Ibn Khaldun's Concept of the History of Fiqh and its Impact on the Historiography of Islamic Law in the Modern Era*

İslam Hukuk Tarihini İbn Haldun Üzerinden Okumak: İbn Haldun'un Modern Dönem İslam Hukuk Tarihi Yazıcılığına Etkileri

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Abstract: As an Ash'arī and Mālikī jurist, Ibn Khaldūn's various theories, ranging from economics to politics, sociology to philosophy, and history to literature have long been subject of inquiry by prominent scholars. However, his opinion on Islamic sciences such as fiqh, hadith, tafsīr and their historical development have rarely been subject of investigation. This article aims to present Ibn Khaldūn's views on the history of fiqh and its impact on modern historiography of Islamic law through Muslim and Orientalist scholarship. The main framework of history of fiqh in his Muqaddimah gave both Muslim and Western scholarship of history of Islamic Law an opportunity to reconsider established views. After imperial politics and cultural impact of western countries on Islamic societies, Muslim scholars and intellectuals tried to find solutions for increased modern problems and intercept western challenge. As a result of this consideration, call for ijtihād arose among Muslim scholars. They used Ibn Khaldūn's concept of the history of Islamic Law in order to justify their thesis by periodization of the history of Islamic Law within the framework of ijtihād and taqlīd. On the other hand, since the main concern of western scholars is the origin of Islamic Law, they applied his opinions to their approach to the early development of Islamic law. Although both Muslim and Orientalist discourses used his attitude for legitimating their conceptions, they did not consider his historical context.

Keywords: Ibn Khaldun, Muqaddimah, History of Islamic Law, Historiography of Islamic Law

Öz: Bir Eş'ârî ve Mâlikî fakihi olan İbn Haldûn'un ekonomiden siyasete, sosyolojiden felsefeye, tarihten edebiyata birçok alandaki teorileri üzerinde çalışılmakla beraber, İslamî ilimler ve bunların

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tarihlerine dair görüşleri ne yazık ki çok az araştırmaya konu edilmiştir. Bu yazının amacı İbn Haldûn'un fıkıh tarihiyle ilgili görüşlerini verip bunun modern dönem fıkıh tarihi yazıcılığına etkilerini Müslüman akademi ile ve Oryantalist İslam hukuk tarihçiliği üzerinden incelemektir. İbn Haldûn'un Mukaddime'de fıkıh tarihiyle ilgili sunmuş olduğu çerçeve, Müslüman İslam hukuk tarihi yazarlarıyla Oryantalistlere kendi tezlerine meşruiyet kazandırmak için önemli imkânlar sunmuştur. Özellikle Batılı devletlerin İslam coğrafyasındaki sömürge politikaları sonucunda gün yüzüne çıkan modern problemlere çözüm bulma çabasında olan Müslüman bilginler, ictihâd vurgusunu yüksek bir şekilde seslendirdiler. Bu çerçevede fıkıh tarihini de bir ictihâd tarihi olarak görüp onu ictihâd ve taklîd ekseninde dönemlendirdiler. Bunu yaparken İbn Haldûn'un seleflerinden farklı bir perspektifle ortaya koyduğu fıkıh tarihi yaklaşımından yararlandılar. Batılı İslam hukuk tarihçileri de temel problemleri olan İslam hukukunun kökeni meselesini incelerken İbn Haldûn'dan çokça istifade etmişlerdir. Her iki taraf da kendi teorilerini meşrulaştırmak için İbn Haldûn'un görüşlerinden azami derecede istifade etmekle beraber onun tarihsel bağlamını göz ardı etmişlerdir.

Anahtar Kelimeler: *İbn Haldun, Mukaddime, İslam Hukuk Tarihi, İslam Hukuk Tarihçiliği*

Introduction

The Islamic world is at the forefront of the political and cultural impacts that the world has had in different regions, with the power that the West has achieved after the enlightenment and industrial revolution. This political and cultural hegemony led to many problems in Muslim societies over time, and as a result, efforts to find ways to get out of the problems faced in different regions of Islamic geography have been accelerated and various solutions have been proposed. Except for the secularist approach which emphasizes the fact that the institutions that emerge in Islam and Islamic cultures in the course of history are a burden to be thrown from the back of the society and the necessity of accepting institutions in the western style, Muslim thinkers are in different tones and in general they emphasize reform. Some concepts and figures that the islah and ihya movements of the 18th century move to the forefront for intellectual and institutional rehabilitation with the reform of the 21st century and Jamaladdin Afghani (1315/1897), transformed into a response to the west. This line extending from Shah Veliyullah ed-Dihlevi (v. 1190/1776) to Fazlurrahman (v.1409 / 1988) shows that religious contemplation and living can be revived in society as represented by the pure and clean period of Islam as a common ground. Accordingly, in order to solve the problems encountered by Muslim societies, the basic sources should be recreated, the practices of sahaba, tabiuun and the followers of the tabiuun should be taken as examples and the ijtihad methods of the mujtahid imams should be resurrected.

At the beginning of this period, it was argued that Muslims would be able to overcome the problems faced by their imitation of past generations by abandoning it as it caused the regression of the Islamic society and then by reevaluating the original sources of Islam. On the one hand, it was envisaged that ijtihad could solve some problems that emerged in the time, and on the other hand, to read the historical course of Islamic law with a different perspective, to create an idea of fiqh history appropriate to the needs of the age. In this frame, fiqh, the life of the Prophet, his companions, tabiuun, mujtahid imams, sect affiliation, imitation and so on were separated according to time periods; each of these periods was handled from the ijtihad perspective. Some figures such as Ibn Taymiyya (728/1328), Ibn Qayyim al-Jawziyya (750/1350) and Shatibi (790/1388) and their views on ijtihad are brought to the forefront and fiqh is regarded as a history of ijtihad.[1] The authors of this period, which is different from the classical jurisprudential sources of history, i.e. tabakât and terâcim, frequently applied the knowledge from some books and works within the tradition of Islamic science and tried to base this new point of view on their intellectual framework. Ibn Khaldûn (808/1406) is one of the first names who played an important role in shaping the understanding of modern fiqh history with the approach of taking the historical process of fiqh different from the traditional one and putting it in Muqaddimah. In this article, we will examine the frame of Ibn Khaldun's history of fiqh and its modern influences in the axis of the orientalist literature and Muslim thinkers. Regarding to Ibn Khaldûn's view of the history of fiqh, we will briefly discuss how Ibn Khaldûn first grew up as a fakîh, considering that it would be useful to consider his experience in Islamic sciences.

1. Ibn Khaldun as a Scientist

Ibn Khaldun belongs to the scientific and politcal tradition of Maliki and Ash'ari schools.[2] As far as we learned from his autobiography, after reading the Holy Qur'an,

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[1] One of the typical examples of the authors who see the fiqh as a history of ijtihad is Halim Sabit. After giving the definition of fiqh to Imam Abu Hanifa in one of the writings he has handled in the history of fiqh, he explained that the history of fiqh was considered as a history of ijtihad by saying "Such a description of the imam can not be coincided with such fiqh science in history." See. The Constant, Sabit Halim, "Dutiful Dari", Sırât-ı Müstakîm, III / 69 (17 Zilhicce 327/17 Kanûn-i Evvel 325), p. 260. For a comprehensive review of Halim Sabit's views on the subject, see Erdem, Sami, Concepts of the Fiqh Method in Ottoman Legal Thought after Tanzimat and Modern Approaches (Doctoral Thesis, Marmara University Institute of Social Sciences, 2003), p. 39-68.

[2] While considering the views of Ibn Khaldun, ignoring his Malik and Ash'ari lines may lead to some erroneous interpretations. As a matter of fact, with a few exceptions (Gibb, Hamilton, AR, "The Islamic Background of Ibn Khaldūn's Political Theory", Bulletin of the Oriental Studies, 1933, pp. 28; Asatrian, Mushegh, Ibn Khaldūn on Magic and the Occult, Iran and Caucasus, 2003 (7), pp. 74, Senturk, Recep,

he studied the Muwatta of Imam Malik and the commentaries written on it at the beginning of his educational life, depending on the scientific tradition of the region he lived in.[3] It is also possible to say that he first read Muvatta for fiqh education, since the traditional hadith scholars Imam Muslim and Ibn al-Salah mentioned it in their works.[4] In Tunisia he read and learned a lot about jurisprudence. Other important scholars include Abu Abdillah Muhammed b. Abdillah al-Jeyyânî, Abu'l-Qasım Muhammed al-Kasîr[5] and Qâdi'l-Jamaa Abû Abdillah Muhammed b. Abdisselam.[6] He also stated that Ibn al-Haqib (v. 646/1249) read al-Muhtashar in the field of fiqh, but he could not memorize it.[7] Ibn Khaldûn also mentioned the work of Lisanuddin Ibn al-Hatîb[8] (v. 776/1374) who wrote a commentary on fiqh[9] Also Fahreddin er-Râzî (V. 606/1209) in his numerous books on Ibn Rushd (v. 595/1198) discussed them.[10]

Ibn Khaldun's years in Egypt in 784/1382 when he was fifty years old, are especially important in terms of both theoretical and practical demonstration of his fiqh acquisition. During the time he was here, he was both the Magistrate's chief, and he continued his activities and taught fiqh and usuul of fiqh besides other sciences;[11] he

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"Sociology of Civilizations: Rebuilding for a Multi- Civilized World", Journal of Islamic Studies, 2006 (16), pp. 89-121) The direction is almost never emphasized or is mentioned as a deficiency. Hasan Hanafi is at the head of those who see Ibn Khaldun as this deficiency. Hanafi portrays Ibn Khaldûn's attitude towards philosophy as a fiery attitude that drives the line of Ibn al-Salah (v. 643/1245) and Ghazzali (v. 505/1111). It also expresses that it is an exaggerated situation in which he is more enthusiastic than he deserves in the present day, in line with the acceptance of different forms of Westernization by Ibn Khaldun as an outlet for them. Hanafi notes that until the end of Ibn Khaldun, Ash'ari is fiqh scholar against the philosophy. See. Hanafi, Hasan, Mine'n-nakl ile'l-ibdâ ', Cairo 2000, p. 148, 151.

[3] For example, İbn Abdilberr (v. 463/1071) studied the works of Et-Tekassî li ehâdîsi'l-Muvattâ and Kitâbü't-Temhîd limâ fi al-Muvattâ 'mine'l-meânî ve'l-esânîd. See. Ibn Khaldun, al-Ta'rîf bi Ibn Khaldûn and rihletuhu ğarben and şarkan (Muhammed et-Tancî), Cairo, 1951, p. 16.

[4] İbn Khaldûn, et-Ta'rîf, p. 18, 20.

[5] From this lecturer, read Abu Said al-Berzai's Kitâbü't-Tahzîb and Muhtasar al-Müdevvene.

[6] İbn .khaldûn, et-Ta'rîf, p. 19.

[7] İbn Khaldûn, et-Ta'rîf, p. 17; İbn Tağriberdî, Cemâlüddin Ebü'l-Mehâsin, el-Menhelü's-sâfî ve'l-müstevfî ba'de'l-Vâfî (Muhammed Muhammed Emin), Qairo 1993, V, 206.

[8] Vezni consists of six undersecretaries.

[9] Makkarî, Şihabüddin Ahmed b. Muhammed, Ezhârü'r-riyâd fî ahbâri İyâd (Mustafa es-Sekkâ, İbrahim İbyârî, Abdülhafız Şelebî), Qairo 1939, I, 190

[10] Hacvî, Muhammed b. el-Hasen, el-Fikru's-sâmî fî târîhi'l-fıkhi'l-islâmî, Medina 1977, IV, 251.

[11] There are some information on the sources that he has studied about fiqh and its methodologies. For example, Sehâvî (v. 902/1497) says that Muhammad Ibn Ammar (v. 844/1441) read Ibn Khaldûn from fiqh and some of the Muqaddim. See. Sehâvî, Shamsuddin Muhammad b. In the same way, Sehâvî (v. 902/1497), Ibn Khaldûn's lessons in Pezdevî (v.902 / 1497), and Abdulrahman, Ed-Dav'u'l- (V. 482/1089), Habbazi (v. 691/1292), and Abu'l-Berekât al-Nasafi (v. 710/1310). Ibn Saâtî (v. 694/1295) to Ibn Hâcib (646/1249) and

continued his work like this until the end of his life.[12] When he first went to Egypt, he began to teach at the al-Azhar Mosque, and there is not much information available about the sources that he wrote there.[13] Following this training activity in al-Azhar, Sultan Berkûk appointed him to the Kamhiyye Madrassah, one of the most important educational institutions of Malikî school in Egypt, where Ibn Khaldun taught the Malikî fiqh.[14,15] After Ibn Khaldun had been appointed as a teacher of the Maliki fiqh to the Zâhiriyye/ Berkûkiyye madrasah,[16] he was then appointed as a hadith teacher to the Sargatmuş masrasah.[17] Ibn Khaldun, who adhered to the educational tradition of Egypt made an opening speech in which there were also scholars and politicians addressing important issues concerning Imam Malik (v. 179/795) and Muvatta.[18]

Among the students of Ibn Khaldun during his time in Egypt were Muhammad Ibn Ammar (v. 844/1441), Makrîzî (v. 845/1442) and Ibn Hajar al-Ascalani (v. 853/1449) who then all became prominent scholars.[19] Despite Ibn Khaldun's intensive teaching of fiqh and usuul fiqh during his stay in Egypt, his competence in the field of fiqh is sadly missed in general, as his activities in Egypt were predominantly educational and jurisdictional.[20] However, the necessary training that Ibn Khaldun had received in the

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noted that Ibn Saâtî's work had been noted to be more advanced in terms of both the structure of the expression and the subtleties of procedural justification . See. Sehâvî, A. E., IV, 149, 149.

[12] Sehâvî, ed-Dav'u'l-lâmi', IV, 146.

[13] Ibn Khaldûn, et-Ta'rîf, p. 248.

[14] Makrîzî, Takıyyüddin Ebü'l-Abbâs, Kitâbü'l-Mevâ'iz ve'l-i'tibâr bi zikri'l-hitat ve'l-âsâr (Halîl el-Mansûr), Beyrut 1998, IV, 201.

[15] İbn Haldûn, et-Ta'rîf, p. 253.

[16] İbn Haldûn, et-Ta'rîf, p. 285–286.

[17] İbn Haldûn, et-Ta'rîf, p. 293–294. Ibn Khaldun has an important knowledge in the field of hadith. For example, the testimonies of Mahdi's hadiths narrated about the signs and the texts are deep enough not to look for a hadith narrative. Ibn Khaldun, Abdurrahman b. Muhammad, Muqaddima (al-Nawr al-Abdulwahid Vafi), Cairo 2004, II, 735–762. Similarly, the information given about how to understand by expressing the misunderstanding of the hadith is "the third one and the first to be forgotten" is also worth mentioning in this context. See. Ibn Khaldun, Mukaddimah, III, 959.

[18] For the exact text of the speech, see. Ibn Khaldun, et-Ta'rîf, p. 294–310.

[19] For other names see Sehâvî, ed-Dav'u'l-lâmi ', VII, 172, 186; VIII, 233; X, 195, 312. See also Ibn Khaldûn's work on tyranny in Egypt. Fischel, Walter J., Ibn Khaldūn in Egypt, His Public Function and His Historical Research (1382–1406), Berkeley 1967, p. 26–29.

[20] In fact, some modern researchers almost deny his fiqh accumulation. For example, Taha Hussein, Ibn Khaldun's tutor in Tunisia talked about his life in detail; He commented that the books he mentioned having read were rare in Tunisia at that time. Ibn al- Haqib (v. 646/1249), a very well-known fiqh book by Ibn Khaldûn, notes that it is incompetent to consider Muhtasar among the books of Malik fiqh. Taha Hussein went even further and stated that Ibn Khaldun's fiqh education was limited to reading some of the Mudevvene's work. See, Hussein, Taha, Felsefetü İbn Haldûn el-ictimâiyye, tahlîl ve nakd (trans. Muhammed

field of fiqh before his time in Egypt as well as his lecturing activities in different fields of Islamic sciences, especially fiqh, demonstrates his competence in this field. In addition to this, the fact that he was educated by a leading scholar of the Mâlikî school is also important in terms of evidence for Ibn Khaldun's knowledge of fiqh.

2. Opinions of Ibn Khaldûn on the History of the Fiqh and His Earlier Approach

One of the most basic features of the Muqaddimah is that it was written with a different method than traditional history writing. Having studied historical events within their respective contexts, Ibn Khaldun played an important role by analyzing the dynamics that led these events to unfold and went beyond merely describing them. According to Ibn Khaldun, the task of historiography should be to analyze and identify the conditions, the effects on societies, and the general principles to which they relate rather than conveying the news of the past without criticizing it.[21] This empirical method, which is the result of careful observations, especially of Ibn Khaldun's own deeds, has been different from the conventional methods, and has led many scholars and thinkers to refer to him frequently.[22] It is necessary to evaluate in this context the analysis of the historical development of fiqh in general, and of other Islamic sciences in particular.

The information about history of fiqh is mostly found in the books of history, tabakât, menâkıb and terâjim, but the historical information given by the judges (fuqaha) about the details of the subjects they deal with is also important in this regard. In particular,

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Abdullah İnân), Cairo 2006, p. 11-12. Ferhat Koca also stated that Ibn Khaldun's fiqh accumulation "is about various duties related to the field of jurisprudence" and that he can not be counted among his great Maliki fiqh scholars. Taking this interpretation a step further, one of the basic reasons for the frequent dismissal of Ibn Khaldun from his Malikite headquarters is not to be a fiqh scholar at the advanced level in his area. See, Koca, Ferhat, "Opinions of Ibn Khaldun on the Fikhî Accumulation and Islamic Law History (in the framework of the Muqaddimah)", Geçmişten Geleceğe İbn Haldun, Istanbul 2006, pp. 124-125.

[21] Ibn Khaldun, Muqaddimah, I, 291-292. See Ibn Khaldun's historical method in the Muqaddimah. Rosenthal, Franz, Ibn Khaldun in his Time (May 27, 1332-March 17, 1406), Ibn Khaldun and Islamic Ideology (Ed. Bruce B. Lawrence), Brill 1984, p. 19.

[22] Lacoste, Yves, Ibn Khaldun: The Birth of History and the Past of the Third World, London 1984, p. 160. Because of some reasons arising from the structure of the Arabic language, the shar'i arguments are interpreted in different ways and the preference of one of them as a result of the difference between the hadiths is mentioned as the main reasons of these conflicts. He also noted that different opinions emerged in the wake of the dispute over the evidence and the comparison of the problems encountered in the cases not mentioned directly with the rulings. See, Ibn Khaldun, Muqaddimah, III, 947.

the analysis of the critical or supportive factors leading to the emergence of an opinion by a faqih may be cited in this context. However, Ibn Khaldun adopted a different way to deal with fiqh than these classical writing styles. His views on Islamic scholarship and historical development in Muqaddimah include some of the general aspects of Islamic scholarship and history as well as many of the points expressed by authors previous to him. However, he reaches judgments and clarifies some of the issues that have previously been expressed in ambiguous terms.

Ibn Khaldûn gives in his analysis a central role to the disagreement of scholars in the historical development of fiqh, recording that the cause of these inevitable disputes can be traced back to language and methodical differences.[23] Ibn Khaldun sees the methods of disagreement argumentation as connected to the science of fiqh. Moreover, he defined the differences in scientific method between the different legal schools. According to him, these disputes were not very common during the life time of the sahaba. Because all of the sahaba were not equal in terms of religious knowledge, they learnt about the Qur'an directly from the Prophet who has the authority to pass the knowledge forward.[24]

Ibn Khaldûn also expresses the view that science has developed and has become an art, according to the progress of civilization, which he had already drawn in his main frame. He links the emergence of fiqh as a science to the development and growth of cities, and in consequence he states that the scholars who were called 'qurrâ' by that time are now called fukahâ.[25] It is important that those who are competent in the field of religious knowledge were first referred to as qurrâ and then as the fukahâ, which is a more general use of the term qurrâ, since it shows that the fiqhī knowledge has become a science depending on a certain method.

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[23] According to the narratives, one day Umar came across a group of qurrâs, and asked them who they were when he saw that they were sitting with their heads in forward. These people said they were the supporters of the Prophet. In another narrative Umar said unto them, O ye corpses; Lift your head and try to make a living for yourself". Abu Ğudde explains in his footnote the word qurrâ as a man who is engaged in worship. See, Al-Shaybani, Muhammad b. Hasan, Kitâbû'l-Kesb (Abdulfettah Abu Gudde), Beirut 1997, p. 88. In addition, the word qurrâ was also used for the people of Umar's advisory board in Medina. See, Buhârî, Sahîh, al-i'tisâm. See also, Ibn Taymiyya, Majmu'u fetâvâ, Rabat 1980, XI, 195. In the early periods, the word qurrâ denoted the wisest of people, Al-Buhuti, Mansur b. Yunus b. Idris, Kashhaf al-kinâ 'an anamni'l-ikna', Beirut 1982, IV, 289–290.

[24] İbn Haldûn, Muqaddimah, III, 948.

[25] Ibn Haldûn, Muqaddimah, III, 948.

Fiqh scholars are separated into two groups: first of them being the school of Abu Hanifa (v. 150/767) who followed the method of reasoning due to the fact that they were located in Iraq and thus had scarce amount of resources on hadith. Second is the schools of Imam Malik (v. 179/795) and later Imam Shafi'i (v. 204/820) who adopted the hadith tradition of the Hijaz region.[26] After these two schools, Dawud b. Ali (v. 270/883) with his son and followers chose a third way by denying the concept of reasoning (qiyas) that was followed by Abu Hanifa's school, and therefore they are called "Zahiri". They indicate that they only accept nass and ijmâ as a method of evidence in usul fiqh, and that they restrict themselves to a specific kind of qiyas. Ibn Khaldun notes that methodological differences in the production and application of jurisdiction can be addressed within the framework of these three approaches, and that these three methods have become widespread among the umma. However, the Zahiri school of legal thought has been considered as an opposition to the majority of scholars and as a "people of bida'" (innovation) due to the fact that they restrict themselves in their analysis only to the Holy Book as a source. These accusation have isolated the group and by time the Zahiri have had a minor sect.[27] Ibn Khaldûn describes the separation of Ahl al-Hadith and Ahl al-Ra'i as divergence of fiqh in the context of the hadith sources obtained due to geographical differences, and limits the pioneers of both schools to the imams of the four major legal school. However, it is noteworthy that authors who previously included this issue in their works have made different conclusions. For instance Ibn Kuteybi (276/889) has categorized as ashâbu'r-re'y fiqh scholars such as Ibn Abi Leylâ (148/765), Abu Hanîfa, Rabîatü'r-Re'y (136/753), Zufer (158/775), Imam Awzâî (v. 176/792), Sufyan es-Sawrî (161/778), Imâm Mâlik, Abu Yusuf (182/798) and Muhammed b. Hasan (189/805), while he includes them also into the category of ashâbu'l-hadîth, i.e. those who were involved in the hadith sciences.[28]

However, Makdisî (380/990), a scholar of the ninth/tenth century considers the Hanafi, Maliki, Shafi and Davudian schools as pertaining to the study of fiqh and the Hanbalî

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[26] It shows Ibn Hazm as an example that the apparent approach is disappeared by the society because of the extreme views of the opposition and imams. Despite Ibn Hazm's deep knowledge of the hadith, it has come to pass that he has become a denominational authority over time, He opposes Ali, but because of opposition to other sectarian scholars, his works have not been accepted by the society, attracting public reaction. See. Ibn Khaldun, Muqaddimah, III, 948-949.

[27] See, İbn Kuteybe, el-Maârif, Ebû Muhammed Abdullah b. Müslim (Servet Ukkâşe), Qairo 1960, 494-528.

[28] See, Makdisî, Abdullah Muhammed b. Ahmed, Ahsenü't-tekâsim fî ma'rifeti'l-ekâlim (M. J. De Goeje), Brill 1906, p. 37. In the same work it is seen that the author used rai in the sense of fiqh. See, Makdisî, p. 142.

school as from among the Ashab al-Hadith, i.e. pertaining to the study of hadith.[29] On the contrary, Ibn Nadîm (385/995) considers Imâm Mâlik as well as the majority of the fiqh scholars from the Hijaz area and Abû Hanîfe as belonging to the ashâbü'r-re'y, and then again Ahmed b. Hanbal (241/855) as ashâbu'l-hadîth, and finally Imâm Şâfiî and Dâvud b. Ali as independent from any other group.[30] Şehristani (548/1153), on the other hand, adopted a different classification and stated that the ashâbu'l-hadîth were the people from Hijaz and that Imâm Malik, Imâm Şâfiî, Sufiyan es-Sawri, Ahmed b. Hanbal and Dawud b. Ali were connected with them; whereas the ashâbü'r-re'y are Iraqis and followers of Abu Hanifa.[31] As can be noticed, in almost all of the classifications made, Dawud b. Ali is considered as part of ashâbu'l-hadîth,and Ibn Khaldun however, disagrees with this and classifies him as part of the Zahiri movement. In our view, Ibn Khaldun considered the separation between ashâbu'l-hadîth and ashâbü'r-re'y as a difference in the axis of fiqh more clearly than the previous authors as well as pertaining to the development of other methods that depended on the use and availability of the hadith sources due to external factors. Furthermore, it should be mentioned here that Ibn Khaldun adopted a different approach from other and previous authors by accepting Imam Malik as belonging to the ashâbu'l-hadîth. Although the categorical classification is present in earlier sources, Ibn Khaldun distinguishes himself from the previous authors by clearly indicating that this distinction is methodical.

After addressing these three approaches, it is clear that the Shia have established a new fiqh school within the framework of attacking the companions of the Prophet giving their imams a central role on the basis of accepting their innocent imams without dispute. Furthermore, they share the same understanding of destiny with the Khawarij sect.[32] Without going into much detail, Ibn Khaldûn stated that Shia and the

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[29] ee, Ibn Nedîm, el-Fihrist (Gustav Flügel), Beirut 1964, pp. 198-202, 209, 216, 229.

[30] Şehristani expresses that the main difference between the two groups is whether the celi can be presented in the news. See, Sehristani, Abu'l-Feth Muhammad b. Abdilkerim b. Ebîbekr, al-Milel and n-nihal (noble Muhammad Seyyid Keylani), Bulak 1961, I, 206-207.

[31] Ibn Haldûn, Muqaddimah, III, 948.

[32] Ibn Khaldûn notes that Abu Hanifa was an unattainable authority and that this position was confirmed by Imam Malik and Shafi'i as well as other scholars. Moreover, Imam Malik has followed a different method by accepting one of the means of producing judgment as well as other proofs of ahlul Medina. The basic reason why he accepts the practice of Medina as evidence is that the act is taken from the Prophet and transmitted throughout the generations. Having expressed that some people oppose Imam Malik with the motive of dealing with the deeds of ahlul Medina, but that Imam Malik accepts this as evidence for the possibility of being a Prophet's act. It is noted that the relation between the allegiance and the icmâ is not an alliance

Khawarij were separated from the majority of the scholars due to the jurisprudence they had adopted and remained among the ummah.

In his discussions on the differences between the four Sunni legal schools Ibn Khaldun considers Abu Hanifa being part of ashâbü'r-re'y and Imam Malik in the Hijaz from among the ashâbu'lhadîth.[33] After Imam Malik Imam Shafi'i became the religious leader in the Hijaz and there is an important aspect regarding the accumulation of his fiqh: he was a student of Abu Hanafi and both of them established their respective legal schools based on the knowledge they acquired in the Hijaz.[34]

After Imam Mâlik and Imam Şâfiî the religious leader of Hijaz was to be Ahmed b. Hanbel who was a respected scholar of hadith. However, Ibn Khaldun considers the beginning of the Hanbali school to start with Ahmed b. Hanbel's students and argues that "Despite his talents on the subject of hadith, he received instruction from the students of Imam Abu Hanifa and established another legal school"[35]. As both the students of Imâm Şâfiî and Ahmed b. Hanbel learned under the supervision of Hanafi fiqh scholars and then followingly established their own respective schools of laws, Ibn Khaldun attributes a central role to the Hanafi thought in the development of Islamic legal schools. Accroding to Ibn Khaldun there are no mujtahid to be accounted outside of the four major legal schools and thus they have remained in domination in the large

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between parties but the allegiance to the people of Medina is an alliance based on ideology. It is also mentioned that it may be better to treat the subject under another name. See, Ibn Khaldun, Muqaddimah, III, 949–950.

[33] IbnKhaldûn, Muqaddimah, III, 950–951.

[34] İbn Khaldûn, Muqaddimah, III, 951.

[35] Ibn Khaldun argues that the people have closed the door to conflict and the ways leading to it because of reasons such as the development of the knowledge at an advanced level, the lack of any qualification to be able to speak out and the fear that ijtihad will fall into the hands of people who can not be trusted with religious and scientific knowledge. The scholars encouraged the people to conform to these four schools and the claim of ijtihad at that time was an empty effort. See, Ibn Khaldun, Muqaddimah, III, 951. Shirazi (v. 476/1083), who lived before Ibn Khaldun, put the Shafi'i, Hanafi, Maliki, Hanbali schools and the followers of the jurisprudence under the headings of the "layers of the five sectarian sects". These are just five schools. See, Shirazi, Abu Ishaq, Tabakât al-fukahâ (Ihsan Abbas), Beirut 1970, pp. 95-97. In the period from Shiraz to Ibn Khaldun, as Ibn Khaldun pointed out, the followers of the Imam came to rise in time, and four Sunni denominations became schools of the Islamic world. As a matter of fact, Makrîzî (845/1442), by the request of Ibn Khaldûn, gives the date of the appointment of four sectarian judges to Egypt in 665/1267 and from this date on no more sects other than four sects have been left in many parts of the Islamic world. See, Makrîzî, Takiyyuddin Abu'l-Abbas Ahmad b. Ali, Kitâbû'l-Mevâ'iz ve'l-i'tibâr bi zikri'l-hitati ve'l-âsâr, Divan 1270/1853, II, 344.

part of the Islamic world.[36] However, it is well known that already in the period when Ibn Khaldun lived, there were sects like the Shia with their followers besides the four Sunni sects in the Islamic world.

Ibn Khaldun states that the majority of the followers of the Hanbalî school in the vicinity of Damascus and Baghdad are far from ijtihad, and that the school is based on founding scholarly opinions on previous Hanbali scholarly work. The fact that the followers of the Hanbalî school are fewer compared to the other schools is related to the weakness of the method of fiqh that the school has developed.[37]

The Hanafi school, which is widespread in Iraq, India, China, Transoxiana and non-Arab lands, is centered in Iraq and Baghdad, thus expressing that its scholars were close to the Abbasid caliphs of the time which supported its development and spreading.[38] It is also possible to see a similar historical context in the case of the Shafi'i school that was supported by Ayyubid state. It is important to see Ibn Khaldûn's interpretations of such development of the legal schools and their relationship to state support as an extension of his theory that science can only develop under an approrpriate state support.

Imam Shafi'i school is more grounded in Egypt than anywhere else, additionally the school is spread in Iraq, Khorasan and Transoxiania, and it's central jurisdictional and educational locations are common with the Hanafi school. Moreover, the Shafi'i school has produced a very significant amount of accumulated jurisprudence on the basis of its disagreements with the Hanafi school. Also, Imam Shafi'i stayed in Egypt and educated many students there, among them some Malikites of Egypt.[39] Ibn Khaldûn notes that the establishment of the Fatimid state in Egypt led to the interruption of the Ahl-u Sunnah and that this interruption continued until the end of the Fatimid state of

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[36] Moreover, the fact that the Hanbalis, who are mostly in Baghdad, occasionally argue with the Shiites, is causing serious problems. This situation ends with the Tatars not going for an invasion. The majority of the schools voicing their presence in Damascus reveals that the Hanbalis are far away from the fiqh, and that they are discussing such issues with Shi'a. See, Ibn Khaldun, Muqaddimah, III, 951–952.

[37] It is known that they wrote many works and that they had many conflicts with the Shafi'. They produced beautiful works on issues of disagreement and left an important legacy in the end. But this accumulation of knowledge was very scarce in Maghrib, and it was mainly deliverd by Qâdî Ibn Arabi (543/1141) and Abu-al-Velîd al-Bâcî (474/1081). See, Ibn Khaldun, Muqaddimah, III, 952.

[38] İbn Khaldûn, Muqaddimah, III, 953.

[39] Ibn Khaldûn, Muqaddimah, III, 953–954.

Salahaddin Ayyubî (v. 588/1193). After the fall of the Fatimids, the Shafi'i in Iraq and Damascus returned to Egypt.[40]

Imam Malik's school was however more spread in North Africa and Andalusia. Ibn Khaldûn mentions two main causes for the spread of the Maliki school: First, for the people of this region Hijaz was the last stop of their journeys. As a matter of fact, because of their inability to travel to Iraq, the Maghrebians and Andalusians have taken the jurisprudence only from Medina. The second factor is the common principles of nomadic life (bedawi). Accordingly, the common characteristic of being resistant to oppression between the Maghrebian and Andalusian peoples and those in the Hijaz was the cause of their inclination towards the Maliki school. Ibn Khaldun also referred to Medina's central role as the hub of knowledge, arguing that the knowledge went from Medina to Iraq.[41]

After the establishment of the legal schools and their dissemination, Ibn Khaldûn found an important affirmation regarding the nature of the fiqh in his period. According to him, when the methods of the imams are developed by the followers and the fiqh tradition thus becomes more structured, they have subjected the field to the rigorous examination of the existing acquired knowledge in the form of advanced studies. This again required a solid profieciency from those involved in the studies. Ibn Khaldun said, "today the science of fiqh is all about proficiency" explaining how fiqh was understood at that time.[42] After giving general information about the history of

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[40] İbn Khaldûn, Muqaddimah, III, 954. Ibn Khaldun stated that the development of the Maliki school continued to increase until the disappearance of the Andalusian and Maghribi states. See. Ibn Khaldun, Muqaddimah, II, 957.

[41] Ibn Khaldûn, Muqaddimah, III, 954–955.

[42] All of the Mongolians follow Imam Malik and some of their students were in Iraq and Egypt. Beginning from the first narrations of Imam Maliki about Egypt, Iraq and Africa, he addresses the expansion of the Maliki schools in these countries. After mentioning sources such as al-Muvatt'a, al-Vadiha, al-Utbiyye, al-Qaeda and al-Majawaweene, the Kayravanites showed interest in al- Mudevvene and the Andalusians showed interest in al-Vadıha and al-Utbiyye. Ibn Abi Zayd (386/996) had el-Mudevvene given the name al-Muhtasar; Abu Said al-Beradidi (430/1039) also records of al-Mudevvene in the name of et-Tahzib and the Africans have left other books behind. Likewise, the Andalusians also claim that al-Utbiyye is based on al-Vadahha and other works. For the commentaries written by the Malikis on these books it can be said that the Africans wrote al-Mudevvene, Andalusians also write works on al-Utbiyya, and Ibn Abi Zayd brings them together in his famous work on different opinions and disputes. After that, Abu Amr finishes his chapter by referring to Ibn al-Haqib's position in the school and how his works are accepted by the Maghribians. Ibn Khaldun, Muqaddimah, III, 955–958. The fact that Ibn Khaldûn had a greater place in the Maliki sect than in other sects, was interpreted by some authors as him being a "sectarian and local fiqh scholar". Koca; "İbn

the four Sunni Muslims in various geographical areas, Ibn Khaldun studied the historical development of Maliki school in detail in the context of scholars of the four legal schools and their works.[43]

Ibn Khaldûn focused on the causes of procedural distinction by giving important information on the nature and historical development of fiqh methods.[44] According to him, people living in the first century did not have any difficulty in understanding the narrations and making judgments about them because of linguistic proficiency, and because of their proximity to the Prophet's time and those who narrated the hadith. From the first time on, when these subjects became arts/sciences, the jurists and mujtahids determined the rules and bases of judgments from the evidence, taking this as an independent field of knowledge and called it fiqh. The first work in this regard was written by Imam Shafi, who wrote the famous Risale.

Later, the Hanafi scholars started to write extensively in this field, immersed themselves in the sophistication of the fiqh and tried to ascertain their foundations by expanding the issues related to them. Theologians, on the other hand, treated fiqh separatedly and inclined towards reasoning in terms of argumentation. Despite the fact that many works by the Hanafi scholars are considered by the scholars of the kalam, the works written by fuqaha are more appropriate and suited to the branches of jurisprudence because they are built on abundant examples and juridical affairs. Ibn Khaldûn found the perfection in the fiqh sciences after he had studied the works of Abu Zayd al-Debbushi (v. 430/1038), however afterwards he was in favor of the methods proposed by the mutakallimuun.[45] After getting acquinted with these two different methodologies, Ibn Khaldun himself established a third method which

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Haldun'un Fıkhî Birikimi ve İslâm Hukuk Tarihiyle İlgili Görüşleri (Mukaddime Çerçevesinde)", Geçmişten Geleceğe İbn Haldun, pp. 132–133.

[43] The Qur'an and Sunnah are evidence for Muslims about the life of the Prophet; See, Ibn Khaldun, Muqaddimah, III, 960.

[44] Ibn Khaldun then referred to the basic sources of the two methods written by Imam al-Haramain (v. 478/1085), who is an Ash'arî, discusses the works of al-Burhân'i and al-Mustasfâs and al-Gazzâlî (505/1111). Al-Mu'temed, al-'Umed and Abu al-Husayn al-Basri (436/1044), Kadi Abd al-Ghabr; these four books have become authoritative works on the methods. Later on, these four books were summarized in Fahruddin er-Razi (606/1209), and Seyfdudîn al-Âmidî (631/1233) in the al-ihkâm. Many studies have been made on these two works and these studies have become the main works of the mutual method. It is also known that many people have written works on the Hanafi method; Abu Zayd al-Debbûsî is one of the best examples in this area. See, Ibn Khaldun, Muqaddimah, III, 962–963.

[45] İbn Khaldûn, Muqaddimah, III, 963–964.

combined both of the two and referred in his theory to works written by Ibn Saâtî (694/1294) from the Hanafi school, Âmidî (631/1233) from amongst the scholars of kalam and the fiqh scholar Pezdevî V. (482/1089); this method by Ibn Khaldun is still being studied and discussed among scholars.[46]

Ibn Khaldûn stated regarding the disagreements in terms of fiqh that conflicts occurred inevitably among the scholars and that in the wake of the spread of the four legal schools, people imitated one of these over time, and that subsequent discussions took place among these four schools. He noted that every faqiih entered into a controversy with others in order to defend the views of the imam he was affiliated with and to base his approach on the fiqh of his own school. In this issue he examined the sources on which every denomination relied, the issues he had resolved and reconciled, and the conclusion of these discussions led to the emergence of the science of khilafiyah (subsidiary issues in furu al-fiqh).[47]

Ibn Khaldun based his views on the development of the fiqh sciences on the knowledge of scholars from the first three centuries before him. Also, especially his ijtihad-taqlid emphasis has influenced the authors on this subject in the modern period, but the discussions were as well far reaching before him. However, these issues discussed in the context related to ijtihad in Ibn Khaldun's works, have been examined earlier somewhat differently from the frame drawn by Ibn Khaldun. Ibn Khaldun, however, has been influenced by the authors such as Ibn Hazm (456/1064) and Ibn Abd al-Barr (463/1071). Ibn Hazm, for example, stated that no one in the time of the sahaba, or the tabiuun and their following generations had ever seen anyone imitate each other's views, and that this emerged as a phenomenon only after the Hijri year 140, and that these three generations were the best of Muslims.[48] Ibn Abd al-Barr said that regarding the Qur'anic verses and the hadith imitation of someone else was forbidden.[49]

It is possible to say that Ibn Khaldûn has two main problems in his approach to the history of fiqh, while considering that the Muqaddimah is not a jurisprudence text and

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[46] In this regard, Hanafi and Shafii scholarship is much stronger than that of the Malikis. See, Ibn Khaldun, Muqaddimah, III, 964.

[47] İbn Hazm, Ebû Muhammed Ali b. Ahmed b. Said, el-İhkâm fî usûli'l-ahkâm (Ahmed Muhammed Şâkir), 1970, VI, 146.

[48] İbn Abdilberr, Ebû Ömer Yusuf, Câmi'u beyâni'l-'ilm ve fazlihi (Abdurrahman Muhammed Osman), Qairo 1968, II, 133-146. See especially pages 142-146.

[49] De Boer, T. J., The History of Philosophy in Islam (trans. Edward R. Jones), London 1933, p. 208.

that nevertheless Ibn Khaldûn examined the development of the general idea of fiqh in it. The first is that the fiqh only deals with the furû and its dimensions. However, if other branches of fiqh such as fatwa, qawaid, furuq, rules of refutations, rules of governing, tahrîcü'l-fürû ale'l-usûl, edebü'l-kadâ are included in historical schema, Muslim scholars have studied them for many centuries and their accumulation can be seen as a whole. In the contrary case, a history of fiqh history, developed only in the framework of "usûl and furû", leads us to think of historical heritage only by adhering to these two disciplines. The second problem is that Ibn Abi Leyla, who plays an important role in the development of the fiqh sciences and its historical development in the frame of four Sunni schools, does not omit Shia and Ibaadi scholars such as Sufyan es-Sevri and Evzai. The fact that Ibn Khaldûn concentrates on Sunni schools in particular, suggests that some of the places that were central in the Islamic world during the formation of fiqh do not play the same role in the juridical sense and that the historical development of the jurisprudence is underlined.

3. The Influence of Ibn Khaldun's Approach to the History of Fiqh in the Modern Era

De Boer had the conviction that Ibn Khaldûn is merely a salaf or successor,[50] but this was not maintained by Muslims researchers. However, Ibn Khaldûn's scientific tradition and its influences[51], if any, show that this claim does not go beyond a prejudice. Ibn Khaldun's influence is not limited to the modern period and the history of science, but the theoretical framework and approach he developed was adopted shortly after him and has since then been applied in different fields[52]. For example, Ibn Khaldun directly influenced scholars such as Makrîzî and Ibn Hajjar al-Ascalani, who were his students, and indirectly influenced scholars who were nourished by their works. As a matter of

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[50] See, Görgün, Tahsin, "Tarih ve Toplum Araştırmalarında Bir Yöntem Kaynağı Olarak Klasik Metafizik: Fahreddin er-Râzî Ekolü ve İbn Haldûn", İslam Araştırmaları Dergisi, 2007 (17), pp. 49-78

[51] This effect is clearly seen in the work of Ibn-ul-Ezrak (896/1491), Bedâi'ü's-silk. Thus it is obvious that the book is beneficial,benefiting from Ibn al-Ezrak. See, Abu Abdillah, İbnü'l-Ezrak, Bedi'u's-silk fî tabâîilmulk (nasr Ali Sâmi en-Nashshar), Baghdat 1977, I, 8-9. Cardari (1240/1825) refers to Ibn Khaldun's Muqaddimah as a sea filled with science, and adheres to his method of history. See, El-Ceberti, Abdurrahman b. Hasen, Târihu 'âcâibi'l-âsâr fî't-terâcim ve'l-ahbâr (Ibrahim Shamsuddin), Beirut 1997, I, 11. For the impact of Ibn Khaldun on the Ottoman Empire, see, Ibn Khaldun, Muqaddimah (trans. Süleyman, Uludag), I, 188-193. See also for the impact of Ibn Khaldun's views on modern-day reform movements. Lawrence, Bruce B., "Ibn Khaldun and the Islamic Reform", Ibn Khaldun and Islamic Ideology (Ed. Bruce B. Lawrence), Brill 1984, p. 79 ff.

[52] For more information on this topic, see; Tomar, Cengiz, "Mit ve Gerçek Arasında: Arap Dünyasında İbn Haldûn Yaklaşımları", Islam Araştırmaları Dergisi, 2006 (16), pp. 4-6.

fact, Makrîzî who speaks well of his mentor Ibn Khaldûn has a knowledge and method of handling historical events and history of jurisprudence very similar to that of Muqaddimah.[53] Maintaining the main framework of Ibn Khaldûn's drawing on the emergence and spreading process of the fiqh schools, Makrîzî conveys important information in this regard by filling in the areas left empty by his teacher.[54] A similar thing can be observed in Taşköprîzâde's discussions on Ibn Khaldun (v. 968/1561),[55] who accepted the subordinate branches of the fiqh process, and Katib Çelebi (v.1067/1657) who explains the nature and historical development of these sciences.[56] In addition to these, the translation of the Muqaddimah into the Ottoman in the 20th century is another example of the way in which Ibn Khaldun's ideas spread over the different parts of the Islamic world in the short term. These and other examples illustrate the direct and indirect effects of Ibn Khaldûn on modern-day thinkers and show that his approach to today's Europe, as it is established during the 19th century, comes from ignoring the products of those who follow Ibn Khaldun in the historical process.[57] Moreover, it is also not clear to which extent we can understand Ibn Khaldun by interpreting him in the framework of orientalism and linking his views to Western scholars in the modern period and scholars of the Islamic world.[58]

a. The Impact of Ibn Khaldun on the Perception of the Fiqh in Modern Islamic World

The situation of the Islamic world compared to the West and the overcoming of the political, economic and cultural problems that the discrepancy between the two has caused was one of the most important problems that have occupied modern-day Muslim thinkers since the 18th century. The vast majority of the strategies to

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[53] See, for example, Makrîzî, Kitâbü'l-Mevâ'iz ve'l-i'tibâr bi zikri'l-hitati ve'l-âsâr, II, 331–344. An example of Ibn Khaldûn's approach to the development of fiqh history in the immediate postmodern period is given by Sehwî 902/1497), who criticized some points after he conveyed his views on this issue. See. Sehâvî, ed-Dav'u'l-lâmi ', IV, 148–149.

[54] See, Taşköprîzâde, Ahmed Mustafa, Miftâhü's-se'âde ve misbâhü's-siyâde fî mevdu'âti'l-ulûm (Şerefüddin Ahmed), Haydarabad 1977, I, 288.

[55] See, Kâtib Çelebî, Hacı Halife Mustafa b. Abdullah, Keşfü'z-zünûn an esâmî'l-kütüb ve'l-fünûn (M. Şerafettin Yaltkaya, Kilisli Rifat Bilge), Ankara 1941, I, 580, 640–641, 650–651, 668, 678–680, 721, II, 948–949.

[56] Lawrence, "Ibn Khaldun and Islamic Reform", Ibn Khaldun and Islamic Ideology, p. 69.

[57] Lawrence, Bruce B., "Introduction: Ibn Khaldun and Islamic Ideology", Ibn Khaldun and Islamic Ideology (Ed. Bruce B.Lawrence), Brill 1984, p. 5.

[58] Since the period in question was filled with imitation, it is necessary to re-functionalize the ijtihad to what it was in the early ages and to return to the first centuries. The emancipation of the society could only be possible in this way. Constant, Hali, " İctihâda Dâir", Sırât-ı Müstakîm, III / 78 (21 Safer 328/128 February 325), pp. 413–414..

overcome these issues were concentrating on the religion that dominated the social structure and on the institutions that formed in relation to it over centuries. It was thought that every failure in the society would, in some way, relate to existing religious understanding and institutions, not to ameliorate the conception of the solution of overcoming existing problems, or to substitute another understanding. As a matter of fact, this approach will be clearly seen when discussing the issues that marked the last periods of the Ottoman Empire and the currents that present solutions to the current situation. One of the most typical examples of this understanding of fiqh are the ijtihad–taqlîd debates. The scholars who criticized imitation voiced a high opinion that the solutions offered to the modern problems faced by the Muslims were not enough and that the solution of the problems of the age should be produced by the revival of the ijtihad[59]. The early periods of the fiqh history were praised for offering the reference framework for the often emphasized ijtihad, whereas other periods that have witnessed many important works in terms of our fiqh culture have been subject to criticism such as stagnation, regression and imitation. The criticism of the other periods by establishing empathy due to the praise of another period and the problems encountered, stems from an effort to portray the situation in reality and to legitimate the call for ijtihad and to prepare a historical ground for it.[60] In this frame, the history of fiqh history has been reinterpreted on the axis of ijtihâd and a new period has been elaborated on by following a method different from the classification of fiqh in history, looking at tabakât and terâcim books which can be expressed as classical fiqh historical works. In almost all of the modern period works, fiqh history was most prevalent in the first four centuries in which the ijtihad activity gained an institutional structure and in the next centuries when the ijtihad was abandoned, they were praised.[61]

It is one of the main characteristics of the modern fiqh history writer to examine fiqh history as periodicals that bring certain characteristics to the forefront, different from the works handled by past generations or the imams of legal schools. For this reason,

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[59] With regard to the praise of one period of history in this manner and the criticism of other periods, see; Kara, İsmail, "Tarih ve Hurafe: Çağdaş Türk Düşüncesinde Tarih Telâkkisi", Türklük Araştırmaları Dergisi, 2002 (11), p. 48.

[60] Erdem, Tanzimat Sonrası Osmanlı Hukuk Düşüncesinde Fıkıh Usûlü Kavramları ve Modern Yaklaşımlar, p. 20.

[61] This is Ibn Khaldûn's view on the development of fiqh among the Companions within the framework of the ahlul Hadith and ahlul rey. He also focuses on the four legal schools by considering many of them together and provides thus an important framework for the periodical fiqh history writing.

the main lines drawn by Ibn Khaldun concerning the history of fiqh in Muqaddimah have provided an important reference frame especially for scholars who have studied fiqh history in the axis of ijtihad[62]; the framework which he established, has been discussed in great detail. In addition, in Muqaddimah Ibn Khaldûn observed historical hadiths and social events from within their social context and strived to keep his analysis free from bias affected by the crisis in which Islamic society was then.[63] Based on this approach he developed his reformation and renewal method of Islamic Thought.[64] After we examine this frame of the fiqh history in Ibn Khaldun's theoretical framework of modern Islamic law, we will refer to the effects of his actions on the methods of writing fiqh.

Hudarî Bey (v. 1345/1927) is a leading author who followed a different method than the previous works with the classification system he brought to the modern period jurisprudence. Hudarî Bey established close relations with pro-reform thinkers of the period. When he was appointed to teach history at the al-Azhar University in 1878, he was first strongly influenced by the ideas of Muhammad Abduh (v. 1323/1905)[65], who had taught Ibn Khaldun's Muqaddima to his students.[66] His Târîhü't-teşrîi'l-İslâmî is accepted as the first fiqh history work in modern Arabic literature.[67] Accordingly, in his introduction he states that he did not follow anybody else's ideas in this issue and pointed to his own leading role in the field.[68] The periodization in Hudarî Bey's work

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[62] Görgün, Tahsin, "Mukaddime", DİA, XXXI, 119.

[63] For example, Rifaa Bedouin Rafi'a al-Tahtawi (1290/1873), one of the leading names of the period, has pressed the government to print Arabic classics, especially Ibn Khaldun's Muqaddimah. See, Hourani, Albert, Arabic Thought in the Liberal Age 1798-1939, London 1962, p. 70.

[64] Abduh, Muhammad, al-A'mâl al-Kâmile li'l-Imam Muhammad Abduh (Muhammad 'Imâra), Beirut 1972, I, 22. An interesting example of Muhammad Abduh's interest in Ibn Khaldun is in a dialogue with his teacher from al-Azhar. Abduh had made efforts to improve al-Azhar, and has therefore been in talks with the authorities. After mentioning the importance and benefits of Ibn Khaldun's Muqaddimah to the Sheikh in al-Azhars, he proposed to take this book to the university's program, but Al-Aqabi rejected it because he found it contrary to tradition. See, Abduh, ibid. III, 177. Abduh also quotes Ibn Khaldûn's Muqaddimah as he lists the works to be relied upon while transmitting historical information. See, Abduh, ibid., II, 425.

[65] The relation of Hudarî Bey with Muhammad Abduh was so advanced that he first presented the book of fiqh which he had written to Abduh; After he got his approval, he decided to print it. See, Hudarî Bey, Usûlü'l-fıkh, p. 12.

[66] Kaya, Eyyüp Said, Mezheplerin Teşekkülünden Sonra Fıkhî İstidlâl, (PhD thesis, Marmara Üniversitesi Sosyal Bilimler Enstitüsü, 2001), p. 5.

[67] Hudarî Bey, Muhammed, Târîhü't-teşrîi'l-İslâmî (6. edition), Egypt 1964, p. 2.

[68] See, Hudarî Bey, Târîhü't-teşrîi'l-İslâmî. This periodization by Hudari, was accepted exactly in the book of fiqh history written by Hayreddin Karaman. But the last period was divided into two parts, from the

seems to have significant similarities when compared to the framework drawn by Ibn Khaldun. Hudarî Bey divides the history of fiqh into six stages:

1) The Prophet's period.
2) The period of the elder companions of the Prophet. This is also the period of the four guided caliphs.
3) The period of younger companions of the Prophet and of the generation following them. This period extends from the time when the Umayyad state weakened in Hijri 41 as Muâviyah came to power until the 2nd century of Hijri.
4) The period from the beginning of the 2nd century of Hijri to the mid of 4th century of Hijri. This period was the period when recording of hadith and fiqh was ordered and great fiqh scholars started to emerge.
5) The period when the legal schools were accepted. In this period, from the beginning of Hijri 4th century to the middle of the 7th century when the Abbasi state was destroyed, debates and argumentation started to spread.
6) The period when the Mongols took over Baghdad from the Hijri 7th century to the present day. This period is full of "imitation".[69]

In this periodization by Hudarî Bey, the main determinant factor was ijtihâd. Thus for each period, the function of ijtihad and the names prominent in the activity of ijtihad were examined. Almost in every section of the work there is a subsection with the title "ijtihâd of this period" which shows how important it was for the author.[70]

Modern period authors who have played a central role in this aspect of the history of fiqh have written that the controversy between people who expressed their opinions in the issues encountered in everyday life since the time of the Companions and the fact

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Mongolian to the majalla and from there to our times. See, Karaman, Hayreddin, Başlangıçtan Zamanımıza Kadar İslâm Hukuk Tarihi, Istanbul 1999.

[69] In the chapter which that with the fifth period, the muctehids and mukallids were mentioned having been present already in the previous centuries. But, in the previous periods the juridical ijtihad experts and the problems they encountered by bringing to solve the problems were discussed by scholars. From the fifth period on, however, it is distinguishable that the effect of the imitation was strong. See, Hudarî Bey, Târîhü't–Teşriî'l–İslâmî, pp. 324–325.

[70] For example, Halim Sabit pointed to the role of the conflict in the formation of the schools, saying that they had argued in matters not mentioned in the Book, and that they had done it as a natural consequence, saying that "the essence of this subject is voiced." See, Sabit, Halim, "İctihâda Dâir: Devr-i Ashabta İctihâd", Sırât-i Müstakîm, III / 64 (11 Zilkâde 328/12 Teşrîn-i Sânî 325), p. 180. 71 See, Ibn Khaldûn, Muqaddimah, III, 947.

that the contemporary authors of the modern period had a place in their works in the context of the controversy which is a natural consequence of ijtihad was the fundamental element determining the principles of the fiqh sects.[71] Before Ibn Khaldûn started to study and describe the historical development of fiqh he stumbled upon a disagreement that had a central role in scholarly disputes. This disagreement was to become one of the main inspirational sources for his own work.[72]

Despite the fact that in the classical period, the history of fiqh and the legal schools in works such as tabakât, terâcim and menâkīb are treated separately, it is seen that many schools were examined together in studies on the fiqh history in the modern period. Ibn Khaldun did not limit the development of fiqh to denominations but considered it from the perspective of different schools and focused on the points where the schools were influenced by each other. This constituted an important ground for the study of the history of fiqh in the modern period which tends to examine the history of fiqh from many denominations. It is possible to say that in the modern period, there are many social and scientific factors that follow the past fiqh heritage under the frame of a very sectarian structure, and that approaches to the solution of some of the problems faced by the Islamic world are obtained from past accumulation. Especially in the case of a solution to the new issues, instead of a one single legal school, it is possible to compare the views of the four schools and use one of them. This is why issues such as talfiq and others are the most debated topics in modern fiqh discussions.[73] It has become almost imperative that many denominations be included in the history books of fiqh that have been kept in the shadow of such discussions. Almost all of the authors who write fiqh history in this period have

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[71] See, Ibn Khaldûn, Muqaddimah, III, 947.

[72] A typical example of such discussions concerns the inability of the majalla to be implemented. According to those who advocate this, the fact that the majalla was prepared without taking advantage of the Hanafi school and using other sects is one of the main causes of failure. Abul'ulâ Mardin, said that this situation "responds to the needs of the people in broad terms, putting openly disagreeable issues in the conflict by expressing the provision of all kinds of hesitation and to preventing the need to take a nazar. However, in the narrow sense of its provisions, Hanafi denominations were enacted in accordance with the provisions." See, Mardin, Abul'ulâ, Medenî Hukuk Cephesinden Ahmet Cevdet Paşa, Istanbul 1946, p. 171. Hayreddin Karaman notes that among the criticisms directed to the majalla system, we "can not include some ijtihad that responds to the needs due to the connection of a single school" and then expresses Mardin's right to complaints on this subject. See, Karaman, Başlangıçtan Zamanımıza Kadar İslâm Hukuk Tarihi, pp. 315. On the other hand, the preparation of Islamic Family Law by taking advantage of other schools without adhering to the Hanafi denomination has been regarded as an extremely important innovation in the history of law. See, Aydın, M. Akif, İslâm-Osmanlı Aile Hukuku, Istanbul 1985, p. 209.

[73] See, İzmirli, İsmail Hakkı, Usûl-i Fıkıh Dersleri, İstanbul, p. 4-5.

followed the similar methods and put forth works with a very sectarian structure. The fact that such an approach is a product of the calling for ijtihad of modern-day reform movements, and that it constitutes a historical legitimacy, is also present.

As mentioned earlier, Ibn Khaldûn considered the separation of the ehl-i hadîth and ehl-i re'y as a separation on the axis of the fiqh. The classification by Hijaz, Kufe and the Khawarij of the early fiqh schools as well as the determinations of the imams of these schools had a significant effect on the scholars who came after Ibn Khaldûn as well as the ones before him, and this approach was mostly taken as the basis for the classification of the sects. For example, İsmail Hakkı (1366/1946) divided fiqh schools into Ahl-i Sunnah and Ahl-i Bid'at in his work titled Usul-i Fıkıh. He divided Ahl-i Sunnah into the groups of the Iraqis, Hijazi and Khawarij and attributed Abu Hanifa to the Iraqis, Imam Malik to the Hijazis and Davud bin Ali to the Khawarijis. In addition, the analyses he made about the features of each fiqh school are largely the same as those of Ibn Khaldun.[74]

Ibn Khaldûn's findings on the pioneers of the Hijaz and Iraq schools should also be noted here. As stated earlier, Ibn Khaldun found de facto jurisdictions by systemizing and framing some of the topics discussed above. In his previous sources Ibn Khaldun is referring to İmâm Ahli'l-Hicâz and İmâm Ahli'l-Medîne having a central role in the development of the Hijaz fiqh thought, and thus we can see Imam Malik's views on the acceptance of the imam from the people of Hijaz and his systematic presentation of them are the first of such generalizations. His approach has been widely acknowledged among modern-day jurisprudence writers and has provided the basis for commentary on the subject. For example, Halim Sabit points out that Imam Malik has changed his views after he stated that they are predominant in hadiths and predicting hadith narrations within the imams from the Hijaz area and that he was hesitant about ijtihdat in juridical affairs: "And then the Medina branch; Imam Malik gave way to the position of the Prophet's Sunna. After that, Hijâz was taking the mecheb-i fiqhiye as a vocabulary."[75]

Information on the reasons for spreading of the schools in different regions in the classical period sources has been handled in a very limited manner, mostly due to the reported information within the context of the teacher-student relationship. The most

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[74] Sabit, Halim, "İctihâda Dâir", Sırât-ı Müstakîm, III/70 (24 Zilhicce 327/ 24 Kanûn-ı Evvel 325), p. 276.

[75] For example, see, Karaman, Başlangıçtan Zamanımıza Kadar İslâm Hukuk Tarihi, p. 229.

thorough analysis of the dissemination of the schools in different regions of Islamic geography is found in Muqaddimah. For this reason, in the historical books of the modern period about fiqh, the way how the schools spread in different areas are mostly clarified by taking advantage of Ibn Khaldun's Muqaddimah. For example, the following parallelism is established by Ibn Khaldun between the development of the schools and the spread of state support; as the reason in the spread of Maliki school instead of the Hanafi school in North Africa the differentiation of Iraqi and Mongolian civilization and the area of Hijaz are mentioned in the modern period sources.[76]

It is important to mention Ibn Khaldûn's historical backgrounds of his subjects as the leading characteristic which distinguishes him from his predecessors, and which are an important source for his followers. Fiqh and Ibn Khaldun's method have long been included in the works of the scholars in the field of the Qur'an and by scholars of fiqh. In particular, Ibn Khaldun's approach to the methods of fiqh has been an important reference for the authors who follow him.[77] In those works the fiqh types are divided into two basic works written according to the method of fuqaha and mutekallimuun, and then the basic sources of methods are mentioned, then the works that combine these two methods are referred to. In the sources written after him a triple separation of the procedural literature is made.[78]

b. The Impact of Ibn Khaldun on Orientalist Literature

With his discovery in the West, Ibn Khaldun was accepted as the patron saint of many branches of science such as history, sociology, economics, philosophy of history, politics and social psychology. Particularly the Muqaddimah has been subject to many researches in Western academia and Ibn Khaldun's theories have been compared with important names of Western thought history such as Machiavelli, Durkheim, Montesquieu, Darwin, Hegel, Marx and Adam Smith.[79]

Studies on Ibn Khaldun in the West can be divided into two main categories. The first are the translations of Muqaddimah, and the second are the works on Ibn Khaldun's

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[76] For example, see, Hudarî Bey, Muhammed, Usûlü'l-fıkh, Egypt 1962, pp. 6-11; İzmirli, İsmail Hakkı, Usûl-i Fıkıh Dersleri, p. 8-9;Atar, Fahrettin, Fıkıh Usûlü, İstanbul 1988, pp.13-18.

[77] For a detailed description, see, Yığın, Adem, Fukahâ Metoduna Göre Yazılan Fıkıh Usûlü Eserlerinin Temel Özellikleri, a Masters thesis: İstanbul, Marmara Üniversitesi Sosyal Bilimler Enstitüsü, 2004, pp. 6-11.

[78] Simon, Robert, Ibn Khaldūn, History as Science and the Patrimonial Empire (Trans. Klara Pogatsa), Budapest 2002, p. 12-13.

[79] Simon, Ibn Khaldūn, History as Science and the Patrimonial Empire, p. 30-32.

views on history from philosophical, economic, educational, sociological and political perspectives. But the vast majority of these researches have been made for the purpose of colonial policies of the Western states and are mostly concentrated on the analysis of the Muslim societies by taking advantage of the theories of Ibn Khaldun.[80] For this reason, his early period studies have been subject to interest in other fields than his views on Islamic sciences in general and fiqh in particular. However, it is possible to see that Western researchers who are interested in the history of fiqh have benefited from the framework of Ibn Khaldun, especially in the case of his theories which are about the first developments of Islamic law.

It would be useful to point out to some aspects of Western scholars' basic approach to the study of Islamic legal history before we turn to Ibn Khaldûn's historical framework of fiqh and how it influenced the Orientalist literature. The main problem of the Western academia's work on the history of Islamic law is to apply Islamic law and history to its own internal dynamics and experiences of Muslim societies without accounting for the methods they have acquired as a result of their historical and cultural experiences.[81] In this framework, Western historical researchers' approaches to Islamic law and to the history of Islamic jurisprudence focuses on two points: firstly on the roots of Islamic law and the difference between theory and practice.[82] Western scholars have become more engaged with the early periods of the fiqh history, when compared with later writings, and consequently, the evidence is few and allows only speculative interpretations.[83] Thus, they showed less interest in the later periods when mature works were given in the field of Islamic law, and written material to be referred to was quite vastly available. For this reason, Ibn Khaldûn's views on the development of fiqh sciences in the first period provided an important framework for dealing with

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[80] For example, Coulson states that the first law scholars are rather clergymen than lawyers. See. Coulson, Noel J., A History of Islamic Law, Edinburgh 1964, p. 37.

[81] It was Joseph Schacht who was most interested in the issue of the origin of Islamic law. It is important to note that the broader gap between theory and practice is growing and for the fundamental characteristics of Islamic law, see, Coulson, A History of Islamic Law, p. 38. For an assessment of this issue, see, Ahmad Atif, Structural Interrelations of Theory and Practice in Islamic Law: a Study of Six Works of Medieval Islamic Jurisprudence, Brill 2006, p. 20, 38.

[82] For example, Schacht, one of the most known scholars of the first periods of fiqh, notes that in many respects the most important period is the first century, although Islam has the most closed age of law history because there is not much evidence. See, Schacht, Joseph, "Pre-Islamic Background and Early Development of Jurisprudence", Law in The Middle East, Origin and Development of Islamic Law (Ed. Majid Khadduri, Herbert J. Lıebesny), Washington 1955, p. 33.

[83] İbn Khaldûn, Muqaddimah, III, 948.

the issue of origin for Orientalists who copyright the work in the field of Islamic law. We will try to reveal here the use of the jurisprudence of Islamic law, which Ibn Khaldun put forth in Muqaddimah, through some examples in the Orientalist literature.

The Islamic society as an extension of Ibn Khaldûn's approach on the development of cities is mentioned among scholars of Islamic society.[84] The Orientalist literature has emerged at the end of the first century of Hijri and we cannot speak of the existence of Islamic law.[85] Moreover, approaches that express the fact that the scholars who produce solutions by applying various legal methods in the issues that are not handled by Koran and Hadith since the beginning of Islamic Law have emerged as independent disciplines since the second century of Hijri.[86]

In the Orientalist literature related to the history of Islamic law, early fiqh schools are one of the most discussed topics. The various fiqh approaches that emerged from the Prophet's time and after the sahaba on the basis of his efforts to find answers to the problems encountered were analyzed in detail by Western scholars investigating the origins of Islamic law. For this reason, Ibn Khaldûn's knowledge about the Iraqi and Hijaz schools, of which he considered the differences between them in relation to the hadiths that were available to the respective scholars due to the regions they were based in, has found its place in Orientalist literature, which discusses a wide range of early fiqh schools in order to address the origins of Islamic law. For instance, Joseph Schacht's distinction between the Iraqi and Hijaz schools, which he referred to as "ancient fiqh schools", is basically based on geographical factors and there are no significant methodological differences in his and Ibn Khladun's works.[87]

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[84] For example, see, Schacht, Joseph, "Fiqh", The Encyclopaedia of Islam (New Edition), Brill 1965, II, 887–888.

[85] Motzki, Harald, The Origins of Islamic Jurisprudence, Meccan Fiqh before the Classical Schools (Trc. Marion H. Katz), Brill 2002, p. 3.

[86] Schacht, Joseph, An Introduction to Islamic Law, Oxford 1964, s. 28. See especially, Schacht, "Pre-Islamic Background and Early Development of Jurisprudence", Law in The Middle East, s. 41. For a similar discussions, see, Coulson, A History of Islamic Law, p. 48.

[87] Schacht notes that the other schools in Kufe, Abu Hanifa's descendants in Iraq, and the followers of Imam Malik gathered in the Mālikî sect of the other schools in Medina in North Africa. Also the schools in Basra and Mecca were included in these. See, Schacht, An Introduction to Islamic Law, pp. 57–58. See especially, Coulson, A History of Islamic Law, p. 51. Hallaq, Schacht and others who share this view and criticize this approach, argue that there are no schools related to geographical diversity and that the transition from regional difference to individual separation can not be discussed. See, Hallaq, Wael B., "From Regional to Personal Schools of Law? A Reevaluation", Islamic Law and Society, V. 8, No: 1 (2001), p. 1–26.

As mentioned before, one of the most important characteristics of Ibn Khaldûn is that he brings into his own discussions the scholarly opinions before him and re-evaluates them in a certain system of causes and effects. For this reason, some of his views in Muqaddimah make him superior in scholarly terms to the previous sources. For example, in the Orientalist literature, one of the issues that have been largely discussed is the formation phase of the fiqh schools and the role played by their imams in this process. This process was seen as an extension of the previous development and it was expressed that the regional schools of law had gradually developed person-centered character and they were developed in the middle of the 3rd century of Hijri.[88] Particularly at this stage, the figures who play a dominant role make the discussion brought forth by Ibn Khaldun on the sect schools important. For example, Ibn Khaldun's views that Imam Malik is the imam of the Ahl al-Hadith was reiterated in the Orientalist literature.[89] Ibn Khaldûn was influenced by the ideas of Imâm Shâfii and Imâm Abu Hanîfe and thus he combined both scholars as well as aspects of the Iraqi fiqh in developing his own approach to fiqh.[90] He refused the concept of istihsan by Imam Shâfiî and Imam Abu Hanife and the concept of istislah that was prevalent in the Maliki school. Ibn Khaldun has laid the groundwork for his own approach, as he limited his use of unexamined issues pertaining to Qur'an and the hadith.[91] Ibn Khaldun's account that Ahmad b. Hanbal had a superior place in the sciences of hadith[92] Moreover Ibn Khaldun's view that Ahmad b. Hanbal had made a considerable effort to assemble hadiths has also been referred to by many other scholars.[93] Although it is stated that the classical sources such as Abu Bakr al-Hallâl (311/923) bring together the views of Ahmad bin Hanbal and that their work is the source of Islamic scholarship, the Orientalist literature refers to Ibn Khaldun as a reference and does not refer to the sources before him.[94]

We have already stated that Ibn Khaldûn deals with the development of the fiqh, especially within the four denominations that existed in his time. However, when

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[88] Vesey-Fitzgerald, Seymour, Muhammadan Law, an Abridgement, According to Its Various Schools, London 1931, p. 14.

[89] Ibn Khaldûn, Muqaddimah, III, 950-951.

[90] See, Massé, Henri, Islam (Trc. Halide Edib), Beyrut 1966, pp. 118-119.

[91] İbn Khaldûn, Muqaddimah, III, 951.

[92] Tritton, A. S., Islam, Belief and Practices, London 1962, p. 61. See especially, Vesey-Fitzgerald, Muhammadan Law, p. 16.

[93] Hatîb, Ebû Bekir Ahmed b. Ali el-Bağdâdî, Târihu Medîneti's-selâm (nşr. Beşşâr 'Avvâd Ma'rûf), Beyrut 2001, VI, 300-302.

[94] İbn Khaldûn, Muqaddimah, III, 950-951.

examining the period of formation of fiqh schools, he has touched on the Khawarij school and has found some important assertions about the deletion of this school from the domain of fiqh. This school was opposed to the majority of scholars and its views were only learned from the books. The most obvious example of a scholar from within the Khawarij school is Ibn Hazm and he has been a source of inspiration for researchers, who are interested in studying such fiqh schools that have disappeared.[95] Christopher Melchert, for example, has attributed the disappearance of the school to the fact that sectarian views are learned not through education but through books, and consequently these scholars do not communicate well with the Muslim community, and that the best example of them is Ibn Hazm.[96]

Conclusion

Ibn Khaldun, a man of science and politics belonging to the Maliki and the Ash'arî thought, is not the only scholar with an important place in the Islamic thought tradition with his theories. His theories and opinions have been influental since his students started to spread his thought and he has been subject to many researches in the modern period. In his Muqaddimah, he generally grasps the facts of Islamic sciences, particularly the views expressed by many authors before him which are specific to his views on the historical development of fiqh sciences so that he could clarify some subjects which were not explicitly expressed before.

Ibn Khaldun speaks in his Muqaddimah of scholars and works important in the field of fiqh. After he deals with all the scholarly mistakes in the historical development of this science, he lays out this general framework while drawing from the historical development of the Qur'an. One of the main features of his approach to the historical development of fiqh is to analyze the factors that affect them by examining the main issues of the fiqh history, rather than following any other method. Especially when describing the historical development of the Qur'an in the frame of four Sunni denominations, the fact that each fiqh school has its own works and references to the regions where they existed and still exist in the present time, contains important information for the following generations in order to understand the social realities of these schools.

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[95] Melchert, Christopher, The Formation of the Sunni Schools of Law, 9th–10th Centuries C.E., Brill 1997, pp. 189–190.

[96] Lawrence, "Ibn Khaldun and Islamic Reform", Ibn Khaldun and Islamic Ideology, p. 81.

The Muqaddimah contains remedies for the state of the Islamic ummah and traditionally it has been used as a groundwork for theories of liberation in the Islamic world in order to find a solution to how the Islamic civilization can regain its old strength by rising again from where it had previously fallen. In fact, at the base of Ibn Khaldun's emphasis on reform-minded thinkers of the time is his belief that the first Muslim generations who lived in the beginning of Islam had the most advanced virtues that mankind could attain. The reform movements, which are convinced that the best answer the Islamic world can give to Western imperialism is the revitalization of certain scientific and political institutions as represented in the first period, are based on this approach in the Muqaddimah.[97] As a matter of fact, the discussions on caliphate and ijtihad, continued in this frame.

The scholars and pro-reform thinkers, who praise the first centuries and believe that the Islamic society has solved their problems with ijtihad made at that time, have redesigned the history of fiqh in this frame as a history of ijtihad. In doing so, they have often applied some of the names in the tradition of Islamic science, such as Ibn Khaldun, and tried to base this new point of view on their references. Ibn Khaldûn's frame for the history of jurisprudence which he presented in the Muqaddimah, played an important role in the shaping of modern jurisprudence and in the framework in which modern Islamic scholars call for ijtihad.

Ibn Khaldûn's discussions on the history of fiqh in the Muqaddimah have presented a broad theoretical framework for Western Islamic law historians and Muslim scholars to base their theses on. Since Orientalist jurisprudential historians have long been interested in the roots of Islamic law, the information given by Ibn Khaldun about the formation of early fiqh schools has inspired them to find references from classical sources in their theses. However, both the Orientalist and Muslim academy have largely ignored the scientific tradition represented by Ibn Khaldun, and the understanding of the theoretical framework that he presented. Therefore, his views on the nature of the basic Islamic sciences and the meaning and their historical development as understood in society need to be re-examined by the academics who work in these fields and should be utilized to the maximum extent possible in the present day world of science.

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[97] Lawrence, "Ibn Khaldun and Islamic Reform", Ibn Khaldun and Islamic Ideology, s. 81.

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