



DAR AL ISLAM (“THE HOUSE OF ISLAM”) SEEN IN THE CONTEXTS OF *FIQH* (JURISPRUDENCE), HISTORY AND GEOPOLITICS

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In this study, in which we shall seek to demonstrate the dialectical relationship between the three disciplines of *fiqh* (jurisprudence/doctrine), history and geopolitics, we have based our approach upon a self-evident truth; to wit, the “oneness of knowledge”. Specialisation in the different branches of knowledge and science (which is generally regarded as a “procedural” process) aims to enable in-depth studies to be made of similar or related subjects through applying a methodology that is appropriate to the nature of the subject in question. This is reflected in the classification of the different scientific and academic disciplines.

It will be clear to us that “oneness of knowledge” is a reality (rather than conjecture) when we consider the fact that from ancient times till the beginning of the modern age philosophy encompassed all the different branches of knowledge, thereby justifying its designation as the “mother of all disciplines”.

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Even if philosophy may have to some extent lost its voice today with the growth of academic and scientific specialisation, it has recently managed to restore its status as the most suitable means of bringing together the new areas of knowledge generated by the different branches of modern science. Another contributory factor here has been a phenomenon known as the “intermediate” or “auxiliary” sciences, which have appeared on the scene as a consequence of narrow specialisation; the sciences in this category have had a vital role to play due to the interrelationship that must necessarily exist between the different disciplines, leading to a situation that has made it impossible to assign each individual discipline solely to one specific field.

To take a few examples, students of sociology will also find themselves involved with various related subjects such as anthropology and folklore, while a study of history may require an engagement with numerous other disciplines including archaeology, economics, politics and social sciences, to name but a few. When the Islamic world first began to classify the different branches of knowledge around the middle of the second century AH by defining the parameters and methodologies of the various disciplines and producing books on them, knowledge was classed as belonging to one of two categories: the first of these was known as “*al ‘ulum al diniyyah*” (“the religious sciences”), or “Shariah sciences,” while the second was known as “*‘ulum al awa’il*” (“sciences of the ancients”) or “the temporal sciences”.

The first category covered topics such as *tafsir* (exegesis), *qira’at* (“readings”), Hadith, *fiqh*, and *kalam* (theology), while the second category included the natural sciences, mathematics, social sciences and the humanities.

Inspired by the Greek model, the study of philosophy in the Islamic world covered many of these sciences and included astronomy, medicine, physics, chemistry, and even music and aesthetics. This probably explains why Muslim scholars came to be renowned for their encyclopaedic culture; indeed, some of them were equally well versed in religious and temporal knowledge, including such fields as language and literature.

With such an extensive intellectual background, it is hardly surprising that these scholars were aware of the “oneness of knowledge” and were thus equipped to understand the interrelationship between different disciplines. This generated a flowering of creativity, invention and discovery that would have been unachievable through narrow specialisation, however precise and thorough that specialisation might have been.

This study’s methodological and epistemological “legitimacy” is based upon the above. In this connection we should like to point out that we have carried out numerous other studies of this kind, particularly on the dialectics of the relationship between *fiqh*, history and politics. Here our aim is to provide a general overview of the “primary threads,” and thus obviate the need for digression into the minutiae.

Finally, we should also like to say that *‘ilm al fiqh* (the science of *fiqh*) is so closely related to history and geopolitics that historians who have also been *fuqaha* (scholars of *fiqh*) have tended to outperform their modern pure historian counterparts. At the same time, geopolitics was born from the womb of *‘ilm al fiqh*, which may rightly be regarded as Islamic thought’s highest achievement.

‘Ilm al fiqh – as is well-known – is concerned with the Shariah of Islam and with deducing Shariah rulings from the principles of the Holy Qur’an and the Sunnah of the Prophet. Through the application of *ijtihad* (interpretative judgement) it derives new rulings to deal with new situations and problems arising from the ever-changing realities of life which are not covered specifically in the Holy Qur’an and the Prophet’s Sunnah. It was in response to these circumstances that Imam al Shafi’i devised the science of “*usul al fiqh*” (“the roots of *fiqh*”), which codifies, defines and sets out the principles, conditions and boundaries of *ijtihad*.

There is no need for us to go into detail here about the different schools of *fiqh*; to identify their approaches to *ijtihad* it will suffice us to touch briefly on the Sunni schools and the “dissident” groups such as the Shi’a, the Khawarij and the Mu’tazilites.

Abu Hanifa’s school is the most “*ijtihadist*,” while Imam Malik’s is the



least. Imam al Shafi'i is somewhere between the two and Imam Ahmad bin Hanbal rejects *ijtihad* altogether.

There are also other Sunni schools of *fiqh*, such as the school of al Awza'i, which never became widespread, and the Dhahiri school – founded by Daud al Isfahani – which gained some adherents in the Islamic West after it was revived by Ibn Hazm. Ibn Hazm reinforced the Dhahiri position with evidence and proofs, which gave it a somewhat rationalist flavour.

Where the “dissident” groups are concerned, the rationalist Mu'tazilites imbibed some of Abu Hanifa's *fiqh* and opened the “door of *ijtihad*” as wide as it could go, while Ibadi *fiqh* was basically realistic and practical, which meant accepting the principle of *ijtihad*. The same was true of the Zaidi Shi'as, whose approach was influenced by Mu'tazilite *fiqh*. Imam Ja'far al Sadiq, whose pupils included Imam Malik and Abu Hanifa, laid down the principles of *Ithna'asheri Shi'a fiqh*, which was later expanded by al Kulayni and Ibn Babawayh al Qumi. During their “secret mission” period the Ismaili Shi'as based their *fiqh* on the teachings of Abu Hanifah; later, after the Fatimid State was established in the Maghreb, they replaced it with an independent *fiqh*, the roots and principles of which were set out by al Qadi al Nu'man.

As we shall explain later, all these schools showed an ability to adapt, innovate and evolve in response to changing political, social and geographical circumstances. However, many others stagnated as Islamic thought went into decline after the middle of the 5th century AH due to a range of socio-political and historic factors

As far as the dialectical relationship between *fiqh* and history is concerned, it is generally recognized that the study of Islamic history was linked to the “Age of Writing and Classification of the Sciences”. Before then it was limited to oral accounts about the life of the Messenger (PBUH) and his battles, tales of the Arab Ancients, and Arab tribal lore during the Time of Ignorance and the early Islamic period, recorded mainly by the likes of Abu Mikhnaf, al Minqari and 'Awanah bin al Hakam.

Subsequent historical material was collected *in situ* and written down by pioneering historians such as al Tabari, al Baladhuri and al Mas'udi.

The study of history flourished during the period between the 3rd and 5th centuries AH, reaching its peak with a number of reputable historians including, among others, al Biruni, Miskawaih, Ibn Hayyun al Maghribi and Ibn Hayyan al Andalusi. After them it went into decline like the other religious and temporal sciences.

What we are concerned with here is establishing how *fiqh* contributed to the rise of the study of history, whose early leading figures “knocked on the door” of the philosophy of history (a subject in which Ibn Khaldun would later claim that he was the first to break new ground).

The historians of the Golden Age (3rd to 5th centuries AH) were *fuqaha* and applied *fiqh* methodology (verification, criticism, analogy and deductive reasoning) to the field of history. Al Mas'udi is regarded as being the first (long before Jules Michelet) to offer a holistic vision of history in which he studied the past in all its political, economic, social, religious and cultural aspects. Al Biruni was the first to identify the objective laws of history, while Miskawaih propounded an economically-based interpretation of history long before Karl Marx and liberated the subject from its mythological and theological baggage. Al Mutahhir al Maqdisi made the first forays into the philosophy of history – a discipline which was later to be refined by Ibn Hayyun al Maghribi (regarded as being the man who established the basic principles of Ismaili *fiqh*). Ibn Hazm al Andalusi, who brought Dhahiri *fiqh* back to life, “knocked on the doors” of social and cultural anthropology and, along with his pupil Sa'id al Andalusi, incorporated it into the study of history as an academic discipline.

These and other examples clearly demonstrate the impact of *fiqh* on the study of history. Indeed, the great Moroccan historian 'Abdullah al 'Arawi was right when he drew a distinction between the “Hadith historian” and his *faqih* counterpart, classing the former as a *mu'arrikh riwayah* (historian-narrator) and the latter as a *mu'arrikh dirayah* (historian-man of knowledge).



As far as the impact of history upon *fiqh* is concerned, it is our belief that the historian has a hugely important contribution to make to *fiqh*. Shariah rulings on *mu'amalat* (financial transactions/ dealings between people) can be placed in context by the material which the historian collects on economic and social situations and conditions. *Fiqh al nawazil* (*fiqh* dealing with unprecedented cases) – too – needs to be backed up by historical data so that solutions can be found to new problems not previously covered by legislation. In such circumstances, *fuqaha* take previous experiences and practices into account when issuing their *fatwas* and draw analogies between “the absent and the present” in order to ensure that justice is administered in the fairest possible manner.

History also plays a part in drawing up legislation governing *mu'amalat* with *ahl al dhimmah* (non-Muslim subjects) and their rights and obligations.

There is a specific branch of *fiqh* that applies to the building development sector in fields such as town planning, utilities, the locations in which houses should be built, the number of storeys they should have etc. Here again historical data plays a role.

Further evidence of the dialectical relationship between *fiqh* and history can be seen in the written records about the *tabaqat* (classes) of *fuqaha* and the judiciary.

Where the relationship between *fiqh* and geopolitics is concerned, we concede that the latter expression – i.e. geopolitics – does not have an exact equivalent in Arabic. Whoever translated it as “*al jughrafiya al siyasiyyah*” (“political geography”) was wrong, because “political geography” has a much wider meaning than “geopolitics” (which refers to the influence of geography in determining political events and relations).

Whatever the case, there is a dialectical relationship between *fiqh* and geography, just as there is between *fiqh* and politics. If geography plays a part in determining the course of history, then its relationship to it should be classed as similar to its relationship to *fiqh*. This is hardly surprising when one considers the geographical distribution of the different schools

of *fiqh*. Thus it was through no mere stroke of chance that the *fiqh* of the “dissident” Kharijites and Shi‘ites is mainly to be found on the fringes of the Islamic world. Geography also played a part in determining how the development of *fiqh* – whether positive or negative – was influenced by economic activity, social conditions and political circumstances. We can see examples of this in the school of Imam Malik, which allowed very limited scope for *ijtihad* in the Hejaz, yet “opened the door wide” to it in the countries of the Maghreb and Andalusia.

Nor was it merely by chance that Abu Hanifa’s *fiqh* became far more widespread in the regions where there was major commercial activity – such as Transoxiana – than in Iraq. We find the same phenomenon with the Dhahiri school, which gained many more followers in the Islamic West than it did in the East – the land of its birth. The *fiqh* of al Shafi‘i had little appeal in the land of its founder, yet the Seljuk Empire adopted it as its official school.

Naturally, there is a stronger relationship between *fiqh* and politics; it is well known that the Caliphs barred people from writing about politics during the first four centuries after the Hijrah, and when a reformist writer – al Sarakhsi – dared to do so his book was impounded and all traces of it were lost. When al Farabi ventured into the realm of political authorship, his book – *Ara Ahl al Madinah al Fadilah (The Opinions of the People of the Virtuous City)* – was no more than a Utopian vision. Al Mawardi’s *Al Ahkam al Sultaniyyah (The Laws of Islamic Governance)* set out and codified existing systems and practices.

The conditions and laws on the “Imamate” devised by the “dissident” groups’ consist of little more than a justification of their beliefs and dogmas.

No books appeared on overtly political topics until after the Caliphate system had declined and collapsed. To begin with they were associated with various aspects of *‘ilm al fiqh*; most of them were designed to give spurious legitimacy to regimes that had seized power by force and were produced by “the Sultan’s *fuqaha*” to provide the relevant regime with Shariah justification through the application of a practice known as



“*fiqh al hiyal*” (“the *fiqh* of tricks”). Unsurprisingly, their purpose was to make the subjects obey the Sultan, even if he was an unjust ruler. The *Siyasatnama* (*Book of Government*) by the Seljuk Vizier Nizamulmulk is a perfect example of this, and *al Tibr al Masbuk* (*The Forged Sword*) by al Ghazali – the “theorist” of the Seljuk regime – takes a similar approach to that of Machiavelli some centuries later.

Al Ghazali writes:

“Subjects have an obligation to obey the *Sultan al Zaman* (Sultan of the Age), who should be held in full awe and veneration. Meanwhile, the ordinary man [should] recognize the princely authority of the one who holds power, even if the [latter] is unjust and a libertine.”

While these deviant political ideas had their origin in *fiqh*, that particular discipline was suffering from the same degree of crisis, decline and stagnation as Islamic thought in general during that era.

Like their eastern counterparts, the “Sultan’s *fuqaha*” in the Islamic West also produced similar literature on the science of politics; examples include al Turtushi, al Muradi, Ibn Ridwan and Ibn Khaldun. Writing about Ibn Khaldun, the late thinker Mohammad ‘Abed al Jabri remarks: “His writings on politics were as far removed as possible from reason and logic. His political discourse is dominated by concepts redolent of despotism and violence.” Ibn Khaldun was, of course, an Ash‘arite Maliki *faqih*; however, a student and contemporary of his regarded his *fiqh* as “inconsistent”.

The reformist *fuqaha* – like Ibn Taymiyyah in the East and Ibn al Azraq in the Maghreb – sought to advise and guide the rulers and promote the interests of their subjects. The former insisted that it was essential to return to the principle of “*Shura*” (mutual consultation), while the latter stressed the need to safeguard the “interests of the *Ummah*” by combining “reason with Shariah”.

The political writings of the “dissident” groups (including the Mu‘tazilites, Ibadis and Shi‘a) stress the “concept of justice through commitment to the Shariah”. This is the line taken by the *faqih* al Tusi in his book *Akhlaq-e-Nasiri* (*Ethics of Nasir*). The Ibadī *fuqaha* were practical in character, producing works on systems of government and

administration in which they adopted a collective, democratic approach based upon their school's teachings on *Shura* and social justice.

Of the *fuqaha* who wrote about politics in the later Islamic period, some set their sights on government and the pursuit of power. Although Imam Malik expressly forbade them to do so, they ignored his injunctions and prohibitions and most of them abandoned the search for knowledge in favour of the quest for wealth and personal prestige; Ibn Khaldun was one example of this. To be fair, however, one should also remember the *fuqaha* who became involved in politics with the aim of ensuring justice for the people from the tyranny of the sultans; they included – among others – Ibn Taymiyyah, al 'Izz bin 'Abdulsalam and Ibn al A'raj.

Where the links between history and geopolitics are concerned, history and geography are closely related – to the extent that some people have merged the two into a single discipline with excellent results. This was the case with al Ya'qubi, who was the first person to write about political and historical geography, while al Mas'udi boasted that he had acquired most of his information about cultural history during his extensive travels.

The link between history and politics is even stronger, and whoever said “History is the politics of the past and politics is the history of the present” spoke nothing but the truth. The role of “Royal Court historian” was a familiar one in the Islamic world and included writers who devoted their efforts to justifying their rulers' policies whether or not they merited such justification. Ibn 'Arabi was highly critical of such people and set no store by “the writings of the kings' historians”.

However, some of these historians who served at Court were able to provide the rulers with useful advice and guidance (as in the case of Ibn Hayyun al Maghribi, who was never reluctant to criticise some of the rulers' policies).

To put it in a nutshell, the relationship between *fiqh*, history and geopolitics is a dialectical one. The best evidence of this can be seen in the way Ibn Khaldun combined the three disciplines – both on paper and in practice.



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