

# Ijtihd and neo-Sufism

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## IJTIHĀD AND NEO-SUFISM

Bernd Radtke\*

In the preface to his recently published book *Faith and Practice of Islam*, William Chittick makes what I feel are some quite valid observations. He refers to “a myth that is still prevalent in religious studies in general and Islamic studies in particular. This is the idea that Sufis had little concern for the Shariah (Islamic law), or that they considered it to be a preliminary stage of human development – that is a stage that one can pass beyond. In other words, it is thought that Sufis were free of the constraints of Islamic “orthodoxy.” It is not surprising that Sufi texts are sometimes read in this manner, since many Sufis set up their teachings in contradistinction to those of the jurists (*fuqahā*) or the dogmatic theologians (the specialist in Kalām). Hence, they are critical of the juridical and theological perspectives, and it is easy to assume that they themselves wanted to have nothing to do with these “exoteric” sciences. But the issue was rather one of establishing the right sort of priorities. Sufis did not deny the legitimacy of these sciences, merely the exaggerated claims of authority made by their practitioners.

A second important source for the myth of Sufism’s unconcern for the Shariah is the wishful thinking of Westerners who see Sufism as congenial but Islam as oppressive, or who find Islam’s spiritual teachings exciting but its attention to ritual details tiring. In fact, Islam has taken both these dimensions of religion seriously from the beginning, and the popular genius of Sufism has to do with finding a happy balance between works and spirituality.”<sup>1</sup>

I would like to supplement the above words with a few observations of my own which I made in a talk I gave in the autumn of 1990 at the UEA Congress in Utrecht. On that occasion I said:

Sufism concerns itself with the activation and cultivation of those powers and spheres from within the totality of the soul that under the impress of enlightenment and science have been neglected. In making this distinction, I am in no way making a judgment between them. Traditionally, a Muslim has understood these phenomena of the soul within the Islamic religious framework, that is the Koran

\* I wish to thank my friend and colleague John O’Kane (Amsterdam) for having undertaken the task of translating this paper into English. It was read at Yale University in September 1993 during a conference on Islam and Law.

1 p. XII f.

and the Sunna. Within this framework, the Sunna, orthopraxy and mysticism are not in opposition to each other. On the contrary, the Law is fulfilled by the mystical experience.

There is to be found a particularly tenacious and longlived cliché about the history of Sufism. In this cliché, Sufism is *ab initio* always in opposition to the Law. This historiographical cliché continues by positing an everlasting conflict between the two until the great reconciliation of al-Ghazzālī. Thus Sufism is always the antinomian antithesis of the official, orthodox and dogmatic Islam. For many outside Islam for whom orthodoxy is unsympathetic, Sufism in this formulation seems to possess a gushing warmth that the former lacks.<sup>2</sup>

So much by way of preliminary remarks. In what follows I will not be so much concerned with whether Sufism is or has been opposed or contrary to the *sharī'a* and the *fuqahā'*, but rather with *how* Sufism conceives of its relationship with the latter. For this purpose I will first present an example of an attitude towards this matter which is drawn from an early period, namely from the 9th century. I will then shift to more recent times in order to deal with the actual subject of this paper, *Ijtihād and Neo-Sufism*.

My example from the 9th century is the mystic-cum-theosophist, al-Ḥakīm al-Tirmidhī, who was born circa 820-30 and died between 900 and 910.<sup>3</sup> Aside from a pilgrimage he made to Mecca, al-Tirmidhī spent his whole life in his native city, Tirmidh, which is located on the right bank of the Oxus River which forms the present-day border between Uzbekistan and Afghanistan. From the age of 8 to 28, before he turned to mysticism, al-Tirmidhī received an education as a Traditionist and a *faqīh*, as he informs us himself in his autobiography<sup>4</sup> – and this form of education is everywhere discernible in his numerous writings which have survived.<sup>5</sup> I have not chosen al-Tirmidhī as an example merely out of personal preference but firstly because he was the most prolific Mystic writer of the 9th century, and then precisely because his work may be described as an attempt to integrate the mystic's realm of experience into the system of traditional theology, *ḥadīth*, *fiqh* and *kalām*. Al-Ḥakīm al-Tirmidhī has provided us with the most detailed coherent pronouncements which have come down to us concerning the relationship between mysticism and religious law from the period before al-Ghazzālī. Indeed, al-Ghazzālī in his *Ihyā'* actually quotes quite extensively from one of al-Tirmidhī's works.<sup>6</sup>

2 *Projection*, p. 77 f.

3 ḤT, p. 38.

4 *Tirmidjiana Minora*, 244.

5 GAS 1, pp. 653-59.

6 ḤT, p. 47.

Al-Ḥakīm al-Tirmidhī, as is only to be expected given his time and the environment he lived in, was a Ḥanafite by way of education.<sup>7</sup> He repeatedly mentions Abū Ḥanīfa, Abū Yūsuf al-qāḍī, Zūfar, Lu'lu'ī, Asad and Muḥammad b. al-Ḥasan al-Shaybānī.<sup>8</sup> The fact that he originally belonged to *fuqahā'* circles is clearly indicated by the titles of several of his writings: *Kitāb al-Ḥuqūq*,<sup>9</sup> *Kitāb al-Furūq*,<sup>10</sup> *Kitāb al-'Ilal*,<sup>11</sup> *Kitāb al-'Ulūm*,<sup>12</sup> *Kitāb al-Uṣūl*.<sup>13</sup>

Bearing in mind these bio-bibliographical preliminary remarks, let us consider how al-Tirmidhī presents the relationship between mysticism and *fiqh*. In what follows I am chiefly relying on three works by al-Tirmidhī: 1. *Sīrat al-awliyā'*,<sup>14</sup> 2. *Kitāb al-'Ulūm*, and 3. *Kitāb al-'Ilal*.

The foundation of religious, social and political life consists of the revealed law and its interpretation. This is guaranteed through the caliphate – although never explicitly mentioned by al-Tirmidhī – and the '*ulamā'*', i.e. the *muḥaddithūn* and the *fuqahā'*. Al-Tirmidhī calls them the *aṣḥāb al-ḥadīth* and the *aṣḥāb al-ra'y*.<sup>15</sup> Whereas the role of the *aṣḥāb al-ḥadīth* is one of conservation, the role of the *aṣḥāb al-ra'y*, who are made up primarily of the Ḥanafī '*ulamā'*', is more active in nature. Their *ra'y*, that is their faculty of judgement, is exercised in the form of conclusions based on analogy, *qiyās*. In *fiqh*, basing a conclusion on analogy means that a general judgement (*ḥukm*) is applied to an individual case, as in the well-known example: All intoxication is forbidden. Date wine is intoxicating. Therefore date wine is forbidden. Technically speaking, what makes it possible to apply the general judgement to an individual case is the so-called '*illa*' which they both have in common, in this instance the property of causing intoxication. The '*illa*' is the determinant factor in the process of coming to a conclusion. For a fuller treatment of this subject I would refer the reader to the works of Josef van Ess: *The Logical Structure of Islamic Theology* and *Die Erkenntnislehre des 'Aḍudaddīn al-Īcī*.<sup>16</sup>

7 And not a Shafi'ite as A. Schimmel wrongly claims; cf. *Tirmidiana Minora*, 245.

8 ḤT, p. 139, footnote (2).

9 ḤT, p. 48.

10 ḤT, p. 50.

11 ḤT, p. 51 & 56.

12 ḤT, p. 45 f.

13 ḤT, p. 41.

14 For the title cf. *Drei Schriften*, Einleitung, pp. 3-5.

15 *Masā'il maknūna*, p. 46,1-5; *Tirmidiana Minora*, 244 f.

16 pp. 382-384.

But what then does this have to do with the mysticism of al-Ḥakīm al-Tirmidhī? To begin with al-Tirmidhī unconditionally acknowledges this outward level of interpreting and applying the law. He calls this outward level, as did the Sufism of his day and later generations, *'ilm al-zāhir*.<sup>17</sup> In this context *zāhir* means: applying the law in the outward world, the world as perceived through the senses. Likewise, the *'ilal*, which are determinant in reaching a legal judgement, are perceived through the senses in the outward world and then by means of *qiyās*, which is a function of normal reason, they are applied to the individual case.

It is precisely on this point that al-Tirmidhī's criticism focuses. Moreover, it is worth noting here that al-Tirmidhī wrote a work on this specific subject with the title *Kitāb al-'Ilal*. As a later but spurious tradition would have it, this book along with his *Sīrat al-awliyā'*, was meant to be the cause of al-Tirmidhī's banishment from his native city.<sup>18</sup>

The *'ilm al-zāhir*, according to al-Tirmidhī, is connected with the activity of the self (*nafs*) and the understanding (*dhihn*). These faculties, in the form in which nature has bestowed them on man, are incapable of attaining true knowledge of the law, the world and God. They must first be educated, or purified, in order to become capable of this task. The education in question consists in travelling the mystic path which leads into the inward, i.e. the path of pious introspection. This requires a special knowledge, knowledge of the soul (*'ilm al-nafs*) or of the inward (*'ilm al-bāṭin*). This is a knowledge of the inner moral conditions of the soul which must interact with the outward stipulations of the law, if genuine behaviour in accordance with the law, inwardly and outwardly, is to be achieved.

It is only such knowledge of the inward which will lead the mystic to the true understanding of the *'ilal* which form the basis of legal judgements. The mystic alone truly understands – as a result of his self-knowledge – the real inner foundations which underlie the legal prescriptions. The wisdom of God which is concealed in the order of creation is manifest in these foundations and, consequently, al-Tirmidhī also refers to this knowledge as *'ilm al-tadbīr* or *'ilm al-ḥikma*.<sup>19</sup>

The knowledge thus acquired has two aspects. On the one hand, it is the result of the mystic's individual striving which he attains through an interior activity. Secondly, additional inner gifts of grace may also be acquired "from above", as it were – true dreams and especially inspiration (*ilhām*).

17 *Der Mystiker*, p. 242; TM, p. 557 f.

18 ḤT, p. 37.

19 TM, p. 558-560.

What the mystic receives in the way of *ilhām* corresponds to *wahy* in the case of the prophets. The divine inspiration of the mystic never contradicts revelation, i.e. the *sharī'a* of the prophet. If such were the case, the mystic would be under the influence of his self or the devil.<sup>20</sup> Indeed, inspiration is indispensable to a correct understanding and application of the law.

Knowledge of the inward, which is knowledge of the soul, leads to an understanding of the inner laws of the cosmos and inspiration based on grace. From this second stage of knowledge and understanding the mystic is able to ascend to the third and the highest stage, i.e. knowledge of God (*al-'ilm billāh*) which may subsequently lead to beholding God and the *unio mystica*.<sup>21</sup>

The above is al-Hakīm al-Tirmidhī's view, in the briefest outline, of the relationship between the law and mystic knowledge. To come back to my opening statements: It is wholly unfounded to speak of a contradiction between mysticism and the law. Islamic mystics – at least on the whole and to the extent that they undertook an intellectual formulation – had no desire to abrogate or to replace the law. They were primarily concerned with “adding” a viewpoint, with an *interpretatio ab intra*, which they considered to be a necessary supplement and further expansion of the traditional *'ilm al-zāhir*.

This was already the position of mysticism in the 9th century and was already a well established position by the time of al-Ghazzālī, whose views I do not intend to deal with here. Instead I shall now make a great leap from the 9th to the 18th and 19th centuries in order finally to come to my primary subject, *Ijtihād and Neo-Sufism*.

Neo-Sufism is a concept, which if I am not mistaken, was first formulated by Fazlur Rahman and applied in particular to Ibn Taymiyya and his school. The concept was then transferred chiefly to developments and movements of the 18th and 19th centuries. I should here like to make it clear that I find the concept and its application highly problematic and refer the reader to the article which Seán O'Fahey and I have written together on this subject.<sup>22</sup>

Two personalities, in particular, are commonly taken to be founders of Neo-Sufi movements and orders: one is Aḥmad al-Tijānī (1737/8-1815), the founder of the Tijāniyya which is especially established in North Africa and West Africa.<sup>23</sup> The other personality is Aḥmad b. Idrīs (1749/50-1837) from whom the Khatmiyya, the Sanūsiyya and the Dandarāwiyya derive.<sup>24</sup>

20 *Sira*, p. 48 f., § 71; pp. 52-54, §§ 75-76.

21 ḤT, pp. 71-74.

22 *Neo-Sufism*.

23 Abun-Nasr, *Tijaniyya*, pp. 15 ff.

24 A fundamental work on Aḥmad b. Idrīs is O'Fahey, *Enigmatic Saint*; ALA I, p. 124 f.

Aḥmad al-Tijānī's teachings and writings were collected by his student 'Alī Harāzīm Barrāda into a book entitled *Jawāhir al-ma'ānī*.<sup>25</sup> In the margin of this impressive two-volume work is often printed the other fundamental work of the Tijāniyya, the *Rimāḥ hizb al-raḥīm 'alā nuḥūr hizb al-raḥīm*, whose author al-Hājj 'Umar b. Sa'īd al-Fūtī was the most famous follower of al-Tijānī in the 19th century. He set up a Tijāniyya state in Senegambia and fell in battle in 1864.<sup>26</sup> I will consider this work more fully below.

As for Aḥmad b. Idrīs, his own writings have come down to us, as well as notices by his students.<sup>27</sup> One of his works bears the title *Risālat al-radd 'alā ahl al-ra'y*, which I will also consider more fully below.

I cannot enter into all the questions which pertain to the complex of ideas known as Neo-Sufism, but I will here consider two themes. In connection with Neo-Sufism two characteristics in particular are taken to be representative – one might almost say they have become clichés associated with the movement. The one is the *ṭarīqa Muḥammadiyya* and the other is *ijtihād*.

First, let us consider *ṭarīqa Muḥammadiyya*. The starting point of this concept is the question: Where is the Prophet Muḥammad since his death? A lively debate developed around this question in Islamic theology and mysticism. The range of ideas was already sketched by Tor Andrae in his *Die person Muhammeds in lehre und glauben seiner gemeinde*,<sup>28</sup> and was then dealt with by Fritz Meier in his fundamental essay *Eine auferstehung Mohammeds bei Suyūfī*.

Two distinct positions emerged concerning the Prophet. For some the Prophet is dead. He is buried in Medina and is as dead as any other piece of material. To wish to come into contact with him after his death is therefore absurd. Everything a person is capable of knowing about the Prophet is contained in the Qur'ān and the *sunna*, that is in the written tradition. This is the viewpoint of the famous theologian Ibn Taymiyya (d. 1328) and his spiritual heirs, the Wahhābīs.

According to the other view, which is chiefly held in circles of Islamic mystics, the Prophet did not really die but after his apparent death entered another form of existence, or to put it more correctly, another form of life. Many go as far as to maintain that it is possible to meet the Prophet in the flesh as he was during his lifetime.

25 Abun-Nasr, *Tijaniyya*, p. 24 f.

26 *Von Iran*.

27 cf. ALA 1, p. 129; p. 131 f.

28 Mainly pp. 376 f.

Of course, such a meeting is not possible for everyone but only for the mystic who consciously works to bring about the encounter by an inward training. The following is quoted from a 19th century text by Muḥammad b. ‘Alī al-Sanūsī, a student of Aḥmad b. Idrīs and the founder of the Sanūsīyya: “The basis of this path is the inward immersion of the adept in the contemplation of Muḥammad’s person, whereby he imitates the Prophet outwardly in word and deed, occupies his tongue with pronouncing blessings on the Prophet’s behalf and devotes himself to him at most times, whether in retirement or when appearing in public, so that honouring the Prophet dominates his heart to such an extent and penetrates his interior so deeply that when he merely hears the Prophet’s name, he begins to shake, his heart is overwhelmed beholding him and the physical appearance of the Prophet manifests itself before the eye of his inner vision.”<sup>29</sup>

This path, which leads the mystic to a direct encounter with the Prophet, is the *ṭarīqa Muḥammadiyya*. The whole complex of ideas around this concept, it is worth pointing out, has not actually been adequately analyzed.<sup>30</sup>

Having a direct encounter with the Prophet not only gives the mystic the certainty that in his life he is imitating the Prophet, but it provides him with the certainty of salvation, as well as a legitimation for his actions. I would like to demonstrate this on the basis of two texts which also belong to the 19th century. Aḥmad al-Tijānī, who met the Prophet in the flesh, reports on his encounter:

The Lord of Being [the Prophet Muḥammad is meant] whom I beheld in a waking state, not in a dream, said to me: “You belong to those who are secure from Hell-fire, and anyone who sees you belongs to those who are secure from Hell-fire, on the condition that he dies a true believer – and likewise, anyone who renders you a service, or such like, or offers you food: all these people shall enter Paradise without first giving an accounting or undergoing punishment.”<sup>31</sup>

Certainly, these are extreme statements for the ears of the normal Islamic legal scholar. Normal Islam promises Paradise on the basis of actions which are achieved through fulfilment of the law. There is no certainty regarding Paradise, only a hope of Paradise. In the case of Aḥmad al-Tijānī all such considerations seem to have been shoved aside and replaced by an unconditional claim to truth based on an alleged direct encounter with the Prophet.

29 *Projection*, p. 74; *Neo-Sufism*; p. 68 f.

30 A fundamental work in this respect is the essay of Fritz Meier which I have already referred to: *Eine auferstehung Mohammeds bei Suyūṭī*.

31 *Jawāhir al-ma‘ānī*, I, p. 129.



The second text originates with Aḥmad b. Idrīs. It is found in a small handbook on mysticism, entitled *Kunūz al-jawāhir al-nūrāniyya fi qawā'id al-ṭarīqa al-shādhiliyya*. The book is divided into six chapters. In the first five Ibn Idrīs describes, in the briefest outline, the foundations of the mystic path. While the first five chapters are wholly conventional, being composed in part of citations from older authorities, the concluding sixth chapter is rather special in character.<sup>32</sup>

Here Ibn Idrīs says: "When I had attained a sure footing on the mystic path through my shaikh, Abū'l-Qāsim al-Wazīr, and had ascended to the supernatural world under his guidance, I met, after my teacher had passed away, the Prophet as he was in life."<sup>33</sup> Then Ibn Idrīs describes how the Prophet conferred on him through dictation a series of litanies, prayers and meditational formulas. These were to be the foundation of Aḥmad b. Idrīs' mystical school.

More research has been done on the concept of *ijtihād* than on the *ṭarīqa Muḥammadiyya*. I refer the reader to Rudolph Peters' article, *Ijtihād and taqlīd in 18th and 19th century Islam*, as well as the work of John Hunwick, *Ṣāliḥ al-Fullānī*, and that of Wael Hallaq, *Was the gate of ijtiḥād closed?* Peters deals with the views of the Indian Sufi Shāh Walīullāh, the Wahhabī Ḥamd b. Nāṣir, the scholar al-Shawkānī and the student of Aḥmad b. Idrīs, Muḥammad al-Sanūsī. One important conclusion of Peters is that the debates on *ijtiḥād* versus *taqlīd* take place within a wholly traditional framework.<sup>34</sup> The authors engaged in the debate take their arguments, for the most part, from the traditional literature and often cite their sources verbatim. Al-Sanūsī, for example, and Ṣāliḥ al-Fullānī make use of Ibn Taymiyya, and Ibn Taymiyya's student, Ibn Qayyim al-Jawziyya.<sup>35</sup> The discussion's close dependency on the tradition, which makes it difficult to distinguish what is specifically new, is clearly visible in the first source which I wish to consider more closely – the above mentioned *Rimāḥ* of al-Ḥājj 'Umar. He deals with the issue of *ijtiḥād* versus *taqlīd* in Chapter Eight.<sup>36</sup> As with the rest of the book generally, Chapter Eight is made up chiefly of quotations from older sources – indeed, it is reasonable to estimate that 80 to 90 % of the whole work consists of quotations. The quotations are, in each case, accompanied by comments, conclu-

32 *Two Sufi Treatises*.

33 *Ibid.*; *Enigmatic Saint*, p. 48.

34 *Ijtihād*, p. 144.

35 *Ijtihād*, p. 139, fn. 26; p. 142, fn. 36.

36 *Rimāḥ* I, p. 61-86.

sions, or detailed explanations, mostly of brief extent, provided by al-Ḥājj ‘Umar.<sup>37</sup>

In what follows I will give an analysis of Chapter Eight: first, in general terms the ideas it contains, and then the sources al-Ḥājj ‘Umar draws on.

The basis of legal judgements (*aḥkām*) is the text of the Qur’ān and the *sunna*, which are to be understood (*fahm*) through the use of reason (*‘aql*).<sup>38</sup> The *sunna*, in this respect, serves as a commentary (*tafsīr*) on the Qur’ān.<sup>39</sup> When reason on its own is not adequate, it may be supplemented by means of *ijtihād*. However, whereas proper reasoning applied to the sacred texts leads to correct solutions, *ijtihād* is subject to error. And yet, it is still necessary. Even the members of the *ṣaḥāba* practiced it, despite the risk of occasionally erring – but only when there was no written text (*naṣṣ*) available.<sup>40</sup> Furthermore, the imams of the four schools of jurisprudence also practiced it,<sup>41</sup> though they neither wished to set themselves up for *taqlīd*, nor did they actually wish to found a *madhhab*, since they recognized the insufficiency of their *ijtihād*. For this reason all four *madhhabs* have equal validity. They represent, so to speak, different aspects of the truth. Their *ikhtilāf* is an *ikhtilāf* by way of attempting to understand the truth. Which one comes closest to the truth, only God knows. It follows from this that blind *taqlīd* of one *madhhab*, the so-called *ta‘aṣṣub al-madhāhib*, is a sin.<sup>42</sup>

Al-Ḥājj ‘Umar declares that in his time there are three positions with regard to these questions.<sup>43</sup> One group slavishly follows the outward letter, the mere *rasm* and *ism* of the Qur’ān and the *sunna*, without concerning itself at all with a further understanding. The second group rejects the whole legal tradition, everything which has been elaborated by the four schools of jurisprudence. They only accept what was deemed valid in the time of the Prophet. Finally, the third group, to which al-Ḥājj ‘Umar belongs, recognizes *ijtihād* as a source of law alongside the Qur’ān and the *sunna*. This group does not reject the tradition of the *madhāhib*, adheres to one of the four schools of jurisprudence, and yet does not conceive of the teachings of its school as absolute but attempts to extend those teachings on the basis of individual judgement.

37 I am presently working on a detailed study on the sources of the *Rimāḥ*; cf. also *Von Iran*.

38 *Rimāḥ* I, p. 62.

39 *Rimāḥ* I, p. 62.

40 *Rimāḥ* I, p. 63.

41 *Rimāḥ* I, p. 65 f.

42 *Rimāḥ* I, p. 65.

43 *Rimāḥ* I, p. 67.

The chief authority al-Ḥājj ‘Umar draws on in this chapter, as in others with a more Sufi orientation, is the sixteenth century author ‘Abd al-Wahhāb al-Sha‘rānī<sup>44</sup>. He here cites no less than six works of al-Sha‘rānī, a few of which, as far as I am aware, were not previously known.<sup>45</sup> Besides Sha‘rānī, from an earlier period Ibn Juzayy<sup>46</sup> is mentioned, as well as the famous Murtaḍā al-Zabīdī<sup>47</sup> from the 18th century.

In a later, very short chapter al-Ḥājj ‘Umar returns to the question of the *madhāhib*.<sup>48</sup> Only a person who possesses comprehensive knowledge of the sacred texts, the whole tradition of law and the techniques of making legal judgements, would be capable of rejecting the opinion of a *madhhab*. This would certainly not be possible for the ordinary Muslim, but only for the sinless (*ma‘ṣūm*) prophet. Here as well, al-Sha‘rānī is cited as the chief authority.<sup>49</sup>

What then is the relationship to these questions of the enlightened mystic who has travelled the *ṭarīqa Muḥammadiyya* and had the experience of meeting the Prophet in the flesh? I will leave this question unanswered for the moment and turn to the second text I wish to consider, the *Risālat al-radd ‘alā ahl al-ra’y* of Aḥmad b. Idrīs. The text has not yet been published or edited; it exists in several MSS, some of which are privately owned.<sup>50</sup>

Though there are no certain facts to go by, I would surmise that the work was written in the Yemen toward the end of Aḥmad b. Idrīs’ life.

At the outset Ibn Idrīs declares that all knowledge is contained in the Qur’ān and the *sunna*. The *sunna* is the commentary to the Qur’ān. Consequently, all legal judgements (*aḥkām*) are contained in the Qur’ān and the *sunna*. Whenever there is lack of clarity concerning a legal judgement, one must have recourse to “God and the Prophet”, i.e. the Qur’ān and the *sunna*. If one cannot find a pertinent legal judgement in the sacred texts, the cause of this is a lack of fear of God (*taqwā*). It is forbidden (*ḥarām*) to make use of *ra’y*, that is to say, *ijtihād*, of thought (*fikr*) and analogy (*qiyās*). Indeed, the use of individual reason in solving legal questions

44 Died 973/1565; GAL, G II, p. 336; SII, p. 464; Winter, *Society and Religion*.

45 For details see my forthcoming study on the sources of the *Rimāḥ*.

46 *Rimāḥ* I, p. 79; he died 741/1340; al-Ḥājj ‘Umar’s quotations are from *Qawānīn al-aḥkām al-shar‘iyya*; cf. GAL, G II, p. 264 f.; S II, p. 377.

47 *Rimāḥ* I, p. 79; 1145/1732-1205/1791; al-Ḥājj ‘Umar quotes his *Alfiyyat al-sanad*, cf. GAL, S II, p. 399, no. 27.

38 *Rimāḥ* I, pp. 86-88.

49 *Rimāḥ* I, p. 86.

50 ALA I, p. 133, no. 33; I am using the manuscript Bergen, 438. – Together with Seán O’Fahey I am presently preparing an edition of the text and a translation.

amounts to nothing less than claiming the right to decide matters over which only God has jurisdiction. This legal presumption stems from the lust of the lower self and in the final analysis is idolatry (*shirk*). If after intensive searching and study, no legal decision is to be found in the Qur'ān and the *sunna*, the matter in question is permitted ('*afw*), but in this case as well *qiyās* is not allowed. Whoever possesses proper fear of God, God will give him an intuitive understanding (*furqān*) of the Qur'ān and the *sunna*, that is to say, the possibility of determining the law.

The Companions of the Prophet and the successive generations up to the four imams of the schools of jurisprudence were not infallible. Their *madhhab* was the Qur'ān and the *sunna*, not their individual *ra'y*. They did not wish to found a *madhhab* and did not seek *taqlīd*. Consequently, the whole tradition of the legal schools, to the extent that it consists of legal pronouncements based on *ijtihād*, is to be rejected. Moreover, the uninstructed person ('*āmmī*) does not owe obedience to the legal scholar ('*ālim*) when the latter wishes to impose his personal legal decisions on him, and not those based on the Qur'ān and the *sunna*. This sums up the position of Aḥmad b. Idrīs.

The above two works display certain common features. They partly employ the same examples from the pertinent literature, for instance when they undertake to demonstrate the attitude of the four imams. The starting point for both works is a criticism of the presumed authority of the *madhāhib*. In this regard Aḥmad b. Idrīs expresses his view much more sharply than al-Ḥājj 'Umar. In general his text is far more polemical than that of al-Ḥājj 'Umar, this perhaps being one reason why it has not yet been published.

The *madhāhib* have assumed an authority for themselves which they are not entitled to and which their founders never claimed. Especially open to criticism, in fact nothing less than ridiculous, is the phenomenon of *ta'aṣṣub al-madhāhib*. Only the Qur'ān and the *sunna* have authority as sources for laying down the law. But at this point our two authors diverge from one another with regard to their opinions. Whereas al-Ḥājj 'Umar allows a particular role to the activity of reason along with the understanding found in the Qur'ān and the *sunna*, this is precisely what Aḥmad b. Idrīs categorically rejects. For him sources of law are exclusively the written texts; the means of understanding them is *fahm*: not an intellectual operation, but an intuitive knowledge bestowed on man on the basis of his fear of God. As far as I am aware, Aḥmad b. Idrīs' view coincides with that of his contemporary Ṣāliḥ al-Fullānī. The matter still requires further study.

And yet both these authors were also mystics – to return to the starting point of these considerations. The problem of reliably determining the law

which al-Ḥakīm al-Tirmidhī had already formulated, found its solution, as far as they were concerned, in the *ṭarīqa Muḥammadiyya*. We find more detailed information on this point in Chapter Ten of the *Rimāḥ*.<sup>51</sup> In this case al-Ḥājj ‘Umar bases himself wholly on the *Ibrīz*, a well-known work of the 18th-century author Aḥmad b. al-Mubārak al-Lamaḥī. Likewise, the *Ibrīz* is a compilation of the doctrines of the latter’s teacher, ‘Abd al-‘Azīz ad-Dabbāgh.<sup>52</sup> This book, I would like to note in passing, has exercised an immense influence on the more recent Sufism in Arabic which still requires further study. Al-Dabbāgh says: The enlightened mystic (*al-maftūḥ ‘alayhi*) no longer has need of any *madhhab*. He is in permanent direct contact with the Prophet himself, who personally clarifies for him all legal decisions. Even if all the *madhāhib* were destroyed, due to this permanent contact he would be capable of virtually establishing the *sharī‘a* all over again (*wa-law ta‘aṭṭalat al-madhāhib bi-asrihā la-qadara ‘alā ihyā’ al-sharī‘a*).<sup>53</sup>

Although such extreme statements do not occur in the writings of Aḥmad b. Idrīs, nonetheless he was equally convinced that he was in permanent contact with the Prophet.<sup>54</sup> Their difference of opinion was to do with how one interprets the *sharī‘a* in a normal state of consciousness. There is absolutely no question of their having been hostile to the *sharī‘a*. The red thread that leads from al-Ḥakīm al-Tirmidhī to Aḥmad b. Idrīs and al-Ḥājj ‘Umar is the opposition which the mystics voiced against the claims to authority of the legal scholars, not against the law itself.

At present there are quite a few opinions and theories being tossed about concerning the development of Sufism in the 18th and 19th centuries. That includes the above mentioned clichés to do with Neo-Sufism. There are those who would claim Aḥmad b. Idrīs made a complete break with the traditional understanding of law,<sup>55</sup> and he or his companion “Neo-sufis” are even made into representatives of an indigenous Islamic Enlightenment.<sup>56</sup> All of these views do not appear to me to be sufficiently supported by the textual sources. In particular these views display a lack of understanding of the character and development of classical Sufism which is required before one can proceed to undertake a correct historical classification. Consequently, what is more true than ever is the shibboleth: Back to the texts themselves!

51 *Rimāḥ* I, pp. 88-91.

52 Died 1132/1719; GAL, G II, p. 462 f.; S II, p. 704.

53 *Rimāḥ* I, p. 88 = *Ibrīz* II, p. 97.

54 *Letters*, p. 3.

55 Johansen, *Amme* 280-82.

56 *Erleuchtung*, passim.

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