

Synthesis and Creativity

When the Arabs began their conquests in the 630s, their practice of Islam was rudimentary and simple. They possessed a body of scriptures, a few simple rituals, and the memory of specific teachings and acts of the Prophet that served as guides for behavior. In the seventh century, however, there had yet to emerge a class of Muslim religious specialists whose careers were devoted to the elaboration of the deeper meaning of the principles of the faith and to the production of devotional literature, guidelines for ethical living, and theology. The vast majority of Arab Muslims, in fact, were a handful of years—or even months—removed from polytheism.

The development of Islam as a major institutional religion began during the eighth century. After decades of expansion into new territories, it was becoming clear to some pious believers that guidelines for doctrine and correct behavior needed to be drawn up in order to stop the proliferation of quarreling sects and to obtain a consensus regarding doctrine, ritual, and ethics. Simultaneously, the Arabs now found themselves in the midst of millions of adherents of other major religions, whose institutions, doctrines, and rituals they found to be commendable or repugnant in varying degrees. They encountered bureaucratic organizations, civil and religious laws, social structures, cuisine, and types of entertainment that were entirely new to them. Which of these were compatible with the faith that the Prophet had brought to his people? What distinguished his community from those of Christians, Jews, and Zoroastrians, many of whose adherents were engaging in a polemical attack on the doctrines and rituals of Islam? Just as the internal dynamics of the community began the process of articulating the implications of the faith, so was there a need to mark off the boundaries between it and the other monotheistic religions. By the middle of the tenth century, the foundations had been laid for Islamic law and devotional life, and subsequent discussions would refer back to this period as the touchstone for debate.

During this period, it became commonplace to refer to those areas under the control of Muslims as the *dar al-islam*, or the House of Islam. Obviously, this region did not have a predominantly Muslim population in the early centuries, but it was one in which Islamic values were upheld and protected. The area of the world not under

Muslim control was referred to as the *dar al-harb* (the House of War) or the *dar al-kufr* (the House of Unbelief). It was the House of War precisely because the Qur'an enjoins believers to fight against *kufr*, or unbelief.

The Origins of Islamic Law

The history of Christianity is replete with doctrinal disputes, and as a result, theology became the chief intellectual discipline of that religious tradition. Islam, by contrast, is more similar to Judaism in that correct behavior takes precedence over doctrine, and law has been the major intellectual pursuit within these two religions. In the absence of the Prophet, Muslims sought guidance regarding how to live in accordance with God's will. Shi'ites looked to their Imams for that guidance. Sunnis found it in the Shari'a, or Islamic law.

Assimilation and Adaptation

During the earliest period of Islamic history, the Prophet served as the source of correct doctrine, the guide to the correct way to perform religious rituals, the judge for criminal acts, and the adjudicator of civil disputes. When he died, Muslims were forced to make radical adjustments in their lives. Not only did they lose their source of divine revelation, but they soon lost the intimate and compact community of which Medina and Mecca were the largest population centers. The caliph was now the ultimate authority on religious and civil matters within the community, but his capacity for remaining the central figure in this regard was limited. He was expected to make judgments within the framework established by the Qur'an, but it has only some eighty verses that deal with matters that can properly be called legal. In addition, the Ridda wars and the rapid conquests of Syria, Egypt, and Iraq greatly expanded the area under the caliph's jurisdiction. As a consequence, he became an increasingly remote figure to most Muslims, many of whom were moving to the newly conquered areas as soldiers, administrators, merchants, or other specialists. It was unavoidable that many important decisions regarding ritual behavior, property rights, commercial issues, criminal acts, and other pressing issues would be decided without recourse to the caliph.

An organized Muslim judiciary became established only after Mu'awiya seized the caliphate in 661. Under the Umayyads, each garrison city was staffed with an agent to implement the body of administrative and fiscal regulations and laws that the rapidly growing military empire needed in order to function. This agent or judge, called a *qadi*, had wide discretionary powers. Whenever possible, qadis would rule within the principles of the Qur'an, but often they had no choice but to utilize local legal traditions in order to make a ruling. In the absence of a comprehensive Islamic legal system, qadis relied on Sasanian, Byzantine, Jewish, and Orthodox canon law for many of their decisions. As a result, the legal administrative apparatus in different areas of the empire began revealing significant differences.

By the end of the seventh century, pious scholars began debating among themselves whether Umayyad legal practice adequately reflected the ethical values of the Qur'an. The motives of some may have included hostility towards the Umayyads, but

in general these scholars were acting on the profound conviction that each human has a responsibility to obey the commands of God. Not only should a believer desist from evil acts and be sure to do the good acts himself, but he should also "command the right and forbid the wrong," an injunction that implied a universal responsibility for maintaining the public order. During the eighth century, several of the influential urban areas had clusters of scholars (sing. *'alim*, pl. *'ulama*'; hereafter *ulama*, the most common English transliteration) who sought to Islamize the law by using Qur'anic principles as the standard by which to evaluate the adequacy of Umayyad legal practices.

The unusual features of this movement of "legal review" were that it was conducted by pious scholars who held no positions of political authority and that it was not officially sanctioned by the Umayyad government. The *ulama* of Damascus, Kufa, Basra, Medina, and Mecca took the lead in this nascent jurisprudence. It soon became clear that, despite the intention of the scholars to use Qur'anic principles, differences began to develop among them. Syria, Iraq, and the Hijaz naturally had important differences in their social environments, and these were reflected in the legal thought that emerged from the cities within each region. For nearly a century, Muslims had adopted many local customs in each city, and even the pious naturally assumed that their local practice was identical with that of the first Muslim generation in Medina. The Qur'an, like any other revealed scripture, provides specific guidance on only a few of the issues that individuals in a complex society face. Unless a local custom conflicted with a Qur'anic directive or ethical principle, it was assumed to be legitimate. The religious scholars felt free to exercise their discretion when ruling on cases that presented original problems.

Groping Toward an Islamic Jurisprudence

With the advent of the Abbasids, the central government took an active role in encouraging the development of a legal system based explicitly upon Islamic values. The new regime hoped to gain legitimacy by supporting the demands for an Islamic law, and it saw that the empire's legal system would benefit from uniformity in the determination and application of law. The office of the qadi was encouraged to rely on the principles being articulated by the *ulama*. The new impetus for the development of an Islamic law led to the emergence of a generation of reformers who were critical of the approach of their elders. Whereas the first generation of jurists tended to accept current legal practice unless it violated some Qur'anic principle, the younger generation, working during the last third of the eighth century, insisted that the Qur'an and the example of the Prophet be the norms from which all jurisprudence be based. They viewed local consensus and the analogical reasoning of individual scholars, even if based on religious precedent, with suspicion. The earlier jurists had sought guidance from the *sunna* (meaning *way*, *custom*, or *practice*) of the first generation of Muslims, assuming that it ultimately derived from the example of the Prophet; now their successors explicitly sought only the Prophet's words and deeds. Those who sought guidance from the Sunna of the Prophet called themselves *ahl al-sunna wa al-jama'a*, or the People of the (Prophet's) Sunna and of the Community. They collected reports or traditions (sing. *hadith*; the singular form is usually used in transliterations as a collective noun) of the Prophet's declarations and his behavior in certain circumstances and urged that Hadith and the Qur'an be the sole

standards for legal practice. They had a powerful argument on their side, for if the law were not in fact derived directly from the Prophet's words and example, what guarantee would the believer have that it was God's will?

The new emphasis on the Sunna of the Prophet resulted in great efforts being expended to discover it, and during the eighth and ninth centuries C.E., an enormous number of Hadith appeared. Several scholars organized the traditions into collections, the most famous and authoritative being those of al-Bukhari (d. 870) and Muslim (d. 875). The rapid appearance of thousands of Hadith raised suspicions that many were being fabricated, particularly when they attributed to the Prophet ideas or the use of technology that were anachronistic. Al-Bukhari, Muslim, and the other great collectors made efforts to assess the traditions by examining their internal evidence and by weighing the integrity of the scholars who were said to have passed them from one generation to another. According to legend, al-Bukhari examined 600,000 such traditions before deciding on the 2700 that he put into his collection. Although many Western scholars are skeptical that a majority of the traditions are authentic, most Muslims consider them to be as authoritative as the Qur'an.

The new initiative to codify God's will, however, only multiplied the differences among the various groups of *ulama*. According to tradition, literally hundreds of "schools" (sing. *madhhab*) of law emerged across the empire during the ninth century. These schools were not colleges, but rather circles of scholars who followed the methods determined by influential local *ulama* for ascertaining the principles of law. In most of the *madhhabs* that had a life span of several generations or more, the founding scholar's teachings were modified and elaborated considerably, perhaps even beyond recognition, but each one represented a cohesive social unit as well as an ideological perspective. The *madhhabs* differed from each other due to the wide variety of Hadith sources, differences in techniques of Qur'anic interpretation, variations in local customs and values, and differences over the scope that individual reasoning should be allowed in making legal judgments. The cleavage among the schools reached its height in the ninth century, when some Muslim scholars who were influenced by Greek philosophy asserted that the human mind is capable of determining which acts are good and which are bad, independent of revelation. The caliph al-Ma'mun (813–833) patronized this group, known as the Mu'tazilites, and he ordered all qadis and other government officials to adhere to their theories. Because the Mu'tazilite position seemed to threaten the primacy of the Qur'an, a scholar named Ahmad ibn Hanbal (d. 857) refused to submit to the ruling, even though he was persecuted as a result. His followers, the Hanbalis, insisted that acts were good or bad because God had decreed them so and that it was impious to reason why or whether they were so. Scholars should rely only upon the Qur'an and the Sunna of the Prophet.

The Development of the Shari'a

The numerous schools of religious law caused confusion and consternation among Muslims. How was one to know which most closely reflected God's will? By the middle of the tenth century, a consensus had developed on the broad outlines of a method for determining religious law. As a result, the number of schools rapidly declined and the Shari'a, or Islamic law, became the defining element of Muslim identity.

Hadith: Guides to Living

The thousands of Hadith provide guidance for a remarkably wide range of behavior. The following selections are excerpts from one of the two major collections of Hadith, the Sahih Muslim. The isnad, or chain of transmitters, has been removed from each. Note how each Hadith cites a saying or act of the Prophet as a model for one's own life.

'A'isha reported, The Messenger of Allah (may peace be upon him) said: Ten are the acts according to Fitra (the ritual acts that enable human nature to reach its potential): clipping the moustache, letting the beard grow, using the tooth-stick, snuffing up water in the nose, cutting the nails, washing the finger joints, plucking the hair under the armpits, shaving the pubes, and cleaning one's private parts with water. The narrator said: I have forgotten the tenth, but it may have been rinsing the mouth. (I, 192–193)

Salman reported that it was said to him, Your Apostle (may peace be upon him) teaches you about everything, even about excrement. He replied: Yes, he has forbidden us to face the Qibla at the time of excretion or urination, or cleansing with the right hand or with less than three pebbles, or with dung or bone. (I, 193)

Jabir said: Allah's Messenger (may peace be upon him) forbade that the graves should be plastered, or they be used as sitting places (for the people), or a building should be built over them. (II, 553)

Jabir b. 'Abdullah reported Allah's Messenger (may peace be upon him) as saying: Do not walk in one sandal and do not wrap the lower garment round your knees and do not eat with your left hand and do not wrap yourself completely leaving no room for the arms (to draw out) and do not place one of your feet upon the other while lying on your back. (III, 1388)

Buraida reported on the authority of his father that Allah's Apostle (may peace be upon him) said: He who played chess is like one who dyed his hand with the flesh and blood of swine. (IV, 1469)

Abu Huraira reported Allah's Messenger (may peace be upon him) as saying: Do you know who is poor? They (the Companions of the Holy Prophet) said: A poor man amongst us is one who had neither dirham with him nor wealth. He (the Holy Prophet) said: The poor of my Umma would be he who would come on the Day of Resurrection with prayers and fasts and Zakat but, . . . since he hurled abuses upon others, brought calumny against others and unlawfully consumed the wealth of others and shed the blood of others and beat others, . . . his virtues would be credited to the account of one (who suffered at his hand). And if his good deeds fall short to clear the account, then his sins would be entered in (his account) and he would be thrown in the Hell-Fire. (IV, 1645)

SOURCE: Imam Muslim, *Sahih Muslim*, tr. 'Abdul Hamid Siddiqi. 4 vols. Rev. ed. New Delhi: Kitab Bhavan, 2000.

The Synthesis of al-Shafi'i

Although the rationalists lost their official patronage by mid-century, they remained active in legal and philosophical circles for centuries. By the early tenth century, however, a compromise between the rationalist Mu'tazilite position and the Sunna-based Hanbali position began to gain acceptance in many of the law schools. The compromise was based on the work of a scholar, Muhammad ibn Idris al-Shafi'i, who had died a century earlier, in 820. On the one hand, he had argued that the Qur'an and

Sunna of the Prophet were the sole material sources of the law, a position that sounded much like that of Ibn Hanbal. On the other hand, al-Shafi'i squarely confronted the reality that questions frequently arise in daily life that are not addressed in these sources, and hence require the use of reason. Unlike the rationalists, he did not allow the free exercise of reason or opinion (*ra'y*), but he did allow reasoning by analogy: If a case could be resolved on the basis of an analogy with the ethical principles expressed in the Qur'an, Hadith, or previous legal cases, the decision was valid. When a legal decision became accepted by the consensus of scholars across the Dar al-Islam, it could reasonably be considered to reflect God's will.

Thus, al-Shafi'i's theory actually recognized four sources of law: the two primary sources of the Qur'an and Hadith and the two derivative sources of analogy and consensus. This new model for jurisprudence was ignored for many decades after his death in 820, but rapidly gained acceptance in the early tenth century. Soon, any jurist seeking a solution to a legal problem was expected to consult the Qur'an and the Hadith first. If the issue was not addressed directly in those sources, he was to employ an analogy with cases that had been resolved. The result was a tentative conclusion that would be substantiated or rejected by the rulings of other jurists. In the event that it was corroborated by other rulings, it was said to have been confirmed by the consensus of the other ulama.

The growing uniformity within jurisprudence led to a general sense that God's will was being ascertained, and the rules that were developed for living the upright life were called the *shari'a*. The term *shari'a* had been used up to that time to denote the beaten path to a watering hole in the desert. If one did not know the path that the camels had taken repeatedly, death could result. Likewise, knowing and practicing God's will as revealed through the disciplined decisions of the ulama brought life to whoever submitted to it.

Consolidation of the Madhhabs

The Shari'a gradually became an essential element of Muslim life. Then as now, highly trained professionals were less likely to choose to live in rural areas than in cities, and it was thus much harder for peasants and pastoralists to gain access to educated qadis. Nevertheless, everyone was expected to choose which madhhab he would follow. Over the years, the growing uniformity of legal method had the effect of consolidating many madhhabs and reducing the number from which to choose. By the end of the thirteenth century, only a few schools were left. In some large cities, a choice still existed even as the number of schools declined, for one could find qadis from several madhhabs. For most people, however, the school they followed was in effect chosen for them because of the distinctly regional coloration that the madhhabs possessed.

Out of the numerous schools that emerged during the early period, four continued into the modern era to represent the majority of Muslims. The tradition from Kufa was named after one of Ja'far al-Sadiq's students, Abu Hanifa (d. 767), and was called the Hanafi school. It dominated in Iraq and Syria, and later spread to Anatolia, Central Asia, and India. The school in Medina was named after one of its greatest early scholars, Malik ibn Anas (d. 796), and is known as the Maliki school. It became paramount in North Africa and the Iberian Peninsula, and it spread into West Africa. The Shafi'i school, claiming descent from the original disciples of

al-Shafi'i, prevailed in Egypt, Yemen, East Africa, certain coastal regions of India, and in Southeast Asia. The Hanbali madhhab derives its name from Ibn Hanbal, who was known for his theological disputes with the Mu'tazilites. Over the years after his death, however, his followers developed a madhhab that argued for the primacy of the Qur'an and Hadith literally understood. (Ibn Hanbal is said never to have eaten watermelon, on the grounds that he found no precedent in the example of the Prophet.)

The Hanbalis were so hostile to the use of personal opinion that they placed sharp limits on the use of analogy. Regarded as the most conservative and traditional of the four schools, the Hanbalis nevertheless turned out to be the least bound by tradition. Because they did not feel constrained by the consensus of other scholars, in later centuries they were the most active in making new interpretations of the law to fit changing circumstances. The Hanbali madhhab was influential in Baghdad and Syria until the fourteenth century. It was revived in the Arabian peninsula in the eighteenth century and remains dominant in Saudi Arabia today. It is also popular among reformist movements all across the Muslim world, whose members regard it to be the most congenial for allowing new interpretations.

The Shi'ites and Kharijites developed their own distinctive madhhabs, although they share much in common with the four discussed above. As we have seen, true sectarian identity took centuries to crystallize, with the result that the major developments in Islamic law took place in an atmosphere in which Muslims of all inclinations were in communication with each other. The Shi'ites maintained three major madhhabs, the most influential of which was attributed to Ja'far al-Sadiq, and is thus known as the Ja'fari madhhab. All Muslims agreed that the Qur'an and Hadith are the primary sources of the law, although the collections of Hadith used by the Isma'ili and Twelver schools contain traditions that differ in part from the earlier collections due to an emphasis on the Alid tradition. Likewise, when Shi'ites began developing their own legal methods, they placed less emphasis on analogy and consensus than did the earlier madhhabs, since the decisions of the Imam had authoritative weight.

The Impact of the Shari'a

By the ninth century, the Shari'a was the authorized basis for qadis to make their judgments in court. The Shari'a, however, was not a codification of laws to which a qadi could refer when confronting a case. It was largely a set of norms regarding how to live the godly life, and included a remarkably broad range of topics from the scholars who reflected on the duties that humans owed their Creator. In it one could find details on the proper way to consummate a marriage or to defecate, as well as regulations regarding contracts, theft, and inheritance. Despite the intent of its architects to provide guidelines for all of life, its primary utility was for issues relating to religious rituals, marriage, divorce, inheritance, debts, and partnerships.

Among the most notable legacies of the Shari'a have been norms regarding the roles and status of women. Like other topics treated by the jurists, the decisions relating to women arose out of an interplay among Qur'anic injunctions, the Hadith, and deeply rooted customs of a given region regarding women's roles. The Qur'an itself insists on the essential equality of women and men (3:195, 33:35, 4:124), but it

also suggests that God views men to be "more equal" in rights than women (4:34). Because the Qur'an became the chief source of the Shari'a, the jurists followed that lead. In addition, however, a Mediterranean tradition of honor and shame, a centuries-long Greek tradition of keeping women out of public life, the misogynistic teachings of some of the Christian theologians, and a Sasanian culture in which women were second-class subjects were powerful forces in the Fertile Crescent. At the Abbasid court—which was influenced by both Byzantine and Sasanian norms—the women were already being secluded even as the Shari'a began to be delineated. The jurists of Islam worked within societies influenced by one or more of these factors as they interpreted the Qur'an and the Hadith.

According to the Shari'a, a woman was to have a male guardian—father, husband, brother, or uncle—and the marriage contract was technically between the bridegroom and the woman's guardian, not the bride. A father could give his daughter in marriage without her consent if she had not yet reached age of puberty. Once a young woman had attained puberty, she technically could not be married against her will, but if she was a virgin, consent could be given "by silence," a condition which was often exploited. A woman could marry only one man at a time, whereas a man could have up to four wives and as many slave concubines as he could afford. (The Hanbali school recognized the legitimacy of the marriage contract to stipulate that the husband could take no concubines or additional wives, but the other schools did not allow that provision.) The woman was entitled to a dowry and to maintenance (food, clothing, and lodging).

All of the law schools agreed that the husband could divorce his wife unilaterally and for any cause, but the wife's rights to divorce were more limited. According to some legal schools, the husband could divorce his wife by simply stating that he had divorced her in the presence of witnesses, and she did not even have to be present or to be informed of the act. Women, by contrast, could obtain a divorce only by mutual consent or by petitioning a qadi. The Hanafi school allowed a woman to request a divorce on the grounds of impotence, whereas the Maliki school allowed a wife to cite impotence, cruelty, desertion, failure of maintenance, or the threat posed to her by her husband's disease. In the event of divorce, the woman would have custody of the children of the marriage and the duty of bringing them up until they reached a certain age (typically seven for boys and nine for girls) or until she remarried, in which case the children's age was irrelevant. At that point, the father or his family would assume custody of the children.

Women in urban areas from Transoxiana to Andalus did not play an active, visible role in public life either before or after the arrival of Muslims, unless they were from poor families that needed them to engage in trade, services, or the crafts. Most scholars agree that, if anything, the status of women in the area probably rose slightly in the formerly Byzantine and Sasanian territories due to the ethical principle of the equality of the sexes before God that runs as a leitmotif throughout the Qur'an. Legally, women were guaranteed a share of an inheritance, as well as the right to own and sell property. Many women from prosperous families did engage in business activities, but typically that meant renting out a shop, buying and selling property, and lending money—activities which did not necessarily thrust them into the public eye. On the other hand, the traditions of concubinage

and seclusion that both the Byzantines and the Sasanians had practiced prior to the advent of the Muslims continued into the Islamic era and shaped Muslim mores in a profound manner. Women had clearly demarcated roles that left them subservient to those of men.

Qadi courts dealt with criminal cases as well as family issues, but the state increasingly appropriated the responsibility for criminal law because the Shari'a's rules of evidence precluded a qadi from investigating criminal cases. In principle, only oral testimony from reputable witnesses was acceptable. Written evidence was only occasionally acceptable, and circumstantial evidence was not recognized at all. Because of the constraints on the qadi in this regard, the state transferred the greater part of criminal justice cases to the police. Both commerce and taxation were also spheres in which governments increasingly found that they needed a more flexible framework than what the Shari'a provided.

Thus, although the Shari'a became a central feature of Muslim life, it never became a comprehensive law code for all of society's needs. Two parallel systems of law existed in the Islamic world: the Shari'a and one that served the needs of the state. As we have seen, the Shari'a itself arose not from the needs of the state, but rather from the sense of moral responsibility that pious Muslims felt toward God. The Shari'a was the guide to living a life acceptable to God. Rulers were willing to accommodate the Shari'a because it served as a guide for judges and its implementation gave religious legitimacy to the state that employed it. Nevertheless, governments frequently faced issues that the Shari'a did not address, and they utilized a variety of expedients for resolving their legal problems.

On the other hand, the Shari'a, because of its focus on the issues of marriage, divorce, and inheritance, was much better known to the public than the secular codes, and it was the system that provided a common identity from one end of the Islamic world to the other. The very fact that the Shari'a had not been created to resolve the issues of a given state endowed it with the capacity for universality, and when the political unity of the Abbasid empire began breaking up, it was the Shari'a that provided for a commonality among all Muslims regardless of their membership within a given state. Governments could come and go without affecting the stability of their respective societies.

The development of the Shari'a also seems to have been instrumental in crystallizing an identity for most of the Muslims who were not Alids. Oddly enough, we do not know when *Sunnis* began to call themselves by that term. However, the expression, *ahl al-sunna wa al-jama'a*, discussed earlier, evoked the confidence that this group had that God's will could be found when individuals cooperated in ascertaining the model of the Prophet's life. It set them in contrast to those who relied for such guidance on a supernaturally inspired individual such as the Shi'ite Imam. Those who came to be known as Sunnis argued that God's will could be ascertained in the legal sciences, which were based on guidance from the Qur'an, the Hadith, analogy with similar cases, and the consensus of learned and pious scholars. A Hadith from the Prophet was often cited that expressed this confidence: "My community will never agree on an error." Over the years, more and more of the Muslims who sought religious truth from the consensus of the community referred to themselves as Sunnis to distinguish themselves from the Shi'ites, whose sense of identity was already established.

Early Sufism

In the late seventh and early eighth centuries, as Shi'ism, the Hadith movement, and the Shari'a were developing, a devotional movement arose in Kufa and Basra that eventually became the most widespread and characteristic form of Islamic piety. Because some of its adherents wore the rough woolen garments that had been the characteristic clothing of ascetics in the area for centuries, the movement came to be called Sufism, and its members Sufis (sing. *sufi*, from *suf*, or wool). At the heart of Sufism was a burning passion to transcend the externals of religion and to experience the spiritual reality for which rituals and texts were the representation. Although Sufism would come to embrace a wide variety of devotional practices and ways of life, most of the early Sufis sought a personal relationship with God through a combination of asceticism, a concern for ethical ideals, and a mystical form of worship.

The Contemplative Life

For over a century, many of the most prominent Sufis were among those who were engaged in the gathering of the Hadith in order to have a guide for living according to the will of God. What set many of the early Sufis apart from the other Hadith collectors was their emphatic renunciation of this world. Some favored a mild form of asceticism, while others took self-denial to an extreme. Just as Shi'ism and the Hadith movement contained elements of pious opposition to the Umayyad dynasty, the private piety and asceticism of the Sufis were in many cases expressions of disapproval or even active opposition to the same governmental authority. Throughout the Umayyad period there were examples of individuals who shunned the trappings of wealth and who sought a highly disciplined life of the spirit that stood in sharp contrast to the increasingly flamboyant way of life of the Umayyad court.

Sufism cannot be reduced to a movement of political protest, however. A movement of pious self-discipline had arisen early within Islam. The Sufis point to the Prophet himself as their model, and he certainly led a simpler life than his political power and his access to the community's resources would have allowed him. Moreover, many passages in the Qur'an stress the necessity of focusing on eternal goals rather than on worldly, material ones. Still other verses suggest the nearness of God that complements his transcendence and that allows him to be approached in a personal relationship. One that had a central role in the development of an accessible God was, "Indeed we created man; and we know what his soul whispers within him, and we are nearer to him than his jugular vein" (50:16).

Those Muslims who felt the need to cultivate the life of the spirit had a wealth of traditions in their midst from which they could borrow. On the one hand, Sufism was an indigenous development within Islam. Mystics in all the world's great religions share in a quest for the purification of the heart, a disregard for—if not renunciation of—worldly concerns, and a search for a deeper knowledge of God. It is unnecessary, and even misguided, to try to identify the source of borrowing of these elements from other traditions, because the dynamic of the mystical quest leads inexorably to some form of these features. However, many references in Sufi literature make it clear that Muslim, Christian, and Jewish mystics exchanged information on

Isma'ili and Twelver Shi'ite intellectual life took somewhat different directions from that of the Sunni community because of the centrality of the Imam in their doctrine. Philosophy and gnostic thought, under a cloud in the Sunni community, flourished among both of the main Shi'ite groups. Of the two communities, the Isma'ilis were the more attracted to complex cosmological doctrines adapted from Neoplatonism and even Indian philosophical systems. On the other hand, commentaries on the Qur'an are absent from Isma'ili literature of the period, for the Imam was the ever-present interpreter. The Fatimid Imam was often referred to as the "speaking Qur'an," whereas the book was known as the "silent Qur'an." Commentaries on the Qur'an were also rare within the Imami community until the doctrine of the Hidden Imam became firmly established. When the Imam was no longer present to interpret the scriptures, however, a demand arose for them.

The Imamis/Twelvers began as a Hadith-based movement, but they made a wrenching change to a rationalist one. Whereas the early Imamis agreed with Sunnis that the Hadith were a second source of law along with the Qur'an, they had quite different criteria for judging the authenticity of Hadith. Because of their hostility toward the first three caliphs and their supporters, as a rule they accepted only those Hadith that had been transmitted through a descendant of Husayn. The major center for Hadith collection and analysis in the ninth century was Qum. The scholars there refused to accept consensus and analogical reasoning as secondary sources of the law. They also espoused a view of God that was as anthropomorphic as that of the conservative Sunni Ibn Hanbal, and they were as convinced as he was that the fate of individual humans was determined in advance by God. Many also insisted that the Qur'an had been tampered with; otherwise, they said, it would be clear how central the career of 'Ali and his family was meant to have been.

Under the Buyids, Twelver scholars soon found a welcome home in Baghdad. In that cosmopolitan capital, a Twelver rationalist school of thought arose that challenged the traditionalism of Qum. It was in Baghdad that Mu'tazilism made its comeback. Although the Imamis and the Mu'tazilites had been associated together during the reign of the Abbasid caliph al-Ma'mun because of his patronage of both groups, their actual linkage was not firmly established until the early eleventh century. By that time, Mu'tazilism had become thoroughly discredited within Sunnism because of the ascendancy of Ash'arism, but Twelver scholars in Baghdad began to adopt it. Under Mu'tazilite influence, the anthropomorphic elements of the Qur'an began to be interpreted allegorically, humans were declared to be responsible for their own actions, and reason was accorded an important role in the development of theology. The Qur'an in its existing text was recognized as legitimate, albeit in need of esoteric interpretation.

Several eleventh-century Twelver scholars argued that the fundamental truths of religion are derived in the first instance from reason alone, and it is indefensible to rely exclusively upon the teaching of religious authorities for knowledge of them. They clearly took Twelver Shi'ism beyond the Sunni consensus that reason is to be used to defend and justify doctrine. They also made no attempt to disguise their contempt for the anthropomorphism and predestinarianism of the scholars of Qum, and they ridiculed their reliance on Hadith, claiming that the traditions were full of obvious forgeries. Later scholars recognized the importance of selected Hadith, but the victory of the rationalist school was so complete in the eleventh century that the Hadith scholars had to wait until the seventeenth century to challenge it successfully.

In practical terms, the doctrine of the Imamate and the greater Shi'ite regard for reason resulted in surprisingly few major differences between Shi'ite and Sunni versions of the Shari'a. A few differences in prescribed rituals developed. Until the twentieth century, the Friday midday service was not as important for most Twelver Shi'ites as for the Sunnis because of the absence of the Hidden Imam, the legitimate prayer leader. Twelver legal rulings sanctioned the growing practice of visiting the shrines of Imams, and for some pilgrims these trips were as important as the hajj. The most important shrines were those of 'Ali at Najaf and of Husayn at Karbala (both in Iraq) and of 'Ali al-Rida at Mashhad (in northeastern Iran). Most of the significant differences in legal practice, however, lay in provisions for marriage and inheritance. The most famous of these was the practice of temporary marriage among Twelvers: Couples can contract a marriage for a day or longer, explicitly stipulating that it is meant to be a temporary marriage. Historically, travelers have been the most likely to contract a temporary marriage, although couples initiate it for a variety of reasons.

The Transmission of Knowledge

The ferment of ideas in the Muslim world had major consequences for the Dar al-Islam and parts of the Dar al-Kufr alike. Within the Dar al-Islam, new institutions emerged in order to preserve and transmit to future generations the knowledge that was becoming the cultural legacy of a new civilization. In the twelfth and thirteenth centuries, Europeans engaged in a massive effort to transmit the achievements of Islamic civilization to the Latin Christian civilization.

Schools

As a community based on scriptures, Islamic society had always valued education. Study was regarded not merely as an intellectual endeavor, but also as an act of piety and worship. In the earliest period of the Umma in Medina, the Prophet's compound served as his home, the communal place for prayers, and a site for religious, moral, and legal instruction. In later years, as Muslims erected mosques in the new territories that they conquered, the mosque remained the primary locus for religious instruction. Teachers would occasionally offer instruction in their homes to eager pupils, but the mosque, as the community center, offered the advantage of a large space, a central location, and the appropriately spiritual atmosphere. Mosques were usually the location where one could find the local *kuttab* or *maktab* (a school for Qur'anic instruction) and, for advanced students, courses in Hadith and grammar.

As cities grew, a distinction arose between the small, neighborhood mosques and the large, official mosques to which much of the populace and the ruling elite would repair for the main Friday noon service. The term for a mosque in general is *masjid*, from the Arabic root, *s-j-d*, meaning to prostrate oneself (in prayer, in this case). Most mosques are referred to by that word, but an officially designated central mosque is called a *jami'*, which suggests a place where a large group gathers. It is sometimes referred to as a congregational mosque, to distinguish it from the *masjid*, which can be quite small. The imam of a congregational mosque delivered the weekly sermon

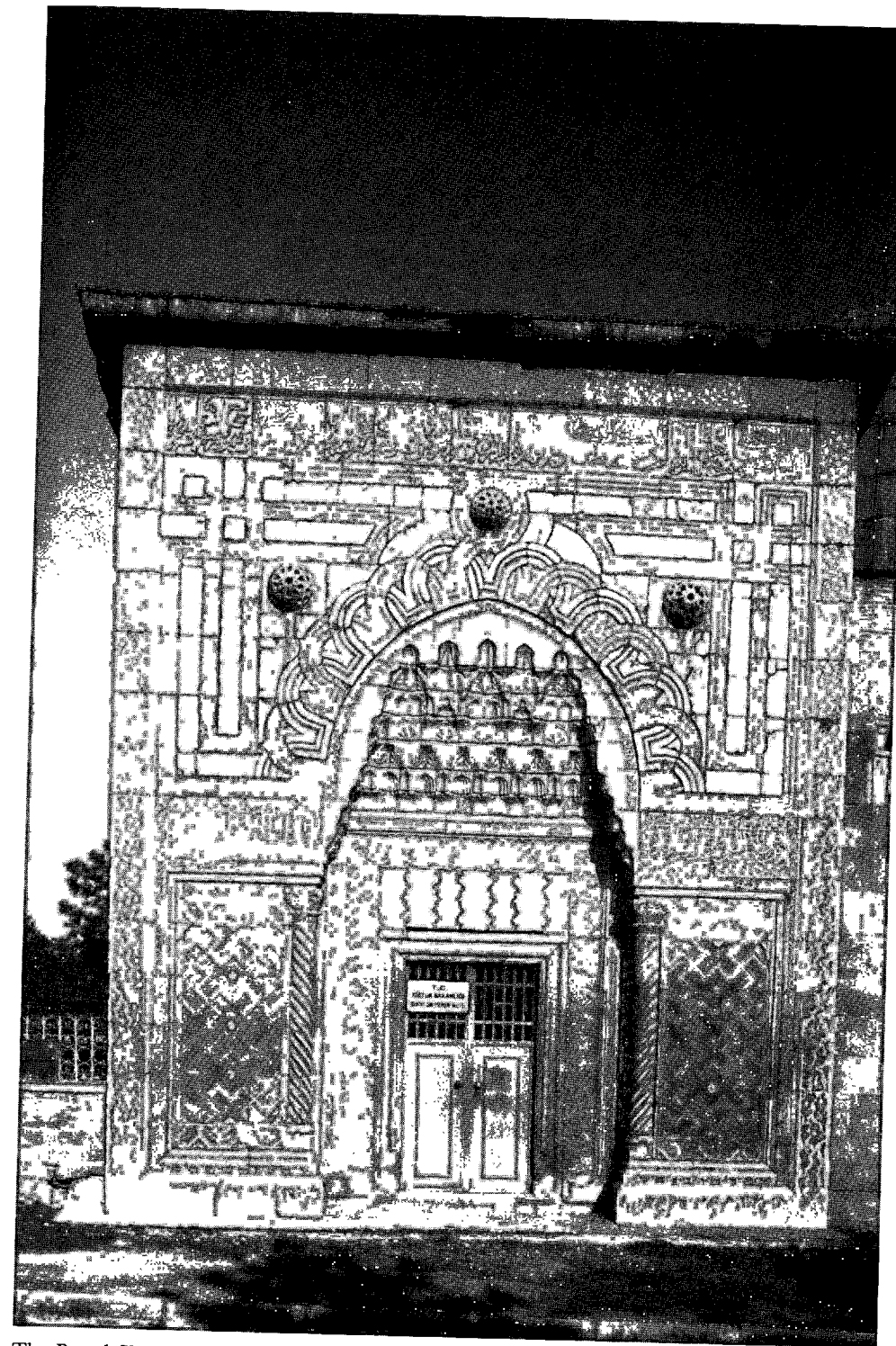
and invoked the name of the ruler and caliph, acknowledging his legitimacy. A major city such as Baghdad or Damascus had a handful of congregational mosques (although Cairo had more) and hundreds of regular masjids.

Instruction could take place in masjids, but the congregational mosques naturally assumed the most prominent role in education beyond the level offered by the kuttab. In some cases, the government appointed teachers to posts in the congregational mosques. Many teachers, however, were beneficiaries of the largesse of wealthy patrons, while others relied upon the income from the tuition they charged their students. Students from out of town usually lived in a hostel, often called a *khan*, and might be the fortunate recipients of a stipend provided by a benefactor who had set up a religious endowment (*waqf*) for that purpose. Although the Shari'a prescribed how a person's estate should be allocated to his or her heirs, it allowed people to designate part or all of their estate to be a waqf. By setting aside part of one's estate as a waqf that would result in the construction and maintenance of a public service such as a mosque or khan, a person was gaining favor with God and prestige for his family within the community.

By the tenth century, a new type of school emerged in Khorasan that offered advantages over the mosque-school model. Perhaps originally of Buddhist origin in Central Asia, in the Islamic world it came to be called the *madrasa*. In essence, it was a boarding school that combined teaching halls with a prayer hall and living quarters for the students, visiting scholars, and perhaps for the professor. The madrasa achieved widespread dissemination throughout the Islamic world in the second half of the eleventh century, when the Saljuq vizier Nizam al-Mulk established his Nizamiya madrasa in Baghdad and then provided the patronage for several others throughout the Saljuq realms. The institution eventually made its way across North Africa and into Andalus.

The madrasa never displaced the mosque as an educational institution. In fact, Muslims were never precise in distinguishing between the two, because education and worship took place in both. (Even the Sufi khanaqa, as a center of formal learning, was occasionally referred to as a *madrasa*.) Like the mosque, the madrasa was not a government-sponsored school. All madrasas were the result of personal patronage. Wealthy individuals would either provide a grant during their lifetime or leave a bequest stipulating that after their death the funds be applied toward the construction of a madrasa. A madrasa might enroll as few as ten students or as many as several hundred. The young scholars often received tuition scholarships. Sometimes they enjoyed stipends, as well, but more often than not they had to pay for room and board.

Students did not seek out madrasas or mosques on the basis of an institution's reputation. Instead, students sought out individual scholars under whose tutelage they wished to study. Madrasas and mosque schools were not characterized by a formal curriculum and did not offer an institutional degree. Most schools had a single lecturer, but several scholars were available on and off campus for private study. Students came to a school not to master a given curriculum, but to deepen their mastery of a certain field of study by working closely with a prominent scholar in the field. Some students might choose to focus on Arabic grammar and would therefore explore grammar, philology, and literature. Others might focus on Qur'anic exegesis, in which case they would also mine the most influential commentaries on the Qur'an, as well as become experts in Arabic grammar. Others might focus on



The Buyuk Karatay madrasa in Konya, constructed by the Saljuqs of Rum.

mastering the field of Hadith studies, in which case they would study the various collections of Hadith and the biographies of the transmitters of Hadith.

The "foreign sciences" (science and philosophy) were not usually found in madrasas or mosques, although many of their libraries provided interested students access to the Greek legacy, and a few professors actually taught them in courses that were listed under the rubric of Hadith or grammar. Usually, however, the scholars who were proficient in any of the sciences or philosophy held positions as advisors, astrologers, or physicians at the courts of the rulers in the Dar al-Islam. Students who wished to learn science or philosophy usually had to seek out a scholar in the privacy of his home. The disadvantage of this system was that science and philosophy had no institutional structures within which they could develop. The critique of one's ideas and the sharing of knowledge that a community of scholars can provide were limited by the need to travel to visit other, like-minded, scholars, or by sending manuscripts by courier to scholars at a distance. Philosophers, in particular, were vulnerable to politically influential critics and to the whims of patrons. By the late twelfth century (the period of Ibn Rushd), the practitioners of philosophy encountered greater difficulties in their work. Religious authorities and pious scholars were relentless in their insistence on the limitations, and the dangers, of knowledge that was not intended solely for the glorification of God.

Students who engaged in advanced studies in mosques and madrasas were all respected for their knowledge of the religious sciences, but it is probably fair to say that the "stars" of the religious colleges were those who were engaged in the study of the Shari'a. They typically learned the subjects noted earlier, since they were prerequisites for the study of the law. They also studied the sources and methodology of the law, the body of decisions arrived at in one's own school of law, differences of opinion within one's own school of law and between one's school and the other schools, and *jadal*, or dialectic, the mode of argument that in western Europe became the heart of Scholasticism.

The typical classroom activity in learning the law involved the raising of a question—real or hypothetical—by one person (often the professor) and the reasoned response to it by another, using precedent and logic. Then, another student would attempt to rebut the reply, resulting in a "disputation." The goal of this method was to produce legal scholars who were masters of massive amounts of facts and who could organize the material into a logical manner consistent with the spirit of the Qur'an and Hadith. This practical activity, however, often carried over into public. Since there was no Pulitzer Prize or National Book Award in those days to recognize intellectual achievement, many of the legal experts felt the need to put their hard-won skills on display. Like two swordsmen, it was not uncommon to see two scholars debating a point in an arranged public debate, each trying to bolster his reputation by defeating the other in argument.

Islamic education was based on the relationship between the student and the teacher. The students sought a license from an individual scholar, not the institution. A student might develop his skills by spending a few months with a teacher and then move on to another, or he might spend as long as twenty years with a particular scholar. When a teacher was convinced that his student had mastered the books he was studying, he granted him an *ijaza*, or imprimatur—a written statement certi-

fying that he had placed his stamp of approval on the student. Thus, the former student had established his link in the chain of authorities stretching back to the Prophet that authenticated the texts at the core of Islam. He could go on to study with other scholars, or he could attract younger ones to himself on the basis of the seal of approval that he had gained. The silsila, or chain of authorities, was as important in the certification of scholars as it was in Sufism and the authentication of Hadith.

The students who attended mosques and madrasas were males, but education was not limited to males. Indeed, because education was perceived as a form of worship, the quest for knowledge was widely regarded as a duty of every Muslim, male or female. Some males opposed the education of female students, just as many European males opposed female education into the late nineteenth century, but such opposition was not a majority opinion. We know of no female professors or students in madrasas who taught or studied along with men; many women nevertheless received *ijazas*. Due to the injunctions regarding sexual propriety, it was more convenient for women to gain *ijazas* from relatives, who could instruct them informally rather than in a classroom setting. Nevertheless, many women studied with scholars who were not family members and received *ijazas* from them. Some of the scholars they studied with were men, but others were women. The daughters of the learned elite sometimes became famous Hadith transmitters and were visited by students from all over the Muslim world. They bestowed *ijazas* upon men and women alike.

The Legacy to Europe

Although the study of science and philosophy was increasingly constrained within the Dar al-Islam, the scientific and philosophical contributions of Muslims began to be noticed by a western Europe that was slowly recovering from the sustained economic crisis of the early medieval era. Medieval Europe had preserved very little from its Greco-Roman heritage. A few of Aristotle's treatises on logic and Plato's *Timaeus* survived in monasteries, but little else. Europeans knew Islamic culture through the two areas closest to them, Andalus and Sicily, and as early as the tenth century monks from France were crossing the Pyrenees to study "Arabic learning." In the tenth and eleventh centuries, some of these monks began to translate texts from Arabic to Latin. The most important of these efforts were the translations of Galen by Constantine the African in the third quarter of the eleventh century.

During the last quarter of the eleventh century, two developments in Christian Europe provided the stimulus for a wholesale appropriation of Arabic texts. The first was that Europe was beginning to experience an economic revival. The new urban centers were enjoying a building boom, universities were emerging, and a middle class was growing. The second development was the European military expansion that began annexing formerly Muslim territories. Normans established their kingdom in Sicily and southern Italy between 1060 and 1091. In Palermo, Roger established a cosmopolitan court where Greek, Arabic, and Latin were all in use, and he patronized several Muslim scholars. Southern Italy and Sicily had maintained their commercial contacts with Constantinople, and the international atmosphere in the new Norman kingdom stimulated the translation of numerous Greek and Arabic texts into Latin. When Toledo fell to the Reconquista in 1085, a more massive process of