Tafsir," *EI2*.
- 155 Here we see the distinct shifts in writing that took place in the second and third centuries: from being a mnemonic device (lecture notes) to writing as a mode of expression (Malik's *al-Muwatta*), it eventually took on the specific purposes of developing, systematizing, and spreading of ideas (al-Shafi'i's works and onwards).
- 156 El Shamsy, *The Canonization of Islamic Law*.
- 157 Saleh, "Preliminary Remarks." Rippin explains that though Zamakhsahri's *tafsir* is "renowned for its Mu'tazili perspective," it is "distinctive primarily for its special outlook and not for the presence of an overall theological argument per se, nor for the quantity of such argumentation." ("Tafsir," *EI2*)
- 158 Younus Mirza, "Ishmael as Abraham's Sacrifice: Ibn Taymiyya and Ibn Kathir on the Intended Victim," *Islam and Christian-Muslim Relations* 24, no. 3 (2013): 277-298.
- 159 Younus Mirza, "Ibn Kathir, 'Imad al-Din," *EI3*.
- 160 Saleh, "Preliminary Remarks." For a detailed treatment of this, see Ahmed El Shamsy, *Rediscovering the Islamic Classics: How Editors and Print Culture Transformed an Intellectual Tradition* (Princeton: Princeton University Press, 2020).

- 161 Mirza, "Ibn Kathīr, 'Imād al-Dīn," *EI3*.
- 162 Rippin, "Tafsir," *EI2*.
- 163 Ibid.
- 164 Brown, *The Canonization of al-Bukhari and Muslim*.
- 165 Khalid Blankinship, "The Early Creed."
- 166 Nguyen, *Modern Muslim Theology*, 127.
- 167 Khalid Blankinship, "The Early Creed."
- 168 Nader El-Bizri, "God: Essence and Attributes," in *The Cambridge Companion to Classical Islamic Theology*.
- 169 Tilman Nagel, *The History of Islamic Theology from Muhammad to the Present* (Princeton, NJ: Markus Weiner Publishers, 2000).
- 170 Martin Nguyen, *Modern Muslim Theology*.
- 171 Khalid Blankinship, "The Early Creed," 53.
- 172 Ibid.
- 173 Ibid. See also Nader El-Bizri, "God: Essence and Attributes."
- 174 Martin Nguyen, *Modern Muslim Theology*.
- 175 Peter Adamson, "al-Kindi," *The Stanford Encyclopedia of Philosophy* (Spring 2020 Edition), ed. Edward N. Zalta, <https://plato.stanford.edu/archives/spr2020/entries/al-kindi/>. See also, Carl Sharif El-Tobgui, *Ibn Taymiyya on Reason and Revelation: A Study of Dar' ta'arud al-'aql wa-l-naql* (Leidin; Boston: Brill, 2020), 55-57.
- 176 El-Tobgui, *Ibn Taymiyya on Reason and Revelation*, 57-60.
- 177 Ibid.
- 178 Ibid.
- 179 Robert Wisnovsky, "Avicenna and the Avicennian Tradition" in *The Cambridge Companion to Arabic Philosophy*, ed. Peter Adamson and Richard C. Taylor (Cambridge, UK: Cambridge University Press, 2005), 92.
- 180 El-Tobgui, *Ibn Taymiyya on Reason and Revelation*, 61.
- 181 Ibid.
- 182 Ayman Shehadeh, *Doubts on Avicenna: A Study and Edition of Sharaf al-Din al-Masudi's Commentary on the Isharat* (Leiden: Brill, 2016).
- 183 El-Tobgui, *Ibn Taymiyya on Reason and Revelation*. For more details, see 60ff.
- 184 Ibid.
- 185 Toby Mayer, "Theology and Sufism," in *The Cambridge Companion to Classical Islamic Theology*.
- 186 Al-Ghazali also wrote a treatise refuting Ismaili Shi'as, another faction gaining strength at the time.

- 187 In fact, his expository work on *falsafa*, *Aims of the Philosophers*, translated into Latin and Hebrew, was misinterpreted as a treatise advocating philosophy and widely circulated. See Frank Griffel, “al-Ghazali,” *The Stanford Encyclopedia of Philosophy* (Summer 2020 Edition), ed. Edward N. Zalta, <https://plato.stanford.edu/archives/sum2020/entries/al-ghazali/>.
- 188 Ibid. This last point is connected to Ibn Sina’s conception of God as passively and generally aware of His creation.
- 189 Ibid.
- 190 El-Tobgui, *Ibn Taymiyya on Reason and Revelation*.
- 191 Montgomery Watt, “al-Ghazali,” in *EL2*.
- 192 El-Tobgui, *Ibn Taymiyya on Reason and Revelation*.
- 193 Hossein Ziai, “Islamic Philosophy (*falsafa*),” in *The Cambridge Companion to Classical Islamic Theology*.
- 194 When a *hadith* is “transmitted by such a vast number of people in so many different places that it is impossible to imagine that anyone could have made it up or conspired to forge it,” it is called *mutawatir*. Brown, *Hadith*, 191.
- 195 Sherman Jackson, *On the Boundaries of Theological Tolerance in Islam: Abū Hāmid Al-Ghāzālī’s Fayṣal Al-Tafrīqa Bayna al-Islam wa al-Zandaqa* (Karachi: Oxford University Press, 2002).
- 196 This transformation of al-Ghazali is well-recorded. David Burrell, “Creation,” in *The Cambridge Companion to Classical Islamic Theology*, relates it in al-Ghazali’s own words.
- 197 Ibid.
- 198 Mayer, “Theology and Sufism,” 270.
- 199 W. Montgomery Watt, *Muslim Intellectual: A Study of Al-Ghazali* (Edinburgh: Edinburgh University Press, 1971). <https://www.ghazali.org/articles/watt.htm>.
- 200 Mayer, “Theology and Sufism.”
- 201 Ahmet Karamustafa, “Sufism,” in *Voices of Islam, Volume 1, Voices of Tradition*, ed. Vincent J. Cornell (Westport, Conn.: Praeger, 2007). Reproduced in *Muhammad in History, Thought and Culture: An Encyclopedia of the Prophet of God* (ABC-CLIO/Praeger, 2014).
- 202 Ibid.
- 203 Ibid.
- 204 Ibid.
- 205 Devin DeWeese, “Organizational Patterns and Developments within Sufi Communities,” in *The Wiley-Blackwell History of Islam*, ed. Armando Salvatore (Hoboken, NJ: John Wiley & Sons, 2018).
- 206 Ahmet Karamustafa, “Antinomian Sufis,” in *The Cambridge Companion to Sufism*, ed. Lloyd Ridgeon (Cambridge: Cambridge University Press, 2015).

- 207 Ibid.
- 208 Brown, *Hadith*.
- 209 Karamustafa, "Sufism."
- 210 Sayeed, *Women and the Transmission of Religious Knowledge in Islam*.
- 211 Karamustafa, "Sufism."
- 212 Sayeed, *Women and the Transmission of Religious Knowledge in Islam*.
- 213 Ibid.
- 214 See Watt, *Muslim Intellectual, The Crisis of 1095*.
- 215 Karamustafa, "Sufism."
- 216 DeWeese, "Organizational Patterns and Developments within Sufi Communities."
- 217 Karamustafa, "Sufism."
- 218 SherAli Tareen, *Defending Muḥammad in Modernity* (Notre Dame, Indiana: University of Notre Dame Press, 2020), 19.
- 219 Karamustafa, "Antinomian Sufis."
- 220 Ibid.
- 221 Karamustafa, "Sufism."
- 222 Ibid.
- 223 This is a common Sufi view that the *awliya'*, those who have reached the highest *maqam* in the Sufi hierarchy, receive divine inspiration (*ilham*). For instance, it is said that Rumi (d. 672), the renowned Sufi master and poet, was inspired to recite his *Mathnawi*. See Jawid Mojaddedi, "Rumi," in *The Wiley Blackwell Companion to the Qur'an*.
- 224 Franz Rosenthal, "Ibn Arabi Between 'Philosophy' and 'Mysticism': 'Sufism and Philosophy Are Neighbors and Visit Each Other'" *Oriens* 31, no. 1 (1988): 1–35, at 34.
- 225 Caner Dagli, *Ibn Al-Arabi and Islamic Intellectual Culture: From Mysticism to Philosophy* (Florence: Routledge, 2016), 52. Dagli adds, "It was Ibn al-Arabi who demonstrated that a mystical point of view could have something to say about all the areas touched on by *falsafah* and *kalam*, and in fact claimed that only through a system that took as its pinnacle the direct encounter between man and God could rational thinking assume its proper place in human knowledge" (52).
- 226 Mayer, "Theology and Sufism."
- 227 Rosenthal, "Ibn Arabi Between 'Philosophy' and 'Mysticism.'"
- 228 Dagli, *Ibn Al-Arabi and Islamic Intellectual Culture*, 52.
- 229 Dagli argues that Ibn al-Arabi never used this phrase in his writings and it was developed as a concept by successive generations of scholars belonging to the "school of Ibn al-Arabi." For detailed discussion, see Dagli, *Ibn Al-Arabi and Islamic Intellectual Culture*, chapter 2.

- 230 A. Ateş, "Ibn al-Arabi," *EI2*.
- 231 Mayer, "Theology and Sufism." Mayer notes that when distinguished Sufis like Simnani (d. 736) and al-Sirhindi (d. 1624) refuted Ibn al-Arabi, they did so by formulating "intricate speculative responses of their own, not by reverting to the pre-speculative Sufism of the classical period, as represented, say, by Ghazali's *Revival*" (275).
- 232 Dagli, *Ibn Al-Arabi and Islamic Intellectual Culture*, 49.
- 233 Tim Winter, "Introduction," in *The Cambridge Companion to Classical Islamic Theology*.
- 234 Brown, *Hadith*, 58.
- 235 Ibid.
- 236 Schoeler and Toorawa, *The Genesis of Literature in Islam*.
- 237 Ibid.
- 238 Sayeed, *Women and the Transmission of Religious Knowledge in Islam*.
- 239 Ibid. See 175-177 for details on how *ijazas* were often granted to children in the hopes of maintaining the linkages between the old and the young for the sake of transmission.
- 240 Ibid.
- 241 Ibid.
- 242 It should be noted that campaigns and expeditions continued with various dynasties fighting one another for control. External threats such as the Mongols and Crusaders also existed. In the course of Muslim intellectual history, many scholars participated in *jihad*, such as al-Hasan al-Basri, Abdullah ibn Mubarak, Ibn Taymiyya, and Ibn Khaldun, among others.
- 243 El-Tobgui, *Ibn Taymiyya on Reason and Revelation*. An earlier history of Damascus was written by the historian Ibn 'Asakir (d. 538).
- 244 For a timeline of the reason versus revelation debate in Muslim intellectual history leading up to Ibn Taymiyya, see Ibid., 39-40.
- 245 Ibid.
- 246 Ibid., 92.
- 247 Ibid., 93.
- 248 Ibid. This refers to al-Ghazali's crisis and turn towards mysticism. However, there is no evidence that al-Ghazali ever abandoned his Ash'ari orientation.
- 249 Ibid.
- 250 This refers to the authentic and *mutawatir hadith*: "The best of people are my generation, then those who follow them, and then those who follow them" (*Sahih Muslim*).
- 251 El-Tobgui, *Ibn Taymiyya on Reason and Revelation*.
- 252 Ibid.

- 253 Ibid.
- 254 See Younus Mirza, “Ibn Kathir (d. 774/1373): His Intellectual Circle, Major Works and Qur’anic Exegesis” (PhD thesis, 2012), for a detailed description of the richly diverse Damascus scene and the interactions between the elite Shafi’i Ash’aris, their traditionalist Shafi’i counterparts, along with Ibn Taymiyya and his circle.
- 255 Khaled El-Rouayheb, *Islamic Intellectual History in the Seventeenth Century: Scholarly Currents in the Ottoman Empire and the Maghreb* (New York: Cambridge University Press, 2015).
- 256 Oliver Leaman, “The Developed *Kalam* Tradition,” in *The Cambridge Companion to Classical Islamic Theology*.
- 257 Ibid., 86.
- 258 Hallaq, *A History of Islamic Legal Theories*.
- 259 Ebrahim Moosa and SherAli Tareen, “Revival and Reform,” in *The Princeton Encyclopedia of Islamic Political Thought*, ed. Gerhard Bowering, Patricia Crone, Wadad Kadi, Devin J. Stewart, Muhammad Qasim Zaman, and Mahan Mirza (Princeton, NJ: Princeton University Press, 2012).
- 260 Hallaq, *A History of Islamic Legal Theories*.
- 261 El-Rouayheb, *Islamic Intellectual History in the Seventeenth Century*. El-Rouayheb particularly emphasizes that, contrary to popular narratives of intellectual decline, there was a thriving scholarly culture in the seventeenth century across the Ottoman Empire.
- 262 Bruce Masters, *The Arabs of the Ottoman Empire, 1516–1918: A Social and Cultural History* (New York: Cambridge University Press, 2013).
- 263 El Shamsy, *Rediscovering the Islamic Classics*.
- 264 Sayeed, *Women and the Transmission of Religious Knowledge in Islam*.
- 265 Ibid.
- 266 Ousmane Kane, *Beyond Timbuktu: An Intellectual History of Muslim West Africa* (Cambridge: Harvard University Press, 2016), 8.
- 267 Ibid.
- 268 Ibid.
- 269 For more details on female scholarly and spiritual networks in West Africa, see Britta Frede, “Following in the Steps of ‘A’isha: Hassaniyya-Speaking Tijani Women as Spiritual Guides (Muqaddamat) and Teaching Islamic Scholars (Limrabutat) in Mauritania,” *Islamic Africa* 5, no. 2 (2014): 225–73; Joseph Hill, *Wrapping Authority: Women Islamic Leaders in a Sufi Movement in Dakar, Senegal*. (Toronto, London: Toronto University Press, 2018).
- 270 Valerie Hoffman, “East Africa,” in *The Islamic World Routledge Handbook*, ed. Andrew Rippin (Abingdon: Routledge, 2008).

- 271 Camilla Gibb, "Negotiating Social and Spiritual Worlds: The Gender of Sanctity in a Muslim City in Africa," *Journal of Feminist Studies in Religion* 16, no. 2 (2000): 25–42.
- 272 Edward A. Alpers and Anne K. Bang, "East Africa," *EI3*.
- 273 Ibid.
- 274 Hoffman, "East Africa."
- 275 Ahmad Yousif, "Contemporary Islamic Movements in Southeast Asia: Challenges and Opportunities," in *The Blackwell Companion to Contemporary Islamic Thought*, ed. Ibrahim Abu-Rabi' (Oxford, UK: Blackwell Publishing Ltd, 2006), 449–465.
- 276 Leonard Andaya, "The Introduction, Spread, and Circulation of Islam up to the Early Colonial Period in Southeast Asia," in *Routledge Handbook of Islam in Southeast Asia*, ed. Khairudin Aljunied (London: Routledge, 2022), 13-29.
- 277 Ibid.
- 278 Khairudin Aljunied, "Bringing Rationality Back: Harun Nasution and the Burden of Muslim Thought in Twentieth-Century Southeast Asia." *Journal of Islamic and Muslim Studies* 6, no. 1 (2021): 29–55.
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- 280 Asmah Haji Omar, "Malaysia and Brunei," in *Language and National Identity in Asia*, 337-359.
- 281 Andaya, "The Introduction, Spread, and Circulation of Islam up to the Early Colonial Period in Southeast Asia."
- 282 Ibid.
- 283 Ibid., 24.
- 284 Barbara Watson Andaya, "Islam and Women in Precolonial Southeast Asia," in *Routledge Handbook of Islam in Southeast Asia*, 157-175.
- 285 Kristian Petersen, *Interpreting Islam in China: Pilgrimage, Scripture, and Language in the Han Kitab* (New York, NY: Oxford University Press, 2017).
- 286 Ibid., 45.
- 287 Ibid.
- 288 For a detailed study of China's female mosques, see Maria Jaschok and Shui Jingjun, *The History of Women's Mosques in Chinese Islam: A Mosque of Their Own* (Richmond: Curzon, 2000).
- 289 Ibid.
- 290 Rian Thum, *The Sacred Routes of Uyghur History* (Cambridge, MA: Harvard University Press, 2014).
- 291 Rachel Harris and Aziz Isa, "Islam by Smartphone: Reading the Uyghur Islamic Revival on WeChat," *Central Asian Survey* 38, no. 1 (2019): 61-80.

- 292 See Michael Kemper and Shamil Shikhaliev, “Kunta-Hajji,” *EI3*; Clemens Sidorko, “al-Ghazi Ghumuqi,” *EI3*.
- 293 Nathan Spannaus, “al-Marjani, Shihab al-Din,” *EI3*.
- 294 Brown, *Hadith*.
- 295 See *Ibid.*, Ch. 10.
- 296 For a detailed discussion, see *Ibid.*, Ch. 9.
- 297 Sara Konrath, Shariq Siddiqui, and Saulat Pervez, “Muslim Education Reform: Prioritizing Empathy and Philanthropic Acts,” *Journal of Education in Muslim societies* 2, no. 2 (2021): 31–56; see section titled “Philanthropy and Education in Muslim Societies.”
- 298 Emad Hamdeh, *Salafism and Traditionalism: Scholarly Authority in Modern Islam* (Cambridge, UK: Cambridge University Press, 2021), 204.
- 299 El Shamsy, *Rediscovering the Islamic Classics*; according to him, the classical period of Muslim scholarship was ninth to fifteenth centuries CE and the postclassical period consisted of sixteenth to nineteenth centuries CE. However, these terms and their time periods are contested. For instance, El-Tobgui, *Ibn Taymiyya on Reason and Revelation*, situates Ibn Taymiyya, who died in the 8th century AH/14th century CE, in the post-classical period because he takes the first five or six centuries of Islam to be its classical period. Brown, *Hadith*, refers to a “Late Sunni Tradition” that began in the 1300s CE up till modern times. Scholars also define these periods differently depending on their field of study. For example, Johanna Pink considers the classical period of Qur’anic *tafsir* to be from 10th century CE with the postclassical period taking place from the 14th through the 19th centuries CE, whereas Robert Wisnovsky defines the classical period of *falsafa* to be from 800-1200 CE and the postclassical one from 1100-1900 CE. See Pink, “Classical Qur’anic Hermeneutics,” in *The Oxford Handbook of Qur’anic Studies*, and Wisnovsky, “The Nature and Scope of Arabic Philosophical Commentary in Post-Classical (ca. 1100-1900 AD) Islamic Intellectual History: Some Preliminary Observations,” *Bulletin - Institute of Classical Studies* 47, no. S83PART2 (2004): 149–191.
- 300 El Shamsy paraphrases Ibn Hanbal’s warning to his students: “written discourse possesses its own momentum, which mirrors that of *ra’y*: one book, such as Malik’s, invites another, such as al-Shafi’i’s, which in turn prompts further responses, refutations, and counterrefutations in an endless sequence” (El Shamsy, *The Canonization of Islamic Law*, 223). A modern example of this can be seen in the retaliatory treatises written by traditionalist scholars as well as al-Albani and his students (see Hamdeh, *Salafism and Traditionalism* (see Hamdeh, *Salafism and Traditionalism*, 52-58).
- 301 El Shamsy, *Rediscovering the Islamic Classics*.
- 302 *Ibid.* Much of the information about scholars and their works can be found in the biographical texts called *Tabaqat*. One of the earliest *Tabaqat* text, consisting of eight volumes, was written by Ibn Sa’d (d. 230). Additionally, the bookseller Ibn al-Nadim’s (d. 380) *Fihrist*, a bibliography of all the books in his inventory, “provided Arab intellectuals

and correctors ... with a map to the ocean of Arabic manuscripts by situating works within their times and genres and by charting the intellectual affiliations of their authors, which the postclassical teaching tradition had forgotten or suppressed” (88).

303 Ibid.

304 Hamdeh, *Salafism and Traditionalism*. Hamdeh adds that this situation has become exacerbated in the age of the internet and digital information.

305 Ibid. Hamdeh notes that Sherman Jackson’s definition of *taqlid* as “deference to precedent is more accurate because it represents the utilization and capacity of *taqlid* in Islamic law” (1). Jackson adds that jurists followed the opinions of their predecessors because they lent authority and validity to their views, not because they were incapable of conducting *ijtihad* themselves. See Sherman Jackson, “*Ijtihad* and *Taqlid*: Between the Islamic Legal Tradition and Autonomous Western Reason,” in *Routledge Handbook of Islamic Law*, ed. Khaled Abou El Fadl, Ahmad Atif Ahmad, and Said Fares Hassan (New York: Routledge, 2019).

306 Brown, *Hadith*.

307 El Shamsy, *Rediscovering the Islamic Classics*, 171.

308 Brown, *Hadith*, 278: “Although they did not abandon the classical Islamic tradition, these movements sought to reevaluate it and revive Islam’s primordial greatness by breaking with *taqlid* (unquestioning loyalty to existing institutions and tradition) and embracing *ijtihad* (independent reasoning based on the original sources of Islam – the Quran and Sunna). Many of these revivalist scholars believed that they were just as capable as classical masters like al-Shafi’i and Abu Hanifa of deriving laws directly from the Quran and the Prophet’s teachings.” El-Rouayheb clarifies that for nonjurists the opposite of *taqlid* was *tahqiq* (verification), not *ijtihad*; see his discussion on *taqlid* and *ijtihad* in *Islamic Intellectual History in the Seventeenth Century*, 357-9.

309 Ermin Sinanović, “Islamic Revival as Development: Discourses on Islam, Modernity and Democracy since the 1950s,” *Politics, Religion & Ideology* 13, no. 1 (2012): 3-24.

310 Tareen, *Defending Muḥammad in Modernity*.

311 Ibid.

312 The concept of the “ideal Muslim woman” was evident in other parts of the Muslim world as well, such as Iran, Egypt, and Saudi Arabia.

313 Darakhshan Khan, “In Good Company: Reformist Piety and Women’s Da‘wat in the Tablighī Jamā‘at,” *The American Journal of Islamic Social Sciences* 35, no. 3 (July 2018): 1–33.

314 Ibid.

315 Ibid.

316 Norbani B. Ismail, “Female Preachers and the Public Discourse on Islam in Malaysia,” *The American Journal of Islamic Social Sciences* 33, no. 4 (2016): 24–47.

- 317 For details on how some Uzbek women operate religious schools in their homes, see Svetlana Peshkova, *Women, Islam, and Identity: Public Life in Private Spaces in Uzbekistan* (Syracuse, New York: Syracuse University Press, 2014).
- 318 For recent engagement on this topic, see Shuruq Naguib, “Islam and the Epistemic Politics of Gender: A Decolonial Moment,” *American Journal of Islam and Society* 38, no. 1-2 (2021): 2-19; Hadia Mubarak, *Rebellious Wives, Neglectful Husbands: Controversies in Modern Qur’anic Commentaries* (Oxford: Oxford University Press, 2022).
- 319 Brown, *Hadith*.
- 320 Ibid.
- 321 Ibid.
- 322 Ibid.
- 323 Ibid.
- 324 Ibid., 295.
- 325 Ibid. See Hamdeh, *Salafism and Traditionalism*, 24ff on the various differences among Salafis.
- 326 Emad Hamdeh, “Qur’ān and Sunna or the Madhhabs? A Salafi Polemic Against Islamic Legal Tradition,” *Islamic Law and Society* 24, no. 3 (June 2017): 211–253.
- 327 Ibid. Hamdeh explains, “The fall of the Ottoman Empire and the rise of secular governments in the Muslim world resulted in a decline of Traditionalist ‘ulama authority and pedagogical methods. As Traditionalist scholars lost their powerful positions, a vacuum in religious authority emerged. These changes took Traditionalists by surprise and some of them held on to the *madhhabs* in a very rigid fashion as a way of rejecting secularism. Albani grew up in this atmosphere of unbending *madhhabism*, which contributed to his disdain for Traditionalists” (216).
- 328 Ibid.
- 329 Emad Hamdeh, “The Formative Years of an Iconoclastic Salafi Scholar,” *The Muslim World* 106, no. 3 (July 2016): 411–432.
- 330 Hamdeh, “Qur’ān and Sunna or the Madhhabs?”
- 331 Ibid., 218. Hamdeh adds, “Had he conceded that his conclusions involved an interpretive process he would not have been able to claim to depend only on scripture. In other words, instead of Salafism being based on the absolute truth it would just be another *madhhab* trying to understand texts” (218).
- 332 Hamdeh, *Salafism and Traditionalism*.
- 333 Ibid.
- 334 Ibid.
- 335 Hamdeh, “The Formative Years.”
- 336 Hamdeh, *Salafism and Traditionalism*, 118.

- 337 This was severely criticized by al-Albani. See Hamdeh, “The Formative Years,” 421-424.
- 338 Brown, *Hadith*.
- 339 Hamdeh, *Salafism and Traditionalism*.
- 340 Brown, *Hadith*.
- 341 Hamdeh, *Salafism and Traditionalism*.
- 342 See Tareen, *Defending Muhammad in Modernity*, 15-24. This simplistic dichotomy is in clear contradiction with what has been discussed earlier, that “following the Sufi path requires adherence to the dictates of the law” (19).
- 343 For the purposes of this article, I have adapted Maha Hilal’s discussion of internalized Islamophobia in the context of War on Terror. See her *Innocent Until Proven Muslim: Islamophobia, The War on Terror, and the Muslim Experience since 9/11* (Minneapolis: Broadleaf Books, 2021).

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ISSN 2690-3733 (PRINT)

ISSN 2690-3741 (ONLINE)