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READER EDITION

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MITZPE DOSSIER

The Architecture of Islam

Islam is six layers — text, graded hadith, the sharia ideal, the fiqh that reaches for it, the living schools, and Sufism — and one diagnostic that locates any claim about what it says before the argument starts.

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The Architecture of Islam

“Islam commands it” and “that’s not real Islam” are one error walking in opposite directions.

A note before we begin. Mitzpe spends most of its time on people who act in Islam’s name and people who make careers explaining that name away. You cannot weigh either honestly through the two stock pictures of the religion — the one where the texts command atrocity and the one where the texts are innocent of everything ugly done under them. This series takes the religion apart so those pictures stop doing your thinking for you. Part 1 is the structure. Part 2 is what Muslims themselves have settled and what they have never stopped contesting. Part 3 is the history of Jews under Islam, without the myths on either side. So you know who is talking: I am a skeptic of Islam’s truth-claims and a harder one of its political ambitions. What people believe is their own affair. A doctrine forced on someone who never chose it becomes everyone’s.

Best, Uri

SEVENTY percent of Oklahoma voters approved a ballot measure, in November 2010, to keep one body of law out of their state courts. State Question 755, sold to them as the Save Our State Amendment, ordered every judge in Oklahoma to refuse to consider or apply *sharia*. A resident, Muneer Awad, challenged it, and when the case reached a federal court the state was asked to point to the danger the amendment answered. It could not name a single instance of an Oklahoma judge ever applying *sharia* to anyone. The measure was blocked and later struck down. Roughly a dozen other states drew up their own versions anyway.

The vote treated *sharia* as a fixed and foreign and portable code sitting at the border with its clauses already written, waiting to be adopted wholesale or banned wholesale. Answering it, from the opposite corner of the same argument, is a move just as confident and nearly as common: whatever verse or ruling a critic quotes, the reply arrives that this is not real *sharia*, that the texts are innocent of it, that the true thing bears no resemblance to the ugly citation. Both speakers are certain of themselves. Both have reached for a different object, and neither grasps what they meant to.

The word in the amendment points at a body of human legal rulings — *fiqh*, the fallible and plural jurisprudence that generations derived, argued over, and wrote down. The word in the apologist’s reply points somewhere else entirely, at *sharia* proper, the ideal, the path itself. A modern government’s actual statutes, its *qanun*, are a third thing again. The Oklahoma fight was never winnable as posed, because each side was pointing with total conviction at a different floor of the same building and calling it the whole house.

Islam is a built thing — supposedly revealed recitation, transmitted reports graded by an elaborate “science,” the ideal, the human law that reaches for it, several living schools that reach differently, and a spiritual dimension threaded through all of it. Nearly every confident Western sentence that opens

“the Quran says” or “sharia demands” fails in the same way, by seizing one layer, one reader, or one school and mistaking the part for the settled whole.

None of that adjudicates the religion, and I will not even attempt to do that in this piece. Instead, I’ll try to give you the working structure and a durable habit: locate the claim before you fight over it — which layer, whose reading, under which school. Run the Oklahoma sentence through that once and it stops being a slogan and turns into a question you can actually answer.

Executive Summary

Educated Westerners get Islam wrong even with the facts in hand, by flattening a layered structure into a single slab and treating one layer as the entire religion. The alarmist who insists the texts command atrocity and the apologist who insists the texts are innocent of it are to a greater or lesser extent both wrong. Which makes most Western commentary on Islam unreliable.

There are six layers, drawn by the tradition itself. There is the Quran, recited revelation that is oral and liturgical in its self-understanding and legislates explicitly in only a modest fraction of its verses. There is *hadith*, the vast body of transmitted reports. There is *sharia*, the ideal, and *fiqh*, the fallible human jurisprudence that labors to derive it — the distinction both fearmongers and apologists exploit. There are the living schools of legal derivation, four Sunni and the self-standing Jafari Shia, which recognize each other’s validity. And there is *ihsan*, the spiritual dimension that Sufism cultivates, threaded through all the other layers at once.

Each layer was assembled at various moments of history by varied and fallible people. Which is the first thing “timeless Islam” obscures. Before adjudicating any claim about what Islam says, locate it — which layer, whose reading, under which school. Most confident claims about Islam do not survive that triage as stated. Some shrink to a narrower claim you can check, or collapse outright. Others survive the triage whole and stay every bit as ugly as the citation promised. Locating a claim only sharpens it. It lets you judge the real thing instead of a slogan.

This dossier defines the vocabulary — *madhhab*, *fiqh*, *usul*, *isnad*, *marja*, *tariqa* — that the rest of the series depends on. Finish here and you hold the means to tell an argument worth having from one mislocated before it began.

EVERY ARGUMENT ABOUT “WHAT ISLAM SAYS” IS SECRETLY AN ARGUMENT ABOUT LAYERS

Those layers are the tradition’s own. Muslim scholars set them out, ranked them, and have argued inside them for twelve centuries, which is the first thing the Oklahoma quarrel and its mirror-image both manage to miss. Islamic legal writing splits into two genres before it derives a single rule: *usul al-fiqh*, the roots — the machinery for getting from revelation to a ruling — and *furu al-fiqh*, the branches, the concrete rules that machinery produces. A branch, in one standard scholarly account, is “the total product of human efforts at understanding the divine will.” Hold onto that phrase. A ruling is

something human hands assembled out of the revealed material, and it sits a full floor above the material it was built from.

Often, in Western discourse, someone drops a verse or a *hadith* number as though it executes itself into a binding rule — the Quran says X, so Islam commands X. A verse is raw input. Turning it into a ruling runs it through the whole apparatus: the ordered sources, Quran first, then the *sunna*, then scholarly consensus, then reasoning by analogy, then a school's particular method, then a jurist willing to sign his name to the result. Even that ordered list was assembled by hand. Al-Shafii systematized it in the early ninth century, and modern scholarship, Wael Hallaq's above all, doubts the tidy four-source scheme was fully his work, reading it as the crystallization of an argument that took generations to settle. The people who built it knew they were building it.

They also knew the branches were fallible, and they said so in language neither side of the Western argument ever quotes. *Sharia*, in the classical vocabulary, is the ideal law, the immutable path. *Fiqh* is the human understanding of it, and human understanding is fallible and changeable by definition. (Section 4 does the real work on that distinction. Here it is one layer among several.) The plurality that critics read as Islam unable to agree with itself is a designed feature of the human layer, where the schools differ on the details without treating one another's conclusions as sacrilege. A twelfth-century Hanafi jurist, al-Nasafi, compressed the caveat into a sentence: his own school is "correct with the possibility of error," and a rival school is "in error with the possibility of being correct." The law even rewards the judge who reasons sincerely and lands wrong, one heavenly reward for the honest miss against two for the correct call. And the founding jurists refused, pointedly, to introduce their rulings with "this is the judgment of God." They were policing the border between the ideal and the derived long before any Western critic showed up to smudge it.

So the "just read the text plainly" instinct is a modern illusion. It is the engine under both the alarmist quoting chapter and verse to convict and the apologist insisting the true text is innocent of the ugly citation. Jonathan Brown, the Georgetown Islamicist, put it flatly: Muslims have always read their scripture through an inherited scholarly tradition, and even the reformers who want to throw that tradition out cannot escape their debt to it. There is no unmediated reading waiting underneath the commentary for a clever outsider to recover. The apologist's "that's not real Islam" and the critic's "the Quran clearly says" are the same category error walking in opposite directions. And the layering runs back to the tradition's own founding texts. In the Hadith of Gabriel, the Prophet sorts the religion into *islam*, the outward practice, *iman*, inward belief, and *ihsan*, the spiritual dimension of worshipping God as though you see Him — the report drawing the lines between law, theology, and spirituality centuries before an outside critic arrived to describe them.

The floor plan comes with one habit: before you try to settle what Islam says, locate the claim. Which layer — revealed text, graded report, the ideal, the fallible jurisprudence built to approximate it, a particular school, the spiritual

register threaded through all of them. Whose reading. Under which school. The sections ahead take those floors one at a time. Run a confident “Islam says” sentence through these questions first, and most of them stop being verdicts. They turn back into the questions they always were.

THE QURAN IS A RECITATION BEFORE IT IS A BOOK

The friendliest sentence in Western commentary on Islam is also the one that derails everything after: the Quran is the Muslim Bible. It is offered in good faith and wrong in almost every particular. A Bible is a continuous book, read privately as a self-sufficient source of doctrine and law, and the Quran is none of that by its own account. Its name tells you so — *qaraa*, the Arabic verb “to recite,” yields *quran*, “the reciting,” a text meant for oral delivery, not for the category of book. Its life for Muslims is sound, recited aloud and memorized whole by children who cannot read a line of Arabic prose. The silent private reading a Westerner brings to scripture is, for the Quran, secondary and recent.

The chapters, the *suras*, run longest to shortest after a brief opening prayer, unrelated to the order of revelation. The tradition sorts that revelation into two registers: the Meccan *suras*, roughly 610 to 622, shorter and pressing on the core of belief — the oneness of God, and the resurrection and reckoning to come — and the Medinan *suras*, 622 to 632, the long ones carrying most of what reads as legislation, from years when Muhammad governed a community and no longer only warned a city. Length and chronology run close to backward. Read forward from page one and you meet the late law first and the early theology last, the arc inverted. “Just read it cover to cover and see what it really says” scrambles the thing it promises to deliver.

How much of the Quran is law has no clean answer, because the count moves with the counter. Of its 6,236 verses in the standard numbering, only a modest band count as *ayat al-ahkam*, the verses that carry a ruling. A strict reckoning of explicit rulings lands near two hundred, while Kamali, in the standard modern account of Islamic jurisprudence, reaches about three hundred and fifty, many of them governing prayer and ritual. The tradition’s repeated figure, from al-Ghazali, al-Suyuti, and Ibn Taymiyya, is roughly five hundred, and the Maliki jurist Ibn al-Arabi, counting rulings reachable by implication, got to 852.

That spread should kill the tidy line that the Quran barely legislates. Wael Hallaq presses the other way — the legal verses run long and repeat, so by weight the Quran holds no less law than the Torah. The accurate claim is narrower: the Quran does little explicit, standalone legislating, setting a direction far more often than writing a statute, and that gap is what the rest of its structure exists to fill.

The Quran’s claimed miracle is the text itself, which challenges anyone who doubts its origin to produce a single *sura* to match it and declares they cannot — not the poets of Arabia, not humankind and the jinn combined. This is *ijaz*, inimitability, and it carries a classical theory: al-Baqillani held the style belongs to no known genre, and al-Jurjani located the miracle in *nazm*,

the weave of the Arabic itself. So an English rendering is, by the tradition's own account, a translation of the meanings, *tafsir* without the authority of the Arabic. Muslim publishers say so on the cover, titling their editions the meaning or interpretation of the Quran.

This is also where a favorite apologetic move overreaches, and I have watched it work a room. Faced with an ugly verse, the reply arrives that it is “just a mistranslation,” that the real Arabic says something gentler. Untranslatability is genuine doctrine, so the move has a foot to stand on, and it cuts both ways: if no English edition can settle a hostile reading, none can settle a friendly one. The honest path runs through the Arabic and the exegesis that argues over it, naming which reading and whose. The blanket “you mistranslated it” skips exactly that work — the apologist's shortcut mirroring the alarmist's, the discipline the Oklahoma fight needed and never got.

If any of that still leaves the sense of a fixed object, the oldest fight over the Quran unsettles it from within. Muslims have not always agreed on what the Quran even is. In 827 the caliph al-Mamun ruled it created, not co-eternal with God, and from 833 enforced that through the *mihna*, an inquisition that forced judges and scholars to affirm it. Ahmad ibn Hanbal refused, was flogged, and became the emblem of the uncreated position Sunnism finally adopted. Mature Sunni theology, after al-Ashari, holds God's inner speech eternal and the recited sounds and inked letters its created expressions. Post-classical Twelver Shia thought generally lands on the created side, some scholars dismissing the quarrel as an import from Greek philosophy. Even what kind of thing the Quran is answers differently by the century and the school asking.

So the analogy fails at every joint. The Quran is a recitation before a book, ordered by the length of its chapters, explicit as law in only a fraction of its verses, authoritative in an Arabic no translation inherits, and contested in its own nature. Treat it as a Bible and you look for doctrine and law where the text does not keep them, and miss the floor where Islam does. That floor is the *hadith* — the reports of what the Prophet said and did, carrying the load the recitation sets but never spells out — and its authority is a science of its own.

HADITH AUTHORITY IS EARNED THROUGH CHAINS

The Quran legislates in only a modest share of its verses, so most of what a Muslim does in an ordinary day — how he prays, fasts, marries, and buries his dead — follows from the reported example of the man who received the revelation. That example is the *hadith*, and it carries a legal and doctrinal load the Quran never sets out to carry alone. Which is why the most common move in Western argument about Islam, the citation that opens “there is a hadith that says,” skips the question the tradition puts first. A *hadith* is a two-part object. There is the *matn*, the reported text: a saying, an act, or a silent approval attributed to the Prophet. And there is the *isnad*, the chain of men who passed it down, each having heard it from the one before. Islam treats that chain as religious data in its own right. Abdullah ibn al-Mubarak, an early scholar, is quoted in the introduction to Sahih Muslim: the *isnad* is part of the religion, and without it anyone could say whatever he pleased.

For a report to reach the highest grade, *sahih* or sound, it has to clear five conditions. The chain must be unbroken, each transmitter shown to have met and heard from the one he cites. Every narrator must be of established moral uprightness, *adala*, and precision of memory, *dabt*. And the report must be clear of two subtler faults: *shudhudh*, where a narrator contradicts more reliable ones, and *illa*, a concealed defect the surface does not betray. Those conditions were fixed by Ibn al-Salah al-Shahrazuri in the manual that founded the discipline and restated by Ibn Hajar al-Asqalani in the teaching text students still work through. Grading the narrators is a subordinate science of its own, *ilm al-rijal*, also called *al-jarh wa al-tadil*, impugning and accrediting. Its critics judged a narrator by cross-checking his reports and his chronology, asking whether he could even have met the teacher he cited. The verdicts they reached — Yahya ibn Main, Ahmad ibn Hanbal, and their peers — still anchor the field.

A sound report is *sahih*. Beneath it sits *hasan*, good, whose narrators fall a step short of the best yet stay strong enough to argue from, and which rises to *sahih* when a second chain corroborates it. Below that is *daif*, weak, carrying a break in its chain or a faulted narrator. At the floor is *mawdu*, fabricated, with a known liar in the chain or a text that contradicts what is firmly established. A second axis cuts across all four, grading a report by the breadth of its transmission. One carried by so many independent chains at every tier that collusion on a lie becomes unthinkable is *mutawatir*, and it yields certainty. Anything resting on a single chain or a handful is *ahad*, and the overwhelming majority of *hadith* are *ahad*.

A *hadith* that ran through only one narrator at each of its early tiers is called *gharib*, a word that names the shape of a report's transmission and says nothing about whether it is sound. The standard illustration is the most famous *hadith* in the corpus, the report that deeds are judged by their intentions, *innama al-amal bi-l-niyyat*. For its first three generations it passed through a single narrator at every step before fanning out. By the instinct that hears a lone chain as a rumor, it should rate poorly. By the tradition's own criteria it is *sahih* by consensus, and al-Bukhari set it first in his collection, the doorway to the whole book. Authority tracks the reliability of the men in the chain, and a report's existence settles nothing until that reliability is shown.

Sunni Islam recognizes six, the *Kutub al-Sittah* or Six Books, all compiled in the ninth and early tenth centuries: the two Sahihs of al-Bukhari and Muslim, and the four Sunan of Abu Dawud, al-Tirmidhi, Ibn Majah, and al-Nasai. They are not co-equal. The two Sahihs stand at the top as the only collections that set out to admit authenticated material alone, and Muslim discourse gives "it is in the two Sahihs" a weight it grants nothing else. That weight was conferred, and it can be placed in time: the pre-eminence of the Sahihs settled over the tenth century, pressed largely by scholars of the Shafii school, and the six were first bound into one canon only in the eleventh, when Muhammad ibn Tahir al-Maqdisi fixed Ibn Majah as the sixth book, where other scholars had counted the *Muwatta* of Malik ibn Anas instead. The canon is a

scholarly construction, and to call a report *sahih* renders a verdict that stays open to the scholarship that produced it.

None of this touches the Shia canon, because the Shia canon is a different body of text. Twelver Shiism runs on four collections of its own, the *Kutub al-Arbaa*: *al-Kafi* of al-Kulayni, *Man la yahduruhu al-Faqih* of Ibn Babawayh, and the *Tahdhib al-Ahkam* and *al-Istibsar* of Shaykh al-Tusi, assembled in the tenth and eleventh centuries and running to tens of thousands of reports. Much of their material descends on the authority of the Twelve Imams, not the Prophet alone, and Shia critics reject many of the narrators the Sunni collections are built on, above all the Companions they hold to have failed the Prophet's household. The two traditions barely share chains at all. The Shia also grade on an engine of their own, running each report through the science of men and sorting it four ways — *sahih*, *hasan*, *muwaththaq*, a slot for a reliable transmitter who is not himself an Imami Shia, and *daif*. That scheme is a late arrival, introduced by Ahmad ibn Tawus in the thirteenth century and carried forward by his student al-Allama al-Hilli, after which a Shia *sahih* meant a chain of upright Imami narrators, the standard of *adala* redrawn along the sectarian line. A report can be sound in one tradition, unknown in the other, and quoted by an outsider as though the single word Islam had settled which canon he was standing in.

A skeptical Western line running from Ignaz Goldziher to Joseph Schacht held that much of the legal *hadith* was back-projected forgery, fitted afterward with a respectable chain. Against it, Harald Motzki and others showed that by matching small variations in a text to the branches of its chains, much of the material dates well into the first Islamic century, earlier than Schacht allowed, and Jonathan Brown puts the upshot plainly: the classical filter for catching forgeries worked better than Goldziher's line believed. Its own practitioners are the first to admit where it is thin. Criticism of the chain is rigorous and codified. Criticism of the text, the *matn*, was always the weaker half, and Brown titled a study of it *The Rules of Matn Criticism: There Are No Rules*, his point being that pre-modern critics mostly policed content through the chain. So the honest account of *hadith* is a formidable science, strong at its center and argued over at its edges. Which is why "there is a hadith that says X" decides nothing by itself. Before the fight over what the report means can begin, three questions come first. Which grade. Which collection. Whose *isnad*.

FIQH IS THE LAW CODE, AND IT DIVIDES BY SCHOOL

Sharia is the ideal path, the law as the tradition holds it to sit in God's knowledge, which no jurist claims to have captured cleanly. *Fiqh* is the human work of reaching for it: the body of practical rulings that generations of scholars derived from the sources, argued over, and wrote down under their own names. The classical jurists said as much themselves, holding *sharia* immutable while treating *fiqh*, the thing they produced, as changeable and open to error. Hold the two apart and most of what follows becomes readable. Collapse them, and you get the two confident errors this section exists to take apart.

Mohammad Hashim Kamali, whose *Principles of Islamic Jurisprudence* is the standard modern survey, carries the classical definition forward: *fiqh* is “knowledge of the practical rules of Shari’ah acquired from the detailed evidence in the sources.” The operative word is acquired: *fiqh* is the law as human experts have worked it out, and the discipline governing how they work it out carries its own name — *usul al-fiqh*, the roots of the law. “Fiqh, in other words, is the law itself,” Kamali writes, “whereas *usul al-fiqh* is the methodology of the law.”

The Quran and the *Sunna* supply the revealed material, and the consensus of the scholars (*ijma*) and reasoning by analogy (*qiyas*) supply the methods for extending it to cases the texts do not address directly. The first three each stand as an independent proof. *Qiyas* is the derived one, a disciplined way of reasoning out a new ruling by reference to the others. Where the schools part company is on which tools beyond that shared core they admit, and how much weight each carries. Abu Hanifa built room for analogy and for *istihsan*, a juristic preference that can set a strict analogy aside for a sounder result. Malik leaned on the settled practice of Medina as itself a source of law.

Quran 4:43 speaks of a man who has “touched” women (*lamastum al-nisa*) as a condition affecting ritual purity before prayer. Al-Shafii read the word literally, so that skin contact breaks a person’s ablution. Abu Hanifa held that ordinary touch does not break it at all, taking the verse, on Ibn Abbas’s reading, to mean intercourse. The Maliki and Hanbali jurists landed between them, holding that touch breaks ablution when it carries desire. One verse. Four rulings. And this is the mildest example there is.

The “creeping sharia” commentary and the anti-*sharia* ballot measures treat *sharia* as a determinate statute book that could be adopted or banned wholesale. There is no such book, because the operative law is *fiqh*, and *fiqh* divides by school before it ever reaches a defendant. Plural and school-bound still leaves plenty of *fiqh* that is harsh by any liberal measure.

Pressed on a ruling he would rather not defend, the apologist reaches for “that is not real Islam,” or “not real sharia,” as if the gap between the ideal and any human ruling let every actual ruling be disowned. The gap does no such work. *Fiqh* rulings are authoritative human derivations, owned and defended by the jurists who issue them, and their built-in fallibility does not make any of them disownable. The distinction locates a ruling. Locating it is the opposite of dissolving it. A ruling with a school and a named jurist behind it can be every bit as harsh as its critic feared, and giving it an address takes nothing off it.

Since the Rushdie affair, “fatwa” has been heard in English as a death sentence, an enforceable decree. In the law it is a non-binding scholarly opinion — the answer a *mufti* gives to a question put to him, carrying only the authority his reputation for learning lends it. The binding judgment came from another office entirely — the *qadi*, the state-appointed judge, whose rulings the ruler’s power stood behind. Read the two apart and the 1989 “death sentence” resolves into a prominent private jurist’s opinion, one that needed a state or a militia to give it teeth.

A scholar equipped to reason independently from the sources, a *mujtahid* fluent in Arabic and versed in the Quran, the *Sunna*, and legal theory, performs *ijtihad*. Everyone else performs *taqlid*, following a qualified scholar. Regulating that gate was the whole purpose of *usul al-fiqh*, which Kamali notes became urgent precisely when unqualified people began attempting it on their own. Whether the gate later closed is one of the field's live arguments. Joseph Schacht held that by roughly the tenth century the scholars had agreed no one remained qualified for it — the “closing of the gate of *ijtihad*.” Wael Hallaq's 1984 reply, “Was the Gate of *Ijtihad* Closed?,” held that the gate was never shut and that *ijtihad* continued. Whether the derivation ever stopped is a question the scholars are still arguing, and this section does not settle it.

Beginning in 1869 the Ottoman state assembled the Mecelle, a civil code of 1,851 articles across sixteen volumes, in force from 1877 — the first time an Islamic state took its jurists' *fiqh* and froze a single rendering of it into a European-style statute book. Kamali names the cost to the tradition plainly: a self-contained statutory code, with formal procedures for enacting it, erodes the jurist's part in making the law. The states that came after institutionalized the *fatwa* itself, standing up national bodies whose state-appointed *muftis* issue opinions aligned with state law. And alongside all of it, then and now, runs the ruler's own statute — *qanun*, the administrative and penal law that sultans and later parliaments enacted next to *sharia*-derived *fiqh*, never claiming to be the ideal.

So the honest response to “what does *sharia* mandate” begins by taking the question apart. Whose ruling is meant — the ideal no one has transcribed, the plural *fiqh* of a particular school, a *mufti*'s non-binding opinion, or a modern state's enacted code? Those four rarely agree, and the alarmist and the apologist are running the same move from opposite ends, each seizing one of them and passing it off as the whole. Name which one is on the table, and the sentence that arrived sounding like a verdict turns back into a question. A hard question, often. But one with an address.

THE FOUR SUNNI SCHOOLS ARE LIVING LEGAL TRADITIONS

Hanafi, Maliki, Shafii, Hanbali are four schools of legal derivation — *madhhab* in the singular, *madhahib* in the plural — each traceable to a founding jurist who died within a century and a half of the others, each carrying a distinct method for getting from the sources to a ruling. The word *madhhab* means a road taken. Four roads, and the travelers on each one regard the other three as heading to the same place by a legitimate route.

Abu Hanifa of Kufa (c. 699-767), earliest of the eponyms, leaned on reasoned opinion, *ray*, and analogy, *qiyas*, and his school added juristic preference, *istihsan*, and local custom, *urf* — the most supple of the four methods, and part of why it became the most widely followed and the court law of both the Ottoman and Mughal empires. Malik ibn Anas (c. 711-795) taught in Medina and treated that city's inherited practice, *amal ahl al-Madina*, as a source of law, on the reasoning that Medina's habits preserved the norms of the community the Prophet had lived among. His *Muwatta* is among the oldest

surviving Muslim law-books, and al-Shafii is traditionally reported to have called it the soundest book on earth after the Quran.

Al-Shafii (767-820), in his *Risala*, set down the four roots every Sunni school would come to share — the Quran, then the *Sunna* carried in *hadith*, then the consensus of the scholars, *ijma*, then analogy — an outline the generality of jurists afterward accepted. Ahmad ibn Hanbal (780-855), a collector of *hadith* before he was a jurist, privileged the transmitted text over a jurist's own reasoning so strictly that he was said to prefer a weakly chained *hadith* to a strong man's opinion. His resistance under the *mihna*, the ninth-century inquisition that tried to force jurists to affirm that the Quran was created, fused his name to traditionalist orthodoxy.

Hanafi predominates across Central and South Asia, Turkey, and the Balkans. Maliki holds North and West Africa. Shafii runs through East Africa, Yemen, and much of Southeast Asia, Indonesia and Malaysia included. Hanbali, the smallest of the four, is the majority school only in Saudi Arabia and Qatar. The map tracks empire and institution more than any doctrinal supremacy. Underneath all four sits al-Shafii's single framework, so the schools argue in a shared language of derivation. Their disagreements live in the *furu*, the branch rulings, while the *usul*, the roots they reason from, stay held in common.

The Sunni-Shia division is a quarrel over authority and succession. The four *madhahib* are alternative routes inside Sunnism whose jurists credential one another, regarding each other, in the Encyclopaedia of Islam's phrasing, as equally valid interpretations of the law. In 2005 that recognition was put in writing. The Amman Message, endorsed over the following year by roughly 552 scholars from some 84 countries, affirmed the validity of all four Sunni schools alongside the Jafari and Zaydi Shia, the Ibadi, and the Zahiri, barred declaring any of their adherents an apostate, and held that the schools have more in common than in difference. A religion at war with itself does not convene 84 countries' worth of clergy to certify its own disagreements as legitimate.

A second misreading holds that the schools froze: that around the tenth century the gate of *ijtihad* swung shut and Islamic law thereafter was recited by rote. Joseph Schacht and N.J. Coulson made this the standard Western account, and Wael Hallaq took it apart in a 1984 article. No medieval document anywhere announces that the gate had closed — the historian George Makdisi noted he had never found such a statement in any of them — and the *mujtahids*, the jurists qualified to reason independently, kept appearing for centuries after the supposed closure. Much of the quarrel was two sides using one word for two things: founding a wholly new school, which did become rare, and reasoning to fresh rulings inside an established one, which never stopped. The schools never stopped moving, and "living traditions" is a literal description.

Because the modern Salafism associated with Saudi Arabia grew in Hanbali soil, the classical school inherits the reputation of a movement that post-dates it by a thousand years. Michael Cook, who has written the careful history, judges that Ibn Hanbal's own beliefs played no real part in the central doctrines of Wahhabism, and that the older Hanbalites were preoccupied with questions the modern reformers never raised. The classical *madhhab* and the modern movement are separate objects, and Part 2 will take up the movement on its own terms. Hold the four schools as what they are: four disciplined ways of reading one set of sources, each certified as sound by the jurists of the other three. Islam's oldest lawyers built the disagreement in on purpose, and they built it to hold.

SHIA LAW RUNS ON A DIFFERENT ENGINE

Twelver jurisprudence, the Jafari school, is a self-standing legal system running on its own *hadith* canon, its own fourth source of law, and its own theory of a living authority. It sits in the category the last section built, *fiqh*, the human reach for the ideal, as its own kind of school. The diagnostic from the opening — which layer, whose reading, under which school — stretches here, because “which school” now opens onto a second legal system of its own.

The school takes its name from Jafar al-Sadiq, the sixth Imam, who lived from roughly 702 to 765. The chronology alone does most of the anti-offshoot work: a tradition built around a mid-8th-century teacher cannot be a downstream branch of a Sunni orthodoxy that had not yet finished setting. Abu Hanifa and Malik, the Sunni eponyms from the last section, were his contemporaries. And al-Sadiq left no law-book under his own name, the way Malik and al-Shafii did, and the school that bears his name was assembled afterward, out of the teaching transmitted through him and the Imams around him.

Where three of the four Sunni schools reach for *qiyas* — disciplined analogy from a settled ruling to a new one — the Jafari school puts *aql*, reason, in the fourth slot. Ibn Idris al-Hilli is the classical jurist usually credited with naming *aql* the fourth source, and the substitution is the cleanest single contrast between the two engines. Shia jurists let the intellect reach some of the ideal law where the texts fall silent. *Aql* here runs on a worked-out apparatus, the “practical principles” invoked when the sources give out, immunity and precaution and continuity among them, the explicit subject of a serious modern literature. And the *Sunna* itself reaches the Twelvers through the infallible Imams of the Ahl al-Bayt, where Sunni Islam receives it through the Companions.

Where Sunni law rests on the *Kutub al-Sittah*, the six collections built around Bukhari and Muslim, Twelver law rests on the Four Books, *al-kutub al-arbaa*, a separate corpus with its own compilers. Al-Kulayni assembled *al-Kafi* around the early 10th century, Ibn Babawayh, called al-Saduq, produced *Man la yahduruhu al-Faqih*, and Shaykh al-Tusi compiled *Tahdhib al-Ahkam* and *al-Istibsar*. And the resemblance stops at the shelf. The Sunni Sahihayn carry a presumption of soundness. The Four Books do not. Twelver scholars grade the reports inside them — sound, good, reliable, weak — and a report rated “sound” here

requires a chain of upright Imami transmitters, so even the shared word *sahih* is not the same word across the two systems.

In Twelver theory authority carried forward — through the Imams, and then, during the occultation of the Twelfth Imam, through jurists who exercise ongoing *ijtihad* in his absence. The apex is the *marja al-taqlid*, the “source of emulation,” who must be living, because emulation needs a mind still answering new questions, and following a deceased jurist is generally barred in Usuli practice. *Taqlid* runs as an obligation. A believer untrained to derive rulings must emulate a living *mujtahid*, who publishes a *risala amaliyya*, a manual of rulings his followers consult for daily life. Sunni law, with its settled schools, carries no equivalent living office, and that evolving authority is what the “Shia and Sunni law are basically the same” reading cannot absorb.

The Akhbari school, revived by Muhammad Amin al-Astarabadi in the early 17th century, rejected *ijtihad* and *usul al-fiqh* altogether — only the traditions of the fourteen Infallibles were authoritative, and a ruling had to be suspended wherever they fell short. Muhammad Baqir Bihbahani campaigned against that from Karbala and Najaf in the late 18th century, and by the 1780s the Usulis had won decisively, leaving Akhbarism a small minority today mostly in Bahrain. The centralized *marjaiyya* grew out of that victory, a 19th-century construction: Kazemi Moussavi describes “a highly centralized religious position... whose source of power was not to be found in the classical Shii doctrine,” with Murtada al-Ansari (d. 1864) usually cited as its first community-wide *marja*. A tradition that argues this fiercely about its own method is plainly running a legal system of its own.

In 1959 the head of al-Azhar, Shaykh Mahmud Shaltut, issued a *fatwa* holding that the Jafari school is “religiously correct to follow” as the Sunni schools are. The popular “fifth madhhab” gloss overstates it — Shaltut granted permission to follow the school, well short of a pan-Sunni endorsement — but even read narrowly, the most prestigious institution in Sunni Islam treated Jafari law as a legitimate school. None of this touches the doctrine Western readers reach for first, *velayat-e faqih*, the guardianship of the jurist as a theory of clerical state rule. I am leaving that door deliberately shut here. Khomeini systematized it only in his 1970 Najaf lectures, most grand ayatollahs of his day rejected it, and quietist *marjas* like Sistani and al-Khoei confine the jurist’s guardianship to judicial and charitable matters. It belongs to Part 2 and the strategic work, well outside the classical *fiqh* this section maps. Same category. Different machine. The Jafari school was deriving law from its own canon and its own fourth source while the Sunni schools were still setting, and has spent the twelve centuries since building institutions to run it. The offshoot story was always pointed at the wrong building.

SUFISM IS THE DEVOTIONAL LIFE OF THE MAINSTREAM

Of all the confident Western sentences about Islam, the most flattering one treats Sufism as “the good Islam” — the whirling dervishes and the Rumi couplets printed on a coffee mug, a tolerant and apolitical spirituality a reader can keep after setting the law and the politics down. Such a thought mistakes a dimension of the whole thing for a detachable part of it.

Sufism, *tasawwuf*, is the disciplined cultivation of *ihsan*, the third of the three dimensions the Hadith of Gabriel names alongside *islam*, the outward practice, and *iman*, the inward belief. The *hadith* defines *ihsan* as worshipping God “as if you see Him, and if you do not see Him, know that He sees you.”

A *tariqa* is a concrete institution running on a *silsila*, a documented chain of master-to-disciple authorization traced back to Muhammad, and gathering *muridin*, disciples, under a living *shaykh*. The three archetypal orders — the Qadiriyya of Abd al-Qadir al-Jilani, the Shadhiliyya of Abu al-Hasan al-Shadhili, and the Naqshbandiyya of Baha al-Din Naqshband — grew on top of the law and took their discipline from it. They inherited the settlement Abu Hamid al-Ghazali brokered around 1100, when one of Sunni Islam’s most authoritative theologians folded Sufi inner life into orthodox theology and *sharia* observance in his *Ihya Ulum al-Din*, the Revival of the Religious Sciences, a text the jurist al-Nawawi later judged sufficient to replace every other book of Islam were they all lost.

The mainstream Sufi self-understanding demands the law. A maxim the tradition carries under Imam Malik’s name, on an attribution that is old and contested, holds that whoever practices *tasawwuf* without *fiqh* is corrupt, that whoever practices *fiqh* without *tasawwuf* is a deviant, and that only the one who joins the two reaches the truth.

Until the middle of the nineteenth century, a majority of the world’s Muslims — or something close to it — shared in devotions we would now recognize as Sufi, whether or not they carried an order’s membership. In the medieval centuries it ran almost even with Islam in general, and Safi’s own summary is blunt: it is a dimension inside both Sunni and Shia Islam, and it is “not a separate sect.” Its shrinking to the margins is the work of the last century and a half, and it dates as precisely as any other modern political program.

Al-Hallaj was executed in Baghdad in 922 after his ecstatic cry “*Ana al-Haqq*,” I am the Real, and most of his own Sufi contemporaries disapproved of him. The mainstream ran through his own teacher, al-Junayd of Baghdad, whose sober school, the *sahw*, was cautious, juristically respectable, and careful not to give the law offense. The intoxicated strain, the *sukr*, the one that gets quoted on posters, was always the minority edge. Real antinomian corners exist in the tradition. They have never been the tradition.

Of course, some of the nineteenth century’s largest armed jihads were declared and led from inside the orders — Abd al-Qadir al-Jazairi of the Qadiriyya in Algeria, the Sanusiyya in Libya, Imam Shamil of the Naqshbandiyya in the Caucasus. The orders that produced the poetry also raised armies and waged holy war, which is the first thing the “gentle, apolitical Sufi” picture leaves out. The other claim is that a “good Sufi” can be set against a bad Islamist as a matter of natural kinds, and that one has a recent bureaucratic origin: RAND’s Civil Democratic Islam in 2003 and Building Moderate Muslim Networks in 2007 urged Washington to promote Sufism and “moderate traditionalists, including Sufis” as partners against radicalization. The binary is an instrument of policy, not a description of anything.

There is another, deadlier, error. The Western admirer wants the poetry without the law. A specific current wants the poetry gone from Islam entirely, reclassified as *bidah*, innovation, and *shirk*, the association of partners with God, with shrine visits and saints' birthdays and audible *dhikr* recast as idolatry and the Sufis branded "grave-worshippers." That current, and the wider Salafi argument this series opens in Part 2, are their own subject. The anti-Sufi verdict itself is a minority program, and it has killed — most of Timbuktu's listed shrines razed by Ansar Dine in 2012, some three hundred worshippers murdered at the al-Rawda mosque in Sinai in 2017.

Each of these errors seizes one layer or one edge — the ecstatic exception, the coffee-mug tolerance, the grave-worship caricature — and calls it the whole. Sufism is the *ihsan* woven through the schools and the law, the sober mainstream that carried the devotional life of most Muslims for most of the tradition's history, and it stays majority-adjacent wherever a reform movement has not gone at it with a bulldozer. In Tunisia, left more or less alone, a national pollster found better than four in ten adults visiting Sufi shrines every year, with the shrines outnumbering the mosques.

Put the three questions to the sentence Oklahoma passed, the order to keep *sharia* out of its courts, and the slogan comes apart into something a person can actually answer. The only law a judge could ever be handed is *fiqh*, the human rulings of some particular school, or a foreign government's *qanun*, so the word narrows at once to a body of rulings that divides by school before it reaches a single defendant. Whose reading, then, and under which of them, Hanafi or Maliki or Shafii or Hanbali or Jafari, each deriving by its own method and none of them the fixed portable code the amendment believed it was banning. Ask it that way and the state's own record answers before the fight starts, because the thing SQ755 forbade in the singular does not exist in the singular, and no Oklahoma judge had ever applied it to anyone. This is the whole use of the floor plan the dossier hands you, and it is a smaller thing than a verdict and a steadier one. It hands you no verdict on whether a given ruling is right or wrong. It refuses only to let you skip the step where you learn which ruling you are judging. The judgment, when it comes, has to land on the real thing. What it leaves you is the vocabulary — *madhhab* and *fiqh* and *usul*, *isnad* and *marja* and *tariqa* — and the habit of asking which layer, whose reading, under which school, so that the next time a confident voice tells you what Islam commands, you can find the floor he is standing on before you decide whether to believe him. Part 2 carries the same map into harder country, where the question stops being where a claim sits and becomes which of the claims sitting there Muslims have settled among themselves and which they have never stopped contesting.

References

1. Norman Calder. "Law, Islamic philosophy of." *Routledge Encyclopedia of Philosophy* (H015). muslimphilosophy.com mirror. Cited in Section 1 for the *usul/furu* split and the definition of a ruling as "the total product of human efforts at understanding the divine will."

2. al-Shafii. *al-Risala*. Early 9th century. Cited in Sections 1 and 5 as the systematization of the four-source scheme (*usul al-fiqh*).
3. Wael B. Hallaq. *Sharia: Theory, Practice, Transformations*. Cambridge University Press, 2009. Cited in Section 1 (the four-source scheme as a later crystallization rather than wholly al-Shafii's work), Section 2 (legal verses "run long and repeat"), and Section 4 (*qanun* as sultanic statute alongside *fiqh*).
4. Mohammad Hashim Kamali. *Principles of Islamic Jurisprudence*. Islamic Texts Society. Cited throughout Sections 1, 2, 4, and 5: the *sharia/fiqh* distinction, "fiqh... is the law itself whereas *usul al-fiqh* is the methodology of the law" (p. 12), the four roots, the Hanafi/Maliki method differences, the ~350 legal-verse count, *ijtihad/taqlid*, and codification eroding the jurist's role (p. 8).
5. Wikipedia (orientation only — corroboration behind a primary or academic anchor throughout). Articles cited: "Madhhab" (al-Nasafi fallibility maxim, Section 1); "Quranic createdness" (Ashari inner-speech settlement and Twelver position, Section 2); "Fatwa" (*fatwa* as non-binding opinion, Section 4); "Mecelle" (the 1,851-article codification, Section 4); "Tariqa" (the three archetypal orders, Section 7); "Al-Hallaj" (execution 922, "Ana al-Haqq," Section 7); "Sufism" (the sober/intoxicated distinction, Section 7); "Persecution of Sufis" (Ibn Taymiyya-to-Wahhab anti-Sufi genealogy; Timbuktu 2012 and al-Rawda 2017, Section 7).
6. Sahih al-Bukhari. Cited in Section 1 (the *mujtahid*-reward *hadith*, one reward for a sincere wrong ruling and two for the correct one; Bukhari 7352) and Section 3 (the *hadith* of intention, no. 1, *gharib* yet *sahih*; the ~7,500-with-repetition / ~2,600-distinct collection totals and the tradition's 600,000-examined figure).
7. Sahih Muslim. Cited in Section 1 (the *mujtahid*-reward *hadith*; Muslim 1716) and Section 3 (the muqaddima carrying Ibn al-Mubarak's dictum that "the isnad is part of the religion").
8. abuaminaelias.com. "Shariah, Fiqh, and Islamic Law Explained." Quoting the Kuwaiti Encyclopedia of Islamic Jurisprudence, Ibn Taymiyya, and Ibn al-Qayyim. Cited in Section 1 for the founding jurists' refusal to preface their rulings with "this is the judgment of God."
9. Jonathan A.C. Brown. *Misquoting Muhammad: The Challenge and Choices of Interpreting the Prophet's Legacy*. Oneworld, 2014. Cited in Section 1 that Muslims have always read scripture through an inherited interpretive tradition.
10. Hadith of Gabriel. Sahih al-Bukhari 50 / Sahih Muslim 8 (also Nawawi's Forty no. 2). Cited in Section 1 (the *islam/iman/ihsan* triad as the tradition's own layering) and Section 7 (*ihsan* defined as worshipping God "as if you see Him").
11. A.T. Welch, R. Paret, J.D. Pearson. "al-Quran." *Encyclopaedia of Islam*, 2nd ed. Brill. Cited in Section 2: *qaraa*/"recitation" etymology, the recited-revelation self-understanding, the non-chronological codex ordered by descending

- sura* length, and the ~6,236-verse total. (Authorship/volume confirmed; article body Brill-paywalled.)
12. al-Suyuti. *al-Itqan fi 'ulum al-Quran*. Cited in Section 2 for the Meccan/Medinan science (registers c. 610-622 vs 622-632) and the conventional ~500 legal-verse figure.
 13. Ibn al-Arabi (Maliki). *Ahkam al-Quran*. Cited in Section 2 for the count of 852 legal verses reachable by implication.
 14. The Quran (Hafs numbering, ~6,236 verses). Cited in Section 2 for the tahaddi/challenge verses (Q 2:23, 10:38, 11:13, 17:88, 52:34) and in Section 4 for Q 4:43 (*lamastum al-nisa*) and Q 2:188. Reputable translation.
 15. G.E. von Grunebaum. "Ijaz." *Encyclopaedia of Islam*, 2nd ed. (III: 1018-20). Brill. Cited in Section 2 for the doctrine of inimitability and its classical theorists. (Bibliographically confirmed; body paywalled.)
 16. al-Baqillani. *Ijaz al-Quran*. Cited in Section 2 for the argument that the Quran's style belongs to no known genre (cited by named work).
 17. Abd al-Qahir al-Jurjani. *Dalail al-Ijaz*. Cited in Section 2 for locating the miracle in *nazm*, the weave of the Arabic (cited by named work).
 18. islamicstudies.info. "Survey of Quran Translations." Cited in Section 2 for the convention of titling English editions the "meaning" or "interpretation" of the Quran.
 19. M. Hinds. "Mihna." *Encyclopaedia of Islam*, 2nd ed. Brill. Cited in Section 2 (the created/uncreated dispute enforced as state policy under al-Mamun; Ibn Hanbal's resistance) and Section 5 (the *mihna* as the Hanbali school's founding drama). (Authorship confirmed; body paywalled.)
 20. Jonathan A.C. Brown. *Hadith: Muhammad's Legacy in the Medieval and Modern World*. Oneworld, 2009/2017. Read directly (archive.org scan). Cited in Section 3: the *matn/isnad* definition and Ibn al-Mubarak's dictum (p. 4), and Bukhari's 600,000-examined figure framed as the tradition's self-report (p. 32); reinforced in Section 5 (Ibn Hanbal preferring a weak *hadith* to a jurist's opinion).
 21. Ibn al-Salah al-Shahrazuri. *Muqaddima (Kitab Marifat Anwa Ilm al-Hadith)*, tr. Eerik Dickinson. Garnet, 2005. Cited in Section 3 for the five conditions of a *sahih* report and the grade set (cited by named work).
 22. Ibn Hajar al-Asqalani. *Nukhbat al-Fikr / Nuzhat al-Nazar*. Cited in Section 3 for the five conditions of *sahih* and the *mutawatir/ahad* breadth axis with its *mashhur/aziz/gharib* sub-types (cited by named work).
 23. Jonathan A.C. Brown. "Blind Spots: The Origins of the Western Method of Critiquing Hadith." Yaqeen Institute. Read directly. Cited in Section 3 for narrator-criticism by corroboration (Shuba on tadlis; Ali ibn al-Madini's tadlis registers) and the Motzki-vs-Goldziher/Juynboll assessment that the classical forgery filter worked better than earlier Western scholars believed.
 24. Hashiya. "Introduction to al-Tirmidhi and his Kitab al-Ilal al-saghir." Cited in Section 3 that al-Tirmidhi is generally credited as the first to give *hasan* a technical definition (with the later dispute that he applied it too freely).

25. J. Robson. "al-Kutub al-Sitta." *Encyclopaedia of Islam*, 2nd ed. Brill. Cited in Section 3 for the Six Books and their compilers' dates and for the eleventh-century fixing of Ibn Majah (vs the Muwatta) as the sixth book.
26. Jonathan A.C. Brown. *The Canonization of al-Bukhari and Muslim: The Formation and Function of the Sunni Hadith Canon*. Brill, 2007. Cited in Section 3 for the tenth-century, largely Shafii-driven canonization of the two Sahihs.
27. Ignaz Goldziher. *Muslim Studies (Muhammedanische Studien)*, vol. 2. Cited in Section 3 for the eleventh-century grouping of "the Six" by al-Maqdisi / Ibn al-Qaisarani.
28. The Four Books (*al-Kutub al-Arbaa*): *al-Kafi* (al-Kulayni); *Man la yahduruhu al-Faqih* (Ibn Babawayh al-Saduq); *Tahdhib al-Ahkam* and *al-Istibsar* (al-Tusi). Cited in Section 3 and Section 6 as the Twelver Shia *hadith* canon, textually distinct from the *Kutub al-Sittah*.
29. al-Allama al-Hilli. Rijal works. Cited in Section 3 for the Shia four-fold grading (*sahih/hasan/muwaththaq/daif*), introduced by Ahmad ibn Tawus (13th c.) and carried forward by al-Hilli, redefining *adala* as upright Imami transmission (cited by named work).
30. Joseph Schacht. *An Introduction to Islamic Law*. Oxford, 1964; *The Origins of Muhammadan Jurisprudence*. Cited in Section 3 (the Goldziher-Schacht back-projection/forgery thesis) and Sections 4-5 (the "closing of the gate of ijtihad" thesis).
31. Harald Motzki. *The Origins of Islamic Jurisprudence*. Brill, 2002. Cited in Section 3 for the *isnad-cum-matn* method rehabilitating much *hadith* material to the first Islamic century against Schacht.
32. Jonathan A.C. Brown. "The Rules of Matn Criticism: There Are No Rules." *Islamic Law and Society* 19, no. 4 (2012): 356-396. DOI 10.1163/156851912X639923. Cited in Section 3 that pre-modern critics mostly policed content through the chain.
33. Wael B. Hallaq. "Was the Gate of Ijtihad Closed?" *International Journal of Middle East Studies* 16, no. 1 (1984): 3-41. Cited in Sections 4 and 5: no medieval document announces the gate closed (Makdisi found no such statement), and *mujtahids* persisted for centuries; present as a contested thesis.
34. "Hanafiyya." *Encyclopaedia of Islam*, 2nd ed. Brill. Cited in Section 5 for the Hanafi school as the most widely followed and the court law of the Ottoman and Mughal empires.
35. Malik ibn Anas. *al-Muwatta*. Cited in Section 5 as among the oldest surviving Muslim law-books; al-Shafii's reported praise ("the soundest book after the Quran") is a traditional attribution, not a verified verbatim quote.
36. W.M. Patton. *Ahmed ibn Hanbal and the Mihna*. 1897. Cited in Section 5 for Ibn Hanbal's resistance under the ninth-century inquisition (cited by named work).

37. “Madhhab.” *Encyclopaedia of Islam*, 2nd ed. Brill. Cited in Section 5 for the schools regarding one another as “alternative and equally valid interpretations” and for their geographic distribution.
38. “Fikh.” *Encyclopaedia of Islam*, 2nd ed. Brill. Cited in Section 5 that the schools’ disagreements live in the *furu* (branch rulings) while the *usul* (roots) are held in common.
39. The Amman Message. “The Three Points” (Point One: recognition of the eight schools and a bar on takfir; Point Two: “more in common... than difference”) and the “Grand List of Endorsements.” ammanmessage.com, 2005. Primary consensus document. Cited in Section 5: ~552 scholars from ~84 countries.
40. Michael Cook. “On the Origins of Wahhabism.” *Journal of the Royal Asiatic Society* (1992). Cited in Section 5 that Ibn Hanbal’s beliefs played “no real part” in the central doctrines of Wahhabism (cited by named work; PDF access-blocked).
41. “Ja’far al-Sadiq.” *World Eras / Encyclopedia of Islam and the Muslim World* (via Encyclopedia.com). <https://www.encyclopedia.com/history/news-wires-white-papers-and-books/jafar-al-sadiq>. Cited in Section 6 for al-Sadiq’s dates (c. 702-765). (Does not list Abu Hanifa or Malik as his students.)
42. Marshall G.S. Hodgson. “Djafar al-Sadik.” *Encyclopaedia of Islam*, 2nd ed. Brill. Cited in Section 6 for al-Sadiq as eponymous founder of the Jafari school, who left no law-book under his own name. (Authorship confirmed; body paywalled.)
43. “Usuliyya.” *Encyclopedia of Islam and the Muslim World* (ed. R.C. Martin, Macmillan Reference), via Encyclopedia.com. <https://www.encyclopedia.com/religion/encyclopedia-almanacs-transcripts-and-maps/usuliyya>. Cited in Section 6 for *aql* (reason) as the Jafari fourth source, with Ibn Idris al-Hilli credited with naming it.
44. Robert Gleave. *Inevitable Doubt: Two Theories of Shi’i Jurisprudence*. Brill, 2000. Cited in Section 6 for the “practical principles” (*usul amaliyya*: *bara’a*, *ihtiyat*, *istishab*) invoked when the sources give out.
45. Andrew J. Newman. *The Formative Period of Twelver Shi’ism: Hadith as Discourse Between Qum and Baghdad*. Curzon/Routledge, 2000. Cited in Section 6 for the Four Books as the distinct Imami corpus (the collective term a 15th-century coinage).
46. “Marja al-Taqlid.” *Encyclopedia of Religion*, via Encyclopedia.com. <https://www.encyclopedia.com/religion/encyclopedia-almanacs-transcripts-and-maps/marja-al-taqlid>. Cited in Section 6 for the “source of emulation” who must be living and the obligation of *taqlid*.
47. Rula Jurdi Abisaab. “Shii Jurisprudence, Sunnism, and the Traditionist Thought (Akhbari) of Muhammad Amin Astarabadi (d. 1626-27).” *International Journal of Middle East Studies* 47, no. 1 (2015): 5-23. <https://www.cambridge.org/core/journals/international-journal-of-middle-east-studies/article/abs/shii-jurisprudence-sunnism-and-the-traditionist-thought-akhbari-of-muhammad-amin-astarabadi-d-162627/DoA716E30C18EF7FFB>. Cited in Section 6 for the Akhbari rejection of *ijtihad* and the suspension of a ruling in doubt.

48. Robert Gleave. *Scripturalist Islam: The History and Doctrines of the Akhbari Shi'i School*. Brill, 2007. https://brill.com/view/book/9789047421627/Bej.9789004157286.i-344_002.xml. Cited in Section 6 for the Usuli defeat of Akhbarism by the 1780s.
49. "The Divine Gaps between the Usuli and Akhbaris in Bahrain." *Religions* 11, no. 7 (2020): art. 321. MDPI. <https://www.mdpi.com/2077-1444/11/7/321>. Cited in Section 6 that Akhbarism survives as a small minority, mostly in Bahrain.
50. Ahmad Kazemi Moussavi. "The Establishment of the Position of Marjaiyat-i Taqlid in the Twelver-Shi'i Community." *Iranian Studies* 18, no. 1 (1985): 35-51. <https://www.cambridge.org/core/journals/iranian-studies/article/abs/establishment-of-the-position-of-marjaiyyti-taqlid-in-the-twelvershii-community/0071CFDB9BoC38247AFD138DE>. Cited in Section 6 for the centralized *marjaiyya* as a 19th-century construction "whose source of power was not to be found in the classical Shii doctrine."
51. Meir Litvak. *Shi'i Scholars of Nineteenth-Century Iraq: The Ulama of Najaf and Karbala*. Cambridge University Press, 1998. Cited in Section 6 for Murtada al-Ansari (d. 1864) as the first community-wide *marja*.
52. Shaykh Mahmud Shaltut. 1959 al-Azhar *fatwa* on the Jafari school (issued 6 July 1959). ICIT Digital Library. <https://www.icit-digital.org/articles/shaykh-mahmud-shaltut-s-fatwa-about-shia-madhab-1959>. Cited in Section 6: the Jafari school is "religiously correct to follow" as the Sunni schools are (a permission, short of a pan-Sunni doctrinal endorsement).
53. al-Ghazali. *Ihya Ulum al-Din* (The Revival of the Religious Sciences). Cited in Section 7 for al-Ghazali's synthesis of Sufi inner life with orthodox theology and *sharia* observance (with al-Nawawi's later endorsement).
54. Ahmad Zarruq. *Qawaid al-Tasawwuf* / Ali al-Qari. *Sharh Ayn al-Ilm*. Cited in Section 7 as the transmitting works for the Malik-attributed maxim joining *fiqh* and *tasawwuf* (attribution old and contested).
55. Omid Safi (Duke University). "The Characterization of Sufism as a Separate Sect... is Inaccurate and Problematic." onbeing.org. Cited in Section 7 that Sufism is a dimension within both Sunni and Shia Islam, "not a separate sect," and that a majority (or near) of Muslims shared Sufi-recognizable devotions until the mid-19th century.
56. Fahad Muedini. "Sufism and Anti-Colonial Violent Resistance Movements." *Open Theology* 1 (2014). Cited in Section 7 for Sufi-led anti-colonial armed jihads (Abd al-Qadir/Algeria, the Sanusiyya/Libya, Imam Shamil/Caucasus).
57. RAND Corporation. *Civil Democratic Islam: Partners, Resources, and Strategies* (MR-1716, Cheryl Benard, 2003) and *Building Moderate Muslim Networks* (MG-574, 2007). Cited in Section 7 as the bureaucratic origin of the "moderate Sufi" instrument of policy.
58. *Awad v. Ziriax*, 670 F.3d 1111 (10th Cir. 2012) (affirming the injunction that blocked State Question 755, the "Save Our State" Amendment); permanent injunction at *Awad v. Ziriax*, 966 F. Supp. 2d 1198 (W.D. Okla. 2013) (Miles-LaGrange, C.J.). ACLU case page, "Muneer Awad v. Paul Ziriax." Cited in

the lede and the closing (and §4's anti-*sharia*-ballot-measure discussion): the ~70% approval vote, the state's failure to name a single instance of an Oklahoma court applying *sharia*, and the measure's blocking and later striking-down.

59. Lamine Ghanmi. "In Tunisia, Sufism is here to stay." *The Arab Weekly*, 12 February 2016. Cited in Section 7 for the Sigma (Sigma Conseil) survey finding 43.1% of Tunisians visit a shrine at least once a year, and shrines (zawiyas) outnumbering the country's ~2,500 mosques. Single-country, secondary-sourced, deployed illustratively.

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