

# Four Contested Steps in the Emergence of a Revealed, Systematic, and Comprehensive Islamic Law

---

DAVID VISHANOFF — University of Oklahoma

Linked Open Tafsīr Conference 2022: Reconstructing the Dynamics of the Emergence of Islam — Possibilities and Limits

Panel 13: Differentiation of earlier approaches to Islamic law

Bad Homburg, Germany, July 20, 2022

*These slides are available at [vishanoff.com](http://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 distinct
- 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: between ‘Abd al-Malik and the Abbasid revolution
- Emergence of law as central to Islamic identity
  - Early legal specialists
  - 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

- Scripturalists
  - Khārijī movements
  - Early theologians
  - Al-Nazzām (d. ca. 836)
  - The two Ja'fars
  - Other Baghdad Mu'tazila
  - Eastern Zāhiriyya
- The Qur'an's legal minimalism
- Advocates for comprehensiveness
  - Al-Shāfi'ī (d. 820)
- Modern critique
  - Privatization
  - Skepticism of Hadith

# Introduction

## 1. Islamic

## 2. Comprehensive

## 3. Systematic

- The *fuqahā'*
- Traditionists
- Scripturalists
- Modern critique

## 4. Revealed

## Conclusions

An abstract, coherent, preformulated and extendable system of rules

- The *fuqahā'*
- Traditionists
  - Aḥmad ibn Ḥanbal (d. 855)
- Scripturalists
  - The two Ja'fars
  - Dāwūd al-Ẓāhirī (d. 884)
  - Al-Aṣamm (d. 816), Ibn 'Ulayya (d. 833), 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 Ṣāḥirīs 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



# 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 Ṣāḥirīs 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



# Introduction

1. Law is Islamic

2. Law is  
comprehensive

3. Law is systematic

4. Law is revealed

# Conclusions

## 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
- Historical choices relevant for Muslims in Germany today