

Conference Booklet

The Treatise-Literature (*rasāʿil*) as Documentation of Socially Relevant Discussions in Pre–Modern Muslim Societies (14th – 19th Centuries)

25th June 2020

3rd – 4th July 2020

(Online-Conference via Zoom-Meeting)

IN COOPERATION WITH:



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The Treatise-Literature (*rasā`il*) as Documentation of Socially Relevant Discussions in Pre–Modern Muslim Societies (14th – 19th Centuries)

In the last twenty years, research on the history of Islamic Law has shifted from the Early Period to the Middle Periods, approaching all kinds of different genres and topics. But many of them are still entirely unexplored. Besides *fatāwā*-collections and commentaries (*sharḥ* and *ḥāshiya*), the treatise-literature (*rasā`il*) seems to be a predominant medium of discussing socially relevant questions. Treatises are short texts on current topics, which are only covered in a very rudimentary sense. Only a few studies have explored treatises (*rasā`il*) that address topics such as tobacco and coffee consumption in the Ottoman Empire, the waqf system and the punishment of heretics etc. This will be the first international conference with a special focus on the risala-literature in Islamic law, theology and Sufism between the 14th and the 19th centuries.

Since this literature covers topics that discuss contemporary social practices, it provides valuable information about how scholars and intellectuals responded to those practices, hence, reflects the intersection between theory and practice. Therefore, the following questions should stand in the middle of the studies: What topics of practical law or theology were discussed more intensely at a given time and location? What were the social and theological contexts of these discussions? Who was involved in these discussions? What was the motivation of the author? What were their arguments? What do these texts say about contextuality, flexibility and pragmatism of Islamic law? What conclusions can be drawn from this data for the treatise-literature (*rasā`il*)?

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Organization

Institute of Islamic Theology, Osnabrück University

Cooperation

Institute of Arabic and Islamic Studies, University of Münster
Collaborative Research Centre 1385 „Law and literature“, University of Münster

Conference Management

Dr. Hakki Arslan, WWU Münster
Murat Karacan, M.A., Institute of Islamic Theology, Osnabrück University
Prof. Dr. Mohammad Gharaibeh, Humboldt-Universität Berlin

Registration

Please register before June 23, 2020 at:
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Conference Venue

Online-Conference via Zoom-Meeting

Legal Details

Editor The President of Osnabrück University

Redaction Institute of Islamic Theology, Osnabrück University

Design Mohammad Haddad

Published in June 2020

IN COOPERATION WITH:

SUPPORTED BY:



Bundesministerium
für Bildung
und Forschung



RECHT UND LITERATUR
SFB 1385



Institut für Arabistik und
Islamwissenschaft



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IIIT INSTITUT FÜR
ISLAMISCHE
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Thursday, 25th June 2020

- 15:00 – 15:15 **Welcome**
Bülent Uçar, The Director of the Institute of Islamic Theology, Osnabrück University

Norbert Oberauer, University of Münster
- 15:15 – 15:45 **Introduction**
Hakki Arslan, University of Münster

Mohammad Gharaibeh, Humboldt-Universität Berlin
- 15:45 – 16:30 **Rasā'il as a source for ottoman social history**
Evgenia Kermeli, Hacettepe University Ankara
- 16:30 – 17:00 Break
- 17:00 – 18:30 **Emergence of Different Genres in Islamic Law**
Necmettin Kızılkaya, Istanbul University

"Shurunbulāliyya": Legal Treatises (rasā'il) in Late Hanafi Jurisprudence
Samy Ayoub, University of Texas
- 18:30 – 19:00 Break
- 19:00 – 20:30 **Rejecting the religion of Abraham (millet-i İbrāhīm): vernacular legalism and religion in the seventeenth-century Ottoman Empire**
Nir Shafir, University of California San Diego

The Intellectual Social Context of Debates and Works on the issue of the Prophet's Parents (abawayn al-Rasūl) in the Ottoman Times
Kadir Gömbeyaz, Kocaeli University

Friday, 3rd July 2020

- 10:00 – 12:00 **Traditionalizing Sufism: The Hanbali Critique of Sufi-Samā' – Wasīṭis risāla on samā'**
Arjan Post, Catholic University of Leuven

The Raqs and Dawran (sufi dance) debates of the 16th century Ottoman Empire (In the Context of Ibrāhīm al-Halabī's book entitled al-Rahs va'l-Vaqs li-Mustehill al-Raqs)
Ahmed Hamdi Furat, Istanbul University

Self defence against accusation – Ḥalabis risāla on the prohibition to stand up in mawlid
Şükrü Özen, Istanbul University
- 12:00 – 13:30 Break
- 13:30 – 15:30 **Legal Debates on Nabidh (millet beer) in the 18th century Caucasus: A Case Study of Abubakr- Aymakī al-Dagestānī's treatise "Aḥkām an-nabidh"**
Magomed Gizbulaev, Independent Researcher

A Contribution to The Discussions on The Drugs in The Ottoman Society: The Treatise of Mahmād al-Fanārī (d. 1599)
Tuncay Başoğlu, ISAM-Istanbul
- Two Treatises of Abū Sa'īd al-Ḥādīmī (d. 1762) on Smoking**
Murat Karacan, Osnabrück University
- 15:30 – 16:00 Break
- 16:00 – 17:30 **A Treatise on Egyptian Churches': Ibn Nuḡaym al-Misrī (1520-1563) and building of churches in Early Ottoman Egypt**
Amr Ryad, Catholic University of Leuven

Muallime Kamer and the Risālah of Ḥāce-i Namaz
Rahile Yılmaz, Marmara University

A muftis guide to female bloods and purities: Ibn 'Abidin's commentary on Bīrgivis treatise Duḡr al-muta' ahhlīn
Kathrin Klausning, Osnabrück University

Saturday, 4th July 2020

- 10:00 – 12:00 **A symbolic battle over legal theory and the schools of law? Jamāl al-Dīn al-Qāsimī's risāla on wiping over socks**
Pieter Coppens, Vrije Universiteit Amsterdam

Facing Mecca from Java: Two treatises on the establishment of the qibla and their scholarly and social context
Phillip Bruckmayr, University of Vienna

A Risāla from the 19th Century on the Role of Sufi Saints
Cüneyd Yıldırım, University of Erlangen-Nürnberg
- 12:00 – 12:30 Break
- 12:30 – 14:30 **"Evil cannot be related to You": Kemālpāshazāde's treatise on theodicy**
Arnold Yasin Mol, Leiden University

The Treatise on iḡtihād and single attested traditions (risālatu l-iḡtihādi wa-l- akhbārī) of Muḥammad Bāqir al-Bīhbihānī
Jens Bakker, Osnabrück University

Realising the One: Treatises on the Unity of Existence in the Ottoman-Safavid-Mughal Period
Sajjad Rizvi, University of Exeter
- 14:30 – 15:00 Break
- 15:00 – 16:00 **Review of the conference**
Norbert Oberauer, University of Münster

Final Discussion
Hakki Arslan, University of Münster

Mohammad Gharaibeh, Humboldt-Universität Berlin

Thursday, 25th June 2020

Welcome (15:00 – 15:15)

Bülent Uçar, The Director of the Institute of Islamic Theology,
Osnabrück University

Bülent Uçar is full professor of Islamic religious education studies and theology at the University of Osnabrück and director of the Institute for Islamic Theology. He studied Islamic Studies in Bonn and received his doctorate in this field and habilitated at the University of Nürnberg/Erlangen. He has published a book entitled ‚Recht als Mittel zur Reform von Religion und Gesellschaft: Die türkische Debatte um die Scharia und die Rechtsschulen im 20. Jahrhundert.‘ His research focuses on the changeability of religious norms and Islamic religious education studies/ subject didactics.



Welcome (15:00 – 15:15)

Norbert Oberauer, University of Münster



Norbert Oberauer took his phd at the University of Freiburg im Breisgau, with a thesis on the concept of religious obligation (taklĪf) and its theological, legal and social dimensions in Islamic thought. He continued his academic career as research assistant at the University of Bayreuth, where he achieved his Habilitation (i.e. the qualification for teaching as a professor) with a study on Islamic religious endowments (waqf) in Zanzibar under colonial rule. Since 2010, he is professor for Islamic studies at the Westfälische-Wilhelms-Universität, with a special focus on Islamic law. His main fields of research include Islamic contract law, Islamic legal hermeneutics, waqf, and generally the history of Islamic law.

His publications include:

- Money in Classical Islam: Legal Theory and Economic Practice, in: *Islamic Law and Society* 4/25 (2018), 427-466.
- Die Tiefenstruktur des Rechts. Zu Wesen und Funktion juristischer „Maximen“ (qawāʿid) im klassischen Islam, in: Mueller, Wolfgang, Christian Lange u.a. (Hg.): *Islamische und Westliche Jurisprudenz des Mittelalters im Vergleich*, Tübingen 2018, 147-168.
- Early Doctrines on Waqf Revisited: The Evolution of Islamic Endowment Law in the 2nd Century AH, in: *Islamic Law and Society* 20/1 (2013), 1-47.

Introduction (15:15 – 15:45)

Hakki Arslan, University of Münster

Hakki Arslan is a postdoctoral research associate at the collaborative research center Law and Literature. He teaches Islamic law at the Institute for Arabic and Islamic studies at the University of Münster. Prior to this, he has worked as a postdoc researcher at the Institute for Islamic Theology at the University of Osnabrück (2014-19) where he had completed his PhD (2015) in the field of Islamic legal hermeneutics with a study on Muḥammad Ḥusraw's (d. 885/1480) uṣūl al-fiqh work *Mirqāt al-wuṣūl*. His current research project focuses on the relation between fatwa and rasā'il literature in the 14th -19th centuries. More broadly Arslan is working on the interrelationship between the different genres of Islamic law in the postclassical period.
<https://www.uni-muenster.de/SFB1385/personen/arslan.html> // <https://hakkiarslan.home.blog>



Selected Publications:

- Juridische Hermeneutik der hanafitischen Rechtsschule anhand des uṣūl al-fiqh-Werks *Mirqātu l-wuṣūl ilā 'ilmi l-uṣūl* von Muḥammad Ḥusraw (gest. 1480), Peter Lang-Verlag 2016.
- Sprachspiele in den klassisch-hanafitischen Uṣūl al-Fiqh-Werken, in: *Hikma, Journal of Islamic Theology and Religious Education*, Vol. 6, April 2013, S. 10-33.
- Religiöse Ratgebung in Islam und Judentum. Ein Vergleich zwischen der Fatwa- und Responsenliteratur, in: *PARDES, Zeitschrift der Vereinigung für Jüdische Studien e.V.*, 22. Ausgabe (2016), „jüdisch-muslimischer Dialog“, S. 87-108.
- Verhältnisbestimmung zwischen Naturrecht und göttlichem Recht aus islamischer Perspektive, in: *Gibt Gott Gesetze? Ius divinum aus christlicher und muslimischer Perspektive*. CIBEDO-Schriftenreihe, Bd. 5, Regensburg 2018, S. 179-218.

Introduction (15:15 – 15:45)

Mohammad Gharaibeh, Humboldt-Universität Berlin



Mohammad Gharaibeh is Professor for Islamic Intellectual History of the post-classical Period at the Berlin Institute for Islamic Theology of the Humboldt Universität zu Berlin. His research includes both the Modern and Pre-Modern periods with special regard to the Intellectual History of Islam, including Islamic Theology, Ḥadīṭ Studies, Historiography and Sufism. In his PhD thesis he analyzed the theological thought of the Saudi Wahhābī scholar Ibn ‘Uṭaymīn (d. 2001) regarding the divine attributes. In his habilitation thesis, he analysed the commentarial tradition of Ibn al-Ṣalāḥ’s Muqaddima in the Ayyūbid and Mamluk periods from the perspective of the sociology of knowledge. He also works on the Arabic historiography of this period with a narratological approach. In addition to his academic research, he actively participates in Christian-Muslim Dialog, is the co-organizer of the “Theologisches Forum Christentum-Islam,” as well as the co-editor of its series.

Among his recent publications are:

- Zur Attributenlehre der Wahhābiya unter besonderer Berücksichtigung der Schriften Ibn ‘Uṭaimīns (1929-2001), Berlin 2012.
- Ḥadīṭ. Eine Einführung in die Geschichte und Textsorten. (Studienreihe Islamische Theologie, Band 5), Freiburg i. Br. 2016.
- “Brokerage and Interpersonal Relationships in Scholarly Networks. Ibn Ḥaḡar al-‘Asqalānī and His Early Academic Career”, in: Everything is on the Move: The „Mamluk Empire“ as a Node in (Trans-)Regional Network, hrsg. Stephan Conermann, Göttingen: V&R unipress 2014, S. 223-266.

Rasā'il as a source for ottoman social history (15:45 – 16:30)

Evgenia Kermeli, Hacettepe University Ankara

1st Panel – Chair: Hakki Arslan

Research on risala production in the ottoman empire followed the trajectory of the Schacht dichotomy between theory and practice with regard to legal treatises and the polysemy of the term itself. Classified as a mere reiteration of treatises of the “glorious” past, ottoman risala has yet to find its place in the intellectual life of the ottomans. Utilizing examples from mostly the 16th century production, the paper will endeavor to place risala in the intellectual discourse and discuss its functionality vis-a-vis fetwas and legal court documents. The aim would be to unfold the correlation between necessity and production of legal risala. The absence or rather the very limited use for the affairs of the non-Muslims would serve as an example of the mechanisms underlying the production of legal risala in the Empire.



Eugenia Kermeli is a Professor in Ottoman Law at the Turkish Studies Institute of Hacettepe University, Ankara. She specializes in the Ottoman Law and Muslim and non-Muslim relations in the Ottoman Empire. From 1997 to 2014 she was an Assistant Professor in the History Department of Bilkent University, Ankara.

She was awarded a Doctoral Degree from the Middle Eastern Studies Department of Victoria University of Manchester. She investigated the legal reasoning of the ottoman jurisconsult Ebussuud with regard to Christian waqfs and the response of monastic communities to the confiscation of their properties in 1567. In 2009 she was a visiting fellow at the Islamic Studies program at Harvard University, doing research on legal pluralism and the role of custom in Ottoman Law. She is the co-editor of *Islamic Law Theory and Practice*, R. Gleave, E. Kermeli (eds.), I. B. Tauris, London, 1997.

“Ecclesiastical and Communal Justice in Ottoman Greece”, *The Ottoman World*, ed. Christine Woodhead, Routledge, Oxford, 347-362, 2012; “Ebussuud Efendi”, *Christian- Muslim relations. A Bibliographical History. Volume 7. Central and eastern Europe, Asia, Africa and South America (1500-1600)*, eds. D. Thomas and J. Cheswoth et als, Brill 2015, Leiden, 715-723; “Christian Communities under the Ottomans in the 17th century”, *Christian- Muslim relations. A Bibliographical History. Volume 10. Ottoman and Safavid Empires (1600-1700)*, eds. D. Thomas and J. Cheswoth et als, Brill 2017, Leiden, 35-42; “Kyrillos Loucaris’ Legacy: Reformation as a catalyst in the 17th century Ottoman Society”, *The Muslim World*, 107/4, 2017, 737-753; “An Example of Polemic/Apologetic Literature in the Early Modern Ottoman Empire”, *Bilig*, 82, Summer 2017, 153-173; “Children treated as Commodity in Ottoman Crete”, and more...

Emergence of Different Genres in Islamic Law (17:00 – 18:30)

Necmettin Kızılkaya, Istanbul University

2nd Panel – Chair: Hakki Arslan

It is common to separate *uṣūl* (jurisprudence) from *furūʿ* (substantive law) in discussions of Islamic law. However, there are other types of works in Islamic law such as *al-aḥkām al-sultāniyya* (the laws of Islamic governance), *furūq* (legal distinctions), *fatāwā* (authoritative legal opinion given by a legal scholar), *khilāf* (comparative law), *ḥiyal* (legal devices), and *qawāʿid* (legal maxims). While books in some of these fields are numerous, others have only a limited number of works. There are different factors that have led to the development of each of these genres in Islamic legal literature.

The particular genres that have developed in the history of Islamic law, which have some differences due to the period of their emergence and their methodologies, are rich in content as sub-disciplines of law. These genres show the fact that each generation of jurists developed the legal heritage they inherited from the previous generations. The fact that jurists of various eras have extracted different genres from the legal material that was available to them is important in that it shows the contributions of these jurists to the development of Islamic legal thought. For instance, legal texts that were penned in the formative period of Islamic law have led to the creation of genres such as *mukhtaṣar* (compendiums), *sharḥ* (commentaries), *ḥāshiya* (glosses), and *taʿliq* (notes) that develop the legal thought in the texts, playing an important role in the transmission of knowledge to later periods. Hence Islamic law has a structure that is comprehensive enough to encompass all these sub-fields from substantive law to jurisprudence and from maxims to fatwas. This paper, departing from Haji Khalīfa's (d. 1067/1657) *Kashf al-zunūn* will investigate the factors that have led to the composition of genres within Islamic law and their role in establishing juristic thought.

Necmettin Kizilkaya is currently working as an Associate Professor of Islamic Law and Economics at the Faculty of Divinity, Istanbul University. He is director of the Center for Islamic Economics and Finance at Istanbul University. He earned his B.A in Islamic studies from Marmara University and M.A in Islamic Law from the same university. He received his PhD in Islamic Law from Selcuk University, Institute of Social Sciences in 2011. He has also been a visiting fellow at Princeton University, Columbia University, and Cambridge University. His research interests related to Islamic studies, especially Islamic law and economics. He focuses on the history of Islamic law, Islamic corporate law, modernity and Islamic law. He also works on Islamic economics, migration issues, halaal food and some other contemporary issues from the legal perspective. Kizilkaya has published several books. His research in the field of Islamic law and economics has appeared in many leading academic journals. He is a scientific advisor for numerous academic journals, and serves on the editorial boards of many academic journals.



Selected Publications

- Methodology of Islamic Economics (Ed. Necmettin Kizilkaya), London: Routledge, 2019.
- “Legal Maxims (al-Qawā'id al-Fiqhiyyah)” in The Encyclopedia of Islamic Bioethics (Ed. Ayman Shabana), Oxford Islamic Studies Online, <http://www.oxfordislamicstudies.com/article/opr/t9002/e0312> (accessed June 13, 2019).
- Hanefi Mezhebi Bağlamında İslam Hukukunda Küllî Kâideler [Legal Maxims in Islamic Law, with a Special Reference to Hanafi School of Law] İstanbul: Litera Yayıncılık, 2018.
- Labor in an Islamic Setting: Theory and Practice (Ed. Necmettin K., Toseef Azid), London: Routledge, 2017.

“Shurunbulāliyya”: Legal Treatises (rasā’il) in Late Ḥanafī Jurisprudence (17:00 – 18:30)

Samy Ayoub, University of Texas

This paper explores how legal treatises (rasā’il) in late Ḥanafī jurisprudence were essential site for the development and expansion of the madhhabpositions. I propose that rasā’il andfatāwā —beside shurūḥ, and mutūn— were a prime locus where jurists had to contend with rapid social, political, and economic changes. Most late Ḥanafīs authored legal treatises and incorporated them in the authoritative legal manuals of the school. I am particularly interested in the legal treatises of Abū al-Barakāt Ḥasan b. ‘Ammār al-Shurunbulālī (d. 1069/1658-9). Al-Shurunbulālī studied at al-Azhar and was one of the most important Ḥanafī jurists at al-Azhar of the 17thcentury and arguably the premier Ḥanafī authority of his generation. Al-Shurunbulālī’s legal treatises were consistently referenced and incorporated by subsequent Ḥanafī authorities in their legal commentaries (shurūḥ) and manuals (mutūn).

Although these legal treatises were written to address specific sociolegal issues, I suggest that these treatises— as a genre separate from shurūḥand mutūn—provided a creative space for jurists to either restate the school’s position or advance a new opinion in the school. To further demonstrate this dynamic, I take up a close reading of al-Shurunbulālī’s treatise on the invalidity of the sale of endowments (awqāf). Al-Shurunbulālī was deeply concerned that some late Ḥanafī jurists —who indirectly approved such sales for some government officials —not only violated the authoritative position of the school but also enabled corruption and undermined an essential feature of waqf, that is the invalidity of its sale.

As a result of al-Shurunbulālī’s legal criticism, late Ḥanafīs of the 18thand 19thcenturies upheld Shurunbulālī’s position and extensively referenced his treatise. More seriously, these debates about the legality of the sale of endowments were animated by a sultanic edict issued in 951/1544 to ban the sale or exchange of existing thriving endowments. I argue that this underlying sultanic order and this change of policy were key to restate the later madhhabposition.



Samy Ayoub is an Assistant professor of law and Middle Eastern Studies at the University of Texas at Austin. His recent book *Law, Empire, and the Sultan: Ottoman Imperial Authority and Late Hanafi Jurisprudence* was published by Oxford University Press, 2020. His current research focuses on transformations of Islamic law, Sharia judges, and courts in colonial Egypt.

He received a BA in Islamic jurisprudence from Al-Azhar University in Cairo, Egypt, and an MSc. in Middle Eastern and Islamic Studies from the University of Edinburgh in Scotland, UK. Dr. Ayoub earned his PhD in Islamic law from the Near Eastern Studies Department and James E. Rogers College of Law at the University of Arizona.

Rejecting the religion of Abraham (millet-i Ibrāhīm): vernacular legalism and religion in theseventeenth-century Ottoman Empire (19:00 – 20:30)

Nir Shafir, University of California San Diego

3rd Panel – Chair: M. Gharaibeh

In the seventeenth century, Ottoman jurists repeatedly tried to stop Muslims from stating that they “belonged to the religion of Abraham.” A century earlier, however, the expression had been a core part of the new confessional identity of the empire’s Muslims.

This article explores how the phrase changed from an attestation of faith to a sign of heresy through a study of a short pamphlet by Minkārīzāde Yaḥyā Efendī. Minkārīzāde argued that the use of the phrase is not permissible and addressed his arguments not to learned scholars, but to the semi-educated.

I argue that Minkārīzāde’s pamphlet provides a glimpse into “vernacular legalism” in action in the Ottoman Empire, that is, the popular reception of legal debate by a semi-educated audience that turned law into a space of popular politics.



Nir Shafir is an assistant professor of history at the University of California, San Diego. His research explores how material culture and religious practice shaped the intellectual and scientific life of the Middle East between 1300-1800.

He is currently preparing his first monograph, *Pamphleteering Islam in the Ottoman Empire: Politics and Polemics in a Manuscript Culture*, which examines the social effects of manuscript “pamphlets” (*rasā'il*) on the religious life of the Ottoman Empire. Other important articles include “How to Read Heresy in the Ottoman World” in a forthcoming volume on the history of Sunnism in the Ottoman Empire; “Moral Revolutions: The Politics of Piety in the Ottoman Empire Reimagined,” in *Comparative Studies of Society and History* (2019); and “Vernacular Legalism in the Ottoman Empire,” forthcoming in *Islamic Law and Society*. He is a member of the editorial team of the Ottoman History Podcast, the most popular podcast on Middle Eastern and Islamic history, and served as editor-in-chief of the podcast in 2018.

The Intellectual and Social Context of Debates and Works on the issue of the Prophet's Parents (abawayn al-Rasūl) in the Ottoman Times (19:00 – 20:30)

Kadir Gömbeyaz, Kocaeli University

Since the Prophet Muhammad's parents were died before his assignment as prophet, the issue of whether they both are accepted believer or not (mu'min or kafir), and accordingly will go to Heaven or Hell in hereafter has been of interest to Muslim scholars and discussed in various contexts from the beginning. The issue was a hot topic during the Ottoman times.

The most influential reason behind it was most probably the need of Ottoman scholars who were mostly Hanafites-Maturidites to make a remark on the expression mentioned in al-Fiqh al-akbar, a famous theological treatise attributed to Abu Hanifa, as “the Prophet's parents were died on unbelief” after the treatise had become widely known in the Ottoman territory from particularly 9th/15th century. Translations, poetical versions and commentaries of al-Fiqh al-akbar were written in a large number and Ottoman scholars suggested different comments on the expression regarding the Prophet's parents in them and also wrote separate treatises special to this topic. Even we can talk about a tradition of *rasa'il* of abawayn al-Rasul.

These works and different, even sometimes opposite, ideas suggested in them actually reflects the ideological difference and more accurately different Hanafism-Maturidism understanding of Ottoman scholars. Because some of Hanafite-Maturidite Ottoman scholars followed the external meaning of the expression and argued that the Prophet's parents died on unbelief while other Hanafite-Maturidite Ottoman scholars adopted that they both were believers or will be saved in hereafter and go to Heaven by making various suggestions on how the expression in al-fiqh al-akbar should be understood.

The issue of the Prophet's parents is not a pure academic debate, but related to the perception and feelings of ordinary Muslim people, so this point was taken into consideration in debates and treatises. Some scholars who defended the death of the Prophet's parents on unbelief stated that this issue should be discussed only between the scholars, should not be shared to commons. Some approached towards to the issue as an insult to the Prophet. On the other hand, some treatises about the issue were written upon some occasions that took place in the society.

For instance, the treatise by Ibn Kamal Pasha was said to be written after the debate with Molla Qabid who argued that Jesus is superior than Muhammad and used a premise that the Prophet's mother was unbeliever while Mary was the purest woman to support his argument.

Also, a Qadiri shaykh expressed the reason why he wrote a treatise on the issue showing that the Prophet's parents were believers and will go to Heaven as a dream he had. So, the present paper aims to describe the ideological and social backgrounds and context of the debates, works on the issue of the Prophet's parents, and the figures during the Ottoman times.



Kadir Gömbeyaz (born in 1979) got his MA in 2005 with the thesis entitled “al-Ash‘arī’s Maqālāt in Islamic Heresiography” and his PhD in March 2015 with the dissertation entitled “Heresiographical Classifications in Islamic Literature”, both of which are submitted to the Faculty of Divinity, Uludag University in Turkey. He works as associate professor of Islamic Theology and Theological Sects at the Faculty of Theology of Kocaeli University, in Kocaeli, Turkey.

His studies are mostly on Islamic Heresiography, as well as Islamic theology, Islamic theological sects and Ottoman religious thought. He is also the book review editor of a scholarly journal, *Ilahiyat Studies: A Journal on Islamic and Religious Studies* (www.ilahiyatstudies.org) and one of field editors of *Ulum: Journal of Religious Inquiries*.

Some Publications:

- The Influence of the 73 Sects Ḥadīth on the Classification of Theological Sects in Islamic Heresiographical Literature”. *ULUM* 1/2 (2018): 246-259, <https://doi.org/10.5281/zenodo.3354414>.
- “Bir Fırak Müellifi Olarak Fahreddin er-Râzî [Fakhr al-Dīn al-Râzī as Heresiographer]”, *İslâm Düşüncesinin Dönüşüm Çağında Fahreddin er-Râzî içinde* (ed. Ömer Türker & Osman Demir; Istanbul: ISAM Yayınları, 2013, ISBN: 978-605-4829-09-5), ss. 347-378;
- “Molla Fenârî’ye Nispet Edilen Eserlerde Aidiyet Problemi ve Molla Fenârî Bibliyografyası [An Inquiry on the Works Attributed to Molla Fanārī and A Bibliography on Him]” (2010), in T. Yücedoğru et al (eds.), [International Symposium on Mullā Fanārī (4-6 December 2010 Bursa) -Proceedings-], pp. 467-524.

Syrinx Carola von Hees is currently Professor for Arabic Literature and Rhetoric at the Institute for Islamic and Arabic Studies at Münster University. She is working on a book project on the history of old age during Mamluk times. She obtained her Ph.D. from Bonn University in 1999 with her research on the encyclopedia of natural sciences written by Zakariyyā' al-Qazwīnī in the 13th century.

She held a post-doc fellowship at the Wissenschaftskolleg zu Berlin on „Islamic art in modern discourse“, before she continued her research on *'aḡā'ib* as a literary genre at Harvard University, financed by a post-doc fellowship from the German Academic Exchange Service. Between 2003 and 2007 she had been employed at Bonn University for her research project on the history of old age financed by the German Research Foundation. In between she taught for one year as Academic Teaching Assistant at Münster University. From 2007 until 2014 she worked as Academic Referent in Lebanon at the German Orient-Institut Beirut.



Selected Publications:

- Enzyklopädie als Spiegel des Weltbildes. Qazwīnīs Wunder der Schöpfung - eine Naturkunde des 13. Jahrhunderts. Wiesbaden: Harrassowitz, 2002.
- 'Mamluk Soldiers in their Old Age. The Case of the Tarkhan Status.' In Mathieu Eychenne und Abbès Zouache (Eds.): La guerre dans le Proche-Orient médiéval. État de la question, lieux communs, nouvelles approches, Kairo: IFAO 2015, 111-141.
- 'Ein Trauergedicht auf Muhammad im Kontext des Werkes Giwar al-ahyar.' In Nefeli Papoutsakis und Syrinx von Hees (Eds.): The Sultan's Anthologist - Ibn Abi Hagalah and His Work, Baden-Baden: Ergon 2017, 249-305.

Traditionalizing Sufism: The Hanbalī Critique of Sufi-Samāʿ – Wāsiṭī's risāla on samāʿ (10:00 – 12:00)

Arjan Post, Catholic University of Leuven

In the context of Sufism, samāʿ refers to the ritual that may be translated as ‘audition’ or ‘spiritual concert,’ which often manifested – and still manifests – as a gathering wherein Sufi poems are recited, sometimes accompanied by musical instruments, meant to awaken a spiritual sensation in its listeners. While this ritual has always been somewhat controversial, we find throughout the seventh-eighth/thirteenth-fourteenth century that several Ḥanbalites wrote treatises to refute it. Apparently, the distinct presence, and perhaps increased popularity, of samāʿ in the context of this period motivated scholars with traditionalist leanings in particular to produce brief works to explain why this is a blameworthy practice that ought to be stopped. Ibn Qudāma al-Maqdisī (d. 620/1223), Ibn Taymiyya (d. 728/1328), Ibn Qayyim al-Jawziyya (d. 751/1350), and Ibn Rajab (d. 795/1397) are examples of notable Ḥanbalites who composed such refutations. That this was not a reaction against Sufism as such, but rather against a specific ritual practiced by certain Sufis, is clear above all from al-Bulgha wa-al-iqnāʿ fī ḥall shubhat masʿalat al-samāʿ (The Sufficiency and Convincement to Solve the Obscurity on the Issue of Samāʿ). The latter treatise by ʿImād al-Dīn Aḥmad al-Wāsiṭī (d. 711/1311), a Ḥanbalite Sufi shaykh from the circle of Ibn Taymiyya, censures samāʿ from a Sufi’s perspective.

In my paper I will first briefly discuss the obscure relationship that the Ḥanbalites have historically had with Sufism; against this background I will argue that the increasing number of treatises written to refute samāʿ from the period mentioned above may be taken as an effort by their authors to traditionalize Sufism – that is, to purify Sufism of elements deemed blameworthy according to the principles of the Ahl al-Ḥadīth (the traditionalist school). I will particularly focus on al-Wāsiṭī’s treatise as a case study, but also draw attention to similar works by other traditionalist scholars.

Arjan Post is assistant professor in Arabic and Islamic Studies at the KU Leuven. He studied Middle Eastern Studies in Leiden, and pursued his PhD at Utrecht University. His first monograph, on the life and teachings of al-Wāsiṭī (d. 711/1311), is to be published with Brill in the series Studies on Sufism.

His fields of interest include Ash‘arite and traditionalist Ḥanbalite theology, medieval Sufism, and nineteenth-century Moroccan Sufism. He has published several articles on Sufism in Ibn Taymiyya’s circle, as well as an Arabic edition and English translation of a unique work by the Moroccan Sufi Ibn ‘Ajība (d. 1809).



The Raqs and Dawran (sufi dance) debates of the 16th century Ottoman Empire (In the Context of Ibrāhīm al-Ḥalabī's book entitled al-Rahs va'l-Vaqs li-Mustehill al-Raqs) (10:00 – 12:00)

Ahmed Hamdi Furat, Istanbul University

A remarkable polemic literature emerged out of the debates between the sufists who claimed that sufi dance is religiously permissible based on certain Quranic verses and hadiths since it is performed with the intention of worshiping, and the faqihs who contended that it is not religiously permissible. One of the most important figures of this polemic is Ibrahim al-Halebi (mentioned as Arabic Imam in Shaqaik), who is known for his work *Multaqa al-Abhur*. In the introduction part of his hand-written book entitled *al-Rahs va'l-Vaqs li-Mustehill al-Raqs* (condemnation and reprehension of those who want to deem dancing halal), Ibrahim el-Halebi puts emphasis on avoiding from made-up religious actions (*bidat*) of Satan. He states that a group of people consider sufi dance a part of the religion, intrude games into worshiping and cast aspersions on God by lying. His book is mainly about confuting the arguments of the sufist side, particularly their interpretations of certain verses, by also referring to the suggestions of some sects at times.

Although there are studies on other books written in the 16th century, there is no study on this book of Ibrahim al-Halebi. However, Halebi is an Islamic scholar who came to Istanbul from the Damascus region and performed important tasks such as imamate and preachership in mosques, even though he had not been educated in the Ottoman madrasah system. His work, *Multeka*, would later become the most important source of Ottoman courts. On the other hand, Taskopruluzade cites some sufist features such as *zuhd* (piety) of Ibrahim Halebi when he mentions about him. This shows his affiliation to Sufism, to say the very least. Therefore, the objections of a person who is familiar with the sufist culture bear a further importance. In these respects, examination of the debates over sufi dance in the 16th century through his mentioned book is rather important in terms of shedding light on the arguments of the faqihs in these debates.



Ahmed Hamdi Furat graduated from the Department of History at the Istanbul University in 1998 and earned his master degree in 2001 at the Institute of Social Sciences. He finished his Dissertation in the field of Islamic Law at the Faculty of Islamic Theology in 2006 with a thesis on „The Effect of the Socio-cultural Structure of Kufa City in the Formation of Hanafi School“. He was appointed as Assistant Professor in IU Faculty of Theology, Department of Islamic Law in 2007. Furat, who became Associate Professor in 2014, was appointed as Professor in December 2019. He conducted post-doc studies at Oxford University for one year in 2010-2011. He is the Director of Istanbul University Islamic Research and Application Center, which he started in January 2019.

His published works:

- Hanefi Mezhebinin İlk Oluşum Dönemi: Kufe Ekolü sosyal Yapının Hukuka Etkisi . İstanbul: Yalın Yayıncılık, 2009.
- 16. Asır Osmanlı Fakihleri ve Eserleri . İstanbul: Reha, 2011.
- Mualla b. Mansur ve Nevadir İsimli Eseri . İstanbul: Reha, 2011

Self defence against accusation – Ḥalabīs risāla on the prohibition to stand up in mawlid (10:00 – 12:00) **Şükrü Özen**, Istanbul University

The permissibility of mawlid ceremony at all has been always on debate among muslim scholars for centuries, though the Ottoman society had adopted the opinion of permissibility in general. But just a single aspect relating to this ceremony posed a problem among the Ottomans in a session and gathering on the twelfth day of Rabi‘ al-Awwal, 939 [October 12th, 1532] when Ibrahim al-Halabi (d. 956/1549) refrained from standing up while rendition of the verses (of the Mawlid work by Suleiman Chalabi, d. 825/1422) about the Prophet’s birth and coming into the World. Further, he argued that such standing is an objectionable innovation so that it is impermissible. This challenging behaviour was so significant since the man was an outstanding figure of time by several scholarly works, and was the imam of the Fatih Mosque constructed by Sultan Mehmed the Conqueror. Sa’di Chalabi, the judge of Istanbul and the host of the gathering, prepared two questions to take opinion of the sheikh al-Islam. One about permissibility of such standing and the second about legal requirement for such offence. The then sheikh al-Islam, Kamalpashazada (Ibn Kemal) issued fatwas on the matter saying that this custom had been settled in the Ottoman society, and that interrupting what is already a regular practice, would have cause a disturbance of the peace so that the man in question must be chastised. On the other side, al-Halabi wrote a risala to defend himself against accusations and asked his opponents to show him any textual proof in support of their views.

In this paper, I am going to shed light on the case and afterwards as far as displayed in the sources available to us. Then, I argue that compiling a risala on a single issue, especially on legal issues, indicates that the issue was an actual fact in most cases, not a theoretical ones, that is to say, it was composed as a piece of certain legal procedure. So in view of the fact that writing a risala was a legal tool, we must focus on the historical context to understand its significance.

Şükrü Özen was born in 1965 in Kayseri, Turkey. He graduated from Faculty of Theology, Marmara University in Istanbul. He also studied Arabic and Islamic Sciences with traditional Islamic ‘Ulamā. He did M.A. (1986) and Ph.D. (1995) at the Department of Islamic Law of the same university. He did research and studied language in the United Kingdom (1990). He worked as a research fellow at Centre for Islamic Studies, ISAM, Istanbul, where he was a member of editorial board in The Turkish Encyclopedia of Islam (1996-2011). He taught Arabic and Islamic Sciences in a seminar at the same centre and some other NGO’s. He has been in USA as a visiting scholar in ILSIP, at Harvard Law School for the academic year, 2006-2007. He is already a lecturer at the Faculty of Theology, Istanbul University. He published lots of articles and Encyclopedia entries. He is also a member of editorial board in the Turkish Journal of Islamic Studies. He knows Turkish (native), Ottoman, Arabic, English. His main interests are Islamic law, Islamic linguistics and dialectics, Islamic manuscripts, more specifically Abū Mansūr al-Māturīdī and Māturīdian Circle, Ottoman Law and Ottoman fatwa literature.



Selected Publications

- Osmanlı Fetva Literatürü, İstanbul 2014.
- Ebû Mansûr el-Mâtürîdî'nin Fıkıh Usûlünün Yeniden İnşası, İstanbul 2001.
- “Ottoman Ulama Debating Sufism: Settling the Conflict on the Ibn Arabi’s Legacy by Fatwas”, IV International Conference On Islamic Legal Studies: Law and Sufism, Murcia-Spain, 8-10 May 2003 (Published in El Sufismo y las normas del Islam (ed. Alfonso Carmona), Murcia-Spain 2006, pp. 309-341 [Spanish translation: pp. 87-120].
- “The Crime of Heresy According to Islamic Law and the Legality of the Execution of Molla Lutfi”, Turkish Journal of Islamic Studies, VI, 2001.

**Legal Debates on Nabīdh (millet beer) in the 18th century Caucasus:
A Case Study of Abubakr-‘Aymakī al-Dagestānī’s treatise “Aḥkām
an-nabīdh” (13:30 – 15:30)**

Magomed Gizbulaev, Independent Researcher

2nd Panel – Chair: Kathrin Klausing

In this research, I hope to contribute to our knowledge of the development of legal discourse on the concept of nabīdh by undertaking an analysis, as well as a comparative and textual study of the understudied treatise “I’lām at-Tilmīz bi Aḥkām an-nabīdh” by Abū Bakr al-‘Aymakī (d.1791), a work that I discovered in the course of my research at Manuscript Library of the Institute of History, Archaeology and Ethnography Dagestan Scientific Center of the Russian Academy of Sciences.

From a historical point of view, the study of “Aḥkām an-nabīdh” should give us some insight into the development of juristic discourse on the prohibition/permissibility of alcoholic beverages, that don’t belong to the category of khamr, in non-intoxicating portions, and the practice and understanding of Islamic public law in Dagestan, in which the notions of haram and halal are arguably were used.

In it the Dagestani jurist lists the opinions of shari‘a authorities, classifies the alcoholic beverages, and also defines his legal argument in favor of prohibition of nabidh. In contrast, among those Dagestani jurists who discussed the subject and advocated point of view in favor of permitting some alcoholic beverages like nabidh was Nur Muhammad al-Awārī (d.1834).

At the very least, the results of this paper greatly enrich researchers’ understanding of the peculiarities Dagestani Arabic legal texts as important historical documents for the study of social, legal and intellectual history of the Caucasus.



Magomed Gizbulaev is an Independent researcher. He holds a Ph.D (2005) in History from the Institute of History, Archaeology and Ethnography of Dagestan Scientific Center of the Russian Academy of Science. His main research interests are related to issues of the medieval history of Caucasus through early Arabic geographical and historical works (9th -13th cc.), Islamic Intellectual and Arabic literary tradition of Dagestan in Modern period.

He is an author of a number of peer-reviewed articles on above mentioned subjects in Russian and English. Moreover, he participated in several International academic exchange programmes such as Fulbright Visiting Scholar, DAAD etc.

As a principal investigator he also carried out a research project „Anthology of the 18th century North Caucasian Legal Manuscripts in Arabic“ (2013-2015) within the Russian Humanitarian Scientific Foundation.

He is a member of the Islamic Manuscript Association (London) and member of the Russian Fulbright Alumni Association (Moscow), as well as an International consultant in: “Global literary theory: Caucasus literatures compared” project (ERC), University of Birmingham, UK, from 2019.

The selected list of publications:

- Gizbulaev M. Book Chapter (Legal Discourses on Hijra in the Caucasus after the fall of the Caucasus Imamate: Risālat al-Sharīfa) in: Political Quietism in Islam: Sunni and Shi'i Thought and Practice. London: I.B. Tauris, 2019, pp.145-171.
- Gizbulaev M. From the Caucasus to USA: Dagestani Islamic Manuscripts in Princeton University // Journal of Islamic Thought and Civilization. Volume 4, Issue 1, 2014, pp.31-45.
- Gizbulaev M. Science and Islam in Dagestan: Historical background. The Islamic Quarterly, Vol 63, No.2, 2019, pp. 171-190.

A Contribution to The Discussions on The Drugs in The Ottoman Society: The Treatise of Mahmād al-Fanāri (d. 1599) (13:30 – 15:30)

Tuncay Başođlu, ISAM-Istanbul

I will present a risala of an Ottoman scholar, Mahmud al-Fanari (d. 1007/1599) on the legal ruling of drug use. It was written in the heydays of the discussions in the Ottoman society in the second half of the 16th century and titled *Risala fi bayani hurmati'l-hashish wa'l-afyûn*. Seeing the drug use as haram, the author defends the prohibition of the drug use on the basis of various evidences.

I will analyse the risala, especially from the point of *usul al-fiqh*, with special reference to fatwas of Ottoman scholars, while shortly mentioning the history of discussions in the pre-Ottoman period. As far as I know, there is only one manuscript of the risala while there is no indication about its production by the author's own hand-writing.

Tuncay Bařođlu made his PhD on the early development of causation theory in usul al-fiqh at Marmara University (2001). He is a scholar of Islamic law and a researcher at the Turkish Diyanet Foundation Center for Islamic Studies which he joined in 2010. Since then, he managed some research and publication projects of the Center, gave lectures and wrote articles in the TDV Encyclopedia of Islam.

His studies focuses on fiqh and usul al-fiqh, and has a research interest in Islamic thought and Islamic education.

Some of his publications:

1. Fıkıh Usûlünde Fahreddin Râzî Mektebi, İstanbul, 2011.
2. “Müteahhir Dönem Fıkıh Usulünde Adudüddin el-Îcî'nin Şerhu'l-Muhtasar'ı”, İslâm İlim ve Düşünce Geleneğinde Adudüddin el-Îcî, ed. Eşref Altaş, Ankara: Türkiye Diyanet Vakfı, 2017, s. 429-476.
3. “Eyyûbiler ve Memlûkler Dönemi Fıkıh Yazımı”, İslam Tetkikleri Dergisi, 2020, c. 10, sayı 1, sy. 229 – 332.



Two Treatises of Abū Sa‘īd al-Ḥādimī (d. 1762) on Smoking (13:30 – 15:30)

Murat Karacan, Osnabrück University

This work focuses on two treatises of the Ottoman provincial scholar Abū Sa‘īd al-Ḥādimī (d. 1762) regarding the normative determination of smoking. Ḥādimī sets out within two relatively short texts argumentatively his position on the legal assessment of smoking. Smoking and tobacco use have been the subject of controversial discussion among scholars since the beginning of the 17th century. While some thought tobacco consumption was allowed, some argued that it should be banned. As can be seen from the title of the tracts Ḥādimī takes a prohibitive stance.

The main objective of this presentation is to analyse how Ḥādimī, as a traditional Hanafi scholar of the 18th century, bases his opinion. Since this topic was an individual case, which was not discussed in the standard works of the legal school, many scholars endeavoured to establish their personal opinion on this issue. The individual assessments varied not only in terms of the norm, but also in terms of reasoning and evidence.

Therefore, an exact analysis of the author’s reasoning and when appropriate a comparison with other argumentations should be aimed. In addition to the context in which the treatises are created, the author’s motives and the addresses of the texts are also to be examined in order to make a partial contribution to capturing a vital discourse with practical relevance.



Murat Karacan graduated from Faculty of Islamic Theology of Marmara University. He completed M. A. at the Institute of Alliance of Civilization in Istanbul. In the same year he began to work as research fellow at the Institute of Islamic Theology of the University Osnabrück.

In his dissertation he works on the use of legal maxims (qawā'id fihiyya) in the 12.th/18.th century. His research activities have concentrated on islamic legal methodology, legal maxims and islamic public law.

Selected Publications:

- „Rechtsfortbildung im islamischen Recht: Das Wesen der maşlaḥa nach ḥanafitischer Auffassung und deren Anwendung im öffentlichen Recht“ (Law-making in islamic law: The essence of maşlaḥa in Ḥanafī-law and its application in public law) In: GAIR-Mitteilungen 2015.
- XVIII YY. Osmanlı Âlimi Hâdimî'nin İnsan Fiillerine Dair Bir Risalesi: - Tercüme ve Tahlil – (Hâdimî's treatise on Human Acts – A Translation and Analysis). In: Osmanlı'da İlm-i Kelâm. Istanbul 2016.
- Fıkıh'ta Devlet Başkanına Tanınan Yetkiler: Necmuddin et-Tarsûsî'nin Tuhfetü't-Türk'ünde Hanefî ve Şafî Mezheplerinin Kamu Otoritesine Tanıdıkları Yetkilere Dair Mukayeseli Bir Değerlendirme“. (By fiqh recognized authorization of the head of state: a comparative study of legally acknowledged power of the public authority ba Ḥanafîs and Şafîs in Najm ad-Dîn at-Ṭarşûşî's Tuḥfa at-Türk) In: Mütefekkir 6/12, December 2019.

A Treatise on Egyptian Churches': Ibn Nuğaym al-Misrī (1520-1563) and building of churches in Early Ottoman Egypt (16:00 – 17:30)

Amr Ryad, Catholic University of Leuven

3rd Panel – Chair: M Gharaibeh

Abstract: In the talk I will shed light on *Risāla fī l-kanā'is al-miṣriyya* ('A treatise on the Egyptian churches') which was composed by the Egyptian scholar Ibn Nujaym al-Miṣrī (1520-1563) as part of his collection *Al-rasā'il alzayniyya fī madhhab al-Ḥanafīyya*.

This compilation contains other 39 short chapters and fatwas which were collected by Ibn Nujaym's son Aḥmad one month after his father's death. These *rasā'il* are important as they reflect many legal, social and political aspects in early Ottoman Egypt, since Ibn Nujaym wrote most of these chapters at the request of the head judge in Cairo.

We shall read Ibn Nujaym's treatise against the historical background of legal works on the question of demolishing churches and synagogues in the early period of Ottoman rule in Egypt, when the status of Copts in the tumultuous Mamluk era had changed somewhat.

Umar Ryad is Professor of Arabic and Islamic Studies at the University of Leuven and member of the Young Academy of Belgium. Prior he has worked as assistant professor at the University of Leiden (2008-2014) and as associate professor at Utrecht University (2014-2017). He earned a BA-degree in Islamic Studies in English from Al-Azhar University in Cairo, followed by an MA-degree and a PhD degree in Islamic Studies from Leiden University. He also taught at the universities of Bern and Oslo; and was a research fellow at the University of Bonn, the Berlin Graduate School Muslim Cultures and Societies (Free University of Berlin), the Leibniz Zentrum Moderner Orient (ZMO) in Berlin and the Leibniz Institute of European History (IEG) in Mainz. He is a board member of the Netherlands Interuniversity School for Islamic Studies (NISIS). In 2014-2019 he was holder of the ERC-grant “Muslims in interwar Europe”. His current research also includes Muslim translational networks in the modern world, Arab reception of Orientalism, Hajj and Europe in the age of empire, and Muslim polemics on Christianity.



Key Publications:

- 2018: “An Oriental Orientalist”: Aḥmad Zakī Pasha (1868-1934), Egyptian Statesman and Philologist in the Colonial Age“, *Philological Encounters* 3 (2018) 129-166.
- 2016: *The Hajj and Europe in the Age of Empire*, ed. (Leiden Studies in Islam and Societies series), Leiden: Brill.
- 2009: *Islamic Reformism and Christianity: a Critical Reading of the Works of Muhammad Rashid Rida and his Associates (1898-1935)*, Leiden: Brill (*The History of Christian Muslim Relations*), 2009.

Muallime Kamer and the Risālah of Hāce-i Namaz (16:00 – 17:30)

Rahile Yılmaz, Marmara University

In Muslim societies, the need to inform individuals and the community so they can lead their lives according to religious doctrines has been answered in various ways since the early periods of Islam. Among the most common literary works that have been written in order to satisfy this need are ‘ilm al-ḥāl (Arabic for the Islamic version of catechism books, ilmihal in Turkish). Although ‘ilm al-ḥāl as a term has been used since the very early periods in Islamic history it has also been the name of a literary genre since the Ottoman period. The first example of this literary style is the risālah of Hāce-i Namaz by Muallime Kamer, an author from the late Ottoman Era, and was compiled by collecting information related to ritual prayer in catechism books. Among the rasā’il genre that have been written in different fields of disciplines and forms, this one deserves special attention for the unique subject it deals with and the conclusion reached on that issue.

The risālah of Hāce-i Namaz is the first catechism book written by a female author. The work has drawn the attention of people, scholars and public authorities since the time it was composed. This risālah has been distributed by administrative organizations and published at various times, including the Republic Period. This study on Hāce-i Namaz will first focus on its author’s life and works, then evaluate the risālah in terms of its content, form, scope, and originality. This analysis will be confined to the risālah’s content from the period in which it was written. The study aims to determine this risālah’s style by analyzing the book’s subjects and the way they have been dealt with, in addition to presenting how and to what extent the main sources of Islamic law have been used.

This study aims to be a monograph of a sample work, to offer a general view related to the place of female authors in the Islamic literary tradition, and also to analyze how the female author’s writing process is reflected throughout her work. The analysis of this risālah is also of great importance on the basis of providing the reader with a view about both the ilm ul-hal literature and the development of primary religious literary sources.



About Rahile Yılmaz:

Education Information

Doctorate, Marmara University, Institute Of Social Sciences, Hadis Anabilim Dalı, Turkey 2008-2014

Post Graduate, Marmara University, Institute Of Social Sciences, Hadis Anabilim Dalı, Turkey 2006-2008

Under Graduate, Uludag University, Faculty Of Theology, 2002-2006

Exchange Student, Erasmus Program, Katholieke Universiteit Leuven Faculty of Theology, Leuven-BELGIUM, 2005-2006

Dissertations: Doctorate, Mursal hadiths in Muwatta' in the context of modern hadith discussions, Marmara University, Institute Of Social Sciences, Hadis, 2014.

Post Graduate, Mursal transmissions which are regarded as defective by wasl in İbn Abi Hatim al-Razi's book ,İlal al-Hadith, Marmara University, Institute Of Social Sciences, Hadis, Istanbul, 2008.

Key Publications:

- Kızılkaya Yılmaz, Rahile, "An Example of the Way How an Idea is Critcized Within the Orientalist Paradigm: The Criticisms Regarding Norman Calder's Dating of Muwatta", The Journal of Theological Academia, 2018, sayı: 7-8, s. 283-296.
- Kızılkaya Yılmaz, Rahile, "Dating of Muwatta' in the Orientalist Literature in the Context of Norman Calder's Studies in Early Muslim Jurisprudence", İslam Hukuku Araştırmaları Dergisi, 2014, sayı: 24, s. 393-407.
- Kızılkaya Yılmaz, Rahile, "İbn Abi Hâtim al-Râzî and his Book 'İlal al-hadîth", Hadis Tetkikleri Dergisi (Journal of Hadith Studies), 2013, cilt: XI, sayı: 2, s. 45-71.
- Kızılkaya Yılmaz, Rahile, "The Approach to the Miracle of al-Mi'raj in Seerah Literature

A symbolic battle over legal theory and the schools of law? Jamāl al-Dīn al-Qāsimī's risāla on wiping over socks (10:00 – 12:00)

Pieter Coppens, Vrije Universiteit Amsterdam

A recurrent theme in contemporary polemics between adherents of schools of law and the *lā-madhhabīyya* trend associated with the Salafi movement is whether it is allowed to wipe over modern socks in *wuḍū'*. At first sight this seems an ostensibly trivial matter of ritual purity, belonging to the branches (*furū'*) of *fiqh*. It has however become a highly symbolic battle over the correct application of *uṣūl al-fiqh*, that may be considered a major identity marker with social ramifications, between proponents of *ijtihād* -mostly related to Salafi methodologies in *fiqh*- and proponents of *taqlīd*, embodied in calls to follow the traditional schools of law.

Jamāl al-Dīn al-Qāsimī's (d. 1914) treatise *al-Mashḥ 'alā al-jawrabayn* may be considered a late-Ottoman forerunner of this debate. By placing this *risāla* in its historical context, I show how al-Qāsimī used the issue to make deeper points of *fiqh* methodology towards his adversaries in the heated debate over *ijtihād* in the late-Ottoman era. I also trace the publication history and reception in Salafi circles of this treatise, by the likes of Aḥmad Muḥammad Shākir and Nāṣir al-Dīn al-Albānī, thus showing that the 'modernist' Salafi movement of late 19th/early 20th century methodologically and thematically has much more in common with contemporary 'puritan' Salafism than claimed in recent scholarship.



Dr. Pieter Coppens is Assistant Professor of Islamic Studies at the Faculty of Religion and Theology, Vrije Universiteit Amsterdam. His research interests include the history of Qur'an commentaries (tafsīr) and the history of Sufism. He has among others published on eschatology, soteriology and the vision of God in Sufi thought. His current NWO-Veni research project deals with the Qur'an commentary of Jamāl al-Dīn al-Qāsimī (d. 1914) and the influence of the rise of the printing press on the genre of tafsīr.

Key publications:

- Seeing God in Sufi Qur'an Commentaries: Crossings between This World and the Otherworld (Edinburgh: Edinburgh University Press, 2018)
- "A silent uṣūl revolution? Al-Qāsimī, iğtihād and the fundamentals of tafsīr," MIDEO [forthcoming 2021]
- "Did modernity end polyvalence? Some observations on tolerance for ambiguity in Sunni tafsīr," Journal of Qur'ānic Studies [forthcoming 2020]

Facing Mecca from Java: Two treatises on the establishment of the qibla and their scholarly and social context (10:00 – 12:00) – Phillip Bruckmayr, University of Vienna

In the early 1870s, and then again in 1902, the Jakarta-based scholar Sayyid ‘Uthmān b. ‘Abd Allāh al-‘Alawī (d. 1904) wrote two treatises on the correct establishment of the qibla. Sayyid ‘Uthmān was a liminal figure in several ways. Born in Batavia (Jakarta) in 1822, he was a member of the Malay World’s Arab Ḥaḍramī community, who studied for two decades in Mecca and in his ancestral land in Yemen, but subsequently produced a stunning scholarly output which was mostly written in Malay and not the Arabic language. Additionally, he was both a critic of many vernacular Islamic traditions of the Malay world and of the emerging Islamic reformism emanating from places such as Cairo and Damascus, which strongly impacted on Islamic thought and scholarship towards the later years of his life. The question of correctly establishing the qibla and, most controversially, of correcting the faulty direction of prayer in several mosques of Southeast Asia, had first surfaced in the late 18th century, and then periodically reappeared way into the 20th century. Needless to say, to endeavor to change the long established qibla of a given mosque was not an inconsequential affair. It represented not only a strong claim to religious authority and – in fact - superiority, but also a most direct assault on the legitimacy of contending local religious leaders. Due to its immediate relevance to daily communal ritual, it was also one of the emblematic issues in intra-Islamic debates with strong social implications. Thus, Sayyid ‘Uthmān’s writings on the subject were not only aimed at cementing his reputation as a major religious scholar but were likewise intended as interventions into social cleavages of the time - something, which very likely applies to other specimens of the risāla genre as well. The present contribution will analyze the author’s two treatises on the qibla in conjunction with what can be gleaned on the scholarly and social implications of the question from contemporary Southeast Asian fatāwā as well as from Malay and Arabic fiqh works. In addition, it will show how Sayyid ‘Uthmān’s rasā’il were means to synthesize both Arab and Malay scholarly contributions and experiences in this field, including those coming together in the author’s own biography and scholarly credentials.

Dr. Philipp Bruckmayr has studied Arabic and Islamic Studies, Turkish Studies and History at the University of Vienna. He has published on Islam in Southeast Asia, Arab and Islamic communities in the Americas, post-classical Islamic theology and on religion and politics in Syria. Currently a lecturer at the University of Vienna in Arabic and Islamic Studies, he has held fellowships and lectureships at the International Research Center Cultural Studies (Vienna), Passau University, Universiti Kebangsaan Malaysia and the University of Exeter. He was awarded the Dissertation Prize of the German Association of Middle Eastern Studies (DAVO) in 2015 and the Dr. Hermann Stieglecker-Scholarship for Christian-Islamic Studies of the Forum of World Religions (FWR) in 2017. He is a member of the scientific advisory board of the German Association of Middle Eastern Studies (DAVO).



His most recent publications include:

- “Salafī Challenge and Māturīdī Response: Contemporary Disputes over the Legitimacy of Māturīdī kalām” in *Welt des Islams. International Journal for the Study of Modern Islam*, LX, 2-3 (2020), 293-325.
- “‘When I’m on the Mic Everything is Ḥarām’: Narrative Identity and Modern Muslim Subjectivities among American Rap Artists” in Dietrich Jung & Kirstine Sinclair (eds.), *Muslim Subjectivities in Global Modernity. Islamic Traditions and the Construction of Modern Muslim Identities* (Leiden: Brill, 2020), 238-268.
- *Cambodia’s Muslims and the Malay World: Malay Language, Jawi Script, and Islamic Factionalism from the 19th Century to the Present* (Leiden: Brill, 2019).

A Risāla from the 19th Century on the Role of Sufi Saints (10:00 – 12:00)

Cüneyd Yıldırım, University of Erlangen-Nürnberg

During the 19th century, modernisation policies of the Sublime Porte were responsible for a far-reaching process of social change in the Ottoman Empire. As a result, traditional institutions such as the Madrasah and Sufi lodges increasingly lost significance, what finally culminated in their abrogation in 1925. Only a few decades before, the Egyptian-born Sufi scholar Muḥammad Nūr al-‘Arabī (d. 1888) established a new Sufi community. With its centre in the Balkans, it spread very quickly to the Ottoman capital. Known to Ottoman officials and even to the Sultan, Muḥammad Nūr wrote numerous treatises in Arabic and Turkish. They all have none but theological content and they seem to defy the shift in values that the Tanzimat reforms initiated. One of them has the title al-Risāla al-Ṣa‘īdiyya. It deals with cosmology, eschatology and the miracles of the saints referred to as friends of God (awliyā’ Allāh).

Considering the social context as well as the biography of Muḥammad Nūr, it is likely that the author himself had a personal interest in writing treatises in order to emphasise the importance of the friends of God in a time, when scientific criticism challenged their memory. Not only did Muḥammad Nūr have to renew faith in holy men among the local Muslims to establish his own Sufi community. His existence as a traditional Islamic scholar, who had learned no other profession, was dependent from the support of those local men and women.

This talk presents an analysis of the barely-known treatise al-Risāla al-Ṣa‘īdiyya, also with regard to typical features of the Risāla literature.



Cüneyd Yıldırım is research assistant at the University of Erlangen-Nuremberg. He is working on a critical edition with a German translation and a commentary of the pseudo-Platonic “Kitāb al-Nawāmīs”. He received his PhD at the University of Münster in 2018. His research focuses are, among others, Sufism, Kalām and Philosophy.

Publications:

- 2020/21: UPCOMING: With Georges Tamer, ‘Friedrich Rückert (1788-1866) and His Poetic Translation of the Qur’ān’, in: Claire Gallien and Sarah bin Tyeer (eds), *Islam and New Directions in World Literature*, Edinburgh: University Press.
- 2020: [‘The Debate on the Vision of God in Islam’] ,Der Disput über die Schau Gottes im Islam‘, in: CIBEDO-Beiträge zum Gespräch zwischen Christen und Muslimen, 1, 2020, pp. 14-21.
- 2019: DISSERTATION [The Malāmiyya of Rumelia. The Social and Conceptual History of a Sufi Community] *Die Melāmiyye von Rumelien. Sozial- und Ideengeschichte einer Sufi-Gemeinschaft*, Baden-Baden: Ergon.

**“Evil cannot be related to You”: Kemālpāshazāde’s treatise on theodicy
(12:30 – 14:30)**

Arnold Yasin Mol, Leiden University

2nd Panel – Chair: Necmettin Kizilkaya

Theodicy is one of the central defining themes within Islamic theology. This dialectical dispute was on one end of the spectrum represented by hard determinists (al-Qadariyya and the Mu‘tazila) who rejected any link between evil and the divine will, and on the other end by hard voluntarists (al-Jabriyya) who not only grounded evil within the divine will but also denied the existence of human free will.

The Sunnī orthodox, mainly represented by the Ash‘arī and Māturīdī, developed several middle positions between these two extremes which maintained both human free will and absoluteness of the divine will. A dominant feature of Māturīdī theological tracts was the creedal maxim that even though both good and evil are divinely willed and created, it was also a divine impossibility that God is pleased with evil.

The Ottoman shaykh al-Islām, Ibn Kamāl Pāshā (Kemālpāshazāde, d. 940/1533), was a polymath writing multiple original texts and commentaries on multiple sciences. These included important theological works such as his famous tract on the differences between the Ash‘arī and Māturīdī, and his extensive production of treatises (rasā’il) such as his defense of Ibn ‘Arabī. One of his treatises which we will analyze here is called “Risālat fī bayān ‘adam nisbat al-sharr ilā Allāh ta‘ālā (Treatise in elucidating the non-existent relationship between evil and God the Exalted)”.

This paper will discuss Kemālpāshazāde’s arguments, analyze the relationship with the discursive history of the creedal maxim, and determine his position within the Islamic theodicy spectrum.

Arnold Yasin Mol is a PhD candidate at Leiden University in religious studies and Islamic intellectual history where he researches on Othering and ethics in Islamic exegetical history with a special focus on the Ottoman tafsīr tradition. He is a research assistant at the Institute for the Revival of Traditional Islamic Sciences (IRTIS.org.uk) where he studies the traditional Islamic curriculum (dars-i niẓāmī) and researches on traditional hermeneutics and sciences, Muslim minority jurisprudence, Islamic political theology, and global ethics and human rights. He is a fellow at Yaqeen Institute for Islamic Research (YIIR, yaqeeninstitute.org) and fellow at the British Board of Scholars and Imams (BBSI.org.uk). He is also a research consultant on religion and theology of care at a Dutch healthcare NGO where he researches on religion, violence, rehabilitation and healthcare, and is a spiritual care worker in detention and healthcare settings. He holds a Bachelor degree in Islamic studies with a specialization in Islamic theology and religious studies (Leiden University), and has studied Christian theology and pastoral care.



His publications include:

- ‘The encyclopedic hermeneutics of Ibn ‘Ādil al-Ḥanbalī (d. 775/1374) in his exegetical summa al-Lubāb fi ‘ulūm al-kitāb’, in Handbook of Qur’ānic Hermeneutics, Ed. George Tamer (Berlin: De Gruyter, 2021) (forthcoming).
- ‘Hermeneutical Aspects in Ḥāṣiya and Supercommentary tradition’, in Handbook of Qur’ānic Hermeneutics, Ed. George Tamer (Berlin: De Gruyter, 2021) (forthcoming)
- ‘Human Rights and Islamic Reform’, in Oxford Handbook on Islamic Reform, Ed. Emad Hamdeh and Natan DeLong-Bas (Oxford: Oxford University Press, 2020) (forthcoming).

The Treatise on iğtihād and single attested traditions (*risālatu l-iğtihādi wa-l-’akhbārī*) of Muḥammad Bāqir al-Bihbihānī (12:30 – 14:30)

Jens Bakker, Osnabrück University

The famous Shiite scholar as-sayyid ash-shahīd Muḥammad Bāqir aṣ-Ṣadr (d. 1400/1979–1980) is probably the first who explicitly states that the science of ’uṣūl al-fiqh in the Shiite context entered a new era of its history in terms of scientific progress with the activities of al-’ustād al-’akbar Waḥīd ad-Dīn Muḥammad Bāqir b. Muḥammad ’Akmal al-Bihbahānī (d. 1205 or 1206/1791–92) and his pupils who, in the opinion of aṣ-Ṣadr and later historians of Shiite ’uṣūl al-fiqh, triggered a development which grew and evolved further in the subsequent period and which has not come to an end, yet.

The issues which al-Bihbihānī was addressing were aroused by the theological movement of the ’akhbārīs who rejected altogether the discipline of ’uṣūl al-fiqh and proclaimed certain principles that contradict basic propositions of the epistemological analysis which was common to both Shiite and classical Sunnite ’uṣūl al-fiqh. In this paper an attempt is made to shed some light on the dynamic relationship between the ideas of the ’akhbārīs and the new formulations and proposals of al-Bihbihānī. Its aim is to contribute to the study of the development of Shiite ’uṣūl al-fiqh in the 12th/18th and 13th/19th centuries.



Dr. Jens Bakker is born in 1965 in Bonn (Germany). He has obtained a PhD in Islamic Studies in 2009 from Bonn University. He is working mainly in the field of the classical intellectual heritage of the Islamic world, and with classical Arabic printed and manuscript sources. He combines with his research and teaching the interest in historiography, the classical Islamic theological sciences, and philosophy, and has published extensively on central issues of history of thought of the Islamic world. Currently he is a postdoctoral researcher in the research group “Social Work in a Migrant Society” at the Institute of Islamic Theology of Osnabrück University.

Three important publications:

- Bakker, Jens: Normative Grundstrukturen der Theologie des sunnitischen Islam im 12./18. Jahrhundert, (= Bonner Islamstudien ; Band 23), Berlin: EB-Verlag 2012.
- Bakker, Jens: The Meaning of the Term Šarī‘ah in the Classical Theology of Sunnite Islam, in: Hikma, Zeitschrift für Islamische Theologie und Religionspädagogik, Jahrgang III, Heft 5, Freiburg i. Br.: Kalam Verlag Oktober 2012, pp.187–203.

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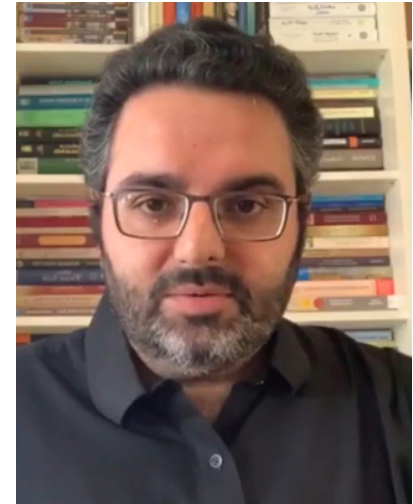
- Bakker, Jens: Geistes- und theologiegeschichtliche Gemeinsamkeiten zwischen lateinischem Westen und islamischer Welt, in: Gharaibeh, Mohammad – Begic, Esnaf – Schmid, Hansjörg – Ströbele, Christian (Hg.): Zwischen Glaube und Wissenschaft, Theologie in Christentum und Islam, (= Theologisches Forum Christentum – Islam), Regensburg: Verlag Friedrich Pustet 2015, pp.41–55.

Realising the One: Treatises on the Unity of Existence in the Ottoman-Safavid-Mughal Period (12:30 – 14:30)

Sajjad Rizvi, University of Exeter

Ever since the initial dissemination of the ideas, not least the monism, of Ibn ‘Arabī, scholars in different disciplines (philosophy, jurisprudence, kalām, taṣawwuf) have debated the meaning of waḥdat al-wujūd and considered the extent to which it is a conception, even realisation, of reality that is compatible with scripture, Avicennism, philosophical theology and mysticism. Two key episodes of conflict on this issue in the middle period were the correspondence between Naṣīr al-Dīn al-Ṭūsī (d. 1274) and Ṣadr al-Dīn Qūnawī (d. 1274) on the nature of wujūd and especially the sense and reference of wujūd muṭlaq, and the attacks on monism by Sa‘d al-Dīn Taftazānī (d. 1390) and ‘Alā’ al-Dīn Bukhārī refuted by al-Sharīf ‘Alī al-Jurjānī (d. 1414) and others. These encounters established the frame of reference and parameters of the debate. What one finds in the period from the 16th century is the proliferation of treatises discussing the nature of wujūd that were precisely concerned with these issues. I analyse a selection of these treatises on wujūd from Ottoman (Kamālpāšāzāde d. 1534, Taṣkopruzāde d. 1561, ‘Alī al-Qārī d. 1606, Gelenbevi d. 1791), Safavid (Shams al-Dīn Khafrī d. 1535, Maḥmūd Dihdār d. 1606, Niẓām al-Dīn Dashtakī d. 1605, Mullā Shamsā Gilānī d. 1654), and Mughal (Wajīh al-Dīn Gujarātī d. 1588, Aḥmad Sirhindī d. 1624, Ādam Banūrī d. 1663, Maḥmūd Jawnpūrī d. 1654, ‘Abd al-‘Alī Baḥr al-‘ulūm d. 1810), contexts in order to consider the following three questions: 1) To what extent are the discussions in these independent texts actually part of a wider set of commentarial debates, paratexts, and interventions in other textual cycles such as the Tajrīd al-i‘tiqād, Sharḥ al-mawāqif, Sharḥ al-maqāšid, and Fuṣūṣ al-ḥikam? 2) Are the central issues of debate continuous with the earlier two episodes from the middle period? 3) What was the function of these new treatises and in which new directions, and what sorts of new genealogies and excavations of the problem does one find in these texts? More widely, a study of these treatises on wujūd will illuminate the relationship between the different genres of the ma‘qūlāt on the cusp of the epistemological shock of modernity.

Sajjad Rizvi is Associate Professor of Islamic Intellectual History at the University of Exeter. A specialist on the Mughal-Safavid period, he has published extensively on philosophical and mystical traditions in this period including *Mullā Ṣadrā and Metaphysics* (Routledge, 2009), and edited with Annabel Keeler, *The Spirit and the Letter* (Oxford, 2016). He is currently completing a study of philosophical traditions in 18th century Iran and North India, a diachronic study of the philosophy of time in Islamic thought, and a critical edition with Saiyad Nizamuddin Ahmad of a little known treatise on Sufi metaphysics by a late 17th century Shi'i author of the school of Ibn 'Arabī.



Here are three recent publications:

- Mullā 'Alī Nūrī', in Reza Pourjavady (ed), *Philosophy in Qajar Iran*, Leiden: Brill, 2018, pp. 125–178
- 'Before the Safavid-Ottoman Conflict: Jāmī and sectarianism in Timurid Iraq and Iran', in Alexandre Popovic, Thibaut D'Hubert et al (eds), *Jami in Regional Contexts*, Leiden: Brill, 2018, pp. 227–255
- 'This so-sullied Flesh: Islamic Approaches to Human Pleasures', in Lisa Shapiro (ed), *Pleasure: A History*, New York: Oxford University Press, 2018, pp. 66–93

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