

need
notes

next week H93 H96 up to
Shahid Sumari
Lecture 10

Islamic theology and law

next week
H96
p.157-169

The Qur'an is in no sense a book of theology but bespeaks its origin as being from prophetic inspiration.

thus it is at many points unclear in its teachings or incomplete and in certain vital areas even appears as inconsistent.

After a hundred years or more the muslims became acquainted with the modes of Greek thought a true Islamic theology was born.

at the popular level, tho, there was a parallel development of religious beliefs which were often in conflict with the opinions of the learned but had great meaning to the masses.

The stimulus to develop a precise statement of religious doctrines was twofold:

1. tensions within the islamic community
2. confrontation with outsiders whom the Muslims encountered in the conquered territories after their great expansion.

Internal problems, especially that of political leadership led to debate on such matters as predestination and free will, the nature of faith and big and little sins.

predistination and free will, which is confusing in the qur'an, became of prime importance in the political controversies surrounding the establishment of the Arab kingdom in Damascus.

a number of learned scholars were employed by the Ummawi rulers to counteract criticism of their regime with religious propaganda arguing that things happen in the world according to

God's will by the principle of predestination. thus they had a right to rule.

the opponents argued that man has freedom to choose his actions and the duty to fight against tyranny and wrongdoing wherever they occur.

neither side had difficulty finding verses in the Qur'an to support its views.

on faith the majority opinion is that faith is 1. confession with the tongue and
2. assent in the heart.

faith may increase and decrease. the question of Who is a Muslim? can only be answered by God since he alone can see into the hearts of men.

The Mu'tazilah were the first Muslims to develop a theology

they appeared toward the end of the first islamic century and had gained fairly extensive acquaintance with Greek philosophy . they have been characterized as rationalists.

they were not trying to undercut Islam, but were firm believers in revelation and prophecy and even in the authority of the prophetic tradition.

the principle teachings were conveyed in their being called the "people of unity and justice."

by unity is meant the unity of God.

the point is to 1. underling the exclusive sovereignty of God over the many powers recognized by the pagan Arabs, and

2. to call the Arabs' attention to the divine power which controlled their destinies.

God's unity was interpreted in reference to the divine nature. They taught that God is one in the sense of being simple and uncompounded, not made of parts, and incapable of any division in his constitution.

they denied any anthropomorphism in connection with God.

Thru the Greek philosophy, the Mu'tazilah had gained a vision of a transcendental rational order so they invoked rational criteria for assessing the validity of religious doctrines.

on divine Justice they applied the same rational approach.

they could not accept predestinarian views of the majority of their traditionalist contemporaries.

if God predestines men to do evil and then punishes them for it, he is guilty of injustice, which is inconceivable for the divine being.

thus humans must have free will and that reward or punishment must be in accord with the freely chosen actions of humans.

God by his nature always does what is best and this means Allah is under restraint to do only what is reasonably just and therefore can't do anything he wants to do, unless he wants to do only what is just.

any doctrines which throw doubt on Allah's justice are wrong.

to other muslims it looked like they were putting limits on God.

because Allah was merciful and compassionate he was required

to send a revelation for our salvation (the Qur'an)

They agreed that the Qur'an was eternal and uncreated.

Evil then is human, not in God, as people have free choice. to be human we must be able to choose.

After some limited successes, the Mu'tazilah were decisively rejected by the Muslims and passed out of existence.

however, they made a permanent contribution by bringing the apparatus and approach of Greek Philosophy into the service of Islam and beginning the science of Kalam (theology). ie. the science of the rational defense of religious doctrine.

ult. con. Unity and justice of God.

Hig. real. Allah, simple unity, can't speak of divine attributes.

Hum. Pred. evil man has free will so is human trait.

solution follow Qur'an because God is just and gave revelation for salvation.

al-Ash'ari (d. 873)

began as a Mu'tazilah but broke with them taking the majority view.

to uphold his own view he used the methods and vocabulary he had learned from the Mu'tazilah.

al Ash'ari made use of the authority of the revelation of the prophet rather than of reason as the Mu'tazilah did.

his purposes were primarily defensive, to ward off the attacks of those who questioned certain aspects of traditional Islam.

he as a literalist in his attitude toward the declarations of

the qu'ran insisting that they must be taken for what they say.

he affirmed the reality of God's attributes and upheld the vision of God on the Last Day as a reality. both of which the Mu'tazilah denied as contrary to reason.

he had an anthropomorphic view of God since the Qur'an said so but saying that God has hands and that he sits upon his throne, but the hands and the sitting are not like those of human beings.

when one experiences the divine attributes, it is really an experience of Allah.

the seven attributes are life, knowledge, power, will, hearing, sight, and speech.

when human beings act it is allah that cause them to act. thus he came down on the side of predestination, a very strict interpretation of it as can be found anywhere.

his doctrine of predestination grew out of his vivid perception of the sovereignty of God which he would in no way compromise. He could not admit the existence of any power alongside God in the universe.

thus God causes human beings to think of him so humans are not free moral agents.

"Allah created unbelief of the infidel and damned him for it."

however, al Ashari still takes a middle position.

although all things, including human action, are predestined, man is responsible for what he does.

it is God who in reality acts, but man acquires the action and accountability for it.

this has puzzled muslim thinkers thru the ages since then.

The theological position enunciated by al-Ashari has gained the assent of the great majority of Sunni Muslims, so much so that it is sometimes referred to as Islamic orthodoxy.

with but small differences his views are accepted as normative by conservative Muslims to our own time.

Ult. Con is pleasing Allah in this life, social justice, and follow the Qur'an

Hig. rel Allah, all in all, when experience divine attributes (7 of them) it is allah. allah causes people to act.

Hum. pred. sin. man is totally predestined in his action and thought but may acquire right way to act. even evil action is of allah.

solution follow the qur'an to the letter.

Islamic Law

The most fundamental of all words in the Muslim religious vocabulary is guidance (hudan).

it is this guidance in all the situations of life that the Muslim expects from his religion.

in the broadest sense of general principles the law is spoken of as the Shari'ah a word meaning "the path to the water"

it designates the means by which one attains the goal of Islam, the way of salvation is by keeping the law.

the Shari'ah is thus a transcendental expression of the eternal divine will for humans.

thus the Islam or commitment which God demands is commitment

to following the shari'ah for in no other way can one be pleasing to God and escape his wrath.

man is a mere creature and cannot judge between right and wrong. what is right is because God has decreed it and not a question of human rights or other natural bases of moral judgement.

a law which represents the eternal will of the universe's creator is infallible and man's attitude toward it should be one of humble submission.

islamic law touches all spheres of life including legal concern, contracts, criminal matters, marriage and divorce as well as dress, foodstuffs, ritual and even the forms of greeting and courtesy .

the subject mater is divided into

1. obligations owing to Godf, such as the profession of faith, performance of prayer and other religious duties and
2. obligations owing to other men or all those things which affect individual and social morality, the conduct of state, etc.

all human activity is classified under one of five headings thus showing that the shari'ah is indifferent to nothing.

actions are either obligatory (like confessing allah's unity), recommended, permitted, disapproved but not outright forbidden, like divorce, absolutely forbidden like eating pork.

Each person stands in an immediate relationship of accountability with God and none can substitute for another.

the process of finding definite rules from broad principles is

what we know as jurisprudence, in the Islamic case as fiqh.

the word fiqh means understanding, and in connection with the law it refers to two things.

first it is the name accorded the process of deriving explicit rules of law from the transcendent shari'ah and

second it is used for the result of that process, that is, for the books of rules compiled thru the jurist's efforts.

thus one speaks of the "books of fiqh"

a person who is skilled in this is called a faqih.

The need for the development of a science of jurisprudence came from the frequent unclarity of the revelations of the Qur'an.

al-Shafi'i (b. 767) was a brilliant lawyer and polemicist who thru an extensive series of writings analyzed and discussed the rival opinions of jurists.

he worked out a concise and clear theory of the sources or roots of Islamic law tho it was some time before his views were generally accepted.

in due course it won universal assent among Sunni muslims.

he held that there were four roots of the law.

the first and most authoritative was the Qur'an which no other authority could supersede.

if on a given subject there are clear Qur'anic commandments these are unqualifiedly to prevail above everything else.

however, there are few clear cut dictums in the Qur'an

the second source is the sunnah of the Prophet.

where it could be established on the basis of reliable reports that the Prophet had acted or judged matters in a particular way, such a precedent was not only trustworthy but constituted an obligation upon the Muslims to follow it.

it cannot be too strongly emphasized that the Muslim tendency to look to the past as a storehouse of valid and normative guidance is of the very essence of the Islamic mentality.

Al-Shafi'i cut through all confusion about these traditions by maintaining against many opponents that the normative sunnah was that of the Prophet and the Prophet alone. What must be sought is Muhammad's example, and those of all others are irrelevant.

the contents of the Prophet's sunnah is known to Muslims thru a series of oral reports about him which record his sayings, doings, and implicit approbations.

These oral reports called a hadith were sifted through in later centuries to determine what was authentic.

thus emerged a science for the criticism and authentication of hadith which as remained until today one of the central preoccupations of Islamic learning.

In the late second Islamic century thge criticism of hadith and the effort to separate the true from the false came to fruition in certain carefull sifted collections that have an authority for all Sunni Muslims second only to the Qur'an.

these are called the Six sound Books of tradition . One scholar was said to have sifted more than 600,000 separate hadith in order to arrive at his collection of 2,762 which he considered

authentically to have come from the prophet.

this has not stopped muslims from making use of many other works on hadith. the faqih or learned man ranges freely through it to find the hadith that help him to solve whatever problem may be under consideration.

in modern times there has been an attack on the authenticity of the hadith from both w/o and w/ the islamic camp.

some muslim reformers in the 20th century have declared their freedom from the authority of hadith altogether.

the third source of legal guidance (if the Qur'an and sunnah don't have an answer) is called the ijma' or consensus of the community.

if in looking at the past one discovers that the community at large or its most learned men have generally agreed upon a doctrine or a practice, he may take this consensus as sanction, provided always that the consensus does not go against the Qur'an or sunnah.

the appeal to Ijima underlines the Islamic attitude toward the past for in the final analysis it is another name for tradition.

the fourth and final source of Islamic law to be resorted to only if the above three cannot give guidance is Qiyas or analogical reasoning.

this must be used only under the strictest control.

in some circumstances, it is legitimate to extend the

implications of an explicit rule of law arrived at on the basis of one of the three preceding sources to cover a different but analogous situation that is not specifically provided for.

for instance, the Qur'anic prohibition of wine on the basis of its being an intoxicant allows the faqih to judge that other intoxicants are also to be forbidden.

also, it is alright for a muslim to ride on a train or bus since muhammad rode on a camel, which is analagous.

the principle of qiyas is by no means a license for speculation or the exercise of personal opinion in legal matters but must always proceed from a previously established rule and can in no way be innovative or serve to overturn judgements based on the previous three methods

out of all the various distinct schools of law that had emerged by the third islamic century, four have survived till today

among sunni Muslims it is the custom to adhere to one of these four schools which each man is free to choose for himself.

in content of their teachings there is very little difference among them, differences being confined for the most part to certain items of detail.

in many Muslim countries it was formerly the custom to maintain religious courts with judges drawn from different schools so that each man's cause might be heard according to the legal doctrine which he accepted.

each school is associated with a certain region of the Islamic world where its acceptance has become customary for the majority of people.

ijtihad is a term meaning to make a personal judgement which was acceptable for some time but a time came when the generality of Muslims began to consider that the fundamental work of expounding the law had been completed. thus the 'door of ijtihad' was considered closed.

the duty of men was not to return to the sources of the law but rather to accept as authoritative the opinions of the doctors of the law.

although men learned in the law have always had freedom to offer legal opinions on questions put to them, their task has not been to seek new directions or principles in the law but only to discover from the writings of the authoritative teachers of their respective schools what resources may be brought to bear on the question at hand.

the result of the attitude has been to make all later writing on islamic law take the form of commentaries on earlier works and so effectively to cut muslims off from fresh insights into the basic sources of Islamic piety.

insistence that the 'Door of ijtihad' is still open has become one of the pillars of islamic modernism.

many modernists see this closed attitude as perhaps the chief cause for the failure of their community to keep pace with the rival civilization that has come to dominate it.

for modernists, Islam is dynamic and progressive, incorporation in such principles as ijtihad the means for its

own perpetual self-regeneration and self-adaption to new circumstances.

for these men the very conservative attitude is a grave misunderstanding of Islam which denies its very spirit.

there is no question more fraught with significance or more hotly debated than that concerning the role which the shari'ah should play in the emergent national states of the Islamic world.

Islam in modern times

The modern period has been marked by a reawakening of the Muslim peoples

preceding the reawakening was a long period of relative decline which saw the Muslim nations outstripped and then dominated by the rising civilization of Western Europe and the U.S. it is this fact, together with some elements internal to the community that has created the sense of crisis and malaise.

The three great Muslim empires were the Ottoman in Turkey and the Mediterranean Basin, the Safawi in Persia and the Mughal in India.

by the 19th century these were all dying. The British took over India in the early 19th century and controlled it by 1848 when they crushed a revolution.

the British were established in Egypt by 1882.

as a result of Turkey's defeat in WW I, the eastern Arab regions also fell under European control

in 1916 the Sykes-Picot agreement divided Greater Syria between the French and the British and allowed to Britain a kind

of tutelage over Iraq.

In short, there was no important region of the Islamic world that was untouched by European power or safe from European colonization.

this decline disrupted traditional institutions and social forms.

The earliest efforts at religious reforms seem to have come from an awareness of internal decay within Islam itself rather than from a response to the West.

The Wahhabi movement

named after the founder, 'Abd al-Wahhab (1703-1792) who came to hold a very strict view of Islam that most closely resembled the position of the classical traditionalist.

he was outraged at the great corruption of pure Islamic teaching and set about to purify the body politic of any foreign elements.

his particular wrath fell on practices associated with Sufi worship, especially the cult of the saints.

He was thus not really a reform movement but an effort to restore or revive the genuine Islam of the earliest generation, the faith that had brought success, strength and spiritual blessing to the early community.

they rejected the qiyas (analogy) and the ijma (consensus of community) and said only the Qur'an and the Sunnah are to be considered law.

The Wahhabis grew steadily and tho subdued at one point by

the Ottoman empire, gained a new lease on life in 1901 when 'Abd al-'Aziz ibn Su'ud captured the city of Riyadh and reestablished the Su'udi dynasty, which rules Arabia to this day.

it has officially espoused the Wahhabi school but since WW II has showed flexibility in encouraging the modernization of the country.

The major factor in this change was the discovery of oil nevertheless, Wahhabism is the foremost attempt at Islamic revival that the modern world witnessed up until Khomeini and has had repercussions in every Islamic land.

Muhammed Iqbal (1872-1933)

Iqbal was the father of Pakistan--ie, the spiritual father. he attempted to synthesize or relate Islam to modern thought. studied at Cambridge and became a lawyer. he was influenced by Nietzsche, Hegel and the sufis, tho he had an aversion to quietism.

he believed that Islam had remedies for the world's ills man needed to cultivate his innate greatness as a human, he advocated making the N. W. region of India into a Muslim state which it was.

his main book was Reconstruction of Religious Thought in Islam it deals with the inner intuitive experience tho it speaks in scientific terms.

speaks of philosophical knowledge and religious thought feeling that these are not opposed.

in religious experience one experiences reality as a whole.
felt the human intellect is moving towards religious
experience.

he ties in evolution saying even science is moving in the
direction of spiritual understanding with the evolution of
knowledge, to what the religious experience has been all along.

God is the rational, directive, creative will behind the
universe. the ground of all experience--perfect
individual--infinite wealth of creation possibilities, changing
all the time in a continual becoming.

like energy he is above time--omnipotent--

he created finite egos out of his own freedom.

in creation, evolution of humans means we get closer to
intuitive knowing.

Iqbal's Ult. Con. was that humans need to aid the evolution
of consciousness to get closer to this intuitive knowledge.

science is pushing us forward so what is needed is individual
effort. one works out their own salvation.

good and evil are to help man develop.

Hell is the failure to live this life well. it is a state of
mind as is heaven which is success in living.

moslem culture underlies the universe.

Muhammed is the greatest intellect of all. but he is that
which we can alibe.

life must evolve and we can be what he was too if we use our
resources.

Islam is a concrete religion, it tells us we are to perfect

ourselves by the use of our heads, knowledge, etc.

the human pred. is the failure to develop our potential

prayer is what relates us to the goal of intuitive knowledge.

In the book The Spirit of Islam Sayyid Amir 'Ali (1849-1928) puts forth the following characteristics of modernist Islam.

it has been called the Bible of Islamic modernism.

these characteristics are:

1. a strong sense of dynamism, i.e., that the meaning of Islam in modern times is a call to action;

2. a need to counter explicit or implicit criticism of Islam arising out of the Western impact.

3. a preference for rational methods in the interpretation of religious doctrine with a tendency to deny supernatural, legendary, or miraculous elements in the tradition.

4. a romantic interpretation of Islamic history, particularly of the earliest generations, that is part of the general defense of Islam.

5. an insistence upon the agreement between Islamic teachings and those of science.

6. a preoccupation with the personality of the Prophet and a tendency to exalt his moral and intellectual qualities.

7. the identification of Islamic teaching with liberal and humanitarian values compatible to the present age.

8. an anti-sufi attitude which looks upon later Islamic mysticism as obscurantist and the partial cause of Muslim weakness; and

9. a rejection of the authority of the medieval legal schools and a refusal to adhere to their methods.

the resurgence of Muslim peoples in every sphere, not just religious, is one of the principal facts of the 20th century.

since WW II one country after another has thrown off foreign domination and gained independence.

the only major region controlled by non-muslim power is Soviet Central Asia where Islam is rapidly disappearing among the younger generation.

in other countries, such as Pakistan, there have been sustained attempts to work out the implications of Islamic commitment for social and political life.

There is no question but what Islam is making an impact upon the world as a whole today whether with modernization or a return to fundamental roots, as is occurring in Iran and Egypt, not to mention Beirut.