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

David Vishanoff, University of Oklahoma

Pembroke College, Oxford

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These slides are available at vishanoff.com

1. Law is Islamic

2. Law is comprehensive

3. Law is systematic

4. Law is revealed

Conclusions

Four collective choices about law

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

Revealed

 From divine revelation via the Prophet Muhammad

- 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^c (d. ca. 756–760)
- Modern critique
 - Abdullahi An-Na'im

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 Muʿtazila
 - 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

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 la'fars
 - Dāwūd al-Zāhirī (d. 884)
 - (The later Shīʿī Akhbārī movement)
 - Al-Aṣamm (d. 816), Ibn ʿUlayya (d. 833), and Bishr al-Marīsī (d. 833)
- Modern critique
 - Sayyid Qutb (d. 1966)

1. Islamic

2. Comprehensive

3. Systematic

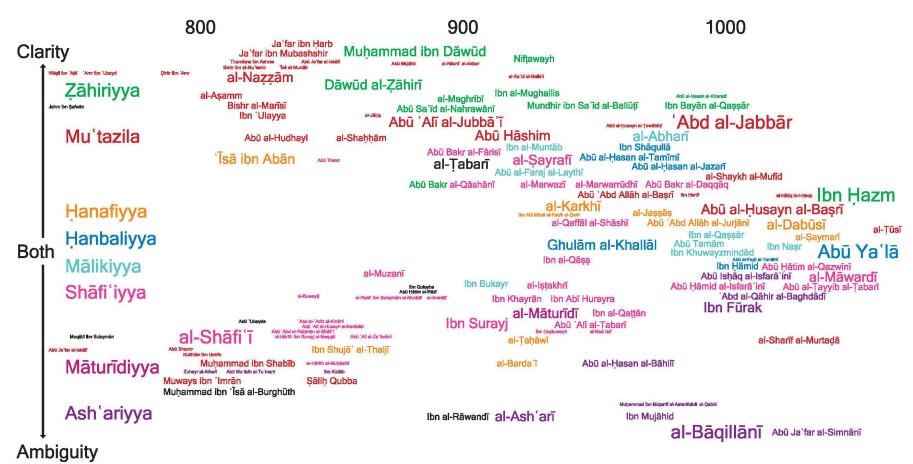
4. Revealed

- 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 Zāhiriyya 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



The Formation of Islamic Hermeneutics David R. Vishanoff 3/23/2012

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Conclusions

- 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