

Themed section

Towards New Perspectives on

Ethics in Islam

Casuistry, Contingency, and Ambiguity

Guest editor

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Towards New Perspectives on Ethics in Islam: Casuistry, Contingency, and Ambiguity*

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An investigation into ethics and, more specifically, norm construction within any society lends itself to navigating complex zones related to epistemology, ontology, psychology, sociology, law, theology, and politics. The complexity of the study of ethics can be captured from the branching of different approaches to erect moral theories in the modern context, which ranges from realism, naturalism, cognitivism, emotivism, consequentialism, deontology, virtue ethics, among others.¹ These wide-ranging approaches reflect the intricacy in the actual process of norm construction, which is not easily perceptible and, as skeptics would have it, remains somewhat elusive.² After all, the reflection on what is right and wrong, its origins, and how to attain it in a given context puts the human intellectual capacity to the test. Deciphering the footsteps of this process is a daunting task. The question becomes even more complex in a religious context which, as Antanoccio (2005: 31) notes, “posits a paradigmatic moment when moral truth is apprehended (e.g., when the moral law is revealed to the community, or the sacred manifests itself in the natural order), this is only the beginning of moral knowledge, not the end.” On this account, one could say moral truth is never a settled enterprise as it revolves around the contingent character of human reality and needs to be gauged through human experiences while safeguarding, somehow, a coherent normative identity as well as the eternal claim to truth. A reality Muslim jurists, who played a crucial role in shaping normative ethics in their society, admitted in light of the finite nature of the revealed material in comparison to the infinite nature of human actions, as articulated by the eleventh century jurist Jūwaynī.³ Looking at the Islamic context, such challenges to decipher ethics permeated some discussions across the different areas of knowledge

* I would like to thank Ayman SHIHADDEH, Felicitas OPWIS, and Johannes STEPHAN for their helpful comments.

1 For an overview of the different moral theories in ethics, see SKORUPSKI 2010 and LOVIN 2005: 5.

2 Here one can note that, in fact, in the modern context, moral realism lost its strong arguments by considering the fallible character of human understanding. “Given these assumptions, much twentieth-century moral theory was inhospitable to moral realism, and thus to religion as well. The traditional realist claim that there are moral facts (or “correct answers to moral questions”) discoverable by human reason was thought to violate the fact-value distinction, which defines “facts” as morally neutral. The perceived failure of moral realism spurred the growth of antirealism in ethics.” ANTONACCIO 2005: 28.

3 On the infinite character of scriptures and infinite character of human actions, see Juwayni’s (1999: II, 743-44) discussion on the validity of legal analogy (*qiyās*). See DAYEH 2019: 134, OPWIS 2010: 1-8.

production in the domain of law, theology, philosophy, Sufism, hadith, Quran, and *adab* in its broader sense.⁴ Unfortunately, such a broad-ranging outlook remains masked by a persisting view confining Islamic morality to literalism.⁵ As a matter of fact, early attempts to study ethics remained limited to either underpinning the deontological character of Islam, which grounds morality in religious duties or evading it by identifying pockets of rationality linked to some theological discourse that appealed to modern rational sensibilities like the Mu'tazilite school of theology.⁶ Consequently, Islamic ethics as a defined field of study, like Quranic studies, legal studies, and theological studies, to just name a few, remains at an embryonic stage, meaning that clear conceptual questions and methods of Islamic ethics await further articulation.⁷

Luckily, recent findings in the field of Islamic studies pave the ground for new readings of the discourse on norms, especially in the field of law and theology. Significant developments did not only challenge previous assumptions on the static and prescriptive nature of the moral discourse in Islam but also managed to unpack the epistemological and ontological perspectives in the discourse of theologians-cum-jurists to open new avenues to decipher the dialectical, casuistic, and dynamic nature of legal discourse underlining its probable epistemology as the basis to warrant the diversity of opinions in law. Instead of dismissing law as the principal articulation of norm construction, new perspectives have shown that, like other fields of knowledge production, the legal discourse operated under the same episteme which valued ambiguity and diversity of opinions.⁸ This perspective advanced

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- 4 *Adab* is not limited to social etiquette but encompasses as well a philosophical sense to a habitus. See MOOSA 2005. Also, as MCGINNIS (2019: 77) points out, "Islamic ethics can be, and indeed is, as diverse as the spectrum of ethical systems or the various interpretations of Islam itself." In an earlier attempt to define Muslim ethics, DONALDSON (1963: x) also admitted its expansive reach: "Muslim ethical literature, therefore, covers an exceedingly wide field. The general moral character of the pre-Islamic Arabs, the outstanding ethical teachings of the Qur'an itself, the portrayal of the Prophet as an example for the personal conduct of his followers, the theological efforts to limit the doctrine of determinism so as to provide for moral responsibility, the wholesome influence of Greek thought in the Muslim world, the ready acceptance of the attempted Neo-Platonic reconciliation between religion and philosophy, the Stoics' illuminating conception of a universal law of nature, the valuable contributions that were made by Christians ascetics and mystics, and the individual struggles of the Muslim mystics, or Sufis, to master the inner life of man in relation to the will of his creator, all these subjections belong to the ethics of Islam."
- 5 Here I refer to the impact of orientalist discourse, which tended to define Islam as legalistic. For a detailed discussion of this view, see section two in this piece.
- 6 The emphasis on the deontological character of the sacred of Islamic law and its lack of rationalism was mostly underlined in early orientalism such as Weber, Hugronje, Goldziher, among others. See JOHANSEN 1999: 43-72. The view that traces 'rational objectivity' in the Mu'tazilite moral theory can be found in HOURANI 1971 and 1985.
- 7 For some early studies on ethics in Islam one can mention ISUTZU 2002 and DRAZ 2008 FAKHRY 1991, HOURANI 1985, RAHMAN 1983, 1984 and DONALDSON 1963. Obviously the field of ethics in recent years is thriving with the important contributions of SHIHADDEH 2006 and 2016 and VASALOU 2008 and 2016, and REINHART 1983 and 1995. Still, I would like to note that ethics in the Western context of the study of Islam has not been conceived of as a sub-discipline like Quranic studies, Hadith studies, Islamic law, and Islamic theology and philosophy.
- 8 Here one can note Shahab AHMED's (2016: 503) rejection of the emphasis of Islamic law or the fiqh-jurisprudence as the articulation of what is Islamic for its failure to account for the non-prescriptive visions of Islam such as Sufism. In this vein, he notes: "The story of the Qāḍī of Hamadān tells us that

by Bauer is helpful to reflect on Islamic ethics without singling out one approach or discipline as the sole expression of ethics.⁹ While obviously, ambiguity should not be taken literally to mean hesitance in an adjudication that, as any legal process requires the stability of proofs, it should instead be construed concerning the epistemology of the process of norm construction and its procedures.¹⁰ Such outlook invites us to develop new approaches to capture ethics not simply as a definite value of Islam, but rather as a process that reflects the concerns of scholars in their quest to deal with ethics and to find solutions when tackling meta-ethics, normative ethics, and practical questions in their own society, as well as their limitations. In this sense, ethics could be perceived as a challenge, quandary, aspiration, or path for Muslim scholars to define and govern their society, relate to the divine, and attain worldly and other-worldly gains. Like any human effort, this quandary, despite the religious context, is subject to construction, reflection, ideals, trials, limitations, and failures. Such expression can be discerned in the various fields of knowledge production in the Islamic tradition, a perspective we hope to furnish in this special issue.

Considering the promising developments in Islamic studies today, one could argue that we are now at a critical juncture, where a leap towards erecting a serious basis to the question of ethics in Islam is possible. This was precisely the international conference's aim in Cambridge in July 2019 supported by the Faculty of Divinity, Center of Research in the Arts, Social Sciences and Humanities (CRASSH), Arts and Humanities Research Council, and Center for Islamic studies at Cambridge.¹¹ Taking casuistry, contingency, and ambiguity as the general framework to discuss ethics in the Islamic tradition, the conference invited scholars to bring in new readings to the question engaging different disciplines: law, philosophy, theology, Hadith, Sufism, Quran, and *Adab*. The fruit borne from this conference is to be found in this special issue.

In what follows, I would like to briefly flesh out some of the early presumptions that constrained the study of ethics then highlight the recent development in the broader field of Islamic studies, which opens new avenues for further reflection on ethical thought. After outlining the general framework of the conference, I shall finally provide a brief sketch of the different contributions to this issue.

Brief overview of the study of Ethics

As I have already noted, the study of ethics in the Islamic tradition was impaired by presumptions on the prescriptive nature of Islam. Deeming Islamic law as a moral code, Orientalists did not only levy the charge of Islam's fusion of morality and law but also curbed

the human and historical conversation about and conceptualization of law in societies of Muslims is much broader in scope than we have become accustomed to think. That conversation, that hermeneutical engagement is expressed not solely in *fiqh* discourses, but in the discourses of philosophy and Sufism, and in the fiction of poetry and prose." While he has a point, he seems to remain in a dichotomy between what is literal and non-literal. If Islamic law adopts a formal nature, it does not mean that it is literal.

⁹ BAUER 2013.

¹⁰ On Islamic court evidence see JOHANSEN 2002 and BOUHAFI 2018.

¹¹ I would like to also thank Baber JOHANSEN, Sophia VASALOU, Ahmed AL-RAHIM, Jeannie MILLER, and Ali ZAHERINEZHAD for their participation at this event.

any ethical reflection in the religious discourse on ethics.¹² This verdict impinged on the approaches to ethics in the field of law, theology, and philosophy.¹³ Let me briefly sketch out some of the early views on ethics in Islam and then highlight some of the new promising developments in the field today.

Early orientalist scholarship characterized Islamic law as deontology.¹⁴ Thus Islamic morality was associated with definite moral standards, which stipulate the correct conduct. This system of duties articulated in *fiqh*, associated with marriage, divorce, heritage, almsgiving, and liturgical deeds, was deemed in Weberian parlance as lacking procedural rationality or, more precisely, procedurally irrational. Putting an emphasis on the encyclopedic casuistry of *fiqh*, orientalist like Schacht adopted the Weberian perspective to underscore *fiqh*'s detachment from practical concerns.¹⁵ For Schacht, the alienation of legal practice from the social and political life is linked to the tradition-bound feature of Islamic law, which established a moral ideal rather than a rational system. In a similar vein, Brunschvig and Gibb have deduced that the prescriptive nature of Qur'anic injunctions inhibited Muslims from developing any ethical reflection and did not allow for a change in social norms.¹⁶ Such a conclusion was also endorsed through the narrative of the closing gate of *ijtihad* in Islamic law, also deemed by Schacht as indicative of an ankylose and the immutable character of the law.¹⁷ Consequently, Islamic law as the main normative system deemed out of touch with the contingencies of reality and therefore ethically at fault.¹⁸ As a matter of fact, such a perspective on the law has led the German philosopher Leo Strauss to condemn both Islam and Judaism for their primitive idea of law as a total regimen of human life, which, he assumes, inhibited Arabic philosophers from developing a natural law theory.¹⁹ In contrast, he applauded the Christian theology of Aquinas for living up to the Aristotelian legacy to develop a robust natural law theory through rational theology, unlike Maimonides and Averroes, who seemed to fail on that front.²⁰ By the same token, Brunschvig (1979: 9) underlined that:

In the absence of a notion of natural law and in the negation of ethical and rational values that impose themselves upon God, or which God imposes on Himself, or which may be inherent in Him, the revealed or inspired datum, a divine phenomenon, is a priori exempt from the demands of rationality which rightly manifest themselves with regard to human law.²¹

12 This view of law which links morality to law was antagonistic to the positivist Austinian view of the law. On this point, see HALLAQ 2009: 252-254.

13 JOHANSEN 1999: 45-72.

14 Ibid.

15 JOHANSEN 1999: 50-53.

16 See also SCHACHT 1964: 200 and GIBB 1962: 111.

17 SCHACHT 1977: 11, JACKSON 1996: 76.

18 For a critique of the thesis of the closing of the Gate of *Ijtihad*, see HALLAQ 1984 and JACKSON 1996.

19 STRAUSS 1995: 73 and 1953: 158.

20 STRAUSS 1953: 164.

21 For a similar position, see also CHEHATA 1973: 17 and ARNALDEZ 2002: 11.

While the question of natural law is something debatable, considering the nebulous character of the concept of natural law itself, which has a volatile genealogy, the characterization of Islamic law as irrational and unyielding for any ethical reflection does not stand scrutiny.²² This characterization will be contested in this special issue, looking at how jurists contemplated the relationship between law and ethics in norm construction.

In an attempt to counter this early narrative, some scholars like Hourani admitted that although jurists made no room for a “rational method to follow except the method of analogy with what is commanded,” theology offered a better alternative where a rational discourse on ethics seems to have crystallized.²³ Specifically, he underpinned the role of the Mu‘tazilites’ theologians in delineating the role of intuition to produce ethical knowledge independently from the revelation against the subjectivist view of the Ash‘arites who held that moral values could only be determined by the revelation. Despite its valuable contribution in portraying moral theories in Islamic theology, this approach still adopted jarring characterizations, pitting the rational approach of Mu‘tazilites against the literal approach of Ash‘arites. One of the main problems with this characterization is that it viewed the Mu‘tazilites as the last vestige to salvage Islam and instead condemned Islamic history with failure after the triumph of Ash‘arites.²⁴ This lends itself to an absurd view, which singles out a historical moment when Muslims missed their chance.²⁵ Furthermore, this view does no justice to the complexity of ethical theories in Islam and the ontological and epistemological distinction different theologians and philosophers make, which escape this restrictive spectrum of objective vs. subjective. A number of the contributions in this issue will showcase the shortcomings of such a perspective on the Ash‘arite ethical discourse.

²² See on the amorphous definition of natural law GOYARD-FABRE 2003. For a conception of natural justice in Ibn Rushd’s thought, see BOUHAFI 2016.

²³ HOURANI notes (1985: 62): “This was because the shari‘a, or scripture regarded as a code of law, gave no unifying ethical principle to explain what is common to fasting, almsgiving, dealing just weight, etc., other than the fact of being commanded by God. Consequently, a Muslim seeking guidance for an Islamic life on issues where the commands are not explicit or appear to conflict would find no rational method to follow except the method of analogy with what is commanded, and this is exactly that *qiyās*, which was recommended by the opponents of *ra‘y*.” See OPWIS’s piece in this series which showcases how Muslim scholars imbued the *‘illa* or *ratio legis* with ethical considerations.

²⁴ In his article “Divine justice and human reason in Mu‘tazilite ethical theology,” HOURANI (1985: 81) says: “Despite its great intellectual strength, the Mu‘tazilite theory of ethics was defeated in the public forum of history, at any rate in the Sunnite countries, which eventually comprised the majority of Muslims in the world. The defeat occurred by suppression, not so much in their earlier crisis when the caliph Mutawakkil (847-861) turned against them, but more decisively through decrees of the caliph Qādir in 1017 and 1041.”

²⁵ Leveling criticism against this type of verdict, LEAMAN (2008: 85) notes that: “The development of broadly Ash‘arite theories still continues today, something which commentators sometimes see as a victory for an anti-rationalism which has retarded Islam’s development. This, however, is an entirely misleading view. For one thing, even the critics of *Kalām* defended their arguments rationally. Even today those who advocate a return to the *salaf*, to the ancestors, argue for this. They argue against alternative views, and defend their approach to the understanding of the Quran, in such a way as to make it difficult straightforwardly to identify one side of the debate as “rationalist” and the other as “traditionalist” or “fundamentalist.” It might even be argued that it is those who are not normally seen as rationalists who are in fact the most concerned with reason, since they are prepared to be critical of reason and argue (but note the term here, argue) that we should acknowledge its severe limitations...”

Similarly, a common perception held that although Muslim philosophers engaged with Greek ethical works, they remained constrained within the authority of Islamic law and could not proffer a substantial rational account of ethics beyond some adoption of aspect of Greek aretaic theory couched in Islamic terminology.²⁶ So philosophers' engagement with ethics was considered meager compared to other fields and was restricted to the discourse on the refinement of character and purification of the soul drawing on galenic medical writings.²⁷ While there is some truth to this conclusion, it still needs revision. Ethics permeates various philosophical inquiry such as metaphysics through the view of good and evil in the universe, which can be captured in Ibn Sīnā's conception of God as the ultimate good (*al-khayr al-mahd*) that emanates to the universe, and his attempt to resolve the problem of evil. Also, one can note discussions of moral epistemology and precisely the issues of universal ethical judgments perfusing a number of logical treatises, as well as the discussions on moral psychology and the role of the different faculties in ethics and its function in generating virtue in the writings of Fārābī (d. 950), Ibn Sīnā (d.1037), and Ibn Rushd (d.1198) among others. Finally, political philosophy also focuses on the ethical end of Happiness or Eudaimonism in the city, especially in Fārābī and Ibn Rushd, and to this one could add the role of ethics in poetics as discerned in Ibn Rushd's commentary to Aristotle's poetics.²⁸ More importantly, this engagement with ethics cannot be perceived only from the perspective of Greek reception, for philosophers were clearly not alienated from the discourse of their community. Elaboration of this broad outlook requires another study, but it shall suffice here to say that given that philosophers took the study of philosophy seriously, it is rather odd to assume that their interest in ethics does not reflect their immediate vision of their own society or community and the universe around them. Such assumption can be discerned in Fakhry's statement when he distinguishes philosophers from jurist and theologians, asserting that

The philosophers, whether Neo-Platonists, like Farabi (d.950), Aristotelians like Ibn Rushd (d.1198), or platonists like Razi (d. ca 925) fall into a different category altogether. Although they do not ignore or deliberately disavow the authority of the Koran, their primary allegiance is to the canons of philosophical evidence, as bequeathed by Greek philosophy. Their ethical discussions are sometimes embellished by Koranic quotations, in the manner of other Muslim authors, but it is primarily the dictates of syllogistic reasoning that determine the conclusions they arrive at. (FAKHRY 1991: 2)

Here philosophers seem to be depicted in terms of allegiance to the Quran or Greek books. Two presumptions loom behind this statement: first, it assumes that the Quran has a static understanding of ethics that is already worked out, and philosophers use it to embellish their views. Second, it presupposes that when the philosophers draw from the Greek discourse, they do not engage with their normative context. What precludes us from thinking that

26 This is not to deny that the Muslim philosophers' discourse draws on Greek ethical discussion. Plato's *Republic*, Aristotle's *Nicomachean Ethics*, and Galen's treatises (*On the Affections and Errors of the Soul* and *On Ethics*) all had an import on the ethical discourse in philosophy. MCGINNIS 2019: 83.

27 RENAN 1882: 159.

28 See BOUHAFSA in this special issue and MCGINNIS 2019. On the role of ethics in Ibn Rushd's conception of Poetics see VILCHEZ 2017: 329.

philosophers sought to theorize about ethics in their own context through a productive engagement with different writings of Plato, Aristotle, Galen, and some of the Neoplatonist writings? In fact, one could argue that philosophers must have seen themselves as active members in their society and tried to shape a conception of ethics both in their vision of their community and the universe. This can be seen in Fārābī's attempts to explain the place of *fiqh* in practical philosophy following the Aristotelian division of science (BOUHAFI 2019b, ZGHAL 1998: 187-188, ARFA-MENSIA 2017). Furthermore, considering the philosophers' interest in how to order both the universe and human communities as seen again in Fārābī's philosophy both in the perfect state (*Ārā' ahl al-madīna*), and the political regimes (*al-siyāsa al-madaniyya*) reflects such correlation between the eternal and the contingent, something that also captivated the attention of Miskawayh (d. 1030), Rāzī (d. 925), Tawhīdī (d. 1023), and other figures. After all the task of ordering knowledge, the universe and society occupied most philosophers as well as the rest of Muslim intelligentsia, including belle-Letterist and theologians alike. In their contribution to this task, philosophers subscribed to the Greek philosophical discourse but still theorized about their intellectual environment to mark their own stamp.

In recent years, however, the fields of Islamic law, theology, and philosophy have witnessed significant epistemological shifts. A complete overview of these developments is beyond this introduction's scope, but I shall limit myself to furnish a few examples. Taking the case of Islamic jurisprudence, one could underline the important contribution of Baber Johansen and Wael Hallaq, among many others, in disclosing the discursive and dynamic character of jurisprudence through unpacking its probable epistemology, which allowed for dissent in legal opinions. Seeking to capture this character of Islamic law, Johansen used the notion of contingency to define Islamic legal doctrine:

The more the jurists underline the contingency of their own doctrines and decisions, the more the elevated rank of the indisputable knowledge (*ilm yaqīn*) conveyed by the revealed texts becomes apparent. What lies beyond [the first field] are the *fiqh* norms based on assumptions (*al-fiqhiyyāt al-zanniyya*) for no categorical proof (*dalīl qaṭʿī*) is available [for them]. The *fiqh* norms constitute a [licit] object of *ijtihād*. In these norms, according to our judgment, there is no specific correct solution and no sin is committed by the *mujtahid*, as long as he perfects his effort of norm production through individual legal reasoning and as long as he is qualified [for *ijtihād*]. (JOHANSEN 2013: 41-42)

The jurists' admission of the fallibility of their hermeneutical enterprise and the impossibility to reach the divine intent with certainty is what allowed for the multiplicity of opinions in the legal discourse. In so doing, this view discloses a dialectical and persuasive nature to the process of norm construction. The jurists took such a process to ensure its stability to avoid arbitrariness, especially considering its individual character as the jurist's law. Overall, in debunking Schacht's claim that the religious law of Islam developed as an expression of a religious ideal and not in connection with practice, scholars have shown the dialectical correlation between theory and practice. Such endeavor was fulfilled by Hallaq's revisionist work of Schacht's narrative of the emergence and development of Islamic law, which shows

both a synchronic and diachronic development.²⁹ Hallaq highlights how Islamic law is a discursive tradition, which draws from an argumentative repertoire and developed an institutional basis through mechanisms of legal change. In so doing, he showcases, unlike Schacht's conclusion, how the activity of *ijtihād* never ceased to exist. In this vein, Jackson's managed to demonstrate how legal change does not necessarily entail alteration of the existing body of legal tradition but rather interpretive techniques and the erection of exceptions to existing rules, a process he called "legal scaffolding" (SYED 2017: 9; JACKSON 1996: 96-102).³⁰ The discussion of legal change in Opwis' study also reveals how jurists thought of ethical outcomes through the conception of objectives of the law. In so doing, OPWIS (2011) underlines that in the absence of regulatory mechanisms like a constitutional court, legal change in Islamic law is brought about by changes in the interpretation and derivation of law. The main procedural means to generate legal change focused on *maṣlaḥa* where Individual jurists were the agents of legal change.

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A nuanced approach gained ground in the study of the ethical, theological, and philosophical discourse with the contribution of a number of scholars such as Shihadeh, Vasalou, and, more recently, Farahat. We witness a serious engagement with ethicist discourse, which draws on certain moral theories to depict Islamic ethical discourse from the perspective of realist, deontological theory, as well as divine command theory, consequentialist or emotivist theory. This approach helps unpack essential distinctions that are made by theologian-cum-jurists. In his piece, "Alchemy of domination," Jackson has pointed out how Ash'arites adopted an emotivist position, which underlines the role of the appetitive self into the scope of ethical judgment.³¹ Such perspective, he infers, led the jurists to stretch the domain of the revelation, arguing that it covered all moral questions (JACKSON 1999: 187). SHIHADÉH's (2006: 51) analysis of Rāzī's ethics shows how Ash'arite disagreement with the Mu'tazilite realist view of the value of good and bad rests on their contention that moral language stems from agent-relative, linked to pleasure and pain and perfection and imperfection of the individual. Such emotivist position developed by Ghazālī draws on moral psychology which rests on "inclinations (*mayl*), that consist of estimation (*wahm*) and imagination (*khayāl*), and stem from the natural disposition (*tab'*) rather than reason" (SHIHADÉH 2006: 55, 59). Along with this emotivist tendency, Ash'arites' ethical theory adopted a consequentialist view, which emerged with Ghazālī and crystalized with Rāzī to identify goodness and badness with benefit and harm (SHIHADÉH 2006: 57). Similarly, Vasalou's study of Ibn Taymiyya adduces a nuanced overview of the theory of ethics in Ash'arism through tracing the role of reason and the impact of Avicennian moral psychology in Ash'arite relativist theory (VASALOU 2016: 9). More recently, FARAHAT (2019: 60) demonstrates how the limit of human reason to attain universal ethics is premised on the rational basis of the Ash'arites' theistic ethics and not irrationalism. In so doing, he ascribes to Ash'arites a skeptical stance: "by emphasizing the inevitable contingency of any individual normative judgment by contrast to factual observations, which can be uniform if they satisfy certain conditions of objectivity. This

29 HALLAQ 1997 and 2005.

30 JACKSON 1996: 77-78.

31 Here one should recognise that HOURANI (1976: 69) was the first to attribute an emotivist view to Ghazālī. See also SHIHADÉH 2016 where he also shows how emotivism has roots in classical Ash'arism.

fundamental disagreement sets the stage for the different conceptions of divine revelation” (FARAHAT 2019: 65).³²

This shows that the undue emphasis on rationalism and scripturalism unmasked important philosophical disagreement on theology, metaphysics, and epistemology among theologian-cum-jurists. These studies, among others, have revitalized the field of ethics and opened the door for further interest in the proliferation of other works. Here I would like to draw attention to my approach to ethical discourse in Fārābī and Ibn Rushd, which also unravel how philosophers theorized about shari‘a through assessing its moral ontology and epistemology. For example, I shall note my scrutiny of Ibn Rushd’s adoption of Aristotle’s written and unwritten law as a corrective notion to rectify the laxity and harshness of the law. Herein, I showcase how the Andalusian jurist gave this Aristotelian embryonic notion a more concrete theoretical and practical basis in the court and legal theory of Islamic law. By rooting Ibn Rushd’s conception in his Islamic legal epistemology, I depart from the previous assumptions which alienated a philosopher and jurist such as Ibn Rushd from his normative context (BOUHAFI 2019a).

At any rate, with these significant developments in the field, the Cambridge conference “Casuistry, Contingency and Ambiguity: New Approaches to the Study of Ethics in the Islamic Tradition” was timely to revisit some core questions and reflect further on these recent evolutions. Few words are in order to explain the rationale behind the choice of such a framework, which acknowledges the import of these three notions: casuistry, contingency, and ambiguity.

Casuistry, contingency, and ambiguity

The conference adopted casuistry, contingency, and ambiguity as a general framework to further reflect on the recent developments in the study of ethical discourse in Islam and bring these perspectives to bear on the different disciplines within the Islamic tradition. To this end, the contribution of scholars such as Johansen and Bauer in redefining the complexity of the articulation of the normative discourse in Islam and Jonsin and Toulmin’s rehabilitation of casuistry offered an auspicious theoretical framework.

Let me start by delineating the relevance of the term casuistry to Islamic discourse. As I have noted earlier, the characterization of Islamic jurisprudence, *fiqh*, as casuistic, can be traced back to the Weberian understanding of Islamic law. Also endorsed by Schacht, this characterization carried negative connotations underlining the lack of deductive links within the process of law finding and the priority given to circumstances over universal principles.³³ More importantly, this casuistic process was deemed to develop in isolation from the social

32 FARAHAT (2019: 223) captures this point in the following statement: “The charges of traditionalism, voluntarism, or arbitrariness that are commonly levelled against Islamic divine-command theories often neglect some important aspects of it. The first important aspect that we sought to highlight is epistemological skepticism, regarding both our ability to know moral values and our ability to understand God’s designs. The second related aspect is a sharp metaphysical divide that places God far beyond our worldly experiences. The third is an understanding of divine speech as an eternal attribute, and not an action, and of divine commands as transcendent attributes of normative potential. Finally, we saw that the practical norms generated by this system did not simply follow from God’s words (whichever way we may wish to define “God’s words”), but were built through collective scholarly deliberation.”

33 For a perceptive summary of Schacht’s understanding of casuistry in Islamic law, see JOHANSEN 1995.

practice. As JOHANSEN (1995) adduced, the problem is not so much in the casuistic view of Islamic law, and it is rather in how casuistry has been construed. The casuistic aspect of Islamic law is embedded in the nature of the work of the jurist whose task is to decide whether new instances of laws can be regulated on the basis of the general rule or excluded from it (DAYEH 2019: 134). JOHANSEN (1995: 135-136) defined it as follows: “it is a method that acknowledges that the validity of legal concepts is confined to certain boundaries and that one has to determine whether or not the individual case falls within these boundaries. Cases are discussed in order to show the boundaries of the legal concept’s validity and the resistance of the subject matter to its inclusion within the concept.” In this perceptive view, Johansen captures the roots of Islamic law’s casuistic nature and argues how casuistry is linked to the jurists’ attempt to answer practical problems, which debunks Schacht’s conclusion. The issue with casuistry, albeit, is not limited to Islamic law but lies in the actual misconceptions of casuistry, which has deeper historical roots. At the beginning of the 19th century, the charge of particularism and casuistry was targeted at Jewish ethics, as articulated in August ROHLING’s *Der Talmud-Jude* (1872). Going back even further to the 17th century, casuistry was also put under attack in Pascal’s *Provincial Letters* (1656-7) and vigorously castigated Jesuits’ abuse of casuistic reasoning in confessions. This genealogy might warrant the negative overtones embedded in the definition of casuistry in *the Oxford English dictionary*, which defines it as: “that part of ethics which resolves cases of conscience, applying the general rules of religion and morality to particular instances in which circumstances alter cases or in which there appears to be a conflict of duties” (TOULMIN and JONSIN 1998: 11) or in Webster’s *New World Dictionary* (1996) which equates casuistry with “subtle, but false reasoning, especially about moral issues; sophistry” (GINZBURG and BIASIROI 2019: xi). On this account, JONSIN and TOULMIN (1988: 12-13) show how casuistry, deemed as the morality of cases, continued to be disreputed by modern moral philosophers, and an emphasis was placed on the necessity of universal principles to build moral judgments. The assault on casuistry today is questioned, as attested in Toulmin and Jonsin’s attempt to rehabilitate casuistry for a theory of ethics that is more in tune with the reality of moral practice. Rooting our practical taxonomy in human reality especially in relation to behavior and norms, they urged scholars to take advantage of the likenesses and differences in our realities as a basis to grasp moral questions (JONSIN and TOULMIN 1988: 14). Also, the recent volume *Historical approach to casuistry* displays a similar attitude through calling for the endorsement of casuistry as a process “to mediate the intricate relationship between norms and exceptions” (GINZBURG and BIASIROI 2019: xi). As a matter of fact, this volume incorporated two essays addressing casuistry in Islamic law: “Many Roads to Justice: A Case of Adultery in Sixteenth-Century Cairo” by Caterina BORI, and “Islamic Casuistry and Galenic Medicine: Hashish, Coffee, and the Emergence of the Jurist-Physician” by Islam DAYEH, which showcase how casuistry was rooted in the social and historical environment of Islamic legal discourse and disclose the multilayered framework of legal argumentation. These contributions confirm some of Johansen’s conclusions and obviously would fit neatly in the perspective we hope to bring up here in tackling the normative discourse in Islam.

Be that as it may, this rehabilitation of casuistry could foster a departure from the locus on moral certitude as the only basis for moral philosophy. This outlook has historical precedence in Aristotelian thought:

Aristotle, for instance, questioned whether moral understanding lends itself to scientific systematization at all. Far from being based on general abstract principles that can at one and the same time be universal, invariable, and known, with certainty (he argued), ethics deals with a multitude of particular concrete situations, which are themselves so variable that they resist all attempts to generalize about them in universal terms. (JONSIN and TOULMIN 1988: 19)

Such a view is also endorsed by Aristotle's commentator Ibn Rushd, who admits that considering the contingent nature of the subject matter of ethics, which is the voluntary actions, one cannot develop rigorous scrutiny to ethics akin to scientific investigation in theoretical philosophy. He specifically admits that contingency does not only affect the particulars in this science but also universals or principles.³⁴ Thus, Ibn Rushd concludes that one can only aspire to outline some principles and not produce an exacting scientific scrutiny. This feature of ethics resonates with an important analogy Ibn Rushd himself and other philosophers, such as Fārābī, often make, namely, to associate ethics or law to medicine (IBN RUSHD 2016: 81).³⁵ This analogy highlights an important dilemma which is how we can tally general principles with the particularity of specific decisions (JONSIN and TOULMIN 1988: 29). Ethical reflections cannot only focus on the general principles, which impose uniformity on ethical cases; rather, the question is how to also discern subtle distinctions between different particular cases. This view was articulated in Aristotle's conception of *phronesis* or practical reasoning and adopted in Arabic philosophy in relation to *fiqh* (BOUHAFI 2019b). Dealing with a multitude of particular cases, *fiqh* is tantamount to practical reasoning, which does not rely on theoretical principles through deduction but rather through delineating boundaries of similarity and differences between the original and particular cases. Borrowing Jonsin and Toulmin's perspective, *fiqh* reasoning is more rooted in the substantive and circumstantial ground than absolute deductive reasoning. This characteristic is the root of the misconceptions against *fiqh* by orientalist.

Luckily, as I alluded earlier, the rehabilitation of casuistry seems to gain ground in the study of Islamic norms linked to Johansen's attempt to redefine casuistry to challenge Schacht's reading but also through his conceptualization of Islamic law in relation to the notion of contingency, a feature that Bauer seems to associate to ambiguity. As I have also noted earlier, the concept of contingency was used by Johansen to first debunk the deontological charges against Islamic law and unravel the probabilistic epistemology of Islamic law embedded in legal philosophy as well as in the judiciary in the doctrine of proof

34 Ibn Rushd in his *Talkhīṣ al-aklāq* (the Middle Commentary on Aristotle's Nicomachean Ethics) states: "Then we must agree that everything said about these things, is only said by way of outline and not of scrutiny. I mean what pertains to most of it, as we said at the beginning of our discussion, is that scrutiny in all discussed matters must follow the subject matter and the subject matter here is contingent. That is because virtuous and beneficial voluntary matters have nothing fixed to one feature as it is the case for matter productive of health, for it has nothing that stands on one action. Since this is in the case in the principles of this science, I mean that it does not withstand scrutiny for it is changing, how much more will this be for the particulars, I mean that it would not be adequate for close scrutiny" (IBN RUSHD 2016: 81; translation mine).

35 This analogy has roots in Plato and Aristotle, for more see GERBIER 2003.

used by judges.³⁶ In his seminal work *Die Kultur der Ambiguität*, Thomas BAUER rooted this feature in a tolerance of ambiguity in the Islamic process of knowledge production in literature, the Quran's canonization, and the emergence of law schools and collection of Hadith report. Bauer borrows the concept "tolerance of ambiguity" from contemporary psychology to define human capacity to accept cases where multiplicity of truth claims is unresolved (BAUER 2013). On this account he argues that the diversity of opinions in constructing normative views seems to be a feature one can trace in different attitudes to knowledge in the Islamic context, such as for example the process of the canonization of the Quran, which accepted different readings. Still, Bauer does not ignore that historical events do not always allow for ambiguity but also alludes to attempts to disambiguate (GRIFFEL 2017: 18). Bauer links this tolerance of ambiguity to the importance of dissent or *ikhtilāf* as a positive outcome expressed in the prominent hadith reported by the prophet, professing that "dissent within my community is a blessing." In Islamic law, this attitude is also captured in the legal maxim which calls for averting the punishments in cases of uncertainty (*Idra'ū l-ḥudūd bi-l-shubuhāt*). This maxim suggests that when in doubt, the legal penalties should be suspended (FIERRO 2008).

Be that as it may, the question remains how can we discern the boundaries of ambiguity of norms in a social-historical context? What prompts continuity or rupture? To put it in other terms: How is this prerogative of ambiguity maintained or lost? To our purpose, these fresh perspectives offer a productive framework to revisit certain hackneyed assumptions on Islamic norms. Still, JONSIN and TOULMIN's conception of casuistry reminds us of the deficiency of our language in penetrating certain complex modes rooted in practice to reflect on likeness and similarities of norms rather than uniform deduction. In fact, this special issue is a step toward discerning the complexity of the moral discourse in legal argumentation, the moral ontology and epistemology in philosophy and theology, as well as the argumentative ground of storytelling or hermeneutics.

Summary of contributions

Looking at philosophy and theology in the classical and post-classical period, AKASOY, GRIFFEL, SHIHADDEH, and ERLWEIN's articles as well as my own, disclose important nuances in the ethical reflections in theology and philosophy, which gestures towards overcoming strict jarring opposition between objectivism vs. subjectivism. My own piece investigates the moral ontology and epistemology in Fārābī, Ibn Sīnā, and Ibn Rushd, to showcase how, in contrast to Mu'tazilites, they rejected the intrinsic value of good and evil and rather adopted a complex distinction between cosmic good and evil and experienced moral good and bad. I also highlight the complexity of the philosophers' moral epistemology, in which, although they admit the probability of norms, still attach a dialectical conception to ethical reflection. Focusing on the post-Avicennian context, GRIFFEL studies Rāzī's (d. 1230) *al-Nafs wa-l-rūḥ wa-sharḥ quwāhumā* to unravel its hybrid character which combines practical philosophy and normative Islamic discourse a genre, he suggests, that resonates with Ghazālī's *Iḥyā'*. In so doing, Griffel concludes that unlike Rāzī's perception of the superiority of the theoretical philosophy over revelation, he seems to value the practical dimension of the Islamic

36 For a discussion of the epistemology of the doctrine of evidence in Ibn Rushd, see BOUHAFI 2018.

normative discourse over practical philosophy. Moving to theological discussions of moral values, SHIHADDEH revisits the development of the debate between Mu'tazilites and Ash'arites focusing on Malāḥimī (d. 1141), Ghazālī (d. 1111), and Rāzī, to underscore how the Ash'arite discourse evolved through drawing on the Avicennian argumentative arsenal of moral psychology to challenge Mu'tazilites' realism. This discussion provides evidence that the ascription of irrationalism to Ash'arites' ethical discourse is flawed. Finally, ERLWEIN tackles Rāzī's *Tafsīr* on the obligation of thanking one's benefactor (*wujūb shukr al-mun'im*), focusing on the monotheistic implication of this premise to offer grounds on why God should be worshipped alone. In so doing, she reveals how such a theological issue has an ethical basis related to how humans come to know of the goodness of monotheism and the repugnancy of polytheism. Going beyond the philosophical or theological contribution to systematic ethics, Akasoy interrogates the question of ethics in the philosophical discourse from a narratological perspective to highlight the role of biographical narrative in shaping moral perceptions of the figure of Alexander the Great, depicted in the Quran as "the man with the two horns."

Taking Islamic jurisprudence as the discourse of norm construction, the different contributions in this special issue investigate the process of law finding and its procedure to discern the relationship between law and ethics. Building on JOHANSEN's finding on the psychological basis of *ijtihād*, BOU AKL shows how Ghazālī grounds his radical infallibilism in relation to *ijtihād* in the Ash'arite ethical relativist theory. Discussing the process and conditions of norm construction fulfilled by a *mujtahid*, he shows how Ghazālī underlined the presumptive character of law and the interpreter's license to error and also admitted how *tab'* comes to warrant ex post the *mujtahid*'s interpretation. Moving from the procedure to the actual task of norm construction, OPWIS' piece unravels how jurists imbued the ratio-legis, *'illa*, with the ethical content of *maṣlaḥa* to showcase the link between law and ethics in the process of legal change. In tracing the development of the conception of analogy in legal theory among Ghazālī's predecessors, Baṣrī (d. 1044), Dabbūsī (d. 1039) and Juwaynī, she demonstrates how the emergence of the concept of *maṣlaḥa* later was only possible through conceptual shifts in the *ratio legis* from being a sign for the ruling to conveying the ethical content of the divine intention. Such correlation between law and ethics is also attested in the Shī'ī legal discourse. Interrogating the rational and moral basis of legal norms on postclassical Twelver Shī'ī legal theory, GLEAVE discloses how the Akhbaris, often perceived as literalist, draw on Mu'tazilite realist ontology and developed novel position on the rational basis of the law while still holding fast to the divine ground of the link between actions and consequences. Finally, FARAHAT moves to discuss the import of meta-ethical questions on specific practical matters, such as Islamic commerce. In so doing, Farahat unravels the diversity among different approaches on commercial gains between "anchoring moral value in this world, attributing moral goodness to salvation in the next world, and finding a balance between these two approaches." Under this prism, he reveals how the Ash'arite model proves to be more permissive than the Mu'tazilites.

In part three, this special issue brings valuable perspectives on ethics in a hermeneutical sense by engaging the Hadith, Qur'an, and *Adab*. Focusing on two hadiths on 'consult your heart and consult your-self,' al-KHATIB puts forward some ground for the heart's authority as a potential for individual moral knowledge. Engaging the different debates over these reports in legal and Sufī discussions, he discerns how the inward moral dimension was

examined to test its normative and spiritual validity to warrant personal *ijtihad*. Moving to Quranic hermeneutics, MOQBEL takes the concept of ambiguity or hermeneutics of polysemy as a theoretical basis to define Rāzī's exegetic theory. In so doing, he showcases how the ambiguity rooted in the Quranic periscope 12:52-53 opened the possibility for different moral discourses. On this account, he adduces how ambiguity serves to expand the scope of the Quran and its ethical potential. Also, taking the perspective of readership, but this time in the realm of *adab* text, KHANSA presents a compelling reading of the frame tales of *Alf Layla* to root its hermeneutical framework in the Arabo-Islamic context. In so doing, she suggests revisiting the frame tale as a device to locate a communal crisis on justice in rulership and tries to unfold how the stories come to salvage the breach of authority by providing different possibilities to adjudicate mercifully. Also advocating to ground *adab* in its Arabo-Islamic context, AL-SHAAR invites us to reconsider the secular view of *adab*. Focusing on al-Tawḥīdī the *Belles-letterist* from the Buyid court, AL-SHAAR contextualizes his writing in his intellectual environment and underlines the interdisciplinary character of his work, to show the complexity of his thought beyond the modern category of religion vs. philosophy. Interrogating his conception of ethics and the role of knowledge in informing action, she demonstrates how al-Tawḥīdī is firmly rooted in Islamic culture and offered original insights drawing from current philosophical discourses. Finally, tracing the import of the traditional conception of *adab* and its ethical function in 19th century reformist discourse, RYLE-HODGES showcases the role of *adab* in the modern context. Putting under scrutiny 'Abduh's discourse in his state newspaper, he discusses 'Abduh's articulation of the ethics of citizenship as a modern civic notion of *adab*.

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The Dialectics of Ethics: Moral Ontology and Epistemology in Islamic Philosophy*

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Abstract

Philosophical and theological ethics in the Islamic tradition tend to be appraised on the basis of a unilateral perspective, which circumvents a moral rational approach to intuition. On this account, moral knowledge is expected to rest on intuitive judgments, which are universally accessible to human beings. Looking at moral ontology and epistemology in Arabic philosophy, I demonstrate that taking intuitionism as the only valid rational discourse to ethics needs to be challenged. In fact, Arabic philosophers do not subscribe to a realist view of the good and evil in relation to human actions, and rather admit a division between cosmic values in metaphysics and moral values in ethics. In so doing, they show how metaphysics ascribes a substantial view to good in existence and a negative theory to evil, while the science of ethics admits a teleological and relative view of the good. Overall, the *falāsifa* remain committed to Aristotle's premise that ethics does not rely on abstraction and emphasized the role of experience too. But, they seem to be also attentive to the dialectical nature of Islamic jurisprudence in producing norms considering both principles of the law and its particular application. This is also clear in their epistemology of ethical judgments such as the maxim justice is good. While they ascribe a universal status to ethical maxims, they preclude from granting them an absolute status over the authority of norms construction. Instead, philosophers attribute a dialectical role to ethical maxims to guarantee both consensus over norms and the possibility to produce truthful opinions.

Keywords: Moral ontology and epistemology, The problem of evil, The nature of the good, Moral values, al-Fārābī, Ibn Sīnā, Ibn Rushd, Legal epistemology, Written and unwritten laws, Ethical maxims, Widely-accepted premises (*mashhūrāt*), Reputable premises (*maḥmūdāt*).

Introduction

Philosophical and theological ethics in the Islamic tradition tend to be appraised on the basis of a unilateral perspective, which circumvents a moral rational approach to intuition.¹ On this account, moral knowledge is expected to rest on intuitive judgments, which are universally accessible to human beings. As a matter of fact, discussion of ethics in Islamic thought centered on the polarity between the Mu'tazilite theologians, who held that the intellect is the basis for reaching ethical propositions, and Ash'arites who emphasized the role of the

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¹ By intuition, I mean the view, which holds that moral propositions are self-evident and arrived at without an argument required. In the context of Islamic theology, the Mu'tazilite theologians held that propositions such as 'lying that does not lead to benefit is bad' are immediately perceptible to the intellect.

revelation in ascribing moral values to human actions. Along this line, George Hourani, in his various studies, attributes a rational objective view to the Mu'tazilites for admitting the capacity of the human intellect to make categorical ethical predicates and a theistic subjectivist theory to the Ash'arites for underlining the authority of the revelation (HOURANI 1960: 269).² Curiously, Hourani defines objectivism as: "any theory which affirms that value has a real existence in particular things or acts, regardless of the wishes or opinions of any judge or observer" (1960: 269), a view which he claims prevailed in Western thought before the twentieth century going back to Socrates, Plato, Aristotle, the Stoics, and Aquinas. With the ascendancy of Ash'arism in Sunni Islam, he concludes that objectivism in ethics was only defended by Mu'tazilite theologians and Muslim philosophers (HOURANI 1960: 270-271 and 1985: 67).³ On this account, he seems to align the Mu'tazilites and the Muslim philosophers' approach to ethics, marking the imprint of Hellenistic philosophy on both intellectual trends (1960: 270). These assumptions raise few objections. First, upholding the realist existence of value as the only objective ethical theory is simplistic and lumps a variety of complex historical reflections on ethics into one neat category and assumes that intuitionism is the only valid ethical theory. Second, the philosophers' ethical views, as I shall prove in this piece, do not square evenly with the Mu'tazilites' realist ontology or epistemology. Third, such outlook on the Mu'tazilites and Ash'arites is premised on a facile binary between reason vs. revelation without necessarily accounting for the epistemological and ontological basis for the distinctions between their views.⁴ To our purpose, Hourani then ignores how philosophers distanced themselves from intuitionism in their discussions of the ontology of the value of good and bad and their moral epistemology.

To flesh out this perspective, I shall interrogate Fārābī, Ibn Sīnā, and Ibn Rushd's moral ontology of good and evil and their moral epistemology to showcase their commitment to a practical and dialectical view of ethics, which distances them from moral intuitionism.⁵ In my scrutiny of their moral ontology, I first discern how the philosophers' distinction between the cosmic good and evil of metaphysics and the experienced moral good and bad of ethics bears ramification on their ontology of values. While they seem to be in agreement on the substantial goodness of creation and endorsed a negative view of evil, they deem moral experienced good and evil as ends with a relative nature. This perspective shall also show

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- 2 For a more nuanced view, see SHIHADDEH (2016: 384), who frames this discussion in terms of the realist view of Mu'tazilites vs. an anti-realist position of the Ash'arites. See also FARAHAT 2019. A number of the articles such as Shihadeh's, among others in this special issue, present new fresh perspectives to challenge this dominant bias and offer more nuances on the Ash'arite ethical theories.
 - 3 Obviously, one needs to give credit to Hourani as he was responding to the orientalist assumption, which underlined the anti-rational view of Islam altogether. But as the field moves away from these assumptions, I think we also need to overcome the dichotomy of religion vs. rationality, often assumed in the study of Islamic thought, which does not often do justice to the Ash'arite complex intellectual tradition by deeming it irrational.
 - 4 On this point, see SHIHADDEH's article "Psychology and ethical epistemology: an Ash'arī Debate with Mu'tazilī Ethical Realism, 11th-12th," in this special issue.
 - 5 Here I should note that what I understand by ethics is meta-ethical theory linked to the question of good and evil in the universe as well as normative ethics associated with the process of gauging the status of human action, which in Muslim philosophers' understanding is associated to the realm of jurisprudence *fiqh*.

some important nuances in their theodicy. In fact, Fārābī and Ibn Sīnā uphold the goodness of the universe by eliminating evil (for the first evil is non-existent and for the latter evil is a privation) and deem experienced moral good and evil as teleological. Building on this distinction, Ibn Rushd comes to assert that unlike the cosmic good as a principle of existence, moral good is liable to the ambiguity of existence. This conclusion gestures towards rooting experienced moral good in virtues in relation to the categories of relation, time, and place. In so doing, philosophers, like Mu'tazilites, distance evil from theodicy and affirm the goodness of creation but reject the moral realism of Mu'tazilites, which ascribes intrinsic moral essences to actions. Likewise, my scrutiny of the philosophers' moral epistemology shall affirm their distance from Mu'tazilites' moral intuitionism. In denying the possibility of departing from abstraction in ethics, philosophers postulate the need for lawgivers to legislate laws that can serve as a barometer to moral values to fulfill the human ethos.⁶ However, their endorsement of the need for the lawgivers did not prevent them from acknowledging the probable epistemology of norm construction in jurisprudence, the realm of gauging human actions in the Islamic context. Also, in evaluating ethical judgments such as lying is bad, often deemed self-evident by the Mu'tazilites, philosophers admit their universally accepted value. Still, they deny their intuitive nature, as they could be false and true. Such position shall not, however, be taken to mean that these judgments hold a subjective or estimative character.⁷ In postulating a universal value to certain ethical judgments, philosophers remain in line with their commitment to the practical and consensual aspects of ethics, prioritizing practice and consensus over-abstraction, but still leaving the door open to reach out to truthful propositions through a dialectical process. In so doing, philosophers draw from both Aristotle's emphasis on the necessity for practice in ethics as well as the epistemology of Islamic jurisprudence, which rests on a dialectical interrelation between legal principles (*uṣūl*) and legal practice (*furū'*).

I. On the Ontology of Good and Evil

As I already noted, the discussion on the nature of good and evil in the Islamic intellectual context has drawn ample attention to the theologians' perspective on the problem of evil and theodicy, specifically exploring the Mu'tazilites' realist moral ontology and the Ash'arites' divine command theory. In brief, the Mu'tazilites insist that God is omnibenevolent and only does good and therefore ascribe the responsibility for the existence of evil to human beings. Under this prism, the Mu'tazilites admit that good and evil are real attributes of human actions, which are discernible by the human intellect.

To put it differently, the Mu'tazilites ascribe an ontological reality to the properties of acts and define their moral status as either good or bad on realist criteria. This view also

⁶ As I show in the second part of this article, I agree with WIRMER's recent conclusion on the Aristotelian basis of the Arabic philosophers' approach to ethics which rejects abstraction as the starting point for ethics. While Wirmer focuses on the discussion of habit Book X. 9, 1180b28-1181b1, I would add that this view is more pronounced at the very beginning of the *Nicomachean ethics* as professed by Ibn Rushd.

⁷ To add some precision here, for Mu'tazilites, lying that does not lead to a benefit is deemed as self-evidently bad. Also, the badness of lying, in general, is arrived at through an inferential process.

meant that God is subject to moral necessity prescribed by the intellect.⁸ We have seen that for Hourani this rational perspective places the Mu'tazilites with the philosophers's reflection.

In contrast, Shahrīstānī (1931: 376-377) hints at some disagreement between the Muslim philosophers' and the Mu'tazilites' moral ontology. To grasp the basis of this disagreement, we shall first construct the basis for the philosophers's ontology of value of good and evil both in the cosmic and experienced sense.⁹ In discussing their conception of values in the universe, I shall use the term cosmic and moral good and evil as my own terminology to flesh out the differentiation they make between the ontological basis of good and evil in metaphysics and in ethics.¹⁰

1. Fārābī's moral ontology

Fārābī's account on the nature of good and evil is found in his *Fuṣūl* (Aphorism).¹¹ In this treatise, he exposes his discussion on good and evil by first outlining some ontological premises. So, before defining the essence of good and evil, he adumbrates the different modalities of existence, which fall into three: (1) what cannot not exist, (2) what can exist, (3) what can exist and not exist. To illustrate the variances between these different modalities, he imparts some examples, which associate the first modality to the spiritual bodies, the second to the heavenly bodies, and the third to matter. On this ground, he divides the universe into a spiritual, heavenly, and material existence. This systematic exposition of the modalities of existence is crucial to discern his definition of good and evil. In fact, the essence of these modalities reflects the nature of existent things on the basis of their perfection. Such perfection falls into a hierarchy of existent things where the first modality, 'what cannot not exist' comes at the highest rank of perfection and on the opposite end of imperfections stands the modality of 'what can exist and not exist'. Then, Fārābī moves to define defects (*nuqs*) in existence which include: (1) what has privation (*'adam*) in its existence, (2) what needs another essence for its existence, (3) what admits multiplicity in the one type, which means that it is not sufficient by itself such as the example of a human being (4) everything that has an opposite is defective for each party will seek to cancel the other. On this account, he draws

8 One should note here that the Mu'tazilites do not carry a monolithic view. For more, see SHIHADDEH 2016. Also, unlike the Mu'tazilites, the Ash'arites adopt a skeptical view of the realist ontology and emphasize that the only criteria to gauge the value of actions available to us is emotion.

9 Shahrīstānī admits that Muslim philosophers also raise objections against the Ash'arites' denial that moral knowledge is possible altogether. This article focuses on distinguishing the philosophers' position from what is often portrayed as the Mu'tazilites' objective approach in modern scholarship. Although I will refer to some divergence from the Ash'arites in the case of Ibn Rushd, I shall leave comparing the philosophers to the Ash'arites as well as a more systematic comparison between the Mu'tazilites and the philosophers to another occasion.

10 What I mean by 'cosmic good and evil' is how the philosophers define the presence of good and evil in the universe. Also, I use the term experienced moral good and evil to refer to the value of good and bad used to gauge human actions.

11 While *Ta'liqāt* (The explanatory remarks) attributed to Fārābī gives us clues on the problem of evil too (FĀRĀBĪ 1952: 49), considering the *Ta'liqāt*'s disputable origin as discussed by MICHOT (1982), I shall leave it aside in this discussion.

two important inferences to which we shall come back to: what has no privation has no contrary, and what is sufficient by itself also has no contrary (FĀRĀBĪ 1961: 58-59, Arabic 158). So having an opposite in existence is associated with bearing some defects in terms of either privation or lack of sufficiency in one's existence. Now Fārābī is ready to define the nature of evil based on these modalities of existence. Hence, he infers that evil comes to bear one of the extremest imperfections of existence as it simply has no existence of any kind in these worlds (*ghayr mawjūd aṣlan*) and is therefore linked to non-being: "Evil has no existence altogether, nor is it in anything in these worlds, nor in general in anything of which the existence is not by man's will, but all these are good" (FĀRĀBĪ 1961: 59, Arabic 150).¹² Under this prism, Fārābī seems to affirm the impossibility of the existence of evil as an ontic entity which postulates that all existence is good. This also means that evil does not fulfill any of the above conditions of deficiency in existence (privation, insufficiency to fulfill one's own existence, and multiplicity in existence), as it simply has no existence. The observation he makes concerning privation here gives us an important hint to his perception of evil. When he admits that what has no privation (*'adam*) has no opposite, he seems to refer to evil. As evil is non-existent and therefore does not even bear a deficient existence such as privation. Evil then has no opposite and therefore cannot be the opposite of the good. This conclusion will be further confirmed later.¹³

To get further cues on this point, we shall turn to Fārābī's *Mabādi' ārā' ahl al-madīna al-fāḍila* (On the perfect state), which provides a clear outline of the hierarchical modality of existence within his emanative scheme in the following passage:

The substance of the First is a substance from which every existent emanates, however it may be, whether perfect or deficient. But the substance of the First is also such that all the existents, when they emanate from it, are arranged in an order of rank, and that every existent gets its allotted share of existence from it. It starts with the most perfect existent and is followed by something a little less perfect than it. Afterwards it is followed successively by more and more deficient existents until the final stage of being is reached beyond which no existence whatsoever is possible, so that the existents come to an end at the stage beyond which nothing exists at all, or rather, beyond which there is that which cannot possibly exist. (FĀRĀBĪ 1985: 96)

For Fārābī, the universe emanates from the first cause. He underlines that both perfect and deficient existents all emanate from the substance of the first. Also, he admits that existent beings vary in their rank (*mutafāḍila*). In fact, the first cause assigns to beings their order of rank, which he premises on justice. Later, he adds that God is munificent (*jawād*) and therefore does not ignore existent being below him and provides each existent being with its due rank (FĀRĀBĪ 1985: 97). So, existent beings are ordered on the basis of perfection ranging from the most perfect to the most deficient. As he notes, above the continuum of deficient things declines till it reaches the final stage where no existence is possible. Considering his

12 This is based on DUNLOP's translation with a slight alteration. Instead of rendering *ghayr mawjūd aṣlan* to "absolute non-existence," I opted for simply "has no existence altogether".

13 Here, I thank Peter TERRAS for the fruitful discussion we had in relation to this passage. I should note that Peter is also preparing a dissertation on the question of evil in Fārābī's thought entitled "Dysdaimonia: Evil, Free Will, and Eschatology in al-Fārābī."

definition of evil in the *Fuṣūl*, evil is outside of these worlds and must fall within the realm where existence becomes impossible. This suggests that while existent beings, both perfect and deficient, would fall under the remit of the good, evil as a non-existent entity is attached to the stage that falls outside of existence. Such construal can be adduced in the following statement in the *Fuṣūl*, where he admits that all that is necessitated from the first cause is good:

As for the good in the worlds, it is the First Cause, and everything which is consequent on it, and whose being is consequent on what is consequent/on it, to the end of the chain of consequents, whatever it is. For all these are according to harmony and justice with merit, and what comes to pass from merit and justice is altogether good. (FĀRĀBĪ 1961: 60, Arabic 150)

Here this association between the good in the worlds and the first cause (*al-sabab al-awwal*) has major bearings, especially when considering his earlier comment that what is sufficient in its own existence has no opposite: “What suffers from no lack has no contrary, and what does not need anything at all save itself has no contrary” (FĀRĀBĪ 1961: 59, Arabic 158). This relates to the first cause, who does not need anything and therefore would have no opposite. Such statement entails that the good as the first cause has no opposite, and therefore evil cannot be its opposite. As suggested earlier, Fārābī’s appraisal of the non-existence of evil in the three worlds led us to conclude that evil does not even fulfill the lowest criteria of existence, which is privation (what has no privation, has no opposite) and therefore cannot have an opposite, i.e., it cannot have good as its opposite. Under this configuration, we can conclude that the good of the first cause has no opposite, and evil itself cannot even aspire to have an opposite.

Furthermore, Fārābī’s theory of evil as non-existent in the three worlds does not seem to adhere to the Neoplatonic position, which attributes evil to matter upheld by Plotinus.¹⁴ For Fārābī, although matter is at the lowest rank of existence, it is still part of it, and as all existence is good, matter would qualify as good. One should note, however that the negative view on matter was also denied by Proclus, who in *On the Existence of Evil* upheld that although matter comes at the lowest stage in the procession, it is produced by good and is not evil (PROCLUS 2003: 79-88). This might suggest some correspondence between Fārābī and Proclus, especially when considering that another work of Proclus the *Ten Questions Concerning Providence* was available in Arabic as known from the *Fihrist* of al-Nadīm (WALKENING 2020: 1078-1081). But, before making any firm conclusion, one would need a complete comparison between both theories. Still, this affirms Janos’s observation that Fārābī was aware of some Neoplatonic sources.¹⁵ Be that as it may, I would like to draw attention here to Fārābī’s view of the gradation of perfection in the universe based on the concept of merit (*istiḥāl*), which would further illuminate our understanding of how evil cannot relate to matter. As he notes in the above statement, merit also has major bearings on the existence of good. Later on, he also admits that the non-existence of evil is contingent on the concept

¹⁴ This view was upheld by Plotinus in the *Ennead* 1.8 [51] that matter is the origin of all evil; it is evil as such. For more on Plotinus’ doctrine of evil, see the introduction in OPSOMER and STEEL 2003: 1-54.

¹⁵ On the impact of the Neoplatonic corpus on Fārābī, collectively known as *Neoplatonica arabica*, see JANOS 2012.

of merit. What is meant by merit here is that the universe is governed by justice, which gives each existence its own deserve and basic rights, this holds for all the modalities of existence including the lowest ones such as matter.¹⁶ For example, when he talks about form and matter in relation to body, Fārābī in his *Mabādi' ārā' ahl al-madīna al-fāḍila* asserts that each body has an entitlement and merit (*haqq* and *isti'hāl*) for its form and matter.¹⁷ This confirms that matter falls within the domain of existence and therefore cannot be evil, which leads me to question Fakhry's remark that material existence is neutral. Instead, I would rather assert that matter falls within the realm of the good and therefore is good.¹⁸ At any rate, merit remains central to understand the moral value Fārābī ascribes to his cosmology, including the lower beings such as matter. Therefore, the negative view of evil as non-existent is presented as an outcome of a just yet hierarchical scheme of existence. On this account, merit takes an important role in the Farabian hierarchy as it assigns existence to good and non-existence to evil. So attributing a negative theory to evil is not sufficient without cosmological merit assigned to existent and non-existent things. This explains his objection against those who admitted that existence is good and non-existence is evil without considering the role of merit (FĀRĀBĪ 1961: 60, Arabic 151).¹⁹

To conclude, Fārābī is adamant that evil has no existence in the three worlds: spiritual, heavenly, and material (see also FAKHRY 2002: 97). Evil does not fulfill the least imperfections in existence. So the good cannot have evil as its opposite, nor can evil have any opposite altogether. Still, the existence of good and the non-existence of evil are not unqualified; rather, they are predicated upon the cosmological merit in the universe. On this basis, he then concludes that the only evil one can speak of, which is contrary to good, is the one associated with voluntary actions to which we shall turn.

Let us refer to the rest of Fārābī's account in the *Fuṣūl*, where he outlines a conception of evil in relation to human actions, which, he admits, can be of two sorts. The first is linked to misery (*shaqā'*), the opposite of happiness (*sa'āda*). "Misery is evil in the sense of the end which is reached, beyond which there is no greater evil to be reached by misery" (FĀRĀBĪ 1961: 59, Arabic 151). This type of evil pertains to ends and therefore does not reflect a conception of evil as an essence. Instead, he is cautious not to render evil as an entity that cancels another that is happiness and underlines its relation to a telos. The second type of evil is related to voluntary actions, which would itself lead to fulfilling misery. Another significant point, which endorses this construal, is found in his assertion that good has two types: a contrary, and another that does not. More importantly, Fārābī juxtaposes these two types of evil to two types of good which share the same definition:

16 Here I want to thank Jawdath Jabbour for his help to elucidate Fārābī's position on matter. For the neutrality of material entities, see also FAKHRY 2002: 97.

17 FĀRĀBĪ 1985: 145; GOODMAN 1999: 27. See also JABBOUR 2021.

18 FAKHRY (2002: 97) mentions: "In other words, al-Fārābī appears to imply that, as such, material entities, or the material world in general, are morally neutral."

19 Here FAKHRY (1984: 145) suggests that Fārābī has Plotinus in mind who upheld that good is existent and evil is non-existent, without considering the merit of the perfect hierarchy of the universe emanating from the first.

Similarly, the opposite of these two evils is two goods, one of which is happiness (a), which is good in the sense of the end beyond which there is no other end to be sought by happiness. The second good (b) is everything which profits in any way in the attainment of happiness. This is the good which is the opposite of evil. (FĀRĀBĪ 1961: 59, Arabic 151)

He associates both good and evil in relation to voluntary actions with an end and what fulfills such ends, be it happiness or misery. This two-tiered division between ends and actions themselves matches Fārābī's exposition of the good actions as a mean or an intermediate between two extremes to fulfill virtues, something we shall come back to in the second section (FĀRĀBĪ 1961: 34, Arabic 113). Good and evil in the realm of voluntary actions must be understood in relation to ends and not as ontic essences. This leads him to object to those who asserted that pleasure in all cases is good and pain is evil. He also adds that some people presumed that the faculties of the soul such as the appetitive and psychological ones as well as desires are responsible for evil, which is invalid. Rather, he avers that good and bad cannot be attributed to the faculties or psychological states in an absolute sense. One should only focus on the ends of actions, which fulfill the good or evil (FĀRĀBĪ 1961: 60-61, Arabic 151).

At this juncture, one can conclude that Fārābī admits an absolute negative theory of evil premised on the meritorious hierarchy of the universe. In other terms, Fārābī's cosmology attributes the non-existence of evil to a universal justice. Simultaneously, moral good and evil are not defined in ontic terms related to existence and non-existence rather on teleological terms. Good and evil are understood in the ethical realm as ends to happiness or misery and not as intrinsic essences. Such view fits well within his cosmology which rests on a perfect hierarchical order of the universe (in his metaphysics) and the aim of ethics (in the practical philosophy) linked to fulfill happiness through ends of actions. Such position left some imprints on his successors such as Ibn Sīnā to whom we shall turn.

2. Ibn Sīnā's moral ontology

Although Ibn Sīnā builds up somehow on Fārābī's negative theory of evil, he makes some important departure from the latter and ascribes evil to the privation of matter. To this end, his moral ontology makes some further development to fend the absence of evil from higher existence and limit its manifestation as privation either by essence or by accident in the sublunary world.

In his chapter of the *Shifā'* (the metaphysics of the healing), "On providence, showing the manner of the entry of evil in divine predetermination," Ibn Sīnā starts with defining the concept of providence (*ināya*) through asserting that the actions of the first cause are not dependent on the lower beings and therefore not motivated by fulfilling benefits to human beings, as often admitted by the Mu'tazilites' doctrine that ascribes moral ends to God's actions (IBN SĪNĀ 2005: 339, SHIHADĒH 2019: 62).²⁰ Instead, Ibn Sīnā provides an alternative understanding to providence. He underlines that one cannot deny when examining the universe that things do not exist in vain and rest on some governance (*tadbīr*). Ibn Sīnā's

20 As SHIHADĒH (2019: 64) explains for Ibn Sīnā, this governance meant that God acts is "by way of munificence (*jūd*) (as opposed to the Mu'tazilī principle of beneficence), which is the provision of what is proper to creatures not for a purpose."

providence is predicated upon God's all-encompassing knowledge of Himself and, therefore, the order of good in Him. In more precise terms, God intellects the order of the good in the most possible way till it overflows to the universe (IBN SĪNĀ 2005: 339). So, God is himself the cause of goodness and perfection in the most possible way in the universe and is also content with how the good occurs in it. I shall note that Ibn Sīnā's universe, like his predecessor Fārābī, is predicated on perfect hierarchical order, emanating from the first cause, where each existent being is bound to reach its most possible perfection.²¹ In this scheme, the sublunary world is placed at the lower rank for it is subject to matter and potentiality but remains grounded in the realm of good emanating from the first cause. By embedding goodness in the ontology of the universe, any possible acknowledgment of evil cannot amount to more than privation. In this sense, attributing real existence to evil would be an aberration, for existence itself is an absolute good (*khayr maḥḍ*). Thus, Ibn Sīnā limits the existence of evil as a privation to the sublunary sphere and associates its origin to matter. He explains that given the material nature of the sublunary sphere liable to potentiality, it is subject to evil associated to matter. In contrast, existent things that have fulfilled their perfect existence are not subject to evil: "each thing that exists in its final perfection, having nothing in it which is in potency, evil does not attach to it. Evil attaches only to that which has what is potential in its nature—this by reason of matter" (IBN SĪNĀ 2005: 340). This conclusion is obviously linked to the impact of matter as well as the remoteness of the sublunary world from the first cause (MICHOT 1986: 59). Within this scheme, Ibn Sīnā comes to identify two types of evil in the material world: natural evil and moral evil, which are both reduced to privation, where evil can neither be substantial nor real.

To this effect, one can conclude that evil as a metaphysical entity is not a co-existent principle of the good and does not even have an accidental existence in the upper sphere, and is limited to the sublunary world in natural phenomenon and human actions. This shall not imply that evil is an end for material existence since only good is the end of creation; rather it is concomitant to the material condition of this world (STEEL 2002: 180). This conclusion raises an objection on why evil is inevitable in providence as an attached material condition to the creation of this world. Ibn Sīnā anticipates such objection and therefore affirms that the overflow of good necessitates some evil to occur, but this is minor compared to the good that exists.²² Still, the question remains: how does he understand the modality of natural and moral evil?

Let us examine Ibn Sīnā's definition of the modalities of evil occurring in the sublunary world. First, Ibn Sīnā distinguishes between two modes of privation in evil either by essence or by accident (IBN SĪNĀ 2005: 340-341). He associates evil in the sublunary world, which is

21 This emanationist cosmology is summarized here by GUTAS 2016: "According to the scientific view of the universe in his day which he studied in the curriculum—Aristotelian sub-lunar world with Ptolemaic cosmology and Neoplatonic emanationism in the supra-lunar—all intelligibles (all universal concepts and the principles of all particulars, or as Avicenna says, 'the forms of things as they are in themselves') were the eternal object of thought by the First principle, and then, in descending hierarchical order, by the intellects of the celestial spheres emanating from the First and ending with the active intellect (*al-ʿaql al-fāʿāl*), the intellect of the terrestrial realm."

22 For more see IBN SĪNĀ 2005: 342-343. For a critique of Ibn Sīnā's position see SHAHRISTĀNĪ 1931: 267 and SHIHADDEH 2019 on Rāzī's disagreement with Ibn Sīnā.

a privation by essence, to a deficiency such as ignorance, weakness, and deformity in physiognomy. This deficiency is associated with a given loss, such as the privation of knowledge in the case of an ignorant person. He also adds that when it comes to this type of evil, a person is not denied the perfection common to the species. Instead, he explains that such loss springs from the inability of material substance to be fully receptive to perfection. Here he notes the deformation that could happen to a horse or a human being during their formation. As with regards to privation of evil by accident in the sublunary world, he attributes it to things such as pain and distress premised on a loss and the conscious awareness of the cause of such loss (ibid.; STEEL 2002: 174). Also, he links evil in privation by accident to external things, which forms an obstacle causing deferral of perfection or opposition to perfection. As a result, this evil renders perfection remote, as in the example of the cold affecting plants at the time ripe for their perfection (IBN SĪNĀ 2005: 341). On this account, one can discern that while evil by essence is a privation inhibiting the nature of things from the perfection that belongs to their species, evil by accident is linked to an external cause inhibiting things from reaching perfection. In both cases, evil is conceived not in a substantial sense but in terms of a lack of perfection.

To further delineate the boundaries between these modalities, Ibn Sīnā asserts that privation of evil comes in two modes related to our own apprehension of evil. The first mode is associated with our apprehension of a given loss, such as the case of blindness entailing the privation of sight. The second mode prompts both the apprehension of a given loss and its cause. Take the example of someone who gets burnt by fire, which generates in him the feeling of pain and the consciousness that the fire was the cause of his suffering. This differentiates between the nature of evil, premised on privation, and the positive reality of the experience of suffering. To further illustrate his point, Ibn Sīnā adds that the apprehension of a given loss and the consciousness of the cause of such loss can either be separate or connected to the being suffering from it. As for the case of a separation between the cause of loss and the being suffering from it, he takes the example of clouds preventing the sun from shining on plants and fulfilling their perfection. The cause of loss, which is the clouds, is separate from the plants. To illustrate the connection between the cause of loss and the being suffering from it, he takes the example of burning by heat. Herein, the cause of privation, which is heat, is connected to the being suffering from it through pain. So evil is not associated with fire itself which can also be the cause of good; rather it is in relation (*bi-l-qiyyās*) to a particular context where it causes privation. Such nuance is crucial for it implies that while blindness in itself is privation by essence, the case of fire, or cloud is a relative evil, for these can have both positive and negative outcomes. This confirms STEEL's (2002: 176) interpretation that the distinction between the two modes of suffering evil comes to clarify the difference between privation by essence and by accident. I shall add that the significance of this distinction shall play an important role in experienced moral evil to which we shall move on.

In the same chapter of the *Shifā'*, Ibn Sīnā explains moral evil associated with human actions and thus admits that evil is spoken of in different ways:

Thus "evil" is said of the blameworthy acts, and "evil" is said of their principles in moral dispositions. "Evil" is said of pains, distresses, and their like. "Evil" is [also] said of the falling short by each thing of its perfection and of its loss of that which

would naturally belong to it. It [looks] as if pains and distresses—even though their meanings are existential, not privative—follow [from] privation and deficiency. Evil in acts is also [evil] in relation to the one who loses his perfection by its reaching him, as with injustice, or in relation to a perfection necessary in the religious regime, as [when] adultery [takes place]. Similarly, moral dispositions are only evil by virtue [of such acts] proceeding from them. And they are connected with depriving the soul of perfection that ought to belong to it. (IBN SĪNĀ 2005: 343-344)²³

In this outline, he ascribes evil to (1) blameworthy actions, (2) the effects of moral states or dispositions, (3) pain and distress (4) imperfections such as vices, which hinder the fulfillment of the perfection of things or the loss of its nature. So moral evil is first related to what is reprehensible. In this context, reprehensible actions are associated with what the law admits as reprehensible or prohibited by the lawgiver. The second dimension of moral evil is linked to the psychological dispositions or the state of the soul, which leads to a blameworthy act. This is grounded on the philosophers' views of the relationship between laws and virtues, as I shall later elucidate. His use of the psychology of the soul is also evident in the third type of moral evil, which he associates to the soul's accidents such as pain and distress. Again, he claims that although we apprehend pain in real terms, it shall not lead us to conclude that this evil is substantially real. Hence, he explains that this apprehension is accidental because of the lack of good. Finally, evil is spoken of as an obstacle to fulfilling human nature and its perfection. In this sense, evil is understood in teleological terms. Therefore, evil is relative to ends in fulfilling perfection, such as the example of injustice or perfection prescribed by shari'ā in the case of fornication. Reiterating Fārābī's criticism, Ibn Sīnā upheld that evil and good cannot be associated with the faculties of the soul, for each faculty can be used for both good or evil ends.²⁴

Moral evil is understood on teleological grounds and therefore is not deemed as an intrinsic attribute to actions. And rather, it is understood in relative terms. This might also explain why Ibn Sīnā was adamant to nuance the different modes of apprehending evil as privation based on the loss or the cause of the loss. Here he reminds us that our existential apprehension of pain shall not lead us to assume that evil associated with pain is substantially real. Hence, he refuses to associate evil with the human act itself or to its psychological effect. This refinement might prove significant to distinguish evil actions in the moral sense. Still, such perspective on moral evil is not surprising as it dovetails with the philosophers' view of the relation between law and ethics, something we shall come back to. Be that as it may, Ibn Sīnā remains consistent on the privation of evil both in the natural and moral sense. While he admits a distinction between these two, they abide by similar modes embedded in the nature of material existence and takes into account the relative aspect associated to accidental evil.

²³ All the translations provided from the *Shifā* here are based on MARMURA's translation.

²⁴ Here they both seem to draw somehow on Aristotle's (1984: I.1106a1-20) *Nicomachean Ethics* when he cautions people from confusing virtues with emotions or faculties and explains that we are not praised or blamed for an act because of the emotion we have or the faculties that produce these emotions. For the Arabic translation of the *Nicomachean Ethics*, see ARISTOTLE 2005: 167. For a similar position, see IBN RUSHD 2018: 88-89.

Overall Ibn Sīnā's position denies the real existence of evil as an essence in the universe. Rather, evil is a privation that only occurs in the sublunary world and has no metaphysical existence in the supra-lunar world. Still, unlike Fārābī, he attributes evil to the privation of matter. By delineating a distinction between cosmic morality, natural morality and experienced morality, Ibn Sīnā also distances himself from the Mu'tazilites view and rather accepts that when it comes to human actions moral values are understood in relative sense and do not pertain to intrinsic attributes.

3. Ibn Rushd's moral ontology

Ibn Rushd's stance on evil has already drawn some attention for scholars, especially his statement in the commentary to *Talkhīṣ Jumhūriyyat Aflātūn* (Commentary to Plato's Republic) and *al-Kashf 'an al-Manāhij al-adillah* (Exposition of approaches to evidence) targeted at theologians' views on moral ontology. While this criticism of the theologians is significant, a more revealing and unexplored take on the good is found in his *Talkhīṣ al-akhlāq* (The Middle Commentary to Aristotle's Ethics). Starting with the commentator's interpretation of the Stagirite's account on the good in the *Nicomachean Ethics* and then moving to his criticism of Muslim theologians, I shall strive to construct a coherent view on his view on good and evil.

Ibn Rushd's discussion of the good in *Talkhīṣ al-akhlāq* is focused on Aristotle's critique of Plato's adoption of the theory of forms of the good, which stipulates a single idea of the good that subsumes all the particulars.²⁵ In his rejection of the Platonist view on the universal good as a single essence, Aristotle avers that goodness is not common, universal, and one: "The good cannot be something universally present in all cases and single" (ARISTOTLE 1984: I.1096a28).²⁶ Specifically, Aristotle explains that the good cannot be single and present in all cases, for it would fail to be predicated of the different categories. Ibn Rushd endorses the Stagirite's critique and rejects the theoretical framework of Plato's theory of the good. Like Aristotle, he upholds that the good cannot be one universal idea of the different goods. Ibn Rushd maintains that the good can either be a substance or predicated upon the categories of quality or relation.²⁷ Also, he follows Aristotle's lead and builds up his objection against Plato on the basis of the ontological priority of substance over the categories, while bringing some of his own views. Thus, he admits that the good as a substance, which he relates later to God or the intellect, is anterior to the relative good associated to the virtues (IBN RUSHD 2018: 42). While confirming the priority of substance over what is the category of relation, Ibn Rushd also admits a distinction, which has no parallel in Aristotle, between what is inside the soul and outside the soul. This might relate to a similar distinction between beings that he makes in his *Tafṣīr mā ba'da al-tabī'a* (Long Commentary to Aristotle's Metaphysics), where he adopts Alexander of Aphrodisias' division of beings: being in accidents, being inside the soul, and being outside the soul (IBN RUSHD 1986: 62, 1401). Here Ibn Rushd makes a consequential observation when he notes that while being outside of the soul is the real being

²⁵ I will provide a more substantial account of Ibn Rushd's criticism of Plato's theory of the good in the first chapter of my forthcoming book.

²⁶ For more, see SHIELDS 2018: 129-148.

²⁷ A similar view, which relates the good to the categories, is also found in MISKAWAYH 2011: 308.

the two other types of being (in accidents and inside of the soul) are imperfect. On this account, as indicated by CERAMI (2005: 554), he deduces that metaphysics needs to investigate the principle of substance, for it is the principle of being which exists outside of the soul. When he suggests, in *Talkhīṣ al-akhlāq* that good as a substance is prior to the relative good because the latter only has an existence inside the soul implies that the good as a substance has an existence outside of the soul. This ontological distinction between good as a substance and good as predicated of a category does not only rest on the ontological anteriority of the first over the latter but also a differentiation between what is perfect or has an existence outside of the soul and what is imperfect and has an existence inside of the soul. Further cues can also be drawn from his *Risālat mā ba'd al-ṭabī'a* (Epitome of Aristotle's Metaphysics), where he explains that since existence is spoken of concerning substance (*jawhar*) in terms of anteriority and to the categories in terms of posteriority, one can conclude that substance is the cause for the existence of the categories that is the first cause.²⁸ On this account, we can deduce on solid ground that the good as a substance is the cause for the relative good. This first being which is the principle of existence is the first cause that is God. To further illustrate his views, Ibn Rushd makes another consequential addition to Aristotle's critique of the Platonist idea of good, which continues in this passage:

And that is because the good is spoken of in substance as is the case for God and the intellect which are both good and it is spoken of in terms of quality like virtues, in quantity such as justice and in relation such as the beneficial and times such as the right time and place like the house and so forth. It is done in most things that exist by which I mean in relation to the ten categories. And when the good is equivalent to what is existent and what is existent is spoken of across the ten categories in a systematically ambiguous way, by which I mean it is not said of one name that cannot be universally present in the ten categories, then it is clear that it is not predicated upon one universal good. (IBN RUSHD 2018: 42)²⁹

While this passage continues to build on the ontological priority of substance over the categories, one cannot help but notice Ibn Rushd's final remark on the ambiguity of existence, which has no equivalent in Aristotle's passage or the Arabic translation of the *Ethics*.³⁰ The statement first continues to draw on the distinction between the two types of the good: the first is related to a substance such as God, and the second type of good is associated with the modality of being of the ten categories. Put in light of the previous comments, the first good

²⁸ IBN RUSHD 1994: 135.

²⁹ Here is the equivalent passage in Aristotle's *Ethics* (1984: I. 1096a20-29), which shows that the reference to the ambiguity of beings in Ibn Rushd's iteration has no correspondence in the Stagirite's rendition: "But things are called good both in the category of substance and in that of quality and in that of relation, and that which is per se. i.e., substance is prior in nature to the relative (for the latter is like an offshoot and accident of what it is); so that there could not be a common idea set over all the goods. Further, since things are said to be good in as many ways as they are said to be (for things are called good both in the category of substance, as God and reason, and in quality, e.g., the useful, and in time e.g., the right opportunity, and in place, e.g., the right locality and the like), clearly the good cannot be something universally present in all cases and single; for then it would not have been predicated in all the categories but in one only."

³⁰ For the Arabic version of *Nicomachean ethics*, see ARISTOTLE 2005: 125.

related to God is substantial, while the second good is relative. The relative good is then associated with qualities such as virtues, quantity such as the measure of justice, and the relational good like the beneficial. So far, he continues to adhere to Aristotle in associating the existence of the good to the categories as a basis for rejecting the universal form of the good. Still, he adds that if the name of the good is equated to being and being is spoken of in an ambiguous way in relation to the ten categories, then it follows that the good cannot be said of one name in which all the ten categories participate. To grasp this point, let us first sketch out what does he mean by ambiguity or systematic equivocation (*tashkīk*). Both Ibn Rushd and Fārābī define ambiguity or *tashkīk* as an equivocation applied to two things in relation to one shared thing or more without having a clear indication that the meaning in either of them is posterior to the other (IBN RUSHD 1994: 60-59, FĀRĀBĪ 1986: 133).³¹ This implies that ambiguity is associated with the lack of clear distinction between the posteriority and anteriority in beings when it comes to the categories. In this case, it can be taken to mean that good associated with existent things is also spoken of in an ambiguous sense and therefore cannot be predicated upon one thing in which all the categories participate. To put it in other terms, the ambiguity of being predicated on the categories implies that any predicated good would also be prone to ambiguity. He also adds later that the good as a state is only spoken of in relation to one category. This means that we cannot have one shared category for all, and therefore there is no universal form of the good that exists outside of the soul as Plato would have it. This point on the impossibility of having the good outside of the soul explains why he situated the relative good inside of the soul earlier. Considering his metaphysical principles on the first cause as a real being and the cause for the categories, Ibn Rushd deems that attributing a universal form to good shared by all the categories would trump the distinction between the first cause and the categories based on anteriority and posteriority. Postulating that all the categories share the same nature would simply lead to confusing them with the nature of the first cause. His objections to Plato carry a theological dimension, which precludes any attempt to confuse God the principle of existence and the ultimate good with other types of existence and ignoring the ambiguity associated to them. Such theological implication caused him to also disagree with some Muslim theologians, to which we turn.

In his *Talkhīṣ Jumhūriyyat Aflāṭūn*, Ibn Rushd also underlines that some have maintained that God is the cause of good and evil. To this statement, he replies that “He neither does evil at any time whatever nor is the cause of it” (IBN RUSHD 1974: 20). He deems that such view absurd and amounting to a sophistical argument at best. He also notes that such an opinion was held by some *mutakallimūn* by which he means here the Ash‘arite theologians. To give some ground to his rejection of the Ash‘arites’ view, Ibn Rushd ascribes the existence of evil to matter (IBN RUSHD 1974: 21). He champions the same position elsewhere in his *al-Kashf ‘an Manāḥij al-adillah*, where he similarly expresses his dismay at the Ash‘arites’ arguments, holding that it is self-evident that justice is good, and injustice is evil, and rejects associating injustice with God. Furthermore, he justifies the inevitability of evil to adduce why God had to create evil in certain people. He explains that evil is required in God’s creation, for its existence is due to the necessity of matter. As noted by Belo, in his *Tahāfut*

31 See also WOLFSON 1938: 153.

al-tahāfut (the incoherence of incoherence), Ibn Rushd rehearses the same position also championed by Ibn Sīnā, deeming evil as an accidental side effect of creation (IBN RUSHD 1954: 177; BELO 2007: 208). Considering the above insights in his *Talkhīṣ al-akhlāq*, we can discern that he is doing more than just reproducing Ibn Sīnā or Aristotle's views. Ibn Rushd's critique is premised on the confusion between God, the ultimate good, and defects in the world such as matter. For Ibn Rushd, God is the ultimate good and cannot be confused with other existent things or associated with any given defects such as evil or injustice. This critique of Ash'arism, should not however lead us to suppose, as Hourani did, that he is on the Mu'tazilites side either. As shown in his conception of human actions, he distances himself from Mu'tazilites' moral ontology. By this, I mean Ibn Rushd does assert the relative nature of the good and its susceptibility to ambiguity, which precludes any attempt to attach intrinsic values to actions as admitted by the Mu'tazilites.

To conclude, Ibn Rushd differentiates between the good associated with the principle of substance such as God and moral good as a relative entity associated with virtues predicated upon the category of quality, quantity, time, and place. In so doing, he infers that the good cannot have a universal form shared by all the categories as Plato claimed, for it would disturb an essential principle of his metaphysics: the ontological priority of the principle of substance, the cause of the existence of all the categories. On this account, the experienced good is subject to the ambiguity of existence and therefore cannot bear a universally shared form outside of the soul. This also implies that the first good, which is God, is ontologically anterior to the relative good. Accordingly, evil or injustice can in no way be attributed to God, as the Ash'arites suggested.

A few implications are to be drawn at this juncture. The Muslim philosophers' ontology of good and evil is diverse, and its nuances are undermined when reduced to an objectivist or rationalist view akin to Mu'tazilites. While some follow to some extent the Neoplatonic tendency in associating the existence of evil to matter, their understanding of experienced moral good also draws on Aristotle. In so doing, the philosophers do not seem to side with the supposedly Mu'tazilites' moral ontology and somewhat distance themselves from a realist ontology concerning human actions. Furthermore, the philosophers' adoption of the teleological value of good and evil is manifest. It anticipates their commitment to the necessity for a science of ethics that puts under scrutiny the voluntary good and evil. As clearly attested by the Andalusian commentator, while the metaphysical good linked to the first cause is assigned to the theoretical science, the experienced moral good related to human actions falls under the gambit of the science of ethics. For Ibn Rushd such distinction has some ramification, when he acknowledges, in his *Talkhīṣ al-akhlāq*, that the good associated with God falls under the purview of metaphysics, while the relative good related to voluntary human actions is at the core of the science of ethics (IBN RUSHD 1994: 46). Further, such distinction carries for the commentator crucial epistemological ramifications. Unlike metaphysics, which uses demonstrative arguments, Ibn Rushd associates ethics to dialectical arguments as already shown by Frédérique WOERTHER (2019: 227-235 and 2018: 118-134), a point which will further be discussed in the next section.

II. Moral Epistemology: opinion, practice, and dialectics

While the philosophers' take on moral ontology was conspicuous, their input on moral epistemology is less obvious and needs some effort to reconstruct. One fruitful course I shall undertake is to piece together some of the philosophers' comments on grasping moral knowledge. Building upon David WIRMER (2019: 208) recent findings, I argue that the philosophers adhere to Aristotle's claim in the *Ethics* that moral knowledge does not rely on abstraction and instead depends on developing the human ethos. To this end, I shall demonstrate how the *falāsifa* agreed to assert laws as the basis of developing the human ethos. If this is so, then the question that posits itself is what is the epistemic status of the moral knowledge based on the law? Another helpful thread to discern the philosophers' insights on moral epistemology is to take their dispersed statements on ethical maxims, such as lying is bad.

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1. Ethos, law, and emotions: a prelude to moral knowledge

As I have noted earlier in his *Nihāyat al-iqdām* (The end of steps in the science of theology), Abd al-Karīm SHAHRISTĀNĪ (1931: 376) gives a neat summary of the philosophers' views on ethics, which again deserves further attention. To our end, he asserts that Muslim philosophers admit that given the limitation of the human intellect to reach all intelligibles (*al-ma'qūlāt*) and human beings' incapacity to fulfill their universal well-being, lawgivers are necessary to human existence. Such view on the necessity of laws is best captured in Ibn Sīnā's *Shifā'*, where he attests that justice requires a lawgiver: "law and justice necessarily require a lawgiver and dispenser of justice" (IBN SĪNĀ 2005: 364). To take it a step further, the claim on the essential nature of the law might suggest that such necessity requires an unquestionable acceptance of laws. Fārābī gives us further insight into this basis of acceptance of the law. In *Jawāmi' nawāmīs Aflātūn* (Summary of Plato's Book of Laws), he interprets the first teacher Plato to say there is no way to know the essence of laws and their virtuous nature only through experience (*tadarrub*) (FĀRĀBĪ 1998: 128). This suggests that laws are a given, and one can only come to arrive to grasp their moral value through experience. Similarly, upon commenting on Aristotle's *Ethics*, Ibn Rushd echoes this view. At the beginning of his commentary, the Andalusian scholar admits that Plato was right to underline the need to proceed from things that are obvious to us and then seek to reach to principles. Thus, he suggests that rather than starting from abstract principles, one should build up from what is obvious or visible from experience to build towards principles. To elucidate his point, Ibn Rushd takes the example of he who wants to learn the essence of beautiful and just matters in the political context. In this case, Ibn Rushd underlines that one should start with building his or her character towards justice. In so doing, he makes a consequential statement, admitting that the beginning of moral knowledge of justice and

beautiful actions is its manifestation in reality. He then concludes that the existence of justice and beautiful things are the beginning of knowledge (IBN RUSHD 2018: 37-38).³²

Such statement affirms WIRMER's (2019: 208) recent conclusion that Arabic philosophers, specifically Fārābī follows Aristotle's statement in book ten of the *Ethics*: "it makes no sense to pretend one can teach the political art in an abstract way, as the sophists claim to do, rather one has to practice it and accumulate experience."³³ Still, one can say that while both Fārābī and Ibn Rushd must have been drawing on Aristotle, Fārābī seems to believe that this is a view held by Plato as well. More importantly, such construal is best evidenced in Ibn Rushd's conclusion that realizing one's character in human actions and accumulation of these experiences is the starting point towards knowledge.

To flesh out how one fulfills his human ethos through experience, I shall briefly look into how the philosophers explained the role of the law in this equation. The answer can be found first in Fārābī's definition of the role of the lawgiver. As I have argued elsewhere, for Fārābī, the lawgiver provides laws with ethical measures reflecting a defined emotive value and amount of justice to serve as a barometer for fulfilling the human ethos. These measures, which the philosophers associate to the mean between virtues and vices to avoid excess or deficiency or, in Aristotelian parlance to *mesotes*, serve as a basis to gauge the good and evil in relation to actions (IBN SĪNĀ 2005: 377-378, BOUHAFĀ 2019b). To understand how the substantive ethical content of the law helps us be moral, the philosophers draw from Aristotle's aretaic theory and its moral psychology. In equating law with *mesotes*, Fārābī endorses Aristotle's view on the role of emotion that is pain and pleasure, to serve as an indicator to gauge actions.³⁴ This is not to say that pleasure and pain are the main aims of ethics, rather it affirms how the application of the substantive ethical measure of the law regulates the emotions of the soul (FĀRĀBĪ 2007: 113-114 and for the Arabic see FĀRĀBĪ 1952: 68-69). Fārābī shows how emotions are needed to discern the type of inclination we have towards particular actions and specifically in terms of pleasure and pain. To better explain the role of emotion, Fārābī divides pleasure to what is material (*maḥsūsa*) and what is perceived (*mafhūma*), which distinguishes between sensual and psychological pleasures and what is immediate and posthumous pleasure (FĀRĀBĪ 1952: 50-51). Similarly, Ibn Sīnā defines the basis of ethos with the law in association to pleasure and pain. Ibn Sīnā underlines that the lawgiver seeks to attain justice through the means to regulate morals and habits.³⁵ The aim of the law, he argues, is to control passions to incite human beings towards the correct action of the soul and fulfill its purification to achieve its higher aim. Ibn Sīnā associates the first aim of controlling passions and inciting people towards correct actions to

32 Ibn Rushd does not simply reiterate Aristotle's view but also makes a significant addition. For the parallel passage in Aristotle, see 1984: I. 1095a30-1095b10, and for the Arabic version of Aristotle's *Ethics*, see ARISTOTLE 2015: 118.

33 As I have noted earlier, Wirmer focused on the discussion of habit Book X. 9, 1180b28-1181b1. Still, one finds this position explicit at the very beginning of the *Nicomachean Ethics*, a position endorsed by and refined in IBN RUSHD 2018: 38.

34 In *The Nicomachean Ethics*, Book II, Aristotle (1984: 1104b4-5.) says: "We must take as a sign of states the pleasure or pain that supervenes on acts; for the man who abstains from bodily pleasures and delights in this very fact is temperate." For the Arabic version see, ARISTOTLE 2005: 160-161.

35 IBN SĪNĀ 2005: 377-378.

worldly pleasure aimed at conserving the human body through procreation and the city's survival through courage. So, fulfilling the right amount of worldly pleasures preserves the basis of human existence both at the individual and the city level. Thus he cautions us against excess in pleasure to maintain human interest (IBN SĪNĀ 2005: 377-378). Ibn Rushd follows the same lead in underlining how pleasure and pain serve as proofs for virtues: "And also virtues are in actions and passions and every passion and action is followed by pleasure and pain, for that reason virtue must be concerned with pleasure and pain, by that I mean that they must follow what is needed" (IBN RUSHD 2018: 83).³⁶ He also adds that the point is not to avoid all pain and pleasure or accept either; instead, one needs to measure their amount and account for the objectives of the action. More importantly, he draws attention to the significance of pain and pleasure to the lawgivers's aim, which indicates their role in relation to the law. Later on, Ibn Rushd showcases how the state of the soul of injustice is incurred when people seek the wrong measure of pleasure or pain, abandon it or perform an act in the wrong time or manner (IBN RUSHD 2018: 84). Similar views can be found in other writings of Ibn Rushd, but this shall suffice to affirm his call to the practical realization of ethics as the starting point to moral knowledge. Hence the indispensable role of law.

In a nutshell, this account provides enough evidence to adduce that moral knowledge has to start from accumulating experience based on measures provided by lawgivers and not abstract principles. This could serve to explain why Muslim philosophers took laws as a tool to the realization of ethos. As suggested by Fārābī the nature of law can only be known with experience. This might also warrant for Ibn Rushd's allusion that the essence of Muhammad's claim to prophecy is like the doctor's case cannot be established on the rational ground rather on practical ground. In the same way, healing is the basis for being a doctor; laws are the basis for being a prophet (IBN RUSHD 1998: 177, BOUHAFĀ 2016: 217-218). Be that as it may, since the law is the basis for moral knowledge, the question that remains is: what is the epistemology of the law?

2. The epistemology of the law

Erecting the moral epistemology of law in philosophy is an arduous task that needs an independent study. A comprehensive outlook would consider first the philosophers' evaluation of Islamic moral knowledge, the basis of Islamic law. This task has first been undertaken by AOUAD's (2007: 1-88) comparative framework between Fārābī, Ibn Sīnā, Ibn Rushd and Ibn Ṭumlūṣ. Also, BOU AKL (2015: 10-49) looked into Ibn Rushd's view of testimony that is transmitted through the Muslim community based on continuous tradition *tawātur*. I have also, in a recent piece (2019a), revisited the question to look at how Ibn Rushd evaluated both the continuous tradition *tawātur* as well as the solitary tradition known as *āḥād*.³⁷ Based on these studies, one can conclude that philosophers, especially Fārābī and Ibn Rushd, relate the basis of Islamic knowledge in law, both *tawātur* and *āḥād*, to testimony (*shahāda*), which falls under the epistemological scope of the discourse of

³⁶ For the English translation of Aristotle's, see ARISTOTLE 1984: II.1104b 4-24, and for the Arabic version of *the Nicomachean Ethics*, see ARISTOTLE 2005: 160-162.

³⁷ See also BLACK's (2019: 103-110) account on testimonial knowledge.

rhetoric, the realm of probable opinions in Arabic logic.³⁸ Building on these findings, I will limit myself to looking at some of the philosophers' conceptions of legal argumentation.

While the most suggestive account on the status of the law can be found in Ibn Rushd's, one can still glean some significant perspective from Fārābī first. Fārābī, as I have discussed elsewhere, makes a consequential comment on the status of the principles of laws brought by the lawgiver when he admits that these principles are not to be taken as universals as they are restricted to some conditions (BOUHAFI 2019b: 21-22). To illustrate this point in *Kitāb al-milla*, he distinguishes between the universal modality of the human being, which refers to all human beings and the modality of the human being who is writing, which attaches the condition of writing to a human being and therefore precludes its universal status as a reference to all human beings.³⁹ Likewise, the laws provide principles with conditions for their application. Furthermore, in *Kitāb al-qiyyās* (Book on the Syllogism), Fārābī (1986: 54-55) discusses the nature of legal reasoning. First, he claims that in law, inferential reasoning relies on accepted premises based on the principles of jurisprudence such as Quran and Hadith. Thus, he evokes the link between legal reasoning and rhetorical arguments, which are probable premises accepted by people.⁴⁰ Also, he notes that accepted opinions of the law are either conveyed as an apodictic judgment such as "all wine is forbidden" or expressed in a peremptory form such as a command, prohibition, urge, etc. As for peremptory forms, he refers to a set of examples from the Quranic commands on calling for honouring contracts, being just, and avoiding false testimony. Fārābī avers that whether a command carries an apodictic or peremptory tone still needs to be transformed into a resolute statement. As to applying this principle to "all wine is forbidden," he explains that this can only be generalized to a statement in univocal cases but not in equivocal ones. For the latter cannot be considered truly universal. This shows that legal inferences are also governed by semantic ambiguity and admits that one cannot talk about a true universal principle in the case of equivocation. To our end, this means that legal reasoning does not only rely on accepted probable premises; it can only produce true principles when it is premised on univocal expression (FĀRĀBĪ 1986: 55). Obviously, the cases of univocal expressions are limited in Islamic law compared to those bearing equivocal expressions, which means that for Fārābī, a significant portion of the principles in law cannot be deemed true principles.

This outlook on the probable nature of the law carries some resonance to Ibn Sīnā's allusive remarks in the *al-Ṭabī'īyyāt min 'uyūn al-ḥikma* (Elements of philosophy). In his exposition of the two faculties of the rational soul, Ibn Sīnā distinguishes between the practical faculty (*al-'aql al-'amalī*), which is disposed towards actions and therefore focuses on the body (what should be done or averted) and the theoretical faculty, specific to the soul and oriented to the celestial realm reaching perfection through divine emanation (IBN SĪNĀ n.d: 33-34). To this, he adds that while the theoretical intellect accepts the essence of

³⁸ As noted by BLACK (2019: 103), Ibn Sīnā is different from Fārābī, as he includes *tawātur* among the sources of certainty and deems them as empiricals.

³⁹ FĀRĀBĪ 2001: 97.

⁴⁰ As already mentioned by BOU AKL (2019: 56), Fārābī admits that inferences are premised on combining the universal with the particular. This combination affects three principles: the universal considered as universal, a universal substituted for an intended particular, the particular substituted for the intended universal, and the example. Obviously, here I limit myself to noting the first principle only.

universal matters, the practical intellect, as a faculty, triggers the appetitive faculty (*al-quwwa-l-shawqiyya*) to what is chosen from particulars for a presumptive aim (*ghāya maznūna*) (IBN SĪNĀ n.d.: 80). Referring to actions in terms of prohibition and commands, he implies the adherence to law, which falls within the remit of the practical faculty. When Ibn Sīnā links the aims of practical faculty to opinions, he alludes to the presumptive nature of the law. Such perspective is confirmed when he ties the theoretical wisdom to the certain demonstrative belief of beings (*al-i'tiqād al-yaqīnī*) and attests that the practical part does not aim to fulfill belief based on the certainty of beings and rather aims for the correctness of opinion (*ṣiḥḥat al-ra'y*) in matters related to human actions to gain what is good.⁴¹ So the goal of the practical faculty is not to effectuate belief but to ensure an opinion (*ra'y*) for the aim of action (IBN SĪNĀ n.d.: 105).⁴² This leads me to conclude that he also ascribes law to the domain of presumptive opinion.

As both a philosopher and a jurist, Ibn Rushd's vocation comes in handy to help us further infer philosophy's appraisal of the law. Some conclusions on the probable value of legal reasoning have been made by BOU AKL (2019) when he showcases Ibn Rushd's refinement of Fārābī's account on the link between legal reasoning and rhetorical syllogism. So, there is no need to rehearse that Ibn Rushd is an agreement on the probable basis of legal reasoning made by his predecessors, as clearly voiced in his decisive treatise when he admits that logical syllogism is certain (*yaqīnī*), legal syllogism is presumptive (*ẓannī*) (IBN RUSHD 2001: 9). Instead, I would like to focus on some of his views in *Talkhīṣ jumhūriyyat Aflāṭūn* and his legal treatise *al-Ḍarūrī* (the Abridgment of the principles of jurisprudence), where he discusses the relation between principles and particulars in law and ethics. His statement in the commentary echoes his insights in his legal treatise and therefore should both be looked at simultaneously:

(1) "We say: This science, known as practical science, differs essentially from the theoretical sciences. Now this is clear inasmuch as its subject differs from the subject of each and every one of the theoretical sciences and its principles differ from their principles. This is because the subject of this science is volitional things, the doing of which is within our power, and the principle of these things is will and choice; just as the principle of natural science is nature and its subject the natural things, and the principle of the divine science is God (may he be exalted!) and its subject the divine things. Furthermore, this science differs from the theoretical sciences in that their end is knowledge alone; if there is anything of action in them it is by accident, as happens in many of the matters that the mathematicians study. Now the end of this science is

41 Ibn Rushd has a similar point on the necessity of accepting probable evidence in jurisprudence to fulfill good and justice. See BOUHAFI 2019a: 71.

42 This division also dovetails with his distinction between the material pleasure, which he associates with the law, and immaterial pleasure as the ultimate aim and essence of the soul. This can be evidenced by his statement that: "It was made clear that the only path to happiness (*al-rūḥāniyya*) is the intellect (*al-'aql*) as for physical happiness (*al-sā'ada al-badaniyya*) that is only fulfilled by revelation and law." (IBN SĪNĀ n.d.: 115). This distinction between the material happiness defined by shari'a and spiritual happiness based on the intellect shows his commitment to an intellectual eschatology and associates the moral basis of the law to materialism rather than intellectualism. This affirms Michot's conclusion on the dual destinies of human beings. For more, see MICHOT 1986: 49-54, IBN SĪNĀ 1984: 152, 154, and 130.

action alone, even though its parts differ in their proximity to action. For of the general rules [whose account] is supplied by this science, the more general is further removed from action and the less general is nearer, just as in the art of medicine (IBN RUSHD 1974: 3-4).

(2) Either a knowledge whose aim is producing only belief in the soul, such as the science of the origination of the world and the affirmation of the indivisibility of the part, and similar things. Or knowledge, whose aim is action and this pertains to general principles, which is remote in terms of its utility to action and what is particular and closer in terms of its utility to action. Under the particular part is the science of the status of prayer and alms giving and as well as particular precepts and laws and the universal part is, for example, the science of principles on which these particulars are built (IBN RUSHD 2016:119).⁴³

In the first instance, Ibn Rushd introduces the distinction between practical and theoretical sciences, admitting that their difference is premised on their subject matters and principles. While the nature of practical matters is choice and deliberation, the principle of natural sciences is nature, and for metaphysics is God. The distinction implies that the aim for theoretical science is knowledge and practical philosophy is action. Herein, he makes an important remark on the value of action when he notes that the different parts of this science differ in their proximity to action. This allusion comes to assert some gradation, where certain parts are closer to action than others. In the second statement, Ibn Rushd makes a similar position on the division of sciences into three kinds; I shall focus on the two types that concern us. First, he delineates theoretical knowledge as the type of knowledge that aims at producing belief in the soul, (e.g. the science of origination of the world and the existence of an indivisible part).⁴⁴ The second type, which has its aim as action, is jurisprudence. He again reiterates that the particulars in this realm is closer to truth, as seen in the examples of ritual norms of Islamic law such as prayer and almsgiving. This comes to assert that the particulars of the law are closer to the aim of actions than principles, which are more distant. A similar assertion is found in the *Talkhīṣ al-akhlāq*, where he admits that one shall not limit oneself to general definition but rather to particular matter: “For general inclusive statements about actions are not very correct, while particulars are closer to the truth, because actions are particular matters” (IBN RUSHD 2018: 96).⁴⁵

While this fits well with his earlier assertion on the priority of experience over abstraction in ethics, his example on the relation between principles of the law and particulars is suggestive. Ibn Rushd seems to imply that one should not assume the superiority of principles over particulars; on the contrary particulars can be superior when considering their proximity to actions. This understanding could be informed by the division in Islamic legal philosophy between the principles of the law and its branches, which, as Hallaq has shown, have a

43 This is my own translation. For the Arabic, see Bou Akl's edition and commentary on this passage in IBN RUSHD 2015: 118.

44 For more, see BEN AHMED 2010-2011: 48.

45 For corresponding passage in *the Nicomachean Ethics*, see ARISTOTLE 1984: 1107a28-33 and for the Arabic version see ARISTOTLE 2005: 174.

dialectical relation where they both inform one other.⁴⁶ If this is true, Ibn Rushd would be going beyond Fārābī to assert that principles not only lack an absolute universal status, but also have no full ascendancy over particulars.

In a nutshell, the philosophers' insights on moral epistemology are complex. In admitting a skeptical view on the human capacity to reach ethical principles on their own, they underline the indispensable role of the lawgivers to provide principles to direct the human ethos towards the good. Still these principles do not aspire to the certainty required in theoretical knowledge considering their reliance on accepted premises. Also, their application cannot be systematic and should consider some operations to deduce the conditions of their application to particulars. Furthermore, Ibn Rushd echoes that principles shall not take systematic priority over particulars, reflecting how jurisprudence rests on a complex dialectic between principles and particulars.

3. The epistemic status of ethical judgments

Another significant discussion about moral epistemology is linked to the status of ethical propositions that are deemed to be shared among people. The debate on the status of ethical propositions such as 'lying is bad and justice is good' goes back to theologians' discussions, especially the Mu'tazilites and Ash'arites. The Mu'tazilites insist that certain ethical properties of acts are immediately perceptible to the intellect through intuition, such as lying is bad, which they deem as a universal rational proposition. In contrast, the Ash'arites challenge the universality of propositions such as 'lying is bad', invoking the example of lying to save the Prophet's life.⁴⁷ Although the theologians' position is beyond the scope of the study, one should note that the philosophers seem to align with the Ash'arites in rejecting the intuitive nature of ethical judgments but do not discount their intelligible nature. For the philosophers this discussion of ethical propositions is the task of the logician to assess the different premises used in logical discourse and the degree of assent or belief each proposition produces. So, philosophers agree that ethical judgments or maxims such as lying is bad and justice is good fall under logical premises known as widely accepted (*mashhūrāt*) or reputable premises (*maḥmūdāt*). Here let me provide few examples from their various discussions and draw some preliminary conclusions.

At the beginning of his *Kitāb al-burhān* (Book of Demonstration), Fārābī starts with the status of certain propositions used in logic. He then outlines the different degrees of certainty (*yaqīn*) possible in producing assent (*taṣdīq*) or belief in logic ranging from what is certain to what is proximate to being certain and finally to opinion producing only contentment (FĀRĀBĪ 1987: 20).⁴⁸ When considering the type of assent that produces approximate belief, he refers to the widely accepted propositions (*al-mashhūrāt*). The truthfulness of the widely

46 On the complex relationship between the principles and substantive law, see HALLAQ 1994 and AHMAD 2006.

47 For the English translation of Ghazālī's discussion of the epistemic status of reputable opinions, see REINHART 1995: 88 and SHIHADÉH's article in this special issue too.

48 Fārābī links contentment to a psychological process that ensues a state of tranquility of the soul (*sukūn al-nafs*). For more, see BLACK 1990: 103-104.

accepted proposition, he limns, is based on the testimony of all or most people.⁴⁹ Still linking these propositions to testimony relegates them to the status that is lower than total certainty. Widely accepted propositions produce assent that is akin to contentment or persuasion but still generate some objection in the soul (*mu'ānada*). In his *Tanbīh 'alā sabīl al-sa'āda* (Directing Attention to the Way of Happiness), Fārābī refers to the role of widely accepted propositions taking the example of ethical maxims such as: thanking the benefactor and justice is beautiful in the ethical realm of human actions (FĀRĀBĪ 1952: 73). This leads us to conclude that although he admits that ethical judgments are widely accepted opinions that can only produce contentment in the soul, he still underlines their practical function in ethics. The implications of such inference will become more evident in Fārābī's successors.

One can find Ibn Sīnā's evaluation of ethical judgments in various instances of his writings. In the *Shifā'*, he outlines the different types of premises used in logic including the widely accepted beliefs which, he admits, are of two kinds. The first type is meant for a specific group (*tā'ifa*), and the second is shared by most people. To our purpose, he associates the second type of beliefs to ethical propositions such as thanking the benefactor, justice is good, and injustice is evil. He adds that these widely accepted beliefs are not related to first nature (*fiṭra*) and can be true or false. Even when these propositions are true, they still stand in need of proofs. To explain this point, he admits that while some of these propositions can be true, a condition is attached to their veracity. Such condition, however, tends to be invisible to most people. This implies that these propositions shall not be applied in universal fashion even though they are deemed universal among the masses who are oblivious to the condition required to their truthfulness (IBN SĪNĀ 1956: 66). Further, Ibn Sīnā admits the beneficial role of ethical precepts, which stems from the belief they produce in the soul without any opposition (IBN SĪNĀ 1956: 67). In precluding the occurrence of any opposition within the soul, he justifies their epistemic stability in producing belief.

Ibn Sīnā reiterates similar views in *al-Najāṭ* (The Deliverance), *al-Ishārāt wa-l-tanbīhāt* (Pointers and Reminders), and *Kitāb al-naḥs* (De Anima).⁵⁰ In the *Najāṭ*, he emphasizes how the widely accepted beliefs produce assent based on notoriety as they are reputed premises or opinions accepted based on the testimony of most people, such as justice is beautiful, or the testimony of most scholars or virtuous people without any rejection of the masses. More importantly, he asserts that these are neither linked to what is innately known (*fiṭra*) nor to estimation (*wahm*), but they are rather established in the soul (*mutaqarrira fī l-naḥs*).⁵¹ Still, in admitting that these propositions are neither innate nor estimative, Ibn Sīnā is taking a middle ground (IBN SĪNĀ 1986: 99-100). I mean here, he neither ascribes to these propositions a self-evident intuitive character nor attributes to them an estimative nature, which would affirm their subjective character. In fact, in his *Kitāb al-naḥs*, after he associates emotions to the estimative faculty, he locates ethical judgments right in-between the practical and the theoretical faculty of the soul (IBN SĪNĀ 1959: 46). Such a move is not arbitrary and might be taken as a ground to differentiate estimation from ethical precepts. This might call for

49 For an extensive discussion of the relationship between testimony (*shahāda*) and widely accepted propositions (*mashhūrāt*), see Aouad's introduction (2007: 1-88).

50 IBN SĪNĀ 1986: 99-100; 1959: 46-47; 1960: 350-353.

51 For a detailed discussion of the inconsistency of Ibn Sīnā on the role of estimation in ethical judgement see BLACK 1993: 243 and her discussion of Ibn Taymiyya's critique.

nuancing VASALOU's (2016: 63) reading of Ibn Sīnā's account on ethical precepts. While she admits that Ibn Sīnā affirms the practical value of ethical precepts, she argues that Ibn Sīnā denies their epistemic value, as he associates them with the estimation he distrusts. However, BLACK (1993: 244) does acknowledge that "Avicenna is unwilling to extend the concept of estimative grasp of intentions, even if estimative instincts may contribute to the intellect's ability to inculcate these beliefs." The question that remains is why Ibn Sīnā insists that ethical precepts are not estimative *wahmī*, a point that is later endorsed by Ghazālī, too, and what this means for the epistemic value of ethical propositions. While I shall leave this scrutiny for another occasion, it shall suffice for now to infer that Ibn Sīnā's denial of the self-evident nature of ethical precepts should not be taken as a straightforward denial of their epistemic value.⁵² In so doing, he would have to also deny, for example, opinions based on *tawātur* also premised on testimony, which he treats as equivalent to empiricals.⁵³ Even further, he would be denying the social function of logic altogether.

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Looking back at his account in *al-Najāt*, Ibn Sīnā attempts to link the origin of ethical judgments to the desire for peace, conciliation and human ethics, and ancient laws which were not abrogated to ensure stability, as well as multiple inductions (IBN SĪNĀ 1986: 100).⁵⁴ Here Ibn Sīnā seeks to ground ethical precepts in a social and political context where human beings discover certain instincts towards reconciliation and peace. He also associates these judgments to the authority of ancient laws, which, although were abrogated, seem to leave some residue of a universal basis. This might attest to the durability of certain ethical beliefs in human existence. Finally, he also links ethical maxims to multiple inductions, suggesting that these opinions have been tested repeatedly throughout history. These assertions, based on some continuity in human experience, might explain why he upholds in his commentary to the rhetoric that these beliefs are both believed and seen by people: "*ya'taqidūnahā wa-yarawnahā*" (IBN SĪNĀ 1954: 94). In other words, people do not simply reason these opinions; rather they hold a strong belief in their soul without any opposition linked to some empirical basis. Further, these opinions cannot be subjective as their authority does not come from each individual on its own. Rather these judgments are formed by the whole community of individuals who testified to certain basic principles of existence, such as the inclination towards peace, the experience of morality in relation to human laws.

To conclude, while Ibn Sīnā is cautious about attributing ethical maxims to intuition, he tries to ground them in something stable. Therefore, he resorts to habit, the natural need to sociability and peace, and multiple inductions. In so doing, he remains consistent in denying their origin to *fiṭra* or *wahm*. Instead, Ibn Sīnā attempts to associate these judgments to contextual and experiential evidence, which comes to establish itself in the human soul, specifically between the theoretical and practical faculty. In so doing, he cements the nature of ethical judgments to the collective desire of stability associated with laws and ethics and the sustainable impact of experience on the human soul. To gauge whether this outcome is satisfactory deserves a more comprehensive study of Ibn Sīnā's reflections in another

⁵² I will expand further on this in my forthcoming book.

⁵³ On Ibn Sīnā's position on *tawātur*, see BLACK 2019: 103 and the introduction in AOUAD 2006.

⁵⁴ Also, In *Ishārāt*, he links ethical judgments to divine laws, character or passions, and induction (IBN SĪNĀ 1960: 133). IBN RUSHD (2002: 113) and Ṭūsī refer to these laws as unwritten laws. See Ṭūsī's commentary in IBN SĪNĀ 1960: 351.

occasion. To conclude, Ibn Sīnā is both reluctant to ascribe a self-evident character to ethical propositions or deny their epistemic capacity for producing consensual position on ethics.

Endorsing the universal dimension of ethical judgments, Ibn Rushd, in line with his predecessors, links their epistemic value to universal acceptance or to put it in his terms nobility (*sharaf*).⁵⁵ Ibn Rushd admits the universal nature of widely accepted premises, insisting that they can both be true or false. Taking the social function of widely accepted premises in the logical art of rhetoric for example, he claims that true premises can only be used if they pass the test of reputability (wide acceptance among people). This asserts that in a social context, logical propositions prioritize reputability over truthfulness. More importantly, he provides us with a hierarchy among the widely accepted premises, which do not rest on truth, but on what he calls nobility, referring to their reputable status among people (IBN RUSHD 1977: 51-52, Arabic 158-159). In this hierarchy, he exalts the widely accepted premises known as *maḥmūdāt*, such as thanking the benefactor and filial piety for their esteemed status among all people, including the masses and the experts. These propositions, he argues, bear a universal status that goes beyond cultural boundaries.⁵⁶

Ibn Rushd also notes that the *maḥmūdāt* are generic and can be used in both dialectical and rhetorical arguments. Here, he explains that while the art of dialectic uses the *maḥmūdāt* for their truthful nature, rhetoric uses them for their reputability. Such a view is linked to rhetoric's role in the social and political sphere, which appeals to reputable opinions. Still, he adds that to persuade people based on *maḥmūdāt*, one needs to present a proposition on the basis of the unexamined opinion or *al-mashhūr fī bādi' al-ra'y* (AOUAD 1992: 145 and BLACK 1990: 151). The unexamined opinion or *al-mashhūr fī bādi' al-ra'y al-mushtarak* falls within the widely accepted propositions but produces a belief, which immediately strikes a person before even submitting it into scrutiny. "In other words, the unexamined opinion bears an immediate effect on the person who is bound to its trust as soon as it happens" (BOUHAFI 2016: 109). As shown by AOUAD and BLACK, this unexamined opinion rests on quasi-rational or embryonic rationality shared by all human beings. Such quasi-rationality can be incorrect but carries an essential value in its shared and immediate character in the political context. As we shall see, Ibn Rushd values this consensual basis of the *maḥmūdāt* in the political context. To grasp this role, we need to lend a close look at the notion he develops in his commentaries to Aristotle's *Rhetoric* the unwritten laws.

Building upon Aristotle, Ibn Rushd distinguishes between two types of laws: (1) The written laws consisting of particular laws, which carry a finite ethical measure (a value of good and bad) applicable to actions. (2) The unwritten laws are universal laws that carry infinite ethical content (value of good and bad) beyond the limited measure of the written laws. While the written laws play an important role in providing definite ethical measures to gauge human actions, they often fall short of good and bad values because of the contingency in voluntary actions. Thus, the unwritten laws serve as a ground to supplement the written laws with a value of good and bad to mitigate the harshness or laxity of the finite measure of the written laws and fulfil the intent of the lawgiver. To our purpose, Ibn Rushd specifically links the origin of the unwritten laws to the *maḥmūdāt* such as thanking the benefactor and

⁵⁵ This is also endorsed by Ṭūsī when commenting on Ibn Sīnā's *Ishārāt* (IBN SĪNĀ 1960: 343).

⁵⁶ For a comparison between Ibn Sīnā and Ṭūsī see, IBN SĪNĀ 1960: 343.

filial piety (IBN RUSHD 2002: 84-85).⁵⁷ This link comes to establish the universal basis of the unwritten laws. More importantly, he admits that the unwritten laws and, therefore the reputable ethical precepts are in the nature of people, although we do not know how they are originated. In addition, Ibn Rushd ascribes a persuasive role to ethical precepts in order to guarantee the acceptance of legal judgments drawn based on the unwritten laws. On this account, ethical precepts through the unwritten laws come to play a corrective ethical function. To this end, Ibn Rushd cautions jurists to present arguments based on true reputable judgment to people under the guise of the widely accepted unexamined opinion to guarantee their acceptance. In so doing, Ibn Rushd admits that as people need to be convinced in legal matters, the use of reputable opinions should be justified on the basis of unexamined opinions shared by all human beings. Thus, the practical function of ethical precepts is grounded on a communal epistemological value and draws on the most common denominator among people while still being able to produce truthful judgments. This unravels the dialectical character of reputable ethical opinions and their malleability in the realm of legal justice, as they can both be true and accepted by the masses.

While the philosophers' appraisal of ethical judgments denies their self-evident nature, I shall emphasize that they are, with some different degrees, somewhat confident of the ethical propositions' robust epistemic status in ensuing belief within the soul. Still, these beliefs remain only inside of the soul and have no extra-mental existence. For Ibn Sīnā while these might be true and certain, they require proof.⁵⁸ Ibn Rushd calls for using these premises as a corrective basis to attain justice. Still attributing to ethical judgments a universal character without committing to an intuitive basis is suggestive. In so doing, philosophers ascribe to ethical precepts a relatively stable epistemic status and even the possibility of being true or come close to the truth; they still remain within a dialectical scope, where the belief produced here only bears an existence inside of the soul.

Conclusion

This study discloses the complexity of ethical reflection in Arabic philosophy. It showcases how ascribing objectivity to rational ethics cannot be restricted to an intuitive perspective, which asserts an intrinsic value to human actions. Looking at the philosophers' moral ontology, I unravel the importance of their distinction between values of good and evil linked to metaphysics and the construction of norms in the realm of the science of ethics. As seen with Ibn Rushd this also rests on an essential epistemological distinction, which associates metaphysics with truth and ethics with dialectics. Such a perspective dovetails with the epistemological discussions linked to morality and law in Arabic philosophy. As I noted, the philosophers seem to be in line with Aristotle in denying the role of lofty abstract ideals in grasping moral knowledge. Instead, they seem to underline the value of practice and accumulating experience to realize the good in actions, which Ibn Rushd sets as the first step

⁵⁷ On the unwritten laws, see AOUAD 2002 and BOUHAFSA 2016 and 2019.

⁵⁸ I shall provide a more extensive discussion of ethical judgment in my upcoming book, *An Economy of Contingency in Ethics, Law, and Truth: Averroes's Moral Philosophy* (Brill, forthcoming 2022).

toward knowing the good. Thus, the law serves as a barometer to achieve ethical knowledge. Despite its efficiency to bring human ethos, the law does not require the certainty sought in theoretical knowledge and relies on probable reasoning akin to rhetorical argumentation. Similarly, despite the philosophers' acceptance of the universal basis of ethical judgments, they seem to be apprehensive about asserting their intuitive character and opted for maintaining a dialectical approach in the realm of norm construction. This reluctance might be related to the epistemology of the law, especially the dialectical relation between principles and practice, as seen in Ibn Rushd. Attributing a high moral ideal to ethical judgments might break this dynamic. Higher principles cannot systematically overrule practice or consensus, which seems to be fundamental for morality. In so doing, Arabic philosophers might be urging us to revisit the veneration of theory vs. practice in the realm of ethics.

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The Place of Virtue Ethics within the Post-Classical Discourse on *ḥikma*: Fakhr al-Dīn al-Rāzī's *al-Nafs wa-l-rūḥ wa-sharḥ quwāhumā*

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Abstract

Preserved in what seems to be a unique manuscript at the Bodleian Library, *al-Nafs wa-l-rūḥ wa-sharḥ quwāhumā* (*The Soul and the Spirit together with an Explanation of Their Faculties*) of Fakhr al-Dīn al-Rāzī (d. 606/1210) is a curious book. At the beginning, the author describes the text as part of the philosophical sciences (as opposed to the religious ones) and clarifies that it deals with *ʿilm al-akhlāq*, meaning Aristotelian virtue ethics. The text is divided into two parts, the first explaining subjects of philosophical psychology, such as the nature of the soul, its faculties, and its survival after the death of the body. The second part explains how one can “treat” or “heal” the soul from certain negative character traits or vices. In both parts, the book makes liberal use of quotations from the Qurʾān, from prophetic *ḥadīth*, and from sayings by other prophets and sages. This is quite unlike any other “book on philosophy” that Fakhr al-Dīn al-Rāzī wrote.

The article explains the distinction between philosophical and non-philosophical books in Fakhr al-Dīn al-Rāzī and what it means for a book to belong to the former group. Al-Rāzī's works in the theoretical fields of philosophy (logic, the natural sciences, metaphysics, and theology) do not use evidence derived from revelation and hardly ever refer to it. The relationship between revelation and the practical disciplines of philosophy (among them ethics), however, is different from the relation between revelation and theoretical philosophy. This difference leads in Avicenna to an almost complete abandonment of the practical disciplines. In authors who follow Avicenna in his Farabian approach to the relationship between philosophy and revelation, it leads to hybrid works such as *al-Nafs wa-l-rūḥ wa-sharḥ quwāhumā* that follow a philosophical agenda but employ means and strategies that mimic and imitate revelation.

Keywords: Fakhr al-Dīn al-Rāzī, Avicenna, al-Ghazālī, ʿAbd al-Laṭīf al-Baghdādī, *ʿilm al-akhlāq*, Ethics, Practical philosophy, Psychology, Soul, Prophecy, Revelation.

Around the year 622/1225, the philosopher ʿAbd al-Laṭīf al-Baghdādī (d. 629/1231) wrote an essay of cultural criticism where he voiced his dissatisfaction with the predominant directions of intellectual life during his days. The text is known as the *Kitāb al-Naṣīḥatayn*, or the *Book of the Two Pieces of Advice* and ʿAbd al-Laṭīf wrote it most probably in the Anatolian city of Erzincan where he worked as a teacher in the *ʿulūm al-awāʿil*, the rational sciences that the Arabs had inherited from the Greeks. ʿAbd al-Laṭīf's two pieces of advice are actually just a single one, spread out over two fields of knowledge. In medicine as well as in philosophy, students of these two fields do well if they just stick to the Greek forefathers and disregard

as much as possible the Arabic authors who have deviated from them. In medicine, students should study the works of Galen and Hippocrates and in philosophy those of Aristotle and Plato. Arabic authors are worthy of attention only insofar as they are faithful to the Greeks. Al-Fārābī (d. 339/950-951) was, in ‘Abd al-Laṭīf’s opinion, such a faithful follower but Avicenna (Ibn Sīnā, d. 428/1037) was not. In fact, the second part of ‘Abd al-Laṭīf’s book on philosophy is a long diatribe and a polemic against Avicenna’s works, his philosophy, and against his corrupting influence on many scholars, among them al-Ghazālī (d. 505/1111) and Ibn Sahlān al-Sāwī (d. after 536/1141; al-BAGHDĀDĪ 2017: 165-166). His most violent attacks against Avicenna come at the end of his book when ‘Abd al-Laṭīf touches on Avicenna’s moral conduct. Those who know Avicenna well and who follow him, ‘Abd al-Laṭīf says, “report that he used to drink wine and indulge in fornication (*yartakibu l-fawāḥish*) and that he would write his books only when drunk and intoxicated.” (al-BAGHDĀDĪ 2017: 168). Such behavior is unworthy of a philosopher and it brought the whole field into disrepute. It is, however, not just a coincidence but a consequence of the way Avicenna conducted the philosophical sciences. Close to the end of his *Book of the Two Pieces of Advice*, ‘Abd al-Laṭīf takes the reader into his confidence and says:

I will tell you a secret so amazing and of so much benefit that had this book of mine contained nothing but this alone, it would have been enough to lend honor [to it]. It is the following: We have reported about the philosophers (*ḥukamā’*) that they said philosophy (*ḥikma*) ought not to be taught to anybody except to those who grew up according to prophetic practice (*sunna*) and who are accustomed to acting according to the religious law (*sharī’a*). I will tell you the reason for this. This is that the religious law accustoms one to be bound by its fetters (*quyūd*) to the point that one stops at its commandments and its prohibitions. But the fetters of philosophy are more numerous and heavier, so that whoever is not accustomed to the fetters of the religious law despite their lightness, how can he withstand the fetters of philosophy with all their weight? (al-BAGHDĀDĪ 2017: 169-170; English translation adopted from MARTINI BONADEO 2013: 192-193)

Avicenna could not even live up to the religious prohibition of drinking alcohol despite its moral lightness. With regard to his sexual conduct, Avicenna’s promiscuity may not have broken the religious law. ‘Abd al-Laṭīf mentions that the Muslim religious law allows a man to have sex with four wives and with as many beautiful concubines as he wishes. Philosophy, however, prohibits frequent sexual activity because it weakens body and soul in their attainment of the truth. Philosophy also prescribes a strict continence on eating and drinking to avoid damage to body and soul and, so ‘Abd al-Laṭīf says here at least implicitly, it prohibits intoxication (al-BAGHDĀDĪ 2017: 170).

Avicenna violated the moral code of philosophy because he was one of those whom ‘Abd al-Laṭīf calls a “vain,” “worthless,” and a “false philosopher” (*faḥḥāṣ*, *bāṭil*, and *zūr*; al-BAGHDĀDĪ 2017: 173). He focused only on the theoretical science and did not understand that the true goal of philosophy and its ultimate purpose lies in the actions that it makes its practitioners adopt. The false philosopher, so ‘Abd al-Laṭīf, acquires some measure of the theoretical sciences and believes that with it he has also acquired happiness (*sa’āda*). Such happiness, however, is only of the kind that the masses of the people deem desirable. He neglects to habituate himself in doing truly virtuous acts. Instead, the vain philosopher

follows his own appetites and inclinations. The true philosopher, however, follows the example of Plato and al-Fārābī and “their actions and their conduct in life are a witness to their teachings. Their teachings are not empty of deeds so that one could think they are fabrications and make-believe” (al-BAGHDĀDĪ 2017: 174).

Although ‘Abd al-Laṭīf never says so explicitly, what he bemoans in Avicenna’s œuvre is that the latter, unlike Plato and al-Fārābī, never wrote a book of ethics. Plato wrote the *Laws* and the *Republic*, and he has much to say about ethical conduct. Al-Fārābī wrote a commentary on Aristotle’s *Nicomachean Ethics*, which is lost, and he has much to say about the right conduct in many of his other books (see RUDOLPH 2017: 622-636). In all his numerous philosophical encyclopedias, however, Avicenna never included a part that deals with ethics. His most extensive philosophical work *The Fulfillment (al-Shifā’)* is divided into four parts: logic, mathematic, natural sciences, and *ilāhiyyāt*, which is metaphysics and philosophical theology. Practical philosophy is dealt with only at the very end, in the tenth book of the *Ilāhiyyāt (Metaphysics/Theology)* that deals with the office of the prophet and the ideal rules he should issue for a society. The same is true for other of Avicenna’s philosophical compendia such as *Pointers and Reminders (al-Ishārāt wa-l-tanbīhāt)*, for instance, which is divided into two major parts of which the second one covers subjects in the natural sciences and in metaphysics and theology combined. Whereas in *al-Shifā’*, prophecy is dealt with at two places, the end of the natural sciences and the end of metaphysics, the particular arrangement of *al-Ishārāt wa-l-tanbīhāt* allows Avicenna to explain it at one place only, namely in the tenth and last *namaṭ* on the secrets of the signs and wonders (*asrār al-āyāt*). Here in *Ishārāt*, however, he says nothing about the particular laws and rules a prophet should issue for his society.

If we look at Yaḥyā Maḥdāvī’s bibliography of works by Avicenna as well as Jules L. Janssens’ resourceful *Annotated Bibliography on Ibn Sīnā* of 1991 with its two appendices of 1999 and 2017 and go to the pages that cover Avicenna’s own texts on ethics, the result is quite meager (MAHDAVĪ 1954, JANSSENS 1991: 71-72; JANSSENS 1999: 35-36; JANSSENS 2017: 131-134). There is a *Kitāb al-Akhlāq* that belongs to Avicenna’s short epistles, included in a small collection of nine texts, *Tis‘ rasā’il*, printed first 1881 in Istanbul. That epistle has merely five pages and not once—as Charles Butterworth notes in a programmatic article of 1987 about Islamic traditions of virtue ethics—does it mention “character traits” or “moral habits” (*akhlāq*; BUTTERWORTH 1987: 244-246). Rather it talks about virtues (*faḍā’il*), which are qualities of the soul that humans need to perfect. Here, Avicenna mentions four cardinal virtues (*uṣūl*), namely temperance (*‘iffa*), courage (*shajā’a*), practical wisdom (*ḥikma*), and justice (*‘adāla*). The latter is the combination of the three earlier virtues (similar in IBN SĪNĀ, *al-Shifā’*, *al-Ilāhiyyāt*, 378). These cardinal virtues Avicenna divides into twenty-three branches and identifies a particular sphere of influence for each. On the five pages of his *Kitāb al-Akhlāq*, however, Avicenna has precious little to say how these virtues are acquired. At the beginning of the treatise he says that the perfection of one’s theoretical faculties—which lead to happiness in this world and the next—will somewhat include the perfection of the four cardinal virtues. This seems to vindicate ‘Abd al-Laṭīf al-Baghdādī’s criticism that for Avicenna the key of all perfections lies in the acquisition of the theoretical sciences and that he paid no attention to philosophical ethics.

That does not mean, however, that Avicenna had no ethical theory. As an Aristotelian he subscribed to the position that the morally good is defined in terms of the Aristotelian notion

of *entelékheia* (“realization of potentialities”). Whatever leads to the perfection of the potentialities inherent in things and in society is good and whatever distracts from it is bad (ERLWEIN 2019: 30-35, 50). Among the little we can say for certain about Avicenna’s teachings on morality is the fact that he understood moral judgments not as principles that are valid in all circumstances but rather as highly contextualized agreements among members of a certain society. Here he followed earlier concepts of moral judgments in Arabic philosophy by, for instance Miskawayh (d. 421/1030). In an exchange of opinions between Miskawayh and his colleague and friend al-Tawhīdī (d. between 400/1009 and 414/1023), written around 365/975 in Rayy, the latter asks whether a divinely revealed law (*sharī‘a*) can possibly include rules that violate reason, such as animal sacrifice or the imposition of blood money on the clan of a murderer? This is something like a trick-question, as the latter was practiced among Muslims and is sanctioned by Islamic law. Al-Tawhīdī hence truly asks whether the Muslim revealed law violates reason (*‘aql*)? Miskawayh answers that it does not. Judgments of reason are permanent and never cease to be valid. Moral judgments, however, change and are subject to context (*qarā’in*) and to circumstances (*shurūṭ*). The two examples are not judgments of reason, Miskawayh clarifies, as the common opinion on animal sacrifice has changed over time. What was once acceptable is now considered cruel and harmful. This shows, however, that these moral judgments do not represent knowledge based on reason but mere opinion (al-TAWHĪDĪ 2019, II: 210-219).

Avicenna voices a similar position in some of his textbooks on logic. There, he discusses the epistemological grounding of certain kinds of premises that we employ in arguments. One class of premises are so called “*mashhūrāt*,” meaning “generally accepted knowledge” that is affirmed by an unspoken consensus of people within a community. For most people the existence of China, for instance, is such a *mashhūra*, given that most people rely for this piece of information on the testimony of the few who have traveled there. One can also say that *mashhūrāt* are merely hearsay, albeit one that is not challenged by opposing information and hence usually reliable. For Avicenna, moral judgments belong to this class of *mashhūrāt*. In a famous thought experiment in *al-Ishārāt wa-l-tanbīhāt* (*Pointers and Reminders*), Avicenna asks his readers to imagine a situation in which a human has never had any associations in this world, no parents, no education, has never heard about others’ opinions or religious convictions, and that this human is only left with sense perception and his two faculties of reason and of estimation (*wahm*) (VASALOU 2016: 58-65). Would such a human decide that theft, lying, or animal sacrifice is wrong? Avicenna denies that he would and says that nothing of this is required by “pure reason” (*‘aql sādhiq*).

If a human were to imagine himself as created at once with a complete intellect, having received no education and not being under the power of psychological and moral sentiments, he would not assert any such propositions. (IBN SĪNĀ 2002: 127; Engl. trans. VASALOU 2016: 59)

Yet this human would affirm that the whole is greater than its parts, which is eternally true and becomes an axiom (*awwāliyya*) of the philosophical sciences. Moral judgments, however, are not eternally true and hence not the object of proper philosophical inquiry. For any Aristotelian “knowledge” (*epistēmē*, *ilm*) is only that what is universal and hence always true (ADAMSON 2005).

Moral judgments are affected by their context (*qarā'in*) and the circumstances (*shurūṭ*). That is one reason why in Avicenna they become closely associated with politics and—as we will see—with religion. Charles Butterworth pointed out that Avicenna subordinated the acquisition of the virtues to politics and from there to the most efficient and virtuous way a human society can organize, namely to prophetic legislation (BUTTERWORTH 1987: 238). That is why the tenth book of *al-Ilāhiyyāt* (*Metaphysics/Theology*) in Avicenna's *al-Shifā'*, says Butterworth, should be regarded as the place where he deals with ethics. Butterworth has shown that here, Avicenna not only talks about laws and about rules but also—quite abruptly as Butterworth notices—about character traits (*akhlāq*) and about habits ('*ādāt*'; BUTTERWORTH 1987: 238-242). He also speaks about virtues (*faḍā'il*) and thus connects his ideas about prophecy and its content to the moral discourse that readers of philosophy have been familiar with in the works of al-Fārābī, for instance. In short, if the very last book in his *al-Shifā'* is the place where Avicenna explains his moral theory, it is one that is based on the familiar Aristotelian themes of virtues and character traits that are acquired through habituation. This habituation, however, is best achieved through prophetic legislation and by revelation.

Avicenna, however, was not the first to bring revelation and prophetic legislation in such a close relationship with philosophical ethics. Recently Ferial Bouhafa could show that already al-Fārābī tries to account for Islamic ethics within an Aristotelian division of knowledge and he subsumes *fiqh* as a practical science. Religious ethics is for al-Fārābī a preparation for the philosophical one. For al-Fārābī philosophy and revelation are not two parallel and distinct ways of acquiring truth and establishing the virtues. Rather, they are one way where the religious is basic and propaedeutic and where philosophy represents the demonstrative and indisputable pinnacle (BOUHAFI 2019). Yet only few people read books on philosophical ethics, hence this discipline is in its efficiency for establishing virtues vastly outperformed by revelation. The latter prescribes acts of external and internal worship that lead to habituation and the establishment of virtues in the individual (GALSTON 1979: 568-569). Given that revelation is widely followed whereas only few study philosophical ethics, the latter stands for Avicenna in the long shadow of the former (KAYA 2014). Whereas al-Fārābī wrote important books on philosophical ethics, among them a lost commentary on Aristotle's *Nicomachean Ethics* (see RUDOLPH [et al.] (eds.) 2017: 180-182, 221-223, 403), Avicenna's particular adaptation of the Farabian position on the relationship between practical philosophy and revelation leads to a neglect of philosophical ethics in his œuvre, or rather its reduction to the tenth book of *al-Ilāhiyyāt* on prophetic legislation.

Prophetic legislation, however, is geared toward the masses and not to the intellectual elite. 'Abd al-Laṭīf al-Baghdādī therefore has a point when he criticizes Avicenna—but not al-Fārābī—for neglecting the difference that characterizes the conduct of a philosopher from that of those not committed to this field. Even today those of us who feel a commitment to philosophy expect more from our peers in that field than the mere compliance with the law or the fulfillment of moral expectations that society has agreed upon. While Avicenna often refers to the philosophers as an elite in the theoretical sciences whose method is superior to all other scholars who work in fields concerned with similar subjects, there is no such sense of superiority when it comes to the practical sciences, at least Avicenna nowhere writes about that.

Avicenna's reluctance to write about practical philosophy did not rule out an eagerness to comment on how one should write about it if one were to do it. He includes practical philosophy in his several divisions of the sciences. In his *Aqsām al-hikma* (*The Parts of Philosophy*), a text also known as *Fī aqsām al-'ulūm al-'aqliyya* (*On the Division of the Rational Sciences*), Avicenna applies the traditional Greek division of practical philosophy into three branches, namely ethics, household management, and the management of the city. He introduces this division by saying that practical philosophy is divided into two parts, one dealing with "a single individual" (*shakhs wāḥid*) the other with "shared participation" (*al-sharika*). The latter is divided into two fields, one concerned with the household (*manzil*), the other with the city (*madīna*). So it is not, strictly speaking, a threefold division but two steps of a twofold division. On the first branch that deals with individuals, Avicenna writes that "through it one learns how the human's character traits and the human's actions should be so that his [or her] life in this world and in the hereafter is happy (*sa'ād*) and this is what is contained in Aristotle's book *Fī l-akhlāq* (= *Nicomachean Ethics*)" (IBN SĪNĀ 2020: 12). While this threefold division of practical philosophy goes back to older roots within the philosophical tradition, there are at least two texts by Avicenna where he deviates from this scheme or where he modifies it (KAYA 2014: 274-277). The first is his Persian *Dāneshnāmeḥ-yi 'Alā'* (*Book of Knowledge for 'Alā' al-Dawla*) written for the court of the Kākūyid ruler of Isfahan, 'Alā' al-Dawla Muḥammad (d. c. 433/1041), whom Avicenna served as vizier during the last fourteen years of his life. In the introduction to the part on metaphysics in his *Dāneshnāmeḥ*, Avicenna produces a division of the sciences and here he divides "the field of knowledge of management of all people (*'ilm-i tadbūr-i 'āmm-i mardom*) into two branches, one discusses the divine laws or revelations (*sharā'i'*), the other discusses what Avicenna calls *siyāsāt* and what I understand as the applied laws of the rulers. The only clarification Avicenna gives is that the first is the root (*aṣl*) of this field of knowledge while the latter represents the branch and what follows from it (*shākh ve-khalīfeh*; IBN SĪNĀ 1952: 2).

While this brief comment by Avicenna is interesting, particularly when we consider the emergence of a field of *siyāsa*-studies during the Mamlūk period and its proliferation in the Ottoman one, another text of Avicenna has a more immediate effect and that is his division of practical philosophy in one of his latest works, *al-Mashriqiyyūn* (*The Easterners*). Of this book, we only have the introduction, the logic, as well as parts of the natural sciences. In the introduction Avicenna sets out a highly innovative division of philosophy that had a huge impact on its study during the post-classical period (GUTAS 2014: 127, 137-144). Studies by Heidrun Eichner and Jules L. Janssens have shown that the fourfold division of the theoretical sciences into logic, the natural sciences, a universal science, and a science of divinity was picked up by Avicenna's students and applied in many subsequent philosophical *summae* of philosophy and also of *kalām* (EICHNER 2007, EICHNER 2009: 9-11, 351-506; JANSSENS 2003). What is less known is that in his introduction to *al-Mashriqiyyūn*, Avicenna divides the practical sciences of philosophy also into four, and he points out that both the theoretical sciences as well as the practical sciences have the same number. The four fields of study on the practical side of philosophy are the three that we already know from Avicenna's earlier text *Aqsām al-hikma*, which are here divided in the same manner, first by the criterium of individual versus collective (*mushāraka*) and second by the criterium of "partial collectivity" (*al-mushāraka al-juz'iyya*). This creates ethics (*'ilm al-akhlāq*), household management, and universal collectivity (*al-mushāraka al-kullīyya*), which is the study of associations on the

level of the city. Whereas the goal of ethics is the happiness of the individual in this world and the next, the goal of the two disciplines that deal with collectives is the creation of “a virtuous order” (*niẓām fāḍil*; IBN SĪNĀ 1910: 7). All these three, for Avicenna in the introduction to *al-Mashriqiyyūn*, are best served if they are governed by one rule that comes from a single lawgiver who is a prophet. Out of this best arrangement (*al-aḥsan*) generates a fourth field of knowledge, which is the study of *al-ṣināʿa al-shāriʿa*—literally “the art (or: the craft) of prophetic legislation.” In the introduction to *al-Mashriqiyyūn* Avicenna writes:

However, [when you examine it] you will see that it is best to treat the discipline of ethics (*al-akhlāq*), the discipline of household management, and the discipline of the management of the city as a [field of knowledge] by itself, and to take the art (or: craft, *ṣināʿa*) of prophetic legislation and what it should include as an independent matter (*amr mufrad*). (IBN SĪNĀ 1910: 7-8)

It can be argued—and it has been argued by M. Cüneyt Kaya, for instance—that this new field of practical philosophy, whose object is “art (or: craft) of prophetic legislation and what it should be” (*al-ṣināʿa al-shāriʿa wa-mā yanbaghī an yakūna ʿalayhi*) is precisely what Avicenna writes about in the tenth book of *al-Ilāhiyyāt* (*Metaphysics/Theology*) of *al-Shifāʿ*, where he lays out the characteristics of the best legislation that a prophet can bring (KAYA 2013: 212-215; 2014: 293). This seems to be the only sub-field of practical philosophy he ever wrote about, because despite laying out the divisions of the practical fields of knowledge in the introduction of *al-Mashriqiyyūn*, he did not write about it in this book either. At the end of the introduction, Avicenna promises to deal with practical knowledge, but “only to the extent as it is needed for someone who seeks salvation” (IBN SĪNĀ 1910: 8). Given that the latter parts of Avicenna’s book *al-Mashriqiyyūn* are lost, we do not know what that means and how much he really wrote about this subject.

Why is all this important if we want to understand the place of ethics within the post-classical discourse on philosophy? First, I should clarify what I mean by “the post-classical discourse on philosophy.” Over the past years I have been working on a book titled “The Formation of Post-Classical Philosophy in Islam” that looks at the changes to the study of philosophy in the Islamic east during the 6th/12th century (GRIFFEL 2021). The project is a chronological continuation of my 2009 monograph on al-Ghazālī (d. 505/1111) and it began with the question of whether my insights in that book about the teachings of al-Ghazālī and his closeness to the discourse of philosophy were shared by his most immediate readers in the century after him (GRIFFEL 2009). The project, however, evolved and it became a study on the emergence of a new kind of philosophy, as I would put it now, which exists in full bloom in the oeuvre of Fakhr al-Dīn al-Rāzī (d. 606/1210) and many of his successors in the centuries that follow after him. Among the many results that the study generates I will focus here on just one, namely the distinction between two different genres of literary production that we should both accept as part of what was philosophy in post-classical Islam: *ḥikma* and *kalām*. From my reading of developments within the 6th/12th century, I conclude that authors such as Fakhr al-Dīn al-Rāzī wrote two different kinds of books that follow different rules of rationalist engagement and that led to the development of two different genres. The genre of al-Rāzī’s *kalām*-books is well known and has been described and studied in quite a number of works of the past two decades, among them, for instance, Ayman Shihadeh’s monograph *The Teleological Ethics of Fakhr al-Dīn al-Rāzī*, as well as many of his articles. Here, I would

also include other monographs on Fakhr al-Dīn al-Rāzī by Tariq Jaffer, Muammer İskenderoğlu, and Yasin Celan, and even the very first monograph study on that thinker by Muḥammad Ṣāliḥ al-Zarkān (JAFFER 2015, İSKENDEROĞLU 2002, CELAN 1996, al-ZARKĀN 1971). These authors observed that al-Rāzī’s teachings are heavily influenced by his detailed study of Avicennan philosophy yet that he remains—despite noteworthy innovations—committed to the doctrinal principles of Ash‘arite theology, most importantly its position that God is a free actor who chooses to create this world from a number of alternatives and who created it in time.

Almost all secondary literature on al-Rāzī of a more recent date subscribes to what is today the most widespread model of how *falsafa* and *kalām* reacted to one another in the post-classical period. The reigning narrative was inspired by an article that A. I. Sabra published in 1987. In this article, Sabra suggests that during the course of Islamic history what was initially regarded as Greek science had become fully Islamic. Whereas earlier Western scholars from the generation of Ignác Goldziher on taught that the so-called ancient sciences in Islam (*‘ulūm al-awā’il*) were contested and finally disappeared, Sabra developed a different explanation for why the Greek sciences and among them philosophy were from a certain point in time no longer visible. According to him it is not the ancient sciences that disappeared, rather what disappeared was their foreignness. The dichotomy between the *‘ulūm al-awā’il* and “properly” Islamic sciences disappeared because the latter were integrated into the former. For Sabra this happened in a two-step development of first appropriating the Greek sciences in a process of translation and adaptation to a new cultural context, characterized by the use of the Arabic language and a Muslim majority culture, and secondly naturalizing them so that the Greek origins of these sciences were no longer visible. *Kalām* hence became a thoroughly philosophical field that integrated much what was earlier called *falsafa*.

I should stress that I do not dispute this now reigning narrative. I would just like to add that it mostly applies to *kalām*. Post-classical authors such as Fakhr al-Dīn al-Rāzī did one thing in *kalām* and something else within a second academic discourse, namely in his books on *ḥikma*. Al-Rāzī himself identifies several of his works as “philosophical books” (*kutub ḥikmiyya*). These are, first of all, his two *summae* of philosophy (*ḥikma*), *al-Mabāḥith al-mashriqiyya* (*The Eastern Investigations*) and *al-Mulakḥḥaṣ fī l-ḥikma wa-l-manṭiq* (*The Compendium on Philosophy and Logic*) as well as his extensive commentary on Avicenna’s *al-Ishārāt wa-l-tanbīhāt*. In these three books and in a few shorter works al-Rāzī does something quite different from what he does in his books of *kalām* and in his monumental Qur’an commentary (*tafsīr*). In *ḥikma* he reconstructs the philosophical system of Avicenna on its own terms. That means that here, he accepts certain premises of Avicenna—premises that are rejected in his works on *kalām*—and develops a philosophical system that although not identical to that of Avicenna, is very similar to it. The most important premise accepted in *ḥikma* but disputed in *kalām* is the universal applicability of the principle of sufficient reason. Books of *ḥikma* argue that all beings and all events in creation have a sufficient reason. In Arabic al-Rāzī expresses this by the need for “a preponderating factor” (*murajjih*) that shifts the equal possibility of a thing’s or an event’s existence and non-existence towards existence. Every time a thing or an event comes into being, there must be preponderation (*tarjih*) toward existence and that requires a preponderating factor (*murajjih*) or—in the parlance of a Western philosopher such as G. W. Leibniz (d. 1716)—a sufficient reason

(French: *raison suffisante*; German: *zureichender Grund*). In books of philosophy as well as in *kalām*, all events require such a reason or cause and there can be only a single being that is without such a cause, which is God. Yet whereas in *kalām* the requirement for a sufficient reason ends once God's free choosing will (*irāda*) is reached, books of *ḥikma* continue to ask for a sufficient reason even for God's actions. Whereas in *kalām*, God's will is the sufficient reason of all events in the world, in philosophy there is a requirement for a cause for God's will and that leads into a fully determined universe and into a self-necessitated God. Post-classical books of philosophy (*ḥikma*) accept most implications that stem from a full embrace of the Principle of Sufficient Reason (PSR). These are necessitarianism, the existence of a single self-necessitated Being, the world's existence from pre-eternity, and this world as the only possible one and the best possible (DELLA ROCCA 2010).

The God who is described in al-Rāzī's books of *ḥikma* is not a freely choosing actor but a self-necessitated principle that acts out of the necessity of its essence. While al-Rāzī introduces quite a number of important changes to the Avicennan system—changes that I cannot go into here—the overall outlook of al-Rāzī's teachings in his books of *ḥikma* is thoroughly Avicennan. They describe a fully determined network of causes and effects that is governed by a necessity that has its source in the essence of the Being Necessary by Virtue of Itself.

Books of *ḥikma* such as al-Rāzī's *al-Mabāḥith al-mashriqiyya* or *al-Mulakhkhaṣ fī l-ḥikma wa-l-manṭiq* generated during the second half of the 6th/12th century from earlier predecessors—one important predecessor is, for instance, al-Ghazālī's *Maqāṣid al-falāsifa*—and created a new genre that will be productive for at least two centuries and studied until the beginning of the colonial period in the 19th century. Important examples of the genre of *ḥikma* are Athīr al-Dīn al-Abharī's (d. 663/1265) *Hidāyat al-ḥikma* (*Guide to Philosophy*) or Najm al-Dīn al-Kātibī al-Qazwīnī's (d. 675/1276 or 693/1294) *Ḥikmat al-ʿayn* (*Philosophy from the Source*) as well as other, more voluminous books by these authors. Other important authors were Sayf al-Dīn al-Āmidī (d. 631/1233), Sirāj al-Dīn al-Urmawī (672/1283), or Naṣīr al-Dīn al-Ṭūsī (d. 672/1274), all active during 7th/13th century. The authors of these books are referred to as *ḥukamāʾ* ("philosophers") but not as *falāsifa*. Al-Ghazālī's argumentative onslaught on *falsafa* and on Avicenna in his *Tahāfut al-falāsifa* (*Precipitance of the Philosophers*) led to a pejorative understanding of the label "*falāsifa*." From a certain point on it is only used for Avicenna himself as well as for those of his students and followers who did not react to al-Ghazālī's attacks. Almost every author of books on *ḥikma* after the mid-6th/12th century self-identifies as one of the *ḥukamāʾ* rather than one of the *falāsifa* (these words are hardly ever used in their singular forms).

I say almost all, because there were some exceptions. One was 'Abd al-Laṭīf al-Baghdādī, with whom this article began. He rejected Avicenna's philosophy from what might be called the conservative point of view of pre-Avicennan Aristotelianism. He also rejected the discourse of *ḥikma*. He wrote two bitter polemics against Fakhr al-Dīn al-Rāzī, for instance, one on medicine and one on *tafsīr* and he never ever mentions al-Rāzī's works of philosophy or his innovations therein. Based on 'Abd al-Laṭīf's polemics against Avicenna's neglect of ethics we may assume that he thought the same fault persisted among his contemporaries who followed Avicenna. And like in the case of Avicenna we must admit that 'Abd al-Laṭīf makes a valid point. Fakhr al-Dīn's reconstruction of Avicenna's philosophical project in his two philosophical *summae al-Mabāḥith al-mashriqiyya* and *al-Mulakhkhaṣ* is limited to theoretical philosophy and does not include practical.

Al-Mabāḥith is the earlier of the two books and it is much longer than *al-Mulakḥḥaṣ*, which had a greater impact on later generations of scholars. In the more advanced version in *al-Mulakḥḥaṣ*, there is a part on logic, one on attributes that all beings have in common (the so-called *al-umūr al-‘amma*), one on the natural sciences, and one on *ilāhiyyāt*, which here stands for knowledge about God, meaning theology. The last part of the book draws conclusions about God, his attributes, and his actions from reason alone, without assistance from revelation. The very last subject treated in this book is the sending of prophets as part of God’s actions. Such a chapter exists at least in the longer *al-Mabāḥith al-mashriqiyya*; the shorter *al-Mulakḥḥaṣ* concludes with a much briefer explanation of God’s actions. In the chapter on prophecy in *al-Mabāḥith al-mashriqiyya* the author very briefly touches on ethics. He starts from the Aristotelian premise that humans are political animals by nature and in need of regulations for their communal interactions (*mu‘āmalāt*) that prevent oppression (*ẓulm*) of some humans over others. This requires a human lawgiver who is singled out in a number of aspects from other humans. The best lawgiver, so al-Rāzī in this philosophical book, is a prophet whose rules are followed universally. Given that God’s providence strives toward the best arrangement, prophecy is part of the order of the good (al-RĀZĪ 1990: II, 555-257). The very last sentence in al-Rāzī *al-Mabāḥith al-mashriqiyya* explains, however, that ethics is not part of this book:

As for the explanation of how worship and pious deeds have effects on the purification of the souls as well as the details about this, that is connected to ethics (*‘ilm al-akhlāq*). If God delays the appointed time of death (*ajal*), we will put together some orderly writing (*kalām muḥarrar*) on these two fields of knowledge (*fī ḥādḥayn al-‘ilmayn*) and attach it to this book. (al-RĀZĪ 1990: II, 557)

Similar words appear in the introduction of *al-Mabāḥith al-mashriqiyya*, where al-Rāzī presents the table of contents of his book. Its last part, he says there, deals with the necessity of prophecy and he adds that he will compose “some orderly writing” (*kalām muḥarrar*) on the two fields of knowledge of *akhlāq* and *siyāsa* (al-RĀZĪ 1990: I, 93). Given that this earlier passage mentions “two fields of knoweldge” (*‘ilmayn*) and clarifies that these are ethics and the organization of societies (*siyāsa*), it makes sense to assume that “these two fields of knowledge” pointed at at the end of the book also refers to *akhlāq* and *siyāsa*.

Ethics and the organization of societies were hence part of al-Rāzī’s philosophical project, even if they were not included in *al-Mabāḥith* nor in *al-Mulakḥḥaṣ*. He clarifies his understanding of what ethics is in the text from *al-Mabāḥith al-mashriqiyya* just quoted. It is “how acts of worship and pious deeds [lead] to the purification of the souls.” Worship and pious deeds are religious acts that follow the prescription of a prophet. Al-Rāzī’s understanding of what ethics is, is premised on the fact that it is part of religion and the effects of prophecy. This is not a fully-fledged philosophical inquiry into ethics that ‘Abd al-Laṭīf al-Baghdādī demands but rather a treatment of ethics under Avicenna’s Farabian premises. The meaning of *siyāsa*, however, is nowhere explained. Judged from its appearance in Avicenna’s *Dānishnāmeḥ-yi ‘Alā’i*, one must assume it refers to the non-religious juridical process under the sole supervision of rulers. Here I mean the *ta‘zīr* punishment that Seljuq rulers, for instance, executed without consulting legal experts in *fiqh* (LANGE 2008).

Did Fakhr al-Dīn ever write the kind of book he promises his readers at the beginning and the end of *al-Mabāḥith al-mashriqiyya*? There is at Oxford’s Bodleian Library a manuscript,

Huntington 534 (Uri 456), that includes several texts by Avicenna, among them an important copy of his *Discussions* (*al-Mubāḥathāt*) with his students as well as a copy of *al-Najāt* (*The Salvation*), followed by a text titled *Kitāb al-Nafs wa-l-rūh wa-sharḥ quwāhumā* (*The Soul and the Spirit together with an Explanation of Their Faculties*) that is ascribed to Fakhr al-Dīn al-Rāzī (foll. 257a-295b).¹ The colophon of Avicenna's *al-Mubāḥathāt* dates this copy to 634/1237 and that at the end of his *al-Najāt* even earlier to 466/1073. The different texts of the book, however, circulated individually and were only bound together at some point in time before Robert Huntington (1637-1701) bought this codex during his posting to Aleppo and his travels in Syria, the Levante, and Egypt. The copy of *al-Nafs wa-l-rūh wa-sharḥ quwāhumā* has no colophon but is by virtue of its paper and its handwriting far older than the late 17th century.²

The Ottoman bibliographer of the 11th/17th century Kātib Çelebi indeed lists a *Kitāb fī l-Nafs wa-l-rūh* of Fakhr al-Dīn in his catalogue of Arabic books and sciences. It appears in the article on the Arabic translation of Aristotle's *De anima* as one of that book's abbreviations and/or commentaries (KĀTIB ÇELEBİ, ed. Flügel 1835-1858: V, 165).³ The text, whose only known source is the manuscript in Oxford, has been first edited 1968 by Muḥammad Ṣaghīr Ḥasan al-Ma'sūmī in Islamabad (Pakistan). The text of this edition has been re-printed at least twice: First in 1986 in an excerpted mass-market paper-back, published in Damascus' Ḥalbūnī quarter that includes chapters 1 to 4 and 11 and 12 of its first part,⁴ and second in 2013 edited by 'Abdallāh M. 'A. Ismā'īl in Cairo, who adds an introduction and a great number of footnotes. Al-Ma'sūmī, the first editor of the text, also translated it into English. This rendering, published around 1969 in Islamabad, is noteworthy because it is the first proper translation of a book by Fakhr al-Dīn al-Rāzī into a Western language and still a rare example of a text of post-classical philosophy in Islam that exists in English.

While "*Kitāb fī l-Nafs wa-l-rūh wa-sharḥ quwāhumā*" is on the title page of the manuscript (fol. 257a), al-Ma'sūmī chose a different title for his English translation, where he calls the book "Imām Rāzī's *ʿIlm al-Akhlāq*." He justifies this change by pointing to the first words in the manuscript text after the *amma ba'du*, which are: "this is a book in the discipline (or: science) of ethics" (*fa-hādhā kitābun fī ʿilm al-akhlāq*, fol. 257b). Such a book with the title "*Kitāb al-Akhlāq*" is, so al-Ma'sūmī, "mentioned by the biographers," which "clearly indicates that the present work supplies the text of *Kitāb al-Akhlāq*" (al-MA'SŪMĪ in the introduction to his trans. of al-RĀZĪ's *Imām Rāzī's ʿIlm al-Akhlāq*, 25).

- 1 On this codex and its copy of Ibn Sīnā's *al-Mubāḥathāt*, see REISMAN 2002: 92-94. Another possible MS of *al-Nafs wa-l-rūh* that was not available to me is MS Istanbul, Topkapı Sarayı Müzesi Kütüphanesi, Emanet Hazinesi 1296 (see KARATAY 1962-1969: II, 130, no. 5069).
- 2 The paper is Oriental and my rough paleographic dating would put the handwriting anywhere between the 8th/14th and the 10th/16th century (see also MA'SŪMĪ in the introduction to his trans. of al-RĀZĪ, *Imām Rāzī's ʿIlm al-Akhlāq*, 25). An analysis of an owner's note and two stamps on the front page might lead to a more precise dating.
- 3 The whole section on *ʿilm al-naḥs* and its related books is missing in Yaltkaya and Bilge's more recent edition of KĀTIB ÇELEBİ 1941-43, II, 1970.
- 4 The editor Sulaymān Salīm al-Bawwāb ascribes the text on the title page to Fakhr al-Dīn al-Rāzī, on p. 23 of his book, however, erroneously to Abū Bakr Muḥammad b. Zakariyyā' al-Rāzī (d. 313/925 or 323/935).

Indeed, al-Rāzī's earliest biographer, his younger contemporary Yāqūt (d. 626/1229), includes "*al-akhlāq*" within a list of al-Rāzī's works that he compiled most probably in Herat with the help of the Imam's sons and his students (YĀQŪT 1993: VI, 2589). Many of al-Rāzī's later biographers copy that list of works. Another authoritative list of works by Fakhr al-Dīn al-Rāzī was compiled by his admirer and doctrinal adversary Nāṣir al-Dīn al-Ṭūsī (d. 672/1274). It is currently available only in manuscripts. This list, which was written about a generation after Yāqūt's, has no "*al-akhlāq*" but rather a "*mukhtaṣar al-akhlāq*," i.e., an "abbreviation of 'the ethics'" (al-ṬŪSĪ, *Tafṣīl muṣannaḥāt*, no. 30; ALTAŞ 2013: 134). Finally, in his late work on *kalām*, *al-Maṭālib al-‘āliya*, al-Rāzī mentions himself a "*kitāb al-akhlāq*." There, in the context of arguments that point to the survival of the soul after the death of the body, al-Rāzī says that without the soul's survival, humans would be condemned to a life of suffering and tribulations and hence the act of humankind's creation would be frivolous (*‘abath*). God, however, does not act frivolously. This argument relies on the premise that life in this world (as opposed to the afterlife) is nothing but misery. This was indeed al-Rāzī's pessimistic attitude toward life, as has been amply documented by Ayman Shihadeh (see SHIHADÉH 2006, 2019, and the discussion below). In *al-Maṭālib al-‘āliya*, al-Rāzī comments on this premise and says:

Establishing the validity (*taqrīr*) of this premise will come in the book of ethics (*kitāb al-akhlāq*) when [it deals] in detail with the blame of this bodily life. (al-RĀZĪ 1987, VII: 127)

The quotation illustrates that "the writing of [or: on] ethics" (*kitāb al-akhlāq*) was most probably not the title of a distinct book by al-Rāzī, but merely the description of a particular work or even just a chapter by virtue of its content. This remark comes from the end of his life and can be dated to Rajab 605 / January 1209, when al-Rāzī was just six months away from falling ill and suffering from the sickness that eventually struck him down (ALTAŞ 2013: 139). After this remark he continued to write the eighth and ninth parts of *al-Maṭālib al-‘āliya* as well as his commentary on *The Elements of Philosophy* by Avicenna (*Sharḥ ‘Uyūn al-ḥikma*) (ALTAŞ 2013: 136-140). Shortly before, in 604/1208 he had written his *Dhamm ladhdhāt al-dunyā* (*The Censure of this World's Pleasures*), a relatively short book that does deal with the miseries of this world (SHIHADÉH 2006: 155). When al-Rāzī in the seventh book of *al-Maṭālib al-‘āliya* writes that a certain explanation "will come" later (*sa-ya'tī*), he most likely means that it will come in a later part of that (unfinished) work. Or, given the subject matter, he might mean that it "will come up" in *Dhamm ladhdhāt al-dunyā*, which he has just finished and thus recommends to his readers. It is highly unlikely, however, that this remark in *al-Maṭālib al-‘āliya* refers to the text preserved in the Oxford manuscript. Although we are unable to date that to any part of al-Rāzī's life, the last months of his writing career in 606/1209 are so well documented that we can rule out its generation during that period.

This all points to the conclusion that al-Rāzī never truly wrote a particular book titled "Book of (or: on) Ethics" (*Kitāb al-Akhlāq*). When Yāqūt lists a work "*al-akhlāq*" among his writings, he most likely means "a book on ethics." The same applies to Nāṣir al-Dīn al-Ṭūsī's "*mukhtaṣar al-akhlāq*" ("abbreviation on ethics") where "*al-akhlāq*" is not a book title but rather a generic term for a certain genre of philosophical works that was triggered by Aristotle's book of that title. Thus "*al-akhlāq*" is similar to "*al-burhān*" or "*al-qiyyās*." The latter two were initially the Arabic titles of the *Analytica posteriora* and the *Analytica priora*,

i.e., certain works by Aristotle which are part of his *Organon* on logic. Soon, however, they became descriptive names for the subject matter of those books. A *mukhtaṣar al-burhān*, written in the 6th/12th century would not have been an abbreviation of Aristotle's book *al-Burhān* (*Analytica posteriora*) but rather a mid-length work on the construction of demonstrative arguments, which is the subject of Aristotle's *Analytica posteriora*. Similarly, a *mukhtaṣar al-akhlāq* likely means a mid-length book on virtue ethics, which is the subject matter of Aristotle's *Kitāb al-Akhlāq* (*Nicomachean Ethics*).⁵ These descriptions fit well to *al-Nafs wa-l-rūḥ wa-sharḥ quwāhumā*.

The Arabic “*akhlāq*” is a plural of the word “*khulq*,” which initially means “character trait.” Aristotle's *Nicomachean Ethics* was understood by its Arabic translators or its early readers in Arabic as a book that deals with the development of virtuous character traits through habituation. Hence its adopted title *al-Akhlāq* which soon after provides the name for the genre of Arabic books that deals with virtue ethics. Al-Rāzī's *al-Nafs wa-l-rūḥ wa-sharḥ quwāhumā* is indeed part of that genre. The book falls into two almost equal parts, the first devoted to philosophical psychology while the second discusses how humans best use their means to avoid bad character traits. The word “*rūḥ*” is understood as a synonym to “*naḥs*,” “soul” and not in its other philosophical and medical meaning as a “subtle body” (*jism laṭīf*) that permeated the human solid body (on that see GRIFFEL 2018). Hence, the first part is about the soul and its faculties—as Kātib Čelebi has already informed us—whereas the second is on *akhlāq*, meaning “character traits.” The table of contents, which I attach in an English translation as an appendix to this article, lists thirty-two chapters in the book. In part one, al-Rāzī explains that the soul is an incorporeal substance (*jawhar*) and that it is the identity of the human. The soul is attracted to a number of things, some of them bodily pleasures and others spiritual or intellectual pleasures. The spiritual pleasures, so the thrust of the argument in the first part of the book, are infinitely more pleasurable than the bodily ones because they can last an eternity while bodily pleasures are always limited in time. This first part deals—according to its title—with “the general method of this discipline” (*al-uṣūl al-kullīyya li-hādihā l-‘ilm*). What “this discipline” or better “this field of knowledge” is remains unclear in the text. Only two fields can be meant: psychology (*‘ilm al-naḥs*) or virtue ethics (*‘ilm al-akhlāq*). Given that the second part of the book is devoted to the latter, it is ethics that is most likely meant here. The book overall deals with virtue ethics and the first part on psychology is understood as propaedeutics to the second, more important one.

That the book is part of the genre of *ḥikma* is clarified right at the beginning. The first words after the *amma ba‘du* have already been quoted. The full sentence says:

This is a book on ethics and it is arranged according to the demonstrative and indisputable method and not according to the dialectical and persuasive style (al-RĀZĪ, *al-Nafs wa-l-rūḥ*, ed. al-Ma‘šūmī, 3).

Arabic philosophers in the tradition of al-Fārābī distinguished philosophy from all other sciences by its method. Philosophy employs demonstrative proofs that lead to indisputable results. Demonstrative arguments are based on premises that are either themselves proven or

5 Kātib Čelebi's characterization of *al-Nafs wa-l-rūḥ* as an abbreviation and/or commentary (*talkhīs* or *tafsīr*) of Aristotle's *De anima* may be a reflection of al-Ṭūsī's implicit characterization of the book as “*mukhtaṣar al-akhlāq*.”

accepted as axioms and self-evident truths. Religious sciences such as *kalām* or *fiqh* use premises that are accepted from revelation. A science that uses sound arguments but is based not on indubitable premises but rather on premises that are accepted (*mutasallam*) and widely held (*mashhūr*) by its practitioners is according to Avicenna and Aristotle a dialectical science (IBN SĪNĀ 1965: 34). Its results are not indubitable but persuasive to all its practitioners. In this short sentence, al-Rāzī clarifies that *al-Nafs wa-l-rūh* belongs to his “philosophical books” (*kutub hikmiyya*) and not to his distinctly religious books in fields such as *kalām* or *fiqh*.

But what an unusual philosophical book it is! In the first part al-Rāzī repeats much of what belongs into philosophical psychology, yet he does so in ways that are drastically different from others of his philosophical books such as *al-Mabāhith* or *al-Mulakhkhaṣ*. The proof for the soul’s immateriality and substantiality, for instance, is stretched over two chapters of which the latter is titled: “On indications received from the Divine Book, which show that the soul is not something bodily.” We have already stressed that in his other philosophical books, al-Rāzī does not admit evidence taken from revelation. *Al-Nafs wa-l-rūh* is full of references to revelation (Qur’an and *ḥadīth*) and to the stories of the prophets (*qiṣaṣ al-anbiyā’*) and it makes liberal use of narrative techniques that are not at all known from demonstrative books but rather from those deemed dialectical. Here, the author refers to revelation and to stories to make his readers adapt a certain course of action.

According to its title, the second part deals with “the treatment” (or: “cure”) of what is connected to passions (*fi ‘ilāj mā yata‘allaqu bi-l-shahwa*). It introduces certain vices, or rather negative character traits, and explains how one can get rid of them. These negative character traits are greed, miserliness, love of worldly position, love of praise, hatred of criticism, and the desire to make people believe that one is pious and virtuous (SHIHADÉH 2006: 124). Al-Rāzī’s book explains why these character traits are negative and it develops strategies of how one can shed them through habituation. The book closely resembles the third part of al-Ghazālī’s *Ihyā’ ‘ulūm al-dīn*, meaning that part which is devoted to the things that lead to perdition (*muhlikāt*).

In fact, the third part of al-Ghazālī’s *Ihyā’ ‘ulūm al-dīn* (books nos. 21-30) has a surprisingly similar structure to al-Rāzī’s *al-Nafs wa-l-rūh*. It begins in book 21 with an exposition of the human soul and a general explanation of human psychology, closely following the teachings of Avicenna (JANSSENS 2011). Book 22 is equally part of human psychology and explains how through training and habituation one can acquire good and shed bad character traits. Books 22-30 deal with individual character traits and like al-Rāzī’s book focus on the negative ones. In al-Ghazālī these are: a passion for food and sex (book 23), the habit of bad language (24), anger, hatred, and envy (25), the miseries of this world (26), avarice and love of material possessions (27), hypocrisy and the desire for fame (28), presumption and pride (29), and finally following seductive illusions (30). There is some overlap between al-Ghazālī’s program and al-Rāzī’s (desire for fame and praise and the hypocrisy in making people believe that one is pious and virtuous) but al-Rāzī seems to concentrate on precisely those vices that al-Ghazālī does not deal with. The two cardinal passions of the body (“*al-shahwatayn*”) in al-Ghazālī, for instance, which are food and sex, hardly appear in al-Rāzī. In fact, the second part of al-Rāzī’s *al-Nafs wa-l-rūh* discusses vices that al-Ghazālī says little or nothing about.

Al-Ghazālī is also the author this book most often engages with. He appears six times, whereas Avicenna is referred to only once (al-RĀZĪ, *al-Nafs wa-l-rūh*, ed. al-Ma'sūmī, pp. 133, 147, 156, 163, 173, 189; Avicenna appears on p. 85). Al-Rāzī may have assumed that his readers know al-Ghazālī's *Ihyā' 'ulūm al-dīn* and he may have regarded his own book on the vices as complementary reading material to al-Ghazālī's program in books 21-30. The fact that al-Rāzī writes a complement to the third part of the *Ihyā'* about "things that lead to perdition" is telling and it is a strong indication for al-Rāzī's authorship. In his monograph study of 2006, Ayman Shihadeh could show that al-Rāzī had a thoroughly pessimistic outlook on this world. There are no real pleasures in this world, only pains. If something appears as pleasureable it is just the mere absence of pain. That position is repeated a few times in this book and so is al-Rāzī's teaching that this world and its so-called pleasures deserve condemnation (*dhamm*). If we follow *al-Nafs wa-l-rūh wa-sharḥ quwāhumā*, then we should not bother to strive and develop positive character traits through habituation. Unlike al-Ghazālī, who devoted the last quarter (books 31-40) of his *Ihyā'* to the development of good character traits, such as patience, gratitude, asceticism, sincerity, and self-examination, al-Rāzī says next to nothing about those. The only thing that is worth striving for is the avoidance—and the cure from—bad character traits.

Al-Rāzī's *al-Nafs wa-l-rūh wa-sharḥ quwāhumā* is indeed most likely the *kitāb fi l-akhlāq* that al-Rāzī promises in two passages of his earliest philosophical work *al-Mabāḥith al-mashriqiyya*. After a part of theoretical philosophy on the human soul, it deals with—and here I quote again from *al-Mabāḥith*—"how acts of worship and pious deeds [lead] to the purification of the souls." At least it does explain how the habituation of worship and pious deeds can help avoiding negative character traits. Worship (*'ibāda*) and pious deeds (*tā'āt*) are prescribed by the revealed laws of the prophets. Al-Rāzī's *al-Nafs wa-l-rūh* has the same religious context as al-Ghazālī's *Ihyā'*: Habituation, which is the key for any Aristotelian theory of the acquisition of virtues, is prescribed in revelation. Hence, following the revealed law (*al-sharī'a*) will lead to the development of the right kind of virtues. The book therefore fits into the Farabian interpretation of philosophical ethics as Avicenna has produced it. Here, prophetic legislation is considered vastly superior to whatever philosophers write in their disciplines of practical philosophy. This superiority led Avicenna to abandon almost all parts of practical philosophy with the exception of "the art or the craft of prophetic legislation" in book 10 of *al-Ilāhiyyāt* in *al-Shifā'*. Unlike Avicenna, Fakhr al-Dīn al-Rāzī did not abandon ethics completely. When he writes his book on ethics, however, he clings closely to prophetic legislation and reproduces much of it. The result is the curious *al-Nafs wa-l-rūh wa-sharḥ quwāhumā*, which is a philosophical book, yet one that actively employs strategies from revelation.

The character of *al-Nafs wa-l-rūh* as a hybrid book on philosophy (*ḥikma*) will become clearer from a passage in al-Rāzī's commentary to *Uyūn al-ḥikma* (*The Elements of Philosophy*). Avicenna produced this work as an overview of the philosophical sciences relatively early in his life (GUTAS 2014: 417-419). The book includes a classification of the different disciplines of philosophy where Avicenna makes hints about their relationship to revealed knowledge. This was certainly an attractive subject for al-Rāzī. Earlier, al-Ghazālī had engaged in a polemic against Avicenna where he accused him and other philosophers that much of what they teach in their books is taken from the revelation of early prophets such as Moses and Jesus (Griffel 2009: 100). Here in *Uyūn al-ḥikma*, Avicenna seems to

admit that. In this book Avicenna assumes a close connection between prophecy and both the theoretical and practical disciplines of philosophy (on this passage and al-Rāzī's commentary, see also KAYA 2013: 217-220; 2014: 289-292).

The Elements of Philosophy predates *The Easterners*, and hence does not yet envision a fourth part of the practical philosophical disciplines on prophetic legislation. In the introduction to the second part of *ʿUyūn al-ḥikma* on the natural sciences, Avicenna produces an overview of all the philosophical disciplines and here comments on the three practical ones (ethics, household management, and the management of cities). The practical disciplines of philosophy are conceived to be parallel to the theoretical ones. Both have the same number (here: three) and both are engaged with an inquiry about the “principles” (singl. *mabdaʿ*) and the “perfections” (singl. *kamāl*) of these disciplines. The three theoretical parts of philosophy are the natural sciences, mathematics, and metaphysics/ theology (*ilāhiyyāt*). Avicenna writes that the principles of these theoretical sciences “are received from the masters of divine religion by way of indication (*tanbīh*).” They are left to be picked up freely by the rational faculty which turns them into arguments that lead “to the acquisition of the rational sciences and to their perfection.” (IBN SĪNĀ 1996: 64; al-RĀZĪ 1994: II, 19.) Here in the theoretical sciences, the “principles” are received from prophets as hints in their revelations, but the proper acquisition and the perfection of these sciences are the work of the human capacity of reason. The process is slightly different in the practical disciplines of philosophy. Here both the principles and the perfections are available in revelation. Avicenna writes in *ʿUyūn al-ḥikma* about the practical sciences:

The practical disciplines of philosophy are politics (*ḥikma madaniyya*), household management (*ḥikma manziliyya*), and ethics (*ḥikma khulqiyya*). The principle (*mabdaʿ*) of these three is received (*mustafād*) from the side of divine revelation (*sharʿa*) and the perfections of their prescriptions become clear by virtue of divine revelation. Afterwards, the theoretical faculty of humans administers them freely through the understanding that some humans have about practical laws and about the application of those laws to individuals. (IBN SĪNĀ 1996: 63; al-RĀZĪ 1994: II, 13-14)

So humans receive both the “principle” (singular) of the three practical disciplines of philosophy as well as the “perfections of their prescriptions (or: limits, *ḥudūd*)” (twice in plural) from the mouth of a prophet but “afterwards” (*baʿda dhālika*) administer the laws (*qāwānīn*) freely and apply them to individual cases. Avicenna here describes a model of legislation that follows from his “realistic” interpretation of the Farabian project of creating a virtuous order (*niẓām fāḍil*). Here, a philosopher-prophet-king sets the principles of the laws through revelation, which are later implemented by the judgment (*ijtihād*) of jurists and the competent governance of caliphs (GALSTON 1979: 571-574, 577). In his commentary on this passage Fakhr al-Dīn al-Rāzī explains that each craft (*ṣināʿa*) has a “principle” as well as a “perfection.” The principles as well as the perfections (both in plural) of the three practical philosophical disciplines are received from divine revelation. In fact, given that all ways of human acting are encompassed within these three practical disciplines of philosophy, God sends prophets for the sole reason to teach humans “the principles of these three sciences and their perfections.” Al-Rāzī continues:

The prophets—peace be upon them—can only teach the principles of these sciences and their perfections in a universal way. They say, for instance, that if someone wishes to have such and such a virtue he must do such and such, and if someone wishes to get rid of such and such a vice, he must do such and such. As for the application to the circumstances of Zaid or ‘Amr, that is impossible (for the prophets) because detailed rules for the circumstances of individuals cannot be determined (by prophets). Rather the lawgiver (= prophet) must determine these laws and the rest of the people must learn them. This only comes about through the theoretical faculty. The application of these laws to the individual forms and their circumstances come about through the practical faculty. (al-RĀZĪ 1994: II, 14; compared with MS Yale, Landberg 74, fol. 54a)

Al-Rāzī also clarifies that by “prescriptions” or “limits” (*hudūd*) Avicenna means the amounts or measures that the Shari‘a sets for certain acts of worship, for transactions, or for marriages. Here, al-Rāzī means, for instance, the number five for the daily prayers or four for the maximum number of wives a man can have. These limits “are only known by divine revelation.”

This clarifies how both Avicenna and his commentator al-Rāzī understood divine legislation (*shari‘a*) but it does not yet tell us much about the role that philosophical inquiry plays in this process. Avicenna deals with that in the next passage. Politics and household management teach how these kinds of human cooperations lead to benefit (*maṣlaḥa*). “As for ethics,” Avicenna adds, “its utility is to teach the virtues and how they are acquired in order that you purify the soul through them, and to teach the vices and show how to guard against them in order to cleanse the soul from them.” (IBN SĪNĀ 1996: 63; al-RĀZĪ 1994: II, 15).

Al-Rāzī has little to add to those words, “since all this is well known and not in need of commentary.” Philosophical ethics (*al-hikma al-khulqiyya*) consist of “an understanding of the virtues and the vices” (*ma‘rifat al-fadā’il wa-l-radhā’il*) as well as the ways to acquire the former and avoid the latter. That, however, means that philosophical ethics does something quite similar or even identical to what prophetic legislation does. Al-Rāzī explains that in addition to setting the limits for worship and for human transactions, the prophets teach the ways of acquiring virtues and avoiding vices (“...if someone wishes to have such and such a virtue he must do such and such...”). Unlike the “limits,” however, which can only be known from revelation, the acquisition of virtues and avoidance of vices is known through revelation and through philosophical ethics. The only difference between revelation and philosophy seems to be rooted in the former’s strict universality. The prophet can only talk about the acquisition of virtues in a universal way and in general laws whereas practical philosophy also seems to be able to teach something about “the application of these laws to the individual forms and their circumstances.” This seems to be the kind of things that are taught in *siyāsa* (politics).

That, however, remains unsaid and can only be deduced by implication. There is something else that is odd about Avicenna’s and al-Rāzī’s philosophical presentation of divine legislation. Al-Rāzī says that the prophets teach “only in a universal way” and bring general laws (*qāwānīn*). Yet the Qur’an, like many other books of revelation, is not a book of legislation. This presentation is elliptic insofar as it leaves out—for reasons that might be rooted in the genre of this text—the role of *fiqh*. Only the study of Islamic jurisprudence abstracts general rules and laws from revelation and also clarifies how those general rules are

applied. Thus, if one looks at the process of revelation from the perspective of the acquisition of virtues and avoidance of vices, al-Rāzī should have said that prophets reveal the text of revelation and the discipline of *fiqh* extracts the entailed general rules from it. Like philosophical ethics, *fiqh* is a discipline concerned with humans' practical faculty and by virtue of that also teaches the application of these laws to the individuals and their circumstances.

This understanding creates in al-Rāzī a parallel structure of philosophy and the Islamic religious sciences. Whereas *kalām* is the equivalent of the theoretical disciplines of philosophy (logic, natural sciences, and metaphysics), *fiqh* is the equivalent of the three practical disciplines (ethics, household management, and politics). Unfortunately, he nowhere clearly expresses this. It can be deduced, however, from the fact that both *kalām* and *fiqh* work from premises that they receive from revelation. Not so the six philosophical disciplines, which start from certain axioms (*awwaliyyāt*) that are self-evident and whose truths cannot be doubted. But whereas *kalām* comes to results that are different from the theoretical disciplines of *ḥikma*, the results of both practical approaches—one based on revelation the other on reason—are one and the same. In the practical disciplines, *ḥikma* is vastly overshadowed by revelation because of the latter's huge advantage in acceptance by the populace. Given that both reason and revelation identify the same virtues and vices and teach similar, if not identical strategies for acquiring or avoiding them, a detailed presentation of philosophical ethics holds almost no merits.

These are, I believe, the development and the implicit reasoning that led to al-Rāzī's *al-Nafs wa-l-rūh wa-sharḥ quwāhumā*. First, as a book on philosophical ethics it explains many things that belong to psychology, which is part of the theoretical philosophical sciences. Unlike the practical philosophical sciences this has always been deemed a worthy subject of philosophical presentation. Second, when in the last half the book truly deals with ethics, which is a practical philosophical discipline, it keeps close contact to revelation and mirrors its language and its persuasive strategies. Al-Ghazālī developed that kind of book in his *Iḥyā' ulūm al-dīn*, where he teaches Aristotelian virtue ethics in a language that takes its cues and inspirations from revelation. Al-Ghazālī keeps close contact not only to Muḥammad's revelation (Qur'an and *ḥadīth*), but also to that of Jesus and other prophets (on Jesus in the *Iḥyā'* see ASIN PALACIOS 1916-1929). Hence, al-Rāzī's *al-Nafs wa-l-rūh wa-sharḥ quwāhumā* should be regarded as a book of philosophical ethics (*akhlāq*), but one that is of a hybrid character, where the argumentative presentation of virtue ethics is mixed with and overshadowed by strategies of ethical perfection adapted from revelation.

Conclusion

The success of the Farabian approach to the relationship between reason and revelation first among authors of the movement of *falsafa*—most prominently Avicenna—and later also among philosophical authors of the post-classical period led either to a complete disappearance of books on philosophical ethics or to the production of hybrids like al-Rāzī's *al-Nafs wa-l-rūh wa-sharḥ quwāhumā*. At the heart of this development are a number of insights about practical philosophy: Parallel to the two areas of theoretical and practical philosophy there exists in revelation a second way of presenting philosophical truths. Whereas philo-

sophy aims to employ demonstrative arguments, revelation is dominated by rhetorical and poetical means of persuasion. While all this is well known and well analyzed with regard to the theoretical sciences, the parallel character of philosophy and revelation also applies to practical philosophy. Indeed here, there is a direct overlap. In the field of theoretical philosophy, revelation only hints at the principles and leaves the task of producing proper knowledge to philosophy. In the field of practical philosophy, however, revelation includes both the (full) principles and the perfections, which creates an overlap between the two that does not exist in the field of theoretical knowledge. Philosophy and revelation both teach the causal connections between certain ways of habituating and the acquisition of virtues and avoidance of vices. Whereas in its theoretical disciplines philosophy regards itself superior to revelation, this relationship is turned into the opposite in practical philosophy. Books of revelation—and the literature they trigger in fields such as *fiqh*, Sufism, etc.—are vastly superior over any kind of presentation of practical philosophy. The ultimate goal of practical philosophy is not the understanding of the causal connections between habituation and virtues but the adaptation of the habituation and the resulting development of virtues among the populace. In his treatise *Aqsām al-ḥikma*, Avicenna writes:

In the theoretical part [of philosophy] the goal is the acquisition of indisputable convictions about the circumstances of those things whose existence is not connected to human action. Here, the intention is just the acquisition of an opinion (*ra'y*). (...) In the practical part [of philosophy] the goal is not the acquisition of indisputable convictions but perhaps the intention in it is the acquisition of a sound opinion with regard to a certain matter that results in an attainment for the human so that he attains what is good in it. The intention is not just the acquisition of an opinion but rather the acquisition of an opinion in order to act. The goal of the theoretical [part of philosophy] is the truth (*al-ḥaqq*), the goal of the practical is the good (*al-khayr*) (IBN SĪNĀ 2020: 11).

While there is nothing that beats philosophy in the achievement of its goal in the theoretical part, the same is not true for the practical one. Practical philosophy aims at the widespread performance of virtuous and good actions and here, revelation and religious books are greatly superior to books of philosophy. Philosophers of the post-classical period in Islam express this understanding in numerous comments (KAYA 2014: 286-289). This insight led to the almost complete abandonment of books on practical philosophy among Avicenna and those who followed him in this approach. Why write books on ethics, household management, or even politics, if the stated aim of them is much more successfully achieved by books that belong to the religious discourse?

What, however, about another task of ethical books, namely the explanation of why the good is good? Whoever reads books on ethics might already be good and have already developed virtuous character traits, but she might still need to learn why her dispositions are good for her and for others. In the theological discourse of Islam the question of why the good is good is referred to as *taḥsīn wa-taqbīḥ* (“why good is good and bad is bad”). It plays an important role in al-Rāzī’s works on *kalām*. There, he defends the Ash‘arite position that good and bad are determined by what God recommends and prohibits in revelation against the Mu‘tazilite objection that these attributes are inherently known with the performance of the acts. In many of his works, most importantly his late work *al-Maṭālib al-‘āliya*—which

is neither a work of *ḥikma* nor *kalām*—al-Rāzī defends a third position that good is what leads to benefits and bad what leads to disadvantages both in this world and the next. He integrates that into the Ash‘arite view that God’s recommendations and prohibitions lead to reward and punishment in the next world. Ayman Shihadeh analyzed this latter approach and showed that al-Rāzī’s “teleological” ethics is heavily influenced by attitudes and teachings in *falsafa* (SHIHADDEH 2006).

Fakhr al-Dīn does not deal with this set of questions in *al-Nafs wa-l-rūḥ wa-sharḥ quwāhumā*. According to its description at the end of *al-Mabāḥith al-mashriqiyya*, this book is about “how acts of worship and pious deeds [lead] to the purification of the souls.” There is indeed little about this subject in al-Rāzī’s philosophical writings. In his two philosophical *summae* practical philosophy is barely touched upon. In *al-Mabāḥith al-mashriqiyya*, al-Rāzī discusses an interesting distinction that sheds light on what he thought practical philosophy is about. There, he says that “practical philosophy” (*al-ḥikma al-‘amaliyya*) refers as an equivocation to two different subjects that have nothing in common with one another. The first is knowledge about character traits, “how many there are, what they are, which are virtuous, and which supportive, and how are they acquired without (even) intending it, and how are they acquired if one intends it?” This kind of practical philosophy includes politics and household management and is a counterpart to theoretical philosophy. Then there is a second meaning to “practical philosophy”—or better: “practical wisdom” (*al-ḥikma al-‘amaliyya*) as it was mentioned in Avicenna’s *Kitāb al-Akhlāq*. This refers to the virtuous character trait of “wisdom” (*ḥikma*) itself. Al-Rāzī defines it as the disposition from which actions proceed that are in the middle between the two vices of deception and ignorance. The latter kind of practical philosophy, however, is just a habitus and it is not properly part of philosophy (*falsafa*). Only practical philosophy in the first meaning is a science and it is dealt with in books on ethics (*fī kutub al-akhlāq*).⁶

This passage says nothing about how we determine what good actions and virtuous character traits are. Evidently, al-Rāzī did not consider this a subject of books on ethics. Earlier in this paper I referred to the fact that as an Aristotelian, Avicenna defines the morally good in terms of *entelékheia* (“realization of potentialities”). This we find discussed in the chapter on “providence” (*ināya*) within the metaphysical section of Avicenna’s *al-Shifā’* (IBN SĪNĀ, *al-Shifā’, al-Ilāhiyyāt*, 340-344; ERLWEIN 2019: 31-33). Al-Rāzī reports these teaching faithfully in his two philosophical *summae* in the chapter about how evil enters God creation (e.g., al-RĀZĪ, *al-Mabāḥith*, 2:547-551). The sections, however, are short and in no way equivalent to the space this subject takes up in books of *kalām*. The same applies to the “teleological” aspect of Avicenna’s ethic, which is his opinion that the prescriptions of the religious law should be put in ways that they maximize benefits in society. Avicenna deals with this in the last three chapters of the last book of his metaphysics on prophetic legislation (IBN SĪNĀ 2005: 367-378; ERLWEIN 2019: 49-50). In his philosophical books, al-Rāzī reports these teachings in just a few sentences (al-RĀZĪ 1990: II, 555-557). They still play an important role in his understanding of the Avicennan philosophical project. This is evident from the importance these teachings gain in al-Rāzī’s own “teleological” ethics in his more

⁶ al-RĀZĪ 1990: I, 509-11. The text in the edition is corrupt and should be read together with the one in MS Berlin, Staatsbibliothek, Mq 13, foll. 148a-b, available through the catalogue <<http://stabikat.staatsbibliothek-berlin.de/>>.

religious books (SHIHADAH 2006: 109-129). Neither al-Rāzī nor Avicenna, however, discuss the issue of why the good is good or why the virtues are virtuous and vices are vicious in a separate chapter or even a separate treatise. These issues are merely touched upon—one hesitates to say: clarified—in sections that deal with metaphysics and the theology of *falsafa/hikma*. This lack of attention is puzzling and its proper discussion goes beyond the scope of this paper. While noting this lacuna in both Avicenna's and in al-Rāzī's philosophical writings, I have currently no explanation for it.

Fakhr al-Dīn al-Rāzī's particular way of writing philosophical books on ethics follows from his appropriation of Avicenna's interpretation of the Farabian perspective about the relationship between reason and revelation. Yet like Avicenna, he still seems to have had a certain idea of a complete corpus of philosophical writings. In his different catalogues of the philosophical disciplines in *Aqsām al-hikma*, in *Uyūn al-hikma*, or in *al-Mashriqiyyūn*, Avicenna writes about the practical disciplines as if they were actually pursued. These texts give the impression that one could find adequate and recent treatments of ethics, household management, or politics within the philosophical sciences. Yet, when we look at Avicenna's philosophical encyclopedia *al-Shifā'* or even at his larger oeuvre, we see that they do not exist. When at the age of twenty-eight or thirty al-Rāzī wrote his first philosophical *summa al-Mabāḥith al-mashriqiyya* he decided that he would produce a book on philosophical ethics and promised it to his readers. What he produced, however, is not in any way comparable to philosophical works on ethics that were written in Arabic before Avicenna. Al-'Amirī (d. 381/992) and Miskawayh (d. 421/1030), for instance, had written extensive books on philosophical ethics and even al-Fārābī wrote his commentary on Aristotle's *Nicomachean Ethics*. Fakhr al-Dīn al-Rāzī's book on ethics is quite different as it mimics and imitates the persuasive strategies of revelation.

I have already mentioned that I believe al-Rāzī received his inspiration for this project from al-Ghazālī's *Iḥyā' 'ulūm al-dīn*, which he read as a book of philosophy, or at least one that achieves philosophical goals. The connection between al-Rāzī's *al-Nafs wa-l-rūḥ wa-sharḥ quwāhumā* and al-Ghazālī's *Iḥyā'* allows for some conclusions about this new genre of post-classical books on *akhlāq*. These were written by scholars who were also authorities in the Islamic sciences. Studies have shown that al-Ghazālī's *Iḥyā'* is heavily influenced by philosophical books on virtue ethics by Miskawayh and al-Rāghib al-Iṣfahānī (d. 422/1031) (MADELUNG 1974, VASALOU 2021). At the same time, one must acknowledge that the *Iḥyā'* is a highly original book and that there is no predecessor of its kind in Islamic literature. It has already been said that in its 21st book, for instance, it includes an introduction into philosophical psychology just like the first part of al-Rāzī's *al-Nafs wa-l-rūḥ wa-sharḥ quwāhumā*. An expertise in philosophy alone, however, would not have been sufficient to write these books. Their authors are also experts on the Qur'an, *ḥadīth*, "the stories of the prophets" (*qiṣaṣ al-anbiyā'*), and *fiqh*, for instance. Later generations of *ḥadīth*-scholars criticized al-Ghazālī for his loose and liberal attitude toward the sayings of Muḥammad in the *Iḥyā'* and his inclusion of much *ḥadīth* material that they regarded as spurious. These critics, however, may have simply misunderstood the genre of this book. As a book on virtue ethics it necessarily has a loose attitude to its sources. For the effect of making people become virtuous, it is important to twist stories into the right direction. It is rather of little consequence whether these stories are actually true. The best author of effective books of *akhlāq* is not the one who knows their philosophical content best, but rather the one who can

best retell parables and stories that make people adopt the virtues. If *fiqh* and *akhlāq* were two competing normative discourses in post-classical Islam and *fiqh* deemed superior to *akhlāq* for the acquisition of virtues, then it needed a good *faqīh* to write efficient books on *akhlāq*. Al-Rāzī's *al-Nafs wa-l-rūh wa-sharḥ quwāhumā* is the kind of book that fits into the narrow niche for philosophical ethics that the competition with religious books combined with the realization of the latter's superiority created. It is a philosophical book that looks very much like a religious one. Hence, al-Rāzī and even al-Ghazālī were authors of books on philosophical ethics that Avicenna not only never wanted to write but also that he never could have written.

Appendix: Table of Contents of Fakhr al-Dīn al-Rāzī's *Kitāb al-Nafs wa-l-rūh wa-sharḥ quwāhumā*

- First Part (*qism*): On the general method (*al-uṣūl al-kulliyya*) that this field of knowledge (*‘ilm*) has.
- 1st Chapter (*faṣl*): Explaining the rank of the human among the different ranks of beings.
- 2nd Chapter: Presentation of that what has been said by another method, closer to verification (*tahqīq*).
- 3rd Chapter: Explaining the ranks of the human spirits (*arwāḥ bashariyya*).
- 4th Chapter: Researching the quiddity (*māhiyya*) of the soul's substance (*jawhar al-nafs*).
- 5th Chapter: On indications received from the Divine Book, which show that the soul is not something bodily.
- 6th Chapter: On that “the heart” is something connected to the substance of the soul.
- 7th Chapter: Explaining the faculties of the soul (*quwā l-nafs*).
- 8th Chapter: Researching the different meanings that are connected to expressions and words (*nafs*, *‘aql*, *rūh*, and *qalb*).
- 9th Chapter: On the relation of these faculties with the substance of the soul.
- 10th Chapter: Is the rational soul one species or multiple species?
- 11th Chapter: Intellectual pleasures are nobler and more perfect than sensual ones.
- 12th Chapter: Explaining what parts of the sensual pleasures belong to the condemned (world) and [its] deficiencies.
- Second Part: On the treatment of (or: cure from, *‘ilāj*) what is connected to passions.
- 1st Chapter: On the love of wealth (*hubb al-māl*).
- 2nd Chapter: How to employ wealth to acquire spiritual happiness (*sa‘āda rūḥāniyya*).
- 3rd Chapter: On greed and miserliness (*ḥirṣ wa-bukhal*).
- 4th Chapter: On the treatment of miserliness by way of practice (*bi-ṭarīq al-‘amal*).
- 5th Chapter: On the true meaning (*ḥaqīqa*) of miserliness and munificence (*jūd*).
- 6th Chapter: On being generous (*sakhiy*).
- 7th Chapter: On worldly rank and position (*al-kalām fī l-jāh*).
- 8th Chapter: Explaining true perfections and those that falsely (*wahmī*) appear as such.

- 9th Chapter: Is seeking popularity necessary, recommended, neutral, discouraged, or forbidden?
- 10th Chapter: The reason for why people love praise and hate condemnation.
- 11th Chapter: On the treatment of (or: cure from) love of popularity.
- 12th Chapter: About practical treatments (*al-ilājāt al-ʿamaliyya*).
- 13th Chapter: Explaining the cure from feeling disgust for condemnation.
- 14th Chapter: Explaining the differences in people regarding their reactions to praise and condemnation.
- 15th Chapter: About make-believe (*riyāʿ*) and its properties.
- 16th Chapter: Explaining latent make-believe (*riyāʿ khaḥīy*).
- 17th Chapter: Explaining how make-believe is cancelled out and how it is not.
- 18th Chapter: Explaining the degree to which one is permitted intending to openly show pious deeds.
- 19th Chapter: Explaining the degree to which one is permitted to conceal sins.
- 20th Chapter: Explaining the non-performance of pious deeds in fear of make-believe.

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Psychology and Ethical Epistemology: An Ash‘arī Debate with Mu‘tazilī Ethical Realism, 11th-12th C.

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Abstract

We examine a hitherto unstudied debate, turning on the epistemology of value judgements, between Ash‘arīs and Baṣran Mu‘tazilīs of the late eleventh and twelfth centuries. Al-Ghazālī and al-Rāzī countered Mu‘tazilī ethical realism, here defended by al-Malāḥimī, by developing an emotive subjectivism underpinned by increasingly sophisticated psychological accounts of ethical motivation. Value judgements, they maintained, arise not from knowledge of some ethical attributes of acts themselves, but from subjective inclinations, which are often elusive because they can be unconscious or indirect. We also argue against the widespread notion that Ash‘arīs espoused an anti-rationalist ethics, and we show that they were not only ethical rationalists, but also the more innovative side in this debate.

Keywords: al-Ghazālī, Fakhr al-Dīn al-Rāzī, al-Malāḥimī, Avicenna, Ash‘arism, Mu‘tazilism, Value theory, Moral realism and anti-realism, Emotivism, Moral psychology, Rationalism, Intellect (*‘aql*), Estimation (*wahm*), Disposition (*tab*), Widely-accepted premises (*mashhūra*), Reputable premises (*maḥmūda*)

Introduction

Two main metaethical theories were advanced in medieval Islamic theology and jurisprudence. The Baṣran Mu‘tazila upheld an ethical realism, according to which ethical value is a real and intrinsic attribute of the evaluable act, and thus, like other attributes inhabiting the external world, is necessarily knowable.¹ Value judgements passed on acts, as in ‘Charity is good’ and ‘Murder is bad’, accordingly articulate knowledge of the external world. Classical Ash‘arīs responded with an anti-realist metaethics, on the back of which they advocated a theological voluntarism. This anti-realism was coupled with an increasingly sophisticated subjectivism, according to which ethical value is ordinarily tied to an act’s subjective consequences for an agent, measured ultimately in terms of the agent’s emotive states. This position eventually culminated in the rise of a consequentialist normative ethics. A considerable amount of attention has been afforded to these theories in recent scholarship. Most relevant to the present article is a 1976 study by George F. Hourani on al-Ghazālī’s (d.

¹ The latter view follows from their general epistemological conviction that if something is real it must be knowable to us (SHIHADDEH 2013).

505/1111) ethics of action and our own 2006 monograph on Fakhr al-Dīn al-Rāzī's (d. 606/1210) ethical theory and more recent work on classical-Ash'arī criticism of Mu'tazilī ethics (HOURANI 1976; SHIHADDEH 2006; 2016: 396-40).²

One of the broad aims of the present article is to challenge the widespread notion that Ash'arīs espouse an 'anti-rationalist' ethics.³ This notion is in the first instance prompted by their own self-description as opponents to the ethical theory of the Mu'tazila, whose conception of ethical value they characterise as rational (*'aqlī*). It may seem fairly uncontroversial hence to cast them, apparently by their own admission, as anti-rationalists. The implication of invoking this rather nebulous dichotomy of rationalism and anti-rationalism in this context is that the Mu'tazila undertook comparatively sophisticated and innovative theorisation in ethics, whereas Ash'arīs were simply opposed to any sort of theorisation in this area on the grounds that it lay beyond human understanding. Against this characterisation, the present article will argue that the ethical thought of Ash'arīs is in no way anti-rationalist, and that in the last phase of the debate between them and the Mu'tazila they in fact were theoretically and dialectically the more sophisticated, innovative and resourceful side. This is to say that as well as gaining the political support that cemented their ascendancy over their adversaries, Ash'arīs also won the dialectical battle. Light will be shed on this phase mainly through a hitherto unstudied debate between the two sides, involving the two aforementioned Ash'arīs, al-Ghazālī and al-Rāzī, as well as the intermediating Baṣran Mu'tazilī Rukn al-Dīn al-Malāḥimī (d. 536/1141), a younger contemporary of al-Ghazālī. Al-Malāḥimī's contribution to this debate occurs in his partially-extant theological work *al-Mu'tamad fī uṣūl al-dīn*, the discussion on ethics in which became available in print only after I published my book on al-Rāzī's ethics.⁴ He responds to al-Ghazālī's refutation of Mu'tazilī ethical theory, and is in turn responded to by al-Rāzī.

The central problem in the debate is whether value judgements express knowledge of mind-independent reality or are grounded in subjective inclination. The latter view was associated in earlier *kalām* with what we may describe as a simple self-centred subjectivism, according to which an act is good if it is pleasurable to the agent, bad if it results in pain. While it was fairly easy for the ethical realists of classical *kalām* to counter this position, we shall see that, partly under philosophical influence, al-Ghazālī and al-Rāzī developed more complex forms of subjectivism through innovative psychological accounts of motivation, arguing that the self-centred motives that evoke value judgements could be unconscious or indirect and could give rise to widely-accepted ethical rules, which are *prima facie* non-self-centred. The two Ash'arīs approach the problem differently, with al-Ghazālī exhibiting the influence of Avicenna's (d. 428/1037) treatment of widely-accepted premises (*mashhūrāt*) and his faculty psychology, particularly the faculty of estimation—an aspect left out in

2 On Mu'tazilī ethics, see SHIHADDEH 2016: 391-6 (on their theory of ethical value); VASALOU 2008; HOURANI 1971. See now also VASALOU 2016, on the ethical theory of Ibn Taymiyya and its earlier background.

3 For instance, MADELUNG (2015: 28-9; cf. 26), where Ash'arī theology as a whole is said to be "predominantly anti-rationalist". But see now BOUHAFI 2021 and SYED 2016, who challenge this notion, albeit from an angle different from the one taken here.

4 The *Mu'tamad* has been published in two editions, both incomplete: the first, edited by Wilferd MADELUNG and Martin MCDERMOTT, appeared in 1991, and the second, edited by Madelung, appeared in 2007. Only the latter edition contains the discussion on ethical value.

Hourani's article—and al-Rāzī shifting away from faculty psychology and into the domain of social psychology. We shall also see how al-Malāḥimī, the pre-eminent Mu'tazilī at the time, failed to keep up with his Ash'arī adversaries.

Our starting point, however, will be the aforementioned pre-Ghazālian, classical-Ash'arī opposition to the purportedly 'rationalist' ethics of the Mu'tazila. We shall argue that the term 'aqlī refers here not to rationalism, but to realism, and that what classical Ash'arīs advocated, therefore, was not anti-rationalism, but ethical anti-realism and subjectivism. As a consequence of a subsequent shift in the theological conception of 'aql, al-Rāzī declares the subjectivist account of ethical value to be just as rational as the realist one.

1. Classical-Ash'arī Ethical Anti-Realism and Conceptions of Intellect ('Aql) and Disposition (Tab)

The debate between the two sides centres, in the first place, on the nature and grounds of ethical value.⁵ The Baṣran Mu'tazila champion a realist position, whose central tenet is that ethical values are real attributes (*sifa*) of acts and hence inhabit the external world. They are not caused by the essences of acts, but rather by act-configurations (*wajh*), which are specific combinations of circumstances that may accompany certain types of acts (SHIHADAH 2016: 391-6). These circumstances can be specific aspects of the agent, the patient, or the wider state of affairs. For instance, if (1) a series of speech acts have the form of a statement, and (2) the speaker has the intention to convey a statement (and so, for example, is not speaking in his sleep, or under compulsion), and (3) the statement does not correspond to a true state of affairs and is hence false, then the speech acts will have the configuration that we normally label as 'a lie'. This configuration renders the speech act morally bad. As al-Malāḥimī writes:

[Bad acts] are bad on account of configurations that characterise them when they occur (*wujūh taqa'u 'alayhā*), which is to say that when [an act] occurs it coincides with specific circumstances (*qarīna*) that can be either negations or affirmations. For instance, when the occurrence of harm coincides with [*a*] it being undeserved, [*b*] it preventing no [greater] harm, be it certain or probable, and [*c*] it [serving] no sound purpose, it will be bad. [Our school members] express this by saying, "[This given harmful act] is bad because it is wrongful (*ẓulm*)". Another example is when the occurrence of a belief coincides with [the fact that] the object of the belief is contrary to how it is believed to be. They refer to this as 'misbelief' (*jahl*), and assert, "[This

⁵ The central value judgements are 'good' (*ḥasan*), defined as that for the performance of which the agent deserves no blame, and 'bad' (*qabīh*), defined as that for the performance of which the agent deserves blame. Three further judgements are subdivisions of the judgement 'good': 'permissible' (*mubāh*, that for neither the performance nor non-performance of which the agent deserves either praise or blame), 'recommended' (*mandūb*, that for the performance of which the agent deserves praise, but for the non-performance of which deserves no blame), and 'obligatory' (*wājib*, that for the performance of which the agent deserves praise, and for the non-performance of which deserves blame). These, al-Malāḥimī explains, are the "principal judgements that apply to acts (*al-uṣūl fī aḥkām al-af'āl*); and all other [ethical] attributes of acts ultimately reduce to them" (2007: 831). For instance, 'prohibited' (*maḥzūr*, *muḥarram*) reduces to 'bad'.

given belief] is bad because it is a misbelief". They do the same with all other bad acts. (al-MALĀHIMĪ 2007: 851; cf. 2016: 168)

Connected to this ontological contention is an epistemological one, namely, that the ethical attributes of acts are knowable to the mind without the aid of revelation or tradition. The ethical attributes of certain types of act are self-evident, and hence known immediately (*darūrī*) to all sound-minded human beings, while the ethical attributes of other types of act are not self-evident but can be acquired through inference (*nazarī*).

Against this theory, classical Ash'arīs, as I showed elsewhere, counter with an anti-realist position, arguing that when value expressions are encountered in ordinary language—that is, not in the specialised, religious-conventional sense of being commanded or prohibited by God—they are grounded not in the extra-mental reality of acts themselves, but in the subjective experience of attraction and repulsion, which arise from the disposition (*tab'*) of an individual in reaction to things.⁶ According to al-Juwaynī (d. 478/1085) and other school-members, the lexical definition of 'good' is pleasurable and beneficial, that of 'bad' painful and harmful (al-JUWAYNĪ 2010: II, 732). What classical Ash'arīs advance, therefore, is an emotivist subjectivism, which they invoke by and large dialectically to refute the central metaethical thesis of Mu'tazilī realism, and hence to present an account of value that is confined to the metaethical plane and does not motivate a normative, or prescriptive ethics. Their metaethical position was instead supplemented by the normative view that divine command is the only non-subjective, and hence authoritative, source of value judgements. An upshot of this view is that God's own acts are not subject to ethical rules.

One aspect of this account that has so far eluded serious analysis is that classical Ash'arīs situate their anti-realist ethics in direct opposition to the 'rational' conception of ethical value (*al-ḥusn wa-l-qubḥ al-'aqliyyān* or *taḥsīn al-'aql wa-taqbīḥu-hu*) of the Mu'tazila. How should we understand this ostensible opposition to rationalist ethics, especially when classical Ash'arīs themselves make no appeal to revelation in their subjectivist ethics, which hence appears just as deserving of the label 'rational'? The first thing to note is that in this classical-Ash'arī formulation of the Mu'tazilī position, what the adjective 'rational' qualifies is not their adversaries' ethical theory (their *qawl* or *madhhab*), but ethical value: it is goodness and badness that are rational, according to the Mu'tazila, not the Mu'tazilī theory of goodness and badness. So in what sense is ethical value rational or non-rational? The background to this question, which to my knowledge has hitherto remained unexplored, should be sought in the classical-Ash'arī conception of 'intellect', particularly in the mature position of al-Bāqillānī (d. 403/1013).⁷ To him, the expression 'intellect' (*'aql*) refers, not to a cognitive faculty (*quwwa*), but to a body of immediate knowledge-items (*'ulūm darūriyya*) that differentiate rational beings from non-rational living beings, including humans of unsound intellect, such as the insane and children, and non-human animals. To be of sound intellect (*'āqil*), or *compos mentis*—an important notion in Islamic law—one must be possessed of these knowledge-items in full. Al-Bāqillānī identifies the knowledge that constitutes the intellect firstly by eliminating two subdivisions of immediate knowledge that

6 SHIHADĒH 2016: 399–401. Acts in classical *kalām* are, properly speaking, things, specifically accidents (as understood in *kalām* atomism, of course).

7 A similar position is attributed to al-Ash'arī. A full investigation of this conception goes well beyond our present purview and will be undertaken in a future study.

do not meet the criterion just identified. Sensory knowledge and introspective knowledge (literally, knowledge of objects occurring within oneself, *fi l-nafs*)—both types of subjective immediate knowledge—are shared with humans of unsound intellect and animals, and hence fall outside the scope of the intellect (al-BĀQILLĀNĪ 1998: I, 197; 188-90). Introspective knowledge includes, for example, knowledge of the pleasure, pain, desire, repulsion, motivation and will that occur within the knower, and even, according to al-Bāqillānī, one's knowledge of the existence of oneself. Three further subdivisions of immediate knowledge, on the other hand, are not shared with humans of unsound intellect and animals, and hence together define the scope of the intellect (al-BĀQILLĀNĪ 1998: I, 196-7; 190-2; cf. 1957: 10-11). The first, and most relevant here, is self-evident (*badīhī*) knowledge, which includes what we may describe as logical truths—for instance, a thing cannot simultaneously both exist and not exist; two is more than one; and two contrary things cannot be co-located.⁸ Al-Bāqillānī delineates self-evident knowledge only through examples, but his successor al-Juwaynī limns it in more general terms as comprising the knowing of certain impossibilities as impossible, and of certain possibles as possible (al-JUWAYNĪ 1996: I, 112-13). Crucially, al-Juwaynī does not include knowledge of all impossibilities and possibilities, because much of this knowledge is inferential.

With this definition of intellect, immediate knowledge-items are described as rational, or as deriving from the intellect (*fi l-'aql*), only if they fall within the scope of the intellect just described. Their objects are all extra-mental, necessary in themselves, and hence inalterable.⁹ So they will be recognised by all people of sound intellect as true. By contrast, sensory and introspective knowledge is available only to the individual knower, be it a person or an animal, and is as such subjective. What is more, it is unnecessary and alterable; for instance, pain does not occur necessarily following injury, but is dependent on God's will. So despite being knowledge (*'ilm*) in the fullest sense, and certainly no less so than self-evident knowledge, sensory and introspective knowledge is not 'rational' (*'aqlī*), in the sense of deriving from the intellect. Classical Ash'arīs characterise some of these internal objects of introspective knowledge as being grounded in an individual's disposition (*tab'*), which refers to the extent to which one has desire (*shahwa*) for certain perceivable things or types of things, and is hence predisposed to find pleasure in perceiving them, or repulsion (*nafra*, *nufūr*, *nifār*) from other things or types of things, and is hence predisposed to find pain in perceiving them.¹⁰ So the disposition, as classical Ash'arīs insist against philosophical accounts thereof, is not a thing in itself, but, as al-Ash'arī puts it, the ordinary occurrence of "certain accidents within certain bodies" (IBN FŪRAK 1987: 132; 279). By this occasionalist account of the temperament, if one person (body A) has revulsion towards certain things he

8 The two other types of immediate knowledge that al-Bāqillānī considers to comprise the intellect are knowledge of the normal course of events (*'āda*), which God preserves (such as knowing that certain things will inevitably, though not necessarily, burn when they come into contact with fire and the meanings intended by a speaker), and knowledge of the objects of widely-transmitted reports (*tawātur*), including past occurrences and remote places. The former type should be read against the backdrop of classical-Ash'arī occasionalism. These types of knowledge are of little relevance to our present purposes.

9 In this vein, I previously translated the *kalām* term *'illa 'aqliyya* (which is contrasted with *'illa sam'iyya*) as 'real cause', rather than 'rational cause' (SHIHADĒH 2013: 204). The latter is a literal but erroneous rendering; for despite being seemingly epistemological, the term is firmly grounded in ontology, specifically in the notion that this type of cause lies in the reality (*ḥaqīqa*, pl. *ḥaqā'iq*) of things.

10 See the Mu'tazilī 'ABD AL-JABBĀR 1965: 17 ff.

will be predisposed to become angry whenever he perceives them (revulsion and perception being explained as accidents supervening upon his body); and if another person (body B) has desire for certain things he will be predisposed to experience pleasure whenever he perceives them, and so forth. Some of these predispositions may be common to all or most humans, albeit to different degrees; others are specific to individuals. Some people, al-Ash'arī reportedly observes, have a benevolent disposition, while others have a malevolent disposition (IBN FŪRAK 1987: 132).

So when classical Ash'arīs reject the Mu'tazilī characterisation of goodness and badness as rational, they only deny that they are extra-mentally real attributes of acts, that the ethical attributes of some acts are self-evident, and consequently that those of others are inferred from those known immediately. This stance does not equate to an outright denial of the 'rationality' of these concepts, in a fashion that would render them bereft of mentally cognisable referents in the absence of revelation. All immediate knowledge-items are cognisable in this way. When classical Ash'arīs then say that goodness and badness arise from the disposition, they mean to ground ethical value in internal perceptions, particularly in what we would call emotions. When an individual observes certain acts, this perception may be followed by a sensation of pleasure or pain, or attraction or repulsion, which would be knowable to him, and he may accordingly describe those acts as good or bad. This is an emotive account of ethical value, not an anti-rational one.

2. Al-Ghazālī: Value Judgement and the Errors of the Estimation

The classical-Ash'arī emotive, anti-realist position is developed further by al-Ghazālī under the philosophical influence of Avicenna. His most extensive discussion occurs in his juristic work, the *Mustasfā*; a slightly shorter version of the discussion is offered in the theological work, the *Iqtisād* (al-GHAZĀLĪ n.d.: I, 177-94; 1962: 160-74). Al-Ghazālī explains the widely-accepted, conventional senses (*al-iṣṭilāḥ al-mashhūr al-āmmī*) of 'good' and 'bad' in ordinary language, respectively, as "agreement (*wāfaqa*) with the agent's ends (*gharaḍ*)" and "disagreement (*khālafā*) with the agent's ends"—in other words, convenience and inconvenience to the agent.¹¹ The same act, hence, can be good in relation to one person, and bad in relation to another. These evaluations stem from the attraction (*mayl*) and repulsion (*nafra*) that arise from the agent's disposition in reaction to things and acts, and they are no different than the attraction or repulsion that one may experience, say, when seeing attractive or unattractive visual human forms.

Having introduced his subjectivist definitions of the central value terms, al-Ghazālī refutes three claims that he attributes to the Mu'tazila, the first ontological, the second and third epistemological: (1) that goodness and badness are essential attributes (*wasf dhātī*) of acts; (2) that certain value judgements are self-evident knowledge-items; and (3) that all sound-minded people agree on self-evident value judgements, which confirms their self-evidence (al-GHAZĀLĪ n.d.: I, 182-3). By focusing on value judgements purported to be self-evident to the exclusion of those inferred from them, al-Ghazālī follows in the footsteps of

¹¹ AL-GHAZĀLĪ n.d.: I, 179-81; cf. HOURANI 1976; MARMURA 1969. Other studies have dealt with the subject but not added much.

his teacher al-Juwaynī, who argues that once the falsity of the former is exposed, that of the latter will automatically follow (al-JUWAYNĪ 1950: 259-60). Al-Ghazālī refutes the first, ontological claim with ease: the same act, he reasons, can be good in some cases, bad in others—a case in point being inflicting harm on another human—and therefore can be essentially neither good nor bad, because essential attributes are inalterable (al-GHAZĀLĪ n.d.: I, 183). As we shall see in the next section, this is a strawman argument. The second, epistemological claim is rejected on the grounds that the value judgements that the Mu‘tazila claim to be self-evident are in fact not accepted by many non-Mu‘tazilīs (al-GHAZĀLĪ n.d.: I, 183-4).

Al-Ghazālī’s response to the third claim is the lengthiest and most important part of the discussion. The problem he tackles is this. If value judgements, as he and other Ash‘arīs claim, are not grounded in reality, then why are they considered by all (or at least the vast majority of) sound-minded people to be self-evident truths and epistemically on a par with (genuine) self-evident truths? How could a false belief—for instance, that lying is intrinsically bad—be apprehended as self-evident knowledge, not by a minority of misguided individuals, but by all (or the overwhelming majority of) people? Al-Ghazālī does not hesitate to concede that people do in fact come to agree unanimously, or almost unanimously, on untrue beliefs and even to construe them as self-evident knowledge. And like earlier Ash‘arīs, he insists that widely-accepted value judgements are little more than social conventions (‘urf) (SHIHADĒH 2016: 399-400). However, al-Ghazālī goes further than earlier Ash‘arīs by offering an explanation of how these judgements become widely-accepted conventions, and this he does by applying aspects of Avicenna’s treatment of widely-accepted premises (*mashhūrāt*) and his theory of the psychological faculty of estimation (*wahm*).

Al-Ghazālī’s deep interest in Avicenna’s account of the causes of widely-accepted premises is well-attested in another, logical work, *Mi‘yār al-‘ilm*, where this account is both adapted and developed (al-GHAZĀLĪ 1961: 193-7; MARMURA 1969: 393-6). For Avicenna, ethical premises, which he sometimes terms reputable (*maḥmūda*) premises, are acquired, as opposed to innate, widely-accepted premises.¹² They derive from social conventions and become deeply embedded (*mutaqarrira*) in individuals, so much so that ordinary people may deem them epistemically equivalent to primary premises (IBN SĪNĀ 1938: 63). Avicenna does not explain, in his discussion of reputable premises, how this embeddedness occurs, but he indicates elsewhere that it happens through the psychological faculty of estimation becoming conditioned to ethical conventions such that it issues emotive judgements on their objects (BLACK 1993: 243-4). Several causes that give rise to these conventions are mentioned briefly in the *Najāt*, including the desire for peace-making and conciliation, and ancient laws (*sunan qadīma*) that survived from obsolete systems of belief and practice (IBN SĪNĀ 1938: 63).

12 IBN SĪNĀ 1882: 58-9; 1938: 63-4; 1956: 65-6. Innate (*fīṭrī*) widely-accepted premises include primary (*awwālī*) principles of reason and estimative premises, which should be identified more precisely as ‘pure estimative’ premises (*wahmiyyāt ṣirfa*). On reputable premises in general and the background to Avicenna’s treatment thereof, see BLACK 1990: 95-101; AOUAD 1997. Rendering *qadīyya maḥmūda* as ‘reputable premise’ captures the senses of being widely accepted and held in high esteem, which is how this type of premise is characterised in Arabic logical sources. The term derives from the Greek *endoxon*, which can be rendered as ‘reputable opinion’ (on the Greek background of the term, see CELLI 2018: 98-100). The standard rendering of the Arabic term as ‘praiseworthy premise’ conveys a prescriptive sense, absent in the Arabic expression, but not the sense of wide acceptance, and is therefore inadequate.

Al-Ghazālī's account of the causes of value judgements in the *Mustasfā* draws heavily on Avicenna's account and develops it in various ways, most importantly by laying emphasis on the role of the estimation. Value judgements, he says, are reputable, widely-accepted premises (*qaḍāyā maḥmūda mashhūra*), which become widely-accepted in either of the following two ways (al-GHAZĀLĪ n.d.: I, 186).

The first is that some judgements originate in the teachings of revelation (al-GHAZĀLĪ n.d.: I, 184-5). The ethical rules stipulated by revealed religion are accepted by those among their adherents who have direct access to those teachings, and they are then disseminated more widely among those who follow them uncritically (*taqlīd*). As al-Ghazālī's logical works make clear, the former group receive those teachings in the form of premises accepted on the basis of either wide transmission (*tawātur*) or authority (*maqbulāt*), and therefore not as reputable premises (al-GHAZĀLĪ 1925: 52; 1961: 197-8). So they are received as reputable premises only by the class of ordinary people, in whom the ethical teachings of religion are inculcated from childhood to the extent that they become dissociated from their religious roots and viewed as self-evident truths (al-GHAZĀLĪ 1961: 196). Although Avicenna does not count dominant living religions (such as Islam in Muslim-majority societies) among the sources of widely-accepted premises, al-Ghazālī clearly takes his cue from several elements of the philosopher's treatment of these premises, most probably including the reference to ancient belief systems.¹³

The second way is that many value judgements arise and become widely established among people on account of the extent to which they further or hinder the ends (*gharaḍ*) of individuals. Which is to say that they are grounded in the subjective consequences of acts. Ends here are understood to be the objects sought by an agent's will (*irāda*) for the purpose of fulfilling a need of the agent. According to the Mu'tazila, these are not only conscious, which is to say that they are known to the agent (unlike desires [*shahwa*], whose presence is often unknown to the agent [IBN MATTAWAYH 2009: II, 414]), but also voluntary. And, of course, they refute the notion that value terms originate in the will of any agent, be it directed at self-centred ends or otherwise ('ABD al-JABBĀR 1962: 81 ff.). As al-Ghazālī notes, the Mu'tazila would counter his explanation by adducing value judgements that, they contend, do not arise from self-centred subjectivist considerations, such as the obligations to tell the truth, to assist those in severe need and to keep secrets and promises (al-GHAZĀLĪ n.d.: I, 185-6).

Yet he insists that even widely-accepted value judgements that appear not to be self-centred stem from subjective ends, except that the subjective ends that underpin them are very elusive (*tadiqqu wa-takhfā*) and can only be discerned by critical investigators (*muhaqqiq*)—that is, those who are both highly learned and skilful in independent, critical thinking to the extent that they are capable to navigate difficult problems and arrive at the

13 Al-Ghazālī's view that revealed religions are a source for non-religious ethical maxims current among ordinary people is complemented by his claim that the elite virtue ethics of the philosophers (*al-falsafa al-khuluqiyya*) has its origins in Sufism—presumably not only Islamic Sufism but also ethico-mystical traditions in pre-Islamic revealed religions (1969: 24). Revelation is thus a major source for the non-religious ethics of people of all educational strata.

truth (*haqq*).¹⁴ Most scholars fall below this rank (al-GHAZĀLĪ n.d.: I, 190; cf. 1925: 57). This is to say that these value judgements are reputable premises, whose causes—namely, the subjective ends of people—are not ordinarily known to those who uphold them, but can be identified through in-depth investigation. Al-Ghazālī unpacks his claim along psychological lines, setting out what he describes as three “sources of error (*ghalat*)”, through which value judgements obtain in people’s minds and become misconstrued as self-evident truths about the external world.¹⁵ All three stem from the pseudo-rational estimative faculty (*wahm*), a component of Avicenna’s theory of the psychological faculties, which al-Ghazālī adopted.¹⁶ He writes:

The psychological faculties of most people obey these false estimations, even when they know their falsity. The acting and abstention from acting of most people are due to these estimations; for estimation has a great hold on the soul.¹⁷

The role of the estimative faculty, which al-Ghazālī does not spell out here, is that it issues emotive judgements on objects in the external world, presenting them as though they were self-evident objective truths apprehensible to reason, and that it is prone to error in its judgements.

The first type of error is that evaluations that are subjective and relative are conceived as objective and absolute. Individuals use the expression ‘bad’ for what is contrary to one’s own personal ends even if it agrees with the ends of others, and ‘good’ for what agrees with one’s personal ends even if it is contrary to the ends of others, but then project these evaluations externally onto objects, thus perceiving them as non-sensible properties intrinsic to the objects themselves. The relative goodness or badness of acts thereby becomes perceived as absolute goodness or badness. When individuals commit this error, they pay no heed to how an act affects others, or even neglect to consider how the same type of act affected them personally on previous occasions in the past or may affect them in the future.

The second is that subjective considerations tend to give rise to simple universal rules through a process of incomplete induction (cf. al-GHAZĀLĪ 1961: 196). If something is disadvantageous most of the time, it will be judged by the estimation to be absolutely bad, even if and when it is advantageous or imperative in a minority of cases. Individuals become habituated to those rules and do so to the extent that they find in themselves the urge to adhere to them and loathing towards breaking them. The rule becomes a subjective end in itself, such that adhering to it is deemed to be in agreement with the agent’s ends and hence good, and failing to do so is deemed to be in disagreement with his ends and hence bad. Al-Ghazālī gives the example of the absolute badness of lying, which is inculcated in children to the extent that it becomes deeply ingrained in them. To avoid undermining their abhorrence of lying, children are not informed that in some instances lying is in fact good, such as lying to

14 Al-GHAZĀLĪ n.d.: I, 185-6; cf. I, 190, where those scholars are described as having been afforded knowledge of truth by God. It would obviously make little sense to translate *muhaqqiq* here as ‘verifier’, as seems to be the trend these days.

15 Al-GHAZĀLĪ n.d.: I, 187-90; 1962: 166-9. Al-Ghazālī’s usage of the term ‘error’ in logical and epistemological contexts is a philosophical influence.

16 On estimation in Avicenna and al-Ghazālī, see, respectively: BLACK 1993, and GRIFFEL 2012.

17 Al-GHAZĀLĪ n.d.: I, 190, apparently echoing IBN SĪNĀ 1959: 167, 182-3.

save the life of a virtuous person. This, however, explains how lying comes to be viewed as bad by those in whom this view is inculcated, but leaves unexplained, in the framework of al-Ghazālī's subjectivism, why such a view would be inculcated in the first place. (Al-RĀZĪ, as we shall see, addresses this question directly.) It is arguable that when parents and others impress upon children the badness of lying, they do so to guard against the subjective detriment that individuals expect from interacting with dishonest people, especially close family members.

The third type of error is that if something restricted (*khāṣṣ*), X, is always associated (*maqrūn*) with something more general (*ʿāmm*), Y ('Every X is a Y'), the estimation will be inclined, incorrectly, to convert (*'aks*) this relation, thus yielding the conviction that Y is invariably associated with X ('Every Y is an X'). Through this false conversion, if X is repulsive, Y becomes repulsive by association: as al-Ghazālī writes, "all that is associated with something pleasurable itself becomes pleasurable, and all that is associated with something detestable itself becomes detestable".¹⁸ Several examples are given. For instance, if someone is bitten by a snake, he will be repulsed by any object whose shape and colour resemble those of a snake, such as a patch-covered rope; so from 'Every snake is a patch-covered rope-like object' and 'Every snake is repulsive', one deduces, 'Every patch-covered rope-like object is repulsive'. And if a common person is opposed to a school of thought on account of certain doctrines of theirs, he will reject any doctrine attributed to them, even though he may accept it if it is presented to him without it being attributed to that school.

Having set out these errors, al-Ghazālī goes on to explain how seemingly non-self-centred value judgements arise and how people become motivated to abide by them. He starts with the purported obligation to save a person on the verge of death, if one is easily able to, which the Mu'tazila adduce as an example of a self-evident obligation (al-GHAZĀLĪ n.d.: I, 190-1). Al-Ghazālī responds by explaining this judgement in ways that map onto the three types of error he has just set out. The imperative to provide assistance, he contends, originates above all in the pain caused by the inborn disposition known as "tenderness associated to the genus" (*riqqat al-jinsiyya*), which is triggered at the agent's perception of the suffering of another human, or sometimes a beast.¹⁹ This, in other words, is the disposition of sympathy. When an agent encounters a human on the verge of death, he imagines himself in that person's place and imagines other people refusing to assist and he finds their refusal reprehensible; he then imagines the dying person having these same thoughts about him, and becomes distressed by that. To alleviate the distress caused by these self-centred imaginations, the agent becomes motivated to assist that person. Al-Ghazālī here appears to apply the first type of error: the agent does not recognise the self-centred end motivating his act, but in most cases will think that the goodness of the act is intrinsic and absolute. But what if the agent feels no sympathy

18 Al-GHAZĀLĪ n.d.: I, 191. This echoes Avicenna's remark that one may be disgusted by honey because of its similarity to bile, which he attributes to the activity of the estimation (1959: 182).

19 Al-GHAZĀLĪ n.d.: I, 190; cf. 1961: 193-5. The term often appears as *al-riqqa al-jinsiyya*. The expression *jins* here is originally intended in the *kalām* sense of 'class', a reference to either humans or animals—whence the expression *abnā' jinsihi* ('members of his/its kind'). Al-Ghazālī and later theologians may have intended the philosophical sense of 'genus', which would be a reference to animals. In practice, however, not all animals are objects of sympathy to the same degree. Humans tend to sympathise more with horses than with mice, and much less or not at all with insects.

for the dying beast or person he encounters? Al-Ghazālī says that it is hard to imagine an individual experiencing no sympathy whatsoever, but that even if this were granted another motive would remain operative—namely, the expectation of praise from others for a praiseworthy act. This would be an instance of the second type of error, whereby a widely-accepted universal rule becomes ingrained in individuals through social habituation. If the agent offers assistance but does not expect others to observe or know his praiseworthy act, the act would then be motivated by the mental association between the act of assisting those in dire need of help and praise. One is habituated to associate this sort of act with praise, and thus comes to think that the act is praiseworthy in absolutely all instances, when in fact it receives praise only in the presence of others who may praise it. Al-Ghazālī here explicitly appeals to the third way in which estimation engenders value judgements.

Al-Ghazālī, therefore, advances a subjectivist account of value, which develops the classical Ash‘arī account under the influence of Avicenna’s logic and psychology to explain the causes of widely-accepted and seemingly self-evident value judgements. But as in earlier Ash‘arism, he goes no further than to offer a subjectivist metaethics meant only to support an anti-realist stance in order to refute Mu‘tazilī realism, not as the groundwork for an alternative ethical system.²⁰ What is radically new in his account—new, that is, in the context of *kalām* metaethics—is that it recognises two types of ends that give rise to value judgements: conscious ends and unconscious ends. The latter are not ordinarily detectable because of the erroneous judgement of the estimation, which is twofold: it perceives the subjective consequences of things as real and intrinsic to them, and it tends to generalise value judgements, thus extending their scope. This position comes into direct conflict with classical-*kalām* epistemology, as it undermines the principle of immediate knowledge (*‘ilm ḍarūrī*). Much of what appears to the overwhelming majority of sound-minded people to be immediately true may turn out to be falsehood generated by the estimative faculty. For the Mu‘tazila, the notion that God could equip humans with a mental faculty that distorts their perception and understanding of reality would be an evil act on his behalf. While they accept that he creates things both within and outside humans, such as desires, which motivate them to choose to commit bad acts, he cannot create them with minds that could deceive them and at the same time treat them as accountable for their choices. Therefore, the Mu‘tazila, as already noted, recognise only conscious ends: an agent knows that a certain act (say, telling a lie) will benefit her (by producing financial gain) and that the act is intrinsically bad, and then chooses either to perform or not to perform it. If a sound-minded agent uses their mind, they will know if an act is beneficial or harmful, or if it is good or bad, and will not confuse one type of judgement for the other. It was common in earlier *kalām* for theologians to dismiss specific views that their opponents claim to be immediately known as false; al-Ghazālī is the first theologian to offer a robust explanation of their falsehood.

20 This is true of al-Ghazālī’s ethics of action, as set out in his juristic and theological works, but not necessarily of his virtue ethics, where, under philosophical influence, he assigns a normative function to the practical intellect (*al-‘aql al-‘amalī*) (al-GHAZĀLĪ 1964: 203ff.).

3. Al-Malāḥimī: A Failed Defence of Ethical Realism

Al-Malāḥimī's defence of the Mu'tazilī ethical theory against al-Ghazālī's attack occurs in the discussion on "the judgements that apply to acts" (*aḥkām al-af'āl*), that is, the value judgements of ethically evaluable acts (al-MALĀḤIMĪ 2007: 830-54). The discussion is motivated by three main objectives, each treated in one or more dedicated sections—namely, (1) to determine the definitions, or realities (*ḥaqīqa*), of these judgements, (2) to establish that there are in fact acts in existence to which these judgements apply, and (3) to determine the causes of these judgements. We are concerned here only with the last two.

To establish that ethically evaluable acts actually exist—the second objective—is to affirm goodness and badness as actual attributes of acts, as opposed to mere fanciful descriptions thereof, and moreover to affirm them as *real* attributes of acts as objects in the external world. Al-Malāḥimī views the task as essentially effortless; for like earlier Mu'tazila, he maintains that some value judgements are known immediately (*darūri*). He opens the section titled "Affirming (*ithbāt*) good acts" as follows:

Know that all that is needed to affirm this is to draw attention (*tanbīh*) [to the fact], rather than to infer [it] (*istidlāl*). For every sound-minded person knows that there are some acts on account of which no blame is deserved, such as all that is beneficial,²¹ causes no harm to anyone, and is characterised by none of the configurations of badness. Therefore, [goodness] in general (*'alā l-jumla*) is affirmed and established through reason. (al-MALĀḤIMĪ 2007: 831)

The same point is made in a section titled "Affirming bad acts" (al-MALĀḤIMĪ 2007: 840-1; 845-6).²² Because the existence of bad acts is known immediately, it cannot be inferred from evidence. All that one can do to confirm it is to "draw attention" to the immediate knowledge that we already have of the badness of certain acts. Being self-evident, these value judgements, al-Malāḥimī submits, are agreed upon by all sound-minded people, including Muslims and adherents to other belief systems. And it is impossible for any sound-minded person not to recognise their truth, even if their thinking is misguided by some factor or other, such as a misbelief obtained through specious reasoning or uncritical imitation of others. So long as a mind remains sound, nothing could corrupt its ability to possess items of immediate knowledge where it should have them. Denials of the truth of any such immediately-known ethical facts are dismissed as disingenuous (al-MALĀḤIMĪ 2007: 845-6).

In the tradition of earlier Baṣran Mu'tazilī sources, al-Malāḥimī also refutes the counter-thesis to ethical realism—that ethical value judgements of approval and disapproval ordinarily passed on acts are subjective, and as such of the same order as aesthetic judgements of approval and disapproval passed on visible forms (cf. 'ABD al-JABBĀR 1962: 19-21). This anti-realist, subjectivist thesis is readily implied in the two central Arabic expressions employed to denote ethical values, *ḥasan* (good) and *qabīḥ* (bad), which are widely used to mean, respectively, "beautiful, attractive" and "ugly, repulsive". Al-Malāḥimī contends that the two types of judgement are poles apart (al-MALĀḤIMĪ 2007: 841-2). Ethical judgements

²¹ Reading *kull* for *akl*.

²² Reading *mā lā yajidu* for *mā yajidu* at 841, l. 6.

are rational: they are real, and as such apprehensible to the mind. However, when a person finds a thing either pretty and desirable, or ugly and repulsive, the judgement will arise from the person's self (*nafs*) depending on the extent to which that thing is aligned with her desire (*shahwa*) and repulsion (*nafra*). For this reason, the same thing may be attractive and desirable to one person, and unattractive and undesirable to another person. Such differences betray the subjective nature of these judgements, just as the (purported) agreement of all sound-minded people on certain ethical value judgements confirms their objectivity and truth.

This much was normally sufficient, in earlier Mu'tazilī sources, to eliminate the subjectivist counter-thesis. Because of al-Ghazālī's criticism, however, al-Malāḥimī revisits this counter-thesis in the next section, "That on account of which bad acts are bad," in which the causes of the ethical attributes of acts are determined. Half of the section is devoted to responding to al-Ghazālī, whom al-Malāḥimī does not name, but clearly intends when he refers to "one of the later ones among our adversaries, who had learned some of the teachings of the philosophers" (al-MALĀḤIMĪ 2007: 846). Aside from implying that al-Ghazālī had only a mediocre grasp of philosophy, al-Malāḥimī highlights the philosophical influence on him to score a polemical point, as philosophy was still widely seen as a heterodox system of thought. He then starts by summarising some of the criticisms deployed in the *Mustasfā* against the Mu'tazilī theory of ethical value (al-MALĀḤIMĪ 2007: 846-8).

First, however, he complains that al-Ghazālī misunderstands the Mu'tazilī position. Al-Ghazālī claims that the Mu'tazila are ethical essentialists, as al-Malāḥimī points out:

He reports that our school members hold things that they do not in fact say, believing these to be their teachings—namely, that they hold that what is good and what is bad are good or bad on account of their essence (*li-dhātihī*). This betrays his ignorance of the position of our school members. So, there is no point in reproducing those parts of his discussion. [...] He then argues that good and bad [acts] are not good or bad on account of their essence; but this is not what we actually hold. (al-MALĀḤIMĪ 2007: 846-7; cf. al-GHAZĀLĪ n.d.: I, 178-9; I, 182-3)

Al-Malāḥimī, of course, is correct. In the vein of most earlier Ash'arī treatments of the subject, al-Ghazālī portrays the Mu'tazila as espousing an essentialist theory of ethical value. Claiming that they maintain that badness is an 'essential attribute' (*wasf dhātī*) of the act, he refutes this position simply by adducing acts that are good in some cases, but bad in others—evidence that ethical value is not essential to acts (al-GHAZĀLĪ n.d.: I, 183). It is striking that al-Ghazālī misrepresents the Mu'tazilī view in this manner, considering that in his main work on jurisprudence, the *Burhān*, his teacher al-Juwaynī criticises fellow Ash'arīs and Shāfi'īs for misunderstanding the Mu'tazilī position in precisely this way:

Those who reported the position of [the Mu'tazila] differed on [how to interpret] their statement, 'A thing is bad or good in itself (*li-'aynihi*)'. It has been reported that they hold that the badness and goodness of acts²³ are among their attributes of essence. It has also been reported that badness is an essential attribute, but not goodness, or vice versa according to [Abū 'Alī] al-Jubbā'ī [d. 303/915]. All of this betrays ignorance of

23 Reading *al-maf'ūlāt* for *al-ma'qūlāt*.

the position of [the Mu‘tazila] (*jahl bi-madhhabihim*). What they actually mean by saying, ‘A thing is bad or good in itself’, is that [the badness or goodness of the act] is apprehended by one’s mind, without needing to be informed [of these judgements] by another. (al-JUWAYNĪ 1979: I, 88-9)

In other words, ‘in itself’ here means ‘intrinsically’, rather than ‘essentially’. Accordingly, in his theological *magnum opus*, the *Shāmil*, al-Juwaynī provides a more accurate account of the Baṣran Mu‘tazilī theory of act-configurations.²⁴ Al-Juwaynī, after all, was closely familiar with Mu‘tazilī sources, particularly ‘Abd al-Jabbār.²⁵ Yet, with the political and intellectual decline of Mu‘tazilism by the late fifth/eleventh century, al-Ghazālī’s attention shifts towards new and more urgent threats, specifically the philosophers and Ismā‘īlīs. And it is for this reason, it seems, that he shows little interest in offering an accurate account of the Mu‘tazilī theory.²⁶

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Al-Malāḥimī chooses to ignore al-Ghazālī’s off-target criticisms and instead focuses on the subjectivist lexical definitions he gives for ‘goodness’ as ‘agreement with the agent’s ends’, and ‘badness’ as ‘disagreement with the agent’s ends’, and his claim that value judgements said to constitute immediate knowledge of the external world are often in fact figments that originate in the estimation. In defence of Mu‘tazilī realism, al-Malāḥimī responds by deploying three arguments.²⁷ The first two seek to show that the consequences of acts on their agents cannot account for widely-held value judgements, because the two are not always correlated.

The first argument is that ethical value is not reducible to subjective ends, because some acts are bad but not harmful. Al-Malāḥimī opines that we judge such acts to be bad on account of their intrinsic badness, which is apprehensible to reason, but do not find them disagreeable to our disposition (*tab*). He gives the examples of the mental act of adhering to a misbelief (*jahl*), such as believing that the sky is below us and the earth above us, and purposeless acts (*‘abath*), such as speaking to inanimate objects.²⁸ Al-Malāḥimī invokes acts that are not religiously prohibited to exclude the explanation that their badness originates in the teachings of revelation. He then considers the possible rejoinder that seemingly harmless acts are often in fact not so harmless, because they involve the expenditure of effort, and he counters that even if we postulate that the performance of a purposeless act brings its agent a benefit that

24 Al-JUWAYNĪ 2010: II, 731 ff. In his shorter theological work, the *Irshād* (1950: 257 ff.), he does not discuss act-configurations, but still avoids characterising the Mu‘tazilī theory as essentialist.

25 As is clear from one telling reference he makes to ‘Abd al-Jabbār’s *Mughnī* (SHIHADĒH 2013: 193).

26 Hourani explains al-Ghazālī’s inaccurate account of the Mu‘tazilī theory thus: “The absence of living challengers was taking its toll on the level of argument of Sunnite theologians, as it had done already on that of Ghazālī’s predecessor Juwaynī” (1976: 82; cf. 1975). However, as already noted, al-Juwaynī is in fact careful to provide an accurate account of the Mu‘tazilī position, whereas al-Ghazālī intentionally misrepresents it. The latter’s motives lie in his conception of *kalām* as a pragmatic, dialectical art, a subject that goes beyond the scope of the present study (SHIHADĒH 2005: 142 ff.; 2015).

27 AL-MALĀḤIMĪ 2007: 848-9. He then attacks Ash‘arī divine command ethics (2007: 849-51).

28 AL-MALĀḤIMĪ 2007: 848. On *jahl* in the sense of misbelief, see SHIHADĒH 2013. For a discussion of the Mu‘tazilī position on the badness of purposeless acts, see LEAMAN 1980, although he assumes that ‘Abd al-Jabbār was the first to hold that purposeless acts are bad. This in fact is a standard Mu‘tazilī view, which predates ‘Abd al-Jabbār.

outweighs the minor effort expended, the act would still be bad (al-MALĀḤIMĪ 2007: 848-9). This argument, however, fails two of al-Ghazālī's tests. For, firstly, al-Malāḥimī appears to concede that simply by virtue of being acts, all purposeless acts involve an inconvenience to the agent. So by al-Ghazālī's characterisation of the first type of error, they would be judged bad on subjectivist grounds by their agent, whose estimative faculty may present their badness as a property intrinsic to them. The second type of error would be to assert that purposeless acts are universally bad, even when, as in the case postulated by al-Malāḥimī, an agent occasionally gains a benefit greater than the effort expended in performing such an act. By the same token, one may argue that adhering to a misbelief is often contrary to an agent's ends, because it may result in misguided action

In his second defence, al-Malāḥimī goes a step further, arguing that value judgements often run counter to an agent's self-centred, prudential inclination, because some harmful acts are in fact good and obligatory (al-MALĀḤIMĪ 2007: 849). These include types of just action, such as paying back a debt and treating adversaries fairly in debate, which tend to involve burdensome inconvenience to their agent. If ethical value were correlated to an act's consequences, people would have agreed on the badness of these acts. Again, the argument seems to miss its target, because these acts seem no different than the act of lying, which al-Ghazālī considers under the second type of error. It is arguable that even though wrongful acts are often beneficial to the wrongdoer, most instances of wrongful acts are harmful to the community at large and for this reason are judged bad. This value judgement is accordingly inculcated in individuals.

In both arguments, al-Malāḥimī fails to address and eliminate al-Ghazālī's account of the causation and epistemic status of value judgements. He highlights the philosophical influence evident in his older contemporary's refutation of Mu'tazilī ethics and provides an accurate summary thereof, but nonetheless treats it as a much less sophisticated form of subjectivism than it actually is. Al-Ghazālī proposes that value judgements often derive from unconscious ends, which he explains through the workings of the estimative faculty, whereas al-Malāḥimī, deploying the outdated toolkit of earlier Mu'tazilism, recognises only conscious ends. From a dialectical standpoint, the outcome is a clear win for al-Ghazālī.

Al-Malāḥimī takes a different tack in his third argument, in which he defends the rationality of value judgements. To the view that value judgements derive from the disposition rather than from reason, he responds as follows:

Suppose an act is either entirely harmful or entirely beneficial to a sound-minded person, [1] will he differentiate between the two? And if he does differentiate between them, [2] will reason then dictate to him that he ought to obtain what is entirely beneficial to him, and that if he benefits from that he will not deserve blame from other sound-minded people [...]? As for what is entirely harmful to him—such as striking or injuring his own body, or wasting his wealth for no purpose—will reason dictate to him that he ought not do this, and that [if he were to do it] it would be right for other sound-minded people to say to him, 'Why did you do this!'

If [our opponent] answers that reason dictates none of this to sound-minded people, he will be speaking disingenuously and will be equating the behaviour of sound-minded people who have no knowledge of revealed religions with the behaviour of insane people who cannot differentiate between what they are entitled to do and what

they are not entitled to do. However, if he answers that reason does indeed dictate this, we will say to him: But this is exactly what we mean by ‘rational badness and goodness’ (*al-qubḥ wa-l-ḥusn al-‘aqlī*). So, your claim that reason can make no judgement of goodness or badness on acts before [the reception of] revelation is false. (al-MALĀHIMĪ 2007: 849)

Al-Malāhimī says that the role of reason here is to recognise, first, the ethical value of an act (the *is*) and, second, that it is imperative on the agent to perform it, or to refrain from it (the *ought*). He argues that his adversaries will be forced to concede both of these functions of reason. But his former, ontological claim is problematic. The examples given are acts whose ethical value is ontologically ambiguous, because acts whose only consequence is to benefit their agent, or to harm their agent (such as causing injury to oneself), and hence have no direct impact on other living beings, are recognised by both realists and subjectivists as, respectively, good and bad, although the two sides will differ on the precise referents of ‘good’ and ‘bad’ here and on the grounds of the goodness and badness of these acts. The ethical rationalism of the Mu‘tazila does not consist of asserting the mere fact of the goodness and badness of these and other acts, but also requires the recognition of the reality of goodness and badness as attributes of acts and the causes of these attributes—both of which notions are rejected by al-Malāhimī’s adversaries. So his claim that this is exactly what the Mu‘tazila mean by ‘rational badness and goodness’ is misleading, and seems to present the debate as one between ethical cognitivism and non-cognitivism, rather than a debate between ethical realism and anti-realism. What is more, Ash‘arīs do not deny that the mind is able to differentiate between harmful and beneficial things; they accept that internal sensations are objects of knowledge—introspective knowledge—but deny that these cognitions derive from reason. As for the latter, *ought* claim, al-Malāhimī expects Ash‘arīs to agree that reason provides the agent with the imperative to act or not to act, and others with the entitlement to praise or to blame an agent for performing an act. However, they would simply deny this claim; for although they appeal to subjectivism dialectically in a debate on metaethics, they do not subscribe to a consequentialist normative ethics. Al-Juwaynī maintains that the imposition of obligations (*taklīf*) on agents is not a function of reason, but the prerogative of revelation (al-JUWAYNĪ 1950: 258).

Overall, al-Malāhimī’s defence of ethical realism against al-Ghazālī’s philosophically-influenced criticism shows that Mu‘tazilism at this crucial juncture was unable to keep up with its adversaries. Although the decline of Mu‘tazilism in the fifth/eleventh century was to a great extent the outcome of socio-political circumstances, what we see here is evidence that the school was losing the intellectual battle as well. This observation is, of course, a historical one and should not be taken to imply that the ethical realism taught by the Baṣran Mu‘tazila was inevitably doomed to failure. Whether later, Zaydī Mu‘tazilism manages to catch up, so to speak, and to put forth a more compelling response to neo-Ash‘arī ethical thinking remains an open question, and certainly one worth pursuing.

4. Al-Rāzī: From Subjectivism to Consequentialism

In the discussion on ethical value in his earlier theological work, *Nihāyat al-‘uqūl fī dirāyat al-uṣūl*, Fakhr al-Dīn al-Rāzī offers two lines of refutation of the Mu‘tazilī epistemological claim that the ethical value of certain types of act is self-evident, which correspond to the second and third tasks of al-Malāḥimī. The first is simply to show that purportedly self-evident value judgements are not in fact self-evident (al-RĀZĪ 2015: III, 275-6). The second, “more powerful” line goes a step further by acknowledging the prevalence of certain ethical maxims among people, and then arguing that the nature and grounds of ethical value are not what they are claimed to be in Mu‘tazilī ethical realism (al-RĀZĪ 2015: III, 276-8; SHIHADĒH 2006: Ch. 2). Al-Rāzī briefly proposes three alternative explanations for value judgements. The first two ground value judgement in an individual’s emotive reactions to a thing or occurrence. Some judgements, he first argues, are engendered by the emotive attraction and repulsion that an act arouses in the disposition, such as the judgements that justice is good, and wrongful action bad. Some are engendered by self-centred prudence, such as the judgement that it is good to assist a suffering human or animal, which arises from the pain experienced by a tender-hearted observer. His third explanation grounds some judgements in their consequences for society, but is, in the final analysis, likewise subjectivist, as we shall see shortly: some judgements, he says, are engendered by the consensus of people on rules that guarantee the wellbeing of society, such as the principles that lying and wrongful action are bad. The Mu‘tazila, al-Rāzī argues, fail to eliminate these alternative grounds of value judgements when establishing their own, realist account. He immediately then considers the possible response that these alternative explanations have in fact already been addressed by al-Malāḥimī in the *Mu‘tamad*, and he paraphrases the latter’s first two responses to al-Ghazālī.

Al-Rāzī counters al-Malāḥimī’s first argument by expanding on his emotivist account of value judgement. Al-Malāḥimī had argued that because some acts, such as purposeless acts, are harmless but nonetheless bad, an act’s badness cannot be reduced to an emotive reaction to its actual or expected consequences. This argument, al-Rāzī retorts, can go no further than proving that the badness of (purportedly) harmless acts cannot be explained through their consequences, and thus falls short of establishing the general proposition that the badness of all bad acts cannot be thus explained, for which a further proof is needed (al-RĀZĪ 2015: III, 278-9; 280-1). He contends that harmful action in fact is not the only trigger for emotive, dispositional repulsion (*nafra ṭabī‘iyya*), because the latter is experienced at the perception of things that are entirely harmless to the perceiver, such as people with bodily defects or menial jobs. Indeed, the perceiver may benefit from the menial work of others, yet still experience the same repulsion towards them. It is perfectly conceivable, therefore, for purposeless action and holding a misbelief to be entirely harmless to their observers, and yet arouse a similar emotive repulsion in them. Al-Malāḥimī fails to rule out this possibility when he claims that the repulsion we experience towards bad acts derives from reason (*nafra ‘aqliyya*) rather than disposition, which is to say that it is grounded in our knowledge of the external world, rather than in emotive repulsion.

In his response to al-Malāḥimī’s second argument, al-Rāzī elaborates on his third explanation of value judgements, which grounds them in an act’s consequences for society,

and he argues that it too reduces to subjectivism. Al-Malāḥimī had observed that value judgements often run counter to their subjective consequences, because we judge some acts to be good even when they are harmful to us, or bad even when they are beneficial to us (al-RĀZĪ 2015: III, 279; 281-2). In response, al-Rāzī advances a more sophisticated account of ethical motivation than the one refuted by al-Malāḥimī (cf. SHIHADĒH 2006: 78 ff.). What the latter attacks is a simple subjectivism, according to which the agent judges an act to be good or bad depending on the benefit or harm he expects from it. So, because wrongful action tends to be advantageous to its agent, those who commit such acts should, by this reasoning, recognise them as good; however, all people actually recognise wrongful acts as bad.²⁹ Al-Rāzī takes the view that because agents can only be motivated by self-centred interest, the agent of a wrongful act will commit it only if he believes that it is beneficial and hence subjectively good. What he concedes here is that such an agent would nonetheless accept the general ethical maxim that wrongful action is bad, which seems to run counter to his subjectivism. Al-Ghazālī, as we have seen, explains such value judgements as mental errors arising from the psychological faculty of estimation. Al-Rāzī does not appeal to faculty psychology here, but instead offers an explanation that can be best described as an exercise in social psychology. He argues that value judgements often arise out of a calculus that involves not only the direct consequences of individual acts, but moreover the consequences of the verbal act of assenting to ethical rules. The consequences that an act leads to (*yu'addī ilā*) can be either temporally immediate or anticipated in the future (*ḥālan aw ma'ālan*). Al-Rāzī reasons that the act of assenting to certain ethical rules publicly is likely to result in indirect, future consequences that are favourable to its agent, whereas denying them is likely to result in adverse consequences for its agent by normalising types of action that are harmful to him, and that people's awareness of these anticipated consequences motivates them to assent to those rules. For instance, if one proclaims (*aftā bi-*) that wrongful action is good, this assertion will consequently undermine the ethical rule that one ought to refrain from wrong action and thereby render him susceptible to the wrongful action of others. This subjectively adverse consequence thus motivates people, even those who commit wrongful acts, to accept the badness of wrongful action. And because all sound-minded individuals recognise that they have a stake in such value judgements, society at large will consent (*tawāḍa'ū*) on them, thus giving rise to widely-accepted ethical rules. The same, al-Rāzī remarks, applies to the widely-accepted maxims that filial piety, fairness, justice and keeping promises are good and obligatory. There is evidence elsewhere in his works that this analysis of ethical motivation should serve as the basis of a normative ethics; this would clearly yield a form of rule-consequentialism as opposed to a simple act-consequentialism.

So, al-Rāzī identifies two origins for seemingly non-self-centred value judgements. The first is that some arise out of emotive, dispositional attraction and repulsion, partly out of the dispositional "tenderness associated to the genus" (*al-riqqa al-jinsiyya*, as it occurs in al-Rāzī's works) (SHIHADĒH 2006: 52; 78). This is a rather traditional explanation, which we encounter in al-Ghazālī and earlier Ash'arī sources. The second is that judgements often

²⁹ Reading *yashtahira li-l-zālim* (or *li-l-zalama*) and *yashtahiru li-l-mazlūm* for *tashtahira al-zalama* and *shahara al-mazlūm* (at 279, ll. 7-8).

originate from the self-centred subjective calculus just described. Some judgements—for instance, ‘Wrongful action is bad’—seem to arise out of the combination of both processes.

Al-Rāzī does not address al-Malāḥimī’s third argument—that even a subjectivist must accept a rational conception of value and obligation—which, as noted, does not pose much of a threat from a dialectical perspective. After all, al-Rāzī in the *Nihāyat al-‘uqūl* and later works departs from earlier Ash‘arism by making precisely that same point—that his subjectivist conception of ethical value is a rational one, in that the subjective goodness or badness of acts is knowable through reason. This point is absent in an earlier theological work of his (al-RĀZĪ 2007: 206 ff.), and it is most likely an influence first and foremost from the third argument of al-Malāḥimī, whose works al-Rāzī starts to engage with very closely in the *Nihāya*, particularly in the discussion on ethical value. Al-Rāzī may have been secondarily influenced by a passage in al-Juwaynī’s later juristic work, the *Burhān*, in which he states that reason requires the agent to pursue what is subjectively beneficial and to avoid what is subjectively harmful (al-JUWAYNĪ 1979: I, 91).³⁰ Unlike al-Rāzī, however, al-Juwaynī’s view is not articulated prominently and systematically, and hence had limited impact on later sources.

Thus, in the *Nihāyat al-‘uqūl* and mid-career works, al-Rāzī says that goodness and badness, defined respectively as agreement or disagreement with the disposition, are rational concepts (‘*aqlī*’), in that the agent apprehends the subjective value of an act through reason. Defined, respectively, as ‘not deserving of punishment’ and ‘deserving of punishment’, they are by contrast ‘religious’ (*shar‘ī*), because acts become punishable only through God’s command, which is received through a divinely-revealed religion (al-RĀZĪ 2015: III, 247; cf. SHIHADĒH 2006: 56 ff.).³¹ That, in contrast to earlier Ash‘arīs, al-Rāzī characterises introspective knowledge of emotions as ‘*aqlī*’ is not a trivial shift of usage, but reflects a departure from the classical-Ash‘arī conception of intellect. Whereas ‘intellect’ (‘*aql*’) was earlier defined as a body of immediate knowledge correlated to facts about the external world, al-Rāzī defines it as an innate capacity (*gharīza*) through which knowledge is gained (al-RĀZĪ 1991: 250-1). (The theological and philosophical background of this development goes beyond the scope of the present study and will be investigated in a forthcoming study.) The scope of ‘*aql*’, thus conceived as the capacity for cognition, accordingly encompasses all immediate and non-scriptural inferential knowledge, including introspective knowledge. An agent will therefore be able to apprehend the pain (or pleasure) that an act causes him and accordingly make a value judgement on the act in the form of a proposition—‘That act is bad (or good)’, where ‘bad’ and ‘good’ are defined respectively as a direct or indirect cause of pain, or of pleasure.

This position represents only a minor departure from the position of al-Ghazālī and earlier Ash‘arīs, as the role assigned to reason here is only to recognise the subjective value of an act (the *is*), as opposed to establishing obligations—that is, acts that *ought* to be performed or omitted. It is, nonetheless, an important development in that direction, because in later works al-Rāzī goes further to deny the religious definition of ethical value terms, and to assert that even religious obligations, established through divine command and prohibition, have a

³⁰ As for why I do not consider al-Ghazālī to be a significant influence on this point, see fn. 20 above.

³¹ Reading *nadhhabu* for *dhababa*, at l. 1.

rational basis. It is reason that provides the agent with the obligation to adhere to the divine law in order to avoid severe punishment in the hereafter. He accordingly declares his conception of ethical value and obligation to be a rational one, although, being a consequentialism, it is antithetical to Mu'tazilī realism (al-RĀZĪ 1987: III, 289-90; cf. SHIHADĒH 2006: 63 ff.). This is the first time in Ash'arism that a rational conception of obligation is adopted systematically as the main principle of normative ethics, and that a theory of divine command ethics becomes subsumed within this rational framework.³²

Concluding Remark

To conclude, let us briefly revisit the point made at the start of this article concerning the supposed anti-rationalism of Ash'arī ethics. This characterisation belonged to the old narrative, which depicted the classical period of Islamic thought as a period in which the banner of rationalism was held aloft by philosophy and Mu'tazilism, but was then superseded by anti-rationalist theological currents spearheaded by Ash'arism. We have shown that this characterisation of Ash'arī ethics is little more than a caricature: Ash'arīs were not only ethical rationalists, but moreover, in the late eleventh and twelfth centuries, the more critical and innovative ethical thinkers. This calls on us to reflect upon the way in which often murky and heavily value-laden categories such as 'rationalist' and 'anti-rationalist' are employed more widely in the field.³³

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³² On how this consequentialism is reflected in al-Rāzī’s account of the objectives (*maqāsid*) of the divine law and *maṣlaḥa*, see SHIHADĒH 2006: 63 ff.

³³ I am grateful to Ferial BOUHAFĀ and Mairaj SYED for their comments on an earlier draft of this paper. All shortcomings are my own.

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The Moral Obligation to Worship God Alone: Fakhr al-Dīn al-Rāzī's Analysis in the *Tafsīr*

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Abstract

This article examines how, in his *al-Tafsīr al-kabīr*, Fakhr al-Dīn al-Rāzī (d. 606/1210) addresses the problem of the obligation to thank the benefactor (*wujūb shukr al-mun'im*) within the context of the Quranic command to worship God alone. The obligation to thank one's benefactor was a contentious problem among classical Islamic thinkers before Rāzī, and it was frequently discussed in *fiqh* and *kalām* works in the context of the ontology and epistemology of moral values and legal norms. Rāzī's analysis in the *Tafsīr*, however, sheds light on another way in which the "thanking one's benefactor"-problem was of relevance for classical Islamic thinkers: it is used to frame the rationale for monotheism in terms of the gratitude God deserves for being humans' provider. This aspect of the "thanking one's benefactor"-problem has not been highlighted in the secondary literature. This article discusses how Rāzī's analysis of God's sole deservedness of worship has theological, legal, and ethical/moral implications. The *theological* implications are found in the questions it raises about the notorious problem of causality. The *legal* implications become apparent in Rāzī's interest in the *ratio legis* of the Quranic command and in establishing that the obligation arises with God's sovereign decree. The *ethical* or *moral* implications, finally, are seen in his concern with how humans come to know of the goodness of monotheism and the repugnancy of polytheism. The article contextualises Rāzī's position in the *Tafsīr* against the background of the *fiqh* and *kalām* debates about the "thanking one's benefactor"-problem.

Keywords: Fakhr al-Dīn al-Rāzī, Quranic commentary, The obligation of thanking one's benefactor, Moral values, Legal norms, Monotheism

Introduction

The problem of the obligation to thank one's benefactor (*wujūb shukr al-mun'im*) preoccupied generations of classical Islamic scholars. Both legal (*fiqh*) and theological (*kalām*) works traditionally contain chapters dedicated to this problem. The interest in the obligation to thank one's benefactor emerged from a broader concern with the ontology and epistemology of legal norms as well as moral values. The "thanking one's benefactor"-problem developed into something of a *topos* for classical scholars when refuting their opponents' position and explicating their own.

In his famed Quranic commentary, *al-Tafsīr al-kabīr* (*The Great Commentary*), Fakhr al-Dīn al-Rāzī (d. 606/1210) also displays a concern with the "thanking one's benefactor"-

problem—yet, his interest in this question falls within a different context, i.e., monotheism. In commenting on the many Quranic verses that command monotheism, Rāzī makes use of the “thanking one’s benefactor”-problem in order to give an answer to the question why God alone should be worshipped. The rationale he provides is that God is humans’ benefactor and He is, consequently, deserving of gratitude in the form of worship. Rāzī’s analysis in the *Tafsīr* sheds light on one reason why the “thanking one’s benefactor”-problem was of importance to classical Islamic thinkers. This specific reason is not apparent in *fiqh* and *kalām* works, which also discuss the “thanking one’s benefactor”-problem. This article, therefore, highlights an aspect of the problem, which has not been investigated in the secondary literature.¹

To flesh this out, I will first outline how, in the *Tafsīr*, Rāzī’s approach to the problem of why God alone should be worshipped has theological, legal, and ethical/moral implications. In linking God’s sole deservedness of worship to His role as provider, Rāzī can be said to treat this question as having *theological* implications, insofar as it raises questions about the thorny issue of causation (i.e., do humans bring about their deeds, or is God the sole cause in the cosmos?). Rāzī also treats this question as a *legal* problem, and therefore makes an effort to determine the *ratio legis* of the Quranic command to worship God alone and to establish that the obligation arises with God’s sovereign decree. Finally, he is found to treat it as an *ethical* problem, insofar as he is concerned with how humans come to know of the goodness of monotheism and the repugnancy of polytheism. While his approach shall prove certain overlap between the concerns associated with the “thanking one’s benefactor”-problem in *kalām* and *fiqh* works and his concerns associated with the question of why God alone should be worshipped in the *Tafsīr*, it is important to note that Rāzī comes to put forward different positions. While in his legal analysis of the command to practice monotheism, Rāzī adheres to the tradition of his school (i.e., the Ash‘arīs), according to which obligations (such as the obligation to thank one’s benefactor) arise from Revelation, in his discussion of the ethical status of monotheism and polytheism, Rāzī puts forward a view in the *Tafsīr* that follows scholars in the later tradition, such as prominently Ghazālī (d. 505/1111), who emphasised that humans hold notions of moral values independent of Revelation. Rāzī for his part speaks of reason’s (*al-‘aql*) ability to recognise that monotheism is morally good and polytheism repugnant—insights which Revelation comes to confirm. This underscores how an ethical problem, such as the obligation to thank one’s benefactor, takes some nuance based on its impact on theological, legal and ethical matters.

1 Special mention should here be made of two studies that deal extensively with the “thanking one’s benefactor”-problem, yet with different *foci* than the present article. Aron ZYSOW’s (2008) “Two Theories of the Obligation to Obey God’s Commands” discusses the role of the “thanking one’s benefactor”-problem in the context of the obligation on humans to obey God’s commands in the first place (another *topos* of the discussion). A. Kevin REINHART’s (1995) *Before Revelation* discusses the “thanking one’s benefactor”-problem in the context of the question whether legal norms and moral qualities exist before the advent of Revelation.

Identifying the Rationale: God as Creator and Benefactor

In his commentary on Quranic verses that contain the command to worship God alone, Rāzī displays a particular interest in identifying the reason why God alone should be deserving of worship. His interest in the rationale behind the command is prompted by his observation that the Quran itself frequently provides a rationale when it orders humans to worship God alone. One such place is Rāzī's commentary on Q. 6:102, which reads ﴿This is God ... the creator of all things, so worship Him...﴾.² He writes:

God's saying ﴿the creator of all things, so (fa-) worship Him﴾ proves that the command to worship Him is based on His being creator of all things. [This is so] because of [the particle] *fa-* which indicates a consequence (*fā' al-ta'qīb*) and ... a causal connection (*sababiyya*). So, this implies that His being the creator of all things is what necessitates that He is the object of worship. (al-RĀZĪ 1981: XIII, 128)

In his analysis, Rāzī focuses on the role of the particle *fa-* which he describes as indicating that the command to worship God is causally connected to the statement that God is the creator of all things. Rāzī could have stopped at this observation, but in several instances in the *Tafsīr* we find him venturing into a theological investigation of the vexed question of causality. This question arises for him precisely because it is God's role as creator that is invoked as the rationale for worship of Him. I have discussed this problem in detail elsewhere (ERLWEIN 2019b), but here an indication of the direction of his investigation should be given: if the rationale for the command to worship God is that God is described as creator, Rāzī wonders whether this implies that humans, too, might be worshipped, if they are described as creators of their actions? In an attempt to avoid this sacrilegious conclusion (resting on analogical reasoning), Rāzī rejects the theological position espoused by his Mu'tazilī peers that humans are in fact creators of their actions.³

A similar concern with both the rationale for monotheism and the problem of causality (resulting from the rationale) characterises Rāzī's commentary on Q. 7:59. The verse relates how Noah admonished his people by saying ﴿... "My people, worship God: you have no god other than Him. ..."﴾. Rāzī explains:

The prophet mentioned first ﴿worship God﴾ and second ﴿you have no god (*ilāh*) other than God (*Allāh*)﴾, and the second clause is like the cause (*ka-l-'illa*) of the first clause, for if they do not have another god than Him, [it means that] all beneficial and good things they have come from God, and ultimate giving of provisions necessitates ultimate glorification (*nihāyat al-in'ām tūjib nihāyat al-ta'zīm*). Worship of God is an obligation only due to the knowledge (*fa-innamā wajabat 'ibādat Allāh li-ajl al-'ilm*) that there is no god other than God. (al-RĀZĪ 1981: XIV, 155-156)

² All translations of Quranic verses are from HALEEM 2004 (with occasional modifications).

³ For studies on the Mu'tazilī and Ash'arī positions on humans as agents, see GIMARET 1980; ABRAHAMOV 1989; FRANK 1966, 1983, and 2007. On analogical reasoning in law, see HASAN 1976 and 1986.

The rationale here identified by Rāzī for God’s sole deservedness of worship is slightly different⁴ than the one at Q. 6:102: there it was God’s role as “creator of all things”, now it is God’s unique description as “god”. He then explains this description as referring to God’s role as giver of provisions and blessings. As in his previous analysis, Rāzī is once more concerned with stressing that it is God alone, to the exclusion of other possible entities, who is causally responsible for the existence of provisions. Yet, what makes this particular part of his commentary interesting to us is also that it gives a first indication of how Rāzī connects the question why God alone should be worshipped with the problem of the obligation to thank one’s benefactor.

Legal Analysis: Ratio Legis and Command

Rāzī’s interest in the rationale behind the command to worship only God has a *legal* dimension as well, insofar as he analyses the rationale in terms of the legal cause or *ratio legis* of the command. This was the case in both aforementioned quotes (i.e., at Q. 6:102 and Q. 7:59), but is most explicit in the latter. Commenting on Noah’s call to monotheism, as related in the verse, Rāzī stated: “the prophet mentioned first ﴿worship God﴾ and second ﴿you have no god (*ilāh*) other than God (*Allāh*)﴾, and the second clause is like the cause (*ka-l-‘illa*) of the first clause”. The term ‘*illa*, which was used in different disciplines to denote differing conceptions of “cause”, is here used in the specific sense of the *ratio legis*.⁵ Having identified God’s role as benefactor as the *ratio legis* of the command to worship only God, Rāzī explains that this implies that the obligation on humans depends on the attainment of knowledge that God actually is their benefactor and god (i.e., “worship of God is an obligation only due to the knowledge that there is no god other than God”). This idea is made clearer in Rāzī’s subsequent remark:

From this, another question branches out: before we know whether there is only one god (*ilāh*) or whether there are more than one, we cannot know whether our benefactor (*mun‘im*) who gives us all kinds of blessings is this entity or that entity. As long as we are ignorant about this ... worship [of any entity whatsoever] is not appropriate. This entails that knowledge of the oneness [of the god, i.e., that only God is described as “god”] is a condition (*shart*) for knowing that worship is appropriate. (al-RĀZĪ 1981: XIV, 156)

4 “Slightly different” since, for Rāzī, all blessings are certainly divine creation, but the reverse is not the case, i.e., not all of creation is treated as provisions for humans. Provisions (*ni‘ma*) are defined as “the benefit (*manfa‘a*) which is produced from the viewpoint of doing something generous (*ihsān*) for another” (al-RĀZĪ 1981: III, 31), but it is also true that “humans [are] in this world in a state of happiness or pain” (al-RĀZĪ 1981: I, 188).

5 The *mutakallimūn*, for instance, used ‘*illa* to refer to a cause by virtue of the essence, as distinguished from the concept of the agent (*fā‘il*) who is endowed with will and choice. This is different from the conceptions of the legal cause or ‘*illa* as understood by most jurists. Compare OPWIS 2012, esp. the section “Causality in Theology and Law” (397-405); SHEHABY 1982; ERLWEIN 2019a: 108, 146.

The idea expressed here is that obedience to the command to worship God alone has to be preceded by the intellectual understanding that it is God, none other, who provides for humans. This is the “condition” attached to the obligation, and the condition is expressed in the *ratio legis*. Consequently, in Rāzī’s view, obedience to the Quranic command does not count for anything if it is enacted blindly and without any understanding. Rāzī’s position bears an implicit rejection of the practice of *taqlīd*, i.e., the blind following of authorities in religious matters.⁶ In other places in the *Tafsīr*, Rāzī is more explicit about his rejection of *taqlīd* in connection with the sole worship of God. An example is his commentary on Q. 2:133, which relates how the prophet Jacob, with death approaching, asks his sons: ﴿... “What will you worship after I am gone?” ...﴾. Contrary to the way other scholars understand the verse, Rāzī reads Jacob’s question as an indication of the falseness of *taqlīd*:

Those who uphold *taqlīd* say: “Jacob’s sons were content with *taqlīd*, and Jacob did not reject it. This proves that *taqlīd* is enough.” The Ismailis say: “... [Jacob’s sons] did not say: ‘we worship the god who is proven by reason.’ Rather, they said: ‘we worship the god whom you worship and your fathers worshipped.’ This proves that the way to knowledge is instruction (*ta’līm*) [by religious authorities, i.e., the imam].” (al-RĀZĪ 1981: IV, 83)

Rāzī for his part is eager to deny that acting in obedience to the command to worship God alone is valid if based on authority, without prior speculation about, and knowledge of, the crucial *ratio legis* (i.e., the insight that God is to be described as humans’ god and provider). He consequently stresses that the reply given by Jacob’s sons (“we worship your god and the god of your fathers”) is intended as “we worship the god who is *proven* by your existence and the existence of your fathers” (emphasis added), rather than indicating blind adherence to the practice of their father. “This points to [the requirement of] reasoning, not *taqlīd*”, Rāzī emphatically concludes (al-RĀZĪ 1981: IV, 83). In the case of the command to practice monotheism, the *ratio legis* is also a religious tenet, which is traditionally established in the discipline of *kalām*. In this, the specific *ratio legis* in question is distinguished from other *rationes legis*, which are identified by the *fuqahā’* on the basis of the Quran and which are not subject to rational investigation in *kalām*.

Another place where Rāzī analyses the rationale behind the command to worship God alone in terms of the *ratio legis* is his commentary on Q. 19:36. The verse relates Jesus’s words ﴿“God is my lord and your lord, so worship Him ...”﴾. Rāzī explains the verse in the following way:

When he said ﴿“God is my lord (*rabb*) and your lord ...”﴾—that is: there is no lord for created things other than God—he pointed to [God’s] oneness [in being the only lord].

As for his saying ﴿“... so (*fa-*) worship Him”﴾, it has already been established within the context of the science of the principles of jurisprudence that coordination between a ruling and the description, which is [characterised as] suitable, indicates a causal connection (*tartīb al-ḥukm ‘alā al-waṣf al-munāsib ma‘shar bi’l-‘illiyya*), and here the

6 For studies on *taqlīd*, see ABRAHAMOV 1993; FRANK 1989; SHIHADAH 2005.

command to worship [God alone] is in relative conjunction with the mention of the description of God's lordship (*fa-hāhunā al-amr bi'l-'ibāda waqa'a murattaban 'alā dhikr wasf al-rubūbiyya*). This proves that worshipping God is only obligatory for us (*innamā talzamunā*) because of His being our lord, and this proves that worshipping God is obligatory only (*innamā tajīb*) because of His being creation's benefactor, both in terms of the roots and the branches of provisions. (al-RĀZĪ 1981: XXI, 220-221)

Rāzī here makes explicit reference to works on the principles of jurisprudence and indicates that his present analysis of the *ratio legis* for the command to worship God alone follows the more general explanations in these legal works. Turning to his most famous legal work, *al-Maḥṣūl*,⁷ Rāzī discusses in detail the legal cause or *'illa*. For our purposes it should be noted that, in the *Maḥṣūl*, he stresses that every legal ruling (*ḥukm*) has—and indeed has to have—a *ratio legis*, for otherwise the ruling would be arbitrary and mere folly (*'abath*), and this is below God. Furthermore, the *ratio legis* is to be derived from the Quran (i.e., the description or *al-wasf*) and it is indicated by the particle *fa-*. This particle and its legal relevance are precisely what Rāzī focused on in his analysis in the *Tafsīr*, as we have seen. He adds that no different, or additional, *ratio legis* than the one stated may be sought or postulated. The reason for this is that it would entail that the ruling remains valid when the *ratio legis* is “non-existent” (*ma'dūm*), i.e., in a situation where the additional *ratio legis* is not actually stated. Since non-existent things cannot function as anything for Rāzī (this being essentially a theological position), the *ratio legis* that is stated is the only one (al-RĀZĪ 1997: V, 147). Finally, Rāzī holds the view that the connection between the *ratio legis* and the ruling is informed by “suitability” (*munāsaba*). In the *Maḥṣūl* he gives the following example: some Shāfi'ī jurists argued that selling wine is prohibited, in analogy to selling dogs, which they considered prohibited. What connects the original and the derived case is the notion of “uncleanness” (*najas*), which functions as the *ratio legis* for the verdict “prohibited” in both cases. Rāzī is critical of this reasoning: uncleanness refers to a state in which prayer is prohibited, so this state may be the *ratio legis* for the prohibition to continue one's prayer, but it is, consequently, not suitable as the *ratio legis* for the prohibition to sell dogs or wine (al-RĀZĪ 1997: V, 162-163).⁸

Rāzī's discussion, in the *Maḥṣūl*, of the *ratio legis*, and especially the notion of suitability, are relevant for situating the aforementioned quote from the *Tafsīr*, i.e., “coordination between a ruling and the description, which is [characterised as] suitable, indicates a causal connection, and here the command to worship [God] is in relative conjunction with the mention of the description of God's lordship.” In line with his discussion in the *Maḥṣūl*, in the *Tafsīr* Rāzī makes the point that the *ratio legis* of the command to practice monotheism—i.e., God's being humans' benefactor—is characterised by suitability. (Here, it should not be

7 Shihadeh dates the *Maḥṣūl* to 578/1180, which means that it was completed before Rāzī started writing the *Tafsīr* in around 595/1199 (SHIHADÉH 2006: 7, 10).

8 Compare OPWIS 2012: 403-404. Kamali renders *al-wasf al-munāsib* “a proper attribute” and speaks of “a proper and reasonable relationship” between *ratio legis* and legal verdict (KAMALI 2003: 191).

forgotten that in this context Rāzī made explicit use of the term *'illa*.⁹ This is so since, for him, worship means nothing else than showing gratitude for blessings one received,¹⁰ and since God is humans' sole benefactor, this divine characteristic is suitable as the *ratio legis* for the command in question. Furthermore, Rāzī stresses, in line with his explanations in the *Maḥṣūl*, that there cannot be another *ratio legis* and “worshipping God is only obligatory for us because of His being our lord”.

Now, by describing the connection between the *ratio legis* and the legal verdict as characterised by suitability, Rāzī rejects the idea that legal verdicts associated with actions are arbitrary; that is to say, there is something about God (namely His role as benefactor), to the exclusion of other entities, that “causes” the obligation to worship Him. Conversely, if an entity does *not* have this characteristic, the command to worship can not apply. Yet, this is not to say that, for Rāzī, the causal connection (i.e., *sababiyya*, *'illiyya*) is characterised by necessity. (This is the distinction made by scholars such as Ghazālī between legal causes and rational causes.¹¹) God is not *compelled* in any way to command that He should be worshipped exclusively, even if the fact remains that He is humans' sole benefactor. Rather, it is His sovereign decree to connect His role as benefactor as the *ratio legis* to the command to practice monotheism.

This is made explicit by Rāzī in discussing the prohibition of associating other entities in worship with God (*shirk*). His commentary on Q. 19:36, which relates Jesus' command to worship God alone, makes it clear that the rationale for the prohibition of polytheism is the same as the rationale for the command to worship only God:

Abraham said, when he prohibited his father from worshipping idols: ﴿He said to his father, “Father, why do you worship something that can neither hear nor see nor benefit you in any way?”﴾ (i.e., Q. 19:42)—that is: since they are of no benefit for humans, their worship is not permissible (*lam tajuz*). Based on this verse it is established that since God is His servants' lord (*rabb*), His worship was made an obligation (*wujiba*). (al-RĀZĪ 1981: XXI, 221)

Yet, Rāzī also stresses that God *could* have commanded polytheism, if He had wanted so. He is emphatic that “God's rulings are not caused (*mu'allala*) [by some extrinsic factor compelling God] at all” and “God declares obligations and pronounces rulings as He wishes” (al-RĀZĪ 1981: VII, 143). This is made explicit in his commentary on Q. 46:3. In this passage Rāzī is concerned with the prohibition of polytheism in the form of idolatry. He reiterates the already familiar notion that God is humans' benefactor, which is the rationale for His sole deservedness of worship as He deserves gratitude. This leads him to conclude—putting the words into a hypothetical interlocutor's mouth—that “the only option that remains [for idolaters] is to say: we do not worship the idols because they should be deserving of worship

9 Namely in his commentary on Q. 7:59 discussed above: “the prophet mentioned first {worship God} and second {you have no god other than God}, and the second clause is like the cause (*ka-l-'illa*) of the first clause.”

10 Compare statements such as “if you want to worship God, then thank Him. Thankfulness is the head of worship” (al-RĀZĪ 1981: V, 10), in explaining Q. 2:172, {...eat the good things We have provided for you and be grateful to God, if it is Him that you worship}.

11 Al-GHAZĀLĪ 1993: V, 314-316: *al-'illa al-shar'iyya* and *al-'illa al-'aqliyya*.

[since their inability to bestow blessings indicates that they are not], rather we only (*innamā*) worship them because the [true] god, the creator, the benefactor *commanded* (*amara*) us to worship them” (emphasis added). Rāzī’s reply to the interlocutor’s suggestion—on behalf of the practitioners of idolatry—is the following:

God [Himself] mentioned the reply to this: He said: ﴿... “Bring me a previous scripture or some vestige of divine knowledge...”﴾ (i.e., Q. 46:4). To explain this reply: [as a general rule,] it cannot be known that this command [to worship idols] has come unless from inspiration and the sending [of prophets]. We [consequently] say: ... either the affirmation of this [command to worship idols] is based on the inspiration Muḥammad received—but this is known to be false! Or its affirmation is found in one of the divine books that came down to previous prophets—but this is also known to be false! [...] When all these options turn out to be false, it is established that engaging in worshipping idols is a false practice and a corrupt belief. (al-RĀZĪ 1981: XXVIII, 4)

Rāzī’s reasoning implies this: in rejecting the idolaters’ position that God Himself commanded polytheism, on the basis that God never uttered this command in any of His Scriptures, Rāzī implicitly entertains the possibility that God could have commanded polytheism. He does not reject this position as a matter of principle; only a glance at Revelation can settle this question (“it cannot be known that this command [to worship idols] has come unless from inspiration”). If God had commanded the practice of *shirk*, this might in Rāzī’s understanding have required a different *ratio legis* than the one put forward for its prohibition, or it might have required a different approach to the connection between ruling and *ratio legis* altogether. This leads to two crucial insights: first, for Rāzī, God connects *rationes legis* and legal rulings freely as He wishes, even if the rulings and *rationes legis* which He actually stipulates are characterised by suitability. And, secondly, knowledge of obligations and prohibitions derives from divine Revelation and cannot be attained in its absence.

To be sure, Rāzī is certainly not the only, much less the first scholar to apply the question of the obligation to thank one’s benefactor to the question of why God alone is deserving of worship. He himself notes in the *Tafsīr* that “our companions” identified God’s description as creator and benefactor as “the legal cause (*sabab*) for the obligation of worship” (al-RĀZĪ 1981: II, 95). The same notion can be found in ‘Abd al-Jabbār’s (d. 415/1025) *Sharḥ al-uṣūl al-khamsa*, who asks: “if they do not know that God is a benefactor in the first place, how can they know ... of His deservedness of worship, which means [showing] absolute gratitude [for blessings received]?” (‘ABD al-JABBĀR 1996: 83-84). However, it should be noted that the reverse is not the case: traditionally, in works of *fiqh* and *kalām*, the “thanking one’s benefactor”-problem was not discussed with a view to the command to practice monotheism. Rāzī’s concern in the *Tafsīr* with how the obligation of monotheism and the prohibition of polytheism arise and are known, is, however, the same concern we find in *fiqh* and *kalām* discussions of the “thanking one’s benefactor”-problem.

The many details of this discussion left aside, of interest to us is its general trajectory: on the one hand, there were the Mu‘tazilī scholars, who argued that certain obligations can be known by reason. Examples are “returning something that was entrusted, fulfilling one’s

religion, and thanking for blessings” (‘ABD al-JABBĀR 1996: 70) as well as “worshipping God” (‘ABD al-JABBĀR 1965: XV, 27). These obligations are knowable by reason as they are connected to moral qualities (i.e., goodness and reprehensibility), which belong as real attributes to the actions in question, and these are discernible by reason (‘ABD al-JABBĀR 1965: XV, 19).¹² On the other hand, there were the Ash‘arī scholars, who held the view that reason has no access to knowledge of legal norms associated with actions (i.e., their being prohibited, permitted, or commanded). Legal norms are not connected to moral qualities of actions, which reason could somehow discern. They arise with God’s proclamation of them, and consequently “a thing’s being obligatory, prohibited, or permitted is only established by the revealed law.” This implies that “thanking the benefactor is not obligatory before the arrival of the revealed law” (al-RĀZĪ 2009: 239).¹³

In the *Tafsīr*, Rāzī addresses the same set of questions associated with the “thanking one’s benefactor”-problem. It is worth taking his discussion into account as it sheds light on his stance when it comes to the command to worship God alone. For instance, in commenting on Q. 1:2, he states: “people disagree about whether the obligation to thank [one’s benefactor] is established (*wujūb al-shukr thābit*) by reason or Revelation.” He continues that some people—whom he leaved unidentified, but whose position is clearly that of the Ash‘arīs—argue that the obligation derives from Revelation. This is to say, they hold that, ontologically speaking, this obligation arises with Revelation, and it is consequently knowable only through Revelation. Their argument in defence of this position goes back, according to Rāzī’s account, to Scripture itself, namely Q. 17:15 ﴿... nor do We punish until We have sent a messenger﴾ (al-RĀZĪ 1981: I, 231). The proponents of the opposite view—evidently the Mu‘tazilīs—hold that the obligation to thank one’s benefactor “exists before and after the advent of the law (*shar‘*)”, and they quote Q. 1:2, ﴿Praise belongs to God...﴾, as their proof-text. The significance of this verse is its categorical ascription of praise to God. This means, they argue, that “praise is His right (*haqq*) and is owed to Him absolutely”, and this in turn entails “[His] deservedness (*istiḥqāq*) before the advent of the law” (al-RĀZĪ 1981: I, 232). Reason not only recognises that receiving blessings requires showing gratitude, but also judges that God, who is proven to be humans’ benefactor, is consequently deserving of gratitude. The Quran is seen to endorse what unaided reason already recognised, when it declares gratitude to God an obligation. For Ash‘arīs, no such obligation follows from reason’s insight that God is humans’ benefactor. The latter position is precisely the one championed by Rāzī in the *Tafsīr*, as we have seen.

12 For a study of ethics in ‘Abd al-Jabbār’s thought, see HOURANI 1971. Compare also Rāzī’s detailed discussion of the arguments presented by the Mu‘tazilīs in his *al-Maṭālib al-‘āliya* (1987: III, 341-358).

13 For studies on traditional Ash‘arī divine command theory/divine voluntarism and the Mu‘tazilī objectivist position, see HOURANI 1985a, esp. Chapters “Ethical Presuppositions of the Qur’ān” (23-48) and “Two Theories of Value in Early Islam” (57-66), and 1985b; JACKSON 1999; VASALOU 2008; REINHART 1995, esp. Part IV (125-175) on Mu‘tazilī moral ontology and epistemology.

Ethical Analysis: the Moral Quality of Monotheism

While Rāzī rejects the view that, in the absence of Revelation, humans can come to know of the *obligation* to worship God alone, he holds a different view regarding the *moral quality* of this action. In the *Tafsīr*, he speaks of reason's (*al-'aql*) ability to recognise not only the fact that God is humans' benefactor, but also that He is deserving of worship (arguably an ethical category), and that practicing monotheism is good and practicing polytheism is reprehensible.

God's Deservedness of Worship

That reason has the ability to recognise the fact, as Rāzī has it, that God is humans' benefactor is a tenet we have come across before. In rejecting adherence to authorities (*taqlīd*), Rāzī assigned this task to reason. One rational argument he presents to prove the divine attributes "creator" and "benefactor" takes the following form: all existents are either necessary or possible. The necessarily existent refers to God, while the possibly existent describes all other things. The possibly existent needs, in order to enter existence, one who tips the scales in favour of existence (*murajjih*). This leads to the conclusion that all possible things exist by God's creation and that "all kinds of blessings that occur to humans only do so because of God" (al-RĀZĪ 1981: I, 164).¹⁴

Now, besides the factual insight that God is humans' benefactor, Rāzī ascribes to reason the insight that this characterisation makes God *deserving* of worship.¹⁵ This can be inferred from several statements in the *Tafsīr*. For instance, in his commentary on Q. 1:2, Rāzī is concerned with the statement that all praise belongs to God. He explains that one benefit associated with this verse is that "just as much as His saying ﴿Praise belongs to God...﴾ proves that there is none who is to be praised except for God, *reason* (*al-'aql*) proves the same thing" (emphasis added). Rāzī then lists several points to be considered. One of them is that every benefactor seeks, by the act of bestowing blessings on another, some gain for himself. Through this personal gain, he is able to attain some degree of perfection. God, however, is perfect in Himself and does not require anything in order to reach perfection. His act of bestowing blessings on humans is, consequently, out of sheer generosity. One cannot but conclude that this implies that "only He is deserving (*yastahiqq*) of praise". Another consideration Rāzī puts forward is that all blessings, in being "existents", are possible in themselves. Their actualisation therefore depends on God's creative act. Since the Quranic term *ḥamd* in Q. 1:2 refers to nothing else than praise for the bestowal of blessings, Rāzī concludes, "it is necessary to say that only God is deserving (*yastahiqq*) of praise". The whole discussion ends with Rāzī emphasising that "based on these reason-based proofs (*barāhīn*), the correctness of His saying ﴿Praise belongs to God﴾ has been established" (al-RĀZĪ 1981: I, 226).

What is the significance of these considerations? It is that Rāzī is explicit in affirming that the human faculty of reason is able to understand that God is deserving of praise. Reason arrives at this insight through recognition that God is the cause of all blessings humans

14 On the notion of particularisation or "tipping the scales" (*takhṣīs*) in *kalām*, see DAVIDSON 1968.

15 For a discussion of the concept of "deservedness" in Mu'tazilī ethics, see REINHART 1995: 153-155; VASALOU 2008, Chapter 4 "The Baṣran Mu'tazilite Approach to Desert" (67-115). Vasalou emphasises (at 64-66) the moral dimension of the notion of deservedness, against Reinhart who denies this dimension.

receive. Rāzī's position implies that reason recognises some kind of link between the proposition that God is sole benefactor and the proposition that, as a consequence, He is deserving of praise. Importantly, this insight does, then, *not* depend on Revelation. When stating that "based on these reason-based proofs, the correctness of His saying ﴿Praise belongs to God﴾ has been established" (see above), Rāzī uses an insight gained from reasoning to vindicate the correctness of Scripture. This means that the recognition of God's being benefactor and His resultant deservedness of worship is independent from Revelation.

To be sure, what Rāzī does *not* explain is how precisely it is that there *is* a link between an entity's role as benefactor and this entity's deservedness of praise, gratitude, and worship. Some places in the *Tafsīr* give the impression that Rāzī frames the link between being a benefactor and deserving gratitude as resting on human convention, which then becomes a paradigm for humans' relationships with God. Consider the following example: listing the various kinds of blessings God bestows on humans, Rāzī explains that the verse ﴿How can you disbelieve in God...﴾ (i.e., Q. 2:28) is a rebuke of those who fail to show gratitude to God. That the verse has this intention becomes clear, Rāzī suggests, once it is taken into consideration that "the more a father increases the blessings he bestows on his child by educating him, teaching him, and so on—the more grave it is considered when the child shows disobedience towards his father" (al-RĀZĪ 1981: II, 163). Rāzī might here simply be making a rhetorical point by invoking an experience and idea his audience would be familiar with—or there is more to it and he might be employing the principle, frequently made use of by the *mutakallimūn*, that the observable realm (*al-shāhid*) reveals something about the transcendent realm (*al-ghā'ib*).¹⁶ This principle would imply that there is an analogy between humans' relations among each other and humans' relations with God, insofar as gratitude is presented as the appropriate reaction to having received blessings.¹⁷ In any case, in the *Tafsīr*, Rāzī does not seem to be very concerned with explaining just how it is that bestowing blessings and deservedness of gratitude are linked.

Goodness of Monotheism

In addition to reason's ability to grasp that God is humans' sole benefactor and, therefore, deserving of praise, gratitude, and worship, Rāzī admits reason's ability to discern the moral

16 For the principle that the *ghā'ib* can be known on the basis of the *shāhid*, see RUDOLPH 1997, Section "Der Schluß vom Sichtbaren auf das Unsichtbare" (295-298); OPWIS 2019.

17 Zysow explains that the Baghdadi Mu'tazilīs held the view that God imposes obligations (*taklīf*) on humans in order to bring about their well-being, in analogy to how loving parents impose obligations on their children. Similarly, just as children owe their parents gratitude, so humans owe God gratitude (ZYSOW 2008: 400). While there might be an analogy between the human and the divine realms regarding the link between gratefulness and blessings, Rāzī is adamant that this kind of analogy does not exist in another, related aspect: humans seek a personal gain and perfection through bestowing blessings on others; God does not have this sort of motive as He is perfect in Himself (al-RĀZĪ 1981: I, 226). Note that Juwaynī, in his *al-Burhān*, already mentions the argument according to which God is owed gratitude in analogy to the way things are in the *shāhid*: "The opponent could say: the connection [between bestowing benefits and deserving gratitude] is known by people possessed of reason in the *shāhid*, and they assert that gratitude is obligatory in the *shāhid*, and they then make it an obligation also for the *ghā'ib*—this, however, is clearly false, for if what they say were granted to them, it would entail that the one who is thanked derives some benefit, but the Lord is high above benefits and harms, as has become clear!" (al-JUWAYNĪ 1978: 95-96).

qualities of polytheism and monotheism: the former is evil, the latter is good. He deals with this problem in his commentary on Q. 16:51-53. The verse reads:

﴿God said, “Do not take two gods”—for He is the only god—“I alone am the one that you should hold in awe.” / Everything in the heavens and the earth belongs to Him... Will you heed anyone other than God? / Whatever good things (*ni‘ma*) you possess come from God...﴾

Rāzī begins with noting that the admonition ﴿“Do not take two gods (*ilāhayn*)”﴾ contains the prohibition (*nahy*) of practicing *shirk*. *Shirk* is understood to refer to the conviction that there are other entities besides God who share in His title of “god” (*ilāh*) (al-RĀZĪ 1981: XX, 49). This title entails a number of things for Rāzī; in the current context, however, what is at stake is that this title refers to the already familiar notion of God’s role as humans’ benefactor. With this definition in mind, Rāzī states a few pages later that the practice of “associating other entities with God (*ishtirāk*) means denying that provisions come from God [alone]” (al-RĀZĪ 1981: XX, 53). Consequently, we find Rāzī stating quite emphatically that “belief in the existence of two deities (*ilāhayn*) is a belief considered repugnant by reason (*mustaqbah fi l-‘uqūl*)”. This is why “none from among those who possess reason (*al-‘uqalā*) believes in the existence of two deities”. The Quranic admonition ﴿“Do not take two gods”﴾, Rāzī finally adds, “is intended to affirm its repugnancy and to declare reason correct when it understands what is evil about it” (*al-maqṣūd min takrīrihi ta’kīd al-tanfīr ‘anhu wa-takmīl wuqūf al-‘aql ‘alā mā fihi min al-qubh*) (al-RĀZĪ 1981: XX, 49).

Now, the way by which reason hits upon the repugnancy and evilness of polytheism is this: Rāzī adduces four rational arguments to make his point. It suffices to mention only one of these reason-based arguments: if two entities are assumed to be deities, it means that each of them is necessarily existent in itself and also shares with the other one the necessity of existence. This implies that each would be composed of parts, but every such thing is possible in terms of its existence. A contradiction arises. The necessarily existent can hence not be more than one entity. This means that there is only one deity.

The way by which reason recognises, according to Rāzī, the repugnancy of polytheism raises three interrelated questions: the first question is how Rāzī imagines that reason gets from a *factual* insight based on the kind of rational arguments he adduces (i.e., there is only one entity who is described as ‘god’, and that is God) to a *moral* insight (i.e., *shirk* and polytheism are, consequently, evil and repugnant)? He does not say much. As opposed to his Mu‘tazilī peers, Rāzī does not hold that the moral qualities associated with actions are real attributes belonging to these actions, which reason is able to recognise. This is clear from all his other works discussing the problem.

This leads to the second interrelated question: in what sense, then, is polytheism “evil”? What is it about polytheism that reason grasps as “repugnant”? Rāzī’s Ash‘arī predecessors held that, like legal norms, the moral qualities of actions are established by God’s utterance, and they indicate whether God commands or prohibits an action. Juwaynī (d. 478/1085), for instance, stated categorically in his legal work, *al-Burhān fī uṣūl al-fiqh*, that “declaring something evil or good belongs to the judgement of the revealed law (*al-shar‘a*). Both notions refer to commands and prohibitions. Nothing that falls under God’s ruling is thus evil in itself (*bi-‘aynihī*), just as nothing is good in itself” (al-JUWAYNĪ 1978: 87). Later Ash‘arī scholars, most notably Ghazālī, approached the issue of the moral values of actions somewhat

differently. As Ayman Shihadeh explains, these scholars developed an interest in “ordinary moral language” (SHIHADAH 2006: 53) and the question how it is that humans have notions of morality without explicit recourse to Revelation.¹⁸ Following his school’s tradition, Ghazālī declared in his legal work, *al-Mustasfā min ‘ilm al-uṣūl*, that “reason cannot declare anything good or evil ... as there is no judgement of actions before the arrival of the law” (al-GHAZĀLĪ 1993: I, 177)—yet, he also discussed in some detail that humans have a natural tendency to declare actions good or evil. He insisted, however, that it would be a mistake to infer from this—as Mu‘tazilīs do—that actions in themselves have moral qualities, which human reason can discover. Rather, the moral qualities humans assign to actions indicate nothing more than a personal inclination (*gharaḍ*), resulting from the human tendency to label as “good” what appears desirable or beneficial and as “evil” what appears undesirable and harmful (al-GHAZĀLĪ 1993: I, 184).¹⁹ This notion of moral value is, however, not relevant for coming to know how God evaluates actions; only a glance at Revelation can settle this question. Rāzī, for his part, follows the tradition of his predecessors, especially Ghazālī, in works other than the *Tafsīr*. For one, he agrees that the terms “good” and “evil” are used equivocally. The main interest of scholars is in “what is connected with what the lawgiver has said”, which implies that “the goodness and evilness of things ... is only established by the law”. Still, “good” and “evil” are also used to refer to (1) what conforms, or does not conform, to a person’s objective (*gharaḍ*); to (2) a perfection, such as knowledge, or imperfection, such as ignorance; to (3) whatever is permitted (*mubāh*) (in the case of the label “good”); and lastly to (4) what the law expresses praise or blame for (al-RĀZĪ 2009: 226-227).²⁰

So, let us return to our question: in what sense, then, does reason come to recognise polytheism as “evil”, as Rāzī holds in the *Tafsīr*? The difficulty of answering this question lies in the fact that Rāzī simply does not say much. Obviously, he cannot use the label “evil” here in the sense that it is evil according to God, for his point is precisely that reason, independent of Revelation, arrives at the insight of the repugnancy of polytheism. There is no mention either of polytheism’s repugnancy insofar as it constitutes a lack of perfection (for the practitioner of polytheism?), and the notion of permissibility (i.e., *mubāh*) seems irrelevant too. What, then, about the application of the label “evil” to what goes against people’s objectives? Following Ghazālī, in several of his works Rāzī links the notion of people’s objectives to the notion of the attainment of benefits and the avoidance of harm, both of which are “good”. Now, one could easily think that when Rāzī states in the *Tafsīr* that practicing *shirk* seems to be evil to him who ponders over it, he means to say that it

18 Jackson already spoke of a redirection of “ethical discourse away from ontology to psychology” under Ghazālī (JACKSON 1999: 190).

19 Compare also the section on Ghazālī in REINHART 1995: 70-76. Makdisi already emphasised that to identify the proponents of reason with the Mu‘tazilīs and the proponents of Revelation with the Ash‘arīs is, in this context, too narrow and overlooks that certain traditionist scholars, such as Ibn Taymiyya (d. 728/1328), accorded to reason the ability to know of the moral qualities of certain actions, independent of Revelation (MAKDISI 1983). For Ghazālī’s use of the notion of a human disposition, see GRIFFEL 2012. For the significance of this notion in Ibn Taymiyya’s thought, see VASALOU 2016.

20 Compare the *Maḥṣūl* where Rāzī mentions what agrees or does not agree with a person’s nature (*tab*); a perfection or imperfection; and what is connected with praise or blame (al-RĀZĪ 1997: 123-124).

seems to be evil *insofar* as it prevents people from attaining benefits. This is to say, if people realise that God is humans' true benefactor, they also realise that turning in worship and gratitude to other entities (i.e., committing *shirk*) could lead to the disadvantageous situation that God might inflict harm on them, in addition to the consideration that these other entities are not able in the first place to bestow blessings on humans. In this sense, engaging in *shirk* would run counter to the objective of attaining benefits, and it is understood to be evil in this sense. Maybe this is what Rāzī has in mind—but he certainly does not spell it out in the present context. Taking into account another place in the *Tafsīr*, however, might help settling this question. Rāzī takes Q. 2:158—which speaks about the *hajj* and *umra*—as an opportunity to divide God's obligations on humans (*taḳlīf*) into three categories:

- (1) “that which reason in itself judges to be good” (*mā yaḥkum al-‘aql bi-ḥusnihi fī awwal al-amr*), and here Rāzī explicitly mentions the “thanking one's benefactor”-problem: “if one is reasonable (*‘āqil*), one knows that mentioning the benefactor in praise and gratitude as well as persisting in thanking him is a good thing according to reason (*amr mustaḥsan fī l-‘uqūl*)”;
- (2) “that which reason in itself judges to be evil, but it is acknowledged as good because of the arrival of the law. ... It is evil according to reason because God does not bestow a benefit by it and the servant suffers under it [such as pains]”;
- (3) “something where neither good nor bad is found, rather it is considered to be free from benefit and harm [such as walking between Ṣafā and Marwa during the *hajj*]”. (al-RĀZĪ 1981: IV, 173-174)

What is important about this passage is that, in the *Tafsīr*, too, Rāzī appears to link reason's judgment that something is good or evil, or not, to the attainment of benefits and harms. Reason, then, judges thanking the benefactor as a good thing insofar as it is connected to the attainment of benefits—on the part of humans, to be sure, not God, who is above this.²¹ We, then, seem justified to read Rāzī's statement that reason knows *shirk* to be evil in light of these explanations: polytheism is recognised as evil because it leads to some sort of disadvantage for humans.

This, however, seems to be at odds with certain other statements Rāzī makes: he argues that humans cannot actually be sure, in the absence of Revelation's statement, that showing gratitude to God alone (i.e., avoidance of *shirk*) will result in the attainment of benefits. He makes this point in the *Maḥṣūl*, in arguing against the Mu'tazilī position that reason can know of the obligation to thank one's benefactor. The details of his train of thought left aside, it is important to note that he states that the individuals expressing their gratitude to God for blessings they received from Him might in fact arouse God's anger with this action. Thanking the benefactor would in this case be harmful, he argues, and reason is consequently incapable of deciding whether it is obligatory or not (assuming that reason could only declare obligatory what is linked to the attainment of benefits) (al-RĀZĪ 1997: I, 148-150). If this is the case, i.e., that humans are unable to know whether practicing monotheism or polytheism will incur God's wrath or arouse His approval, it is questionable how considering benefit and harm

²¹ Compare n. 17.

should allow reason to arrive at the insight that *shirk* is evil—on what basis should reason decide this question if it cannot read God's mind?

How is this apparent contradiction to be resolved? In my view, this cannot be resolved. Rāzī cannot hold that reasonable people judge *shirk* to be evil insofar as it leads to disadvantages for them, and at the same time argue that reasonable people must conclude that they do not actually know whether God approves of their display of gratitude to Him alone (i.e., monotheism), thus risking to experience harms.

This finally leads to the third interrelated question: is it, then, according to Rāzī *proper reason* that recognises the repugnancy of polytheism? It is noteworthy that, in his commentary on Q. 16:51-53, he spoke of “*reason* hitting upon that which is evil when it comes to *shirk*” (*wuqūf al-‘aql ‘alā mā fīhi min al-qubḥ*; emphasis added), and that he adduced four *rational* arguments in order to illustrate how reason arrives at this insight. Similarly, in his commentary on Q. 2:158 (i.e., where he introduced the threefold division of *taḥlīf*), he spoke of “that which *reason* in itself judges to be good” (emphasis added), and explicitly mentioned the goodness of thanking one's benefactor. Yet, Sherman A. Jackson has pointed out that “al-Razi, like al-Ghazali, held the appetitive self and not reason to be the true repository of moral judgements” (JACKSON 1999: 194). Shihadeh explains that when Rāzī speaks of the goodness and evilness of some action as being “rational” (*‘aqlī*), he does *not* mean that the human faculty of reason grasps some moral quality belonging to this action (as Mu‘tazilīs would argue); rather, he means that the *‘aql* perceives pleasures and pains, and his statement is intended “only in the sense of being based on internal perceptions, grasped and reckoned by the mind, not in the sense of being rationally intuited” (SHIHADAH 2006: 67-68). Before Rāzī, Ghazālī already emphasised that it is not the human faculty of reason, but human nature (*al-ṭab‘*) from which ideas of morality arise (al-GHAZĀLĪ 1993: 179-199). Since Rāzī never explains how precisely the *‘aql* gets from the *factual* insight about God's being humans' sole benefactor to the *ethical* insight that polytheism is reprehensible, and since he does not expound upon the way in which polytheism appears reprehensible to the *‘aql*, it also remains somewhat unclear what role precisely reason and rational arguments, on the one hand, and personal inclinations and feelings of pleasure and pain, on the other hand, play in this.²²

Revelation as Confirmation

Most humans, who follow reason where it leads them, will conclude, according to Rāzī, that only God is to be worshipped. Revelation's function, then, is simply to underscore this insight already gained by reason. We found this idea expressed in Rāzī's commentary on Q. 16:51-53, where he stated that the Quranic proclamation “Do not take two gods” “is intended to affirm the repugnancy of *shirk* and to declare reason correct (*takmīl wuqūf al-‘aql*) when it understands what is evil about it”. Through this proclamation, the Quran “intends to alert (*tanbīh*) to the fact that there is a contradiction between [the notions of] divinity and duality” (al-RĀZĪ 1981: XX, 49-50).

22 As an interesting historical note, Zysow notes that the Zaydī scholar, Ḥasan b. Husayn al-Ḥūthī (d. 1388/1968-9), held the view that “[r]eason can discern that requiring a benefactor is right (*ḥasan*), but not that it is an obligation” (ZYSOW 2008: 404).

The same idea was expressed in Rāzī's commentary on Q. 2:158 above, where he introduced the three classes of God's obligations on humans. In the first class are those actions which reason by itself judges to be good. The one example Rāzī explicitly mentioned was thanking and praising one's benefactor. He then added that this example is also alluded to in Q. 2:152, ﴿So remember Me; I will remember you. Be thankful to me, and never ungrateful﴾. Rāzī here presents the Quran as *matching* reason's moral assessment of the action of thanking God in His role as benefactor (which means worship of God). This is at variance with other actions and things, such as the experience of pain and poverty, which humans tend to judge evil, but which Revelation declares to be good (as "the wisdom that is in them becomes clear, i.e., that they are trials and tests" (al-RĀZĪ 1981: IV, 174)).

In addition to the case of monotheism, there are other cases, too, according to Rāzī, where Revelation comes to agree with the moral assessments already reached by reason. He puts forward this view in discussing the dispute over whether the *basmala* is a verse belonging to *Sūrat al-Fātiḥa*, or whether it is prefixed to it. In his defence of the former position, Rāzī adduces a whole arsenal of rational proofs. One of these rational proofs invokes the notion that God, in being creator and eternal, is prior (*sābiq*) to everything else in existence. Based on this factual insight, it is "necessary in accordance with the judgement based on suitability that is intellected by reason (*bi-ḥukm al-munāsaba al-ʿaqliyya*)" that God is mentioned in recitation before everything else. The idea Rāzī expresses is that a factual insight, based on rational arguments, about God's priority to everything else provides the scholar with a suitable rationale for arriving at the judgement that the *basmala* must be the first verse of *Sūrat al-Fātiḥa*. This judgement does not derive from Revelation but is made based on rational considerations. Yet, Revelation *endorses* it, for Revelation would not come to reject something reason judges to be the right thing and good: "if the view that He has to be mentioned first is good according to reason (*ḥasan fī l-ʿuqūl*), it is necessary that it is [also] expressed by the law (*muʿtabar fī l-sharʿ*), for Muḥammad said: 'That which the Muslims consider good (*ḥasan*) is [also] good in God's eyes.'" (al-RĀZĪ 1981: I, 205). However, even if in such cases as the goodness of monotheism Revelation matches reason's insight, the knowledge that this is the case is once more dependent on Revelation's explicit endorsement and cannot be attained in its absence (which is also why Rāzī refers to a Prophetic saying, a form of revelation, to substantiate his point).

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Philosophy in the Narrative Mode: Alexander the Great as an ethical character from Roman to medieval Islamic literature

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Abstract

Histories of Arabic and Islamic philosophy tend to focus on texts which are systematic in nature and conventionally classified as philosophy or related scholarly disciplines. Philosophical principles, however, are also defining features of texts associated with other genres. Within the larger field of philosophy, this might be especially true of ethics and within the larger body of literature this might be especially the case for stories. Indeed, it is sometimes argued that the very purpose of storytelling is to reinforce and disseminate moral conventions. Likewise, the moral philosopher can be conceptualized as a homo narrans.

The aim of this contribution is to apply the approach to narratives as a mode of debating ethical or moral principles to biographies of Alexander the Great. More than any other figure of the classical world, Alexander was religiously validated in the Islamic tradition due to his quasi-prophetic status as the ‘man with the two horns’ in the Qur’an. He appears prominently in the larger orbit of Arabic and Islamic philosophy as interlocutor and disciple of Aristotle and is adduced anecdotally in philosophical literature as an example to teach larger lessons of life. As a world conqueror, he provided an attractive model for those who sought to reconcile philosophical insight with worldly ambition.

Focusing on biographies of Alexander, this article explores ethical principles which are inscribed in this body of literature and thus reads the texts as a narrativized form of philosophy. The analysis is comparative in two ways. Biographies of different periods and regions of the Islamic world will be discussed, but comparisons with pre-Islamic biographies of Alexander (notably Roman biographies and the Alexander Romance) are included as well.

Keywords: Alexander the Great, Arabian Nights, Narrative literature, Situation ethics

Stories and Philosophy, Healers of the Soul

In an interview with the *New York Times Book Review* of November 3, 1957, the writer Karen Blixen famously stated that ‘all sorrows can be borne if you put them into a story or tell a story about them’. About two millennia earlier, Epicurus had made a similar promise on behalf of philosophy which could serve as medicine for the soul, one of many to make such a statement about the healing effect of thoughts. Contemporary philosophers remain concerned with the healing of the soul or its secularized cousin, our psycho-emotional state. For many, achieving such happiness is a thoroughly, even essentially ethical exercise since

it involves interactions with others as well as an internal practice of moral integrity and honesty. Such projects are often intertwined with the stories that we tell about ourselves and about others. Hannah Arendt selected Blixen's phrase as the epigraph for her chapter on action in *The Human Condition*, a set of lectures published in 1958. But the parallels between storytelling and philosophy extend beyond a common ambition of healing the human soul. Both are used to capture the very essence of what it means to be human.

As *homo sapiens*, we are meant to be rational and logical and thus uniquely possess the preconditions for the philosophical life. Storytelling too is sometimes seen as so essential to human beings, whether in social configurations or the operations of our brains, that our species has been described as *homo narrans*. We make sense out of our lived reality by telling stories to ourselves and to others. Narratives establish biographical coherence, sequences of events implying causality. Philosophy and storytelling both identify structure in reality. They help us persuade others of the way we see the world. To some, this means imposing order where there is none. Sartre famously contrasted a life lived and a life told. To others, the two cannot be separated. When we think about ourselves in the world, it is always in narrative terms.¹

Ethics is infused with storytelling since so much of it concerns actions, especially interactions between humans. Accounts of interactions between people have sparked ethical debates and ethical deliberations often operate with narrative examples, fictional or otherwise. Likewise, storytelling is infused with ethics. Anthropologists have even made the case that one of the main purposes of storytelling is to perpetuate and negotiate moral conventions or illustrate ethical principles (GOTTSCHELL 2012). Along similar lines, Hayden White asked, 'could we ever narrativize *without* moralizing?'² One of the moral dimensions of historiography is constituted by virtue of the fact that historians narrate. This quality of narrativity accounts for the moral responsibility attributed to both storytellers and their audiences. The storyteller's positionality has recently come under great scrutiny in public controversies about literary representations of marginalized communities, but this is only one of several ways in which storytelling is ethically charged. Conversely, reading fiction is sometimes considered an exercise in empathy when we immerse ourselves in a story and experience the world, however superficially, from somebody else's point of view. This relationship between ethics and storytelling is frequently discussed in terms of human universals. If we accept these terms, we can assume that significant ways in which Muslims ponder ethical issues are not specifically Islamic.

1 For examples see FISHER 1985 and NILES 1999. For the relationship between philosophy and storytelling see CRAIG 2014 and MERETOJA 2017.

2 WHITE 1980: 27. For the purposes of the analysis in this contribution, the different modes of narrating are secondary. Narrativity is used generically in contrast to the systematic presentations of typical philosophical treatises.

Literature and Philosophy: a Reshuffle of the Analytical Toolbox

To connect literature and philosophy can be analytically fruitful in general and in specifically Islamic or Islamicate contexts. It can yield a better understanding of texts in their historical environments, result in a fuller acknowledgment of the meaning of texts and how that meaning is communicated to and constituted by readers. Apart from being embedded in the narrative turn in the humanities and social sciences, the present contribution on Alexander stories is guided by a historical interest in the presence of philosophical ideas in medieval Islamicate literature outside the field conventionally defined as *falsafa*. Scholarship on Arabic-Islamic philosophy tends to focus on the great minds and the systematic elaborations they produced on a range of problems conventionally recognized as philosophical in nature. There are certainly good reasons for this tendency, but philosophical ideas also existed outside of this corpus of philosophical texts. Authors classified as philosophers sometimes contributed to other genres as well—the prolific Andalusī Ibn Ḥazm (994-1064) and Ibn ‘Arabī (1165-1240) illustrate this well. Philosophical ideas circulated well beyond the community of *falāsifa*, as the example of Ibn Taymiyya’s (1263-1328) polemical works shows. While many expressions of such ideas were philosophically insignificant, being unoriginal, superficial, fragmentary or misinformed, they are still valuable for a historical assessment. Part of the present endeavor is thus to gain a fuller picture of the presence of philosophy in the premodern Islamicate world.

Furthermore, this contribution is related to an academic interest in the literary qualities of medieval Arabic texts that had not been classified as ‘literature’, such as historiography and scholarly works of *adab* in general.³ Philosophical literature is usually not approached as literature, the prevalent categories for interpretation rather being analytical-philosophical or historical in nature. A rare exception is Ibn Ṭufayl’s (1110-1185) *Ḥayy ibn Yaqzān*, a text so distinguished in its literary and narrative qualities that it falls easily and obviously into more than one category. Common concepts of literary analysis, however, poetic aesthetics, intertextuality, narrativity, plot and character, imagery and metaphor, can be applied to a larger body of philosophical texts in order to understand their operation of persuasion and argument in a more multi-faceted manner. The stories about Alexander the Great that are the subject of the present article qualify in a more conventional fashion as ‘literature’. It is thus rather by way of crossing in the opposite direction, that is, by reading literature as an intellectual and philosophical exercise, that the following analysis seeks to shed light on underexplored issues. When we recognize in literature arguments that pertain to philosophical concerns and controversies we can appreciate these literary examples as contributions to philosophical debates. But we can also apply concepts of philosophical analysis such as virtue ethics or normative ethics in order to evaluate philosophical content in literary sources. By expanding in such ways the pertinent body of source material we typically gain a better impression of the diversity of discourses concerning an issue such as ethics in the Islamic tradition.

3 For two examples of this scholarship see LEDER 1998 and BOULLATA 2000.

Philosophy Emplotted: Islamicate Alexander Narratives as a Case Study

Islamicate stories about Alexander the Great lend themselves to combined philosophical and literary analysis since the protagonist of countless narratives and disciple of Aristotle is almost uniquely connected to both storytelling and philosophy.⁴ I am interested in the ways philosophical concerns and principles are inscribed into these stories, how they are narrativized or emplotted. Apart from looking for philosophical references, either by technical terminology or by attribution and authority, I assume that the nature of the stories has a philosophical quality, especially if we expand *falsafa* into a broader, diverse and contemporary notion of philosophy. In the study of premodern Islamicate contexts, philosophy is often coterminous with a very specific kind of philosophical project that involved a specific set of problems and concerns, a canonized structure of subdisciplines, concepts, doctrines, terms and authorities alongside a specific historical legacy. In contemporary parlance, philosophy is a more diverse exercise. Philosophers might still be committed to systematic thought, but we speak of feminist, Buddhist or materialist philosophers without reservations emerging from the differences between them. They all merit the label ‘philosopher’. Likewise, we speak of philosophy of history, philosophy of science or philosophy of religion, expanding on the ambition of philosophy to provide higher-level critical thought, but anchoring it in other disciplines or areas of human experience as well. To employ such a more heterogenous understanding of philosophy to premodern Islamicate texts has repercussions for the various subdisciplines of philosophy as well. ‘Ethics’ is thus not limited to technical Arabic terms such as *akhlāq*, but involves a broader set of philosophical problems. Even where philosophy is not discursively prefigured we can ask philosophical questions.

The present project is literary and philosophical rather than philological and historical.⁵ It is decidedly not concerned with the diffusion, transmission and translation of texts across premodern Eurasia. The approach is comparative and, to that end, as comprehensive as possible. I am treating Alexander stories as an open corpus and Alexander the Great, to use Diana Spencer’s phrase, as a meme (SPENCER 2009).⁶ What I am interested in is how Alexander as a narrative character functions as a device for communicating and constructing ethical meaning.⁷ Narrative characters have a range of ways in which they fulfil such a function. They can verbally articulate ethical principles in their speech (‘generosity is commendable’) or explain them (‘generosity is good for social cohesion’). They can exemplify them in action, e.g. by being courageous, or they can exemplify the opposite, be cowardly. They can identify ethical dilemmas and provide solutions. As narrative characters, they function in the context of plots. We can evaluate the principles they articulate or

4 For the following see for Arabic literature DOUFIKAR-AERTS 2010 and for Persian literature MANTEGHI 2018.

5 For another component of this project see AKASOY 2021.

6 For aspects of this project see AKASOY 2016a and 2016b.

7 JANNIDIS 2009: 23. By ‘narrative character’ I mean a character that is the product of narration rather than a descriptive set of attributes.

exemplify as responses to situations and we can see the consequences of actions. They allow us to think about ethical principles as situational ethics. Narrative characters can stand in for the reader and deliver our response to situations or they can model statements for us if we find ourselves in situations that resemble literary accounts. Our general assumption in the case of premodern literature is that characters who exemplify moral principles are rewarded, whereas moral weakness and depravity are punished. The difference between good and bad is thus typically clear. This binary enjoys a lasting presence in modern literature. And yet, there are examples of moral ambiguity too in premodern literature such as the successful trickster. Either way, whether we find the outcome of stories morally satisfying or not, ethical dimensions of narrative characters constitute invitations for the reader to consider ethical problems on their own terms.

Furthermore, my assumption is that while ethics always has a philosophical dimension it is not an exclusively philosophical subject. In our context, ethics as a dimension of narratives also manifests itself as a religious concern. Indeed, in the Islamic tradition, as in many religious traditions, storytelling is a prominent method of teaching and preaching.⁸ Preachers who expounded on Qur'anic narratives emulated Muhammad as the reciting storyteller of the Qur'an, but their manner of exposition and the thematic frame of their sermon defined the ethical content of the stories in a variety of ways.⁹ The story of the 'man with the two horns' (Dhū l-Qarnayn), the Qur'anic Alexander, illustrates this well. The quasi-prophet figures prominently in *qiṣaṣ al-anbiyā'* ('stories of the prophets'), the hagiographic tradition which is in part Qur'anic exegesis, but incorporated material from a variety of sources. To provide just one example, in a tradition attributed to Wahb ibn Munabbih, Dhū l-Qarnayn comes across a morally exemplary community.¹⁰ He poses a series of questions to them—the episode is reminiscent of Alexander's encounter with the Indian Brahmins, an episode known from antiquity (STONEMAN 1995). The community does not have any kings or any rich people because they are all modest in their worldly ambitions. Their kindness and justice render conflicts moot. Their ancestors have provided them with a model of piety. While Alexander himself does not exemplify ethical principles beyond a desire for knowledge and perhaps tolerance for a very different lifestyle, he allows storytellers to describe this kind of ideal community as an imaginary frame to promote abstract principles, both philosophical and religious. To introduce new characters to audiences, to validate and amplify their voices are also ways in which narrative characters can play a role in communicating ethical meaning. The example illustrates that the line between Islamicate and Islamic can be blurry. The Qur'anic framing turns a non-Islamic Alexander into an Islamic character who coexisted with less overtly religious or Islamic variants perhaps better described as Islamicate. If we assume that they were read with a strong Qur'anic subtext, however, the label 'Islamic' appears more suitable.

The entanglements of the Qur'anic narrative with separate and parallel stories has significant implications for the constitution of Alexander as a narrative character. Given that the Qur'an never identifies the 'man with the two horns' as Alexander, a certain ambiguity

⁸ In general for stories of the prophets in the context of preaching see BERKEY 2001: 40-41.

⁹ For a focus on liturgical preaching, but short considerations of homiletic storytelling see JONES 2010.

¹⁰ For a translation see WHEELER 2002: 235-236.

attaches to this individual and stories originally connected with Alexander were later associated with other historical figures. Over the course of his Islamic career, the quasi-prophet morphed into more elaborate versions some of which will be addressed below. Alexanders sparked other Alexanders, often as the protagonist of short anecdotes. This constant and creative retelling alone challenges a general assumption of Islamic literalism. These anecdotes extracted individual actions or statements from a larger biographical or narrative context, although just how much readers connected the different elements of the Alexander corpus remains uncertain. The degree of intertextuality implied by the author or present in the reader's mind thus emerges as another important variable in the construction of ethical meaning. A higher level of intertextuality might go along with assumptions regarding biographical cohesion where everything a person has said or done in their life matters. Such biographical cohesion involves literary as well as philosophical issues. Is the protagonist of two different anecdotes really the same character, and how much weight does a single action have in one's life? Here too we find some ambiguity and the contrast between literalism and non-literalism does not capture differences in intertextual reading.

Just how much storytellers and audiences in the Islamic world and beyond were aware of the educational and reforming function of narratives is also obvious from the *Arabian Nights* where Shahrazad uses stories to great psycho-emotional effect. Storytelling here is a form of communication, negotiation and argument, but also of healing.¹¹ The story of Alexander is one of the many she tells murderous king Shahriyar, according to Yuriko Yamanaka drawing on al-Ghazālī's *Naṣīḥāt al-mulūk* (YAMANAKA 2006). Incidentally, it is a variation of the very story referred to above, but in Shahrazad's version Alexander functions as a more active interlocutor. The encounter begins in the same way, with Alexander enquiring about the humble lifestyle of the people who, again, are wary of material attachments and mindful of their mortality, a common theme in the *Arabian Nights*. Then, however, Alexander is presented with two human skulls, one of an unjust king who has been condemned to hellfire, the other of a just king who enjoys paradise. Alexander despairs, full of uncertainty about his own status, and asks the local leader to join him as an advisor. The man declines, explaining that because of Alexander's wealth, all humankind are his enemy (ARABIAN NIGHTS 2008: II, 325-326). Shahrazad may have borrowed this anecdote from someone else, but within the logic of the *Arabian Nights* it made sense to tell this story to a king who had brought great misfortune over his subjects. This example illustrates how ethical meaning is created by context, the audiences of stories or the reader. The analytical appeal of the *Arabian Nights* is that we can ask such questions at the level of the frame story where Shahriyar is the audience, but also at the level of the audience of the *Arabian Nights* where ever new audiences listen to Shahriyar listening to a story. As a king, Alexander serves more obviously as a role model for Shahriyar, but he speaks potentially to all human audiences.

11 VAN LEEUVEN 2007. – See also the contribution by Enass Khansa in this issue.

Comparative Perspectives: Roman and Medieval Islamicate Alexanders

In contemporary research, the legendary Alexander of medieval times is often considered separately from the historical Alexander who emerges from the earliest preserved literary sources. For comparative purposes, however, it is worth reading a medieval Islamicate Alexander alongside the much earlier Roman texts which date mostly to the earlier Principate, from the mid-first to mid-second century CE. In what follows my example will be primarily Plutarch (c.45-120).¹² Philologically, the connection between Roman and Islamicate biographies is tenuous at best—they ultimately all speak of the same man, of course, but in between them stand the powerfully imaginative *Alexander Romance* of late antique Alexandria, its Syriac Christian adaptations and much less well-preserved Middle Persian material. Muslim authors did not mention many of the elements that are prominent in Roman literature because they were simply unfamiliar with them. There was nothing particularly Islamic about that reduction, although the result allowed for a greater harmony between the Alexander stories and various religious messages embedded in them. Comparing the traditions, however, serves to bring into sharper relief the distinctive features of each and to facilitate the analysis of narrative means which constitute Alexander as an ethical character. In which areas of human life, in which dilemmas, decisions, thoughts, observations, achievements, failures and relationships in general does one emerge as an ethical character, for example? And is there a hierarchy between them? Does generosity to our friends compensate for stinginess to the unknown poor? Is it fine to tell petty lies to our neighbors if, independent of this, we defend a just social order for our polity? Or is moral excellence a holistic and comprehensive project which does not allow for such inconsistency?

Having benefitted from recent scholarship on Roman *exempla* literature I am following the path of these classicists in focusing not only on texts, but on putative readers, leaving authors and their patrons for another occasion. In this analysis, the putative reader describes any person who reads the text. This analytical construct allows us to identify conflicts, frictions and challenges implicit in the text that an alert reader might consider, although expectations of consistency might admittedly vary across times and audiences. That the putative reader is a construct in the singular should not distract from the fact that reader-centric analyses often disclose ambiguities inherent in texts. But while we all know that two different people can read the same text in very different ways, a certain overlap between the putative and the present reader is impossible to avoid. Observations about auctorial intentions in the sense of secret hints are not implied in this analysis, although this possibility is not meant to be dismissed either. An author-centric approach would require a more extensive engagement with the individual writers, their works and historical contexts, more than what can be accomplished in a single article. Finally, a reader-centric approach allows us to recognize how a text of non-Islamic origin can qualify as 'Islamic', that is, by virtue of having a Muslim reader.

Before delving into legend, a reminder is in place of what are nowadays considered historical facts. Alexander the Great was born in 356 BCE to king Philip of Macedon and his

¹² For this literature see SPENCER 2002.

wife Olympias. By the time Alexander died at the age of 32 in Babylon, presumably from poisoning, he had taken his armies to modern-day Afghanistan, Pakistan and the Punjab. In an effort to explain this feat in terms other than almost superhuman charisma, historians often credit Philip with preparing Alexander's success, notably by paving the way for uniting the Greeks under Macedonian leadership and turning them against the Persian empire his son was going to defeat.¹³ That Alexander went so far north and east of the Achaemenid empire is to some measure what made him 'great', but it was also the source of conflicts with his companions who had not expected to march that far for so long. Being used to the egalitarian tradition of Macedonian kingship, they also resented Alexander for emulating the Persian emperor. When he tried to introduce the Persian ritual of bowing to the king (*proskynesis*), internal opposition became more vocal. Alexander's response was swift and violent. According to the accounts that have come down to us, there were several iconic confrontational incidents and Alexander appears to have grown increasingly susceptible to conspiracy theories. A prominent victim was his biographer Callisthenes who became implicated in a conspiracy known as the pages' revolt and died in jail. (The *Alexander Romance*, a product of late antique Alexandria, has been inaccurately attributed to Callisthenes and is known as book of 'pseudo-Callisthenes'.)

Roman authors were very interested in these issues. They were familiar with the extensive personnel that populated Alexander's life. They understood conflicts between Macedonians and Athenians. Against the backdrop of their own political debates, they were concerned about leaders who knew no moderation, who led an excessive lifestyle and turned into tyrants. Alexander, though admired for his strategic genius and military prowess, was a deeply ambiguous figure. He illustrated as much what one should be beware of as he provided a model for emulation, whether for one's political leaders or for oneself. The Roman Alexander demonstrates that literary characters can have complex ethical functions. As much as they exemplified or even personified virtues, their weaknesses, failures and vices also offer opportunities to communicate ethical lessons. Ethical complexity is what we tend to appreciate in modern fiction as well, which is measured against empirical reality with its moral dilemmas and irreconcilable tensions. Characters in premodern literature are for this reason often not very engaging for modern readers. They strike us as flat with their simple psycho-emotional, moral and personal profile. Paul Ricoeur conceptualized literature as the laboratory of the imaginary in which we can test out ethical solutions.¹⁴ To some extent, Roman Alexander stories fulfill this function because they give us good and bad political leadership in one and the same person. Diana Spencer speaks of a 'seductive combination of fascination and horror' (SPENCER 2009: 251). This relationship between the good and the bad is a critical aspect in any use of Alexander for ethical deliberations, or for any ethical deliberations in general. Prominent premodern contributors to practical philosophy such as al-Fārābī presented their readers with clear ethical binaries, even if they were conceived as ideals—the good polity on the one hand and the bad polity on the other. (In chapter fifteen of his *Mabādi' ārā' ahl al-madīna al-fāḍila*, for example, al-Fārābī distinguishes excellent

¹³ For a survey of select recent debates see ANSON 2013. For a survey of the later traditions in different cultures see MOORE 2018.

¹⁴ RICOEUR 1992: 164. 'The thought experiments we conduct in the great laboratory of the imaginary are also explorations in the realm of good and evil.'

from ignorant and wicked cities.) The underlying structure of a virtue ethics which pits virtues against vices likewise is based on the proposition of ethical dichotomies. To be sure, since the Arabic translation of the *Nicomachean Ethics*, the idea of the golden mean and that there can be too much of a good thing may have been familiar to philosophically informed readers in the Islamicate world.¹⁵ The notion of excessive piety, as in excessive praying or fasting among some ascetics, conveys a similar understanding that exaggeration in fulfilling an obligation is negative. The stories around Alexander, however, allow us to see how such principles are operationalized in imaginary practice and where ethical lines might become blurry. They allow readers to contemplate how much of a given virtue is excessive in a particular situation as well as the cost at which we may pursue another virtue. Indeed, a complex narrative does not present virtues in isolation. The fact that Alexander the Great remains to the present day an admired, but deeply ambiguous figure illustrates that to many, his ethical qualities are rather kaleidoscopic and often situational.

In the Islamicate tradition, very generally speaking, Alexander assumed in many respects a rather different guise than in ancient Rome.¹⁶ He remained ambiguous, but in different ways. As alluded to above, it was through the Christian Syriac Alexander Legend that Alexander found his way into the Qur'an as 'the man with the two horns'. Theodor Nöldeke and more recently Kevin van Bladel have argued the case conclusively (NÖLDEKE 1890; VAN BLADEL 2007). The 'man with the two horns' is on a fairly generic divinely supported mission, moves far across the world and has some kind of access to the upper spheres. Predigested by the redactors of the late antique *Alexander Romance* and the Christian narrator, who wrote during the time of Heraclius, himself a new Alexander, this Alexander was much reduced in ethical complexity and ambiguity, especially as a political leader. The *Alexander Romance* turned the conqueror into a figure of miraculous qualities, beginning with the astrologically guided moment of his birth. The negative protagonists in this story transformed as well. In addition to the conventional and historical antagonist of Alexander, the Persian emperor Darius, there is now what the *Alexander Romance* presents as Alexander's actual father: Nectanebo, last pharaoh of Egypt. It is he who deceptively gained access to Olympias, Alexander's mother, by way of magical means. This genealogical reworking is one of the main reasons why the origins of the *Alexander Romance* have been located in Alexandria, but then again, Nectanebo is not an unambiguously positive character. His ruse seems morally dubious, although Olympias is sometimes complicit (MÜLLER 2008).¹⁷ More doubt is cast on his occult inclinations when Nectanebo dies during an astrological expedition as Alexander pushes him into a pit. He seemingly deserves this end. Insofar as genealogy predetermines us, the Alexander of the *Romance* is thus the product of an ambiguous union, even more so than the Roman Alexander.

Alexander's antagonists involve a whole set of questions and variables which invite more general observations about the significance of negative characters for the moral dimension of narratives. Such antagonists fulfill an important instrumental function for the positive

¹⁵ For a brief survey see AKASOY 2012.

¹⁶ This observation is not necessarily limited to Islamicate Alexander versions but extends to medieval Christian representations as well. Discussing these is beyond the scope of this discussion.

¹⁷ In 'Umāra's Arabic biography of Alexander, preserved in a British Library manuscript, Olympias is presented as an expert in astrology and philosophy. See Qīṣṣat al-Iskandar, Add. 5928.

characters as contrasts and opponents. Such is the case with Gog and Magog, the violent tribes who were locked behind a wall by Alexander. A burden upon their neighbors and representing the future mayhem at the end of times, they allow Alexander to appear as a brave and effective, if only temporary, protector of civilization. Antagonists also provide readers with a model what not to do or offer a contrast which allows them to appreciate others. Against the imaginary backdrop of a femicidal Shahriyar, for example, one's own ruler might seem acceptable. At the same time, it is worth distinguishing the different contexts in which antagonisms can emerge and characters are revealed as morally negative. They allow us to see strategies how virtues can be operationalized in hostile interactions. They also allow us to see where open conflict is warranted and where silent disapproval is preferred. Some of Alexander's conflicts were more specific than others. Gog and Magog are enemies of all humankind, but to Persian or Indian readers, Alexander's enmity may have made him more rather than less ambiguous.

The version of Alexander's exploits in the Qur'an is characteristically sparse in detail which made the 'man with the two horns' a very adaptable character. Critically, among commentators and other authors he was recognized as a figure of history. The scriptural account allowed for multiple identifications that prevail until the present day. Elements of the Alexander legend are sometimes inscribed into different 'national' myths, as already happened in the *Alexander Romance*. Some Persian authors took the 'man with the two horns' to be the son of the Persian king, whereas South Arabian writers, notably Ibn Hishām (d. 828 or 833), claimed on onomastic grounds that Dhū l-Qarnayn was really a Himyarite (AKASOY 2009).¹⁸ Like others, Ibn Hishām claimed the controversial character on religious grounds, presenting him in his *Book of Crowns* as a monotheist who marches across the world with his armies (IBN HISHĀM 1979: 91-102).¹⁹ As in the *Alexander Romance* and indeed the classical tradition, the difference between insider and outsider is thus key to the function of Alexander as an ethical character. It was presumably already the historical Alexander himself who operated with such binaries, in particular the Greek ingroup and Persian outgroup. As the embodiment of military power, Alexander's authority is essentially violent. He lays siege and breaches walls. In most ethical systems, violence is ambiguous, its moral qualities depending on the circumstances under which it is perpetrated. An Alexander claimed and embraced by way of ethno-genealogical or religious appropriation was violent on behalf of the in-group. The ambiguity of ethics is thus partly resolved as a consequence of the unambiguity of belonging. This accounts for the ambiguity of Alexander in the Persian tradition where he belonged both to the ingroup and to the outgroup (YAMANAKA 1999).

¹⁸ Especially in Iran, Alexander did not fully become a positive Islamicized figure. The negative image as Persia's antagonist and destroyer of Persepolis endures, although recent scholarship has made a case that it coexisted since pre-Islamic times with a positive image. To consider these narrative strands is beyond the scope of this discussion. See also MANTEGHI 2018.

¹⁹ There was no agreement concerning the status of Dhū l-Qarnayn as a prophet. See WHEELER 2002: 227-237 and THA'LABI 2002: 609.

Plutarch and Nizāmī

As mentioned above, Alexander often appears as the protagonist of anecdotes. While these clearly constitute a very important ethical function of this character, in what follows, one of my main sources is going to be the first of Nizāmī's (1141-1209) two Alexander books, the *Sharafnāmeḥ*.²⁰ This text is closer to the Roman tradition with its sustained biographical narrative and emphasis on battles. It offers greater opportunities for comparison than the second Alexander book, the *Iqbāl-nāmeḥ*, which describes Alexander's spiritual graduation and death, but also contains a wealth of wisdom material.

Like Plutarch among the classical authors, Nizāmī covers the childhood years of the future conqueror.²¹ It is worth dwelling on this for a moment. Early on in the text, readers learn that even before he was born, Alexander was extraordinary. The *Alexander Romance* makes the same point without discussing Alexander's childhood in much detail. The implications for Alexander as an ethical model are again ambiguous. For while he may be gifted with exceptional ethical insight, his greatness may also excuse actions and attitudes considered unethical for a more ordinary person. Moving from nature to nurture, Plutarch and Nizāmī both describe Alexander's education. These passages set up the reader's expectations as to what Alexander was trained to become and constitutes the transition from external formation to agency. They describe the essence of Alexander's character and provide the backdrop against which we can understand all his subsequent behavior.

In Islamic literature, Alexander was prominently known as a student. That he was the disciple of Aristotle is the principal reason why readers may have associated him with philosophy, notably as the addressee of pseudo-Aristotelian treatises such as *The Secret of Secrets*. The connection with Aristotle was also made in classical literature and is presumably historically factual, although not much is made of the connection in recent scholarship. Plutarch dwelled more than other early biographers on Alexander's youth. Having realized that his son was headstrong, but susceptible to reason, Philip appointed Aristotle as his tutor who, according to Plutarch, taught him ethics and politics, but also esoteric studies. Having later learned that Aristotle had committed the latter to writing, Alexander complained, but Aristotle responded that without proper initiation readers could not understand the *Metaphysics* anyway. Plutarch also attributes Alexander's interest in healing and medicine to Aristotle. He thus invites the philosophically inclined reader to evaluate Alexander as a master of such knowledge—this might be the strongest argument for reading Alexander in the context of 'philosophical ethics'. Nizāmī tells us that Alexander did not even roast a chicken without consulting Aristotle.

But then, there is a twist in Plutarch. Aristotle, as it turns out, was related to Callisthenes, whose opposition against Alexander inspired the conqueror's hostility towards his former tutor—so much so, Plutarch tells us, that rumors circulated according to which Aristotle himself was behind the fatal poisoning of Alexander. A disciple-murdering Aristotle is out of sync with the philosopher's standing in the Islamic tradition. It is for two reasons at least

20 For a German translation, which has been mostly used for this discussion, see NIZAMI 1991.

21 The *Alexander Romance* keeps this chapter fairly short. Diodorus Siculus and Arrian only comment on Alexander's early years in passing. The first two books of Quintus Curtius Rufus' *History of Alexander* are lost.

that such a scenario would have been alien to Muslim authors of Alexander stories. The first reason is formal in nature. As indicated above, compared to the classical stories, the Islamicate Alexander prosopography was dramatically deflated. Anybody who leaves through Helmut Berve's two-volume opus where any person with the slightest connection to Alexander is listed, will find an ocean of names (BERVE 1926). Waldemar Heckel's more selective version still offers eight hundred biographies (HECKEL 2006). The list of names in Islamicate Alexander biographies is comparatively short, and in these versions, the connection to Callisthenes had disappeared. This is one of several episodes of internal conflicts significant to the classical tradition which never made it into Islamicate accounts, not having been taken into account by the redactors of the earlier *Alexander Romance*. Furthermore, Aristotle poisoning Alexander made no sense against the cultural logic that informed the stories. Alexander could not have turned into a tyrant deserving assassination because his violence was ultimately too consistently and unambiguously religiously validated. Shahrazad offers a good counterexample with the story of king Duban and the sage Yunan. Yunan cured the king from an illness but fell victim to a conspiracy of the king's jealous vizier. Just before being executed, Yunan presented a book to king Duban who then died from the poison on the pages. The posthumous triumph of the scholar is clearly warranted by the gullible cruelty of the king, but Alexander constitutes a different and more ambiguous type of ruler.

In addition to that, Aristotle personified philosophy more than for Roman authors who knew many other philosophers too. A dramatic falling-out with Aristotle would have made the association between Alexander and philosophy problematic. The world conqueror, to be sure, is a man of extraordinary worldly ambition, but it does not seem to make him slip into tyranny. In al-Kindī's *Means of Dispelling Sorrows*, even Alexander's excessive interest in the material world is given a positive spin when on his deathbed he decides to go out with a bang rather than a whimper (al-KINDĪ 2007: 27-28).²² The conqueror wisely advises his mother to found a city in his honor after his death and to invite only people who have not suffered misfortunes to celebratory events. When nobody shows up, Alexander's mother is consoled by the fact that she is not alone in her sorrows. Elsewhere, such expressions of excessive ambition were re-written. Al-Shahrazūrī (d. after 1288) records an anecdote in his biographical collection *Nuzhat al-arwāh* according to which Alexander forbade *proskynesis* because only the divine Creator should be worshipped (DOUFIKAR-AERTS 2010: 119-120). What made Alexander ambiguous for Romans was thus resolved in Islamicate adaptations and some issues—such as the cultural foreignness of Persia—were never an issue in the first place.

Epic and Dramatic Alexanders

In order to shed more light on Alexander as an ethical character, I would like to return at this point to Arendt's notion of action in *The Human Condition*. Arendt distinguishes between

²² Most Arabic versions of the Alexander story even maintained that he died of natural causes. See DOUFIKAR-AERTS 2003: 24.

‘what’ and ‘who’ somebody is. Speech and deeds underlie the ‘who’ and according to the philosopher, among works of art, it is drama, or rather tragedy that allows the ‘who’ to be put on display through the mimesis of action. To my mind, an ethical evaluation typically requires knowledge of the ‘who’, hence my focus on narratives as accounts of actions, although there are clearly limitations in the case of literary characters. Opinions are divided about their ontological status and whether literary characters are words or individuals. Either way, I would like to adapt Arendt’s observation for a distinction between dramatic and epic as characteristics of narratives. The line between them is somewhat permeable. Brecht, after all, speaks of epic theater, where drama allows the viewer to critique the machinations of capitalism, and the novel is dramatic literature with the added benefit of introspection. Drama I understand here as narratives focused on human action, epic on human history.

Alexander stories tend to have an epic flavor. Alexander is always larger than life. He allows readers to locate themselves in deep time on the historical map of human culture. In Nizāmī’s *Sharafnāmeḥ* as well as Ferdowsī’s (d. 1020) *Shāhnāmeḥ*, Alexander’s conflict with the Persian Darius is one that involves age-old human civilizations, a very common notion to account for this confrontation, going back to Alexander’s own time. At the furthest extend of his conquests, ‘India’ too signifies a civilization rather than Porus’s much smaller kingdom, its strength and zoo-cultural alterity iconographically represented by elephants. The descriptions of battles are also quite epic, including the involvement of the natural world and prominent heroes, commonly understood as features of epic literature. Alexander’s exploits evolve in a wide-ranging, malleable and potentially all-encompassing geography. Empirically implausible, he can be everywhere. By Arendt’s standards, we may thus never learn much about ‘who’ Alexander was as opposed to ‘what’ he was, namely, a world conqueror rather than a world renouncer, to use a contrast often made in Buddhist contexts. Furthermore, Arendt stipulates that the ‘who’ requires ‘human togetherness’, from which she excludes conditions of war. These, she suggests, are overly determined by the dichotomy between allies and enemies. Alexander, of course, is almost in a permanent state of war. His wars prefigure our relationship to him: exceptions, notably in Zoroastrian Iran, notwithstanding, we typically root for him, a partisanship which often complicates ethical evaluations. This is even more so with the prosopographical deflation of the Islamicate traditions—the less we know about the contentious interactions between Alexander and his own followers, the harder it becomes to judge him as an ethical character. The amorphous mass of supporters and soldiers makes it more difficult to recognize his qualities and flaws as a political leader.

Despite these reservations, Alexander might function well and in a complex manner as an ethical character precisely at the point where readers identify with him. In other words, his nature as an ethical character gains substance and nuance in a reader-centric analysis despite the reduction in moral complexity resulting from partisanship and despite Alexander’s epic character as a ‘what’. Fotis Jannidis distinguishes three aspects of identification with a literary character: sympathy, empathy and attraction (JANNIDIS 2009: 24). But, while one can think of examples of all three aspects in responses to Alexander stories, how much can anybody actually ever identify with Alexander the Great? The demand of diverse readers for equally diverse protagonists who allow for identification may be a distinct phenomenon of twenty-first-century western societies, but the discrepancy in circumstances between character and readers has relevance for much earlier periods as well. The moment

where we learn about his unusual conception and childhood may be the moment where we decide that too much separates us from Alexander. We may rather identify him with the political and military leaders of our own time, especially if they publicly identified with Alexander.²³ As Teresa Morgan has pointed out, a critical crux of Roman popular moral literature is its focus on great men. The rather ordinary readers thus need to carefully consider individual circumstances in order to choose the right *exemplum* in the right way.²⁴ In Arabic philosophy, the Christian Yahyà ibn ‘Adī (893-974) may very well have been mindful of the conundrum ethical recommendations for rulers presented to the ‘average’ reader. He prevented confusion by making explicit distinctions between socio-political strata, explaining that certain moral obligations applied even more to rulers than to their subjects.²⁵ The underlying logic of mirrors for princes with their royal addressees is the same and it may not surprise much that *The Secret of Secrets* constitutes pseudo-Aristotle’s advice to Alexander in such a format. To what extent, one may then ask, should we or did readers of the premodern Islamic world separate Alexander as the distinguished recipient of this advice from Alexander, the moral agent of his own biography? And what did either imply for a more regular reader of Alexander stories?

Then again, considerable gaps in moral potential and perfection between model and seeker need not be an obstacle. Among other individuals distinguished by religious and political status, the Islamic tradition prescribed the emulation of none but the prophet Muhammad. What Linda Jones refers to as ‘the compartmentalization of Muhammad’s charisma’ resolved problems and risks involved in this emulation (JONES 2010: 21). According to Sunni consensus, there could not be another prophet, after all, much less a divine human. Such compartmentalization was socio-political and assigned different tasks to different communities such as rulers and scholars. In a more general sense, it helped to distinguish areas where emulation was possible and indeed required and others where that was not the case. Likewise, for an even wider gap between model and seeker, key virtues such as justice are divine qualities in the Islamic tradition which recognized, indeed stressed, the difference between human and divine modes of justice.

Along somewhat similar lines, adducing Cicero’s distinction of four *personae*, Rebecca Langlands illustrates how we can separate various aspects of a potential role model in Roman *exempla* literature: their general humanity, their specific qualities, both given by nature, their social role by circumstance and their chosen social role. It is probably fair to say that most of us are pretty modest in comparison with these great men in several respects. Langlands discusses another problem too, which is that the great men of Roman *exempla* literature tend to break the rules. She adduces the concept of situation ethics to resolve this problem, where again one has to take specific circumstances into account. Alexander clearly breaks the rules in Nizāmī’s biography when he is violent and decides to conquer the world despite advice not to do so. As much as he might be perpetrating his violence on behalf of the ingroup, that violence too has limitations. Islamic law, after all, has rules of war which regulated violence (VANHULLEBUSCH 2015). Not everything was allowed. An elder sage tells Alexander that

23 For examples of such emulations see FUESS 2008 and BAĞCI 1999.

24 For a discussion see LANGLANDS 2011.

25 See especially sections 5.18 to 5.25 on ‘the perfect king’ in IBN ‘ADĪ 2002.

violence only begets violence. Alexander assents, but does not change his ways. His moral high ground is thus mostly presupposed or asserted rather than demonstrated. It is only at the end of the *Sharafnāme* and in the *Iqbāl-nāme* that Alexander experiences moral graduation.

One might say that just as experts in Islamic law were able to apply principles to new circumstances, to translate universal into particular and particular into universal, readers of Alexander stories may have been able to tell when the breaking of the rules was recommended to them as well, although it might be anybody's guess what if anything a sixteenth-century reader of Nizāmī would have made of the chronological gaps between Alexander, Nizāmī and himself. In contemporary depictions, Alexander serves as a representative of history, his cultural alterity reflecting change over time. As such, he can facilitate ethical deliberations based on such historical change and cultural difference. It can happen that precisely because the people of his time were different from us in so many respects that we can feel inspired or shamed when they embody values important to us in more impressive ways than we do.

Alexander as a Device for Self-Contemplation

To be sure, Alexander has qualities we can try to embrace for ourselves and I find it plausible to think that historical readers would have responded in similar ways. Nizāmī brings up the mirror which was invented under Alexander. Because Alexander was the first to look into a mirror, whenever we look into a mirror, we see some Alexander in ourselves. Alexander might thus be best understood as an aspirational figure. Our Alexandrian reflection might be how we want to see ourselves. Bravery is perhaps his most important quality, although throughout his literary manifestations, he did not exactly represent the golden mean. During the Mallian campaign in the Punjab, the classical tradition tells us, Alexander became so impatient during a siege that he himself climbed the walls of a fortress before anybody else. The confrontation ended with a Macedonian victory, but Alexander was severely injured. If Aristotle taught him ethics, the lesson of avoiding excess was thus never learned.

Apart from representing Alexander as an ascetic ideal of bodily ethics, Nizāmī also describes him as just and generous, although his justice is personalistic and depends on labelling opponents as tyrants. This is a good illustration of Arendt's reservations concerning war. Alexander does not act under conditions of 'human togetherness', but in a binary world of friends and foes. Curiously, another element of Aristotelian ethics never made it into Islamicate Alexander biographies—friendship. Hephaistion, Alexander's Patroclus, was basically unfamiliar to Muslim readers, having barely made it into the *Alexander Romance*. If Alexander has any friends in the Islamicate tradition, it appears to be the angel Raphael or Aristotle. The two men tend to entertain a longer-lasting and more significant relationship than in the classical tradition and presumably historically attested, involving more extensive exchanges of letters. And yet, given that the two individuals in question find themselves on different levels of hierarchies of knowledge or political and military authority, other terms than 'friends' seem more appropriate to capture their connection, primarily teacher and disciple, or king and advisor. They are a far cry from the emotional attachment to Hephaistion or the close connection imagined by modern authors such as Annabel Lyon in her historical novel *The Golden Mean* (2009). This observation leads to a more extensive set of questions

about the areas of ethical life which are theorized in Arabic philosophical literature and those which are narrativized. Not least due to their Aristotelian model, authors such as Miskawayh (932-1030) wrote in systematic terms extensively about friendship. The concept of friendship is certainly not absent from medieval Arabic literature, but examples of stories about individuals we might primarily classify as friends, where friendship constitutes a prevalent topic, seem altogether much rarer. Put differently, to conceptualize friendship and affirm its value is one thing, to express and exemplify these thoughts imaginatively in form of a story is another.

There are, however, other qualities of Alexander apart from these conventional classical virtues which have ethical implications. What has been problematized in Roman literature as excess can also be read as exploration of human limitations. If we think about self-improvement, ethical or otherwise, we might think about our potential as well and recognizing our potential means identifying limitations. Alexander certainly did. He went as far as he could within the limitations imposed on him. That is true of the classical tradition with its political, military and cultural framework. The limitations this Alexander explores concern geography—how far can I go—as well as political and military leadership—how do I secure the loyalty of my men and lead them to defeat our enemies—and cultural identity—if I adopt Persian traditions of kingship, am I still Greek? In the Islamicate and medieval European traditions, which seem more epic than drama, the framework becomes cosmological and theological. Even more fundamental questions appear to be at stake. Alexander is divinely sent, almost a force of nature, and explains why the world is as it is. Alexander travels in a diving bell to the bottom of the sea and with a flying device into the heavens, mapping and delineating the world accessible to humans. His story becomes ontological and anthropological. He ventures into the land of darkness to find the source of eternal life, but falls short. Curiously, much of Arendt's *Human Condition* (1958) is concerned with strikingly similar issues. Taking as her starting point the launch of the first satellite in 1957 and still under the impression of the nuclear bombs, she contemplates the potential of human endeavors to transcend the limitations of our condition, including mortality. (The satellite in question was Sputnik, its surprising launch causing the 'Sputnik crisis' in the West.) Just like the authors of the *Dialectic of Enlightenment*, Arendt's verdict is one of deep skepticism and an emphasis on the political. Alexander stories can be usefully read in this context; Adorno and Horkheimer included a lengthy section on the *Odyssey* in their book, after all. It may have taken modernity to produce Sputnik, but Alexander too used reason in order to transcend human limitations. In all these considerations, however, reason is complicit in great violence insofar as these efforts were part and parcel of a life lived in military campaigns.

Some time during World War II, the American theologian Reinhold Niebuhr (1892-1971) composed the serenity prayer. 'God', it says, 'grant me the serenity to accept the things I cannot change, courage to change the things I can, and wisdom to know the difference.' Where we see our limitations determines the way we see ourselves, the way we see others and our interactions with them. The wisdom of telling the difference between limitations we should challenge and those we should accept is thus also ethically significant. Premodern Muslim readers of Alexander stories may not have articulated it in such ways, but the prominence of narrative elements concerned with human limitations suggests that this was one of the major ethical components of such works. On the one hand, the medieval

Alexander, Islamicate or European, seems even more distant from readers than the classical Alexander was to Romans. He was further away in time and culture, but also enjoyed miraculous or near-miraculous abilities. He was further removed from his own historical environment too, especially for those unfamiliar with classical Graeco-Latin literature, turning from an epic to an almost mythical character. The reduction of *dramatis personae* in Alexander biographies is another aspect of this transformation. Alexander the archetype was a ‘what’ rather than a ‘who’. At the same time, being removed in such a way from particular circumstances opened up possibilities for Alexander as a universal aspect of humanity. While Alexander as a historical individual, the ‘who’, was thus perhaps too poorly understood to serve as a prism for ethical deliberations, what Alexander signified, the ‘what’, served this function very well.

Conclusion

To conclude with a few thoughts about our own contemporary approaches to such stories, I would like to return to Blixen’s statement that ‘all sorrows can be borne if you put them into a story’. Alexander’s story must have involved fear—fear of the unknown, fear of defeat, of pain, loss and death, of limitations he could not transcend. And yet, especially as postcolonial readers, we might consider the price at which Alexander conquered his fears. A contemporary philosophically engaged reading of both the historical Alexander and later adaptations of his legend might pay closer attention to those who were vanquished, exploited and humiliated. Identifying with Alexander the conqueror might be all too easy. His violence—like a lot of the violence that occurred in Islamic history—was culturally productive and it is these cultural products that provide our daily bread as academics. Just as we have become critical of empire in modern times, we might consider stories about Alexander with critical distance. As readers of his many biographies and the many representations that cherish him for any number of achievements, we might be careful when immersing ourselves in somebody else’s life, but rather remain engaged in a dynamic project of ethical contemplation. Niẓāmī’s pacifist elder who warns Alexander of the violent outcomes of violence may have already served in the author’s own time as an alienating element for readers too easily swept up in narratives of victory. This reading is admittedly indebted to Brecht’s use of such alienating elements that take the audience out of the world of the play and allow them to consider the critical implications of what they have seen. Reader-centric approaches explain another way in which premodern texts too may have functioned as ethical texts by requiring a reader’s distance and self-awareness, even though authors of course may not have formulated it in such ways. In recent historical novels inspired by Alexander’s campaigns, efforts appear to have been made to avoid a glorified image of violence. Steven Pressfield, for example, presents the violence perpetrated by Alexander’s soldiers as traumatic even for the victors. There are other values too that are associated with Alexander and might be critically reconsidered. As scholars explore the connections between cultures in the premodern world and acknowledge Alexander’s role as a catalyst for cross-cultural encounters, not unlike Oliver Stone’s portrayal of Alexander as a hero of multiculturalism, the violent circumstances of these changes deserve to be debated as well.

There are thus several layers of ethical meaning in stories such as that of Alexander, both classical and Islamicate. There is the way he appears anecdotally, as an illustration or even personification of the principles of virtue ethics, mostly generosity, bravery and justice, but also vices of excessive material attachment. There is the narrativization where we can see the implication of ethical features play out in a sequence of events allowing us to imagine ethics in the context of biography. But if we shift our attention from text to reader, other dimensions too become obvious, especially for the Alexander of Islamicate literature who had become so malleable. Readers can contemplate Alexander's limitations and failures in their own exercise of situation ethics, because that is typically what we do when we look in the mirror. To recognize both the Alexandrian other and the Alexandrian self in ourselves may aid the self-reflection required for ethical improvement. My assumptions about premodern readers here are admittedly speculative, but there are enough grounds in premodern literature itself to assume that premodern audiences too partly identified with Alexander and partly considered his limitations and frustrations a lesson to endorse for themselves. And finally, we can consider all this from a metalevel of an ongoing and open-ended philosophically engaged reading. Alexander may have lost some of his ambiguity on his way from the classical to the late antique tradition and regained some with Nizāmī, but in determining just how ambiguous he ultimately is, the reader too has a role to play.

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From Norm Evaluation to Norm Construction: The Metaethical Origin of al-Ghazālī's Radical Infallibilism

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Abstract

This study examines the issue of norm construction in al-Ghazālī's thought focusing on the grounds advanced to support his radical infallibilist position. To fulfill such end, al-Ghazālī, I explain, relies on two types of arguments, the first one relates to the presumptive nature of legal texts in order to highlight their fundamental indeterminacy and the second links to the interpreter to show the impossibility to fall into error. To buttress these arguments, al-Ghazālī both draws on epistemological principles and metaethical ones. As it will be shown in the study, al-Ghazālī ultimately explains the divergence in interpretation of norms using the concept of *ṭab'* (nature, disposition or appetitive self) drawing on his well-known relativist ethical theory concerning norm evaluation and therefore brings in a unique way this typical feature of Ash'arism within his own radical infallibilist theory of norm construction. The concept of *ṭab'* allows to bridge the gap between the ambiguity in the revealed text and the *mujtahid's* interpretation in the norm construction process, and ultimately serves to justify *ex post* the choices made by the *mujtahid*. In doing so, al-Ghazālī assigns to theology a critical role in revealing the origin of the illusion of the jurists who naively think that licit and illicit are qualities of things themselves.

Keywords: al-Ghazālī, *Uṣūl al-fiqh*, Metaethics, *Ijtihād*, *Ṭab'*

Introduction

This study examines the issue of norm construction in al-Ghazālī's thought, based on the chapter on *ijtihād* of his last *summa* of legal theory, *al-Mustaṣfā min 'ilm al-uṣūl*. The very concept of *ijtihād*, containing the idea of "effort" (*juhd*), usually translated by "interpretative effort", refers to the process and conditions of norm construction accomplished by the *mujtahid*. This process is defined in legal theory as the extraction of norms (*aḥkām*) from ambiguous texts. Islamic legal theorists thoroughly investigated this process and were divided about its outcome whether, when carried out properly, it leads to one single good solution or to diverging solutions that are equally good. For al-Ghazālī, who defends the latter position, when the meaning of a text is presumptive (*ẓannī*) and not clear and categorical

(*qat'ī*), there is no logical or semantic necessity linking this text to the produced norm. Hence, the norm is a product of a non-necessary and presumptive sign (*'alāma*) which can lead to two opposite solutions that are equally true. However, this does not mean that the *mujtahid* during this process chooses randomly and for no good reason one solution over the other or that he can change his mind whenever he wants. In fact, the absence of a determinate norm in ambiguous propositions is not contradictory with the highly formalized character of the process of *ijtihād*. The jurist examines the whole proofs in order to choose the one he considers to be the best solution according to the prevalent presumption that “tips the scales” in his mind.

In a seminal article devoted to *ijtihād*, Baber Johansen addresses this issue and his reflection constitutes the starting point of the present study (JOHANSEN 2013). He presents the position of three jurists (al-Ghazālī, Ibn 'Aqīl and al-Sarakhsī) and shows how they legitimize the diversity of conclusions in the *ijtihād* process. According to Johansen, it is the notion of *ta'ammul* (contemplation) that “allows jurists not to rely solely on rational thought in human interpretation and construction of norms.” Therefore, he highlights the non-cognitive factors underlying such a concept, which as he admits evidently carries “psychological undertones” (JOHANSEN 2013: 132).

Building up on that idea, with which I fully agree, I intend to show in what follows the central role played by the notion of *ṭab'* within al-Ghazālī's system. I start by outlining the radical infallibilism of al-Ghazālī and its difference with other *uṣūlī* positions regarding *ijtihād*, and then, I deal with the justification he gives of such a controverted position. As I shall demonstrate his justification relies on two types of arguments, while the first one relates to the presumptive nature of legal texts in order to highlight their fundamental indeterminacy, the second one links to the interpreter through underlining the impossibility to fall into error. These arguments involve some epistemological principles but also metaethical ones that lead us to the last part of the study where I discuss the concept of *ṭab'* (nature, disposition or appetitive self). This concept gives us a fuller picture of the whole process. I show that al-Ghazālī ultimately explains the divergence in interpretation using a concept that stems from his well-known relativist ethical theory concerning norm evaluation, connecting in a unique way this typical feature of Ash'arism with his own theory of norm construction. The concept of *ṭab'* allows to bridge the gap between a revealed ambiguous text and its use by the *mujtahid* in the norm construction process, and ultimately serves to justify the choices made by the *mujtahid*.

The radical infallibilism of al-Ghazālī

In legal treatises, the sections devoted to the concept of *ijtihād* deal with the epistemic, ethical and institutional conditions stipulated for an individual to become a *mujtahid*, such as the extension of norm construction (which texts does it concern) and the famous issue pertaining to the possibility of error in the process of norm construction: can a *mujtahid* commit an error when deploying his interpretative effort and would this error have any juridical/eschatological consequences on him? This last issue is often referenced by using the following

dictum, *hal kull mujtahid muṣīb* “Is every *mujtahid* right?” or “does every *mujtahid* hit the true answer?”, which generally constitutes the core of the sections devoted to *ijtihad*.¹

Those who embrace the saying “*kull mujtahid muṣīb*” are called, accordingly, *muṣawwiba*, and their opponents, who refuse it, are the *mukhaṭṭi’a* or *muḥaqqiqa* (BERNAND 1990). However, behind this allegedly clear opposition between what we shall call “infallibilists” and “faillibilists” lies a profound ambiguity. In fact, *kull mujtahid muṣīb* is an ambiguous proposition that can be understood in two different ways. The first one admits the possibility to hit the truth but denies any accusation of error in case one misses it: every *mujtahid* is right means that no one will be blamed, punished or accused of sin if he commits error, since error is human. This position is best illustrated by a well-known prophetic tradition: “If the judge makes an interpretative effort and hits the truth, he will have a double reward; and if he misses it, he will have a single reward.” This tradition identifies two levels of error. On the one hand, the scientific or alethic level, that of error in itself (*khaṭa’*), and on the other hand, the juridical level, that of sin (*ithm*) or accusation of error (*takḥī’a*). This tradition establishes the existence of a right and a wrong solution distinguished by the amount of the reward promised to the jurist (a double or a single one), and on a juridical level, it denies the existence of any sin or accusation of error for those who miss the truth, since they exerted all their effort in interpreting the text. One can sense here the importance of the notion of effort (*juhd*) in the lexical meaning of *ijtihad* and the particular role it plays in this endeavor: it justifies the existence of a reward regardless of the result and makes the epistemic process in itself an individual enterprise that should be rewarded. This divide between process and result is illustrated by the distinctions made sometimes in the juristic literature between being right “according to the jurists” / “according to God” (ZARKASHĪ 1992: IV, 251) or “according to the act of *ijtihad*” / “according to the ruling itself” (al-BAṢRĪ 1965: II, 949-952).

The second construal of *kull mujtahid muṣīb* is that of al-Ghazālī in the *Mustasfā*. If every *mujtahid* is right, it is because, when it comes to presumptive juridical questions, there is no pre-established truth to be found laying in the mind of the Legislator. Whatever the *mujtahid* decides or chooses becomes the true answer. In this case, the very possibility of error is excluded from the beginning, and *a fortiori*, any possible accusation of error, provided that the interpretative process meets all the required conditions. Unlike the first understanding, which requires from the *mujtahid* to find or extract the right solution, the latter entrusts the *mujtahid* with the authority to assign a certain norm to a given act. Needless to say, even in this latter case, *ijtihad* is not a spontaneous mental action and is not within everybody’s reach: it is a highly formalized process consisting in the exploration of all available proofs before reaching any solution, and is mostly restricted to professional *mujtahids* who meet the required conditions. Moreover, the reached solution is binding for the *mujtahid* and cannot be easily replaced by its opposite (al-GHAZĀLĪ 1997: II, 454).

To sum up, we have two different ways to embrace the saying *kull mujtahid muṣīb* and therefore two very different kinds of *muṣawwiba*: the first kind endorses what might be called

¹ For the general and historical approach of the concept of *ijtihad*, see HALLAQ 2001, esp. chapters 1 and 2. For a thorough study of this question in particular, see ZYSOW 2013: 259-78. See also BOU AKL 2019, where I discuss the whole debate, which also inspires this first section. For a full review of the literature dealing with this issue and an outline of its main issues from a shāfi’ite perspective, see EIṢSA 2017: chapter 5.

legal determinacy (for they posit a pre-determined ruling for the *mujtahid* even if he is not compelled to hit it) and the second one legal indeterminacy.² This ambiguity blurs the aforementioned frontier between infallibilists and fallibilists, because the first kind of infallibilism is very close to fallibilism, since they both espouse legal determinacy. By opposition to these two, the second kind of infallibilism, called sometimes total infallibilists (*al-mu‘ammima fī l-taṣwīb*)³, is distinguished by an utter negation of any pre-existing ruling for the *mujtahid* to hit. Al-Ghazālī calls them *muḥaqqiqū al-muṣawwiba* (true infallibilists) and presents their position as follows:

[text 1] According to the true infallibilists, there is no determined ruling (*lā ḥukma mu‘ayyan*) to which presumption can lead concerning questions devoid of a clear text. The ruling follows the presumption. For God, the ruling is what prevails in the opinion of each *mujtahid*. This is our position. Al-Qāḍī [al-Bāqillānī] has embraced it⁴. (al-GHAZĀLĪ 1997: II, 409.3-5)

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This total absence of determinate truth applies only to presumptive juridical matters (*al-zanniyyāt*), which constitute the domain of *ijtihād* (*al-mujtahad fīhi*) delineated by al-Ghazālī. In contrast, juridical matters explicitly stated by the Legislator in unequivocal sentences and producing certainty contain a determined ruling that can and should be reached. Likewise, matters of legal theory itself, which are juridical principles (the validity of consensus, the validity of analogy, and solitary reports, etc.), can also be reached and established with certainty from the texts. *A fortiori*, matters of rational theology (existence of God, creation of the world, and divine attributes, etc.) are predicated upon certainty through the use of rational arguments, which leads to a determinate truth. In fact, the objectivity of rational norms (*ahkām ‘aqliyya*) is attested by everyone except the sophists. These three classes of categorical matters, i.e., *qaṭ‘iyyāt* (clear juridical texts, legal theory, and rational theology) are clearly distinguished by al-Ghazālī (al-GHAZĀLĪ 1997: II, 399-400). They all contain a determinate ruling to reach. Within their realm, error is possible and leads, when committed, to an accusation of error. The gravity of the accusation (*takfīr* or simple *tabdīr*) depends on the gravity of the matter involved (*Idem*).

On this account, only radical infallibilism can be linked to legal indeterminacy, in opposition to legal determinacy. As we mentioned, this latter position is embraced, with various degrees, by both moderate infallibilists and fallibilists. Although al-Ghazālī explicitly speaks of the absence of a “determined ruling” (*ḥukm mu‘ayyan*) for presumptive matters, he never makes it a concept or a label in itself, instead he adheres to the fallibilism/infallibilism

2 On this subject, see for instance the special issue of *Droit et philosophie: Annuaire de l’Institut Michel Villey*, 2017, vol. 9-1 [Droit et Indétermination] dedicated to the issue in modern western systems of law, with articles in French and English.

3 Coined by Ibn Taymiyya: 37, cited in ZYSOW 2013: 261.

4 All translations are mine, unless specified otherwise. Al-Ghazālī first embraced a moderate version of infallibilism, that of his teacher al-Juwaynī. Thus he says in the *Mankhūl*: “Our position is that every *mujtahid* is categorically correct in his practice [emphasis mine], and this is made necessary by a divine obligation (*fa-innahu wajaba bi-ijābi llāh*). However, it does not make any sense to hold infallibilism (*iṣābat kull wāḥid*) in the sense of a negation of a determined *quaesitum* in the knowledge of God concerning illicit and licit.” See al-GHAZĀLĪ 1970: 455.

dichotomy that shapes the debate in Islamic legal literature. In that sense, this couple of concepts cannot be totally reduced to that of legal determinacy/indeterminacy, which does not appear as such in the texts.⁵

Al-Ghazālī's position does not seem to go without perils. At the end of the chapter on *ijtihād* he adds a whole section to clarify further his position:

The chapter in which we unveil this enigmatic question, added after the completion of the book and the spread of its copies.⁶ (al-GHAZĀLĪ 1997: II, 437.2-3)

According to al-Ashqar, this appendix has been added after the spread of the objections against al-Ghazālī's chapter on infallibilism (al-GHAZĀLĪ 1997: II 437 note 1). This polemical reception of Abū Hāmid's theory and his need to clarify his position to his readers shows its originality. This position cannot be in anyway confused with the traditional moderate infallibilism that states the existence, in the Legislator's mind, of one solution to every juridical problem.

After clarifying his position, al-Ghazālī specifies in this addendum the types of textual ambiguities that hide a real indetermination (like general terms or extraction of nexus) and those that hint to an objective and determined truth (like the verification of nexus or the extraction of the intended meaning).⁷ He then summarizes his main ideas in ten points translated in an appendix to this paper. I will not dwell here on the different types of ambiguities that constitute the object of *ijtihād* and will rather limit myself to al-Ghazālī's justification of legal indeterminacy. But what one can keep in mind from these pages that give us the final position of the author is that within the general realm of *ẓanniyyāt* that constitutes the object of *ijtihād*, some exegetical criteria allow us to distinguish between ambiguities masking a determined answer that can be unveiled by the *mujtahid* and others that are genuinely indetermined, i. e. without any correspondence in the Legislator's mind.

5 Eissa, who devotes a whole chapter to that issue in his monography (see note 3, supra), seems to be confusing the two concepts. In fact, the debate in Islamic legal theory is always, ultimately, mujtahid-oriented, even if one can clearly distinguish between determinist and indeterminist positions. For that reason, Aron Zysow's rendering of *taḥṭī'a* and *taswīb* by "fallibilism" and "infallibilism, despite all the misunderstandings that it can generate (reported in EISSA 2017: 246-247), captures well the idea of error (and lack thereof) that constantly sticks to the debate.

6 This addendum is composed of eight folios. It is absent from the first Būlāq edition of 1325 H [1907]. Al-Ashqar includes it in his edition on the base of manuscript Chester Beatty 3879, and Hafiz in his later 2010 edition following two Cairote manuscripts.

7 This restriction of indeterminacy to only some kind of ambiguities is considered by al-Ashqar as a retraction on the 9 out of 10 of the questions. One should note that al-Ashqar disagrees with al-Ghazālī's radical infallibilism and criticizes it in the notes of his edition. For him, there is always a good answer, even in presumptive matter, that the mujtahid can hit and might miss. See for instance the long footnote on p. 408-409 in which he cites the Ḥanbalī position that he seems to embrace. On Ḥanbalī fallibilism, see BERNAND 1990.

The justification: determinacy vs indeterminacy

In order to argue in favor of radical infallibilism or legal indeterminacy, al-Ghazālī uses two kinds of arguments: one pertains to the texts (why are they indeterminate, why proofs do not always lead to the same solution) and another to the interpreter (can he be obliged to hit a given solution or miss it without being accused or can he be charged of something impossible). One can say that while the first type of arguments is directly commanded by the dichotomy determinate/indeterminate, the second one fits more with that of fallibilism/infallibilism. Nonetheless, both arguments pursue the same objective, that is establishing radical infallibilism.

Let us begin with the first type of arguments, covered by the propositions 1 to 5 of the appendix. Prop. 1 and 2 establish the relative contingency of legal signs and *rationes legis* and oppose them to rational proofs. Prop. 3 negates the existence of any implicit ruling in God's mind. Prop. 4 pertains to metaethics and is based on the conclusions of the first section of the *Mustasfā*. Prop. 5 establishes the instituted character of legal ruling—which derives from prop. 4—and adds an important principle already established in the section on unit-tradition (*āḥād*) and legal analogy (*qiyās*), that of the “displacement of certainty” according to which only the master rule establishing the obligation to act has to be certain, while the material itself can be presumptive. With this rupture between the presumption and the final categorical ruling, al-Ghazālī secures the possibility of always hitting the right answer. Let us unfold this reasoning by using other texts from the *Mustasfā*.

Prop. 1: The presumptive (*ẓanniyya*) proofs, by opposition to the rational ones, are relative (*iḍāfiyya*) and not essential (*ḥaqīqiyya*).

Al-Ghazālī opposes presumptive proofs to rational ones (prop. 1) by drawing on a broad epistemic hierarchy between *dalīl* (proof) and *amāra* (sign or indication, sometimes referred to as *alāma*). While the former leads inevitably to a determined solution, the latter, epistemically weaker, works differently:

[Text 2 a] Calling the signs proofs is a metaphor, for signs do not entail presumption *per se* but vary according to [contingent] relations. When it does not provide presumption to Zayd, it can provide it to Amr, and what provides a ruling to Zayd can provide its opposite to Amr. Its effect on Zayd could vary in two different situations, so it is not a path to knowledge. If it were a way, he would be disobedient not to hit it. (al-GHAZĀLĪ 1997: II, 432.4-7)

The difference between proofs and signs is no longer that of an epistemic strength, with proofs being stronger indicators than signs. Their whole structure is different: while *dalīl* functions like a classical sign, pointing itself to its object, the object of *amāra* is not essentially linked to it and varies according to contingent relations. Unlike *dalīl* which constantly points to the same object, *amāra* has different effects on different people (or on the same person in two different situations), and its final object varies accordingly. Therefore, *amāra per se* is incomplete without an interpreter who ultimately gives it its object, through the mediation of the effect it will have on him. We can say that while *dalīl* has a dyadic

structure and functions like natural signs, *amāra* has a triadic structure that necessarily includes the interpreter.

Prop. 2: The ratio legis is a relative sign (*‘alāma*). Measuring can be a sign (*‘alāma*) erected by God for Abū Ḥanīfa and edibility [another] sign erected for al-Shāfi‘ī.

Applied to *uṣūl al-fiqh*, this relativity of presumptive proofs coincides with that of *rationes legis* (prop. 2), the fundamental element of legal analogy, which constitutes an important part of *ijtihād*. The main consequence of the relativity of signs and *rationes legis*, by opposition to the “reality” (*ḥaqīqa*) or essentiality of proofs, is the variability of the solutions to which they lead, illustrated by the canonical example of usury.

The same idea is thoroughly developed in the following passage:

[Text 3] If one objects: what is the *ratio legis* behind the illicitness of usury according to God: is it edibility, measurability or the fact of being basic commodities? We say: each one of the two, edibility or measurability is not apt in itself to be a *ratio legis*. Saying it is a *ratio legis* means it is a sign (*‘alāma*). For he who has the presumption that measurability is a sign for illicitness, it is a sign, but not for he who has the presumption that its sign is edibility. The *ratio legis* is not an essential qualification, like eternity and createdness of the world, so that the knowledge of God should correspond inevitably to one of the two qualifications. Rather, it is something instituted, and institutions vary according to [contingent] relations. (al-GHAZĀLĪ 1997: II 435.6-11)

The whole hermeneutical vision of al-Ghazālī is embedded in this passage. While Abū Ḥanīfa deems measurability to be the real *ratio legis*, al-Shāfi‘ī admits edibility to be the one. For al-Ghazālī both are correct. The qualifications of edibility and measurability cannot function *per se* as *rationes legis* (*lā yaṣluḥu an yakūna ‘illatan li-dhātihī*). Unlike essential qualifications, relative ones are instituted (*amrun waq‘ī*) and hence, one can add, they need an institutor, which is in this case the interpreter. This presence of the interpreter, which is necessary to ascribe to signs their ultimate objects, is couched in a theological fashion at the end of the paragraph. More specifically, al-Ghazālī underlined the absence of *rationes legis* from God’s knowledge, which only contains essential qualifications. In sum, theological truths are attainable by objective proofs, while juridical presumptive truths are subjective and dependent upon the *mujtahid*’s choice.

Prop. 4: The licit and illicit are not qualities of things themselves (*awṣāf a‘yān*). Hence, it is not impossible that the same thing can be at the same time licit and illicit for two different persons.

The instituted nature of *ratio legis* and its opposition to the essential nature of rational proofs is based on a more general principle stated in prop. 4: licit and illicit, *in general*, are not qualities of things themselves (*awṣāf a‘yān*). This feature allows for variation and diversity, i. e.: the same thing bearing two different qualities for two different persons.

In adopting the general principle of the instituted character of licit and illicit, al-Ghazālī provides the ultimate founding principle for his radical infallibilism. Unlike the other propositions, prop. 4 is not directly a hermeneutical principle but rather a metaethical one.

For that reason, al-Ghazālī addresses it in the beginning of the *Mustasfā*, in the section where he outlines his ethical relativism.

The first part (*qutb*) of the book is dedicated to rulings (*ḥukm, aḥkām*). It begins with a theoretical discussion that corresponds to the theological chapters on the rational value of good and bad (*al-taḥsīn wa-al-taqbīḥ*). A similar discussion can be found in al-Ghazālī's theological treatise *al-Iqtisād fī l-ʿItiqād*. However, the section of the *Mustasfā* proceeds differently and is more directly *ḥukm*-oriented. Al-Ghazālī begins by questioning the nature of rulings: are they essential qualifications of the acts that can be defined without any legal discourse or do they fully depend upon the legal discourse? For Mu'tazilis, the revealed legal rulings are in part the expression of rational ethical rulings attached essentially to acts ascribing a moral value to them before Revelation. For al-Ghazālī and Ash'arīs, there is no such rational ethical rulings preexisting to the revealed law, which is fully dependent upon God's Will.⁸ He then draws the following consequence:

[Text 4] On this account, if Revelation had not come down no act would have been distinguished from another other than by accord [with one's objectives] or contrariness [to them], which varies according to [contingent] relations. But these usages [do not refer to] an attribute of essence. (al-GHAZĀLĪ 1997: I, 112.2-4)⁹

Before Revelation, the ethical value of acts is solely defined by mundane ethics, following a fundamental utilitarian principle anchored in human nature, that of seeking pleasure and the aversion to pain: an action is deemed good when it complies with one's objectives, and bad when it opposes them. No other ethical principle interferes in guiding human actions. Therefore, since human objectives are not the same for everybody, these values vary accordingly and cannot be considered as fixed attributes of essence. As in text 2a, al-Ghazālī opposes here attributes of essence (*ṣifa li-l-dhāt, li-dhātiha*) to what is *bi-al-idāfa* or *bi-al-idāfāt*, in a peculiar use of this expression, without any complement, to qualify what is relative and non-essential.

For Mu'tazilis, ethical values are essential attributes of acts (*awṣāf a'yān*, cf. prop. 4). Therefore, licit and illicit are, in a large part, also essential attributes. For al-Ghazālī, on the contrary, both ethical (pre-revelational) and legal (post-revelational) rulings lack the feature of essentiality: before Revelation, ethical values vary according to contingent relations, i. e. our objectives, and after Revelation, legal rulings are instituted by God's discourse. Therefore, if the clear and categorical rulings of God's discourse are fixed and do not vary, it is not because they have essential relations with the acts they qualify, but because they have been instituted by a clear and fixed discourse. Ontologically speaking, we may say that although they are "eternal" or at least stable, they still lack the modality of necessity and are only possible or contingent, which means that they could have been different.

8 The metaethical problem in Islamic theology has been well explored. For an introduction to the whole question, see SHIHADDEH 2016. For Ash'arism and al-Ghazālī in particular, see HOURANI 1976 and VASALOU 2016. There is an English translation of this chapter of the *Mustasfā* in REINHART 1995: 87-104. For an English translation of the metaethical section of the *Iqtisād*, see ALADDIN 2013: 157 sq.

9 Translation by Kevin REINHART, with some modifications.

Prop. 3: The distinction between what is a ruling *in potentia* and a ruling *in actu*.

The instituted character of all rulings is specifically visible when it comes to presumptive ones. Unlike the non-essential nature of clear and categorical rulings, which do not have any hermeneutical consequences, presumptive rulings allow diversity and variation. Also, while the categorical rulings have been already instituted by God's discourse, the presumptive ones have not yet been. *Prop. 3* establishes this specific point by dissociating rulings *in potentia* from rulings *in actu*. The formulation of *prop. 3* may be misleading, and should be supplemented with another passage where al-Ghazālī explicitly denies any existence for potential rulings (al-GHAZĀLĪ 1997: II, 430.3-15 and 433.8-11). The objective of such a denial is to dismiss all determinate or quasi-determinate arguments drawing on the preexistence in God's mind of certain implicit rulings, as stated by the doctrine of verisimilitude (*ashbah*) held by some Mu'tazilī infallibilists (BERNAND 1990: 151-172). Only categorical rulings *in actu* exist and are known through God's discourse. All others, premised on presumptive texts, do not exist before their institution by the *mujtahid*. One of al-Ghazālī's constant strategy in this whole section is to draw a sharp line between categorical and easily reached clear discourse (*in actu*) and everything else (*in potentia* = inexistent) without allowing any degree or intermediate posture between those two extremes. One can find here a strict parallel with the Ash'arī denial of capacities and intrinsic *dunamis* in nature, reducing reality, in a Megarian fashion, to what plainly exists (BOU AKL 2016).

Prop. 5: A ruling is conventional and relative, not essential, and it can follow presumption (*ẓann*) and be based on it. It does not precede presumption. Thus, a presumptive [proposition] may be subject to doubt while the ruling based on it is categorical, like when the Prophet judges that the testimony of two witnesses providing a strong presumption (*ghalabat al-ẓann*) is sincere, because in this case, he doubts their sincerity while being categorical about the judgment and about hitting the point in the judgment. The same applies to the *mujtahid* concerning the testimony of the source to the derived ruling.

The epistemic consequence of the inexistence of rulings *in potentia* is that they follow both chronologically and ontologically the *mujtahid*'s presumption instead of preceding it. In *prop. 5*, al-Ghazālī reformulates the principle of "displacement of certainty" (ZYSOW 2013: 23) generally used to establish the validity (*hujjiya*) of *qiyās* and solitary reports, and more generally, to allow the extraction of rulings from presumptive material: by adding an external ruling or a master rule according to which presumption is a categorical sign of the necessity of action, this principle resolves the problem of the lack of certainty in juridical material. Al-Ghazālī illustrates it by the example of testimony, a fundamentally presumptive and hence necessary proof in trial (and in *uṣūl*, when it comes to unit-tradition): while the testimony of two witnesses only leads to a strong presumption (and not to certitude), the judgment concerning their sincerity is categorical, because it draws its certitude from an exterior legal principle. This allows him to establish the existence of two different and equally true categorical rulings.

Therefore, *prop. 5* allows to complete the process and to give it what it needs to work in a legal context: signs are contingent relations, so are *rationes legis*; all God's legal discourse

is instituted and is not preceded by any essential ethical quality of acts; so is the case for the *mujtahid*'s solutions for new rulings. This fully instituted character allows several contradictory new rulings to follow presumption and nevertheless be all equally categorical and true.

The concept of harm: fallibilism vs infallibilism

The last set of propositions, from 6 to 10, pertains to the *mujtahid* and falls within the bounds of the aforementioned fallibilism/infallibilism dichotomy. The core of these arguments is to consider norm construction as a legal charge (prop. 6). The last four propositions raise all the problems related to this issue. Two important theological principles are generally used in this kind of argument. The first one is that of optimum, used by Mu'tazilis and absent from al-Ghazālī's propositions. According to that principle, since God is obliged to seek the optimum of his creature, he cannot but reward all his jurists. The second principle is that of the charge of impossible, stated in prop. 10.¹⁰

In what follows, I will only focus on prop. 9, which is related to metaethical issues and may help us connect the two topics in al-Ghazālī's thought.

Prop. 9: One cannot be summoned to hit the point and not be accused of error if he leaves it.

For all parties, except a minority, no interpreter should be incriminated (*ta'thīm*) for his error when dealing with presumptive issues in law. This unanimous principle is scripturally based on a consensus of the Companions. In the debates, it constitutes a shared premise between all parties, used by each to prove one's point. For the proponents of legal determinacy, if the interpretation is not incriminated, this does not mean that error does not exist. As Averroes states, in his *Abridgement of the Mustasfā* and in the *Decisive Treatise*, this kind of error, coming from an expert dealing with difficult issues, is forgiven. The concept of forgiveness allows Averroes to untie the link between error and accusation of error. The *mujtahid* has the obligation of hitting the right answer. However, he will be forgiven if he misses it (BOU AKL 2019).

Al-Ghazālī uses the same shared argument of non-accusation of error to prove the exact opposite position. For him, the fact that the Companions were unanimous in avoiding any accusation of error is a proof that the very possibility of error does not exist, i. e. that there is

¹⁰ For optimum and infallibilism, see ZYSOW 2013: 265, and for the charge of impossible, 269. Mu'tazili optimism can be also used to defend fallibilism, as it is clear from the following objection raised by al-Ghazālī: "Maybe God knows that the advantage (*ṣalāh*) of humankind resides in Him not posing rulings to cases, and making its ruling following the presumptions of *mujtahids*" (al-GHAZĀLĪ 1997: II, 433.15-17). One should note that infallibilism, in its radical version, is also the doctrine of some Baṣrī Mu'tazilī, a piece of information completely absent in al-Ghazālī's discussion for obvious strategical reasons. Hence, the link he establishes between ethical relativism and indeterminacy gives the impression that Mu'tazilis cannot be but proponents of legal determinacy, since they consider that values are essential attributes of acts. But al-Ghazālī chooses his opponents carefully: be it in the first metaethical section or in the last one, he seems to argue only against Baghdadi Mu'tazilis, known for their fallibilism and their strict moral realism.

no single right answer to a juridical issue. While this position may seem sophisticated, it corresponds to an important Ash'arī meta-ethical principle defended by al-Ghazālī: the concept of obligation (*wājib*) entails or contains in its very definition that of sanction (*'iqāb*) or more broadly that of harm (*darar*). Therefore, since an obligation without a sanction is inconceivable, the absence of any sanction or harm towards an action is a necessary sign of the absence of any obligation to perform that action.

The concept of harm is fundamental in the Ash'arī definition of obligation. Things can be described as follow: before Revelation, reason is not a source of ethical obligations to human beings. Human actions are solely guided by the aforementioned fundamental utilitarian principle, that of seeking benefit and avoiding harm. From this principle stems the only conceivable obligation: avoiding any harm to oneself. Reason in this scenario is a mere instrument that helps us fulfill this obligation, which is anchored in the non-cognitive part of our soul. For instance, a starving man has the obligation to eat in order to stay alive and repel the harm of death. Without any harm to repel, no obligation can be conceived. In the same vein, the very act of adhering to the law by accomplishing the “first obligation” (*al-wājib al-awwal*) that moves us from the pre-revelational state to the post-revelational one follows the same and only mechanism that motivates human being: repelling harm, which is, in this case, the great harm in the afterlife described by the Revelation. Therefore, the obligation to adhere to the law does not rest on an ethical reasoning, indicating to the individual the goodness of the prophetic message, but from the human nature and its desire to repel a future harm in the afterlife.¹¹ From this perspective, harm forms a bridge between Ash'arī mundane or pre-revelational ethics and the religious or post-revelational one, solely based on the discourse of the law.

Juridically speaking, obligation as a legal category is also defined as an action the omission of which entails a sanction:

[Text 5] In sum, hitting the point is either something impossible or something possible. But [on the one hand], to the impossible no one is bound [,therefore, it cannot be impossible]. And [on the other hand], omitting to reach what is possible is a disobedience and a sin. And one cannot say: “One [indeed] received an order [which fulfilment is possible] but if one leaves it, one will neither be disobedient nor sinful, but forgiven.” Such [a claim] contradicts the very definition of order and obligation, for obligation is [an action] which omission entails sanction and blame. (al-GHAZĀLĪ 1997: II, 414.20-23)

Sanction is therefore a necessary sign for the existence of an obligation and its absence implies the absence of any obligation to hit the point. Like any human being who will never reflect on the law if there is no fear of a greater harm in the afterlife, the *mujtahid* cannot be obliged to hit the point without the fear of being sanctioned if he misses it. Consequently, since the obligation of hitting a determined ruling cannot stand, it should be replaced by another one, that of ruling according to his own presumption.

¹¹ The link between harm and obligation is more explicit in the *Iqtisād* section than in the *Mustasfā*. See VASALOU 2016: 107-19, especially 117 for the “first obligation”.

From a strict legal perspective, al-Ghazālī has so far fully established his legal indeterminacy or radical infallibilism, using epistemic as well as legal arguments. In the aforementioned ten propositions, there are no allusions whatsoever to the reasons explaining the divergence between *mujtahids*.

After all, this divergence may come from the different paths contemplation (*ta'ammul*) can lead into, as stated by Johansen in his study cited above. Dissent and different opinions are grounded and justified, in the eyes of the jurist, in the non-cognitive concept of *ta'ammul*. However, al-Ghazālī goes a step further in explaining the reasons of that divergence, anchoring it in an entirely non-cognitive faculty of the soul that he examined in his meta-ethical question, that of *ṭabʿ*, to which we dedicate the last part of the study.

It is important to note at this stage that the two concepts of *ta'ammul* and *ṭabʿ* are not situated at the same level. Each one of them addresses a particular audience. Contemplation is a prescriptive concept addressed to the jurist. It instructs the jurist on how to experience and lead the process of *ijtihād*, and allows him, following Baber Johansen, to have a greater margin of action. It is a theoretical concept oriented towards practice and meant to guide this practice. On the contrary, *ṭabʿ* is a more critical and reflexive concept. It justifies *ex post* the process without playing any role in its elaboration. Its aim is not to guide the practice of *ijtihād* and in that sense, it is not addressed to the jurist *qua* jurist, who does not need to know (or even who should not know) that his decision is ultimately guided by his *ṭabʿ*. As I will briefly show in the conclusion, *ṭabʿ* and the whole idea of legal indeterminacy belong less to law than to rational theology, a critical and reflexive discipline that unveils juridical illusions and to which al-Ghazālī gives preeminence over *fiqh*.

***Ṭabʿ*, from “appetitive self” to “disposition”**

It has been established that reason is not a source of obligation and that ethical values are not themselves qualifications of actions which reason can grasp. Therefore, our evaluation of good and bad does not stem from any rational faculty. As we have seen, al-Ghazālī shows that this evaluation is grounded, before the revealed law, in our self-interested purposes guided by a utilitarian principle. One should note a very important feature of this principle in its Ashʿarī version: it is founded in our desire, contrary to Muʿtazilīs who linked it to intuitive knowledge (VASALOU 2016: 118-119).

Therefore, while reason is not a source of ethical or legal obligation, *ṭabʿ* is the ultimate explanation of our norm evaluation process before the law:

[Text 6] Applying [the terms] good and bad to acts is like applying them to pictures: one whose disposition (*ṭabʿ*) is attracted to a picture or to an individual's voice judges him to be good; one whose disposition is averse to a person deems it bad. Many a person is repulsed by one disposition (*ṭabʿ*) and attracted to another: he is therefore

good for one disposition and bad for the other. For example, one group may approve of brown-skinned and another detest them. (al-GHAZĀLĪ 1997: I, 113.12-16)¹²

Likewise, in the very continuation of text 2a, one can read:

[Text 2b] The origin of that error is applying the term proof metaphorically to signs. It leads to the presumption that signs are real proofs, whereas presumption is the inclination of the soul to something. Appreciating benefits is like appreciating pictures. For those whose disposition (*tabʿ*) agrees with a picture are inclined to it (*māla ilayhā*) and call it good. This very thing can contradict another disposition, which will call it detestable since it is repulsed by it (*yanfuru ʿanhu*). Being brown-skinned is beautiful for one group, detestable for another. For those are relational predicates (*umūr idāfiyya*) without any truth in themselves. (al-GHAZĀLĪ 1997: II, 432.7-13)

The process of norm evaluation in the metaethical section and of norm construction in the last section are compared to subjective aesthetic evaluation ruled by the inclination and repulsion of the *tabʿ* and not by objective rational standards. The explicit parallelism established by al-Ghazālī, who takes the same example of the beauty of brown-skinned people, is meant to convince the reader in the last section on the basis of what had been already established in the beginning. In both cases, and by opposition to a cognitive evaluation model which constantly leads to the same solution, the aesthetic model and the concept of *tabʿ* allow us to explain the diversity of norm evaluations before the law and its diversity in a legal hermeneutical context of norm construction. Therefore, in the case of *mujtahid-s*, *tabʿ* is the ultimate explanation of the variety of effects of presumptive signs on them:

[Text 2 c] If someone says: brown-skinned are beautiful or ugly according to God, we answer: there is no reality in its being good or bad for people except its being accorded to some people's disposition (*tabāʿi*) or being contrary to it. And it is for God as it is for the people. For God, it is good according to Zayd and bad according to ʿAmr, since there is no sense in its being good except its accordance with Zayd's disposition, and no sense in its being bad except its contrariety with Amr's disposition. (al-GHAZĀLĪ 1997: II, 432.13-16)

Since beauty and ugliness are not rational attributes, they vary according to the judgment of individuals and therefore are absent from God's mind. The same logic for proofs and signs applies here: the presence of the former in God's mind is a guarantee of their universality and of the possibility to grasp them by reason, and the absence of the latter (as well as of aesthetic judgment and, we may add, pre-revelational ethical judgment) confirms and legitimizes their contingency. To push it a step further, signs are not totally absent from God's mind according to al-Ghazālī: as he states it in the text, they seem to be present in their diversity or as they relate diversely to individuals, since the only definition one can give of good and bad is

¹² Translation of Kevin REINHART, with some modifications. For *tabʿ* in norm evaluation, see VASALOU 2016: 107-19.

relational (accordance and contrariety) and thus depends on their effect on the *mujtahid's* *ṭabʿ*.

Al-Ghazālī illustrates his idea with a historical example, that of the divergence between Abū Bakr and ʿUmar on the issue of *ʿaṭāʾ*, the war pension of Muslims in the early days of Islam: while the former leaned towards equal pensions for everyone, the latter grounded it on merit.¹³ This is due, according to al-Ghazālī, to a difference in their temper and innate character (*khilqa* and *sajyya*), two non-cognitive concepts that may be related to *ṭabʿ*.

[Text 2d] Likewise, giving the desire to pursue virtues by disproportional gifts (*ʿaṭāʾ*) is good for ʿUmar [Ibn al-Khaṭṭāb] and in accordance with his point of view, while the same thing is not in accordance with Abū Bakr [al-Ṣiddīq]. On the contrary, for him, the world is only a mean and one should not pay any regard to it. (al-GHAZĀLĪ 1997: II 432.17-433.1)

In displaying variance in norm constructions between two equally eminent figures of early Islam, al-Ghazālī validates the diversity in legal solutions. In this context, *ṭabʿ* is no more an affective concept that explains egotistic attitudes by opposition to altruistic ethical behavior. Its use in this last section is more neutral as is shown by the following text where it plays a direct role in the jurist's hermeneutical process:

[Text 7] The difference of characters, situations and practices entails a difference in presumptions. One who practices rational theology possesses a disposition (*ṭabʿuḥu*) corresponding to a specific type of proofs that guides his presumption (*yataharraku bihā ḡannuhu*), which does not correspond to the one who practices *fiqh*. Likewise, someone who practices predication is inclined to that specific type of speech. [Presumptions] also differ according to characters: those in which anger predominates have their soul inclined to audacity and revenge; on the other hand, those with a sensible nature (*man lāna ṭabʿuḥu*) and a gentle heart have an aversion for it and are inclined to gentleness and conciliation. (al-GHAZĀLĪ 1997: II, 413.8-13)

This paragraph explains more precisely the relation between *ṭabʿ* and norm construction, since it concerns scholars and intellectuals rather than political figures. The cognitive process of pursuing the truth through different kinds of proofs is anchored in the different dispositions of the scholars. These dispositions are tied to their practice (*mumārasa*): theologians and jurists are not guided by the same presumptions because of their different practice and background, which may explain their two different ways of doing legal theory. To this divergence according to practice, al-Ghazālī adds that depending upon the different characters of the individuals: anger and kindness as natural dispositions can also have an influence on the presumptions leading to the solutions. However, one should note that these two last dispositions, being related to emotions, seem irrelevant in a strictly intellectual or exegetical context, that of *uṣūl al-fiqh* for instance, and fit more in a political or judicial context: that of *siyāsa* (cf. the pension issue) or that of a judge driven by his character in his search for a conflict resolution.

¹³ On the issue of *ʿaṭāʾ*, see Cl. CAHEN, “*ʿaṭāʾ*”, in *IEP*. This difference between Abū Bakr and ʿUmar is related by Abū Yūsuf in *Kitāb al-Kharāj*. See ABŪ YŪSUF 1979: 42-43.

In this new post-revelational context, *tab'* is given the positive connotation lacking in the former metaethical section, where it is exclusively presented as a negative concept. There, *tab'* as a disposition is perfectly rendered by the “appetitive self”, since it explains human actions and desires without resorting to reason, and in accordance with the Ash'arī intuition of a human being driven by the irrational part of his soul (VASALOU 2016: 27). However, this same disposition works differently within the boundaries of Revelation. This transformation between a pre- and a post-revelational context is mainly due to the objectives pursued by al-Ghazālī in each section: his metaethical section is above all critical and solely aims to destroy the Mu'tazili pretension of a universal ethical reason and subsequently, any intrinsic moral value to acts. Against this pretension, al-Ghazālī draws a dark anthropological portrait of human beings driven by their egotistic desires in order to pave the way to the Revelation as the only valid source of ethico-legal rulings. However, after Revelation, and within its boundaries, the same human faculty of *tab'* is invested with a positive role, that of norm construction: rather than pursuing self-oriented purposes, it can now let itself be guided and affected by revealed presumptive signs in order to fill the gap of the Legislator's intention. In a way, Revelation redeems this human faculty by giving it a positive function that legitimates diversity within the boundaries of Revelation. This positive function blurs the sharp opposition between human nature and God's command, or, to put it differently, between human natural ethics and Divine revealed law. Humans do need a prophet to inform them of God's command, since they cannot rely on their own natural ethics to seek salvation. However, within the boundaries of divine discourse, human nature appears to be a fundamental and reliable tool to achieve such a goal.

Conclusion: Theology as a critical discipline

As mentioned earlier, this position of radical infallibilism raised a number of objections that led al-Ghazālī to reformulate his thought and explain it in an addendum. From an ethical point of view, declaring a total indeterminacy in God's presumptive texts and giving explicitly to the *mujtahid* the full power to assign from scratch a ruling without any possibility of committing an error can be seen as puzzling and even as scandalous. The objection refuted in prop. 7 (how can one posit a *quaesitum* without any possibility of error in case he misses it) is a technical formulation of a broader question: can we still talk about an explanation of God's words or even of a hermeneutical process if nothing in the text itself may help the *mujtahid* tip the scales in favor of what constitute, in one way or the other, God's intention? As al-Isfarāyīnī puts it, radical infallibilism is at best sophisticated and at worst heretical (*awwaluhu safsaṭa wa-ākhiruhu zandaqa*), a statement carefully anonymized by al-Ghazālī who cites it as one of his opponents objection.¹⁴ If this statement shows anything, it is that unlike other juridical issues, this one carries an ideological weight and cannot be dealt with regardless of its social consequences. This may explain the public's reactions that prompted al-Ghazālī to write his addendum.

¹⁴ This statement is cited in al-Juwaynī's *Burhān*, in a last added section on *ijtihād* (absent from the edition of Beirut). See al-JUWAYNĪ 1979, II: 1319, §1426. Al-Ghazālī cites it in al-GHAZĀLĪ 1997, II: 415.14.

In a way, al-Ghazālī himself was aware of the importance of such a belief in legal determinacy from the perspective of the jurist involved in the process. At the end of our long-quoted paragraph (text 2a to d), he says:

[Text 2e] This is the truth concerning presumptions that should be understood in order to uncover the question. Jurists have erred in it since they thought that illicit and licit are qualities of the things themselves, like other people thought that good and bad are qualities of essences. (al-GHAZĀLĪ 1997: II, 433.2-4)

Al Ghazālī draws an analogy between Mu‘tazilis and jurists: like the former thought that good and bad are qualities of essences, missing thus their relative and instituted nature, the latter thought that illicit and licit are qualities of things themselves. However, both are not treated in the same manner. While Mu‘tazilism is challenged in order to be replaced by Ash‘arism, jurists and their discipline only occupy a lesser rank than theology in the hierarchy of sciences.¹⁵ When al-Ghazālī cites anonymously al-Isfarāyīnī’s condemnation of radical infallibilism, he considers it as stemming from a good-hearted jurist (*faqīh salīm al-qalb*) ignorant of *uṣūl* (legal theory or may be more broadly principles of science), of the definition of contraries and of the true nature of ruling, naively thinking that licit and illicit are qualities of things themselves. Al-Ghazālī’s opposition to jurists in this section looks more like an “epistemological division of labor” between two disciplines framed in a mass/elite dichotomy, as if the illusion of rational proofs leading to determined solutions was a necessary fiction that allows jurists to fulfill their role when accomplishing the hermeneutical process : the objection raised in prop. 7 (the impossibility of a quest when the *quaesitum* is absent), may hold, not as an absolute truth, but as a relative one for those who are engaged in practical reasoning. Instead, al-Ghazālī assigns to theology the role of describing this process and revealing the origin of that illusion, in a theoretical moment that is not directly meant to guide action but to describe it *ex post* in a reflexive or critical way. This critical function assigned to theology is not new in Abū Hāmid’s career and it has already proven its worth, since it helped him some fourteen years ago to unveil the philosopher’s greater illusion of a natural causality in his *Tahāfut al-falāsifa*.¹⁶

15 This competition between jurists and theologians is a recurrent theme in legal theory. According to Aron Zysow, infallibilism, which was mainly a position of theologians as opposed to jurists, was a way to deny to *fiqh* and *jadāl* any scientific nature and to downgrade it in comparison with *kalām*, which is based on rational proofs leading every time to one true solution (ZYSOW 2013: 275-76.). This aspect is heavily present in our text, especially when al-Ghazālī criticizes *‘ilm al-jadal* and its claim to really resolve juridical problems instead of confining itself in its gymnastic function (al-GHAZĀLĪ 1997, II: 422-423).

16 On this whole issue of natural causality in al-Ghazālī’s *Tahāfut*, see GRIFFEL 2009: chap. 6.

Appendix (al-GHAZĀLĪ 1997, II: 446.3-447.2)

- Prop. 1: The presumptive (*ẓanniyya*) proofs, by opposition to the rational ones, are relative (*idāfiyya*) and not essential (*ḥaqīqiyya*).
- Prop. 2: The *ratio legis* is a relative sign (*‘alāma*). Measuring can be a sign (*‘alāma*) erected by God for Abū Ḥanīfa and edibility [another] sign erected for al-Shāfi‘ī.
- Prop. 3: The distinction between what is a ruling *in potentia* and a ruling *in actu*.
- Prop. 4: The licit and illicit are not qualities of things themselves. Hence, it is not impossible that the same thing can be at the same time licit and illicit for two different persons.
- Prop. 5: A ruling is conventional and relative, not essential, and it can follow presumption (*ẓann*) and be based on it. It does not precede presumption. Thus, a presumptive [proposition] may be subject to doubt while the ruling based on it be categorical, like when the Prophet judges that the testimony of two witnesses providing a strong presumption (*ghalabat al-ẓann*) is sincere, because in this case, he doubts their sincerity while being categorical about the judgment and about hitting the point in the judgment. The same applies to the *mujtahid* concerning the testimony of the source to the derived ruling.
- Prop. 6: The ruling is a legal charge, and one of the conditions of the legal charge is to reach the person responsible of carrying it. There is no legal charge according to God, and thus no ruling according to him, before it reaches the concerned person.
- Prop. 7: A quest despite the absence [reading *intifā’*] of any ruling for God is possible. It is possible that the legal case contains a determined ruling but it is also possible that it does not contain one.
- Prop. 8: Error is a noun, that can be said relatively to what is necessary (which is its true meaning), or to the object of the quest, which is a metaphorical use.
- Prop. 9: One cannot be summoned to hit the point and not be accused of error if he leaves it.
- Prop. 10: One cannot be summoned to hit that on which there is not a categorical proof, because it would be a charge of the impossible.

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The Ethical Turn in Legal Analogy: Imbuing the *Ratio Legis* with *Maṣlaḥa**

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Abstract

Al-Ghazālī's articulation that the purposes of the divine Law (*maqāṣid al-sharī'a*) are to attain *maṣlaḥa* for the five necessary elements of human existence was not only novel but had long-lasting influence on the way Muslim jurists understood the procedure of analogy (*qiyās*). The correctness of the *ratio legis* was determinable by its consequences in bringing about *maṣlaḥa*. This shift was possible only by intellectual shifts in understanding the relationship between ethics and law. This paper traces the development in conceptions of ethics and its impact on the procedure of analogy in three 5th/11th century predecessors of al-Ghazālī, namely al-Baṣrī, al-Dabbūsī, and al-Juwaynī. It shows that al-Ghazālī's definition of the purposes of the Law was developed based on previous conceptual shifts in the *ratio legis* from being a sign for the ruling to reflecting the ethical content of the divine injunction.

Keywords: Analogy, *Ratio Legis*, *Maṣlaḥa*, Ethics, al-Baṣrī, al-Dabbūsī, al-Juwaynī

Introduction

Notwithstanding broad agreement that, in the final analysis, God is the Creator of everything, Muslim scholars differ on what that means for human autonomy in their actions—ranging from views that human acts are preordained, to various conceptions of human acquisition of actions that God creates, to positions that admit free will in what a person chooses to perform. From a religious law perspective, however, some form of autonomy in and accountability for people's action is expected, or else the qur'anic accounts of the Day of Judgment would be meaningless and implementing in this life any of the prescribed punishments (*ḥudūd*) for transgressing a divine prohibition would be religiously senseless, though perhaps socially appropriate.

The notion of religious accountability (*taklīf*) raises the question of how one can best prepare for this Day of Judgment? Revelation informs human beings about matters of belief,

* I want to express sincere gratitude for the extensive feed-back I received on this paper from Ferial BOUHAFI and the anonymous reviewer. Both were instrumental to improving the present essay, pointing toward additional scholarship to consult and ways to enhance the structure and clarity of my arguments. The remaining shortcomings fall solely upon me.

the cosmos, divine commands and prohibitions, and that obedience to God's decrees may be rewarded, whereas disobedience may be punished. Yet, the revealed Law¹ is finite in its material, whereas the possibilities of human acts and contingencies are infinite. The question, in short, is: Are humans held accountable in the Afterlife for all of their conduct in this world, or only for those acts for which God specifically prescribed a course of action in the revealed Law? Is the religious Law all-encompassing or is there a purely secular sphere to which it does not apply? If human responsibility toward God extends only to following the textually established laws, then all acts that Revelation does not *explicitly* address fall outside the purview of the divine Law, are assessed according to mundane standards, and have no repercussion on one's after-worldly destiny. The majority of Muslim scholars, however, do not endorse such an extreme position. Their intellectual endeavors in delineating human accountability in the eyes of God produced volumes of scholarship in the discipline of legal theory—*uṣūl al-fiqh*. Legal theory is the arena of Muslim scholarship that discusses, among other topics, the believer's moral obligations and how to discern them from the scriptural sources of the Law.² Fadel calls *uṣūl al-fiqh* 'moral theology' on account of its concern with the correct ethical conduct of humans from the perspective of God (FADEL 2008: 23-24). Legal theory deals not only with those situations mentioned in the Qur'ān and Ḥadīth but also those circumstances not directly addressed in Scripture. The latter inquiry is often resolved by recourse to legal analogy (*qiyās*), a practice that most Muslim jurists, irrespective of their theological leanings, support (ZYSOW 2013: 192-236). In the procedure of *qiyās*, a ruling (*hukm*) from a source (Qur'ān, Ḥadīth or Consensus [*ijmā'*]) is transferred to a situation that is not directly addressed in these sources on account of a common factor, the so-called *ratio legis* ('*illa*'), which is present in the source (*asl*) and the unaddressed situation (*far'*).

Starting in the late 5th/11th century, one finds in Sunnī jurisprudence the tendency to identify the *ratio legis* with ethical considerations. Jurists articulate the link between the '*illa*' and its ruling as a suitable (*munāsib*) association, recognizable by the ruling bringing about *maṣlaḥa* for the believer in this world (and the next); with attaining *maṣlaḥa* understood as God's purpose (*maqṣad*, *maqṣūd*) in revealing His Law to humankind. Identifying the *ratio legis* in ethical and consequentialist terms had a major impact on subsequent generations of Muslim legal theorists to this day. It became the dominant way to determine *rationes legis* in most works of legal theory, in particular among Shāfi'ī, Mālikī and Ḥanbalī jurists.³ It changed not only the way Muslim jurists understood the function of the *ratio legis* and, hence, analogical reasoning, but also jurists' comprehension of God's legislative intent for human society. As Zysow points out in his study of the epistemological dimension of legal theory, understanding the *ratio legis* as reflective of the divine legislative intent of revealed rulings

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- 1 In this paper, the term 'Law', capitalized, is used to capture the Arabic *shar'*, *sharī'a*, and *sam'*, encompassing the rules and principles derived from the Qur'ān and prophetic *ḥadīths*, both of which are deemed to be divinely revealed or inspired and are here referred to as 'Revelation' and 'Scripture'.
 - 2 Inquiring into humans' moral obligations as laid out in Scripture also involves investigations into the language of the revealed Law and its epistemological bases. Hence, *uṣūl al-fiqh* are sometimes studied through the lens of language or epistemology (cf. ALI 2000; GLEAVE 2012; VISHANOFF 2011; ZYSOW 2013).
 - 3 As Ahmad Hasan shows, the impact of understanding the revealed law in terms of *maṣlaḥa* was lasting as well as spanning all four legal schools of Sunnī Islam (HASAN 1986: chapter 10 and chapter 13).

was not widely accepted prior to the late 5th/11th century. Rather, many influential legal theorists saw the *ratio legis* as a ‘sign’ for its ruling, disassociating it from any ethical purposive dimension (ZYSOW 2013: 192-236). The ethical turn in the procedure of analogy gave slow but steady rise to the genre of *maqāṣid al-sharīʿa*, which, for better or worse, dominates contemporary legal discourse (OPWIS 2019).

The first full-fledged formulation of the ethical and consequentialist character of the divine Law was articulated by the Shāfiʿī Ashʿarī scholar Abū Ḥāmid al-Ghazālī (d. 505/1111). He posited that the purpose of the Law (*maqṣūd al-sharʿ*) is *maṣlaḥa*, namely to protect for humankind their religion (*dīn*), life (*nafs*), intellect (*ʿaql*), offspring (*nasl*), and property (*māl*); what attains and preserves these elements on the level of necessity (*darūra*), need (*ḥāja*), and improvement (*taḥsīn*) is a *maṣlaḥa*, and intended by the Lawgiver, and what harms them is a *mafsada*, a detriment intended to be averted (AL-GHAZĀLĪ n.d.: II, 481-482). Al-Ghazālī justified defining God’s purpose as preserving these five elements of human existence with the scriptural prohibitions and harsh punishments for apostasy (*ridda*), retaliation (*qiṣās*), drinking wine (*sharb al-khamr*), fornication (*zinā*), and theft (*sariqa*) (al-GHAZĀLĪ n.d.: II, 482-483). The purpose of the Law is, thus, to protect and bring about good things (*maṣāliḥ*) for humans. By tangibly defining what these objectives are, al-Ghazālī linked the *ratio legis* of individual rulings to the ethical dimension of the divine Law.

Taking *maṣlaḥa* into consideration allowed al-Ghazālī to decide cases that were not expressly regulated in the scriptural sources of the Law. He argued that *maṣlaḥa*, or more precisely the scripturally unattested *maṣlaḥa* (*maṣlaḥa mursala*), as an expression of God’s legislative intent, is a valid criterion, or *ratio legis*, to determine rulings for such cases. A ruling that brings about *maṣlaḥa*, thus, accords with the objectives of the divine Law. Moreover, al-Ghazālī operationalized the inferred purpose of the Law by employing the criterion of suitability (*munāsaba*) as a way to correctly identify the *ratio legis* of divine rulings. Determining the correct ruling by whether or not it brings about and preserves *maṣlaḥa* for the believer in this life, al-Ghazālī made an explicit connection between God’s legislative intent and the *ratio legis* in legal analogy,⁴ understanding the *ratio legis* as expression of the purpose of the Law.⁵ The *illa* in al-Ghazālī’s conception, thus, becomes a proxy for the ethical dimension of God’s Law.

That the goodness of a ruling is recognizable in the mundane consequences for the five listed objectives was a watershed moment in conceptions of legal analogy.⁶ While we have ample research on the impact of al-Ghazālī’s conception of God’s legislative intent on subsequent generations of jurists, we know less about how the *ratio legis* came to be imbued with *maṣlaḥa* as a tangible criterion for correctly identifying it. When looking at 4th/10th century jurists, we find, for example, the Shāfiʿī al-Qaffāl al-Shāshī (d. 365/976) expressing the view that the divine attribute of wisdom (*ḥikma*) entails that God’s Law was

4 Al-Ghazālī’s assertion that God’s Law is purposeful goes against the position of his Ashʿarī predecessors al-Bāqillānī (403/1012) and al-Mutawallī (d. 478/1085) that God’s perfection and omnipotence preclude that there is a purpose or reason (*illa*) for His action (FRANK 1983: 209-210).

5 Cf. al-Ghazālī’s section on identifying suitability as *ratio legis* (al-GHAZĀLĪ n.d.: IV, 620-624).

6 This essay is also an addendum to Hourani’s view that Muslim scholars held that there was no unifying ethical principle in divine rulings, though he admits that this position only holds for the formative period of Islam (HOURANI 1985: 57 and 62).

revealed for the *maṣlaḥa* of humans. Yet, in actual law-finding, he makes no connection between wisdom, *maṣlaḥa*, and the *ratio legis*.⁷ Similarly, the Ḥanafī scholar Abū l-Ḥasan al-Karkhī (d. 340/952) refers to the wisdom behind God’s rulings, calling it *ḥikmat al-ḥukm*, but he, too, does not operationalize it in the procedure of *qiyās* (EL SHAMSY 2014: 26-28). The Mu‘tazilī-Ḥanafī jurist al-Jaṣṣāṣ (d. 370/980) explicitly rejects using *maṣlaḥa* as criterion to identify the *ratio legis*. He relegates concerns with *maṣlaḥa* to the field of theology, though mentioning that some jurists determine ‘*illas*’ by the *maṣlaḥa* attained (al-JAṢṢĀṢ 1981: 134-135; SHEHABY 1982: 40; OPWIS 2010: 19-20).

In the following, I seek to narrow the gap in our knowledge by presenting the thought of three 5th/11th century jurisprudents preceding al-Ghazālī on questions of ethical epistemology, divine purposiveness, and identifying the *ratio legis* in legal analogy.⁸ My aim is to offer a window into the intellectual history of the *maqāṣid al-sharī‘a* and the transformations occurring in Islamic legal theory in the period prior to al-Ghazālī’s influential elaboration of this topic.⁹ The jurists examined are the Ḥanafī Mu‘tazilī Abū l-Ḥusayn al-Baṣrī (d. 434/1044), the Ḥanafī Māturīdī Abū Zayd al-Dabbūsī¹⁰ (d. 430/1039), and the Shāfi‘ī Ash‘arī Imām al-Ḥaramayn al-Juwaynī (419-478/1028-1085). These three scholars represent different theological schools and all three favorably discuss analogical reasoning (*qiyās*). The procedure of analogy is key for extending the legal assessment¹¹ of divine rulings to cases about which scripture is silent. Jurists’ primary concern in analogical reasoning is to identify the *ratio legis*, an effort that lies at the heart of the relationship between ethical norms, legal norms, and how to discern them in the divine Law.

The two dominant theories of ethics current in the 5th/11th century—associated with the Mu‘tazilī and Ash‘arī schools of theology, respectively—differ in their assessment of human acquisition of moral knowledge, akin to the two positions of the Euthyphro dilemma. Starkly simplified,¹² Mu‘tazilīs reject a discrepancy between this and the metaphysical world, between reason and revelation, and, thus, hold that God, being just, commands an act because

7 Al-QAFFĀL 2007: 26-27. Al-Shāshī seems to have been close to Mu‘tazilī views on the role of the intellect in legal reasoning (cf. REINHART 1995: 20-21).

8 This paper does not mean to suggest that there were no other influences on al-Ghazālī’s thought coming from philosophy or theology, but rather it focuses on potential precursors within the genre of legal theory itself to explore the intellectual concerns of 5th/11th century jurisprudence.

9 Zysow rightly mentions that there was a shift toward a substantive understanding of the *ratio legis*, though not specifying a particular time frame (ZYSOW 2013: 254).

10 Al-Dabbūsī is variously spelled with one or two “b”. I adhere in this paper to the way it is rendered in the edition of *Taqwīm al-adilla* used, namely with *shadda* over the “b”.

11 Legal assessment (*ḥukm*) refers to judging an act prohibited, reprehensible, permissible, recommended or obligatory.

12 For in-depth discussions of the ethical theories of the time period, see HOURANI 1971; FAKHRY 1975; ID. 1991; VASALOU 2008; REINHART 1995; SHIHADDEH 2016; FARAHAT 2019. There is no established consensus on how to classify and designate the Mu‘tazilī and Ash‘arī approaches to ethics. Shihadeh uses “ethical realism” for the Mu‘tazilī position and calls the Ash‘arī approach “theological voluntarism” (SHIHADDEH 2016); Farahat terms the Mu‘tazilī stand “natural law theory” and the Ash‘arī position “divine command theory” (FARAHAT 2019: 8-10); others argue that both fall within the divine command theory, though Mu‘tazilī theories constitute a modified command theory (AUSTIN, <<https://www.iep.utm.edu/divine-c/#H3>>).

it is good and He prohibits something because it is bad—a position akin to the second horn of the Euthyphro dilemma.¹³ Ash‘arīs, by contrast, are representative of the first horn of the Euthyphro dilemma, holding that an act is morally good because God commands it. This position derives from Ash‘arīs giving predominance in their theology to God’s omnipotence and transcendence, their epistemological skepticism, and their understanding of God’s speech as inseparable from God.¹⁴ The Māturīdī position on moral knowledge lies somewhere in between these two, holding that God is sovereign absolutely and that God’s command establishes what is good on account of His wisdom (*hikma*). Yet, Māturīdīs derive from this the existence of a stable system of norms that is discernable by the intellect (RUDOLPH 1997: 332).

Al-Ghazālī, as stated above, imbues the *‘illa* with ethical characteristics that are in line with God’s legal objectives. Looking at the legal writings of al-Baṣrī, al-Dabbūsī, and al-Juwaynī provides insights into the factors and intellectual currents upon which al-Ghazālī builds to achieve this ethical turn in legal analogy. In the following, I examine the legal works of these 5th/11th century jurists for their understanding of the role of the intellect in grasping good and bad (*taḥsīn wa-taqbīḥ*) and the impact of that understanding on the legal status of acts as well as how they see the relationship between divine legislative intent and identifying the *ratio legis* in analogy.¹⁵ Exploring the ethical dimension of legal analogy also yields insights into positions on moral autonomy. While Frank claims that proponents of ethical values stemming from God’s command alone thereby abdicate moral reflection, we will see below that the picture is more complex when ethical considerations enter the determination of the *ratio legis* (FRANK 1983: 214).¹⁶

Abū I-Ḥusayn al-Baṣrī (d. 436/1044)

The Mu‘tazilī Ḥanafī jurist Abū I-Ḥusayn al-Baṣrī detailed his legal theory in the *Kitāb al-Mu‘tamad fī uṣūl al-fiqh*. God’s Law, al-Baṣrī affirms, is laid down for a purpose and objective, because God’s speech and that of His Prophet is not senseless (*‘abath*) and, thus, must intend meaningful information (al-BASRĪ 1964-65: 180 and 916). In line with Mu‘tazilī ethics, al-Baṣrī states that God’s command (*amr*) informs humans about the goodness of what

¹³ For an account of the Euthyphro dilemma and its influence on conceptions of language in Islamic jurisprudence, see FARAHAT 2016: 581-605, for Mu‘tazilī conceptions 584-591; FARAHAT 2019: 134-142.

¹⁴ The interplay between theology and linguistics has recently been highlighted by several scholars who discuss how different linguistic approaches influence conceptions of God’s speech. Considering speech as vocal form (*lafẓ*) leads Mu‘tazilī scholars to conceive of God’s speech as created accident, whereas Ash‘arī scholars understand speech as mental content (*ma‘nā*) and, thus, hold that God’s speech is eternal (KEY 2018: 75; FARAHAT 2019: 96-115; ALI 2000: 30-31; GLEAVE 2012: 29-44).

¹⁵ I hope that this essay contributes to what Shihadeh calls the “sorely understudied” significance of metaethical discussions in *uṣūl al-fiqh* (SHIHADÉH 2016: 387-388).

¹⁶ Farahat, like myself, points out that, counterintuitively, it is the Mu‘tazilī approach to the knowledge of ethical norms that absolves humans from moral autonomy (cf. FARAHAT 2019: chapter 4, and 225-226).

is commanded,¹⁷ and His interdiction (*nahy*) informs them about the badness (*qubh*) of the interdicted (al-BAŞRĪ 1964-65: 56). In addition, command and prohibition inform people about their *maşlahā* and *mafsada*, respectively. God’s wisdom and omniscience makes it inconceivable that He fails to fulfil an obligation and, hence, al-Başrī argues, it is obligatory upon God to inform humans about their *maşlahas* and *mafsadas* (al-BAŞRĪ 1964-65: 869-870, 908-910, and 982; SHIHADĒH 2016: 386). In short, the purpose of revelation is to inform people about their *maşlahas* and *mafsadas*. How al-Başrī conceives of the relationship between *maşlahā* and command can be seen when he discusses the epistemological bases of assessing acts.

The Legal Assessment of Good and Bad Acts

Al-Başrī states that some acts can be assessed by the intellect (*‘aql*) alone (al-BAŞRĪ 1964-65: 824),¹⁸ others are made known only by the Law, and some are known both rationally and revelatory (al-BAŞRĪ 1964-65: 370). The intellect, according to al-Başrī, assesses acts of the religiously accountable individual (*mukallaḥ*) either as good (*hasan*) or bad (*qabīh*). Good, he says, encompasses the legal assessment of permissible (*mubāh*), recommended (*mandūb*), and obligatory (*wājib*), and bad comprises acts that are prohibited (*muḥarram*, *maḥzūr*) and reprehensible (*makrūh*) (al-BAŞRĪ 1964-65: 8). Crucial to the relationship between the ethical and legal status of an act is blame (*dhamm*).¹⁹ An act is good when the person capable and conscious of its performance²⁰ deserves no blame for doing it. An act for which its agent incurs blame is bad (al-BAŞRĪ 1964-65: 8-9 and 364). Bad is, for example, injustice (*zulm*), lying (*kadhb*), ingratitude for beneficence (*kufr al-ni‘ma*), ignorance (*jahl*), harming oneself or another (*maḍarra ‘alā l-naḥs aw ‘alā l-ghayr*), and transgression against another’s property (*taṣarruf fī mulk al-ghayr*) (al-BAŞRĪ 1964-65: 868-869 and 871). Al-Başrī understands bad as a consequence of weighing benefit and harm. He classifies transgression against someone else’s property as bad because the owner has more right to benefit from it than the non-owner; it is bad because it harms the owner (al-BAŞRĪ 1964-65: 875).

Weighing benefit against harm also leads to assessing the legal status of acts. Good acts are of two types: either a preponderance of evidence exists that leads a person to perform the good act or such preponderance is absent. Preponderant evidence to engage in an act may indicate obligatoriness in that the intellect requires performing the act, such as thanking the benefactor (*shukr al-mun‘im*) and being fair (*inṣāf*), or the preponderant good act may not be obligatory to perform, such as being generous (*tafaddul*) or being kind (*iḥsān*) (al-BAŞRĪ

17 Al-Başrī illustrates this by saying that killing a particular person who is an idolator is only known to be good by God’s command “kill the idolators (*fa-qtulū l-mushrikīn*)” (Qur’ān 9:5).

18 In this section, I am only presenting al-Başrī’s position on the assessment of acts. He also states that the intellect alone is able to establish knowledge, such as the knowledge about God, His attributes, His self-sufficiency, and that He does no evil (al-BAŞRĪ 1964-65: 886-887).

19 It should be noted that al-Başrī does not mention ‘praise’ as a factor determining the evaluation of acts.

20 The insane, sleeping, forgetful or child is not under *taklīf* and, hence, absolved of blame or praise for acts committed (al-BAŞRĪ 1964-65: 364).

1964-65: 868).²¹ Acts for which there is no preponderance for either performing or omitting are permissible (*mubāḥ*). These acts, according to al-Baṣrī, are nonetheless assessed as good because they are of benefit (*manfaʿa, naḥ*), such as the permissibility of eating food (al-BAṢRĪ 1964-65: 868; REINHART 1995: 40-41). Attaining benefit is the objective (*gharaḍ*) that motivates to perform permissible acts (al-BAṢRĪ 1964-65: 868-870). They are permissible because the intellect does not detect an indication for their badness (al-BAṢRĪ 1964-65: 869).²² Whether or not an act is obligatory to perform depends, however, not so much on the goodness of the act but on the factor of harm. Al-Baṣrī states that the intellect establishes that it is obligatory to avert harms (*maḍārr*) and procure benefits (*manāfiʿ*). When the intellect determines that something leads to an overwhelming benefit, then it is good and obligatory to do, such as averting harm by drinking a bitter medicine (al-BAṢRĪ 1964-65: 583-584 and 870). Something that is simply good, he says, does not incur obligation. Only when badness, in form of harm, is associated with it, is it obligatory to omit the act (al-BAṢRĪ 1964-65: 872). In short, while people's actions are guided by attaining benefits and averting harm, rational obligation to act is only established when thereby harm is avoided. The evaluation of acts is driven not by their beneficence but by their harmfulness.

The same rationale of assessing acts, al-Baṣrī insists, applies to religious injunctions. The divine Law informs humans that obedience to God's commands leads to *maṣlaḥa* (in the form of reward) and disobedience to *mafsada* (in the form of punishment). Hence, God's commands are good, and obligatory to perform. By contrast, God's prohibitions are signs indicating harm, that the acts are bad, and performing them incurs blame. Since matters of the Law (*sharʿiyyāt*) are *maṣlaḥas*,²³ al-Baṣrī holds that people are rationally obliged to obey God's injunctions in order to attain *maṣlaḥa* and avert *mafsada* (al-BAṢRĪ 1964-65: 584, 586, and 725). In the same manner that harm is a criterion for rationally assessing acts, acts that pertain to the revealed Law receive their legal assessment in relation to disobedience (*maʿṣiya*) to God, which leads to harm in the form of punishment in the Afterlife. Failing to perform a good act is only a form of disobedience when it is commanded. Hence, divine commands, according to al-Baṣrī, do not include recommended acts (*mandūb*) (al-BAṢRĪ 1964-65: 56-61 and 365-366; FARAHAT 2019: 191-194). Similarly, acts that are bad and for the performance of which one deserves blame include not only prohibited acts (*maḥzūr, muḥarram*) but also matters classified as reprehensible (*makrūh*) or sinful (*dhanb*). Yet only the first category, the prohibited, incurs God's threat of punishment (*waʿd*) for disobedience (al-BAṢRĪ 1964-65: 9),²⁴ the other two, according to al-Baṣrī, are acts that God dislikes (*kāriḥ*) (al-BAṢRĪ 1964-65: 365-366).

21 The word *iḥsān* means to do something good (*ḥasan*) to somebody else. To reflect that al-Baṣrī does not deem *iḥsān* obligatory, I opted for the translation of 'being kind.'

22 Al-Baṣrī adds that such actions are only permissible if the Law also does not indicate that there is harm or badness in them, saying that if there were a *mafsada* connected with the act, then God would surely have indicated that.

23 Matters of the Law are *maṣlaḥas* in the sense that Revelation is a source of benefit and well-being for humans.

24 Yet, al-Baṣrī does not use the criterion of blame to describe the prohibited act. Proscribed, according to al-Baṣrī, is that which one is prevented from doing through deterrence (*zajar*), i.e., threat of punishment (al-BAṢRĪ 1964-65: 9).

We see that, structurally, al-Baṣrī equates people’s rational obligation to procure benefit and avert harm from themselves with their obligation to act upon God’s commands as a way to attain *maṣlaḥa* and to refrain from what God prohibits to avoid *mafsada*. Obedience and disobedience to divine commands lead to *maṣlaḥa* and *mafsada*, respectively. In matters of the Law, just as in matters determined by the intellect alone, people are obliged to act upon what leads to benefit and *maṣlaḥa*.

However, al-Baṣrī emphasizes that while the intellect is able to know that *maṣlaḥa* is good and *mafsada* is bad, it is not able by itself to establish what constitutes a *maṣlaḥa* or *mafsada* from a religious perspective.²⁵ Only God, al-Baṣrī asserts, informs humans about their religio-legal (*sharʿī*) *maṣlaḥas* and *mafsadas* and what is connected to them. For example, only through revelation is it known that prayer is obligatory, drinking wine prohibited, not fasting on the first day of Ramaḍān blameworthy, and trading wheat usuriously prohibited. These religio-legal *maṣlaḥas* and *mafsadas*, according to al-Baṣrī, are acts the status of which cannot be assessed rationally by considering praise and blame deserved for the action; rather they are acts by the performance of which the agent worships God in accordance with the Sharīʿa (al-BAṢRĪ 1964-65: 370, 702, 723-724, 888, 890, and 908). Since the intellect cannot arrive at knowledge of religious *maṣlaḥas* and *mafsadas* (as opposed to mundane benefit and harm), it is incumbent upon God to inform humans about them (al-BAṢRĪ 1964-65: 908). Divine commands inform humans that acting in accordance with the commanded is a *maṣlaḥa* (al-BAṢRĪ 1964-65: 403). Yet, it is not the commanded act itself that is a *maṣlaḥa*;²⁶ rather, al-Baṣrī says, the command is a motivating factor (*bāʿith*) to do what is commanded, in the same way as divine prohibition motivates one to omit the prohibited act (al-BAṢRĪ 1964-65: 107 and 181). The believer attains *maṣlaḥa* by carrying out God’s command as an act of worship and obedience (al-BAṢRĪ 1964-65: 707, 710, and 711).

Some matters, al-Baṣrī states, receive their assessment from a combination of intellect and Revelation. It is known by the intellect, for example, that engaging in commercial transactions is good and, hence, permissible. Some of the conditions surrounding such transactions, however, like the prohibition against usury (*ribā*), are only known from Revelation (al-BAṢRĪ 1964-65: 370). Another such ruling is the Qur’anic prohibition against saying ‘fie’ to one’s parents. It is known rationally that respecting (*taʿzīm*) parents is good whereas abusing them is an offence and, thus, bad and prohibited (al-BAṢRĪ 1964-65: 780 and 741).²⁷ In this latter case, intellect and Revelation both prescribe the same ruling. While there is overlap between what the revealed Law enjoins and the assessment of that same matter by the intellect, such as the goodness of commercial transactions, in the area in which the intellect is not able to assess the moral value of an act independently from Revelation, the believer has to follow the divine injunctions. It is only through obedience to God’s commands that the believer attains *maṣlaḥa* and salvation in the Afterlife. Autonomous rational

25 The intellect is able, however, to establish procedures to recognize valid legal rulings and their applicability in specific situations (al-BAṢRĪ 1964-65: 879-881).

26 Command informs about a *maṣlaḥa* even if the believer does not act upon the command (al-BAṢRĪ 1964-65: 180).

27 Al-Baṣrī also uses the negative imperative to not say ‘fie’ to one’s parents (Q. 17: 23) as example that the intellect can establish obligation by means of analogical reasoning.

evaluation of the moral content of Revelation can be suspended because of the knowledge that God only commands the good.

In short, al-Baṣrī affirms that God’s Law is purposeful, that divine commands refer to acts that are good and lead to *maṣlaḥa*, whereas divine prohibitions refer to acts that are bad and lead to *mafsada*. Yet, the question remains whether or not the goodness of the commanded action—or badness in case of prohibition—is reflected in the *ratio legis* of the ruling.

Identifying the Correct *Ratio Legis*

Al-Baṣrī discusses the concept of *‘illa* primarily within the context of legal analogy (*qiyās*). Only the Law, he says, provides religio-legal *‘illas*, either through an explicit text of Qur’ān, recurrent Sunna and Consensus, or, as is the case with the majority of *rationes legis*, through signs that are known probabilistically, such as singular *ḥadīths*, textual implication (*tanbīh*) or deduction (*istinbāt*) (al-BAṢRĪ 1964-65: 772 and 774-775). A *ratio legis*, according to al-Baṣrī, can be a sign (*amāra*) or indication (*dalāla*) (al-BAṢRĪ 1964-65: 772). Although al-Baṣrī remarks that there must be a ‘connection’ (*ta‘alluq*) between a sign (*amāra*) and what it is a sign for, he provides no further information on this relationship (al-BAṢRĪ 1964-65: 695). The main way to correctly identify a *ratio legis* is by its efficacy (*ta‘thīr*) on the ruling. Efficacy is indicated in the texts either explicitly,²⁸ by context or by a characteristic describing the *ratio legis*, all of which only make sense to be mentioned if they provide information about the *‘illa*.²⁹ When the texts are not explicit, then the efficacy can be determined by co-presence and co-absence (*tarḍ wa-‘aks*) between the *‘illa* and its associated ruling (al-BAṢRĪ 1964-65: 784-785).

The ruling of a source text is applied in analogy when the *‘illa* of the source text obtains in another situation (al-BAṢRĪ 1964-65: 716). According to al-Baṣrī, it is obligatory to act upon the ruling established by analogy; an action that leads to *maṣlaḥa* (al-BAṢRĪ 1964-65: 704, 706, 707, 710, and 713). Nevertheless, al-Baṣrī does not conceive *maṣlaḥa* as an indicant for the correctness of the *ratio legis*. The relationship between *ratio legis* and *maṣlaḥa* is such that establishing the existence of the *‘illa* effects the ruling and thereby establishes or prompts *taklīf* to follow the ruling, which, upon discharge of one’s religious responsibility through performing of the act, leads to *maṣlaḥa*.³⁰ In al-Baṣrī’s conception, the *‘illa* itself is only connected to *maṣlaḥa* insofar as it is an aspect or grounds (*wajh*) of *maṣlaḥa*, it is a sign (*amāra*) that accompanies the configuration of *maṣlaḥa*, or a motivating factor (*bā‘ith*) to

28 Namely by linguistic indications, such as the words *fa-*, *li-*, *li-ajl* or *kaylā* (al-BAṢRĪ 1964-65: 775).

29 For example, the characteristic of reaching maturity (*bulūgh*) for ending guardianship over minors, or the context of the *ḥadīth* that the murderer does not inherit (al-BAṢRĪ 1964-65: 775-881).

30 Al-Baṣrī does not elaborate on whether there is a connection between the *‘illa* and *taklīf*. It seems that the relationship is only indirect, in that the presence of the *‘illa* indicates that the ruling is in effect and, thus, has to be followed (barring impediments, like inability to perform the action). For example, the presence of the new moon at the beginning of Ramaḍān is the *ratio legis* (usually in this case called *sabab*) that puts into effect the ruling of fasting, and in this indirect way the presence of the new moon relates to the religious accountability of the believer. The *‘illa* could be understood as an aspect or configuration (*wajh*) of *taklīf*, in the same way as al-Baṣrī understands it to be an aspect or configuration of *maṣlaḥa* (see below).

obey God's command (al-BAŞRĪ 1964-65: 714-715).³¹ The *ratio legis* itself is not identifiable by looking at the *maşlahā* that the obedient believer will receive. The correct *ratio legis* of a ruling is not determined by ethical considerations or mundane consequences of benefit or harm.

What happens when the Law is silent? Al-Başrī clearly allows for the possibility that there is no authoritative text for a given situation (*lā naşş fih*), yet he insists that for every incident inevitably a ruling can be found. Such a ruling, however, would not be established by the intellect. When no scriptural evidence can be found, one needs to take recourse to the procedure of legal analogy (al-BAŞRĪ 1964-65: 743-744 and 773-775). In matters that fall within the purview of the revealed Law, the intellect's role is limited to identifying the *ratio legis* indicated by Revelation. Here, al-Başrī exhibits confidence in the intellect to determine the *rationes legis* that effect divine rulings.³²

We see that although al-Başrī assigns a positive role to the intellect in assessing the moral value of acts, he limits this activity to areas that are beyond the realm of the religious, and with the caveat that religious (*sharʿī*) rulings have priority over those determined independently by the intellect (cf. al-BAŞRĪ 1964-65: 743-744 and 773-775). Only by obedience to the divine word can people reach otherworldly reward. A divinely commanded action is good, obligatory to perform, and when acted upon leads to *maşlahā*. While al-Başrī refers to people's purposes in the area of interpersonal transactions (*muʿāmalāt*),³³ he does not designate these mundane purposes with the term *maşlahā*. Different from al-Ghazālī, al-Başrī uses the term *maşlahā* and *mafsada* only in reference to otherworldly reward and punishment. For mundane benefits and harms, he usually employs words derived from the trilateral roots *ḥ-f-ʿ* and *ḍ-r-r* (al-BAŞRĪ 1964-65: 869-871). In al-Başrī's conception, *maşlahā* is connected to the *ʿilla* of a ruling only through the criterion of obedience to God's command not by assessing the ruling's mundane consequences. While al-Başrī accepts human autonomous moral evaluation according to consequences measured by benefit, harm, and blame in matters that the Law does not address, he does not conceptualize the *ʿilla* of revealed rulings as a rationale of why God prescribed a particular ruling. The *ʿilla* is not connected to the moral value or the purpose of the divine ruling, it is only a sign (*amāra*) or indication (*dalāla*) for it. Al-Başrī does not inquire into why God prescribed a particular course of action—it is enough to know that God only commands what is good and what, through obedience, is a *maşlahā* for humankind. God's being a moral agent obviates further inquiry into the moral

31 The *ʿilla* is an aspect of *maşlahā* insofar as the validity of the ruling depends on a condition that specifies under which circumstances or at which time the *mukallaf* should act upon the command. For example, fulfilling the obligation of prayer leads to *maşlahā* if its condition of ritual purity is fulfilled.

32 This confidence, as Farahat points out, is based on the Muʿtazilī understanding of continuity between the physical and metaphysical that leads to universal rules that apply to God and humans alike (FARAHAT 2019: 67-68).

33 For instance, al-Başrī says that the objective (*gharaḍ*) of buying is attaining ownership; the act of witnessing aims at obliging the judge to pass judgement; divorce (*ṭalāq*) aims at separation and dissolving the bond of marriage; and the objective of manumission is liberation (al-BAŞRĪ 1964-65: 184).

status of the commanded act.³⁴ How divine rulings are good in this world remains beyond the frame of his legal-theoretical inquiry.

Al-Baṣrī's position that God commands what is good and that obedience to God's commands results in otherworldly *maṣlaḥa* raises questions about the limits of *taklīf*. Are acts that become rationally obligatory because they avert harm outside the sphere of *taklīf*, and, hence, outside of *maṣlaḥa*? This implication in al-Baṣrī's thought would leave room for human moral autonomy in matters outside the religious sphere.

Abū Zayd al-Dabbūsī (d. 430/1039)

The legal work of the Ḥanafī jurist Abū Zayd al-Dabbūsī, *Taqwīm al-adilla*, significantly influenced articulations on legal theory of later Ḥanafī scholars, such as Muḥammad b. Aḥmad al-Sarakhsī (d. 483/1090, 490/1096 or 495/1101) and Abū l-Ḥasan 'Alī b. Muḥammad al-Pazdawī (d. 482/1089) (BEDIR 2004: 234-235). Al-Dabbūsī is said to have belonged to the Māturīdī school in theology, though, as Bedir shows, he was close to Mu'tazilī positions in some of the areas that are also of interest here, such as the role of rational proofs and whether the intellect can establish legal obligation (BEDIR 2004: 233-243). In the following, I will focus on al-Dabbūsī's understanding of command and prohibition in their relationship to good, bad, and obligation as well as his conception of the 'illa as part of legal analogy (*qiyās*).

The Legal Assessment of Good and Bad Acts

Notably absent from al-Dabbūsī's discussion of ethical norms and divine ordinances is the criterion of blame or praise as well as reward or punishment. Where al-Baṣrī articulated good, bad, and obligatory in relation to blame and disobedience, al-Dabbūsī does not refer to either social or divine blame or praise. Rather, in Māturīdī fashion, he connects the goodness and badness of divine command and prohibition to God's wisdom (*ḥikma*) (RUDOLPH 1997: 332-334). Divine command, al-Dabbūsī explains, means that making what is commanded occur has been made obligatory for humans by God (al-DABBŪSĪ 2001: 44). A divine command is necessarily good (*ḥasan*) since, according to al-Dabbūsī, in light of God's wisdom it is inconceivable that God would command humans to perform the commanded act unless it is good in the mind of God (*'inda Llāh*) (al-DABBŪSĪ 2001: 44). Since God is not foolish (*lā safah lah*), what God commands, al-Dabbūsī says, cannot ever be bad (al-DABBŪSĪ 2001: 44 and 57). Something is called bad (*qabīh*), by contrast, when, in accordance with God's wisdom, it ought not occur; and, hence, God issues an interdiction (*nahy*) against performing it (al-DABBŪSĪ 2001: 50). Divine prohibition indicates the badness of the prohibited action just as command indicates the goodness of the commanded.³⁵

³⁴ A similar conclusion that blindly following God's commands is only possible if those commands are "ready-made judgments of another moral agent" has been made by FARAHAT (2019: 134).

³⁵ The fact that prohibition means that the act ought not exist, does not mean, however, that by its non-existence the act becomes good, since non-existence cannot be a reason (*'illa*) for assessing it as good (al-DABBŪSĪ 2001: 50). Here, we see again that al-Dabbūsī does not define good and bad with regard to reward or punishment.

In line with a Mu‘tazilī approach to ethics, al-Dabbūsī affirms that the divine command is good and commanded because it is good. Like al-Baṣrī, he holds that divine command establishes the obligation to perform what is commanded, though his understanding of the interaction between inherently good or bad acts and divine communication is more complex than that of his Mu‘tazilī contemporary. Al-Dabbūsī divides acts into two broad categories:³⁶ Into one category fall acts that are good or bad in themselves (*‘ayn al-fi‘l*) as indicated by their conventional meaning (*fi waḍ‘ih*), such as that the word ‘exaltation’ (*ta‘zīm*) has a meaning that is good whereas the word ‘ignorance’ (*jahl*) means something bad. Al-Dabbūsī also includes in this category some acts commanded by God, such as prayer, since prayer is an act of exaltation (al-DABBŪSĪ 2001: 44). The second category comprises acts that are good and bad on account of the meaning that the Law gives them through command (e.g., fasting, performing the pilgrimage) or prohibition (e.g., performing prayer without ablution),³⁷ or on account of meanings that the Law associates with them (goodness of fighting infidels, badness of *ribā* and of prayer on usurped land).³⁸ Acts that are good or bad in themselves, al-Dabbūsī says, can be rationally assessed on the basis of their conventional meaning and establish obligation to perform or omit unless there are impediments or countervailing factors.³⁹ Acts that are good on account of revealed information are only obligatory to perform as long as the meaning that makes them obligatory remains obligatory. Their evaluation may change according to circumstances. For example, *jihād* against nonbelievers is good because it is commanded by the Law but ceases to be good—and, hence, no longer commanded—once the infidels convert to Islam (al-DABBŪSĪ 2001: 46). Similarly, the obligation to pray over the deceased ceases, al-Dabbūsī explains, if the dead person is an infidel or a highway robber (al-DABBŪSĪ 2001: 46).⁴⁰ Bad acts follow the same pattern (al-DABBŪSĪ 2001: 44, 52, 53, and 455).

Al-Dabbūsī understands the assessment of ethical norms to be context-bound. While the intellect is able to assess some acts as good and bad in themselves according to their conventional meaning, acts commanded or prohibited by God have to be evaluated within the context in which they are commanded, and their assessment may change according to

36 Al-Dabbūsī differentiates between four categories (al-DABBŪSĪ 2001: 44-53), of which only the first category comprises inherently good acts; the assessment of the other three is dependent on some information that the Law provides or associates with the act. For brevity’s sake I grouped the latter three together.

37 Al-Dabbūsī considers prayer without ablution to be prohibited on the grounds that the obligation to prayer with ablution entails the prohibition of omitting the obligation (see al-DABBŪSĪ 2001: 48-49). A more detailed discussion is found in KURNAZ 2016: 113-119, in particular 115.

38 Al-Dabbūsī’s categorization that some acts are good/bad because they are associated with something that is qualified as good/bad is also expressed by ‘Abd al-Jabbār (d. 415/1025) (SHIHADEH 2016: 392).

39 Al-Dabbūsī emphasizes that the intellect, for which he uses the term *ra’y*, is only an authoritative proof (*hujja*) when there is no information from the Law (al-DABBŪSĪ 2001: 268).

40 Al-Dabbūsī does not clarify the circumstances of the death of the highway robber. If the highway robber died as a result of executing the *ḥadd* punishment, the crime would have been expiated and one would expect that funeral prayers be permissible.

circumstances.⁴¹ It is here where human intellectual activity is demanded to assess the goodness and badness of an act. Apart from acts that are inherently good, moral assessment means to determine that a particular act under particular circumstances accords with divine command and prohibition and has to be acted upon or omitted. One may say that in al-Dabbūsī's scheme of ethics, the area of human moral autonomy, independent of Revelation, is rather limited. Most of human inquiry into the ethical and legal status of acts occurs within the realm of activities about which the Law informs. Let us turn now to whether or not the evaluation of good and bad, obligatory and prohibited influences al-Dabbūsī's understanding of the procedure for performing legal analogy.

Identifying the *Ratio Legis*

Throughout his discussion of *qiyās*, al-Dabbūsī emphasizes that analogical reasoning is a rational endeavor (al-DABBŪSĪ 2001: 278). The jurist reflects upon the textual sources and their rulings in order to extend the ruling of the source to situations not textually ruled upon (al-DABBŪSĪ 2001: 260, 268, and 306).⁴² Analogy does not have to be based on certain knowledge (*ʿilm*) but it suffices, says al-Dabbūsī, that the correctness of the analogy be overwhelmingly probable (*ghālib al-raʿy*) (al-DABBŪSĪ 2001: 269). Like al-Baṣrī, al-Dabbūsī holds that it is obligatory to transfer the ruling to the new case. Acting upon the result of *qiyās*, which for al-Dabbūsī is an authoritative proof (*ḥujja*), constitutes obedience to God (al-DABBŪSĪ 2001: 260).

Is the obligation to act upon the analogically derived ruling related to an ethical value in the *ratio legis*? Al-Dabbūsī states that the *ʿilla* is a sign (*amāra*) and a distinctive marker (*ʿalam*) for the textual ruling. Its presence in the derivative case makes the two situations similar to one another and warrants transfer of the textual ruling to the new case (al-DABBŪSĪ 2001: 292 and 306). Yet, it is not the presence of the *ʿilla* or *ʿalam* that necessitates the ruling, rather, al-Dabbūsī emphasizes that it is the Law which sets it as *ratio legis*, i.e., a sign or marker, for the ruling (al-DABBŪSĪ 2001: 387), thereby avoiding the implication of a causal relationship independent from God. Instead of a necessary causality between the *ʿilla* and its ruling, al-Dabbūsī, like al-Baṣrī, understands this relationship as one of efficacy (*taʿthīr*).⁴³ The *ʿilla* of a ruling, al-Dabbūsī says, is indicated by its efficacy to bring about the ruling (al-DABBŪSĪ 2001: 307-308). Only when there are effective characteristics (*awṣāf muʿaththira*), the effect of which is established by the Law, does the jurist analogize the textual ruling to other situations that are not scripturally regulated. In contrast to al-Baṣrī, al-Dabbūsī describes what he means with efficacy in more detail. He says that by thoroughly studying

41 In this point, al-Dabbūsī seems to side with the Ashʿarī interpretation of divine commands that the signification of commands is primarily understood from its context (*qarīna*), not the speaker's intention (see ALI 2000: 30-32).

42 Considering analogical reasoning as a mental activity also leads al-Dabbūsī to say that only those rulings that can be comprehended rationally are subject to analogy (al-DABBŪSĪ 2001: 306).

43 As Zysow states, "[t]he term 'effectiveness', however, appears in a variety of usage in the literature of *uṣūl al-fiqh*" (ZYSOW 2013: 205). Although al-Baṣrī, al-Dabbūsī, and al-Juwaynī all use the term *taʿthīr*, each of them has a slightly different conception of it, with al-Baṣrī understanding it more as formal criteria and al-Dabbūsī and al-Juwaynī more along substantive lines. A thorough scholarly analysis of the term and its usage awaits scholarly attention.

the meanings of the authoritative texts (*ma'ānī l-nuṣūṣ*) (al-DABBŪSĪ 2001: 268),⁴⁴ the jurist discerns the *ratio legis* by an indicant that distinguishes it from non-effective characteristics (al-DABBŪSĪ 2001: 302). This distinguishing factor, al-Dabbūsī explains, is something that indicates that characteristic's propriety (*ṣalāh*) and its relevance (*mulā'ama*) for the ruling. He says that 'propriety' means that something is relevant and not inconsistent (*ghayr nābin*); a characteristic is relevant when it concurs with and is in agreement with characteristics identified and analogies established by the Prophet and the first generations of Muslims (*salaf*) (al-DABBŪSĪ 2001: 304). Unfortunately, al-Dabbūsī does not elaborate further on how to recognize relevance in concrete terms, only saying that one acts upon a relevant characteristic when it is also effective on the ruling (al-DABBŪSĪ 2001: 304). Efficacy, thus, remains the most important factor to correctly identify the *'illa*, though efficacy is discerned by its propriety and relevance to the ruling, as opposed to mere co-presence and co-absence or concomitance (*dawarān*),⁴⁵ which al-Dabbūsī expressly rejects as indications of the correct *ratio legis* (al-DABBŪSĪ 2001: 304 and 307).⁴⁶

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Although al-Dabbūsī does not further explain what he means by propriety, relevance or efficacy, many of his examples of analogical reasoning reveal that in addition to these characteristics, the *'illa* has a deeper meaning. This is evident, for example, when he articulates the difference between the terms *sabab* and *'illa*. *Sabab*, according to al-Dabbūsī, is something that leads to something else; it is a means to a ruling but does not entail the ruling itself (al-DABBŪSĪ 2001: 371). When, however, the *sabab* entails the *'illa*, then it is like the *'illa* of the *'illa* (al-DABBŪSĪ 2001: 378). For example, travel, al-Dabbūsī says, is the *sabab* that entails the license (*rukḥṣa*) to omit prayer or fasting, whereas the *'illa* for legitimate omission of these obligatory acts is the hardship (*mashaqqa*) associated with travel. Hence, hardship is the real *'illa* (al-DABBŪSĪ 2001: 382) or one may call the *sabab* the occasion and the *'illa* the rationale or wisdom behind the ruling.

The fact that al-Dabbūsī understands the *'illa* of a ruling to be associated with some underlying reason stems, I argue, from his approach to the ethics of command and prohibition. God commands something to be performed on account of His wisdom that its existence is good, whereas what, based on His wisdom, should not occur is bad and prohibited from being performed. These two underlying justifications find expression in the *ratio legis*, though al-Dabbūsī does not explain the relationship between the justifications and *ratio legis* in tangible terms. The fact that commanded and prohibited acts have underlying reasons also explains why one and the same act may receive different evaluations according to context. The above-mentioned example of prayer over the deceased stops being good, commanded, and obligatory when the underlying reason for its goodness is not present, as in the case of the dead highway robber—though why that reason is absent is not spelled out. Could it be that al-Dabbūsī conceives of *'illas* or underlying reasons in terms of *maṣlaḥas*?

44 Although al-Dabbūsī emphasizes here that the meanings of the texts are informing about the effective characteristics that constitute the *'illas* of rulings, he does not elaborate on how to analyze or understand meanings. The emphasis of his identification of the *ratio legis* is on efficacy, not on semantics.

45 Al-Dabbūsī uses the term concomitance (*dawarān*) in the sense of *tarḍ wa-ʿaks*, co-presence and co-absence.

46 Al-Dabbūsī also rejects the validity of analogy of resemblance (*qiyās al-shabah*), the practice of which he attributes to the Ḥashwiyya (al-DABBŪSĪ 2001: 305).

Although al-Dabbūsī does not refer explicitly to divine legislative intent as relating to *maṣlaḥa*, he holds that God’s wisdom entails that there is purpose in God’s creation, including His Law, or else, he says, the Law would be frivolous (*‘abath*) (al-DABBŪSĪ 2001: 459). Moreover, he argues that since the world was created for human *maṣlaḥas* (al-DABBŪSĪ 2001: 463), a divine prohibition must mean that it was issued in order to attain a greater good (*ṣalāh*) than would have been achieved by leaving the matter merely permissible (al-DABBŪSĪ 2001: 459). Furthermore, al-Dabbūsī states that God does not prohibit engaging in any of the mundane matters that the intellect deems permissible unless the prohibition entails *maṣlaḥas* for humankind (al-DABBŪSĪ 2001: 459). The divine wisdom behind the revealed rulings, thus, leads to *maṣlaḥas*.

While al-Dabbūsī does not explicitly link the *ratio legis* of divine rulings to either mundane or otherworldly *maṣlaḥas*, he does seem to suggest that legal requirements are related somehow to God’s wisdom. He—in contrast to al-Baṣrī—frequently uses the term *maṣlaḥa* to refer to legal *‘illas* as well as mundane benefits. He mentions, for example, that being a minor is the *‘illa* for guardianship (*wilāya*), which is instituted on account of the *maṣlaḥas* connected with this institution (al-DABBŪSĪ 2001: 315). These *maṣlaḥas* are rationally knowable. Al-Dabbūsī states that an intelligent person does not, without any knowledge, blindly accept the *maṣlaḥas* he is ordered to pursue (al-DABBŪSĪ 2001: 272). He, thus, implicitly confers some moral autonomy to evaluate the commanded action in terms of their mundane *maṣlaḥa*.

The mundane *maṣlaḥas* that al-Dabbūsī has in mind bear resemblance to the five necessities (*ḍarūrāt*) as later formulated by al-Ghazālī. Al-Dabbūsī links divine prohibitions to averting harm and mentions as examples the following prohibitions: excess eating due to the harm (*ḍarar*) it contains; transgressing against the property (*māl*) of others to protect (*ṣiyāna*) the right of the owner and avert harm (*ḍarar*) from him; fornication (*zinā*) to prevent neglecting to raise one’s offspring; drinking wine due to loss of intellect (*naqṣ al-‘uqūl*) and neglect of remembering God that it entails (al-DABBŪSĪ 2001: 459).⁴⁷ Moreover, he explains that God’s wisdom also permits people to transgress a divine prohibition in case of necessity (*ḍarūra*) when thereby a greater harm is averted, such as eating carrion in case of starvation (al-DABBŪSĪ 2001: 459). While al-Dabbūsī conceives of this wisdom in terms of averting harm and bringing about good, he shies away from proclaiming that the correctness of the *‘illa* can be identified by *maṣlaḥa* or mundane consequences. He no more than admits that the *ratio legis* can be identified by its propriety (*ṣalāh*), relevance (*mulā’ama*), and congruence (*muwāfaqa*) with *rationes legis* as identified and used in legal analogies by the early Muslim community.

In *Taqwīm al-adilla*, al-Dabbūsī lays out his understanding of how to assess the ethical value of acts. Acts are evaluated according to their inherent, rationally graspable meaning or according to the meaning that is associated with them in light of divinely furnished information. For the latter, good and bad depends on being commanded or prohibited by God, and divine command leads to legal obligation. This obligation also obtains in an analogous case; the correctness of the analogy is established by identifying the *ratio legis* of the ruling.

⁴⁷ Al-Dabbūsī also lists in this context the divine prohibition against gambling (*qimār*), eating pork, animals of prey, and other food “naturally repulsive” to humans.

Although the *ratio legis* is primarily identified by its *efficacy* (*ta'thīr*), on the meta-level rulings are laid down in accordance to God's wisdom. His wisdom, moreover, is found in that divine rulings bring about *maṣlaḥa* and good (*ṣalāh*) for humankind. In comparison with al-Baṣrī, one notices a marked expansion in the concept of *maṣlaḥa*. Al-Dabbūsī views the purpose of God's Law to be aimed at the existence of mundane *maṣlaḥas* and at averting harm in this world for the believer. Acts the meaning of which is imparted by divine revelation are assessed as good not only because God commands them, but also because they have tangible beneficial effects. How God's wisdom is reflected in the 'illa of rulings is still rather undeveloped. Yet, al-Dabbūsī's work represents a step toward operationalizing the ethics of the divine intent in the *ratio legis* and the procedure of legal analogy (*qiyās*).

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The Legal Assessment of Good and Bad Acts

As expected from a leading Ash'arī scholar, al-Juwaynī denies that good (*ḥasan*) and bad (*qabīḥ*) are rationally discernible by themselves. Nothing in God's rulings, he says, is bad or good in itself (al-JUWAYNĪ 1979: 87). While he admits that the intellect requires one to avoid perils (*mahālik*) and take advantage of benefits (*manāfi'*), he says this does not apply to divinely revealed rulings (al-JUWAYNĪ 1979: 91). It is God's announcement of punishment and beneficence (*iḥsān*) as it relates to the religiously accountable (*mukallaḥ*) that leads to apprehending the ethical value of acts (al-JUWAYNĪ 1979: 91-92, 99, 101, 216, and 223).⁴⁸ Ethical assessment of matters of the Law are a function of God's communication, which, in turn, determines their legal status. Divine command (*amr*) imposes upon the *mukallaḥ* the obligation to act, unless there are contextual indications to the contrary (al-JUWAYNĪ 1979: 216).⁴⁹ The counterpart of command is divine interdiction (*nahy*), which, al-Juwaynī states, is a deterrent requiring the *mukallaḥ* to refrain from performing the prohibited act (al-JUWAYNĪ 1979: 283, 310, and 313).⁵⁰ Similar to al-Baṣrī, al-Juwaynī links the assessment of religio-legal acts to blame (*lawm*). The non-performance of divinely commanded and, thus, obligatory acts, he says, is blameworthy, as is the performance of prohibited acts (al-JUWAYNĪ 1979: 310 and 313). Acts that are legally recommended do not incur blame when omitted (al-JUWAYNĪ 1979: 310). A reprehensible act is one that the Law deters from doing, though, contrary to al-Baṣrī, al-Juwaynī holds that there is no blame for engaging in it (al-JUWAYNĪ 1979: 310). Only with regard to permissible acts does the *mukallaḥ* truly have a choice; he is neither required to perform or omit them nor deterred from performing them (al-JUWAYNĪ 1979: 313).

⁴⁸ Similar to al-Baṣrī, al-Juwaynī argues that, in light of the divine threat of punishment upon disobedience, it is rational for the *mukallaḥ* to obey God's ordinances.

⁴⁹ Command does not allow for choice in acting, and, hence, it does not encompass the category of permissible (*mubāḥ*) (al-JUWAYNĪ 1979: 222).

⁵⁰ Prohibition also encompasses legal invalidity (*fasād*) of the prohibited. In order to constitute obligation, the *mukallaḥ* must know about and be capable to perform the commanded and to refrain from the interdiction; the sleeping, forgetful, intoxicated and minor is not obliged to obey (al-JUWAYNĪ 1979: 105-106).

The jurist's task is to discover the legal assessment of acts through a linguistic and semantic analysis of the divine word.⁵¹ In line with Ash'arī conceptions of divine speech as inner speech (*kalām al-nafs*),⁵² al-Juwaynī holds that the most important inquiry into the divine speech is not the syntactical structure (*ṣiḡha*) of the utterance (*lafẓ*) but its meaning (*ma'nā*) (al-JUWAYNĪ 1979: 327).⁵³ The signification of the meaning is understood from the context of the situation (*qarā'in al-aḥwāl*) and the way in which Arabs⁵⁴ conventionally understand language (al-JUWAYNĪ 1979: 211, 216, 221, and 329).⁵⁵

Al-Juwaynī goes a step further in his preference of contextual over linguistic meaning, arguing that investigating the context of divine meanings allows jurists to recognize the purpose or intention (*maqṣūd, gharaḍ*) behind God's Law. He frequently affirms that God has a purpose with laying down His Law, using formulations such as *maqṣūd al-khiṭāb* (al-JUWAYNĪ 1979: 470, 543, 810). This purpose, he emphasizes, is not recognized simply by the linguistic form of divine speech but has to be seen in its context (al-JUWAYNĪ 1979: 211 and 778-779).⁵⁶ Moreover, al-Juwaynī clearly links the purpose of a ruling to extend it to other situations, or, as he says "to generalize" it. He illustrates this point with the case of a father prohibiting his son from eating a particular weed because it is poisonous. That the weed is poisonous is not the father's purpose for prohibition, he says. Rather, it is the father's compassion and care to prevent harm (*ḍirār*) to his son that leads him to generalize the command (*ta'mīm al-amr*), prohibiting him from eating any poisonous substance (al-JUWAYNĪ 1979: 778). The importance of context for identifying a ruling's purpose and analogizing from it is also evident in the scriptural ruling on retaliation. Al-Juwaynī mentions that the purpose of retaliation (*qiṣāṣ*) is to protect against bloodshed and preserve life (*ṣiyānat al-damā' wa-ḥifẓ al-muhaj, al-ṣawn fī-l-nafs*) (al-JUWAYNĪ 1979: 1208 and 1222). The same intention (*ma'nā*), he says, obtains when somebody is killed with a blunt object (*muthaqqal*);⁵⁷ hence, by analogy the killer is subject to retaliation (al-JUWAYNĪ 1979: 1208-1209).

51 It is noteworthy here that al-Juwaynī rejects the notion that command means that the opposite of the commanded is therefore prohibited, i.e., he rejects the *a contrario* argument (*mafhūm al-mukhālafā*) (al-JUWAYNĪ 1979: 313).

52 For detailed discussion of the different approaches to divine speech of Mu'tazilīs and Ash'arīs see FARAHAT 2019: 69-127; VISHANOFF 2011: 109-189.

53 Al-Juwaynī's examples demonstrate that the jurist has to look at the meaning in which the words are used. Despite his emphasis on linguistic convention, al-Juwaynī adds that it is God who provides linguistic instruction (*waliyy al-tawqīf*) (al-JUWAYNĪ 1979: 328).

54 Although al-Juwaynī does not clarify whom he means by the term 'Arab', it is probably safe to assume that the term refers to the Arabic speaking population of Mecca and Medina at the time of the Prophet.

55 See also Ali's succinct summary of how Mu'tazilīs and Ash'arīs conceive of the intention of divine speech (ALI 2000: 29-34); Farahat's presentation of the debates over divine speech (FARAHAT 2019: 96-127, for al-Juwaynī see 107-115); and Gleave's detailed elaboration of the importance of context for understanding speech (GLEAVE 2012: chapter 1, esp. 6-20).

56 The intention of the speaker, i.e., God, is not the same as the meaning of the speech as understood by the recipients.

57 Jurists differ over whether retaliation for homicide is only warranted when someone is killed with a weapon or sharp instrument (*jāriḥ*) or also when done with an instrument not commonly used when intending a fatal blow, such as a stool. The different assessment results from considering primarily the

These examples show that al-Juwaynī affirms that divine rulings are laid down for a discernable purpose. Investigating the meaning of rulings in their context leads one to grasp not only their legal status but also the purpose or reason underlying the prescribed action. This purpose plays a role in identifying the ruling's *'illa*. Al-Juwaynī's discussion of the procedure of analogy allows a further glimpse into the way in which the divine legal intent is associated with the *ratio legis* of revealed rulings.

Determining the Correct Ratio Legis

Al-Juwaynī restricts analogy (*qiyās*) to investigations (*naẓar*) that require rational reflection about the *ratio legis*, thus excluding what he calls textual implications (*mafḥūmāt*) in which linguistic conventions and usage may be seen to already include meanings other than in the original case (al-JUWAYNĪ 1979: 786, 449, 468, and 470).⁵⁸ When trying to determine the *ratio legis*, the jurist investigates the connection of the ruling to its meaning (*ma'na*). He says that a ruling established in the revealed texts or by Consensus is connected to a meaning that is suggestive of it and suitable for it within the conventions of the Law (*ta'liq hukm bi-ma'na mukhīl bih munāsib lah fī waḍ' al-shar'*) (al-JUWAYNĪ 1979: 782). This ruling is transferred upon confirming the same meaning in a situation about which the authoritative texts are silent and which is free from invalidating factors; the meaning has to be suitable (*munāsib*) for the ruling, suggestive (*mukhīl*) and informative about it (*mush'ir bih*) (al-JUWAYNĪ 1979: 787-788, 802, 879, and 891).

How does a jurist recognize and identify a suitable and suggestive meaning as *ratio legis* for the ruling? Unfortunately, al-Juwaynī is not forthcoming with concrete criteria by which one identifies suitability or suggestivity. Yet, he provides some indication that suitability in a *ratio legis* is connected to God's intention in laying down the ruling. Al-Juwaynī puts suitability on par with *maṣlaḥa*, saying that both *maṣlaḥa* and suitable meanings indicate the *ratio legis* of rulings. Contrary to al-Baṣrī for whom *maṣlaḥa* is attached to obedience to God's ordinances, al-Juwaynī ties it to the *rationes legis* that are expressed in the meanings of the revealed word. He proclaims that *'illas* found in Scripture (*'ilal sam'iyya*) are not indicated for their own sake. Citing the precedent of the forebears (*al-awwalūn*), he says that from the authoritative sources of the Sharī'a they grasped meanings and *maṣlaḥas*, which they deemed congruent (*muwāfaq*) with the prophetic legal practice and upon which they relied when determining rulings for situations not addressed in the texts (al-JUWAYNĪ 1979: 803, 829, and 837-838).

Despite giving examples (al-JUWAYNĪ 1979: 904-905 and 908) and confirming that suitable and suggestive meanings as well as *maṣlaḥa* can serve as *rationes legis* for rulings, al-Juwaynī does not establish a more coherent link between the purpose of the Law, *maṣlaḥa*, and the *ratio legis* of divine rulings. Where al-Ghazālī explicitly defines the purpose of the divine rulings as *maṣlaḥa*, by which he understands the preservation of the five necessities,

outcome or the actor's intent (cf. al-JUWAYNĪ 1979: 1208-1209; SCHACHT <http://dx.doi.org.proxy.library.georgetown.edu/10.1163/1573-3912_islam_COM_0469>).

58 Al-Juwaynī argues that in textual implications the meaning of the ruled upon case (*aṣl*) already implies the meaning of the textually unaddressed situation (*far'*). For example, the prophetic prohibition to urinate in standing water that is used for ablution also encompasses the prohibition against pouring urine, such as from a night pot, into it (al-JUWAYNĪ 1979: 782-783).

al-Juwaynī does not provide tangible criteria to identify *maṣlaḥa*. He looks at the meaning and context in which the divine ruling is embedded to identify the correct *ratio legis* in light of whether or not it is sufficiently suggestive and suitable. He explicitly rejects determining it by co-presence and co-absence (*tard wa-‘aks*), citing lack of precedence in the practice of the Companions (al-JUWAYNĪ 1979: 886). As seen in the example of the father prohibiting his son from eating a poisonous weed, the function of the *ratio legis* is to generalize the ruling. Yet, al-Juwaynī fails to articulate clearly the link between the ethical dimension of preventing harm, i.e., the purpose, and the establishing of the ruling. The *‘illa*, he insists, is set by God as a sign (*‘alam*) to allow the generalization of divine injunctions (al-JUWAYNĪ 1979: 1000 and 1097), thus extending the Law and its legislative intent to those instances not directly addressed in scripture (al-JUWAYNĪ 1979: 743 and 778-779).

Although al-Juwaynī does not explore the ethical dimension any further, he does establish a qualitative hierarchy of *rationes legis*, which reverberates in al-Ghazālī’s thought. In order to identify the correct one among competing *rationes legis* for a case under consideration, al-Juwaynī establishes a five-fold division. The first, and strongest, category is textually established *‘illas* that are intelligible in their meaning which is connected to a necessary matter (*amr ḍarūrī*) pertaining to universal order and general policies. As an example al-Juwaynī mentions the obligation of retaliation (*qiṣās*), which, he says, is ratiocinated to the inviolability of innocent blood, protecting against bloodshed, preserving life, and deterring against transgressions (al-JUWAYNĪ 1979: 923, 1208-1209, and 1222). The second rank comprises *‘illas* that are connected to a general need (*ḥāja ‘amma*) but do not reach the level of necessity, such as permitting the practice of leasing (*ijāra*), which is a tangible need without which harm befalls people who do not own property (al-JUWAYNĪ 1979: 924). The third rank encompasses *rationes legis* that pertain to attaining a noble objective or averting a deficiency (*jalb al-makrama, nafy al-naqīd*). As examples, al-Juwaynī mentions the requirement of ablution after defilement by a minor impurity (*tahāra al-ḥadath*) and the removal of dirt (*izālat al-khabath*) (al-JUWAYNĪ 1979: 924-925). Into the fourth rank fall those *‘illas* that are similar to the third but that lack the express support of an authoritative source text or violate other textually established legal principles. Cleanliness, for example, is a recommended objective, though no source specifically speaks to this goal. Similarly, according to al-Juwaynī, the objective of contractual enfranchisement (*kitāba*) is manumission, although this violates universal principles of analogical reasoning (*aqyisa kulliyya*) in contract law, since in contractual manumission the owner exchanges his own property (slave) for his own property (labor of his slave) (al-JUWAYNĪ 1979: 925-926 and 937).⁵⁹ The lowest rank of *‘illas* that al-Juwaynī lists are those for which no meaning comes to the jurist’s mind about the ruling, such as the bodily acts of worship. Performing them, he says, does not have an apparent benefit or avert harm but one may say that the constant remembrance of God leads to avoiding sinful and reprehensible acts (al-JUWAYNĪ 1979: 926).

We see here that al-Juwaynī’s discussion of *‘illas* that may validly be used in *qiyās* foreshadows al-Ghazālī’s categories. His terminology, though different from that of al-Ghazālī, reflects a purposive and consequentialist approach to the divine law. He understands

⁵⁹ Al-Rāzī, in his discussion of suitability, references al-Juwaynī and his examples, though he has refined their categorization in light of al-Ghazālī’s theory of *maṣlaḥa* and suitability (al-RĀZĪ 1992: 160-163).

rulings and their *rationes legis* to be connected to divine legislative intent, which can be gleaned by investigating the *maṣlaḥa* or benefit that is attained, and the harm (he does not use the term *mafsada*) that is averted in this world. He repeatedly talks about good things (*maḥāsīn*), *maṣlaḥas*, and benefits (*manāfiʿ*) in reference to the mundane, not as otherworldly reward or punishment.

In al-Juwaynī's thought we see a noticeable shift toward an ethical conception of the *ratio legis*. He strongly affirms that divine commands are good only because God commands them, rejecting the intellect's ability to assess the value of acts independently from Revelation. While denying humans moral autonomy independent from Revelation, al-Juwaynī at the same time upholds human ability to understand (and re-enact) divine legislation by investigating the meanings of the revealed rulings in their context, and using them to extend the Law to situations not addressed in the sources.⁶⁰ Going beyond the explicit source texts of Qurʾān and *Ḥadīth* and looking at the intention and meanings of divine decrees enables one to assess all of human acts and, thus, have an all-encompassing religious law.⁶¹ Though only implicitly, al-Juwaynī, thus, links the ethics of the divine legislative intent to the *ʿilla*, which is indicated by its being suitable for and suggestive of the ruling, thus, giving the *ʿilla* an explanatory function, though remaining within the semantic realm. God's intention is not grasped and extended by way of an ontological causality but by way of His eternal speech and the meaning that expands from it. This legislative intent is loosely understood by al-Juwaynī as *maṣlaḥa*. In contrast to al-Baṣrī, who conceives *maṣlaḥa* in terms of otherworldly reward for obedience to God's injunctions, al-Juwaynī seems to associate *maṣlaḥa* primarily with mundane benefit, though he never defines it in any concrete terms. He also understands *maṣlaḥa*, again loosely, in terms of necessity, needs, and noble conduct, which are tied to identifying the *rationes legis* of rulings. Left to the wayside in establishing the correctness of the *ratio legis* are criteria such as efficacy as well as co-presence or co-absence. In al-Juwaynī's thought we see that formal characteristics used to identify the *ratio legis* of divine rulings give way to qualitative and, in the final analysis, ethical considerations.

Concluding Remarks

Despite this small sample of jurists, some conclusions, albeit tentative, may be drawn. All three of these jurist subscribe to the notion that God is not frivolous (*ʿabath*) and that His Law, hence, is laid down for a purpose, namely for people's *maṣlaḥa*. They differ, however, in the extent to which they deem God's legislative intent to be identifiable in the revealed

⁶⁰ Like al-Ghazālī, al-Juwaynī also considers God's purpose to serve as *ʿilla* in itself. He does not call it *maṣlaḥa mursala*, or *mursal*, but subsumes it under inference (*istidlāl*). Meanings that are suitable, resemble those found in the authoritative sources, and are *maṣlaḥas* can be used in inferential reasoning even though no source text is found (al-JUWAYNĪ 1979: 1113-1118 and 1122; al-GHAZĀLĪ n.d.: II, 487-488 and 506).

⁶¹ Throughout the *Burhān*, al-Juwaynī emphasizes that no incident is devoid of God's ruling (al-JUWAYNĪ 1979: 743, 805, 1116, 1325, and 1348-1349). Juwaynī's efforts to strengthen the role of the *ʿulamāʾ* in society by providing them with tools to speak to all incidents that need legal and moral decision is also reflected in his political theory work *Ghiyāth al-umam* (cf. HALLAQ 1984: 41).

rulings and operational in the *ratio legis* employed in analogical reasoning. Counter-intuitively, there is an inverse relationship between affirming the intellect's ability to recognize good and bad (*taḥsīn* and *taqbiḥ*) and including ethical considerations in identifying the *ratio legis*. Al-Baṣrī conforms to the Mu'tazilī position that God commands only what is good because it is good. This leads him to forego any further inquiry into how to recognize the goodness of divine rulings. His confidence that God only legislates what is good and that He is obliged to indicate how humans can reach their *maṣlaḥa* means that in religious matters humans strictly follow God's signs (i.e., *'illas* or *amāras*) to extend rulings to unprecedented cases.⁶² In the procedure of analogy, humans forego any assessment of the ethical dimension of the revealed ruling and identify the correctness of the *ratio legis* by its efficacy (*ta'thīr*), understood as co-presence and co-absence between *ratio legis* and ruling. Outside of the religious Law, al-Baṣrī leaves room for the intellect to determine normativity. It remains to be investigated whether acting upon rational obligations procures only this-worldly benefit (*manfa'a*) or also otherworldly reward (*maṣlaḥa*).

In al-Dabbūsī's thought, we see forays into an ethical understanding of the *ratio legis* born out of divine wisdom. God commands what is good because of His wisdom (*ḥikma*) that this good should exist in this world. God's wisdom entails that divinely imposed rulings avert harm and procure good for humankind—they bring about *maṣlaḥa*. When discussing how to identify the *ratio legis* in the procedure of analogy, al-Dabbūsī does not clearly articulate a purposive or consequentialist perspective, yet, many of his examples show that a ruling's *'illa* is related to God's wisdom and purpose in creating the world and revealing His Law for people's *maṣlaḥa*. Although he remains vague on what he means when describing the efficacy of the *ratio legis* in terms of propriety (*ṣalāḥ*) and relevance (*mulā'ama*) for its ruling, and congruence (*muwāfaqa*) with other established laws, it is apparent that the *ratio legis* is associated with underlying reasons that are discernable by looking into the meaning and context of the ruling. In order to extend God's Law to unprecedented situations, humans have to investigate how a ruling fits into God's wisdom such that it is good for the associated act to occur.

Al-Juwaynī provides the least space for rational ethical judgments outside of the revealed Law. Yet, it is precisely humans' inability to reach ethical assessments rationally that forces him to resolve unaddressed cases by reliance on the revealed Law. The good is recognized through analysis of the divine speech, which al-Juwaynī, along Ash'arī lines, understands as containing a meaning (*ma'nā*) that is discernable in the contextual usage of the language of the Law. The meaningfulness of divine rulings translates into a meaningful relationship between *ratio legis* and ruling, a relationship in which the *ratio legis* is suitable for (*munāsib*) and suggestive of (*mukhīl*) God's legislative intent. The goodness of God's command, for al-Juwaynī, is reflected in tangible mundane *maṣlaḥas*. Despite rejecting the notion that good and bad are rationally determinable, al-Juwaynī leaves it to the human intellect to identify

⁶² Zysow argues that al-Baṣrī combines the sign and the motive model of the *ratio legis* (ZYSOW 2013: 228 and 230). My analysis brings me to conclude that al-Baṣrī belongs to the proponents of the sign model because he does not understand the *'illa* as reflecting God's legislative intent. Rather, only by following the associated ruling is the *ratio legis* connected to *maṣlaḥa*, which is the motivating factor from the perspective of the believer.

the *'illa* of divine rulings by its suitability and attainment of mundane *maṣlaḥa*, thereby providing a space for ethical judgments—albeit within the parameters of Revelation.

Although none of the jurists presented above make an explicit connection between God's legislative intent and the *ratio legis* of His laws, I hope to have shown that al-Ghazālī's ideas about the *maqāṣid al-sharī'a* do not come out of nowhere. Prior to al-Ghazālī, jurists leaning toward Māturīdism and Ash'arism in theology had already many of the elements found in al-Ghazālī, though missing is the explicit definition that the purpose of the divine Law is humankind's *maṣlaḥa* encapsulated in preserving the five essential elements of human existence.⁶³ Al-Ghazālī's genius was to capture the meaning of that purpose in more concrete measures. In his work, the process of determining the correctness of the *'illa* takes a decisively purposive and consequentialist turn. The ethical character of the Law is recognizable in the *rationes legis* of its rulings, which lead to *maṣlaḥa*, measurable by its attainment of good things in this world, and which is applicable to instances about which the Law is silent. The *ratio legis* is imbued with ethical value. Al-Ghazālī, thereby, resolves the Ash'arī objection to Mu'tazilī rational moral epistemology by articulating criteria, taken from Revelation, that inform humans about what constitutes *maṣlaḥa* and which *maṣlaḥa* has priority in case of conflict (FARAHAT 2019: 44).

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63 What remains to be further explored is the impact of these different conceptions of moral epistemology on the sphere of the religious and the secular. Does religious accountability (*taklīf*) extend to all of human acts or only to those rulings that Scripture and analogies based thereon prescribe? Al-Başrī's thought suggests the latter, al-Juwaynī seems to be advocating the former.

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Moral Assessments and Legal Categories: The Relationship between Rational Ethics and Revealed Law in Post-Classical Imāmī Shīʿī Legal Theory*

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Abstract

In this chapter, I examine the discussion around the rational and moral basis for legal categories in postclassical Imāmī Twelver Shīʿī legal theory. The debate was pushed forward by the Akhbārī movement in the 17th century CE; they proposed a novel position concerning the rational basis for the law in which reason can determine certain moral aspects of an action (e.g., a good action can be recognised by reason, and its performance attracts praise), but not legal elements (e.g., that the performance of a good action deserves a reward beyond praise). This leaves, for them, the Lawgiver (that is, God) to connect the moral aspects of an act with its legal consequences (that is punishment for a morally bad action and reward for a morally good action); that causal connection cannot be made by reason alone. Based on these findings, I conclude that Akhbārī moral theory, often read along literalist lines, showcases an adherence to the Muʿtazilī-derived framework common to the Imāmī Twelver Shīʿī theology and law generally, whilst also reserving ultimate legal authority to God.

Keywords: Legal rationalism, Twelver Shiʿism, Legal theory (*uṣūl al-fiqh*), Postclassicism.

Introduction

The five-fold system of Islamic legal classification (*al-ahkām al-khamsa*) lays out the requirements placed on the individual by the ultimate Lawgiver (*al-shāriʿ*, that is, God). The Lawgiver, speaking either directly (in revelation) or indirectly (through his emissaries), provides for humankind a legal (*sharʿī*) assessment for each action. Every action a human being performs is, under this general theory, assessed as obligatory (*wājib*), recommended (*mustahabb*), discouraged (*makrūh*) or forbidden (*ḥarām*). The Lawgiver also reveals that some actions are simply neutral or unclassified (*mubāḥ*: permitted), and the agent is neither

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encouraged nor required to perform them, nor is he discouraged or forbidden from performing them. This is a possible summary of the legal framework which underpins most premodern elaborations of Islamic legal theory.¹

The five-fold legal classification derived—directly or indirectly—from the Lawgiver. There is, though an alternative system of evaluating acts: namely, “rational” assessments, discovered or determined by the application of “reason” (*‘aql*) to the act. The definition and scope of *‘aql* (here, translated, albeit imperfectly, as “reason” or “rationality”) is much discussed in Muslim speculative theology and legal theory. Generally speaking, though, these assessments are conceived of as independent (*mustaqill*) judgments of a perfectly functioning rational faculty, unaided by other forms of moral and legal knowledge (such as revelation). The early champions of the reality (and hence superiority) of these rational assessments were, of course, the theological school known as the Mu‘tazila. For them, reason identifies certain actions (such as debt repayment) to be morally good (*hasan*) and other actions (such as lying) to be morally repugnant (*qabīh*). That is, reason has the ability to identify these moral assessments as external characteristics of acts: lying is morally repugnant because of a quality of moral repugnance which it has alongside all its other qualities (physical attributes, location, time, etc). It is not morally repugnant because an authoritative individual (such as the Lawgiver) has declared it so. The early Mu‘tazilī position then consisted of two elements: (1) ontology (the independent and external nature of moral assessments) and (2) the functioning of reason (i.e., the ability of reason to recognise and identify these external characteristics). These two elements proved, in time, to be particularly attractive to a number of theological schools beyond the Mu‘tazila proper, with these Mu‘tazilī-derived ideas influencing other theological trends. Amongst those drawn to these views were some early Shī‘ī tendencies with a pioneering effort to incorporate Mu‘tazilī-based theological claims by 11th century CE, Baghdad-based Twelver Shī‘ī scholars such as al-Shaykh al-Mufīd, al-Sharīf al-Murtaḍā and Muḥammad b. al-Ḥasan al-Ṭūsī. Subsequent to their efforts, *‘aql*’s ability to identify an action’s moral qualities became standard Twelver Shī‘ī doctrine. In the centuries following its incorporation, the principle was subjected to extensive elaboration and development, and continues in the contemporary period to be the bedrock of Twelver Shī‘ī legal theory.²

This chapter concerns the relationship between these two systems of assessment: the legal five-fold classification and the rational system of assessment. In particular, I focus on the

1 There is much debate in Islamic legal theory over whether the Lawgiver declaring, explicitly and directly, something to be *mubāh* is the only way to discover its classification. In contemporary Shī‘ī *uṣūl al-fiqh*, the debate is linked to a typology of “permission” (*ibāḥa*)—required/demanded and non-required/non-demanded (*iqṭidā’iyya* and *lā-iqṭidā’iyya* respectively). In brief, the permission given for some actions is based on a fundamental notion that this is an action which should be subject to individual choice. There are some actions which are permitted for a reason; that is, they have some characteristic which requires them to be permitted. The Lawgiver, following this natural law, would inevitably decree them permitted—this is a required (*iqṭidā’ī*) permission. There are other actions which are not “required” in this sense to be permitted—there is no reason for there to be a choice over performance or abstention—but more than this, there is also no reason to perform or abstain. In such circumstances, the action falls into the permitted category, but there is no natural requirement (*lā-iqṭidā’ī*) for it to be there. Discussions in modern *uṣūl* include ṢADR 1986: I, 147-8 and KHUMANYŪ 2002: I, 235-6.

2 See, for example, the various studies in BHOJANI et al. (eds.) 2020.

debate around this relationship in “postclassical”³ works of Imāmī (Twelver) Shī‘ī legal theory. Twelver Shī‘ī legal scholarship experienced a fissure during the postclassical period between two opposing jurisprudential movements: Uṣūlism (usually characterised as promoting greater rationality in legal derivation) and Akhbārism (which opposed the supposed Uṣūlī rationalism, advocating a renewed emphasis on the principles revealed by the Imams and found in the textual reports of their sayings and actions—the *akhbār*).⁴ The Akhbārīs are sometimes viewed as “anti-rationalist”, “traditionalist” or “literalist” in the secondary literature.⁵ I argue in this chapter that this is an inaccurate portrayal, and I base my conclusions on my analysis of the Akhbārī position of the relationship between moral (rational) assessments and legal (revelation-based) categorisations. On this issue (and many others, it could be added), the Akhbārīs propose a variant of the Mu‘tazilī-style argumentation which Twelver Shī‘ī scholars had taken and made their own in the years after the full-blown adoption of Mu‘tazilism (MADELUNG 2008). The Akhbārī and Uṣūlī debate encompassed many elements of Twelver Shī‘ī legal theory; on the question of the relationship between the legal classifications and moral assessments, the debate appears to be between variants of rationalism, rather than “rationalism” in conflict with “traditionalism”.

One should not think of the disputes around this issue as arcane and moribund. In contemporary Twelver Shī‘ī legal theory (which I date from the late 19th century onwards) there is a vibrant discussion of the moral assessment-legal category relationship. The discussion is framed around the workings of a “principle of necessary correlation” (*qā‘idat al-mulāzama*). That is, the majority of contemporary scholars agree that there is a “necessary correlation” (*mulāzama*) between the moral assessment and the legal classification. There is though much debate about how this “necessary correlation” operates. The centrality of the *qā‘idat al-mulāzama* (despite the differences of opinion around its operation) was established in the work of al-Shaykh al-Murtaḍā al-Anṣārī (d.1864). Al-Anṣārī is usually credited with founding the modern school of Twelver Shī‘ī legal theory, and in the seminary setting, the supremacy of his ideas is expressed through the intense study of his work of legal theory *Farā‘id al-Uṣūl* (also known as *al-Rasā‘il*). The study of *al-Rasā‘il* is supplemented with a wealth of commentaries on the legal epitome *Kifāyat al-uṣūl* by his one-time pupil al-Ākhund Muḥammad Kāzīm al-Khurasānī (d. 1911). Both of these works, and nearly all subsequent works of Shī‘ī jurisprudence approach the issue of the legal classification/moral assessment relationship through *qā‘idat al-mulāzama*. Whilst characterising the relationship as coming out of necessity (*lāzīm*, or its derivatives such as *mulāzama*) can be found in classical works of *uṣūl al-fiqh*,⁶ the idea of a “principle” (*qā‘ida*) of “necessary correlation” (*mulāzama*)

3 “Postclassical” is in part a convenient period marker (by it I mean works written between the 15th and 19th centuries CE); but also, the works of this period are characterised by virtuoso debate and extreme focus on commentarial minutiae, features which were not absent in other period but are intensely exhibited in these “postclassical” works. See, GLEAVE and AHMED 2018 and GLEAVE forthcoming.

4 There is, now, quite a significant body of literature of the Akhbārī movement including: NEWMAN 1992a and 1992b; STEWART 2003; GLEAVE 2007; ABISAAB 2015.

5 COLE 1989: 9 and 33; ABISAAB 2015: 5; FARZANEH 2015: 100-1.

6 In Shī‘ī texts the “go-to” Sunni source is ZARKASHĪ 1998: I, 133-9, a commentary on al-Subkī’s *Jam‘ al-Jawāmi‘* where he says, “Good and Evil are essential characteristics, and obligation and prohibition are legal categories—but there is no necessary correlation between them” (*al-ḥasan wa-l-qubḥ dhātīyyān, wa-l-wujūb wa-l-ḥurma shar‘īyyān, wa-annahū lā mulāzama baynahumā*); the relationship is, to my

governing the operation of the law in this area appears to be a late development. I have not managed to find use of the phrase *qā'idat al-mulāzama* to express the legal categories-moral assessments relationship before al-Ākhund al-Khurasānī in his *Kifāyat al-uṣūl* (al-KHURSĀNĪ 1988: 321). There are many ways in which the implications of this principle are parsed in contemporary theory, but it is usually summed up with the slogan: “everything which reason decrees as an assessment, revelation also so decrees” (*kull mā ḥakama bihi l-'aqlu, ḥakama bihi l-shar'u*). This slogan became the summary for the *qā'idat al-mulāzama*, but it was in existence (in slightly modified form) well-before the time of al-Ākhund. The relationship is one of *necessary* correlation because it is theologically (and rationally) unthinkable for the Lawgiver to require an irrational action from his subjects. It is, then, rationally required that all the Lawgiver's legal requirements must be in conformity with rational moral assessments. The explicit and direct commitment to this notion as a principle (*qā'ida*) of jurisprudence in contemporary Shī'ī legal theory stands at the end of long debate. In post-classical works of Shī'ī legal theory, different positions (and sometimes different formulations of the same position) were proposed, tested and often rejected, until the *qā'idat al-mulāzama* with its accompanying slogan became the majority (one might, cautiously say “orthodox”) position. This chapter aims to trace the backstory to the near universal adoption of *qā'idat al-mulāzama* in the pre-Anṣārī period.

Classical Shī'ī expressions of the moral assessment/legal categories relationship

Much research on the early Mu'tazilī theories of ethics and law has emerged in the recent years, and here is not the place to summarize the findings of this extensive body of scholarship. It is sufficient to say here that the Mu'tazilīs argued for a strong relationship between the moral assessment of reason and the legal classifications made by the Lawgiver. The Mu'tazila were not, it seems, of a single mind though on the nature of this correlation. The Baghdadīs were in favour of a strict correlation; Basran Mu'tazilīs were more nuanced. For example, a lie might be essentially bad and therefore forbidden; but what of a lie to protect a Prophet? The problem of a “good lie” meant Basrans struggled with the straightforward *mulāzama* of the Baghdadi Mu'tazilīs. They devised a number of systems for coping with this, the most successful of which was the idea that the evil attribute essential in a lie could be over-ruled (*marjūh*) by another attribute or quality based on the beneficial results of the action (*maṣlaḥa*). Hence, a good lie was not, strictly speaking, possible, but a bad lie for good ends might be a required course of action (i.e., essentially evil, but contingently obligatory). Such a “good bad lie” is possible in certain situations and creates a gap between the moral assessment and the requirement (*taklīf*) on the moral subject. Some theorists evaluated these debates around a balance of praise (*madḥ*) and blame (*dhamm*). If telling a lie created a beneficial outcome, then would such an action attract praise or blame from God, the ultimate moral judge? If it attracts praise, then, logically, it could not be “forbidden”; and

knowledge, adopted with the term *mulāzama* (“necessary correlation”) in Shī'ī writings in TŪNĪ 1992: 175 where he lifts it most probably from his reading of al-Zarkashī.

if it attracts blame, then logically it cannot be obligatory. The other categories are less straightforward. For example, if the action attracts praise, is it not also logically impossible for the action to be “discouraged” (but not “forbidden”)? Here, and more generally in the definition of the intervening categories (discouraged, permitted, recommended), there was debate as to whether the praise/blame calculus could adequately capture the nature of these legal categories. Furthermore, the ontological implications of such a formulation were manifold, but most importantly, the position entailed that whilst an act’s evil was inherent in the act itself in “unrestricted” (*muṭlaq*) circumstances, legal categories are created from contexts and other stipulations which take into account the consequences of the action. In unrestricted contexts, the transfer from evil moral assessment to legal prohibition was straightforward (in a *mulāzama* sense); in other contexts, the legal classification may deviate from the moral assessment, but always with a recognition that there remains an element of transgression in, for example, the obligatory lie. The early Basran Mu‘tazilī position does imply a contingent, timebound (almost this worldly) character to the legal classifications absent in the absolute moral (and ontologically secure) assessments. The possibility of legal variation in response to contextual factors, consequences and the praise/blame calculation is something which reoccurs in the Twelver Shī‘ī debates discussed below.⁷

These Mu‘tazilī formulations and reformulations of the ontology of moral assessments have been studied by others;⁸ their incorporation into Imāmī Shī‘ī *kalām* and *uṣūl* discussions, which eventually informed the position on the *mulāzama* issue, was, by the time of the influential Twelver Shī‘ī jurist and theologian, al-‘Allāma al-Ḥillī (d. 726/1325), fully developed. In his *Kashf al-Murād*, a commentary on the creedal statement *Tajrīd al-I‘tiqād* of Naṣīr al-Dīn al-Ṭūsī (672/1274), he discusses the various definitions of an act (*fi‘l*). Al-‘Allāma states that the actions of neglectful or sleeping individuals have no moral attributes beyond the bare facts of their existence. This is because these incapacitated individuals cannot act with intention, and for al-‘Allāma intention forms an essential component of any moral (and therefore legal) assessment. He continues:

If [an action] can have this [additional, moral] attribute, then there are two types—good (*ḥusn*) and evil (*qubh*). Regarding *ḥusn*, if it has no quality (*wasf*) above and beyond it being good, then the action is permitted (*mubāḥ*), and it is decreed that there is no praise for either performing it or not performing it.⁹ If it has an additional quality, then if he deserves praise for performing it and censure for not performing it, then it is obligatory (*wājib*); if he deserves praise for performing it, and no censure for not performing it, then it is recommended (*mandūb*); if he deserves praise for not performing it and no censure for performing it, then it is discouraged (*makrūh*). So

7 The discussion mirrored, of course, with discussion of necessity (*darūra*) and the ability of circumstances to change legal rules (though in *darūra*, the process was reversed, in the sense that the legal rule is established, but the obligatory action, created out of circumstance, deviates from the legal categorisation).

8 VAN ESS 1984; SCHMIDTKE 2016; BENNETT 2016; EL OMARI 2016.

9 Praise is viewed as a rationally justified and appropriate response to the performance of the action; so a person with a fully functioning rational faculty would respond by praising it. Ultimately, the individual whose praise is most relevant here is the Lawgiver himself.

husn is divided into four legal categorisations... and with prohibited (*ḥarām*), the four *husn* categories and *qabīḥ* make five. (al-ḤILLI 1988: 280)

The close linkage between the two moral assessments and the five legal categories is established by al-ʿAllāma such that if reason recognises these various permutations of praise and censure, then the resulting assessment maps onto the well-known five legal categories. The categories become further interwoven when al-ʿAllāma introduces reward and punishment for performing good and evil actions:

Praise and reward are due for obligatory and recommended actions, and actions which are contrary to evil actions (*didd al-qabīḥ*)... (al-ḤILLI 1988: 280)

He summarises his views in a useful abbreviated form in his *Manāḥij al-Yaqīn*:

Reward is a desert for that which commendation (*taʿzīm*) and praise are deserts when they have been stipulated; punishment is a desert for that which censure and denunciation (*istikḥfāf*) are deserts. (al-ḤILLI 1995: 346)

The link between an act deserving praise (*madḥ*) and it therefore deserving reward (*thawāb*) seems natural (perhaps necessary) for al-ʿAllāma. There may be an ontological difference between the way the two qualities or attributes are attached to an action (essential for good and evil/attributional for obligatory, recommended etc.), but the relationship between the two appears seamless in his presentation. Following this line of argument, al-ʿAllāma gives his perspective on the much-discussed question of whether one should lie to protect a prophet: that is, if, for example, an enemy is searching for the prophet and asks you his whereabouts. Whilst lying is inherently evil, could it be recommended in these circumstances? Al-ʿAllāma marshals three principal arguments to validate the prophet-saving lie. These are:

- (1) this lie is the lesser of two evils
- (2) the quality of evil might be absent from this lie because of some preventative feature (*māniʿ*). In this case, the *māniʿ* would be the consequent harm to the Prophet, but by allowing this individual preventative feature, one is not committed to the view that all lies, potentially, have this preventative feature. The *māniʿ* is very specific to this instance.

Finally, he argues:

- (3) This lie has an aspect (*jiha*) of good in it,¹⁰ but not because it is a lie, but because it includes the [Prophet] escaping [harm]; in it there is an aspect of evil, and that is because it is a lie. The two aspects oppose one another. Something which has an aspect of evil necessarily has that aspect; something which has an aspect of good, it also necessarily has that aspect but without any variation (*taghayyur*). (al-ḤILLI 1995: 346)

The implication of these arguments is that a lie remains evil, even when it is for a good reason. One can see this good reason as outweighing the evil (argument 1); or one can say

¹⁰ Clearly, *jiha* is being used here in a similar way to the cognate *wajh*. On *wajh* see REINHART 1995, 148-150. See also SHIHADDEH 2016, where it is translated to “configuration”.

that the link is not between evil and prohibition, but instead between the action and the evil (which is a conditional linkage—argument 2); or one can argue that an act has various aspects (drawing on the term *jiha*): some are good and others evil. Evil aspects are subject to variation (that is their evil aspect can be outweighed by other factors). Good aspects, on the other hand, are absolute—when an action is identified as morally good (such as repaying a debt), it will always have this preponderant aspect of “goodness”.¹¹ The result is that the good aspect of the lie (*hasan*—i.e., that is aids the prophet in his escape from harm) creates the obligation (*wujūb*) to lie, even though lying remains necessarily evil.

Al-‘Allāma’s formulation, which could be viewed as an authoritative expression of the “classical” doctrine of the relationship between moral and legal assessments, brings together a number of interlinked notions. At a fundamental level there is the ontology of moral properties: the *ḥusn* or *qubḥ* are, in some way, essential/*dhātī* to an action. These essential attributes can be identified and recognised by the faculty of reason, and are therefore rational/*‘aqlī*. These attributions come about for reasons, the most proximate of which is that good/*hasan* actions attract praise/*madḥ*, and evil/*qabīḥ* actions attract blame/*dhamm*. Furthermore, it appears that praiseworthy actions deserve reward/*thawāb*, and blameworthy actions deserve punishment/*‘uqūba*. There is a yet further link, apparently, with the notion of a good/*hasan* act bringing about a benefit (*maṣlaḥa*), perhaps with the corollary that an evil/*qabīḥ* act leading to a detriment/*mafsada*. All of this appears to be in the realm of rational assessment, without the Lawgiver having any agency in determining the moral evaluations. The link between these categories and the legal categories appears to be within the Lawgiver’s realm, since it would be illogical for the just (and ultimately rational) Lawgiver to make a blameworthy action obligatory and a praiseworthy action prohibited. Interestingly, the symmetry between good and evil aspects is disrupted for al-‘Allāma at this advance stage of legal analysis: an action with an evil attribute (i.e., one that, under normal circumstances, is blameworthy) is subject to variation (*taghayyur*); that is, under certain circumstances, it could become obligatory and deserve reward, whilst nonetheless remaining in some aspects evil. This, apparently, cannot happen to a good attribute: praiseworthy actions always retain the link with obligation without any possibility of variation. As we shall see, it was this “strong” notion of the necessary correlation between the moral assessment (*hasan*) and the legal category (*wājib*) of an act which was viewed by Akhbārīs as contrary to reason itself. Perhaps more importantly for them, though, this position deviated from their understanding of the message of the Imams. It is worth noting here that one element of the Akhbārī counter-attack explored below was the disputed legacy of Naṣīr al-Dīn al-Ṭūsī. Al-‘Allāma, and the majority of postclassical jurists (eventually to be called Uṣūlīs) claimed Naṣīr al-Dīn al-Ṭūsī’s theological legacy as supporting their Uṣūlī positions. In this, and in other areas of theology and legal theory, Akhbārīs counter-claimed that Naṣīr al-Dīn al-Ṭūsī fundamentally agreed with Akhbārī views.

11 That good/*hasan* attributes are somehow less open to displacement than evil/*qabīḥ* attributes appears based on an underlying commitment to the good’s sturdier ontological foundations. This most likely has its roots in the assertion within Islamic philosophical theology (drawing on the view attributed to Plotinus) that evil is nothing more than *privatio boni*—a non-existence of good. See SHIHADÉH 2019. Indeed Avicenna admits the negative existence of Evil, and that existence is all good (*khayr maḥd*). See BOUHAFI in this issue.

Akhbārī Positions

Al-‘Allāma al-Ḥillī’s position laid out above, dominated Twelver Shī‘ī legal theory writings in the subsequent centuries—so much so, that there appears very little discussion or disagreement around the relationship between the legal categories and the rational assessments in *uṣūl* and *kalām* works in the period following al-‘Allāma. For example, the *Ma‘ālim al-Uṣūl* of al-Ḥasan b. al-Shahīd al-Thānī (d. 1011/1602, based in Ottoman Syria) was to become the major seminary textbook for *uṣūl al-fiqh* in subsequent centuries; it has no in-depth discussion of the role of ‘*aql* in the derivation of legal rules. There is an assumption in the work that ‘*aql* is a means to knowledge, but there is no description of the relationship between knowledge gained through ‘*aql* and rules revealed by the Lawgiver. In his *Zubdat al-Uṣūl*, the famous Safavid polymath al-Shaykh al-Bahā‘ī (d. 1030/1620 or 1031/1621) does mention this issue. He states that certain moral and legal truths are available through ‘*aql* and without the need for revelation (BAHA‘I 2002: 67-69). In particular, good actions (such as justice and honourable conduct) deserve praise and evil actions (such as oppression) deserve blame. ‘*aql* produces certain knowledge that there can be no punishment for certain good actions (such as thanking a benefactor). There is, though, no discussion continuing the terms laid out by al-‘Allāma al-Ḥillī. Al-Shaykh al-Bahā‘ī’s assertion that one can know through ‘*aql* that some good (*ḥasan*) actions can never attract punishment reveals two things. First, al-Shaykh al-Bahā‘ī is working on the intimate link between a good action and the impossibility of punishment; this, it could be argued, is an elaboration of al-‘Allāma’s assertion that the attribute of good is invariable, and therefore linked with the legal category of obligation. Second, for al-Shaykh al-Bahā‘ī, deserts are identified by reason, creating a reason-based link between actions, deserts and, therefore, their legal categories. These are interesting implications, but they do not appear controversial in *uṣūl* works. There is hardly any discussion or critique of al-‘Allāma al-Ḥillī’s doctrinal framework. There appears to be a general acceptance of the close (perhaps even logically necessary) relationship between moral assessments (*ḥasan*, *qabīḥ*) and legal categories (from *wājib* to *ḥarām*). The acceptance of al-‘Allāma’s formulation was to be challenged with the emergence of the Akhbārī scholarly movement amongst Twelver Shī‘ī scholars. The Akhbāriyya (or *akhbāriyyūn*) saw much to criticise in the Twelver Shī‘ī legal theory from al-‘Allāma al-Ḥillī onward. Amongst the faulty doctrines introduced by al-‘Allāma was the assertion that the relationship between moral assessments and legal categories was one of logical necessity; the Akhbārī rejection of this logical necessity can be seen in the light of their legal theory more generally.

The Akhbārīs have been described as literalist, fundamentalist, traditionalist and anti-rationalist in the secondary literature. None of these labels, I would argue, fully capture Akhbārī methodology.¹² The Akhbārī movement was, arguably, launched with the composition of *al-Fawā‘id al-Madaniyya* by the Mecca-based Iranian scholar Muḥammad Amīn al-Astarābādī (d. 624/1626/1627). This work was a pointed rejection of much of the accepted Shī‘ī legal theory. Al-Astarābādī’s analysis was extensive and detailed, though the work’s arrangement was rather unsystematic. Nonetheless, *al-Fawā‘id al-Madaniyya* was accepted as a (perhaps *the*) foundational text for those scholars who, following al-Astarābādī’s method,

¹² See above notes 5 and 6.

were labelled *akhbāriyyūn* (Akhbārīs) due to their call for a return to reliance on the *akhbār* of the Imams, and a relegation (though perhaps not total exclusion) of rational techniques of deduction. The central tenets of this postclassical Akhbarism are now clear: these Akhbārīs were unhappy with the increased role given to reason (i.e., *‘aql*) in Shī‘ī legal theory; in particular, personal juristic reasoning (*ijtihād*) as exercised by a supposedly qualified jurist (*mujtahid*) was unacceptable for Akhbārīs; the result of *ijtihād* was never more than a *mujtahid*’s personal opinion (*ẓann*); the Akhbārīs saw no justification for this *ẓann* being authoritative for any other members of the community, perhaps not even for the *mujtahid* himself.¹³ A general reduction of the role of human reasoning, then, formed a major part of a thorough, critical overhaul of existing Shī‘ī legal theory. Amongst the issues addressed by al-Astarābādī in the course of this reformulation was the question of the relationship between the legal categories and the rational assessments. His exposition is quite lengthy and, as with much of his argumentation, his declared aim is to delineate the doctrine of the Imams as found in the texts recording their statements (*akhbār*); pure rational argumentation is generally of secondary importance. Al-Astarābādī’s interpretation of the *akhbār* texts is not, of course, devoid of legal reasoning: the texts are presented as if they speak for themselves, but of course, that is an exegetical sleight of hand. The *akhbār*, along with the “obvious” or “apparent” meaning of Quranic verses, are clear and unambiguous, he claims; they indicate, in al-Astarābādī’s view, that obligation and prohibition (i.e., the legal categories) are not essential attributes of actions (*buṭlān al-wujūb wa-l-ḥurma al-dhātīyyayn*).¹⁴ On the other hand, good and evil (i.e., the moral assessments) are essential attributes of acts (*al-ḥusn wa-l-qubh dhātīyyān*), but these characteristics are not connected—causally or otherwise—with the legal categories (i.e., obligation and prohibition). There is, then, no necessary correlation (*mulāzama*) between moral assessments and legal categories. Al-Astarābādī, though, recognises that various respected scholars have adopted different positions. A “proper” understanding of the issue (by which he means, a demonstration of the superiority of his own view, and the failure of the others), he says, requires an appreciation of these positions. He outlines how the different positions unfold in the course of a three step argument, with theological and philosophical tendencies associated with each stage:

1. Moral assessments (i.e., good and evil), acquired through the operation of the faculty of reason (*‘aql*), are essential attributes of acts.

¹³ Al-‘Allāma and others had argued that the legal authority of the *mujtahid*’s opinion is achieved through the doctrine of “authoritative following”—*taqlīd*—of the *mujtahid*

¹⁴ AL-ASTRĀBĀDĪ 2003: 465-6. The view that the obvious meaning of Quranic verses (*ẓawāhir al-āyāt al-karīma*) indicates that obligation and prohibition are not essential properties of an action might be seen as a contradiction of al-Astarābādī’s view that Quranic verses cannot be understood, even in their obvious meanings, without the *akhbār* of the Imams. Here, it could be viewed that the obvious meaning of Quranic verses is only obvious because the Imams themselves have made it so (through their *akhbār*). Also, it seems clear that al-Astarābādī is arguing against those who see prohibition and obligation as essential features of actions, and such people do, indeed, take obvious meanings of the Qur’ān as probative; he is, then, trying to play his opponents at their own game. For al-Astarābādī’s view that the obvious meaning of a Quranic verse cannot be used as an indicator of the meaning of the verse, see al-ASTRĀBĀDĪ 2003: 269-271.

[View 1: this is the view, he explains, of all the Twelver Shi‘ites (the Imāmiyya as he terms them), the Mu‘tazila and a few Ash‘arīs; the majority of Ash‘arīs would not hold this view, he argues]

2. For some, these essential attributes necessarily lead to the performer of the action being praised for the performance of a good action, or censured or blamed for an evil action.

[View 2: this opinion is held by some Imāmīs, some Mu‘tazilīs and a few Ash‘arīs. This is al-Astarābādī’s own view,¹⁵ which, he claims, derives (in part) from the position of Naṣīr al-Dīn al-Ṭūsī¹⁶]

3. Praise and censure necessarily leads to the performer deserving reward (for a praised “good” action) or punishment (for a censured “evil” action). “Deserving reward” and “deserving punishment” become the definitions of legal obligation and prohibition respectively. The conclusion for this view is, then, that essential moral attributes [established in step 1 above] have a “necessary correlation” entail legal classifications [step 3].

[View 3: this is held by some Mu‘tazilīs and some Imāmīs; and it is this view which al-Astarābādī spends much of his subsequent discussion debunking]

Al-Astarābādī states that all those who believe in View 1, should also believe in View 2:

Everyone who argues for essential evil in this meaning, also says that the one who performs such an act deserves censure in the eyes of [God] the Wise One when he does it—providing [the one performing the action] knew that it was characterised by this attribute (*ṣifa*).

Some, though, go further (arriving at View 3), and say that it is a rational necessity that the performer also be rewarded and punished for the act’s performance—that is, an expression of praise logically entails the performer gaining a reward; an expression of blame logically entails the performer is punished. God rewards and punishes in the next life, since he is the ultimate agent of justice. View 3 (as presented by al-Astarābādī) is the strongest notion of

15 In al-Astarābādī’s formulation, though, it is God who recognises the good or bad quality of an act and automatically (it seems) adopts an attitude of praise or blame respectively. In some formulations, the person performing the praise or blame is left unidentified (i.e., it is simply that the individual deserves praise or blame by a form of rational necessity, often expressed in the passive grammatically). Strictly speaking, God is either drawn to or recoils from the act; God’s recoiling from an act (*tanfir*) is glossed as censure (*dhamm*) in al-Astarābādī’s presentation: “The essentially bad thing (*al-qabīḥ al-dhātī*) is an action described with an attribute (*ṣifa*) which, when [God] the Wise One recognises it, he recoils from it” (al-ASTARĀBĀDĪ 2003: 466). One can imagine a determined critic might wish to exploit this, though one should note al-Astarābādī decides to refer to “the Wise One” (*al-ḥakīm*) as an epithet of God, emphasising God’s rationality. That is, God (i.e., the supremely rational being) recognises the bad attribute of an act; and by rational necessity recoils from it and censures the performer.

16 Al-Astarābādī references *al-Fuṣūl al-Naṣīriyya* of al-Ṭūsī here. The editor of the *al-Fawā’id al-Madaniyya* seems to think this refers to a Persian work which is lost; it is possible it refers to the Arabic work of the same title by Naṣīr al-Dīn al-Ṭūsī which is much commented on, and in the base text of which al-Khawāja al-Ṭūsī states “Rational individuals censure (*dhamm*) anyone who performs an evil act (*ṣā’il al-qabīḥ*) and neglects to perform a required act (*tārik al-wājib*)”; a required act is an act which “Reason recoils from [anyone] abstaining from its performance.” See the text of *al-Fuṣūl al-Naṣīriyya*, embedded in its numerous commentaries (for example, al-ḤILLĪ n.d.: 124)

mulāzama and it is this which he rejects. It is not clear whether al-Astarābādī sees those who support View 3 to be involved in a two-step logical process here (from evil action to blame, and from blame to punishment), or a simpler one-step process (from evil action to blame and punishment).¹⁷ One suspects the latter, since for al-Astarābādī (as explored below), it is the conflation of blame with punishment (and, to a lesser extent, praise with reward) which is problematic. The third step in the process—that is, between an action deserving punishment and it falling into the legal category of being prohibited—does not appear to have been contentious. It is clear that punishment and prohibition are linked by definition (rather than by either logical entailment or causation). The definition of “prohibition” (*hurma*) is, in law, “deserving punishment”, and “performing a prohibited act” means little more than “performing an act that deserves punishment”. Al-Astarābādī portrays those who adopt View 3 as arguing that prohibition (aka deserving punishment) is a rationally-established necessary result of the “evil” essential attribute inhering in the action. If he has in mind the doctrine of al-‘Allāma al-Ḥillī when describing this third view, the characterisation is somewhat exaggerated; al-‘Allāma’s view—at least as found in *Manāhij al-yaqīn*—is that the link between evil attribute and legal prohibition is open to “variation” (*taghayyur*) depending on both the circumstances and the consequences of the act (hence lying to save a Prophet is permitted, or perhaps obligatory, whilst lying per se is prohibited). Al-Astarābādī, though, is more interested in refutation than in providing a nuanced description of opponents’ views. For him, those who hold View 3 believe that the category of legal prohibition (*hurma*) is a rationally-established, necessary correlate of an action being evil (*qubh*). For al-Astarābādī this means prohibition is, effectively, an essential attribute of the act, and therefore of the same genus as the act’s evil attribute. This is how al-Astarābādī sets up the discussion, and the set-up is, of course, designed to provide him with the most persuasive means of rebuttal.

Al-Astarābādī finds objectionable the step from the second to the third view; and he presents a series of arguments against it. His principal argument is that there are numerous reports from the Imams that indicate that obligation and prohibition are not essential properties of acts, but that good and evil are. This is, of course, a standard Akhbārī mode of argumentation, and involves the writer presenting the meaning of the reports in question as clear and unambiguous; the exegete appears as an entirely uncreative vehicle for the reports’ meaning to the audience. It is a rhetorical fiction of course, but as a method of legal argumentation it was not exclusive to Akhbārīs. There is, though, a rational argument which al-Astarābādī also puts forward: if one holds View 3, then one must also hold another view, and this additional view is clearly invalid. It is, then, a *reductio ad absurdum* argument. Al-Astarābādī’s argument runs as follows:

17 It is also not clear whether this process (be it one or two step) is strictly causal (the moral assessment of evil causes the blame response, which then causes the punishment) or logical entailment (which, one might think, is closer to the sense of *mulāzama*). Perhaps, for al-Astarābādī, it is unimportant. For those working in the Ash‘arī tradition, of course, causation (which is usually effective but nonetheless open to suspension and deviation) is quite distinct from logical necessity (which many Ash‘arīs conceived of as invariable). For Ash‘arīs, the argument is likely to flow in the opposite direction: an action is prohibited, and therefore (logically, or linguistically, or causally) it deserves punishment. For al-Astarābādī, it does appear that the recognition of praise or blame is prior to (or separately from) any possibility of legal assessment, and in this sense he is broadly Mu‘tazilī in his approach.

- a. View 3 holds that deserving reward/obligation and deserving punishment/prohibition are necessary correlates of the essential attributes of good/evil; a necessary correlate of an essential attribute is essential alongside the attribute. According to View 3, then, if a person knowingly performs an evil act (moral assessment), then s/he necessarily deserves punishment (legal category).
- b. On the other hand, a person may not know that an act has the attribute of evil; s/he is therefore unaware that it attracts censure, punishment and is therefore forbidden (for View 3). If s/he then performs the act, then all agree—even those who hold View 3—that s/he is excused, and does not deserve punishment.
- c. Furthermore, a person, rather than not knowing the act to be evil, may be unsure as to whether or not the act has the evil attribute. There are two options here: either s/he deserves punishment (like the one who knew it to be evil) or s/he is to be excused (like the one who was ignorant).
- d. If s/he is excused, then deserving punishment cannot be an essential element of the act, since someone can perform it, but does not deserve punishment (one could argue that the same applies to the one ignorant of the attribute, though this point is not explored by al-Astarābādī).
- e. If s/he is to be censured and punished for performance, what is s/he to do when faced with this uncertainty? Logic dictates, s/he must treat the action as forbidden (*ḥaẓr*).
- f. This conclusion—namely the requirement of *ḥaẓr*—is an unavoidable consequence of asserting the necessary correlation between an act’s attribute of evil and the performer deserving punishment.

Now, if one can demonstrate that *ḥaẓr* is invalid in such circumstances, then View 3 will also be invalid. The reasons for the invalidity of *ḥaẓr* are given by al-Astarābādī, and they are a mixture of rational and scriptural arguments. The rational argument is as follows: if the unsure person considers it prohibited to perform the action, then s/he should tell others that it is prohibited; however, “a condition of forbidding a prohibited thing (*sharṭ al-nahy ‘an al-munkar*) is knowing it to be prohibited; for it is possible that the action’s attribute is clear in these aspects [relating to permission] to the one performing it in a way that it is not clear to the unsure person” (al-ASTRĀBĀDĪ 2003: 466). The unsure person cannot, then, prohibit another from performing the action; he could only do this if he was sure it was prohibited. This, for al-Astarābādī, makes View 3 incoherent:

So, I say: it is known [from this] that one who holds [view 3]¹⁸... unavoidably holds the view that there is a necessary correlation between [evil attribute and deserving punishment] when [the individual] is uncertain that the action has the attribute. The truth, though, is that there is no necessary correlation in this [second case], as has been demonstrated by al-Zarkashī and as we have opted for also. The truth is that the one who is unsure [that the act has the attribute] should suspend judgement [regarding punishment and prohibition]. The one who warns incorrectly is liable for censure. (al-ASTRĀBĀDĪ 2003: 466-7)

¹⁸ That is, the view that there is a necessary correlation between deserving censure and deserving punishment when one knows the action has the attribute.

The problem with View 3, then, is that it assumes that the evil attribute of an action is always clear and identifiable, and therefore punishment can be applied without injustice. View 3 is too optimistic concerning the ability of the individual to discern the evil attribute. If an individual is unsure, rather than risk punishment, s/he should declare the action forbidden. But this declaration of prohibition would not be based on knowledge (as such declarations should be)—but rather on uncertainty; and one cannot call for others to obey a rule which one is (oneself) uncertain: this would be logically incoherent. This constitutes a rational argument for the rejection of View 3.

Al-Astarābādī finishes up with three arguments linked to scriptural sources.¹⁹ First, reports from the Imams, for al-Astarābādī, make it clear that the Shī'a have been left with adequate guidance during the Imam's occultation in the form of the Imams' reports (*akhbār*). Whilst complete knowledge of all things may not be obtainable, knowledge sufficient for the obedience of the community at a particular point in time is always available:

It is a requirement of [God's] wisdom that He provides for his community at every point during the Greater Occultation the means whereby they acquire the revealed hadith in the established sources (*al-uṣūl al-mumahhada*),²⁰ so that the Shī'a can be shown the clear truth, or how to be cautious according to a particular method. (al-ASTRĀBĀDĪ 2003: 468)

The point here is that the revelatory sources are sufficient, and the individual does not need to resort to View 3 above and link, in a necessary way, legal categories with moral assessments, thereby bypassing revelation. In the absence of the Imam, the legal categorisations, as provided by the extant statements (the *akhbār*), are sufficient for the community to follow the true path. That it is the *akhbār* themselves which proclaim the view that one should obey the *akhbār* was a circularity which subsequent opponents of Akhbarism exploited enthusiastically.

The second scriptural argument involves reports which demonstrate that before the legal categorisations are revealed, items are uncategorizable, and have a fundamental permission (*al-ibāha al-aṣliyya*). Al-Astarābādī cites the well-known report “All things are unrestricted until a prohibition is applied to them” (IBN BĀBĀWAYH n.d.: I, 317). This demonstrates, for al-Astarābādī, that the moral assessments of good and evil, even if they are essential to an action, do not imply any legal category (in this case, prohibition). This report demonstrates that legal categories require revelation. Without revelation, “all things are unrestricted” legally speaking (even those with evil attributes). Furthermore, for punishment to be the appropriate consequence of actions, a prohibition (*nahy*) is necessary. This report, and others like it, establish that it is revelation alone that makes an action forbidden, even when reason identifies it as evil.

Finally, al-Astarābādī cites yet more reports which demonstrate that when a legal categorisation is not clear (*fī kull wāqi'a lam yakun ḥukmuhā bayyinan*), the appropriate course of action is to suspend judgement (*tawaqquf*). When there is a rational assessment—

¹⁹ An obvious counter argument is that one can only accept these scriptural sources though after having already accepted the Akhbārī framework of legal theory.

²⁰ A reference to the early, pre-Kulaynī collections of hadith. See KOHLBERG 1987.

coming from an essential attribute—that an action is good or evil, one is commanded to suspend judgement rather than declare an action forbidden. This stipulated “suspension of judgement” would not occur if there was a necessarily correlation between the essential evil attribute, deserving punishment and the legal categorisation of an action as “forbidden”. If there was a necessary correlation, then all would be certain that the identification of an evil attribute means prohibition; since the reports indicate that there are cases of uncertainty, View 3 is counter-scriptural.

Composed in Mecca and Medina and distributed to Twelver Shīʿī centres of learning in Iraq and Iran, al-Astarābādī’s *al-Fawāʿid al-Madaniyya* appears to have prompted the composition of a number of works, both supportive and critical. Amongst the first reactions to his attempted Akhbārī revival are two works of legal theory, the *Hidāyat al-Abrār ilā tariq al-aʿimma al-aṭhār* of al-Ḥusayn b. Shihāb al-Dīn al-Karakī (d. 1076/1665) and the *al-Wāfiya fī uṣūl al-fiqh* of ʿAbdallāh b. Muḥammad al-Bushrawī (d. 1071/1660), known as al-Fāḍil al-Tūnī. The *Wāfiya* is a more technically adept work, following closely the argumentation of standard works of *uṣūl*. In many areas, it also follows standard (*uṣūlī*) argumentation—but al-Tūnī argues for some doctrines which clearly demonstrate a debt to al-Astarābādī’s Akhbārī critique. Al-Karakī’s *Hidāya* is a more straightforward exposition of Akhbārī methodology, without much argumentation, but (unlike al-Astarābādī’s *Fawāʿid*) it is clearly arranged following a coherent structure drawn from the existing *uṣūl* tradition. In both works the *mulāzama* doctrine is explored; both authors reject al-ʿAllāma’s view though they do not slavishly follow al-Astarābādī’s conclusions. In the remainder of this chapter, I examine these two Akhbārī-leaning accounts of the *mulāzama* debate in turn; my argument is that together, these three discussions (al-Astarābādī, al-Karakī and al-Tūnī) demonstrate that Akhbarism was not a rejection of rationalism per se, but instead Akhbārī positions echo different Muʿtazilī doctrines on the essential attributes of good and evil. Akhbārīs, then, can be seen as participating in theological and legal discussions having accepted fundamental Muʿtazilī principles of the rational foundation of moral assessments.

Al-Karakī, coming from one of the Arab families which migrated to Iran during the early Safavid period, was based in Isfahan, only leaving for India (and settling in Hyderabad) for the last two years of his life. He was introduced to al-Astarābādī’s ideas when in Isfahan, and though he does not explicitly name him as source, he does cite the *Fawāʿid* at various points. More generally, al-Astarābādī’s ideas are re-expressed (with some adjustments) in the *Hidāya* (though with greater attention to their systematic presentation). On the doctrine of *mulāzama*, he first outlines the different opinions on the topic. The major difference is between rationalists (*al-ʿuqalāʾ*) and Ashʿarīs. The rationalists, al-Karakī argues, hold that “the goodness of some actions (*ḥusn baʿd al-aḥḥāl*)—like justice—mean (*bi-maʿnā*) that the one who performs them deserves praise and reward (*al-madh wa-l-thawāb*).” Similarly, evil acts “mean” that the performer deserves censure and punishment (*al-dhamm wa-l-ʿiqāb*).²¹ The Ashʿarīs, on the other hand, hold that “there is no good or evil under this meaning,

21 Al-KARAKĪ 1974: 250 (emphasis added). The phrase *bi-maʿnā* may indicate something as simple as “which is to say...”; it might be seen as a conceptual/linguistic linkage between goodness on the one hand, and deserving praise and reward on the other. If the latter, then these rationalists (*ʿuqalāʾ*) as al-Karakī refers to them, are advocating a strong version of *mulāzama* (good attribute-praise – reward, and perhaps the legal categorisation of forbidden).

rationally speaking (*bi-hādhā l-ma'nā 'aqlan*). Rather [good and evil] follow the command of the Lawgiver” (al-KARAKĪ 1974: 251), thus setting their position as quite different from the Mu'tazilī positions discussed above. Al-Karakī's is, of course, a simplistic caricature of the Ash'arī position, but this does not mean he has no awareness of the debates within Sunni conceptions of *ḥusn* and *qubḥ*. He states that the rationalists hold the view that some actions are essentially good by virtue of the fact that they deserve praise and reward, and this would be held by “someone who knows nothing of the [divine] laws (*sharā'i*) and does not even acknowledge the existence of the Creator” (al-KARAKĪ 1974: 250-1). They hold to this regardless of whether the acts have “deficient or complete” attributes (*ṣifāt kamāl aw naqṣ*). This is a reference to the doctrine that good and evil can be attributed to action on account of attributes of completeness and deficiency respectively. In this way, one can say knowledge is “good” and ignorance is “evil”—since the acquisition of knowledge is a form of completion, and being ignorant is to be, in some way, deficient. The doctrine is explored in both Māturīdī and Ash'arī texts and, when accepted, it represents a departure from the supposed Ash'arī total rejection of reason. Under this doctrine, reason can identify knowledge as good and ignorance as evil—it represents an acceptance that not all types value judgement (i.e., *ḥusn* and *qubḥ*) are established by the Lawgiver; a limited number can be established by reason (see al-TAFTAZĀNĪ 1957: 172-175). Al-Karakī is clearly aware of these Sunni doctrinal discussions (they are referenced in earlier works of Twelver Shī'ī *uṣūl* works, which is probably his principal source). However, al-Karakī's “rationalists” hold that *ḥusn* and *qubḥ* are not dependent on a recognition of attributes of completeness and deficiency—for them, *ḥusn* and *qubḥ* are instead established via the recognition that an action has deserts—namely, award of praise/reward and blame/punishment.

Al-Karakī is also aware of other Ash'arī formulations of *ḥusn* and *qubḥ*. For some, a rational recognition (i.e., independent of aid from revelation) that an action results in a benefit and harm (*maṣlaḥa aw maṣada*) can result in a purely rational determination that the action is good or evil (i.e., *ḥasan* or *qabīḥ*). This was a well-established formulation, famously associated with jurists promoting notions of “benefit” as the ethical ground of the law—since God's aim in providing his Law is to benefit (*maṣlaḥa*) humanity, and if a particular law can be seen to result in a (rationally detected) harm (*maṣada*), the harmful (but scripture-based) law can be set aside, and a beneficial one put in its place (OPWIS 2005). In this way, an action is good or evil, independent from scriptural support. For some attracted to this way of thinking, though, the whole notion of the Law being a benefit for humankind is itself a sort of *Grundnorm* derived from scripture, not reason. Al-Karakī references this position (i.e., that good and evil are grounded in an action's benefit and harm), but does not think it captures the rationalists' view: for them, some actions have the attribute of good—“meaning that” they deserve praise and reward; and others have the attribute of bad—“meaning that” they deserve censure and punishment. This is unrelated to whether an action brings about benefit or harm.

Amongst the rationalists, al-Karakī lays out variant positions; the differences between these positions involve different conceptions of an action's attributes and their ontology. From this flow notions of the deserts, rationally speaking, which flow from an action having these attributes. The four positions and those who subscribe to them are described by al-Karakī and can be summarized thus:

- (1) The early Mu'tazilīs believed that good and evil are part of the essences of actions (*dhawāt*) rather than due to attributes (*ṣifāt*) which necessitate the qualities of good and evil. This is clearly a corollary of early Mu'tazilī doctrine on divine attributes being identical with God's essence.
- (2) Al-Muḥaqqiq al-Ḥillī and Muḥammad b. Ḥasan al-Ṭūsī hold that an action's good and evil characteristics are due to real "essential attributes" (*ṣifa dhātiyya*).
- (3) Abū al-Ḥasan al-Baṣrī (d. 436/1044), the later Mu'tazilī figure, is described as believing that evil is due to an attribute which necessitates the act being evil; good, though, does not need an attribute in the same way, but rather the good in an action "is sufficient to eliminate the bad attribute from the action." This appears close to al-'Allāmā's opinion (described above). He argued that good is invariable, whilst evil can vary and be eliminated from an action by good (as exemplified by the case of lying to save a prophet).
- (4) The earlier Mu'tazilī Abū l-Hāshim al-Jubbā'ī (d. 321/933) hold that good and bad are rationally deduced, but they come about due to "aspects and considerations" (*wujūh wa-ṭibārāt*). These can be separated from those things the essence itself requires. For example, slapping a child could be considered educational (*ta'dīb*) and therefore good (according to al-Jubbā'ī, it should be added); or it could be an act of oppression (*ẓulm*), and hence evil. Al-Karakī mentions his teacher (*shaykhunā*), al-Shaykh al-Bahā'ī (the author of the above mentioned *Zubdat al-Uṣūl*), as holding this position. Also, as we have seen (though unmentioned by al-Karakī), al-'Allāma also drew on al-Jubbā'ī's position, in his use of the notion of *wujūh*—aspects of an action which are non-essential but circumstantial.

Al-Karakī rarely presents worked out arguments for his position in the *Hidāya*, and his discussion on this topic is no exception. He simply states his position in bald terms: "the true position is that chosen by al-Muḥaqqiq and al-Ṭūsī" (i.e., the second position in the above list). According to this view (and hence for al-Karakī also), good and evil are essential attributes—which, though essential can be distinguished from an act's essence. These essential attributes then are not what makes the act what it is, but they are unavoidable entailments of the act's qualities. Lying might be described as the intentional telling of an untruth whilst knowing it to be untrue. These characteristics form the essence of lying. That lying is evil flows out of having these essential characteristics, but being evil is not an essential element of what a lie is. This means that, for this position, an evil act remains evil because of an essential attribute; but non-performance of this evil action need not always be the correct course of action:

The true position is that held by al-Muḥaqqiq and al-Ṭūsī: [an evil action] never ceases being evil by reason, but it is possible to take the lesser of two evils because of a benefit (*maṣlaḥa*) which makes it obligatory to choose this [lesser evil]—such as the killing of a murderer, or lying to save the Prophet. (al-KARAKĪ 1974: 251)

So, for al-Karakī, an action cannot not be evil because of any detriment it causes; however, it can become obligatory (*wājib*) because of a benefit it might bring about. The legal category of obligation is linked with the results of an action; the moral assessments of good or evil concern the ontology of the act itself (in this case, the presence of essential attributes). There

is, then, no necessary connection for al-Karakī between an act's essential attribute of good or evil and the requirement to perform or not perform the action. Without this connection, there can be no necessary punishment for performing an evil act.

The shift from the early Mu'tazilī position (where the act is essentially evil, i.e., position 1 above), to this reformulated position (position 2, an act is evil due to an essential attribute) enables al-Karakī (following al-Tūsī before him) to separate any necessary connect between an act's attributes of good and evil, and the legal categories of obligation and prohibition (and the associated reward and punishment). This is not say, though, that all legal categories are necessarily scriptural in their origin—for al-Karakī, permission and prohibition at least are available to reason:

Know that just as good and evil are rational, in the same way permission and prohibition are also rational. However, they are not essential to the thing (*laysā dhātiyyayn*). Instead, they come about due to aspects and considerations (*wujūh wa-tibārāt*) and hence they are subject to change (*tabaddul*). (al-KARAKĪ 1974: 251-2)

Here, permission and prohibitions (*al-ḥill wa-l-ḥurma*) are rationally deduced, but they are not essential, and can be removed and replaced (*jāza tabadduluhumā*):

So, a thing can be permitted in one revealed law (*sharī'a*) and forbidden in another. The law, when it identifies it is permitted or forbidden, reveals something which reason deduces independently. (al-KARAKĪ 1974: 252)

Al-Karakī's use of the phrase *wujūh wa-tibārāt* relates back to one of the positions he rejects at the outset of the discussion—namely that of Abū l-Hāshim al-Jubbā'ī. Al-Jubbā'ī viewed good and evil as non-essential, but rationally deducible via *wujūh wa-tibārāt*. Al-Karakī rejects the idea that good and evil are due to *wujūh wa-tibārāt*—instead they are due to essential attributes (*ṣifāt dhātiyya*). However, permission and prohibition—that is legal categories—can be deduced via reason (i.e., independently from scripture) through *wujūh wa-tibārāt*. Al-Karakī, then, borrows the concepts of one Mu'tazilī (Abū l-Hāshim al-Jubbā'ī's idea of *wujūh wa-tibārāt*) and applies it to a separate element of his moral theory (i.e., permission/prohibition rather than good/evil). This deft piece of borrowing demonstrates how al-Karakī's discussion is entirely framed within Mu'tazilī parameters.

Al-Karakī's densely worded formulation can be summarised thus:

1. An act is evil or good on account of an essential attribute; but it could be obligatory to perform an evil act on account of a benefit which accrues from its performance, making it the lesser of two evils.²² Both the essential attribute and the fact that the act can be performed are rationally deduced; the permitted (and perhaps obligatory) performance of an evil act does, though, break any supposed link between essential attribute and morally required action.
2. There is a separation between the assessment of the act (as good or evil) and the legal categorisation of the act (as permitted or forbidden). That an act's performance

²² Though he does not state it, it would seem possible that a good act could be neglected because is it the lesser of two goods, and his system would not necessarily be undermined.

is permitted or forbidden can be rationally deduced, but this is due to other qualities of the act—namely “aspects or considerations”. These “aspects or considerations” can change over time, and so an act which is good or bad can, as judged by reason, be permitted or forbidden depending on these “aspects or considerations” (which appear to equate to the “circumstances” of an act).

So far the analysis has been in the realm of reason. What, then, is the role of revelation in al-Karakī’s scheme? He writes:

The Law comes to reveal what reason cannot reach independently when it assesses an act being permitted or prohibited. (al-KARAKĪ 1974: 252)

So, legal categorisations are available through reason (that one is obligated to lie to save a prophet, for example) and through revelation (al-Karakī does not mention any, but perhaps the actions of prayer or the prohibition on eating swine could qualify as revelation-derived legal categorisations). However, these legal categorisations (derived via both reason and revelation) are not “essential” (*dhātī*) to the act (either in the essence or as essential attributes), and hence can change over time and in different circumstances. This distinguishes them from the moral assessments (good and evil), which are arrived at entirely through reason and are each due to a particular essential attribute (*ṣifa dhātiyya*). These moral assessments are unchanging (a lie is always evil even when obligated through circumstances). Al-Karakī indicates that a failure to be clear on these matters explains why there is so much confusion over these matters amongst the scholars:

The ambiguity over good and evil being essential attributes is due to confusion over the issue at hand: the [ambiguity] comes about simply because there are those who claim that permission and prohibition are essential, and that a rationally deduced evil [act] is necessarily forbidden (*al-qubḥ al-‘aqlī malzūm lil-ḥurma*).²³

For al-Karakī, he has established three fundamental moral truths: (1) only moral assessments are essential (albeit by an essential attribute rather than being an essence itself); (2) the legal categories are contingent to the act, not essential; (3) there is no necessary connection between the moral assessments and the legal categories (even when they are both rationally deduced).

23 Al-Karakī does add, though, that in the absence of a law—that is before a law has been revealed—the decisions of reason as to permission and prohibition can act as legitimate justifications for an individual to act or not to act. This is because “it is understood from the noble reports [from the Imams] that everything which reason does not declare to be evil, before a law is revealed, is permitted” (al-KARAKĪ 1974: 202). The Imams have, for al-Karakī, stated the position, and there is the opinion that creates the legal theory: Reason, then, “before revelation”, can decree something evil (by recognition of essential attributes), and this would make it forbidden in the pre-revelation context. The whole discussion of reason’s ability before revelation is moot though (to be precise, “useless” *lā fa’ida li-dhālika ‘indānā*). Revelation has come, he states, and decreed not only rules, but a process of rule derivation for every circumstance. There is no analogy for al-Karakī between reason’s operation before revelation and the circumstances when the textual sources are unclear—whilst revelatory silence characterises both circumstances, it is a different kind of revelatory silence: it is the difference between revelation being absent and being perceived to be silent.

How does this position, also Akhbārī in tenor, outlined by al-Karakī compare with that proposed by al-Astarābādī a generation earlier? For al-Astarābādī, legal classifications are defined by the punishment or reward which flows from an act's performance and though they may coincide with rational assessments of good and evil, they are not necessarily determined by them. Therefore, for al-Astarābādī, to say that an act is forbidden is to say nothing more than it was declared so by the Lawgiver and that punishment will follow from its performance. For al-Karakī, this is only partially true: acts can be legally classified by reason (e.g. the obligation to lie to save a prophet) and by revelation (e.g. eating swine is forbidden). However, like al-Astarābādī, there is no necessary correlation between these legal classifications and the moral assessments of the acts themselves in al-Karakī's scheme. Legal classifications can vary from circumstance to circumstance and from time to time; moral assessments are permanent (and hence, in some sense "essential"). Whilst al-Astarābādī focusses on reward and punishment as the hallmarks of the legal classifications or obligation and prohibition, al-Karakī concerns himself primarily with the legal categories (prohibition, permission, obligation etc). It may be that al-Karakī views the legal classification of, say, obligation, as meaning nothing more than "deserving reward in the view of the Lawgiver"; if so he does not say so explicitly. It would not undermine the system, as far as I can tell if he were to assert this, and thereby tie his position more closely to that of al-Astarābādī. There are differences here, but the basic framework (essential moral attributes/non-essential legal categories) runs through both positions, and is clearly the crucial point for both these two Akhbārī thinkers.

In the period immediately after al-Astarābādī's critique, there was one other significant, formulation of the relationship between *ḥusn/qubḥ* and the legal assessments which might be termed Akhbārī-esque. 'Abdallāh al-Fāḍil al-Tūnī, a leading Khorasani scholar based in the seminaries in Isfahan, was clearly influenced by the Akhbārī position. He presents his major work of legal theory, *al-Wāfiya*, in standard *uṣūl* fashion. In many respects his discussion of legal issues appears Akhbārī in tone; but at other points, such as the chapters discussing *ijtihād* and *taqlīd*, he presents doctrines incompatible with al-Astarābādī's system. This blend has led to some in the subsequent tradition declaring him an Akhbārī while others claim him as an Uṣūlī. Notwithstanding the ambiguous assessment in the later tradition, al-Tūnī's position on the question of *mulāzama* is almost perfectly aligned with that of al-Astarābādī, though, one might say, presented in a more scholarly manner. In his section on rational indicators (*al-adilla al-'aqliyya*) he writes:

[Rational indicators] are of different types:

The first involves those things reason can rule on independently—like the obligation to repay a debt, or return a loan; and the prohibition of oppression, and that it is recommended to be honourable and such like. This is what is mentioned by al-Muḥaqqiq (in his *al-Mu'tabar*)²⁴ and al-Shahīd²⁵ (in his *al-Dhikrā*) and by others. The proof for this is based on *al-ḥusn wa-l-qubḥ al-'aqliyyān* [i.e., that good and evil being

24 A reference to *al-Mu'tabar fī sharḥ al-Mukhtaṣar* by Ja'far b. al-Ḥasan al-Muḥaqqiq al-Ḥillī (d. 626/1277).

25 A reference to *Dhikrā al-Shī'a fī aḥkām al-Sharī'a* by Muḥammad b. Makkī al-Shahīd al-Awwal (d. 786/1384).

rationally recognised]. The correct and true position is that they are established, as stipulated by necessary reasoning in its totality.

There is however discussion and debate around legal assessments—such as whether the legal categorisations of obligation or prohibition is established by [rationally established assessments of] good and evil.

Rational obligation (*al-wājib al-‘aqlī*) refers to those actions, the performer of which deserves praise and the one who neglects them, deserves censure.

Legal obligation (*[al-wājib] al-shar‘ī*) refers to those actions, the performer of which deserves reward and the one who neglects them, deserves punishment.

The opposite is the case with prohibition. (al-TŪNĪ 1992: 171)

Here we have a direct match up with al-Astarābādī’s position, though expressed in slightly different terms. Reason can establish that an action is good (or evil), and that it is obligatory (or prohibited) in the sense that the performer deserves praise (or censure). Revelation, though establishes that the performer of that action deserves (reward or punishment). Al-Tūnī gives four arguments for this position, some scriptural, some rational:

1. God says, “We shall not punish until we send a messenger” (Q17/*al-Isrā’*: 15). This is a commonly cited verse in these disputes, and is used by al-Tūnī to argue that “there is only punishment [in the sense of the desert for performing a legally prohibited act] after the Messenger is sent.”
2. The reports from the Imams, such as the famous “All things are unrestricted until a prohibition refers to it”, also indicate that a scripture is necessary for legal categorisation.
3. Moral duties arising out of the rational assessment of actions come about due to God, out of his goodness, allowing these duties to come into being. If he was to then punish for non-performance without an explicit stipulating text, he would be acting contrary to his quality of goodness, and this is not permitted. Therefore, though moral duty (i.e., a form of *taklīf* from which censure or blame flow) might come into being due to reason, there can be no punishment without an explicit text stipulating the connection between censure and blame on the one hand, and divine punishment on the other.
4. The Imams stated that a person can do all his prayers, fasting, almsgiving and pilgrimage, but if “he does not recognise the spiritual authority of Imam ‘Alī, then he shall have no right to a reward from God, and he is not one of the people of faith” (al-KULAYNĪ 2009, II: 18). Reports expressing similar messages are numerous and widely accepted amongst the Twelver Shī‘ī scholars. These reports indicate, for al-Tūnī, that the rewards for obeying the rulings relating to actions (*al-ahkām al-‘amaliyya*) are dependent on revelation, not reason. If reason established that one was rewarded for obeying God’s commands in these areas (i.e., reward was essential to the act, just like its moral property of goodness), then the reward could not be removed by the failure to accept the spiritual authority of Imam ‘Alī. Since, as the report makes clear, the rewards for prayer and fasting can be removed if the individual does not recognise Imam, reward cannot, rationally speaking, be invariably established. The fact that essentially good acts can have their rewards

removed means, for al-Tūnī, that reward cannot be an essential element of a good act.

Al-Tūnī cites various scholars—both Shīʿī and Sunni—who have discussed these matters, finding his own position to be in broad agreement with al-Sayyid al-Murtaḍā and Naṣīr al-Dīn al-Ṭūsī (amongst the Shīʿa), and Badr al-Dīn al-Zarkashī (amongst the Sunnis). He then quotes Muḥammad Amīn al-Astarābādī's *al-Fawā'id al-Madaniyya* (though he refers to him simply as “one of the moderns from amongst our colleagues”). In the passage, al-Astarābādī argues that the report “All things are unrestricted until a prohibition refers to it” proves that good and evil are essential, but obligation and prohibition are not: the report shows the latter claim that legal categories are essential “is false but not the former” claim concerning good and evil being essential. Al-Astarābādī ends with the assertion that “most of the things which are considered evil rationally are not forbidden in the Sharīʿa”—a provocative statement which al-Tūnī considers highly debateable (*fī ākhir kalāmihī naẓar ẓāhir*). Even if he disagrees with al-Astarābādī on this point, their fundamental positions on the issues of *mulāzama* are compatible: reason establishes good and evil as an act's characteristics, and reason also establishes that praise and blame result from the act's performance; only scripture can link these with reward and evil.

Conclusion

In the above, I have examined three formulations of *mulāzama* which, though presented differently, display a consistent, broadly Akhbārī position: good and evil are essential to (or essential attributes of) acts; these acts may also have a corresponding legal classification, but there is no logically necessary entailment between the rational assessment and the legal classification.²⁶ In this, they consider themselves to have precedent within Islamic intellectual history generally, and within the Shīʿī tradition in the form of supposedly clear and unambiguous statements from the Imams themselves, and from previous scholars (particularly al-Sayyid al-Murtaḍā and Naṣīr al-Dīn al-Ṭūsī).

The Akhbārī refusal to allow a necessary connection between rational moral assessments and scriptural legal classifications appears, on an initial reading, quite Ashʿarī in tone. The

26 That an action which deserves praise also deserves punishment seems an almost unquestioned element of the Basran Muʿtazlī outlook, expertly laid out by Vasalou: “Here it is asserted that the principles of punishment are the same as those of blame, and that both stand or fall together, for what has a determinant effect (*mu ʾaththir*) in both is the fact that the person committed acts of disobedience and breached their obligations” (VASALOU 2008: 121). And “since it is known that blame is deserved in perpetuity, the same must apply to punishment.” There are, though, some types of blame which do not lead to punishment: I steal your property, and then put it back before you notice—I deserve blame but not punishment (VASALOU 2008: 110); “We have already seen that blame (*dhamm*) and praise (*madh*) function as the building blocks of the definitions of moral qualities. Reward (*thawāb*) and punishment (*iqāb*) were considered to constitute the counter-parts of these responses, in the sense that the person who deserves blame is such as also deserves punishment. Blame is the moral prototype of punishment: it is the paradigm accessible to us in this world (*al-shāhid*) by which we may grasp the principles that apply to its counterpart in the other world (*al-ghāʾib*), and thus the justification for the one is the justification for the other” (VASALOU 2008: 77).

Akhhbārīs themselves identify occasional, later Ash‘arīs (such as al-Zarkashī) who hold similar positions.²⁷ However, the Akhhbārī position, and the Akhhbārīs themselves, see their position, first and foremost, as the one laid out by the Imams, and this position (they argue) shares certain characteristics with at least some early Mu‘tazilīs. These include the belief that acts are not good and evil because the Lawgiver decrees them so—they are good and evil due to essential attributes of the acts themselves. The Lawgiver is required to act in a just and fair manner (as determined by reason), and this represents something of a constraint on his actions. Praise and blame, even coming from the Lawgiver, are necessary entailments for the commission of good and evil acts respectively. These Akhhbārīs employ essentially Mu‘tazilī ideas of attribute and essence, and the changeable nature of legal assessments (such as *wujūh wa-‘tibārāt*). All of these propositions demonstrate that the terms of the debate for Akhhbārīs are essentially Mu‘tazilī (or rather, the adoption of Mu‘tazilī ideas and their adaption within the Ithnā‘ ‘asharī tradition). It is perhaps best to characterise the Akhhbārī position not as an anti-rationalist (or anti-Mu‘tazilī) position, but as a development of certain ideas originating in the various doctrinal paths within Mu‘tazilism, but by the time of these writers, wholly incorporated and naturalised within Ithnā‘ ‘asharī Shi‘ism. Their formulation is, perhaps, a more conservative form of Mu‘tazilism, sharing some doctrines with trends before the dominance within Mu‘tazilism of Abū Hāshim al-Jubbā‘ī and his followers, the Bahshamiyya.²⁸ The rise of a revived Uṣūlī school, under the leadership of Muḥammad Bāqir al-Bihbahānī (known as al-Wahīd, d. c. 1205/1791) led to yet more intricate reformulations of the *mulāzama* doctrine, most of which represent a response to the Akhhbārī position.²⁹

For the Akhhbārīs, there is a form of *mulāzama* between good/evil and praise/blame, though they do not use the term. This, for them, is a logically required rational entailment—if an action is evil it deserves censure; if it is good, it deserves praise. They advocate, then, a limited form of *mulāzama*. The “full” *mulāzama* (i.e., between good/evil and reward/punishment, and subsequent legal categorisation) is, for them, a problematic Uṣūlī assertion. Whilst they might accept a customary link between good/reward and punishment (i.e., things punished in the law are usually things which have evil attributes and deserve censure), no necessary entailment can operate here for the Akhhbārīs. The principal, explicit Akhhbārī argument for denying the more extensive form of *mulāzama* is scriptural. They argue it does not accord with the saying of the Imams; but of course, scriptural sources are rarely

27 Al-Zarkashī represents a more sophisticated Ash‘arism reflecting the extensive reworking of the tradition after al-Rāzī.

28 Exactly which elements of the Akhhbārī position on this and other issues are Baghdādī, Ikshīdī, Baṣrī or otherwise requires a more extended study. It is clear, though, that their positions are, in the main, not developed through direct interaction with the Mu‘tazilī tradition (or Mu‘tazilī writings) directly. Rather, their acquaintance with these ideas is refracted through their adoption and adaption within Ithnā‘ ‘asharī Shi‘ism. See ANSARI and SCHMIDTKE 2016.

29 The development of *mulāzama* in the 19th century Uṣūlism requires a separate study. But worthy of note here are (1) the development of *mulāzama* as a principle of doctrine (*qā‘ida*), which appears championed by Abū l-Qāsim Mīrzā al-Qummī (d. 1231/1815-16) and (2) the retro-Akhhbārī position put forward by Muḥammad Ḥusayn al-Iṣfahānī (d. 1261/1845, known as Sāhib al-Fuṣūl), that whilst there is *mulāzama* it is not an actual entailment (*fī l-wāqi‘a*) but only an apparent (*fī l-zāhir*) entailment, sufficient for legal production but not for certain knowledge of God’s own categorisation of acts. See, for example, the discussion in IṢFAHĀNĪ 1983: 342.

determinative of theological doctrine. They are, one might say, the quintessential polyvalent knowledge source. A more significant factor in the Akhbārī formulation is that full *mulāzama* robs the *akhbār* of their probative force; limited *mulāzama* gives the *akhbār* a role in legal deduction, whilst not denying the obviously persuasive and traditionally sanctioned doctrines of the rationality of good and evil (*al-ḥusn wa-l-qubḥ al-‘aqliyyān*) and ultimate justice (*‘adl*) of God.

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Moral Value and Commercial Gain: Three Classical Islamic Approaches

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Abstract

This paper presents three theoretical accounts developed to assess the moral value and legal status of acts designed to promote commercial gain in the thought of major classical Muslim scholars. There has been an increased interest in Islamic commercial law and ethics in recent years. Much of the recent scholarship consists of practically inclined studies that tend to lump the Islamic tradition of evaluation of commerce under the principles of social justice and avoidance of harm. Our study of three selected scholars will reveal distinct approaches that are characteristic of classical Islamic ethical discussions: anchoring moral value in this world, attributing moral goodness to salvation in the next world, and finding a balance between these two approaches. Counterintuitively, we will see that the naturalistic view that ascribes moral values to things and actions was the most restrictive, whereas the dualistic model that focuses on salvation in the next world was markedly more permissive of commercial transactions.

Keywords: Commercial ethics, Islamic law, Islamic ethics, Abū Ḥāmid al-Ghazālī, al-‘Izz b. ‘Abd al-Salām, Shaykh al-Ṭūṣī

Introduction

This paper presents three theoretical accounts developed to assess the moral value and legal status of acts designed to promote commercial gain in the thought of major classical Muslim scholars. The purpose of these accounts is to serve as an entry-point for theoretically grounded inquiry into classical Islamic commercial thought by introducing three general approaches to morality in the classical tradition and elucidating their corresponding systems of commercial morality. There has been an increased recent interest in Islamic commerce, finance, and commercial ethics in recent years, possibly as a reaction to global economic crises and a persistent scholarly inclination to search for alternative modes of conceiving of commerce. Much of the recent scholarship, however, consists of normatively and practically inclined studies that draw upon Quranic and classical juristic doctrines (e.g., QUDDUS, BAILEY III and WHILTE 2009; ALI 2015; PERRY 2006). Such practically oriented studies display a tendency to lump the Islamic tradition of legal-moral evaluation of commerce under the principles of social justice and “avoidance of harm,” though such principles certainly had

their place (e.g., ALI 2015: 3-13) studies that attempt to ground Muslim classical reflections on commerce in their philosophical foundations are virtually non-existent.¹

Our study of three selected scholars will reveal three distinct approaches that are characteristic of classical Islamic ethical discussions: anchoring moral value in this world, attributing moral goodness to salvation in the next world, and finding a balance between these two approaches. Naṣīr al-Dīn al-Ṭūṣī is a scholar who begins from a moral theory that ascribes intrinsic moral values to objects, actions, and persons, and proceeds to evaluate commercial transactions accordingly. Abū Hāmid al-Ghazālī's treatment of commerce in his *Ihyā'* avoids the ascription of any intrinsic moral values to acts for the sake of a dualistic theory. For Ghazālī, only the next, non-material world, matters, and therefore all actions, including commerce, should be evaluated based on their *effects* concerning the likelihood of success in the next life. Finally, al-'Izz b. 'Abd al-Salām is an example of a scholar who attempted to draw links between considerations of benefit in this world and success in the next and formulated a commercial moral theory that took both concerns into account. Counterintuitively, we will see that the naturalistic view that ascribes moral values to things and actions was the most restrictive, whereas the dualistic model that focuses on salvation in the next world was markedly more permissive of commercial transactions.

Scholars of commercial ethics in general distinguish between two approaches to the subject. On the one hand, many philosophers begin by formulating a general moral theory, then proceed to normatively assess commercial behavior according to such theory (MORIARTY 2017).² On the other hand, some scholars of commercial ethics work in an opposite direction: they begin from particular commercial practices and then proceed to formulate frameworks that would help assess those practices. Some commercial practices that have attracted philosophical attention include advertising, pricing, negotiation, and corporate responsibility (e.g., ATTAS 1999; HOLLEY 1998; CARR 1968).

As we will see, both approaches can be detected in the work of classical Muslim jurists, although greater emphasis is placed on the former, i.e., assessing commercial practices in light of a pre-conceived overarching moral theory. Classical approaches to the evaluation of commercial acts were as diverse as the theoretical views on the foundations of ethics more generally that were adopted in that tradition. While each scholar begins from a specific theory of morality, when it comes to discussing the goodness and lawfulness of particular commercial practices, the coherence of their ideal moral theories often challenged by the contingencies of moral and commercial realities. Our focus on a small number of classical theories allows us to trace those challenges within these scholars' reasoning. The attempt to move from a theoretical moral framework to a system of assessment of commercial actions often reveals tensions between the pre-conceived theories of moral goodness, considerations of personal virtue, and possible socio-political implications of commercial transactions.

Those tensions reveal how classical Muslim jurists dealt with the complexities that arose from applying a general meta-ethical model to the contingencies of the world of profit-generation. Our final level of analysis concerns the relation of commercial morality to law.

1 Some efforts, however, were made to investigate the foundations of the commercial legal tradition from the standpoint of economic theory. For a broad examination of ideas of equality, property, and distribution of wealth in Islamic law, see FADEL 2019.

2 An example of such approach that relies on a theory of virtue ethics can be found in MOORE 2005.

The inseparability of law and morality in the Islamic tradition has been a frequently debated subject (e.g., REINHART 1983; HALLAQ 2013, 2009; JOHANSEN 1998). However, not many studies have focused on how ideas of good and right, or desirability and lawfulness, play out in specific areas of practical morality and law. We will see that, whereas lawfulness tended to coincide with moral goodness in those classical theories, the two ideas were conceptually distinct, and there were minor domains in which less-than-desirable actions were considered legally valid.

I. The Restrictive Commercial Model of Natural Law

Muḥammad b. Ḥasan al-Ṭūṣī (d. 1067), widely known as Shaykh al-Ṭāʾifa, was a prominent and influential early Twelver Shīʿī scholar. His work includes foundational treatises in Prophetic Traditions, jurisprudence, and theology.³ His meta-ethical approach, referred to here as “natural law,” is closely similar to the Muʿtazilī thought of the time, which emphasized the possibility of knowing moral values independently of revelation and the inherent good or evil nature of acts and things.⁴ This approach is often, rather confusingly, labelled “rationalist” in contemporary scholarship. “Rationalist” in that context merely means that moral values and judgments are not made through reliance on text or revelation.⁵ As we will see in this section, this non-textual ethics led to a relatively restrictive theory of commercial ethics. Here, I use “natural law” in the sense commonly used in the contemporary study of Islam to denote the belief that divine revelation accords with some notion of morality that is discoverable through human cognition independently of revelation. The term, of course, has a long history in Western thought dating back to Thomas Aquinas, and involving vivid debates in modern philosophy and religion. The idea that laws are “discoverable” is best captured by John Finnis’s definition of “natural law” as a set of criteria for human action that are normative prior to any particular choices or determination (FINNIS 2012; see also TALIAFERRO 2017).

a. Truth-aptness of Values and Moral Caution

Ṭūṣī’s belief in the truth-aptness of the moral values of each act led to a preference for extreme moral caution. By truth-aptness I mean that moral statements can be judged as true or false; in other words, they are objective, and not entirely dependent on subjective opinion or moral feeling (see O’LEARY-HAWTHORNE 1994). The metaethical framework within which he operates reflects a combination of the belief that we could determine the truth or

³ For a brief biography see GLEAVE 2016 and for more on his influence see HEERN 2017.

⁴ For more on Muʿtazilī metaethics see VASALOU 2008; KHOUJAH 2019.

⁵ As correctly explained by KHOUJAH (2019: 130), the Muʿtazilī position was that human reason or cognition was capable of knowing already existing values. They did not argue that the human minds legislated those values. Ayman SHIHADAH (2016: 384-407) ascribed this Muʿtazilī doctrine to their view that moral values are “real” and inherent in actions (i.e., their “moral realism”). Realism is certainly one important aspect of the Muʿtazilī position. For our limited purposes here, what matters is that Ṭūṣī displayed a form of cognitivism, i.e., the belief that moral values are verifiable through cognition.

falsehood of moral claims, combined with a strong aversion to moral risk.⁶ In *al-Nihāya*, a book of Islamic law and ethics anchored primarily in the *ḥadīth* genre, al-Tūsī sets out a general framework for what constitutes acceptable pursuit of commercial gain. It may be worth noting here that, as with any treatise concerned with Islamic substantive laws, Tūsī's main concern is with determining what is right and good, with the assumption that the merchants-believers will be self-motivated to learn about and seek expert advice in following the law. I will come to the implications of this arrangement later.⁷

Since all actions must be determined to be objectively good for them to be legally acceptable, commercial gain must also achieve an identifiable good for it to be valid. That is, a commercial exchange *must have a positive added moral value* for it to be legally acceptable. The first step in attempting to assess the general added value of an exchange is the moral valuation of the *object* of commercial exchange: what may be commercialized for the purposes of material gain, and what may not. Objects and services that ought to be provided as a matter of obligation to society may not be bought and sold (TŪSĪ 1991: 101). These exclusions leave out of the sphere of commerce a significant range of goods. Making profit through things that are otherwise obligatory upon the community, such as acts of burial and prayer, is prohibited, just as much as actions that are immoral in themselves, such as prostitution. Gain, for Tūsī, must be attached to a positive contribution to society, and not just the performance of a needed act. Doing what is already obligatory by virtue of revelation, whether individually or upon society as a whole (*farḍ kifāya*), cannot be grounds for enrichment. The same applies to acts that are immoral such as unlawful sexual acts. To further narrow the scope of lawful commerce, Tūsī excludes from it acts that are pointless or frivolous, since these do not contain a determinable positive moral value. These include, for Tūsī, performances that are without benefit to society, such as performing magic tricks, or similar activities (TŪSĪ 1991: 101).

Al-Tūsī's model is markedly restrictive of commerce. The underlying understanding of profit or commercial gain in his theory is that it must be justified on *objective moral* grounds. The background of this doctrine is a Mu'tazilī-like belief that revelation-independent reasoning is capable of leading to a wide range of true moral beliefs. This theory was developed by Tūsī in some detail in his *Uddat al-uṣūl*. In this summarized work of legal theory, he argued that rationality or reasonableness (*ʿaql*), is a body of knowledge that must imperatively exist in a capable person's mind for them to qualify as rational, or of full mental ability (*ʿāqil*). This range of knowledge includes sensory data, the fact that things either exist or do not, and that existents are either temporal or eternal. But these also, importantly, include evaluative judgments, such as the necessity of thanking the benefactor, and the intrinsic wrongness of many actions, such as unjustifiable lying (TŪSĪ 1996: 23). To justify a financial

6 This moral theory coincides with what we might refer to as "cognitivism," or the belief that moral statements can be judged as true or false. This is a sub-division of realism, that is the view that moral claims are claims about objective facts. In Mark VAN ROOJEN's (2018) words: "Cognitivists think that moral sentences are apt for truth or falsity, and that the state of mind of accepting a moral judgment is typically one of belief. They think that typical utterances of indicative sentences containing moral predicates express beliefs in the same way that other sentences with ordinary descriptive predicates typically do."

7 On the believer's obligation to follow the jurists, see FADEL 2014.

margin of profit, there must be a clear and identifiable benefit produced by the transaction, which means that the willful agreement of all parties involved is insufficient for legal validity. Remarkably, this means that social agreement, including commercial custom and practical expediency, play a limited role in Tūṣī's system in comparison to the "traditionalist" models we will examine below. This is particularly noteworthy given that Tūṣī represents a "natural law" segment of the Islamic legal-moral tradition, which is often celebrated as rationalist in some modern accounts (e.g., HOURANI 1971). In that context, however, the natural law account of commerce is morally restrictive of otherwise willfully or customarily accepted exchanges.

The resulting outcome of this metaethical theory is a restrictive one: an act is only permissible if we can determine with some certainty that it is desirable. Where verification is not immediately possible, he believed it was best to altogether refrain from any proposed transaction. The very existence of the market is conceived within a narrowly defined conception of commercial exchange. Individuals can only profit from exchanges that are positively beneficial in the moral sense, not socially required, and, of course, not otherwise reprehensible.⁸ Moral goodness here is understood as an intrinsic value that is universally identifiable and, therefore, can be the subject of objective assessment. As a result, a prerequisite to becoming a merchant is to know the legal and moral frameworks within which commerce can be properly practiced (TŪSĪ 1991: 108). That way a merchant would be able to distinguish between reprehensible, valid and invalid exchanges, and avoid sins, such as interest and unequal exchanges more generally. The assumption in that context is that commerce is morally hazardous as a *prima facie* presumption. Unlike most other areas of human activity where one can simply rely on the experts to gain knowledge and give proper advice, commerce practically requires a certain degree of legal and moral knowledge by the merchant herself. This is a practical imperative: whereas merchants are certainly encouraged to seek advice from jurists, given the morally hazardous nature of their trade, it is practically impossible for them to carry forth their business without some basic legal knowledge.

b. Assessment of Commerce through Moral Exclusion

This framework led to a method of assessment of commercial acts that operates through a series of exclusions, based on the type of good or service provided to or by the proposed other party to the exchange. Whereas some acts of commerce are excluded because they do not allow exchange for profit by their very nature, others are excluded based on the prospective contractor. Determining who one can contract with follows from an account of the acceptable sources from which gain can be drawn. The first potential source of gain is

⁸ Things become complicated when it comes to religious knowledge, since there is an element of social obligation attached to it. Teaching and copying the Quran can be profitable activities, but commercial gain from them is discouraged. By contrast, mere ethical instruction, that does not involve the Quran, can be done for profit, since it is not an obligation in itself. That being said, any activity involving teaching must be conducted in a way that ensures full equality between the children in terms of attention given, and compensation acquired from the parents. Also, printing religious books (other than the Quran) is a permitted commercial activity, except if the object of the book is contrary to proper belief, unless the purpose of the book is to disprove arguments of non-belief (TŪSĪ 1991: 102).

through service to the state, or the political power in place.⁹ The moral assessment of this type of gain depends on the ultimate effect of collaboration with the political power. If the existing order is one that rules justly and upholds divine commandments, then all cooperation is permissible, and in fact encouraged. If, by contrast, the existing order is unjust or fails to uphold the *sharī'a*, cooperation would be discouraged if it is likely to reinforce the regime's injustice, and only encouraged if it is likely to improve the rulers' practices. From the distinction between just and unjust parties follows a restriction on commercial dealings with unjust rulers, and unjust individuals more generally. Along the same lines, it is prohibited to trade in merchandize that is known to have been stolen or unlawfully obtained or in any way deemed improper (TŪSĪ 1991: 90-91). Any exchange that involves support for a political tyrant or furthering their doctrines is prohibited, as well as sale of arms to enemies and any act that enables foreign powers to fight against Muslim empires. Naturally, in a manner typical of jurists of his era, TŪSĪ measured the justice or injustice of rulers on the basis of their deference to and implementation of moral edicts that are in line with divine injunctions (TŪSĪ 1991: 99).

TŪSĪ details five areas that need to be avoided: speaking highly of the merchandise, talking down to the customer, failure to disclose defects, making an oath to facilitate a deal, and interest. The golden rule also finds its way in TŪSĪ's thought: a merchant should treat a customer as the merchant would want to be treated when he is a customer. They should give them advice concerning the best merchandise available according to their needs. TŪSĪ's system thus categorically excludes from the domain of acceptable acts all that would fall today under the domain of advertising. Merchandise should not be displayed in a way that covers defects or shows it in a way that is too flattering. All customers must be treated equally, including the young, the shy, the blind, and the vulnerable. Some discrimination, however, is permitted by TŪSĪ in differentiating between believers and non-believers. All must be treated fairly, but a merchant is under a moral duty to try his or her best to minimize their profit when dealing with a fellow believer. If it is inevitable, he or she should accept the deal offered to them and not engage in extensive negotiation (TŪSĪ 1991: 110-112). Moral caution also requires that matters of measurement, such as weighing merchandize, should be treated with particular care, since cheating the scale is an offense that is explicitly mentioned in the Quran.¹⁰ To be on the safe side, a merchant must attempt to be on the losing side when they are weighing, so they should sell more and buy less (TŪSĪ 1991: 113).

For the most part, as we can see, TŪSĪ's account of lawful commercial transactions coincides with a pre-conceived, broad theory of moral goodness. Moral values are objectively determined, and only those judged as good may be lawfully exchanged, unless they are

9 Explaining TŪSĪ's views in light of their historical context would require a lengthy study that exceeds our scope, but it will suffice to say that his deep moral caution and suspicion of the state could be explained with reference to the fact that he witnessed the decline of the Shī'ī Buwayhid dynasty and rise of the Seljuks in the mid-eleventh century CE, which prompted him to flee Baghdad. See RAMYAR 1977: 9-11.

10 From Chapter 55 (al-Raḥmān), verses 7-9: "And the heaven: He has raised it high, and He has set up the Balance. In order that you may not transgress (due) balance. And observe the weight with equity and do not make the balance deficient." Translation by al-HILALI and KHAN online.

socially necessary, which makes them non-commodifiable.¹¹ There remains, however, an area in which lawfulness and goodness appear to slightly diverge. Tūsī views certain commercial activities as valid but not encouraged for the purposes of virtuous perfection. These are ventures that, while providing clear needs for others, may have a negative impact on the merchant's soul. The tension here is not between law and morality as such, but rather between two different types of value: providing goods and services needed within society and preserving the virtue of one's soul. Social needs and individual virtue ethics, for Tūsī, can be at odds. These include selling burial garments, and generally selling food, since the first leads to an anticipation of death, and the second gives rise to a tendency to hoard. Tūsī's definition of hoarding (*al-ihtikār*) was, it must be noted, carefully delineated. It only applied to certain types of edible merchandize. It is only considered hoarding if there is social need for the merchandize, otherwise the merchant should be free to withhold goods.

Tūsī's permissive attitude towards hoarding may appear surprising, but it becomes clearer when we see that it reflects a different kind of tension: that is between moral reprehensibility and state intervention. It appears as if Tūsī saw the latter as the greater evil. He was prepared to accept a certain degree of unvirtuous commercial practice for the sake of denying political authorities reason to intervene in commercial regulation excessively. In cases where there is an urgent need for the merchandize, political authorities can force a merchant to sell. They may not, however, enforce a given price, but should accept whatever price is offered by customers. When a given good is scarce and expensive, keeping it for more than three days is considered hoarding, otherwise it is forty days (TŪSĪ 1991: 115-116). Besides the small number of essential foods mentioned exclusively by Tūsī, no other foods can be the subject of hoarding. This, in a way, is a limitation on political authority, since they may not determine prices or force sales outside of a limited number of necessary foods. Hoarding is morally reprehensible and opens the door to possible state intervention. By contrast, lending with interest is not only reprehensible but also invalid.¹² The reprehensibility of interest is one of the main reasons why merchants are expected to learn the *fiqh* of commercial transaction, because it is easy to enter into *ribā* transactions unknowingly. As cautious as he was when it came to the moral valuation of commercial acts, Tūsī appeared broadly suspicious of state intervention in commerce in a categorical fashion. Whereas dealing with the government largely depended on its just nature, Tūsī's practical evaluation of commerce suggests that state intervention in commerce is inherently harmful.

In sum, the acceptability of a commercial transaction for Tūsī's was narrowly limited to situations in which commercial profit is likely to coincide with a concrete contribution that is morally good. In cases where exchanges of potential moral harm are tolerated as legally valid, Tūsī is often dealing with a tension of values of sorts, involving considerations of social benefit, edification of the soul, and suspicion of political powers. It would seem that Tūsī, as we will see with Ghazālī below, with obvious differences, conceives of a hierarchy of moral behavior wherein actions must be morally beneficial to be lawful, and even within this

11 A clear statement of the Imāmī doctrine on the truth-aptness of moral judgments was formulated by al-ʿAllāma al-Ḥillī, who argued, in Muʿtazilī fashion, that the good or evil nature of actions are discoverable by human minds, and that God commands good actions because they are good, not the reverse. See al-ḤILLI 2006: 310-315. For more on Ḥillī's views on moral ontology, see MASHITA 2013: 90-95.

12 For more on the doctrine of *ribā* in classical *fiqh*, see FADEL 2008.

category of beneficial actions some may be questionable from the perspective of personal virtue. Overall, Ṭūṣī's belief that actions are inherently good or bad, and his insistence on certain, objective morality meant that large categories and types of action were excluded from what could be commodified and exchanged. Moral caution required suspicion of both commerce and the state.

II. Supremacy of the Afterlife and the Pyramid of Virtues

Abū Ḥāmid al-Ghazālī (d. 1111) weaved his discussion of acceptable commercial practices into his dualistic moral framework which centers on the moral primacy of the next life. As we saw, Ṭūṣī's general theory was faced with a challenge when it came to resolving tensions between the moral values of the commercial act, the identity of the other party to the transaction, and the potential effects on the believer's soul. Similarly, Ghazālī's dualistic model had to contend with tensions between a commercial act's conduciveness to a morally desirable state of financial independence (*ghanā'*) and the act's possible effects on the soul. These tensions often manifested as distinctions between legal validity and moral virtue.

a. Ghazālī and the Primacy of the Afterlife

In *Iḥyā' 'ulūm al-Dīn* (The Revival of Religious Sciences), al-Ghazālī anchored his views on the assessment of commercial gain in a particular understanding of human purpose within a dualistic conception of the world.¹³ Ghazālī's metaphysical dualism was reflected in his belief that human life occurs at two levels of existence, the current temporary world, and the next eternal one. By virtue of its truthfulness and eternity, the next world is infinitely more significant than the present one. Thus, the one rational purpose of human action in this world is salvation in the next. Setting success in the next world as the only *telos* of human action is crucial to understanding Ghazālī's reasoning in encouraging commerce in this "lower" life. This understanding of human *telos* as a quest for individual edification is broadly in line with Aristotelian ethics, with some substantive differences, as will be discussed below (see BRAGUES 2013). All actions must follow this teleological principle to be morally justifiable. The starting point for Ghazālī, therefore, is that afterlife is the truth, and all else is negligible (GHAZĀLĪ 2007: 87). The "lower" life (*al-dunyā*), where commerce takes place, is a realm of confusion and struggle. The next life is a place of justice and eternity. If the afterlife is so vastly more important than this present life, it would follow that the only rational principle of conduct is to do whatever is needed for success in the next life.

Much like Ṭūṣī, therefore, Ghazālī also attempts to anchor his framework of commercial regulation within a broad moral outlook. This general theory emphasizing the next life could have conceivably led to a view of the pursuit of material wealth as unethical, or at least a distraction from living a meaningful life. Ghazālī was quick to dismiss this possibility: "hard work in this life is not limited to the pursuit of the afterlife (*al-ma'ād*) to the exclusion of one's livelihood (*al-ma'āsh*). Rather, working for livelihood assists in the pursuit of the afterlife, since this life is a steppingstone to the next" (GHAZĀLĪ 2007: 87). While Ghazālī

¹³ For a biography of Ghazālī, see CAMPO 2016.

clearly regards devotion to the divine and the pursuit of moral righteousness as the most valuable of human tasks, he does not dismiss the need to make a living as an irrelevant distraction. It is a necessity that must be achieved to live a virtuous life. Making a living is not an act of morally neutral status, but, because of its implications for healthy human living, is imbued with moral significance. Focusing one's time in this life either solely on worship, or on seeking wealth, would be a type of imbalance that is not suitable for a virtuous life. To achieve the virtue of moderation (*iqtiṣād*), one must approach material gain in this world as *a means* (*wasīla*) to the attainment of righteousness, and therefore salvation in the afterlife. In a manner typical of Ghazālī's reasoning in his *magnum opus*, this argument is partially supported by the scripture. For example, Ghazālī's vision is corroborated by the Quran's frequent exhortation to "spread in the world" (*intashirū fī l-ard*) and seek God's bounty (*ibtaghū faḍl Allāh*).¹⁴ The possibility of finding one's livelihood within the earth's resources is not a cause for greed, but rather increased thankfulness to the Creator. The glorification of the righteous pursuit of wealth through, among other things, honest trading, is also to be found in the Prophet's traditions. Ghazālī cites a number of prophetic sayings, including "there are certain sins that are only forgiven through the diligent pursuit of livelihood," and "the honest merchant joins the saints and martyrs on the Day of Judgment." In response to a criticism directed at a young man for waking up early to pursue trade rather than perform prayer, the Prophet reportedly said:

If he was working to become self-sufficient, then he is on the path of God. If he is providing for elderly parents or young children to ensure they are taken care of, then he is on the path of God. If, however, he is working to accumulate [wealth] and [driven by] vanity (*tafākhuran*), then he is on the path of the devil. (GHAZĀLĪ 2007: 88)

Ghazālī's dualistic theory, therefore, called for a type of moral balance between the practical and the spiritual. This balancing effort can be seen throughout his attempt to formulate concrete assessments of commercial acts. Self-sufficiency, spiritual stability, hard work, are all desirable. Complacency, greed, reliance on others are all undesirable states of affairs. Counterintuitively, Ghazālī's theoretical framework that emphasized the primacy of the afterlife set the stage for a theory of commercial morality that was highly permissive and encouraging of commerce, precisely because of its centering of human *telos* in the afterlife. By contrast, as we saw, Ṭūṣī's naturalist theory of morality led to a type of jurisprudence that was, in its ultimate, practical form, highly suspicious of commerce. For Ghazālī, commerce as an activity that can lead to peace of mind, financial independence, and, therefore, spiritual stability, is morally positive. This is so because of its likely consequences, not its inherent value.¹⁵ The pursuit of wealth through lawful commerce is encouraged to the extent that it aims at achieving independence, and thus allowing for peaceful spiritual edification. The criteria of morally acceptable commerce, in this model, have an unmistakable subjective element: it is the person's intention from the pursuit of wealth that defines its moral status.

¹⁴ Q. 62:10 and 73:20, respectively.

¹⁵ George HOURANI (1976: 69-88) rightly noted that Ghazālī's "ethics of action" are dependent upon eventual salvation in the afterlife, and that moral goodness can only be known through revelation. Hourani, however, ignored the fact that things that are rationally necessary for the fulfillment of revelation-based obligations (like lawful commerce, in our case), are also obligatory in Ghazālī's system.

When commerce is driven by greed and the unrestricted accumulation of wealth, it becomes contrary to the central purpose of human life.

The flipside of Ghazālī's moral framework is that the unhindered accumulation of wealth for the sake of pure enrichment is unequivocally immoral (*madhmūma*) (GHAZĀLĪ 2007: 92). This position can be linked to the first element in Ghazālī's metaphysics: this world is negligible compared to the next, therefore being entirely absorbed by this world to the exclusion of the next is clearly misguided. That being said, avoiding poverty or falling into neediness takes priority over worship, unless one is a public servant whose livelihood is covered by welfare funds. Those exceptional servants who are provided for by the community include traditional scholars, figures of authority who run the polity's affairs, and mystics. In such exceptional cases, focusing entirely on matters of public service, religious learning, and worship may be permitted. Otherwise, no human should allow themselves to be entirely consumed by worship to the point of poverty. In the end, Ghazālī argues, this is an individual judgment call in which each person should "seek guidance from their heart" (GHAZĀLĪ 2007: 91-92). On this account, one can deduce that Ghazālī's broad moral framework is complicated by tensions between spiritual, material, and social considerations.

Similar to Ṭūsī's theory, Ghazālī's model reflects a complex interplay, but not an identity, between law and morality. In Ghazālī's framework of evaluation of commercial acts, the moral purpose of commercial acts can be assessed both at the level of the manner and the intent for which they are undertaken. All considerations, whether objective or purely subjective, must be taken into account. Working to achieve material sufficiency must be done with diligence and honesty and should not lead to vanity or greed. An immediate consequence of Ghazālī's framing of commerce as a means to an end is the prioritization of virtue over profit. Yet, he did not argue that all deviation from virtue leads to unlawfulness. To attain virtue in commerce, one can generally trust the golden rule of interpersonal dealings: deal with others as you would like to be dealt with. All forms of transgression from that standard are reprehensible, but not all reprehensible actions are legally invalid. This does not mean that commercial law was separable from morality, but only that there are limits to what the physical legal infrastructure can do to affect the course of commercial transaction. Since the latter was often governed by purely pragmatic concerns (as "moral" or beneficial as these concerns might be at a social level), personal virtue might on occasion be at odds with commercial practice.

b. The Pyramid of Values: Goodness and Legal Validity

The distinction between moral goodness and validity was advanced in the form of a pyramid of moral and legal valuation. This pyramid explains to us how Ghazālī viewed the moral perfection of the soul, the higher goal of his *Iḥyā'*, with more practical moral considerations, which correspond to what we might view as commercial law. The highest degree of the pyramid includes a small set of actions that reflect the utmost degree of virtue (*iḥsān*), below which there are dealings representing justice (*ʿadl*), and finally there is a large set of transactions deemed valid by default by jurists.¹⁶ In some understanding, we might say that

¹⁶ Understanding *iḥsān* as virtue is common in the study of Islamic law and ethics. See for example, CARNEY 1983: 159-174. See also MOAD 2007: 135-48. I follow this designation because, for Ghazālī, it is clear that *iḥsān* is more than simply acting out of a sense of responsibility or being charitable, but it is

actions approved and disapproved by the community of jurists what reflects the purely “legal” aspect of Ghazālī’s model. This legal component is subsumed within his ethical theory, but does not exhaust it, and is not perfectly identical with virtue. The highest degree of commercial virtue (*ihsān*) that Ghazālī discusses is the performance of practices that are not strictly necessary but constitute an excess of generosity when performed.

It may be worth noting here, as suggested above, that Ghazālī’s centering of virtue and edification of the self as the foundation of commercial ethics makes him, in a very broad sense, in line with Aristotelian commercial ethics, which has seen a recent resurgence in the area of virtue ethics (see BRAGUES 2013). Ghazālī explains that to act with *justice* is analogous to possessing capital, whereas to act with *virtue* is analogous to collecting profit. It would be foolish for someone to be satisfied with possessing capital, and not seek to gain some profit. Hence, it is evidently rational for merchants to seek to conduct their commerce in a way that accords with virtue (*ihsān*) by going out of their way to be generous to their customers. One way of doing that is to shun an excessive margin of profit (*mughābana*) when possible (GHAZĀLĪ 2007: 113). Ghazālī explains that having a margin of profit is obviously permitted, since that is the point of trade. However, there are circumstances under which customers find themselves ready to pay an amount higher than the fair price for any number of reasons. It would not be strictly sinful to accept such additional profit, but it would be virtuous to refuse it and not take advantage of the customer. The former conduct is valid, but the latter is virtuous.¹⁷ Another type of virtuous dealing arises from the opposite situation: if a seller in need asks for more than the fair price, it is considered *ihsān* to let him have the additional money. This scenario is referred to as the “toleration of excessive pricing” (*iḥtimāl al-ghubn*). Again, it is not unjust, let alone invalid, to demand a fair price, but it is exceedingly virtuous to happily give a poor merchant an additional profit (GHAZĀLĪ 2007: 115).

Just as some virtuous acts are not strictly required, there are also cases in which morally questionable ways of acquiring wealth can be allowed under the law as developed by the jurists and applied by state courts. These are the acts that lie at the lower side of the pyramid of virtue, which makes them legal but not virtuous. Whereas any invalidity can be explained through some kind of immorality, not all immoral acts of commerce will necessarily be declared invalid. The distinction here is not between what is legal and what is moral, but between actions that are both reprehensible and invalid, and those that are only reprehensible. The difference is that, in the case of actions that are prohibited by divine law but not invalidated by the jurists, there is no worldly mechanism to undo the act in question. Much like neglecting prayer or any other form of worship, those actions are very much “prohibited,” but generally no concrete consequence will follow as far as state enforcement is concerned. This is a noteworthy instance in which legality in the classical Islamic context is independent

a reflection of a state of spiritual ordering and perfection that is superior to merely following the rules as formulated by the jurists. The distinction between legal justice and the virtue of *ihsān* echoes Aristotle’s distinction between justice and beneficence as explained by Ibn Rushd in his *Commentary to Aristotle Nicomachean Ethics*. For more see BOUHAFI 2016: 157.

¹⁷ This distinction between justice and virtue was upheld by many scholars after Ghazālī. Abbas ALI (2015: 4) attributes the same distinction to Ibn ‘Arabī and the Abū Ṭālib al-Makkī. Ali explains this distinction as follows: “...*ehsan* conveys kindness in dealing with others and a tendency to provide assistance to those in need.” He attributes to Makkī the view that justice is giving what is right, whereas virtue is letting go of part of what you are owed for the sake of doing what is right.

of the promise of coercion. Just like some actions are legal but fall short of achieving virtue, some are clearly contrary to virtue but not precluded by the legal system for practical reasons. Whereas law and virtue overlap at the core, they tend to diverge at the peripheries.

The first type of reprehensible conduct that is nonetheless valid includes matters that affect society at large. The most noteworthy example is hoarding (*al-ihtikār*), understood as holding on to necessarily merchandise in the hope that its value will increase (GHAZĀLĪ 2007: 113). Ghazālī linked the immorality of this action to its potential harmful effects upon consumers. Reprehensibility of hoarding, therefore, was not categorical or unconditional. The prohibition of hoarding applied only to matters that are necessary for people's subsistence, such as basic foods. Further, it is only immoral if its unavailability will make it significantly more expensive. In situations in which foods are abundant and available for a negligible price, it is acceptable for a merchant to wait until the market price becomes more adequate before selling the merchandize. Ghazālī, therefore, does not oppose the search for a profitable bargain, but only rejects behavior that could harm society for the sake of unreasonable profit (GHAZĀLĪ 2007: 105). Conversely, if there is a shortage of food in general, hoarding items that would otherwise be considered delicacies would be prohibited.

The second type includes actions that could harm the other party to the transaction. This discussion evokes the golden rule, the most fundamental principle of commercial morality put forward by Ghazālī: "if you sell something for one Dirham knowing that you would only accept it for a fraction of the price, then you have strayed from the proper means of doing commerce." (GHAZĀLĪ 2007: 107). Under this category falls nearly the entirety of what would pass in today's commerce as advertising. Ghazālī considers prohibited the praising of merchandize for what it does not possess or failing to declare any of its defects or hidden features in any way. It would seem that Ghazālī considers any praise of a merchandize that is not strictly and objectively descriptive to be a moral hazard. On the one hand, if the purchaser becomes disappointed after buying the merchandize, that would constitute injustice (*ẓulm*) to that customer. On the other hand, if the customer still walks away, the merchant would have committed the sin of lying, and lost his integrity.¹⁸ Even if praise does in fact reflect some of the item's obvious characteristics, it still constitutes meaningless "blabbering" (*hadhayān*), which could be morally reprehensible.

In sum, Ghazālī, like Tūṣī, began his evaluations of acts intended for commercial gain from a general theory of morality. In a sense, Ghazālī's theory is the reverse of Tūṣī's: whereas the latter emphasized the inherent moral value of objects and actions in this world, Ghazālī emphasized the likely outcome of any type of behavior in the next world. Nonetheless, Ghazālī's framework was much less suspicious of commerce. The avoidance of a theory of truth-apt moral values and adherence to a dualistic view of moral evaluation led Ghazālī to accept the basic goodness of commerce as an act that is likely to lead to the spiritually desirable state of financial independence. In the end, the tensions between spiritual and material considerations led to a slight distinction between virtue and lawfulness, wherein all forms of invalidity stem from undesirability, but not all undesirable acts are necessarily invalid.

18 For more on lying see QUDDUS et al. 2009.

III. Ibn ‘Abd al-Salām’s Scheme of Natural Social Inter-dependencies

Al-‘Izz b. ‘Abd al-Salām (d. 1262) was another prominent Shāfi‘ī-Ash‘arī who believed in the importance of revelation to the determination of moral values.¹⁹ For him, this-worldly benefit and satisfaction are preconditions to righteousness. However, the divide is not seen in a stark contrast and gain in this world is not fully subsumed under an analysis of what might lead to salvation in the next. For Ibn ‘Abd al-Salām, there is a range of benefits that can be achieved in both this world and the next. Morality rests on the realization of benefit in both worlds, which, in both cases, can be defined in terms of *happiness*.²⁰ Ibn ‘Abd al-Salām’s soft Ash‘arism presents a model in which a general theory of ethics attempts to resolve some of the tensions between practical, social, and spiritual considerations that we saw in the evaluations of commerce advanced by other jurists. Inasmuch as they both adopt a *teleological* approach to commercial ethics, it should be noted, Ghazālī and Ibn ‘Abd al-Salām appear to draw upon the Aristotelian tradition, in which it was believed that human actions should be assessed based on the purposes they aim to achieve. On his insistence on “happiness” as a guiding principle, however, Ibn ‘Abd al-Salām’s theory, which will be elucidated in this section, may appear to be more directly in line with Aristotelian thought. On closer inspection, however, it becomes clear that the kind of “happiness” advocated by Ibn ‘Abd al-Salām differs fundamentally from the Aristotelian notion of happiness. Whereas Ghazālī, following Aristotle, advances an individual notion of virtue that is focused on personal excellence (rationality for Aristotle, salvation for Ghazālī), Ibn ‘Abd al-Salām’s idea of happiness is profoundly social rather than centered on the individual.²¹ As Oliver Leaman explained, Aristotle had a range of conceptions of happiness, of which wisdom and virtuous action was the most readily accepted by Muslim philosophers. Ibn ‘Abd al-Salām’s “happiness,” by contrast, is a reference to social benefit: it is tied to the maximization of success and satisfaction among one’s immediate social network.²²

¹⁹ For a biography of Ibn ‘Abd al-Salām see SALAHI 2013.

²⁰ This is comparable to what Ferial BOUHAFI (2018: 77) observed in relation to Ibn Rushd: “Averroes states that injustice has two modes, relative to the beneficial and the pleasant, which hints at a teleological understanding of the norms of action. To grasp this teleological dimension, one should refer to his definition of the obligatory in the Abridgement. There, Averroes explains that Muslim jurists could not have conceived of the obligatory independently of the harmful (*al-darar*) and beneficial (*al-naf‘*). The obligatory is that which is serviceable to an end, and essentially relates to the interests of the agent himself—that is, either the avoidance of harm or the attainment of benefit.”

²¹ “It is well known that Aristotle is a teleological thinker in that he believes all beings in the universe, the human species included, act for a purpose. This feature of Aristotle’s thought manifests itself right from the start of the *Nicomachean Ethics* where he raises the question of humanity’s end or *telos*. How does Aristotle manage to answer this seemingly inscrutable question? He notes the elementary fact that all human activities aim at some good... Eventually, the point is reached where a purpose is apprehended that is desirable for its own sake. This is the highest good” (BRAGUES 2013: 5). Bragues also points out the individualism of Aristotle idea of virtue as a possible objection that is particularly pertinent to commercial ethics.

²² On Aristotle’s notion of happiness and its reception in Islamic thought, see LEAMAN 2001:193-196.

a. Happiness and the Natural Social Order

Like Ghazālī and Ṭūsī, Ibn ‘Abd al-Salām grounded his commercial law theory in a single substantive moral theory and saw the basic act of commercial exchange as morally meaningful. Unlike Ghazālī, however, he did not regard salvation as the main guiding principle of human action, but the achievement of benefit (*manfa‘a*), which he understood as happiness, a concept that is shared in both this life and the next.²³ In his *Qawā‘id al-aḥkām* (also known as *al-Qawā‘id al-kubrā*), Ibn ‘Abd al-Salām formulates his views on the assessment and regulation of commercial acts in the context of a moral theory of benefit and harm. The realization of benefit and harm through transactions is embedded in an intricate web of social interdependencies. When engaging in commerce, each party is activating this set of pre-determined expectations, and therefore must attempt to maximize the benefit for all parties involved. For Ibn ‘Abd al-Salām, the basic need for the regulation of human interactions by divine law stems from the fact that “God Most Exalted created humans and made some dependent on others (*aḥwaja ba‘dahum ilā ba‘din*) so that each group of people would look after the other” (IBN ‘ABD al-SALĀM 2004: 236). Material wealth (*amwāl*) is designed as a means for the achievement of benefit both in this world and the next.

‘Abd al-Salām explains benefit in terms of what naturally brings about more happiness, understood broadly as pleasure or contentment. A child would choose a more delicious treat over the less delicious one, and a bigger allowance over a smaller one. One would only choose the less beneficial option if they were unable to properly weight the benefits and harms of a given situation. This is often the case, since virtually nothing is a benefit devoid of harm or pain. For example, food, clothes, intercourse, housing, among other basic needs, require extensive effort for their achievement, and also contain some harms. One is inconvenienced by the need for food, the struggle to make it available, and finally by the digestive issues that may arise from it. The happiness brought about from it is often outweighed by all of those harms. The same can be said of all other material luxuries: they are difficult to attain, and invariably contain inconveniences that limit their enjoyment. Furthermore, material lust (*shahwa*) is pure harm, since it undermines the character, and often leads to long-term damage, either in this world or the next.

As we saw above, Ghazālī’s idea of *ghanā’* reflected a simple notion of financial independence, and was only valuable because of its conduciveness to salvation. By contrast, Ibn ‘Abd al-Salām considered that the benefits resulting from material exchange depends on each individual’s context, and the happiness it generates is a moral end in itself. Benefit, therefore, was varied and final in its moral importance. A basic assumption of Ibn ‘Abd al-Salām’s

23 As indicated above, this moral theory, reminiscent of utilitarianism, is often too easily taken to be representative of the whole classical tradition. For example, see ALI 2015. The importance of Ibn ‘Abd al-Salām’s contribution lies not in its emphasis on benefit and harm, but in his attempt to find a way to resolve the tensions between practical and spiritual considerations, which we find in the two previous models. My reference to “utilitarianism” here is specifically intended to evoke the sense famously used by John Stuart MILL (2009) in *Utilitarianism*, in which he developed a general theory of moral evaluation based on the principle of Happiness. For a discussion of what “happiness” means and the central place of pleasure within the concept, see LOIZIDES 2014: 302-21. For a noteworthy response to utilitarianism, see Williams’s criticism in SMART 1973. Much could be said, of course, about the different meanings and historical contexts of the notions of happiness in Ibn ‘Abd al-Salām and Mill’s thought; however, there remain sufficient conceptual similarities between the two theories for the comparison to be helpful.

theory is that the circulation of wealth, labor, and commodities, within society is a necessity that follows from the very nature of human social organization, which naturally includes intrinsic inequalities (IBN ‘ABD al-SALĀM 2004: 11). This includes a division of humans according to age, social class, and sex, and the interdependence of all those categories on one another. In the end, the mutual care and responsibility for one another leads to the realization of benefits and avoidance of harm either in this life and next, or in one rather than the other. The benefits of transactions stem from the inherent interdependency that results from our social roles, which reflects in the way specific commercial acts should be evaluated. For example, commoners (*al-aṣāghir*) depend on those in power (*al-akābir*), the poor on the rich, men on women, freemen and women on slaves, and vice-versa. In each case, people belonging to different social categories will cooperate to bring to one another benefits and help one another avert harms belonging to both worlds. Those interdependencies make it imperative for a merchant to examine the benefit or harm that may follow from their actions in each context in light of the expectations (IBN ‘ABD al-SALĀM 2004: 339).

Ibn ‘Abd al-Salām’s model thus harmonizes some of the elements of the two previous theories and centers morality in this world and the next world. Actions are not only morally based on their likely effect in the afterlife, but because of the amount of happiness they are likely to generate, in the sense of pleasure or contentment, as described above. Without postulating that actions have inherent moral values, Ibn ‘Abd al-Salām’s theory of benefit and harm posits that happiness is the ultimate benefit with which both mundane and spiritual rules are concerned. Much of the means of worldly happiness, he maintains, can be known without revelation, but revelation does intervene to show what the *true* benefit of humanity is (see ALI 2015: 13). By contrast, success and happiness in the next world cannot be achieved without proper knowledge of revelation. The primary difference between ‘Abd al-Salām’s and Ghazālī’s frameworks is that the former acknowledges worldly happiness as a worthy goal in itself, whereas for Ghazālī everything needs to be aimed at the achievement of success in the afterlife.

b. Obedience, Doubt, and the Permissibility of Commerce

Ibn ‘Abd al-Salām’s model, while it deviates from Ghazālī’s in positing the possibility of finding ultimate moral values in this world, converges with him in viewing that obeying God is the main purpose of humans in this life. From this basic obligation, follows a number of ramifications. All things that are commanded by God are good (*khayr*) and reward has been promised for such actions. Conversely, things prohibited or discouraged by God are necessarily evil (*sharr*) and punishment has been threatened for such actions. The promise and threat of reward and punishment follows the Ash‘arī view that divine rewards and punishments are not inevitable, but God only makes us feel that we might be rewarded and punished for our actions. Believers therefore are urged to obey God’s commands and avoid His prohibitions, because that aligns with a general distinction between good and evil. A further ramification of this framework is that there are benefits attached to obedience. The implication of this is that those “benefits” may not be directly commanded by God but are in a way closely linked to the general framework of divine guidance, which is where lawful commerce is to be found. Acting in obedience to God and with respect to the pursuit of benefit and avoidance of harm is in the best interests of humans, not something that you do for God. In line with the Ash‘arī theory of divine sufficiency (*ghanā*), Ibn ‘Abd al-Salām holds that

God has no need for human obedience: he has commanded us to do what is moral and beneficial for our own good (IBN ‘ABD al-SALĀM 2004: 7).

Because of the link between divine commands and natural goodness, one might infer the latter from the former in a probabilistic way. Reward and punishment, as we saw, are only promised in the next life, which means that reaping the benefits of one’s actions in the next life is only a matter of probability. The same goes for benefits of this life. Achieving beneficial outcomes is only a matter of probability (*zann*), but we act in a way that maximizes the possibility of achieving benefit for oneself and others such as the case of merchants travelling to foreign lands in search for gain. Acting in a way that is praiseworthy (*maḥmūd*) and moral (*ḥasan*) necessitates an understanding of the degrees of probability of the acquisition of benefit. There are results that constitute pure benefit, others that constitute pure harm, and there are many degrees between the two extremes. In committing any given action, one must always prioritize the action that would bring the most benefit to all involved (IBN ‘ABD al-SALĀM 2004: 6). In all cases there can be no firm conviction as to the degree of benefit or harm that is to follow, but we act on those convictions. Making informed guesses about possible benefits is possible independently of revelation. They can also be known through most revealed laws (*mu‘ẓam al-sharā’i*) (IBN ‘ABD al-SALĀM 2004: 9).

The reliance on a theory of benefit and the probabilistic approach to morality led to a general acceptance of the lawfulness of most commercial acts. The permissibility (*ibāḥa*) of the majority of commercial exchanges is, like all other legal norms, related to a “benefit”: making available human needs that would otherwise be difficult to obtain. Some exchanges are designed to purely this-worldly needs, such as sale and service contracts. Some otherworldly considerations can be included through charitable concessions to the other party, which may be socially beneficial but materially harmful to the moral agent in the short term. Some exchanges have a spiritual object, such as contracts that facilitate pilgrimage. Others such as interest-free loans, and gifts, combine an immediate gain in exchange for a moral or spiritual gain. A variant of this type also includes endowments, loans, and wills. The lowest form of moral dealing, therefore, is being conscious of the interests of the other party and entering into transactions in a way that takes into account the interests of all involved. A higher degree involves purely selfless acts, such as allowing delayed or reduced repayments, and letting go of immediate material gain with pious intentions (IBN ‘ABD al-SALĀM 2004: 347-348). This framework creates limitations that curtail a broad permissibility of commercial action, which, in turn, is anchored in a natural system of benefit that plays out in a network of social interdependencies. Because this framework attempts to harmonize morality with what is beneficial in a worldly sense, we see a smaller degree of tension between lawfulness and morality in Ibn ‘Abd al-Salām’s model: happiness in this world and the next becomes an all-encompassing principle according to which the morality and legality of all actions ought to be evaluated.

Conclusion

In this paper, we studied three classical Islamic approaches to the moral and legal evaluations of acts of commerce. These texts represented three distinct approaches to metaethics, and, consequently, three different systems of assessment of commercial acts. This analysis helps

shed light on two kinds of relation in classical Islamic legal-moral thought: the relation between moral theory and practical evaluation, and the relation between value and lawfulness. Our first conclusion is that classical Muslim jurist-ethicists tended to develop their systems of commercial assessment within the frameworks of pre-conceived general theories of morality. While they shared this methodological commitment to the primacy of metaethics, this also meant that their methods of assessing commercial actions differed greatly based on their theoretical commitments. This diversity could be handily contrasted with the tendency, seen in modern accounts, to attribute all Muslim approaches to the assessment of commercial acts to a single fundamental principle, such as the avoidance of harm, or social justice. The move from theory to practice in the assessment of commerce also reveals some noteworthy features. First, the belief in the objectivity of the moral values tended to result in a more restrictive system of commercial regulation than dualistic account that exhibited a certain degree of doubt about moral knowledge. Second, assessing commercial actions using a general theory of morality led to analytical challenges when faced with the contingencies of practical circumstances. Al-‘Izz ibn ‘Abd al-Salām’s attempt to harmonize the ultimate moral criterion of “happiness” in this world and the next was an ingenious effort to resolve some of those difficulties. Finally, we saw a recurring pattern in the analysis of our classical jurists concerning the relation between the good and the right. All evil is prohibited, but not all that is lawful is necessarily virtuous. The overlap of considerations of spiritual edification, material security, social solidarity, and political morality in many types of commercial transaction made it so that the conceptual distinction between virtue and lawfulness manifested most obviously in those situations of tension. Whereas legality was largely at the service of morality, it was not completely determined by it, as legal expediency led to exceptional situations in which what is allowed may not necessarily be conducive to virtue. It follows that, whereas law quite closely coincided with morality in those scholars’ theories, it was not identical with it, and deviated from it in some peripheral areas.²⁴

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24 This divide was elucidated by LEAMAN (2001: 174) as follows: “One of the themes which runs through the account of ethics in Islamic philosophy is the conflict between two kinds of ethical system. The moral life of human beings takes place on two different levels, one of which is secular, social, political and physical, while the other is spiritual and religious. When we think of Aristotelian ethics in terms of the doctrine of the mean then we are thinking of fulfilling the commandments and establishing appropriate rules of behaviour for our social life. When we think of moral behaviour in terms of intellectual union with God, in terms of moral and intellectual perfection, then we are concerned with the rules of behaviour appropriate to that spiritual end.”

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Consult Your Heart: The Self as a Source of Moral Judgment*

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Abstract

In this article, I explore the authority of the heart (*qalb*) as a potential locus for the individual moral knowledge and normativity in Islamic ethics. To do so, I discuss the two *ḥadīths* that ostensibly suggest one's "self" as a source of moral judgment. These *ḥadīths* raise renewed questions about the sources of moral judgment, the nature of moral judgment and the ethical capacity of the "self" (conscience)—"consult your heart and consult your self ..."; "righteousness is good conduct, and sin is that which rankles in your chest and which you would hate for other people to look upon."

There are rich debates in the Islamic tradition on the place and authority of the *bāṭin* (inward) in generating moral knowledge, which correspond to contemporary discourses in Western ethics on the place of conscience in the moral formation of the individual. In this article, I argue that although Islamic legal tradition as a discipline has focused on qualified external actions of individuals and the *ijtihād* (independent legal reasoning) of *mujtahids* (jurists), it did not ignore the authority of the *bāṭin* for moral assessment and the *ijtihād* of common individuals. I propose that the inward dimension has always occupied an important space within the interdisciplinary field of Islamic ethics but has been overshadowed by the overarching theological disputes between the *Mu'tazilīs* and *Ash'arīs* over the sources of knowledge.

The article starts by exploring the relevant *aḥādīth* (reports) and their interpretation in *ḥadīth* commentaries, followed by an analysis of discussions in the fields of Islamic jurisprudence and Sufism.

Keywords: *Akhlāq* (ethics), *Ḥadīth*, Scriptural ethics, Moral conscience, Heart, Self, Moral judgment, *al-Bāṭin*, Consult your heart, Inspiration (*ilhām*), *Ratio legis*, Sufism.

Introduction

The dichotomy of God versus human is central in Qur'anic discourse and permeates most reflections in ontology, epistemology, and ethics. For example, God as the Bestower of bounty (*al-mun'im*) and the Speaker (*al-mutakallim*) has been the focus of inquiries into the ethical obligations upon humans and the sources of knowledge in Islamic scholarship. The

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search for understanding this dilemma pushed Muslims to explore a methodology for understanding God's discourse and uncovering His will—either through the Qur'an or through the Prophet Muhammad's words and deeds.

The difference in methodology between the jurists and *Sufis* around what is the apparent (*ẓāhir*) and what is inward (*bāṭin*) formed a central axis in discussions within the fields of *tafsīr* (Qur'anic exegesis), *hadīth* (prophetic reports), *fiqh* (Islamic law), *uṣūl al-fiqh* (Islamic legal theory), and *Sufism* (Islamic mysticism). However, the search for the sources of ethical knowledge against the universality of the Lawgiver stimulates serious inquiry into the role of the individual in ethical judgment. The question of individual moral knowledge prompts us to explore interrelated issues such as: (1) the capacity to know an ethical judgment inwardly, which relates to the source of the judgment and its evidence; (2) the competence to understand the Lawgiver's intent addressed to individuals; (3) the ethical responsibility in applying general judgments and principles, or the *fatwā* (legal opinion) of the *muftī* (juris-consult), to specific private realities (scrutiny and caution); and (4) individual moral responsibility and choice in the face of contradictions in legal opinions of *muftīs*—for example, in the case of different opinions in a particular case, how can the individual choose?¹

The issue of individual moral knowledge is not only limited to questions of ethical responsibility but also connected to the concept of “conscience” understood as

The faculty within us that decides on the moral quality of our thoughts, words, and acts. It makes us conscious of the worth of our deeds and gives rise to a pleasurable feeling if they are good and to a painful one if they are evil. (DESPLAND 2005: III, 1939)

The concept of “conscience” is a controversial issue for Western scholars. For instance, TISDALL (1910: 62) appealed to the Arabic language to prove that Islam lacks the ethical conception which is called “conscience” (*ḍamīr*) claiming that “[n]either in the Arabic itself nor in any other Muhammadan languages is there a word which properly expresses what we mean by conscience.” This approach led the *Encyclopedia of Religion* (DESPLAND 2005: III, 1944) to conclude that: “The notion of conscience as internal organ is not found outside of Christianity. As commonly understood, it is peculiar to the West.” This debate on the existence or non-existence of “conscience” in Islam began at the beginning of the 20th century. GOLDZIEHER's insight was critical when he noted: “The assumption that a word alone can be taken as a credible proof of the existence of a conception, has shown itself to be a prejudice” (1917: 16). Indeed, he quoted the two *hadīths* that are under study here to prove that

¹ Recently, few studies discussed the moral role of the individual in Islamic law. Mohammad FADEL (2014: 106) discussed the ethical dilemma facing *muqallids* (imitator) as a result of the ethical pluralism generated by *uṣūl al-fiqh*'s individualist ethical paradigm, and he proposed that “the *muqallid* plays a central role in maintaining the integrity of Islamic law by monitoring would-be *mujtahids* to ensure that they conform to Islamic ethical ideals”. Similarly, Baber JOHANSEN (1997: 20) suggested a differentiation between *forum internum* and *forum externum* inherent to Islamic Law which, “like most legal systems, obliges those that appeal to it to choose their own options and to take ethical decisions.”

Didactic sentences, principles mirroring ethical conceptions, should be tested by more than a word, a *terminus technicus*, such as those which are used in the consideration of the ‘question of conscience’ in Islam. (*ibid.*)

In this vein, Bryan W. VAN NORDEN (2003: 101-102) coined the term “lexical fallacy” to argue that simply because a word for a concept does not exist in a particular tradition does not mean that the concept is not operative in it. Rashīd RIDĀ (1367/1948: IX, 419) argued that the “*qalb*” (heart), in a specific context, refers to what is known in modern Arabic as “*damīr*” (conscience). It means knowing by oneself through spiritual and emotional engagement (*al-wijdān al-ḥissī wa-l-ma‘nawī*). He also quoted the *ḥadīth* “consult your heart ...” to prove this meaning.²

The concomitant dichotomy of reason and revelation has also dominated modern discussions about Islamic ethics,³ hindering further inquiry into conscience and its authority in the Islamic tradition. The present study unveils those understudied spaces where Muslim jurists, legal theorists, Sufis, and ethicists have discussed the role of individual conscience in the development of moral judgments, from different perspectives.

In order to flesh out these issues, this study shall investigate two central *ḥadīths*: “consult your heart and consult your self”⁴ and “righteousness is good conduct, and sin is that which rankles in your chest and which you would hate for other people to look upon.” These two *ḥadīths* have been chosen for their content and special status in the field of Islamic ethics. The two *ḥadīths* point to the innermost dimension in humans—that which takes place in the heart, stirs in the self, and occurs within thought—in order to distinguish between the righteous and the sinful. Furthermore, the special status of these two *ḥadīths* is attested by the fact that they were included by Imām al-Nawawī (d. 676/1277) in his collection of forty *ḥadīths*, wherein each is considered

A core fundamental among the fundamentals of religion, described by scholars as [the core] upon which Islam is premised, or as being half of Islam, or one third of it, or something approximating that. (al-NAWAWĪ 2004: 14-15)

The reception of the two *ḥadīths* will be explored within the disciplines of *ḥadīth* commentaries, *uṣūl al-fiqh*, *fiqh*, and Sufi literature. Looking at Muslim jurists’ and theorists’ engagement with these *ḥadīths*, I shall focus on al-Ghazālī’s understanding of *al-wara‘* (abstinence), Ibn Taymiyya’s approach and al-Shāṭibī’s interpretation of *ijtihād al-mukallaḥ* (exerting one’s reasoning for personal judgment). My approach investigates the specific ethical question of the inward aspect (*al-bāṭin*) on three levels. First, it looks at meta-ethics, as it explores the theoretical and epistemological basis relating to the sources of judgment and the criteria for specifying righteousness and sin. Second, I examine the scriptural ethics, represented by the key *ḥadīths* as the primary gateways for the study of ethics within the

2 For more discussion about “*damīr*” see HECK 2014: 292-324 and LEIRVIK 2006.

3 See for example MAKDISI 1983: 47-64; FRANK 1983: 204-223; HOURANI 1985: 57-66; KELSAY 1994: 101-26; SHIHADDEH 2016: 384-407; AL-ATTAR 2019: 98-111.

4 Lit. “seek *fatwā* from your heart and seek *fatwā* from yourself”. The variant narrations of the two *ḥadīths* will be discussed soon.

ḥadīth corpus.⁵ And third, I turn to applied ethics, which focuses on specific cases and individual applications.⁶

I. References to the inward dimension (*al-bāṭin*) in the *ḥadīth* corpus

The *ḥadīths* associated with the issues of the role of the inward dimension of the individual may be approached through the scrutiny of the transmission and narrations, and/or interpretation, both direct and indirect. While the locus of direct interpretation can be accessed in the books of *ḥadīth* commentary, indirect interpretation may be gleaned from the titles of the books and chapters in the *ḥadīth* compendiums that employ the device of chapter and topic headings.

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The *ḥadīths* of the inward dimension (*al-bāṭin*)

There are two central *ḥadīths* that refer to the inward dimension of the human in the attainment of knowledge of righteousness (*birr*) and sinfulness (*ithm*): the *ḥadīth* of Wābiṣa b. Maʿbad and that of al-Nawwās b. Samʿān. It was reported that Wābiṣa came to ask the Prophet about righteousness and sinfulness, so the Prophet said:

O Wābiṣa! Consult your heart and consult your self (three times). Righteousness is that towards which the self feels tranquil, and sinfulness is that which rankles in the self, and wavers in the chest, even when people have offered you their opinion time and time again.⁷

As for al-Nawwās b. Samʿān, it was imparted that he said:

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- 5 Taha Abdurrahman has mentioned that it has been customary for jurists not to pay heed to the ethical aspects of scriptural texts, as a result of their paramount interest in commandments, which he named the commandment-based (*iʿtimārī*) orientation. This orientation may be summarized as “seeking rulings simultaneously denuded from both the divine witness (*al-shāhid al-ilāhī*) and the inward ethical dimension (*al-bāṭin al-akhlāqī*),” whereas “divine command (*āmiriyya*) is the basis of the existence of the apparent legal decree, and divine witnessing (*al-shāhidiyya al-ilāhiyya*) is the basis of the existence of the inward ethical dimension of these rulings” (ABDURRAHMAN 2017: I, 205-206). However, we shall clarify in the course of this study the inaccuracy of this generalization.
 - 6 I have developed a specialized academic syllabus entitled “Scriptural Ethics: Ethics in the Qur’an and the *Ḥadīth*” for master students specializing in the “Applied Islamic Ethics” MA program at the College of Islamic Studies, Hamad Bin Khalifa University, starting from Fall 2019.
 - 7 Narrated by IBN ABĪ SHAYBA 1997: II, 259; AHMAD 2001: 29, 533; al-DĀRIMĪ 2000: III, 1649, *The Book of Sales*, Chapter “Leave That Which Stirs Doubt Within You in Favor of That Which Does Not”; al-ḤĀRITH (1992: I, 201), Chapter “On Righteousness and Doubt”; ABŪ YAʿLĀ (1984: III, 160); al-ṬAHĀWĪ (1994: V, 386), Chapter “Clarifying Problematic Narrations Attributed to the Messenger of God—upon him be God’s blessings and peace—on Righteousness and Sinfulness: What Are They?”; and ABŪ NUʿAYM (1996: II, 24). Al-NAWAWĪ said: “a good (*ḥasan*) *ḥadīth*,” and IBN RAJAB (1999: II, 95) said: “and this *ḥadīth* has been narrated from the Prophet—upon him be God’s blessings and peace—via numerous routes, some of which are good.”

I asked the Messenger of God about righteousness and sinful, so he said: righteousness is good conduct (*ḥusn al-khuluq*), and sinfulness is that which rankles in your chest and which you would hate for other people to look upon.⁸

There is a slight difference in the narrations of the *ḥadīth* of Wābiṣa. Consultation is reported to be sought from both the heart and the self together in some narrations,⁹ but in others, consultation is reported to be sought from the self alone.¹⁰ Whereas Wābiṣa's version enquires about the knowledge of righteousness and sinfulness, others seek the knowledge about the permissible (*ḥalāl*) and the prohibited (*ḥarām*), and some *ḥadīths* even report mention of certitude (*yaqīn*) and doubt (*shakk*).¹¹ The sign of righteousness or certitude is occasionally expressed as 'tranquility (*tuma'nīna*) of the heart or the self', and on other occasions as 'stillness (*sukūn*) of the heart or the self'. Sinfulness is expressed on one occasion as 'that which rankles in the self'; on another as 'that which rankles in the heart and wavers in the chest' (AḤMAD 2001: XXIX, 528), and on yet a third occasion as 'that which rankles in the chest' (ABŪ YA'LA 1984: III, 162). Sufis have engaged in extended discussions on the self and the heart, but these *ḥadīths* do not help in differentiating between the self and the heart, because they add in the term 'chest'. However, the central formulation in the *ḥadīth* of Wābiṣa is "Consult your heart. Consult your self" and the common denominator among all the narrations is the turning towards the inner dimension of the human being. This is meant to distinguish between righteousness and sinfulness, or between the permissible and the prohibited. The *ḥadīth* is connected to the dichotomy of the apparent (*zāhir*) and the inward (*bāṭin*), which manifested strongly thereafter, particularly in the writings of the Sufis, who speak of 'the scholars of the apparent' (*'ulamā' al-zāhir*) in opposition to 'the scholars of the inward dimension' (*'ulamā' al-bāṭin*), as we find, for instance, in Abū Ṭālib al-MAKKĪ's (d. 386/998) work (2001: I, 326, 423-424, 443).

The *ḥadīth* variant that mentioned certitude (*yaqīn*) and doubt (*shakk*) can be linked to the intensive discussions on knowledge (*'ilm*), its definition and process as we find in

8 Narrated by IBN ABĪ SHAYBA (1989: V, 212), *The Book of Manners (Adab)*, Chapter "On What Has Been Mentioned Regarding Good Conduct and the Abhorrence of Indecency"; AḤMAD (1999: V, 386; 29: 180); al-BUKHĀRĪ in *Al-Adab Al-Mufrad* (1989: 110-111), Chapter "Good Conduct if [Only] They Understood"; MUSLIM (1991: IV, 180), *The Book of Righteousness, Maintaining Relations, and Manners*, Chapter "Explaining Righteousness and Sinfulness"; al-TIRMIDHĪ (1996: IV, 196), *The Book of the Doors of Temperance (Zuhd)*, Chapter "On What Has Been Reported on Righteousness and Sin"; al-KHARĀ'ITĪ (1999: 35), Chapter "Encouragement and Promotion of Upright Conduct"; IBN ḤIBBĀN (2012: V, 272), Chapter "Reports of the Prophet's—upon Him be God's blessings and peace—Answers to Things About Which He Was Asked, Mention of Reports About What a Person is Obligated to do in Terms of Commitment to [Being Watchful of] his Secrets and Abstaining from Excusing Minor Sins"; al-BAYHAQĪ (2011: XXI, 30), *The Book of the Anthology of Chapters on Whose Testimony is Permissible and Whose is Not Among Free Muslims of Majority and Sound Mind*, Chapter "Clarifying the Noblest and Most Excellent of Manners, Which Render a Person as Among the People of Chivalry, Which is a Condition for the Acceptance of Testimony by Way of Abridgement"; and al-BAYHAQĪ (2003: IX, 408), Chapter "On the Treatment of Each Sin by Repenting From It," section: On Minor Sins.

9 As narrated by AḤMAD 2001: XXIX, 533; IBN ABĪ SHAYBA 1997: II, 259; ABŪ YA'LA 1984: III, 160; al-ḤARĪTH 1992: I, 201; and al-DĀRIMĪ 2000: III, 1649.

10 As narrated by AḤMAD 2001: XXIX, 528, and al-ṬAḤĀWĪ 1994: V, 386.

11 As narrated by al-ṬABARĀNĪ 1984: I, 117, and al-MUKHALLĪS 2008: II, 265.

philosophy, theology, and *uṣūl al-fiqh*. The Muʿtazilites considered *sukūn al-naḥs* (lit., “tranquility of the soul”) a condition for knowledge. Thus, when the conviction does not correspond to reality (*muṭābaqa li-l-wāqīʿ*), it should be considered ignorance; which was criticized harshly by Sunnī *uṣūl al-fiqh* (al-BĀQILLĀNĪ 1998: 178-182, al-SHĪRĀZĪ 2003: 4, al-KALWADHĀNĪ 1985: I, 36). The Muʿtazilites defined knowledge as “believing a thing to be as it is to one’s self’s tranquility” (*iʿtiqād al-shayʿ ʿalā mā huwa bihi maʿa sukūn al-naḥs ilayh*),¹² and a similar definition can be found in philosophy in relation to rhetorical argument. ʿAbd al-Jabbār (d. 415/1025) developed an epistemology of *sukūn al-naḥs* as mental persuasion that corresponds to outward realities (*al-muṭābaqa fī l-khārij*), and he understood it as an additional attribute of scholarship (*ʿālim*) and not as an essential element of the definition of *ʿilm* itself. Hence, the subjective standard of inner conviction must be reinforced by an objective standard. Thus, the tranquility of the self belongs to rationality rather than psychology, because lay persons (or *muqallid*, a person who follows others opinions) psychologically can have the tranquility of the self without its rational basis (ʿABD al-JABBĀR n.d: 12: 16-33; al-KINDĪ 1950, 1: 171; BUTTERWORTH 1977: 63; ROSENTHAL 2007: 47f, 63, 211; WILMERS 2018: 151-152, 156, 163; ELKAISY-FRIEMUTH 2006: 58-60, 169; GOODMAN 2003: 148-149).¹³ Note, however, that this understanding of *sukūn al-naḥs* is outside the scope of this paper as it is related mainly to the rational process of attaining knowledge and not to the inward dimension and conscience.

Going back to the two mentioned *ḥadīths* I should note that they have provoked disagreement, as is clear from the words of Muḥammad b. Jarīr al-Ṭabarī (d. 310/923), who spoke of people being divided into two groups according to their stance:

A group among the predecessors (*al-salaf*) advocated deeming them authentic (*ṣaḥīḥ*) and acting upon that which is indicated by their apparent meanings..., then there are reports attributing to others a position advocating attenuating them, deeming them weak (*daʿīf*), and reinterpreting their meanings.¹⁴

As for the group, who ascribed a weak validity to these *ḥadīths*, they did not only discourage people to act upon them, but also saw a contradiction between those *ḥadīths* that restrict guidance (*hidāya*) to the Qurʾān and the Sunna and those that refer to consultation of the heart and the self. For God is the legislator (*al-musharriʿ*) and He has clarified all matters of religion either directly or indirectly. Indeed, even the Prophet had been commanded in the Qurʾān to rule between people according to what God had shown him (Surat al-Nisāʾ/IV:105), not according to his own opinion, nor by what his self had instructed. If this

¹² It seems that the Muʿtazilites’ definition of *ʿilm* has developed and revised by some late Muʿtazilī scholars. (See ʿABD al-JABBĀR no. date: XII, 13; al-BASRĪ 1964: I, 10; al-MĀZARĪ 2002: 97).

¹³ For more discussion on *sukūn al-naḥs*, see al-ʿASKARĪ 1998: 81; BOUHAFĀ 2018: 67; JOHANSEN 2013: 127-144.

¹⁴ After al-SHĀṬIBĪ (1992: II, 659) relates a group of *ḥadīths*, both *marfūʿ* (attributed to the Prophet) and *mawqūf* (attributed to a Prophetic companion (*ṣaḥābī*)), he summarizes the words of al-ṬABARĪ from his book *Tahdhīb al-Āthār*. We do not know precisely which *ḥadīths* have been deemed weak (*daʿīf*), as some *ḥadīths* to this effect have been verified in the two authentic books of *ḥadīth* (al-BUKHĀRĪ and MUSLIM) or in one of them. Also, the extant copy of *Tahdhīb al-Āthār* is incomplete and does not contain this discussion, nor could I find anyone else who has cited these words from al-Ṭabarī.

was the case with the Prophet himself, then it is all the more applicable to others. Whosoever is ignorant of God's proclamations is obligated to ask the scholars who understand God's intention, not to ask his self. The scriptural evidence is the sole reference for knowing the permissible and the prohibited, the meaning of which is affirmed by a number of *ḥadīths* and reports. It would seem that the choice for which this group has opted in order to resolve the supposed problem is to weigh between the *ḥadīths* that gives preference to one over the other. This is done without attempting to interpret or harmonize them, or even claim abrogation—the available options for dealing with 'contradictory *ḥadīths*' (al-KHATIB 2011: 286-289; al-SHUMUNNI 2004: 157-161). It would have been possible to restrict consultation of the heart to cases in which scriptural texts are absent or in cases where divergence exists between scholars on a particular issue. However, this too was ruled out based on the aforementioned argument regarding the status of the scriptural text as the sole authority with proclamations encompassing all realities.

As for the other group who advocated classifying these *ḥadīths* as authentic (*ṣaḥīḥ*) and acting upon their apparent meanings, al-Shāṭibī (d. 790/1388) reported some disagreement but did not convey the arguments through al-Ṭabarī, although they are mentioned in the books of *uṣūl al-fiqh*. It appears that al-Ṭabarī opted for an intermediate position between the two groups, so he interpreted the *ḥadīths* in a restricted manner,

Either because he considered the *ḥadīths* to be authentic, or because he considered those among them that indicate their [apparent] meanings to be authentic. (al-SHĀṬIBĪ 1992: II, 663)

However, the position advocating the attenuation of these *ḥadīths*, deeming them weak (*ḍaʿīf*), did not continue after al-Ṭabarī. We find no clear trace of this position in the various sources of *ḥadīth*.¹⁵ It would appear that numerous *ḥadīths* that reported on this topic within the *ḥadīth* corpus precluded the endurance of the position advocating such *ḥadīths* to be deemed forgeries. This is especially the case because these *ḥadīths* buttress each other's reliability, due to the abundance of their sources and the trajectory of their chain of transmission, as they were imparted from seven Companions (*ṣaḥāba*) and one among the Successors (*tābiʿūn*).

Interpretations of the *ḥadīth*

With the decline of the position advocating the weak reliability of these *ḥadīths*, the discussion turned to their interpretation and the search for their intended meaning. These *ḥadīths* provoked a central dilemma connected to the sources of knowledge, namely the authority of the heart and the self. The interpretations of the scholars of *ḥadīth* reflect their positions vis-a-vis this issue. For if we examine the chapter headings under which these *ḥadīths* have been included, we will find them revolving around ethical content, such as: righteousness and sinfulness; manners and good conduct; temperance, piety, and abstaining

¹⁵ With the exception of that which appears, in a very limited fashion, in the criticism of the chain of transmission of the "consult your heart" *ḥadīth*, connected to the weakness of a particular transmitter, or one transmitter not hearing the narration from another transmitter. In all cases, this is a criticism directed at the chains of transmission, not to the *ḥadīth* in its origin, which is transmitted through numerous paths. (See IBN RAJAB 1999: II, 94-95).

from ambiguous matters; in addition to some jurisprudential topics, such as the books of sales, of testimony, of judgments and rulings. The discussions of the *ḥadīth* commentators revolved around three central issues: (1) the boundaries of the authority of the heart and the self; (2) the concepts of righteousness and sinfulness; (3) How to reconcile and harmonize between the *ḥadīth* and others that might contradict it. We now turn to these issues in more detail.

A. The authority of the heart

One group rejected the authority of the heart and the self, and on this basis, deemed these *ḥadīths* to be weak. Another group took the opposite position and embraced the apparent meaning of these *ḥadīths*. Al-Ṭabarī was opposed to taking these *ḥadīths* in their general apparent meaning. He argued that the meaning of these *ḥadīths* is restricted, “not as those have presumed, that it is a commandment directed to the ignorant (*al-juhḥāl*) to act according to what their selves have arrived at and reject whatever they deem repulsive, without asking their scholars” (al-SHĀṬIBI 1992: II, 664). Thus, two central questions arise here: what are those things that one should refer to the heart? And is this applicable to all hearts?

Al-Ṭūfī (d. 716/1316) determined that:

The self (*al-nafs*) possesses an awareness, rooted in the *fiṭra* (innate disposition), of outcomes or results that are praiseworthy and those outcomes which are not. However, the appetite (*shahwa*) can overcome inner restrictions in such a way that it can obligate the person to act in a way that is self-harmful, such as the thief who is overcome by the appetite to steal, [despite] being afraid of the punishment that may befall him. (al-ṬUFĪ 1998b: 204)

Ibn Rajab (d. 795/1393) affirmed the same meaning, maintaining the position that:

Consultation of the heart is connected to those *ḥadīths* that speak of the innate disposition that God has built into people (*al-fiṭra al-laṭī faṭar al-nās ‘alayhā*)¹⁶. However, something might arise that may corrupt this *fiṭra*, as a result of the actions of devils or parents. Thus, truth and falsehood are not ambiguous for the percipient believer—rather, he knows the truth from the light that surrounds it, so his heart accepts it; and he recoils from falsehood, so he condemns it and does not affirm it. (IBN RAJAB 1999: 99-101)

However, because the *fiṭra* may become disturbed by external influence, the authority of the heart remains, on the one hand, imprecise and ill-suited for generalization to all individuals and, on the other hand, also ill-suited for all issues about which one seeks consultation. The position advocating the authority of the heart in absolute terms would, thus, infringe upon the authority of the scriptural text and that of the scholars. It is possible here to distinguish between three interpretations.

The first interpretation followed the apparent meaning of the *ḥadīth*, while restricting its applicability to the person seeking an answer alone, namely Wābiṣa b. Ma‘bad, for the specificity of the person’s condition such as the tranquility of his self in comparison to others,

16 On *fiṭra*, see VASALOU 2016; HOLTZMAN 2015: 163-188.

and being gifted with a light that distinguishes between truth and falsehood (al-MUNĀWĪ 1972: I, 495-496). However, the *ḥadīths* on this topic clearly demonstrate that Wābiṣa was not unique, as the question was reportedly raised by others. Because some *ḥadīths* are articulated in a general form, there is no rationale for such specification.

The second interpretation holds that the *ḥadīth* is not specific to the person seeking an answer. Rather, it is specific to a particular kind of heart. Thus, it is addressed to a person whose chest God has expanded with the light of certainty when he was given an opinion based on mere conjecture or inclination without *sharʿ* (legal) evidence (al-MUNĀWĪ 1972: I, 495). Al-Ḥakīm al-Tirmidhī (d. 320/932) predates others in advocating this meaning, as he specified that the heart one seeks consultation from should be the heart of “the truthful” (*al-muḥiqqūn*). By this, he means the people of truth possess a path towards God and their appetites have been controlled to the extent that their selves have become consorts of their hearts (al-ḤAKĪM al-TIRMIDHĪ 2010: II, 39-40). However, Ibn ʿIllān (d. 1057/1647) held that the intended meaning here is the self and the heart of a person among the people of *ijtihād*; for if this were not the case, then the person would be obligated to ask a *mujtahid* (IBN ʿILLĀN n.d, 5: 41). Thus, he reverts the entire issue to the actions and choices of the jurist, not to those of the *muqallid* (*madhhab* (legal school)-follower) or the person seeking consultation.

The third interpretation attests that the report is meant for all believing hearts, but that it is specific to ambiguous issues, or to the field of transactions (*buyūʿ*) in particular. Thus, whoever has said that seeking consultation of the heart is specific to ambiguous issues in general has interpreted the *ḥadīth* of Wābiṣa in light of the *ḥadīth* of al-Nuʿmān b. Bashīr, who relates from the Prophet:

That which is permissible is clear, and that which is prohibited is clear, and between these two are ambiguous matters that many people do not know. (al-BAKHĀRĪ 1895: III, 53; MUSLIM 1991: III 1221)

Al-Ṭabarī was among the first to advocate this position, as he dealt with the juristic applications of these *ḥadīths*. Therefore, he “did not apply them in every domain of *fiqh*” (al-SHĀṬIBĪ 1992: II, 663). Thus, seeking consultation from the heart does not apply to the legislation of actions or instituting acts of worship, nor to leaving aside *sharʿa* rulings. The authority of the self and the heart, then, lies in issues that are licit (*mubāḥ*) or in cases where sinfulness has been cast in doubt. It covers the area of mundane choices (*muʿāmalāt*) in life where people find themselves hesitant about a decision.

Some of the jurists who have commented on the *ḥadīth*, such as al-Ṭūfī and Ibn Rajab followed al-Ṭabarī’s construal. Ibn Rajab attempted to create a balance between the authority of the self, on the one hand, and the authority of the scriptural text and the *mufīṭ*, on the other. Thus, he divided thoughts that occur in the self into those addressed by scriptural texts and those that are not. In the case of issues scriptural texts have addressed, the believer has no option but to obey God and his Prophet, and what occurs in the self is of no consequence. As for cases that have not been addressed by scriptural texts, authority belongs to the evidence if it exists or to the self of the tranquil believer if no evidence exists (IBN RAJAB 1999: II, 103). This implies that Ibn Rajab remarkably narrowed the space in which one can refer to the heart, privileging the scriptural text, the actions of the predecessors (*al-salaf*), and the authority of the *mufīṭ*.

B. The concepts of righteousness and sinfulness

Wābiṣa and al-Nawwās had both inquired about righteousness and sinfulness but provided different answers. Righteousness, in the *ḥadīth* of Wābiṣa, is “that towards which the self feels tranquil (*mā iṭmaʿannat ilayhi al-nafs*),” whereas in the *ḥadīth* of al-Nawwās, it is “good conduct (*ḥusn al-khuluq*).” Al-Ṭaḥāwī (d. 321/933) strived to bring the two *ḥadīths* into harmony and suggested that since good conduct is occasioned by the tranquility of the self, the two answers are in agreement (al-ṬAḤĀWĪ 1994: V, 387). However, Ibn Rajab considered the difference in the Prophet’s explanation of righteousness to be due to a variance in the meaning of the term itself, as it carries two connotations. In the context of the treatment of the rest of the creation, it means doing good (*al-iḥsān*), which includes doing good towards one’s parents (*birr al-wālidayn*). It also means performing all acts of obedience, both apparent and inward. Ibn Rajab considered the *ḥadīth* of al-Nawwās to encompass the second meaning, because “by good conduct, one might mean adopting the ethics of the *sharīʿa* and the manner of God.” However, he did not clarify which meaning is applicable to the *ḥadīth* of Wābiṣa (IBN RAJAB 1999: II, 97-99). As for al-Rāghib al-Iṣfahānī (c 5th/6th), the *ḥadīth* of Wābiṣa does not explain the concepts of righteousness and sinfulness, but somewhat clarifies their legal status (*ḥukm*) (al-IṢFAHĀNĪ 2009: 64). This is because the meaning of righteousness is amplitude (*saʿa*), and the meaning of sinfulness is delay (*ibṭāʾ*), for “righteousness (*al-birr*) is amplitude in knowing truth (*ilm al-ḥaqq*) and doing good (*fiʿl al-khayr*),” and sinfulness (*al-ithm*) “is a name for actions that inhibit reward (*mubṭiʿa ʿan al-thawāb*)” (al-IṢFAHĀNĪ 2007: 160; 2009: 114).

It seems as such, that al-Rāghib wants to suggest the abundant commission of good actions bequeaths the self an expansion in the chest and tranquility in the heart. As for al-Ṭūfī, he considered that if righteousness is opposed to sinfulness, then it pertains to what the *sharīʿa* demands in terms of obligations or recommendations, and sinfulness in this case pertains to what the *sharīʿa* prohibits; whereas if righteousness is opposed to ingratitude, then it means doing good (*al-iḥsān*). The *ḥadīth* of al-Nawwās includes the two signs of sinful acts, namely, its effect on the self and its wavering within it, because of its sense of an ill outcome, and hating for others to look upon the thing. However, al-Ṭūfī gave preponderance to their being a single composite sign (al-ṬŪFĪ 1998 b: 204-205).

Al-Ṭūfī and Ibn Rajab attempted to translate righteousness and sinfulness into the juristic categories of human actions (*al-aḥkām al-fiqhiyya*). Al-Ṭūfī built upon the signs of righteousness and sinfulness four possibilities: (1) *ithm* (sinfulness) or *ḥarām* is that which rankles in the self, with fears that other people will observe it, such as *zinā* and *ribā*; (2) *birr* (righteousness) is that which does not rankle in the self and there is no fear of the observation of others such as *ibāda*, eating and drinking; (3) *mushtabih* (ambiguous) is that which rankles in the self but with no fear of other people observing (4) or where one fears other people observing him but it does not rankle in the self. The last two (3 and 4) oscillate between sinfulness and righteousness and are encompassed by the category of abhorred acts from which one ought to distance oneself (*al-karāha al-tanzīhiyya*). Guarding against ambiguous acts is considered to be obligatory (*wājib*). Coming into contact with them is sinful, whereas guarding against them is a path to absolution for the religion (*al-dīn*) and honor (*al-ʿird*). This is obligatory, for the path to what is obligatory is in turn also obligatory (al-ṬŪFĪ 1998b: 210).

Ibn Rajab, on the other hand, considered sinfulness to be of two levels: the higher level is where both signs are established. The lower level is where the action is objectionable to the performer of the action. This is only applicable if the heart is among those that have been expanded by belief and the *muftī* offers his opinion merely on the basis of supposition (*ẓann*) or inclination toward whim (*mayl ilā hawā*) without *sharʿī* evidence where he grants the person the right to an individual review. However, he did not clarify the legal status of referring to what is in the self in this case. Rather, he defined righteousness as that which is permissible (*ḥalāl*) and sinfulness as that which is prohibited (*ḥarām*). In so doing, he recognized the tranquil heart for which the chest expands (*mā sakana ilayhi al-qalb wa-insharaha ilayhi al-ṣadr*) is righteous and permissible, while its opposite is sinful and prohibited (IBN RAJAB 1999: II, 101).

Righteousness and sinfulness are ethical principles. However, commentators such as al-Ṭūfī and Ibn Rajab occupied themselves with the translation of the significations of righteousness and sinfulness into a juristic language within the system of the permissible and the prohibited (*manzūmat al-ḥalāl wa-l-ḥarām*). Thus, the idea that righteousness implies amplitude, for example, pushes one to search for its constituent parts in an attempt to regulate and specify what is righteous and permissible, what is sinful and prohibited—and what is ambiguous. No acts of righteousness fall outside being either recommended (*mandūb*) or obligatory (*wājib*), as pointed out by al-Ṭūfī.

However, righteousness, in its qualification as an ethical principle, refers, in my opinion, to a broader conception than that as it encompasses two things: truthfulness (*al-ṣidq*) in action, i.e., achieving the intended aim of the action, and good conduct (*al-iḥsān*) in action, i.e., performing it in the most perfect fashion. This means that righteousness is a concept that refers to quality, not to quantity or the degree of obligation in action (obligatory and recommended). It thus aims to transcend the formalism of apparent judgments or mere performance apart from consideration for the intent or the anticipated value of actions. This meaning remains unexamined in the books of *ḥadīth* commentary. For righteousness is a concept that surpasses juristic language and transcends to the ethical sphere.

Al-Ḥakīm al-Tirmidhī held the position that ambiguity only occurs for the scholars of the apparent (*ʿulamāʾ al-zāhir*), because “they found no revelation in its regard, nor any tradition attributed to the Prophet, so it appears to them as ambiguous, sometimes as permissible and other times as prohibited, and they corrupted the witness (*shāhid*) that is within their hearts and the proof (*ḥujja*) with which God provided them” (al-ḤAKĪM al-TIRMIDHĪ 2010: II, 42). But this does not occur for the truthful ones (*al-muḥiqqūn*) who find within their hearts the clarification of ambiguous matters. Whatever makes their hearts feel tranquil, they count among the permissible, and whatever makes their hearts waver and from which they recoil, they count among the prohibited. For in the view of the truthful, no ambiguous matter falls outside what is either permissible or prohibited, and this is a level of reflection at variance with the aforementioned ambiguous matters with which the jurists occupied themselves. An ambiguous matter for the jurist does not fall outside the category of abhorred acts from which one ought to distance himself/herself (*al-karāha al-tanzīhiyya*), as made clear by al-Ṭūfī. However, al-Ḥakīm al-Tirmidhī counts that towards which the heart feels tranquil as permissible, and that for which the heart wavers as prohibited. I surmise that he has in mind a meaning specific to the jurists, which he clarified in another book when he speaks of abstaining from appetites and avoiding desires for the purpose of refining the self and training

it so that the heart is not corrupted, not in the sense of prohibiting that which is permissible (al-ḤAKĪM al-TIRMIDHĪ 1993: 64). This meaning is connected to the principle of striving for perfection of action, which transcends the action of the people of the apparent (*ahl al-zāhir*).

These opinions have generally sought to present interpretations that preserve the authority of the scriptural text and that of its specialists and prevent the transformation of normative judgments into individual subjective judgments. This is particularly the case as the self is susceptible to contingencies, such as desires and appetites, which disrupt the objectivity of its judgments. Accordingly, there were three interpretations; the first interpretation understood “consulting the heart” as a reference specifically to the hearts of the people of truth who relinquished their appetites and submitted to psychological exercises that refined them and rendered their judgments as trustworthy. The second interpretation specified consulting the heart over ambiguous issues, where the line between permissible (*ḥalāl*) and prohibited (*ḥarām*) is blurred. This ambiguity occurs mainly in individual choices and in the absence of evidentiary arguments. Here individuals are addressed by the *sharīʿa* because they are aware of the innermost aspects of their selves. The third interpretation understood consulting the heart as a reference to the heart of the independent jurist (*mujtahid*) or the critical *ḥadīth* scholar (*al-muḥaddith al-nāqid*) who has acquired cumulative evidentiary knowledge. In all these interpretations, scholars tried to minimize the subjective role of individual in favor of the objective judgment of the scholars in general.

II. Consulting the heart: Rational proofs and the sources of knowledge

The previous discussion revolved around the text of the *ḥadīth* in two aspects: that of the *ḥadīth* being firmly established, and that of its signification and its relation to other scriptural texts. However, the authority of the inward dimension (*al-bāṭin*) is connected to discussions and branching issues that fall under the domains of *fiqh*, *uṣūl al-fiqh*, and sufism. This is because the authority of the inward dimension relates to a central issue—namely, the sources of knowledge by which *sharīʿa* knowledge is established and the arguments for the rulings (*aḥkām*) of actions, which are matters where the jurists differ from the Sufis. The *ḥadīths* of consulting the heart or referring to the stirrings of the heart (*hawāzz al-qulūb*) are connected to numerous issues; among them are inspiration (*ilhām*), juristic preference (*istiḥsān*), blocking the means of prohibited actions (*sadd al-dharāʿiʿ*), piety (*waraʿ*) and caution (*iḥtiyāṭ*).¹⁷

¹⁷ *istiḥsān* is defined by some Ḥanafīs as a nuanced and subtle evidence that the *mujtahid* is unable to express properly (*dalīl yanqadihu fī nafs al-mujtahid taqṣuru ʿanhu ʿibāratuh*), although he/she feels it in his/her heart. This definition, according to Shams al-Dīn al-Barmāwī (d. 831/1428), makes *istiḥsān* close to *ilhām* in the Ḥanafī view (al-BARMĀWĪ 2015: V, 180), but *istiḥsān*, in contrast to Ibn Ḥazm’s view, is classified as a sort of evidence not personal preference (*tashahhī*) (see al-DABBŪSĪ 2009: III, 369, 404; al-TAFTĀZĀNĪ n.d.: II, 163; IBN ḤAZM n.d.: VI, 60). Furthermore, conceiving *ijtihād* as a *malaka* (faculty) that enables the *mujtahid* to do his job spontaneously, makes *istiḥsān* acceptable even beyond the Ḥanafī school (see al-ṬŪFĪ 1998 a: III, 192). As for *sadd al-dharāʿiʿ*, al-SHAWKĀNĪ (1999: II, 196; see also al-BAJĪ 1995: II, 697-698) considered this *ḥadīth* as an evidence that supports it; in the sense that the individual shall consult his heart in the case of doubt or uncertainty and leave out some permissible

Inspiration (*ilhām*) and rational proofs

The jurists base their knowledge on a master principle: theoretical speculation (*naẓar*) and evidentiary inference (*istidlāl*). In so doing, jurists hold that in every ruling (*ḥukm*), there must be a fundamental principle (*aṣl*) upon which it is based. Thus, they did not deem it permissible for a legally obligated individual (*mukallaḥ*) to undertake action if they do not know its *sharʿī* ruling. These rulings are specified according to an established methodology in *uṣūl al-fiqh*, which inquires into the evidence and proofs upon which *fiqh* is based. We find the application of this method to assess particular actions through attributing to them a specific ruling in the science of *fiqh*. However, inspiration (*ilhām*) is neither theoretical speculation (*naẓar*), nor evidentiary inference (*istidlāl*), and therefore it has been a cause for controversy in *uṣūl al-fiqh* (IBN ʿAQĪL 1999: I, 18; ABŪ YAʿLĀ 1990: I, 82). Can *fiqh* be based upon the inspiration of the heart? Is seeking the adjudication of the heart an action of the independent jurist (*mujtahid*) or the madhhab-follower (*muqallid*)? What is the authoritative reference if all proofs are absent? These questions fall directly under our discussion of the *ḥadīths* under study.

The evidentiary inference has been employed with the “consult your heart” *ḥadīth* in order to prove the authority of inspiration.¹⁸ This is an area of inquiry where the positions of the *uṣūlīs* (legal theorists) have differed and three positions are distinguishable.

The first position holds that inspiration is an absolute *sharʿī* proof and an inward revelation analogous to rational theoretical speculation and evidentiary inference. It would appear that the rejection of the authority of inspiration in the books of *uṣūl* is related to two issues: the jurists’ conceptualization of what may be deemed as adequate “proof” in their convention; and their response to those who pay no heed to rational theoretical speculation holding that “there is no proof except inspiration.” So they give precedence to it over rational theoretical speculation (al-SAMARQANDĪ 1984: 679; al-MĀWARDĪ 1994: XVI, 53; al-DABBŪSĪ 2009: III, 369-391; al-FANĀRĪ 2006: II, 445).

The second position holds that inspiration is not proof, neither with respect to the individual who is inspired (*mulham*), nor with respect to others, i.e., regardless of whether it is transitive or intransitive. The reason for this is the absence of divine basis and the distrust towards those who carry fallible meditations (al-SUBKĪ 2003: 111; IBN AMĪR al-ḤĀJJ 1983: III, 296). Ruling out inspiration as a path to knowledge or as a proof among other proofs is due to the paths of knowledge and to the conceptualization of the validity of proofs. The paths of *sharʿī* knowledge were restricted by al-Shāfiʿī (d. 204/820) to the scriptural text. He clarified elsewhere that resorting to *ijmāʿ* (consensus) and *qiyās* (analogy) is within the category of *ḍarūra* (exigency) (al-SHĀFIʿĪ 1938: 39; 599). This means that the locus of *sharʿī* knowledge is either a revealed scriptural text, or, in absence of a direct scriptural text, rational theoretical speculation regarding a revealed scriptural text. However, the *uṣūlīs* who came after al-Shāfiʿī agreed upon the convention of “*istidlāl* (evidentiary inference),” which is to

actions to avoid what is prohibited. These two concepts belong to the tool-box of the *mujtahid* per se. The other concepts belong to the space of individual moral judgment. Hence, the following headings will be dedicated to discuss them in detail.

18 Those in support of the authority of inspiration have marshalled it as evidence in a number of sources, including: al-DABBŪSĪ 2009: III, 372; al-SAMARQANDĪ 1984: 680; al-BARMĀWĪ 2015: V, 182; al-FANĀRĪ 2006: II, 445; al-ZARKASHĪ 1994: VIII, 117; and al-KŪRĀNĪ 2008: IV, 38.

search for proofs outside the four sources (Qur'an, *ḥadīth*, consensus, and analogy). *Istidlāl* is based upon rational theoretical speculation, thereby excluding inspiration (al-DABBŪSĪ 2009: III, 375; al-SARAKHSĪ n.d.: II, 185-186; al-BUKHĀRĪ n.d.: III, 358).

The third position is that it is obligatory to act upon true inspiration, but only with respect to the individual who is inspired. It is impermissible to invite others to it. Al-Dabbūsī and al-Samarqandī attributed this position to the majority of scholars (al-DABBŪSĪ 2009: III, 369; al-SAMARQANDĪ 1984: 679; IBN AMĪR al-ḤĀJJ 1983: III, 296; al-ZARKASHĪ 1994: VIII, 114; IBN al-NAJJĀR 1993: I, 330-332; IBN RAJAB 1999: II, 104). However, those who hold this position consider inspiration to be conditional proof, not self-standing independent proof. Thus, it is not permissible to act upon it, except in the absence of all other proofs (al-DABBŪSĪ 2009: III, 369; al-SAMARQANDĪ 1984: 679; IBN al-NAJJĀR 1993: I, 330-332).

According to the first position, inspiration is considered as a path to knowledge that is established in the heart without theoretical speculation or evidentiary inference. The testimony of the heart without proof holds precedence over the proof-based opinion of the *muftī*. This has been understood from the *ḥadīth* of Wābiṣa itself, meaning that the heart of the individual occupies a dynamic role in the ethical valuation of actions, owing to the fact that the inspiration of the heart is analogous to revelation. However, the problem with this position is the possibility that inspiration can stand independently from all other proofs, or in opposition to them (al-DABBŪSĪ 2009: III, 388). Even if it is indeed an “inward proof” (*hujja bāṭina*), the characteristics of proofs sanctioned by the *uṣūlīs* in rulings do not apply. Proofs, according to them, are the rational proofs that depend, on the one hand, on scriptural texts and, on the other, on theoretical speculation and evidentiary inference. Further, among the necessary conditions of proof is that it should be expressed first, whereas in the case of inspiration, “the scope for expressing it narrows” (al-GHAZĀLĪ 1971: 177). A proof must be suitable for debate and be binding upon another (al-DABBŪSĪ 2009: III, 377; I, 133-134), meaning that it is open to generalization. However, obligation and generalization are established upon the characteristic of what is apparent to everyone, which is not so in the case of inspiration.

The majority of scholars did not deem inspiration to be entirely without merit, but they only resorted to it in cases of exigency where worthy proofs were absent. What is implied by this is that proofs vary in degree, so direct scriptural proofs are given precedence over indirect scriptural proofs. Thus, *qiyās* (analogy) and *ijmāʿ* (consensus) were considered to be an exigency in the absence of a scriptural text. If all apparent proofs are lacking, the individual who is inspired resorts to inspiration as an exigency. Such a ruling is established for the individual alone, so others should not be invited towards it. Obviously, this avoids the arbitrariness of judgment and ensures stability while still allowing for some discretion in cases where no apparent evidence is available. This remains consistent with *uṣūlī*'s theory.

The heart that offers opinion: al-Ghazālī, on piety and caution

The *ḥadīth* of Wābiṣa and others are a fundamental principle within chapters that address the subject of piety (*waraʿ*). The two imams al-Juwaynī (d. 478/1085) and al-Ghazālī (d. 505/1111) deemed it foundational within their chapters on this topic. Al-Ghazālī spoke of what he called “the heart that offers opinion (*al-qalb al-muḥtāb*),” and he drew a parallel between the opinion (*fatwā*) of the heart and that of the *muftī* in terms of ethical responsibility and the jurist's connection to the actions of the heart. The individual “is taken with respect to his

self—between himself and God—by the opinion of his heart” (al-GHAZĀLĪ 1982: III, 3; II, 113; see also al-JUWAYNĪ 2007: XV, 320). At the same time, the actions of the heart fall outside the authority of the jurist due to two reasons: the first is because the theoretical speculation of the jurist is specific only to the rulings of the actions of the limbs and that which becomes apparent from inward actions. In other words, the jurist is concerned only with what can be regulated and is general to all legally obligated individuals. This differs from “the piety of the God-conscious (*muttaqūn*) and the righteous (*ṣāliḥūn*),” who aspire to a station higher than that of the generality of the legally obligated. For that reason, the latter do not only stop at the boundary of the obligatory and the prohibited, but rather abstain from everything in which there is ambiguity; and they also abstain from some things that are licit out of fear that they may lead to what is illicit. Then, if their station is elevated further, they abstain from many licit fortunes which distract them from the pleasure of proximity to God. The second reason is that the jurist “does not discuss the stirrings of the hearts and how to act upon them,” because his theoretical speculation relates to the earthly world (*dunyā*) (al-GHAZĀLĪ 1982: II, 113; I, 19; IV, 213). On this basis, the individual shoulders the majority of the heart’s actions themselves since it is s/he who is acquainted with their own particulars. This is a broad conception of piety that al-Ghazālī discussed at length. However, despite that, he did not grant the legally obligated individual complete authority to determine what is valid or invalid in piety in case he passes over into obsessiveness and affective overburdening. Some piety falls under the laws of *fiqh* in terms of regulation and codification, and that which cannot be regulated is deferred anew to the legally obligated pious individual (al-GHAZĀLĪ 1982: II, 112).

Importantly, consultation of the heart is not absolute. It is subject to restrictions and particulars at which one must stop for it not to disrupt the system of apparent rulings. This is because the purpose of scrutinizing the conditions of the inward dimension is to arrive at a higher station of devotion in worship. On this basis, al-Ghazālī stipulated that the intended meaning of consulting the heart is,

that which the *muftī* has declared permissible. As for that which he has declared prohibited, it is obligatory to refrain. (al-GHAZĀLĪ 1982: II, 118)

Here, it is possible for us to distinguish between two cases. The first is the case of conflict between the opinion of the *muftī* and the opinion of the heart, which is implied by the *ḥadīth* of Wābiṣa (al-GHAZĀLĪ 1982: I, 224), i.e., that the opinion of the heart is given precedence over that of the *muftī*, because the heart is the locus of accountability for blame and the acquisition of reward.

So, if the heart of the *muftī* ruled in favor of deeming something obligatory and it was mistaken in so doing, he is rewarded for that. Indeed, whosoever presumed that he had performed ritual purification must pray, then if he prayed and then remembered that he had not performed the ablution, he receives a reward for his action. If he remembered and then left performing it, he is punished for it ... and all that is by considering the heart to the exception of the limbs. (al-GHAZĀLĪ 2011: V, 153)

Moreover, the heart might be harmed by accepting that in which there is a stirring. It is obligatory, therefore, to listen to it. Venturing upon any action, with a stirring in the heart

harms the heart and brings darkness upon it, irrespective of the reality of the ruling as determined by God or its formulation by the *muftī* (al-GHAZĀLĪ 1982: II, 113).

The second case is doubt and ambiguity, involving two competing beliefs, each with its own proper ground. Al-Ghazālī attempted to regulate the implications of ambiguous matters. He determined that in cases of doubt, the legally obligated individual shall consult his heart in the same way the Messenger of God commanded Wābiṣa to consult his heart. Al-Ghazālī thus calls upon the legally obligated individual to go beyond simply avoiding what is prohibited and to shun ambiguous matters. For a while the opinion of the *muftī* is grounded on probabilities, the opinion of the heart pertains to piety and needs to be shielded from ambiguous matters. Such a station is higher than the theoretical speculation of the jurist which stops at clear-cut boundaries. Although al-Ghazālī attempted to regulate the fundamental principles of ambiguous matters (*al-shubah*) by means of the logic of the jurist, the details and applications of these ambiguous matters cannot be regulated. On this basis, he delegated them to the heart, not to the *muftī* (al-GHAZĀLĪ 1982: II, 99, 103, 86, 118).

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The heart's stirrings, in terms of their capacity as a standard in determining what is ethical, do not only depend on the heart as the locus of legal obligation. They also depend on the heart possessing "insights into discrete contextual indicants for which the scope of speech narrows" (al-GHAZĀLĪ 1982: II, 125). Thus, it is not possible to regulate them according to the laws of *fiqh*, but they may be realized by means of "the contextual indicants of conditions (*qarā'in al-ahwāl*)" (al-GHAZĀLĪ 1982: IV, 213).

Because the heart's stirrings differ according to individuals and realities, it is possible to posit a general fundamental principle for them. Namely, "that which he finds to be closer to his whim and to that which is implied by his nature, the opposite of it is more worthy" (al-GHAZĀLĪ 1982: II, 170). Because these issues and conditions are in the utmost of subtlety, "not every heart can be depended upon" (al-GHAZĀLĪ 1982: II: 118). For that reason, "[the Prophet] did not refer everyone to the consultation of the heart. Rather, he only said that to Wābiṣa because of what he had known of his condition" (al-GHAZĀLĪ 1982: II, 117). This does not mean that consultation is to be restricted to the hearts of specific individuals, but rather that the command revolves around specific characteristics that adorn hearts, which may be attained through cultivation, watchfulness, and avoiding ambiguous matters. For hearts are two extremes and a median: the two extremes are an obsessive heart that recoils from everything and a covetous indulgent heart that is at ease with everything, and these two hearts are to be given no consideration. Rather, consideration is owed to what al-Ghazālī on occasion called "the heart of the scholar who has attained success that is watchful of the subtleties of conditions," which on another occasion he called "the pure moderate heart (*al-qalb al-ṣāfi al-mu'tadil*)." Even though al-Ghazālī admits to the scarcity of this heart, he opens the door to whoever "does not trust his own heart" to "solicit the light from a heart bearing this description" in order that he may present his case to it (al-GHAZĀLĪ 1982: 113, 118).

The heart as exhorter: Ibn Taymiyya and giving preponderance to the heart

Ibn Taymiyya (d. 728/1328) reaffirms the authority of the scriptural text. He holds that any belief or action needs to be grounded on *shar'ī* evidence (IBN TAYMIYYA 2001: II, 101; 2005: X, 477; 1991a: I, 244; 2005: XVIII, 65, XXII, 27; 1987: V, 134). The scriptural evidence reflects God's intent and what He loves and abhors. Hence, it behooves the legally obligated individual to examine the evidence without yielding to his or her whim. However, the

lawgiver's ruling may be absolute or specific. As clarified by the lawgiver, absolute rulings are principles and generalities which encompass an infinite number of particularities (IBN TAYMIYYA 2001: II, 102; 2005: X, 478). Specific rulings, on the other hand, are those technically termed "establishing the *ratio legis* (*taḥqīq al-manāṭ*)." If a specific scriptural text exists in which the ruling is clarified, this expresses God's intent more clearly. However, if God's intent is hidden due to the absence of evidence or its ambiguity, or because the proofs contradict one another, establishing what God loves and what God abhors becomes the locus of *ijtihād*. It is here that Ibn Taymiyya cites three schools: the first is to give preponderance to one position by the mere choice and will of the legally obligated individual. This is the position of the theologians, jurists and some of the Sufis. However, he determined that,

Giving preponderance to one position by mere will, without relying on any scholarly basis, whether hidden or apparent, is not a position that is held by any of the *imāms* of knowledge and temperance. (IBN TAYMIYYA 2005: X, 269; 2001: II, 93)

The second is to refer to pure *qadar* (divine decree), because of the absence of overriding authoritative reasons (*al-asbāb al-murajjihā*) from the perspective of the *sharī'a*, and to avoid the introduction of personal will and whim into the action. This is because the introduction of whim dithers between being prohibited, disapproved, or descending from the station of perfect obedience to God. Surrendering to *qadar* here is to give preponderance by means of something that cannot be attributed to the individual and in which he has no will. It is God's action with regard to the individual. This is, according to Ibn Taymiyya, the method of 'Abd al-Qādir al-Jaylānī (d. 561/1166) and his like among the great *shaykhs*. The third is to give preponderance to one position based on an inward reason, such as taste (*dhawq*), inspiration (*ilhām*), or inclination of the heart (*mayl qalbī*). Here, Ibn Taymiyya added that if the heart that is abundant in God-consciousness (*al-qalb al-ma'mūr bi-l-taqwā*) gives preponderance to a position by its will, then it is a *sharī'a* overriding authority (*tarjih sharī'a*) with respect to itself. Guiding indications may occur within the heart of the believer regarding things that cannot be expressed. This is because God has built within his servants an innate disposition (*fiṭra*) towards the truth, and has placed within the heart of each believer an exhorter (*wā'iz*), just as he placed an exhorter for the believer within the Book and the apparent *sharī'a*. Within each of the two exhorters, there are commandments and prohibitions, accompanied by exhortations and admonitions. This implies that there is a correspondence between apparent commandments and inward commandments. And in the case of the heart that is abundant in God-consciousness, the commandments and prohibitions that occur within the believer's heart are identical to the commandments and prohibitions of the Qur'an, so one is strengthened by the other. Thus there is sinfulness and righteousness "roaming and wavering" (*taraddud wa-jawālān*) within the chests of creation. If the servant exerts their utmost in obeying God and guarding against God's wrath, God becomes his or her hearing and sight and comes to be within his or her heart and sense. Thus, he or she mostly wills what God loves and detests that which He abhors. When a heart becomes abundant in God-consciousness, matters are disclosed and become open to it, unlike the darkened ruinous heart. The action of this heart (i.e., *al-qalb al-ma'mūr bi-l-taqwā*) here is stronger upon its bearer than the weak and illusory analogies, just as it is stronger than the many apparent meanings and claims of continuity (*istiṣhāb*) that the jurists cite as proof (IBN TAYMIYYA

2001: II, 98-99; 2005, XX, 27-29, XX, 44-46; XIX, 280-285; X, 268-273, X, 477; 1986: VIII, 70; 1991b: I, 7).

Resorting to the inward overriding authoritative factor (*al-murajjih al-bātin*) here takes place after the exhaustion of all apparent evidentiary indicants. The believer in this case may either opt to give preponderance to this inward reason, or to give preponderance merely based on his or her will and choice. However, giving preponderance to something merely on the basis of personal choice is to be avoided because it can be unstable, oscillating between prohibition or disapproval, or descending from the station of perfect obedience to God. The servant may also be requested to contradict his or her whim.

Everyone is their own jurist: al-Shāṭibī and establishing the *ratio legis*

Al-Shāṭibī argued that these *hadīths* are connected to the legally obligated individual's *ijtihād* in establishing the *ratio legis* (*tahqīq al-manāṭ*). When it comes to knowing its ruling, every action is in need of two exercises in theoretical speculation: the first is an exercise in theoretical speculation with respect to the scriptural evidence of the ruling (*dalīl al-hukm*). This is something in which the heart has no place. For deeming something detestable based on the extent to which the self feels at ease without any scriptural evidence is the methodology of the people of innovation (*bid'a*), and opposed to the *ijmā'* of Muslims. The second is an exercise in theoretical speculation regarding the locus in which the ruling is revealed (*mahall al-hukm*), as many of its applications are deferred to the legally obligated individuals without requiring them to meet the condition of fulfilling the status of *ijtihād* or of *shar'ī* knowledge.¹⁹ If the layperson were to ask the *mufī* about actions that are not of the type performed in prayer—whether their commission by a person during the performance of prayer would render their prayer invalid—the *mufī* would answer: if the action is negligible, it is forgivable, but if it is excessive, it would invalidate the prayer. The layperson here is in no need of clarification from the *mufī* in specifying what is excessive and what is not, for such specific judgment goes back to each legally obligated individual self to decide. This means that judgments of validity and invalidity depend upon the self of the legally obligated individual, i.e., deferring to the heart is restrictive in nature, so it does not undermine the scriptural evidence of the *shar'ī* (al-SHĀṬIBĪ 1992: II, 666-667; 1997: II, 300; V, 16-17, 25). As for determining general rulings, engaging in theoretical speculation on scriptural evidence and establishing the *ratio legis* that require *ijtihād*, they are to be referred to the jurists. This is because the ruling authority of jurists rests on *shar'ī* knowledge, which is specific to their domain and distinguishes them from others. To refer to the jurist is to refer to the *shar'ī*, and the *muqallid* is in need of an exemplar to follow (al-SHĀṬIBĪ 1992: II, 858-862). This means that consultation of the heart does not nullify the authority of the jurist.

¹⁹ After putting our *hadīth* in the context of doubtful cases where everyone is obliged to refer to his own conscience and abide by its response, Muhammad Abdulla Draz (d. 1958) discussed the role that the individual conscience plays in the institution of moral duty based on two points; understanding a rule and applying it, where there is a whole gamut of options between the undetermined and the determined. A similar perception was discussed by al-Shāṭibī under "*ratio legis* (*tahqīq al-manāṭ*)." Draz concluded that it is "the recourse to individual effort, to ensure that one's duty is in conformity with the objective reality, is a universal duty, incumbent upon the most ignorant man, as well as the most competent" (DRAZ 2008: 63-65).

Al-Shāṭibī stresses the regularity of the *sharʿa*, the generality and consistency of its rulings, and its exemption from loopholes, and thus runs on a singular law encompassing all legally obligated individuals. This regularity, however, does not nullify the variances and differences between individuals, whether in terms of the difference in their conditions, or the variance in their cognitive abilities. On this basis, al-Shāṭibī determines that the purpose of *sharʿī* rulings relating to customs (such as transactions and adjudications) as well as many acts of worship is the regulation of the avenues of benefits, so that people’s affairs may become well-ordered. Regulation, to the extent that it is possible, is closer to abiding by God’s intent. As for matters that cannot be regulated, they are deferred to the trust and private affairs of legally obligated individuals (*amānāt al-mukallaḥīn*), such as prayer, fasting, menstruation, ritual purity, and other such matters (al-SHĀṬIBĪ 1997: II, 526-527). Furthermore, absolute commandments and absolute prohibitions (i.e., those for which the lawgiver has not specified particular boundaries) are intended by the lawgiver to be unregulated and are delegated to the theoretical speculation of the legally obligated individual to engage in *ijtihād*. This is because the commandments and prohibitions must have intelligible meanings that can be understood independently but are still left without regulation. The aim here is to accommodate individual differences and conditions and variances in the performance of duties, which fall outside the circle of well-regulated obligations in which all are equal (al-SHĀṬIBĪ 1997, 2: 148). This includes commandments such as those in favor of justice, goodness, forgiveness, patience, and gratitude, and prohibitions against injustice, indecency, bad conduct, and transgression (al-SHĀṬIBĪ 1997: III, 235, 392-398, 401). This point opens the door for the individual creative effort,²⁰ which differentiates between people in their goodness, and for distinctions between ethics and *fiqh* where the ethical realm goes beyond what is licit.

As for the stirrings of the hearts, they cannot be regulated, and they encompass personal revelations (*mukāshafāt*) and miracles (*karāmāt*). These cannot validly be taken into consideration except on the condition that they do not contravene a *sharʿī* ruling nor a religious principle. Moreover, the domain of acting upon *mukāshafāt* and *karāmāt* is in matters that are licit, or desirable pursuits in which there is room for maneuver, such as warning, giving glad tidings, and the pursuit of benefits that one hopes may successfully be attained. All this is based upon the fundamental principle determined by al-Shāṭibī, namely that the *sharʿa* is general and not specific. Its fundamental basis cannot be contravened and its consistency cannot be broken (al-SHĀṬIBĪ 1997: II, 457, 466-468, 471-473).

Al-Ghazālī discussed exhaustively what cannot be regulated among the actions of legally obligated individuals under the topic of “piety (*waraʿ*),” and included a cryptic part to guide the pious scholar. Al-Shāṭibī, however, addressed the same point under what he called the theoretical speculation of legally obligated individuals (*nazar al-mukallaḥīn*), or under the *fiqh* of the self, which generally revolves around “establishing the *ratio legis*.” The two approaches are complementary, as they refer to the individual’s effort and role in the valuation of actions. Overlapping occurs between the approaches of al-Ghazālī and al-Shāṭibī in that issues of piety overlap with issues of establishing the *ratio legis*. If piety is taken to

20 It seems that Draz coined what he called “effort créateur” (creative effort) based on what al-Shāṭibī mentioned here. For more details see DRAZ 2008: 257 f. and al-KHATIB 2017: 107-108.

mean the avoidance of ambiguous matters, then establishing the *ratio legis* is a broader category, because it addresses ambiguous matters and other issues. Al-Shāṭibī even made space for that which the lawgiver deliberately left unregulated in order that the legally obligated individual may move freely based on their *ijtihād* and according to their condition. Al-Ghazālī primarily occupied himself with the responsibility of the individual from a Sufi perspective, and therefore opened the door to the stirrings of the hearts in order that some licit things that may harm the self may be avoided. Al-Shāṭibī, on the other hand, occupied himself with the regulation of the fundamental principles of the *sharīʿa*. He thus posited a cohesive theoretical framework for it, closing the door to the stirrings of the hearts except if they do not contravene *sharīʿī* principles or rulings such as *al-mushtabihāt* or licit actions to exclude what some extremist Sufis did when they followed their inspiration and freed themselves from the juristic rulings.

III. The Sufi discourse on consciences

Ibn ʿAjība (d. 1224/1808) noted that “among the foundational principles of the people of *taṣawwuf* is to refer to God in all things” (IBN ʿAJĪBA 2002: II, 417). However, this absolute recourse to God cannot be achieved by sticking to the method of the jurists only and contenting oneself with the apparent actions. Thus, the Sufis expanded in two directions: first, in valuating human actions in such a way as to encompass actions of the heart, and that there are rights owed to God in the beliefs of the hearts and what they acquire. These are referred to as “the inward knowledge” (*ʿilm al-bāṭin*),²¹ which pertains to what the Sufis call musings (*khaṭarāt*), which are, as al-Muḥāsibī (d. 243/857) says, “the causes for hearts to turn to every good or evil” (al-MUḤĀSIBĪ 2003: 84-85). The second expansion came in the direction of the sources of knowledge of divine will, which governs people’s actions. This will encompass “apparent commandments” (*al-awāmir al-zāhira*), expressed by scriptural texts, and “inward commandments” (*al-awāmir al-bāṭina*), embodied in inspiration (*ilhām*) and the consultation of the heart. Al-Qushayrī’s (465/1073) definition of musings reflects this aforementioned expansion, as he defined musings as “a discourse that comes upon the consciences” (*khiṭāb yaridu ʿalā al-ḍamāʿir*) (al-QUSHAYRĪ 1989: 169). This is a definition that encompasses two meanings:

The first meaning is that the heart is a discrete power (*quwwa khaṭiyya*) or a divine spiritual subtlety (*laṭīfa rabbāniyya rūḥāniyya*). This is the discerning aspect of the human that is addressed, punished, admonished, and answerable. The *khaṭarāt*, which come upon this heart, vary based on their sources and types and are differentiated by means of signs and terminologies. Al-Muḥāsibī divided the musings of the hearts into three types: a forewarning from the Most Gracious (which may be direct, without an intermediary, or through the

21 *ʿilm al-bāṭin* refers to what al-Ḥārith al-Muḥāsibī called “inward worship” (*al-ʿibāda al-bāṭina*) which consists of the inward actions and virtues such as *waraʿ* (piety), *ikhhlās* (sincerity), and *niyya* (intention). In contrast, the apparent knowledge (*ʿilm al-zāhir*) consists of the knowledge of *ḥalāl* (permissible) and *ḥarām* (prohibited). This classification of knowledge emerged with al-Muḥāsibī, and then it became popular in the Sufi literature such as Abū Ṭālib al-Makkī’s work (see al-MUḤĀSIBĪ 1975: 81-88; al-MAKKĪ 2001: I, 363-380).

mediation of an angel), a command from the self, and a whispering from the devil. Al-Qushayrī clarifies that each of these types takes a convention specific to it, “so, if it is from an angel, it is inspiration (*ilhām*); if it is from the self, it is called presentiments (*hawājis*); if it is from the devil, it is the whispering (*waswās*); and if it is God who has placed it in the heart, it is a true musing (*khāṭir haqq*)” (al-MUHĀSIBI 1986: 297-299; al-QUSHAYRĪ 1989: 169-170). The Sufis were thus cognizant of the complexities of that which roams within the human and the different causes that prompt actions. This is a vision that is more layered and complex than that of the Greek philosophers regarding the three powers of the soul: the appetitive power, the irascible power, and the rational power.²² This complexity can be explained based on the spiritual experience and the scriptural sources.

The second meaning is that the Sufis’ inquiry into divine will (and what God loves and abhors) generated their interest in the varieties of discourse, both apparent and inward. With regard to the inward discourse, they considered all its forms regardless of the source because they believed that the inward revelation complements the apparent revelation. Inquiry into the inward revelation requires differentiating it from what may be confused with it, such as the whisperings of a devil or the whims of a self. The inward revelation takes two forms: inspiration from an angel and the true musing from God, each of which represents a source for the valuation of the individual’s actions. On this basis, al-Suhrawardī (d. 632/1234) considered that “the esoteric sciences (*al-‘ulūm al-ladunniyya*) within the hearts of those devoted to God are a kind of communication” (al-SUHRAWARDĪ 2000: II, 37). However, this differs from the way of the jurists, who restricted themselves to knowing the discourse of revelation (scriptural texts) which represents the general and apparent divine will. In the absence of scriptural evidence, jurists had to negotiate how much leeway they were willing to give to the heart within the non-textual sources. By contrast, the Sufis did not have the same concern for they operated within the realm of the heart and had more space to elaborate and theorise. For jurists, it remained limited to psychology in relation to what is evident and what is apparent in terms of testimony, while for the Sufis it became completely grounded in the deep psychological domain of the heart, beyond the domain of what is apparent. While some *uṣūlīs* objected to the rejection of inspiration, for the lack of grounding of its source, the Sufis posited standards and signs that aid in differentiating between one musing and another. From the sum total of their discussions, it is possible to say that the distinction stands upon two things. The first rests on the consideration of the musing in light of the apparent revelation. The second is premised on the special characteristics linked to taste and experience. The divine musing is in concord with a fundamental *shar‘ī* principle, untouched by license or whim, and followed by a sense of calm and expansion (*burūda wa-inshirāḥ*). The musing of the self mostly invites following an appetite or a sense of pride, which is not in accord with a fundamental *shar‘ī* principle. It also admits licenses and is followed by a sense of dryness and tightness (*yubs wa-inqibād*). The angelic musing brings nothing but good, whereas the satanic musing mostly invites us towards sin, although it may also bring good, which is cause for ambiguity. The differentiating factor between the angelic and satanic muse is that the first

22 This is the classic version of the Platonic tripartite soul, but some studies show that Plato was hesitant about the tripartite division or there is more than one tripartite relation in the *Republic*. (See PLATO 2003: 135 f; FINAMORE 2005: 35-52; ROBINSON 1995: 119-122; FRONTEROTTA 2013: 168-178; CORRIGAN 2007: 99-113.)

is supported by evidentiary indicants and is accompanied by an expansion, contrary to the satanic, which turns one away from evidentiary indicants and is accompanied by a restrictiveness. If a person is confused regarding the origin of their musing, it is up to them to stop and ascertain, either by looking into their heart or asking the scholars. Thus, according to Ibn ‘Ajība, it is among the characteristics of the people of *taṣawwuf* “to consult the hearts regarding those matters that occur [to them],” i.e., if they did not find an apparent revelation in its regard (al-MUḤĀSIBĪ 2003: 89; al-QUSHAYRĪ 1989: 169-170; al-JAYLĀNĪ 1976: 26-27; ZARRŪQ n.d.: 288-289; al-ḤAKĪM al-TIRMIDHĪ 2010: II, 42, 54; IBN ‘AJĪBA 2002: III, 14; II, 417).

The principle of referring to God in all things also affected the Sufis’ way of gauging actions on the basis of the principle that all the servant’s movements and moments of stillness ought to be through God. This is because referring to God absolutely demands following commandments that may be divided into two kinds: the first is to take from the earthly world (*al-dunyā*) sustenance (*al-qūt*) which is the self’s right to avoid whims and desires (*ḥazz al-nafs*), and to perform obligations and become occupied with avoiding sins, both apparent and inward. This is the adherence to apparent commandments. The second is to follow the inward commandment, which comes from the exalted Truth. God commands His servants and prohibits them by means of a true musing or by the inspiration of an angel. This inward commandment is linked to what is licit with no ruling in the *sharī‘a* and is left to the servant’s choice. However, here, the individual may relinquish choice and await the inward commandment regarding the issue at hand—and if he is then commanded, he complies. Indeed, al-Jaylānī and others “command the performance of that which is recommended and not obligatory and proscribe that which is discouraged and not prohibited” (IBN TAYMIYYA 2005: X, 265). Thus, there remains no scope for the five legal rulings²³ with respect to the specific individual. This is because the recommended (*mustaḥabb*) is subsumed into the obligatory (*wājib*), the discouraged (*makrūh*) is subsumed into the prohibited (*ḥarām*), and the licit (*mubāḥ*) does not exist, because it becomes appended either to commission or to omission. In fact, al-Jaylānī calls for the abandonment of those musings which, upon consideration in light of the Book and the Sunna, it becomes clear that they are of the self and its licit appetites (such as eating, drinking, sexual intercourse, and other such things).

Ibn Taymiyya highlighted the disputation among the jurists over the meaning adopted here by al-Jaylānī and others because the jurists affirm the five legal rulings. However, the work of the jurists applies to rulings in general (*al-‘umūm*) and the work of the Sufis applies to the rulings of the elect (*al-khawāṣṣ*). Thus, al-Ḥakīm al-Tirmidhī differentiated between “refining the self,” by barring it from some licit appetites and “prohibition,” positing that by barring the self from its desires, the training of the self is achieved such that it is subdued and softened. Therefore, the renunciation of the heart is meant to purify the heart. For the sake of these meanings, *fiqh*²⁴ for the Sufis is the science of the path of the hereafter, as clarified by al-Muḥāsibī, al-Ghazālī, and others (al-JAYLĀNĪ 1976: 26-28; IBN TAYMIYYA 2005: X, 296-299; al-ḤAKĪM al-TIRMIDHĪ 1993: 63-65). This provides room to both distinguish between

23 The five legal rulings in *fiqh* are: obligatory (*fard*), recommended (*mustaḥabb*, *mandūb*), permissible/licit (*mubāḥ*), discouraged/disapproved (*makrūh*), and prohibited (*ḥarām*).

24 Lit., ‘comprehension; understanding’.

fiqh and ethics and give more scope for the individual creative effort that is based on self-discipline.

Conclusion

This study has shown that the inward dimension, with its various interpretations and the scope of its authority, has occupied an important space in various disciplines of the Islamic moral tradition. However, taking the perspective of how the two *ḥadīths* were interpreted offers a different outlook to what is often gleaned from *Mu'tazilīs* and *Ash'arīs*' discussions on the sources of moral value judgments (*taḥsīn* and *taqbīh*). Moral conscience is a third category, besides reason and revelation, to assess the moral quality of our thoughts, words, and deeds. This article proves that the common assumption of the absence of individual decision making in Islamic ethics is an oversimplification.

The contemporary scholarship about Islamic ethics has reduced Islamic ethics to two meta-ethical theories: ethical rationalism and ethical voluntarism (divine command theory). This taxonomy has implicitly emphasized the common understanding among some Western scholars that the Islamic conscience is an external scriptural conscience. This study identifies the rich Islamic discussions on individual conscience and its authority in ethical judgments. The inward dimension of soul is substantiated through the discussion of three concepts: (1) inspiration (*ilhām*) (2) the musings (*khawāṭir*) that come upon the individual conscience in general, and (3) the preponderation of the heart (*tarjīh al-qalb*) and its inclination towards a particular action or judgment.

Traditionally, there were two main positions vis-à-vis the two key *ḥadīths* discussed here. The first is represented by *ḥadīth* commentators who reinforced the authority of the scriptural text and the scholars to prevent the transformation of juristic rulings into individual judgment based upon human whims. On this basis, the apparent or general meaning of the *ḥadīth* was rejected. Jurists, *uṣūlīs* and Sufīs adopted the second stance and sought to negotiate the strength of the authority of the conscience. In fact, the majority of *uṣūlīs* considered that in the absence of rational proofs, inspiration plays the role of an inward proof with respect to the individual who receives inspiration to the exception of others. In so doing, the recourse to inward dimension is needed as a departure from the apparent sense-determinate towards the individual inward dimension that cannot be made apparent, generalized, or regulated. The Sufīs, however, have a vision of divine command that is broader than that of the jurists. For them, the issue is no longer limited to the commands and prohibitions stated in the scriptural texts, nor to those dos and don'ts that can be gleaned from the apparent meanings of these texts, but also encompass the inward dimensions of individuals and the actions of hearts. In order for their position to be made feasible, Sufīs needed to broaden the sources of knowledge of divine will. On this basis, they discussed "the inward revelation," represented in inspiration and consultation of the heart, because it is deemed a divine discourse, coming either directly from God or through the medium of an angel.

In the negotiations over the authority and space of individual conscience, some scholars such as al-Ghazālī, Ibn Taymiyya, and al-Shāṭibī pursued a middle route, through which they attempted to reconcile between the apparent and the inward in terms of the discussions about consultation of the heart and to give preponderance to it. Al-Ghazālī argued for "the heart as

muftī,” with the *ḥadīth* as a fundamental principle for piety (*waraʿ*). This piety directs itself towards the actions and choices of individuals, an issue that does not occupy the jurist. The individual takes charge of the majority of the actions of the heart, as it is the individual who is acquainted with its particularities. The heart becomes the locus of legal and moral obligation and possesses “insights into discrete contextual indicants,” which cannot be regulated by the laws of *fiqh*.

Ibn Taymiyya weighs between the action of the heart and some of the preponderations that the jurists adopt (such as weak analogy, the apparent meaning, and claims of continuity [*istiṣhāb*]), and considers that the inclination of the heart in this instance is stronger with respect to the individual than the overriding authoritative claims of the jurists.

Al-Shāṭibī, while refusing the heart as a source of evidence or a source of issuing rulings, established a balance between the absolute and the individual, the regulated and unregulated, and the authority of the scriptural text and the jurist on the one hand, and the responsibility of the legally obligated individual on the other. Those issues that cannot be regulated are to be deferred to the trusts and private affairs of legally obligated individuals. Indeed, there are spaces which the lawgiver intended to leave unregulated by delegating them to the theoretical speculation of the legally obligated individuals so that they may engage in *ijtihād* according to their capacity, cognition, and condition. This is because affairs of the conscience come down to intelligible meanings in which individuals differ.

To conclude, subjective interiority was inherent in the Islamic tradition and not necessarily imported and introduced by modernity.²⁵ This goes against the widespread Weberian notion that the normative structure of Islamic law leaves no room for individual ethical decisions and moral resistance against legal authority and political power. According to Max Weber,

A ‘sacred law’ is unable to develop the concept and the institutions of a formally rational justice because the weight of material religious ethics will always force the judge to define justice in the light of material considerations inherent in the case which he has to try. It will, therefore, produce “Kadi-Justiz.” The mixture of ethics and law is considered to be an efficient impediment against the formal rationalization of law. (JOHANSEN 1997: 2)

Mohammad FADEL (2014), Baber JOHANSEN, and Talal ASSAD also proved that this assumption is untenable and the latter emphasized that,

Subjective interiority has always been recognized in the Islamic tradition ... what modernity does bring in is a new *kind* of subjectivity, one that is appropriate to ethical autonomy and aesthetic self-invention—a concept of ‘the subject’ that has a new grammar. (ASAD 2003: 225)

The classical discussions around the authority of the inward dimension and the boundaries of its investment in ethical knowledge fall within the core of *ḥadīth*-centric discussions around the idea of the ethical conscience and its role in specifying right and wrong, which in turn is worthy of attention in further studies.

²⁵ Although that Jakob SKOVGAARD-PETERSEN defended the opposite of this position (1997: 23-25, 384).

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“As Time Grows Older, the Qur’ān Grows Younger”: The Ethical Function of Ambiguity in Qur’ānic Narratives*

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Abstract

This article explores the role of ambiguity in the Qur’ān. It examines the concept of ambiguity, its ethical function in literature, and its reception in the *tafsīr* tradition with special reference to Fakhr al-Dīn al-Rāzī’s (d. 606/1210) exegetical programme. Further, and by way of focusing on the narrative genre of the Qur’ān, the article analyses a Qur’ānic pericope, Q. 12:52-53, to illustrate the extent to which ambiguity impacts on the text, and what that means for the ethical teaching of Qur’ānic narratives. Without denying that ambiguity is located in the reader too, the article argues that ambiguity resides in the Qur’ānic text itself, and that this ambiguity has the function of expanding the Qur’ān’s interpretive universe and ethical potential.

Keywords: Ambiguity, Narratives, Polysemy, Qur’ānic hermeneutics, al-Rāzī, *Tafsīr*

1. Introduction

In his book *The Formation of Islamic Hermeneutics*, Vishanoff argues that the main concern of al-Shāfi’ī (d. 204/820) in the *Risālah* was the textual ambiguity of the Qur’ān. In particular, the ambiguous nature of the text was accepted by al-Shāfi’ī as a positive feature which provides a space for interpretive work:

[I]n his *Risāla* he did not assume ambiguity and try to overcome it, as one would expect if he were offering a method for determining law from an accepted canon of texts; instead he defended the existence of all kinds of Qur’ānic ambiguities, against those who insisted that the Qur’ān was a transparent expression of its meaning.¹

Although al-Shāfi’ī’s project was not universally accepted—there was, for instance, a view conceiving of the Qur’ān as unambiguous²—it is remarkable that, as one of the founders of

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1 VISHANOFF 2011: 51.

2 See, for example, VISHANOFF 2011: 137-141.

Islamic hermeneutics, al-Shāfiʿī was content with the notion of ambiguity. Against this backdrop, and consistent with Bauer's thesis that ambiguity was tolerated in the classical Islamic hermeneutical tradition, which I elaborate on below, this article attempts to explore the ethical function of ambiguity in the narratives of the Qur'ān. In particular, it seeks to answer the following question: what *ethical* role could we assign to Qur'ānic ambiguity? The focus on the narrative genre stems from the fact that not much work has been done to excavate the ethical potential of Qur'ānic narratives;³ more generally, Qur'ānic ethics is a relatively understudied area.⁴

I shall argue that ambiguity is a characteristic possessed by the text of the Qur'ān, and that this textual ambiguity is intentional. To put the matter differently, I will attempt to show that ambiguity is not only a function of reading but also an inner-textual attribute that forms a central part of the very fabric of the Qur'ān. In particular, and through focusing on the narrative genre of the Qur'ān, I hope to convey how the inherent ambiguity of Qur'ānic narratives carries ethical implications; it is through a lack of clarity that Qur'ānic narratives become complex sites of moral pedagogy.

The article is arranged as follows: after this introduction, Section 2 provides the general context for the concept of ambiguity. Section 3 lays down the theoretical background, in so much as it presents how ambiguity is perceived as *ethically functional* in related domains. Next, Section 4 comments on ambiguity in the Qur'ān and its reception in the exegetical tradition, with special reference to the contribution of al-Rāzī. Section 5 offers a concrete example: Q. 12:52-53 is taken as a case study to illustrate the extent to which ambiguity impacts on the text, and what that means for the ethical teaching of the Qur'ān. The findings of this section are then taken further, in Section 6, to reflect on what the interpretive possibilities say about the theology of revelation: that is, it attempts to forge a bridge between (seemingly abstract) ontological discussions on the nature of Divine revelation and the domain of scriptural interpretation. Section 7 concludes with the main findings.

2. The Concept of Ambiguity

Ambiguity is itself an ambiguous term. The various attempts to conceptualise it vary between broad and restrictive definitions. Empson provides an extended definition of ambiguity: "any verbal nuance, however slight, which gives room for alternative reactions to the same piece of language".⁵ The concept of ambiguity is stretched by Page even further when she writes that ambiguity, in her usage, "enlarges 'double meaning' to polyvalence, that is, the way in which anything may be interpreted or evaluated in a variety of ways according to one's point

3 RASHWANI n.d.: I rightly points out that although there have been valuable ethical readings of the Qur'ān since the mid-twentieth century—including the works of Drāz, Rahbar, Izutsu, and Fazlur Rahman—a proper ethical analysis of Qur'ānic narratives has been neglected.

4 RAHMAN 1979: 257 remarked that "the greatest desideratum of medieval Islamic thought is in the field of ethics", and that "[o]ne cannot point to a single work of ethics squarely based upon the Qur'ān". Similarly, DRĀZ 2008: 4 shares this concern.

5 EMPSON 1953: 1.

of view, intention, practice, or culture”.⁶ On the other hand, a restrictive definition of ambiguity is provided by Rimmon, who advances that ambiguity has to fulfil four defining properties: an ambiguous expression has two or three different meanings; the meanings cannot be reduced to each other, nor identified with each other; they are mutually exclusive in the context; and the expression requires choosing between its different meanings without providing the grounds for that choice.⁷

Ambiguity takes different forms. According to Ullmann, ambiguity comes in three forms: phonetic, grammatical and lexical.⁸ However, for our purposes we can dismiss the first type—in fact, it has been questioned whether phonological ambiguity is a genuine form of ambiguity.⁹ Grammatical ambiguity results from two factors: grammatical forms and sentence structure. The former type of grammatical ambiguity includes cases where prefixes and suffixes are open to more than one meaning, and the latter is “where the individual words are unambiguous but their combination can be interpreted in two or more different ways”. Lexical ambiguity, on the other hand, represents the phenomenon of *polyvalency*, where the same word may have more than one meaning.¹⁰

The case study presented in this article is an exemplar of grammatical ambiguity, in particular, pronominal ambiguity. It is also useful to highlight in this regard that some parallels could be established between these two types of ambiguity—grammatical and lexical—and the *uṣūlī* tradition. Al-Rāzī, for instance, argues that revelation cannot yield certain knowledge because it relies on several inconclusive factors, among which at least two factors correspond to the forms of ambiguity delineated above: the point he makes that grammar is in itself inconclusive overlaps to a certain degree with *grammatical* ambiguity, and his inclusion of polysemy (*al-ishṭirāk*) in the factors that render revelation inconclusive corresponds to *lexical* ambiguity.¹¹

3. The Function of Ambiguity

In order to establish the role of ambiguity in the Qur'ān, I begin by illustrating its general function in narratives. In so doing, I will take Langlands' illuminating *Exemplary Ethics in Ancient Rome* as my point of departure. This study analyses Roman exemplary stories and is of great relevance to my enquiry and particularly so if we are to regard Qur'anic narratives as exemplary stories.

Langlands observes that “Roman exempla easily incorporate moral ambiguity and troubling elements”. This characteristic presence of ambiguity enables the stories to voice multiple responses to the same incident. Since the narratives cannot be reduced to simple propositions, they become dynamic and function “at the heart of a practical ethics”. What Langlands

6 PAGE 1985: 13.

7 RIMMON 1977: 17.

8 ULLMANN 1967: 156.

9 RIMMON 1977: 62.

10 ULLMANN 1967: 156-159.

11 AL-RĀZĪ 1987: IX, 114.

describes as the “moral borderline or uncertainty” that is encountered in Roman exempla is the very aspect that enriches the narratives, fuelling “ethical debates by provoking moral questions to which there are no definitive answers, but which put important ethical ideas in play”.¹²

One of Langlands’ primary arguments regarding exempla, which I would argue applies equally to Qur’ānic narratives, is that we must be “sceptical about claims that they are univocal and unambiguous”, in the sense that we should resist the tendency to regard their meanings as fixed. In turn, this poses a threat to the typical representations of exempla as direct narratives, of which the messages are unambiguous. Even the narratives that at first sight appear to bear clear messages are, when attended to carefully, far more complex. Therefore, the meaning of an exemplum is deliberately *multivalent*. Multivalency not only indicates the openness of a story to multiple interpretations, but also the ability of an exemplum “to convey multiple moral messages at once, and even messages that may be in logical conflict with one another”.¹³ These notions of multivalency can also be viewed in the works of Bakhtin, who describes the potential of literary works to generate new meanings using the idea of *great time*, which he defines as the “infinite and unfinalized dialogue in which no meaning dies”.¹⁴ Throughout its lifespan, a work is enriched with new significance as contexts change; it is thus *re-accentuated*. The “image becomes polysemic, like a symbol. Thus are created the immortal novelistic images that live different lives in different epochs”.¹⁵

From the wider world of literature, I now turn to an area more specific to the Qur’ān: the cognate field of biblical studies. Here I wish to underline two main points: first, the existence of ambiguity in the Bible and, second, the profound ethical implications of this ambiguity. Of particular significance to this article is Weiss’ *Ethical Ambiguity in the Hebrew Bible*, which, focusing on the notion of ambiguity, attempts to analyse scriptural narratives in the light of ethical considerations and philosophical debates. The manifestations of ambiguity in Hebrew Bible narratives include, according to Weiss, the fact that the Bible does not usually explicitly evaluate the moral status of its characters’ behaviour.¹⁶ This ambiguity in moral judgement gives rise to various interpretations, complicating the task of the exegetes: “Due to the omission of explicit moral evaluation of biblical characters, it is unclear if the Bible approves, disapproves, or is indifferent to the morally questionable acts depicted in its narratives, which are left open for the reader’s response.”¹⁷ Furthermore, ambiguity in the narratives could trigger alternative interpretations that illustrate the complex factors, motivations, and competing values at play.¹⁸

In view of these points, I would like to suggest that acknowledging the capacity and significance of ambiguity offers a good entry point to our understanding of Qur’ānic narrative ethics. The upshot is that ambiguity in narratives is *functional*—it is intentional and has a

¹² LANGLANDS 2018: 50-56.

¹³ Ibid., 59-64.

¹⁴ BAKHTIN 1986: 169.

¹⁵ BAKHTIN 1982: 410.

¹⁶ WEISS 2018: 2-3.

¹⁷ Ibid., 215.

¹⁸ Ibid., 216.

practical and pragmatic function.¹⁹ And it is through this functional ambiguity that we are better positioned to appreciate Qur'anic narratives as productive ethical resources, and as tools for moral education.

However, before we proceed, one possible objection to ambiguity and its role in narrational exegesis needs to be addressed: does this polyphonic approach, which allows for a plurality of interpretations, not lead to instability and relativism?²⁰ Similarly, does the idea that Qur'anic narratives are open to re-interpretation and to being shaped over time, undermine their normativity in that no neat moral messages can be derived? In the context of the Bible, Steinmetz argues that biblical language “opens up a field of possible meanings”, and that an interpretation is valid if it falls within that field.²¹ This allows for a degree of objectivity, as Collins puts it: “A text, biblical or not, may have more than one meaning, but we can at least set limits to the range of acceptable interpretations.”²²

The assumption that there exists a *field of possible meanings* is also found in the Muslim exegetical tradition. By way of example, in his commentary on the last part of Q. 4:83, “you would almost all have followed Satan”²³ (“*la-ttaba‘umu l-shayāna illā qalīlan*”), al-Rāzī offers three possible interpretations with regard to the referent of the exceptive expression “*illā qalīlan*”, and then—and this is crucial—comments: “Know that the interpretations could not go beyond these three” (“*wa-lam anna l-wujūha lā yumkinu an tazīda ‘alā hādhihi l-thalāthati*”).²⁴ This statement appears to indicate that al-Rāzī operated with the notion of a *field of possible meanings* beyond which the interpretation is closed. This approach provides an answer to the charge of relativism: there are interpretive limits that should not be exceeded.²⁵ In other words, all the meanings that are subsumed under that *field* are valid, given that they pass rigorous hermeneutical scrutiny. The upshot of this is that Qur'anic polysemy is different from the post-structuralist literary concept of indeterminacy: the former

19 Cf. PATTERSON 1991: 141. Moreover, SALEH 2003: 167-178 speaks about what he calls *functional hermeneutics* in al-Tha‘labī’s (d. 427/1035) *tafsīr*: “The Qur’ān in these instances comes to life, speaks and admonishes. Exegesis in these instances performs a pragmatic function; it admonishes and exhorts the believers” (ibid., 167). Through this functional approach to Qur’anic interpretation, “[t]he word of God was not only explained but was expanded to become an authoritative moral voice in regulating human conduct. Furthermore, functional exegesis created what I would call a dialogical Qur’ān—a Qur’ān with which the believers conversed and argued” (ibid., 175). Building on Saleh, I would like to suggest that the ambiguity of the Qur’anic text is what makes *functional exegesis* possible.

20 Cf. WINKEL 1997: 101: “When first confronted with this fundamental ambiguity of *fiqh*, many Muslims will surely get nervous and distressed. They might think that embracing ambiguity will send them over the brink to hedonism or nihilism, because if a particular activity is not the only truth, maybe nothing is true. The concept of multiple truths, however, means that activities can be mutually exclusive, firmly in the ambiguity of *ikhtilāf*, and be meaningful.”

21 STEINMETZ 2011: 8.

22 COLLINS 2019: 6.

23 The translation of this Qur’anic verse, as that of all others, is from ABDEL HALEEM 2005 (though I occasionally modify the translations).

24 AL-RĀZĪ 1981: X, 207.

25 These interpretive possibilities are not conditioned by the subjective psyche of the reader, but by the text itself: “this is not simply a subjectivity of interpretation, determined by what the reader brings into the work, but a subjectivity of creation, invited by the work itself” (RIMMON 1977: 12).

is not entirely open.²⁶ Viewed in this way, polysemy “is to be understood as a claim to textual stability rather than its opposite, an indeterminate state of endlessly deferred meanings and unresolved conflicts”.²⁷ Thus, one could remain faithful to the text, and at the same time realize its deep interpretive potential. Even Ibn ‘Arabī (d. 638/1240), whose works are read by some as opening the doors for overinterpretation, acknowledged that a valid interpretation is one that is supported by the language of revelation,²⁸ and hence he was limiting the hermeneutical field. To summarise, I argue for a middle position between monolithic exegesis and overinterpretation—Boyarin expresses this idea with regards to the midrash:

The effect of the midrashic text as a whole is to present a view of textuality which occupies neither the extreme of assuming a univocal “correct” reading of the text, nor the extreme of “Whoever finds a lesson there useful to the building of charity, even though he has not said what the author may be shown to have intended in that place, has not been deceived, nor is he lying in any way.” Rather, the midrash seems to present the view of an ancient reader who perceives ambiguity encoded in the text itself with various dialectical possibilities for reducing that ambiguity, each contributing to but not exhausting its meaning(s).²⁹

4. Ambiguity in the Qur’ān and Exegetical Practice

Following from his discussion of the preservation of Qur’ānic textual variants, Bauer, in Chapter 4 of *Die Kultur der Ambiguität*, asks the question of whether God speaks ambiguously (“Spricht Gott mehrdeutig?”).³⁰ In addressing this question, and in an attempt to show the openness of classical scholars to hermeneutical diversity, Bauer quotes the prominent scholar of the Qur’ān Ibn al-Jazarī (d. 833/1429):

The scholars of this nation—from the first generation until recently—have continuously deduced from the Qur’ān evidence, arguments, proofs, and wisdom, among other things, which no predecessor has known, and which no later scholar will exhaust. The Qur’ān is the great ocean which has no floor to be reached, and to which there is no limit for one to stand upon. And, therefore, this nation did not need a prophet after its Prophet.³¹

²⁶ Cf. STERN 1988: 141.

²⁷ Ibid., 155.

²⁸ CHITTICK 2000: 155. A fascinating example of Ibn ‘Arabī’s close adherence to language is his reinterpretation of the etymology of the word “*khalīlan*” in Q. 4:125. Similarly, his innovative interpretation of Abraham’s dream verse, Q. 37:105, shows how he can balance between his creative hermeneutics on one hand, and his faithfulness to the linguistic boundaries of the Qur’ānic text on the other. On these two examples, see SINAI 2020: 294-295. MCAULEY 2012: 65 also makes this point: “Ibn ‘Arabī can thus combine daring interpretive flights with a rigorous commitment to the Qur’an as God’s literal word.”

²⁹ BOYARIN 1990: 45.

³⁰ BAUER 2011: 115.

³¹ IBN al-JAZARĪ 1980: I, 5.

Bauer understands this passage to indicate the tolerance of ambiguity in pre-modern Islam, contending that it shows the extent to which Ibn al-Jazarī appreciated the richness of the Qur'ān in terms of the meanings it generates. He then asks the question: “if this is not a mentality that wants to be open to the future, then what is” (“Wenn das keine »Mentalität, die wirklich offen für die Zukunft sein will«, ist, was dann”)? Furthermore, Bauer submits that, for Ibn al-Jazarī, it was self-evident that the Qur'ānic text allowed for the existence of a variety of meanings.³² This, he says, is diametrically opposed to the modern notion—which has its roots in Cartesian ideology—that the Qur'ānic text bears only one meaning.³³ Bauer supports his argument—that pre-modern Muslim scholars were comfortable with a multiplicity of meanings—by resorting to the *locus classicus* of Qur'ānic polysemy; a statement attributed to 'Alī ibn Abī Ṭālib (d. 40/661) to the effect that the Qur'ān allows for multiple meanings (“*al-Qur'ānu ḥammālun dhū wujūhin*”).³⁴

Bauer further attempts to show the toleration of ambiguity in pre-modern Islam by presenting the flexibility of classical exegetes in interpreting the Qur'ān, that is, their toleration of ambiguity in the Qur'ān. His case study is Q. 79:4, “*fa-l-sābiqāti sabqan*”. Bauer notes that al-Māwardī (d. 450/1058), a representative of the classical exegetical tradition, lists five interpretations (“*ta'wīlāt*”) as to what is meant by “*al-sābiqāt*”: angels; stars; death; human souls; and horses. Al-Māwardī then adds a sixth interpretation, which Bauer takes as al-Māwardī's own addition to the *tafsīr* tradition: that “*al-sābiqāt*” denotes the soul as it precedes the body to its destiny in heaven or hell.³⁵ Bauer uses the model of al-Māwardī to make a number of useful observations. The first is that al-Māwardī aligned the six interpretations alongside each other *without* preferring any one of them—a feature that Bauer attributes to the majority of Qur'ānic commentaries (“Und dies gilt nicht nur für sein Werk, sondern für die Mehrheit der klassischen Korankommentare”).³⁶ Secondly, Bauer underscores the fact that, although al-Māwardī relied on his pre-cursors in deriving the majority of interpretations (“Die meisten Deutungsmöglichkeiten”), he did not shy away from adding his own view on the matter, a view which he prefaced by saying “and it is possible” (“*wa-yahtamilu*”) to indicate inconclusiveness and probability. Thirdly, Bauer takes al-Māwardī's treatment as evidence for the positive acceptance of the notion of limitless meanings (“Die Theorie der unerschöpflichen Bedeutungsfülle des Korans”) in classical Muslim exegesis; a notion also indicated in a tradition quoted by al-Suyūṭī (d. 911/1505) to the effect that a true scholar is one who appreciates the polyvalent nature of the Qur'ān.³⁷ Fourthly, and against

32 BAUER 2011: 115-118.

33 Ibid., 118-119.

34 Ibid., 119.

35 AL-MĀWARDĪ n.d: VI, 193-194.

36 One should note, however, that it is not uncommon to find a pre-modern *mufassir* choosing *one* interpretation as the correct view. Al-Ṭabarī (d. 310/923), for example, frequently evaluates the different interpretations and selects which of them he finds plausible. WATT 1973: 261-262 briefly alluded to this observation. Nonetheless, Bauer is right in that classical commentators were not, generally speaking, deeply invested in reaching final and conclusive answers. SINAI 2011: 130 has also observed this feature when he looked at al-Rāzī's interpretation of Q. 103:1, noting that al-Rāzī did not feel compelled to provide a conclusive interpretation of the word “*wa-l-ʿaṣr*”.

37 AL-SUYŪṬĪ 2005: III, 976.

this backdrop, Bauer takes the practice of including different (and sometimes relatively obscure) interpretations *without commenting on them* as an indication that classical exegetes—as opposed to the modern Muslim exegetes influenced by reductionist Cartesian notions—not only embraced polysemy, but also allowed for the possibility of the existence of parallel truths (“Prinzip der Möglichkeit paralleler Wahrheiten”). Bauer also observes that although classical exegetes were, on the one hand, willing to accept the polysemy of the Qur’ānic text, they were also, on the other hand, unwilling to deviate far from previous recorded interpretive traditions. This, he explains, was an attempt by the scholars to *control* the ambiguous nature of Scripture (“Diese conservative Herangehensweise, die auf einer progressiven Theorie aufbaut, läßt sich wiederum durch das Bemühen um *Ambiguitäts-zählung* erklären”).³⁸ Bauer’s main conclusion is that, generally speaking, any interpretation that is in line with the assumptions of Western modernity will not be more tolerant of polysemy than a classical traditional interpretation (“Generell gilt: Eine an den Prämissen der westlichen Moderne ausgerichtete Koranexegese ist keineswegs *an sich* offener und ambiguitätstoleranter als ein traditionelle”).³⁹ What we take from Bauer, then, is that the Qur’ān retains an element of ambiguity *by design*, and that the classical Islamic exegetical tradition *tolerated* the polysemous nature of its holy text. Indeed, according to Bauer, classical scholars were more tolerant to ambiguity than their later colleagues who worked under the paradigms of modernity. Ambiguity was not a problem for classical scholars; it was the solution.⁴⁰

Bauer’s thesis was also made by Ahmed, though in connection to early *tafsīr* literature. He argued, on the basis of his analysis of the Satanic verses, that the “defining characteristic” of the early exegetical tradition was that it was *exploratory, uncertain, and multivocal*: “The literature of early Qur’ān exegesis comprises a range of interpretations on almost every verse of the Qur’ān, with strikingly little attempt to invest interpretations with the finality of categorical Prophetic authority.”⁴¹ He also noted with regard to the contradictory interpretations attributed to the major figure of Islamic hermeneutics, Ibn ‘Abbās, that the early exegetes did not dispute the attribution of those incompatible interpretations to him, and thus no attempt was made to prefer one view over the other.⁴² This is clearly indicative of their willingness to accept diversity, even to the extent of contradictory views assigned to the same person. Ahmed writes: “Early *tafsīr* seems, thus, to have been in the first instance, an exploration of the Divine Word, and, as such, was apparently more concerned with the *range of possibilities* contained in the Divine Word than with exclusive truth claims about the Divine Word.”⁴³ The argument of Bauer and Ahmed was succinctly captured by Van Ess

38 BAUER 2011: 120-124.

39 Ibid., 130.

40 See, on this point, RIPPIN 2014: 59. In this context, THAYER 2018: 24 has shown, in a study of al-Raḍī’s (d. 406/1015) Qur’ānic commentary, how the ambiguity of the Qur’ān could be employed for a purpose.

41 AHMED 2017: 31.

42 Ibid., 277.

43 Ibid., 31. It is noteworthy that WATT 1973: 261 advanced that in the period from 850 to 945 CE *tafsīr* stabilized, that is, there was more agreement on many issues, and “some of the wilder suggestions of the previous centuries have been eliminated”. (This comment that there existed some “wilder suggestions” in the previous centuries, seems to be referring to issues such as the interpretation of the Satanic verses incident regarding which AHMED 2017: 265 convincingly argued that in the first two centuries of Islam

when he noted: “For more than a millennium, until a very recent period, the Islamic Scripture was thus treated with relative liberty.”⁴⁴ In like manner, and after an illuminating observation on how the notion of consensus, *ijmāʿ*, paradoxically negates itself and thus serves to open up interpretive possibilities, Saleh wrote:

Qurānic exegesis became Sunnī by becoming polyvalent. The Qurʾān spoke in many meanings, and they were all true, unless there developed an *ijmāʿ* (a consensus) concerning a particular meaning. Since few interpretations became subject to an *ijmāʿ* and hence no unanimous meanings were ever attached to them, each varied interpretation was true on its own. A verse could have conflicting interpretations, each of which could be adduced as part of the meaning of the word of God without disrupting the notion of the clarity of the Qurʾān.⁴⁵

Before proceeding, it is important to clarify that Bauer is essentially advancing two theses: the first, as discussed above, is that pre-modern *tafsīr* embraced the polysemic nature of the Qurʾān. I am in agreement with this thesis—in fact, it is the premise upon which this article is founded. The second thesis Bauer advances, which I find problematic, is that modern Muslim exegesis of the Qurʾān is reductionist and monolithic.⁴⁶ In order to make his case that modern Muslim interpreters of the Qurʾān do not appreciate Qurʾānic polysemy, Bauer looks at how the modern Salafī scholar al-ʿUthaymīn (d. 2001) interpreted Q. 79:4. On the basis that al-ʿUthaymīn, in contrast to al-Māwardī, provided only one interpretation of the term “*al-sābiqāt*” in “*fa-l-sābiqāti sabqan*”, and that his interpretation is not known by the classical scholars, Bauer submits that al-ʿUthaymīn’s interpretation of the Qurʾān is not anchored in the classical exegetical tradition (“Die Deutung des »Traditionalisten« Ibn ʿUthaymīn erfolgt mithin ohne Rückgriff auf die Tradition”), and that al-ʿUthaymīn maintains—in line with modernist Cartesian assumptions—that there could only be *one* correct interpretation (“nur eine Deutung könne wahr sein”).⁴⁷

However, Bauer’s findings regarding al-ʿUthaymīn warrant a measure of scepticism. First of all, Bauer is correct to observe that, on this occasion, al-ʿUthaymīn limited himself to one interpretation. In fact, it is common practice for al-ʿUthaymīn, across his *tafsīr* corpus, to prefer one interpretation as the correct (*al-sahīh*), or apparent (*al-azhar*) view. This is, however, not enough to argue that al-ʿUthaymīn did not acknowledge the polysemic nature of the Qurʾānic text. There are multiple instances across his exegetical project where he provides parallel interpretations of a verse (or a word) *without preferring* one over the other,

there was a general acceptance of its truth.) WATT 1973: 262 also posited that the commentary of al-Ṭabarī “marks the close of an era”. By this he seems to indicate that Qurʾānic interpretation during the formative two centuries of Islam was even more open than the later periods. And on the argument that the *tafsīr* genre gradually became a reductionist discipline that restricted the meanings of the otherwise rich Qurʾān, see the important comments given by IBN ʿĀSHŪR (d. 1973) 2006: 161-165.

44 VAN ESS 2018: 1736.

45 SALEH 2003: 18.

46 On this issue, PINK 2016: 779 explains that “many modern exegetes had difficulties” with accepting “a multiplicity of meanings as equally true” because their focus was on extracting practical guidance from the Qurʾān, and guidance “is dependent on a clear and unambiguous reading of the text”.

47 BAUER 2011: 125-128.

though he might add a note to the effect that the parallel interpretations do not contradict each other. Examples include his commentary on Q. 2:218,⁴⁸ Q. 18:22,⁴⁹ and Q. 50:40.⁵⁰ It follows, then, that this generalisation, based on a single example, is not entirely correct: it risks being a selective reading that inaccurately depicts al-‘Uthaymīn. Secondly, Bauer’s contention that al-‘Uthaymīn’s interpretation of the verse—namely, that “*al-sābiqāt*” are the angels *racing* to God’s command, in the sense that they are more observant of God than humans—does not go back to the classical tradition is, again, inaccurate. For instance, al-Qurtubī (d. 671/1273) records almost the same interpretation, attributing it to previous authorities, one of whom is Mujāhid (d. 104/722), namely that “*al-sābiqāt*” are the angels who surpassed humans in good deeds (“*hiya l-malā’ikatu sabaqat-i bna ādama bi-l-khayri wa-l-‘amali l-ṣālihi*”).⁵¹ Therefore, the claim that al-‘Uthaymīn’s interpretation of Q. 79:4 has no grounds in the classical tradition should be revised. Bauer would have perhaps been able to make a better case by appealing to a different commentator, though I am not entirely sure which commentator will *consistently* meet Bauer’s criteria.⁵² The upshot is that Bauer’s second thesis is not without its problems. Griffel seems to share this concern: he writes that Bauer’s book—as well as Ahmed’s *What is Islam*—portrays modern Islam in a “reductionist and coarse” manner.⁵³ Furthermore, Bauer’s seeming generalization does not line up with the general state of the field—Pink has rightly observed that “contemporary Qur’ānic exegesis is a highly fragmented field” and thus “pluralization seems inevitable”.⁵⁴ In addition to this, the continuity between medieval and modern Muslim *tafsīr* has been noted by Sinai:

48 AL-‘UTHAYMĪN 2002(a): 64.

49 AL-‘UTHAYMĪN 2002(b): 41-42.

50 AL-‘UTHAYMĪN 2004: 112.

51 AL-QURTUBĪ 2006: XXII, 42.

52 In theory, a potential candidate for Bauer may be the twentieth-century scholar al-Farāhī (d. 1930) who wrote in *al-Takmil fī uṣūl al-ta’wīl* that the Qur’ān only admits of one interpretation (“*lā yaḥtamilu illā ta’wīlan wāḥidan*”) (AL-FARĀHĪ n.d.: 31). Nonetheless, whether or not al-Farāhī’s exegetical practice tallies with his theory is a different question: if we look at his *Tafsīr nizām al-Qur’ān* we can find indications to the effect that he does not subscribe totally to his hermeneutical principle. For instance, in his exegesis of Sūrat al-‘Aṣr, Q. 103, he states that this chapter has two interpretations; one general and one specific (“*li-l-sūratī ta’wīlāni: ‘āmmun wa-khāṣṣun*”) (AL-FARĀHĪ 2008: 381). Although he observes the link between both, it appears to me that this weakens, to some extent, his theoretical principle that the Qur’ān admits of only one interpretation. Perhaps a better option for Bauer would be the contemporary short commentaries such as Majma’ al-Malik Fahd’s *al-Tafsīr al-muyassar*, and Tafsir Center’s *al-Mukhtaṣar*. However, this would entail the risk of comparing non-identical categories. This is to say that comparing al-Māwardī’s *tafsīr*, for example, with Tafsir Center’s *al-Mukhtaṣar* obscures the differences between both in terms of style and the targeted audience. In a related discussion, SALEH 2003: 22 wrote that “[we] should not judge the *madrassa* style commentaries by the same criteria we use to judge the encyclopedic ones”. Additionally, if we apply Pink’s typology of modern *tafsīr* to these two works—retrospectively in the case of al-Māwardī—then al-Māwardī’s could be classed as a “scholar’s commentary” whereas *al-Mukhtaṣar* falls under the “institutional commentaries” category (PINK 2010: 61).

53 GRIFFEL 2017: 19.

54 PINK 2016: 789.

From my reading of Riḍā's and Quṭb's introductions to *Sūrat al-An'ām*, I come away with the impression that a due appreciation of the multifarious ways in which modern Islamic exegesis can be in conversation with the antecedent tradition—by re-evaluating ancient reports, by scrutinising and critiquing the views of earlier authorities, by reconfiguring existing topoi—is indispensable to gauging its full sophistication.⁵⁵

Moving on, the notion that the Qur'ān contains ambiguous verses is also attested in the Qur'ān, particularly in Q. 3:7, part of which reads: “it is He who has sent this Scripture down to you [Prophet]. Some of its verses are definite in meaning—these are the cornerstone of the Scripture—and others are ambiguous”. I do not intend to go into the various technicalities of this verse which have already been dealt with elsewhere.⁵⁶ Rather, I would like to adduce the verse as evidence of the Qur'ān's positive framing of its inherent ambiguity. Further, I would like to corroborate this notion by presenting al-Rāzī's threefold classification of Qur'anic verses in terms of ambiguity—a classification which he provides by way of summarising his comprehensive treatment of Q. 3:7—and then providing a sample of his exegetical treatments to show how a towering figure in the interpretive tradition tackled the issue of ambiguity. However, in order to understand al-Rāzī's hermeneutics of ambiguity, we must first grasp his conception of whether or not scriptural indicants engender certitude.

Al-Rāzī submits that revelation is incapable of yielding definitive knowledge. In *Asās al-taqdīs*, for instance, he writes that lexical proofs (“*al-dalā'il al-laḥẓiyyah*”)—or scriptural proofs (“*al-dalā'il al-sam'iyyah*”), as he describes them in *al-Maṭālib*⁵⁷—can never be definitive because they are dependent on various inconclusive factors, such as grammar and the transmission of language. And given that these factors are inconclusive in themselves, that which relies on them cannot engender certitude.⁵⁸ Clearly, al-Rāzī is raising the bar high. It follows, then, that both the *muḥkamāt* and *mutashābihāt* are non-conclusive categories. It

55 SINAI 2016: 151. And of the various contemporary commentaries which display a continuity with the classical exegetical tradition is Ibn 'Āshūr's, which is described by MUBARAK 2018: 4 “as one that revives the relevance of classical hermeneutics by applying them to deliver new meanings”. WIELANDT 2006: 124 also writes in this regard that many “Qur'ān commentaries of this time hardly differ from older ones in the methods applied and the kinds of explanations given”, and thus one should “always bear in mind that in the exegesis of the Qur'ān there is a broad current of unbroken tradition continuing to this day”. Nonetheless, I do not mean to deny that many modern commentaries betoken a discontinuity with the classical tradition. Recently, and in an excellent contribution to this topic, COPPENS 2021 supported the view that there has been a shift from a polyvalent *tafsīr* tradition to a monovalent one in modern times, arguing that one of the main reasons for this shift is the rise of the ‘*sūrah-unity*’ approach to *tafsīr*. He also notes two issues with Bauer's case study: the focus on a small set of verses, and Bauer's choice of al-'Uthaymīn, who is not a central name in contemporary *tafsīr* (37).

56 See, for example, KINBERG 1988: 143-172, and EL-TOBGUI 2008: 125-158.

57 AL-RĀZĪ 1987: IX, 113.

58 AL-RĀZĪ 1986: 234-235. Ten factors are listed in AL-RĀZĪ 1987: IX, 113-118. For more nuanced discussions on al-Rāzī's views on this matter, and on the possibility of revelation engendering conclusive knowledge if supported by *tawātur*, see JAFFER 2015: 77-83 and 102-104, and EL-TOBGUI 2019: 133-134. In understanding and translating parts of al-Rāzī's passage, I was immensely helped by EL-TOBGUI 2008: 140.

is through this conceptualisation of certainty that we discover many ramifications for al-Rāzī's entire exegetical project.

Yet another prefatory explanation is in order: al-Rāzī's definition of the *muḥkamāt* and *mutashābihāt*. On the semantic level, a term is considered a *muḥkam*, al-Rāzī contends, in one of two cases: first, if it is capable of signifying only one meaning. Put differently, the first case is when the word is univocal (“*idhā kāna l-lafzu mawḍū'an li-ma'nan wa-lā yakūnu muḥtamilan li-ghayrihī*”). A second type of *muḥkamāt* are those words which allow for more than one meaning, yet one of the meanings is preponderant, that is, immediate (“*an yakūna ḥtimālūhū li-aḥadihimā rājiḥan*”). The *mutashābihāt*, on the other hand, are those words in which more than one meaning is possible but neither meaning is preponderant.⁵⁹ It is crucial to note that at this stage we are only speaking of “the primordial semantic denotation of words considered in isolation and *before* they enter into any actual linguistic context”.⁶⁰

So, what happens when the words appear in actual *usage*, in a *context*; in our case, the Qur'ān? That is to say, how is one to determine whether a word found in the Qur'ān is to be interpreted according to its preponderant meaning, or according to another, non-preponderant meaning? This discussion is stimulated by the following dilemma posed by al-Rāzī: what if the preponderant meaning is (theologically) false, and the non-preponderant meaning (theologically) true (“*innamā l-mushkilu bi-an yakūna l-lafzu bi-aṣli waḍ'iḥī rājiḥan fī aḥadi l-ma'nayayni wa-marjūḥan fī l-ākhari thumma kāna l-rājiḥu bāṭilan wa-l-marjūḥu ḥaqqan*”)? In his answer to this question, which essentially, and in an *implied* manner, differentiates between the *isolated semantic usage* and the *Qur'ānic usage*, al-Rāzī proposes a universal rule: if we construe a word that has two meanings—one apparent and one non-apparent—according to its *apparent meaning*, the word is said to be *muḥkamah*. If the word is construed—by virtue of an independent indicator—according to its *non-apparent meaning*, it is described as *mutashābihah*.⁶¹ It follows from this that a word could be, at one time, *muḥkamah* in its primordial denotation, but *mutashābihah* in its Qur'ānic application.

We are now, I hope, better equipped to look at al-Rāzī's classification of Qur'ānic verses with reference to the presence or otherwise of ambiguity, with the objective of ascertaining al-Rāzī's final statement on the matter. The rigorous and impartial scholar (“*al-muḥaqqiqu l-munṣifū*”), according to al-Rāzī, classifies the verses into three classes: first, the truly unambiguous verses (“*al-muḥkamu ḥaqqan*”), where the apparent meaning of a verse is confirmed by rational evidence. Second, those verses whose apparent meanings (“*zawāhiruhā*”) have been precluded by decisive (rational) proofs (“*al-dalā'il al-qāṭi'ah*”). These verses, according to al-Rāzī's definitions, are considered *mutashābihāt*—they are of *definitive ambiguity*, as El-Tobgui puts it.⁶² Third are those verses for which there exists no such evidence either to confirm or preclude their apparent meaning. Given that neither of these two options outweighs the other, al-Rāzī describes this category as entailing confusion (“*wa-yakūnu dhālika mutashābihan*”). Yet he submits that such verses should be interpreted according to their apparent meanings (“*alā zawāhirihā*”), as if to indicate that interpreting

59 AL-RĀZĪ 1981: VII, 181.

60 EL-TOBGUI 2008: 138.

61 AL-RĀZĪ 1981: VII, 182.

62 EL-TOBGUI 2008: 147.

the verses according to the apparent meanings is the default position.⁶³ Will this still render these verses ambiguous, that is, *mutashābihāt*? It seems so, at least on El-Tobgui's reading of al-Rāzī.⁶⁴ The main concern that arises from this account of al-Rāzī's views is that he not only acknowledges the existence of definitely ambiguous verses, but goes so far as to say that the meanings of non-ambiguous verses are confirmed through an extra-revelatory means, namely, rational evidence. What this appears to imply, if I have understood al-Rāzī correctly, is that even clearly unambiguous verses ("*al-muḥkamu ḥaqqan*") are in effect *ambiguous* per se, and that their disambiguation, the *confirmation*, is only possible through reason. Al-Rāzī clearly goes a long way in expanding the notion of ambiguity.

This theorisation—namely the notions of definitive knowledge and ambiguity—was heavily reflected in al-Rāzī's magisterial exegetical project. This is illustrated, for example, in his commentary on Q. 73:12-13: "We have fetters, a blazing fire, food that chokes, and agonizing torment in store for them." Here, al-Rāzī begins by interpreting the four items in the verse as denoting various forms of *physical* punishment ("*sā'iru anwā'i l-'adhābi*"). He then goes on to suggest that these four items could *possibly* be taken to indicate four levels of progressive spiritual punishments ("*yumkinu ḥamlu hādhihi l-marātibi l-arba'ati 'alā l-'uqūbati l-rūḥāniyyati*"). Importantly, al-Rāzī ends his discussion with a useful methodological remark. He affirms that he is not suggesting that only the spiritual interpretation is intended by the verse. Rather, he asserts that it is not impossible to entertain both readings ("*wa-lā yamtani'u ḥamluhū 'alayhimā*"), the physical punishment as the real sense, and the spiritual punishment as the non-literal, figurative meaning.⁶⁵

Another example that could serve to make my point on al-Rāzī's *Ambiguitätstoleranz* is his explanation of what is meant by "*al-ḥikmata*" in Q. 2:251, where David is described as having been assigned "sovereignty and wisdom". After providing the standard definition of wisdom ("*al-ḥikmah*"), al-Rāzī contends that wisdom only becomes complete with prophethood, the consequence of which is that it is not unlikely ("*fa-lā yab'udu*") that wisdom in this verse denotes prophethood.⁶⁶ The way in which he frames his comment, "*fa-lā yab'udu*", tells us how al-Rāzī conceived of the richness of Scripture, and how cautious he was in navigating through its layers of meaning, consciously retaining as many layers as he could.

The idea that al-Rāzī was operating with the notion of ambiguity in mind, and that it was affording him relative interpretive freedom, can also be inferred from his frequent use of the phrase "and it is possible" ("*wa-yaḥtamilu*"), a phrase that indicates he is cautious not to issue categorical interpretations, and that betokens his appreciation of the polysemic nature of the Qur'ān. An illustration of this is found in al-Rāzī's treatment of Q. 57:13, part of which reads: "On the same Day, the hypocrites, both men and women, will say to the believers, 'Wait for us! Let us have some of your light!'" In particular, his interpretation of the word "*unzurūnā*" is useful to us. Al-Rāzī comments on this verse by saying that the reading, "*unzurūnā*"—as opposed to the variant reading "*anzirūnā*"—bears two *possible* meanings ("*unzurūnā yaḥta-*

63 AL-RĀZĪ 1981: VII, 189.

64 EL-TOBGUI 2008: 147.

65 AL-RĀZĪ 1981: XXX, 181.

66 Ibid., VI, 204.

milu wajhayni”): the first one is ‘wait for us’, whereas the second is ‘look at us’. And given that al-Rāzī does not prefer one over the other, it seems that he approved of both.⁶⁷

Nonetheless, depicting al-Rāzī as an exegete who embraces ambiguity should not be taken to mean that al-Rāzī was necessarily a proponent of the notion of parallel truths, as mentioned above by Bauer. Al-Rāzī clearly set some limits to this notion and failing to clarify this on our part risks misrepresenting his writings. One example of this surrounds the question of whether or not the equivocal (*al-mushtarak*) could be understood to signify more than one *literal* meaning simultaneously. To present the matter in a different way, if a word is capable of signifying two different meanings literally, could we entertain *both* meanings in *one* usage, namely, the *same* context? In the course of his discussion of Q. 4:1, in particular the unit that reads “be mindful of God, in whose name you make requests of one another. Beware of severing the ties of kinship” (“*wa-ttaqū Llāha lladhī tasāʿalūna bihī wa-l-arḥāma*”), al-Rāzī raises the problem of equivocity. According to the reading, “*wa-l-arḥāma*”, which is in the accusative case, the verse could be rendered as “*wa-ttaqū Llāha, wa-ttaqū l-arḥāma*”. By this it is meant that the verb “*wa-ttaqū*” is linked to both God *and* the kinship; the same imperative applies to two different nouns. However, the former *taqwā* could not have the same meaning of the latter: *taqwā* towards God—obeying Him—is different from *taqwā* as it is applied to the relatives (“*maʿnā taqwā Llāhi mukhālifun li-maʿnā taqwā l-arḥāmī*”). Therefore, al-Qāḍī (ʿAbd al-Jabbār (d. 415/1024), perhaps), as quoted by al-Rāzī, says that this verse is proof that the same word could be intended to mean different meanings concomitantly. Al-Rāzī—congruent with his position on the double meanings of a *mushtarak* term⁶⁸—finds this notion problematic, and moves on to dispel it by suggesting that God might have uttered the same word—“*wa-ttaqū*”, in this case—twice (“*laʿallahū takallama bi-hādhihi llaḥẓati marra-tayni*”).⁶⁹ Al-Rāzī is essentially attempting to refute the notion that a single word, in its *literal sense*, could denote two meanings at once,⁷⁰ with a cryptic counter argument, which he himself rejects in *al-Maḥṣūl* as invalid on the grounds that there is consensus against it (“*wa-huwa bāṭilun li-nʿiqādi l-ijmāʿi ʿalā diddihī*”).⁷¹ This would seem to indicate that although al-Rāzī somehow held a relaxed conception of Qurʾānic ambiguity, he did not extend this to allow for a word to signify two different *literal* meanings in one usage. This, however, should not be confused with figurative readings: as we have seen above, al-Rāzī does allow for the same verse to have a literal (*ḥaqīqī*) *and* figurative meaning (*majāzī*) in tandem.

67 Ibid., XXIX, 225.

68 AL-RĀZĪ 1997: IV, 160.

69 AL-RĀZĪ 1981: IX, 171. He also uses the same argument when commenting on a similar problem in Q. 22:18 (Ibid., XXIII, 20).

70 This issue is dealt with in detail in *uṣūl al-fiqh* literature. For a detailed exposition, see AL-RĀZĪ 1997: I, 261-284.

71 Ibid., IV, 160.

5. The Tolerance of Ambiguity in Qur'anic Narratives

Having highlighted that ambiguity is indeed present in the Qur'an, I should like to take some time to look at Qur'anic narrative ethics in light of classical exegetical practice with an eye to analyse how ambiguity functions in expanding the universe of Qur'anic meanings. I will also explore the ethical implications thereof. In particular, I will look at one Qur'anic pericope, focusing my treatment, again, on the *Mafātih* of al-Rāzī, a work described by Goldziher as a monumental Qur'anic commentary (“monumentalen Korankommentar”), and considered by him as the culmination of Qur'anic commentaries (“Abschluss der produktiven Tafsir-Litteratur”).⁷²

Not only is it hoped that this pericope will reveal the ambiguous quality of the narrative unit, but also how this ambiguity functions in expounding the ethics of the Qur'an, its *practical ethics* in particular.

5.1. Q. 12:52-53: Polysemy and the Interpretive Imagination

The Qur'anic story of Joseph, the last verse of which begins by declaring that “There is a lesson in the stories of such people for those who understand” (Q. 12:111), has served as a significant source of spiritual and moral guidance to Muslims. The exegetical texts, coupled with the associated secondary literature, are replete with moral lessons.⁷³ On this basis, I have selected a short pericope from this narrative to show two things: the prevalence of ambiguity in the Qur'anic text, and the ethical implications of this phenomenon. My case study relates mainly to Joseph and the Governor's wife, as presented in Q. 12:52-53:

[Joseph said, ‘That was] for my master to know that I did not betray him behind his back: God does not guide the mischief of the treacherous. I do not pretend to be blameless, for man's very soul incites him to evil unless my Lord shows mercy: He is most forgiving, most merciful.’

*Dhālika li-ya'lama annī lam akhunhu bi-l-ghaybi wa-anna Llāha lā yahdī kayda l-khā'inīna. Wa-mā ubarrī'u nafsī inna l-nafsa la-ammāratun bi-l-sū'i illā mā raḥīma Rabbī inna Rabbī ghafūrun raḥīmūn.*⁷⁴

These verses, 52 and 53, are a continuation from the previous scene presented in verse 51, where the women are summoned by the King and interrogated about their seduction of Joseph (“*mā khaṭbukunna idh rāwadtunna yūsufa 'an nafsihī'*”), to which they respond by acknowledging his chastity. Thereupon, the Governor's wife—whom the Qur'an designates as “*imra'atu l-'azīzi'*”—comes forward to declare Joseph's innocence: that it was she who seduced him (“*anā rāwadtuhū 'an nafsihī'*”). The following verse, construed literally—and

72 GOLDZIHNER 1920: 123. Also note RAHBAR 1962: 303: “The Commentary of al-Rāzī, in eight massive volumes, is the greatest speculative tafsir. It is an ocean of various waters.” It is unfortunate, given the high value of this work, that no critical edition of the Arabic text has been published. With respect to translations, SAEED (2018) produced a masterful, and much welcomed, English translation of al-Rāzī's commentary on *Sūrat al-Fātiḥah*.

73 For a summary compilation of the objectives (including the moral lessons) of this narrative, see IBN 'ĀSHŪR 1984: XII, 198-200. JOHNS 1999: 111 also summarises the moral lessons of this narrative.

74 I have relied on the Qur'anic transliteration of ZIRKER 2020 although I have taken the liberty to modify it.

note here that I am deviating from Abdel Haleem’s translation which is essentially an attempt to *disambiguate* the verse⁷⁵—, says: “That was for him to know that I did not betray him behind his back ...” Here we find the following ambiguities:

1. Who is the one making this statement (*Ambiguity 1*)?
2. To which incident does the demonstrative pronoun, “*dhālika*”, refer (*Ambiguity 2*)?
3. Who is the subject of the verb “*li-ya‘lama*” (*Ambiguity 3*)?
4. Who is meant by the connected object-suffix in “*akhunhu*” (*Ambiguity 4*)?
5. Who said the statement, “I do not pretend to be blameless” (*Ambiguity 5*)?

For purposes of coherence, I will analyse the first four ambiguities together, and then move on to discuss the fifth one, which is located in a separate verse.

Ambiguity 1. Although one would expect the statement “That was for him to know that I did not betray him behind his back” to flow from the previous verse, as part of the conversation, and therefore be attributed to the Governor’s wife, the majority view (“*qawlu l-aktharīna*”) is that the speaker here is Joseph. This claim is supported by two similar occurrences in the Qur’ān, one of which is Q. 27:34, “She said, ‘Whenever kings go into a city, they ruin it and humiliate its leaders’—that is what they do”, where the latter part of the verse is understood by some exegetes to be disconnected from the former: the first part is accredited to the Queen of Sheba, and the latter part of the verse is held to be a (meta-narrative) comment by God.⁷⁶ Now, maintaining that the speaker in Q. 12:52 is Joseph, we move on to the next ambiguity.

Ambiguity 2. Which event is expressed with the demonstrative pronoun, “*dhālika*”? Al-Rāzī says that the pronoun refers to the incident mentioned in the previous verse, where the women were interrogated, and the Governor’s wife pleaded guilty. A second view—which is weak as implied in al-Rāzī’s utilisation of the word “*wa-qīla*”—holds that the event in question is a previous happening, mentioned in Q. 12:50, in which Joseph refused the King’s invitation and rather preferred to remain in captivity until his accusation is investigated. This invites us to take up another question: *when* did Joseph say this? Al-Rāzī offers us two possibilities: first, that Joseph made the statement when he met with the King—though al-Rāzī does not specify when that took place; perhaps he is alluding to the later verse, Q. 12:54,

75 That translations naturally tend to be reductionist, disambiguating, and that they do not usually accommodate the multiplicity of meanings of a text, is a point made by Bauer (“Eine Übersetzung ist ... immer *disambiguierend*”). Although inevitable, this is problematic, especially with regards to those places in the Qur’ān which allow for (and maybe also require) multiplicity. That is why, Bauer continues, only the original language of a text preserves its flexibility and openness to interpretation (“Somit ist allein im Original die Interpretationsoffenheit des Textes bewahrt”). It is upon this premise that Bauer understands the resistance to translating the Qur’ān in the classical Islamic world; for, on one hand, it compromises the literary beauty of the text, and, on the other, it means losing the Qur’ān’s generative potential for meaning (“Zum einen geht die ästhetische Dimension verloren, die man als wichtige Eigenschaft des göttlichen Textes ansah (anders als im Christentum). Zum anderen erleidet der übersetzte Text einen Ambiguitätsverlust und büßt damit gegenüber dem ursprünglichen an Bedeutungspotential ein”) (BAUER 2011: 140-142). In this regard, T. J. Winter says: “To translate the Koran is to strip it of its orchestral accompaniment, which is its splendidly Arabic matrix” (quoted in SAMSEL 2016: 78). Also see BLANKINSHIP 2020: 146.

76 AL-RĀZĪ 1981: XVIII, 157.

“The King said, ‘Bring him to me: I will have him serve me personally,’ and then, once he had spoken with him, ‘From now on you will have our trust and favour.’” Second, that Joseph said it to the messenger when he returned to him with the news.⁷⁷

Ambiguity 3 and Ambiguity 4. The question here is: to whom was Joseph alluding when he said, “so that he knows” (“*li-ya'lama*”), and who did Joseph have in mind when he said, “I did not betray him” (“*lam akhunhu*”? Al-Rāzī offers us three ways to read the verse. According to the first interpretation, the implied subject of the verb “*li-ya'lama*” is the King, and the object of the second verb “*akhunhu*”, expressed in the form of a third-person masculine singular attached pronoun, is the Governor, the woman’s husband. That is, Joseph is saying, when we substitute the pronouns: “That was for the King to know that I did not betray the Governor”. A second approach to the verse is to say that both pronouns refer to the King, in the sense that a betrayal of the King’s minister—the Governor—entails, in some aspects (“*min ba'di l-wujūhi*”), a betrayal of the King. Thus, the verse is rendered as: “That was for the King to know that I did not betray the King”. One may also understand both words—and this is the third interpretation—as associated with the Governor,⁷⁸ making the verse akin to: “That was for the Governor to know, that I did not betray the Governor”.

Alternative disambiguation. Having explained the four ambiguities in light of the majority view—that it was Joseph who was speaking—I will now look at the other possibility; that the statement was made by the Governor’s wife. The meaning of this alternative construal, according to al-Rāzī, is that although the Governor’s wife allowed herself to betray Joseph in his *presence*—that is, when she accused him in front of her husband (Q. 12:25)—she did not betray him *in absentia*; rather, she admitted her guilt in Joseph’s absence. This reading is supported by the observation that Joseph was in the jail when the women were summoned by the King. What follows, then, is that it is inconceivable that Joseph would have made the statement, unless the news of what happened in the King’s court was relayed to him through a messenger, to which he would have responded with those words. If this is the case (that Joseph made the statement *later*), it will require an abrupt change in the flow of the narrative. Put differently, taking Joseph to be the speaker implies an abrupt coordination between two *independent statements*—in verses 12:51 and 12:52—made in two different settings. According to those objecting to the view that Joseph was the speaker, such a coordination is unknown in prose nor poetry (“*wa-mithlu hādhā l-waṣli bayna l-kalāmayni l-ajnabiyyayni mā jā'a l-battata fī nathrin wa-lā naẓmin*”).⁷⁹ In this way, one is justified in maintaining that the speaker was the Governor’s wife. Accordingly, with the resolution of *Ambiguity 1* in this way (that is, attributing the statement to the Governor’s wife), we are left with fewer exegetical gaps, and thus fewer possibilities with regards to ambiguities 2, 3 and 4. This could be explained as follows: if we say that it was the Governor’s wife who issued the statement, “That was for him to know that I did not betray him behind his back: God does not guide the mischief of the treacherous”, then we will be left with only one option regarding the construal of the demonstrative pronoun “*dhālika*”. It denotes the incident whereupon she admitted her guilt before the King, thus solving *Ambiguity 2*. By the same token, this line of reasoning

⁷⁷ Ibid., 157-158.

⁷⁸ Ibid., 158.

⁷⁹ Ibid.

entails that both verbs, “*li-ya‘lama*” and “*akhunhu*”, are associated with Joseph. The result of this is the following rendition of the verse: “I admitted my guilt before the King so that Joseph knows that I did not betray Joseph”. The upshot here is that the three ambiguities—2,3, and 4—will convey only *one* interpretation.

Having completed an analysis of the ambiguities contained in the first verse of the pericope under examination, we now proceed to the next verse, Q. 12:53. As mentioned above, there is one ambiguity in this verse. It is the identity of the character uttering “I do not pretend to be blameless, for the human soul is prone to evil unless my Lord shows mercy: He is most forgiving, most merciful”—that is, whether it is Joseph or the Governor’s wife (*Ambiguity 5*). Establishing the identity of the speaker in this verse, according to al-Rāzī, is contingent upon our construal of the previous verse, Q. 12:52 (“*i‘lam anna tafsīra hādhihi l-āyati yakhtalifu bi-ḥasabi khtilāfi mā qablahā*”): if we say that the previous sentence was Joseph’s, it follows that this sentence is part of his speech too. Otherwise, the sentence will be attributed to the Governor’s wife—and al-Rāzī is happy to interpret the verse both ways (“*wa-nahnu nufassiru hādhihi l-āyata ‘alā kilā l-taqdīrayni*”). Al-Rāzī is conscious, however, that to attribute the statement to Joseph is not without its problems. For example, it could be taken—and in fact it was—as evidence that Joseph desired the Governor’s wife and was about to succumb, the consequence of which is that Joseph is deserving of (some) blame. Consistent with his standard position on prophetic infallibility (*‘iṣmah*), al-Rāzī responds to this problem in two different ways. According to the first proposal, when Joseph said, in the previous verse, “That was for him to know that I did not betray him behind his back”, he was asserting his goodness and purity (“*kāna dhālika jāriyan majrā madhi l-nafsi wa-tazkiyatihā*”), and given that the asserting one’s own purity is discouraged—as advanced in Q. 53:32, and quoted by al-Rāzī as a prooftext—Joseph had to rectify what he did by saying, “I do not pretend to be blameless”. He was in no way admitting that he had any desire for the Governor’s wife; rather, his choice of words was motivated by a sense of self-humbling and redress for falling short of the (high) moral standard expected of him. In his second response, al-Rāzī turns the argument of the *hashwiyyah* on its head. When Joseph said, “That was for him to know that I did not betray him behind his back”, contends al-Rāzī, he did not mean that he refrained from the betrayal because he had no natural inclination to the Governor’s wife (“*mā kāna li-‘adami l-raqhbati wa-li-‘adami mayli l-nafsi wa-l-ṭabī‘ati*”). Rather, Joseph withdrew from the sin due to the fear of his Lord (“*li-qiya‘ami l-khawfi min-a Llāhi*”).⁸⁰ Thus, al-Rāzī is implying, the fact that Joseph had the natural desire yet refrained from acting upon it does not threaten to undermine Joseph’s normativity. On the contrary, this reading presents Joseph’s behaviour in line with morality.

Alternatively, if we adopt the view that it was the Governor’s wife who said “I do not pretend to be blameless”, then the verse could again be understood in two ways. First, it conveys that the Governor’s wife was (again) admitting that she seduced Joseph, attesting to Joseph’s testimony in Q. 12:26, “She tried to seduce me”. The second interpretation understands her assertion as follows: her previous statement, “That was for him to know that I did not betray him behind his back”, appears to be an *unqualified* statement, in the sense that she is exonerating herself *completely* of any betrayal. But given that she in fact betrayed

80 Ibid., 159-160.

Joseph—when she accused him in the first place, as in Q. 12:25, “She said, ‘What, other than prison or painful punishment, should be the reward of someone who tried to dishonour your wife?’”—this was an attempt on her part to retract her previous unqualified assertion.⁸¹

After discussing these two different approaches to construing the ambiguity in Q. 12:53, that is, whether it was Joseph or the Governor’s wife, al-Rāzī asks which of the two views is more compelling. Al-Rāzī, in a rare moment of exegetical crisis, admits that both interpretations are problematic: in the former case—attributing the statement to Joseph—the general narrative flow will be disrupted, whereas in the latter case it implies that the Governor’s wife who was strenuously seeking the sin (“*istafraghat juhdaḥā fi l-ma‘ṣiyati*”) is issuing a self-humbling statement, one which befits a person who has stayed aloof from sinning, and says it by way of humbling himself (“*alā sabīli kasri l-naḥsi*”).⁸² The difficulty al-Rāzī is facing here, the hermeneutical dilemma, highlights the fact that textual ambiguity, although functional in enabling different readings, could nevertheless puzzle even some of the finest minds to have studied the Qur’ān.

Taking the two verses together (Q. 12:52-53), while relying on the various interpretations stated by al-Rāzī, I propose to reconstruct the *exegetical possibilities* of these two verses in the following numbered scheme. Before presenting these hypothetical reconstructions, I should first note that by *exegetical possibilities* I mean a wider concept that goes beyond strict interpretation, in the sense that it also includes *why* a statement was said. Amalgamating both verses together, we have the following interpretations:

1. Joseph is saying that the interrogation of the women (and the Governor wife’s confession) was for the King to know that he, Joseph, did not betray the Governor (*al-‘azīz*). Joseph then said, “I do not pretend to be blameless”, by way of humbling himself.
2. Joseph is saying that the interrogation of the women (and the Governor wife’s confession) was for the King to know that he, Joseph, did not betray the King. Joseph then said, “I do not pretend to be blameless”, by way of humbling himself.
3. Joseph is saying that the interrogation of the women (and the Governor wife’s confession) was for the Governor to know that he, Joseph, did not betray the Governor. Joseph then said, “I do not pretend to be blameless”, by way of humbling himself.
4. Joseph is saying that his refusal of the King’s invitation was for the King to know that he, Joseph, did not betray the Governor. Joseph then said, “I do not pretend to be blameless”, by way of humbling himself.
5. Joseph is saying that his refusal of the King’s invitation was for the King to know that he, Joseph, did not betray the King. Joseph then said, “I do not pretend to be blameless”, by way of humbling himself.
6. Joseph is saying that his refusal of the King’s invitation was for the Governor to know that he, Joseph, did not betray the Governor. Joseph then said, “I do not pretend to be blameless”, by way of humbling himself.

81 Ibid., 160.

82 Ibid.

7. Joseph is saying that the interrogation of the women (and the Governor wife's confession) was for the King to know that he, Joseph, did not betray the Governor (*al-'azīz*). Joseph then said, "I do not pretend to be blameless", to indicate that he only refrained out of his fear of the Lord.
8. Joseph is saying that the interrogation of the women (and the Governor wife's confession) was for the King to know that he, Joseph, did not betray the King. Joseph then said, "I do not pretend to be blameless", to indicate that he only refrained out of his fear of the Lord.
9. Joseph is saying that the interrogation of the women (and the Governor wife's confession) was for the Governor to know that he, Joseph, did not betray the Governor. Joseph then said, "I do not pretend to be blameless", to indicate that he only refrained out of his fear of the Lord.
10. Joseph is saying that his refusal of the King's invitation was for the King to know that he, Joseph, did not betray the Governor. Joseph then said, "I do not pretend to be blameless", to indicate that he only refrained out of his fear of the Lord.
11. Joseph is saying that his refusal of the King's invitation was for the King to know that he, Joseph, did not betray the King. Joseph then said, "I do not pretend to be blameless", to indicate that he only refrained out of his fear of the Lord.
12. Joseph is saying that his refusal of the King's invitation was for the Governor to know that he, Joseph, did not betray the Governor. Joseph then said, "I do not pretend to be blameless", to indicate that he only refrained out of his fear of the Lord.
13. The Governor's wife is saying that she admitted her guilt before the King so that Joseph knows that she did not betray Joseph (in his absence). She then said "I do not pretend to be blameless", to admit her seduction of Joseph.
14. The Governor's wife is saying that she admitted her guilt before the King so that Joseph knows that she did not betray Joseph (in his absence). She then said "I do not pretend to be blameless", to qualify her previous absolute statement.

We have thus identified fourteen different ways for understanding the pericope. And these are all possible due to its inherent ambiguity. I should emphasise here that these possibilities are based on al-Rāzī's work only; including other exegetical works in our analysis will expand the exegetical potential of the pericope. For example, in *Zād al-masīr*, Ibn al-Jawzī (d. 597/1201) records a view holding that the speaker in Q. 12:52, "That was for him to know that I did not betray him behind his back", is the Governor, and thus adding another interpretive possibility. Furthermore, he says that, on the view that the speaker in Q. 12:52 was Joseph, the subject of the verb "*li-ya'lama*" could be God, that is, Joseph was saying: "That was for God to know".⁸³ This opens up further exegetical possibilities.

5.2. Q. 12:52-53: *Muḥkamatān* or *Mutashābihatān*?

On the basis of the analysis conducted above, I would like to ask the following questions: are both verses in the pericope determinate, or are they ambiguous? Or is one of them clear and

⁸³ IBN al-JAWZĪ 2002: 702-703.

the other ambiguous? If we defer the matter to al-Rāzī's threefold classification—that verses are either truly unambiguous, definitely ambiguous, or vaguely ambiguous (where there is no evidence either to confirm or preclude their apparent meaning)—we will not be able to answer this question. This is because, if I have understood al-Rāzī correctly, this classification applies to those verses which have an *apparent meaning*. For the pericope under question, at least for some of its fourteen possible readings, it does not seem to me that there is an apparent meaning; indeed, our attention was directed towards al-Rāzī's perplexity regarding Q. 12:53. It follows, then, that the notion of preponderation, on which al-Rāzī's threefold classification rests, is not in question here.

To remedy this, I will resort to al-Rāzī's linguistic classification, according to which a *lafz* is a *mutashābih* if it conveys two meanings and none is preponderant; this is what he also describes as the *mushtarak*.⁸⁴ Taking this classification—which is also found in *al-Maḥṣūl*⁸⁵—and applying it to the pericope in its entirety, that is, going beyond the micro approach which is concerned with individual words, I tentatively suggest that, by al-Rāzī's standards, these two verses fall within the category of the *mutashābihāt*. This is by virtue of their admitting more than one meaning without there necessarily being a preponderant interpretation; they generally have equal probative weight. In advancing this argument, I would like to ground my assertion in al-Rāzī's interpretation of what is meant by the phrase “*qurū*” in Q. 2:228: does it denote the menstruation period or purity? After discussing both views and their arguments, al-Rāzī commented that when the different arguments are in opposition, preponderation is not feasible (“*inda ta'āruḍi hādhihi l-wujūhi tad'ufu l-tarjīhātu*”).⁸⁶ The same applies, I suggest, to our pericope. To be sure, this is my general assessment of both verses taken together; for I am not denying that we can conceive of some interpretations as stronger relative to others. Rather, there is a distinction between the capacity of a verse to be interpreted, and the hermeneutical power of that interpretation—in fact various evaluations are found in the *tafsīr* tradition, alluding to the fact that some interpretations point more clearly to the intended meaning.⁸⁷

5.3. The Moral Possibilities of Ambiguity

How do these variant readings and construals of the verses affect the moral implications of the story? What difference do they make to our appropriation of Qur'anic narrative ethics? It is to these questions that I shall now turn. I will not, however, exhaust all the fourteen interpretations, but instead offer some examples of how the different interpretations bear unique ethical lessons. This, I hope, will serve to show how scriptural ambiguity is central to ethical discourse.

⁸⁴ AL-RĀZĪ 1981: VII, 181.

⁸⁵ AL-RĀZĪ 1997: I, 229-230.

⁸⁶ AL-RĀZĪ 1981: VI, 98.

⁸⁷ Cf. AARON 2001: 81: “just because there are cases in which authorial or contextual meaning is, in fact, impossible to ascertain with a comfortable degree of certainty, we are not obliged to declare all forms of meaning equal, or give up on meaning altogether”.

Verse 52: The main lesson handed down by this verse, across all its readings, is the immorality of betrayal, *al-khiyānah*. However, we may ask, what further moral specificities depend on the *identity* of the speaker? If we hold that the author of “That was for him to know that I did not betray him behind his back” was Joseph, and that he was pointing to the Governor—the woman’s husband—in both verbs, then this betokens the *special moral obligation* owed by Joseph to the Governor, by virtue of the latter hosting Joseph in his house and treating him decently. We know from Q. 12:21 that the Governor told his wife, regarding Joseph, “Look after him well!” In other words, this reading of the verse could be taken as an expression of the idea that Joseph owed the Governor *more* gratitude, the general moral lesson of which is that there is a positive moral correlation between favour and gratitude. If, however, we entertain the reading that says Joseph was referring to the King, then this perhaps underscores the ethics of *loyalty*. Furthermore, under this interpretation—that Joseph was addressing the King with the verb “*li-ya’lama*”—another moral possibility opens. It is the question of why Joseph addressed the King in the third person, “*li-ya’lama*”? According to a report adduced by al-Rāzī, Joseph used this form of speech out of glorification for the King (“*ta’zīman li-l-maliki*”).⁸⁸ Thus, it draws our attention to the ethics of respect.

Regarding the construal of the demonstrative pronoun, “*dhālika*”, if we follow the interpretation maintaining that Joseph was referring to his refusal of the King’s invitation until after the investigations were completed, then it could be understood as a demonstration of the importance of upholding one’s moral reputation. It also shows the ethical importance of stressing one’s innocence; according to al-Rāzī, if Joseph actually committed the sin, it would have been impossible for him, according to custom (“*la-stahāla bi-ḥasabi l-’urfī*”), to insist on investigating the matter; for only an innocent person would be so eager for an investigation.⁸⁹

Alternatively, let us look at the ethical implications entailed by the second interpretation regarding the identity of the speaker, that it was the Governor’s wife, “*imra’atu l-’azīzi*”. Her saying “That was for Joseph to know that I did not betray him behind his back” perhaps shows us that betraying someone behind their back is graver than betraying them in their presence. This highlights the notion that moral transgressions are of different levels, and that betraying Joseph in his absence was considered by the Governor’s wife a moral red line which she was not willing to cross; she was morally conscious. Furthermore, and as al-Rāzī noticed, she was perhaps attempting to apologise *genuinely* for her wrongdoing through repeating the assertion, though in different words, that she did not betray Joseph on the second occasion, “God does not guide the mischief of the treacherous”.⁹⁰ I also take this statement as an allusion to the moral complexity inherent in humans, that good and evil co-exist and committing a sin does not strip one of his morality. The Qur’ān, through the example of the Governor’s wife, may be trying to convey the message that the doors of repentance and moral progression are always open, and that moral transgressions could serve as instructive experiences from which we learn to become better people. In this way, the

⁸⁸ AL-RĀZĪ 1981: XVIII, 158.

⁸⁹ Ibid.

⁹⁰ Ibid.

Governor's wife could be looked at from a different angle; rather than censuring her, she could be presented as a moral exemplar.

Verse 53: Through reading the words "I do not pretend to be blameless", as being Joseph's, at least two different moral lessons could be derived. If we maintain that his words were chosen with the purpose of humbling himself even though he did not commit any sin, then he is setting an example in humility. According to the other reading of the verse, that Joseph said "I do not pretend to be blameless", in the sense that he did indeed feel inclined towards the Governor's wife, but only refrained out of fear for his Lord, a different lesson could be discerned. His behaviour might be taken as a demonstration of the moral struggle that one is destined to go through in this life. The verse emphasises, in particular, the need to appreciate the demands of morality and the struggle involved therein; that to remain true to one's moral standards will require sacrifice and much internal struggle. A further moral lesson from this second reading is that Joseph's susceptibility to sin (even if he did not ultimately sin) renders him more relatable to the Qur'anic audience, thus leaving him better positioned for ethical education.

As stated above, Verse 53 could equally be attributed to the Governor's wife, and here we have two interpretations, each with a distinct moral lesson. The first interpretation, that her statement "I do not pretend to be blameless" was by way of admitting that she seduced Joseph, draws attention to her *moral sensitivity*. She was eager to emphasise that it was she to whom blame belonged, and this reflects her sincere repentance. The alternative reading, on the other hand, submits that her assertion was in order to qualify her previous statement in which she said that she did not betray Joseph when in fact she did. This is to say that she accused Joseph, and accusation amounts to betrayal in one way or another. This reading promotes the notion of honesty, serving to emphasise the importance of precision, and taking words seriously.

I hope that through highlighting some of the moral possibilities of the pericope I have been able to convey some of the richness of the Qur'anic text, and to demonstrate how the inherent ambiguity of the verses enables us to generate various ethical lessons. Next, we will examine the theological grounding of this productive ambiguity.

6. Theology of Revelation, Interpretation, and Ethics

In an illuminating symposium paper, Vishanoff observed how the ontological question of the nature of Divine speech is profoundly entwined with exegetical practice: "How a Muslim thinker imagines God's speech has (or logically ought to have) crucial implications for how that thinker understands and interprets the Qur'an."⁹¹ Whereas the Ash'arī conception of Divine speech, that it is essentially an eternal attribute of God, allowed "a greater role for the appropriation of revelation's meaning by the community",⁹² Mu'tazilī metaphysics of the created Qur'an, concomitant with the notion of Divine justice, meant that God's speech

⁹¹ VISHANOFF 2015: 2. Also see GLEAVE 2013: 35-36.

⁹² FARAHAT 2019: 103.

“contains no irresolvable ambiguity”.⁹³ It follows, then, that the Ash‘arī theology of Divine speech looks at interpretation as an attempt to approximate the meaning of revelation, thus resulting in greater hermeneutical freedom.⁹⁴

Taking this into consideration, we may now ask: is al-Rāzī’s commentary on Q. 12:52-53, as presented above, consistent with his theology of revelation? In other words, is there a continuity between his Ash‘arī commitments and his exegetical practice? First, I should note that al-Rāzī affirms the Ash‘arī theology of Divine speech in his commentary on Q. 42:51, “It is not granted to any mortal that God should speak to him except through revelation or from behind a veil, or by sending a messenger to reveal by His command what He will: He is exalted and wise.” In this regard, he writes: “As for al-Ash‘arī and his followers, they have claimed that God’s speech is an internal attribute (of His) expressed in these letters and sounds.” He then proceeds to respond to the Mu‘tazilī notion that the Qur‘ān was created at a given point in time.⁹⁵ This clearly evidences that he had the Ash‘arī theology of Divine speech in mind whilst writing his *tafsīr*. Based on this theorization and the various interpretations he has given us regarding Q. 12:52-53,⁹⁶ I am tempted to conclude that there is a coherence between al-Rāzī’s theology and his exegesis: the notion of the eternity of God’s speech was practically translated into a *wide* conception of Qur‘ānic interpretation.⁹⁷ To borrow the words of Stern—though his are in relation to the midrash—al-Rāzī, in recording multiple interpretations, was “simply putting into practice an ideological belief about the nature of Scripture, namely, the hermeneutics of polysemy”.⁹⁸ And this, in turn, had its consequences on ethics, in that various ethical lessons were generated from the pericope—an abstract idea of philosophical theology has profound ethical implications.

7. Concluding Remarks

On the topic of ambiguities of interpretation, Chittick wrote that in studying “all forms of literature that quote and explain Qur‘anic verses ... one becomes aware that the only issue that the Qur‘an leaves unambiguous is the fact that God *is*”. He also adds that “there can be no consensus on meanings understood from words, because that pertains to consciousness,

⁹³ VISHANOFF 2011: 138.

⁹⁴ Cf. WINKEL 1997: 102: “Both positions allow for seeing the divine “behind” the physical workings of the world. But the Ash‘arī position sets up a framework that sees more clearly and insistently the living God and the living Law. As with fractal geometries, Escher’s drawings, and chaos theories, the universe is not less orderly and meaningful just because it does not admit of manipulation and prediction.”

⁹⁵ AL-RĀZĪ 1981: XXVII, 188-189.

⁹⁶ Further support for my argument, that al-Rāzī acknowledged the ambiguity of the Qur‘ān, could be found in his treatment of the question of whether or not humans create their own acts. After extensively presenting the arguments of both sides on this matter, he concludes that because the scriptural verses employed by both sides are in conflict, we should resort to rational evidence (AL-RĀZĪ 1987: IX, 353-354). This, it appears to me, is an acknowledgement on the part of al-Rāzī that it is an irresolvable Qur‘ānic ambiguity.

⁹⁷ This chimes, to some extent, with Ibn ‘Arabī’s conception of Qur‘ānic hermeneutics; see CHITTICK 2000: 154.

⁹⁸ STERN 2004: 123.

the living substance of the soul. The only possible place where consensus might exist is in the *expression* of meaning”.⁹⁹ Interestingly, Chittick finds a theological explanation for the existence of ambiguity in the Qur’ān. For him, the reason why scholars cannot reach unanimity on issues in the Qur’ān is because “that would contradict *tawhīd*, the axiom that ‘Nothing is truly one but God’”. Put differently, “[t]he multiple verses of the Qur’an (not to mention other scriptures) show that the One Speech, once it enters into manifestation, takes myriad forms, because all that is not God—including scriptures and prophets—is many by definition”.¹⁰⁰ The findings of this article point in this direction. Furthermore, I would go as far as to venture the hypothesis that the language of the Qur’ān, to borrow from Aaron, “is essentially natural language ... a language that is essentially non-theological, in that it is devoid of highly construed controls on semantic variables”.¹⁰¹

To sum, this article has aimed to make a case for the function of ambiguity in making Qur’anic narratives fertile sites of moral education. I have attempted to illustrate how ambiguity contributes to expanding the meanings of the Qur’ān. It has been demonstrated, mainly through al-Rāzī, how the classical exegetical tradition was open to a variety of meanings of the text, an openness that is accounted for through the existence of *functional ambiguity*. In other words, the Qur’ān is ambiguous by design,¹⁰² and ambiguity forms one of the distinctive characteristics of the Qur’ān’s textual poetics. We have also seen, by way of one case study, the capacity of Qur’anic narratives to communicate moral ideas and thus contribute to ethical theory and practice. While various clear and practical moral messages could easily be derived from the narratives, there is still room for multivalency, and it is this attribute that grants narratives their moral power and allows them to endure over time. Additionally, multivalency has the virtue of facilitating deep moral thinking. Taken altogether, this article cautions against univocal, reductionist readings of the Qur’ān and seeks to call for a nuanced moral philosophy of Qur’anic narratives.

Mirroring Bakhtin’s notion of *great time*, Nursi once remarked that “As time grows older, the Qur’ān grows younger”.¹⁰³ I would add that ambiguity makes this possible.

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⁹⁹ CHITTICK 2013: 76-77.

¹⁰⁰ Ibid., 79.

¹⁰¹ AARON 2001: 21.

¹⁰² Cf. INGRAM 2006: 42 commenting on ambiguity in Ecclesiastes: “I believe that Ecclesiastes is ambiguous *by design* precisely to engage the reader in the process of creating or discovering meaning.”

¹⁰³ Quoted in MERMER and YAZICIOĞLU 2017: 63.

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Can Reading Animate Justice? A Conversation from *Alf Layla wa-Layla* (*The Thousand and One Nights*)*

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Abstract

In this study, I make audible a conversation in *Alf Layla wa-Layla (The Thousand and One Nights)* on the meaning and application of justice. Without assuming that *Alf Layla* constituted an organized whole, the study identifies, in the frame narrative and the first two chains of stories—all three understood to belong to the earliest bundle—a debate on the coincidence of successful interpretation and just rulership. By the end of these tales, i.e., by the twenty-seventh night, a complete tale is told. In these stories, I propose, *Alf Layla* adopts an attitude that privileges multiplicity over singular interpretation, in a fashion that affirms the contingency of ethical questions.

The popularity of *Alf Layla* and the afterlives it enjoyed up to our present times—in the Arab world and the West—need not eclipse or substitute the Arabo-Islamic character the work came to exhibit, and the ethical questions it set out to address. In what has been read as fate, arbitrary logic, enchantment, magic, irrational thinking, and nocturnal dreamlike narratives, I suggest we can equally speak of a concern for justice. The study looks at *Alf Layla*'s affinity with advice literature, but stresses the need to read it as a work of (semi-popular) literature that pays witness to societal debates on justice.

Alf Layla, I suggest, belongs to Islamic culture in that the act of reading has been construed within hermeneutics that are largely informed by the ethical implication knowledge sharing entails. In how the stories find resolution to the crisis of the king, *Alf Layla* understands justice as an artificial and communal enterprise. The stories, more urgently, seem to suggest reading gears us towards a concern for the greater good.

Keywords: The Thousand and One Nights (Arabian Nights, 1001 Nights, *Alf Layla wa-Layla*), *Adab*, Justice, Rulership, Readership, Advice Literature, Interpretation, Multiplicity, Legitimacy

On Interpretation and Justice

In this study, I make audible a conversation in *The Thousand and One Nights (Alf Layla wa-Layla or 1001 Nights)*—*Alf Layla* from here onwards—over the meaning and application of

* I wish to thank Ferial BOUHAFI for holding the conference and raising these urgent debates; Felicitas OPWIS, for her gracious support, and Elliott COLLA who first asked me to write this study.

justice.¹ More specifically, the present study identifies a cohesive conversation, presented in the form of a debate,² in the frame-tale “The Two Kings,” and the two following sequences, “The Merchant and the Genie” and “The Fisherman and the ‘Ifrit”—all three understood to have earlier origins.³ The study suggests what connects the frame tale with the stories that follow can be understood as an interstice through which the work’s engagement with its Islamic context can be identified and examined. Without assuming that *Alf Layla* constituted an organized whole or that one story is representative of the work, I raise the urgent inquiry into why and how a work of (semi-popular) literature is paying witness to and participating in societal debates on authority and the communal good.

Speaking to a body of scholarly contribution that understands the relationship of the frame tale to the body of embedded tales through hierarchical interdependence, I propose we look at how the selected stories speak to one another. I further propose these tales are woven into a progressive trajectory, as they adapt synonymous punitive premises to changing contexts. In what has been read as fate, arbitrary logic, enchantment, magic, mystery, irrational thinking, and nocturnal dreamlike narratives,⁴ the present study suggests, we can equally speak of a concern for justice, not only as a theme, but as a heuristic designation as well.

The popularity of *Alf Layla*, and the afterlives it enjoyed up to our present times—in the Arab world (JARRAR 2008, OUYANG 2003, GHAZOU 1996) and the West (VAN LEEUWEN 2018), in cross-fertilization, cross-cultural incarnations (WARNER 2012), and translations (MARZOLPH and VAN LEEUWEN 2004, KENNEDY 2013, AKEL 2020)—need not eclipse or substitute the Arabo-Islamic character the work came to adopt, and the questions it set out to address on kingly power and the conception of justice.⁵ What follows will show that *Alf Layla* equates flawed interpretation with poor rulership, and anchors the remedy to both in a

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- 1 The primary reference for this study is Muhsin MAHDI’s edition (1984-1994); other versions (the so-called vulgate versions—the nineteenth-century editions of Būlāq, the Second Calcutta, and Breslau) will be consulted when relevant, and acknowledged in a footnote. When quotes from Mahdi are in English, the translation is mine.
 - 2 Reflection on the title, *Alf Layla* or its Persian mention in Ibn al-Nadīm’s work, in particular encouraged assumptions that the work is endless, blurring any appreciation for cohesive debates advanced within the tales. See for example Jorge Luis Borges, in “*Las Mil y Una Noches*,” or “*Alf Layla wa-Layla*” in its translation (see al-JĀRŪSH 2011).
 - 3 Aboubakr CHRAÏBI (2004) identifies the nucleus to be represented “by around thirty stories (a kind of common trunk) that are present in the majority of the manuscripts. It could be identified in a large part of the incomplete so-called Galland manuscript (BNF, Arabic, 3609-3611, ed. by Muhsin MAHDI 1984).” They are, according to him: “The Two Kings Shahriyār and Shāhzamān (the frame narrative and the inset tale); The Merchant and the Genie (plus three inset tales); The Fisherman and the ‘Ifrit (plus three inset tales); The Porter and the Three Ladies (plus six inset tales); The Three Apples (plus one inset tale); and The Hunchback (plus eleven inset tales)” (CHRAÏBI 2004: 151).
 - 4 Warner writes, *Alf Layla* is “a continuum between reality and illusion, daily consciousness and night vision, which enfolds dream, trance, hallucination, ecstasy and anguish and renders distinctions between them blurred” (WARNER 2013: 332). Kilito references *Alf Layla* as an example when showing how the night is the site of deception (KILITO 1999: 8-12). In a recent online talk, reviewed in ArabLit Quarterly’s online platform, Yasmine Seale, who is currently translating *Alf Layla* into English, echoes Kilito’s claim, in expressing an interest in creating “a night language... to reflect the fact that this is a night work...and the fact that these stories take place where dreams should be” (see *ARABLIT QUARTERLY*, July 2020).
 - 5 For an extensive survey of the textual history, translations, and reception, see MARZOLPH and VAN LEEUWEN 2004.

communal framework. The argument I am presenting here contends the following: Through setting a dynamic configuration that ties justice to interpretation, *Alf Layla* allows for designations that at once enable recognition of the contingency of ethical questions and raise a greater concern for justice. With attention to both narrative designs and normative world-views, I show, lastly, that the conception of justice emerges as collective, adaptable and, therefore, promissory. In this last feature, an alignment with *adab* can be discerned, particularly in admitting the ethical implication of knowledge sharing.

Reading the Frame Narrative

Framing is not unique to *Alf Layla*, Arabo-Islamic, or to medieval literature, and has been extensively studied. Frame stories, as Lee Haring notes, are “frequent enough for scholars to designate several as standing alone and establish a genre” and are “parasitic,” as they require other genres to live on (HARING 2004: 229-30). In “Framing Borders in Frame Stories,” Werner Wolf surveys the interpretations of frames and shows the multidisciplinary investigation of their implication (WOLF 2006: 198).⁶ Lastly, novel considerations have been proposed in examining frame tales, through attention to interdisciplinary and comparative approaches (RUSSO 2014) and to cultural and intercultural entanglements (WACKS 2007).⁷

The non-linear genetic histories of *Alf Layla*, however, pose a challenge to any discussion of threads connecting the frame tale with the body of stories that are diegetically distinct, yet entangled with one another. Scholarly attention turned to repetition (NADDAFF 1991),⁸ structure, and recurrent narrative motifs as the elements that sutured the work together. These studies added to our understanding of the complexity of *Alf Layla*, yet implicitly assumed

6 On what connects frame and en-framed tales, Wolf discusses two ways in which framings of frame stories create thematic links between framing and framed texts, *mise en abyme*, “where the embedded story (or stories) shed(s) light on the framing.” The opposite is also possible. The en-framed story is dominant, and the frame becomes subservient to it, a process Wolf calls *mise en cadre*. In this latter case, “some discrete phenomenon on the upper, framing level that illustrates—usually in an anticipatory way—some analogous lower level phenomenon of the embedded level so that a discernible relationship of similarity is established between the two levels.” Against these considerations, we can think of the frame story as a layer told by extradiegetic anonymous narrator; the frame of the chains, “The Merchant and the Genie,” and “The Fisherman and the ‘Ifrit,’” as embedded stories on the first level, while the stories enframed within each, as embedded stories on the second level. I have opted out of these distinctions in the present study, to encourage a reconsideration of what connects the frame tale with the enframed stories, which I argue, should be informed by contextual examination of *Alf Layla*’s engagement with Arabo-Islamic concerns.

7 A recent workshop entitled “Framing Narratives: New Perspectives on Premodern Textual Production in Arabic” (2020), at Freie Universität revealed a persistent attention to frame narratives, as well as growing scholarly interest in reading framing through a culturally-informed interpretative lens (see <https://www.geschkult.fu-berlin.de/en/e/kalila-wa-dimna/events/archive_2020/Workshop_Program.pdf>, accessed on January 10, 2021).

8 Responding to the assumption that repetition might indicate lack of imagination in story-telling, Ulrich Marzolph uses repetition in a cultural framework, and focuses particularly on “the intertextual allusion to themes, motifs, and concepts familiar to the audience,” which he finds to be “a highly effective narrative technique for linking new and unknown tales to a web of tradition the audience shares” (MARZOLPH 2014: 240).

incoherence and thus contributed to inhibiting attention to how the stories in *Alf Layla* speak to one another.⁹

Scholarly discussions produced a number of theories that explored, in particular, the relationship of the frame tale to the body of tales in *Alf Layla*, through pedagogical, moral, political, psychoanalytical, feminist and cultural interpretations.¹⁰ The interaction of the oral and the written was believed to explain the persistence of frame narratives and their ability to carry traditional tales over time and space (IRWIN 1995). Of *Alf Layla*, a number of theories merit attention. Ferial Ghazoul approximates the relationship to a necklace (frame) and its beads (embedded stories). The former, she suggests, can stand alone while the latter can only exist in relation to the frame (GHAZOUL 1996: 18). Al-Musawi alleges by attending to Baghdad as a cultural metropolis, we may understand the structure and cultural outlook of *Alf Layla*. Arguing for greater attention to the cultural, and particularly the Arabo-Islamic context of the tales, al-Musawi writes, “the growing of a transplanted tale into a collection, its blooming into a panoramic scene of many sites and colors, is a metaphor for the cherished city that became its spatial frame of reference” (al-MUSAWI 2009: 4).

Attention to the Islamic currents in *Alf Layla* was first raised by Muhsin MAHDI (1984), who presented two equally transformative theses. He suggested, first, the stories were put together within a clear design (albeit not in all stories, and not in all stages of its transmission), and should not be considered an arbitrary compilation. To him, the idea that *Alf Layla* is a work with no author is a grave misreading. Second, he argued *Alf Layla* recalls the history of how the stories moved from pre/non-Islamic eastern origins, to new Islamic audiences.¹¹ This view has been brought to a new light in the works of CHRAÏBI (2004 and 2016), who examines the formation of the collection. Advancing the premises of both Chraïbi and Mahdi, I argue in the examination of the three sets of stories for a process of reshaping that brought the tales to form a debate. Unlike Mahdi and Chraïbi, however, I suggest these continuities do less to confirm an individual expert intervention. Rather, my reading suggests that there has been greater attention to readership in the process of compilation, and it makes a case for a cultural concern that finds reverberations in *Alf Layla*.¹²

9 As a result, scholars like D.B. Macdonald and Mia Gerhardt, for example, dismiss the first chain “The Merchant and the Genie,” as insignificant, and find it incompatible with the “Fisher and the ‘Ifrit” (BEAUMONT 1998: 125).

10 For a review of the theories on the frame tale, see JULLIEN 2016.

11 In his studies, Muhsin Mahdi understood *Alf Layla* as a process of bringing a king from his abstract, eastern (Sassanian and Indian) model, to an Islamic awareness of Islamic concepts, see a summary of Mahdi’s approach in ‘AWWĀD 2010. Al-Musawi revisited Mahdi’s claim, and argued for “the underlying Islamic pattern that holds the composition together” (al-MUSAWI 2009: 8), arguing for the frame tale’s rootedness in the new Islamic milieu. Al-Musawi’s thesis comes in response to scholarly traditions that ignored continuities within the tales, and between the work and its Islamic culture, yet the sweeping claim of “underlying unity,” does not come with compelling evidence, and it can also imply ahistorical attitude vis-à-vis the genetic history, and the diverse geographic and historical map of *Alf Layla*’s afterlives. For a critique of al-Musawi’s theory, particularly in how it denies historical specificity and the complexity of the work’s many afterlives see FUDGE 2013.

12 If I use readers, audience and readership interchangeably in the present study, it is to indicate a recognition of the diverse reception modes.

The discussion of framing tends to presuppose structural hierarchy, and as such, often accepts interdependence between frame and en-framed stories in *Alf Layla*, which assumes division, even when acknowledging tension and influence between the two. In what follows, I propose a different exegesis of the frame tale in relation to the first two sequences, where I read, in the narrative layering, an epistemic continuity. This feature of cohesive continuity across layering, I further suggest, can be identified within Arabo-Islamic medieval styles of writing.

Diegetic Fluidity

Interdependence or hierarchy as lenses for reading the framing/embedding dynamic cannot account for how the three sets of stories function as (equal) parts of one debate. I propose instead, we read the relationship that governs these sets as dialogical correspondence. In other words, the narrative layering of the multiple diegetic worlds does not interrupt an epistemic continuity we may attend to in the cohesive debate in the three sequences. “The Two Kings” raises a question, “The Merchant and the Genie” and “The Fisherman and the ‘Ifrit’” respond, in two connected yet distinct threads. In doing so, I would argue, *Alf Layla*, subscribes to Arabo-Islamic medieval writing, which is marked by diegetic fluidity, or the ability (and proclivity) to move from one narrative or diegetic world to another. It has been noted by scholars of Arabic literature (KENNEDY 2005, Behzadi 2015), the styles of presentation in Arabic literature are inclusive. In debating a particular point, medieval authors cohere reports (*akhbār*), poetry lines, quotations, anecdotes, stories, and aphorisms, often from distinct genres, from Greek, Sasanian, Indian, Jāhili and Islamic cultural repertoires, a feature characterized by Lale Behzadi (2015) as a form of polyphony and understood by Julia BRAY (2005) to constitute “literary humanism.”¹³

What suggests to our contemporary eye tenuously connected fragments, incomprehensible on account of occupying incongruous narrative realms, would have been appreciated quite differently by medieval readers.¹⁴ The multiplicity of narrative forms would have presented choices for audiences with diverse moral, imaginary and intellectual makeup and proclivities. If, then, the prose availed itself to medieval readers, it is not on account of the content alone. Rather, one could imagine dynamic processes of interpretation that pull from different cultural registers accessible to both authors and readers to weave (a selection of) these pieces into new conversations. The diverse narrative pieces, in other words, come

13 Bray proposes we look at *adab* as “a web of myth,” and at *adībs* as mythographers, who give “meaning to [their] task of selection and arranging materials only if [they allow] their interpretation to overspill the rubrics [they have] allotted to them” (BRAY 2005: 2).

14 Narrative forms vary; we see monologue-like reflections, poetry lines, conversations, excerpts of epistles, and aphorisms. Our attention should be directed to the scales of readership projected and expected in the canvass of tones: from generic sources (it was said/believed), to specific authorities (the prophets, saints, Companions, and esteemed scholars); from quick (one sentence) to elaborate (two-page) accounts; from aphorisms to elaborate discussion of legitimacy; from accepted norms to contested histories; and lastly, from pleasantly accessible rhetoric to laborious diction.

together to form thoughts and arguments, not only through the text but through readership, i.e., what and how the readers may select and reproduce.¹⁵

In this vein, one may understand how these different stories in *Alf Layla* assume a conversation that flexibly and organically moves from one (narrative/diegetic) world, to the other. Epistemic continuity across narrative layering is the most unique feature of Arabic writing that we see in *Alf Layla*, and a feature through which the stories, with diverse responses to transgression, build progressive argumentation. What follows studies the frame tale with one inset story, and the following two enframed narratives of “The Merchant and the Genie,” with three inset stories; and “The Fisherman and the ‘Ifrīt,” with seven inset stories. I will read these stories as different stages of a debate over the purview of kingly power. The first story opens with a crisis (in the failure of the vizier and the king), which stems from an act of grave misinterpretation, and throws the kingdom into chaos. The (ethical) disorientation we find in the opening story will be shown to be consonant with the overall inquiry of the first two sequences that assume the task of debating, explaining and re-situating the missteps of the king and the vizier. A shared concern glints into sharp focus through these particular stories that seem to have been rewoven, across narrative layers, into one extended debate over the meaning and application of justice.

When the King Errs

“There Is No Sin Greater Than a King’s Sin”
(NIZĀM AL-MULK, trans. DARKE 2002: 43)

Alf Layla opens with the story of “The Two Kings,” Shahriyār and Shāhzamān, referred to as the frame narrative. We encounter king Shahriyār ten years into his reign as a successful ruler. “His power reached the remotest corners of the land and its people... the country was loyal to him, and his subjects obeyed him,” as the story goes (HADDAWY 1990: 59).¹⁶ Quickly, an interruption takes place when an affair involving the queen and the maids of the palace is discovered and witnessed. In response, the two kings embark on a journey intended to disavow kingly power. Their quest, replete with moments of mis-reading, fails. King Shahriyār returns to address the initial challenge by reasserting his authority through marrying a woman every night and ordering them killed by dawn, the execution being carried out by the vizier himself (MAHDI 1984: 66). A crisis ensues. From the palatine site of the king’s cuckolding and first murder, chaos spreads kingdom-wide. The first three executed brides—the daughters of a vizier, an army general and a merchant—are followed by daughters of “the mercantile circle and the commoners” (MAHDI 1984: 66).

¹⁵ For an analysis of the readership of medieval *adab*, see MONTGOMERY 2013, especially chapter, “The Articulation of The Book of Living.”

¹⁶ It is important to note here that by introducing the two kings as brothers (MAHDI 1984: 57 et passim) *Alf Layla* presupposes a stable succession to power—were they perhaps the two sons of a former king? Relevant to note here that Galland’s translation begins the story of the Two Kings by reference to their fathers (IRWIN 1994: 48, 111). The longevity of the reign, ten years, as we are told, and the hunting scenes further attest to a state of prosperity and stability. For the significance of royal hunting, see PARIKH 2020.

Dissatisfaction plagues the kingdom as a whole, gesturing to the interdependence of sound kingly administration and the stability of the state, and priming the reader/listener, from the onset, to expect the solution to be sought within a communal framework that speaks to both. The king's practice brings about the interference of the vizier's daughter, Shahrazād, who marries the king and delays her own execution (and saves the king and the kingdom) by narrating stories,¹⁷ until an heir is produced, marking a resolution to the crisis and a conclusion to the work.¹⁸ I will show in what follows that Shahrazād could have concluded her narration with the two chains of stories alone—by the twenty-seventh night—since a complete argument presents itself.

The frame tale has been the topic of extensive scholarly consideration, often identifying the theme of women's deceit as the primary site of the crisis.¹⁹ While cuckolding the king and the question of women's deceit weave into the chain of events that lead to the king's decision, and reappear consistently in later tales, prioritizing it as the main line of inquiry disembeds the story from what can be deemed an organically developed concern pertaining to good rulership and the question of justice. King Shahriyār's decision constitutes a form of injustice that glaringly announces itself, and the sex scene itself should be apprehended as a breach of royal authority. Sex does not maintain a stable reference in the tales, and in this particular context it gestures to the frailty of legitimacy—or rather, its constructedness. The opening story, as such, presents a crisis of authority, and the injustice the opening tale presents pertains to the abuse of kingly power, which I argue, *Alf Layla* openly equates with a failure of interpretation.

In witnessing seemingly synonymous instances of women's deceit,²⁰ the character of king Shahriyār mistakes repetition for evidence, and the conclusion that women cannot be faithful or trusted is, thus, erroneously reached, independent of advisers, precedent or context. Following this act of flawed reasoning, the king collapses three positions by simultaneously

17 The repetitive return (to the frame-tale), at the end of each narrative stretch, which is marked in the diegetic world by sunrise, brings the readers back to the palace. Can we perhaps see in the repeated return of the narrative in new stories every night, political implications, particularly in that it retires the king to a recognizable orbit, retrieving kingly authority back into the realm of the palace, and symbolically to a limited scope? The repetitive movement from frame to enframed stories achieves this separation narratively: what governs the rest of the kingdom—and the tales—extends beyond what the king can know or control.

18 Appreciating Shahrazād can be furthered by locating her character in medieval historiographical and popular views in which women close to power were often portrayed as the catalyst of destruction of kingdoms. By enabling and successfully activating cultural transformations, as well as masterfully orchestrating the complex narrative structure of *Alf Layla*, the character of Shahrazād turns these assumptions on their heads, and would have been, in doing so, hermeneutically appealing to medieval readers.

19 On this point, for instance, al-Musawi suggests that *Alf Layla* is “bent on dissipating absolutism” (al-MUSAWI 2009: 3), he however, assumes that the problematic proposed in the frame tale is about sexuality and faithfulness, and that Shahrazād is disproving it through tales of sincere love and sacrifice.

20 The frame story presents three instances that suggest to the character of the king that women cannot be faithful: Shāhzamān's and his own cuckolding, and a third case is the kidnapped bride locked in a cage, whose captivity does not stop her from collecting ninety-eight rings of her sexual encounters (men she lured for intercourse), rounded up to one hundred by taking the two rings of Shahriyār and Shahzamān, who both participate in her adultery (MAHDI 1984: 64).

occupying the role of a witness, a victim, and a judge. Not being a party in a dispute while adjudicating is an intuitive principle (known in today's terms as the bias rule). A cultural cue from two lines of poetry testifies to how the collapse of the two positions into one, i.e., being a party and a judge in the same dispute, has been identified as a marker of injustice, and that kings' exemption of this violation was widely recognized and generally accepted. In attempting to remedy an impossible political situation, the famed Arab poet al-Mutanabbī (d. 345/965) laments the disruption of his friendship with his patron, the Ḥamdānī *amīr* Sayf al-Dawla, who later expels him from his *majlis* (council). To highlight the injustice of the fallout, al-Mutanabbī writes, "Oh you, most just of all people, except in how you treat me / The dispute is with you, and you are both the opponent and the judge."²¹ The line echoes an expression to the same effect from a poem by an Abbasid poet, Muḥammad b. 'Alī Khuzā'ī, also known as Di'bil (d. 246/860), in which he writes, "And I do not expect justice on your hands as long as / My eye sheds tears, and as long as you are both the opponent and the judge."²²

As for being a witness while adjudicating, classical Islamic sources equally reject this type of conflation. This has been established in the story of 'Umar b. al-Khaṭṭāb (r. 13/634 – 23/644), the second caliph, who was approached by two people to rule on a dispute and was asked to perform the role of a witness in the case. 'Umar refuses to be simultaneously the witness and the judge and says: "I either give testimony and do not arbitrate, or I arbitrate but do not give my testimony" (*in shi'tumā shahidtu wa-lam aḥkum aw aḥkum wa-lā ashhad*).²³ In both legal and popular understanding, the conflation of positions—a witness, a victim/a party, and a judge—marks an interruption of justice; and this would have been instantly communicated to the medieval audience of *Alf Layla*.²⁴ Shahriyār's decision, it must be noted, presupposes the principle of separation that he openly violates.²⁵ His exemption is not simply

21 "yā a'dala l-nāsi illā fī mu'āmalatī / fīka l-khiṣāmu wa-anta l-khaṣmu wa-l-ḥakamu" (al-MUTANABBĪ 1978: 366).

22 "wa-lastu arjū ntiṣāfan minka mā dharafat / 'aynī dumū'an wa-anta l-khaṣmu wa-l-ḥakamu" (NAJM 1962: 140). We see a reference to such conflation in Ibn Ḥazm's (d. 456/1064) *Tawq al-ḥamāma*, in a line of poetry about the injustice of a person who acts both as an opponent (*khaṣm*) and a judge (*ḥakam*) (see IBN ḤAZM 1987: 135).

23 It has been used as a precedent for preventing the judge from being a witness in a case they are adjudicating (see MAS'ADĀNĪ 2014: 99).

24 One of the basic rubrics of justice implies that blame and punishment cannot be shifted to innocent people, and in a way this attitude, which came in clear response to tribal practices revenge, was captured in two Qur'anic verses: (Q. 35: 18) "and no soul burdened with sin will bear the burden of another," and (Q. 99: 7-8) "So whoever does an atom's weight of good will see it / And whoever does an atom's weight of evil will see it." (For the translations see <quran.com>.)

25 I want to briefly note here that the conflation intimates the conception of the wise prophet-king, which *Alf Layla* brings as a distant occurrence—in the temporal narrative space, and in popular cultural expectation as well—in the second sequence, with the story of the 'Ifrit who rebelled against king Solomon, the prototype of the sage or the wise king within whom claims of complete legal and political authorities harmoniously coincided. Once conflated in the person of the (wise) prophet-king, legal/religious and political authority started to be claimed separately and in relation to one another in Arabo-Islamic societies. The present study sheds light on how literature contributed to these questions, particularly through suggesting that authority may not go unchallenged or unregulated. See the related discussion of the construed ethical character of Alexander the Great, "Philosophy in the Narrative Mode:

claimed but violently activated, and (the references to) the king's executions are meant to be a physical confirmation of this violation. The problematic *Alf Layla* is provoking in the frame tale, I contend here, produces an opportunity to revisit kingly authority. Put differently, *Alf Layla* is questioning whether the ruler can be above the law, and if the king alone, without any advice or consultation, can be a just ruler.²⁶ And it is this thesis that the following two sequences of stories address by debating the conception of retribution in ways that reconstitute the purview of kingly power. I find it urgent to study the first two sequences together with the frame tale, as they seem to be closely knit—independent of subsequent occurrences of similar concerns over justice and/or kingly authority—as a complete debate.²⁷

The specific provenance of *Alf Layla*'s many manuscripts, and the historical moments of their rebirth, do not monopolize how readers may appreciate the conversations the work raises. Yet, and without attempting to pin a particular historical juncture, it can be argued that the stories selected in the present study, in the form that came down to us, lend themselves to questions the Islamic political landscape raised during and after the fourth/tenth century.²⁸ By showing that rulership is not absolute, and that the king is not immune from error, the three stories help alienate the concept of divine favor or manifest destiny that rulers claimed over different periods of Islamic and pre-Islamic histories.²⁹ In the absence of claiming rulership through divine favor—or being the deputy of God or the Prophet—legitimacy locates itself largely within the performance of the king. An imagined world in which a king errs so gravely presupposes an artificial view of justice and suggests that rulers do not possess but need to seek the knowledge to administer it. In misinterpreting the crisis, the king threatens the whole kingdom, which again stresses that justice cannot be realized within the person of the king alone, strongly calling for an external management or co-management of rulership. The way in which the following sequence of stories responds to the frame tale further suggests that legitimacy is inseparable from justice and that the latter is a dialogical enterprise that comes to life in its dynamic engagement with precedent, consultation, and context. The frame tale facilitates a case in which the king is a party in a crisis and manipulates this configuration to reject placing rulership and judgeship (and by extension religion/law) under the same body, as it shows that the conflation (of positions) spells disaster.

Alexander the Great as an ethical character from Roman to medieval Islamic literature,” by Anna Ayse AKASOY in this special issue.

- 26 In a nudge to the frame tale, “King Yūnān and Sage Dūbān,” an inset story in “The Fisherman and the ‘Ifrit,” brings this question into a playful enactment: a king misreads the kindness of the sage, decides to kill him, ignoring the advice of his viziers. As the king flips through the blank poisonous pages of a book gifted to him by the sage, entitled, “*khaṣṣ al-khawāṣṣ*” or (*For*) *The Most Elite*, we are to see *Alf Layla*'s humorous commentary on the fatal interdependence of mis-reading and injustice.
- 27 Here it is relevant to note that David Pinault, in his book *Story-Telling Techniques in the Arabian Nights* proposes a particular selection. He finds that, “The Fisherman and the Genie/Enchanted Prince Cycle,” several of the tales of the ‘Abbāsid caliph Hārūn al-Rashīd and his famed vizier Ja‘far al-Barmakī, together with “The City of Brass” form a sense of thematic and aesthetic conversation (PINAULT 1992).
- 28 Here I find Deborah Tor’s exploration of how advice literature islamicized Iranian kingly ideals particularly informative to the changes of the political notions of rulership. For more see TOR 2011.
- 29 On the concept of divine favor see STETKEVYCH 2002 for the Arabo-Islamic context, and SOUDAVAR 2003 for the Persian context.

Failed Viziership, Successful Reading

Eclipsed by the story of the two kings, the appearance of the vizier in the frame tale receives very little attention, and is even considered dispensable.³⁰ As mentioned earlier, the vizier first appears, quite unflatteringly, when executing the king's verdict, failing to perform the role of an advisor to the king and a guarantor of the kingdom's stability.³¹ The character appears again in the frame tale when Shahrazād, the daughter, requests to be married to the king: "I may either succeed in saving the people," she tells her father, "or perish and die like the rest" (HADDAWY 1990: 76). Baffled by her fortitude, the vizier asks: "What is it that is pressing you in this matter so as you would risk your own self?" (MAHDI 1984: 66). She insists: "It has to be done" (MAHDI 1984: 69). The vizier attempts to dissuade her from the decision by sharing three aphorisms, on caution, avoiding risks, and curiosity, then by narrating a story in two segments, "The Merchant and His Wife," and "The Tale of the Ox and the Donkey" (MAHDI 1984: 67-71).³² The vizier fails, twice. And the attempt to coerce a particular (didactic) message onto the story he narrates proves humourously futile, as his stories blatantly mock didactic expectations.³³

The significance of the vizier's segment has been ignored, although it is the earliest instance of an inset story in *Alf Layla*. The story, more significantly, is followed by an act of interpretation (as the vizier attempts to explain the meaning of his stories to his daughter). I would propose that this can be seen as *Alf Layla*'s manual on how (not) to read. The vizier's advice, in the form of a story about the futility of advice-giving, instantly mocks itself, and through its failure directs us to consider the significance of this moment vis-à-vis the work as a whole. On the narrative level, the vizier's stories entail contradictory elements that confuse the intended purpose and fail to form a cohesive message. On the hermeneutical level, the humor is produced from the incongruity of the attitudes of the vizier and Shahrazād, and more acutely from the vizier's inability to sense this disparity. The two attitudes speak to different strategies of reading. The first is diegetically insular, the second extra-diegetically fluent, and attuned to broader communal obligations. By prefacing the success of Shahrazād's

30 In his article "Exemplary Tales", Mahdi notes that copyists of two manuscripts that survived (held in Oxford and Paris) felt the story of the vizier did not affect or add to the frame tale and decided to delete it. (See MAHDI 1984).

31 In certain historical moments, viziers were believed to be the link between the ruler and the people (see VAN BERKEL 2013), if not scholars, and major actors in statecraft.

32 In his study of *Alf Layla*'s osmosis of its knowledge milieu, Chraïbi examines how the stories have been reworked into the Islamic context. Chraïbi examines, the ways in which "The Ass, the Ox, the Farmer and His Wife," which is part of the vizier's advice to Shahrazād, and which is of Indian origin; and "The Merchant and the Genie" (Trader and the Jinnī), which is of Near Eastern origin, "are imitated, reworked and recast in the Nights within the ideological context and literary tradition of medieval Islamo-Judaeo-Christian culture" (CHRAÏBI 2004: 149-157).

33 In rejecting the generally assumed separation between the fictive and fantastic, on the one hand, and erudition on the other, a number of scholars reacted by imposing onto *adab* and semi-popular *adab*, didacticism. The process encouraged questions and conclusions derived from theoretical debates external to the projects of medieval works, reinforcing the initial division between literature and erudition (fictiveness and didacticism), they initially set out to critique.

storytelling with the vizier's failure, *Alf Layla* puts forward a certain stance on hermeneutics that openly rejects singular reading.³⁴

If the ultimate aim of a hermeneutically successful reading is to do away with reading altogether, and to produce a result (by controlling and eclipsing the discursive semantic realm), in mocking stories that bring the narrative into a didactic conclusion, and by exaggerating their failure, *Alf Layla* shows the impossibility of reducing a story to a message. Through the vizier's failure, *Alf Layla* advocates for didactically bad reading, and in doing so, defends reading as a process.³⁵ As part of the frame narrative, the vizier's performance carries overarching implication for the work as a whole, since the frame tale, as neatly articulated by Philip Kennedy, "casts an interpretive shadow upon the nested tales told by Scheherazade" (KENNEDY 2016: 169).³⁶ Through this meta-moment, *Alf Layla*, in the character of Shahrazād, defends reading and privileges the act of interpretation as a process embedded within communal concerns, and infused with ethical implications, as she weds her own life to the fate of the community as a whole.

Khurāfa and "The Merchant and the Genie"

The first story in the embedded tales, "The Merchant and the Genie," has a frame tale and three inset stories. Chraïbi shows how the frame tale in this sequence harkens back to the tale of Khurāfa, a Bedouin who is taken by genies in the desert (CHRAÏBI 2004: 153).³⁷ While the captors are uncertain on whether to kill, enslave or free their hostage, three people appear, and tell an extraordinary story, each, in exchange for Khurāfa's release.³⁸ Chraïbi interprets the positioning of the story at the beginning of the tales as a scholarly commentary on the work and its compilation. He writes,

[G]iving unity to a newly compiled book and beginning it with an explanation of its subject matter are scholarly techniques, the work of an expert in Arabic philology (what is khurāfa?). Their presence shows that the *Arabian Nights* have been carefully reworked and rewritten after they made their entry into the medieval Arabic-Islamic world. (CHRAÏBI 2004: 154)

34 Does the appeal of *Alf Layla*, perhaps, lie in its distinction from, and resistance to, the exhortatory mode that characterizes scholarly practices one can find in *hadīth* criticism, where the multiplicity of contexts in which a particular *hadīth* is cited and transmitted, is eclipsed into a list of authorities (*isnād*) and thus denied narrative visibility, as to concede to a seemingly stable didactic message? Inquiring into the validity of this thesis falls outside the purview of the present study, yet seems pertinent in pointing to conversations that can be reconstructed through attention to the Islamic framework of *Alf Layla*.

35 See the illuminating analyses of bad reading in RUSSO 2014.

36 The approach, here, agrees with Professor Karla Malette, who suggests that "the frame serves a primarily hermeneutic function" (MALETTE 2020: 190).

37 Structurally and thematically, Chraïbi places this group under the "excessive, unjust and absolutely unexpected" (CHRAÏBI 2004: 154). For more on the story of Khurāfa, see DRORY 1984.

38 The story was believed to echo the biblical tale of Abraham, see BEAUMONT 1998.

In comparing the two, the shared plot should not distract from a significant difference. *Alf Layla* reworks the story in a distinct way that transforms the main question from a display of fate to an inquiry into justice.

The story of Khurāfa structures its appeal through projecting uncertainty, as the fate of the main character oscillates against three options: death, enslavement, release.³⁹ “The Merchant and the Genie,” instead, opens with a scene in which an involuntary crime takes place, when the Merchant unknowingly kills the son of the Genie by throwing the pit of a date in the forest, and is now threatened to be punished by the Genie. In the (added) scene, the Merchant asks the Genie, “For what sin you intend to kill me?” (*bi-ayy dhanb taqtulunī?*) (MAHDI 1984: 72). The Genie explains what transpires, i.e., the Merchant is being advised of the allegations against him (analogous to the hearing rule)—and here we already see a process, antithetical to the crisis of Shahriyār who never speaks to his victims, prior to meeting Shahrazād. The Merchant protests: “If I killed him, then I only did that by mistake, I therefore wish that you would pardon me.” The Genie avers: “I must kill you for killing my son!” (MAHDI 1984: 72). The Merchant requests, and is granted, a grace period to settle his accounts and inform his family of his situation. In Khurāfa the kidnapping has no reason or justification. The moment preceding it is silent. This added exchange diverges significantly from the story of Khurāfa, and recasts the story into the realm of justice, as it introduces, in lieu of fate and mystery, transgression and accountability. The story as it appears in *Alf Layla*, additionally, ties the sequence, inversely, to the frame tale, through the conspicuous absence of witnessing (of the transgression or the involuntary genie-slaughter) around which the crisis of king Shahriyār emerges.⁴⁰

The Merchant shows up at the rendezvous point and waits. A Shaykh passes by, accompanied by a gazelle in chains, then another Shaykh, accompanied by two black dogs, and a third, with a she-mule. All three Shaykhs decide to wait for the Genie, with whom they strike a deal: they volunteer to redeem, each, one third of the Merchant’s life, by telling wondrous (*‘ajība*) stories, on the condition that they please the Genie (MAHDI 1984: 75-77).

39 Here, CHRAÏBI is referencing the version of the story as it appears in *al-Fākhir* of al-Mufaḍḍal b. Salama, which shares several elements with The Merchant and the Genie in *Alf Layla*, as a “story-for-a-life” bargain format. The three genies, while debating the fate of Khurāfa whom they kidnapped, encounter, separately, three persons, each offers a fantastic tale in exchange of the life of Khurāfa. In her piece on the story, DRORY (1984: 142-44) suggests that the story of *Khurāfa* is an attempt to legitimize the *khurāfa* genre.

40 It is pertinent to mention here Fedwa Malti-Douglas who suggests that the frame tale anchors the narrative against the Arabo-Islamic predilection to the aural over the seen (or listening over witnessing)—a cultural para-text that further teases out *Alf Layla*’s embeddedness in its context. In her article, “Homosexuality, Heterosexuality and Shahrazād,” Malti-Douglas points to the visual versus oral in the experiences of Shahriyār, pointing to the broader cultural host of this dynamic. She writes: “Sight versus hearing are cast as alternate ways of acquiring knowledge,” and continues, “[w]e are firmly on the ground of a debate well entrenched in medieval Islamic mentalities, that of the superiority of the senses, specifically the aural over the visual. Shahriyār’s continued attempts to find the truth through his faculty of vision have only led him astray. It is through his faculty of hearing, through listening to Shahrazād’s narratives, that all will be set aright” (MALTI-DOUGLAS 2004: 40). The present study does not abide by the binary analysis of aural-visual, or hearing-seeing, as suggested by Malti-Douglas, for two reasons. First, storytelling is approached as a form of knowledge sharing that invites and demands an act of interpretation—not only as an instance of telling/hearing. I hope to have shown, second, that the crisis of Shahriyār is not about witnessing per se but about interpretation.

Their endeavor succeeds. The Merchant is pardoned and is reunited with his family (MAHDI 1984: 81-85).

Justice is Artificial

The most striking feature of the stories in the sequence of “The Merchant and the Genie” lies in how they share an inquiry into retribution in a progressive trajectory. The main tale proposes retributory measures—retaliation, or in the words of the Genie, “an eye for an eye, is it not!” (*a-laysa l-qatl bi-l-qatl*) (MAHDI 1984: 73). The first inset story narrated by the Shaykh with the Gazelle suggests a reduced punishment, where the culprit experiences a lighter version of the committed crime, or as the story puts it, “a taste of the harm inflicted on others” (*udawwīqūhā mā dawwāqat al-ghayr*) (MAHDI 1984: 81).⁴¹ The story of “The Shaykh and the Two Black Dogs” moves farther along the spectrum and suggests conditioned pardon.⁴² The third and last story in this sequence,⁴³ the Shaykh with the she-mule, parodies King Shahriyār’s story more directly, in having a cuckolded husband, and proposes, in response to adultery—and two murders—forgiveness. The Genie settles the case in concert with the three shaykhs; and sets the merchant free. In none, it must be noted, punishment results in death.

In the stories I analyze here, and elsewhere in *Alf Layla*, we quickly realize that the world of the tales does not discriminate between *jinn* and human, a point argued by EL-ZEIN (2009). Drawing on the two realms, as is the case in this sequence, nonetheless allows for complex narrative possibilities. The characters of the human realm exchange stories with the king of *jinn* to establish a shared worldview, and also to agree on interpretative strategies. These exchanges pull the characters from their distinct worlds—*jinn* and human—into harmonized expectations. The stories narrated by the shaykhs are not merely wonderful “*ajība*,” they are autobiographical, and they share a search for responses to forms of transgression. They do not simply please the Genie, we would assume, they set up a collage of experiments; in each, an individual interpretation produces new iteration that is both specific to each Shaykh, yet communicative of broader shared norms. They form a narrative host for the Genie to

41 The transliteration kept the “d” instead of “dh,” in *udawwīqūhā* and *dawwāqat*, to reflect how it appears in *Alf Layla*.

42 In the second story, kindness and generosity are met with jealousy and a murder attempt to which the narrator, the second shaykh, responds by forgiving the intentions. But the wife, who is a believing genie, well-versed in the art of magic, transforms the two culprits into dogs, a state they would remain in for ten years as retribution for their crimes. A time frame constrains the punitive measure, after which the two are allowed to restore their human form.

43 The third shaykh’s story [in AL Reference: 378] parodies king Shahriyār’s situation more openly. One day, he finds his wife in bed with a black slave. She casts a spell on him and transforms him into a dog (Mot. D 141; Mot. K 1535). In the shape of the dog he had become friends with a butcher whose daughter noticed that he was a transformed human. She released him and instructed him on how to turn his wife into a she-mule by means of a magic spell. While the story in the Mahdi edition is not incorporated in the same place, differing versions are given in the *Būlāq* (Bulaq vol. 1 A H 1251, pp. 9-10) and *Calcutta II* editions. Whether the story has a later date, since it has not been included in the Syrian manuscript, per Mahdi’s work, or whether it may suggest a reliance on an even earlier source than the Syrian manuscript, as has been also suggested (see IRWIN 1994: 137), remains to be tested.

make his decision. As instances of knowledge sharing that set up a progressive trajectory, the stories of the three Shaykhs create an obligation for the Genie to choose clemency.

Against the story of Shahriyār, this sequence is introduced as an elaborate process with stages that loosely echo formal legal administration⁴⁴—the hearing, trial, recognizance, a stay of execution, and expert witnesses.⁴⁵ The stories of this sequence tie in an inverse correlation, the finality of punishment to the act of reading/listening. Knowledge primes the character of the Genie, to find confirmation of justice in the process rather than in the punitive outcomes. In doing so, the sequence locates fairness in a court-cum-*majlis* of dialogical collectiveness. By narrating their own tales, and by sharing with the Genie different interpretations of punitive premises, the characters show that narration is yoked to the realization of justice. In other words, *Alf Layla* shows us that interpretation is not only a contribution to the ongoing aspiration for justice, but as a collective process, in itself, becomes a site of justice.

A second sequence of stories, introduced on the eighth night, “The Story of the Fisherman and the ‘Ifrit’” (MAHDI 1984: 86-126),⁴⁶ projects the debate into a new area. Engaging with forms of punishment, the new sequence curates exchanges in which not transgression but beneficence (*ihsān*) is punitively repaid. It thus shifts the focus from transgression, as was the case in the first sequence, into questioning retribution itself. In the frame story, the Fisherman, after freeing the ‘Ifrit from millennial captivity,⁴⁷ finds himself facing death. “How can you repay kindness with punishment?” (*hādhā jazāy minnak w-jazā mā-khallaṣtak*), he laments (MAHDI 1984: 90). Retribution is poised to be examined as betrayal and injustice, or the behavior of the wicked (*al-fawājir*), as the Fisherman puts it (MAHDI 1984: 90). Tricked by the Fisherman into getting back in the bottle, the ‘Ifrit pleads to be pardoned, and *Alf Layla* revisits the notion of *ihsān*. The ‘Ifrit evokes popular wisdom: “Hail those who show beneficence (*ihsān*) in the face of transgression,” and adds: “if I were a transgressor (*fa-idhā kuntu anā musīr*), you can choose to be benevolent (*muḥsin*)” (MAHDI 1984: 106). The implication here, that transgression does not necessarily call for punishment, designates the punitive as a realm for debate and interpretation.⁴⁸ A number of inset tales are

44 In her article “*Idra’ū al-ḥudūd bi-l-shubuhāt: When Lawful Violence Meets Doubt*,” Maribel Fierro looks at a story in *Alf Layla* that builds its narrative plot within the interpretive realm of the legal saying “*idra’ū l-ḥudūd bi-l-shubuhāt*,” which entails that God’s sanctions are not to be applied in cases that entertain doubt (see FIERRO 2007: 208-10).

45 First, we see the Genie presenting an initial verdict to which the Merchant is given a chance to respond. The Merchant is granted the option to leave for a year and return for the execution of the Genie’s verdict (stay of execution, i.e., delay in enacting the judgement), his vow to return functions as a recognizance, i.e., a release of the defendant with the obligation to reappear in court. The three shaykhs tell their own experiences on punishment and in doing so their stories are akin to expert witnesses. In sharing their cases, they also introduce multiple precedents. The Genie’s initial judgement, more urgently, is put to a form of trial, then appealed by the Merchant and the three Shaykhs, and later reconsidered and overturned.

46 In the frame story, the ‘Ifrit identified himself as one of the rebels who, in concert with Ṣakhr, revolted against king Solomon and ended up in a brass bottle—a later story in *Alf Layla* invokes the Solomon lore and engages many refractory Genies who are said to have had similar fate. For the Solomonic allusions in *Alf Layla*, and in particular The City of Brass sequence, see HAMORI 1971 (repr. 1974).

47 The Fisherman “finds a bottle of yellow brass in his net, with a leaden cap stamped with the seal of Solomon. He opens the bottle, and an enormous, frightening Jinnī emerges” (MARZOLPH 2004: 183).

48 For the Arabic roots of *ihsān*, see IZUTSU 2007.

told before the frame story concludes with an act of pardon, which in turn is reciprocated by reward.

The stories of this sequence address more openly the themes of accountability and risk entailed in acts of punishment. In the first inset story, “King (al-)Yūnān and Sage Dūbān” (MAHDI 1984: 93-104),⁴⁹ unjust retribution does not pass without consequences. Following flawed advice from a vizier, King Yūnān orders the killing of Sage Dūbān, who came “from a foreign kingdom” and cured the king when no other physician could. Sage Dūbān exclaims: “How could they repay my good with evil?” (*anā ‘amilt khayr jāzūnī bi-l-qabīh*) (MAHDI 1984: 102). The punitive decision of the king, however, leads to his own death. The story explains: “had they been just, they would’ve been judged fairly” (*law anṣafū unṣifū*). By misusing his powers, the king transgressed to a fatal point. To the same end, the following stories show examples of poor decision making and unexpected reverse retribution.⁵⁰ This sequence bleeds into a separate narrative, in “The Ensorcelled Prince,” still within the diegetic world of the same story.⁵¹

Retribution or Reward? A Hypothetical Exercise

During his captivity, the rebel ‘Ifrit in the frame story of “The Fisherman and the ‘Ifrit,” experiments with scenarios in which he makes pledges to whomever may free him. During the first two hundred years, the ‘Ifrit pledges to make the person who sets him free rich until the end of time (*ughnīhi li-‘āqibatīhi*). In the following two hundred years, he promises to reward them with the riches of the world (*fatahtu lahu kunūza al-ardī jamī‘ahā*). The following four hundred (and another one hundred) years, the ‘Ifrit pledges to make whoever frees him a *ṣultān* (ruler), and to be their servant, making three of their wishes come true daily. After all these centuries, when no one came to the rescue, the ‘Ifrit pledges to kill whoever frees him, savagely (*asharra qatla*), or alternatively, to let them choose how to die (*umannīhi bi-ayy mawta yamūt*).

⁴⁹ This story is contained in the oldest preserved manuscript (MAHDI 1984) and belongs to the core corpus of *Alf Layla*. It reiterates the ransom motif of “The Two Kings,” albeit in an inverted way, as the sage is not allowed to tell a parable and is killed, in consequence the king also dies a violent death (MARZOLPH 2004: 459).

⁵⁰ In the first inset tale, “King Yūnān and the Sage Dūbān,” unjustified retribution proves fatal to the king; the second story, “The Vizier of King Sinbād,” functions as a transitional link (MAHDI 1984: 97-99); the third is “The Prince and the Ogress” in which an act of plotting an unjustifiable retribution is thwarted; in the fourth, “The Husband and the Parrot” (MAHDI 1984: 98-99), an act of advice (exposing a wife’s adultery) is met by unwarranted punishment; the fifth is “The Story of the Crocodile,” referenced by Sage Dūbān to delay his demise (yet not narrated in the Madhī edition, for the precariousness of the position of the Sage: “I cannot narrate it in this condition that I find myself in”; MAHDI 1984: 103); the fifth is “The Story of Umāma and ‘Ātiqa,” mentioned but not told (“now is not the time for telling this story while I am trapped in this small space,” MAHDI 1984: 106); and the seventh is “The Story of the Ensorcelled Prince” (MARZOLPH 2004: 176).

⁵¹ The Merchant is rewarded by the Genie and is shown the secret pond with magic fish. The Merchant offers the magic fish to the king of the city and, diegetically, forges the shift into a new story of the king and the half-human/half-ossified prince. The Fisherman is brought back to conclude the story and gives his daughters in marriage to the king and the prince of the kingdom.

Armed with boundless might, the ‘Ifrīt, now restrained by captivity, embarks on a hypothetical exercise of power, within which, through fickle and temporally conditioned pledges, fatal retribution is placed within the epistemic ambit of ultimate reward. The stories within the sequence of “The Fisherman and the ‘Ifrīt,” realize this span: retribution and reward are entangled, interchanged and reversed resulting in the collapse of the semantic (binary) distinction of the two only to be reconstructed into a spectrum of possibilities. Power is restrained then challenged, in this tale. Yet, and against the established interchangeability of retribution and reward, power is reconstituted wherein choosing pardon in lieu of retribution becomes possible—presenting a miniature of the overall plot of *Alf Layla*, and informing the king’s transformation. The threat of retribution that opens the tale is balanced by a threat of reverse punishment, and is resolved through pardon, beneficence and reward.

From Revenge to Pardon: A Progressive Trajectory

In questioning punitive decisions, the two sequences directly respond to the initial collapse of positions that king Shahriyār exemplified in a display of absolute and unrestrained power. The first sequence enacts a series of short trials that transform Shahriyār’s collective punishment into a spectrum of options, ranging from retaliation—already a conservative replacement for the king’s act—reduced retribution over a specified period of time; to pardon. The second sequence resumes where the first sequence ends, with a frame story that takes the debate further and investigates the conception of retribution, before concluding with beneficence and reward.

The two combined present a progressive trajectory. While the first sequence accepts retribution as a response to transgression, yet favors pardon, the second sequence shows that, without attention to context and proper process, retribution itself can become a form of transgression that incurs fatal consequences. In adopting multiple scenarios for synonymous premises, the two sequences combined, like the rebel ‘Ifrīt, expand the interpretive potentials of retribution. The punitive decision reached by king Shahriyār re-emerges in scenes the stories curate to parody the king’s dilemma; the decision perpetrated by the king alone extends, in the two chains, into a sequence of sessions involving several characters whose configuration to one another produces multiple iterations of justice. Most significantly, in these sequences storytelling is geared toward seeking clemency and benevolence.

The *majlis* of Shahrazād

In reading “The Two Kings,” we are struck by the conspicuous absence of any sign of courtly culture at the palace of Shahriyār. That the vizier is solitary, and never speaks to the king, alerts us further to this lack. Without advisors and courtiers, Shahriyār remains deaf to the kingdom’s turmoil. Shahrazād, who knows popular, scholarly, and courtly norms,⁵² succeeds in curating a solution to the crisis through exposing the king, in the first two sequences, to

52 She was well-versed in “*aqwāl al-nās wa-kalām al-ḥukamā wa-l-mulūk*” (MAHDI 1984: 66).

his own crisis. In this sense, the debate advanced in the first two sequences steers the frame tale: an act of reading (or listening/knowing) enables clemency and reform. The explicit concern with kingly affairs and the central role of Shahrazād, suggested to a number of scholars an affinity between *Alf Layla* and advice literature (Mirrors for Princes, or Fürstenspiegel or *adab al-naṣīḥa*), a body of works intended to offer counsel for the rulers and viziers, on proper conduct and maintaining good government (GRUENDLER [et al.] 2004, MARLOW 2009, LEDER 2015). This has been noted by Jean-Paul SERMAIN and Aboubakr CHRAÏBI (2004), Yuriko YAMANAKA who uncovers instances of direct borrowing (2006),⁵³ and somewhat loosely, by IRWIN (2004).

Researchers have identified a host of investigations into the models of rulership in medieval literatures, a concern that cannot be overemphasized: it is believed to be the thread that ties all things, the axis around which the affairs of the world orbit, as the 4th/10th century Córdoba courtier Ibn ‘Abd Rabbih put it (IBN ‘ABD RABBIH 2012: I, 5). Rulership looms large in *Alf Layla*, especially in the tripartite debate examined in the present study. We, however, encounter a particular attitude in these tales. In reaching solutions that favor clemency, *Alf Layla* transforms the king by embedding his authority within a communal scope. It does so in the spirit of subjugating kingship to an authority external to its own (Shahrazād in this case), that can better realize justice, recognize societal consensus and protect the community. In its broader implication, questioning the performance of the king is not unique to *Alf Layla* or Islamic medieval literature as it speaks to the societal aspiration to manage and moderate authority. The approach we can reconstruct from the tales of *Alf Layla*, however, conforms to a specific understanding of how this management can be affected.

Shahrazād, an Orator and a Judge

If *Alf Layla* activates this transformation through Shahrazād, I will proceed to mention two comparable examples, from the *Book of Government* (*Siyar al-Mulūk* or *Siyāsa-Nāma*) and from the *maqāmas* of al-Ḥarīrī (the *maqāma* of Rayy in particular), that articulate this aspiration through a judge (*mubād*) and an orator (*khaṭīb*), respectively. In *Siyar al-Mulūk*, a story speaks of a custom practiced in Persia in which the king accepts petitions from the people in the presence of a judge.⁵⁴ If a petition is filed against the king himself he steps down

53 In her examination of the tale of “Alexander the Two-Horned and Certain Tribe of Poor Folk” told on the 464th night in *Alf Layla*’s Calcutta II edition, Yuriko Yamanaka uncovers a connection between *Alf Layla* and advice literature (2006). More specifically, Yamanaka finds correspondence between the tales in *Alf Layla* and the *Book of Counsel for Kings* (*al-Tibr al-masbūk fī naṣīḥat al-mulūk*). Building on the observation of Victor CHAUVIN who noted an overlap between the two, Yamanaka identifies ten stories that are shared between *Alf Layla* and *al-Tibr*. These, she argues, are more likely to have been borrowed from *al-Tibr* to *Alf Layla*, by a compiler or compilers wishing to heighten the moralistic tone of *Alf Layla* (YAMANAKA 2006: 111). This overlap, Yamanaka notes, should tell us that advice literature and *Alf Layla*, which are categorized into ‘elite’ and ‘popular,’ are in fact “closely intertwined” (YAMANAKA 2006: 112).

54 *The Book of the Government or Rules for Kings* (also known as *Siyar al-Mulūk* and *Siyāsa-Nāma*). It should be noted that two studies suggest that the work has been written in two instalments, at two different points in the vizier’s life (SIMIDCHIEVA 2004: 99), and by more than one author (KHISMATULIN 2008: 30-66). It speaks of a custom of the Persian kings in which they give special audiences for their people

from the throne and kneels before the judge, asking humbly to be judged impartially. Through this performance, the story enacts before the public a model of justice in the form of rulers that submit themselves wilfully to the authority of the law.

In the *maqāma* of Rayy by al-Ḥarīrī, the protagonist Abū Zayd assumes the role of a preacher at an assembly and gives eloquent sermons (COOPERSON 2020: 99-103). During the sermon, Abū Zayd adopts the cause of a person who comes forward accusing the prince—who is present at the gathering—of neglecting a petition he submitted against one of the officials. Failing to get justice, the petitioner appeals to the preacher to offer the prince advice (*li-nuṣḥihi*). The protagonist seizes the opportunity, publicly shames the prince and succeeds in persuading him to redress the wrong inflicted on the petitioner. In the manuscript that was copied and illustrated by Yaḥyā b. Maḥmūd al-Wāsiṭī (dated 7 Ramaḍān 634/May 4, 1237), currently in the possession of the Bibliothèque nationale de France, there is an illustration of this anecdote. Al-Wāsiṭī interprets the story in a double-page painting, on facing pages of the manuscript, that represent “a single moment divided between two images, which are meant to be read as a continuous temporality” (ROXBURGH 2013: 186). In his interpretation, al-Wāsiṭī places the king on the throne, in the upper section of one painting—flanked by his guards—and the preacher, Abū Zayd, alone, on a raised *minbar*, in the middle of the second painting. While the prince retains a higher position, everyone in the scene, in both paintings, including the prince, faces the preacher. Empowered by the collective gaze, Abū Zayd looks at the prince, and extends his hand and finger, in a gesture of reprimand and advice. It is quite notable that al-Wāsiṭī’s interpretation, in empowering the orator, intimates the story’s conclusion within the moment of encounter between orator and prince. The absence of the petitioner in the visual interpretation, additionally, suggests that al-Wāsiṭī understood that authority to be the central question in the story. In these two examples, the ruler listens to and is under the authority of a judge (*mubād*) and an orator (*khaṭīb*). And in both, as is the case in *Alf Layla*, the authority of the ruler is curtailed, artificially, to serve the communal good.

To claim a congruity between *Alf Layla* and advice literature is a valid inquiry as we detect features distinctly shared by the two. We should, nonetheless, carefully consider the unique treatment of rulership in *Alf Layla*, which claims registers that do not necessarily avail themselves to advice literature. It is also more urgent to investigate how and why a work of (semi-popular) literature pays witness to societal debates on good rulership and the communal good. In particular, it behooves readers of *Alf Layla* to recognize a distinction between advice, advisers and the attendant advice literature, on the one hand, and on courtly culture that keeps rulers knowledgeable, on the other. While advice could be detected in the

at the festivals of Mihrjan and Nauruz. The king “received the people’s petitions and laid them all before him; one by one he looked at them, and if amongst them there was one complaining against himself he rose and came down from the throne and knelt before the mubad-mubadan (this meant chief justice in their language, and he sat on the king’s right hand) saying, ‘Before all other cases judge between me and this man, impartially and regardlessly’” (NIZĀM AL-MULK, transl. DARKE 2002: 43). Then it was announced that all whose suit was against the king should stand on one side as their cases would be dealt with first. Then the king would say to the mubad, “In the eyes of God (be He exalted) there is no sin greater than a king’s sin... O God-fearing mubad, take care that you do not favour me against your conscience, because everything which God in future will demand of me, I ask of you; so I hereby make you responsible” (*ibid.*).

tales, the debate raised in the first three sequences seems to suggest that a greater role should be given to courtly culture. I would suggest that it is a mistake to assume that Shahrazād performs the role of an advisor only. The sequences I examine here search for solutions to the crisis, less by advice—that is, by drawing on a critique to counter the behavior of the king, or to dispute the injustice of the decision—than by reimagining the configuration of transgression (and authority) from different perspectives. The expertise of Shahrazād, instead, who is knowledgeable and aware of the cultural context, attitudes and tendencies of her community (*qariyat wa-dariyat*) (MAHDI 1984: 66) belongs to the realm of a *majlis*. The knowledge Shahrazād shares in the tales infuses the worldview of the king with cultural norms and with an obligation to communal expectations.

The Ethical Implication of Sharing Knowledge

A striking feature the study of *Alf Layla* should recognize lies in how its Western inception—both as a text and as an intrigue—curtailed the attention to the Arabo-Islamic character, encouraging layers of narrative, in different contexts, that made strange, and in need of proving, any reverberations of (medieval) Arabo-Islamic questions, values and attitudes. The present study starts from a different place, by making audible the conversations the stories advance, without assuming a coherence or suggesting one fixed reading. The stories addressed here, in speaking of pardon as a response to transgression, engage with a vast body of interpretations, in formal and popular culture, that *Alf Layla*'s medieval/pre-modern readers expected and perhaps even demanded. That the selected stories loosely echo elements of the formal administration of justice and of advice literature, suggests that the linkage depends upon significant homologies between these realms, over the interdependence of justice, rulership and the communal good. In its parody of, and then departure from, approaches advanced in both, however, *Alf Layla* as a work of (semi-) popular literature, attests to the diversity through which medieval Islamic societies debated those concepts. The affinity, it must be added, does not suggest that *Alf Layla* should be treated as a work of advice literature, or as a legal inquiry. Rather these affinities poise the work to contribute to questions over rulership, justice and the communal good. It invites new approaches to unveil the conversations between the different realms of knowledge production, and stresses the urgency of incorporating the debates *adab* enables, in the examination and reconstruction of medieval thought.

Alf Layla puts forth a particular understanding of the conception and application of justice. The crisis of authority in the frame story presents singular interpretation as an act of coercion. The following sequences of stories make a case for interpretation as a communal and dialogical enterprise and suggest that justice is artificial—profoundly contingent on acts of interpretation. As just solutions to the crises unfold in dialogical storytelling, *Alf Layla* alerts us to the phenomenology of justice. The king's attempt to bring meaning to a closure, to a finality that is sealed and confirmed by blood, dismantles itself against multiplicity. Just as the Genie in the first sequence chooses pardon after hearing the stories shared by the three shaykhs, and as the rebel 'Ifrit chooses benevolence in lieu of random punishment, king Shahriyār is reformed through the knowledge Shahrazād shares with him. In these, *Alf Layla* belongs to Islamic culture, particularly in that the act of reading has been construed within

hermeneutics that are largely informed by the ethical implication sharing knowledge entails, as most medieval *adab* works assert. The stories suggest that interpretation, in its communal, dialogical forms, gears us towards a concern for the greater good.

Through attention to both narrative styles and the normative worldview of the Islamic context, the present study hopes to have shown a novel reading of *Alf Layla*'s contribution to justice. I argue that the stories examined here have been recast into an extended—cohesive—debate, informed by Arabo-Islamic questions in content. They, more urgently, reverberate, in both form and style, a primary feature of Arabo-Islamic knowledge production, which I call diegetic fluidity. In presenting the failure of kingship as a crisis of interpretation, and then emphatically advocating diverse interpretations, *Alf Layla*, the present study hopes to have shown, adopts a hermeneutical attitude that privileges multiplicity and resists unitary interpretation in a fashion that affirms the contingency of ethical desiderata. And perhaps, by locating the ethical obligation in the act of interpretation, I conclude, *Alf Layla* holds a powerful suggestion on the relevance of (medieval) literature to the advancement of justice in our societies, a link that is very much at issue today.

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The Interplay of Religion and Philosophy in al-Tawhīdī's Political Thought and Practical Ethics

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Abstract

Although modern scholars tend to be sceptical of the role of religion in the formation of ethical and political thought in the Būyid period (334/945–440/1048), this article argues that both philosophy and religion, as envisioned by al-Tawhīdī and his contemporaries, played an integral role in its creation. The analysis shows that modern concepts such as ‘humanism’ and ‘political philosophy,’ as applied to these authors and their texts, are not felicitous to the social and intellectual contexts in which they were produced. Through analysing al-Tawhīdī's ethical and political thought, certain modern assumed dichotomies, including scientific enquiry versus religious teaching, theoretical ethics versus practical ethics, and the social versus the personal, are reconsidered. The article argues that a contextual approach to al-Tawhīdī and his peers should consider the encyclopaedic system of knowledge that shaped their thought and the interdisciplinary nature of their work where religious, philosophical, and literary elements are intertwined. The article highlights al-Tawhīdī's political thought, his active role as an intellectual and his attempt to disseminate knowledge based on two main beliefs: the role of knowledge linked to action in social life and reform, and a solid sense of the religious and moral responsibility of the scholar to offer advice to the leaders of the community. The concepts that he uses, such as *maḥabba* (love) and *ṣadāqa* (friendship) with its four foundational components, namely the soul (*nafs*), intellect (*‘aql*), nature (*ṭabī‘a*), and morals (*khulq*), addressed social and political challenges in Būyid society and produced alternative moral and intellectual responses to sectarianism, social disintegration and the decline in morality, which were characteristic of the Būyid era.

Keywords: Ethical political thought, Būyid, Humanism, Political philosophy, *‘Ilm* (Knowledge), *‘Amal* (action), *Ṣadāqa* (friendship), al-Tawhīdī, Ikhwān al-Ṣafā’

Introduction

Although modern philosophy tends to be suspicious of the role of religion in morality and ethics, a serious scrutiny of ethical discourse in the Muslim context, especially in the pre-modern period, cannot afford such a dismissive attitude towards the impact of the religious discourse of Islam. The essential connection of religion with moral concepts that play an important part in social life and reform is crucial for any attempt to examine political thought

and ethics produced by fourth/tenth century Muslim scholars in their writings during the Būyid period (334-440/945-1048).¹

Numerous modern scholars who have studied this literature, particularly the writings of the philosopher and littérateur Abū Ḥayyān al-Tawḥīdī (circa 315-414/927-1023), have neglected the close affinity between religion and true morality in the formation of his ethical thought for the political realm. These scholars often perceive religion and ethics as worlds apart.² This modern reading of the literature is influenced by their understanding of the classification of various disciplines of knowledge and conceptions from the eighteenth century onwards when criteria to define philosophy were taken primarily from ancient Greek culture and later European developments.³

Thus, certain western categories and definitions, namely ‘political philosophy’ or ‘humanism’ have often been applied by scholars as lenses to analyse al-Tawḥīdī’s writings and the broader literature of Islamic ethical and political thought, assuming rigid dichotomies between religion and philosophical activities and those of the littérateurs in the period.⁴ This reductionist view produces a misreading of pre-modern Arabic tradition by considering that a conflict between religion and philosophy were the core dynamic behind the study of Islamic morality in the fourth/tenth century.⁵ Such a view overlooks the complex relationship between philosophy, religion, and *adab* traditions in this period. It isolates Būyid authors, like al-Tawḥīdī, from their historical, intellectual, and cultural contexts by overlooking the encyclopaedic system of knowledge that shaped their thought and the interdisciplinary nature of their work where religious, philosophical and literary elements are intertwined. Thus, adopting a secular approach to al-Tawḥīdī as an *adīb* (man of letters outside of the scope of religion) does not only ignore the role of Islam in shaping his views but also the role of *adab* in shaping the discourse on ethical and religious norms.⁶ Instead of perceiving of al-Tawḥīdī as rejecting traditional Muslim beliefs, this paper will contextualise him and his writings in regard to religion, philosophy, ethics and the political realm, and highlights his active role as an intellectual, showing that while he was original in many ways, his outlook was firmly rooted in the Islamic culture in which he was educated.

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- 1 On the Būyid period, see ALSHAAR 2015, DONOHUE 2003, MOTTAHEDEH 2001.
 - 2 See KRAEMER 1986a and 1986b, BERGÉ 1990: 112-24, and BERGÉ 1979. For secondary scholarship on al-Tawḥīdī, see ALSHAAR 2015: 3-20.
 - 3 Key supporters of this position were some of Immanuel Kant’s students and later Georg W.F. Hegel, who insisted that for any system to be qualified as true philosophy, it had to be independent of religion; see HEGEL 2007-8. Kraemer and the Straussians, however, go a step further to argue that the relationship between religion and philosophy at the time of al-Tawḥīdī was one of conflict; see below discussion.
 - 4 See KRAEMER 1986a and 1986b, BERGÉ 1979, ARKOUN 1970. For an assessment of the application of Western categories into this period, see ALSHAAR 2015: 1-27.
 - 5 The concepts of ‘humanism’ and ‘political philosophy’ are not exclusively modern. Plato coined the term political philosophy. Al-Fārābī in his classification of science used moral and political philosophy as representative of what he described as ‘practical philosophy’ in opposition to ‘theoretical philosophy.’ However, my criticism of the use of ‘humanism’ and ‘political philosophy’ as lenses to study al-Tawḥīdī and his context is due to their malleability over many centuries. Both terms are used by many scholars when treating al-Tawḥīdī in order to impose a conflict between philosophy and a supposedly rigid Islamic orthodoxy in the literature of this period; see ALSHAAR 2015: 5-14.
 - 6 For a critical study of how *adab* is constructed in Islamic studies, see ALSHAAR 2020: 167- 203.

Before moving into this discussion, I will address the limits of a secular approach on Islamic political thought and the need for a comprehensive contextual approach to the study of these ideas in their own historical reality.

1. The Limits of Secular Approach on Islamic Political Thought

While a number of scholars, such as Leo Strauss and his followers applied the tradition of political philosophy to the study of ethics and politics in Muslim contexts, arguing that this tradition penetrated the three monotheistic religions,⁷ others, including, Dimitri Gutas rejected this use with reference to classical Islamic writings, stating that such tradition did not exist before Ibn Khaldūn (d. 808/1406).⁸ Strauss spoke of the “theological-political problem,” underlining an essential struggle over authority, namely the nature and justification of political authority and whether it is based on claims of reason or revelation.⁹ For him, the way to understand Arabic philosophy, which he construed as the conflict between religion and philosophy, is politics. Strauss defines two different systems: one based on unaided reasoning and natural law; and the other founded on divine revelation and religious laws.¹⁰ This suggests a separation between politics and the religious sphere.

As I have contended, this Straussian approach and its repercussions on grasping Arabic political ethical thought is problematic and produces vague generalisations since it lacks a sufficient understanding of the nature of Arabic philosophy and its historical contexts. Gutas and Carter have already argued against the position that all Arabic philosophy is about the conflict of reason and religion, and that philosophers operated in a hostile environment.¹¹ In fact, such an idea is alien to the Būyid context, where different emirs and viziers became avid patrons of learning and sponsored the activities of many scholars from numerous disciplines, including philosophers. Some of these scholars played an effective role in offering a rational argument within the context of religion to legitimise the Būyids' rise to power, as will be discussed below.¹²

Philosophers of this period freely voiced their views on a range of topics in society. Debates were held in vibrant intellectual gatherings of official court-sessions (*majālis*) sponsored by various Būyid emirs and viziers, at the residences of some scholars, and in the book market (*sūq al-warrāqīn*). Al-Tawḥīdī reported many ethical discussions such as the scholarly receptions for jurists, littérateurs, theologians and philosophers that the Būyid vizier

7 Strauss and his followers, including Muhsin Mahdi defined political philosophy in an Islamic context as the study and interpretation of revealed religion; see STRAUSS 1959: 10, MAHDI and LERNER 1963: 1, MAHDI 2001: 2-3.

8 GUTAS 2002 and 2005.

9 STRAUSS 1997: 453-56. Strauss's understanding is based on his reading of the Jewish philosopher Maimonides (d. 1204), which he then applied to all medieval philosophy.

10 ID. 1959: 13.

11 CARTER 1989: 304-305, GUTAS 2002: 19-21.

12 See also ALSHAAR 2015: 28-9, 36-9.

Abū l-Faṭḥ b. al-‘Amīd (d. 366/976) held during his visit to Baghdad in 364/975.¹³ He also described a number of public debates that took place in the book market about the validity of revelation, reason, and philosophy as paths to truth in which Abū Sulaymān al-Maḳḳisī, a member of the Ikhwān al-Ṣafā’ (the Brethren of Purity), Abū Sulaymān al-Sijistānī (d. 375/985), the intellectual mentor of al-Tawḥīdī, and others took part.¹⁴ In one such debate, although al-Sijistānī put forward views concerning the relationship between philosophy and religion, he still distinguishes the two as separate fields and shows how these two spheres could be considered in their connections and autonomy. Members of the Ikhwān al-Ṣafā’ argued for a harmonious relationship between the two spheres of religion and philosophy and postulated their agreement as path to truth.¹⁵ Furthermore, al-Tawḥīdī, himself, was as a member of a wide circle of renowned scholars and was deeply enmeshed in the politics and intellectual currents of his turbulent age. He actively discussed ethical themes with the Būyid vizier of Baghdad Ibn Sa’dān (d. 375/985) and thereby was involved in shaping the political discourse of his time.¹⁶

One could also argue that the secular approach to “virtue ethics” and political thought in the Būyid period falls short of understanding the originality of its thought and imposes a number of assumed dichotomies that may not necessarily exist in the literature or reflect how al-Tawḥīdī and a number of his contemporaries perceived their own writings. For example, when Kraemer, influenced by Mez, applied the terms ‘renaissance’ and ‘humanism’ with all their political and philosophical connotations to what he describes as the birth of scientific and philosophical legacy of Greek traditions in Būyid Baghdad,¹⁷ he fails to understand the specificity and originality of the context in which al-Tawḥīdī operated. Similar to Bergé and Arkoun, he wrongly projects a reading of the political and religious history of Italy in the 7th/13th and 8th/14th centuries onto the ideas of philosophers and *littérateurs* that he gathers from al-Tawḥīdī’s writings.¹⁸ This attempt to integrate al-Tawḥīdī’s writings into a western narrative of the development of secular intellectual thought maintains that a commitment to reason and philosophy in opposition to revelation was the driving force behind the study of philosophical and moral ideas in the Būyid period.¹⁹ This viewpoint is mistaken in the Arabo-Islamic context of these scholars and results in artificial boundaries between what was described as literary humanism (as epitomised in *adab* works, which supposedly followed the path of ‘rationalism’ as opposed to ‘traditionalism’), a more philosophical type of humanism, and religious works. This distinction and the placement of *adab* and religious writings as opposing poles is questionable and particularly difficult in al-Tawḥīdī’s context, whom Kraemer struggled to place in any of these categories, and thus described as marginalised and in opposition to the religious orthodoxy of his time.²⁰ Religion, however,

13 AL-TAWḤĪDĪ 1965: 410-416, 495-496; ID. 1964: 206-207.

14 ID. 1953: II, 4-15; see GRIFFEL and HACHMEIER 2010-2011: 223-257.

15 See al-TAWḤĪDĪ 1953: II, 4-49.

16 See further discussion below.

17 See KRAEMER 1986a and 1986b.

18 ID. 1986a: 5-20.

19 ID. 1986b, x-xiv; ID. 1986a: 2, 8, 19, 11-13; GOODMAN 2003: 7, 108.

20 KRAEMER 1986a: 16, 25.

was central in al-Tawḥīdī's active career, which included, among other examples, two letters on religious jurisprudence: *Risālat Nawādir al-Fuqahā'* and *Risāla fī Ṣilāt al-Fuqahā' fī l-Munāzarāt*.²¹

Furthermore, the association of *adab* with rationalism, as expressed by Kraemer, limits *adab* to a secular context, which again mistakenly draws boundaries between the religious and the profane, following theories of *adab* that had been developed by modern scholars.²² Although these theories highlight the pragmatic and social function of *adab* works and the interest of the elites in these works in an age of cultural transformation, especially in the 'Abbāsīd period, they overlook the historical development of *adab* and the religious elements inherent in *adab* works. The *adīb*, as perceived by scholars from this period such as Ibn Qutayba (d. ca. 275/889), was a person who embraced all forms of knowledge, non-religious or religious, including the Qur'ān, its language, stylistic, and literary features, Ḥadīth and *fiqh*.²³ Thus, *adab* as an intellectual enquiry avoided specialisation and came to imply the sum of knowledge that existed in this period, including the developing Arabic sciences as well as Persian and Greek traditions, which played a role in advancing discussions on morality. Such knowledge became available as a result of the transformation of an oral literary culture to an increasingly written and book-based culture sponsored by interested rulers.

Authors of *adab* transmitted a canon of knowledge offering all-encompassing moral education and contributing to the social discourse. *Adab* in this sense as envisioned by classical authors offers a system for studying and disciplining the soul and society through learning and the acquisition of knowledge be it religious traditions or a compilation of saying by sages, prophets, and philosophers alike.²⁴ Knowledge existing in *adab* works is then instrumental to derive benefits for a person and society and to promote ethics since it draws on religious explanations for the next life and aspects of how this world operates and the moral qualities approved as the best by all cultures.²⁵

Thus, such categoric dichotomies, including, scientific enquiry versus religious teaching, theoretical ethics versus practical ethics, and the social versus the personal overlook the encyclopaedic nature of some of the key literary productions that created Islamic ethical and moral thought in this period.

Given the encyclopaedic nature of writings in the 4th/10th-century, al-Tawḥīdī, Aḥmad b. Miskawayh (d. 421/1030), and the Ikhwān al-Ṣafā' produced expositions of ideas to reflect on the nature of political matters and the morality of their society and current beliefs and practices in various places in their books rather than in one specific study devoted to this subject.²⁶ For example, al-Tawḥīdī, in his encyclopaedism that characterises his *adab*,

21 YĀQŪT 1928-1937: XV, 5,8.

22 Among those who held this position are Karl Vollers, Carlo Alfonso Nallino, Francesco Gabrieli, Fritz Meier, Charles Pellat and Gerhard Böwering; cf. ALSHAAR 2017: 7-8.

23 See IBN QUTAYBA 1982: VII, 13-14.

24 See ID., 5-20; al-JĀHĪZ 1964-79: I, 95; II, 143-82.

25 ID.: I, 95.

26 GUTAS (2002: 2-25) denies the existence of any independent study within Arabic philosophy that examines political order, agents, and institutions.

discussed a number of intellectual themes and political ideas concerning the tensions between different Būyid viziers, namely Ibn Sa'dān and Ibn 'Abbād (d. 385/995) as will be discussed below, as well as how best to rule the community. These ideas are scattered in his books and especially found in his books *al-Imtā' wa-l-Mu'ānasa* (the Book of Delight and Conviviality), *Akhlāq al-Wazīrayn* (The Morals of the Two Viziers), and *al-Ṣadāqa wa-l-Ṣadīq* (Friendship and the Friend). Under the glittering prose style and the scintillating rhetoric in *al-Ṣadāqa wa-l-Ṣadīq*, which al-Tawḥīdī composed at the request of the Būyid vizier of Baghdad Ibn Sa'dān, there is a consistency and even a coherence to his ethical thought. Furthermore, al-Tawḥīdī and his contemporaries seem to be more concerned with matters related to the everyday experience of Būyid social and political situations rather than with a coherent analysis of the theory of polity. Thus, even if al-Tawḥīdī or the Ikhwān al-Ṣafā' for that matter were not systematic thinkers in the same way as al-Fārābī or Ibn Sīnā, the consistency of their contributions to reshaping an influential corpus of Islamic ethics, scattered as it may appear, should be given serious consideration.

In a context like al-Tawḥīdī's Būyid society, there was a link between political discussions and the religious domain. To be more precise, the Būyid military officials not only replied with philosophical arguments to justify their rule, but they also portrayed it as a sign of God's will to save the 'Abbāsīd caliphate and the Muslim community from the state of anarchy and decline.²⁷ Thereby, they preserved the 'Abbāsīd caliphate for its value as a public religious symbol and continued to evoke religious justification for their rule. Thus, political power and the claim of preserving religious authority were embodied in a single institution in this period.

Pre-modern treatment of moral virtue and refinement of character was important and emerged as a result of vibrant discussions of Islamic law and theological matters.²⁸ Therefore, questions concerning the divine and man's relation with the universe were not avoidable even by philosophers, including al-Tawḥīdī. Indeed, for scholars operating in the fourth/tenth century, the nature of inquiry appears to have been especially about finding additional ways to connect different forms of knowledge to discuss man's relationship with God and to manage a society governed by God's laws and divine scriptures. Al-Tawḥīdī, in his discussion of moral virtues, including, *ṣadāqa* (friendship), described the nature of good governorship in terms of the relations of a ruler to God and how best to manage society in accordance with God's command. In this context, it is difficult to separate the political from the theological or religious.

Furthermore, theological questions about man's relation to God and to the world around him often concern moral conduct and behaviour. This leads to another difficulty associated with the lens of political philosophy, namely the assumed dichotomies between two categories: practical ethics and theoretical ethics. Practical ethics is concerned with ways in which people ought to live, while theoretical ethics is interested in the nature of things. In the context of pre-modern philosophical and moral inquiries, such a separation is elusive since they were concerned with practical matters, even if they were presented in apparently theoretical form.

27 Cf. MADELUNG 1969: 94.

28 Cf. ZARGAR 2017: 2-9.

For al-Tawḥīdī, a true scholar is a person of action and counsel, who strives for the common good since knowledge cannot be perfect without being implemented. Having moved between different intellectual circles, including those of Abū Sulaymān al-Sijistānī, the Christian Aristotelian philosopher Yahyā b. 'Adī (d. 363/974) and members of the Ikhwān al-Ṣafā', whose encyclopaedic epistles and lectures he knew, he was in conversation with numerous others concerning intellectual and political concerns of the time. In order to have a practical impact on society, he believed that knowledge and philosophy should not be restricted to the educated elite, but it should be applied in society at large. There is a spiritual reward, eternal praise (*dhikr*) from God, an enduring repute, and delight in spreading wisdom.²⁹ In this, al-Tawḥīdī seems to have re-evaluated the role of philosophers within wider Islamic culture, and to have found a readership beyond the confines of rigid intellectual disciplines.³⁰ This position resonates in al-Kindī's and the Ikhwān al-Ṣafā's attempts to offer *falsafa* to a wider public and turn it into a legitimate *madhhab*.³¹

In order to gain a wider application for his ethical ideas, al-Tawḥīdī endeavoured to practice his philosophical ideas at various Būyid courts such as that of vizier Ibn Sa'dān in Baghdad as will be discussed below. This resulted in a new scholarly genre or form of writing that combines philosophical thinking with *adab* (*al-fann al-adabī*), which may well have been a way to adhere to a literary form common in court-sessions and to make philosophy more accessible in court circles.³² Therefore, it should be possible to speak about the popularisation of philosophical ideas through this form of *adab* in order to educate their audiences and offer practical solutions drawing on philosophical ideas as well as other sources, including religion.

Moral concepts were explored by al-Tawḥīdī and his contemporaries to provide a form of intellectual guidance for all, especially through the influence of rulers.³³ This attitude can be ascribed to their strong commitment to link knowledge to action and is probably also due to their familiarity with and adoption of Platonic ideas, namely here his concept of philosopher-king, which al-Tawḥīdī seems to have appropriated in his discourse of *ṣadāqa*,³⁴ as I will discuss below.

The last discussion shows that the restrictive modern meaning of political philosophy is not consistent with al-Tawḥīdī's cultural and intellectual context. Rather, the term political thought offers a more inclusive approach to the entire body of his works, especially his political ethics, and does not restrict his activity to a particular sphere. This provides a contextual approach to Islamic political ethics as applicable to all social activities within a community. This understanding corresponds to the broader conception of politics that was popular among al-Tawḥīdī and his contemporaries, which can be traced back to Aristotle,

29 Al-TAWḤĪDĪ 1968: 67.2-3.

30 See ALSHAAR 2015: 82, ROWSON 1990: 51.

31 Al-KINDĪ 1953: 172-73; cf. ALSHAAR 2015: 82, MARQUET 2012: 1071-76.

32 Cf. ROWSON 1990: 50-92.

33 Al-TAWĀTĪ (1999: II, 233) explores these philosophers' efforts to discuss social issues, calling them *al-tayyār al-iṣlāhī* (reform movement).

34 Plato's concept of the philosopher-king was popular in the fourth-tenth century. It is worth mentioning that before al-Tawḥīdī, al-Fārābī adopted this concept, and that the Ikhwān al-Ṣafā' also assimilated this concept with their views of an infallible Imām; see BAFFIONI 2002: 4-12.

who declared that man is a political animal by nature and that only within a political community can humans achieve the good life.³⁵ These positions widen the scope of politics in a Būyid context to include the personal realm, and it will be understood in terms of power-structured relationships between members operating within social and cultural structures. In other words, commitments were based on formal and informal ties between individuals, which provided the basis for the shape of political life in the Būyid period.³⁶ These ties involved various forms of obligations, and responsibilities. A person's participation in a community involved a strong sense of belonging. The community functioned as a necessary paradigm in which individuals cooperated to achieve common interests. For example, the Ikhwān al-Ṣafā' were a community of learned individuals who, as al-Tawḥīdī stated, were "knit together by companionship and purified [their souls] by friendship towards each other. They had resolved upon holiness, purity, advice."³⁷ Members of this community defined their identity and commitment to one another on the basis of *ṣadāqa*, mutual help, and sharing knowledge. These themes were crucial to how these members thought that people should relate to one another, and thus considered them as conditions for society's survival as a whole. Therefore, the ethical ideals of a community according to this contextual approach reside in the reciprocal commitments of the group members, which are arguably able to guide action without being explicitly presented as rules and to define societal norms.

In this sense, al-Tawḥīdī's political thought and that of his contemporaries, despite some divergence between them, should be considered as eminently practical ethical activity embodied in everyday life and concerned with their interaction with each other and with members of other social groups. These activities are ways in which he and other members of the groups developed their own sense of commitments to their own groups and viewed their relations to the structure of the polity in their specific society. Thus, their ethics are dialogue to put forward intellectual arguments to advance a better society and communal living.

Treatment of moral virtue, including, *ṣadāqa* and related themes, such as befriending enemies, love (*maḥabba*), and the best form of ruling are ethical political issues related to matters of behavior, character, and the cultivation of virtue. These discussions by al-Tawḥīdī and his contemporaries intimately connect personal and social realms, and thus can be seen as social acts or their intellectual responses to challenging moral questions in their own settings, which were extended to how others may respond, in order to implement alternative ethical discourses of a practical nature.

2. Contextualizing al-Tawḥīdī in his Political Sphere

In order to overcome the limitations of a secular approach towards Islamic ethical and political thought, I will analyse al-Tawḥīdī's ideas in these two areas, treating them as his

³⁵ ARISTOTLE 1946: I, 1253a.

³⁶ On the nature of these commitments, see MOTTAHEDEH 2001.

³⁷ AL-TAWḤĪDĪ 1953: II, 5; IKHWĀN AL-ṢAFĀ' 1957: Ep. 45 (4: 4-60).

response to resolve cultural, political and social tensions.³⁸ I will, therefore, also set forth the relevant contexts of the Būyids' rule. Their rise to power resulted in a new political structure, namely the establishment of a minority non-Arab Shī'ī kingship and the reduction of the 'Abbāsīd caliphate to merely a spiritual and religious authority. As Shī'īs, Būyid military commanders wielded political power but enjoyed no claim to prophetic succession as a source of authority.³⁹ The Būyids were not able to identify themselves completely with either the Shī'īs or the Sunnīs of the Arab population that they ruled, and therefore they portrayed themselves as a socially-sanctioned institution and guardian of the 'Abbāsīd caliphate to establish their authority.⁴⁰

The Būyids promoted their own policies, which would shape the nature of social life. Having inherited many of the cultural trends and tensions that existed under the late 'Abbāsīds, they found it to their advantage to keep society fragmented, to further intensify divisions between different groups, and to remain somewhat aloof from society's affairs. Thus, Būyid cultural and political policies facilitated certain patterns of social conduct, mainly a rise in materialism that was accompanied by a decline in morality and sectarian tensions and rivalry for survival between different groups and individuals. The interaction between these groups revealed a society in which boundaries were reinforced across intellectual, religious, and ethnic lines.

Būyid emirs themselves and their viziers competed with each other for power, glory, and wealth and their relationships were marked by shifting political alliances. In such a climate of uncertainty, knowledge was seen as a tool to establish political legitimacy for the ruling elites. Therefore, military commanders, who were without religious claims of prophetic succession, fostered the career of professional scholars and intellectuals who could provide arguments in support of their guardianship of Islam.⁴¹ Hence, the production of knowledge itself was strongly linked with changing political and cultural attitudes.

In this context, al-Tawḥīdī developed relationships with various Būyid viziers and different courts. According to sources, he developed links with al-Muhallabī (d. 352/963) who was the chief vizier of the Būyid emir of Iraq, Mu'izz al-Dawla (d. 356/967). He also tried to make a connection with the Būyid Abū l-Faḍl b. al-'Amīd (d. 360/970) during his trip to Rayy in 357/967 and later with his son Abū l-Faḍl b. al-'Amīd (d. 366/976). Al-Tawḥīdī was also admitted to the court of the Būyid vizier Ibn 'Abbād in Rayy in 367/978.

However, al-Tawḥīdī differed in his relationship to rulers from the standard model of a courtier or a boon-companion.⁴² At times influenced by his sense of his own intellectual worth and his entitlement for respect, which often clashed with court protocol and courtesy, he generally found it hard to have good relations with the ruling elites. His efforts, however,

38 I have previously discussed extensively the relevance of "the social imaginary approach" as a framework for al-Tawḥīdī's context, see ALSHAAR 2015: 14-20.

39 It is unclear which branch of Shī'ism the Būyids followed. However, it was suggested that they were either Zaydīs or Twelver Shī'īs; see MADELUNG 2012: 477.

40 For the Būyids' relationship with the 'Abbāsīd caliphate see, ALSHAAR 2015: 27-31.

41 For further discussion, see ALSHAAR 2015: 36-49; al-TAWĀTĪ 1999: I, 199-236, MOTTAHEDEH 2001: 90-96, 108-10.

42 For al-Tawḥīdī's relationship with different Būyid viziers and of the nature of Būyid circles, see ALSHAAR 2015: 82-89.

were successful in 370/981 with the Būyid vizier of Baghdad Ibn Sa'dān, to whom he was introduced by his friend the mathematician Abū l-Wafā' al-Muhandis (d. 388/998). Ibn Sa'dān appears to have had similar intellectual concerns to al-Tawḥīdī, who appreciated having found a willing listener.

Ibn Sa'dān was concerned to ensure that he had a talented entourage to compete with other Būyid viziers. His court embraced both Muslim and Christian scholars, including Miskawayh and Zayd b. Rifā'a (d. circa 400/ 1011), a member of the Ikhwān al-Ṣafā'. Zayd b. Rifā'a made Ibn Sa'dān aware of al-Tawḥīdī's lectures on friendship,⁴³ as will be discussed below. There are reports that Ibn Sa'dān was aware of the need for vibrant intellectual discussions and advice concerning matters of rulership and individual and societal welfare. According to al-Tawḥīdī, Ibn Sa'dān was concerned about how he was perceived by people and scholars, including al-Sijistānī in relation to the management of the vizierate, and he insisted that by investigating these matters, he was following the example of the Prophet and the caliphs after him who made similar inquiries.⁴⁴ This concern was potentially a source of anxiety for leaders like Ibn Sa'dān in an age that was permeated with political, social, and religious uncertainties. This context also explains certain themes to which al-Tawḥīdī drew the attention of Ibn Sa'dān, such as patronage (*iṣṭinā' al-rijāl*) and the need for the ruler to select for his entourage and companions people of knowledge who apply their erudition to ensure the proper running of the vizierate.⁴⁵

Al-Tawḥīdī freely discoursed with Ibn Sa'dān on ethical topics as his nightly confidant, having been allowed to use the second person (*kāf al-khiṭāb and tā' al-muwājahā*) when addressing the vizier. This attitude challenged existing court protocols and created an atmosphere of equality, which allowed al-Tawḥīdī to voice his social vision openly.

Al-Tawḥīdī mentioned Ibn Sa'dān's interest in the welfare of the people and in learned scholars and that the latter held a number of philosophical discussions on ethical qualities in his court (*majlis*).⁴⁶ Al-Tawḥīdī also acted as an intermediary between Ibn Sa'dān and members of the Baghdad philosophical schools, especially al-Sijistānī and Ibn Khammār to whom Ibn Sa'dān sent a long list of philosophical questions through al-Tawḥīdī.⁴⁷ This attitude may be seen as an attempt to disseminate the knowledge and the thought of philosophical circles and to influence people in power in order to shape the thinking of a large part of society and initiate reform.

Al-Tawḥīdī's attempt to influence people of power may be ascribed to two fundamental beliefs: the role which knowledge should play in the context of the court and its link to action, and a solid sense of religious and moral responsibility of the scholar to offer advice to the leaders of the community. Addressing Ibn Sa'dān, al-Tawḥīdī said:

It is a duty upon everyone, to whom God has granted a solid opinion, enduring advice and useful intuition, to serve you with the intention of helping you to manage the

43 AL-TAWḤĪDĪ 1964: 63-72.

44 AL-TAWḤĪDĪ 1953: I, 29, 42-9.

45 ID.: III, 212.

46 AL-TAWḤĪDĪ 1970: 85-89; ID., 1953: I, 198-206, 222-26; III, 61-66, 127-47.

47 These questions covered topics, including the purification of the soul and its perfection, human nature, intellect; see ID.: III, 106-26.

foundation, and the leadership of your kingdom. By so doing, one performs God's duty in strengthening and protecting you.⁴⁸

For al-Tawḥīdī, two types of people should perform their duty to help society: the ruler and the righteous scholar. Since the ruler alone cannot oversee every aspect of society, it is the religious responsibility of the learned and trustworthy men to help the ruler manage the society's affairs and oppose the sectarian tension prevalent in Baghdad. Therefore, moving between different political, philosophical, and religious groups, the learned man uses his knowledge, rhetoric, and affiliation with one group to influence another. This position underlines the role of al-Tawḥīdī as an intellectual in his society and his attempt to make philosophical ideas accessible through the use of rhetoric and dazzling prose in order to shape politics in this period. This rhetoric could be seen not only as a mechanism to reinforce or justify the authority of rulers, but it can also be seen as an intellectual and practical response by al-Tawḥīdī to persuade rulers of his time to change certain existing social and political practices and offer alternatives as will be discussed in the section on *ṣadāqa* (friendship) below. Al-Tawḥīdī's use of rhetoric may then be seen as a form of social action to promote practical application of knowledge and wisdom and move rulers to action with arguments informed by all available forms of knowledge, including religious and philosophical themes.

In this context, al-Tawḥīdī and some of his contemporaries, including members of the Ikhwān al-Ṣafā' and of the Baghdad philosophical schools, and Miskawayh came together collectively beyond their impersonal entities to form a political entity, playing a major part in shaping the ethical discourse of the time by introducing a set of moral norms and concepts of friendship and love as measured responses to the moral decline and the social disintegration, which characterised the Būyid post-caliphate society.

These individuals had a set of expectations, including moral obligations in regard to one another, to perform collective practice to achieve communal benefits and to imagine a better moral order for society. Therefore, their ideas of friendship, love, brotherhood, and *insāniyya* (humanity) were related to how persons connect to one another, and to other groups.⁴⁹ They included personal questions, such as, 'What should I do?' As a result, action-guiding, personal responses to similar ethical questions included a more general element: 'What should one (in my circumstances) do?' Thus, as I discussed elsewhere, al-Tawḥīdī and his colleagues were concerned "to promote truly human behavior in society by encouraging people to realise the common essence of their humanity, which is divine in its nature, and not strictly the realisation of the perfection of man qua man on the basis of the exercise of pure reason."⁵⁰

The common use of *tahdhīb*, which is often rendered as "refinement" or "cultivation" (of character)" by these scholars was not a purely personal matter or a form of self-improvement. The quest for this improvement and the purification of one's self was encouraged within the framework of social cooperation, for they were perceived as the key for the happiness and betterment of society at large. Such refinement through friendship, brotherhood, and *insāniyya* was not purely an epistemological exercise, but can be seen as an attempt to bridge

48 ID.: III, 212.

49 For a study of these terms, see ALSHAAR 2013: 25-39.

50 ALSHAAR 2015: 206.

the gap between the person and the community and to foster a common interest in the good in a society that was made of competing ethics and religious groups.⁵¹ In this way, such ethical questions allow for contact between the personal domain and the socially broad frame. The stress on the divine origin of humanity, the idea of sociability as the grace of God, and religious practices and ceremonies as means to promote friendship proposed by these scholars⁵² may also be seen as an attempt to reform religion intellectually from dogmas and sectarianism and argue for its place in the formation of public morality and in addressing contemporary challenges.⁵³

3. The Practical Basis for al-Tawḥīdī's Moral System and Perception of *ʿilm* (Knowledge)

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Intellectually, al-Tawḥīdī moved between religious, philosophical, and official Būyid circles, using his knowledge, rhetoric and affiliations with one to influence another. This is evident in the statement made by Yāqūt al-Ḥamawī (d. 626/1229) who wrote an eloquent biographical sketch of al-Tawḥīdī, describing him as *faylasūf al-udabāʾ wa-adīb al-falāsifa* (the philosopher of litterateurs and the litterateur of philosophers), “a Sheikh among the Sufis,” “the investigator (*muḥaqqiq*) of the *kalām* and the *mutakallim* (theologian) of the investigators,” and “the leader of the eloquent.”⁵⁴ These statements are, as rightly suggested by Bergé, fundamental for understanding al-Tawḥīdī's thought and ethical theory, and indicate the difficulty of applying a single label to al-Tawḥīdī.⁵⁵

In his early childhood, al-Tawḥīdī regularly attended the circle of the leading Shāfiʿī jurist Abū l-Ḥasan al-Qaṭṭān (d. 359/960), where he studied the religious curriculum, including the recitation of the Qurʾān, Ḥadīth, as well as jurisprudence, eloquence, and rhetoric.⁵⁶ He also studied under Abū Bakr al-Qaffāl al-Shāfiʿī (d. 365/976), the well-known Shāfiʿī jurist Abū Ḥāmid al-Marwarrūdhī (d. 362/973), under whose teaching al-Tawḥīdī learned to appreciate the qualities of *ʿarabiyya*, or the science of Arabic, integral in this school to a textual examination of the Qurʾān.⁵⁷

This appreciation for *ʿarabiyya* became more structured when al-Tawḥīdī studied under Abū Saʿīd al-Sīrāfi (289/902-368/979) and Abū l-Ḥasan ʿAlī b. ʿĪsā al-Rummānī (296/909-384/995), who introduced him to the nature and function of grammar and its connection with logic—an approach which would later shape his vision of how society should reform itself and his arguments of how different fields of knowledge relate to each other, e.g., religion and philosophy, as will be discussed below.⁵⁸

51 See ALSHAAR 2013: 37.

52 ID.: 31-33.

53 ID.: 37.

54 YAQŪT 1928-1937: XV, 5.

55 BERGÉ 1990: 113.

56 AL-TAWḤĪDĪ 1964: II, 475; I, 284-5.

57 See ID.: I, 100, 258, 376, 304, 418-19, 549-51; II, 48-49; III, 167, 178; IV, 285; ID. 1965: 476-77.

58 See ID. 1953: I, 129-30, 133, 222; ID. 1965: 411-13; ID. 1964: I, 170-72.

Furthermore, as a scribe, al-Tawḥīdī was introduced to many forms of knowledge, and in *sūq al-warrāqīn* he met members of the school of Ikhwān al-Ṣafā'. He was also admitted to the philosophical and political circles of Baghdad, including the court of the Būyid vizier Ibn Sa'dān, the school of Yaḥyā b. 'Adī and that of Abū Sulaymān al-Sijistānī.

This training and study of religion, language, grammar, and philosophy must have influenced al-Tawḥīdī's moral vision and conception of knowledge by which issues of good and evil and societal good would be determined.

The Sources of Knowledge

For al-Tawḥīdī, religion (*dīn*) and reason (*'aql*) are tools to reach the truth. He divides knowledge into religious and human categories. According to him, God has granted his creatures two clear paths for the acquisition of knowledge: The first is through sense-perception (*ḥiss*) and reason, asserting the ability of reason for making moral decisions; reason is a divine benevolence "created by God in this world" (*al-'aql khalīqat Allāh fī hādihā al-'ālam*),⁵⁹ and is capable of identifying good human actions. The second path is through intuition (*al-badītha*), which is associated with the revelation.⁶⁰ In this context, al-Tawḥīdī acknowledged the value of jurisprudence (*fiqh*) as a practical source to determine matters of commanding right and forbidding wrong. *Fiqh* elaborates rules of ritual practices, duties, and social relations and welfare.⁶¹ The Qur'ān is the decisive source that determines such knowledge, as stated by the righteous ancestors, and the *sunna* is subordinate to it and clarifies it.⁶² For al-Tawḥīdī, the *sunna* is a source for positive action and demands rules of behaviour and therefore, he associated the Prophet's sayings and practices with wisdom (*ḥikma*).⁶³ Thus, he saw the practices, values, and morals (*khulq*) of the Prophet and the first Muslim generation (*al-salaf al-ṣāliḥ*) as guidance and examples that should be emulated to achieve the greatest good.⁶⁴

This understanding and the association of the Prophet's *sunna* with wisdom may be seen as al-Tawḥīdī's attempt to reaffirm the status of prophetic traditions (from which in his opinion society had strayed) as a value system and a source for moral enquiry.⁶⁵ It also reflects al-Tawḥīdī's engagement with contemporary debates on religion and philosophy, and the diversification and fragmentation of knowledge, especially the skepticism about revealed and non-revealed knowledge as valid paths to truth and for the wellbeing of society.⁶⁶

Al-Tawḥīdī's approach to knowledge in all its forms seems to have been guided by a hermeneutical quest for meaning and an essential belief in the practical value of knowledge and its link to pious action (*'amal*); a belief that is substantiated by religious and philosophical arguments common in his time. This includes the Aristotelian idea that "knowledge was the

59 ID. 1970: 119.

60 ID. 1953: II, 19-20.

61 ID. 1968: 106.

62 Ibid: 106-107.

63 ID. 1964: I, 515.

64 ID. 1965: 290.

65 ID. 1953: I, 16-18.

66 On al-Tawḥīdī's classification of knowledge, see ALSHAAR 2010: 153-173.

beginning of action, and action the entelechy of knowledge”, which was often cited by many scholars, including al-‘Āmirī with whom al-Tawḥīdī interacted.⁶⁷

For al-Tawḥīdī, knowledge is noble in its essence and this can be applied to all its branches. Thus, knowledge is linked to virtue and its basic goal is to reach perfection through action.⁶⁸ The purpose of this connection between knowledge, virtue, and action is to obtain holiness, which everyone in society should strive to fulfil.⁶⁹ Therefore, all valid knowledge and action should lead to “the declaration of God’s oneness (*tawḥīd*), manifold wisdom, and an invitation to His worship.”⁷⁰

In determining the usefulness of knowledge, al-Tawḥīdī evaluated it not so much on the basis of its source, structure, or limits, namely revealed or non-revealed, but on the basis of its moral and practical function for the well-being of society. This conciliatory approach between reason and revelation was at the heart of his moral thinking and criteria for classifying knowledge.

In his Epistle *On the [Classification] of Knowledge*, al-Tawḥīdī challenged the unattributed statement:

Logic should not interfere with jurisprudence, nor should philosophy have a connection with religion, and wisdom should have no influence on juridical verdicts.⁷¹

Unlike some contemporary scholars, including al-Sijistānī, al-Tawḥīdī held that enquiries into religious matters are not independent of the domain of logic and philosophy, and that revealed and non-revealed knowledge should not be treated as disconnected epistemological realms. This attempt by al-Tawḥīdī to show how religion, reason, and philosophy complement each other may have been inspired by contemporary and previous philosophers, including Abū Zayd al-Balkhī (d. 322/934), who was the student of Abū Ya‘qūb al-Kindī (d. 259/873).⁷² Al-Tawḥīdī also allied with al-‘Āmirī (d. 381/991), the student of al-Balkhī, who discussed religious legal matters, such as the permissibility of wine-drinking and theological topics, using philosophy and logic.⁷³ Al-Tawḥīdī especially considered valuable al-‘Āmirī’s treatment of free will and predestination in his book *Inqādh al-Bashar min al-Jabr wa-l-Qadar* (The Deliverance of Mankind from the Problem of Predestination and Free Will).⁷⁴ Al-‘Āmirī attempted to resolve tensions concerning free will and predestination, using (Aristotelian) physics rather than the usual *kalām* methods, namely dialectics (*jadāl*).⁷⁵

67 Cf. ROSENTHAL 1970: 66-67, especially 67, note 1, 240-322.

68 AL-TAWḤĪDĪ 1968: 105-6; ID. 1970: 274.

69 ID. 1950: 254.

70 ID. 1953: III, 135.

71 ID. 1968: 105.

72 Al-Tawḥīdī mentions al-Balkhī’s *Kitāb Aqṣām al-‘Ulūm*, *Kitāb Iqtīṣāṣ al-Faḍā’il* and *Kitāb Tashīl Subul al-Ma‘ārif*, which are helpful to appreciate the existence of various fields of knowledge; see AL-TAWḤĪDĪ 1968: 106; ID. 1970: 95; ID. 1953: II, 15-16.

73 For further description, see ID. 1965: 413-14; ID. 1964: III, 545.

74 ID. 1953: I, 222-23.

75 Cf. ROWSON 1988: 10.

Furthermore, al-Tawḥīdī does not put the world of reason in opposition to that of the senses, arguing that this approach leads to good action he states:

[One] should accept all that which is not rejected by reason, and which maintains the rule of justice, and suits the foundation of *sharī'a* and the basis of religion (*mā lā yantafī min al-'aql wa-yulā'im asās al-sharī'a wa-mabnā al-dīn*).⁷⁶

Al-Tawḥīdī extended his holistic approach to knowledge and perfection by attempting to integrate Arabic religious sciences with logic and philosophy in a broader context. For him, a person who has:

The facility of language (*lughā*), and is competent in grammar (*naḥw*), becomes the most skilful in [the art of] speech and composing meanings. He will also acquire further insight into the value of man... If, after this, he were to speak some logic, he would exceed all rivals.⁷⁷

Logic is a decisive element of a truth claim; it is “an instrument like a scale, which can measure everything that is subject to disagreement and agreement...” and helps to refine meanings and purify utterances.⁷⁸ Al-Tawḥīdī proposed an approach that synthesises language, grammar, and logic as conditions for a valid inquiry. For him, “[elements in] the world are dependent upon one another, related to one another, and [compared to one another....]”⁷⁹ Therefore, enquiries on logic should involve aspects of grammar, and vice versa.⁸⁰ Knowledge derived from reason and knowledge derived from religion are means for discovering God’s wisdom and the need for His worship.⁸¹ He says:

Does not wisdom confirm religion? And does not religion perfect philosophy? Is not philosophy the form of the soul? Is not religion the course of the soul?⁸²

Thus, philosophy and religion complement one another in pursuit of the purification of the soul, the refinement of moral character (*khuluq*) and the perfection of human conduct for knowledge has no merit by itself but only when it is accompanied by virtuous action. According to al-Tawḥīdī, “Knowledge (*al-‘ilm*) and action (*‘amal*) are the two ends of philosophy.”⁸³ The function of knowledge, including philosophy, is not only to contemplate the nature of things but also to help one obtain practical knowledge for leading the best possible life. A true philosopher is a person of action and counsel, who strives for the common good since knowledge cannot be perfect without being implemented, as al-Tawḥīdī stated:

76 AL-TAWḤĪDĪ 1964: IV, 25; ID. 1970: 203-4.

77 ID. 1968: 111.

78 Ibid.

79 ID. 1968: 112, 132.

80 ID. 1968: 15, 132.

81 AL-TAWḤĪDĪ 1953: I, 195-6.

82 ID. 1970: 167-68.

83 Ibid: 280-81.

If action falls short of knowledge, knowledge then is a burden on the scholar. I seek refuge in God from knowledge that becomes a burden and bequeaths disgrace, and becomes a chain on its master's neck.⁸⁴

Thus, to conclude, four elements mainly formed al-Tawhīdī's social idealism and moral vision by which perfection can be reached (*yuntahā ilā l-kamāl*): religion (*dīn*), morals (*khuluq*, informed by religious traditions and reason), knowledge (*ilm*), and reason (*ʿaql*), which supervises the first three elements. "Religion contains guidance and benefits," while "morals are the order of good and well-being."⁸⁵ As al-Tawhīdī stated:

Religion comprises the commandments from God, while virtue comprises moral conduct among people. There is no morality except that which is refined by religion, and no religion except that which is purified by virtue.⁸⁶

For the moral agent, valid knowledge linked to pious action (*amal*) is what brings the two together and helps set religion right and makes morals prevail.⁸⁷ Al-Tawhīdī thinks that humans gain the ability to reach perfection and the eternal in a material world when religious beliefs are established on the basis of reason and purified from doubt, confusion, and hypocrisy, and when morals are purified from filthy habits, greed, baseness, and meanness. The perfection of all three components, religion, morals, and knowledge can be achieved through reason; it is the greatest gift from God and the door to happiness in this life and the next.⁸⁸

The remainder of this article will show how these four elements were manifested in al-Tawhīdī's moral vision, especially his discourse of *ṣadāqa* within the wider context of his political and ethical thought.

4. *Ṣadāqa* (Friendship) as the Ideal of Politics and Moral Society

Ṣadāqa seems to be the highest moral value that links religion, reason, and morals in theory and practice in al-Tawhīdī's thought. Influenced by his sense of the self and moral world, he promoted *ṣadāqa* as the crucial bond that ties his views on ethics and politics into a coherent whole. He composed a lengthy epistle on this theme, *al-Ṣadāqa wa-l-Ṣadiq* (Friendship and the Friend), at the request of Ibn Sa'dān in 371/982 after he heard about al-Tawhīdī's discourses on *ṣadāqa* from Zayd b. Rifā'a, and he re-edited the work in 400/1011.⁸⁹

External and internal threats, as well as shifting political allegiances, seem to be behind Ibn Sa'dān's choice of al-Tawhīdī to be his close associate. In an attempt to lessen the tension

⁸⁴ ID. 1968: 162-63.

⁸⁵ ID. 1965: 27.

⁸⁶ ID. 1964: 48.

⁸⁷ ID. 1965: 27.

⁸⁸ ID. 1965: 28.

⁸⁹ AL-TAWHĪDĪ 1964: 1; see also ALSHAAR 2015: 119-57.

between the successors of the Būyid king 'Aḍud al-Dawla (d. 373/983), Ibn Sa'dān (acting on behalf of Šamšam al-Dawla (d. 388/998), who was appointed as a successor to his father, 'Aḍud al-Dawla) attempted to establish an agreement with Fakhr al-Dawla (d. 387/997), the ruler of Rayy and Jurjān, by making overtures to his vizier of Rayy, Ibn 'Abbād. Thus, al-Tawḥīdī's intimate knowledge of the court of Rayy and of Ibn 'Abbād, who is described as arrogant and corrupt in his book *Akhlāq al-wazīrayn*, was crucial for Ibn Sa'dān as he exchanged diplomatic letters and negotiated an agreement with Ibn 'Abbād.⁹⁰ Apparently, Ibn Sa'dān's interest in al-Tawḥīdī's discourses on *ṣadāqa* was not only for their literary amusement or intellectual qualities but also driven by the political and social situation in the midst of the power struggle between various Būyid emirs. In this context, the subject of a useful friend and the unavoidable friendship with an enemy to help to keep danger under control were important themes that run through the epistle.⁹¹ In circumstances of conspiracy and shifting political alliances, the practice of befriending an enemy, built on self-interest, was common in Būyid courts.

Al-Tawḥīdī opened his epistle with a moving prayer in which he decried the state of moral decline among his contemporaries and requested God to grant them intimacy to cleanse them.⁹² His epistle was based on lectures that he delivered on friendship and related matters in the philosophical circles of Baghdad at the end of 370/980, which included members of Ibn 'Adī's and al-Sijistānī's schools.

In order to set his epistle within the wider genre of intellectual enquiry and to offer Ibn Sa'dān guidance, al-Tawḥīdī drew upon previous ideas of friendship, be they religious or philosophical. He included:

The sayings of the people of excellence (*al-faḍl*) and wisdom, and of the possessors of piety and virtue, in order that all this should form a complete epistle from which benefit could be derived in this life and the next.⁹³

His analysis of *ṣadāqa*, however, is not fixed or defined solely by these ideas. Rather, he sifted through these ideas, made his own synthesis, and introduced major conceptual changes. He added new meaning and significance to friendship beyond its conventional meaning.⁹⁴

Main themes that al-Tawḥīdī discussed in the formal gatherings of Baghdad were “what is *ṣadāqa*” and “what should a friend do,” which are both normative and action-guiding ethical questions. These questions define the nature of this virtue, *ṣadāqa* which al-Tawḥīdī placed at the heart of an alternative moral order not found in the existing social context.⁹⁵ They also define the forms of obligations and responsibilities on which members who participated in these circles based their sense of commitments towards one another. For al-Tawḥīdī, *ṣadāqa* as a lived experience promotes the rise of moral practices, including intimacy (*ulfa*), brotherhood (*mu'ākhāt*), generosity (*al-jūd*), caring (*al-ri'āya*), and aid (*al-*

⁹⁰ Al-TAWḤĪDĪ 1953: I, 53; ID. 1965: 9.

⁹¹ See, for example, ID. 1964: 31-32, 123.

⁹² ID. 1964: 1.

⁹³ ID. 1964: 1.

⁹⁴ Ibid.

⁹⁵ Ibid.

musā'ada) as alternatives to the existing social context governed by strife and selfishness.⁹⁶ Therefore, this form of *ṣadāqa* does not apply to all the political and social strata in society. While the possessors of piety who quest for true salvation are capable of *ṣadāqa*, kings and their entourage are not because of their corruption, greed, selfishness, and love for power.⁹⁷ The men of baseness and local gangs (*‘ayyārūn*) are also not capable of *ṣadāqa* because of “their slender ambition, their baseness of spirit and their vile nature”.⁹⁸ This view challenges the widely-held belief that “friendship” is a form of social interaction to which everyone in society is entitled.

In another place, al-Tawḥīdī introduced *ṣadāqa* as a means for the combination between the life of knowledge and the life of virtuous action, and the life of senses.⁹⁹ Thus, *ṣadāqa* as an action promotes an experience that embodies everything that is essential to restore social order: it restrains human nature from involvement in anything, which infringes concord, and generates affection among people, enabling them to achieve a state of purity and godliness (*ṣalāh*), through both moral refinement and religious adherence. It is the foundation of harmony and agreement on what is goodness.¹⁰⁰ Thus, “*ṣadāqa* has an inclusive function that transcends exclusionary boundaries of intellectual, religious, and ethnic categories.”¹⁰¹ This emphasises *ṣadāqa*'s universal applicability and its potential to change society.

The Theory and Practice of *Ṣadāqa* Based on Religion and Reason

In order to oppose the moral decline in his society, al-Tawḥīdī proposed, as discussed above, that knowledge, e.g., philosophy, should have two parts: the theoretical that discusses the nature of things, and the ethical action, or how knowledge can be applied in order for one to act morally. In this context, al-Tawḥīdī introduced to his intended recipients, be they philosophers, religious leaders, or rulers, his theory of applied and practical *ṣadāqa* that appears to be the link between reason, religion, and morals as a measured intellectual response to societal tensions.

From the outset, al-Tawḥīdī introduced a possible medium of communication in which knowledge of philosophy is blended harmoniously with religious knowledge through the example of the true friendship between al-Sijistānī, a master of logic and Greek philosophy, and the judge Ibn Sayyār, a learned man in *sharī'a* (religious law).¹⁰² This example is possibly an attempt to offer Ibn Sa'dān a model of effective polity that replaces the pattern of competing politico-military commanders or kingship, the person-centered approach to ruling. Indeed, when discussing the concept of *mulk* (rulership), al-Tawḥīdī advised Ibn Sa'dān to implement *sharī'a* in order to manage people with knowledge, reason, and justice.¹⁰³

In his question to al-Sijistānī about his friendship with the judge, al-Tawḥīdī identifies four key components of *ṣadāqa*: soul (affinity of the soul), intellect (intellectual friendship),

⁹⁶ Ibid; see also ID. 1968: 72.

⁹⁷ ID. 1964: 5; ALSHAAR 2015: 168-73.

⁹⁸ AL-TAWḤĪDĪ 1964: 6.

⁹⁹ ID. 1968: 72.

¹⁰⁰ ID. 1964: 1.

¹⁰¹ ALSHAAR 2015: 160, altered slightly.

¹⁰² AL-TAWḤĪDĪ 1964: 1-12.

¹⁰³ ID. 1953: II, 33.

nature (natural assistance), and morals (moral unanimity).¹⁰⁴ Al-Sijistānī adds two more components: reciprocated trust and astrological ideas of friendship.¹⁰⁵ Trust is indispensable in the context of mistrust, shifting loyalties, and religious and political conflicts of Būyid society. *Ṣadāqa* is then of an intellectual nature based on a shared interest in the love for knowledge. It implies a pedagogical conception to secure a person's perfection and happiness, since it consists of soul (which determines a person's moral qualities and has control over the body to direct it to goodness)¹⁰⁶, reason,¹⁰⁷ nature, and morals.

To define the nature of *ṣadāqa* further, al-Tawḥīdī gave the example of Ikhwān al-Ṣafā', his contemporary community of friends, who purified their souls through embracing friendship as their doctrine (*madhhab*).¹⁰⁸ Thus, *ṣadāqa* is a reciprocal virtue that motivates forms of loyalty based on reason, trust, shared interests, and loving the good for the benefit of each member of the community.

Al-Tawḥīdī also reported al-Sijistānī's explanation of the Aristotelian definition of a friend:

Someone said to Aristotle the wise man and the tutor of Alexander [the king]: "What is a friend?" He responded: "It is a man who is yourself, but who, however, as far as he is an individual, is different from you."¹⁰⁹

For Aristotle, *philia* (friendship) describes the respect and support of humans for one another,¹¹⁰ but in this quote, as stated by al-Sijistānī, Aristotle referred to the final stage of harmony and unity between friends.¹¹¹ Abū al-Faṭḥ al-Nushajānī, another member of al-Sijistānī's school, argued that this definition of unity is understood by reason and not through the senses, and this unity is ideal for accepting.¹¹²

Ṣadāqa offers alternative forms of fidelity that "is not defined by race, social category, authority, or even religion."¹¹³ This fidelity is still evident within al-Sijistānī's distinction between friends and acquaintances; the latter:

... conjoined by country, neighbourhood, profession, or descent, but despite all that has joined you, organised you... you are at the peak of division because of envy

104 ID. 1964: 2.

105 Ibid. – Most of al-Sijistānī's views concerning the intellect and epistemology are recorded by al-Tawḥīdī in his *al-Imtā'* and *al-Muqābasāt*; cf. ALSHAAR 2015: 76.

106 On the soul, see al-Tawḥīdī's account of al-Ṣaymarī's answer to his question about the closeness of a person's soul "...in the soul is all that makes a person human.... he [a person] is she [the soul] and she [the soul] is he [a person]..."; al-TAWḤĪDĪ 1970: 110, 288; ID. 1953: I, 147.

107 Reason illumines the soul and nature, and it is through reason that the soul derives knowledge necessary to achieve perfection; ID. 1953: III, 110; ID. 1970: 288.

108 ID. 1953: II, 5.

109 ID. 1964: 55.

110 ARISTOTLE 1985: VIII, 1159a, 221.

111 AL-TAWḤĪDĪ 1964: 55-57.

112 ID. 1970: 449-52.

113 ALSHAAR 2015: 184.

creeping among you, competition cutting off your relationships, and opposition infringing on concord among you.¹¹⁴

These unions, whether political, religious, or professional dominating the social fabric of Būyid society, seem inferior to the natural type of fidelity bond that results from true *ṣadāqa*. People drifted away from their first “greatest nature,” which is not contaminated by competition, enmity, envy, or greed.¹¹⁵

Thus, there is another distinction between *ṣadāqa* and other forms of emotions, such as romantic love, and desire (*shahwa*). In line with his four components of *ṣadāqa*, al-Tawḥīdī stated that *ṣadāqa* is higher than other forms of love since it emanates from the virtuous [rational] soul, suits the path of reason, is nearer to the nobility of character, is more removed from the tendencies of sensuality, and is raised above natural influences.¹¹⁶ Al-Tawḥīdī stressed that reason and pure religion within the paradigm of *ṣadāqa* purifies human nature from contamination.¹¹⁷ Thus, “al-Tawḥīdī’s view of friendship diagonally counters a fundamentalist view of religion”¹¹⁸ where dogmatic and exclusive considerations govern “friendship” or loyalty between members of an extremist religious group.

The difference between *ṣadāqa* and other forms of relationship and desires shows that al-Tawḥīdī did not simply take over the Aristotelian understanding of *philia*. He scrutinised it critically, excluding what did not correspond to his views while embracing ideas from other sources. More precisely, while accepting disinterested friendship, which should include an interest in the good of a friend as an end in itself,¹¹⁹ al-Tawḥīdī and al-Sijistānī disapproved of the other two types based on utility and pleasure.¹²⁰ Furthermore, the Aristotelian usage of *philia* covers basic sociability, all sentimental family ties, and one’s political community that enables people to exist together, but not necessarily harmoniously.¹²¹ Al-Tawḥīdī added a more profound spiritual dimension to the Aristotelian definition, voicing a unique experience of unity, self-disclosure and self-annihilation between the two friends by citing a verse by the Sufi poet al-Ḥallāj (d. 309/922), referring to his Sufi concept of *ḥulūl* (unity and merging):¹²² “The mystical union with God is replaced by a unity between persons.” Therefore, al-Tawḥīdī’s *ṣadāqa* exceeds the scope of Aristotle’s friendship since it involves not only that the two friends wish the good for each other, but that they become united as one soul, seeking knowledge and perfection on a large scale. Therefore, *ṣadāqa* introduces a form of loyalty that allows society not only to coexist but to do so harmoniously.

114 AL-TAWḤĪDĪ 1964: 55.

115 Ibid.: 56.

116 ID. 1964: 102; ID. 1953: III, 105-6.

117 ID. 1964: 57.

118 MAHALLATI 2019: 244.

119 ARISTOTLE 1985: IX, 1166a, 245.

120 ID., VIII, 1157a-b, 215-216. Al-Tawḥīdī reported al-Sijistānī’s answer to Ibn ‘Atā’s comment, stating that a friend is not someone from whom to acquire benefit but someone to encourage, rely on, with generosity and without envy; see al-TAWḤĪDĪ 1964: 54.

121 Aristotle admits the term *philos* or friend in respect to all forms of relationships whether personal or civil; ARISTOTLE 1985: VIII, 1155a, 208.

122 The verse cited is “His soul is my soul, and my soul is his soul...If he wants, I want, and if I want, he wants;” see al-TAWḤĪDĪ 1964: 55; cf. al-ḤALLĀJ 1955: 69.

These last points highlight the transcendent character of al-Tawḥīdī's disinterested *ṣadāqa* (between a philosopher and a judge or a ruler), since it exceeds the limitations of specific categories and combines religion and philosophy in an ideal political framework. He seems to be establishing a balance between the role of knowledge (scholars) and law in reforming and organising society, a point which he also made clear by encouraging Ibn Sa'dān to select people of knowledge as his companions, as discussed above. This description of the friendship between the philosopher and the judge and al-Tawḥīdī's complaints about loss of friends and his disappointment in people can be seen in part as a rhetorical technique to instruct his audience and to appeal for patronage, especially to the judge Abū Sahl in Rajab 400/1011 when he finally re-edited the epistle.¹²³ Therefore, the relationship between the man of knowledge and the man of religion and authority remains essential in al-Tawḥīdī's theory of the connection between knowledge and politics.

Al-Tawḥīdī's views on *ṣadāqa* can be related to his wider project to persuade people in authority, namely Ibn Sa'dān, of the indispensability of a wise and just ruler and the Platonic notion of a "philosopher-king" as the best model for ruling.¹²⁴ Thus, the friendship between a "philosopher" and a "judge-ruler" (which can be seen as an attempt to assimilate the platonic concept into Islamic context), as well as al-Tawḥīdī's constant references to the ideal friendship between Alexander (the enlightened ruler) and Aristotle (the philosopher tutor), shows the importance of knowledge in the human struggle to organise society.¹²⁵ Thus, these models are designed to reflect the type of ruler that Ibn Sa'dān should become, a "ruler-friend," which al-Tawḥīdī saw as a moral form of ruling that could improve the community.

In order to further clarify the moral character of "ruler-friend" and the virtues proper to a ruler who adheres to *ṣadāqa* for justice and compliance with God's rule, al-Tawḥīdī included reports of authoritative religious figures, particularly the Prophet. As already discussed, for al-Tawḥīdī, the Prophet acquired a normative value, namely being considered a model for proper behaviour and the correct ruler. Equality is highlighted as important for the "ruler-friend" through the example of the Prophet, who was reported by al-Tawḥīdī as

eating dates and someone was sitting with him. When the Prophet saw a rotten one, he set it aside. Then his companion said to him: "O messenger of God, give me the rotten one so that I may eat it." He [the Prophet] said: "I would not wish for my companion (*jalīsī*) anything which I would not wish for myself."¹²⁶

Al-Tawḥīdī replaces 'believers' (which is strictly associated with a Muslim context) in the original version¹²⁷ with "companion," in order to widen the scope of this ḥadīth to communicate a universal brotherhood within the framework of friendship, embracing all members of society, Muslims and non-Muslims alike. Al-Tawḥīdī used reports about the Prophet to establish the authority of his ideas. Therefore, in developing his ethical framework

¹²³ For further discussion of al-Tawḥīdī's context in the final stage of re-editing the epistle, see ALSHAAR 2015: 130-173. It is also worth noting that in this later period al-Tawḥīdī also contemplated the notion of friendship with God, especially in his book *al-Ishārāt al-ilāhiyya*.

¹²⁴ AL-TAWḤĪDĪ 1953: II, 32-33.

¹²⁵ ID. 1964: 41.

¹²⁶ ID. 1964: 18.

¹²⁷ Cf. al-BUKHĀRĪ no date: I, 12.

of *ṣadāqa*, he drew upon this tradition conceptually. As a reader, he seems to have molded this tradition to create a new “aesthetic” meaning driven by his purpose to provide a universal discourse that transcends religious boundaries of his time.

In another report, al-Tawḥīdī cited the Prophet saying “treating people in a morally correct manner is charity.”¹²⁸ This example provides a religious dimension to the theme of “befriending people” to which al-Tawḥīdī also drew the attention of Ibn Sa’dān when he advised him to invest in his relationship with the *‘amma* (the commoners); a relationship which al-Tawḥīdī considers divine.¹²⁹

By portraying the Prophet’s moral conduct as the best producer for a head of community, al-Tawḥīdī evoked a traditional example of a pious, divinely-guided ruler as an alternative model to kingship and the politico-military commanders’ pattern run on the basis of power, oppression, and passion. Thus, the inclusion of Prophetic reports offers a practical example of the tools and techniques for educating and organising the community in line with God’s teachings and shows the role of these authoritative narratives in the construction of ethical paradigms in Islamic traditions. It also underlines the link between the moral nature of friendship and the juridical teaching of Islam.

Conclusion

The exploration of al-Tawḥīdī’s life and work led to three main areas in this article: first the study of ethical and political thought under the Būyids in the fourth/tenth century; second the need for an approach to Islamic ethical and political thought that considers their contexts and the encyclopaedic system of knowledge that shaped their formation; third the interdisciplinary nature of works produced in this period. The article comes to revisionist results, especially about the role of both religion and philosophy as essential in the formation of ethical and political thought in this period. It establishes that in these two areas, al-Tawḥīdī crossed the boundaries between disciplines that modern scholars and theories of ethics often consider hostile to one another, especially *adab*, philosophy and religion. *Adab* writings can be singled out as a venue where philosophical and religious ideas meet to provide readers with enquiry into moral principles of human action and with materials that educate their souls to maintain their well-being.

Al-Tawḥīdī was an original thinker and yet he was rooted in the Islamic culture in which he was educated. He approached knowledge with a spirit of openness drawing from all types of sources to produce a new moral order for the benefit of his society. Not only did he show that different forms of knowledge can be reconciled, but he also came into contact with other like-minded persons who also actively debated ethical ideas and responded to socio-political changes and the increasing pluralisation of Islamic cultures. The combination between the ruling class and intellectual guidance is key to al-Tawḥīdī’s political thought and his views of moral and social reform. This morality included a new set of norms and ways to make them happen. One could call this a type of “practical *falsafa*” where the value of knowledge

128 Al-TAWḤĪDĪ 1964: 63.

129 ID. 1953: III, 87.

is determined by its ability to practice challenging ethics while transcending existing boundaries.

Al-Tawḥīdī and his contemporaries taught the importance of adopting *ṣadāqa* and love to promote truly humane behaviour, and for spiritual purification, which was not isolated from concern for reforms in the political and social order. Questions concerning “what is a friend,” “what types of affiliations should exist in order for people to live harmoniously” and “can one befriend an enemy” established a connection between politics and the study of morality and between the private and the public sphere in al-Tawḥīdī's context.

Al-Tawḥīdī and his contemporaries used formal rhetoric with arguments from both religious and philosophical sources to offer a theory of applied moral concepts as a form of social action to shape politics and societal practices. The presence of virtues, such as *ṣadāqa*, qualifies moral outcomes, and they appear to be the linchpin between religion and reason theoretically as well as practically. Based on his commitment to reason and religion, al-Tawḥīdī sought to widen the scope of these virtues from the personal realm to the political as well in order to introduce reform and link people to common ethical action.

This analysis of al-Tawḥīdī's moral thinking shows that despite modernists' skepticism, religion contributed at the deepest level to the formation of morality in the Būyid period. Therefore, in order to do justice to the study of Islamic ethics, its characteristics and distinctiveness should be analysed in their historical, intellectual, cultural, and religious contexts.

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Muhammad ‘Abduh’s Notion of Political *Adab*: Ethics as a Virtue of Modern Citizenship in Late 19th Century Khedival Egypt

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Abstract

This paper extends the emphasis on contingency and context in Islamic ethical traditions into the distinctly modern context of late 19th century Khedival Egypt. I draw attention to the way Muhammad ‘Abduh’s engagement with Islamic ethical traditions was shaped by his practice in addressing the broad social and political questions of his context to do with nation-building and political journalism. As a bureaucrat and state publicist, he took pre-modern Islamic ethical concepts into the emerging discursive field of the modern state and the public sphere in Egypt. Looking at a series of newspaper articles for the state newspaper, *al-Waqā’i‘ al-miṣriyya*, I show how he articulated an ethics of citizenship by defining a modern civic notion of *adab* that he called “political *adab*.” He conceived of this *adab* as the answer to the problem of how a unified nation emerges from the condition of “freedom” by which journalists and the reading public at the time were conceptualizing the politics of the ‘Urābī revolution in late 1881. This was a “freedom” of the public sphere that allowed for free speech and the power of public opinion to shape governance. ‘Political *adab*’ would be the virtue or situational skill, internalized in each participant in the public sphere, that would regulate this freedom, ensuring that it produces unity rather than anarchy. I argue that *adab* here enshrined ‘Abduh’s holistic approach to nation-building; Egypt with political rights would be a nation in which the very idea of the nation is comprehensively embedded—through *adab*—in people’s lives, animating their “souls”. This was a politics conceived not as a self-standing domain, but as growing out of society, becoming thereby an authentic unity and self-regulating “life”. In developing this vision, ‘Abduh was amplifying pre-modern meanings of *adab* implying wide breadth of knowledge, good taste, and the virtues, labelled in the paper as ‘comprehensiveness,’ ‘consensus’ and ‘habitus.’

Keywords: Muhammad ‘Abduh, *Adab*, Freedom, Nation, Politics, Egypt

Introduction: ‘Abduh and the public sphere

Muhammad ‘Abduh, the late 19th century Egyptian Muslim reformer, is widely considered the foundational thinker for Islamic reformism and modernism. As recent studies have highlighted, his project of reform is often misrepresented as solving the Orientalist problem, famously stated by Albert HOURANI (1983: 136-140, 344), of how to harmonize Islam with modernity. This framing of Islam and modernity as opposites misses the way Islamic tradition was part of ‘Abduh’s modern thinking (HAJ 2009). And the positing of this problem of

opposites distracts from the actual synchronic contextual problems that ‘Abduh was addressing, which were not limited to questions about Islam or to one discursive tradition (KATEMAN 2019; SCHIELKE 2007). In this paper, I will contribute to this revisionist relocation of ‘Abduh’s reformist ideas in the specific concerns of his own discourse and practical context and, in doing so, show how his engagement with Islamic ethical traditions was informed and shaped by these concerns—providing a modern case study for exploring Islamic ethics as contextually-embedded as opposed to its stereotype of being scripturalist and deontological.¹ Building on recent studies of the modern state and intellectuals in the Arab world that decentre Europe, I particularly highlight the way his thought is generated out of his practice, working for the Khedival state in Egypt’s expanding domain of *siyāsa* (state legal authority) before the British occupation in 1882—that his Islamic thought was not responding to modernity, practically realized by Europe, from a non-modern and solely theoretical space, but was part of and produced by distinct local modernizing practices (FAHMY 2018: 130-131; OMAR 2017). To capture this mutually formative link between Muslim thought and modernizing practice, I will zoom in on the connection between a specific role and a specific Islamic ethical notion: ‘Abduh’s role as Director of Publications for the Khedival state and editor of the official newspaper between 1880-1882; and his notion of *adab*, a complex word that is translatable both in an active sense as ‘etiquette’ and a passive sense as ‘literature’ (BONEBAKKER 1990: 22-24). Looking at a series of newspaper articles that ‘Abduh wrote for the state newspaper, *al-Waqā’i‘ al-miṣriyya*, I will show how he articulated an ethics of citizenship by defining a modern civic notion of *adab* that he called “political *adab*.” He conceived of this *adab* as the answer to the problem of how a unified nation emerges from the condition of “freedom” by which journalists and the reading public at the time were conceptualizing the politics of the ‘Urābī revolution in late 1881. This was a “freedom” of the public sphere that allowed for free speech and the power of public opinion to shape governance. “Political *adab*” would be the situational skill, internalized in each participant in the public sphere, that would regulate this freedom, ensuring that it produces unity rather than anarchy. I argue that *adab* here enshrined ‘Abduh’s holistic approach to nation-building: Egypt with political rights would be a nation in which the very idea of the nation is comprehensively embedded—through *adab*—in people’s lives, animating their “souls”; this was a politics conceived not as a self-standing domain, but as growing out of society, becoming thereby an authentic unity and self-regulating “life”. ‘Abduh, I propose, was amplifying pre-modern meanings of *adab* implying wide breadth of knowledge, good taste, and the virtues, in order to innovate an idea of a moral regulatory mechanism for the public sphere.

So modernity was not conceptualized in contradistinction to Arab-Islamic ethical traditions or with them merely as its background, but was a transcultural category available in the 19th century public sphere. There is a burgeoning literature on the *literary* use of the notion of *adab* in the context of the florescence of Arabic language, culture, and institutions of publishing and learning in the late Ottoman period and beyond, known as the *Nahḍa* (BOUQUET 2020; DUPONT 2020; GUTH 2020; MAYEUR-JAOUEN 2020; PAGANI 2020; al-

¹ Building on the explorations of Islamic ‘ambiguity’ and ‘contingency’ in BAUER 2011 and JOHANSEN 1999.

BAGHDADI 2008; ROOKE 1998). This literature highlights the way the adaptability of *adab* facilitated the literary articulation of new bourgeois values of hard work and sentimentalism in the form of novelistic caricatures playing out a moderating balance between novel European cultural mores and local social conservatism (BOUQUET 2020; DUPONT 2020; GUTH 2020; MAYEUR-JAOUEN 2020). Building on Ellen McLarney’s work, I will show how *adab* also had an evolving and sometimes radical *political* use, providing the flexible framework in which ‘Abduh both imagined modern citizenship and challenged as well as preserved aspects of Egypt’s balance of power amidst social change. This is not a conceptual history that traces the genealogy of *adab* or ‘Islamic tradition’ (SCHIELKE 2007; ASAD 2014, 2003), but one that focuses analysis on the synchronic context of *adab* in order to locate its significant and dynamic place within a complex ethical discourse spanning the shifting domains of state and journalism.

Adab neither has a set of explicit norms nor does it have a clear univocal meaning (MALTI-DOUGLAS 1985: 9-12). Rather, it offers a literature, methodology and way of doing things and its meaning lies in a polysemic spectrum between language and human conduct. In its active sense of etiquette it does not offer a deontological ethics, but a situational acumen, like using a language, that Arab journalists and reformers found useful for articulating what they saw as the social demands of modernizing change in the 19th century. The term was a reference point for the project of social reform, envisaged by ‘Abduh and other reforming bureaucrats like ‘Alī Mubārak and Ḥusayn al-Marṣafī, who formed a reformist network with ‘Abduh in government *majālis* like the new educational reform council, the *majlis al-ma‘ārif* (HEYWORTH-DUNNE 1939: 458), and cultural associations like the *Jam‘īyyat al-maqāsid al-khayriyya* (DEYOUNG 2015: 220-240). *Adab* referred to refined civility and propriety on the micro-scale of individuals that could realize an ordered and productive society on the macro-scale of the imagined nation. It was closely linked to the reformist notion of *tarbiya* (upbringing) with its shift of the focus of Ottoman *tanẓīmāt* reforms from legal to moral reform by way of the rearing of national populations—also propagated by more popular pedagogical publicists in Egypt like ‘Abdallāh al-Nadīm (MCLARNEY 2016; SALVATORE 2016; FARAG 2001; GASPER 2001; SCHIELKE 2007). This educational discourse elided with an amplification of the meaning of *siyāsa* from the ruler’s legal authority towards ‘politics’ in the modern sense of the collective interests and allegiances of the citizenry. This new *siyāsa* was centred around the ordinary individual subject (the citizen) as opposed to the monarch and accountable to public opinion (ŞIVILOĞLU 2018; MCLARNEY 2016: 39). McLarney has shown how the influential mid 19th century Egyptian bureaucrat and reformer, Rifā‘a al-Taḥṭāwī, drew on the logics of *adab* to articulate this new kind of politics, configuring the legitimacy of the monarchy as a kind of constitutional paternalism, limited by consideration of public opinion that was understood to be representing collective interests (MCLARNEY 2016). ‘Abduh, I will argue, developed these logics further to address the challenge that the emerging political journalism of the early 1880s posed to *siyāsa* in expanding the authorship of public opinion and political agency to a wider and divided public who formed a public sphere of discourse about the interests of the Egyptian nation (FAHMY 2011: chapter 1; AYALON 1995: 44-49, 147-52; PHELPS 1978). His notion of political *adab* conceived this broader participation in political discourse through journalism as an extension

of *tarbiya* that turns subjects into citizens, that is, individuals who are responsible for their wider political order and have new political rights and duties.²

This article understands the public sphere in the sociological and historical sense of Charles Taylor's idea of the modern 'social imaginary' (1993). Taylor used this idea of 'social imaginary' to describe the new collective experience in history of social relations on a national scale and mode of governance predicated upon the idea of a national population. Both of these were made possible by social technological transformations in the 18th-19th century, in particular, the emergence of the printing press and mass print media like newspapers and pamphlets along with new sites of sociability like bourgeois salons and literary societies in which the new print media were consumed and discussed. The new media and meeting-spaces helped generate new civic and political subjectivities by connecting people on a nation-wide scale and within the discursive frame of a 'nation' that transcended immediate locales. Taylor defines the public sphere as a common space of the nation in which people who never meet understand themselves to be engaged in a discussion capable of reaching a common mind (TAYLOR 1993: 222-27). The novelty of the public sphere, he argues, lay in how it made the simultaneous collective agency of the nation thinkable—what he characterizes as “radical secularity”. He does not mean by this term the absence of religion, but rather that the constituting actor of this space and collective agency is nothing other than the common action of coming to a common mind: “action is not made possible by a framework which needs to be established in some action-transcendent dimension” (TAYLOR 1993: 235-38). There is no higher time or founding moment that organizes humans politically prior to their co-action. Rather humans in this space are pre-political and together establish the political order, giving the politics of the public sphere a self-constituting character.

For 'Abduh, as I will argue, the significance of the public sphere is not just its cultivation of citizens who are politically responsible. The agency of public opinion ensures a political order that is suitable to the people and their particular condition of nationhood; in other words, while the modern state becomes more powerful in their lives, the public sphere gives them a new ownership over the state as a locus not just of legal rights, but of their positive moral agency. 'Abduh envisaged a political sphere that more effectively mobilizes the people of the nation through journalism, enabling the holistic spread of citizenship on the deep level of morality or virtue—a kind of moral standardization that leaves less space for a variety of localized loyalties and moral orientations. This is the self-constituting logic of the public sphere that in rooting political legitimacy in a consensus or common mind shared between the nation's different groups (religious, class, ethnic etc.), brings these different groups into a standardizing political fold under the banner of 'public interest'. Dyala Hamzah captures this standardizing effect in her work on the public sphere in the Middle East when she describes the epistemological shift of the transition from scholastic knowledge (*'ilm*) to journalism (*ṣiḥāfa*) as the writer's “loss of transcendent legitimacy in effective recognition

2 'Abduh in this light appears to develop the influential *tanẓīmāt* linking of reform to constitutional justice in Khayr al-Dīn al-Tūnisī's *Aqwam al-masālik* and al-Ṭaḥṭāwī's manifesto for a productive civic ethic and constitutional monarchy, *Kitāb manāḥij al-albāb al-miṣriyya*, by more decisively locating the nation in the people and the public sphere. This involved defining justice here as a matter of limiting not just monarchical power, but the people as participants in the public sphere; see al-TUNISI 1875: 13-30.

of his own immanent authority: that of writing in the name of all, in the name of public interest” (HAMZAH 2013: 100).

The “political life” and *adab*

I propose that ‘Abduh was acutely conscious of the public sphere in this sense of an experience of simultaneous collective interconnectedness as a new technologically-facilitated social and political condition in Egypt.³ Being a journalist, government newspaper editor and a reforming bureaucrat seeking to build a nation and modern state, he was at the heart of the institutional developments that made the public sphere possible in Egypt: the popular journalism of the private presses, new social clubs and salons that were the social infrastructure of the Arabic *Nahḍa* (MESTYÁN 2017: chapters 4 and 5; FAHMY 2011: chapter 1; SALVATORE 2011; AYALON 1995: chapter 2; COLE 1993: chapter 5) and the *tanẓīmāt* and its rationalization of royal power into a government (*al-ḥukūma*) with an impersonal public structure (HUNTER 1999) beholden to the scrutiny of a public gaze that popular journalism was amplifying (FAHMY 2018: 51-60).⁴ The polysemic character of *adab*, I argue, catered conceptually and imaginably for ‘Abduh’s articulation and conception of the public sphere and the novel ways these developments were linking state and society. I will look at a series of articles that he published in November 1881 for the state newspaper, *al-Waqā’i‘ al-Miṣriyya*, at the start of the ‘Urābī revolution—the military protest, backed by Egyptian agricultural elites, and eventual takeover of the Egyptian government, accused of accepting the injustices of a European regime of financial control (September 1881 – July 1882).⁵ The title of the series of articles is the “political life” (*al-ḥayāt al-siyāsiyya*) which I will suggest is ‘Abduh’s term for conveying the potential efficacy of the public sphere in generating a unified citizenry out of disparate social groups.

A central aspect of this efficacy in ‘Abduh’s conception is what Taylor characterizes as the public sphere’s self-constituting character (that the people choose their political order), which is implicit in the way ‘Abduh sets up his notion of the “political life” within a developmental history of “humanity”. The political life emerges after the “stages” of the “natural” and “social” as a third stage in which humans “inspect the affairs of their soul (*naḥsihi*) and are interested in the condition of their people (*jinsihi*)” and thus become “political humans with full rights and duties” (*al-insān al-madanī al-kāmil al-ḥuqūq wa-l-wājibāt*, ‘ABDUH 2009: I, 362). He thereby sets up humans as pre-political: the ordinary individual, on the

3 This supports Dyala Hamzah’s argument for the reformist interest in the power of journalism and their self-conscious use of it. She argues that the public sphere has been underappreciated in the literature on Islamic reformism and modern Egypt. The close relation between reformist medium and message requires more attention. See HAMZAH 2013: 6-9.

4 This was playing out practically and materially in the regime of financial control’s separation of government and khedival finances in 1878. This rationalization of governance was in contrast to an idea of a close association of governance with the person of the Khedive, as reflected, for example, in the understanding in the 1820s and 30s of state law as a violation of the Sultan’s rights. See FAHMY 1997: 128-131.

5 For the history of the ‘Urābī Revolution see SCHÖLCH 1981; COLE 1993; for a closer look at ‘Abduh’s circle of reformist bureaucrats during this time, see DEYOUNG 2015.

universal level of what he defines as their natural “humanity” (transcending any particular or exclusive modes of identity), precedes any shared principle of order ; and, as pre-political human beings, themselves then choose and constitute their political arrangement of “rights and duties”—the self-constituting character of the public sphere (as opposed to being naturally or divinely-given). The political order follows from an active state of being a citizen—of being “interested” (*yahtamm*) in the wider social whole. Significantly, ‘Abduh places regard for the “soul” (*nafs*) before regard for their “people” (*jins*); this seems to be a deliberate ordering because ‘Abduh repeats this phrasing and sequence later in the article (‘ABDUH 2009: I, 362-63). It suggests a kind of holistic governance, working from the individual soul and self-policing upwards, that was not present in the ‘natural’ and ‘social’ stages—an aspect of ‘Abduh’s civic ethics which I refer to later.

‘Abduh articulates the self-constituting character of the political life by linking it to the concept of liberty or freedom—the global principle of the 19th century developmental discourses (CASE 2019: 75-77). Commenting on the immediate political context, he claims that Egypt is entering this stage of “political rights” (*al-ḥuqūq al-siyāsiyya*). But, he warns, it is a “dangerous stage” in which “we are set loose to be free” (‘ABDUH 2009: I, 362-63). He says that “the lover of freedom has the illusion that the need for the *murabbī* (guide) and guidance negates freedom or is the sign of the persistence of tyranny.” But, in reality, he argues, they need this guidance (‘ABDUH 2009: I, 362). ‘Abduh is defining a universalistic notion of the fully-developed human being as capable of partaking in collective self-governance and then both including and excluding the Egyptians in this category. His cautious ambivalence was challenging popular discourses about freedom at the time.⁶ He subscribes to the global liberal axiom that political and social forms are most effective and legitimate when they are based on the consent of individuals, in particular, on collective consent—on political freedom that chooses its constraining order. He sees the political life as the fulfilment of this ideal, but his main point, as we will explore, is that this freedom is not just the absence of tyranny, but requires a more profound change on the level of *adab*: a re-ordering of the very fabric of society and language.

‘Abduh locates this condition of freedom historically in terms of the social infrastructure and politics of the modern public sphere that I outlined above. He presents the role of the *murabbī* as built upon a politics of consensus: “he must be one who has unified the word of the people and obtained their trust, otherwise he is one of those with power (*al-sulta*) based either on violence or fear and delusion among his subjects” (‘ABDUH 2009: I, 362). He thus again locates political power as a humanly-constituted relationship—either by consent, violence or fear and delusion. ‘Abduh claims that the ruler of Egypt, Khedive Tawfīq, fulfils the role of the ruler who wins consent. “The great Khedive,” he says, “has obtained the people’s trust” and “is known for his longing to reform the nation... and desiring their freedom.” So, he says, “there has spread in his age what some used to fear in times before him;” “newspapers have proliferated in his days, when in the past there were few... and charitable and literary societies have been organised and the people have been given freedom of speech, when in the past they spoke in the houses whispering and were not safe.” And the

6 For the question of the colonizing history of liberalism and the inclusive and exclusive nature of its definition of a universal humanity, see MEHTA 2009 and ESMEIR 2014.

newly-appointed ministers are trusted to “revive Egypt for the people of Egypt” (‘ABDUH 2009: I, 363). ‘Abduh is defining the distinctness of his age in terms of the material and political possibility of national conversation and consensus, unafraid and freely expressed, to which politics and the government are accountable. The word ‘life’ itself captures the self-constituting nature of the public sphere in ‘Abduh’s social imaginary. As a ‘life’, it is animated and self-moving—it coincides with *hurriyya* (freedom) and the end of *istibdād* (tyranny). This expresses what Taylor calls ‘radical secularity;’ it is free to move according to its internal momentum and directionality—its order does not come from its unifying infrastructure, the newspapers and the clubs, which are purely a communicative structure. It is significant that ‘Abduh, in contrast to previous reformist writers like al-Ṭaḥṭāwī, does not use the organic metaphor of a body with its pre-defined functional differentiations such as the king being the head of the body.⁷ The order is alive in that it is subsequent upon the communicative agency of the people in the public sphere.

In the language above of “freedom” and “Egypt for the Egyptians,” ‘Abduh was appropriating the popular slogans of the ‘Urābī Revolution. The tone of the press had changed significantly after the army’s protest at the Khedive’s Palace in ‘Ābdīn square on 9th September 1881 and toppling of the cabinet of Riyād Pasha (SCHÖLCH 1981: 162-65, 191; PHELPS 1978). The event was popularly perceived as the end of a conspiracy between ministers and European financial controllers to secure Egypt’s colonization by foreign powers. Journals like ‘Abdallāh al-Nadīm’s *al-Tankīt wa-l-tabkīt* announced the start of a new “reign of freedom”⁸ for the people of Egypt.⁹ This freedom was seen as being politically institutionalized in the new cabinet and its plans for a constitution and Chamber of Representatives (*majlis al-nuwwāb*) composed largely of locally-elected Egyptian notables (al-NADĪM 1881). The discourse was patriotic and paternalistic, proclaiming the Egyptian army officer and leader of the protest, Aḥmad ‘Urābī, as the people’s hero and “knight” (*fāris*), and the Khedive as Egypt’s rightful leader defending the Egyptians from the abuses of the Europeans and Turko-Circassian elites in government—the “foreign administration” (*al-idāra al-ajnabiyya*). ‘Abduh includes in his articles on the “political life” this register of patriotic loyalty to the Khedive, but separates it from adulation of ‘Urābī and patriotic suspicion of the government’s non-Egyptian personnel. He urges his readers to dismiss the accusations and “rumours” of the newspapers, claiming that the “government only intends us good” and seeks “reform” (*al-iṣlāḥ*) (‘ABDUH 2009: I, 364). ‘Abduh was trying to reconfigure the prevailing discourse, which was being consumed by thousands of Egyptians, mobilizing them in support of the army. The wide reach of the papers to non-literate as well as the literate was made possible by a popular culture of coffeehouses and salons in which the newspapers would be publicly available and read aloud (MESTYAN 2017: 132; FAHMY 2011: 31-36; AYALON 1995: 154; COLE 1993: 114). ‘Abduh’s message reflected his complex position of criticism and support of a new order backed by a powerful coalition that included military

7 For al-Ṭaḥṭāwī and al-Marṣafī, see MCLARNEY 2016; for a discussion of how the “body metaphor” was changing in light of modern practices of governance, see MITCHELL 1988: 154-59.

8 See al-NADĪM 1881. This issue includes a short biography of ‘Urābī and one of his speeches, delivered in his home province, *al-sharqiyya*.

9 For the description of the different newspapers and their positions at this revolutionary phase, see SCHÖLCH 1981: 177-85.

men, French-aligned government officials and the Egyptian notables.¹⁰ He subscribed to the discourse of reform centred around the people and the nation, but appears to be relocating the imagined locus of freedom away from ‘Urābī and the formal institution of the Chamber of Representatives and within the fact of the public sphere itself—that the people of Egypt are politically vocal and can hold government and the “people of *istibdād*” to account by expressing their opinion. In this sense, his writing was radical as well as cautionary: he concludes the series by challenging “some who try to remove the national slogan” from the Egyptians and say the Egyptians are not ready for political rights, being accustomed to the “weight of tyranny and injustice”; “the events have proved irrefutably that we have a national existence (*wujūd waṭanī*) and public opinion, despite the contempt of the nay-sayers” (‘ABDUH 2009: I, 371). ‘Abduh was challenging social elites with a vision of the constitutional changes as much more than freedom from outside interference, but rather as a new positive freedom that mobilizes the wider population to form a collective power—“a national existence”—that can shape politics.

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This appropriation of the popular language of freedom also encoded a state regulating agenda. The ‘Urābī-supporting press expanded quickly through the creation of several new periodicals like Sirāj al-Dīn al-Madani’s *al-Ḥijāz* and Shaykh Ḥamza Faḥ Allāh’s *al-Burhān* and was popularizing criticism of the state, in particular the European financial control, on an unprecedented scale—compounding the challenge mounted to the state’s censorship regime by the wide dissemination of James Sanua’s satirical paper, *Abū l-naẓẓāra al-zarqā’*, printed in Paris and sponsored by ‘Abd al-Ḥalīm Pasha, the influential rival claimant to the Khedive’s throne, and also hailing ‘Urābī as saving Egypt from its government (SCHÖLCH 1981: 172-188). Political journalism was proving an unregulatable mass-mobilizing force. This was not only in the Arab Press, but in the foreign press, largely French and English language newspapers, in Egypt that, as in colonial India, spread news about sectarianism and ‘fanaticism’ in support of European colonial policies (STEPHENS 2013; PHELPS 1978: 167, 205; SCAWEN-BLUNT 1922: 132-33, 267). ‘Abduh’s “Department of Publications” introduced a new press law on 26th November that decreed new strict limitations on both Arab and (controversially at the time) foreign journalists, to meet the challenge and protect “public order, religion, and manners (*ādāb*)”: such regulations as each printing press requiring a licence to print from the Interior Ministry (article one) and the proscription of disseminating any unauthorized text with “political” content (article 18) (TAQLĀ 1881). Importantly these laws and ‘Abduh’s own journalistic discourse accommodate the logic of the public sphere rather than reject it—seeking to regulate political discourse, which is where *adab* comes in.

‘Abduh’s challenge to those he calls the “the lovers of freedom” problematizes as much as celebrates the public sphere so that it becomes a legitimate object of regulation—regulation in the name of freedom. He asks where the limits come from that would prevent the new political freedom—the “national existence”—from destroying itself by substituting a coercive social order of fear for a demagogic anarchy that is just as oppressive. He introduces the notion of *adab*, which he calls political *adab*, I will argue, to define political freedom in a way that ties it to limiting principles that foster national unity and the order of

¹⁰ For this coalition and its opposition to ‘Abduh’s patron in government, the prime minister Riyāḍ Pasha, see SCHÖLCH 1981: 144-45, 153-60.

“society”. *Adab* was a means both of regulation and mobilization; it would turn the public sphere into an instrument of the state’s nation-building agenda: a disciplinary arena of mediation and socialization in which the state’s *siyāsa* realm of law-backed order would become a kind of active “life” (*al-ḥayāt al-siyāsiyya*) with a more comprehensive reach than law. Structuring this discourse is the classic liberal question, discussed around the globe at the time of how individual freedom can be a collective social condition (BARKER 2019; TAYLOR 2004: 13-14). *Adab* was already discussed in the press in this regard: Ḥusayn al-Marṣafī, ‘Abduh’s colleague and fellow teacher in Egypt’s educational establishment, published his *Essay on Eight Words* in October which tacitly criticized the army for violating *adab* by impinging on the decision-making prerogatives of the government (al-MARṢAFĪ 1881: 65-66); ‘Abdallāh Nadīm, on the other hand, credited the army for its *adab*, which he argued prevented the bloodshed with which freedom had been introduced during the French Revolution (al-NADĪM 1881).

I will point to three ways in which ‘Abduh exploits the *adab* tradition’s multiple registers to articulate how political freedom can sustain itself internally, making for the “political life”—within his social imaginary of “a national existence” requiring no external ordering principles imposed through violence or ignorance. These three ways I label as comprehensiveness, consensus and habitus. They combine to constitute an idea of virtue of citizenship that regulates Egypt’s public sphere by internalizing the ‘political’ or state-supervised *siyāsa* realm of public interest¹¹ as an object of knowledge and volition in the souls of its participants. Citizenship is meant here in connection with the public sphere: it does not just mean having state-decreed rights and duties, but has the active sense of being politically conscious and having a role in the political process through freedom of speech and voting (REIFIELD and BHARGAVA 2005: 21-22).

Comprehensiveness

Adab in its classical sense can be characterized as a general education through reading edifying literature and making use of many different forms of knowledge (ALSHAAR 2017: 6-9; BONEBAKKER 1990: 17-24; MALTI-DOUGLAS 1985: 11-13). It includes the idea of the beneficial effect of this wide reading and knowledge for cultivating the soul and practical skill. To elucidate these nuances, scholars like Khalīl b. Aḥmad al-Farāhīdī (d. 786), author of the first Arab dictionary, linked the meaning of *adab* to the term *ma’duba* meaning “invitation to a banquet” (ALSHAAR 2017: 11-16). The analogy suggests that *adab* is like a great banquet in which guests are nourished by an abundance of different kinds of food and drink. The banquet signifies both the multiplicity of knowledge and moral nourishment which have both been connected to divine generosity. Sufis, namely Ibn ‘Arabī (d. 1240), linked this sense of multiplicity or totality implied in the idea of a banquet more explicitly to ethical conduct and etiquette. If *adab* as etiquette was the embodiment of justice as it allowed one to put every word and action in its proper place, the source of this capacity was the Qur’anic

¹¹ For the legal institutional arm of this realm in the *siyāsa* legal councils, see FAHMY 2018: chapter 2 and PETERS 1999: 378-97.

comprehensive embodiment of all the names of God and qualities of the cosmos—an idea of an all-encompassing knowledge that meant that one could act justly in all possible contexts (RYLE-HODGES 2017; CHITTICK 2009: 174-75; GRIL 1993). Indeed, the definition of *adab* with which ‘Abduh and other bureaucratic reformers of his time worked was primarily this idea of putting a word or action in its proper place.¹² In its sense of comprehensive knowledge *adab* has been more conventionally associated by Orientalist scholars with a cosmopolitan administrative and scribal class taking off in the ‘Abbasid era, exemplified by Ibn al-Muqaffa’ (d. 760) and ‘Alī al-Mas‘ūdī (d. 956) and influenced by Persian court culture. In this secretarial tradition of the *kātib*, the comprehensiveness and universalism of *adab* conveyed the worldly acumen to run an imperial bureaucracy and advise the ruler—drawing particularly on history and the sciences of language.¹³ The anthological works written and used by this class were referred to as *adab*, according to its passive sense. These works would themselves embody comprehensive knowledge in a generalist rather than specialist fashion, containing different types of subjects and genres like anecdotes, poetry and *ḥadīth* and reflecting and informing the discussions of literary salons connected to the royal court and urban high culture.¹⁴

Returning to ‘Abduh, unlike classical *adab* culture with its orientation around the court and monarchy, his focus was on the individual citizen of the mass audience who participates in the public sphere and so is part of the nation’s “political life.” ‘Abduh appropriates the classic liberty principle¹⁵ and interprets it with reference to *adab* to explain what freedom means for such a citizen:

This life requires that the citizen (*al-waṭanī*) be free in opinion, acting as he wills up to a limit (*ḥadd*), whereby he neither damages society (*al-hay’a al-mujtama’a*) nor

12 AL-MARṢAFĪ 1875: 37-38; al-Marṣafī’s *al-Wasīla al-adabiyya* was a widely-known text among ‘Abduh’s bureaucrat colleagues and ‘Abduh taught from it in Beirut, see DEYOUNG 2015: 231. ‘Abduh uses the similar classical Arabic terminology as in this text of “putting things in their place” in an article entitled “Wad’ al-shay’ fī ghayr mawḍi’ihī,” ‘ABDUH 2009: II, 133-136; ‘misplacing a thing’ was the traditional language used for describing royal injustice or *ẓulm*, see ERGENE 2001 and MOTTAHADEH 2001: 179-180. See also al-MARṢAFĪ’s (1881: 65-67) contemporaneous usage.

13 A well-known aphorism compared the ‘*ālim* or a religious scholar as a specialist to the *adīb* as a generalist (GOODMAN 2005; DABASHI 2013; HODGSON 1977: I, 453-69). For a critical account of these approaches interested in *adab*’s cosmopolitanism as wrongly imputing an Islamic-secular binary, see AHMED 2016: 229-38.

14 A classic example of this encyclopaedic style of *adab* is *Kitāb ‘Uyūn al-akḥbār* by the ‘Abbasid polymath and judge, Ibn Qutayba (d. 889).

15 The principle classically set out by the 19th century liberal theorist and reformer, John Stewart Mill, to define a safeguard against what he called the “tyranny of the majority” in a democratic republic: “the only freedom which deserves the name, is that of pursuing our own good in our own way, so long as we do not attempt to deprive others of theirs or impede their efforts to obtain it... Mankind are greater gainers by suffering each other to live as seems good to themselves, than by compelling each to live as seems good to the rest” (MILL 2008: 8-17). Reflecting his place in a global public sphere of printed texts, newspapers and associations, ‘Abduh is addressing a global liberal question about how freedom can be a collective condition; this article understands him as amplifying the Islamic discursive tradition of *adab* in engagement with different global discursive traditions—for more on this global dimension of ‘Abduh’s thought, see KATEMAN 2019. For Mill’s concern for the question of protecting individuals from mass politics, see BARKER 2019: chapter 4.

interferes with the affairs of others. This freedom requires knowledge (*‘ilm*) of public good (*al-maṣlaḥa al-‘umūmiyya*) and personal limits, and this is what is called political *adab*. And the practical knowledge (*ma‘rifa*) of this *adab* necessitates that when the person knows the interest of his people, he strives in what furthers its continuance and growth. (‘ABDUH 2009: I, 364)

‘Abduh identifies the agent as a “*waṭani*,” a member of the *waṭan*, the nation—defining them primarily as citizens who have duties towards the wider civic order within the territorial bounds of their nation rather than as subjects (*ra‘iyya*) defined by their duty towards a monarch. If the citizens are going to be free agents within the collective sphere of the ‘political’ that spans the whole nation, then they need comprehensive knowledge that spans the nation’s interests as well as their own personal limits, especially if they are going to be active in the national press discourse. ‘Abduh is capitalizing upon the sense of comprehensive and general knowledge in *adab* to articulate the far-reaching responsibility that comes with the freedom of being a citizen and the knowledge of their “people” that qualifies them for this responsibility, both theoretical (*‘ilm*) and practical (*ma‘rifa*). The citizens have the authority to self-govern and be unsupervised by a monarchical enforcer because they embody the total perspective on the whole polity (*siyāsa*) which used to be the sole prerogative of the monarchy and bureaucracy, the *adab* elite—now *zulm* or royal injustice, classically understood as ‘misplacing a thing’ (ERGENE 2001; MOTTAHADEH 2001: 179-180)¹⁶ is understood on the level of the ordinary individual (MCLARNEY 2016: 36). The citizen has a responsibility towards people outside of his and her class and locality, to whom they have been previously unconnected, because they belong to the same “society” by way of shared interests and mutual respect of one another’s “affairs”. In an article, published a month earlier in October, ‘Abduh articulates this widened outlook on the shared interests of “society” by using the phrase “the total virtue” (*al-faḍīla al-kullīyya*)—a virtue, he argues, that was absent among the landed elites whom he accuses of neglecting the “rights” of the poorer classes (‘ABDUH 2009: I, 349-52). In a speech that he gave after his exile from Egypt in Beirut in June 1886, he called it “the virtue unifying all the virtues,”¹⁷ defining this notion in explicit relation to *adab*—introduced as “moral education,” or “*adab al-naḥs*”. He presents *adab* as the religious tradition (*dīn*) of “knowledge which animates souls,” training them to see “truth” (*ḥaqq*): “when the soul is perfected by *ādāb*,¹⁸ it knows its place in existence and perceives the plane of truth in the well-being (*ṣalāḥ*) of the world and so rises up to offer its support and is certain of its need for co-participants in the nation and religious community” (‘ABDUH 1886). This encompassing virtue is an ability to go from self-knowledge to recognizing a wider and mutually-dependent order of benefit (*ṣalāḥ* or *maṣlaḥa*), which ‘Abduh translates into the patriotic terminology of the time: “it is what we mean by love of nation (*waṭan*), state (*dawla*) and religious community (*milla*).” The different objects of political loyalty in this phrase reflect ‘Abduh’s adaptation of *adab* to the ambiguous political framework of the

16 *Adab* is not conceived as advice for princes (‘mirror for princes’), but as advice for people in general so that everyday life becomes politicized through journalism.

17 There is a parallel with the Sufi notion of *adab*, mentioned above, as a condition of balance and wholeness that consolidates all the names of God.

18 The plural of *adab*, referring to its different genres and practices.

Ottoman Empire, the *dawla* unifying multiple nations. The meaning of this knowledge being an “animating knowledge” is the way it embeds the total perspective on the civic whole on the intimate level of the soul or *nafs*. It does not just offer comprehensiveness in the sense of wide knowledge, but in the sense of “love” that responds to every occasion of civic need with “action” that persists in a total way—entering “every door and not returning”—until that need is met.

‘Abduh utilizes the connection within the meanings of *adab* between this comprehensive knowledge and the edifying literature and studies that make it possible—the latter being conceived as a ‘banquet’ (*ma’duba*) that nourishes souls with many and various types of food and drink. There is a strong emphasis on vision and visual motifs; the one who has the internal ability to know their “limits” as dictated by the needs of the wider social whole, acquires “incisive insight (*diqqat al-nazar*) and perception (*tabaṣṣur*) on the conditions of people now and in the past” (‘ABDUH 2009: I, 364). He gives a sense of the banquet of different kinds of knowledge that nourish the soul and the mind with this vision:

and they drink with their ears the speeches of ministers and representatives and eat with their eyes the pure writings of the newspapers. So they take back from these speeches, as from *salsabil* [the well in paradise], wisdom and balance and they obtain from these writings the food of national fervour. And all that is clarified by those among them who are the scientists of governance, the men of wisdom, the political leaders, not to mention the travellers who unveil for them the veil of fantasies over the nature of matters and polish for their understanding the images of truths. So these are not hidden from them except what cannot be known without God. (‘ABDUH 2009: I, 365)

Adab as comprehensive knowledge (in its active sense) and its connection to a wide range of literatures (in its passive sense) maps onto ‘Abduh’s ‘modern social imaginary’ (TAYLOR 2004) of the politically-engaged mass citizenry and their immersion in a world of mass readership and current affairs. Political speeches and journalism¹⁹ in the public sphere are pure food and heavenly water that cultivate political *adab*. The teachers are engaged in the shared project of nation-building—they are government ministers, political scientists and observers of countries abroad. The purifying content of the different discourses is a living contemporary knowledge that updates its receivers in real time on the affairs and possibilities of the nation, an imagined body of people with whom they imagine themselves to be reading and acting. These discourses also perpetually animate souls with “national fervour” that partners comprehensive knowledge with the comprehensive type of civic virtue described above. This is an ethics of citizenship that draws on the rich semantics of *adab* to conceptualize the inseparability of individual civic responsibility and the wider mass-mediated structure of different kinds of literature and edifying words that make this responsibility possible as a distinct knowledge-informed practice.

¹⁹ The importance of *adab* as a category through which Arab journalism was understood and pioneered is reflected in how ‘Abduh called this style of article with its different literary registers and edifying content, “*al-Fuṣūl al-adabiyya*” or “edifying (*adabī*) sections”—introduced to the state newspaper under ‘Abduh’s reforms to state publishing (RIDĀ 1931: I, 177).

‘Abduh, in his role as the state’s chief censor, was addressing the problem of an unregulated political freedom that might “damage society” by defining this freedom positively as a condition of *adab*: what one does or the opinion they express is up to their situational judgment, but they can only have this power of judgment when they have a comprehensive type of knowledge defined by ‘Abduh as encompassing a history of human actions and nations as well as the everchanging contemporary shape of “society” (*al-hay’a al-mujtama’a*)—daily information made possible by new information technologies, that configure *adab* for what Taylor calls modern “direct-access society where each member is ‘immediate to the whole” (TAYLOR 2004: 157). “Society”, whether that be the “people,” the “nation” or the “religious community” or all of them, is being grasped as a necessary object of moral knowledge that is “the whole consisting of the simultaneous happening of all the myriad events that mark the lives of the members at that moment” (TAYLOR 2004: 147). The burden of citizenship is captured in ‘Abduh’s use of metaphors of vision and unveiling—of seeing every slight detail of past and present. With political *adab* the order of “society” is not externally imposed, but through the comprehensive vision and “love” of citizens, becomes self-conscious and self-constituting. In other words, the ‘political’, the sphere that regulates “society”, is alive in their souls as a ‘common mind’ rather than ordering them from above.

Consensus

A significant dimension of the *adab* tradition that ties into its comprehensiveness concerns the universal value of its knowledge as well as *how* it mediates knowledge and its association with good taste and high culture. There is implicit in *adab*’s universalism and cosmopolitanism the idea of *adab*’s universal and intuitive pleasantness and consumability (BONEBAKKER 1990: 22-23; MALTI-DOUGLAS 1985: 13); whatever its source in region or social status,²⁰ it concerns what any educated person would recognise as valuable and useful, being judged by its fruits rather than its roots. It thus implies a sense of a consensus on goods. The analogy of the banquet has been interpreted by classical lexographers as carrying this sense: it gathers many people by their “collective agreement for its praise” (ALSHAAR 2017: 12). According to James MONTGOMERY (2013: chapter 4.5), the great eighth century Arab prose writer and theologian, al-Jāḥiẓ (d. 868/9), explicitly saw his writing of lyrical Arabic prose about the wonders of creation as securing “social cohesion” for a highly partisan Abbasid society by providing a discourse that could unify monotheists from many different sects and faiths. Likewise Nuha ALSHAAR (2015: 126-129) argues that the distinguished philosopher and litterateur, Abū Ḥayyān al-Tawḥīdī (d.1023), along with Ibn Miskawayh (d. 1030) whose ethical treatise, *Tahdhīb al-akhlāq*, was influential in 19th century Egypt,²¹ enlisted the *adab* traditions of practical philosophy, particularly concepts of “friendship”

20 For example, among the printed *adab* texts that ‘Abduh recommends to his readers are *Kalīla wa-Dimna*, a Pahlavi collection of animal fables, originally written in Sanskrit and translated by Ibn al-Muqaffa’, and al-Taḥṭāwī’s translation of the modern French classic, Fénelon’s *Télémaque*, see “*al-Kutūb al-‘ilmiyya wa-ghayruḥā*,” in ‘ABDUH 2009: III, 53-56; for the significance of *Télémaque* for al-Taḥṭāwī’s political project, see MCLARNEY 2016: 31-35.

21 ‘Abduh taught *Tahdhīb al-akhlāq* to a circle of students at his house (RIDĀ 1931: I, 135).

(*ṣadāqa*) and “love” (*maḥabba*), to carve out a social imaginary that would unify Būyid society’s different religions and rival factions. This dimension of consensus is present in ‘Abduh’s idea of “political *adab*” in a way that reflects his concern to regulate the meaning of political words in the public sphere.

‘Abduh’s discourse bears out Hamzah’s argument that legitimacy for the journalists and state publicists in the public sphere was a matter of speaking “in the name of all, in the name of public interest” (HAMZAH 2013: 100). ‘Abduh defines the “political” in “the political life” in terms of the common interests shared between the different social groups that make up the public sphere. He exhorts the newspapers to “follow the government” in supporting the new political rights by making “the interest of the nation their focus²² in every situation, knowing that they (the newspapers) are like the cultivator of souls and intellects” (‘ABDUH 2009: I, 365). This is where the dependence of the ‘political’ on the soul—the ‘intellectual’ and the ‘moral’—and the nourishment of many souls through *adab* becomes crucial; the newspapers cultivate “fervour” and “love” for the nation, but the nation itself is a unity of plural interests such that this patriotism is necessarily a perceptive and empathetic sentiment that employs “balance and wisdom” (*al-ḥikma wa-l-i’tidāl*). The newspapers, ‘Abduh advises, should “feed hearts with a pure and pleasant politics (*siyāsa ṣāfiya sā’igha*) like fresh water;” implying a purification of souls that clarifies their vision so that they can see and sympathize with different interests beyond their own “partial motives” (*al-aghrāḍ*). The idea of the “the interest of the nation” plays into the universalism or ecumenism implied in *adab* and the ‘pleasantness’ of its purifying water as it suggests that there are common goods that everyone can agree on just as there is *adab* literature that everyone can appreciate and find useful. ‘Abduh calls this consensus the “public opinion” (*al-ra’y al-‘umūmī*) that, he says, has “chosen (the government) to guide the nation” (‘ABDUH 2009: I, 365). He calls on the elites and all “those with practical wisdom” to “throw away their egoistic desires and walk on the way of peace (*al-salāma*) towards well-being (*al-hanā*) and nobility (*al-karāma*)” (‘ABDUH 2009: I, 365-366). In the lyrical fashion of an *adīb* he is conjuring a vision of a way of peace and prosperity that unites everyone in agreement and in which they can be “safe” (*salāma*) from concealed interests. The word “*karāma*” plays into this sense of inclusion as its meaning is connected to generosity and magnanimity that is hospitable and welcomes others. A call for unity was a common feature of the press’s response to the ‘Urābī Revolution. National unity was an important and contentious issue as it was an essential presupposition of the popular idea, promoted by ‘Abduh, of the Revolution as a political event, moving Egypt towards self-governance, rather than purely a military intervention; ‘Abduh was also calling the supporters of ‘Urābī, among whom were many ‘*ulamā*’ (COLE 1993: 241; SCHÖLCH 1981: 180-90, 302-03) in addition to the landed elites objecting to new taxes and centralizing measures (SCHÖLCH 1981: 114-130), to back the state’s reform policies as the true embodiment of shared interests.

‘Abduh argues that this consensus on shared interests is integral to the meaning of the polity as a “life.” In response to a concern he cites that the political life has compounded divisions between “sects and parties” in “European nations”, he writes that these people of the “political life” “do not disagree on the intended goal itself, but there are various paths to

22 Literally, a statue (*nusḥ*) for its eyes.

their goal:” “France remains France in every condition and before every matter whether it is an empire, a monarchy or republic; if Germany were conservative or progressive or socialist, it would still be Germany behind that.” This is the same with England, Italy and Austria and all other purveyors of the political life. What ‘Abduh appears to be arguing is that in the political life the people come before politics so that politics always grows out of their collective condition, the welfare of which defines a unified “goal”. If politics is contested by public opinion in the public sphere, the worry is that it will divide the nation, but ‘Abduh is saying, on the contrary, ‘public opinion’ ensures that politics is suitable to the character of the nation and so enables the efficacy of the political as a kind of “life” not needing external compulsion. The ideas of political *adab* and ‘public opinion’ thus refuted the counter-revolutionary arguments that Egyptian politics, unlike European politics, required an external overseer, either Khedival, Sultanic or European, for its unity.²³

Seeming to diagnose his view of the current condition of Egypt, ‘Abduh, in a set of important and conceptually dense sentences, calls his readers to likewise ground their politics in what they share in common, their nation or *waṭan*:

The necessary unity of this life does not limit us by not admitting of division and disagreement except when there is a position of agreement and unity only in appearance and not in reality; and which cannot unify the word of the nation in its totality because of difference of opinions and variety in creeds. So for these groups, it might be appropriate to consider them free insofar as they continue to exist and are preserved, except that they are far from politics so that they relate to it in a theoretical way stripped of anything concrete (*maḥsūs*). So it is (actually) appropriate that the people of the political life, whoever they are, make the nation (*waṭan*) their unity to prevent disagreement among its inhabitants. And it is known that the state of something rises and falls... according to its standing (*al-sha’n*) and the benefits (*al-manāfi’*) that hang on it. And so when the nation is what unifies the word of the people, this is what greatens its real standing (*sha’nuhu al-ma’nawī*) such that universal benefits (*al-manāfi’ al-kullīyya*) rest on it and it becomes a pivot upon which people’s intentions and actions rest. When the nation rises in status, that honours and exalts the inhabitants because it has no reality (*ḥaqīqa*) other than by them and in them and there is no success except in them and from them and so they are it (the nation) and it (the nation) is their existence (*wujūduhum*) in word (*lafz*) and meaning (*ma’nāhu*). (‘ABDUH 2009: I, 367-68)

For political freedom to be possible within a context of social and religious diversity, these different groups need to carve out a shared domain of loyalty by making the nation or *waṭan* their unifying focus. *Adab* is not explicit here, but I am suggesting that it is in the background of reference to words and meanings, which were being mass-publicized at the time and which ‘Abduh, as chief censor for the state, appears to be contesting and regulating to serve the state’s nation-building project. The dependence of political unity on words that can be shared is captured in ‘Abduh’s use of the traditional phrase “to unify the word of the people.” In

²³ For example, see the pro-Khedival message of the newspaper *al-Zamān* that Egypt, as an Islamic nation, required absolute monarchy (PHELPS 1978: 210).

classical Arab notions of kingship, this was a way of talking about the king's role of unifying different parts of his dominion (MOTTAHADEH 2001: 183). Here it is the *waṭan*, the nation or homeland, that unites Egypt's different communities—Muslim and Christian, Arab and Turk and so on. 'Abduh locates the real meaning of this central word, the *waṭan*, in the people, in particular, in what motivates their "their actions and intentions." It is the answer to the problem of a "*siyāsa*" that is "far" from the people such that it has no "concrete" meaning for them. The "pivot" of the *waṭan* grounds "*siyāsa*" in what matters to the people in terms of their "standing" and "benefits" and so unifies them and works as a life through their daily individual volition. The *waṭan* as a "word" has no "reality" (*ḥaqīqa*) other than the people and no "meaning" other than their "existence."²⁴ There is no *a priori* essence defining the political life: it is a life precisely because the people's "existence" generates its essence, which thereby lives in the people in a holistic way—"word and meaning"; political words have their referents in what brings "universal benefits" that spread to everyone in the polity and are therefore meaningful and mobilizing for the whole polity, increasing the nation's "real standing." As discussed earlier, 'Abduh's claim is that this substantive level of nationhood, the "existence", or what he called the "national existence" is an "irrefutable" reality in Egypt. Political *adab* is a condition in which this "existence" is able to speak for itself and choose the nation's government.

And the question of *adab* in 'Abduh's political discourse here is not in the conservative sense used by al-Marṣafī that advises the army to know their place within the given social order (al-MARṢAFĪ 1881: 65-66), but is a challenge to that order that asks whether the new words in politics are the authentic words of the new "national existence?" As Timothy MITCHELL (1991: 136) has shown with reference to al-Marṣafī's *Essay on Eight Words*, *adab* encapsulated an idea of a close relationship between language and reality. Within classical *adab* literature on the Circle of Justice, kingship could be a legitimate authority for everyone in that the king, being independent of partisan interests, could be depended on to secure justice for the people—he "unified their word". *Adab* is those words that are real because everyone enjoys them and finds them useful. Part of this inclusivity was a matter of mediation—the way different and entertaining literary registers, including the emerging novelistic genre, made the content of journalism accessible and consumable (GUTH 2020: 337), mentioned earlier as another implication in the banquet analogy. *Adab* has an important role in making possible the political, the plural realm of everyone, in which the force of the word's interpretation is made politically real—the textual act is a political act, which therefore invites regulation (MITCHELL 1991: 136). Unity and consensus allow for freedom in a context of social diversity because the shared political domain is not imposed, but always reflects the interest, will and intellect—the souls—of the different groups. Otherwise, 'Abduh argues, there is unity only in "appearance," which implies the loss of benefits that are "universal" and the tyranny of some over others, even if the groups are "preserved" in their difference. So the ecumenical and linguistic dimensions of *adab* support a notion of the 'political' as a

24 'Abduh's terminology of *lafz*, *ma'nā*, *ḥaqīqa* and *wujūd* is suggestive of his use of the Arab philosophical and Avicennian tradition in configuring his epistemology of public sphere—the issue of what gives political words referents that are real and trustworthy (making them a form of knowledge). For the influence of Avicenna on 'Abduh via Jamāl al-Dīn al-Afghānī, see WISNOVSKY 2004 and SCHARBRODT 2007.

“national existence” that is emancipatory because, recognizing a shared humanity,²⁵ it pursues common interests and so mobilizes consent from all parties rather than ordering them from afar. And ‘Abduh calls this object of consensus sacred—*al-maṣlaḥa al-karīma al-muqaddasa* (‘ABDUH 2009: I, 366). These sacralizing epithets not only place consensus at the centre of moral and political legitimacy, but enhance this subjective dimension of authentic commitment and “fervour” that ‘Abduh is making central to *adab*. ‘Abduh is constructing the unifying politics of the *waṭan* as a sphere of free or volitional agency in which the “benefit” and recognition of “standing” that the people pursue for themselves is none other than the nation’s “benefit” and “standing” (what Foucault calls governmentality). This, in turn, encourages the centrality of the ‘political’ in their lives, not replacing other more local communal identities or interests, but absorbing them into it. *Siyāsa* in 19th century Egypt was a term used by bureaucrats and magistrates to refer to the state legal-administrative sphere that would intervene in localities to secure law and order (FAHMY 2018, PETERS 1999). ‘Abduh is reconfiguring its meaning in connection to journalistic notions of *siyāsa* in terms of the *waṭan* as the public sphere to imply the people’s ownership of the ‘political,’ making it the intimate sphere of their souls—their continuous way of being or “existence” rather than an external intervening sphere.

The local context of this negotiation of the global liberal problem of how individual freedom can be a collective condition appears to be competing claims to represent the nation; at a time when newspapers were declaring ‘Urābī to be a force for national unity (PHELPS 1999: 164-72), ‘Abduh was warning of a danger of a false consensus in Egypt that was hiding partial interests. This was not just a cautionary message, but a challenge to social elites, European as well as Ottoman-Egyptian, who sought to co-opt the constitutional reforms within a paternalistic politics that denied the new journalistic meaning of the political as a kind of “life”. The articles are polemical, but also pedagogical: similarly to al-Marṣafī’s *Essay on Eight Words*, he is defining the rules of the game for gauging the reality of political words—namely, the question as to whether they carry a meaning that includes everyone’s interests. ‘Abduh’s use of the tradition of *adab* is a creative negotiation embedded in his role and political context. But he also configures *adab* itself as a principle of social embedding, making politics suitable to its different users, like a language, so that it is a unifying and mobilizing force for the society in question. Part of this relation of words to social reality is to do with *adab*’s relation to action, which we will explore in the next section.

25 Samuela Pagani argues that making this ‘humanity’ palpable was envisaged by *naḥḍa* litterateurs as a central function of *adab* as entertaining literature in the way the nascent novellic genre encouraged sentimental feelings for others across social divides—a sentimental correction, she argues, to the perceived inhumanity of the coercive modernizing programs of the *tanẓīmāt*; see PAGANI 2020: 351-57. ‘Abduh himself authored entertaining *adabī* content that was also sentimental and humanizing—with the social realist style of novellic narrative—for the state newspaper, which I analyse in my PhD thesis (RYLE-HODGES 2020). For example, see his depiction of the regretful conscience of the hedonist in “Wad’ al-shay’ fi ghayr mawḍi’ihī” (‘ABDUH 2009: II, 133-36).

Habitus

A third dimension of *adab* that I propose ‘Abduh was exploiting to articulate his ethics of the modern public sphere is the dimension of habitus²⁶ or practice. *Adab*, as discussed in the classical *akhlāq* tradition of Ibn Miskawayh and Abū Hāmid al-Ghazālī (d. 1111)²⁷, is understood as a reliable relationship between knowledge and action that is achieved by the disciplining of the soul or *nafs*—what could be characterized as the formation of a habitus that consistently manifests itself in action in an unthinking way (al-GHAZĀLĪ 1995: 17; IBN MISKAWAYH 1961: 27). ‘Abduh presents this aspect of *adab* as a keystone for the possibility of the political life. If the political life means that the people come first and then politics, in the other direction, politics makes demands on the people; the ‘political’ becomes a more holistic phenomenon, not acting upon the people, but being constituted actively and repeatedly by the people. ‘Abduh’s point is that this is not easy and much more than a matter of introducing the necessary institutions like a representative assembly—political *adab* is a skill that takes time and discipline to cultivate. He maintains that “this *adab* is not achieved by sudden revelation (*al-mukāshafa*) or by nature or intuition, but it must be attained through searching and effort (*ijtihād*)” (‘ABDUH 2009: I, 364). Later, making a point about the difficulty of teaching *adab*, he affirms that it is “a habit (*al-malaka*) that cannot be attained except by repetition of action” (‘ABDUH 2009: I, 366). ‘Abduh is appropriating this practice-centred dimension of the *adab* tradition to connect political freedom and citizenship to the total transformation of the subject—of their soul—such that their comprehensive knowledge of public interest is embodied as the virtue that practises this knowledge in a comprehensive way; this practice does not just require love (*ḥubb*) that invests time, but also the cultivatable skill that emerges from this investment. As I highlighted earlier, ‘Abduh consistently defines the political stage of being a citizen firstly as interest in the soul or self (*nafs*) and then the nation (*jins*): the political life more widely presupposes a moral revolution in self-policing that changes the individual’s habits and choices. The resulting skill of citizenship, unlike the agency of following an explicit rule, becomes unmediated by thought so that it is intrinsic to embodied agency, entering into every act and decision. The political life means that *siyāsa* operates through a kind of public culture. Political *adab* was not just a political ethics, but a political sociology – a new science that answered the question of how freedom itself could be a mode of governance.

This idea of political acumen at the level of culture or habitus addressed the political escalations of ‘Abduh’s context. The new regime after the ‘Urābī-led protest on 9th September, operated under the popular mandate of “Egypt for the Egyptians” that promised a politics which reflected indigenous Egyptian interests as opposed to the foreign interests of European financial controllers. Journalism had a new political weight as the voice of the

26 Implying the idea of “collective action” in Pierre Bourdieu’s use of the term: habitus being a set of embodied dispositions that function as “matrix of perceptions, appreciations, and actions” that make possible collective action without there being an explicit rational code. The habitus, as internalization and integration of past experience provides an “immanent law” (BOURDIEU 1995: 81-83).

27 For a synthetic summary of this tradition see LAPIDUS 1984; for the prominence of the *akhlāq* tradition in the culture and schooling of reformist bureaucrats in 19th century Egypt, see COLE 1980: 29-46 and DEYOUNG 2015: 43-44.

people or public opinion in the theatrics of power. The political reform that was seen to commit the government to the inclusion of the Egyptians—in reality, local notables and landowners—in politics was the creation of an elected national assembly, for which local elections for delegates were taking place (SCHÖLCH 1981: 193-194). So the state was institutionalizing the logic of the public sphere whereby the people as a political community could, by choosing whether the nation is a monarchy or republic for instance, determine their politics—what was referred to earlier as the “self-constituting” nature of the public sphere. This new kind of politics made for a destabilizing factor in governance that was shown in Urābī’s toppling of the Khedival cabinet and that ‘Abduh’s notion of political *adab* appears to be addressing. If the political order must follow upon the people’s choice, mass-mediated in print, ‘Abduh’s concern was that there must be something that regulates this choice in the first place, but is not itself external to choice in a way that would negate the self-constituting nature of the politics of consensus. Political *adab* by ingraining knowledge of public interest in the people who act in the public sphere, strikes the balance of containing the anarchic potential of political freedom without negating it through state tyranny. This middle point allows him to conceptualize through *adab* a free and independent press with its own internal regulation.

Within this social imaginary of the public sphere, political *adab* as a form of embodied skill and culture could provide this internal regulation as it is not ‘action-transcendent’; it is a more basic cultural level of order—of knowledge, skill and habits—that is simultaneous with common action and public conversation. ‘Abduh writes that when the citizen has *adab*, they have a “pure soul and honest intention and leaning towards the public good”—“and then and only then,” he says emphatically, “can one have the sacred rights of the people of the political life—freedom of opinion, speech and voting.” For each freedom, he says, there is an internalized limit (a *ḥadd*) without which freedom would be “more shameful than enslavement.” For instance, freedom of speech should not “jeopardize benefit and propriety and should not violate honour or damage one who is innocent or be spoken without certain knowledge” (‘ABDUH 2009: I, 365). The limits that protect the interests of the whole are not external unchanging laws, but are mobile and internal to the participants, speaking, voting and expressing their opinions—a constitution for the nation, protecting individuals and factual truth on the deep level of people’s souls. This internalized protective virtue ensures that freely speaking the truth does not entail social hurt that could divide the nation—a national unity and civility that has room for free opinion and criticism. In theory, in the words of ‘Abduh, the “state has been appointed to strengthen these rights and support these limits” (‘ABDUH 2009: I, 365). It ensures that the public sphere functions as the political life so that, according to his reformist vision, the people themselves and their power to be in unified discourse via *adab* would constitute the momentum of state power. While being a demand for regulation, the radical challenge to more conservative social elites and colonial views of Egypt as incapable of a political will is also apparent. For it defined a legitimate and non-anarchic place for public opinion in Egyptian politics in the long term—indeed making it a non-infringeable locus of the “sacred”; having facilitated the rise of the new constitutional regime, public opinion was not just to be consulted, but would be an active and corrective force in governance. This was a vision of politics in which journalism would actively shape the modern state, giving not just readers, but journalists like ‘Abduh from lower social strata unprecedented power.

‘Abduh is tying the public sphere as the political life to a whole new tradition of virtues which Egypt is growing into—political *adab*. The practice-centred nature of *adab* also offered his answer to how the regulating power of this tradition can empower a genuine “national existence,” spreading from elites to the non-elites. He raises the issue that because political *adab* is an acquired and embodied skill, it cannot be attained to the same degree by everyone. He suggests that it can be spread iteratively and communicated via embodied practice. It is learned by the masses by imitating and copying guides

They climb the rungs of the political life until this is successively repeated and so there develops in them *al-malakāt al-dhawqiyya* (habits of taste) which are known, but not defined just as it used to be for the Arabs in the *jāhiliyya* with regards to their language, speaking the right speech for the situation, whilst they did not know the linguistic rule without taste. (‘ABDUH 2009: I, 367)

Through *adab* and its intuitive aesthetic quality, referred to earlier as “*ma’rifa*,” ‘Abduh conceptualizes the possibility of an implicit knowledge that could encompass sectors of the population beyond the elite. Despite stretching beyond the knowledgeable “elite” (*al-khāṣṣa*), the public sphere or ‘public opinion’ can be a responsible arbiter of legitimacy because it works like a language with its own immanent and authoritative rules that are practically active in all people, even if they are not educated enough to know them explicitly (i.e., as a *habitus*). ‘Abduh argues that the more are “cultivated in *adab* (*muta’addib*)”, the more the political life will endure and grow owing to the unity of orientation (*wijha*) it makes possible—as opposed to phases of politics in the past when the masses (*al-‘amma*) were under the “shadow” of an *adab* elite, and had different political goals and orientations (‘ABDUH 2009: I, 367).

Being a citizen is about being literate in a political culture and way of life, extending beyond the public sphere—it is not just specific public displays on the national stage, but is systematic in the way each individual citizen acts and makes choices. Hence the possibility of the political life as an uncoerced and self-perpetuating civic order. The holism of *adab* here—grounding national politics on the level of souls—addresses an epistemic problem of the connection between word and action in the political sphere, of how mass-mediated words like the “nation” can be trusted to mean something practically. This in turn addresses the issue of consensus: the people cannot unify around words that do not have a relation to the “reality” (*ḥaqīqa*) that is their “existence” via “benefits” (“in word and meaning”). So, another aspect of this relation of words to “reality” seems to be the way *adab* substantiates words with action. ‘Abduh calls his readers to action that will offer visible proof of their words:

So, join this community! Let us spread its banners and raise its light and make visible its effects by actions which prove (*tuthbit*) the rejection of corrupt intentions and restraint from selfish motives and words which are transparent to sound insights and understandings (*ṣiḥḥat al-abṣār wa-l-baṣā’ir*) and good hearts and consciences (*ḥusn al-asrār wa-l-sarā’ir*). And perhaps we will stop those tongues that accuse us of ignorance and stupidity and of being far from the political life and perhaps we will realize the hopes (*āmāl*) of those who wish us happiness and success (*ḥusn al-ḥāl*) (‘ABDUH 2009: I, 368).

‘Abduh’s Arabic words are here lyrical, rhythmic and rhyming—see above the alliteration and assonance of the repeated *-ār*, *-ā’ir* and *-āl* sounds. One can also note the grammatical parallelism of human faculties (getting deeper from the perceptive to the heart-felt). In a certain sense, they embody *adab* in its meaning of disciplining (*ta’dīb*) in how, as words, they are connected to action by addressing the heart and conscience that are the sources of action and reverberate rhythmically to heighten their impact. This is an illustration of the way the comprehensiveness of *adab* as literature (its multiple registers, literary, philosophical, instructional, entertaining etc.²⁸) engineers a holistic politics not only by attracting popular consumption, but by addressing the whole person—their soul as well as their mind to garner patriotic sentiment and “fervour” as well as knowledge. As for *adab* as words with real trustworthy meanings, if the word, “nation”, has no other reality than the people who therefore receive the “honour” for its success, then it is as real as their actions—its proof is in its visible “effects.” These “effects” are testament to the deep and sentimental reality of political words in people’s souls and conscience— a purified vision that sees beyond self-interest to the wider arrangement of mutual benefit in “society” (vision and understanding being semantically-entwined in the terms *al-abṣār wa-l-baṣā’ir*). So *adab* as a practical skill facilitates the political life by matching spoken political words with visible actions and so allowing the unifying locus of the nation to be trustworthy as a practical and empirical reality, fulfilling hopes and disproving those who discredit it. The “political life” is a panoptical society in which the citizenry are not just the subject of collective vision, but also its disciplinary object, serving as the gauge for the reality of the “political” in the everyday.

As Bonebakker points out, *adab* rather paradoxically has both referred to general knowledge and the specific knowledge required for a particular profession or practice like *adab al-qāḍī* (the conduct of a judge) or *adab al-akl* (table-manners) (BONEBAKKER 1990: 24-25). Indeed, the latter sense is also present in ‘Abduh’s usage of the different senses of holism or comprehensiveness in *adab*: the political is not a self-standing realm, but requires a whole way of life and moral tradition that cultivates citizenship as a specialized and dependable habitus. In this way, ‘Abduh paints political freedom as a source of stability that synchronizes society with the political goals of the state and vice-versa. The *siyāsa* of the political life is not destabilized by the public sphere and wider participation in political decisions. Rather it has even firmer foundations because through the mass-mediating power of the public sphere it becomes grounded in the habits and virtues of the people; citizenship as political *adab* is a new type of limiting and stabilizing tradition of words and practices for state power. Talal ASAD (2014) and Wael HALLAQ (2014) present the expansion of state power and the liberal logic of the public sphere in the 19th century as a break from Islamic tradition that divorces law from morality, power from authority. For them, Islamic ethics reached its contextual limit with the modern state and liberalism. ‘Abduh, by contrast, drew on the *adab* tradition to argue that modern political freedom can be coupled with a new kind of morality and journalistic tradition of virtues and texts that regulates the public sphere internally, holding law and power to account in a new way.

28 ‘Abduh also uses patriotic poetry in this series, 370-371. The new novellic use of different narrative episodes to offer multifaceted knowledge of a subject was another appropriation by *nahḍa* writers of this traditional *adab* style of comprehensiveness, see GUTH 2020: 337.

Conclusion

‘Abduh’s engagement with the *adab* tradition in the context of the public sphere and political journalism during the ‘Urābī revolution offers a strong case study for the contextually and practically embedded nature of Islamic ethical traditions. For *adab* does not prescribe an explicit and literal program but offers a set of interconnected meanings that ‘Abduh evidently amplifies in a creative way to address problems of political anarchy, unaccountability and colonialism that he perceived in his role as Director of Publications and chief censor for the state. Whether he can be characterized as purveying the Islamic discursive tradition in Talal Asad’s sense of the word as textual tradition upholding orthodoxy (ASAD 2009) is debatable. It could perhaps be said, more in line with Fahmy’s argument for multiple interconnected Islamic discursive traditions spanning state and society (FAHMY 2018: 25-26), that he is building elements of the *adab* tradition into a new journalistic and statist Islamic discursive tradition for the public sphere that comprises modern civic virtues and sensibilities of national belonging. His discourse on political *adab* not only challenges the binary of Islam and modernization but shows how his thought was engaged with the general liberal questions of his time about freedom, tyranny and political rights. I have particularly highlighted the way his ethical thought is produced out of his practice of being an editor and censor working for a nation-building reformist program: his creative use of the *adab* tradition is geared towards regulating and censoring the public sphere and produces a distinctive political ethics and sociology on this working level. His notion of political *adab* sets epistemic and moral rules that define the meaning of political words like “nation” and “freedom” circulating in the public sphere.

I suggested that ‘Abduh’s appropriation of the *adab* tradition reflects an attempt not only to regulate the public sphere, but to turn it into a channel of national mobilization that, challenging governing elites, invited the Egyptian people to take ownership of the modern state and its reforms. In the political life, as in Taylor’s model of the public sphere, the people are pre-political and choose their political order so that that the political order becomes a living and self-moving order. *Adab* as a kind of culture of implicit meanings, habits and sentiments provides a moral order for this pre-political stage that is not external to or imposed on the people because it is internal to their agency and practice of visualizing “society” and, by extension, the shared interests of the nation or *waṭan*. In turn, this idea of the “political” or *siyāsa* as a realm of free agency—chosen by public opinion—is ‘Abduh’s blueprint for a new kind of *siyāsa* more generally; the political life, being a holistic politics, is not merely an administrative legal apparatus, but works bottom-up from the people as a continuous cultural and moral unity of acts and intentions, transcending their social and religious distinctions—imagined in the future as extending to the non-elite in the manner of an internalized habitus and language. The political freedoms of modern citizenship thus inhabit the level of the people’s souls—a level which is mobile and agile as well as deep and substantive, and so on which they can truly be said to ‘exist’. ‘Abduh’s logic plays on the link within the meanings of *adab* between language and reality, his appropriation of which for journalistic and state purposes I suggested is captured in the following important lines:

When the nation rises in status, that honours and exalts the inhabitants because it has no reality (*ḥaqīqa*) other than by them and in them and there is no success except in

them and from them and so they are it [the nation] and it [the nation] is their existence in word (*lafẓ*) and meaning (*ma‘nāhu*). (‘ABDUH 2009: I, 366-367)

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