

IBRAHIM USMANOV. SUFISM AND FIQH: DIFFERENT VIEWS ON ISLAMIC LAW

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Abstract. In early Sufi literature, Sharia and spirituality were usually viewed as an inseparable whole. Sufis tried to interpret Sharia from a spiritual perspective in order to show that Sufism remains within the boundaries of official Islam. During the early Abbasid period (750–861), the hermeneutic unity between Sufis and jurists was broken. Sufi authors of the 10th–11th centuries emphasized in their works that their views fully comply with the principles of Sunni Islam and a certain madh'hab. Islamic faqihs also lamented the decline of formal jurisprudence and called for taking into account the spiritual aspect. At the same time, the faqihs called on the Sufis to study the basic provisions of fiqh. They believed that jurisprudence and mysticism should complement each other for the benefit of society. In conclusion, the article examines Sufism and jurisprudence as understanding of Islamic law from two different perspectives.

Introduction

There is no universally accepted position on the relationship between the concepts of 'Sharia' and 'fiqh' in

modern Muslim jurisprudence. Instead, there are different and quite opposite points of view, which reflect the historical evolution of these concepts to a certain extent. Various aspects of Muslim religious consciousness were still united during the early stage of development of Islam. It is known that at that time *fiqh* sometimes denoted mastering of the entire complex of tenets of the new religion, knowledge of the precepts of Islam that regulate all aspects of believers' lives, behavior and way of thinking. In this sense, *fiqh* was virtually identical to Sharia: "...Allah has sent down a path of righteous life that is pleasing to Him, a path leading to Heaven." [1]

Initially, *aqidah*, *fiqh* and Sufism were all called *fiqh* (*Fiqh Akbar* – faith, *Fiqh Awsat* – Sufism, *Fiqh Asghar* – Islamic jurisprudence). [2, p. 225] This was characteristic for the initial period of the formation of Islamic law (approximately until the mid-8th century), but later a distinction between the concepts was made. The religious percepts of Islam as revealed in the Quran and Sunnah were referred as Sharia, while *fiqh* meant making independent decisions when the sacred scriptures offered no ready answer to a particular question. As a result, *fiqh* came to mean Islamic jurisprudence, one of the aspects of Sharia, as well as a set of norms of conduct; scholastic theology studied purely doctrinal matters (*kalam*); and Sufism (*tasawwuf*) focused on Islamic spirituality and purification. [1]

When the Abbasid Caliphate annexed new territories inhabited by peoples of other cultures the legal settlement of issues became problematic. New legal realities called for profound changes in Islamic jurisprudence, which was at odds with non-Muslim legal cultures. [3, p. 86]

As the famous medieval scholar Ibn Qutaybah (d. 889) wrote, there were two major movements in Islamic jurisprudence that emerged in the 8th century: *Ahl al-Ra'y* and *Ahl al-Hadith*. In the 10th century, Ibn al-Nadim (d. 978–988) classified jurists as follows: the Maliki school (*madh'hab*); Abu Hanifa and his followers (the Hanafi school, originating in Iraq), i.e. *Ahl al-Ra'y*;

Imam al-Shafi'i and his followers (the Shafi'i school); Dawud al-Zahiri and his followers (the Zahiri school); Shia jurists; *Ahl al-Hadith* and muhaddith faqihs; Ibn Jarir al-Tabari and his followers; Kharijite jurists. [4, p. 385]

The approach of the schools of *Ahl al-Ra'y* and *Ahl al-Hadith* to the issue of using hadith was markedly different. In the 9th century, in their treatises, muhaddith jurists mostly quoted hadiths and rarely expressed their own opinions. Despite the differences between two schools (for example, regarding *isnad* citation), there were also points of convergence (for example, muhaddith faqih Ishaq ibn Rahwayh (d. 853) and Imam al-Tahawi (d. 933), one of the first Hanafi jurists to apply the requirements of *Ahl al-Hadith* to the chain of transmitters). [4, p. 398] Performing *ijtihad* The Hijazis relied in on the Quran and Hadith and rarely resorted to *Ahl al-Ra'y*. The home of the Muhajirs and Ansars, Medina was *Ahl al-Hadith* centre of sorts, since many hadiths corresponded to the way of life and everyday problems of the citizens. At the same time, different customs, habits and other factors forced the jurists of the Iraqi school to often resort to analogy (*qiyas*).

During the early Abbasid period (750–861), the hermeneutic unity between Sufis and faqihs was broken. As opposed to living is luxury, some believers chose asceticism and hermitage. Sufism developed from asceticism, and Islam itself promotes an ascetic way of life in one form or another.

Results of the Research

It should be noted that great jurists showed interest in Sufism, for example, Malik ibn Anas (d. 795), a famous scholar from Medina, founder of the Maliki madh'hab. An ascetic inspired by the Salimi teachings of the Sufi Sahl al-Tustari (d. 896), he led a pious life in Medina, for which he was included in the Sufi biographical sources of al-Sarraj and al-Qushayri. [3, p. 89] There were also Sufis who studied fiqh, for example,

al-Hakim al-Tirmidhi (d. 932) in his works “Nawadir al-usul” and “Isbat al-ilal” discusses the relationship between fiqh and mysticism. Al-Tirmidhi goes beyond merely asserting that Sufism conforms to the requirements of the Sharia; for example, he invites the faqihs to look at the analogy (*qiyas*) from the Sufi point of view. He argued that the sacred texts are the same to both Sufism and jurisprudence, but jurists and Sufis perceive them differently. Due to the literal approach, jurists make superficial decisions because they take into account only the apparent meaning (*zahir*) of the Quran and Sunnah, while the hidden meaning (*batin*) remains beyond their understanding. According to al-Hakim al-Tirmidhi, issues of spiritual development are more important than issues of jurisprudence, since a person faces spiritual and moral problems every day, unlike most legal concerns.

It is worth noting that fiqh and Sufism not only have common basis (the Quran, Hadith and other sources), but also common objectives. Thanks to the affinity between their ideas and aspirations, fiqh and Sufism represent different paths leading to a common goal. According to Islamic scholars, the purpose of Sufism is to transform the inner self of a person; jurisprudence exists to regulate a person’s behavior; and the purpose of *aqidah* is to direct the mind, thoughts and faith of a person in the right direction. [2, p. 204–205]

Sufism had its own way of interpreting issues of jurisprudence, trying to formulate rules, methods and norms in accordance with Sharia. One of the main questions is whether Sufism is trying to bridge the gap between the letter of the law and spirituality. In early Sufi literature, Sharia and spirituality were considered inseparable. Most jurists, however, did not seek to unite these two concepts and settled for a simplified interpretation of the law. Sufis interpreted Sharia in its spiritual aspects. Jurisprudence and Sufism together regulated the life of society. [2, p. 226]

Ensuring that the Muslim community was united in its beliefs, rituals, prayers and interactions shaped Islamic law. Under the auspices of political power, jurists directly influenced Muslim society through Islamic law. In contrast, Sufis focused on inner transformation, spiritual perfection and purity of heart. The ever-increasing number of followers and growing influence of the Sufis raised serious concerns among both the authorities and jurists. Sufis called jurists *ahl al-zahir wa-r-rusum*, i.e. those limited by superficial understanding and images, and themselves *ahl al-haqa'ik wa-l-bavatin*, i.e. those who understand the truth and inner essence. Moreover, they put their knowledge above the 'pseudo' knowledge of jurists. [5]

There were points of friction between Sufis and traditionalists due to the unusual mystical experience and opinions of the former. Alien to Sufi practices, traditionalists could not fully comprehend their logic and system of images. Sufis considered the traditionalist approach to the Quran and Sunnah one-sided and insisted that it was inadmissible to disregard the hidden meaning of things, while emphasizing that their knowledge was not in conflict with the knowledge of muhaddith and faqihs. [6] Jurists accused Sufis of innovation in religious matters (*bid'ah*), and Sufis, in turn, accused jurists of choosing to take a 'literal approach' and neglecting the spiritual aspects of religion.

Tensions between Sufis and jurists were further fueled by the conflict between Ahmad ibn Hanbal and Harith al-Muhasibi, execution of major figures of Sufism (including Mansour al-Hallaj and Shihab al-Din as-Suhrawardi), and other similar events. The situation worsened with the crackdown on Sufis in Iraq, especially after inquisition of Ghulam al-Khalil in 833, when more than 70 Baghdad Sufis were accused of heresy, including the famous Junayd al-Baghdadi. [7] Their opponents also argued that Sufi views were "quite similar to those of Shi'a", as is known, the Abbasids were greatly concerned about the Shi'a Fatimid Caliphate (909-1171) in the Maghreb. The famous Sufi Abu Nasr

as-Sarraj (d. 988) distinguished between traditional scholars (*muhaddith*) and jurists, and Sufis; he noted that "traditional scholars and jurists have knowledge of the Quran and Sunnah, while Sufis have knowledge of the truths of faith." [3, p. 91]

In order to be accepted by Sunni jurists, the Sufis revised some of their viewpoints and sought to adapt their practices to the Sunni environment. As a result, many Sufis departed from esoteric Sufism and chose to operate within the framework of the Ashari and Maturidi four legal and theological schools. After Sufism was harmonized with Islamic jurisprudence and theology, more attention was given to the spiritual state and morals of believers. Subsequently, this had a profound impact on language, interpretation of sacred scriptures and literature, resulting in significant changes in the Muslim intellectual tradition. [3, p. 94]

By the end of the 10th – beginning of the 11th centuries, the formation of the Sufi mystical tradition was over. It is during that period that dozens of treatises, biographies and works of both theoretical and practical significance were written. It is worth noting that Sufi authors of that time usually outlined their theological views at the beginning of their writings, thereby emphasizing that their paths were in line with Sunni Islam and a certain Sunni madh'hab. The main purpose of the works of Abu Nasr as-Sarraj (d. 988), Abu Bakr al-Kalabadhi (d. 990), Abu Talib al-Makki (d. 996), Abu 'Abd al-Rahman al-Sulami (d. 1021), Abu al-Qasim al-Qushayri (d. 1074) and Ali ibn Uthman al-Hujwiri (d. 1073/74) was to prove that Sufism was in perfect agreement with the teachings of the founding fathers of Islamic law and theology, such as al-Hasan al-Basri, Sufyan al-Thawri, Abu Hanifa, al-Shafi'i and al-Ash'ari. [8, p. 130-131]

In light of the conflict with the jurists, Sufis – such as Harith al-Muhasibi, Sahl al-Tustari and al-Hakim al-Tirmidhi – were trying to express their feelings through poetry and tafsir. We can say that they succeeded in revealing the essence of Sufi hermeneutics of sacred texts. In the 11th and 12th centuries, Sufis, especially al-Sulami, al-Qushayri and al-Hujwiri, did much to

harmonize Sufism and Islamic jurisprudence. They tried to fuse Sufism and traditional Sunni sciences (mainly fiqh and tafsir) together. [3, p. 94]

According to traditionalist mystics such as Abu Talib al-Makki, Abu Nu'aym al-Isfahani, etc., Sufism was the essence of true Islam. They did not acknowledge the existence of various contradictory views in Islam in their writings. However, in the works by as-Sarraj, al-Sulami and al-Kalabadhi there are some hints at differences between Sufi and traditional views. Sufi authors of that time expressed their views in accordance with their theological and legal madh'hab. There were also a lot of discussions regarding fiqh and the science of kalam. Sometime later, authors such as al-Qushayri and al-Hujwiri formulated their mystical views with the help of fiqh and kalam. "The Treatise of al-Qushayri" (*Al-Risala al-Qushayriyya*) became famous because it contained the views of both traditional scholars and Sufis, and Sufism was combined with Sharia education. [9, p. 96-102]

Thus, Al-Qushayri and al-Hujwiri managed to present Sufism in the spirit of the theological traditions of Ash'ariyyah and Maturidiyyah. As for Islamic law, topics related to Sufism were considered within the teachings of Sunni madh'habs. Although al-Kalabadhi, al-Qushayri, al-Hujwiri and others went to great lengths in order to temper Sufism, "The Revival of the Religious Sciences" (*Ihya-u Ulumi'd Din*) by Abu Hamid al-Ghazali is largely considered to be the epitome of moderate Sufism. [9, p. 106]

Al-Ghazali writes that the official Islam is so formal that all the duties of the faithful are reduced to mechanical rituals that leave no room for emotions. However, in Sufism, feelings play such a large role that there is sometimes no moderation in the teachings, resulting in a potential clash with Islam. The author introduces some mystical elements borrowed from Sufism into official Islam and enlivens rigid formalism. We can say that his experiment proved to be successful and there remained only a small number of most rigorous believers. He also verifies all the

provisions of Sufism and establishes whether they can be consistent with the Sunnah. Al-Ghazali creates an entire system of moderate Sufism where irrational and ecstatic elements are reduced to a minimum, while rituals are brought into focus. [10] Thanks to al-Ghazali, the influence of Sufism in society increased greatly.

Despite the fact that in the 9th and 10th centuries there were tensions between Hanbalis and Sufis, a while later a rapprochement between them began. For example, Ahmad ibn Hanbal generally thought highly of Sufis and Abd al-Qadir al-Jilani (d. 1166), the founder of the Sufi tariqah, was a staunch Hanbalite. Another famous Hanbali jurist, theologian, and commentator Abu 'l-Farash al-Jawzi (d. 1201) has a special place in the history of relations between Sufism and Hanbali jurisprudence. His work "The Devil's Delusion" (*Talbis Iblis*) is considered to be 'anti-Sufi' due to sharp criticism of some heresies and superstitions that penetrated Sufism. In fact, following in the footsteps of al-Ghazali, Ibn al-Jawzi put forward the idea that jurisprudence and Sufism complemented each other. [3, p. 103]

In "Captured Thoughts" (*Sayd al-Khatir*), Ibn al-Jawzi argues that Sufism and jurisprudence must be combined so that the soul can be righteous. He believes that the knowledge of fiqh and Hadith alone is not enough to achieve this, claiming that one needs heart softeners (*raqa'iq*), and the stories from the lives of righteous people of the past are a perfect fit. Ibn al-Jawzi shows how *Ahl al-Hadith* is overly focused on with finding short chains of transmitters (*sanad*) and accuses jurists for seeking victory over their opponents in debates. He calls for studying fiqh and Hadith along with the lives of the righteous and promotes taking into account the spiritual aspects of legal issues. [3, p. 104]

At different times and in different parts of the Muslim world, the relationship between fiqh and Sufism received considerable scholarly attention. In particular, the famous Moroccan jurist and Sufi Ahmad al-Zarruq (1442-1493), an embodiment of both fiqh and Sufism, in his work "The Principles

of Sufism" (*Qawa'id al-Tasawwuf*) composed 225 principles in order to demonstrate that Sufism is consistent with Sharia. The work examines the connection between Sufism and Islamic sciences, such as fiqh, kalam, usul, etc. The fourth principle is: "There is no Sufism without jurisprudence, because divine exoteric (*zahir*) rules can be known only through jurisprudence. Nor is there any jurisprudence without Sufism, for action (*amal*) cannot be carried out without sincerity and turning towards God." [11, p. 22] Principle No. 20 is: "Jurisprudence and Sufism are partners in pointing to God's regulations and His rights." [11, p. 29]

The conflict between the people of Sharia and the people of truth, i.e. jurisprudence and Sufism, respectively, will remain in the history of Islam regardless of the controversy. It was a struggle between the authorities and jurists, who sought to govern and control the Muslim community, and the Sufis, who had the support of the public majority. [5]

In public sphere, fiqh and Sufism complemented each other. [2, p. 226] It should be emphasized that the primary objective of jurisprudence and Sufism is to help the faithful find happiness in two worlds. Thus, jurisprudence furthers the correct understanding of the origins of Islam, while Sufism contributes to a correct understanding of the soul. [2, p. 210]

Conclusion

In conclusion, in early Sufism it was important to point out that Sufi understanding of Sharia was superior to that of the jurists, while in the later period, al-Ghazali and Ibn al-Jawzi presented Sufism as an interpretation (hermeneutics) of fiqh. In the early Islamic period, Sufism was perceived as a parallel interpretation of Sharia, but it gradually became an alternative interpretation. Although many scholars consider Sufism and Islamic law as two opposite ways of thinking, in recent years a number of Islamic scholars have rejected this generally accepted notion.

Some researchers study the contribution of Sufis as jurists to the development of jurisprudence. Propagated by many Islamic scholars, the claim that there is an irreconcilable conflict between Sufism and Islamic law is now called into question. This should be understood as the end of systematic opposition between Sufism and jurisprudence, with the exception of certain historical cases. In other words, Sufism and jurisprudence are not at odds, though they can be considered as interpretations of Islamic law from two different perspectives, providing comprehensive understanding of Sharia that is common to all.

References

1. Syukiyainen L. Muslim law. Questions of theory and practice. – Moscow, 1986. – P. 32–33.
2. Yilmaz Fetullah, Çatak Adem. Gaye Bakimindan Fikih ve Tasavvufun Karşılaştırılması // Sufiyye (Ankara), 2021, № 11.
3. Abdessamad Belhaj. Legal Knowledge by Application: Sufism as Islamic Legal Hermeneutics in the 10th/12th Centuries. *Studia Islamica*, Vol. 108, № 1 (2013).
4. Christopher Melchert. Traditionist-Jurisprudents and the Framing of Islamic Law. *Brill. Islamic Law and Society*, Vol. 8, № 3, Hadith and Fiqh (2001).
5. Ahmed Salim. Ma hakikat sira'bein al-fukaha ves-sufiyya. 07.08.2021 // URL: <https://hafryat.com/ar/blog>
6. Nirsha M. Tradition and innovation in Sufism // From the history of Sufism: sources and social practice. Collection of articles, ed. M. Khairullaeva. – Tashkent, 1991. – P. 125–126.
7. Schimmel A. The world of Islamic mysticism. – Moscow, 2012. – P. 72.
8. Knysh A. Muslim mysticism. – Moscow, St. Petersburg, 2004.
9. Ahmet T. Karamustafa. Sufism: the Formative Period. Edinburgh: Edinburgh University Press, 2007.
10. Bertels E. Sufism and Sufi literature. – Moscow, 1965. – P.42–43.
11. Ahmed Zarruk. Kava'id at-tasavvuf / Abdulmajid Khayali. – Beirut, 2005.

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