

Preface / Vorwort

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Dear readers,

This special edition goes back to an international conference on *risāla* literature, which was held online on 25.6. and 3–4.7.2020 due to the Covid-19 pandemic and the various restrictions in place. The conference was organised by the Institute of Islamic Theology at the University of Osnabrück in cooperation with the Collaborative Research Centre *Law and Literature* at the University of Münster. Some articles from the conference have already been published in various journals. This volume is the first special issue devoted specifically to *risāla* literature. Why is *risāla* literature so important? In recent years, the study of the history of Islamic ideas has freed itself from its early period focus and now spans different periods, textual genres, and topics. Due to the dominant decline thesis, the period after the 12th century was previously very much neglected and considered irrelevant for the study of Islamic theology. This picture has gradually changed since the 1990s, so that there are now many projects that deal specifically with the so-called post-classical period and make the texts from this time accessible. In this phase, from around the 12th century onwards, a process of standardisation occurred in almost all areas of Islamic knowledge production, so that certain teachings, texts, persons, or schools gained paramount authority, and the discourses were henceforth largely determined by reference to these texts. Parallel to this process of canonisation, which led to a stabilisation and standardisation of doctrinal content, an increasing diversification of discourses can be observed, which manifested itself in the emergence of different text genres. In Islamic law in particular, but also in other areas, various sub-disciplines and forms of literature have emerged, which has contributed to a dynamization and flexibilization of content. In recent years, commentary literature with its various forms (*sharḥ* and *ḥāshiya*) has received increasing attention. In addition to the commentaries, *risāla* literature enjoyed particular popularity in the so-called post-classical phase. Not only in the field of *fiqh*, but also in the field of dogmatics (*kalām*), *taṣawwuf*, and philosophy, *rasā'il* were among the most important types of texts that were used to continue the relevant discourses. The *risāla* (pl. *rasā'il*) as an independent genre in Islamic knowledge production is usually a relatively short treatise on a specific topic that is the subject

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of contemporary debate. Between the 14th and 19th centuries in particular, there was an increase in the production of such treatises, which scholars, intellectuals, and thinkers used to react to social and intellectual discourses. What made the *risāla* particularly attractive was that its literary form was not precisely defined and formalised, and it therefore offered the opportunity to discuss a topic more freely and extensively than would have been possible in other text genres such as commentaries or fatwas. This is an aspect that is repeatedly emphasised in relation to *risāla* literature. The *risāla* literature thus breaks up the highly formalised form of *fatāwā* and makes it possible to discuss new, controversial issues in greater detail. However, these texts have yet to be systematically indexed. Despite its important role, research has neglected treatise literature to date. This is precisely where the conference came in, attempting to make individual treatises from the various areas of Islamic theology and the history of ideas accessible. Three of these contributions are published in this special issue.

In his article *Risāla Writing in Ottoman Society: A Treatise on Drugs by Maḥmūd al-Fanārī*, Tuncay Başıoğlu discusses a treatise by the Ottoman scholar Maḥmūd al-Fanārī (d. 1007/1599) on the prohibition of hashish and opium. Since hashish and opium were also used as medicines in the past, they were not always classified as forbidden in the earlier *fiqh*-works but considered permitted or frowned upon. After the intoxicating and harmful effects gradually became known and the drugs were consumed as stimulants, the judgment changed, so that scholars increasingly classified them as forbidden from the 12th and 13th centuries onwards. The topic was highly relevant under both the Mamluks and the Ottomans, as evidenced by numerous fatwas and treatises. Al-Fanārī's treatise *Risāla fī bayān ḥurmat al-ḥashīsh wa-l-afyūn* was written in the second half of the 10th/16th century, the heyday of discussions on the topic in Ottoman society. Despite the intoxicating and harmful effects, there were opinions at the time of al-Fanārī that rejected the prohibition of these substances. With a clear declaration that drug use was forbidden, al-Fanārī positioned himself on the side of official doctrine and derived this stance from the most important sources of reference in the Hanafī *fiqh*-tradition. Başıoğlu evaluates the *risāla* from the perspective of *uṣūl al-fiqh* and with special attention to the *shurūḥ* of Mamluk Ḥanafīs and the fatwas of Ottoman scholars.

Cüneyd Yıldırım dealt with a treatise by Muḥammad Nūr al-‘Arabī (d. 1305/1888) from the 19th century on the practice of killing so-called “vampires”. The belief in vampires was not only popular in south-eastern Europe, but it was also held by the Orthodox Church. Some clerics held the view that a person who has been excommunicated does not attain peace after death and turns into a vampire. This view probably legitimised the desecration of graves in an effort to ruin a reputation after death. This practice continued even after 19th century Orthodox clerics began to condemn it as a barbaric superstition. Graves were broken open and the corpses beheaded and burned. Al-‘Arabī's treatise *ar-Risāla aṣ-ṣa‘īdiyya* addresses this topic and discusses whether this practice could be legitimised under Islamic law. By the time of the fatwas of the Ottoman scholar Ebū’s-Su‘ūd at the latest, this

was a question discussed among scholars. While Ebū's-Su'ūd still rejected this practice, Ibn Arabi is said to have declared it permissible under Islamic law by referring to principles such as "Everyone who causes harm must be killed". Yıldırım examines the intertextual and social background of this treatise and attempts to categorize this *risāla* in terms of both social history and the history of ideas.

In his article, Jens Bakker discusses the treatise by the Shiite scholar Waḥīd ad-Dīn Muḥammad Bāqir b. Muḥammad Akmal al-Bihbihānī (d. 1205/1791) on *ijtihād* with the title *Risālat al-ijtihād wa-l-akhbār*. Al-Bihbihānī was one of the most important authorities in Shiite jurisprudence in the 18th century and is considered the founder of a new school within the Uṣūli-movement. His work subsequently had a significant influence on Shiite jurisprudence, especially on the works of Shaykh al-A'zam Murtaḍā b. Muḥammad Amīn al-Anṣārī (d. 1281/1864) and his pupil al-Ākhūnd Muḥammad Kāzīm al-Khurāsānī (d. 1329/1911), both of whom are very influential figures in contemporary Shii jurisprudence. The treatise needs to be read against the background of the debates against the Akhbārī-movement and as a response to and defence of the *uṣūl al-fiqh*- and *ijtihād*-doctrines as they were understood by the Uṣūlīschool. Bakker particularly emphasises the clear parallels to the Sunni *uṣūl al-fiqh* in the treatise by al-Bihbihānī, who also wrote a supra-commentary on the commentary of the famous Sunni scholar by 'Aḍud ad-Dīn al-Ījī (d. 756/1355). Compared to the other two treatises, al-Bihbihānī's treatise is much longer and more technical, while also dealing with more theoretical issues. This shows that, despite similarities, *rasā'il* do not possess any fixed formal criteria and can vary in terms of length, social function, and audience.

In addition to these articles, we had a conversation with Nir Shafir about his forthcoming book, *The Order and Disorder of Communication: Pamphlets and Polemics in the Seventeenth-Century Ottoman Empire*, which is the first comprehensive monograph on a specific type of *risāla* literature, the pamphlet. Shafir explains the emergence and widespread use of this new medium to discuss socially relevant issues in the Ottoman context and provides us with important information about the form and social function of these texts. Between the interview and the above articles, there is also a translation article as well as several conference reports and reviews. The translation section contains excerpts from the commentary *Sharḥ al-Aqīda al-wuṣṭā* by Muḥammed b. Yusuf as-Sanūsī (d. 895/1489), translated by Abdelaziz Rebai. In this commentary, as-Sanūsī refutes the arguments of the Mu'tazilites regarding the beatific vision in the Hereafter with numerous traditional theological and logical arguments. This translation is a presentation of the Sunni position on the subject. The Mu'tazilite position was presented in the previous October issue of HIKMA through translated excerpts from a treatise by al-Jāḥiẓ (d. 255/869), translated also by Mr. Rebai. We wish all our readers much enjoyment and benefit from the scholarship presented in this issue of HIKMA.