Sufis and Sharīʿa: The Forgotten School of Mercy. By SAMER DAJANI. Edinburgh: EDINBURGH UNIVERSITY PRESS, 2022. Pp. vii + 391. $125.

Western scholarly interest in Ibn ʿArabī's (d. 638/1240) legal thought goes back to Ignaz Goldziher, who devotes a few pages of his 1884 classic *Die Zâhiriten* to the great Sufi metaphysical theorist's *fiqh*. Drawing on *Nafḥ al-ṭīb* of al-Maqqarī (d. 1041/1632), Goldziher presents Ibn ʿArabī as a "Ẓāhirite mystic" who, with his later follower ʿAbd al-Wahhāb al-Shaʿrānī (d. 973/1565), exemplifies the peculiar attraction of "the followers of theosophy" to Zahiri literalism (Behn 1971: 169–70). More recent scholarship has considerably qualified this assessment. In the epilogue to his seminal 1984 Harvard thesis "The Economy of Certainty," Aron Zysow states flatly that, based on his views on the unit-tradition (*khabar al-wāḥid*) and analogical reasoning (*qiyās*), "Ibn ʿArabī . . . was no Ẓāhirī"(Zysow 1984: 495; 2013: 280). While the Zahiris either regarded the unit-tradition as "a source of certain knowledge and a basis for action" (the view of Dāʾūd b. Khalaf [d. 270/884] and Ibn Ḥazm [d. 456/1063]) (Zysow 1984: 45; 2013: 32), or (in the case of Ibn Dāʾūd [d. 294/909]) rejected the unit-tradition entirely, Ibn ʿArabī sees it as a source of merely probable knowledge. Likewise, while the Zahiris are known for their rejection of analogy, Ibn ʿArabī, though he did not practice *qiyās* himself, accepts that it can legitimately be used by those who have been "led by their *ijtihād* to accept it" (Zysow 1984: 496; 2013: 281). A similar line of reasoning is pursued by Michel Chodkiewicz (1992). While acknowledging the "undeniable" Zahiri influence on Ibn ʿArabī's legal theory, Chodkiewicz stresses that "the attentive reader" will see that Ibn ʿArabī was no Zahiri, for "in a number of cases his preferred solution has not been the Ẓâhirî solution, especially concerning the major issue of reasoning by analogy (*qiyâs*)" (1993: 54–55).

Both Zysow and Chodkiewicz stress the independence of Ibn ʿArabī's jurisprudential method. Zysow writes of Ibn ʿArabī's "very personal legal theory" (1984: 496; 2013: 281), while

Chodkiewicz describes him as “a perfectly autonomous *mujtahid*—or, perhaps, the founder of a *madhhab akbarî,* of an ‘Akbarian school of jurisprudence’” (1993: 55). Chodkiewicz identifies two “rules” adopted by Ibn ʿArabī that make his *madhhab* “the most irenic, the most conciliatory, of all those that Islam has known.” The first is the principle—which, it might be noted, Ibn ʿArabī shares with the Zahiris—of the “original permissibility” (*al-ibāḥa al-aṣliyya*) of things, that is, the view that everything is permitted unless there is a revealed text indicating that it is forbidden. The second is the idea that the existence of diversity (*ikhtilāf*) within humans’ understanding of the law is a product of divine mercy, for, in this “widening” (*ittisāʿ*) of the law, God has left open to his servants the option of choosing the easier course of action in any given situation—that is, the possibility of opting for the *rukhṣa* over the *ʿazīma* (1993: 55–56).

In *Sufis and the Sharīʿa: The Forgotten School of Mercy*, Samer Dajani develops these ideas into an extended argument. (The only other book-length treatment of Ibn ʿArabī’s *fiqh* in a European language that I know of is Eric Winkel’s *Islam and the Living Law,* which, while often illuminating, takes an explicitly committed and ahistorical approach.) In fact, Dajani’s book, which is a revised version of his 2015 SOAS dissertation, is not limited to an analysis of Ibn ʿArabī’s *fiqh*; he also situates Ibn ʿArabī’s legal thought in the context of earlier Sufi thinking about the Sharia and traces the development of the so-called Akbari *madhhab* into the modern period, principally through an analysis of the legal thought of the early Transoxanian mystic al-Ḥakīm al-Tirmidhī (d. 298/910), the aforementioned Egyptian Sufi al-Shaʿrānī, and the influential North African revivalist Aḥmad ibn Idrīs (d. 1253/1837).

Sufis and the Sharīʿa is divided into three parts, which correspond to Dajani’s main theses. The first thesis is that Ibn ʿArabī, like several other prominent mystics, can best be thought of as a traditionalist in legal theory, insofar as he always seeks to ground the law in revealed texts rather than in the rational methods employed by the four schools. This approach

was inspired, so Ibn ʿArabī claims, by visions of the Prophet and Mālik b. Anas (d. 179/796) instructing him to cling to prophetic traditions. At the same time, Dajani argues, in adopting a traditionalist approach to the law, Ibn ʿArabī was also following in the footsteps of al-Ḥakīm al-Tirmidhī, who is well known as a major influence on Ibn ʿArabī's theory of sainthood (*walāya*) but was also a hadith scholar and traditionist jurisprudent.

Besides his writing on mystical topics, al-Tirmidhī wrote a book on rare hadith, a critique of the analogical reasoning of *ahl al-raʾy*, and a work affirming the existence of "reasons" (*ʿilal*) behind the ritual law, which was possibly directed against the Zahiri school. This leads us to Dajani's second thesis, which is that, like al-Tirmidhī, Ibn ʿArabī differs from the Zahiris and other traditionalists insofar as he maintains that there is "wisdom" (*ḥikma*) underlying the law. This tendency can be seen, for instance, in his treatment of the "mysteries" (*asrār*) of the rules governing the acts of worship (*ʿibādāt*) in chapters 68–72 of *al-Futūḥāt al-makkiyya*, which have been translated into English by Aisha Bewley. Whereas the Zahiris reject *qiyās* on the grounds that God's commandments do not have underlying reasons that can be applied by analogy to other cases, Ibn ʿArabī accepts that the law has a rationale. His reason for not using analogical reasoning is rather that he believes that, by creating new laws, *qiyās* increases the burden on God's servants. This is problematic for Ibn ʿArabī, because, as indicated in Q 22:78 ("He imposed nothing difficult on you in matters of religion") and the hadith "This religion is about ease," the sunna consists in "the removal of hardship" (*rafʿ al-ḥaraj*) (Dajani, pp. 151–52). In Ibn ʿArabī's view, in other words, the spirit of the law consists in mercy (*raḥma*) and ease (*yusr*).

Dajani's third thesis is that this view of the law, like Ibn ʿArabī's Sufi metaphysics, remained influential into the modern period. Chodkiewicz's hypothesis of the existence of an Akbari *madhhab*, he suggests, is borne out in the writings of al-Shaʿrānī, who is well known as a popularizer of the *Futūḥāt*, and especially in the thought of Ibn Idrīs, a Moroccan Sufi who became a revered teacher in the Hijaz and Yemen in the first decades of the nineteenth century

and inspired several revivalist movements. Dajani charts the influence of Ibn ʿArabī's notion of the flexibility and ease of the Sharia on al-Shaʿrānī's theory of the "scale" (*mīzān*). According to this theory, apparent contradictions within or between the Quran, hadith, or the sunna of the Companions can be resolved by recognizing that the law provides a scale of options in most cases, from least to most rigorous, from which people are free to choose according to their capacity. These different options, al-Shaʿrānī explains, are scattered among the four Sunni schools of law, which take more lenient positions on some issues, and more stringent positions on others. For al-Shaʿrānī, these different options are all equally valid, meaning that Muslims, both laity and scholars, are free to select rulings from outside their own *madhhab*. In this way, al-Shaʿrānī develops Ibn ʿArabī's thinking on the flexibility of the law into the idea that the four legal schools, whose founders he regards as inspired saints who took their knowledge directly from "the source of the law" (*ʿayn al-sharīʿa*), constitute a single, unified school, an idea that would be further developed in the eighteenth century by Shāh Walī Allāh of Delhi (d. 1176/1762). Nevertheless, as Dajani points out, al-Shaʿrānī gives more authority to the schools of law than Ibn ʿArabī does. For example, in his early work of *aḥādīth al-aḥkām* (a genre in which the traditions relating to legal rulings are cited), *Kashf al-ghumma ʿan jamīʿ al-umma*, al-Shaʿrānī only includes those reports that are acted upon by the four schools.

By contrast, Ibn Idris, whom Dajani identifies as "the first major figure of whom we can speak with certainty to have applied and spread the jurisprudential positions of Ibn ʿArabī" (p. 288), rejects the authority of the schools of law. Claiming, controversially, to be an absolute *mujtahid*, he held that "the madhhab of real scholars" is revelation (p. 282). In his *Risālat al-radd ʿalā ahl al-raʾy*, a treatise directed against the schools of law, he explains that the key to extracting rules from the revealed sources is piety (*taqwā*), yet he also taught his disciples that "spiritual" *ijtihād* involves waking visions of the Prophet. Dajani shows how Ibn Idrīs's own process of *ijtihād* included consulting the legal sections of the *Futūḥāt*, which he often quotes

verbatim. As a result, many of his positions on substantive legal issues, such as the pre-*maghrib* supererogatory prayer (which both Ibn ʿArabī and Ibn Idrīs consider a neglected *sunna*) or praying in shoes (which is recommended by both scholars) are inspired directly by Ibn ʿArabī. This debt to Ibn ʿArabī was passed on to his disciples, including Muḥammad ibn ʿAlī al-Sanūsī (d. 1276/1859), Muḥammad ʿUthmān al-Mīrghānī (d. 1268/1852), and Ibrāhīm al-Rashīd (d. 1291/1874), whose own Sufi orders have attracted large followings across the Muslim world. While these scholars do not reject the ultimate authority of the schools of law, they practice *ijtihād* within their schools, leading them to adopt idiosyncratic positions on certain issues. For instance, the Sanusis, though Malikis, practice *qabḍ* (holding the right hand over the left when standing in prayer) rather than *sadl* (holding the hands by one's sides as the Malikis do), while al-Mīrghānī and his followers are said to have embraced Ibn ʿArabī's view that it is permitted for a woman to lead a mixed congregation in prayer. Like Ibn Idrīs, they continue to cite the *fiqh* of Ibn ʿArabī and al-Shaʿrānī, drawing from the *Futūḥāt* in their critiques of *taqlīd*.

In its traditionalism and critical attitude toward the legal schools, the putative Akbari school anticipates certain key features of modern Salafism. In a concluding chapter, Dajani highlights the fact that several "proto-Salafis," including the cofounder of the Indian Ahl-i Hadith movement Nadhīr Ḥusayn Dihlawī (d. 1320/1902), the Iraqi quranic commentator Abū al-Thanāʾ Maḥmūd al-Ālūsī (d. 1270/1854), the Moroccan anti-colonial activist Abū al-Fayḍ Muḥammad al-Kattānī (d. 1327/1909), and the Damascene reformers Salīm al-ʿAṭṭār (d. 1307/1890) and Jamāl al-Dīn al-Qāsimī (d. 1332/1914), were great admirers of Ibn ʿArabī. In tracing this phenomenon among thinkers more often said to have been inspired by Ibn ʿArabī's great critic Ibn Taymiyya (d. 728/1328), Dajani continues the story told by Khaled El Rouayheb (2015) for the seventeenth century, in which reformers found in both Ibn ʿArabī and Ibn Taymiyya inspiration for their return to the revealed sources and critiques of Ashʿari theology and the legal schools. At the same time, Dajani points to key differences between the Salafi and

Akbari approaches to the law. These differences, which sharpened with the increasing influence of Wahhabism on Salafi thought in the twentieth century, center on the Akbaris' tolerance of diversity and emphasis on the flexibility and mercy of the Sharia.

This is a rich work that considerably expands our knowledge of an important yet relatively understudied facet of the thought of Ibn ʿArabī and his followers. If there is anything to regret, it is that, in treating the legal thought of both Ibn ʿArabī's precursors and successors as well as Ibn ʿArabī himself, the author has perhaps tried to do too much. A more focused treatment of Ibn ʿArabī's own *fiqh* might have included a more extended analysis of the key chapter 88 of the *Futūḥāt*, in which Ibn ʿArabī sets out his views on "the mysteries of the principles of the rulings of the law," along with further consideration of the ways in which Ibn ʿArabī's Sufi metaphysical ideas—for instance, his notion of "ontological mercy"—interact with his legal thinking. Similarly, while Dajani has successfully traced the influence of Ibn ʿArabī's legal thought into the twentieth century, more would need to be done to demonstrate the existence of an Akbari *madhhab* in the technical sense, as defined by Christopher Melchert, of "a body of jurisprudents with a regular method of reproducing itself – of training new jurisprudents" (Melchert 1997, xvi). With that said, this book is a major contribution to our understanding of the essential features and influence of Ibn ʿArabī's *fiqh* and deserves a wide readership.

REFERENCES

Chodkiewicz, M. 1992. *Un océan sans rivage: Ibn Arabî, le Livre et la Loi*. Paris: Éditions du Seuil.

———. 1993. *An Ocean without Shore: Ibn ʿArabî, The Book and the Law*. Tr. D. Streight. Albany: SUNY Press.

Goldziher, I. 1971. *The Ẓāhirīs, Their Doctrine and History: A Contribution to the History of Islamic Theology*. Tr. and ed. W. Behn. Leiden: E.J. Brill. Reissued 2008.

El-Rouayheb, Kh. 2015. *Islamic Intellectual History in the Seventeenth Century: Scholarly Currents in the Ottoman Empire and the Maghreb*. New York: Cambridge Univ. Press.

Melchert, Ch. *The Formation of the Sunni Schools of Law, 9th-10th centuries C.E.* Leiden: Brill, 1997.

Winkel, E. 1997. *Islam and the Living Law: The Ibn al-Arabi Approach*. Karachi: Oxford Univ. Press.

Zysow, A. 1984. The Economy of Certainty: An Introduction to the Typology of Islamic Legal Theory. PhD diss., Harvard University.

———. 2013. *The Economy of Certainty: An Introduction to the Typology of Islamic Legal Theory*. Resources in Arabic and Islamic Studies, vol. 2. Atlanta: Lockwood Press.

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