

IBN TAYMIYYAH: THE STRUGGLES OF A MUJTAHID
UNDER THE BAHRI MAMLUK SULTANS

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I. INTRODUCTION

STRUCTURE OF PAPER

This study will initially introduce Ibn Taymiyyah (1263 – 1328 A.D.) in the first two chapters while contextualizing his position in Islamic history, geography, and historiography.¹ Taqi al-Din Shaykh al-Islam Ahmad Ibn Taymiyyah (d. 1323) was a medieval scholar of Islam.² He lived after the fall of the caliphate of the Abbasid Dynasty based in Baghdad. He was contemporary to the Mongol invasions in former Abbasid territories in Mesopotamia and the Levant. His writing constituted an enormous contribution to Islamic Law (*fiqh*). While a central figure in Sunni Islam, Taymiyyah held lesser interest for scholars of Middle Eastern History in the last two centuries.

Avicenna (Ibn Sina d. 1037) and Averroes (Ibn Rushid d. 1198) drew attention for their

¹ All dates hereafter can be considered as A.D. unless otherwise noted. This follows the convention established in history approximately sixteen centuries prior. Dates according to the Islamic calendar will be signified with the after *hijra* designation of A.H.

² His entire name including his title and *kunya* was Sheikh al Islam Taqi al Din Abu al-Abaas Ahmad ibn Abd al-Halim Ibn Taymiyyah. This phrase, son of Taymiyyah, is not fully understood but might reference a location or honor his aunt.

writings and thought, while Taymiyyah - when considered - was examined for his polemics and confrontations with his religious opponents. The adoption of his theology by Wahhabis, modern radicals whose terror attacks in Riyadh and New York are inspired by his writings, as well as the seven hundredth anniversary of his death has created a modern revival in his theology.³

Ibn Taymiyyah was born in the village of Harran, Mesopotamia in the year 1263 (661 A.H.) to a Kurdish mother and Arab father. His life, thought, and work were frequently out of place with his milieu. He formed legal rulings for a medieval audience, admired Muhammad and the prior generations of seventh-century Islam, yet the audience he most significantly influenced was modern post-colonial Islam. The collapse of the Abbasid Caliphate (1258) preceded him and the ascendancy of the Turkic Ottoman dynasty succeeded him. His family fled rural Harran at the approach of the Mongol armies in 1268, leaving the prestigious Hanbali heritage of grandfather, uncle, and father's legal writing and authority behind, to live in urban Damascus. Damascus had been an important city in first century Christianity, the former capital of the Umayyad Caliphate (665 – 750), and a historic center of culture and education. The family resided in modern Syria that bordered eastern Mongol threats and western Mamluk relief in the form of the sultan's armies in Egypt.

Taymiyyah's family deserves special attention in understanding the circumstances of his day, particularly the family's relocation in Damascus in response to Mongol invasions. His paternal grandfather Majd al-Din, father Abd al-Halim, and uncle Fakhr

³ Muhammad Wahhab (d. 1792) founded the modern Saudi state and relied heavily on Taymiyyah's emphasis on texts that was typical for the people of tradition (*ahl al-hadith*). Wahhabism is the religious influence Wahhab had as a tribal leader that is pervasive in Saudi Arabia today.

al-Din were widely respected for their knowledge of *shari'a* law in Harran among the Hanbali majority. In Damascus, Taymiyyah would continue his family's Hanbali traditions as Shaykh al-Islam Taqi al-Din Abu al-Abaas Ahmad ibn Abd al-Halim ibn Taymiyyah. He earned the title of *Shaykh al-Islam* for mastering traditions, such as those Majd al-Din had recorded, continuing the family's emphasis on basing decisions on Islamic texts (*na'ss*) as the people of traditions (*ahl al-hadith*). This title was earned in taking over his father's role as teacher at his Islamic school and for mastering many aspects of Islamic sciences and arts. His family provided him an early education that resulted in him eclipsing his peers in the Islamic Arts and Sciences. As his life began in an era of political and religious conflict, he chose to base his ideology and thought on the classical era and its writings and teachings from the earliest authoritative generations of Islam (*salaf*). He was not content to examine and study numerous medieval copies of ninth-or tenth-century Islamic law nor only the writings of Hanbal, Hanaf, Malik, or Shafi - the *mujtahids* who founded the four major schools of Islam.⁴ He focused on the Islamic texts (*na'ss*) of first-century Islam to purify and protect his thirteenth-century Islamic community (*umma*). He would, in turn, affect Islamic thought and culture into modern times.

Taymiyyah experienced multiple and lengthy imprisonments by the Egyptian thirteenth-fourteenth-century Islamic authority. My hypothesis is that his use of independent reasoning (*ijtihad*) in matters of law had direct causation to his eventual

⁴ *Mujtahid* (مجتهد) is a verbal stem derived from the Arabic tri-consonantal j-h-d, with the prefix "mu" meaning "one who" as in a Muslim is "one who" submits in Islam. A *mujtahid* is one who measures up to standards of knowledge of the arts and sciences of Islam and is able to reason (*ijtihad*) to ascertain the appropriate issues involved in a legal case, recognize the appropriate Islamic sources to make a determination of a case, be aware of legal schools decisions and determine whether the case involves an unprecedented issue. The *mujtahid* must strive in his best efforts to correctly make a ruling.

death in prison. These first two chapters are significant for narrowing Islamic history to the appropriate time, culture, location, and development of historical writing on Taymiyyah. Islam did not remain static from its Arabian inception in the seventh century. Neither was cosmopolitan Cairo comparative to Mecca or Medina, the birthplaces of Islam. The Cairo community was more ethnically diverse, with greater social mobility possible by slaves, converts, and minorities in Taymiyyah's milieu. Understandably, the systems and methods of Islamic law evolved as well. Seven hundred years of historical writing since have also demonstrated clearer and richer perceptions on him. The first chapter explains his position in the history of Islamic jurisprudence as a highly trained scholar by his family and legal school. It locates him at a time after the fall of the commander of the faithful (*caliph*) in 1258 Baghdad, Caliph Mustasim, and the Abbasid Dynasty. I will explain how a diminished aspect of a strong or centralized political and religious authority after Muhammad (d. 632), under the successive four caliphs (*rashidun*) and the subsequent Ummayyad and Abbasid dynasties, resulted in a religious and political vacuum. Initially, authority existed in the religious and military leadership of Muhammad, to succeeding generations and their leaders, then to the religious, but politically effete leaders of the four schools or *Madhhab* of Islamic Law. Unlike the aggressively expansionist policies under these Islamic governments such as the *jihad* war of the Ummayyads, the Islamic government of Taymiyyah's time period, the Bahri Mamluk Sultanate of Egypt, suffered territorial losses to Crusader armies from Europe and Mongol armies from Asia. As a Sultanate was held responsible for the increase and spread of Islamic faith, this curtailing of the land subject to Islamic authority and its laws challenged the legitimacy and stability of the Bahri Mamluk government.

This politically and religiously vulnerable government was further destabilized by substantial religious, ethnic, social, and legal diversity in its population consequent to the incursions of the Crusaders and Mongols. Chapter one ends by suggesting that the independent reasoning (*ijtihad*) of Taymiyyah held potential to destabilize the tenuous Bahri Mamluk government. His particular beliefs and doctrines regarding Islamic worship and law are generally accepted to be the cause of his imprisonments.

Chapter two is a historiography on Taymiyyah that begins with observations by his peers and ends with perspectives of modern scholars. This will show a historical figure often overlooked and misrepresented. It will clarify his priorities, methods, and beliefs, especially his emphasis on submission to Allah as dictated by the Islamic texts. Islam, similar to Judaism and Christianity before it, held that the one who created all things has spoken to his creation. Prophets received and transmitted sacred narratives, messages, and scriptures and, in various ways, then transmitted these into sacred texts. In Islam, Muhammad observed a golden plate that descended from heaven and received the portions of the *Quran* over a period of twenty-two years. As he recited Allah's words under the care of the archangel Jibril, he, and those he taught, memorized this recitation (*Quran* derives from the verb "to recite"). Ibn Taymiyyah relied on recitations collated by Uthman (d. 646), the fourth caliph, and the accounts attributed to the actions or sayings of Muhammad. Ibn Taymiyyah observed and taught these texts as canonical or authoritative. While he observed additional components and methods as authoritative, Ibn Taymiyyah stressed the texts (na'ss) of Islam. The *Quran* is the progressive revelation that Muhammad recited from 610 – 632. *Ahadith* (*hadith* singular) are the written accounting of what came to be written about what Muhammad reportedly said

and did. They occur in a hierarchy from highly reliable, reliable, questionable, and weak or fabricated. These two authoritative textual sources⁵ primarily guided legal decisions Taymiyyah made as a Muslim judge. Early Islamic traditions and modern scholarship attest to his allegiance to Allah and independent reasoning based on these texts. His primary mission was to submit to and worship Allah, as he discovered what Allah proscribed and prohibited, explains his willingness to defy political or religious authority that did not align with adherence to his two authoritative sources of the Quran and Hadith.

Chapter three demonstrates the importance of understanding the concept of Islamic independent reasoning that will be referred to as *ijtihad*. Etymology on this term exhibits significant changes in meaning and definition that also involve evolutions in its acceptance and utility from the seventh-century origins of Islamic jurisprudence until today. It is not possible to accurately answer whether Taymiyyah practiced independent reasoning, let alone was imprisoned for it, if we do not identify *ijtihad*'s definition, acceptability and use at a precise time in Islamic history. This chapter clarifies the technical term of independent reasoning (*ijtihad*) in its etymological evolution and provides an understanding of it relative to Taymiyyah and his contemporaries. Chapter four demonstrates Taymiyyah's approval of and use of this concept. The chapter also includes descriptions of what level or type of *mujtahid* he was. Taymiyyah ranks himself, as do his contemporaries and others, as having attained the highest level of one who utilizes *ijtihad* (*mujtahid*). Chapter five explores the nature of the political authority of the thirteenth-fourteenth-century Bahri Mamluks, and specifically, the reigns of Sultan

⁵ The appropriate plurality of a tradition (*Hadith*) is *Ahadith* (traditions) and will denote multiple texts.

Qalawun, to understand the conflict with Taymiyyah.⁶ Taymiyyah was an Islamic judge (*qadi*) who was the *defacto* head of the Damascus Hanbali School. He did not maintain the typical aloofness, or hostility to government, characteristic of his Hanbali School, but neither did he embrace or ascend Bahri Mamluk religious office. He did cooperate with sultans and Amirs, but his public approval and fame far outweighed official prestige. He was a prodigious writer of legal rulings whose *fatawa* (plural of *fatwa*, “legal opinion”) comprised the majority of his writings.⁷ These were the product of his immense scholarly knowledge, memorization, and collections of Islamic Law. Chapter six seeks to demonstrate that his incarceration was a product of his independent reasoning. Chapter seven explains why the Bahri Mamluk Sultan al-Nasir Muhammad Qalawun (d. 1340) chose to censor and imprison him. The sultan saw Ibn Taymiyyah’s independent reasoning as a serious threat to his Bahri Mamluk Sultanate’s security and stability. A look at the brevity of reigns by Bahri Mamluk sultans before Qalawun’s third and comparatively lengthy reign, when Taymiyyah was incarcerated and died, demonstrates the fragility of Mamluk rule.

As a whole, these seven chapters explore a complex and difficult topic in Islamic history. This thesis will narrow the religious and political element of Taymiyyah’s times to the fourteenth-century era of Bahri Mamluk rule. At that time their territorial authority included Egypt (*misr*) and Syria (*shams*) with their capital in Cairo, where the Citadel of

⁶ Sultan Qalawun is the son of Sultan Mansur Saif al-Din Qalawun (d. 1290) and typically is referred to as Sultan al-Nasir Muhammad Qalawun. For brevity, al-Nasir Muhammad, son of Mansur, will be referred to throughout this study as Sultan Qalawun.

⁷ *Fatwa* refers to the issuing of a legal decision that is normative for Islamic practice for the people in society. In English, an “s” is inserted on the end to make plural and is read as “*fatwas*” in literature. In Arabic, and throughout the remainder of this text, the Arabic plural, “*fatawa*” is used to denote more than an individual legal decision. For example, Ibn Taymiyyah increased his *fatawa* writing while in prison.

Saladin (d. 1193) housed their palaces and offices. The Mongol incursions from the north of 1299 – 1301 penetrated their sovereignty in Homs (Battle of Wadi al-Khazindar) and reached as far south as Damascus.⁸ Religiously and ethnically, the Bahri Mamluks ruled a highly diverse Islamic community. Collectively, the initial chapters will serve as a foundation for understanding that Taymiyyah's novel legal decisions, or independent reasoning, threatened the security of Qalawun's rule and was the cause of his incarceration. The nature of Mamluk rule itself was contentious and Taymiyyah ultimately jeopardized one of its most important components, that of loyalty and oaths, with his legal ruling (*fatwa*) on divorce. This stood against Sultan Qalawun's attempts to stabilize religious, social, political, and military life in his capital at Cairo in the midst of critical Mongol and Crusader threats.

EARLY LIFE AND EDUCATION

Before summarizing and highlighting the education of Taymiyyah, it is important to understand the elements of his Islamic education, and the essential characteristics of a Muslim Scholar. The attempt to memorize the entirety of the Quran as a child, marks the first step in an Islamic education. The student or scholar of Islam then proceeds to memorize the Prophetic traditions. Former al-Azhar professor and Imam Mark Gabriel defines *hadith*:

Hadith [are] the record of Muhammad's words and actions. This material was committed to memory for several generations and then collected and recorded by Muslim scholars. The most reliable collections were put together by al-Bukhari (A.H. 194– 256) and Muslim (A.H. 202 – 261).⁹

⁸ Carly F. Petry and Martin W. Daly, *The Cambridge History of Egypt Volume 1 Islamic Egypt 640 -1517* (Cambridge: Cambridge University Press, 1998), 277.

⁹ Mark Gabriel, *Journey into the Mind of an Islamic Terrorist: Why They Hate Us and How We Can Change Their Minds* (Lake Mary, FL: Frontline, 2006), 207. Abu al-Husayn Muslim was from Khorasan.

Often confused with *Sunnah*, a *hadith* is a written record that contains a chain of transmission (*isnad*) that is assessed on one of four levels of authenticity by Islamic scholars, from strong being the most reliable to weak or fabricated having the lowest level of reliability. The *Sunnah* refers to the “memory” of words and actions of Muhammad but has been defined as “precedent” or “normative legal custom”.¹⁰ *Sunnah* can include the practice or custom (*amal*) of early Muslims, such as the *amal* of the people of Medina or the *amal* of the people of Kufa, as different cities or tribes imitated Muhammad. Yet, Taymiyyah was associated with the People of Hadith (*ahl al-hadith*) who instead emphasized written traditions and therefore described as traditionalists. It will be important to remember that *Hadith*, in the form of written accounts in authoritative collections, are being referred to and not the oral traditions (“public memory”) and customs or practice (*amal*) of Muhammad. Ibn Taymiyyah, a thirteenth-century student, as well as Mark Gabriel, a twentieth-century al-Azhar Seminary student in Cairo, memorized over 5000 *ahadith*. Notions of Islamic knowledge and emphasis on the importance of written texts over public memory is important in understanding Ibn Taymiyyah’s early education, his role as a traditionalist emphasizing the supremacy of the written texts as a basis for Islamic Law, and his relationship to the Hanbalis, a traditionalist legal school emphasizing *ahadith*.

Ibn Taymiyyah’s formative years resident in Damascus were in the former capital of the Umayyad Dynasty (661 – 750). The seventh-century Umayyad Mosque, built to cover a prior Christian church, still remains. Taymiyyah studied under a family of scholars trained in the Hanbali school of Islam, as well as under the religious elite

¹⁰ Joseph Schacht, *An Introduction to Islamic Law* (Oxford: Clarendon Press, 1964), 8.

(*ulama*) from all four schools of Islamic jurisprudence.¹¹ Ibn Hanbal (d. 855), the eponym of the traditionalist Hanbali legal school of Islam was born in Baghdad, studied in Kufa, Basra and Mecca, as well as in Yemen and Syria. French Historian Henri Laoust, acclaimed expert on Ibn Taymiyyah, summarized his education as fundamentally that of a theologian and juriconsult of the Hanbali School.¹² In describing the founding of the Hanbali school, Michael Cook states, “The early Hanbalites were people with a taste for the concrete and specific, and a dislike for the theoretical and abstract”.¹³ He further describes early Hanbali writings as either copies of Prophetic traditions or very practical popular issues of the day. Examples of this are the commanding right and forbidding wrong (*munkar wa maruf*) where the Hanbalis answered questions on what was permitted and forbidden in society and how to correct aberrant Islamic practices of one’s neighbor. Ibn Aqil (d.1119) summarized this practical over theoretical character of early Hanbalism by stating they held to sciences applied literally and discarded “obscure sciences.”¹⁴ Ibn Taymiyyah maintained this emphasis on the traditions, the written texts of the Prophetic traditions, as well as practical issues affecting his community.

The impact on his formation and development in learning from his Hanbali trained family cannot be overestimated. His grandfather was Abu al-Barkat Majd al-Din (d. 1255) who wrote *Muntaqa al-Akhbar*. This is a collection of 5029 traditions (*ahadith*) that remains in use today by scholars as a reference in classifying traditions. His father

¹¹ The three other major schools of jurisprudence, or *madhhabs*, include Shafi, Maliki, and Hanafi. Taymiyyah, and his family, were from the majority Hanbali school in Harran but a minority to the three other schools upon their move to Damascus or Taymiyyah’s residence in Cairo.

¹² Bernard Lewis and Joseph Schacht, eds., *The Encyclopaedia of Islam, New Ed.*, (Leiden: Brill, 1954), s.v. “Ibn Taymiyyah.” 953.

¹³ Michael Cook, *Commanding Right and Forbidding Wrong in Islamic Thought* (Cambridge: Cambridge University Press, 2001), 87.

¹⁴ *Ibid.*, 87.

was Abd al-Halim who preached at the Umayyad Mosque and directed the Sukkariyya School (*madrasa*).¹⁵ In addition the influence of his grandfather and father, Taymiyyah is reputed to have had over two hundred teachers, male and female, including the widely regarded Hanbali judge (*qadi*) of Damascus, Shams al-Din abd al-Rahman al-Makdisi (d. 1283).¹⁶

As a result of his family, teachers, and Makdisi's influences, Taymiyyah had a commodious and profound knowledge of the *Quran*, *Sunnah*, *Ahadith*, Arabic, theory of Islamic Law (*usul al-fiqh*), teachings of Hanbali, Shafi, Hanafi, and Maliki legal schools, and even philosophy. Comprehensively, these subjects and disciplines were called the Islamic sciences and his acuity of them surpassed his peers. Taymiyyah had opportunity to distinguish himself regarding this knowledge in the prestigious roles he earned. At age twenty-one, he replaced his father, who died in 1284, as director of the *Sukkariyya School (madrasa)* of *Quranic* studies. By age twenty-two he began teaching *Quranic* exegesis (*tafsir*) at the Umayyad Mosque.¹⁷ Islamic Exegesis can be defined as deriving meaning from the *Quran* through the agency of established commentaries explaining the circumstances behind the origin of a specific chapter or verse. Taymiyyah's ascendancy to the religious elite in Damascus occurred following the establishment of a Hanbali as a chief judge in Damascus. Twenty years prior to Taymiyyah's becoming director of the

¹⁵ *Madrasa*, Arabic for school, is the institution where boys and young men receive religious education. This would include mastery of Arabic script, calligraphy, memorization of the Qur'an, introduction and memorization of traditions or *ahadith*, and mastery of rituals such as hand washing and purification for prayer.

¹⁶ *The Encyclopaedia of Islam, New Ed.*, (Leiden: Brill, 1954), s.v. "Ibn Taymiyyah." 951. This qadi was the first appointed following the judicial reforms of Baybar.

¹⁷ Islamic exegesis (*tafsir*) is the methodical examination and explanation of the verses (*ayat*) from the chapters (*surat*) of the Qur'an. Taymiyyah emphasized the reading and memorization of ten verses at a time to be reflected on as memorized in accord and with the practice of Muhammad as he explained the *Quran* to others. Drawing out the meaning of each verse relied on knowledge of prior commentaries such as Bukhari's and relevant verses from the Qur'an.

Sukkariyya School or teacher at the Umayyad Mosque, Sultan Baybars initiated a judicial reform creating in Egypt a quadumvirate of Hanbali, Hanafi, and Maliki judges to join the Shafi chief judge. This reform was repeated in Syria the following year in 1265.

Taymiyyah's teacher at the Sukkariyya Schools, Shams al-Din abd al-Rahman al-Makdisi (d. 1283), became the first Hanbali chief judge in Damascus under this reform.

Makdisi's appointment represents an increase in Hanbali participation in Bahri Mamluk rule at a time when Taymiyyah had earned the respect of Hanbalis and increasingly becoming known in Damascus and widely to Bahri Mamluk representatives.

Ibn Taymiyyah studied the *Quran*, *Hadith* as well as Ibn Hanbal's legal decisions under his grandfather Abu al-Barkat and Hanbali chief judge Makdisi. This education, as well as professional achievements as the director of the Sukkariyya School and teacher at the Umayyad mosque, provided him with valuable insights into the legal and societal elements of medieval life. Appointments as director of the Sukkariyya School and teacher at the Umayyad Mosque are certainly indicative of the esteem, prestige and Islamic scholarship Ibn Taymiyyah possessed. These accomplishments merit scholarly study as much as his controversies do. Yet, his conflicts with political leadership, such as Sultans Jashnikirs and Qalawun and religious leadership, such as Hanafi al-Razi or Shafi al-Kazwini, as well as acerbic writing and armed attacks against Mongol laws, Christian religion and Greek philosophy are all factors in his biography. His accomplishments and conflicts are so numerous that only a brief summary can be listed.

Another factor was the time in which Ibn Taymiyyah lived, as it was an era of extraordinary upheaval and volatility. A brief description of post-caliphate political and military history needs to be addressed regarding the invasive threats from Crusaders and

Mongols. This differentiates Ibn Taymiyyah's times from the earlier eras of Islamic government under the early caliphs and the two subsequent lengthy dynasties of the Umayyads and Abbasids.¹⁸ It will become clear that the fall of Islamic authority in the form of a caliph, after the sack of the Abbasid Caliphate's Baghdad capital by the Mongols in 1258, set the political, religious, and legal context of Taymiyyah's late thirteenth- and early fourteenth-century life, as there was a more divided and difficult sense of political authority than in previous Islamic history. To better comprehend the political context of his day, it is important to recognize the deterioration of Islamic political and military efficacy from the rapid creation and expansion of the Islamic Empire under Muhammad to the weakened and diminished power of the Bahri Mamluks. This history began with a strong religious and political leader, Muhammad, who after consolidating military power with the Constitution of Medina, in the city of the same name, conquered Mecca. Armies under Muhammad, and his successors, added much of Arabia and surrounding regions to their conquests. The Islamic Bahri Mamluk Sultanate that ruled Egypt and Syria six centuries later held religious and political authority that was marginal in comparison to that of earlier caliphs and Islamic rulers.

Muhammad and, following his death in 632, Abu Bakr, Umar, and succeeding caliphs, were religious and military commanders over the Muslim community. They conquered their weakened Byzantine Greek and Sassanid Persian neighbors.

¹⁸ I do not wish to put too fine a point on the time before Ibn Taymiyyah being a clear, defined, and universally accepted Islamic rule. However, it is safe to say that the strong charismatic military rule of Muhammad and subsequent leaders like Abu Bakr, Umar, Uthman and Ali or powerful rule of the Umayyads in Syria and Abbasids in Iraq, held greater authority and territory than [following the fall of the Abbasid Dynasty and the cessation of the caliphate] the thirteenth century Bahri Mamluks in Egypt. Ibn Taymiyyah lived under Bahri Mamluk rule. This was after the Buyids and other usurpers of Abbasid authority had seized resources and territory from the Abbasids. Islam was no longer on the offensive but emirs and sultans were defending and attempting to reclaim their losses.

Muhammad, and the four caliphs who followed him (*rashidun*), shared a political hegemony as dual religious and military commanders. The issue of the title of these early commanders of the Islamic faith, and their armies, is complex and contentious. It is debated whether Muhammad's successors were Allah's deputies or Muhammad's. Regardless, once Abu Bakr, and each of his successors, received the oath of loyalty from the Muslim tribes, they became the "commander of the faithful", or caliph. Political and religious authority rested in the common sense that the caliph was an element of Allah's sanction of his rule was implicit. The "commanders-of-the-faithful", or caliphs, Abu Bakr, Umar, Uthman, and Ali were responsible for the expansion of Islamic rule from Yathrib (Medina) to Mecca, over Syria, Iraq, Persia, and eventually North Africa. Political authority in the form of a caliphate center shifted from Medina and Iraq to Syria with the advent of the Umayyad dynasty (661 – 750), beginning with Caliph Mu'awiyya (d. 680). Unified political authority continued under a caliphate followed with the Abbasid revolution. It began with the ascension of the first Abbasid Caliph Abu al-Abbas al-Saffah at the Kufa Mosque after his defeat of Umayyad armies at Kufa, south of Baghdad, in central modern Iraq.¹⁹ The Abbasid Dynasty subsequently ruled the Islamic empire from Mesopotamia at capitals in Baghdad and Samarra from 750-1258, but with the religious influence and authority of the caliph declining over that time.

The political context for Ibn Taymiyyah's era changed significantly in 1258, with the definitive end of a caliph wielding both political and religious control over the inclusive Muslim community. The Mongol destruction of Baghdad brought an end to the

¹⁹ Hugh Kennedy, *The Early Abbasid Caliphate: A Political History* (London: Barnes & Noble, 1981), 46.

Abbasid Dynasty and the presence of a caliph, or commander of the faithful. Islam had evolved from a singular Arab ethnic community to one ethnically and linguistically diverse. Yet, authority of the Islamic ruler had remained relatively consistent through the Umayyad and Abbasid Dynasties where tribal affiliation and ethnicity provided legitimacy to a caliph, especially if his armies were powerful and he portrayed himself as a pious Muslim. Another aspect of change between the era of the caliphs and the era of the Bahri Mamluks in Egypt involved the external threats each faced. At the time of Muhammad, the Muslims faced the tired remnants of Byzantine and Sassanid frontiers. Jihad under the Umayyads and capable armies during the Abbasids had maintained much of this empire hewn from their possessions. Yet the end of Abbasid rule and the context for Ibn Taymiyyah's life saw powerful European and Asian external threats to Islamic territory in modern day Tunisia, Egypt, and Syria and to religious and legal authority by Crusader and Mongol armies, as their occupation of former caliphate territories was foundational to questions of whether the Mamluks were "universal rulers".

Papal threats, not Byzantine, would jeopardize Bahri Mamluk rule in mid to late thirteenth century reigns of Sultan Zahir Rukn Baybars (d. 1277) and Sultan Mansur Qalawun (d. 1290). French King Louis the IX occupied Lower Egypt's coastal territory in 1249 and arrived to take Tunis in 1270; English King Edward, son of King Henry, sailed to Acre in 1271. Crusading armies from England and France, honoring Pope Clement IV (d. 1268) constituted the present threat to Mamluk rule and continued as a potential anxiety into the fourteenth century. As late as 1365, the Mamluks were suffering invasions by Europeans in the form of Peter the 1st of Cyprus who invaded and looted Alexandria. These threats to the Bahri Mamluks demanded military and

diplomatic responses.²⁰ The first of the Mamluks to seize power and establish the Bahri Mamluk state was noted Sultan Zahir Rukn al-Baybars. The Bahri Mamluk Sultans perceived these potential threats to their security as evidenced by treaties, as late as 1290, by Sultans Baybars and Mansur Qalawun.²¹ Baybars settled a peace with the European Hospitallers in 1271, Qalawun with the Templars in 1282 and Qalawun with King Alfonso of Aragon in 1290.²² While Constantinople would hold out until 1453, the Byzantine fortress never presented a threat to the economic, territorial, or political activity of the Bahri Mamluks in Cairo. Thus, Papal crusades and armies from France, England and Germany remained fresh in the collective consciousness of Syrian and Egyptian Muslims, as well as the sultans of the Bahri Mamluk state, which signed treaties and maintained the security of their realms.

Shifting focus from European threats from the north, there was an Asian threat from the east after the Mongols move against the Khwarezmid Empire led by Shah Muhammad (d. 1220). The Mongol ruler Chinggiz Khan responded harshly to the killing of his envoys by the Persian Muslim hosts of Shah Muhammad in 1218. The captured trade caravan and personal envoys of Chinggiz Khan were brought to Shah Muhammad and many were executed at his base in Khurasan.²³ Mongol armies were mobilized and Bukhara, on the former Silk Road and in the south of modern Uzbekistan, fell to the

²⁰ The Ayyubids, named for Ayyub bin Mansur, from Kurdish tribe, were founded by Salah al-Din [1137/38-1193] (Saladin) in Egypt and ruled lands extending into Syria, Mesopotamia, and Yemen from the late twelfth to early thirteenth centuries before being usurped by Mamluk slave soldiers who founded the Bahri Mamluk sultanate in Egypt.

²¹ Peter M. Holt, *Early Mamluk Diplomacy: 1260-1290: Treaties of Baybars & Qalawun with Christian Rulers* (Leiden: Brill, 1995), 33 and 73.

²² *Ibid.*, vi.

²³ Bertold Spuler, *History of the Mongols: Based on Eastern and Western Accounts of the Thirteenth and Fourteenth Centuries* (Berkeley: University of California Press, 1972), 29.

Mongols. In 1228, Ogadai, the younger son, succeeded his father Chinggiz Khan as his older brother Chaghatai had him named the Great Khan.²⁴ Subsequently the Mongols threatened not only territorial losses to Islam but also replacing Islamic shari'a law with Mongol law. Mongol *Yasa* laws became the legal code affecting increasing numbers of Muslims coming under Mongol authority. As noted, *sharia* law is based on the *Quran* and the *Sunnah*. It follows the *Quran* of Muhammad and his sayings and actions, as recorded in *Ahadith* or practiced (*amal*) by the earliest Islamic communities of Medina and Mecca. *Yasa* Law, in contrast, was advanced by Chinggiz Khan as a nomadic code of honor reflecting the inclusion of other nomadic groups into his society and armies.²⁵ Muhammad, *Quranic* imperatives, the development of consensus of Islamic scholars or adherence to the Islamic Legal Schools would have been wholly absent, although perhaps tolerated, under Chinggiz Khan's Great *Yasa*. This was a tribal and nomadic code that would have been either replaced or at least observed alongside Islamic Law as the Mongols entered Bahri Mamluk territory. When Goyuk ascended to the Mongol throne in 1241, the Mongol armies with their mounted archers presented a growing threat to Islamic hegemony over Mesopotamia.²⁶ This threat materialized into a Mongol army marching on the Abbasid Dynasty's capital and home of the caliph. Helagu commanded Mongol armies that destroyed Baghdad, and with it the Abbasid Caliphate in 1258.²⁷ Mongol armies continued to pose a threat as the Bahri Mamluks came to power in Egypt, and witnessed Mongol armies contemporarily invading Syria and capturing Damascus in a rout of their Mamluk army.

²⁴ Ibid., 45.

²⁵ David Ayalon, "The Great *Yasa* of Chinggiz Khan: A Reexamination," *Studia Islamica* 33 (1971): 98.

²⁶ Ibid., 67.

²⁷ Ibid., 115. Helagu Khan was the son of Toluy, youngest son of Chinggiz Khan.

THE ACTIVISM OF IBN TAYMIYYAH

With a backdrop of turbulent times and a newly emerged sultanate struggling to remain in power, a bold, unwavering, and highly popular Taymiyyah was able to assert his legal influence. Taymiyyah in his role as jurist, examined questions submitted by the populace, commented on social, economic, and religious issues, and issued *fatwa* that determined right or wrong practice for society. A *fatwa* was the result of a petition of a claimant in which the Islamic judge would write a decision. In order to issue a fatwa, the judge had to hold the rank of a *mufti*, or one highly knowledgeable of traditions, legal schools, previous rulings, and other standards. A *mujtahid* such as Taymiyyah met and exceeded the qualifications to issue *fatawa* (plural of *fatwa*). These rulings were legally binding and the rejection or violation of a *fatwa* was a serious matter. Taymiyyah is to be seen as the one who did not refrain from speaking out or pronouncing judgement on what appeared to him as aberrations from right Islamic practice in Mamluk society. His personal conflicts resulted in either passing legal opinions on matters of *sharia* law or even his physically confronting the offender. Examples included his writing angry responses to innovations in the *hajj*, visiting tombs, and practicing Greek philosophy, or his physical attacks on men for rejecting Islam, having a statue, or using hashish. Taymiyyah dogmatically responded to the innovations and heresies he perceived in the highly diverse Mamluk society with great energy and frequency. Often, that response was the issuing of a *fatwa* forbidding what he had encountered. An example, often cited as the earliest incident in his activist career, is his persecution of Assaf al-Nasrani, a Christian, from Suwayda.

Scholar Henri Laoust provides the few details of this account that remain. Al-Nasrani is reported to have insulted Muhammad.²⁸ As a Christian minority in a Damascene Muslim majority, this could have entailed rejecting the *Quran* or Muhammad as well as actual commission of insult or injury against either one. What is known is that al-Nasrani was accused and the subsequent beating and imprisonment he received resulted in Ibn Taymiyyah being confined at the Adhrawiyya *madrasa* (Islamic school with quarters for prisoners) for his actions against al-Nasrani. Taymiyyah's response to participating in a riot that violated the civil rights of al-Nasrani was merely to write *Kitab al-Sarim al-Maslul ala Shatim al-Rasul* justifying his actions against those who insult Muhammad.²⁹

His pilgrimage to the city of Mecca (*hajj*) in 1293 compelled him to write *Manasik al-Hajj*. This treatise attacked the innovation (*bid'a*) of visiting Muhammad's grave. It must be remembered that Taymiyyah was a traditionalist and as such, emphasized the texts (*na'iss*) of Islam. If early Muslims did not visit or make pilgrimage to Muhammad's grave, and especially if Muhammad forbid the visiting of his grave as a religious ritual, then doing so would be an innovation to the teachings of Muhammad. Innovation, or *bida'a*, is one of the most serious offenses in Islam, perhaps secondary only to ascribing partners or a consort to Allah. Taymiyyah's jurisprudence and activism was not isolated to local or minor events as in later confrontations he, citing *fatwa*, confronted regional powers both within and outside Islam.

²⁸ *The Encyclopaedia of Islam, New Ed.*, s.v. "Ibn Taymiyyah." 951.

²⁹ *Book of the Drawn Sword on Insulters of the Messenger.*

In 1297 Ibn Taymiyyah supported the *jihad* against Armenia by Sultan Lajin. Theological debate originating from the town of Hamat induced him to write *al-Hamawiyya al-Kubra*. This denounced the rationalism that had infiltrated Islam by the popular Islamic thinker al-Ashari (d. 935, founder of *ash'arism*, a response against the rationalism of the Mu'tazilites) and philosophy (*kalam*, coming from Greek philosophers such as Aristotle's influence on Arab thinkers).³⁰ Earlier Hanbalites in Baghdad also were critical of Ash'arite theology, such as Ibn Sukkara, who smashed the chair of an Asharite "preacher" in 1092.³¹ Summoned by *Hanafi qadi* Jalal al-Din Ahmad al-Razi (d. 1345) under allegations of anthropomorphism (*tashbih*), Ibn Taymiyyah refused and declared to Shafi *qadi* al-Qazwini (d. 1300) that *Hanafi qadi* al-Razi had no legal authority from the sultan over matters of dogma.³² The Hanafi judge was entitled to hear cases regarding Hanafite law by persons seeking Hanafi rulings. The Hanafi might have been motivated by personal animosity, professional jealousy, or religious diligence in pointing out what he perceived as attributions of human qualities to Allah in Taymiyyah's *al-Aqida al-Hamawiyya*.³³ Taymiyyah's attacks on Asharism and philosophy warranted an appearance in a Damascus court and imprisonment while the Ashari and Shafi judges coincidentally examined him and these two works. While these professions of faith by Taymiyyah were found exempt from error or anthropomorphism,

³⁰ Ash'arite theologians that succeeded Ash'ari, al-Ghazali (d. 1111) and al-Razi (d. 1345) increasingly adopted the philosophical and rational language and terminology from the rationalism they sought to refute. Ibn Taymiyyah criticized these Ash'arites' excessive reliance on reason. He stressed adherence to revelation.

³¹ Cook, *Commanding Right and Forbidding Wrong in Islamic Thought*, 119.

³² Islamic theology contains the contentious issue on the form Allah exists in and accusing Taymiyyah of attributing human features to Allah was a serious charge. He was summoned, interrogated and cleared.

³³ *The Encyclopaedia of Islam, New Ed.*, (Leiden: Brill, 1954), s.v. "Ibn Taymiyyah." 951.

it is significant that he had ignored the authority of the Hanafi judge while becoming known to the Shafi and Ashari judges who tried his case while he was imprisoned.

Anticipating the approach of Ilkhan Ghazan's Mongol army in 1300, Ibn Taymiyyah directed the resistance to man the walls and encouraged men to strengthen the defenses and prepare for battle against the Mongol unbelievers (*kufir*). When Mongol armies threatened Syria later that year he responded by cooperating with the Bahri Mamluk government's request to issue a *fatwa*. Taymiyyah wrote a *fatwa* making it incumbent on all Muslims who were fit for battle to participate in the *jihad* against the Mongol army. He traveled to Cairo in 1301, to petition Sultan Qalawun's Mamluk army to defend Syria. Taymiyyah, where he heard rumors that the Shi'a faction had aided European armies invading near modern day Lebanon, since French and English armies had during the Crusade travelled through Kasrawan. He responded by cooperating with the Mamluks in attacking this Shi'a faction in Kasrawan, a region near Mt. Lebanon that was proselytized by Shi'a Muslims. Affiliated with the Sunni branch of Islam and the Shafi legal school, the Bahri Mamluk government sent the military to persecute the Shi'a citizenry of Kasrawan, thus forcing the non-Sunni Muslim inhabitants to leave. Ibn Taymiyyah not only supported this military action, but upon his return he attacked the Sufi Ahmadiyya Rifawiyyan of Damascus for their Mongol sympathies.

Taymiyyah equated both Crusaders and those who did not fight them as threats to the Islamic community (*umma*). In 1303, he responded to the Mongol peril at Shakhab and wrote a *fatwa* that permitted the Mamluk forces to forego the annual and

obligatory *ramadan* in order to fight more effectively.³⁴ Henri Laoust has written about his extremely proactive and determined reactions to perceived violations of *sharia*, such as the use of hashish. Taymiyyah confronted local men in Damacus such as Ibrahim al-Kattan for their use of hashish and Sheikh al-Khabbaz for his lawlessness, and confronted them “violently.”³⁵ While Laoust and others do not elaborate on al-Khabbaz’s law breaking or failure to submit to Islamic norms either in action or thought, he does provide us with the knowledge that Taymiyyah would confront, physically and verbally, in accordance with the text of the *Quran*, any commoner such as al-Khattan or a religious or social elite like al-Khabbaz, when perceived violations of *sharia* had occurred.

These are not isolated incidents from his biography. In fact, they precede the stage in his career referred to by Henri Laoust as his polemical years that began in 1305.³⁶ In Laoust’s estimation, incidents of him personally confronting, either through his writings or actions, popular religion that occurred in Sufi, Shi’a, or Christian innovations or additions to Islam that violated the *sharia*, would dramatically increase after 1305. This was due to his emphasis on the earliest generations of Islam by adhering tightly to their textual evidence of Islam (*na’s*). Taymiyyah frequently struggled both physically and intellectually against what he perceived to be contrary to his perception of Islam. His opposition to opinions and actions often did not result in imprisonment, at least not early in his career, or subsequently during the first two reigns (1293-94, 1298-1308) of Sultan Qalawun. His duties during the later stage of his career as a *mujtahid*, during the third reign of Qalawun, would see consequences to his public and civic

³⁴ *Ramadan* is used here as an Arab verb meaning the act of fasting. *Ramadan* in vernacular Arabic means to fast during the month of *Ramadan*.

³⁵ *The Encyclopaedia of Islam, New Ed.*, s.v. “Ibn Taymiyyah.” 952.

³⁶ *Ibid.*

confrontations. It was in this latter portion of his career as a *mujtahid* that his imitation of earlier judges, such as Hanbal, Shafi, and their successors, and subsequently their legal decisions, decreased, and his *ijtihad* or independent and unrestricted reasoning with novel legal decisions greatly increased.

He responded to theological and martial threats in equally aggressive fashion. Henri Laoust lists incidents where Taymmyyah led stonemasons to the Naranja Mosque to demolish a structure and in so doing to physically prevent Sufi veneration of a popular religious site. Taymmyyah armed himself and attacked a group called the *Ittihadiyya* for adhering to the monism of Ibn al-Arabi that suggested a spiritual unity between Allah and the believer. The *Ittihadiyya* might have presented a threat to Islam in Taymmyyah's mind as they ascribed to al-Arabi's suggestions of divinity in all things, as in Mongol beliefs in "idols, human beings, animals, and stars" having divinity.³⁷ The spread of Mongol pagan thought to the Islamic Umma in Syria through the *Ittihadiyya* was coincident to Mongol armies posing an ongoing military threat. Taymmyyah saw a connection between *Ittihadiyya* philosophy and Mongol success against Islamic lands, and addressed this as such in his jihad against both.³⁸ Taymmyyah boldly accused al-Arabi of heresy in a letter to Sheikh al-Nasr al-Din al-Manbijji, the spiritual consultant to Bahri Mamluk Sultan Baybars Jashnikirs. What is striking is that Manbijji was not only a Sufi but also an adherent of al-Arabi:

One of the two fundamental principles of his teaching laid down in the *Fusus* is that the existence of contingent and created entities is identical with the existence of their Creator. In other words, the former is neither different from God, nor is

³⁷ Alexander Knysh, *Ibn Arabi in the Later Islamic Tradition: The Making of a Polemical Image in Medieval Islam* (Albany, NY: State University of New York Press, 1999), 97.

³⁸ *Ibid.*

something other than He. He [Ibn Arabi] was the first to put forward this idea, in which he had precursors neither among Sufi shaykhs nor Muslim scholars. This teaching is currently shared by all espousers of [the doctrine of] unification (monism). However, Ibn Arabi is the closest to Islam among them, and his teaching is, in many respects, better than theirs.³⁹

In addition to this confrontation, Taymiyyah had written *The True Reality of the Teaching of the Unificationists* as refutation of monism. These criticisms were mild compared to his attacks on other religious scholars.

Despite the fact that Ibn Arabi's first metaphysical principle is sheer unbelief, he still remains the closest to Islam from among them all... He was a captive of his loose imagination. In one moment, he imagined in it a right thing, in the other, a wrong one. Only God knows what state he died in.⁴⁰

It is not difficult to conceive of Islamic judges such as Taymiyyah limiting the degree to which they might offend religious and political authority. Religious and tribal elite such as the *ulama* and *ashraf* during the Umayyad and Abbasid eras struggled for caliphal favors and promotions. Taymiyyah demonstrated an unwavering commitment to ideology as neither position and promotion nor censure or punishment moderated his attacks on popular religion or practices that seemed aberrant to *sharia*. Taymiyyah's boldness became readily apparent in confronting the religious, if not political authority of the prevailing Islamic authority, the sultans of the Bahri Mamluk state and the religious elite. While Baybars Jashnikirs view on Monism is difficult to ascertain, we do know his top advisor held to both it and al-Arabi its founder. We also know that in 1309, one day after Jashnikirs usurped Sultan Nasir al-Muhammad's throne, Taymiyyah was incarcerated in Alexandria.

³⁹ Ibid., 98.

⁴⁰ Ibid.

Ibn Taymiyyah lived in a borderland, both Syrian and Egyptian, ruled by the Mamluk Empire. Mamluks were initially slaves who were procured to serve in the army and government to strengthen the rule and authority of the sultan during the earlier Ayyubid Dynasty. As leaders of the sultan's armies, they were in a position of power and on occasion used this power to usurp the throne. Contemporary to Ibn Taymiyyah, the Bahri Mamluks had succeeded the Ayyubid Dynasty, founded by Salah al-Din (d. 1193) who had replaced prior Fatimid rule (969 – 1171) in Egypt. The Mamluks thus controlled a geographic area based in Egypt and Syria. Ibn Taymiyyah's altercations and excursions throughout the Mamluk Empire era abated with his appearances before Mamluk religious courts in Damascus and Cairo and subsequent imprisonments in Cairo 1305, Alexandria in 1309 and Damascus in 1318 and 1326. He ignored restrictions by the political and religious authorities and, in relying on the textual evidence customary for the people of *hadith* (*ahl al-hadith*), intellectually attacked Islamic scholars whom he saw as contrary to the *Quran*, the *Sunnah* and the first three generations of Islam (*salaf*). He especially attacked the innovations (*bid'a*) in Sufism prevalent among the Mamluks. He later disputed the visitation of saints' tombs popular amongst Egyptian Muslims as innovations to Islam reflecting pagan or pre-Islamic custom. Soon after Sultan Baybars al-Jashnikir seized the throne in 1309, Ibn Taymiyyah was arrested. While it is difficult to assess the cause for his arrest, it is conversely quite easy to conjecture why, for there are ample reasons for animosity on the new sultan's part. Taymiyyah had opposed many of the *ulama* in stating that Jashnikir had usurped Qalawun's sultanate. Additionally, as stated earlier, he had personally written Jashnikir's spiritual advisor who adhered to the teachings and Sufism of al-Arabi, to denounce al-Arabi. He was imprisoned with men

from North Africa (*Maghrebiyya*) and listened to their explanation of the role of soldiers in the legal system. In response to this dialogue, Taymiyyah wrote the treatises *Turmida Murshida* and *Radd ala al-Mantikiyyin* on the appropriate role of the police and soldiers in carrying out the rulings of the *ulama*. Taymiyyah was reminding Jashnikirs, or whoever would follow him in the rapid succession of sultans in the Bahri Mamluk state, that officers should be knowledgeable of *sharia*, and eager to listen to and follow the directives of the *ulama*, according to the *Quran* and tradition. Taymiyyah was not hesitant to share his opinion, or advice, regardless of the audience or consequences, in his quest to guide both leadership and masses of the *umma*.

It is apparent that what initiated Taymiyyah's actions, or his activism, were contemporary incidents challenging his values and beliefs that he derived from the textual evidence of Islam. This is to be expected from those who emphasized the essentiality of textual sources of Islam. Investigating the causes of Taymiyyah's imprisonments, Don Little discovered the lack of documents from chronicles or court records that would likely have been present for a significant criminal or political rebel. He found instead a distinct interest, not by government figures or chroniclers, but in biography and history of common events and society. Taymiyyah's infractions were of a religious nature, and as such drew little attention in court or government records, but were of great interest to the citizens of Damascus and Cairo. Little looked at Taymiyyah's incarcerations of "six separate occasions" lasting "more than six years" and concluded "it is clear that *Mamluk* ruling circles considered Ibn Taymiyyah to be enough of a threat to" endure "frequent

interrogations” and “restrict his freedom”.⁴¹ Little determined the cause of his imprisonments to be over his “beliefs” and “doctrines.”⁴² It is safe to conclude that he was superbly trained in the textual, religious, and legal aspects of Islam from childhood. Thus, he held the highest religious authority among his peers and tenaciously defended his beliefs regardless of the consequences. Taymiyyah’s resoluteness of belief and the thesis that his incarcerations were over doctrinal issues, leads to the question of what were these specific doctrines or issues and how did they lead to his arrests and confinement.

SCOPE OF PAPER

Examination of Ibn Taymiyyah’s tumultuous career or psychological profile demand a more complete assessment than this thesis affords. Much Western historiography that has engaged this issue has been accused of Orientalism by Muslim scholars. This charge of Orientalism is often related to research focusing on Taymiyyah’s vitriolic criticisms of opponents and questioning his sanity.⁴³ For matters of space, I will focus on the conclusion that Taymiyyah’s difficulties or struggles (*mihan*) were doctrinal.⁴⁴ Little’s work supports my thesis that the conservative religious views of Ibn Taymiyyah were the cause of his incarcerations. Little establishes that his rulings and beliefs were the problem but his investigation into his detentions does not answer the question why. Research on Ibn Taymiyyah, including that of Little’s specifically on his

⁴¹ Donald P. Little, “The Historical and Historiographical Significance of the Detention of Ibn Taymiyya,” *International Journal of Middle East Studies* 4, no. 3 (July 1973): 313.

⁴² *Ibid.*

⁴³ Mohammad Hassan Khalil, “A Closer Look at 19th and 20th Century Western Obsession with the Medieval Muslim Theological Obsession with Anthropomorphism,” *Islam & Christian/Muslim Relations* 4 (2006): 392.

⁴⁴ *Mihna* is Arabic for a riot or conflict while *mihan* is plural. *Mihan* denotes civic or religious controversies that result in strife. Judges took offense at Taymiyyah’s writings, convened courts, issued jail sentences that resulted in mobs forming while he suffered under Mamluk religious and political authority.

detentions, has not examined the role of his independent reasoning (*ijtihad*) as causal to his incarcerations.

IJTIHAD CAUSAL TO INCARCERATION

A paucity of source material is a typical problem in Mamluk historiography, yet the inverse is the case when researching Ibn Taymiyyah. The prodigious biographical information on him allows further investigation into his doctrinal conflicts. Independent reasoning (*ijtihad*) as a concept has always been controversial in the Islamic tradition. His methodology of independent reasoning, and his use of it late in Islamic history, specifically during the Bahri Mamluk period in Egypt, needs also to be factored. His theological, judicial, and sectarian conflicts were against popular religious practice and judges from the four schools of Islamic jurisprudence.⁴⁵ More specifically, he lived in a time in which Mamluk authority was encouraging imitation (*taqlid*) or compliance with established law. They did so purposely in the attempt to stabilize and pacify a diverse demographic populace. Therefore, it is highly conceivable there would be significant opposition to a Mesopotamian immigrant to Damascus from the minority Hanbali School utilizing his own reasonings in his failure to utilize previous rulings in his judgements. *Taqlid* refers to the Islamic practice of imitation of the law. Jurists could use independent reasoning to investigate an appropriate ruling on an issue or they could “imitate” a previous ruling, typically from the founder of their respective legal school such as the Maliki, Hanafi, Shafi, or Hanbali *madhhabs*. After seven centuries of Islamic Law, many legal precedents had been recorded and a wide selection of issues and topics

⁴⁵ Judges, or *qadis* in Arabic, routinely followed previous rulings by Islamic scholars and always the rulings of their school (*madhab*).

settled. Under the system of *sharia* law, there are various levels of law. In a general sense, *sharia* is derived from the *Quran*, next from *Sunnah* or sayings and actions of Muhammad, and then from the consensus of those, basing their decisions on the previous two levels of law, from Islamic scholars. Finally, Hanifa (d. 767) from Kufa, Malik (d. 795) from Medina, Shafi'i (d. 820) and Ibn Hanbal (d.855) from Baghdad founded what would become Islamic Schools of Law in which the majority, if not all, legal writing or decisions would occur. Malik extended the traditions or practices of the community of Medina as normative for Muslims and his *Muwatta* collection of *Ahadith* served as the standard for Maliki scholars. Shafi'i wrote the *Risala* that served as a rudimentary explanation of Islamic jurisprudence for successive generations. Hanbal, and Hanbalism, were considered *ahl al-hadith*, people of the traditions, and the texts of Islam, primarily the Prophetic traditions, directed their writings and decisions, as well as their criticism of other legal schools that emphasized opinion or reason in place of strict adherence to the texts of Islam.

The Bahri Mamluks, in early fourteenth century Egyptian Islam, after recent reforms under Sultan Baybars, stressed that judges were to rule according to their respective Maliki, Hanafi, Shafi, and Hanbali legal schools. This entailed a judge to examine the previous rulings by the founder of his school, such as Malik or Hanbal, and then basing his decision on Malik's or Hanbal's previous rulings, as well as successive Islamic jurisprudence of judges from that school. While there might be subtle differences between the schools, each school's body of legal rulings and decisions were expected to conform with those of the founder of the school and all successive rulings or decisions in

that school. Therefore, there are several questions that need to be answered before assuming Taymiyyah's *ijtihad* was the deciding factor in his imprisonments.

I aspire to answer the question of whether Ibn Taymiyyah viewed himself as a *mujtahid*. Did he practice *ijtihad* after the establishment of the four major schools of Hanafi, Malik, Shafi, and Hanbal. Was the source of his opposition primarily a jealous religious authority or Mamluk political action? If Taymiyyah proved to be one who consciously practiced *ijtihad* (*mujtahid*), the Bahri Mamluks expectation of imitation (*taqlid*) dictated that his failure to comply was subsequently a threat to the Bahri Mamluk's preservation of the *status quo*. This would then explain his incarceration as he did directly challenge the foundations of authority of the Mamluk government.

Sultans holding political authority in the Bahri Mamluk period typically did not occupy themselves in intricate theological debates.⁴⁶ Even caliphs of the Abbasid era similarly did not concern themselves with theological issues. The famous flogging in Baghdad of Ibn Hanbal, the founder of the Hanbali legal school, was an isolated incident. Caliph Mu'tasim (d. 842) had Hanbal flogged during his reign in the mid-ninth century for doctrines in opposition to the caliph over a disagreement whether the *Quran* was created. How much more so in Mamluk Cairo, and Damascus, would a sultan or Amir take offence to a local *qadi* on purely theological grounds? Examination of Ibn Taymiyyah and *ijtihad* require both an evolving understanding of the man and his method. It is essential to understand a judge (*qadi*) and this concept of *ijtihad* that have had many interpretations and definitions in history. Once these issues are explored, and the nuances to Taymiyyah and his times are understood, the question as to whether his

⁴⁶ Little, "The Historical and Historiographical Significance of the Detention of Ibn Taymiyya," 321.

ijtihad is responsible for his Mamluk incarcerations can be answered. Ultimately this study will demonstrate that Taymiyyah's independent reasoning threatened the sultan's attempts to maintain security in a time of potential insecurity for the Mamluk state.

II. HISTORIOGRAPHY

OVERVIEW

The historical perception that Ibn Taymiyyah was a Hanbali “jurist” with a quick temper has been increasingly subject to modern scrutiny. Henri Laoust in the 1960s, Donald Little in the 1970s, Mohammad Memon in the 1980s, and Abdul Matroudi and Yossef Rapoport in the 2000s dramatically transformed his biography in their critical revisionist scholarship.

Contemporary inquiries have questioned his principles of law. Were his treatises on warfare indicative of Islamic principles of *jihad*? Was his jurisprudence truly representing Ibn Hanbal’s school of Islam (*madhhab*)? Was he unfairly emphasized as polemical? Was he a Sufi? And what was his relationship with *ijtihad*? Recent historiography has focused more on Taymiyyah’s life and controversies rather than his

legal contribution to Sunni Islam.⁴⁷ More nuanced understandings of Taymiyyah exposed stereotypes. His perceived malevolent view of Sufism subsequently changed to one that sought the happy medium (*wasat*) between the Islamic traditions.⁴⁸ Most importantly, historiography in the last two decades has scrutinized his exegesis (interpretation of the text) and methodology as an *ahl al-hadith* (“one who focused on the historical texts of Islam”: *the Qur’an, traditions of Muhammad’s life, and recorded practice (hadith) and rulings (ahkam) and in writing (fatawa)*).

CONTEMPORARY ARAB BIOGRAPHERS

Much of our surviving biographical understanding of Ibn Taymiyyah comes from his student, Shams al-Din al-Dhahabi.⁴⁹ There are other contemporary biographical materials on Ibn Taymiyyah written by his other students and several peers. The earliest historiography of Ibn Taymiyyah is understandably in Arabic. Al-Birzali (d.1339) has left us biographical material in his *al-Muqtafa*. Ibn Kathir (d. 1373) provides material on the perception of the *fuqaha* (teachers or experts in law or *fiqh*) of Ibn Taymiyyah. Al-Yunini (d.1326) also provides insights into Ibn Taymiyyah’s relationship with his opposition. Ibn abd al-Hadi, another student of his, provides “first-hand information...by a contemporary,” but also biographical works from al-Birzali and al-Dhahabi not otherwise available.⁵⁰ These early works by his students and contemporaries are panegyrics that offered the highest praise for Taymiyyah’s mental striving and ability in

⁴⁷ Of the three major divisions of Islam, Sunni, Shii’a, and Sufi, Sunni Islam represents the Saudi Arabian and Egyptian Al-Azhar tradition, which follow the tradition of electing the most capable candidate from Muhammad’s companions rather than Shii’a, which followed Muhammad’s bloodline relations.

⁴⁸ *The Encyclopaedia of Islam, New Ed.*, s.v. “Ibn Taymiyyah.” 953.

⁴⁹ Caterina Bori, “A New Source for the Biography of Ibn Taymiyya,” *Bulletin of the School of Oriental and African Studies*, 67 (2004): 324.

⁵⁰ Little, “The Historical and Historiographical Significance of the Detention of Ibn Taymiyya,”: 316.

law. Donald Little refers to them as hagiography frequently written by his Hanbali disciples or “pro-Hanbali Shafi” students.⁵¹ These were written at a time soon after his death in prison when mourners filled the streets of Damascus in numbers not witnessed since the death of the founder of Taymiyyah’s Hanbali school, Ibn Hanbal. Al-Hadi Dimashqi’s title for his biography on Taymiyyah indicates the type of contemporary writing that existed. *The Pearly Necklaces of Ibn Taymiyyah’s Virtues (Al Uqud al Durriyya min Manaqib Shaykh al-Islam Ahmad ibn Taymiyyah)* (published circa 1340) was indicative of both disciples and the detractors of Taymiyyah following his death. Another of Taymiyyah’s students was al-Dhahabi (d.1348) who represents those who, in addition to their panegyric, commented on his irritability or contentiousness.

MARGINALIZATION IN ARAB HISTORY

The Marco Polo of the Orient, Ibn Battuta (d. 1377), is popular for stories that related his travels such as to Harran and Damascus, the places where Ibn Taymiyyah was raised. He made observations on Taymiyyah concluding abruptly with the remark translated roughly as “in his head was a screw.”⁵² While Arab historiography would focus on Ibn Sina (Avicenna d. 1037) and Ibn Rushid (Averroes d. 1198), study of Ibn Taymiyyah would be mostly ignored throughout Medieval and Early Modern times with the exception of Ibn Battuta’s estimation. Western scholarship began to examine this significant figure in light of Ibn Battuta’s noted negative remark. Arabic, with its diacritical marks, was the language of his source material, the Islamic Holy Book,

⁵¹ Little, “Did Ibn Taymiyyah Have a Screw Loose?” *Studia Islamica* 41 (1975): 94.

⁵² *Ibid.*, 95. “Illa anna fi ‘aqlihi shay’an”. – Ibn Battuta/ as cited in *Hikaya* section of *Rihla*.

traditions, and law as well as the language of legal work.⁵³ Islamic religious texts present a formidable obstacle to the West's research; nascent Western scholarship of Ibn Taymiyyah, limited by Arabic's literary challenge, has been accused of over reliance on translated polemical accounts.

NINETEENTH CENTURY EUROPEAN POLEMIC

Ibn Battuta's (d. 1377) observation has had wide influence among Western scholarship on Ibn Taymiyyah. There was something "loose in his brain" according to French scholar Defremery (d. 1883)⁵⁴. He had "a screw in the head" wrote the Goldziher (d. 1921).⁵⁵ He "had a bee in his bonnet" from the German Wolfgang Behn (M.A. 1968).⁵⁶ Finally, "he had a screw loose" according to Scottish D. B. MacDonald (d. 1943).⁵⁷ Historiography of the past has been focal on his volatile conflicts with religious peers and sects that resulted in his physical altercations and imprisonments. English translations have introduced Taymiyyah's polemical *fatwa* writings against Christian's, Jews, Shi'a, Sufis, and others. His philosophical disagreements with authorities and subsequent arrests were studied. Donald Little quotes D.B. MacDonald writing in 1903, that Taymiyyah "had no use for mystics, philosophers, *Ash'arite* theologians, or in fact, for anyone but himself."⁵⁸ Relying on Ibn Battuta, D.B. MacDonald and Western

⁵³ Al Qur'an is the Holy Book which represents the story of the Jibril reciting the eternal word of Allah to Muhammad, *Haadith* are the vast collections of oral traditions of Muhammad and his Companions, and Sharia' is the law based these and other Islamic sources.

⁵⁴ "...il y avait dans son cerveau quelque chose de derange."

⁵⁵ [He]["Er] hatte er einen Sparren im Kopfe."

⁵⁶ Donald P. Little, "Did Ibn Taymiyyah Have a Screw Loose?," *Studia Islamica* 41 (1975): 95.

⁵⁷ Muhammad Umar Memon, "Review: Public Duties in Islam: The Institution of the Hisba by Ibn Taymiya by Muhtar Holland," *International Journal of Middle East Studies* 17, no. 1 (February 1985): viii.

⁵⁸ D. B. MacDonald, *Developments of Muslim Theology, Jurisprudence and Constitutional Theory* (New York: Charles Scribner, 1903), 273.

scholars established the Hanbali *qadi*'s contentiousness. Therefore, Western historiography in the nineteenth and early twentieth century focused on his polemic.

The “uncharitable caricatures” by these historians based on Ibn Battuta’s insult was scrutinized by subsequent scholars. University of Pennsylvania professor George Makdisi suggested a motive for Western criticism; he derided previous historiography on the grounds that Westerners failed to esteem one who would “write works in refutation of Christians and Jews.”⁵⁹ Makdisi asserted that Ibn Battuta’s comment was significant for coloring Orientalists’ perceptions of both Hanbalism and Ibn Taymiyyah.⁶⁰ Makdisi suggests that the minority status of Hanbalis, among the four legal schools, allowed greater attention by Western scholarship of fringe behavior, such as incidents of their enforcing morality on the street by breaking wine canisters or smashing flutes. Charges that a Hanbali jurist, Taymiyyah, was mentally imbalanced reinforced an image of the Hanbalis as a fringe group among the legal schools. Mohammad Khalil has subsequently criticized earlier Western historiography, making the case that Western historians were preoccupied with debate charging Ibn Taymiyyah with anthropomorphism (*tashbih*) and his personal invectives against opponents. Khalil asserted that this preoccupation with Ibn Taymiyyah’s religious conflicts was represented most clearly in his anthropomorphism debate. This debate centered on the accusation that he attributed human characteristics to Allah and his subsequent hearing in the home of a *qadi* where he

⁵⁹ Nancy Roberts, “Reopening the Muslim Christian Dialogue of the 13/14th Centuries: Critical Reflections on Ibn Taymiyyah’s Response to Christianity in *al Jawab al Sahih li man Baddala Din al Masih*,” *The Muslim World* 34 (1996): 342.

⁶⁰ George Makdisi, “Ibn Taymiyya: A Sufi of the Qadiriyyah Order,” *American Journal of Arabic Studies* 1 (1973): 118.

was forced to defend himself.⁶¹ As previously noted Western historiography narrowly examined Islamic theological conflicts. Debates between the Traditionalists and Rationalists and on anthropomorphism drew the attention of Western historiographers to Ibn Taymiyyah and his role in the theological conflicts. Traditionalists had thought Allah was *sui generis* (abstract and not concrete). Yet, Ibn Taymiyyah argued for “transcendent”, “immanent”, and even “concrete” properties as well. Such that Allah could even “have a hand.”⁶²

A more nuanced look at this medieval persona is the revisionist perspective of the perception of him as a Hanbali scholar naturally at odds with the world. Henri Laoust (1954) described the efforts of Ibn Taymiyyah as having sought *wasat* (a happy medium) and suggested the synthetic nature of his work between madrasas and sects.⁶³ However, A.A.M. Shereef (1985) pointed out the dearth of information in Western sources and nearly exclusive Arabic references. Laoust’s works in French were the exception to a void in Western investigation according to Shereef. Western research on Ibn Taymiyyah was lacking and even Arab writers largely overlooked the magnitude of his scholastic contribution. Shereef characterized Ibn Taymiyyah as marginalized, if not ignored, by Arab historiography:

If there is any writer in the field of Islamic studies who has scarcely been acknowledged or objectively assessed by later generations for his enormous contribution, both in terms of literary legacy and community role, it is Ibn Taymiyyah.⁶⁴

⁶¹ Khalil, “A Closer Look at 19th and 20th Century Western Obsession with the Medieval Muslim Theological Obsession with Anthropomorphism,” *Ibid.*

⁶² *Ibid.*

⁶³ The Encyclopaedia of Islam, New ed., s.v. “Ibn Taymiyyah.” 953.

⁶⁴ A.A.M. Shereef, “Review: Ibn Taymiyyah’s Ethics: The Social Factor by Victor E. Makari,” *Bulletin of the School of Oriental and African Studies* 48 (1985): 348.

HENRI LAOUST

Henri Laoust is significant for representing the lone Western scholarship on Ibn Taymiyyah in his mid-twentieth-century scholarship. Laoust completed his dissertation on Ibn Taymiyyah's political and social thought in 1939. In 1952, he translated *Public Duties* by Taymiyyah. He was subsequently selected by Bernard Lewis and Joseph Schacht to write the Ibn Taymiyyah entry in the 1971 *Encyclopaedia of Islam*. His vast and monumental inquiry into the person and work of Ibn Taymiyyah stood in stark relief to the absence of research in European languages. His contribution to the *Encyclopaedia of Islam* briefly mentioned *jihad* and left out entirely his novel thoughts on *jahiliyya* (declaring governments illegitimate). Laoust described Taymiyyah's early life, conflicts, theological views, and previously neglected issues such as his synthesis of Islamic schools' thought in his rulings. In Laoust's view, Ibn Taymiyyah "aimed to integrate and harmonize in a solidly constructed doctrine" showing a "conservative reformism".⁶⁵

While earlier views may have been unfair or polemic, Laoust presented a more balanced and comprehensive look at Taymiyyah's conflicts and controversies. This included assessment of his opponents and their debates. Laoust described the Qarmatian view of the created-ness of the *Quran* as it related to Taymiyyah's opinion.⁶⁶ He examined Taymiyyah's polemic writing against Shi'a Islam and "Imam Ali's apocryphal writing style."⁶⁷ Finally, Laoust studied Taymiyyah's critique of Ibn Sina (Avicenna)

⁶⁵ The *Encyclopaedia of Islam*, New ed., (Leiden: Brill, 1954), s.v. "Ibn Taymiyyah.", 953.

⁶⁶ Henri Laoust, *L'Influence d'Ibn Taymiyyah, Islam: Past Influence and Present Challenge* (Albany, NY: SUNY Press, 1979), 17. "Ibn Taymiyyah "pour sa part, estime que la mihna marque le commencement de l'heresie qarmate."

⁶⁷ *Ibid.*, 19. "Nahj al balagha dits attribues a l'imam Ali, don't Ibn Taymiyyah devait denoncer le caractere apocryphe et le style ampoule."

and his philosophy (*falasifaya*) school.⁶⁸ In sum, Laoust depicted Taymiyyah as in conflict with the social milieu. He was accused by one of his “enemies” of being a secret “batinite”, one who found mystical secrets in the *Quran* or hidden knowledge.⁶⁹ The term was pejorative and was effective in casting suspicion on an enemy. Ibn Taymiyyah called his community worse than the Jews and Christians in his criticism of Alawi.⁷⁰ Laoust surmises that Taymiyyah’s personality comes through in his *al-Hamawiya al-Kubra*. Taymiyyah wrote this *fatwa* for the people of Hama “rudely, uncharismatically, and dogmatically.”⁷¹ This is the *fatwa* that resulted in his previously noted conflict with the *Hanafite* jurist (*qadi*) Ahmad al-Razi (d.1345) that required intercession by Prince Jaghan, governor of Damascus, and Shafi’ jurist Umar al-Qazwini (d. 1300).⁷²

Thus, Western historiography had clearly focused on his conflicts against his opponents citing the acerbic theological attacks he made against them. Against this, Laoust greatly expanded his inquiry on Ibn Taymiyyah. One such example was his 1952 translation of Taymiyyah’s *Siyassa Sharia*, an essay regarding Islamic law. Laoust was instrumental in beginning the work of analyzing and even translating the vast trove of Ibn Taymiyyah’s works. This was foundational to his further work on Ibn Taymiyyah, including examination of the nature of his theology. As Laoust noted, “The significance of Ibn Taymiyyah lies in his forming Neo-Hanbalism and being of a family of

⁶⁸ Ibid., 33. [They][Ils] ont toujours considere la Loi (namus) de Muhammad comme superieure a celles de Moise ou de Jesus-lesquelles etaint elles-memes superieures a celle des Grecs”.

⁶⁹ Ibid., 21. [He][Il] “qui le lave de l’accusation d’avoir ete un cryptobatinite, ne lui reproche pa moins d’avoir”.

⁷⁰ Ibid., 187. “Ibn Taimiya composa son fatwa sur les nusairis, qu’il declarait plus heretiques que les Juifs et les Chretians”.

⁷¹ Ibid., 24.

⁷² Ibid., 27.

traditionalists for Sunni Islam.”⁷³ He was significant as “one of the writers who have had the greatest influence on contemporary Islam, particularly in Sunni circles.”⁷⁴

Taymiyyah fled south from Mongol invasions, studied under Damascus’ Hanbali chief jurist, Shams al-Din abd al-Rahman al-Makdisi the Hanbali *qadi* in Syria after Baybars reorganization, succeeded his father as director of the mosque in 1284, and participated in the *Hajj* in 1292, while denouncing *hajj* rituals. His first political foray was in 1293, against Assaf al-Nasrani Suwayda for “insulting” the prophet. Taymiyyah was subsequently imprisoned at the Adhrawiyya. He wrote *al-Sarim al-Maslul ala Shatim al-Rasul* and taught at the oldest *madrassa* following the death of his teacher al-Munadija. He was appointed to exhort *jihad* against Little Armenia in 1299 by Sultan al-Malik Lajin and wrote critiques of Ash’arism and *kalam* in *Hamat al-Hamawiyya al-Kubra*. The Hamawiyya was a statement of belief that was highly critical of the philosophical aspects promulgated by al-Ashari (d. 983) and other pagan Greek influences (*kalam*). His subsequent conflicts included his refusal to acknowledge Hanafi *qadi* al-Razi over anthropomorphism (*tashbih*), sharp writings against hashish violations and social practices committing what was forbidden (*haram*) under the *sharia*. Taymiyyah attacked the Kasrawan *Shiites* who appeared to aid and abet Crusaders and he involved himself in many ideological squabbles for which he wrote *fatawa*. Henri Laoust pointed out his efforts to support *jihad*. He not only supported the sultan’s call against Little Armenia, but also served as “spokesman” against the Mongol invasion in 1300, traveled to Cairo to urge *jihad* against Mongol threat in 1301 and 1302, as well as

⁷³ Ibid., 266. My paraphrase of: “Un fait domine l’histoire du sunnisme sous les Mamluks: la formation du neo-hanbalisme, don’t le promoteur, Ahmad b. Taimiya, appartenait a une famille de traditionnistes et de juriconsultes deja connus.”

⁷⁴ Ibid., 267.

excused, in his *fatwa*, the Jihadists from *ramadan* in the subsequent victory against the Mongols at Shakhab in 1303.⁷⁵

In 1985, Muhtar Holland translated Ibn Taymiyyah's *Public Duties in Islam: The Institution of the Hisba*. This work, full of religious fervor and emotional editorials, presented Ibn Taymiyyah's thoughts on commercial enterprise or, public duties, in the Islamic *umma* (community). It is consistent with his other writings in which all aspects of religious, political, legal, and social activities are subsumed under devotion or obedience to Allah.⁷⁶ This work notably revealed Ibn Taymiyyah's perceptions on how to relate to deity in the act of buying and selling.

IDEOLOGUE OF MODERN RADICALS

Late twentieth century historiography recognized the role of Ibn Taymiyyah in Medieval Islam on modern radicals. The search for the ideologues and intellectual antecedents on modern radicalism identified Ibn Taymiyyah in their thought and writings. From the assassination of Anwar Sadat (d. 1981) to the attacks on 9/11, historians scrutinized the nexus of this medieval Islamic authority. Research and translation of Arabic primary sources now regularly cite Taymiyyah as their medieval source and inspiration. Ibn Taymiyyah occupies notable prominence in the writings of Sayyid Qutb and Osama bin Laden's activist writings. Egyptian Sayyid Qutb was the brother of Mohammad Qutb, distinguished professor of Islam and Osama bin Laden's professor at King Abdul Azziz University of Saudi Arabia. Sayyid Qutb's credentials were earned in an Egyptian teachers' college that included study of education in the U.S. However, his

⁷⁵ The Encyclopaedia of Islam, New ed., s.v. "Ibn Taymiyyah." 951.

⁷⁶ Muhammad Umar Memon, "Review: Public Duties in Islam: The Institution of the Hisba by Ibn Taymiyyah; Muhtar Holland," *International Journal of Middle East Studies* 17, no. 1 (February 1985): 141.

study of Islamic texts and use of Ibn Taymiyyah's thoughts created an ideology that heavily influenced the Muslim Brotherhood in Egypt, as these utilize his views of warfare (*jihad*), days of ignorance (*jahiliyya*), and house of war (*bayt al-harb*) as the basis for modern radicals' attacks. Professor of Middle Eastern Studies/Islam and National Security Issues at University of Southern California, Hrair Dekmejian, in 1985, suggested that he played into an Islamic "cyclical dynamic of crisis and resurgence" where the crises in his time were the crusader threat and Mongol invasions.⁷⁷ Hrair Dekmejian paralleled Ibn Taymiyyah's students, Ibn Kathir and Ibn Qayyim, and their exhortations to "*jihad*" subsequent to the fall of the Abbasid Dynasty against the Crusader threat, with the Muslim Brotherhood and Sayyid Qutb and their response to the crisis of colonialism, the rise of nationalism, and Western cultural invaders.⁷⁸ The significance of Ibn Taymiyyah, reported Dekmejian, was his "specifying between Muslim faithful and the 'marginal'" on the basis of complete adherence to, and implementation of *sharia* by the caliph. He noted Sayyid Qutb's reliance in his writings on Taymiyyah, notably Taymiyyah's assertion that the Mongols were "apostates". Dekmejian concluded he "had provided Qutb with the rudiments of a theory of revolution, a divinely sanctioned right to overthrow *jahili* rulers" who lived apart from the wisdom of Islam.⁷⁹

About Enein referred post 9/11 to Ibn Taymiyyah and the Kharijites as "fringe groups" for use of the term *jahiliyya*. He called attention to the classical use of this word

⁷⁷ Hrair Dekmejian, *Islam in Revolution: Fundamentalism in the Arab World* (Syracuse, NY: Syracuse University Press, 1985), 10.

⁷⁸ *Ibid.*, 40.

⁷⁹ *Ibid.*, 86.

denoting the *Meccans* who fought Muhammad before the capitulation of the city.⁸⁰ Enein, in his interpretation of the thought of Maher al-Charif, professor of Contemporary Islamic Thought at L'Institut Francais du Proche-Orient at The University of the Sorbonne Paris. His *L'évolution du Concept de Jihad dans la Pensée Islamique* details the development of *jihad* from first century Islam. Enein explores Charif's description of Muhammad's use of the pejorative term "age of ignorance" (*jahiliyya*: darkness) to describe pre-Islamic Arabs prior to their receiving a book or faith to follow. This darkness, or ignorance, was a period that ended with the advent of Muhammad. Enein's objective was to identify current radical or fundamentalist practice as an innovation or addition to pure Islam. Strategically, this would enable the United States military and government the opportunity exploit modern radicals as contrary to pure or traditional Islam, and thus legitimately negate violent action. Enein argued that failure to follow Islamic Law or customs can today no longer be described as *jahiliyyah*.

The significance of Ibn Taymiyyah in the mid-1990's view of Bernard Weiss was not merely as a Hanbali scholar from a family of Hanbali scholars, or voluminous writer, but for his "reformist spirit."⁸¹ Weiss presented a revolutionary with "outspoken criticisms of the established order" who was "irksome to the political authorities."⁸² His activism led to his imprisonment and limited the length of his treatises. Ibn Taymiyyah,

⁸⁰ Youssef Aboul-Enein, "Ayman Al Zawahiri: The Ideologue of Modern Islamic Militancy," *The Counter-Proliferation Papers Series* 21 (2004) 12.

⁸¹ Muhammad Khalid Masud, Brinkley Morris Messick and David Stephan Powers, *Islamic Legal Interpretation: Muftis and Their Fatwas* (Cambridge, MA: Harvard University Press, 1996), 63.

⁸² *Ibid.*

the revolutionary, was then left with *fatwa*, which became “for him a major vehicle for the (continuing) expression of his ideas.”⁸³

Twenty-first century historiography has recognized the thought and writings of Taymiyyah as these have justified modern radicals. Others have explored his methodologies and motivations, as they would find independence in his writings with intent to bring harmony to the legal and social milieu he lived in. In this view Ibn Taymiyyah’s legal and religious rulings are seen in the context of a diverse religious body, divided into the three major branches of Shi’a, Sunni, and Sufi Islam. Islam was parceled out politically to sultans of the Mamluk state in Cairo, Byzantine possessions in Syria and Turkey, and Crusader fortresses around the Mediterranean and diverse kingships from Morocco to Iran. Ibn Taymiyyah spoke to a fatalistic lower class with little influence and a Mamluk political and religious elite who held wealth and power. There was no middle. Weiss, in clarifying the differences between rigid consensus and tacit consensus (*ijma sukuti*), showed where Ibn Taymiyyah declined legal rulings from the Hanbali, Shafi, and Hanafi schools or consensus (*ijma*) from a well know previous jurist known to be in agreement with his peers.⁸⁴ He instead cited a Prophetic *hadith* allowing a Muslim worshipper to continue with the Islamic prayers under a prayer leader thought to be in violation of rules for leading prayer. All but the Maliki School stated that an Imam or leader of the prayers who had a nosebleed or touched a woman out of desire invalidated Muslim’s prayers who knew of the violation. In deciding this case, issuing a *fatwa* affirming the legitimacy of any worshipper’s (*ma’um*) not using the

⁸³ Ibid.

⁸⁴ Masud, Messick and Powers, *Islamic Legal Interpretation: Muftis and Their Fatwas*, 70.

consensus of an important predecessor, when there was great disagreement between the four legal schools, Taymiyyah eliminated any constraints on the unity of the Islamic community from assembling and fulfilling their Islamic obligatory prayers. He contradicted previous tacit consensus and legal rulings from even his own school to conform to the “tolerant spirit” displayed between the four major Sunni schools.⁸⁵ Weiss recognized his “appeal to reasonableness.” Frank Vogel characterized Taymiyyah as one who was at odds with others, not that “Ibn Taymiyyah rules against all,” citing ruling his “against an irreversible triple divorce.”⁸⁶ Weiss, Vogel, and others corroborated on an image of Ibn Taymiyyah as a non-conformist.

The recent “security” centered scholarship on Taymiyyah has focused on his writings’ influence of modern radicals, Ibn Taymiyyah’s concept of *jahiliyya* and *jihad* in particular. William Shepherd identified his concept *jahiliyya* as one of the “most striking ideas” of radical Islam.⁸⁷ He ascribed the twentieth-century doctrine to Sayyid Qutb. However, Shepherd asserted that Qutb’s view on *jahiliyya* had not been well researched, as the medieval scholar Ibn Taymiyyah was Qutb’s exclusive source for *jahiliyya* in such works as *The Neglected Duty*.⁸⁸ He acknowledged the continuation of Arab “customs” that rejected Islamic law as *jahiliyya* “in a restricted sense,” while the “absolute sense” of the term ended at the capitulation of Mecca to Muhammad.⁸⁹ Emmanuel Sivan also examined the “new *jahiliyya*” and the “affinity” of the New Radicals for Ibn

⁸⁵ Ibid., 71.

⁸⁶ Frank Vogel, *The Complementarity of Ifta and Qada: Three Saudi Fatwas on Divorce* (London: Harvard University Press, 1996), 265.

⁸⁷ William E. Shepard, “Sayyid Qutb's Doctrine of ‘Jahiliyya’,” *International Journal of Middle East Studies* 35, no. 4 (Nov 2003): 521.

⁸⁸ Ibid.

⁸⁹ Ibid., 523.

Taymiyyah.⁹⁰ While having noted Ibn Taymiyyah's influence, Sivan did not see Sunni Islam's historical continuity with fundamentalism or radicalism. Sivan would find Ibn Taymiyyah's and modern radicals "revolt" against Islamic government anomalous to early Sunni history as he perceives a theoretical emphasis to tolerate and not rebel against the government in power. Sivan identified the "New Radicals" important concepts of days of ignorance (*jahiliyya*), warfare (*jihad*), designating Muslims as apostates (*takfir*), and oneness of Allah and subsequent unity of Islam (*tawhid*). He appraised Ibn Taymiyyah's significance for his impact on the writings of Sayyid Qutb and Mawdudi.⁹¹

Ahmad Moussalli sees Ibn Taymiyyah as the "most significant medieval thinker among the fundamentalist, especially the radicals."⁹² Maher al-Charif, in *Evolution of Concept of Jihad in Islamic Thought (Tatawwur mafhoum al-jihad fi-l-fikr al-islami)* presents Ibn Taymiyyah as a "child of conflict," born five years after the sack of Baghdad and the fall of the Abbasids and participating in the Mongol and Mamluk conflict by actively engaging in the Mamluk defense of Damascus.⁹³ Charif offers a rare examination of Ibn Taymiyyah's notion of *jihad*. *Al Siyasa al Shariyah* states regarding *jihad* that "warfare (is sanctioned)...after migration from Mecca to Medina." *Jihad* occurs in "phases" of evangelism (*dawa*) and then afterwards warfare (*jihad*). According to the *Qur'an*, "*jihad* was necessary for all areas that received Muhammad's message and

⁹⁰ John Voll, "Review, Radical Islam: Medieval Theology and Modern Politics by Emmanuel Sivan," *International Journal of Middle Eastern Studies* 19, no. 2 (May 1987): 258.

⁹¹ *Ibid.*, 259.

⁹² Ahmad S. Moussalli, *Radical Islamic Fundamentalism: The Ideological and Political Discourse of Sayyid Qutb* (Beirut: AUB Publishers, 1992), 40.

⁹³ Maher al-Charif, *Evolution of the Concepts of Jihad in Islamic Thought* (Damascus: Mada Publishing Company, 2008), 3.

refused it” to avoid dissent (*fitna*).⁹⁴ Maher finds Taymiyyah, holding *jihad* as a higher obligation than the Meccan pilgrimage, fasting or prayers (*hajj*, *saum*, or *salat*) based on his reading *surat* 61:10-12 in the Qur’an.⁹⁵

Along with most other scholarship, he is a “Hanbali scholar” and significant influence on *Sunnism*. Moussalli sees his life and work “reacting to Mongol invasions” and “disruption of normal life in the Islamic world.”⁹⁶ He connected Ibn Taymiyyah to Wahhabism and the Muslim Brotherhood in regard to his writings on “*tawhid*, *taqlid*, and *ijtihad* (reason).” Moussali appears to suggest a comparison between Ibn Taymiyyah and modern fundamentalists on the critique of “legitimacy” of human thought, such as theology or philosophy. He goes so far as to assert that Qutb and Faraj relied on his jurisprudence regarding whether the Mongols were *kufir* or Muslim for their “designation” of legitimate modern governments.⁹⁷

In sum, Taymiyyah’s teachings and activities appeared to supply literary justification for Islamic modern radicals. Thus it is not unreasonable to understand how a negative view of Ibn Taymiyyah persists. Next to striving against the Mongols and Islamic disruptions, in Moussalli’s view the other captivating force on Ibn Taymiyyah was the “absolute supremacy of the *Qur’an* and *sunna* of prophet.” Yet Moussalli concluded that although he exemplified “extreme literalism” he was not a “traditionalist” or believer in *taqlid*. Moussali perceived that Taymiyyah did not confine himself to the texts of Islam in making his legal decisions like the “traditionalist” who narrowly

⁹⁴ Chapters and verses, or *suras and ayat*, al Hajj, 39 and al Baqara, 216.

⁹⁵ *Ibid.*, 5.

⁹⁶ Ahmad S. Moussalli, *Radical Islamic Fundamentalism: The Ideological and Political Discourse of Sayyid Qutb* (Beirut: AUB Publishers, 1992), 105.

⁹⁷ *Ibid.*

interpreted law based on these texts. *Taqlid* is the imitation in law, or copying, of previous legal decisions, typically of the founder or important jurists from one's school. Moussali recognized that both as a Hanbali and as a practitioner of independent reasoning, Taymiyyah was no imitator (*mutaqlid*) relying exclusively on the work and rulings of prior jurists.

The concept of Islamic roots to modern radicalism is inundated with assertions of medieval influences. Hrair Dekmejian writes "no less significant was Ibn Taymiyyah's influence on abu Mawdudi... and Sayyid Qutb."⁹⁸ His novel rulings and *fatwa* writings on *jihad* and *jahiliyya* have clearly been a popular source among modern radicals. As a consequence, Western analysts have only recently initiated serious study of Ibn Taymiyyah, while the nature of his religious and legal writings are still debated by Arab writers. While he is easily seen to have influenced modern Wahhabism, Muslim Brotherhood, and Salafi movements and groups, as well as notorious figures such as Sayyid Qutb and Osama bin Laden, history is still waiting a fair and complete look at his enormous contribution to many facets of Islamic jurisprudence.

The significance of Ibn Taymiyyah in intelligence and security research is that "no understanding of the evolution of *jihadist* thought is complete without discussing ... Ibn Taymiyyah."⁹⁹ Post 9/11 analysis found he "would set the concept of *jihad* towards a more radicalized trajectory" and that the vehicle for Ibn Taymiyyah's thoughts penetrating militant Islamist ideology, was his imprisonments and death.¹⁰⁰ This

⁹⁸ Hrair Dekmejian, *Islam in Revolution: Fundamentalism in the Arab World* (Syracuse, NY: Syracuse University Press, 1985), 40.

⁹⁹ Youssef Aboul-Enein, "Review: Evolution of the Concept of Jihad in Islamic Thought, Maher al Charif," *Infantry* (January-February): 20.

¹⁰⁰ *Ibid.*

suggested that what was relevant to modern radicals was the praxis, suffering, and *jihad* of Ibn Taymiyyah. This medieval ideologue was significant to the previously mentioned author of *The Development of the Concept of Jihad in Islamic Thought*, professor Maher al-Charif for having declared the Mongol government apostate for their implementation of *Yasa* law and failure to implement *sharia* law.¹⁰¹ Professor of Middle Eastern Studies at Harvard University, Shahab Ahmed also affirmed the utilization of his writings by modern radicals. He distinguished “pre-modern and modern” Islamic movements from earlier Islam according to the “primacy accorded his writings” by these movements.¹⁰²

The 9/11 Commission also recognized the concept of cycles or “surges” in “fundamentalism.”¹⁰³ Ibn Taymiyyah was mentioned by name in the *9/11 Commission Report* as a medieval influence on Osama Bin Laden. “One scholar from the fourteenth century from whom Bin Laden selectively quotes, Ibn Tamiyyah, condemned both corrupt rulers and the clerics who failed to criticize them.”¹⁰⁴ Further defining the link between modern radicals and Ibn Taymiyyah, the report stated,

Bin Laden and other Islamist terrorist leaders draw on a long tradition of extreme intolerance within one stream of Islam...from at least Ibn Taymiyyah, through the founders of Wahhabism, through the Muslim Brotherhood, to Sayyid Qutb.¹⁰⁵

One striving for piety of the community is seen in one who, “would enforce morals on the street” and lived at odds with community with his “divisive preaching.”¹⁰⁶

¹⁰¹ Ibid.

¹⁰² Shahab Ahmed, “Ibn Taymiyyah and the Satanic Verses,” *Studia Islamica* no. 87 (1998): 67.

¹⁰³ Ibid.

¹⁰⁴ Ibid., 69.

¹⁰⁵ 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks upon the United States (Government Printing Office: Washington D.C., 2007), 362.

¹⁰⁶ Ibid., 20.

Evolution of Jihad in Islamic Thought concurred with previous literature on Ibn Taymiyyah. He was “heavily influenced by Ahmed Ibn Hanbal” who stressed the original textual sources (*na’iss*)... and is presented as a man integral to the community (*umma*) and faithful to the teachings of Hanbal.¹⁰⁷ Shereef acknowledged that he stressed the textual sources (*na’iss*) over interpretive reasoning (*aql*) and cooperated with the caliph. His greatest responsibility was the “governance” of the community (*umma*) for true faith (*eman*).¹⁰⁸ True faith meant that the Islamic government acquiesced to the Ulama, or scholars of Islam, and fulfilled the collective duties such as *jihad*, forbidding the wrong and commanding right actions in the Islamic community, and provided for the orderly worship of believers under their authority. Yet later scholarship would question Ibn Taymiyyah as the typical Hanbali. Destroying wine and flutes in the streets in typical Hanbali fashion and strict conforming to Ibn Hanbal’s rulings through imitation would be later criticized.¹⁰⁹

QUESTIONING EARLIER ASSUMPTIONS

Historiography had typically perceived Ibn Taymiyyah as a Hanbali. Categorizing him as following Hanbal, presenting rulings in accordance with Hanbal, and following this school’s practices lacked serious analysis of his expansive legal rulings. While Laoust had mentioned his efforts toward synthesis of the *madhhabs* and emphasis on the happy medium (*wasat*), others would analyze the extent of congruence between him and the eponym of his *madhhab*. Abdul Hakim al-Matroudi contributed to the historiography by noting the lack of study on him or comprehensive look at his legal

¹⁰⁷ Ibid., 21.

¹⁰⁸ Ibid.

¹⁰⁹ Ibid., 7.

rulings in their entirety. Matroudi affirmed a significant gap in western historiography regarding Ibn Taymiyyah as a jurist. The theology and polemics of Ibn Taymiyyah had been explored while his significant role and contribution to Islamic jurisprudence was missed.¹¹⁰ Scholarship was still deficient even in 2006 as al-Matroudi provided Western historiography “the first monograph in a European language to provide a comprehensive survey of Ibn Taymiyyah’s jurisprudence.”¹¹¹

While Ibn Taymiyyah the jurist was ignored, historiography had yet to examine in detail his thought in comparison to his school of Hanbal. Al-Azhar University scholar Muhammad Abu Zahra listed Ibn Taymiyyah’s sources as text in the form of the *Qur’an* and *Sunnah (nass)*, consensus (*ijma*), analogy (*qiyas*), opinion of the Companions, lack of restrictions (*istihab*), unrestricted public good (*maslaha mursalah*), and denial of blocking legal means for illegal ends (*sadd al-dhara’i*). Al-Mansur added custom to this list of Taymiyyan sources.¹¹² Al-Matroudi effectively demonstrated a gap and need for a systematic look at the sources for Ibn Taymiyyah. He related his conclusions that Ibn Taymiyyah’s source of Hanbal was not from a comprehensive study. Those who agreed did not identify those sources but the confusion lay in Ibn Taymiyyah’s failure to have written a “complete treatise” on his sources of law.¹¹³ Matroudi, then, represented a critique on the accepted historiographical view of whether Ibn Taymiyyah is justified in being named a Hanbali scholar. Matroudi also began to ask the question whether Ibn

¹¹⁰ Yossef Rapoport, “Review: The Hanbali School of Law and Ibn Taymiyyah: Conflict or Conciliation,” *Islamic Law and Society* 14 (July 2007): 287.

¹¹¹ Ibid.

¹¹² Matroudi, *The Hanbali School of Law and Ibn Taymiyyah: Conflict or Conciliation*, 39.

¹¹³ Ibid.

Taymiyyah was an imitator (*muqallid*) or interpreter (*mujtahid*) of Islamic law.¹¹⁴

One German source in 1996, *Islamsches Recht in Theorie und Praxis*, examined legal history in reference to Ibn Taymiyyah. Al-Matroudi criticized the work for looking at only one category of legal opinion, the law of sale, and then focusing more on *ijtihad* than legal thought.¹¹⁵

Shahab Ahmed questioned the “content” of Ibn Taymiyyah’s influence. The context of his questioning is Shahab’s attempt to distance Muhammad from praising the moon goddesses at Mecca in *Qissat al-Gharaniq* (Sura of the cranes in the *Qur’an*).¹¹⁶ Ahmed points out that nineteenth-century Turkish and Muslim opinion held Wahhabism as a traditionalist belief but Ibn Taymiyyah’s as heretical. Shahab Ahmed theorized that:

There is a tendency to characterize him a little too readily and a-historically as "traditionalist" or "orthodox", with insufficient consideration of the applicability in medieval history of the modern meaning of these terms, or of the degree of congruence between the selective modern invocations of Ibn Taymiyyah's writings and the larger body of his often original ideas and methods.¹¹⁷

Ahmed’s *Ibn Taymiyyah and the Satanic Verses* identified Ibn Taymiyyah’s acceptance of the historicity of Muhammad quoting Satan into the Qur’an. Yet this contradicted the prevailing thought of previous Islamic scholarship or traditions. It especially contrasted the generally held and sensitive Islamic belief of the infallibility of a prophet. Ahmed interpreted this as occasion to perceive the “synthetic originality” of Ibn Taymiyyah’s

¹¹⁴ Ibid., 2.

¹¹⁵ Ibid., 39. The remainder of the title is: *Analyse einiger Kaufrechtlicher Fatwas von Taqi'd Din Ahmad b. Taymiyyah*.

¹¹⁶ In Islamic literature, this is Sura 53. It is the story that was later revealed to Muhammad as having come from Satan (Shaytun). It therefore annulled, or abrogated, Muhammad’s statement of Allah having al-Lat as a wife and al-Uzza and Mannat as daughters. This is the Qur’anic story that created such controversy for Salman Rushdie.

¹¹⁷ Shahab Ahmed, “Ibn Taymiyyah and the Satanic Verses,” *Studia Islamica* 87 (1998): 68.

“ideas and methods.”¹¹⁸ Ahmed found Ibn Taymiyyah to be the “pre-eminent medieval authority” for “Wahhabis, Salafis and... various Muslim Brotherhoods.”¹¹⁹ In addition, Ahmed portrays Ibn Taymiyyah’s theology as based on his comprehension of essential concepts: “meaning of *ismah*,” “nature of the prophets,” veracity (*sidq*), repentance (*tauba*), deletion of revelation (*naskh*) and validation of hadith (*isnad*).¹²⁰ To conclude Ahmed’s thesis, Ibn Taymiyyah’s concepts of *ismah* and *ma’sum* have been unexamined in the literature and the significance of holding the prophets as fallible with the Satanic Verses is cause to question his doctrine.

However, the force and significance of this medieval figure had yet to be examined with appropriate attention apart from study of his personal and religious conflicts and influence on modern radicals. His role in the Hanbali School, his theological views, and enormous contribution to Sunni law still awaited more investigation.

RECENT QUESTIONS

Security centered historiography found Ibn Taymiyyah’s concept of *jahiliyya* justification for rebellion. Mohd Farid bin Mohd Sharif demonstrated a revision of such prior conclusions. Sharif argued that aspects of Ibn Taymiyyah’s thought tempered if not forbade rebellion against unjust religious leaders and political leaders. Referencing his *Aqida al-Wasitiyya*, Sharif suggests that removal of an unjust ruler typically required

¹¹⁸ Ibid., 68.

¹¹⁹ Ibid., 119.

¹²⁰ Ibid., 78.

extensive *jihad* that is not in the interest of the public good.¹²¹ He quotes the following *hadith*:

The best of your imams are those whom you love and who love you, and for whom you pray and who pray for you: and the wicked of them are those of whom you are jealous and who are jealous of you, and whom you condemn and who condemn you. The men asked: "Should we not then fight them on this?" The Prophet answered: "No, as long as they pray. Beware! If anyone is ruled by the imam and he sees him doing something that is a disobedience to God he should disapprove this disobedience but should not rebel against the imam."¹²²

Imam and caliph should be left in office to avoid disruptive *jihad* or as Sharif interpreted Ibn Taymiyyah, verbal confrontation of the Islamic authority is *jihad*.

The historiography of this decade has examined more closely previous conclusions to reveal new questions. Yossef Rapoport's perspective on Ibn Taymiyyah's ruling on Triple Divorce questioned ideas that attributed the struggles (*mihan*) of Ibn Taymiyyah to contentions relative to the ruling authority. Rapoport claimed "modern scholars" based their opinion that his conflicts were of a personal nature on the *Ibn Qayyim al-Jawziyya*. Ibn Qayyim's statement that Ibn Taymiyyah's enemies "found no way to refute his doctrines other than petitioning the sultan" influenced the trend that Ibn Taymiyyah's conflicts were with a contemporary jealous religious elite.¹²³ Laoust attributed divorce and visitation conflicts to opposition scholars especially the Maliki. Taymiyyah would be summoned to Bahri Mamluk religious courts to examine his writings such as a *fatwa*. With four legal schools representing the Islamic community, competition by the *ulama* from these schools for believers adherence to one's school or

¹²¹ Mohd Farid bin Mohd Sharif, "Baghy in Islamic Law and the Thinking of Ibn Taymiyya," *Arab Law Quarterly* 20, (3)(2006): 304.

¹²² *Ibid.*, 305.

¹²³ Michael Winter and Amalia Levanoni, *The Mamluks in Egyptian and Syrian Politics and Society* (Leiden: Brill, 2004), 210.

favors from the emirs or sultans could also motivate rivalry or jealousy of a jurist from an opposing school. While the Shafis shared some affinity to traditionalism with the Hanbalis, the Malikis did not. Little blamed the *ulama* for his arrests, and Ashtor saw the military elite responding to contemporary scholars to preserve their authority.¹²⁴

In 2005, Princeton historian Michael Cook organized a conference on Ibn Taymiyyah. Visiting scholars Shahab Ahmad and Yossef Rapoport edited the proceedings as *Ibn Taymiyyah and His Times* in 2010. Mona Hassan and Caterina Bori and others revisited Taymiyyah's works relative to his religious, political, and social milieu. They posed questions such as "what aspects of his personal biography, social network and communal allegiances informed the development of his ideas."¹²⁵

The editors of *The Life and Times of Ibn Taymiyyah* called for two monumental works. They recommend the creation of a synthesis and an updated monograph to replace Henri Laoust's:

The sheer scale of Ibn Taymiyyah's writings, the diversity of subjects and disciplines, and the different contexts in which he was and is invoked, require, almost by necessity, a collective effort of interpretation. Over the last few years there have appeared in western languages up-to-date and scholarly monographs on central aspects of Ibn Taymiyyah's thought, such as his theodicy and legal thought, as well as a new biography. As yet, however, there has emerged no coherent synthesis that could serve as a standard introduction to the study of Ibn Taymiyyah's work and legacy.¹²⁶

They thus called for new work to replace Laoust's. They concluded "Laoust's ground-breaking and monumental scholarship is by now mostly surpassed, but has not yet been replaced."

¹²⁴ Ibid., 210.

¹²⁵ Yossef Rapoport and Shahab Ahmed, *Ibn Taymiyya and His Times* (Karachi: Oxford University Press, 2010), 5.

¹²⁶ Ibid.

In summary, this 2005 historiography on Ibn Taymiyyah began with the eulogies of his students' biographies. Next, Arab historians marginalized him. Western polemical accounts recounted his conflicts, imprisonments, and disdain for Sufi, Shia, Christian, and other perceived heretics. Henri Laoust produced groundbreaking research and translations. Then, his newly translated works and presence in biographical material were investigated to examine his theology. Finally, the nuances and subtleties of his theological debates and holistic motivations for his writings are being reexamined. The historiography has developed to a stage where his method, objectives, and opponents can be better understood to examine one aspect of his jurisprudence, independent reasoning, and the consequences of it in early fourteenth-century Mamluk Cairo.

III. IJTIHAD

INTRODUCTION

Ijtihad is a practice by an Islamic legal expert who is qualified to examine the original sources of Islamic law and interpret a ruling to be understood for those having standing or requiring rulings. Quite understandably, *ijtihad* is a highly nuanced and historically evolved concept. This can be seen in changes in its form throughout the first four centuries of the development of Islamic law. Traditions, such as *hadith*, evolved from oral to written sources. There was also a shift regarding the nature of Islamic authority, from the combined military and religious authority of Muhammad, to his successors, and finally with religious authority dispersed to the *ulama* of the four legal schools of Islamic *sharia*. Throughout these developments, etymological adaptations and metamorphoses in terminology occurred. It is understandable that these political, religious, and geographical changes over seven centuries necessitate that we examine the aspects of independent reasoning specific to the lifetime of Ibn Taymiyyah under the

authority of the Bahri Mamluks. This will allow us to avoid the arguments from scholars trying to define or discuss this term but failing to acknowledge its evolution throughout thirteen centuries of Islamic custom. Contextualizing thirteenth-century *ijtihad* during the Bahri Mamluk period is essential before an examination of its praxis concerning Ibn Taymiyyah can be attempted. Then, a determination whether he did in fact practice it, that is to say acted as a *mujtahid*, can be accomplished. Following a determination that he practiced *ijtihad*, it can then lead to our classifying what type of Mujtahid he was.

A solid starting point for understanding the background to Ibn Taymiyyah and *ijtihad* would be Joseph Schacht's description of the basis of Islamic law:

Branch of legal learning [that] is the discipline of the *usul al-fikh*, the 'roots' or principles from which Islamic law is derived, in other words, Islamic legal theory... In its final, or classical form, it recognizes four official bases: the *Koran*, the Sunna of the prophet, the *consensus* of the scholars, and reasoning by analogy, that is to say, two material sources, a method, and a declaratory authority.¹²⁷

Schacht states that consensus (*ijma*) by the religious authority guarantees the *Quran*, *Sunnah* and interpretation, while methods include abrogation, independent reasoning, imitation, *istihsan*, and *istislah*.¹²⁸

DEFINITIONS

Schacht's use of the terminology "independent reasoning" refers to the Arabic term *آزته حاد* (*ijtihad*). *Ijtihad* is defined in the general usage as denoting extreme effort toward an activity. In jargon, it is a jurist's mental striving in solving a case of law.¹²⁹

Ibn al-Qayyim in *I'lam al-Muwaqqi'in* lists four levels in the hierarchy of scholars.

Absolute independent *mujtahid* who "possess a wide knowledge of the sources of law

¹²⁷ Joseph Schacht, *An Introduction to Islamic Law* (Oxford: Clarendon Press, 1964), 115.

¹²⁸ Ibid.

¹²⁹ John L Esposito, *The Oxford Encyclopedia of the Modern Islamic World* (New York: Oxford University Press, 1995), 178.

such as the sciences of the *Quran*, *Sunnah* and the opinions of the companions” and “adhere to the evidence and not to other scholars’ opinions.” This does not mean they cannot on occasion imitate other scholars. Affiliated *mujtahid* familiar with their Imam’s *fatawa* and rules can form analogy and issue rulings (*ahkam*) based on their Imam’s *fatawa* and support his rulings. Restricted *mujtahids* are also familiar with their Imam’s corpus of knowledge. Yet, they content themselves with his texts but not the knowledge by which he arrived at decisions or weighed the various texts or opinions of jurisprudence. Those imitating the rulings of their legal school or its founder, with or without the ability to know or utilize the sources of law, practice *taqlid* and are themselves *muqallids*. A *muqallid* memorizes the Imam’s *fatawa* with disregard of textual evidence.¹³⁰ Matroudi states the qualifications generally for an absolute *mujtahid* are extensive knowledge of *Quran*, *hadith* and (*usul al-fiqh*) rules of jurisprudence and familiar with the nature of *sharia* and proficient in Arabic.¹³¹

PROBLEMS WITH DEFINITIONS

Since its beginnings, Islamic legal theory has concerned itself with the establishment of principles and precepts that govern the procedure of *ijtihad*, or legal interpretation, from the initial stages of juridical reasoning and legal causation down to the promulgation of rulings and their implementation.¹³²

Agreement among scholars has long been problematic as to specific requirements for an absolute *mujtahid*.¹³³ Wael Hallaq, professor at McGill University, explains the intricacies and complexities of this subject. His works include *Ibn Taymiyyah against*

¹³⁰ Abdul Matroudi, *The Hanbali School of Law and Ibn Taymiyyah: Conflict or Conciliation* (London: Routledge, 2006), 51.

¹³¹ *Ibid.*, 52.

¹³² Masud, Messick, and Powers, *Islamic Legal Interpretation: Muftis and Their Fatwas*, *ibid.*

¹³³ Matroudi, *The Hanbali School of Law and Ibn Taymiyyah. Conflict or Conciliation*, 212.

the Greek Logicians, Was the Gate of Ijtihad Closed? as well *A History of Islamic Legal Theories: an Introduction to Sunni Usul al-Fiqh*. Hallaq explained the development of *ifta* and *ijtihad* before and during the formative period of Sunni legal theory. Bringing the outcome of independent reasoning required the bureau or office that issued legal edicts (*ifta*) through which the functionary authorized to issue edicts (*mufti*) delivered the decision for the general public (*mukallafun*).¹³⁴ The relationship between these Arabic words and their tri-consonantal relationship, *f-t-w* is readily seen between *ifta*, *fatwa*, and one who performs, “*mu*” a *mufti* (in this case performs fatwa). One authorized to issue a *fatwa*, a *mufti* was employed by a sanctioned office (*ifta*) to take the independent reasoning of a *mujtahid* and to explain in the vernacular to the common audience the pertinent information for those required to adhere to *sharia*. An excellent example of this is the recent incident, reported in the Indian newspaper *The Hindu*, where a Muslim from Qatar insincerely texted the word “divorce” (*talaq*) over Skype to his wife. As the religious community held him to this irrevocable triple divorce, he was forced to petition a *mufti* in his office of *ifta* in his attempt to have a fatwa issued declaring the triple divorce invalid or *nikah*.¹³⁵ It is apparent that in both modern time and the period contemporary to Ibn Taymiyyah that a *fatwa* was not taken lightly, as well as divorce being a highly significant and serious issue among the Islamic community.¹³⁶

¹³⁴ Muhammad Khalid Masud, Brinkley Morris Messick, and David S. Powers, *Islamic Legal Interpretation: Muftis and Their Fatwas* (Cambridge: Harvard University Press, 1996), 33.

¹³⁵ “Fatwa Cancelling Nikah after Jest on Skype Sparks Debate,” *The Hindu*, <http://www.hindu.com/2010/10/29/stories/2010102954151500.htm> (Accessed March 22, 2013)

¹³⁶ The “Triple Divorce” in Islamic culture is complex as this pronouncement, by the man, issued three times simultaneously, has precedent in the practice (*amal*) as well as written tradition (*hadith*). Muhammad is said to have not condoned it while Umar allowed it. A man who divorced his wife could reunite with her under certain procedures, one being for her to remarry another man, divorce him to then reunite with her husband. Yet, it was against the religion (*haram*) for a couple to live under the same

This meant that those holding the office of writing a *fatwa* or religious decree first required someone competent in the various sciences of Islamic Law. He would then methodically and rigorously examine the original sources. His purpose would be to identify the nature of the case and the relevant correlations to the *Qur'an*, *hadith*, and case histories in Islam. The *mujtahid* arrived at the appropriate ruling, the *mufti* wrote the *fatwa*, and the general public or *mukallafun* read or heard the *fatwa* and adopted it as normative for their social and economical activities. He asserts the earliest thinkers demanded a *mujtahid* do this due to the close relationship between the ability to issue legal edicts (*ifta*) and the acumen and acuity of reasoning from the sources (*ijtihad*). Wael Hallaq references two Islamic legal authorities, Muhammad ibn Idris al-Shafi (d. 820) and Abu al-Husayn al-Basri (d.1044), on the qualifications to issue *fatawa* or practice independent reasoning. Hallaq notes that from the founder of the Shafi legal school, al-Shafi (d. 820) until al-Basri (d.1044), requirements for a *mufti* remained similar over two centuries. Al-Shafi lists the branches of knowledge required for a *mufti* to be the same as for a *mujtahid*. Al-Basri (d. 1044) lists the qualifications of a *mufti* as being a *mujtahid*, with the rank of *ijtihad*, and possessing strong skills in legal reasoning. Hallaq provides further details on what is required from al-Basri to be a *mufti*, including knowing “virtually all branches of rational and textual knowledge” under legal reasoning.¹³⁷ Al-Basri requires the *mufti* to understand abrogation, *Suras* from the *Quran* that are replaced or considered null and void due, frequently, to later revelations in the *Quran*. The *mufti* must understand the process, as well as the written

house, reunite or remarry subsequent to three divorces. Mostly, Sunni Islam allowed these immediate and successive oaths to irrevocably terminate a woman’s marriage by her husband. Taymiyyah will disagree.¹³⁷ Masud, Messick and Powers, *Islamic Legal Interpretation: Muftis and Their Fatwas*, 34.

collections of traditions passing from oral accounts of the actions and sayings of Muhammad through the various chains, or passers on of these stories. Lastly, the *mufti* must comprehend the causes behind legal decisions.

For example, an action that harms Islam, or is against the common good, can be considered *haram* or against the religion, the *sharia* law. If a person or activity is exonerated on the basis that ruling against that person or activity weakens or harms the religion, then the cause of that case would be to make decisions promoting the common good for Muslims and the religion of Islam. The basis for that cause would be the citation of the appropriate verse in the *Quran* or tradition (*hadith*) where that principle is found. Thus, mastery of texts revealed, sciences on abrogation (*nasikh*), transmission of *hadith* (*isnad*) and establishing the “*ratio egis*, or cause (*illa*) are essential knowledge for the *mufti*. Basri states the exception would be a man lacking this knowledge broadly, but meeting this condition in only one aspect of *sharia*, being highly knowledgeable in matters of inheritance. When that condition is met the *mufti* can issue *fatawa* on inheritance alone.¹³⁸ The *mufti* in this circumstance issues *fatawa* based on *ijtihad*, not merely on other jurists, and only referencing other jurists when specifically asked by the *muqallid*. As Hallaq explains, al-Basri clarified that the office issuing a fatwa (*ifta*), and the work of the one who writes the fatwa (*mufti*), necessitates the practice of independent reasoning (*ijtihad*) not imitation (*taqlid*). In contrast, the *mufti* who issued *fatawa* by virtue of others rulings practiced *taqlid*. This opened the door for all laymen or *mutqallids* to commit the error of practicing *ifta*. Hallaq lists al-Shirazi (d. 1083), al-Baji (d. 1081), al-Mawardi (d. 1058), and al-Juwayni (d. 1046) as confirming that

¹³⁸ Ibid.

standard of issuing *fatawa* requires *ijtihad*. Later scholars such as al-Juwayni (d. 1085) and al-Ghazzali (d. 1111) concur in their *Proofs of Theory of Law (Burhan fi Usul al-fiqh)* and *On Legal Theory of Jurisprudence (al-Mustasfa min Ilm al-Isul)* respectively. Both al-Juwayni and al-Ghazzali were from the Shafi'i legal school and both of their works had wide influence on aspects of Islamic Law in the writings of other theorists. Al-Ghazzali is a popular and widely read Sufi who taught "an extremist Sufi concept of mystical union (*ittihad*).¹³⁹ His *Mustasfa* is a rich source of information on *taqlid*, *ijtihad*, and its usage among the different legal schools.¹⁴⁰ He succeeded the "prolific" ninth-century Sufi writer al-Hakim al-Tirmidhi. Ghazzali promulgated al-Tirmidhi's teachings on miracles and special powers capable by the friends of Allah.¹⁴¹ Hallaq asserts, and demonstrates through the writings of scholars from several centuries that a *mufti* knows *ijtihad* or that the *mufti* be a *mujtahid*.¹⁴²

CHANGE OVER TIME

Classical theory in seventh-century Islam associated independent reasoning closely with *ra'ay*, the "learned personal opinion on the basis of expedient reasoning."¹⁴³ The term *ijtihad al ra'ay* represented decisions based on one's opinion. In contrast, knowledge (*ilm*) was more widely respected for more directly referencing the *Quran*, *Sunnah*, and *Ahadith*. This was legitimate Islamic law at the beginning of the formative

¹³⁹ Hava Lazarus-Yafeh, "Some Neglected Aspects of Medieval Muslim Polemics against Christianity," *The Harvard Theological Review* 89, no. 1 (January 1996): 82.

¹⁴⁰ Lutz Wiederhold, "Legal Doctrines in Conflict the Relevance of *Madhhab* Boundaries to Legal Reasoning in the Light of an Unpublished Treatise on *Taqlid* and *Ijtihad*," *Islamic Law and Society* 3, no. 2 (1996): 240 and 243.

¹⁴¹ Daniella Talmon-Heller, "Ils, Shaf'ah, and Barakah: The Resources of Ayyubid and Early Mamluk Ulama *Mamluk Studies Review* 13, no. 2 (2009): 28.

¹⁴² Masud, Messick and. Powers, *Islamic Legal Interpretation: Muftis and Their Fatwas*, 35.

¹⁴³ John L. Esposito, *The Oxford Encyclopedia of the Islamic World* (New York: Oxford University Press, 2009), 522.

stage of Islam until the eighth-century, when *ijtihad* broke free from *ra'ay*. *Ijtihad* became recognized as a more systematic approach and was disassociated from opinion (*ra'ay*) and having become objectionable in arriving at or issuing legal decisions. Al-Shafi (d. 1111) made a clean break with *ra'yy* in adopting *ijtihad* as synonymous with making analogies (*qiya*), and thus not reliant on personal opinion. Analogy (*qiya*) served to provide a ruling on an unprecedented case by identifying a similar case Muhammad addressed either in the *Quran* or *Sunnah*, or a consensus of his companions, and finding the novel case to be analogous. Islamic legal theory (*usul al-fiqh*) solidified the meaning and scope of *ijtihad* at the beginning of the tenth century. This new role for *ijtihad* strove to explore unprecedented aspects of Islamic law to systematically identify rulings from the original sources of Islam by one highly qualified.¹⁴⁴

However, Hallaq premises a shift in legal standards as al-Amidi (d. 1234) mentions the phrase “as is the custom nowadays” of non-*mujtahids* issuing *fatawa*, though he cites the same requirements of his predecessors of a century before.¹⁴⁵ Hallaq interprets the writings of al-Amidi to say “a *mujtahid* within a legal school (*mujtahid fi l madhhab*) who is knowledgeable of the methodology of the independent *mujtahid* (*mustaqill*) he follows...is entitled to practice *ifta*.”¹⁴⁶ He states that a less than independent *mujtahid* can serve in the office of *ifta* and that discussions existed on non-*mujtahid* juriconsults issuing *fatawa*.¹⁴⁷ Hallaq also mentions a shift in al-Amidi about the *mufti*'s diminished knowledge of *ijtihad* requirement but that a juriconsult must continue to be a *mujtahid*. Yet al-Hajib (d. 1248) grants authority to issue *fatawa* to the

¹⁴⁴ Ibid., 523.

¹⁴⁵ Masud, Messick and Powers, *Islamic Legal Interpretation: Muftis and Their Fatwas*, 1996), *ibid*.

¹⁴⁶ Ibid., 36.

¹⁴⁷ Ibid.

jurist familiar with his *madhhab*, who reasons appropriately without the status of *mujtahid* or connection to a school of *mujtahid*.

Ibn al-Salah al-Shahrazuri (d. 1245) suggested that there are two types of *mujtahid*. *Muftis* are independent and associated with a *madhhab*. They do not rule according to other's work but rule in accordance to their established school. Shahrazuri states this type of one who issues *fatawa* (*mufti*) was extinct. He follows that the second can be classified into four categories. First was the *mufti* who possessed all the characteristics of the *mujtahid mustaqill* sans legal schooling. Examples of this would be the immediate followers of Hanbal, Shafi, Maliki, and Hanafi. His second category is the *mufti* limited to methods from *mujtahid mustaqill* but able to derive legal norms for unprecedented cases.

Hallaq shows that mid-thirteenth century imitators (*muqallids*) routinely issued *fatawa*, or held the office of *ifta*.¹⁴⁸ Ibn Salam (d. 1261) declared a *fatwa* on who could be *mufti*. If a man's qualifications did not measure up to performing absolute *ijtihad*, he could issue *fatawa* as *mujtahid fi al-madhhab*. Circumstances where his knowledge might be less still permitted him to issue *fatawa* in some cases.

Jonathan Berkey, Professor of History at Davidson College, wrote in *The Mu'tasibs of Cairo under the Mamluks: Toward an Understanding of an Islamic Institution for The Mamluks in Egyptian Politics and Society* that states Jalal al-din al-Suyuti (d.1505) "insisted on his right as a *mujtahid*" and right to *ijtihad*, but neither approved of or called for a massive reform of the then current system of law.¹⁴⁹ Abu al-

¹⁴⁸ Ibid., 37. *Ifta* is the office of issuing *fatawa*.

¹⁴⁹ Michael Thomas, Philipp and Ulrich Haarman, *The Mamluks in Egyptian Politics and Society* (Cambridge: Press Syndicate of the University of Cambridge, 1998), 165.

Fadl al-Suyuti taught Shafi law in Cairo where he had studied under Shafi and Hanafi schools of law teachers. He had studied tradition, exegesis (drawing out the meaning of the text within certain protocols), jurisprudence and rhetoric in addition to being a member of the Shadhili order of Sufism. Berkey underlines the secondary nature of post-*salafi* generations' ability of independent reasoning with the *Hadith* by Ibn al-Hajj Madkhal wherein Muhammad revered himself, the succeeding generation, and the one to follow, but dismisses subsequent generations with a sweep of his hand and calls them nothing:¹⁵⁰

With the articulation of the doctrine of the 'closing of the gates of independent reasoning' and its corollary, the requirement of *taqlid*, a picture formed of an Islam which had, by at least the twelfth century, been authoritatively defined: Islam had been set in concrete, and the mamluks could only aspire to follow the path laid down for them.¹⁵¹

In his footnote, Berkey expressed what hostility to the Shafi legal scholar and Sufi jurist, al-Suyuti would signify. Resentment of al-Suyuti the *mujtahid* would "suggest...both the breadth and depth of the ideological commitment to *taqlid* on the part of the community."¹⁵² This would demonstrate that by the end of the sixteenth century, tolerance for *ijtihad*, or *mujtahids*, was low.

HANBALI AND TRADITIONALIST PERSPECTIVE

Mujtahids and *taqlids* were prohibited from imitation when it came to theory or principles (*usul*). Matroudi suggests that there is wide agreement on this in Hanbali sources.¹⁵³ While these sources prohibit a *mujtahid* from imitating another scholar, the Shafi jurist al-Shirazi (d. 1083) states the permissibility for a Hanbali school's *mujtahid*

¹⁵⁰ Ibid.

¹⁵¹ Ibid.

¹⁵² Ibid.

¹⁵³ Matroudi, *The Hanbali School of Law and Ibn Taymiyyah: Conflict or Conciliation*, 84.

to imitate “without restriction.”¹⁵⁴ I find that al-Shirazi, reasoning as a member of the *Shafi* school of legal interpretation, is suspect as Ibn Hanbal and Ibn Taymiyyah in particular emphasized knowing the sources of law by Hanbali students. Ibn Taymiyyah, in fact, disagreed with his assessment of Ibn Hanbals. Ibn Taymiyyah did not hold that it would suffice to know the ruling (*ahkam*) of one’s Imam or head of the *madrasa* when one could be familiar with these sources themselves. Thus, it served the purposes of the Shafi legal school to suggest that another school, in this case the Hanbali legal school, approved of Shafi practice of imitation, *taqlid*. As *Shafis* held the position of chief *qadi* in Cairo and Damascus after Baybar’s reformed judiciary, they were known to reject non-Shafi rulings and especially during the time of Ibn Taymiyyah under Ibn bint al-Aazz. The Shafi legal school embraced and encouraged imitation and would naturally desire Hanbalis to practice *taqlid* or appear to do so.

Furthermore, Ibn Hanbal established the Hanbalite school during the “era of the *mujtahids*” when there were many great scholars.¹⁵⁵ Hanbalism, and certainly its founder Ahmad Ibn Hanbal, accepted and had affinity for *ijtihad*.

¹⁵⁴ Ibid., 85.

¹⁵⁵ Ibid., 4.

IV. IBN TAYMIYYAH AND *IJTIHAD*

HIS PERCEPTION

Matroudi affirms Ibn Taymiyyah's acknowledgement of his status as a *mujtahid*: "It appears that Ibn Taymiyyah considered himself to be a *mujtahid* as well."¹⁵⁶ Perhaps the clearest proof of Ibn Taymiyyah's status in his own eyes as a *mujtahid* and the appropriateness of his practicing *ijtihad* was the argument he had with Hanbali students recorded by Ibn al-Qayyim in his *I'lam al Muwaqeen*. "Hanbalis criticized Ibn Taymiyyah because he was teaching in a Hanbali institute...not...as a Hanbali scholar, by reason of his status as an absolute *mujtahid*." He replied that "the payment he received was a payment for his teaching and that he was deserving of it for his knowledge of the Hanbali law and not because of his imitation of it."¹⁵⁷

¹⁵⁶ Ibid., 53.

¹⁵⁷ Ibid.

Ibn Taymiyyah supported *ijtihad* in his writings. “It can be concluded from Ibn Taymiyyah’s treatises that he was full of praise for those scholars who based their opinions on their independent reasoning.”¹⁵⁸ Ibn Taymiyyah thus praised previous Hanifah, Malik, and Shafi and called them *mujtahids*. Several centuries later, Ibn Taymiyyah gave his insight into developments in Hanbali law: first, that some held all Muslims were to practice independent reasoning with regard to creedal matters; second, others held that the current time called for strict imitation; thirdly, he held that *ijtihad* was obligatory for those qualified to utilize it.¹⁵⁹ In regard to matters of unprecedented cases (*furū*), Ibn Taymiyyah relied on reason to disagree that all Muslims were obliged to practice it, for the simple reason not everyone in the *community* was qualified. He preserved the ability of those unqualified to abstain and of those qualified to practice *ijtihad* regarding cases without precedent in Islamic Law (*furū*). He also allowed for the *mujtahid* to practice *taqlid* in some necessary instances. This is important to note in that he would identify areas where he would imitate. Matroudi states that Ibn Taymiyyah approved of *ijtihad* as it allowed the recognition of areas of expertise between scholars.¹⁶⁰ Therefore if more than one opinion existed, the scholar could blindly follow his school and tradition or examine the texts and evidence of others. In his view the evidence must come first and it comes through *ijtihad*.

His criticism of Shirazi indicates an appreciation for *ijtihad* and willingness to practice it. Ibn Taymiyyah refutes Shirazi’s view that Ibn Hanbal allowed unrestricted *taqlid*. Ibn Taymiyyah asks why Ahmad Hanbal instructed disciples Abu Dawud, al-

¹⁵⁸ Ibid., 41.

¹⁵⁹ Ibid., 85.

¹⁶⁰ Ibid., 86.

Harbi, Muslim and Abu Zur'ah to refrain from *taqlid*.¹⁶¹ The answer is obvious as these students were some of Ibn Hanbal's top scholars, qualified in *ijtihad*, and therefore ought to be capable of independent reason "upon the general sources of Islamic Law."¹⁶² It can be concluded, therefore, that Ibn Taymiyyah encouraged *ijtihad* at every opportunity for highly trained scholars.

As the requirements for a *mujtahid* required an intimate knowledge of the textual sources of Islam, memorization of Ahadith, and reflection over Islamic sources and legal rulings, and these activities were an aspect of worship and reverence of Allah, it is highly probably that Ibn Taymiyyah would have encouraged the attainment of the ability to independent reason for individual Muslims if not the actual practice of *ijtihad* in their personal decisionmaking. Reading and reviewing the scholar's and *madhhabs'* ruling (*ahkam* was encouraged, but in the process of independent reasoning. The right was reserved if no conflict existed between the texts and those *ahkam*. *Taqlid* is frowned upon in Hanbali law, but Ibn Taymiyyah recognized a more "moderate" view as often laymen were not qualified and on occasion a *mujtahid* might require imitation of scholars who did not contradict texts of Islam.¹⁶³

Ibn Taymiyyah found himself in disagreement with tradition on the nature of the consequences for *mujtahid* failing to derive a correct ruling. From the tenth- to twelfth-century, Abu al-Hudhayl al-Allaf (d. 849) and al-Ash'ari (d. 936), al-Ghazali (d. 1112), and Ibn al-Arabi (d. 1148) from the tenth to twelfth century, were adherents to the view that it was sin for a *mujtahid* if he failed in his legal efforts. Thus, failure to derive a

¹⁶¹ Ibid., 87.

¹⁶² Ibid.

¹⁶³ Ibid., 188.

ruling or the correct ruling was negligence on the part of the *mujtahid*. Those who did not hold this view agreed that a *mujtahid* who strove to his best ability, whether in matter of faith or law, could still be punished for his failure in the “Hell Fire” (the common term for judgement of those not attaining paradise).¹⁶⁴ Ibn Taymiyyah relies on the lack of testimony from the first three generations of Islamic authorities (*salaf*) and the founders of the four legal schools (*madhhabs*) to dispute this. In novel thinking, or independent reasoning, he rejects both group’s arguments, that every case can be decided and failure to do so is punished, or that not all can be decided but Allah still reserves the right to punish whom he will. He instead rejects the opinion of consensus, that there exists in Islamic Law a division of theoretical (*usul*) and practical, and rules that neither the earliest three generations (*salaf*) nor the founders of the four legal schools taught such a division.

This argument is similar to the debate between Martin Luther, the Catholic monk and professor at the University of Wittenburg at the Diet of Worms, against agents of the Roman Catholic Pope Leo X on January 28, 1521. Luther and Cardinal Jerome Aleander’s material arguments were soteriological, yet their formal argumentation was on the nature of authority. Luther and Aleander could not come to consensus as Luther relied on the authority of Sacred Scripture alone while Aleander’s authorities were both Papal and scriptural. Likewise, Ibn Taymiyyah materially argued with every opinion on the fate of a *mujtahid* in error, yet formally argued to nullify the division of Islamic Law into theoretical (*usul*) and practical divisions. This demonstrates again Ibn Taymiyyah’s affinity for independent reasoning, but also his ultimate willingness to rely on the four

¹⁶⁴ Ibid., 69.

basic schools to support his rulings. Finally, a *qadi* who felt qualified to write *fatawa* at approximately age sixteen would not hesitate in perceiving himself to have attained the level of *mujtahid* that, in and of itself, was often required to issue *fatawa*.

Difficulty in dating the Mardin *fatwa* by Ibn Taymiyyah led me to ascribe an approximate date to the reign of Najm al-Din Ghazi II 1294 - 1312.¹⁶⁵ Mardin is a city that bordered Turkish, Syrian, and Mesopotamian lands. Mardin is significant for being populated by Muslims but under the religious and political authority of Mongol rule, meaning non-Islamic law, society, and potentially the inability to practice or spread Islam.¹⁶⁶ Harran would further be significant for Ibn Taymiyyah's addressing its complex issue of whether a Muslim should remain or flee a territory based on the nature of its religious and political attributes. The then potentate was Najm al-Din Ghazi II bin Qara Arslan. His father, and former ruler, Qara Arslan had submitted to the Mongol Ruler Helegu. This brought the Muslims in his kingdom under the authority of Mongolian rule based in Iran (the Ilkhanate), and therefore under *Yasa* law, not shari'a law.

Ibn Taymiyyah was asked the question by the Muslim inhabitants whether their subsequent living conditions constituted a house of war or house of peace (*beit al-harb*, *beit al-salam*).¹⁶⁷ The reason for asking this question was to ascertain, under Islamic Law, whether they must flee to Islamic territory where they might practice their religion or could remain in Mardin to propagate Islam. Islamic precedent addressed house or

¹⁶⁵ Jean Michot's analysis of the Mardin Fatwa did not discern a specific date for authorship relative to the nearby Mamluk raids in June 1299. He could not be certain of a date before or after the raids except circa the reign of Ghazi II's eighteen year reign.

¹⁶⁶ Yahya Michot, *Muslims under Non Muslim Rule: Ibn Taymiyyah on Fleeing from Sin; Kinds of Emigration* (Oxford: Interface, 2006), 8.

¹⁶⁷ *Ibid.*, 7.

domain of war and of peace (“*bayt al-harb*” and “*bayt al-salam*”). Yet Ibn Taymiyyah would answer their petition for a decision between the two domains and, using independent reasoning, declared a novel verdict that they lived in a third category, a composite domain. Ibn Taymiyyah had been issuing *fatawa* since his mid-to-late-teens; at the very least he was practicing independent reasoning by the age of forty-nine in the *ijtihad* of his Mardin *fatwa*. Having already issued *fatawa* since his teens, Ibn Taymiyyah bypassed earlier rulings (*ahkam*) and created a novel ruling of a “composite” domain of Islam. Thus, it is readily apparent that Ibn Taymiyyah approved of *ijtihad* in theory and praxis, and thereby contradicting any closing of the door of independent reasoning.

CONTEMPORARY AUTHORITY OF HIS CREDENTIALS

Though scholars have disagreed through the centuries on the question of Ibn Taymiyyah’s rank or level of *ijtihad*, his contemporaries described him as one who qualified on every level as a *mujtahid* and who excelled his peers. Al-Birzali (d. 1340), a student of Ibn Taymiyyah, asserted that his Sheikh had attained the status of *ijtihad*.¹⁶⁸ He asserted that Ibn Taymiyyah met every prerequisite of being a *mujtahid*.¹⁶⁹ Even a legal opponent of Ibn Taymiyyah supported this opinion, as al-Zamalkani concluded the requirements of *ijtihad* were met following an assessment of his *fatawa* writing.¹⁷⁰ Al-Dhahabi, perhaps Ibn Taymiyyah’s most illustrious student, expressed in his biography both conciliatory and caustic opinions of him. Yet, Al-Dhahabi clarified that Ibn

¹⁶⁸ Ibn Taymiyyah held al-Birzali in high regard and named him *mu’arrikh al-asr* or historian of the age. Al-Yunini’s *Dhayl Mir’at Al-zaman*, Volume 1, 78.

¹⁶⁹ Abdul Matroudi, *The Hanbali School of Law and Ibn Taymiyyah: Conflict or Conciliation*, 52.

¹⁷⁰ *Ibid.*

Taymiyyah “had attained the rank of absolute *ijihad*.”¹⁷¹ He stated that he had “superseded all others in the science of jurisprudence, disagreement within the schools of law and the *fatawa* issued by the companions and their followers.”¹⁷² Ibn abd al-Hadi gives an account that further strengthens the credentials of Ibn Taymiyyah. Al-Hadi records that he “mastered various sciences...interpretation of the *Qur’an*...and the principles of jurisprudence.”¹⁷³ Hadith scholar Al-Mizzi (d. 1342) had “not seen anyone more knowledgeable than him in the science of Qur’an and the hadith.”¹⁷⁴ One of Ibn Taymiyyah’s opponents, Al-Zamalkani described him as “well acquainted with the subject in question...concerning [any] science”and that the “conditions of *ijihad* were fulfilled by Ibn Taymiyyah.”¹⁷⁵

Contemporary and later accounts suggest not only that Ibn Taymiyyah held the rank of *mujtahid* but that this rank or practice was uncommon and diminishing. Al-Mardawi listed Ibn Taymiyyah as a scholar who had attained the level of *Mujtahid*. He analyzed documents on *mujtahids* and found that al-Nawawi stated no *mujtahids* existed in his time “nor in many eras before.”¹⁷⁶ Al-Rafi, who wrote popular opinion of his time, denied an absolute *mujtahid* among them. While examples of *mujtahids* were becoming scarce, Ibn Taymiyyah was a striking example of one. Mardawi asserted that some had risen to the rank of *mujtahid* and gives Ibn Taymiyyah as an example.¹⁷⁷ In addition to

¹⁷¹ Ibid.

¹⁷² Ibid.

¹⁷³ Ibid.

¹⁷⁴ Ibid.

¹⁷⁵ Ibid.

¹⁷⁶ Ibid., 199.

¹⁷⁷ Ibid., 246.

Ibn Taymiyyah's contemporaries and later Arab biographers, modern scholars all ascribe the status of *Mujtahid* to Ibn Taymiyyah.

MODERN RECOGNITION AS MUJTAHID

Henri Laoust in the *Encyclopaedia of Islam* stated "Ibn Taymiyya did not, as is sometimes said, announce the 're-opening' of *idjtihad*, and still less did he claim this privilege for himself: he did not consider that *idjtihad* required to be 'closed.'" Laoust states that *ijtihad* was necessary for the interpretation of law and he merely sought to "discipline" it and "define rules" for *mujtahids*.¹⁷⁸ Matroudi states the qualifications generally for an absolute *mujtahid* are extensive knowledge of *Qur'an*, *hadith*, legal theory and rules of jurisprudence as well as the nature of *sharia* and proficiency in Arabic with all its nuances.¹⁷⁹

In later years, and after acquiring a vast amount of knowledge, he developed his own method of delivering legal verdicts. These edicts were founded directly on the original sources of law.¹⁸⁰

Al-Dhahabi compared Ibn Taymiyyah to *imams* and scholars at the apex of their careers.¹⁸¹ He is "a scholar who ladles his knowledge from a sea, whereas other scholars ladle from streamlets."

APOGEE OF CAREER AND USE OF IJTIHAD

Matroudi summarized the jurisprudence of Ibn Taymiyyah as existing in three stages. His early career consisted of *fatawa* writing, imitation, and errors. His intermediate career was a move from imitation to restricted independent reasoning. The final stage produced collected *fatawa* revealing an independent mind, criticism of old

¹⁷⁸ *The Encyclopaedia of Islam*, New ed., (Leiden: Brill, 1954), s.v. "Ibn Taymiyyah." 954.

¹⁷⁹ Matroudi, *The Hanbali School of Law and Ibn Taymiyyah: Conflict or Conciliation*, 52.

¹⁸⁰ *Ibid.*

¹⁸¹ *Ibid.*

ideas, and new revisionist ideas on the schools. Matroudi used this classification to reveal the cessation of Taymiyyah as a *muqallid*, moved to the rank of restricted *mujtahid* then became an unrestricted *mujtahid*. Matroudi labels Ibn Taymiyyah as either independent absolute mujtahid or absolute mujtahid choosing rulings from schools or scholars whose *ijtihad* he confirmed.¹⁸² The assessment of him as an independent absolute *mujtahid* has support from Hanbali scholars while others state that he was an absolute *mujtahid* who had adopted Hanbal's principles and methodology of independent reasoning (*ijtihad*).¹⁸³ Matroudi affirmed the latter. He delineated the differences between independent and dependent. Both have equal status or rank and demand the same requirements. The dependent *mujtahid* is one "who employs another scholar's general principles of law."¹⁸⁴ Matroudi thus on this basis defined him as a dependent absolute *mujtahid*.

The real significance does not rest on what degree or method he practiced independent reasoning. What is important for this study is that the move away from imitation of past law to frequent independent reasoning and not following his or the other schools' legal proscriptions dramatically increased late in his career. Whether this increase is due to his well-attested ego, the result of his increasingly superior knowledge to other jurists including the four chief *qadis* appointed by the Bahri Mamluk government in Damascus, Cairo, and other cities, or an aspect of his great desire to serve the *umma* and solve pressing societal issues brought to him by those seeking a fatwa is impossible to prove.

¹⁸² Ibid., 53.

¹⁸³ Ibid.

¹⁸⁴ Ibid., 54.

There was a clear sense of entropy following the fall of the previous regimes. The sultans of the Bahri Mamluk state were weaker than the Abbasid and Ayyubid Dynasties they succeeded. The reigns of sultans were brief and often ended in violence. The volatile era that Ibn Taymiyyah lived in impressed upon him the urgency of unity between the legal schools and between the *ulama* and the Mamluk state. This was necessary to restore the former heights of Islamic civilization. I can only conjecture, in light of the complexity of Ibn Taymiyyah's thought and actions, that as a traditionalist focusing on texts, and an intense drive to subordinate all he did to worship of Allah, that his increased *ijtihad* was the result of how he viewed the requirements of the *Quran* and *Sunnah*.

While debate continues as to what degree or rank of a *mujtahid* he was, it is safe to say the apogee of his *ijtihad* was during the third reign of Sultan Qalawun when Taymiyyah's legal activity faced the harshest imprisonments and censorships. Ibn Taymiyyah's *ijtihad* increased in the third reign of the sultan, who is known for having energetically suppressed or eliminated any constraints on his power, including *emirs*, *ulama* or popular figures after two subsequent marginalized or restrained reigns. Dedicated to securing his authority and subsequently eliminating those who thwarted his orders or those whose loyalty was suspect, Qalawun's third reign is well-established as a thirty-one year reign built on the execution and imprisonment of those who posed a threat in the eyes of Qalawun.

Conservatively it can be determined with certainty Ibn Taymiyyah was a *mujtahid* practicing *ijtihad* after it was commonly thought the gate of *ijtihad* had closed or during the time the Shafi *madhhab* stressed imitation (*taqlid*). As mentioned previously,

Western scholarship has commonly accepted a period circa the tenth century as discouraging independent reasoning with the understanding that the gate or door for jurists to assert independent reason had shut. Henri Laoust alludes to *ijtihad* being necessary and Wael Hallaq goes further to say that independent reasoning's necessity has caused it to be present throughout Islamic History. While numerous medieval and later Arab Historians or jurists mention the closing of the gate of *ijtihad* or place emphasis on its opposite practice of *taqlid*, it can be trusted that we have evidence of arguments for its closing or at least its controversial nature. Hallaq and other modern scholars of revisionism critique the following assertion by Joseph's Schacht:

This 'closing of the door of *ijtihad*', as it was called, amounted to the demand for *taklid*, a term which had originally denoted the kind of reference to Companions of the Prophet that had been customary in the ancient schools of law, and which now came to mean the unquestioning acceptance of the doctrines of established schools and authorities. A person entitled to *ijtihad* is called *mujtahid*, and a person bound to practice *taklid*, *mukallid*. Under the rule of *taklid* as it was finally formulated, the doctrine must not be derived independently from Koran, sunna and *ijma*, but it must be accepted as it is being taught by one of the recognized schools which are, of course, themselves covered by consensus.¹⁸⁵

How do we sort through medieval historians asserting that the *bab al-ijtihad* had closed, others speaking of Ibn Taymiyyah the *mujtahid* and Schacht in 1964 writing of the "demand for *taklid*", with Laoust and Hallaq's nuances of that gate not shutting? Schacht stated that "Ibn Taymiyyah did not explicitly advocate the reopening of the 'door of *ijtihad*,' let alone claim *ijtihad* for himself...but was able to reject *taklid*." Yet, Henri Laoust modifies Schacht's remarks with the assertion "he did not consider that *idjtihad* required to be closed."¹⁸⁶ Leaving the controversial and enduring debate about whether

¹⁸⁵ Schacht, *An Introduction to Islamic Law*, 71.

¹⁸⁶ *The Encyclopaedia of Islam*, New ed., s.v. "Ibn Taymiyyah," 953.

the gate of *ijtihad* had closed, when it closed, and the status of independent reasoning in Islamic Law, it is evidently clear that Ibn Taymiyyah was perceived by himself and others to accept and practice independent reasoning. It is also clear that at the very least, independent reasoning was viewed frequently and increasingly by the tenth century as controversial, and a much more difficult practice than imitation of *taqlid*.

Matroudi stated that “the safest” statement is that Taymiyyah was an absolute *mujtahid* choosing to rely on Hanbal.¹⁸⁷ Don Little represents the consensus view that Ibn Taymiyyah was the most prominent of Hanbal’s school, and this is supported by al-Qayyim esteeming Ibn Taymiyyah equal or higher to famous *mujtahids* Ibn Aqil (d. 1119), Abu al-Khattab, or Abu Ya’la (d. 1065).¹⁸⁸ Ibn Aqil, born in Baghdad, and Abu al-Khattab author of *al-Intisar*, asserting Hanbali jurisprudence as superior to the other schools, were Hanbali students of the Hanbali teacher Abu Ya’la, who sat and taught from the seat of Ibn Hanbal in Baghdad. As they represent some of the most prestigious Hanbali who practiced independent reasoning, from a school known to support independent reasoning, both Donald Little’s and al-Qayyim’s assertions substantiate Ibn Taymiyyah’s superior status as a *mujtahid*. Bernard Weiss mentioned the prolific *fatawa* writing of Ibn Taymiyyah that is especially relevant for the requirement of *ijtihad* in order to issue a *fatwa*. Bernard Weiss’ contribution to *Islamic Legal Interpretation: Muftis and Their Writings* addresses Ibn Taymiyyah’s fatwa on leadership in the ritual prayer. Weiss avers that the *al-Fatawa al-Kubra* collection of Ibn Taymiyyah’s fatwa writing “displays an Ibn Taymiya who is very much a writer of *fatwas*, ...who adopts the

¹⁸⁷ Ibid., 54.

¹⁸⁸ Ibid.

fatwa as a literary form.”¹⁸⁹ He characterizes Ibn Taymiyyah’s writing as a “middle zone between formal treatises and the truly practical fatwas” in which the author is neither writing treatises nor mundane practicalities for the public but, instead, a “dialectic” where he posts questions and answers from Islamic texts.¹⁹⁰ This description of Ibn Taymiyyah as “very much a writer of fatwas”, affirms our understanding of him as a *mujtahid* with the understanding of the qualifications of a mufti to issue a fatwa being minimally a *mujtahid*.

Descriptions of him as *mujtahid mutlaq* imply he had “obtained proper requirements for a scholar to be... an absolute *mujtahid*.”¹⁹¹ Matroudi compares Hanbal and Ibn Taymiyyah as both “scholars” of *ahl al-hadith*, shared skepticism “to the concept of consensus after time of companions” and ever ready to abandon “a solitary authority” in order to derive Islamic legal rulings directly from the Qur’an and Sunnah.¹⁹² An additional modern authority on Ibn Taymiyyah, Jean Michot, concurs with Shaykh Abd al-Aziz al-Jarbu that Ibn Taymiyyah practiced *ijtihad* concerning the status of Mardin in his *fatwa* of the same name.¹⁹³

¹⁸⁹ Masud, Messick and Powers, *Islamic Legal Interpretation: Muftis and Their Fatwas*, 63.

¹⁹⁰ Ibid.

¹⁹¹ Matroudi, *The Hanbali School of Law and Ibn Taymiyyah: Conflict or Conciliation*, 54.

¹⁹² Ibid.

¹⁹³ Michot, *Muslims under Non Muslim Rule: Ibn Taymiyyah on Fleeing from Sin; Kinds of Emigration*, 43.

V. CONTEXTUALIZATION OF BAHRI MAMLUK SULTANATE

TENUOUS NATURE OF BAHRI MAMLUK SULTANATE

Examination of the Bahri Mamluk Sultanate finds a political atmosphere conducive to instability. Tensions between Circassian and Kipchak Mamluks, hereditary or non-hereditary rulers, and neutrality or alliance with foreign military powers were several facets of the tenuous nature of the rule of a sultan.¹⁹⁴ My hypothesis is that the agendas of Mamluk Cairene authority and Ibn Taymiyyah did not align. On the surface, this argument might be considered in error as Ibn Taymiyyah appeared cooperative with the Bahri Mamluk state and liked by Sultan Qalawun. Ibn Taymiyyah, who has already been established as not adhering strictly to Hanbali thought or stereotype, was willing to cooperate with Mamluk authority and sought collaboration between religious and political elite. This was at odds with earlier Hanbali practice that held to a stricter policy

¹⁹⁴ Amalia Levanoni, "The Mamluk Conception of the Sultanate," *International Journal of Middle East Studies* 26, no. 3 (August 1994): 373.

of not cooperating with political authority. He sought in the thirteenth century to effectively lead the *umma* in harmony with the Mamluk powers. Furthermore, he sought Mamluk protection from the threats to Syria from Mongol and auxiliary Armenian troops in 1300 and acquiesced to Mamluk requests a *fatwa* to *jihad* in support of Mamluk ambitions in Armenia in 1303.

This cooperation in mutually beneficial situations does not infer a lasting or even strong relationship. The very threats Ibn Taymiyyah collaborated against, with the Mamluk authority, led to Mamluk actions against his threat to their authority and stability in their lands. There were substantial impacts of Ibn Taymiyyah's independent reasoning against the delicate balance of tranquility between Shi'a, Sunni, Sufi, Egyptian, and Syrian, religious and political, urban and rural elements of society. This exposed the Bahri Mamluk state to unacceptable turmoil.

This turmoil, and the subsequent relieving of it through his incarcerations and subsequent death, will be seen to far outweigh the importance of his occasional cooperation against a common enemy in *jihad*. Ibn Taymiyyah's one-sided view that he was needed by Mamluk authority to rightly guide the *umma* hand- in- hand with the sultan and his politically appointed *ulama* was not shared by the Bahri Mamluk Sultans. Ibn Taymiyyah's popularity as *ahl al-hadith* or for his adherence to *na'iss* made him an effective ally for Mamluk ambitions. It remained essential for any sultan or emir waging war to galvanize the Islamic *umma*. The best way to do this was to project a strong pious and sincere religious face to the people. This proved efficacious for Baybars in 1261 and it continued to be somewhat effective with the popular and pious Ibn Taymiyyah. Early in his career he served such a purpose for Bahri Mamluk in his struggles against Christian

and Jewish sympathizers in support Frankish or Crusader armies, as also Mongol heretical beliefs and laws.¹⁹⁵ He was in fact released from incarcerations by admiring Emirs. But these incidents in which he was needed and appreciated by emirs or sultans do not take into account his activities that did not involve war or *jihad* against Christian, Jew, or polytheists. Namely, theological attacks on his religious opponents, contradictions of the Bahri Mamluk four chief *qadis* and violated the customs and orders of the sultan did not engender an affinity for him to Sultan Qalawun during his third reign, when he was especially attentive to threats to the stability of his regime or anyone opposing his authority.

Ibn Taymiyyah was an acknowledged *mujtahid*, who fervently envisioned his role as essential to guiding the caliph, now sultan, to lead the *umma* for religious, moral, and social rehabilitation of Islamic society. Ibn Taymiyyah was an effective asset against the infidel but a liability for the stability of a sultan. Yossef Rappoport describes the twelfth century as a time of imitation and unfavorable to the practice of *ijtihad*. In addition to the constraints on independent reasoning, Sultan Baybar's reformed the judiciary in 1260 to address tensions among the legal diversity of the citizenry of Egypt and Syria by appointing four chief *qadis* from each of the four legal schools. Yossef Rappoport addresses this in his *Legal Diversity in the Age of Taqlid: The Four Chief Qadis Under the Mamluks*, and demonstrates this system was a result of the sultan's making for the purpose of regulating unpredictable legal rulings with standardized statutes. Litigants would be confused and disturbed by a judge who did not rule according to the established rules of his legal school, and thus, to promote stability among society, Sultan al-Zahir

¹⁹⁵ Carole Hillenbrand, *The Crusades: Islamic Perspectives* (New York: Routledge, 2000), 241.

Baybars instituted the reforms. It is evident these reforms were to placate society from the writings of Shafi jurists Taj al-din al-Fazari (d.1291) and Taqi al-din Subki (d. 1355). Al-Fazari wrote to Sultan Baybars that, “*qadis* abstain from contradicting the teachings of their school because such judgments would render them suspect in the eyes of litigants.”¹⁹⁶ Subki, whose view is significant as the Shafi jurist who tried Ibn Taymiyyah, summarized Baybar’s reform of the judiciary:

In our generation, a judge who receives a general appointment from the sultan must rule according to the predominant view (*mashhir*) of his school if he is a *muqallid*; and according to his own interpretation if he has attained the level of *ijtihad*. But if the sultan appoints him to rule according to a specific school of law, he should not deviate from this school. If he is a *mujtahid* in his school, he can choose from among the opinions in the school on the basis of strong evidence. But he should not breach the boundaries of that school, whether he is a *muqallid* or a *mujtahid*, for the terms of his appointment limit him in this respect. Nor should he rule according to a weak minority view in his school, even if he thinks it to be the correct opinion, because this too amounts to a breach of school boundaries.¹⁹⁷

Ibn Taymiyyah’s desire was to guide the sultan and common people through the use of independent reasoning. Yet, the imperative of the sultan was to instill conformity, through the agency of reforms, for litigants in the legal system. The four chief qadi system, first implemented in 1265 under Baybar’s judicial reforms, was operational until the Ottoman period in the 1500s. Four judges provided rulings that conformed to or imitated (*taqlid*) their respective schools of law, predictable to litigants familiar with these schools, which endured into the sixteenth century.

As historiography indicates, recent European and Western scholarship has explored the nuances of Ibn Taymiyyah’s theological, legal, and social thought. Yet

¹⁹⁶ Yossef Rapoport, “Legal Diversity in the Age of Taqlid: The Four Chief Qadis Under the Mamluks,” *Islamic Law and Society* 10 (2003): 214.

¹⁹⁷ *Ibid.*

these investigations that have gone beyond his polemical fatawa and writings on *jihad* and *jahiliyya*, failed to recognize the relationship between his writings and thought and the changes in the Bahri Mamluk state. A brief look at the political makeup of his times is an important backdrop to his attempt to cooperate with this authority, their affinities and obligations for him, and his subsequent usefulness for them.

The complex issues of the path to the throne, dynamic of true sovereignty between stealthy *emirs* and apparent ruling sultans, geographical origin or racial makeup of Mamluk contenders, affiliated *madhhabs*, are not feasible within the space of this study. However, aspects of individual sultans have been examined as they seem to define or suggest their specific responses to Ibn Taymiyyah, notably to the Bahri Mamluk Sultans ruling from Cairo during the course of Ibn Taymiyyah's life. Ibn Taymiyyah was fourteen in the third regnal year of Sultan al-Zahir Rukn al-din Baybars (d. 1277). Ibn Taymiyyah witnessed the following short reigns of the former sultan's sons. Sultan al-Said Nasir al-din Baraka Khan ruled for only two years; his second son, Sultan al-Adil Badr al-din Salamis reigned for only one year; and a third relative, al-Mansur Saif al-din Qalawun became sultan in 1279 and reigned for eleven years. Al-Mansur Saif al-din Qalawun had a son who would figure prominently in the fate of Ibn Taymiyyah during the three different occasions Sultan al-Nasir al-din Muhammad Qalawun ruled.

Following the reign of Sultan Mansur Qalawun, Sultan al-Ashraf Salah al-din Khalil ruled for three years. He was assassinated and succeeded in principle by his nine-year-old brother Sultan al-Nasir Muhammad Qalawun. This was in principle only, as the former Mongol soldier, captured in battle, and purchased as a Mamluk who ascended to

the role of vice Sultan Kitbugha and Vizier Shujua.¹⁹⁸ The Burji Mamluks were then a faction among the Mamluks living in Egypt and Mamluks who were highly trained in battle and demonstrated leadership, rose to the position of emir to rule over battle groups of ten, forty, or one hundred. For this service they received endowments of land respective to the number of men they led. These emirs then frequently strove to control the sultan or even seize his throne. Kitbugha and Shujua were such emirs involved in political maneuvering for the sultanhip in which Kitbugha was successful, replacing Sultan al-Nasir Qalawun in 1294. These emirs had considerable influence and would later be responsible for again replacing Sultan Qalawun in 1308 with Sultan Rukn al-din Baybars Jashnikir.¹⁹⁹ Infighting between these two led to Burji Mamluks attempt to assert Shujua as sultan while Kitbugha repulsed their efforts, exiled the Burji Mamluks, and executed Shujua.²⁰⁰ Young Sultan al-Nasir Qalawun's first term ended after two years when vice Sultan Kitubgha was persuaded that Qalawun was too young for office and deposed the child king. His choice of al-Mansur Husam al-din Lajin (d. 1299) as a capable leader for vice-sultan was well founded as his aspirations to lead led Lajin to supplant Kitubgha, who fled to Damascus in 1296 during Sultan Lajin's successful *coup d'etat*. Lajin was elected by a council of emirs, as was typical of this time, where factions among the Mamluks would struggle for the Sultanate only to then have individuals within that faction struggle among themselves for power. The elections they

¹⁹⁸ Levanoni, "The Mamluk Conception of the Sultanate," 375.

¹⁹⁹ Ibid., 376.

²⁰⁰ The Mamluks were slaves purchased as a royal guard or raised up to serve sultan in Cairo during the Bahri Mamluk period. Factions existed within this royal elite such as the Bahri and Burji Mamluks. Assassination or removal of a sultan could lead to the culprit ascending to the throne. Baybars Jashnikir, in fact, was elevated to the role of sultan by such a faction. The Burji Mamluks remembered his role in assassinating a former sultan, Qutuz.

held, such as the ones that elected Zahir Rukn al-din Baybars in 1260 and al-Mansur al-din Lajin in 1297, were by emirs who had not given up their own desires for the throne.²⁰¹ Throughout this tumultuous period of frequent changes of Bahri Mamluk sultans, the only stable rule over several years Ibn Taymiyyah experienced were the thirteen years from birth under Sultan Baybars and the eleven years under Mansur Qalawun. The only exception would be late in his life, and career as a *mujtahid*, the third reign of Sultan al Nasir Muhammad Qalawun (d. 1340)

Ibn Taymiyyah knew only by story and legend of the former great caliphates. The Rashidun, Ummayyad Dynasty, and Abbasid Dynasty were gone, and the Abbasid capital of Baghdad had burnt and fallen several years before his birth. Now as a leader and teacher of the *umma*, he witnessed the undulation of the sultanate between six Sultans and their intrigues and wars. These fluctuations added to the uncertainty of thirteenth century medieval life. One Mongol incursion, occurring at the end of Lajin's rule and the beginning of Qalawun's, brought a devastating loss to Muslim armies at the Battle of Wadi al-Khazander (IIIrd Battle of Homs), flight of Kitubgha from Damascus to Cairo, flooding Cairo with refugees from Shams, and the sack of Damascus by victorious Mongol warriors. While the Egyptian army retreated they received painful losses by Maronite and Druze bowmen. However, this serious drawback to Bahri Mamluk hegemony did not have an adverse impact on the careers of Sultan Qalawun who led the troops to defeat or Ibn Taymiyyah.

DYNAMIC OF TAYMIYYAH AND QALAWUN

²⁰¹ Levanoni, "The Mamluk Conception of the Sultanate," *ibid.*

The confrontation with Mongols under Ghazan Khan in 1299 occurred at the ascendancy of Qalawun's second tenure and only aided in the growth of Ibn Taymiyyah's prestige. As stories spread of his personally confronting the Mongol khan for attacking Muslims, issuing jihad against the Mongol threat, and his being physically present at the battle of 1303 Shakhab, just west of Murj al-Suffar near Damascus. Due to the unusual bravado of an intellectual or religious elite at a crucial point in Damascene and Bahri Mamluk history, his reputation spread when in the aftermath the local population enjoyed not only a decade of rule but also a Mamluk victory over the Mongols at the Battle of Marj al-Suffar, as this protected them from a Mongol attack. Ibn Taymiyyah had assessed the frailty of the Islamic *umma* as Islam was divided at a time when foreign political threats were taking advantage of Muslim religious division. His teaching, writing, and civic action sought to restore correct Islamic faith. He proposed the failure of correct Islamic faith was responsible for the ills Muslim society was suffering. The role of commanding the good and forbidding the wrong, *munkar wa maruuf*, was essential and entailed cooperating with and guiding the Bahri Mamluk authority. *Munkar wa maruuf* is the traditional Islamic principle of speaking out against what is in violation of *sharia* law and enforcing what is right.

Michael Cook, professor of Near Eastern Studies at Princeton University, in his *Commanding Right and Forbidding Wrong in Islamic Thought*, refers to a goldsmith who confronted Caliph Abu Muslim and was subsequently killed. The goldsmith and the subsequent generations who venerated the goldsmith quoted the Prophetic tradition saying, "The finest form of holy war is speaking out in the presence of an unjust ruler and

getting killed for it.”²⁰² His synthetic jurisprudence, or happy medium (*wasat*) sought to minimize tensions or contradictions between the *madhhabs* and a diverse *umma*. His plan was for a united effort by his community to defend itself through unity and correct practice of Islam to avoid catastrophe. His notoriety and popularity were assets to accomplishing this mission.

Bahri Mamluk sultans, specifically Qalawun, had their own strategy. Their strategy found it essential to maintain an order among the population that respected the authority of the sultan and avoided disruptions in established shari’a relying heavily on *taqlid* and the authority of the Four Chief *Qadis* in Cairo and Damascus. These *Qadis* introduced an additional aspect of stability that was maintained by granting them religious authority and a flexibility in the law found only through all four *madhhabs* being represented in them. This strategy for stability did not include the *ijtihad* of an immensely influential *Mujtahid Mutlaq* ignoring the *ahkam* or edicts of this combination of Bahri Mamluk authority.

This established a crucial scenario where Ibn Taymiyyah had become established as a legal and religious authority known to his Damascene family and friends. He had also developed an audience in Cairo from locals to religious and political elite. Similarly, Qalawun was establishing his ability to engage and survive political intrigue in Cairene politics while straddling Mongol, “Christian”, and sectarian threats.

Qalawun’s second tenure as Sultan (1298 -1308) came to an end under questionable circumstances. It is possible that he indicated he was leaving Cairo to *haji* for the expressed purpose of escaping a *coup d’etat* and death by Salar and Baybars

²⁰² Cook, *Commanding Right and Forbidding Wrong in Islamic Thought*, 6.

Jashnikir. Qalawun was well aware of the fragility of the Sultanate and the constant struggles of ambitious emirs, like Jashnikir and Salar. Whatever his motives were, Qalawun departed and a council of emirs elected Jashnikir to usurp Qalawun. He resided in al-Kark for nearly a year while the capital of the Bahri Mamluk Sultanate was buffeted by civil unrest. In less than a year, Baybars Jashnikir's fate at the hands of a Cairo mob restored the cherished Sultan. The year 1309 is significant.

Ibn Taymiyyah stood as a resolute *ahl al-hadith*, committed to *na'is*, a traditionalist unalloyed with practical, shrewd, or calculating tendencies. In other words, Ibn Taymiyyah was naive and more importantly uninterested in effects or consequences. He instead was enveloped with passion for adherence to *Quran, Hadith, Sunnah*, and *ijtihad* to rightly guide the *umma*. Islamic political authority's significance was marginalized as he had relegated the caliph to the past. Linda Northrup suggested he might have envisioned men of his function replacing the religious authority of the Sultan.²⁰³ Practically, Ibn Taymiyyah sought that religious authorities should guide the Sultan or any viable political power Allah had established. It was a soteriological matter essential to be unmoved by fear, doubt, practicality, or any other matter that might sway him, or relevant authorities from right practice.

Qalawun, on the other hand, was resolutely determined, after being severely restrained by his Mamluk *emir* handlers Kitubgha, Shulua, Salar and Baybars Jashnikir. Minute intricacies of internecine debates and theological and philosophical arguments, moot after the reforms of Baybars, did not serve his interests in allowing him to survive

²⁰³ Carl F. Petry, *The Cambridge History of Egypt: Volume 1: Islamic Egypt: 640-1517* (Cambridge: Cambridge University Press, 1998), 256.

external and internal threats to his rule.²⁰⁴ Questions that were reexamining theory of law (*usul al-fiqh*), established shari'a law and Bahri religious rule appointed by the Mamluks was clearly secondary to the recent Mongol, Crusader, and social threats that had been dealt by his predecessor Jashnikirs less than one year before.

Evidence to support the suggestion of a wary, resolute, overly cautious Qalawun is not difficult to assert. His previous rule ended with his strategic move to leave and allow Jashnikirs to seize his abdicated throne. He initiated his third and final rule when Ibn Taymiyyah was forty-eight, by executing Jashnikir, ignoring the emirs, forcing Salar's resignation, executing his successor, proactively commandeering the financial assets and Mamluk troops of his enemies, and wisely catching Vice Sultan Baktmar in a plot to seize the throne. Baktmar had the pretense of placing Qalawun's son Ali in his place. Qalawun arrested Baktmar and went so far so to exile the Abbasid Caliph to Qus.²⁰⁵ Certainly, then, there can be no question that in his third reign Qalawun would be capable to incarcerate or punish Ibn Taymiyyah for any reason if it improved his security on the throne.

Therefore, Qalawun, in his third reign, is not merely actively seeking to overcome threats that usurped his rule in his two previous reigns, but acutely aware of popular or powerful men around him. He was highly suspicious of those with large followings and especially of individuals who ignored or contradicted his wishes. The following quote dispels any thought or suggestion that Qalawun would be unaware or unconcerned about

²⁰⁴ These are the reforms that placed greater uniformity over the public by placing judges from each of the four *madhhabs*, or schools of Islam, Shafi, Hanafi, Maliki, and Hanbali. *Taqlid* over *ijtihad*, or imitation of previous legal rulings instead of making one's own rulings, was emphasized by this cooperation of the four chief judges in leading cities under Mamluk control.

²⁰⁵ Petry, *The Cambridge History of Egypt: Volume 1 Islamic Egypt: 640-1517*, 256.

a widely popular religious leader like Ibn Taymiyyah or his *ijtihad* that Qalawun's procedures for judges. Written in the attempt to rehabilitate the relationship between Sultan Qalawun and Ibn Taymiyyah in history, this quote is an ominous description of Qalawun summoning Ibn Taymiyyah for the express purpose of ascertaining his disloyalty:

I have been informed, the sultan said, 'that the people obey you and that you have in mind seizing the kingdom!' Ibn Taymiyya paid no heed but replied with a confident spirit and a firm heart and a loud voice which many in attendance heard: 'I do this? By God, your kingdom and the kingdom of the Mongols is not worth a fil to me!' The sultan smiled and responded in accordance with the great respect for him which God had implanted in his heart: 'You speak the truth, by God, and those who have denounced you to me are liars!' Were it not for the religious love which was fixed for Ibn Taymiyya in the sultan's heart, he would have slain Ibn Taymiyya long ago because of the frequent lies and untruths which he had heard in his regard.²⁰⁶

TRIALS AND INCARCERATIONS

In 1293, Ibn Taymiyyah observed innovations to Islam (*bid'a*) on his *hajj* and wrote a scathing rebuttal in *Manasik al-Hajj*. It is likely he was offended by the practice of visiting Muhammad's grave and seeking intercession (*tawussul*). He was later arrested for "intransigence" in the persecution of a Christian of Suwayda who failed to acknowledge Muhammad.²⁰⁷ He was imprisoned at the Adhrawiyya prison near Damascus. We can speculate that Adhrawiyya may not have smiled upon a Hanbali enforcing his narrow ideology in a town that received endowments from Saladin's family member for a *Hanafi* and Shafi *madrassa* and Sufi convent.²⁰⁸ He did not quietly endure his circumstances in either matter as he responded by writing *manasik al hajj and kitab al sarim al-maslul ala shatim al-rasul* for *hajj* innovations and failure to revere Muhammad respectively. Under Sultan Lajin, Ibn Taymiyyah was hired to teach at the largest

²⁰⁶ Little, "The Historical and Historiographical Significance of the Detention of Ibn Taymiyya," 313.

²⁰⁷ *The Encyclopaedia of Islam, New ed.*, s.v. "Ibn Taymiyyah," 951.

²⁰⁸ A.R. Azzam, *Saladin* (Harlow, England: Pearson Longman, 2009), 131.

Hanbali *madrassa* in Damascus and was then appointed by Sultan Lajin to exhort *jihad* in his behalf to attack Armenia. Ibn Taymiyyah wrote *al-hamawiyya al-kubra* in the second regnal year of 1299 of Lajin's rule for the town of Hamat.

This was a scathing written refutation of Islamic thought influenced by rationalism and philosophy from Ancient Greece. His opponents used this work to accuse him of attributing human characteristics to Allah when Lajin was Sultan. Ibn Taymiyyah flatly refused to honor *Hanafi qadi* al-Razi's request to appear on charges of giving human tendencies to Allah (*tashbih*).²⁰⁹ Appearing later at the home of the Shafi chief *qadi* al-Kazwani (d.1300) Ibn Taymiyyah was found innocent of all charges. The end of Sultan Lajin's rule in 1299 would see the end of leniency to Ibn Taymiyyah. Was this the animosity of important *ulama* under Qalawun or would the Sultan take an active role?

Lajin emphasized the Islamic nature of his rule due to the tenuous nature of his authority. He protected Ibn Taymiyyah from religious squabbles with *Hanafi* or Shafi rivals. He maintained the Abbasid Caliph to appeal to Muslim sensitivities for the caliphate. He did not take exception to the *ijtihad* of Ibn Taymiyyah as his relationship with Taymiyyah served as a validation of his rule over the Islamic community of Egypt and Syria. Qalawun, on the contrary, with a much less tenuous hold on the throne, favored practicality over religious sensitivity. With equal or more fervent effort to maintain control in his third reign, Qalawun banished the Abbasid Caliph to Qus, took away Ibn Taymiyyah's privilege to issue *fatawa*, and even demanded the seizure of his

²⁰⁹ *The Encyclopaedia of Islam, New ed.*, s.v. "Ibn Taymiyyah," 951.

pen and ink.²¹⁰ Baybar's judicial reforms were an innovation that influenced the Sultan and conversely the Ulama by the state for the good of society or, as Rapoport writes, "the state and its jurists shared a common vision of the social good."²¹¹ This tightening of relations or greater unity between the sultan and the *ulama* was guarded jealously by the *Ulama* for the favors and prestige it brought. This unity was helped by the development by the twelfth century of *taqlid*. As *qadis* followed the rulings (*ahkam*) of their *madhhabs* instead of practicing *ijtihad*, it provided the *ulama* greater authority and the people greater flexibility and standardization in the law.²¹² These developments centralized power in the *ulama* and the only flexibility to be found in Islamic law was to be found in the diversity of the four chief *qadis* and the choices between their respective *madhhabs*.

The judicial reform of Baybars provided limited relief or flexibility in allowing rulings from the four schools. Four chief *qadis* were implemented in Cairo in 1265, and the following year in Damascus and in cities throughout the Bahri Mamluk Sultanate. The *ulama* had tightened their grip on power and solidified their ability to garner favor and audience with the Sultan. This is the situation that Ibn Taymiyyah would enter. Sultan and *ulama* in unison maintained order, peace, and unity at a time when the *umma* was diverse and external and internal threats were a long-standing and contemporary fear.

CONFLICT OF MAMLUK AND TAYMIYYAN GOALS

The incarcerations and trials of Ibn Taymiyyah demonstrated conflict with the tradition of acquiescence to the four schools of Islam. Ibn Taymiyyah was true to his

²¹⁰ Hayat Nasir al-Hajji, *The Internal Affairs in Egypt during the Third Reign of Sultan al-Nasir Muhammad b. Qalawun: 1309-1341* (Kuwait City: Kuwait University, 1978), 27.

²¹¹ Rapoport, "Legal Diversity in the Age of Taqlid: The Four Chief Qadis Under the Mamluks," 227.

²¹² *Ibid.*, 213.

origins and stressed texts and was a traditionalist in practice. Yet early in his career, as Matroudi showed, *taqlid* was much more common in his work. He could seek “conciliation” or “*wasat*” (happy means) to harmonize divergent thought in Islam while abiding by the constraints of *Quran* and *Hadith*.²¹³ This permitted him to condemn innovations (*bida'a*) in Sunni, Shi'a and Sufi practice without questioning the premises or validity of these groups. Thus, Ibn Taymiyyah could copy or imitate former authorities and their legal rulings (*taqlid*) to restore and reform Bahri Mamluk society. Later, in what Matroudi described as the third tier of his career, he was acclaimed as a *mutlaq mujtahid* and commonly practiced *ijtihad* that upset not only societies understanding of the *sharia*, but the *taqlids* ruling for the sultan in Cairo and Damascus.

While Ibn Taymiyyah sought a harmony for fractured legal schools (*madhhabs*) and the Islamic community (*umma*), Bahri Mamluks since Baybars reforms in 1265 had found a solution that provided clear guidance to the *umma* as well as clear career advancement to *qadi* and *ulama* seeking favors from the Sultan. Bahri Mamluk sultans were pleased to administer for social, religious, and political stability in their kingdom. The Bahri Mamluk sultans ruled a diverse body of Islamic sects and Christian and Jewish minorities and neighbored their historic enemies the Mongols. Ibn Taymiyyah had early in his career attacked a Christian from Suwayda, personally confronted the Mongol chieftan to point out his transgressions of Islam, written to instruct the King of Cyprus, and written a number of fatawa critical of the Sufis and Ash'arites that populated the Bahri Mamluk Sultanate. For Bahri Mamluk Sultans who often were incapable of

²¹³ *The Encyclopaedia of Islam*, s.v. “Ibn Taymiyyah.” On page 953, Laoust mentions “*akl*”, “*nakl*”, and “*irada*” as key thoughts of ardent, traditionalist or Sufi thinkers respectively as dogmatic philosophies. These were in addition to possible disagreements between the four *madhhabs*.

securing a stable reign, Ibn Taymiyyah presented frequent friction in and outside the Sultan's domain.

VI. INCARCERATION FOR IJTIHAD

Threat to Mamluk Authority

The characteristics of Mamluk authority during the third reign of Sultan Qalawun present significant explanation to the threat of the independent reasoning of Taymiyyah. His widely-known unpleasant behavior and personality was intricately connected to the response of religious and political authority. But it is not difficult to see the clear causes of his *ijtihad* being repudiated by *ulama* and sultan alike as the primary cause or responsibility. Furthermore, primary source documents record the offense of his aberrations from the Mamluk four chief *qadis* and respective *madhhabs*. Sultan Baybars Jashnikirs in 1309 and Sultan Qalawun in 1305 incarcerate him for his threat to the security and stability of the state and community. Examination of the edict by Mamluk Sultan al-Malik al-Mansur Qalawun on Ibn Taymiyyah's crime and punishment clarify important aspects of how his *ijtihad* was viewed by the sultan while Ibn Taymiyyah's own letters from prison highlight his unwavering mission to convert the sultan and *ulama*

as adversaries of Allah to his novel rulings (*ahkam*). The previous conflict with the *Ulama*, Sultan Baybars, and established *sharia*, would not have gone unnoticed by Sultan Qalawun upon his return to the Mamluk throne in 1310. Neither would he be unaware of the defiant attitude or mission of this *qadi* relative to his writings in his letters from prison.

In the interim of Sultan Qalawun's second and third reign, Ibn Taymiyyah suffered imprisonment under Sultan Baybar's Jashnikir for his clash with the Mamluk *Ulama*. In circumstances that should have earned enduring support from Sultan Qalawun, Ibn Taymiyyah attacked the *Ulama* that had validated the reign of the usurper Baybars. Instead, it presented further evidence of his *ijtihad* and refusal to practice or imitate previous rulings (*taqlid*) by submitting to the four chief *qadis*. Letter Five of Ibn Taymiyyah indicated his perception that his imprisonment was for the rehabilitation of his opponents. Far from reproach or guilt on his part, or need for change in behavior, he instead found it as an opportunity to place demands on the Mamluk authorities to change:

...all know my position of bliss and reward...greatest of Allah's opponents...now seeking to be led and directed... We placed on them conditions to fulfill by which the destruction of the sunnah is restored to the detriment of falsehood and innovation.²¹⁴

Ibn Taymiyyah thus charged the Bahri Mamluk Sultan with a serious sin, innovating law instead of following *sharia* law (*bid'a*) as well as allowing the adherence to the sayings and actions of Muhammad to deteriorate the lives of the Islamic Community. The Sunnah is the authoritative element of Islam, along with the *Quran*, in which the Islamic community imitates and abides by what Muhammad did, said, or taught. Since this is

²¹⁴ Ibn Taymiyyah, *Ibn Taymiyyah's Letters from Prison* (Hounslow, London: Message of Islam, 1998), 31.

the primary function of Islamic government, to promote the teachings of Islam in the community, this charge was quite serious. Furthermore, if Mamluk elites became aware of these thoughts, it might have engendered anxiety regarding the notion that a legal or religious authority outside the four chief *qadis* was labeling them the “greatest of Allah’s opponents.” The Sultan would certainly have concern to read the following threat against him and his authority from an unrepentant Ibn Taymiyyah:

Unless our justifiable requirements are met in practice, public, and in private, which might erase their previous sins, we will not grant them their wish.²¹⁵

Taymiyyah served eight months in Alexandria under Sultan Baybars Jashnikirs. He may not necessarily have revealed these words from his letters intended to family and disciples to the Mamluk authority. Yet his combative tone such as when he ended the letter invoking the “provision of Allah” for the “degradation of disbelievers” (*kufir*) would certainly have been noticed and reported by those securing his imprisonment on the behalf of the Mamluks.²¹⁶

QALAWUN EDICT MENTIONS IJTIHAD

Qalawun declared the correct religion (*deen*) of the state, Ibn Taymiyyah’s violation of it, the necessity for society and state to adhere, and a penalty of capital punishment for any who would hold the Damascene Shaykh’s opinion. It is important to note that Qalawun identified the *ijtihad* of Ibn Taymiyyah by declaring his rulings to be at variance with the consensus (*ijma*) of the *Ulama* and commands (“*hukkam*”).²¹⁷ Mamluk religious and political authority did not support his views and they were

²¹⁵ Ibid.

²¹⁶ Ibid.

²¹⁷ Little, “The Historical and Historiographical Significance of the Detention of Ibn Taymiyya,” 321.

consequently invalid. In fact, the Hanbali *madhhab* were firmly instructed to renounce such belief. They were to take their lead from Mamluk affiliated *Qadis* under the previously mentioned judicial reforms of Baybars, not from the *mutahid mutlaq* Ibn Taymiyyah. His exegesis (*tafsir*) was found faulty but he was attacked for his failure to have support from the Mamluk *ulama* and *hukkam*. It is important to note that this declaration by the Sultan occurred near the end of his second reign in 1305, but reflected the threat and danger felt in each of his incarcerations from this time onward. Don Little summarizes the nature of Ibn Taymiyyah's incarcerations and the prevailing thought of Sultan Qalawun:

Thus, from the point of view of the head of state and his religious advisors, the propagation of certain theological beliefs jeopardized the salvation of individual Muslims and the stability of the state, so that the sultan, and defender of the state, took appropriate action. It is true that this document was drafted for the *mihan* of ...1305, but it could just as easily apply to any of the others (except the first), and I consider it to be representative of the official stand taken by the authorities until the end, that is until the death of Ibn Taymiyya.²¹⁸

Sultan Qalawun vigorously defended his system of each *madhhab* represented by a chief qadi ensuring conformity. While he vigorously expelled and executed vice sultans and *emirs* who had served under his predecessors, he embraced the four chief *qadi* system to form a united religious front that guaranteed clear and decisive legal codes and rulings to a highly volatile and eclectic *umma*. This inclusive view provided diversity and flexibility for religious minorities such as Muslim Mongols, Syrian *Hanafis*, Egyptian *Malakis*, and the mass majority of those holding Sufi affinities. This unity and ability to accommodate the diverse affinities of the *umma*, from a centralized *ulama*

²¹⁸ Ibid., 321.

managed by the sultan, stabilized society. It eliminated internal threats that would distract Qalawun from responding to external Crusader, Mongol, and regional threats. The significance of this can be seen when Ibn Taymiyyah offended and attacked the agreement between the Amir of Mecca and Mongol Ilkhanate in 1317. Qalawun did not share Ibn Taymiyyah's attack of Shi'ism, the preferred sect of the Mongol Ilkhan, merely five years subsequent to the Mongol and Bahri Mamluk battle in Syria in 1312.²¹⁹ Ibn Taymiyyah, prominently established as a *mutlaq mujtahid*, popular in Cairene and Damascene circles, and extremely outspoken was thus a political liability.

SOCIAL, POLITICAL, AND LEGAL THREAT OF IJTIHAD

It was possible that Sultan Qalawun, in addition to Ibn Taymiyyah's interference between the Amir of Mecca and Mongol Khudabanda conciliation, saw his divorce *fatwa* as a political threat. While Ibn Taymiyyah invalidated the triple divorce, and reproved the consensus (*ijma*) if not the exegesis (*tafsir*) of Umar's in the process, he wrote a capacious explication on the nature of oaths. As oaths were a means of submission and fealty (*baya*) to the caliph or sultan, Ibn Taymiyyah was opening up a debate that might affect the invalidation of the *umma*, *ulama*, *emirs*, and more to Sultan Qalawun.²²⁰ Rapoport demonstrates how treason and rebellion could be remedied by simple payments of fines. Qalawun sought Ibn Taymiyyah's assessment on the condition in Syria (*Shams*) before deciding to "*hajj*" or, instead of making a sincere pilgrimage, in fact flee for his life in 1309. Qalawun then easily was aware of Ibn Taymiyyah's writings and most likely through his court was aware of the ramifications and consequences of his

²¹⁹ *The Encyclopaedia of Islam*, s.v. "Ibn Taymiyyah.", 952.

²²⁰ Winter and Levanoni, *The Mamluks in Egyptian and Syrian Politics and Society*, 203.

conclusions. Political consequences were not the only threatening aspect of Taymiyyan tafsir on the triple divorce.

TRIPLE DIVORCE WAS IJTIHAD

Ibn Taymiyyah's ruling on the triple or simultaneous divorce was a clear exercise of independent reasoning. Al-Matroudi demonstrated that at no time had this ruling existed in Hanbali law. Yossef Rapoport agreed with his assessment calling Ibn Taymiyyah's ruling "unprecedented" and "radical."²²¹ We do not have to read into Ibn Rajab's vague comments in his biography on Ibn Taymiyyah's lone insistence on "some irregular issues."²²² Caterina Bori suggested that Ibn Rajab's usage of *shadh* for a "non-canonical opinion" instead of writing *mashhur* for "a rule generally accepted" likely was a negative reference to Ibn Taymiyyah's triple divorce controversy.²²³ It was of course controversial primarily for contradicting past and present consensus as well as the heritage of Hanbali law. Even in modern times, Saudi Arabia has historically upheld the Triple Divorce and any minority opinions stand alone on Ibn Taymiyyah.²²⁴ Yossef Rapoport, in his *Ibn Taymiyyah on Divorce Oaths*, described Taqi al-Din al-Subki's view on Ibn Taymiyyah's ruling as "abominable heresy" and "innovative opinions."²²⁵ Rapoport himself described Ibn Taymiyyah's *al-Ijtima wa'l-Iftiraq fi al-Hilf bi'l-Talaq* as a "novel doctrine" "contradicting...established doctrine" (Meeting and Parting of Ways on Oaths on pain of Divorce).²²⁶ Ibn Qayyim's asserted that Mamluk authorities seized

²²¹ Yossef Rapoport, "Review: The Hanbali School of Law and Ibn Taymiyyah: Conflict or Conciliation," *Islamic Law and Society* 14 (July 2007): 290.

²²² Bori, "A New Source for the Biography of Ibn Taymiyya," 326.

²²³ Ibid.

²²⁴ Masud, Messick, and Powers *Islamic Legal Interpretation: Muftis and Their Fatwas*, 265.

²²⁵ Winter and Levanoni, *The Mamluks in Egyptian and Syrian Politics and Society*, 199.

²²⁶ Ibid.

him for violating the consensus on divorce. Henri Laoust noted in 1318 the Sultan forbade any *fatawa* by Ibn Taymiyyah on divorce against his school's rulings. Agreement, then, can be found from the earliest biographies, to Laoust, to modern commentators without debate on Ibn Taymiyyah's triple divorce *fatwa* representing new, contradictory, or independent reasoning.

But one cannot refrain from noting Ibn Taymiyyah's rebuttal and correction of a Rashidun's *ijtihad* on the basis of his reading of the *hadith* literature. In a highly contentious arena, Ibn Taymiyyah overruled the *ijma*, Hanbali *fiqh* and even established the societal practice of the pronouncement of a triple and subsequent irrevocable divorce.²²⁷ Mamluk society would be drastically affected as many married men and women would now be considered impure, not legally married, children would lose legal rights by virtue of their legal standing changing to illegitimate, as well as husbands' power and authority over wives at a loss through the removal of this key Islamic injunction against women in marriage. The societal volatility possible in such a revisionist look at current *Shar'ia* is immediately apparent. The *Fitna* of 1318 so disrupted Damascus over the issue of oaths and divorce that Sultan Qalawun and his governor Tankiz were required to take action. This resulted in the break of any affinity or allegiance by Qalawun to Ibn Taymiyyah and definitive and proactive participation by Qalawun and his deputy in Damascus, Tankiz, to remove Ibn Taymiyyah's right to issue *fatwa on half bi talaq*, by his arrest for defying the order, court proceedings, and two imprisonments.

²²⁷ Ibid., 203.

This was not the end of Sultan Qalawun's observations of Ibn Taymiyyah's *ijtihad* defying Mamluk authority. In addition to the political and societal threat to stability, Ibn Taymiyyah presented legal insubordination to Mamluk authority. His continued *ijtihad* in violation of imitation (*taqlid*) of Ibn Hanbal and his school, or established law (*fiqh*) of Cairo or Damascus' four chief *qadis*, ruptured the legal authority of Qalawun's rule. Baybars long established reform establishing four chief *qadis* was an innovation to Ibn Taymiyyah. His rulings and continued assertion of his law (*fiqh*) on divorce and oaths flouted the Mamluk reform act of Baybars. Evidence that Qalawun acted against the independent reasoning of Ibn Taymiyyah, in violation of the four chief *qadis* or Hanbali *fiqh* is apparent and the Sultan's edict several months after *al Ijtima wal Iftiraq ft al Hilf bil Talaq* to rescind any *fatwa* writing on divorce strongly reinforces this conclusion.²²⁸ Rapoport mentioned the Hanbali chief *qadi* of Damascus attempted to persuade Ibn Taymiyyah weeks prior to desist. He and *Hanafi* chief *qadi* al-Hariri's opposition, make it clear that Ibn Taymiyyah's *fatwa* was *ijtihad*, violating the consensus of the four *madhhabs* serving Qalawun, and quickly angered the Sultan.

²²⁸ Ibid., 199.

VII. CONCLUSION

I have compiled much circumstantial evidence on the motivation of Sultan Qalawun to suppress Ibn Taymiyyah for his *ijtihad*. However, it has been established that in his lengthy third and final reign, Sultan Qalawun staunchly restricted the *ijtihad* and freedom of Ibn Taymiyyah. This was a personal endeavor and even entailed his recently appointed Governor of Syria (Shams), Tankiz, to guarantee it. Sultan Qalawun ordered Ibn Taymiyyah in 1318 to desist from *ijtihad* and comply with Hanbal concerning divorce. Qalawun's prohibition was violated and Ibn Taymiyyah was imprisoned in 1320. He was arrested by order of Qalawun in 1326 along with his disciples. His right to issue *fatawa* was revoked due to his *ijtihad* on tomb visitation and cult of saints on authority of Qalawun in 1328. He upset Qalawun's Maliki chief *qadi* al-Ikhnai and Shafi chief *qadi* Kunawi. The Sultan had his pen and ink seized for *ijtihad* and attacks against the Maliki chief *qadi* and the cult of saints.

While many arguments may seek to explain the personal drama between the Sultan and Ibn Taymiyyah or the professional jealousy against the *qadi al-qudat* of Cairo and Damascus, the fact remained that Bahri Mamluk stability among the rank and file, between the sultan and four chief *qadis*, and the external threats to Islamic peace were well-handled in the third reign of Sultan Qalawun while the freedom, health, and career of Shayk al-Islam Taqi al-Din Ahmad Ibn Taymiyyah declined and ultimately perished. Personal and professional rivalry, a lack of decorum or humility, his Mesopotamian roots in urban circles of religious elite, and an unending list of possible influences to his *mihan* or conflicts Ibn Taymiyyah faced. Operating outside his *madhhab*, contradicting the post Baybar reform four chief *qadis* and their *madhhabs*, questioning *sharia* of Umar, the third caliph, and throwing the *umma* into confusion in their soteriological quest to follow the path of Islam most certainly explained his incarcerations by Sultan Qalawun.

The third reign of Sultan Qalawun strove to rise above the restraints of forces that would jeopardize his ability to rule. Ibn Taymiyyah wrote and spoke undermining Mamluk authority. He established the right of the *umma* to overthrow a government not ruling according to Islam. He questioned the Mamluk tradition of oaths. He ignored and ruled against the religious elites holding Mamluk office and obligated under the Sultan to their *madhhab*. Sensitive to pleasing the *ulama*, and in order to sustain a Sultanate viable against civic unrest, Crusader, Mongol, and other external military threat, Qalawun most certainly did incarcerate until his death the popular *mujtahid mutlaq*. Ibn Taymiyyah was a *mujtahid mutlaq* who unalterably sought to lead the *umma* and surpassed any other known figure in the practice of *ijtihad* in Mamluk if not Medieval History. Bahri Mamluk authority, in the person of Sultan Qalawun, between 1309 and 1328, acted

against the Mujtahid leading the *umma* back to *na'ss* against the innovations and distortions of Bahri Mamluk political and religious observance. The *umma* already had a Sultan and Ulama in the form of the four chief *qadis* of Cairo and Damascus that they were not amenable to Ibn Taymiyyah supplanting them.

APPENDIX

Reigning Bahri Mamluk Sultan	Date	Taymiyyah's Age
Zahir Rukn-al-din Baybars	658/1260	1-14 (b.1263)
Said Nasir-al-din Baraka Khan	676/1277	14-16
Adil Badr-al-din Salamish	678/1279	16
Mansur Sayf-al-din Kalaun	678/1279	16- 27
Ashraf Salah-al- din Khalil	689/1290	27-30
Al-Nasir Qalawun (1)	693/1293	31
Adil Zayn-al-din Kitbugha	694/1294	32-34
Mansur Husam-al-din Lajin	696 /1296	34-36
Al-Nasir Qalawun (2)	698/1298	36-46
Rukn-al-din Baybars Jashankir	708/1308	47
Al-Nasir Qalawun (3)	709/1309	48- 65 (d.1328)
Mansur Sayf-al-din Abu-Bakr	741/1340	

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