



Islam and Modernity

KEY ISSUES AND DEBATES

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The Ulama and Contestations on Religious Authority

Muhammad Qasim Zaman

Introduction

Issues of religious authority are central to debates and contestations on varied facets of Islam in the modern world. How are the Islamic foundational texts – the Qur’an, the reported teachings of the Prophet Muhammad (hadith) and, in the case of the Shi‘a, the teachings of the imams – to be interpreted? What qualifications are most suitable to interpreting these texts, as well as others widely recognised as sources and repositories of legal and ethical norms? What is the scope of legitimate interpretation when it comes to discerning the will of God from the texts He has made available to the people? How do the juridical methods, the exegetical discourses, and the theological doctrines of generations of earlier scholars impinge on, assist or impede renewed efforts to discern God’s will and to put it into practice? What does it mean to put God’s will into practice, and under whose guidance might this be attempted? What role does the state have in authorising religious discourses, shaping religious institutions and demarcating the sphere in which religious practices take place?

These questions of religious authority are not necessarily peculiar to the Islamic tradition, though it is with reference to Islam that I will consider some of them in this chapter. Nor, indeed, are they unique to modern and contemporary Islam. Such issues had arisen, and been extensively, if inconclusively, debated long before the massive political, economic and intellectual transformations that Muslim societies have undergone since the nineteenth century. The authority of the Muslim religious scholars, the ulama, was scarcely untested before the emergence of the college and university educated ‘new religious intellectuals’ (cf. Crews 2006: 27, 92–142).¹ Conversely, the ulama’s claims to authority have not ceased either to be put forth or, in particular contexts, to be influential, even in the face of serious challenges from a host of rivals. The contexts in which they have articulated and defended their authority *are* radically different from anything seen in earlier times, however, and so, therefore, are some of the ways in which claims to authority are put forth as well as the ambiguities that attend upon them. Before we explore the significance of these changed contexts, it is worth briefly considering some facets of the long history of debate and contestation on questions of religious authority.

Sites of contestation in Medieval Islam

Religious scholars specialising in the study of the Qur'an and the reported teachings of the Prophet Muhammad, in Islamic law (*fiqh*) and legal theory (*usul al-fiqh*), in theology (*kalam*), and in the linguistic sciences necessary for these and other intellectual pursuits have existed in Muslim societies since the early ninth century CE (Crone and Hinds 1986; Zaman 1997). Contestations on religious authority long pre-dated the emergence of the ulama, however, for they were intertwined with political controversies that had come to engulf the first generations of Islam. Disputes about who had the right to succeed the Prophet Muhammad as the head of the community he had founded, whether he had, in fact, designated a successor and what sort of authority the successor (whether designated by the Prophet or chosen by the community) ought to enjoy have divided Muslims ever since his death in 632. Those who later came to be known as the Shi'a held that Muhammad's cousin and son-in-law, 'Ali (d. 661), had been designated as his successor by Muhammad himself, to be succeeded by 'Ali's own descendants, all endowed with a religious authority second only to that of the Prophet. Those who emerged as the Sunnis disputed any such designation, and preferred to think of the community itself as the locus of religious authority. But who ought to guide the religious life of the community was itself a matter of uncertainty; and even when the ulama had begun to lay claim to that function, not all rulers were convinced by, or willing to defer to, their claims.

Sunni constitutional theory, articulated in its 'classical' formulations by the ulama, conceives of the caliph as the political head of the Muslim community. The caliph is expected to be able to participate in the deliberations of the jurists and is, ideally, equipped with sufficient juridical acumen to do so (cf. al-Juwayni 1401 AH: 84–8; Zaman 1997: 103–6). The caliph works in close collaboration with the ulama, guaranteeing the political and social climate in which the scholars, with some of his own input, help keep the community on the righteous path. This juristic vision is idyllic, not only because most caliphs did not, in fact, have the training or the knowledge of the jurists or – by the time this theory came to be formally articulated in the eleventh century – the coercive power necessary to function as effective rulers, but also because it concealed considerable tensions between the caliphs and the ulama in the first centuries of Islam.

The tensions had been at their severest early in the history of the ulama, when the Abbasid caliph al-Ma'mun (r. 813–33) explicitly challenged their claims to provide authoritative religious guidance to the community and claimed that prerogative for himself; but, even after that contest had ended in the vindication of the ulama's standpoint, and the rulers had come to assume the role of providing patronage to the ulama and of upholding 'orthodox' doctrines, the ulama were seldom insensitive to the danger too close an association with the ruling elite might pose. This had to do not only with misgivings about the lifestyles of

the ruling elite and their questionable practices, but also with potentially compromising the independence of the ulama's sphere of operation, the autonomy of their scholarly tradition. It was against this danger that the vehemently guarded authority of the Sunni schools of law (*madhhab*) may, for instance, have been intended to provide some protection. The school of law stood for a particular legal tradition, comprising doctrines agreed upon among generations of jurists and interpretative methods honed over many centuries, but it was also a 'corporate' entity resisting, to the extent possible, any effort by the state to define or influence the legal doctrine of the school (Jackson 1996). The doctrine of *taqlid* – which means not 'blind imitation', as many Western scholars of an earlier generation as well as Muslim modernists have often dubbed it, but adherence to the authority of established doctrines within one's school of law – was itself a defence against capricious interpretations (Wali Allah 1385 AH: 14), including, perhaps, those attempted on the bidding of the governing elite. The ulama competed with the rulers, not only on the site of the *shari'a*, however, which they regarded as their own preserve, but also on matters of public policy lacking any explicit basis in *shari'a* norms. The effort here was to provide some sort of a broad religious legitimacy even to otherwise unsavoury matters of statecraft as long as they did not flagrantly contravene the norms of the *shari'a* and, indeed, as long as the ruler could broadly be imagined as being guided in his conduct and public policies by the norms of the *shari'a* (Vogel 2000; see also Johansen 1999: 216–17).

The tense but symbiotic relationship between the rulers and the ulama was but one, if itself highly variegated, site on which questions of religious authority found expression. No less contentious were debates about the *sort* of knowledge on which claims to religious authority might properly rest. It was common for scholars to straddle many disciplines and practices – for example, as a jurist but also a theologian, a philosopher and, not least, a mystic. Yet expertise in multiple areas – or even the common-sense recognition that it is the opinion of an expert in a particular area that mattered most on questions pertaining specifically to that area – did not preclude strong claims to *exclusive* religious authority on the basis of particular forms of scholarly learning. Jurists of the Hanafi school of Sunni law did not think, for instance, that the objections Muslim theologians and even scholars of hadith might pose to their juridical methods amounted to much or even that the views of the theologians merited consideration in reaching scholarly consensus (*ijma'*) – a fundamental source of legal norms in Sunni Islam – on any given matter. As al-Sarakhsi (d. 1096), a leading Central Asian jurist, had caustically put it:

The opinions of those who are theologians but do not know the sources and the methodology of the law and the way in which reference is made to scriptural proofs in the establishing of the norms do not count in the consensus . . . Likewise the opinion of those who transmit reports from the Prophet but do not have any

insight in the aspects of the formation of independent judgment and the standards of judgment are not taken into account as far as the consensus is concerned. Because such a person is like someone belonging to the vulgar people as far as the legal norm is concerned and one does not take into account the opinion of the vulgar people when it comes to the consensus of the scholars of the time because such a person has no guidance as far as the norm is concerned whose cognition is required. He is like a madman so that one does not take into account his contradiction. (al-Sarakhsi 1973, vol. 1: 312; quoted, with minor changes, from Johansen 1999: 32)

Like the jurists, scholars of hadith were deeply conscious of the need to preserve the integrity of the methods they had developed over many generations and not to allow what they saw as amateurish imitations of their craft. Some early scholars of hadith had a notoriously low opinion of those narrating historical reports (*akhbar*) about the Prophet, his military campaigns, and the events of early Islamic history, for their alleged laxity in evaluating the authenticity of particular reports (Landau-Tasserion 1990). Scholars of hadith insisted, for instance, that reports attributed to Muhammad were credible only if the people transmitting them were themselves trustworthy and the chain of transmission (*isnad*) extended without interruption from the Prophet to the person narrating the report at any given time. Simply to narrate hadith on the basis of their edifying content and without a reliable chain of transmission that linked the narrators to one another and all the way back to its source, the Prophet, was not merely amateurish; it was tantamount to lying about the Prophet, with all the dire warnings of damnation that he was said to have addressed to those who did so. But, even after the methods of the hadith scholars had come to be adopted by the exegetes and the historians, there were other challengers. There was little the *muhaddithun*, the hadith scholars, could do about preachers who narrated hadith-reports and entertaining stories about Muhammad, as well as about the biblical prophets, to large and eager audiences but without the sort of methodological rigour that would vouch for the authenticity of the materials in question (Berkey 2001: 70–96). Storytellers and preachers had their audiences to satisfy; and they believed, no doubt in good conscience, that many an edifying hadith-report, and the impact it could have in fostering pious attitudes among the people, would be lost if subjected to the sorts of tests the scholars of hadith demanded. Some defenders of the popular preachers also felt that the hadith scholars' standards for vouching for a report's authenticity were unnecessarily restrictive: that there is no reason why the Prophet's appearance in, say, one's dream to authenticate a report attributed to him ought to carry any less authority than a formal chain of transmission (Berkey 2001: 74–87). None of this was acceptable to more exacting scholars, however. As the Hanbali scholar Ibn al-Jawzi (d. 1200) put it, the popular preachers 'address themselves to the common people, who are like beasts, and who cannot criticise what they say.

They recite and say: “The scholar has said”; but the common people consider a scholar anyone who climbs the pulpit’ (Ibn al-Jawzi 1971: 108; quoted from Berkey 2001: 72).

That the parameters of valid religious knowledge extended far beyond what the jurists and the scholars of hadith claimed to have in their possession was a view scarcely limited to popular preachers, of course. Among others, the Sufis and the Muslim philosophers concurred on this point, and both went on to question the sort of authority the ulama typically claimed for themselves. Sufism represents an extremely rich and complex facet of the Islamic tradition, but central to it is the assertion that the apprehension of the truth, with its transformative effects, is not reducible to scholarly learning and that most people, even among the scholars, are anything but privy to the secrets that God shares only with his ‘friends’. The philosophers argued, for their part, that reason – and their methods of reasoning – enabled them to arrive at metaphysical truths independently of any religious tradition. Not a few among the philosophers were what Patricia Crone has characterised as ‘educated laymen’ – ‘secretaries, doctors, astrologers, copyists, and other professionals . . . [who] owed their wealth and status to secular know-how rather than mastery of the religious tradition (though they were usually well-schooled in that tradition too)’ (Crone 2006: 23). Emerging in the tenth century, such professionals – Muslim, Jewish, Christian – were often far more eager to share in a cosmopolitan culture transcending particular religious traditions and their structures of authority than they were in conforming to or defending those traditions (Crone 2006: 24). But there were those among the philosophers who sought *also* to demonstrate the concordance between philosophical and religious expressions of the truth, even as they lamented the ulama’s failure to see any such concordance.

In his philosophical tale *Hayy ibn Yaqzan*, the Andalusian philosopher Ibn Tufayl (d. 1185) recounts how a child, growing up alone on an uninhabited island, is able to discover metaphysical truths through his own unaided intellect (Ibn Tufayl 1972).² Hayy, the protagonist of this story, does not take long to learn the language of the community inhabiting a neighbouring island, when he finally encounters a person who has abandoned that community after long having been part of it. He also learns that the religious beliefs of the person from this neighbouring island are, actually, identical to what he has already discovered for himself, a fact that reinforces them both in their shared convictions. But when the two make their way back to the city to teach people how to behold truths without the veil of images, metaphors and externalities, Hayy quickly discovers his limits even in communicating with the most gifted, albeit non-philosophical, minds. As he sees it, people’s commitment to the externalities of the law clouds their judgement, and this realisation ultimately forces Hayy to abandon the city and return to the uninhabited island. The moral of this story can be understood in more than one way. For example, it might be

seen as the failure of what the philosopher Alasdair MacIntyre calls a ‘linguistic community’, in this instance, that of the philosophers, to make itself intelligible to members of another linguistic community, each of which has ‘its own body of canonical texts, its own exemplary images, and its own tradition of elaborating concepts in terms of these’ (MacIntyre 1987: 392). But the story is also a searing indictment of the narrow horizons of the ulama, their utter failure to grasp the truth in any but the most superficial dimensions. Many ulama, for their part, saw the philosophers as little better than unbelievers: a charge that philosophers such as Ibn Tufayl’s slightly younger contemporary, Ibn Rushd (d. 1198), vigorously contested (Averroes 2001).

Yet even when guided by the conviction that philosophy and religion were ultimately in accord, the claims to authority put forth on their basis seldom lived up to the promise of this concord – and this when the philosopher himself happened, as in the case of Ibn Rushd, to be a celebrated jurist. Taking the influential jurist, theologian and Sufi al-Ghazali (d. 1111) as his principal target, Ibn Rushd made it clear that the philosophical methods of demonstrative reasoning were superior to the poetical and the rhetorical modes of discourse, and that the fault lay, not with the practitioners of the demonstrative methods but rather with those who blurred the necessary boundaries between these different forms of reasoning (Averroes 2001: 21–2). As Ibn Rushd saw it, Ghazali lacked adequate commitment to any particular linguistic community: ‘he adhered to no single doctrine in his books. Rather with the Ash‘arites he was an Ash‘arite [theologian], with the Sufis a Sufi, and with the philosophers a philosopher . . .’ (Averroes 2001: 22).³ Nor did he limit particular modes of discourse only to those suited for them. Ghazali may well have had worthy intentions – namely, ‘to thereby increase the ranks of the people of knowledge’. Yet, Ibn Rushd had no doubt that Ghazali had done more harm than good (Averroes 2001: 21), not only by leading ordinary believers astray but also by bringing philosophy itself in disrepute. He recommended that the Muslim rulers ‘ban those of [Ghazali’s] . . . books that contain [interpretative] knowledge from all but those adept in it, just as it is obligatory upon them to ban demonstrative books from those not adept in them’ (Averroes 2001: 22).

New challenges

The foregoing examples scarcely suffice to illustrate the scope of contestation on religious authority in medieval Islam. But, even in their inadequacy, they allow us to see that the ulama’s claims to give authoritative expression to Islamic norms were never unchallenged, just as there has long been contestation on the fundamental questions of precisely what constitutes religious knowledge or who might properly lay claim to it. The challenge storytellers and popular preachers posed to ‘professional’ scholars of hadith has some parallels with the

ways in which the new religious intellectuals – products not of madrasas but of Westernised colleges and universities, often with no formal grounding in the Islamic sciences – interpret the foundational texts in conscious opposition to the ulama, and expound on all matters Islamic for their own readers and listeners. Ibn Tufayl’s thinly veiled critique of the ulama would resonate with that of the Muslim modernists. The very different intellectual and cultural formations that often result in the incommensurability, and thus the unintelligibility, of competing religious discourses in the Muslim public sphere already finds an evocation in the travails of Hayy ibn Yaqzan.

Conversely, Ibn Rushd’s criticism of al-Ghazali for his ‘intellectual promiscuity’ (Moosa 2005: 38) and for introducing unqualified people to views and methods that they had no business dabbling in prefigures some of the reasons for the modern ulama’s discomfort with the Muslim modernists. Like their medieval forebears, moreover, the ulama of modern Islam have continued in their misgivings about the encroachment of the state on what they regard as their religious sphere. Here, even, an Islamist state represents a severe threat to the ulama, not only because the Islamist activists and new religious intellectuals typically have only a very tenuous link with the ulama’s scholarly tradition, but also because the aspiration to regulate all aspects of life in accordance with an Islamist vision leaves little room for the ulama’s own (or any other, rival) tradition (Zaman 2002: 99–108).

Yet, for all this, the magnitude of the challenges the ulama have faced to their authority in the modern world is unprecedented. Even when the medieval ruling elite had originated in lands geographically and culturally distant from those they governed, it was through a formal commitment to Islam – and the patronage of the ulama and their institutions that this entailed – that they typically claimed their legitimacy. In this as in other respects, the advent of European colonial rule marked a major break with earlier patterns. It was not only that the rulers were now non-Muslim rather than, at least nominally, Muslim, though even this fact posed new difficulties. The administration of Islamic law itself came to be jeopardised with colonial rule. In India, for instance, new judicial institutions began to be established on a British model from the late eighteenth century, and, though Islamic and Hindu law was retained in matters of personal status (notably marriage, divorce and inheritance), it was by judges trained not in the *shari‘a* but in English common law that it was implemented. Muslim and Hindu legal experts were initially attached to the courts to advise the judges on religious law, but even this ceased to be the case not long after the consolidation of British rule in India in the mid-nineteenth century. Nothing was more central to Islam, as the ulama understood it, than the practice of Islamic law; and the advent of colonial rule had severely imperilled it.

Colonial rule did not, by any means, mark the end of the ulama’s legal and educational institutions, as we will observe in the next section of this chapter. On

the contrary, at least in some cases, these institutions expanded in their numbers and activities in response to the new challenges facing the Muslim community. But, as Nathan Brown (1997) has argued with reference to nineteenth-century Egypt, even when these institutions continued to exist, the links amongst them, which had once been integral to their functioning in society and to the articulation and implementation of the *shari‘a* through them, came to be severed. The longstanding relationship between the discourses of the jurisconsult (*mufti*) and the administration of justice largely ceased to exist in any significant sense, for instance, and the Muslim jurists’ own discourses now came to evolve in much greater isolation from judicial practice than was usually the case in medieval Muslim societies. Institutions of Islamic learning (madrasas) continued to exist, and new ones were established: a madrasa founded at Deoband, in northern India, in 1867 soon came to represent a particular doctrinal orientation within South Asian Sunni Islam, with an emphasis on the need to ‘reform’ Muslim practices in terms of a renewed commitment to the study of the Islamic foundational texts and Hanafi law. Thousands of other, ‘Deobandi’, madrasas were established throughout India and beyond on the model of this parent madrasa. Other rival orientations within Sunni Islam had their own madrasas as, indeed, did the Shi‘a (Zaman 2002). And yet, even such burgeoning madrasas could do little to re-enact the organic ties that had once characterized the educational, scholarly, juridical and social practices of many a Muslim society. Rather, the ulama saw them – as they still do, for instance in India and Pakistan – not as the characteristic feature of an urban landscape but as the last bastions of a beleaguered Islam.

The challenges to the ulama’s authority often came not from *direct* colonial interventions in Muslim life – which British colonial rulers, in particular, often sought to keep to a minimum – but rather from the forces set in motion by colonial rule. Institutions of modern education, established by the government or by private initiative, began producing a Muslim intelligentsia whose members often explicitly challenged the ulama’s claims to interpretative authority. From the late nineteenth century, Islamic foundational texts and other religious writings began to be available in print as never before, often in vernacular translations, further undermining the ulama’s claims to privileged access to them. The effects of mass higher education and of print, electronic and other information technologies continue to shape all facets of Islam in ways that were simply inconceivable in a manuscript culture. The sort of challenge the popular preachers of Ibn al-Jawzi’s day, or other challengers elsewhere, had represented to the scholars is dwarfed by the ‘fragmentation of authority’ in modern Islam, with its modernist, Islamist and other new religious intellectuals competing with each other and with the ulama for influence and authority in the public sphere (Eickelman and Piscatori 1996). This fragmentation of authority is often accompanied by what Eickelman and Piscatori have characterized as the ‘objectification’ of religion,

with Islam becoming – especially, but not only, at the hands of the new intellectuals – a set of reified doctrines and principles abstracted from the foundational texts and ready to be ‘functionalised’ in any particular context (Eickelman and Piscatori 1996: 37–45; on functionalisation of religion, see Starrett 1998). This objectified Islam is a very different construct from the discursive tradition of the ulama, whose relevance to the modern world or its authority it often explicitly contests.

These processes of social and religious change have continued in post-colonial Muslim societies, in which they have been accompanied and reinforced in more recent decades by an ever-accelerating globalisation. The world of medieval Islam was, in many ways, remarkably cosmopolitan: the North African traveller Ibn Battuta (d. 1368) was a most unusual figure in having visited lands that are ‘equivalent to about 44 modern countries’ (Dunn 1986: 3, 12 n.), but the sorts of scholarly and other networks he relied on during these travels, and the language of scholarly discourse he shared with the ulama everywhere, were long characteristic of the medieval Muslim world. For instance, over the course of several centuries preceding the advent of colonial rule, scholars, merchants and many others travelled from Iran to India, not only to flee political uncertainty at home, but also in search of the rich opportunities a career in India offered to many of them. The Hadramis likewise formed a network that was sustained not only by memories of a common origin – in Hadramawt in the Yemen – but also by commercial interests and, above all, by their scholarly credentials. As merchants, Sufis and scholars of hadith, they were not only linked to one another across geographical distances and across generations; they also helped connect local Muslim communities throughout the Indian Ocean, from the Malay–Indonesian archipelago to East Africa, and received rich patronage from local rulers for the ability to do so (Ho 2002, 2004). Yet, as important as medieval cosmopolitans like the Hadramis were to the circulation of ideas, to bringing facets of the Islamic scholarly tradition to local cultures and to linking these cultures to the greater Muslim world, medieval cosmopolitanism bears only a faint resemblance to the relentless and transformative flow of information, technologies and capital in the modern world. It is not only against the unprecedented power of the modern state or against rival intellectuals that traditional loci of authority have had to compete, though that competition continues unabated. As many ulama increasingly recognise, the global flow of ideas also poses severe challenges to their view of Islam and to the religious authority inexorably tied to that view.

Articulations of authority – old and new

Observers of contemporary Islam have often viewed the ulama as mired in an unchanging tradition that precludes any serious or sophisticated understanding

of the modern world on their part, and prevents them from playing any significant role in their societies other than striving fruitlessly to mitigate their increasing marginalisation. The sorts of challenges the ulama have faced since the nineteenth century, as reviewed in the previous section, might be taken to lend some support to such views, which were especially popular during the heyday of the modernisation and the secularisation theories in the 1950s, 1960s and 1970s. The Iranian Revolution of 1979 and other movements of religious revival in non-Muslim societies have done much to encourage scholarly re-evaluations of earlier theories about the 'decline' or the 'privatisation' of religion (Casanova 1994), and a new interest in the sort of people leading movements of religious 'revival'. In predominantly Sunni societies, such interest has largely been focused on the college- and university-educated Islamists, rather than the ulama, however. And earlier views of the irretrievably marginalised position of the traditionally educated religious scholars have often been slow in making way for more nuanced interpretations.

There is no denying, of course, that, in many cases, the Sunni ulama and their institutions have undergone striking decline, even virtual extinction (cf. Eickelman 1985). A remarkable illustration of the decline of the ulama's scholarly tradition is provided, for instance, by the history of the Farangi Mahall family of scholars in the Indian subcontinent.⁴ Ulama belonging to this family were at the forefront of Islamic scholarship in South Asia since the eighteenth century; and the Dars-i Nizami, the curriculum followed in South Asian madrasas to this day, still bears the name of Mulla Nizam al-din of Farangi Mahall (d. 1748), who had helped standardise it. Muhammad 'Abd al-Hayy Lakanawi (d. 1886), one of the most prolific scholars of the nineteenth century and the author of wide-ranging works on hadith and law, an important biographical dictionary of the Hanafi ulama, and numerous commentaries and glosses on texts widely used in South Asian madrasas, was also a member of this distinguished family. There were indications, in the late nineteenth and early twentieth centuries, that pointed to a serious grappling with the challenges of modernity on the part of this family of scholars. The concern of Mawlana 'Abd al-Bari (d. 1926) – the head of the family in the early twentieth century and a prominent political leader of his time – to work alongside Muslims educated in modern, Westernised institutions of learning (cf. Robinson 2001: 171) or his apparent openness to changes in the curriculum of the madrasa run by the Farangi Mahall scholars in Lucknow, in northern India, pointed in that direction. Equally impressive was the recognition of the need for flexibility and adaptation to change in the juridical writings of 'Abd al-Hayy Lakanawi. Yet, as Francis Robinson has shown, far from the promise of rethinking Islam in conditions of modernity being realised, the scholarly tradition of the Farangi Mahall itself withered away over the course of the twentieth century. Ironically for a family with so rich a history, the madrasa that 'Abd al-Bari had founded in Lucknow in 1905 lasted only until 1969, and its

orientation towards modern learning was much more short-lived than its own existence. More strikingly, and already from the first quarter of the twentieth century, ‘members of the family [themselves] began to turn away from Islamic pursuits and to seek their fortune in the Western and secular world raised up under British rule. By the 1940s and 1950s all were being educated after a Western fashion’ (Robinson 2001: 128).

Yet, alongside such instances, there are others where the Sunni ulama and their institutions have shown remarkable resilience. Around the time that the Farangi Mahall madrasa founded by Mawlana ‘Abd al-Bari in Lucknow was closing its doors in 1969, there were almost 9,000 madrasas that belonged to the Deobandi doctrinal orientation throughout South Asia (Metcalf 1982: 136; Robinson 2001: 37). According to one estimate, in Pakistan alone there were nearly 10,000 madrasas in 2002, of which around 7,000 belonged to the Deobandi orientation (Rahman 2004: 79, 190–1). Part of the decline of the Farangi Mahall family of scholars may have been because of their dependence on the patronage of the Indian Muslim princes and other notables, which largely dried up in post-colonial India. By contrast, the ulama of Deoband, and Deobandi madrasas in general, have usually depended on financial contributions by ordinary Muslims (Metcalf 1982), and this has proved to be a more secure source of funding in times of political uncertainty and change. Farangi Mahall scholars were closely tied, moreover, to the shrines of Sufi saints, in and around Lucknow but also elsewhere; and family networks had always been crucial to the dissemination of their influence (Robinson 2001: 114–20, 171). This contrasts markedly with the *disembeddedness* – to adapt a term from sociologist Anthony Giddens (1990) – of the Deobandi scholars, their ability to adapt their ‘reformist’ orientation, anchored in the Islamic foundational texts, to varied contexts.

The intellectual activity of the ulama offers further indications that they have not fared poorly in conditions of modernity. Even as mass education and modern technologies have done much to undermine privileged access to religious texts, the ulama, too, have dexterously utilised the opportunities print and other technologies have made available to all. One of the most characteristic modes of discourse in the culture of the ulama in medieval Islam was the commentary – not only on foundational texts such as the Qur’an or classical collections of hadith, but also on other works seen as constitutive of the scholarly tradition, including other commentaries. The technology of print has made such works available to broader audiences than they had ever had. But it is worth noting that this technology has, not infrequently, also helped to introduce them afresh or, in particular cases, for the *first* time, in the ulama’s own circles, creating possibilities for important shifts in emphasis and orientation in their discourses.

In the manuscript age, it was easy for particular works simply to fall out of circulation. In part, no doubt, in cognisance of this, some jurists required that a

mufti's *responsa* ought to be based only on works that were in fact widely available (cf. Ibn al-Humam 1970, vol. 7: 256). This meant that works on which earlier jurists might have relied extensively could no longer be used if they were deemed insufficiently accessible at a particular time or place; it also meant that, for all his mobility and cosmopolitanism, a scholar who might have had access to a text in one locale would not be able to invoke it in another, where it might not be widely available. Mahmud b. Ahmad al-Bukhari (d. 1219), a Central Asian jurist of the Hanafi school of law, had noted, in the Preface to his *Muḥit al-burhāni*, that the legal writings of his ancestors were all in circulation, that they were relied upon by judges and muftis and that he had compiled his own compendium of Hanafi law in order to join their scholarly company (al-Bukhari 2003: vol. 1, pp. 22–3). Ironically, however, the *Muḥit* itself fell out of circulation, and some scholars – notably the Egyptian Hanafi jurist Ibn Nujaym (d. 1563) – disallowed *fatwas* with reference to it (Ibn Nujaym 1998: 291). In his biographical dictionary of Hanafi scholars, ‘Abd al-Hayy Laknawi, the aforementioned Farangi Mahall scholar, notes that, like some others before him, he had assumed the disallowing of *fatwas* on the basis of the *Muḥit* to have been a function of the book's poor quality. But, having chanced upon a copy of the manuscript, he found it to be a generally sound work. He writes:

It then became clear to me, that [Ibn Nujaym's] interdiction of *fatwas* on its basis had to do, not with the intrinsic qualities of this work or [the credentials] of its author, but only with the fact that the book had become inaccessible. This is a matter that varies from one age or region to another. Many a book is extinct in one place but available in another, hard to find at one time and plentiful at another. . . . Consequently, if a work [like the *Muḥit*] is found to be in wide circulation at a particular time or place, the [earlier] ruling [concerning its inadmissibility in *fatwas*] is revoked . . . (Laknawi 1973: 206)

Although the *Muḥit* itself did not become available in print more than a century after the death of ‘Abd al-Hayy, his comment may nonetheless be taken to reflect the dawn of an age when the technology of print as well as new means of travel and communication had, in fact, begun to make long-forgotten works available afresh to scholars.

Even as older commentaries are printed, notably in South Asia, Iran and the Arab Middle East, at least some among the ulama have also continued to produce their own, new commentaries. Major commentaries on hadith have been written, notably, but not only, by Deobandi scholars in the nineteenth and twentieth centuries and published both in South Asia and the Arab Middle East. One of the most ambitious of such works is the twenty-one volume *ʿIlā al-sunan* by Zafar Ahmad ‘Uthmani (d. 1974), which seeks to elucidate hadith reports deemed specifically to have a legal content and to do so in a way that shows, against the claims of sectarian rivals, the conformity of the Hanafi school

of law to these hadith-reports (‘Uthmani 1415 AH). ‘Uthmani had embarked on the *I‘la al-sunan* on the bidding of his mentor, Ashraf ‘Ali Thanawi (d. 1943; on Thanawi, see Zaman 2008; Masud, Chapter 9 this volume), by far the most influential Deobandi scholar and Sufi of the twentieth century. Thanawi had also initially overseen work on the *Ahkam al-Qur’an*, a major exposition of the Qur’an’s legal materials completed by ‘Uthmani in collaboration with some other ulama a few decades after Thanawi’s death (‘Uthmani et al. 1987). Unlike the writings of some leading Deobandi scholars of the twentieth century, commentaries are not a characteristic mode of discourse among, say, the Saudi ulama. But there are exceptions. ‘Abd al-‘Aziz Bin Baz (d. 1999), the president of the Saudi Board of Senior Ulama and the Grand Mufti of Saudi Arabia at the time of his death, was a scholar of hadith, and many editions of Ibn Hajar’s (d. 1449) famous commentary on al-Bukhari’s hadith collection often carry the imprimatur of Bin Baz’s authorisation of its contents (Ibn Hajar 2000). Muhammad b. Salih al-‘Uthaymin (d. 2000), Bin Baz’s colleague on the Board of Senior Ulama and an influential Saudi mufti, was, for his part, much given to continuing the long tradition of memorising particular theological and juridical texts. Besides the Qur’an, he had his students memorise the *Alfiyya* of Ibn Malik (d. 1274), *al-‘Aqida al-wasitiyya* of Ibn Taymiyya (d. 1328), the *Bulugh al-maram* of Ibn Hajar (d. 1449), the *Zad al-mustaqni‘* of Sharaf al-din Musa b. Ahmad al-Hujawi al-Maqdisi (d. 1560), the *Kitab al-tawhid* of Muhammad b. ‘Abd al-Wahhab (d. 1792) and several other works (al-Husayn 2002: 72–4). But even he produced an elaborate commentary of his own, on the aforementioned work of Hanbali substantive law, the *Zad al-mustaqni‘*. The commentary was compiled and published posthumously in ten volumes (al-‘Uthaymin 1994–2005). It is worth noting that the passage from orality to writing was accomplished in this instance through the mediation of the audiocassette, on which his lectures on the *Zad al-mustaqni‘* had initially been preserved (al-Husayn 2002: 105–12).

Islamist ideologues like Abu-l-A‘la Mawdudi (d. 1979) and Sayyid Qutb (d. 1966) of Egypt have produced their own influential exegetical works. But, just as they have competed with the ulama in doing so, the latter have, like the Islamists and the modernists, also engaged in producing works for a more general, lay audience, and print and other technologies have enabled them to do so. Thanawi himself had published a new translation of the Qur’an in the Urdu language, which was intended specifically for ordinary Muslims (Thanawi 1978). As printed, the lower portion of any given page of this work is devoted to a commentary on the verses translated in the upper portion of the page; but the commentary itself is kept to a minimum, and it is only the generally agreed-upon interpretations rather than the numerous *disagreements* among the earlier exegetes that Thanawi wanted to introduce to his non-specialised audiences, now with the imprimatur of his own authority. Thanawi is also the author of the *Bihishti zewar*, a manual of ‘good behaviour’ that he wrote specifically for the

guidance of Muslim women and that has enjoyed very considerable popularity in South Asia since its publication. To take another example, Mufti Muhammad Shafi^c (d. 1976), a disciple of Thanawi and the founder of a major Deobandi madrasa in Karachi, Pakistan, had collaborated with Zafar Ahmad ‘Uthmani on the aforementioned *Ahkam al-Qur’an*. But, apart from numerous other works, he is also the author of a commentary on the Qur’an in the Urdu language, which had originated in a long-running radio programme in which he regularly offered an explication of Qur’anic verses. The Saudi scholar al-‘Uthaymin also answered juridical and religious questions on a radio programme; and his discourses on medieval theological and juridical texts were not only preserved on audiocassette and subsequently transcribed and published, but have often been widely disseminated through audiocassette itself (al-Husayn 2002: 32, 154–64; on his radio programme, see *ibid.*: 69). These examples can be multiplied. But they should suffice to indicate that – even as they empower many others hitherto largely excluded from the articulation of religious discourses – modern technologies do not necessarily diminish the influence of the ulama. They have enabled them to continue producing works for a specialised audience, and to do so specifically with a transnational audience of fellow scholars in view; but they have also made it possible for them to compete with the new intellectuals in addressing larger audiences of ordinary believers.

Modern education likewise creates new opportunities for the ulama, and this in at least two ways. For one thing, new audiences have emerged with mass higher education, not just for the new religious intellectuals – themselves the products of such education – but also for the ulama. As noted, the latter, too, increasingly address themselves to ordinary believers. And, while the authority the ulama claim for themselves derives primarily from their grounding in the Islamic scholarly tradition, it has also come to be based on an ability to address people educated in modern institutions and to do so in an idiom they would find familiar and persuasive. Secondly, increasing numbers of the ulama have themselves begun to acquire some sort of modern education. For instance, in March 2005, Pakistan’s minister for religious affairs claimed that ‘more than 4,700 [madrasas] . . . were already imparting modern education alongside religious education’ (*Dawn*, 13 March 2005), by which he presumably meant that this was the number of madrasas that included the public-school curriculum in some form. In Egypt, the wide-ranging reforms of al-Azhar – the most prestigious seat of Islamic learning in the Sunni Muslim world – undertaken by the government in 1961, led to the establishment of several new faculties for the teaching of the modern sciences. As Malika Zeghal has demonstrated in her detailed study of al-Azhar and the transformations it has undergone in recent decades, their increasing exposure to the modern sciences has not necessarily marginalised the ulama. Instead, this has often fostered a new ability among the graduates of al-Azhar to forge closer ties than had hitherto been possible with the Islamists,

themselves the products of modern, Westernised institutions of education, and it is this ability that has contributed substantially to the new prominence of the ulama in Egyptian society and politics since the 1980s (Zeghal 1996).

A striking illustration of the possibilities modern education has created for the ulama, *even when* they have partaken of it rather minimally, is provided by the career of Yusuf al-Qaradawi (b. 1926), an Egyptian religious scholar who has lived in Qatar since the early 1960s. Al-Qaradawi's formative years at al-Azhar were completed before the thoroughgoing government reforms of 1961, though he received his Ph.D. from this institution about a decade after these reforms had been put into effect. Al-Qaradawi writes and speaks fully mindful of his credentials as an Azhar-trained religious scholar, but his audience is much broader than fellow ulama. Apart from the latter, it self-consciously encompasses the new religious activists and intellectuals, of both a modernist and an Islamist orientation, as well as other products of mass higher education. He has disseminated his views not just in print but also through satellite television and on the Internet; and he has played leading roles in several international associations, including the European Council of Fatwa and Research and the International Union for Muslim Scholars (*al-Ittihad al-'alami li-'ulama' al-muslimin*). He is, as Jakob Skovgaard-Petersen (2004) has put it, a 'global mufti' and, arguably, the most prominent of the contemporary ulama in Sunni Islam.

Al-Qaradawi's considerable appeal, for many in the Arab Middle East but also among those living in Western societies, has many overlapping bases. He has repeatedly invoked the vague but resonant idea of 'moderation', asserting that the 'moderate school' to which he claims to belong combines 'reason with the transmitted tradition, religion and the world, the ordinances of the *shari'a* and the needs of the age' (al-Qaradawi 1996: 87). It represents, to him, a toleration of disagreement, a disavowal of religious and political extremism, and a refusal uncritically to submit as much to Western cultural and intellectual norms as to the juristic prescriptions of a bygone age. Some of his appeal also rests on the aspiration to address the legal problems faced by many Muslims in contemporary, especially Western, societies in ways that go well beyond (and sometimes explicitly break with) the sorts of options available in the existing juristic tradition. Nor is the effort to alleviate the incommensurability between the traditionally educated religious scholars and the products of modern educational institutions, or between the Islamists and the modernists, lacking in resonance with many in his audience. A discourse laced with such concerns promises accommodation to rapid processes of change, and to life in unfamiliar locales, but also the preservation of a sense of authenticity and of religious identity. Mass higher education and modern technologies – both characteristic of the audiences to whom al-Qaradawi addresses himself – become, not a liability for ulama like him, but a crucial basis of the authority they have come to claim for themselves.

The ambiguities of authority

I have argued so far that challenges to the religious authority of the ulama are not peculiar to modern and contemporary Islam, but that the scale and severity of these challenges in conditions of modernity are unparalleled in the earlier history of Islam. It should also be clear from the foregoing that the modern ulama have often responded to these challenges in ways that have ensured not only the survival of their tradition but, at least in some important instances, a considerable extension of their influence and their authority. Among the ulama who have successfully sought to preserve or extend their authority – and not all have been able to do so – there are important differences, however. These have to do, *inter alia*, with doctrinal orientations, the impact of colonial rule on particular Muslim societies, the ways in which the post-colonial state has been able to regulate religious institutions and practices, the degree to which the ulama have acquired modern forms of education, the ties that the ulama have forged with other religious intellectuals, and so on. All this makes for variation not only among ulama of different Muslim societies or, say, the ulama of the late nineteenth and early twentieth centuries as compared to their contemporary successors, but also within the ranks of the ulama belonging to any particular Muslim society.

Articulations of religious authority mirror this variation. What sets Yusuf al-Qaradawi apart from many Deobandi ulama in South Asia is, for instance, much more than his dexterous use of satellite television and the Internet or an unmatched ability to address those with a modern education. Also at issue is the *approach* to the Islamic foundational texts and the legal norms derived from them. Where the Deobandi ulama affirm the authority of their Hanafi school of law as the framework within which the application but also the further evolution of the law ought to take place, al-Qaradawi's 'Salafi' approach takes the Qur'an and the Sunna, not the established doctrine of any school, as the fundamental yardsticks for the evaluation of legal norms.⁵ To him – and here he differs from the more stringent Salafis themselves – the schools of law are, indeed, rich storehouses of sophisticated juridical thought rather than a mere obstruction to a direct encounter with the foundational texts. But they ought to carry no binding authority; such authority belongs only to the foundational texts, and it should be possible even for ordinary Muslims to override the doctrines of the school of law in the light of the Qur'an and the Sunna. For all their differences and, indeed, their animosity towards each other, the modernists and the Islamists share this approach to the foundational texts with each other as well as with Salafi ulama like al-Qaradawi. And some of al-Qaradawi's effort to find a language in which to address both the modernists and the Islamists, and the appeal of this effort, is surely predicated on this important affinity. It is this affinity that also underlies al-Qaradawi's desire to see the ranks of the ulama expand, not

merely in the sense of seeing larger numbers of traditionally educated religious scholars in Muslim societies but also in the sense of broadening the definition of who counts as ‘ulama’. The definition al-Qaradawi offered in inaugurating the International Union for Muslim Scholars is telling in this respect. By the ‘ulama’ is meant, he said, ‘the graduates of *shari‘a* faculties and departments of Islamic studies, as well as everyone who has a [serious] interest in the *shari‘a* sciences and Islamic culture and is active and productive as a scholar’ (al-Qaradawi 2004, vol. 2: 991). This blurring of boundaries is a far cry from how, for all the accommodations they have made to the changes around them, Deobandi ulama would typically flaunt their madrasa-based scholarly credentials.

Yet even al-Qaradawi’s discourses are not without considerable equivocation on questions of religious authority. For all his calls for expanding the ranks of the ulama, for transcending the unnecessarily rigid boundaries of the medieval schools of law, and for fostering legal approaches responsive to new needs, al-Qaradawi (1996: 198) is highly critical of ‘those who call for renovation and development, seeking [thereby] to change Islam itself to accord with their own whims’. Such people think of Islamic substantive law (*fiqh*), he says, merely as expressing a

point of view, [that is,] as representing the opinion of a particular individual in a particular milieu at a particular time, so that when the time changes . . . it becomes incumbent to create new laws. . . . While this is indeed the case so far as the particulars of a jurist’s *ijtihad* are concerned, it is not so as regards the totality of the law. The latter represents the vast juristic riches in whose creation and development towering Muslim intellects have participated . . . (al-Qaradawi 1996: 198–9)

By this, al-Qaradawi seems to mean simply that the juristic heritage ought systematically to guide contemporary legal thought and practice, and that it cannot be either dismissed – as many modernists, Islamists and Salafis sometimes do – or invoked in incoherent and self-serving ways. The problem, of course, is that al-Qaradawi’s invocation of the juristic tradition is itself no less self-serving. The schools of law have long served to ensure that legal resources are used in a methodologically consistent and responsible manner (cf. Abou El Fadl 2001: 47), though often at the cost of considerable resistance to adopting what might seem to be better solutions offered by a rival school.⁶ But the effort to move past the boundaries of the schools removes that defence and leaves no better mechanism in place than vague arguments about whether particular legal norms do or do not conform to the foundational texts or to considerations of the common good (*maslaha*). In his important work on the legal thought of the Egyptian reformer Muhammad ‘Abduh (d. 1905) and his Syrian disciple Muhammad Rashid Rida (d. 1935), Malcolm Kerr has noted Rida’s insistence on the adaptability of the *shari‘a* but also his concurrent denunciation of many

of those who sought to adapt *shari'a* norms to changing needs in ways that Rida himself seemed elsewhere to recommend (Kerr 1966: 203–8). A similar contradiction between arguing for the *shari'a*'s relevance to changing times and viewing *other people*'s demonstrations of that relevance as undermining the authority of timeless *shari'a* norms clearly plagues al-Qaradawi's thought as well (Zaman 2004b). This is where his apparent recognition of the fragmentation of authority – with 'everyone who has a [serious] interest in the *shari'a* sciences and Islamic culture and is active and productive as a scholar' being counted among the ulama – stands in marked tension with his misgivings about those who allegedly think of Islamic substantive law as expressing mere 'points of view' from a bygone age.

A similar tension is discernible in responses (*fatwas*) by the aforementioned Muhammad b. Salih al-'Uthaymin to questions regarding knowledge, religious education and religious authority (al-'Uthaymin 1996). Like other Salafi ulama, al-'Uthaymin insists on the continuing necessity of *ijihad*; and, unlike most Deobandis, he does not believe that the qualifications for it are lacking, or even rare, in modern times. One is, moreover, no more tied to the doctrines of the schools of law than one is to earlier interpretations of the Qur'an, and al-'Uthaymin's recommendation to those seeking an understanding of the Qur'an is to interpret it on their own and only *then* to compare their personal understanding with those to be found in the major commentaries (ibid.: 141–3). The point here is not so much that medieval texts are without use – though Salafis like al-'Uthaymin are ambivalent about the consonance of a good deal of the scholarly tradition with 'sound', that is, Salafi, belief – but rather that the essential yardsticks for right belief are only the Qur'an and the normative example of the Prophet, and these are accessible to all. The logic of this position requires, furthermore, that the ulama themselves be dispensable. Reading a text with a religious scholar is a more *efficient* way of studying, for it can help save time and the effort involved in understanding difficult matters, but independent reading is not necessarily a flawed reading: if a text itself is reliable, its reading, even without a guide, is likely to be so as well (ibid.: 156; see also ibid.: 136). Such views seem to allow strikingly little privilege to the ulama and their interpretative authority, and the ulama of the past and of the present seem to stand on the same plane in this respect.

Yet, al-'Uthaymin also provides many illustrations of his discomfort with the very fragmentation of authority he seems otherwise to endorse. As one of those seeking a *fatwa* from him observes, the contemporary Islamic resurgence has brought about a new interest in the acquisition of religious knowledge and especially in the study of hadith, and, though this is a laudable development, it has also been accompanied by a gratuitously critical attitude towards earlier scholars as well as an eagerness to assert one's own authority as teacher and mufti. The questioner apparently has the Islamist intellectuals in mind as well

as those studying in institutions of Islamic learning, such as the Saudi Islamic universities. In response, al-‘Uthaymin underscores the need for respect of earlier scholars and their contributions, but a more persistent theme here and elsewhere concerns the danger of speaking about matters of religion in the absence of adequate knowledge and competence (ibid.: 190–3). To speak of things of which one has no knowledge is a great sin, and this includes assuming the mantle of a preacher or a scholar without proper knowledge; it also includes challenging political authority without justification (cf. ibid.: 122–3, 127, 215–17). Al-‘Uthaymin was a prominent member of the Saudi religious establishment, in close alliance with the Saudi royal family. His warnings against speaking without knowledge and ‘trampling on the honour of the scholars and the rulers’ (ibid.: 216–17) is probably to be seen in the context of the Gulf War of 1991 and its aftermath, when the decision of the Saudi king to invite Western troops to help defend the kingdom against the threat of an Iraqi invasion was bitterly criticised by Islamists as well as by lower-ranking Saudi ulama, who were also highly critical of the leading members of the Saudi religious establishment for their close ties with the ruling elite (Zaman 2002: 152–60; cf. Fandy 1999; Asad 1993: 200–36). But these warnings also point to his recognition of the need to reaffirm where religious authority properly resides. One may not need an *‘alim* to study and understand the Qur’an, but al-‘Uthaymin seems to have little doubt that it is ultimately the ulama who determine when the boundaries of proper interpretation have been overstepped and what counts as knowledge *sufficient* to expound on matters religious.

In an earlier generation and a different milieu, the Deobandi *‘alim* Ashraf ‘Ali Thanawi was far more explicitly insistent on the authority of the ulama than Salafi scholars like al-‘Uthaymin and al-Qaradawi have been. Echoing a theme that has had many expressions in the discourses of the ulama, Thanawi (1416 AH, vol. 1: p. 62) argued that scholars of religion ought to be seen as ‘experts’ on a par with specialists in any other field; without its experts, the ulama, Islam itself was in jeopardy. In late colonial India, when many among the products of Westernised educational institutions had come to think of the ulama’s institutions as increasingly irrelevant to the needs of modern life, and it was not uncommon for politically quietist ulama like Thanawi to be challenged to prove their ‘usefulness’ by actively participating in anti-colonial political causes, Thanawi also insisted on the need for a division of labour. No civilised community can exist unless its members divide the functions necessary for their welfare amongst themselves, any more than a house can be built without allocating different tasks to those skilled in each (Thanawi 1416 AH, vol. 1: 301; cf. Thanawi n.d. vol. 1: 7–9). The usefulness of the ulama, and indeed their indispensability, lies in providing religious guidance to ordinary people as well as to political leaders, not in entering other professions or *becoming* political leaders. But, just as they ought to leave the ordinary business of life to others, others must submit

to them in matters of religion. The political leaders of the community ought to have the ulama evaluate whether their politics conform to *shari'ah* norms; and people should consult with the ulama on all matters, read their books, write to them for guidance and order their lives in the light of their teaching (Thanawi 1416 AH, vol. 2: 347–9).

This was a highly optimistic view of the ulama's authority even in Thanawi's time, and – though the Deobandis have continued to revere his memory – it is decidedly so two generations after his death. Yet, just as the ulama who profess to allow other religious intellectuals into their ranks, sometimes go on then to reaffirm their *own* authority, strong affirmations of the ulama's authority might themselves be accompanied by a recognition that they need to accommodate themselves to changing realities. Thanawi's discourses again provide telling illustrations of such recognition. Even as he stressed the need for a division of labour between the Muslim political leaders and the ulama, Thanawi took a highly differentiated view of the religious sphere itself. For one thing, he did not rule out the permissibility of the ulama's participation in politics (Thanawi 1416 AH, vol. 1: 299–300); and, though his own preference was decidedly against it, some of his closest disciples – including Zafar Ahmad 'Uthmani, the author of the aforementioned *I'la' al-sunan* – were active in the movement for an independent homeland for the Muslims of India and later in Pakistani politics (cf. Zaman 2002: 42). More importantly, Thanawi recognised that religious learning ought to be geared to different needs and to be tailored accordingly. As for the ordinary believers, he thought it sufficient that they devote a year or so to religious education in order to become acquainted with the fundamental principles of their religion (Thanawi 1416 AH: 550–2). The assumption here seems to have been that this year-long instruction would not only educate them in the basic Islamic beliefs and practices, but also equip them with the tools necessary for their receptivity to the ulama's continuing guidance. But Thanawi saw even those with more of a taste for advanced religious learning in differentiated terms as well. He believed that the full madrasa curriculum of ten years or so ought to be reserved only for those who had the ability, the motivation, and the time to complete it successfully. Not everyone had that sort of time, however, even when they were not lacking in motivation. For them, he devised a drastically shorter curriculum of 'essential' Arabic texts that would take no more than thirty months to complete. He cautioned:

One should not think that if the same thing can be accomplished in two and a half rather than ten years, the earlier [and other] ulama were only wasting people's time by requiring the longer duration. For what is taught in ten years is not exactly what is to be taught in [a curriculum of] two and a half years; rather, the latter brings together the essentials, with which one can fortify one's religion, and indeed become a religious scholar, of middling status but with broad learning. (ibid., vol. 1: p. 553; cf. ibid.: 553–6)

Elsewhere, and more dramatically, Thanawi argued that the nature of the obligation to acquire proficiency in religious learning (*tabahhur fi-l-‘ulum*) had changed in his time.⁷ This obligation had been what Muslim jurists call a *fard kifaya*, a duty that some members of the Muslim community might perform on behalf of the community as a whole, as contrasted with an obligation every Muslim had to fulfil *individually* (*fard ‘ayn*).

But now the conditions are such that [acquiring proficiency in religious learning] has become an obligation for every single individual. For the protection of religion is an obligation [on everyone] and this cannot be done without adequate knowledge. People have, moreover, come to lack the propensity to follow [others], which also necessitates that they acquire sufficient knowledge of their own.

He continued, however, to emphasise the need to consort with the religious elite (*ahl Allah*) as an equally binding individual obligation, for even the educated are prone to lose their way (Thanawi n.d., vol. 2: 266–7).

Unmistakable in all this is the recognition that even the ulama’s learning must take different forms, that there is more than one way of establishing – albeit modestly – one’s scholarly credentials and, indeed, that those with a different intellectual formation might also acquire a modicum of such credentials. Ultimately, Thanawi’s articulation of the ulama’s religious authority is much stronger than anything in the discourses of, say, al-Qaradawi. But even Thanawi not only recognises that the ulama are far from a homogeneous entity but seeks, through changes in the curriculum, to sanction and perpetuate their internal differentiation and that of the religious sphere in which they would operate.

‘New’ structures of authority

That the ulama’s efforts to assert their authority have been vigorous, multifaceted and – despite the magnitude of the challenges they have faced, and their compromises – not unsuccessful should be evident from the foregoing discussion. I conclude this chapter with yet another illustration of such efforts, for it sheds some further light on how the ulama have fared in the modern world. This concerns their initiatives towards the *institutionalisation* of their authority.

The European Council of Fatwa and Research (ECFR) and the International Union for Muslim Scholars, in both of which al-Qaradawi has played a founding role, are among the most recent examples of this institutionalisation. Al-Qaradawi’s expansive definition of the ulama may well be seen not as an indiscriminate opening-up of the ulama’s ranks but rather as a calculated effort to foster alliances with *like-minded* religious intellectuals and to provide a shared forum – as well as a new institutional identity – to them. On this view, the ‘ulama’ would be those who, irrespective of their formal educational credentials,

share a particular orientation, particular epistemological assumptions, and who are therefore best suited to the articulation of 'Islamic' discourses. These discourses are, for their part, to be given expression from a particular forum, be it the ECFR in matters relating specifically to Muslims living in Europe, or the International Union for Muslim Scholars more broadly.

The *Dar al-Ifta'* ('Fatwa Centre') of Egypt, established *c.* 1895, represents a much earlier effort towards the institutionalisation of authority, itself building on existing juridical hierarchies (Skovgaard-Petersen 1997: 100–45). In India, a *Dar al-Ifta'* was established at the Deoband madrasa two years before the Egyptian institution of that name (Metcalf 1982: 146), and, although any particular fatwa was still typically issued by a single juriconsult (sometimes with endorsements from other scholars), the *fatwas* in question now also carried the imprimatur, and the collective authority, of the madrasa. In contemporary India, the All India Muslim Personal Law Board (AIMPLB) represents yet another initiative towards the institutionalisation of authority. Established in 1973 and dominated by Deobandi ulama but eager to claim allegiance from other religious orientations as well, the AIMPLB has presented itself as the locus of authoritative guidance on all matters relating to Islamic law, and especially to the laws of personal status. This organisation played a leading role in helping overturn, through parliamentary legislation, the verdict of the Supreme Court of India, which had envisaged changes in the divorce laws as generally prescribed by the Hanafi school of law (cf. Zaman 2002: 167–8). Closely allied with the AIMPLB is the Indian Fiqh Academy, founded in 1989 to help address the legal problems faced by the Muslims of India. In seeking to rethink certain aspects of Islamic legal norms, the Indian Fiqh Academy (which resembles juridical institutions in several other countries in the Muslim world) has sought to bring Muslim scholars together to deliberate collectively on pressing problems. A crucial theme in the work of the Fiqh Academy is the need for 'collective *ijtihad*'.

Though some among the ulama have sought to emphasise antecedents for it in early Islam (cf. Rahmani 1998: 219–20), aspirations to collective *ijtihad* represent a distinctly modern phenomenon. It has had many expressions. Muslim modernists have often seen the work of the legislative assembly as a form of collective *ijtihad* – which, on this view, is to carry the full authority of a new juridical consensus (see Zaman 2006; cf. also Masud 1995). For the ulama, to whom I limit my comments here, the idea of a collective *ijtihad* serves a number of crucial functions. It allows them to sidestep their longstanding reservations about undertaking *ijtihad* on the grounds that they lack the requisite abilities to do so: the fact that the ulama can engage in *ijtihad* by pooling together their otherwise meagre resources, even as they draw on secular expertise in particular areas of modern life, goes a long way towards assuaging fears that one is taking liberties with Islam in the name of *ijtihad*. Further, in a milieu where the authority of the

schools of law as traditionally understood has been considerably weakened, a collective *ijtihād*, especially when undertaken under the auspices of an institutionalised platform, offers possibilities to fill in some of the space vacated by the traditional schools of law. Finally, institutionalising the authority of the ulama, and of those inclined to work closely with them, offers prospects for political influence, of having claims to represent Islam and the Muslim community at large taken seriously, even of being able to resist the state's intervention in matters of religion. It is this role that best defines the AIMPLB in contemporary India – and it underlies both its appeal in some Indian quarters and its notoriety in others.

Yet this sort of institutionalisation does not assuage all the ulama's anxieties. Even as it seems to offer better prospects of collectively resisting governmental encroachment, a centralised locus of authority may, paradoxically, be not less but more vulnerable to government regulation. In Egypt, governmental efforts to regulate the religious sphere have had unpredictable results, but the very fact that it is al-Azhar on which they have focused has to do with the central position of this institution in the country's religious life. Initiatives towards enhancing this centrality have been a thinly disguised prelude to regulating it more effectively and, through it, the larger religious sphere. In France, governmental efforts to create an institutional structure for the Muslim citizens of the state, so that the government might have a 'privileged interlocutor' on all matters Islamic, poses similar difficulties. The Conseil Français du Culte Musulman (CFCM) was established in 2003 to this end, with its members elected through French mosques, though usually not recognisable as ulama. But, as John Bowen (2007: 55) has remarked, this bold French initiative is afflicted by 'a dilemma faced by most efforts to construct a legitimate representation from the top down: those willing to be "co-opted" are also those with the least legitimacy'.

Two points are worth considering in conclusion. First, even where new structures of religious authority have emerged, often bringing new facets of contestation to the public sphere, they have seldom driven other, older claimants to authority from the scene (cf. Kaptein 2004: 125). If *fatwas* issued from the madrasa at Deoband carry considerable weight, individual Deobandi scholars and madrasas elsewhere have continued to issue and publish their own *fatwas* – and these have not necessarily taken the same, 'Deobandi', position on all matters. Nor have leadership roles in the Fiqh Academy precluded individual scholars from acting as juriconsults in their individual capacity (for one example, see Rahmani 2005; for a similar point with reference to the early history of the Egyptian Dar al-Ifta, cf. Skovgaard-Petersen 1997: 121). Some of al-Qaradawi's own views have, for their part, been glaringly at odds with those of others on the European Council of Fatwa and Research.⁸

Secondly, as the example of the Dar al-Ifta in both Egypt and India suggest, it

is only in a very relative sense that institutional structures of authority are ‘new’. Even when established in recent years, they are the product of trends towards standardisation and uniformity that go back to the nineteenth century. As C. A. Bayly (2004: 325–65) has argued, such trends are clearly discernible across the nineteenth-century world in diverse areas of life including the religious; and the history of modern Islam – in varied locales and across the world – exhibits these trends no less than do other major religious traditions. The establishment of a network of madrasas in India, all committed to a shared doctrinal orientation and a shared curriculum, is another example of this standardisation. So is the codification of the *shari‘a*: a novel development of great moment that, with some exceptions, ulama across Muslim societies have come to accept.

Yet, alongside the impulse towards standardisation and uniformity are ever greater possibilities for individual expression, for personal taste and for well-informed and sometimes well-publicised challenges to established norms – all of which illustrates, even as it exacerbates, the fragmentation of authority. The effects of standardisation and of fragmentation sit uncomfortably alongside one another, but both are unmistakably present in all modern societies; and, while some antecedents and parallels can be detected for them in pre-modern times, there is little doubt that it is in conditions of modernity that both thrive.

There are not a few ambiguities that the coexistence of these impulses brings in its train. For one thing, if the authority of some among the traditional religious scholars has come to be challenged through the effects of mass education, modern technologies and new possibilities for personal expression, other religious scholars have fared much better. Even as many well-educated Muslims critique the ways of the ulama and revel in their own, direct access to religious texts, it is to select figures *among the ulama* that they often return for the ‘proper’ elucidation of these texts and norms (cf. Jouili and Amir-Moazami 2006). Particular figures among the ulama may, indeed, be said, not just to have come to terms with the fragmentation of authority (cf. Zaman 2006), but, as ‘free riders’ – to adopt a Marxist metaphor (cf. Elster 1985: 347–8) – to have benefited from it. This is often accomplished by showing how *they*, unlike many others among their fellow ulama, embody the qualities their modern-educated audiences prize most. Al-Qaradawi is again a case in point here (cf. Zaman 2004b: 136, 145–6). Yet, while distancing themselves from run-of-the-mill ulama, scholars like al-Qaradawi have also striven to counteract the effects of the very fragmentation that has served them well, and to do so in the name of the ulama as a whole. Institutional loci of authority may, for their part, be seen as one response to fragmentation and to the ‘free-rider problem’ that accompanies it. It represents an effort to close ranks among the ulama, consolidate their influence and find like-minded religious intellectuals active elsewhere. As such, it is a mechanism for fostering new networks, among other things. Yet, these new efforts have

what other ulama would doubtless see as telling weaknesses. Al-Qaradawi may be a ‘global mufti’ – thanks to satellite television, the Internet and his international associations – but, as Gudrun Krämer has observed, ‘his is a peculiarly disembodied voice’. He appears not to have much by way of recognisable students and disciples, that is, the sort of people who have traditionally constituted the channels through which religious scholars transmitted their learning and established their authority (Krämer 2006: 192–3; quotation at 193).

These are unresolved ambiguities in how religious authority is imagined and articulated in the contemporary Muslim world. The contestations of which the ulama have been part throughout their long history, and the transformations they have undergone in modern times, provide unusually rich – though by no means the only – sites for exploring issues of religious authority in Islam. Even the history of the ulama may not give us much by way of sure indicators of how future articulations of authority will fare. But it does provide ample evidence of the endurance, the resourcefulness and the malleability of those wishing to be seen as the authoritative guardians of the Islamic tradition – as well as of their ability to live with uncertain answers to interpretative challenges, and with ambiguity of other sorts.

Summary of chapter

Issues of religious authority are central to debates and contestations on varied facets of Islam in the modern world. These issues have to do, *inter alia*, with where and with whom the authority to interpret the Islamic texts properly rests; the degree to which particular religious practices and institutions can be adapted to changing needs; the basis on which traditional norms can be set aside in favour of new or different ones; and, not least, the scope and limits of governmental regulation of matters religious. Many of these issues are not new, for they were much debated in pre-modern Muslim intellectual, religious and political circles as well. However, they arise with particular force and on an unprecedented scale in conditions of modernity. Mass education and modern technologies have enabled vastly greater numbers of people to have access to sources of religious knowledge than was ever the case before. This has meant new challenges to the claims of the traditionally educated religious scholars, the ulama, by people lacking any specialized training in the Islamic sciences. Contrary to predictions of the demise of the ulama in the face of challenges from lay Muslims as well as the ‘new religious intellectuals’, this chapter argues that the traditionally educated scholars have continued to adapt their practices and discourses to changing times, enlarging their presence and the range of their activities in a number of Muslim societies. As part of this continuing evolution, many among the ulama have come to base their own authority on more than their professed mastery of the Islamic scholarly tradition; in many cases, this authority has also come to rest on the professed ability to speak persuasively to those educated in modern, Western institutions of learning that, in turn, has helped forge alliances between religio-political activists of varied intellectual backgrounds. Yet, for all the adaptations that the ulama have continued to make in their practices and in their scholarly culture, their claims to religious authority reveal important and unresolved tensions and ambiguities. There are tensions

between claiming authority as part of the ulama's traditional culture and critiquing, even dissociating from, facets of that culture; between individual claims to authority (for example, on the basis of one's scholarly learning) and efforts to institutionalize religious authority in the form of national and transnational associations; and, not least, between recognizing the fragmentation of religious authority and persistent efforts to reclaim interpretative authority in competition with others. In not a few cases, such tensions and ambiguities have to do with lingering suspicion of particular modern institutions, practices and forms of knowledge. Yet equally they arise from the ulama's effort – with varying degrees of enthusiasm, persuasiveness and success – to accommodate their scholarly tradition to the conditions and challenges of modernity and at least partially to base their claims to authority on that effort.

Questions

1. What distinguishes debates on religious authority in pre-modern Islam from modern contestations on this matter?
2. How might the ulama of modern Islam be distinguished from the Muslim modernists and the Islamists?
3. How far-reaching is the fragmentation of religious authority in modern Islam? How is it different from challenges to the authority of the ulama in pre-modern Muslim societies?
4. What sort of differences are observable *within* the ranks of the modern ulama so far as their claims to authority and their manner of articulating these claims are concerned? How are such differences to be accounted for?
5. How has the advent of mass education shaped the ulama's claims to authority?
6. How have initiatives towards institutionalizing religious authority reconfigured claims to it in modern Islam?
7. To what degree might the ulama of modern Islam be said to have come to terms with the fragmentation of their authority? What sorts of tension are discernible in the ulama's increasing recognition of the fragmentation of their authority, on the one hand, and, on the other, the effort to reassert that authority?
8. How has globalization impacted conceptions and articulations of religious authority in modern Islam?
9. In what ways do questions of religious authority arise differently in modern Islam than they do for adherents of other religious traditions in the modern world?

Notes

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1. The formulation 'new religious intellectuals' (on which, see Eickelman and Piscatori, 1996: 43–4, 77) refers to those contributing to debates on all matters Islamic in the contemporary Muslim public sphere, but without a formal religious education of the sort acquired in madrasas and comparable institutions.
2. This paragraph draws on an earlier discussion (Zaman 2005: 94).

3. I follow the translation of Butterworth, but with some modifications. On Ghazali's recognition of the 'essential heterogeneity of knowledge' as precisely the major strength of his work and a key factor in his subsequent influence, see Moosa (2005: p. 266).
4. My discussion of the Farangi Mahall here draws on portions of Zaman (2004a).
5. The term 'Salafi' – which literally connotes adherence to the practice of the pious forebears (*salaf*), that is, the earliest Muslims – has come to refer to varied strands among Muslims in modern times. In the early twentieth century, Jamal al-din al-Qasimi in Syria (d. 1914) and Muhammad Rashid Rida (d. 1935) in Egypt were at the forefront of a Salafi trend that sought to reform and *modernise* existing Muslim institutions and practices in the light of what they saw as the unadulterated teachings of the Islamic foundational texts. This meant, *inter alia*, denying the authority of the medieval schools of law and resorting to *ijtihad* not only to address new legal problems but also to reopen those the earlier jurists had supposedly settled. In the Arabian Peninsula, on the other hand, the Salafi approach has come to be increasingly conjoined with the teachings of Muhammad ibn 'Abd al-Wahhab (d. 1791): Wahhabi reformism, too, lays much stress on direct guidance from the foundational texts in the form of *ijtihad*, but not on the modernising orientation of Salafi thinkers like Rida, let alone of Rida's mentor, Muhammad 'Abduh (d. 1905). The Salafis – in the Arabian Peninsula and elsewhere – have had widely different political orientations, ranging from political quietism to guarded public critiques of the religious and the political establishments to radical calls to jihad against all Muslim and non-Muslim foes. In general, the Salafis share much more with one another in their overall orientation to the foundational texts than they do either in their politics or in the precise conclusions they draw from their preferred hermeneutical approach. Yet, as al-Rasheed (2007) has argued, the boundaries between Salafis of varied orientation remain fluid.
6. However, in situations where medieval Sunni schools of law coexisted and the norms of one school of law seemed to suit a particular situation better, it was not uncommon for a legal dispute to be referred to the judge of that legal school (cf. Rapoport 2003). This preserved the boundaries of the schools of law without yet making judicial practice inflexible.
7. Thanawi is said to have made this statement in 1932, just over a decade before his death (Thanawi n.d.: vol. 2, pp. 266–7; for the date, see *ibid.*: 264).
8. Al-Qaradawi has argued, for instance, that the marriage of a European woman who converts to Islam while her husband does not remains valid – in opposition both to a broad medieval consensus on the impermissibility of such a marriage and of a contrary opinion by most of his colleagues on the European Council of Fatwa and Research. See European Council of Fatwa and Research (2003).

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