CHAPTER 15

The formation of Sunni traditionalism

With the full development of sectarian movements within the Islamic *umma*, the stage was set for the crystallization of a specifically Sunni Muslim identity, which took shape largely in response to the threat of sectarian fragmentation. Khariji Islam survived in peripheral areas of the Islamic world, but in the central Near East in this period posed little threat. It did play some role in the revolt of African slaves (the "Zanj") in southern Iraq in the late ninth century. This rebellion was driven by the appalling conditions in which slaves worked harvesting natron in the region's extensive and virtually impenetrable marshes, but it also relied heavily on its charismatic instigator, an enigmatic figure named Muhammad ibn ᶜAli. The Khariji slogan *la hukma illa lillah*, "judgment is God's alone," appeared on Muhammad's banners and coins which were minted in his name. But Muhammad was an opportunist, drawing on support wherever he could find it – at one point he claimed ᶜAlid descent, and unsuccessfully sought an alliance with the Ismaᶜili leader Hamdan Qarmat, whose name survived in that of the Qarmatians. As a result, the ideological orientation of the Zanj rebellion is somewhat confused. From hindsight, perhaps the most important aspect of the Zanj revolt was simply its timing, in the late ninth century, at just the moment that an active Ismaᶜili movement appeared, the Imams most widely recognized by the Shiᶜa were disappearing, and the fragmentation of effective political authority called into question the precise significance of the ᶜAbbasid caliphate. Ultimately the rebellion was suppressed, albeit with difficulty, and later manifestations of sectarian Kharijism were largely limited to the fringes of the Islamic world: North Africa, for example, and Oman.[1]

Shiᶜism, however, was a more serious concern, and what we now call Sunni Islam is, in a way, simply *non-Shiᶜi* Islam. The claims of the ᶜAlids had understandably concerned the ᶜAbbasids, and of necessity their response tended to downplay their rivals' claims, the caliph al-Mutawakkil, for example, associating only with those who scorned ᶜAli and ordering that ᶜAli be cursed from the pulpits

[1] On the Zanj rebellion, see Alexandre Popovic, *The Revolt of African Slaves in Iraq in the 3rd/9th Century* (Princeton: Markus Wiener, 1999); and on Kharijism more generally, W. Montgomery Watt, *The Formative Period of Islamic Thought* (Edinburgh: Edinburgh University Press, 1973), 9–37.

in mosques. Opposition to the claims of the ᶜAlids persisted, sometimes in rather bizarre forms which might make even the ᶜAbbasids uncomfortable: in a cult in Damascus which made the Umayyad caliph Muᶜawiya's tomb an object of pilgrimage, or in the insistence of some Muslims in Isfahan that the first Umayyad caliph had in fact held the status of a prophet.[2] But the sort of open rivalry represented by al-Mutawakkil's hostility to the descendants of ᶜAli soon dissipated, in part perhaps because, after the late ninth century, the ᶜAlid Imams themselves had disappeared, in the process transmuting the threat they posed from an imminent one to a latent and finally eschatological one. (The Fatimids, of course, were another matter.) Indeed, veneration of the Prophet's family, including of course ᶜAli ibn Abi Talib and his descendants, was common among Sunni Muslims too, even if Sunnis did reject the Shiᶜi understanding of ᶜAli's cosmological role and the particular celebrations through which that understanding was popularly expressed.

The distinction between Sunni and Shiᶜi Islam as the two sectarian identities formed over the eighth, ninth, and tenth centuries rests in the first place upon different memories of what occurred in the earliest years of Islam, and second on radically different views of the nature and locus of religious authority. The Sunni and Shiᶜi accounts of the pivotal events of early Islam are incompatible, and in this period those different memories became fixed in competing religious rituals and celebrations. So, for example, if Shiᶜis in the tenth century learned to express their sectarian identity in celebrations of Muhammad's alleged recognition of ᶜAli as his intended successor at the pool of Khumm during his final pilgrimage, Sunnis in response began to celebrate the Prophet's taking refuge in a cave outside Mecca during the *hijra* in the company of Abu Bakr, as a marker that he had intended his friend, and not his cousin, to be his immediate successor. Those competing historical memories buttressed starkly different conceptions of religious authority. What was central to the Sunni view of history, and so to the emerging Sunni identity, was the idea that the community as a whole had got things right, that at least in broad outlines it was following the will of God. That viewpoint is expressed clearly in the famous statement attributed to the Prophet, that "my community will never agree upon an error." Where Shiᶜis insisted that Muhammad, as the bearer of God's guidance, had named ᶜAli as the divinely-inspired Imam who was to follow him, Sunnis accepted the consensus of the community through which (according to the stories) Abu Bakr was selected as the caliph, the successor to at least the political authority of the Prophet. Similarly, while Shiᶜis look for guidance to their divinely-appointed Imam, Sunnis came to rely upon the consensus of the scholars, the ulama, whom a famous hadith identified as the "heirs of the Prophet."[3] We take the name *Sunni* from the Arabic *sunna*, the normative practice of the Prophet, as in the phrase *ahl al-sunna waʾl-jamaᶜa*,

[2] Adam Mez, *The Renaissance of Islam* (London: Luzac, 1937), 64; Charles Pellat, "Le culte de Muᶜawiya au iiiᵉ siècle de l'hégire," *Studia Islamica* 6 (1956), 53–66.

[3] Al-Bukhārī, *Ṣaḥīḥ*, "Kitāb al-ᶜilm" 10.

"the people of the *sunna* and the community [or collectivity]." But Shi^{c}is have their *sunna*, too. What really sets the Sunnis apart is their emphasis on the community, the *jama^{c}a*, as the locus of religious authority, the will of which is expressed through its consensus, *ijma^{c}*.

The privileging of the consensus of the community brings us to the central question of the law, and of the formation of a science of jurisprudence. We may take as our starting point the common observation that Islam is a religion of law, that the fully-formed *shari^{c}a* makes of Islam something more than a "religion" in the Western sense, but rather an "all-embracing way of life." Islamic law is the product of a science of jurisprudence (*fiqh*) which is probably the most significant field of religious discourse in the Muslim world. The law is not embodied in a code, but rather in texts in which the jurists expressed their opinions as to what constituted proper Islamic behavior. Put another way, it is not simply a collection of rules, but what we would now call a "discursive system." Since there is no code, the opinions recognized by the ulama could in many cases vary enormously – there was considerable scope, that is, for disagreement and variations. But the development of Islamic law served in other ways as a unifying force within the Islamic community. The scope of the law is vast: the jurists expressed opinions on almost every conceivable arena of social life, from how to pray, to how to structure a business partnership, to how to trim one's beard. Islamic law, in other words, was not simply a matter for courts, judges (*qadis*), and the various institutional mechanisms of legal discipline. Rather, it was something which touched on believers' lives in intimate ways, and so all Muslims needed to have at least some rudimentary understanding of it. They might acquire that understanding through their own study of legal texts, or more likely by consulting members of the ulama with training in jurisprudence and a reputation for learning and piety. Marshall Hodgson, in his survey of Islamic history, saw in the religion's "aspiration … to form all ordinary life in its own mould" the defining characteristic of Islamic civilization, and the central accomplishment of the first century or two of ^{c}Abbasid rule. So, he said, the particular challenge of this era: that the circumstances of empire – when the original Arab ruling elite was dispersed over a vast area, when the number of Muslims had begun to grow significantly through conversion, when through both conversion of non-Arabs and the simple passage of time one could no longer rely on a universal, Arab cultural homogeneity – demanded the articulation of a legal system which would bind an increasingly disparate Islamic *umm*a together.[4]

So Islamic law was central to cementing a specifically Islamic identity, not least because other religious communities in the Near East had well-developed legal systems of their own. This was especially true of the Jews, and it is widely accepted that the Jewish model, as developed in the rabbinical academies in Iraq

[4] Marshall G. S. Hodgson, *The Venture of Islam: Conscience and History in a World Civilization* (Chicago: University of Chicago Press, 1974), 1.315–58, esp. 315–26.

in late antiquity and just after the Muslim conquests, influenced the development of Islamic law by the Muslim jurists, many of whom lived in Iraq.[5] For all its importance to Muslim identity and to the social organization of Muslim societies, however, we need to remember that Islamic law took a considerable period to come together, and that the process was not without disruption and controversy. Traditionally, the eighth and ninth centuries are mentioned as the time when the law crystallized, since that was the period in which there lived those scholars who gave their names to the four surviving "schools" (*madhahib*, sing. *madhhab*, lit., "way") of Sunni law – Abu Hanifa (d. 767), Malik ibn Anas (d. 795), al-Shafiʿi (d. 820), and Ahmad ibn Hanbal (d. 855).[6] However, the identification of those schools with their eponymous founders – the Hanafis with Abu Hanifa, for example, or the Hanbalis with Ibn Hanbal – was historically a kind of pious fiction. The crystallization of distinct schools was not so much the work of the eponyms themselves as it was of their students or intellectual descendants of later generations, who collected their juridical opinions, wrote extensive commentaries on them, and ultimately compiled biographical dictionaries of scholars and jurists who, in retrospect, belonged to discrete juristic traditions. This process of forming self-reflective schools of Islamic law, to which individual jurists and students consciously adhered, was probably not substantially complete until the late ninth or tenth century.[7]

In later centuries, it was an accepted principle among Sunnis that the four surviving *madhahib* all had equal standing, at least in the sense that the fundamental legitimacy of any particular school was not subject to debate. But the policy of mutual toleration was a later development.[8] In their early days, in the tenth and eleventh centuries, the schools of law often functioned as the focus of intense religious and social rivalries. In Iranian cities, representatives of various *madhahib* competed and clashed repeatedly, legal identities providing a cover for struggle over diverse social, political, and theological differences – as, for example, in the city of Nishapur, where sometimes violent social disturbances pitting political and theological factions identified as "Shafiʿis" and "Hanafis" continued well into the Middle Period. In Baghdad, it was the Hanbali school that provided the rallying point and the bodies for sometimes violent social

[5] Joseph Schacht, *On the Origins of Muhammadan Jurisprudence* (Oxford: Clarendon Press, 1950); Patricia Crone and Michael Cook, *Hagarism: The Making of the Islamic World* (Cambridge: Cambridge University Press, 1977), 29–32.

[6] Joseph Schacht, "The Schools of Law and Later Developments of Jurisprudence," in *Law in the Middle East*, ed., Majid Khadduri and Herbert J. Liebesny (Washington, D.C.: Middle East Institute, 1955), 57–84, esp. 63.

[7] Richard Bulliet, *Islam: The View from the Edge* (New York: Columbia University Press, 1994), 92–4; Christopher Melchert, *The Formation of the Sunni Schools of Law, 9th and 10th Centuries C.E.* (Leiden: E. J. Brill, 1997); Norman Calder, *Studies in Early Muslim Jurisprudence* (Oxford: Clarendon Press, 1993), 245–7; George Makdisi, "The Guilds of Law in Medieval Legal History: An Inquiry into the Origins of the Inns of Court," *Zeitschrift für Geschichte der Arabisch-Islamischen Wissenschaften* 1 (1984), 233–52.

[8] Bulliet, *Islam*, 110.

disturbances, movements directed against various perceived enemies, from Shiᶜis to rationalist theologians.[9]

The broad outlines of the emergence of a science of Islamic jurisprudence and a working body of Islamic law are well known, and what follows is a very cursory survey of that process. What we know as Islamic law began as a disparate and ad hoc system in which communities of Muslims and the individuals who served as their judges (*qadis*) developed and applied principles and rulings to meet the juridical needs of their scattered societies. There was considerable diversity in the law as applied in the early centuries, both because Muslims in different regions developed different responses to the particular problems they faced, and also because the law as applied was derived from a variety of different sources: the laws formulated by pre-Muslim communities, the practice of earlier Muslims, as well as basic principles of equity. Gradually, however, a more precisely delineated system emerged.

Two matters in particular merit mention. First, it grew to be recognized that the principal source of Islamic law was the normative practice of Muhammad (*sunna*), as reflected in *hadith*. (The Koran itself of course takes formal precedence, but as a practical matter it proved of only limited value as a source of law. Some in the early Muslim community propounded a kind of "fundamentalist" or "scripturalist" emphasis on the Koran to the exclusion of hadith, but their point of view was overcome by the sheer number and the practical value of the hadith reports.) The dating of this development is a controversial matter: al-Shafiᶜi is usually identified as the figure most responsible for it, although some have suggested a later date, while a more conservative Muslim viewpoint would claim that the community recognized much earlier the Prophet's central normative role. Leaving the claims of piety aside, what is most striking is how long it took for this principle to be clearly articulated and widely held, and to eclipse other, broader definitions of what constituted *sunna*. Second, the regional schools of the earlier period gradually gave rise to a series of juridical traditions identified with particular scholars. Originally, there were dozens of these traditions, although eventually their number was whittled down to four. Ultimately the four which survived – the Shafiᶜi, Hanafi, Maliki, and Hanbali – came to rest on a science of jurisprudence which discovered the law from a hierarchy of sources or "foundations" (*usul*): the Koran; the *sunna*; the selective use of analogical reasoning, *qiyas* (although this source was not accepted by all); and the consensus (*ijmaᶜ*) of the recognized body of religious experts.[10]

[9] Bulliet, *Islam*, 110–12; idem, *The Patricians of Nishapur: A Study in Medieval Islamic Social History* (Cambridge, Mass.: Harvard University Press, 1972), esp. 28–46; Wilferd Madelung, *Religious Trends in Early Islamic Iran* (Albany, NY: Bibliotheca Persica, 1988), 26–38; George Makdisi, *Ibn'Aqīl et la résurgence de l'Islam traditionaliste au xiᵉ siècle (vᵉ siècle de l'Hégire)* (Damascus: Institut Français de Damas, 1963), 293–383; Simha Sabari, *Mouvements populaires à Bagdad à l'époque 'abbaside, ixᵉ-xiᵉ siècles* (Paris: Librairie d'Amérique et d'Orient, 1981), 101–20.

[10] The pioneer work in this field was done by Joseph Schacht, particularly in his study of the *Origins of Muhammadan Jurisprudence* (Oxford: Clarendon Press, 1950). On al-Shafiᶜi as the architect of Islamic jurisprudence, see Makdisi, "The Juridical Theology of Shāfiᶜī: Origins and Significance

Such, in a very small nutshell, is the story of the origins of Islamic law. What can we say about the process, and in particular about its relationship to the broader assertion of a distinctively Sunni identity?

In the first place, the formation of Islamic law constituted a critical step in the consolidation of a unifying if not entirely uniform Muslim identity, a means for delineating what it meant to be a Muslim while at the same time accommodating the growing diversity of outlook and practice within the Muslim community. Islamic law sought to balance the two competing imperatives – the need for a clearly defined Islamic identity, and the need to deal with the existing diversity of belief and practice – in a variety of ways. This is clear from a consideration of the most important of the two "sources" of the law. One method of balancing centripetal forces (the need for a clear Muslim identity) with centrifugal ones (the diversity of actual Muslim practice) was to focus on the person of the Prophet and invest his behavior with a normative status. Hence the emergence of the *sunna* principle: that which was "Islamic" was to be found in the *sunna* of the Prophet, and that *sunna* could be found in *hadith*. On the surface, this principle would seem to favor a precise, "Muhammadan" identity, and to restrict the range of practices which could be recognized as authentically Islamic. In fact, however, the diversity of actual practice trumped the homogenizing tendency of the *sunna* principle. As Ignaz Goldziher famously demonstrated some time ago, the privileging of *sunna* led to the widespread fabrication of hadith to support one viewpoint or practice or another.[11] Once the hadith were written down in collections that acquired an authoritative status, such as those compiled by al-Bukhari (d. 870) and Muslim ibn al-Hajjaj (d. 875), the centrifugal tendencies may have receded. Even so, the residue of diversity was enormous: Ahmad b. Hanbal's collection of hadith, the *Musnad*, contains many thousands of traditions, embracing a considerable range of (sometimes contradictory) ideas and practices.

Of even greater practical importance as a source of law, and also as a means of balancing the centripetal and centrifugal forces, was the doctrine of consensus, *ijmaᶜ*. Jurists defined *ijmaᶜ* in different ways, but the general outlines of the issue can be discerned fairly clearly. The doctrine of *ijmaᶜ* was essential to the identity and authority of the *madhahib*. In theory, *ijmaᶜ* represented the fourth of the four

of Usūl al-fiqh," *Studia Islamica* 59 (1984), 5–47. Schacht's conclusions on al-Shafiᶜi's contribution to Muslim jurisprudence, and more generally on the dating of the whole process by which Islamic law took shape and, in particular, the normative status of prophetic *sunna* was recognized, have been challenged recently, from very different perspectives. Compare Calder, *Studies*, 245–7, and Wael Hallaq, "Was al-Shāfiᶜī the Master Architect of Islamic Jurisprudence?" *International Journal of Middle East Studies* 25 (1993), 587–605, with M. M. al-Azmi, *On Schacht's Origins of Muhammadan Jurisprudence* (Oxford: Oxford Centre for Islamic Studies, 1996). For a balanced survey of the sources, see Devin Stewart, *Islamic Legal Orthodoxy: Twelver Shiite Responses to the Sunni Legal System* (Salt Lake City: University of Utah Press, 1998), 26–37.

[11] Ignaz Goldziher, *Muslim Studies*, trans. C. R. Barber and S. M. Stern (London: George Allen and Unwin, 1966), volume 2, chapters 2, 3, and 4. Bulliet, *Islam*, 81–6, makes a compelling case for the "local" origin of hadith – that is, for their diverse, heterogeneous, even contradictory character. More generally, his book presents an argument for the pervasive heterogeneity of Islamic societies in the early centuries.

usul of Sunni Islamic law. In practice, however, it came to have a critical, defining function, one that was reflected in a hadith, in which the Prophet is alleged to have declared that "my community will never agree upon an error." The doctrine was a powerful one, powerful enough, for example, to enable the community to inscribe in its law principles and practices which seem to violate express Koranic statements. So, for example, the doctrine of *ijma'* enabled the jurists to respond to the prevailing sexual standards of late antique and early medieval Near Eastern societies and accept a punishment for adultery – death by stoning, at least under certain conditions – in direct violation of an explicit Koranic verse, which called for a more lenient penalty. More broadly, the doctrine of consensus constituted the foundation of the authority that the ulama, and especially the jurists among them, claimed over the Islamic tradition. Where the jurists differed over a given legal question, there was *khilaf*, "disagreement" – that is, the tradition recognized a diversity of opinion and practice. But once the jurists of a given *madhhab* had agreed through consensus on a given point, it was taken as binding on those who followed. In this way the doctrine served to reinforce the growing social and cultural authority of the ulama, the educated religious elite, an issue to which we shall return shortly.[12]

The importance of *ijma'* to the Islamic tradition can hardly be overstressed. It was central to the process of forming the *madhahib* and defining the law, but also in a more general way to establishing the parameters of what constituted Sunni Islam. It is true that, as Western scholars have frequently remarked, there is no "church" in Islam, no institutional structure of authority, and so that the use of terms such as "orthodoxy" and "heresy" are inherently problematic in an Islamic context. That does not mean, however, that questions about what constitutes proper Muslim thought and behavior had no meaning. The doctrine of consensus was one of the principal tools that the tradition developed for answering those questions, and it formed the theoretical basis for the authority of the ulama, and of the jurists in particular. To go against the consensus was, in a very real sense, to step outside the tradition, to become in fact a heretic.[13]

A second point about the development of Islamic law derives from the fact that it overlapped with a series of issues of a more specifically theological nature. This is not surprising, since the fundamental ground over which both theological and jurisprudential battles were fought was the same: namely, the competing claims of human reason, on the one side, and revelation and scriptural (including Prophetic) authority on the other, to determining the "Islamic" position on everything from how to regulate family life to the attributes of God. So, for example, the crystallization of the *madhahib* grew out of a fundamental disagreement between what were originally known as the *ashab al-hadith*, the supporters of the paramountcy

[12] A full investigation of the doctrine of consensus remains an important desideratum in the field of Islamic studies. The best general work on the subject to date is that of Stewart, *Islamic Legal Orthodoxy*, 25–59, esp. 37–45. See also Wael Hallaq, "On the Authoritativeness of Sunni Consensus," *International Journal of Middle East Studies* 18 (1986), 427–54.

[13] Stewart, *Islamic Legal Orthodoxy*, 45–53.

of Prophetic tradition, and the *ashab al-raʾy*, those who were willing to acknowledge considerable scope for the exercise of relatively unfettered human reason in the articulation of the law. So, too, in the theological sphere, the poles of debate were represented by those such as Ahmad ibn Hanbal, who demanded the unquestioning acceptance of scriptural authority even on matters on which a literal reading seemed to lead to absurd conclusions – for example, that when the Koran said that "God's throne was upon the water," it meant precisely that – and on the other extreme by the Muʿtazila, who argued on rationalistic grounds for the createdness of the Koran.

In general there was no absolute correlation between an individual's adherence to one *madhhab* and his position on theological matters. One might, for example, be a Muʿtazili in theology, and adhere to the Hanafi or Shafiʿi school of law. But the trends in both areas of debate were similar. On the surface, the victors were those willing to compromise. In law, that compromise took the form of the *madhahib* themselves. So, for example, the jurists all acknowledged the normative value of the Prophetic *sunna* as reflected in *hadith*, even the Hanafis, who originally had given considerable weight to the exercise of human reason. (It was said sarcastically of the early Hanafi jurist Abu Yusuf that he could, through analogy, make sexual relations with virgins and boys licit.) And so, on the other side, the followers of Ahmad ibn Hanbal, despite their absolute reliance on *hadith* and the explicit reluctance of Ibn Hanbal himself to allow his own rulings to become the basis for a systematic jurisprudence, found it necessary to preserve and propagate their traditions in the institutional form of a *madhhab*.[14] In theology, the compromise between Muʿtazili rationalism and Hanbali literalism took the form of the school of thought associated with Abuʾl-Hasan al-Ashʿari (d. 935–6). Al-Ashʿari's opinions were in fact as diverse and sometimes contradictory as those who were identified as his followers, but in general it may be said that Ashʿari theology used the tools of scholastic theology to support the theological positions of a fideistic reading of the Koran: for example, that Koranic statements about God sitting on his throne, while not indicating that God had a body as such, must nonetheless be understood literally and not explained away as metaphors.[15]

Beneath the surface, however, the real winners were the traditionalists. *Ijmaʿ* was the means by which the Muslim community agreed on what was Islamic, but the ideological standard was that of tradition: whether one position or practice or another had the authority of Prophetic example. Intellectually, one marker of the traditionalist triumph is to be found in the jurisprudential system conventionally credited to al-Shafiʿi, which ascribed the Prophetic *hadith* a predominant normative function. Its repercussions were much wider, however, and left their mark on the thinking of all later Sunni jurists, of whatever *madhhab*, and on Sunni theology and politics. One consequence of the caliph al-Mutawakkil's decision to suspend

[14] See Melchert, *Formation*, passim. The remark about Abu Yusuf is cited on p. 10.

[15] On al-Ashʿari and Ashʿarism, see George Makdisi, "Ashʿarī and the Ashʿarites in Islamic Religious History", *Studia Islamica* 17 (1962), 37–80, and 18 (1963), 19–39.

the rationalist *mihna* was a need to find a new basis for political legitimacy. And it was on traditionalism that ᶜAbbasid and therefore Sunni legitimacy now came to rest. The popularity of traditionalism manifested itself repeatedly in Baghdad in the late ninth, tenth and eleventh centuries, as crowds responded violently to what they perceived as provocations, destroying mosques identified with Shiᶜis or shouting down preachers who publicly propounded rationalist theological doctrines. Despite its disruptive potential, however, traditionalism was a fundamentally conservative force. On a theoretical level, traditionalism set itself firmly against *bidᶜa*, "innovation," the opposite of *sunna*, and while the jurists inevitably found it necessary to distinguish different kinds of innovations, ranging from the forbidden to the acceptable, a principled opposition to practices not associated with the Prophet remained an important element in Islamic discourse and had a profound effect in later centuries, as we shall see. On a political level, traditionalism emphasized the historical authority of the Muslim community *as it had taken shape*, affirming, for example, in the face of Shiᶜi claims, the legitimacy of the earliest caliphs and also their successors. Once the ᶜAbbasids had broken definitively with the Shiᶜa and the Muᶜtazila, the traditionalists, including the Hanbalis, became their staunchest supporters. And so it was Ahmad ibn Hanbal who insisted that anyone who crossed the authority of the caliph deserved exclusion from the ranks of the Muslims.

The pervasive influence of traditionalism returns us to the question of the role and authority of the ulama. In theory, the aim of traditionalism was to unify Muslim practice and to anchor Islam in unchanging Prophetic/scriptural precedent, rather than in the vagaries of human reason. In practice, what it did was to carve out a sphere of authority for a particular group of Muslims, the ulama, and in particular the jurists. It was not Muhammad himself who defined the *sunna*, but rather a memory of him, and that memory was embedded in certain texts, including the collections of hadith and especially the various legal books which made use of the Prophetic traditions. The *enactment* of those texts, and also their *replication*, required that they be transmitted and commented upon – in short, that the texts be mediated through a series of human relationships. And those relationships were under the control of the ulama. Scholars taught jurisprudence in informal teaching circles in mosques or houses, and later in institutions founded specifically for the transmission of religious and legal knowledge. Whatever the setting in which they taught and studied, the men (and occasionally women) responsible for transmitting the textual foundations of Islamic law from one generation to the next preferred oral modes of transmission. That is, even after a text was written down, a student did not simply read it and master its contents: rather, he read it aloud, or heard it read aloud, and commented upon it, all in the presence of his teacher, and so entered into a chain of authorities which linked him to the author of the book or, in the case of hadith, to the Prophet himself. What that meant is that the system of education was less one of the transmission of knowledge than it was one of the transmission of personal authority over the texts in which that knowledge was found, and also of socialization. The system was

flexible and informal, but it also tended to confirm the authority of particular scholars, who commanded the respect of large numbers of students and their colleagues.[16]

In other words, the patterns of authority within Islamic law had a "genealogical" character – a pattern we will see reflected in other aspects of Muslim religious life. That is, religious authority was something that one claimed from one's intellectual forefathers. This pattern can be detected already in the process whereby the schools of law crystallized around the memories of particular scholars whose names were attached to the body of their followers – Abu Hanifa, al-Shafiʿi, etc.[17] Not infrequently, the "genealogical" pattern of transmitting authority manifested itself literally. One consequence of the system was that the social status which accrued to those who were recognized as outstanding scholars and transmitters of the religious authority embedded in texts tended to be concentrated in families, as fathers passed that status to their sons, to other family members, and to those students with whom they were most intimately associated. In other words, the social authority of the ulama tended to produce family dynasties of scholars, with all of a dynastic system's usual mechanisms for guarding the integrity and value of the family's authority, including nepotism (in which sons succeeded to the offices and privileges of their scholarly fathers) and intermarriage with other socially elite groups.[18]

The embodiment of religious authority in the persons and families of the ulama must be seen against the background of the radical social and political changes of the ninth and tenth centuries. The collapse of the *mihna* may have represented the failure of the caliphal institution to assert its primacy on religious matters – in other words, the surrender of the caliphs to the religious authority of the ulama. But it took place at the same moment that effective political power was passing from the hands of the caliphs into those of the predominantly Turkish military elite at the center and, in the provinces, of a variety of autonomous and semi-independent regimes which sprang up to fill the political vacuum. The ascendance of a traditionalist outlook and the crystallization of the social status and authority of the religious elite, the ulama, should be read in part as a response of disenfranchised social elites representing, or claiming to represent, the older traditions of Islam, to the fractured new political arrangements and (in some cases) alien political powers. At the center, the authority of the ulama continued, for the moment anyway, to bump up against the power of the caliphal state or the military regimes, which may be one reason why it sometimes manifested itself suddenly and violently, as in the crowds led by traditionalist followers of Ibn Hanbal. But

[16] Although it relates to a later period, a succinct summary of the traditional mode of transmission of religious knowledge in Islam can be found in Jonathan Berkey, *The Transmission of Knowledge in Medieval Cairo: A Social History of Islamic Education* (Princeton: Princeton University Press, 1992), 21–43. On the social and political consequences of the transmission of knowledge, see Bulliet, *Islam*, passim, esp. 9–22.

[17] A point made by Melchert, *Formation*, 38 and elsewhere.

[18] See for example Bulliet, *Patricians*, esp. 24–5 and 55–7.

elsewhere, as in the provinces, the authority of the ulama had clearer political implications. For example, the ulama families commanded a limited but effective authority through their control of the *qadis'* courts, and their status with the community at large could at moments of political crisis result in a city casting its support to one claimant to power or another. The ulama's authority, in other words, constituted one of the only effective checks to the potential tyranny of the alien military regimes which began to dominate the Muslim world in this period.[19] As a result, the history of the Islamic world in the ensuing centuries would be to a large degree the history of the accommodation between the alien military regimes and the local ulama elite.

[19] Bulliet, *Patricians*, 25–6 and 61–75.