

Do Excellent Surgeons Make Miserable Exegetes? Negotiating the Sunni Tradition in the *ġihādī* Camps

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Abstract

This article is an attempt to explore how *ġihādī* authors make use of the Sunni tradition to bolster their case. Islamicists have rarely embarked on such a discussion, given the tendency to a priori chastise extremist authors for their untenable misrepresentation of Islam. Similarly, *ġihādī* arguments are frequently tossed aside as an already familiar rehashing of an insignificant, isolated stream of thought that stretches directly from Ibn Taimīya via Muḥammad b. ‘Abd al-Wahhāb to Saiyid Quṭb. In revisiting this claim, I employ a close reading of the crucial *ġihādī* manual *al-‘Umda fi i‘dād al-‘udda li-l-ġihād fi sabil Allāh* (The Essential Guide of Preparation for *ġihād* on the Path of God), written in the mid-1980s in the context of Afghanistan by an influential ideologue who is widely known as Dr. Faḍl. After presenting and evaluating a selection of the religious sources and authorities on which the author draws, the article enters into a discussion of his political thought. I argue that Dr. Faḍl makes a convincing case for a political project in the camps that is deeply embedded within the Sunni tradition. Reading Ibn Taimīya faithfully, Dr. Fadl does not turn him in into a proponent of violence against the ruler. Rather, the author sticks to the profound quietism the Damascene scholar is known for, thereby questioning supposedly established, clear-cut paths of reception.

Keywords

ġihād, reception of Ibn Taimīya, Islamic political thought, intellectual roots of radical Islam, Sunni scholarly tradition, Afghanistan, Aiman az-Zawāhirī, Dr. Faḍl

* This article draws on Simon Wolfgang Fuchs, *Proper Signpost for the Camp: The Reception of Classical Authorities in the ġihādī Manual al-‘Umda fi I‘dād al-‘Udda* (Würzburg: Ergon, 2011). I am very grateful to the two anonymous reviewers for their insightful critique. Muhammad Qasim Zaman, Aaron Rock-Singer, Luke Yarbrough, Cole Bunzel and the participants of the Princeton Islamic Studies Colloquium, who all read an earlier version of this article, provided me with highly valuable feedback.

Extremist *ġihādī* Islam¹ remains a puzzle. Is it all a “great theft” by “puritan” authors who deprive Islam of its inherent richness?² Are these modern, mainly secularly educated and often self-styled engineers-turned-‘*ulamā*’ responsible for a selective, narrow, and ultimately “wrong” reading of the tradition? Are we faced with a legal reasoning that can only be described as “arbitrary, casuistical and subjective”?³ While some scholars question whether we can make the case for “orthodoxy” or a certain “mainstream” within Sunni Islam, whether the very problem of who gets the hermeneutic upper hand is relevant at all,⁴ others take great pains to demonstrate that Islam is something completely different from what the extremists make of it.⁵ Such arguments often point to a supposedly inherent pluralist and quietist character of the Sunni tradition. Consequently, scholars chastise the *ġihādīs* for impoverishing the Islamic religious and intellectual heritage.⁶ John

¹ I define radical *ġihādī* Islam as a transnational movement “which rallies around Jihad as the centerpiece of its activities and theories” (Rüdiger Lohker, *Dschihadismus* (Stuttgart: UTB, 2009), 9) and holds that “jihad should not just be waged against invading or aggressive non-Muslim enemies but should also be used in a revolutionary way against the ‘apostate’ rulers” in Muslim-majority countries (Joas Wagemakers, *A Quietist Jihadi: The Ideology and Influence of Abu Muhammad al-Maqdisi* (Cambridge: Cambridge University Press, 2012), 9). Unlike Islamist parties, *ġihādīs* do not believe in taking part in a political process. They share, however, the Islamists’ view that Islam constitutes a clear-cut sociopolitical program, too. On Islamist parties, see, for example, Holger Albrecht and Kevin Köhler (eds.), *Politischer Islam im Vorderen Orient: Zwischen Sozialbewegung, Opposition und Widerstand* (Baden-Baden: Nomos, 2008). For a discussion of common socio-economic and political explanations for the origins of extremist readings of Islam in the modern age, see Gudrun Krämer, *Gottes Staat als Republik: Reflexionen zeitgenössischer Muslime zu Islam, Menschenrechten und Demokratie* (Baden-Baden: Nomos, 1999), 15-36.

² Khaled Abou El Fadl, *The Great Theft: Wrestling Islam from the Extremists* (New York: HarperSanFrancisco, 2005), 33-44.

³ Hamadi Redissi and Jan-Erik Lane, “Does Islam Provide a Theory of Violence?”, in *The Enigma of Islamist Violence*, eds. Amélie Blom et al. (London: Hurst, 2007), 45.

⁴ See Alexander Knysh, “Orthodoxy and Heresy in Medieval Islam: An Essay in Reassessment”, *MW* 83 (1993): 49. Compare for such a view also Mohammed Arkoun, “Present-Day Islam between its Tradition and Globalization”, in *Intellectual Traditions in Islam*, ed. Farhad Daftary (London: I.B. Tauris, 2000), 196.

⁵ Yahya Michot, *Muslims under non-Muslim Rule: Ibn Taymiyya on Fleeing from Sin, Kinds of Emigration, the Status of Mardin, the Conditions for Challenging Power* (Oxford: Interface, 2006).

⁶ Hamid Dabashi, *Islamic Liberation Theology: Resisting the Empire* (London: Routledge, 2008), 44-47.

Esposito and Dalia Mogahed, for example, describe Islam as a religious tradition that was always characterized by a “free market of religious thought”,⁷ whereas Norman Calder sees the late 19th century as a decisive point for tipping the balance. Islam since then has become “a smaller, more limited Islam than that which was on offer before”. It lost its “precious baggage, the inescapable burden, of experience”.⁸ These views raise the question of which version of the Islamic heritage serves as the point of reference. If traditional Muslim scholarship is turned into a beacon of inclusiveness, detached from any partisanship, we gloss over the differences between, e.g., Qur’anic commentaries⁹ and *kalām*, where the opinion of the opponent “was recorded (although not always in accurate display, sometimes distorted and unjustly simplified) and refuted with final and complacent apodictic certitude”.¹⁰ Louis Gardet likewise sees an intense struggle for “la vraie religion” at play in medieval Islam.¹¹ Nimrod Hurvitz goes so far as to argue that some of the “stirring ideological confrontations” of the intellectual Islamic tradition “were taken to the streets and evolved into violent clashes between the followers of the different sects and movements”.¹² Would it, therefore, be wise to characterize fiery tracts against unlawful innovation (*bid’a*) like Ibn al-Ḥāǧǧ’s (d. 737/1336) *al-Madḥal* as mere abnormalities?¹³ What do we

⁷ John L. Esposito and Dalia Mogahed, *Who Speaks for Islam? What a Billion Muslims Really Think* (New York: Gallup, 2007), 55.

⁸ Norman Calder, “The Limits of Islamic Orthodoxy”, in *Intellectual Traditions in Islam*, ed. Daftary, 87f. See also Dale F. Eickelman, “Compromised Contexts: Changing Ideas of Texts in the Islamic Tradition”, in *Text and Context in Islamic Societies*, ed. Irene A. Bierman (Reading: Ithaca, 2004), 157.

⁹ In the classical commentarial tradition, Qur’anic scholars presented existing views on a particular topic before expressing preference for one position without, however, voicing their own opinion (Calder, “The Limits of Islamic Orthodoxy”, 77).

¹⁰ Josef van Ess, “The Logical Structure of Islamic Theology”, in *Logic in Classical Islamic Culture*, ed. Gustave E. von Grunebaum (Wiesbaden: O. Harrassowitz, 1970), 23. See also Knysh, “Orthodoxy and Heresy”, 52 and Tilman Nagel, *Geschichte der islamischen Theologie: Von Mohammed bis zur Gegenwart* (München: Beck, 1994), 246f.

¹¹ Louis Gardet, *Les hommes de l’Islam. Approche des mentalités* (Paris: Hachette, 1982), 206.

¹² Nimrod Hurvitz, *Competing Texts: The Relationship between al-Mawardi’s and Abu Ya’la’s al-Aḥkam al-sultaniyya* (Cambridge, MA: Harvard Law School, 2007), 43.

¹³ Muḥammad b. Muḥammad b. al-Ḥāǧǧ, *al-Madḥal* (Beirut: Dār al-Kitāb al-‘Arabī, 1972).

make of the abhorrence al-Ġuwainī (d. 478/1085) displays regarding instrumental-rational conceptions of law among the Ḥanafīs?¹⁴ Shall we dismiss the significance and reality of inter-*madhhab* riots simply as disguised political conflicts?¹⁵

Maybe the undeniable phenomenon of plurality has little to do with a basic consensus holding that opinions and convictions were seen as interchangeable and disagreements regarded as a mere blessing. Rather, it might be fruitful to take into consideration that medieval scholars seldom had the necessary compelling force at hand to push through a certain interpretation of doctrine.¹⁶ Jonathan Berkey in his study on popular preaching holds that “many of the medieval ulama would have preferred a more static vision and experience of their faith”. Such an attitude gave rise to the growing role of legal compendia (*muḥtaṣar*) which encouraged unanimity within each school, sharpening its boundaries, and increased the salience of *bid'a*-related charges.¹⁷ Similarly, we also have to be careful in claiming that contemporary extremist thinkers can only adduce maverick authorities. Khaled Abou El Fadl has brought to light a whole stream of thinking about political rebellion (*aḥkām al-buġāh*) which explicitly made room for legitimate upheavals against the ruler. As long as rebels could claim to be more than highwaymen (*ḥirāba*) but adopted a system of belief or interpretation (*ta'wīl*), selected a leader and acted as a cohesive group, aṣ-Ṣāfi'ī was willing to not hold them liable for damage they inflicted on other Muslims.¹⁸ When it came to later jurists, who had absorbed the experience of the Mongol threat, the ultimate question of whether one should rebel against an unjust government was answered with a complex but succinct response summarized in the expression “it depends”. This

¹⁴ See Tilman Nagel, *Die Festung des Glaubens: Triumph und Scheitern des islamischen Rationalismus im 11. Jahrhundert* (München: Beck, 1988), 179-192.

¹⁵ See Richard Bulliet, *The Patricians of Nishapur: A Study in Medieval Islamic Social History* (Cambridge, MA: Harvard University Press, 1972), 28-46.

¹⁶ This does not mean, however, that states would not at times favor certain juridical or theological currents. See Ahmed El Shamsy, “The Social Construction of Orthodoxy”, in *The Cambridge Companion to Classical Islamic Theology*, ed. Tim Winter (Cambridge: Cambridge University Press, 2009), 109 and Nagel, *Die Festung des Glaubens*, 163f.

¹⁷ Jonathan Berkey, *Popular Preaching and Religious Authority in the Medieval Islamic Near East* (Seattle: University of Washington Press, 2001), 94.

¹⁸ Khaled Abou El Fadl, *Rebellion and Violence in Islamic Law* (Cambridge: Cambridge University Press, 2001), 151f.

balance-of-evils test manifested itself later when some contemporary scholars deliberately remained ambiguous as to whether the Wahhābī movement could be labeled as *buḡāh*.¹⁹ Khaled Abou El Fadl considers it as significant that jurists, given their preference for stable systems, thought about the right to resist the state and sometimes openly advocated sedition.²⁰ Werner Schwartz argues along the same lines, calling this non-quietist stream an “alternative Orthodoxie”.²¹

These general reflections prepare the ground for an essential question the present article intends to raise: What do we actually know about the theological labor that Islamist and *ḡihādī* authors exert to bolster their position?²² Is it at all possible to trace the intellectual origins of political visions to which the key thinkers within the *ḡihādī* camp subscribe? It might make sense to accept their reasoning at face value for analytical purposes without from the outset aiming solely at demonstrating the flaws of their approach or their political naiveté.²³ The way in which we deal with the juridical-theological aspects of radical Islam lacks this impartiality—for many good reasons, to be sure.²⁴ Yet, by focusing only on a rather “canonical” progression of several influential modern thinkers like Abū ’l-‘Alā Maudūdī, Saiyid Quṭb and ‘Abd Allāh ‘Azzām,²⁵ it proved often fairly easy to dismiss such activist reasoning as a modern ideology barely disguised by Islamic garb. Such an argument is often connected with an emphasis on Ibn Taimīya’s (d. 718/1328) central role

¹⁹ Ibid., 331ff.

²⁰ Ibid., 18.

²¹ Werner Schwartz, *Ḡihād unter Muslimen* (Wiesbaden: Harrassowitz, 1980), 78.

²² See Krämer, *Gottes Staat als Republik*, 35 for our lack of thorough knowledge. For a recent, excellent discussion on the subject, see also Daniel Lav, *Radical Islam and the Revival of Medieval Theology* (Cambridge: Cambridge University Press, 2012).

²³ See Roswitha Badry, *Die zeitgenössische Diskussion um den islamischen Beratungsgedanken (ṣūrā) unter dem besonderen Aspekt ideengeschichtlicher Kontinuitäten und Diskontinuitäten* (Stuttgart: Steiner, 1998), 512.

²⁴ The present study follows in this regard the approach adopted by Heinrich Meier who sets out to read Carl Schmitt’s political theology while, first of all, taking him seriously (Heinrich Meier, *Die Lehre Carl Schmitts: Vier Kapitel zur Unterscheidung Politischer Theologie und Politischer Philosophie* (Stuttgart: Metzler, 2009), 267f.).

²⁵ On Maudūdī, see Seyyed Vali Reza Nasr, *Mawdudi and the Making of Islamic Revivalism* (New York: Oxford University Press, 1996). For Saiyid Quṭb, compare John Calvert, *Saiyid Quṭb and the Origins of Radical Islamism* (New York: Columbia University Press, 2010). A short biographical sketch of ‘Azzām can be found in Guido Steinberg, *Der nahe und der ferne Feind: Die Netzwerke des islamistischen Terrorismus* (München: Beck, 2005), 40-47.

in *ḡihādī* thought²⁶ which was picked up and popularized by the *wahhābiya*.²⁷

A systematic study, however, exploring the history of Ibn Taimīya's reception as well as a detailed discussion of the extent to which he in fact dominates extremist thought, is missing in the literature.²⁸ Con-

²⁶ Ibn Taimīya is portrayed as the "reference for almost all Arab Islamists from Egypt, to Algeria, to Saudi-Arabia" (Mamoun Fandy, *Saudi Arabia and the Politics of Dissent* (Basingstoke: Macmillan, 1999), 120). David Cook conceives his "extreme popularity" as a result of his prestige as a scholar who did not hesitate to attack established Muslim authorities while also delivering harsh judgments on unbelievers and apostates (David Cook, *Understanding Jihad* (Berkeley: University of California Press, 2005), 66). Birgit Krawietz declares Ibn Taimīya to be the "ideological forefather of the state of Saudi Arabia" (Birgit Krawietz, "Ibn Taymiyya, Vater des islamischen Fundamentalismus?", in *Theorie des Rechts und der Gesellschaft*, ed. Manuel Atienza (Berlin: Duncker & Humblot, 2003), 41). Emmanuel Sivan holds the Damascene responsible that Egyptian Islamists in the 20th century came to consider a violent takeover of the state as well as *ḡihād* against other Sunni Muslims as legitimate tasks (Emmanuel Sivan, *Radical Islam: Medieval Theology and Modern Politics* (New Haven: Yale University Press, 1990), 103). Quintan Wiktorowicz seconds this view for the *muḡāhidūn* fighting in Afghanistan (Quintan Wiktorowicz, "A Genealogy of Radical Islam", *Studies in Conflict and Terrorism* 28, 2 (2005): 83). It is remarkable that the consensus on the influence and importance of the *Ṣaiḥ al-Islām* within radical Islamist circles is even shared by those who vehemently attack the missing textual evidence for making such a connection in the first place. See Michot, *Muslims under non-Muslim Rule*, 58. Compare for a general overview of Ibn Taimīya's conception of *ḡihād* Denis Aigle, "The Mongol Invasions of Bilād al-Shām by Ghāzān Khān and Ibn Taymiyah's Three 'Anti-Mongol' Fatwas", *Mamlūk Studies Review* 11, 2 (2007): 91-120; Donald P. Little, "The Historical and Historiographical Significance of the Detention of Ibn Taymiyya", *IJMES* 4, 3 (1973): 311-327 and Mariella Ourghi, *Muslimische Positionen zur Berechtigung von Gewalt: Einzelstimmen, Revisionen, Kontroversen* (Würzburg: Ergon, 2010), 43-58.

²⁷ Henri Laoust, "L'influence d'Ibn-Taimiyya", in *Islam, Past Influences and Present Challenges*, eds. Alford T. Welch and Pierre Cachia (Albany: State University of New York Press, 1979), 29.

²⁸ The recently published *Ibn Taymiyya and his Times*, edited by Yossef Rapoport and Shahab Ahmed (Karachi: Oxford University Press, 2010), only partially fills this gap. In this volume, Khaled El-Rouayheb argues that there was no significant reception of Ibn Taimīya among mainstream Sunnis until the 19th century. Ibn Taimīya's works are not mentioned in lists of studied works (*atbāt*), in stark contrast to his opponents like Ibn al-'Arabī or philosophical theologians such as at-Taftāzānī and al-Gurḡānī. See Khaled El-Rouayheb, "From Ibn Ḥajar al-Haytamī (d. 1566) to Khayr al-Dīn al-Ālūsī (d. 1899): Changing Views of Ibn Taymiyya among non-Ḥanbalī Sunnī Scholars", in *ibid.*, 299. For a discussion of Ibn Taimīya's influence on the Ḥanbalī school of law, compare Abdul Hakim al-Matroudi, *The Hanbalī School of Law and Ibn Taymiyyah: Conflict and Conciliation* (London: Routledge, 2006), 92-128 and 171-185.

temporary scholars dealing with radical Islam,²⁹ for example, often rely on Rudolph Peters' *Jihad in Classical and Modern Islam* to underscore Ibn Taimīya's relevance for modern Islamists. Peters translates an unidentified paragraph from *as-Siyāsa aš-šar'īya fī iṣlāḥ ar-rā'ī wa-r-ra'īya* (Rule According to God's Law on Reforming Both the Ruler and the Subjects),³⁰ stating that it mainly served the justification of *ḡihād* against Muslims who resist the established political order or refuse to submit to the rules of the *šarī'a*.³¹ The best-known radical interpretation of Ibn Taimīya was brought forward by the assassins of the Egyptian president Anwar as-Sādāt in their notorious pamphlet *al-Ḡihād al-farīda al-ḡā'iba* (*Ḡihād: The Neglected Duty*). Consisting of long passages that are taken verbatim from Ibn Taimīya's anti-Mongol *fatwās*, this text led not only to a renaissance of the Western interest in this multifaceted scholar but to a reductionist portrayal of him as well.³² It is important of course to keep in mind that Islamist groups in general and resurgent or *ḡihādī* groups in particular are an essentially modern phenomenon.³³ If this labeling, however, becomes the exclusive focus of our attention, we

²⁹ Among the authors mentioned in this paper Sivan, Wiktorowicz and Jansen all rely on Peters.

³⁰ I located this passage in Aḥmad b. 'Abd al-Ḥalīm b. Taimīya, *Maḡmū'at fatāwā Šaiḫ al-Islām Aḥmad b. Taimīya*, ed. 'Abd ar-Raḥmān b. Muḥammad b. Qāsim al-'Aṣimī an-Naḡdī al-Ḥanbalī (Riyadh: Maṭabi' al-Riyāḍ, 1961–1969), vol. 28, *Faḍl al-ḡihād*, 193–198.

³¹ Rudolph Peters, *Jihad in Classical and Modern Islam* (Princeton: Wiener, 2005), 44.

³² For a recent critique of how Faraḡ misconstrues Ibn Taimīya by overemphasizing the importance of un-Islamic laws in his thought, thereby producing a “complete corruption of Ibn Taymiyya's legal categories”, see Mona Hassan, “Modern Interpretations and Misinterpretations of a Medieval Scholar: Apprehending the Political Thought of Ibn Taymiyya”, in *Ibn Taymiyya and his Times*, ed. Rapoport, 354–359. For a discussion of *al-Farīda*'s text, see Johannes J. G. Jansen, “The Creed of Sadat's Assassins: The Contents of ‘The Forgotten Duty’ Analysed”, *WI* 25 (1985): 1–30 and *ibid.*, *The Neglected Duty: The Creed of Sadat's Assassins and Islamic Resurgence in the Middle East* (New York: Macmillan, 1986).

³³ See, for example, Stefan Wild, *Mensch, Prophet und Gott im Koran: Muslimische Exegeten des 20. Jahrhunderts und das Menschenbild der Moderne* (Münster: Rhema, 2001), 38–47. Compare also Rudolph Peters, *Islam and Colonialism: The Doctrine of Jihad in Modern History* (Hague: Mouton, 1979). It is certainly true, as Ibrahim Abu Rabi' points out, that one can describe “Islamic resurgence as a neo-traditional Islamism, which, in many ways, has felt the impact of the West and has been compelled to forge a kind of intellectual and political synthesis in order to respond to the formidable challenge of the West” (Ibrahim Abu Rabi', *Intellectual Origins of Islamic Resurgence in the Modern Arab World* (Albany: State University of New York Press, 1996), 44).

forgo the opportunity to take a deeper and more careful look at how contemporary *ġihādī* thinkers engage the religious tradition. I suggest that it is worthwhile to explore how they choose from among classical and medieval authorities those scholars on whom they intend to build their argument and in which way the longstanding exegetical traditions of *fiqh* and *kalām* are reflected in modern radical tracts.³⁴

A Surgeon's Unrivaled *ġihādī* Legacy

More specifically, I am interested in analyzing how scholarly authorities from the formative, middle and modern period³⁵ are used in *ġihādī* discourse. I would like to pursue this task in relation to the important *ġihād* manual *al-ʿUmda fī iʿdād al-ʿudda li-l-ġihād fī sabīl Allāh* (The Essential Guide of Preparation for *ġihād* in the Path of God), completed in 1988. Relying on a close reading of the treatise, I shall provide a selection from the classical and modern authorities that are cited, and explore how the author employs them to further his cause and to advance his particular interpretation.³⁶

³⁴ When I use the term *ʿulamāʾ*, I apply it in a very broad sense that refers to scholars of *ḥadīth* as well as *fiqh*, a rather loosely defined scholarly elite that has enjoyed institutionalized religious education (see Muhammad Qasim Zaman, *Religion and Politics under the Early ʿAbbāsids: The Emergence of the Proto-Sunni Elite* (Leiden: Brill, 1997), 3).

³⁵ I follow Jonathan Berkey in his classification of Islamic history (Jonathan Berkey, *The Formation of Islam: Religion and Society in the Near East 600-1800* (Cambridge: Cambridge University Press, 2003), 179).

³⁶ For a more comprehensive discussion of even minor authors mentioned in *al-ʿUmda*, compare Fuchs, *Proper Signposts for the Camp*. The field of Islamic studies is in general reluctant to embrace literary theory or reception theory to explore intertextual connections. Even a study as recent as Alexander Knysh's *Ibn ʿArabi in the Later Islamic Tradition* (Albany: State University of New York Press, 1999) can simply declare that it aims at "tracing the fate of his legacy through the centuries" by juxtaposing sympathetic and polemical accounts in order to discover the "real" Ibn al-ʿArabī (ibid., 21). Many works on the transmissions of knowledge are merely descriptive. Compare Jonathan Berkey, *The Transmission of Knowledge in Medieval Cairo: A Social History of Islamic Education* (Princeton: Princeton University Press, 1992), 21-24 and 31-35. See also George Makdisi, *The Rise of Colleges: Institutions of Learning in Islam and the West* (Edinburgh: Edinburgh University Press, 1981), 140-146. The efforts by Albrecht Noth and Kurt Franz to identify *topoi* as well as stereotypical *Subtexte* have not found a broad echo elsewhere so far (Albrecht Noth, *Quellenkritische Studien zu Themen, Formen und Tendenzen frühislamischer Geschichtsüberlieferung*

Al-‘Umda’s author Dr. Faḍl, aka Saiyid Imām b. ‘Abd al-‘Azīz aš-Šarīf was once a close associate of Aiman aḏ-Ḍawāhīrī and the spiritual counselor or even the *éminence grise* of the Egyptian group al-Ġihād.³⁷ The files of the Egyptian state security case 462/1981, which investigated the circumstances of Anwar as-Sādāt’s assassination, mention him as being responsible for the indoctrination and recruitment of members within the organization.³⁸ Others call him the leading ideologue of the Egyptian group³⁹ or even al-Qā’ida’s philosopher-in-chief, a label which Dr. Faḍl himself seems to accept.⁴⁰ He spent more than twelve years in Pakistan, working as a surgeon while at the same time serving as a religious educator to the so-called Arab-Afghans, whom he instructed for several hours a day.⁴¹ After a brief interlude in Sudan, Dr. Faḍl finally split with the group which in the meantime had become al-Qā’ida in 1993. He settled in Yemen, practicing as a surgeon in the town of Ibb from where he was extradited in rather dubious circumstances to Egypt in October 2001.⁴² His name resurfaced some six years later. From his

rung (Bonn: Orientalisches Seminar der Universität Bonn, 1973), 101 and 124-130; Kurt Franz, “Plünderungen und Logistik: Ein Subtext in aḏ-Ṭabarī’s Bericht vom Aufstand der Zanġ”, in *Norm und Abweichung: Akten des 27. Deutschen Orientalistentages*, ed. Stefan Wild (Würzburg: Ergon, 2001). Even in modern texts we often do not know whether the author actually has read the medieval scholars whom he cites or whether he merely extracted their quotes from contemporary compilations. A variant of this problem is connected with the “familiar Islamic practice of projecting ideas and expressions backward onto earlier figures” (Berkey, *Popular Preaching*, 89).

³⁷ In his interview with *al-Hayāt* (8 December 2007), Dr. Faḍl (as I will call him from now on) described his role as a humble provider of *šarī’a* guidance, even though he himself alludes in the same interview to a more crucial position, claiming that “for years after the launching of al-Qā’ida, they would do nothing without consulting me”.

³⁸ Diaa Rashwan (ed.), *The Spectrum of Islamist Movements* (Berlin: Schiler, 2007), 404.

³⁹ Lohlker, *Dschihadismus*, 61.

⁴⁰ Lawrence Wright, “The Rebellion Within: An Al Qaeda Mastermind Questions Terrorism”, *New Yorker*, 2 June 2008.

⁴¹ On the Afghan *ġihād* and the militarily abysmal role of the Arab volunteers, compare Lawrence Wright, *The Looming Tower: Al-Qaeda’s Road to 9/11* (London: Penguin, 2007), 99-162.

⁴² The details surrounding Dr. Faḍl’s split from al-Ġihād are disputed. While Wright underlines the role of aḏ-Ḍawāhīrī’s tampering with Dr. Faḍl’s second major work *al-Ġami‘ fi ṭalab al-‘ilm aš-šarīf* (The Compendium in the Search of the Noble Knowledge), Rashwan argues that the parting of ways was caused by the uncovering of the organization’s military wing by the Egyptian authorities in 1993. This blow allegedly weakened Dr. Faḍl’s standing as a man “who was concerned solely with religious sciences and his own research” (Rashwan,

prison cell in Egypt, Dr. Faḍl issued sharp criticism of the way al-Qāʿida was waging *ḡihād*.⁴³ After his controversial views were published in two Arabic dailies in November 2007, Aiman az-Zawāhirī finally had to react. He posted a 200 page long denunciation of Dr. Faḍl’s attack on the Internet.⁴⁴

This prompt and detailed reply clearly demonstrates the influence which Dr. Faḍl enjoyed as an ideologue—at least in the past.⁴⁵ Camille Tawil found that the book became a “key text” in *ḡihādī* training camps, most of all in the al-Fārūq camp, which the newly-founded al-Qāʿida had set up in Khost.⁴⁶ Corroborating evidence is provided by a list of the most influential *ḡihādī* works as compiled by the newspaper *aš-Šarq al-Ausaṭ*, which mentions *al-ʿUmda* in a prominent place.⁴⁷ Dia

Islamist Movements, 405). His position was no longer tenable and so the group in Sudan chose a new leader.

⁴³ The book *Waṭīqat tarṣīd al-ʿamal al-ḡihādī fī Miṣr wa-l-ʿālam* (The Document of the Rationalization of *ḡihād* in Egypt and the World) had been transmitted by fax to several Arab newspapers in London. In a video message of the same year, az-Zawāhirī sarcastically commented that he had not been aware about Egypt’s prison cells being nowadays equipped with fax machines. He speculated that they might be connected to the same circuit as the instruments used for torture. Daniel Lav, in his analysis of the *Waṭīqat*, found that text does not really qualify as a “retraction” of Dr. Faḍl’s original views on *ḡihād* or an expression of remorse. Rather, Dr. Faḍl merely provides practical arguments why the duty is not feasible at present and insists that *ḡihād* must be governed by rules. See Daniel J. Lav, “Jihadists and Jurisprudents: The ‘Revisions’ Literature of Sayyid Imam and al-Gamaʿa Al-Islamiyya”, in *Political Islam from Muhammad to Ahmadinejad: Defenders, Detractors, and Definitions*, ed. Joseph Morrison Skelly (Santa Barbara, CA: Praeger Security International, 2009), 105–146.

⁴⁴ Az-Zawāhirī’s response *Tabriʿat ummat al-qalam wa-s-saif min manqaṣat tuḥmat al-ḥawar wa-d-daʿf* has been translated into French (Ayman az-Zawahiri, *L’Absolution des oulémas et des moujahidines de toute accusation d’impuissance et de faiblesse* (Villepreuy: Ed. Milelli, 2008). In November 2008 the debate entered into a second round with Dr. Faḍl writing a rebuttal of the denunciation of the “retraction”. See *al-Maṣrī al-Yaum*, 18 November – 12 December 2008.

⁴⁵ Dr. Faḍl was released from prison in the fall of 2012. He used his newly found freedom to pronounce in several TV appearances *takfīr* of those who participated in Egypt’s post-Mubarak political process. Additionally, his Facebook page recently announced the release of a book which promises to reveal the “secrets” about al-Qāʿida and its involvement with international drug cartels and foreign governments in the planning of 9/11. I am thankful to Cole Bunzel for sharing these information with me.

⁴⁶ Camille Tawil, *Brothers in Arms: The Story of Al-Qaʿida and the Arab Jihadists* (London: Saqi, 2010), 38.

⁴⁷ Lohlker, *Dschihadismus*, 61.

Rashwan states that the work “was considered the most dangerous book in circulation during the savage conflict between the Egyptian regime and the Jihad during the 1990s”. Occasionally its mere possession would lead to executions.⁴⁸ *The Militant Ideology Atlas*, monitoring the downloads from *www.tawhed.ws*, concludes that *al-‘Umda* is the second most downloaded text dealing with *ġihād* on the site.⁴⁹

Tradition Reclaimed

The argument that proponents of extremist Islam, trying as hard as they do to position themselves squarely within the Sunni mainstream, should only adopt a very narrow view on the religious tradition appears somewhat self-contradictory. I would, therefore, like to expand on observations made inter alia by Gilles Kepel and Gudrun Krämer. Both scholars found that Islamist activists either entirely discard the Islamic scholarly tradition—or restrict themselves to the works of Ibn Taimīya. The Damascene scholar stands out among his peers who are condemned by these *ġihādī* thinkers for their subservience to the rulers and their tailoring of *fatwās* to suit the sovereigns’ un-Islamic interests. This unfortunate development, so this reasoning goes, has plagued Islam ever since the formation of the four schools of law.⁵⁰

I suggest also, partly following Daniel Lav, to complicate the straightforward character of the prominent Ibn ‘Abd al-Wahhāb-Saiyid Quṭb connection which ought to be discernible, according to this common argument, in all later radical writings. Such a view does not hold with Dr. Faḍl’s treatise from which both writers are largely absent. One could assume of course that it might simply be undesirable to erect a world-view that claims to be the original doctrine of the *ahl as-sunna wa-l-*

⁴⁸) Rashwan, *Islamist Movements*, 429.

⁴⁹) William McCants (ed.), *Militant Ideology Atlas* (West Point: Combating Terrorism Center, 2006), available at <http://www.ctc.usma.edu/wp-content/uploads/2010/06/Atlas-ResearchCompendium1.pdf> (accessed 14 February 2012), 10. The figure “15805” should be treated with caution, though. The atlas neither makes clear to what period of time the “downloaded” and “read” listings belong nor what kind of criteria was applied for labeling texts as primarily dealing with *ġihād*.

⁵⁰) Gilles Kepel, *The Roots of Radical Islam* (London: Saqi, 2005), 80f., 206 and 235f.; Krämer, *Gottes Staat als Republik*, 35.

ġamā'a on controversial figures only. Accordingly, Dr. Faḍl had to hark back to the past in order to unearth basically the same *wahhābī*/Quṭbian ideas from respected jurists. This view is plausible indeed. Yet, as we will see shortly, it does not account for the creativity Dr. Faḍl displays.⁵¹ Johannes Jansen suggested in this context that due to its close reading of Ibn Taimīya's anti-Mongol *fatwās* and its contagiousness, *al-Farīda* established a certain "standard" with respect to the subsequent reception of Ibn Taimīya among *ġihādī* groups. This is a claim we can probe with *al-'Umda*. I argue that *al-Farīda*'s *ġihād*-focused engagement with Ibn Taimīya is not employed by Dr. Faḍl. Rather, our author does much more justice to the Damascene scholar by highlighting the latter's support for the political structures of his day.⁵² In fact, Ibn Taimīya would have had enough reasons to attack the Mamlūks for quite the same infractions the Mongols committed, but he refrained from doing so.⁵³

Common wisdom about seemingly clear-cut modes of transmission and "intellectual origins" does not help us very much to make sense of Dr. Faḍl's treatise. He intends to present himself as a thinker who takes the entire breadth of the Sunni tradition into view. Shifting back and forth in time, he does not rely solely on Ibn Taimīya, his anti-Īlhānid *fatwā* or his concept of divine unity (*tauḥīd*). Instead, Dr. Faḍl remains far more faithful to classical Sunni political thought as he goes to great lengths in affirming obedience to the ruler as the normal state of affairs. Additionally, he neither relies on Saiyid Quṭb's *ġāhiliyya* concept nor the

⁵¹ Lav convincingly demonstrates that, starting in the late 1970s, *salafī ġihādīs*, faced with polemics against Quṭb, moved away from him to "develop a more sober and classically rooted formulation of the principle of *ḥākimiyya*, namely jurisprudential *taḳfir* of the rulers" (Lav, *Radical Islam*, 168f.). Unlike the authors he discusses, however, Dr. Faḍl did not primarily embrace neo-Ḥanbalī and Wahhābī authors to make a more acceptable case for *ġihād* (ibid., 128f.). See for a similar argument about transcending Quṭb, Wagemakers, *A Quietist Jihadi*, 166. Dr. Faḍl also accused *az-Zawāhiri* of remaining stuck on the level of Saiyid Quṭb without ever progressing to the "stage of jurisprudential maturity" (see Lav, *Radical Islam*, 146f.).

⁵² Compare for this point also Little, "Historiographical Significance": 324 or Hassan, "Modern Interpretations", 350.

⁵³ Eventually, the Mamlūks came to believe they possessed a *yasa*, too, which governed the relations among them and manifested itself in their extensive reliance on *mazālim* jurisdiction which remained outside the boundaries of conventional Islamic law (Berkey, *The Formation of Islam*, 220-223).

argument, expounded so prominently in *al-Farīda al-ġā'iba*, of the apostate (*murtadd*; read: the unbelieving ruler) being far worse than someone who has never been a Muslim in the first place (*al-kāfir al-aṣlī*).⁵⁴

It is important to realize, too, that the Islamic political theories on which Dr. Faḍl draws leave him much room to maneuver. This is due to the specific feature of many writings in this field not to spell out clearly legal procedures like the mechanisms of deposing a caliph. Instead, they operate with rather vague terms like *ahl al-ḥall wa-l-'aqd* (the people of loosing and binding).⁵⁵ Thus, it proves fairly easy for Dr. Faḍl to fill the silence or deliberate ambiguity of classical texts with his own position without betraying their original intent. He fuses this classical political thought with a loose formal definition of the state that fits neatly with equally functional definitions as developed by Ibn Taimīya.⁵⁶ He can, overall, rely on a powerful minority stream of political activism. In this regard his method resembles that of the representatives of the Christian “radical orthodoxy” movement who seek to connect themselves to a conception of patristics that was buried under the weight of enlightenment and secularization.⁵⁷ His combination of all these different sources makes Dr. Faḍl’s arguments quite convincing in certain passages of *al-'Umda*. He is anything but an uneducated firebrand, to be sure: His last book, the *Waṭīqat at-tarṣīd*, was published in cooperation with a group of al-Azhar dignitaries who approved it as

⁵⁴ This view is held, for example, by the *salafi ġihādī* Abū Muḥammad al-Maqdisī. See Wagemakers, *A Quietist Jihadi*, 71.

⁵⁵ Muhammad Qasim Zaman points out that both in the debate over the qualifications, as well as over the very identity of this group there is “much that remains elusive in classical juristic discussions [...]. Yet the guiding assumption in such discussions seems to be that those comprising this category stand out by virtue of their stature and suitability and that their identity would, in fact, be unmistakable to all concerned.” See Muhammad Qasim Zaman “Ahl al-ḥall wa-l-'aqd”, in *EF*, accessed 14 February 2012, <http://referenceworks.brillonline.com/entries/encyclopaedia-of-islam-3/ahl-al-hall-wa-l-aqd-COM_0027>.

⁵⁶ See Baber Johansen, “Staat, Recht und Religion im sunnitischen Islam: Können Muslime einen religionsneutralen Staat akzeptieren?”, in *Der Islam in der Bundesrepublik Deutschland*, ed. Heiner Marré (Münster: Aschendorff, 1986), 28f.

⁵⁷ See Thomas Schmidt, “Postsäkulare Theologie des Rechts: Eine Kritik der ‘radikalen Orthodoxie’”, in *Biblische Aufklärung: Die Entdeckung einer Tradition*, eds. Martin Frühauf and Werner Löse (Frankfurt am Main: Knecht, 2005), 103.

being in accordance with “official” Islamic thought.⁵⁸ Yet, given all these scholarly credentials, Dr. Faḍl’s departure from classical theory becomes, for the same reason, more than obvious in critical junctures of the argument: his efforts to cast *ḡihād* as the *umma*’s necessary response are far less developed than his deliberations on the nuances of obedience every Muslim leader deserves. Before we take a closer look at how *al-‘Umda* treats classical authorities, a brief discussion of the general purpose, structure and underlying worldview of the work is necessary.

The Structure of *al-‘Umda*

Dr. Faḍl explains in the introduction that he aims at answering the question of how Muslims can fulfill the duty of *ḡihād* and prepare themselves for it despite their current (political) weakness and fragmentation (*al-ḥāl min ad-ḍa‘f wa-t-tafarruq*).⁵⁹ Even though the challenge of inculcating correct belief receives its fair share,⁶⁰ his discussion mainly revolves around governance in accordance with the *ṣarī‘a* (*as-siyāsa aš-ṣar‘īya*), the backbone of the treatise (*ṣulb ar-risāla*).⁶¹ He has written *al-‘Umda* especially for the brothers in the camp who asked him about the proper Muslim conduct in such an environment⁶² and promises to provide answers regarding the most dangerous attacks and claims—stemming from the midst of the *umma*—which the *muḡāhidūn* have to face. The brothers could fall prey to false claims like *ḡihād* being only

⁵⁸ See the newspaper *al-Miṣriyūn*, 15 September 2007.

⁵⁹ I have relied for the translation on a version of *al-‘Umda* that can be downloaded at <http://www.tawhed.ws/dl?i=f8ro5d45>, accessed 31 October 2012. In the process of working with the text, I was able to check this version against a printed edition available at Princeton University Library that was published in 1999 by Dār al-Bayāriq in Amman. Scholars who would like to verify my quotes are kindly requested to contact me, so that I can send them the PDF-file on which my quotations are based. The text on *tawhed.ws* is only available as a complex word document, which quite likely will be displayed with variances on different computer screens.

⁶⁰ *Al-‘Umda*, 5.

⁶¹ *Al-‘Umda*, 6 and 20. It is not entirely clear to me why Brynjar Lia concludes that Dr. Faḍl cautions “against military training before a sound ideological conviction is truly in place”. See Brynjar Lia, “Doctrines for Jihadi Training”, *Terrorism and Political Violence* 20 (2008): 527.

⁶² *Al-‘Umda*, 5.

defensive or an abrogated duty or that Islam is entirely compatible with democracy.⁶³ By dispelling these perilous seeds of doubt and providing rules of appropriate conduct, Dr. Faḍl attempts to contribute to mutual understanding and peace in the training camps (*mu'askarāt at-tadrīb al-islāmīya*). He regards these as nothing less than the nucleus for the common Islamic work (*al-'amal al-islāmī l-ḡamā'ī*) that has yet to be established on a global scale.⁶⁴

Dr. Faḍl divides his treatise into five parts of vastly unequal length. The third chapter, *al-Imāra*, can be considered—along with the fourth, *Wāḡibāt amīr al-mu'askar* (The Obligations of the Camp's Military Leader)—as the core of the book: Dr. Faḍl advances religious justifications for setting up an alternative political authority beyond the state and explores its possible scope. He elaborates on the conditions which a political/military leader has to fulfill, his duties, and the circumstances under which one is no longer bound in obedience to him.⁶⁵ The author focuses heavily on the requirements leadership imposes on the elite. Dr. Faḍl devotes no less than 247 pages to this topic in the book's fourth chapter. In comparison, only 55 pages in the fifth chapter revolve around *Wāḡibāt a'dā' al-mu'askar*, the obligations of the camp members.⁶⁶ If we switch from the macro level of *al-'Umda* to the way Dr. Faḍl arranges each chapter, we find that he clearly intends to couch his views into the forms of traditional religious reasoning. Resembling the structure of *fatwā* collections, he takes up (hypothetical) questions that are intended to clarify his viewpoints. In his answers, Dr. Faḍl never hides behind the smokescreen of other authorities. He always spells out his personal opinion with great confidence, introducing it over 220

⁶³ Ibid., 254.

⁶⁴ Ibid., 5. It might be possible to view the camps in Afghanistan as the finally fulfilled ambition of efforts in the 1970 by a group which became known as *at-Takfīr wa-l-Hiḡra* (Excommunication and Emigration) to erect such a parallel world in apartments around Cairo. See Gilles Kepel, *The Roots of Radical Islam*, 77f. and 90f.

⁶⁵ It is permissible to use only the masculine form when talking about authority since women do not play a major role in the treatise. With regard to *ḡihād* they are only to learn the necessary skills to defend their homes in the case of an attack (*al-'Umda*, 25f.). Dr. Faḍl dismisses views which would like to deny women even this role. As we will see later on, this approach fits with his overall effort to present himself as a middle-of-the-road thinker (ibid., 101).

⁶⁶ Ibid., 345-382.

times in *al-‘Umda* with the statements “I say”, “we say” or “I think that”.⁶⁷ This boldness is not per se out of the scope of *fatwā*-style reasoning since the *muftī* can express his position in a “caractère absoluement objectif”.⁶⁸

The reverse side of Dr. Faḍl’s strong conviction regarding the “Islam”-conformity of his own positions is expressed by his unbridled attacks on opinions he deems unacceptable. In philosophical and theological scholastic treatises, positive arguments for a given view are often followed by a series of *šubuhāt* (sing. *šubha*), counter-arguments by opponents, and their specific refutations.⁶⁹ This is exactly the way in which Dr. Faḍl’s sections of *radd* are structured.⁷⁰ He quotes the opponent he intends to refute, usually at length and with proper footnotes,⁷¹ before turning to an elaboration of his own view.⁷²

The book is held together by an entirely negative account Dr. Faḍl gives of the situation of Muslims today. Everything the Prophet issued warnings about is flourishing: excess in asceticism, the separation of politics and religion and outward display of foreign manners.⁷³ The unbelievers rule, they imprison “Muslims”, they torture, defile women and employ a very effective strategy which might be termed “no bread but circuses”.⁷⁴ Carrying weapons is restricted to the cronies of the rulers. They try to drive a deadly wedge between the Muslim population

⁶⁷ *Qultu* appears in *al-‘Umda* 191 times, *naḥnu naqūlu* 22 times and *arāhu* seven times.

⁶⁸ Emile Tyan, *Histoire de l’organisation judiciaire en pays d’Islam* (Leiden: Brill, 1960), 229.

⁶⁹ See E. K. Rowson “*Šubha*”, in *EP*, vol. 9, 492, col 2. Josef van Ess translates *šubha* as “irriger Gedanke”. See Josef van Ess, *Die Erkenntnislehre des ‘Adudaddīn al-‘Icī* (Wiesbaden: Steiner, 1966), 353.

⁷⁰ *Al-‘Umda*, 52, 69f., 150, 161, 286, 291, 295, 333, and 337.

⁷¹ *Ibid.*, 69-79 and 295-304.

⁷² Compare Josef van Ess, “Disputationspraxis in der islamischen Theologie: Eine vorläufige Skizze”, *Revue des Études Islamiques*, 44 (1976): 25. Dr. Faḍl’s main (contemporary) opponents in *al-‘Umda* are the Salafī and *ḥadīṭ*-specialist Nāṣir ad-Dīn Muḥammad al-Albānī (d. 1999), the Jordanian Salafī ‘Alī b. Ḥasan al-Ḥalabī al-Aṭarī, the Yemeni Salafī Muqbil b. Ḥādī al-Wādī‘ī (d. 2001) and the Syrian scholar Muḥammad b. Mahmūd al-Ḥamīd (d. 1969). See for a more detailed discussion Fuchs, *Proper Signposts*, 104ff. and 109-113. See for other *ḡihādī* authors attacking al-Albānī and al-Ḥalabī also Lav, *Radical Islam*, 107-119 and 140-166.

⁷³ *Al-‘Umda*, 241f.

⁷⁴ *Ibid.*, 29. The rulers deliberately worsen the economic situation, thus distracting the population from *ḡihād*, by turning their existence into a daily struggle for basic commodities

at large and the Islamic activists (*al-mutamassikīn bi-dīnihim*) in particular in order to easily finish off the latter. The activists have to reverse this process, they have to isolate the tyrants (*aṭ-ṭawāğīt*) from the general public by personal and public religious propaganda (*da'wa*) so that the principle of *ğihād* no longer remains the conviction of the activists only but is transformed into a common goal.⁷⁵ Time is running out for these lofty endeavors. The situation is comparable to the *riḍḍa* wars after the death of the Prophet and more dangerous for religion than the period of the *miḥna*.⁷⁶ Worst of all, though, is the challenge that the bulk of disseminated religious knowledge does not strive for God's glory but rather is geared towards justifying the anti-Islamic behavior committed by the unbelieving rulers (*taṭbīt autād al-kāfirīn*).⁷⁷ This seems to be a rather straightforward *ğihādī* analysis. Yet, the present does not loom large in Dr. Faḍl's world view: there are no references to the *ğihād* in Afghanistan which was winding down in 1988 and came to an end with the final Soviet withdrawal one year later, nor do we find any other concrete examples of *ğihād*-related activities in the 20th century retold.⁷⁸ In general, the situation of Muslims today resembles the setbacks and precarious circumstances of Islam's beginnings when economic difficulties and persecution ruled supreme.⁷⁹

Dr. Faḍl is quite candid in proclaiming that *ğihād* is no concept particular to Islam. Every army needs a doctrine of combat (*'aqīda*

(*şirā' alā luqmat al-'aiş*) while also subsidizing theater performances and cinemas in order to spread Western, secular values (ibid., 40).

⁷⁵ Ibid., 284f.

⁷⁶ Ibid., 83. On the background of the *miḥna* (lit. tribulation), a historical precedent that is cited four additional times by Dr. Faḍl (ibid., 156, 228, 304 and 356), consult, for example, John A. Nawas, "A Reexamination of Three Current Explanations for al-Ma'mun's Introduction of the *Miḥna*", *IJMES* 26, 4 (1994): 615-629.

⁷⁷ *Al-'Umda*, 204. Dr. Faḍl's Egyptian background comes to the fore when he warns that a large number of contemporary Islamic scholars receive their religious education from Jews and Christians in Western universities. Dr. Faḍl singles out Muḥammad al-Bahī, who served as minister for *auqāf* (religious endowments) and *şu'ūn al-Azhar* (al-Azhar affairs) under Nasser. On al-Bahī and the view that "c'est la révolution qui a réformé al Azhar parce que ses cheikhs ne l'ont pas voulu", see Malika Zeghal, *Gardiens de l'Islam. Les oulémas d'Al Azhar dans l'Égypte contemporaine* (Paris: Presses de la Fondation Nationale des Sciences Politiques, 1996), 98.

⁷⁸ See *al-'Umda*, 302 and 305 for two passing mentions of Palestine.

⁷⁹ Ibid., 367.

qitāliya) which proclaims itself to be in the right while denouncing the other party which must be fought. Yet, the motives of the Muslims fundamentally diverge since they intend to bring the whole world into submission to God. It was God's plan to separate mankind into believers and unbelievers in order to test them through this mutual hostility.⁸⁰ The Muslim *umma* is a fighting one⁸¹ and *ḡihād* remains its essential characteristic until they struggle alongside with Jesus against the anti-Christ (*al-masīḥ ad-daḡḡāl*).⁸² Following Ibn Taimīya, Dr. Faḡl stresses that *ḡihād* is the best voluntary deed and one of the best sacrifices for God.⁸³ Yet, not everybody has to go out into battle. Even when *ḡihād* has become an individual obligation (*fard 'ain*), a portion of the *umma*, the *ṭā'ifa manṣūra* (the victorious group), an elite segment within *al-firqa an-nāḡiya*,⁸⁴ can take up the responsibility to do the actual fighting.⁸⁵ This activist stance makes it clear that the author grants human beings far-reaching leverage over their actions and endows them with responsibility. Dr. Faḡl does not advocate a deterministic outlook: even though God promised the destruction of the unbelievers (*kuffār*) as exemplified in Moses' law (*ṣarī'at Mūsā*) and the conquest of Canaan,⁸⁶ Muslims are still obliged to plan their military actions carefully and to make use of protective measures.⁸⁷

⁸⁰ Ibid., 252-258.

⁸¹ Ibid., 272. Apocalyptic themes otherwise do not feature prominently in *al-'Umda*. The reestablishment of the caliphate and the promised conquest of Constantinople are mentioned without any concrete *Naherwartung*.

⁸² Ibid., 276.

⁸³ Ibid., 13.

⁸⁴ The concept of the one sect that is saved (*al-firqa an-nāḡiya*) is connected to the tradition that the the *umma* will split into 73 sects, 72 of which are heretical. See W. Montgomery Watt, "The Great Community and the Sects", in *Theology and Law in Islam*, ed. Gustave E. von Grunebaum (Wiesbaden: Harrasowitz, 1971), 26. Compare also Josef van Ess, *Der Eine und das Andere: Beobachtungen an islamischen häresiographischen Texten* (Berlin: de Gruyter, 2011), 7-64.

⁸⁵ *Al-'Umda*, 29. The idea of the vanguard can be traced back to Saiyid Quṭb and—in influencing him—Alexis Carrel who envisioned a social and biological elite for the salvation of civilization (Aziz al-Azmeh, *Islams and Modernities* (London: Verso, 1993), 30). Yet, Dr. Faḡl differs from Quṭb in the specification of the vanguard's character and the requirements it has to meet, notably religious knowledge, as we will see below.

⁸⁶ *Al-'Umda*, 265.

⁸⁷ Ibid., 322f.

Within the important *ġihādī* debate about who should be the primary target, Dr. Faḍl clearly sides with *al-Farīda al-ġā'iba* and identifies the near enemy as the most pressing concern.⁸⁸ As mentioned earlier, Dr. Faḍl does not subscribe to *al-Fārīda's* sharp distinction between the *murtadd* and *al-kāfir al-aṣli*.⁸⁹ For Dr. Faḍl, this differentiation is not more than a secondary criterion (*wasf tānawī*). Only the rejection of God's commands itself matters: The *ṣarī'a* does not distinguish between foreign and domestic unbelievers. Such a way of thinking would resemble the argument that locally produced wine is more harmful than imported alcoholic beverages.⁹⁰ Whom to fight first is not a question of a general classification of *kufṛ* but rather determined by political urgency (*wa-laisa l-maqṣad mimma sabaqa bayān at-tartīb bal bayān al-ahammīya*).⁹¹

Dr. Faḍl's Approach to Religious Sources

Dr. Faḍl admonishes his audience to accept only statements that have a clear basis in the Qur'ān, the *sunna*, and analogy (*qiyās*). Especially the latter becomes an important tool for him in applying *ḥadīth* to modern circumstances. He does not accept, however, consensus (*iġmā'*) in an unqualified way as a further source of law. One might speculate that this has to do with the bleak picture the 'ulamā' provide in the modern world: Dr. Faḍl cautions his readers not to adopt their behavior and views without a clear underlying legal proof.⁹² Additionally, Dr. Faḍl is

⁸⁸) Ibid., 281. For later shifts to the far enemy in the ideology of al-Qā'ida, see Steinberg, *Der ferne Feind*, 48-58.

⁸⁹) Dr. Faḍl cites this passage from Ibn Taimīya's *Maġmū'at al-fatāwā*, vol. 28, 534 on page 281 of *al-'Umda*.

⁹⁰) Ibid., 288.

⁹¹) Ibid., 304.

⁹²) We will take a closer look at Dr. Faḍl's political views below. At this point, I would only like to raise the possibility that his adoption of a skeptical attitude towards *iġmā'* might not only be due to its legal consequences but maybe also because of more far-reaching, political implications as well. Dr. Faḍl's attempts to anchor the authority of the camp commander and the ruler in an absolute power of decision-making. Since *iġmā'* for modernist thinkers like Rašīd Riḍā or Muḥammad Iqbāl became an arena of a collective *iġtibād*, carried out by a Muslim parliament, he might be careful to forestall any such interpretations by excluding the concept from the discourse (see Muhammad Qasim Zaman, "Consensus and Religious

seemingly unequivocal in rejecting the schools of law by stating that man should only follow God. Yet, he relies on an alleged consensus several times in his treatise. He adduces, for example, the opinions of jurists who belong to different schools of law when arguing that judges not appointed by a ruler can dispense justice, too.⁹³ We can distill Dr. Faḍl's self-perception as a writer who obviously uses his religious sources properly if we consider the way he attacks his opponents. It is especially the Jordanian *salafī* scholar 'Alī b. Ḥasan al-Ḥalabī al-Aṭarī whom he accuses of a very selective reading of Ibn Taimīya. Such an approach, he maintains, has nothing to do with good scholarly work (*laisa min al-amāna al-'ilmīya šai'*).⁹⁴ Regarding the discipline of *ḥadīṭ*, Dr. Faḍl defends the use of traditions which only have one transmitter (*ḥadīṭ al-āḥād*). In taking this position, he closely follows the *salafī ḥadīṭ* scholar Nāṣir ad-Dīn Muḥammad al-Albānī (d. 1999) who vigorously rejects the distinction that a *ḥadīṭ al-āḥād* could only be applied to legal rulings (*aḥkām*), not to matters of creed (*'aqā'id*).⁹⁵

Authority in Modern Islam: The Discourses of the 'Ulama', in *Speaking for Islam: Religious Authorities in Muslim Societies*, eds. Gudrun Krämer and Sabine Schmidtke (Leiden: Brill, 2006), 156-159.

⁹³ *Al-'Umda*, 89 and 340. He employs a similar strategy with regard to public interest (*maṣlaḥa*). Even though he does not acknowledge it as a principle of law, he nevertheless heavily draws on the concept to inter alia make room for lying in war (*ibid.*, 311). Additionally, he adduces aṣ-Šāṭibī, a major proponent of *maṣlaḥa*, quite extensively (see Fuchs, *Proper Signposts*, 98ff.).

⁹⁴ *Al-'Umda*, 158f. See for other arguments of faulty hermeneutics, 228 and 231f.

⁹⁵ *Al-'Umda*, 248. An-Nawawī (d. 676/1277) was the first scholar to treat this subject extensively while also arguing for the acceptance of such reports if they meet several conditions. On the details, see Yahyā b. Šaraf an-Nawawī, *Šaḥīḥ Muslim bi-šarḥ al-imām Muḥyī d-Dīn an-Nawawī*, ed. Muslim b. al-Ḥaḡḡāḡ al-Qušairī (Beirut: Dār al-Ma'rifa, 1994), vol. 1, 130f. Throughout *al-'Umda*, Dr. Faḍl establishes the soundness of non-Buḥārī or non-Muslim material by relying on al-Albānī. On him and his method, see Stéphane Lacroix, "Al-Albānī's Revolutionary Approach to Ḥadīth", *ISIM Review* 21 (2008): 6f. and Jonathan A. C. Brown, *The Canonization of al-Bukhārī and Muslim: The Formation and Function of the Sunnī Ḥadīth Canon* (Leiden: Brill, 2007), 321-334. For an in-depth critique of al-Albānī's method in validating traditions, compare Kamaruddin Amin, "Nāṣiruddīn al-Albānī on Muslim's *Šaḥīḥ*: A Critical Study of his Method", *ILS* 11, 2 (2004): 149-176. Even though Dr. Faḍl is heavily indebted to al-Albānī's scholarly method, this does not deter him from denouncing the latter's critical stance towards violent upheavals (compare Fuchs, *Proper Signposts*, 105f.).

Qur'ān

Before turning to medieval and modern authorities whom Dr. Faḍl cites, we should briefly review his use of Qur'ān and *ḥadīth* as well. We can identify first of all a stress on the necessity of obedience to authorities. The verse Q4:59 “O believers, obey God, and obey the Messenger and those in authority among you”⁹⁶ serves as one of the central references for all theoreticians of an Islamic political system.⁹⁷ It is, therefore, not surprising that it constitutes Dr. Faḍl's most often quoted passage from the Qur'ān.⁹⁸ That he envisions a top-down, elitist conception of society can be inferred from his exegesis of Q4:58, which cautions that the deposits (*amānāt*) should only be handed over to those to whom they belong. Dr. Faḍl interprets the *amānāt* as rulership (*wilāya*) which is assigned to those who are capable (*akfā'*) and possess special knowledge like the '*ulamā'*.⁹⁹ This group of specialists also assumes the role of deciding disputed topics as “those of them whose task it is to investigate would have known the matter” (Q4:83).¹⁰⁰

A second important topic is the encouragement of Muslims to get ready for *ḡihād*: Q8:60, which urges the believer to prepare “whatever force and strings of horses you can”, is cited 15 times.¹⁰¹ In this context, Dr. Faḍl argues for a strict deed-reward scheme, highlighting human agency: Q42:30, which warns that the afflictions striking man are the result of his sins, is quoted seven times.¹⁰² He also cites a verse that is one of the hallmark themes of all reformers: God will not change the condition of a people “until they change what is in themselves”

⁹⁶ I have relied for all Qur'ānic quotations on Arthur J. Arberry, *The Koran Interpreted* (Oxford: Oxford University Press, 1964).

⁹⁷ Badry, *Die zeitgenössische Diskussion*, 149. See for the circumstances of revelation (*asbāb an-nuzūl*) commonly discussed regarding this verse, *al-'Umda*, 150-155. Stefan Wild points out that the believers are only on two occasions in the Qur'ān commanded to obey someone other than the Prophet (Wild, *Mensch, Prophet und Gott*, 38).

⁹⁸ *Al-'Umda*, 6, 46, 55, 70, 81, 87, 107, 121, 226, 233, 247, 250 (2x), 363, 369, 381.

⁹⁹ *Ibid.*, 114, 121, 288, 354 (2x).

¹⁰⁰ *Ibid.*, 47, 70, 81, 113, 117, 187, 234, 369.

¹⁰¹ *Ibid.*, 5, 22f., 29, 83, 198, 270, 272f., 299, 284, 299, 320, 328, 337, 361.

¹⁰² *Ibid.*, 85, 199, 203, 205, 309, 373, 404. For additional listings, compare Fuchs, *Proper Signposts*, 68-72.

(Q13:11).¹⁰³ Such a transformation can only come about by applying the principle of commanding right and forbidding wrong (Q22:40).¹⁰⁴ The latter duty is tightly connected to *ġihād* as a constant sign of distinction for the *umma* to whom God eventually will grant victory.¹⁰⁵

The case of the “verse of the sword” (Q9:5) is an interesting one: *sūra* 9, which is set apart by its “martial nature” is the only *sūra* which does not feature the invocation of God’s mercy and is quoted extensively by Dr. Faḡl. Yet, Q9:5, usually considered to be the *ġihād* verse par excellence due to its abrogating power, does not receive much attention.¹⁰⁶ This might have to do with a) the conviction that *ġihād*, out of political urgency, ought ultimately not be waged against the *mušrikūn* (as the verse states), but rather against the *murtadd* rulers in Muslim countries and b) with the fact that *ġihādī* authors usually frame the fight in question as purely defensive and hence an individual duty for every Muslim.¹⁰⁷ Another verse the near absence of which rings loud is Q5:44 (*man lam yahḡum bi-mā anzala Allāh*).¹⁰⁸ This verse was used by Saiyid Quṭb who interpreted *yahḡum* in the sense of “to rule”.¹⁰⁹ Dr. Faḡl mentions this long verse only once to underline that a ruler

¹⁰³ *Al-‘Umda*, 95, 181, 201, 203, 205, 285, 296, 300, 309, 330, 357, 373. This verse was already put to use by Ġamāl ad-Dīn al-Afġānī (Mohamed Turki, “Erinnerung und Identität: Ansätze zum Verstehen der gegenwärtigen Krise im arabisch-islamischen Denken”, in *Geschichte und Erinnerung im Islam*, ed. Angelika Hartmann (Göttingen: Vandenhoeck & Rupprecht, 2004), 61f.).

¹⁰⁴ *Al-‘Umda*, 245, 262, 270, 296, 327, 342, 400. Compare also Michael A. Cook, *Commanding Right and Forbidding Wrong in Islamic Thought* (Cambridge: Cambridge University Press, 2004), 13-31.

¹⁰⁵ Dr. Faḡl quotes the following verses as proof texts: Q9:91-92, 6x; Q8:65, 5x; Q4:84, 7x; Q9:111, 6x; Q9:122, 5x; Q8:39, 6x; Q2:217, 6x. For the *umma*’s victory: Q9:33, 7x; Q30:47, 7x; Q3:126, 5x; Q8:10, 5x; Q63:7, 5x. For further details, see Fuchs, *Proper Signposts*, 70f.

¹⁰⁶ Dr. Faḡl quotes from this *sūra* 107 times but only four times from Q9:5 (*al-‘Umda*, 264, 266, 273, 312). On its character, see Cook, *Understanding Jihad*, 9 and David Powers, “The Exegetical Genre *nāsikh al-Qur’ān wa mansūkhuhu*”, in *Approaches to the History of the Interpretation of the Qur’ān*, ed. Andrew Rippin (Oxford: Clarendon Press, 1988), 130.

¹⁰⁷ See, for example, Wagemakers, *A Quietist Jihadi*, 71.

¹⁰⁸ “Whoso judges not according to what God has sent down—they are the unbelievers.”

¹⁰⁹ *Al-‘Umda*, 281. Stefan Wild, “Political Interpretations of the Qur’ān”, in *The Cambridge Companion to the Qur’ān*, ed. Jane Dammen McAuliffe (Cambridge: Cambridge University Press, 2006), 283. See also Abu Rabi’, *Intellectual Origins*, 166-219 and Saiyid Quṭb, *Ma’ālim fi ṭ-ṭariq* (Filasṭīn: n.p., 2004), 89-99.

who does not decide according to what God has sent down must be killed, thereby giving it the Quṭbian interpretation.¹¹⁰

Ḥadīṭ

Dr. Faḍl uses *ḥadīṭ* extensively in *al-ʿUmda*, especially in cases when he devises creative solutions to the problems which confront him. It is evident that the most important *ḥadīṭ* in Ibn Taimīya's anti-Mongol *fatwā* is not cited at all by Dr. Faḍl, who does not rely on any predictions regarding the *ḥawāriḡ* in his treatise. General narratives relating to *ḡihād*, however, occupy a prominent position:¹¹¹ One *ḥadīṭ*, for example, appears eight times in *al-ʿUmda*, transmitted by Aḥmad b. Ḥanbal and at-Tirmidī, according to which the Prophet commanded the community five things which God himself obliged him to do, *ḡihād* being among these.¹¹² *Ḥadīṭ* Nr. 7056 in the collection of al-Buḥārī, which appears in Muslim, too, serves as the pivot of Dr. Faḍl's reasoning for taking violent action against the state:

The Prophet (pbuh) summoned us and we gave him the pledge of allegiance. And he took from us that we pledge to listen and obey in that which is pleasant (*manṣaṭinā*) for us and in that which is repulsive for us and which is easy for us and which is difficult for us and which is in our interest and that we as his people (*ahluhu*) would not fight the order (*al-amr*). He said: "Unless you see open *kufṛ* for which you have a proof from God."¹¹³

Unless this condition is fulfilled, refraining from a pledge of allegiance (*bai'a*) would cause a death in a state of pre-Islamic ignorance (*ḡābiliya*)

¹¹⁰ Dr. Faḍl's reluctance to use the verse is interesting insofar as he later explicitly defended the applicability of Q5:44 against al-Albānī who had adduced a saying transmitted from the early Qur'ānic exegete Ibn 'Abbās (d. about 68/686-8) that the unbelief established by this verse is "unbelief that is less than unbelief (*kufṛ dūn kufṛ*)". See Lav, *Radical Islam*, 152ff.

¹¹¹ In numbering *ḥadīṭs*, I am relying on Šāliḥ b. 'Abd al-'Azīz b. Muḥammad b. Ibrāhīm Āl aš-Šāliḥ (ed.), *Mawsū'at al-ḥadīṭ aš-šarīf: al-Kutub as-sitta* (Riyad: Dār al-Salām, 2000). For Aḥmad b. Ḥanbal's *Musnad*, I used Aḥmad b. Muḥammad b. Ḥanbal, *Musnad al-Imām Aḥmad b. Ḥanbal*, ed. Šu'āib al-Arnā'ūṭ (Beirut: Mu'assasat ar-Risāla, 1993).

¹¹² *Al-ʿUmda*, 5, 76, 275f., 305, 373, 400 (2x). The *ḥadīṭ* has the number 17132 in Ibn Ḥanbal's *Musnad*; at-Tirmidī lists it as 2863. Of similar importance is *ḥadīṭ* 4946 in Muslim (6x) which stresses that preparation for *ḡihād* means learning how to use the bow.

¹¹³ This tradition is quoted in *al-ʿUmda* 52, 107, 283ff., 286f., 296, 299, 356, 366.

(Muslim 4793).¹¹⁴ The same threat applies to withdrawing from the *amīr* even an arm's length (al-Buḥārī 7053) or excluding oneself from the fold of the community and not having patience with the leader (al-Buḥārī 7054). Separation is only legitimate from heretical groups which are destined for hellfire (al-Buḥārī 7084), otherwise the dictum of the Prophet "who obeyed my *amīr* has obeyed me (*man atā'a amīri fa-qad atā'anī*)" (Muslim 4749) is the overriding concern.¹¹⁵ The majority of the traditions cited deal with a topic that one would not expect to occupy such a prominent place in a treatise on the preparation for *ḡihād*: obedience towards the *amīr* or rather towards (alternative) political authorities. Dr. Faḍl heavily relies on al-Buḥārī 3062 which states that God may even support religion through a wicked man (*wa-inna Allāh la-yu'āyidu hādā d-dīn bi-r-raḡul al-fāḡir*).¹¹⁶

Laying the groundwork for obedience, Dr. Faḍl repeatedly quotes the *ḥadīth* Abū Dā'ūd 2608 which states that if three people are traveling, they shall appoint one of them as their *amīr* as his main proof for the possibility to establish political authority when no legitimate Islamic ruler is present.¹¹⁷ Tightly connected with this possibility to overcome the vacuum of leadership are several *ḥadīths* which all emphasize—at least in Dr. Faḍl's view—that binding contracts between Muslims are valid despite the Prophet's seemingly strict ban on sworn alliances.¹¹⁸ Dr. Faḍl tries in the course of *al-'Umda* to demonstrate the permissibility of *bai'a*, even if such a pledge is not given to a caliph.¹¹⁹ Finally, in

¹¹⁴ Ibid., 84, 141, 145ff., 163, 314.

¹¹⁵ See Fuchs, *Proper Signposts*, 75 for exact locations of these *ḥadīths* in *al-'Umda*.

¹¹⁶ *AL-'Umda*, 11, 17, 33, 57, 63, 65, 169, 301, 338, 342. There are 23 additional traditions quoted in *al-'Umda* which all emphasize the obligation to obey the ruler.

¹¹⁷ *AL-'Umda*, 43, 47, 51, 69, 71, 73ff., 121, 375. The *ḥadīth* al-Buḥārī 3063 (9x) has a similar function: Muḥammad appointed three commanders along with their deputies before the army was dispatched to Mu'ta in present-day Jordan in the year 8/629. During the battle with the Byzantines all appointed leaders died. Since Muḥammad had remained in Medina, the army agreed upon new leaders by themselves, a decision which met the Prophet's approval afterwards.

¹¹⁸ The tradition al-Buḥārī 3700 (7x) can be found in *al-'Umda* 119, 120, 125, 126, 135, 195, 215.

¹¹⁹ An example would be the pledge of allegiance 'Alī demanded from the Iraqis for his commanders at the battle of Šiffīn (see Aḥmad b. 'Alī b. Ḥaḡar al-'Asqalānī, *Fatḥ al-bārī bi-šarḥ al-Buḥārī*, ed. 'Abd al-'Azīz b. 'Abd Allāh b. Bāz and Muḥammad Fu'ād 'Abd al-Bāqī (Damascus: Dār al-Fikr, 1959), vol. 13, 63).

order to flesh out the actual character of the political system which he envisions, Dr. Faḍl draws on the second Caliph ‘Umar’s precedent of consultation when the plague (*aṭ-ṭā‘ūn*) broke out in ‘Amwās (al-Buḥārī 5729).¹²⁰ This emphasis on political authority is also reflected in the rest of the cited traditions: 23 of them deal with obedience, whereas we encounter 27 other *ḥadīṡs* that have a decidedly political content. In contrast, the obligation as well as the regulations pertaining to *ḡihād* are spelled out in 26 *ḥadīṡs*. To sum up: two broad lines of thought have come to light in our discussion of Dr. Faḍl’s usage of material from the Qur’ān and *ḥadīṡ*, one of them being *ḡihād* and its necessities, the other questions that revolve around political authority.

Ḥanbalī Authorities

Despite Dr. Faḍl’s declared aversion to the schools of law, it might be useful to nevertheless enter into separate discussions of both Ḥanbalī and non-Ḥanbalī ‘*ulamā*’, not only because Ibn Taimīya as a prominent Ḥanbalī plays a distinct role in *al-‘Umda*. The Ḥanbalī *madhhab* suffers from an extremist image that dates back at least to Ignaz Goldziher who singled out “fanaticism” and “dark priesthood (*finsteres Pfaffentum*)” as the main features of the school.¹²¹ While this one-sided portrayal was challenged by George Makdisi,¹²² it is still upheld in a new form: via Ibn Taimīya, Ibn Qaiyim al-Ḡauziya and Ibn ‘Abd al-Wahhāb, the *ḥanbalīya* is regularly linked to radical Islam by these torchbearers of the school. I shall, therefore, probe these claims first, before turning my attention to those ‘*ulamā*’ who are anchored in the other schools as well.

¹²⁰ On this particular tradition, see Josef van Ess, *Der Fehltritt des Gelehrten: Die „Pest von Emmaus“ und ihre theologischen Nachspiele* (Heidelberg: Winter, 2001), 238-250. See *al-‘Umda* 102, 104, 113f., 118f., 324.

¹²¹ Ignaz Goldziher, *Vorlesungen über den Islam* (Heidelberg: Winter, 1963), vol. 2, 59.

¹²² Makdisi points out that during Goldziher’s time the perception of the *ḥanbalīya* was already influenced by the Ottoman struggle against the *wahhābiya*. Additionally, Goldziher could make use of only a very limited number of sources (George Makdisi, *L’Islam hanbalisant* (Paris: Geuthner, 1983), 11-24). Khaled El-Rouayheb has recently defended Goldziher from Makdisi’s criticism with a special focus on Ibn Taimīya. See El-Rouayheb, *Changing views*, 291.

Ibn Taimīya

Among Ḥanbalī jurists, Ibn Taimīya is without doubt the most often cited author in *al-ʿUmda*. Dr. Faḍl refers to him 102 times and he is also the first *ʿālim* mentioned in the book.¹²³ Reflecting the title of the treatise, it should not surprise us that the essential quote taken from Ibn Taimīya, repeated nine times by Dr. Faḍl, deals with the necessity to prepare oneself for *ḡihād* even in times of weakness.¹²⁴ Such a short statement which is not tied to any context, is, however, the exception rather than the rule. Nearly all other excerpts from Ibn Taimīya are substantially longer: about one third (or 34 quotes) amount from seven lines up to a page. The longest quotation in the whole book is taken from the second anti-Mongol *fatwā* and elaborates on the necessity to fight even under the banner of a less than ideal *amīr*.¹²⁵

Even though Ibn Taimīya sometimes serves as Dr. Faḍl's first source of information,¹²⁶ we also find whole chapters which do not contain any reference to the Damascene Ḥanbalī.¹²⁷ There are other cases when Ibn Taimīya is cited while playing only a subordinate role. At times, his views are not used to justify a certain opinion but merely to confirm the position held by another *ʿālim*. This use of Ibn Taimīya might hint at the fact that Dr. Faḍl either does not regard the *Ṣaiḥ al-Islām* as such a towering figure that he would eclipse all other authorities, or that he is eager to distribute the share of the authorities he uses for his religious-juridical reasoning more evenly. Such an approach is discernible regarding the question whether separating oneself from a certain Islamic group

¹²³ *Al-ʿUmda*, 4.

¹²⁴ The original quote stems from Ibn Taimīya, *Maḡmūʿat al-fatāwā* (in the following MF), vol. 28, 259: *kamā yaḡib al-istiʿdād li-l-ḡihād bi-iʿdād al-quwwa wa-rabāt al-ḡail fi waqt suqūṭihī li-l-ʿaḡz. fa-innahū mā lā yutamm al-wāḡib illā bihi wa-huwa wāḡib*. See *al-ʿUmda*, 5, 21, 30, 83, 274, 277, 283, 299, 337.

¹²⁵ This passage from MF, vol. 28, 506ff. is quoted in full on 1,5 pages in *al-ʿUmda*, 65f., 301 and 339f.

¹²⁶ This is, for instance, the case with the discussion revolving around the obligation for *ḡihād* (ibid., 13) or that God makes use of immoral (*fāḡīr*) people to spread his religion (ibid., 33).

¹²⁷ Ibn Taimīya is, for example, entirely absent in the debate on the reduction of the reward (*aḡr*) a *muḡāhid* is due to receive in heaven if he also makes earthly gains during his raids (ibid., 15-19).

may constitute an instance of *kufṛ*.¹²⁸ With regard to the *amīr*'s obligation to consult, Ibn Taimīya's role might be more aptly described as the capstone in the author's argument. His opinion is cited as the final polish after other authorities have debated the topic at length.¹²⁹ Ibn Taimīya is, on the other hand, the only author who becomes the subject of a detailed passage which addresses the question of how to interpret him correctly: Dr. Faḍl rebukes the Jordanian *salafī* scholar al-Ḥalabī for his reading of Ibn Taimīya on the particular subject of *bai'a*, thereby allowing us to take a glance at the debates taking place between quietist *salafīs* and *ḡihādī* figures like Dr. Faḍl.¹³⁰

Unlike, for example, *al-Farīda al-ḡā'iba*, which draws almost exclusively on the third anti-Mongol *fatwā*, *al-'Umda* only contains 21 quotes from these three polemical treatises. We encounter 23 quotes from *as-Siyāsa aš-šar'īya*, mainly dealing with the necessity of political authority.¹³¹ In fact, only 30 quotes or roughly one third of the material unearthed from the writings of the *Šaiḥ al-Islām* deal with *ḡihād* per se, e.g. stressing its necessity and virtues by stating that *ḡihād* forms the best among the voluntary acts (*taṭawwu'āt*).¹³² Other quotations from this category define *ḡihād* as the "vertex" (*ra's*) of commanding right and forbidding wrong,¹³³ or identify repelling the enemy who threatens religion as the believers' most important task.¹³⁴ A further third of the quotes incorporates essentially political issues, like establishing the imperative of coercive authority.¹³⁵ Without it, neither religion nor the

¹²⁸ Ibid., 145ff.

¹²⁹ Ibid., 109 and MF 28, 386f.

¹³⁰ *Al-'Umda*, 150-161.

¹³¹ Ibn Taimīya attempts in *as-Siyāsa aš-šar'īya* to regain the political sphere for the '*ulamā*' who should not remain subservient to the rulers but become "une classe dirigeante" in order to restore the *šarī'a* to its rightful place. See Henri Laoust, *Essai sur les doctrines sociales et politiques de Taḳī-d-Dīn Aḥmad B. Taimīya* (Cairo: Inst. Français d'Archéologie Orientale, 1939), 42-55. Compare for a detailed listing of all quotations, Fuchs, *Proper Signposts*, 81.

¹³² *Al-'Umda*, 13f. (MF vol. 28, 5) and 418 (MF vol. 35, 160), as well as with a different focus—prayer and *ḡihād* as the best obligations—*al-'Umda*, 99 (MF vol. 28, 260f.).

¹³³ *Al-'Umda*, 245 (MF vol. 28, 126).

¹³⁴ *Al-'Umda*, 266f., 272 and 289. These quotes are taken from 'Alī b. Muḥammad Ba'li and Muḥammad Ḥāmid Fiqī (eds.), *al-Iḥtiyārāt al-fiqhīya min fatāwā šaiḥ al-Islām Ibn Taimīya* (Beirut: Dār al-Ma'rifa, 1979), 309.

¹³⁵ *Al-'Umda*, 75 (MF vol. 28, 62-65), 76 (MF vol. 28, 390), 80 (MF vol. 28, 396; vol. 35, 36; vol. 25, 365) and 167 (MF vol. 28, 253).

worldly order, neither the *ḥağğ* nor justice could prevail. Dr. Faḍl goes to great lengths in singling out *bai'a* as a binding and effective instrument to guarantee cohesion and order.¹³⁶ Ibn Taimīya is consulted to underline that such an oath must be kept at any rate. The last third of quotes taken from Ibn Taimīya's writings are scattered among advice how to treat civilians in war, religious reasoning and legal issues. Dr. Faḍl draws on him in order to make room for human action. The belief in predetermination, for example, cannot serve as an excuse for committing reprehensible deeds.¹³⁷

Ibn Taimīya does not feature prominently in demonstrating the permissiveness of waging *ḡihād* against unbelieving rulers with one notable exception: Dr. Faḍl discusses the objection that the Damascene's *fatwās* could not apply to *al-murtaddūn al-ḥākimūn* because the Mongols, unlike them, were a foreign enemy (*al-'adūw al-ağnabī*). Dr. Faḍl dismisses this notion, claiming that the argument does not stand or fall with Ibn Taimīya. In fact, one can make a convincing case by relying on an independent tradition (*naşş mustaqill*), the previously-cited *ḥadīṭ* 7056 in al-Buḥārī.¹³⁸ Besides this brief discussion, *al-'Umda* does not contain any argument attached to Ibn Taimīya that would justify violent action against one's own ruler. This may have to do with the Damascene scholar's political quietism, which led him to side with the Mamlūks in power. It seems to me, quite to the opposite of received wisdom, that the hallmark theme connected with Ibn Taimīya in *al-'Umda* is precisely his staunch support even for less-than-ideal models of authority. When we do encounter *ḡihād*-related topics they refer to the obligation in general terms only and are not directed against pseudo-Muslim governments in any particular sense.

Ibn Qudāma

The scholar Dr. Faḍl quotes from this *madḥab* most often after Ibn Taimīya is Muwaffaq ad-Dīn 'Abd Allāh b. Qudāma (d. 620/1223),

¹³⁶ The quotes are taken mostly from volume 35 of MF, *Kitāb al-Ḥilāfa wa-l-mulk wa-qitāl ahl al-baği* as well as volume 29, *Bāb al-bai'a*. See, for example, *al-'Umda*, 122, 131 and 152 (MF vol. 35, 9ff.), 123 (MF vol. 28, 19ff.), 132 (MF vol. 29, 345f.; MF vol. 29, 341f. and MF vol. 11, 89f.) and 133 (MF vol. 35, 97f. and MF vol. 29, 346f.).

¹³⁷ *Al-'Umda*, 293, taken from MF vol. 2, 323-326.

¹³⁸ *Al-'Umda*, 286.

who was regarded as the head of the Ḥanbalī school in Damascus from the year 600/1203 onwards, even though he did not hold any official position in the state.¹³⁹ Ibn Qudāma is represented 44 times in *al-ʿUmda*. Dr. Faḍl mainly cites from his comparative law compendium *al-Muḡnī*, focusing primarily on volume ten which consists of the *Kitāb al-Ġihād*. Ibn Qudāma serves as Dr. Faḍl's main authority when it comes to advancing positions that seemingly all schools of law share. It is universally agreed, for example, that the absence of an universal Islamic ruler shall not delay waging *ġihād*¹⁴⁰ and—these being his most often repeated rulings—under which conditions *ġihād* becomes a *fard ʿain*, an individual obligation.¹⁴¹ In this vein, Ibn Qudāma is quoted by Dr. Faḍl to evaluate the status of an immoral (*fāḡir*) leader¹⁴² and to explore the question of who has the right to set up juridical authority.¹⁴³ Ibn Qudāma is also one of the few scholars who are consulted by Dr. Faḍl when he deems it necessary to record disagreements among earlier authorities like the extent of the permissible reliance on polytheists (*mušrikūn*) in battle.¹⁴⁴ As the character of *al-Muḡnī* might already suggest, Ibn Qudāma provides Dr. Faḍl with quite uncontroversial, essential information on classical conceptions of *ġihād*, the only exception being Ibn Qudāma's approval of setting up judicial institutions independently of state authority.

¹³⁹ In 617/1220-21 the Ḥanbalīs were finally granted their own prayer niche in the Umayyad mosque, in front of which Ibn Qudāma lead the first prayer. See Henri Laoust, *Le précis de droit d'Ibn Qudāma* (Beirut: Inst. Français de Damas, 1950), xxviii. On the importance of Ibn Qudāma for *wahhābī fiqh*, see Guido Steinberg, *Religion und Staat in Saudi-Arabien: Die wahhabitischen Gelehrten 1902–1953* (Würzburg: Ergon, 2002), 108–114.

¹⁴⁰ *Al-ʿUmda*, 51f. and 71.

¹⁴¹ Dr. Faḍl mentions Ibn Qudāma's seven criteria on page 23, 25, 271, 334 and 338. See Muwaffaq ad-Dīn ʿAbd Allāh b. Aḥmad b. Qudāma *al-Muḡnī*, ed. ʿAbd Allāh b. ʿAbd al-Muḥsin at-Turkī and ʿAbd al-Fattāḥ Muḥammad al-Ḥulū (Riyadh: Dār ʿĀlam al-Kutub, 1999), vol. 10, 6f.). It is quite obvious that Ibn Qudāma's concept of *ġihād* was influenced by his experience of the situation in Syria during his lifetime (Laoust, *Le précis de droit*, xviii).

¹⁴² *Al-ʿUmda*, 64 and 68 (Ibn Qudāma, *al-Muḡnī*, 14).

¹⁴³ *Al-ʿUmda*, 89ff., 105.

¹⁴⁴ *Ibid.*, 57-60 (Ibn Qudāma, *al-Muḡnī*, vol. 10, 98).

Ibn Qaiyim al-Ğauzīya

Ibn Qaiyim al-Ğauzīya¹⁴⁵ (d. 751/1350) usually appears in the secondary literature as a figure similar to Ibn Qudāma: he is perceived as a rather passive transmitter of tradition. Yet, in Ibn al-Qaiyim's case, this means an even more limited kind of "school", namely the legacy of his master Ibn Taimīya. Ibn al-Qaiyim had studied with him since 712/1313 and remained a faithful disciple, even following Ibn Taimīya into prison.¹⁴⁶ Dr. Faḡl cites Ibn al-Qaiyim to marshal arguments mainly in two fields: the first is represented by his quotations from *ʾIḡlām al-muwaqqi'īn ʾan rabb al-ʾālamīn* (Instructing Those in Charge about the Lord of the Worlds). This work of legal methodology was devised originally as a guide devoted to the correct behavior, consistent with the sources of law, for the *muftī* and the questioner (*mustaftī*). Yet, it developed into an encompassing compendium, which "ranks among a distinguished group of about half a dozen *uṣūl al-fiqh* monographs that represent the best and most important contributions to the field".¹⁴⁷ Additionally, Dr. Faḡl uses mainly books which Birgit Krawietz classifies as "moral theology". These works encourage the internalization of norms as well as the monitoring of spiritual development and outward behavior within the legal framework of the *ṣarīʿa*, making Ibn al-Qaiyim a

¹⁴⁵ Dr. Faḡl quotes from him 39 times in *al-ʿUmda*.

¹⁴⁶ For such a view see Joseph Norment Bell, *Love Theory in Later Hanbalite Islam* (Albany: State University of New York Press, 1979), 92. See also Laoust, *L'Influence d'Ibn Taimiyya*, 25. The evaluation of Ibn al-Qaiyim as an unoriginal thinker, which goes back at least to Ibn Ḥaġar al-ʿAsqalānī (see al-Matroudi, *The Hanbalī School*, 135), has been challenged by Baber Johansen in his discussion on proofs for criminal investigations. See Baber Johansen, "Signs as Evidence: The Doctrine of Ibn Taymiyya (1263–1328) and Ibn Qayyim al-Jawziyya (d. 1351) on Proof", *ILS* 9, 2 (2002): 168-193. Additionally, Livnat Holtzman has recently found Ibn al-Qaiyim to creatively expand on Ibn Taimīya's concept of free will (Livnat Holtzman, "Human Choice, Divine Guidance and the *Fiṭra* Tradition: The Use of Hadith in Theological Treatises by Ibn Taymiyya and Ibn Qayyim al-Jawziyya", in *Ibn Taymiyya and his Times*, ed. Rapoport, 163-188).

¹⁴⁷ Birgit Krawietz, "Ibn Qaiyim al-Jawziyyah: His Life and Works", *Mamlūk Studies Review* 10, 2 (2006): 41. Krawietz does not make it clear, however, whether this constitutes her personal evaluation only or if she intends to summarize the perception of the *Iḡlām*. The latter possibility strikes the reader as unlikely since she herself points out that Ibn al-Qaiyim's works soon fell into oblivion and "were largely forgotten" during Ibn Raġab's (d. 795/1392) times (*ibid.*, 27). Already Goldziher noticed that the *Iḡlām* played an important role for reformist Islam since the magazine *al-Manār* (Goldziher, *Vorlesungen über den Islam*, 339). See also Krämer, *Gottes Staat als Republik*, 54-61.

“Şūfi-Ḥanbalite”.¹⁴⁸ The most often cited work in this context is his *Iğātat al-lahfān min maşāyid aš-şaiṭān* (Rescuing the Distressed from Satan’s Snares), which deals with advice on challenges and temptations the believer has to face in everyday life.¹⁴⁹

Ibn al-Qaiyim is mainly quoted by Dr. Faḍl to discuss questions of juridical hermeneutics, such as that the correct interpretation can even be limited to one person,¹⁵⁰ or that the basic problem of *fitna* is always connected to the preference for opinion over revelation.¹⁵¹ To overcome this issue, one must hand the decision back to God,¹⁵² disregard school extremism¹⁵³ and appoint *muftīs* and judges who are well versed in worldly matters so that they can adjust their *fatwās* to changing circumstances.¹⁵⁴

Secondly, Ibn Qaiyim al-Ġauzīya stands in Dr. Faḍl’s work for a very reciprocal view on the Creator: God not only exclusively helps those who believe,¹⁵⁵ He also does not care about the sinner if the latter pays no attention to Him.¹⁵⁶ It is therefore necessary to repel the bad with the good and to shun the easiness of a comfortable life.¹⁵⁷ Joseph Norment Bell has pointed out that Ibn al-Qaiyim’s love theory does not go beyond a legalistic reward scheme for righteousness, which he calls the “*nomos*-tradition” in the Ḥanbalī school.¹⁵⁸ Overall, Ibn al-Qaiyim

¹⁴⁸ Krawietz, “Ibn Qayyim al-Jawziyya”, 47 (quoting here George Makdisi).

¹⁴⁹ Ibid., 50.

¹⁵⁰ *Al-ʿUmda*, 79 and 217. See Muḥammad b. Abī Bakr b. Qaiyim al-Ġauzīya, *Iğātat al-lahfān min maşāyid aš-şaiṭān*, ed. Muḥammad Saiyid Kilānī (Cairo: Muşṭafa al-Bābī al-Ḥalabī, 1961), 84f. See also *al-ʿUmda*, 22. Compare Muḥammad b. Abī Bakr b. Qaiyim al-Ġauzīya *Iʿlām al-muwaqqiʿin ʿan rabb al-ʿālamīn*, ed. Ṭahā ʿAbd ar-Raʿūf Saʿd (Cairo: Maktabat al-Kulliyāt al-Azharīya, 1968), vol. 3, 397.

¹⁵¹ *Al-ʿUmda*, 225 (*Iğāta*, vol. 2, 178; *Iʿlām*, vol. 1, 47ff. and 68).

¹⁵² Ibid., 233 (*Iʿlām*, vol. 1, 49).

¹⁵³ Ibid. (*Iʿlām*, vol. 1, 76) and 238 (*Iʿlām*, vol. 4, 262f.).

¹⁵⁴ Ibid., 233 (*Iʿlām*, vol. 1, 87f. and vol. 4, 199-205).

¹⁵⁵ Ibid., 201 (*Iğāta*, vol. 2, 193ff.). This is remarkable since by the end of the third Islamic century “the paradigm of Covenant-Betrayal-Redemption had lost much of its salience, its once-compelling intuitive rightness”. See R. Stephen Humphreys, “Borrowed Lives: The Reproduction of Texts in Islamic Cultures”, in *Text and Context*, ed. Bierman, 82.

¹⁵⁶ *Al-ʿUmda*, 203.

¹⁵⁷ Ibid., 324, 322 and 360.

¹⁵⁸ Bell, *Love Theory*, 117 and 200-210.

does not simply appear as an appendix to Ibn Taimīya since the topics he covers are essentially different from the politics/*ḡihād* debates raised by his teacher.

Abū Ya'ālā

Overshadowed not so much by his teacher but rather by his Šāfi'ī contemporary al-Māwardī, Muḥammad b. al-Farrā' (d. 458/1066) is more widely known by his *kunya* as Abū Ya'ālā. Dr. Faḍl cites exclusively from his *al-Aḥkām as-sultānīya* (The Ordinances of Government) in which Abū Ya'ālā develops a theory of the state in times of crisis and fleshes out rules pertaining to government.¹⁵⁹ Dr. Faḍl infers from his writings that the people may choose judges for themselves if there is no Islamic ruler (*imām*) available¹⁶⁰ and that polytheists (*mušrikūn*) may not be employed in sensitive positions of the state.¹⁶¹ Most importantly, however, Abū Ya'ālā is consulted by Dr. Faḍl to make room for his conception of the pledge of allegiance (*bai'a*), a key idea in his arguments about legitimizing alternative structures of political authority: drawing on a quote by Aḥmad b. Ḥanbal, Abū Ya'ālā obliges the Muslim community to give *bai'a* to an usurper of power.¹⁶² Common people do not even need to know the identity of the person to whom they extend *bai'a*,¹⁶³ while a pledge once made does not become invalid if a better suited candidate for the imamate should arrive on the scene.¹⁶⁴

To give a preliminary conclusion: even though Dr. Faḍl explicitly singles out the *ḥanbalīya* for their welcoming stance on *iḡtibād*,¹⁶⁵ this praise does not lead to a greater reliance on authors who align them-

¹⁵⁹) Hanna Mikhail, *Politics and Revelation: Māwardī and After* (Edinburgh: Edinburgh University Press, 1995), 70, fn. 81. Mikhail holds that Abū Ya'ālā's work is principally a reproduction of Māwardī's book with the addition of Ḥanbalī references. Similarly, Nimrod Hurvitz concludes that Abū Ya'ālā "does not treat the *Aḥkam* as a collective project made up of the collected opinions of major jurists but rather as a limited Hanbali project" (Hurvitz, *Competing Texts*, 32).

¹⁶⁰) *Al-'Umda*, 91 and 93.

¹⁶¹) *Ibid.*, 60f.

¹⁶²) *Ibid.*, 87, 139 and 161.

¹⁶³) *Ibid.*, 162.

¹⁶⁴) *Ibid.*, 168.

¹⁶⁵) *Al-'Umda*, 252.

selves with this school. Ibn Taimīya is of course the notable and prominent exception to this argument. Dr. Faḍl draws on him not so much as an ideologue of overthrowing unbelieving rulers, but rather as a general propagator of *ḡihād* and, more importantly, as a political thinker. Yet, there is no obvious reason why Dr. Faḍl would have been required to rely on Ibn Qudāma. He could very well have extracted rather similar quotes on the essentials of *ḡihād* from the *fiqh* compendia of other schools.¹⁶⁶ Despite the fact that Abū Ya‘lā plays an important role for Dr. Faḍl’s political vision through providing a justification for the use of *baī‘a* by *ḡihādī* groups, one gets the impression that he is merely cited to complete the picture, not to replace al-Māwardī.¹⁶⁷ Dr. Faḍl is thus in no particular way wedded exclusively to the Ḥanbalī school which also becomes apparent as far as later Wāhhābī thought is concerned. Muḥammad b. ‘Abd al-Wāhhāb features only as a minor authority in *al-‘Umda*.¹⁶⁸ Dr. Faḍl never declares the perfect commitment to a double form of *tauḥīd*, which draws together *rubūbīya* (lordship) and *ulūhīya* (worship) and was popularized by Ibn ‘Abd al-Wāhhāb, to be the decisive criterion deciding over admittance to the Muslim fold.¹⁶⁹ Instead, he subscribes to a much less moralist and rigid approach, especially as far as political and military leaders are concerned.

Non-Ḥanbalī Authorities

Ibn Ḥaḡar al-‘Asqalānī

If we leave the Ḥanbalī context, Ibn Taimīya seems to disappear under the weight of Ibn Ḥaḡar al-‘Asqalānī (d. 852/1149). Dr. Faḍl quotes from *Fath al-Bārī*, Ibn Ḥaḡar’s comprehensive commentary on al-Buḡārī’s *ṣaḥīḥ*, at least 167 times. By far the greatest number of quota-

¹⁶⁶ The Mālikī Muḥammad al-Qurṭubī’s (d. 671/1272) *Tafsīr*, which has a strong legal character, fulfills a function rather similar to Ibn Qudāma in *al-‘Umda*.

¹⁶⁷ See below.

¹⁶⁸ See Fuchs, *Proper Signposts*, 89.

¹⁶⁹ For a discussion of both forms of *tauḥīd*, compare Esther Peskes, *Muḥammad b. ‘Abdalwāhhāb (1703-92) im Widerstreit: Untersuchungen zur Rekonstruktion der Frühgeschichte der Wāhhābīya* (Stuttgart: Steiner, 1993), 22-27.

tions, namely 39, deal with questions of political authority.¹⁷⁰ Under this slogan, one may subsume passages which are embedded into an argument about the obligation of the *imām* to consult other wielders of power, the necessity of obedience towards him, discussions of his conduct and how to organize religious education as well as the rights of the members of the *umma* (or, in Dr. Faḍl's context: the brothers of the camp) towards him. Secondly, we encounter about 22 quotations that establish the necessity of political organization per se and elaborate how structures of authority are set up. Ibn Ḥaḡar, for example, refers to the essential role of political rule when he remarks that people in general subscribe to the religion of their kings (*an-nās 'alā dīn mulūkihīm*). The mechanisms to create a political system are identified in the characteristics of *bai'a* and its permissibility. In the context of epistemology, Dr. Faḍl draws heavily on Ibn Ḥaḡar as well in order to define proper ways of juridical reasoning and to determine the characteristics of knowledge each individual believer has to possess (about 22 times).¹⁷¹ Yet, quotations pertaining to the obligation to perform *ḡihād* are rather rare. Dr. Faḍl relies on Ibn Ḥaḡar in this regard only insofar as he adduces his explanation of the *ḥadīṭ* that *ḡihād* might be waged with the hand, the tongue, the heart or financial means.¹⁷² Additionally, he infers from his discussion an universal obligation¹⁷³ for holy war and the prescription of fighting for Muslims until judgment day.¹⁷⁴ The trend of focusing on concrete political issues and the crucial question of authority, which manifested itself in the earlier discussion on Ibn Taimīya, continues, therefore, with Ibn Ḥaḡar.

¹⁷⁰ There are also instances when Ibn Ḥaḡar as an independent authority disappears altogether, especially when Dr. Faḍl draws on him as an authority of *ḥadīṭ*. See, for example, *al-'Umda*, 238-241.

¹⁷¹ Compare for a detailed listing of all these quotations, Fuchs, *Proper Signposts*, 91-94.

¹⁷² This *ḥadīṭ* should not be confused with its more famous parallel that is often adduced in the context of "commanding right and forbidding wrong". See Michael A. Cook, *Forbidding Wrong in Islam: An Introduction* (Cambridge: Cambridge University Press, 2007), 22-25.

¹⁷³ *Al-'Umda*, 36.

¹⁷⁴ *Ibid.*, 66.

Ibn Kaṭīr

Among the non-Ḥanbalī authors who are quoted by Dr. Faḍl, the Šāfiʿī Ismāʿīl b. Kaṭīr (d. 774/1373) comes in second. This might be expected since he is commonly listed as a disciple of Ibn Taimīya who put his master's theory of *tafsīr* into practice,¹⁷⁵ writing a commentary on the Qurʾān which is “marked by little respect for the intellectual tradition of Islam as expressed in the literature of *tafsīr*, or indeed in any of the scholastic disciplines”.¹⁷⁶ Yet, *al-ʿUmda* refers to this *tafsīr* only six times.¹⁷⁷ We find, in contrast, 41 quotes from Ibn Kaṭīr's *al-Bidāya wa-n-nihāya* (The Beginning and the End), his main historical work, 27 of which deal with the rather narrow topic of different instances of *baiʿas*.¹⁷⁸ They all occurred during the first three centuries of Islam, well into the ʿAbbāsīd period. Our author infers from this wealth of historical material that an oath of allegiance is not the exclusive prerogative of the Caliph. Since many of the Successors of the Companions of the Prophet (*tābīʿūn*) did not oppose “non-Caliph” *baiʿas* in addition to their approval by Abū Ḥanīfa and Mālik b. Anas, such oaths might be regarded as a valid tool for *ḡihādī* groups today. This is precisely what Dr. Faḍl aims at: invoking the tradition to justify pledges given to usurpers of power.¹⁷⁹ He refrains from judging the validity of the instances of

¹⁷⁵ Ibn Taimīya never wrote a complete *tafsīr*. He applied the principles which he had outlined in *Muqaddima fī uṣūl at-tafsīr*, however, to an exegesis of *sūrat al-Ihlās*. For a discussion of Ibn Taimīya's hermeneutics, see Walid A. Saleh, “Ibn Taymiyya and the Rise of Radical Hermeneutics: An Analysis of an Introduction to the Foundations of Qurʾanic Exegesis”, in *Ibn Taymiyya and his Time*, ed. Rapoport, 123-162.

¹⁷⁶ Norman Calder, “*Tafsīr* from Ṭabarī to Ibn Kathīr”, in *Approaches to the Qurʾān*, ed. Gerard R. Hawting (London: Routledge, 1993), 120f. As this article only discusses Ibn Kaṭīr's view on Abraham's attempted sacrifice of Ismāʿīl, and given his—also influenced by Ibn Taimīya—rejection of *isrāʿīliyyāt*, it is in my opinion not entirely clear whether Calder's strongly worded verdict holds over the whole *tafsīr*.

¹⁷⁷ I could not detect any particular approach besides maybe a certain “radical” bent as Dr. Faḍl uses Ibn Kaṭīr's *tafsīr* of Q9:123 to propagate the fight against the near enemy (*al-ʿUmda*, 280). Compare Fuchs, *Proper Signposts*, 94ff.

¹⁷⁸ I am not aware of a study in any Western language which discusses Ibn Kaṭīr's methodology as a historian and would answer the question as to whether we should simply lump him together with other “middle-period chroniclers”.

¹⁷⁹ See for a listing of all instances of *baiʿa*, Fuchs, *Proper Signposts*, 96.

bai'a, thereby positioning himself in the debate on the evaluation of the Umayyads in the 20th century.¹⁸⁰

Muḥyī d-Dīn an-Nawawī

The preceding pages have already shed some light on the importance Dr. Faḍl attaches to the field of *ḥadīṭ* and the actions of the pious ancestors (*as-salaf aṣ-ṣāliḥ*). It should, therefore, not come unexpectedly that the next scholar in the order of quotations is also a towering figure in the field of *ḥadīṭ* commentary (*ṣarḥ*): the Šāfi'ī Muḥyī d-Dīn Abū Zakariyā' an-Nawawī (d. 676/1277) is represented in *al-'Umda* almost exclusively with his *Ṣaḥīḥ Muslim bi-ṣarḥ an-Nawawī* (25 quotes).¹⁸¹ An-Nawawī is a pivotal author for Dr. Faḍl because he renders the rebellion against the *imām* who committed *kufr*—as distinguished from the *imām fāsiq* whom the community after initial disputes agreed to bear—as necessary.¹⁸² This quote appears no less than seven times in *al-'Umda*. Additionally, an-Nawawī like Ibn Taimīya widens the definition of “those in authority” (*ulū l-amr*), stating that they do not only encompass ‘*ulamā'*, *fuqahā'* and *zubbād* (ascetics) but also *ṣuḡ'ān muqātilūn* (brave fighters), as well as those who command right and forbid wrong.¹⁸³

Three Political Thinkers

As already mentioned in connection with Abū Ya'lā, al-Māwardī (d. 450/1058) is considered to be the second early Muslim theoretician of the state in the 11th century.¹⁸⁴ He is usually regarded as a pragmatist who was willing to sacrifice the ideal of the caliphate in order to save the unity of the *umma*, thereby also making room for rule by usurpation

¹⁸⁰ See Werner Ende, *Arabische Nation und islamische Geschichte: Die Umayyaden im Urteil arabischer Autoren des 20. Jahrhunderts* (Wiesbaden: Steiner, 1977), 91-101.

¹⁸¹ The appeal an-Nawawī carries up to the present day might also be connected to his uncompromising political stance when confronting the rulers. See Ferdinand Wüstenfeld, *Über das Leben und die Schriften des Scheich Abu Zakarija Jahja el-Nawawi* (Göttingen: Dieterich, 1849), 24.

¹⁸² *Al-'Umda*, 52, 83, 87f., 157f., 283, 298.

¹⁸³ *Ibid.*, 79.

¹⁸⁴ Patricia Crone, *God's Rule: Government and Islam* (New York: Columbia University Press, 2004), 231.

(*istīlā*).¹⁸⁵ 13 of the 16 quotes are taken from his famous political tract *al-Aḥkām as-sultāniya*. Al-Māwardī serves as a trusted witness for Dr. Faḍl who holds positions that reflect the general Sunni agreement about the necessary characteristics for the *umma*'s leader (*al-imāma al-ʿuẓmā*). While such an *imām* might obtain his position through designation, agreement by the *ahl al-ḥall wa-l-ʿaql* or even usurpation,¹⁸⁶ there are always several criteria he either has to live up to or obligations he must fulfill.¹⁸⁷ These are, however, predominantly connected to his outward political behavior rather than to his personal morals which one can consider as secondary.¹⁸⁸ Moreover, such a ruler is never bound by the advice the *ahl aš-šūrā* convey to him.¹⁸⁹

The two following scholars also serve Dr. Faḍl to drive home the point that there is not one specific way for Muslims to construct their political institutions. Muḥammad b. ʿAlī b. Muḥammad aš-Šaukānī (d. 1250/1840)¹⁹⁰ appears in eleven quotes in *al-ʿUmda*, taken from his major *hadīṭ* work *Nail al-auṭār fī šarḥ muntaqā l-aḥbār* (The Achievement of Purposes Concerning the Explanation of the Choice of Reports). His inputs serve to back up Dr. Faḍl's own interpretation of the travel-*hadīṭ* as a principle on which to erect political authority.¹⁹¹ Our author draws, additionally, on ʿAbd al-Malik al-Ġuwainī (d. 478/1085) for deliberations about the nature of the imamate. Dr. Faḍl incorporates 13 references from al-Ġuwainī's *Giyāṭ al-umam fī iltiyāṭ aẓ-ẓulam* (The Help of the Nations in the Obscureness of the Dark-nesses). These quotes mainly discuss the right of the community to

¹⁸⁵ See Hamilton A. R. Gibb, "Al-Māwardī's Theory of the Khilāfah", *Islamic Culture* 11, 3 (1937): 291-302. This view has been challenged by Abou El Fadl who emphasizes that resolving conflict and maintaining order are simply priorities of the jurists' legal culture (Abou El Fadl, *Rebellion and Violence*, 9).

¹⁸⁶ Ibid., 139. See also ʿAlī b. Muḥammad b. Ḥabīb al-Baṣrī al-Māwardī, *al-Aḥkām as-sultāniya wa-l-wilāyāt ad-dīniya*, ed. Muḥammad Fahmī as-Sarġānī (Cairo: al-Maktaba al-Taufiqiya, 1978), 7.

¹⁸⁷ Ibid., 139 and 297 (*al-Aḥkām*, 17), 223 (*al-Aḥkām*, 15f.).

¹⁸⁸ Ibid., 86, 168, and 170 (*al-Aḥkām*, 8).

¹⁸⁹ Ibid., 108 (*al-Aḥkām*, 10 and 43).

¹⁹⁰ He served for forty years as the chief judge of the Qāsimī imamate in Yemen. Through his influence, the country was steered into the Sunni fold. Compare Bernard Haykel, *Revival and Reform in Islam: The Legacy of Muhammad al-Shawkānī* (Cambridge: Cambridge University Press, 2003), 66-88.

¹⁹¹ *Al-ʿUmda*, 47 and 75.

become politically active when no *imām* is available or when the public order breaks down due to the leader's lack of actual power. Dr. Faḍl adds that in such a case al-Ġuwainī reserves a special role for the '*ulamā'*' who form the emergency administration and government (*wulāt al-'ubād*).¹⁹² Al-Ġuwainī constitutes also a valuable resource for Dr. Faḍl from which to extract statements which underline the *imām*'s freedom in making decisions.¹⁹³ The *bai'a* to this leader remains valid even if he fails to display perfect morals. It proves much more salient for al-Ġuwainī that the *imām* is able to demonstrate his efficiency (*kifāya*).¹⁹⁴ Even though al-Ġuwainī is not cited as often as al-Māwardī or Abū Ya'lā, his attempt of "secularizing the supreme leader of the Muslims" and reducing him to the daily affairs of politics¹⁹⁵ earns him a place as a solely political thinker in *al-'Umda*. Dr. Faḍl applies these loosened criteria not to the *imām*, however, but to the commander in the camp (*amīr al-mu'askar*).

Abū Muḥammad 'Alī b. Ḥazm

The last '*ālim* to consider is a rather intriguing case. The Andalusian *ẓāhiri* scholar Abū Muḥammad 'Alī b. Ḥazm (d. 456/1064) was undoubtedly one of the strongest advocates to fight the ruler for the slightest injustice committed.¹⁹⁶ Yet, this current of his thought is completely absent from Dr. Faḍl's reading. He quotes from Ibn Ḥazm's treatise on law, the *Kitāb al-Muḥallā*, mainly passages which deal with patience towards the morally inferior, drawing the already familiar line between *fiṣq* and *nifāq* on the one hand and *kufr* on the other. Ibn Ḥazm declares, for example, that no sin is greater after *kufr* itself than banning someone from taking part in the *ḡibād* against the *kuffār*.¹⁹⁷ Dr. Faḍl is thus clearly not in principle averse to referring to Ibn Ḥazm. The latter's attempts to accommodate Greek logic into Islamic legal theory or his total rejection of *qiyās* do not turn him into an outsider, unlike al-Ġazālī,

¹⁹² Ibid., 72, 90ff. For a discussion of the extent to which al-Ġuwainī's remarks were "ein rein hypothetischer Fall", see Nagel, *Festung des Glaubens*, 307.

¹⁹³ *Al-'Umda*, 109.

¹⁹⁴ *Al-'Umda*, 168f.

¹⁹⁵ Nagel, *Festung des Glaubens*, 304f.

¹⁹⁶ Abou El Fadl, *Rebellion and Violence*, 211.

¹⁹⁷ *Al-'Umda*, 301 and 344.

for instance.¹⁹⁸ One might ask, however, whether our author nevertheless displays a certain reluctance to rely too heavily on an *‘alim* who in Michael Cook’s terms might be described as “a law to himself”.¹⁹⁹ His idiosyncrasies may be one of the reasons why Dr. Faḍl refrained from incorporating Ibn Ḥazm’s theory of rebellion into his work.

Reconstructing the Camp, the World

As we have seen, Dr. Faḍl does not restrict himself in *al-‘Umda* to the *ḥanbalīya* as a school of law. Rather, he aims at relying for his argument on a wide range of medieval authors, hoping thereby to present a convincing scholarly consensus (*ḡumbūr al-‘ulamā’*), as he puts it himself.²⁰⁰ Dr. Faḍl is not willing to settle with just any scholar who could be useful in advancing his points of view. He deliberately surrounds himself with very prominent *‘ulamā’*, mainly from the field of *ḥadīth* like an-Nawawī or Ibn Ḥaḡar, in addition to the leading classical theorists of the state. Especially the latter prove valuable for him due to their deliberate ambiguity. Patricia Crone holds that they never spelled out in detail the procedures for removing a ruler because the Sunnis

wanted to have their cake and eat it. There had to be a point where even a quasi-caliph (not to mention a mere king) forfeited his position, but it was best not to specify where and how, so as not to create an obligation to take action.²⁰¹

Due to these unclear requirements, it proves fairly easy for Dr. Faḍl to step in the void and to fill it with his own ideas of an Islamic state. Building on al-Māwardī, al-Ġuwainī and Ibn Taimīya, he argues that any political order, provided that it exerts authority, might in the current situation be equally acceptable. This makes room for the leader of

¹⁹⁸ Wael B. Hallaq, *A History of Islamic Legal Theories: An Introduction to Sunnī uṣūl al-fiqh* (Cambridge: Cambridge University Press, 1997), 137 and 217.

¹⁹⁹ Cook, *Commanding Right*, 390.

²⁰⁰ See, for example, *al-‘Umda*, 168.

²⁰¹ Patricia Crone, *God’s Caliph*, 230. For a similar view, see Gibb, *Al-Māwardī’s Theory*, 299f. Even though Khaled Abou El-Fadl takes issues with labeling the jurists primarily as pragmatists, he, too, notes the evasive character of al-Māwardī and others. See Abou El Fadl, *Rebellion and Violence*, 174.

a military camp, who becomes eligible not only to head the *ġihād* efforts of his group, but also to demand the absolute obedience of his fighters. Quite conveniently, he is no “full” *imām* and, therefore, does not have to meet qualifications of religious knowledge (*‘ilm*) or moral criteria. He can at the same time wield far-reaching authority as a result of the binding covenant into which the *muġāhidūn* in the camp had entered voluntarily. Their oath placed their personal freedom within the discretionary powers of the *amīr al-mu‘askar* who can, for this reason, go beyond the *šarī‘a*-based privileges and duties of the *al-imāma al-‘uzmā* and determine even the smallest details of everyday life.²⁰² How can Dr. Faḍl justify such extraordinary competences? He bases his argument on two main claims. For one, he offers a detailed discussion of *bai‘a*, backed up by concrete examples drawn from Ibn Kaṭīr, to show that the pledge of allegiance was in the *salaf*’s understanding neither the prerogative of the Caliph nor of the official leader of the army. Second, by inter alia adducing Ibn Taimīya’s evaluation of the travel-*ḥadīṭ* as urging Muslims to set up a political structure if they number three individuals or more, Dr. Faḍl attempts to establish the community’s competence for choosing a leader when a proper Islamic ruler is absent. By giving classical Sunni thought a distinctive twist, Dr. Faḍl makes it clear, however, that such a right cannot be claimed by simply *any* group. Rather, he distills a clear-cut *ratio legis* (*‘illa*) from a second central *ḥadīṭ* which deals with the battle of Mu’ta, namely, that a segment of society sets out for a common work—or more precisely for *ġihād*—without a leader. From this follows that only a group which actually aims at putting the affairs of religion (*al-qiyām bi-umūr ad-dīn*) first has the right to choose a commander when no *imām* is available.²⁰³ This line of argument seems to be Dr. Faḍl’s own creative contribution. He at least does not cite any other authority to support this inference even though he conveys the impression that he only builds on Ibn Taimīya who merely rejects the identity of the *ṭā‘ifa manṣūra*, which would be this militant

²⁰²⁾ *AL-‘Umda*, 139-144. One of the anonymous reviewers suggested that such far-reaching functional authority might simply be the privilege of any military leader since on the battlefield a different logic applies than at the ballot-box. While I think this is a valid point, I am more concerned with the way Dr. Faḍl argues for such a position, drawing on the Sunni tradition.

²⁰³⁾ *AL-‘Umda*, 73.

activist group in Dr. Faḍl's reading, with *al-fırqa an-nāğīya*, the general (Sunni) Muslim population (*ahl as-sunnā wa-l-ğamā'a*).²⁰⁴ Dr. Faḍl wants to draw such a definite distinction between the two in order to demonstrate the need for an effective, albeit possibly (religiously) unlettered vanguard.

Having taken this detour to *bai'a* and the permissibility of independent political action on legal grounds, we should briefly consider the kind of body politic that Dr. Faḍl envisions, both in a short-term and long-term perspective. He does not comment on the actual process during which *tā'ifa manşūra* groups were set up in Egypt or Afghanistan, but rather pays particular attention to the outcome of such endeavors: the phenomenon of the camp. This nucleus of a later Islamic state is a place of spiritual preparation and helps to firmly plant basic truths into the heart of the *muğāhid*. As we have seen, the religious bar for a leader is not raised high in *al-Umda*. Long passages of the work are devoted to the question whether fighting under an *amīr fāğir* is permissible. Dr. Faḍl always answers in the affirmative and emphasizes his support for sub-standard leaders as long as they are militarily able. He even goes as far as to claim that a leader's personal sins, committed in private, would not affect the community as a whole. This stands in stark contrast to all other members of the camp who are connected by a mysterious bond to one another and to God: every hidden, individual lapse hampers the progress of all.²⁰⁵ Even if the ruler treats his subjects unjustly, withholds their rights and usurps their property, he has to be borne.²⁰⁶ Dr. Faḍl derives this view on leadership from the experience of the *umma*: as a reaction to the many intra-Muslim wars (*fitan*) in early Islam, the '*ulamā*' agreed to express patience with a leader and to endure his rule. Dr. Faḍl mentions that this *iğmā'* is a universal one (*ra'y ğumhūr ahl as-sunna wa-l-ğamā'a*), calling upon an-Nawawī, Ibn Ḥazm, Ibn Ḥağar and Ibn Taimīya as witnesses.²⁰⁷ This consensus is complemented and demarcated by the lenient position of the *salaf* who extended it to any Muslim ruler who had only committed one or several great sins or

²⁰⁴ Ibid., 80.

²⁰⁵ Ibid., 64.

²⁰⁶ Ibid., 362-366.

²⁰⁷ Ibid., 158ff.

injustices, but not fallen into unbelief itself.²⁰⁸ In this context, Dr. Faḍl does not pick up Ibn Taimīya's anti-Mongol *fatwās* in order to support his claims. He only mentions these legal opinions in passing, defending their application to the current unbelieving rulers against the arguments that the Mongols were foreigners. In fact, Dr. Faḍl is eager to extend the scope of his argument beyond Ibn Taimīya. He relies for the important equation of *kufṛ* with Western laws on a group of modern authors to which I have referred elsewhere as "four modern rejectionists". This search for alternative authorities might have to do with the harsh opposition *al-Farīda al-ḡā'iba* met in the writings of the Egyptian scholarly establishment.²⁰⁹ Additionally, Ibn Taimīya quite surprisingly does not take the lead in Dr. Faḍl's plea for an armed upheaval. Instead he serves the author of *al-'Umda* as a tool to present himself as a cautious, sober-minded middle-of-the-road thinker: Dr. Faḍl molds, for instance, his own approach of addressing the ruler's faults along the lines of Ibn Taimīya's position, according to which Islam constitutes the happy mean between the *ḥawāriḡ* and the *murḡi'a*, being neither too rash nor too lenient in tackling open sin by those in power.²¹⁰ Dr. Faḍl is likewise seemingly moderate in spelling out the consequences of disobedience in the camp and among Islamist/*ḡihādī* groups after a pledge of allegiance was given. He treads a fine line here, trying to convey that he does not intend to encroach on rights which are the Caliph's prerogative. While constituting a sin, disobedience towards the *amīr al-mu'askar* does not mean that one parts way with the Muslim community as a whole or could be called an unbeliever. In fact, every Islamic group that sets itself and its authority as absolute is branded as *ḥawāriḡ* by Dr.

²⁰⁸ Ibid., 49, 52, 157f. This consensus is recorded by an-Nawawī and Ibn Haḡar who inter alia quote the *qāḍī* 'Iyāḍ (d. 544/1149). See for a similar argumentation by al-Maqdisī, *Wagemakers, A Quietist Jihādī*, 65.

²⁰⁹ See for a discussion of these four modern rejectionists (Aḡmad Muḡammad Šākir, Muḡammad Ḥāmīd al-Fiḡī, Ibrāḡīm Muḡammad Āl aš-Šaiḡ and Muḡbil b. Hādī al-Wādī'i) Fuchs, *Proper Signposts*, 109-112.

²¹⁰ *Al-'Umda*, 64. On the *murḡi'a*, see Josef van Ess, *The Flowering of Muslim Theology* (Cambridge: Harvard University Press, 2006), 122f. For the argument that Ibn Taimīya's modern followers weaved together his separate arguments about the reluctance of the *murḡi'a* to pronounce *takfīr* and that one can become an apostate by not implementing the *šarī'a*, see Lav, *Radical Islam*, 40.

Faḍl,²¹¹ following Ibn Ḥaḡar's distinction between unbelief and sin (*kufr/ma'siya*).²¹²

Dr. Faḍl is thus willing to compromise on the Islamic state for now. Yet, ultimately the camp should be replaced by a state which is led by an *imām* and two assemblies which together form the *ahl al-ḥall wa-l-'aqd*. Dr. Faḍl's only textual source for such views is a *ḥadīṭ* which narrates how the caliph 'Umar b. al-Ḥaṭṭāb consulted with various groups when faced with the news that the plague had broken out in Syria. 'Umar first solicited the opinion of the emigrants (*muhāğirūn*) and the early converts among the Medinese helpers (*auwalū l-anṣār*). Taken together, both groups represent for Dr. Faḍl the *ahl al-faḍl fi l-'ilm wa-d-dīn* (the people of superiority in matters of knowledge and religion). When they failed to provide him with a decisive answer, however, 'Umar turned in a second step to the elders of Quraiṣ (*maṣaiḥat qurais*) whom Dr. Faḍl labels *ahl al-ḥibra wa-t-tağārib* (people of experience).²¹³ We are safe to assume, as Roswitha Badry has shown, that the two-chamber model which Dr. Faḍl extrapolates from this *ḥadīṭ* is only a variant of the standard type which had gained popularity among Islamist circles of his time.²¹⁴

The first chamber, the Assembly of Experts (*mağlis al-ḥubarā'*), requires specialists in religious and worldly matters who for Dr. Faḍl have to be '*ulamā'*', handpicked by the *imām*. The ruler is obliged to consult with them in matters of *iğtihād*, e.g. questions that are not settled by a decisive, *ṣarī'a*-based ruling. The deputies of the second chamber, the Assembly of Deputies (*mağlis an-nuqabā'*), are in contrast more technocrats who can furnish information for the *imām* on the country's situation. Dr. Faḍl claims that this chamber bears some similarities to a parliament in a western-style democracy. Yet, important qualifications apply: only righteous and pious persons can serve in this

²¹¹ *Al-'Umda*, 148. He argues that the process works precisely the other way round: if one becomes an unbeliever, this step entails leaving the community also.

²¹² Compare the elaborate discussion on this topic on pages 143-148 of *al-'Umda*.

²¹³ *Al-'Umda*, 113f.

²¹⁴ Compare Badry, *Die zeitgenössische Diskussion*, 265-281. Specifically, the model bears striking similarities with suggestions by 'Abd al-Wahhāb b. Ḥallāf who envisioned a legislative assembly consisting solely of *muğtabids*. See Felicitas Opwis, "Maṣlaḥa in Contemporary Islamic Legal Theory", *ILS* 12, 2 (2005): 212f.

assembly, no non-Muslim protected by a contract (*ḍimmī*) is eligible to run for office. Even though the deputies of the second chamber are usually chosen by the *imām* as well, he can waive his right and opt for an election by the people. In insisting on this—albeit limited—elective option, Dr. Faḍl once again casts his views as moderate. Majority decisions have their recognized place in Islam in matters of *iğtihād* and if the *imām* refrains from making a choice. Dr. Faḍl, therefore, rebukes the Salafī Muqbil al-Wāḍi'ī (d. 2001) who regards elections as idols and holds that majority based decisions do not carry any weight for an Islamic state.²¹⁵ In a similar vein, Dr. Faḍl emphasizes the existence of a gray area of worldly matters acknowledged by the Prophet. He refers to Muḥammad's comments on the pollination of dates, a field in which others have broader knowledge than he himself. Dr. Faḍl is quick to assert, however, that acknowledgment of an area of secular deliberations does not mean that, for example, the necessities of the modern banking sector could justify usury (*ribā*).²¹⁶

As far as the ruler's competences are concerned, Dr. Faḍl comes to rather similar conclusions as in the case of the *amīr al-mu'askar*. There is no obligation for the *imām* to stick to the advice he has received from any institution. The *šūrā*-body shall not constrain his absolute powers. Al-Ġuwainī, Ibn Ḥaḡar, an-Nawawī, Ibn Taimīya and Ibn al-Qaiyim all regard consultation as merely recommended.²¹⁷ Dr. Faḍl combines at this stage the classical Sunni theory of *šūrā* as being primarily an assembly to choose a ruler's successor with his own, modern understanding and envisioned institutions.²¹⁸ Since he is aware of their constantly

²¹⁵ *Al-'Umda*, 118f.

²¹⁶ *Al-'Umda*, 115f. See for a discussion of this *ḥadīṭ* also Benjamin Jokisch, *Islamisches Recht in Theorie und Praxis: Analyse einiger kaufrechtlicher Fatwas von Taqī 'd-Dīn Aḡmad b. Taymiyya* (Berlin: Schwarz, 1996), 181-188.

²¹⁷ Malcolm H. Kerr, *Islamic Reform: The Political and Legal Theories of Muḥammad 'Abduh and Rashīd Riḍā* (Berkeley: University of California Press, 1966), 163ff. Roswitha Badry holds that Ibn Taimīya, when pushed, would probably come down with the obligation of the *imām* to consult and maybe even to apply the advice of scholars if a) he himself is not a *muğtabid* and b) the topic falls within the *aḡkām aš-šarī'a*. See Badry, *Die zeitgenössische Diskussion*, 100.

²¹⁸ See *al-'Umda*, 108 for al-Māwardī's position that the *imām* may appoint a *šūrā*-body to elect his successor. Compare also Patricia Crone, "Shūrā as an elective institution", *Quaderni di studi arabi* 19 (2001): 10.

endangered character (e.g. by an unjust *imām*), I would argue that he does not fall into the trap which Patricia Crone sees at play when the direct rule by God (*ḥākīmīya*) is postulated by Islamist writers. According to Crone, such an approach would constitute an “abhorrent idea” to religious scholars of the middle period because this argument would contain the tacit assumption that God could only manifest his will through the state.²¹⁹

Conclusion: Negotiating the Tradition

In summary, we have seen that Dr. Faḍl is careful not to openly break with the Islamic scholarly tradition when he spells out his personal take on political authority. He rather constantly aims at weaving respected ‘*ulamā*’ into his line of argument in *al-‘Umda*, unfurling a whole panorama of Sunni thought during his discussion of obedience. Dr. Faḍl is especially careful to convey to his readers that he is only covering the safe ground of *iğmā*’ even when he treads on more slippery slopes. Quoting initially aš-Šaukānī’s interpretation of the travel-*ḥadīth*, Dr. Faḍl gradually and in a hardly noticeable manner transforms the argument and reaches conclusions about political self-help and armed resistance to “nominal” Muslim authorities. Such moves may not necessarily push the tradition into entirely new directions but they clearly shift the focus to a (powerful) minority stream of Sunni thought. In this context, Dr. Faḍl also deliberately makes use of ambiguities the medieval accounts on public law display, picking up on issues of fragmentation of authority, collapse of existing structures and the careful debates of the jurists whether one could depose an *imām* who threatens the core of religion. His approach does not in principle, though, differ from al-Māwardī’s concept of law “as a body of flexible doctrines that can be altered when historical circumstances warrant such an adjustment”.²²⁰ Hence it proves no easy, convenient solution to accuse Dr. Faḍl of deliberately betraying

²¹⁹⁾ Crone, *God’s Caliph*, 277. Even though one can of course still accuse Dr. Faḍl of remaining vague with his project of an Islamic state, I would argue that his discussion goes beyond Joas Wagemakers’ finding of him remaining “silent” on the issue of how to turn the gains of *ğibād* into a political project. See Wagemakers, *A Quietist Jihadi*, 82.

²²⁰⁾ Hurvitz, *Competing Texts*, 46.

the tradition. To be sure, he usually offers one decisive reading, not a plurality of options his audience can choose from. While this is due to *al-ʿUmda*'s character as a rough-and-ready guide to *ġihād* for members of the camp, it also leads to the broader question if such an exclusivist stance automatically casts him out of the broader Sunni scholarly fold.

If we turn to Ibn Taimīya more specifically, it has become apparent that *al-ʿUmda* is not exclusively based on the thought of the Damascene scholar. Dr. Faḍl, while undoubtedly extracting general exhortations on the importance of *ġihād* from Ibn Taimīya, relies on him as a decidedly political thinker and a propagator of consultation, reading him mostly as an advocate of political quietism and submission to the camp-authorities despite their moral shortcomings. Overthrowing the tyrants of the Muslim world lingers in the background, but Dr. Faḍl is careful to build upon the writings of other medieval and modern authors to demonstrate its legitimacy. It remains to be seen which broader conclusions for the study of radical Islam can be drawn from these observations. Intellectual trajectories are notoriously difficult to delineate or to explain. We might speculate that Dr. Faḍl was careful not to associate his book too closely with *al-Farīda al-ġāʿiba*, but more research on the scholarly environment in the Afghan *ġihādī* camps appears to be necessary to answer this question decisively. *Al-ʿUmda* cautions us at least to refrain from sweeping claims about the ideational origins of radical Islam. Narrow, clear-cut paths of reception in the vein of Ibn Taimīya/Ibn ʿAbd al-Wahhāb/Saiyid Quṭb do not hold up to closer scrutiny. Dr. Faḍl's treatise demonstrates that instead we have to pay particular attention to the often not so obvious twists and reformulations of the wider Islamic tradition. These constitute the crucial spots which ultimately have important bearings on the credibility *ġihādī* thinkers can claim for their interpretation of the Islamic heritage as a whole.