Edited by Léon Buskens and Annemarie van Sandwijk

Islamic Studies in the Twenty-first Century

Transformations and Continuities

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Amsterdam University Press

To the memory of Nasr Hamid Abu Zayd (1943-2010)
and Jacques Waardenburg (1930-2015)

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Preface

With pleasure, modest pride and in my quality as chairman of the board of the Netherlands Interuniversity School for Islamic Studies (NISIS), I present to you this volume *Islamic Studies in the Twenty-first Century: Transformations and Continuities*. It contains a selection of articles written by scholars who were invited to talk about their work at the seasonal schools that were organised by NISIS in the past years. In the introduction to this selection of articles Léon Buskens, academic director of NISIS, will explain how this volume came about. Let me say a few words about NISIS and the scholarly field it covers.

NISIS is a research school, founded in 2010, in which nine Dutch universities participate. The aim of the school is to address Islam in a broad thematic and interdisciplinary way. This broad approach has certainly contributed to the success of NISIS. Through the organisation of seasonal schools every six months and network days where ongoing research is presented, we have created an academic community of researchers working on Islam at Dutch universities. But we have also built up and extended an international academic network of scholars, and we work together closely with several research institutes in and outside Europe. The contributions to this volume are the fruits of this endeavour.

NISIS considers interdisciplinarity and thematic focus not just a hollow mantra to please the academic community, funding agencies, and policy makers. Islam is more than a religion in the strict theological sense. If we confine ourselves to doctrinal normativity and Islamic law to analyse what Muslims motivate and how they build religious landscapes and lifeworlds, we seriously narrow down our understanding of Islam. Conversely, if we consider the rich body of theological work that has been written over centuries, the normative frameworks that guide people, and the canonised practices to which Muslims refer as irrelevant, we also seriously limit analytical rigor.

This may sound as a truism, but in an academic landscape that is still largely dominated by disciplinary boundaries, interests, and money flows it is vital to show that only a broad approach to the study of Islam can overcome disciplinary myopia. In addition, we have organised our schools around specific themes that bear relevance to social issues and put the study of Islam in a wider perspective. We have invited renowned scholars from all over the world to give keynote lectures and discuss the work of young scholars. Through the strict interdisciplinary and thematic format

of the schools we want young scholars, who are typically trained in a single discipline, to engage with other scholarly approaches and to reflect on their own work. The thematic approach encourages them to "think outside the box" of their own research topic.

NISIS started in 2010 with the generous funding of the Dutch Ministry of Education, Culture and Science, and of course with the active involvement of the nine participating universities. The recent academic audit of the first five years was excellent. It gave us the energy to continue our work. Hopefully, we will be able to make this volume the start of a series in the years to come.

Thijl Sunier
Chairman of the NISIS board
Professor of Cultural Anthropology
Chair of Islam in European Societies
VU University Amsterdam

Introduction

Dichotomies, Transformations, and Continuities in the Study of Islam[1]

Léon Buskens

1 Introduction

This book aims to offer an overview of some of the important issues in the study of Islam that scholars discuss at present. The study of Islam is part of a tradition that started in Western academia on a professional scale about two centuries ago, and has always been linked to social concerns. At the beginning of the nineteenth century the major question was how to govern Muslims living in the newly established colonies, such as British India, the Dutch East Indies, and, later, French Algeria. About a century later colonial government still was an important issue, linked at that time to the declaration of jihad by the Ottoman caliph in an effort to help his German allies. Again a century later questions of governance continue to play a crucial role, now mainly linked to the presence of Muslim citizens in Europe, the control of natural resources in the Middle East, and to what is perceived as global security and a "war on terror." Scholars have managed to capitalise on these public issues, not only to make a living, but also to pursue their intellectual interests. They have constituted an impressive body of knowledge, even if this is not always as useful or made use of as much as the authors might suggest in their applications for funding.

This academic tradition has not only led to an accumulation of knowledge, even if some of it is almost forgotten or badly neglected, but has also witnessed major changes in interests, questions, methods, aesthetics, and ethics. Although interest in travelling in the Muslim world and gathering information through autopsy, exchange with local erudites, and collecting was practiced earlier on, as the work of Carsten Niebuhr (1733-1815), for example, demonstrates (cf. Kommers 1982; Vermeulen 2008), the past four decades show a notable shift from philological and historical to anthropological and other social science approaches to Islam. In some countries the dominance of anthropology is now being replaced by the primacy of political science and its offspring, such as international relations and security studies.

The Netherlands has played an important role in establishing this academic tradition.[2] Leiden University has one of the oldest chairs for the study of Arabic in the world (created in 1599) and a world famous collection of manuscripts and rare printed books from Muslim lands. In the course of the nineteenth century this tradition developed into the scholarly study of Islam, with luminosi such as Keyzer, the Juynboll family, L.W.C. van den Berg, Dozy, De Goeje, Van der Lith, Veth, and Houtsma. Colonial questions led scholars to work on more than purely philological questions, such as ethnography and law. Christiaan Snouck Hurgronje (1857-1936) built on these foundations and became one of the creators of the academic study of Islam, together with his Hungarian friend Ignaz Goldziher. Snouck Hurgronje was an acute philologist, a gifted fieldworker, and a well-connected networker. One of the results was the compilation of an *Encyclopaedia of Islam*, of which the current third edition is still published by Brill in Leiden. Although Snouck Hurgronje can be considered as one of the founders of an ethnographic approach to Islam, his successors were mainly interested in a philological approach.

The philological approach underwent a renewal in the 1970s through the work of the students of the former colonial civil servants turned professors. Some colleagues did important work in Qur'anic studies and Islamism, others turned to relations between Muslims, Christians, and Jews, and to the study of Islam in Europe. Utrecht University became a centre for the study of Sufism, through the work of Frederick de Jong, Bernd Radtke, and Martin van Bruinessen. Scholars worked together in the Dutch Association for the Study of the Middle East and Islam (MOI), which published a series of edited volumes and the journal *Sharqiyyât*, which later merged with *ZemZem*. Jacques Waardenburg played an important role in this endeavour, which resulted in a new handbook for the study of Islam in Dutch (1984), as did Joost van Schendel, who facilitated many important publications by Dutch scholars, first as a publisher at Het Wereldvenster and later with his own publishing house, Bulaaq, in Amsterdam.

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2   Vrolijk and Van Leeuwen (2014) offer an overview of Arabic studies in the Netherlands until 1950, with further references. Otterspeer (1989) provides the context of the interest in Islam by surveying other branches of Orientalism as well. Boland and Farjon (1983) offer a bibliographical overview of the Dutch tradition of studying Islam in Indonesia with an excellent introduction. The journal *Sharqiyyât* 15 (1-2) (2003) published a special anniversary issue with overviews of developments in Middle Eastern and Islamic studies in the Netherlands especially since the 1970s: "25 jaar Midden-Oosten- en Islamstudies en de MOI," which was complemented by Strijp (1998).

The study of Muslim societies was taken up in the Netherlands, as in many other countries, by anthropologists looking for new accessible fields, mainly in the Mediterranean. Scholars at the universities in Amsterdam and Nijmegen took the lead, while for several decades VU University Amsterdam organised fieldwork trainings in Tunisia, Morocco, and Gouda (cf. Buskens and Strijp 2003). Many anthropologists neglected or ignored the work of colonial and early postcolonial predecessors, such as Wilken, Snouck Hurgronje, and C.A.O van Nieuwenhuijze. However, Henk Driessen paid attention to these historical roots and combined his anthropological interest with historical and philological expertise to produce a new handbook for the study of Islam (Driessen 1997). Paul Aarts has consistently promoted a political science approach at the University of Amsterdam for several decades. Over twenty-five years of cooperation with Indonesia in Islamic studies, under the direction of Wim Stokhof and funded by the Dutch Ministries of Education and Foreign Affairs, has revitalised the study of Islam in Indonesia and created strong networks with young scholars at the various Islamic universities (cf. Kaptein 2003).

In the first decade of the present century the social science approach was strengthened by the International Institute for the Study of Islam in the Modern World (ISIM). The work of ISIM gained considerable exposure through its newsletter, in which its editor (and present NISIS board member) Dick Douwes paid extensive attention to international developments in Islamic studies. The creation of the Netherlands Interuniversity School for Islamic Studies (NISIS) in 2009 at the incentive of the Ministry of Education, Culture and Science was meant to provide society with useful knowledge. Scholars involved in this venture explicitly aim at bringing together the rich European tradition of the philological and historical study of Islam with more recent trends in studying Muslim societies from the social sciences, as the composition of the NISIS board demonstrates.

This book embodies part of the NISIS endeavour to look for new approaches consistent with contemporary scholarly and public concerns by presenting some important issues in the study of Islam and Muslim societies that NISIS members have been discussing with colleagues from abroad. The papers collected in this volume were initially presented at the opening conference of NISIS and at a series of three autumn schools between 2010 and 2012. The final essay elaborates on the relation between Islamic and Middle Eastern studies that I initially presented at the NISIS autumn school "Islam: Culture or Religion?" organised by Christian Lange at Utrecht University in 2013. Albeit not presenting a fully comprehensive volume, the papers that we managed to obtain give an overview of major

developments, questions, approaches, and methods that scholars of Islam discuss at present. Although the aim of the authors was not to write histories of their respective fields of inquiry, their surveys often implicitly, and occasionally also explicitly, present the dynamism of the tradition which they form part of. Most authors both pay attention to major transformations and to underlying continuities. Looking for productive new questions and methods, while being critically conscious of working within a tradition, has been the main guiding principle in the organisation of this volume.

2   Aims and Activities of NISIS

NISIS brings together scholars studying Islam and Muslim societies based at nine universities in the Netherlands: the University of Amsterdam, VU University Amsterdam, University of Groningen, Leiden University, Maastricht University, Radboud University in Nijmegen, Erasmus University in Rotterdam, Tilburg University, and Utrecht University. Each university is represented by a member of the board: Gerard Wiegers (formerly Rudolph Peters), Marjo Buitelaar, Maurits Berger, Susan Rutten, Karin van Nieuwkerk, Dick Douwes, Herman Beck (occasionally replaced by Jan Jaap de Ruiter), and Nico Landman. The board is chaired by Thijl Sunier of VU University Amsterdam. At the request of the presidents of the participating universities, Leiden University acts as the coordinating university, housing and staffing the NISIS office, with the writer of this introduction currently being its director. NISIS is an open and inclusive school aimed at welcoming scholars involved in research on Islam who are based in the Netherlands. The only distinction made is between senior scholars who have already obtained their doctorate, and junior members who are still preparing a thesis. NISIS represents most of the academics based in the Netherlands active in the field.

The founding members of NISIS were encouraged to cooperate on a national level by the generous financial support of the Dutch Ministry of Education, Culture and Science, initially for a period of six years, now extended until the end of 2017. They agreed that the main aims of NISIS should be: (1) to advance interuniversity cooperation; (2) to provide high-quality training and research on Islam and Muslim societies in the Netherlands; (3) to reinforce the international profile of Dutch scholarship in Islamic studies; (4) and to link scholarly expertise with debates in society. Starting in 2010, NISIS has offered scholarships to eleven PhD candidates, coming from various countries, to pursue their research in Islamic studies at one of

the nine universities involved, and has developed a training programme to educate a new generation of specialists on Islam and Muslim societies in the Netherlands. As this academic field has a strong international dimension we consider it very important to bring our scholars and students into contact with colleagues from abroad.

The interests and expertise of the nine board members, its director, and its executive secretary Petra de Bruijn cover all disciplines and areas that NISIS promotes, with a strong presence of anthropology and religious studies, but also law, history, and philology. Diversity in disciplinary, thematic, and regional expertise is present in the research of all members, both junior and senior scholars. Many combine several disciplines, work on various themes, and in more than one area. NISIS pays particular attention to exchanges and transnational linkages. Integrating the recently developed studies of Islam in Europe in the broader field is also an important aim. We encourage conversations between scholars working on history and philology with social scientists, as we consider fruitful collaboration a necessary condition for the further development of our field.

All scholars participating in NISIS share an understanding of Islam as a historical and socio-cultural phenomenon. They are part of an academic tradition of more than two centuries in which a historical-critical approach, which concentrates on the study of texts, has been fused with a social science perspective. This approach does not essentialise Islam as a force in itself, but stresses human agency through ideas and practices. It also emphasises the importance of studying Islam in a broad context as a cultural practice, not limited to a narrow definition of Islam as a religion. A non-normative perspective is not only most productive in scholarly terms, but also helps to address major questions arising in society and policymaking, and might be of great value for inter-Muslim debates as well.

NISIS has developed a training programme for its junior members, in which both spring and autumn schools play a vital role. The spring schools take place in the Mediterranean, until now twice in Rabat, and once in Istanbul, Tunis, and Madrid, and are organised in cooperation with the Institut d'études de l'Islam et des sociétés du monde musulman (IISMM) in Paris and with various local partners. They bring together scholars and PhD and Research Master students from many different countries, as NISIS also provides ten scholarships to invite young researchers from all over the world to each spring and autumn school. The autumn schools take place at one of the nine participating Dutch universities, with prominent speakers mainly from abroad, and again PhD and Research Master students based in the Netherlands and abroad. The schools offer both keynote lectures and

workshops where junior researchers discuss their work with the keynote speakers. These schools have also reinforced the national visibility of NISIS and have expanded international cooperation with partners abroad. Scholars and students from all over Europe, North America, Africa, and Asia, including India, Indonesia, China, and Japan, with Muslim and other backgrounds, have participated in the schools.

The keynote lectures during the schools were not only aimed at scholars in the field, but also attracted a general audience interested in acquiring high-quality academic knowledge on questions which play an important role in contemporary public debates. Similar multiple aims are also served by the annual network day, addressing both scholars and a broader public. Scholars working outside academia, but engaged in research, are also eligible for membership, thereby strengthening the bond between academia and society. Since the 1970s, thanks to the work of scholars such as Maxime Rodinson, Talal Asad, and Edward Said, practitioners in the field have become increasingly conscious of the public dimension of their work, and have started to reflect on this dimension as an integral part of their research practices. This newly gained self-consciousness makes it in some ways easier to address society and to make solid academic knowledge available to the public. However, in today's highly politicised debates on Islam and Muslims, it is often not easy for scholars to make themselves heard in the cacophony of opinions and half-truths (cf. Otto and Mason 2012).

3   Dichotomies and the Structure of Islamic Studies

Several of the schools organised by NISIS aimed at scrutinising persistent dichotomies which structure Islamic studies. Although the pairs might be "good to think with," the approach during the first three autumn schools was to deconstruct three of these dichotomies, in order to look for more productive questions and methods. The three oppositions under review came up during the course of NISIS meetings, as they were impossible to avoid, both in popular and in academic discourses: texts and practices, the classical and the modern, and centres and peripheries.

3.1   Texts and Practices

The relations between texts and practices have been at the heart of the study of Islam and Muslim societies since the nineteenth century. At first scholars discussed the question in a normative way, in order to determine

the sources of knowledge about the norms which the colonial authorities were to apply to establish law and order. Their perspective resembled in some respects the normative angle of Islamic scholars, who also wrote treatises admonishing Muslims who deviated from the rules laid down in texts. For philologists texts had primacy, but soon researchers, often with a background as "practical men" in the field, started to refer to their own empirical observations, pleading to take practices at least as seriously as books. Only after the Second World War would an anthropology of Muslim societies gradually evolve, being dominated in the beginning by folklorist dichotomies such as Redfield's great and little tradition.

Texts are present in many Muslim societies, but it took anthropologists several decades to take them seriously as objects of study in themselves, partly due to the great divide between philology and anthropology, influenced by a tradition of mutual misunderstandings and biases. Scholars in both traditions had to come to terms with misleading assumptions about the universalism of literate culture, for example, still present in Jack Goody's seminal work. In spring 2010 NISIS was very fortunate to welcome Brinkley Messick for the inaugural lecture at VU University Amsterdam on "The Anthropologist as Reader." Messick has been one of the first anthropologists to take texts in Muslim societies as objects of study, resulting in the seminal monograph *The Calligraphic State* (1993). In his contribution to this volume he offers a genealogy of the ways in which anthropologists have dealt with texts, thereby anchoring the issue much more strongly in the discipline. He also demonstrates his own approach studying the library and the archive for his research on the historical anthropology of shariʿa in Highland Yemen. Ghislaine Lydon also contributes to this thriving field of inquiry with her studies of texts as social phenomena in her research on the legal and commercial history of the Sahara (e.g. Lydon 2012; Krätli and Lydon 2011). Unfortunately, she was not able to transform the lecture she gave during the third autumn school into a contribution for this volume.

During the first autumn school on "Texts and Practices" Jonathan P. Berkey discussed the social uses of texts from a historical perspective. His lecture was another important demonstration which taught fellow historians and philologists, but also anthropologists, how to question the cultures of writing, reading, and storing texts in Muslim societies. Berkey's contribution to this book offers a clear summary of several of his intellectual interests so far, referring also to his seminal work *The Transmission of Knowledge in Medieval Cairo: A Social History of Islamic Education* (1992).

The problems addressed in the section on texts with which this volume opens underlie to a large extent many of the other questions. A. Kevin

Reinhart presents a theoretically informed view on how to study rituals, which has again become a central concern in the study of Islam during the last decades. The present debates show how much has changed since the founding fathers, in the Netherlands represented by Orientalists such as Dozy, De Goeje, and Wensinck, discussed the "origins" of Islamic rituals. Reinhart severely and outspokenly criticises earlier approaches. His understanding is guided by Seligman's and by Humphrey and Laidlaw's work, looking at ritual as an act, as "subjunctive creation." The view that meaning is produced through the ritual act itself leads us to understand how people attach meaning and how rituals produce sentiments.

The second section on gender presents two papers given on this issue during the first autumn school. Scholars of Muslim societies started to study gender in connection with the turn to the social sciences and social history. Pioneering work has been done in this area in the Netherlands, and it has been continued by younger researchers, as Willy Jansen, one of its first scholars, documented in an earlier survey (Jansen 2003). Marion Katz looks at gender from her position as a prominent historian, an approach less well represented in the Netherlands. As many other contributors to this volume, and in the field in general, she turns to legal sources. Her overview concentrates on studies published in the United States and Britain. Katz stresses the dialectical relations between norms and practices and the huge diversity in local understandings. The prominent German anthropologist Dorothea E. Schulz solidly situates the study of gender in Muslim societies in gender studies in general, especially in relation to Sub-Saharan Africa. Her overview demonstrates how the study of Muslim societies has also made significant contributions to more general debates.

3.2   Classical and Modern

During the first autumn school the opposition between "classical" and "modern" Islam repeatedly came up. Occasionally it seemed as if historians working on older periods turned to the work of anthropologists and other colleagues studying contemporary societies much more frequently for inspiration than the other way around. For a long time the study of history and texts provided the main model of academic scholarship. Research on the present and on practices was considered of secondary importance, which properly trained philologists could master without much additional training or grounding in theory. Nowadays the situation has been reversed. Historians and philologists have to justify their antiquarian interests and turn to the social sciences for theoretical and methodological guidance,

expounding on lessons that society can learn from the past. Some call their library and archival research "fieldwork" and claim to study "multicultural" and "cosmopolitan" societies of a millennium ago. In the meantime questions of periodisation and the "modern" and "modernity" have received considerable attention, with the notion of "multiple modernities" as a way out, which has been criticised in its turn.

We considered it important to scrutinise these issues more closely in the second autumn school in 2011, by looking at three fields of inquiry which have again become quite prominent nowadays: theology and the history of ideas, mysticism, and law. Our speakers were invited to address the questions mentioned above, especially the issue of periodisation, and to look more closely at the opposition between the "classical" and the "modern." We are grateful to the speakers whose papers on theology and the history of ideas and law we can include in the present volume. Unfortunately Carl Ernst and Mark Sedgwick were unable to send us their contributions on Sufism.

The third section of this volume presents the two papers by Christian Lange and Abdulkader Tayob, which complement each other. Theology and the history of ideas have been central and respectable concerns in Islamic studies since its beginning. They brought texts as sources, philology as a method, and interpretation together, with a strong emphasis on high culture, the relationship of Islamic thinkers with the legacy of classical antiquity and Judaism, and idealist philosophy. In the Netherlands this line of research was represented by earlier scholars such as Wensinck and his students, by the studies of G.W.J. Drewes on the intellectual history of Muslim Indonesia, by the great research project Aristoteles semitico-latinus directed by H.J. Drossaart Lulofs and continued by Remke Kruk, by Hans Daiber's studies on philosophy and theology, by Jan Peters' work on the Muʿtazila, by Sjoerd van Koningsveld and his students (among whom are NISIS board members Herman Beck and Gerard Wiegers) researching relations between Muslims and Christians in al-Andalus and the Maghrib, and by the studies of Hans Jansen, Fred Leemhuis, and Kees Versteegh on the interpretation of the Qur'an. Recently the field has come under stress, suffering from limited funding and declining interest from students.

The appointment of Christian Lange by Utrecht University meant a welcome strengthening of this important specialty. His contribution to this volume presents the history of ideas as a discipline, stressing the importance of contextualisation. He demonstrates his approach with an analysis of the classical case of al-Ghazali, ideas about the community of believers, and notions of heterodoxy and orthodoxy. He demonstrates the use of literary approaches in order to analyse the religious imagination.

Abdulkader Tayob also contributed significantly to the development of intellectual history and Islamic theology while teaching as an ISIM professor at Radboud University in Nijmegen, before accepting a prestigious invitation to return to South Africa. In his contribution he addresses the issue of Islam and modernity, discussing the views of Western scholars and Muslim thinkers. As Lange, he also focuses on the issue of membership of the Muslim community. He stresses the role of Muslims as agents, and he engages in a conversation with Talal Asad and his notion of Islam as a "discursive tradition" (Asad 1986).

The fourth and penultimate section offers two papers on law. The study of Islamic law has been a central concern since the beginning of Islamic studies in European academia (cf. Buskens and Dupret 2014). Scholars working in the Netherlands have contributed extensively to this field, and continue to do so. One might even argue that the study of Islamic law is a Dutch specialty. From the beginning Dutch scholars have engaged in exchanges with scholars from abroad, as the work of Salomo Keyzer and Christiaan Snouck Hurgronje demonstrate. After decolonisation these studies suffered from a decline, sadly demonstrated by Joseph Schacht moving from Leiden to Columbia University, also due to the impolite behaviour of some of his Dutch colleagues. With the settling of larger groups of Muslim immigrants, at about the same time as important geopolitical changes in the Middle East such as the "oil crisis" and the "Islamic revolution," Dutch scholars started to take a renewed interest in law. Major promoters have been, also through their involvement in the Dutch Association for the Study of the Law of Islam and the Middle East (RIMO), the late Jan Brugman, Frans van der Velden, Gerard-René de Groot, Jan Michiel Otto, and Rudolph Peters, a former member of the NISIS board on behalf of the University of Amsterdam. Gautier Juynboll and Harold Motzki have both changed our understanding of the formative period of Islamic law. The field is well represented in NISIS by board members Maurits Berger (Leiden) and Susan Rutten (Maastricht), who both study the place of Muslims in European legal systems, and by its current director. The current interest is strengthened by the work of a new generation of NISIS members who recently defended or are currently preparing their doctoral theses at various Dutch universities.

Muhammad Khalid Masud contributed extensively to the renewal and dynamism of the study of Islamic law in the Netherlands during his directorate of ISIM. Together with Annelies Moors and Léon Buskens, he organised a number of scholarly meetings encouraging an anthropological approach to Islamic law, which further elaborated on his idea of "the social construction of shariʿa" well (cf. Masud 2001). In his contribution to the present volume

he continues this approach by studying contemporary understandings of al-Shafiʿi's classical *Al-Risala*. He demonstrates how history can serve as a critical tool in debates inside Muslim societies. In the same way as his former colleague in ISIM Abdulkader Tayob he explicitly incorporates an Islamic perspective, making historical research speak to contemporary concerns of Muslims.

Knut S. Vikør is internationally known as one of the moving forces behind the current upsurge of interest in Islamic law in Western academia, through his many case studies and monographs, and through his textbook *Between God and the Sultan*. He contributes to the section on law by studying the relationship between politics and law. As a case study he addresses a particular stage in the debates about the revision of the constitution in Egypt. Although many changes have occurred in Egypt since he wrote this article, his questions and analyses still offer important lessons for all those who are concerned with the manifold debates about Islam, politics, and constitutions taking place in many parts of the Muslim world.

3.3   Networks

The third autumn school in 2012 dealt with "Centres and Peripheries: Networks Connecting Muslim Societies in Past and Present," striving to overcome this opposition by focusing on connections, exchanges, and networks.[3] Six areas were singled out for special attention, some of which have also received considerable attention in the Netherlands, such as Southeast Asia, Sub-Saharan Africa, Arabia, Central Asia and the Caucasus, and Europe. Unfortunately, this volume only offers one of the six lectures, on South Asia. We are very grateful to Pnina Werbner for sharing her research on transnational linkages and networks, published in a series of monographs and articles, with us. In her case study based on her fieldwork in Zindapir she links the issues of hospitality and tolerance to the concept of cosmopolitanism.[4] Her study demonstrates how to study linkages with the outside world: by paying attention to travel and pilgrimage, which are prominent in Sufism, and by relating them to representations of the outside world and views of others. Her attention to local forms of cosmopolitanism has special relevance considering the debates about Muslim xenophobia and fanaticism in the West.

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3   Ulrike Freitag was one of the speakers during this autumn school. For her view on translocality see Freitag and Von Oppen (2010).
4   On the notion of cosmopolitanism, see Freitag (2010).

The two subsequent autumn schools dealt with two more pairs of notions: "Islam: Culture or Religion?" (2013), and "The Religious/Secular Divide in the Muslim World" (2014). An elaborated version of the lecture on the relation between Islamic and Middle Eastern studies in the Netherlands in an international perspective that I gave at Utrecht University is offered as the last contribution to this volume.

4   Conclusions: Transformations and Continuities

The contributors to this volume offer surveys of the fields in which they are specialists. Some of them demonstrate how to practice scholarship by presenting case studies. The essays identify new trends in Islamic studies. For example, the strong current interest in Islamic normativity is well represented in the essays by Messick, Reinhart, Katz, Masud, Vikør, and to a certain extent also by Berkey. Although the book does not contain a contribution explicitly discussing the recent turn to political science, which is quite strong in several countries, interest in the political dimension is present in a more implicit way in several of the chapters (cf. Osella and Soares 2010).

During the schools the importance of addressing various regional research traditions became clear. All too often Islamic studies is identified with Middle Eastern studies. Scholars working in other fields have often developed new questions and original approaches which enrich Islamic studies considerably, as, for example, the work of Dorothea Schulz and Benjamin Soares on Sub-Saharan Africa makes clear (cf. Soares 2014). Research on Muslims in Europe, which is pursued by all NISIS board members, is still quite isolated from the main debates in Islamic studies, which deprives scholars of useful cross-fertilisations. The third school demonstrated the importance of going beyond the opposition between "centres and peripheries" by replacing it with notions such as "translocality" connections, and networks (cf. Freitag and Von Oppen 2010).

A common theme throughout this volume is the attention to diversity in Islam and in Muslim societies – geographically, historically, and socially (in terms of gender, class, etc.) – which complies with the general understanding of Islam furthered by NISIS. Although in this introduction, as in the name of NISIS, we often use "Islamic studies" as shorthand, we are conscious of the problems of this term. The research interests of most members of NISIS are much broader than Islam. Many would perhaps prefer to identify themselves with a discipline such as history, anthropology, philology, or law,

than with Islamic studies. In order to understand the particular forms of Islam, knowledge of the context is fundamental. For some members Islam is a peripheral research object, one of many issues under study, and they would rather not be confined to "Islamic" or "religious studies." As mentioned earlier, the notion of Muslims making their own Islam, and hence a stress on human agency, is a crucial starting point for the research undertaken.

Again and again the question comes up whether Islam and Muslims are appropriate categories to study the phenomena and societies which we try to understand. In the meantime scholars have produced a considerable body of literature on this issue, consisting of essays both small and large (cf. Bayat 2003; Freitag 2013 with comments by Meyer). Although using the term "Islam" might obscure differences and lead us to idealism, we simply cannot afford to do without it, if only because it is such an important emic notion, used by the people we study in highly significant, although extremely varied, ways. Using the plural "islams" without a capital "I," as El-Zein suggested, does not seem to be very satisfactory, if only for aesthetic reasons (cf. Eickelman 2002, 245). In the end, the questions remain deceptively simple: What do people do with Islam?, How do they shape their Islam?, and How does Islam shape them? Finding proper answers is only possible by refining the questions, discarding gratifying but misleading dichotomies.

For several decades Talal Asad's idea of Islam as a "discursive tradition" has been a dominant approach, especially among anthropologists. It has led to important new insights and a considerable body of valuable studies. We are now witnessing the rise of criticism of this idea, indicating the diminishing returns on the questions it produces. John Bowen has made a powerful statement of which direction to take with his textbook *A New Anthropology of Islam* (2012). Samuli Schielke formulated a polite but fundamental critique of Asad with his "Second Thoughts about the Anthropology of Islam, or How to Make Sense of Grand Schemes in Everyday Life" (2010). His ideas fit with a general trend to make Islam as such less central to the study of Muslim societies, after a strong focus on it during the last decades. The new buzzwords are "everyday Islam" and "everyday religion," notions thoroughly familiar to many anthropologists and historians who cherish a strong interest in the everyday experiences of "ordinary people," who might not always be so busy with religion, but more with making a living, surviving, killing time, and having "fun." The notion of everyday religion is conspicuously present in the titles of recent edited volumes (e.g. Schielke and Debevec 2012; Dupret, Pierret, Pinto, and Spellman-Poots 2012; Dessing, Jeldtoft, Nielsen, and Woodhead 2014).

Overcoming the false oppositions identified in this volume requires considerable analytical sophistication, thorough familiarity with theories, and many skills – in methods, languages, libraries, archives, the Internet, and in the field and social life. For most ordinary human beings it is difficult to unite these in one person. Some exceptional scholars manage to do so, as the papers show. Over the last decades we have witnessed important advances in the education of students, combining theoretical refinement with solid language training. But we should also question what has been exchanged for this – such as, for example, partly losing knowledge of the grander intellectual traditions in which we work. As Stephen Humphreys stressed in his wonderful handbook *Islamic History*, "nobody masters all the necessary skills" (Humphreys 1991, 3). Although much research has quite an individualist character, for many of us collaborative projects might also be a fertile approach, uniting the strong points of people with different backgrounds, educations, talents, and skills. In order to bring this about scholars from different intellectual traditions should engage in fruitful exchanges, by gaining insight in different academic traditions and disciplines. The present volume offers another invitation to do so. In order to be successful we need to continue our work on reconstructing a tradition of 200 years. An important step is to move beyond the traditional divide between anthropology and philology. The scholars contributing to this volume demonstrate to what kind of results this may lead.

Another dichotomy that often comes up is the supposed difference between Muslim and academic perspectives. The contributions of two scholars with a Muslim background demonstrate that such an opposition is by no means necessary. Both Muhammad Khalid Masud and Abdulkader Tayob have gained an international reputation with their important studies, with which they also contribute significantly to internal debates in the Muslim communities of which they consciously form part. Their work shows how a constructivist perspective situates Muslim representations and practices in their historical and social context and thereby enables open debates within Muslim communities with respect for mutual differences. Both Masud and Tayob participate in a courageous way in the public debates in their countries of origin, occasionally at considerable risk for their own well-being. Their work reminds us of the intellectual and political courage of our dear colleague Nasr Hamid Abu Zayd, a professor at Leiden University and later at the University of Humanistic Studies in Utrecht, from whom we all learned so much, whose generosity and company we cherished, and to whose memory we dedicate this volume.

In this volume we have given much attention to changes, renewal, and transformations in the academic study of Islam. This process is often summed up as the demise of classical "Islamology" and the rise of a social science approach. NISIS strives to go beyond this simplified understanding of the intellectual tradition of which we form part by questioning the fallacy of the new. Underlying many of the transformations are continuities which are often barely recognised. Edward Said has prompted us to seriously question the genealogy of our knowledge, mainly by pointing to the social bases of its production. We do not only produce our knowledge for society – it is also produced by it. But our genealogical quest needs to move beyond this now less productive questioning of Orientalism, as François Pouillon and Jean-Claude Vatin have recently demonstrated again in their *After Orientalism* (2014).

Critical study of the history of the academic and governmental traditions of which our scholarship is part is not only necessary to think about the material conditions and political dimensions of our work. It may also contribute considerably to a refinement of our understanding by questioning commonplace concepts and methods of research. This kind of reflection will enable us to self-consciously engage with the tradition and move beyond misleading divides between texts and practices, and anthropology and philology. In the European past of Islamic studies we may unearth valuable ideas and sources in our search for new directions. We need to know the tradition in which we are working, thinking, practicing, and studying. History may teach us lessons about the merits and errors of our ancestors. It is unavoidable that we will err and sin again, but we might try to do so in good faith.

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Islamic Texts

The Anthropologist as Reader

Brinkley Messick

In the new millennium, especially in the aftermath of 11 September 2001, intensified and continuing scrutiny has been brought to bear on movements that invoke the shariʻa in their calls for reform and for the establishment of Islamic states. Sensational cases and aberrant regimes, such as the Taliban of Afghanistan, also have reinforced simplistic Western perceptions and fears of the shariʻa as backward, arbitrary and cruel. At present in the West, in the estimation of Muslim philosopher Ramadan (2004, 31), "the idea of *shariʻa* calls up all the darkest images of Islam."

In its basic meaning, the shariʻa refers to the divine design for the community of Muslims as set forth in the Qurʾan and as exemplified in the words and actions of the Prophet Muhammad. But the term refers as well to a corpus of humanly authored legal thought elaborated at the meeting points of divine revelation and prophetic practice example with human reason. This large body of literature, technically known as the *fiqh*, was created and studied across Muslim societies over the course of many centuries. In books that served as the centrepiece of classical madrasa instruction, the shariʻa includes not only the precise formats for the ritual life but also the detailed bases for a comprehensive moral and political economy, specifying the potential acts, rights and obligations of the individual Muslim subject. As a matter of faith, the sacred identity of the shariʻa placed emphasis on its perfection and unity, but its human receptions, the necessary efforts by generations of Muslim jurists to understand and adapt the revelation and the Prophet's example, inevitably entailed differences of analysis and opinion, and these eventually were manifested in a number of distinct schools of interpretation.

Understood to be divine in origin and human in interpretation, the shariʻa comprised a character both transcendent and immanent, a reality at once timeless and historical. Yet beyond these twin formal senses – as a revealed law and as a humanly created jurisprudence – its further range as a lived historical phenomenon may be indicated by colloquial usage. In a down-to-earth sense, dropping the definite article, shariʻa refers to litigation, to conducting a lawsuit before a judge. "You and me, shariʻa" is an age-old challenge to an adversary to take a matter to court.

In the West, the study of the shariʿa, or Islamic law, was a key part of the old academic field of Oriental studies. The exemplary twentieth-century statement of that thought is found in the superbly synthetic study by Joseph Schacht, *An Introduction to Islamic Law*, which appeared in 1964. Schacht's seminal and definitive work challenged the next generation in what has become known as Islamic legal studies. While many criticised (or defended) his perspectives, Schacht's accomplishment remained the standard general work in the field, until 2009. In that year, Wael Hallaq published *Shariʿa: Theory, Practice, Transformation*, a scholarly accomplishment that, in my view, represents the new standard in the field.

As is expressed in the last word of his subtitle, "Transformation," one of the large themes of Hallaq's new book concerns the "epistemic" break and the "structural death" of the shariʿa as a "system" that occurred with the advent of modernity (Hallaq 2009, 15-16). In the third and final section of the book Hallaq details and analyses this historical break, by region and by country, under the various colonialisms and nationalisms. He characterises what exists today as but the "veneer of the shariʿa," which refers to what remains in civil codes and in institutions of "traditional" education. I generally agree with this view of the present status of the shariʿa, and a major thrust of my own book on Yemen (Messick 1993) was to analyse an historical instance of such an epistemic rupture. From this perspective of the break brought by modernity (as well as from the pressing need to address popular conceptions in the West) we must find new ways to analyse the old problems surrounding the shariʿa in history.

It is perhaps too soon, and there certainly is not sufficient space here to offer a proper assessment of Hallaq's 600-page account, but I would like to note a couple of points Hallaq makes by way of introduction. At the outset of his book he mentions the practitioners of my humble discipline, anthropology. He assigns a prominent role in the recent study of the shariʿa to "legal anthropologists" (Hallaq 2009, viii, 22), whose collective work, he states, "has helped reinvent Islamic legal studies." Together with the anthropologists on his honour roll, Hallaq also mentions the social and legal historians of the Ottoman period, which he accurately describes as "the best-covered area in the historical study of the Muslim world." I note this reference to scholarship on the Ottoman Empire since the case materials I will refer to are different (even though Yemen, too, was influenced by the Ottomans). While the history of the shariʿa in the Ottoman Empire is exceedingly important, there is a danger that this particular history may be confused with the essential or timeless character of the shariʿa.

I refer in what follows to the shariʿa system that existed in highland (North) Yemen around the middle of the twentieth century, in the decades leading up to the Revolution of 1962. The period in question came to an end well in advance of my own field research, which began in the fall of 1974 and has continued, intermittently, until the present. I concentrate on this recent historical period rather than, more conventionally for an anthropologist, on the years contemporary with my own research residence, for the special opportunity that the earlier time offers. This is to understand an historical instance of the shariʿa in a unique set of circumstances: (1) at a moment just prior to the local onset of a variety of characteristic modern changes, notably including nation-state codification and legislation; (2) since highland Yemen was not colonised by a Western power, and was also at some distance from the many, equally characteristic transformations connected with colonial-era relations, such as the sharp limitation of the sphere of shariʿa application to family law. Most significant, however, is (3) the opportunity presented by this slightly earlier era to study the shariʿa within the framework of a distinctive polity, a classically styled Islamic state.

Focused on the middle decades of the last century, this is a project in historical anthropology. Such an inquiry entails retrospection from ethnographic research conducted in the following decades, under the republic; the use of oral history; and, based on a wide corpus of books and documents, my emphasis today, several techniques for anthropological readings.

The Islamic state in question was headed by an *imam*, that is, a "great imam" – as opposed to the prayer leader in a mosque – a leader who was meant to be a qualified interpreter of the shariʿa. The formula of rule is much like that set forth in the law books. Schacht (1964, 76), however, stated, unequivocally, "the state as envisaged by the theory of Islamic law is a fiction which has never existed in reality." Against such view, the thousand-year history of the Islamic states of highland Yemen offers a lengthy counterexample.

Yet this Yemeni version of an Islamic state remains relatively unknown, not least among the younger generations in Yemen itself. Beyond its important place in the political history of south-west Arabia, the existence of such a state also may inform us, in wider terms, about the general nature and the range of possibilities of Islamic states. Modes of leadership aside, an Islamic state may be defined, in simple terms, as one that applies the shariʿa. To examine the specifics of its shariʿa regime is to go to the heart of such a state. My broader hope is that an understanding of this distinctive former shariʿa regime will help forestall narrower conclusions as to what was standard, or conceivable, with respect to Islamic law in history.

Within the complex world of this Islamic polity, my specific focus in the following pages is upon the varieties of shari'a texts. If the systematic thought found in the doctrinal treatises of the shari'a may be considered one of the greatest intellectual achievements of Islamic civilisation, the judgement records of the shari'a courts and related archives of legal documents represent the most important group of sources for the last several centuries of its social history. Connections between accumulating doctrine and the ongoing tasks of judgement-giving and notarial drafting, between an academic tradition of the law and the rulings and other acts that pertain to concrete human endeavours, are at the crux of any functioning system of law.

My highland sources range from books of *fiqh* and their commentaries, the last of which was written in the 1930s and 1940s, to the personal opinions of the ruling and interpreting imams, the fatwas of local muftis, the judgements issued by shari'a courts and the many types of local primary documents, including such instruments as contracts and wills. Beyond their unusual range, the further important features of this array of sources are that they are mutually contemporaneous in time and also that they pertain to the same place.

I use the terms "library" and "archive" to refer to two major clusters of shari'a texts. Encompassing the local realms of the book and the document, writings that pertained, respectively, to the few and the many, these terms are intended to point at an analytic distinction within literate traditions. The library was associated with the *madrasa*, the site of academic learning, while the mid-century archive had primary links to the *maḥkama*, the judge's court, and its surround, including the private notarial writer. While the writings of the library and the archive entailed separate discursive dynamics, they nevertheless had interrelated histories. Placing a period library and a local archive together at the centre of the inquiry is integral to my examination of the shari'a as a "written law." Extending this old notion beyond its normal referent of the law on the books, the legal literature or jurisprudence proper, here centred on the *fiqh*, I also take into account legal writing at the less exalted, but hard-working levels of both court litigation records and ordinary instruments. This more holistic approach to what Raymond Williams (1977, 145-148) termed the "multiplicity" of writing is designed to bring the complex interactions among doctrine, opinions, judgements, and instruments into view.

In my usage, "library" and "archive" summarise contrasting discursive structures within an overarching juridical culture. Shari'a traditions operated on the basis of a textual divide between doctrinal genres that

were relatively context-free, a-temporal, and strictly technical-formal in expression versus a spectrum of richly circumstantial applied genres that were context-engaged, historically specific, and linguistically stratified. As opposed to the consistently general phrasing of doctrinal discourse, the practical acts of the courts and the notarial writers were resolutely specific. A defining feature of library texts is their reference to legal actors and objects using the noun *fulan* and its variations and extensions – the standard "so and so" or "John Doe," and the "such and such" of formal Arabic. In shariʿa regimes, this generalising library discourse of *fulan* is the discourse of theory and law.

Archival texts, in contrast, equally characteristically contained proper names. Where the doctrinal literature assumed a non-referential guise, consistently avoiding particular coordinates in time and space, court rulings and notarial instruments were carefully dated and located. Where doctrinal works engaged formal logical thinking, archival texts, while comprising some of the results of this thought, additionally embodied varieties of informal logic. And where literary jurists commonly distinguished between formal Arabic (the *lugha*, or "language") and their own specialised linguistic usages, in court transcripts, these two registers of tutored discourse were joined by some colloquial expression excerpted from primary texts both oral and written. Adopting all manner of regional and locale-specific vocabularies and terminologies, archival texts brimmed over not only with the names of people and the specification of things but also with precise indications of amounts and quantities, using named currencies and the variety of existing measures. In shariʿa regimes, this particularising archival discourse of the name is the discourse of practice and custom.

My general premise is that a complex legal regime may be instructively approached through an analysis of its written acts. That to inquire into what kind of writings these are is also to ask what kind of law that was. This is to treat written texts, literary or documentary, library or archive, not simply as the means for an inquiry – that is, as conventional sources – but also as ends. The historical nature of my inquiry also necessitates a distinction between acts and artefacts, between the fleeting historical events of writing and their extant material objects. I study the latter, the textual artefacts, for traces of the former, the earlier acts of writing. Genre refers not only to types of texts but, equally, to institutions of human action. My aim is to understand an historical instance of the shariʿa in terms of its systematic dimensions. How, in short, did the shariʿa work?

Unlike most existing research on Islamic law, which has focused either on library works or on archival documents, I emphasise their coexistence. As I

detail the multiple genre make-ups and the distinct discursive histories of the period library and the local archive, my further interest is in how these fundamental categories of shariʿa texts were interlocutors.

This inquiry addresses one of the venerable problems of Islamic legal studies: that of the relation between theory and practice in the shariʿa. Schacht (1964) sets this problem for us in clear, but largely negative terms. As noted, the subtitle of Hallaq's new book begins, "Theory, Practice …" In suggesting how an analysis of the relations between shariʿa texts contributes to the understanding of the larger dynamic of theory and practice in Islamic law, however, I draw more specifically on a couple of Hallaq's earlier papers in which he outlined examples of what he refers to as textual "stripping" (Hallaq 1994, 1995). Also in these articles his interest was in the dialectic of theory and practice.

How might an approach to texts, to genres, written acts and artefacts, the library and the archive, contribute to the study of theory and practice in the shariʿa? This will depend on methods for utilising these sources, in this instance on the work of the anthropologist as reader.

1   Genealogy

A century ago in anthropology, at its modern birth, the discipline was disinclined to regard written texts as proper sources. Franz Boas defined the field as the study of societies "without written languages" and "without historical records" (Boas 1903, quoted in Stocking 1988, 18). Before I outline some of my own approaches, I will digress to sketch some elements of a genealogy of the anthropologist as reader.

Boas advocated the sort of primary inquiry in original languages that he compared to the Oriental studies research of his day. "A student of Mohammedan life in Arabia or Turkey," he wrote, "would hardly be considered a serious investigator if all his knowledge had to be derived from second-hand accounts" (Boas 1969 [1911], 60). His own work was founded upon an elaborate textual method, which resulted in grammars and collections of oral texts, notably including myths. For a given myth, the published research could involve as many as three distinct versions: a phonetic transcription of the native language text, an interlinear (word-for-word) translation, and a free (narrative) translation. As later observers have remarked, this was philology in all but the name.

According to Michel Foucault (1970, xii, 280-307), modern philology emerged out of an earlier tradition of general grammar. For Foucault,

philology ultimately involved "the analysis of what is said in the depths of discourse," and its hallmark was "to turn words around in order to perceive all that is being said through them and despite them." He saw the advent of this new philology as heralding nothing less than the birth of "modern criticism." The new philology also was at the methodological heart of modern Orientalism in Edward Said's account. Said (1978, 22, 130-149) adopted Foucault's periodisation and his analysis of philology, and he wrote (elsewhere) that "philology's 'material' need not only be literature but can also be social, legal or philosophical writing" (Said 1969, 2).

Chapter 3 in Said's posthumous *Humanism and Democratic Criticism* is titled "The Return to Philology." His aim is to "suggest how philology, an undeservedly forgotten and musty-sounding but intellectually compelling discipline, needs somehow to be restored, reinvigorated, and made relevant to the humanistic enterprise." This "compelling" philology is defined as a mode of hermeneutic reading anchored in a "detailed, patient scrutiny of and a lifelong attentiveness to the words and rhetorics by which language is used by human beings who exist in history" (Said 2004, 6, 61).

For the Boasian anthropologist, a solid corpus of native texts enabled both narrower linguistic and broader ethnological analysis. Ethnology, the general science that subsumed both language and culture, was defined by Boas as "dealing with the mental phenomena of the life of the peoples of the world," or, as he also put it, their "psychology." In the light of this conception, the data Boas valued most derived its authority from its largely unreflective or fully unconscious character. Linguistic data were especially important because the categories of language "never rise into consciousness." As for other ethnological phenomena, "although the same unconscious origin prevails, these often rise into consciousness, and thus give rise to secondary reasoning and to re-interpretation" (Boas 1969 [1911], 63, 67-73). Boas generally turned away from what he perceived as the dangers of such "secondary explanations," although he acknowledged that this sort of information filled field workers' notebooks. Boas understood what he termed "esoteric doctrines" as a further type of "secondary phenomenon." Such doctrines were the "product of individual thought" and of the "exceptional mind." But ethnology, he asserted, "does not deal with the exceptional man; it deals with the masses" (Boas 1940 [1902], 312-315). In this theme, which also entailed a disregard for what later would be termed "native models," Boas connected anthropology, not to the humanities, but to the other side of its split disciplinary identity: the social sciences. It should come as no surprise that such social scientists would have a problem with the figure of the author.

Few in the next generation of anthropologists could make productive use of the large corpus of published but otherwise raw texts left by Boas. An important exception was Claude Lévi-Strauss (d. 2009), the consummate student of New World mythology. His four-volume *Mythologiques* references over 800 myths from both North and South America collected by many previous ethnographers, Boas and Boasians prominent among them. For a subset of these myths Lévi-Strauss goes into fine detail, but since he mastered none of the original Amerindian languages he disclaimed the possibility of a conventional philological approach. "I am not a philologist," Lévi-Strauss states, and yet he created an innovative comparative science of texts, studied mainly in translation. His elegant and elaborate structural analyses of myths purport to reveal the "inner workings" of the societies in question (Lévi-Strauss 1981, 639, 643-645). They also display dense patterns of a type of intertextuality that was, by his fourth volume, intercontinental in scope.

Another lineage of anthropologists sought to understand the "native's point of view." Bronisław Malinowski (1884-1942) is credited with instituting extended ethnographic fieldwork as the basic research technique, and he, too, utilised a highly refined textual method. For Malinowski, old-school philology was the explicit foil. "The typical philologist," he wrote, "with his firm belief that a language becomes really beautiful and instructive … when it is dead, has vitiated linguistic studies." "The needs of the Anthropologist," he continues, "are entirely different, and so must be his methods." In the "pre-literate" societies studied by anthropologists, language "does not live on paper," but instead "exists only as free utterance" located in "its context of situation." Seeking to avoid the "sterility of the philological approach," Malinowski also rejected the closely-linked interest in historical reconstruction (Malinowski 1965 [1935], xix-xx). He contrasted his method with an earlier mode of anthropological "text-taking" that involved dictated set pieces, via an interpreter, and thus entirely (excepting technical terms) in translation. His key improvement, thereafter a hallmark of the field, was to learn the language himself and eliminate the interpreter. He referred to his collected texts, in italicised Latin, as a "*corpus inscriptionum.*" He also compared his work to that of Egyptologists, who studied "a similar body of written sources" (Malinowski 1961 [1922], 23-24).

For Malinowski, the anthropologist's "documents of native mentality" included "statements, characteristic narratives, typical utterances, items of folklore and magical formula." Like Boas, Malinowski published extensive transcriptions together with interlineal and narrative translations, but he also created a formal place in his method for native commentaries.

Continuing his allusion to classical humanism, he referred to these commentaries as "*scholia*"; a generation later, Victor Turner would speak of "native exegesis." Much as in the actual practice of Boas' research, a named individual "of exceptional intelligence" provided Malinowski with fundamental linguistic assistance, "helping to obtain a definition of a word, assisting to break it up into its formative parts, [and] explaining which words belong to ordinary speech, which are dialectic, which are archaic, and which are purely magical compounds." Referring to one of his texts, a magical spell, Malinowski explained that it "cannot be considered the creation of one man." A social text with a reception history, the spell bore the "unmistakable signs of being a collection of linguistic additions from different epochs ... constantly being remoulded as it passes through the chain of magicians, each probably leaving his mark, however small, upon it" (Malinowski 1961 [1922], 428, 429, 433).

Introduced into a field of research then confined to small-scale, non-literate societies, such sophisticated textual understandings marked the discipline's modern origins. In this displaced philology of the spoken word we may locate part of a genealogy for the anthropological reader of written texts. But it is a history which must be actively reclaimed.

Such continental sensibilities regarding anthropological texts and the centrality of language preparation eventually were challenged. Anthropological linguistics branched off to develop as a specialised sub-field, while, for the mainstream, Margaret Mead, Boas' famous student, exemplified the break with the older philological methods in the face of an advancing science. As opposed to the previous generation's pattern of sustained work on a single region, Mead's new "problem-oriented" research went society hopping. Mead rejected what she referred to as linguistic "virtuosity" on the part of the anthropologist, that is, any more language capacity than the minimum necessary for the research task at hand (Mead 1939). An expanded emphasis on observation, on the trained omniscience of the fieldworker, was to be coupled with techniques of efficient questioning.

By the mid-twentieth century, anthropological research moved on to the peasant margins of literate societies. It was the era of the Great and Little Traditions, with anthropologists specialising in the latter, the rural and non-literate part of a complex civilisation. By the end of the century, that is, in our own day, especially with the "historical turn," we have seen the normalisation of archival inquiry, initially in Western-language colonial sources. There also were indications of disciplinary fetters concerning written sources being thrown off. Akhil Gupta (1995, 385), for example, asked, "by what alchemy time turns the 'secondary' data of the anthropologist

into the 'primary' data of the historian." Anthropologists, meanwhile, had been consumed with "reflexive" analyses of their own writings, but these new interests in authorship did not extend to their source texts. Jonathan Boyarin's landmark edited volume, *The Ethnography of Reading* (1993), however, initiated new interdisciplinary research on a range of literate textual cultures while also commencing the critique of the long-standing anthropological resistance to the study of written texts.

Because most anthropologists did not pause to rethink their disciplinary positions regarding non-Western writings, reading methods emerged without a great deal of thought about the new activity. This was due, in significant part, I think, to the large achievements of two intervening figures, Clifford Geertz and Jack Goody. While Geertz (1973) initiated a decisive "textual turn" in the discipline, Goody's work would serve as the default reference for the comparative study of writing and literacy (Goody 1968, 1986). Representing important, late-twentieth-century trends in the American and British schools, their analytic vocabularies were roughly opposites: Geertz's humanist (reading, construction, hermeneutics, understanding) versus Goody's social scientific (hypothesis, data, evidence, explanation).

Geertz introduced an influential interpretive anthropology of the "text," but with the significant irony that this did not refer to written texts. While not specifically ruled out, the examination of texts in the literal sense of indigenous writings was not the anticipated activity. According to Geertz's well-known formulation, the "said" (1973, 19, 20) of social discourse was to be "inscribed" by the ethnographer. For James Clifford (1988, 38), who has understood Boas' work in related terms, interpretive anthropology was "based on a philological model of textual reading." Geertzian anthropologists did not initiate readings in written sources, but instead read second-hand in Orientalist or area studies scholarship. Interpretive anthropology focused on the broadly "public" and "shared" levels of culture rather than on more narrowly reflective or specialised forms of analytic thought. Instead of the "esoteric" flights of refined imagination or instances of sophisticated conceptualisation that might be found in artistic or scholarly writings, Geertz held that the proper object of cultural analysis was "the informal logic of actual life." His field research, conducted in the traditionally literate and predominantly Muslim societies of Indonesia and Morocco, brilliantly adapted the interpretive sociology of Max Weber, including his culture concept and his modes of historical and comparative analysis, to a variety of ethnographic projects. Unlike Weber's own treatments of Lutheran and Calvinist doctrine, however, the

Geertzian anthropologist was neither trained nor inclined to be a reader of a culture's written works.

Goody, in 1968, introduced a comparative anthropology of the "consequences" of literacy. He, too, is a longstanding student of Muslim societies, initially in Sub-Saharan Africa and most recently in Europe. The irony in Goody's case was that he remained profoundly distrustful of writings as sources. This indefatigable student of "writing" as a social fact resisted the notion of utilising documents and other written sources as anthropological data. In his view, only observational fieldwork, the disciplinary standby, could lead to a scientific understanding of practice. Should an anthropologist be "forced to rely on documentary evidence alone," there were clear dangers. Written evidence, he explained, was "often composed with specific purposes in mind," and, as a result, writings "play a very variable role with regard to custom and practice, including largely ignoring them" (Goody 1990, 482). A salutary caution, no doubt, but might such an understanding be converted from an obstacle into an opening for inquiry?

In his well-known piece on "The Idea of an Anthropology of Islam," Talal Asad (1986) set forth the key concept of a "discursive tradition," which provided a general mandate for anthropological approaches to written sources. An excellent specific instance of the anthropologist as reader is found in Asad's own subsequent work on the shariʿa in colonial Egypt. His treatment of a text by Muhammad Abduh is exemplary. In order to pinpoint the advent of new usages and the contours of a new discursive space that were emerging at the turn of the twentieth century, he selectively translates, and also transliterates, key passages from Abduh's text (Asad 2003, ch. 7).

Before I turn, finally, to my own methods and a sketch of the textual culture of highland Yemen, I want to make some brief observations regarding this (incomplete) genealogical sketch of the anthropologist as reader. First, will overcoming this deeply engrained disciplinary disinclination to the use of written sources result in a distinctive quality or a disciplinary difference in anthropological readings? In this connection, will criticism of the old epistemology of the "eye," the visualism of social scientific observation, as advanced by anthropologists such as Johannes Fabian (1993), be complemented now by a new criticism attuned to the "eye" of the anthropological reader? My second observation concerns the old anthropological philology of the spoken word, as practiced by Boas, Malinowski, and many others. Is it possible to draw on this disciplinary legacy of textual sophistication in constructing new methods for the anthropologist as reader of indigenous written texts? A third observation concerns a gap I would like to span: the distinction between the informal or implicit in culture versus the formal

or explicit, specifically in connection with textuality. From Boas forward, anthropologists have placed an emphasis on inquiring about everyday, commonsensical, or colloquial assumptions as opposed to "esoteric" indigenous knowledge, what they often rejected as "secondary explanation" and "native models." In my prior work on the formal, text-based knowledge of the shariʿa, I have, at the same time, maintained an interest in the "informal logic" of the textual tradition, in the "habitus" of the written text (Messick 1993).

2   Methods

I want to briefly explicate my own reading methods. In doing so I tease apart and discuss separately a series of techniques that often must collapse together in actual readings.

2.1   Ethnographic Methods: Reading *with*

Basic among these reading methods is the fundamentally ethnographic activity of reading *with*. To work on the mainly archival documents I obtained from local family holdings, I sought out local readers. As with Boas' or Malinowski's assistants, my fellow readers helped me to explicate terms and parse phrases. But I also learned broader techniques of informal textual analysis, and how to do things with texts. Thus I learned how a complex dispute or a compound undertaking could be broken down into a series of written acts, or how a single text could be dismantled into its constituent stipulations and its component clauses. This was to tap, ethnographically, into informal modes of contractual or transactional thought. I learned that a dispute could generate a formidable paper trail as it progressed, and also that many of these texts were blinkered with respect to others in the same cluster or series. That is, each of the constituent texts in a complex undertaking would offer a partial rather than a full sense of the encompassing event. I also observed that certain types of documents did not mention all of the existing terms in an undertaking. In general, however, rather than judging texts for what they did or did not do with respect to a presumed and governing "reality," that is, in terms of their successes and failures as representations of prior acts, I began to approach writings as separate acts, as forms of reality in their own right.

Closely related to these readings was my ethnographic work on local scenes of writing, which I studied for the retrospective purposes of historical anthropology. These scenes focus on particular transitions from

spoken words and quotidian realities to written documents and shariʿa discourse. They prompted preliminary understandings of the *in situ* status of legal documents and about archives at their points of creation. Such micro-studies of writing and reading have helped me clarify some of the possibilities and the limitations of an archival anthropology.

2.2   Analytic Methods: Reading *for*

My more solitary reading methods also draw on what I learned in the activity of reading *with*. These further methods may be described as ways of reading *for*. These are of two major types: readings for implicit textual logics and readings for explicit textual theory.

2.2.1   *Implicit Logics*

In this category of reading I reverse the conventional order of the source. That is, I read not for what the source says about the world, but for the evidence of its own constitution as an act of writing. These are present readings of existing textual artefacts in order to understand historical acts of writing.

In particular, I read for the material features of a given text and for its citational structures. My approach to textual "materialities" takes a cue from Foucault on the "archive" and also from the specialised field of "bibliography;" that to citation draws on conceptions developed by Bakhtin (1986) and by linguistic anthropologists on "reported speech," which I extend to reported texts of all kinds, including written. In general, I read for the many minor elements of form, or genre. Reading for "materialities," I pay attention, for example, to the spatial organisation of a page, whether in a document or a manuscript, and to any later additions of notes (on a contract instrument) or marginalia (in a book), as these provide indications as to the temporalities of the text. Included among what I term the "elementary" features of such writings are the statuses of original and copy, security devices of various types, archival locations such as a register versus a home cache, etc.

Citational structures are fundamental to text-building, comprising many of the minor and informal methods of composition. The most dramatic example is found in shariʿa court judgements where the final record is constructed out of excerpted and integrated passages from other texts, both spoken and written. Thus I read for the recording of witness testimony and the entering of notarial documents as evidence. In addition to this archival example, I also read library texts such as law books for their forms of wholesale quotation, such as in the commentary genre. Although Muslim

linguists theorised certain forms of quotation, like the familiarity with material features of texts in a given setting, most of the small techniques of composition were acquired informally. These techniques were among the features of a textual *habitus* gained directly through practice, through the experience of handling local writings.

2.2.2   *Explicit Theories*

I also read *for* textual ideologies and meta-textual thought. Thus I am interested in model texts of various types. The shariʿa library as a whole had the status of a model with respect to a given shariʿa archive, just as specific doctrinal chapters provided detailed language, rules, and stipulations for particular notarial acts. Modelling also is dialogical. Thus archival documents may be read both in terms of the implementation (or not) of various models and also in terms of their potential (or not) to impact the works of the library. In this relational sense, modelling pertains to how theory enters into practice and also to how practice enters into theory. Both of these reciprocal movements are vitally important to any living legal system, and neither has been properly understood with reference to a functioning instance of Islamic law.

In the earlier mentioned articles from the mid-1990s, Hallaq made an important contribution to the dialectics of modelling. In one study, he read a corpus of treatises in the specialised genre of "stipulations" (*shurūṭ*), which provided model documents for notarial writers to follow. While Hallaq worked on the relationship that obtained over centuries, however, I looked at one over a period of decades. Also, while Hallaq had numerous examples of these stipulations treatises, I had but one. The key differences of my historical anthropological project are that I also had an extensive corpus of actual historical documents to compare to the models of the "stipulations" treatise, and that the treatise itself was from the same locale as the documents. In the introductory sections in the treatise I also found more formalised, explicit versions of what I had initially understood ethnographically, in reading *with*. Thus I found conceptual passages on breaking a transaction down into a series of related texts and that involved thinking in terms of the clause-structure of a given text, which in the instrument models takes the form of branching possibilities.

Hallaq's important contributions regarding "stripping" involves movements between genres, such as from the fatwas of muftis to the pages of the doctrinal literature in another example he studied, and from an instrument to a document model in this case. An analysis in terms of textual "stripping" concerns not only how historical documents could provide the raw

materials for the creation of a model text, but also how, in the process, a version of factual material from the world could find its way into the technical discourse of the law. Viewed the other way around – since the process was dialectical – the same channels also enabled the descent of rules, model to document, into every day life situations. Such approaches to the shifts that occurred in textual genres thus directly address the larger question of the relation between theory and practice.

Beyond the models that figure in their jurisprudential writings, Yemeni jurists also thought about writing itself. In such analyses, they considered form apart from any particular content. That is, they isolated writing as an object of inquiry in a manner related to my own analytic project. The examples I now turn to represent further instances of library-on-archive thinking, and they mainly concern the evidential status of written texts.

How did this "native" theory conceive of and configure the activity and the space of archival writing? One example doctrinal discussion creates a conceptual relationship between the archive and memory. Thus an authoritative Zaydi law book, a late-fourteenth-century text (in *italics*) as commented upon in the early twentieth century, states: "*and it is not* permitted that a witness testify nor that a judge rule purely *on the basis of what he found in his archive*, among papers written in his handwriting and under his seal or signature, [whether in] a document or other than it, *if he does not remember*" (al-ʿAnsi 1993 [1938], 4: 111). This passage pertaining to the evidential status of ordinary legal documents links writing and memory, asserting the primary authority of the latter.

Another doctrinal discussion concerns the place of writing in the court forum. According to this conception, documentary evidence does not stand alone. Witnesses present at an original event, such as a contract session, had to appear in court to testify as to the associated document's contents. An important further feature of this method set forth in the doctrine was that these witnesses had to "complete" their testimony with an "oral reading" (*qira'a*) of the document in question. The term *qira'a*, which also may be translated as "oral recitation," links this courtroom plan to Qur'an recitation and to one of the basic methods of the madrasa lesson circle. The relevant fragment from the Zaydi law book again mixes the fourteenth-century text (again, in *italics*) with the language of the twentieth-century commentary.

It is required that the witnesses complete their testimony about the document of *a will, or* [about] *the document of a judge to his counterpart, and like these*, such as transaction papers, *by an oral reading*, by the maker of that [document] *to them* [the witnesses]. (Al-ʿAnsi 1993 [1938], 4: 104-105)

This "oral reading" of the text was to be carried out in court by the notarial writer of a legal instrument. It was to be directed "to" the witnesses to the contract or disposition. In their testimony the witnesses must be able to say, "he [the notarial writer] read it aloud to us and we listened," or, the other way around, "we read it aloud and he listened to our reading." This doctrinal conception may be matched with case records from local shariʿa court jurisdictions in Yemen which contain examples of a version of this technique used in actual litigation.

Elsewhere, the doctrinal jurists reflected on writing itself, and in so doing distinguished between different types. The issue at hand concerned a husband putting his repudiation statement into written form. The jurists identify two kinds of writing, but only one of these can constitute the legal archive. Although both types of writings are understood to involve a "trace," only one of these remains manifest and legible. For it to be legally authoritative, the doctrinal passage states:

> it is necessary that the writing leave a trace which may be seen externally, and this does not occur unless it is *inscribed* writing, as in writings on paper, or boards, or stone, etc., on which the letters of the writing remain inscribed. [This could even include] writing with earth or flour, or upon them.

Equally recognised in their analysis as a type "writing," but not meeting the criterion of leaving a legible inscription, is that which occurs,

> in the air, or on water, or stone, on a surface not manifesting the trace of the writing and which is impossible to read, either immediately or [because] the first part of a letter disappears before the second part is begun. (Al-ʿAnsi 1993 [1938], 2: 122)

Derrida (1996, 100) speaks in similar terms (but to different ends) of "separating the impression from the imprint." The jurists' simple classification scheme and its quick survey of materialities yields one act of writing in which an "impression" results in an artefact and another in which it does not. This last, also an act of writing, but taking the form of a trace without an "imprint," shares a fleeting quality with an act of speech. The possibility of a subsequent reading is thus the condition for a written act to register as a part of shariʿa practice.

A final example of my reading for explicit textual ideologies concerns an analysis of "basing action on writing," which returns to the issues connected with written evidence in court. This analysis departs from an opinion issued

by one of the twentieth-century imams of Yemen. Again, written form is separated from any particular content. Routine writings were deemed absolutely necessary by the jurists, but also potentially dangerous. The resultant dilemma animated a set of stock problems (*masā'il*) that reverberated through the history of the shari'a library. The twentieth-century imam held that "the basing of action on writing is acceptable, if the writing is known and the writer is known for justness" (see Messick 1993, 211-215). The related analysis is a further instance of complex local juridical thought about archival practice. This, again, is the sort of material that must be the object of inquiry – and of related techniques of reading – in a historical anthropology of the Islamic shari'a.

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Textual Aspects of Religious Authority in Premodern Islam

Jonathan P. Berkey

In *People of the Book: Canon, Meaning, and Authority*, Moshe Halbertal described Judaism as a "text-centered community" (Habertal 1997). What he meant is that Judaism, as a community, is defined by the texts, principally the Torah and the Talmud, which it placed at the centre of its religious experience. In his analysis, it was not an idea about God which distinguished a Jew. As Halbertal pointed out, historically Jews have had radically different, even contradictory conceptions of the deity. Nor was Judaism defined by ritual, not even a ritual as central to Jewish identity as circumcision. It was rather the text, or certain texts, and the way in which those texts were employed both in religious discourse and in social life, which gave to the Jewish tradition its coherence. And not just Jewish identity, but Jewish divisions. Attitudes towards the foundational texts lie at the heart of the major sectarian divisions within the Jewish world. For example, it is a textual dispute which in the Middle Ages marked the difference between Rabbanites and Karaites: the Rabbanites accepting the authority of the Talmud in addition to the Bible; the Karaites rejecting the authority of anything but the canonical scriptures.

Change a key term or text, and these remarks also describe the situation in Islam. For the Torah and Talmud, substitute the Qur'an and the hadith – the word of God and the words of his Prophet. The texts may be different, but Islam, too, is a "text-centered community."

Of course, behind the simple focus on texts lies a more complex reality, not least because the text or texts in question are not easily defined. In the case of Judaism, the Torah alone is not the text: it is the Torah *plus* the Mishnah and the Talmud *plus* the entire universe of commentaries on the sacred texts which define the tradition. Islam constitutes a "text-centered community" in precisely analogous terms. It is not the Qur'an and hadith alone which define the community, but a complex array of commentaries on those texts – especially those commentaries which came to define Islamic law.

As an observation about Islam, all this is, perhaps, self-evident. But it has very important consequences for Islamic history. For example, there is the question of the identity – almost, we might say, the very *existence* of

Islam – during the first Islamic century. The radical ideas articulated by Michael Cook and Patricia Crone in *Hagarism: The Making of the Islamic World* and by John Wansbrough in his various studies of the Qur'an have not been accepted in their entirety by many historians of early Islam (Cook and Crone 1977; Wansbrough 1978, 1987). Nonetheless, it is fair to say that they have highlighted the fragility of the traditional narrative of Islamic origins, so much so that it is now difficult to speak with great confidence of a fully-formed and precisely delineated "Islam," even perhaps of a definitive Qur'anic text, before the later years of the seventh century.[1]

If this is so, then it may be necessary to rewrite the history of Islam in its formative decades as the history of a "text-centered community." This would mean that the proper framework for an understanding of early Islamic history would not be one centred on the *individuals* or the *families* or the *dynasties* who exercised political power – that is, on those around whom we are accustomed to construct the story. The history of early Islam should be conceptualised not so much as that of the "rightly-guided caliphs," or of the Umayyads or Abbasids. Rather, the history of early Islam should be construed as the story of the *formation of a textual authority*.

One advantage of casting early Islamic history as the "formation of a textual authority" is the reminder that the process was precisely that – a *process*. Virtually all of those things to which we might point in order to define "Islam" developed only gradually. This may be true of the Qur'an itself, although that question is better left to specialists in the history of Muslim scripture. It is, however, certainly true of the 'ulama', the religious scholars who defined the Islamic textual tradition and in whom a mature Islam vested its religious authority. The 'ulama' were not there at the origins of the new religion, nor do they correspond neatly to any pre-Islamic social or religious group. This is an important point, which historians of early Islam have recently begun to explore. At what point can the 'ulama' be said to have come into existence? At what point did they come to exercise religious authority? These questions are reminiscent of that involving chicken and eggs. Which came first: the chicken or the egg? Which came first: Islam? Its fundamental texts? The religious scholars who defined what the religion was, and what it was not? It may well be that, as with chickens and eggs, a precise and definitive answer is impossible. Perhaps it would be better to say, simply, that all of these things constitute aspects of a *textual authority* which developed over the course of the first century or so of the Islamic period.

1   See Donner (2010).

The topic of this essay, "textual aspects of religious authority," is thus central to the Islamic experience. There are many places in the history of Islam, and in particular of its understanding of religious authority, in which the text and the idea of the text have had important consequences. What I would like to do here is to identify three aspects of this preoccupation with the text and its complex relation to religious authority. My goal is to explore certain broad themes of recent scholarly literature about texts and religious authority in the Islamic tradition, as a way of highlighting possible areas of future research.

The first of these themes concerns the persistent *orality of texts* – that is, the stubborn preference for the oral transmission of texts – the Qur'an of course, but also most other religious texts. It is a commonplace in scholarly literature that, in the Islamic tradition, books do not really exist until they are actually pronounced, that is, spoken out loud. Books might be written down; they might be copied; they might be bound and arranged on shelves in libraries. But books were routinely and preferably read out loud, and their essence was found in their spoken rather than written form. One can find examples of this preference for oral transmission in virtually all premodern Muslim societies. It was certainly present in the world of religious education in medieval Cairo.[2] There, books were routinely read out loud, either from memory or from a written text, and the act of reading was sometimes described as a "buzzing" sound. There were practical advantages to "speaking" books rather than reading them silently. For one thing, it meant that more people had access to them, since many could listen where only one at a time might read a written text. But the preference for oral rather than written transmission goes well beyond practical concerns and reflects deeply-rooted cultural priorities.

Of course, the oral nature of the Islamic conception of the text is most evident in the case of the Qur'an>. One of the classic statements of the importance of the oral transmission of texts is found in the important book by William Graham, *Beyond the Written Word* (1987). In that work Graham was concerned principally with the Qur'an, the Muslim holy scripture, in which the oral nature of the Islamic conception of the text is most evident. As he points out, the very name of the Qur'an – from an Arabic verb meaning "to recite" – suggests the oral nature of the text. The Qur'an, says Graham, is a "wholly oral" text – although it might be preferable to call the Qur'an "originally oral" rather than "wholly oral," since eventually the writing down of the revelations created a more complex text, in which oral and written

elements both played a role. Moreover, the Qur'an refers to itself as a "written book" (*kitāb maktūb*) and attributes its glory to a "preserved tablet" (*lawḥ maḥfūẓ*). Such expressions may suggest that the Qur'an's understanding of its own origins presumes the priority of a written celestial text.

But despite these ambiguities and complexities, the oral nature of the Qur'an as experienced is surely clear. The very name of the text (*qur'ān* or "recitation"), its euphonic language and the frequent presence within it of the imperative *qul* (Speak!) indicate unequivocally the oral character of the Prophet Muhammad's encounter with the Word of God (even if we are agnostic on the highly-charged question of whether or not Muhammad was illiterate). Graham sought to distinguish the Muslim experience of scripture from the Jewish and Christian. Jews and Christians, he argued, have tended to stress the written nature of scripture, recognising in the written book "a physical symbol of divine as opposed to human knowledge" (Graham 1987, 51). This was especially true after the Protestant Reformation and the rise of printing, although the roots of the privileging of the written word are older, and lie in ancient Near Eastern ideas. By contrast, he said, "[i]n Muslim piety, the written word of its scripture has always been secondary to a strong tradition of oral transmission and aural presence of scripture" (Graham 1987, 79).

There are in fact two questions, two distinct aspects of the orality of the Qur'an, and it is helpful to separate them. The first is a religious question – the type of question which might concern theologians, on the one hand, and on the other historians of religion influenced by the approach of scholars such as Mircea Eliade. This question concerns the sacred power of the written Qur'anic text. Where does the power of the written Qur'an come from? One possible answer: from the power of the sacred oral word, from the word pronounced by God. This is certainly plausible, from the point of view of the theologian or the historian of religion. The theologian proceeds with certain assumptions about the character of God which render judgements about the power of God's speech credible. The historian of religion is interested in the subjective experience of religion, and in patterns in the religious experiences of people living in different times and places. But on all of this, the social historian has little to say, since he is uncomfortable making judgements about abstract ideas (such as God) or subjective experiences which are not anchored in a social reality.

There is, however, a second question, and one which from the standpoint of the social and cultural historian is far more important. The oral character of the word of God was not Graham's principal subject. He wished to discuss the oral character of reading "*beyond* the written word" – that is, not the

Qur'an itself, but the reading of the holy scripture during the centuries that followed its revelation, the encounter between the holy book and the Muslim believer, and the Islamic conception of the book and of religious literature more generally. And here we abandon the domain of the theologian and enter that of the social historian.

To be sure, at least in the premodern period, most Muslims have in most cases experienced the Qur'an as an oral text. They encountered the Qur'an recited, rather than the Qur'an in written form. Take one example. One of the principal features of the madrasas and mosques of medieval Cairo were professional Qur'an readers employed to recite the holy scripture, at all hours of the day and night, from the windows of the structures – all for the benefit of those passing by in the street. It is a delightful scene to imagine: as a Muslim passed through the streets of the noisy and crowded city, he heard the Qur'an recited from open windows high above the street. Anyone who has visited modern Cairo is familiar with the public recitation of the Qur'an that one occasionally hears in the streets of the city, particularly during holidays or on solemn occasions. But if the endowment deeds which established the religious and educational institutions of the medieval city are to be believed, this must have been a permanent and ongoing experience, a defining feature of urban life (Berkey 1992, 63-64).

But drawing too sharp a contrast between Muslim and Christian (and especially Protestant) attitudes and practices may obscure a complexity in the actual Islamic experience of the text. Medieval Muslims heard Qur'anic verses being recited in the streets, but they also *saw* them written on the walls of buildings. It is important to remember the ubiquity of Qur'anic inscriptions in the physical fabric of medieval Muslim cities. This is one of those places where the social historian must take his/her cue from historians of art. In addition, there is the question of the usage of the text of the Qur'an. Graham mentions in passing various magical practices and acts of "bibliomancy" or "book magic" – that is, foretelling the future by randomly opening the pages of a book. (Something similar occurs in a famous passage at the end of Book 8 of St Augustine's *Confessions*.) But from the point of view of the actual experience of the faith, such practices may have been more important than we might assume. The invocation of the magical power of the Qur'an often depended heavily on actual written texts, on amulets inscribed with Qur'anic verses and the like. As a written text of spiritual power, the Qur'an, in fact, had to compete with other scriptures, even among Muslims. Consider, for example, an observation by Ibn al-Hajj, a rather excitable and pessimistic jurist living in Cairo in the fourteenth century. Ibn al-Hajj complained that it was the habit of the inhabitants of

the city to visit schoolteachers and ask them to inscribe Qur'anic texts as charms and amulets. This custom annoyed him, but he was positively livid about Muslims who went further and asked that those charms be written *in Hebrew characters*. The power of these "judaizing" amulets resided in their strange character, a character manifested *in writing* (Ibn al-Hajj 1929, 2: 323).

This is not to deny the importance of the oral recitation and transmission of texts for medieval Muslims. It is simply to insist on the complexity of the phenomenon. Medieval Muslim societies were full of books – the large number surviving in the libraries of Europe and the Middle East attest to that. The scribal profession was one of the most widespread open to an individual with a degree of education. A comparative example may be useful. Brinkley Messick recognised the importance of the oral nature of reading in his investigation of juristic culture in nineteenth-century Yemen. But he also acknowledged a fundamental ambiguity: that the intellectual milieu was inundated with actual, physical books. As he put it, "the coexistence of recitational forms and their written versions was taken for granted." "Indeed, the complex interplay between written and spoken word was characteristic," he said, "of a distinctively Islamic mode of literacy" (Messick 1993, 28-29).

Clearly, the power and the status of the written book was a subject of controversy in medieval Islam. There are many hadiths in which Muhammad or his companions condemned the writing down of the Prophet's words. They did so for many reasons – for example, that copying down Muhammad's words might distract believers from the supreme text (that is, the Qur'an), or that doing so might diminish memory and encourage forgetfulness. But these objections seem somewhat artificial and formulaic. In any case, there were at the same time plenty of contradictory hadiths, approving the writing down of Muhammad's utterances.

In the end, the scholarly tradition managed to surmount the objections and insisted upon the compatibility of religious knowledge and writing, so that we cannot understand the social role of books without an appreciation of the power of the written text and the logic of writing. Indeed, the famous historian and jurist al-Khatib al-Baghdadi argued for the necessity, indeed the superiority of writing as a means of transmitting and preserving religious knowledge. "For practical reasons," "people rely on books and on writing for the safe transmission of religious knowledge. Hearts tire at the commitment of names and texts to memory" (al-Khatib al-Baghdadi 1974).

This was a phenomenon replicated at different levels of culture. So, for example, as Jeanette Wakin demonstrated some time ago, despite the suspicion of documents embedded in the juristic thought, they nonetheless

played a critical role in legal life. It is true that a document which described, for example, a contract of sale did not represent the contract itself – the contract was found rather in the personal relation between the seller and buyer. But from a practical point of view, the documents nonetheless definitively decided the sense and the consequences of the contract (Wakin 1972).

The second major historiographic theme emerging from the Muslim preoccupation with texts is linked to the question of orality. This is the question of what I shall call the *informality* of medieval Muslim society, by which I mean the informal and personal relations which determined the contours and also the hierarchies of social, intellectual, and even political life. This too is a textual question – at least if we use the term "textual" with a certain flexibility. This is because the archetypal mode of the "informal" relationship is that of a shaykh and his disciple, the master and student who sit, whatever the milieu, and read books – out loud, perhaps from memory, perhaps from an actual, physical text. In this model, the important thing is not the text itself, nor the environment, nor any institutional structures. The important thing is the personal relation between the shaykh and student, the master and disciple.

Like the preference for oral transmission, the emphasis on personal relations in structures of intellectual authority is deeply rooted in the Islamic experience. It was, for example, central to the study of hadiths, as in the famous dictum that "knowing hadiths means knowing the men." In other words, it was necessary for a scholar to know not only the text of a tradition, but also the identities and characters of the individual transmitters who relayed the hadiths, whose names were included in the "chains of authority" (*isnāds*) which were attached to each tradition, and in particular to know the connections between them: how they met, when, where, at what age, and under what conditions. The personal connections and relationships on which the transmission of hadith rested were replicated in various ways across the intellectual spectrum. As Messick nicely put it, "this preference for personal, informal transmission meant that texts were 'literally embodied'" (Messick 1993, 15).

The situation in medieval Cairo provides a clear example of an intellectual world defined by these informal and personal relationships between scholars and students. Most medieval Muslim cities saw the proliferation of madrasas and other institutions, created to encourage and support the transmission of the Islamic religious sciences. But these institutions had little, if any, effect on the actual transmission of religious knowledge. Religious education never came to rely on a system of institutional degrees or other formal mechanisms. Rather, the system rested on the close

personal relationships established between teachers and students. What was transmitted between master and student was not simply knowledge, but rather "an authority over texts and over a body of learning that was intensely personal, and that could be transmitted only through some form of direct personal contact" (Berkey 1992, 23-24). The force of that personal authority is evident in the case of the fifteenth-century scholar al-Suyuti. Al-Suyuti wrote a book on the science of the variant Qur'an readings. Nonetheless, he refused to teach it, because he had never studied the subject properly under the personal supervision of a recognised master (al-Suyuti 1975, 204).

This theme has been fundamental to all studies of the transmission of religious knowledge over the last several decades. There is a particularly stark expression of it in a fascinating paper by the eminent Iranian philosopher Seyyed Hossein Nasr – a scholarly study exploring "oral transmission and the book in Islamic education," but also serving as an exemplum of the survival of traditional modes of Islamic intellectual discourse in the modern world. In this essay, Professor Nasr outlined his own experience studying with the grand masters of Persian philosophy and theosophy. These teachers, he said, would mention at the beginning of their instruction that the good student must learn not only to read correctly the black lines of the text in Arabic or Persian, but that he must also read what he would call "the white parts" of the page or what in English would be called "reading between the lines." But this reading of the "unwritten" text had to be carried out not according to the student's individual whim and fancy, but in accordance with the oral transmission stored in the memory of the master and going back through generations of teachers to the original author of the text. One hears in his words a not-too-distant echo of the teaching of the rabbis of late antiquity, who held that they possessed a *second* Torah, a purely oral Torah distinct from the written text which was transmitted exclusively through the *close personal contacts* between teacher and student (Nasr 1992).

The theme of informality may be rooted in the transmission of religious knowledge, but it has shaped our understanding of social life in medieval Muslim societies more broadly. "Informality" – that is, the reliance on networks of personal relationships rather than formal or institutional arrangements – is visible in virtually all types of social relations, and not simply in educational ones. We see it in the relationships between Sufi masters and their disciples. We see it in the commercial relationships described by S.D. Goitein, Avrom Udovitch, and others (Udovitch 1977). We see something similar, too, in the intimate relationships between amirs and their mamluks in the military regimes which dominated the Middle East in the medieval

period. It would not be too much to say that this model has become one of the defining tropes of modern studies of medieval Islamic society.

There are many reasons why this idea – the idea that authority was located in personal relationships rather than institutional forms – has been popular among social historians of the premodern Islamic world. One is that it tends to draw our attention to people, to persons, to individuals rather than to institutions and more formal structures. This is fortuitous, because we have plentiful information about those individuals – and especially about the 'ulama', the religious scholars – from medieval biographical dictionaries. By contrast, institutions, both those of the state and of the religious establishment, have left a less prominent imprint in the historical record. The emphasis on informality and personal relationships, in other words, is confirmed by the very nature of the surviving evidence. Another reason why this model has been so influential is that it serves to distinguish these societies from those of medieval Europe, where institutions such as the Church and the more formalised relationships of feudal vassalage were dominant.[3]

An especially sophisticated and compelling application of the model of informality is found in Michael Chamberlain's important book on *Knowledge and Social Practice in Medieval Damascus*. If Graham's book *Beyond the Written Word* was a kind of summum of the idea of the orality of texts, we might say that Chamberlain's is an epitome of the importance of informality and the personal relationships which held medieval Muslim societies together. The author did not like the term "informality" and sought to avoid it, but in fact he discussed in detail and with conviction the character of the personal ties that bound master to disciple, and showed how they were characteristic of the understanding and the experience of authority at all levels of medieval Muslim society, those of both the scholars and the military rulers. For Chamberlain, this model served to distinguish the societies of the medieval Middle East from others. In Europe, he pointed out, power and authority rested in the more formal and precisely delineated ties of feudal obligations. In China, they were found in imperial institutions and offices. But in medieval Islam, they resided in the fluid structure of the "household," or *bayt*, the grand family dynasties which dominated both intellectual and political life. And here, again, the model takes us back to the book, to the text. The authority of shaykhs operating under this system rested on books, but these books did not exist as fixed and permanent objects. For Chamberlain, this was not merely the distinction between

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3   For a study which made informality a central theme of its analysis, see Berkey (1998).

a written book and oral reading. On the contrary, it was the book itself which lacked a determinative and fixed form. One did not "read" a book, he said; rather, one "created" it new each time it was read, "fortuitously" (as he cogently expressed it), in a public "performance" (Chamberlain 1994).

The model of informality has proved as important to our understanding of medieval Islam as has that of the oral transmission of texts, and with as good a reason. But as with the earlier question, it is important not to let its analytical force oversimplify the picture. The model of informality can obscure as well as clarify.

The model of informality may be especially problematic on the political side. Chamberlain addressed a textual problem which has vexed historians of medieval Islam for years: namely, the almost total absence of documents and archives from before the Ottoman epoch. The contrast really is quite stark. With the Ottomans, we suddenly have archives of enormous proportions, preserving the institutional history of a powerful state. Before that, there is virtually nothing. Chamberlain resolves this problem with an elegant and creative solution, one that relies on the model of informality. There is no point, he argues, in complaining about the lack of documentation. Rather, we should simply accept it as a consequence of the character of power and political authority, that is, of the state, and in fact of the book itself in medieval Muslim societies. None of these things took a fixed and definitive shape, neither books nor the state. They were all created and re-created "fortuitously" in time, as manifestations of the authority of an amir or of a shaykh, an authority which was founded on personal relationships, informal and constantly shifting. Chamberlain contrasts the situation in medieval China, as well as that in the Ottoman Empire. Both of those had extensive and institutionalised bureaucracies, and both have consequently left a prodigious documentary legacy. By contrast, the "formal state agencies" in the medieval Middle East were "rudimentary" (Chamberlain 1994, 17).

To this there is, perhaps, an obvious objection. The "formal state agencies" of the Mamluks, for example, or of the Ayyubids were not "rudimentary" in comparison to those of, say the Angevin or Anglo-Norman kings. But we have lots of documents prepared by the scribes of those medieval European states. The sophistication of the institutional apparatus of the Mamluk state is clear from the enormous encyclopaedia prepared by Ahmad ibn ʿAli al-Qalqashandi. Al-Qalqashandi, who was himself a scribe in a government office, envisioned his work as a sort of handbook that would provide scribes and bureaucrats with the information they needed to carry out their practical tasks – drawing up official correspondence, drafting

treaties, or putting into effect the decrees of the rulers – all those documents reflecting a formalised political authority which now appear to be missing. Al-Qalqashandi clearly did not compose his work as a useless distraction; he composed it because the many scribes and bureaucrats who staffed the chanceries of the Mamluks had constant recourse to it.

The scribal tradition was not the only place where authority was actually experienced in more formal terms. At all levels, social and political relations, while defined by personal and informal relationships, were registered in formal, written documents. In the field of religious knowledge, we might take note of the care with which teachers and students inscribed their names in *ijāzas* – those certificates which testified that an individual had studied some text, or mastered some field of study, under the direction of a particular teacher. The absence of formal archives from the pre-Ottoman period *is* a puzzle. Perhaps they were carted off by the Ottomans when they conquered Egypt and Syria; perhaps they have simply not survived the vicissitudes of time. The explanation for their absence, however, cannot be attributed solely to the informal character of the medieval Muslim state.

A more interesting question, from the standpoint of religious authority, is that of education itself. Why did an individual participate in the transmission of religious knowledge? There were many reasons, and one of the major accomplishments of Chamberlain's book is that he illustrates in detail the broad social value of religious knowledge, of *ʿilm*. As Chamberlain put it, the transmission of knowledge created "social capital" on which all of the participants – masters and disciples both – could draw in their relations with each other and with the social and religious elites. In other words, participating actively in the transmission of knowledge, both as one who transmitted knowledge – that is, a teacher – and as one to whom it was transmitted – a student – had a significance *above and beyond* its intellectual and professional value.

This is certainly true, but surely the transmission of religious knowledge also had a practical and professional value of which participants were aware. Chamberlain observed that "in all the literature for high medieval Damascus there is not a single citation … that any young person … [was] enrolled in a madrasa to acquire certified mastery of law" (Chamberlain 1994, 87). The suggestion seems to be that the intellectual activity which went on in a madrasa – transmitting religious texts, reading them, reciting them, memorising them, commenting on them – was simply a means to build the relationships with other scholars which defined an academic career. In other words, they did not perceive a formal connection between the intellectual activity of transmitting religious texts and the religious

careers which the scholars might later pursue – as professors, as qadis, as preachers, whatever.

Here, perhaps, we should tread with caution. It is likely that the medieval 'ulama' understood the connection between what they studied/how they studied/with whom they studied and their later careers within the religious and academic establishment. They understood, in other words, both the informal and the formal value of what they studied. Only slightly later, the Ottomans understood the connection perfectly well. For them, enrolling in a madrasa was a conscious step one took in a carefully structured career path: a student enrolled in a madrasa precisely in order to acquire a certified "mastery of law," which would enable him to advance through the ranks of the academic and judicial establishment. It is true that medieval madrasas, whether in Damascus or Cairo or anywhere else, never embraced a set curriculum or the formal degrees of the later Ottoman system. But the Ottoman system did not emerge out of nowhere, and most likely reflected simply the formalising of a professional system which was already in place. (Indeed, one of the most promising avenues for future research lies in exploring the continuity between Ottoman and pre-Ottoman Middle Eastern societies, and the roots of Ottoman practice in that of the Saljuqs, Ayyubids, Mamluks, and others.)

So far, then, we have identified two major issues, that of orality and informality, which have stood at the centre of recent scholarly discussions about this "text-centered community" – the communities of medieval Islam. A third major theme of recent scholarship – that of the specifically textual nature of religious authority – is perhaps even more important, and constitutes the most promising field for future research. To begin, I would return to the book of Moshe Halbertal, and in particular to certain comments he made about the canonisation of the Jewish scriptures.

"Canonisation" here indicates the establishment of definitive limits to the texts which are identified as those of God, which are holy books. This process of canonisation, Halbertal said, changed the character and the locus of religious authority in Judaism. In the first place, the process of canonisation shifted the locus of religious authority *from* God *to* human beings. That is because canonisation also implied the closing of the book of prophecy – that is, it brought to an end the era in which God could speak directly through his prophets. In other words, the source of religious authority was no longer to be found directly in the voice of God, but rather in the voices of those who talked *about* God. Religious authority was found less in the scriptural texts themselves than in the ever-expanding universe of commentaries on those texts. In theory, God could no longer speak directly; rather, it was scholars, jurists, and rabbis, who now spoke in his place. To be sure,

God did not suffer his reduction in rank quietly, and there remained many voices which defied the authority of the rabbis. Even in the Talmud, one can detect efforts by God to find his voice, in the form of dreams, auguries, etc. But those voices were always pushed to the margins by the hegemony of the commentators. Consequently, if the texts which commented upon the holy scriptures assumed the responsibility of religious authority, they were also transformed into a field of battle. It is there, in the interpretation of the text, that we find the struggles which would determine the identity of the Jewish tradition itself. And for this reason, the critical question was that of access to the text.

Once again, these remarks pertain to Islam as well. The development of a canonised scripture was not a simple affair. It is possible that the Qur'an itself did not exist in a fixed form before the final years of the seventh century. And it was not until the late ninth century that definitive compilations of hadiths began to be written down, in collections such as those of al-Bukhari and Muslim. More important, however, was the process by which these collections came to have a canonical status. This development, recently studied by Jonathan Brown, was a product of the tenth and eleventh centuries, and marks a turning point in the history of Islam (Brown 2007). In the centuries which followed – in the epoch which Marshall Hodgson referred to as the "Islamic Middle Period" – the problem of religious authority presented itself to Muslims in new and socially complex ways. Now that the canon had been established, what was critical was determining who would be recognised as authoritative commentators – who, that is, could shape the community's understanding of its canonical texts.

Consequently, one common feature of this Middle Period was an effort to limit the social base of religious authority> – to limit access to the textual foundations of authority. The men of religion, the 'ulama', tried to define their own "text-centered community" in such a way as to exclude the vast majority of Muslims from participating in the exercise of religious authority. It is a truism that Islam is not a church, that religious authority is more diffuse and – to borrow a term –"informal." But to say that religious authority is "informal" is not to say that it does not exist. In fact, the need to set limits to this authority – to determine who, that is, could speak for the tradition – was greater for Muslims precisely because religious authority was so loose and flexible.

The history of the 'ulama' in the Islamic Middle Period is best viewed as the history of a crisis of authority – a crisis of that textual authority on which the power of the 'ulama' was founded. The need to limit access to texts and to the community of acceptable and legitimate commentators may have

become more acute in the Middle Period as a result of broader developments in Islamic society. It is easy to forget how unnerving it must have been to live in the medieval Middle East. From a Muslim perspective, things must have seemed to be falling apart. It was not simply the threat posed by new and terrifying enemies, the Crusaders, for example, or even worse, the Mongols. Even your friends might be dangerous. A Muslim inhabitant of Egypt or Syria might well have felt grateful to the Turkish regimes which dominated the Middle East in the Middle Period for having saved Islam – as, indeed, Ibn Khaldun urged them to do. But his gratitude might have been tempered by feelings of repugnance and fear at those same Turkish overlords, with their monopoly on state-sanctioned violence and the un-Islamic habits in which they reportedly indulged.

The religious scene itself must have seemed unstable and disconcerting. So, for example, it was probably around the outset of the Middle Period that Islam became a majoritarian religion in most of the Middle East. This condition surely created pressures to define more precisely the contours of religious authority, for many reasons, not least because of the large numbers of non-Muslims who now embraced Islam, but who sometimes brought with them the customs and beliefs of their former faiths. There were pressures from the ideological struggle between Sunnism and Shi'ism which, in many ways, grew more acute during the Middle Period. Another factor was the growth and popularity of the fraternities of Sufis. Sufism presented many challenges, not least because of its tendency to borrow liberally from the religious experience and insights of non-Muslims. But even leaving its syncretism aside, the Sufi tradition posed challenges to a religious tradition which defined authority in textual terms and through personal and informal networks. So, for example, in Andalusia, Sufis were embroiled in a controversy over the question: was it possible to arrive at mystical knowledge only through books, or was it necessary also to have a shaykh to guide you? (Mahdi 1975)

Ironically, the most destabilising factor of all may have been the proliferation of madrasas and other educational institutions during the Middle Period. The madrasa was a new feature of medieval Islamic life. From their origins in Khurasan in the eleventh century, they spread throughout the Middle East as rival regimes dominated by mostly Turkish soldiers sought to establish their Islamic bona fides. Their ubiquity in the cities and towns of the Islamic world created the conditions in which many Muslims, professional students but also individuals from quite disparate walks of life, were able to participate in the transmission of religious knowledge. In many respects this was a remarkable and praiseworthy development – after all,

more and more Muslims could participate actively in the transmission of religious knowledge and texts. But from the standpoint of those who guarded the religious tradition, it also posed a danger. By increasing opportunities for many Muslims, even those who were not full-time students, to participate in the transmission of religious texts, it blurred the lines between 'ulama' and others and thereby threatened the integrity of their religious authority.

All of these factors, and others as well, helped to create a crisis of textual authority within the Muslim community. This crisis manifested itself in multiple ways. One of the more important was that involving *ijtihād* in the domain of jurisprudence. For years, the received notion was that the so-called "gates of independent reasoning" closed sometime around the tenth or eleventh century. From that point on, Islamic jurists were limited to the "imitation" (*taqlīd*) of the opinions of those who had gone before. Many recent scholars, most notably Wael Hallaq, have demonstrated that this notion is untenable, that on the contrary, *ijtihād* or "independent juristic reasoning" remained both possible and, for juristic theory, necessary, right down through the end of the Middle Period.

But we can acknowledge this and still recognise that medieval Muslims sought to limit the range of individuals who were capable of exercising independent jurisprudential authority. Sherman Jackson, for example, in his important book on constitutional jurisprudence under the Mamluks, demonstrated that, despite the persistence of *ijtihād*, the actual practice of the law was dominated by what he called a "regime of *taqlīd*." "Jurists," he said, "were more and more restricted in their rulings by the general consensus of the schools of law" (Jackson 1996). Other studies have affirmed the general trend, for example, by demonstrating the increasingly important role of *mukhtaṣars*, what modern students might call "hornbooks," in medieval legal education. A *mukhtaṣar* was a treatise which provided an abridged résumé of the rules of the four orthodox schools of law. The historian Ibn Khaldun objected to their use, seeing in them a "corrupting influence upon the process of instruction" (Ibn Khaldun 1967, 3: 290-291). But such texts proliferated nonetheless, and spoke to a perceived need within the juristic community: namely, to attain what has been called "univocality" within each school of law. That is to say, they reflected an effort to restrict the range of individuals who exercised the textual authority rooted in the Qur'an and the other foundations of Islamic jurisprudence (Fadel 1996).

In a recent book, Kevin Jaques traced some of the practical consequences of this drive for univocality. His subject was the of the Mamluk-period scholar Ibn Qadi Shuhba, a biographical survey of jurists of the Shafi'i

school from the ninth century through to the fifteenth century. *Tabaqat* works provided a map of authority within a given field of knowledge. By tracing the connections between one scholar and another, and between one generation of scholars and those that went before – in other words, by describing the web of informal and personal relationships we discussed earlier – a writer such as Ibn Qadi Shuhba could identify "the chains by which authoritative knowledge is transmitted from generation to generation and in doing so present readers with overviews of trends in the development of different scholarly traditions and schools of thought" (Jacques 2006, 11-12).

Ibn Qadi Shuhba's text was one of many such *tabaqat* works produced during the Mamluk period. Jaques sees them as a "manifestation of the crisis of religious authority" of the age (Jacques 2006, 17). That crisis was a product of all that political and cultural turmoil which characterised the Middle Period, and also of the intrusion of what Ibn Qadi Shuhba considered "corruptions" into the body of Shafi'i law. Through a careful analysis of the names of Shafi'i scholars mentioned in the work, and also of the various legal texts referred to and approved of by the author, Jaques shows how Ibn Qadi Shuhba's purpose was to limit the number of those Shafi'i scholars and texts who were recognised as authoritative transmitters of accepted legal rulings within the Shafi'i school. In effect, Ibn Qadi Shuhba provided Shafi'i jurists of his day with a convenient but restrictive map of the intellectual range of their school of law. By limiting the number of earlier scholars recognised as authoritative, Ibn Qadi Shuhba tried to promote consistency – or, to put it differently, univocality – in the legal rulings handed down by his contemporaries.

These developments were tied to the polemical tradition condemning innovations, what are called in Arabic *bid'a*. The problem of *bid'a* was extremely complex. Some jurists condemned all innovations on principle. Others sought to distinguish between innovations that were acceptable and those which were not. But a general suspicion of that which was new and different was characteristic of much medieval Islamic discourse. The hostility of medieval jurists (such as al-Turtushi, Ibn al-Hajj, Ibn Baydakin, and others) was not new: the discourse was rooted in very old Islamic traditions. But the level of hostility seems to me more pressing, more urgent in the Islamic Middle Period. The frenetic character of juristic opposition to *bid'a* was, I think, the result of the scholars' perception that their tradition was threatened by the absence of a visible and distinct – that is, of an institutional – authority.

One aspect of the discourse on innovations, and one that reflects the question of books and textual authority, was the polemic against popular

preachers and storytellers. As with innovations more generally, the opposition to these preachers and purveyors of religious narratives to the masses was deeply rooted in Islamic culture. But here, too, the concerns grew more acute during the later Middle Period. The Hanbali jurist Ibn al-Jawzi's treatise *Kitab al-qussas wa al-mudhakkirin* is a famous example, but it is only one of many produced in this period. In fact, the polemic against preachers constituted a distinct sub-genre of medieval Islamic religious discourse. This is an important point. Preaching and the transmission of edifying religious tales were, of course, in and of themselves good things. Nonetheless, Islamic writers such as Ibn al-Jawzi were adamant in their efforts to de-legitimise a broad array of individuals, men and also some women, who spent their time preaching and telling religious tales to the common people.[4]

What was the problem with these preachers? There were many. In the first place, some were imposters, deceiving the common people with fraudulent claims and deceptive tricks – for example, placing mustard seeds in their eyes to make them cry, and so to make them appear like pious penitents, weeping for their sins. By the Middle Period, many of these preachers were Sufis, and their critics condemned their recitation of erotic poetry to people who could understand that verse properly – that is, as a kind of metaphor for spiritual as opposed to physical love. There was a further problem of a sexual nature. Many members of the audience of these popular preachers and storytellers were women, as were some of the preachers themselves. And to the pious mind of an Ibn al-Jawzi or Ibn Taymiyya, the mingling of the sexes constituted a danger to the proper Islamic order.

But these problems were really secondary and derivative. The greater threat, the *structural* danger, concerned textual authority – the very foundation of the authority of the 'ulama' and of the Islamic tradition itself. In the first place, the threat had a political dimension. Critics such as Ibn al-Jawzi were worried about the tremendous popularity of the preachers and storytellers among average Muslims. The situation, he said, was reminiscent of that of the Banu Isra'il: they, too, had had storytellers and preachers who corrupted their traditions, and as a result their nation had been destroyed. Muslims who relied on popular preachers, Ibn al-Jawzi concluded, would share the fate of the Israelites (1986, 37, 127; Eng. trans., 122-123, 211). This was, therefore, a danger not just to individuals, but to society and the state. Critics of the popular preachers frequently connected their activity to

4   See Berkey (2001).

fitna, or disruption of the proper Islamic order, that is to say, civil war. For this reason, they were wont to describe their struggle against the popular preachers as a form of jihad. "To combat the storytellers and to wage jihad against them is more important than doing so against the unbelievers in lands outside the abode of Islam," said one, "since the evil of the storytellers is greater" (al-Idrisi, ca. fifteenth/sixteenth centuries).

But the greater threat was to religious authority. Much of what the preachers and storytellers recited to their gullible audiences took the form of hadiths, or at least of what they claimed were hadiths. And yet, in the view of scholars such as Ibn al-Jawzi, al-Suyuti, and others, many of these texts were false. Ibn Taymiyya went so far as to compile a collection of hadiths told by the storytellers, most of which, in his account, did not accurately record the Prophet's words (Ibn Taymiyya 1972). And his collection only scratched the surface of the problem. Suyuti warned that there were more than 12,000 false hadiths on which the storytellers drew (al-Suyuti 1972, 167). And it was not just a problem of transmitting false hadiths. Even some of the legitimate traditions they recited might do damage by confusing the unsophisticated and the untrained in their audience. Those who listened to the popular preachers were neither intelligent nor intellectual. They were comprised, said Suyuti, of "the common people, and the rabble of the markets, and women" (al-Suyuti 1972, 5). The storytellers recited to them a hadith according to which God created Adam "in his own image." How, Ibn al-Hajj asked, could an uneducated listener hear such a thing without misunderstanding it, and attributing human features to God? (Ibn al-Hajj 1929, 2: 147-153)

What Suyuti and other scholars perceived, I think, was a genuine problem. Muslims had defined religious authority in textual terms. Together they formed a "text-centered community" like that described by Moshe Halbertal. Having done so, however, they faced a very real conundrum in limiting access to the text. How could they defend the integrity of the textual tradition when they lacked formal institutions of authority? What the popular preachers and others exploited was the flexibility of the informal mechanism of religious authority in medieval Islam. In doing so, they gave heartburn to conservative scholars such as Ibn Taymiyya, Ibn al-Jawzi, and others. But from another perspective they also reaffirmed the broad and inclusive nature of the Islamic intellectual traditions – a lesson worth learning in the present day.

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What to Do with Ritual Texts

Islamic *Fiqh* Texts and the Study of Islamic Ritual

A. Kevin Reinhart

The study of Islamic ritual has suffered, in a sense, from either too much contact with reality or not enough. This is a too summary way of saying that the study of Islamic ritual has been hampered by estrangement between observation-based studies of Islamic ritual as it actually occurs in the world, and the text-based study of Islamic ritual as it has been prescribed, transmitted, and imagined in works of Islamic law (*fiqh*). The observation-based studies have been for the most part particularist – a description of Islam in "Fulanabad" which is juxtaposed to an imagined universal "Islam of Everywhere" (or of the "scholars" or of "the theologians" or of "the orthodox") compared to which Fulanabad's Islam is "unique." Because of the ethnographers' imagined dichotomy between the local and the hegemonic universal, anthropologists have seldom studied the "universal practices" of Islam, the so-called "Five Pillars" for example, but have focused on the demotic forms of religion – saint veneration, healing practices, spirit propitiation and exorcism, and the like.[1]

Textualists, for their part, have blithely imagined that the Islam of texts is the Islam of practice, without considering what ritual texts actually represent, what they do, what they effect. Either these texts are taken as recipes for Islamic practice that self-substantively provide all there is to know of Islamic rituals, or they are felt to require explanation, and for this, Islamic scholars have turned to commentaries (*tafsīr*), mystical exegesis (al-Ghazali's *Ihya' 'Ulum al-Din* is popular; Ibn 'Arabi gets some attention) or the hadith works – without grasping that the hadith works are themselves commentarial responses to the laconic texts of the Qur'an and nascent *fiqh*. The problem of ethnographers' blindness to *ṣalā*, hajj, fasting, or other text-related Islamic practices can be left for another discussion. For this chapter it is the study of Islamic ritual texts that will occupy us.

In what follows I want to suggest that both of the textualist moves described above – the recipe approach and the commentarial approach – misunderstand ritual itself and Islamic ritual in particular. Islamic ritual is, however, the perfect place to consider how textual ritual, and ritual

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1 Observed by many, including Humphrey and Laidlaw (1994, 80-81).

texts, should be studied. Indeed, the terseness and discipline of *fiqh* texts make them the perfect laboratory both to demonstrate certain features of ritual in general, and to demonstrate how we may begin to study Islamic rituals themselves.

1   A Ritual Text on the *Fiqh* of Bowing during Ritual Worship (*ṣalā*)

So that we have an example of a ritual text throughout the rest of the chapter, here is an example, taken from a medieval-style, modern compendium of Islamic law (Jaziri 2009, 300-301).[2]

> Bowing is agreed to be obligatory in all ritual prayer for those who are capable of it, and the obligatory nature of this practice has been definitively established. The only point on which the various schools differ in this regard has to do with how much bending of the body is required in order for one's prayer to be valid.
>
> According to the Hanafīs,[3] the bowing required for someone who is standing up consists in tilting one's head toward the front and bending one's torso forward. This much is sufficient for one's prayer to be valid. As for a full bow, it involves bending at the hip until one's head is level with one's buttocks. For those praying while seated, the required movement involves bowing one's head and leaning forward; this movement is not considered complete unless one's forehead is parallel with [the floor or ground] in front of one's knees.
>
> According to the Hanbalis, the bow that suffices for someone standing up is to bend forward to the point where a person with arms of ordinary length can touch his knees with his hands. For someone whose arms are unusually long or short, a sufficient bow consists in bending forward to the point where, if his arms were any ordinary length, he would be able to touch his knees with his hands. As for a complete bow, it involves bending from the hip until one's back is parallel with the ground and

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2   Jaziri (2009, 300-301) corresponds to the Arabic version at al-Jaziri (n.d., 1-231). Henceforth this source is cited as *4 Madhhabs* (E[nglish]:300-301/A[rabic]:1:231).

3   The terms Hanafi, Hanbali, Maliki, and Shafi'i refer to the four schools (*madhāhib*), or in this case one might say "rites" of Sunni Islamic law (*fiqh*).

one's head is on a level with one's back. For someone sitting down, a sufficient bow consists in leaning forward to the point where one's face is parallel to the ground or floor in front of his or her knees, whereas a full bow involves bringing one's face as close as possible to the floor or ground in front of the knees.

According to the Shafi'is, the minimum bow one may perform from a standing position is to bend forward to the point where a medium-sized person can touch his hands to his knees without placing himself in an awkward position – for example, by lowering the buttocks, raising the head, bringing the chest forward, and the like. They also stipulate that one's intention must be, in fact, to bow. As for a full bow from a standing position, it involves bending deeply enough that one's back and neck are in a straight line. For someone sitting down, the minimum bow consists in bending forward to the point where one's forehead is parallel with the floor or ground in front of one's knees, while a complete bow involves bending forward to the point where one's forehead is parallel with the spot where one performs prostration, yet without actually touching it.

According to the Malikis, the required bow consists of bending forward until the hands of someone with medium-length arms are close to his knees; in other words, if the person praying let his hands rest, they would rest on the ends of the thighs closest to his knees. They also recommend that one place one's hands firmly on one's knees with one's back straight.

This text is taken from the front section on *'ibādāt* (acts of bondsmanship; approximately, "ritual"), which begins every *fiqh* work and confronts the scholar with the how-to of ritual practices. Some texts provide more textual justification – references to Qur'an or hadith or other *fiqh* works. Some cite rare positions or debate premises ("If it is said ...," "then say ..."), but this text is typical in its marmoreal timelessness, in its self-referentiality, in its lack of "why." The text seems conceptually such a smooth surface that there is nothing really to get our historical pitons or symbolical climbing boots into – and that seems to have daunted students of Islamic ritual and driven them to study *zars* and *zikrs*, spirits and saints – primarily the dialect and folk practices of Muslims – rather than the practices shared by nearly all Muslims. What seems to be the conceptual simplicity of these texts, joined with the numbing complexity of the emic descriptions, has led scholars to leave the domain in which most Islamic rituals are prescribed

and described, and hence to ignore the rituals that most Muslims *qua* Muslims perform.

2   *Fiqh* Books

Yet the primary and authoritative source for the study of Islamic religion is the *fiqh* book. These texts of Islamic law, whether précises or vast compendia, frustrate the traditional techniques used to study ritual. Just as a Catholic breviary does not say, "and this part about sacrifice is derived from Roman sacrificial rituals," *fiqh* texts seldom suggest that a ritual was pre-Islamic in origin, for instance. But unlike the Catholic ritual texts with their explanatory rubrics and intertextual glosses, on which *Religionswissenschaft* scholars have been overly dependent, there really is nothing in the Islamic ritual text that says "here's what's going on." In addition, the texts never locate its "real meaning" as elsewhere than in a purely Islamic context – there is never a reference to a psychological or socio-political dimension, for instance.

Text-oriented scholars have been likewise flummoxed, or perhaps just uninterested, in the details of ritual law. Part of their lack of interest is no doubt the modern and Christian prejudice that "the law killeth," added to the Enlightenment's disdain for ritual (Douglas 1982, 1-18; Seligman 2009). In an attempt to "explain" Islamic ritual, one move our forebears made – consistent with nineteenth-century practices in other *Wissenschaftlich* domains – was explanation by genetics. If we could identify what parts of the ritual originated with the Jews, the Christians, the pre-Islamic Arabs, the Zoroastrians, etc., then somehow the ritual, it was believed, had been sufficiently understood and explained.

Despite the thinness and tendentiousness of our sources – all Arabic, all post-dating the rise of Islam (that is from after the period in which Muslims were writing Islam's early history as a kind of *Heilsgeschichte*) – scholars like Wensinck, Houtsma, and more recently Lazarus-Yafeh (2006) purported to be able to discover the pre-Islamic fonts from which the ritual life of Islam had flowed. The results are still to be found in the *Encyclopaedia of Islam* (both first and second editions), under *inter alia* "*Hadjdj*," "*Makka*," "*Saʿy*," "*Ṣalā*" and other articles concerned with Islamic ritual.

In these articles and in other influential scholarship on ritual, an interest in the pre-Islamic dominates the discussion of, for instance, the hajj. Lazarus-Yafeh, an erudite Israeli scholar, seems to see a substrate of Semitic ritual of which Judaism is the more ancient and articulated form,

and pre-Islamic ritual is a pagan expression uncomplicated by the moral and ethical complexities of Judaism, or later, derivatively, of Islam. She says, regarding the hajj, that it is structured by an opposition between monotheism and the pagan "survivals" which "[b]ecause of its ancient sources over and over again has stirred the pagan longings and yearnings which are obviously deeply rooted in the soul of every man" (Lazarus-Yafeh 2006, 19). The *'Umrah*, she says, "corresponds to Passover and Pentecost and took place in the Spring" (Lazarus-Yafeh 2006, 21). "Another festival corresponds to Succoth and was, like it, called 'the Festival' ... This festival was celebrated in the autumn ... and like Succoth was connected with the prayer for the cessation of the heat of summer and for the first rain" (Lazarus-Yafeh 2006, 21). The *wuqūf* at Arafat is a "reminiscence of an ancient water cult" (Lazarus-Yafeh 2006, 22). And the *sa'y* is "probably, a reminiscence of orgies that may have been part of the pre-Islamic rituals of the *Ḥadjdj* and *Sa'y*" (Lazarus-Yafeh 2006, 22). Similarly, according to *EI2* the stoning (*rajm*) "was originally directed at the sun-demon." The time at Muzdalifah was to placate the thunder god, and this is known, she says, because of a perceived similarity to the Genesis account of God's appearance at Sinai (*EI2*: s.v. "Ḥadjdj").

The most striking feature of these kinds of Islamic ritual studies is that, when traced to their nineteenth- and early-twentieth-century French, Dutch, and German origins (scholars like Houtsma, Wensinck, Wellhausen, and Gaudefroy-Demombynes), they turn out to be wildly speculative and ungrounded in any real Arabic pre-Islamic or early sources. Instead they are the sort of "this reminds me of a ritual in Babylonia" explanation-by-association that has been discredited for fifty years in most fields of religious studies. Yet, even if these accounts were grounded in trustworthy contemporary sources, how would this genetic account of a "formerly pagan" ritual help us fruitfully to understand or appreciate the hajj – either as practiced by Muslims in any period after 631 CE or according to the mythologically timeless accounts of the *fiqh* books?

A subset of the hoary genetic approach to Islamic ritual has been "influence studies" of Islamic ritual. This too is a well-trodden path. To pick only one example from the all-too-easily compiled bibliography, Vajda asserts categorically that the Ramadan fast was "almost certainly an adaptation of Lent." "This does not mean that in instituting Ramadan Muhammad was not still guided by certain ideas of Jewish origin" (Vajda 2006, 5 and n16).

But what do we really know about the pre-Islamic Christians or Jews who might have "influenced" Muhammad and early Muslims? Only an essentialist would assume that all Christians and all Jews had the same practices and beliefs, everywhere and always. Could or did the Jews of Mecca know

the Germara and the Midrashim? Is it likely that the Christians of Arabia were perfectly aware of the subtleties of Christian liturgy? The Qur'anic references to a Trinity of Mary, Jesus, and the Father, or to Ezra as the son of God make me doubtful (Qur'an 9:30 and 5:116; McAuliffe 2001 v2, 155b s.v. "Ezra" and v5, 369b-370a s.v. "Trinity"). This is the land of Lüling and Luxenberg which I do not find at all congenial (Reynolds 2008).

Aside from the utterly unexamined and very problematic question of what "influence" means in general, and what the historical process imagined here might actually be, the fact remains that genetics is never an explanation, nor is it "understanding." If (and I doubt this) Muhammad "borrowed" the idea of a month-long fast from Christians (which Christians? where?), as one borrows sugar from a neighbour, surely it is obvious that its *Islamic* significance, and in that sense its explanation, nevertheless lies within the Islamic field of discourse. Even if Muhammad had been some kind of crypto-Christian or crypto-Jew, subsequent Muslims were not. So Vajda and his ilk give us, at best, another speculative and partial account of the origins of Ramadan's fast, but no account of its meaning, or how to think about it.

Both kinds of accounts, the speculative historical and the speculative influence accounts, I think one has to agree, are also fanciful in the extreme. And the tireless search for Semitic cognates by scholars like Lazarus-Yafeh and Wensinck is also unpersuasive as an approach.<fn>In addition to Lazarus-Yafeh (2006), see Wensinck (1954 [1908]).</fn> I think there is no need to spend any more time on these methodologies, which are old-fashioned and not much practiced these days.

The one exception that belongs to this genre and has recently excited some fervour is the so-called "revisionist" approach, the technique of which seems so self-evidently contradictory that I am puzzled at its existence. This is a method in which scholars like G. Hawting and M. Cook who profess profound scepticism of the value of early Islamic source-texts, nonetheless rely upon Islamic accounts of pre- and early-Islamic religion to offer radically alternative theories of Islamic origins and the origins of various Islamic practices (Cook 1985, 1986; Hawting 1980, 1984). I am sure these scholars, most of them very accomplished, would say that they are "reading against the grain," and "using a hermeneutics of suspicion" to find the anomalous bits that, because they do not fit the standard accounts of early Islamic religion, must be trustworthy. Yet are we so confident we can grasp all the eddies and currents of early Islamic controversy that we can determine *this* account and not *that* one to be tendentious, and consequently that *this* particular account of early Islamic or pre-Islamic religion ought therefore be trusted? The process seems often to be arbitrary.

3   Ritual as Communicative

More recent trends in Islamic ritual studies have been informed by the great figures of anthropology and their approaches to ritual – Geertz, in particular, but sometimes Freud. This quite common approach during the last two decades draws from a century of literary and anthropological work and views rituals as essentially communicative. Rituals have a "meaning" and that meaning is often to be found in the deeper interpretation of "symbols." The rituals then, or parts of them, symbolise or represent something else.

As long ago as 1975 Dan Sperber had called into question the "cryptological" model of symbols (Sperber 1975, ch. 2). He showed quite convincingly that the model of symbolism whereby item A stands for item or concept B in a communicative way is vulnerable to criticism on the basis of what he called

> disproportion between the symbols and the representations they are said to encode. ... In the cryptological approach [a] restricted number of explicit symbols is associated with certain representations in such a ruleless manner that any object at all could as well have been symbolized. (Sperber 1975, 47)

In the case of Islamic rituals, the exercise of finding symbols is usually either an arbitrary exegesis or is supported by reference to texts external to the genre of ritual prescription – to commentaries, mystical ruminations, and the like. Moreover, there is almost always an essentialist assumption at work, since the stability of Islamic ritual practices leads these symbologists to the mistake of assuming symbolic meanings to be as stable as the ritual practices themselves. But they demonstrably are not, as a small group of ethnographers have shown, including Bowen and Mahmood for prayer (Bowen 1989; Mahmood 2001; Mahmood 2005); and Charles Hirschkind, the late Richard Antoun, and Patrick Gaffney for sermons (Antoun 1989; Gaffney 1994; Hirschkind 2006).

As an example, the hajj, which now is seen to symbolise the brotherhood, equality, and universality of Islam[4] is, rather, a dress rehearsal for the Last Judgement according to al-Ghazali (al-Ghazali 505/1111: 3: 488; § *"Bayān*

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4   The classic site for this apologetic position is Malcolm X (1973, ch. 17), but it is present in nearly all contemporary Muslim explanations of the hajj. In a forthcoming work (*Lived Islam*) I suggest another way to read this chapter of Malcolm X's *Autobiography*.

al-aʿmāl al-bāṭiniyya wa-wajh al-ikhlāṣ fī al-niyya ..."),[5] and a trial of one's property and one's body, by al-Qaffal (al-Qaffal 365/975, 2007, 138),[6] to cite just two examples.

Moreover, any good textualist should ask: if actions or practices in ritual were intended *essentially* to be symbols, then why is it that the ritual texts themselves never provide the one key, the definitive lexicon of what the rituals are supposed to symbolise? Why do the ritual texts themselves not tell you what they mean?

All in all, it seems that Islamic rituals themselves and the genre of texts most concerned with Islamic ritual give us scant reason to suppose that those rituals are best or primarily understood as symbol codes. It is not just that the ritual texts give us no keys, no tables of equivalence saying that bowing symbolises the humility of the bondsman before the Creator, or ablution restores Edenic purity, or the lack of ablution causes angels to boycott the dwelling of the person whose purity has been lost. In addition, the meanings these extrinsic texts provide are unstable, quite variable, contested, and often contradictory. It is particularly striking that the dynamic quality of the interpretation in the extra-*fiqh* texts is in marked contrast to the seemingly invariant practice of the ritual itself. Though a seventh-century Muslim might be surprised at the *interpretations* of *ṣalā* offered in twenty-first-century apologetics, there is no reason to think this person would be surprised at the twenty-first-century *practice* of *ṣalā*.

If we are to take seriously the medium in which ritual is described and prescribed, then we cannot link the ritual to a particular form of symbolic representation or to specific communicative strategies. Instead we should see the ritual first, as it is, and then ask what particular feature(s) of rituals provoke not just anthropologists and students of religion, but Muslims themselves to ascribe extrinsic meanings to those rituals. If Muslim rituals cannot be decoded, cannot be explained by reference to extrinsic Muslim texts or putative accounts of the formative period of Islamic ritual, then can anything be said about Islamic ritual at all other than the merely descriptive?

I will suggest that, yes, we can think about ritual in a useful way by think-ing about ritual as an act and not a sign. A starting point is the observation by Seligman et al. that "[s]ince the practice of ritual creates its own illusory world, ritual must be understood as inherently non-discursive – semantic

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5   This was first pointed out to me in conversation by Juan Campo.
6   In *Lived Islam* I suggest that this plasticity is not unique to the hajj, among the "Five Pillars."

content is far secondary to subjunctive creation" (Seligman et al. 2008, 26).[7] "The meaning of ritual is the meaning produced through the ritual action itself" (Seligman et al. 2008, 26).

4 Humphrey and Laidlaw: Ritual for Its Own Sake

It is here that the work of Humphrey and Laidlaw seems particularly useful (Humphrey and Laidlaw 1994).[8] Their account of ritual maps elegantly on to what we see in Islamic ritual texts, and that gives it an *a priori* fittingness for our project.

The key concept for us, and for Humphrey and Laidlaw, is "deferral of intention." Rituals for them are a unique species of act. In most acts our actions are motivated *seriatim* by our intentions – bodily movements, speech acts, all are the result of our personal will. When I want to join two boards, I decide the best way to do so is to nail them, so I place them together, place a nail in the right place, and strike it repeatedly with a hammer. Even for more habitual acts like driving to work, it is still my will that guides my actions from the garage to the hunt for a parking place. It is my agency and my intentionality that governs the act all the way through. This is how we go through life – willing, and acting out the script our minds write for us, in advance or on the fly. (Of course this is far from a complete account of the relations between mind and act but it will serve for our purposes.)

Humphrey and Laidlaw's insight is that ritual acts are not intentional in the normal sense. Consider the Muslim act of worship, performed five times daily, called *ṣalā*. When Ahmad decides to perform *ṣalā*, he makes sure he is dressed appropriately, he cleans any dirt off of his garments, and, if needed, he performs a ritual act of cleansing (Reinhart 1990 on rituals of "purification"). This preparation is called *taḥrīm*, "sanctification," but except for the rituals of cleansing (which may or may not be needed), these acts are all practical acts dictated by circumstance and performed by Ahmad as needed. He decides what needs to be done, and he does it. Then he "intends" (the Arabic verb is *yanwī*, the verbal noun is *niyya*) to perform the prayer; then he performs it. Since Humphrey and Laidlaw's argument rests on a particular understanding of "intention," it is useful here to consider the Arabic concept translated as "intention."

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7   Christian Lange kindly drew my attention to this article.
8   See useful discussions in Brady (1999), Parmentier (1996), and Smith (1997).

In Islamic ritual theory, worship itself requires intention, but intention is not part of the ritual itself, which is made up of a certain number of cycles (*rak'a*) of the ritual. Each cycle is composed of a *takbīr*, (saying *Allāhu akbar*), recitation of two Qur'anic passages, bending (as we saw above), straightening, prostrating twice, and, at the end of every two cycles, recitation of a creed; there are four cycles for noon, afternoon, and night prayers, two for dawn and three for sunset. At the end of the last *rak'a* assigned for the particular worship time, one turns right, then left, each time saying "Peace be upon you and the mercy of God." So, while *niyya* is indispensible for worship to the extent that some schools emphatically recommend an oral statement of intentionality, *niyya* is not part of the ritual itself, which rather is bounded by the *takbīr* of sanctification at the beginning and the *taslīm* (greeting of peace) at the end.

It is our argument here that when he performs *ṣalā*, Ahmad's intention extends *only to the point of intending* to perform *ṣalā*, that is, to perform the script for *ṣalā*, and, at that point, Ahmad's act of intention is an intention to defer his own intention to another's.[9] Someone else's intentionality then takes over. When the ritual commences, the intentionality of the act is, as it were, handed over to the script, or to the "instigator" (*shāri'*) for *ṣalā* performance.[10] Ahmad bows as a result of someone else's intention. In Islamic ritual law *niyya* and statements of intentionality explicitly precede the ritual. It does not intrude upon it: no one says halfway through ritual worship, "I am still doing the noon prayer." The intrusion of the actor's will into the ritual indeed invalidates the act as ritual:

> If one intends breaking off (*al-khurūj*) from prayer or intends that he will break off [in the future] or doubts whether he broke off or not, the prayer is invalidated, because *niyya* [the displaced intention] is required throughout the prayer, and he has already cut it off (*qad qaṭa'a*) by so doing and thus invalidated the prayer, as purity [is removed] if it is cut off by minor impurity. (Powers 2006, 42, citing al-Shirazi, 1: 237[11])

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9   See Maurice Bloch (2004) on deferral in addition to the discussion in Humphrey and Laidlaw (1994, ch. 4).

10   In *fiqh* discourse, *shāri'* is an intriguing word. There it means "the one making the rules, the legislator," but in use it is often ambiguous. Sometimes it surely means God, other times it would seem to mean Muhammad.

11   The definitive account of intention in Islamic law is found in Powers (2006, chs. 2-3). There he points out that while there are other terms for intention, *niyya* is associated with the domain of ritual.

Further,

> If one enters into the noon prayer, then changes the *niyya* to the mid-afternoon prayer, this invalidates the noon prayer, because it interrupts (*qaṭaʿa*) the *niyya*, and the mid-afternoon prayer is not valid because he did not intend this at the point of [entering] *iḥrām*. (Powers 2006, 42, citing al-Shirazi, 1: 237)

The agency of the actor must be fully deferred. If he or she inserts agency, by thinking about breaking off the prayer, or by actually breaking it off, or by changing it from one prayer to another, then the "intention not to intend" is broken, and this has imposed his own intentionally, reasserted it, which invalidates the ritual.

The unnaturalness of ritual is recognised in various ways, most obviously in the definition of ritual as that which serves no earthly purpose and is *prima facie* irrational (see Reinhart 2014). We can also see a certain anxiety about the intrusion of individual agency into acts that are not governed by the actor's will.

One has to work one's way into the ritual. As we have seen, *ṣalā* is preceded in some cases, as circumstances require – according to the actor's assessment – by a number of acts, such as performing the ritual ablution, cleansing the garment worn for prayer if it is dirty, cleaning the area of prayer if it needs it, making sure one's garment will cover the private parts during prayer, and standing to begin the prayer (this is called *qiyāma*). This process of examination of circumstances, of judging, and acting pragmatically as circumstances require is called the *taḥrīma*, "sanctification." After the sanctification, acts that had been permissible become impermissible (Al-Marghinani 2006, E:107n2).[12] The act of intentionality (*niyya*) is the demarcation point for the ritual, but the *taḥrīma* as transition into the ritual may not be separated from the act of intention by any individual of the will. As al-Marghinani says:

> One forms the *niyya* for the prayer he is about to offer without separating the *niyya* from the *taḥrīma* with any [other act] … [This is because] the commencement of prayer is by standing up for it, which is an act that is shared between both normal movement and worship, and a

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12   Al-Marghinani 2006 is the English translation of the Arabic original Al-Marghinani 593/1197. Henceforth al-Marghinani is cited as *Hidaya* (E[nglish]/A[rabic]).

distinction cannot be made between them except through *niyya*. (*Hidaya*,
E:1:104/A:44-45)

Because of differences in intentionality, standing up in one case is just
standing up; with another intentionality it is a part of *ṣalā*. Even an *ad
hoc* request for God's mercy invalidates the ritual prayer: if one begins a
ṣalā with *Allāhuma ighfir lī* (O God, forgive me) it is invalid because "his
statement is mixed up with his own needs, therefore it does not amount to
pure glorification" (*Hidaya*, E:1:111/A:117-118; see also *4 Madhhabs*, E:1:387-388/
A1:387).[13]

As an aside, the preference for communal worship over solitary worship is
shared by all Islamic schools. If even two Muslims find themselves praying
together, one should go to the left and front and assume the position of
imam. The other (the *ma'mūm*) makes it part of his intention to follow his
fellow-worshipper. If the leader's prayer is for some reason invalidated –
through gross error, or a failure to keep ritual purity, for instance – then the
prayer of those following him is invalidated. It is worth considering whether
this may be an expression of the idea that ritual is an act of deferral of the
will to another (See *Hidaya*, E:1:135/A1:146; *4 Madhhabs*, E:1:544/A1:404; but
see *Distinguished*, E:1:173/A1:190).

An act of *ṣalā* is not "*ṣalā*" because one intends to do *ṣalā* (even if a
formal statement of intention to do *ṣalā* is for several schools a part of
the ritual itself). One says, "I intend to do *ṣalā*," and then one hands over
the intentionality to whoever stipulated the set of movements and state-
ments that constitute the *ṣalā*. At this point Ahmad performs those acts
collectively called "*ṣalā*," as stipulated. *Ṣalā* exists outside the performer,
whereas Ahmad's "buying milk" exists only in the presence of Ahmad, and
buying milk is not done in a stipulated way: he may throw down a five-dollar
bill or offer a debit card, he may use the self-service checkout, he may stand
in line and pay the cashier, he may chat with a clerk and so on. It becomes
"buying milk" because of the end that is accomplished, not because of the
way in which it is done.

But consider *ṣalā*: Ahmed does not bow *in order to accomplish ṣalā*, he
bows because bowing at the specified point *constitutes ṣalā*. Not to bow
at that point is to fail to perform *ṣalā*. Similarly, Ahmad cannot intend
to do *ṣalā* and then perform an idiosyncratic set of devotional acts and
statements and have that count as *ṣalā*. Ahmad goes from standing, to

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13   The Arabic translated as "irrelevant" (*ajnabī*) can be "foreign [to *ṣalā*]" or "extrinsic [to
ṣalā]."

bowing, to straightening up, to prostrating himself and so on, again not according to his intention, not instrumentally, but according to the intentionality of the external agent who "wrote the ritual script" that defines ṣalā (Humphrey and Laidlaw 1994, 89).[14] On the other hand, it is because of this deferral of intention that this performance of a script is still ṣalā whether Ahmad bows deeply or shallowly, whether he gabbles the *Fātiḥa* or recites it slowly and meditatively, whether his Arabic accent is good or not; whether he understands the Arabic or not, whether he is thinking about the majesty of God or "what comes next" in the ritual. Though errors in performance may be so gross as to invalidate ṣalā at some level, his errors do not make these acts mere "bowing" or acknowledging applause, or stretching his lower back. In this way a ritual differs from our normal intentional acts. Ahmad "is in this case not the author of his own acts" (Humphrey and Laidlaw 1994, 98). The act stands apart as a single chunk of action, a bounded entity, independent of Ahmad, his volition, and his interpretation of the act. The last point is as important as the deferral of intentionality: the ritual performer comes to the ritual as one comes to any other object. It pre-exists, it has its own history, and one enters into the practice on its terms. *Ṣalā* is not his or her creation; it is a found object, already constituted and waiting to be inhabited and re-appropriated. It is impossible to imagine someone doing the bowing, the reciting, etc., and when asked about ṣalā he or she says, "that's not what I meant" (Humphrey and Laidlaw 1994, 98).

The first benefit of Humphrey and Laidlaw's approach then is this: they give us an understanding of ritual that does not view the ritual either as a reflexive act of borrowing, or as an inchoate act of expression, a structure set, or a secret code for social values, gender hierarchy, cosmological structures, or anything else. That ṣalā is also any of these other things – at some point, for some Muslims – is not ruled out, but Humphrey and Laidlaw's approach allows us to remain focused on the rituals and not have us looking elsewhere to "understand" the ritual. It allows us to use the Islamic ritual texts, unmediated, to talk about the ritual.

There is another advantage to Humphrey and Laidlaw's account of ritual and that is this: it also explains why, despite the fact that there can be no single meaning for an act that the actor has not himself/herself enscripted, there is nonetheless such an incessant urge on the part of the faithful to define, to ascribe, to find, meaning in the ritual.

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14   Bowing is part of what defines ṣalā. If any of its essential elements, (*farḍ* or *rukn*) is missing, then it is not ṣalā. See *4 Madhhabs* (E1:271/A1:206).

Humphrey and Laidlaw suggest that, the ritual, because it is not "mine," has a kind of existence apart from me. It is a thing in the world, and so it can have a history, can, as they say, be "re-assimilated" by the actor (Humphrey and Laidlaw 1994, 89). While everyday acts are often characterised by un-reflective intention, the different intentionality of the ritual act, the seeing of the act as "given," eliminates unreflective performance and provokes and stimulates the assignment of meaning (Humphrey and Laidlaw 1994, 103).

The ritual actor can take this ritual thing and reflect upon it, interpret it as a text, connect it to other ideas, and so on. Nonetheless – it is important to repeat – those exegeses, though constrained by the act's script, are not inherent in the act nor are they a function of the act itself, and they are still less an explanation for its origin or significance; they are a derivative undertaking that allows the ritual actor to ascribe to the act meanings that are individually or collectively significant.

In short, interpretation is the second-hand smoke of religious practice. Just as in a Moroccan restaurant I may not be "smoking," despite taking tobacco smoke into my lungs with every breath, so too the multiplicity of interpretations are not a part of the ritual itself. Yet the effects of second-hand smoke, in both cases, is profound. This derivative quality of rituals' interpretations also accounts for the frustrating ethnographic moment when the ritual performer is asked why he or she does this act, what it means and she or he replies with a shrug, "I don't know" or "That's just the way we do it" (Seligman 2009, 1085-1086).

Two final points: Humphrey and Laidlaw's approach does not rule out writing the history of a ritual. The recipe books of ritual, even if historically agnostic, provide material for such work. And second, this approach does not preclude the study of meanings assigned to rituals. With the Qur'an, for instance, we easily distinguish between the exegesis and the text itself. We know that the exegesis is not an intrinsic part of the text and does not flow "naturally" or "unconsciously" from it. We must approach Islamic ritual the same way. The hajj is not "really" about the Day of Reckoning, it is not "really" a memorial to Abraham. The hajj is a set of prescribed actions. Muslims have assigned meanings to the hajj. Some of those meanings might have come from *al-Shāriʿ*, but who can be certain? Once we think of the hajj or any other Islamic ritual this way, new interpretative doors are opened to us and some old doors are refurbished and made once more a means of ingress.

There is much more to say about Humphrey and Laidlaw – on nearly every page I find something fruitful for the study of Islamic ritual – but first some general observations on the concept of "ritualisation" and Islamic ritual.

5   Ritualising "Absence"

The popular European depiction of Islam has been that it is a religion of voluptuousness, indulgence, and emotional extravagance.[15] Whether the medieval fixation with polygyny and Muhammad's wives, or contemporary fixation on "suicide bombers" and *houris*, Islam has been othered as a religion of intemperance and permissiveness. The signals of Islamic rituals themselves are very much more in line with Weber's account of religions characterised by "this-worldly asceticism," by personal restraint and forbearance (Weber 1963 [1922], 166-167). A brief reflection on this point will help us see how the void, the "not-doing" is an important constituent of ritual and perhaps the clearest example of ritualisation, the process by which a particular act comes to belong to a different domain from our ordinary discursive life.

Aside from the activities of the body's autonomic system – breathing, digesting, secreting, and so forth – almost all human activities are occasional rather than constant. By occasional, I mean they occur in response to stimuli – hunger, or mealtime, for eating, for example; or in response to other circumstances that cue the behaviour. In that sense *not* doing any particular activity is the norm rather than the exception; it is unremarkable and undistinguished. Much of the Islamic ritual system, however, is precisely about the ritualisation of *not*-doing, the construction of something by *not*-doing something. The three most manifestly ritual of the "Five Pillars" clearly illustrate this ritual building block's "features."

The Ramadan fast consists entirely of ritualised omission, of refraining from occasional acts – eating, drinking, sexually arousing activity (Ibn al-Naqib 1991, 284; §i.l 18-19). Additionally, and secondarily, I think, one is to refrain from niggardliness, contentiousness, slander, sensual indulgence (e.g. from the use of perfume or voluptuous smelling of flowers) during this month (Ibn al-Naqib 1991, 288-289; §§i.l 24-27). As with all ritual acts, the ritual fast (in contrast to the many times when one is *not* eating or *not* drinking) is made ritual by the act of intention (*niyya*).[16] Refraining

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15   Weber himself described Islam as "a purely hedonist spirit, especially toward women, luxuries, and property" (Turner 1974, 12); hence it could "not develop into an ascetic this-worldly religion" (Turner 1974, 171). For a discussion of this, see Weber (1963 [1922], 263f.). For a substantial critique of Weber's understanding of Islam, see Huff and Schluchter (1999), especially the articles by Peters and Levitzion.

16   Hanafis and Hanbalis assert that intention is not an indispensible constituent (*rukn*) of fasting, but this means only that the "act of intending" may validly be performed even after dawn if one has not otherwise infringed the conditions for a valid fast. *4 Madhhabs* (E1:728/ A1:543).

from ingestion – the fasting part of Ramadan – is framed daily by a quasi-obligatory act of eating/drinking immediately prior to and immediately after the fast times specified by *fiqh*[17] This mandatory ingestion frames the mandatory abstention and in this way the perfectly ordinary "act" of non-eating, etc., is ritualised and becomes "fasting."

Similarly the quinate act of worship is preceded not just by intention to perform the ritual worship but by a ritual consecration, the rituals of lustration and ablution. Those "undo" acts such as sexual intercourse, defecation, and urination that preclude one from worship until the ritual of ablution or lustration – as appropriate – is performed. Mere lapses of intent or attention require only that the worship ritual be repeated; but passing gas, urination, sexual incontinence, etc., require an entire re-consecration of the body through the rituals of preparation, the ablution and lustration. Prayer, then, is done in a state in which those acts are blocked and, in a ritual sense, they have been obliterated.

As for the hajj, it too is preceded by an act of consecration called *iḥrām*. *Iḥrām* is the point at which one's status changes from visitor or tourist or businesswoman, to pilgrim, one might say. *Iḥrām* is a *sine qua non* of the hajj, a *rukn* – an indispensible constituent.[18] *Iḥrām* proper is preceded by preparatory steps that are themselves rituals or ritualist. One cleans oneself (*wuḍū'* will suffice, but a bath, not the ritual *ghusl*, is strongly encouraged). A man wraps two cloths around himself – one as a loincloth and one as a chest and shoulder cover. It is desirable to put perfume on, which cannot be done after the *iḥrām* has been formally entered into, i.e. putting on perfume frames the abstention from perfume. The *ḥājj* or *ḥājja* prays two prayer cycles and ritually states that he or she wishes to do the hajj and asks that it be acceptable and easy. At that point the pilgrim has formally entered into the state of *iḥrām* by reciting the *talbiyya*, the mantra, as it were, of the hajj. He is now a participant in the hajj, he is consecrated, or tabooed, and ritually qualified to perform the hajj rituals.

The consecrated state consists not only of things you do; there are things you do not do. Some of the acts to avoid are acts one ought to avoid in normal, non-ritual life: quarrelling, obscenity, wickedness. You *ought* to

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17   According to the Hanafis and Hanbalis, it is undesirable to fast for two days immediately prior to the beginning of Ramadan; as for the Malikis, they hold that it is not undesirable to fast at this time, whereas according to the Shafiʿis it is forbidden to do so (*4 Madhhabs* E1:749/A1:558). Fasting is invalid on the Day of Fast-breaking (*4 Madhhabs* E1:729/A1:544). "One should take the fast-breaking meal without delay" (*4 Madhhabs* E1:772/A1:577). "One should take a pre-dawn meal, however light, even if it consists of nothing but a sip of water" (*4 Madhhabs* E1:773/A1:577).
18   For Hanafis a *sharṭ*; see *4 Madhhabs* (E1:863/A:638).

avoid them in quotidian life but now they are ritually banned. Doing these forbidden acts inserts another intentionality into the ritual environment and risks voiding the ritual.

Unlike normal life, however, during the hajj, men are also forbidden to wear stitched clothing, dyed clothing, especially if dyed with something pleasant smelling, have sex or foreplay, cut the hair and nails, or apply perfume. It is not that "not cutting the hair" is a ritual, anymore than "not being wicked" is a ritual. But volition is removed in both cases. If I am following the hajj script, I am not cutting my hair because of the *shāri'*s intention. I come out of the *iḥrām* state by a ritual hair-cutting that frames its prohibition.

Then follows a series of acts that, unlike standing as the initial act of prayer, are impossible to confuse with the quotidian: walking around a strange building seven times, running along a corridor (no longer two hills, due to Saudi "improvements"), going out into the middle of nowhere to stand, walking to another otherwise insignificant place, throwing stones at cairns, and so on. This ritual, in its unique acts, as well as its "re-purposed" acts, is without doubt a surrender of volition and a deferral of intentionality. Most of these acts have no normal-world equivalent and so it cannot be normal intention, Ahmad's intention, that effects their practice. For that reason the hajj is so effective and so powerful.

I would suggest, then, that when we study Islamic rituals we ought to first study not meanings Muslims have ascribed to them, or that we ourselves can ascribe to these rituals. It is to note how the absence of intention allows the blending of normal virtuous acts, normal insignificant acts – if not cutting hair can be considered an act – and utterly distinctive acts like wearing seamless garb into a distinctive, nameable, self-subsistent act to which I subscribe if I go on the hajj.

6   Speculative Conclusion

Here I want to end on a somewhat speculative note. I think we do not understand ritual if we see it as composed only of non-intentional actions, with meanings extrinsically or secondarily attached. This may be a good *description* of ritual but it is a fairly weak *explanation* of ritual. First, as we mentioned earlier, rituals are not meanings, but by their deferred intentionality they provoke the *making* of meanings. Rituals are objects with which *homo ritualis* interacts, but the space provided by the deferral of the work of intending invites him to fill the act with meanings. Reflection on these meanings is, at the risk of redundancy, also a meaningful experience.

As a corollary to this feature, Humphrey and Laidlaw, citing Bell (Bell 1988), point out that those merely ascribed meanings may in turn affect the *performance*, and certainly they will affect the *experience* of the rituals. If sufficiently authoritative, the ascribed meanings can eventually be invoked to alter the ritual practice itself. Hence the meanings attached to ritual, while not intrinsic to the ritual itself, shape the experience of the ritual performance. If one understands the hajj as a rehearsal for God's Judgement, it is in some sense a ritual different from an act of historical commemoration or a National Brotherhood week with three million other brothers and sisters.

A final point, and one I hope to explore in greater depth. Rituals also generate, not meanings, but what Humphrey and Laidlaw call, rather lamely I think, "emergent moods." They observe that "emotions aroused [in ritual] are [often] in everyday terms inappropriate to the action" (Humphrey and Laidlaw 1994, 227). It may be that rituals create emotion, emergent moods, states of mind that are (a) the results of the acts themselves but that are also (b) heightened because of the space created, once again, by the displacement of intention. The abnormality of these kinds of acts enhances the experience itself and this may make ritual itself both attractive and effective.

Rituals of denial, especially denial for a stipulated time evoke many things, but one of them is anticipation, and receptivity. Fasting, consciously disciplining the self and the body, refraining from sex, evokes feelings of receptivity and anticipation of release from constraint. Rituals done communally – for what we now understand to be partly physiological reasons – diminish sensations of autonomy and boundedness, and induce conformity while reducing inhibition. Rituals, even in the most puritan Wahhabi understanding of a ritual, are gestures that evoke moods. Is there any culture or context in the world in which bowing or prostrating oneself evokes sentiments of superiority and aggrandisement? The deferral of intention may facilitate the lifting of constraints normally imposed on the actors' expression of their sentiments. This is the great field that remains to be explored – the link between emotion and the physical disposition of the body – facial gestures, posture, and so forth.

In short, while a complete understanding of rituals such as the hajj requires the study of the meanings attached subsequently to these rituals – as found in mystical works, exegeses, literature, oral interviews, and so on, these are mostly *post hoc* and represent the ideation of the body as opposed to the embodiment of ideas. The task of understanding Islamic rituals also must principally investigate the acts the body performs in the course of the rituals to grasp the moods emergent from these practices.

These do not randomly arise. It is at the stoning pillars that emotions flow most forcefully, not at the standing at *ʿArafa* or at the sacrifice, or the cutting of hair when one emerges from *iḥrām*.

Once we have stopped looking for meanings that somehow reside in acts themselves, we are free to recognise the richness of the meanings ascribed to them by individuals or groups. Once we stop seeing rituals as expressions of ideas, we are free to begin seeing them as conducive to sentiments. This seems to me the way to go in the future study of Islamic ritual.

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Textual Study of Gender

Marion Katz

The early 1990s saw a wave of new scholarship on the history of women and gender in Islamic societies. Some of it reflected the new prominence of politically and religiously engaged women scholars of Muslim and/or Arab background. Some also reflected the increasing application of the methods of gender studies to the relatively conservative fields of Islamic history and law. Works such as Leila Ahmed's *Women and Gender in Islam* (1992), Fatima Mernissi's *The Veil and the Male Elite* (first published in English in 1991, translated from a 1987 French original), and Fedwa Malti-Douglas's *Woman's Body, Woman's Word: Gender and Discourse in Arabo-Islamic Writing* (1991) surveyed large swathes of Islamic history and thought, suggesting structural connections between gendered religious discourses and the social and political roles and rights of women over time.[1] The work of this period provided the impetus for a large volume of scholarship that, over the following two decades, both expanded and elaborated the theses advanced by these scholars, and ultimately critiqued and refined their approaches. Both the exploitation of a wider source base and the development of more nuanced interpretive frameworks (which, among other things, sometimes questioned the existence of a monolithic "Islamic" gender discourse) have characterised the field in more recent years. In the wake of the influential large-scale syntheses of the early 1990s, more thoroughly documented and contextually specific studies have explored social practices, religious ideology, and the relationship between the two.

   The initial problem facing textual scholars interested in the history of gender in premodern Islamic societies is, of course, that of sources. Not only are available sources comparatively sparse, but an overwhelming proportion of them is literary and/or normative in nature. Not only do they reflect ideals and agendas more closely than they do social patterns on the ground, the ideals and agendas they express are usually those of a relatively narrow sector of society. As Judith Tucker observed in a 1993 review article,

> Government records, histories, biographical dictionaries, works of jurisprudence, and literature … were almost exclusively authored by members of a male elite of government officials and 'ulama' … Many

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1   Also notable is the collection Keddie and Baron (1991).

of these accounts are essentially prescriptive in nature and detail the normative gender system that existed in the minds of an urban male educated elite, not the lived experiences of men as men and women as women. In working with these sources, historians have grown increasingly aware of the necessity to treat them with caution and handle them as a form of discourse about gender that reveals vested interest rather than records actual practice. (Tucker 1993, 38)

Among the major developments in the textual study of gender in Islamic societies over the last two decades has been an increasing usage of sources that were previously underutilised or unknown. These include some works that are unusual or even unique, sometimes framed in comparatively informal ways that offer new insights beyond the most public personas and official agendas of their authors. For instance, although entries tend to be telegraphically brief, the journals of Ibn Tawq (published by the French Institute in Damascus in 2000) offer fascinating glimpses into the home life of a Damascene man of the late fifteenth century CE, referring in passing to his domestic affairs and to the activities of his wife and female neighbours (as well as providing records of the many marriage contracts and divorces that he witnessed) (Ibn Tawq 2000). A more eccentric and yet descriptively richer account of Mamluk-era domestic life is provided by the hybrid diary/chronicle *Izhar al-ʿasr li-asrar ahl al-ʿasr* of Ibn Tawq's contemporary, the Qurʾanic exegete Burhan al-Din al-Biqaʿi (d. 885/1480), analysed by Li Guo in a 2005 article (Guo 2005). Although al-Biqaʿi's contentious personality and dysfunctional relationships with women were presumably unusual even in an age of frequent divorce, as Guo observes, his account is striking and valuable for its "tell-all accounts of his own messy domestic life: failed marriages, family feuds, harem melodrama, as well as childbirth, nursing, and infant mortality" (Guo 2005, 102). Such formally and substantively unusual sources offer unique insights into the practical reality and emotional texture of phenomena, like slave concubinage and the "sleeping fetus" recognised both in Avicennan medicine and in *fiqh*, that otherwise appear to us as disembodied theoretical models. However, they still reflect the male, elite, and urban perspective of more conventional literary sources; as yet, no comparably extensive or revealing documents have come to light from the pens of pre-Ottoman women.

Larger bodies of new or previously under-studied material have emerged among archival documents. Perhaps the most obvious example of this is the growing literature drawing on various Ottoman archives, which (among other things) has added vast amounts of new data to our understanding of

various aspects of marriage and divorce as well as (in the work of scholars such as Leslie Peirce and Elyse Semerdjian) of the regulation of sexual morality.[2] Scholars have also analysed less extensive bodies of documents originating prior to, or outside of, the Ottoman Empire; for instance, Maya Shatzmiller's study *Her Day in Court* provides invaluable details on marriage, child custody, and property transactions based on documents from fifteenth-century Granada (Shatzmiller 2007).

Recent scholarship has both illustrated the complex and problematic relationships between normative discourses such as Islamic law and the lived practices of historical societies, and demonstrated that documentary sources are also far from fully transparent expressions of concrete realities. In an area such as marriage and divorce, where the validity and enforceability of the contract could depend on its compliance with the provisions of Islamic law – and in turn could affect the social and economic interests of the individuals and families involved – it might be assumed that legal models would play a fundamental role in shaping actual transactions. Thus, particularly in such areas, it might be assumed that documentary sources – contracts, court records, and the like – would present unproblematic, factual records of concrete transactions and conflicts, thus affording a limited but clear window into the social realities of premodern Islamic societies.

In fact, however, recent studies suggest the extent to which documentary as well as literary sources were shaped by conventions and agendas that permeated them with many of the same normative and ideological concerns as literary sources, while qualifying their status as direct reflections of realities outside of the text. Marriage contracts are a good test case in this respect, documenting not only negotiated conditions that might have shaped the marital relationship but quantitative records of the financial dimensions of the marriage transaction. However, Yossef Rapoport notes with respect to the Mamluk period that "[d]espite the careful record of the marriage gifts in the marriage contracts, the written obligations did not usually correspond to real payments made by husbands" (Rapoport 2005, 54). The discrepancy between the sums recorded in the contracts and the payments actually delivered to Mamluk brides reflects the role of the marriage contract as a conveyor of social status, rather than simply as a record of a legal transaction. Rapoport notes that fatwas by the Damascene jurists Ibn al-Salah and Ibn Taymiyya reflect the fact that families were widely known to inflate the sums stated in the marriage contract, often to twice the actual amount. Marriage contracts also routinely and strategically misstated the

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2   See, for instance, Sonbol (1996), Peirce (2003), and Semerdjian (2008).

currency in which the payments were to be made; Rapoport notes that "[b]
ecause marriage gifts were signs of status, they were designated in gold
dinars, even by people who had never had the chance to hold a gold piece
in their hand" (Rapoport 2005, 54). In addition to the amount and currency,
the timing or even occurrence of the payments stated in the contract could
be conventional or fictitious.

While Rapoport's material is drawn from Mamluk Syria and Egypt,
similar phenomena are noted elsewhere by other scholars. Amalia Zomeňo
writes of contemporary Andalusia that "one Granadan fatwa issued by Ibn
Lubb reveals that it was the custom of the notaries to register the receipt of
the prompt payment even when the payment had in reality not been made."
Zomeño concludes that "the law and the contract did line up" – unlike the
actual practice – "but only for avoiding the invalidation of the marriage
contract. What this fatwa clearly demonstrates is that, as historians, we
should not always rely solely on the written documents (i.e. the contracts)."
Similarly, "whatever terms were agreed to by the parties" – and recorded
in the contract – "payment of the deferred potion was in practice often
long delayed and paid only in the event of death ... or upon repudiation"
(Zomeño 2008, 142).[3] Shatzmiller likewise notes of the deferred ṣadāq in
fifteenth-century Granada that "[a]lthough a definite date for its payment
was entered into the marriage contract, no payment was made on this
date" (2007, 23).

In these cases, it is sometimes the fatwa – presumably closer to actual
practice than other legal genres, such as manuals of positive law, yet still
normative in nature – that alerts us to the fictive nature of the legal docu-
ment, rather than the other way around. The overall pattern revealed by
these studies suggests that the monetary entitlements established by the
law of marriage and divorce should be understood less as providing factual
information about actual transactions than as defining bargaining positions
for the parties involved. Very much like the anthropological studies of
Ziba Mir-Hosseini on modern Iran and Morocco and of Annelies Moors
on twentieth-century Palestine, these studies of premodern marriage and
divorce suggest that legal entitlement to a certain cash sum or piece of
real estate was often used to cultivate a relationship with one's blood kin
or to affect the power balance of a troubled marriage, rather than actually
to collect the property in question (Mir-Hosseini 1993, especially 72-83;

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3   See also p. 139: "A question posted to Ibn Lubb (d. 782/1381) in Granada ... mentions that
although the custom of the notaries was to record the receipt of a certain marriage gift, this
gift was never exchanged by the parties at that time, but somewhat later."

Moors 1995, especially 53-71, 146-148). For instance, Rapoport shows how the recording of women's deferred *mahr* as a due debt – theoretically claimable at any time, conceivably resulting in the detention of a husband who was unable to pay – was perceived by a scholar like Ibn Qayyim al-Jawziyya as giving women undue power over their cowed husbands (Rapoport 2005, 57). Much like the women in Mir-Hosseini's study, whose husbands were often unable to pay the *mahr* theoretically owed to their wives, to the extent that Ibn al-Qayyim's perception was factually based, fourteenth-century Syrian women were less interested in collecting cash (something that was often in any case impossible) than in negotiating desirable outcomes of other kinds.

Divergences between legal prescriptions and social practices were not limited to discrepancies regarding the magnitude and timing of monetary payments. Social and notarial practice departed from legal rulings in a number of ways, some of them so significant as to affect the basic model of marriage as a social and economic transaction. Rapoport has demonstrated that "despite of the emphasis placed in Islamic law on the gifts of the groom, Mamluk society was a dotal society, i.e. a society where the dowry brought by the bride was the substantial gift at marriage" (Rapoport 2005, 13). Most of his evidence for the magnitude and content of dowries is drawn from biographical and annalistic works, with occasional references to marriage contracts. Zomeño and Shatzmiller have similarly demonstrated the centrality of the *niḥla* and the *siyāqa*, additional gifts conventionally made on the occasion of marriage although not legally required, to the Granadan marriage contract (Zomeño 2008, 143; see also Shatzmiller 2007, 47).

Although the discovery and study of more documentary and quasi-documentary sources has greatly enriched the study of women and gender in premodern Islamic societies, the sheer volume and richness of the normative sources – as well as their centrality in the articulation of Islamic values and mores – ensure their continuing centrality. Arguably, by identifying and addressing social problems and institutions such sources can contribute to the reconstruction of social history, as well as to our understanding of Islamic models and ideals. As noted by Behnam Sadeghi, while scholars have readily acknowledged that the norms established by jurists may not have been applied in practice, they nevertheless widely assume that such sources may provide evidence about the problems and challenges that jurists perceived in the societies around them (or, as Sadeghi puts it, "statements about how the world is, as opposed to how it ought to be") (Sadeghi 2013, 150). Sadeghi himself, however, has expressed a profound scepticism about the utility of legal sources in providing information about social practices and mores. Most strikingly, he examines the rationales

developed by Hanafi scholars to justify their school's growing limitations on even elderly women's attendance at public congregational prayers. These justifications frequently appeal to the ostensibly changed social mores of their own times. Most famously, al-Marghinani writes that "wrongdoers (*fussāq*) spread out at noon [prayers] and afternoon [prayers] and on Fridays [when Friday prayers are held]. But during dawn [prayers] and evening [prayers, shortly after sunset] they sleep, and at sunset [prayers] they are preoccupied with eating" (Sadeghi 2013, 114). Expressing justified scepticism at what he calls "the remarkably regular and synchronised sleeping and eating schedules of those who harassed women," Sadeghi concludes that "[j]udicious use of such information requires taking into account the nature of legal argumentation and the function of such passages in that process" (Sadeghi 2013, 150). He thus asserts that normative legal sources are of minimal value for the reconstruction of social history.

My own work on the history of women's mosque access (Katz 2014) suggests, on the basis of a broader set of normative and non-normative sources, that Sadeghi's reservations are well-founded. While the severe and categorical condemnations of women going to mosques in later (particularly, but not exclusively Hanafi) sources may seem to suggest that women's mosque attendance must have been minimal or unknown in the times and places where these texts originated, in fact in several cases it can be demonstrated that the most passionate juristic denunciations of women's frequentation of mosques were produced by scholars who perceived women's presence in mosques to be ubiquitous and highly visible. While in such cases there is a close relationship between legal discourse and social behaviour, it is roughly the inverse of the model of scholarly prescription and lay obedience that is sometimes assumed. Rather, such scholars apparently played a reactive role with respect to the behaviour of women in their environment. Only careful correlation of different kinds of sources – a task that is often difficult, given that evidence from different genres is not always available for the same time and place – allows us to reconstruct the dialectical relationship between norms and practices in individual cases.

Nevertheless, the case of women's mosque attendance may be atypical. Other scholars, working with materials from other areas of the law, have held out more hope that the study of normative legal sources may shed light on the actual practices and dynamics of Islamic societies in the past. Sadeghi's emphasis on the artificiality and negotiability of the rationales adduced for legal rulings in the area of women's public worship (as compared with the stability and authority of the substantive rules) contrasts in some ways with Wael Hallaq's well-known work demonstrating

the responsiveness of legal discourses to social realities. By demonstrating the social and historical relevance of *fatāwā* (even if these may ultimately be denuded of their specificity in the process of compilation and canonisation) and the process by which *fatāwā* inform developments in the *furūʿ* (substantive law) literature, Hallaq's work (like that of David S. Powers) suggests that we should, in fact, be able – if only with great care – to exploit legal sources as a source for social history.[4] Both Hallaq and Powers present powerful evidence that, at least in some cases, the social problems addressed by jurists are not merely artefacts of their discursive practices.

Beyond their contested ability to contribute to our understanding of the lived realities of premodern societies, normative Islamic sources are of course central to the analysis of ideal gender norms. Thus, Leila Ahmed speaks of an "ideology of gender" implicit in the Islamic discourses that crystallised in the Abbasid period (Ahmed 1992, 69). However, the extent to which a coherent and unitary "ideology of gender" can in fact be discerned from the vast range of Islamic genres, disciplines, and debates over time and space is itself subject to dispute. In the article cited above, Judith Tucker expresses her own reservations, stating that "[i]t is far from clear ... whether we can actually speak of an Islamic gender system" (Tucker 1993, 38). Tucker's own concerns seem to focus primarily on the gulf between the prescriptions of religiously normative texts and the realities of historic Islamic societies. More recent work has emphasised, as summarised by Manuela Marín, that

> Women were not an absolute category, permeating all social levels – although Muslim authors gladly accepted this assumption. Against the mere fact of being a woman ..., historical research has to consider many other factors. Differences among women, according to their social or economic situation, their ethnic origins, their personal status – free or slave, single or married – and their residential lifestyles – urban, peasant or nomadic – have to be taken into account before making sweeping generalisations. (Marín 2010, 355-356)

Although religious scholars did sometimes, as Marín writes, "gladly accept [the] assumption" that women were "an absolute category," a number of scholars have also explored the fact that gender was not a monolithic category even within Islamic normative discourses. Several recent studies focus on the multivocality and richness of the normative traditions

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4   See, for instance, Hallaq (2001) and Powers (2001).

themselves. More recent scholarship has examined the degree to which we can actually posit a self-consistent gender ideology that pervasively informs the various Islamic religious disciplines. In addition to being a question of historical concern, this issue has become salient among scholars working at least in part from an engaged, faith-based point of view. Over the last several decades Muslim scholars have differed in their assessments of the degree to which the range of classical Islamic opinion on issues of gender includes genuinely egalitarian or woman-friendly elements that can be recuperated by progressive modern Muslims.[5]

In a 1997 article, Mohammad Fadel uses the specific case of women's testimony to argue that the methodologies of different classical Islamic religious disciplines resulted in the development of substantially different attitudes on questions of gender. He posits that "jurisprudence, precisely because it takes a broader interpretive perspective, allows for the possibility of a gender-neutral interpretation of female participation in the law to emerge. Exegesis, on the other hand – which was dominated by the atomistic methodology of verse-by-verse interpretation – allowed the misogynistic assumptions of the reader to dominate the text" (Fadel 1997, 186; compare Bauer 2010). However, while legal analysis arguably did encourage a more systematic approach to questions of gender (if only by offering occasions for the analogical comparison of scenarios across different areas of the law), legal discourses were not necessarily internally homogeneous. Legal debates examining whether women's legal competence to engage in financial transactions implied a corresponding competence to contract their own marriages (a point at issue between the Hanafis and the other major Sunni schools of law) suggest the extent to which homologies among different areas of the law were negotiable and subject to manipulation. Even within a single school of law (and, indeed, within the work of a single jurist) it is often possible to come upon apparently contrasting statements about, for instance, the social or natural competencies of women.

Conversely, even among Qur'anic exegetes distinctive ideas about gender can inform interpretation beyond the atomistic framework of verse-by-verse interpretation. In her study of premodern exegesis of a set of Qur'anic verses relating to gender relations, Karen Bauer demonstrates how scientific, theological, ethical, and other discourses pervasively inform classical scholars' interpretations of the text (Bauer 2008, e.g. 44). For instance, she shows how "scientific arguments were used in some exegeses in order to prove that men's nature is hot and dry, whereas women's is cold and moist" (Bauer

5   For an example touching on both sides of this issue, see Ali (2006, 6-13).

2008, 6). Of course, Galenic medicine did not systematically shape Qur'anic interpretation on matters of gender any more than it did legal discourse; the axioms of contemporary science, like other social and intellectual assumptions, made strategic and sometimes unpredictable appearances in various normative genres and disciplines. As analysed by Bauer, the premodern exegetical literature is homogeneous in the sense that it consistently assumes some degree of gender hierarchy; however, she also demonstrates that the substantive interpretations advanced and preferred by scholars changed over time, as did the underlying rationales presented – including ones addressing foundational issues about the nature of gender and of the marital relationship.

In addition to suggesting ways in which premodern normative discourses on gender were multivocal and negotiable, recent scholarship has shown that gender intersected with other categories, thus integrating it into a wider spectrum of identities and hierarchies. In her 1991 article "Gendering the Ungendered Body: Hermaphrodites in Medieval Islamic Law," Paula Sanders argues that the biologically ambiguous body posed a challenge to the dichotomous gender system of classical *fiqh* that required discursive intervention. In this study, she emphasises that jurists recognised no intermediate or hybrid status between men and women; they were convinced that, however obscure or problematic the physical signs, "every person had a true sex" that was either male or female (Sanders 1991, 77). Particularly in the context of ritual law, the problem of the hermaphrodite was one of gender hierarchy. By placing persons of ambiguous physique between men and women in ritual contexts, they ensured that the ideal order of precedence would be preserved; the hermaphrodite was either the hindmost man or the foremost woman in the assemblage, and it mattered little if the true alternative was known only to God.

Sanders recognises that, by structuring the question of gender identity at least partially as one of hierarchy and precedence, jurists potentially placed it in juxtaposition with other dualities. She notes that "[t]here were other, equally fundamental boundaries in Islamic societies that also involved hierarchies: Muslim and non-Muslim, free and slave." However, she argues that such pairings were fundamentally different from the male-female dichotomy because they were contextual and changeable, unlike the boundary between men and women, which was "impermeable" (Sanders 1991, 76).

However, even within Sanders' study there is some indication that the gender system of medieval *fiqh* was not simply composed of two monolithic and impermeable genders. For instance, she points to the way in which a female slave – legally not subject to the same rules of modesty as free

women – could mediate between the genders in the case where strict gender segregation would not allow the physical inspection of a hermaphrodite (Sanders 1991, 84). More recent studies have pointed to the ways in which classical Islamic discourses (including, but not limited to *fiqh*) constructed some of these categories in ways that inform and intersect with their construction of gender. As suggested by the example of the slave girl, perhaps the most obvious pairing of this kind is the dichotomy between slave and free.

In an influential 1996 article, Baber Johansen argues that Islamic law establishes a realm of "social exchange" where, in contrast with the realm of commercial exchange (where all sane adults are equal), admission "depends on the individual's or the family's standing in the five major social hierarchies, which are determined by religion, gender, kinship, generation and the relation of free persons to slaves" (Johansen 1996, 72). Most fundamentally, "[t]he human body of the free person is circulated and valorised according to the norms of social exchange" (Johansen 1996, 74), while that of the slave is valued and exchanged according to commercial norms. In this regard he points to the fundamental distinction between the "zones of shame" of slave and free women (Johansen 1996, 75) – where, although Johansen does not note this, the private parts of slave women parallel those of men, rather than those of free women. In contrast, he argues that "the Hanafite discussion clearly shows that for the jurists the importance of the gender criterion outweighs that of the difference between free male persons and male slaves" (Johansen 1996, 82). Thus, Johansen emphasises that at least in some contexts gender is the overriding consideration and is related by his sources directly to the sexual and reproductive capacities unique to women. Nevertheless, his analysis demonstrates the complex interrelation of his "five major social hierarchies," giving particular salience to slavery.

In an article in 1992, Leila Ahmed argued that it was the prevalence of slavery – specifically, female concubinage – in early Abbasid society that led to the conflation of the categories "slave" and "woman" and the consequent degradation of women's status in the Islamic discourses that were beginning to crystallise in that period. She wrote that "[f]or elite men, the vast majority of the women with whom they interacted, and in particular those with whom they entered into sexual relationships, were women whom they owned and related to as masters to slaves." As a result, "one meaning of *woman* in a very concrete, practical sense was 'slave, object purchasable for sexual use'" (Ahmed 1992, 84, 85). She concludes that "[t]he mores of the elite and the realities of social life, and their implications for

the very idea and definition of the concept 'woman,' could not have failed to inform the ideology of the day, thus determining how early Islamic texts were heard and interpreted and how their broad principles were rendered into law" (Ahmed 1992, 86). Writing more than a decade later about the Ottoman period, Madeline Zilfi concurred:

> The traffic in females and the place of women in marriage, or in society generally, cannot be understood without reference to each other; to some degree, the one gives the other shape and perhaps even makes the other possible … [T]he pervasiveness of the secondary sex/service system – of bought and sold human flesh – also had an impact on "free" marriage. (Zilfi 2005, 134)

However, particularly in the context of Abbasid history, not all writers have approached the institution of elite female slavery as a factor degrading the symbolic and concrete status of women. In a popular treatment of the subject first published in French in 1990, Fatima Mernissi represents the elite slave women of the Abbasid era as exemplars of female self-realisation within the context of medieval Arab culture. In her spirited depiction, their intelligence, their cultivation, and their influence over their male admirers (including the most powerful men of their time) appear as proud reminders of the scope for female intellectual distinction and personal self-assertion that existed at this relatively early point in Islamic history (Mernissi 1993, 37-67).

More recent work examines the accomplishments and power of Abbasid harem women in a more sober mode; notably, Nadia El-Cheikh's study of the role of the *qahramāna* (stewardess) in the Abbasid household has provided a less romanticised and more historically grounded image of the roles of women in Abbasid royal harems, casting new light on their role as professional managers and bureaucrats rather than exclusively as sexualised entertainers or concubines (El-Cheikh 2006). M.S. Gordon, in an analysis of the career of ninth-century slave singer 'Arib al-Ma'muniyya and her royal fellow-artist 'Ulayya bint al-Mahdi emphasises that the slave woman's entrepreneurial deployment of her vocal skill, quick wit, and blunt character allowed her to ascend to wealth and influence, ultimately (it would seem) commanding an "entourage of servants and slave girls" of her own (Gordon 2004, 65-66). This study, and others examining related themes, suggest the complex interrelation of factors including legal freedom, physical mobility, sexual availability, education, artistic talent, and practices of piety in defining the avenues of opportunity and forms of constriction that were

navigated by individual women.[6] An interesting theme that emerges from these studies is the role of women's piety practices, forms of voluntary self-constraint that were differentially available to different categories of women, highly subject to personal fashioning (as well as to celebration or rejection by outside – and often male – observers), and complexly related to the women's other social, sexual, and artistic roles.

Historical reconstruction aside, the image of the witty and manipulative elite slave woman has been perpetuated as a cultural icon in such central works as the tenth-century *Kitab al-Aghani* and the *Thousand and One Nights.* However, the central focus of recent scholarship has been on the issue raised two decades ago by Leila Ahmed, the role of female slavery in the development of the early Islamic legal tradition, and thus of a model of marital relations that still bears relevance to modern discussions of Islamic marriage and divorce. In her 2010 book *Marriage and Slavery in Early Islam*, Kecia Ali argues that in the early period

> [t]he jurists showed no hesitation in making analogies between wives and slaves or between marriage and commercial transactions. In fact, their central notion about marriage was that the marriage contract granted a husband, in exchange for payment of dower, a form of authority or dominion (*milk*) over his wife's sexual (and usually reproductive) capacity. (Ali 2010, 6)

The relationship between the juristic models of marriage and slavery was not limited to the shared concept of *milk*, however.

> There was a vital relationship between enslavement and femaleness as legal disabilities, and between slave ownership and marriage as legal institutions. Slaves and women were overlapping categories of legally inferior persons constructed against one another and in relation to one another – sometimes identified, sometimes distinguished. (Ali 2010, 8)

By highlighting the ways in which a man's legal authority over his wife partially paralleled that over his bondsman (at least on the level of legal discourse, if not on that of concrete practice), Ali suggests one way in which the male-female and owner-slave dichotomies intersected each other within legal structures of hierarchy and authority. Rather than being monolithic or homogeneous, the categories "male" and "female" were riven by other

6   On this theme, see also al-Heitty (1990), Kilpatrick (1991), and al-Samarai (2001).

distinctions of legal and marital status, with which they stood in complex relationships of parallelism and opposition.[7]

In her 2007 dissertation, Hina Azam presents the status of slavery as one in a range of forms of valuation of the human person employed in classical legal discourse (Azam 2007). Whereas some interpreters (including, at least implicitly, Ali) have viewed the parallelism between purchase price and *mahr* and between slavery and marriage as morally compromising, Azam – looking specifically at juristic responses to the problem of rape – argues that it is precisely the assignment of monetary value to the female body (either in terms of bodily parts or of sexual capacity) that allowed some jurists to conceptualise rape as an offense against a woman's moral and economic ownership rights over her own person, and thus to stipulate that the victim is entitled to material compensation rather than merely exempted from the canonical penalty for *zinā* (illegitimate intercourse). However, for Azam the purchase price of a female slave does not parallel the bridal payment (*ṣadāq*) delivered to a free woman, but contrasts with it; the *ṣadāq* "served as a marker of legal personhood and sexual autonomy, for only the free woman received a *ṣadāq*" (Azam 2007, 165). This was because '[a]s a free woman, she was categorised not as property, but as property-owner" (Azam 2007, 163). Nevertheless, much like Ali, she emphasises that "Maliki legal discourse regarding coercive *zinā* was based on the notion that sexuality constituted a type of capital or commodity, potentially reducible to material wealth" (Azam 2007, 175).

In addition to the distinction between slave and free, sexual categories were intersected by distinctions of age. In some cases, membership in an age cohort could be just as determinative for models of behavioural propriety as gender. For instance, for early jurists writing about the legal advisability of women's going out to participate in public worship in the mosque, there was no uniform standard that applied to women of all ages. Rather, they unquestioningly assumed distinctions between women of different age cohorts, applying restrictive standards to the secluded young virgin and allowing more latitude to the older woman. Although their substantive judgements varied – both with respect to the specific evaluations of mosque attendance by young women and with respect to the definition

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7 In "Men, Women and Slaves in Abbasid Society," Julia Bray (2004, 136-137) argues that "[l]egal theory, still developing at this time, recognised varying positions on the scale between free male and free female and between freedom and slavehood. The positions of free women and of slaves, male or female, are analogous in that both vary according to circumstance, whereas the legal status of the free Muslim male is invariable." I thank Maurice Pomerantz for the reference to this article.

of the categories, which in the case of older women could range from the mature matron to the decrepit crone – they agreed across boundaries of geography and legal school that not all women were subject to the same behavioural norms.

Although the age distinctions of the early jurists were interpreted by legal thinkers of a later age in terms of the rationale of *fitna*, or sexual temptation, the early sources give little indication that this was their overriding concern. Rather, they appear to have believed that the social roles of women – and the importance of seclusion practices in their cultivation of religious virtue and social esteem – varied over the course of the life cycle. The later systematic reinterpretation of these distinctions in terms of the woman's sexual allure served, on the one hand, as the basis for a more essentialist and monolithic treatment of the problem of women's public mobility and visibility; increasingly, women at different stages of life were grouped together as potential sexual threats to public order. Ironically, however, the increasingly single-minded focus on *fitna* also cross-cut the dichotomy between men and women. Later jurists were capable, on the basis of the *fitna* criterion, of stating both that a very old woman was like a man, and that a beardless youth was (for limited ritual purposes) like a woman (Katz 2014).

Of course, the criterion of sexual attractiveness to adult men also intersected lines of gender outside of the sphere of ritual law. Analysing a list of sexual vices composed by the eleventh-century Iraqi judge al-Jurjani, Everett Rowson writes that

> al-Jurjānī clearly lived in a man's world. Free adult men virtually defined the public world, sharing it with subordinate adolescent boys, male slaves, and, to a degree, female slaves … The public badge of a dominant male was his beard. In sexual terms, he dominated as penetrator. Beardless non-men – women and boys – were his natural sexual partners. (Rowson 1991, 65)

Just as men were distinguished into highly differentiated age categories by the criterion of *fitna*, so were slave women. For instance, Ibn al-Qayyim distinguishes between "slave girls used for work and service" (who, like men, may expose significant portions of their bodies in public) and "concubines (*imā' al-tasarrī*), [for] whom it is customary to seclude and veil" (Ibn Qayyim al-Jawziya 1417/1996, 2:47).

The interrelationship and mutual constitution of the categories of gender, rank, and age discerned in recent studies raise questions about the degree

to which gender (or sex) can or should be analysed as a unitary category to the exclusion of other, intersecting factors. At one end of the spectrum, in a 2006 review article, Julie Scott Meisami argues that gender has been artificially isolated and overemphasised in the analysis of premodern Arabic prose literature. She argues, for instance, that in the premodern Islamic context "most historians treat women in the same way as they do men" (Meisami 2006, 64); it is only the selectivity of contemporary secular scholars that has made such texts appear to reflect a monolithic "gender ideology" characteristic of classical Islam. She observes that "[i]f the outcome of a woman's actions … was negative, the old saw about women's malign influence might be trotted out, as if by rote," whereas if a woman's political intervention was successful "the woman might be praised for her wisdom, perspicacity, determination and so on" (Meisami 2006, 64). While she is surely correct in pointing out the inconsistency (and opportunism) with which restrictive views of women's roles are invoked, it would be interesting to examine the extent to which positive commentary on women's public or political involvement was couched in explicitly gendered terms, as negative commentary often was.

Nevertheless, Meisami's sharp critique certainly suggests the dangers of assuming that gender is always the primary or most relevant category for the interpretation of our data, even when they deal with women. An astute example of the rejection of this assumption is Maribel Fierro's analysis of the medieval Andalusian debate over Mary's status as a prophet in the Qur'an. In response to A.M. Turki's contention that the controversy over this issue reflected the comparatively high status of women in Islamic Spain, Fierro convincingly argues that "the discussion about the *nubuwwa* of women did not really arise from a concern about the position of women regarding men, but, rather, from a preoccupation about the integrity of prophecy" (Fierro 2002, 193). The assertion that Mary was not a prophet entailed that the wonders God performed on her behalf in the Qur'an paralleled the miracles (*karāmāt*) controversially attributed to Sufis. If Mary were credited with prophecy, on the other hand, the doctrine that God brought forth miracles only on behalf of prophets could be preserved. Thus, although the centrality to this debate of the only named female figure in the Qur'an is striking to the modern observer, the participants appear to have been less concerned with enhancing or disputing the status of women than with contesting the authority of Sufi saints, who were often (although of course not exclusively) male.

Related to this question of the selection of frameworks is the issue, raised in a contemporary context by Saba Mahmood, of implicitly privileging

instances of "resistance" or of "self-directed action, unencumbered by patriarchal norms or the will of others" (Mahmood 2005, 12). This bias (or, more positively, this focus of interest) is discernible not only in studies of contemporary women, but in studies of premodern societies. For instance, in the introduction to the very useful 2002 volume *Writing the Feminine: Women in Arab Sources*, Manuela Marín and Randi Deguilhem forthrightly declare the collection's interest in "gradations of autonomous behaviour and opportunities for individuality and individuation of women," "freedom of personal activity," and "freedom of intellectual and practical movement" (Marín and Deguilhem 2002, xvi). These are valuable areas of concern, and certainly ones that can be pursued with great benefit in the premodern sources; examples of women's autonomy and mobility are numerous and notable. However, following Mahmood's insights, we may also recognise that women's agency and self-realisation should not exclusively or uncritically be identified with freedom, autonomy, and individuality in the sense of liberation from constraining norms. For instance, in studying the gender norms of classical *fiqh* it is notable that (at least on the level of ideal constructs) a free woman is simultaneously more autonomous and more constrained (in terms of dress, mobility, and spheres of activity) than a slave. These two facts are not mutually contradictory, but functionally connected. As we can see in fatwas that establish the limitations on personal conduct that must be observed by a woman to be accorded the status of *mukhaddara* (secluded) and to exercise certain privileges on that basis, such as immunity from the requirement that she appear before a judge to give an oath, the relationship between agency and freedom is often a complex one.[8]

One consequence of the tacit or explicit preference for evidence of female autonomy is the possible overemphasis of women's social and religious activities that at least appear to be transgressive with respect to (implicitly male-established) norms. For instance, it is not only the descriptive liveliness of Ibn al-Hajj's descriptions of non-canonical forms of female piety in Mamluk Egypt that have made them so attractive to modern scholars, but the degree to which they appear to represent a female social and religious culture divergent from (and often oppositional to) that of the male-dominated establishment. Overemphasis of such data, however, risks reproducing Ibn al-Hajj's overtly polemical representation of contemporary life, which intentionally elides the degree to which such behaviour was in fact endorsed and facilitated by many male scholars – even as it was contested by a minority voice like Ibn al-Hajj – and, having

8   See Peirce (1999).

stigmatised it as deviant, polemically genders it feminine even when males are clearly involved. For all of its perceptiveness and importance, for instance, Huda Lutfi's landmark article on Ibn al-Hajj's treatment of women tends to reproduce its pointed depiction of (in the words of the article's subtitle) "Female Anarchy versus Male Shar'i Order" (Lufti 1993). Work like Asma Sayeed's study of two prominent female hadith transmitters in Mamluk Damascus is increasingly contributing to our understanding of women's successful and celebrated participation in religiously normative activities, rather than exclusively in those associated with "popular Islam" (Sayeed 2002). Emil Homerin's study of the Sufi poet ʿAʾisha al-Baʿuniyya (d. 1516) similarly documents a woman's strikingly successful career as a mystic and poet, noting in closing that the accounts of medieval male scholars "are very much in line with her own self-representation" (Homerin 2006, 397).[9]

It is now recognised that in some fields and historical periods, there were few doctrinal or social barriers to women's achievement of distinction; analysis of women's participation need not always be dominated by the assumption that such accomplishments were somehow transgressive, that they violated or triumphed over implicit male norms. In the spirit of Mahmood's study, it would be useful to explore more overtly the idea that mastery of norms, rather than exclusively their violation or transcendence, can be a manifestation of women's agency. However, Omaima Abou-Bakr, who has done much to reconstruct the history of women's achievements in fields as diverse as asceticism and legal study, cautions that the recognition of such achievements should not negate awareness of the constraints within which they occurred. Writing of "an eminent scholar shaykh" who commented that "my own research disproved the fact that full rights of work have been denied to women in Muslim societies," she observes:

> This is in fact a trap question, to be answered with yet another question: if women have proved historically that they are capable of undertaking the most demanding work on a par with men, and if there is no Islamic prohibition against them working, then why *did* "official" exclusion take place in these eras, and why do full working rights for Muslim women – especially participation in the official religious sphere and positions of leadership – continue to be an issue at the present time? (Abou-Bakr 2003, 327)

9   For a broader survey, see al-Saʿdi and Abou-Bakr (2001).

On the one hand, it is now clear that women contributed to the transmission, the inculcation, and even the elaboration of Islamic norms, and in many instances gained recognition for their outstanding mastery of these norms (both intellectually and behaviourally); on the other, in many cases they faced disproportionate restrictions, and sometimes took active steps to circumvent (or ignore) them. It should not gratuitously be assumed that women were a chaotic force in natural opposition to religious discourses; however, we also should not downplay the importance of the many instances when women clearly acted in ways that subverted restrictive norms (or took advantage of those rules that worked in their favour).[10] Recent work provides clear and striking instances of women acting in solidarity with other women to achieve desirable outcomes, such as the protection and maximisation of female property ownership; in one case, Shatzmiller documents "four generations of uninterrupted ownership of the family home by its female members, each relying on Islamic female property rights to ensure smooth passage from generation to generation" (Shatzmiller 2007, 61). At other times, however, women appear to be acting in their capacity as members of lineages, as persons of economic or social status, as scholars or as members of legal schools or Sufi orders. Recent work should not discourage us from the reconstruction of instances of female autonomy and of women's ability to manipulate potentially constricting norms; however, it does draw our attention to the complexity of the construction of gender and of the power structures within which people of both sexes operated, and to the many frameworks within which women pursued their interests and ideals.[11]

10   See, for instance, Powers (2003).

11   Of course, in addition to the complexity and permeability of the category of gender (and the multiple frameworks and identities within which women acted), we should also recognise the complexity and negotiability of the category "Islamic." To the extent that we are dealing with normative religious texts or with women engaging in activities (such as hadith transmission) with explicit religious valences, the label seems unproblematic. It becomes more problematic in areas, such as marriage and divorce or the transmission of property, where legal norms were (at least in part) religiously derived, but where a wide set of other customs and motives are also in play, some of which may eclipse possible religious elements.

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Scholarship on Gender Politics in the Muslim World

Some Critical Reflections

Dorothea E. Schulz

1 Introduction

What do we mean by "gender politics"? What is the political in "gender" and in what ways are politics and policies "gendered"? How do these terms relate to feminist politics? Whose feminist politics are we talking about, in a contemporary era in which scholarly research and activism is conducted through increasingly transnational networks? Can we still assume the existence of a single, feminist project that guides research on gender politics in the Muslim world?

As a first step towards addressing these questions, this essay traces important developments in social science gender studies and feminist scholarship that shaped debates among scholars located in the US and UK academe. In a second step, I will reflect on how these different paradigms of research on gender and gender politics have affected scholarship on and from the Middle East. Next, I will offer some critical reflections on key points and limitations of the debates raised by this scholarship in and on the Middle East, by addressing them from "the margins," that is, from the vantage point of Africanist anthropological scholarship on gender. Drawing on this perspective – and this is the fourth step – I will propose certain perspectives that might benefit social science research on gender – both with respect to the Middle East and to Muslim societies that have not been granted similar canonical status in the literature.

2 Social Science Research on Gender Studies and Feminist Theory: A Short Overview

Developments within gender studies and feminist theorising since, roughly, the 1960s manifested themselves in several significant paradigm shifts. These shifts need to be related not only to dominant trends within the social sciences, but also to reconfigurations in the institutional arrangements of

higher education and academic research (see Vincent 1990; Kandiyoti 1996; also see Guyer 2004).

2.1   Transcending the "Male Bias": Women's Studies

Early studies that applied a gender-specific perspective to the study of society were informed by the effort to correct the "male bias" characteristic of much classical scholarship in sociology and anthropology. Yet during this early phase of gender-relevant theorising and empirical inquiry, the main category of investigation was "woman," rather than "gender."

The historical context for the emergence of the women's studies paradigm were the (late) 1960s, when in the US and in Britain, a growing number of women were gaining access to institutions of higher learning and were granted the possibility to earn a graduate degree which prepared them for a career as teacher or researcher. Along with the stronger representation of women in different academic positions and functions emerged the call to "give women back their voice," which formed the primary rationale of the emergence of women's studies. As noted by key representatives of this scholarly *impetus*, classical social science scholarship that was based on empirical research had been characterised by a double male bias. Scholarly research and writing had been conducted predominantly by male scholars who, for purposes of data collection, had preferentially worked with male informants and interview partners. As a result, the collected data had necessarily been skewed. The questions posed by male researchers reflected on their own idiosyncratic viewpoints and presuppositions, and thereby in part anticipated the answers given. Male scholars tended to collect information about realms of social, economic, political, and legal life that very often corresponded to domains to which scholars *as men* had privileged access in their societies of origin. Other important aspects of social and political organisation, that is, those in which women potentially played a prominent role, remained outside their field of vision and were not accounted for. Second, the information offered by male informants, although mirroring their own subjective viewpoints, interests, and positionality, had been taken as disinterested and objective representations of a society's organisation and power relations. This "skewing" of empirical research and data through the selection of interview partners had momentous consequences, particularly in societies where the segregation of women and men prevents male researchers from approaching women or from verifying the information they elicited from conversations with men.

Against this backdrop, the first step in the development of gender studies was marked by the effort on the part of female scholars to readjust this bias, by exploring various domains of female practice and hence by accounting for women's historical agency. Yet as momentous as this adjustment was in analytical and methodological terms, it also led to scholarly research dominated by what was sometimes described as the "great women approach." That is, the motivation to account for the important role and agency of women, past and present, prompted some scholars to pay primary attention to important women in history and politics (passing over the everyday experience and practices of the majority of women) and to address the situation of women as the outcome of abstract, macro-structures of power, rather than of daily interactions and negotiations between men and women.

2.2   Gender Studies: The Beginnings

Starting in the early 1970s, scholars amended the former focus on women by directing attention to gender relations and the ways they were integrated into and constitutive of patriarchal systems of power. The now-classical collection of essays edited by Lamphere and Rosaldo addressed what they considered the universal subordination of women, and presented different explanatory frameworks to account for this universal "fact" (Rosaldo and Lamphere 1974; Reiter 1979). Contributors to the volume located women's subjugation in the organisation of economic activities and in the sexual division of labour. Others proposed to understand women's subjugation as the result of women's and men's relegation to different areas of social life, exemplified in studies operating with the dichotomies public versus private/domestic (e.g. Rosaldo 1974; Rogers 1975) and nature versus culture (e.g. Ortner 1974). Yet others located women's subordination in their emotional-psychological constitution that, as Chodorow (1974) surmised, was closely related to women's child-rearing activities. Common to these approaches was the tendency to apply conceptual frameworks on which culturally and historically determinate nature they did not adequately reflect. An important departure from this a-historical perspective was marked by scholars who addressed the subordination of women as a product of concrete historical processes, such as the integration of local economies into the colonial market economy (Etienne and Leacock 1980), the uneven effects of "modernisation" (Boserup 1970) or, in the case of scholars working with a Marxian framework, as part and parcel of a capitalist organisation of the economy and family life (Von Werlhof et al. 1991).

Although proposing very discrepant conceptual and theoretical frameworks for the study of gender relations, these authors shared a common feminist agenda characterised by two main assumptions. They posited firstly, the existence of a clearly defined female subject of politics; and secondly, that patriarchy is the power system that needs to be overcome by female empowerment.

2.3 Accounting for the Cultural Construction of Gender

A third phase in the development of gender-related research started in the mid-1980s, prompted by a shift away from a scholarly preoccupation with explaining "women's subordination" and towards exploring culturally specific constructions of "gender" roles (with a strong empirical bias towards studying female gender roles). Studies informed by this paradigm called for closer analysis of culturally variable constructions and evaluations of gender roles (Strathern 1980; MacCormack and Strathern 1980) and for the intertwining of these roles with other social identities (e.g. Collier and Yanagisako 1987). Their work helped refute earlier, sweeping assumptions about the universal subordination of women, by demonstrating that female and male responsibilities and agencies vary substantially in the social, political, economic, and religious domains. At the same time, by stressing the variability of "gender" across cultures, these scholars took for granted the distinction between on one side, gender as the constructed and therefore malleable and changing part of individual identity, and, on the other, "sex" as the biologically determined and therefore given and unchanging aspect of women's and men's identities.

2.4 Probing the Category "Woman": Challenging the Classical Feminist Project

A fourth development of gender-related research, which occurred in the 1990s, was to problematise the assumption that "woman" constitutes a uniform category of actors who share certain core characteristics. This deconstruction of woman as an analytical category implied that the political project of feminism, defined by the shared concern to fight male oppression as the dominant principle of power inequality, lost its basic reference point and was thus called into question. This paradigm shift occurred against the backdrop of important institutional transformations. More and more women of different ethnic backgrounds (and later, sexual orientations [e.g. De Lauretis 1994]) moved from a position of relative marginality to the higher

echelons of the academic hierarchy in research and teaching institutions in (mainly) the US and UK. These women increasingly disputed the assertion by (white middle class) women who so far had filled the ranks of academia to speak in the name of "the women" (Mohanty 1988). The challenge these women posed to established gender analysis and scholars was reinforced by feminist appropriations of diverse strands of post-structuralist thought represented by Foucault and Lacan, by Lyotard's postmodernism, and by Derrida's deconstructionism. These post-structuralist critics similarly aimed to deconstruct the category "woman" as the uniform category of gender analysis and thereby reformulated the central purpose and terms of feminist/gender analysis. Rather than taking for granted the markers of womanhood, post-structuralist critics called for an analysis of the processes, discourses, practices, and institutions through which the category woman and notions of sexual difference become naturalised and subordination is reproduced. Post-structural critique thus not only posed a major challenge to key concepts of earlier feminist research and gender politics, such as patriarchal oppression and sexual difference. The critique also generated substantial controversy about the relationship between post-structuralism and feminism, and about the political locations of those whose dismissal of the earlier feminist project was informed by post-structuralist theory.

Another difficulty demonstrated by this controversy relates to the indeterminate ways in which the notion of gender had been conventionally used in feminist analysis. That is, in conventional analysis, gender had been used in two different senses. Gender was used in contrast to sex to refer to culturally and socially specific constructions of masculinity and femininity, thereby implicitly positing that a person's sex is an unalterable, biological fact. At the same time, scholars increasingly used gender to refer to any social construction that rests on a male/female contrast. Used in this way, the term gender incorporates social constructions in which "female" and "male" bodily features serve as criteria of distinction. Here sex becomes an element of gender, because constructions of the body are themselves the product of social interpretation. Over time, the second, more inclusive use of gender as an expression of difference that, based on perceived differences between the sexes, is always embedded within a field of power relations (Kandiyoti 1996, 6; see Scott 1999) gradually established itself as the dominant one. This development was reinforced by the concomitant emergence of comparative masculinity studies as a distinct field of inquiry. Masculinity studies generated considerable debate about the motivations and agendas of those labouring to making men (once again, this time explicitly) the exclusive object of empirical inquiry. Still, important proponents of masculinity

studies, most notably Cornell, also offered important new inspiration for scholars of gender, by stressing the coexistence of different, hegemonic, subordinate, and marginal masculinities (Cornell 1995; see Cornwall and Lindisfarne 1994; Kandiyoti 1994) and by favouring an approach that related gender as one specific construction of power relations to other mechanisms and institutions of power inequality, such as capitalism and the state.

2.5   Using Gender as an Analytical Category

I want to conclude my historical outline of key developments in gender studies with three suggestions. First, rather than explain gender inequalities and their reproduction over time, we should favour investigations that address, from a social science perspective, contextually specific formations of gender and power inequalities (Nicholson 2004). The question of how gender operates as a structure establishing and reproducing power relations needs to be addressed both at the macro-sociological level and at the level of interpersonal relations.

Secondly, because of the proliferating, partly overlapping, or inconsistent use of the term "gender" in the social science research on gender, scholars of gender and gender politics in Muslim societies would be well advised to specify what meanings and goals they associate with their individual research projects. It seems to be of little heuristic value to reduce or collapse the variety of these understandings of gender (in)to a single one. Still, it is important to keep in mind that the different conceptualisations of gender employed by and underlying the vast body of literature on gender in Muslim societies are sometimes incompatible. Hence, while using gender as an analytical category, one should be careful to reflect on the epistemological and philosophical foundations.

Finally, for the sake of clarity, I propose a working definition of gender that allows scholars to make gender a key category of social science research on Muslim societies. Following Risman's distinction between three different dimensions of gender as a social structure, that is, between "gendered selves, the normative expectations that help explain interactional patterns, and institutional regulations" (Risman 2004, 433, 436), I propose to view gender as a structure constitutive of different forms of inequality. The culturally and historically specific working and effects of this structure can be explored by studying the interconnection between these three dimensions of gender.[1]

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1   Risman's "gender structure theory" is strongly indebted to Giddens' (1984) view of the recursive (that is, mutually constitutive) relationship between action and structure. Risman

3 Gender Politics-Related Research on and in the Middle East[2]

The research agendas that have shaped gender-related scholarship in and on the Middle East since the turn of the twentieth century reveal particular institutional, social, and historical circumstances within which this kind of research could be effected. These circumstances were decisive for creating locally and regionally very specific conditions for the appropriation of gender-related research paradigms that circulated, at some historical moments more than in other times, at an increasingly global level. The particular ways in which these research agendas were appropriated and adapted to regional and national contexts of debate and research in the Middle East demonstrate that it is impossible to clearly distinguish between research paradigms that were produced in the Middle East on one side, and those generated in academic institutions in Europe and North America.

3.1 Early Writings on "Women's Position"

Early reflection and writings on the status of women and on gender relations in Muslim societies in the Middle East were a by-product of the spirit of modernisation and social reform that animated postcolonial state formation in Egypt, Iran, and Turkey in the late nineteenth and early twentieth centuries. Modernist thinkers reflected on the "woman question" as a stepping stone and a main symbol of a modern, postcolonial society. As several authors have pointed out, nationalist discourse was the dominant idiom within which questions relating to the position of women, but also other questions relating to the creation of a modern society and citizenry were addressed (Kandiyoti 1996, 8; Abu-Lughod 1998, 22ff.; Göle 2002). There thus existed, from the outset, a close connection between feminism and a nationalist critique of Western cultural imperialism that tended to foreclose a methodical and coherent analysis of the political and social processes and structures constitutive of power relations and gender hierarchies in the societies under question. Nationalist discourse, in turn, rested importantly on a strong association of notions of cultural authenticity with Islam. So tightly interwoven were writings on women's "status and

points out that authors coming from very different theoretical traditions have each tended to privilege one of these different dimensions of gender in their studies. See also Nicholson (2004).
2   The following historical overview is indebted to Kandiyoti's (1996) remarkable sketch of the development of feminist scholarship on the Middle East.

role in society" with a nationalist discourse on one side, and with "Islam" as the source of cultural authenticity on the other, that those aiming to improve the situation of women could only choose one of two options for action and theorising. The legacy of these two options is still evident in contemporary scholarship on Muslim societies. On one side were – and are – those who refuted the inherently oppressive character of Muslim practices and Islamic normative prescriptions. Scholars who subscribed to this view posited a contrast between the dignity of the protected Muslim woman on one side, and the commodified and sexually exploited Western woman on the other. These scholars sought to demonstrate that women pursued meaningful and dignified lives "behind the apparent limitations set by segregation" (Kandiyoti 1996, 9; see Abu-Lughod 1989). The second position on the relationship between Islam and the position of women was to argue that an original, non-discriminatory Islam that had granted important rights to women in the early centuries of Islamic history had been subsequently corrupted by discriminatory practices and institutions and legal interpretation. Protagonists of this line of argument challenged patriarchal interpretations of Islam by proposing alternative readings of the Islamic written traditions.[3] The two lines of argument, formulated early on in the history of writings about the "woman question" in Middle Eastern societies, re-emerged in the 1980s. The two approaches offer opposite ways of conceiving of the relationship between Islam and women's status, yet, as Kandiyoti points out, they both occupy "the same discursive space" (Kandiyoti 1996, 10).

Both perspectives were challenged by authors who instead proposed to explore early writings about the "woman question" in Middle Eastern societies as a project of modernity intricately tied to the colonial moment and impetus of "modernising" its uncivilised subjects, and subsequently to the postcolonial state-building project (see Abu-Lughod 1998). Still, an important implication of these early attempts to think about the relationship between Islam, the "woman question," and the project of decolonisation was that they prepared the grounds for articulating understandings of feminism that claimed a relative autonomy from Western feminist agendas. Notably, these forerunners of (diverse) contemporary articulations of Islamic feminisms challenged Western feminism with regard to its foundational principles of (negative) liberty (defined by the actor's freedom from

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3   The re-emergence of these lines of reasoning in the 1980s was demonstrated forcefully by Mernissi's *Women and Islam* (1991) and Leila Ahmed's *Women and Gender in Islam* (1992), both of them outstanding pieces of scholarship that have generated considerable scholarly debate.

constraints), agency, and gender equality (as opposed to a view of gender complementarity promoted by certain Islamic feminists).

3.2   The Institutionalisation of Social Science Research: "Developmentalist" Approaches

Along with the growing institutionalisation of social science research on and in the Middle East, two paradigms emerged as dominant. The two paradigms according to which scholars preferably addressed questions of women's status and position in society were modernisation theory and Marxist approaches. These studies shared a tendency to equate Middle Eastern societies with Muslim societies, and not to sufficiently take account of the presence of non-Muslims in these societies. Moreover, most of these studies rested on a slippage between "Muslim society" and "Middle Eastern society"; they left out from their conceptual reflection the range of Muslim societies located outside the Middle East.

Studies in the 1950s and 1960s, following the then dominant modernisation paradigm, explored gender-specific power inequalities in society and within the family as a function of the extent to which the society under study had undergone a modernisation process. Following the Parsonian ideal type of a modern society, modernisation was envisaged to occur through the transformation of a society founded principally on the rural, traditional, and patriarchal family structure into a society organised mainly around the urban, educated family and a modern version of a marital relationship. Because modernisation theory treated a wide range of societies as "traditional" without paying attention to cultural variety and historical variation, it failed to acknowledge, or treated as factors of secondary importance, the historically and regionally specific modes of generating and reproducing gender inequality. That is, modernisation scholars assumed that gender-specific power inequalities were to lose their significance with the gradual transformation of a "traditional" society into a modern, urban, and socio-economically more developed society.

Marxist approaches to women's position in society similarly treated gender inequalities as epiphenomena and hence as a Marxian *Nebenwiderspruch* (secondary antinomy) produced by the capitalist mode of production. They considered the establishment of greater gender equity to be secondary in importance to the socio-economic development of society and the creation of a more equitable political and economic order.

Starting in the 1970s, modernisation theory became the target of feminist critique. Critics took particular issue with the tenet that the modernising

effects of development would trickle down to women. Based on empirical evidence that was often drawn from development aid projects, critics demonstrated instead that in many cases, the "modernising" of social and political structures of society led to a further disempowerment of women because they were deprived of their traditional sources of wealth and influence within the family. The 1975 UN International Women's Year provided a turning point in this respect. However, because much of the criticism of modernisation theory was addressed within the confined framework of development policy and projects, it did not generate a systematic body of comparative literature accounting for the diversity of situations and historical data on regionally specific institutional and material conditions for women's livelihoods. As a result, the predominant tendency in international scholarly debate was to lump together women of very diverse class, social and cultural backgrounds by subsuming them under the label "Third World Women" (Mohanty 1988).

3.3   New Debates on the Subject of Feminist Politics

A subsequent phase of social science research on gender in Middle Eastern Muslim societies was characterised by a diversification of feminist agendas. Depending on the institutional context in which these agendas emerged, they entered into dialogue with each other or developed without significant overlaps or mutual exchange. An important condition for this emergent dialogue between different feminisms was the integration of ideas of Western feminist scholarship into Middle Eastern scholarship, an integration effected by Middle Eastern scholars located in the Western academic system and in Middle Eastern institutions, and also by other scholars working on the Middle East. The integration of concepts and theoretical currents of scholarship produced at academic institutions in the West into Middle Eastern scholarship was rather uneven because some concepts and conceptual distinctions, more than others, resonated with regional patterns of organising social and political life. For instance, conceptual dichotomies introduced by early representatives of the anthropology of gender/women, such as the private/public dichotomy posited by Rosaldo in her 1974 hallmark essay, was broadly applied to local investigations of gender-specific realms of social and political and economic organisation.

As a corollary of the different feminist agendas and attendant analytical perspectives, investigations of gender relations in Middle Eastern societies in that period came to very different conclusions about the nature

of gender-specific power inequalities in these societies. Whereas some scholars tended to conceive of the situation of women in Middle Eastern societies as one of oppression or patriarchal subjugation, others tended to highlight the empowering effects of female kin and solidarity networks that helped to overcome or bypass the restrictions imposed on women in these patriarchal societies. The work of some Middle Eastern scholars who were initially trained in Western academic institutions and were now located in the Middle East, reflected the extent to which they felt accountable to the concerns and preoccupations of local audiences. This sense of accountability showed notably in their orientation towards producing scholarship relevant to the improvement of living conditions for women. Another group of scholars who worked at institutions in the Middle East produced scholarship that, written mainly in the national languages, showed relatively little interest in integrating new concepts and debates developed by feminist scholars at Western academic institutions. These scholars continued to highlight in their studies issues of women's rights and nationalism in the context of societies shaped by Islamic normative traditions.

In the different regions of the Middle East, two broad currents of Western-inspired feminist projects informed empirical research and theorising on gender and gender relations. On one side were scholars who, informed by a liberal, "revisionist" agenda, were concerned with removing what they considered to be obstacles to gender equality. Their work thus focused on the question of how to improve the situation of women, through legal change and through improved access to education and employment, and by fostering reforms to overcome sexual prejudices and institutionalised forms of sex discrimination. The "revisionist" agenda of feminist scholarship in the Middle East was characteristic of the modernisation paradigm-informed studies of the 1960s and 1970s, and the later studies that geared towards "women and development"-related issues, also focused on the question of how to close the gender gap in education, legal status, and in the access to material resources. The agenda is still evident in macro-sociological research on gender relations conducted since the 1990s (e.g. Moghadam 2003).

Scholars whose work can be subsumed under the second main current of feminist scholarship in the Middle East were inspired by a Marxian agenda. Whether working within the framework of world systems theory, dependency theory, or other neo-Marxist approaches to issues of development and underdevelopment, these authors' distinctive contribution was to foreground a Marxist analytical terminology and perspective.

Due to this scholarship, concepts of production, reproduction, class, and patriarchy became important elements of a mainstream analytical framework.[4]

Scholarly analyses affected by European multiculturalist debates and by different post-structuralist approaches also made their inroads into gender-related research on and in the Middle East. Also strongly represented was post-Orientalist scholarship that, drawing on Said's and Foucault's work, provided trenchant, mostly textual analysis-based critiques of exoticising representations of "the Oriental woman." Although this work marked an important step in probing the epistemological foundations of classical Orientalist scholarship, this post-Orientalist work attributed exclusive discursive agency to "the West." It also reproduced some of its key dichotomies, such as the distinction between Orient and Occident, between Western Self vs Native Other, and between Islam and Christianity, thereby blurring the messy social and cultural realities, and substantial (ethnic, religious) heterogeneity of Middle Eastern societies.[5]

3.4   Gender Politics-Related Research: New Directions

Since the mid-1980s, gender-related scholarship on the Middle East has been characterised by four important trends. Firstly, a vast array of studies addressed the different institutional realms through which gender differences are reproduced. They demonstrated different institutions, such as educational institutions, law, market, state, and the military as key sites for the making and remaking of gender as structure of social difference. This work reveals that social institutions in Middle Eastern societies should not

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4   Other strands of gender-related theorising formulated at Western academic institutions, such as those informed by psychoanalysis, did not find much resonance in gender-related research on and in the Middle East. Some scholars located at Middle Eastern institutions categorically denied the applicability of Western feminist theory to Middle Eastern societies, denouncing it as a culturally alien project at variance with what they identified as the core values and principles of social organisation in Middle Eastern societies, such as a stronger collective orientation. This argument bears strong resonances with critiques of the global applicability of Western feminist thought that have been formulated by representatives of other world regions, such as by African feminist scholars. Yet, as Kandiyoti points out, this critique is based on a distorted representation and conflation of the different strands of feminist theory produced at Western academic institutions (Kandiyoti 1996, 15).

5   The problematic implications of these dichotomous depictions are illustrated by recent Islamist writings that draw on this post-Orientalist work and contrast the imperial project of post-Enlightenment thought to an Islamic universalism based on principles of an immutable divine order (Kandiyoti 1996, 16).

be seen as products of one coherent patriarchal logic; rather, they constitute sites of power relations and processes through which gender relations are constituted and challenged, and that result in complex, partly contradictory cultural constructions of gender. These studies also illustrated the need to further explore how key institutions for the production of gender and gender difference, such as the family and different household types change over time, as they are increasingly integrated into transnational fields of influence and change.

A second development in gender-related research on Middle Eastern societies has been effected by studies on the micro-politics of gender relations that moved away from the conventional patriarchy paradigm that frames gender relations in terms of male domination and female subordination. Notable examples of this approach are Kandiyoti's reflections on the validity and limitations of the notion of "patriarchal bargain" (1988) and Abu-Lughod's (1990) reflections on the concept of "resistance" as a way to analyse the specific workings of social power.

A third body of scholarship has addressed the historical specificity of gender relations by relating them to the history of colonial and postcolonial state-building projects (e.g. Kandiyoti 1991b). Authors working in this framework explored the changing position of women against the backdrop of the different political projects of nation-states and their respective historical trajectories, colonial experiences, nationalist struggles, class politics, and ideological uses of an Islamic idiom (Kandiyoti 1991a; Moghadam 1994a, b). Particularly insightful have been studies that related state-orchestrated family law reforms (and the reform of "women's rights") to the efforts by the state, or by elites closely associated with the state-building project, to break up the autonomy of local kin groups for the purpose of labour force mobilisation or other political projects.

Another line of research was pursued by political economy-oriented studies of the changing position of women in Middle Eastern societies. These studies did not signal a new strand of research on gender relations and gender politics in the Middle East, but rather a refinement of earlier approaches. Yet very often, the legacies of modernisation theory and of "revisionist" liberal approaches are still notable in these studies, especially in those that relate the improvement of women's situation to their stronger integration into the educational sector and wage labour market (e.g. Moghadam's 2003). Regardless of whether one subscribes to the understanding of female empowerment and status enhancement that these studies promote, they should prompt scholars to critically reflect on whether women's access to and integration into state education

may initiate "new coercive norms" and subject women to "new forms of control and discipline" (Abu-Lughod 1998, 25), even if they simultaneously undermine other forms of patriarchy.

Another important development in gender-related scholarship on Middle Eastern societies has been signalled by the growing body of literature on Islamic revivalist trends and on women's participation in these movements.

Nilüfer Göle detected parallels between women's active and self-assertive participation in Islamist movements and the similarly central role attributed to women in the state-orchestrated modernisation projects in Iran, Egypt, and Turkey in the early twentieth century. She addressed the highly visible public prominence of a feminised symbolics of Islamic piety as a matter of articulating "alternative modernities" and as a form of identity politics (e.g. Göle 1996, 2002; see also Navaro-Yashin 2002). Saba Mahmood, in contrast, highlighted the analytical and challenges posed by these movements and their – if judged from a Western feminist perspective – conservative gender ideologies as a way to reflect on the normative presuppositions and limitations of Western liberal political thought and on the contradictions (dilemmas) deriving from the "dual character of feminism both as an analytical and a political project" (Mahmood 2001, 201). According to this line of reasoning, scholars need to address these movements from within particular Islamic traditions (e.g. Mahmood 2005; see Deeb 2006) and to foreground women's subjective experiences and personal motivations to support these movements. Both perspectives offered significant advantages over earlier studies on political Islam and on women in nationalist projects or other forms of community making, studies that, if they addressed women's implications in these movements at all, had tended to offer little insight into the personal motivations and understandings articulated by individual actors and participants. Still, both approaches to Islamic revival, by portraying women's participation in Islamist movements either by focusing on the context of identity politics, or by studying how individual projects of ethical self-making, relate to specific appropriations of particular religious traditions, created a certain socio-economic (and political) "limbo." That is, they often did not clarify how subjective concerns and attempts of ethical reform related to these actors' everyday struggles and negotiations, and their differential positions in a socio-economic field on one side; and to the dynamics taking place in the surrounding religious and political fields, where competing groups of Muslims (and their different visions of "proper Muslimhood") confront, engage and interact with state institutions and representatives, on the

other. The challenge is therefore to think both perspectives together, that is, to account for both the subjective meanings of Islamic moral renewal for individual female activists *and* the broader political and social ramifications of their activism (Schulz 2011). Other scholars continue to dismiss Islamist movements as patriarchal and repressive for women; they are thus unable to account for the leading roles women often assume in these movements.

Taken together, these different scholarly perspectives on female Muslim reform activism have reignited but also reframed earlier controversies about the normative presuppositions of Western feminist thought, and about whether these religious revivalist endeavours can be understood as "political" projects if they do not endorse the liberating and emancipatory goals formulated by liberal Western feminist thought. This controversy has reiterated the divide between, on one side, those who seek to formulate a joint feminist project of improving women's status and living conditions; and, on the other side, those who emphasise that the plurality of women's viewpoints and positionalities undercuts a joint feminist, political project.

These issues and positions became evident in responses to Mahmood's critique of Western liberal understandings of agency and religion, and of the preoccupation with resistance and subordination in social science scholarship on women and gender.[6] Mahmood's critique has in turn generated debate about the implicit model of mind and self on which her own understanding of agency is based. Still, Mahmood's intervention marked an important step towards recognising the variety and complexity of notions of agency, and the normative liberal understandings of agency that animate many feminist projects. Yet, whereas the debate over the normative presuppositions of notions of "agency" prompted by Mahmood's critique was waged with particular force in academic institutions in Europe and North America, Mahmood's critique of Western liberal thought and secularism seems to have gained less salience among scholars who engage in gender-related political struggles from their locations at academic institutions in the MENA region.

Ultimately, the debate triggered by Mahmood put into relief conflicting and by times incompatible conceptions of "politics." Mahmood and like-minded scholars draw on a Foucauldian notion of subjectivation and

6   Mahmood critiqued the normative liberal assumptions about freedom and agency, yet also stressed that Judith Butler's (1990) Foucauldian view of agency as the capacity to subvert norms revealed a culturally and historically specific understanding of "agency."

conceive of the "politics of piety" as a project of personal self-making – one that is less interested in studying either micro-politics or macro-politics, but the individual subject as the product of power and self-disciplinary practices. Other authors (exemplified by Kandiyoti), while not necessarily drawing on the notion of agency, study gender relations and power inequalities by combining a consideration of political economic processes with an attention to the socially (culturally) and historically specific parameters set by state institutions and policies. These authors were less interested in subject formation as an instantiation of the productive effects of power and discourse, but explored "power" dynamics between men and women at the interpersonal level or the macro-sociological and institutional level.

Several insights emerge from this sketch of the different trajectories of integration of gender-related and feminist scholarly research into studies on Middle Eastern societies. The first is the partial and selective way in which gender theory and analytical frameworks produced at Western academic institutions have been integrated into gender-related studies on the Middle East. This process of uneven integration reflects the agendas of specific groups of scholars and the particular concerns and preoccupations of local audiences whom they addressed with their scholarship.

Secondly, the selective integration and adaption of feminist analysis in/to scholarship on the Middle East helps us move beyond the debate on the cultural and epistemological foundations of feminist theory and on its validity for non-Western societies. We can conceive feminism as a project that originated in specific, Western ideas about politics, law, rights, personhood, and community that are – to quote Abu-Lughod – "part of a modernity that is both related to Europe and developed in particular ways in the Middle East" (1998, 22). To explore feminist scholarship on and in the Middle East from this perspective implies that we critically examine the different political and scholarly projects that centre on women's issues and on gender-related reforms, by recognising their intricate ties to colonial projects of civilising or modernising societies and to postcolonial state-building projects.

Thirdly, even if feminism always relates to historically and socially specific contexts, we should be careful not to celebrate any political struggle around women as an instance of a "local feminism." Rather, and this is my fourth point, what is needed are micro-sociological analyses and explanatory frameworks that provide the basis for methodological and conceptual critique and refinement, within but also beyond scholarship on Middle Eastern societies.

4   Gender Politics in Muslim Societies: Towards a Trans-Regional Perspective

What are the challenges of social science research on gender politics, in the Middle East and with regard to other Muslim societies? Rather than offer a comprehensive answer, let me outline a few points that invite further critical reflection.

Firstly, studies on gender as a structure of social difference in Muslim societies are still concentrated on the Middle East; and within the Middle East, there has been a strong concentration of scholarly studies on certain countries, such as Egypt, leading to an internal "skewing" of ethnographic accounts of "typical" features of social life that draw strongly on specific societies and regions (Bodman 1998, 2-4).

Secondly, the fact that a range of societies fall into the rubric of "Muslim societies," raises questions as to the presumed unity and coherence of the "Muslim world" that expressions such as "gender relations in the Muslim world" presuppose. Scholars should pay sustained attention to the different processes, institutions, and traditions that shape the ways in which gender operates as a structure of difference in various Muslim societies; these factors include, but are not limited to, Islam as a religious tradition. We may even question whether or when it makes sense to frame our exploration as one that focuses on "gender (politics) in Muslim societies." Although being a Muslim certainly confers some sense of unity on the women (and men) whose lifeworlds we explore, the unity does not hold in view of the highly divergent material, social conditions and histories that shape Muslims' daily experiences and struggles. Conducting gender-related research in Muslim societies therefore calls for a closer attention to Muslims' diverse social and economic life circumstances, across and within societies.

I suggest that such an exploration could benefit enormously from a heightened dialogue between scholars who work on different regions of the Muslim world. Their trans-regional exchange would bridge the boundaries currently drawn and reproduced by area studies-oriented research conventions and institutions. I shall substantiate this point with regard to scholarly research on gender and Islam in Africa. Addressing my earlier questions from the vantage point of the "margins" (see Das and Poole 2004) promises new insights into how the study of gender may refine our conceptual framework for an exploration of Muslim societies, politics, and gender politics in particular. I understand Africa's "marginality" in scholarship on Islam in an at once geographical and theoretical sense. Geographical, because of the persistent tendency to treat Muslim social and religious

life in Africa as "peripheral" within the Muslim world; and theoretically marginal because Islam in Africa has occupied a fairly marginal position within anthropological and sociological scholarship on Islam.

4.1   Gender and Gender Relations in Muslim Societies in Africa

Paradigms that dominated social science research on gender have informed scholarship on Muslim societies in Africa in ways that contrast with those adopted by scholars working on and in the Middle East.

Anthropological and sociological studies of Muslim societies in Sub-Saharan Africa had to engage a legacy of colonial thought that, in spite of certain commonalities, differed substantially from the text- and language-oriented, Orientalist paradigm from which social scientists working on the Middle East struggled to disengage. Whereas, in the words of political scientist Chaudry (1994, quoted in Guyer 2004, 516-517), "Middle East studies charted a Spartan path from the Orientalism of the 1960s to the postmodernism of the 1990s," with the result that political economy approaches were "deconstructed before taking shape," African studies were to rid themselves from a different legacy: from the colonial category of race and related categories.

The principal way of countering the image of Africa as the "dark continent," as a place without history and civilisation, and the alter ego of Western modernity, was to bring in "history" – and to rewrite "history" as global history. Starting in the 1980s, Africanist scholarship sought to show the deep relationality of Africa, both as a "discursive construct" and a complex material reality, by demonstrating the implication of African economies and societies in the making of Western modernity.

At the same time, Africanist anthropology played an important role for scholarly understandings of intra-family dynamics through the study of kinship, and political and social organisation was important for cross-cultural and comparative theorising in economic, legal, and political anthropology.

Because of this comparatively well-established "tradition" of political economic analysis, it was easier to integrate an analytics of the changing political and moral economy of gender relations into Africanist scholarship, when, in the course of the 1980s, "gender" was established as a viable subject of social science investigation. This trend was supported by studies that placed the analysis of religious practice in the context of the colonial "encounter." Many of these studies favoured practice- and actor-oriented approaches to the study of religion and of gender relations, with all the room this perspective created for the contingency of practices, norms,

concepts, and power relations. There thus existed a new potential to study the politics of gender relations through an analytical framework that departed from a focus on "veiling" and other practices that supposedly illustrate the subordination of women in Muslim societies. Yet, notably, the anthropological study of Islam and of Muslim societies in Africa does not have a strong tradition in Africanist scholarship. While numerous studies were conducted in Muslim societies, these were only sometimes framed as studies *on* a Muslim society. Scholarly studies also revealed a certain penchant for paradigms and concepts such as patriarchy, men's dominance, and women's resistance that dominated Middle Eastern scholarship at that time (e.g. Callaway and Creevey 1994).

Studies with an explicit focus on Islam paid primary, if not exclusive, attention to the leaders of "brotherhoods" and Muslim movements, and their texts and doctrinal disputes. If women were mentioned at all, they were mostly women who played a role in the social and religious practices associated with the mystical traditions of Islam. Variations in the organisation of gender and gender relations, within one country or across socio-economic divides, did not receive sustained scholarly attention.

Scholars working on gender in African Muslim societies face yet another dilemma, especially when they study domains of social and ritual life in which women play a dominant role: they run the risk of contributing to a tendency to classify – and dismiss – women's religious practices as representative of a "popular," syncretistic, unorthodox Islam.

Although anthropological studies on similar domains of female religiosity in the Middle East face the same danger, I would argue that, in the case of scholarship on African Islam, there is a double marginalisation at work: women are not only represented as marginal because they engage in "marginal" practice. They are also marginal in the sense of being Muslims who are Africans and live in Africa. I will return to this point below, when I reflect on the marginal position of Africanist scholarship within the broader anthropological literature on Muslim societies. This is illustrated by Africanist scholarship on spirit possession in Muslim societies which has made a substantial contribution to theorising spirit possession in relation to its gender-specific dimensions and its articulations with processes and institutions of global modernity. At the same time, the scholarship has tended to reinforce a common view, articulated in the popular press, yet also shared by many scholars, of African Islam as not fully belonging to the realm of "Islam proper."

At stake, here, is an othering of "African Islam" performed through the double othering of Muslim women: they are considered "others" first,

because their practices – allegedly – diverge from the (purportedly) orthodox (and male) standards of proper Muslim religious practice; and second, because they practice an African Islam that, by definition, is hybrid and syncretistic.[7] The tendency to consider African Muslim women as the "other" of "Islam proper" is further compounded by the lopsided way in which social science scholarly research and debate on Muslim societies is conducted. While the – comparatively few – scholars working on gender in Muslim societies in Sub-Saharan Africa need to draw strongly on the ethnographic and theoretical literature on the Middle East and, though to varying extents, on other areas of the Muslim world, the reverse is less often the case. The perception still seems to be strong and alive that Muslim practices and debates in Sub-Saharan Africa are not quite so relevant or representative of developments in and beyond the Muslim world; and that the "core" discursive traditions of Islam are located somewhere else, for instance, in the Middle East, Turkey, or Iran.

Among the consequences of these multiply layered, colonial and postcolonial, legacies for the study of gender in African Muslim societies, I want to single out three. The first result is the relatively limited number of nuanced studies of Muslim societies in Africa that address issues of "gender" beyond the all-too-popular focus on Muslim women who "resist" the "dominant" patriarchal order, or, for that matter, who "liberate" themselves from the yoke of "conservative" gender ideologies articulated by Islamic revivalist groups.

Second, important insights from recent theoretical debates on gender and feminism have not been integrated sufficiently into mainstream Africanist scholarship on Islam. As a consequence, contributions that claim to address gender most often content themselves with what one could call the "cake mix version" of gender studies: add women to conventional analyses of Islam and stir. Typical of the "cake mix" approach is that it treats gender as being reducible to "women," and therefore fails to engage gender analytically as a mode of generating and reflecting social inequality.

Third, and closely related to the "cake mix" approach to the study of gender, notions of "the political" remain under-theorised in existing Africanist scholarship on Islam. Most studies of "politics" in Muslim societies content themselves with demonstrating that "Islam" does not necessarily challenge the secular order, but engages it in historically and regionally diverse

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7   This view of African Islam, and of Muslim women as the epitomy of its marginal, non-representative nature, reiterates the colonial paradigm of framing "African Islam" as the opposite of "true" (if radical) "Arab Islam" (e.g. Harrison 1988; Brenner 2001).

ways (e.g. Soares and Otayek 2007). This scholarship would benefit from an analytical framework that links a macro-sociological study of politics to accounts of the micro-politics of gender and changing intergenerational relations (e.g. Schulz 2011).

5   Outlook

How can we move beyond these trends of conceptual and geographical compartimentalisation in scholarship on gender in Muslim societies? What could be gained from a closer dialogue across conventional area studies boundaries? And could a sustained, cross-regional dialogue look like one that could benefit scholarship on societies in the Middle East, Sub-Saharan Africa, or in another core region of the Muslim world?

As a preliminary response, I highlight two lines of inquiry that productively complicate conventional research preoccupations, agendas, and concepts that have shaped gender-related research on Muslim societies.

Studies that take "gender" as one point of entry to address power relations in Muslim societies would benefit considerably if they integrated more consistently accounts of changing notions, norms, and social practices of masculinity. Drawing on insights from the "new men's studies," we should pay attention to the existence of heterogeneous, coexisting and changing "masculinities" – and study them in their interlocking with shifting notions and politics of femininity. Closer investigation of the field of coexistent, dominant, submerged, and subaltern ideals of masculinity and femininity allows us to understand them in their mutually constitutive, malleable, and dynamic relationship – and to avoid any form of "add and stir" version of "gender" that, ultimately, results in an impoverished form of "women's" or "men's" studies.

Another way of "refining" gender as a conceptual framework for the study of interpersonal politics is to pay attention to the ways "gender" is complicated by "generation." Attention to differences in age and status may substantially enlarge our understandings of how competing masculinities and femininities rest on, and, in turn, define *power differentials* within the family and the society at large. Here, new insights gained by recent scholarship on youth in Muslim societies (e.g. Herrera and Bayat 2010) could be significantly expanded if similar attention was paid to cultures of aging and death – and to the ambivalences and commonalities emerging from women's and men's advanced age status. So far, very little empirically grounded research has been done on these issues and on the changing relations between generations; although they have gained in salience in the contemporary era

of increased violent confrontations, rising HIV infection rates, and various forms of socio-ecological disasters that affect Muslims worldwide.

The second perspective I propose concerns the ways scholars study and conceive of the points of articulation between changing interpersonal relations and broader societal transformations. This focus would enhance scholarly understanding of the powerful religious movements and idioms that presently inhabit the field of politics and social life throughout the Muslim world (e.g. Masquelier 2009; McIntosh 2009). Zoning in on the points of articulation between the micro-politics of gender and generation and broader social and political processes would allow scholars to move beyond a focus on personal understandings and ethical projects, and on interpersonal dynamics, while simultaneously avoiding interpretations that reduce personal motivation to a function of a politics of recognition.

Here again, "gender" needs to be used in an analytical way to show how religious renewal and attendant politics of recognition play out at the macro-political level, and feed back into interpersonal relations. This perspective thus sheds light, firstly, on the complex intertwining of revivalist actors and idioms with state politics and institutions, and, secondly, on the changing moral economies of gender relations on which these idioms of Islamic reform or renewal reflect.

One area in which this combined perspective has already been productively engaged is the domain of law and gender. Recent scholarship in this domain shows that the dynamics and struggles around family draft laws can only be understood by addressing the interface between interpersonal and broader political and social processes and struggles (e.g. Molyneux 1991; Moors 1996, 2003; Buskens 2003; Schulz 2003; also see Hirsch 1998). These analyses call out for more cross-regional dialogue and reception of scholarship to live up to the demands imposed by a world of intense transnational connections and interrelatedness and of an increasingly global regime of human rights advocacy and activism.

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Power, Orthodoxy, and Salvation in Classical Islamic Theology[1]

Christian Lange

1 The Study of Classical Islamic Theology at the Dawn of the Twenty-first Century

To attempt, as I do in the pages that follow, a sketch of the state-of-the-art in the academic study of classical Islamic theology at the dawn of the twenty-first century is a daunting task. Although in Western contexts, it remains the conclave of a rather small number of researchers, the field has grown to remarkable proportions. Specialists are armed to the teeth with technical and historical particulars. Therefore any survey, including the present one, must by definition be selective and incomplete. However, I believe that if scholars of Islam want to overcome what has recently been characterised as their "ghettoized" position within the broader field of the study of religion (Elias 2010a, 2), they ought to welcome meta-critical reflections on the genealogy and current configuration of the discipline within which they operate. It is in this spirit that I offer the following thoughts, building upon my own recent readings in scholarship on classical Islamic theology.

At the beginning, a brief reflection on the terms of the debate. In the area of Islamic theology, the use of the term "classical" tends to delegitimise theological activity in what Marshal Hodgson called "the Later Middle Period" of Islamic history (1258 to ca. 1500), as well as theological developments that occurred during the time of the so-called "gunpowder empires" of the Ottomans, Safavids, and Mughals. Before these centuries of intense theological activity are better understood and thus a bridge has been built between the early centuries and modern times, synthetic definitions of what counts as "classical" (i.e. definitive) theology in Islam ought best be avoided. One should note, however, that scholars of Islamic theology are beginning to fill the gaps in our knowledge about the intellectual history of these later centuries.

The very notion of "Islamic theology" is fraught with difficulties, and we may legitimately ask whether the signifier "theology" as we commonly apply it to the Islamic tradition adequately captures its signified. The first axe that one has to grind in this regard is that scholarship on Islamic theology has traditionally focused on, and continues to emphasise, the study of the internal dynamics and development of Islamic theological doctrines. In fact, it may be averred that much of this scholarship is marked by an affinity to the "history of ideas" approach connected with the name of the American philosopher Arthur Lovejoy. Lovejoy, who is commonly seen as the founder of this school of thought, proposed to study "unit-ideas" – these correspond, roughly, to overarching "concepts," or "themes" of human thought – that is, how they develop over time and enter into changing relationships with other "unit-ideas" (Lovejoy 1965 [1936], 3-23).

His detractors argue that Lovejoy treats these "unit-ideas" as if they operate outside of the minds of the people who debate them, as if they exist in a parallel, eternal and unadulterated universe. In Lovejoy's perspective, as Quentin Skinner puts it, "ideas get up to do battle on their own behalf" (Skinner 2002, 62). However, as Skinner emphasises, "we're not dealing with 'perennial' debates but with particularistic, ideological speech-acts" (83-84). The "history of ideas" approach, in other words, downplays the importance of context, it fails to grasp what ideas mean for actual people in real-life situations. "The only history of ideas to be written," writes Skinner, "are histories of their uses in argument" (86).

The Hegelian-Marxian controversy that underlies the debate between Lovejoy and Skinner continues to pose a challenge for students of classical Islamic theology until today. Recent decades have witnessed vigorous efforts to reconceptualise the academic study of religion by critically examining its alleged "Protestant bias," that is, by freeing it from its nostalgic insistence on the primacy of mind over body, ideal essences over actual things, text over context, and individual inwards religiosity over communal outwards forms of the religious life (McCutcheon 1997; Molendijk and Pels 1998; Hart 1999). Robert Orsi has claimed that the lingering scholarly commitment to such "Protestant" ideas about what constitutes "true" or "good" religion results in a situation where "all the complex dynamism of religion is stripped away, its boundary-blurring and border-crossing propensities eliminated" (Orsi 1998, 209-210). If students and scholars of Islam want to remain in conversation with colleagues studying other religious traditions, they are well advised to take the call for a less text-immanent and more deeply contextualised reading of the classical sources seriously. This is not to deny the importance of textual studies, but rather to stress the need for analysis that proceeds

in a text-*cum*-context mode, and that, in addition, is willing to question assumptions about what kind of texts deserve to be studied.

It would be unfair, however, to accuse the Western study of Islamic theology as a whole of detached idealism. Calls for more contextualised approaches have been both plentiful and vigorous. Mohamed Arkoun, for example, has repeatedly pointed out that there is no pure unadulterated intellectual history in Islam. Rather, as Arkoun maintains, writers are always the product of their age (Arkoun 1970, 59). The divine is always communicated through the lens of a specific spatial-temporal environment: "There is no way to find the absolute outside the social, political condition of human beings and the medium of language" (Arkoun 1988, 81). As far as the study of classical Islamic theology is concerned, however, there may still be some lessons to be learned from colleagues who write about contemporary Islamic theology, and who often do so with a keen eye for the political and social embeddedness of theological expressions.

The lack of contextualisation is not the only thing that strikes one as problematic with regard to what continues to be the dominant paradigm in the study of Islamic theology. The field on the whole privileges a particular conception of *which* ideas are worthy of study, namely, those ideas that fall under the rubric of *kalām*. However, in order for us to develop an understanding of the full gamut of theological expressions in Islam, I believe we must not only give attention to systematic and formalist reasoning about God and His relation to creation, the traditional province of *kalām*, but include areas such as religious mythology, apocalypticism, and eschatological thought, in short, the religious imagination in Islam. The Islamic tradition is often seen as impoverished when it comes to mythology or the religious imagination. However, it is difficult to decide whether this assessment has resulted from the partial blindness of Western observers or from any actual lack of such fields of religious expression in Islamic traditions. Islamic theology, in my view, is far richer than the traditional focus on *kalām* allows us to see.

How broadly, then, should we conceive the term "Islamic theology"? When one hears Islam debated in public one sometimes gets the impression that Islamic theology is simply *everything* in Islam that has to do with God, including, notably, the area of shari'a law. Never mind that scholars continue to dispute whether shari'a is better understood as a "divine law" or a "jurists' law" resulting from the human endeavour, known as *fiqh*, to interpret and develop a limited set of basic legal norms. Fear of Muslim "theocracies," as it turns out, is really a fear of "fiqhocracy," a fear that drowns out the crucial distinction between divine perfection and human fallibility in interpreting

the divine. The broad meaning of "Islamic theology" that underlies such perceptions is arguably far too vague to be of much use.

A more promising way of approaching a definition is to look at the terminology used by classical Muslim thinkers themselves. Immediately, this serves to demonstrate some of the limitations of the *kalām*-centred approach. The literal meaning of *ʿilm al-kalām* is not "theology" but "knowledge of rational-dialectic speech." *Kalām* might be described as speculative, argumentative discourse about God and His relationship to the universe from the moment of its creation to the end of time. Influenced as it was by Hellenistic thought, in particular logic, *kalām* suffered a number of debilitating blows during its history. The first was dealt by the rise of Ashʿarism in the tenth century, the school of thought that came to dominate *kalām* but which in fact did much to circumscribe and limit its scope; the second by Sunni-Jamaʿi traditionalism, which rejected *kalām* altogether, instead emphasising the need to rely on revealed rather than speculative knowledge. In consequence, *kalām* never came to occupy as central a position in Islamic higher learning as the theological disciplines did in the university curricula of premodern Europe. In Islam, this spot in the limelight was awarded to the legal sciences. *Kalām*, by comparison, remained a marginal discipline. This is also reflected by how it has been studied in the West. For much of its history, the Western study of classical Islamic theology, in the sense of *kalām*, was the province of lone giants cutting paths through a jungle thicket.

ʿIlm al-kalām, however, is not the only area of Islamic religious thought that deserves to be measured against the term "theology." Al-Ghazali's *Ihyaʾ ʿUlum al-Din* (The revivification of the sciences of religiosity) heralds a shift in, and broadening of, how Muslim thinking about God and His relation to the universe was conceived in classical times. The word *dīn*, for al-Ghazali, indicates the inwards dimension of faith (Rahman 1979, 106) – "religiosity," as we might say nowadays. This understanding of *dīn* predates al-Ghazali: for the Muʿtazili *mutakallim* ʿAbd al-Jabbar (d. 1025), *dīn* did not have to do with works, but with "the subjective religious behaviour ... with which man accepts works and the need to perform them" (Van Ess 2011a, 1267). However, al-Ghazali may be credited for foregrounding *dīn* as the key concept in religious knowledge. The "sciences of religiosity" (*ʿulūm al-dīn*), for al-Ghazali, include more than the knowledge about God *sub specie aeternitatis*. While the forty volumes of the "Revivification of the Sciences of Religiosity" do feature *kalām*-style discussions in several places, their scope is much broader, covering aspects of religious practice, political and social ideals, personal piety, and spirituality. Also mythology and eschatology play important roles. The fortieth and last volume is devoted

entirely to the afterlife and is filled with a plethora of traditions that engage the religious imagination. It seems to me that this broader understanding of "Islamic theology" as the "sciences of religiosity," rather than the narrow identification with *kalām*, should guide scholars in defining the contours of the field they study, particularly if they want to do justice to the centuries that intervened between al-Ghazali and the advent of "modern" Islamic theology in the nineteenth and twentieth centuries.

In the following, I shall try to outline how, in my view, scholars of classical Islamic theology writing in recent decades have probed and, in some instances, expanded the contours of their field. I do this with the aim of bringing to light some of the issues that drive the study of Islamic classical theology in particular, but also Islamic studies more generally speaking. I shall not proceed along epistemological (rationalism-traditionalism), historical (formative-classical-modern), or school lines (Sunni-Shiʿi-Ibadi or Muʿtazili-Ashʿari-Maturidi-Imami, etc.), as survey works of Islamic theology usually do. Instead, I zoom in on three themes: power, community, and salvation. In choosing these themes, I take my clue from the recent rise of a literature devoted to meta-critical reflection about the analytical categories that scholars in cultural studies invoke in their work, a phenomenon that appears to have spilled over from literary studies and anthropology to the study of religion, and most recently, to Islamic studies (Lentricchia and McLaughlin 1990; Taylor 1998; Elias 2010b).

The three themes chosen here also offer the advantage of a natural progression through three concentric circles, circles that stake out a fairly comprehensive bird eye's view of the field (see figure 1). In the context of

Figure 1   Thematic approach to Islamic theology
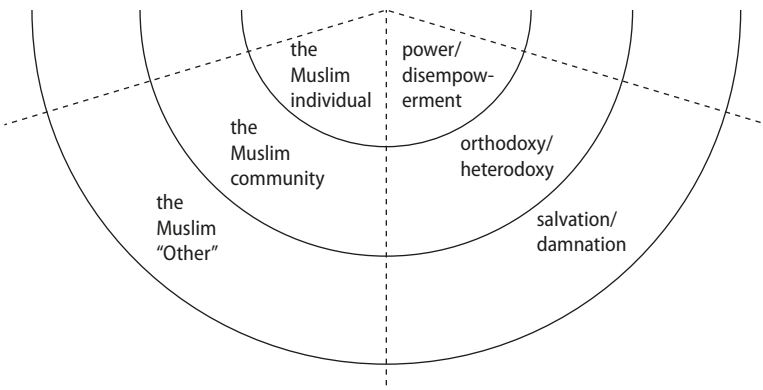
the notion of power I will discuss how scholars have evaluated the degree to which Islamic theology preserves individual agency as against the power of God and of the state, thereby defending the notion of free and independent thought and action. In the context of the notion of community I will focus on how scholars have reflected on the formation of the Muslim *umma*, in particular in regard to the question of orthodoxy and heterodoxy in Islamic theology. Finally, in the context of the notion of salvation, I shall discuss how scholars have viewed Islamic theology's attitude towards the non-Muslim "Other" of Islam.

2   God's Power and Individual Empowerment

In order to evaluate the margin of individual freedom and power offered by Muslim theology, one must examine how it pictures the individual in relation to both God and to (divinely sanctioned) government (see figure 2).

Here I propose to look at this triangle of powers through the lens of al-Ghazali, the famous Iraqi jurist-*cum*-theologian-*cum*-mystic who died in 1111. The first decade of the twenty-first century has seen a veritable flurry of studies devoted to al-Ghazali, even if scholarship on al-Ghazali was copious in the 1990s and indeed before. Al-Ghazali is as good a yardstick as any to measure the current "state of the art" in the field of classical Islamic theology. The year 2011 marked the 900th anniversary of al-Ghazali's death, and his unabated popularity found expression in numerous scholarly meetings devoted to his legacy.

Figure 2   Triangle of powers
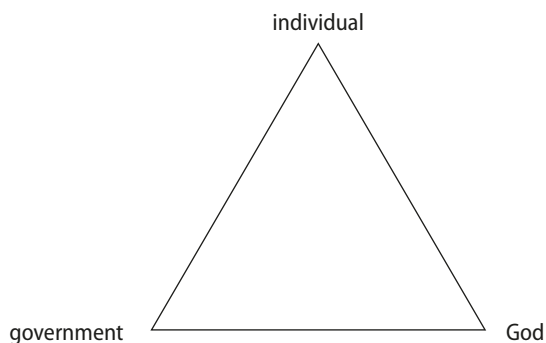
As early as the nineteenth century, Western Orientalists identified al-Ghazali as the linchpin on which hinged a whole spectrum of promises and threats inherent in Islamic thought, whether real or imagined. On the one hand, al-Ghazali was, and continues to be, a tremendously popular figure, a source of enduring fascination. His biography is dramatically cut in half by an existential epistemological crisis, much in the vein of Augustine and Descartes, suffered at the height of a brilliant academic career as a professor in Baghdad, the old capital of Islam. This crisis captured the imagination of generations of Western students of Islam. Although not the first one to do so in the history of Islam (cf. Massignon 1954 [1922], 246), the fact that al-Ghazali wrote an autobiography, *al-Munqidh min al-Dalal* (The rescuer from error), seemed to many to offer a unique opportunity to grasp classical Islam through the lens of an outstanding individual, an iconoclast and virtuoso in all the major branches of Islamic knowledge, a synthetic thinker who created a new orthodoxy: *tout court*, as in the title of William Montgomery Watt's still definitive study, *Muslim Intellectual* (1963).

On the other hand, scholars thought for a long time that al-Ghazali had severely undermined philosophical inquiry in Islam by writing an influential refutation of the Persian philosopher Avicenna (d. 1037), the *Tahafut al-Falasifa* (The incoherence of the philosophers), in which he declared the philosophers heretics for their three views that (1) the world is eternal, not created by God in time; (2) there is no physical resurrection of bodies; and (3) God knows only universals and not particulars. With the *Tahafut*, generations of students of Islam in the West were taught, al-Ghazali single-handedly dealt a *coup de grâce* to the spirit of free inquiry and the belief in natural laws in Islam. This view was not held by Western Orientalists alone. The Pakistani scholar of Islam Fazlur Rahman, for example, called al-Ghazali's perceived denial of causality a "folly," going so far as to blame Islam's problems with modernity on this doctrine (Rahman 1982, 27, 152).

These hackneyed perceptions of al-Ghazali as a maverick luminary and as the angel of the death of philosophical inquiry in Islam are revisited in a number of studies that have appeared over the last ten years or so. In the 1990s, Richard Franck argued that al-Ghazali *did* in fact accept natural causes, that his cosmology was, in other words, philosophical or Avicennian, rather than traditionally Islamic (Franck 1994). Michael Marmura, on the other hand, has insisted on al-Ghazali's conformity to Islamic "orthodoxy," that is, Ash'arism, the dominant theological school in al-Ghazali's time. Ash'arism's tenets included occasionalism, the belief that the all-powerful God creates every event and every human action in a process of *creatio*

continua. Like the other Ashʿarites, al-Ghazali would have denied secondary or natural causes (Marmura 1995, 2002).

In a study of al-Ghazali's cosmology, published in 2009, Frank Griffel has reopened this debate and proposed a new solution. Griffel's view is that al-Ghazali philosophised the Ashʿarite doctrine of causality while remaining faithful to its basic premises. Earlier Ashʿarites held an ambiguous view of the human capacity to act, a view that is epitomised by the theory of "acquisition" or "appropriation" (*kasb/iktisāb*). According to this theory, God creates human actions but gives humans a temporary "power-to-act" (*qudra muḥdatha*) by virtue of which they "acquire" or "appropriate" an action. Al-Ghazali, according to Griffel, does not simply follow this line of reasoning, but moves God's influence one level back. For al-Ghazali, suggests Griffel, God is not a puppetmaster who "plays" the individual who, in consequence, remains largely passive and predetermined in his or her actions. Rather, God acts as the teacher of the puppetmaster, while the puppetmaster himself is the individual's accumulated knowledge and desire (Griffel 2009, 216-219). This does not make it unthinkable that at a certain moment, the puppetmaster's teacher will take the strings of the puppet into his own hands. However, as Griffel emphasises, in al-Ghazali's view God has never done so, and he never will (276). In this way, a world in which secondary, natural causes are fully operational is safeguarded. According to Griffel, al-Ghazali does not eliminate philosophical inquiry from Islamic thought; to the contrary, he fully naturalises it.

It has been suggested that Griffel is somewhat "over-emphatic" in his reading of al-Ghazali (Janos 2010, 120), and that there remains an unresolvable tension between belief in an all-powerful God and in human autonomy in al-Ghazali's cosmology. Overall, Griffel seems rather keen to stress that al-Ghazali was a perfectly consistent thinker. In other words, according to Griffel, al-Ghazali does not hover *between* philosophy and theology because he does not want to commit himself. Rather, we simply must dig deep enough to uncover the underlying unity of al-Ghazali's thought. Griffel suggests that failure to discover this unity is more likely to stem from a failure to properly understand al-Ghazali's writings rather than from an inconsistency in his system (Griffel 2009, 286).

Other scholars of al-Ghazali have preferred to draw attention to the different registers of al-Ghazali's thought rather than to stress that the various strands of reasoning that run through his work are ultimately reconcilable in a harmonious whole. This is the approach taken by Martin Whittingham's 2007 study of al-Ghazali's theory of scriptural interpretation. Whittingham examines al-Ghazali's understanding of "allegorical"

or "non-literal" interpretation of scripture (*taʾwīl*). This is relevant in the context of the discussion about individual empowerment in relation to God, because non-literal interpretation widens the margin for individual opinion about scriptural meaning.

Whittingham identifies at least three different positions, scattered over his writings, that al-Ghazali takes in regard to the issue of *taʾwīl*. In *Faysal al-Tafriqa* (The decisive criterion), a work surveying the confessional varieties in Islam, al-Ghazali recommends tolerance vis-à-vis *taʾwīl*, but he also erects clear boundaries: *taʾwīl* is only permitted if the impossibility of a literal understanding is logically proven (Whittingham 2007, 27). However, in al-Ghazali's legal works, this tolerance is less obvious, and al-Ghazali's concern to seal off the law against the more interpretively inclined schools of law takes precedence (36). Finally, in al-Ghazali's esoteric works, *taʾwīl* emerges as a parallel method of deriving meaning from scripture, a method which stands on par with the literalist approach: texts have both exoteric *and* esoteric meanings (64). Whittingham makes only a limited effort to account for the difference of positions adopted by al-Ghazali; he maintains that, despite all the differences, "a core of genuine views is identifiable" (25).

Averroes, one of al-Ghazali's earliest critics, quipped that al-Ghazali was "an Ashʿari with the Ashʿarites, a Sufi with the Sufis, and a philosopher with the philosophers." In light of the many testimonies to this effect, Griffel's outright denial of inconsistency in al-Ghazali's work seems rather surprising. Whittingham on the other hand acknowledges al-Ghazali's split-personality syndrome but largely refuses to pass judgement on it. This is markedly different from the position taken by Ebrahim Moosa, who is the author of what must count as the most imaginative interpretation of al-Ghazali to have appeared since the turn of the millennium.

Moosa's *Ghazālī and the Poetics of Imagination* (2005) proposes to investigate the possible contribution that al-Ghazali can make to the contemporary Muslim understanding of "subjectivity and citizenship" (Moosa 2005, 25). Moosa's work is therefore not purely a historical study but self-consciously agenda-driven, as opposed to the other authors discussed so far. Predictably, reviewers have taken issue with this (Knysh 2007, 295). For Moosa, al-Ghazali can serve as an "exemplar" for Muslims today to overcome what Moosa sees as their greatest contemporary predicament, namely, "authoritarianism." In al-Ghazali's tendency to straddle discourses and change registers, Moosa sees the sure signs of a genius; it is al-Ghazali's "signature" that he is torn over the "in between-ness of being" in a "poly-centric world" (Moosa 2005, 30). Moosa's book is the first full-fledged postmodern reading of al-Ghazali, a reading in which al-Ghazali emerges as a figure haunted by the experience

of de-centralisation, but ultimately successful in creating a dynamic, creative, and empowered subjectivity.

3   The Individual and Government

However, other readings of al-Ghazali's hybridity, to use a term dear to postmodernist theory, remain possible. For example, Omid Safi, in a book published in 2006, steers a different course, although he is admittedly more interested in al-Ghazali's political than in his theological writings. Safi examines the question of how al-Ghazali analysed the individual's position vis-à-vis the government. In Safi's account, al-Ghazali appears as an opportunist and careerist, as someone willing to adjust his views in function of changing political circumstances. Before his crisis, Safi suggests, al-Ghazali upheld justice and spirituality as a general requirement for rulers. In his later political writings, however, he would have caved in to the view that also unjust or even brutal rulers were justified in their actions as long as they managed to maintain order and see to it that the shariʿa was implemented. As Safi points out, al-Ghazali states that the sultan, that is, the ruler who rules on the strength of power not of virtue or piety, is "God's shadow on earth." In a particularly sinister twist, the sultan *must* enact punishments and spread fear lest people rise against him and social unrest ensues (Safi 2006, 105-124).

   In fact, upon closer examination, al-Ghazali's view of the ruling powers of his day is in some respects similar to how he conceives of the ultimate power, that is, God. In the "Revivification of the Sciences of Religiosity," his celebrated opus magnum, al-Ghazali laments the moral corruption of his day, one syndrome of which is that the Muslim *umma* is divided into many sects. In this kind of situation, he avers, the prospect of God's punishment in the hereafter has a more significant function to fulfil than hope in His mercy. Al-Ghazali states that "the dominance of fear [of hell over hope of paradise] is the higher good, because disobedience and self-deceit are the more dominant over the creature" (al-Ghazali 1962, 45). In consequence, he warns his readers that "your coming unto it [hell] is certain, while your salvation therefrom is no more than conjecture," and he urges his reader to "fill up your heart … with the dread of that destination" (al-Ghazali 1989, 220). Al-Ghazali, in the passages just quoted, instrumentalises fear. For al-Ghazali, the spectre of God's violent retribution in the hereafter is a good thing because it functions to maintain social harmony and cohesion in this world.

This, in a nutshell, is also how al-Ghazali justified the ruler's exercise of violence. In a situation of moral laxity and social strife, the ruler is commended for inspiring terror through acts of violence. In fact, according to al-Ghazali, it is a crucial requirement for a good government to spread fear. The structure of al-Ghazali's argument about God's justice and punishment, in other words, is analogous to his argument about the need for a strong government (Lange 2011, 148). This is one of the more worrying legacies of al-Ghazali, a legacy in which the individual appears as largely disempowered, and which does not sit well with the interpretations offered by either Griffel or Moosa.

It is possible to disagree with Safi's interpretation. There are questions surrounding the authenticity of certain of al-Ghazali's political writings, and when one disputes this authenticity, his political thought appears in a different light (Crone 1987; Hillenbrand 1988). Our knowledge about al-Ghazali's own involvement with rulers has grown with the increasingly detailed information that scholars have collected to reconstruct his biography. Griffel's appears to be the most comprehensive account to date. Though Griffel does not dwell on the possibility that al-Ghazali was complicit in legitimising the despotic absolutism of the rulers of his time, what is clear, in the biography that Griffel traces, is that al-Ghazali tried, for a time, to disentangle himself from the institutions of worldly power. He even took a solemn vow following his crisis that he would never again let himself be paid by the government or go to see the sultan. He broke both vows later on in his life, but whether this happened by coercion or not remains a matter of debate.

So, in sum, to what extent was al-Ghazali an "independent" thinker, and to what extent did he defend individual agency and freedom of thought and action against the powers-that-be? How anti-authoritarian is his thought? Different answers to these questions, I would suggest, remain possible, as the recent literature on al-Ghazali demonstrates. There are, no doubt, anti-authoritarian strands in his thought. Modern-day Salafis tend not to like al-Ghazali, if only because al-Ghazali was not exactly keen on hadith. Al-Ghazali probably would have disliked the modern-day finger-wagging "hadith-hurlers," as Khaled Abou El Fadl has called them (Abou El Fadl 2001, xi). Al-Ghazali also rejected interpretations of scripture that were, according to his standard, too literal. At the same time, al-Ghazali was elitist (and thus in no way atypical in his time), allowing a free interpretation of scripture only to the very few, and only within strictly defined boundaries. His political theology was ambiguous, to say the least.

One strength of recent studies of al-Ghazali is that they tend to be based on a broad selection of his writings, and therefore achieve a more

comprehensive vision of the man. Rather than seeing al-Ghazali's cosmology or his political thought in isolation, scholars are working towards a situation where the above-sketched triangle of powers moves into sight. However, to fit all strands of al-Ghazali's thought into one coherent picture seems almost an impossible task, and it does not matter whether one suggests that al-Ghazali was a peripatetic philosopher dressed up as a Muslim or that he was a postmodern *bricoleur*. As historians, we may have to live with al-Ghazali's elusiveness, and content ourselves with pointing a finger to the promises and problems that this elusiveness entails.

4   Community and Orthodoxy

Moving on from conceptualisations of the autonomy of the individual, let us take a look at recent scholarship on "classical" definitions of the religiously constituted community of Muslims, the *umma*. Who, according to these definitions, was "in" and who was "out"? How strictly or how flexibly did Muslim theologians draw the line between these two groups? What did they consider Islamically acceptable, or "orthodox," and what, for them, was "heresy" and "unbelief"?

One problem with such questions is that they tend to seduce scholars of Islam to take sides and subscribe to one particular definition of orthodoxy. However, the adequacy of the term "orthodoxy" in the academic study of Islam has been vigorously contested. This discussion is hardly a dead horse; there seems to be no general agreement among scholars that "orthodoxy" is a term that fits Islam awkwardly and that should therefore better be avoided. Scholars of Islamic law, for example, continue to use the term quite liberally. In the latest, third edition of the *Encyclopaedia of Islam* (henceforth *EI3*), for example, one reads about the opposition of "orthodox *ʿulamāʾ*" to the *ʿaqīqa*, the rituals associated with welcoming a newborn into the community, including the shaving of hair, application of ointments, and other related practices. Here, the term "orthodoxy" seems to refer to the teachings of the four established (Sunni) schools of law as opposed to local custom, or *ʿurf* (*EI3*: s.v. ʿAqīqa).

However, also in entries dealing with aspects of Islamic theology, *EI3* authors regularly use the term, and they generally do so without offering further explanation. For example, a governor of the ʿAbbasids in Khurasan, in the ninth century, is said to have uphold "Sunnī orthodoxy" (*EI3*: s.v. ʿAbdallāh b. Ṭāhir); al-Ashʿari (d. 935) is labelled an "orthodox theologian" (*EI3*: s.v. Agnosticism); the Mughal emperor Babur (d. 1530), one learns,

was raised "an orthodox Sunnī Muslim" (*EI3*: s.v. Bābur). More examples could be given. There is, as far as I can see, only one instance in which the term "orthodox" is used in inverted commas: the Sufi ʿAyn al-Qudat al-Hamadhani (d. 1131), the *EI3* tells us, positioned himself at a distance from the "'orthodox' establishment" (*EI3*: s.v. ʿAyn al-Qudāt). While such use of inverted commas indicates a more complex picture, it gestures to the problems inherent in the term but does little to solve them.

This comes as a bit of a surprise. After all, the awareness among Western scholars of Islam that "orthodoxy" is a term that can only be applied to Islam with difficulty can be traced several decades back. In Bernard Lewis' classical formulation (Lewis 1953, 58), published more than half a century ago, he writes:

> In the absence of an apostolic tradition and of a supreme pontiff, ortho-doxy and heterodoxy in Islam could at first sight be determined only by making the teachings of one school the touchstone for the rejection of the others. The difficulties and absurdities of such a standard are well summarised by Ghazali. Is Baqillani a heretic for disagreeing with Ashʿari, or Ashʿari for disagreeing with Baqillani? Why should truth be the prerogative of one rather than the other? Does truth go by precedence? Then do not the Muʿtazilites take precedence of Ashʿari? Because of greater virtue and knowledge? In what scales and with what measures shall the degrees of virtue be measured, so that the superiority of one or another theologian may be established?

Despite such critical remarks, the label "orthodoxy" continued to be invoked by scholars of Islam in the 1950s and 1960s. This was often done with a negative connotation, pitching it against the "free-spirited" philosophical movement in Islam (Rahman 1979, 120). In the 1970s, both William Mont-gomery Watt and Marshal Hodgson again raised a flag and warned against the use of the term "orthodoxy" in the study of Islamic theology (Watt 1973, 5-6; Hodgson 1974, 67). However, the first full-blown attack on the adequacy of the terms "orthodoxy" and its antonym, "heresy," for the study of Islam was formulated by Alexander Knysh in 1993, perhaps in reaction to the continued use of the term, and particularly of the dichotomy between Islamic philosophy and "orthodoxy" (Bello 1989).

Knysh begins by noting that Western historians of Islam have often pitched what they perceived to be "orthodox" Islam against "heterodox ten-dencies." But neither of these terms is easily attributed to only one particular Muslim theological school or movement. Ashʿarism is often considered the

"orthodox" version of Islamic theology; but for many centuries, it had many passionate detractors, especially those 'ulama' who found it too speculative, too tainted with *kalām*-style argumentation based on Greek logic. As the story has it, Al-Ash'ari once boasted to the Hanbali preacher and scholar Al-Barbahari (d. 941) that he had refuted the Mu'tazila, the Zoroastrians, and the Christians. Reportedly, Al-Barbahari retorted that he did not know what these groups taught: he only knew what Ahmad b. Hanbal had taught (Knysh 1993, 61). Knysh also points out that there are examples of Ash'arites who, in their spiritual life, were Sufis.

Knysh further notes that some have identified the movement of the *ahl al-ḥadīth*, the "hadith folk," as constituting an orthodox stream within Sunni Islam. Western scholars refer to this group sometimes as "traditionists," because of the value it gave to "traditions," that is, hadiths. From here it is perhaps not far-fetched to see in the members of this group Islamic "orthodoxy." But Marshal Hodgson pointed out that the label "traditionists" is unfortunate: it suggests that the hadith folk were somehow naturally aligned with tradition in the general sense of the word, more so than, say, the Ash'arites or the Mu'tazila. However, one might just as well insist that theological dispute, logic and *ijtihād* was, from the earliest times, part of the tradition of Islam. The hadith folk can hardly claim a monopoly on the term. What is more, many of their theological positions were rejected as too extreme. Take as an example their tendency to accept anthropomorphism, a stance that their detractors called *tajsīm*, "bestowing a body [onto God]." Ibn Taymiyya (d. 1328), in the view of many a paragon of Islamic "orthodoxy," advocated that God descends to the lowest heaven, as is stated in the canonical hadith, in the same way in which Ibn Taymiyya, as he once demonstrated during a sermon, stepped down from the pulpit, the *minbar*. In consequence, he was viewed by his less anthropomorphically-minded contemporaries as a man "with a kink in his head"; people wondered, as Donald Little put it flippantly in a well-known study, "Did Ibn Taymiyya Have a Screw Loose?" (1975).

In sum, according to Knysh, instead of "orthodoxy," what we have in medieval Islam is "a perpetual collision of individual opinions over an invariant set of theological problems that eventually leads to a transient consensus that already contains the seed of future disagreement" (Knysh 1993, 57). Knysh suggests that the superimposition on medieval Islam of the concepts of "orthodoxy" and "heterodoxy" inevitably leads to a loss of nuance; internal divisions are glossed over rather than given full appreciation. As he warns his readers, "Eurocentric interpretive categories, when uncritically superimposed on Islamic realities, may produce serious distortions" (62).

What we must do instead is to seek to understand Muslim theologians "on their own terms." Here, Knysh gives the two examples of Al-Shahrastani (d. 1153) and of Ibn al-ʿArabi (d. 1240), the former a famous heresiographer, the latter arguably the most influential Sufi theorist of the later Islamic Middle Ages. Both Al-Shahrastani and Ibn ʿArabi wrote about the many different schools of thought in Islamic theology, and both had a remarkably inclusive view of who could claim to be a Muslim, who was in, and who was out. Knysh accepts that it is possible to speak of limited or, as he puts it, "spontaneous orthodoxies," orthodoxies that arise in particular periods and regions of the Islamic world as a particular "blend of 'orthodox' ideas" (65). Remarkably, although he succeeds in showing the conceptual problems and pitfalls of the term "orthodoxy," Knysh does not recommend that scholars should stop using it altogether. The reason he provides for this is that it would "seriously complicate the Western discourse on Muslim societies" (66).

Picking up on Knysh's lead but pushing his conclusions to their logical conclusion, Brett Wilson has recently attempted to put the term "orthodoxy" to rest once and for all. He notes that, ironically, scholars inspired by the work of Talal Asad have contributed to resuscitating the term in the study of Islam. This, he avers, is a reaction against the relativistic positions of anthropologists who tend to accord *all* local expressions of Islam the same level of "correctness" and thus end up speaking of several "islams" instead of one Islam, or one "orthodoxy" in Islam. To counterbalance such views, Asad describes Islam as a "discursive tradition," a concept that hinges on the notion that the Islamic tradition, though continuously reworked and renegotiated, has a common bedrock on which it rests, namely, the Qur'an and sunna. Orthodoxy, for Asad, is a "(re)ordering of knowledge that governs the 'correct' form of Islamic practices" (Asad 1993, 201). As such – this distinguishes Asad's approach from earlier, more reified definitions – orthodoxy in Islam must not be seen as a fixed set of beliefs, nor is it embedded in particular institutions of power; rather, it is continuously (re)produced in a dynamic process of teaching on all levels of society, in an ongoing process of relating oneself to the foundational texts and practices of Islam.

Asad's fluid and dynamic concept of orthodoxy, Wilson argues, avoids some of the earlier essentialist mistakes of Orientalist scholars wishing to pin down Islamic orthodoxy. At the same time, avers Wilson, it is doubtful whether such "further 'loading' of a semantically overladen term" is useful (Wilson 2007, 185). Wilson insists that the term "orthodoxy" has run its course and that scholars should discard it, because the "theological and righteous connotations" of the term are too numerous. These connotations "complicate [the term's] viability" even "as a purely sociological or

anthropological term" (186). In sum, the concept of "orthodoxy" in Islam has become "more of a stumbling block than a launching pad in our vocabulary, one which instigates more conflicts than it resolves" (185).

The term "orthodoxy" and its viability for the scholarly study of classical Islamic theology is also one of the topics dealt with in Josef van Ess' recent history of the genre of heresiography in Islam, *Der Eine und das andere: Beobachtungen an islamischen häresiographischen Texten* (The one and the other: Observations in Islamic heresiographical texts), a towering work of some 1,500 densely argued pages. Van Ess broadly confirms the picture drawn by Knysh. He takes him by the word that we must understand Muslim debates about orthodoxy on Muslim terms. Indeed, in the third and final part of *Der Eine und das Andere*, Van Ess goes through a list of terms such as *firqa, madhhab, ṭāʾifa, fiʾa, ṣinf, milla, ahl al-sunna, ahl al-sunna wa-l-jamāʿa,* and *takfīr*, all of which belong to the vocabulary of "who is in, who is out," showing in each instance where these terms originate and who uses them for what purpose.

Van Ess begins his book, however, with an analysis of the well-known, though non-canonical hadith about the seventy-three groups (*firaq*) in Islam, of which only one is saved, namely the "saved group" (*al-firqa al-nājiya*), while the seventy-two others go to hellfire. On sixty gripping pages Van Ess shows how different groups in the history of early Islamic theology claimed the one "saved group" for their own purposes. They did this by adding an explanatory ending to the hadith or rewording it in suggestive ways (Van Ess 2011a, 7-64). Towards the end of the Umayyad period, scholars close to the Umayyad caliphs rephrased the hadith to: "This community consists of 73 *firaq*; 72 are lost, they all hate the ruler; saved is the one that is on the side of the ruler." Under the early ʿAbbasids, the Hanafī-Murjiʾa broadened the "saved group" to the extreme, by suggesting that it includes all those who believe, that is, the "overwhelming majority" (*al-sawād al-aʿẓam*).

This lenient position rubbed many the wrong way, among them the hadith folk. Ibn Hanbal (d. 855) reportedly said that the "saved group" were, of course, no other than the hadith folk themselves; and to get back at the Hanafis, a version of the hadith was circulated that reads: "My community will split into some 70 groups, but the greatest danger will arise from those among them who judge things according to their own free reasoning [*raʾy*]" – the word *raʾy* being a nod to the Hanafis, who were known as the "people of free reasoning" (*ahl al-raʾy*). Some, more pessimistic voices, held that the "saved group" were the Companions of the Prophet, and that therefore all following generations were in principle doomed. Van Ess states that this is until today "the most popular solution" (39). But this pessimism could be

mitigated if one interpreted the hadith to mean that the "saved group" goes to paradise *directly*, while all others first have to go through the fire of the Day of Judgement. The Shiʿites, later also the Ismaʿiliyya, claimed to be the "saved group." Last but not least, there is also an inverted version of the hadith stating that seventy-two *firaq* are saved while only one is doomed. This is a version that, on the surface, looks more tolerant, but it could become a powerful weapon to persecute one particular group. The hadith folk, for example, wanted to recognise the Muʿtazilites in this solitary "doomed" group. For al-Ghazali in "The Decisive Criterion," it was the philosophers (55).

Many interesting conclusions result from Van Ess' analysis of this hadith. For example, he demonstrates that the nostalgic vision of a saved group of Companions of the Prophet is a historically grown position that emerged rather late, no earlier than the late ninth century, and in reaction to the various disappointments suffered by the early Muslim community. Van Ess shows the fluid state of affairs in the early centuries, in which no version of the hadith could impose itself as the authoritative one. Muslim specialists of hadith criticism could do little to change this. As van Ess writes, "the censorship of the expert … had little impact in medieval Islam; after all, there were no institutions which gave it power; and scholarship's influence in those days was, as ever, limited" (55).

The second part of Van Ess' book deals with all the major contributions to the genre of Islamic heresiography: the works of Al-Ashʿari, Al-Baghdadi, Al-Shahrastani, Ibn Hazm, but also of scores of other, less well-known authors. Van Ess notes that the classical works on the variety of theological positions in Islam are not properly "heresiographical." Like Al-Ashʿari's *Maqalat al-Islamiyyin* (The doctrines of those who follow Islam) or Al-Shahrastani's *al-Milal wa-l-Nihal* "Confessions and sections), they do not anathematise groups, that is, they do not practice *takfīr*. In most cases, they also ignore the hadith about the seventy-two "doomed" sects. The genre is, in other words, doxographical rather than heresiographical: it records the tenets and teachings of various groups without passing judgement about whether they are "in" or "out" of Islam (1201-1206). Van Ess therefore also proposes to replace the term "heresy" in Islam with that of "denomination," and "heresiography" with "denominationalism" (the German *Konfession-skunde*). The heresiographers' preferred term for these groups is *milla* (pl. *milal*), which tends to get translated as "sect," even though a less value-laden translation as "section" would be more appropriate. As Van Ess points out, *milla* is a very generous term, and he suggests that "for a long time *milla* was the most neutral designation for 'religion' that existed in any language of the world" (1264).

In the third and final part of his book, Van Ess returns to more synthetic observations. Among other things, he revisits the notion of "orthodoxy" in Islam. He concludes that the term is "perhaps" useful if used in the value-neutral sociological meaning, but only as a "metaphor," to indicate the "dominant opinion" in a specific spatial-temporal context, a temporary "mainstream position." Such "orthodoxies" (Van Ess uses the plural repeatedly) usually come with an expiry date; dogmas in Islam did not have the longevity of dogmas promulgated by the Christian Church. As Van Ess puts it, dogmas in Islamic history "occasionally had their great moment; but then they receded quickly behind the scenes of history" (1299).

Whether contemporary orthodoxies will have a longer life, Van Ess does not discuss. He contents himself with noting that the scripturalism of the Egyptian reformers Muhammad ʿAbduh (d. 1905) and Rashid Rida (d. 1935), both of whom called for a return to the original words of revelation, is such a "modern" orthodoxy (1302). However, in an interview given in 2011, Van Ess is a bit more forthcoming. He points out that "with the help of the media it is much easier to convey to people a definitive image of Islam and assert it by supporting it financially," suggesting that "this reversal began among the late-nineteenth-century reformers we hold in such high regard, such as Muhammad Abduh" (Van Ess 2011b).

These words chime with Norman Calder's analysis in an article on "The Limits of Islamic Orthodoxy," first published in 2000. Calder diagnoses that twentieth-century Islam has witnessed the triumph of a narrowly conceived scripturalist "orthodoxy," which rejects the traditional Muslim tolerance of the concepts of community-based reasoning, gnosis, but also (albeit to a lesser degree) of reason and charisma, "a massive, complex, sophisticated heritage, a generous profusion of modes of religious fulfilment" (Calder 2007, 235). However, Van Ess' evaluation of the contemporary situation, as opposed to that of Calder, is fairly optimistic. He states that "essentially, I'm not worried … I'm sure that the fundamentalists too will fail to establish an orthodoxy," adding that the concept of orthodoxy "[i]s simply not there in the religion" (Van Ess 2011b).

5   Islam and the Fate of "Others"

Moving from the discussion of the place of the individual in Islamic classical theology to reviewing recent scholarship on how classical Islamic theology defines the boundary of the Muslim community or *umma*, let us move into the last of the three concentric circles and examine the issue of how classical

Islamic theology views the issue of salvation, particularly with regard to non-Muslims, or the Islamic "Other."

First of all, let me note with Van Ess that in the history of Islamic theology, critiques against Muslim heretics and apostates have usually been more severe than against practitioners of other faiths. *Takfīr*, the process of declaring someone has left Islam and become an unbeliever, is traditionally the arena of the most bitter theological disputes in Islam (Van Ess 2011a, 1284-1298). By contrast, those who are brought up as non-Muslims are *already* unbelievers, and so they cannot suffer *takfīr*. In consequence, they tend to fall under the radar of Muslim theological reasoning. This is not to deny, however, that the eternal damnation of the unbelievers in hell is usually taken for granted in classical Islamic theology. Or is it?

A recent study by Mohammad Khalil (2012) has tried to cast doubt upon this piece of received wisdom. For a long time, both non-Muslim and Muslim scholars of Islam have been telling us that according to the majority of classical Muslim theologians, Christianity, to give one example, is not a way to salvation. Soteriological pluralism, the idea that members of diverse religious traditions are all equally destined for paradise, according to this view is fundamentally alien to Islam (see, e.g. McAuliffe 1991, 290). Given the foregoing discussion about how difficult it is to establish what may count as Islamic orthodoxy, whether on this particular point or on any other, it comes as no surprise that the classical tradition *does* in fact include voices that speculate about the eventual salvation of unbelievers. In his study, Khalil comes to the conclusion that the matter remained "ultimately unresolved," despite the fact that numerous theologians claimed there was a broad consensus, or *ijmāʿ*, on the issue (Khalil 2012, 13-14, 22). He observes that it was particularly some of the most prominent and influential theologians in Islamic history, such as al-Ghazali and Ibn Taymiyya, who argued against the idea that all non-Muslims suffer in hell eternally, thereby opposing narrow exclusivism, or "damnationism," as Khalil labels it (Khalil 2012, 19).

To return to al-Ghazali, in "The Decisive Criterion" he makes a distinction between four different types of unbelievers. Two of these groups are doomed in his view, but two will receive God's mercy and be admitted into paradise (cf. al-Ghazali 2002, 126). The former two groups are, first, those who commit blasphemy, that is, those who insult the God of Islam and His Prophet Muhammad; second, those who, despite a full understanding of the Islamic message refuse to be convinced of it, out of stubbornness or intellectual laziness. The other two groups, those that will receive God's mercy, are, first, those who never even heard the name Muhammad and had

no opportunity whatsoever to learn about Islam. The second saved group of unbelievers is formed by those who deny Islam because they have not been provided "with enough incentive" which would have "compelled them to investigate" the issue. That is, they may have some notion about Islam, but in the final analysis, they do not know much about it.

Now, in Khalil's reading of al-Ghazali, when people in this last group *are* provided an incentive to learn more about Islam, when they *do* start to investigate the issue, and then *still* deny its message, they are *still* considered saved. As long as they engage in discussion and in all respects behave like "sincere truth-seekers," they will be the recipients of God's mercy (Khalil 2012, 37). One should add here, however, that this is a generous reading of al-Ghazali and that his typology of the four classes of unbelievers, though not as exclusive as other classical Muslim views of the non-Muslim "other," is still a far shot from modern sensibilities regarding tolerance and pluralism. However, it does open up a certain space for discussion. At the very least, it corrects the hackneyed idea that according to Islam, non-Muslims are by definition doomed to eternal suffering in hell.

A different angle on the topic was taken by Ibn Taymiyya and his student Ibn Qayyim al-Jawziyya, both of whom wrote in the first half of the fourteenth century in Syria, and both of whom are widely hailed as the intellectual forefathers of modern-day Salafism. Ibn Taymiyya and Ibn Qayyim discuss the question of the duration of hell. Both reject the consensus of the scholars of their time that hellfire is eternal. They suggest that hell will, at some point in the eschatological future, have fulfilled its purpose of cleansing sinners from their sins, including the sin of unbelief. Then hell will disappear, so that only paradise remains. This idea is referred to as *fanā' al-nār*, the "passing away of the fire." This means that *all* unbelievers, indeed all sinners will eventually, after a more or less extended period of suffering in hell, be admitted to paradise. In the recent scholarly literature, this position has been described, rather optimistically, as a form of "Islamic universalism," akin to the soteriological pluralism that Khalil ascribes to al-Ghazali (Hoover 2009, 181-201).

Whether or not "universalism" is the correct term to be used, here is another bit of evidence that the question of salvation of unbelievers in classical Islamic theology is not as one-sided and easily decided as meets the eye. This is also confirmed by a look at the other side of the coin, the question whether Muslims can go to hell: If the unbelievers are not necessarily in hell, can Muslims know for sure that they will go to paradise? Here, too, we are dealing with certain preconceived ideas. Christian polemicists of the Middle Ages liked to justify what they perceived as the ethical superiority

of Christianity over Islam by pointing out that Islam offers an easy way to salvation. Western researchers of Islamic theology, including Ignaz Goldziher in the early twentieth century but also more recent contributors to the debate, have referred to the seemingly "limitless optimism" of "orthodox" Sunni Islam in regard to the salvation prospect of Muslims (Goldziher 1920, 160; Smith and Haddad 2002, 81). The Islamic "straight path" (*al-ṣirāṭ al-mustaqīm*), many may have felt justified to conclude, was exceedingly broad, the requirements for being a Muslim minimal, and hence moral laxity widespread. In Christianity, on the other hand, salvation was difficult, it had to be earned: as one reads in Matthew 7:13, Christians are to "enter through the narrow gate; for the gate and the road that leads to destruction is wide, and there are many who take it."

Recent scholarship on Islamic soteriology has suggested that the issue needs more nuanced inspection than has been hitherto assumed. In the same way in which scholars of Islamic theology have begun to unearth strands of universalist thought, the Muslim hell is moving into focus as a place not just for the unbelievers, but also for Muslims, or rather, for Muslim sinners. The Qur'an threatens sinners in general, not just unbelievers, with punishment in hell. In the early centuries of Islam, the question of the certainty of salvation for Muslim sinners was discussed controversially, first in the milieu of the Basran ascetics, who denied such certainty and stressed individual accountability (Van Ess 2001, 104-108), then by the theological school of the Muʿtazila, who insisted that people would be judged by their actions, not just by the outwards profession of faith. They argued that it is not only possible but indeed necessary for God to punish sinners; otherwise He could not be considered just. The ethical rigourism of the Muʿtazila survived in other schools and in other forms, for example, in Maturidi theology. In contrast to the Ashʿarites, Maturidite theologians came to emphasise that punishment of the grave sinner in hell was rather likely and, in the greater scheme of things, even necessary (Lange 2014, 160-167). This punishment may have been conceived of as temporary and purgative, preparing the sinners for their eventual redemption in paradise. But it was a formidable prospect nonetheless, psychologically speaking.

In sum, there are "universalist" trends in classical Islamic theology that appear to push non-Muslims in the direction of salvation, and there are other trends that seem to push Muslims towards ethical rigourism and accountability for sinful actions in hell. As Khalil notes, "discussions of salvation in Islam have generally been plagued with oversimplifications" (Khalil 2012, 13), but in recent scholarship on classical Islamic theology, a more nuanced picture of Muslim soteriology seems to emerge.

6   Conclusion: Islamic Theology and the Muslim Religious Imagination

By way of conclusion, let me come back to one of the terms I brought up at the beginning of my discussion: the religious imagination, conceived as an integral part of Islamic theology. In the area of Muslim ideas about salvation and the afterlife, scholarship has largely ignored this dimension of Islamic theology. As indicated above, a good deal of attention has been devoted to the works of the *mutakallimūn*, the proponents of *kalām*. When it comes to the afterlife, to eschatology, or "knowledge of the last things," the *mutakallimūn* have things to say about the big questions: who is saved and who is not, whether hell is eternal or not, and how real the afterlife is, that is, whether its reality is like that experienced in this world, or whether it is a different reality altogether. What the *mutakallimūn* are less interested in is the topography of the hereafter, the particulars of paradise and hell, the rewards and punishments therein, the many detailed descriptions of their flora, fauna, and inhabitants, sometimes excessive and often quite wonderful, in sum: the Muslim eschatological imagination. The modern study of Islamic theology likewise has largely turned a blind eye to this body of ideas and images. And yet, there is a whole other world waiting to be charted and analysed. At least two approaches to this universe of images and ideas can be conceived.

Firstly, the Islamic literature about the afterlife offers rich insights into Islamic theological ethics. The inhabitants of paradise and hell are regularly identified by their virtues and their sins. Some classical manuals in which stories about paradise and hell are collected in fact appear like catechisms of sins and virtues. Examples include the anonymous *Qurrat al-ʿUyun* and the *Risalat al-Talkhis* of the Spaniard Ibn Hazm in the eleventh century (Lange 2013). Also the various versions of the Prophet Muhammad's night journey (*isrāʾ*), not unlike Dante's *Divine Comedy*, abound with moral teachings (Vucovic 2005).

Secondly, the Islamic literature of the afterlife should be taken seriously as a genre that plays with notions of the fantastic and the marvellous, and that therefore deserves to be analysed and evaluated by using the methods and criteria we apply to similar works in other areas of human literary productivity. It might be objected that by this shift of focus one leaves the arena of Islamic theology. However, scholars of Christian theology will not hesitate to apply the tools and insights developed in literary studies to, say, the Gospel, or to Bunyan's *A Pilgrim's Process*, and it is not obvious why scholars of Islam should not do the same. Aziz al-Azmeh (1995) and Kamal

Abu-Deeb (2007) are pioneers in this area of investigation. More such studies remain a desideratum, for making Islamic eschatology comprehensible as literature will, I think, help us see in it not only a symbolic expression of doctrinal tenets, that is, statements about ontology and soteriology, but rather, an expression of the Muslim religious imagination, of a creativity and playfulness that engages this-worldly concerns in addition to transcendent ones.

To broaden the study of classical Islamic theology to include such multifaceted uses and functions of Muslim "religiosity" is to develop and support an appreciation for the historical diversity of Muslim opinions about how God relates to the world and how Muslims relate to God, and thus to resist the temptation to see Islam as a monolithic system that provides clear-cut answers to perennial questions. In this way, as one might hope, the scholarly study of Islamic theology will be able to contribute to preserving the memory of diversity in Islamic theological reasoning. As Norman Calder wrote, "[c]ontemporary Muslims are … offered by their tradition a massive, complex, sophisticated heritage, a generous profusion of religious fulfilment, and any step towards making that heritage smaller must be a bad thing" (Calder 2007, 235).

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Dialectical Theology in the Search for Modern Islam

Abdulkader Tayob

Studies on Islam and modernity have grappled with what has happened to Islam in the modern world. As a tradition, culture, or religion, what has become of Islam since the transformation of the globe through industrialisation, capitalism, and colonialism? Has Islam taken on a new form, or does it continue earlier forms and traditions in essential ways? What are the values promoted by Islam and Muslims in the modern world? Most recent studies on these questions find the focus on Islam and modernity too broad and generalised. Preferring local and contextual studies, Islam in modernity in its most general sense has been moved to the background, or into the public sphere. However, terms referring to the broader interaction between Islam and modernity have not been given up. Terms such as "Islamic modernity," "Islamic modernism," "modernist Islam," or simply "modern Islam" have not disappeared completely. To these may be added the plural forms of Islams and modernities, producing a bewildering variety of representations. They still appear repeatedly in the literature, begging for clarification or filling an un-fillable space.

The questions and formulations of modern Islam have been dependent on the use and meaning of "modern" and "Islam." Both these terms are used extensively, and unavoidably, to identify the particular turn of modern Islam. The use of "modern" ranges from the Marxist, to the liberal, to Weberian, and also to postcolonial and postmodern definitions and inclinations. The Weberian definition and assumptions of modernity have dominated literature on modern Islam, and occupy pride of place. Like the term "modern," the reference to Islam cannot be taken for granted. The unified and obvious reference to a single tradition breaks down upon closer scrutiny. In his magisterial study of Islam, Hodgson offered a set of terms (Islam, Islamic, Islamicate and Islamdom) that privileged religious foundations, while giving space to cultural and other historical developments. His suggestions have not found great favour among scholars of Islam, least of all among those who work in the study of modern Islam. But the search for a proper term for Islam has continued into the twenty-first century. One persistent suggestion since the 1970s has been the use of "Islams" to reflect the multiplicity of interpretations and cultural formations that constitute

religious experiences (El-Zein 1977). Varisco argued for "Islams" in anthropology to stand for "how Islam is lived in a unique social setting" (Varisco 2005, 140). This contextual focus has become the preferred approach among scholars generally suspicious about the viability of any generalisation that can be made on Islam and modernity. But the use of "modern" and "Islam" persists in the literature, including in the use of the plural. And this usage begs clearer explanation, on how "Islam" or "Islams" in local context are related to each other.

In the following, I propose that these questions on modernity and Islam be placed in the framework of the much longer history of *kalām* (dialectical theology). Scholars in the modern academy, usually focused on variations of a Weberian framework, were addressing questions that were uncannily similar to those asked by Muslim theologians within *kalām* in the past. *Kalām* questions were first posed during political disputes among Muslims after the demise of the Prophet, and then refined further in the encounter of Muslim intellectuals with the Greek Hellenic heritage. The consequent theological disputes turned around questions such as "What is the nature of God?," "Who is a Muslim?," "What is Islam and faith?," and "What are values?" Under the impact of Max Weber's sociology of religion, scholars have asked similar questions with regard to modernity. Explicitly or implicitly, they often asked if Islam and Muslims were modern, modernisable, or modernising. Their questions too could be summarised as "What is Islam?" and "Who are the Muslims?"

This chapter focuses on modern studies on Islam and examines their theses and perspectives in the framework of *kalām*. It argues that modern studies on Islam were adding new dimensions to the identity of Muslims and the meaning of Islam. If *kalām* was an exercise in identifying the true believer, modern studies were separating modern from traditional Muslims. The binary opposition between the modern and traditional became the basis of a new sectarianism, constructed and debated in the same way as earlier sects (*firaq*) were debated by *kalām* scholars in the past. Similarly, under the impact of Hellenism, and new intellectual and cultural changes, *kalām* scholars had defined Islam in relation to custom (sunna), to a mythological past, or to rationality (*ʿaql*). In modern Islam, Islam was identified as a tradition as opposed to modernity, and later as text and as discourse. Following leads in the social sciences, such perspectives added new meanings to Islam. Modern "Weberian" scholars were admittedly merely describing Muslims in the modern world. From a *kalām* perspective, however, they will be shown to frame the meaning of being Muslim in the modern world. I pursue this identification and framing, and conclude that justification

and representation were the major pre-occupations of studies of modern Islam. Modern Islam, firstly, was a justification of Islam in the shadow of a Western trajectory of modernisation. Secondly, it was a difficult and eventually failed attempt to represent Islam and Muslims.

1   Working with Modernity and *Kalām*

Weber is not always quoted at great length in the literature on Islam and modernity, but the questions that he asked of traditions and their relation to the emergence of the modern West abound in the literature on modern Islam. Weber closely examined the theologies and ethics of emerging Protestant cults and sects and their impact on social and economic behaviour. In Max Weber's sociology, a constellation of theologies, ethics, and economic conditions gave rise to modernity (Weber 1958). In a similar way, he also examined the sociology of other religions, including Islam, and suggested how and why they did not lead to modernisation. Masud and Salvatore have correctly identified this Weberian trend in the literature on Islam and modernity (Masud and Salvatore 2009). They suggested that scholars have investigated the nature of Islam, the values it promotes, the societies it generates, and the identities it upholds. In addition, they proposed that the Weberian framework could be updated and modified to escape Weber's European bias of the nineteenth century. Islam in the modern world could be examined from the perspective of its impact on social relations (Turner 1974; Eickelman 1981, 269; Salvatore 1997; Stauth 1998).

   In this chapter, I consider the Weberian questions from a different perspective. I ask if these Weberian questions may be matched with what Muslims have done in an identifiable, discursive tradition in the past and the present. The Weberian questions may be placed alongside similar questions that Muslims have asked in *kalām* (dialectical theology) when it emerged as a scholarly discipline on the meaning of Islamic beliefs, practices, and values. How have these Weberian studies framed Muslim identities, and religious objectives and goals? To which identities of Muslims, and which aspects of Islam, have they directed our attention?

   Kalām emerged as a discipline in response to political disputes among Muslims, and then later in response to the impact of Hellenistic philosophy and the expansion of the Islamic Empire into territories previously dominated and occupied by the Sassanian and Byzantine Empires. Thus, one of the first and persistent questions challenging the Islamic community was the status of a believer who committed grave sins. Does such a person remain

a Muslim? Was a Muslim, thus, definable in relation to his or her works? The eponymous founder of the Hanafi legal school, Abu Hanifa (d. 148/767) is reported to have favoured the view that belief and works were distinct, and that the final judgement should be left to God. This became known as a *murji'a* position, literally meaning "bringing hope" (in the mercy of God). It implied that God would forgive a believer on the Day of Judgement, in spite of his or her misdeeds. Abu Hanifa was opposed to the position that declared that belief and works (especially grave sins) may not be separated (Rahman 1979, 85). This was the position taken by the early radical Kharijite groups who opposed what they regarded as iniquitous rulers that assumed authority in the Islamic state. Their iniquity rendered them disbelievers, the Kharijites claimed, and thus unfit to govern. Such political questions were developed into comprehensive theologies that progressively incorporated questions of free will, predestination and everything to do with human agency. These queries may be said to be deliberations and intense debates on the nature and identity of a Muslim: what makes a Muslim? What makes a heretic? What distinguished a true Muslim from another?

Another set of questions emerged from thinking about human obligations in a changing environment. The expansion of political authority outside Arabia created new conditions, and thus new questions for the early Islamic state and society. They included questions on what to do with spoils of war, but also how to manage social relations, trade agreements, and ritual obligations. In response to these questions, schools (*madhāhib*) developed in the important towns such as Medina, Mecca, Damascus, Basra, and Kufah (Schacht 1959). Al-Shafi'i (d. 204/820), the eponymous founder of another important juridical school, attempted to limit the use of independent reason, and subject all decisions to the Qur'an and the hadith of the Prophet Muhammad. In particular, he circumscribed the application of *qiyās* (analogy) and *ijtihād* (juristic reasoning) used by his contemporaries and predecessors (Al-Shafi'i 1940, 1961; Calder 1983). Other scholars took a different stand, proposing that revelation and reason were compatible with each other. In their view, the opinion (*ra'y*) of a believer need not only be controlled by devotion to tradition. It could also be disciplined by the exercise of reason. Such a view was held by the Mu'tazilites of Iraq, the earliest theologians in Islam, who developed an elaborate theology based on the equivalence of revelation and reason. Many of them held that the exercise of reason constituted the first duty of a Muslim. The nature of God and his attributes, the meaning of good and evil, and the obligations of a believer should and could be developed from revelation on the basis of rational reflection (Watt 1962, 47). These debates on the merits of texts, traditions,

and rationality became the foundation of a discursive tradition on the fundamental meaning of Islam, and the absolute necessity of key beliefs that should be adopted by all Muslims. This was the discourse of *kalām* that was eventually also shared with Christian and Jewish theologians in the Middle Ages.

Modern scholars have offered interesting perspectives on the purpose and objectives of these questions and debates among *kalām* scholars. Gardet suggested that *kalām* was "a defensive apologia, the function of which [was] firmly to establish religious beliefs by producing proofs, and to cast aside doubts" (Gardet 1995, 592). Moreover, reason (*'aql*) was used to "purify the idea of God from all anthropomorphism," the aim being to "justify it against the enticements of Greek thought and the attacks of the *zanādiqa* (free thinkers)" (Gardet 1995, 592). *Kalām*, then, was a discourse that defined Islam (God, values) and Muslims. Hodgson offers a more expansive and comparative perspective of *kalām* as a vision of religious experience. *Kalām*, he says, rejected the vision of timelessness offered by Platonic philosophy at the time, and offered a religiosity that embraced the historically significant events of revelation (Hodgson 1974, 437-442). Martin, more radically, does not see *kalām* as an alternative vision of religion, but a practice that stood in place of one. Whereas Islam meant peace, the opposite (pathos) was war and violence. The disputation of *kalām*, according to Martin, took its place between Islam and pathos: "a powerful mode of discourse for constructing and maintaining those sectarian and political boundaries that would ideally have to be overcome for Muslims to realise their eschatological vision of world order and peace" (Martin 1988, 111). *Kalām* for Martin, then, was not itself a spiritual engagement, but an important means of overcoming obstacles towards one. In the medieval world, schisms and sectarian divisions stood in the way of this vision. Some of the essays in Tim Winter, ed., *The Cambridge Companion to Classical Islamic Theology* (2008) follow a similar but more direct analysis. The history and success of *kalām* was a long and necessary path to return Muslims to the essential message of revelation (Mayer 2008; Michot 2008). Notwithstanding the finer points of detail, it is clear that *kalām* became a discursive tradition pursuing the answer to two major questions: "Who is a Muslim?" and "What is Islam?"

Coming from two very distinctive traditions, dialectical theologians and Weberian scholars asked these overlapping questions. I present a map of studies on modern Islam, as they documented and analysed the meaning and role of Islam in modern societies. I identify their unique approaches to modernity, and also their approach and understanding of culture and religion. I show that they were progressively applying new ideas in the

social sciences to identify Islam and Muslims. At each stage, I analyse this identification from a *kalām* perspective.

2   Modern Islam: The Field of Study

I divide the literature into three approaches in terms of their approach to modernity. Firstly, earlier twentieth-century scholars worked with standard modernisation theories where Enlightenment values and European social and political formations were accepted as normative, and in turn confronted and challenged traditional ideas and societies. In this first framework, Islam as tradition was bound to disappear in the face of modernity (Lerner 1958). Later historians like John Voll focused on the encounter between Islam and the modern West. This second approach was open to the possibility of a transformed tradition in the modern world, similar to what had happened in the past between Islam and the Greek intellectual tradition, or Islam and the Persian Empire. A third group challenged the Weberian conception of modernity, proposing constructivist approaches to modernities in different cultural contexts (Taylor 1993; Eisenstadt 2000; Salvatore 2009). In this third group, we may speak of Islamic modernity or modernities.

2.1   Modernity Confronts Islam: The Impossibility of Islamic Modernism

Hamilton Gibb, W.C. Smith, Kenneth Cragg, and Gustave von Grunebaum regarded Islam as a culture and civilisation that reached a high level of maturity in the past, but was challenged and threatened by the values and systems of Western modernity. In their work, modernisation was associated with both Western culture and Western political and economic power. Islam and Muslims were identified as traditional, the antithesis of modern, and sometimes even non-modernisable. Some suggested that Muslims could modernise if they adopted some features of modern Western culture. Others were less hopeful, and advocated that Muslims ought to fundamentally redefine Islam for a modern world.

  Ignaz Goldziher, William Montgomery Watt, and Kenneth Cragg were among those aware of the attempts by contemporary Muslims to produce new interpretations of Islam, and they give us a glimpse of the possibilities available. Goldziher's book *Introduction to Islamic Theology and Law* presents a strong argument for the ability of Islam's adaptation to new ideas and institutions. Taking a long historical view, he shows that Islamic

theology systematically opposed new ideas but then incorporated them in its expansive embrace through consensus (*ijmā*ʿ). Historical examples of these included the celebration of the birthday of the Prophet (*mawlid*), dialectical theology, and the cults of saints. In modern times, he suggested, the same process was at work. Muslims, for example, at first resisted government bonds and printing presses, but then accepted them through consensus (*ijmā*ʿ). Goldziher does not forget to remind his readers, though, that there was a strong and persistent tendency to resist change in Islam. This tendency was symbolised most clearly by the Hanbali school of law and its followers who regularly invoked a return to the example of the Prophet (Goldziher 1981). Such a tendency committed Muslims to the past, and thus posed an obstacle to their modernisation.

Watt and Cragg accepted the main outline of Goldziher's model, but pointed to some new approaches developed by Muslims. While Goldziher referred to the mechanism of consensus (*ijmā*ʿ) that almost imperceptibly accommodated Muslims to new developments, they pointed to attempts to create indigenous Islamic modernisms. Watt admired Iqbal for his imaginative approach, but for which "the time was not ripe for further theological speculation" (Watt 1962, 162). Cragg also reviewed a large number of Muslim modernists grappling with modernity and modernisation – presenting a synopsis of developments since the nineteenth century. In conclusion, though, he suggested that Muslims might follow the example of Christianity in responding to the philosophical challenge of modernity. As Christians had adopted the cross as a key symbol, Muslims may similarly focus on the compassionate God in the Qur'an (Cragg 1967, 193).

Von Grunebaum and Gibb were even less hopeful for an Islamic modernity than Goldziher, Watt, and Cragg. Von Grunebaum certainly recognised Islam's adaptation to new contexts, but argued that the ideal itself was a problem. For Von Grunebaum, it was an immutable ideal that fixed the gaze of Muslims on the past (Von Grunebaum 1962, 209). Gibb presented a history of Islam as a pendulum swing between transcendentalism and immanentism. At times, Muslims focused on God as transcendent, and they developed attitudes, values, and practices accordingly. At other times, God as immanent produced tendencies towards inwardness and personal orientations. In the modern period, transcendent Islam was dominant and, according to Gibb, incompatible with the immanentist mood of modernity (Gibb 1947, ch. 2). Gibb seemed to give Islam the benefit of the doubt, but his general prognosis was sombre, and it emerged clearly in three essays published in 1970 and 1971 on the "Heritage of Islam in the Modern World." In these essays, Gibb focused on the modern nation-state as the greatest

challenge to Islam. The latter was held together, according to Gibb, by a
"sense of community and community values [that] always have been the
strongest motive force in the internal history of Islam." This sense of com-
munity, Watt went on, was "largely responsible for the remarkable degree
of success which it achieved ... as a socio-religious system" (Gibb 1970a, 4).
However, it was now challenged by the nation-state and nationalism, against
which it had no real response. All the achievements of the past were helpless
against the tide of nationalism (Gibb 1970a, b, 1971).

These studies did not all explicitly follow Max Weber. They hardly ever
presented a detailed or general study of the ethics, economics, and values of
Muslims during this period. However, the studies were directly concerned
with Islam's contribution to the development of modern societies. There was
some hope for modern Islam if Muslims maintained a judicious adaptation
of the legacy, against the example of the Prophet. Alternatively, they could
re-examine the sources to find something valuable, akin to the history of
modern Christianity (Cragg and Watt). The sub-text is a clear sense of the
difficulty or impossibility of Islam's experience in the modern world.

These reflections and propositions of modern Islam take on an interesting
meaning from the perspective of *kalām*. Two aspects of the *kalām* question
"What is Islam?" are worth noting. Islam was located within a dominant
binary logic of the time. In this view, Islam was clearly part of tradition, as
opposed to the modernity of the West. Most of the scholars examined, in
fact, do not define modernity or tradition very explicitly. They work with the
presumption of an obvious modernity represented by Europe. Modernity
implied change, progressive development, and the status quo. Tradition
was its opposite, and it was associated with negative qualities. Islam was
clearly defined as traditional. Whereas Muslims previously had answered
this question by presenting a list of duties or beliefs, or argued the rationality
of God's essences and attributes, these studies place Islam in the world of
tradition. This binary opposition added a new dimension to the meaning of
Islam. Henceforth, questions pertaining to Islam were not limited to reason,
justification, and belief, but to its modern or tradition-like characteristics.

One direct consequence of this reflection on the modernisation of Islam
was the splitting of Islam between its ideal and reality. From Goldziher to
Gibb, we were reminded that Islam could be separated between its ideal
and reality. Islam was more clearly identified with its ideal in the past, best
represented by the community of Muhammad. This perspective reflects the
approach of Muslim intellectuals in the nineteenth century who claimed
to go back to the pious ancestors (*al-salaf*), reflecting a familiar historical
reference to the past (Moosa and Tareen 2012). They turned away from the

existing "traditions" of Islam to the original model of Islam. In the perspective of these studies, however, the future of a modernised Islam did not lie with this ideal. Muslims would and should adopt contemporary traditions and turn away from this ideal. Historical Islam's redeeming feature had been its tendency to adapt to local circumstances, away from this fixed, complete, and unchangeable ideal (Von Grunebaum). For Goldziher, also, modernist Islam might be successful if it was not too faithful to the ideals of the past. For modernist Islam, thus, the ideal past should be an anti-vision. Unlike European modernity, which found its visions in Greece, Muslims will modernise by adopting and adapting Western models. The origin of Islam, unlike Athens, did not offer a recipe for modernisation.

The literature on Islam and modernity divided Muslims into modernists and traditionalists. Religious scholars are repeatedly identified as those who most resist change, while modernisers receive the most attention as they represent a promising future. In general, though, the binary division of modernists and traditionalists replaces the sectarian divisions of Islam. In the literature, they constitute a new sectarianism for Islam in the modern world.

2.2 Islam Meets Modernity: Modern Islams

Voll, Hoebink, and Lapidus offered a very different approach to Islam and modernity (Voll 1982; Hoebink 1998; Lapidus 1997). They did not see a one-sided meeting of Islam and modernity, leading to an inevitable end. They focused on a productive encounter, producing multiple responses. Drawing on the longer *durée* of Islamic history, they also compared the Islamic encounter of modernity with early experiences. These earlier encounters did not lead to the destruction of Islam, but were, in fact, productive and fertile for dynamic change.

Voll's study, first published in 1982, presented a general overview of Islam and its encounters. For Voll, there was a stable core around which Muslims responded to modernity and similar challenges in the past. For Voll, "Islam is not just religion, it is a total way of life" and "to be a Muslim is not simply a matter of individual belief; it means participating in the effort to implement God's will on earth" (Voll 1982, 4, 8). It is this vision that faced modernity, as it had faced earlier challenges. The first challenge, according to Voll, was the death of the Prophet, who had to be replaced with someone to lead the community. This was followed by the building of an empire, new cultural and intellectual encounters with Hellenism, and challenging political and social conditions (Voll 1982, 17-21). In each case, Muslims adapted and

developed the original vision of Islam as a "way of life." In the first, for example, Muslims were preoccupied with identifying the kind of leaders that should replace the Prophet. Out of this experience emerged new ideas of charismatic succession (Shi'ite imams, Sufi teachers) and communal boundaries and instruments (*salaf, jamā'a, ijmā'*). Such developments grew out of the original vision of Islam meeting new conditions. Voll's framework offers a constantly changing and developing vision of Islam as a "way of life."

The other significant aspect of Voll's study is his identification of Muslims in these encounters. He divided Muslims in terms of their response to these encounters: "the pragmatic adapters, the conservatives, the fundamentalists, and those who emphasize personal charisma" (Voll 1982, 12). Voll called these "basic styles" and "forms of Islam." Pragmatic adaptors were those who were willing to reinterpret the original message, finding elements that had not been seen there before. On the other extreme, fundamentalists resisted change and put up a defence for a primordial Islamic way of life. Conservatives were in the majority, who adapted more slowly and often imperceptibly. Those who emphasised personal charisma focused on inspired and guided individuals who were regarded as the carriers of the "way of life" in their persons.

According to Voll, modernity was a complex set of changes and institutions that dominated the world over the last few centuries. It included capitalism, the modern state, and general Western influences on a global scale. Muslims were divided in their responses to these developments, and they drew on the above-mentioned styles of action. Voll does not define modern Islam any further than pointing to the diversity of responses. The vision of "implementing the will of God" was kept alive, in different forms by diverse groups.

Michel Hoebink also adopted the framework of an encounter, but was more specific on the cultural challenge of modernity posed to Islam and Muslims. Working with the hermeneutical strategies of contemporary Arab thinkers, he identified the face of modernity as secularisation according to Western models, and the nature of the modern state. These were the key issues that Arab thinkers were grappling with in their works. Emerging from the Enlightenment, modernity was closely associated with secularism, the modern state, and a generally a-religious or anti-religious view of life. The hermeneutics of Islam was founded on diametrically opposed foundations, and Arab thinkers were finding a way to resolve or resist such changes. Hoebink, however, did not regard Western modernity as unique and distinctive, and did not think that this was the first hermeneutical challenge faced by Muslims. Modernisation, according to Hoebink, was "a cultural

adaptation to social change – a process which occurs continuously and in all cultures" (Hoebink 1998, 30). In this perspective, Muslims encountered "modernisation" in the past. In response to such challenges, Muslims differed among themselves on their willingness to interpret the essential message of the Qur'an: modernists adopted continuous interpretation; fundamentalists opposed interpretation in principle; while conservatives supported change to a limited extent. With contemporary modernity, a similar process was under way. Muslims in the modern context were finding appropriate responses to the challenges of secularism and the modern state.

Both Voll and Hoebink offered an approach that did not lead to the capitulation of Islam to modernisation. The encounter between Islam and modernity was not as inevitable as it seemed to someone like Von Grunebaum or Gibb. They did not assume the superiority of the modern West, and certainly did not portray the dire consequences for a tradition that failed to respond adequately to these challenges. Nevertheless, modernity challenged the vision of Islam (Voll) or the meaning of its sacred text (Hoebink). Muslims responded to these challenges as they had done in the past. Modernity, in this framework, was domesticated to Islam's longer history. It was merely the latest of the challenges that first began with the death of the Prophet Muhammad. The resources of history were employed to respond to modernity.

Voll and Hoebink stress different aspects of modernity, elucidating different aspects of modern Islam. Focusing on general historical changes brought along by capitalism and globalisation, Voll focuses on how the community (*umma*) met these challenges. Unlike Gibb, who saw only the threat of nationalism to the *umma*, Voll stressed that Muslims were producing new ways of thinking of the original vision ("implementing the will of God on earth"). Hoebink focused on the threat of secularisation to Islam, and similarly showed how Muslims responded with hermeneutical inventions. Modern Islam, according to Hoebink, was an intense grappling with the production of or resistance to a new hermeneutic.

Voll and Hoebink offered new answers to the *kalām* question "What is Islam?" Islam was a unified symbol, more clearly specified. For Voll, Islam was a community seeking to implement the Will of God on earth. For Hoebink, Islam represented a hermeneutical engagement with revelation. This specificity relating to "a vision" or "a hermeneutic" replaced a general reference to Islam in the work of their predecessors as a grand civilisation or a religion. From both Voll and Hoebink, however, the vision and the hermeneutic were in a state of continuous change, periodically adapting and modernising themselves. In fact, Muslims were by definition re-inventing the vision

and hermeneutic in history. Islam re-invented itself as a new hermeneutic (Hoebink) or a new vision of implementing the will of God (Voll). "What is Islam?" gained more specificity, but it was by definition changing.

The frameworks proposed by Voll and Hoebink also offered new answers to the question "Who is a Muslim?" Voll and Hoebink split the dichotomous modernist-traditionalist binary pair, and pointed to multiple responses of Muslims. In response to change, Muslims were conservatives, traditionalists, adaptationists and focused on personal models. Voll and Hoebink suggested new foundations for modern Muslim identities. Moreover, all such responses were modern by definition. Adaptationists, conservatives, and fundamentalists were constituted in their encounter with modernity. They were all modern, even if their responses appeared to be tradition-like. A Muslim was still identified through the encounter, but her identity had been fully absorbed into modernity.

2.3   Constructing Islamic Modernities

More recent reflections have developed Voll and Hoebink's approaches. Drawing on a postcolonial mood that emphasised multiple and constructed modernities, they have asked how Muslims produced modernity or modernities. They have taken one further step from modernity as defined and normalised by the West, whilst still engaged with it. Richard Martin and Armando Salvatore provide two contrasting approaches to this engagement. Martin worked with the implications of modern hermeneutics on the study of Islam. Salvatore turned to the "Axial Age" of Jaspers, predating both Islam and the modern West, to focus on how Muslims created discourses. If Voll and Hoebink's work can be seen as turning around Muslim responses to challenges, Martin and Salvatore worked with Muslim engagements. The difference between the two lies in the elevation of Muslims as agents, and the disappearance of the West as principal actor.

Richard Martin has promoted the study of Islam within the comparative study of religions. In two key essays, he put forwards a proposal for the study of Islam in modern contexts that elucidates his model (Martin 1982, 1984). He built his proposal on the work of the anthropologist Clifford Geertz who defined religion as a system of symbols that negotiated the gap that inevitably arose between a world view and ethos. World view was a society and community's conceptual map that was passed down over time, and ethos represented the particular historical conditions in which world view was actualised. Symbols in general, and religious symbols in particular, created a semblance of reality through synthesising "a people's

ethos … and their world view" (Geertz 1966, 3). Martin suggested that this symbolic system from anthropology could be applied to the comparative study of religions. Geertz himself was not overly concerned with the history of the Islamic cultural system in general. He was more focused on the difference between cultural systems in Morocco and Indonesia. For Martin, the historical legacy of Islam could not be ignored in the study of Islam in context. The historical legacy of texts, theologies, and rituals was inherited through a variety of formal and informal ways, and it impacted upon local contexts. In the Geertzian model, the world view of Muslims was the sum total of Islam inherited over time. This was the ideal, the moral vision and the tool of interpretation that were identified respectively by Goldziher, Voll, and Hoebink, among others. Martin asked scholars of Islam to pay attention to how this world view was used, appropriated, and translated in modern local contexts.

Martin went one step further, and reminded his readers that Husserl and Heidegger offered two ways of reading the legacy of Islam. With Husserl, scholars of Islam retrieved the legacy as a model and world view with sufficient bracketing and empathy. Geertz followed this line of interpretation. However, with Heidegger, scholars might also reproduce the legacy in every new reading. Whether one preferred Husserl or Heidegger, the inherited world view was read and re-read in modern contexts. Martin asked that scholars of Islam take into consideration these hermeneutical strategies of reading an inherited world view. Working with the example of the Qur'an, he argued that the ritual could be read as an attempt to connect Qur'an recitation to its performance, exegesis, and meaning to the past, the present, and the future. This history impacted upon a particular reading in a new context – negotiating between the past and the present. In this case, Martin also suggested that reading the Qur'an in new contexts was a re-enactment of the Qur'an recited first by the Prophet Muhammad in the presence of Gabriel (Martin 1982, 384). Martin was offering a phenomenological perspective of a modern recitation of the Qur'an, one that mirrored the first recitation between Muhammad and Gabriel. Modern Islam, then, would be a re-construction of primordial experiences of Prophetic times. Martin was asking scholars of Islam to recognise this phenomenology. It seems that Martin was not specifically asking academic colleagues to pay attention to how modern Muslims were reading this inherited world view from texts and practices as hermeneutical exercises. He was focused on the theoretical models available to academic scholarship.

Martin did not particularly focus on the uniqueness of modernity. He assumed a radical alterity of each experience, however, and his application

of Geertz's model suggests a construction of an Islamic experience in the modern world. Following different approaches and different fields, other scholars have traced the production of modern Islam in similar ways. Aziz al-Azmeh's widely read book, *Islams and Modernities*, identifies Muslim responses to modernity as a form of Romanticism (Al-Azmeh 1993, ch. 2). Examining Islamist criticism of the West, Euben argues that they were producing critiques of modernity that should be compared with similar Western critiques (Euben 1997). Working with political formations, Schulze recognised familiar political ideologies in Arab societies since the nineteenth century, pointing to the modernity of these formations (Schulze 2000).

Salvatore has taken a very different approach to Islamic modernity, one that shies away from the phenomenological direction of Martin's work, and also the critical readings of others that I have mentioned above. Working with a structural approach to modernity, he has followed two distinctive but related paths. In the first, he worked with the ideas of Max Weber and pushed the limits of his theoretical application to the history of Islam. In the second, he has worked with Dale Eickelman on the idea of the public sphere. Both converge around the discursive construction of alternative Islamic modernities. With regard to the first, Salvatore joined other scholars of Islam who proposed an updated Weberian approach, one that expunged the latter's limited or prejudicial understanding of Islam. According to Salvatore, Weber offered a dynamic approach to culture and religion, within which the history of modern Islam may be reconstructed. Salvatore engages in a rich theoretical engagement with Weber, showing how an Islamic modernity may be imagined. He begins, however, with Jasper's theory of the "Axial Age" that began 5,000 years earlier. The key transformative ideas of the "Axial Age" were the absolute separation between the human and divine, and the pursuit of happiness (salvation) in an otherworldly imagined realm. Salvatore argued for an Islamic engagement with these foundational ideas, producing two distinctive features for society. In theology, philosophy, and mysticism, he suggested, the individual believer and his or her engagement with salvation was placed above everything else. Moreover, the Islamic legacy was marked by diversity and the pursuit of consensus through discourse. Salvatore focuses on the history of Islam as a continuing contribution to deep cultural changes inaugurated before Muhammad (Salvatore 2009). He appeals to scholars to recognise Islam's engagement with these ideas. He sees modern Islam, in turn, as a continuing engagement with the "Axial" ideas within new contexts and new possibilities. Muslims were producing a unique modernity with these ideas, as Europe too had

done. Both were continuing engagements with key ideas inaugurated in the "Axial Age."

With specific respect to the modern period, Salvatore worked closely with Dale Eickelman to apply the theory of Jürgen Habermas for Islam in the public sphere. They brought a number of scholars together to reflect and write on what they call "public Islam" and "Muslim publics." Public Islam referred to

> highly diverse invocations of Islam as ideas and practices that religious scholars, self-ascribed religious authorities, secular intellectuals, Sufi orders, mothers, students, workers, engineers, and many others make to civic debate and public life. In this "public" capacity, "Islam" makes a difference in configuring the politics and social life of large parts of the globe, and not just for self-ascribed religious authorities. (Salvatore and Eickelman 2004b, xii)

"Public Islam" referred to articulations on Islam within public spaces. These voices and gestures produced new possibilities of both agreement and disagreement, but most importantly contributed to the production and maintenance of discursive worlds (Salvatore and Eickelman 2004a, 16). The net effect of "public Islam" was the production of "Muslim publics," which by definition were discursive spaces within cities, regions, nations, and the global cyber-world. In any one place and time, multiple publics were deliberating on notions of the common good on various issues. Two features stand out in the production, as reflected in the work of Salvatore, Eickelman, and their collaborators. The role of new media was crucial, beginning with print and continuing in the era of virtual worlds. Modern media made religious texts more widely available, provided access to present one's views, and increased the possibility of sharing such ideas with others across space. Secondly, non-specialists joined in the production of "public Islam" and the constitution of "Muslim publics." Participation in "public Islam" was not limited to those who studied Islamic sciences over many years. Anyone with access to media could and did participate in the production. Participation in "Muslim publics" was not even limited to Muslims. In an early book, Salvatore had suggested how an open and cumulative discursive engagement between Arab and European observers and social scientists had produced "political Islam" for the public sphere (Salvatore 1997). Salvatore was suggesting that modern technology provided another step in the path of Islam's engagement with "Axial" values. Its earlier focus on the individual believer was further consolidated by

technology's ability to extend access to each and every participant in the discourse.

Taking the two lines of argument together, we can see Salvatore drawing on the theory of the "Axial Age" to locate the intellectual history of Islam. He then employed the idea of the public sphere to indicate how modern Islam was being produced as publics. New political structures and technological innovations were presenting opportunities for the elaboration of this *longue durée* of Islamic engagement. Modern Islam was thus presented as an alternative modernity, the modernisation of Europe being one particular instance of this engagement.

In different ways, Martin and Salvatore approached modern Islam as a language game in the Wittgensteinian sense of the term. Martin developed Geertz's approach for a religious tradition with a long history, with a focus on the role of symbols. His model suggested that Muslims worked with symbols, and modern experiences should be appreciated for this symbolic work. Similarly, Salvatore proposed that Islam was a discursive tradition that engaged with "Axial" values, and was now re-imagining those values in an age with different experiences and technological possibilities. For both Martin and Salvatore, one aspect of the question "What is Islam?" was answered: Islam is a language. It is a specific application of the proposal by Talal Asad to regard Islam as a discursive system. Asad had been critical of Geertz and others who regarded Islam as a closed and distinctive cultural system, and argued for a discourse that managed and produced selves, communities, and values (Asad 1986). With Islam as language and discourse, Martin and Salvatore put Muslims at the centre of modern Islam. Muslims read and wrote Islam.

While the meaning of Islam was clearly identified as language, it lost any specific substance, however. By definition, Islam was what its language participants made it to be. Martin reminded us about the complexities of reading a language and texts that others have produced. The hermeneutical reflections of Husserl and Heidegger made it hazardous to guess what Islam was at any one particular time. In the essays studied, Martin's approach focused on the re-enactment of the Prophetic period that gave modern Islam a focus. He was following a Husserlian approach to the phenomenology of recitation. However, his general model did not prevent a scholar of Islam from taking a Heideggerian approach to reading the legacy of Islam. Modern Islam potentially becomes a hermeneutical exercise that does not simply repeat the approaches of the past (as Hoebink seems to suggest). Salvatore's discursive approach was equally centrifugal around core "Axial" values. The public sphere prepared opportunities for multiple values and discourses that

were not bound and limited to the legacy of Islam. No longer controlled by religious leaders or even by Muslims, the discourse of Islam was thrown wide open. In both Martin and Salvatore, "What is Islam?" lost its centre in Islam, as it revolved around the meaning of Islam that each participant brought to the language and discourse at play.

No special group of Muslims or even believers were privileged in these models of engaging in the language of modern Islam. The question "Who is a Muslim?" was not directly connected with modernity or modernisation. Yet, each participant was engaged personally and directly in constructing a modern religious experience. The modernists, the traditionalists, and the groups in between have been dropped in the models. Both Martin and Salvatore want to pay attention to the engaged participant. The public sphere dimension of "public Islam" and "Muslim publics" does not even limit the engagement to Muslims. "Who is a Muslim?" has lost any specificity apart from a presumed interest or experience.

3   Discussion and Conclusion

Studies on modern Islam have offered fascinating insights into what has become of Islam in the modern world. I have tracked their journey that began with a search for an Islamic modernism, to the pursuit of personal engagements in discourse. At each stage, new perspectives were offered on questions that were first formulated by Max Weber about the history of religious traditions. The binary opposition of modernity and tradition was used by earlier twentieth-century scholars, but then progressively replaced with more sophisticated and nuanced approaches to change and modernisation. Similarly, earlier Western assumptions of modernity were moved from the centre to the periphery, and Islam and Western modernity were placed in a rubric that went beyond them both. The literature, from one perspective, may be seen as a progressive grappling with modernity and its meaning in relation to Islam. And this chapter has shown how more nuanced models of modernity were used implicitly and explicitly to define and identify Islam in the modern world.

My main purpose, however, has been to put these Weberian reflections under the framework of *kalām* questions. From the perspective of *kalām*, what was the search for modern Islam telling us about the identity of Muslims ("Who is a Muslim?") and the meaning of Islam ("What is Islam?")? I propose that two main preoccupations are present in the literature. The first was a form of justification that behoves any good theological discourse. While

earlier *kalām* was concerned with justifying revelation against reason, the study of modern Islam could not escape justification against modernity. Secondly, the study of modern Islam has been a search for representation that has become progressively more difficult. The representation of Islam suffered the fate of all representations in the social sciences and humanities in the twentieth century. For Islam in the modern world, the story of representation has been a progressive and perpetual postponement of being Muslim, and of Islam itself.

The justificatory preoccupation of the literature of modern Islam is most clearly evident among the first group of scholars mentioned above. From Goldziher to Gibb, modern Islam was justified against the successes and achievements of modern, Western Europe. As in the past, when Muslims found a rational basis for belief, scholars of modern Islam were examining the possibility of an Islamic theology or interpretation of modernity that would be similar or compatible with modern Europe. Most invariably found that Muslims, even modernist Muslims, failed in this endeavour. There were, however, some who believed that a truly modernist Islam was available and within reach. As Muslims had produced arguments for the rational basis of Islamic beliefs and values in the past, a similar exercise might be possible for Islam in the modern world.

This explicit justification of modern Islam was avoided by those who used different models of modernity and of religion/culture. Voll and Hoebink took the first step to relativise Western modernity. From the perspective of Muslim responses, they referred to other "modernities" in the past that had prepared Muslims for the present. Salvatore took a bigger step, as he proposed an alternative Weberian model for Islam and Europe that reached into the "Axial Age." These attempts to move beyond the shadow of the West reflected a change in world politics, and also a change in social sciences and the humanities. Europe and the West were no longer the models against which developments were measured in the rest of the world. And these studies in modern Islam were clearly successful in their endeavour to show this new mood. However, Western experience was not completely displaced. Voll and Hoebink avoided an obvious comparison between the West and modern Islam, but Western experience and history loomed large against which Muslims responded. Salvatore, too, did not go beyond the impact of the West as a parallel model that preceded the history of modern Islam. Modern Muslims as such were responding to major changes and challenges emanating from the West. There is more than a hint of justification that continued to pervade the discourse. Modern Islam, as pursued in the literature, was by definition tied to the coat-tails of a Western experience. Just as

reason could not be shrugged off in *kalām* in the past, the West cannot be ignored or avoided in the definition of modern Islam and modern Muslims.

If the search for justification was clearly uneasy, another preoccupation was more widely shared. The search for modern Islam was a quest or desire to find the most adequate representation of Islam in the modern world. This was the self-evident task of scholars of Islam such as historians, philologists, and social scientists. From a *kalām* perspective, however, this preoccupation takes on some revealing dimensions. The quest began with great clarity, but concluded with an almost total obliteration of Islam and Muslims. The answers to "What is Islam?" and "Who are Muslims?" became progressively impossible.

For those working with modernity as a normative model of the West, Islam was represented as tradition. In this perspective, Muslims were classified according to their willingness and readiness to modernise. For those who placed an emphasis on Muslims responding to the challenges of modernity, however, the definition of Islam became opaque. Islam was a perpetual adaptation to successive challenges that had first emerged with the death of the Prophet Muhammad. Modernity was only the latest challenge to which Muslims were responding, adapting, and resisting. They adopted different styles of action (Voll) or hermeneutical strategies (Hoebink). The third group of scholars, applying a constructive perspective to modernity, also contributed to this opaqueness. As language, text, and discourse, Islam lost any specific meaning with regard to belief, ritual, or value. Islam had been emptied of all contents. What started as a clear definition of Islam in the binary logic of modernity and tradition ended with elimination of any recognisable feature, ritual, or practice. Focus shifted from the "thingness" of Islam, to responses and engagements.

Similarly, the representations of Muslim identities ("Who is a Muslim?") ended the same way. Goldziher and others replaced the earlier sectarian divisions among Muslims, and between Muslims and other religious groups, with identities determined by Western modernity. In this perspective, modernists and traditionalists replaced Sunnis, Shi'is, Alawis, apostates, and heretics. Voll and Hoebink broke the stranglehold of the binary logic, and focused on multiple responses to modernity. Where Muslims were previously divided between modernists and traditionalists, they were henceforth respondents, and all modernists. They were perpetually modern and always responding to challenges. The Muslim had lost his and her centre of identity. Salvatore turned to the "Axial Age" to search for an Islamic engagement that ran parallel to the West's engagement with the same tradition. Such a parallel modernity defined a particular *Muslim* and *Islamic* engagement

in public spheres. Modern technology made it possible for an increasing number of individuals to participate in these discourses (Salvatore). The Muslim public became invocations of Islam. The Muslim was emptied of fundamental notions of modernity, but also of any tangible belief and of action. Identity moved from the person to the "invocations of Islam" in the public sphere. In Salvatore's model, the Muslim also disappeared. Like Islam, the meaning of being a Muslim also lost any tangible reference. Muslims were defined by their engaging and reading discourses and texts respectively. The centre had fallen through.

Together with justification, then, representation occupied a central role in the quest to identify modern Islam. Islam and Muslims had been placed in the twilight shadow of Western modernity. The shadow was lifted, but enough to mark an outline. More critically, as the quest for representation had come under the challenge of Foucault in general, and Edward Said on the study of Islam in particular (Foucault 1980; Said 1995), representation became impossible. The meaning of Islam and Muslims became responses and engagements *around* activities and beliefs. From the perspective of *kalām*, such "representations" emptied Islam and Muslims of any clear and tangible centre. There was no belief, or ritual, or narrative that held Islam or Muslims together. The meaning of Islam, and of being Muslim, dissolved from any specific belief, act, or value. All was language, deferred progressively and perpetually. The meaning of modern Islam and Muslims were subject to the fate of all postmodernist definitions of terms.

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"Classical" Islamic Legal Theory as Ideology

Nasr Abu Zayd's Study of al-Shafiʿi's *al-Risala*

Muhammad Khalid Masud

1 Introduction

Joseph Schacht opened his classical work on Islamic law in 1950 with the following statement:

> The classical theory of Muhammadan law, as developed by the Muhammadan jurisprudents, traces the whole of the legal system to four principles or sources: the Koran, the *sunna* of the Prophet, that is, his model behaviour, the consensus of the orthodox community, and the method of analogy. The essentials of this theory were created by Shāfiʿī … [H]e carried it to a degree of competence and mastery which had not been achieved before and was hardly equalled and never surpassed after him. (Schacht 1959, 1)

Obviously, classical theory to Schacht meant Muhammad b. Idris al-Shafiʿi's (d. 820) theory about the system of four sources, due to his basic interest in the history of legal hadith. He considered it classical, apparently, because to him this theory is unequalled and unsurpassable in mastery and competence. Before exploring whether the central point in al-Shafiʿi's theory was defining the four sources, let me first consider the significance of Schacht's characterisation of al-Shafiʿi's theory as "classical." It is pertinent to note that the term "classical" generally refers to Greek and Roman traditions alluding with admiration to perfection, completeness, and beauty in these cultures. Lately, it has also been used to distinguish between modern and ancient cultures and civilisations; antiquity is not necessarily used in a negative sense. However, one is not sure whether Schacht uses the term in the sense of admiration, because in an article about Islamic law written almost within a decade of the book cited above, he employed the term "classicism" as a synonym for fossilisation, decline, and immobility (Schacht 1957, 141). Furthermore, with reference to Islamic law, the attribute "classical" in modern settings may also mean that it is not adaptable to modern needs

because in this theory Islamic law is religious and sacred in its source. This perception of classical was probably born in the wake of colonial modernism that defined non-Western cultures, especially legal traditions, in terms of decadence.[1] Those cultures were declining and could not be reformed; they could only be replaced with modern and more advanced legal systems.

Ironically, this approach was more agreeable to Muslim conservatives who romanticised Islamic law as perfect and ideal and hence not in need of reform. Western discourse generally ignored or did not value the voices of reformist Muslims who were critical of the conservative narrative of Islamic law and argued that Islamic law as such is not a revealed law but changeable as a human product and adaptable to the needs of time. Most Western scholarship regarded these voices as defensive and apologetic (Masud and Salvatore 2009, 36-56).

The second significance of Schacht's statement is the pivotal place that he gave to theory, preferring it to substantive law, which he considered "practice." Even though substantive Islamic law attracted the attention of Western scholars first and was the topic of their studies in numerous volumes, their observations about the nature and history of Islamic law were later dismissed as relating to mere "practice" in their studies of Islamic legal theory, especially on al-Shafiʿi, who was often regarded as the master architect of classical Islamic legal theory.

The crucial point of reference in the studies of Islamic legal theories has been al-Shafiʿi's epistle. Arguably the first treatise that defined the Qurʾan as the primary text, *al-Risala* links other sources to this revealed book. Studies on the history, nature, and adaptability of Islamic law have largely relied on this epistle. Since then an increasing number of scholars have offered more critical studies of Islamic legal theory, underscoring the need for further explorations into the subject.

The third significance of Schacht's statement is that it continues to provide a framework for studies on Islamic law. Recent studies are challenging Schacht's conclusions but continue to analyse al-Shafiʿi's contribution from the perspective of four sources.[2] Bernard Weiss' "Alta Discussion" with contemporary experts on Islamic jurisprudence in his recent publication on Islamic legal theory underlines Schacht's continuing influence on the framework of inquiry (Weiss 2002, 385-429). Joseph Lowry suggests that al-Shafiʿi's *al-Risala* deserves to be studied "with a wider lens, to do justice to its aspiration to provide a general account of Islamic law, in which Prophetic

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1   For an analysis of classical Western scholarship on this point, see Masud (1995, 1-26).
2   See for instance, Hallaq (1993) and Powers (2010).

authority is only one element" (Lowry 2007, 11). Yet he does not feel the need to challenge Schacht's conclusion about al-Shafiʿi's place in the evolution of a concept of prophetic authority. This is probably because al-Shafiʿi's *al-Risala* is still considered essentially a work on Islamic legal theory. Some Muslim scholars have suggested different approaches to studying this epistle – rhetorically, hermeneutically, and historically. Due to a lack of communication between different academic communities in Islamic studies, particularly between Western and Arab scholarship, other perspectives on al-Shafiʿi's works have not attracted due attention.

Commenting on Lowry's scholarly study of al-Shafiʿi's epistle (Lowry 2007), Ahmed el Shamsy observes a widening gap between Arab and Western scholarship. Despite the fact that Lowry takes note of six studies on the epistle in Arabic, he does not include them in his discussion (El Shamsy 2008). El Shamsy is also disappointed about the absence of Nasr Abu Zayd's "highly intelligent study" of al-Shafiʿi's *al-Risala* (*Al-Imam al-Shafiʿi wa taʾsis al-idiyilojiyya al-wasatiyya*) in Lowry's analysis of this epistle (Abu Zayd 1992, henceforth *Taʾsis*[3]). It is particularly significant that Lowry mentions Abu Zayd's study of *al-Risala* merely in a footnote and in connection with the four-source theory.[4] El Shamsy's remarks about the neglect of Arabic literature on the subject deserve serious attention in order to understand the broader scope of al-Shafiʿi's epistle.

Nasr Abu Zayd studied *al-Risala* from the perspective of discourse analysis, as he was more interested in the hermeneutical issues of "religious discourse" and "textual authority" than in the problem of the "four sources." The present essay is a focused study of Abu Zayd's monograph on al-Shafiʿi's *al-Risala*.

2 Nasr Hamid Abu Zayd (1943-2010)

Naṣr Abū Zayd was an Egyptian Islamic scholar and an expert on Qurʾanic hermeneutics. He is well-known for his two books that became controversial: his 1992 *Al-Imam al-Shafiʿi wa taʾsis al-idiyilojiyya al-wasatiyya* (Imam al-Shafiʿi and the foundation of the ideology of synthesis) and his 1995 *Naqd*

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[3]   I used the second edition which was revised by the author and published by Madbuli in 1996. The first edition was published in 1992; other authors usually refer to this specific edition. Henceforth, *Taʾsis* in the text of my essay refers to the 1996 edition.

[4]   Lowry (2002) mentions Abu Zayd's work in a footnote (pp. 26-27, n14) but only as a "sample of modern scholars who have expressly followed the four-sources theory."

al-khitab al-dini (Critique of religious discourse). These books challenged the mainstream Muslim views on al-Shafi'i, *uṣūl al-fiqh* and Islamic tradition, and stirred the controversy that subsequently led to his exile.

Born in a village near Ṭanṭā, Abu Zayd came to Cairo and joined Cairo University in 1968. He submitted his master's thesis on *Metaphor in the Qur'an: A Study of the Mu'tazila* in 1973. He completed his PhD dissertation on *A Study of the Exegesis of the Qur'an in Ibn 'Arabī* and joined the faculty of the Department of Arabic Language and Literature at Cairo University as an assistant professor in 1982. He was promoted to associate professor in 1987.[5]

In 1992 his application for promotion to the position of full professor was refused. One of the committee members accused Abu Zayd of "clear affronts to the Islamic faith," and opposed the proposal for his promotion. Despite two reports in his favour, the Cairo University Council refused the promotion, ruling that his works did not justify it.

In 1993, he was eventually promoted to the rank of full professor by Cairo University, recognising his scholarly achievements. This appointment escalated the religious controversy. His opponents took the controversy to the *ḥisba* court and presented his books as evidence. The court declared him apostate and cancelled his appointment as professor. In 1995, the Cairo Appeals Court declared Abu Zayd's marriage also null and void, a decision which was confirmed by the Egyptian Supreme Court. These court judgements forced Abu Zayd and his wife to go into exile in Europe. They eventually settled in the Netherlands. First, he taught at Leiden University. Later, he held the Ibn Rushd Chair of Humanism and Islam at the University of Humanistic Studies in Utrecht, the Netherlands, while supervising MA and PhD students at Leiden University as well. He also participated in a research project on "Jewish and Islamic Hermeneutics as Cultural Critique" in the "Working Group on Islam and Modernity" at the Institute of Advanced Studies of Berlin. In 2005, he received the Ibn Rushd Prize for Freedom of Thought. He died on 5 July 2010 in Cairo as a result of an unidentified virus infection and was buried in his birthplace, on the same day.

Abu Zayd's life story, especially the controversy over his writings and consequent difficulties, shows that critical study of Islamic legal theory is not simply an academic activity. Criticising mainstream views proved to be a matter of life and death. Abu Zayd's research work was very close to the lived realities. In an interview published in *al-Ahrām* on the day he was declared apostate from Islam and placed under house arrest, he explained how he related his writings to the events in his life. Recalling

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5   Information about Abu Zayd's life is taken from Anis and Howeidy (1995).

his writings on religious discourse he remembered how the mainstream religious discourse shifted with the changing political perspectives in Egypt between the 1960s and 1970s:

> My own experience encompasses divergent interpretations of Islam from the 1960s and 70s. In the 60s the dominant religious discourse was that Islam is the religion of socialism and social justice, and that it urges us to fight imperialism and Zionism. In the 70s, with the open door policy and peace with Israel, "Islam became the religion that guarded private property and urged us to make peace with the Israelis." (Anis and Howeidy 2010)

Explaining the impact of the context of his writings on the concept of the text, he recalled his anxiety about the chaos to which an uninformed interpretation could lead:

> This resulted in the book, *The Concept of the Text: A Study in the Quranic Fields of Knowledge*. My premise was that before dealing with questions of interpretation of the text, one must first define the text, examining the laws that govern the study of that text, because we cannot leave the door open for any and every interpretation. It was at this point that I began to make use of developments in hermeneutics.

> The study of hermeneutics revealed to me the dangers involved in leaving a religious text prey to interpretation by anybody. Religious texts profoundly influence social and cultural life: if we place them at the mercy of the ideology of the interpreter without defining the extent to which the text lends itself to exegesis and the limits of the meaning it offers, then we are in deep trouble. Any text is a historical phenomenon and has a specific context. It is from this premise that I proceed to examine the context in which the Quran has been studied within various schools. And I discovered that the understanding of context was always partial. It had to be expanded to include pre-Islamic society, its values and traditions, to comprehend the development of the text within society. (Ibid.)

Explaining the context of his book *Critique of Religious Discourse*, he was reminded of his dissertations on the Muʿtazila and Ibn ʿArabī. Mainstream scholars accuse the Muʿtazila and Ibn ʿArabī of using the Qurʾan for their political purpose. How, then, is the contemporary religious discourse free from political discourse?

> In this context, I am convinced that if the Mutazilites and the Sufis used the Quran to serve political ends, then this applies equally to contemporary political religious discourse. I am a man who dreams of a better future for his country, his countrymen and his students and these are the concerns that lay behind the intellectual effort which resulted in my book *Critique of Religious Discourse*. (Ibid.)

He explained how his opponents shifted the emphasis and changed the context to distort his views to serve their political objectives, namely refusing him the position of professor:

> But it was sections of this book, along with parts of my book on Al-Imam Al-Shafie, and a paper on 'the distortion of context in the interpretations of the religious discourse', that provoked these accusations of apostasy, accusations that are based on a distortion of my ideas. For example when I spoke of the *Ḥadīth* being secondary to the main text, that is the Quran, it was said that I had trivialised the value of the *Ḥadīth*. (Ibid.)

Abu Zayd's story is one of several other events that reveal the impact of al-Shafi'i's legal theory on Muslim thinking until today. Academic studies often tend not to include related personal stories in order to avoid subjectivism. In my view such events in fact reveal the inner reason and the true importance of al-Shafi'i's theory and explain why it continues to be relevant today when the legal and political contexts have changed. It is for this purpose that this chapter focuses on Abu Zayd's analysis of al-Shafi'i's *al-Risala* as an ideology.

3   Islamic Legal Theory as an Ideology

From the perspective of this chapter it is significant to note that Abu Zayd's colleagues mainly read his *Al-Imam al-Shafi'i wa ta'sis al-idiyilojiyya al-wasatiyya* as a book on Islamic jurisprudence. When they questioned the author's competence on the subject,[6] Abu Zayd insisted that al-Shafi'i's *al-Risala* was not essentially a treatise on jurisprudence, *fiqh* or *uṣūl al-fiqh*; its subject was epistemology. The question of competence was raised in the context of his application for promotion but Abu Zayd responded to it as an issue of sociology of knowledge in a broader sense. In order to understand

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6   See Muhammad Baltaji's statement in *Al-Sha'b*, 16 April 1992, cited in *Ta'sis* (1996, 6).

this debate, it is appropriate to first briefly introduce al-Shafiʿi and his epistle.

3.1   Abu ʿAbd Allah Muhammad b. Idris al-Imam al-Shafiʿi (777- 820)

Born in Mecca into a noble family of the Quraysh, al-Shafiʿi studied hadith and *fiqh* with the masters of two prominent schools, with Mālikīs in Medina from 787 until 802, and with Ḥanafīs in Baghdad between 803 and 806. This was an extremely critical period both in a political and intellectual sense. Different groups contested for supremacy: the *ahl al-ḥadīth* and *ahl al-raʾy* contested for the authentic approach to legal reasoning; the Arabs were apprehensive of Persian cultural influences; and the Abbasids and Hashimites contended for the caliphate. Al-Shafiʿi was in contact with all these groups and was apparently deeply concerned with the dominance of Persian culture, with Muʿtazili theology, and with the neglect of hadith by most jurists. He left Baghdad for Yemen and came back to Baghdad but could not stay long. He finally moved to Egypt in 814. There his conflict with the Mālikī jurists led him to reconsider his views. Most of his biographers mention his revised views as *qawl jadīd* (new statements) compared to his previous positions as *qawl qadīm* (old statements). *Al-Risala*, written earlier in Baghdad, was also revised.[7] In the later years of his life he was attacked and injured by some of his Mālikī opponents. He died in Egypt in 820.

In brief, al-Shafiʿi lived in a period in which several political, cultural, intellectual, and religious groups contested for supremacy and various traditions of religious knowledge were developing into disciplines – a context which clearly influenced al-Shafiʿi's ideology. He studied these conflicting trends and tried to clarify the differences. Abu Zuhra describes the following as al-Shafiʿi's major achievements: he was the first scholar to formulate *uṣūl al-fiqh* (legal theory); he compiled and collected Maliki and Hanafi jurisprudence; he regulated the method of *raʾy* (jurists' opinions) by formulating rules for analogical reasoning; he standardised the sunna; he devised methods of interpreting the Qurʾan and sunna; and he was the first to clarify the notion of abrogation (Abu Zuhra 1948, 11).

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7   According to Abu Zuhra (1948, 143), al-Shafiʿi's intellectual development could be divided into three phases: in the Meccan period he was Maliki; during his stay in Baghdad he tried a synthesis of Maliki and Hanafi jurisprudence; in Egypt he departed from both and adopted a new approach to *fiqh*.

3.2   Al-Shafiʿi's *al-Risala*

Al-Shafiʿi's *al-Risala* has been a point of debate not only among his con-
temporaries and jurists in the premodern period but also among modern
scholars of Islamic law. Several commentaries on this treatise were writ-
ten in the premodern period to relate it to the development within the
existing legal schools. It has also engaged the attention of scholars in the
modern period with reference to Islamic legal theory. One finds at least two
modern strands of scholarly traditions that generated debates on al-Shafiʿi's
treatise. Muhammad Shakir, Abu Zuhra, Ridwan Sayyid, Fazlur Rahman,
George Makdisi, and Nasr Abu Zayd are a few examples of the tradition
that studies al-Shafiʿi in a broader framework of Islamic literary culture.
Ignaz Goldziher, Joseph Schacht, Majid Khadduri, Wael Hallaq, and Joseph
Lowry are examples of the second tradition that focuses on al-Shafiʿi's
contribution to legal theory.

The writings of the second strand have greatly influenced modern
scholarship on Islamic law and have kept the debate alive in Muslim
societies as well. The differences in the approaches of these traditions are
wider than can be classified neatly. For example, Shākir, whose diligently
edited version of the text and scholarly notes earned the respect of many
scholars, regarded the work focused on rhetoric (*bayān*) and divided the
text of *al-Risala* into four parts: an introduction and three parts on *bayān*.
Majid Khadduri, whose English translation of *al-Risala* with comprehensive
notes and introduction has been well received among scholars, divided the
content into fifteen parts dealing with subjects of jurisprudence. Since
the latter's table of contents is more detailed, it is useful to reproduce it
here in order to have an idea of the scope of discussions in Khadduri's
translation. It is important to mention that the following headings are
not from the Arabic text; Khadduri added them for the convenience of the
reader (Khadduri 1987):

    I   [Introduction]
   II   [On *al-Bayān* (Perspicuous Declaration)]
  III   [On Legal Knowledge]
  IV   [On the Book of God]
   V   [On the Obligation of Man to Accept the Authority of the Prophet]
  VI   [On the Abrogation of Divine Legislation]
 VII   [On Duties]
VIII   [On the Nature of God's Order of Prohibition and the Prophet's
       Orders of Prohibition]

4   Nasr Abu Zayd's Analysis

Nasr Abu Zayd structured his analysis and discussion of al-Shafiʿi's treatise in five sections. In his long introduction he provided the context and background of his study and explained how his critics insisted that al-Shafiʿi's *al-Risala* was a book on *uṣūl al-fiqh* and that he, as a specialist in Arabic language and literature, was not qualified to write on *uṣūl al-fiqh*. The remaining four chapters discuss al-Shafiʿi's views respectively on the Qurʾan, sunna, *ijmāʿ*, and *qiyās/ijtihād*. His scheme of chapters corresponds to the hierarchical description of four sources but, as I will discuss, Abu Zayd arranged them in this manner to argue how al-Shafiʿi related not only the sunna but also the consensus and products of legal reasoning to the revealed text. This scheme established comprehensiveness of the revealed law (*sharʿ*) and the authority of the text.

   In his introduction Abu Zayd gave a summary of the debates between him and his critics who eventually accused him of apostasy. He argued that al-Shafiʿi's focus was not on developing a theory of four sources but to establish the authority of the text, which he felt was threatened by various political, social, and juridical developments in the period.

4.1   Ideology

Abu Zayd reads al-Shafiʿi's discussion of jurisprudence as an ideology of power. It was quite instrumental in the establishment of the authority of the jurists and their schools. *Ijtihād* and *Ijmāʿ* in these new meanings of the Qurʾan and sunna aimed at discouraging the growth of independent opinion (*raʾy*). Abu Zayd raised the following questions about freedom and independent opinion that his critics denied in religious discourse: (1) Does analysing the thought of an imam constitute an attack on religious discourse? (2) Does the religious discourse restrict *ijtihād* to the limits defined by the elders? (3) Is the criticism on al-Shafiʿi's ideas denied in

order to defend the intellectual trends in the second century of Islam, or is it to protect today's *taqlīd* of al-Shafiʿi's thought? Abu Zayd answered that Islamic renaissance and renewal in the modern context are not possible without a critical study of the tradition (*Taʾsis*, 5-6).

Abu Zayd opened his analytical study with a discussion on how *taqlīd* influences epistemology. He referred to the above-mentioned debate about the compartmentalisation of knowledge. His colleagues contended that Abu Zayd was not qualified to study al-Shafiʿi's *al-Risala* because this book was on the subject of *uṣūl al-fiqh*, which was not Abu Zayd's specialty (Baltaji 1993, 2). Abu Zayd clarified that al-Shafiʿi's *al-Risala* was essentially a treatise on epistemology, not on *fiqh* or *uṣūl al-fiqh* as such. Al-Shafiʿi defined the theory of knowledge as providing the tools, concepts, and methods of legal reasoning. Abu Zayd explained that epistemology does not belong to one field exclusively; it cannot be separated from other fields of knowledge. They are all part of a culture. For instance, Arabic grammar, lexicology, and rhetoric are all part of Arabic culture.

Similarly, no intellectual activity can be isolated from social issues. Al-Shafiʿi's thought was not operating in a vacuum. One must understand why al-Shafiʿi defended the Arabic ambiance of the Qurʾan and the sunna. These are not questions of jurisprudence; they are cultural queries. Abu Zayd clarified that an idea is not determined to be correct or incorrect by itself; it is judged from the perspective of the world view of a certain individual or the group to which he or she belongs. People support diverse world views even within one culture. Regarding Islam, Muslims in general share collective and universal views but different groups differ in their world views in detail.

In early Islam, the Muʿtazila, the Ashʿarite and the Shiʿa held diverse world views. Abu Zayd suggested that today we use the term "ideology" to mean "world view." He placed al-Shafiʿi's thought in the middle of other contending ideologies of his period (*Taʾsis*, 9-10).

Abu Zayd offered a detailed analysis of the term "ideology" which in his view was based on a very comprehensive view of knowledge. It includes political, economic, social, intellectual, literary, aesthetic, and many other aspects. Ideology gains significance because it defines the standards of right and wrong which are socially rooted, and not religiously. They are neither natural and inevitable, nor final and unchangeable. They are meant to regulate social organisation.

Ideology consists of meanings and concepts; it does not necessarily correspond with reality. It is particularly significant that in Islamic history social conflicts, particularly political and economic differences, are

expressed in religious terms. These differences, therefore, are expressed as interpretations of the sacred texts. Consequently, the contestation is framed as a dispute about who owns the text or has the right to interpret it.

The Muslim intellectual history is thus essentially a socio-political history. The Muʿtazila was not simply an intellectual community of theologians; they gained political influence and tried to impose their views with the help of the Abbasid caliphs, Maʾmun (re. 813-833) and his successors. Opposition to this group was also political. The caliph al-Mutawakkil Biʾllah (re. 847-861) promoted *Ahl al-Sunna wa-l Jamāʿa* and supported the school of Imam Ahmad b. Hanbal (d. 855).

Ideology is closely related to authority, power, and hegemony. Abu Zayd explained that even though a certain trend of thought is in a position of hegemony for a period of time, this does not mean that other trends in that period are invalid or heretical. In fact, the people in power use such terms as weapons to silence their opposition. Hegemonic ideologies are neither eternal nor incontestable. In an ideology the constants and variables are defined by the tradition and practice.

4.2   Text

In addition to Islamic law, discourse analysis and semiotics also use the expression "text" (*naṣṣ*) as a technical term. This usage has revealed its broad meaning that includes non-linguistic expressions as well. The term "text" also applies to rituals, festivals, and assemblies, in addition to other expressions in audio and visual arts. However, with reference to discourse analysis only language and symbols of communication count as text. It is nevertheless significant to note that discourse as a science is part of the whole discipline constituted by the two sciences of semiotics and discourse analysis.

In discourse analysis, "text" has two levels of indication: principal and secondary. In Islamic tradition the Qurʾan and sunna, for instance, are respectively principal and secondary texts. The opinions of the jurists based on legal reasoning are subordinate texts as they are subsidiary to the secondary text. It is in Islamic cultural history that secondary texts were elevated to the level of principal text. Gradually the opinions of the leading jurists in the sciences of *fiqh* and *tafsīr* (Qurʾanic exegesis) came to be recognised as principal texts.

Memory played a very decisive role in the cultural continuity during the second century of Islam. It is the period of documentation and recording. With regard to an individual, memory means remembering and repeating, but

as a cultural phenomenon it refers to a process of cultural transmission and recurring practice among a special group. It also refers to a stage in the history of a people when they move from an oral to a literate community. In Islamic history, the second and third centuries were the period of defining the basic principles, epistemological perceptions, and fundamentals of the tradition.

Imam al-Shafiʿi belonged to that period. He found diverse intellectual trends contesting for defining epistemological principles. In this period the following were some of the major debated issues: reason and revelation, *ra'y* and hadith, sciences of the ancients, and Arab literary heritage. The following books from that period reveal these ongoing debates: Mālik b. Anas's (d. 712) *al-Muwatta'*, Ibn al-Muqaffaʿ's (d. 756) *Al-Siyasa wa-l Adab*, ʿAmar b. ʿUthman Sibawayh's (d. 797) *al-Kitab*, al-Shafiʿi's (d. 820) *al-Risala* and *Kitab al-Umm*, Abu Zakariyya Yahya b. Ziyad al-Farra''s (d. 820) *Maʿani al-Qur'an*, and Abu ʿUbayda

Muʿammar b. al-Muthanna's (d. 825) *Majaz al-Qur'an*. The third century was truly a period of literary blossoming. Ibn al-Nadim's (d. 998) *Kitab Al-Fihrist* reflects the growth of this tradition as it preserves the titles and names of the authors of several writings in different sciences which have been lost (*Ta'sis*, 14).

Abu Zayd clarified that the debate on the cultural thought of that period was not about the exclusive finality of ideas, nor was the discourse about whether, for instance, reason and revelation were mutually contradictory so that only one would be the conclusive source. The debate was about priority and supremacy. Those who regarded revelation prior to reason supported tradition (*naql*) and gave the letter or the text priority. They expanded the scope of the meaning of the text and stressed its comprehensive nature. This emphasis provided grounds for the belief in the authority of the text.

4.3   The Authority of the Text

Abu Zayd distinguished between "text" and "authority of the text." The "text" by itself is not authoritative; its authority comes from an epistemology of authority. It requires a community that formulates the authority of the text by transforming it into a socio-cultural hegemony. It defines text as the source of authority. Normally authority belongs to human reason. Authority of the text is absolute, comprehensive, and final. Freedom from the authority of the text does not mean freedom from the text; it rather means freedom from the authority that claims power by stripping the text from its context of time, space, and circumstances. It deprives the text from rational and scientific interpretation.

The community behind the authority of the text accuses its opponents of denial of the text. It denies disagreement by claiming a conflict between text and reason. In fact, humans only have the faculty of reason to understand the text. By denying the right to use this faculty the community behind the authority of the text claims unrestricted political power.

Abu Zayd argued that the conflict is not between "text" and "reason"; it is rather between reason and the authority of the text. The issue is not religious in origin; it has a historical context. The question arose during the first civil war in Islam between Ali (r. 656-661) and Mu'awiya (r. 661-680). Mu'awiya's armies raised the Qur'an on their lances during the Battle of Ṣiffīn (657) and invited Ali and his armies to accept the Qur'an as arbiter. They raised the slogan "sovereignty to God alone." Ali replied, "The Qur'an does not speak, it is humans who speak" (*Ta'sis*, 16). One group of people in Ali's camp accepted that invitation. However, when 'Amr b. 'As and Abu Musa Ash'ari were appointed as arbitrators representing Mu'awiya and Ali respectively, Ali's followers rejected arbitration. They argued that it was human arbitration, not arbitration by the Qur'an.

Abu Zayd found a recent example of this claim of "sovereignty of God" (*ḥākimiyyat-i ilāhiyya*) propounded by Mawlana Mawdudi in Pakistan. It was adopted by Sayyid Qutb in Egypt and several others in the Muslim world. "Sovereignty of God" was presented as the foundational principle of the Islamic state. It called for supremacy of shari'a and authority of the 'ulama' who alone could interpret it.

Abu Zayd illustrated the claim for the authority of the text with reference to his contemporary scholar Muhammad Baltaji. In his article on "Kitāb al-Imām Al-Shafi'i," Baltaji referred to the Qur'anic verses 33:36, 4:65, 5:3, and 16:89 to establish the authority of the text (Baltaji 1993). These verses declare that believers have no choice once God and his Prophet had pronounced a judgement. They are not believers until they accept the Prophet as the judge in their disputes. God has completed the religion. God revealed "the Book" that explains everything. Citing these verses, Baltaji concludes, "It is evident that belief in Islam, rather, belief in any religion, calls for absolute obedience. The literal meanings of the terms *'ibāda* and Islam in the Arabic language are respectively as follows: obedience and surrender. One who does not faithfully abide by these sacred texts crosses the boundary of faith" (*Ta' sis*, 18).

Abu Zayd questioned this way of arguing. First, these verses refer to specific events in the life of the Prophet. Baltaji arranges these verses in a particular sequence to delink them from their historical context in order to make them eternal. In the next step he turns his own interpretation into

the sacred text. Abu Zayd traced this method of invoking the authority of the text to al-Shafiʿi (Abu Zayd 1993), who formulated the principle in the following words: "There is no new event for which the Qurʾan does not have a clear ruling (*ḥukm*)." While al-Shafiʿi referred to "the text" collectively in the form of "the Book," Baltaji refers to specific verses and their literal meaning.

4.4   Al-Shafiʿi's Ideology

Abu Zayd found the contemporary religious discourse similar to al-Shafiʿi's because of the strong relationship between world view and religious discourse. Like al-Shafiʿi, the contemporary religious discourse considers "the text" and its literal interpretation equal in their authority. Abu Zayd pointed out that the ideology of authority defines the relationship between God and man in terms of master and slave; it is based on submission and obedience. To Abu Zayd, the Qurʾanic teachings describe this relationship in terms of freedom and choice because God gives humans choice and that is why he holds them responsible for their deeds.

Abu Zayd illustrated his point with the example of al-Shafiʿi's analysis of *istiḥsān*. Great jurists like Mālik and Abū Ḥanīfa relied on this method but al-Shafiʿi rejected it because he feared that it would add to differences and would increase the number of arbitrary opinions. "In that case every judge and mufti in a city would say what he likes. Consequently, they will issue multiple judgements and fatwas even in one case" (*Taʾsis*, 31). Al-Shafiʿi cited Qurʾanic verses condemning conflicts and concludes: "Whoever employs the method of *istiḥsān* in fact defies revelation" (*Taʾsis*, 31). Al-Shafiʿi described this attitude of free expression as *sudā* (a person not accountable to anyone for anything) referring to the following Qurʾanic verse: "Does man think that he is left to be aimless?" (Qurʾan 75:36). In other words, practicing *istiḥsān* means rejecting accountability. He interpreted the verse by stating that nobody except the Prophet has the right to give an opinion without presenting the evidence.

According to Abu Zayd, al-Shafiʿi wanted to establish the position of sunna as a source of law. The very fact that he was arguing in that direction means that this position was not yet established. Abu Zayd concluded that it is not a matter of faith that should not be questioned. It is a historical statement that could be examined and verified. Al-Shafiʿi formulated his view on sunna by adding three meanings to the concept: infallibility of sunna, sunna's linkage with the Qurʾan, and extending the concept of revelation to the sunna. Al-Shafiʿi interpreted the verse "He does not speak from desire; it is not but a revelation from God (Qurʾan 53:3-4)" to mean that hadith was

revelation. These were al-Shafi'i's personal views and did not constitute a unanimously agreed position. Commenting on the above verse, Al-Tabari, for instance, reported that the pronoun "it" in the verse does not refer to the Prophet's statement. It clearly refers to the Qur'an. The historical context of the verse refers to the Meccan opponents who raised doubts about whether the Qur'an was the revealed word of God. God clarifies that these were not Prophet Muhammad's own words; they were certainly revealed by God (Al-Tabari 2000, 22:498).

Arguing that al-Shafi'i's *al-Risala* is a discourse on ideology, Abu Zayd began his analysis by raising two questions. Why did al-Shafi'i raise the question about the Arabic language of the Qur'an and defended it as a language of the Quraysh? Second, why did he limit his discussion on sunna to the debates between the *ahl al-ḥadīth* and the *ahl al-ra'y*? He disagreed with those who regard al-Shafi'i's defence of Arabic language as a simple statement about the language in which the Qur'an was revealed. To Abu Zayd, it has a much deeper meaning. He found it closely connected with the cultural and political context that affected the conception of knowledge and authority. Abu Zayd clarified that in order to appreciate al-Shafi'i's thought it is necessary to place it in the political, theological, cultural, socio-economic, and juridical dimensions of the context of that debate.

According to Abu Zayd, the ideological context of *al-Risala* is related to the issue of Quraysh's political and cultural supremacy. The issue came to prominence quite early in Islam, at the time of the election of the first caliph. Reference to Quraysh's position of authority was raised in Saqifat Bani Sa'ida when the Anṣār of Medina claimed their right to the caliphate. The Battles of Ridda (633), Jamal (656), and Ṣiffīn were also fought to settle the supremacy of the Quraysh. Al-Shafi'i was a great supporter of the Quraysh; his companion Rabi' b. Sulayman (d. 870) presented him with a pure and noble Qurayshi descent. Al-Shafi'i was respected among the Quraysh who helped him at times of crisis in his life, and got his appointment in Najaran under a governor in Yemen who was a Muṭṭalibī Quraysh. He moved from Baghdad to Egypt where a Hashimite ruled as the governor, and he dedicated a full chapter to the merits of the Quraysh in volume six of his *Kitab al-Umm* (*Ta'sis*, 35-43).

Abu Zayd also clarified that al-Shafi'i is often presented as a supporter of the Alawis and is sometimes alleged to have supported the Shi'a or Rawāfiḍ. This attribution may have been a political propaganda against him. Al-Shafi'i supported the Alawis because they were Quraysh but he did not support the Abbasids' cultural association with the Persian cultural influences.

Political opposition to the Abbasids also came from imams Abu Hanifa (d. 767), Malik b. Anas (d. 795), and Ibn Hanbal, but it is difficult to assert whether they did so for the supremacy of the Quraysh. Imam Malik's fatwa that an oath of allegiance under duress is not valid, as divorce under duress is not valid either, was considered equally applicable to oaths of allegiance to both the Umayyad and Abbasid caliphs. Abu Hanifa considered divorce under duress valid but he refused to cooperate with the Abbasids – even to serve as qadi. Malik and Ibn Hanbal both defied the Abbasid imposition of the Muʿtazila. Al-Shafiʿi, on the other hand, did serve under the Abbasid caliph even though it was for a short period. He was bitterly against the Muʿtazila because to him they represented the influence of foreign thought and culture. He would not associate himself with the Abbasids because they accepted the intellectual supremacy of foreign cultural influences from Greece and Persia.

In the juridical context, al-Shafiʿi's views also illustrate his apprehension of foreign influences. Contrary to the *ahl al-ḥadīth*, the *ahl al-raʾy* seemed to have accepted the non-Arab ways of thought and practice. His discussion of the sources must be studied in the above-mentioned context.

5   The Quraysh and the Arabic Language

Al-Shafiʿi regarded Arabic as the most comprehensive language; it had a more extensive vocabulary than any other language. He even linked its comprehensive nature to the Prophet and revelation; only a prophet could have extensive knowledge of this language. He also explained that this linkage between Arabic and the Quraysh went back to pre-Islamic period, and that made the Quraysh extremely important.

The significance of the Arabic language is also the point where al-Shafiʿi differs from the Hanafis as to whether one can say one's prayers in a language other than in Arabic. Hanafis allowed it but al-Shafiʿi did not; he even did not consider a contract of marriage valid if the acceptance and offer were not expressed in Arabic. Likewise he insisted that a marriage could only be validly repudiated in Arabic.

Al-Shafiʿi considered it necessary to defend the Qurʾan as purely Arabic. This position was related to the debate at that time about parts of the Qurʾanic vocabulary which was not Arabic by origin. Al-Shafiʿi vehemently denied the existence of any foreign vocabulary in the Qurʾan. His defence was not directed to this particular vocabulary in the Qurʾan; he was defending the pure and comprehensive nature of Arabic language and the

comprehensibility of the Qurʾan. Admission of foreign vocabulary would mean that some among the Arabs would not know these words and their meaning.

Al-Shafiʿi developed his defence on four sets of arguments. One expounds the idea that Arabic is the most comprehensive among the languages; its vocabulary is sufficient to express all meanings and concepts. Secondly, he argued that this language is so comprehensive that it was only a prophet who could master it completely. One may understand this statement as to mean that the Arabic language is not an ordinary language; its origin is divine. His third argument was that all Arabs understand the Qurʾan; nothing is foreign to them. Fourthly, he argued that the Arabic language has several dialects; the Qurʾan was revealed in the dialect of the Quraysh. This last argument, according to Abu Zayd, transformed his defence of the Arabic language and the comprehension of the Qurʾan into an ideology.

As mentioned already, contrary to the *ahl al-raʾy* Ḥanafīs, al-Shafiʿi did not allow the use of Persian or any language other than Arabic in rituals and contract settlements. His opposition to the *ahl al-raʾy* is also evident in his position about the discussion on whether a word is general (*ʿāmm*) or particular (*khāṣṣ*) in its meaning. In other words: with regard to the question whether meanings of a word apply to all the referents of a word or denote only certain particular referents, al-Shafiʿi held that a word could be used in its general and/or particular meaning. Only the Arabs understood the proper usage.

Abu Zayd approached al-Shafiʿi's views from the perspective of discourse analysis. He explained that al-Shafiʿi was not the first or the only one to hold this view. It was a common view among al-Shafiʿi's contemporaries to reject the primary role of human reason; it was a dependent role that only served as a tool for understanding and interpreting "the text." "The text" conveyed its meaning in diverse ways of connotation. To al-Shafiʿi, the word "all" (*kull*) in the verse "God is the creator of all things" is general and even includes human actions.

The second type of general statement is when both meanings, general and particular, are denoted without deleting the general meaning. For instance, the Qurʾanic verse 9:120 demands the people in and around Medina not to stay behind when the Prophet Muhammad went out for jihad and not to prefer their personal interests over those of the Prophet. The verse is both general in its meaning as far as giving preference to the Prophet is required. It is particular in the sense that only those who have the capacity to fight were required to go along with the Prophet.

The third is the type of generality that is apparent in its meaning whereas its denotation of the non-apparent meaning lies in the particular sense.

The example is the Qurʾanic verse 3:173: "Those unto whom men said: Lo! The people have gathered against you, therefore fear them. But [the threat of danger] increased their faith and they cried: Allah is Sufficient for us! Most Excellent is He in whom we trust!" In this verse the general meaning is quite apparent; however, "the people" are not specified yet they do not include all the people.

In sum, al-Shafiʿi argued that only the Arabs – particularly the Quraysh – would understand where the general and particular meanings apply. Among them the Prophet was best qualified to understand the Arabic text. That is the reason why the Qurʾan and sunna are closely connected. Al-Shafiʿi did not choose between the *ahl al-ḥadīth* and the *ahl al-raʾy*; he was essentially saying that only the hadith of the Prophet can explain what the Qurʾan means. In that sense the sunna of the Prophet has authority similar to the Qurʾan, because the Prophet's source of knowledge was divine revelation.

Al-Shafiʿi's discussion of the Qurʾan, sunna, *ijmāʿ*, and *qiyās* is not only a discussion about the sources and epistemology but also about an ideology that connects them as interdependent and mutually connected to the divine revelation. As such, the four sources are part of "the text" or, rather, together constitute "the text." Collectively they become "the conclusive texts." He considers sunna definitive, even if it is a hadith reported by a solitary narrator. Similarly he regards consensus, opinion, and *ijtihād* based on *qiyās* as definitive.

Abu Zayd further observed that al-Shafiʿi defined *ijmāʿ* from two perspectives of his ideology. First he aimed to extend the scope of "text," and second, he wanted to restrict the scope of diversity of opinion (*ikhtilāf*) by consensus. Consequently he distinguished between the consensus on the transmission of the reports about sunna and the consensus as a product of legal reasoning. He included continuity or continuous practice (*tawātur*) in the meaning of *ijmāʿ*.

It is the same argument that al-Shafiʿi developed about the Arabic language of the Qurʾan. He argued that the existence of certain non-Arabic words and the ignorance of some Arabs about their meaning do not disprove the comprehensiveness and comprehensibility as essential characteristics of the Arabic language. Similarly, he argued with reference to solitary reports of hadith (*akhbār aḥād*) that even though some scholars may not know a particular sunna, the fact that they are known to the scholars in general is sufficient to prove their authenticity. He concluded that it is inevitable that the consensus of the Muslim community is based on "a text" even though only a few scholars know about "the text." If the community as a whole has knowledge about the general meaning of "the text," it is regarded a valid

consensus. In other words, the disagreement of some about the text and their different opinions could be dismissed. It is dismissing history as a fact and ignoring the historicity of divergent opinions. As a result, the consensus is transformed into a religious text that is conclusive in its meaning and connotation.

6   Knowledge of the Specialists

Al-Shafi'i described five types of authentic knowledge: (1) *mutawātir*, the information that is continuously transmitted from one generation to the other. The authenticity of this type of knowledge comes from continuity (*tawātur*), or, in other words, agreement between the specialists. (2) *Ta'wīl*, the knowledge derived through interpretation of the text. Since *ta'wīl* is more than relying on apparent meaning, it is only the agreement between the experts that validates the transfer of meaning of "a text" from apparent to other connotations. "The text" retains its apparent meaning if there is no such consensus. (3) *Ijmā'*, which itself is the source of authentic knowledge. Unanimous opinion, even if not based on the specific text of the Qur'an or sunna, constitutes valid knowledge. *Ra'y* or arbitrary opinion cannot produce *ijmā'* because it implies that there was disagreement. *Ijmā'*, on the contrary, expresses an agreement between the experts and assumes the knowledge of the Qur'an and sunna. (4) *Khabar wāḥid*, hadith or knowledge transmitted by one or few reporters, is also authentic knowledge because it is knowledge of the special people or community. (5) *Ijtihād/qiyās*, the fifth type of authentic knowledge, is derived from reasoning. It is authentic because it is based on a Qur'anic injunction. More importantly, it is authentic because it is restricted to the method of deduction; it must be derived from seeking similarity in "the text" that applies to the case in question.

According to al-Shafi'i, *qiyās* is restricted to discovering a rule that actually already exists in the religious texts, even if it is hidden. This definition is based on the belief in the comprehensive nature of the religious text; it has answers to all the questions. This definition restricts the role of human reasoning to a framework of reasons and indications in the religious texts for the outside facts in the world of existence. *Qiyās* is thus based on presuming the existence of similarities between the texts and the world of facts. Consequently, for al-Shafi'i all knowledge in addition to the Qur'an and sunna is discoverable by *qiyās*. By restricting *qiyās* to text al-Shafi'i aimed at eliminating disagreement and *ra'y*. *Istiḥsān* belongs to *ra'y* and hence cannot produce valid knowledge.

Al-Shafiʿi also discussed another classification of knowledge from the perspective of specialisation. General knowledge about obligation and duties is common knowledge, and specialist knowledge pertains to details of these obligations. The latter type of knowledge is specialist knowledge. It may be understood as the need for a separate discipline or the need for a distinct community of specialists devoted to details unlike the common people who have basic and general knowledge about religion.

To conclude, Abu Zayd read *al-Risala* from a different perspective than others. His discourse analysis approach allowed him to look into *al-Risala* not simply as a discourse on jurisprudence and theology, but as a "text" that reflects a much more complex context. It reveals not only the contemporary debates but also the direction and role that al-Shafiʿi intended for jurisprudence to take. Abu Zayd explained his approach saying:

> Truly speaking, discourse analysis is a science to discover explicit and hidden meanings in a discourse, as well as the unspoken and assumed connotations because discourse as such employs separate tools of expression to convey the intended conclusions. Discourse, unlike language communication, connects communication with the intended results. (*Taʾsis*, 44-45)

7   Concluding Remarks

The term "Islamic law" is used to describe shariʿa (divine or revealed laws assumed to be preserved in the Qurʾan and sunna) and *fiqh* (interpretations, opinions, and doctrines of the jurists), two important concepts in the Islamic legal tradition, understandable to a modern student of law. It has, however, problematised the conception and history of law in Islam from a modern perspective and has raised critical questions not only about its nature, origins, and evolution, but also about its jurisdiction, legislation, reform, and procedure. Islamic law has been further characterised as "classical," "religious," and "jurists'" law. Consequently, the modern student of Islamic law is confronted with an extremely complex legal tradition. It has a continued history of more than a thousand years and its rich literature abounds in thousands of volumes, a large number of which are still in manuscript form. In practice, it has a parallel existence with a number of other legal systems regulated by the kings, police, fiscal administration, and several different types of courts. Its application has relied more on fatwa (jurists' opinions) and *madhhab* (schools of *fiqh*) institutions than on qadi

(judges appointed by Muslim rulers) courts. It has gradually developed into a very intricate science of jurisprudence. Some of the present approaches which focus on al-Shafiʻi's *al-Risala* as a classical legal theory have raised more questions and have even compelled to critique and revise this thesis. They have reaffirmed the complexity of the Islamic legal tradition.

In view of these complexities, a general overview of *fiqh*/shariʻa doctrines, schools, and their evolution is not helpful. Nasr Abu Zayd's analysis of al-Shafiʻi's *al-Risala* provides significant insights into the development of *fiqh* in the third century of Islam. It suggests new perspectives to study this development as the emergence of a community of specialists. *Al-Risala* provides not only the need and justification for such a community. It also defines the framework of *fiqh* as a discipline that ensures continuity with the earlier generation of scholars and warrants its authenticity by preventing the influence of foreign cultures that were contributing to conflicts and differences and thus threatened the unity and consensus in the community.

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Islamic Law in the Modern World

States, Laws, and Constitutions

Knut S. Vikør

One of the main characteristics of "modernity" in the view of modernisation theorists, is the separation of the world into differentiated spheres like religion, economy, politics, and aesthetics, while the "traditional" world view was holistic, linking these fields so that what is "good" in religion is also "good" or "beautiful" in the other systems (cf. e.g. Kwark 2004, 128-129). The term "Islamic law" would in itself be an example of such a holistic merging of two spheres, conflating a person's faith with his rights, or even three, if "law" is seen as a natural aspect of state politics that in a modern differentiated system should not be separated from religion, in its institutions and its rules.

There are two possible problems with such an approach. One would be, is it true that the "traditional" (premodern) world did not differentiate between these systems? Or is it only an assumption that the modernity sociologists make by constructing "the traditional" as the conceptual opposite of their "modern"? And, following from that, did "modernity" really make such a total and earth-shattering transformation in how Islamic law was practiced in actual reality? Did "modernity" triumph, and what is the relation between religion, the state, and rights today in the Muslim world?

The two topics are thus related: we cannot establish how the "modern transformation" was a break with the past without knowing what that past was. In the practical world of premodern law, there is no doubt that there was a differentiation between the "political institution" – the state, caliph, or sultan – and the "religious institution," which in Islam was not so much an institution as a category of independent scholars who formulated and discussed the shari'a rules (Vikør 2005). There were of course areas of contact between the scholars and rulers; many 'ulama' took the sultan's money to perform functions for him, be it as his advisor or to sit on his council. Indeed the function of qadi was a "state function" – the judge was appointed by the sultan or his representative, and could be fired by him. But in order to become a qadi, a candidate first had to get a scholarly education and be recognised as a learned man, and this did not come from a public appointment, but from his relation to the "civil society" of religious scholarship, the 'ulama'.

Even more so, the law itself that the state, sultan, and court should practice was developed by these independent scholars over the centuries, scholars who were not bound to one particular state or country. Thus, the law transcended the state borders, nor should it change when one sultan conquered or inherited a state from another. There were of course divisions, primarily between the schools of law, *madhāhib*, but also regional differences within the schools (cf. e.g. Johansen 1999a). However, these did not coincide with the political borders, but followed the distribution of scholars. In the main centres of learning where many scholars gathered – Cairo, Damascus, and others – there were also a plurality of *madhāhib*.

It must be added that this ideal model of division between a "civil society" formulation of law and "state" implementation of it was never complete, and did not last. From the beginning, the caliphs and later sultans made moves to strengthen their influence not only over the courts, but also over the law (Vikør 2005, 185-205). Independent muftis were drawn into the sultan's circles and some became dependent on his largesse, while others refused money that, since it came from a sultan's purse, could only be tainted with blood and oppression. The Ottomans took major steps towards drawing the law under the state's authority, partly by appointing a "state mufti," the *shaykh al-islām*, and giving him supreme authority over interpretation of the law, and specifically by formulating legal rules on the authority of the sultan himself, the *kanun* (Imber 1997; Jennings 1979). Relevant only in certain fields of law, and often conforming to what the traditional *fiqh* jurisprudence stated, it was still a major step towards giving the sultan authority over the legal field (Gerber 1994).

This did not mean that the sultan in this way gained control over "religion" in a holistic way; that was still under the ʿulamaʾ and the *shaykh al-islām* did not have any authority in matters of theology. It was rather a shift of power, part of a general process during which the Ottoman state strengthened its authority and bureaucratised elements of social life that earlier rulers and states did not control. Islamic law was on the move to become state law. Again, we can find traces of this process of "statification" of the law all the way back to Islam's earliest history in the caliphate. There had always been courts or councils where the state authority had greater influence than in the shariʿa courts proper; the Ottomans only continued this established premodern trend.

There were of course still links between law and religion, in particular in terms of legitimacy: the sultan would refer to the Qurʾan's exhortation to "obey those charged with authority" (Qurʾan 4:59), that is, themselves, and later Ottoman sultans claimed a fragment of religious legitimacy by

proclaiming themselves to be caliphs and thus having the right to obedience from all Muslims. The *kanun* was to be based on the shari'a, and the shari'a was the practical embodiment of God's will as expressed in the divine revelation. Certainly, all creation came from God and was in this way one "holistic" whole. The rights of man came not from man's innate nature, but from God because man was created by God. But as long as the scholars recognised that God's will could not be understood except through the fallible interpretations of men, present in the world through a field of "religious knowledge," *'ilm*, that was the arena of the scholars, and that the practical matters of government were given to a separate and differentiated sultanic state, then the "holistic" concept refers only to the transcendental God, not to the actual matters of this world. Thus, the term *ḥuqūq Allāh*, "the rights of God" (over men) could in Islamic thought be used not to shore up the state and ruler's control over its subjects through any divine authority, but the opposite: it was a way to limit the sultan's power and subject him to the law that he could not control (Weiss 1998, 182-184; Johansen 1999b, 210-218). God was higher than the sultan, so the sultan himself was subject to *ḥuqūq Allāh*, which, in as far as they were expressed in shari'a laws, were determined on earth by the differentiated "institution" of religious scholarship.

1 Colonialism and Modernity

The influence of European thought and politics in the Muslim world in the nineteenth century evidently brought great changes also to the field of law. But in many ways these changes only continued the process of transformation or shift in balance that had already been underway for centuries. In Europe, "law" as practiced in the courts had by this time been largely divorced from the religious or church (canon) law, even though religious conceptions still influenced what was considered "right" and "proper" in many areas of life. As European conceptions came to have an impact on the Middle East, it thus reinforced the already existing tendency to see the legal field as under the control of the state rather than the religious scholars. But the duality between a "religiously sanctioned court system," the qadi courts, and the "politically sanctioned court system," the "civil" or state courts, already in place in the medieval period, continued to be the way this relation between the state and law was practiced in most Muslim countries throughout the century.[1]

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1 For criminal law, see Peters (1997).

The most definite change from the earlier period was the issue of legitimacy. While the *kanun* law acquired its *authority* from the political power of the sultan, its *legitimacy* was that it was supposedly a practical implementation of the *siyāsa sharʿiyya*, "shariʿa politics," the ruler's best way to implement the morality and underlying tenets of the shariʿ in our imperfect world (Vikør 2005, 208). The *fiqh* lawyers' elaboration of the true rules of the shariʿa remained the ideal solution for any question, but the realities of our imperfect world meant that these rules could not always be implemented, or they would, if taken to the letter, impose hardships that were at variance with the general tenet that the law should promote the welfare of man. Thus, the sultan could and should instead seek in his own way to promote the shariʿa's *principles*, even if he thus had to change and even contravene the *letter* of that law, which the qadi could not. This may have seemed to be merely a justification for the sultan to impose his own will, but it was without doubt the support that the sultan sought and marked a link between his *siyāsa* decisions and the divine revelation.

That link was broken in many of the new laws that were enacted from the middle of the nineteenth century. The penal, administrative or economic laws were increasingly based on European laws and practices which of course had few or no shariʿa references. It was not a sudden change; most of the nineteenth century constituted rather a transitional period. Thus, the celebrated Ottoman *Mecelle* laws (for economic and administrative matters mostly) were largely based on Hanafi Islamic law, but restructured and systematised in such a way as to be practical in the new political and social environment that increasingly took its cue from Europe (Starr 1992, 33-36; Findley 1960-2005, vi, 972). From the 1880s, European powers also came to control many Muslim countries directly, and had even less compunction with imposing European-inspired laws, certainly in cases where their own citizens in the Middle East were involved.

But both they and the Ottoman and other Muslim rulers left some areas of law largely untouched, in particular family law and laws of personal status. These thus became more of a "reservation" for shariʿa law, based on *fiqh* rules, and often administered by separate qadi courts that had lost their competence in all other areas of law. There may be several reasons why these fields of law were so much more resistant to "modernisation" or Europeanisation. It may be that the Europeans were more interested in changing laws that directly affected themselves or the state authorities they now controlled, and found it easier to let Muslim families comport themselves as they wished internally. More important was probably the necessity that laws are accepted by those touched by them. Not only do

family laws relate to the most intimate and personal matters of each individual – everyone is affected by issues of paternity, marriage, and inheritance, while fewer are concerned with crime, administration, and political systems. Issues of family matters also concern deeply held ideas of morality, honour, and "family values." While an individual may accept that a distant and powerful state could meddle in how he should write a contract or register land ownership, he would be far less willing to accept that the state decides whom he should marry and how he should share his wealth with his family. Thus, a fundamental change in family laws in a "European" direction would neither have been understood nor accepted by the subjects. The authorities, European as well as modern Muslim, found it acceptable not to rock that boat too rapidly.

Even so, the twentieth century saw the beginning of change even within Muslim family laws. Virtually every Muslim country introduced some, and successive, changes to their rules for marriage and divorce, some more than others, although only Turkey separated itself completely from the legacy of the shari'a. The basis for this change and the possibility for the state to intervene and influence these *fiqh*-based laws point to perhaps the more important change in legal development in the twentieth century and "modernisation," although still foreshadowed by the sultan's *kanun*: the process of *codification*.

Codification refers to the *form* that a law takes: rather than being expressed in a shared understanding of "existing custom" (in customary law) or in the legal precedence found in records of previous lawsuits (in common law systems), the law is fixed in a written *code of law* (Bogdan 1994). Such a law code is structured and systematic and should ideally be so principled that it would cover every possible case, past or future. This code is formulated and fixed by someone; it has a known author, a clearly defined legal authority. This authority could be a parliament, a legislative assembly, or a single autarch or dictator; the central point is that there is an *agent* behind the law, and the authority of the law is based on acceptance of the legal authority of this agent.

The existence of a codified law system is not a sign of modernity in itself; the Roman law of antiquity was a model for codification, and even the laws of Hammurabi constitute a rudimentary codified law. But in the Muslim world it coincided with the advent of the European models, and it signalled the final decisive transfer of legal authority from the independent class of 'ulama' to the state itself. Now the agent of codification, the body that formulated the law codes, was always the state. This was evidently the case for the new Europeanised laws that came to prevail in economic and

penal law, but also in the one area that was left as a "reserve" for the shariʿa, family and personal law.

It was only in the twentieth century that the process of codification of family law really took hold, perhaps with the Ottoman family law of 1917 as a decisive turning point. Although the Ottoman Empire collapsed soon after and modern Turkey soon abandoned this Ottoman law for a European imported law, it remained influential in the earlier Ottoman provinces of the Arab world, and it can still be seen to underpin the modern family laws of many of the republics that followed from the mandate era.[2]

Most Muslim countries followed up by introducing smaller or greater changes in their family laws, such as establishing a minimum age for marriage, posing conditions on polygamy, improving the wife's access to judicial divorce, or limiting the husband's ability to unilaterally divorce his wife (*ṭalāq*), and similar measures.[3] The legislators in these cases seldom directly banned practices such as *ṭalāq* or polygamy that had a clear religious basis. Instead, they circumscribed the husband's rights with conditions to make it more onerous to practice them, adding conditions such that he must have the permission of the first wife in order to contract a second marriage, or that by doing so, he automatically grants his first wife the right to *khulʿ*, consensual divorce.

Preserving the rights supported in religion, such as *ṭalāq* and polygamy, could of course be argued to show a remnant of a "holistic" approach by merging the fields of religion and law. However, for that to be the case, it must be the religious basis itself that is the reason they exist. Given the modifications that were made to them, many of which must be said to contradict or at least manipulate the ʿulamaʾ's classical *fiqh*, that is perhaps not the best understanding. If it was religion, then the legislator would have had to conform to the religion as defined by the religious authority, the scholars, which they did not.[4] It may be better to see this as the function of public *perception* of what is proper. That must always limit any lawmaker that has less than absolute totalitarian power. The modern lawmakers would thus rather work under the assumption that the public (or the legislators

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2   This can be seen, for example, in the surveys in An-Naʾim (2002). In fact, the Ottoman family law is still the prevailing law in what may be called the last legal remnant of the Ottoman Empire: the Muslim minority population in Greece, under the unchanged agreements following the Greek-Turkish War of 1919 (Rohe 2004).

3   An-Naʾim (2002), also Vikør (1995, 321-325). See also Otto (2010).

4   Rather the opposite: the qadis more or less half-heartedly accepted the modifications of the state because they were dependent on the state (see Shaham 1997).

themselves) would not have accepted a law that broke too directly with what they considered "right and wrong" in their established norms and customs, which they identified in turn with religion.

In this sense, the process of legal reform of family matters in the last century is not a partial and imperfect implementation of the global transition from "tradition" to "modernity," but the result of a general truism, that laws have to reflect in some way the subjects' normative system, and that these normative systems are ever changing. But there is also a different tendency that appears clearly from the family law reforms of the twentieth century, again one not related to a "modernist break," but a continuity of the trend we saw from the medieval period onwards: the inexorable advance of the state in the legal field. Superficially, the family law reforms seem to strengthen the position of women: access to divorce, limitation of polygamy, and so on. But in practical matters, it is not so much the women's position that is strengthened, but that of the court (the state). Access to judicial divorce was improved, but what the wife was now allowed was to petition the *court* for divorce (cf. Carroll 1996). Particularly in Hanafi law, the judge had very limited, or no, possibility to hear divorce cases initiated by women. By various means, such as borrowing from Maliki law, far more liberal in this respect, the court now accorded *itself* greater rights to decide on a wife's plea. Also, all the restrictions put on the husband's right to *ṭalāq* went in the direction of giving the courts the right to decide the framework surrounding the divorce, and similarly with most other reforms. In other words, the reforms tended very clearly to take family matters that had been deemed to be "private" and make them "public," under state authority. Thus it continued the process of "statification" of legal matters. This is certainly a clear marker of change, but the continuation of one that began in the eighth century.

2   Islam in the Egyptian Constitution

An important element of codification and the accompanying systematisation of laws was the idea that a state should have a basic constitutional law that regulates the political system of the country and is the foundation for its other laws. The first constitution in the Arab world was established in Tunisia in 1861 but was soon repealed after France, already a serious influence in Tunisian affairs, came to believe that it could be used to counter their interests in the country (Perkins 2004, 24-30). As the new nation-states were created around and after World War I, however, most Middle

Eastern countries passed constitutional laws. In theory, of course, this contravened at least one common conception of the shariʿa, which was that either the shariʿa itself or the Qurʾan, was the only possible "constitution," the mundane state laws passed by parliaments or presidents only at best being *siyāsa*, practical implementations of the shariʿa ideal according to the best efforts of the sultan, the ruler in place.

These constitutions were thus faced with the question of how to relate the actual laws of the land to the concept of the shariʿa. A common form was to introduce classical *fiqh* as one of several sources for jurisprudence. Typically, the constitution could specify that if there was a rule in the codified law that could be applied, then the judge should use that. If he could not find such a relevant rule, he could search in the established *fiqh* rules of a specified *madhhab*. Thus the United Arab Emirates gives Maliki and Hanbali *fiqh* precedence, so the judge should first go there, and if no answer could be found there either, then to the Shafiʿi and Hanafi *madhāhib*. Custom could then also be added at the end, if the case could not be satisfactorily answered by either codified law or the established *madhāhib*. Other countries rank the *madhāhib* differently, according to the position of each *madhhab* there (Ballantyne 1990; Vikør 2005, 251).

Here, then, the codified law has precedence, but a space is left open for uncodified *fiqh*.[5] More controversial is to let codified laws be subservient to the shariʿa in that a body of *fiqh* specialists are given the competence to vet and strike down codified laws introduced by the legislative assembly. This is the case in post-revolutionary Iran, where this led to considerable problems as the religiously trained scholars of the Guardian Council were not at all able to keep up with the pace of legislation, and the system had to be modified to reduce their ability to create bottlenecks (Schirazi 1997). Similar review bodies have also been suggested elsewhere (Hussain 1994, 62).

One of the most controversial attempts to bring references to the shariʿa into the constitution, and probably one that also had most effect on the legislation of other Middle Eastern countries, was that of Egypt. The earliest constitutions from 1923 on did not have any particular phraseology about Egypt's religious identity, except to establish freedom of worship. It seems that it was in the post-Nasser constitution of 1956 that we first get this sentence (then §3), which has remained in this form ever since: "*Al-Islām dīn al-dawla, wa-l-lugha al-ʿarabiyya lughatuhā al-rasmiyya*"

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5   Saudi Arabia is an exception, with its principled opinion that only shariʿa is "real law" and the rules established by the state (the king) are no more than "ordinances." For how this works in practice, see Vogel (2000).

(Islam is the religion of the state, and the Arabic language is its official language).[6]

The paragraph remained in this form until Sadat came to power following Nasser's death in 1970. His main political rival in his first year was the socialist left wing, and to counteract their influence, he opened up a space for Islamic tendencies. As a part of this, he added a sentence to the paragraph (now moved to be §2) in the revised constitution of 1971: *"wa-Mabādiʾ al-sharīʿa al-islāmiyya maṣdar raʾīsī li-l-tashrī'"* (and the principles of the Islamic shariʿa is a main source for the legislation).

This was a reasonably vague formulation, giving rise to three questions: What was to be understood by "the principles" of the shariʿa?, What did it mean to be "a main source"?, and, of immediate concern, What effect should this new law have for already existing laws – should they now be vetted against the "principles of the shariʿa" and changed if they did not conform to them? There were views in favour of such a review, and towards the end of Sadat's rule, plans were made to review existing legislation and "Islamise" a wider set of laws (Lombardi 2006, 129-140). However, when Mubarak came to power after Sadat's murder in 1981, the policy changed, and nothing came from these plans. The issue was brought before the new Supreme Constitutional Court, which established that the paragraph introduced in 1971 did not have a retroactive effect, so it only applied to *new* laws passed thereafter.

The Islamisation drive of the late 1970s did, however, have one lasting effect, in that an amendment was made to §2 in 1980, adding a small but crucial element. Where the 1971 text had *"maṣdar raʾīsī"* (*a* major source), the revision read *"al-maṣdar al-raʾīsī"* (*the* major source), thus taking care of the second issue above: the shariʿa principles should now be paramount over any other possible source for legislation. As long as it was not to be applied retroactively, it still did not have any immediate effect, but after time some issues were brought to the Constitutional Court for review to see if they contravened §2. In dealing with them, the court developed a methodology of its own, which basically equated the "principles" of the shariʿa to be its general intentions, *maṣlaḥa* or social welfare, which the court deemed to include contemporary principles of general human rights. Thus, only if a law contravened the principles of social welfare could it be in contravention with §2. In almost all cases under consideration, the court

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6   All the Arabic texts of the constitutions have been retrieved from the Egyptian government website (http://www.sis.gov.eg/Ar/LastPage.aspx?Category_ID=2128).

decided that the law did not do so.[7] Thus, the controversial paragraph §2 had little actual effect on Egyptian legislation.

Nevertheless the paragraph, innocuous as it may have been in actual legal practice, generated a heated public debate in Egypt and abroad, and was seen as a possible back door to Islamise Egypt's mainly secular laws, if the court or any other legislative body were to change their conception of "principles." Abroad, many English-language sources also inadvertently made the text of the paragraph stronger than it was. It was commonly presented in the English translation provided by the Egyptian government, which had slipped on the word pair "principle" and "principal." The paragraph is here rendered in English as: "Arabic is its official language, and the principal source of legislation is Islamic Jurisprudence (Sharia)," (thus still on their website[8]). Apparently, "principal" here covers both the Arabic original *mabādiʾ* (principles) and *raʾīsī* (main, or principal). This caused some confusion when the Salafis, as we shall see below, attacked the word *mabādiʾ* which had disappeared in this shortened English translation most Western newspapers used.

2.1   The Debates of 2012

After the 2011 revolution, it was clear that the old constitution would have to be revised, and after the very strong showing of the Islamist parties in the first parliamentary elections of January 2012,[9] the question of what role the shariʿa should have became very controversial. The political situation was fairly chaotic, with the parliamentary election being set aside by the Supreme Constitutional Court and the new president elected in June, Muhammad Mursi from the Muslim Brotherhood, unsuccessfully trying to overturn that decision. However, parliament was able to appoint a Constitutional Assembly where the two Islamist parties held fifty out of a hundred seats, but in reality came to dominate the proceedings. The issue of the shariʿa and §2 of course also dominated the public debate surrounding the constitution.

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7   The exceptions seem to concern matters of economy and property; the court has been consistently liberal on issues of family law (Lombardi 2006, 201-258).

8   Egypt Constitution, part 1 "The State", article 2, available in English on Egypt's Government Services Portal website, http://www.egypt.gov.eg/english/laws/constitution/chp_one/part_one.aspx. It is however rendered correctly in an "unofficial" translation by Adli Mansour entitled "Constitution of The Arab Republic of Egypt 2014" (dated 18 January 2014) available at the "State Information Service. Your Gateway to Egypt" website at http://www.sis.gov.eg/Newvr/Dustor-en001.pdf.

9   In which the Muslim Brotherhood's Freedom and Justice Party received 37 percent and the Salafis, dominated by the new al-Nour Party, 28 percent of the vote, but took respectively 45 and 25 percent of the seats.

Viewpoints changed and were sometimes contradictory, but some general tendencies could be discerned. On the "liberal" side of politics, a small secularist tendency arose that wanted to remove all or as much of the religious references as possible from the constitution, and thus an outright suppression of §2. Some Coptic voices also supported this view so as to establish an equality between Muslims and Copts. Other Copts, and apparently also the fairly cautious Coptic Church authorities, did not go so far, and accepted §2 as it stood, but wanted instead an addition to the paragraph that established the rights of the "traditional" or historic role of the Coptic community in the national fabric of Egypt. The shari'a for the Muslims; Christian law for the Copts. Most centrist groups also accepted the status quo as the best way not to rock the boat, with the retention of §2 in an unchanged manner. This was also the view of the Brotherhood, according to statements they repeatedly issued (Brown 2012).

The new political force on the Islamist side, however, the Salafis, pushed hard for changes in the law to impose the shari'a. Various Salafi politicians and polemicists suggested many possible forms for this, such as to simply declare the shari'a to be the constitution. However, the most concrete proposal to carry some weight was to replace the word *mabādi'*, principles, with *aḥkām*, rules: the rules of the shari'a are the main source of legislation. This would mean that the actual *fiqh* jurisprudence, not the vague *maṣlaḥa* (welfare) was to be the measure that any law was to be compared to.

The original cooperation between liberals and Islamists, such as it was, broke down with most of the liberal parties and forces, including the Coptic Church, withdrawing from the Constitutional Assembly. The final draft that was put forwards and was quickly passed in a referendum in December 2012, was thus mainly the work of the Brotherhood with the remaining other Islamist forces, both Salafis and some liberal Islamist parties that remained in the commission. The overly rapid passing of this law, only a couple of weeks after its text had been made known, caused an upheaval of political life in Egypt, and was a major factor in the social unrest that followed in the ensuing weeks. The main charge was that the Brotherhood and Salafis had implemented a coup and forced the shari'a onto the revolution. This was also how it was perceived abroad: Egypt has now introduced the shari'a into the constitution. Also the Salafi and partly also Brotherhood voices triumphantly presented the law in the same vein: now we have passed our shari'a, go out and defend it! Given Egypt's central position in the Muslim world, such a change would indeed have been a very significant event for our analysis of the "modern role of the shari'a." It may therefore be useful to look closer at the text of the 2012 Egyptian constitution to see what kind

of overtly Islamic or shariʻa elements could be found in it, compared to the one it replaced.

2.2   The Law in Paragraphs

As expected, the major point of contention earlier, §2, remained unchanged from its 1980 version:

> Islam is the religion of the state, the Arabic language is its official language, and the principles of the Islamic Sharīʻa is the main source for the legislation.[10]

§3: Christians and Jews
Instead of the Copts' request for a particular mention in §2, a separate and new §3 was added:

> The legal principles [mabādiʾ sharāʻī] of the Egyptian Christians and Jews are the main sources for the legislation concerning their laws of personal status, religious matters and the election of the spiritual leaders.

This of course largely reflects the actual situation today, but thus received a constitutional basis.

$4: Al-Azhar
However, the following paragraph, also new, was much more controversial, although it may also be considered open-ended. It concerned the question who were to decide what the "principles of the shariʻa" are. So far, this had been decided by the Supreme Constitutional Court that was set up in 1980. But §4 seemed to remove this central right from the legal establishment, and arguably from state authority, and placed it in the hands of the major independent religious establishment of the country, Al-Azhar University:

> Al-Azhar is an overarching and independent Islamic institution, which governs its own affairs, with the task of spreading knowledge and science about Islam and the Arabic language in Egypt and the world [beyond]. The views of the Collegium of high scholars at Al-Azhar shall be taken into account in matters related to the Islamic shariʻa [Yuʾkhadh raʾy

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10   "Constitution of the Arab Republic of Egypt 2014", available in Arabic on the "State Information Service. Your Gateway to Egypt" website at http://www.sis.gov.eg/Newvr/consttt%202014.pdf.

hayʾat kubbār al-ʿulamāʾ bi-l-Azhar al-sharīf fī al-shuʿūn al-mutaʿallaqa
bi-l-sharīʿa al-islāmiyya].

This was originally suggested by the Salafi parties, who are normally not
well-received at Al-Azhar, but they may hope to achieve greater impact once
Al-Azhar gains more real independence from the state. Thus the paragraph
continued, after asserting that the state should fund the university,

> Al-Azhar's Grand Shaykh is independent and cannot be deposed. The law
> for the method of his election from among the members of the Collegium
> is to be determined.

The text of this paragraph can thus, in a benevolent perspective, be read
to mean no more than that Al-Azhar scholars are allowed to express an
opinion on matters relating to §2, but also that they are the final arbiter of
all laws, depending how "taken into account" is interpreted.

§219: The Role of Fiqh

However, this issue was clearly a matter of discussion and negotiation in the
Constitutional Assembly, and they ended up adding a paragraph at the end
of the constitution, §219, which should establish more clearly what is meant
by "principles of the shariʿa" and how they were to be established. Possibly
because of the committee work, or because the paragraph is more imbued
with religious than with legal thought, it hardly clarified the matter, and
the various translations that were made of it into English were not always
very helpful to penetrate what it says. The Arabic text is:

> Mabādiʾ al-sharīʿa al-islāmiyya tashmal adillatahā al-kulliyya, wa-
> qawāʿidahā al-uṣūliyya wa-l-fiqhiyya, wa-maṣādirahā al-muʿtabara fī
> madhāhib ahl al-sunna wa-l-jamāʿa.

An English translation published in the daily *Al-Masry Al-Youm* provided this
text: "The principles of Islamic Sharia include general evidence, foundational
rules, rules of jurisprudence, and credible sources accepted in Sunni doctrines
and by the larger community."[11] Again, the exact meaning is not crystal clear.

A probable interpretation could perhaps understand the terms in this way:
adilla, plural of *dalīl* (indications or evidence for an interpretation), is often

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11   Nariman Youssef, "Egypt's draft constitution translated," *Egypt Independent*, 12 February 2012,
available at http://www.egyptindependent.com/news/egypt-s-draft-constitution-translated.

used for arguments found in the revealed texts, the Qurʾan and sunna. With *kullī* (total or general), this indicates the first part of the process required to establish "principles": "The principles of the Islamic shariʿa include the general rule texts [on the issue in the Qurʾan and shariʿa]." *Qawāʿid* (foundations) is in law normally used for the abstract principles that *fiqh* scholars have formulated as underpinning the shariʿa, along these lines: "an act is measured by its intention" (Heinrichs 2002, 368-369; Vikør 2005, 165). Although *uṣūlī* is here paired with *fiqhī* rather than the more common *furūʿī*, it is reasonable to read the two words as the conventional pair of "methodology" and "legal content," thus: "its methodological and legal basic rules."

This may still be open to broad interpretation, so it is probably the last element which is most important, "and its legal sources as they are recognised in the schools of law of the 'people of the Sunna and Community,'" that is the Sunni *madhāhib*. Shiʿism is thus ruled out, but the four Sunni *madhāhib* are given equal authority.

Read in this way, it shows how any new law taken under review of §2 should be processed. It should first be tested if it contradicts a rule in the Qurʾan and sunna; then against the general *qawāʿid* and basic *fiqh* rules, and finally the established rules that are *recognised* in the four schools. The paragraph does not rank the *madhāhib*, so arguably a law that could be supported in one of the four schools should still stand. But the term "recognised" does not seem to allow much leeway beyond that; it leaves it to the specialists of the schools to close the door on interpretations that, however well they may be argued to follow the "general principles," including the *uṣūl* and *furūʿ*, are not considered by Al-Azhar scholars to be "recognised" by the schools.

§§10-11, 44: The Family and Religious Freedoms

A few other paragraphs also refer to religion. §10 reads, "The family is the foundation for the society and is based on religion, morality, and patriotism." Following it, §11 states: "The state should promote a high level of education in religious and patriotic virtues, scientific thought, Arabic culture and the historical and cultural heritage of the people." Both of these stem from the 1971 constitution, which also contained a paragraph on religious education which has been removed.

There was a heated debate about a paragraph on women's rights which included the wording, "as long as it does not contradict the shariʿa." This was however also taken from the 1971 constitution. In any case the paragraph was removed completely, both women's rights (covered more briefly in another paragraph) and the shariʿa reservation.

§§43-46 are concerned with freedoms of belief, thought, opinions, information, and creative work. To this group was added a new §44: "To insult or denigrate all religious messengers and prophets is forbidden." The ban on blasphemy was thus taken into the constitution. As expected, only the three Abrahamic (*sawāmī*) religions were awarded protection.

2.3   Religion and State in the 2012 Constitution

What does this mean in relation to the discussion on modernity and Islamic law? As we mentioned, the main elements that appeared with the modern period were codification of laws, restriction of the shariʿa's domain to family and personal status law, and moderate changes to the contents of those laws. The 2012 constitution touched upon all of those elements.

Egypt's laws were of course still to be enacted in a codified form by a legislative assembly such as parliament as before. However, the constitution allowed a non-legal body, the scholars of Al-Azhar, the possibility to vet and potentially overturn laws they found to be contrary to the shariʿa. Previously the Supreme Constitutional Court had that same right, but moving the deciding authority out of the legal system and to the body of religious scholars can certainly be considered a step away from what is the core of the codification process: that legal authority lies with the state (including the judiciary), and not with anybody independent of state authority, such as Al-Azhar is here explicitly said to be. We do not know, of course, how Al-Azhar would have exercised this right, or what their view being "taken into account" was to mean. Were they to be the final authority *de facto* or *de jure*, or were they only allowed to voice an opinion which a different deciding body – presumably the Constitutional Court itself – could overturn at will. The constitution cannot be said to be clear on this issue.

As for limiting the shariʿa influence to family and personal law, this was of course still the case as substantive law was not changed in any significant manner. But the review process outlined in §2, §4, and §219 made no distinction here. Laws in all fields could be vetted in this process, and this was already the case for some laws considered under §2 by the Constitutional Court, some of which concerned economic matters. The 2012 constitution does not specify whether the review process only concerns new laws, such as was decided after the 1980 revision, although that may perhaps be implied; but that was in any case only a postponement as new laws will have to be enacted continuously. In other words this was not a change from existing practice, but could have had a greater impact than the zero effect §2 actually had made during its first forty years.

As for Al-Azhar's practical role in any changes to the contents of the laws, the constitution was ambiguous; §219 did not mention the word *aḥkām* (actual legal rules), only the *maṣādir al-madhāhib* (sources of the schools of law). It could thus mean only "sources" at the same abstract levels of principles as before, but the language would also allow for an interpretation where a law actually has to conform to, or at least not directly contradicts, the *fiqh* of the matter in the four schools.

These processes would of course be constrained by the political environment. Major changes to Egypt's laws in line with the traditional shariʿa could not have been possible without major political confrontations, and it is not obvious that Al-Azhar, known mostly for its closeness to what is politically correct at any moment, would have been in the forefront of such a challenge to society. The 2012 constitution can thus be said, in the most dramatic reading, to try to open the way for a reversal of the modernisation process Egypt and most Muslim countries have taken over the last century, but it would probably take a more thorough Islamist revolution than the political power surge of 2011-2012 to make that a reality.

2.4   An Islamist Project Aborted

As it turned out, this Islamist revolution did not take pace, and the 2012 constitution had only a brief and tumultuous life. It was one of the major themes in the widespread popular protests that eventually led to the removal of president Morsi from office on 3 July 2013. The 2012 constitution, implemented only seven months earlier, was immediately frozen. The new regime quickly set down a commission to revise the constitution. While the Salafist al-Nour Party, which supported the coup, attempted to argue for the preservation of some of the paragraphs introduced in February, the revised constitution reversed most of the contentious changes.[12]

The text of §2 remained as it had been, while the new §3 on Christians' and Jews' rights was retained.[13] However, the uncertainty of who was to define the "principles" was removed. The independence of Al-Azhar was still stated in what is now §7, but its task is now that "it is the fundamental arbiter [*al-marjaʿ al-asāsī*] on the sciences of religion and Islamic matters," with no

12   2014 constitution, available in Arabic on Egypt's Government Services Portal website, http://www.egypt.gov.eg/arabic/laws/download/Constitution_2014.pdf. See also an unofficial English translation by Adli Mansour available at the "State Information Service. Your Gateway to Egypte" website at http://www.sis.gov.eg/Newvr/Dustor-en001.pdf.

13   A new § 235 requires the new parliament to pass a law regulating the construction and renovating of churches, in a manner respecting Christians' rights.

particular reference to the shariʿa, while the preamble to the constitution says that the interpretation of the principles of the shariʿa lies in the previous rulings of the Supreme Constitutional Court. The controversial §219 was thus completely suppressed.[14]

This revised constitution was then put to a referendum, with as brief and unconvincing public discussion as in the previous year, and was passed with an overwhelming majority.

The 2012 constitution was thus not to become the framework of politics in Egypt. However, its paragraphs and the debates surrounding it can still give us useful perspectives on how the Muslim Brotherhood, with its allies in the constitutional process, envisaged the integration of Islamist politics and existing constitutional law in practice, and thus the legal role of the "Islamic state."

The issue of Egypt's Brotherhood-inspired constitution does not conform to a conception of a sharp break between "tradition" and "modernity." Modernisation theorists may, of course, say that this reflects an imperfect modernisation, or a reversal from "modernity" to traditional values, represented by the Islamists and Al-Azhar. If so, it would rather indicate the possibility of a hybridity between the "modern" and the "traditional," meaning that there is no absolute break. However, given how this process plays out in "modern" institutions such as constitutional debates, parliamentary elections, and codifications of the legal process, it seems more fruitful to consider them different; contemporary political and cultural viewpoints and trends with the conceptual dichotomy of "modern" and "traditional" or "classical" are of less explanatory value.

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14   Of the other paragraphs discussed, § 10 remains unchanged in the 2014 constitution, while § 11 was reformulated with less emphasis on morality. While § 43 (now § 64), still limits religious protection to the "Abrahamic" religions, the ban on insulting "messengers and prophets" was removed.

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Vernacular Cosmopolitanism as an Ethical Disposition

Sufi Networks, Hospitality, and Translocal Inclusivity

Pnina Werbner

1   Introduction

In *Regulating Aversion*, the philosopher Wendy Brown makes the point that "[t]olerance as a political practice is always conferred by the dominant, it is always a certain expression of domination even as it offers protection or incorporation to the less powerful" (Brown 2008, 178). Those who are perceived to be intolerant are defined by tolerant Westerners as barbarians, she proposes, and as such a legitimate target of aggression. The result is that tolerance, in marking what is "civilised," confers superiority on the West, even in such cases when Western liberals concede that "the other" too may be "tolerant." The discursive act of labelling establishes the relationship of dominance (see Brown 2008, 176-258).

If we accept Brown's position, this creates a dilemma for students of Islamic societies, similar to dilemmas raised in the past by the questioning of ethnographic authority in anthropological writing. If cosmopolitanism is defined at least in part by an ethics of tolerance or "openness," a willingness to reach out to a cultural "other" or stranger, may we conclude, with Brown, that cosmopolitanism is necessarily Western, secular-liberal, and elitist – a discursive strategy that disguises and depoliticises relations of dominance? And, if so, what room is there for ethnographers of Muslim societies to attempt to describe their research subjects as "cosmopolitan," or to theorise a non-elitist, demotic, *vernacular* cosmopolitanism that is nevertheless tolerant, moral, and ethical? Can it be that the people anthropologists study beyond the West, including Muslims, are incapable of being "truly" cosmopolitan in their own right?

Against Brown's view, I want to propose here that non-Western societies may be equally tolerant and cosmopolitan in their own, locally and culturally embedded, vernacular cosmopolitan ways. By vernacular cosmopolitanism I refer here to alternative, particularly non-Western, forms of cosmopolitan ethics, defined broadly as an openness to difference, whether to other ethnic groups, cultures, religions, or nations. One path towards

recovering the cosmopolitanism of societies beyond the West, I suggest, is to make more explicit the indigenous, vernacular terms used by them to express their cosmopolitan ethical outlook or ideology.

Against the notion of a Muslim cosmopolitanism, Muslims are often defined by the media and politicians as narrow, intolerant, repressive, and unwilling to recognise and respect non-Muslims; in other words, as anti- or counter-cosmopolitan. But is this really so? And is it so for all Muslims? Among Muslim streams and movements, many scholars have stressed the open, inclusive aspects of Sufism in particular as a major Islamic tendency that is peace-loving and tolerant of difference. In this essay I present first an example of Sufi tolerance and vernacular cosmopolitanism from my research on a Sufi saint in Pakistan. Second, I propose that a Sufi ideology of peace and tolerance is related to the kind of networks across boundaries that Sufi saints foster. I want to begin, however, by exploring some Pakistani or Urdu notions that refer to what might be construed as cosmopolitan.

2 Pakistani and Sufi Ethical "Cosmopolitanism"

It is possible to map out, I suggest, a semantic field of Urdu notions that between them speak to different aspects of cosmopolitanism. A key term in Urdu, often invoked, is the notion of "humanity" (*insaniyat*), which combines several ethical notions at the heart of cosmopolitanism: equality, compassion, and urbanity. According to Platts' Urdu-English dictionary, *insaniyat* means "human nature, humanity, human kindness, affability, politeness, urbanity" (Platts 1884). A parallel term, *admiyat*, means "human nature, humanity, benevolence, compassion, sympathy, civility, urbanity, politeness, good breeding, rationality, reason, judgement, civilised." In one sense, then, these two terms contain the idea that all people everywhere are equally human and that this humanity must be recognised and respected. Islam as a universal religion regards all human beings as potentially equal before God; indeed, unknown to them, they were born Muslims and therefore when they convert to Islam they are, in fact, "reverting" to Islam. Sufi saints like Zindapir, the saint I studied, recognise this inclusiveness before God, as I show below.

Perhaps even more striking is the fact that the same terms, *insaniyat* and *admiyat*, also imply urbanity, civility, good manners, kindness, reason and judgement. These are the central traits of cosmopolitans as colloquially understood in English, too. Muslim and South Asian cities have long been sites of multiethnic and multireligious commerce in goods and ideas, while

Muslims have been nomadic and long-distance traders for millennia. One would expect such societies to combine ideas of urbanity, civility, and universal humanity. As in ancient Greece, the word in Urdu for "citizen," *shahri*, means "of or belonging to a city, a citizen." Historically, the vast spread of Islam, the medieval and modern European colonial conquests and re-conquests of Muslim-populated lands and, from quite early on, the emergence of ungodly usurpers and lay dynastic rulers in the Muslim world, all made the injunction to migrate to a Muslim land virtually un-achievable. As Shadid and Van Koningsveld have argued, with Muslims living permanently in non-Muslim lands, Muslim scholars began adapting a third category between the so-called "Land of Islam" and the "Land of War" (*dar-el harb*) – this was *dar-el aman* or *dar al-ahd*, the "Land of Security" or "Treaty," concepts originally formulated as a guideline for Muslim travellers or traders who were living temporarily in lands friendly to Islam – to other circumstances (Shahid and Van Koningsveld 1996; Lewis 1994). The condi-tion for remaining in such lands was that Muslims should be allowed to practise their religion openly and freely. The ethical notion implied by *dar-el aman* is close to the cosmopolitan Kantian idea of temporary sojourning in peace. *Aman pasand* is a peace-loving person in Urdu. Sufi saints' lodges, which often serve as places of refuge, are described as being places of peace or serenity, *sukun* or *sakina*, dwelling in peace. This is also the word for Sufi

Figure 3   Doves over the shaykh's room at Ghamkol Sharif

inner peace in contemplation. Peace is symbolised by the doves at a saint's lodge (see figure 3).

Generally speaking, *bardasht* means "tolerance" in Urdu, but the most apt description in Urdu of openness to "the other" in a cosmopolitan sense is *wasi un-nazr*, literally a "vast vision," referring to a person of open horizons, an open-minded, liberal person. This is the opposite of *mutasib* (prejudiced). There are many other related terms: *farakh dil* (open-hearted or generous), *khula damajh* (open-minded), *mehman nawaz* (hospitable), and *sakhi* (generous).

I asked a Pakistani friend if there was a term for "world citizen" in Urdu, someone who believes they belong to the whole world, not just one country. She responded, "this is what we believe in Islam." She quoted a saying from the poet Muhammad Iqbal, "*Muslim hey, ham wathan hey, sara jehan hamara*" (as Muslims our homeland is the whole world). "We believe that Allah is the God of all people," she added. Literally "world citizen" translates as *aalmi shahri*, but this expression is seldom used, I was told.

We see, then, that there is a complex vocabulary in Urdu, and no doubt in Arabic, too, referring to notions of tolerance, open-mindedness, and a shared humanity.

An apocryphal tale told to me about Shaikh Ahmed Sirhindi, a renowned seventeenth-century Sufi Naqshbandi, by a *khalifa* (deputy) of Zindapir, the Sufi saint I studied in Pakistan, exemplifies this sense of world belonging. The tale was intended to explain why true Sufi saints like Zindapir always remain in their lodges. Babaji – one of Zindapir's *khalifa*s – began his story by telling me that once, when Ahmed Sirhindi was standing in the company of his disciples, they saw the shaykh take a step forward, then withdraw his foot; he then took a step in the opposite direction and once again, withdrew his foot. This happened a third and fourth time. Wondering at this strange behaviour, his disciples finally asked him: "Your Honour, what is the matter, why do you keep stepping forwards and withdrawing your foot?" Sirhindi replied that there are three types of ranked *faqir* (mendicants): first, the person of *karamat* who can cross the earth in two-and-a-half steps. He moves from place to place, visiting his *murids*; second, the person of high rank (*maqamat*) who can cross the earth in a step-and-a-half. He only visits select places. And finally, the *faqir* who has achieved the rank of utter steadfastness (*istiqamat*). If this *faqir* lifts his foot, there is no place on earth for him to put it down; he can cross the earth in half a step and so he has no need to go anywhere. He remains fixed in one place. This is the place where he sits and this is the place where he is buried.

The tale is clearly one of global Sufi reach. Through it the *khalifa*, Babaji, connects himself both to Sirhindi and to his *pir*, Zindapir, of the same Naqshbandi *silsila* (chain of preceptors and disciples). Zindapir was famous for never leaving his lodge except to go to Mecca on hajj once a year. By contrast, many Muslims, including Sufis, have been world travellers. Muhammad Zaman reports on Ibn Batutta who travelled in the fourteenth century from Morocco to Delhi, where he was appointed a judge, before travelling further to China. This was possible because across this vast region, Muslim scholars shared the same language of scholarly interpretation (Zaman 2005). This is a kind of elite vernacular Muslim cosmopolitanism in which a single language may be shared across many regions and countries, enabling easy travel and communication.

As a devout Muslim, Zindapir, whose lodge was in an isolated valley in the North West Frontier Province, cannot be said to have been a cosmopolitan in either the elite or the secular sense of the term. But he was, in many respects, nevertheless a cosmopolitan. For a start, like other founding saints who created their own order or regional cult, he had a stake in peaceful coexistence and tranquillity. This enabled him to expand his Sufi order or cult network across regions within Pakistan and even countries beyond it, in the Gulf, Great Britain, South Africa,

Figure 4   Arriving for the *ʿurs* at Ghamkol Sharif

and elsewhere, and thus also to reach different ethnic and religious populations. The very inclusiveness of the cult or order's membership and its pragmatic accommodation to different political regimes militated against violence. Throughout the year, supplicants seeking healing and blessing arrived, and continue to arrive, at the lodge. During the annual *'urs* celebration at the lodge tens of thousands of pilgrims and disciples gather together in peaceful amity from across Pakistan and even beyond it (see figure 4).

A further element relates to the spiritual authority of the saint, which transcends that of worldly rulers. If his authority is above that of temporal rulers, it follows also that it recognises no temporal political, ethnic, or religious boundaries. His tolerance towards members of other religions is stressed in many of the morality tales he tells. He repeatedly told me that

Figure 5   A Christian convert who is *khalifa* of Zindapir

the "true" Islam does not discriminate between men of different creeds and faiths. It was the Sufis, not the 'ulama' (the learned scholars), who had brought Islam to the subcontinent. Paralleling his claimed domination of the natural world was his love and dominion over the human world, including men and women of all faiths, from the poorest beggar to the most elevated politician or the most respected of learned scholars (see figure 5).

Saiyed (1989) echoes other South Asian scholars when he contends that it is through Sufi shrines that "the subcontinent saw the best part of Hindu-Muslim integration," and that it was "the personal and spiritual influence of various saints that … allowed for the peaceful coexistence of the two communities for several centuries on the Indian subcontinent" (Saiyed 1989, 242). Although Van der Veer has argued that current antagonisms between Hindus and Muslims in contemporary India have diminished and politicised the spirit of Hindu-Muslim fraternity at Sufi saints' shrines (Van der Veer 1994), there are places in India and Pakistan where even today Hindus and Muslims participate harmoniously in joint celebration, as at the '*urs* of the saint of Nagore-e Sharif in Tamil Nadu (Saheb 1998).[1] Among Zindapir's disciples were Afghani refugees, Pathans, Punjabis, Sindhis and Kashmiris, peasants and urbanites, rich and poor. Against the puritanical strictures of the Deobandis, Zindapir's reform Sufism espoused a spirit of openness and generosity, which encouraged followers to aspire to worldly success and prosperity, while envisioning a utopian world of nurture, tranquillity, and selfless giving (see Werbner 2003).

During my evening meetings with the shaykh, he continuously stressed that he expected no reciprocity from me for the generous hospitality he had extended to me. He will never be a guest in my house, he assured me. He treats me this way because I am a human being, *insan*, I am God's creature, for the sake of Allah, irrespective of whether I am a Muslim, a Christian, or a Jew.

The trope of unilateral hospitality is key to vernacular forms of ethical cosmopolitanism. When I commented to a Pakistani friend during one of my stays in Pakistan that I would never be able to reciprocate the generosity his family had shown me, he responded that there was no expectation of reciprocity. They believe, he explained, that the stranger they welcome to their home was sent to them by Allah, affording them the opportunity to be generous hosts for the sake of Allah.

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1   For other examples in South Asia, see Basu (1998), Liebeskind (1998), Rehman (2007), Bigelow (2010), and Frembgen (2011).

3   Hospitality, Honour, and Generosity towards Strangers

While anthropologists have not written explicitly about the ethics of
vernacular cosmopolitanism, anthropological theorising on indigenous
notions of hospitality as signalling an openness to "the other," to stran-
gers and unknown travellers, parallels in many ways my discussion
of vernacular cosmopolitanism here. As Selwyn argues, "[h]ospitality
converts: strangers into familiars, enemies into friends, friends into better
friends, outsiders into insiders, non-kin into kin" (2000, 18-19). Writing
about Jordanian Bedouin, Shryock tells us that the Arabic word *karām*
denotes "generosity, hospitality, nobility, grace and refinement." But it also
conveys, at the same time, a sense of "hazard" (Shryock 2004, 36). This is
because the magnitude of generosity towards a guest is potentially almost
infinite, and yet to be judged ungenerous is to risk one's reputation and
honour. A host depends on a guest to sing his praises when he leaves. More
subtly, "hospitality creates a momentary overlap of the inner and outer
dimensions of a 'house' (a *bayt* or *dār*)" (ibid.). In crossing the threshold, a
guest ambiguously becomes an intimate insider while remaining a social
and cultural outsider.

A delightful tale is told by Emrys Peters about his encounter with Cyre-
naican Bedouin hospitality. In the first camp where he and his wife pitched
their tent, they were welcomed generously with the slaughter of a sheep.
While the animal was being prepared they engaged in a long series of formal
ceremonial greetings as they reclined on carpets. The meal, when it arrived,
was eaten in silence, "without conversing." It was only when the tea was
brought in that for the next two hours the guests were "plied with questions
about our origin, our families, our marriage, our history, our country and
our travels; and the Bedouin freely gave similar details about themselves
... their origin, their relation to other groups, and their wells, pastures and
ploughland" (Peters 1990, 138). The denouement of the tale came the fol-
lowing day, when the anthropologist guests discovered that their spoons
and forks had been borrowed for another guest, without permission, on the
grounds that "we are now exactly equal together" (ibid., 139).

We see here the move from strangerhood to intimacy and mutual
knowledge learnt after hospitality has been generously given though, as
Shryock reports, among the Bedouin of Jordan there was a sacred age-old
Arab tradition of offering hospitality for "three and one-third days without
asking about the identity of the guest" (2004, 44), a custom respected by
Zindapir who boasted that he never asked supplicants their names. But as
the incidence of the fork-borrowing highlights, there is always a measure

of ambiguity in true hospitality. As Selwyn argues, citing Heal, "while the essence of hospitality lies in sharing (food, lodging, entertainment), the very process of sharing may involve dominating too ... [This is because hospitality is] concerned with such values as honour and status, the quasi-sacred character of both guest and host" (Selwyn 2000, 27).

The similarity between hospitality and vernacular cosmopolitanism lies in the fact that in hospitality as in cosmopolitanism there is no intention of a guest or interlocutor being assimilated or fully incorporated into the house. S/he is accepted as a stranger and outsider and yet welcomed and enveloped in generosity as an insider. So, too, cosmopolitanism does not depend on cultural homogenisation or assimilation but on an acceptance: it is, simultaneously, both a relationship and a continuing otherness; a welcoming encounter with difference. A further similarity lies in the ethical voluntarism inherent in the act of hospitality, which, at the same time, is felt by hosts to be compelling and inescapable. So too with cosmopolitanism: cosmopolitanism is not a legal requirement but a voluntary gesture of acceptance and tolerance of a cultural other, *which is yet necessary*; it is the voluntary creation of nearness and familiarity with and despite strangerhood. In both hospitality and cosmopolitanism, "acceptance is bestowed in a context of vulnerability" (Shryock 2004, 37).

In a later paper, Shryock draws attention to the parallels between Bedouin thinking about hospitality and the thinking of metropolitan philosophers such as Jacques Derrida and Immanuel Kant (Shryock 2008). Kant regarded gestures of hospitality between nations, the injunction to afford the right to sojourn, as guarantors of "perpetual peace," of cosmopolitan non-violence between nations. Derrida, Shryock tells us (2008, 409), argued that

> the host must be prepared to receive the guest without expecting the guest, without acting out of duty yet feeling obliged to feed and cover the guest: "If I welcome only what I welcome, what l am ready to welcome, and that I recognise in advance because I expect the coming of the *hote* (guest) as invited, there is no hospitality."

True hospitality, in other words, is for the unexpected guest, not the familiar one, for the unknown stranger who turns up at your door. This is the very opposite of the unwelcoming attitude French hosts have displayed towards Maghrebian migrants in France.

Often, hospitality is given without an expectation of return, but it can also be an opening move in forging a long-term relationship of gift exchange

Figure 6   Hospitality for the anthropologist at Ghamkol Sharif

and debt (Peters 1990, 139). Despite the idealisation of the ethics of hospitality as spontaneous and without calculation, in reality hospitality is at the same time also often highly instrumental for survival, as in the case of Afghan long-distance traders. Marsden shows that among such traders the hospitality they depend on or extend may, and often does, go wrong (Marsden 2012). Guests are a necessary risk and particularly so when it comes to movement across dangerous borders. Nevertheless, hospitality is essential to the lives of these traders.

For Sufi saints like Zindapir who remain permanently seated in their central lodges, hospitality is constructed as a pure ethical gesture, unilaterally extended without expectation of return (see figure 6). Like other hosts, however, such saints also must guard against accusations of hypocrisy and greed – the view that donations and offerings at the lodge "in the name of God" are in reality ways of enriching the shrine's keepers. In this sense, hospitality at a Sufi lodge may also be interpreted in ethically ambiguous terms. Zindapir, in being an ascetic, a world renouncer, attempted to allay such suspicions. In his moral narratives he stressed his inclusive acceptance of everyone, his willingness to engage with strangers and foreigners, irrespective of religion, culture, and nationality, all of whom are treated as sacred guests hosted under the canopy of God above.

4   The Sufi Saint as Extender of Hospitality to Foreigners and Strangers

What is a *faqir*? Zindapir asked me, rhetorically. A *faqir* is a friend of Allah. He does things only for Allah. If he is given the choice between 100,000 rupees, or eat nothing for God's sake, he would choose to stay hungry. If a *faqir* loves the people, he only loves them for the sake of Allah, not for himself. It is like the fan in my room. Once an Englishman came from the British High Commission in Islamabad. He said: "I have a nice house in Islamabad, full of comforts, yet I feel so peaceful when I come here. Why is that?" The shaykh replied: "The fan is blowing cool air for me, but if someone is sitting in the room with me, he too will feel the cool breeze. So too Allah is here for me and you share in his light. Allah says that if you want to find me, you must first find my friend, you must find *mera banda* [my man, my servant, the person who does *bandagi*, prayer]."

The shaykh said that usually women sit behind the barrier where they cannot touch him. He never shakes their hand. Why not? Because it is *guna*, sin. But once a white female doctor came from Islamabad and he shook her hand because she is a Christian (for her it is not a sin).

The shaykh's tolerance was repeated in many of the morality tales he tells. He explained: "I respect all people whatever their religion because they are human beings. In fact, once a Christian came here and he was given food before the Muslims so that he would not think they regarded him as inferior."

An American came to see him, he told me, and asked why Pakistan helped the Afghan refugees. The shaykh replied that Pakistanis and Afghans believed in the same God, and so too did Christians, but the Russians (i.e. the Communists) did not believe in God. Once, a team of doctors from the United Nations working with Afghan refugees in Kohat (the nearby cantonment town) came to visit him. The leader was a Christian doctor, himself not a believer, yet later he asked if he could bring another doctor friend. All are welcome at the *darbar*, the shaykh said, irrespective of religion, and he treats them all the same: "I gave the visitors food even though it was *Ramzan* and I myself was fasting. I said they should eat. I fast, but every person who comes here, rich or poor, gets something to eat."

My own visit was an occasion to prove once again his universal acceptance and tolerance, irrespective of faith or creed. On the last day of my visit to the *darbar* in 1991, he called me to him and said: "You have stayed with us for three weeks and during this time you have slept on a bed, in comfort. We know that you are Jewish. While you have been here you have seen

many Muslims come and all have slept on the ground. Would you get such good treatment even from your own husband? And where else in the world would you find such peace? Nowhere!" On my departure, I was showered with gifts, including wild honey, perfume, suits of traditional clothing in the most exquisite fabrics, and gifts for my husband. As in the case of important politicians and civil servants, the gifts objectified the shaykh's ultimate transcendence and the miracle of his generosity.

Zindapir stressed repeatedly that what he does, he does for the love of God and God alone. Some time ago a Japanese team came to the *darbar*, headed by a Mr. Hiroshima, a famous climber who had conquered K2 in the Karakoram range of the Hindu Kush, the second highest mountain in the world after Mount Everest. The team consisted of scholars from a Japanese institute with an interest in Sufism. They asked the shaykh: "What is the significance of the dome on the graves of *pirs*?" The shaykh replied that the dome is only for *auliya*, friends of God, not for generals, heads of state, or kings. It is a sign (*nishani*) of a man of God, a friend of Allah. On the occasion of this visit, Hajji Ibrahim, a devoted disciple of the shaykh, invited the visitors for tea, Japanese style, and spoke to them in Japanese. He had worked for a Japanese firm in the Gulf and he utilised his experience to entertain the guests in a fitting way. Thus each guest to the *darbar* is honoured according to his customs – an English visitor is provided with a bed, the Japanese with the appropriate kind of tea.

Once, the shaykh recalled, three young Englishmen came to the *darbar*. Two had already converted to Islam and one was converted in the *darbar* by the shaykh. When they met the shaykh on hajj, one of them put the question to him: "Should I stay with my mother who is still a Christian, or leave her?" The *pir* said that he should keep on living with his mother and should serve her and take care of her. "You should treat her with the respect due to her as a mother." The Prophet, he said, told a man who had converted to Islam and whose father was an old man and a devout Christian: "You should take your father to the church door, wait for him outside while he prays, and then accompany him back home."

On the last day of my stay in the *darbar*, following the '*urs* in 1991, I went to bid goodbye to the shaykh. He looked particularly ethereal, thin and pale, his eyes darkened, and he smiled a sweet, innocent smile. He stressed once more that all he did was for the love of God alone and no one else. He knew I was a Jew (*yahudi*). If a Jewish and a Muslim woman came before a Muslim judge to be judged, and he put the Muslim woman in the shade, then the judge was not a Muslim. Muslims, Christians, and Jews have the same God, but he, Zindapir, does not like the Russian Communists (in Afghanistan)

because they do not believe in God. During *zikr* people mention only one name – the name of Allah. By appealing to God, Zindapir transcends Islam to reach out to all people of faith. In doing so, he underlines his own transcendence, the reach of his dominion. He also asserts the difference between the mystic's knowledge of the inner truth of Islam with its broad, tolerant, universal message, and that of the narrow-minded 'ulama'.

Lest it be thought that Zindapir was in some sense exceptional, a recent article on a Sufi *khalifa* in Mauritania exemplifies some of the same traits. Hill reports that his place of residence had become a cosmopolitan site for students from all over Europe, North and West Africa, Indonesia, South America, the US, and Canada (2012, 63). Hajj, the Sufi leader and his colleagues, he tells us, "avidly study their guests' customs in order to offer appropriate hospitality" (ibid., 65). Hill tells us that

> Just as Hajj teaches Mauritanian disciples to build on common ground with fellow Muslims, he teaches them not to alienate non-Muslims … [W]henever Hajj heard someone (usually a visitor) ask about my beliefs, he quickly changed the subject, quipping that no one knows God's judgments and that there is "no compulsion in religion" (Qur'an 2:256). (Ibid., 77)[2]

Writing about efforts towards intercommunal peace and networking across different ethnic and religious communities, at Ajmer Sharif, the burial site of the founder of the Chishti order in India, Mu'in al-Din Chishti, and perhaps the most sacred shrine in the whole of South Asia, Kelly Pemberton tells us that in the face of violence and communal strife, keepers of the shrine in Rajasthan make continuous efforts to reach out across Muslim, Hindu, Sikh, and Christian communities in interfaith activism. In doing so they draw upon elements in the saint's life that "promote a vision of a community in shared faith of the divine, particularly [the saint's] universal message of love without compulsion." They thus mobilise, she tells us, "the symbolic and cultural capitals of 'idioms' of Sufism" (Pemberton 2012, 270), while they also reach out to the local multifaith community and to other networks of anti-communalist activists.

The intercultural atmosphere of tolerance evident at Sufi annual festivals in South Asia can be found elsewhere in the Muslim world, too. In a recent paper on *mulids* in Egypt, Samuli Schielke describes the carnivalesque atmosphere at annual *mūlid* festivals in Egypt. Such festivals are marked,

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2   Hill uses the unfortunate notion of "cosmopolitan hybridity" rather than vernacular cosmopolitanism.

he tells us, by an ethos of joyful inclusiveness. Differences between Islamic religious tendencies, gender, or class are erased so that a "famous actress can eat next to a beggar, and there is no difference between them" (2008, 55). Attempts by Islamic reformists in the Egyptian administration to control what they regard as the disorderly dimensions of the these festivals with their crowds, music, transgressive alcohol drinking, gambling, and spontaneous mingling between the sexes in intercultural amity, seem to be, in the long run, doomed to failure, however.

5   Sufi Orders as Trans/regional Cults

If traditions of hospitality towards strangers permeate the vernacular ethics of Muslims in the Middle East, South Asia, and Africa, Sufi saints like Zindapir appear to represent the outer extreme of unilateral giving and hospitality. This may be due, I want to suggest, to the counter-structural features of Sufi orders, seen as organisations that transcend structural and administrative boundaries. Hence, the mediation of cross-ethnic, inter-caste and cross-regional divisions in South Asia is a central feature of South Asian Sufi orders, regarded as regional and transregional cults focused on a single central place, which followers visit periodically. Such cults are not bounded territories. Instead, they interpenetrate with one another, leapfrogging across major political and ethnic boundaries and creating their own sacred topographies and flows of goods and people. These override, rather than being congruent with, the political boundaries and subdivisions of nations, ethnic groups, or provinces (Werbner 1977, xi).

Seen as networked spaces Sufi cults are creative and expansionary organisations. True, the bonds of spirit between disciples of a single Sufi saint often consolidate and mediate *biradari* (clan), affinal, lineal or village ties; but they may also form the basis for new friendships forged away from home, in the absence of family or neighbourhood during labour migration, and they may introduce parochial villagers to the glories of shrines located well beyond their district and even province. In such cases, being a disciple comes to acquire many new and complex meanings. This was true for the devotees of the living saint I studied, Zindapir, and his regional cult. The genesis of the cult's vast catchment area could be found in relations between soldiers, labour migrants and, city dwellers living away from their village homes, and their continued ties to their rural communities. It was thus the intersection between labour migration and village or urban roots which

explained the spatial patterning of the shaykh's sacred dominion and the reach of his cult.

Zindapir was during his lifetime, above all, an army saint. His career started as a tailor-contractor in the army where his early circle of companions was forged. Sufi Sahib, who created his own regional cult centred in Birmingham, was one of these companions. Rab Nawaz, one of his trusted *khalifa*s, told me that until white hairs appeared in the shaykh's beard, he and all the *khulafa*, the deputies or messengers, wore *khaki*. It was only when his beard turned white that they began to wear white gowns. Even after becoming a practising *faqir*, Zindapir spent time in Abbotabad not far from the army base where he had worked, and he continued to recruit army followers to be his disciples. Ghamkol Sharif, the lodge he founded when he left Abbotabad, is located only a few miles from Kohat, a large British garrison town or cantonment which was taken over by the Pakistan army at independence. The lodge's reputation as a place of local beauty attracts a constant stream of curious visitors. Many of his *murids*, disciples, told me how they first visited the lodge while stationed in Kohat. On seeing the lodge, they were overwhelmed by its gloriousness and the spirituality (*ruhaniyat*) of its shaykh. Later they became his disciples (see figure 7).

Figure 7   Ghamkol Sharif lodge, nestled in the valley

The story told to me by one *murid* exemplifies this intersection between army, labour migration, and village roots:

> I took the vow of *baiʿat* in 1969. I come from near Tarbela Dam in the Frontier. Many people had told me about the shaikh and a friend suggested that I take *baiʿat*. Since then I have brought many *murids* here, and I come here for the *ʿurs* with three or four lorries every year. I am a *qafila* (convoy or caravan) leader, the leader on the Tarbela side. When I did *baiʿat* I was in the army. Now I am a pensioner, I retired in 1976. Today I am a farmer. I have performed the hajj five times, because after I retired from the army I went to Dubai with Ibrahim [another *murid*] and then to Saudi Arabia [as a labour migrant]. My name is Hajji Ghulam Muhammad and I am a stonemason. I am the person who built the perimeter wall around the Darbar.

It needs to be remembered that while many of Zindapir's disciples were soldiers, it was as *civilians* that they joined his cult. The moment they entered the space of the lodge, they shed their military persona. Even in army barracks, when they performed *zikr* they created an ethical space set apart. Nevertheless, the fact that they were *pir-bhai*, saintly brothers, as well as comrades in arms served to deepen relations of amity between them. The camaraderie they forged in one context spilled over into the other to create multiplex relations of enduring obligation and trust. It countered formal relations of hierarchy in bureaucratic and military settings.

Before concluding this chapter I want to spell out the relationship between the way that Sufi cults are mapped in space and managed as viable organisations, and the more experiential dimensions of Sufism as espousing peace and tolerance. The experience of *communitas* at a pilgrimage centre, the sense of ethical voluntarism, and the bonds of friendship between disciples of different ethnic, caste, and occupational origins, forged by a shared devotion to particular places located away from the centres of temporal power, as well as their shared love for the saint, are all made possible by the complex organisation of Sufi orders as regional cults. Their sense of love and camaraderie comes from membership of a specific but deterritorialised organisation in which the saint's lodge is a hub, drawing pilgrims and offerings, and sending out deputies to found new branches well beyond the centre, as well as redistributing gifts of caps, shawls, cloaks, and sometimes money to disciples living scattered across a vast area.

6   Conclusion

I have argued in this essay for a need to recognise the ethical dimensions of vernacular forms of cosmopolitanism as exemplified by Sufi saints and others in the Muslim world, and with it the need to analyse not simply cosmopolitan practice and performance but the way that ethical ideas and concepts are formulated in local, vernacular terms. In this sense, our depiction of the people we study as "cosmopolitan" may escape the accusation of an imposed attribute implying the superiority and dominance of the West over a so-called cosmopolitan "other."

More broadly, cosmopolitanism as an ethical outlook enables us to explore ideas and values that spread beyond national boundaries or little communities, and to recognise the qualities of tolerance and open-mindedness that people beyond the West foster in their own terms. So, too, by examining Sufi networks as they extend across boundaries, we can also begin to understand the social underpinnings of Sufism as an ethos of coexistence in peace.

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Middle Eastern Studies and Islam

Oscillations and Tensions in an Old Relationship[1]

Léon Buskens

1   Introduction

In Middle Eastern studies Islam and Muslims have become the dominant concern, almost obscuring many other aspects of societies and cultures in the past and the present. The current situation is yet another stage in a long historical development of a scholarly tradition which seems to be structured by oscillations, or Gellnerian pendulum swings, between interest in Middle Eastern languages and literature on the one hand and Islam on the other. Although Middle Eastern studies and Islamic studies are different fields of inquiry, with their own traditions, they are so closely related that next to cooperation and cross-fertilisation, tensions and trouble seem unavoidable.

First I will briefly discuss ideas about the Middle East as an area and the history of Islam as an object of research, and the intertwining of these two categories. I will limit myself to some indications of the historical roots of the present debate. Then I focus on major transformations during the last forty years in subjects and approaches, resulting in a new dominant model produced in the United States and reproduced in English worldwide. I will conclude with some critical notes about the merits and weaknesses of the current ways to study Islam and the Middle East, including some observations on the use of the concepts "religion" and "culture."

Many of the standard references are unavoidable. But I deliberately mention less mainstream materials as well, in order to show that the tradition is much richer and more diverse than the hegemonic model. Alas, limitations of space, and my lack of knowledge of languages and publications that are difficult to access, do not allow me to be as inclusive as I would like to be.

2   The Middle East as an Area

As a category, the Middle East is a European image, as are many other areas
(cf. Lockman 2010). Through the centuries the ideas associated with the
region have been vital for Europe to imagine itself. Although the peoples
of the Middle East have a long history of thinking and writing about them-
selves in many languages and scripts, for example, using notions in Arabic
such as *jazirat al-ʿarab, al-mashriq, al-maghrib, umma*, and *dar al-islam*, the
notion of the Middle East has become natural to them in the meantime,
as the name of the Saudi-backed newspaper *Asharq al-Awsat* shows, for
example. The term originated as a geopolitical category, connecting Europe
to Britain's colony in India (cf. Eickelman 2002, 1-19). However, the complex
of images itself has a much longer history among Europeans, with many
connotations, ranging from luxury, refinement, religiosity, and sensuality,
to menace, debauchery, and violence. The history of European taste and
fashion offers many examples of positive evaluations of the Middle East,
varying from the cultural critique phrased by an Oriental in Montesquieu's
Lettres persanes (1721), Goethe's *West-östlicher Divan* (1819), and music *alla
Turca*, to Egyptomania and fashionable clothes and dishes.

   The area now known as the Middle East has also been a shifting frontier
between empires and other forms of political and social organisation, in
which Persians, Phoenicians, Greeks, Romans, Byzantines, Arabs, Berbers,
Turks, Kurds, Spaniards, Portuguese, French, and Italians all played their
roles. The power balances between these empires and groups kept shifting.
The Mediterranean and the Balkans were connections as well as borders,
witnessing battles and various more peaceful and profitable forms of trade
and exchange. Some empires united both sides, such as the Roman Empire,
the Almoravids, the Almohads, the Ottomans, and the French. Others of-
fered division and strife. Present-day history is dominated by memories of
the disintegration of the Ottoman Empire and the colonisation by Europe,
mainly from the nineteenth century onwards. Ideals of pan-Islamism and
pan-Arabism have not had much unifying force.

   Current Western images of the relations between Europe and the Middle
East are dominated by issues of immigration and security, connecting the
region again with problems that Europeans feel they should deal with. The
many similarities, connections, and exchanges receive less attention than
the differences. The Middle East is a category "good to think with" about
the specificity of Europe. Apart from the ambivalence and the problematic
character, another element is its "intemporality." The Middle East has be-
come a world of another era, where time has stood still. In the past visitors

sometimes travelled to the times of their Lord and Saviour Jesus Christ, to the *polis* or *cité* of Antiquity, or to the Middle Ages, but hardly ever to their own times, unless they themselves were forcing this modernity upon parts of the country by modernising and settling in metropolises such as Algiers. In general, the Middle East was a world of stagnation and of backwardness, forgotten by the Enlightenment and lacking a modern political system, sorely in need of civilising by colonisation. These themes echo a general pattern that the anthropologist Johannes Fabian analysed in his book *Time and the Other* (1983).

The borders of the region are as fluid as its essence: North Africa is part of it, but it also fades away into West Africa, while Africa started in Spain in the nineteenth century. The Balkans was difficult to separate from West Asia, which was again connected to the Caucasus and Central Asia. The Arabian Peninsula connected West Asia and North Africa, but also East Africa and South Asia.

The omnipresence of connections of Middle Eastern societies with the rest of the world, from the ancient Silk Route to Indian Ocean trade networks, and the fluidity of the borders can be linked to the considerable linguistic, ethnic, and socio-cultural diversity of the region. Past anthropologists such as the American Carlton S. Coon, famous for his fieldwork in the Moroccan Rif, presented the Middle East as a kaleidoscope. Major languages such as Arabic, Turkish, and Persian overshadow important minority languages such as Berber and Kurdish. At various times in history Arabic and Persian became important *linguae francae*, enabling communication between people from as faraway places as present-day Morocco and Maluku. For many centuries, until well into the twentieth century, the Arabic script was an instrument to write local languages in many parts of Africa and Asia, ranging from Berber, Hausa, Afrikaans, and Swahili, to Malay and Javanese (cf. Mumin and Versteegh 2014; Ricci 2011).

3 Islam as an Essence

During the last forty years the Middle East has again increasingly been conflated with Islam. In current political, societal, cultural, and scholarly discourse Islam appears to be the essence of the Middle East, dominating or even obscuring all other phenomena. Samuel Huntington has been influential in bringing about this change with his 1993 article on the "clash of civilizations" (subsequently expanded into a 1996 book), being an expression of strong political currents formulating identities and frontiers

in religious terms. In current discourse, Islam can explain most things that "Others," identified as Muslims, who also increasingly identify themselves as Muslims, do. At the same time Islam is a problem that needs to be solved (cf. Bowen 2012b). The view of Islam as a problem has deep roots, both in politics and in scholarship, from the Ottoman menace to Vienna, through the anti-colonial pan-Islamist *jihad* movements, to the present global terror.

Islam as an object and a category of analysis in Western scholarship has a history, which is partly related to the perceived general use of knowledge thus produced. This genealogy should also take into account the religious concerns of its Christian and Jewish practitioners, and at present the debates in which researchers with a Muslim background are interested. At the beginning of the academic study of the Middle East, in the seventeenth and eighteenth centuries, scholars were mainly interested in learning languages and studying classical texts, as a tool to better understand the Bible and to access knowledge about science and history. Islam became a legitimate object of study with the colonial turn in Western imperialism. Academics stressed the usefulness of their work for the colonial administrations of the countries of which they were citizens in order to justify their scholarly pursuits. After decolonisation scholars changed their minds again: Islam seemed to be of far less interest than literature and history. From the late 1980s Islam returned as a scholarly field, and as a category of analysis. Nowadays this focus has become so dominant that scholars in other fields complain about their marginality or even see themselves forced to give in to the illusions of the day.

The present dominance of Islam as an object and as a category in academia is related to a number of important developments in Western societies. First, there is the continuing reliance of Western economies on oil produced to a large extent in Muslim states, notably in the Middle East. Several developments have shown the importance of Islam for people living in these states. According to a prominent analyst the 1967 defeat of the Arab states by Israel inaugurated "the return of Islam." The Iranian revolution of 1979 was understood in a similar vein as primarily an Islamic event.

The immigration of considerable numbers of workers from the Middle East to Europe, and to a lesser extent to North America, constituted a second important stimulus. These immigrants, and even more so their children and grandchildren, increasingly identified themselves as Muslims, and were also categorised as such by policymakers and politicians. From the 1990s onwards opinion makers in Western Europe started to identify "Islam" as a major social problem, in need of solutions, and hence of research (cf. Beck 2013; Sunier 2014).

A third series of developments can be understood as a sequel to the previous two and was sparked off by the terrorist attacks of 11 September 2001 in New York. American interventions in Iraq and Afghanistan and the "global war on terror" strengthened the conviction that more knowledge on Islam and Muslims was necessary, although not necessarily of the kind that academics had been producing thus far. The Middle East is nowadays viewed as a locus for the production of terror, spreading across the rest of the world. The West has a civilising mission to bring democracy and rule of law, for example, to Afghanistan, Iraq, and Libya, for which secularism is considered an essential condition. The upheavals that spread in the Arab world from the beginning of 2011 and have become known as the "Arab spring" increased the visibility of Islamist activists in several countries, which contributed to continued support for studies on Islam.

This perceived public relevance has led to generous subsidies for Islamic studies, but also to close scrutiny. Time and again opinion makers and scholars link academic analysis with political positions. Edward Said gave a major impetus to the moralisation of the debate on scholarship when he published *Orientalism* in 1978, with further sequels on the media in *Covering Islam* (1981) and on literature in *Culture and Imperialism* (1993). Since the inception of "the war on terror," radical criticism of the "political correctness" of scholarship on the Muslim world by right-wing activists has become fashionable, which can take extreme forms of monitoring and blaming, as the activities of Campus Watch in the United States show (cf. Doumani 2006). Serious scholars are regularly attacked as "friends of Muslims" who belittle their dangerous nature, allegations which echo the very essentialist approach that Said criticised.

The renewed political dimensions of research on the Middle East and the Muslim world at large have had internal consequences for scholarship which could provocatively be summed up as too strong a focus on Islam (cf. Zubaida 2011). For many outsiders, and also many activists in the region itself, the relationship between Islam and the Middle East, and hence between Islamic and Middle Eastern studies, is self-evident. In this contribution I argue that the present too strong identification between these two fields is obscuring the richness and complexity of the phenomena we would like to understand and is thus profoundly misleading.

In the Netherlands, as in some other European countries, the reduction of the Middle East to Islam is manifested in the reduction of Arabic as a tool for Islamic studies and the transformation of the chairs for Arabic into chairs for Islamic studies, to which in several cases a reference to the study of Islam in Europe is added. These chairs have also been transferred from

faculties of arts to faculties or departments of religious studies, thereby confirming the religious nature of the object of study.

The reduction of the Middle East to Islam underlines the supposed uniqueness of the area: it is "still" dominated by religion, unlike its neighbour, the enlightened, secular, modern West. This religious essentialism is a variant of culturalism, an attempt to explain the area with reference to a cultural or religious essence. Islam is unique, essentially different from Christianity. A closer look at the categories of explanation shows that Islam is one part of an almost invisible pair, in which Christianity is often replaced by modernity and secularism (cf. Asad 1993, 2003; Hafez 2011). A temporal difference, already signalled earlier when discussing the category "Middle East," separates these worlds: the Muslim World is stuck in the Middle Ages when religion determined everything, whereas in Europe (and its American heir) the Enlightenment has transformed Christianity into secularism and modernity. This opposition is especially prominent in three domains: politics, gender relations, and relations between Muslims, Christians, and Jews. These three domains receive particular attention in research, as they are considered typical for the Muslim Middle East, and in need of social change. Questions whether Islam and democracy, or Islam and gender equality are compatible abound. A certain understanding of history, viewing the Middle East as an area of "stagnation," serves to explain "what went wrong" in the Middle East, how the "emergence of modern Turkey" took place successfully, and how to understand the "return of Islam," to borrow the wording from the titles of some of Bernard Lewis' books.

This essentialist and ahistorical view of the Middle East has met with extensive criticism, which became very strong from the 1990s onwards. Talal Asad has been vocal in radically deconstructing the particular conceptions of religion and secularism that underlie theses analyses, and his work has become very influential (Asad 1986, 1993, 2003; Scott and Hirschkind 2006). Part of the critique has taken the shape of a clash between an older philological approach, which in extreme cases favoured an ahistorical culturalism, and an anthropological and historical current which has been nourished by a reflexive postcolonial turn from the 1970s onwards.

4   Transformations, New Subjects, and New Approaches

From the 1970s onwards two generations of scholars have profoundly changed the study of the Middle East, Islam, and Muslim societies in Western academia, bringing it from philology and intellectual history to the

social sciences, including social history. These intellectual and disciplinary shifts resulted in a new intellectual model and new academic centres, basically leading to a dominance of the United States. Although scholars hardly referred to them as sources of inspiration, this approach linked up again with a particular strand in the nineteenth-century Orientalist tradition in which ancestors such as Edward William Lane, William Robertson Smith, Christiaan Snouck Hurgronje, Edouard Michaux-Bellaire, and Edmond Doutté fruitfully combined philology and ethnography. In the first decades after the Second World War the ground for bringing the social sciences back again to the study of Islam and the Middle East was well prepared by, for example, Gustave von Grunebaum at the University of California in Los Angeles and Edward Evans-Pritchard at Oxford. Decolonisation and other political developments made anthropologists come part way home, as John Cole called it (1977), rediscovering both the European shores of the Mediterranean, which had been important for the armchair anthropologists of the nineteenth century, and also its southern parts as a fertile field for anthropological study.

In 1968 Clifford Geertz published *Islam Observed*, a comparison of Islam in Indonesia and Morocco, mainly based on historical sources in European languages, which reconstituted Islam as an object of an anthropological study. Ten years later Edward Said would present his work as a viable alternative to Bernard Lewis' antiquated philological essentialism. The anthropological approach was further strengthened in Britain by Ernest Gellner's *Saints of the Atlas* (1969) and Michael Gilsenan's *Saint and Sufi in Modern Egypt* (1973), and in France by Jacques Berque's idiosyncratic fusion of philology, history, and sociology, and the development of a historical anthropology of Islam in the *Annales* by Lucette Valensi (cf. Pouillon 2002). The rise of the social sciences in the study of the Middle East, for example, manifested in the profound transformation that historical scholarship underwent with the shift towards social history and the history of mentalities, was not simply caused by a strong critique of philology, or the result of its demise, although both trends had kindred social roots. Anthropology and social history became fashionable subjects for the vastly growing number of students in the late 1960s and early 1970s, in a context of strong political and cultural critique of Western society and a dominance of leftist ideologies. At that time a social science approach seemed to serve these critical purposes much better than the perceived elitist study of canonical texts by philological means. It directed attention to popular culture and a view from below, to people who often had not left any direct written traces. In legal studies similar changes took place supplementing the study of positive

law with all forms of non-state or "folk" law (cf. Buskens and Kommers 2002). The influx of large numbers of American Peace Corps volunteers in (at that time) accessible countries in the Middle East such as Morocco, Yemen, Turkey, and Iran, and the need felt in Europe to know more about the countries of origin of their immigrant workers, further encouraged the flourishing of studies on Islam as a social practice.[2]

Until the 1980s "orthodox" Islamic rituals such as prayer, fasting during the month Ramadan, and sacrifice hardly received any attention from anthropologists who assumed that these rituals were uninteresting because everywhere identical "according to the Book." Gradually they realised that the varieties in the manners in which Muslims shaped these rituals and their connections were important subjects for fieldwork, as, for example, ethnographies on fasting in Morocco (Buitelaar 1994), or sacrifice in Morocco (Rachik 1990) or Tanzania (Van de Bruinhorst 2007) demonstrate.

Islamic law was one of the central subjects in the creation of Islamic studies in the nineteenth century, but waned when it lost its usefulness after decolonisation (Buskens and Dupret 2014). Since the 1990s it has started to flourish again. On the one hand several studies on the theory of Islamic law appeared, which occasionally combined a traditional intellectual history approach with contemporary debates among Muslim intellectuals (e.g. Masud 1995). On the other hand social history and anthropology strongly manifested themselves, with studies in which legal texts and documents were used as sources for social and economic history (e.g. Udovitch 1970; Peirce 2003), or as social practices in themselves (e.g. Bowen 2003; Dupret 2011; Zomeño 2000). The studies of textual practices in Muslim societies, as pursued by, for example, anthropologist Brinkley Messick (1993) and historians Jonathan Berkey (1992) and Ghislaine Lydon (Krätli and Lydon 2011), are important contributions to anthropology and history in general, which go beyond their regional focus.

History has remained important as a field and as a discipline, but has become more of a social science, with, for example, extensive interest in gender relations, and in popular culture. For previous generations the past, and preferably the formative and classical periods, were the prime fields of scholarship. They often considered the study of contemporary issues at best as something to pursue in the margin of more serious historical work. Present concerns could best be understood through the past, often through the study of "essential" classical texts. During the last decades the

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2   For overviews, see Lindholm (1996), Eickelman (2002), Varisco (2005), Marranci (2008), Bowen (2012a), Kreinath (2012), and Hafez and Slyomovics (2013).

present has gained respectability, and has become the primary concern for the production of useful knowledge, degrading history as a luxury pursuit. Historians have made good use of the debates about how to study Middle Eastern societies in order to renew their discipline. This has led to a flourishing of several forms of social and economic history, such as the study of cities, peasants, gender, and popular culture, but also of a renewal in more traditional fields such as politics, intellectual history, and "ulamalogy" (cf. Humphreys 1991; Gallagher 1994; Zaman 2002).

The new preference for the present manifested itself first of all in an abundant production of anthropological monographs and articles by scholars from many different countries (cf. Strijp 1992, 1997). During the last years anthropologists have increasingly given attention to Islam and politics, abundantly using notions as "public sphere" and "civil society" (cf. Osella and Soares 2010). Since the late 1970s anthropology has been enjoying the status of the dominant approach, especially among historians. However, it looks as if its appeal is on the wane, with political science increasingly taking the place of anthropology as the dominant discipline in the field.

Developments in the Muslim world such as the strong presence of political parties with an Islamist ideology, and the accompanying framing in the West of Islam as a threat have resulted in an abundance of studies on jihad, Islamist political movements, their texts and thinkers, and Islam and politics in general. The anthropologist Eickelman and political scientist Piscatori published an overview and introductory textbook with *Muslim Politics* in 1996. During the last decade the political dimensions of life in Muslim societies have been the major focus of scholars, with radicalism, activism, and terrorism as key terms (cf. Brown 2000), while for some international relations and security studies seem to offer the best way to understand these concerns of our times. The equation of Islam with a peculiar "premodern," "religious" approach to politics has been extensively criticised by turning to "post-Islamism," for example, by sociologist Asef Bayat (2007, 2013). By studying urban forms of action from a general "social movements" perspective, and by focusing on other actors such as "youth," Bayat goes beyond the "exceptionalist" perspective on the Middle East. He analyses social events taking place in the Middle East without any reference to specific cultural traits peculiar to the Middle East or Islam, considering Muslims as ordinary as any other people anywhere else in the world.

Since the 1970s many scholars, especially female, have worked on gender issues. In the Middle East and Muslim world this has become one of the main issues of research, resulting in numerous historical and ethnographic studies, and edited volumes, of which *Women in the Muslim World* (1978),

edited by Lois Beck and Nikki R. Keddie, was a landmark. Many of the issues already mentioned earlier come together in this domain. Much important work has been done by using legal sources and by studying the intricate relations between Islamic normativity and the social positions of women, both in past and present, as, for example, the publications of Judith Tucker (2008) and Lynn Welchman (2007) show. Recently "masculinities" and sexual minorities have also begun to receive scholarly attention, as in Joseph A. Massad's *Desiring Arabs* (2007), which has aroused much appraisal and controversy. In the background, at least, are always the big normative questions and suspicions that "Islam oppresses women," which authors somehow have to deny, confirm, or avoid. Together with politics and the relations between Muslims and their non-Muslim neighbours, these are the big contemporary concerns, which are understood as an expression of the fundamental cultural difference separating Muslims from Westerners. Historians and social scientists are trying to deconstruct this misleading essentialism by turning these issues into analytical questions (cf. Kandiyoti 1996).

The big debates in Western society come together in the key notions of "modernity," "secularism," and "secularity" (cf. Krämer 1999; Asad 2003; Hafez 2011), which as many other concepts, are both indigenous "emic" categories in Western societies for normative thinking about the self and others, and tools for social research. As mentioned above, in the popular imagination, and also in the writings of some scholars, Muslims and Islam are understood in a unilinear evolutionist perspective as belonging to a different, earlier era, often labelled as "medieval" (cf. Buskens 2007). Historians and anthropologists have undertaken serious criticisms of the problematic, but also difficult to avoid, notion of modernity by introducing concepts such as "multiple" and "alternative" modernities (cf. Hefner 1998; Eisenstadt 2000; Gaonkar 2001). Despite deconstructions of the notion, it often proves enlightening to insist on the modern character of Islamic political movements and puritanist readings of Islamic texts, such as of the Salafis' hero Ibn Taymiyya, instead of presenting it as a "return" to the Middle Ages. Many of the debates have been summed up in a volume edited by Masud, Salvatore, and Van Bruinessen (2009).

The modernity of many contemporary forms of Islam also manifests itself in the use of new media (cf. Eickelman and Anderson 2003), international networks, and transnationalism (cf. Cooke and Lawrence 2005). The interest in performance is partly linked to the use of new media, for example, in studies on new forms of piety (cf. Van Nieuwkerk 2013). Islam has received considerable attention in the study of transnational networks,

for example, in the worldwide connections which Salafis maintain with each other (e.g. Pall 2014), and in the influence that governments and other actors in the countries of origin try to exert over migrants in Europe (e.g. Sunier and Landman 2014). Another possible focus is the networks of Sufi's, who not only practice individual piety, but are also active in transnational mystic orders. Again, their international connections have a long history, going back to premodern times. Both the history of these networks and the intellectual renewal of this classical subject in Islamic studies, with firm roots in colonial concerns about effective administration of Muslim subjects and organised Islamic resistance, make it into an ideal topic to study trends and continuities in area studies and Islam (cf. Van Bruinessen and Howell 2007).

Attention to *la longue durée* strengthens our understanding of the Middle East as a region that connects different parts of the world through travelling, trade, and the circulation of ideas and texts. A flourishing branch of scholarship is the study of the Hadrami diaspora from South Arabia all over the Indian Ocean, with settlements in East Africa, India, Southeast Asia, and China (cf. Manger 2010). The Hadramis have played an important role in spreading goods and ideas, also about Islam, following ancient trade routes. Researchers in this field have developed important insights on interconnections, exchanges, translocality, and cosmopolitanism (e.g. Freitag 2003, 2010, 2013; Freitag and Von Oppen 2010; Ho 2004, 2006; Ernst and Martin 2010). Similar networks of movement and exchange, not only of goods but also of ideas and practices, have connected other parts of the Middle East to other regions, such as the trans-Saharan trails (Lydon 2012; Scheele 2015), the Silk Road, the Arabian Peninsula to East Africa and South Asia, recently manifesting itself in migration labour into the Gulf countries, and since the 1960s the migration of considerable numbers of Muslims to Europe, first as migrant workers from the Mediterranean, and later as refugees from the Balkans, Afghanistan, Iraq, Somalia, and Sub-Saharan Africa. Recently, historians have started to study the longer history of the presence of Middle Easterners in European societies (e.g. Valensi 2012). Some of these studies make the serious mistake to anachronistically view their past experiences through the lens of current concerns, presenting these earlier communities as examples of a "Muslim" presence, hence serving all kinds of current ideological aims.

The long history of interconnections and exchanges is well documented by an impressive corpus of older and newer studies on commerce, travellers, and pilgrimages, but also the history of geography (cf. Eickelman and Piscatori 1990; Touati 2000; Kaiser 2014; Udovitch 1970). Goitein's

magnum opus on the relations which the Jewish community of medieval Cairo maintained with the rest of the world, based on the Geniza records, shows how religious ties created networks, but were no impediment to contacts with members of other religious communities. These networks could be very useful in times of crisis, for example, when the Spanish monarchy expelled Muslims and Jews who then had to find other places to live (e.g. Wiegers 2010). Some remarkable travellers who crossed many borders, such as the Tangerine judge Ibn Battuta, or even changed religion, such as the Andalusi al-Hasan al-Wazzan, better known as Leo Africanus, who received ample attention in monographs (e.g. Waines 2010; Davis 2006; Pouillon 2009). Institutions rooted in Islamic law facilitated these exchanges and movements, as did widespread languages such as Arabic, which enabled people to communicate with each other in writing and in speaking (cf. Dakhlia 2008). One of the most impressive studies on exchanges, research, travel, and commerce in the Mediterranean is the monograph on the Jewish "broker" Mardochée Naggiar by Lucette Valensi (2008), in which she beautifully describes how worlds, lives, and ideas were intertwined and mixed thanks to means of transport and cultural codes.

A focus on connections implies attention for exchanges, mixing, and hybridity as important social phenomena. It makes researchers conscious of the historicity of languages, ideas, practices, and objects, which are not expressions of a "pure," "authentic," "original" culture, but products of exchange in various contexts of power formations. This perspective is not only productive in scholarly terms, but can also serve as a critical tool in both Western and Middle Eastern societies, by questioning ideological representations of authenticity and purity, both of European and Islamic traditions.

I wonder to what extent Talal Asad's (1986) at present still dominant perspective on Islam as a discursive tradition unwillingly confirms the trend to focus on Islam at the expense of other aspects of culture, even though he advocates an anthropological and historical approach which stresses the importance of context. He defends the idea of the unity of Islam, against radical pluralist approaches such as El-Zein's (1977) notion of "islams," and Geertz's (1968) attention to diversity in his comparative study of Islam in Indonesia and Morocco. Asad's anthropology of Islam, and of religion in general, has been very productive, has been spread through the work of his students, and is at present canonical (cf. Scott and Hirschkind 2006). It has resulted in famous monographs on piety, gender, and self-fashioning, and the use of media (e.g. Mahmood 2005; Hirschkind 2006; Deeb 2006; Van

Nieuwkerk 2013). This dominance may partly explain the current neglect of other subjects, such as the classical study of kinship.

However, the Asadian paradigm seems to be past its heyday, as Schielke's polite and circumspect critique argues (2010). New key notions as "everyday Islam" and "everyday Sharia" are in the air (cf. Dupret, Pierret, Pinto, and Spellman-Poots 2012; Schielke and Debevec 2012; Wiegers 2013; Dessing, Jeldtoft, Nielsen, and Woodhead 2014). A new generation of scholars uses the notion of "everyday religion" to criticise the dominance of "Islam" as a category, and to look beyond Islam at many other aspects of life which are not necessarily narrowly religious, but at least as important, such as "fun." They often seem to prefer the term "ethnography" to "anthropology," as so many other people do nowadays, thereby stressing a technique for research and reporting rather than a theoretical perspective. For an anthropologist educated in the 1980s with respect for the *histoire des mentalités* of the *Annales* school, the study of popular culture promoted by Peter Burke and Carlo Ginsburg, and an admiration for the work of Lucette Valensi and her students, this new turn in the study of Muslim societies seems a bit less new. In fact, the current references to "everyday Islam" somehow sound to me like a faint echo of the title of the second volume of Snouck Hurgronje's monograph on Mecca, *Aus dem heutigen Leben* (1889).

Thus far the transformation of the tradition has resulted in an "Islamisation" of the object, seeing all issues through the lens of Islam. This has manifested itself in the increasing use of the concept of "Muslim societies" next to, and to a certain extent also instead of, the older concept "Islam." The notion of "Muslim societies" has the advantage of stressing diversity, instead of the monolithic singular of Islam, and the social embeddedness of religious phenomena. But identifying societies or cultures (a term less frequently used because of the aversion to culturalism) as Muslim or Islamic also raises new problems, notably suggesting that Islam is the dominant or determining force. For social scientists this is very misleading, as they will see religion as a social phenomenon in itself, which does not explain phenomena, but needs to be explained itself. The label "Muslim" also focuses too much on religious dimensions, whereas the lives of Muslims, as of other people, are about so many other things (cf. Bayat 2003). After the strong focus on Islam as a religion anthropologists should now turn to a much broader, "cultural" understanding of Islam and other religions, such as Christianity and Judaism, in Middle Eastern societies in order to see the religious concerns of "ordinary people" in proper perspective. The well-established traditions of anthropology and social history offer all the necessary tools to make this endeavour successful.

5   A Reflexive Turn

In 1978 Edward Said made Islamicists lose their innocence with his *Orientalism*, even if some of them fiercely resisted his message and preferred to continue to live in denial. Said was not the only scholar to come up with this criticism, nor the first. Others, such as Maxime Rodinson and Jacques Waardenburg, had done so earlier and were much better informed, but were less eloquent, or at least less sophisticated in their conceptual apparatus, and so unwise not to write in English and work hard on their own presentation. Although it took classically trained scholars on Islam and the Middle East some time to understand and accept Said's analysis, nowadays younger generations sometimes seem to feel more comfortable in the library criticising their intellectual ancestors than going into the field to meet actual Muslims. In this way they surprisingly resemble their nineteenth-century predecessors in philology.

Said's critique has not led to the dissolution of the field, but on the contrary made it much stronger. By explicitly addressing the nexus between the production of knowledge on Islam and the Middle East and the exercise of power, it provoked important debates about methods, ethics, and epistemology. The increased self-criticism was part of a much wider postcolonial turn, with its peculiarities and its own partly unreadable canon. Reflective criticism and deconstruction of our representations of Islam understood as social and political practices have since the 1970s become an integral part of scholarly practice, thereby strengthening its analytical acumen. A recent collection of essays (2014) edited by François Pouillon and Jean-Claude Vatin demonstrates to what extent the debate has moved on since 1978, beyond the politically correct, to look at new, more productive questions to understand the tradition within which we are working.

The reflexive turn is an expression of a profounder development in the field towards theory and social science-based disciplines. Islamic studies in itself is not a discipline, but a field of studies more or less vaguely identified by its object, which is also reflected in the manuals published to demarcate the field (e.g. Pfannmüller 1923; Pareja 1964; cf. Elias 2010). For almost a century Islamicists adopted philology as their main approach, a clear discipline with a tradition that goes back to the Renaissance, in combination with the at that time kindred disciplines of history and comparative religion. Suzanne Marchand (2009) and Urs App (2010) have shown how the study of the history of religion and comparative religion were rooted in religious concerns of their European practitioners. A similar story could be told for the nineteenth-century founding fathers of Islamic studies, who

were often wrestling with their own Christian or Jewish faith, encouraged by the historical-critical method of philology and Bible studies. Philology came under attack in the 1970s, which made historians and scholars of religion turn to the social sciences. Many felt an intense craving for theory, and found models to imitate in anthropology, philosophy, and, later, in cultural studies. These developments have left a strong mark on Islamic studies, where researchers now often identify themselves as historians, anthropologists, or religious studies scholars. Fortunately, philology as a discipline is valued again, also by Edward Said towards the end of his life, and might experience a renaissance in which its contribution to critical humanism receives special attention (Said 2004; Pollock 2009; Pollock, Elman, and Chang 2015). The future might bring a new combination of philological, historical, and social sciences approaches, leading to a better understanding of the Middle East and Islam, if we take these lessons seriously enough and work hard.

6   Geographies of Scholarship

Many of the intellectual changes discussed so far manifest themselves in the linguistic hegemony of English in Islamic studies, as in most other domains of scholarship. At the beginning of the twentieth century Brill in Leiden published the first edition of the *Encyclopaedia of Islam*, the major reference work in the field, in German, French, and English. The second edition started to appear after the Second World War, in French and English. From the turn of the millennium onwards the fascicles of the third edition are issued in English only, still by the same publisher, which meanwhile had established an office in Boston as well. Until the 1970s scholars could write in their own languages and would comfortably refer to the publications of their colleagues in many European languages, including Spanish, Italian, and Dutch. In the nineteenth century German and French were as important as scholarly *linguae francae* as English. In the meantime German scholars have surrendered to English in their desire to be referred to, while much of what colleagues write in French or Spanish, which is often of very high quality, is ignored until it is translated into English and published by an Anglo-American publisher.

These trends in language and publishing correspond to a shift in academic hegemony from Europe to the United States, which again demonstrates the nexus between knowledge production and the exercise of power in Middle Eastern and Islamic studies identified by Edward Said. As discussed earlier,

Islamic studies originated in Europe in the nineteenth century, partially as an answer to the question of how to administer colonised Muslim subjects. It was solidly European in its philological and historical approach, to which was later added colonial sociology and ethnography. With decolonisation these studies were considered less useful in Europe, but continued in the form of classical humanities studies of literature and other forms of "high culture." In the United States, however, area studies developed as a sequel to war efforts to understand the regions in which American soldiers were fighting, and as a reaction to the demand for knowledge to win the Cold War. Thoroughly trained German scholars who had fled Nazi Germany played an important role in establishing and transforming Islamic studies in the United States, as the example of Gustave von Grunebaum shows.

Programmes in Middle Eastern and Islamic studies at American universities attract bright young PhD students and established scholars from all over the world, with their huge libraries and generous conditions for research. This has resulted in a cultural hegemony of American scholarship, which is more imitated than questioned or contested, at least in Western academia. In the presently dominant model for the study of Islam and Muslim societies, scholars practice the social sciences and a certain form of history. Islamicists in France and Spain work to a certain extent according to their own standards by writing in their own languages, but also take the American model as a norm. This is reflected, for example, in the work of Lucette Valensi, who is the *maître à penser* of several generations of French historians on Muslim societies, but also strongly connected to developments in the United States (cf. Pouillon 2002).

The only serious counter-discourses to this dominant model are developed in the Muslim world. In richly endowed research institutions in Saudi Arabia or Malaysia, researchers write their own histories of Orientalism and *mustashriqun*, Orientalists, and work towards an Islamisation of knowledge in many fields, including in Islamic studies, with their own book series and journals (cf. Abaza 2002; Muslih 2006). They are especially critical of Western studies on the formative period, for example, Joseph Schacht's or Gautier Juynboll's work on the origins of Islamic law. In Western academia these critical studies do not receive much attention as serious alternative narratives. These are separate scholarly networks which hardly communicate with each other.

In the Muslim world we witness a form of culture wars: scholars who orient themselves towards classical forms of Islamic scholarship, such as practiced at Al-Azhar University in Cairo or in Medina, oppose their colleagues who strive to model themselves on Western academic standards.

From my own students I know of these kinds of clashes taking place in institutes for Islamic higher learning in Indonesia (IAIN), where faculty with Western degrees are not always considered to be properly trained scholars. One of the most notorious cases is the sad fate of our regretted colleague Nasr Abu Zayd (cf. Thielmann 2003). When he applied for promotion at Cairo University some of his enemies declared his hermeneutical studies on the Qur'an and hadith to be proof of his apostasy (*ridda*). Not only would he find his marriage dissolved, he had to flee to the Netherlands as he was fearing for his life. At Leiden University students from all over the Muslim world turned to him for supervision.

Abu Zayd's fate also shows how successful scholars from the Muslim world become co-opted in Western academia. He found a safe place to think and teach independently in his own liberal way. As the director of the International Institute for the Study of Islam in the Modern World, based in Leiden, our dear colleague Khalid Masud developed a highly stimulating approach to Islamic law under the label "the social construction of shari 'a," which is both an important and courageous contribution to scholarship and to current debates in Muslim societies (Masud 2001). The Moroccan anthropologist Abdellah Hammoudi also combined high-profile scholarship with a critical discussion of issues in Moroccan society while directing the Institute for Transnational Studies in Princeton (Hammoudi 1997). Tariq Ramadan, who takes quite different positions, is another example of an Islamic intellectual who has applied for and found his place in the halls of Western academia, although he is not welcome in countries as diverse as and the United States, and his work received strong criticism in the Netherlands (Van Sandwijk 2014). In Germany we presently see recruitment at a considerable scale of scholars with a Muslim background in order to teach in the new programmes of Islamic theology, which should educate teachers of religion.

Many researchers with a Muslim background have been appointed because of their excellent scholarship which fully complies with the standards of top universities in the United States or France. They often have completely integrated the Western model, and combined this with unsurpassed linguistic skills and profound knowledge of primary sources. For European or American students who come to the field at a much later age it is quite difficult to compete with them. Publications of scholars who are not based at Western universities are neglected, alas, serving at best as sources for researchers publishing inside the hegemonic model. If we want to practice a truly humanistic approach we should also make a serious effort to integrate the knowledge produced by scholars from the areas that we

are studying in a more honest way than by just exploitatively co-opting the best of them in international academic elites.

At present a reverse phenomenon, related to new economic conditions is taking place. Gulf countries with huge wealth derived from oil export have started to import knowledge by inviting American universities to create campuses in the region. This is part of larger efforts to create alternative economies of learning, culture (by establishing museums such as the Louvre in Abu Dhabi), and leisure (sports, shopping). Western cultural models are recreated in a highly controlled setting, being part of a transformed Indian Ocean context. Western and Middle Eastern scholars from poorer countries, such as Egypt and Morocco, are invited to provide their knowledge to these new institutions. Turkey has a much longer history of universities striving for international excellence by bringing (back) scholars educated in the West and by offering a safe haven for scholars who fled Nazi Germany. The Saudi-Moroccan funded Al Akhawayn University in Ifrane, Morocco, is modelled on and partly staffed by American scholarship, and aims to train local elites, who will move on to the US for further studies. These new developments have as precedents the older Western universities in the Middle East, often with religious missionary roots, such as the American University in Cairo, the American University in Beirut, and the Jesuit Université Saint Joseph, also in Beirut.

The scholar cum bureaucrat from the Maghrib Ibn Khaldun (1332-1406) offers an excellent case to study convergences and conflicts in the understanding of the Islamic legacy. Both scholars in Western academia, such as Ernest Gellner, and in the Muslim world claim him as an intellectual ancestor and a founder of the modern historical and social science. Readings of his work are often strongly coloured by anachronistic concerns and ideological considerations. The literature on his life and work is abundant and has a long history, as the critical survey in Franz Rosenthal's canonical English translation of the *Muqaddima* shows. The debates have been extensively analysed by the Moroccan historian Abdesselam Cheddadi in a monograph, and in his two-volume annotated translation of his major writings in the *Pléiade* collection (Cheddadi 2006).

Some practitioners of the study of Islam stress the importance of keeping distance as a method to see better. Others, mainly working inside the Muslim world from a pious perspective, consider distance to be an impediment to proper understanding, and normative questions superior to more descriptive ones. They question the legitimacy of outsiders' views. Keeping distance or "going native" are not only methodological but also ethical questions. In a postcolonial setting researchers are supposed to be open

about their identity, not feigning to be a Muslim if they lack the proper *niyya* (intention). Equality and honesty would not only create a better *rapport* between researchers and informants, but should lead to more reliable data. The structural distinction that many Muslims make between believers and others, and the rules articulated in Islamic texts regulating the relations between these groups, make that outsiders may find great difficulty in studying certain aspects of Islam in specific settings.[3]

It is necessary to further explore this clash between emic and etic views of Islam, and the several forms of cultural dominance. We should take the Japanese case into account. Japan has been very active, and successful, in developing Islamic area studies (cf. Miura 2010). Japanese scholars have produced excellent research in several fields, for example, on Islamic religious foundations, urban history, and Sufism, and have published the results with American and European firms. They have brought scholars from the West, and also from the Muslim world (for example, Nasr Abu Zayd) to Japan. At several occasions Japanese colleagues have been claiming that they can offer an alternative to Orientalism, as they are from an Oriental society themselves and have not been involved in colonialism in the Muslim world.

7   Conclusion: Religion and Culture

The flourishing of the study of Islam, often at the expense of Middle Eastern Studies in a broader sense, has led again to the dominance of notions such as "Islam," "Muslim societies," and "Islamic culture." These categories seem self-evident, but should be analysed as constructs, with various emic and etic meanings. They have a long genealogy, which can, for example, be traced by studying the history of a major reference tool such as the *Encyclopaedia of Islam*. The categories themselves do not explain anything, but rather obscure things, or at best can be taken as invitations for further research. The main aim of this essay has been to deconstruct the equation of the Middle East and Islam. It is a critique of essentialism and exceptionalism, against the deeply rooted idea of a radical difference and uniqueness of the Middle East as an area dominated by Islam. I have also tried to criticise the dominant arabocentrism in Middle Eastern and Islamic studies, although less explicitly.

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3   In her dissertation Olly Akkerman describes the problems she had in accessing the library, or "dark archive," of the Ismaili Bohra community in Baroda Gujarat during her research and the solutions she and her hosts found for that. Her work is a good example of the fusion of philological and ethnographic approaches that is currently in the making.

As an alternative I plead for directing our attention to diversity and exchanges. The Middle East is an interesting area to study because of its huge diversity in religious, ethnic, and linguistic forms, which have a long history. The utility of the notion of Abrahamic religions, which is becoming fashionable in religious studies, is being questioned (Levenson 2012). But the dynamic interactions between Jews, Christians, Muslims, and members of other minor religious communities, also in an era in which the power relations amongst them are changing even more dramatically, resulting in new diasporas, should be a main focus in research on religion in the Middle East. For example, what happens to shared cults among Muslims, Jews, and Christians, and what are their histories (cf. Bowman 2012)? Ethnic diversity gains new meanings in political, economic, and cultural domains as movements of Kurds and Berbers/Imazighen show.

As the borders of the Middle East are difficult to define it is productive to study it primarily as a connecting area, trying to understand specific local articulations of globalising processes. The exchanges and networks have a history of millennia, in which major languages, such as Arabic and Persian, and writing technologies, such as the Arabic script and paper production, have played a crucial role. Area studies, although the term is old-fashioned and politically ill-charged, offers in its new understandings important tools and concepts for this focus on connections. A view stressing hybridity instead of authenticity can also contribute significantly to debates in society, both in the West and in the Middle East.

For methods and approaches we may still rely on the old triad of philology, history, and anthropology. Without a future philology which enables us to take texts seriously, a central phenomenon in the Middle East since millennia, we will be lost. We also need a truly historical perspective. The phenomena we witness in our times are profoundly modern, not survivals of a distant past. The present is part of a historical process, not yet another manifestation of an unchanging essence, or of a stagnation. Again, the availability of texts and sometimes a strong oral tradition privileges us to practice such a historical approach.

True ethnography resembles good philology: it means observing and listening while trying to avoid imposing categories that are not there. We should not assume that a practice is "Islamic," or that certain texts play a role, but take the utterances and explanations of the people themselves as our point of departure. An ethno-methodological or praxiological approach is a radical solution for this issue, and the idea of the ethnographer as "a fly on the wall" might be a fallacy. However, the work of Baudouin Dupret on normativity in the Middle East demonstrates the value of an approach that

does not take for granted the presence of references to Islam (e.g. Dupret 2011).

Using general sociological concepts, such as "social movements," is another means to avoid culturalism and essentialism. These concepts do not belittle the importance of specific local meanings, which we can understand through meticulous philological, historical, and ethnographic approaches. General notions do not lead to glossing over cultural differences but encourage us to make them the object of study by taking comparison seriously.

Although the Middle East seems to be an ideal area for comparison it is astonishing to see how little comparative work is actually being done. One of the exceptions is Asef Bayat, a scholar who takes his instruments from general sociological theory to study urban social movements in Iran and Egypt. The old Leiden notion of an "ethnological field of study" introduced by J.P.B. de Josselin de Jong for the study of Indonesia (1977 [1935]), might still demonstrate to be productive, focusing our attention on similarities and differences. Scholars have also done fruitful work in comparing the Middle East with other regions, either within the abode of Islam, as Clifford Geertz did, or with Christianity, as did his critic Talal Asad. Of the present generation John Bowen takes the comparative perspective seriously with fieldwork in Muslim communities in Sumatra, France, and England.

The debates in which scholars studying Muslim societies have been engaged during the last decades have brought their field, which for a long time was peripheral in anthropology and history, to the centre of intellectual debates in the humanities. At least three central concerns are of great relevance to students of other areas. First there is the study of the uses of texts, and their multiple relations to practices, in which scholars have made important progress beyond earlier simplistic views of literate culture. In their specific studies they demonstrate how to bring the study of texts and practices, philology, history and ethnography, together.

A second major merit is the serious attention to the genealogy of the scholarly tradition in which we are working. All scholars in area studies should practice such a Saidian critical approach, but avoid getting stuck in it. In the end there are always the people and societies in the outside world who deserve our attention.

A third merit of Middle Eastern and Islamic studies is its contribution to a radical revision of our understanding of the concept of religion. Clifford Geertz did seminal work on the basis of his fieldwork in Java, Bali, and Morocco. This provoked a strong critique by Talal Asad through a comparison of Islamic and Christian traditions mainly based on historical sources. Asad

has been very successful, through his own work and through inspiring a generation of students, although we seem to be in a stage of diminishing returns, and new approaches and questions concerning religion, again rooted in studies in the Middle East, make themselves increasingly heard.

The Middle East is not a world dominated by religion and hence radically or temporarily different from "us," the secular West. If we want to understand the Middle East we should turn religion, and hence also Islam, into a true object of historical and social study, without belittling or denying its own character and great importance for people. Overcoming misleading oppositions between religion and culture is in my view the central issue in "religion and the area studies." We need more refined views than the "re-emergence" and "return" of religion, which are current now, among Muslim as well as among policymakers and opinion makers.

At present, Muslims often oppose culture and religion, culture being something contingent, subject to change, and liable to criticism and suppression, if necessary, for example, if it entails "honour killings." Religion, on the contrary, should be respected, and seems to exist outside time and place. This dichotomy fits well with, for example, the Dutch political tradition, in which respect for religion is a dogma, whereas culture is subject to reform and assimilation. This participants' view does not fit with an anthropological analysis, where religion is an aspect of culture, as law, art, kinship, etc. Religion does not require a special approach or theoretical framework. Religion can, nay should, be studied as any other element of culture, by understanding it in its specific historical, geographical, and social context, as historians and anthropologist do.

Unfortunately this opposition between religion and culture is increasingly articulated in a disciplinary opposition between the humanities and social sciences versus religious studies. The present renaissance of philology, which is of crucial importance for area studies, should not strengthen the focus on Islam as a religion in a strict sense, but rather encourage a broader perspective using the notion of culture. We should not revert to the traditional bond between philology and the history of religions and comparative religion. The future of the field depends on developing a broad view of Islam as a cultural phenomenon with many facets, for the understanding of which the triad of philology, history, and ethnography offers all the necessary theories and methods.

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A. Kevin Reinhart is associate professor of religion at Dartmouth College specialising in Islamic religion. He was trained at the University of Texas, Austin, in Middle Eastern studies and Arabic, and at Harvard University in the study of religion. He has been at Dartmouth since finishing his PhD. His study of Islam has been informed by long periods spent living in Islamdom – in Turkey, Egypt, Yemen, Iraq, and Morocco, as well as extensive visits to Syria, Pakistan, India, Malaysia, Indonesia, and Iran. His research has focused on Islamic law and theology, as well as ritual and ritual theory. Lately he has trained in Ottoman and Ottoman studies and written a few articles on nineteenth- and early-twentieth-century Ottoman religion. His contribution to this volume represents a return to the study of ritual theory, which began with his article "Impurity/No Danger" in 1990. He is currently finishing a book on how to think about varieties of Islam and a survey of Islamic ritual. An article on ritual recently published is "What to Think about, Before We Think about Ritual."

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Annemarie van Sandwijk holds a double MA in history and in theology and religious studies (both cum laude, Leiden University). An article about Ernest Renan's Orientalist views on Islam, based on her history thesis, was published in the peer-reviewed Dutch journal *Tijdschrift voor Theologie* 51 (2011). In 2014, an article based on her second MA thesis, "The Rise and Fall of Tariq Ramadan in the Netherlands: The Interplay of Dutch Politics, Media, and Academia," appeared in Brill's *Journal of Muslims in Europe* 3. She worked as an editor at the Netherlands Interuniversity School for Islamic Studies for several years.

Knut S. Vikør is professor of the history of the Middle East and Muslim Africa at the University of Bergen, Norway, and was formerly the director of the Centre for Middle Eastern and Islamic Studies at Bergen. He has written on the history of the central Sahara (*The Oasis of Salt: A History of Kawar, a Saharan Centre of Salt Production* [Centre for Middle Eastern and Islamic Studies, 1999]), and on the Sanusiyya Sufi order and its founder, Muhammad b. Ali al-Sanusi (d. 1859), *Sufi and Scholar on the Desert Edge* (Hurst, 1995). He has also worked on the history of Islamic law and has published *Between God and Sultan: A History of Islamic Law* (Hurst, 2005), in addition to various books in Norwegian. He has also written on the history of Islam in Sub-Saharan Africa and was the editor of the journal *Sudanic Africa: A Journal of Historical Sources* (1990-2007). Among his research interests are the eighteenth- and nineteenth-century discussions of *ijtihād* in law, as

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Overview of NISIS Autumn Schools, 2010-2014

First Autumn School, 27-30 October 2010
Theme: Texts and Practices
Venue: University of Amsterdam

Keynote speakers and lecture titles:
– Jonathan P. Berkey (Davidson College) | Texts, the Transmission of Texts, and Religious Authority in Medieval Islam: Problems and Prospects
– Charles Hirschkind (University of California, Berkeley) | Ritual and Formation of a Secular Body
– Marion Katz (New York University) | Studying Gender Through Islamic Texts
– A. Kevin Reinhart (Dartmouth College) | What to Do with Ritual Texts?
– Dorothea Schulz (University of Cologne) | Studying Gender in Muslim Societies: Key Concepts and Debates
– Jakob Skovgaard-Petersen (University of Copenhagen) | Studying Islam's Carrier Groups in Modern Times

Second Autumn School, 25-28 October 2011
Theme: Classical and Modern
Venue: VU University Amsterdam

Keynote speakers and lectures:
– Carl W. Ernst (University of North Carolina at Chapel Hill) | Problems in the Historiography of "Classical" Sufism
– Christian Lange (Utrecht University) | Power, Orthodoxy and Salvation in Classical Islamic Theology
– Muhammad Khalid Masud (Supreme Court of Pakistan, Islamabad) | Classical Islamic Law: Imam Shafi'i's (d. 820) Legal Theory
– Mark Sedgwick (Aarhus University) | Modifying the Model of Modern Mysticism: Recovering the "Religious" in Islamic Studies
– Abdulkader Tayob (University of Cape Town) | Modern Islamic Trends and New Theologies: Foundations between Justification and Representation
– Knut S. Vikør (University of Bergen) | Islamic Law in the Modern World: State Law and Private Law

Third Autumn School, 23-26 October 2012
Theme: Centres and Peripheries. Networks connecting Muslim Societies in Past and Present
Venue: Leiden University

Keynote speakers and lectures:
– Ulrike Freitag (Zentrum Moderner Orient, Berlin) | Hajj: Networks Converging on the Hijaz
– Michael Kemper (University of Amsterdam) | Arabic, Tatar, Russian: Language Interaction in the Islamic Discourse in Russia
– Ghislaine Lydon (University of California) | Networks and Trade in the History of Muslim Africa
– Peter Mandaville (George Mason University) | Islamic Movement Networks in Europe and North America
– Benjamin Soares (African Studies Centre, Leiden) | New Muslim Public Figures in Africa
– Pnina Werbner (Keele University) | Sufi Networks, Ethics of Hospitality, and Vernacular Cosmopolitanism

Fourth Autumn School, 22-25 October 2013
Theme: Islam: Culture or Religion?
Venue: Utrecht University

Keynote speakers and lectures:
– Léon Buskens (Leiden University) | Changes and Continuities in Islamic Studies in the Netherlands in an International Perspective
– Syrinx von Hees (Universität Bonn) | Artistic Production of the Middle East in View of the Question Islam: Culture or Religion?
– Carole Hillenbrand (University of Edinburgh) | The Academic Discipline of Islamic History: The Case of Jihad Scholarship
– Bruce Lawrence (Duke University) | Islam between Scripture and Discourse
– Roman Loimeier (University of Göttingen) | "African Islam" vs. "Islam in Africa": The Problem of Binary Constructions of Muslim Societies
– Adam Silverstein (Bar-Ilan University) | Islam as an Abrahamic Civilization

Fifth Autumn School, 12-24 October 2014
Theme: The Religious/Secular Divide in the Muslim World
Venue: Radboud University (Nijmegen)

Keynote speakers and lectures:
–   Yolande Jansen (VU University Amsterdam) | Is It Preferable to Differentiate between Secularisms or to Critique the Secular-Religious Framework More Generally: What Kind of Critique Is Useful for What Purposes?
–   Sherine Hafez (University of California) | Islamic Activism and Social Reform: Rethinking the Islamic/Secular Binary
–   Nadia Fadil (University of Leuven) | Reclaiming the "Traditional Islam" of the Parents: Practices of Authentication of Liberal and Secular Muslims in Belgium
–   Markus Dressler (Georg-August-Universität Göttingen) | Beyond the Binary Knowledge of Religio-Secularism: Reinterpreting Ziya Gökalp
–   Gudrun Krämer (Freie Universität Berlin) | Secularity Contested: The Case of Egypt
–   John Bowen (Washington University in St Louis) | Secularism as Governance and as Translation

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