

UCLA

Journal of Islamic and Near Eastern Law

Title

Origins of Wahhabism from Hanbali Fiqh

Permalink

<https://escholarship.org/uc/item/6rp796h4>

Journal

Journal of Islamic and Near Eastern Law, 16(1)

Author

Zargar, Cameron

Publication Date

2017

Peer reviewed

ORIGINS OF WAHHABISM FROM HANBALI FIQH

Cameron Zargar

TABLE OF CONTENTS

I.	IBN TAYMIYYAH AND IBN ‘ABDI’L-WAHHĀB ON <i>ZIYĀRAH</i>	68
II.	HANBALI SCHOLARS PRIOR TO IBN TAYMIYYAH	75
A.	<i>Aḥmad ibn Ḥanbal (d. 241 A.H./ 855/6 C.E.)</i>	75
B.	<i>Abū Bakr Aḥmad ibn Muḥammad al-Khallāl (d. 311 A.H.)</i>	77
C.	<i>Al-Ḥasan ibn ‘Alī al-Barbahārī (d. 329 A.H. / 940/1 C.E.)</i>	78
D.	<i>Abū al-Wafā’ ‘Alī ibn ‘Aqīl al-Zafarī (d. 513 A.H. / 1119 A.H.)</i>	79
E.	<i>Muwaffaq al-Dīn Abū Muḥammad Ibn Qudāmah al-Maqdisī (d. 620 A.H./ 1223/4 C.E.)</i>	80
III.	IBN TAYMIYYAH’S BREAK WITH HANBALI JURISTS	82
IV.	HANBALI JURISTS AFTER IBN TAYMIYYAH	89
A.	<i>Musā ibn Aḥmad al-Ḥajjāwī (d. 968 A.H./ 1560/61 C.E.) and Maṣṣūr al-Buhūtī (d. 1051 A.H./ 1641 C.E.)</i>	90
B.	<i>Aḥmad al-Tamīmī al-Najdī al-Manqūr (d. 1125 AH / 1713/14 CE)</i>	93
V.	IBN ‘ABDI’L-WAHHĀB AND THE CREATION OF A NEW <i>MADHHAB</i>	95
A.	<i>Sulaymān ibn ‘Abdi’l-Wahhāb (d. 1210 A.H. / 1795/6 C.E.)</i>	101
VI.	HANBALI/WAHHABI JURISTS AFTER IBN ‘ABDI’L-WAHHĀB	103
A.	<i>‘Abd al-‘Azīz ibn ‘Abd Allāh Ibn Bāz (d. 1999 C.E.)</i>	104
B.	<i>Ṣāliḥ ibn Fawzān ibn ‘Abd Allāh al-Fawzān (born 1933)</i>	105
C.	<i>Sa’ūd ibn Ibrāhīm al-Shuraym (born 1964)</i>	108
VII.	WAHHABISM AS A SEPARATE <i>MADHHAB</i>	111

INTRODUCTION

“Wahhabism” is, by no means, the term of choice for the Wahhabis themselves. Rather, they refer to themselves as Salafis, *muwahḥidūn* (monotheists) or

* Author bio to come...

muslimūn (Muslims¹) and are most closely linked with the Hanbali *madhhab* (school of thought) in terms of *fiqh*. By using the phrase “Wahhabi,” the opponents of Wahhabism² sought to link such individuals to the 18th century C.E. scholar, Muḥammad ibn ‘Abdī’l-Wahhāb (d. 1206 A.H./ 1791/2 C.E.). Thus, Ibn ‘Abdī’l-Wahhāb was viewed as the founder of a new *madhhab*. Wahhabis are not considered to be part of the four major *madhāhib* due to the great contrast between their approach in methodology and the methodologies of the Hanbalis and other *madhāhib*. Numerous issues in *fiqh* (jurisprudence) separate Ibn ‘Abdī’l-Wahhāb from previous Hanbali scholars. Here the focus will be on Ibn ‘Abdī’l-Wahhāb’s claim that those who engaged in what he deemed “superstitious” practices at graves (such as kissing or wiping graves or calling upon the deceased for help) were misguided and in some cases (like seeking help from the deceased) had apostatized and were therefore deserving of death. If one looks at earlier Hanbali sources, it is possible to see the gradual development of the Hanbali *madhhab* concerning this issue (as well as other matters in *fiqh*), culminating in Ibn ‘Abdī’l-Wahhāb’s controversial language, which was capable of dismissing a large percentage of Muslims as being disbelievers.

It is only appropriate to ask how and why Ibn ‘Abdī’l-Wahhāb derived these rulings that separated him and his sympathizers from other Hanbalis. Ibn ‘Abdī’l-Wahhāb and the early Wahhabi historians from the late 18th and early 19th centuries prefer to focus on the degradation of Muslim practice and the numerous shrines that had been erected for the worship of respected figures. The Wahhabi movement, they argue, was therefore the natural outcome of the deviance of Muslims at large. A closer examination of his life, however, reveals that Ibn ‘Abdī’l-Wahhāb’s teacher, Muḥammad Ḥayāt al-Sindī (d. 1163 A.H./ 1749/50 C.E.), greatly influenced his stance on *taqlīd* (adhering to the opinion of another scholar) and “superstitious”³ practice. But perhaps the greatest factor contributing to the creation of the Wahhabi movement was the writing of Taqī al-Dīn Aḥmad ibn Taymiyyah (d. 728 A.H./ 1327/8 C.E.).

As will be demonstrated shortly, before Ibn Taymiyyah, certain acts that were performed near graves, such as seeking blessings from the graves of righteous individuals or prophets, were either implicitly encouraged or considered to be of questionable merit. Earlier Hanbali scholars, though, did not forbid such acts. Ibn Taymiyyah expressed the differing opinions in Hanbali thought and stated his personal opinion, arguing that these acts were forbidden. Therefore, while he provided his own opinion on these matters, it is clear from his works that such issues were far from settled during his time. Ibn Taymiyyah would also occasionally write that such acts constituted *shirk*, though he did not explicitly state that those guilty of these acts were to be treated as apostates.

1. This term is found in their earlier sources.
2. See e.g. Sulaymān ibn ‘Abdī’l-Wahhāb’s critique of his brother’s teachings, AL-ŠAWĀ‘IQ AL-ILĀHIYYAH FĪ AL-RADD ‘ALĀ AL-WAHHĀBIYYAH.
3. From this point forward, the word “superstitious” will appearing quotations, for Wahhabis and their sympathizers classify these acts as such. I will demonstrate that these acts are ultimately justifiable by means of Islamic sources, both primary (Prophetic narrations and/or verses of the Qur’an) and secondary (the opinions of the imams of the four schools of Sunni *fiqh*). Thus, in the view of a majority of Islamic scholars, these acts would be no more “superstitious” than any other Islamic rite.

Ibn Taymiyyah's particular approach and his break with the representatives of the *madhhab* system created a stir during his own time. In fact, it was his *fatwā* forbidding the act of traveling in order to visit the grave of the Prophet that led to him being declared an unbeliever and imprisoned in Cairo until he met his death.⁴ But he was popular with average Muslims⁵ and remained dedicated to his cause, refusing to change his opinions even when threatened with imprisonment.⁶ Also, his loyal (though limited⁷) following from among his students kept his message alive after his death.⁸ Later Hanbali scholars would address Ibn Taymiyyah's view on the matter, though many would state opinions that disagreed with Ibn Taymiyyah's verdicts. Such was the case until the rise of Wahhabism.

Ibn 'Abdi'l-Wahhāb embraced Ibn Taymiyyah's stance on visiting grave sites and, in fact, challenged previous Hanbali scholarship even further. Ibn 'Abdi'l-Wahhāb did not even entertain the notion that kissing or wiping graves could be permissible, ignoring previous Hanbali scholarship in the process. And he considered seeking help from other than God to be a clear case of *shirk*, which meant that those who engaged in such practice, like other *mushrikūn*⁹ from among those who professed Islam, were to be killed. Furthermore, Ibn 'Abdi'l-Wahhāb argued that those who did not do *takfīr* of such idolaters were to be considered disbelievers themselves. Such rhetoric drew a line between Wahhabis and the majority of Muslims.

The clear break Wahhabism makes with even Ibn Taymiyyah's controversial approach in *fiqh* has been observed by critics of the movement from its very outset. Sulaymān ibn 'Abdi'l-Wahhāb, Muḥammad's brother, in his *Al-Ṣawā'iq al-ilāhiyyah fī al-radd 'alā al-Wahhābiyyah* repeatedly points out the distinction between deeming certain acts forbidden (in accordance with Ibn Taymiyyah, whose opinion Sulaymān greatly values) and considering them to be *shirk*, and the validity of the former as opposed to the latter.

Ibn 'Abdi'l-Wahhāb, though of questionable status as a jurist,¹⁰ would reshape the landscape of Hanbali jurisprudence both by means of his own opinions and by

4. IBN TAYMIYYA AND HIS TIMES 40 (Yossef Rapoport and Shahab Ahmed et al eds., Oxford University Press 2010),
5. *Id.* pp. 41–2.
6. ABDUL HAKIM I. AL-MATROUDI, THE HANBALI SCHOOL OF LAW AND IBN TAYMIYYAH: CONFLICT OR CONCILIATION 19, (Routledge 2006)
7. Rapoport, *supra* note 11, at 31. Caterina Bori writes that Zain al-dīn Ibn Rajab (d. 795 A.H. / 1393 C.E.) describes only nine Hanbali scholars as companions or direct disciples of Ibn Taymiyyah.
8. *Id.* at 41.
9. Those who associate with or worship any entity aside from Allah.
10. 'ABD ALLĀH ṢĀLIH AL-'UTHAYMĪN, MUḤAMMAD IBN 'ABD AL-WAHHĀB: THE MAN AND HIS WORKS 141 (I.B. Tauris & Co. Ltd, in association with the King Abdul Aziz Foundation for Research and Archives 2009) ("From an early period, Muḥammad ibn 'Abd al-Wahhāb was accused by Sulaymān ibn Ṣuḥaym of claiming to have the right to exercise *ijtihād* and reject *taqlīd*, and of banning the works of the Hanbalī school. He was urged to accepted *taqlīd* because he was not qualified to exercise *ijtihād*. Muḥammad ibn 'Afāliq wrote a treatise called *Taḥakkum al-Muqallidīn bi-man Idd'ā Tajdīd al-Dīn* [The supremacy of the traditionalists over whoever claims to renew religion], in which he tried to prove that the conditions required for the exercising of *ijtihād* were not attained by the Shaykh. Al-Khālidi, too, in his tract *Ashadd al-Jihād fī Ibtāl Da'wā 'l-Ijtihād* [The harshest struggle to nullify the call to independent judgment], had the same aim." (brackets in original))

further cementing the role of Ibn Taymiyyah's opinions within the *madhhab*. These two scholars had similar approaches. They presented their doctrines as being a return to the Qur'an and *sunnah* as opposed to a reliance upon dogma, or, the teachings of the imams of the *madhāhib*. They would mention certain verses of the Qur'an that speak of *shirk* in general as well as hadith that warned Muslims of the potential dangers of frequenting graves. They compared the reverence shown by Muslims towards pious figures at graves to the acts of idolaters. In fact, they argued, idolatry began at the graves of righteous figures from the people of Noah. This method of strongly adhering to particular traditions¹¹ and verses of the Qur'an that speak of *shirk* in general was adopted by later Wahhabi scholars. The opinions of previous Hanbali scholars who permitted these displays of reverence are not always represented in the works of Wahhabi scholars. Here, the opinions (or lack thereof) of previous Hanbali scholars will be presented alongside the opinions of Wahhabis so that this evolution in Hanbali thought is made evident.

I will first explain the views of Ibn Taymiyyah and Ibn 'Abdi'l-Wahhāb. Then I will provide a survey of Hanbali verdicts before and after Ibn Taymiyyah to demonstrate the change he brought about in the *madhhab*. After that, I will examine Ibn 'Abdi'l-Wahhāb's approach and his affirmation of certain elements of Ibn Taymiyyah's thought as well as points of divergence in his works. Finally, I will analyze the great disparity between early Hanbali jurists and Wahhabi scholars on the matter of *ziyārah*. Wahhabis accept as dogma the interpretations of Ibn Taymiyyah and Ibn 'Abdi'l-Wahhāb concerning verses of the Qur'an and hadith that discuss *ziyārah*, even though Ibn Taymiyyah and Ibn 'Abdi'l-Wahhāb ostensibly sought to eradicate the reliance upon the views of other scholars, or, *taqlīd*. The reality is that Wahhabis defend the views of the founders of their *madhhab* similarly to how Hanbali scholars rely upon the opinions of prestigious jurists. Thus, this group is labeled as being "Wahhabi," or, of the *madhhab* of Ibn 'Abdi'l-Wahhāb, distinguished from the Hanbali *madhhab*, and, outside of Wahhabi circles, not considered a return to the *salaf*¹².

I. IBN TAYMIYYAH AND IBN 'ABDI'L-WAHHĀB ON ZIYĀRAH

According to Ibn Taymiyyah, *ziyārah* of the Prophet should consist of a simple salutation.¹³ One should not wipe or kiss the walls of his chamber where his grave is located,¹⁴ as this is a form of innovation in religion (*bid'ah*).¹⁵ Also, one should not ask the Prophet for one's needs, whether spiritual or physical. Ibn Taymiyyah uses as proof for his arguments the consensus of scholars, hadith from the Prophet (such as

11. One example of such a tradition is the idea that one should not make graves a place of gathering or turn the Prophet's grave into a mosque.
12. Companions of the prophet who witnessed him and lived during his lifetime.
13. IBN TAYMIYYAH, *ZIYĀRAT AL-QUBŪR WA AL-ISTINJĀD BI'L-MAQBŪR* 17 (Ṭanṭā: Dār al-Ṣaḥābah lil-Turāth 1992).
14. IBN TAYMIYYAH, *AL-TAṢĀ'ULĀT AL-SHAR'ĪYYAH 'ALĀ AL-IKHTIYĀRĀT AL-FIQHIYYAH* 186 (Maktabat al-Rushd 2008).
15. IBN TAYMIYYAH, *ZIYĀRAT AL-QUBŪR WA AL-ISTINJĀD BI'L-MAQBŪR* 25 (Ṭanṭā: Dār al-Ṣaḥābah lil-Turāth 1992).

those that prohibit turning graveyards into mosques) and the story of the people of Noah who fell into idolatry.

As for the issue of wiping or kissing the Prophet's grave, the 420th question in Ibn Taymiyyah's *Al-Tasā'ulāt al-shar'īyyah 'alā al-ikhtiyārāt al-fiqhiyyah* is as follows:

Q: Is it legitimate (*hal yushra'*) for one who sends salutations (*salām*) upon the Prophet, blessings and peace be upon him, to kiss or wipe the grave [seeking blessings]?

Ibn Taymiyyah responds:

A: The first generations of Muslims (*al-salaf*) and the imams [of the four Sunni schools of *fiqh*] have all agreed that he who sends salutations upon the Prophet should neither wipe nor kiss the grave. Rather, they have all agreed that salutations and kissing¹⁶ are reserved for *Al-hajar al-aswad*. And *Al-rukn al-yamānī*¹⁷ can be touched,¹⁸ but not kissed, based on the correct opinion.¹⁹

In his *Ziyārat al-Qubūr wa'l-Istinjād bi'l-Maqbūr*, Ibn Taymiyyah gives a similar opinion but then follows it with language that reveals that he may have been aware that the matter was not as clear as he indicated:

And all scholars agree that one who visits the grave of the Prophet, blessings and peace be upon him and his progeny, or the grave of any of the prophets or righteous—such as the Companions, the household [of the Prophet] or others—should not wipe it (*lā yatamassah bihi*) nor should he kiss it (*lā yuqabbiluhu*). Rather, [the correct opinion is that] it is not legitimate (*lā yushra'*) to kiss any inanimate object (*al-jamādāt*) in this world other than *al-hajar al-aswad* . . . And for this reason, all of the imams agree that it is not *sunnah* to kiss . . . the grave of any of the prophets or the righteous . . . As for wiping the grave of the Prophet, blessings and peace be upon him and his progeny, and kissing [his grave], all of them [the imams] considered it to be *makrūh* and forbade it (*nahā 'anhu*). This is because they were aware of the what the Prophet, blessings and peace be upon him and his progeny, intended in terms of uprooting *shirk*, the realization of monotheism and being sincere in the reserving the practice of religion for God (*ikhhlāṣ al-dīn li 'Allāh*), Lord of the worlds.²⁰

This passage seems to contain some contradictions. In the beginning, Ibn Taymiyyah argues that one should not wipe or kiss the grave of any individuals,²¹ proph-

16. The phrase in this quotation appears to be a mistranslation or typo; it seems that what was intended was actually "wiping and kissing."

17. One of the corners of the Ka'bah, which, according to traditional sources, split open to allow Fāṭimah bint Asad to give birth to her son, the fourth caliph and first Imam of the Shī'ah, 'Alī ibn Abī Tālib, inside what Muslims consider to be the house of God.

18. The word he uses, *yastalim*, is a light form of touching, or, to graze.

19. IBN TAYMIYYAH, *supra* note 21, at 186.

20. IBN TAYMIYYAH, *supra* note 22, at 25.

21. Ibn Taymiyyah does not use the traditional *ṣiḡhat al-amr* (imperative form) to convey his message. Rather, he uses *al-muḍāri'* (the form usually reserved for the present and future tenses), writing *lā yatamassah bihi*. This could mean one of two things. He may have used *al-muḍāri'* to emphasize the imperativeness of the matter, as if to say that it is such an important matter that it is a foregone conclusion that a Muslim would not perform these acts. To help make this clear, imagine a mother

ets included, and that it is not legitimate to do so.²² He then argues that all the imams agreed it is not *sunnah* to kiss the graves of any individual, prophets included. But while not being *sunnah* does not necessitate that these actions are forbidden, it may be said in his defense that he was refuting the notion that such actions were actually practiced by the Prophet or the Companions. This may have been a notion entertained by the Muslims of his time.

When he arrives at the discussion of kissing the grave of the Prophet of Islam, he argues that all imams considered it to be *makrūh* and forbade it. The apparent contradiction between something being *makrūh* and forbidden can be resolved by saying that *karāhah* is itself a branch of something being prohibited, though prohibition in the case of *makrūh* things does not entail punishment in the Afterlife. However, what can one say of the contradiction between wiping and kissing of prophets being illegitimate and forbidden in the beginning and then simply *makrūh* in the case of one particular prophet, the Prophet of Islam? In defense of Ibn Taymiyyah, it can be argued that he may have used the term *al-anbiyā'* (the prophets) to mean prophets other than the seal of the prophets, the Prophet of Islam. However, this would mean that kissing the grave of the Prophet is not forbidden and would apparently contradict with the response Ibn Taymiyyah gave to the 420th question in *Al-Tasā'ulāt al-shar'iyyah* mentioned above.

Another point that can be taken from this passage is that Ibn Taymiyyah's reasoning at the end of the passage (that the imams considered kissing and wiping the grave of the Prophet to be *makrūh* because this was in keeping with the Prophet's mission of uprooting *shirk* and preserving worship for God) does not explicitly state that these acts were *shirk* themselves. Rather, if one were to engage in these regularly, he would be in danger of falling into *shirk*, or associating certain powers reserved for God to a lifeless structure (the grave of the Prophet). Thus, these acts were made *makrūh* to prevent this from happening. However, if these acts were *shirk* themselves (without the intention of worship or the belief that the grave held powers), they would be forbidden outright; *shirk* is never permissible,²³ and it is hard to imagine Ibn Taymiyyah making an exception in the case of the Prophet (by saying that wiping and kissing his grave is merely *makrūh*). In support of this idea is the fact that shortly before the passage in question, Ibn Taymiyyah writes a brief history of the origins of *shirk*, which began because the people of Noah showed great reverence to the graves of noble figures from their community. For this reason, Ibn Taymiyyah writes immediately before the passage above, "And clinging to graves, wiping them, kissing them, praying near them and at graveyards, etc., is the origin

trying to discipline her young son who almost ran across the street unattended by saying, "We don't cross the street without an adult, do we?" Alternatively, Ibn Taymiyyah may have been trying to convey the reprehensible nature of these acts without committing to a firm opinion—he did not want to argue that all scholars agree that to kiss or wipe graves is forbidden (*ḥarām*), as he knew such a statement could not be sustained.

22. The phrase *lā yushra'* would seem to indicate that to engage in such practice would then be considered *bid'ah*.
23. A *makrūh* act, though reprehensible, is still technically permissible, in that one who performs it will not be punished.

of *shirk* and worshipping idols . . .”²⁴ It thus may be said that Ibn Taymiyyah used the word *makrūh* in its original linguistic sense (“something that is reprehensible”), meaning that these acts were frowned upon but not to the point where they would be forbidden. Rather, they could be a gateway to the great offense that is *shirk*.

If the prohibition of kissing and wiping graves was a matter of controversy among scholars, placing one’s head near graves or kissing the earth that contains them was, according to Ibn Taymiyyah, not up for debate. It may be argued that these acts (in particular, placing one’s head on a grave) more clearly resembled acts of worship or strong reverence. For this reason Ibn Taymiyyah writes in *Ziyārat al-Qubūr*:

As for placing one’s head near [the graves of] great *shaykhs* or others, or kissing the earth, etc., this is something about which there is no debate that the imams [of the schools of jurisprudence] forbade . . .²⁵

As will be seen shortly, the act of placing one’s face on the grave of the Prophet was addressed in a hadith narrated by Aḥmad ibn Ḥanbal, the founder of the Hanbali *madhhab*. The nature of the narration makes it difficult to accept the consensus Ibn Taymiyyah claims in this regard.

The second major matter concerning *ziyārah* that will be addressed here is seeking one’s needs from the deceased, specifically the Prophet of Islam. Ibn Taymiyyah forbids asking the Prophet for anything after his death as well as praying to him (for his intercession or for him to seek forgiveness on one’s behalf),²⁶ as these would constitute *shirk* (associating partners with God).²⁷ Ibn Taymiyyah writes concerning asking the Prophet for forgiveness at his grave:

If what a servant (of God) desires is something that only God, Exalted is He, has power over, such as seeking the health of one who is sick from another person, or seeking that he can repay his loan without specifying a means, or seeking that his family be in good health, or any other form of tribulation in this world or in the Hereafter, or seeking help against his enemy, or that his heart be guided, or that his sin be forgiven, or that he may be made to enter paradise, or saved from Hell-fire . . . in all of these cases, it is not permissible to make such requests other than from God, Exalted is He . . . And it is not permissible to say to an angel, a prophet or a *shaykh*, whether alive or dead, “forgive me my sin,” nor to say, “help me against my enemy,” nor, “heal my sick [friend or relative],” or, “heal me,” or “my family” or “my ride,” (*dābbatī*) etc. And one who asks a creature (*makhḷūq*) for such things, whoever [that creature] may be, has associated partners with God and is of the same category as the *mushrikūn* who worshipped the angels, the prophets and the images that they would draw . . .²⁸

It should be noted that Ibn Taymiyyah does not deny that the Prophet can serve as an intermediary between a servant and God. In fact, one should ask God to make

24. IBN TAYMIYYAH, *supra* note 22, at 24.

25. IBN TAYMIYYAH, *supra* note 22, at 37.

26. *Id.* at 22.

27. *Id.* at 14, 19.

28. *Id.* at 14.

the Prophet a means (*wasīlah*) to God. Such a Muslim will then be deserving of the Prophet's intercession. Ibn Taymiyyah writes:

He [the Prophet] said, "Ask God to grant me the means (*al-wasīlah*), for it is a station in paradise that is only appropriate for one of God's servants. And I hope that I can be that servant. So one who asks God to grant me the means will be granted my intercession on the Day of Resurrection."²⁹

According to Ibn Taymiyyah, one can also achieve the Prophet's intercession by the affection he shows towards him.

As for *tawassul* (showing devotion to obtain Allah's favor) by way of having faith in him [the Prophet], loving him, obeying him, sending blessings and peace upon him, and by way of his prayer and intercession and other such things that he did and that servants were commanded to do in regard to him, these are legitimate (*mashrūʿ*) according to all Muslims.³⁰

However, he believed that asking the Prophet for his intercession directly was particular to his lifetime. Ibn Taymiyyah relates a hadith that the great hadith compilers Muḥammad ibn ʿĪsā al-Tirmidhī and Aḥmad ibn Shuʿayb al-Nasāʾī narrated concerning the Prophet, in which it is reported that he taught some of his companions to pray as such:

O God, I ask you and seek a means to you by way of your Prophet, the Prophet of mercy. O Muḥammad, O Messenger of God! Verily I seek a means to my lord by you in [order to attain] my need so that He may fulfill it for me. O God, make him an intercessor for me.³¹

Ibn Taymiyyah then writes that this hadith only shows the permissibility of doing *tawassul* "during his life and in his presence." Furthermore, seeking intercession from a noble figure is a Christian practice and not permissible in Islam:

So, if one says, "I call upon [or, pray to] a *shaykh* so that he may intercede on my behalf," this is of the same category as the Christians who call upon Mary, monks and priests.³²

After the Prophet's death, for Ibn Taymiyyah, the most that could be said was that the permissibility of seeking a means by way of the Prophet's prayers (not from him directly) was up for debate. This depended on whether it was permissible to swear by the Prophet (instead of by God). If it were permissible to do so, then seeking a means to God by way of the prayers of the Prophet would also be permissible. In *Al-Fatāwā al-kubrā*, the 201st verdict Ibn Taymiyyah gives is:

And that Companions, may God be pleased with them, would seek a means by way of him during his life and sought a means by way of his uncle, al-ʿAbbās, after his death just as they would seek a means by way of him [the Prophet]. As for saying, "O God, verily I seek a means to you by way of him," there are opinions among scholar . . . Aḥmad said, one can do *tawassul* to the Prophet, blessings and peace be upon him, by way of his prayers, whereas others have

29. *Id.* at 15.

30. IBN TAYMIYYAH, *AL-FATĀWĀ AL-KUBRĀ*, (Maṭbaʿt Kurdistan al-ʿilmiyyah, 1908/9 vol. 1) 293.

31. IBN TAYMIYYAH, *supra* note 22, at 29.

32. *Id.* at 33.

said that this is swearing to God by means of him, and one should not swear to God by means of His creation. And Aḥmad [ibn Ḥanbal], in one of the opinions narrated from him, permitted swearing by him [the Prophet]. And for this reason, he permitted doing *tawassul* by way of him. However, the other narrated opinion from Aḥmad is what the majority of scholars say, that it is not permissible to swear by him . . .³³

Ibn Taymiyyah then narrates differing opinions on the matter before concluding, “And God knows better.”³⁴

What, then, remains of *ziyārah* for Ibn Taymiyyah? He believed that *ziyārah* should be restricted to simply sending blessings upon the deceased. In this way, the deceased benefit while the visitor does not seek any benefit from those in graves. A “legitimate form of visiting graves,” according to Ibn Taymiyyah, is:

That one sends salutations upon the deceased and prays for him such that one sends blessings (*ṣalāt*) upon a corpse . . . So *ziyārah* in Islamic law (*al-ziyārah al-sharʿiyyah*) does not involve the living attaining his needs from the deceased, nor asking him [his needs], nor seeking a means to him. Rather, it [*ziyārah*] involves the living benefitting the dead, by, for instance, sending blessings upon him.³⁵

Other than this is either debated among scholars (in the case of seeking a means by way of the Prophet’s prayers), forbidden (in the case of touching and kissing the grave) or *shirk* (in the case of asking things of the Prophet). But whether Ibn Taymiyyah believed that asking the Prophet for his intercession is a major form of *shirk* that takes one out of the realm of Islam or minor *shirk*, a term used to describe sins such as ostentatiousness (*riyāʾ*), is a matter of debate. Sulaymān ibn ʿAbdīʿl-Wahhāb argued that the Wahhabis did not properly understand Ibn Taymiyyah’s writings and that what was intended was minor *shirk*.³⁶ Ibn ʿAbdīʿl-Wahhāb and later Wahhabis clearly believed that Ibn Taymiyyah argued that asking the deceased for one’s needs made one a *mushrik* deserving of death.³⁷ Ibn Taymiyyah regularly used the word *shirk* without specifying which form he intended. However, in some of his writings, he compared Muslims who committed such acts to the idolaters from before Islam,³⁸ which would mean he intended greater *shirk*. Kissing and touching the graves of righteous individuals from the people of Noah were the roots of polytheism, he

33. IBN TAYMIYYAH, *supra* note 37, at 293–94.

34. *Id.* at 294.

35. Ibn Taymiyyah, *supra* note 22, at 17–18.

36. SULAYMĀN IBN ʿABDĪʿL-WAHHĀB, *AL-ṢAWĀʾIQ AL-ILĀHIYYAH FĪ AL-RADD ʿALĀ AL-WAHHĀBIYYAH* 45 (Dār Dhūʿl-Faqār 1997).

37. IBN ʿABDĪʿL-WAHHĀB, *MUʿLLAFĀT AL-SHAYKH AL-IMĀM MUHAMMAD IBN ʿABDĪʿL-WAHHĀB (MUFĪD AL-MUSTAFAʿID)* 296 (Jāmiʿah al-imām Muḥammad ibn Saʿūd al-islāmiyyah 1977/8). After writing on the previous page that the student of Ibn Taymiyyah, Ibn al-Qayyim, considered seeking one’s needs from the deceased to be cases of greater *shirk*, Ibn ʿAbdīʿl-Wahhāb writes, “. . . some of the stubborn have attributed to *al-shaykh* (Ibn Taymiyyah) [the opinion] that this is lesser *shirk*.” He then argues that the passages they use to prove their point are not open to interpretation [i.e., they must be interpreted to mean greater *shirk*].

38. Ibn Taymiyyah, *supra* note 22, at 14.

argues.³⁹ It is worth noting, though, that Ibn Taymiyyah did not go as far as Ibn ‘Abdi’l-Wahhāb and other Wahhabis who followed such statements by writing that it was permissible to shed the blood of such individuals.

As for Ibn ‘Abdi’l-Wahhāb, he classifies “that which a great number of common people do at the graves of the righteous, and with the dead, the living and the *jinn*” (*mā yaf’aluhu kathīr min al-’awāmm ‘inda qubūr al-ṣāliḥīn, wa ma ‘ kathīr min al-amwāt wa l-’ahyā’ wa l-jinn*) as manifestations of *al-shirk al-akbar* (greater polytheism).⁴⁰ His language is vague and it is not clear if he means to include touching and kissing graves. However, like Ibn Taymiyyah before him, he clearly considered such acts to be forbidden. In his *Kitāb muḥīd al-mustaḥīd fī kufr tārik al-tawḥīd* (“That which benefits the one who seeks [to know] concerning the state of disbelief of one who abandons monotheism”), he puts a passage from Ibn Taymiyyah’s *Al-risālah al-sunniyyah* in his own words, writing, “And for this reason, all scholars agree that one who sends peace upon the Prophet, blessings and peace be upon him, near his grave should not wipe his chamber nor kiss it . . .”⁴¹ He then adds that one should try to comprehend Ibn Taymiyyah’s words, showing his support.⁴²

Ibn ‘Abdi’l-Wahhāb’s views concerning seeking help or intercession from one who is deceased are similar to those of Ibn Taymiyyah. Like Ibn Taymiyyah, he argues that polytheism originated when a group from the people of Noah sought intercession (*shafā’ah*) from righteous individuals.⁴³ It is this sort of outcome that both scholars feared for Muslims who showed reverence to the deceased. However, Ibn ‘Abdi’l-Wahhāb’s language is different from that of Ibn Taymiyyah in that he regularly points out that the crimes such individuals committed made it permissible to shed their blood.⁴⁴

The significance of Ibn ‘Abdi’l-Wahhāb’s language and opinions in jurisprudence and Islamic history is rather consequential. It is his policy of *takfīr* that allowed for the establishment of the Saudi kingdom, as surrounding cities could be attacked on the basis that they were enemies of Islam and had rejected its message.⁴⁵ The political success of the Saudi-Wahhabi movement meant that a number of scholars

39. *Id.* at 24.

40. IBN ‘ABDI’L-WAHHĀB, MU’LLAFĀT AL-SHAYKH AL-IMĀM MUḤAMMAD IBN ‘ABDI’L-WAHHĀB vol. 1 306 (*Muḥīd al-Mustaḥīd*).

41. *Id.* at 291–93.

42. *Id.*

43. Ibn ‘Abdi’l-Wahhāb, *Mu’llafāt al-shaykh (Kitāb al-tawḥīd)* 45, see also IBN ‘ABDI’L-WAHHĀB, MU’LLAFĀT AL-SHAYKH AL-IMĀM MUḤAMMAD IBN ‘ABDI’L-WAHHĀB vol. 1 287–88.

44. *Id.* at 58; see also Ibn ‘Abdi’l-Wahhāb, *Mu’llafāt al-shaykh (Kashf al-shubuhāt)* at 157.

45. JOHN LEWIS BURCKHARDT, NOTES ON THE BEDOUINS AND WAHABYS 103–104 (Johnson Reprint Corporation 1967) Muḥammad Ibn Sa’ūd (the first Saudi leader, led Wahhabis into battle) “propagates his religion with the sword,” and that, “whenever he purposes to attack a district of heretics, he cautions them three times, and invites them to adopt his religion; after the third summons, he proclaims that the time for pardon has elapsed, and he then allows his troops to pillage and kill at their pleasure.” See also Ibn Ghannām, Ibn Ghannām, *Tārīkh Ibn Ghannām*, vol. 2, at 694, 689, 806, 892, 899 (regularly referring to the opponents of the Saudis as apostates upon whom the “Muslims” (Wahhabis) declared *jihād* and mentioning the religious mission of destroying idols in al-Qaṭīf and the battle that ensued with “the misguided people”).

would eventually side with Ibn ‘Abdi’l-Wahhāb’s ideas and the Saudi government, which would provide financial means for Wahhabi scholars.⁴⁶ It is due to the spread of ideas by way of Ibn ‘Abdi’l-Wahhāb that the *madhhab* in question is called Wahhabism and not Taymiyyism, for instance. But both scholars greatly contributed to the formation of this break in the Hanbali school of thought.

In the following pages, I hope to demonstrate that Ibn Taymiyyah’s views on *ziyārah* were a clear break with the Hanbali jurists before him. I will do so by presenting a short survey of major jurists who addressed these matters. In many cases, their views are not entirely clear, though their lack of a firm position is still telling; had such acts been practiced during the times of these Hanbali jurists, they would presumably not be at liberty to refrain from passing judgment, as it would have been their religious duty to warn Muslims of such forms of deviance.

II. HANBALI SCHOLARS PRIOR TO IBN TAYMIYYAH

In this Part, the opinions of some of the earliest scholars of Hanbali *fiqh* will be presented. It will be shown that relatively little can be known of the stance of the earlier scholars of this period concerning rituals at graveyards. This could possibly be due to a general acceptance of such acts, such that their permissibility was not called into question. Or, perhaps such practices became more prominent later. At any rate, graveyard practice and the potential sins or heresies that might be associated with them were not of great concern to the earliest Hanbali scholars, perhaps suggesting that these matters were perceived as being irrelevant at the time. What one does observe is that the scholars whose time was closer to Ibn Taymiyyah’s would more clearly address issues such as wiping the grave of the Prophet. However, they would neither forbid this act nor declare that it caused one to become an apostate.

A. *Aḥmad ibn Ḥanbal* (d. 241 A.H./855/6 C.E.)

The founder of the Hanbali school of thought reportedly never composed a book of *fiqh* himself. Rather, his students gathered his opinions from what Ibn Ḥanbal said, did and the answers he gave.⁴⁷ This makes it difficult to say with any certainty what Ibn Ḥanbal’s views concerning the visitation (*ziyārah*) of graves were. One way to gain an understanding of Ibn Ḥanbal’s stance on the matter is to look at his compendia of hadith, which are believed to have been dictated by Ibn Ḥanbal himself.⁴⁸ These do not contain his official opinions on particular hadiths. Rather, Ibn Ḥanbal narrated *marshūr* (widely accepted) hadith as well as *jayyid* (good) ones and those that were *radī’* (bad) without saying which was the official stance of his school of thought.⁴⁹ Instead, it would be the duty of later Hanbali scholars to determine whether a particular hadith would be *ṣaḥīḥ* (sound), *ḍa‘īf* (weak) and so on based

46. ALEXEI VASSILIEV, THE HISTORY OF SAUDI ARABIA 127 (Saqi Books, 1998).

47. AL-BUHŪTĪ AL-ḤANBALĪ, MANṢŪR IBN YŪNUS, KASHSHĀF AL-QINĀ’ ‘AN AL-IQNĀ’ 27 (The Ministry of Justice of Saudi Arabia 2000).

48. AHMAD IBN ḤANBAL, AL-MUSNAD 33 (Dār al-Ḥadīth 1995).

49. *Id.* at 64.

on the standards Ibn Ḥanbal stipulated in the sciences of *‘ilm al-rijāl* (biographical evaluation) and *uṣūl al-fiqh* (the principles of jurisprudence).⁵⁰ It is worth noting that the classification of some hadith as weak does not necessarily mean that Ibn Ḥanbal found them unacceptable for the purposes of deriving a verdict. Rather, they were weak only insofar as they were not of the highest standard, or, *ṣaḥīḥ*. In fact, Ibn Taymiyyah clarified that what Ibn Ḥanbal meant by weak hadith would actually be classified as *ḥasan* (good, solid) by later scholars, who came after the field of *‘ilm al-rijāl* (the study of the individuals in chains of narration) was developed into a sophisticated science.⁵¹ Furthermore, Ibn Ḥanbal is quoted to have said concerning his *Al-Musnad* compilation, “Protect this *musnad*,⁵² for it will be a source of guidance (*imāman*) for the people.”⁵³ Ibn Ḥanbal reportedly selected these hadith from 700,000⁵⁴ or 750,000⁵⁵ hadith to provide a source of reference for Muslims.⁵⁶ Therefore, while one cannot say with certainty what Ibn Ḥanbal’s view on *ziyārah* practices may have been, the following hadith narrated in his *Musnad* must carry some weight.

According to Ibn Ḥanbal, Kathīr ibn Zayd narrates from Dāwūd ibn Abī Ṣāliḥ who said: One day, Marwān came and saw that a man had placed his face on a grave. He (Marwān) said, “Do you know what you are doing?” He then approached the man and saw that he was Abū Ayyūb, who said, “Yes, (for) I have come to the (grave of) the messenger of God. It is not that I have come to a (mere) rock. I have heard the Messenger of God say, ‘Do not lament religion if those who are qualified are put in charge. Rather, you should lament for (religion) when those who are not qualified are put in charge.’”⁵⁷

The prominent Al-Azhar-educated scholar of hadith Aḥmad Muḥammad Shākir (d. 1958 C.E.), commentator for this particular edition of *Al-Musnad*, writes that this hadith is to be considered authentic (*ṣaḥīḥ*) according to the standards held by Ibn Ḥanbal, as the founder of the Hanbali *madhhab* considered the only narrator about whom there might be concern, Kathīr ibn Zayd, to be reliable. Based on this assessment, the validity of using such a tradition in *fiqh* would be undisputably permissible.

There are a number of important explicit and implicit points that can be gathered from this hadith. Firstly, in the hadith Abū Ayyūb al-Anṣārī not only touches the grave but rather he places his face on it. This is not a simple touching of the grave. Rather, this is an act that could clearly be confused with worship, as it resembles prostration. In other words, this is a case that is far more extreme than the acts in which Ibn Taymiyyah and Ibn ‘Abdī’l-Wahhāb would later find fault. However, Abū

50. *Id.* at 11–14.

51. Abdul Hakim Al-Matroudi, *The Ḥanbalī School of Law and Ibn Taymiyyah: Conflict or Conciliation* 47 (Routledge 2006).

52. Collection of prophetic traditions.

53. Ibn Ḥanbal *supra* note 48, at 14.

54. *Id.* at 25.

55. *Id.* at 35.

56. *Id.* at 34.

57. *Id.* at 42–43.

Ayyūb, instead of justifying his action to Marwān and acknowledging that he was in the wrong, seemingly adopts a pedantic tone, educating Marwān on this matter. This is because, he reasons, the Messenger of God, due to his lofty status, is to be shown great respect, and his grave is not to be afforded the same treatment one would grant a mere rock, or, a material entity similar in outward appearance though lacking the lofty spiritual status of the resting abode of the Prophet. Abū Ayyūb then adopts a political tone, criticizing the government of his time. While it cannot be determined for sure whether the government was the source of Marwān's supposed misconception, this is a possibility one might entertain.

Even if it cannot be determined whether or not Ibn Ḥanbal definitely accepted this hadith as authentic and worthy of being the source of a verdict, the fact that Ibn Ḥanbal included this hadith in his *Musnad* is telling. Wahhabi policies towards *ziyārah* would necessitate that this act be a sin. Therefore, based on the opinions of Ibn Taymiyyah and Ibn 'Abdī'l-Wahhāb, it would have been Marwān's duty to reprimand Abū Ayyūb for behaving as such due to the necessity of prohibiting the evil (*al-nahy 'an al-munkar*). Furthermore, according to this hadith, Abū Ayyūb, a Companion of the Prophet⁵⁸, would be portrayed as a sinner or perhaps even a disbeliever. This conflicts with the understanding of the Companions accepted by Sunni jurists, who maintain that the Companions were all upright (*'ādil*).⁵⁹ For these reasons it becomes clear that during Ibn Ḥanbal's time, such actions were not of such significance that Ibn Ḥanbal found it necessary to either dismiss this hadith or to at least provide an alternative approach to understanding it. Otherwise, it would not make much sense for Ibn Ḥanbal to narrate this hadith. Thus, the fact that Ibn Ḥanbal narrates this hadith proves the great disparity between early Hanbali *fiqh* and that which it would become in later times.

B. *Abū Bakr Aḥmad ibn Muḥammad al-Khallāl (d. 311 A.H.)*

Al-Khallāl studied with a number of Ibn Ḥanbal's students, including two of his sons, Ṣāliḥ and 'Abd Allāh.⁶⁰ Al-Khallāl is known for having strived to preserve Ibn Ḥanbal's teachings.⁶¹ As for his original works, two of the most renowned are *Al-Amr bi'l-ma'rūf wa al-nahy 'an al-munkar* and *Al-Qirā'ah 'ind al-qubūr*. The former includes an enumeration of frequently committed sins that Al-Khallāl considered worthy of warning. However, he makes no mention of polytheistic acts or sins performed at graves. Rather, the sins with which he is more concerned revolve around poetry and musical instruments. This would seem to demonstrate that potential heresy or sin being practiced near graves was not of particular concern at the time.

58. Michael Lecker, *Abū Ayyūb al-Anṣārī* in *ENCYCLOPAEDIA OF ISLAM, THREE* (Fleet et al., eds.), http://referenceworks.brillonline.com/entries/encyclopedia-of-islam-3/abu-ayyub-al-ansari-COM_24717.

59. Jonathan Brown, *Hadith: Muhammad's Legacy in the Medieval and Modern World* 87 (One World 2009).

60. Abū Bakr ibn Muḥammad al-Khallāl, *Al-Amr bi'l-Ma'rūf wa al-nahy 'an al-Munkar* 9 (Dar Al-Kotob Al-ilmiyah, 2003).

61. *Id.* at 9–10.

In *Al-Qirā'ah 'ind al-qubūr*, Al-Khallāl narrates 'Alī ibn Musā al-Ḥaddād reported that he was with Aḥmad ibn Ḥanbal and Muḥammad ibn Qudāmah al-Jawharī at a funeral procession (*jināzah*). When the deceased was buried, a blind man recited the Qur'an above a grave. Aḥmad ibn Ḥanbal exclaimed, "What is this?!" (*yā hādhā*) Verily, reciting at a grave is *bid'ah* (heretical innovation)." Muḥammad ibn Qudāmah al-Jawharī, however, narrated a reliable hadith for Ibn Ḥanbal who then changed his mind and said to tell the blind man to return and recite the Qur'an above the grave.⁶² Elsewhere, Al-Khallāl mentions Al-Shāfi'ī's opinion on the matter, who simply replied, "it is fine" (*lā ba's bihā*).⁶³ He continues to mention the virtues and miraculous powers of reciting the Qur'an at graves.⁶⁴ Thus, while one familiar with contemporary Hanbali (or, Wahhabi) literature might expect a book with such a title to warn one of the potential sins and heretical actions that may occur near graves, Al-Khallāl makes no mention of such matters. Rather, Al-Khallāl was more concerned with firmly cementing the notion that believers should frequent gravesites and recite the Qur'an in order to benefit their loved ones who have passed.⁶⁵

C. *Al-Ḥasan ibn 'Alī al-Barbahārī (d. 329 A.H. / 940/1 C.E.)*

Al-Barbahārī was a respected Hanbali jurist who studied with Aḥmad ibn Muḥammad Al-Murūdī and Sahl ibn 'Abd Allāh al-Tustarī, two of the most prominent students of Ibn Ḥanbal.⁶⁶ Ibn Kathīr wrote that Al-Barbahārī was harshly opposed to those who committed *bid'ah* and sin.⁶⁷ In the only book of his that is available, *Sharḥ al-sunnah*, in which he mentions 156 critical matters including heretical innovations and sins to be avoided,⁶⁸ al-Barbahārī makes no mention of the sins about which Ibn Taymiyyah and Ibn 'Abdī'l-Wahhāb wrote concerning *ziyārah*. Rather, when discussing visiting graves, al-Barbahārī mentions that the deceased indeed hear the one who visits them.⁶⁹ Rather, when discussing visiting graves, al-Barbahārī mentions that the deceased indeed hear the one who visits them.⁷⁰ Another important matter al-Barbahārī desires every believer to know is that should one come to their graves, it is obligatory to send salutations (*salām*) upon Abū Bakr and 'Umar after having sent salutations upon the Prophet.⁷¹ Thus, despite addressing numerous issues and mentioning visiting the grave of the Prophet, al-Barbahārī, in the only available work of his, did not mention the sins and heresy performed at graves.

62. ABŪ BAKR IBN MUHAMMAD AL-KHALLĀL, *AL-QIRĀ'AH 'IND AL-QUBŪR* 88-89 (Dar Al-Kotob Al-ilmiyah 2003).

63. *Id.* at 89.

64. *Id.* at 90.

65. *Id.* at 87-90.

66. AL-ḤASAN IBN 'ALĪ AL-BARBĀHĀRĪ, *SHARḤ AL-SUNNAH* 10 (Maktabat Dār al-Minhāj li'l-nashr wa'l-tawzī' 2005/6).

67. *Id.* at 11.

68. *Id.* at 134-38. Al-Barbahārī discusses *bid'ah* on every page.

69. *Id.* 83-84.

70. *Id.*

71. *Id.* at 108.

D. *Abū al-Wafā' 'Alī ibn 'Aqīl al-Zafarī (d. 513 A.H. / 1119 A.H.)*

Ibn 'Aqīl was a renowned jurist of the fifth and sixth centuries A.H. who was later called "the imam of his age" by the great Hanbali jurist of the sixth century Abū'l-Faraj Ibn al-Jawzī.⁷² In his *Ṣayd al-Khawāṭir*, Ibn 'Aqīl dedicates an entire section to "disavowing that which is performed at mosques and graveyards." However, the focus of his criticism is a far cry from the concerns of the likes of Ibn Taymiyyah and Ibn 'Abdi'l-Wahhāb. Rather than write of the sin of kissing or touching sacred relics, he instead writes of "a group of people in our time" who frequent mosques and other places of gathering (*mashāhid*) where they perform insincere acts of worship desiring to be seen (*riyā'*) or heard (*sum'ah*) as well as behaving playfully (*al-la'b*), lying and being heedless. They do these heinous acts in "places that are not designed to be kept lit by their lamps and [that are to be] pure of their sins [such as ostentation] and transgressions." Rather, he writes:

I consider a [true] man to be one who knows the value of a candle [performs his acts of worship discreetly at night] and uses [a candle] to take oil and firewood to the homes of the poor, then stops at a *zāwiyah* [a small mosque] after having fulfilled his duties to his family, such that [by stopping at a *zāwiyah* to pray in the middle of the night] he can be mentioned as being one of those who spends his nights in worship, praying two prayer units [*rak'atayn*] with sorrow in his heart [for his shortcomings in relation to God] and then prays for himself, his family and the Muslims, then begins his day [*bakkara*] seeking his sustenance, not headed towards the graveyard. For, abandoning the graveyards in this case would be an instance of worship.⁷³

In other words, certain individuals who desired to demonstrate their piety would choose mosques or graveyards as their settings. It might then be argued that average Muslims viewed the merits of visiting graveyards and performing worship there as similar to the merits of performing such acts at mosques. Otherwise, they would not have sought the praise of others by doing so. Ibn 'Aqīl's discourse may also reflect the fact that scholars mentioned the merits of graveyards and did not attach any sort of stigma to frequenting them when done properly. Therefore, insincere individuals, in Ibn 'Aqīl's estimation, would flock to these sites to earn the praise of others or they would disregard the sanctity of such sites by behaving inappropriately, lying and such. Speaking to such individuals, he writes, "You did not go there except to pretend to be pure. And you did not return except that you are now a sinner" (*mā kharajta illā mutanazzihan wa mā 'udta illā muta'aththimā*). While the purpose of visiting graveyards is to remind one of the Afterlife, for such heedless individuals, there is no difference between a graveyard and a garden.⁷⁴ Of course, for Ibn 'Aqīl, there was no stigma attached to visiting graves sincerely and with proper etiquette.

Ibn 'Aqīl does not take this opportunity to mention the immoral acts that may be cases of *bid'ah* (heretical innovation) or *shirk*, as Ibn Taymiyyah and Ibn

72. Abū al-Wafā' Ibn 'Aqīl, *Ṣayd al-Khawāṭir* 16 (Dār al-Īmān, 2007).

73. *Id.* at 90–91.

74. *Id.* at 91.

‘Abdi’l-Wahhāb later would. And this is despite the fact that Ibn ‘Aqīl was writing centuries before Ibn Taymiyyah, or, only about five hundred years after the entire Arabian Peninsula had (according to the traditional narrative of Islamic history) abandoned polytheism in favor of Islam. Ibn Taymiyyah, meanwhile, lived approximately two centuries later while Ibn ‘Abdi’l-Wahhāb lived nearly seven hundred years later. That is to say, the danger of Muslims reverting to polytheism would have conceivably been a greater threat during Ibn ‘Aqīl’s time. Yet, he felt there was no need to warn Muslims of such acts.

E. *Muwaffaq al-Dīn Abū Muḥammad Ibn Qudāmah al-Maqdisī (d. 620 A.H./ 1223/4 C.E.)*

Ibn Qudāmah was reportedly considered to be the imam of the Hanbali School in Damascus of his time.⁷⁵ In his *Al-Mughnī*, he includes two short chapters that explicitly mention the etiquettes of visiting the Prophet’s grave. Here one notices a difference in style from the Hanbali scholars mentioned above that did not systematically approach such issues. Ibn Qudāmah relates that which al-’Utbiyy narrated concerning the *ziyārah* of the Prophet:

I was sitting by the grave of the Prophet, peace and blessings be upon him, when a bedouin man [*a’rābī*] entered and said, “Peace be upon you, o messenger of God. I have heard God say [in the Qur’an], ‘Had they come to you [the Prophet] after having done injustice to themselves [sinned] and asked God for forgiveness and [additionally had] the Messenger asked for forgiveness on their behalf, they would have found God to be oft-turning [in repentance] and merciful⁷⁶.’ And I have come to you seeking forgiveness for my sin[s], and seeking your intercession near God.” He [the bedouin man] then said the following poem:

O he who is the greatest of those buried in the grandest land,
[Of] those whose scent has made the valley and hills fragrant,
May my life be sacrificed for the grave that is your abode,
Where chastity, generosity and nobility reside

Al-’Utbiyy then narrates that he fell asleep and saw the Prophet in a dream and was informed that the bedouin man had indeed been forgiven.⁷⁷

By narrating this story and not criticizing it, Ibn Qudāmah seems to be giving his approval of asking the Prophet for forgiveness and his intercession even after his death. Ibn Qudāmah then provides even more explicit approval of these actions. As he continues with the etiquette of the Prophet’s grave, Ibn Qudāmah writes that one is to “turn his back to the *qiblah* and to face the middle of the grave” and recite what is a lengthy salutation.⁷⁸ Ibn Qudāmah mentions the same verse the bedouin man recited and that one is to say,

75. Abū Muḥammad Ibn Qudāmah, *Al-Mughnī* 6 (Bayt al-Afkār al-Dawliyyah 2004).

76. Qur’an: 4:64.

77. Ibn Qudāmah, *infra* note 82, at 795.

78. *Id.* (The salutation on page 795 is: “Peace be upon you, O Prophet, and the mercy and blessings of God. Peace be upon you, O prophet of God, and His chosen one from among His creation and His servants. I bear witness that there is no god but God, He alone, He has no partners. And I bear

I have come to you [the Prophet] seeking forgiveness for my sins, and seeking your intercession near my lord. So I ask you, O my lord, that you deem my forgiveness necessary, as you did during his [the Prophet's life]. O God, make him [the Prophet] the foremost of the intercessors, the most successful of those who supplicate and the most noble of the first and last [of creation] . . . ⁷⁹

Ibn Qudāmah sees no problem in seeking intercession directly from the Prophet at his grave. This is opposed to the views of Ibn Taymiyyah and Ibn 'Abdī'l-Wahhāb, who both argue that one should not seek anything from the deceased. God, then, granted the bedouin man forgiveness, based on this story. So by narrating this, Ibn Qudāmah seems to be supporting the view that the deceased do indeed have the ability to effect change in spiritual matters. Further, Ibn Qudāmah writes that one should turn towards the Prophet (and turn his back to God) when sending salutations and seeking forgiveness and intercession. This is contrary to what Ibn Taymiyyah wrote. Lastly, the salutation Ibn Qudāmah mentions is far longer than merely the salutation sent upon the recently deceased when performing *ṣalāt al-mayyit*. However, Ibn Taymiyyah declared that one should give only a succinct salutation, just like one does when praying *ṣalāt al-mayyit*.⁸⁰

The second chapter concerning the grave of the Prophet immediately follows. Ibn Qudāmah writes:

It is not *mustaḥabb* [recommended] to wipe the wall of the grave of the Prophet, blessings and peace be upon him, nor to kiss it. Aḥmad [ibn Ḥanbal] said, 'I have not heard of this' [*lā a'rif hādihā*]. Al-Athram said, 'I saw that the scholars of Medina would not touch the grave of the Prophet, blessings and peace be upon him. [Rather,] they would stand in a corner and send salutations.' Abū 'Abd Allāh said, 'And such was the practice of Ibn 'Umar.' He [Abū 'Abd Allāh or Al-Athram?] said, 'As for the [Prophet's] pulpit, it [touching it for blessings] has been mentioned.' By this he intends that which Ibrāhīm ibn 'Abd al-Raḥmān ibn 'Abd al-Qārī narrated, that he looked at Ibn 'Umar while he placed his hand on the seat of the Prophet's pulpit, blessings and peace be upon him. Then he wiped his hand on his face.

While Ibn Qudāmah's language is more direct, the matter was far from settled. As demonstrated earlier, the question of whether one should touch the Prophet's grave for blessings was not on the minds of early Hanbali jurists. Ibn 'Aqīl, in his massive *Al-Mughnī*, does dedicate a small section to the topic (translated in its entirety above), but fails to give a direct answer. Ibn Ḥanbal did not know of the

witness that Muhammad is his servant and messenger. I bear witness that you [the Prophet] delivered the messages of your lord, advised your community, invited to the path of your lord with wisdom and good council and that you worshiped God until certainty [death] befell you. So may the blessings of God be upon you, plentifully, such that pleases our lord and makes him content. O God, reward our Prophet on our behalf better than you have rewarded any of the prophets or messengers and raise him to the station of praiseworthiness [*maqām maḥmūd*] which you have promised. May the first and last [of mankind] be envious of him. O God, send blessings upon Muhammad and upon the family of Muhammad, just as you have blessed Ibrāhīm and the family of Ibrāhīm. Verily, you are the Praised One and the Majestic One.”)

79. *Id.*

80. Funeral prayer.

validity of such an act, the scholars of Medina would not do so, and Ibn ‘Umar would touch the pulpit but not the grave. Therefore, it cannot be said that it is *mustahabb* or *wājib* (obligatory). But does this make touching the Prophet’s grave *makrūh* (disliked), *ḥarām* (forbidden) or *mubāḥ* (permissible)? And if it is forbidden, is it *bid‘ah* or, even worse, *shirk*? If, in Ibn Qudāmah’s opinion, this act was an instance of polytheism, or, of the sort of grave worship to which the communities of previous prophets succumbed, why would he mention the seemingly meritorious nature of seeking blessings from the Prophet’s pulpit (another lifeless object granted a certain station because of its association with the Prophet)? Clearly, for Ibn Qudāmah, the matter was not as serious or as indicative of paganism as it would be for Ibn Taymiyyah and Ibn ‘Abdi’l-Wahhāb.

III. IBN TAYMIYYAH’S BREAK WITH HANBALI JURISTS

Approximately five hundred years after his death, Ibn Taymiyyah would come to occupy an elevated station among Hanbali jurists.⁸¹ This was due, in large part, to the movement of Muḥammad Ibn ‘Abdi’l-Wahhāb. However, during his lifetime, Ibn Taymiyyah had a limited (albeit, loyal) following,⁸² though he was popular among average Muslims. In fact, it is said that fifteen or sixteen thousand women and up to two hundred thousand men attended his funeral⁸³ and that Muslims from all over the world prayed for him, including some in China.⁸⁴ This popularity was due in large part to *fatwās* he gave that made life easier for the average Muslim. For instance, he argued that leasing orchards was permissible,⁸⁵ sharecropping was to be treated like rent (meaning, sharecropping contracts did not need to be stipulated),⁸⁶ a woman could circumambulate the Ka‘bah when menstruating,⁸⁷ standing water became pure after an impure substance became dissolved in it, and a conditional divorce could be breached.⁸⁸

Another reason for Ibn Taymiyyah’s popularity and legacy is his stance against Mongol invaders. Ibn Taymiyyah declared that the Mongols must be fought, as they were worse than the heretical *khawārij*⁸⁹ of early Islam.⁹⁰ Ibn Taymiyyah acted as a

81. Rapoport, *supra* note 11, at 311.

82. *Id.* (On the same page, Caterina Bori writes that Ibn Rajab mentions only nine Hanbali scholars who were seen as being closely attached to Ibn Taymiyyah.).

83. *Id.* at 41.

84. Abdal Hakim I Al-Matroudi, *The Hanbali School of Law and Ibn Taymiyyah: Conflict or Conciliation* (Routledge 2006).

85. Rapoport, *supra* note 11 at 206.

86. *Id.* at 196.

87. Abu Sarī‘ Muḥammad ‘Abd al-Hādī, *Al-taysīr fī fiqh al-imām Ibn Taymiyyah* 111 (Al-Dār al-Dhahībah 1995) ustice of Saudi Arabia, 2003). vn Taymiyyah: Conflict or Conciliation (Culture and Civilization in the Middle East) to-effective.

88. Rapoport, *supra* note 11 at 191.

89. Early sect of Islam which played a key role during the troubled times that followed the death of the prophet. They believed that a believer who performed a great sin became a de facto disbeliever, a *kafir*.

90. Jansen, Johannes J.G., *Ibn Taymiyyah and the Thirteenth Century: A Formative Period of Modern Muslim Radicalism* 393 (Quaderni di Studi Arabi, Vol. 5/6, Gli Arabi nella Storia: Tanti Popoli una

representative of the Mamluk Sunni resistance in Egypt and Syria.⁹¹ Ibn Taymiyyah is even said to have traveled to the Mamluk capital, Cairo, to incite people to wage *jihād*, using the Qur'an and hadith as proof.⁹² Furthermore, he declared the Mongol ruler Ghāzān an unbeliever (despite his profession of Islam) for maintaining customary Mongol law (and disregarding Islamic law) while also allowing his soldiers to remain non-Muslim.⁹³

But while his bold *fatwās* as well as his role in popular politics made him a champion of non-scholars who appreciated his courage (and more lenient opinions),⁹⁴ Ibn Taymiyyah met a great deal of opposition from the jurists of his day. His controversial *fatwās* were dealt with sternly, leading to multiple imprisonments. However, it was his opinion forbidding travel for the purpose of *ziyārah* that landed him in the Cairo prison in which he would eventually die.⁹⁵ One of the four chief judges of Cairo who issued the verdict for his imprisonment was the Hanbali Aḥmad ibn 'Umar al-Maqdisī, who declared Ibn Taymiyya's verdicts *al-bāṭinah al-gharībah al-mardūdah* (vain, odd and unacceptable)⁹⁶ and also declared Ibn Taymiyyah to be a *kāfir* (disbeliever) for his *fatwā* on *ziyārah*.⁹⁷ This *fatwā* was so controversial that reportedly a group of scholars in Baghdad who supported Ibn Taymiyyah's stance were also jailed.⁹⁸ It then should be no surprise that the first time one sees matters related to *ziyārah* declared to be sinful and heretical is in Ibn Taymiyyah's writings.

It is not a mere coincidence that Ibn Taymiyyah's views on *ziyārah* stood in stark contrast to Hanbali scholars before him. He argued for the authoritativeness of the Qur'an and *sunnah* over all else. And while ultimately this is something upon which all Islamic scholars might agree, Ibn Taymiyyah meant to target the *madhhab* system. He did so not by criticizing the founders of the *madhāhib* directly, but rather, by emphasizing that their authority is derived from nothing other than the Qur'an and the *sunnah*. Therefore, the views of the Hanbali School, for instance, should not be given preference over someone like Ibn Taymiyyah who, according to himself, only stated that which was in accordance with the Qur'an and *sunnah*.

Ibn Taymiyyah composed a book whose title (*Raf' al-malām 'an al-a'immaḥ al-a'alām*) indicates that its purpose is to absolve the founders of the *madhāhib*, or, imams, from blame. However, the book serves as a means by which their authority can be questioned. He begins *Raf' al-malām* by relating the value of scholars and that they are well-intentioned, writing:

It is obligatory upon Muslims . . . to befriend [*muwālā*] the believers . . . particularly the scholars, who are the inheritors of the prophets . . . In all communities prior to the mission of our prophet, Muhammad, blessings and peace be upon

Sola Civiltà 1987–1988).

91. *Id.* at 394.

92. *Id.*

93. *Id.* at 395.

94. Rapoport, *supra* note 11 at 41.

95. Al-Matroudi, *supra* note 84 at 20.

96. Rapoport, *supra* note 11 at 35.

97. *Id.* at 40.

98. *Id.* at 48.

him, scholars were the most evil among them, except for [i.e., “but this is not the case for”] Muslims. For their scholars are the best among them . . . And it should be known that there is not one of the imams who are widely accepted by the community who intends to disobey the Messenger of God, blessings and peace be upon him, in anything concerning his *Sunnah* . . . For they [the imams] all agree that that it is obligatory to follow the Messenger, blessings and peace be upon him . . .⁹⁹

He then addresses the subject matter of this work, namely, defending the imams from blame. He argues that they would never oppose the *sunnah* of the Prophet intentionally. So, if one, through his own independent reason, finds a case in which it appears that they have opposed the *sunnah*, he should simply know that this could be the result of several causes. Ibn Taymiyyah writes:

If it is found that one of them [the imams] has contradicted an authentic hadith, then he must have an excuse for abandoning it [the hadith in question]. And all the excuses are of three types:

1. He did not believe that the Prophet, blessings and peace be upon him, said it.
2. He did not believe that he [the Prophet] addressed that issue in what he [the Prophet] said.
3. He believed that the ruling was abrogated.

Ibn Taymiyyah then elaborates, providing ten reasons any of the above three could occur. The first four reasons all pertain to the science of hadith narrators (*‘ilm al-rijāl*). For instance, it is possible that a particular hadith did not reach one of the imams,¹⁰⁰ or that the hadith reached him, but he did not find it acceptable.¹⁰¹ These reasons do not seem to necessarily diminish the status of the imams. However, the fifth possibility Ibn Taymiyyah includes is that the imam simply forgot the hadith.¹⁰² That is to say, the imams would never intentionally oppose the *sunnah* of the Prophet, which would constitute a great sin. He offers as proof of this possibility a story concerning the second caliph, ‘Umar ibn al-Khaṭṭāb, who incorrectly said that a man who could not find water to perform his ritual washing should not pray until he does. ‘Ammār ibn Yāsir then reportedly reminded him that this was an instance in which one should perform *tayammum* (purification by means of dirt).¹⁰³ Similarly, a woman corrected ‘Umar for claiming that a dowry could not exceed that of the wives of the Prophet by reciting a verse of the Qur’an as proof.¹⁰⁴ Ibn Taymiyyah uses the example of an esteemed Companion to demonstrate that no Muslim is beyond reproach, the imams included. Reasons six through ten deal with the *dalālah* of a hadith, or, what it indicates, and how the imams may have erred in their understanding.¹⁰⁵

99. Ibn Taymiyyah, *Raf‘ al-malām ‘an al-a‘immah al-a‘alām* 8–9 (The Ministry of Publication and Translation, 1992/3).

100. *Id.* at 9.

101. *Id.* at 18.

102. *Id.* at 22.

103. *Id.* at 22–23.

104. *Id.* at 23.

105. *Id.* at 25–35.

In closing, Ibn Taymiyyah writes that, were one to abandon the hadith of the Prophet out of fear of insulting scholars who gave opinions that contradicted such hadith, he would be no better than the People of the Book (Christians and the Jews¹⁰⁶), who took their priests and rabbis to be lords to the exclusion of God.¹⁰⁷ He then includes a hadith of the Prophet, in which he is believed to have said, “They [Christians and Jews] did not worship them [their scholars], but rather, they [the scholars] made permissible that which was impermissible, and they [Christians and Jews] followed them. And they made impermissible that which was permissible, and they followed them.”¹⁰⁸ Ibn Taymiyyah concludes that, “scholars disagree with each other a lot of the time” and he includes verse fifty-nine of the fourth chapter of the Qur’an, which states that when Muslims disagree concerning something, they should refer it to God and the Messenger.¹⁰⁹ It is worth noting that early in this work, Ibn Taymiyyah stated that Muslim scholars were the best of the Islamic community. This was as opposed to the scholars of previous religions, who were the worst of their respective communities. After a lengthy discussion, in which Ibn Taymiyyah demonstrates cases where the opinions of scholars differ with Ibn Taymiyyah’s interpretation of what certain hadith indicate, he appears to be warning Muslims that if they follow these scholars in verdicts Ibn Taymiyyah believes to be clearly in disagreement with the *sunnah* of the Prophet, such Muslims will be no better than the deviant Christians and Jews.

This work, then, defends the imams in one sense while also calling upon Muslims to adhere more strictly to the *sunnah* of the Prophet. It is for this reason that Yossef Rapoport has written concerning *Raf‘ al-malām*:

The treaty ostensibly sets out to absolve the school founders from the accusation of proclaiming legal rulings that go against authentic Hadith. But . . . the main purpose of the treatise is actually to undermine the authority of the schools . . . Ibn Taymiyyah’s generosity . . . should not obscure the main objective of the treatise, which is to demonstrate that the school founders were not infallible. Indeed, the conclusion of the treatise is that it is not allowed for a jurist to turn away an opinion indicated by the Sunna in favour of an opinion of a scholar, as knowledgeable as he may be . . . even that of Aḥmad Ibn Ḥanbal . . .¹¹⁰

I might add that Ibn Taymiyyah promotes his own understanding of the *sunnah* as being one that is entirely objective and more well-informed than what previous scholars had understood. And his students and followers would afford him the same regard. Ibn Taymiyyah’s opinions on issues that had been addressed by the imams and students of the four *madhāhib* were considered more valid because of what was perceived as a more accurate interpretation of the Prophet’s *sunnah*. In reality, such scholars had granted Ibn Taymiyyah the same authority and license to interpret

106. While “the People of the Book” could include other religions as well, the phrase “priests and rabbis” suggests that here it was intended to refer solely to Christians and Jews.

107. *Supra* note 106, at 88–89.

108. *Id.* at 89.

109. *Id.* at 88.

110. Rapoport, *supra* note 11, at 203–04.

that followers of the *madhāhib* had granted the imams. In other words, the ideal of achieving the truest understanding of the message of Islam is in the eyes of the beholder. Clearly, this was the claim of scholars before Ibn Taymiyyah. He merely does what other scholars had done, that is, clarifies why he formed his opinion based on certain proofs and his decisions regarding the authenticity and indication of certain hadith. However, for Ibn Taymiyyah, his opinion is not merely an opinion, but rather, an objective presentation of the *sunnah* of the Prophet, regardless of what previous scholars may have written. And the fact that the opinions of previous scholars were not independent proofs may have been why Ibn Taymiyyah did not believe in the authority of scholarly consensus (*ijmāʿ*) after the time of the first generation of Muslims, in part because it would be nearly impossible to prove.

Ibn Taymiyyah encouraged each knowledgeable Muslim to form and express his own opinion.¹¹¹ “A judge,” he writes, “is merely one of the Muslims. If he possesses knowledge, he should express his opinion in accordance with that knowledge . . . If then the truth becomes apparent, and the judgment of God and His messenger becomes known, it is obligatory for all to follow that opinion.”¹¹² The official opinions of the *madhāhib* are not proofs in and of themselves. Rather, they must be judged insofar as they agree with the Qurʾan and *sunnah*. For this reason, Ibn Taymiyyah did not view school affiliation as being obligatory. One should not simply follow his school of thought out of custom (*ʿādah*), but rather, follow whatever judgment most corresponds with the revealed texts.¹¹³

It is with this understanding that one must read Ibn Taymiyyah’s *fatāwā* on *ziyārah*. He would not allow the works of previous Hanbali scholars to shape his approach. Ibn Taymiyyah, like any scholar, approached these issues to the best of his ability. However, his willingness to issue bold verdicts that prohibited what had previously been allowed based on his understanding of certain hadith and verses of the Qurʾan is what caused a rupture in the Hanbali *madhhab*.

The earliest Hanbali scholars arguably did not take a firm stance on matters pertaining to seeking blessings while performing *ziyārah*. And while Ibn Qudāmah directly addressed issues such as wiping and kissing the grave of the Prophet, he did not seem to have an official *fatwā* to offer. He merely argued that these acts could not be deemed *mustaḥabb* and that previous scholars like Ibn Ḥanbal had not known of them. However, Ibn Taymiyyah’s language is stronger as he asserts that all have agreed as to its impermissibility. Earlier I mentioned the 420th question and answer in Ibn Taymiyyah’s *Al-tasāʾulāt al-sharʿiyyah ʿalā al-ikhtiyārāt al-fiqhiyyah* in which he argued that all the imams agree that one should not kiss or wipe the grave of the Prophet.¹¹⁴ It is worth noting that the editor of this work, ʿAlāʾ al-Dīn ʿAlī ibn Muḥammad ibn ʿAbbās al-Baʿlī al-Dimashqī al-Ḥanbalī (d. 803 A.H. 1400/01 C.E.), added the following after Ibn Taymiyyah’s reply: “Rather, Ibrāhīm al-Ḥarbī¹¹⁵ has

111. *Id.* at 207.

112. *Id.* at 207.

113. *Id.* at 202.

114. Ibn Taymiyyah, *Al-tasāʾulāt al-sharʿiyyah ʿalā al-ikhtiyārāt al-fiqhiyyah*, at 186.

115. Ibrāhīm ibn Ishāq ibn Ibrāhīm ibn Bishr al-Ḥarbī (d. 285 A.H./ 898 C.E.) was a pupil of Aḥmad

said that it is *mustahabb* to kiss the [walls of] the Prophet's chamber, blessings and peace be upon him. And God knows better."¹¹⁶ This statement made by a Hanbali scholar less than a century later makes it difficult to accept Ibn Taymiyyah's claim that the imams all agreed that one should not touch or kiss the grave. It seems to make apparent the very point at hand, namely that Ibn Taymiyyah's opinions on such matters marked a clear break with his predecessors.

Another example of the rupture that Ibn Taymiyyah's thought created in the Hanbali *madhhab* concerns the matter of facing the Prophet's grave when supplicating. Ibn Qudāmah mentioned that one should "turn his back to the *qiblah*" and "face the middle of the grave" when calling upon the Prophet. Moreover, one is not to merely recite salutations, but rather, to seek forgiveness by means of the Prophet as well as his intercession. Ibn Taymiyyah, however, takes a drastically different stance. I demonstrated above that Ibn Taymiyyah prohibited asking the Prophet for his intercession directly after his death. He also deemed this a form of *shirk* (apparently he intended greater *shirk*, though Sulaymān ibn 'Abdī'l-Wahhāb would disagree). The only act he considered permissible at the Prophet's grave was to send salutations upon him. For this reason, he also forbade facing the Prophet's grave when supplicating. The 421st question of *Al-tasā'ulāt al-shar'īyyah 'alā al-ikhtiyārāt al-fiqhiyyah* is as follows:

Q: When one sends salutations upon the Prophet, blessings and peace be upon him, should one [also] supplicate? If so, how?

Ibn Taymiyyah responds:

A: When one sends salutations upon the Prophet, blessings and peace be upon him, he should face the *qiblah* and pray in the mosque [as opposed to in the Prophet's chamber]. And one should not supplicate while facing the grave, just as the Companions would do [i.e., they would not face the grave]. And I know not of any dispute concerning this [opinion]. And that which has been narrated concerning Mālik [ibn Anas], in which he disputes with Al-Manṣūr concerning this,¹¹⁷ is not authentic. Rather, the dispute concerns when one is sending

ibn Hanbal and a prolific author. In addition to compiling twenty-four collections of hadith, he also authorized *Kitāb manāsik al-ḥajj*, *Kitāb al-hadāyā* and *Kitāb al-Hammām*. Vadet, J.-C., "Ibrāhīm b. Ishāk, b. Ibrāhīm b. Bishr al-Ḥarbī." *Encyclopaedia of Islam, Second Edition*. P. Bearman, et al., eds. (Brill Online, 2014). http://referenceworks.brillonline.com/entries/encyclopaedia-of-islam-2/ibrahim-b-ishak-b-ibrahim-b-bishr-al-harbi-SIM_3452/

116. Ibn Taymiyyah, *Al-Tasā'ulāt al-shar'īyyah 'alā al-ikhtiyārāt al-fiqhiyyah*, at 186–87.

117. (In *Al-shifā' li'l-Qādī 'Ayād*, the story is narrated as such:

Muḥammad ibn Ḥamīd narrates that Abū Ja'far al-Manṣūr, the commander of the believers (*amīr al-mu'minīn*) debated Mālik in the mosque of the Messenger of God, blessings and peace be upon him. Mālik said to him [al-Manṣūr], "O Commander of the Believers, do not raise your voice in this mosque, for verily God has disciplined a group of people by saying, 'Do not raise your voices louder than the voice of the Prophet.' (Qur'an: 49:2) And He has praised a[nother] group of people, saying, 'Verily those who lower their voices in the presence of the Prophet . . . ' (Qur'an: 49:3) And he has reprimanded a[nother] group of people, saying, 'Verily those who call you from beyond a curtain . . . ' (Qur'an: 49:4). For verily his sanctity while deceased is like his sanctity when he was alive."

Abū Ja'far [Al-Manṣūr] was humbled by this and said, "O Abū 'Abd Allāh, shall I face the *qiblah* and supplicate or face the Messenger of God, blessings and peace be upon him?"

salutations [*not* when one is praying], and whether one should face the *qiblah* or the grave at that time. For, Abū Ḥanīfah has said that one should face the *qiblah*, while the majority have said that one should face the grave.¹¹⁸

Again, it is worth noting that Ibn Taymiyyah “knows not of any dispute” concerning the opinion that one should face the *qiblah*, and not the Prophet’s grave, when supplicating. However, Ibn Qudāmah, a renowned Hanbali jurist who lived in the century before Ibn Taymiyyah, clearly states the opposite opinion.

Lastly, it is worth noting the language Ibn Taymiyyah employed in debates concerning *ziyārah*. His particular choice of hadith would be used by Ibn ‘Abdī’l-Wahhāb and later Wahhabi scholars. Here I will include some of the themes in hadith that became commonplace in Wahhabi works on the topic *ziyārah*. Ibn Taymiyyah compared Muslims who visited graves to the people of Noah as a result of his application of a story related in hadith. Essentially, what began as displays of reverence for righteous figures gradually developed into *shirk*. It is for this reason that actions like kissing or wiping graves are forbidden. Ibn Taymiyyah writes:

As for graves, it has been documented (*fa qad warada*) that the Prophet, blessings and peace be upon him, prohibited making them into mosques and cursed he who does so. And a number of the Companions and the *tābi‘īn* [the generation after the Companions] have mentioned this as well, just as al-Bukhārī mentioned in his *ṣaḥīḥ* compilation. Also, al-Ṭabarānī and others have mentioned this in their *tafāsīr* [exegeses of the Qur’an]. And Wathīnah and others have mentioned this in their books on the stories of the lives of the prophets when discussing the following verse: “And they said, do not abandon your gods, and do not abandon *Wadd, Suwā‘, Yaghūth, Ya‘ūq* or *Nasr*.”¹¹⁹ They [the aforementioned scholars] said that these were the names of righteous members of the people of Noah. Then, when they died, they [individuals from among the people of Noah] would cling to [*ya ‘kufūn ‘alā*] their graves. Then after time passed, they took their statues to be idols. And clinging to graves, wiping them, kissing them, praying near them and at graveyards, etc., is the origin of *shirk* and worshipping idols . . .¹²⁰

Another hadith of particular concern for Ibn Taymiyyah became the basis for his controversial verdict forbidding traveling to the Prophet’s mosque for the purpose of *ziyārah*. The hadith in question says, “Do not pack to go [anywhere, or,

He [Mālik] said, “Why would you turn your face from him when he is your means and the means of your father, Adam, peace be upon him, to God, Exalted is He, on the Day of Resurrection. In fact, you should face him and seek his intercession so that God makes him an intercessor.” Taken from Ṣabīḥ, Maḥmūd, *Akḥṭā’ Ibn Taymiyyah*, (Cairo: Dār al-rukṇ wa’l-maqām, 2003), p. 230.

In fact, Ṣabīḥ demonstrates that this story was narrated in noteworthy books of Mālikī scholars as well as by Ibn Ḥanbal. Furthermore, its authenticity was never questioned prior to Ibn Taymiyyah. The narrator, Muḥammad ibn Ḥamīd (d. 248) was considered reliable by a group of scholars and unreliable by others. However, Aḥmad ibn Ḥanbal, Al-Tirmidhī and Abū Dāwūd (authors of three of the six authentic books of Sunni hadith) all narrated from him. Therefore, Ṣabīḥ argues, it is strange that it took until the time of Ibn Taymiyyah (480 years after Muḥammad ibn Ḥamīd’s death) for this story to be questioned. (Ṣabīḥ, p. 230).

118. Ibn Taymiyyah, *Al-taṣā’ulāt al-shar‘iyyah ‘alā al-ikhtiyārāt al-fiqhiyyah*, at 187.

119. Qur’an: 71:23.

120. Ibn Taymiyyah, *Ziyārat al-Qubūr*, at 24.

a mosque^{121]} except for three mosques: *al-masjid al-harām*¹²², *al-masjid al-aqṣā*¹²³ and this mosque of mine¹²⁴” (*lā tushadd al-riḥāl illā ilā thalāthat masājid: al-masjid al-harām, al-masjid al-aqṣā wa masjidi hādhā*).¹²⁵

Other hadith that are prominent in Ibn Taymiyyah’s works and those of other Wahhabi scholars concern turning graves into mosques and making the Prophet’s grave into an ‘*īd*. In the passage from *Ziyārat al-Qubūr* given above concerning the people of Noah and the origins of idolatry, Ibn Taymiyyah mentioned that the Prophet prohibited turning graves into mosques and cursed those who did so. Elsewhere in the same work Ibn Taymiyyah narrates that the Prophet said, “God has cursed the Jews and Christians who took the graves of their prophets to be mosques”¹²⁶ As for the second theme in hadith, in *Iqtidā’ al-ṣirāt al-mustaqīm* Ibn Taymiyyah narrates multiple hadith with the same essential message that the Messenger of God said, “Do not make your homes into graveyards, do not make my grave an ‘*īd*, and send blessings upon me, for your prayers reach me wherever you may be.”¹²⁷ According to Ibn Taymiyyah, ‘*īd* here means, “a place of gathering.”¹²⁸ In *Ziyārat al-Qubūr* Ibn Taymiyyah also relates that the Prophet said, “Do not take my grave to be an ‘*īd*.”¹²⁹

While these hadith were accessible to previous scholars, they would receive particular attention from Ibn Taymiyyah. They would then figure prominently in the works of a number of later Wahhabi scholars, suggesting that Wahhabi scholars reiterated his attitude towards *ziyārah* due to his lofty status in their estimation, essentially allotting him the position of founder of a *madhhab*. Wahhabi scholars favor Ibn Taymiyyah’s views concerning the authenticity of these hadith as well as the inauthenticity of hadith that seem to contradict them.

IV. HANBALI JURISTS AFTER IBN TAYMIYYAH

While later scholars expressed similar sentiments regarding the veneration of saints and shrines, it is not clear how much of this can be attributed to Ibn Taymiyyah’s influence.¹³⁰ But whether it was due to posthumous recognition for his scholarship or the popularity of his views among non-scholars, Hanbali jurists before Ibn ‘Abdī’l-Wahhāb thought it relevant to mention Ibn Taymiyyah’s views in their works.

121. This is a matter of debate. It is Ibn Taymiyyah’s particular understanding (that this forbids traveling anywhere other than the three mosques mentioned in order to seek nearness to God) that inspired his controversial legal judgment (*fatwā*). An alternative understanding is that this is saying that it is not appropriate to travel to a mosque other than these three mosques, for the merit of other mosques is akin to that of one’s local mosque. In this case, the hadith would not contain a prohibition but rather mere guidance (*irshād*).

122. The mosque in Mecca that houses the Ka‘bah.

123. In Jerusalem.

124. The Prophet’s mosque in Medina.

125. Ibn Taymiyyah, Aḥmad Taqī al-Dīn, *Iqtidā’ al-ṣirāt al-mustaqīm li mukhālafat ahl al-jahīm*, 671 (Maktabat al-Rushd, 1994).

126. Ibn Taymiyyah, *supra* note 22, at 22.

127. Ibn Taymiyyah, *infra* note 132, at 659–62.

128. *Id.* at 665.

129. Ibn Taymiyyah, *supra* note 22, at 22.

130. Rapoport, *supra* note 11, at 304.

In the following pages, works of *fiqh* that would have been read in the scholarly milieu of Ibn ‘Abdī’l-Wahhāb will be given great attention. It is by examining Ibn Taymiyyah’s place in Hanbali *fiqh* (or at least Hanbali *fiqh* in Najd and the Hijaz) that one can better understand Ibn ‘Abdī’l-Wahhāb’s enforcement of Ibn Taymiyyah’s views in general as well as his departure in terms of his policy concerning the apostasy of Muslims.

A. *Musā ibn Aḥmad al-Ḥajjāwī* (d. 968 A.H./ 1560/61 C.E.) and *Manṣūr al-Buhūtī* (d. 1051 A.H./ 1641 C.E.)

It is around the 15th century C.E. that one begins to see the impact Ibn Taymiyyah had on Hanbali *fiqh*. Abū Bakr ibn Zayd al-Jurā‘ī (d. 883 A.H./ 1478 C.E.) was a 15th century Hanbali jurist who apparently respected Ibn Taymiyyah’s opinions.¹³¹ In some cases where Ibn Taymiyyah’s opinion conflicted with other members of the Hanbali school, al-Jurā‘ī referred to Ibn Taymiyyah’s views as the more popular opinion (*al-ashhar*).¹³² Meanwhile, on other issues, he stated that Ibn Taymiyyah’s opinion was contrary to the consensus of the Hanbali school.¹³³ Another 15th century Hanbali jurist, Abū’l-Ḥasan ‘Alī ibn Sulaymān al-Mardāwī (d. 885 A.H./ 1480 C.E.), also favored Ibn Taymiyyah’s view over the views of other Hanbali scholars while criticizing Ibn Taymiyyah in other cases.¹³⁴ Additionally, al-Mardāwī consulted Ibn Taymiyyah’s works for the writing of his *Al-Inṣāf*.¹³⁵ But it is in al-Ḥajjāwī’s works where one observes that Ibn Taymiyyah gains an even more elevated status in the *madhhab*. Prior to Ibn Taymiyyah, *shaykh* and *shaykh al-islām* were terms used to describe Ibn Qudāmah. Afterwards, the terms were used for Ibn Taymiyyah as well. And by the time of al-Ḥajjāwī, these terms were used exclusively for Ibn Taymiyyah.¹³⁶

Al-Ḥajjāwī was the mufti of the Hanbali *madhhab* in Damascus of his time.¹³⁷ It has been recorded that five Najdi scholars traveled to study with four prominent Hanbali jurists in Damascus and Cairo in the 10th century A.H./ 16th century C.E. Al-Ḥajjāwī was one of these four prominent jurists.¹³⁸ Also, there was a perceived decline in Hanbali scholarship in the 18th century (or, the century in which Ibn ‘Abdī’l-Wahhāb lived). For this reason, books like Al-Ḥajjāwī’s *Al-Iqnā’ li ṭālib al-intifā’* and commentaries written on it were used as textbooks in Najd, as travel

131. Al-Matroudi, *supra* note 84, at 142.

132. *Id.* at 143.

133. *Id.* at 144.

134. *Id.* at 146–47.

135. *Id.* at 148.

136. *Id.* at 151.

137. Mūsā ibn Aḥmad al-Ḥajjāwī, *Al-Iqnā’ li ṭālib al-intifā’* 9 (Vol. 1 Dārat al-Malik ‘Abd al-‘Azīz, 2002).

138. Uwaidah M. Al Juhany, *Najd Before the Salafi Reform Movement: Social, Political and Religious Conditions During the Three Centuries preceding the Rise of the Saudi State*, 129 (Ithaca Press, in association with the King Abdul Aziz Foundation for Research and Archives, 2002).

to Syria and Egypt declined.¹³⁹ Perhaps the most prominent¹⁴⁰ of such commentaries was *Kashshāf al-qinā* ‘*an al-iqnā*’, by al-Buhūtī.

In *Al-Iqnā*, al-Hajjāwī addresses the matter of visiting the grave of the prophet, writing: And the visitor should stand in front of the grave and come close to it. There is no problem with touching it with one’s hand. As for wiping it, praying near it, or approaching it with the intention to pray, believing that praying there has more merit than praying elsewhere, or making a vow for it (*al-nadhr lahu*)¹⁴¹, *al-shaykh* has said, “This¹⁴² is not of the religion of the Muslims. Rather, this is an example of an ugly *bid‘ah* that has come about, which is a branch of *shirk*.”¹⁴³

In his commentary, Al-Buhūtī then adds the aforementioned response Ibn Taymiyyah gave to the 420th question in his *Ikhtiyārāt*,¹⁴⁴ In his commentary, Al-Buhūtī then adds the aforementioned response Ibn Taymiyyah gave to the 420th question in his *Ikhtiyārāt*,¹⁴⁵ including the comment made by ‘Alā’ al-Dīn al-Ba‘lī, who said Ibrāhīm al-Ḥarbī considered kissing the walls of the Prophet’s chamber to be *mustahabb*.¹⁴⁶

Al-Hajjāwī, then, begins by stating his own opinion—touching the grave is permissible. As seen in his verdicts given above, Ibn Taymiyyah did not distinguish between touching (*lams*) and wiping (*al-tamassuḥ bi*). Then, when al-Hajjāwī wants to address other issues related to acts performed near the grave of the Prophet, he simply mentions Ibn Taymiyyah’s views without passing judgment.

As for that which should be said near the Prophet’s grave, al-Hajjāwī writes that one should turn his back to the *qiblah* and face the Prophet to send salutations. “And if one adds to this,” he writes, “then this is appropriate (*ḥasan*).”¹⁴⁷ Al-Buhūtī then expands upon this statement by including essentially the same content as Ibn Qudāmah. He mentions a lengthy salutation nearly identical to that which Ibn Qudāmah mentioned, except that he adds, “and bless Muḥammad and the progeny of Muḥammad as you have blessed Ibrāhīm and the family of Ibrāhīm. Verily, you

139. *Id.* at 133.

140. *Id.*

141. This could possibly mean vowing to the grave itself, though it seems more likely that what was meant was making a vow that would require one to perform some sort of charitable act for the grave.

142. It is unclear what to what “this” refers.

143. Maṣṣūr ibn Yūnus al-Buhūtī, *Kashshāf al-Qinā* ‘*an al-Iqnā*’ 245 (Vol. 4 The Ministry of Justice of Saudi Arabia, 2003).

144. “The first generations of Muslims (*al-salaf*) and the imams [of the four Sunni schools of *fiqh*] have all agreed that he who sends salutations upon the Prophet should neither wipe nor kiss the grave. Rather, they have all agreed that salutations and kissing are reserved for *Al-hajar al-aswad*. And *Al-rukn al-yamānī* can be touched, but not kissed, based on the correct opinion.” *Al-rukn al-yamānī* is the corner of the Ka‘bah which faces Yemen and represents one step of the rites of pilgrimage.

145. “The first generations of Muslims (*al-salaf*) and the imams [of the four Sunni schools of *fiqh*] have all agreed that he who sends salutations upon the Prophet should neither wipe nor kiss the grave. Rather, they have all agreed that salutations and kissing are reserved for *Al-hajar al-aswad*. And *Al-rukn al-yamānī* can be touched, but not kissed, based on the correct opinion.” 4 MAṢṢŪR IBN YŪNUS AL-BUHŪTĪ, *KASHSHĀF AL-QINĀ* ‘*AN AL-IQNĀ*’ 245 (Riyadh, The Ministry of Justice of Saudi Arabia eds., 2003).

146. *Id.* at 245.

147. *Id.* at 344.

are the Praised One, the Majestic One.”¹⁴⁸ He then writes that one should say, “O God, you have said - and what you say is the truth . . .” before including the sixty-fourth verse of the fourth chapter of the Qur’an,¹⁴⁹ or, the verse the bedouin recited in the story Ibn Qudāmah related. Then one is ask the Prophet for forgiveness and for his intercession. Al-Buhūtī then relates the story of the bedouin man narrated by al-’Utbiyy.¹⁵⁰

Al-Ḥajjāwī then writes that one is to step slightly to the left and supplicate to God while facing the *qiblah*. This is so that he does not turn his back to the Prophet, but at the same time, is not facing the Prophet’s grave while supplicating.¹⁵¹ This seems to be a sort of compromise of the opinions of Ibn Qudāmah (who said one should face the Prophet’s grave while supplicating) and Ibn Taymiyyah (who prohibited this). As for wiping and touching the grave, al-Ḥajjāwī writes, “One should neither wipe nor touch the grave of the Prophet, blessings and peace be upon him, nor the wall of [his grave]. Similarly, one should not touch his chest to it nor kiss it.”¹⁵² Al-Buhūtī then comments, “that is to say, it¹⁵³ is *makrūh*, due to it being impolite¹⁵⁴ and a form of innovation.”¹⁵⁵ Again, it appears that al-Buhūtī did not want to stray too far from the opinions of earlier Hanbali scholars while still acknowledging the attitude of Ibn Taymiyyah supported by al-Ḥajjāwī. Al-Buhūtī then reiterates the language of Ibn Qudāmah, writing that al-Athram said the scholars of Medina would send their salutations from a distance, and Abū ‘Abd Allāh said that such was the practice of Ibn ‘Umar.¹⁵⁶

148. See *id.* at 345. The salutation on page 345 begins with the same wording as what was mentioned in Ibn Qudāmah’s *Al-Mughnī*: “Peace be upon you, O Prophet, and the mercy and blessings of God. Peace be upon you, O prophet of God, and His chosen one from among His creation and His servants. I bear witness that there is no god but God, He alone, He has no partners. And I bear witness that Muhammad is his servant and messenger. I bear witness that you [the Prophet] delivered the messages of your lord, advised your community, invited to the path of your lord with wisdom and good council and that you worshiped God until certainty [death] befell you. So may the blessings of God be upon you, plentifully, such that pleases our lord and makes him content. O God, reward our Prophet on our behalf better than you have rewarded any of the prophets or messengers and raise him to the station of praiseworthiness [*maqām maḥmūd*] which you have promised. May the first and last [of mankind] be envious of him. O God, send blessings upon Muhammad and upon the progeny of Muhammad, just as you have blessed Ibrāhīm and the progeny of Ibrāhīm. Verily, you are the Praised One, the Majestic One.” (MUWAFFIQ AL-DIN ABU MUHAMMAD IBN QUDAMAH, *Al-Mughnī* n.p. (Maktabat al-Riyadh al-Hadithah n.d.).

149. “Had they come to you [the Prophet] after having done injustice to themselves [sinned] and asked God for forgiveness and [additionally had] the Messenger asked for forgiveness on their behalf, they would have found God to be oft-turning [in repentance] and merciful.” AL-QURAN, SURAH AN-NISA: 64.

150. AL-BUHŪTĪ, *supra* note 143, at 346.

151. *Id.* at 347.

152. *Id.*

153. See AL-BUHŪTĪ, *supra* note 143. The author chose to employ a singular pronoun, grouping all these acts as one.

154. See AL-BUHŪTĪ, *supra* note 143. Or, perhaps, “inappropriate.” The actual phrase is *isā’at al-adab*. This could either be taken to mean that to touch, wipe or kiss the grave is disrespectful towards the Prophet, or, that these are lowly acts to which one should not reduce oneself.

155. *Id.* at 347.

156. *Id.* at 347.

Al-Ḥajjāwī writes that Ibn Taymiyyah said that it is *ḥarām* to circumambulate other than *al-bayt al-ʿatīq* (the Kaʿbah). Al-Ḥajjāwī's words imply that to circumambulate the Prophet's grave would be *ḥarām* in his opinion as well. However, it is worth noting that he does not give an explicit *fatwā*, instead relying upon the authoritative voice of Ibn Taymiyyah. Al-Buhūtī then adds, "and he [Ibn Taymiyyah] said, 'they [scholars] all agree that one should not kiss nor wipe it [the grave], for this is *shirk*.' And he [Ibn Taymiyyah] said, 'God does not forgive *shirk*, even if it is minor'."¹⁵⁷

In his chapter entitled "Book on the Ruling for Apostates," al-Ḥajjāwī provides his own definition of an apostate, writing that an apostate is one who disbelieves after having been Muslim,¹⁵⁸ either by associating partners with God,¹⁵⁹ or disbelieving in one of God's attributes,¹⁶⁰ or claiming to be a prophet,¹⁶¹ or cursing God or His prophet,¹⁶² or mocking God, His prophets or His books.¹⁶³ He then adds the following:

And *al-shaykh* has said, "or [another case where one becomes an apostate is] if one despises His messenger or that which he brought [the message of Islam] *itti-fāqan*¹⁶⁴ [this is according to all scholars]. Or [another case where one becomes an apostate is] if one stipulates intermediaries between himself and God, relying upon them, calling upon them and asking them *ijmā'an* [this is according to all scholars]."¹⁶⁵

Thus Ibn Taymiyyah's influence can be seen. He was not regarded as the ultimate authority in the Hanbali *madhhab*. However, acknowledging his opinions seems to have been what respected jurists did. Whether this was due to his popularity or because his opinions presented an alternative approach that needed to be addressed cannot be known for sure. The works of previous Hanbali jurists may have been what prevented scholars like al-Ḥajjāwī from issuing precisely the same verdicts as Ibn Taymiyyah. Instead, al-Ḥajjāwī reiterated Ibn Taymiyyah's opinions without passing judgment, or, after al-Ḥajjāwī gave his own verdict.

B. *Aḥmad al-Tamīmī al-Najdī al-Manqūr* (.d 1125 AH / 1713/14 CE)

Al-Manqūr was well respected among the Najdi scholars of his time for being reliable and cautious in his verdicts. He studied al-Ḥajjāwī's *Al-Iqnā'* with the chief judge of Riyadh, ʿAbd Allāh ibn Dhahālān, who would not allow al-Manqūr to write down that which he learned from him. For this reason, some have theorized that al-Manqūr's *Al-Fawākih al-ʿAdīdah fī al-Masā'il al-Mufīdah* is actually Dhalān's commentary on *Al-Iqnā'*.¹⁶⁶ This work was in fact a collection of the opinions of

157. AL-BUHŪTĪ, *supra* note 143, at 348.

158. *Id.* at 225.

159. *Id.*

160. *Id.* at 226.

161. *Id.*

162. *Id.* at 227.

163. AL-MANQŪR, *infra* note 166, at 180.

164. Agreement upon the message of Islam.

165. *Id.*

166. AHMAD IBN MUHAMMAD AL-MANQŪR, *AL-FAWĀKIH AL-ʿADĪDAH FĪ AL-MASĀʿIL AL-MUFĪDAH* h

famous medieval Hanbali scholars as well as the judgments of prominent Najdi judges and *muftis*¹⁶⁷. Such works were used as manuals for lesser scholars who were incapable of deriving their own opinions.¹⁶⁸ Of course, this reliance upon the opinions of previous scholars and the absence of new *ijtihād* would leave an impact upon the likes of Ibn ‘Abdi’l-Wahhāb.

Al-Manqūr also writes that one should face the Prophet’s grave and recite salutations similar to those that Ibn Qudāmah and al-Buhūtī related, both in terms of content and length.¹⁶⁹ However, he does not mention the story related by al-‘Utbiyy of the bedouin man, nor does he write that one should ask the Prophet for his intercession or for forgiveness. Instead, after sending peace and blessings upon the Prophet and testifying to his message, al-Manqūr writes that one should supplicate to God as follows:

O God, may I live in accordance with his [the Prophet’s] *sunnah*, and die as a part of his nation, and may I love, help and obey him, believe in him and comply with [his orders]. And do not separate me from him in abode of your generosity. O God, I bear witness that this messenger delivered his message and that with which he was entrusted and advised his community. O God, give him the means [*al-wasīlah*¹⁷⁰], merit, and elevated rank, and raise him to a station of praiseworthiness (*maqām mahmūd*), as you promised him . . .¹⁷¹

This opinion of al-Manqūr is in keeping with Ibn Taymiyyah’s view that one should ask God to make the Prophet a *wasīlah*, and not seek this from the Prophet himself.

Elsewhere, al-Manqūr addresses the issue of touching and kissing sacred relics in language very similar to that of Ibn Taymiyyah. In fact, he employs the exact same word, *yastalim*, which can mean “to graze”, as opposed to *yatamassah bihi* (“to wipe”) or *yalmis* (“to touch or feel”). Al-Manqūr writes:

The black corner [of the Ka‘bah] can be touched and kissed, the Yemeni corner (*al-rukn al-yamānī*) can be touched but not kissed, the other two should not be touched nor kissed. And touching (*al-istilām*) [means]: to wipe with one’s hand. As for the other parts of the house [of God], the standing place (*maqām*) of Abraham, all other mosques on Earth and the graves of the prophets and the righteous, like the chamber of our prophet, blessings and peace be upon him . . . they should not be touched nor kissed, according to all scholars.¹⁷²

Like Ibn Taymiyyah, al-Manqūr argues that the prohibition of touching and kissing graves is something upon which all scholars agreed. This is despite the fact

(Al-Maktabah al-Islāmiyyah eds., 1960).

167. Legal experts entitled to give rulings and judgements on religious matters.

168. AL JUHANY, *supra* note 138, at 137.

169. AL-MANQŪR, *supra* note 166, at 180.

170. *Id.* From the same root as *tawassul*, or, seeking a means to God by way of the Prophet. When previous scholars wrote that one should ask the Prophet himself to intercede on his behalf or ask God for forgiveness, they were essentially saying that the Prophet’s role as an intermediary should be sought from him. However, al-Manqūr writes that one should ask these things of God.

171. AL-MANQŪR, *supra* note 166, at 180.

172. *Id.* at 68.

that, as demonstrated above, early Hanbali scholars did not give explicit verdicts prohibiting these acts.

Lastly, al-Manqūr mentions Ibn Taymiyyah's verdict concerning traveling for the purpose of visiting the Prophet's grave.

The opinions of scholars after Ibn Taymiyyah demonstrate that forbidding acts that were commonly practiced near graves had become more frequent. Ibn Taymiyyah gained gradual respect as time progressed, eventually coming to be regarded as *shaykh al-Islām*. But what one does not find is the rhetoric that those who commit certain deeds near graves were to be fought like the *mushrikūn* of the time of the Prophet. This element came about with the rise of Ibn 'Abdi'l-Wahhāb and the Saudi movement which further promoted Ibn Taymiyyah's ideas as well as Ibn 'Abdi'l-Wahhāb's interpretations of both Ibn Taymiyyah's verdicts and the hadith he believed were relevant to the topics at hand.

V. IBN 'ABDI'L-WAHHĀB AND THE CREATION OF A NEW *MADHHAB*

Ibn 'Abdi'l-Wahhāb was born into a family of Hanbali jurists. His grandfather, Sulaymān, was reportedly the most distinguished Najdi scholar of the 11th/17th century.¹⁷³ He served as the judge of al-'Uyaynah and was known as an authority on Hanbali *fiqh*. Sulaymān supposedly wrote a commentary on al-Ḥajjāwī's *Al-Iqnā'*, but destroyed it after learning of al-Buhūtī's commentary,¹⁷⁴ perhaps out of respect or because he felt it was no longer necessary. 'Abd al-Wahhāb, Muḥammad's father, was also a respected scholar who served as the chief judge of al-'Uyaynah.¹⁷⁵ It therefore is no surprise that Ibn 'Abdi'l-Wahhāb was first introduced to Hanbali *fiqh*.¹⁷⁶ However, after traveling to Medina, he began to study under Muḥammad Ḥayāt al-Sindī, reportedly the most eminent scholar of hadith in Medina in the first half of the eighteenth century C.E.¹⁷⁷ According to Basheer Nafi, al-Sindī was opposed to the legacy of the *madhhab* system, calling it *bid'ah*.¹⁷⁸ He advised his students against following a *madhhab* blindly (*taqlīd*) and encouraged them to instead follow the Qur'an and hadith.¹⁷⁹ One can clearly see the influence of Ibn Taymiyyah in his thought. For instance, according to Basheer Nafi, his *Al-īqāf 'alā sabab al-ikhtilāf*, in which he tries to explain the differences of opinion in the *madhāhib* despite the presumption that all rely upon the Qur'an and *sunnah*, reads like a commentary of Ibn Taymiyyah's *Raf' al-Malām 'an al-a'immah al-a'alām*.¹⁸⁰ However, unlike Ibn Taymiyyah, al-Sindī was primarily a scholar of hadith who disregarded the instruments

173. DAVID COMMINS & ABD ALLAH SALIH AL-'UTHAYMĪN, MUḤAMMAD IBN 'ABD AL-WAHHĀB: THE MAN AND HIS WORKS : LIBRARY OF MIDDLE EAST HISTORY 21 (I.B Taurus & Co. Ltd in association with the King Abdul Aziz Foundation for Research and Archives eds., 2010).

174. *Id.* at 28.

175. *Id.* at 29.

176. *Id.* at 30–31.

177. Basheer N. Nafi, A Teacher of Ibn 'Abd al-Wahhāb: Muḥammad Ḥayāt al-Sindī and the Revival of Aṣḥāb al-Hadīth's Methodology, 13 Islamic Law and Soc., 208, 208–241 (2006) (discussing the education of Ibn 'Abdi'l-Wahhāb).

178. *Id.* at 215.

179. *Id.*

180. Nafi, *supra* note 177, at 227.

of the principles of jurisprudence (*uṣūl al-fiqh*).¹⁸¹ For this reason, Nafi considered al-Sindī, like Ibn ‘Abdī’l-Wahhāb, to be “irreverent of the legacy of *fiqh*” and closer to the *ahl al-ḥadīth* than Ibn Taymiyyah in terms of methodology.¹⁸²

Al-Sindī studied under scholars of various schools of thought and was a member of the Naqshbandiyyah Sufi order but also a Hanafi.¹⁸³ After leaving India, which was ruled by the orthodox Awrangzeb of the Mogul Empire,¹⁸⁴ al-Sindī joined the circle of hadith scholar Muḥammad ibn ‘Abd al-Hādī al-Sindī (or, Abū al-Ḥasan al-Sindī the elder) in Medina.¹⁸⁵ From the mid-seventeenth century onwards, Medina had been experiencing a revived interest in hadith and the ideas of Aḥmad Ibn Ḥanbal and Ibn Taymiyyah.¹⁸⁶ Muḥammad Ḥayāt was an exceptional student of hadith who would inherit his teacher’s position.¹⁸⁷ Muḥammad Ḥayāt’s students would also become politically active scholars of hadith.¹⁸⁸

Perhaps his most controversial student was Ibn ‘Abdī’l-Wahhāb. In addition to his emphasis upon hadith and his aversion for the *madhhab* system and disregard for technical discussions that employ the principles of jurisprudence, Ibn ‘Abdī’l-Wahhāb’s policies on *ziyārah* may have also been the result of studying with al-Sindī. One of the themes al-Sindī mentioned in his works was his opposition to erecting tombs.¹⁸⁹ Al-Sindī reportedly encouraged his student to reject popular practice regarding saints and graves.¹⁹⁰ The early Wahhabi scholar, ‘Uthmān Ibn Bishr (d. 1288 A.H. / 1871/2 C.E.), narrates an event that, if true, may just have left a lasting impression on the young Ibn ‘Abdī’l-Wahhāb. Ibn Bishr writes:

It has been related that one day Shaykh Muḥammad [Ibn ‘Abdī’l-Wahhāb] stood by the chamber of the Prophet where people were calling [upon him or supplicating] and seeking help by the Prophet’s chamber, blessings and peace be upon him. He then saw Muḥammad Ḥayāt [al-Sindī] and came to him. The shaykh [Ibn ‘Abdī’l-Wahhāb] asked, “What do you say about them?” He [al-Sindī] said, “Verily that in which they are engaged shall be destroyed and their acts are invalid.”¹⁹¹

The verse that al-Sindī recited in response to Ibn ‘Abdī’l-Wahhāb seems to draw a comparison between the Muslims of the time and the Children of Israel of Moses’ time who desired to imitate idol worshippers due to their ignorance.¹⁹² It is

181. *Id.* at 208.

182. *Id.*

183. John Voll, *Muḥammad Ḥayyā al-Sindī and Muḥammad ibn ‘Abd al-Wahhab: An Analysis of an Intellectual Group in Eighteenth-Century Madīna* 38 BULL. OF THE SCH. OF ORIENTAL AND AFR. STUD., 35, 32–39 (1975) (discussing Al-Sindī’s education and membership of schools of thought).

184. Nafi, *supra* note 177, at 211.

185. *Id.* at 213.

186. Nafi, *supra* note 177, at 214.

187. *Id.* at 213.

188. See Voll, *supra* note 183, at 38. See also Nafi, *supra* note 177, at 219–21.

189. Nafi, *supra* note 177, at 217.

190. Voll, *supra* note 183, at 32.

191. AL QURAN, SŪRAH AL-A‘RĀF:139. I UTHMĀN IBN BISHR AL-NAJDĪ, UNWĀN AL-MAJD FĪ TĀRIKH NAJD 7 (Riyadh, Maktabah al-Riyāḍ al-Ḥadīthah ed., 1980).

192. The verse immediately before this one is: “And we helped the Children of Israel cross the sea, and

then possible that al-Sindī instilled in Ibn ‘Abdī’l-Wahhāb the idea that their people had fallen into a state of apostasy similar to the idolaters of pre-Islamic times. This would be key to Ibn ‘Abdī’l-Wahhāb’s doctrines and a source of the rupture within the Hanbali *madhhab* that he created.

It should be mentioned that from the perspective of Ibn ‘Abdī’l-Wahhāb and his early followers, the Wahhabi mission was one that was necessary due to the religious deviation found in the Islamic world in the 18th century. In *Mufīd al-mus-tafīd*, Ibn ‘Abdī’l-Wahhāb refers to Abū al-‘Abbās, author of *Iqtidā’ al-ṣirāt al-mus-taqīm fī al-kalām*, writing that “a number of places in Damascus” resemble the idols of the pagans before Islam.¹⁹³ For instance¹⁹⁴, a place called *masjid al-kaff* (“the mosque of the palm”) contains a statue that is believed to be the palm of ‘Alī ibn Abī Tālib.¹⁹⁵ Similar such places exist in the Hijaz, Ibn ‘Abdī’l-Wahhāb writes.¹⁹⁶ Ḥusayn ibn Abī Bakr Ibn Ghannām (d. 1811 C.E.), a contemporary and dedicated follower of Ibn ‘Abdī’l-Wahhāb¹⁹⁷, writes at length of the state of Muslims in Arabia and surrounding Arab countries.¹⁹⁸ He writes that, “Most people during his (Ibn ‘Abdī’l-Wahhāb’s) time were scented with filth, soiled with impurity to the point that they were immersed in idol worship.”¹⁹⁹ He then mentions the widespread nature of idol worship in the cities of Najd, particularly in the city of Al-Jubaylah at the grave of Zayd ibn Al-Khaṭṭāb, whom they would call upon to relieve them of their distress and misery.²⁰⁰ Similarly, in the land of Qiryūh in Dir‘iyyah, people claimed that some of the Companions of the Prophet Muḥammad were buried there. They would therefore worship these graves and circumambulate them.²⁰¹ In the small city of Al-Fadā, unwed women would plead with a palm tree named “Al-Faḥḥāl” (the impregnator) to provide them with a husband.²⁰² In the southernmost part of Dir‘iyyah was a large cave. It was claimed that God created this cave for a woman named “Bint al-Amīr” who fled from corrupt individuals who sought to persecute her. They therefore place meat and bread in that cave.²⁰³ Such claims made by early Wahhabis sought to place

they came upon a people who clung to their idols. They [the Children of Israel] said, ‘O Moses, make a god for us like the gods they have.’ He [Moses] said, ‘Verily, you are an ignorant people’.” AL QURAN, SŪRAT AL-‘A‘RĀF:138.

193. I MUHAMMAD IBN ABDI’L-WAHHĀB, MU’ALLAFAT MUHAMMAD IBN ‘ABD AL-WAHHĀB FĪ AL-‘AQIDAH 287 (Jamiat al Imaam Muhammed bin Saud al Islamiyah ed., 1398H/1977).

194. *Id.* See also ABŪ AL-‘ABBĀS, IQTIDĀ’ AL-ṢIRĀT AL-MUSTAQĪM FĪ AL-KALĀM (n.p., n.d.). It is not clear from Ibn ‘Abdī’l-Wahhāb’s writing whether the examples given are taken from Abū al-‘Abbās’ work or are provided by Ibn ‘Abdī’l-Wahhāb himself.

195. IBN ABDI’L-WAHHĀB, *supra* note 194, at 287.

196. *Id.* See also AL-‘ABBĀS, *supra* note 195. Again, this could be in Abū al-‘Abbās’ work or added by Ibn ‘Abdī’l-Wahhāb. IBN ABDI’L-WAHHĀB, *supra* note 194, at 287.

197. VASSILIEV, *supra* note 46 at 13.

198. I HUSAYN IBN ABĪ BAKR IBN GHANNĀM, *Tārīkh Ibn Ghannām: Rawḍah al-Aḥkār wa’l-Aḥām li Murtād Hāl al-Imām wa Ta’ dād Ghazawāt Dhawī al-Islām* 171-189 (Dār al-Thulūthiyyah li’l-Nashr wa’l-Tawzī’ eds., 2010).

199. *Id.* at 171.

200. *Id.* at 173.

201. IBN GHANNĀM, *supra* note 200, at 173–74.

202. *Id.* at 174.

203. *Id.* at 177.

Ibn ‘Abdi’l-Wahhāb’s mission on par with that of the Prophet of Islam. From their perspective Ibn ‘Abdi’l-Wahhāb was able to remind Muslims of the original message of their religion.

Ibn ‘Abdi’l-Wahhāb approached what he perceived as a crisis in the Islamic world with an attitude of militancy. This is because, according to Ibn ‘Abdi’l-Wahhāb:

... the essence of the divine message and the Prophet’s call is *tawhīd*²⁰⁴ of God in worship—He alone, He has no partners—and shattering idols. And it is clear that shattering them is not possible (*lā yastaqīm*) without showing great hostility and unsheathing one’s sword . . .²⁰⁵

This attitude inspires Ibn ‘Abdi’l-Wahhāb’s departure from Ibn Taymiyyah, at least in terms of language. Early it was mentioned that Ibn ‘Abdi’l-Wahhāb explicitly states that Muslims who ask the Prophet for their needs are to be fought. Here I will further examine this matter. According to Ibn ‘Abdi’l-Wahhāb, he who seeks the intercession of others and gaining nearness to God by means of it has come to reject the message of Islam and is now technically a polytheist.²⁰⁶ In *Kashf al-shubuhāt* he writes, “. . . and it is also *kufṛ* (disbelief) for one to intend [to visit or approach] the righteous. And the Messenger of God, blessings and peace be upon him, fought [those who did so].”²⁰⁷ In his *Tafsir kalimat al-tawhīd*, Ibn ‘Abdi’l-Wahhāb writes, “. . . one who calls upon a prophet or an angel or mourns for them or seeks their help has left Islam. And this is the *kufṛ* over which the Messenger of God fought them [the *mushrikūn*].”²⁰⁸

In *Mufīd al-mustafīd*, Ibn ‘Abdi’l-Wahhāb uses as proof for his *takfīf* of Muslims opinions he attributes to Ibn Taymiyyah and Ibn Taymiyyah’s prominent student, Muḥammad ibn Abī Bakr Ibn al-Qayyim al-Jawziyyah. He writes that the question of whether Ibn al-Qayyim intended that such offenses constituted greater or lesser *shirk* is not open to interpretation, for Ibn al-Qayyim mentioned that:

... calling upon the deceased to intercede for one near God and making vows to them are [cases of] the greater shirk for which God sent His prophet, blessings and peace be upon him, in order to prohibit [them]. So one who does not repent from this is a disbeliever, and should be fought and made an enemy . . . and Islam is not valid unless one shows enmity towards the people of *shirk*. And if one does not show enmity towards them, then he is one of them, even if he does not perform [*shirk*].²⁰⁹

Ibn ‘Abdi’l-Wahhāb then narrates that Musā ibn Aḥmad al-Ḥajjāwī wrote that Ibn Taymiyyah was of the opinion that, “. . . one who calls upon ‘Alī ibn Abī Ṭālib is a disbeliever. And that one who doubts whether such an individual is a disbeliever is a disbeliever [as well] . . .”²¹⁰

204. IBN ABDI’L-WAHHĀB, *supra* note 194, at 284. *Tawhīd* is normally translated as “monotheism.” However, another meaning is “to consider God to be one,” which seems applicable in this case.

205. *Id.*

206. *Id.* at 157.

207. IBN ABDI’L-WAHHĀB, *supra* note 194, at 163.

208. *Id.* at 366.

209. *Id.* at 297.

210. *Id.* at 297.

Ibn ‘Abdi’l-Wahhāb follows what he argues were the opinions of Ibn Taymiyyah and Ibn al-Qayyim with stories of the Companions of the Prophet in which they did *takfīr* of individuals who professed Islam to appease his reader as to the apparently controversial nature of his discourse. For instance, Ibn ‘Abdi’l-Wahhāb relates that one should not be surprised by the idea of fighting those who profess Islam when what made it permissible to fight those who refused to pay *zakāt*, take their families captive and loot their property was simply that they failed to perform one of the obligatory duties of Muslims.²¹¹ In *Mufīd al-mustafīd*, Ibn ‘Abdi’l-Wahhāb dedicates an entire chapter to “the obligation of showing enmity towards the enemies of God from among the disbelievers, apostates and hypocrites” (*Bāb fī wujūb ‘adāwat a’ dā’ Allāh min al-kuffār wa’l-murtaddīn wa’l-munāfiqīn*).²¹²

But despite his controversial language and opinions, Ibn ‘Abdi’l-Wahhāb’s movement found great success due to political factors and the formation of the Saudi state (referred to above) as well as cultural factors. Ibn ‘Abdi’l-Wahhāb lived during a time that reportedly lacked for new scholarship. This may have influenced his aversion for *taqlīd*, as textbooks of *fiqh* were reexamined instead of jurists producing original opinions. But it also likely provided Ibn ‘Abdi’l-Wahhāb with an environment that was less likely to challenge his message. According to Uwaidah Al Juhany, the number of Najdi scholars who traveled to Syria and Egypt in pursuit of knowledge decreased in the 12th/18th century. Instead, the works of previous scholars, including the aforementioned al-Ḥajjāwī and al-Buhūtī, were used as instruction manuals. Al Juhany writes:

This decline [in Najdi scholars who traveled to study with renowned Hanbali jurists] might be due to the absence of famous Hanbali scholars in those two countries during this period. The Hanbali scholars of the 10th/16th century and the 11th/17th century were the last eminent authorities of their *madhhab*. Later students of the Hanbali school of thought depended on the manuals and commentaries composed by the ‘*ulama*’ of those two centuries, such as *al-Iqna’* and *Zad al-Mustaqni’* by Musa al-Hajjawi, *Jam’ al-Jawami’* and *Mughni Dhawi al-Afham* by Yusuf Ibn ‘Abd al-Hadi, *Ghayat al-Muntaha* and *Dalil al-Talib* by Mar’i Ibn Yusuf and *al-’Umdah*, and a commentary on *al-Iqna’* by Mansur al-Buhuti.²¹³

It might be argued that the lack of new scholarship paved the way for a scholar like Ibn ‘Abdi’l-Wahhāb to issue verdicts that might otherwise have been refuted by more capable scholars. This theory gains support when one closely observes that his controversial opinions resembled those of Ibn Taymiyyah, who was shunned by the scholars of his time. Like Ibn Taymiyyah, Ibn ‘Abdi’l-Wahhāb claimed scholarly consensus regarding issues related to *ziyārah* when apparently no such consensus existed, often citing Ibn Taymiyyah in the process.²¹⁴ And in the earliest stages of the Saudi-Wahhabi movement, Ibn Taymiyyah’s controversial verdict concerning traveling for the purpose of *ziyārah* became part of the Wahhabi mission and a call to

211. *Id.* at 300–01.

212. IBN ABDI’L-WAHHĀB, *supra* note 194, at 312–29.

213. AL JUHANY, *supra* note 138, at 133.

214. IBN ABDI’L-WAHHĀB, *supra* note 194, at 292–93.

return to the Qur'an and *sunnah*. 'Abd al-'Azīz ibn Muḥammad ibn Sa'ūd (d. 1803) was the second Saudi leader and as well as an intimate student of Ibn 'Abdī'l-Wahhāb who would later become a Wahhabi scholar.²¹⁵ Also, Ibn 'Abdī'l-Wahhāb used the same hadith that Ibn Taymiyyah decided to emphasize, repeatedly mentioning that the Prophet warned Muslims of making his grave into an 'īd²¹⁶ and of turning graveyards into mosques²¹⁷.

Lastly, Ibn 'Abdī'l-Wahhāb's methodology included a modest form of *ijtihād* in which he employed general verses used verses of the Qur'an that speak of clear forms of idolatry and applied them to the commonplace practices of average Muslims of his time. For instance, in *Kashf al-shubuhāt*, he writes:

And it is also *kufṛ* for one to intend [to visit] the righteous. And the Messenger of God, blessings and peace be upon him, would fight them [those who did so]. Therefore, if the disbelievers [Ibn 'Abdī'l-Wahhāb's adversaries in this treatise] say, "they [the ones who the Prophet fought] desired something from them [the deceased]. And I bear witness that God is the one who causes benefit and harm and distributes [sustenance]. I do not want anything from him [a righteous man]. And the righteous do not have anything [they are powerless]. Rather, I intend [to visit them] hoping for God's intercession."

The reply is that this is precisely what the disbelievers said (*sawā' bi sawā'*). And read for him what He, exalted is He, said, "And those who take as guardians (*awlīyā'*) other than God [say], "we do not worship them [idols] except that they may bring us closer to God"^{218, 219}

In this excerpt, Ibn 'Abdī'l-Wahhāb manages to ignore the heritage of Hanbali works that preceded him. Respected scholars like Ibn Qudāmah who mentioned that one should ask the Prophet for intercession and forgiveness are dismissed by Ibn 'Abdī'l-Wahhāb's employment of a verse of the Qur'an that does not directly address the issue at hand. This simplistic form of *ijtihād* would have likely been challenged by other Hanbali jurists had Ibn 'Abdī'l-Wahhāb lived in a scholarly environment like that of Ibn Taymiyyah. Instead, his opinions gained popular and political support, whereas Ibn Taymiyyah was sentenced to prison by contemporary jurists (including the Hanbali judge Aḥmad ibn 'Umar al-Maqdisī).

In fact, arguably the greatest challenge to Ibn 'Abdī'l-Wahhāb's opinions during his lifetime came from his own brother, Sulaymān. In his *Al-Ṣawā'iq al-ilāhiyyah fī al-radd 'alā al-Wahhābiyyah*, Sulaymān challenges his brother's qualifications as a *mujtahid*²²⁰ as well as his understanding of the opinions of Ibn Taymiyyah. As mentioned earlier, Sulaymān believed that Ibn Taymiyyah never meant to dismiss Muslims at large as being disbelievers.

215. COMMINS & AL-'UTHAYMĪN, *supra* note 173, at 74.

216. IBN 'ABDĪ'L-WAHHĀB, MU'ALLAFĀT, vol. 1 (*Kitāb al-tawḥīd*) 66.

217. *Id.* at 64/

218. Qur'an: 39:3.

219. IBN 'ABDĪ'L-WAHHĀB, *supra* note 194, at 163.

220. Scholar recognized as an authority on Islamic law.

A. Sulaymān ibn ‘Abdi’l-Wahhāb (d. 1210 A.H. / 1795/6 C.E.)

Sulaymān was the brother of Muḥammad ibn ‘Abdi’l-Wahhāb as well as a scholar²²¹ and the judge of Ḥuraymilā’.²²² According to the historian Ḥusayn Ibn Ghannām (d. 1811 C.E.), who was a follower of Ibn ‘Abdi’l-Wahhāb’s teachings,²²³ Sulaymān is said to have “created doubt” in the minds of others, causing them to reject Wahhabism²²⁴ and to have sent a letter to the people of al-‘Uyaynah, creating “doubts” in their minds. Sulaymān had, according to Ibn Ghannām, secretly escaped to the city of Ḥuraymilā’ and had begun propagating against his brother’s cause. He had already caused an uprising in Ḥuraymilā’ in 1165 A.H. / 1751/2 C.E.²²⁵ Muḥammad Ibn ‘Abdi’l-Wahhāb, who feared losing further support, sent a letter entitled *Mufīd al-mustafīd fī kufr tārik al-tawḥīd* to the people of al-‘Uyaynah in response to Sulaymān’s anti-Wahhabi propaganda.²²⁶

There are four major arguments of particular concern in Sulaymān’s *Al-Ṣawā’iq al-ilāhiyyah fī al-radd ‘alā al-Wahhābiyyah* that challenge Wahhabi thinking from the perspective of the traditional *madhhab* system. 1. The Wahhabis unrightfully do *takfīr* of Muslims for acts that are, at worst, simply forbidden and do not take one out of the realm of Islam.²²⁷ 2. The Wahhabis are not qualified to perform *ijtihād*.²²⁸ 3. Their opinions are contrary to those of the imams, *ijmā’*²²⁹ and the correct understanding of the verdicts of Hanbali scholars and even Ibn Taymiyyah. 4. The Wahhabis have formed their own *madhhab* and give opinions based on their own illegitimate understanding (in terms of proper *fiqh* methodology).²³⁰

The Wahhabis, Sulaymān writes, were not authorized to determine what is greater or lesser *shirk*, as they were not qualified to do independent *ijtihād* (forming new opinions that differed with the verdicts of the imams). The inability to make this distinction led the Wahhabis to believe that many Muslims had fallen into a state of apostasy. Sulaymān writes:

Where do you get this that a Muslim who says *shahādah*²³¹, if he calls upon one who is absent or dead . . . or touches a grave or takes dirt from that this is greater *shirk* . . . and that it is permissible to shed his blood and take his property? . . . If you say, we understood this from the Book and the *sunnah*, I say, your understanding means nothing. And it is not permissible for another Muslim to act in accordance with what you understand. For, the *ummah*²³² all agrees, as

221. COMMINS & AL-‘UTHAYMĪN, *supra* note 173, at 30.

222. *Id.* at 62.

223. ALEXEI VASSILIEV, *THE HISTORY OF SAUDI ARABIA* 13 (NYU Press 2000).

224. Ibn Ghannām, vol. 2 (*Kitāb al-ghazawāt al-bayyāniyyah wa’l-futuḥāt al-rabbāniyyah*) 692.

225. *Id.* at 691–92.

226. *Id.* at 695–66.

227. SULAYMĀN IBN ‘ABDI’L-WAHHĀB, *AL-ṢAWĀ’IQ AL-ILĀHIYYAH FĪ AL-RADD ‘ALĀ AL-WAHHĀBIYYAH* 45.

228. *Id.* at 35, 44, 109.

229. *Id.* at 34.

230. *Id.* at 43.

231. Declaration that Allah is the only God.

232. The Islamic community as a whole.

mentioned earlier, that *istinbāt* (deriving a verdict) is a station that belongs to those who have absolute *ijtihād*.

Rather, according to Sulaymān, many of the acts that the Wahhabis classified as manifestations of greater *shirk* were merely considered *makrūh* or forbidden by previous Hanbali scholars. Sulaymān finds fault in the Wahhabis for doing *takfīr* to Muslims who perform acts such as kissing and wiping graves. Furthermore, he argues, the Wahhabis are guilty of doing *takfīr* to those who do not do *takfīr* of ones who commit these acts near graves. Sulaymān then refers the Wahhabis to standard books of *fiqh* that are rooted in the school of thought of Ibn Ḥanbal. He writes:

As for seeking blessings, wiping graves, taking dirt from them and circumambulating them, these issues have been mentioned by scholars. Some of consider them to be *makrūh*. Others consider them to be forbidden. And not one of them has said that the one who performs these acts is an apostate, as you say. Rather, you do *takfīr* to one who does not do *takfīr* of the one who performs these. And the issue is mentioned in the book of corpses in the chapter on burying and visiting the deceased. So, if you desire to refer to that which I have mentioned, read *Al-Furū*²³³ and *Al-Iqnā*²³⁴ and other books of *fiqh*. And if you find fault in those who wrote these books, which would not be a big deal coming from you, you should know that they did not relate their own *madhhab*. Rather, they related the *madhhab* of Aḥmad ibn Ḥanbal and his likes from among the imams of guidance, whose guidance and understanding the *ummah* has all agreed upon, save the stubborn. And you claim high stations and that you adhere to proofs without doing *taqlīd* to the imams. But, as mentioned earlier, this is against *ijmā'*.²³⁵

About asking the deceased for help, Sulaymān writes:

... you have done *takfīr* of those who ask one who is absent or deceased [for something]. In fact, you claim that the idolaters who disbelieved and denied God and His messenger, blessings and peace be upon him, were less of idolaters than one who asks other than God on land or water. And you use your own understanding as proof, [even though this] is impermissible and cannot be relied upon by others ... Do you believe that calling upon one who is absent is necessarily an act of disbelief, even though the imams of Islam did not know of such [an opinion]? ...²³⁶

Up until this point, Sulaymān criticized the Wahhabis for deviating from the Hanbali school of thought, as he mentioned the works of authors who represented the Hanbali *madhhab*. However, the Wahhabis might then argue that they in fact follow Ibn Taymiyyah. Sulaymān responds that following Ibn Taymiyyah and his student Ibn al-Qayyim al-Jawziyyah is valid. However, the Wahhabis did not properly understand the verdicts of these two scholars either. Sulaymān writes:

233. A work by Shams al-Dīn Muḥammad ibn Mufliḥ al-Maqdisī (d. 763 A.H. / 1361/2 C.E.) that contains the opinions of prominent Hanbali jurists. The book was perceived as being of great value by the likes of Ibn Kathīr, a student of Ibn Taymiyyah.

234. *Id.*

235. SULAYMĀN IBN 'ABDI'L-WAHHĀB, *AL-ŞAWĀ'IQ* 52-3 (Institut français d'archéologie orientale 1986).

236. *Id.* at 117-18.

We agree with you in doing *taqlīd* to the two shaykhs [Ibn Taymiyyah and his student Shams al-Dīn Muḥammad ibn Abī Bakr Ibn al-Qayyim al-Jawziyyah] who say that these acts are *shirk*. However, they do not say that these are [instances of] greater *shirk* that take one out of the realm of Islam and that the laws of apostasy apply to all lands in which these occur.

Sulaymān then quotes Ibn Taymiyyah in *Iqtīdā' al-ṣirāṭ al-mustaqīm* as having written that traveling to places seeking benefit (*khayr*) is one of the *munkarāt*.²³⁷ Sulaymān's point is that Ibn Taymiyyah, while prohibiting such journeys, does not believe that they make one a disbeliever.

Thus, Sulaymān begins by arguing for the authoritativeness of the Hanbali school of thought. But as the Wahhabis were not inclined towards doing *taqlīd* to such scholars, he then argues that the Wahhabi approach is also in contradiction with the iconoclastic Ibn Taymiyyah (and Ibn al-Qayyim), who did not practice *takfīr* as freely as the Wahhabis. The only justification for this new attitude in *fiqh* then, according to Sulaymān, would be a new act of *ijtihād*. But as demonstrated above, Sulaymān did not believe the Wahhabis were qualified to introduce new verdicts in *fiqh* according to the standards for *ijtihād* he delineated in the beginning of his treatise.²³⁸

VI. HANBALI/WAHHABI JURISTS AFTER IBN 'ABDI'L-WAHHĀB

The opinions of Ibn Taymiyyah and Ibn 'Abdi'l-Wahhāb regarding visiting graves were echoed by Wahhabi jurists after Ibn 'Abdi'l-Wahhāb's death in 1791/2 and continue to find sympathizers to this day. In *Taysīr al-'Azīz al-Ḥamīd fī sharḥ Kitāb al-tawḥīd*, an exposition of his grandfather's *Kitāb al-tawḥīd*, Sulaymān ibn 'Abd Allāh ibn Muḥammad ibn 'Abdi'l-Wahhāb (d. 1233 A.H. / 1817/8 C.E.) adheres to the views on *ziyārah* of Ibn Taymiyyah and Ibn 'Abdi'l-Wahhāb. Sulaymān ibn 'Abd Allāh similarly condemns traveling to, clinging to and sitting near graves.²³⁹ He also condemns those who seek intercession from the Prophet himself, even during his life.²⁴⁰ Included in the *mafasid* (heinous acts or evils) he lists that occur at graves are the idolatrous practices of taking graveyards to be mosques, taking mosques as an 'īd and traveling to visit graves.²⁴¹

237. *Id.* at 118.

238. Ibn 'Abdi'l-Wahhāb *supra* note 237, at 35. The conditions Sulaymān Ibn 'Abdi'l-Wahhāb mentions include: knowing the different dialects of Arabic, the rules of grammar, the different recitations of the Qur'an, the exegesis of the Qur'an, which verses are clear (*muḥkam*) and which are ambiguous (*mutashābih*), cases of abrogation, having the ability to distinguish sound (*ṣaḥīḥ*) hadith from faulty (*saqīm*) hadith as well as those that have a continuous chain of narration (*muttaṣil*) from those that do not (*munqaṭi'*). He mentions other categories of hadith as well before mentioning that a *mujtahid* should be pious and control his desires, honest and reliable and base his *madhhab* on the Qur'an and *sunnah*.

239. SULAYMĀN IBN 'ABD ALLĀH IBN 'ABDI'L-WAHHĀB, *TAYSĪR AL-'AZĪZ AL-ḤAMĪD FĪ SHARḤ KITĀB AL-TAWḤĪD* 705 (Al-Maktab al-Islāmī, 1970/1).

240. *Id.* at 725–27.

241. *Id.* at 705.

The Wahhabis and the Saudis would suffer defeat at the hands of the Ottomans in 1818.²⁴² However, the Saudi state would rise again, and after the establishment of the modern state of Saudi Arabia in 1932²⁴³ one finds major Hanbali-Wahhabi scholars echoing the sentiments of Ibn Taymiyyah and Ibn ‘Abdi’l-Wahhāb. Numerous expositions have been written on Ibn ‘Abdi’l-Wahhāb’s *Kitāb al-tawhīd* as well as books that specifically address the *mafāsīd* that occur near graves.

A. ‘*Abd al-’Azīz ibn ‘Abd Allah Ibn Bāz (d. 1999 C.E.)*

Ibn Bāz was the grand mufti of Saudi Arabia before his death. His *Al-taḥqīq wa-l-īdāh li kathīr min masā’il al-ḥajj wa al-’umrah wa al-ziyārah ‘alā daw’ al-kitāb wa al-sunnah* (“Research and Clarification Concerning a Number of the Issues that Pertain to Hajj, ‘Umrah and Ziyārah, In Light of the Book and the Sunnah”) was, according to Ṣāliḥ ibn Muqbil al-’Uṣaymī al-Tamīmī, of all his works, the one “dearest to his [Ibn Bāz’s] heart.”²⁴⁴ In this work, Ibn Bāz, like Ibn Taymiyyah, writes that visiting the Prophet’s grave should consist of simple salutations. He writes that one should face the grave of the Prophet and send peace and the mercy of God upon the Prophet, Abū Bakr and ‘Umar, saying, *al-salām ‘alayka yā rasūl Allāh wa raḥmat Allāh wa barakātuh, al-salām ‘alayka yā Abā Bakr wa raḥmat Allāh wa barakātuh, al-salām ‘alayka yā ‘Umar wa raḥmat Allāh wa barakātuh*. After this, one is to leave the site of the graves.²⁴⁵ When doing so, one should face the grave of the Prophet, “as Ibn Taymiyyah has mentioned.”²⁴⁶ However, “when one wants to supplicate, as Shaykh al-Islām has said, he should not face the grave. Rather, he should face the *qiblah*.”²⁴⁷

In his section on “things those who visit the Prophet’s grave should be aware of” (*tanbīhāt li zā’irī qabr al-nabī*), Ibn Bāz writes:

1. It is not permissible for anyone to wipe the chamber [of the grave of the Prophet], kiss it or circumambulate it, for this has not been related concerning the righteous first Muslims (*al-salaf al-ṣāliḥ*). Rather, it is a despicable heretical innovation (*bid’ah munkarah*).
2. It is not permissible for anyone to ask the Messenger, blessings and peace be upon him, to fulfill a need, to relieve him of trouble, to heal one who is sick, etc. This is because all of these can only be asked of God, immaculate is He. And to ask them of the deceased is to associate partners (*shirk*) with God and to worship other than Him . . .
3. Similarly, it is not permissible for anyone to seek intercession from the Messenger, blessings and peace be upon him . . .
4. As for the deceased, nothing should be asked of them, neither intercession nor anything else, whether they are prophets or non-prophets.

242. VASSILIEV, *supra* note 46 at 154–55.

243. *Id.* at 284.

244. IBN BĀZ, *AL-TAḤQĪQ WA-L-ĪDĀH LI KATHĪR MIN MASĀ’IL AL-ḤAJJ WA AL-’UMRAH WA AL-ZIYĀRAH ‘ALĀ DAW’ AL-KITĀB WA AL-SUNNAH* 4, (Madār al-Muslim 2008).

245. *Id.* at 231.

246. *Id.*

247. *Id.* at 231.

- a. because this is not legitimate (*lam yushra'*)
- b. because the deceased's deeds are cut off, except for those things the Legislator [God] has made exceptions . . .²⁴⁸

In the first and third impermissible actions Ibn Bāz mentions the commentator of this particular edition quotes *shaykh al-Islām*, Ibn Taymiyyah, in order to demonstrate Ibn Bāz's reasoning.

Ibn Bāz then lists five "grievances that pilgrims of the noble grave commit" (*akhṭā' taqa' min ba'd zuwwār al-qabr al-sharīf*). The second grievance is that these pilgrims supplicate facing the grave, "for this is opposed to the actions of the righteous forbearers (*al-salaf al-ṣāliḥ*) from among the companions of the Messenger of God and those who followed them with good behavior. Nay, this is an innovation."²⁴⁹ Ibn Bāz dismisses the writings of Ibn Qudāmah and other prominent Hanbali jurists in saying this, much the way Ibn Taymiyyah and Ibn 'Abdī'l-Wahhāb made their arguments.

Ibn Bāz mentions that it is not permissible to pack to set out for doing *ziyārah* of the Prophet's grave due to the hadith that Ibn Taymiyyah mentioned (*lā tushadd al-riḥāl . . .*).²⁵⁰ He then adds that the Prophet warned that one should not take his grave as an 'id²⁵¹. Clearly, Ibn Taymiyyah's approach directly influenced Ibn Bāz's verdicts and his attitude towards *ziyārah* far more than the early Hanbali jurists or even those before Ibn 'Abdī'l-Wahhāb.

B. *Ṣāliḥ ibn Fawzān ibn 'Abd Allāh al-Fawzān (born 1933)*

Al-Fawzān is a prominent contemporary Wahhabi scholar who is a member of the Committee of Great Scholars (*Hay'at kibār al-'ulamā'*) as well as the Permanent Council of Issuing Verdicts (*Al-lajnat al-dā'imah li'l-iftā'*) in Saudi Arabia. His *Al-Mulakhkhaṣ fī sharḥ kitāb al-tawḥīd* is a commentary on Ibn 'Abdī'l-Wahhāb's *Kitāb al-tawḥīd*, which contains many of Ibn 'Abdī'l-Wahhāb's views concerning the state of the Muslims of his time. In many cases, Ibn 'Abdī'l-Wahhāb's methodology in *Kitāb al-tawḥīd* was simply to mention a verse of the Qur'an or a number of hadith under a chapter title. In his commentary, al-Fawzān takes it upon himself to clarify why Ibn 'Abdī'l-Wahhāb chose a particular verse or hadith and how it relates to the chapter at hand. For instance, in the chapter entitled "One who seeks blessings from a tree, rock, etc.," al-Fawzān expounds upon verses 19-33 of the 53 chapter of the Qur'an (which mention idols of pre-Islamic Arabia), writing:

These verses contain a prohibition of seeking blessings from trees and rocks and consider this to be *shirk*. For verily those who worshiped the idols mentioned did this because they believed they would gain blessings by glorifying them and calling upon them. And seeking blessings from graves is like seeking blessings from al-Lāt [one of the idols of pre-Islamic Arabia].²⁵²

248. *Id.* at 240–42.

249. *Id.* at 246.

250. *d.* at 250.

251. *Id.* at 252.

252. AL-FAWZĀN, AL-MULAKHKHAṢ FĪ SHARḤ KITĀB AL-TAWḤĪD 80-9 (Dār al-'Āshimah 2001).

In an attempt to remain faithful to *Kitāb al-Tawhīd* and that which he understood of the author's intent, al-Fawzān concludes that this verse can be applied to those who seek blessings from graves as well, despite the fact that a clear connection is absent. The fact that the polytheists sought blessings from their idols, whom they considered to have powers similar to God, does not necessarily mean that seeking blessings from anything is *shirk*. Otherwise, there would be no need to specifically mention idols. But this thought escapes al-Fawzān much like it apparently escaped Ibn 'Abdī'l-Wahhāb.

As for the question of whether it is permissible to call upon the righteous for help (including their intercession), al-Fawzān adheres to the school of thought of Ibn Taymiyyah and Ibn 'Abdī'l-Wahhāb, dismissing this as polytheism. Concerning this topic, al-Fawzān similarly clarifies Ibn 'Abdī'l-Wahhāb's intention behind mentioning the following verse under the title head "Intercession": "And warn those who fear being gathered unto their lord and have no guardian nor intercessor other than God."²⁵³ Al-Fawzān writes:

The concise meaning of this verse is: He, exalted is He, says to His prophet, blessings and peace be upon him, strike fear by way of the Qur'an in those who are in awe (*yakhshawna*) of their lord, those whose hearts are aware and call to mind that they will have to stand before their lord, separated from every family member (*qarīb*)²⁵⁴ who can help them and [separated from] any mediator who can intercede on their behalf near Him, other than by His permission . . . The appropriateness of this verse is that it contains a refutation of polytheists who call upon prophets and righteous individuals seeking intercession from them.²⁵⁵

Again, al-Fawzān concludes from a verse in the Qur'an that those who seek intercession from pious figures are polytheists, without making a clear connection. The verse does seem to restrict intercession to the intercession of God. But the idea that those who call upon prophets or righteous individuals are necessarily polytheists cannot be derived from this verse. Furthermore, the Qur'an itself affirms that one can intercede so long as God grants His permission or is pleased with one interceding.²⁵⁶ Therefore, there is no direct correlation between asking pious figures for their intercession and *shirk*. As a result, al-Fawzān's opinion seems to be the result of a preconceived notion of *shirk* that was influenced by the works of Ibn Taymiyyah and Ibn 'Abdī'l-Wahhāb.

As for al-Fawzān's own verdicts (as opposed to his commentaries), in his *Durūs wa fatāwā al-ḥajj*, he offers support for Ibn Taymiyyah's controversial opinion regarding traveling for the sake of *ziyārah*. He writes that: "traveling for the sake of visiting the grave of the Messenger of God, blessings and peace be upon him, is forbidden and an innovation."²⁵⁷ He also employs the same hadith that Ibn Taymiyyah

253. Qur'an, 6:151.

254. This could also be translated as "one who is close."

255. AL-FAWZĀN, *supra* 254, at 141–42.

256. See verse 255 of the second chapter of the Qur'an: "... who can intercede near Him other than with His permission? ..."

See verse 28 of chapter 21: "... and they cannot intercede except he with whom He is pleased ..."

257. AL-FAWZĀN, ṢĀLIḤ IBN FAWZĀN, *DURŪS WA FATĀWĀ AL-ḤAJJ* 453, (Fihrasat Maktabat al-Malik Fahd

used in his argument for forbidding this journey (*lā tushadd al-riḥāl . . .*).²⁵⁸ This hadith also appears in his *Sharḥ manāsik al-ḥajj wa'l-'umrah 'alā daw' al-kitāb wa'l-sunnah mujarradah 'an al-bida' wa'l-khurāfāt al-latī ulṣiqat bihā wa hiya laysat minhā*²⁵⁹ on more than one occasion.²⁶⁰ Al-Fawzān also writes in *Sharḥ manāsik* that *ziyārah* should consist of one standing in front of the Prophet's grave and saying, *al-salām 'alayka yā rasūl Allāh wa raḥmat Allāh wa barakātuh*, then similarly sending salutations upon Abū Bakr and 'Umar.²⁶¹ Al-Fawzān continues:

And if one desires to supplicate, he should do so facing the *qiblah*. And one should not wipe the walls of the Prophet's chamber, nor its windows. For verily this is *bid'ah* and a means to *shirk*. And one should not seek the Prophet's help, blessings and peace be upon him, or request anything of him. For verily this is greater *shirk*.²⁶²

In his section on the "rules and etiquettes of *ziyārah*," al-Fawzān includes a slightly longer salutation that "is harmless" (*lā ba's bi dhālik*) before mentioning the very concise form used by Ibn 'Umar (*al-salām 'alayka yā rasūl Allāh*).²⁶³ This is as opposed to the language of the likes of Ibn Qudāmah who provided lengthy salutations without implicitly dismissing their desirability. Also, al-Fawzān does not include the parts of the salutation in which one is to ask the Prophet for his help. Later in the "rules and etiquettes" section, al-Fawzān writes:

And it is not permissible for anyone to ask the Messenger, blessings and peace be upon him, to fulfill a need, relieve one of distress, heal the sick, etc. For all of these are things that can only be asked of God, Immaculate and Exalted is He. And seek these from the deceased is *shirk* of God and worshipping other than Him . . . similarly, it is not permissible to seek intercession from the Messenger, blessings and peace be upon him . . . [Rather,] one should say, "O God, make your prophet my intercessor" . . . And seeking intercession from the Prophet, blessings and peace be upon him, is only permissible in his lifetime and on the Day of Resurrection, as he has the power to do so [at those times] . . .²⁶⁴

Al-Fawzān also emphasizes that the Prophet is reported to have said, "Do not take my grave as an 'īd."²⁶⁵ The examples given above of al-Fawzān's own verdicts demonstrate the similarity in language between this contemporary jurist and

al-waṭaniyyah athnā al-nashr 2008). Compiled by Ibrāhīm ibn 'Alī al-Hamdān.

258. *Id.* at 453. While both Ibn Taymiyyah and al-Fawzān relate the hadith from the *ṣaḥīḥ* compilers al-Bukhārī and Muslim, in al-Fawzān's version, the order of the mosques listed is different. Al-Fawzān writes: *al-masjid al-ḥarām wa masjidi ḥadhā wa al-masjid al-aqṣā*.

259. The name of the book translates to "An exposition of the rituals of the *ḥajj* and the *'umrah* based on the Book and the *sunnah*, free from the innovations and superstitions that have been imposed upon them, even though they do not belong."

260. AL-FAWZĀN, *SHARḤ MANĀSIK AL-ḤAJJ WA'L-'UMRAH 'ALĀ DAW' AL-KITĀB WA'L-SUNNAH MUJARRADAH 'AN AL-BIDA' WA'L-KHURĀFĀT AL-LATĪ ULṢIQAT BIHĀ WA HIYA LAYSAT MINHĀ* 165 and 180, (Fihrasat Maktabat al-Malik Fahd al-waṭaniyyah athnā al-nashr 2008).

261. *Id.* at 166.

262. *Id.*

263. *Id.* at 169.

264. *Id.* at 173–74.

265. *Id.* at 177–78, 180.

the verdicts of Ibn Taymiyyah and Ibn ‘Abdi’l-Wahhāb. His opinions seem to be a combination of the works of the two great Wahhabi scholars. For instance, while Ibn ‘Abdi’l-Wahhāb, unlike Ibn Taymiyyah, did not necessarily mention the hadith that forbids traveling to the Prophet’s grave (*lā tushadd al-riḥāl*), he emphasized that seeking help from the Prophet is greater *shirk*, a matter that is up for debate in regard to Ibn Taymiyyah. And al-Fawzān includes the hadith that prohibit one from making the Prophet’s grave into an ‘*īd*’ in his section on *ziyārah*, in keeping with practices of both Ibn Taymiyyah and Ibn ‘Abd’il-Wahhāb. Al-Fawzān’s opinions, then, seem to reflect a modern understanding of the works of the two aforementioned scholars in what has now become a relatively clearly defined Wahhabi *madhhab*. Wahhabis, due to the influence of Ibn Taymiyyah and Ibn ‘Abd’il-Wahhāb, are largely concerned with heretical practices near graves.

In his *Al-Irshād ilā ṣaḥīḥ al-i’tiqād wa’l-radd ‘alā al-shirk wa’l-ilḥād*, al-Fawzān expounds upon innovations (*bida’*) that Muslims face today, which he perceives to be essentially the same as those of the times of Ibn Taymiyyah and Ibn ‘Abdi’l-Wahhāb. The first innovation concerns celebrating the Prophet’s birthday. Regarding this *bid’ah*, al-Fawzān refers to the authority of Ibn Taymiyyah.²⁶⁶ The last two are directly related to visiting graves: “seeking blessings from the places and relics of the deceased, etc.” and “innovations at places of worship and seeking nearness to God.”²⁶⁷ Al-Fawzān, like Ibn Taymiyyah and Ibn ‘Abdi’l-Wahhāb, mentions that the Prophet has cursed those who take graves to be mosques.²⁶⁸ This book provides further proof that the Wahhabi *madhhab* perceives problems in the Muslim community through the lens of the methodological approaches of Ibn Taymiyyah and Ibn ‘Abdi’l-Wahhāb. This is because the greatest instances of innovation in religion mentioned by al-Fawzān, a great Wahhabi scholar and representative of the *madhhab*, are to be found in the writings of Ibn Taymiyyah and Ibn ‘Abdi’l-Wahhāb and their sympathizers while such issues were not nearly as prominent in Hanbali books before Ibn Taymiyyah.

C. *Sa’ūd ibn Ibrāhīm al-Shuraym (born 1964)*

Al-Shuraym is a Wahhabi scholar respected by the likes of Ibn Bāz.²⁶⁹ In his *Al-Minhāj li’l-mu’tamir wa’l-ḥājj*, he echoes essentially the same arguments as the Wahhabi scholars before him. Al-Shuraym argues that one should not make the grave of the Prophet his intended destination when setting out on a journey, due to the hadith employed by Ibn Taymiyyah and other Wahhabi scholars (*lā tushadd al-riḥāl . . .*). Rather, he should intend to visit the Prophet’s mosque.²⁷⁰ One who

266. AL-FAWZĀN, *AL-IRSHĀD ILĀ ṢAḤĪḤ FAL-I’TIQĀD WA’L-RADD ‘ALĀ AL-SHĪRK WA’L-ILḤĀD* 305 (Al-ri’āsah al-‘āmmah li idārāt al-buḥūth al-‘ilmiyyah wa’l-iftā’ 1991/2), vol. 1.

267. *Id.* at 304.

268. *Id.* at 308.

269. SA’ŪD IBN IBRĀHĪM AL-SHURAYM, *AL-MINHĀJ LI’L-MU’TAMIR WA’L-ḤĀJJ*, (Dār al-Waṭan 1995). See Ibn Bāz’s letter included at the beginning of the book.

270. *Id.* at 107.

intends on visiting the grave would be guilty of *bid'ah*.²⁷¹ Al-Shuraym argues that the hadith that seem to contradict this are all weak or fabricated, as Ibn Taymiyyah pointed out before him.²⁷² Al-Shuraym, like Ibn Taymiyyah, Ibn Bāz and al-Fawzān, believes that visiting the grave should consist of simple salutations. He writes that one should face the graves of the Prophet, Abū Bakr and 'Umar and send peace and the mercy of God upon them, saying, *al-salām 'alayka yā rasūl Allāh wa rahmat Allāh wa barakātuh*, *al-salām 'alayka yā Abā Bakr wa rahmat Allāh wa barakātuh*, *al-salām 'alayka yā 'Umar wa rahmat Allāh wa barakātuh*. After this, one is to leave the site of the graves.²⁷³

Al-Shuraym then argues that one is not to face the *qiblah*, raise his hands and pray to God, for this is “opposed to the way of the righteous *salaf*.”²⁷⁴ He mentions that the Prophet's grandson, 'Alī ibn al-Ḥusayn (also the fourth Imam of the Shī'ah), is reported to have found a man praying near the Prophet's grave. 'Alī ibn al-Ḥusayn then reportedly said that it has been related to him that the Prophet said, “Do not take my grave to be an *'īd* . . .”²⁷⁵ Al-Shuraym then mentions Ibn Taymiyyah's analysis of this tradition.²⁷⁶ Thus, al-Shuraym employs the same hadith as Wahhabi scholars before him concerning making the Prophet's grave an *'īd*.

Seeking a means to God (*al-tawassul*) by way of the prayers of those in graves is, al-Shuraym claims, rejected by all scholars (*bi ittifāq al-'ulamā'*), “for verily calling upon a prophet or pious person (*waliyy*) in his grave and expressing one's needs to him, hoping that he will fulfill it, is *shirk*.”²⁷⁷ By claiming consensus for a matter that was far from settled before Ibn Taymiyyah's time, al-Shuraym continues the same attitude as Ibn Taymiyyah and others. Al-Shuraym also considers calling upon those in graves to ask things of God to be *shirk*. As proof, he uses a general hadith that does not directly address the issue. He relates a hadith of the Prophet narrated by al-Bukhārī: “One who dies while [still guilty of the sin of] calling upon an equal (*nidd*) of God shall enter the Hellfire.”²⁷⁸ However, the issue at hand does not necessitate that one consider the one in the grave to be an equal of God. In fact, the one who supplicates in this scenario acknowledges God's place as the source of all power. It is for this reason that he asks the one in the grave (a righteous individual with a station near God) to plead with this source (God) to grant him his needs. Al-Shuraym's

271. *Id.* at 108.

272. *Id.* at 111.

273. *Id.* at 109.

274. *Id.* at 110.

275. *Id.*

276. *Id.* He quotes Ibn Taymiyyah as having said, *fa unzur ilā hādhihi al-sunnah kayfa anna mukhrijahā min ahl al-madīnah wa ahl al-bayt al-ladhīna lahum min rasūl Allāh, ṣallā Allāh 'alayhi wa sallam, qurb al-nasab wa qurb al-dār, li annahum ilā dhālika aḥwaj min ghayrihim fa kānū lahu aḍbaṭ*. This can be translated as: “Look at the one who relates this *sunnah*, how he is from Medina and the people of the household (of the Prophet), who were close to the Prophet, blessings and peace be upon him, both in terms of familial relations and proximity. This [perhaps he means the significance of this] is because they were in greater need of him and therefore better in recording [his sayings and actions].”

277. *Id.* at 113.

278. *Id.*

employment of the verse above is similar to Ibn ‘Abdi’l-Wahhāb’s methodology of using verses that speak of *shirk* in general and applying them to the issue of *ziyārah*.

Permissible *ziyārah*, according to al-Shuraym, is that which reminds one of the Afterlife and where one prays for the deceased. Or, as Ibn Taymiyyah wrote, “the living benefitting the dead.”²⁷⁹ Any form of praying other than this either falls into the category of *bid‘ah* or *shirk*:

And by this, you now know, O Muslim, that it is not permissible to visit graves with the intention of praying or supplicating near them, clinging to them, asking the people of [the graves] for your needs, or to heal the sick, or asking God by [means of] them or by [means of] their station [near God]. And some of these matters are *bid‘ah*, but not *shirk*, like praying to God, immaculate is He, at graves. Other [examples mentioned] are major polytheism (*shirk akbar*), like calling upon the deceased, or seeking their help or aid, etc.²⁸⁰

Like Ibn Taymiyyah in *Ziyārat al-Qubūr* (as mentioned above), al-Shuraym categorizes *du‘ā* (supplication) into that which is *shirk* (asking that which one has no power over) and that which is not (asking something within one’s power). To ask of the deceased is always of the former category.²⁸¹

Al-Shuraym dismisses a clear example of seeking help from the Prophet that is in conflict with the Wahhabi *madhhab*, even though it was accepted by great Hanbali scholars. Al-Shuraym takes it upon himself to address the story related by al-‘Utbiyy of the bedouin man who came to the Prophet’s grave seeking forgiveness. However, he resolves this story by giving an inaccurate assessment of its place in scholarship. “No scholar would use this as a proof,” (*lā yuḥtajj bihā ‘inda ahl al-‘ilm*) he argues. Earlier it was mentioned that one of the great Hanbali scholars in history, Ibn Qudāmah, related this story without criticizing it. In fact, after mentioning the story, Ibn Qudāmah writes that one of the etiquettes of visiting the Prophet’s grave is to face the grave, recite the same verse the bedouin man recited and to ask the Prophet for forgiveness and to intercede on one’s behalf. Later, al-Buhūtī would similarly relate this story.

Like Ibn ‘Abdi’l-Wahhāb, al-Shuraym makes a general statement about the deviant practices of the people of his time and thus places them in the same category as the disbelievers from the time of the Prophet. “It then becomes clear, O Muslim [reader],” writes al-Shuraym, “that what some people do today, seeking a means [to God] by way of graves, requesting their needs from the occupants of [graves] . . . seeking help or aid from them, all of these are precisely what the disbelievers said and did.”²⁸²

Al-Shuraym is yet another example of a Wahhabi scholar who uses similar arguments and hadith as Ibn Taymiyyah and Ibn ‘Abdi’l-Wahhāb. And it is the continuation of this particular understanding pertaining to *ziyārah* that allows one to

279. Ibn Taymiyyah, *Ziyārat al-Qubūr* 18.

280. AL-SHURAYM, *supra* note 271, at 113.

281. *Id.*

282. *Id.* at 115.

classify such scholars as an independent school of thought. This, however, is a matter that Wahhabis themselves choose to reject, as will be discussed below.

VII. WAHHABISM AS A SEPARATE *MADHHAB*

I have demonstrated that the group known as “Wahhabis” is to be distinguished from non-Wahhabi scholars and the methods of early Hanbali scholars. The Wahhabis take a particular stance concerning *ziyārah* and employ certain hadith in this regard. Hadith that they believe forbid traveling for the sake of visiting the Prophet as well as hadith that forbid making his grave an *‘īd* or turning graves into mosques are used repeatedly in their works. The leniency or lack of clarity in early Hanbali books of jurisprudence is transformed into definitive opinions that deem touching or kissing graves and seeking help from the Prophet to be prohibited or *shirk*. It would then make sense to assign those who adhere to this sort of thinking a name of their own. “Wahhabis” was chosen due to the strong link between this branch of *fiqh* and the person of Ibn ‘Abdi’l-Wahhāb. But the founders of Wahhabism were not likely to accept that their works were designed to create a *madhhab* that stands in opposition to the other four *madhāhib* of Sunni jurisprudence. Rather, from their own perspectives, Ibn Taymiyyah and Ibn ‘Abdi’l-Wahhāb were true adherents of the Qur’an and the *sunnah*. They had freed themselves from the shackles of *taqlīd*, which imposed upon Muslims opinions of scholars, whether those opinions were in accordance with the sources of Islamic law. But what is the perspective of modern Wahhabi scholars?

Al-Fawzān wrote a short treatise in response to Muḥammad Sa’īd Ramaḍān al-Būṭī’s *Al-Salafiyyah marḥalah zamaniyyah mubārakah, lā madhhab islāmī* (“Salafiyyah is a point in time, not a school of thought in Islam,”) which sought to dismiss scholars like al-Fawzān as being part of a temporary phenomenon, rather than a true *madhhab*. In his refutation of al-Būṭī entitled *Ta’qībāt ‘alā kitāb al-salafiyyah laysat madhhaban*, al-Fawzān seeks to prove that the *salaf*, or, those who adhere to the practices of the earliest Muslims (as opposed to the *khalaf*) are to be considered a *madhhab* that opposes innovations and superstition.²⁸³ Al-Fawzān writes:

Al-Shaykh Muḥammad Ibn ‘Abdi’l-Wahhāb does not have a particular *madhhab* called *al-Wahhābiyyah*. This is because, in terms of beliefs, he adhered to the way of the *salaf* and in *furū’* (the branches of religion²⁸⁴) to the *madhhab* of al-imām Aḥmad ibn Ḥanbal, who the scholars of Najd before him [Ibn ‘Abdi’l-Wahhāb] followed, as well as before his time and after it. And his followers call [others] to adhere to the *madhhab* of the *salaf*, and they traverse this path. And I call upon him [al-Būṭī] to bring proof that al-Shaykh Muḥammad Ibn ‘Abdi’l-Wahhāb brought a new *madhhab* that is associated with him. And if he did not bring [one]—and he never will bring it—then he [al-Būṭī] is slandering al-shaykh and those who follow him. And God will recompense those who slander [others].²⁸⁵

283. Šāliḥ ibn Fawzān al-Fawzān, *Ta’qībāt ‘alā kitāb al-salafiyyah laysat madhhaban*, 12 Dār al-Waṭan, 1990).

284. This is a term used to relate aspects of religion that do not pertain to beliefs (which are termed *uṣūl*). *Furū’* often refers to matters of jurisprudence and practice.

285. AL-FAWZĀN, *supra* note 285, at 69.

In this excerpt of al-Fawzān's response, he uses the same sort of circular logic as the Wahhabi scholars before him. Salafis claim they simply follow the pure form of Islam as it was practiced by the earliest Muslims. They are not, therefore, a new *madhhab* with merely different interpretations. It is either that you follow the *madhhab* of the *salaf* or the *madhhab* of the *khalaf* (those who came after the *salaf*).²⁸⁶ But the claim that they follow the way of the *salaf* is one that any *madhhab* would make. The attitude of al-Fawzān resembles that of Ibn Taymiyyah in his *Raf' al-malām* in which he argues that the imams should not be followed when they do not properly address an authentic hadith. Ibn Taymiyyah was essentially arguing that his interpretation of such hadith was the only one that was in keeping with the true intentions of the Prophet. Again, this is the apparent goal of every *mujtahid*, not just Ibn Taymiyyah.

The issue of *ziyārah* provides a clear example of how the Wahhabis took a strong stance on certain matters and claimed that their opinions are not due to any sort of *taqlīd*, but rather, because the likes of Ibn Taymiyyah and Ibn 'Abdī'l-Wahhāb were most loyal to the way of the *salaf*. Al-Būṭī writes:

... We and a great number of other Sunnis have been accused of committing *bid'ah* and apostasy because we are of the same opinion as the majority of the *salaf* scholars (*al-jumhūr min 'ulamā' al-salaf*) and others in that [we say] there is no harm for a man to intend to visit either the grave of the Prophet, blessings and peace be upon him, and his mosque.²⁸⁷

In his response, al-Fawzān once again repeats the opinions of Ibn Taymiyyah and other Wahhabi scholars. He uses as proof the hadith that begins with *lā tushadd* as well. Al-Fawzān writes:

As for traveling for the purpose of visiting his [the Prophet's] grave, this is *bid'ah*. This is because it is not permissible to grave for the purpose of visiting graves, not the grave of the Prophet, blessings and peace be upon him, and not the grave of any other from among the saints (*al-awliyā'*), the righteous or family members. This is because he [the Prophet], blessings and peace be upon him, has said, *lā tushadd*... And, because they acted on this hadith, the *salaf* and the four imams and other imams who were followed did not travel for the purpose of visiting graves. And [al-Būṭī] made a hasty mistake when he claimed that the majority of scholars from the *salaf* and others believed that there is no harm in a man intending to do so. For the *salaf* scholars forbade that which the Messenger, blessings and peace be upon him, forbade, meaning traveling to visit graves in general, and the grave of the Prophet, blessings and peace be upon him, and others.

As the field of jurisprudence was not particular developed during the time of the Companions and their followers, it may be said that al-Būṭī and al-Fawzān mean to include the imams when they speak of the scholars of the *salaf* and perhaps other early jurists. For al-Fawzān the matter is clear. This hadith clearly states that such

286. Al-Fawzān makes reference to this on page twelve of *Ta'qībāt 'alā kitāb al-salafiyyah laysat madhhaban*.

287. *Id.* at 70.

journeys are forbidden and such was the opinion of early scholars. From the perspective of al-Būṭī, this was a rare opinion. It may added that if such were not the case, it would not make sense for Ibn Taymiyyah to be dismissed as a disbeliever and jailed as a result of issuing a verdict prohibiting such journeys based on this hadith. But in order to maintain the link to the *salaf*, Wahhabi scholars must claim that their stance is one that is agreed upon by the earliest scholars.

It is for this reason that certain prominent stories or hadith that disagree with Wahhabism, like that which was narrated by al-‘Utbiyy, are either dismissed (by Ibn Taymiyyah) or simply ignored (in the case of Ibn ‘Abdī’l-Wahhāb). And the opinions of scholars like Ibn Qudāmah are only related insofar as they agree with Wahhabi thinking. For instance, *Al-Jāmi‘ li aḥkām al-ḥajj wa’l-‘umrah* is a survey of the opinions of prominent Hanbali scholars concerning the rites of the pilgrimages of *al-ḥajj* and *al-‘umrah* that was written by ‘Abd al-Raḥmān ibn Muḥammad al-Harfī and reviewed in its entirety by al-Fawzān and partially reviewed by Ibn Bāz. The first jurist al-Harfī mentions is Ibn Qudāmah. However, when he arrives at Ibn Qudāmah’s discussion concerning visiting the Prophet’s grave, al-Harfī does not mention the story of al-‘Utbiyy nor that Ibn Qudāmah wrote that one should ask the Prophet for forgiveness and his intercession. Instead, al-Harfī relates that Ibn Qudāmah wrote that it is not *mustaḥabb* to wipe or kiss the wall of the grave of the Prophet, that Aḥmad said, “I do not know of this [wiping or kissing the grave],” that al-Athram said the scholars of Medina would not wipe the grave, but rather, send salutations from afar, that Abū ‘Abd Allāh said this was also the practice of Ibn ‘Umar and that Ibn ‘Umar would only seek blessings from the Prophet’s pulpit.²⁸⁸ As mentioned earlier, these were all part of Ibn Qudāmah’s second short chapter on *ziyārah*. The first one mentioned the praiseworthiness of seeking *shafā‘ah* from the Prophet. Al-Harfī strategically only included in his summary of Ibn Qudāmah’s opinions that which would be capable of presenting the Wahhabi *madhhab* as consistent with early Hanbali scholars. The other scholars al-Harfī chose to include can all be classified as Wahhabi, beginning with Ibn Taymiyyah’s student Ibn al-Qayyim and continuing down to Ibn Bāz and Muḥammad ibn al-‘Uthaymīn (d. 2001 C.E.). In other words, al-Harfī presents solely those opinions that are in keeping with the Wahhabi *madhhab*.

It is contradictory for Wahhabis to claim that they are not a separate school of thought but are merely loyal adherents of a puritan form of Islam while dismissing opinions with which they disagree. What is a *madhhab* other than a scholarly approach in which certain methods and attitudes towards matters of debate are adopted, then repeated and defended by later scholars? This is precisely what Wahhabism is. One difference, though, is that other *madhāhib* acknowledge the legitimacy of opinions with which they disagree. A *madhhab* does not present itself as being the only proper understanding of the *salaf*. It is this tendency in Wahhabi scholars that propels them to refer to themselves as “Salafis” and free of the *madhhab* system and *taqlīd*. This

288. ‘ABD AL-RAḤMĀN IBN MUḤAMMAD AL-HARFĪ, *AL-JĀMI‘ LI AḤKĀM AL-ḤAJJ WA’L-‘UMRAH* 87 (Fihrasat Maktabat al-Malik Fahd al-waṭaniyyah athnā al-nashr 2004).

is despite the fact that, as demonstrated in the case of *ziyārah*, Wahhabis are just as likely to adhere to an opinion simply because it was uttered by Ibn Taymiyyah as followers of other *madhāhib* are to adhere to the opinions of their respective imams. In fact, if the examples concerning *ziyārah* are any indication, Wahhabis arguably do a greater amount of *taqlīd*. After all, the innovations and grievances committed at graves occupy great portions of their books, whereas such discussions were of little concern before Ibn Taymiyyah. Ibn Taymiyyah wrote an entire treatise dedicated to the matter, *Ziyārat al-Qubūr*, which consists mostly of warnings of the deviant practices that occur near graves. Ibn ‘Abdi’l-Wahhāb’s *Kitāb al-tawhīd*, which would at first seem to be interested in expounding upon the meaning of monotheism in Islam, is instead mostly preoccupied with what is perceived as rampant *shirk* found among Muslims, mostly occurring near graves. And this emphasis upon *ziyārah* continues to this day, as entire books are written on the subject, such as *Al-Qubūriyyah* by Ibn Bāz’s student Aḥmad ibn Ḥasan al-Mu‘allim, a seven hundred-page work dedicated to the excessive acts performed near graves through the ages and how one is to uproot such evils, by force and education.²⁸⁹ Al-Fawzān has written numerous books on *ḥajj* and *‘umrah* (many of which were referred to above), all of which dedicate one section to warnings for pilgrims concerning visiting the Prophet’s grave. In fact, all of the Wahhabi books of *ḥajj* and *‘umrah* I have encountered are alike in this regard. And, as mentioned earlier, two of the three forms of contemporary *bida‘* that al-Fawzān mentioned in *Al-Irshād ilā ṣaḥīḥ al-i‘tiqād wa’l-radd ‘alā al-shirk wa’l-ilḥād* pertained to graves, while the third was also inspired by Ibn Taymiyyah. Therefore, if *taqlīd* means to refer to the authority and methodology of other great scholars, Wahhabis are at the very least just as prone to doing *taqlīd*.

289. AHMAD IBN ḤASAN AL-MU‘ALLIM, *AL-QUBŪRIYYAH*: NASH’ATUHĀ-ĀTHĀRUHĀ-MAWQIF AL-‘ULAMĀ’ MINHĀ (Dār al-Jawziy 2006).