

The Institution of the '*Ulama*': Origin and Early Development in the Formative Period

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There is no religious hierarchy or priestly class in Islam. However, despite the absence of any church, priests and sacraments¹, with the passage of time there emerged in the Muslim world a class of religious luminaries who possessed legislative, social and political authority. These scholars or religious leaders govern almost all the aspects of the human life for at least in theory; the religion and community are inseparable in Islam.² They interpret the *Qur'an* and the Sunnah, and need be, derive laws from these sources. They also make entirely new rules based on analogy to meet the challenges of the contemporary world, provided they do not violate *Qur'an* and Sunnah. They may have expertise in any of the disciplines, but collectively they are known as '*Ulama*'. The present article attempts to trace the origin and early development of this institution of '*Ulama*'. A review of the existing literature leaves room for and demands for this direct and detailed historical, etymological & critical study of this institution in the context of academic, social, juristic and legislative functions.

1) '*Ulama*': Etymology

'*Ulama*' is the plural of ('alim or 'aleem) but in usage ('alim or 'aalim) is the accepted singular. Both these singulars are *Qur'anic* terms that are an attribute of Allah (swt)³ in specific and of man in general, as Allah (swt) has bestowed knowledge to him.⁴ An 'alim ('aleem) is one

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who posses 'ilm, knowledge, learning or science in the widest sense and in a high degree (mubalaghah)⁵ or one who possesses the inseparable attribute of 'ilm. 'Alim, the active participle of 'ilm acquired the meaning of a scholar, learned in religious matters and 'ilm came to be applied to the learning in general at a much earlier date.⁶ However, this singular ('alim) is used in the *Qur'an* for Allah (s.w.t) alone⁷ and nowhere does the Holy Book use it for man. Its plural '*Ulama*' occurs only twice in the *Qur'an* and there for human beings only.⁸ The *Qur'anic* use of this term '*Ulama*' is similar to that of the scientist in our contemporary times and applies to persons who think over various problems of the universe:

Seest thou not that Allah sends down rain from the sky? With it we then bring out produce of various colours. And in the mountains are tracts white and red of various shades of colour and black intense in hue.

And so amongst men and crawling creatures and cattle are they of various colours. Those truly fear Allah among His Servants (who) are '*Ulama*' [scholars or scientists], for Allah is Exalted in Might Oft-Forgiving. (*Qur'an*, 35:27-28)

The (sound) plural 'alimun occurs only at one place and for human beings who ponder (over the divine parables).

The parable of those who take protectors other than Allah is that of the Spider who builds (to itself) a house; but truly the flimsiest of houses is the Spider's house if they but knew.

Verily Allah doth know of (everything) whatever that they call upon besides Him: and He is Exalted (in power) Wise.

And such are the Parables We set for mankind but only the 'alimun ('*Ulama*' those have knowledge) understand them (reason it out). (*Qur'an*, 29: 41-43)

The plural 'alimin occurs four times, twice⁹ as a "royal majestic" plural for Allah (s.w.t) the One and the only One and twice for human beings (12: 44;30;22)

"... and we are not 'alimin (knowledgeable) in the interpretation of dreams" (*Qur'an*, 12:44)

And among His signs is the creation of the heavens, and the earth, and the variations in your languages and your colours; verily in that are signs for 'alimin (knowledgeable).

(*Qur'an*, 30:22)

'Ilm in the first instance was knowledge of Traditions (hadith), the fiqh and theology, and '*Ulama*', being the custodians of that tradition, were canonists and theologians. The agreement or consensus, *ijma'*, of the Islamic society was represented by '*Ulama*'. It is they who ultimately decided the questions of law, constitution and theology. They were a check over the de-facto rulers, who tried to tame them or purchase their favour. If a ruler succeeded in buying the loyalty of an 'alim, the 'alim would lose public respect provided that his loyalty to the ruler was at the cost of the spirit of Islamic law and society. In such cases the public devotion would shift towards private '*Ulama* who refused to be thus governed by the rulers. Thus two types of '*Ulama*, those governed by the government and those keeping it in an awe, were found throughout the Islamic history. However, the organization of '*Ulama* was the solid unifying force behind the changing ruling dynasties.¹⁰

2) Origin and Early Development in the Formative period:

1) Ist Century A.H.

During the life time of the Prophet (s.a.w.s) every Muslim believed that they were under the direct rule of Allah, ruled by the Divine law, the *Shari'ah*. The law of Islam and the morals both were parts of the same Divine will. If Muslims were in doubt about any point, they asked the Prophet (s.a.w.s).¹¹ Whether he was an ummi (unlettered and illiterate) in the sense that he did not know reading and writing before he assumed the office of the Prophet-hood may be an interpretable point but there is +a general agreement that he acquired 'ilm through *Wahi* (revelation). Thus he was so to say the first 'alim of his *Ummah* (community of followers) who comprised in his self all the offices that later developed separately in the *Ummah* and were occupied by the '*Ulama*' (scholars, jurists, savants and intellectuals).

Islam as revealed through and propounded by the Prophet (s.a.w.s) did not provide for a priesthood or comparable religious institution. The *Ummah* as a whole never recognized any leader to have the prophetic or infallible religious power. The Caliphs were 'successors' of the Prophet (s.a.w.s) as heads of the *Ummah* but they were never religious authorities or analogous to Popes.¹²

The various classes or offices of '*Ulama*' seem to have developed by the division of labour as the professions generally do.¹³ In the year 8 A.H. the Prophet (s.a.w.s) sent *Abu Zayd al-Ansari* (r.a) and '*Amr ibn al-As* (r.a.) together to invite people to Islam. He advised them that if the people accepted Islam readily, then '*Amr* (r.a.) was to be the governor and *Abu Zayd* (r.a.) was to lead *Salah* (the daily regular prayers), receive

admission to Islam and teach the *Qur'an*.¹⁴ Here it is clear that *Abu Zayd* (r.a.) was to perform the duties of an 'alim.

After the demise of the Prophet (s.a.w.s) he was succeeded by the orthodox and rightly guided (*Rashidun*) caliphs. They were the imams of righteousness, learned in '*Ulum-Shar'iyah* and capable of making independent legal opinions and decisions. They did not seek the help of any jurisprudents in this field except in rare cases where it was indispensable. They referred legal matters to one another and solved each question with keen effort in accordance with the *Shari'ah*.¹⁵

With the assassination and *Shahadah* (martyrdom) of Caliph 'Uthman in 35 A.H/656 A.D. (referred to as *al-Bab al-Maftuh*, the open door (to dissensions) in Islamic history) civil war broke out and it gave rise to the first serious discussions of religious questions. These discussions covered both the political and the religious aspects. The speedy spread of Islam had already necessitated specialization in the various fields of 'ulum (knowledge) on which *Shari'ah* (the Islamic law) the only law of this newly spreading community, was based. The debates following the civil war and resulting in schisms of which the earliest were the *khawarij* (singular *khariji*) were actually the controversies of the learned or '*Ulama* and the 'laity' were their followers. However, this tafarruqa (schism) affected hardly 8 to 10 percent of the Muslim populace; the rest continued to follow the *sawad a'zam* (main stream or line of the majority) consisting of the established principles and views held as Islamic by the *Jamhur* (general majority of the) *Sahabah*, *tabi'un* and Muslim masses.¹⁶

The successors to the caliphate after the demise of the *Rashidun* Caliphs mostly occupied it without either merit or independence in legal opinions and decisions. They had to attach

jurisprudents to their courts or seek their help in legal matters. A few Successors (*Tabi'un*) who followed the ways of the *Rashidun* Caliphs and insisted on conformation to the dictates of religion and following the ways of the righteous fathers disliked to work as judges. The Caliph by necessity appointed some other '*Ulama*' as judges etc. The controversies among the *Tabi'un* '*Ulama*' in supporting or revolting against the new Caliphate drew the attention of the people towards them and established their identity. Those who came closer to the rulers and served as the judges and jurists consult, studied the science of legal opinions.¹⁷ This we can term as a landmark in the establishment of the institution of '*Ulama*'.

As already stated, all religious discussions in early Islamic society had political or social relevance. This situation continued at least until the year 900 A.D. The discussions stimulated by the *khawarij* continued and increased. One who had intellectual qualities and was learned, stood out above others. Such a man, an '*alim*', would sit in some place and his people would gather in a circle round him. Thus gradually by about the year 700 A.D. a type of formal teaching started and earliest schools of law emerged. However, it is difficult to give the exact dates.¹⁸ Thus in respect of the *Umayyad* (Umayyad) period (ending 133 A.H./750 A.D.) we find "the general religious movement"¹⁹ led by the learned or '*Ulama*'.

Necessity being the mother of invention, the early leaders directed their attention to the study and interpretation of the *Qur'an*. The reciters (*qurra'*) of the *Qur'an* emerged in Madinah. They read and recited the *Qur'an* correctly. Others interpreted it and became *Mufasssirun* or the commentators. Those who distinguished themselves in collecting and reciting the *hadith* or tradition

became *muhaddithun* (narrators or the reciters of the Traditions). However, in the beginning all these functions and offices could be found within the same individuals. It must have taken some generations to separate these functions. The study of the *hadith* and *fiqh* (jurisprudence) was encouraged by the *Rashidun* Caliphs.²⁰ With the passage of time it could be said that an 'alim should cultivate a particular branch of learning (*fann*).²¹ The offices of *Qadis* (judges) were created gradually and religious courts were formed where a qualified jurist called mufti, a consultant in law, gave fatwa or statement of legal issues in important cases. This process led to the emergence of *fuqaha'* (the jurists), the scientists of (Islamic) law and theology. *Fiqh* is used in the *Qur'an* in the sense of knowledge or understanding but with the development of sciences and functionaries, it became specialized, though slowly, as the technical term for law. However, surprisingly enough a man signed himself as "the jurist" as early as the year 66 A.H.²² The year 98 A.H. was called the year of the jurists for the majority of the jurists in *Madinah* died in it.²³ Before the end of the *Umayyad* period governors were supposed to have some legal training.

Thus to sum up, the Prophet (s.a.w.s) himself was the first 'alim. *Ashab al-Suffah* can be termed, by anticipation, to be the first group of 'Ulama'. The *Sahabah* (Companions), in general, as the rightly guided group, formed a class of 'Ulama' and then *Tabi'un* (those who succeeded) and *tabi' tabi'in* (Followers of the Successors). Throughout the history of Islamic civilization the law was not to be made by the state; it had to be derived from *Shari'ah*. The *hadith* and even the *Qur'an*, the two main sources of *Shari'ah* were in the hearts of the learned or 'Ulama' and their interpretation and application was for all

that restricted to the 'Ulama' or the learned. The state was naturally dependent on the 'Ulama'.

The basis of the validity of law depended on *ijma'*, the consensus of the learned specialists, i.e., 'Ulama'. The right of interpretation, as pointed above was gradually withdrawn from the Caliphs and vested in a body of the learned students of the spiritual legacy of the Prophet (s.a.w.s).²⁴ Concretely speaking Islamization of the institutions meant and implied the claim of influence of the 'Ulama'.

2) The 'Abbasi Period (750-1258 A.D.):

The 'Abbasi Caliph was supposed to possess the quality of a *mujtahid*. He was expected to act as a *mufti* (one qualified to render legal opinions) as well as *qadi* (judge). A few of the Caliphs who were competent to initiate legislation, were helped by 'Ulama' and *fuqaha*'. *Abu Yusuf* (d.182 A.H./798 A.D.) fulfilled the functions of a legal advisor to Harun al-Rashid, the well known 'Abbasi Caliph (170-193 A.H./786-809 A.D.). By this time the function of *faqih* had been separated from the Caliph. The *fiqh* had been privatised and taken up by various jurists e.g. *Abu Hanifah* (d. 150 A.H./ 767 A.D.) and *Ahmad ibn Hanbal* (d. 241A.H/855 A.D.) The 'Abbasi Caliph delegated some of his limitless powers in part to some of his agents. *Imam* was to lead the prayers and recite the Friday *khutbah*, *qadi* was to discharge the duty of enforcing *Qur'anic* justice. The *amir* commanded the army and the general administration. The *'amil* gathered the taxes.²⁵ As early as the second and third century of *Hijra* (8th and 9th century A.D.) we find prominent *mufasssirun* (*Qur'an* commentators), *fuqaha*' (jurists and legal consultants), *muhaddithun* (traditionalists) and other types of 'Ulama'.

In the beginning of the 'Abbasi period position of the 'Ulama' was weak. They were subservient to the Caliph who made them dance to his tune. This is clear enough by what happened in the *Mihnah* or so called inquisition from 833 to 849 A.D. when most of the functionaries, especially the *Qadis*, among the 'Ulama' had to pronounce publicly their belief in the doctrine of the *Khalq* (creation) of the *Qur'an* according to the belief held and imposed by the Caliph.²⁶ However, those who stood as exceptions made their place in the hearts of the silent majority.

The 'Ulama' in the beginning of this period had not any stratification by hierarchy but by personal distinction and by the possession of special knowledge.²⁷

With the establishment of the four prominent and extant schools of jurisprudence the system of social administration with a class having religious authority was organized. This class of learned leaders or 'Ulama' had been institutionalized. The main lines of the system of religious institution were decided by 850 A.D., although it took about a century more to achieve the full systematization. This religious institution consisted of 'Ulama', the recognized exponents of the *Shari'ah*. The influence of these exclusive interpreters of Islamic law was more than that of the Caliph. Often when the Caliph disappeared the sovereignty lay in their hands.²⁸

Hallaj (executed 922 A.D.) in his treatise entitled *Tawasin* makes division of mankind with reference to their religious needs. Firstly he mentions the public who need to be trained in religion to the extent to keep them away from mischief. The second class is that of the learned scholars, 'Ulama'. They possess scholarly knowledge of the source of law. A third class of thinkers is also stated. They are the 'Ulama' of

higher rank who enquire into the nature of things and reflect and speculate.²⁹ It seems that the '*Ulama*' of such type did exist at that time. What can be understood is that they were the *Fuqaha*³⁰ or even *Muttakalimun* (scholastics).

The '*Ulama*' flourished in good condition for about a century after 850 A.D., but from the 10th century A.D. onwards a *Daylami* (one from *Daylam* on the southern shores of the Caspian sea) and later a *Saljuq* is seen between the Caliph and the exercise of power. He took the title of *amir al-umara*' (Commander of the Commanders i.e. Supreme Commander) then that of the *Sultan* (power: lieutenant) and held the Caliph in tutelage.³¹ The Daylimi Buwayhids (Ali-Buwayhi) or *Buyids* (ali-Buyi), a sectarian Shi'i dynasty of war-lords, ruled (945-1055 A.D.) the central regions of the '*Abbasi* Caliphate and proved detrimental to '*Ulama*' who found it necessary to work for the preservation of the Sunni (mainstream) structure of the society.³² In the later period of the '*Abbasi* Caliphate the '*Ulama*' led the community and indicated the way to be followed by it in the times of crisis. It was through them that even the powerful monarchs had to work.³³

By the eleventh century A.D. the power of the *Banu Buwayhi* (*Buwayhids*) declined and the central Islamic lands came under the control of the Saljuqs. They took the help of the '*Ulama*'. It was the great *Saljuq wazir Nizam al-Mulk* who began about 459A.H./ 1066 A.D.) to set up colleges. The '*Ulama*' again flourished and the control of the *Shari'ah* grew.

Prior to the establishment of the colleges and universities, (madrasahs and jami'ahs) scholarship was not always a profession or career, and was most often combined with a different occupation in commerce, industry etc.

The Mongol conqueror *Hulagu*, though himself a non-Muslim understood the power of the '*Ulama*'. On his invasion and destroying Baghdad and the Caliphate in 656 A.H./1258 A.D., he consulted the *muftis* of the great *Mustansiriyah Madrasah* in the capital and got his claim to the rulership of the Muslim community justified by a *Fatwa* stating that the just unbeliever had a claim to respect as against the unjust believer.³⁴

To conclude, it may be said that by the end of the '*Abbasi* period the institution of the '*Ulama*' had been well developed with the passage of time. As necessitated by the growing Islamic community, there had developed a body of the '*Ulama*' specialized in socio-religious functions ranging from the readers or reciters (*qari* pl. *qurra*') and *mufasssirun* of the *Qur'an*, scholars of *hadith*, legal scholars and jurists (*Faqih* pl. *Fuqaha*') and judges (*Qadi* pl. *Qudah*) to the scholastics (*Mutakallimun*), and the *a'immah* (sing. *imam*). This institution of the '*Ulama*' furnished a powerful and respected body of scholars and leaders with a large influence in the shaping of the Islamic societies and civilization.³⁵

Notes and References

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³⁵ For classification of the 'ulama' and role of their various classes see present author's "Jurists and Legislators in Islam: origin and classification of the 'Ulama ", *Journal of Islamic Law Review* (New Delhi) volume 3 (year 2007), pp. 217-239