

***On Taqlīd: Ibn al Qayyim's Critique of Authority in Islamic Law***, by Abdul-Rahman Mustafa (Oxford & New York: Oxford University Press, 2013), vii + 242 pp., ISBN: 978-0-19-993751-6, \$78.00 (hb)

This book presents the translation of the section on *taqlīd* of *Iʿlām al-muwaqqiʿīn ʿan Rabb al-ʿālamīn* by the Ḥanbalī damascene scholar, Ibn Qayyim al-Jawziyya (d. 751/1350). *Iʿlām al-muwaqqiʿīn* is a long treatise about the methodology of *iftāʾ*. The translated text is rather long (pp. 61-192). It covers part of volume three and four of the Saudi edition of *Iʿlām* edited by Mashhūr ibn Ḥasan ʿĀl Salmān, which is part of a *silsila* dedicated to Ibn al-Qayyim's works (*Silsilat maktabat Ibn al-Qayyim*). This series is different from two other Saudi ones published in Mecca by Dār ʿĀlam al-Fawāʿid which edits richly annotated texts of Ibn Taymiyya and Ibn al-Qayyim with extensive introductions. These two series - supervised by the scholar Bakr ibn ʿAbd Allāh Abū Zayd - are titled *Āthār al-Imām Ibn Qayyim al-Jawziyya wa-mā laḥiqabā min aʿmāl* and *Āthār Shaykh al-islām Ibn Taymiyya wa-mā laḥiqabā min aʿmāl*. They are now indispensable tools for anyone working on Ibn Taymiyya and his pupil, and it is regrettable that *Iʿlām al-muwaqqiʿīn* is not yet available to us among these useful editions. The one used by the translator offers a long introduction and a detailed apparatus mainly of erudite quotations and discussion of Ḥadīth.

The translation is preceded by a lengthy introduction on the concept of *taqlīd* (pp. 1-60) and is followed by glossary, notes, bibliography, and index. The introductory pages discuss the issue of *taqlīd* from different angles: its origins, its meanings in legal theory and practice, the theological problems it arose. They take into consideration the relevant secondary literature (Norman Calder and Sherman Jackson *in primis*) and refer to a good number of sources from different schools and periods. After that, the introduction moves on to tackle the subject specifically in Ibn al-Qayyim and describes the main principles leading the Ḥanbalī scholar in his battle against *taqlīd*.

The introduction offers insightful remarks on the subject and draws attention to the importance and complexity of the concept of

*taqlid* even beyond the boundaries of the history of Islamic law. Yet, the present reviewer feels that - as currently organized - these introductory pages might well represent the first kernel of a book on the subject, rather than introducing the reader to the translated section. This is exactly what one misses, for together with the broad legal and theological debates on *taqlid* and its implications that Abdul-Rahman Mustafa outlines, and we thank him for this, one would like to know much more about *taqlid* in Ibn al-Qayyim's *I'lām* to start with (Ibn al-Qayyim does not discuss the topic only in volume three and four, for instance), then in his other works. Similarly, one would like to know if and how Ibn al-Qayyim develops his ideas on *taqlid* from Ibn Taymiyya, seldom mentioned in the section from *I'lām*, and if so from which of his works. In fact, it is only when read in conjunction with Ibn Taymiyya that Ibn al-Qayyim's own preoccupations can be fully appreciated. One would also like to be informed about Ibn al-Qayyim's other sources and how he engages with the intellectual tradition that preceded him. Overall, we would expect that when dealing with such a topic the historical context would stand out much more than it actually does, as Ibn al-Qayyim and his master were no idle minds, they had a precise agenda, they responded to the challenges of their time. In fact, Ibn al-Qayyim's discourse on *taqlid* sounds like a sweeping blow to the authority of the four *madhāhib*. It implicitly questions the social, professional, and legal structures associated with the Sunnī schools of law in a historical period in which the quadruple judiciary system, established by Baybars in 1265, and the practice of *taqlid* in the judiciary was deep-rooted, and intended to assure flexibility and predictability in the dispensation of justice. These are the conclusions Yossef Rapoport reached in one notorious article of his which Mustafa does not seem to be aware of.<sup>1</sup> In the Mamlūk period, appointment deeds constrained judges to rule within the established doctrine of their own school of law.<sup>2</sup> It suffices to read some of the fatwās of the powerful Chief Shāfi'ī Qāḍī of Damascus, Taqī al-Dīn al-Subkī (d. 756/1355), a contemporary and arch enemy of Ibn Taymiyya, to feel how robust the authority of the schools (and their representatives) was, and how disturbing Ibn Taymiyya's and Ibn al-Qayyim's

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<sup>1</sup> Yossef Rapoport, "Legal Diversity in the Age of *Taqlid*: The Four Chief *Qāḍīs* under the Mamluks," *Islamic Law and Society* 10/2, The Madhhab (2003), 210-228.

<sup>2</sup> See *ibid.*, 214-217 for a wide array of sources confirming this point.

doctrines must have been in this regard.<sup>3</sup> It is again al-Subkī that in one of his fatwās is asked to provide an answer to whether *taqlīd* is permissible for the layman in matters of faith.<sup>4</sup> This would have been a nice topic to add to and discuss in the pages on *taqlīd* and theology (pp. 29-36).

Mustafa often refers to Ibn al-Qayyim and a group of scholars like him as “traditionalists.” While a proper explanation of what Mustafa means by this label is not provided (is he implicitly referring to George Makdisi’s definition of the terms traditionist/traditionalists?),<sup>5</sup> it is also not always clear whom he associates with Ibn al-Qayyim. Ibn Taymiyya and Ibn ‘Aqīl are mentioned along a couple of times. One may want to add that “traditionalist” is a tricky tag.<sup>6</sup> Especially, once we venture into the arguments that characterize the pages on *taqlīd* and the dispute (*munāẓara*) that Ibn al-Qayyim enacts between a *ṣāhib al-ḥujaj* (see below) and an “imitator,” we wonder whether “traditionalist” is really the most appropriate way to describe Ibn Qayyim al-Jawziyya and, by reflex, Ibn Taymiyya. In this regard, it may perhaps be useful to differentiate between the argumentative method and the aims of these two scholars. At page 27, al-Bukhārī (d. 256/870), Ibn Taymiyya (d. 728/1328), and al-Ṣan‘anī (d. 1182/1768) are all labeled as classical Salafīs. Is this used to distinguish them from modern/nowadays Salafīs? And what are the common elements that justify their characterization as such?

The translated text on *taqlīd* that follows is long and rather repetitive. Repetition has the merit of making one’s own point clear. The text is divided into two sections. In the first one (pp. 60-82), Ibn al-Qayyim describes the forbidden types of *taqlīd*, which implies that there are permissible ones (not discussed in the translated text

<sup>3</sup> See the discussion of Norman Calder, “Scholars, Muftis, Judges and Secular Power: the Need for Distinctions,” in Norman Calder, *Islamic Jurisprudence in the Classical Era* (ed. Colin Imber; Cambridge: Cambridge University Press, 2010), <http://dx.doi.org/10.1017/CBO9780511676574.005>, especially, pp. 135-138, 140.

<sup>4</sup> Abū I-Ḥasan Taqī al-Dīn ‘Alī ibn ‘Abd al-Kāfī al-Subkī, *Fatāwā al-Subkī* (Cairo: Maktabat al-Qudsī, 1356 H. [1936]), II, 365-368.

<sup>5</sup> George Makdisi, “Ash‘arī and the Ash‘arites in Islamic Religious History I,” *Studia Islamica* 17 (1962), 37-80, at p. 49.

<sup>6</sup> See Christopher Melchert, “Traditionist-Jurisprudents and the Framing of Islamic Law,” *Islamic Law and Society* 8/3 Hadith and Fiqh (2001), 383-406, in particular 385-386.

though), and describes the difference between *taqlid* and *ittibāʿ*, the first being following somebody's without authoritative arguments, the other following somebody with arguments. The second chapter (pp. 83-192) is shaped in the literary form of a "*munāzara* between one who uncritically accepts somebody else's views and doctrines (*muqallid*) and one who knows by means of arguments (*ṣāhib al-ḥujaj*).” This is the whole point, in fact, and the first basic principle leading the dispute against *taqlid*. Knowledge can happen only with “proofs;” knowledge without proofs, such as *taqlid*, is not a valid form of knowledge; and when *taqlid* is practiced, but justified by the use of authoritative arguments, then it is no longer *taqlid* (pp. 91-92, 94, 127, *passim*). Or, otherwise said: “The basic principle is that the opinions of another may not be accepted without proof except in cases of necessity” (p. 166; *Iʿlām*, V, 574). Hence, Ibn al-Qayyim elaborates his arguments against *taqlid* on different levels. The first one is epistemological: *taqlid* represents a wrong way of knowing. Knowledge is produced by “authoritative arguments” (*ḥujaj*), “indicators” (*adilla*), decisive proofs (*barāhin*), and inference (*istidlāl*). Without these knowledge remains a conjecture (*ẓann*) and a conjecture does not produce certainty (p. 79) nor allows truth to be attained. Ibn al-Qayyim goes as far arguing that God created in man an innate disposition (*fiṭra*) to submit to authoritative arguments (*ḥujaj*) and proofs (*adilla*) rather than blindly follow his own teachers (pp. 169-170).

The second level of argument is that of authority: indulgent “imitation” of the later generations, or even of the schools’ founders, undermines the authority of the Book, the Prophet, the Rāshidūn, the Companions, and the Salaf as a whole. The Qurʾān and the Sunna, the latter includes the sayings of all the ranks of people just mentioned, should have absolute precedence over anybody else’s saying. The debate is, then, not only about *who* is authoritative, but also *how* and *why* certain forms of authority came to be devalued (see Introduction, p. 20). There is a lot at stake here, it is not only the legal structures of the *madhhab* and the models of authority promoted by the *madhhab* that are openly questioned; implicitly also other forms of competing religiosities are (see Introduction, p. 27), such as Shīʿism or Sufism with their respective notions of *walāya* and *wilāya*.

The translation from the Arabic flows smoothly without being hampered by too many Arabic terms transliterated into brackets or

too many footnotes. Yet, what one misses is exactly this: commentaries, explanations, specification of technical terms, which allow the reader to stay closer to the Arabic text. Briefly, when we read “proof,” which is definitively one of the key words of this whole section on *taqlid*, we would like to know whether the Arabic is *dalil*, *ḥujja*, *burhān*, or *bayyina*. When we read the lists of the *muqallidūn*’s statements in favor of “imitation” and the responses of Ibn al-Qayyim against them, we would like to know who exactly is Ibn al-Qayyim engaging with; whether the legal issues he mentions mirror some of the public debates of the time, like that on triple divorce. Essentially, what we completely miss here is that meticulous recovery of a text’s subtext that makes scholarly research so valuable. The footnotes apparatus is in fact limited to identifying the full names and death dates of the people mentioned by Ibn al-Qayyim and locating the Ḥadīth in their respective collections, a range of information that Mustafa abridges from the Arabic edition (p. 59). At times we are given very brief explanations of the legal issues at stake.

In the end, as it stands this translation lacks something. It is not of much help to the advanced student or the specialist who, being able to read the Arabic text by him/her-self, will suffer from the dearth of context, information, and commentary. Neither it is of help to the beginner who will suffer from the absence of basic information necessary to the text’s full understanding. For instance, when the *ḥadīth al-Sbajja* is mentioned (p. 83, 126), one assumes that a student needs to be told what this *ḥadīth* is about. Or when Ibn Taymiyya is mentioned (pp. 137-138) as being criticized because of his teachings in the madrasa of Ibn al-Ḥanbalī, a *waqf* specifically dedicated to Ḥanbalī doctrine, one would expect some historical commentary, an effort to trace this episode of opposition in historical and biographical sources. *En passant*, this might have also been a useful element towards the text’s dating. In addition, the critique against Ibn Taymiyya here is interesting per se because it confirms that his method was perceived as dragging him away from his own *madhhab*.

The same lack of explanations affects the translator’s choices. So one is left to wonder why Mustafa translates *zubur* as “sects” (p. 120) when Ibn al-Qayyim himself explains that: “*Zubur* are the written books (*al-kutub al-muṣannafa*) that people are pleased to follow over the Book of God and over what He sent His Messenger with” (*Iʿlām*, III, 524), or why he omits the conclusive passage from the text

(*Iʿlām*, IV, 36: *wa-qad aṭalnā fī l-qiyās wa-l-taqlid* etc...) which conveys a nice and clear-cut “The End” signal missing from the translation which, in fact, seems to end abruptly.

Finally, the book is not carefully edited. Many items quoted in the Introduction’s footnotes are missing from the bibliography. The appearance of Chapter I and II respectively at pages 214 and 215 of the footnotes is puzzling because the translation does not display such headings. The choice of a double system of footnotes, text notes, and end notes, is not practical.

In sum, the book testifies for a new interest towards the works and thought of Ibn al-Qayyim al-Jawziyya, the most renown follower and exegete of Ibn Taymiyya, who was – until a few years ago – a great absentee from Western discussions on intellectual histories of the post-formative period. We welcome it as such.<sup>7</sup> Nonetheless, it is not easy to say who this book was thought for. For the reasons outlined above, it is not so useful for scholars, it is insufficiently explicative for students, it is an abstruse 14<sup>th</sup> century piece of scholarship for non-specialist readers. Perhaps it was thought for Muslims unfamiliar with Arabic but wishing to familiarize with the sources of their own scholarly tradition? Perhaps. Yet, the book is published by a prestigious University Press and in a fashion that suggests an academic target. Abdul-Rahman Mustafa must have invested a good deal of his time in making a Medieval Arabic text accessible into readable English and in putting together an introduction which shows a good degree of reading and research skills. It is a pity that the translation is not accompanied by that framework of commentaries and scholarly research that would have made it a more valuable contribution to the field.

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<sup>7</sup> See Caterina Bori and Livnat Holtzman (eds.), *A Scholar in the Shadow: Essays in the Legal and Theological Thought of Ibn Qayyim al-Jawziyya*, special issue of *Oriente Moderno* 90/1 (2010) (Roma: Istituto per l’Oriente C.A. Nallino). This reference is regularly given throughout the book with only one of its editors. Also see Birgit Krawietz and Georges Tamer, in collaboration with Alina Kokoschka (eds.), *Islamic Theology, Philosophy and Law: Debating Ibn Taymiyya and Ibn Qayyim al-Jawziyya* (Berlin: De Gruyter, 2013).

## REFERENCES

- Bori, Caterina and Holtzman, Livnat (eds.), *A Scholar in the Shadow: Essays in the Legal and Theological Thought of Ibn Qayyim al-Ġawziyya*, special issue of *Oriente Moderno* 90/1 (2010) (Roma: Istituto per l'Oriente C.A. Nallino).
- Calder, Norman, "Scholars, Muftis, Judges and Secular Power: the Need for Distinctions," in Norman Calder, *Islamic Jurisprudence in the Classical Era*, edited by Colin Imber (Cambridge: Cambridge University Press, 2010), 116-166, <http://dx.doi.org/10.1017/CBO9780511676574.005>.
- Ibn Qayyim al-Jawziyya, Abū ‘Abd Allāh Shams al-Dīn Muḥammad ibn Abī Bakr, *I'lām al-muwaqqi‘īn ‘an Rabb al-‘ālamīn*, 7 vols., (ed. Abū ‘Ubayda Mashhūr ibn Ḥasan Āl Salmān; Dammām: Dār Ibn al-Jawzī, 1423 H. [2002 or 2003]).
- Krawietz, Birgit and Tamer, Georges, in collab. with Kokoschka, Alina (eds.), *Islamic Theology, Philosophy and Law: Debating Ibn Taymiyya and Ibn Qayyim al-Jawziyya* (Berlin: De Gruyter, 2013).
- Makdisi, George, "Ash‘arī and the Ash‘arites in Islamic Religious History I," *Studia Islamica* 17 (1962), 37-80, <http://dx.doi.org/10.2307/1595001>
- Melchert, Christopher, "Traditionist-Jurisprudents and the Framing of Islamic Law," *Islamic Law and Society* 8/3, Hadith and Fiqh (2001), 383-406.
- Rapoport, Yossef, "Legal Diversity in the Age of *Taqīd*: The Four Chief *Qāḍīs* under the Mamluks," *Islamic Law and Society* 10/2, The Madhhab (2003), 210-228.
- al-Subkī, Abū l-Ḥasan Taqī al-Dīn ‘Alī ibn ‘Abd al-Kāfī, *Fatāwā al-Subkī*, 2 vols., (Cairo: Maktabat al-Qudsī, 1356 H. [1936]).

**Caterina Bori**

*Alma Mater Studiorum, Università di Bologna, Bologna-Italy*