

Four Contested Choices in the Invention of a Revealed, Systematic, and Comprehensive Islamic Law

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These slides are available at vishanoff.com

Introduction

1. Law is Islamic

2. Law is comprehensive

3. Law is systematic

4. Law is revealed

Conclusions

Four collective choices about law

1. Islamic

- Law is religious and distinctly Islamic
- Muslim identity includes law

2. Comprehensive

- Not limited to a few domains

3. Systematic

- An abstract, coherent, preformulated, and extendable system of rules

4. Revealed

- From divine revelation via the Prophet Muhammad

Introduction

1. Islamic

- Islam a distinct religion
- Law central
- Ascetic alternative
- Administrative law
- Modern critique

2. Comprehensive

3. Systematic

4. Revealed

Conclusions

A distinctively Islamic law

- Emergence of Islam as a distinct religio-communal identity
 - Berkey: 'Abd al-Malik to the Abbasid revolution (685-750)
- Emergence of law as central to Islamic identity
 - Sharia-minded (Hodgson)
 - Legitimation of rulers
- Alternative ascetic piety
- Administrative law
 - Ibn al-Muqaffa' (d. ca. 756–760)
- Modern critique
 - Abdullahi An-Na'im

Introduction

1. Islamic

2. Comprehensive

- Scripturalists
- Qur'anic minimalism
- Comprehensiveness
- Modern critique

3. Systematic

4. Revealed

Conclusions

A comprehensive law

- Qur'an-only scripturalists
 - Khārijī movements
 - Al-Nazzām (d. ca. 836)
 - Ja'far ibn Ḥarb (d. 850) and Ja'far ibn Mubashshir (d. 848)
 - Other Baghdad Mu'tazila
 - Eastern Zāhiriyya
- The Qur'an's legal minimalism
- Advocates for comprehensiveness
 - Al-Shāfi'ī (d. 820)
- Modern critique
 - A private ritual and moral code
 - Scepticism toward hadith

Introduction

1. Islamic

2. Comprehensive

3. Systematic

- Iraqi jurists
- Traditionists
- Scripturalists
- Modern critique

4. Revealed

Conclusions

An abstract, coherent, preformulated and extendable system of rules

- Early Iraqi jurists
- Traditionists
 - Aḥmad ibn Ḥanbal (d. 855)
- Scripturalists
 - The two Jaʿfars
 - Dāwūd al-Ẓāhirī (d. 884)
 - (The later Shīʿī Akhbārī movement)
 - Al-Aṣamm (d. 816), Ibn ʿUlayya (d. 833), and Bishr al-Marīsī (d. 833)
- Modern critique
 - Sayyid Quṭb (d. 1966)

Introduction

1. Islamic

2. Comprehensive

3. Systematic

4. Revealed

- Tradition to canon
- Defining the canon
- Wide acceptance
- Hermeneutics
- Modern critique

Conclusions

A revealed law

- From communal tradition to textual canon
- Defining a Prophetic canon
 - Khārijī Qur'an-only scripturalism
 - Expansion among theologians and Ṣāḥibīyya to include Hadith
 - Integration by al-Shāfi'ī
- Dominance by late 9th century
 - Ibn Abān (d. 836)
 - Ḥanafī documentation project
 - Dwindling of scripturalism
- Hermeneutical debates
- Modern critique

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comprehensive

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- Not just about regional versus personal schools, or *ahl al-ra'y* versus *ahl al-ḥadīth*
- Narrowed field of imaginative possibilities
- Content independent of conception of law
- Relevant to historians and contemporary Muslim thinkers