Between God and Society

Divine Speech and Norm-Construction in Islamic Theology and Jurisprudence

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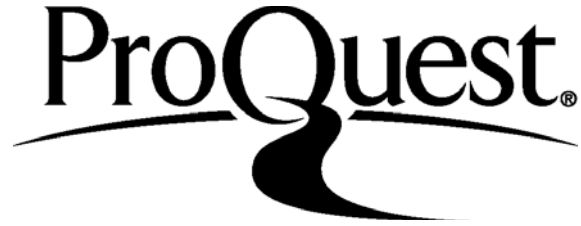
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Abstract

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The role of divine Revelation in the process of construction of normative judgments has long occupied scholars of religion in general, and Islam in particular. In the area of Islamic studies, numerous works were dedicated to the elucidation of various trends of thought on the question of the methods of formulation of norms and values. Many of those studies suppose a distinction between textualist and rationalist theories, and use this framework to explain the most influential Muslim views on this issue. In contemporary philosophical theology and the philosophy of religion, theorists of religious meta-ethics draw upon the medieval and early modern Christian debates almost exclusively. Reconstructing the philosophical foundations of classical Islamic models of norm-construction, which arise within both theological and jurisprudential works, has not received sufficient attention in either discipline.

In this study, I explore eleventh century debates on the place of divine Revelation in the formulation of normative judgments in Islamic theology and jurisprudence, and bring this analysis in dialogue with current questions in philosophical theology. By reconstructing the epistemological, metaphysical and semantic foundations of those debates, I show that two general trends emerge on the question of the depth with which Revelation interferes in human moral reasoning, which generally correspond to recent debates between natural reason and divine command theorists in contemporary philosophical theology. I argue that those tensions were the

result of a number of philosophical disagreements, not mere reflections of a commitment to "rationalism" or "textualism."

This study is based on an analysis of texts attributed to prominent eleventh century jurist-theologians, including Abū Bakr al-Bāqillānī (d.1013), Imām al-Ḥaramayn al-Juwaynī (d. 1085), al-Qāḍī ʿAbd al-Jabbār (d. 1024) and Abū l-Ḥusayn al-Bāṣrī (d. 1044). I maintain that abstract normative considerations animating those theories are of trans-historical philosophical value, and can be "appropriated" to provide new insights when introduced into current debates in religious ethics. Whereas, following post-colonial studies that held the inadequacy of treating non-Western thought through the lens of modern Western theories, many recent works emphasized the historicity of Islamic thought, I consider the abstract claims in both Islamic and modern thought in order to generate a philosophical dialogue across traditions.

In conclusion, I argue that disagreements between prominent eleventh century Muslim jurist-theologians on the place of Revelation in the formulation of normative judgments is best understood as part of broader debates on theology, metaphysics and epistemology. To do that, we must treat theology and jurisprudence as an integrated meta-ethical project that inserts itself between the text of Revelation and the process of norm-production. Reconstructing those theories of divine speech and command shows us that the Muʿtazilīs combined a naturalist view of ethics with a dualistic metaphysic to hold that Revelation is a sufficient but not necessary condition for moral knowledge. Ashʿarīs, by contrast, insisted on the indispensability of Revelation on the basis of a combination of epistemological skepticism with a metaphysic that prioritized skeptical theism.

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Introduction: Islamic Thought and the Possibility of Divine Command Theories

In its most abstract form, the question raised by this study is one of theoretical ethics: given what we know, or believe we know, about the world, its origin, and human reason, how we can advance principles that are designed to guide humans towards proper behavior. In this general form, the question is not specific to any particular intellectual tradition. Every known attempt in theoretical ethics as well as legal theory is, in a sense, an effort to construct a theoretical apparatus capable of justifying norms of practical behavior consistently with a particular view of the world, its origins, and the place of humans within it. Whereas a secular ethicist might attempt to develop a general theory of moral norms and values on the basis of human intuitions, emotions, the faculty of reason, biological evolution, among other considerations, a theistic ethicist will be concerned with the theories that can offer a coherent justification of normative judgments on the basis of theo-centric views of the world.

The present study investigates the place that divine Revelation occupies in the process of formulation of normative judgments.[1] This is done through an examination of certain classical Islamic scholarly debates on the nature of divine speech and the methods of justification of norms.[2] As such, the study has two primary aims. First, it offers a reading of those classical Islamic theories on the formulation of norms and value judgments and the place of human reasoning and divine Revelation in this process. Second, it argues for the viability of the

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[1] Many of the contemporary works in theological ethics attempt to distinguish between norms (or obligations) and values. The distinction generally stems from the assumption that, whereas values are universal and shared even by God, obligations are primarily imposed upon humans and therefore are not identical to, or defined in terms of, moral values. As we will see throughout this study, the majority of classical Muslim thinkers saw values and norms (or judgments) as inextricably linked. See J. E Hare, *God's Command* (Oxford: Oxford University Press, 2015).

[2] The study of a philosophical question *through* a reading (or re-reading) of a historical intellectual tradition is a deliberate methodological choice that will be elucidated in the first section of this introduction.

theoretical model that emerges as dominant in, and central to, this tradition, as well as its relevance to contemporary discussions in theological ethics. The first aim falls within the domain of Islamic studies, whereas the second is a question that is most commonly studied in theological ethics and philosophical theology more generally. Thus, this is a study that explicitly aims to engage two disciplines that are not commonly brought in conversation with each other. On the basis of those two levels of inquiry, I maintain that: (1) the disagreements on the place of divine speech in practical reasoning in classical Islamic disciplines can be understood as philosophical disagreements anchored in distinct metaphysical and epistemological outlooks, not only as polemics between "rationalists" and "traditionalists"; and (2) the study of Islamic theories on the role of Revelation in moral reasoning helps us construct theoretical models that address some of the challenges that divine command theories face today.

In intellectual traditions that view the world as the creation of a deity, discussions often focus on the place of God's revealed words in the formulation of norms of action and value judgments. The three major Abrahamic traditions are obvious examples of this tendency.[3] That is hardly surprising. Since language is the prime tool of production, preservation, and dissemination of meaning, communities that share a theistic understanding of the origin of the world frequently resort to a text or communication of some form as a tool of potential meta-ethical importance. Depending on how the communicative medium is understood by scholars in each tradition, the resort to some form of divine Revelation tends to produce a conflict among moral agents. Specifically, if Revelation is understood as a direct form of communication from *another* agent (i.e. God), the moral subject that resorts to Revelation as a source of guidance will often be faced

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[3] For a comparative study of the idea of Revelation in major Abrahamic faiths see C. Stephen Evans, "Faith and Revelation," in *The Oxford Handbook of Philosophy of Religion*, ed. William J. Wainwright (Oxford University Press, 2008).

with questions concerning the rationality of her reliance on Revelation and its implications for her moral autonomy.[4]

Theories advanced in contemporary theological ethics tend to center on the interplay between two stances conveniently referred to as divine-command and natural-law theories.[5] Those two distinct approaches to Revelation as a meta-ethical factor are characteristic of different responses to the question of the indispensability (or not) of divine Revelation for the possibility of knowledge of normative judgments. Divine command theories can generally be characterized as a set of views that stem from an understanding of divine Revelation as necessary or constitutive of human morality in some sense.[6] Natural law theories, by contrast, tend to deal with divine Revelation as informative and effective in the process of knowledge of normative judgments, but not necessarily constitutive thereof.[7] The conversation between those two approaches to Revelation results in a wide variety of philosophical problems pertaining to moral epistemology, the metaphysical nature of divine speech, its potential meta-ethical implications, the place of human autonomy in a theo-centric view of ethics, and the methods of construction and justification of particular normative judgments. This study deals with those questions in that order through an analysis of classical Islamic debates on divine speech and commands. The

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[4] That is not to say that one is justified to think that theistic theories of ethics are intrinsically more or less problematic than any others; they merely come with their own set of challenges. For a comparative study of some of the difficulties raised by theistic and non-theistic theories of ethics, see Edward Wierenga, "Utilitarianism and the Divine Command Theory," *American Philosophical Quarterly* 21, no. 4 (1984): 311–18.

[5] This includes, for example, Robert M. Adams, *Finite and Infinite Goods A Framework for Ethics*, (New York: Oxford University Press, 1999) and Hare, *God's Command*.

[6] J. E Hare, *God's Call: Moral Realism, God's Commands, and Human Autonomy* (Grand Rapids, Mich.: W.B. Eerdmans, 2001).

[7] John Finnis, *Natural Law and Natural Rights* (Oxford; New York: Clarendon Press; Oxford University Press, 1979).

Christian-centric nature of contemporary studies in the philosophy of religion and theological ethics specifically means that certain possible conceptions of the divine in its relation to human communities are left out of the conversation.[8] In particular, I argue that two fundamental features of the mainstream pre-modern Muslim conceptions of theistic ethics can inform contemporary discussions in theological ethics: anchoring the need for divine Revelation in the limits and failings of Revelation-independent reasoning, and conceiving of society as a site of production of meaning.

The theological and jurisprudential texts on which this study is based have long received ample attention in the area of the study of Islam both in Western and non-Western scholarship. To bring the findings of the study of those traditions into ongoing conversations in theological ethics, I approach Islamic theology (*kalām; uṣūl al-dīn*) and jurisprudence (*uṣūl al-fiqh*) as philosophical projects that advance normative views of the world and the place of humans within it. The implications of this approach on the questions asked and arguments made are numerous, but the most significant consequence of this methodological shift consists in de-emphasizing the polemical nature of classical Islamic debates on Revelation and, instead, focusing on the abstract rational justifications of those theories. This study, therefore, treats pre-modern Muslim theologian-jurisprudents as interlocutors to contend with and not only as objects of study. The methodological aspects of the study will be elaborated in the first section.

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[8] One of the manifestations of this focus on the Christian tradition is the tendency to view divine speech as inseparable from divine will. As will be shown in Chapters II and III, this was not the prevalent view in Islamic thought. For an example of this assumption of the link between divine will and command see R. M. Adams "A Modified Divine Command Theory of Ethical Wrongness," in Gene H Outka and John P Reeder, *Religion and Morality; a Collection of Essays.* (Garden City, N.Y.: Anchor Press, 1973), 318-347.

The appropriation and reconstruction of theoretical justifications of the methods of norm-construction on the basis of divine Revelation in Islamic thought allows us to see how the view of ethics as necessarily reliant on divine speech came to be popular in classical Islamic disciplines without being overly reliant on "traditionalism" as an analytical category. A unique attribute of Islamic intellectual trends that we may refer to as divine command theories is their reliance on a philosophical critique of the formulation of normative judgments independently of divine Revelation. Those critiques centered on the difficulty of universalization of judgments made by individual agents based on empirical observations. On the basis of this critique, divine-command minded scholars (primarily, the Ashʿarīs) argued for a conception of divine Revelation as an intervention intended to remedy the intrinsic human inability to formulate universalizable norms. This view entailed a metaphysical understanding of divine speech not as an expression of the will of a similar (but transcendent) moral agent, but as a timeless attribute of God. Finally, the engagement with the earthly manifestations of divine speech was seen as the collective task of the community of believers. The discipline of *uṣūl al-fiqh* offered a dialectical domain in which methods of collective norm-construction were constantly balanced and refined. Those critiques and meta-ethical suggestions will be outlined in the second and third sections.

(1) *Uṣūl al-Dīn/ Uṣūl al-Fiqh* as Theological Ethics: Post-Structuralism and the Philosophical "Appropriation" of Islamic Traditions

What does it mean to study Islamic theology and jurisprudence *as* theoretical ethics? What methodological choices does one make, and what theoretical assumptions does one embrace, in order to engage our understanding of classical Islamic disciplines with contemporary conversations in theological ethics?

The starting point of this study is an analysis of late tenth and eleventh century texts in the Islamic genres of *uṣūl al-fiqh* and *uṣūl al-dīn.* Ultimately, I advance a meta-ethical argument on the basis of this analysis, namely that the helpfulness of a divine-command view of normative judgments can be defended based on an awareness of the shortcomings of Revelation-independent reasoning. Going from a study of classical Islamic texts to the formulation of abstract meta-ethical arguments raises the question: is there anything we can learn from a non-modern, non-Western tradition that we can use in our engagement with contemporary concerns in moral or legal thought? Are we justified in bringing insights from a seemingly distant tradition into our reflections upon present moral problems? Do these texts contribute something to our awareness of ourselves and our world beyond our specific understanding of the historical context within which they were produced?

To answer those questions, we must first investigate the nature of the experience constituted by the study of text. Is it possible to be "in dialogue" with eleventh century Muslim jurists and theologians through a study of what has survived of their scholarly writings?[9] Or does meaningful theologico-philosophical communication require the "presence" of an interlocutor, either immediately or in one's temporal-cultural domain? Is our engagement with a tradition through its textual products purely informative of a particular set of events that led to the creation of the studied text, or can some meaning of present value be drawn from this engagement? In the

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[9] The idea of "dialogue" as the outcome of a trans-historical and trans-cultural reading was advanced by S. B. Diagne in the following terms: "Dialogues: because philosophy does not "emanate." It is not the natural expression of any culture nor, of course, *a fortiori,* of any religion. It is this conversation, often lively, in which people who know the meaning and value of free thought are engaged. They know that this requires precisely a kind of dependence on the immediate significations given to us by cultures and religions." We will see later in this section how the philosophical reading of classical Islamic texts is both intrinsically context-specific and context-independent and the same time. Souleymane Bachir Diagne, *Comment philosopher on Islam.* Fenton: The Phoenix Publishing Company, 2008. (Translation mine).

present section, I make two primary claims. First, every experience of a text is inevitably both informative of some aspects of the context in which it was produced and to which it refers, and communicative of some form of inter-subjective meaning. This inextricable duality of textual experience corresponds to the idea of a reference-sense dichotomy as advanced in philosophical hermeneutics. Second, while it is impossible to understand a text without an awareness of its inner reference-sense dichotomy, the emphasis a scholar may wish to place on one or the other side of this dyad will largely rest on his or her own subjective purposes and suppositions. Classical Islamic scholarship, like any other, intrinsically lends itself to both historical and philosophical analysis, and cannot be understood without an awareness of both of those dimensions. Whether the reader uses his or her study to suggest a novel understanding of the text's context, or to advance a new explanation of the content of its inter-subjective communication, will depend largely on factors independent of the textual tradition itself, and pertaining to the reader's presumptions as to who may qualify as an interlocutor and why.

An explanation of the dual nature of communication through text can be drawn from the tradition of continental hermeneutical philosophy, culminating most notably in the work of Hans-Georg Gadamer and Paul Ricœur.[10] In this section I focus primarily on Ricœur's philosophy as a prominent representative of the post-structuralist bent in philosophical hermeneutics that could be said to have incorporated and further elaborated upon Gadamer's theories.[11] Ricœur offered the outline of a theory of writing and reading in his *Interpretation Theory: Discourse and the*

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[10] Hans-Georg Gadamer, *Truth and Method* (New York: Seabury Press, 1975); Paul Ricœur and John B Thompson, *Hermeneutics and the human sciences: essays on language, action, and interpretation* (Cambridge [England]; New York; Paris: Cambridge University Press; Editions de la Maison des Sciences de l'homme, 1981).

[11] Mario J Valdés, *A Ricœur Reader Reflection and Imagination* (Toronto; Buffalo: University of Toronto Press, 1991), 3. Ricœur's work, most commonly invoked in the context of literary criticism, is of general value for understanding the process of writing, reading, and text-based philosophical reflection.

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Surplus of Meaning.[12] This collection of four essays offers an exploration of the question of "language as *a work,*"[13] to be distinguished from spoken language as a means of immediate exchange. The theory of writing and reading offered in those essays elucidates a process of construction of text and a parallel process of reading and understanding "without imposing too mechanical a correspondence between the inner structure of the text as the discourse of the writer and the process of interpretation as the discourse of the reader."[14] In elucidating the first part of the process of text-construction, Ricœur invokes the idea of language *as discourse* to primarily highlight the dialectic of event and meaning. This dialectic, for Ricœur, corresponds to a process of explanation and understanding that the reader experiences. Together with the inner dialectic of text-production, the event-meaning dichotomy informs the whole process of communication through text.[15]

Ricœur begins to construct a conception of discourse as inextricably constituted of both event and meaning (or expression and sense) by reference to some of Plato's reflections on the possible truth or falsehood of utterances.[16] This is the beginning of a crucial distinction between semiotics as the "science of signs," which concerns itself with language's power of reference, and semantics, the "science of sentence," which deals with language as communication of meaningful (potentially truthful) claims.[17] In its ancient form, the discussion of the potential for

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[12] Paul Ricœur, *Interpretation Theory: Discourse and the Surplus of Meaning* (Fort Worth: Texas Christian University Press, 1976).

[13] Ibid., xi.

[14] Ibid., 71.

[15] Ibid.

[16] Ibid., 1.

[17] Valdés, *A Ricœur Reader: Reflection and Imagination*, 4.

truth in linguistic utterances took for granted the idea of language as discourse. Language was seen as a combination of signs that produces meaning by being more than just the sum of its constitutive elements. This, Ricœur observes, is no longer taken for granted today: a structuralist view of language as a system of signs presents itself as an alternative to this view of language as discourse.[18] Structuralism, in Ricœur's view, especially as advanced in Sassure's influential linguistics, was built on a series of oppositions between code (i.e. a semiotic understanding of language) on the one hand, and meaning, thought or intention, which are intrinsically subjective, context-specific and inaccessible, on the other hand. The result was a view of text, and language in general, as a self-sufficient web detached from any elements external to it: "language no longer appears as a mediation between minds and things. It constitutes a world of its own, within which each item only refers to other items of the same system, thanks to the interplay of oppositions and differences constitutive of the system." Language becomes a "self-sufficient system of inner relationships."[19]

Under a structuralist (specifically, Sassurian) view of text, the question of whether and how one can engage questions of theological ethics on the basis of a reading of the classical Islamic tradition would appear intrinsically problematic. Certainly, there is no place in this theory for an approach to Muslim theologians and jurisprudents as "interlocutors," since all we have left are texts, and texts are self-sufficient and separate from the subjective meanings that drove their production. Whether one could produce a study that engages questions of theological ethics on the basis of an examination of classical Islamic thought would eventually hinge on what "on the basis" means. In a structuralist sense, it is conceivable that a text could emerge from a

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[18] Ricœur, *Interpretation Theory*, 2.

[19] Ibid., 6.

subjectivity informed by a reading of a text belonging to the Islamic or some other tradition, but that text would still be a self-sufficient system of codes independent of the author's internal world of thought. Texts, in that sense, act as buffers that stand between distant subjectivities, rather than means of communication that facilitate rapprochement among them. The present study cannot be properly characterized as consisting of reflections in theological ethics written by someone informed by Islamic, among other, texts. It is a study in Islamic theology and jurisprudence that uses its findings to engage questions of theological ethics. This more robust sense of engagement with two distinct discursive fields supposes some idea of dialogue that a structuralist understanding of textual analysis does not allow.

In a post-structuralist view of discourse, by contrast, such dialogical engagement with classical Islamic thought and contemporary philosophical theology is conceivable. A concise way of presenting Ricœur's departure from Sassure's theory of text is to consider it as a move from the dichotomous to the dialectical. By departing from Sassure's sharp dichotomies, Ricœur reintroduced the idea of text as communication, without dismissing the intrinsically historical and "distant" nature of the encounter with text.[20] This reintroduction of the notion of "text as discourse" which, Ricœur insists, was predominant before the advent of modern linguistics, rests largely on the understanding of the production of meaning as a phenomenological process,

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[20] A significant step towards deconstructing the sharp dichotomies of modern semiotics involves Ricœur's distinction between semiotics and semantics, or the word and the sentence. Ricœur insisted that the sentence is not simply an arrangement of signs, but that it is something *different* from the word. It is not merely a long word, and the word is not a short sentence. There is a difference in type, and that difference is the most basic element in the central dialectic of event and meaning upon which Ricœur constructs his theory of interpretation. He explained that "Semiotics, the science of signs, is formal to the extent that it relies on the dissociation of language into constitutive parts. Semantics, the science of the sentence, is immediately concerned with the concept of sense (which at this stage can be taken as synonymous with meaning, before the forthcoming distinction between sense and reference is introduced), to the extent that semantics is fundamentally defined by the integrative procedures of language." Ibid., 8–9.

described as "the dialectic of event and meaning."[21] This dialectic can be seen as a "concrete polarity" consisting of the two poles of event and meaning that are clearly distinct yet entirely inseparable. It is a characteristic of language as discourse, Ricœur explains, that it involves an "intertwining and interplay of the functions of identification and predication in one and the same sentence."[22] Identification is done by reference to a singular subject, while predication involves the attribution of a "universal" characteristic to that subject. The structuralists, therefore, were wrong: "discourse is not merely a vanishing event and as such an irrational entity, as the simple opposition between *parole* and *langue* might suggest."[23]

The dialectical understanding of discourse as *proposition* (i.e. as both event and meaning) is of immense importance for our purposes. To study the texts of the classical Islamic theological-jurisprudential tradition "as discourse" is to realize that those works are "actualized as events" and "understood as meaning."[24] This is central to our awareness of the possibility of both historical and theologico-philosophical study of this discourse. The Islamic tradition of theology and jurisprudence is, like any discourse, a product of a particular historical reality, and a set of propositions that ascribe a more general meaning or sense to the historical element to which it refers. For example, let us consider a jurisprudential maxim of central importance to the present study: "[divine] commands indicate obligation (*al-amru yufīdu l-wujūb*) unless there is proof (*qarīna*) to the contrary."[25] This proposition was actualized within a particular discursive

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[21] Ibid., 8.

[22] Ibid., 11.

[23] Ibid.

[24] Ibid., 12.

[25] This principle is discussed in Chapter 4.

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context. It belongs to a tradition of Islamic juristic reflection on the tools and methods of engagement with sources seen as authentic and authoritative within the tradition. As a methodological prescription, this maxim was intended to advance a particular view of how those specific authoritative sources can be engaged with. As a proposition, the maxim does more than that: it ascribes, as Ricœur put it, a "universal" attribute to its subject-matter. The maxim proposes a particular manner in which normative judgments can follow from given linguistic forms stemming from a legitimate authority.

A view of textual study as engagement in discourse allows us to see the intrinsic duality of event and meaning, or history and philosophy, in all textual traditions, classical Islamic ones included. If this dialectic of event and meaning is a characteristic of all forms of discursive communication, how can we understand the distinction between the primarily historicist study and the theologico-philosophical approach that characterizes the present study? Every study that takes as its starting point the analysis of text inevitably moves beyond mere understanding by advancing particular views on the basis of the reader's engagement with the text. Those views are the product of the reader's textual experience and therefore emerge from a certain degree of appropriation of textual communication. It is at this level that a distinction can be made between the historicist and the philosophical use of textual analysis. A scholar of Islam may frame his analysis of the aforementioned maxim as a claim about Islamic thought as event, thus placing this proposition in the context of the set of circumstances that generated it. For example, Bernard Weiss argued that jurists who advanced this maxim had a "legalistic" approach to Islamic jurisprudence, as opposed to the "moralists" who argued that such statements should be

presumed to indicate recommendation, rather than obligation.[26] Weiss's argument is an example of the historicist scholarship that dominates the modern study of Islam. Weiss uses his analysis and understanding of a classical jurisprudential text to advance a claim *about* the tradition. This dissertation, by contrast, uses a reading of classical texts of theology and jurisprudence to advance a claim about theoretical ethics *through* particular readings of the tradition. This does not mean that I ignore the historical-event aspect of those texts, or that Weiss is unaware that those texts made claims to meaning that transcended their context. No understanding is possible without awareness of this dialectic. This difference shows that at a post-analysis stage, scholars "appropriate" those events and claims differently.

To explain what I mean by different appropriation of text we should turn once again to Ricœur, but this time to his theory of reading or experiencing a text. I use "appropriation" here in the sense advanced by Ricœur as a transformation of a present self-consciousness generated by an encounter with a "distant" (assuming all texts presuppose some form of distance) discursive tradition.[27] Distance here is a fundamental quality of text, understood as a separation of language from the speech-act event that does not "cancel the fundamental structure of discourse."[28] This encounter can be described as a process of analysis and appropriation that can be outlined along the lines of a threefold interpretive scheme: (i) examination, including philological and historical analysis; (ii) understanding, which involves the recalling of elements present in the reader-scholar's consciousness; and (iii) appropriation, which leads to the emergence of a reformed

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[26] Bernard G Weiss, *The Search for God's Law Islamic Jurisprudence in the Writings of Sayf Al-Din Al-Amidi* (Salt Lake City: University of Utah Press, 1992), 350-351.

[27] Ricœur, *Hermeneutics and the Human Sciences*.

[28] Ricœur, *Interpretation Theory*, 25–26. Ricœur and Valdés, *A Ricœur Reader Reflection and Imagination*, 6.

consciousness of the reader-scholar about him or herself. This tripartite process of engagement with a text was articulated by Ricœur in *Hermeneutics and the Human Sciences,* in what came to be known as the "hermeneutic arc."[29] The "arc" can be seen as a more complex version of Gadamer's "fusion of the horizons" theory advanced in *Truth and Method.* Ricœur advanced a view of textual study as an encounter between two "distant" forms of consciousness through a set of cognitive stages. Those stages do not necessarily occur chronologically, but constitute a broad outline of the manners in which a reader's consciousness is shaped and affected by a text.

A significant feature of this scheme of interpretation is the insistence on textual encounter as a space for the convergence of the consciousness of various agents. In the words of Mario Valdez, Ricœur views engagement with text as a "convergence of the author's configuration of the text and the reader's re-figuration," which leads to a "dynamic merger that makes possible the net gain of new meaning."[30] As Valdez observed, a consequence of this view of the relation between author, text and reader "is the transformation of interpretation into a dynamic dialectic between the distanciation of the text and the appropriation of the reader."[31] The idea of reading as appropriation rests on a view of understanding as an expansion of self-understanding. The reader necessarily makes their experience of the text their own, thus making reading a "remedy" for cultural distance that "includes the otherness within the ownness."[32] Viewing reading as a dialectic between distanciation and appropriation means that understanding always rests on pre-

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[29] Especially, Paul Ricœur, *Hermeneutics and the Human Sciences: Essays on Language, Action, and Interpretation* (Cambridge [England]; New York; Paris: Cambridge University Press ; Editions de la Maison des Sciences de l'homme, 1981).

[30] Ricœur and Valdés, *A Ricœur Reader Reflection and Imagination*, 7.

[31] Ibid., 8.

[32] Ibid.

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existing categories in the reader's mind, and an awareness of an encounter with a consciousness that is distant but made close through text. Understanding is always self-understanding.[33]

This view of understanding as appropriation is central to this study's conception of the possibilities our engagement with the Islamic intellectual tradition can generate. If text is both event and meaning, and all reading is appropriation of a distant consciousness that results in self-understanding, the critical question thus becomes: how do we *choose* to appropriate a distant intellectual tradition? In this concluding part of the methodological section, I wish to argue that there are three major ways in which our engagement with this distant tradition can result in self-understanding: non-critical, critical-comparative, and dialogical. I maintain that much of the recent interest in methodological critique in the area of the study of Islam centered on the move from non-critical to critical-comparative self-understanding. The present study capitalizes on those developments with an aim to move from critical-comparative to critical-dialogical self-understanding.[34]

The first approach, to which I refer as non-critical self-understanding, situates the study of classical Islam against the backdrop of a more or less uncritical understanding of Western modernity as a normative universal to which all distant cultural phenomena ought to be measured. Extensive effort has been put into deconstructing and overcoming this approach, especially following E. Said's *Orientalism.*[35] Those efforts, for the most part, have resulted in a form of critical historicism, which can be characterized as a tendency to highlight the historical

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[33] Ibid., 87.

[34] It would be a mistake to see this as a rigid categorization in which each study falls exclusively under one category. It is rather a general scheme through which we can understand the range of manners of appropriation and their development in the contemporary study of Islam.

[35] Edward W Said, *Orientalism* (New York: Vintage Books, 1979).

alterity of Islamic traditions, among others, as a means to explaining their apparent unfamiliarity to the modern observer. A significant achievement of this trend has been the deconstruction of the assumption of universality and ahistoricity of modern Western standards in ethics and law, among other domains. The predisposition to view one tradition primarily (if not entirely) through historical lenses and to view more seriously the other tradition's normative claims is reflective of the configurations of power within contemporary scholarship. The way in which those power relations shape the types of question and assumption that guide the study of traditions that habitually fall outside the purview of what is accepted as "Western" has been explained in numerous studies. For example, in his Introduction to *Sharīʿa: Theory, Practice, Transformations,* Wael Hallaq explains that the modern discipline of Islamic legal studies is a product of a particular Western (specifically, European) project at the heart of which lies the considerations of subjugation of the Muslim world (among other worlds). A central attribute of scholarship produced within this power configuration is the positing of modern European categories as universal standards of excellence, and thus concluding that the lack of such categories in a non-modern, non-European tradition is a sign of decadence.[36] The major example offered by Hallaq (given its centrality to the book's thesis) is the lack of separation of law and morality in classical Islamic thought, which was, among other lacks of distinction, viewed by some modern scholars of Islam as a sign of primitiveness. Throughout his account of the history, institutions and modern challenges of the *sharīʿa,* Hallaq shows that, by ridding ourselves of this preliminary assumption, we can see that this inseparability of law and morality was one of the

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[36] The same imbalance was deconstructed by Edward Said in: *Orientalism* (New York: Vintage Books, 1979).

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major ways in which the *sharīʿa* sustained itself as a functional social force that "reigned supreme for over a millennium."[37]

Hallaq, therefore, argues for a non-Eurocentric historicization. Along the same lines, we can find a plethora of studies that explicitly undertake to provide more self-conscious and theoretically informed forms of historicization, often calling for studies of the Islamic tradition that highlight its own "internal logic."[38] To give another recent example, in *Islamic Legal Pluralism,* Anver Emon explains that he situates his historical account of the treatment of non-Muslims under Islamic law in opposition to what he refers to as "the myth of harmony" and "the myth of persecution." Both accounts, Emon argues, study the history of Islamic treatment of non-Muslims through the framework of "tolerance," and therefore produce views on the matter that disregard the "inner logic" of the Islamic legal tradition.[39] This significant trend in contemporary studies on Islam can be characterized as advocating a form of critical historicization. It is "critical" in the sense that it corrects prior tendencies to adopt Eurocentric and anachronistic conceptions of history. In relation to this approach, my study takes one additional step. By way of extension of those models, I suggest a dialogical approach to the study of the Islamic traditions. A dialogical approach is one in which Islamic theology and jurisprudence are analyzed for their normative claims and, on the basis of that analysis, suggestions are made for the resolution of contemporary problems in theological and moral thought.

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[37] Wael B Hallaq, *Sharīʿa: Theory, Practice, Transformations* (Cambridge, UK; New York: Cambridge University Press, 2009), 1-23.

[38] One of those is Behnam Sadeghi's *The Logic of Law-Making in Islam: Women and Prayer in the Legal Tradition*, 2013.

[39] Anver M Emon, *Religious Pluralism and Islamic Law: "dhimmīs" and Others in the Empire of Law*. A work following the same form of "improved historicism" includes Marion Holmes Katz, *Women in the Mosque: A History of Legal Thought and Social Practice*, 2014.

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More recently, we can observe the rise of an approach that can be described as critical comparativism. This approach does not content itself with explaining different traditions based on different historical and intellectual circumstances, but undertakes critiques of modern concepts and institutions on the basis of an appropriation of pre-modern Islamic theories. A notable example of this method would be W. Hallaq's, *The Impossible State*, in which an analysis of pre-modern Islamic governance allows a critical evaluation of some of the paradigmatic features of the modern state.[40] The present study represents a step in the same direction, but takes a dialogical rather than comparative approach. In other words, on the basis of my "appropriation" of abstract meta-ethical models emerging from my analysis of eleventh century Islamic theological and jurisprudential texts, I offer suggestions pertaining to contemporary problems in theological ethics. This dialogical engagement is, I believe, urgently needed, since engaging traditions that are typically underrepresented in contemporary theologico-philosophical reflection can offer solutions that were otherwise unavailable within the dominant philosophical discourse.[41]

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[40] Wael B Hallaq, *The Impossible State: Islam, Politics, and Modernity's Moral Predicament* (New York: Columbia University Press, 2013).

[41] It is worth noting at that philosophical appropriation, or appropriation for theological-philosophical purposes, has been and remains widely exercised in the study of other pre-modern traditions, especially Christianity. For reasons pertaining to the history of the study of Islamic thought in the West, which are largely beyond the scope of this introduction, this has only been done rarely and highly selectively in the field of the study of Islam. This set of methodological questions imposes itself with urgency in the context of the study of Islamic thought for reasons specific to state of the contemporary study of Islam, not because of anything intrinsic to the pre-modern Islamic tradition. In other words, the reason this methodological section is particularly necessary is that I must contend with the objection-from-historicity, or the claim that ideas produced in the Islamic disciplines can *only* be understood as historical events, and that an attempt to deal with those ideas in any manner that does not firmly anchor them in their historical roots is misled and misleading. The urge to historicize does not arise equally in relation to different intellectual traditions. It is possible to find ample examples in which pre-modern Christian thought is treated *as* theoretical ethics, metaphysics, epistemology, to name a few philosophical domains in which such traditions are incorporated. An example of an study in theoretical ethics Hare, *God's Call*.

Finally, it is worth noting that, in the contemporary study of classical Islamic traditions, certain streams of thought were commonly singled out as "philosophical" (e.g. the Muʿtazilīs),[42] while others continue to be regarded strictly as historical events. This imbalance in the methodological approaches applied to different intellectual discourses has nothing to do with those discourses' intellectual content, let alone quality, and everything to do with the contemporary scholar's predisposition to accept or "appropriate" one set of ideas or the other as claims of some normative value. To demonstrate this unequal treatment of what I contend are largely equal traditions,[43] one could point to the vast and common incorporation of the ideas of central Christian figures such as Thomas Aquinas and John Calvin into contemporary works on legal and ethical theory.[44] By contrast, in the Islamic tradition, among contemporaries of Aquinas who worked in vastly similar disciplines and dealt with similar questions using comparable methods, only the Muʿtazilīs, on occasion, captured the philosophical interest of contemporary ethicists.[45] To explain why the philosophical study of Islamic traditions has been done selectively and marginally would require a broad critique that is certainly beyond the scope of this section.[46]

    (2) *Kalām* and *Uṣūl al-Fiqh* as a Unified Project in Theoretical Ethics

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[42] For example, George Hourani, *Islamic Rationalism: The Ethics of ʿAbd Al-Jabbār* (Oxford: Clarendon Press, 1971).

[43] "Equal" in the sense that, in cases like the theology of Thomas Aquinas and classical *kalām,* there is a significant similarity in form and substance that suggests a certain historical and intellectual closeness and cross-pollination among those discursive fields.

[44] For example, John Finnis, *Aquinas Moral, Political, and Legal Theory* (New York: Oxford University Press, 1998).

[45] For example, Mariam Attar, *Islamic Ethics: Divine Command Theory in Arabo-Islamic Thought* (New York; London: Routledge, 2010).

[46] Helpful explanations can be found in Wael B Hallaq, "On Orientalism, Self-Consciousness and History," *Islamic Law and Society* 18, no. 3–4 (2011): 387–439; and the Introduction to Wael B Hallaq, *Shariʿa: Theory, Practice, Transformations* (Cambridge, UK; New York: Cambridge University Press, 2009).

It is a basic assumption of this study that the disciplines of *kalām* and *uṣūl al-fiqh* are, for all theoretical purposes, inseparable. The first belongs to an area of inquiry that encompasses what we would consider today to belong to systematic and philosophical theologies, and is concerned with a broad range of debates, many of which can be traced back to the earliest periods in Islamic history. Those debates, in the relatively mature form of the disciplines with which this study is concerned, came to incorporate topics as varied as moral epistemology, the nature of divine attributes, divine justice and benevolence, metaphysics and cosmology, the nature of good and evil, the nature of Revelation, and the conditions of true belief. Topics of that sort were studied in treatises as early as Abū Ḥanīfa's *al-Fiqh al-Akbar,* yet the discipline of *kalām* came to be systematized and to take a distinct form in later centuries. Similar observations can be made of *uṣūl al-fiqh,* which will be referred to here for convenience, but not without difficulties, as "jurisprudence." Debates over the proper methods of reasoning that would be conducive to judgments (*aḥkām*) of the *sharʿī* variety are as old as Islam itself, yet the specific discipline of *uṣūl al-fiqh* probably emerged in the second half of the tenth century.[47]

This study focuses primarily on the eleventh-century writings in *kalām* and *uṣūl al-fiqh* produced within the central urban centers of learning by scholars belonging to the popular Ashʿarī and Muʿtazilī schools. Certain arguments in semantics and norm-construction will be made by relying on the work of jurisprudents who did not directly engage in philosophical theology in the manner that scholars from these schools did. Given the centrality of the theologico-philosophical arguments of this study, the choice of text and historical period is inevitably indecisive. The same arguments could have admittedly been advanced on the basis of a later set of texts. The

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[47] For a history of the early development of the discipline of *uṣūl al-fiqh* see Wael B Hallaq, *A History of Islamic Legal Theories: An Introduction to Sunni Usul Al-Fiqh* (Cambridge; New York: Cambridge University Press, 1997).

choice of texts was still informed by a number of considerations. First, I avoided the earlier periods in which disciplinary boundaries were in flux for ease of identification of theological debates within the treatises in question. Second, I chose works that were produced in historical proximity so that they are similar in style and language, and one can relatively easily detect exchanges across those works. Third, I focused on works that can be considered influential, in the sense that they were frequently cited and commented upon in later scholarship. I do not claim that any of those schools represent the Islamic tradition as a whole. Rather, I mainly wish to highlight that there are voices within the tradition that can help us reflect upon issues of theological ethics more generally.

The inseparability of *kalām* and *uṣūl al-fiqh* for the purposes of this study stems from the fact that both disciplines belong to a single Islamic intellectual project that was driven by the need to rationally justify the process of taking moral positions on the basis of theological views. Yet one should observe a crucial asymmetry in those disciplines. Whereas the issue of the indispensability of divine Revelation for the formulation of norms and values was up for debate at the level of *kalām,* virtually all noteworthy works produced in *uṣūl al-fiqh* begin with the assumption that it is indeed indispensable. In other words, one can see a clear and explicit tension between divine-command and natural-law theories of norm-construction at the level of *kalām.* Yet at the level of *uṣūl al-fiqh* this tension becomes, as I shall argue, implicit behind the appearance of a dialectically formed social agreement. At the level of *kalām,* Muʿtazilīs took the natural-law position that Revelation comes to confirm, inform, facilitate or emphasize moral positions that are otherwise available to the human mind, whereas Ashʿarīs advanced the divine-command notion that Revelation generates or introduces moral possibilities that are otherwise

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inaccessible to human minds. At the level of *uṣūl al-fiqh*, it appears to be widely accepted that one has to use divine Revelation in some manner to advance valid *sharʿī* judgments.[48]

This Revelation-centricity of *uṣūl al-fiqh* could be taken to reflect the historical and practical triumph of divine command theories in Islamic thought, yet one would be mistaken to consider this a full and absolute victory, as will be explained in chapter 4. The overlap of the two disciplines is openly accepted within the tradition itself through the characterization of a segment of *uṣūl* writings as produced in a theological style (*ṭarīqat al-mutakallimīn*). Yet, I argue that even the theology-averse juristic-minded jurisprudents (the so-called *al-fuqahāʾ*) were producing their jurisprudential work based on implicit theological assumptions. Those theological assumptions, I maintain, unwittingly aligned with the theological vision of the Muʿtazilīs, even if the general characteristics of *uṣūl al-fiqh* were shaped to a considerable degree by Revelation-centrism. Even though the Muʿtazilīs and like-minded scholars never managed to garner considerable support for a type of Revelation-independent (i.e. purely *ʿaqlī*) *uṣūl al-fiqh*, their conceptions of divine speech and the somewhat intuitive ideas of divine command, moral goodness, benefit and harm, among other concepts, survived in an indirect form within the work of the so-called *fuqahāʾ*.

Taken together, the Ashʿarī theories of divine speech and *uṣūl al-fiqh*'s dialectical mode of norm-construction constitute a unique model of divine command ethics that can be characterized as a form of collaboration between God and society. The elucidation of this model is the primary

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[48] To put it crudely, we might say that the classical Islamic tradition did not produce a "critique of practical reason." There are minor and negligible exceptions. For example, al-Dabūsī's *Taʾsīs al-Naẓar* includes a small section on Revelation-independent judgments, which pertain for the most part to very general and analytical principles such as "lying is bad and telling the truth is good." ʿUbayd Allāh ibn ʿUmar ibn ʿĪsā al-Dabūsī, *Taʾsīs al-naẓar*. Zakariyya ʿAlī Yūsuf, ed. 1st ed. (Cairo: Zakariyya ʿAlī Yūsuf, 1972).

focus on the present study. It will be shown that, rather than primarily seek to conform with natural law theories, divine command theories of ethics can carve out a place for themselves by focusing on critiques of natural law or Revelation-independent theories of ethics. Muʿtazilī theories of divine speech will be studied to explain the background against which Ashʿarī notions of divine command were formulated. The first step in constructing this model is to ask why we need divine Revelation in the first place, and what we can or cannot know without Revelation. The second step is to explain what divine Revelation is, which will differ depending on the kind of answer offered to the first question. The third step is to inquire into the normative potential of divine speech by analyzing the concept of divine command. The fourth and final step will be to ask how norms can be constructed on the basis of specific linguistic forms in the language of Revelation. Each of the dissertation's chapters will be dedicated to one of those questions.

(3) *Divine Speech and Normative Judgments: The Problem of Moral Universalizability*

In contemporary theological ethics, efforts to explore the place of divine Revelation in constructing moral concepts are mostly found in works on divine command theories. The expression "divine command theories" covers a wide range of theoretical models that deal with divine speech and commands as conducive to the formulation or knowledge of moral values and judgments. Generally, those theories, as their own proponents almost invariably admit, have not been particularly popular in recent decades. Much of the efforts to find a place for divine speech in moral reasoning have been focused on elucidating the ways in which divine Revelation accords with some notion of natural goodness. A prominent example of the tendency of divine command theorists to adopt certain natural-reason views can be found in the work of Robert M.

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Adams.[49] The same tendency can be seen in the study of Islam. Works that advance some conception of natural reason are treated as works of particular philosophical interest.[50] Several theological ethicists have attempted to formulate more robust versions of divine command theories, most notably William Alston, who insisted that the "good" as applied to God and His speech should not be understood along the same lines that apply to human morality.[51] Adams's and Alston's efforts were the precursors of a significant rise in the interest in theories of divine command ethics, as seen in the work of John Hare, among others.[52] The field of study of Islam, by contrast, has not seen a noteworthy interest in the philosophical value of theories of Revelation-based ethics, a gap that the present study aims to fill.

The works of Adams and Alston give us a helpful understanding of the range of views available on the question of the place of divine speech in moral thought in contemporary theological ethics. Adams represents what I refer to as an attenuated form of divine command ethics. In "A Modified Divine Command Theory of Ethical Wrongness," Adams makes the argument that the meta-ethical position that the wrongness or prohibition of actions follows from their contradiction to divine commands is defensible if we presuppose that those commands are made by a "loving God." Adams's concern was to defend the place of divine speech in moral

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[49] Especially, Adams, "A Modified Divine Command Theory of Ethical Wrongness," in Gene H Outka and John P Reeder, *Religion and Morality; a Collection of Essays.* (Garden City, N.Y.: Anchor Press, 1973), 318-347, and Robert Merrihew Adams, *Finite and Infinite Goods a Framework for Ethics* (New York: Oxford University Press, 1999).

[50] As stated in Hourani, *Islamic Rationalism*, 1-3. In fact, Hourani further declares that, not only Muslim, but most "medieval thinkers have not been found to have contributed very much to philosophical ethics."

[51] "Some Suggestions for Divine Command Theorists," in William P. Alston, *Divine Nature and Human Language: Essays in Philosophical Theology* (Ithaca: Cornell University Press, 1989).

[52] Hare, *God's Call*; Hare, *God's Command*. See also David Baggett and Jerry L Walls, *Good God: The Theistic Foundations of Morality* (New York: Oxford University Press, 2011).

reasoning against the objection of arbitrariness (i.e. the claim that following divine commands would entail committing acts of senseless cruelty if God commanded them). To resolve this problem, Adams advocated the use of a "natural" pre-condition that can be used to scrutinize divine commands based on human standards of love and benevolence. This could be seen as a partial concession to natural law theories. Alston, by contrast, advanced what we could view as a more robust form of divine command theories. In "Some Suggestions for Divine Command Theorists," Alston argued that God's goodness cannot be measured by human standards, and that we generally ought to follow God's commands because of His authority as creator. John Hare makes a similar move in *God's Call*, where he argues that God has designed the world to operate in a particular ethical manner, but we cannot know why He made it in this way rather than any other.

This debate between attenuated and robust ways of approaching the place of divine speech in moral reasoning is very similar to the debates between Muslim theological-jurisprudential schools on the manners of construction of normative judgments, with the Muʿtazilīs representing the natural-reason and Ashʿarīs representing the divine-command portions of the spectrum. That being said, I contend that the Ashʿarī model of divine command theories is significantly more uncompromising in comparison the theories advanced in contemporary theological ethics. One of the central arguments of this study is that a deeper understanding of the divine command theories advanced in classical Islamic disciplines allows us to formulate theistic theories of norm-construction in non-apologetic fashion. The value of drawing upon Islamic thought to reflect upon issues of theistic ethics resides in large part in the widely different epistemology and metaphysics advanced in certain streams of this tradition in comparison to the dominant views in contemporary ethics. For example, as will be seen in the first and second chapters, Ashʿarīs saw

divine speech as a divine attribute and not a product of divine will. They argued that those transcendent attributes did not align with any humanly attainable notion of goodness, but were superimposed upon human reasoning through miracle. These are positions that may appear counter-intuitive to the modern scholar, but offer certain possibilities that may not have been otherwise available to theistic ethicists. For instance, rather than posit that theories of divine Revelation that subordinate God's words to a pre-existing natural reason are of potential value, the dominant traditions of divine command theories in Islamic thought offer a model of exploitation of the shortcomings of Revelation-independent reasoning that anchors theistic theories in the limitations of secular thought. This model of divine command theories presents itself as a necessary supplement to theories of norm-construction that fail to justify their universalizability.[53]

The distinction between practical reasoning geared towards the formulation of universalizable judgments based on Revelation and reasoning independent from it is routinely presented as an opposition between rationalism and textualism, or reason and tradition, among other dichotomies. The tendency in modern scholarship, both in the West and in the Muslim world, is to assume a certain fundamental opposition between reasoning on the basis of divine Revelation, and some idea of Reason, rationality, or rationalism. This view quite often appears to presuppose

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[53] Our concern here is with judgments of moral nature, understood as those judgments that apply to all agents in a similar situation just by virtue of their being the righteous, moral, pious, rightly guided thing to do, and not for any other instrumental or prudential consideration. This corresponds to what Muslim scholars considered to be the *sharʿī* (i.e. legitimate, divinely ordained, judgments), as opposed to contingent judgments made by individuals in relation to specific situations. As we will see in the first chapter, there was no disagreement among major Islamic schools of thought that the second (i.e. circumstance-specific) kind of judgment can be made independently of divine Revelation. The main controversy (and the one on which this study is focused) concerned if and how *sharʿī* judgments can be made independently of Revelation, precisely because of the supposed general nature of those judgments and their claimed applicability to categories of cases, rather than individual circumstances.

a certain idea of secular rationality that constitutes the standard of rational thought.[54] A central claim of this study is that debates on divine speech as a source of knowledge of normative judgments in classical Islamic thought cannot in any helpful way be understood using the rationalism-textualism framework. The paradigmatic example from the Islamic tradition, and the one that dominates the present study, is the opposition of Ashʿarī and Muʿtazilī thought. A very general formulation of the disagreement between those two influential schools can be put as follows: Muʿtazilīs argued that judgments knowable through divine Revelation accord with those available to human minds through this-worldly experience, whereas Ashʿarīs insisted that this was not necessarily the case. At its core, this debate does not concern "rationalism" or the importance of relying on the faculty of reason in any important way. Instead, the Muʿtazilī-Ashʿarī debates on the construction of normative judgments were essentially an opposition between two tendencies: a theistic naturalist view of judgments, defined broadly, and a skeptical theistic view of judgments, defined broadly.[55]

Based on a reading of the Muʿtazilī-Ashʿarī debates within theology and jurisprudence as a disagreement between a form of naturalist realism and a form of skeptical theism, I propose to

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[54] Hence the persistent assumption that only natural-law trends qualify as truly "rational" in Islamic thought. See Wilferd Madelung and Sabine Schmidtke *Rational Theology in Interfaith Communication: Abu-I-Husayn Al-Basri's Mu'tazili Theology among the Karaites in the Fatimid Age* (Leiden: Brill Academic Publishers, 2006). The rejection of all theories that falls outside the Hellenistic and natural law traditions as uninteresting from a philosophical standpoint can also be seen in Hourani's declaration that "[t]he writings of medieval Islamic jurisprudence include much that is of interest for ethics, especially at the points where revelation was felt to be in need of extension or supplement as a source of law. But since for all the jurists Islamic law was primarily based on revelation, there was little open recognition or discussion by them of any valid method of arriving at knowledge of the right by natural ethical judgment." The inevitable (and incorrect) conclusion that followed form this assumption is that the work of the Ashʿarīs is to be casted as mere determinism or "theological subjectivism" that has little to say about theoretical ethics. Hourani, *Islamic Rationalism*, 3.

[55] The idea of "naturalism" I use here is similar to the very broad definition provided by G.E. Moore, namely the assumption that there are some factual observations of some sort from which one can move logically to make normative judgments of the moral (i.e. universalizable) type. This does not necessarily mean that Muʿtazilīs consistently argued that all things are intrinsically either good or bad, a narrower conception frequently assumed in modern studies of Muʿtazilī thought.

"appropriate" those theories for reflection upon concerns in theological ethics. Specifically, I suggest that the robust Ashʿarī epistemological skepticism about our ability to formulate universal judgments independently of Revelation is philosophically promising. This skeptical approach produces views on the epistemology and metaphysics of divine speech that are radically opposed to much of what is offered in contemporary theological ethics. Those theories suppose a sharp metaphysical divide between the divine realm, and the human domain of moral deliberation and interpretation. That sharp divide opposes itself to the Platonic model that underlies both Muʿtazilī metaphysics and the Christian-inspired reflections in contemporary philosophy.[56] The second major aspect of my reading of Islamic meta-ethical theories that I suggest can be appropriated for contemporary reflections is the model of social constructionism presented by *uṣūl al-fiqh* deliberations.

To each of those two propositions I dedicate two chapters. The first chapter anchors the debate in its moral-epistemological foundations, and shows that the Ashʿarī-Muʿtazilī disagreements did not stem from a pre-conceived commitment to Reason or Revelation, but from an epistemological tension between moral-skeptical and naturalist views. Whereas Muʿtazilīs and some prominent Imāmī scholars argued that knowledge of categorical values and norms was possible on the basis of empirical and *a priori* elements alone, Ashʿarīs insisted that norms formulated based on individual experience alone remain agent-specific and contingent.

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[56] The question of the metaphysical *nature* of divine attributes is not the same as the question of whether or not divine attributes are real. Thus I do not wish to contest Wolfson's assertion that the Ashʿarī (which he calls "orthodox") view that divine attributes are real is in some form reminiscent of the Christian doctrine of the reality of divine attributes. The "amodal" nature of those attributes, their eternity, attachment and yet distinction from God is a particular Ashʿarī theory that will be mentioned in our discussion of divine speech in Chapter 2. Also, Wolfson's argument that early Muslim theologians may have been influenced by Christian theologians is both plausible and mostly unrelated to my core arguments. Harry Austryn Wolfson, *The Philosophy of the Kalam* (Cambridge, Mass.: Harvard University Press, 1976), 112–13.

Revelation, for Ashʿarīs, was an interruption of experience that made ethics possible. The second chapter contrasts the metaphysical theories underlying the two divergent positions on the normative role of divine Revelation. I argue that different views on the role of Revelation in norm-construction stemmed from a divergence between a dualistic metaphysical view advanced by the Muʿtazilīs, and a form of skeptical theistic view that steered away from positive claims about God, embraced by the Ashʿarīs. For the Muʿtazilīs, divine speech was a concrete event in time that reflected God's will to bring forth a particular change in the world, whereas, for Ashʿarīs, divine speech was entirely transcendent of our world of sense perception. Viewing divine speech as a product of God's purposeful intervention presupposed that values and norms are independent of such speech, whereas viewing it as a fully transcendent attribute meant that norms were constructs that resulted from the human epistemological efforts.

The third chapter explores the way in which epistemological and metaphysical differences informed the production of normative meaning on the basis of divine speech. This question was most directly debated in jurisprudential discussions of the nature of divine commands, a type of speech specifically designed to produce normative effects. I argue that the Muʿtazilī model attached normativity to God's will and action, a position similar to contemporary natural-reason doctrines. By contrast, Ashʿarīs viewed normativity as an eternal divine attribute, and human moral judgments as a purely human experiences that attempt to approximate those attributes. The forth chapter focuses on the semantic aspects of the normative implications of divine Revelation by studying the treatment of the imperative mood in *uṣūl al-fiqh*. I argue that the emergence of *uṣūl al-fiqh* as a primary mode of deliberation over the normative implications of Revelation signified the general triumph of the Ashʿarī Revelation-centric position, but that, at the level of detailed *uṣūl al-fiqh* dialectics, Muʿtazilī naturalism survived, and even dominated. While the

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engagement in *uṣūl al-fiqh* by all schools of thought meant that Revelation had to be relied upon to achieve a form of universalizability, the dialectical nature of the discipline ensured that the universality of norms was the product of collective social construction.

In conclusion, I argue that disagreements between prominent eleventh century Muslim jurist-theologians on the place of Revelation in the formulation of normative judgments is best understood as part of broader debates on theology, metaphysics and epistemology. To understand them in that way, we must treat theology and jurisprudence as an integrated meta-ethical project that inserts itself between the text of Revelation and the process of norm-production. Reconstructing those theories of divine speech and command shows us that the Muʿtazilīs combined a naturalist view of ethics with a dualistic metaphysic to hold that Revelation is a sufficient but not necessary condition for moral knowledge. Ashʿarīs, by contrast, insisted on the indispensability of Revelation on the basis of a combination of epistemological skepticism with a metaphysic that prioritized skeptical theism.

Chapter I: Is Revelation Necessary? The Moral Epistemology of Divine Speech

In this chapter, I explore the moral-epistemological debates underlying the different theories dealing with the role that divine Revelation plays in the quest for knowledge of values and norms. I will attempt to show that, broadly speaking, those debates involved two general tendencies. On the one hand, scholars adopting a natural-reason view of normativity maintained that non-subjective norms were knowable to human minds without divine Revelation. They further held that this quest for moral knowledge was enhanced in some manner by the arrival of Revelation. On the other hand, those inclined towards a divine-command view of norms and values maintained, mainly because individual reasoning has intrinsic subjective limitations, that knowledge of categorical moral norms was impossible without divine Revelation. I argue that the fundamental dispute that occupied Muslim jurist-theologians of the fifth/eleventh century, upon which depended much of the edifice of Muslim meta-ethical reasoning, concerned whether or not divine Revelation was *necessary* for the knowledge of *categorical* norms and values. This question was invariably posed in works of philosophical theology (*kalām*, or *uṣūl al-dīn*) as one of moral epistemology. Specifically, the question pertains to what, if anything, can we know about values and norms through individual, Revelation-independent reasoning, and what, if anything, can Revelation add to this knowledge.[57]

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[57] In this chapter and throughout this study, I use "Revelation" in the sense employed by classical scholars in the disciplines of speculative theology and jurisprudence. Scholars of *kalām* and *uṣūl al-fiqh* used the term *samʿ* to denote a set of *data* available to the human mind as a result of communication with God. Specifically, this meant all utterances and actions reliably attributed to Prophet Muḥammad as part of his communication of information received from God. Exactly what those data consisted of and how they were communicated will be our concern in the second chapter. Practically, determining which specific piece of information qualifies as Revelation should not be our concern here. For a detailed exploration of what Revelation meant in Islamic theology see Yahya Michot, "Revelation," in Timothy O'Connor and Constantine Sandis, *A Companion to the Philosophy of Action* (Chichester, West Sussex, United Kingdom; Malden, MA: Wiley-Blackwell, 2010), 180–96.

I will advance two primary claims based on this analysis. First, it will be shown that it was precisely those moral-epistemological disputes, rather than some general inclination towards rationalism or traditionalism, that constituted the foundation of the disagreements on the role of Revelation in norm-production. Second, I will argue that there is much that we can learn from those classical Muslim theories that would be instructive for contemporary debates on the place of religious ideas in ethics in general. Concerning the first argument, one thing that becomes obvious from this analysis is the fact that the question of the necessity of Revelation to moral reasoning was primarily about the limits of judgments made on the basis of an individual agent's experience. Specifically, the debate was not exactly centered on the faith in, or reliance upon, the faculty of reason, but on whether individual observation and reflection are conducive to generalizable judgments. Being reliant on reason as opposed to text or authority was not the main issue but rather *how* to use reason along with various elements of observation to build a normative system that can be accepted by the community at large. The claim that rationalism-textualism is not a helpful framework for understanding those debates will be made in section 1.

On the second point, the realization that Ashʿarī theism was anchored in a critique of the assumption of universalizability of individual reasoning helps us reconsider the place of theism in the construction of norms. The Ashʿarī-Muʿtazilī debates on moral epistemology show that the reliance on divine Revelation in norm-construction is best justified by the *limits* of secular systems of moral reasoning, rather than through attempts to harmonize Revelation-based and Revelation-independent systems.[58] Carving out a domain for Revelation-based ethics, as we will

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[58] Defenses of theism that rest on a critique of secular, naturalist or materialist reason are not uncommon. Providing an overview of the full range of scholarship that deals with the admittedly vague idea of "the limits of secular reason" should not be our concern here, since the precise issue this chapter deals with is why Revelation is justified from a moral-epistemological standpoint. A few attempts to grapple with the notion that theism is justified by the failures of secularity are, nevertheless, worth noting. One of the most interesting is C.S. Lewis's "argument from reason" in *Miracles.* Lewis's argument, while it makes the case for theism as a successful explanation of human

see, was primarily successful because of the Ashʿarī insistence on the limitations of individual human experience, hence the need for an *interruption* of those experiences (i.e. through miracle) to construct more-than-subjective norms. In addition to carving out this domain by emphasizing what lies beyond the reach of individual experience, Ashʿarīs highlighted the distinction between universal norms and values on the one hand, and instrumental norms and values on the other hand. The latter can be obtained through individual human reasoning, while the former cannot, which makes Revelation necessary.

It is common in modern efforts to defend religious ethics to hold that theories that take God as a source of judgments are similar in an epistemologically significant way to the dominant secular theories of ethics. This tendency to make theistic ethics compliant with and subordinate to secular reason is most frequently expressed in the adoption of some form of natural reason that applies to moral choices made by God and humans alike. On those views, theistic ethics are some variation of the dominant theories of ethics and largely follow their norms and abide by their standards, except that those norms and standards are incorporated into a view of the world that makes place for God as the designer of values and norms. On the other hand, some of the more recent defenses of theistic ethics realized the importance of stressing the differences in kind

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rationality (more successful than materialism, at any rate), does not explain why Revelation was necessary for moral knowledge (and does not attempt to do so). In that sense, Lewis's argument is not clearly different from the Muʿtazilī view that human reason, along with the inner logic of the universe at large, are the creation of, and can only be explained through, faith in God. This view is also common in neo-Platonic theories of intellect. None of those views, however, offers an explanation of why we need divine Revelation to construct moral norms. For a brief account of Lewis's argument, see R. Keith Loftin, "C. S. Lewis's Dangerous Idea: A Philosophical Defense of Lewis's Argument from Reason," *Christian Scholar's Review* 37, no. 3 (2008): 389–91. Another noteworthy tendency in the critique of secular reason centers on the collapse of traditional societies, with all the moral incentives and motivations that those social structures provided. A comprehensive critique that pushes in this direction can be found in Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (Notre Dame, Ind.: University of Notre Dame Press, 2007). Interestingly, Jürgen Habermas, a prominent defender of Enlightenment rationality, makes a similar claim in a recent essay, notwithstanding his caricatured depiction of the Islamic tradition as one that relies completely on "faith" (as opposed to reason). Jürgen Habermas, *An Awareness of What Is Missing : Faith and Reason in a Post-Secular Age* (Malden, Mass: PolityPress, 2010). For a critical response to Habermas, see W. Julian Korab-Karpowicz, "An (Un)awareness of What Is Missing," *Modern Age* 56, no. 1 (Winter 2014): 19–27.

between the possibilities of moral knowledge that are produced within theistic and non-theistic ethics. It seems, however, that no modern theorist has articulated the necessity of Revelation-based knowledge and anchored it in the failures of Revelation-independent theories as directly as the Ashʿarīs.[59] The rise of moral skepticism and skeptical theism in modern philosophical theology will be addressed in section 2.

After discussing these two preliminary matters, the first issue I will address is how rival schools of thought understood the different types of processes through which knowledge is acquired (section 3). The rather subtle variations in epistemological theories among the major schools set the stage for more significant differences at the level of moral epistemology. Profound disagreements arose with regards to whether or not moral norms are knowable in the same manner in which other information is obtainable through sense perception and overwhelming evidence (section 4). Those disagreements resulted in significantly divergent views on the role of Revelation in moral reasoning (section 5). The most elaborate accounts of eleventh century Muʿtazilī epistemology that have survived to our day can be found in the twelfth chapter of ʿAbd al-Jabbār's (d. 1024) *al-Mughnī* and his *al-Uṣūl al-khamsa,* extant in the form of a commentary by Qawām al-Dīn Shāshdīw. The views of both ʿAbd al-Jabbār and his prominent student Abū l-Ḥusayn al-Baṣrī (d. 1044) can also be found in *al-Muʿtamad fī uṣūl al-dīn* authored by Baṣrī's student al-Malāḥimī (d. 1141). Our discussion of Muʿtazilī moral epistemology will primarily focus on ʿAbd al-Jabbār's *al-Uṣūl al-khamsa* and Malāḥimī's *Muʿtamad.* On the Ashʿarī side,

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[59] The matter of universalization was perhaps particularly pressing in the Muslim tradition because of the fact that knowledge of *sharʿī* norms was not merely a matter of personal morality, but was part of the community's effort to self-regulate. Thus, deliberations over the normative impact of Revelation were, by their very nature, part of a system of hybrid moral-legal nature. In a system of that sort, a simple acceptance of moral subjectivism was not an acceptable outcome. Historical specificity notwithstanding, we can conclude from the Ashʿarī-Muʿtazilī debates on moral epistemology that anchoring religious ethics in and justifying it on the basis of the shortcoming of secular reasoning is a promising strategy.

this discussion will focus on the doctrines of Abū Bakr al-Bāqillānī (d.1013) who is generally credited with the formulation of some of the central Ashʿarī theories, and his prominent successor Imām al-Ḥaramayn al-Juwaynī (d. 1085).

(1) Were the Muʿtazilīs "Rationalists"?

As will be shown in this chapter, the view that Revelation was only complementary to knowledge obtained through Revelation-independent reasoning rested on a belief that individual reasoning based on this-worldly observations can lead to normative views of some potential for universalizability. Conversely, the view that Revelation was a necessary component of any reasoning leading to universalizable moral judgments rested on a conception of Revelation-independent reasoning as incapable of attaining more-than-subjective moral judgments. The Ashʿarīs held that moral reasoning must be based in some manner on Revelation, not because of some dogmatic attachment to the revealed text, but because of an awareness of the fallibility of the demands that the Muʿtazilīs, among others, made on human perception and reflection. In that sense, theistic ethics in the Ashʿarī model was primarily justified by the intrinsic limitations of the judgments that human experiences can validly construct.

It follows that portraying the Muʿtazilī-Ashʿarī dispute as one between rationalism and traditionalism, as is common in modern studies on Islamic thought, does not reveal the full picture.[60] What is precisely meant by "rationalism," which is frequently attributed to the

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[60] References to the Muʿtazilīs as primarily distinguished among Muslim schools of thought by their "rationalism" are ubiquitous in modern scholarship. For some examples, see W. Madelung and S. Scmidke, *Rational Theology in Interfaith Communication : Abu-I-Husayn Al-Basri's Mu'tazili Theology among the Karaites in the Fatimid Age* (Leiden: Brill Academic Publishers, 2006), vii–viii; See also Sabine Schmidke, David Sklare, and Camilla Adang, eds., *A Common Rationality : Mu'tazilism in Islam and Judaism* (Würzburg: Ergon Verlag in Kommission, 2007), 11; Hourani, *Islamic Rationalism*. Anver M Emon, *Islamic Natural Law Theories* (New York: Oxford University Press, 2010). Steffen Stelzer formulated this framework of rationalism against textualism/traditionalism in very straightforward terms: "For the rationalist discourse in Islam, the significance of Ashʿarite theology can best be seen in the fact that, against Muʿtazilite ''rationalism'', it pointed to the relevance of 'tradition' or ''revelation'." As will

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Muʿtazilīs, as opposed to traditionalism or textualism, is difficult to discern especially in light of the extreme elusiveness of the concept and the various connotations the term can have in different times, traditions, disciplines and authors.[61] For the sake this discussion, we can attempt to isolate at least two principal meanings of "rationalism" that can conceivably be applicable in the context of distinguishing between schools of Islamic thought.[62] The more general sense consists of a commitment to liberation from dogma and an adoption of critical reasoning and philosophizing as a way of life, which includes the commitment to the adoption of verifiable forms of argument that are broadly accepted by rational agents.[63] The narrower conception of rationalism that is pertinent here is a particular position in ethics according to which moral norms are formulated on the basis of the innate structures of the human reason, a view that characterizes Kant's philosophy and the contemporary theories derived from it.[64] Of course, this does not begin to address the complexity of the term, but only offers a brief account of the possible meanings used in the context of this particular debate.

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be seen in this chapter, the "relevance" of tradition and revelation was never really at stake, but the moral epistemology with which those premises can used in the process of norm-construction. Stelzer justifies the characterization of Muʿtazilīs as "rationalists" on the basis of their belief in the "objectivity" of values, as opposed to Ashʿarīs who saw obligations as products of God's will. See S. Stelzer, "Ethics," in Tim Winter, ed., *The Cambridge Companion to Classical Islamic Theology* (Cambridge: Cambridge University Press, 2008), 165–166. Stelzer rightly notes this idea of rationalism presupposes a specific view of reason as an "observer" of the outer world and evaluator of actions. It is not immediately clear why observation and evaluation that take some form of divine speech into consideration would be inherently opposed to this idea of reason.

[61] The difficulty of attempting to grapple with this elusive concept across times and traditions was especially highlighted by John Walbridge in *The Caliphate of Reason* (Islamabad: Islamic Research Institute, International Islamic University, 2004), 15–27.

[62] For an overview of various senses in which "rationality" and "rationalism" can be used, see John Broome, "Rationality" in O'Connor and Sandis, *A Companion to the Philosophy of Action*.

[63] This idea of a possibly ahistorical, cross-tradition, conception of rationalism was also suggested by John Walbridge in *God and Logic in Islam: The Caliphate of Reason*, 16–20.

[64] See Immanuel Kant, *Groundwork for the Metaphysics of Morals*, (New Haven: Yale University Press, 2002); Immanuel Kant, *Critique of practical reason* (Mineola, NY: Dover Publications, 2004).

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As this chapter will demonstrate, neither characterization is applicable to the Muʿtazilīs. The issue of liberation from dogma and "philosophizing" was not at stake at any point in the eleventh century Muʿtazilī-Ashʿarī debates examined in this study, at which point Muslim philosophical theology had developed a structural reliance on rational analysis of all elements of belief down to their most elementary components.[65] As will be shown throughout the present chapter, the main dispute pertained to the range of premises that can be properly used for the construction of a particular type of normative judgment, and had very little to do with whether or not humans could rely on "reason." Moreover, Muʿtazilī ethics are certainly not "rationalist" in the sense of taking the faculty of practical reason to be *in itself* a source of moral imperatives. Rather, they assumed the presence of certain natural properties and processes that allow the formulation of categorical moral claims through individual reasoning. Characterizing Muʿtazilīs as "rationalists" would ignore a significant discussion in epistemology concerning the extent to which human reasoning is reliant on empirical observation as opposed to necessary knowledge. As the analysis in this chapter will show, nothing in Muʿtazilī thought suggests their primary reliance on innate structures of human reason, as opposed to knowledge obtained through sense perception.[66]

It would seem that common references to Muʿtazilīs as "rationalists" intend to evoke only the fact that they upheld the ability of Revelation-independent reasoning to attain categorical moral judgments. For this Muʿtazilī view to be regarded as rationalist, it must first be shown that independence from Revelation is inherently rationalist, or that there is something necessarily irrational about incorporating Revelation in moral reasoning. To presuppose an intrinsic

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[65] On "rationality" in Islamic theology, see S. B. Diagne, *Comment philosopher en Islam,* 12-13.

[66] Markie, Peter, "Rationalism vs. Empiricism", *The Stanford Encyclopedia of Philosophy* (Summer 2015 Edition), Edward N. Zalta (ed.), forthcoming URL = <http://plato.stanford.edu/archives/sum2015/entries/rationalism-empiricism/>.

contradiction between Reason and Revelation is to merely beg the question. This presupposition appears heavily shaped by debates on Reason and Revelation in modern Western thought, and therefore appears anachronistic.[67] As will be shown in this chapter and throughout this study, there is nothing inherently more or less dogmatic about Revelation-based reasoning in relation to other forms of reasoning, inasmuch as it is a type of reasoning that incorporates information obtained through divine Revelation.[68] That is not to say that following Revelation cannot be done in an irrational manner, but only to argue that this is not inevitably the case.

This supposed opposition of Reason to Revelation, in addition to being anachronistically imposed on Islamic thought, was perhaps facilitated by the opposition, frequently made by Muslim scholars, between *samʿ* and *ʿaql.* However, *samʿ* was seen by Muslim jurists and theologians as a specific phenomenon that offered to human minds information of potential moral implications, which meant that it was not of the same nature as reason, and therefore cannot be logically opposed to it.[69] We would be justified, therefore, to believe that what they meant by *ʿaql* was much more specific than "reason," "rationality" or "rationalism," and denoted specifically matters known by the very nature of the human intellect, such as the formal rules of argumentation and uncontroversial empirical observations. Those are specific *data*, much like

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[67] The assumption of intrinsic contradiction between reason and revelation was notably present in the thought of Leo Strauss. See Heinrich Meier, *Leo Strauss and the theological-political problem* (Cambridge; New York: Cambridge University Press, 2006), 6.

[68] A similar approach to ethical systems that rely on divine speech in some manner can be found in Wierenga, "Utilitarianism and the Divine Command Theory."

[69] Tahānawī conceived of *samʿ* as a specific potential granted to human by God, similar to His own attribute as all-hearing (*samīʿ*), by virtue of which they can comprehend transcendent and otherwise hidden matters (*ghayb*).Muhammad Aʾlia ibn ʿAlī Tahānawī, *Kitāb Kashshāf iṣṭilāḥāt al-funūn*, vol. 2 (Bayrut: Dar Sadir, 1980), 674–75. *Sharʿ*, understood as the normative content of Revelation, was conceived of as "divine determination" (*waḍʿ ilāhī*) that *drives rational people* (*yasūq dhawī al-ʿuqūl*) through their sound choices (*bi-khtiyārihim al-maḥmūd*) to perform that upon which depends their wellbeing. Ibid., 2:749.

sam ʿ, and not intellectual processes of any sort (much less a broad commitment to rationality or a philosophical way of living).[70] The *samʿ/ʿaql* dichotomy, therefore, should not be interpreted as an opposition between Reason and Revelation, but as an opposition between elements of knowledge obtained through Revelation, and others obtained independently from it. We are thus left with no convincing reason to take the Reason-Revelation opposition as characteristic of the moral-epistemological debates with which this chapter is concerned.

(2) Moral Skepticism and the Case for Revelation

A noteworthy recent development in the philosophy of religion consists of a visible move towards a position referred to as "skeptical theism." Generally, this move, adopted by some illustrious theistic ethicists such as William Alston and Alvin Plantinga,[71] is aimed at the avoidance of a challenge to theism commonly labelled the argument from evil. This argument typically uses the fact that pointless suffering constantly occurs in the world, which signifies the impossibility, or at least unlikelihood, of the existence of a god. Skeptical theists, in response, maintain that what may appear to us as pointless evil could in fact be a blessing of some sort, thus suggesting that it is impossible for us to fully comprehend the manner in which God manages the world. There are two important points to be made in relation to those arguments.

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[70] The "limited" sense of *ʿaql* to which I am referring here is represented in Tahānawī's definition of the same term. Among the various meanings he relates the most relevant is "the realization (*idrāk*) of something that is not represented [directly] by synthetic accidents through material presence in the objective world. If knowledge has been arrived at through abstraction (*tajrīd*) it means that abstract matters are known without inference, whereas general principles pertaining to material matters are in need of inference […] The term also applies to that which is realized in that manner." In other words, it is a type of knowledge that neither requires observation nor is derived from sensory experience. *ʿAql,* in that sense, does not pertain to "rationality" in any direct manner, since one can rationally reflect upon empirical, *a priori* or revealed knowledge. Muḥammad b. ʿAlī al-Tahānawī, *Kashshāf iṣṭilāḥāt al-funūn w-l-ʿulūm al-Islāmiya*, vol. 3 (Beirut: Dār Ṣādir, 1980), 1026–27.

[71] See, most significantly, William P. Alston, *Divine Nature and Human Language: Essays in Philosophical Theology* (Ithaca: Cornell University Press, 1989), and Plantinga, Alvin. 1996. "Epistemic Probability and Evil" in Howard-Snyder Snyder, Daniel, (ed.). 1996. The Evidential Argument from Evil. Bloomington, IN: Indiana University Press: 69-96.

First, it is clear that, for both sides of the argument, a given conception of God must necessarily have implications of meta-ethical nature. This is a fairly plain assumption. If one should claim that all existents are created by God, then this Creator must be decisive in some sense in determining the better, desirable or ideal state in which those existents ought to be. Even if one would adopt a purely impersonal or, for example, an aesthetic understanding of the divine,[72] that would still have implications on the concepts of the right and the good. Accordingly, we can clearly see that skeptical theism is a position that leads to consequences at the level of moral reasoning. The second, less obvious observation, is that the difference between the argument from evil and skeptical theism is primarily epistemological. The disagreement does not concern whether moral values exist, but whether they are knowable. The argument from evil supposes that, independently of God's motives or actions, there is a uniform concept of evil that is available to human minds and that any deity would need to take into account. Skeptical theists, without denying that moral values exist and are in line with the way God acts, deny that full knowledge of those values, and therefore of God's motives, is available to human minds. Skeptical theism, therefore, is closely linked to a form of moral skepticism. Importantly, however, skeptical theism does not lead to the denial of ethics altogether, and does not necessarily lead to the view that all moral judgments are *a priori* false.[73] It could, however, justify the view that moral judgments not based on divine Revelation are only subjective prescriptions, and not expressions of universal norms.

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[72] For example, see "At Attempt at Self-Criticism," in Friedrich Nietzsche, *The Birth of tragedy; The Case of Wagner; Friedrich Nietzsche. Transl., with commentary, by Walter Kaufmann.* (New York: Vintage Books Knopf, div. of Random House, 1967).

[73] The "error theory" of ethics was most famously advanced by J. L Mackie in , *Ethics: Inventing Right and Wrong* (Harmondsworth; New York: Penguin, 1977).

This disagreement, understood as relating to a question of moral epistemology, is very similar to the Ashʿarī-Muʿtazilī debate on which this chapter is focused. The view that God and His actions cannot be fully grasped by human minds was, as we shall see, embraced by the Ashʿarīs. However, this position, which we can liken to skeptical theism, was not mainly advanced in Ashʿarī theories as a response to the argument from evil (although this argument was certainly part of the debate), but was formulated to respond to a more significant challenge from their perspective, namely the claim that the occurrence of evil was outside of the reach of divine will. That we do not fully understand God and His actions, therefore, is an idea that went hand-in-hand in Ashʿarī thought with the belief in God's omnipotence. This was illustrated by a belief that we only know things about God amodally (*bilā kayf*). Unsurprisingly, this view of our knowledge of God was associated with a skepticism (or, we might call it "humility") with regards to the ability of individual human agents to posit universal normative truths. For example, the illustrious Abū Ḥāmid al-Ghazālī (d. 1111), in an extended passage in *al-Mustaṣfā min ʿilm al-uṣūl*, explained various attempts to assign values to actions in the following terms:

> Saying "this is good and this is bad" (*qawlu l-qāʾil hādha ḥasan wa hādha qabīḥ*) cannot be understood without understanding good and evil (*al-ḥusn wal-qubḥ*). Conventional meanings (*al-iṣṭilāḥāt*) assigned to the words "good" and "evil" are different, hence the need to summarize them. Those meanings are threefold. First: the well-known colloquial meaning (*al-iṣṭilāḥ al-mashhūr al-ʿāmiyy*) consists of dividing actions into those that serve the purpose of the agent (*mā yuwāfiqu gharaḍ al-fāʿil*), those that defeat [the purpose] (*mā yukhālif*), and those that neither serve nor defeat [the purpose]. Actions that serve the purpose are called 'good' (*yusammā ḥasanan*), those that defeat it are called 'evil' (*qabīḥan*) and the third are called futile (*ʿabathan*) […] Second: calling good whatever has been characterized as such by the divine law by praising whoever commits it (*mā ḥassanahu l-sharʿ bil-thanāʾi ʿalā faʿilihi*). Third: calling good whatever is permissible for the agent to do […] Hence, if there was no divine law (*idhā lam yarid-ul-sharʿ*), we would not be able to evaluate actions except [to the extent that] they serve or defeat [purposes].[74]

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[74] Ghazālī, *al-Mustaṣfā min ʿilm al-uṣūl*, 1st ed. (Cairo: Dār al-Baṣāʾir, 2007), 81–82.

This passage from Ghazālī's *Mustaṣfā* illustrates the view that Revelation-independent judgments are intrinsically subjective. Ghazālī's reasoning is that any given individual making judgments based on their own experience and views of what ought to take place is necessarily bound by the limits of her experience and views. Any individual assessment that a matter is good is necessarily an assertion that it is good *for something*. Only God (who, importantly, is not fully knowable to us), can decide what is good-in-itself. What I would like to argue in this chapter is that the form of skepticism that is clear in Ghazālī's thought, as well as his major Ashʿarī predecessors, was not only a move aimed at the avoidance of a specific challenge (e.g. the problem of theodicy), but was in fact the very foundation of the mainstream Islamic justification of divine Revelation as *necessary* for the construction of universalizable norms.

The construction of an argument for a type of moral reasoning in which divine Revelation is necessary (and not merely helpful) on the basis of a skepticism about the limits of human knowledge of universal truths, is a significant reversal of the order of reasoning in comparison to modern debates on theistic ethics. For example, Jeff Jordan made the claim that theistic skeptics do not have "a principled way of avoiding moral skepticism."[75] What is noteworthy, for our purposes, is that this argument, as Jordan represented it, is structured in a manner that is the reverse of the skeptical argument made in Ashʿarī theology. A strong belief in the inability of human minds to attain universal moral judgments was at the basis of the entire Ashʿarī edifice of theistic ethics. This skepticism was behind the view that we are unable to understand the way God acts. Since our own moral views are necessarily contingent and fallible, it would logically follow that our judgments do not allow us to make any categorical judgments about the manner

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[75] Jeff Jordan, "Does Skeptical Theism Lead to Moral Skepticism?" *Philosophy and Phenomenological Research* 72, no. 2 (March 1, 2006): 403–17.

in which God works. Finally, it is precisely *because* of our inability to soundly advance

universalizable judgments that some divine intervention is needed in the moral domain.

This order of reasoning from moral skepticism to skeptical theism and finally to theistic ethics

was made explicit by the prominent Ashʿarī Imām al-Ḥaramayn al-Juwaynī in his *Kitāb al-*

Irshād.[76] In a chapter where he treated the issue of the knowledge of justice and injustice (*al-*

taʿdīl wal-tajwīr), Juwaynī explained that: "the substance of this major question (*maḍmūmu*

hādha l-aṣli l-ʿaẓīm) and serious matter (*al-khaṭabu l-jasīm*) is limited to two premises […]" The

first consisted of denying the claim that "the [human] mind can make moral judgments (*taḥsīn*

ul-ʿaqli wa taqbīḥuhu)," and the second consisted of denying that "anything indicated by mere

[individual] reasoning can be applicable to God (*lā wājib ʿalā Allāhi taʿālā yadullu ʿalayhī l-*

ʿaql)."[77] Clearly, then, positions similar to moral skepticism and skeptical theism were held by

Ashʿarīs as foundations upon which their systems were constructed. Along those lines, Juwaynī

proceeded to explain that, "once we have established those premises (*idhā nujizat hādhihi l-uṣūl*)

[76] Imām al-Ḥaramayn Abū al-Maʿālī ʿAbd al-Malik b. ʿAbd Allah al-Juwaynī, a very prominent Shāfiʿī jurist and Ashʿarī theologian. He was born in Nishapur in 419 AH/1028 CE, where he studied and rose to prominence as a young scholar. He spent approximately four years in Mecca (hence the designation "Imām al-Ḥaramayn") and returned to Nishapur upon the rise to power of Nizām al-Mulk, who established the Nizamiyya school where Juwaynī taught for the following three decades. He was a prolific writer and a skilled polemist. His writings include a major work of Shafiʿī law titled *Nihāyat al-maṭlab fī dirayat al-madhhab*, in addition to several works of theology and jurisprudence. He died in 478 AH/1085 CE. Juwaynī's mastery of law, legal theory and theology was uncontested, yet al-Dhahabī claimed that he did not master the science of *ḥadīth* as he should have, either with regards to the transmission or content of prophetic reports (*lā yadrī al-ḥadīth kama yalīqu bihi lā matnan walā isnādan*), which prompted a passionate defense of Juwaynī by Taj al-Dīn al-Subkī. See Subkī, *Ṭabaqāt*, 5:165–222. Dhahabī, *Siyar aʿlām al-nubala*', 2574-2576. Ibn Kathīr, *al-Bidāya wal-nihāya*, 13:217–218. Ibn Khallikān considers to Juwaynī to be "the most knowledgeable among the later followers of al-Shāfiʿī." Ibn Khallikān, *Wafayāt al-aʿyān*, ed. Baron MacGuckin De Slane, vol. 1 (Paris: Typographie de Firmin Didot Freres, 1838), 401–402.

[77] ʿAbd al-Malik ibn ʿAbd Allāh Imām al-Ḥaramayn al-Juwaynī, *Kitāb al-irshād ilā qawāṭiʿ al-adillah fī uṣūl al-iʿtiqād*, ed. Muḥammad Yūsuf Mūsā and ʿAlī ʿAbd al-Munʿim ʿAbd al-Ḥamīd (Cairo: Maktabat al-Khānjī, 1950), 257.

we would therefore consider [the possibility of] miracles, following which we would establish the veracity of prophets, transmitted knowledge and the moral principles that are based on it."[78]

Ashʿarīs, therefore, went from skepticism to the unavoidability of theism, whereas Jordan went from theism to the unavoidability of skepticism. This reversal in the form of argument signifies a number of things. First, the Ashʿarī position did not begin with the assumption that an admission of the limits of human reasoning is something to be avoided. What is referred to today as "skepticism," which we can also consider as a form of epistemological humility,[79] was not seen as a last resort that only signifies the failure of all other means, but was an accepted premise upon which scholars reflected and attempted to positively address. The term "skepticism" itself, in fact, is quite telling. We can only be skeptical of something that we are otherwise widely presumed to know in one way or another. To be a moral skeptic in modern philosophy is only possible because verifiable moral knowledge is widely assumed to be available to human minds. To be a theistic skeptic is only conceivable because a full understanding of the manner in which God operates is otherwise deemed possible. If it was not assumed that God's actions should follow our own conceptions of good and evil, no argument form evil would have been necessary.

Theism today, therefore, attempts to find a place within a world dominated by secular philosophy. In this context, it becomes likely for theistic ethics to concede to the assumption that our own experiences and observations should be the primary if not exclusive means through which we formulate moral judgments. Accordingly, it is not surprising that many of the most influential models in contemporary theistic ethics adopt some form of natural-reason theory,

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[78] Ibid.

[79] I owe the term "humility" in this context to John Hare, who uses it to describe Maturīdī epistemology in *God's Commands.*

wherein knowledge obtained through divine speech comes to only confirm or enhance the moral knowledge available independently from it. A prominent example can be found in R.M. Adams's "A Modified Divine Command Theory of Ethical Wrongness."[80] In this broadly discussed article, Adams begins by admitting that "it is widely held that all those theories are indefensible which attempt to explain in terms of the will or commands of God what it is for an act to be right or wrong."[81] To present a theory that is defensible, Adams adds, we must "renounce certain claims that are commonly made in divine command analyses of ethical terms."[82] Adams maintains that, in its traditional (or "unmodified") form, a theory that holds that divine speech is indispensable for moral knowledge faces a fatal objection in the following form: in a situation in which God would command cruelty for its own sake, what should we do? The pure natural law theorists, such as al-Qāḍī ʿAbd al-Jabbār in our case, would hold that God *cannot* command pure cruelty by His very nature. Adams's solution to this objection, by contrast, is to incorporate the ideas of divine will and speech into a pre-existing natural order of ethics. An agent would be justified to follow divine commands if and only if the command is made in accordance with God's character as all-loving and all-benevolent.

Evidently, love and benevolence are moral and normative concepts, and therefore this theory strips divine will and commands of any generative power with regards to moral judgments. Furthermore, there is a problem with the objection to which Adams appears to pay little attention. This objection presupposes that "cruelty for its own sake" is a property that is fully

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[80] R.M. Adams, "A Modified Divine Command Theory of Ethical Wrongness," in G. Outka and J.R. Reeder, eds. *Religion and Morality* (Garden City: Anchor Press, 1975), pp. 318-47.

[81] Ibid., 318.

[82] Ibid., 318.

verifiable in a uniform manner by all human agents. It supposes that there is a possible scenario in which God would "command" an act[83] in such a way that the command would be fully understood by all agents and the object of command would be fully understood and verified by all agents as inherently cruel. This shortcoming in the supposedly fatal objection to divine command ethics is what makes skepticism a promising strategy for theistic ethics.

The recourse to skepticism is manifested in another influential essay, namely William Alston's "Some Suggestions for Divine Command Theorists."[84] Alston's main strategy, which is also embraced by John Hare,[85] is to distinguish between moral obligation as applicable to worldly creatures, and moral goodness as applicable to God.[86] For Alston, the way out of the objection mentioned by Adams is to hold that "God is our creator and sustainer, without Whose continual exercise of creative activity we would lapse into nothingness. If God's commands are morally binding on us solely because He stands in that relation to us, it follows that they are not morally binding on Himself: and so if there are any moral facts involving God they will have to be otherwise constituted."[87]

Alston's view that moral facts involving God are metaphysically removed from those applicable to His creatures is promising in its avoidance of puzzles of the sort advanced by Adams. Separating divine goodness from moral obligation makes it possible for Alston to argue that we do not *just* follow anything that God commands, but we follow them because God is fully and

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[83] For my analysis of this non-critical use of the concept of "command" see Chapter III

[84] Alston, *Divine Nature and Human Language*, 253–73.

[85] Hare, *God's Call*.

[86] Alston, *Divine Nature and Human Language*, 256.

[87] Ibid.

intrinsically good. This would generally seem to accord with the Ashʿarī view that obligations in the legal-moral (*sharʿī*) sense are radically different from obligations in the instrumental or prudential sense. But, in attempting to develop an account of what it is for God to be good, Alston seems to revert back to a natural conception of goodness. He argued that "the lack of any possibility of God's doing other than the best prevents the application of terms in the 'ought' family to God."[88] Alston tried to justify moral obligations on the basis of the deficiency of the human will. Because God's will is perfect, no obligation binds Him.[89] This argument, however, continues to assume that there is some fundamental idea of goodness that is (i) independent of God's speech; (ii) shared by God and His creatures in type, but not in degree; and (iii) is fathomable to human minds.

Alton's theory, therefore, explains why divine commands are valid sources of obligation, but does not explain why they are necessary.[90] By placing God outside of the domain of human imperatives, he adopted a form of skeptical theism, but by attributing moral obligations to the deficiency in human will, he did not take seriously epistemological skepticism as a potential foundation for divine command ethics. In the following section, I will show how anchoring the discussion on the necessity of divine Revelation in questions of moral epistemology allowed Ashʿarīs to exploit certain weaknesses in Revelation-independent epistemology. In Ashʿarī

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[88] Ibid., 259.

[89] Ibid., 259–60.

[90] One further step towards a type of skeptical theism can be found in J. Hare's *God's Call*, where Hare argues that God's motives are unavailable to us, but His commands must be followed if we believe He is the designer of the universe. Hare shares Alston's view that good and obligation must be treated separately, but insists that human existence is intrinsically good-in-itself, which is a manifestation of divine benevolence. Hare, *God's Call*.

theories, theism anchors itself and emerges from within the shortcomings of non-theistic reasoning. It is *because* secular ethics fails that theistic ethics is necessary.

(3) The Epistemological Foundations of the Moral Status of Revelation

The debates among Muslim scholars of the fifth/eleventh century on the place of divine speech in the construction of normative judgments are best understood as resting on profound differences in their views on moral epistemology, rather than an ideological attachment to, or detachment from, Revelation. The most fundamental division that we can observe at the level of moral epistemology is one that put a form cognitivism, which assumed that Revelation-independent judgments were verifiable by universal standards, in the face of a type of skepticism that represented the backbone of Ashʿarī theism. This skepticism was central to the justification of Revelation as an indispensable element in the formulation of normative judgments. Those epistemological positions explain the way in which those scholars justified their views on the possibility of construction of normative judgments and, consequently, on the place of Revelation in this process.[91]

The Muʿtazilī insistence that reasoning *caused* knowledge stemmed from their belief that the human mind followed natural and predictable principles of causality that we can assume to be universal. Those principles are self-contained and consistent, which means that epistemic operations need not derive their validity from ontological truths. This division between

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[91] A question closely linked to the issue of the place of Revelation in moral reasoning is the issue of the value of actions before/without Revelation, famously studied by A. Kevin Reinhart in *Before Revelation: The Boundaries of Muslim Moral Thought* (Albany: State University of New York Press, 1995). Unlike Reinhart's work, which comprehensively treats the question of the status of actions before Revelation, this chapter will solely focus on one dimension of the philosophical complexities underlying the deliberations over Revelation's place in moral thought, namely moral epistemology and the ability of individual experience to make judgments of the moral (i.e. *sharʿī*) sort.

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knowledge and objective truth was designed to obviate the objection, central to Ashʿarī thought, based on the inevitability of moral error. For the Ashʿarīs, maintaining that knowledge must attach to objective realities was designed to narrow the scope of what qualified as knowledge proper, which would allow the exclusion of moral judgments from their domain. The denial of natural causality was part of a general Ashʿarī view that the appearance of consistency in natural phenomena, epistemic ones included, was nothing but the habit of God. Since reasoning led only to knowledge by virtue of God's habit, and Revelation-independent reasoning did not uniformly produce widely accepted moral judgments, an interruption in God's habits was necessary for the possibility of moral knowledge.[92]

Generally, the epistemological models presented by rival Muslim schools of thought reflected several shared views. The most significant area of agreement consisted of a distinction between two methods of attainment of knowledge. On the one hand, some knowledge is attained immediately or by necessity (*iḍṭirār*),[93] on the other hand, some requires reflection (*fikr*),

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[92] The Arabic word for miracle (*muʿjiza*) clearly reflects the idea of limitation of human power and experience. *Muʿjiza* is derived from *ʿajz*, which means weakness, incapacity and powerlessness. This connection between miracle and powerlessness further explains the idea expounded in the first section that admitting the limits of human ability was not seen as a failure but a natural state of affairs. *Muʿjiza*, in a literal sense, is that which cannot be brought forth by any human, or that which exceeds the limits of human ability and comprehension. Muhammad Ibn-Mukarram Ibn-Manẓūr, *Lisān al-ʾArab* (Cairo: Dār al-Maʿārif, 1982), 2816–17. The elements of interruption of what is habitual, moral importance, and proof of veracity of prophethood were all succinctly incorporated into Jurjānī's definition of *muʿjiza*: "it is a matter that breaks the habitual (*khāriq lil-ʿāda*), calls for what is good and pleasant (*dāʿiya lil-khayr wal-saʿāda*) that arrives in association with a claim for prophecy and is designed to show the veracity of the claims to prophethood." ʿAlī b. Muḥammad Jurjānī, *al-Taʿrīfāt* (Cairo: al-Bābī al-ḥalabī, 1938), 195.

[93] "Necessary knowledge" is what was commonly referred to in Islamic epistemology as *al-ʿilm al-ḍarūrī*, which is a term derived from *ḍarūra*, which means necessity or inevitability. Necessary knowledge, therefore, is that which imposes itself about the mind by its very nature, which means that there cannot be any conceivable situation in which one lacks this knowledge, and that one does not need to exercise any kind of inferential reasoning (*istidlāl*) in order to acquire it. Ayyūb b. Musā al-Ḥusaynī al-Kaffawī Abū al-Baqāʾ, *al-Kulliyyāt: muʿjam fil-muṣṭalaḥāt wa-l-furūq al-lughawiyya*, ed. Adnan Darwish and Muhammad Al-Masri (Beirut: Muʾassasat al-Risāla, 1992), 576. Etymologically, *ḍarūra* and *iḍṭirār* are derived from the root ḍ-r-r, the most basic forms of which (e.g. *ḍarar, ḍirār, ḍarrāʾ*) mean harm. *Iḍṭirār* and *ḍarāʾir* are that without which he would be harmed, which is what you need, or all that is required. The general notion is that something that is *ḍarūrī* is something you cannot help but need, or

reasoning (*nāẓar*), and search for proofs (*istidlāl*). [94] Within this shared general framework, two significant differences emerged. [95] First, Ashʿarīs were generally more emphatic than some of the prominent Muʿtazilī scholars in affirming that what the mind knows with certainty is in fact what is true. As we will see, there was an internal debate among Muʿtazilīs, to which some Muʿtazilī-minded Imāmīs contributed, [96] on whether or not knowledge should be conceived as an inner state of conviction (*iʿtiqād*). As it turns out, the Ashʿarī adamancy regarding the view that knowledge is the recognition of a matter *for what it is*, allowed them to consistently place moral opinions outside of the domain of knowledge. Muʿtazilīs, by contrast, relied on apparent similarities in human cognition to argue for the universalizability of moral views. Perhaps more importantly, Muʿtazilīs and scholars of Muʿtazilī tendency viewed the emergence of knowledge

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something from which you cannot be separated or exist independently. This includes knowledge that imposes itself upon the mind such as *a priori* knowledge and evident empirical observations. Ibn-Manẓūr, *Lisān al-ʿArab*, 2573.

[94] The concept of *istidlāl* is used profusely in epistemological discussions surrounding Islamic theology and legal theory, and is generally understood to mean the search for logical proofs (*adilla* that allow the construction of a given conclusion. In Lisān al- ʿArab, *adalla* and *tadallala* mean to spread, to expand. They can also be used to mean to excessively love someone (*tadallala ʿalayhi*). A meaning derived from excessive love is *dalāl*, seductiveness, and *dall*, confidence in one's charms. A meaning derived from expansion and relaxation is *mudillan*: being relaxed and confidant. *Mashiya mudillan* means walked in the lands with confidence. The verb form *dalla* means to assist someone in the direction of something, and *dalīl* is precisely what accomplishes that action: a sign or a guide. If we are to keep the root into consideration, it should be understood that the point of guiding, indicating, helping attain knowledge, is essentially ethical: to reach a state of balance, serenity and righteousness. Ibn Manẓūr, *Lisān*, 1413-1414. *Istidlāl* was also widely discussed in treatises on legal theory, such as in Ahmad b. ʿAli Jaṣṣāṣ, *Uṣūl al-Jaṣṣāṣ, al-musammā, al-fuṣūl fil-uṣūl* (Beirut: Dār al-Kutub al-ʿlmiyya, 2000), 198–199 and Abī al-Ḥasan ʿAbd al-Jabbār al-Asadābādī, *al-Mughnī fī abwāb al-tawḥīd wal-ʿadl*, vol. 17 (Cairo: Wazārat al-Thaqāfa wal-Irshād al-Qawmī, al-Idāra l-ʿĀmma lil-Thaqāfa, n.d.), 279.

[95] On this basic agreement, M. Ibrahim argued that "The mutakallimūn in general agree that knowledge is divided into immediate and acquire knowledge.1 Immediate knowledge (*ʿilm darūrī*) is considered the foundation of the theological arguments. According to the Muʿtazilites, immediate knowledge is important in establishing the rational obligation. Every compos mentis person will reach a stage where he will obtain the maturity of the intellect (kamāl al-ʿaql). When a person completed his immediate knowledge he is considered achieving the maturity of the intellect. Then this maturity of the intellect will become the foundation for rational obligation." Mohd Radhi Ibrahim, "Immediate Knowledge According to al-Qadi 'Abd al-Jabbar," *Arabic Sciences and Philosophy* 23, no. 1 (March 2013): 102.

[96] For an example of the Imāmī epistemological debates, see Ibn al-Muṭahhar al-Ḥasan ibn Yūsuf al-Ḥillī, *Maʿārij al-fahm fī sharḥ al-naẓm*, ed. ʿAbd al-Ḥalīm Ḥillī (Qom: Dalīl Mā, 2006), 77–90.

as part of an exact, predictable and self-sustaining natural order.[97] Attaining knowledge, for Muʿtazilīs, was the *result* of reasoning, much like burning is the result of contact with fire. Ashʿarīs, by contrast, viewed the attainment of knowledge as nothing more than a habitual occurrence. The relationship between knowledge and reasoning is nothing more than a contingent association, with no definitive causality involved. This allowed for occasional interruptions of those "habits," which consisted of "miracles." In that context, miracles were seen as events that introduced the very possibility of universalizable moral knowledge in a world where such knowledge was otherwise utterly unattainable.

(i)   The Muʿtazilī Model: Knowledge as the Outcome of a Universal Causal Process

At a very general level, we can say that Muʿtazilīs tended to view the acquisition of knowledge as a *causal* outcome of observation and reasoning. They primarily emphasized the inner epistemic aspects of the state of knowing, as opposed to the possible identity between the mental state and the objective world. Ashʿarīs, conversely, tended to posit more emphatically that the state of knowing supposed a certain identity between the knower's state of mind and the objective world. Still, they were quite adamant in denying any causality between the process of

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[97] A good example of what I refer to as "scholars of Muʿtazilī tendency" is the prominent Imāmī scholar Abū l-Muẓaffar al-Ḥillī. Ḥillī placed the relevant views on the matter within three doctrines: the view that knowledge is associated with (*ifāda*) reasoning by virtue of habit (*ʿāda*), which he deemed weak (*ḍaʿīf*), the view that it is generated by reasoning, which he advocates, and the view that it is entailed by reasoning without it being generated, which he considered close to the correct doctrine. The view that knowledge is generated by reasoning is based on the Muʿtazilī theory that actions (*afʿāl*) are caused by individuals either directly, such as the will (*mubāshara*), or indirectly, in which case it is *generated* through an intermediary. An example of the latter is movement, which is generated by the intermediary (*tawaṣṣuṭ*) of the agent's will, which, in turn is directly produced by the agent (*mubāshara*). In the case of reasoning, the agent directly produces the mental process, which generates (*tawallud*) knowledge. It is important to note the significance of this question for the issue of universalizability. The way Muʿtazilī and Imāmī scholars represented the process of formation of knowledge portrays it as a categorical inevitability. It is a general principle that proper reasoning *generates* valid knowledge, which means that proper investigation of moral question would generate valid moral knowledge consistently and systematically for each intelligent agent. This principle is not a descriptive view of what has previously been the case, but an explanatory law of how reasoning works. It is, therefore, an agent-independent process. This agent independence is crucial for the construction of a system of ethics that is based on individual moral reasoning. Ibid., 79–80.

thinking and the state of knowing. The distinction between immediate or necessary and acquired or inferential knowledge was widely accepted by scholars from various theological and jurisprudential schools from that period. This large distinction aside, Muʿtazilī scholars and their Ashʿarī interlocutors differed in important ways in their understanding of two fundamental matters: (i) how the processes through which knowledge was obtained were related to the state of mind referred to as "knowledge," and (ii) how that state of mind related to the truth of the object of knowledge, or the thing-in-itself.

An important model of Muʿtazilī epistemology can be found in the work of al-Qāḍī ʿAbd al-Jabbār al-Asadabādī. [98] One of the central elements of ʿAbd al-Jabbār's conception of knowledge is that he did not posit a strong identity between knowledge as a state of mind and the object of knowledge as a thing-in-itself. For ʿAbd al-Jabbār, knowledge consisted of an inner sensation of certainty and tranquility of the soul (*sukūn al-nafs*). This sensation, he argued, is *caused* by sense-perception, reasoning, or reliance on authority.[99] ʿAbd al-Jabbār's epistemology rested on two main premises. First, knowledge is primarily a feeling of certainty that occurs within the knower's mind, which assumes no definite connection with an objective reality. Second, this feeling is the natural outcome of an epistemological process common to all rational beings. Those two positions allowed him to adopt a conception of moral knowledge in which Revelation

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[98] Abū al-Ḥasan ʿAbd al-Jabbār b. Aḥmad al-Hamadhānī al-Asadabādī, a prominent Muʿtazilī theologian who attained the top of the Muʿtazilī school in his lifetime. In law he was a follower of the Shāfiʿī school. Born around 325 AH, he lived in Baghdad, until called to Rayy, in 367 AH / 978 CE, by Ṣāḥib Ibn ʿAbbād, who reportedly described him as 'the most knowledgeable person on Earth.' He was subsequently appointed chief *qāḍī* of the province; hence he is usually referred to in later Muʿtazilī literature as "the judge of all judges" (*Qāḍī al-quḍāh*). He served as a judge in Rayy, Qazwīn, Abhūznajān, Suravarad, Qum, Danbawand, among other places. He died in Rayy in 415 AH / 1024. Subkī, *Ṭabaqāt*, 97–98.Abd Allāh ibn Aḥmad Kaʿbī et al., *Faḍl al-iʿtizāl wa-ṭabaqāt al-Muʿtazila* (Tunis: al-Dar al-Tunisiyya lil-Nashr, 1974), 121–126.

[99] ʿAbd al-Jabbār b. Aḥmad al-Asadābādī, *Sharḥ al-uṣūl al-khamsa*, ed. ʿAbd al-Karīm ʿUthmān (Cairo: Maktabat Wahba, 1965), 48.

was marginal. In this model, certainty can constitute the foundation of universalizable judgments, since it arises in the same manner in all humans of sound mind. Not only is this epistemological model intrinsically universalizable among all rational beings, it assumes no distinction between knowledge of facts and norms. In both cases, what matters is the attainment of a state of inner persuasion that one's convictions are in fact true. Presumably, if all rational beings followed accurate epistemic processes, they would attain the same degree of conviction.

This internal and personal view of knowledge was partially reconsidered by later Muʿtazilīs, along with many central elements of ʿAbd al-Jabbār's project.[100] Such tension within Muʿtazilī thought can be seen in the work of Rukn al-Dīn al-Malāḥimī,[101] who reproduced and refined the conceptions of knowledge advanced by ʿAbd al-Jabbār and Baṣrī.[102] Malāḥimī followed ʿAbd al-Jabbār in maintaining that the meaning of conviction itself is known directly to humans in an intuitive manner.[103] Other definitions of knowledge that Malāḥimī mentioned and rejected

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[100] The insistence of later Muʿtazilīs on the view that Revelation-based and Revelation-independent ethics fundamentally coincided was, as we shall see, possibly one of the main factors that led to the popularity of Ashʿarī thought.

[101] Muḥammad b. ʿAlī al-Ṭayyib al-Baṣrī, a Muʿtazilī theologian and a student of ʿAbd al-Jabbār. He was a prolific writer, and wrote predominantly in defense of Muʿtazilī doctrines against their detractors. He was also allegedly skilled in polemical debates. His book in jurisprudence *al-Muʿtamad fī uṣūl al-fiqh* was widely studied by his successors. He died in 436 AH/ 1044 CE, and was reportedly buried in Baghdad. Al-Mahdī Aḥmad b. Yaḥyā Ibn al-Murtaḍā, *Kitāb Ṭabaqāt al-Muʿtazila*, ed. Susanna Diwald-Wilzer (Beirut: in Kommission bei F. Steiner, 1961), 118–119. Shams al-Dīn al-Dhahabī, *Siyar aʿlām al-nubalāʾ*, ed. Hassan Abd al-Mannan (Beirut: Dār al-Afkār al-Dawliyya, 2004) 3585; Ismaʿīl b. ʿUmar Ibn Kathīr, *al-Bidāya wal-nihyāh fīl-tārīkh*, ed. Salah al-Khaymi, vol. 14, 2nd ed. (Damascus: Dār Ibn Kathīr, 2010), 103.

[102] *Sukūn* comes from *sakana*, which means to be still, unmoved, in a state of inertia. In this context, *sukūn* means the removal of anxiety which is characteristic of the search for clarity and conviction. Ibn-Manzur, *Lisan al-ʾArab*, 2052. The word for conviction or belief (*iʿtiqād*) denotes a similar concept, since it is derived from *ʿaqada,* which means to firmly string together or tighten in an impermeable manner, or in a way that precludes any instability or movement. Iʿtiqād, therefore, is the state in which the mind becomes bound to a particular belief, which is conviction. This state of mind entails *sukūn*, which is the tranquility of the soul. Abū al-Baqāʾ, *Kulliyyāt*, 641.

[103] Rukn al-Dīn Maḥmūd ibn Muhammad Al-Malāḥimī al-Khuwārazmī, *Kitāb al-muʿtamad fī usūl al-dīn*, ed. Martin McDermott and Wilferd Madelung (London: Al-Hoda, 1991), 17–18. For a further explanation of this concept, see Attar, *Islamic Ethics*, 76.

included "conceiving of a thing in a manner that is identical to it (*ithbāt ul-shayʾi ʿalā mā huwa bihi*)," and "the realization of a thing in a manner identical to it (*idrāk ul-shayʾi ʿalā ma huwa bihi*)."[104] He found the first definition unacceptable because it applied to conviction based on pure authority (*taqlīd*), which does not qualify as knowledge at all. The second is inadequate because awareness (*idrāk*) is only applicable to knowledge through the senses (*ḥawās*), which is exceedingly limited in comparison to conviction (*iʿtiqād*). Those negative arguments highlight the main parameters of the concept of knowledge for Malāḥimī. We can see that, for him, knowledge had to be the outcome of an original intellectual process and not merely based on authority, and that it can be achieved in a number of ways including, but not limited to, empirical observation.

Those general parameters align with ʿAbd al-Jabbār's vision. Although Malāḥimī acknowledged the relative merit of defining knowledge as conviction, he eventually declared his preference for a conception of knowledge as "the representation of a matter (*ẓuhūr*) to a person in a manner that makes it impossible [for him] to think that anything else is possible (*yamtaniʿ maʿhu fī nafsihi tajwīzu khilāfihi*)."[105] This conception of knowledge upheld the most important elements in previous Muʿtazilī definitions. Importantly, the definition maintained the emphasis on the knower's state of mind through the idea of the mental impossibility of allowing a different conviction, and refrained from making claims pertaining to identity with objective reality. Malāḥimī's emphasis was on defining knowledge in a manner that focuses on certitude and eliminates probabilistic convictions, such as convictions based on inconclusive signs (*amārāt*)

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[104] Ibid., 20.

[105] Ibid., 21.

rather than conclusive proofs (*dalālāt*).[106] For that reason, he substituted the notion of inner confidence (*sukūn al-nafs*) with the idea of implausibility of error (*ʿadam tajwīz il-ghayr*).[107]

In general, Muʿtazilī epistemological theories were characterized by an emphasis on the view that knowledge obtained by necessity arises in the minds of all people in a universal and uniform manner. This position was key to establishing the epistemological groundwork for the Muʿtazilī view of Revelation as effective, but not entirely required, for moral knowledge. Necessary knowledge, for ʿAbd al-Jabbār, is that which "occurs to us but is not caused by us (*yaḥṣulu fīna lā min qibalinā*), and we cannot eliminate from the mind in any way."[108] For knowledge to be necessary, it has to fulfill two conditions. First, it must be inevitable, existing within the mind by its very nature. Second, it must not be the result of deliberate efforts to think and examine evidence. This includes some forms of empirical knowledge (*ʿilm al-mushāhada*).[109]

With regards to necessary knowledge,[110] Malāḥimī essentially reproduced ʿAbd al-Jabbār's definition.[111] Baṣrī, by contrast, offered a slightly different definition: "it is a type of knowledge

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[106] The epistemological distinction between *amāra* and *dalīl* was recognized across various disciplines as one that pertains to the degree of certainty to which a proof is conducive. In both jurisprudence and theology, *amāra* was seen as a probability-inducing proof (*al-dalīl al-ẓannī*), or that which, through proper investigation (*ṣaḥīḥ al-naẓar*) may lead to probabilistic factual knowledge (*al-ẓann bi-maṭlūb khabarī*). A frequently given example of an *amāra* is the sight of heavy clouds (*ghaym*), which indicates the probability of rain (*al-ẓann bi-wujūd al-maṭar*). Muḥammad b. ʿAlī al-Tahānawī, *Kashshāf iṣṭilāḥāt al-funūn wal-ʿulūm al-Islāmiya*, vol. 1 (Beirut: Dār Ṣādir, 1980), 71-72. Etymologically, *amāra* denotes a sign or indication (*ʿalāma*). Jurjānī, *Taʿrīfāt*, 29–30.

[107] Al-Malāḥimī al-Khuwārazmī, *Kitāb al-muʿtamad fī uṣūl al-dīn*, 22.

[108] ʿAbd al-Jabbār, *Sharḥ al-uṣūl al-khamsa*, 48.

[109] Ibid., 51.

[110] For more on necessary knowledge, see Binyamin Abrahamov, "Necessary knowledge in Islamic theology", British Journal of Middle Eastern Studies, 20.1 (1993): 20–32

[111] Al-Malāḥimī al-Khuwārazmī, *Kitāb al-muʿtamad*, 23.

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that renders the knower unable to eliminate it from the mind."[112] In general, Malāḥimī approved of those conceptions of necessary and acquired knowledge, but added that the decisive factor in separating them was whether or not a search for proofs (*istidlāl*) was necessary for the attainment of knowledge. He offered an argument in support of the certainty of knowledge obtained through the senses. We know that sensory perception produces necessary knowledge because "the conditions of rational beings (*aḥwāl al-ʿuqalāʾ*) do not differ in relation to matters they perceive."[113] More specifically, Malāḥimī alluded to the fact that intelligent people "avoid harms and seek benefits for themselves in the same manner without distinction."[114] It follows that they observe the same thing, hence the view that their senses are reliable. This is a remarkable argument since it relies on an observation of the general moral behavior of "intelligent people" to reach a conclusion about the accuracy of sensory knowledge. Malāḥimī's suggestion that we behave in the same manner does not only mean that we perceive the same things, but also that we have the same understanding of what is good and evil.[115]

Muʿtazilī discussions of inferential reasoning maintain the same themes of universality and natural causation. After distinguishing proper *naẓar* (*naẓar bil-qalb*, lit. "looking with the heart") from certain homonymous concepts, such as seeing with the eyes, ʿAbd al-Jabbār explained that *naẓar* in that sense included "thinking, searching, contemplating, deliberating, seeing, among other similar matters (*al-tafkīr wal-baḥth wal-taʾammul wal-tadabbur wal-ruʾya wa*

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[112] Ibid., 24.

[113] Ibid., 31.

[114] Ibid.

[115] Ibid., 33.

ghayrihā)."[116] Those various components of reasoning can pertain to matters specific to this world (*umūr al-dunyā*) or matters relating to the hereafter (*umūr al-dīn*). The latter, in turn, can be divided into reasoning aimed at the clarification of ambiguous matters (*al-naẓar fil-shubah li-tuḥall*), or looking into proofs to attain new knowledge (*al-naẓar fil-adilla li-yutawaṣṣāl bihā ila l-maʿrifa*)."[117] It is this last type of reasoning that ʿAbd al-Jabbār was concerned with, namely "looking into proofs" with the purpose of attaining conclusions that relate, in some way, to the belief in the hereafter. A distinctive feature of ʿAbd al-Jabbār's epistemology is that it was firmly rooted in a view of human nature as uniform and consistent.[118] Accordingly, he maintained that

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[116] 'Abd al-Jabbār, *Sharḥ al-uṣūl al-khamsa*, 45. The idea of *naẓar* as a purposeful consideration of proofs and indications was reproduced by Tahānawī in his *Khashshāf iṣtilāḥāt al-funūn.* Specifically, Tahānawī argued that *naẓar* is "reflection (*fikr*) by which one seeks certain or probabilistic knowledge (*ʿilm aw ghalabat ẓann*)." Reflection here means the "consideration of meanings by the mind in a purposeful manner (*intiqāl al-nafs fil-maʿānī intiqālan bil-qaṣd*)." The requirement of purposefulness is intended to exclude intuitions, static ideas and representations. *Naẓar* or inferential reasoning is, therefore, not equivalent to reflection, but is a particular type thereof. Reflection that constitutes mere contemplation without intention of reaching some degree of knowledge does not qualify as *naẓar* at all. Tahānawī also presented a number of explanations of the process of reasoning that is conducive to knowledge. One of those views presented reasoning as the acquisition of unknown information (*majhūl*) using existing knowledge (*maʿlūmāt*). This view is similar to Malāḥimī's definition as well as the model advanced by al-ʿAllāma al-Ḥillī. This view supposes a certain degree of choice (*ikhtiyār*) through which an agent decides to use their existing knowledge as a premise for the acquisition of new knowledge. This conception of reasoning excludes intuition (*al-ḥads*) because it entails the attainment of knowledge without reliance on prior knowledge, but includes instruction (*taʿlīm*) since it is aided reasoning, which is a type of *naẓar* nonetheless. Another conception of reasoning would see it as a realization (*mulāḥaza*) by the intellect of what it possesses for the sake of acquiring what it does not. This view, Tahānawī explains, does not necessarily entail an intentional move from a specific premise to a conclusion, but more generally involves the exploration of existing knowledge, which could *in itself*, lead to new forms of knowledge. A related view of reasoning sees is as a primarily negative process: the removal from the mind of all distractions and focusing on the object of thought. Tahānawī, *Kashshāf*, 1980, 3:1387–91.

[117] 'Abd al-Jabbār, *Sharḥ al-uṣūl al-khamsa*, 45.

[118] Another definition can be found in Ḥillī's *Maʿārij al-fahm.* Reasoning according to Ḥillī is "the processing of mental elements [with the aim of] attaining new ones (*tartīb umūrin dhihniyya yutawaṣṣalu bihā ilā ukhar*)." The primary "mental elements" upon which *naẓar* acts are classified into two types. Singular elements include "genera, species and attributes (*al-ajnās wal-fuṣūl wal-khawāṣ*)" based on which one can know the defined matter. Composite elements include premises (*al-muqaddimāt*), be they certain (*ʿilmiyya*), probabilistic (*ẓanniyya*), dogmatic (*taqlīdiyya*) or false (*iʿtiqādiyya iʿtiqād al-juhhāl*). Primary elements of knowledge, therefore, consist of representations (*taṣawwurāt*) that pertain to observed phenomena, as well as beliefs (*taṣdīqāt*) that pertain to any such phenomena or combinations thereof. Reasoning (*naẓar*), for Ḥillī, is a composite phenomenon (*murakkab*), which, like any composite matter, consists of concrete or physical (*māddiyya*) parts, and conceptual (*ṣūriyya*) parts, which may consist of the overall form (*ṣūra*) of the whole. The parts of the process of reasoning, as we have seen, consist of the primary beliefs and representations upon which reasoning falls, which Ḥillī refers to together as "premises" (*muqaddimāt*), in addition to the process itself (*al-tartīb*). Put together, those parts constitute the whole,

reasoning, which is an act of thinking (*fikr*), simply consisted of the "state in which one finds oneself to be thoughtful, and one finds oneself in such state [intuitively] and knows the difference between thinking and not thinking."[119] On this view, no systematic explanation is needed for what reasoning is, since any intelligent being knows a state of reflection when they experience it. Similarly, the state of knowing, as we saw, was a belief (*iʿtiqād*) by virtue of which the self comes to be content (*sukūn al-nafs*) of the accuracy of said belief. This inner satisfaction, ʿAbd al-Jabbār explained, varies according to the degree of certainty. One may know that a person is in the house based on observation (*bil-mushāhada*) or on someone's report (*li-khabarin*). In the first case they will find a "quality" (*mazya*) that is missing from the latter, which is what constitutes inner certainty (*sukūn al-nafs*).[120]

ʿAbd al-Jabbār's epistemology, as we can see, relied on the uniformity of the operation of human mind with regards to the inner awareness of various epistemic states, and the specific processes

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which we understand as the concept (*ṣūra*) of reasoning. Of course, the parts of this and any other concept may consist of more basic parts, which in turn can be physical and conceptual. However, the most basic of elements of knowledge (*al-mawād al-basīṭa*) may not be characterized by truth or falsehood (*al-ṣiḥḥa wal-fasād*). Only composite matters such as claims, beliefs, and inferences can be subject judgment based on their veracity. A proper inferential operation would lead to valid results if its "parts" are valid, which means that its premises are correct and the logical process proceeds in an acceptable manner. Ḥillī adopted a view of the idea of accuracy of knowledge that supposes the possibility of identity with objective reality. Thus, for him, accurate premises are those that are "identical to the thing itself (*muṭābiqa lil-amr nafsihi*)." The process of inference, on the other hand, is valid if it formally accords with the rules of inference, meaning that it follows one of the "productive forms" of reasoning (*kawnihi min aḥad al-ashkāl al-muntija*)." Accordingly, for Ḥillī a valid process of reasoning entails knowledge of the truth of the matter in question. In other words, if one combines proper representations about the world with a valid logical form, the inferred conclusion will without a doubt consist of true knowledge. If, on the other hand, either the form or the substance of reasoning are invalid, it would not lead to true knowledge. Whether or not error in inferential reasoning necessarily entails ignorance (*jahl*) on the other hand, was a controversial issue. Ḥillī's answer was to maintain that inference based on incorrect substance (*fāsid min jihat al-māda*) leads to ignorance (*yastalzim al-jahl*), whereas inference based on incorrect form (*fāsid min jihat al-ṣūra*), does not. Ḥillī's assumption is that, if one *believes* in a fact about the world that is plainly incorrect, such as the view that the world is eternal and uncreated (*anna l-ʿālam qadīm wa anna kull qādim mustaghni ʿan al-muʾaththir*), using valid forms of logic on the basis of such assumptions would lead to solid belief in an incorrect conclusion, which is ignorance. Mere error in logical form, on the other hand, cannot lead to strong belief in error. Ḥillī, *Maʿārij al-fahm*, 75–78.

[119] ʿAbd al-Jabbār, *Sharḥ al-uṣūl al-khamsa*, 45.

[120] Ibid., 46–47.

through which knowledge is attained. Inferential reasoning, he argued, occurs through "thinking in one method in a continuous manner."[121] This way of defining inferential reasoning served to distinguish it from empirical knowledge, since the latter requires no continuous reasoning, but merely observation. The application of a particular method of reasoning consistently, according to ʿAbd al-Jabbār, is an effective cause (*sabab*) of the emergence of knowledge. Both reasoning and knowledge, therefore, are products of the agent's actions, "since the producer of the cause is also the producer of the effect (*al-musabbab*)."[122] This conscious search for knowledge is contrasted with necessary knowledge (*al-ʿilm al-ḍarūrī*), empirical knowledge (*ʿilm al-mushāhada*) and knowledge obtained by reports (*al-akhbār*).[123]

The predictability and universality of the process of formation of acquired (*muktasab*) knowledge[124] was formulated in even more emphatic terms in the work of Malāḥimī in his treatment of some of Baṣrī's theories.[125] Malāḥimī insisted that a proper search for proofs leads to certain knowledge, and that a valid process of reasoning leads to knowledge that cannot be

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[121] Ibid., 52.

[122] Ibid., 53.

[123] This distinction was reproduced by al-Bayḍāwi as a difference between intuitional and acquisitional knowledge. See: Bayḍāwī, *Nature, Man and God in Medieval Islam : Abd Allah Baydawi's Text, Tawali Al-Anwar Min Matali Al-Anzar, along with Mahmud Isfahani's Commentary, Matali Al-Anzar, Sharh Tawali Al-Anwar*, E. Calvelry and J. Pollock, ed. (Leiden: Brill, 2002), 28.

[124] Acquisition (*iktisāb*), according to Tahānawī, is "a willful search for causes [of knowledge], such as directing the mind towards the investigation of premises in inferential matters, as well as listening (*iṣghāʾ*) and looking, among other sensory experiences." Acquired knowledge is broader than inferential knowledge, since the latter occurs through investigation of proofs. Thus, all inferential knowledge is acquired, but the opposite is not true. For example, purposeful sensory experience is inferential. Necessary (*ḍarūrī*) knowledge can be opposed to acquired knowledge in the sense that its acquisition does not depend on a person's ability, and it can also be defined as that which occurs without investigation or thought about a given proof. Therefore, sensory knowledge is acquired according to some, and necessary according to others, since it occurs without inference.

[125] Al-Malāḥimī al-Khuwārazmī, *Kitāb al-muʿtamad*, 51.

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denied from the soul.[126] Malāḥimī's point is that absolute certainty is not restricted to knowledge obtained by necessity or intuition, but also includes knowledge obtained through a valid form of inference based on necessary premises. This is the case because both the necessarily known premises and the form (*tartīb*) of the inference are known with certainty.[127] The fact that acquired knowledge is not known by necessity means that, in certain cases, a process of inference may fail to lead to knowledge because of an error (*fasād*) within the process itself. That, Malāḥimī insisted, does not contradict the fact that a valid form of reasoning should lead to certain knowledge.[128] Importantly, he maintained that all cases of inference that are based on necessary knowledge must lead to consistent solutions. No difference of opinion is justified unless there has been an inconsistency in the premises.[129] This systematic consistency was also found in Baṣrī's thought as related by Malāḥimī. Reasoning (*naẓar*) was defined by Baṣrī as "the examination of convictions or beliefs (*iʿtiqādāt aw ẓunūn*) in order to attain a certain position (*tawaqquf*)[130] that consists of [a new] conviction or belief."[131] This, Malāḥimī explained, is a meaning found intuitively in the mind, and therefore is valid. If reasoning is based on a proof (*dalīl*) that is attached to the object (*lahu ʿalāqa bil-madlūl*) it would lead to knowledge, and if it was attached to an inconclusive sign (*amāra*) it would lead to probability (*ẓann*). This view of systematic reasoning constitutes the basis for the linear conception of moral reasoning advanced

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[126] Ibid., 52.

[127] Ibid., 51–52.

[128] Ibid., 53.

[129] Ibid.

[130] *Tawaqquf* and *tawqīf*, understood as suspension of judgment, will be addressed in detail in the fourth chapter. In this context, *tawaqquf* is the exact opposite of reasoning, since the latter was defined as a motion of the soul. The cessation of this motion, therefore, indicates conviction, or the adoption of a given belief.

[131] -Malāḥimi, *Kitāb al-muʿtamad*, 20.

by the Muʿtazilīs. In Malāḥimī's words, "if we ascertained that reasoning produces knowledge in certain cases, and then we find that some of those who perform inferences are mistaken, we would know that error is not due to the invalidity of the method itself (*fasād al-ṭarīq*), but to their own shortcomings."[132] This position, in short, holds that all thinking people, when undertaking reasoning properly, should arrive at the same conclusions.[133]

(ii)   The Ashʿarī Response: Knowledge as Contingent Acquisition of Non-Normative Truths

By contrast to Muʿtazilīs, Ashʿarī scholars regarded knowledge as a specific claim about the world that emerges from a *habitually* shared human experience and set of rational structures. Inasmuch as it constituted a connection between the human intellect and the objective world, knowledge obtained through observation and reasoning was strictly limited to those experiences we know with certainty are *habitually* shared by all of us. Primarily, those consist of empirical sensations and formal reasoning. Importantly, none of those experiences can be shown without any doubt to include knowledge of normative or evaluative nature. As we will see, Ashʿarīs employed a form of systematic skepticism to exclude conclusions of evaluative nature from the realm of what can be acquired through shared human faculties.[134]

Generally, Ashʿarī scholars tended to be emphatic in maintaining the objectivity of knowledge, and in denying the universality of the process leading to it. The most prominent epistemological

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[132] Ibid., 54.

[133] The disagreement between Ashʿarīs and Muʿtazilīs on whether or not reasoning causes knowledge was related in al-Tahānawī, *Kashshāf*, 1980, 3:1390.

[134] The assumption of a correspondence between the knower's state of mind and the objective world seems to have continued in later Ashʿarīs works. See, for example, Bayḍāwi's claim that knowledge links the percipient to the perceived objet in *Nature, Man and God in Medieval Islam*, 30.

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accounts from the same period show that Ashʿarīs were unwavering believers in the identity between knowledge and the objective world. More importantly, they argued that sources of knowledge, such as perception or reasoning, did not *cause* knowledge, but were only habitually associated with it.[135] Imām al-Ḥaramayn al-Juwaynī adopted the view that knowledge relates to things-in-themselves, and that it can be attained either through perception or reasoning. Reasoning is distinguished by the fact that it has a certain teleology: it is "a process that is designed to attain probabilistic or certain knowledge (*yaṭlubu bihi man qāma bihi ʿilman aw ghalabata ẓannin*)."[136] The important factor to note about reasoning is that it is not a natural process that must always lead to knowledge. It is rather a mental operation determined primarily by the *intention* to attain some form of knowledge. The external world that constitutes the object of human knowledge (*al-maʿlūmāt*) comprises the entirety of data obtained through sense-perception (*ḥawās*) and the various forms of reasoning (*naẓar*).[137] One can either immediately

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[135] Al-ʿAllāma al-Ḥillī, although generally leaning towards Muʿtazilī views, did not fully reject the Ashʿarī notion of habitual association in his theological commentary *Maʿārij al-fahm*. Ḥillī distinguished between two degrees of denial of causality in the production of knowledge as advanced by the Ashʿarīs. The first consists of the view that knowledge habitually (*ʿāda*) occurs in conjunction with reasoning (*iqtirān*). This view relies on a broader argument that there can be no effective cause other than God. The realization of any particular occurrence is a mere possibility (*imkān*) but God habitually causes matters to arise in a certain order by virtue of His action as effective cause (*muʾaththir*). In the case of the formation of knowledge, it is only *possible* to attain knowledge on the basis of reasoning, but God habitually generates knowledge in conjunction with a proper process of reasoning undertaken by a human. The other degree of denial of causality was attributed by Ḥillī to Abū Bakr al-Bāqillānī and Imām al-Ḥaramayn al-Juwaynī, which consists of the claim that knowledge is *associated with* reasoning (*lāzim lahu*) in a definite manner (*luzūman wājiban*), but is not generated by it, which he finds acceptable (*lā baʾsa bihi*). It is clear that Ḥillī found it easier to accept a formulation of the Ashʿarī position on the relation of knowledge to reasoning that appeared to place less emphasis on the view of the emergence of knowledge as a random and contingent occurrence. It is not clear, however, that the two formulations of the Ashʿarī view are incompatible. In fact, the version of Bāqillānī and Juwaynī's doctrine that Ḥillī presents is utterly ambiguous. Saying that reasoning and knowledge are "associated by necessity" but without causality is really not saying much. What is missing from Ḥillī's version of the Ashʿarī view is that this association by necessity could be nothing but what Ashʿarīs regard as a habit established by God, but from a human perspective. Ḥillī, *Maʿārij al-fahm*, 80–81.

[136] Imām al-Ḥaramayn al-Juwaynī, *Kitāb al-irshād*, 3.

[137] Ibid.

perceive the truth of those "knowables" through direct perception, or aim to attain this truth by systematic reasoning based on established premises.

Another major Ashʿarī, Abū Bakr al-Bāqillānī,[138] defined knowledge as "the recognition of the object of knowledge for what it [truly] is (maʿrifat ul-maʿlūm ʿalā mā huwa bihi)."[139] The "knowable" (maʿlūm), Bāqillānī explained, is not necessarily a "thing" (shayʾ), but can also be a non-existent (al-maʿdūmāt). Knowledge in that sense is shared by God and humans, with the crucial difference that God's knowledge is eternal (qadīm), whereas human knowledge is contingent (muḥdath).[140] Bāqillānī adopted the standard distinction between necessary (ḍarūrī) knowledge, and knowledge obtained through reasoning and proof-searching (naẓarun wa-stidlāl).[141] In all cases, the knower is someone who "recognizes a matter for what it is."[142] Bāqillānī's account of the definition of knowledge highlights the breadth of possibilities that Ashʿarīs attributed to the human mind in the realm of acquiring non-evaluative truths. Our minds, according to those scholars, can grasp the truths of everything and nothing, if the proper process of acquisition of knowledge presents itself. This process was seen in a purely atomistic

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[138] Al-Qāḍī Abū Bakr Muḥammad b. ʿAlī al-Ṭayyib b. Muḥammad al-Bāqillānī, originally from Basra and lived in Baghdad. Bāqillānī was a major theologian who belonged to the Ashʿarī school. He was also a distinguished jurist who held a prominent ḥalaqa in al-Manṣūr mosque in Baghdad. He was a prolific writer, and allegedly attained the leadership of the Mālikī school in Baghdad. He was also known for superior polemical skills. Bāqillānī died in 403 AH, 1013 CE. Muḥammad b. Muḥammad Makhlūf, Shajarat al-nūr al-zakiyya fī ṭabaqāt al-Mālikiyya (Cairo: Al-Maṭbaʿa al-Salafiyya, 1930), 92–93; Ibn Farḥūn, Ibrahīm b. ʿAlī, al-Dībāj al-mudhahhab fī maʿrifat aʿyān ʿulamāʾ al-madhhab, vol. 2 (Cairo: Dār al-Turāth lil-Ṭabʿ wal-Nashr, 1975), 228–229.

[139] Bāqillānī, Kitāb al-tamhīd, ed. Richard Joseph McCarthy (Beirut: Al-Maktaba al-Sharqiyya, 1957), 6.

[140] Ibid., 7.

[141] Ibid.

[142] Ibid.

and non-deterministic manner, which helped keep non-descriptive forms of knowledge outside of the realm of matters naturally knowable to us.

The Ashʿarī treatment of necessary knowledge was distinguished by the assertion that knowledge was *associated* with those processes rather than produced by them. Necessary knowledge, Bāqillānī maintained, is a type of knowledge that is "associated with the soul in a manner that precludes the possibility of evasion or denial (*yalzamu nafs il-makhlūq luzūman lā yumkinuhu maʿhu l-khurūj ʿanhu wala l-infikāk minhu*)."[143] It is impossible to doubt the veracity of the object of knowledge. In a sense, this is a type of knowledge that is inevitable, since the agent has no choice but to have it. The other type of knowledge is one that occurs in association with (*bi-ʿaqib*) reasoning and reflection on the matter at hand. This differs from the first kind in that it only occurs after reflection (*taqaddum al-fikr)* and contemplation *(taʾammul ḥāl al-maʿlūm)*."[144] It is therefore referred to as reflection-dependent knowledge (*ʿilm naẓarī*). This knowledge is nonetheless built upon (*buniya ʿalā*) necessary and sensory knowledge. Thus, one can only reflect upon matters that already exist within the self to arrive at acquired knowledge (*ʿilm kasbī*).[145]

Necessary knowledge is attained either through the senses, or through an awareness of internal matters. Knowledge obtained through the senses, Bāqillānī argued, is necessary inasmuch as it

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[143] Ibid. *Luzūm* and *lāzim* come from *lazama,* to accompany or be closely linked to something. Something that is *lāzim* is inseparable (*lā yufāriq*) from the thing it is associated with. This inseparability can also be by way of causation, in the sense that an inevitable consequence is also called *lāzim.* Ibn-Manzur, *Lisan al-'Arab*, 4028. For more on Bāqillānī's definition of necessary knowledge, see Kambiz GhaneaBassiri, "The Epistemological Foundation of Conceptions of Justice in Classical Kalām: A Study of ʿAbd Al-Jabbār's Al-Mughnī and Ibn Al-Bāqillānī's Al-tamhīd," *Journal of Islamic Studies* 19, no. 1 (January 1, 2008): 71–96,.

[144] Bāqillānī, *Kitāb al-tamhīd*, 8–9.

[145] Ibid., 9–10.

resides in the self in a manner that precludes any form of doubt. As a matter of habitual occurrence (ʿāda jāriya),[146] each sense is assigned to the acquisition of a specific category of knowledge. For example, colors and shapes are known visually, sounds are known audibly, and so on.[147] The reference to ongoing habits is a manifestation of the Ashʿarī belief that what appears as a universal law is in fact nothing other than the habit of God, which may be interrupted at any moment at His will. The other type of necessary knowledge is what is acquired *a priori* (ibtidāʾan), without being obtained through the senses. This includes knowledge of one's own existence, inner feelings and pains, and logical necessities such as the impossibility that things could be adjacent and apart at the same time.[148] The same category includes knowledge reported through an overwhelming number of people, such as knowing that China exists and that the prophets were present, as well as knowledge of past empires and kingdoms.[149]

Importantly, Bāqillānī separated the knowledge obtained through an awareness of overwhelming reports and knowledge of other minds, such as the intent of a speaker, from knowledge obtained through the senses and inner realizations. The former, Bāqillānī argued, are matters of pure *awareness* (idrāk), in the sense that they depend on the agent's comprehension of certain occurrences, rather than matters that arise within the soul through sensation. This is a crucial

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[146] ʿĀda in common parlance, as shown in Jurjānī's definition, is derived from ʿāda, or to return. It is a form of persistent repetition that follows a rational (maʿqūl) pattern. Jurjānī, al-Taʿrīfāt, 127. The word also has a specific linguistic connotation that pertains to deviation from the standard or literal meaning through widespread linguistic practice. In all cases, the idea of ʿāda is closely linked to consistent and predictable patterns of repetition. Tahānawī, *Kashshāf*, 2:957–58.

[147] Bāqillānī, *Kitāb al-tamhīd*, 9.

[148] Ibid., 10. *Ibtidāʾ* stems from the same root as *badaʾa,* to begin, which means a first or primary matter. In epistemology, it denotes knowledge that is acquired by the mind independently of any prior thoughts, or things that we can know independently of prejudgment (al-khālī ʿan al-ḥukm). See Tahānawī, *Kashshāf*, 1980, 3:109.

[149] Bāqillānī, *Kitāb al-tamhīd*, 10.

distinction because Bāqillānī placed knowledge created (*mukhtaraʿ*) by God within the soul in times in which he *interrupts his habits* (i.e. revealed knowledge). In this category of awareness (*idrāk*). This interruption constitutes the miracle (*muʿjiza*), which is nothing other than a breach of perpetual habit (*khurūj al-umūr ʿalā mā hiya ʿalayhi fil-ʿāda*).[150]

Inferential reasoning (*istidlāl*), Bāqillānī argued, has too many forms to be included in an exhaustive list. There are cases in which the mind necessarily knows the invalidity of one of two options, which leads to the inference that the other one is correct, or that all but one among many possibilities are invalid, which makes the remaining one valid by necessity, and so on.[151] Another example of inferential reasoning consists of relying on our knowledge of causality to deduce the existence of the cause whenever we see the effect. For example, when we know that a matter is corporeal (*jisman*) we can deduce that it is composed of parts (*taʾlīf*).[152] Another type of inference, Bāqillānī explained, pertains to miracles. A miracle, he argued, is proof that the one who possesses it is truthful (*ṣādiq*). Miracle is a divine interruption of habitual natural processes, which can be seen as aimed at achieving a particular purpose, such as the confirmation of the veracity of a prophet. All the reports that are provided by the Prophet, therefore, are truthful. Inference can be based on proofs communicated through the Prophet (*adilla samʿiyya*), such as the Quran, the Sunna, consensus of the community, and inferences based on previously established judgments (*qiyās*). All those Revelation-based inferences are "capable of indicating the validity of judgments in the same manner as purely rational proofs, even if they are

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[150] Ibid., 11.

[151] Ibid.

[152] Ibid., 12. Tahānawī explains that *taʾlīf* is a specific type of construction (*tarkīb*), whereby a number of simple elements are put together in a way that ensures they are matching (*mutanāsib*) and harmonious (*mutaʾālif*). al-Tahānawī, *Kashshāf*, 1980, 1:79.

derivative of rational inferences."[153] Proofs (*adilla*) are given the same definition by Bāqillānī,

and Juwaynī. They are signs that allow the attainment of knowledge through reflection (*fikr*) and

contemplation (*taʾammul*).[154]

This overview of the general epistemological frameworks of some major eleventh-century

Muslim jurists reveals to us some important matters. First, it is worth noting that all treatises that

we may describe as "theological" or "cosmological," in that they pertain to the attributes of God,

and the nature of the universe as a creation of God, begin without exception with an

epistemological discussion. This is not a mere reflection of a disciplinary commitment, but a

manifestation of a belief that understanding the world depends on a clear understanding of the

operation of the human mind. One of the few points on which all scholars of various schools

appeared to agree is the fact that all areas of inquiry are concerned with *knowable objects*, which

contain all existents and non-existents. This meant that epistemology preceded ontology,

theology and ethics. Second, in the larger scheme of things, differences on the particular methods

in which knowledge is obtained were quite subtle. The significant differences pertained to the

causality between those methods and the attainment of knowledge on the one hand, and to the

relation of knowledge to the objective world on the other hand. It is within the rift, created by

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[153] Bāqillānī, *Kitāb al-tamhīd*, 13.

[154] Ibid., 14. *Taʾammul* means long, profound reflection. The root of *taʾammul* is *ʾ-m-l*, from which comes *Amal, yaʾmul*, to wish or be wishful. *Taʾammul*, in that sense, means to be in a general state of sustained, patient longing for an outcome. Particularly, it means profound thinking in the hope of attaining certainty with regards to a particular matter. Ibn-Manzur, *Lisān al-ʿArab*, 132. *Fikr*, on the other hand, is often referred to in relation to a more specific and technical meaning. As seen above in the discussion of *naẓar*, *fikr* was commonly viewed as a broader mental process which includes, but is not limited to, *naẓar*. *Fikr*, in that sense, can be understood as "a motion of the soul (*ḥarakat al-nafs*) in intelligible matters (*al-maʿqūlāt*) by the agent regardless of whether it is purposeful or not." Clearly, the assertion that *fikr* may or may not be directed towards the attainment of a specific outcome or solving a particular problem shows that it is broader than *naẓar*. Still, it remains separate from intuition (*ḥads*) which involves moving from premises (*mabādīʾ*) to conclusions (*maṭālib*) immediately without gradual reflection. It also remains separate from imagination (*takhayyul*) because *fikr* pertains to rational matters whereas imagination mainly processes sensory experience. Tahānawī, *Kashshāf*, 1980, 3:1120-1121.

those two areas of disagreement, that the debate on the possibility of moral knowledge arose. This fundamental disagreement on a seemingly technical point of epistemology was at the heart of a larger debate on the role of Revelation in the formation of judgments. This link between pure epistemology and theories of theological ethics will be addressed in the following sections.

(4) Revelation-Independent Reasoning and the Construction of Judgments

From the distinctions between Muʿtazilī and Ashʿarī epistemological views emerges a more profound disagreement on the possibility of knowledge of moral values and judgments without Revelation. We can see the radical divide between the two camps in the Muʿtazilī insistence that human this-worldly knowledge, as well as Revelation-based knowledge, can, through inferential reasoning, generate normative conclusions of the *sharʿī* type. The question was whether, by following proper methods of reasoning, one can go from observations about the world to making *categorical* moral judgments about types of action. The real dispute, therefore, concerned whether there can be norms *without* Revelation. To that, the Muʿtazilīs answered in the affirmative on the basis of their assumption that Revelation was only one among several means through which we can attain moral knowledge. Understood this way, the debate was not a mere opposition of Reason against Revelation, but primarily a disagreement on the possibility of reaching non-subjective moral judgments based on individual observation.

(i)   The View that Judgments Can Be Known without Revelation

As we have seen, Muʿtazilīs generally agreed that the acquisition of knowledge consisted of a uniform and universal causal process, but did not fully agree among themselves on the extent to which knowledge can be claimed as identical to the objective world. The assumption of universality of the process of acquisition of knowledge was at the foundation of a larger

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epistemological claim: that normative positions reached through a combination of human observation and reflection are applicable to all rational beings.[155] This general view of norm-production is often confusingly termed "rationalist" or "naturalist" by modern scholars of Islam.[156] Whereas some sense of "naturalism" is applicable to some of the later Muʿtazilī doctrines, especially after ʿAbd al-Jabbār, "rationalism" is an entirely unhelpful way of characterizing their moral-epistemological view. To my knowledge, there is not a single Muʿtazilī scholar who argued that the structure of the human faculty of reason should be viewed as the *source* of moral judgments. All of them, however, maintained that human minds can, by processing data obtained through observation, *including but not limited to Revelation,* make universalizable moral pronouncements.

Reason, in that model, does not *produce* normative positions, but attains them by processing information obtained through the external world. This can be considered a form of "naturalism" if the information in question consisted of intrinsic properties of actions, which was true of a segment of Muʿtazilī scholars. The main meaningful difference between Muʿtazilīs and their rivals had to do with whether or not Revelation as an element of moral reasoning was necessary, or only effective, in the process of formulation of universalizable judgments. Ashʿārīs, as we will see, held that Revelation must be involved in some manner in that process, whereas the Muʿtazilīs did not. This difference says nothing about the importance of the faculty of reason in the process of norm-production (i.e. about whether or not those scholars were "rationalists").

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[155] The necessity and universality of moral judgments made by intelligent agents was cogently explained in Attar, *Islamic Ethics*, 70–71.

[156] A full study entirely dedicated to explaining why Muʿtazilīs and Muʿtazilī-leaning scholars are "naturalists" can be found in Emon, *Islamic Natural Law Theories* (New York, Cambridge: Oxford University Press, 2010).

Like their views on the acquisition of knowledge, Muʿtazilī opinions on the construction of normative judgments appeared to lean gradually towards an increased sense of realism. This is hardly surprising, given that they assumed that acquiring evaluative forms of knowledge proceeded in exactly the same manner as any other type. ʿAbd al-Jabbār, for instance, posited that it was possible to logically move from a certain set of observations to make normative conclusions that follow from them by necessity, but placed the greater emphasis on the fact that those conclusions follow *a priori* and intuitively from certain types of observation. He explained that, for example,

> Knowledge of God most high is among the strict obligations (*al-wājibāt al-muḍayyaqa*) that cannot be avoided (*lā yusaʿ al-ikhlāli bihā*) or replaced, because neglecting them is deemed evil, and it has been established by mere reason that it is obligatory to avoid what is evil (*wa qad taqarrara fil-ʿaqli wuqūʿ al-taḥarruz min al-qabīḥ*). If avoiding evil is impossible without a particular knowledge, then this knowledge becomes obligatory.[157]

The argument that if a matter is obligatory all of its necessary conditions also become obligatory is largely uncontroversial, and has been employed by Muʿtazilīs and their opponents on numerous occasions. What is noteworthy in this argument is that ʿAbd al-Jabbār appeared to maintain that all primary and subordinate obligations stem from a general primordial obligation to avoid what is evil. What we learn from this proposition is that moral values can be translated into norms, but we learn nothing about how moral values come to be known in the first place. ʿAbd al-Jabbār's argument that "it has been established rationally that all evil must be avoided"[158] does not help explain how normativity is introduced into our reasoning, since this claim takes as a starting point a moral premise in the notion of "evil." What this argument requires, therefore, is an explanation of how the knowledge that a matter is categorically evil can

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[157] ʿAbd al-Jabbār, *Sharḥ al-uṣūl al-khamsa*, 43.

[158] Ibid.

be attained. An attempt to provide a theory that explains the foundations of moral judgments was made by ʿAbd al-Jabbār in the sixth volume of *al-Mughnī*. He explained that,

> Actions are of two kinds. Some have no attribute in addition to their existence. Those cannot be called good or evil according to our doctrine, such as actions of the sleepy or the forgetful. Others have an additional attribute. Such action is either good or evil, since *we can know from its state* (*yuʿlamu min ḥālihi*) that it either *renders blame appropriate* (*yastaḥiqqu l-dhamm*), which makes it evil, or does not, which makes it good.[159]

This approach to the knowledge of moral values it is based on the assumption that knowledge of the propriety of praise and blame follows directly from our knowledge of the nature or state (*ḥāl*) of the action. From this knowledge, one can attain all categories of moral valuation in *sharīʿa*.[160] If one knows that an action is deserving of praise but its omission not deserving of blame, it becomes recommended (*mandūb*). If we know that its omission is deserving of blame it becomes obligatory (*wājib*). If an omission is praiseworthy but commission not blameworthy, the action is reprehensible (*makrūh*), and if commission is blameworthy it is forbidden (*muḥarram*).[161]

The generality and predictability of the forms of norm-inducing reflections is in line with ʿAbd al-Jabbār's general epistemology. It still remains to be explained what the nature or state (*ḥāl*) means and how it can be known. We can begin to understand this matter through the specific question of the obligation to know God, which ʿAbd al-Jabbār described as "the first obligation" (*awwal al-wājibāt*). ʿAbd al-Jabbār's argument that the knowledge of God is obligatory begins to

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[159] ʿAbd al-Jabbār, *Al-Mughnī fī abwāb al-tawḥīd wal-ʿadl*, vol. 6 (Cairo: Wazārat al-Thaqāfah wal-irshād al-Qawmī, al-Idārah al-ʿĀmmah lil-Thaqāfah, n.d.), 7. Emphasis added. It is possible to object to this definition on the basis of circularity, since "blameworthiness" is a value judgment that is equivalent to being evil, and therefore saying that the evil character of an action follows form its blameworthiness is non-informative. In fact, blameworthiness itself is often claimed to follow from evil, not the opposite: "blameworthiness (*dhamm*) is the opposite of praiseworthiness (*madḥ*), and it is any saying, action, silence or omission that indicates clearly the evil nature of a person." Tahānawī, *Kashshāf*, 2:515.

[160] An account of the relation of ʿAbd al-Jabbār's view of moral values to *sharʿī* categories can be found in Attar, *Islamic Ethics*, 100–101.

[161] ʿAbd al-Jabbār, *Mughnī*, n.d., 6:7–8.

point to his adoption of a form of utilitarianism, whereby any action that involves the infliction of harm (*ḍarar*) is evil,[162] and any action that allows the avoidance of harm is good.[163] ʿAbd al-Jabbār held that "the proof that knowledge of God is obligatory is that it amounts to mercy (*luṭf*) in the performance of duties and avoidance of evils.[164] Whatever constitutes *luṭf* is obligatory because it is akin to avoidance of self-harm (*li ʾannahu jāri majra dafʿ il-ḍarari ʿan il-nafs*)."[165] In the case of knowledge of God, the benefit arises from the fact this knowledge represents an *additional* incentive to act morally: "if a person knew that there is a Creator who created him and who rewards obedience and punishes sins, he would be more likely to perform duties and avoid evils"[166] From this outline we can begin to identify the main elements of ʿAbd al-Jabbār's moral

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[162] The difficulty of establishing harm (*ḍarar*) as a primary unanalyzable moral concept also lies in the fact that it is intrinsically evaluative, as can be clearly seen from its etymology. *Ḍarar* according to Ibn Manẓūr is "the opposite of benefit (*manfaʿa*)," which contains "any kind of misfortune (*sūʾ ḥāl*), poverty (*faqr*) or bodily discomfort (*shidda fī badan*)." As can be seen from this formulation, *ḍarar* presupposes a negative value and cannot be isolated into some clear descriptive phenomenon. Ibn-Manẓūr, *Lisān al-ʾArab*, 2572–73.

[163] ʿAbd al-Jabbār, *Sharḥ al-uṣūl al-khamsa*, 64.

[164] *Luṭf* is possibly the most central concept in the Muʿtazilī view of the world and God as part a harmonious natural order. To maintain that God's actions are driven by mercy (*luṭf*) is to posit the presence of higher values that condition the actions of all beings, God included. This sense of *luṭf* is obvious in its linguistic roots. Ibn Manẓūr explained that "receiving *luṭf* from God most high means to receive success (*tawfīq*) and protection (*ʿiṣma*)." He further reports a definition by Ibn al-Athīr who maintained that *luṭf* is a combination of detailed knowledge of benefit and harm (*al-ʿilm bi-daqāʾiq al-maṣāliḥ*), gentleness (*rifq*) in action, and working towards the attainment of people's wellbeing. It is therefore a complex concept that subsumes divine omniscience under an overall graciousness and intrinsic drive to bring forth what is best for His creation. Ibn Manẓūr, *Lisān al-ʿArab*, 4036–4037. The dispute between the natural-reason and divine-command conceptions of ethics, unsurprisingly, made its way into the various attempts to define the idea of *luṭf*. For the divine-command minded scholars, *luṭf* was that which induces reward in the afterlife. It is, therefore, not an overarching principle that determines the actions of all moral agents including God, but rather a synonym of *ḥusn* (goodness) in the *sharʿī* sense. For Muʿtazilīs, by contrast, is that which *helps* the individual become closer to obeying God. Abū al-Baqāʾ, *Kulliyyāt*, 797. This idea of coming closer to God's obedience or facilitating moral action is central to Muʿtazilī thought as I explain throughout this chapter. Tahānawī also explained that "we know by necessity that the arrival of prophets renders humans closer to obeying God and more unlikely to disobey Him. The Muʿtazilīs consider *luṭf* to be incumbent upon God (*wūjibūn al-luṭf ʿalā Allāh*), which means that if God omitted *luṭf* it would be blameworthy. The Sunnīs do not hold the same position, and retort that God did not send prophets to all peoples at all times, which means that *luṭf* is not incumbent upon Him but is something that he may choose. Tahānawī, *Kashshāf*, 1980, 3:1299.

[165] ʿAbd al-Jabbār, *Sharḥ al-uṣūl al-khamsa*, 64.

[166] Ibid.

epistemology. The specific attributes upon which ʿAbd al-Jabbār based the knowledge of normative judgments are benefit (*nafʿ*) and harm (*ḍarar*). The moral agent, upon observing a type of action and knowing its relative benefits and harms, can make a judgment on its moral status. This process was described in the following terms:

> We know by necessity (*qad ʿulima bi-ḍṭirār*) that lying that neither causes benefit (*lā nafʿa fīhi*), nor averts a greater harm, (*wa lā dafʿa ḍararin aʿẓama minhu*), and any harmful act that leads to no benefit nor averts a greater harm, […] whenever it is performed by a capable person, renders this person deserving of blame, unless something prevents this judgment (*idha lam yamnaʿa minhu mānī*).[167]

ʿAbd al-Jabbār's process of construction of moral knowledge can be outlined as follows: (i) an action is observed; (ii) its relative benefits and harms are assessed; (iii) the person's moral agency is inspected; (iv) a moral judgment is made. This outline of ʿAbd al-Jabbār's system leaves a number of questions unsettled, which is precisely the gap that was used by the Ashʿarīs to construct their skeptical view of moral epistemology. What constitutes benefit and harm? Is there an objective and universal manner of assessing benefit and harm? What happens in case of conflict? Is this a process that is expected to be followed by every rational being? If so, does that mean that ʿAbd a-Jabbār viewed moral values as "real" ontological attributes that attach to actions, or prescriptions made by individuals?

The main principle that seemed to guide his thought in attempting to deal with those issues is the uniformity of the human intellect. Thus, he maintained that, although we cannot know and should not attempt to know what *real* values are, we can expect to make the same judgments in the same manner if we reflected about them properly. In the same vein, he argued that "it is a sign of sanity (*min kamāl al-ʿaql*) to know that injustice is something that entails blame

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[167] ʿAbd al-Jabbār, *Mughnī*, 6:18.

(*dhamm*). No rational people disagree with that, in the same way that they do not disagree on empirical knowledge (*al-ʿilm bil-mudrakāt*)."[168] What remains most ambiguous in ʿAbd al-Jabbār's thought is what precisely constitutes benefit and harm. Those concepts are clearly laden with normative value, and the characterization of a given act as beneficial or harmful would need to be justified in each case.

An attempt to address some of those unsettled questions can be found in the epistemological views of Malāḥimī.[169] With regards to the good and evil nature of actions, Malāḥimī argued that a particular property, namely "being deserving of blame" (*istiḥqāq ul-dhamm*) can be immediately known by individuals with sound mind with no need for proof.[170] Similarly, one knows by way of general, irrefutable knowledge (*thābitun mutaqarrirun fil-ʿaqli ʿalā l-jumla*) that some actions entail no praise or blame, such as eating food that neither benefits nor harms anyone. Malāḥimī, following in ʿAbd al-Jabbār's model, maintained that a sound mind can immediately categorize actions based on whether or not they result in benefit or harm. Based on this distinction, some actions would be deserving of praise, some deserving of blame, and others deserving of neither. Moral evaluation of actions immediately follows from those categorizations without need for further investigation.

Malāḥimī's observation that some actions are evil but do not entail blame reflects a distinction between moral value and responsibility that adds a degree of subtlety to his analysis. Value, it would appear, is a basic and unanalyzable property that is immediately known to the mind, such

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[168] Ibid.

[169] For an overview of a number of definitions found in extant theological works from that era, see Ibrahim, "Immediate Knowledge According to Al-Qadi 'Abd Al-Jabbar," 104–105.

[170] Malāḥimī, *Kitāb al-muʾtamad*, 831.

as the case of injustice. Responsibility, on the other hand, depends on whether or not a person is qualified to participate in the moral system. There seems, therefore, to be a slight asymmetry between praise and blame on the one hand and good and evil on the other hand. Good and evil are general properties that may or may not entail praise or blame. For example, "goodness (*al-ḥusn*) is what does not entail blame *in any way whatsoever* (ʿ*ala wajhin min al-wujūh*) as opposed to evil actions, [which may include] actions of children or animals (*al-ṣibyān wal-bahāʾim*) that constitute injustice (*ẓulm*), which are considered evil in our school but *do not entail blame.*"[171] In all cases, Malāḥimī appeared to assume that normative observations in both forms are available to the human mind immediately in an obvious way that requires no proof or explanation.[172]

Good and evil, in Malāḥimī's thought, are attributes (*ṣifāt*) that pertain to actions and that are "additional to their occurrence (*zāʾidatun ʿalā ḥudūthihi*)."[173] Those attributes follow directly from their harmful or useful effects: "if [an action] entails benefit (*fīhā nafʿ*) but no harm that exceeds the benefit (*lā maḍarratun fīhā azyad min nafʿihā*) it must be good, and if it entails harm but has no benefit that exceeds this harm it must be unjust (*fa innahā takūnu ẓulman*) and therefore must be deemed evil (*lā budda min an tuqabbaḥ*)."[174] In addition to benefit and harm, the categorization of actions according to blame and praise follows from the intention (*gharaḍ*) of the agent. The same applies to the validity of actions, such as the case of actions that have

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[171] Ibid., 832.

[172] On whether this type of knowledge is best designated as "necessary" or "immediate," see Hourani, *Islamic Rationalism*, 20.

[173] Malāḥimī, *Kitāb al-mu'tamad*, 832.

[174] Ibid.

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transactional effects. In that case the act is called *ḥasan* or *ṣaḥīḥ* if it was performed for a particular purpose that it effectively fulfilled. A recommended action is one that entails praise and reward (*al-madḥu wal-thawāb*), but its omission leads to no reprehension or punishment (*dhammun aw ʿiqāb*). For an action to be morally good but not absolutely obligatory it has to "entail benefit that is intended for the other, and the agent must *mostly* intend to benefit another."[175] The obligatory (*wājib*), by contrast, is the action the omission of which deserves blame, unless there are overwhelming reasons for praise that trump the reasons for blame.[176]

In this description of what is obligatory, we can clearly see that Malāḥimī attempted to avoid some of the objections pertaining to the impossibility of universalizing moral judgments. Malāḥimī's strategy was to indicate that compulsoriness is only a *prima facie* judgment with regards to actions, which can be defeated in a number of circumstances. Obligation, in Malāḥimī's view, can be undermined by the lack of knowledge or intention. Thus, he defined it as that the omission of which leads to the *possibility* of blame (*lahu madkhal fi-stiḥqāq al-dhamm*)."[177] As was the case in his treatment of the concept of good, he appeared to largely beg the question by positing goodness as an intuitively known property: "these and similar actions are deemed evil by all people of sound mind (*al-ʿuqalāʾ*), but they may differ with regards to the manner in which they are evil (*wajh qubḥihā*), and anyone who denies knowing this [evil character] is denying something that he necessarily knows is true."[178] This problem, which was present in ʿAbd al-Jabbār's theory, led Malāḥimī to attempt to justify the universality of

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[175] Ibid., 835.

[176] Ibid.

[177] Ibid., 836.

[178] Ibid., 841.

judgments by distinguishing between theoretical moral values, and judgments made in individual cases.

The distinction between the moral evaluation of action *in itself* and action as it arises from a given situation persisted in Malāḥimī's treatment of the concept of evil. For Malāḥimī, evil is an action "that cannot be committed by a person who knows its nature and is capable of refraining from it."[179] The occurrence of an action that is evil, however, does not immediately lead to moral blame, since a person may commit an evil act and, at the same time, be deserving of praise in a manner that renders blame unjustified. Even in that case, the action can be seen as evil in itself independently of the justifiability of blame. The evil nature of certain actions is known by necessity (*bi-ḍtirār*) with no need for justification (*istidlāl*).[180] Actions that are evil by necessity are those that do not lead to any avoidance of harm nor pertain to the performance of obligation or achievement of any purpose (*lā gharaḍ fī fiʿlihi*), including actions that are absurd (*ʿabath*).[181] Thus, to justify the universalizability of moral judgments, Malāḥimī distinguished between the theoretical (*ʿalā l-jumla*) evaluation of a category of actions, and the evaluation of a particular instance (*muʿayyan*). The difference is that,

> knowing that an act is evil when committed by a specific person is knowledge of a
> specific evil. This knowledge does not arise by necessity unless we attribute the action to

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[179] Ibid., 840.

[180] Incidentally, Malāḥimī distinguished between the necessary knowledge of evil actions and the *disinclination* that a person feels with regards to certain matters. Malāḥimī was not advocating a theory of moral intuition, but was advancing the view that actions have moral properties that are knowable to all people of sound mind. Thus he maintained: "finding a certain sight ugly (*istiqbāḥ al-ṣuwar*) does not mean the same thing as finding certain acts evil (*istiqbāḥ al-afʿāl*). The former means that the self is repulsed by some images (*nufūsuhum tanfur min ruʾyat baʿḍ al-ṣuwar*) and thus become harmed by it, whereas finding an action evil is different. This difference is clear in the fact that people of sound mind do not agree on the ugliness of certain sights [..] but do not disagree on finding actions evil even when their souls do not find them repulsive, for people of sound mind can find evil actions attractive (*al-qabāʾiḥ tashtahīhā nufūs al-ʿuqalāʾ*), because souls are inclined to commit the evil. It follows that they find them evil *with their minds* [as opposed to their intuitions]." Ibid.

[181] Ibid., 841.

the agent with certainty. This is not what we are concerned with, but rather we are talking about the abstract knowledge of the evil nature of injustice (*al-ʿilm al-mujmal bi-qubḥ al-ẓulm*), and this knowledge arises even if no injustice was committed in the first place.[182]

This response still sets up the Muʿtazilī theory for two objections. On the one hand, it is not clear that this theoretical knowledge could in fact yield any results at the practical level. On the other hand, it would appear to be nothing more than a tautology, in that they maintain that we can know for certain that actions of evil nature are evil. Some of those objections were levelled against Muʿtazilī ethics by the Ashʿarīs, as we will see in the next section.

(b) Critique of the Muʿtazilīs and the Foundations of Ashʿarī Skepticism

We saw in the previous section that the Muʿtazilīs believed that the uniform operation of the human mind can lead to universalizable normative conclusions. This was based on a belief in an indivisible goodness attached to certain actions, an attribute that can be known either intuitively or through systematic reasoning. The most immediate objection that can be raised against this view pertains to the difficulty of holding a universal judgment in relation to types of action across time and in all circumstances. This difficulty is evident in the fact that Muʿtazilī scholars offered little guidance as to what would qualify as benefit and harm from their perspective, which are the most basic moral elements upon which their moral epistemology was constructed. In this section, I will discuss the Ashʿarī critique of this Muʿtazilī view of moral reasoning. The purpose of this discussion is to show that the Ashʿarī insistence on the place of Revelation in moral reasoning did not stem from a mere dogmatic attachment to the revealed text, but was anchored in a profoundly skeptical moral-epistemological outlook.

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[182] Ibid., 834. A similar response was provided by Baṣrī, who argued that "necessary abstract knowledge attaches to the knowledge that pure harm is evil (*al-ʿilm bi qubḥ al-ḍarar al-maḥḍ*)."

This epistemological skepticism was not necessarily directed at the Muʿtazilīs as such, but was generally presented the first premise upon which Ashʿarīs justified the role they attributed to divine speech. For instance, Bāqillānī's objection to the view that knowledge of categorical norms can be obtained by mere reasoning arose in the context of his response to a claim allegedly made by "the Brahmans" (al-barāhima).[183] This claim was summarized as follows:

> [The Brahmans] attempted to prove that it is not possible for there to be prophets due to the lack of need (ghinā) for them, based on the fact that God has created minds in a perfect manner and allowed them to recognize what He has created good or evil (ḥassana fīhā mā ḥassana wa qabbaḥa fīhā mā qabbaḥ), and has made minds capable of knowing what is best for people and where their benefit rests, and knowing how to avoid injustice and to know all that needs to be known. It is not possible for prophets to introduce anything that has not been known with the mind alone. This proves that they are superfluous and that people do not need them.[184]

In an attempt to respond to the claim that obligations can be known immediately through observation and reflection, Bāqillānī referred to the Muʿtazilī argument that it is possible to know intuitively that we must think about the presence of God when we feel fear, or that we must thank the benefactor.[185] Bāqillānī's response consisted of a plain reference to the lack of agreement on matters of obligation. He argued that "if this was known by necessity it would have been shared knowledge among all discerning people […] but we know that this is not the case [since we deny it ourselves]. Moreover, plenty of predestinarians and some schools of thought deny the goodness of inferential reasoning altogether. [...] Therefore we hold that knowing that it is obligatory is anything but necessary."[186]

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[183] Bāqillānī, *Kitāb al-tamhīd*, 121.

[184] Ibid.

[185] Ibid., 121–22.

[186] Ibid., 121.

With regards to the argument that one knows by necessity that it is obligatory to thank the benefactor, Bāqillānī responded: "how can we distinguish between you and those who argue that we know the invalidity of this claim by necessity?" Bāqillānī broke down the claim that moral values are known immediately to the human mind into two possibilities. On the one hand, one knows by necessity that a harm done *to them* is evil and that a benefit obtained *by them* is good, a matter that clearly is agent-specific and non-universalizable. On the other hand, this immediate knowledge of values can be a reference to "the inclination of the character to commit pleasurable actions (*mayl ul-ṭibāʿi ilā fiʿl il-ladhdhāt*), and the disinclination from painful actions (*nufūrihā ʿan fiʿl il-ālām*)."[187] This, Bāqillānī observed, is a matter known through the senses, but is not sufficient for the establishment of moral obligation. The natural inclination towards pleasures, it must be noted, was not adopted by Muʿtazilīs as a basis for obligation. They maintained that observation and reasoning are capable of discerning the good and evil properties of actions, a matter that Bāqillānī countered mainly by observing the lack of consensus on any of the main moral issues.

Bāqillānī entertained the claim that many people know the good and evil character of certain actions without knowing of Revelation at all, or prior to it, which proves that Revelation is not necessary for moral knowledge. Here, he invoked the difference between his definition of knowledge as recognition of a matter for what it is (*maʿrifa*), as opposed to ʿAbd al-Jabbār's definition of knowledge as a *conviction* (*iʿtiqād*). The fact that someone is convinced that, for instance, lying is categorically bad, does not mean that they *know* that it is, if they did not reach this knowledge either by necessity or reasoning (*al-muʿtaqidu lil-shayʾi ʿalā mā huwa bihi min*

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[187] Ibid., 122.

ghayri jihat il-iḍṭirāri wal-istidlāl ghayru ʿālimin bihi).[188] On that view, maintaining that one believes that a given action is good or bad is a mere description of an inner state that has no bearing on what its moral value truly is.

Bāqillānī's denial of the natural ability of human minds to attain universalizable moral judgments rested in part on a view of moral opinions as necessarily socially constructed. He mentioned the Muʿtazilī argument according to which the mere fact that, in some instances, people revert to truthfulness even though they could have obtained what they desire by lying, goes to show that mere reasoning indicates the universal goodness of truthfulness.[189] Bāqillānī, in response to this view, insisted that this moral opinion was hypothetical: "how would you deny that, if someone has a particular purpose and does not believe that truthfulness is better than lying, nor lives among people who see that lying is shameful, nor that truthfulness is praiseworthy or glorified, […] he would have the choice to attain his purpose either through truthfulness or through lies?"[190] Bāqillānī's point here is that, for an obligation to *exist*, something more than an individual opinion with regards to the value of action must be present. In that hypothetical situation, obligations can be socially constructed as a matter of convention, but in the absence of that, no single individual can produce universalizable norms.

Following this systematic critique of arguments for Revelation-independent norm-construction, Bāqillānī introduced the doctrine that no knowledge of normative states of action can be attained without Revelation. It is only through Revelation that we know of the possibility of reward and

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[188] Ibid., 123.

[189] Ibid., 125.

[190] Ibid.

punishment. Without Revelation we cannot know which actions constitute obedience (*ṭāʿa*) to

God, and which actions do not. Similarly, Juwaynī asserted the principle according to which

"[Revelation-independent] reasoning (*al-ʿaql*) does not reveal the good or evil character of a

thing *with regards to its normativity (fī ḥukm al-taklīf)*, but only acquires (*yatalaqqā*) moral

values through the sources of legislation (*mawārid al-sharʿ*) and the transmitted knowledge

(*samʿ*)."[191] At the foundation of this view lies the doctrine that "a thing cannot be considered

good (*lā yuḥassan*) as a result of its nature, its type, or a property attached to it (*ṣifa lāzima*

lahu)."[192] We must note here that Juwaynī specified that this discussion pertains to matters of

taklīf, which, in *uṣūl al-fiqh* and *kalām* literature, is a term that denotes the general concept of

imposition of duties that can, in some manner, be attributed to God.[193] Juwaynī thus carved out a

domain within which a normative status emerging from categorical moral judgments must rely

on the revealed word of God. Conversely, this also means that *some* moral judgments,

presumably hypothetical ones, are possible to make on the basis of pure reasoning, but do not

pertain to categorical and absolutely binding moral obligations.

Within this realm of moral reasoning, "the word 'good' indicates those matters the doer of which

is subject to praise by virtue of Revelation."[194] To the view that "good" is that which has been

commended by Revelation Juwaynī added the important clarification that "good is not a matter

outside of Revelation […] but is the very arrival of Revelation with praise to the doer of the

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[191] Juwaynī, *Kitāb al-irshād*, 258.

[192] Ibid.

[193] For the concept of *taklīf* in *uṣūl al-fiqh*, see Juwaynī, *Burhān*, 15; Ghazālī, *Mankhūl*, 22–24; Bernard G Weiss, *The Search for God's Law Islamic Jurisprudence in the Writings of Sayf Al-Din Al-Amidi* (Salt Lake City: University of Utah Press, 1992), 104.

[194] Juwaynī, *Kitāb al-irshād*, 258.

action (*bal huwa nafs wurūd al-sharʿ bil-thanāʾi ʿalā fāʾilih*)."[195] The importance of this clarification is to establish that Revelation does not *indicate* but rather *creates* categorical moral judgments. This is central to our argument that Revelation, in that model, *makes available* the very possibility of categorical moral judgments, rather than merely inform humans of such pre-existing judgments. The importance of this clarification is that it shows that Ashʿarīs did not view Revelation as an aid to the otherwise defective human minds. This is a view of the human mind that embraces the inherent and inescapable diversity and subjectivity of human judgments. Revelation makes universality possible. It is an imposed, additional, moral source that introduces a new *type* of moral reasoning. It is not a source of information about "a property of the obligatory action that distinguishes it from the non-obligatory one."[196]

Juwaynī distinguished between the two types of "Revelation-independent reasoning" that Muʿtazilīs argued led to knowledge of moral judgments: necessary knowledge (*ḍarūrī*) and inferential knowledge (*naẓarī*). Moral judgments made through inferential reasoning, Juwaynī observed, are secondary (*mulḥaq bihi*) in relation to necessary reasoning. This is a statement of the Muʿtazilī doctrine that we can deduce good and evil from our observations because we know by mere necessity or intuition that pure harm is evil.[197] In response, Juwaynī argued that "whatever you claim is good or evil by necessity has been disputed […] so how can you claim that we know good and evil by necessity while you know that those who disagree with that opinion cover the whole face of the earth? Any minute sample (*shardhama*) from them surpasses

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[195] Ibid., 259.

[196] Ibid.

[197] Ibid., 260.

that minimum number that constitutes knowledge held by the masses (*aqall al-tawātur*)."[198] The key issue in Juwaynī's argument is the following: how can "one group among reasonable (discerning) humans (*ʿuqalāʾ*) be the only bearer of knowledge when the path towards the same knowledge is available to all?" Juwaynī's question, in the end, pertains to the justification of the claim of universality. How, and according to which criteria, can a single individual, or a group of individuals, declare that *their* position is the one that *must* be held by all rational beings? If we granted this to one group in particular, does that mean that all those who disagree (who happen to be in the majority), are irrational beings?

Muʿtazilīs invoked the fact that the link between pure harm and necessary evil is a theoretical imperative, but that the manner this was reflected in practical situations was open to disagreement. This position is subject to the objection that what matters in the end is the ability to make judgments in specific practical situations. To say that pure evil is necessarily bad appears to be a matter of definition and delineation of the meanings of words more than a principle of any value for practical ethics. In his response, Juwaynī focused mostly on the fact that people disagree on moral judgments as much as they do about the principles through which they can attain them.[199]

A number of characteristic counter-arguments were levelled by Juwaynī, but are generally less decisive than those already mentioned. One of the more interesting debates concerned the case of choosing truthfulness over lying, which is often mentioned in Muʿtazilī treatises. In this scenario, we are to suppose that, if a person of sound mind has a choice between lying and telling the truth

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[198] Ibid.

[199] Ibid., 261.

in order to obtain the exact same benefit or avoid the exact same harm (*jalb al-intifāʿ bihimā wa-indifāʿ al-ḍarar ʿanhu bihimā*), that such person would without a doubt (*lā māḥāla*) avoid lying.[200] This is taken by the Muʿtazilīs to be an indication that lying is seen as evil in itself by all rational beings. Juwaynī's response to this scenario is quite puzzling. Besides pointing out to the usual objection pertaining to the lack of universalizability, Juwaynī argued that "the Muʿtazilī argument contains a contradiction, since, if lying was evil in itself, a liar would deserve blame and punishment categorically according to the Muʿtazilī view. So how could we accept a hypothesis that supposes the equality of truth and lying with regards to the acquisition of benefit?"[201] This response appears to fail at an obvious level, namely the clear difference between personal purpose (*gharaḍ*) and general benefit and harm that may result from an action, which are the true measures of moral value in Muʿtazilī thought. The scenario supposes a situation in which both lying and telling the truth would achieve the same personal purpose (*gharaḍ*) in exactly the same manner, but in which the agent chooses truthfulness for the sake of the general, universal good.

Further scrutiny shows that Juwaynī's critique is much more penetrating. He explained that "for us to accept that a rational person prefers truthfulness by necessity *if everything else is equal* we must first assume that truthfulness is not the subject of [divine] legislation and hence the possibility of reward and punishment."[202] The point here is that no moral decision is ever made independently of some pre-existing conception of the value of the action, and thus it would be impossible to clearly distinguish between outward reasons and inner motivations. This critique is

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[200] Ibid., 263.

[201] Ibid., 264.

[202] Ibid.

similar to the critique of utilitarianism famously levelled some nine centuries later by Bernard Williams. Williams's view centered on the fact that utilitarianism completely overlooks the element of personal motive in the formulation of moral decisions. If a person chooses to act based on some conception of the common good, they would also be acting on the basis of the general or customary perception of the action in question in relation to her own sense of self-worth.[203] Similarly, Juwaynī appeared to be hinting at the unavoidably pre-existing religious or social conception of the value of a particular action, which would make distinguishing between personal motives and pure moral reasoning an absurd task.

(5) The Function of Revelation in the Process of Norm-Construction

In the previous section, I argued that the assumption of universalizability of Revelation-independent moral judgments followed from an epistemological position that accepted the uniformity of human experience and reasoning. Critiques of those theories highlighted the inevitable subjectivity and contingency of all moral judgments. In this section, we take this debate to its conclusion by examining the issue of whether Revelation is necessary for the formulation of universalizable moral judgments.[204]

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[203] J. J. C Smart and Bernard Williams, *Utilitarianism; for and against* (Cambridge: Cambridge University Press, 1973).

[204] Whereas the epistemological foundations of the disagreement on the place of Revelation in moral reasoning are often acknowledge, scholars focusing on the natural-law side of the discussion often reach the unwarranted conclusion that the opposition of cognitivism and skepticism that we are explaining in this section is reflective of a supposed tension between "reason" and "revelation." For example, M. Ibrahim argued that "Another theological dispute resulting from ʿAbd al-Jabbār's view on immediate knowledge is with the Ashʿarites. ʿAbd al-Jabbār considers that basic ethical rules knowledge is included in immediate knowledge. His inclusion of this knowledge in immediate knowledge implies man's ability to know good and evil with reason alone. However, this inclusion is rejected by the Ashʿarites since they exclude ethical rules from immediate knowledge." Ibrahim, "Immediate Knowledge According to Al-Qadi 'Abd Al-Jabbar," 113.

The question of the moral implications of divine Revelation was most immediately at stake in what scholars referred to as the question of the "first obligation." Admittedly, the term "first obligation" is quite vague and can (and did) have a number of meanings. It is within this ambiguity that the range of positions pertaining to the role of divine Revelation in our acquisition of moral knowledge became evident. To put it briefly, scholars who embraced a type of natural-reason approach to Revelation meant by it the first obligation *to be made known to us by God*, whereas scholars who viewed Revelation as necessary for moral knowledge (thus adopting a divine-command conception of obligation) meant the first obligation that can be known to human minds. For divine command theorists, therefore, the very possibility of attaining knowledge of non-subjective norms depended upon the advent of Revelation, whereas Revelation played no such role for natural reason theorists. For the latter, there can be no epistemic order of priority for moral obligations, since normativity follows from a set of natural epistemic processes that are independent of divine speech. For the divine command theorists, the pre-Revelation world is one in which knowledge of universalizable norms is utterly impossible. Debating the question of what constituted the first obligation, therefore, was an indirect way of establishing the first link in a chain of reasoning that pertained to the sources of moral knowledge. The question of first obligation reveals two approaches to Revelation: as a mere promoter of normativity (i), and as an introducer of the very possibility of ethics (ii).

(i) Revelation as Mere Promoter of Normativity

If one accepts the position that judgments made by habitual observation and reasoning are uniform and verifiable, one would have to justify the relevance of divine Revelation altogether. This is a problem that Muʿtazilīs faced, and that continues to concern contemporary theistic ethicists who attempt to combine the divine-command and natural-reason approaches. In this

section, we will see that the Muʿtazilī justifications for the relevance of Revelation ranged from the claim that it made moral knowledge and action more accessible, to the more robust view that absolute, unconditional obligations are impossible without Revelation.[205] Generally, we can see a gradual shift in time towards a stronger role of Revelation within the Muʿtazilī school, just like, as we will see, an increased degree of nuance can be observed in Ashʿarī theories as well. The view that both reasoning based on individual observation (ʿaql) and on divine reports (samʿ) are valid sources of moral knowledge has been clearly articulated by ʿAbd al-Jabbār in al-Mughnī:

> What we say about Revelation-based knowledge is similar to what we say about pure reasoning: they both represent a premise for moral obligation (takhtaṣṣ bi wajhi wujūb). The existence of a premise is only known through a divine message in Revelation-based matters, and is known by reflection in the case of pure reasoning. To that extent, they are different, although they share the necessity of there being a reason that justifies obligation, without which no moral judgment would have been justified, as previously explained. Whenever we say that God has made something obligatory, we mean that God has *made it known* to us that it is obligatory, or has made it knowable through the action's attributes […] Thus, God Most Exalted has differentiated between proofs. In some cases, He made obligations known through pure reasoning, through habits, or trustworthy reports, in other cases He made them known through Revelation. In all those cases, the obligation must be established by pure reasoning either in its general terms or as a specific case." [206]

It followed from the view that the moral properties of actions can be known by pure reasoning that divine Revelation only *indicated* rather than introduced moral norms. For ʿAbd al-Jabbār, the problem with the position that no knowledge of normative judgments is possible without divine Revelation was manifested in a number of objections, many of which correspond to the

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[205] Kambiz GhaneaBassiri offers a helpful explanation of the Muʿtazilī position on Revelation in the following terms: "ʿAbd al-Jabbār, being a Muslim theologian, did not disagree with Ibn al-Bāqillānī about the enduring significance of divine revelations, nor did he dispute the validity of the Qurʾān as an accurate source of divine commands. My concern here is not with the ways in which the two theologians established the validity of the Qurʾān as a source of divinely revealed commands. Rather, my aim is to show how necessary knowledge serves as a theological argument for Ibn al-Bāqillānī's assertions that justice is whatever God commands." GhaneaBassiri, "The Epistemological Foundation of Conceptions of Justice in Classical Kalām." 71-96.

[206] ʿAbd al-Jabbār, Mughnī, vol. 12 (Cairo: Wizārat al-Thaqāfa wal-irshād al-Qawmī, n.d.), 350.

most common modern challenges to divine command ethics. First, divine speech does not affect the attributes (*wujūh*) of actions. If physical actions "are subject to no event other than existence and occurrence, it would all be equal in that sense, and it would not be more likely for some to be mandatory and not others."[207] The assumption upon which that view is based is that it would be impossible for us to distinguish categories of actions based on moral value without distinguishing some feature that is attached to them. The issue of whether actions have discernible moral features is exactly the question ʿAbd al-Jabbār was attempting to settle, and hence this argument begs the question. Second, ʿAbd al-Jabbār argued, if moral actions are made obligatory "because someone causes them to be so," it would not be possible to act morally in an autonomous manner (*bi-ikhtiyārihi*) but we would be merely doing so because it has been imposed on us.[208] This is a familiar objection to divine command theories of ethics, and will be dealt with in detail in the third chapter. Third, ʿAbd al-Jabbār invoked the notion that many people have no access to knowledge of Revelation,[209] which would defeat the purpose of attempting to construct a model that allows the formulation of categorical moral judgments.

The construction of norms, therefore, is a product of a natural universal process, and not a function of the arrival of Revelation. The crucial question that this natural-reason model raises concerns the function that Revelation has in the attainment of moral knowledge, which can be examined through the question of the "first obligation." Much like most Ashʿarī theologians ʿAbd al-Jabbār argued that the "first obligation" consists of "the reasoning that leads to

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[207] Ibid.

[208] Ibid., 12:351.

[209] Ibid., 12:350.

knowledge of God Most Exalted, since He cannot be known by necessity or observation."[210] This

apparent agreement, however, vanished at the level of moral epistemology.[211] ʿAbd al-Jabbār

was explicit about the idea that knowledge of God, and, *a fortiori*, the arrival of Revelation, are

not pre-conditions of moral knowledge. In response to a hypothetical interlocutor's rather

awkwardly phrased question "if you say that obligation is not imposed by a Legislator's action

(*idhā kāna ʿindakum anna l-wājib lā yajibu bi ījābi mūjib*), what do you mean when you say

'this is the first obligation that God imposed on you,'" ʿAbd al-Jabbār responded, "it means that

this is [the first] obligation that God has *made known* to you."[212] No divine intervention,

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[210] ʿAbd al-Jabbār, *Sharḥ al-uṣūl al-khamsa*, 39.

[211] Al-ʿAllāma al-Ḥillī also dealt with the question of whether or not reasoning (*naẓar*) was obligatory, and if it was, how was this obligation justified. Like the Muʿtazilī accounts, it is obvious that the debate on the source of the obligation to think was really a debate on the sources of moral obligation. If we maintained that reflection was necessary to attain knowledge of moral norms, then what would be the reason for which one performs this reasoning in the first place? Ḥillī outlined the obvious distinction between Muʿtazilīs who argued that the obligation to reflect was known by pure reasoning (*ʿaqlī*), and Ashʿarīs who argued that it was known by Revelation-based reasoning (*samʿī*). Not surprisingly, Ḥillī sided with the Muʿtazilīs. It is obligatory to reflect, he maintained, as long as a matter is not known (*ʿadam al-ʿilm*). This, quite obviously, is not a condition of performance but condition of existence of obligation, which is a distinction that Ḥillī fails to make. In order to explain the condition of ignorance that triggers the obligaiton of reflection, Ḥillī had to distinguish between an "absolute obligation" (*al-wājib a-muṭlaq*) which he defined as that which makes all of the conditions of its performance obligatory, and the "conditional obligation" (*al-wājib al-mashrūṭ*), which is an obligation which is that which does not make obligatory matters upon which it depends. What is missing here is a distinction between the conditions of obligation and the conditions of performance, for in the second case the conditions that do not become obligatory are conditions of existence of the obligation, and in the first case those are conditions of the completion of the action. Ḥillī does mention in another place that ignorance is both a condition of obligation and performance of reasoning, but he did not use this distinction to support this argument. Ḥillī's argument for the obligation to reflect rested, quite interestingly, on an obligation to know God. Ḥillī's reasoning in this argument is quite telling. He maintained that reflection is mandatory "because knowledge of God, most high, is obligatory since it eliminates fear that arises from disagreement among other things (*dāfiʿa lil-khawf al-ḥāṣil min al-ikhtilāf wa ghayruhu*), and [this knowledge] depends on reflection." In his own commentary on this statement we can see that Ḥillī's arguments is in fact subtler than it initially appears. Ḥillī's position stemmed from a view of the condition of human prior to knowledge of the origin of existence that is profoundly uncertain and confused. He maintained that "an intelligent being who grows within the various nations and observes their differences would experience fear because of those disagreements." The utter uncertainty pertaining to the purpose of existence, therefore, ought to be a source of extreme discomfort for an intelligent person. Contact with various people who hold opposite opinions, however, is not necessary, since "as soon as one reaches intellectual maturity he begins to think about his origins (*muabdaʾuh*) destination (*maʿāduh*) and purpose (*al-murād minhu*), which also produces fear, which requires remedy (*fa yajibu izālatuhu*)." Ḥillī, *Maʿārij al-fahm*, 84–86.

[212] al-Asadābādī, *Sharḥ al-uṣūl al-khamsa*, 43. Emphasis added.

Revelation included, can be the origin of moral obligation, but God can *inform* that a certain act is required. When God informs us that actions are obligatory, ʿAbd al-Jabbār explained, He does that by way of "mercy (*lutf*), to facilitate the performance of duties and the avoidance of reprehensible actions known by mere reflection (*ādāʾ al-ṭāʿāt wa-jtināb al-muqabbiḥāt al-ʿaqliyya*.)"[213]

The primary answer that ʿAbd al-Jabbār offers to the problem of the function of Revelation, therefore, consisted of invoking the idea that divine instruction makes the process of moral reasoning and compliance more accessible. This response raises a second problem: if God informs us through Revelation of this obligation to reflect upon His presence, this presupposes the knowledge of God, thus this obligation would be pointless. ʿAbd al-Jabbār attempted to bridge this divide between the speculative and the revealed domains of normativity through the ubiquitous idea of *lutf*. Mercy, he argued, was categorically normative since anything that alleviates hardship in any way is desirable. By that logic, one would naturally be required to reflect upon the existence of God and the authenticity of Revelation, since the outcome of this reflection would be desirable by Revelation-independent standards.[214]

The crucial point in this argument is that the obligation to reflect upon the existence of God is justified in exactly the same manner as any other obligation: it depends on its supposed beneficial effects. The argument that reasoning that leads to the knowledge of God is obligatory because it constitutes *lutf*, however, was subject to a number of objections. The most significant of those consisted of the view that, since it is not possible to know whether reasoning is "fruitful

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[213] Ibid.

[214] Ibid., 57.

and leads to actual knowledge," it cannot be said that such reasoning constitutes an obligation. This objection alludes to a recurring problem that often faces natural-reason theories: if our concrete experiences can serve as foundations for universalizable judgments, why would we feel compelled to reflect upon unobservable matters, such as God? ʿAbd al-Jabbār's answer was a categorical rejection of the assumption that the realization of good outcomes must be known with certainty as a precondition for moral judgments. He explained that

> The bearer of obligation need not know that his reasoning would generate or lead to knowledge, just as he need not know that his actions in mundane affairs would lead to their intended consequences. It is sufficient to know in general and in his own view that the reasoning was good and obligatory (ḥasanun wa-wājib).[215]

In this argument, we begin to see the significance of ʿAbd al-Jabbār's previously explained theory that moral reasoning is an internal and uniform process. Since our faculties of observation and reflection are part of a predictable and purposeful natural order, what is required for us to attain moral knowledge is to apply those faculties correctly, and nothing more. Once we have attained the state of inner conviction that signals true knowledge, we can act upon our thoughts.

The idea that knowledge of God was the "first obligation" was also invoked by Malāḥimī, who explained it rather differently. Malāḥimī argued that "the discerning person need not know that this is the first obligation, as long as they know that reasoning that leads to the knowledge of God was obligatory. Scholars say that [it is the "first obligation"] with the intention of alerting (tanbīh) the obligated (mukallaf) that this is a strict obligation (wājib muḍayyaq) that cannot be postponed."[216] Malāḥimī appeared to have granted the knowledge of God an even lower rank in terms of urgency and importance in relation to other obligations. He did view it as a strict

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[215] Ibid.

[216] Malāḥimī, *Kitāb al-muʾtamad*, 75.

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obligation for two reasons. First, he produced a version of the *lutf* argument that was made by ʿAbd al-Jabbār without referring directly to *lutf*: "an intelligent person wishes that by reasoning they would eliminate (*zawāl*) fear from their soul, and all that can eliminate fear from the soul is obligatory."[217]

This argument is a reproduction of the view that, without reflection upon the origins of the world, people are in a state of fundamental uncertainty, and this fundamental condition pertains to all intelligent people equally.[218] This, Malāḥimī maintained, is a reasonable form of fear-generating doubt, which, when it happens, makes it clear that one ought to reflect upon the origins of this world.[219] This productive form of fear need not be the result of exposure to Revelation, but is a matter that occurs to anyone of sound mind (*kamāl al-ʿaql*). Since everyone knows that reasoning makes it more likely to obtain knowledge that would eliminate fear-causing uncertainty, it follows that this form of reasoning is obligatory. The assumption here is that there are universal forms of harm, fear being one of them, and that the avoidance of those forms of harm is a universal obligation. This is a reproduction of the prudential position advanced by ʿAbd al-Jabbār, according to which "hoping to eliminate fear and harm for oneself is an obligation that need not be proven (*lā yuḥtāju fīhi ilā dalīl*), since every person of sound mind knows that by necessity."[220] Inasmuch as it constitutes a strict obligation, however, striving

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[217] Ibid.

[218] Malāḥimī observed that "a discerning person, upon contact with people, will inevitably observe the differences of opinion and the fact that knowers of God warn others of going astray and of punishment, and hears warnings that, if one did not know God and know what actions please and displease him, one may commit what displeases him and deserve punishment from Him." Ibid., 76.

[219] Ibid.

[220] Ibid.

towards the knowledge of God occupies exactly the same status as any other action that is likely to alleviate hardship.

Malāḥimī also supported ʿAbd al-Jabbār's view that knowing God makes a person more likely to act morally, therefore it is obligatory. Knowledge of God, he argued, renders the person "further from committing evil (*abʿad min fiʿl al-qabīḥ*), and closer to committing good (*aqrab ilā adāʾ al-wājib*)."[221] The reason for that is quite similar to what other Muʿtazilīs held: "a human is strongly drawn to commit evil and disinclined (*nāfir*) from committing difficult obligations. Once he knows that he has a Creator whose disobedience justifies punishment […] he becomes more likely to commit the good and avoid the evil."[222] Malāḥimī explained that it is "obligatory to avoid injustice towards others and to avoid evil actions altogether," but those negative edicts do not relate to positive actions. They are known without Revelation and independently of the knowledge of God altogether, but are not unavoidable positive obligations. Other non-revealed obligations such as repaying a debt (*qaḍāʾ dayn*), returning a deposit (*radd al-wadīʿa*) or thanking the benefactor (*shukr man anʿam ʿalayh*), are all valid obligations that can be known without Revelation, but are not *inescapable*. The fact that this is an obligation that cannot be revoked does not appear to grant knowledge of God any particular generative force with regards to moral obligations in general.[223]

(ii) Revelation as a Miraculous Introduction of the Possibility of Ethics

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[221] Ibid., 77.

[222] Ibid.

[223] Malāḥimī, nevertheless, singled out a category of obligations that he referred to as *sharʿiyya* that can only be known after the knowledge of God. The outline he gives of those obligations, such as prayer and alms-taxes, appears to indicate that it is only reserved for ritual practices. Ibid., 78.

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In Ashʿarī thought, the question of the first obligation was used to explain how ethics is introduced in a world in which humans are fundamentally incapable of more-than-subjective judgments. Since individual moral judgments based on habitual observation are inherently non-universalizable, Revelation is required to introduce the potential of precisely that type of normative judgment that is otherwise unavailable. Juwaynī argued that "the first thing that is incumbent upon the discerning adult (*al-ʿāqil al-bāligh*) upon reaching the legal age of maturity is the intention to commit valid reasoning (*al-qaṣd ilā 'l-naẓar al-ṣaḥīḥ*) that leads to knowledge of the createdness of the world (*al-muḍī ilā 'l-ʿilm bi-ḥidath al-ʿālam*)."[224] The initial scheme of things before speculative theology and revealed knowledge, in Ashʿarī thought, consisted of mere human consciousness and epistemic possibilities. How does ethics in particular, and moral obligation more generally, get introduced into this picture?

If Juwaynī were to argue that investigating the origin of the world was a purely rational (i.e. self-attained) obligation, one would have to ask if there was any obligation to undertake the reasoning that could lead to such knowledge, which would lead to infinite regression. Juwaynī avoided this difficulty by maintaining that "reasoning that is conducive to knowledge is obligatory (*wājib*), and we know its compulsoriness through divine legislation (*al-sharʿ*). The whole of divine obligations are attained through transmitted proofs (*al-adilla al-samʿiyya*) and matters of divine legislation (*al-qaḍāya l-sharʿiyya*)."[225] He did not explain the difference between *adilla sharʿiyya* and *qaḍāya sharʿiyya*, or if they are simply synonyms used to emphasize the meaning. A possible reading of this passage would suggest that Juwaynī added "matters of divine legislation" to "transmitted proofs" to highlight the fact that knowledge of moral norms is not

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[224] Juwaynī, *Kitāb al-irshād*, 3.

[225] Ibid., 8.

merely the result of dogmatic following of transmitted reports, but involves various forms of reasoning that, nonetheless, ultimately relies on some divinely revealed report.

If that reading is accurate, this would be a statement of importance for our understanding of the place of knowledge of God and Revelation in Juwaynī's system. The implication of this claim is that inquiring into the origin of existence, which is a condition for any categorical moral obligation, would be altogether unnecessary if there were no prophets who reported to us that the world is God's creation, with all the moral implications that this knowledge entails. In short, there would be no moral obligation (in *that* sense of obligation) without a message from God, and thus there would be no morality without a prophet. That being said, Juwaynī's formulation does not imply that divine reports immediately lead to definite knowledge of moral obligation. They are necessary conditions of morality, but nothing in Juwaynī's argument indicates that they are sufficient. Rather, it would seem that the arrival of a prophet makes knowledge of moral obligations *possible*, which would then make it incumbent upon legally capable adults to use the methods of reasoning at their disposal to attain knowledge of moral obligations.

Reflection without knowledge of God is only a possibility, but becomes a *moral obligation* after one acquires knowledge of the origins of existence. The significance of Juwaynī's insistence on *samʿ* as the source of this primordial obligation is that it clearly contrasts with the Muʿtazilī view "that [mere] reason can attain knowledge of obligations, including [the obligation to] think."[226] An argument commonly employed by the Muʿtazilīs in support of this view consisted of highlighting the seeming circularity of Juwaynī's claim. The problem with Juwaynī's argument is that one must first reflect upon the creation of the world to accept the divine message, which is

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[226] Ibid., 8–9.

a pre-condition for the obligation to reflect, which makes it circular. Juwaynī attributes this

objection to the Muʿtazilīs:

> if you deny the possibility of attaining knowledge of the [primordial] obligation to think by mere reasoning (*idhā nafaytum madrak wujūb al-naẓar ʿaqlan*) it would follow that you invalidate the challenges to prophethood and close the path of argumentation [with, or for, the prophets]. If they [i.e. the prophets] invited people to [the worship of God] by calling upon them to look into their miracles and reflect upon their signs (*mā khuṣṣiṣū bihi min al-āyāt*), people would respond, 'we are not obligated to reflect [upon your message] as long as we do not have an established [divine] legislation (*sharʿun mustaqirr*) and a stable and continuous normative system (*taklīfun thābitun mustamirr*), but we have no legislation from which obligations are derived.' This belief would drive them to steer away from truthfulness and persist in unbelief and denial (*al-tamādī fil juḥdi wal-ʿinād*).[227]

Juwaynī's response to this objection, albeit overall obscure, appears to ultimately rest on the

notion that *samʿ*, in the form of the arrival of a prophet supported by a miracle (*muʿjiza*), is an

occurrence that makes it *reasonable* to reflect upon the truthfulness of this prophet. To avoid

circularity, therefore, Juwaynī nuanced his conception of a primordial obligation to think into a

likelihood of thinking (*imkān al-naẓar*) that is triggered by the very fact of prophecy supported

by miracle.[228] The rational possibility of there being a God, Juwaynī explained, just like the mere

claim of prophecy, entails no obligation of any sort, since "if the path that leads to knowledge of

the obligation to think consists of the presence of ideas within the mind and weighing of various

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[227] Ibid., 9. Ḥillī reproduced the common Muʿtazilī response to Ashʿarīs according to which holding that the obligation to reflect is based on revealed knowledge would entail a repudiation (*ifḥām*) of the prophets. On that view, if one were to rely on Revelation to know that it is obligatory to reflect upon the origins of the world, it would mean that there is no obligation to look into, let alone accept, Revelation itself. In Ḥillī's words, one would say to a prophet "I do not have to follow you unless I know that you were truthful, which I cannot know without looking [into your message] (*lā aʿrifu sidqak illā bil-naẓar*). However, reflecting upon your message can only be established as an obligation by virtue of the message itself (*al-naẓar lā yajibu ʿalayy illā bi-qawlika*), which has not been established as a proof [of obligation] (*wa qawluka laysa bi-ḥujja*)." The standard Ashʿarī response to this objection largely takes the discussion to a different realm, namely the arrival of miracles. It would appear that Ashʿarīs did not contest the *a priori* circularity in this form of reasoning, but rather maintianed that the emergence of normativity within the human realm was the result of the breaking of such circle, which resulted from a disrupture of the ordinary (or, in Ashʿarī terminaology, "habitual" (*ʿāda*), course of events. The miracle that supports a prophet's claim makes it *reasonable* for an intelligent being to look into that message. Ḥillī, *Maʿārij al-fahm*, 88.

[228] Juwaynī, *Kitāb al-irshād*, 10.

possibilities by the intellect, whoever remains oblivious of those ideas and possibilities cannot attain knowledge of the obligation to reflect."[229] Thus, even though it is possible to consider the potentiality of there being a Creator of the world, there is initially absolutely no obligation to do so, and nothing makes this kind of reflection more likely or necessary.

Mere possibility, however, is transformed into obligation, for Juwaynī, by the arrival of a miracle. It follows that "the source of obligation is the arrival of a [divine] report that indicates it while the agent is capable of attaining [this report]. If miracles that prove the veracity of the prophets emerge, then divine legislation and divine reports concerning obligations or prohibitions have been established."[230] Whereas looking into the possibility of there being a God presents itself as something that demands investigation upon the arrival of a miracle, the establishment of divine legislation (*sharʿ*) turns this possibility into a substantive moral obligation by virtue of its content. According to Juwaynī, "the community has reached a consensus (*ajmaʿat al-umma*) that it is obligatory to know God, and it has been rationally known that the attainment of knowledge requires reasoning. That without which one cannot perform an obligation is obligatory (*mā lā yutawaṣṣalu ilā l-wājibi illā bihi fa huwa wājib*)."[231]

This argument by Juwaynī makes it amply obvious that, for him, the connection between *samʿ* and *wājib*, or divine reports and obligation, is not one of exclusivity but of necessity. In other words, a divine message is necessary for there to be moral obligations, but is not the exclusive source of moral knowledge. Initially, Juwaynī established sensory perception and cognition as

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[229] Ibid.

[230] Ibid., 11.

[231] Ibid.

fundamental human conditions that pre-exist and make possible the arrival of a divine message. A divine message does not merely, or even primarily, lead to moral knowledge by virtue of its substantive content. To begin with, the very introduction of normative ethics within the human earthly realm is made by virtue of a miraculous manifestation that accompanies the message, rather than the moral content of the message itself. This introduction would not have been possible without the innate rational features that characterize the human mind and push humans to investigate any occurrence that breaches the otherwise steady flow of habitual sense perception. Furthermore, the persistence of the obligation to know God, which is a prerequisite to all ethics, is made possible by a combination of consensus of the community (*ijmāʿ*) and the necessity to perform that which is required for the satisfaction of an obligation.[232]

Importantly, divine reports (*samʿ*), for Juwaynī, insert themselves into a web of human perception and cognition that is prior to them. The primacy of human experience is, in fact, a central characteristic of Ashʿarī rational theism that shaped its response to Muʿtazilī commitment to metaphysical naturalism, as will be explained in the next chapter. The two pillars upon which the divine system of ethics is incorporated into human existence are, as we saw, sense perception and valid reasoning. The divine does not assert Himself in the domain of practical ethics by a top-down announcement of a set of universal laws, as Muʿtazilīs would have it, but by the *interruption* of the normal flow of human experience through a non-habitual occurrence that serves to establish the *possibility* of ethics. This interruption of human experience justifies the acceptance of a set of transmitted proofs (*dalīl samʿī*) that, when combined with the pre-existing rational proofs, can result in practical moral knowledge. The attainment of moral knowledge,

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[232] Kevin Reinhart explained that, for the Ashʿarīs, the problem of Muʿtazilī thought was not the reliance on reason, but the fact that they took rational processes to be a *source* of judgment when it should be used as a faculty that acts upon all data obtained through experience, Revelation included. Reinhart, *Before Revelation*, 67.

therefore, becomes the purview of the community of believers and therefore becomes subject to all the conventional rules of reasoning. [233]

Conclusion:

The central claim of this chapter is that Muslim debates on the place of Revelation in moral reasoning were anchored in conflicting epistemological theories, rather than a simple inclination for rationalism or traditionalism. This argument requires us to refine our characterization of those debates. It is unhelpful to say that the Muʿtazilīs took human reason to be a source of moral judgments, while the Ashʿarīs replaced Reason with Revelation. This picture must be complicated (but not entirely dismissed) at several levels. First, the disagreement concerned a specific type of judgment, namely the *sharʿī*, universalizable, normative judgment. Second, Ashʿarīs had no problem in principle with Revelation-independent reasoning, but maintained that this kind of reasoning only led to context-specific, subjective, hypothetical judgments. Because of the profound entwinement of human experience with the limitations of perspective and inclination, an interruption of such experience, in the form of Revelation, was necessary to grant humans a chance at universalization. Third, Muʿtazilīs still took Revelation to be a possible source of normative judgments, but held that observation and intuition are equally valid sources. This does not mean that "reason" is an independent source of judgment. "Reason" is required for the pronouncement of moral judgments whether on the basis of Revelation or otherwise.

This characterization of the debates on the place of Revelation in norm-construction offers us an insight into its relation to contemporary efforts to justify the place of religious thought in moral thinking. What we can see from the Ashʿarī-Muʿtazilī exchanges is that there are two conflicting

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[233] Juwaynī, *Kitāb al-irshād*, 13.

ways in which theistic ethics can justify itself in relation to non-theistic or secular theories of ethics. One approach, embraced by the Muʿtazilīs and many of the natural-law philosophers in modern and Medieval thought, is to hold that theistic concepts come to complement, reinforce and improve upon the existing apparatus of non-theistic ideas. This conception of religious normative ideas pre-supposes its conformity with some religion-independent moral concepts. Accordingly, one would need to argue that God is *bound* to act in a manner that conforms with our ideas of good, evil, right, wrong, and so on. While this may help harmonize theistic ideas with secular requirements, it does not offer a sustainable justification for the resort to elements outside of the ordinary human experience to build normative judgments. Indeed, the placement of God outside of the domain of human ideas of good and evil was seen as a necessary step by many of the contemporary religious philosophers. The Ashʿarī model of justification of the recourse to Revelation attempts to exploit and anchor itself into the limits of secular thought. It is precisely because of the intrinsic contingency of individual moral reasoning that it cannot be relied upon for the construction of a generalizable normative system, hence the importance of Revelation. That being said, Revelation-based moral theories, even when anchored in the limitations of Revelation-independent reasoning, face challenges that pertain to their transcendence, arbitrariness, and inaccessibility. These challenges will be discussed in the following chapters.

Chapter II: The Metaphysics of Divine Speech

In the first chapter, I addressed the question of the necessity (or not) of divine Revelation in the process of formulation of normative judgments. I maintained that the crux of the Muʿtazilī-Ashʿarī debate, which made it of central importance to Islamic thought, is that it concerned no less than the fate of divine Revelation as an element of relevance to Muslim ethics. But this fate was predicated upon a subtler, and more fundamental, philosophical question: whether it is possible to attain non-subjective moral judgments on the basis of individual observations. We saw that the disagreement on whether Revelation was generative or merely informative of normative judgments rested on an epistemological divide pertaining to the accessibility of universalizable norms to human minds based on concrete experience. The cognitivism of the Muʿtazilīs meant that they viewed moral values and judgments as verifiable claims about the world. Ashʿarīs maintained a type of skepticism towards the kinds of moral claims humans make based on their personal experiences. They insisted that normative claims that follow from observations about the world are not *truly* normative claims, but in fact prudential or contingent judgments of personal preference. The skepticism about our ability to form universalizable judgments through individual observation opened the door for a justification of Revelation on the basis of the interruption of habitual experiences (i.e. *iʿjāz*).[234]

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[234] For further studies on the epistemological debates underlying classical Islamic theological-ethical theories, see Richard M. Frank, *Texts and Studies on the Development and History of Kalām*, ed. Gutas, vol. 2 (Aldershot: Ashgate Variorum, 2005); Richard M Frank, *Al-Ghazālī and the Ashʿarite School* (Durham, N.C.: Duke University Press, 1994). The Ashʿarī position that Revelation is *necessary* for the knowledge of normative judgments of the universalizable type has frequently been deeply misrepresented in Western scholarship as dogmatic, or even anti-intellectual. For example, Hourani maintained (incorrectly, in my view) that "the Ashʿariyya (Ashʿarites), maintaining as they did that values in action are determined exclusively by the will of God, known to man through revelation and certain legitimate extensions, had little to say on a general theory of ethics beyond criticism of their opponents. The logical consequence of their position was just the theory of an all-embracing divine law, which had indeed been worked out by jurists prior to Ashʿarī. It was their opponents, the Muʿtazila, who had the strongest stimulus to develop a system of ethics in the sense understood today." I hope to have sufficiently shown in the previous chapter that the claim that Ashʿarīs "had little to say on a general theory of ethics" cannot possibly follow from any reasonably careful and fair-minded reading of their theology and legal theory. In this chapter, it will be seen that the Ashʿarīs distinctly and emphatically did *not* argue that the law is a reflection of the will of God, but, as

In this chapter, I examine the question of the nature of Revelation and its implications on the construction of norms. The understanding of what Revelation consisted of varied greatly from one school to another. To analyze the different views on what divine Revelation is, I study the metaphysical foundations of theories of divine speech. We will see that the Muʿtazilī belief in the universalizability of human individual judgments stemmed from a metaphysic that emphasized the continuity between the human and the divine. For Muʿtazilīs, God and humans operate according to parallel principles and standards, which meant that what God does or says must be good and right in a sense commonly accepted by human minds. Human natural goodness, in other words, is derived from, and similar to, divine goodness. Prominent Ashʿarīs, by contrast, advanced a metaphysic that sharply separated the human from the divine. God's words and actions are radically unlike anything humans experience and can only be incorporated into human practical reasoning through an *interruption* in the habitual course of this-worldly experience.[235] Once the remaining signs of this miraculous interruption (i.e. the Quran and the Sunna) are approached and acted upon by humans, they become fully incorporated into our experience and, thus, a purely a human affair. Based on this analysis, I argue that the Ashʿarī emphasis on divine alterity in relation to the world of human experience led to an alienation of

we will see in the final section and in the next chapter, a reflection of God himself, in a sense. The conclusion that the Ashʿarīs simply defended a pre-determined and all-embracing divine law is also incorrect. We will see in the following sections and in Chapter III that the Ashʿarī sharp metaphysical divide (or non-metaphysical meta-ethics), manifested in their theory of inner speech, offered greater room for juristic interpretation and appropriation of the law than the Muʿtazilī cognitivism or realism did. Hourani, *Islamic Rationalism*, 3.

[235] The centrality of theories of metaphysics to Muslim theological understanding of the relation of God to the world, and, consequently, the nature of Muhammad's message and its ethical profundity was rightly captured by Nader El-Bizri, who observed that "the question of God's essence and attributes points to the dialectical concepts of unity/multiplicity, identity/difference, or sameness/otherness that had constituted universal categories of analysis in the intellectual history of a variety of doctrines […] An adaptive appropriation of these notions served the purposes of monotheistic speculation about God's essence and attributes, a process that most radically manifested itself in the intricate Muslim theological disputes over the nature of revelation as manifested by and in the Qur'an. El-Bizri, "God: essence and attributes," In Tim Winter, ed., *The Cambridge Companion to Classical Islamic Theology* (Cambridge: Cambridge University Press, 2008), 121.

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metaphysics at the meta-ethical level. The construction of norms based on the traces of miraculous divine intervention (i.e. the concrete words of the Quran) becomes a purely human process. Norm-construction, in that sense, is not an application of some metaphysical divine principles, but an appropriation of miracle into human lives.

Those metaphysical debates within which Muslim scholars incorporated their theories of divine speech can inform contemporary debates involving anti-metaphysical critiques of theistic ethics. A persistent critique of theories that anchor ethics in a theocentric view of the world focuses on the fact that adopting a divine being as the source of morality betrays a tendency to disregard the lived experiences of human agents. The metaphysical understanding of theistic ethics assumes that some stable divine principles exist independently of the constant variation in human conditions. [236] The rejection of this view of metaphysics can be seen in many works of Nietzsche, such as *The Gay Science* and "On Truth and Lying," but has been more recently made by Bernard Williams in his influential *Truth and Truthfulness*. [237] Both Nietzsche and Williams

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[236] Bernard Williams, *Truth & Truthfulness: An Essay in Genealogy* (Princeton, N.J.: Princeton University Press, 2002), 18. The profound and persistent tendency to avoid metaphysics has a long history in modern thought, but is particularly visible in theological discussions. In *Theology without Metaphysics,* Kevin Hector develops an account of language in relation to God that provides a "therapeutic" method of overcoming the assumption of an intrinsic link between language and metaphysics. In that context, he remarks that "Modern thought has engaged in a recurrent rebellion against metaphysics: so, for instance, Kant's critical philosophy aims to make the world unsafe for Leibnizian metaphysics; Nietzsche insists that Kant is still beholden to the metaphysics at which his critique took aim; Heidegger claims that Nietzsche's "will to power" is the culmination, rather than overcoming, of metaphysics; Jean-Luc Marion argues that Heidegger's "ontological difference" keeps us bound within a metaphysics of Being/being; John Caputo maintains that Marion's 'de-nominative' theology remains complicit in the metaphysics of presence; and so on. This rebellion against metaphysics indicates that although we moderns may want to avoid metaphysics, we have a hard time doing so. It would appear, in other words, that metaphysics is a kind of *temptation*: we want to resist it, but find it difficult to do so." Kevin Hector, *Theology without Metaphysics: God, Language, and the Spirit of Recognition* (New York: Cambridge University Press, 2011), 2.

[237] The assumption of the intrinsic metaphysicality of anything theological takes a more pronounced form when addressing the question of divine speech. As Kevin Hector remarked, one can observe a widespread assumption in the theological study of language that "it is self-evident that language is inherently metaphysical, that it therefore shoehorns objects into a predetermined framework and so inflicts violence upon them, and that it must accordingly be kept at a distance from God." Hector maintains, as do I, that this is not necessarily the case. The view of language in general, and language that stems, in one way or another, from God in particular, as reflections of abstract and

begin their critiques from the premise that a theistic view of the foundations of ethics takes away from the subtlety and constant flux of sense experience, and puts undue emphasis on some imagined metaphysical moral system. Williams frames his project in the following terms: "to see how far the values of truth could be revalued, how they might be understood in a perspective quite different from the Platonic and Christian metaphysics which had provided their principal source in the West up to now."[238] Williams's critique of Platonic metaphysics is aimed at the assumption that our world is by necessity inferior or inadequate in relation to a divine ideal. It encourages an attitude of condescension towards the physical world and searches for answers in a realm removed from our experiences. This metaphysical stance, he argued, establishes truth and value as "altogether prior to a human interest in them," and as "in themselves entirely independent of our thoughts and attitudes."[239] Williams's project is self-consciously a continuation of Nietzsche's attack on Platonic and Christian metaphysics and his affirmation of the "innocence of the becoming" against the Platonic insistence on the superiority of the metaphysical Forms: "[I]t is still a *metaphysical faith* upon which our faith in science rests **[…]** even we knowers of today, we godless anti-metaphysicians, still take *our* fire, too, from the flame lit by the thousand-year-old faith, the Christian faith which was also Plato's faith, that God is truth; that truth is divine."[240]

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immutable forms and meanings is not, as we will see in this chapter, the exclusive way in which divine speech can be understood. Hector, *Theology without Metaphysics*, 1–5.

[238] Williams, *Truth & Truthfulness*, 18. For a defense of Planotic-Christian metaphysics (here corresponding to the Muʿtazilī view) against Williams's attack, see Finnis, John (2008) "Reason, Revelation, Universality and Particularity in Ethics," *American Journal of Jurisprudence*: Vol. 53: Issue. 1, Article 2.

[239] Ibid., 61.

[240] Nietzsche, *The Gay Science*, trans. Josefine Nauckhoff (Cambridge: Cambridge University Press, 1994), 334.

This, however, is only a critique of *a particular* metaphysic, not a critique of theistic metaphysics and meta-ethics altogether.[241] An alternative view of the Creator-created dichotomy can be found in Ashʿarī thought. Ashʿarīs, as we will see, developed a metaphysical model in which the divine was utterly unlike anything that is experienced by humans and available to their minds. God, His attributes, His actions and speech, were all radically different in type and in no way comparable to anything humans may possess. This also meant that God's attributes and actions are only comprehensible in an imperfect manner by human minds. It followed from this sharp metaphysical divide that divine attributes, including speech, were seen as fully transcendent and eternal, and that our experience of this speech (i.e. through Revelation) was an entirely human affair. The physical words, sounds and writings left behind after the event of Revelation could only be approached as elements of human experience. They are treated as a set of *signs* that were incorporated into human practical reasoning as raw material for the construction of normative judgments. Those physical signs were not "the word of God," as the Muʿtazilīs would have it, but only elements of sense experience that, as we have seen in Chapter 1, happen to be established as the outcome of a miraculous intervention by the community's general consensus. Counterintuitively, the Ashʿarī idea of an utterly transcendent God resulted in a reversed metaphysic of divine speech. The world of sense perception, for the Ashʿarīs, takes

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[241] The need to clearly define what we mean by "metaphysics" was highlighted by Kevin Hector, who cogently argued that "to see why [modern thinkers are rebelling against metaphysics], we must consider, first the metaphysics against which theologians repeatedly rebel. It is important to address this matter explicitly, since the term "metaphysics" can be used to refer to several different things, and I am by no means suggesting that everything that goes by that name is to be rejected. So, for instance, the term is sometimes used to designate any set of claims about that which transcends nature, or any set of claims about what things are like. I am emphatically *not* interested in doing without metaphysics in *these* senses – or, more precisely, I am interested in doing without them just insofar as they are bound up with the variety of metaphysics I *am* interested in doing without." Hector, *Theology without Metaphysics*, 2–3. Along the same lines, we could say that Ashʿarīs, or any school of Muslim thought, were most certainly not attempting to do away with any conception of matters that exist beyond nature, but were contesting a *particular* view of meaning and value that posits the world of human sense perception as the distorted mirror image of a world of perfect divine forms.

precedence over the divine when it comes to the construction of normative judgments. God does not *communicate* judgments in a direct representational manner by simply making them available where they were not. Our experience of Revelation, and all practical reasoning emerging form it, is no different than our spiritual experience in any other kind of worship.

The Ashʿarī severing of the ties between the divine origins of Revelation and its function in human practical reasoning serves to establish a metaphysic in which primacy is given to sense perception over transcendent ideals. A metaphysical tie, as thin as it may be, still remains for the purpose of establishing the relevance of Revelation for practical reasoning. This reading of Ashʿarī metaphysics of divine speech and attributes can serve to build an alternative understanding of theistic metaphysics. Adopting a theistic view of metaphysics does not, as Williams supposed, and as Finnis insisted,[242] necessarily mean that one aspires to follow the Platonic model of a similar-but-perfect divine realm. It does not necessarily entail a turn away from the world of sense perception and towards a world of intangible and transcendent ideals. Ashʿarī metaphysics, as we will see, establish the physical world as the locus of production of moral judgments, and sees the divine as an unattainable ideal towards which the community of believers should collectively gravitate.

My main contention in this chapter is that, by analyzing the Ashʿarī theories of divine speech, we can begin to imagine a form of theistic meta-ethics that adopts the moral primacy of the physical over the metaphysical. As we will see, the Muʿtazilīs advanced a metaphysical view that largely accords with the Platonic understanding of the physical world as a distorted image of the divine perfect realm. It followed that morality was viewed as derivable from natural first principles that

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[242] Finnis, John (2008) "Reason, Revelation, Universality and Particularity in Ethics," *American Journal of Jurisprudence*: 53.1, Article 2.

can be known through either unaided reflection or Revelation-based reasoning.[243] The innovation of the Ashʿarīs rested in their insistence on the ontological primacy of metaphysics, and the epistemological primacy of sense perception. More specifically, the Ashʿarīs maintained that, while an all-powerful God created the world and sent Revelation through a line of prophets, we have no way of understanding divine intentions and designs and, therefore, cannot follow a divine law that is found in natural first principles. Rather, they distinguished between unaided human reasoning, which is capable of attaining *hypothetical* moral judgments, and Revelation-based reasoning, which could lead to universalizable judgments. The language of Revelation, for Ashʿarīs, was incorporated into the epistemological domain of sense perception to grant the fallible human judgments the right to claim universality.

I will outline the metaphysical disagreement on the nature of divine Revelation in this chapter in three steps that closely parallel the study of the foundational epistemological disputes in the previous chapter. To understand what it means for God to speak in general, and how He speaks to us, His creatures, in particular, we must first understand what position we and other created existents hold in relation to God, the Creator. We will see how the Creator-created dichotomy was presented in different ways by the Ashʿarīs and the Muʿtazilīs. Much like the epistemological disagreement, the metaphysical debate began with a shared distinction between that which exists by necessity and that which exists only contingently. Beyond this basic agreement, different metaphysical models emerged on the basis of the question of whether any form of continuity exists between the divine and the created. (section 1). The Muʿtazilīs

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[243] The link between Muʿtazilī metaphysics and their meta-ethical assumption of the existence of universal moral judgments was analyzed in various studies. The same cannot be said of the link between Ashʿarī metaphysics and their meta-ethical positions, which are commonly dismissed as "voluntarist" without much scrutiny. On the Muʿtazilī metaphysical theories and their ethical consequences see, for example, Hourani, *Islamic Rationalism*. Emon, *Islamic Natural Law Theories*.

advanced a metaphysic that upheld the Platonic (or naturalistic)[244] view that our world was similar in many important ways to the divine realm. It followed from that fundamental metaphysical disagreement that divine attributes were conceived in very different manners (section 2). In the Muʿtazilī model, God speaks to us in a way similar to the way we speak to each other: in time, with a purpose, to communicate a particular intention or desire, and often to achieve a particular result. God speaks to realize the natural values of goodness and mercy that define *both* His and our domains. In this metaphysic, our world is a distorted or less perfect image of a supreme but in some sense similar world. We aspire to be more *like* God, and His speech guides us through this journey. The Ashʿarī metaphysical theories, by contrast, view divine speech as an eternal divine attribute, and therefore remove this metaphysical idea from the immediate domain of human practical reasoning (section 3).

(1) God in Relation to the World: The Creator-Created Dichotomy

In this section, I argue that classical Muslim theologians of the Ashʿarī and Muʿtazilī schools shared a general metaphysical understanding of the existence of a divine-created dichotomy. Nevertheless, they differed in relation to the specifics of how the nature of this difference can be conceived. Eleventh century scholars from both schools understood God in opposition to a world in constant change that, in the deepest ontological sense, is entirely accidental. In those theories, God represented that which exists by necessity and to which no accident attaches. This view is prevalent in various theistic traditions, including the contemporary philosophy of religion.[245]

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[244] For example, Thomas Aquinas argued that all created things are images of God, "approaching that likeness more perfectly if it is not only good but also can act for the benefit of others." Aquinas, *Summa contra gentiles* II, c. 45, n. 2.

[245] See, for example, Edward R Wierenga, *The Nature of God: An Inquiry into Divine Attributes* (Ithaca: Cornell University Press, 1989), Introduction and Chapter 1.

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This shared assumption notwithstanding, Ashʿarīs and Muʿtazilīs differed greatly with regards to the extent to which we can know this necessary existent and, more importantly, how this knowledge can be obtained. Those differences were at the basis of contrasting conceptions of what it means for God to speak. For Muʿtazilīs, we can allow ourselves to abstract from our lived experiences to make generalizations about the way in which God creates and manages the world. This rests on the assumption that there is some continuity between divine actions and the flawed human behavior. That way of thinking about God is entirely absent in Ashʿarī works. For them, we can know by rational thought that there is a necessary existent, but our reasoning is simply incapable of comprehending how God acts. We should not allow ourselves to make abstractions based on our own experience of the world and to conclude that those experiences are indicative of anything divine. From this fundamental difference emerges an opposition between a Muʿtazilī metaphysic that betrays some form of Platonic continuity between the immanent and the transcendent, and an Ashʿarī metaphysic that assumes the radical difference of the divine from anything immanent. In the Muʿtazilī model, divine actions and attributes attach to God in a manner similar to our actions and attributes. For Ashʿarīs, God's attributes are eternal with His essence in a manner that humans cannot fathom.

Both Ashʿarīs and Muʿtazilīs saw God as free from the contingencies of our world of sense experience. Everything (in the most extreme ontological sense), except God, exists in a precarious and accidental manner, and is limited by a multitude of temporal accidents. This scheme of things places God in a clear opposition to created things.[246] God and His attributes, speech included, are necessary existents that are entirely devoid of accidents. Everything else is

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[246] For an account of the treatment of this question in Ghazālī's theology, see Frank, *Al-Ghazālī and the Ashʿarite School*, 48–55.

temporal and contingent, and exists inseparably from accidents. The question of the necessary

attachment of every essence in the world to a contingent accident is essential in the distinction

between the physical and the metaphysical. The key to this distinction resides in the issue of the

createdness of the world (*ḥidath al-ʿālam*),[247] which closely follows from the notion of the

necessity of attachment of accidents to all immanent things (*imtināʿ al-ʿuruw ʿan al-aʿrāḍ*).[248] It

follows from this dichotomy that all of our thoughts, experiences and judgments, including

experiences related to and guided by Revelation, are accidental in this ontological sense: they are

limited, contingent experiences.[249]

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[247] Createdness and eternity (*al-ḥidath wal-qidam*) are two properties employed in Islamic metaphysics as characteristics of existents (and, occasionally, non-existents). Those properties can attach to an essence (*māhiyya*) or to a void (*ʿadam*) insofar as one can say that a void is eternal if it was not preceded by an existence, or created if it was. Those two properties can be attributed to existents either in an absolute (*ḥaqīqī*) or relative (*iḍāfī*) manner. An eternal existent in an absolute sense is that which requires nothing prior to it in itself, whereas a created existent in the absolute sense is that which requires something prior to it in itself. Things can be called eternal or created in figurative or relative senses when described in relation to another specific existent. al-Tahānawī, *Kashshāf*, 1980, 3:1211–12. The position that all existents can be characterized by either createdness or eternity was attributed to Abū l-Ḥasan al-Ashʿarī. He explained that being created means coming into being following non-existence (*an yakūna wujūdan ʿan ʿadam*). It appears that al-Ashʿarī was not a proponent of the absolute-relative distinction related by Tahānawī, but rather believed that *qadīm* simply meant being "prior," in the sense that a being is called *qadīm* if it has an existence that preceded another being. This view stemmed from Ashʿarī's understanding of the Quranic use of the term *qadīm,* and highlights some of the many ways in which later Ashʿarī theologians departed from his doctrines. Samīḥ Dughaym, *Mawsūʿat muṣṭalaḥāt ʿilm al-kalām al-Islāmī*, vol. 1 (Beirut: Maktabat Lubnān Nāshirūn, 1998), 458.

[248] Juwaynī, *Kitāb al-irshād*, 24.

[249] *ʿAraḍ* is the singular form of *aʿrāḍ* and is commonly referred to in theological works as a general characteristic that attaches to an existent or a part thereof (*ʿaraḍ dhātī*) or attaches to an existent through an external matter (*ʿaraḍ gharīb*). Accidents (*aʿrāḍ*) can have a uniform nature (*ʿaraḍ muṭlaq*) or various natures depending on the object to which it attaches, such as the characteristic of walking with regards to humans or other animals (*ʿaraḍ ʿām*). Accidents can also attach to existents either necessarily, such as the reflex of laughter in humans (*al-ḍiḥk bil-quwwa*) or unnecessarily such as pretend laughter. A controversy arose with regards to whether accidents were indeed the opposite (*muqābil*) of essences (*jawāhir*). Tahānawī understood this to be a question concerning whether or not one can conceivably consider an accident to consist of an essence. In that sense "white" can be seen as opposed to "whiteness," in the sense that, whereas existents, such as humans, can be considered "white," they cannot conceivably consist of "whiteness." Tahānawī, *Kashshāf*, 3:986–987. A definition of *ʿaraḍ* that is more in line with the conceptions advanced in theological works was offered by Jurjānī, who viewed *ʿaraḍ* as "an existent that needs for its existence a substance in which to inhere, such as colors which require an object to which it attaches." Jurjānī also viewed accidents as divisible into those that fully attach to the substance such as colors, and those that do not, such as motion. Jurjānī, *Taʿrīfāt*, 129.

One way of understanding the major difference in conceiving of the Creator-created distinction in classical Islamic theology is to put it as follows: for Muʿtazilīs, God is above all creation, for Ashʿarīs, God is *beyond* all creation. For Muʿtazilīs, God and anything associated with Him can be conceived of by analogy to our world of sense experience. God and the divine realm are in many ways perfect images of the human realm of capabilities and thoughts. The human world is, in many important ways, a corrupted version of the perfect divine. This view parallels the metaphysics criticized by Williams insofar as it assumes "that real beauty and value are not to be found in this world at all, and that what is here is only some image or association of them; it is as though the world contained a photograph in place of a lover."[250] For Ashʿarīs, by contrast, human thoughts and characteristics are not an image of the divine. God is simply *beyond* anything we can understand. The rejection of the Platonic scheme of divine-human continuity meant that Ashʿarīs did not advance the theistic metaphysics to which many modern commentators objected. Ashʿarī views of the immanent world, for example, would not pose any problem to theorists of the "innocence of the becoming." Our world is not a corrupted version of anything; it is fundamentally unlike anything divine.

(i)   The Basic Divide Between the Necessary and the Accidental

The basic divide between the divine and the created is understood in largely similar terms in the thought of prominent theologians of the eleventh century. In ʿAbd al-Jabbār's analysis, this distinction begins from the view that all bodies that exist in this world (*ajsām*) are capable of being attached to accidental attributes, and therefore are temporal.[251] The acknowledgement that

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[250] Williams, *Truth & Truthfulness*, 143.

[251] The way in which bodies (*ajsām*) are constituted appears to have been a particularly controversial issue in classical cosmology. Ibn Mattawayh reports a handful of opinions on the matter, and makes the argument that, for an existent to qualify as a body, it must be composed of at least eight parts (*ajzāʾ*). Some, according to Ibn Mattawayh,

all bodies are temporal, ʿAbd al-Jabbār explained, is an integral part of the theory of the oneness

of God (al-tawḥīd), and is, therefore, a fundamental tenet of Muʿtazilī doctrine.[252] What

distinguishes the Muʿtazilī understanding of this divide is that knowledge of the fact that bodies

are temporal and created can be obtained both synthetically through observation and analytically

through rational reflection. This difference, as we will see, plays a major role in differentiating

Muʿtazilī and Ashʿarī metaphysics.[253]

The starting point of ʿAbd al-Jabbār's metaphysics consists in the separation of the earthly from

the divine. Much like accidents to which they attach, bodies are also temporal (ḥādith), and their

occurrence is caused by an agent who "differs from us (mukhālifan lanā)."[254] ʿAbd al-Jabbār's

proof of this distinction, much like the Ashʿarī arguments explained below, relies on a search for

rational conclusions, rather than the mere positing of God's nature. For example, there are

certain manners of proving the temporality of the world by relying on a simple belief in God's

eternity, and inferring the ephemerality of this-worldly bodies by contrast to God. ʿAbd al-

Jabbār, like his Ashʿarī contemporaries, did not advance any of those arguments, presumably

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considered a single-part matter to be a body (jism), in which case God would consist of a body, a view that
Muʿtazilīs, including Ibn Mattawayh, rejected. Ibn Mattawayh correctly reported that Ashʿarīs advanced the view
that a body must be constituted of at least two parts, and attributeed to Ibn al-Hudhayl the view that a body is
composed of six parts at least. Ibn Mattawayh, al-Tadhkira fī aḥkām al-jawāhir wal-aʿrāḍ, ed. Daniel Chimaret,
(Cairo: al-Maʿhad al-ʿIlmī al-Faransī lil-Āthār al-Sharqiyya, 2009), 1:9-10.

[252] This view was maintained in the work of ʿAbd al-Jabbār's successors, such as Ibn Mattawayh, who argued that
all "knowables" (al-maʿlūmāt) can be divided into existents and non-existents. The former can be further divided
into those that have a beginning (al-muḥdathāt) and the One that does not have a beginning (al-qadīm), whose
uniqueness is thus established by contrast to the intrinsic temporality of all other existents. Ibn Mattawayh's
classification of essences and accidents follows a scheme that was widely accepted in Islamic cosmology, where he
defined accidents as that which need to inhere in another in order to exist, and essences as that which do not. He
further classified accidents into those that inhere in one object and those that inhere in several, as well as those that
inhere in an object in its entirety, and those that inhere in a general manner, as previously seen in Tahānawī's
classification. Ibn Mattawayh, Tadhkira, 1:1-2.

[253] ʿAbd al-Jabbār, Sharḥ al-uṣūl al-khamsa, 94.

[254] Ibid.

because he wished for his argument to proceed in the opposite direction. For ʿAbd al-Jabbār, the knowledge of God's eternity should follow from our knowledge of the temporality of this world, not the other way around.[255] It is our awareness of our world and our *a priori* knowledge of rational necessities that lead to our knowledge of the Creator. The way in which the Creator is situated in relation to the created, however, was subject to disagreement.

The manner in which ʿAbd al-Jabbār made the argument that all created things are attached to accidents follows a method that he attributed to the early Muʿtazilī Abū l-Hudhayl. Significantly, this method is very similar to the reasoning of Juwaynī, which is outlined below.[256] He summarized the argument as follows: "bodies cannot exist independently, or prior to, accidents (*lam tanfakka mina l-ḥawādithi wa-lam tataqaddamuhā*). Whatever cannot exist without, or prior to, a temporal matter, must be temporal as well."[257] The proof, ʿAbd al-Jabbār explained, can be outlined in four steps: (i) all bodies are characterized by attributes (*maʿānī*), such as being joint, separated, moving or still; (ii) all of those attributes are contingent and temporal; (iii) no

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[255] Ibid., 95.

[256] Later Muʿtazilī thinkers, such as Ibn Mattawayh, appear to have preserved the theory that all essences are created (*muḥdatha*) and explained that on the basis of the fact that all essences exist in specific states (*akwān*). Ibn Mattawayh, *al-Tadhkira fī Aḥkām al-Jawāhir wal-Aʿrāḍ,* ed. Daniel Chimaret, (Cairo: al-Maʿhad al-ʿIlmī al-Faransī lil-Āthār al-Sharqiyya, 2009), 1:29. Similarly, the argument appears in prominent Imāmī works such as al-ʿAllāma Abū l-Muẓaffar al-Ḥillī's *Maʿārij al-fahm.* Ḥillī reproduces the argument based on motion and stillness, whereby all bodies must be deemed temporal (*ḥāditha*) on the basis of their intrinsic attachment to one of those two temporal attributes. Like Juwaynī's and ʿAbd al-Jabbār, Ḥillī broke down this argument into a number of claims: (i) there are attributes of motion and stillness that are distinct from the body; (ii) no body can be devoid of motion and rest; (iii) motion and rest are created; (iv) whatever is intrinsically linked to a created matter is necessarily created (*mā lam yakhlu min muḥdathin fa-huwa muḥdath*). Ḥillī shares Juwaynī's view (explained below) that the fact that bodies necessarily exist in space shows that they cannot be free of either motion or stillness, since if they exist in different locations at different points in time they are in motion, and if they do not they are still. In response to the objection that this argument pre-supposes the existence of all bodies in space, which is not necessarily the case, Ḥillī resorted to the claim that the necessity of being located (*ḥulūl*) in one part of space is obvious (*ẓāhir*) and intelligible (*maʿqūl*), and therefore the conceptual possibility of the opposite case should not be taken into account. The same can be said of the claim that motion is created, which Ḥillī explained by the fact that each instance of movement is novel, and therefore movement in general cannot possibly be eternal. Ḥillī, *Maʿārij al-fahm*, 123–126.

[257] ʿAbd al-Jabbār, *Sharḥ al-uṣūl al-khamsa*, 95.

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body can exist independently of such attributes; (iv) therefore, all bodies are temporal. That all bodies exist in a manner that makes them dependent upon temporal circumstances is evident from the fact that no single body is devoid of specific characteristics, such as being joined with another (*mujtamiʿan*). In each case, ʿAbd al-Jabbār insisted that "it could have been otherwise," meaning that any given attribute attached to a body, whatever it is, could have been different.[258] In this particular case, the body could have existed separately from other bodies. There is no necessary reason why any given body should be attached to one attribute as opposed to the other. It follows that *something* must have led to the rise of one attribute rather than the other.[259] This, he generalized, was an overall characteristic of all things corporeal (*mutaḥayyiz*), which include all immanent objects (*al-ajsām al-ḥāḍira*) that we can examine (*ikhtabarnā*) and categorize (*sabarnā*).[260] The conclusion that all things could have been otherwise is central to the understanding of all matters in this world as possible existents.[261] The four steps of the argument

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[258] Medieval Christian theologians appear to have accepted and advanced in various ways the notion that God can be understood through the assumption of the need for a necessary existent. Robert Spitzer outlines the Thomist view that, without causation, all worldly beings are merely hypothetical. There must, therefore, be an "uncaused cause," a being that exists "purely through itself without any conditions whatsoever." This being "must be a pure act of existing through itself." Robert J Spitzer, *Evidence for God from Physics and Philosophy: Extending the Legacy of Monsignor Georges Lemaître and St. Thomas Aquinas*, 2015, 86–96. This argument is part of the frequently discussed "five ways to show the existence of God." See Thomas Aquinas, *Summa Theologiae,* Ia.2.3.

[259] al-Asadābādī, *Sharḥ al-uṣūl al-khamsa*, 96.

[260] Ibid., 97.

[261] Similarly, Bāqillānī argued that "it is the case that each body in this world *could have been* in a different form than the one it is in, so that the square could have been a circle, and that which is circular could have been square. That which has the image of a certain animal could have had the image of another, and each body could have switched from one shape to another. It is invalid to argue that the specification of a particular shape stems from the body itself or its ability to obtain this shape, since, if that was the case, it would have obtained all the shapes at the same time which would have been contradictory." Bāqillānī, *Kitāb al-tamhīd*, 23.

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advanced by ʿAbd al-Jabbār are designed to show that our observation of the temporality of all immanent things can lead to an understanding of the divide between the divine and the human.[262]

After showing that observation demonstrates that all things in this world are contingent, the more difficult step in the argument was to explain why this requires an understanding of God as a necessarily existing Creator. The argument for the need for an actualizing agent is the key to introducing God in relation to worldly existents. ʿAbd al-Jabbār explained this relation by reference to the impossibility that states of bodies could be the product of human action (*lā yajūz an yakūn al-jism mujtamiʿan bil-fāʿil*).[263] All of our actions, he maintained, consist of adjustments to already existing conditions (*maʿānī*) of bodies, but none of them can be responsible for the very existence (*ījād*) of a body or a state.[264] For example, we can ensure that our speech consists of commands or assertions, but we cannot create speech *ex nihilo*. The very existence of speech is independent of our will, and therefore needs a different actualizing agent, which must be eternal (*qadīm*). A significant objection could come in the form of a claim that

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[262] The commentator on ʿAbd al-Jabbār's *Five Principles* goes to great lengths to elucidate each of those steps, which, he insisted, were based on our observation of the real world, rather than any *a priori* knowledge. For example, the claim that any object that exists in a given condition *could have been otherwise* is a synthetic generalization from the realization that the same body bears different attributes at different points in time Abd al-Jabbār, *Sharḥ al-uṣūl al-khamsa*, 98.

[263] Ibid., 100.

[264] Ibid., 101. The allusion to the inadequacy of sciences based on empirical and causal reasoning to the explanation of *existence* itself is a popular argument and one that continues to be made by philosophical theologians to this day. For example, Swinburne maintained the "scientific inexplicability of the universe," and held that "there could be a universe today for whose existence today there was no scientific explanation at all. But, of course, there is a full scientific explanation of the existence of our universe today *in terms of it existing in a certain state yesterday* […] But we can have no evidence of the operation of quite different laws in the past, unless their operation is a consequence of the simplest explanation of what is happening in the present. In so far as science shows that the fundamental laws of nature operating today are *L,* and that extrapolating *L* backwards leads to a physically impossible state, we have to conclude that there was a beginning to the universe-governed-by-today's-laws and that we can have no knowledge of anything earlier than that […] If we confine ourselves to scientific explanation, it will not follow that the existence of the universe (for as long as it has existed, whether a finite or an infinite time) has no explanation." Richard Swinburne, *The Existence of God* (Oxford: Clarendon Press; Oxford University Press, 1979), 137–40.

bodies can be attached to attributes *in themselves,* in which case no actualizing agent would be necessary.[265] Shāshdīw, in his commentary on ʿAbd al-Jabbār's *Five Principles,* responded that attributes that are attached to the essence of the body must be inherently and permanently attached to it, and its detachment from it must be inconceivable. If attributes attach to essences "in themselves," it would follow that we should not be able to conceive that a moving body can cease to move, which is contrary to our experience.[266]

The introduction of the necessity of an eternal being is constructed on the basis of a dualistic metaphysic not very different from what we will discuss in the Ashʿarī theories.[267] In response to the advocates of "occultation and emergence" (*al-kumūn wal-ẓuhūr*), ʿAbd al-Jabbār insisted that existents can only be either eternal or temporal, with no possible state between the two. The proponents of the theory of "occultation and emergence" held that states, such as separation and fusion, existed perpetually, but only appeared or disappeared on occasion.[268] On that view, it is only our experience of those states that varies in time, but all conditions that attach to bodies are existing eternally in the world, and thus do not need an actualizing agent.[269] ʿAbd al-Jabbār's response rested on two considerations: first, the fundamental flux of the states of physical bodies, and, second, the fragmented nature of the physical world. What we need to consider, he argued, is the joint or separate nature of a particular body. It is clear that two bodies cannot be joint and

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[265] ʿAbd al-Jabbār, *Sharḥ al-uṣūl al-khamsa*, 99.

[266] Ibid., 100.

[267] A similar view was advanced by al-ʿAllāma al-Ḥillī in *Maʿārij al-fahm,* 211.

[268] ʿAbd al-Jabbār, *Sharḥ al-uṣūl al-khamsa*, 104.

[269] Ibid.

separate at the same time.[270] It would follow that states of bodies are constantly changing, and none of those states is existing eternally.

The formulation of the Creator-created dichotomy as one between the contingent and the necessary is also prevalent in Ashʿarī thought. In *al-Irshād*, Juwaynī defined the world (*al-ʿālam*) as "every existent, except God and His attributes of the Self (*Allāhu taʿālā wa ṣifāti dhātihi*)."[271] The world, which is the totality of all temporal created things, is composed of essences (*jawāhir*) and accidents (*aʿrāḍ*).[272] Essences consist of all things that are definable in space (*mutaḥayyiz*), and accidents are matters that attach to essences, such as colors, scents, tastes, knowledge, mortality, among others.[273] Juwaynī maintained that the physical world was entirely temporal and contingent, which meant that it was in constant change and motion, and was defined in time. The argument for the temporality of the physical world rested upon two main premises: (1) all essences (except God and His attributes) exist together with accidents; and (2) no chain of occurrences can exist that has no beginning (*istiḥālat ḥawādith lā awwala lahā*).[274] The idea of the beginning of the chain of contingent events in Juwaynī's theory plays

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[270] Ibid., 105.

[271] Juwaynī, *Kitāb al-irshād*, 17.

[272] Ibid.

[273] Ibid. This is a basic and widely accepted distinction, although often with some variation. For example, see Nasafī's *ʿAqāʾid* and Taftāzānī's commentary thereupon, both of whom reproduce the argument that the world is composed of substances (*aʿyān*) and accidents (*aʿrāḍ*). Taftāzānī argued that essences are further classified into those that can be divided, which are the bodies (*ajsām*) and those that are simple and indivisible, which are the essences (*jawāhir*). The issue of divisibility of the physical bodies appears to have been contested with some who belong to the philosophical schools (*al-falāsifa*), since Taftāzānī offered a number of proofs for his distinction between bodies and essences, including the fact that if a sphere was placed on a surface, it would be touching it in one place and not another, which means that the sphere must have two or more parts. Taftāzānī et al, *Shurūḥ wa-ḥawāshī l-ʿaqāʾid il-Nasafīyya*, 95–96. See also Bāqillānī's explanation in *al-tamhīd*, "created matters are divided into three categories: composite bodies, simple essences, and accidents that attach to bodies and essences." Bāqillānī, *Kitāb al-tamhīd*, 17.

[274] Juwaynī, *Kitāb al-irshād,* 17–18.

the same role as the actualizing agent in ʿAbd al-Jabbār's argument. The importance of the view that all created essences are necessarily associated with accidents is that it grounds the argument that all existents in the world are only actualized possibilities, in the sense that there is nothing inevitable about their existence in the state in which they are. The denial of the possibility of an endless chain of existence serves to counter the theories that hold that flux and contingency are eternal attributes of the world. The combination of those two views forms the foundation of Ashʿarī metaphysics. In fact, the view that essences can exist independently of accidents is so fundamentally opposed to the Ashʿarī system of moral cosmology that it was ascribed by Juwaynī to non-theists (*al-mulḥida*).

Along the same lines as the Muʿtazilī theory explored above, the proof of the view that all essences are associated with accidents was advanced according to an argument that begins from a simple observation. We can observe essence A in moment t1, following which we can observe the same essence A in moment t2. If essence A moved between t1 or t2 (or underwent any kind of transformation), we can understand that this transformation was not necessary, but only possible, since it is conceivable that A would have remained in its place both in t1 and t2. We can, in addition, further conclude that the existence in a particular place, or any other condition (*ḥukm*) that may or may not exist, does not exist in itself, but is caused by a triggering element (*muqtaḍī*).[275] The reason for this is that all states in which essences are found are only *possible* and there is nothing inevitable about them. It would follow, therefore, that something causes this potential state to become actual, and that this cause is additional to the essence itself (otherwise

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[275] For a broad survey of the treatment of this question in Ashʿarī thought, see Richard M. Frank, *Texts and Studies on the Development and History of Kalām*, ed. Gutas, vol. 3 (Aldershot: Ashgate Variorum, 2005), VIII.

no actualization would have occurred).[276] This additional element that causes the accident to become actual must be different from the essence itself for this accident to occur. We are left, therefore, with one of two possibilities: either this state was caused by a conscious agent (*fāʿil mukhtār*), or a prior state that led to it (*maʿnan mūjiban*).[277] But, even if it was a transformation that was produced by an agent, it would be the agent's action (*fiʿl*) that causes the change and not the agent himself. In all cases, there must be a prior state that causes a new state to occur.[278] It must be concluded, therefore, that essences in this world always exist in conjunction with accidents, which are subject to perpetual transformation.

The impossibility of there being a worldly essence that exists independently of accidents was the subject of several other proofs that Juwaynī advanced. One of which rested on the fact that "every accident can cease to exist by virtue of the occurrence of an opposite [accident] within the same essence (*kullu ʿarḍin bāqin fa innahu yantafī ʿan maḥallihi bi-ṭuryān* [sic] *ḍiḍḍin fīhi*). […] Thus, if whiteness is eliminated (*idhā intafā l-bayāḍ*) it would not be possible for it to be followed by the absence of color altogether."[279] Juwaynī's main point is that all things in this

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[276] Juwaynī, *Kitāb al-irshād*, 18–19.

[277] Ibid., 19. For Taftāzānī, the inextricable connection between substances and accidents follows directly from the fact that all objects are either at rest or in motion (*lā takhlū ʿan al-ḥaraka wal-sukūn*), both of which are created (*wa-humā ḥādithān*). The idea of impossibility of independence from motion and stillness is explained by reference to the intrinsic properties of existence in time. Specifically, for Taftāzānī, objects are necessarily present in a particular place at each moment in time. If a body was in the same place (*fī dhālik al-ḥayyiz bi-ʿaynihi*), it means it is at rest. If it was in a different place, that makes it in motion. He further maintained that this argument stands in relation to new objects at the moment of their coming into being: the fact of their acquisition of motion or stillness shows that those accidents are non-eternal (*al-azaliyya tunāfīhā*) and in a state of instability (*ʿadam al-istiqrār*). Taftāzānī et al, *Shurūḥ wa-ḥawāshī l-ʿaqāʾid il-Nasafiyya*, 1:99.

[278] Juwaynī, *Kitāb al-irshād*, 19. A similar point was made by Bāqillānī: "the proof that accidents are [inextricable to objects] is that a body moves after being static and becomes static after motion. This [change] occurs either in itself or because of a cause. If things moved in themselves they would not have been capable of idleness, and the fact that they move after being static shows that something moves it, and that is motion [i.e. the accident]." Bāqillānī, *Kitāb al-tamhīd*, 18.

[279] Juwaynī, *Kitāb al-irshād*, 25.

world exist within particular conditions, that all those conditions are temporal and contingent, and will only change when they are replaced by other temporal and contingent states.[280]

Like ʿAbd al-Jabbār, Juwaynī advanced the idea that the physical world is in an essential state of transformation as an ontological theory. This was central to contrasting the contingency of the world to God's eternity and self-necessity. It is not that different states merely become apparent to us at different points in time, but that essences in fact *exist* in different states at different moments. Ashʿarīs rejected the idea that states in which objects exist only become manifest at particular points in time while they have always existed in a hidden form. For them, this was an ontological, not a phenomenological argument. The transformations that we observe in states of objects prove that they are in constant change: "the inert essence, when it moves, enters a new state of motion, and the newness of this state means that it occurred at a particular point in time, which also means that inertia is, too, temporal."[281]

Another objection to the basic dualistic metaphysic rested on the assumption that the state of motion in all essences is itself a perpetual state. Hence, when motion is transferred from one object to another, it is merely a partial change within the perpetual state of motion that exists in the world, rather than a new state that is acquired by the object. Juwaynī's response to this claim is that motion *is* transference (*al-ḥaraka ḥaqīqatuhā l-intiqāl*)[282] rather than some other property that could, itself, be transferred. If one wishes to argue that transference is being transferred (*intiqāl il-intiqāl*) they would need to explain what cause exists outside of motion itself for such

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[280] Ibid. Bāqillānī explained that all this-worldly matters consist of essences and accidents, and that all of them are non-eternal (*muḥdath*). This temporality of the world, for him, follows directly from the inextricable link between all essences and bodies with accidents, as explained above. Bāqillānī, *Kitāb al-tamhīd*, 22.

[281] Juwaynī, *Kitāb al-irshād*, 20.

[282] Ibid., 22.

transference to take place.[283] In short, for Ashʿarīs, the very mobility of all objects *is* the state of perpetual change in which the world exists, and cannot be reduced to some fundamental substance that exists independently of the objects to which it attaches.[284]

(ii)   The Metaphysical Divide Conceived Differently

We have seen thus far that some leading Muslim theologians of the eleventh century agreed that only God is a necessary existent, and that none of the worldly occurrences could have been actualized without an eternal necessary existence. The similarities in the metaphysical models of ʿAbd al-Jabbār and Juwaynī do not go beyond this basic agreement. For Muʿtazilīs, God's attributes and actions are to be understood in a manner analogous to human attributes and actions. In their theories of divine attributes, humans are presented as imperfect but similar to the divine in a certain sense. For the Ashʿarīs, by contrast, contingent did not necessarily mean flawed. The world of sense experience is temporal and fleeting, but it is not a distorted image of some ideal metaphysical realm of perfection. God, in the Ashʿarī theory, can be described in simple and limited ways: He is that which is beyond our ordinary experience and comprehension. Ashʿarīs relied on a skepticism about our ability to comprehend God in order to introduce a metaphysical model in which the world is God's creation but not a fallen or flawed version of divine perfection.[285] The world is simply created by God in the form He designed, and

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[283] Ibid.

[284] Frank attributes a different conception of motion to Abū l-Hudhayl, whereby motion is seen as "a created 'accident' which 'comes to be in a body' or some part of a body. Although movement is not a thing's 'transference from the first place and its departure from it' [as the Ashʿarīs would hold], it is not a 'becoming' (*kawn*), as was noted, but an 'accident' which comes to be in the thing as a completion or perfect act of *having moved*." Frank, *Texts and Studies on the Development and History of Kalām*, 2:I: 18.

[285] The Ashʿarī conception of the divine as *beyond* all sense experience, and of our experience of Revelation as firmly anchored in sense experience, is remarkably similar to attempts to formulate modified metaphysical understandings of God and His speech in contemporary Christian and philosophical theologies. The Muʿtazilī-like metaphysics of continuity were described by Hector as a form of "correspondism" whereby one attempts to establish

no human can claim to comprehend the reasons of this particular design or aspire to approach divine perfection. For Muʿtazilīs, the conceptual parallels between the divine and the worldly meant that any theory of ethics should aim to formulate values and norms according to what is good and obligatory in the divine sense. For Ashʿarīs, that is altogether impossible. Humans can formulate values and norms based on what they perceive as beneficial, which would lead to hypothetical judgments, or based on an engagement with the miracle of Revelation, which may lead to generalizable normative judgments.[286]

God, in ʿAbd al-Jabbār's theory, emerges as an eternal agent that makes all existents possible, but not as an utterly unknowable or radically different Being. God is transcendent and infinite, but not fundamentally unknowable by, and distinct from, all other existents. There is an analogous continuity between divine agency, knowledge and action that, in many of ʿAbd al-Jabbār's views, appears as a matter of degree rather than sharp separation from the immanent world. God in ʿAbd al-Jabbār's view is primarily characterized by being *eternal in himself* (*qadīm li-nafsihi*).[287] The importance of conceptualizing God in that manner stems from the presumed necessity, generally shared by Ashʿarīs and Muʿtazilīs, to have a non-contingent

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"a bridge between oneself and that which transcends experience." This conception of metaphysics can be overcome by conceiving of God, as Gordon Kaufman suggested, "as the ultimate point of reference for all experience, and thus [we can claim that] 'God cannot be conceived as simply one more of the many items of ordinary experience or knowledge, in some way side by side with the others: God must be thought of as 'beyond' all the others, not restricted or limited by any of them but relativizing them all,' since 'without such unique logical status, God would be conceived of as of the same order as the many things which need to be grounded beyond themselves, rather than as the ground or source of them all.'" Hector, *Theology without Metaphysics*, 32–36.

[286] On the importance of social construction to the process of universalization, see Chapter 4.

[287] ʿAbd al-Jabbār, *Sharḥ al-uṣūl al-khamsa*, 107. The same argument underlies the denial of there being a natural element (*ṭabīʿa min al-ṭabāʾiʿ*) that made the emergence of the world necessary. In Bāqillānī's refutation of this claim, he argued that this natural event must have either existed or been non-existent. If it was the latter, its creation of the world would have been impossible "and nothing could be attributed to it." If it was existent, it must have been either eternal or created. If it was eternal its manifestation must have persisted until now for the lack of any reason for its disappearance." Bāqillānī, *Kitāb al-tamhīd*, 35.

actualizing agent. Whereas in Juwaynī's thought this agent is utterly outside of any existence in time, ʿAbd al-Jabbār and his followers mainly stressed the idea that God is not limited in time.[288] This characteristic, for them, is intrinsic to His essence without the need to obtain it from any prior or external source.[289] The most central distinction to be made in this context is between the Ashʿarī idea of God as supreme Creator beyond time, and the Muʿtazilī conception of God as a primary creating agent. The latter, unlike what we will see in Juwaynī's thought, assumes that God is an agent or "doer" (*fāʿil*) of things in the world in a manner fundamentally similar to the way in which we perform our actions.

ʿAbd al-Jabbār argued that it is possible to find signs of the existence of God in accidents (*al-aʿrāḍ*). His reasoning is that accidents are created and need an actualizing agent (*muḥdith wa fāʿil*) who is not "amongst us."[290] ʿAbd al-Jabbār explained that, since all accident are temporal, it follows that they require an agent (*faʿil/muḥdith*) that would bring them into being. This conclusion is, for ʿAbd al-Jabbār, attainable by analogy, which is a very significant departure from the metaphysical model advanced by the Ashʿarīs. He explained that "we know that accidents require a creator and an agent because it has been established through [the observation of] *our own actions* that they depend upon and attach to us in order to occur.[291] By extension, everything that is created needs a creator and an agent."[292] Here we see the first elements that signal a major difference in metaphysical outlook. While ʿAbd al-Jabbār upheld the widely

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[288] Such as the commentator on *Sharḥ al-uṣūl al-khamsa.*

[289] ʿAbd al-Jabbār, *Sharḥ al-uṣūl al-khamsa*, 107.

[290] Ibid., 92.

[291] For a summary of ʿAbd al-Jabbār's position among a survey of theological opinions on that question, see Dughaym, *Mawsūʿat muṣṭalaḥāt ʿilm al-kalām al-Islāmī*, 1:458-459.

[292] ʿAbd al-Jabbār, *Sharḥ al-uṣūl al-khamsa*, 94.

accepted view that everything is temporal and created except God, he begins to bridge this metaphysical gap by abstracting from human experience to reach theological conclusions. For ʿAbd al-Jabbār, God creates all accidents in the same way that we create our own actions. This contrasts significantly with Juwaynī's view that God effectively actualizes matters that otherwise would have been utterly inexistent, a mode of operation that is unavailable to humans.

The fundamental difference in those opposed metaphysical models, therefore, stems from a disagreement on whether, in the Creator-created dualistic metaphysic, any continuity can be claimed. Ashʿarīs, in general, responded in the negative. Juwaynī based his view that there must be a timeless Being that exists necessarily and freely of all accidents on two premises. First, he posited that all existents are temporal and non-necessary, as seen above. Second he assumed that, in order for what could have existed to actually exist, something that, itself, is not a mere contingency, must have made it to exist. The dualistic framework that produced the view of the contingency of the world also justified the idea that the created world must have an eternal Creator. Thus, there is an actualizing factor (*mukhaṣṣiṣ*) that brings a possible existent into actual existence.

The central feature that we should note in Juwaynī's theory is that God does not *cause* the world to exist in the manner in which humans cause their actions to occur. God is an entirely transcendent agent who makes all things possible beyond time, space and nature. God is not a cause or an actor in the natural or temporal parameters that are familiar to humans. Juwaynī makes this argument by maintaining that actualization can take place either through causation (*ʿilla*), a natural process (*ṭabīʿa*), or a conscious agent (*fāʿilan mukhtāran*). Those three possibilities do not seem to be clearly distinguished, since a natural process would appear to be subsumed under the idea of causation. But what Juwaynī appears to argue is that an actualizing

factor of this causal type cannot be seen as the *reason* for the existence of any existent. In other

words, causation, in whichever way we may wish to understand it, is not sufficient to justify

existence. He explained this as follows:

> it is invalid to take [the actualizing factor] to be a cause, since the cause must lead to its effect by way of necessity (*ʿalā l-iqtirān*). This [necessary] cause can either be eternal or contingent. If it was eternal, it would mean that it caused the existence of the world eternally, which is impossible as we have already shown. If it was contingent it means that it would, in itself, require an actualizing factor, which would lead to infinite regression.[293]

The main point Juwaynī is making in this passage is that mere causality is insufficient to justify

existence.[294] He repeated the same argument with regards to the possibility of natural processes

being at the origin of existence: if nature was eternal, it would mean that the world is eternal,

which is impossible. [295] God, for Juwaynī, is what allows us to claim that *this* existence (rather

than any other existence, or anything else, or nothing at all), is justified. Juwaynī finally drove

this point home in the following passage:

> Since it was established that the actualizing factor cannot be a necessary cause, and that it cannot be the result of a natural process that is incapable of choice, it becomes evident that what makes existents actual is a conscious Creator who chooses to bring them forth in particular shapes and times.[296]

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[293] Juwaynī, *Kitāb al-irshād*, 28–29.

[294] Contrary to this view, ʿAbd al-Jabbār held that "a characteristic of an action should be attributed to the [conscious] agent whenever it is proven to belong to the agent, and it is rational to attribute it to him. The fact that actions follow from the agent and are caused by him is similar to the fact that the effect follows from the cause, and this attribution follows form its intelligibility. Dughaym, *Mawsūʿat muṣṭalaḥāt ʿilm al-kalām al-Islāmī*, 1:459.

[295] Juwaynī, *Kitāb al-irshād,* 29.

[296] Ibid.

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The picture that emerges from this discussion of actualizing and necessary causes is one in which the world, as interconnected as its elements may be, has no necessary reason to exist in itself.[297] Only a unique and unparalleled necessary existent (i.e. God) could be the true reason why there is existence at all. This sharp contrast between the eternal and immutable Creator and all His creation, which exist in a fundamental state of flux, means the picture is radically different with regards to divine essence in comparison to the contingency of this-worldly essences. As Juwaynī explained, it is "impossible for accidents to inhere within the divine self, may He be exalted (*istiḥālat qiyām al-ḥawādith bi-dhāti l-rabbi subḥānahu wa taʿāla*)."[298] As explained in relation to this-worldly essences, a matter that is attached to an accident must always remain in a contingent state, since an accident can only be removed by an opposing accident. Thus, if God was subject to the occurrence of any accidents, it would mean that His very existence would be attached to changing accidents, which would mean that He himself is temporal.[299] Unlike all other existents, God is entirely indivisible, eternal and devoid of anything that is contingent.

(2) God and His Attributes

Thus far we have examined the basic metaphysical divide according to which all existents are contingent, and only God, the eternal accident-free Being, serves as the ultimate actualizing factor of all existents. God, in those theories, stands in contrast with all other intelligible matters in being the only perfectly eternal, uncreated, accident-independent existent. Disagreement arose with regards to whether God's attributes can be understood in a manner analogous to human

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[297] For an explanation of the conception of God as an omnipotent originator of all worldly (or secondary) causes in the theology of al-Ghazālī, see Frank, *Al-Ghazālī and the Ashʿarite School*, 36–39.

[298] Juwaynī, *Kitāb al-irshād*, 25.

[299] Ibid.

attributes. While the Muʿtazilīs formulated views of the divine that suggest this to be the case, Ashʿarīs denied the possibility of any parallels or continuities between the divine and the human. The issue of radical alterity, in the sense that anything divine is by necessity unlike anything immanent that we may be aware of, was the ultimate matter at stake in those debates, which played a central role in shaping the views on the nature of divine speech. To maintain that God is unlike anything immanent, Ashʿarīs defined divine attributes exclusively with reference to God, and avoided suggesting any kind of continuity between divine and human actions. For Ashʿarīs, divine attributes are either known to us because they inhere in the very idea of divinity, or because they follow logically from things we know about God.[300] For Muʿtazilīs, knowledge of God can follow from matters we know about the world and ourselves.

An important debate that arose around the question of God's transcendence concerned precisely what it means for things to be "similar" or "different," a philosophical question that was generally referred to by Muslim scholars as *al-mithlayn wal-khilāfayn*. It is clear how this question should precede the discussion of what God is or is not like. On the Ashʿarī view, we do know a few things about God, such as His being omnipotent and omniscient, independent of time, accidents, among other things. How can it be said that, even with this knowledge, God is completely unlike anything in our world? Since much of Juwaynī's work focuses on the

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[300] An example of the understanding of divine attributes that follows by logical necessity from our understanding of God, rather than by analogy with humans, is Ghazālī's argument in support of his conception of divine speech: "We assert that speech for any living being is a perfection, a deficiency, or neither a deficiency nor a perfection. It is false to say that it is a deficiency or that it is neither a deficiency nor a perfection; hence it is established by necessity that it is a perfection. Every perfection that exists for a created being must necessarily exist for the Creator, since this is more proper, as we previously explained." Ghazālī is careful to explain that his view of divine speech does not follow in any way from an understanding of human speech. This argument is made by reference to this idea of inner speech, which will be explained in the third section of this chapter, "We assert, however, that a man is called 'a sayer' in two senses. One of them is by virtue of sounds and letters, and the other is by virtue of *inner speech*, which is netiher sound nor letter; and this is a perfection. Inner speech is not impossible for God and it does not imply contingency. The form of speech we affirm for God is inner speech." Abū Ḥāmid Muḥammad al-Ghazālī, *Al-Ghazali's Moderation in belief: al-Iqtiṣād fī al-iʿtiqād*, trans. Aladdin Mahmūd Yaqūb, 2013, 115-116.

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attributes of God in relation to the immanent world, the discussion of His alterity comes down to the issue of what we mean by "unlike." Not surprisingly, Juwaynī, and Ashʿarīs in general, maintained a higher threshold for what qualifies as similarity than the Muʿtazilīs. For Juwaynī, two things are deemed similar if they bear the same essential attributes (ṣifāt al-nafs) in a way that would make them interchangeable (sadda aḥaduhumā masadda l-ākhar).[301] Juwaynī attributed to Jubāʾī and the "late Muʿtazilīs" the view that similarity means sharing the "most particular of attributes" (akhaṣṣ al-ṣifāt), which would mean that they also share essential attributes.[302] Juwaynī responded to this view by pointing out the fact that some matters are different with regards to specific attributes, but share the more general ones, such as createdness (ḥidath), existence (wujūd), and ephemerality (ʿarḍiyya). The Ashʿarī doctrine on this point consisted of holding that distinguishing two matters regarding one central characteristic is not sufficient to claim that they are "unlike" one another, but it must be shown that they do not share any of the essential attributes. As Juwaynī put it: "we must take into consideration *all of the attributes of essence* in determining similarity (al-mumāthala); it is invalid to base this on only one attribute, hence we need to consider them all."[303]

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[301] Juwaynī, *Kitāb al-irshād* , 34.

[302] Ibid., 35. For a further elaboration of Muʿtazilī theories of divine speech, see Nader El-Bizri, "God: essence and attributes," In T. J. Winter, *The Cambridge Companion to Classical Islamic Theology* (Cambridge: Cambridge University Press, 2008), 121–25.

[303] Juwaynī, *Kitāb al-irshād*, 35. On the point of dissimilarity of the Creator and the created, Bāqillānī argued that "the Creator of all created [matters] cannot bear resemblance to it (lā yajūzu an yakūna ṣāniʿa l-muḥdathāti mushbihan lahā). If He resembled [created things] in type or appearance, He would have also been created, or it would have been eternal like Him. This is the case because things that are similar must also be interchangeable in form (yasuddāni fil-manẓar masaddan wāḥidan), such as composite things [or things of the same color]. If God resembled [created things] in form or in being composite, He would not have been One, and He would have been in need of a creating agent, since a form can only occur by virtue of a creator." Bāqillānī, *Kitāb al-tamhīd*, 24–25.

For Ashʿarīs, for things to be truly "similar" they must have identical attributes of essence.[304]

Accidental attributes, such as location or color, are only *possible* rather than essential, thus we can say that two things are similar even if they have different accidental attributes, as long as it is possible for each one of them to acquire the accidental attributes of the other. This distinction between essential and accidental attributes is central to resolving the critical matter of what God is "like," and what we can truly say that we know about Him. Some schools of thought went far (arguably, too far) in defending God's utter alterity by maintaining that "we cannot assume that God has any positive attributes." Juwaynī attributed this claim to esotericists (*al-bāṭiniyya*), which typically included Ismāʿīlīs. On this view, if we said that God was existent we would mean that he is existent in a way similar to created beings.[305] For Juwaynī, we should be able to assert that God is existent, and that this is an attribute that is shared with created matters, without concluding that God is *like* created matters. The claim that God is unlike any created thing would be justified on the sole basis of the fact that He has attributes that no other being possesses. The importance of this division between essential and non-essential attributes lies in the need for us to maintain that we have *some* knowledge of God, while at the same time allow for the view that the divine is not merely a more perfect version of what the immanent.

It follows from the above discussion that the Ashʿarīs and the Muʿtazilīs, although they agreed that God is "unlike" anything in this world, disagreed on what that meant precisely. The concept of alterity advanced by Ashʿarīs was significantly more radical. It supposed that *all* of God's attributes of essence are unlike any of our attributes of essence. The important issue that follows from this discussion is whether any of God's attributes can be understood in this-worldly terms

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[304] Juwaynī, *Kitāb al-irshād*, 36.

[305] Ibid., 37.

in any manner. This leads to the issue of what divine speech is, how it can be dealt with, and

what is the depth of the moral implications of Revelation. As we will see in the final section, if

divine speech was, in some important way, like human speech, it would mean that it must be

historicized, in the sense that our understanding of it depends on the circumstances in which it

was uttered. If it was, as the Ashʿarīs insisted, essentially time-independent, it would mean that

there is some element of universality in it, which would reflect in the manner of moral reasoning

that follows from this speech.[306]

After having shown that the fact that God has comprehensible attributes does not mean that He is

similar to created matters, Juwaynī enumerated the ways in which God is radically different from

worldly beings. First, God has no particular substance, since substances must by definition be

localized (*mutaḥayyiz*).[307] Second, it follows from the fact that God has no substance that, *a

fortiori,* God is not a body (*jism*), since bodies are composite matters defined in space.[308] Third,

and perhaps most importantly, God exists in perfect independence of all temporal created matters

(*ḥawādith*).[309] The importance of this is the affirmation that God is absolutely above time and the

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[306] Madelung offered an account of pre-Ashʿarī discussions on the question of anthropomorphism in the understanding of divine attributes that attributed a prominent role to Shīʿī theologians. He argued that Zaydīs were allied with the Muʿtaziis and Khārijīs in advancing a non-anthropomorphic view of divine attributes. "Non-anthropomorphic" here refers to a view of God's attributes that opposes it to the understanding of the divine that stems from a literal reading of the Quran, but does not begin to address the question of continuity or rupture between the immanent and transcendent worlds. Those literalist readings belonged to what later Ashʿarīs referred to as *ṣifātiyya,* or theologians who affirmed the existence of essential attributes of God, a position held by ʿAbd Allāh b. Kullāb as well as Abū l-Ḥasan al-Ashārī. See Wilfred Madelung, "The Shīʿite and Khārijite Contribution to Pre-Ashʿarite Kalām," in Parviz Morewedge, ed. *Islamic Philosophical Theology* (Albany: State University of New York Press, 1979), 126–127.

[307] Juwaynī, *Kitāb al-irshād*, 44.

[308] Ibid., 42.

[309] Ibid., 44.

constant flux that is entailed by temporality.[310] This issue alludes to the question of whether or not there can be an essence that is devoid of accidents, on which Ashʿarīs and Muʿtazilīs vigorously disagreed. For Ashʿarīs the very idea of having an essence implies specificity, and therefore entails some temporal characteristics by its very nature. Muʿtazilīs, by contrast, argued that God has an eternal essence to which temporal events relate without altering His eternal being.[311] Those temporal events would include actions, will and speech, which would make them interventions in time that resemble to an important degree human actions.[312]

This disagreement, therefore, related primarily to the acceptance of some version of Platonic metaphysics. While Muʿtazilīs viewed the divine as somewhat similar to the worldly, Ashʿarīs insisted on its utter alterity. Juwaynī drove this point home in the context of his study of the attributes of God by maintaining that He is "unlike anything immanent" (*mukhālafatuhu lil-ḥawādith*). This, he explained, means that God "does not resemble anything in the created world, and that none of it resembles Him."[313]

The disagreement between Ashʿarīs and Muʿtazilīs becomes clearer in the context of the issue of secondary, or non-necessary, attributes. As we have seen, Ashʿarīs maintained that God's "attributes of the self" (*ṣīfāt nafsiyya*) are matters that are essential to what God is. Those include oneness, timelessness, omnipotence and omniscience. There are, on the other hand, attributes that are not intrinsically connected to divinity, but follow from what we know about God, such as His being "alive" (*ḥayy*) all-hearing, (*samīʿ*) all-seeing, (*baṣīr*) and His being able to speak

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[310] Ibid., 45.

[311] Ibid.

[312] Ibid.

[313] Ibid., 34.

(*mutakallim*).[314] According to Juwaynī, God's attributes are divided between essential attributes (*ṣifāt nafsiyya*), and caused or imposed attributes (*ṣifāt maʿnawiyya*). The first type of attribute is knowable through our awareness of the very idea of God. They are things that inhere within the concept of God. The second category includes attributes that are conceivably separable form God's self but we know exist for a variety of reasons.

A central debate occurred with regards to God's existence and whether it could be considered an attribute. Juwaynī argued that existence is not among God's attributes (*lā yuʿaddu l-wujūd min al-ṣifāt*) because God's existence is identical with His essence (*al-wujūd huwa nafs ul-dhāt*). An essential attribute, for Juwaynī, is that without which the self would not be conceivable, but is not the same as the self. It is not an attribute of God that He exists, but God's self is existence, and no distinction can conceivably be made between His essence and existence. This view stems from a specific theory that Juwaynī advances concerning nothingness. The question pertains to whether inexistence (*al-ʿadam*) is an actual state that can be endowed with attributes and conditions.[315] For Juwaynī, inexistence is mere negation (*nafyi maḥḍ*), in the sense that it is nothing other than the lack of existence, with no essence of its own. Accordingly, one cannot be described as being existent or non-existent in the same way that we describe matters as large or small, for instance. Rather, only existence is a positive state, and inexistence is merely the lack of such state.[316] In line with this view, Juwaynī maintained that we cannot treat existence as an attribute that God is endowed with, but as the very same thing as His self.[317]

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[314] Ibid., 72.

[315] Ibid., 31.

[316] Ibid.

[317] An account of the disagreement on the nature of divine characteristics was attributed to Abū l-Ḥasan al-Ashʿarī, who wrote: "a significant number of the early [scholars] considered that God had eternal attributes such as

The most important attributes of the self that characterize God are His eternity (*qidam*), oneness (*waḥdāniyya*) and self-sufficiency (*qiyām bil-nafs*). Those characteristics radically oppose God to any other existent. Eternity (*qidam*) primarily means that God is not defined in time, which, by necessity, means that His existence has not been introduced at any point (*lā awwala li-wujūdihi*; *wujūd ul-qadīm ghayra muftataḥ*).[318] The justification Ashʿarīs offer for the claim that God "has no beginning" and, obviously, no end, is the fact that anything that is defined in time (*muḥdath*) must depend on (*iftaqara ilā*) an actualizing factor (*muḥdith*), which, in turn must have a reason for its actual existence, and so on indefinitely. The existence of a Being with no beginning or end, however, must be anchored into a specific conception of time.

Juwaynī mentions a possible objection to his claim in the following terms: "assuming the presence of a Being that has no beginning means that we should posit that there are successive times (*awqāt mutaʿāqiba*) that are not finite, since this Being cannot exist [without being within] given moments in time (*lā yuʿqal istimrār wujūd illā fī awqāt*)."[319] This view assumes that any existence is a function of time, which would mean that the existence of an eternal being entails the existence of an eternal state of affairs (i.e. endless moments in time). That, would contradict the alleged uniqueness of the eternal Being, and defeat the Ashʿarī theistic view in the first place. Juwaynī, in response to this objection, felt compelled to explain his conception of time:

knowledge, capacity, life, will, hearing, sight, speech, glory, generosity, goodness, mercy, pride, and greatness. They did not distinguish between the attributes of the self (*ṣifāt al-dhāt*) and the attributes of action (*ṣīfāt al-fiʿl*), but rather treated them all together. They also posited textual characteristics such as having hands and a face, and they justified this by reference to Revelation, and so we call those textual characteristics (*ṣīfāt khabariyya*) […] Since the Muʿtazilīs deny divine attributes, we call the previous scholars the *ṣifātiyya* and we call the Muʿtazilīs the *muʿaṭṭila*." Dughaym, *Mawsūʿat muṣṭalaḥāt ʿilm al-kalām al-Islāmī*, 1:699.

[318] Juwaynī, *Kitāb al-irshād*, 31–32.

[319] Ibid., 32.

Times are [attributes by virtue of which we understand] the existence of certain matters in relation to others (*al-awqāt yuʿabbaru bihā ʿan mawjūdat tuqārin mawjūdan*). Every existent that is attached to another existent that is inseparable from it is deemed to be its time. [..] Since this is the meaning of time, it becomes clear that it is not necessary for existents to exist in conjunction with others, if that is not a rational necessity. […] The Creator, Most Exalted, is self-sufficient in His existence and attributes before any creation, and is not associated with any creation.[320]

The uniqueness and absolute transcendence of God, even in relation to time, is quite obvious in Juwaynī's response. Time, for Juwaynī, is a creation like any other, except that it is attached to all creation by rational necessity. That being said, there is no intrinsic contradiction in the view that an existent could exist separately from time, and that this existent is God. Another characteristic that has already been discussed in relation to the timelessness of God is the fact that God is "self-sufficient" (*qāʾim bi-nafsihi*), which means that God needs no location (*maḥall*), essence (*jawhar*) or actualizing factor (*mukhaṣṣiṣ*). God, as we have already seen, *is* existence, and needs no actualization to exist.[321]

The Muʿtazilī position was to generally maintain that God's oneness, omnipotence and omniscience are identical with His essence, rather than separate attributes, which Ashʿarīs took to be a denial of attributes altogether (*nafyi al-ṣifāt*).[322] Those attributes that are identical with God, however, can be understood in a manner analogous to our understanding of our own attributes, especially with regards to their existence in time. The position that divine characteristics are identical with the divine self is extended by several Muʿtazilīs to several matters such as his being all-hearing and all-seeing.[323] They generally attempted to emphasize

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[320] Ibid., 33.

[321] Ibid. For a treatment of this question see ʿAbd Allāh ibn Muḥammad Ibn al-Tilimsānī, *Sharḥ al-Maʿālim fī Uṣūl al-Fiqh*, 1ˢᵗ ed. (Beirut: ʿĀlam al-Kutub, 1999), 170–71.

[322] Juwaynī, *Kitāb al-irshād*, 79.

[323] Ibid., 63–64.

God's utter oneness and immutability, but also had to account for God's relationship with the immanent world in a way that did not compromise His utter oneness. The denial of separate or independent attributes was designed to achieve the first goal. The second led to a tendency to conceive of certain divine actions as temporal and created (*ḥāditha*) but not attached to location (*lā fī maḥall*). The point of this argument was to establish divine intervention in the world in a comprehensible manner that is clearly immanent, and to insist that such created actions did not require any transformation in the perfect divine self.[324]

The emphasis on God's absolute oneness with His attributes can be seen in ʿAbd al-Jabbār, who held that power (*qudra*) is the primary attribute that we can rationally infer that God possesses, and that all other attributes follow from this inference.[325] But in order for this exercise in inference of divine attributes to occur, we must first understand that God is One (or unique, *wāḥid*) with regards to his attributes.[326] This is a central point that highlights the most fundamental difference in the Ashʿarī and Muʿtazilī models. For Juwaynī, as we saw, God is not understood as a Being endowed with a unique set of attributes, but as an utterly transcendent, different and absolute originator of all things. The break between the understanding of God and our observation of this world is significantly less pronounced in the picture that ʿAbd al-Jabbār and his commentator draw. For ʿAbd al-Jabbār (and also Shishdīw), the defining feature of God is not His utter alterity with regards to all existents, but primarily the fact that He is a being that has a set of attributes that no other possesses. That is a conception of God that makes Him quite comparable to this-worldly beings. No claim is made by ʿAbd al-Jabbār that those attributes are

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[324] Ibid., 64.

[325] ʿAbd al-Jabbār, *Sharḥ al-uṣūl al-khamsa*, 151.

[326] Ibid., 128.

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of a fundamentally different type compared to attributes possessed by humans or other earthly

beings. Those attributes are in part positive (*ithbāt*) and in part negative (*nafiy*) and are all

attached to God by necessity (*mustaḥaqq*).[327] The state in which one both knows and

acknowledges (*ʿalima wa aqarr*) the attributes that set God apart from all other beings is a

prerequisite for fulfilling the ethical requirements pertaining to monotheism (*tawḥīd*).[328] This is

understandable, given that the uniqueness of those attributes is what *defines* the conception of

God in ʿAbd al-Jabbār's thought. Failing to recognize those attributes is equivalent to a failure to

know the One God.

The radical difference between the Muʿtazilī and Ashʿarī conceptions of attributes of God

manifests itself most pronouncedly in the assumption that God possesses those attributes *in time*.

Thus, in his development of ʿAbd al-Jabbār's idea of divine oneness, Shishdīw explains,

> All believers should know the Eternal (*al-qadīm*) most exalted through His necessary
> attributes, the manner in which they attach to Him, that which among them attaches at all
> times (*fī kulli waqt*), that which is impossible at all times (*mā yastaḥīl ʿalayhi min al-ṣifāt
> fī kulli waqt*), and that which attaches to him at some moments rather than others (*fī
> waqtin dūna waqt*). Then, they must know that whoever possesses those attributes must
> be one without a peer who would share the same positive and negative attributes in the
> same manner.[329]

This passage highlights the two central characteristics of the Muʿtazilī treatment of divine

attributes. First God is One by virtue of His possession of a unique set of attributes, and not by

virtue of His essence being radically different from anything this-worldly. Second, much like

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[327] Ibid.

[328] Ibid.

[329] Ibid., 129.

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earthly beings, God possesses His attributes *in time*. While some of those attributes are possessed by God at all times, others are only limited to certain periods in time.

This determination of divine attributes in time contrasts very clearly with the Ashʿarī view on God. We have seen that, for Juwaynī, some of God's eternal attributes are inseparable from the very essence of divinity. Others are not closely linked to divine essence but are still knowable through inference on the basis of certain matters that we know about God. The Muʿtazilī theory of divine attributes acknowledges a number of characteristics that are attributable to God in himself (*fī dhātihi*) at all times (*fī kull waqt*).[330] The main difference between this theory and the Ashʿarī model is that God's attributes can be "shared" (*mushāraka*) by humans, with the caveat that God possesses His attributes *in himself* (*fī dhātihi*) while humans are granted the attributes in particular circumstances. Those main attributes that are possessed by God in himself at all times include His being omnipotent (*qādirī*), omniscient (*ʿālim*), living (*ḥayy*), all-hearing (*samīʿ*), all-seeing (*baṣīr*).[331]

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[330] Ibid.

[331] The Muʿtazilī assumption that divine attributes are similar to, and can be inferred from, human attributes was attacked directly by Abū Ḥāmid al-Ghazālī in his *al-Iqtiṣād fil-Iʿtiqād.* Ghazāī held that "if one attempts to prove divine speech by asserting that reason deems it possible that the creation frequently receives commands and prohibitions, and that every quality that is possible for the creation is founded on a necessary quality of the Creator, then one has transgressed the bounds of reason. It would be said to him: if you mean that it is possible for created beings to be commanded by other created beings, for whom speech is conceivable, then that would be conceded. But if you mean that it is possible in general, whether for the creation or for the Creator, then you have presupposed in this argument what is being disputed, and that would not be conceded." Ghazālī, in this passage, resorts to a common Ashʿarī strategy in their refutation of Muʿtazilī thought whereby he identifies an unsubstantiated assumption in the argument and challenges it. The disputed assumption in this case is the view that, if humans are endowed of speech in time in a particular manner, it follows that God must speak in the same manner. As we can see, Ghazālī in matters of philosophical theology, as well as in matters of moral epistemology (see Chapter 1), is happy to concede that our speculative conclusions about our (i.e. human) capacities and constructed norms are valid, but is adamant in denying that such judgments can in any way be imposed on God. Ghazālī, Abū Ḥāmid, *Moderation in belief: al-Iqtiṣād fī al-iʿtiqād*, trans. Aladdin Mahmūd Yaqūb, 2013, 114.

Among the attributes that God possesses only at particular points in time are His being aware of all recognizable matters (*mudrikan lil-mudrakāt*), willing (*murīdan*) and unwilling (*kārihan*) *by virtue of a temporal non-immanent will* (*bil-irādati wal-karāhati l-muḥdathatayni lā fī-maḥall*).[332] To be aware, willing or detesting (*mudrik, murīd, kārih*), there must be a temporal object to be aware of, will or detest.[333] The insistence that some attributes such as awareness and will are temporal and attach to temporal objects (without *inhering* in any immanent matter, *lā fī maḥall*) is an attempt to harmonize a view of God as a knower of all the details of the world with the idea of the absolute oneness of God. God in this model is all-powerful yet involved in the ever changing details of this world without being the subject of any change himself. The details of this view should not concern us here, but what is important is that God in the Muʿtazilī conception is not an utterly unknowable Being, but a unique Being that possesses attributes of a fundamentally similar nature to ours. He acts *in time* by wishing and disliking particular events in a manner fundamentally understandable to humans.

Shishdīw makes the argument for the radical similarity of divine will and awareness to our will an awareness by classifying divine attributes into three types. First, some attributes are only possessed by God, such as omnipotence. Second, some are possessed by God in a way that is unlike anyone else, such as omniscience and existence in eternity. Third, and most interestingly, some are shared by God and humans in the same manner, such as awareness, wishing, and disliking: "he wishes and dislikes by virtue of will and aversion, and so do we, but the difference is that the Eternal Most Exalted […] wishes and dislikes by virtue of a will and aversion that do

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[332] ʿAbd al-Jabbār, *Sharḥ al-uṣūl al-khamsa*, 129.

[333] Ibid., 130.

not exist in anything immanent, whereas we like and dislike based on our particular circumstances."[334]

The first attribute that we know God possesses is omnipotence, since we know Him primarily as the Creator of all existents. His being eternally existent is not a necessary consequence of this attribute, since He "shares" it with humans. This is important since, for Ashʿarīs, God exists in himself in a manner that differs from the way in which we exist. For Muʿtazilīs, it is only a matter of our being existents in a specific period of time, whereas God exists at all times. Thus, existence is not what primarily distinguishes God, but His being the Creator of the world (*al-muḥdith lil-ʿālam*). From our knowledge that God is the creator of the world follows immediately the knowledge that He is omnipotent.[335] What is most important to note with regards to proving omnipotence on the basis of creation is that the argument proceeds through analogy with human capacity, as follows:

> What shows that God's capacity to create is a sign of his omnipotence is that, through observation, we notice two situations: in some cases, people among us are capable of certain actions, in others they are not, such as in case of sickness. The way to distinguish those two cases is through an attribute that the first possesses, which is power. This is the same for God. He must possess power, *since forms of argument do not differ between what is observable and what is beyond observation* (*li-anna ṭuruq al-adilla lā takhtalif shāhidan [aw] ghāʾiban*).[336]

The italicized segment of this argument is what matters the most to us. Muʿtazilīs, generally, tended to view our forms of reasoning and argument as applicable, not only to ourselves and our knowledge of the world, but to God as well.[337] The underlying metaphysical view that this

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[334] Ibid., 131.

[335] Ibid., 151.

[336] Ibid., 152. Emphasis added.

[337] The idea that attributes follow from their natural causes both in their immanent and metaphysical forms was also emphasized by ʿAbd al-Jabbār in his *Mughnī*. He held that "the attributes do not differ either in the concrete or

argument reflects is one that sees a continuity and similarity between what is divine and what is human. Along the same lines, ʿAbd al-Jabbār built his argument for divine omniscience on the basis of what we can observe from His actions. He argued that God's omniscience is evident because of His creation of animals, rotation of planets in their orbits, generation of winds, among other phenomena.[338] We can see in this argument that a divine attribute like omniscience is not only a matter of *a priori* reflection, but indeed a matter of abstraction from observations on the basis of principles that we know about the world. That God's creation is an indication of His knowledge is taken to be analogous to the fact that complex types of activities, such as writing, require the existence of a particular types of knowledge.[339]

As we saw with Juwaynī, Ashʿarīs insisted on denying any analogy between divine and human conditions. This idea of fundamental difference was explicitly addressed and rejected by ʿAbd al-Jabbār in form of a response to a hypothetical objection. The objection, which exhibits an obvious Ashʿarī logic, was put as follows: "why have you [i.e. the Muʿtazilīs] denied the claim that the production of a complex action in the observable world (*fil-shāhid*) indicates knowledge because of the identity between conventional and habitual occurrences (*muṭābaqat al-muwāḍaʿa wal-ʿāda al-sābiqa*), which does not apply to God Most Exalted, since he acts in an *a priori* fashion (*afʿāluhu tajrī majrā l-ibtidāʾ*) and therefore are subject to no convention or habit that we

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transcendent domains as long as their cause is similar …] It must be held that the speaker performs (*faʿala*) the speech (*al-kalām*) whether we are concerned with God (*al-qadīm*) or His creation (*al-muḥdath*). This [argument] invalidates their [i.e. the Ashʿarīs'] claim that God speaks eternally. God may only be characterized as such [i.e. as a "speaker"] when he *performs* speech (*ʿinda fiʿlihi l-kalām*)." Dughaym, *Mawsūʿat muṣṭalaḥāt ʿilm al-kalām al-Islāmī*, 1:701.

[338] ʿAbd al-Jabbār, *Sharḥ al-uṣūl al-khamsa*, 157.

[339] Ibid.

are aware of?"[340] This counter-argument is a clear expression of the skeptical (or modest) theism that the Ashʿarīs were advocating. The point that his hypothetical opponent is making is that the kinds of observation and inference that we can make on the basis of our sense experience and *a priori* reason are only contingent upon the habitual consistency of worldly phenomena, which has been generally maintained, but is not guaranteed as a universal law. For all we know, God may change, interrupt or reverse this habitual consistency as He wishes, and therefore it would be baseless to suppose that the same principles that apply to what we observe can lead us to knowledge about God's attributes. ʿAbd al-Jabbār's response to this counter-argument amounts to nothing more than a re-statement of his position. He maintained that "the possibility of performing a complex action is an indication that the agent is knowing, because we can distinguish between the actions of those who know and those who do not know. Can't you see that, with regards to complexity, some writing is the same as a lot of writing? […] Our predecessors explained that the actions of God are performed in a harmonious and habitual manner."[341] This is clearly not a direct response to the Ashʿarī objection, but a mere restatement of the Muʿtazilī doctrine. ʿAbd al-Jabbār thus asserted that he and his fellow Muʿtazilīs believed that God's actions occur in a manner fundamentally similar to actions performed in the habitual manner observed in this world.

(3) The Conception of Divine Speech: Action or Inner Representation?

Ashʿarī and Muʿtazilī metaphysical models produced different understandings of what it meant for God to have attributes. This disagreement resulted in different views on the question of

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[340] Ibid., 158.

[341] Ibid.

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divine speech. Whereas Muʿtazilīs maintained that God spoke through speech created in time, Ashʿarīs held that divine speech, like all of His attributes, is eternal and intrinsic to the divine self. The fact that Muʿtazilīs held that divine speech was created, whereas Ashʿarīs viewed it as timeless, has sometimes been regarded as a sign that Muʿtazilīs had a more rational or practical take on divine Revelation and attempted to incorporate it within the sphere of human deliberation. The view that Muʿtazilīs have a philosophically more viable model with regards to the relationship of God to this world is a common assumption in contemporary studies on Islamic thought.[342] This conclusion is only based on an incomplete, and therefore inaccurate, reading of the Muʿtazilī-Ashʿarī disagreement. The central issue at stake here was not merely a matter of the nature of God's speech, but a question of the relation of God to His creation. Muʿtazilīs presented a quasi-Platonic view of the world whereby the divine realm is an *ideal* mirror-image of our earthly life. God, on that view, is much like humans in His wishes, intentions and actions, but, unlike humans, always acts morally. Ashʿarīs, by contrast, were profoundly skeptical of the possibility of comprehending divine motives and intentions, and placed God in a position of pronounced uniqueness in relation to Creation. In that sense, Ashʿarīs were in fact anti-metaphysical in their approach.

This anti-metaphysical stance did not translate into pure secular empiricism, but resulted in a renunciation of any attempt to be God-like or to fit divine categories into human categories. Concretely, this meant that they treated the language of Revelation as *indicators* (*dalālāt*) and signs (*ishārāt*) as we can see in Juwaynī's definition, explained in this section.[343] Maintaining that speech "resides in God's self," as we will see, meant that we can only deal with the concrete

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[342] For example, see Hourani, *Islamic Rationalism*.

[343] Juwaynī, *Kitāb al-irshād ilā qawāṭiʿ al-adillah fī uṣūl al-iʿtiqād*, 104.

language of Revelation as a method to complement the virtues advocated in Revelation with particular moral norms. Formulation of Revelation-based norms was seen as a purely worldly exercise consisting of the collective engagement of the community of the faithful with the signs left to them by Revelation. No *a priori* principles or metaphysical designs can lead in a linear fashion to practical moral knowledge. What the modernist rejection of Ashʿarism misses, therefore, is the fact that their skepticism led to faithfulness to empirical knowledge and social convention in matters of moral epistemology and not, as is often claimed, a dogmatic attachment to the letter of the text. Those two contrasting views on the nature of divine speech and their meta-ethical implications will be explained in the following sub-sections.

(i)　　*Speech as Action and the Metaphysics of Muʿtazilī Ethics*

ʿAbd al-Jabbār began his analysis of the nature of divine speech by declaring that God's speech is in fact an action taken in time: "the Quran is one of God's actions, which could conceivably occur in a way that we consider to be good (*yuḥassan*) or in a different way that we consider to be evil (*yuqabbaḥ*)."[344] This statement incorporates the central elements of the Muʿtazilī view of divine speech. First, ʿAbd al-Jabbār held that God speaks in a manner similar to humans: as an action performed in time. This action is not generative of moral concepts in any sense, but supposes the pre-existence of a universal idea of good and evil. This conception of action (*fiʿl*)

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[344] ʿAbd al-Jabbār, *Sharḥ al-uṣūl al-khamsa*, 527. An account of the early theories of divine speech in Muʿtazilī thought was provided by Richard Frank. According to Frank, "Abū l-Ḥudhayl held that the *Koran* was primevally created by God in 'The Cherished Table' and that this discourse itself exists as recited, written, and retained in the hearts of men, without losing its integrity or identity with itself. Strictly speaking, the Word of God that is the revelation is not world-transcendent. It is a material being as are all beings save God Himself, and if God were to destroy *all* the substrates in which the *Koran* has its existence, it would cease to exist as speech. As speech, the Word of God is contingent upon His will, as is all material being, but the revelation is not, for this reason a 'mere' creature. Like all speech, it is the speech of the one who originated it and the *Koran* […] is the articulate speech of God, the eternal Creator, available to human perception and understanding." Frank, *Texts and Studies on the Development and History of Kalām*, 2:493–94.

was elaborated by ʿAbd al-Jabbār more clearly in his section on God's justice (ʿadl). Justice for ʿAbd al-Jabbār is a characterization of actions with respect to the concepts of good and evil: "[justice] could be used to characterize an action or an agent. If it is used in relation to an action (fiʿl), it would mean that the action is good (ḥusn) and performed by the agent to achieve benefit." If this is used to characterize an agent, it would mean that the agent performs just actions. In relation to God in particular, "it means that He neither chooses nor performs what is evil (al-qabīḥ), never abandons what he ought to perform, and that all His actions are good (ḥasana)."[345] The meta-ethical background against which ʿAbd al-Jabbār constructs his theory of divine speech reinforces the view that God is distinguished from humans with respect to the generation and following of moral standards only as a matter of degree. God's actions are fundamentally of the same *type* as human actions, and can be understood along the same moral principles that we use to evaluate human actions. The main difference is that they are always right and good.[346] What follows from this view is that God participates through His created actions in the moral universe that He created.

This is further elaborated in an example that ʿAbd al-Jabbār provides to explain the idea that one does not commit an evil action knowingly if there is reason to commit it. This theory is advanced by ʿAbd al-Jabbār to explain why, even though God could conceivably commit actions that we can characterize as evil, He never does:

> We find that evildoers (al-ẓalama) steal other people's properties, either because they do not understand the evil nature of stealing (lā yaʿrifūna qubḥa l-ightiṣāb) or because they think they will need those properties. This shows the truthfulness of what we maintained, that if a person has a choice between telling the truth and telling a lie, the consequences

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[345] ʿAbd al-Jabbār, *Sharḥ al-uṣūl al-khamsa*, 301.

[346] Ibid., 301–2.

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of the two being equal […], and if they know that lying is evil and unnecessary, they would *never* choose to lie.[347]

The implications of this type of moral theory were explained in the previous chapter, but it is worth noting here that God, in his participation in the system of good and evil, is different from other beings only by the fact that He never needs to commit an evil action.[348] Since He is all-knowing, it is inconceivable that God would commit an evil action. In short, all beings, God included, participate in the same meta-ethical designs, with God representing the virtuous extreme of this system.

Going back to divine speech, we can see now that God in the Muʿtazilī view speaks in time in a manner that pre-supposes the existence of moral values. Because God is all-knowing (ʿālim) and all-sufficient (ghaniyy), His speech is good by necessity. It is "one of the great blessings," and through which "laws and rules" can be known, but it does not create values, or the possibility of knowing values, in the manner it does in the Ashʿarī model.[349] Significantly, ʿAbd al-Jabbār does not treat separately speech *proper* and written or spoken words, as is the case in Ashʿarī discussions of speech. Rather, ʿAbd al-Jabbār begins his discussion with the Quran, which he treats as God's word in the proper sense. The discussion of the distinction between the written word and the speech of God takes the form of the need to identify the observed (al-shāhid) with

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[347] Ibid., 303.

[348] Similarly, Ḥillī argued that, even though all schools of thought agreed that God is always truthful, Imāmīs and Muʿtazilīs specifically maintained that God is always truthful because lying is evil (qabīḥ) and that God does not commit evil actions. Ḥillī reported that the Ashʿarī response to the question of God's truthfulness would be to say that if God were to be a liar, this would occur by virtue of an eternal attribute, which is absurd. Ḥillī rejected this claim in the context of his overall rejection of the idea of inner speech. Ḥillī, *Maʿārij al-fahm fī Sharḥ al-Naẓm*, 312.

[349] ʿAbd al-Jabbār, *Sharḥ al-uṣūl al-khamsa*, 527. A characteristic Ashʿarī response to this conception of divine speech would be to argue that sounds and letters are occurrences (muḥdathāt) and that it is inconceivable that such occurrences would inhere in the divine essence. See for example. Ghazālī, *Moderation in belief*, 115.

the unseen (*al-ghāʾib*), or the physical and the metaphysical. This form of inquiry is explicitly

advanced by ʿAbd al-Jabbār as follows:

> The Kullābiyya argued that God's speech is an eternal meaning (*maʿnā azaliyy*) that resides in His self, and that it is one with the Torah, the Gospel, the Psalms and Furqān, and that what we hear and recite is a report about God's word (*ḥikāyat kalām Allāh taʿāla*), and thus they distinguished between the seen and the unseen (*farraqū bayna l-shāhid wal-ghāʾib*). They [however] ignored the fact that this would require them to maintain either the eternity of the [observable] words or the temporality of God's words, since both report and divine word must be of one type, and cannot be different with respect to eternity or creation.[350]

In his characterization of his position on divine speech as one pertaining to the differentiation of

the seen from the unseen, ʿAbd al-Jabbār advanced his theory of divine speech in the

metaphysical terms we have explained in previous sections. While ʿAbd al-Jabbār's interlocutors

in this passage tended to see a difference in kind between this-worldly phenomena, such as

human speech and the physical words of the Quran, and divine or transcendent matters, ʿAbd al-

Jabbār insisted, in Platonic fashion, that speech is one and the same kind, whether in the perfect

divine Form, or the less-than-perfect form that we can observe. The seen and the unseen,

therefore, differ in degree of clarity and perfection, but not in type.[351] The Muʿtazilī doctrine of

divine speech was thus formulated by ʿAbd al-Jabbār in the following terms:

> The Quran *is* God's speech and Revelation. It is created in time (*makhlūqun muḥdath*). God has revealed it to His Prophet (*anazalahu Allāhu ʿalā nabiyyihi*) to demonstrate the truth of his prophethood, and to provide us with evidence for judgments (*dalālatun lanā ʿalā l-aḥkām*) so we can consult it on matters of permissibility and prohibition, which requires us to thank [God] and glorify Him. It is therefore what we hear and recite, which, although not directly created by God, is attributed to Him in a literal sense (*muḍāfun ilayhi ʿala l-ḥaqīqa*), in the same way that our recitation of a poem by Imruʾu l-

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[350] ʿAbd al-Jabbār, *Sharḥ al-uṣūl al-khamsa*, 527.

[351] Ibid.

Qays today is attributed to the poet in a literal sense, even though the current recitation is not his creation.[352]

This statement of his doctrine on divine speech is, as ʿAbd al-Jabbār explained, primarily a response to his opponents aimed to settle a disagreement (*shaṭr al-khilāf*). Those opponents advanced the theory that the heard and recited words of the Quran cannot be God's words in the proper sense. As we will see below, Ashʿarīs typically maintained the absurdity of attributing the physical sounds and written words to God, since those acts of reading or hearing are entirely human experiences.[353] In response to this view, ʿAbd al-Jabbār resorted to yet another parallel with the human act of speech and writing by invoking a comparison to poetry. Just like a poem by Imruʾu l-Qays is still attributable to the poet when it is recited hundreds of years later, the words of the Quran are God's, whenever they are seen, read or heard.

This analogy has a number of implications. First, arguing that the Quran is God's word in the same way that a poem is the poet's word supposes that those words were created by God in some

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[352] Ibid., 528. It is possible to see that the Muʿtazilī-Ashʿarī disagreement on the nature of divine speech reflects a tension between the need for the intelligibility of divine speech, hence its conception as physical words and sounds, and the need to establish the purely divine and transcendent nature of this speech, hence the theory of inner speech. An attempt to formulate a conception of divine speech that takes the best of both of those ideas while locating itself within revealed language was advanced by the prominent Shīʿī scholar Ṣadr al-Dīn al-Shirāzī (also known as Mulla Ṣadrā) (d. 1640). Shīrāzī's idea of divine speech is worth quoting in some length given its originality and difference from both the theories presented in this chapter: "[God's] Speech is not, as the Ashʿarites have said, an "attribute of [His] Soul" and the eternal meanings subsisting in His Essence that they called the 'speech of the soul.' For His Speech is something other than a [pure] intelligible, or it would be Knowledge and not Speech. But neither is His Speech [as the Muʿtazilites have argued] [merely] an expression for the creation of sounds and words signifying meanings, since in that case all speech would be God's Speech. Nor does it help [as some Muʿtazilites have attempted] to restrict God's Speech to [that which is spoken] 'in the intention of informing another on the part of God' or 'with the intention of their presentation on His behalf,' since everything is from Him. And if [by these restrictions' they were intending a speech without any [human] intermediary, this would also be impossible, since in such a case there would be no sounds or words at all. No, God's 'Speech' is an expression for His establishment of Perfect Words and the sending down of definite Signs- They are the Mother of the Book- and others that are similitudes' (3:7), in the clothing of words and expressions. Hence His Speech is *'Qurʾān'* (that is, 'joining,' or the noetic Unity of Being) from one point of view and '*Furqān*' (that is, 'separate,' manifest reality) from another point of view." James W. Morris, tr., "Principle, Concerning His Speech," In John Renard, ed., *Islamic Theological Themes: A Primary Source Reader*, 2014, 207-208.

[353] For a similar view of divine speech see Ḥillī, *Maʿārij al-fahm*, 307–11.

manner that we utter our speech. Second, those words were created at a given point in time. Third, and this is where the main difference exists with Ashʿarīs, ʿAbd al-Jabbār's analogy assumes that those physical words have a continuous presence from the time of their utterance and communication and that this presence is itself the divine message that was sent to the Prophet. This is where the discussion of what constitutes divine speech *proper* is of importance. To say that the message that God sent to humanity through the Prophet essentially consists of a set of sentences has radically different implications than maintaining that the message is eternal, transcendent and otherworldly, and that those utterances are only signs through which we can begin to access this message.

One of those implications concerns our understanding of the way in which God speaks. As we will see, Ashʿarīs believed that God speaks eternally, by virtue of His perpetual state of being "speaking" (*mutakallim*). God's speech, in that sense, is radically different from ours. It is understood as meaning (*maʿnā*), but not in the sense of a set of temporal ideas or representations, but as an eternal divine attribute. In the Muʿtazilī model advanced by ʿAbd al-Jabbār, God speaks in a manner essentially identical to ours. He acquires a set of ideas or desires *in time*, and conveys those wishes through a particular set of organized words. We begin to see in this conception of speech that the Muʿtazilī idea of an interconnected metaphysical division of the immanent and transcendent was not merely a theoretical view, but was designed to advance a particular conception of divine Revelation which, in turn, would have significant implications on the question of the normative impact of God's words. This specific normative impact is closely linked to the Muʿtazilī reduction of divine speech to a clear set of physically defined and temporally limited phenomena. As we saw in ʿAbd al-Jabbār's presentation of his doctrine, there is nothing in the Prophet's message beyond the particular language of Revelation. The event of

Revelation itself is limited in time with regards to its implications. It is an intervention in time designed to point to the timeless, Revelation-independent moral truths understood by ʿAbd al-Jabbār as values that stem from the ideas of benefit and harm.

The physical and temporal dimensions of divine speech were stressed by ʿAbd al-Jabbār throughout his discussion of God's words: "we now explain the meaning of speech: it consists of the organized letters and divided sounds (*al-ḥurūf al-manẓūma wal-aṣwāt al-muqaṭṭaʿa*)."[354] A central assumption that links together ʿAbd al-Jabbār's ideas on speech is the persistence of physical speech in its various forms.[355] For ʿAbd al-Jabbār, the written, spoken, recited, read, or heard speech *is* God's speech, and is identical to the Revelation brought forth by the Prophet. Thus he insisted that "the organized letters *are* the divided sounds."[356] That was an important point to raise to preserve the idea that there is one divine speech, and that all of its physical and observable manifestations are identical to it. This speech, as we saw, is a temporal intervention by God. The normative effect of this intervention is that "we can know through it what is permissible and what is prohibited, and can refer to it with regards to laws and judgments."[357] Revelation, therefore, is not an introduction of new moral judgments, but a communication from

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[354] ʿAbd al-Jabbār, *Sharḥ al-uṣūl al-khamsa*, 528.

[355] The view that divine speech is the sounds and letters that constitute the Quran resulted in often lengthy discussions of the nature of the sound and the manner of its transmission. The central issue that this discussion raises for our purposes is the question of the certainty and verifiability of sounds and their epistemic (and, therefore, moral) effects. Ḥillī attributed to al-Ashʿarī the claim that sounds are entirely composed of accidents, and that therefore they are intrinsically fleeting and unreliable. Ḥillī, like most proponents of the physicality of divine speech, insisted that sounds were substances that are transmitted in the air through waves (*tamawwuj*). The significance of this controversy stems from the possible objection that, since sound is understood as a concrete occurrence, physical obstacles may intervene in altering our experience of it, which would distort our sensation of divine speech. Ḥillī makes the argument that hearing and sight, unlike touch and taste, do not require immediate contact, and therefore hearing sounds through physical obstacles, such as a wall, is reliable and can be considered a proper way of experiencing speech. Ḥillī, *Maʿārij al-fahm*, 315-318.

[356] ʿAbd al-Jabbār, *Sharḥ al-uṣūl al-khamsa*, 529.

[357] Ibid., 530.

God for the benefit (*fāʾida*) of humans. It is a purposeful intervention, by which God communicated a particular set of changes He wished (*arāda*) to see occur in this world.[358] If that was not the case, ʿAbd al-Jabbār argued, God's speech would be entirely pointless, which would be reprehensible (*qabīḥ*) and therefore absurd.

In attempting to refute to the Ashʿarī view that God's speech is an eternal attribute, ʿAbd al-Jabbār responded as follows: "our response to those who said 'the Quran is co-eternal with God Most Exalted' would be to say to them that they have reached the epitome of ignorance. Clearly, the Quran has some parts that are prior to others, which makes it impossible for it to be eternal, since the eternal is that which has nothing preceding it."[359] As we can see, ʿAbd al-Jabbār is positing that the Quran *is* the word of God in the literal sense, and yet that there is nothing beyond the Quran to which the designation "word of God" applies.[360] Similarly, with regards to the claim that divine speech is "a meaning residing within the self," ʿAbd al-Jabbār argued that "this claim cannot be accepted rationally and has no justification, and if we accepted that which has no justification (*lā ṭarīqu ilayhi*) we would be opening the door to accepting all fallacies."[361] In response to the Ashʿarī view that divine speech is the meaning residing within God, ʿAbd al-Jabbār held that this only means that proper speech, which consists of the physical sentences and

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[358] Ibid., 531.

[359] Ibid., 532.

[360] A similar response to the Ashʿarī theory of inner speech was made by Ḥillī, who argued that the fact that God spoke to Noah and revealed the Quran on a particular daymeans that God's speech is temporal and concrete. This conception of divine speech as identical to the seen and heard statements entails by necessity that it cannot be located in Him, as the Ashʿarīs would argue. In response to the idea that speech is a divine attribute, Ḥillī simply restated the Muʿtazilī view that attributes can be either intrinsic, such as knowledge and power, or accidental, which cannot be identified with God. Since speech cannot be seen as an intrinsic attribute according to this theory, Ḥillī dismissed the claim that speech is an eternal attribute that resides in God. Ḥillī, *Maʿārij al-fahm*, 309–312.

[361] ʿAbd al-Jabbār, *Sharḥ al-uṣūl al-khamsa*, 532.

utterances, refers to something, which could be a will (*irāda*), intention (*ʿazm*), knowledge (*ʿilm*) or thought (*tafkīr*). In that sense, we would be merely referring to that which the speech refers to, not to the speech itself.[362] All of those categories of referends were denied by the Ashʿarīs in favor a view of speech as intrinsic to the divine, which is the view we will now examine.[363]

(ii) Inner Speech and the Possibility of Non-Metaphysical Theistic Ethics

What Ashʿarī theologians meant by divine speech is what should occupy us now. Juwaynī argued that God's speech is *eternal* (*azalī*) and its existence *has no beginning* (*lā muftataḥ li-wujūdihi*).[364] The fact that God speaks, Juwaynī explained, is not disputed by any of the Islamic schools.[365] The idea that it has a timeless existence, which he defends, was advanced by

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[362] Ibid., 533.

[363] The objection that "inner speech" would constitute nothing other than the will and knowledge to which speech proper refers was addressed by Ghazālī in his *Iqtiṣād.* He presented this Muʿtazilī position as follows "[inner speech] is not outside the domain of cognition and perception, and it is not a distinct genus by itself at all. Rather, what people call 'inner speech' is knowledge of the arrangement of terms and expressions and the composition of known and understood meanings according to a specific form. […] Thus if you post in the soul something other than the act of thinking, which is the arrangement and composition of terms and meanings, and other than the faculty of thought, which is the power over this act, and other than knowledge of individual meanings and their combinations, and other than knowledge of individual terms-which are arrangements of letters-and their combinations, then you have posited a queer notion that is unknown to us." To this objection that there is no distinct concept of "inner speech" besides what is common to the human mind, such as representations of meaning, knowledge of linguistic constructions, among other things, Ghazālī responds that "the notion of speech we seek is a meaning distinct from these forms of speech." It is the *noetic* element present in the speaker's mind, which is distinguishable from knowledge, intent, and linguistic formation. Ghazālī, *Moderation in belief*, 116–119.

[364] Juwaynī, *Kitāb al-irshād*, 99.

[365] On the agreement of all scholars that God "speaks" (in some sense) see Ḥillī's *Maʿārij al-fahm.* Ḥillī also provides a noteworthy paraphrasing of the Ashʿarī position on inner speech (which he rejects): "The Ashʿarīs believe that speech is a request (*al-kalām huwa l-ṭalab*), and that it is a meaning that resides within the self to which linguistic statements refer. [They argue that this meaning] is different from knowledge (*al-ʿilm*) and will (*al-irāda*) and that the one in whose self this meaning resides is called the speaker. They further claimed that [inner] speech is uniform and indivisible into command, prohibition and inquiry, and that those divisions are secondary categories of speech." The most noteworthy feature of this restatement of the Ashʿarī concept of inner speech is its inclusion of a variety of claim that are often made in different contexts. For example, the idea of speech as "request" appears to be a reference to the Ashʿarī concept of command as a request for action (*talab al-fiʿl*), which will be studied in the next chapter. The claim that Ashʿarīs do not accept the division of speech into assertions, commands, and inquiries seems to contradict the positions of leading Ashʿarīs, most notably Ghazālī. Ḥillī, *Maʿārij al-fahm fī Sharḥ al-Naẓm*, 307-308.

Ashʿarīs, and rejected by Muʿtazilīs, Shiʿīs (including Imāmīs and Zaydīs) and Khawārij.[366] All

those schools, according to Juwaynī, held that divine speech occurs in time, or comes into being

at a particular time (*muftataḥ al-wujūd*).[367] He attributed to the Karrāmiyya the view that we

must differentiate between divine speech (*kalām*) and utterance. Speech, for them, is the ability

to speak (*al-qudra ʿalā l-kalām*),[368] whereas Revelation is divine utterance, which is a "self-

sufficient creation" (*ḥādith qāʾim bi-dhātihi*). The Muʿtazilī position consisted of defining

speech as "discrete sounds and arranged letters (*al-aṣwāt al-mutaqaṭṭiʿa wal-ḥurūf al-

muntaẓima*)."[369] The Ashʿarīs, by contrast, maintained that speech is "an iteration that is located

within the self (*al-qawl al-qāʾim bil-nafs*), that is indicated by statements (*tadullu ʿalayhi al-

ʿibārāt*), and whatever signs have been conventionally established (*ma yuṣṭalaḥū ʿalayhi min al-

ishārāt*)."[370] To put it plainly, the Ashʿarīs argued that divine speech, and speech in general, was

meaning that could, incidentally, be expressed through arbitrary, conventional signs, whereas the

Muʿtazilīs argued that the physical utterances were the speech itself.[371]

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[366] Juwaynī, *Kitāb al-irshād*, 100.

[367] Ibid.

[368] Ibid., 101.

[369] Ibid., 104.

[370] Ibid.

[371] A defense of the Muʿtazilī idea that God speaks by performing the act of production of physical and comprehensible speech can be found in the work of the prominent Imāmī theologian al-ʿAllāma al-Ḥillī, who argued that "God Most Exalted speaks by producing letters and sounds in a body (*fī-jismin*) that indicate meanings." This, Ḥillī declared, is the conception of speech that comes to the mind of any intelligent being (*kulli ʿāqilin*), and any other concept of speech cannot be rationally maintained. This argument can be understood in the context of the Muʿtazilī-Imāmī insistence that that which appears obvious (*ẓāhir*) to the mind is necessarily and universally true, an assumption that, as we saw in the previous chapter, rests on an overarching belief in the uniformity of human reason and intuition. On that particular point, Ḥillī sides openly with the Muʿtazilīs: "the truth (*al-ḥaqq*) is what the Muʿtazilīs maintained [i.e. that speech is the creation of letters and sounds in concrete form, and nothing else], since this is the common way in which ideas are made known and communicated, hence the impossibility of calling a mute person a "speaker" (*mutakallim*). Ḥillī, *Maʿārij al-fahm* 307.

For Juwaynī, the fact that speech, in the proper sense, is a meaning that resides within the mind, is evidenced by two observations. First, it is common for speakers to refer to speech as something they "had on their minds"[372] but could not verbalize or indicate. Second, when someone utters a command, this reflects a certain sense of necessity and imperativeness.[373] This conception of command will be discussed in the next chapter. At this point, we should note the fact that Juwaynī paid particular attention to command as a critical representation of what could constitute inner speech (*kalām al-nafs*). The relation between the theory of inner speech and the conception of divine command is quite strong. As previously seen, many of God's attributes were discussed by Juwaynī, who maintained that those attributes were, unlike human attributes, eternal but not identical to God. Many of the attributes pertained to divine omnipotence, omniscience and will, and thus explained creation and its relation to God. Divine speech, on the other hand, is primarily of interest for its meta-ethical implications. Of course, an important part of divine speech that does not have direct implications for practical ethics consists in the many Quranic passages that are designed to convince humans of the need to believe in God and to provide warnings for disbelief. Those, however, are arguably less transformative than speech that provides a reason for action. On the Ashʿarī view, it is the miraculous nature of the message of Muḥammad, as well as all the miracles brought forth by previous prophets, that allow the belief in God's existence. The content of Revelation comes to confirm what had already been known by virtue of miracle. The question of how to act on the basis of this knowledge of God, by contrast, is a matter than is utterly unanswerable without the content of Revelation itself. This

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[372] Juwaynī, *Kitāb al-irshād*, 108.

[373] Ibid., 106–7.

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ethical dimension of Revelation is in large part satisfied by virtue of speech that reflects various degrees of normativity, many of which are covered by the concept of command.

Going back to the idea of attributes that make it logically necessary for certain states of affairs to exist, Juwaynī maintained that the attribute of speech, which belongs to God, entails the conclusion that God is "speaking" (*mutakallim*) as a permanent state (*ḥāl*).[374] The idea of a state (*ḥāl*) helps explain the Ashʿarī theory that speech is an eternal attribute. For Juwaynī, God is eternally in a state of speaking, which means that there are meanings that are associated with the divine self in a manner that transcends time. Since divine attributes cannot be deficient in any way, they can be subject to no transformation in time. This contrasts with the Muʿtazilī theory according to which speech is an action (*fiʿl*) in a manner quite similar to human actions. It is a consequence of an agent's will that is separate from the speaker's self: "and as a consequence [the Muʿtazilīs] did not hold that speech must reside within the speaker, since the action does not have to be attached to the agent."[375] This, Juwaynī noted, is "one of the most important issues in this section."[376] The distinction between state (*ḥāl*) and action (*fiʿl*) is indeed central to the determination of the relation between the earthly and divine domains. For Muʿtazilīs, the earthly

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[374] Ibid., 109. The idea of "permanent states" in which God can be said to exist seems to have caused controversy within the Ashʿarī school. This argument, in fact, supposes a certain degree of comprehension of those states, or that they are in some manner within the reach of human minds. Thus in his *al-Iqtiṣād fil-Iʿtiqād* Ghazālī was careful to oppose the view that God is in a perpetual state of speaking (or knowing, willing, etc.) in favor of a more conservative rendering of the school's position in which he maintained that divine attributes are *amodal,* first and foremost, by also exist eternally without being identical with His essence. A brief summary of Ghazālī position on the question of divine attributes in *al-Iqtiṣād,* and his disagreement with the earlier Ashʿarī figures studied here, can be found in Frank, *Al-Ghazālī and the Ashʿarite School*, 47–48. This disagreement, I should note, pertains to the details of formulation of the school's doctrine and does not affect this chapter's main point (namely, that Ashʿarīs rejected any reference to divine attributes that would suggest a sort of parallel with human attributes).b

[375] Juwaynī, *Kitāb al-irshād* , 109.

[376] Ibid.

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and the divine are interconnected.[377] God commits actions in time that are *separate* from him and produce independent effects within the domain of our sense experience, such as the communication of His speech.

The Ashʿarī insistence that God and, by consequence, His speech, are unlike anything that we can experience in this world was stressed in Juwaynī's response to a possible Muʿtazilī objection: "why would you object to the claim that God is a speaker in himself, since you maintain that He is living, knowing and capable in himself (*li-nafsihi*), therefore he can also be willing in himself?"[378] Juwaynī explained that there would not be a problem with this claim if it entailed a will that encompasses all matters that can be willed (*mutaʿalliqa bi-sāʾiri l-mutaʿallaqāt*). The Muʿtazilī proposition, however, suggests that God wills (in himself) *particular* matters and that this particularization limits the will to some objects of the will as opposed to others (*ikhtiṣāṣun lil-irādti l-ḥādithati bi-mutaʿallaqihā*).[379] The difference with the Muʿtazilīs was further clarified by Juwaynī in the context of the proposition that the concrete language of Revelation can be said to be an act of God in the sense that it is God's creation.[380] Juwaynī concedes that saying that the printed and spoken words are "His creation" (*khalquhu*) is correct, so if someone wishes to call them "God's speech" for that reason, the dispute would be limited to nothing more than a choice of words (*tasmiya*). But, Juwaynī insists, there would still

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[377] The etymological link between condition (*ḥāl*) and inherence (*ḥulūl*) is telling. See Ibn Manẓūr, *Lisān al-ʾArab*. The condition (*ḥāl*) was seen by theologians as a characteristic that is attached (*mukhtaṣṣa*) to a particular existent and can conceivably be removed from it. The lines between *ḥāl* and *ʿaraḍ* appears blurred at times, especially in contexts where *ḥāl* was defined as a characteristic that needs to attach to a substance by necessity. This proximity in meaning between an existent's state and accident can explain the ambivalence of later theologians (such as Ghazālī) to accept the idea of divine "states." For an overview of some of those positions, see Tahānawī, *Kashshāf*, 1:359.

[378] Juwaynī, *Kitāb al-irshād,* 115.

[379] Ibid.

[380] Ibid., 116.

be the crucial difference that those physical words, which, like everything else, are God's creation, are not the same as the speech of which God can be said to be the speaker perpetually in an eternal state (*mutakallim*).[381]

The Creator-created dichotomy accurately sums up the Ashʿarī position on divine speech. The Ashʿarī theory of the relation of God to the world required that no distinguishable divine manifestation can be claimed to exist in the world. The only manner in which we can claim to establish a connection between the divine and the earthly is through the proposition that God is the Creator and Knower of all things with no exception. Nothing divine can be said to pertain to or inhere in any particular thing, but not another, but all of the divine impact should be seen as all-encompassing. As a result, nothing divine can be said to have taken place in time, except insofar that God is the Creator of time and all that occurs within it. The reason is that anything that occurs in time (*muḥdath*) must have necessarily not existed at another point in time, which, in the case of God, would imply the particularization of a divine element, which is impossible. Consequently, discerning good and bad, obligatory and prohibited, among other concepts of ethics, cannot be made through direct divine intervention in time. Rather, the collective striving towards moral knowledge, which will be detailed in chapter four, was seen to constitute, in itself, a form of worship and striving towards God. Revelation, in that sense, is not an actual divine action, but an interruption of the façade of worldly consistency that makes possible striving towards God.

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[381] Ibid., 117. *Khalq* or creation in that context means the bringing of an existent into being. The various form of *khalq*, including *khuluq* were at the center of many theological debates concerning divine (and human) capacity to create and to perform actions. In the Ashʿarī model explained here God's *khalq* refers to His being the creator of all existents, and thus this power of creation is at the source of the words of the Quran, among other existents. The inner ability to humans, by contrast, referred to as *khuluq*, was understood as a component of the soul that followers a largely Aristotelian scheme, whereby the *khuluq* of representation would be a central element of the soul's ability to speak, for example. See Tahānawī, *Kashshāf*, 1:334–335.

So far I attempted to show that Ashʿarī theology represented a creative version of theism that is essentially non-metaphysical, in the sense that it denied any discernible logical connection between God, the absolute Creator, and the world, which is His creation. This view creates obvious problems and thus is susceptible to challenges pertaining to the clarity and availability to human knowledge of God's role in ethics, and therefore of the form of ethics that would emerge on the basis of the belief in God. The metaphysical configuration of God as the perfect Being who actively guides us, His imperfect Creation, to be more like Him through *specific* interventions has the virtue of determinacy: God has a specific role to play, and so do humans. But if God is an utterly transcendent Creator who is related to this world by virtue of Being the all-powerful willing creator of everything, it is not clear how knowledge of God and His word can be of any help in discerning right from wrong, and obligatory from prohibited. This challenge was related by Juwaynī in the form of a possible objection to the absurdity of an eternally commanding God. He explained that

> [Our opponents] objected to our views by saying: if you maintain that God's word was eternal, this would entail one of two things. Either you maintain that this eternal speech contains command, prohibition and declaration (*amran, nahyan, ikhbāran*), or you maintain that it does not. If you maintain that it contains command, prohibition and declaration, your argument fails, because what is commanded and prohibited must correspond to a commanded or prohibited object (*ḥukm al-amr wal-nahy an yuṣādifā maʾmūran wa-manhiyyan*). There cannot be an eternal speaker who manages to encourage a matter and discourage another one. A command without object is impossible, and the impossible cannot be the object of a command. If you hold that eternal speech does not contain those distinctions attributed to speech [in general], your argument becomes absurd, which would mean that we cannot accept your views.[382]

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[382] Juwaynī, *Kitāb al-irshād*, 119. Ghazālī responded to this objection by conceding that Ashʿarīs indeed "[observe that] speech is either command, prohibition, declarative statement, or interrogative statement." In all of those cases, what is meant by inner speech is the meaning of solicitation of action, solicitation of inaction, the meaning of a declaration or the request for more knowledge. The fact that inner speech does not correspond to the speaker's will for the object of speech to be realized was illustrated using the example of the unwilling master, which will be discussed in more detail in the next chapter. This example supposes that a master commands a slave to perform an action while inwardly willing for the slave to disobey him. In that scenario, the inner speech only corresponds to the meaning of requiring action, not to the will for the action to be performed. Ghazālī, *Moderation in Belief*, 118.

There are two main ways in which Ashʿarīs attempted to address this crucial concern. The first one that Juwaynī related, but did not endorse, is attributed to Muḥammad b. Kullāb, who held that the division of speech into command, prohibition and assertion does not pertain to divine speech in its eternal (*azalī*) form, but only becomes divisible in the way in which it is understood and followed by its human addressees.[383] This, Juwaynī added, avoids the Muʿtazilī objection but does not truly resolve the problem. Juwaynī did not explain clearly why he found this unacceptable, but it could be explained on the basis that it leaves unresolved the question of how indivisible, indistinguishable divine speech can result in specific ethical knowledge. Having rejected this view, Juwaynī proceeded to explain that a more valid understanding of divine speech would consist of seeing it as eternally divided into commands and assertions.[384] Here, a distinction must be made between matters that constitute divine speech in the sense advanced by Juwaynī, and matters that are *willed* by God, which is the entirety of existents. For a matter to be the object of requirement or compulsoriness (*iqtiḍāʾ*) in eternal divine speech does not mean that it is willed by God, for all things that are willed by God exist by necessity given His omnipotence. In fact, Juwaynī argued, the absence of the object of commands follows by necessity from divine omnipotence. Since God is omnipotent by virtue of an eternal capacity (*qudra qadīma*), the actualization of potentials, which include the objects of commands, is one of the manifestations of such capacity.[385]

We have thus far seen that, for Juwaynī, divine speech is eternal and exists in perpetuity in a state that is susceptible to distinction between command, prohibition and assertion. The most

[383] Juwaynī, *Kitāb al-irshād*, 123.

[384] Ibid., 120.

[385] Ibid.

important matter that follows from this view is the relation of this eternal speech to the earthly sounds and lines that we hear and read, that we refer to as the Quran. If divine speech consists of an eternally existing divine state it would mean that normativity, as it exists as a divine phenomenon, is perfectly objective and universal in the full sense. The relation of those eternal meanings to our worldly experience of them determines the nature and reach of the moral judgments that we can build on their basis. Juwaynī explained that "recitation (*qirāʾa*) in our view consists of the voices and tunes of the reciters (*aṣwāt al-qurrāʾ wa naghamātuhum*) and are actions that they may be required to do by necessity (*ijāban*) in some cases, and by way of recommendation (*nadban*) in others, and they may be reprehended (*yuzgarūn*) in case they refrain from it."[386] Juwaynī's reference to reward and punishment as it attached to recitation is to demonstrate that it is purely a human action that humans undertake (or "acquire" in Ashʿārī jargon) (*iktisāb al-ʿibād*).[387] It would be absurd, Juwaynī argued, for there to be a reward or punishment for something that constitutes an eternal human attribute. The emphasis on recitation as a purely human action is part of Juwaynī's overall argument that any human experience of revealed words is a purely human experience. This view was made more emphatically in *al-Inṣāf*, where Bāqillānī argued that recitation of the Qurʾan, a human act that pertains to divine speech, is similar to prayer, which is a human act that pertains to God. Neither act actually *is* God in any sense, but only a human attempts to approach the Creator to the best of their abilities. This argument, significantly, parallels Williams's claim that the search for truth and value "should be seen as an exercise in human self-understanding."[388]

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[386] Ibid., 130.

[387] Ibid., 131.

[388] Williams, *Truth & Truthfulness*, 61.

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Juwaynī proceeded in typical Ashʿarī fashion to highlight the fundamental variety and elusiveness of the sensory experience of the Quran to argue that none of those experiences can rationally be considered to be the actual word of God.[389] He explained that "recitation of one person can be pleasant and that of another can be repellant, it can be melodic (*malḥūna*) or linear and emphatic (*qawiyya mustaqīma*), and none of this can be characterized as being eternal (*qadīm*)."[390] We will encounter similar arguments throughout this study in which Ashʿarī theologians rely upon the fundamental fluidity of sense experience to advance the utter transcendence of all that is divine. This type of process ontology that was maintained by Ashʿarīs served as a foundation for what can be regarded as a sort of productive skeptical theism. It is a productive skeptical theism in that, in its non-metaphysical awareness of the radical divide between all that is earthly and all that is divine, Ashʿarī theism carved out a domain for purely human normative reflection that is motivated by consciousness of what lies beyond the world of sense experience. Juwaynī's defense of the radical distinction between divine speech and the human experience of it is only one example of such skeptical theism.

The crucial step in formulating the link between transcendent speech and observable language is found in Juwaynī's discussion of "that which is recited" (*al-maqrūʾ*). Since recitation itself was seen as a fully human action, it is the object of recitation that constitutes the domain where transcendent speech and its immanent manifestation potentially meet. Juwaynī proceeded to argue that "that which is recited (*al-maqrūʾu bil-qirāʾa*) is that which is known and understood from it (*al-mafhūmu minhā al-maʿlum*), and it is the eternal speech (*wa huwa al-kalāmu l-qadīm*) that is indicated by sentences (*alladhī tadullu ʿalayhi l-ʿibarāt*) but is not part of [those

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[389] Juwaynī, *Kitāb al-irshād*, 131.

[390] Ibid.

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sentences] (*wa laysa minhā*)."[391] This is an immensely important idea in Juwaynī's thought that, unfortunately, he does not explain further. What we can understand from this passage is that: (i) the concrete sentences of the Quran *indicate* but *are not* divine speech; (ii) divine speech is the object of recitation; (iii) what is understood from recitation is the object of recitation.

At face value, those statements may be seen as contradictory. Having defined divine speech as eternal meanings that constitute attributes of God, Juwaynī proceeded to equate between this speech and what people understand from Quranic recitation, which is a conclusion that follows from claims (ii) and (iii). The contradiction can be resolved with reference to the epistemology of the concept of *dalīl*, or indicant, as explained in the previous chapter. A *dalīl*, as we previously discussed, is a piece of knowledge that has the potential of leading the mind in the direction of additional knowledge concerning a particular subject-matter, in the same way the vision of smoke leads to the belief that there may have been a fire that caused it. The outcome of a *dalīl*, therefore, is purely noetic: it is a state of mind, conviction or representation that occurs within the mind. Following this logic, we can see that what Juwaynī attempted to explain in this passage is that encountering the Quranic text has the potential of engendering within the mind particular states of conviction or knowledge that pertain to the divine speech in its transcendent form. Those states of mind are, without a doubt, not identical to this eternal speech. This conclusion is confirmed by Juwaynī's explanation that the relation of "that which is recited" to the act of recitation is similar to the relation of "that which is remembered (*al-madhkūr*)" to the act of remembrance (*al-dhikr*). When one exercises "remembrance" they are in a particular state of mind that envisions or pertains to God in one way or another, but that state of mind is, most

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[391] Ibid.

certainly, *not* God.[392] Remembrance (*dhikr*), Juwaynī explained "refers to the utterances of those who remember (*yarjiʿ ilā aqwāl al-dhākirīn*), and God, whom we exalt and glorify (*al-rabb al-musabbaḥ al-mumajjad*) is not [equivalent to] the exaltation and glorification."[393]

The logical consequence of Juwaynī's conception of reading or recitation of the Quran as worship is that the specific words of the Quran that can be read, written, recited and heard are not divine utterances, but only a human earthly manifestation that attempts to approximate the meaning of divine speech. This conclusion was driven home by Juwaynī in his discussion of the meaning of "revealing" (lit. bringing down, *inzāl*) the Quran. Juwaynī made it very clear that, in his view, *inzāl* or revelation of the Quran does not mean its transfer or communication from a higher to a lower place, or any physical movement of any kind (*intiqāl*), since this type of movement is only reserved for physical (*ajsām*) and celestial bodies (*ajrām*).[394] The impossibility of transmittance (*istiḥālat al-intiqāl*) is a necessary conclusion that follows from the view that divine speech is an attribute of God. The act of revelation (*inzāl*), therefore, consists in a miracle whereby Archangel Gabriel (*jibrīl*) "comprehended the speech of God (*adraka kalām Allāh*) while in the Seven Heavens, and then came down to earth to explain to the Prophet what he had understood (*afhama l-rasūlu [...] mā fahimahu*) […] without transference of the actual words (*min ghayri naqlin li-dhāt al-kalām*)."[395]

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[392] Ibid.

[393] Ibid., 132.

[394] Ibid., 135.

[395] Ibid. The argument that Gabriel communicated to Muhammad *what he understood* form divine speech is a radical departure from the (arguably common and intuitive) position that the Quran is "God's word" in the literal sense. It is a position that is rarely invoked in spite of its centrality to Ashʿarī theology and meta-ethics. It would appear that the Ashʿarī position that Gabriel was paraphrasing God, in some manner, was an understanding specific the Muḥammad's experience of Revelation, and helped develop what I have described here as non-metaphysical meta-ethics in the context of their engagement with the Quran, but this was not necessarily the standard way in which they

Conclusion:

In the previous chapter, I attempted to show that the Ashʿarī-Muʿtazilī disagreement on the necessity of divine Revelation for moral reasoning rested on a deeper disagreement in epistemology. In this chapter, I explained that those different views of the role of Revelation in moral reasoning also rested on a two contrasting metaphysical schemes that advanced different conceptions of God and His speech. Muʿtazilī metaphysics, for the most part, followed a Platonist-naturalist scheme wherein the relation between the earthly and the metaphysical is seen to be defined by the degree of perfection. While they largely agreed with the Ashʿarīs that God should be understood in relation to the created world in terms of His necessary existence, they conceived of His actions, attributes, and speech in ways that reflected a tendency to analogize from the human experience. The Muʿtazilī metaphysics, generally speaking, reflected an assumption of continuity between the divine and the human, and thus understood divine speech as a willful intervention in time that is designed to bring about a particular effect. Ashʿarī metaphysics, by contrast, emphasized the unattainability of the divine and the uniqueness of divine speech, understood as an eternal attribute of God.

It is only the Muʿtazilī metaphysic of continuity that modern critiques of theological ethics as removed from daily lived experiences are concerned with. Ashʿarī metaphysics, by contrast, fully place the human experience of Revelation within the earthly domain. Miracle, as we saw in

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understood divine Revelation. For instance, Ghazālī entertained the same question concerning the manner in which Moses heard the speech of God. "Did he hear sound and letter? If you say that he did, then, according to you, he did not hear the speech of God, since God's speech is not sound and letter. On the other hand, if he did not hear sound and letter, then how did he hear that which is neither sound nor letter?" Ghazālī, in response, resorts to the Ashʿarī notion of the amodality of divine attributes: "Your question, 'How did he hear God's speech?', is the question of someone who does not understand the object of a *how*-questions, what is sought by it, and what sort of answer is possible for it." Answering this question, for Ghazālī, is altogether impossible, since God's speech has no modality, and therefore it is impossible to say how one hears or see is. Ghazālī, *Moderation in Belief*, 120–121.

the first chapter, offered our minds a sign that the limitations of our subjective judgments can, in some manner, be escaped. The miraculous nature of Revelation, however, only left us with concrete physical words, which in themselves are not divine in the proper sense, but are human experiences of the divine. The inclusion of a glimpse of the miraculous into the limited human experience opens the door for the community, represented by its scholars, to appropriate the system of moral-legal norm-production, and to take responsibility for it. The dynamics of this appropriation fall within the purview of *uṣūl al-fiqh,* to which the rest of this study will be dedicated.

Chapter III: The Nature of Divine Commands and the Problem of Autonomy

The previous chapters dealt with the questions of the place of divine speech in moral reasoning and the metaphysics of divine Revelation. I argued that the two main groups in Islamic philosophical theology, which corresponded to divine-command and natural-reason trends, anchored their disagreements in epistemological and metaphysical differences. In the third and fourth chapters, we move closer to the practical side of this study's set of inquiries. We will examine how the previously studied epistemological and metaphysical theories were reflected in the process of formulating moral judgments on the basis of speech attributable to God.[396]

To examine the more practical aspects of the formulation of judgments based on Revelation, we will switch our discussion to matters that fall at the intersection of Islamic theology and legal theory, as defined by the delineation of classical scholarly disciplines. The study of Revelation-based norm-construction will focus primarily on *uṣūl al-fiqh*, arguably the only noteworthy discipline within which Muslim scholars engaged in reflection on the methods of formulating norms of action on the basis of signs (*adilla*) obtained through Revelation.[397] The boundaries between theological disciplines and legal theory (*uṣūl al-fiqh*) are only significant for our purposes in two respects. First, the emergence of *uṣūl al-fiqh* as the primary domain of practical reasoning in classical Islam indicates the failure of the proponents of Revelation-independent

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[396] In the Islamic tradition, "speech attributable to God" is available to us mainly through the Quran, but arguably also through certain reports about the life of the Prophet. The different concrete manifestations of the divine in Muhammad's life, a matter specific to Islamic history and theology, will not concern us here. Our primary concern will rather be the theoretical contributions of theological and jurisprudential reflections on divine speech as an element of moral reasoning in the Islamic tradition.

[397] Interest in *uṣūl al-fiqh* in Western scholarship increased over the past several decades. Some of the most significant works dedicated to the discipline include, Hallaq, *A History of Islamic Legal Theories*; Aron Zysow, *The Economy of Certainty: An Introduction to the Typology of Islamic Legal Theory* (Atlanta, Georgia: Lockwood Press, 2013); Weiss, *The Search for God's Law Islamic Jurisprudence in the Writings of Sayf Al-Din Al-Amidi*; Bernard G. Weiss, ed. *Studies in Islamic Legal Theory* (Leiden: Brill, 2002).

reasoning to claim a distinct discursive domain for the formulation of norms without Revelation. Second, *uṣūl al-fiqh,* unlike theological disciplines, was characterized by a dialectical rather than linear method of reflection. The implications of those two characteristics will be examined in the next chapter.

To study the processes through which norms can be constructed based on divine utterances, I will focus on commands as a form of divine speech designed for the purpose of enjoining action, and the imperative mood as a particular linguistic form that is designed to express commands. Examining the ways in which metaphysical and theological commitments manifested themselves in those more practical debates will show that theological views did not dictate jurisprudential positions in any linear or predictable way. Further, we will see that there is a broad area of conceptual overlap between questions that can be regarded as theological and those belonging to jurisprudence. Notably, the study of the nature of divine command, which will be the focus of the present chapter, lies at the intersection be theology and legal theory.

As with the previous chapters, I will focus on a common contemporary objection to theistic ethics, and will attempt to show how our "appropriation" of classical Islamic theories can make available new ways of thinking about this objection. Although the rejection of divine command ethics is often seen as a matter of "conventional wisdom"[398] among modern philosophers, a host of systematic arguments have been advanced in support of modern opposition to theistic conceptions of morality.[399] Paradoxically, philosophers who venture to systematically critique theistic ethics view themselves as opposing profound and widespread social beliefs and practices

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[398] Philip L Quinn, *Divine Commands and Moral Requirements* (Oxford [Eng.]: Clarendon Press, 1978), 23.

[399] For accounts of recent objections to divine command theories, see Ibid., 39–64; Wierenga, "Utilitarianism and the Divine Command Theory.".

in their societies,[400] but this disjunction between philosophy and social reality shall not concern us here. For the sake of simplicity, those objections to divine command ethics can be grouped into three large categories: (i) arguments from arbitrariness or "blind following," (ii) claims of *non sequitur*, and (iii) claims of inaccessibility. The first category includes arguments according to which there is no guarantee that what is commanded by an omnipotent being is always good,[401] and claims that following God's commands for their own sake defeats the ideal of moral autonomy.[402] The second category includes arguments that contest the validity of drawing moral conclusions from theological premises. This can be based on Hume's famous thesis according to which it would be invalid to draw normative conclusions from factual premises,[403] or, more generally, on a sort of skepticism towards the connection between divine commands and the normative claims that are taken to follow from them.[404] The third category consists of claims that rest on the assumption that not everyone has a chance to know or understand what God commands and the implications of those commands.[405]

This chapter will be primarily concerned with the charge of contradiction to moral autonomy, one of the most widespread objections to divine command theories. I will make four claims in

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[400] For example: Kai Nielsen, *Ethics without God* (Buffalo, N.Y.: Prometheus Books, 1990), 9–11.

[401] This argument was made by Ralph Cudworth in *A Treatise Concerning Eternal and Immutable Morality* (London: J. and J. Knapton, 1731; reprinted New York; Garland, 1976), 9f.

[402] In particular, J. Rachels, "God and Human Attitudes", *Religious Studies* 7, (1971), 325-37.

[403] David Hume, *A Treatise of Human Nature* (Oxford; New York: Clarendon Press; Oxford University Press, 1978), Book iii; Chapter ii; Section i.

[404] A helpful formulation of this more general objection can be found in Wierenga, "Utilitarianism and the Divine Command Theory," 312.

[405] For example, see the contention that: "even with belief in God, and indeed even with belief in an authoritative living teacher of morals, a great deal of moral truth will yet remain unknown: 'infallible' does not mean 'omniscient.'" E. D'Arcy, "'Worthy of Worship': A Catholic Contribution," in eds. G. Outka and J. Reeder, Jr., *Religion and Morality* (Garden City: Anchor, 1973), p. 194.

this chapter, one in each section: (i) the Euthyphro problem fails to prove that any type of Revelation-based ethics is intrinsically arbitrary (or that entails "blind following"); (ii) the natural-law trend in Islamic thought effectively concedes the Euthyphro objection by arguing that God issues commands to indicate pre-existing moral values; (iii) most importantly, divine-command scholars in the Islamic tradition formulated a conception of divine command that entirely escapes the objection-from-arbitrariness; and (iv) as a historical point, the "juristic" approach to Islamic jurisprudence entailed an unwitting adoption of a natural-law view of divine commands.

One may view the objections stemming from the problem of autonomy as advancing a "blind following" thesis, whereby a moral agent who follows God's commands without first showing that God only commands what is good is acting in an irrational manner. An important and widely popular form of the blind following thesis can be traced back to Plato who, in the Euthyphro dialogue, portrayed Socrates as asking a question that is broadly seen to encapsulate the crux of the modern critique of divine command theories: "Is the pious being loved by the gods because it is pious, or is it pious because it is being loved by the gods."[406] Socrates' famous question is often presented as a dilemma. To construct moral judgments on the basis of God's commands, one must accept either one of the following statements: (i) God necessarily commands what is good and prohibits what is bad; or (ii) God does not necessarily command what is good or

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[406] Socrates asks this question in a characteristically polemical fashion to highlight the inaccuracies in Euthphro's claim that "the pious is what all the gods love, and the opposite, what all the gods hate, is the impious." We can see that Euthyphro was attempting to claim an identity between moral values from the gods' perspective (i.e. what the gods love), and what humans should take as reasons for action (i.e. what is "pious"). Socrates' strategy consisted of questioning the connection between those propositions, or between the moral premises and their conclusions. The reference to "love" and "hate" is an unmistakable indication of the human-like treatment of divine moral judgments as will be further explained throughout this chapter. Plato, *Five Dialogues*, ed. John M. Cooper, translated by G. M. A Grube (Indianapolis, IN: Hackett Pub. Co., 2002), 11-12.

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prohibit what is bad. If one accepts the first statement, it follows that God's commands are devoid of the power to establish moral value, and their role would be limited to indicating a pre-existing moral order. If one accepts the second statement it would follow that divine command ethics are arbitrary, which would contradict the demands of rationality. In either case, divine command ethics would be incapable of presenting a tenable and significant theory of morality.

A central argument of this chapter is that this problem only holds if we presuppose a conception of divine commands that is fundamentally similar to our understanding of human commands in everyday parlance. Our study of the nature of divine commands in classical *uṣūl al-fiqh* will show that this is not the only way in which commands can be understood. I argue that, to *prima facie* renounce one's moral autonomy in following God's commands, those commands must be ready-made judgments of *another* moral agent made in time in relation to specific actions. This conception of command was adopted only by Muslim natural-law theorists. The conception of divine commands as divine attributes does not fit into this characterization, and therefore offers a tool to the divine-command theorist for the formulation of meta-ethical models that escape the Euthyphro objection.

Exploration of the moral authority of divine commands in the classical Islamic tradition primarily took the form of a juristic debate between two opposed camps, described by Abū Ḥāmid al-Ghazālī as those who supported the theory that command should be understood as "speech of the self" or inner speech (*kalām al-nafs*), and those who opposed this theory.[407] Whereas some argued that divine command is the *meaning* of urging legal subjects to act, which constituted an eternal part of the divine self, others maintained that commands are nothing but

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[407] Abū Ḥāmid Muḥammad b. Muḥammad al-Ghazālī, *Al-Mustaṣfā min ʿilm al-uṣūl*, ed. Taha al-Shaykh (Cairo: al-Maktaba al-Tawfīqiyya, 2010), 379–380.

the physical words and sentences that we experience with our senses. What was ultimately at stake in this debate was nothing less than the authority of God's revealed speech to establish a normative order. Specifically, two crucial matters depended on this juristic debate on the nature of commands. First, whether divine Revelation created normative positions or indicated pre-existing ones. Second, whether Revelation was a unique event, and therefore if it can claim exclusivity over the establishment of moral judgments.

The Ashʿarī view of commands as a meaning that is located within the divine self, which was also championed by prominent Ḥanafī-Māturīdī jurist-theologians such as ʿAlāʾ al-Dīn al-Samarqandī (d. 1145) Abū al-Fatḥ al-Usmandī (d 1157),[408] constituted a defense of divine commands' ability to *generate* moral outcomes (section 3). By contrast, the Muʿtazilīs viewed divine commands as *indicators* that helped inform humans of the morality that pre-exists God's speech (section 2). However, those two opposed camps did not encompass the entirety of influential jurisprudents in the period we are concerned with. A significant trend in *uṣūl al-fiqh* consisted in trying to shun the encroachment of questions of philosophical theology upon the domain of technical legal methodologies, and thus to avoid the debate on the quiddity of commands altogether (section 4).

Before we can proceed with our discussion of pre-modern Muslim positions on the nature of God's commands, we must first ask why it is common in modern ethics to assume that any moral argument that relies on some idea of the divine must be contrary to moral autonomy (section 1). My suggestion is that this assumption presupposes a specific, and rather narrow, conception of God. In order for divine commands to contradict moral autonomy, a conception of God as a

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[408] For Usmandī's biography see Qurashī, *Jawāhir*, 3:208–209.

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person-like agent must be presupposed. Since this presupposition was defeated in the Ashʿarī and Māturīdī theories examined here, the theories of those jurists *prima facie* escape the Euthyphro objection.[409]

(1) Are Divine Command Ethics Inherently Contrary to Moral Autonomy?

Does Socrates' question to Euthyphro truly present a dilemma? In order for it to constitute a true dilemma it must be shown that the alternatives it presents are the only conceivable options, and that both options are unsatisfactory. For that to be the case, it must be true that each one of the two "horns" of the alleged dilemma necessarily leads to the conclusion assigned to it. For the Euthyphro dilemma to result in a categorical renunciation of divine command ethics, therefore, its two horns must effectively encompass every conceivable theory that purports to draw moral conclusions from theistic principles. This argument cannot be adequately made without a proper exploration of the different ways in which divine commands can be understood as a foundation for practical reasoning. Otherwise, we would be merely positing those two alternatives as a matter of dogma.

As we will discuss in the present section, it appears to be the case that modern discussions of the viability of divine command ethics that raise the "blind following" thesis operate within a determined set of assumptions about the meaning of divine commands. Those assumptions appear focused on a particular view of the nature and implications of divine speech in a way that largely ignores different traditions of reasoning about divine commands, including the centuries-long Muslim juristic contributions to this matter. Hence, an analysis of Muslim conceptions of

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[409] Along the same lines, P. Quinn argues that the burden of proof continues to be "squarely on the shoulders of the opponents of divine command theories." Quinn, *Divine Commands and Moral Requirements*, 24.

divine commands would help us assess the claim that taking God's commands as premises for moral argument necessarily amounts to a rejection of moral autonomy. Once we study the various conceptions of divine command as elaborated by pre-modern Muslim jurisprudents, arbitrariness can be shown not to follow by necessity from the supposition that God does not necessarily command what is good. This, however, does not mean that we need to contest the first statement of the Euthyphro question. Indeed, if God can only command what is good, then morality is merely indicated by divine commands, not established by them. As will be shown in this chapter, this opinion was embraced by a number of pre-modern Muslim jurist-theologians, mostly of Muʿtazilī affiliation. By contrast, if divine commands do not comply with any pre-conceived concept of goodness, it does not necessarily follow that taking those commands as reasons for action amounts to a renunciation of moral autonomy.

There are many possible formulations of divine command theories. One such formulation may consist of saying that an act's goodness causes God to command it, or an act's goodness is the reason why God commands it. It follows from either of those formulations that we can conclude that what God commands is good, and therefore recommended or required. This is one possible way of understanding Socrates' assertion to Euthyphro that God loves the pious because they are good.[410] The implication of this assertion, however, is that the reverse is not necessarily true: an act's goodness and compulsoriness are not brought about by God's command; something else (i.e. its prior and independent goodness) is necessary. It is possible to maintain – in fact, this is the Muʿtazilī view that we will discuss below – that one ought to follow God's commands and yet argue that they do not bring about moral values. According to this conception of divine

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[410] For example, see Ibid., 47–49. It is worth noting that the accuracy of those interpretations of Plato's dialogue, and the possibility of differing interpretations, is not our concern here.

commands, one would consider God's commands as *signs* that allow us to discern those pre-existing values.[411] This view, however, suggests that divine commands are fully dispensable from a moral standpoint. An entirely different set of signs may conceivably be found that would guide us to the knowledge of independently existing moral truths. As we will see in this chapter, it is precisely this concern for the value of God's words as generators of moral judgments that fueled the centuries-long Muslim debates over the nature of divine commands.

The stronger formulation of the role of divine commands in ethics is that divine commands bring forth moral judgments. It is this version of divine commands as sources of morality that the charge of blind following primarily targets.[412] P. Quinn suggested that a possible line of defense of this theory would be to simply maintain that there is nothing confusing about the notion that commands bring about obligations: "an officer's commands generate requirements only because an officer has the authority to command […] it might well be that having made the universe (or being very powerful or loving human beings) is precisely what gives God moral authority."[413] Although this line of argument shows that we can consistently reach moral conclusions on the basis of God's commands, it does not address the problem of autonomy. God may conceivably

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[411] Thomas Carson maintained that this response to the Euthyphro dilemma was mistakenly seen by most modern philosophers as the only plausible one: "The enduring appeal of the Euthyphro argument is because many think that Euthyphro's answer to the question (the gods love what is pious because it is pious) is obviously correct and can be easily defended. Many, I dare say most, contemporary philosophers think that Euthyphro's answer to the question is obviously correct, since the other answer (what is pious is pious because the gods love it) makes the loves and hates of the gods arbitrary. However, I will contend that this widely held view is mistaken; the view that things are pious because the gods love them does not imply that the loves and hates of the gods are arbitrary." Thomas L. Carson, "Divine Will/divine Command Moral Theories and the Problem of Arbitrariness," *Religious Studies* 48, no. 4 (December 2012): 446.

[412] The Euthyphro objection is indeed commonly seen as challenging divine command theories for their arbitrariness. See, for example, Jason Kawall, "Moral Realism and Arbitrariness," *The Southern Journal of Philosophy* 43, no. 1 (2005): 109. A detailed explanation of the Platonic objection to divine command ethics was offered by Thomas L. Carson, in "Divine Will/divine Command Moral Theories and the Problem of Arbitrariness," *Religious Studies* 48, no. 4 (December 2012): 445-450.

[413] Quinn, *Divine Commands and Moral Requirements*, 48.

have moral authority by virtue of his omnipotence, and yet command what is evil from a human perspective.

It would appear that many modern moral philosophers often consider divine command theories to be unquestionably arbitrary, in the sense that they do not allow rational and autonomous decision-making. For example, in his attempt to refute moral realism, Jason Kawall argues that "choosing to abide by [moral realism] would be as arbitrary as choosing to abide by the preferences of a God (a difficulty akin to the Euthyphro dilemma raised for divine command theorists). In both cases we would lack reasons to prefer those standards over alternative modes of conduct."[414] Kawall, however, did not attempt a systematic refutation of divine command ethics; he merely assumes its vulnerability to the Euthyphro dilemma. By contrast, a significant attempt to refute divine commands ethics was made by James Rachels, who argues that, "if we recognize any being *as God*, then we are committed, in virtue of that recognition, to obeying him."[415] For Rachels, the worshiper necessarily "believes that there is a being, God, who is perfectly good, perfectly powerful, perfectly wise, Creator of the Universe; and he views himself as the 'Child of God,' made for God's purposes and responsible to God for his conduct."[416] Rachels thus concludes that this view is contrary to the principle of moral autonomy, for "to deliver oneself over to a moral authority for directions about what to do is simply incompatible with being a moral agent."[417]

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[414] Kawall, "Moral Realism and Arbitrariness," 109.

[415] James Rachels, "God and Human Attitudes," *Religious Studies* 7, no. 04 (1971): 332.

[416] Ibid., 331.

[417] Ibid.

Importantly, Rachels does not explain why this should be the only valid way of thinking about God. In his attempt to elucidate the representativeness of the claims he makes about religious beliefs, he argues that these beliefs are "typically held by religious people in the West. They are, however, the sort of beliefs about God that are required for the business of worshipping God to make any sense."[418] How does one move from an observation about prevalent religious practices in the West to a categorical claim about what is *logically* necessary for religious practices in general to make sense? This unwarranted move results in lumping together ideas of omnipotence, infinite wisdom and perfect goodness of God as logical prerequisites to any belief in God.[419] By asking whether it makes sense to believe in a God that has all those attributes, Rachels is presuming that those beliefs are all indispensable for a consistent theistic theory of morality. However, as our discussion of Muslim theories of divine command will reveal, one may posit a transcendent non-humanlike creator without it necessarily following that this creator can be referred to as "good" in any human moral sense.

Significantly, describing God's commands as "the preferences of a god" or the directions of "a moral authority" clearly reflects a conception of God as a person-like entity. Rachels takes the view that basing morality on divine commands amounts to the blind following of "another" moral agent. But to view God's commands as the instructions of *another* moral agent presupposes that God is similar to humans in some important sense. The inability to overcome the view that divine command ethics entail a sort of blind following can be explained by modern

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[418] Rachels, "God and Human Attitudes," 327.

[419] This type of logical error is referred to as "the fallacy of multiple questions." On the fallacy of multiple questions, see Douglas N. Walton, *Informal Fallacies: Towards a Theory of Argument Criticisms* (John Benjamins Publishing, 1987), 110–11.

theorists' reliance on the assumption that the divine is "a person-like entity which actually is very powerful, wise and good."[420]

In its various uses, the term "arbitrary" appears to be definable negatively: it is the characteristic of an action taken without rational justification, reason or cause. For instance, P. Klein defines an arbitrary reason as one "for which there are no further reasons making it even slightly better to accept than any of its contraries."[421] This is the same sense used in Kawall's aforementioned definition.[422] The understanding of arbitrariness as a negative quality is clear in this definition; it is the *absence* of reasons – except the blind reliance on decisions made by another moral agent – that makes a particular moral position arbitrary. Is basing moral outcomes on divine commands inherently arbitrary in that sense? To answer this question, we must first distinguish between two levels of alleged arbitrariness. Kawall refers to the arbitrariness of choosing to abide by divine commands as a source of ethics. Rachels and Nielsen, by contrast, maintain that the act of following God's commands in itself, and regardless of the manner of choosing this particular theory of ethics, involves a renunciation of one's autonomy. It is the second charge that concerns us here. After all, as Kawall and Wierenga aptly observed,[423] choosing divine command ethics is at worst as arbitrary as choosing any other theory.

It is, therefore, Rachels and Nielsen's claim that following divine commands is inherently opposed to autonomy that we must deal with. To claim that a particular source of moral

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[420] Quinn, *Divine Commands and Moral Requirements*, 24.

[421] Peter D. Klein, "Human Knowledge and the Infinite Regress of Reasons," *Philosophical Perspectives* 13 (October 1999): 297.

[422] Kawall, "Moral Realism and Arbitrariness," 109.

[423] Kawall, "Moral Realism and Arbitrariness"; Wierenga, "Utilitarianism and the Divine Command Theory."

judgments, when followed, systematically results in the negation of rational moral judgment, one must suppose that this source is always sufficient for the generation of moral norms in a manner that effectively replaces the subject's moral autonomy. However, to result in full-fledged moral judgments that can be blindly followed as practical reasons is a characteristic of human or human-like decisions. For instance, one may be said to blindly rely on the commands of an elder, superior or political figure as reasons to perform particular actions in particular situations, but not so with respect to abstract principles, entities or concepts. An agent can be said to arbitrarily (i.e. unjustifiably) choose to follow a consequentialist theory as a source of moral guidance (which is Kawall's claim) but cannot plausibly be said to give up on her moral autonomy every time she acts according to this theory. For a moral agent to completely alienate their moral autonomy, they must replace it with a different but comparable decision-making agent that intervenes in particular situations to provide specific outcomes. To put it in ontological terms, a conception of divine command the following of which is arbitrary presupposes that the issuance of divine commands is an *event*, rather than an attribute.[424]

In fact, it appears that modern critics of divine command ethics consistently fail to see divine commands as anything other than an *event*, a conception that presupposes some pre-existing idea of goodness. Kai Nielsen, for example, holds that

> [it] is indeed true, for the believer at least, that it is *God's* command or will that makes all the difference. This is so because the believer assumes and indeed fervently believes that God is good. But how, it should be asked, does the believer know that God is good, except by what is in the end his own quite fallible moral judgment, or, if you will, appreciation or perception, that God is good? We must, to know that God is good, see that his acts, his revelation, his commands, are good. [425]

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[424] For a detailed discussion of actions as events in the Judaeo-Christian tradition, see Alan Donagan, *The Theory of Morality* (Chicago: University of Chicago Press, 1977), 37–52.

[425] Nielsen, *Ethics without God*, 74.

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One cannot fail to observe that, for Nielsen, God's commands are similar or at least comparable to "acts," and that those acts should be good, which presupposes that the meaning of "good" is logically prior to and independent from God's commands. It must be noted that philosophers who rely on a person-like conception of God and divine commands do not provide any reason for the superiority of such conception over any other except for their centrality to Judaism and Christianity from their perspective.[426]

What if divine commands are not viewed as willful interventions in time that are designed to bring about specific changes? What if commands are *divine attributes*, not events or actions? As explained in the second chapter, a conception of God as the utterly transcendent source of all existence who is unlike anything that is comprehensible to the human mind was developed at lengths in a branch of pre-modern Muslim theology. Defenders of this theory viewed divine speech as an eternal, inseparable attribute of God. The morally generative potential of such transcendent speech was established through a distinction between, on the one hand, divine speech (the Quran) and, on the other hand, its recitation (*tilāwa*) or writing (*kitāba*) or any other expression in an earthly form. Ashʿarī theologians insisted that a distinction must be made between the earthly manifestations of speech through recitation, interpretation and compliance on the one hand, and divine speech in its transcendent form on the other hand.[427]

This link between earthly morality and transcendent truth was established through the concept of worship. God revealed His word through the Quran, and commanded humans to recite it. In this

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[426] Nielsen considers his critique to be directed at the "fundamental religious beliefs common to the Judeo-Christian-Islamic traditions," yet does not make any documented claim about anything specific to Islamic thought in his book. Ibid., 70.

[427] Muḥammad b. al-Ṭayyib al-Bāqillānī, *al-Inṣāf fī-mā Yajibu Iʿtiqāduh wa-lā Yujawwazu l-Jahli bihi* (Cairo: al-Maktaba al-Azhariyya lil-Turāth, 2000), 76.

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view, revelation, recitation and writing are not identical to what is revealed, recited and written. The speech of God is the goal of those actions just like God is the object of worship, which is not the same as the act of worship itself.[428] According to this view, as explained in the previous chapter, God's commands are not events defined in time, but eternal attributes of a transcendent Creator. Therefore, the supposition that God is a person-like agent who reflects, senses, and evaluates in the same manner as human beings, fails once we take into account the pre-modern Muslim contributions to the understanding of divine commands. The analysis of those debates will occupy us for the rest of this chapter.

(2) Divine Commands as Human-Like Expressions of the Will

As we saw in the previous section, modern non-theistic theories of ethics largely suppose that divine command ethics stem from "another" powerful but human-like thinking being, which makes divine commands particular actions that occur in time. It is this supposition that makes the thesis of blind following possible. An analysis of the Ashʿarī-Muʿtazilī debates on the nature of divine commands will show that one can conceive of divine commands as eternal divine attributes, and thus *prima facie* escape the charge of blind following.

In *uṣūl al-fiqh,* discussions on the nature of divine commands took the form of a debate between jurisprudents who advanced a view of divine commands as an action or event in time, and others who responded with a theory of command as an attribute of God. This dispute between Ashʿarī and Muʿtazilī jurist-theologians on the nature of divine commands generally took the form of a disagreement over whether or not command is identical to a particular linguistic form.[429] The

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[428] Ibid., 78.

[429] Wael Hallaq explained the difficulties that *uṣūl* scholars faced in attempting to understand the connection of command to the imperative mood in *Sharīʿa: Theory, Practice, Transformations* (Cambridge, UK; New York: Cambridge University Press, 2009), 90. Elsewhere, Hallaq observed that "There are few topics in Islamic legal

Muʿtazilīs insisted that command is an utterance made in a specific form. Ashʿarīs, by contrast, maintained that command properly speaking is the meaning of imperativeness that resides within the soul of the speaker. This disagreement had profound meta-ethical implications. If divine commands are identical to the spoken, written or read words and phrases, it follows that they are physically and temporally definable phenomena to which all the contingencies and limitations of human thought apply. If the *true* commands of God are transcendent meanings that reside within the divine self, a universal status would be more readily attributable to them.

In this section, we will study the Muʿtazilī theory of command as an utterance backed by a set of particular wills. The main purpose of this section will be to show that the natural-law theorists of classical Islamic traditions, much like their modern counterparts, effectively conceded the Euthyphro objection. Their conception of divine command supposed a pre-existing set of moral values and norms that drove the divine will for the moral action to be accomplished, which, in turn, triggered the divine command. This is the notion against which the divine-command conception of norm-construction that we will study in the next section was developed. The divine-command model of classical Islam, by contrast to the natural-law theories, does in fact, as I will demonstrate, escape the Euthyphro objection.[430]

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theory that succeeded in arousing so much controversy as did the issue of imperative form (*amr*)." Hallaq, *A History of Islamic Legal Theories*, 48. Jeanatte Wakin also referred to this question as "heated and controversial." See Jeanette Wakin, "Interpretation of Divine Command in the Jurisprudence of Muwaffaq al-Dīn Ibn Qudāmah," in Nicholas Heer, *Islamic Law and Jurisprudence* (University of Washington Press, 1990), 35.

[430] The encyclopedic *al-Mughnī fī abwāb al tawḥīd wal-ʿadl* of the prominent judge, jurist and theologian ʿAbd al-Jabbār al-Asadabādī, who developed his theory on the nature of divine commands in the seventeenth chapter of this work, is the most elaborate surviving treatise on Muʿtazilī ethical-theological doctrine. Unfortunately, significant portions of his discussion of the nature of command in his chapter of legal theory are missing. A detailed formulation of the Muʿtazilī theory of divine command can be found in the legal theory treatise of his illustrious student Abū al-Ḥusayn al-Baṣrī (d. 1044) titled *al-Muʿtamad fī uṣūl al-fiqh*. Thus, Baṣrī's *Muʿtamad* and the relevant surviving sections of ʿAbd al-Jabbār's *Mughnī* will constitute the basis of our study of the Muʿtazilī theories on the nature of divine commands.

A- The Nature of Command and the Issue of Linguistic Analysis

Abū al-Ḥusayn al-Baṣrī's discussion of the nature of command took the form of an analysis of

what is commonly understood when the term "command" (*amr*) is uttered.[431] While the nature of

command and its common meaning were seen as unrelated by jurists of Ashʿarī tendency,[432]

Baṣrī viewed this question as central to the debate on whether or not command is anything other

than a linguistic form. This can be understood based on the fact that the applicability of the

designation "command" to different types of utterances suggests that there must be additional

elements that allow the grouping of those utterances together under the same rubric. Such

element would likely be external to the linguistic form itself. The discussion, therefore, took the

shape of a debate on what is the literal meaning, as opposed to the figurative or non-literal one,

of the word "command." [433] This kind of analysis of the manners in which the word "command"

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[431] The analysis of what is normally meant by the term "command" involved specifying and ruling out certain meanings of *amr* that are of no normative interest, such as someone's affairs (*shaʾn*), characteristics (*ṣifa*), or purpose (*gharaḍ*). Those, obviously, are mere homonyms of *amr* that required no further analysis. Muḥammad ibn ʿAlī Baṣrī, *Kitāb Al-Muʿtamad fī Uṣūl Al-Fiqh* (Dimashq: al-Maʿhad al-ʿIlmī al-Faransī lil-Dirāsāt al-ʿArabīyah bi-Dimashq, 1964), 46. The term *amr* is indeed a very common word in the Arabic language and involves a significant number of homonyms. Ibn Manẓūr list the following as different meanings for *amr*: (1) Command; (2) the object of a promise; (3) the singular form of *umūr*, which denote someone's affairs; (4) an event (*ḥāditha*); (5) the act of producing in abundance (*kathara*); (6) deliberation (*mashūra*); (7) permission (*idhn*). Ibn Manẓūr, *Lisān al-ʿArab*, 125–128.

[432] For example, Rāzī, *Maḥṣūl*, 1:161–165.

[433] I use literal and figurative or non-literal to denote *ḥaqīqa* and *majaz*, respectively. *Ḥaqīqa* in this context denotes using a term in the same meaning for which it was "posited" (*wuḍīʿat*), and which is commonly used in that sense (*mustaʿmal*). This is referred to as the "full proper meaning" (*al-ḥaqīqa al-kāmila*), as opposed to using a term in the legal meaning (*ḥaqīqa sharʿiyya*) or customary meaning (*ḥaqīqa ʿurfiyya*). Tahānawī, *Kashshāf*, 1:213. Ayyūb b. Musā al-Ḥusaynī al-Kaffawī Abū al-Baqāʾ, *al-Kulliyyāt: Muʿjam fī-l-Muṣṭalaḥāt wal-Furūq al-Lughawiyya*, ed. Adnan Darwish and Muhammad Al-Masri (Beirut: Muʾassasat al-Risāla, 1992), 361. ʿAlī ibn Muḥammad Jurjānī, *al-Taʿrīfāt: Muʿjam yashraḥ al-Alfāẓ al-Muṣṭalaḥ ʿalayhā bayna al-Fuqahāʾ wa-l-Mutakallimīn wa-l-Nuḥāh wa-l-Ṣarfiyīn wa-al-Mufassirīn wa Ghayrihim* (Cairo: al-Bābī al-ḥalabī, 1938), 79–80. This conception of *ḥaqīqa* as the use of a word in its assigned sense is also referred to as "linguistic" (*lughawiyya*) as opposed to "speculative" (*ʿaqliyya*). This latter meaning of *ḥāqīqa* pertains to the use of a term to denote what is true from the perspective of the speaker, as opposed to its conventional linguistic usage. Tahānawī, *Kashshāf*, vol. 1, 209, 330–331. *Majāz*, by contrast, is a term used to denote a meaning different from but related to (*lāzim*) its assigned meaning, provided there is proof (*qarīna*) that the speaker did not intend the literal meaning. Tahānawī, *Kashshāf*, vol. 1, 214. Robert Gleave observes the common practice of referring to *ḥaqīqa* as "literal" and to *majāz* as "non-literal." This practice will be upheld here for the sake of clarity, although it must be kept in mind that *ḥaqīqa* is always a function of *waḍʿ*.

was used invoked issues pertaining to the origins of language and the ways in which authentic

usage of language can be verified.[434] For instance, an opponent of the Muʿtazilī theory would

claim that, if a person says "I have commanded A to do *x*" or "*x* is incumbent upon A" from a

position of superiority in relation to A, then she or he would have *commanded* in the proper

sense of the word. By contrast a Muʿtazilī would insist that this is an instance of command only

figuratively (*majāzan*). In that case, it would be improper, as Baṣrī argued, to call this person a

"commander" (*āmir*),[435] since she did not use the specific grammatical form that was assigned to

commands. In general, Baṣrī maintained the view that "a condition of speech is the establishment

of agreement in its regard."[436] In that sense, the argument ultimately depended upon the ability of

either side to demonstrate the proper way in which the term "command" was used according to

authoritative linguistic conventions. [437]

Applying this method, Baṣrī observed that "there is no doubt that the word 'command' is used in

the proper sense (*ḥaqīqa*) to indicate statements in the form 'do!' (*ifʿal*) or 'may he do,' (*li-

yafʿal*) and that it is not used to refer to assertions (*khabar*), denials (*nahy*) or wishes

R Gleave, *Islam and Literalism: Literal Meaning and Interpretation in Islamic Legal Theory* (Edinburgh: Edinburgh University Press, 2012), 55–60.

[434] A similar analysis of the various meanings of "amr" was offered by Usmandī: "the correct opinion is that *'amr'* is a homonym that refers to a matter, a state of affairs and the specific utterance. If someone says *'āmir'* it would not be clear which of those meanings they are referring to, just as if someone said *'adraka'* (to reach) it would not be clear whether they meant that they caught up with someone or were able to see them." Usmandī, *Badhl al-Naẓar*, 51–52.

[435] Baṣrī, *Muʿtamad*, 1:49.

[436] Ibid., 15.

[437] The question of assignment of meanings to words in Islamic thought (*waḍʿ al-lugha*) is explained by Bernard Weiss in "Language and law : the Linguistic Premises of Islamic Legal Science," in Arnold H Green, ed. *In Quest of an Islamic Humanism: Arabic and Islamic Studies in Memory of Mohamed Al-Nowaihi* (Cairo: American University in Cairo Press, 1986), 15–21. Robert Gleave agrees with Weiss that the theory of *waḍʿ*, which he translates as "placing" or "coining," prevailed over rival views that attempted to establish some intrinsic natural connection between sounds and their meanings. Gleave, *Islam and Literalism*, 29–35.

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(*tamannī*)."[438] For Baṣrī, this warranted the conclusion that commands are nothing other than the statements in the imperative mood. The same argument was advanced by ʿAbd al-Jabbār, who defined command as the very utterance in the imperative mood, provided it is addressed to an inferior. ʿAbd al-Jabbār held that "there is no ambiguity (*lā shubha*) that saying 'do!' (*ifʿal*) to one's inferior (*li-man dūnihi*) constitutes a command."[439] The veracity of those assertions, in the final analysis, rests on social facts about the proper use of language. Thus, the Muʿtazilīs posited that that command, properly speaking, must have a particular grammatical form. They then proceeded to determine the conditions that allow an utterance in this particular form to qualify as command. In the proper sense, command is the use of the particular linguistic form that is specific to the solicitation of action, namely the imperative mood.

The assertion that command in the proper sense is a grammatical form is further explained by Baṣrī, who maintained that a command "must be in the form used to solicit (*istidʿāʾ*) and request (*ṭalab*) action,"[440] which specifically must take the form "do" (*ifʿal*) or "may he do" (*li-yafʿal*).[441] This limitation of the forms that can properly be called "command" rules out informative expressions of solicitation of action, such as "I have commanded you." Such expressions, Baṣrī maintained, are called "commands" only figuratively.[442]

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[438] Baṣrī, *Muʿtamad*, 1:49.

[439] ʿAbd al-Jabbār, *al-Mughnī*, 17:107.

[440] Baṣrī, *Muʿtamad*, 1:49. *Istidʿāʾ* stems from the root (d-ʿ-ā) which, in its basic form *daʿā*, has taken the meaning of prayer to God (*duʿāʾ*) and generally calling for help (*istighātha*). However, the most fundamental meaning of this construction *daʿā* seems to relate to "calling for" (*nādā*). The form *istidʿāʾ* stems from the verb form *istadʿā* which is the *istafʿal* form of the verb *daʿā*, meaning to call. This more elaborate form, however, typically denotes transformation; thus *istidʿāʾ* is the action by virtue of which one makes an action required or solicited.

[441] Ibid.

[442] Ibid. Some Ḥanafī-Māturīdīs, in spite of the claim that command is 'inner speech', also differentiated between statements in the imperative mood and request for action made through assertion, such as the form "I have commanded you." The reason for this distinction is that the imperative mood was taken to be the form that *directly*

The claim that command should be defined as a statement in a specific grammatical form, however, cannot stand simply by showing that utterances in the imperative mood are properly referred to as commands. It must be shown that (a) commands cannot conceivably exist without this grammatical form, and that, (b) whenever this form exists, commands exist. The above argument according to which the word "command" can be used only in its literal sense in reference to statements made in the imperative mood is designed to address the first problem. It follows from this position that the concept of command is inseparable from the imperative mood. Nevertheless, this does not account for the fact that the imperative mood is often used in sentences that do not qualify as commands, which would compromise the identity between command and the imperative mood.

In an attempt to resolve this issue, ʿAbd al-Jabbār and Baṣrī further narrowed their conceptions of command. They specified some criteria according to which an utterance in the proper form becomes a command. ʿAbd al-Jabbār referred to these criteria as "that which makes something a command" (*mā yakūnu bihi amran*).[443] A necessary condition of command, ʿAbd al-Jabbār explained, is the *will* of the commander to bring forth the commanded matter: "indeed it becomes a command by virtue of [God's] willing (*yurīdu*) what has been commanded."[444] Will (*irāda*), in this sense, is a concept closely similar to notions of wish and desire.[445] The understanding of will

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indicates command, whereas command by assertion is an indirect form. This, obviously, is not the same as saying that the imperative mood *is* the command. Usmandī, *Badhl al-naẓar*, 57.

[443] ʿAbd al-Jabbār, *Mughnī*, 17:107.

[444] Ibid.

[445] Abū al-Baqāʾ argued that *irāda* consists of a "composite force" (*quwwa murakkaba*) that includes desire (*shahwa*), need (*ḥāja*), thought (*khāṭir*) and hope (*amal*). Thus, to will something is to have a need that results in a desire, and a mental representation of the desired thing, which produces expectation. Will is similar to desire in that they both consist of an inclination of the soul (*nuzūʿ al-nafs*), but the will has the added element of a normative stance. While desire is mere inclination, will is an inclination accompanied by a judgment (*ḥukm*) on whether or not action is necessary. Given this normative element of the will, it is also considered to be the force that causes

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as a desire to bring forth a particular change is of paramount importance, since it highlights the contrast of this Muʿtazilī view with the Ashʿarī conception of command as meaning (*maʿnā*). Whereas *willing* to command a certain matter implies the desire that such matter should occur, the same is not necessarily true of *meaning* to command a given matter.[446] The question of whether or not God wants (*yurīdu*) that humans obey his commands was in fact a major point of contention between Muʿtazilī and Ashʿarī scholars.[447]

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someone to commit an action (*yaḥmiluha ʿalayh*). Abū al-Baqāʾ is clear in his equation of will and desire when he considers the will to be contrary to repulsion (*karāha*) and oppression (*iḍṭirār*). Moreover, it is not only the force that causes the self to act in a particular manner, but mostly the cause that specifies (*ikhtiṣāṣ*) the shape of the resulting thing or action. When it comes to divine will, Abū l-Baqāʾ maintains that it has been understood in several ways. While some argued that divine will means nothing other than the fact that God is not forced to commit anything he does not wish to commit, others maintained that divine will has a positive meaning and presence. This meaning has been specified in some cases as knowledge, and in other cases as either a meaning residing within the divine self, or a characteristic of God. Abū l-Baqāʾ prefers the view that divine will is nothing but the moral judgment itself: "it is the rendering of one possible action preponderant over another." Abū al-Baqāʾ, *Kulliyyāt*, 73–75. A similar definition of *irāda* as an inclination of the soul is provided by Tahānawī. He further clarifies that it is an inclination that causes the self to commit an action. By contrast to Muʿtazilīs, Tahānawī holds that belief in the benefit of the action (*iʿtiqād al-nafʿ*) is not necessary, only the inclination of the soul matters. Will is also the force that results in the commission of action and the specification of its parameters. Tahānawī maintains that God cannot be said to will things in either of those two senses. The Ashʿarīs, according to Tahānawī, define will according to its normative consequences: it is a characteristic that renders the commission of one of the possible action more preponderant than the others. With respect to divine will, Tahānawī relates a number of opinions. Muʿtazilīs, he explains, equate will (*irāda*) to command (*amr*). Thus, when God wills that a person commit an action, it does not follow that the action will be necessarily committed, unless the object of God's will is the occurrence of the event, and not the realization of a command. Ashʿarīs, by contrast, do not attribute any element of intentionality to divine will, since they maintain that divine will necessarily entails the occurrence of its object. See Tahānawī, *Kashshāf*, 1980, 2:552–555. The notion of will as a causal force that tends to fill or redress a given lack or disorder is provided by Jurjānī: "a characteristic that entails in the living creature a state that allows the performance of action in a particular way. In reality it relates only to the non-existent (*al-maʿdūm*) since it is a characteristic that leads to its realization and existence." Jurjānī also relates the Muʿtazilī definition: "will is an inclination that follows the belief in benefit." Also, Jurjānī relates what seems to be a Ṣūfī conception of will: "the heart's desire to nourish the soul with things that are good for the self (*ṭīb al-nafs*)." Jurjānī, *Taʿrīfāt*, 10–11. For a brief account of the various conceptions of will mentioned above, see Aḥmadnagarī, *Jāmiʿ al-ʿulūm*, 72–73.

[446] Whereas ʿAbd al-Jabbār appears to be of the view that the meaning of "will" is known intuitively to every rational human and, therefore, should not be defined, he clearly sees the will as equivalent to intent (*qaṣd*) and choice (*ihtiyār*) and contrary to repulsion (*karāha*). ʿAbd al-Jabbār *Mughnī*, 6:8–9.

[447] Tāj al-Dīn al-Subkī related an anecdote according to which the prominent Ashʿarī scholar Abū Isḥāq al-Isfarayīnī paid a visit to al-Qāḍī ʿAbd al-Jabbār, whereupon ʿAbd al-Jabbār exclaimed: "may the One who does not *desire* evil from the wicked be exalted! (*subḥān man lā yuridu l-makrūh mina 'l-fujjār*)" to which Isfarayīnī responded: "may the One in whose kingdom nothing happens save what he has chosen be exalted! (*subḥāna man lā yaqaʿ fī mulkihi illā mā yakhtār*)." Although we cannot verify the veracity of this anecdote, the fact that this is the sole story Subkī relates in his short biography of ʿAbd al-Jabbār shows the centrality of the question of God's will to late tenth and early eleventh century theological debates. See Subkī, *Ṭabaqāt*, 5:98. Emphasis added. The importance of the debate

Baṣrī maintained that, in addition to the use of the "specific linguistic form" (*al-qawl al-makhṣūṣ*)[448] two other conditions must be satisfied that "pertain to the issuer of the command" (*yataʿallaqān bi fāʿil al-amr*).[449] The first consists of requiring that the speaker must utter those words in a manner that suggests authority, as opposed to supplication. Unlike his teacher, Baṣrī did not view objective superiority in rank as necessary, but only the utterance of the command *in the manner of a superior* (*ʿalā ṭarīq al-ʿuluw*).[450] The second is the characteristic Muʿtazilī condition according to which "[the speaker] has to *will* that the action be accomplished (*an yurīdu minhu l-fiʿl*)." To this view, however, Baṣrī brought a noteworthy refinement. Instead of willing that the action should be performed, the commander can "be motivated to say 'do!' by

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on the impact of the divine will was also highlighted by Aron Zysow, although for him this question is ultimately "irrelevant" with regards to the "hermeneutics of the sacred text." Zysow, *The Economy of Certainty*, 61.

[448] The term "specific form" or (*al-qawl al-makhṣūṣ*) appears to have been used differently by scholars attempting to demonstrate different theories. A contrary use can be found in Samarqandī's *Mīzān al-uṣūl,* where he contrasts *al-qawl al-makhṣūṣ*, by which he means command *proper* with the linguistic form (*al-ṣīgha al-mawḍūʿa*). This contrast suggests that Samarqandī meant to refer to the notion of inner speech by *al-qawl al-makhṣūṣ*. Samarqandī, *Mīzān*, 196.

[449] Baṣrī, *Muʿtamad*, 1:49.

[450] Ibid. Baṣrī seems to have been exceptional among the Muʿtazilīs in holding that actual superiority (*ʿuluw*) is not necessary, but only the utterance of command in a way that implies superiority (*istiʿlāʾ*). Bihārī explains that most Māturīdīs and Ashʿarīs, and only Baṣrī among the notable Muʿtazilīs, maintained this position. By contrast, the general Muʿtazilī view followed ʿAbd al-Jabbār's position that *ʿuluw* was necessary. Interestingly, Bihārī reports that Abū al-Ḥasan al-Ashʿarī himself argued that neither condition was necessary. Bihārī and Laknawī explained he difference between *ʿuluw* and *istiʿlaʾ* with reference to Q.7:110 in which, after having witnessed Moses' superior abilities, Pharaoh asked his people "Indeed, this is great magic; he wants to drive you from your lands, so what do you command?" Ashʿarī argued that, since the people were inferior in rank to the Pharaoh as a matter of fact, this showed that commanding required neither actual nor conjectural superiority. Bihārī disagreed, maintaining that the people were superior in the sense that they had knowledge that was not available to Pharaoh, which constitutes *ʿuluw*. Laknawī argued that, while the Pharaoh was clearly superior in rank to the people, they commanded him in that instance from a position of superiority because of their knowledge, which constitutes *istiʿlaʾ*, not *ʿuluw*. Bihārī and Laknawī, *Fawātiḥ al-raḥamūt*, 1:391–392 (the translation of Q.7:110 is mine). Another argument for *istiʿlāʾ* was made by Samarqandī, who gave two examples: (i) someone with actual superiority who requests something from an inferior by way of supplication (*taḍarruʿ*) is not commanding them; (ii) someone who is actually inferior in rank but requests action from the superior by way of superiority (*istiʿlāʾ*) is, in fact, commanding. Samarqandī, *Mīzān*, 202. Another Transoxanian Ḥanafī-Māturīdī contemporary of Samarqandī, al-ʿAlāʾ al-ʿĀlim al-Usmandī, maintained the opposite position: "if a speaker is lower in rank to the addressee, this cannot be a command, but only a request." Usmandī, *Badhl al-naẓar*, 54.

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the possibility that the action will occur."[451] This subtle distinction was aimed at countering the argument that God's perfection prevents us from saying that he wishes that his subjects should commit certain actions in the sense of wanting or desiring them. Here, Baṣrī slightly modified the concept of divine will to include the possibility that divine utterances may be motivated by the potential of achievement of certain results. For our purposes, it must be observed that this conception of will rests on a human-like causal understanding of command. Even in its expanded form, divine command in Baṣrī's thought is a specific action that is designed to achieve a specific result. Although Baṣrī may have eschewed the notion of desire in its affective sense, it remains the case that his theory portrays divine commands as temporal phenomena that attach to the accomplishment of particular changes. This, as we will see, is a conception of command that acknowledges the first horn of the Euthyphro objection.

B- Baṣrī's Process of Elimination and the Conditions of Will

While it is clear that conditions other than the mere grammatical form were necessary to construct a cohesive concept of command, one may wonder how ʿAbd al-Jabbār and Baṣrī were able to justify their identification of particular elements as the conditions that qualify a statement in the imperative mood to be a command. Baṣrī attempted to answer this question using a characteristically *uṣūlī* process of elimination.[452] First, he maintained that the imperative mood alone cannot constitute a request for action, since a sleeping or unconscious person can utter

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[451] Baṣrī, *Muʿtamad*, 1:49.

[452] This method of proof is referred to by *uṣūl* scholars as "testing and division" (*al-sabr wal-taqsīm*). This process consists of offering what the scholar believes is an exhaustive list of premises to a certain conclusion (which is the portion of the process labelled '*taqsīm*'), then proceeds to test (*sabr*) those options, thereby eliminating invalid ones. Those options that were not eliminated during the process of *sabr* would be considered proven or established. See "Taqsīm" and "Taqsīm wa Sabr" in Rafīq ʿAjam, *Mawsūʿat muṣṭalaḥāt uṣūl al-fiqh ʿind al-muslimīn*, vol. 1, 1st ed. (Beirut: Maktabat Lubnān, Nāshirūn, 1998), 478–480.

statements in this form, which would not constitute a command.[453] There has to be an added condition. The possibility of a negative condition, such as the lack of proof that it is not a command, is ruled out in the same fashion. Since a forgetful (sāhī) person can utter a statement in this form without indicating that it is not a command, this lack of determination should not be sufficient to prove that an imperative statement is a request for action.[454] We are left, therefore, with the inevitability of the existence of an additional positive element for the imperative mood to constitute a request for action. Baṣrī concludes that "if the speaker is not absent-minded, he must have intended something by using the [imperative mood]. If his intention does not attach to the matters [previously eliminated], it must pertain to the achievement of the commanded matter, which shows that there must be a purpose and a will."[455]

To argue that the will is a necessary condition for a statement in the imperative mood to constitute a command, Baṣrī continued with his process of elimination. The added condition, he explained, could be related to the speaker's "knowledge (ʿulūmuhu), power (qudratuhu), desires (iarādatuhu) or aversions (karāhātuhu)."[456] For this argument to succeed, those must be the only possible mental states that can validly produce a command. We can observe that this list attributed to the mind a set of states that pertain solely to external events. For example, Baṣrī did not address the possibility that the production of a particular utterance would require the prior formation of a particular awareness of the linguistic and semantic features of this utterance. In that case, the speaker's mind would need to contain a certain representation of the uttered words

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[453] Baṣrī, *Muʿtamad*, 1:50–51.

[454] Ibid., 51.

[455] Ibid., 52.

[456] Ibid.

and their meaning, which does not necessarily include the effects of the expected reaction of the listener.[457]

Nevertheless, assuming this to be an exhaustive list, Baṣrī immediately discarded the conditions of knowledge and power. He argued that someone who is capable of the action, or "knows whether it is good or bad," can still use the imperative mood as a threat, as opposed to a command.[458] With regards to the epistemic conditions of an utterance in the imperative mood, Baṣrī argued that it would be invalid to claim that "a [statement] is a command because the commander knows it is a command."[459] This, he maintained, is due to the fact that "a thing does not become what it is because of knowledge, but it first has to be what it is to be the object of knowledge."[460] Thus, Baṣrī maintained a view of knowledge as a posterior event to the ontic states existing in the world.[461] According this this view, knowledge along is incapable of determining the attributes of an utterance. Similarly, the condition of aversion towards the action is also eliminated because it is not specific to command.[462] According to Baṣrī, the only

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[457] This idea of meanings residing within the mind is precisely what Ashʿarīs meant by "inner speech" (kalām al-nafs). In an effort to respond to this claim that speech is either a physical utterance or a particular power or intent, Ghazālī argued that: "We maintain that this breakdown is correct, and the matter is conceded in all of its aspects save for the denial of another alternative. We maintain that it is impossible for physical sounds to be part of the divine self, and that this cannot be the meaning of divine speech. However, humans can be called speakers on the basis of two considerations: either the physical sounds and letters, or the speech of the self, which is neither sound nor letter. This [latter speech] entails perfection (kamāl) and it is not impossible with regards to God, since it does not entail immanence (ḥudūth). We attribute to God this type of inner speech, which, with regards to humans, is undeniably [present] and unlike power and sound." Abū Ḥāmid Muḥammad b. Muḥammad al-Ghazālī, al-Iqtiṣād fī l-iʿtiqād, ed. Muhammad Abu l-ʿIla (Cairo: Maktabat al-Jindī, 1972), 103.

[458] Baṣrī, Muʿtamad, 52.

[459] Ibid., 53.

[460] Ibid.

[461] For more on Baṣrī's views on epistemology, see Chapter I.

[462] Ibid.

condition that could possibly determine the quiddity (*māhiyya*) of an utterance in the imperative mood is the will behind it (*irāda*).[463]

The will can either pertain to the utterance itself, or to the requested action. In order to effectively lead to the creation of commands, ʿAbd al-Jabbār explained, the will of the commander, has to attach to two matters: (i) the act of uttering a command; and (ii) the realization of the subject-matter of the command. In other words, the commanding agent has to intend to utter a statement that requires action, and to desire the coming into being of the thing or action that he commanded. ʿAbd al-Jabbār justified this conception of command by analogy to commands in common parlance: "anyone among ourselves who commands another wishes for the commanded matter to occur, and whoever does not wish that is not a commander."[464] Based on the view that divine commands are actions that are only distinguishable from human commands because of the perfection of their author, ʿAbd al-Jabbār elaborated a conception of divine command that equated it with the physical utterance that expresses it. This utterance is the product of an agent who wills the issuance of a command and the realization of its object, assuming it was addressed to someone inferior in rank to the commander.

A different view was presented by Baṣrī. Willing an utterance to be a command, Baṣrī argued, cannot possibly explain to us the nature of command. In other words, saying "a command is an utterance backed by a will to make it a command" is an entirely uninformative statement. We have to be able to fathom what a command is (*naʿqiluhu*) before we can understand the

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[463] Ibid.

[464] "Abd al-Jabbār, *Mughnī*, 17:107.

attachment of a will to it.[465] Thus, a statement in the imperative mood becomes a command if the intent behind it is for the commanded action to be performed (*an yakūnu l-gharaḍ bihā wuqūʿ al-maʾmūr*).[466] For Baṣrī, the argument that a specific will to bring forth the commanded object is necessary for an utterance to be a command is closely linked to the view that informative statements cannot be viewed as commands. His argument rested on the claim that commands, primarily as a result of the specific will, are utterances that entail (*yaqtaḍī*) the solicitation (*istidʿāʾ*) of action *in themselves* (*bi nafsihi*).[467] As a result, informative statements that relate the solicitation of action, such as "I wish that you do (*urīdu minka an tafʿal*)" are not commands at all, since they do not directly require action, but only do so indirectly. By contrast, will (*irāda*) and request (*ṭalab*) are matters that directly lead to the solicitation of action (*istidʿāʾ al-fiʿl*). The obvious question that this position raises is why the will or request, in themselves, or in any case independently or any specific grammatical form, should not be considered *the* command, or the only necessary condition for the presence of commands.

To be sure, this question was a particularly potent point of contention in the debates on the nature of divine commands. If it could be demonstrated that statements are classifiable only according to the will that produced them, it would follow that a given statement, in the imperative mood or otherwise, would be a command only because its author intended it to be so. This conclusion would defeat Baṣrī's purpose in establishing an identity between commands and utterances in the

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[465] Baṣrī, *Muʿtamad*, 1:53. Usmandī agreed with Baṣrī that the will to utter a command cannot constitute a command, but proceeded in typical Māturīdī fashion to refute the claim that the will is a condition of command at all: "if they said 'grammatical form becomes a command because of the will to make it so' we would respond that we are trying to establish the nature of command –i.e. what command is – therefore we must first understand the meaning of being a command before we can attach a will to it, unlike assertions." Usmandī, *Badhl al-naẓar*, 55.

[466] Baṣrī, *Muʿtamad*, 1:56.

[467] Ibid.

imperative mood. The only way this identity could be plausible was to argue that commands are a subset of all utterances in the imperative mood – a subset that is characterized by the *addition* of certain characteristics. Baṣrī explains this problem as follows:

> Discussing this matter is limited to one of two positions. Either we suppose that the imperative mood has an attribute by virtue of which it becomes a command, and argue that this attribute, which causes it to be a command, is [a specific] will, or we do not attach any attributes to the imperative mood but ask whether what we understand from saying "command" is the imperative mood alone, or in addition to another condition, which is the specific will.[468]

Baṣrī maintained the invalidity (*fasād*) of the first option. If it is a particular attribute that makes the imperative mood a command, the concept of command would be attached to this attribute, not to the linguistic form itself. If we call a certain statement in the imperative mood "command" because we can discern the speaker's intentions through it, those intentions would be the decisive element in the generation of commands. The second option, by contrast, allowed Baṣrī to argue that the requirement of a particular will underlying the imperative mood is the result of his analysis of the manner in which the term "command" is used in Arabic parlance. The concept that the word "command" refers to, according to Baṣrī, is "a specific [linguistic] form uttered by way of superiority, which constitutes a request for action (*ṭalabun lil-fiʿl*) and an urging to commit it (*ḥaththun ʿalayh*), and we do not understand from this term anything else."[469] This understanding of command is aimed to avoid the conclusion that the quiddity of a statement is determined by the will behind it alone. According to Baṣrī, the will does not constitute a command. It is the underlying cause that leads to its utterance. If it was the will alone that lead to the rise of command, divine commands would have attached to his transcendent will, and not to

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[468] Ibid., 50.

[469] Ibid.

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their earthly, temporal manifestations as physical speech. That would defeat the Muʿtazilī view that commands are events that occur in time.

C- Command as Utterance Backed by Will and the Formulation of Moral Judgments

As the discussion above shows, the will as a condition of command, in the Muʿtazilī theory, is an occurrence in time that achieves a given effect.[470] The determination of the will in time is referred to by ʿAbd al-Jabbār as the state of being created *muḥdatha*.[471] Not only is divine will, like human will, an occurrence in time, but it has as a goal the realization of a particular change. This conception of divine will is explained as follows: "what God brings forth (*yaqaʿa minhu*) by way of information (*khabar*) or command (*amr*) could have been otherwise (*jāza an yakūna khilāfuh*)."[472] The idea that God's assertions and commands "could have been otherwise" is of significant importance. God's commands are not eternal and universal truths, but actions that, much like human actions, have clear temporal parameters and occur in specific circumstances.

One important implication of this conception of command is that, in itself, it does not necessarily lead to the establishment of moral judgments. Commands as utterances resulting from a set of

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[470] In the chapter on *irāda* in *al-Mughnī*, ʿAbd al-Jabbār speaks of divine will as an "act" (*fiʿl*) of God. The production of will as a type of act presumes that God intervenes at certain point in time to make judgments aimed at redressing specific situations. ʿAbd al-Jabbār *Mughnī*, 6:3–5.

[471] Createdness or "*ḥudūth*" is "the emergence from nothingness into being." This can have one of three meanings: (i) ontological createdness (*ḥudūth dhātī*), which means that a thing is in need of another in order to come into being; (ii) temporal createdness (*ḥudūth zamanī*) which means that a thing was inexistent prior to existing; and (iii) relative createdness (*ḥudūth iḍāfī*) which means that a thing existed for a shorter time than another. Abū l-Baqāʾ, *Kulliyyāt*, 400-401. Same categorization is offered by Jurjānī in *al-Taʿrīfāt*, 73. ʿAbd al-Jabbār's view that will is created as opposed to eternal (*qadīm*) suggest that the will is contingent in the ontological and temporal senses: it depends on the action of a creator, and occurs in a particular point in time.

[472] ʿAbd al-Jabbār, *Mughnī*, 6:105. Another formulation of this theory was offered by Shahrastānī: "[the Muʿtazilīs] are all in agreement that God's speech is created (*makhlūq*) immanent (*fī maḥall*), constituted of letters and sounds, and its equivalent is in the written form of the Quran (*maṣāḥif*)." Abū al-Fatḥ Muḥammad b. ʿAbd al-Karīm al-Shahrastānī, *al-Milal wal-niḥal*, ed. Ahmed fahmy Mohamed, vol. 1 (Beirut: Dār al-Kutub al-ʿIlmiyya, 1992), 38–39.

wills are the expression of what the commander wishes. Therefore, a command in that sense can be expressed in purely descriptive terms. For example, God's command to treat one's parents with respect, in itself, is an expression of the fact that God wishes that everyone should treat their parents with respect. If God utters a command because the possibility of occurrence of the commanded action constitutes a sufficient motivation, a justification must be available for that motivation. The reason for which a certain result was deemed desirable by a rational being would be the determining factor in establishing the moral judgment, not God's command. If God issues a particular command *because* a particular action would ensue, the moral relevance of this command would depend on it being justified by the achievement of a good result. It follows that goodness should be seen as a matter external and prior to divine command.

If the divine utterance is a human-like expression of will, the Euthyphro objection would be readily applicable to it. In this model, we are faced with one of two options. Either God wills what is already good, in which case divine commands would be merely informative, or things become good when God wills them, in which case we would be entirely substituting our moral agency with the will of another human-like thinking agent. Muʿtazilīs opted for the first solution. In fact, in the context of his theological discussion of *irāda*, [473] ʿAbd al-Jabbār defends the position that God wills only what is good, implying that goodness exists independently of and prior to divine commands. Therefore, divine commands are only one among many possible ways through which human minds can discern the inherent goodness of things.

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[473] "[God] wills all of His actions except the will [itself], and wills what he has commanded and recommended. There is no disagreement among the people of justice (*ahl al-ʿadl*, i.e. the Muʿtazilīs) that He cannot will anything evil." ʿAbd al-Jabbār, *Mughnī*, 6:5.

Another important implication of this theory is that divine commands are not in themselves distinguishable from commands expressed in earthly situations using human language. It is the perfect status that the Muʿtazilīs ascribe to God that attaches moral implications to His commands.[474] Because God can do or utter no wrong, His commands are definitive statements of what is morally good. Therefore, just like human commands, divine commands are physical utterances that were generated by an agent's will to bring a certain change in the world.[475] The difference, as explained by ʿAbd al-Jabbār, is that "the Wise (*al-Ḥakīm*) […] necessarily only wills what is good (*lā yurīdu illā l-ḥasan*)."[476] The difference between divine commands and any other command, therefore, is one of degree and not of kind. Whereas any agent's commands may or may not accord with the demands of morality, God's commands perfectly accord with the demands of morality by virtue of God's infinite wisdom. Goodness is a concept that exists outside of the divine, and pre-determines the manners in which God addresses humans.

A consequence of the dependence of the nature and consequences of commands on the will of the commander is the narrowing of the gap between the meta-ethical and the normative dimension of the Muʿtazilī theory. God's commands are a direct results of the inherent goodness (*ḥusn*) of certain matters. This inherent goodness is both the source of moral obligation and the reason for which God issues certain commands. As ʿAbd al-Jabbār observed: "It is inevitable that the Wise only command what is good. So if the Wise is also a creator of obligations

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[474] In fact, ʿAbd al-Jabbār dedicates more than half of his theological chapter on *irāda* to the concept of willing in the human sense. Ibid., 6:3–101.

[475] ʿAbd al-Jabbār's treatment of divine utterances resulting from His will as similar to human utterances is evident. For instance, his proof that God must want his assertions and commands is that, to our minds, any assertion and command are the result of a willing author. Ibid., 6:105. For more on the parellels between human and divine attributes in Muʿtazilī thought, see Chapter II.

[476] ʿAbd al-Jabbār, *Mughnī*, 17:107.

(*mukallifan*), or a messenger of the *mukallif*, His commands must necessarily concern recommendations or obligations (*nadban wa mūjaban*), for this inevitably follows from the goodness of the will of such [agents]."[477] The normative character of divine commands follows from the fact that divine will, and therefore divine speech, must by necessity accord with the natural moral values of things.

An important consequence of seeing the normative as closely following from the meta-ethical is the determination of the normative effects of God's commands independently of the interpretive intervention of the community of believers. The approach to divine commands that we find in ʿAbd al-Jabbār's and Baṣrī's work significantly reduces the interpretive scope of those utterances in comparison to the Ashʿarī approach. The reason for this narrowing of the interpretive space can be attributed to the assumption that the physical utterances that represent divine commands, and the obligations they establish, are all seen as direct results of a pre-determined value system. In Muʿtazilī theories, as we saw, command is nothing other than the utterance in the imperative mood. By a chain of causal necessity, it inevitably concerns a morally good subject-matter, and has to indicate a certain level of normativity. Being causally connected to the will of a Being that is necessarily characterized by goodness, those physical utterances can only be understood within the parameters of His will. By contrast, Ashʿarī conceptions of divine commands allow a less immediate connection between the divine and the physical sounds that indicate His commands. Those physical phenomena are only products of God's will inasmuch as all existents are. Primarily, they are actions that attempt to approach the perfect divine moral ideal as much as

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[477] Ibid.

humanly possible. Thus, in the Ashʿarī model, as we will see in the following section, the burden of formulation of practical norms falls entirely on the shoulders of human communities.

(3) The Ashʿarī Conception of Commands as Divine Attributes

In the previous section, we saw that the rather intuitive concept of command as an action committed in time in Muʿtazilī jurisprudence effectively conceded the Euthyphro objection. In this section, we will see that the theory of divine commands as divine attributes formulated by the Ashʿarīs *prima facie* escapes this objection, and opens the door for a type of divine-command theory that does not intrinsically entail a renunciation of moral autonomy.

Whereas the Muʿtazilī theory supposed that divine will logically intervenes after the establishment of the cosmic moral order, the Ashʿarīs advocated a view of divine commands as foundations of the universal moral order. This order cannot be fully accessed by any human or group of humans. Nonetheless, it can manifest itself through the incessant production of meaning and action by the community of believers (as we will see in more detail in Chapter IV). The basic element in the construction of this theory was the insistence on a notion of command as an inseparable part of the divine self. This was achieved through the formulation of the theory of speech of the self or inner speech (*kalām al-nafs*),[478] according to which all speech in the true sense of the word consisted of meanings that resided within the speaker's self.[479] As a result of this position, the divine role in the establishment of the moral order was not one of an all-

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[478] An account of the theory of inner speech more generally was offered in Chapter II.

[479] Some later jurisprudents offered attempts to refute the theory of inner speech. A significant example was presented by Jeanette Wakin in her analysis of the jurisprudence of the prominent Ḥanbalī Ibn Qudāma. According to Ibn Qudāma, the fact that the mere conception of a particular meaning in one's mind without pronouncing it may not produce any legal effects (such as breaking an oath) shows that speech is a physical, and not a mental phenomenon. Wakin "Interpretation of the Divine Command in the Jurisprudence of Muwaffaq al-Dīn Ibn Qudāmah," in Heer, *Islamic Law and Jurisprudence*, 38.

powerful and arbitrary Legislator as the modern interpretation of divine command ethics tends to assume. Rather, the moral order is part of a universal divine order that precedes, and is, by definition, superior to, any human moral thoughts or judgments. God, in this model, does not merely interfere in the universe to establish some order, but *is* the ultimate moral model that all earthly systems should attempt to approach.

This theory leaves no room for any analysis of goodness into more basic elements, a move that was adopted, although somewhat hesitantly, by modern divine-command theorists.[480] What is good in the objective moral sense is by definition identical to what God commanded. Unlike the modern theory of theological voluntarism that posits that "ethics depends, at least in part, on God's will,"[481] Ashʿarī ethics viewed morality as *the* divine, not as a matter willed by the divine. For this theory to hold true, a clear divide between what is universally true and what is humanly intelligible must be maintained, a notion that accords with Ashʿarī metaphysics as previously shown. This insistence on establishing goodness as a transcendent divine attribute largely shaped the Ashʿarī attempts to offer a coherent definition of divine commands.

A- *Divine Command is not the Observable Utterance*

We saw that the Muʿtazilī attempts to identify divine commands with a particular grammatical form faced difficulties caused by the fluid way in which language is used. By contrast, Ashʿarī attempts to present commands as a transcendent reality had to account for the manner in which such phenomena became effective in guiding human action. The tension between the transcendent and immanent aspects of the construction of norm and value can be seen in efforts

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[480] Alston, *Divine Nature and Human Language*; Hare, *God's Call*.

[481] Philip L. Quinn, "Divine Command Theories of Ethics," in *Encyclopedia of Philosophy*, ed. Donald M. Borchert, 2nd ed., vol. 3 (Detroit: Macmillan Reference USA, 2006), 93.

to elucidate the concept of divine command in eleventh century Ashʿarī works of jurisprudence. According to Bāqillānī, command (*al-amr*) is "the saying, by virtue of which, action is required from the addressee, by way of obedience."[482] A similar definition was advanced by Imām al-Ḥaramayn al-Juwaynī, who, in *al-Burhān fī uṣūl al-fiqh*, defined command as "the utterance that, in itself, requires obedience to the commander by doing the commanded action."[483] Except for minor variations in formulation, all of the central elements of Bāqillānī's definition were maintained by Juwaynī. One noteworthy difference is that, in Bāqillānī's definition, action is necessitated *through* command (*muqtaḍā bihi*), whereas in Juwaynī's command directly *necessitates* the action (*muqtaḍī bi nafsihi*).[484] This can be understood as a refinement of the definition towards a formulation that is clearly distinguishable from any Muʿtazilī conceptions of

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[482] "*Al-qawl al-muqtaḍā bihi l-fiʿl min al-maʾmūr ʿala wajhi l-ṭāʿa.*" Abū Bakr Muḥammad b. al-Ṭayyib al-Bāqillānī, *al-Taqrīb wal-irshād "al-ṣaghīr"*, ed. ʿAbd al-Hamid b. ʿAli Abu Zunayd, vol. 2, 2nd ed. (Beirut: Muʾassasat al-Risāla, 1998), 5–6.

[483] "*Al-qawl al-muqtaḍī bi nafsihi ṭāʿat al-maʾmūr bi-fiʿl al-maʾmūr bihi.*" Imām al-Ḥaramayn Abū al-Maʿālī Juwaynī, *al-Burhān fī uṣūl al-fiqh*, ed. Abd al-Azim al-Dib, vol. 1 (Doha: Jāmiʿat Qaṭar, 1979), 203. A very similar definition was offered by Ghazālī who maintained that command is "the utterance that imposes obedience of the commander by performing the commanded action (*al-qawl al-muqtaḍī ṭāʿat al-maʾmūr bi-fiʿl al-maʾmūr bihi*)." Ghazālī, *Mustaṣfā*, 379. Fakhr al-Dīn al-Rāzī did not approve of the definitions of his illustrious predecessors, and sought to develop it into a proper *ḥadd* in the technical sense. Thus, Rāzī rejected Bāqillānī's definition which, according to him, had been "accepted by the majority of our companions (*irtaḍāhu jumhūr al-aṣḥāb*)." Rāzī's main objection is that you cannot refer to *maʾmūr* and *maʾmūr bihi* in an alleged definition of *amr* without leading to circularity – for one would have to define *amr* in order to understand what a *maʾmūr* and *maʾmūr bihi* are in the first place. For Rāzī, as was widely accepted by Muslim scholars, especially after the eleventh century, the *definiens* must include all the necessary components, and nothing but the necessary components of the *definiendum* (*al-ḥadd huwa l-jāmiʿ al-māniʿ*. Thus, for Rāzī, the definition of command must stem from its nature: it is the "request for action by virtue of utterance, done by way of superiority." The question of superiority, he further clarifies, is debatable. Rāzī, *Maḥṣūl*, 1:167. Weiss explains that Āmidī also defined command using the two categories of "calling for" action (*ṭalab*) and superiority (*istiʿlāʾ*). Weiss, e.d. *The Search for God's Law*, 333.

[484] A similar definition was attributed to the illustrious Abū Mansūr al-Māturīdī, except that "imposition" was replaced with "request" (*duʿāʾ*) and obedience is replaced with "superiority and authority" (*al-ʿuluw wal-ʿaẓama*). Thus the definition reads "the truth of command is that a saying that constitutes a request to commit an action [conveyed] by way of superiority and authority, not supplication (*al-amr ḥaqīqatan huwa al-qawl alladhī huwa duʿāʾ ilā taḥṣīl al-fiʿl ʿalā ṭarīq al-ʿuluw wal-ʿaẓama dūn al-taḍarru*)." Samarqandī, *Mīzān*, 200. Āmidī, similarly to Rāzī, reportedly objected to the condition of "obedience" on the grounds of circularity: obedience is nothing but the following of a command, thus it is impossible to define a command in terms of obedience. Weiss, *The Search for God's Law*, 334.

imposition of action. We saw that in the Muʿtazilī theories, the individual intervention of a personal agent is crucial in imposing obligation. That was not the case in Ashʿarī thought, in which command is nothing but the meaning of solicitation of action. Therefore, speech is the concept of necessity to act, and not merely a means through which necessity to act is imposed.[485]

A significant aspect of those definitions is that they classify command as a type of saying (*qawl*). This may appear to bear some similarity to the Muʿtazilī view that command is an observable utterance. However, both Bāqillānī and Juwaynī are emphatic in their rejection of any such similarity. As we will see, the definition of command as a type of saying (*qawl*), although it has been abandoned by later Ashʿarīs, especially after Ghazālī,[486] can be understood an attempt to address the challenge of applicability to concrete human conditions that the transcendent nature of commands raises. In fact, both scholars dedicated significant parts of their treatment of divine commands to the refutation of the Muʿtazilī conception of command as a physical utterance. Challenging the attempts to identify command with the imperative mood was frequently done by referring to the fluidity in common usage of grammatical forms. This fluidity was reflected in two facts about the use of language: on the one hand, linguistic constructions are often used to indicate a wide range of meanings, and, on the other hand, language is used in various circumstances and contexts. For example, Bāqillānī observed that the same statement in the imperative mood can be used to indicate command, prohibition, admonishment (*zajr*), warning

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[485] It is worth noting that Bāqillānī's main concern here is to clearly distinguish *amr* from other parts of speech. This tendency to delineate the boundaries of the defined term is characteristic of *uṣūlī*s and theologians, and reflects the discursive environment in which this scholarship flourished. The mention of rendering action necessary (*iqtiḍāʾ al-fiʿl*), according to Bāqillānī, is no different than "requiring action" (*muṭālaba*), or "that by virtue of which compliance is attained" (*mumtathalun bī mūjibihi*). All of those alternative elements of the definition of *amr* serve the purpose of distinguishing command (*bāna l-amr*) from deterrence, assertion, and otherwise. Bāqillānī, *Taqrīb* 2:5–6.

[486] See Rāzī, *Maḥṣūl*, 1:167; Weiss, *The Search for God's Law*, 333.

(*tarhīb*), or permission.[487] If that was the case, it would be impossible to argue that any one of those meanings is identical to the linguistic form without the same argument being applicable to the other forms, thus none of those claims can prevail.[488] In addition, Muʿtazilī theories were countered with examples showing the various circumstances in which language is used. The "*qadriyya*," Bāqillānī maintained,[489] "claim that the commands of God most exalted, and the commands of others, are nothing other than the sounds produced by the utterance 'do!' (*ifʿal*)."[490] If command is nothing but the sounds of the utterance made in the imperative mood, it would follow that the meaning formed in the commander's mind is related to commands in a causal manner, but does not constitute an essential part of the concept of command itself. It

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[487] This does not mean that it would be impossible to argue that a statement in this form can be presumed to *indicate* command as its default meaning, "default" in that sense being a reference to the absence of any signs that indicate a contrary outcome. However, assigning a default meaning to the imperative mood is quite a different exercise, and has no bearing on the question of what command *is*. The question of the nature of command, which is the main subject of this debate, is a matter central to the nature and structure of the foundations of normativity, given that it determines the nature of God's linguistic intervention in the moral universe and whether or not it serves as the most primary foundation of moral norms. The question of the imperative mood as indicant is derivative of this initial problem, and serves to construct a theoretical model for the juristic exercise of pronouncement of moral judgments. It would be, therefore, perfectly consistent to argue that command *is not* identical to the imperative mood, and at the same time to hold that a statement in the imperative mood *should be taken to signify* a command unless otherwise indicated. The editor of the *Taqrīb* seemed unable to see this distinction when he objected to Bāqillānī's argument by saying that "the majority of jurists do not grant that the imperative mood is used in the same manner to indicate command, prohibition, scolding, warning, or permission in the same manner. Rather, it is more likely to indicate command." Here, Abū Zayd confuses the question of indicative potential of the linguistic form with the question of its identification with one of its functions. Understanding this distinction is central to studying the debates that focused on the normative implications of divine commands. Bāqillānī, *Taqrīb* 2:14.

[488] Ibid. The same observation was made by Ghazālī: "this [grammatical] form may be used to indicate threat […] or permission […] If they said that in this case it is of a different genus, this would be a denial of sensory perception (*munākara lil-ḥiss*)." Ghazālī, *Mustaṣfā*, 380. A similar argument was also made by Usmandī: "the meaning of identification of command with utterance is that [grammatical form] alone indicates command. This is invalid, because command can be expressed by spoken or non-spoken means, such as signaling and otherwise." Usmandī, *Badhl al-naẓar*, 51.

[489] *Qadariyya* is a derogatory denomination commonly used by the opponents of the Muʿtazilīs, as opposed to their own self-designation as the People of Justice and Oneness (*aṣḥāb al-ʿad wal-tawḥīd*). Shahrastānī noted the confusion that this label may cause: "*qadariyya* is homonymous [between the Muʿtazilīs and] those who believe in destiny, whether good or bad […] However, voluntarists (*al-jabriyya*) and *qadariyya* are diametrically opposed (*mutaqābilitān taqābul al-taḍāḍ*), so how can opposites be given the same name?" Shahrastānī, *al-Milal wal-niḥal*, 1:38.

[490] Bāqillānī, *Taqrīb* 2:10.

would also follow that command, understood as a physical phenomenon, is not entirely unique, but "can, itself, or similar occurrences (*nafsuhu wa mithluhu*), be replicated by others who are not the commander."[491] Bāqillānī's refutation of this position relied on the commonly used example of a person who utters those words in their sleep. He maintained that "the fact that the grammatical form may exist without being a command invalidates the claim that it is [nothing other than] the grammatical form."[492] This rebuttal of the claim that command is nothing other than the imperative mood, as we have seen, would have been conceded by Baṣrī, who elaborated a theory of will as a response to precisely this objection.[493]

Another allegedly Muʿtazilī claim that Bāqillānī countered reveals in greater detail the Ashʿarī objection to the command-as-utterance position. This more complex position consisted of claiming that command is the same as the imperative mood only when there is no proof to the contrary (*ʿāriya min al-qarāʾin al-ṣārifa lahā*).[494] This argument does not posit the identity

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[491] Ibid.

[492] Ibid., 2:12.

[493] Weiss's study of Āmidī's jurisprudence shows that Ashʿarī jurisprudents continued to attack Muʿtazilī arguments on that matter in the same manner, and even in the same order. Weiss explains that Āmidī first responded to the Muʿtazilī efforts to "identify the command with a linguistic form, the imperative form of the verb, that is to say, the *ifʿal* form." Following this refutation, Āmidī dealt with the claim that "the command was the imperative form of the verb unaccompanied by a contextual clue indicating that the form constituted something other than a command." And finally, Āmidī addressed the argument that command was the imperative form of the verb backed by the speakers "intention to produce the form, […] to signfy a command by means of it, and […] that the command be obeyed." Weiss, *The Search for God's Law*, 329–330.

[494] Bāqillānī, *al-Taqrīb wall-Irshād "al-Ṣaghīr,"* 2:12. As will be explained in the next section in our discussion of Sāmʿānī's theory of command, *qarīna* was understood as an indicant that constitutes evidence that the meaning of a word must be switched (*ṣārifa*) from its apparent or conventional meaning to a different one. See Wael B. Hallaq, "Notes on the Term Qarīna in Islamic Legal Discourse," *Journal of the American Oriental Society* 108, no. 3 (July 1, 1988): 475–80. Etymologically, *qarīna* belongs to a set of words that denote close association or inseparability. *Qarn*, pl. *qurūn* in the basic sense refer to the horns of an animal, and, in a figurative sense, small mountains the tops of which approach each other. A derivation of this idea of closeness lead to *qarana, yaqrin,* which means to tie together. Thus, *qirān* means marriage. *Qarīn* is someone who is closely connected to someone else, and the verb is *iqtarana*. *Qarīna*, therefore, is the feminine form of *qarīn*, and often used to refer to someone's wife. Interestingly, *qarīna* can also be used to refer to a person's soul. *Qārana* is to associate two things, which, in the modern sense, means to compare. Ibn-Manẓūr, *Lisān al-ʿArāb*, 3607–14. In technical dictionaries, by contrast, *qarīna* takes the specific meaning of indication (*dalāla*) and not mere association (*muṣāḥaba*). *Qarīna,* however, is not any *dalīl* or

between command and statements in the imperative mood as a plain principle, but establishes the relationship between them as one of presumption. A scholar making this argument would claim that being asleep or unconscious is the "proof to the contrary," which would defeat the presumption that the utterance in the imperative mood is a *prima facie* command. As a result, the utterance of the sleeping person would not qualify as command, and Bāqillānī's objection would fail. Bāqillānī's response to this claim is a polemical counter-argument of significant intricacy. The "proof to the contrary" in that case is a negative condition, namely the lack of awareness. Bāqillānī's objection consists of maintaining that, if the proof to the contrary is a negative element, then the reverse of this proof must be a necessary condition of the presumed matter. In this example, if the lack of consciousness is sufficient to show that an utterance is not a command, it follows that consciousness must always be present for an utterance to be a command.[495] This, obviously, is inconsistent with the claim that command is the grammatical form and nothing else. The argument based on the failure of the negative *qarīna* was taken further by Bāqillānī: "command cannot be said to exist for the lack of cause, for the causes of judgments (ʿilal al-aḥkām) have to be existing entities […], thus it is not possible that the lack of proofs (ʿadam al-qarāʾin) would constitute a cause for the utterance's being a command."[496]

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piece of evidence, but an indicant that refers to a meaning other than what is conventional (*hiya al-amru al-dāl ʿala al-shayʾ lā bil waḍʿ*). This particular meaning, which deviates even further from the general etymology of the term, highlights the epistemological function of *qarīna*. In our example, the imperative mood would be a sign (*dalīl*) that indicates the presence of a command, whereas, for instance, the clearly absurd nature of the object of command would be a *qarīna* that it really is meant as a challenge or threat. The difference between the two types of indicant is that one operates according to the conventional rules of language, and the other entails an exception to those rules. Tahānawī, *Kashshāf* 3:1228. Abū l-Baqāʾ explains that a *qarīna* transforms the meaning through additions in the given statement either prior to or after the indicant in question. Abū al-Baqāʾ, *Kulliyyāt*, 734. A definition of *qarīna* as a mere sign can be found in Jurjānī, *Taʿrīfāt*, 152.

[495] Bāqillānī, *Taqrīb* 2:13.

[496] Ibid. Ghazālī's reasoning in refuting this argument differed from Bāqillānī's. For Ghazālī, saying that command is the imperative mood unless there is a *qarīna* to the contrary can be countered by saying that the imperative mood is *not* a command unless there is a *qarīna* that makes it one. The bottom line, for Ghazālī, is that "the Arabs have used this grammatical form in different ways," which means that "saying that some meanings stem from the form

While these two counter-arguments respond to the positions against which Bāqillānī was arguing, they do not directly address the claim that command is an utterance backed by a specific will. This, as shown in the previous section, was a major line of argument in Muʿtazilī thought. Nevertheless, Bāqillānī's counter-arguments reveal to us some important aspects of the Ashʿarī conception of language and the production of meaning. The physical sounds and letters, in this theory of language, are arbitrary signs of no intrinsic value. The only function of the physical sounds and written words is to signify meanings, which exist in minds, rather than in any observable medium. This view of language is clearer in Juwaynī's more elaborate polemical engagement with Muʿtazilī theories.[497] Juwaynī explained that the Basrans among the Muʿtazilīs maintained that an utterance becomes a command if it is backed by three wills: (i) a will to make an utterance; (ii) a will to utter a command; and (iii) a will to make the action happen.[498] The requirement of will is based on the view that attributes (ṣifāt) of all matters, utterances included, are either inherent (ṣifāt al-nafs), related to its immanence (al-ḥudūth), or a result of knowledge, power or will.[499] The argument that a physical utterance becomes a command by virtue of a will is therefore an application of this last case. Juwaynī's response is as follows:

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while the others stem from *qarīna*" is mere dogma (*mujarrad taḥakkum*) that does not follow from the imperatives of reason, speculative reasoning, or reliance on the widely reported opinions of the linguists. Thus, in that case, the right thing would be to suspend judgment." Ghazālī, *Mustaṣfā*, 381.

[497] An accurate description of a Muʿtazilī position was made by Abū al-ʿAlāʾ l-Samarqandī: "the definition and reality of command according to Muʿtazilīs has been described in different manners. Most Basrans among the Muʿtazilīs required three conditions. First, request for action must be made in the appropriate form, which is saying '*ifʿal*' in direct speech and '*li-yafʿal*' in indirect speech. If request is made in the form of an assertion, such as to say 'I request that you do the following,' it is not a command. The same applies to statements made using the form of prohibition (*ṣīghat al-nahy*). For example, they do not consider saying 'do not move' to be a command to stay still, even if it indicated a request to perform the act of remaining still. Second, command must be made by way of superiority, not supplication. Third, the commander must will that the action be committed." Samarqandī, *Mīzān*, 202–203.

[498] Juwaynī, *Burhān*, 1:205. A similar account can be found in Samarqandī, *Mīzān*, 203.

[499] Juwaynī, *Burhān*, 1:206–7.

> If you, Basrans, (*maʿāshir al-baṣriyyīn*) maintained that the utterance in the imperative mood intended as a command has a distinctive attribute that distinguishes it from assertion, this would be a fallacy and perseverance in error (*hadhā buhtun wa munākara*). Indeed, the utterance is [nothing but] broken sounds and arranged letters (*aṣwāt mutaqaṭṭiʿa wa ḥurūf muntaẓima*). They certainly are the same whether [the speaker] intends to make a command or an assertion, and sounds in themselves have no attributes that distinguish them.[500]

This passage reveals the reasons for which Ashʿarīs opposed the identification of commands with their physical manifestations. Juwaynī raised no objection to the view that specific utterances can be the products of particular wills, and that the will can be viewed as the effective cause of the utterance. Rather, his opposition to the view that command is an observable utterance stemmed from his treatment of the letters and sounds as mere physical phenomena. While those observable elements may play the role of epistemological indicants, to claim that those utterances are identical to the concept of command one should demonstrate that they are not mere shapes and sounds, hence Juwaynī's reference to the theory of attributes. Since, except for the above-mentioned process of elimination, Juwaynī's opponents did not explain how the will effectively changes the attributes of those utterances, he concluded that they were not justified in maintaining that commands are the physical utterances.[501]

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[500] Ibid., 1:210. Farkh al-Dīn al-Rāzī, by contrast, appeared mainly concerned with the will to bring about the given action, which, for him, was not a condition of the validity of commands. For Rāzī, command is nothing but the concept of a request for action, which may or may not accord with the will of the speaker. The concept of request for action, however, requires no analysis: it is understood by all rational beings by way of necessity (*ḥāṣīlun li-kulli l-ʿuqalāʾ ʿalā sabīl al-iḍṭirār*). Rāzī, *Maḥṣūl*, 1:167–171.

[501] Another important response to the Muʿtazilī conception of command was explained by Weiss in his study of Āmidī's *iḥkām*. Āmidī who, in Weiss's opinion, "makes short work of [the Muʿtazilīs]," argued that the attempts to identify command with a grammatical form led to an absurd conclusion from a linguistic standpoint. Since, "all linguistic forms are presumed to signify something, having been established by the primordial inventor(s) of the Lugha for some sort of meaning," saying that command is identical to the imperative mood would amount to saying that "the imperative form of the verb signified the imperative form of the verb." This is certainly a significant challenge to the Muʿtazilī theory, and Weiss is correct to highlight the theory of origins of language according to which meaning was presumed to have been established by some primordial inventor. Baṣrī, as we saw, was a prominent Muʿtazilī who adopted the theory of *waḍʿ* or *istiṣlāḥ*, which saw language as a matter posited by the community. However, that does not necessarily entail that Baṣrī, or the Muʿtazilīs in general, conceded the claim that "all linguistic forms are presumed to signify something" in the sense intended by Āmidī. For Āmidī, as was the case for all Ashʿarīs, words were arbitrary pointers that indicated the meanings residing within the mind. Muʿtazilīs,

B- *Divine Command as Inner Speech*

As an alternative to the Muʿtazilī theory that command is identical to the linguistic form in which it is expressed, the Ashʿarīs elaborated a theory according to which speech exists as *meaning* in the speaker's mind independently of and prior to the use of language as a physical phenomenon. The position that speech has a noetic presence of its own prior it its expression in a linguistic form seems to accord with the view that the creation of language is a matter of social convention. If the uttered sounds and words are arbitrary, in the sense that communities can, through linguistic practice, establish any given system of signs to indicate the same ideas, then the meanings that can be expressed by those conventional signs must be, in a way, separate from them.

This separation is taken to an extreme by the Ashʿarī theorists: speech (*kalām*) is nothing but the meaning that arises in someone's mind, and this is a self-contained, uniform category. This theory depends on the ability to distinguish the meaning located within the mind from two things: (i) knowledge of the utterance and the commanded action; and (ii) the will to bring fourth the utterance and commanded action. For the Muʿtazilīs, the first cannot possibly be a condition of command, since knowledge cannot be prior to the realization of a phenomenon, thus the second is the only possibility. However, Ashʿarīs hold that there is a third noetic representation that characterizes the commander, and that this is the only one that is necessarily present: the *notion* of necessity, or solicitation of action. [502]

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by contrast, viewed language as a *carrier* of meaning and not only an indicator thereof. Weiss, *The Search for God's Law*, 330.

[502] Distinguishing inner speech (*kalām al-nafs*) from knowledge (*ʿilm*) on the one hand, and will (*irāda*) on the other hand, was central to establishing it as an element of command. This distinction rested on the assumption that "anyone who commands, prohibits, or informs, finds a meaning within himself, then indicates it using utterance (*ʿibāra*), writing (*kitāba*) or sign (*ishāra*). This is unlike knowledge, since a person may inform another of things of

The theory of inner speech dominates the concepts of command advanced by both Bāqillānī and Juwaynī. This "inner speech," Bāqillānī observed, is of two kinds: the eternal (*qadīm*) (literally, old) word of God on the one hand, and the speech of God's creatures (*kalām al-khalq*), which is created and contingent, on the other hand.[503] Thus, Bāqillānī established a contrast between the objectively true meanings located in the Divine Self and the contingent temporal meanings that constitute human thought and speech.[504] Divine command as inner speech is an attribute of God that may not be subject to doubt or corruption. In its objective, divine form, this inner speech constitutes a fully formed command in the proper sense of the word, and thus requires no additional manifestation to become a command. Hence, Bāqillānī insisted that divine command is associated in itself (*li nafsihi*) with the action or abstention to which it relates.[505] Elsewhere, he insisted that "command in itself relates to what it commands, to those it commands, and to the

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which they have no knowledge, or have opposite knowledge. This is [also] unlike the will, since a person may command something they do not want like a person who commands their slave to show their disobedience and disregard of their commands. This is called inner speech (*kalāman nafsiyyan*), which was what al-Akhtal meant by saying 'verily speech is in the heart, and a person merely indicates what is in their heart.' Similarly, ʿUmar [b. al-Khattāb], may God be pleased with him, said 'I have considered his speech in my soul,' and often we say to a companion 'I find in myself plenty of talk that I would like to convey to you.' Since God cannot be characterized with uttered speech (*al-kalām al-lafzī*) because of its immanence, only inner speech can be associated with God, since there is no disagreement on the fact that God speaks (*lā ikhtilāf fī kawnihi mutakalliman*)." Muḥammad b. ʿAlī al-Tahānawī, *Kashshāf istilāḥāt al-funūn wal-ʿulūm al-Islāmiya*, vol. 3 (Beirut: Dār Sādir, 1980), 1270–1271. A different conception of inner speech considers it to include, without being limited to, knowledge and will: "anything that occurs within the self that can be indicated with an utterance, writing or sign is inner speech, be it knowledge, will, submission, assertion, interrogation, or otherwise." Abū l-Baqāʾ, *Kulliyyāt*, 742.

[503] This distinction was upheld by Transoxanian Maturīdīs as well, such as Samarqandī who maintained that speech was "an attribute according to which the self becomes a speaker (*mutakalliman*)" as opposed to the physical sounds and sentences. al-Samarqandī, *Mīzān*, 199. Similarly, al-ʿĀlāʾ al-ʿĀlim al- Usmandī argued that "the word 'command' applies only to true command, which is located within the self, and that is [the condition according to which] it becomes a command." Usmandī, *Badhl al-Nazar*, 51. Another prominent Transoxanian, al-Khabbāzī, also argued that the will cannot be considered a condition of validity of command. Khabbāzī, *al-Mughnī fī usūl al-fiqh*, 27.

[504] Bāqillānī, *Taqrīb* 2:5.

[505] Ibid.

one who commands it."[506] By maintaining that command as an internal meaning is "in itself" sufficient and effective, Bāqillānī distinguished it from outward sensory language which, he maintained, is not a necessary part of the concept of command. It is evident from this characterization that Bāqillānī was careful to distinguish divine command from two related concepts: human "inner speech" that constitutes an earthly form of command but fails to satisfy the conditions of moral objectivity present in divine commands, and the physical manifestation of divine commands in the form of spoken and written words.

In support of his position on inner speech, Juwaynī argued: "the commander finds in himself a necessity and solicitation (iqtiḍāʾan wa ṭalaban) for the thing commanded. The [linguistic] form indicates [this necessity and solicitation]."[507] As we discussed in the previous section, Muʿtazilīs argued that knowledge that an utterance constitutes a command does not make it a command. It would seem that this claim would not have been opposed by Ashʿarīs. The feeling of "necessity of solicitation" is not a knowledge that relates to the physical utterance in question, but the very meaning of solicitation of action that becomes reflected in linguistic form. [508] Thus, both Muʿtazilīs and Ashʿarīs agreed that a state of knowledge that pertains to the utterance in question cannot conceivably be the reason why it constitutes a command. The Ashʿarī scholars, however, denied that it followed from this observation that the will has to be the effective cause that

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[506] Ibid., 2:10.

[507] Juwaynī, *Burhān*, 1:200.

[508] Usmandī offers a similar refutation of the Muʿtazilī claim, but formulates it in slightly different terms. For Usmandī, "there is no doubt that the grammatical form in itself is not sufficient to indicate command." However, for him the element that must be present for command to exist is the meaning of request: "there is no disagreement among linguists that command is a request for action. If the grammatical form exists by way of command and solicitation, the command exists. If there is a sign that indicates that there is no request, then there is no command in the proper sense." Usmandī, *Badhl al-naẓar*, 55.

renders an utterance a command. Rather, an option unexamined by Muʿtazilīs is available, namely the meaning that the speaker represents within herself.

For this argument to succeed, there must be a distinction between meaning and will. This distinction, in Juwaynī's thought, rests on a parallel between, on the one hand, meaning as formulated in the speaker's mind, and, on the other hand, meaning as triggered in the addressee's mind. Since the commander "finds in himself a meaning of necessity" prior to uttering the words, or otherwise producing the signs that *indicate* such meaning, we can assume some similarity in kind (but not an identity) between the state of mind that triggers the utterance and the one that results from it. Juwaynī explains: "a speaker may command someone, and the commanded feels solicitation of action compulsively (*fahman ḍarūriyyan*), as a result of the circumstances at hand (*qarāʾin al-aḥwāl*), while the commander wishes him to disobey for a particular purpose."[509] Since Juwaynī was attempting to show that the will to command is not identical to command as inner speech, he offered an example in which one existed without the other. The example, which Juwaynī attributed to his predecessors, is as follows:

> A man punished one of his slaves in a manner that displeased the ruler of the land to the extent that he was on the verge of punishing the slave owner. This latter apologized [to the ruler] and explained that his slave never followed his instructions, an excuse that the ruler refused to believe. In order to confirm his allegation, the slave owner made a command to his slave. There is no doubt that in this case he wanted the slave to disobey him, although the request for action is undeniable.[510]

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[509] Juwaynī, *Burhān*, 1:200–201.

[510] Ibid., 1:201. Ghazālī offered a similar example to support this claim. Ghazālī, *Mustaṣfā*, 382. A similar argument was made by Samarqandī, who maintained that "the condition of willing the existence of the commanded matter belongs to the Muʿtazilī doctrine. According to *ahl al-sunna*, [i.e., Ashʿarīs and Māturīdīs] this is not a condition. This question belongs to another subject, namely whether or not God may command something the existence of which he does not desire, or the absence of which he desires. According to *ahl al-sunna*, this is possible, like God commanded the Pharaoh to be a believer but did not want that from him; he wanted him to be a disbeliever. What God wants, in our view, occurs inevitably." al-Samarqandī, *Mīzān*, 205. The same was argued in Usmandī, *Badhl al-Naẓar*, 56. Weiss reported that Āmisī used the same example against the Muʿtazilī claim that command depends on the will of the speaker, although with some reservations. Weiss, *The Search for God's Law*, 330–331.

What this example aimed to show is that the meaning of command can be present in the speaker's mind, but not the desire to see the action in question occur. This example can raise an important objection to the theory of inner speech. Since Ashʿarīs maintained that the will cannot provide an utterance with the added attribute of being a command, why should the same no be said of meaning as inner speech? In other words, if the will is independent of the nature of the utterance, can we also say that inner speech has no clear connection to whether an utterance is or is not a command? In response, Juwaynī invoked the important Ashʿarī doctrine according to which meaning is strictly internal to the mind, and therefore inaccessible: "there must be an intention to create an utterance that can produce a sense of command [in the listener's mind], but this utterance does not gain its attributes form this intent. Rather, this sensation of command arises from the available proofs (*qarāʾin al-aḥwāl*)."[511] What this theory entails for the concept of command is that inner speech does not cause an utterance to be a command, but is, in itself, the command. The physical manifestations of inner speech are nothing but sensory data that may or may not convey the intended meaning.

C- The Normative Implications of the Ashʿarī Concept of Command

Command as a divine attribute is the key notion through which the blind-following charge advanced in the Euthyphro question can be eschewed. If God commands eternally by His very constitution, that means that commands are part of the foundation of all creation. They are primordial facts about the world much like any foundational moral premise that can constitute a moral theory (e.g. utility, happiness, evolution, to name a few). To posit that following divine

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[511] Juwaynī, *Burhān*, 1:211.

commands *in that sense* would be, as Wierenga observed, at most as arbitrary as following any other known theory of ethics.[512]

We are, however, still left with a difficulty: if commands are perfectly transcendent attributes of God, how can they possibly result in concrete directives that can guide human practical reasoning? Part of the answer to this question consisted in maintaining that commands, as divine attributes, are not only theological facts but also concepts involving the meaning of solicitation of human action through language. Whereas, in the Ashʿarī theory, God does not interfere in time by uttering actual physical commands designed to redress specific situations, the very meaning of requiring action or abstention from humans through language constituted part of his attributes. Therefore, divine commands in this theory are transcendent entities with immanent potential.

Ashʿarī jurists insisted on incorporating the element of "saying" (*qawl*) in their definition of divine commands. This had immense implications on the divine moral order's potential for reflection into human actions. While it is clear that command in Ashʿarī thought is not the physical utterance by virtue of which action is made necessary, defining command as a "saying" was aimed at presenting it as the *meaning* of making action necessary by virtue of an utterance.[513] In Bāqillānī's definition, divine command understood as the concept of saying

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[512] Wierenga, "Utilitarianism and the Divine Command Theory."

[513] This complicated conception of command as 'qawl' was explained by Ghazālī in a rather succinct manner: "If it was asked: 'when you say that command is a saying that requires obedience of the commander, did you mean a physical utterance [utterance 'of the tongue'] or inner speech?' We would respond by saying that there are two camps [with regards to that matter]. The first one consists of those who advocate inner speech (*muthbitūna kālam al-nafs*). Those mean by 'qawl' that which is located within the soul (*mā yaqūm bil-nafs*) from imposition of obedience, and that which is indicated by the physical utterance. This is located in the soul, constitutes a command in itself and by its genus, and relates to the commanded matter in itself (*li dhātihi*). As such, it is like capacity (*qudra*) since it is capacity in itself, attaches to its object in itself, is undeniable with regards to its type and definition whether or not it is observed, and is divided into eternal and created. Command can be indicated by sign, symbol, action, or utterance." Whereas Ghazālī clearly explains that *qawl* does not contradict the view that

(*qawl*) was designed to define the normative status of the addressee's actions. Command as inner speech is not a meaning constituted of non-linguistic facts, but the very concept of determining the moral order by virtue of language. This is a type of speech whose existence "within the self" does not merely depend on factual elements that may or may not be communicated through language, but presupposes and incorporates the possibility of communication through language. Such a concept of command would not be at all conceivable if it was not assumed that outward speech existed, and that one of its functions is the definition of the normative moral order. In that sense, the meaning "residing in the speaker's self" consists of the performance a particular kind of outward speech.[514]

Unlike their Muʿtazilī counterparts, the Ashʿarīs separated metaphysical from normative elements in their meta-ethical schemes. Normative positions as elaborated by the community of believers were not seen as immediate and necessary consequences of metaphysical facts about

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commands are inner speech, he does not sufficiently justify the use of "*qawl*" to denote what, according to his definition, is essentially the idea of "requirement of obedience" as it exists within the commander's mind. Ghazālī, *Mustaṣfā*, 379-380.

[514] The distinction between speech and utterance would not have been possible without the Ashʿarī classification of speech as inner speech (*kalām nafsī*) and outward or uttered speech (*kalām lafẓī*). To be sure, reference to grammatical constructions as speech (*kalām*) was common among scholars, particularly linguists. Frequently, *kalām* was seen as a linguistic construction composed of letters and words that is designed to convey meaning. See Tahānawī, *Kashshāf*, 1980, 3:1268-1270. A similar "linguistic" definition of speech (*kalim*) can be found in ʿAmr ibn ʿUthmān Sībawayh, *Kitāb Sībawayh*, ed. Hartwig Derenbourg (Paris: al-Maṭbaʿ al-ʿĀmmī al-Ashraf, 1881), 1. Jalāl al-Dīn al-Suyūṭī maintained that, from a linguistic standpoint, speech is to be defined as a "meaningful intended saying (*qawl mufīd maqṣūd*)." However, Suyūṭī lists six other meanings for the word "*kalām*" that are used in other contexts, such as (i) writings; (ii) signs; (iii) what can be inferred from circumstances; (iv) sounds resulting from talking; (v) meanings residing within the self; and (vi) disjointed, meaningless utterances. Jalāl al-Dīn al-Suyūṭī, *al-Maṭāliʿ al-Saʿīdah fī Sharḥ al-Farīda* (Baghdad: Dār al-Risāla, 1977), 82–88. Even with this linguistic conception of speech, however, there remains a distinction to be made between speech (*kalām*) and utterance (*qawl*). According to Ibn Manẓūr, whereas some scholars, like Ibn Sīdah, considered speech and utterance as equivalents, others, including the illustrious Sibawayh, held that speech (*kalām*) in the proper sense has to consist of linguistic constructions that are self-sufficient in the production of meaning (*aṣwātan tāmatan mufīdatan*). Thus, speech has the capacity to inform, upset or thrill the listener, whereas mere utterance does not necessarily lead to those effects. Ibn Manẓūr, *Lisān*, 3922. It is this insistence that speech must necessarily indicate meaning that allowed Ashʿarīs to maintain that speech in the proper sense *is* the meaning, whereas uttered speech (*al-kalām al-lafẓī*), which is simply referred to as speech by most linguists, is nothing more than a set of signs designed to indicate those meanings.

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divine commands, but were primarily viewed as collective attempts to reflect those facts into human behavior. In other words, the formulation of legal-moral directives was seen as a human act of worship aimed at actualizing the moral potential of divine commands, not as a mechanical deductive exercise aimed at extracting moral judgments from facts about God or the world. It important to note that the fact that we can only speak of normative *potential* is a necessary result of the transcendent nature of the divine command understood as inner speech. A consequence of the definition of command as the concept of a performative statement is that its actual effects in terms of compliance are completely irrelevant to what it is; only its possible epistemic-linguistic implications count. Thus, for a type of speech to qualify as command it does not have to *effectively* induce obedience, neither does it have to effectively lead to the existence of obligation. It suffices for the epistemic and logical features of speech to be so designed in a way that can potentially lead to action. It is understandable, therefore, that Bāqillānī regarded actual superiority in rank as irrelevant to the constitution of command.[515] He maintained that "it is possible in our doctrine (ʿindanā) that a commander should command someone of equal or higher rank (*rutba*). Inquiring about whether obedience (*ṭāʿa*) is due (*tajib*) in this situation is not part of the discussion about the validity (*ṣīḥḥat*) of commands issued to a superior. This matter would require a [separate] proof (*dalīl*)."[516] In the context of establishing command as meaning, Bāqillānī was careful to distinguish it from the performance of the action in question, or the

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[515] al-Bāqillānī, *Taqrīb* 2:7.

[516] Ibid., 2:8. Similarly, Ghazālī argued that "a slave and a son can conceivably address a command to the master or father, even if compliance was not incumbent upon them (*lam tajib ʿalayhim al-ṭāʿa*). Not every command has to induce necessity of obedience. Obedience is only due to God." This argument, for Ghazālī, was supported by the linguistic practices of his time: "the Arabs may say 'a person commanded his father, or a slave commanded his master, not knowing that requiring obedience from them is not desirable (*lā yaʿlam anna ṭalab al-ṭāʿa la yaḥsun minhu*). This, they consider a command, even if they did not approve of it (*wa in lam yastaḥsinūh*)." Ghazālī, *Mustaṣfā*, 379.

necessity to perform it. Command is the noetic entity by virtue of which the commander means to impose the performance of action. As Bāqillānī explains: "we did not say that command is what indicates (*dalla*) the imposition (*iqtiḍāʾ*) of the commanded action, but we said that it *is* the inducement of the commanded action. Sounds, symbols, gests, agreements, and lines are indications (*dalālāt*) of the saying by virtue of which action is induced."[517] Although command consists of the solicitation of compliance, it does not necessarily lead to the existence of obligation.[518] Command in Bāqillānī's description exists in the mind of the commanding agent. The normative implications will have to depend on the logical and epistemological reactions of the recipients of the command.[519]

The Ashʿarī conception of divine command as a phenomenon of normative potential, therefore, stresses the idea that command is a purely noetic entity designed to induce action. This phenomenon is expressed in various ways, and may lead to various results, all of which are irrelevant to its own constitution and validity. The central element that distinguishes command is the fact that the commanded *meant* to produce a particular command. This, quite significantly, is also a condition that equally applies to all morally relevant actions, whether foundational or acts

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[517] Bāqillānī, *Taqrīb,* 2:8. Emphasis added.

[518] Ibid., 2:6. Bernard Weiss interpreted this theory differently: "In fact, considering that Ashʿarī theology subscribes to a divine command theory of morality, this refinement can be carried even further by our saying that God wills that we ought to act in a certain way without necessarily willing that we actually so act, or that God wills that certain acts be obligatory or recommended without necessarily willing that these obligatory or recommended acts actually occur (or that God wills that certain acts be disapproved or forbidden without necessarily willing that these disapproved or forbidden acts *not* occur)." It is not clear what the difference is between Weiss's idea of God's willing that acts be obligatory and the Muʿtazilī notion of the will to produce a command. It would appear that Ashʿarīs, contrary to Weiss's view, were careful to rule out any role of divine will in establishing commands, and would even argue that the divine moral order in its objective form is not a product of the divine will, but is *the* divine itself. Earthly manifestations of this order such as juristic interpretations and pronouncements, on the other hand, are products of the divine will inasmuch as God wills humans to believe, think and act in particular way, and that any created earthly phenomenon is, in Ashʿarī theology, the consequence of an eternal (*qadīm*) divine will. Weiss, *The Search for God's Law*, 332. One divine will and speech in Ashʿarī thought see Ghazālī, *Iqtiṣād*, 91–121.

[519] A similar argument was made in Ghazālī, *Mustaṣfā*, 380.

of compliance. The requirement that the commander must issue the command while clearly discerning its meaning finds its parallels in the requirement of awareness for the validity of legal responsibility. The moral imperatives and actions in Ashʿarī theories are not the result of pre-existing natural designs, or formal structures pertaining to human faculties, but the effects of actions produced by knowing and conscious agents. This awareness and understanding of the nature and consequences of one's actions constitute the very substance of the moral system. It is God's knowing, conscious action that brings the world, and the moral imperatives that attach to it, into being. Similarly, it is the conscious and cognitive faculties that qualify humans to be recipients of this moral knowledge, which makes them the moral agents *par excellence*.

(4) Theology-Averse Approaches to Divine Commands

I have thus far demonstrated that natural-law thinkers in classical Islamic jurisprudence conceded to the first horn of the Euthyphro objection, whereas the divine-command theorists formulated a concept of divine command that can potentially avoid the objection altogether. In this section, I will focus on the jurisprudence of a single prominent jurist to show that legal theorists who did not engage directly in philosophical theology (i.e. those who approached jurisprudence as *fuqahāʾ*) unintentionally adopted the rather intuitive natural-law conception of command. As we saw, attempts to offer a definition of divine commands involved intricate speculation on matters pertaining to the nature and implications of divine speech. However, not all scholars of Islamic jurisprudence saw the engagement in philosophical speculation on such matters as necessary or even desirable.[520]

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[520] Some of the disagreements resulting from the encroachment of speculative theology (*kalām*) upon *uṣūl al-fiqh* were related by George Makdisi in "The Juridical Theology of Shâfi'î: Origins and Significance of Uṣûl Al-Fiqh,"

The prominent eleventh-century Shāfiʿī scholar Abū l-Muẓaffar al-Samʿānī (d. 1095),[521] known for his opposition to the inclusion of theological discussions in matters of juristic methodologies,[522] began his work on *uṣūl al-fiqh* titled *Qawāṭiʿ al-Adilla fīl Uṣūl* by distinguishing between the methods of the jurists (*fuqahāʾ*) and the methods of the theologians (*mutakallimīn*) in the study of jurisprudence. He lamented the fact that many of his colleagues appeared lured by the methods of the theologians:

> I have spent long days examining the books (*taṣānīf*) of my companions (*al-aṣḥāb*) in this science, as well as the works of others, and found that most of them are satisfied with the appearances of language (*ẓāhir min al-kalām*) and embellished rhetoric (*rāʾiq min al-ʿibāra*) without exploring the truths of jurisprudence in a manner that corresponds to the meanings of legal knowledge (*fiqh*). I saw that some of them have expounded, analyzed, and engaged (*awghala wa ḥallala wa dākhala*) but they strayed from the methods of the jurists (*fuqahāʾ*) and adopted the methods of the theologians (*mutakallimīn*) who are outsiders to the law and its concepts (*ajānib ʿan al-fiqh wa maʿānīh*).[523]

Samʿānī, throughout his work, constructs his arguments in opposition to those of the theologians. However, with regards to the particular question of the nature of command, it appears that

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Studia Islamica no. 59 (1984): 5–47. On the dialectical relationship between law, legal theory and other Islamic sciences, including theology, see Hallaq, *Sharīʿa*, 78–83.

[521] Abū l-Muẓaffar Manṣūr b. Muḥammad b. al-Samʿānī was a prominent Shāfiʿi jurist who wrote on *ḥadīth*, *fiqh* and *uṣūl al-fiqh*. In his *Ṭabaqāṭ,* Subkī distinguishes him with a particularly lengthy biography and a highly praiseful introduction. He was born in Khurasan in 426 AH/ 1034 CE to a known Ḥanafī scholar, Abū Manṣūr, and belonged to the Ḥanafī school in his early career. Samʿānī went to Baghdad in his mid-thirties, where he reportedly met with the then-Ḥanafī Abū Isḥāq al-Shīrāzī. On his way to Mecca, he was attacked and held captive by a Bedouin tribe, who then released him when they knew he was a scholar. Upon his arrival to al-Marw, Samʿānī deserted the Ḥanafī *madhhab* for the Ḥanafī school. Subkī's description of his conversion suggests that it was a major event. It would appear that, during his trip, Samʿānī was constantly seeking to meet with scholars of diverse affiliations, and continuously wondering who, among all those scholars is closest to the truth. He died in Marw in 489 AH / 1095 CE See Tāj al-Dīn ʿAbd al-Wahhāb b. ʿAlī al-Subkī, *Ṭabaqāt al-Shāfiʿiyya al-kubrā*, ed. Maḥmūd al-Tanahī and ʿAbd al-Fattaḥ al-Ḥulw, vol. 5 (Cairo: Dār Iḥyāʾ Kutub al-ʿArabiyya, 1918), 335–346. Shams al-Dīn al-Dhahabī, *Siyar aʿlām al-nubalāʾ,* ed. Ḥassan ʿAbd al-Mannān (Beirut: Dār al-Afkār al-Dawliyya, 2004) 3957-3958.

[522] Samʿānī's aversion to theology, and his prestigious status in the Shāfiʿī school, are mentioned in Makdisi, "The Juridical Theology of Shâfiʾî," 35.

[523] Abū l-Muẓaffar Manṣūr b. Muḥammad al-Samʿānī, *Qawāṭiʿ al-adilla fī l-uṣūl*, ed. Muḥammad Ḥasan Ismaʿīl Shāfiʿī, vol. 1 (Beirut: Dār al-Kutub al-ʿIlmiyya, 1997), 18–19. *Ajānib* is the plural of *ajnabī* which is derived from *jānib, junub,* pl. *ajnāb*, which mean to be removed or estranged from, or quite plainly to be a stranger. Ibn-Manẓūr, *Lisān al-ʿArab*, 692.

Samʿānī's opposition to speculative theology led him to conflate three matters: (i) the concept of command; (ii) the imperative mood as a grammatical form; and (iii) the semantic implications of the imperative mood. This, as we will see, was a common problem with theology-averse writings on jurisprudence. Because the imperative mood is a linguistic form designed to solicit action, and because the majority of jurists presumed that divine statements in this form gave rise to obligation, jurists who were antagonistic towards philosophical theology viewed the search for a concept of command beyond the imperative mood as pointless. The predominant semantic effect of the grammatical form, in that case, was seen as identical to the part of speech it is supposed to express, or, quite simply, to what it is. In addition, a major source of confusion associated with taking the debate on the nature of divine commands to the field of linguistic analysis stemmed the fact that the imperative mood in the Arabic language is referred to as *ṣīghat al-amr,* which, quite unfortunately, literally translates to "the [grammatical] form of command."[524] For that reason, it was easy to mistakenly suppose that the imperative mood is *a priori* a form that is designed for the exclusive aim of communicating commands. This led scholars who were altogether hostile towards the debates about the concept of command and interested only in the

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[524] The word "*ṣīgha*" is related to *ṣawgh, ṣiāgha,* which, together with *ṣīgha* are the noun forms of the verb *ṣāgha, yaṣūghu,* which means to mold something into a given shape. The act of *ṣawgh* or *ṣiāgha* also pertains to the construction and shaping of rhetoric, which was commonly associated with deception (*ṣiāghat al-kadhib*). More generally, *ṣawgh* may mean creation, especially the manner in which God created a certain person. Ibn-Manẓūr, *Lisān al-ʿArab,* 2527. The idea of shaping into a mold is used metaphorically by linguists to refer to the various forms that the letters forming the roots of a given word can take. This metaphorical use pertains to a feature of Arabic language whereby words belong to common, mostly three-letter roots (*mādat al-aṣl*) and then the particular shape (*hayʾa*) in which those letters are formed (*ṣawgh*) add to the root's meaning (*ziādat maʿnā*). Accordingly, *ṣīgha* is the product that results when letters are shaped into a particular form. Tahānawī, *Kashshāf,* 2:835. A succinct definition was provided by Aḥmaddnagarī: "*ṣīgha* is the form (*hayʾa*) that a word attains because of the organization of letters and enclitics." Aḥmadnagarī, *Jāmiʿ al-ʿulūm,* 258. Jalāl al-Dīn al-Ṣuyūṭī clearly distinguished between *amr* as a linguistic construction and its semantic implications. He explained that "*al-amr* is a rhetorical tool (*min aqsām al-inshāʾ*) that comes in the form '*ifʿal*' and '*li-yafʿal.*'" He proceeded to explain that this form's *literal* sense (*ḥaqīqa*) is obligation (*wujūb*), but can be used figuratively for many purposes, including recommendation or supplication. The categorization of the imperative mood (*al-amr*) as a rhetorical tool was designed to distinguish it from assertion (*khabar*), which aims to establish a relation between elements, which can be true or false. Jalāl al-Dīn al-Suyūṭī, *al-Itqān fī ʿulūm al-Qurʾān,* vol. 5, 3rd ed. (Medina: Majmaʿ al-Malik Fahd li-Ṭibāʿat al-Maṣḥaf al-Sharīf, 2011), 1688, 1713.

practical effects of linguistic constructions to side with the Muʿtazilīs in their view that command is the same as the imperative mood. However, due to the confusion resulting from the denomination ṣīghat al-amr, this position was often ill-informed.

Samʿānī maintained that "commands have a self-sufficient form in the language of the Arabs that needs no additional proof (qarīna) to be added to it."[525] This, he argued, is generally the position of the learned people (ʿāmat ahl al-ʿilm), by which of course he means the jurists, as opposed to the theologians.[526] This position, in Samʿānī's view, contrasted with the claim he attributed to the Ashʿarīs according to which "commands and prohibitions have no linguistic form," and that "the term 'do!' does not signify anything in itself without additional proof."[527] However, Samʿānī here was confusing two questions: whether the imperative mood is sufficient to *indicate* command, and whether the imperative mood is, *in itself*, command. Saying that command is not identical to a linguistic form is not the same as saying that command has no linguistic form assigned to it. Thus, it was possible to hold that statements in the imperative mood are not identical to commands and yet argue that statements in such form should be presumed to signify commands in the absence of evidence to the contrary.

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[525] Samʿānī, Qawāṭiʿ, 1:49. Qarīna here, and in jurisprudence in general, is understood as a semantic element that "attaches" (yaqtarin) to a linguistic construction in a way that delimits, specifies or otherwise alters its initial meaning. On the use of the concept of qarīna by Muslim jurists see Wael B. Hallaq, "Notes on the Term Qarīna in Islamic Legal Discourse," *Journal of the American Oriental Society* 108, no. 3 (July 1, 1988): 475–480.

[526] Samʿānī, Qawāṭiʿ, 1:49. Abū Isḥāq al-Shīrāzī largely agreed with Samʿānī's treatment of command, and appears to commit the same error: "Command has a specific form in language that imposes action, which is the form 'do!' The Ashʿarī's said that command has no form. The proof that it does is that linguists divided speech into parts which include command and prohibitions. Command is saying 'do!' and prohibition is saying 'do not do!' Linguists considered saying 'do!' alone a command, which means that command has a special form." Abū Isḥāq Ibrāhīm b. ʿAlī ibn Yūsuf Fīrūzābādī al-Shīrāzī, *al-Lumaʾ fī uṣūl al-fiqh*, ed. n.s. (Beirut: Dār al-Kutub al-ʿIlmiyya, 2007), 13.

[527] Samʿānī, Qawāṭiʿ, 1:49.

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This, as we saw, was the common Ashʿarī position, which led Ghazālī to attempt to clear this confusion:

> Some jurisprudents reported a disagreement with regards to whether or not command has a special linguistic form. It is wrong to put the matter this way, for if the Legislator says 'I have commanded you thus' or 'you are thus commanded,' or if a companion of the Prophet says 'I have thus been commanded,' all those are [linguistic] forms (ṣiyagh) indicating commands. If he says 'I have obligated you,' or 'I have imposed upon you,' or 'I have thus commanded you and you will be punished for disobedience' all this indicates obligation. If he said 'you will be rewarded for doing this but will not be punished for refraining from it,' this is a [linguistic] form indicating recommendation. There is no disagreement in this regard, but the disagreement pertains to whether or not saying 'do!' is a command by virtue of its mere form in the absence of proofs to the contrary (qarāʾin).[528]

It is noteworthy that Ghazālī ignored, and possibly viewed as pointless, the question of whether or not a statement in the imperative mood can *literally* be called a "command," a question that was widely discussed by scholars of *uṣūl al-fiqh*. For Ghazālī, there are only two important questions: on the one hand, the question pertaining to what command is, what its nature is and how to define it, and, on the other hand, the separate question of the types of indicants and *qarāʾin* that can indicate the presence of a command.[529] The question that pertains more directly

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[528] Ghazālī, *Mustaṣfā*, 383.

[529] This can be contrasted with the highly detailed classifications provided by Ghazālī's prominent Ashʿarī successor, Fakhr al-Dīn al-Rāzī. In *al-Maḥṣūl,* Rāzī dedicates a lengthy introduction to the question of commands in which he treats separately the issues of the literal (ḥaqīqī) meaning of "command," the definition (ḥadd) of command, and the nature or quiddity of command (māhiyya). Those issues, especially the questions of definition and quiddity, are clearly not entirely separate. However, the distinction reflects various considerations at stake in the study of commands. The issue of literal meaning is concerned with the conventional establishment of word meanings, while the question of the nature of command is a conceptual elucidation of what command truly is. The issue of definition, by contrast, was partially a polemical engagement with prior *uṣūl* scholars from various schools, and partially the end-result of the debates on definition and quiddity. Beyond this introduction, Rāzī discussed the questions that would have been of interest to those adopting a "juristic" approach to commands, such as its obligatory effects, the meaning of "obligation" (wujūb) and the differences between commands and prohibitions. Fakhr al-Dīn Muḥammad Ibn-ʿUmar al-Rāzī, *al-Maḥṣūl fī ʿilm al-uṣūl*, ed. Muḥammad ʿAbd-al-Qādir ʿAṭā, vol. 1 (Beirut: Dār al-Kutub al-ʿIlmīya, 1999), 161–291. We can observe this tendency towards increased separation of the various questions involved in the study of command in B. Weiss's analysis of Āmidī's jurisprudence. Weiss observes that "Āmidī's discussion of commands is concerned with four principal questions: whether the word 'command' (amr) has two literal meanings or just one; how the command, considered as a particular category of speech, is to be defined; whether there is a linguistic form that signifies the command as its sole literal meaning; and what the full import of this form (which turns out to be the *ifʿal* form) is." Bernard G Weiss, *The Search for God's*

to the sources and methods of generation of moral values is the one concerning the nature of divine commands, rather than the semantic effects of the imperative mood alone. However, largely because the imperative mood is referred to as "the grammatical form of command," those questions have been lumped together and the whole issue of the sources of morality was overlooked, even by jurists as prominent as Samʿānī. [530]

Conclusion: Divine Commands and Moral Autonomy

Moral theories that rely on some notion of divine command are, to say the least, unpopular in modern scholarship. One important reason for this unpopularity is the view that the reliance on God as a source of morality entails an abandonment of one's moral autonomy. This view stems from the belief that we do not *need* God to tell us what is right and wrong; we can and should rely on our own intellects to determine the manner in which we act. But in order for a categorical

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Law: Islamic Jurisprudence in the Writings of Sayf al-Din Al-Amidi (Salt Lake City: University of Utah Press, 1992), 328.

[530] The question of whether or not command is an utterance was also approached as an inquiry into the implications of the Prophet's actions by Bihārī in his *Musallam al-Thubūt,* and Laknawī in his commentary. Bihārī defended the position that command in the proper sense referred to uttered speech in the proper form, whereas actions can constitute commands only figuratively. The view that "command" applies to both utterance and action literally makes it a "homonym" (*mushtarak*) in its application to those two meanings. An alternative view sees it as applicable to the common meaning between the two, namely the solicitation of action (which makes it *mutawāṭiʾ*). A third opinion would make the term applicable alternatively (*dāʾir*) between the two concepts. Bihārī's and Laknawī's defenses of the view that the proper sense of "command" is the utterance rests on three premises: (i) command as utterance is the meaning that naturally comes to mind (*tabādur*); (ii) assuming that a word is homonymous impedes understanding (*yukhillu bil-fahm*); and (iii) assuming that each word has one assigned meaning is a *prima facie* principle of language (*al-aṣl ʿadam al-ishtirāk*). Muḥibb Allāh ibn ʿAbd al-Shakūr al-Bihārī and Muḥammad b. Muḥammad al-Laknawī, *Fawātiḥ al-Raḥamūt bi Sharḥ Musallam al-Thubūt*, ed. Abdallah Mahmud Muhammad Omar, vol. 1 (Beirut: Dār al-Kutub al-ʿIlmiyya, 2002), 388–391. This is very similar to Fakhr al-Dīn al-Rāzī's argument in *Maḥṣūl*, 1:161–165. Another argument against the notion that "command" is homonymous between utterance and action was made in ʿAlāʾ al-Dīn Muḥammad ibn Aḥmad al-Samarqandī, *Mīzān al-uṣūl fī natāʾij al-ʿuqūl fī uṣūl al-fiqh*, ed. Abd al-Malik Abd al-Rahman Saʿdi (Baghdad: Wizārat al-Awqāf wa-l-Shuʾūn al-Dīnīyah, 1987), 205–209. The same in Usmandī, *Badhl al-naẓar,* 52. Another fellow Transoxanian, Khabbāzī, maintained this position in ʿUmar ibn Muḥammad Khabbāzī, *Mughnī*, 28. The argument that "command" is homonymous and applies to both utterance and action was made by Kirmāstī (d.1494) in Yūsuf b. Ḥusain al-Kirmāstī, *Zubdat al-wuṣūl,* ed. Abd al-Raḥmān Ḥaǧqahli, 1st ed. (Beirut: Dār Ṣādir, 2008), 103. Another argument against the view of command as a homonym in Ibn Qudāmah's jurisprudence can be found in Jeanette Wakin, "Interpretation of the Divine Command in the Jurisprudence of Muwaffaaq al-Dīn Ibn Qudāmah," in Heer and Ziadeh, ed., *Islamic Law and Jurisprudence*, 37.

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rejection of theistic ethics to stand on this premise, it must in fact be true that positing Revelation as a source of moral norms amounts to conceding that we need God to tell us what is right and what is wrong. What I attempted to show, through an analysis of two distinct trends in pre-modern Islamic legal theory, is that this is not necessarily the case. To say that any theistic theory of ethics involves a renunciation of moral autonomy is to assume that the follower of such theory fully substitutes her own agency with *another* moral agency that is similar to it in some sense. This similarly resides in the belief that God is a human-like agent who observes particular circumstances and informs humans of their moral outcomes. Only this understanding of divine moral judgments as human-like pronouncements would justify the claim that theistic ethics involve blind reliance on the judgment of an agent who tells us what to do. Through this study of eleventh-century debates on the nature of divine commands, I attempted to show that this view is not only avoidable, but has been substituted for another elaborate view of divine commands as *attributes* that was popular among a group of Muslim theologians.

I argued that Muʿtazilīs viewed divine command as an utterance designed to effect a specific change in time. This view of commands equated it to its physical linguistic manifestations. The Ashʿarīs, by contrast, advanced the view that divine commands were eternal attributes of God. The attempts to limit the concept of command to its physical manifestations were typically faced with difficulties stemming from the fluidity of use of linguistic forms in relation to particular meanings in common parlance.[531] By contrast, the theory that divine commands are transcendent

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[531] This difficulty was clearly explained by B. Weiss in the context of his analysis of Āmidī's *iḥkām*. Weiss maintains that "The problem of identifying the command with the *ifʿal* form, according to Āmidī, is that there are innumerable instances in ordinary usage when this form clearly does not represent a command. Such instances may be found in the Qurʾān itself. For example, 'Do what you will' (41:40) is clearly not a command but a warning: God is saying in effect, 'Do what you will, and see what befalls you. Similarly, 'God hunting' (5:2), 'Call to witness' (4:15), 'Eat of that which God has provided for you' (5:88), and 'Enter them in peace' (15:45, 50:34) do not constitute commands. In the first God is granting permission, in the second he is affording guidance, in the third he is showing favor, and in the fourth he is bestowing honor." Weiss, *The Search for God's Law*, 329. Wakin also

meanings faced the challenge of determining the way in which they can be translated into practical human actions.

This dispute concerning the nature of command and whether it is a unique inner manifestation of the divine self or a physical worldly phenomenon, is ultimately a disagreement regarding the universalizability of Revelation-based moral reasoning. In the Muʿtazilī model, the ability of commands to justify normative positions is a function of their being utterances caused by a given will. God's commands do not constitute a generative action, but an informative one. Commands that God revealed through the Prophet in the form of statements in the imperative mood exert their normative authority by virtue of being indications of what God wills, which, given God's perfection, must necessarily be good. The position that divine commands are physical phenomena that tell us what is right and good also entails that fact that those commands are not entirely indispensable. Other sources of moral instruction can conceivably exist that play a similar informative function to God's commands. By contrast, divine commands in the Ashʿarī model are universal attributes of God that have a normative value. Rather than create a universe in which moral judgments can be reached through sensory experience, God sent a Revelation that offers a glimpse into the timeless moral truths that coeval with His self.

The theory of divine commands as an eternal attribute is quite clearly incompatible with the view of God as a human-like moral agent. The uniqueness of this conception of divine command as meaning to the Islamic tradition was very eloquently highlighted by Bernard Weiss:

> [W]hen Westerners, especially those who stand within the Judeo-Christian tradition, say that a given law – say, the law of Moses – is an expression of God's will, do they not very often mean that the law in question represents what God wills *in the way of human*

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explains that Ibn Qudāma provided a similar set of examples. See Jeanette Waking "Interpretation of the Divine Command in the Jurisprudence of Muaffaa al-Dīn Ibn Qudāmah," in Heer, *Islamic Law and Jurisprudence*, 35–37.

behavior or acts? Do we not often hear in sermons or devotional literature of God's having a will for human lives, one embodied in commandments? If, on the other hand, one understands the statement 'Law is an expression of God's will, to mean that law *exists* because he wills that it exists, then the statement is certainly correct from the point of view of Ashʿarī theology. [532]

Although the accuracy of Weiss's conclusion concerning the nature of divine will in Ashʿarī theology is doubtful,[533] his assessment of the anthropomorphism underlying Western notions of divine judgment, which, I argue, is responsible for the categorical rejection of divine command ethics, seems perfectly accurate. As explained in the first section of this chapter, this view of God as a human-like moral agent explains the popularity of the argument referred to as the "Euthyphro dilemma" with anti-theistic moral theorists.

To what extent does the Euthyphro dilemma undermine the versions of divine command ethics explained in this chapter? A dilemma, in the technical sense, is fallacy that affects a certain argument when it can be shown that it necessary has one of a several implications, all of which are incorrect or undesirable. As a result, the initial claim would necessarily be incorrect or undesirable. In our case, the argument in question consists of the claim that morality has to depend on Revelation in some manner. The two conclusions are the following: either (i) actions are good *only because* God commands them, which means that moral judgments are made in

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[532] Weiss, *The Search for God's Law*, 331.

[533] The claim that God wills the existence of his commands is unlikely to have been accepted by an eleventh or twelfth century Ashʿarī. God's will, in Ashʿarī theology, attaches to creation (*al-muḥdathāt*). For Ashʿarīs, God creates all things by virtue of an eternal (*qadīma*) will that is responsible for the generation of all things past and present. The crucial notion here is that creation is not *necessary*. As Weiss aptly observed, before God lies an infinite range of possibilities, including the elimination of existence altogether. Thus, God's eternal will interferes to *prioritize* (*tarjīḥ*) one possibility over another. Divine commands, by contrast, are not creations at all: they are attributes of God. For an Ashʿarī, God's attributes are *an integral part of God*. It is impossible to speak of God without also meaning his attributes. Therefore, for an Ashʿarī, divine will cannot possibly be the cause of divine commands. See Ghazālī, *Iqtiṣād,* 91, 121.

violation of human moral autonomy; or (ii) actions are commanded by God because they are already good, which means that God does not have any authority in establishing moral values.

The notion of a personal God that makes moral judgments by pointing to pre-existing moral outcomes (i.e. by *telling us what to do*), which stems from the first horn of this dilemma, would be much in line with Muʿtazilī theories of divine command as human-like expressions of will. As we saw, Muʿtazilīs plainly adopted a notion of divine commands as indicants of a pre-existing moral order and not as generators of moral judgments. For the Muʿtazilīs, God's justice means that he cannot conceivably reward or punish humans for their actions if they could not discern the moral worth of those actions by the minds that he himself gave them. Therefore, there is nothing that God commands or prohibits that, in theory, could not have been known by the unaided human intellect. Divine revelation, therefore, is one among an infinite range of indicants the function of which is to *inform* humans of the proper course of action. The Muʿtazilī notion of divine command concedes the Euthyphro objection.

By contrast, the Ashʿarīs viewed divine commands as attributes of God, and not mere informative statements. This model shows that morality can depend on God's commands in the sense that the objective judgments that attach to certain actions are part of the design of the universe by virtue of their being a sub-category of the eternal word of God, and not because God *tells us what to do*. This conception of divine command does not amount to a substitution of human agency with "another" agency of an omnipotent but human-like being. Rather, this theory views divine commands as a metaphysical premise for a theory of practical reasoning that posits Revelation as a source of moral universalizability but requires the full involvement of human epistemic-linguistic faculties for the formulation of practical moral judgments. How those faculties were exerted in the area of Islamic jurisprudence will be explained of the next chapter.

Seen as an attribute, and not an event, divine commands become immune to the claim that they inevitably induce blind following, upon which depends the validity of the second horn of the Euthyphro dilemma.[534] The Ashʿarī model shows us that a theory of divine commands that supposes that God does not have to command things the moral value of which are predetermined independently of Him, does not necessarily mean that divine commands are arbitrary or that following them amounts to a violation of human moral autonomy. Our study of eleventh century Muslim theories of divine command, therefore, has shown us that the Euthyphro dilemma is not a dilemma at all.

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[534] It must be noted that one can make the argument against the arbitrariness of divine command ethics *within* the tradition that views God as human-like entity. *A fortiori,* therefore, this charge falls entirely once we step out of this tradition. A refutation of the Euthyphro objection from within this tradition was offered by Thomas Carson: "Here's the argument. The gods must have some reason for loving and hating the things they love and hate. Otherwise, their loves and hates are arbitrary. If the gods' loves and hates are arbitrary, then there is no reason to take them seriously as the ultimate standard for morality. This argument assumes that if B [i.e. the claim that the gods do not command what is good] is true, then the loves and hates of the gods must be arbitrary. But this assumption is false. Given Euthyphro's definition, we can't say that the gods love what they love because it is pious. This rules out one possible way in which the loves and hates of the gods could be non-arbitrary. But the conclusion of this argument, that if B is true then the loves and hates of the gods are arbitrary, follows only if we accept something like the following: 'Either we must agree with Socrates that the gods love what is pious/right because it is pious/right, or else we have to say that the gods have no reason whatever for loving and hating the things they do.' This statement presents a false dichotomy. Given his definition of *hosion*, Euthyphro can't say that the gods conform their loves and hates to some existing standard of *hosion*. But this leaves open many other possible reasons why the gods might love some things and hate others. There are all sorts of different reasons one can have for loving or hating something. So, at best, the Euthyphro argument is incomplete and, if we extend it in the way analogous to many recent arguments to the effect that divine will/divine command theories make God's will arbitrary, the argument clearly fails." Carson, "Divine Will/divine Command Moral Theories and the Problem of Arbitrariness," 448–449.

Chapter IV: The Normative Implications of the Imperative Mood

In the previous chapters, I explored some of the epistemological and metaphysical debates surrounding divine speech and commands in works of theology and jurisprudence. I attempted to show that questions as seemingly disparate as the sources of human knowledge, the understanding of God's attributes and the nature of His speech in general and commands in particular, were all centered on and dictated by an overarching concern with the moral implications of the event of Revelation. Intricate discussions of apparently technical nature such as divine attributes, the createdness of God's word, or whether moral values can be known intuitively or empirically, were all essential and interrelated links in a long chain of reasoning that was designed to address a central question: to what extent, and in what manner, should divine speech affect our reasoning about human behavior and, consequently, the way we act. The various debates on divine speech and the types of knowledge that can be acquired on its basis that we find in classical disciplines of *kalām* and *uṣūl al-fiqh* represent various models of what we would refer to today as theistic meta-ethics. [535]

Specifically, I argued that what was at stake in the disagreement between various schools on matters of human knowledge and divine speech was the way in which we could attain knowledge about *categorical* norms. By "categorical norms" I mean norms that are not contingent upon the circumstances and motivations of any given human agent, and their application to a general category of agents in a similar situation is justifiable. Whereas Muʿtazilī and Muʿtazilī-minded scholars maintained that categorical norms can follow from *a priori* and empirical observations,

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[535] Kevin Reinhart, based on a study of the sources of normative knowledge in Islamic jurisprudence, explains that it is "a theory that involves a particular process which produces moral knowledge." A. Kevin Reinhart, "Islamic Law as Islamic Ethics," *The Journal of Religious Ethics* 11, no. 2 (October 1, 1983): 196.

Ashʿarīs insisted that all norms attained on the basis of empirical and *a priori* knowledge are hypothetical and contingent and that, therefore, Revelation comes to *make possible* the knowledge of categorical norms.

In this chapter, I will focus on a question of more immediate practical implications, namely the manner in which a given linguistic form in the language of Revelation, the imperative mood, was seen to produce and justify normative positions. This was a question that was framed by Muslim jurisprudence as an inquiry into the signification (*ifāda*) of the imperative mood (*ṣīghat al-amr*).[536] This takes our discussion entirely into the realm of *uṣūl al-fiqh*, which has at least two important implications with regards to the question of construction of categorical norms. First, the emergence of *uṣūl al-fiqh* as the primary realm of deliberation over norm-production can be understood as a sign of the overall domination of the Ashʿarī Revelation-exclusivist model. Second, the very nature of *uṣūl* arguments meant that normativity was not justified through linear deduction from theological or epistemological premises, but through a type of active collective dialectical deliberation. This collective dialectical nature of the discipline helped construct a type of self-restricted community-relative universalizability, which aimed to approach as much as

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[536] *Yufīd* (to mean) and *yadullu ʿalā* (to indicate) are the primary expressions used by jurisprudents to refer to semantic outcomes of words and linguistic forms. *Yufīd* is derived from the root (f-i-d), which denotes the delivery or exchange, particularly of something valuable such as money or goods. *Fāda* or *afāda* something to someone means to grant. Similarly, *istafād* is to cause oneself to obtain something valuable, especially money. *Fāʾida* is the noun form, and refers to the act of delivery of something valuable, and more generally and commonly to the benefit (*khayr*) that results from such exchange. *Ifāda*, therefore, is a figurative use of the term that refers to the benefit that a term or linguistic form provides, in other words, what is understood from it. Ibn-Manẓūr, *Lisān al-'Arab*, 3498–3499. A term or construction that is *mufīd* is one that is meaningful, or, more specifically, one for which a meaning has been assigned (*wuḍiʿ*), as opposed to a term that has no assigned meaning (*muhmal*). A homonymous use of *mufīd* in linguistics relates to meaningful *sentences*, which linguists define as those upon which silence is possible (*mā yaṣīḥḥ al-sukūt ʿalayh*), meaning sentences that require no addition in order to convey a specific idea. It is the first meaning that is intended when jurists discuss the *ifāda* of the imperative mood. See al-Tahānawī, *Kashshāf*, 1980, 3:1115. In *Lisān al-ʿArab*, *adalla* and *tadallala* mean to spread, to expand. The verb form *dalla* means to assist someone in the direction of something, and *dalīl* is what accomplishes that action, meaning a sign or a guide. The terms and constructions of language, in that sense, serve to guide towards knowledge of certain meanings. Ibn Manẓūr, *Lisān al-ʿArab*, 1413-1414.

possible the perfection of the divine moral order. By establishing *uṣūl al-fiqh* as an intermediary realm between the epistemological-theological theories studied in the first chapters, and first-order practical judgments (i.e. *fiqh*), Muslim scholars attempted to formulate a socially constructed universality that relied on constant dialectical evaluation of normative claims. [537] An important attribute of this dialectical effort is that each jurist's assumptions on the nature of divine speech, the sources of knowledge and the semantic features of language only partially shaped the manner in which they built their arguments by creating a *tendency* to argue in a specific direction. This tendency was reshaped and overcome in various manners depending on a host of considerations pertaining to the jurist's views on the extent to which the process of production of moral meaning can be the result of their own speculation.

I place those tendencies into two broad categories, each corresponding to one attitude towards the depth with which divine Revelation ought to be allowed to shape the human moral order. First, a group of jurist-theologians held, for a variety of reasons, that a divine statement in the imperative mood should not give rise to any particular juristic presumption. This position, known as suspension of judgment (*waqf* or *tawqīf*), entailed the necessity to look for additional evidence

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[537] Wael Hallaq provided an explanation of this articulation of various spheres of inquiry in pre-modern Islamic legal thought that is helpful for our purposes: "a dialectical relationship existed between any juristic discourse and the site in which this discourse was designed and intended to function. The dialectic itself should be seen as a distinct discursive type, different from both the source and the site. It is also different in the sense that it constitutes the effect of this admixture, or the result of the two coming together or confronting each other. We shall see that these abstract and theoretical principles will apply to Islamic legal culture from beginning to end, a delineated sphere that is not necessarily diachronic but rather, and above all, conceptual and real. In other words, both structurally and conceptually, Islamic legal culture moved from one layer of discourse to the next through a dialectic that moved injected itself in between; a dialectic that, when absent, bars any transition to the second layer. […] The result is a multi-layered theory that altogether constitutes and affords a "complete" set of discourses that can interact with and act upon other sets, producing at every stage of interaction a different dialectical effect." This account of the dialectical multi-layered structure of jurisprudential thought helps us understand the non-linear manner in which, as will be explained throughout the present study, elements of theological ethics moved "down" towards principles of legal reasoning and language. In addition, although we will mainly focus on the collective dynamic that produced *uṣūl al-fiqh,* it also helps us understand the logic of collective and discursive production of moral truths that we will discuss in this chapter. Hallaq, *Sharīʿa*, 78.

beyond the mere language of the imperative mood to determine whether any particular statement should impose an obligation, recommendation, or otherwise. A second group argued that a divine statement in the imperative mood should be taken to indicate a particular normative outcome by default. It has been generally accepted that a majority of scholars took this outcome to be the compulsoriness of the commanded action. [538] As we shall see, several jurists referred to hypothetical opponents who maintained that such statements should be taken to indicate recommendation, a position that does not appear to have enjoyed significant following.[539] The focus on the two extremes of suspension of judgment and presumption of obligation is intended to portray the ethical considerations that were at stake in this debate, but this is not an exhaustive account of the positions taken by Muslim jurists on the question. Between those two opposed positions, jurists formulated a variety of possible outcomes, one of which – the presumption of recommendation – we have already mentioned.[540]

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[538] See for example Abū Bakr Muḥammad b. al-Ṭayyib al-Bāqillānī, *al-Taqrīb wal-Irshād "al-Ṣaghīr"*, ed. ʿAbd al-Ḥamīd b. ʿAlī Abū Zunayd, 2nd ed., vol. 2 (Beirut: Muʾassasat al-Risālah, 1998), 52. Also in Abul ʿAlāʾ Muḥammad b. ʿAbd al-Ḥamīd al-Usmandī, *Badhl al-naẓar*, ed. Muḥammad Zakī ʿAbd al-Barr, 1st ed. (Cairo: Maktabat Dār al-Turāth, 1992), 59. This conclusion was also reached by Wael Hallaq: "The position of the majority of legal theorists seems to have been that imperatives, as a rule, are assumed to engender obligation, unless shown otherwise by circumstantial or contextual evidence (*qarīna*)." Wael B Hallaq, *Sharīʿa: Theory, Practice, Transformations* (Cambridge, UK; New York: Cambridge University Press, 2009), 90.

[539] The presumption of recommendation is often attributed to Muʿtazilīs. This was certainly not the position of either al-Qāḍī ʿAbd al-Jabbār or Abū l-Ḥusayn al-Baṣrī, although Bukhārī incorrectly attributed it to Baṣrī in his commentary on Bazdawī's *Uṣūl*. See ʿAbd al-ʿAzīz ibn Aḥmad Bukhārī, *Kashf al-asrār ʿan uūl Fakhr al-Islām al-Bazdawī*, vol. 1 (Beirut: Dār al-Kutub al-ʿIlmiyya, 1997), 165.

[540] Fakhr al-Dīn al-Rāzī provided a helpful overview of the different positions on this matter: "the truth according to us is that the term 'do!' literally denotes preponderance of action and prohibition of its opposite, which is the opinion of most jurists and theologians. Abū Hāshim said that it signifies recommendation. Some maintained the suspension of judgment. Those can be divided into three groups. First, some claimed that it indicates that which is common (*al-qadr al-mushtarak*) between obligation and recommendation, which is the preponderance of action over omission […] Second, some argued that saying '*ifʿal*' is assigned to both obligation and recommendation by way of homonymy, which is the opinion of al-Murtaḍā among the Shīʿa. Third, some claimed that it literally denotes either command alone, or recommendation alone, or both simultaneously by way of homonymy (*ishtirāk*), but we do not know which one of those is the case so we suspend judgment with regards to all of them (*tawaqqfnā fil-kull*), which was the opinion of Ghazālī among our associates." al-Rāzī, *Maḥṣūl*, 1:178–79. Ghazālī attributes suspension of judgment to "our master Abū l-Ḥasan [al-Ashʿarī], the Judge [Bāqillānī], and a host of jurisprudents." Ghazālī, a*l-Mankhūl min Taʿlīqāt al-Uṣūl* (Damascus: Dār al-Fikr, 1970), 105. It is noteworthy that Ghazālī's position in *al-*

I will attempt to show that those two categories represented two different approaches to the manner in which a balance can be found between the supposed universality of divinely revealed indicants with the necessary contingency of human moral reasoning.[541] This diversity reflects the

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Mankhūl was, like his teacher Juwaynī, in support of the presumption of obligation. His counter-argument to *waqf* in *Mankhūl* consists of a vague reference to the importance of obligation and the imperative mood and the necessity of there being a literal meaning to this form. This is in clear contrast with his rigorous pro-*waqf* thesis in *Mustaṣfā*. Ibid., 106–107.

[541] A different explanation of the significance of this debate was offered by Bernard Weiss: "Those who maintain that the *ifˁal* form signifies imposition of obligation as its sole literal meaning (thus making it a *zāhir* [sic.] signifier of that meaning) are in effect erecting a principle of interpretation that favors law over moral exhortation, a principle that is bound to produce an understanding of the Sharīʿa heavily weighted on the side of those categorizations of human acts that admit of being enforced by the state and its tribunals as opposed to those categorizations that do not. Those who maintain that the *ifˁal* form signifies recommendation as its sole literal meaning are, in contrast, favoring an approach that is bound to produce a more exhortation-oriented understanding of the Sharīʿa, one that reduces the legal part of the Sharīʿa to less demanding proportions. Those who maintain that the *ifˁal* form is a homonym are in effect making the heaviness or lightness of the legal part of the Sharīʿa more dependent on the deliberations of scholars. The *ifˁal* form, in their view, plays a more neutral role. [...] The effect [of the suspension of judgment] is [...] similar to that resulting from the treatment of the *ifˁal* form as a homonym, though not exactly the same." Weiss is clearly right to conclude that those advancing the presumption of recommendation, as few as they may have been, were advancing a "less demanding" view of the *sharīʿa* compared to those who advanced a presumption of obligation. In addition, those who advocated the suspension of judgment did without a doubt view linguistic forms as neutral indicators. Beyond those two points, I think Weiss's conclusions are unjustified. First, as we will see throughout this chapter, the construction of moral principles at all levels of this system was a matter of "deliberations of scholars." The suspension of judgment, as we will see, is a position taken at a meta-ethical level, and therefore does not tell us much concerning the "lightness" and "heaviness" of the *sharīʿa* at the level of substantive practical injunctions. It does, however, tell us much about the extent to which the jurists allowed themselves the freedom to shape the logical and ethical underpinnings of that system. Second, there is nothing in the works of *uṣūl al-fiqh* that suggests that scholars elaborated their positions under the influence of any assumption or consideration pertaining to the "state" and its "institutions." Presenting the distinction between the categories of the obligatory (*wājib*) and the recommended (*nadb*) as corresponding to a separation between the legal and the moral is an unwarranted assumption that heavily and unnecessarily imposes a distinction that is specific to modern law on pre-modern jurisprudence. To remain faithful to the classical texts of *uṣūl al-fiqh*, one would need to see that the distinction between the obligatory and the recommended did not rely on the law/morality, public/private and enforcement/exhortation dichotomies, but on the moral-theological question of the "prohibition of the opposite." (*al-manˁ min al-naqīḍ*). As will be explained in this chapter, and in various parts of this study, obligation and recommendation constituted two among many shades of *preponderance* of action, with obligation being distinguished by the specific concept of elimination of the possibility of omission. This is not a political division between the legal and the moral, but a cosmological gradation that involved the balancing of different degrees of divine intervention in the options available to the human will. See Bernard G Weiss, *The Search for God's Law: Islamic Jurisprudence in the Writings of Sayf al-Dīn al-Āmidī* (Salt Lake City: University of Utah Press, 2010), 350–351. For an example of the treatment of obligation as "preponderance of action and prohibition of its opposite," see al-Rāzī, *Maḥṣūl*, 1:178. On the inapplicability of the law-morality distinction to Islamic legal thought see Hallaq, *Sharīʿa*, 1–3. Hallaq, *The Impossible State*, 78–84 and *passim*. On the separation of law and morality in modern jurisprudence see the classic debate between H.L.A Hart and Lon Fuller, notably in H. L. A Hart, "Positivism and the Separation of Law and Morals," *Harvard Law Review*. 71, no. 4 (1958), and Lon L Fuller, "Positivism and Fidelity to Law: A Reply to Professor Hart" *Harvard Law Review* Vol. 71, No. 4 (Feb., 1958), pp. 630-672. A further illustration of the moral-theological nature of this division can be clearly seen in Ghazālī's distinction between obligation, recommendation, and advice (*irshād*): "obligation and recommendation each *ought* to be performed (*kullu wāḥid minhumā yanbaghī an yūjad*), and its performance is preferred to its omission. The same

fact that, while the emergence of *uṣūl al-fiqh* as the primary meta-ethical discipline represented the overall triumph of the view that Revelation was necessary for moral reasoning, attempts to establish revealed language as the *only* source of normativity ultimately failed. At the level of its intricate details, mainstream *uṣūl al-fiqh* inevitably incorporated semantic, moral and practical considerations into its dynamic dialectical process. More purist projects on both sides, represented by the likes of Bāqillānī and ʿAbd al-Jabbār (studied in section 3), had to give way to more inclusive models of reasoning represented by jurisprudents like Abū l-Ḥusayn al-Baṣrī, as well as the very popular school of Ḥanafī jurisprudence (a tendency examined in section 4). Before we delve into this discussion, I will attempt to explain two of the central characteristics of *uṣūl al-fiqh*'s treatment of the language of Revelation: it theoretically represents a domain of meta-ethical reflection leading to the formulation of practical norms (section 1), and its reliance on dialectical logic was intended to justify the social construction of categorical norms (section 2).

(1) Why the Imperative Mood? *Uṣūl al-fiqh* and Practical Reasoning

The debates over the implications of the imperative mood were the place in *uṣūl al-fiqh* where jurists most directly addressed the question of the normative impact of the language of revelation. There is no other topic of *uṣūl al-fiqh* in which scholars debated more extensively the question of how a particular linguistic form can lead to knowledge of specific normative outcomes, such as obligation (*wujūb*), recommendation (*nadb*) or permissibility (*ibāḥa*).[542] It

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applies to what has been advised, but advice indicates that it ought to be done and that its performance is preponderant over non-performance for the benefit of the person in this world, recommendation for his benefit in the afterlife, and obligation for his salvation in the afterlife." Ghazālī, *Mustaṣfā*, 385.

[542] Wael Hallaq argues that the imperative and prohibitive forms "constitute the backbone and the nerve of [the divine] system of deontology […] for it is chiefly through these that God chose to express the greater part of His revelation." Hallaq, *A History of Islamic Legal Theories*, 47. This view was also upheld in *Sharīʿa*, where Hallaq explained that "[a]s a system of obligations, law depends heavily on prescriptive textual expressions of the type

would be obviously false to suggest that statements in the imperative mood were the *only* means through which jurists formulated normative positions, but the jurisprudential debates this linguistic form elicited are particularly informative with regards to a range of important issues that were involved in the process of reasoning about normative ethics. Although it is true that, at an empirical level, *sharīʿa* norms did not exclusively emerge as direct outcomes of statements in the imperative mood, jurisprudential debates on the imperative mood certainly allow us important insights into the manner in which Muslim jurists understood the justification of normativity at a meta-ethical level.

The fact that studying the imperative mood gives a picture of the most central questions involved in practical reasoning is a matter that does not apply to the Islamic tradition alone. For example, R.M. Hare suggested that it is worthwhile to study the imperative mood by way of introduction to moral philosophy because, "in spite of its comparative simplicity, it raises in an easily discernible form many of the problems which have beset ethical theory," which is why he concluded that "the study of imperatives is by far the best introduction to the study of ethics."[543] Hare saw the correlation between the logical structure of the imperative mood and moral imperatives as one of "parallels." The importance of studying imperatives stems from the fact that "they offer a most arresting parallel to similar theories about moral judgments, and this parallel indicates that there may be some important logical similarity between the two."[544] The manner in which philosophers treated the difference between imperative and indicative

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"Do" or "Do not do," known, respectively as imperative and prohibitive commands." Understanding the imperative mood amounted to no less than a "determination of the legal value of language." Wael B Hallaq, *Sharīʿa: Theory, Practice, Transformations* (Cambridge, UK; New York: Cambridge University Press, 2009), 90.

[543] R. M Hare, *The Language of Morals.* (Oxford: Clarendon Press, 1952), 2.

[544] Ibid., 5.

statements, or the possibility of reducing the former to the later, is structurally comparable to the manner in which they treated moral judgments in relation to descriptive ones.[545] This observation is partially applicable to Islamic jurisprudence.

The way in which Muslim jurisprudents understood the imperative mood was certainly indicative of their understanding of moral judgments, but in a much more direct manner than the mere suggestion of "parallels." The importance of the imperative mood for Islamic moral theory is more obvious than it is in the model Hare suggested because the relationship between language and moral judgments was explicitly advanced in two decisive manners. First, an obvious fact about *uṣūl al-fiqh* is that, unlike works of grammar, it is only concerned with the language of divine revelation. That a statement in the imperative mood is attributed to God means that any discussion of the semantics of such statements is necessarily a matter of importance form the standpoint of practical ethics. The relationship between the imperative mood and moral judgments, therefore, is not one of parallel, but of necessity. Second, unlike Hare and other thinkers with which he engaged, Muslim jurisprudents were not merely observing logical similarities between linguistic forms and moral judgments. They were positively deliberating over the proper manner of establishing such a link. The explicitly deliberative and prescriptive aspect of the arguments of *uṣūl al-fiqh* is a matter that I discuss in the next section and elsewhere in this study.[546] Thus, while it is helpful to note that the existence of *some* connection between the different approaches to the imperative mood, including attempts to reduce it to a descriptive statement or to view it as an attempt to influence the addressee's will, and moral judgments, it is

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[545] Ibid., 5–16 and *passim*.

[546] See the Introduction.

important to bear in mind that this connection, due to more rigorous agreement on theological and methodological presuppositions, is more firmly established in *uṣūl al-fiqh*.

Now we ought to ask why scholars of *uṣūl al-fiqh* concerned themselves with the question of the signification of the imperative mood in the first place, especially since much of the practical norms were not the direct result of divine statements in the imperative mood. A fairly uncontroversial starting point is that *sharīʿa*, the system within which *uṣūl al-fiqh* evolved, ultimately aimed to guide action. The production of prescriptive statements is an activity that is made with the deliberate aim of inducing followers of a legal-moral system to behave or refrain from behaving in a particular manner. Therefore, those prescriptive statements that aim to induce action or abstention, to which we may refer as first-order moral norms, are designed to constitute reasons for action. To act rationally, or according to reasons, is to be able to observe and respond to "grounds which make certain beliefs, moods, emotions, intentions, or actions appropriate or inappropriate."[547] In that sense, Muslim jurisprudents were most certainly involved in reason-giving, or in the production of normativity.[548] When a jurist advances the claim that action *x* is obligatory by virtue of the *sharīʿa*, this jurist is giving followers of the *sharīʿa* a reason to do *x*. This may not be the *only* reason to do *x*. For instance, a Muslim may refuse to eat pork as a result of her dislike of its taste or texture, in spite of the norm according to which Muslims should refrain from eating pork. In addition, by their very nature, reasons for action do not effectively eliminate reasons to act in a contrary manner even if, internally, they claim to do so. A Muslim who observes the obligation to refrain from eating and drinking during a hot Ramadan afternoon

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[547] Joseph Raz, *Engaging Reason* (Oxford University Press, 2002), 68.

[548] On the definition of normativity as the creation of reasons for action, see Jerzy. Stelmach, Bartosz. Brożek, and Mateusz. Hohol, *The Many Faces of Normativity* (Kraków: Copernicus Center Press, 2013), 5–6.

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may find many reasons and motivations to act in a manner contrary to such prescription.[549] In the end, the effectiveness of a given norm to guide action will depend on the weight of its justification in comparison to other similar or contrary reasons.[550]

The prescriptions of *uṣūl al-fiqh* that we will study in this chapter do not give first-order reasons for action, but give jurists reasons to *think* in a certain manner in the process of giving reasons for action. As such, we can think of *uṣūl* norms as second-order principles. As we will see, some of those prescriptions aim to guide the jurists to advocate that an action is obligatory or recommended, or to entirely suspend judgment, when dealing with a statement in the imperative mood. Like all instances of reason-giving, those prescriptions are supported by a variety of justifications. Overall, those justifications are of two types: some pertain to language, and others pertain to particular views of the world. That reasons for action of the first or second orders may consist of observations about the world is in itself hardly surprising. As Joseph Raz explained,

> [o]ur capacities to perceive and understand how things are, and what response is appropriate to them, and our ability to respond appropriately, make us into persons—creatures with the ability to direct their own life in accordance with their appreciation of themselves and their environment, and of the reasons with which, given how they are, the world presents them […] aspects of the world can constitute reasons for cognitive, emotive, and volitional responses; [and] we can come to realize that certain cognitive, emotional, or volitional responses are appropriate in various circumstances, and inappropriate in others; and how it is that we can respond appropriately.[551]

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[549] An important distinction to be made here is one between reasons and motives. Reasons are seen as independent of the mind or emotion of the person to whom they are addressed. In that sense they are "objective" from that person's perspective. Motives, on the other hand, are the immediate triggers of action, rather than the "external" reasons upon which practical reasoning is based. Ibid., 5–7. For more on this distinction see Christine M Korsgaard, "Skepticism about Practical Reason," *The Journal of Philosophy* 83, no. 1 (1986): 5–25.

[550] For the view that an obligation is a proposition by virtue of which an action is required and abstention is claimed to be eliminated, see Joseph Raz, "Promises and Obligations," In P. M. S Hacker and J Raz, ed. *Law, Morality and Society.*, 1977.

[551] Raz, *Engaging Reason*, 68.

Reason-giving, on the other hand, is an action performed by an individual that attempts to present the normative features of the world to another in a particular manner. Therefore, communication through language, and a particular view of language, are necessary for such activity. An example of a linguistic justification is the claim advanced by many jurists that the imperative mood had been conventionally assigned (*waḍʿ*) to indicate obligation. An example of a non-linguistic justification is the claim that the imperative mood lets us know that God wishes for an action to be performed, which, in Muʿtazilī thought, is an indication that an action is intrinsically good.[552] Many of those second-order justifications are suitable to be transferred to the level of first-order principles. It is quite conceivable that a subject of the *sharīʿa* would follow a particular prescription *because* they believe that Gods wants them to act this way, or because they are aware of a particular revealed text that they understand to entail such obligation, and not just because the jurists so prescribed.

It is this type of transferrable second-order justification that will concern us here. The fact that some justifications can be transferred from second to first order moral principles is consistent with the very nature of reasons. If, within a given system of beliefs, a certain matter is understood to result in a reason to act in a particular way, the same matter could very well function as a reason to *instruct* people to act in the same way. At the second-order level, however, those justifications come in a much broader and overarching shape. Rather than assuming that God wants Muslims to refrain from illegitimate sexual relationships, a jurist would

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[552] This Muʿtazilī view was explained in Chapter I, as well as section 3 and 4 below. A similar argument on the construction of normative claims was made by Robert Audi: "Normative properties are grounded on properties that it is plausible to call natural, and this relation provides the appropriate realistic anchoring for normative judgments. These grounding natural properties are not identical with the normative ones grounded on them, but that leaves open that the former may yet be a kind of natural property." What Audi refers to as "natural" encompasses both the natural and the theological-cosmological in Muslim thought. R. Audi, "The Nature of Normativity and the Project of Naturalizing the Normative." In Stelmach, Brożek, and Hohol, *The Many Faces of Normativity*, 49–50.

generalize that God wants Muslims to refrain from any action that is the predicate of a negative divine statement in the imperative mood, including but not limited to the command "do not commit adultery."[553] As such, divine will or speech are not regarded as a pure practical matter that aims to induce a particular action, but as an element of meta-ethics that constitutes a premise upon which we can construct a general theory of moral action. As we will see in this chapter, the meta-ethical theories that attempted to offer justifications of normative positions consisted largely of a balancing of those two pillars of normativity (i.e. the semantic and the cosmological), with each jurist, depending on their overall view of the moral order, differing in the emphasis they place on one pillar rather than the other.

(2) Dialectical Moral Deliberation: Community as the Site of Production of Norms

The historical fact of the predominance of *uṣūl al-fiqh* as a meta-ethical discipline had two important implications: (a) mainstream Muslim jurists dealt with divine Revelation as a *necessary* premise for the production of categorical norms; (b) the adoption of dialectical rather than linear forms of reasoning in *uṣūl al-fiqh* meant that norms were constructed by, and limited to, the community represented by its scholars.[554] The kind of social constructionism that this model represents is radically removed from contemporary constructionist ethics, which are commonly viewed as positivistic and arbitrary. Such objections to modern constructionism can

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[553] The injunction "stay away from adultery (*lā taqrabū-l-zinā*)" can be found in Q.17:32.

[554] Although the dialectical nature of *uṣūl al-fiqh* is rarely studied, let alone noticed, a significant contribution to our understanding of the central role that dialectical argumentation played in the formation of *uṣūl al-fiqh* can be found in Walter Young's doctoral dissertation. Based on extensive analysis of early Muslim writings on dialectics (*jadal*) and *uṣūl al-fiqh,* Young concludes that "juristic dialectic was a major – if not *the* major – dynamic in the formation, refinement, and epistemic advancement of Islamic legal-theoretical principles. It was a sifting of good argument from bad, sound method from problematic, irrefutable from refutable; all according to the pressures of juridical *jadal*'s continuously evolving argumentation episteme." Walter Edward Young, "The Dialectical Forge: Proto-System Juridical Disputation in the Kitāb Ikhtilāf Al-'Irāqiyyīn (2 Vols.)," (Institute of Islamic Studies, McGill University, Ph.D. Dissertation, vol. 1, 2012), 470.

be understood as a corollary of its insistence on confounding social agreement with objectivity. As a result, the workings of social construction of meaning become unbound to any form of moral purpose external to it. The model we study in this chapter, by contrast, explicitly develops its dynamics of dialectical social construction of meaning around the central domain of divine speech as a collective moral purpose.[555] Another radical difference between those two types of social construction is that one is the product of systematic scholarly deliberation, whereas the other is seen as the outcome of the free and sovereign workings of social interaction. The insistence on the production and refinement of justification in the realm of *uṣūl al-fiqh* meant that socially produced judgments could not have been seen as a representation of transcendent ethics, but only a fallible attempt to attain them.[556]

The central underlying assumptions of the jurisprudential arguments pertaining to the normative effects of the imperative mood can be summarized as follows. First, the totality of opinions produced by scholars constitutes the boundaries of possible truth with regards to any given scholarly question. Second, following from the first claim, for a scholarly argument to be valid, it only needs to be superior in a logical or moral sense (or both) to all other available arguments. Third, arguments were developed through dialectical evaluation, rather than linear deduction, which meant that no independent theory, including the jurist's own theological assumptions, was sufficient to settle any matter of moral-epistemological nature. This set of assumptions helps us

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[555] Svend Brinkmann elaborately highlighted the tensions between modern constructionism and "finitude," which he equates to precision in moral purpose and an awareness of one's mortality. Modern constructionism, for Brinkmann, is closely associated with consumerist trends. As an alternative, Brinkmann argues for a phenomenological-existential morality that rests on an awareness of human vulnerability, maintaining that mortality is a condition to morality. Svend Brinkmann, "Questioning Constructionism: Toward an Ethics of Finitude," *Journal of Humanistic Psychology* 46, no. 1 (January 1, 2006): 92–111.

[556] On the impact of constructionism on moral agency, see Alasdair MacIntyre, "Social Structures and Their Threats to Moral Agency," *Philosophy* 74, no. 289 (July 1, 1999): 311–29.

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understand how collective deliberation represented an attempt to simulate moral universality without making final claims of unconditional universalism. The function of juristic reasoning was not to discover a divine moral law that existed in a metaphysical sense. Rather, the epistemic outcomes of juristic reasoning were the very substance of the human moral order at the earthly level.[557] The view that the opinions produced by all scholars within the community represented the limits of moral knowledge reflected an admission of the ultimate unattainability of this moral ideal in its absolute form. As a result, scholars of *uṣūl al-fiqh* were not concerned with establishing the validity of their positions by applying abstract criteria, but primarily by showing that their chosen moral view was the most viable among all available arguments produced by the jurists on a given question. That does not mean that morality as a transcendent ideal was irrelevant to the process of formulation of practical moral judgments. It only meant that, in the final analysis, the set of injunctions formulated based on divine revelation represented the collective achievement and responsibility of the community of jurists acting on behalf of Muslims at large. The dialectical nature of those debates meant that theories about the normative outcomes of divine Revelation were not produced analytically within the self-sufficient

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[557] Here I do not in any direct way address the much debated question of the "function" of *uṣūl al-fiqh*, which, in its common form, primarily means "how did *uṣūl al-fiqh* affect the formulation of substantive norms of *fiqh*?" What I suggest here is that "function" is not a matter exclusively reserved to the mechanical production of first-order norms. The formulation of a conceptual model for the moral and rational improvement of such production (and the understanding thereof) is also a conceivable and real "function." In that sense, my findings partially overlap with Hallaq's argument that "the descriptive function [of *uṣūl al-fiqh*] was fulfilled by the successive productions of theoretical works that both reflected and articulated the developments within legal practice, legal doctrine and, ultimately, legal theory itself. In other words, the legal theoreticians, by virtue of their constant and intense interpretive engagement with their own tradition, managed to inventory accretions and developments within their own field." Hallaq, *Shariʿa*, 75. Although it may appear that this view is diametrically opposed to the often referenced argument made by Sherman Jackson in "Fiction and Formalism," they in fact answer different questions. Jackson asks the question whether *uṣūl al-fiqh* is *formalistic*, and answers in the negative. But the question of "formalism" is primarily concerned with the manner in which concrete norms are produced. This, I maintain, should not be the only question that exhausts the entirety of our thinking about the "function" of *uṣūl al-fiqh*." See Sherman A Jackson, "Fiction and Formalism: Toward a Functional Analysis of Usul Al-Fiqh," in *Studies in Islamic Legal Theory*. Bernard G. Weiss ed*.,* (Leiden: Brill, 2002), 177–201.

theoretical framework of each school of thought, but dynamically through constant exchange and evaluation of available alternatives.[558]

Let us take the argument for suspension of judgment (*waqf* or *tawqīf*) in relation to the imperative mood as an example of this social conception of production of norms. Scholars of *uṣūl al-fiqh,* as will be shown in detail in the next section, presented their arguments for the suspension of judgment as a plea for the search for more evidence. They justified this normative claim by the fact that no superior case had been presented by the proponents of other positions. For example, Bāqillānī introduced his position in support of the suspension of judgment by outlining the possible options concerning which further investigation is needed: "it is inevitable that command should be divided in two matters: the obligatory and the recommended. It is imperative that we suspend judgment whenever it comes devoid of proof of obligation or recommendation."[559] As we can see in this statement, suspension of judgment (*waqf*) is an acknowledgement of the jurist's indecision between alternative moral outcomes, and the realization that additional evidence is required. This indecision that resulted in Bāqillānī's moral-epistemological position is not defined in terms of abstract standards of certainty, but primarily

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[558] This particular method of production of normative statements may correspond to what W. Frankena referred to as a "third logic," "whose cannons warrant such inferences from factual premises to ethical conclusions." Frankena observes, however, that "this suggestion has not been very convincingly worked out and it is hard to see how the canons of this third logic would differ from what are usually regarded as the moral principles that we ought to keep promises and not to injure anyone." William Frankena, "Is Morality Logically Dependent on Religion," in Outka and Reeder, *Religion and Morality; a Collection of Essays.*, 300–301. Frankena here seems to conflate the *methods* of formulation of moral norms, with the substantive norms themselves. That some of the cannons of a particular moral system are in line with the "usual" moral principle (however we wish to define "usual") does not mean that the theoretical model that led to those principles is the same or redundant. Frankena was probably right, however, that those alternative non-linear systems have not been sufficiently worked out in recent scholarship, and I hope that this chapter is a small step in this direction.

[559] "*Wajaba inqisām il-amri qismayn: wājib wa nafl. Wa wajaba l-waqf fīhi matā warada ʿāriyan min dalīl al-ijāb wa dalīl al-nadb*" Bāqillānī, *Taqrīb* 2:33. The theory that command implies two different normative degrees will be addressed in the next section.

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by the fact that the community had failed to show in a *morally* compelling manner that one option should be taken as preferable to the other:

> we mean by *waqf* that command can be obligatory or recommended, and the people of language (*ahl al-lugha*) did not conclusively show that it is exclusively associated with one or the other (*lam yūqifūna ʿala annahu mawḍūʿun li-aḥadihimā*). We should not follow them in anything upon which they did not agree (*lā yajibu an yunqal ʿanhum mā lam yaḍiʿūhu bi-ttifāq*).[560]

The logic of social construction of moral claims is quite evident in this argument. None of those two incompatible claims could be adopted as a sole valid presumption given that both arguments, according to the available wisdom offered by the community of linguists, can be made without one defeating the other and without there being any justification for preferring one to the other. According to this view of the production of knowledge, deliberation constituted a search for the most plausible epistemological position among all available views produced by the scholars, and not a process of analysis of independently coherent concepts. It follows from this conception of construction of knowledge that it would have been sufficient to show the relative preponderance of one position over the other to defeat the argument for the suspension of judgment. To be sure, Bāqillānī took this possibility quite seriously in his emphasis upon the perfect equivalence (*takāfuʾ*) of the two normative alternatives at hand. This equivalence is manifested in the fact that, "no one can say that [command] must be taken to indicate obligation when devoid of proof of recommendation without someone else being able to say that it should be taken to indicate recommendation when devoid of a proof of obligation. This entails its being [both] recommendation and obligation when devoid of a particular proof (*qarīna*)."[561]

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[560] Ibid., 2:36.

[561] Ibid., 2:33–34.

Of course, the simultaneous validity of two incompatible judgments is an impossibility, hence the need to search for more evidence. Significantly, Bāqillānī's argument was not based on the invalidity of all the alternative claims, but on the equal validity of all of them. Since there is no free-standing threshold of truth outside of the arguments made by the scholars, jurists did not need to maintain that all that was incompatible with their own claims failed. In that case, it was sufficient to observe that all opposing arguments were equally plausible to show the moral worth of the suspension of judgment. The community of scholars' disagreement concerning the signification of the imperative mood was also at the core of ʿAbd al-Jabbār's argument in support of the suspension of judgment. ʿAbd al-Jabbār begins his argument by providing an outline of the state of knowledge produced by the scholars on this question:

> the people of language have clarified the form of command (*qad bayyana ahlu l-lughati ṣīghat al-amr*), and there is no doubt that saying 'do!' to an inferior constitutes a command (*lā shubhata fī anna qawla l-qāʾili li man dūnihi ifʿal yakūnu amran*). However, they disagreed on what makes it a command (*mā yakūnu bihi amran*), and what it signifies and indicates (*mā yufīduhu wa yadullu ʿalayh*).[562]

It is precisely on this community-based indecision that the argument for the suspension of judgment rested. For ʿAbd al-Jabbār, indecision about the exact signification of the imperative mood warranted further investigation into the concept of command itself. It follows from this argument, *a contrario*, that moral or epistemological superiority of one of the alternatives, or the consensus of the community, would have settled the matter.

ʿAbd al-Jabbār did not stop at explaining that incompatible and equally plausible arguments have been made concerning this question. He proceeded to explain that a preponderant argument was made concerning a slightly different, but logically prior question: "we do not maintain that the

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[562] ʿAbd al-Jabbār, *Mughnī* 17:107.

imperative mood indicates recommendation [or obligation] by virtue of linguistic convention. We say that it only indicates the desire for the subject-matter to take place (*yufīdu irādat al-maʾmūr bihi faqaṭ*)." [563] This is a claim that pertains to the descriptive components of the imperative mood, which ʿAbd al-Jabbār could have attained by analyzing the concept of command. However, advancing a normative claim with regards to the imperative mood could not have proceeded analytically from the concept of command itself. A single Muslim jurist, even one who generally paid close attention to methods of logical reasoning like ʿAbd al-Jabbār, could not claim to proceed *analytically* from their own observations to produce socially universalizable judgments. A dialectical form of moral deliberation was necessary, which is precisely the role played by *uṣūl al-fiqh*. As a result, ʿAbd al-Jabbār's concept of suspension of judgment rested on the same premise advanced by Bāqillānī, namely the equivalence between the possibility that a statement in the imperative mood could indicate either obligation or recommendation. For ʿAbd al-Jabbār, this equivalence is a result of both the goodness of divinely commanded actions, and the fact that no linguistic or jurisprudential argument has been advanced that would prove that one outcome was morally preponderant over the other. [564]

In spite of obvious differences at the theological level, different proponents of *waqf* presented their views as the most plausible outcome among the available ones. They further insisted on framing them as presumptions that could be defeated by evidence found by the community of moral agents.[565] As ʿAbd al-Jabbār explained: "If it was established that the Prophet, peace be

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[563] Ibid., 17:115.

[564] Ibid.

[565] This intrinsic defeasibility of moral arguments led to an interesting debate in Ḥanafī-Maturīdī Transoxanian circles. Whereas the Iraqi Ḥanafīs, as we will see below with Jaṣṣāṣ, plainly maintained that the imperative mood results in a presumption of obligation, the Transoxanian scholars debated the question of whether this was an obligation to *act* or an obligation to *believe* of the compulsoriness of the action. Since there is an inherent ambiguity

upon him, or the consensus of the scholars, maintained that divine commands are all obligatory, it would be incumbent upon us to decide as such, otherwise our argument would stand." [566]

Jurists were able to advocate the suspension of judgment on the basis of divergent cosmological views, precisely because they viewed themselves as contributors to a constant process of moral deliberation, the locus of which was the community of scholars at large. This dialectical conception of the production of knowledge allowed them to assess and revise their premises at each step of construction of argument in a way that prioritized commitment to the overall purpose of juristic reasoning over loyalties to specific theological-cosmological views. On the other hand, being conscious of the place of their arguments in the overall dialectical scheme of knowledge-construction meant that those claims had to remain structurally open for revision by incompatible claims made within the community.

This concept of equivalence or equal validity (takāfūʾ), and the related concept of preponderance (tarjīḥ), are central to those dynamics of collective production of norms.[567] That those are the

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in the presumption of obligation, scholars of Samarqand argued, it should only lead to an obligation to act, but one is permitted to doubt the moral status of the action, even if the presumption of obligation was the more prudent outcome. See for example Maḥmūd b. Zayd al-Lāmishī, *Kitāb fī uṣūl al-fiqh*, ed. Abdulhamid Turki (Beirut: Dār al-Gharb al-Islāmī, 1995), 91. This can be seen as an offshoot of the Ḥanafī distinction between what is *farḍ*, meaning that with regards to which there is absolutely no doubt, and what is *wājib,* which includes required matters regarding which there is some uncertainty. This distinction was fully rejected by the Shāfiʿīs. See Kevin Reinhart "'Like the Difference Between Heaven and Earth': Ḥanafī and Shāfiʿī Distinction of Farḍ and Wājib in Theology and Uṣūl." In Bernard G. Weiss ed., *Studies in Islamic Legal Theory* (Leiden: Brill, 2002), 205–234.

[566] ʿAbd al-Jabbā, *Mughnī*, 17:115.

[567] *Takāfuʾ* is derived from the root (k-f-ʾ), which, in its simplest forms (*kufʾ, kafiʾ*), is precisely a reference to sameness, or equality in extent or value. The noun form *kafāʾa* means equivalence, but can also be used as a reference to something that is equal to another. The verb from *takāfāʾa,* from which the state of affairs *takāfuʾ* is directly derived, means "for two things to be similar" (*tamāthalā*). *Takāfuʾ* means being of equal value (*al-istiwā*), as in the Prophet's *ḥadīth:* "the blood of Muslims is of equal value (*al-muslimūn tatakāfaʾ dimāʾuhum*). From this same set of terms is derived the concept of suitability (*kafāʾa*) in marriage, and the idea of fair compensation for work (*mukāfaʾa*). Ibn-Manẓūr, *Lisān al-ʿArab*, 3892. Equivalence in the context of *uṣūl al-fiqh* is both epistemological and moral. The claim that two arguments are equivalent means that they enjoy the same plausibility, and, therefore, it would not be desirable to claim that one has priority over the other. On the form "*kifāʾ*" see Abū al-Baqāʾ, *Kulliyyāt*, 773.

standards by virtue of which arguments were measured demonstrates that moral deliberation

consisted of an exercise in weighing incompatible claims, rather than free-standing analysis. As a

result, none of the jurisprudents we study in this chapter attempted to present their claims as

valid on the basis of an independent standard of truth.[568] None of them found it necessary to

present positions incompatible with theirs as false on their own terms or based on some abstract

standard of validity. Instead, Muslim jurisprudents advanced their views as the most desirable

among a number of options. This type of argument would not have been possible without the

involvement of the community of knowledge in dialectical argument. Furthermore, *tarjīḥ,* which

is the concept that was most closely associated with a jurist's preference of a given position, was

seen as both an epistemic and normative act. By announcing his *tarjīḥ* of a given outcome, the

jurist both pronounced this conclusion as the outcome of his process of reasoning, and

effectively *made* this position preponderant by lending his support to it. As the etymology of the

word shows, *tarjīḥ* is in fact a positive epistemic intervention by the jurist, and not an intrinsic or

independent attribute of the moral position in question.[569]

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[568] For a similar observation on the nature of Islamic juristic writing, see the concept of "open texts" in Brinkely Messick, *The Calligraphic State: Textual Domination and History in a Muslim Society.* Berkeley: University of California, 1993, 31-37.

[569] It is noteworthy that the root of the word *tarjīḥ*, which is ubiquitous in jurisprudential deliberations, denotes precisely the act of weighting. The verb *rajaḥa*, from the root (r-j-ḥ), means to weight, and *arjaḥa* means to make something heavier so that its side of the balance would drop. *Tarjīḥ* also means to evaluate. *Rajaḥa* can also be a reference to patience, which in Arabic is often associated with heaviness (*thiqal*). Ibn-Manzur, *Lisan al-'Arab*, 1586. In intellectual matters, *rujḥān*, or the state of being *rājiḥ*, is a reference to excess or preponderance. The literal sense of *tarjīḥ*, therefore, is "making something preponderant," but it is used figuratively to denote the belief that something is preponderant. This distinction introduced by Tahānawī between belief (*iʿtiqād*) and rendering preponderant highlights the dual epistemic and prescriptive nature of *uṣūl al-fiqh*. The conclusion that an argument is, in a scholar's view, superior in some way to others is simultaneously a plea to other scholars to view it as such. In jurisprudential debates, *rujḥān* means to demonstrate that one of two opposed equivalents (*aḥadu-l-mithlayn al-mutaʿāriḍayn*) is in excess (*ziyāda*) of the other. Significantly, Tahānawī explains that preponderance (*tarjīḥ*) is not a negation of the initial opposition or equivalence (*muʿaraḍā/muʿādala*), but the act of adding to one of the two opposed claims by way of highlighting an attribute (*waṣf*) that was initially irrelevant to the claim of equivalence. This is an illustration of the dynamic dialectical method of construction of knowledge. For a claim of preponderance (i.e. effectively adopting a specific moral argument) to be valid, it *logically need not demonstrate the failure* of the initial claim of equivalence of various alternatives. The scholar only needs to highlight a special attribute of the

The notion that a jurist's preferred argument is the most plausible among the alternatives made available by the community of scholars can be seen with equal clarity in the way in which arguments for the presumption of obligation were constructed. A consequence of the collective view of moral deliberation is that the various arguments presented by the community of scholars on any given issue were taken to represent the limits of all possible knowledge. Authors of *uṣūl al-fiqh* were very careful to present those alternatives in order to show the validity of each claim they are advancing, since "validity" precisely meant preponderance over other claims. All conflicting claims, taken together, represented the yardstick of possible truth. For example, the different positions advanced on the presumed meaning of the absolute form of the imperative mood[570] were reported by Jaṣṣāṣ, who summarizes them as follows: (1) the imperative mood should be taken to indicate (*yuḥmal ʿalā*) the goodness of the object of command, which is equivalent to saying that it is a *desired* matter (*kawnuhu marghūbun fīhi*). (2) The imperative mood should be taken to indicate permissibility, unless a sign shows that it is required or recommended. (3) Jurists should suspend judgment (*ʿalā al-waqf*) until a proof is found that indicates compulsoriness, recommendation or permissibility. (4) It should be presumed to indicate obligation (*ʿalā l-ījāb*) unless shown otherwise.[571] This enumeration of the available views on the imperative mood was not a mere descriptive review of the arguments produced by Jaṣṣāṣ's contemporaries. It was rather a normative claim concerning the limits of knowledge that

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chosen position that would grant it preponderance, in the same way someone would actively make one of the sides of the balance drop. Tahānawī, *Kashshāf*, 2:538.

[570] "Absolute" here refers to the form as when it is provided "*ʿala l-iṭlāq*," i.e. when it is devoid of a *qarīna* to the contrary

[571] Aḥmad b. ʿAlī al-Jaṣṣāṣ, *Uṣūl al-fiqh al-musammā bil-fuṣūl fī al-uṣūl*, ed. ʿUjayl Jāsim Nashamī, 2nd ed., vol. 2 (Kuwait: Wizārat al-Awqāf wal-Shuʾūn al-Islāmiyya, al-Idāra al-ʿĀmma lil-Iftāʾ wa-al-Buḥūth al-Sharʿiyya, 1994), 83. It is not very clear why Jaṣṣāṣ did not take the first option to be a case of suspension of judgment. It seems to be very similar to ʿAbd al-Jabbār's argument explained above.

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can validly be advanced on this particular question.[572] Jaṣṣāṣ explicitly maintained that the

imperative mood cannot literally mean anything (*lā yakhlū*) outside of those four options.[573] The

argument that a given linguistic form *cannot literally mean anything other than* a particular set

of meanings is an attempt to establish all the alternative opinions that jurists put forward in this

particular scholarly discourse as the self-imposed limit of truth on that matter. We can see that

this argument was not premised on the observation of an independently verifiable natural or

linguistic fact, but on the limits of knowledge produced by the community. The fact that, among

those conceivable meanings, at least one must be the literal meaning, is a semantic principle

derived from the collective output of the scholars. Once all the potential literal meanings of the

imperative mood were presented, Jaṣṣāṣ proceeded to demonstrate that it follows from all of the

alternatives that imposition of obligation is the default meaning of command. It follows that a

jurist *ought* to take command to signify the imposition of obligation unless clear proof to the

contrary is found.[574]

Like their pro-*waqf* colleagues, scholars advancing the argument for the presumption of

obligation or recommendation presented their views as moral preferences that can be defeated by

future evidence to the contrary. In addition, this group of jurists did not at any point attempt to

claim the presence of an objective type of causality that would necessitate normative outcomes

from linguistic premises without juristic intervention. Rather, those discussions were entirely

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[572] The presentation of the opinions of opponents sometimes amounted to expositions of significant clarity and faithfulness to the opponents' views. For example, Abul-Muẓaffar al-Samʿānī, a steadfast opponent of theological methods and advocate of the presumption of obligation, while he noted that the suspension of judgment is an opinion that "is unprecedented among the scholars" and unlikely to have been held by the prominent Shāfiʿī Ibn Surayj, proceeds to explain the arguments made by the "*wāqifiyya*" in a detailed manner. Abul-Muẓaffar Samʿānī, *Qawātīʿ al-adilla,* 49–50.

[573] *"Fa inna qawlahu 'ifʿal' lā yakhlū min an yakūna lil ījāb aw al-nadb aw al-ibāḥa."* Jaṣṣāṣ, *Fuṣūl,* 2:91.

[574] Ibid.

concerned with the weighting of juristic presumptions. In their attempt to explain the relationship between the imperative mood and its normative outcome, jurists often stated that the linguistic form ought to be "assigned to" (*yuṣraf*) or (*yuḥmal*) obligation.[575] Both *yuṣraf* and *yuḥmal* are verbs that roughly mean "to be taken to indicate," and thus both refer to the thought process that a jurist ought to undertake with regards to the linguistic construction in question.[576] Thus, like *tarjīḥ*, the *ṣarf* and *ḥaml* of a word was a positive effort by the jurist that dialectically created a moral presumption, and not an analytical conclusion derived from an abstract principle.

3) Faithfulness to Transcendent Ethics: The Argument for Suspension of Judgment

The first category that we will be concerned with includes scholars who maintained that, when faced with a divine statement in the imperative mood, a jurist should suspend judgment on its

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[575] See for example, Jaṣṣāṣ, *Fuṣūl*.

[576] *Yuṣraf* stems from the root (ṣ-r-f), from which derive a number of interconnected concepts. The basic noun form *ṣarf* means to change the direction of something. *Inṣarafa* means to leave a place or quit an activity, and can be used to mean that something lost his or her way. A derived meaning consists of a reference to constant change of direction (*taṣārīf*), such as the vagaries of times, or the change in wind direction. *Ṣarf* can also refer to inclination, as opposed to *istiqāma*, which refers to the state of being straight. To "direct" a word in the indication of a certain meaning, therefore, reveals the assumption that this word is not associated with this meaning *a priori*, but rather by virtue of a tentative act of the jurist. Ibn-Manẓūr, *Lisān al-ʿArab*, 2434–2436. Jurisprudents were clearly using *ṣarf* in the general sense of associating with a particular meaning. *Ṣarf*, however, has specific technical meanings in the field of linguistics, none of which in all likelihood was intended in this particular case. One of which refers to a discipline in which words are molded into structures not previously used by the Arabs (*lam tabnihi l-ʿarab*), and then developed to be used according to the common grammatical and syntactic rules of Arabic. Another meaning, closer to the one used by the jurisprudents, refers to the act of assigning a single term to various meanings, which is called *taṣarruf*. See Tahānawī, *Kashshāf*, 2:837. Jurjānī defined *ṣarf* in matters of language as "assignment and transfer." No further explanation is given, although based on explanations offered in other sources this can be taken to mean the assignment of a term to a given meaning. *Ṣarf* is also a branch of linguistics by virtue of which the syntactic features of words are studied. Jurjānī, *Taʿrīfāt*, 116. *Ṣarf* and *taṣrīf* can also denote the clarification or improvement of language. Abū al-Baqāʾ, *Kulliyyāt*, 562. The two categories of meaning of *ṣarf* were explained by Aḥmadnagarī as follows: (i) transfer a term from one meaning to another; and (ii) a linguistic science that studies the syntactic states of words. ʿAbd al-Nabī ʿAbd al-Rasūl al-Aḥmadnagarī, *Jāmiʿ al-ʿulūm al-mulaqqab bi dustūr al-ʿulamāʾ fī iṣṭilāḥāt al-ʿulūm wal-funūn* (Haidarabad: Dāʾirat al-Maʿārif al-Niẓāmīya, 1911), 2:341. *Ḥamala*, by contrast, does not indicate the same set of technical meanings. Derived from the root (ḥ-m-l), it means to bear or carry. *Iḥtamala* can mean to tolerate, or to carry or wear a heavy object. *Taḥāmala* means to place an excessive burden. A meaning of *ḥamala* that is derived from the idea of placing a weight is to transfer or move in a new direction. This is quite similar *ṣarf*, and is likely the meaning intended by jurisprudents whereby a given linguistic form would be assigned to indicate a particular meaning. Ibn-Manẓūr, *Lisān al-ʿArab*, 1001–1005.

exact signification. Suspension of judgment (or *waqf*) is a position according to which jurists ought to look for further evidence to determine the meaning of a given statement.[577] Practically, this meant that the jurists who advocated the suspension of judgment considered the imperative mood insufficient to indicate whether the action in question is obligatory, recommended or permissible. When considered closely, the suspension of judgment, contrary to what its designation would suggest, is not a passive stance. The practical implication of this view is that jurists are urged to look for further evidence (i.e. *qarīna*) before making a pronouncement.

One of the arguments of the present chapter is that the formulation of principles of *uṣūl al-fiqh* can be understood as an exercise aimed at finding a balance between the divine moral order and the human contingent judgments. Among the many theories advanced by jurisprudents to manage this delicate balance, those who argued for the suspension of judgment, regardless of their school affiliation, leaned towards the principle of faithfulness to morality as a divine ideal, and resisted the incorporation of purely speculative considerations. Conversely, those who advocated the presumption of obligation blurred the boundaries between revealed and non-revealed premises and attempted to include various types of consideration into their reasoning. Concretely, defending the suspension of judgment reflected a conservative stance with regards to

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[577] Using *waqf* to denote suspension of judgment appears to have been a practice most frequently used among scholars of *uṣūl al-fiqh*. Among the much more common homonyms of *waqf* there is the institution of endowment, or suspension (*ḥabs,* or *manʿ*) of property rights and dedication of the property's revenue to charitable purposes. This is a meaning of *waqf* with no noteworthy relevance to the concept of *waqf* we are concerned with. Another unrelated use of *waqf* pertains to the neutralization (*taskīn*) of consonants that would otherwise be marked with short vowels. See Tahānawī, *Kashshāf*, 1497. That *waqf* pertains to indecision can be seen in its association with the case in which no moral judgment can be given due to the absence of revelation. This, we will see, is a position adopted by Bāqillānī, and is commonly referred to as suspension of judgment (*waqf*). Another meaning of *waqf* that denotes the suspension of judgment can be found in the field of semantics, where no particular linguistic construction can be found to indicate a particular meaning. See Rafīq ʿAjam, *Mawsūʿat muṣṭalaḥāt uṣūl al-fiqh ʿinda l-Muslimīn*, 1st ed., vol. 2 (Beirut: Maktabat Lubnān, Nāshirūn, 1998), 1716. Conceptually, the semantic form of *waqf* seems to follow from the same epistemology that justifies the moral form of *waqf*, namely that a scholar should not make any unsubstantiated assumptions. If the available knowledge at any level leads to perfect indecision (understood as the exact equivalence of available alternatives), then they should refrain from making pronouncements based on that knowledge *alone*.

the latitude Revelation-independent speculation should be given in formulating principles of construction of moral judgments. This conservatism was manifest in the unwillingness to adopt overarching juristic principles that would apply to entire categories of language and a preference for a case-by-case search for evidence. The reluctance to grant free inferential reasoning the power to establish principles of meta-ethical nature, it must be noted, does not necessarily reflect any kind of conservatism at the level of the actual rules of conduct. It only shows a reserved attitude towards the ability of free speculation to construct principles at the *intermediary* domain of *uṣūl al-fiqh*. [578]

It is worth noting that this attempt to keep moral deliberation solely within the realm of revealed knowledge was not backed by the majority of jurisprudents who, as will be explained in the last section, welcomed the introduction of a variety of considerations in moral reasoning. Pro-*waqf*

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[578] According to Bernard Weiss, Āmidī provided a list of positions on the question of the signification of the imperative mood that included the following: (1) homonymy between obligation and recommendation; (2) preponderance of performance; (3) the presumption of obligation; (4) the presumption of recommendation; (5) suspension of judgment. Suspension of judgment, as we will see in Bāqillānī's case, was based on the view that the imperative mood indicated the solicitation of action (*iqtiḍāʾ*). It is important to try to understand the subtle difference between this and the second position, namely that the imperative mood indicates the preponderance of action. Weiss interprets this difference as follows: "If there is a difference between the two points of view, it probably is that one (the second group) affirms dogmatically that the *ifʿal* form does not have either imposition of obligation or recommendation as its literal meaning, suggesting that there are compelling reasons for making this affirmation, while the other (the fifth group) refrains from taking this dogmatic posture, preferring rather the noncommittal position of being unwilling to affirm dogmatically that the *ifʿal* has either imposition of obligation or recommendation as its literal meaning because of a *lack* of known compelling arguments in favor of such an affirmation." I think Weiss's reading is accurate. However, one must add that it is not *only* a matter of taking a certain view concerning the questions of obligation and recommendation. The fifth group (to which both Āmidī and Bāqillānī belonged) did indeed advance a claim in that regard, namely that the imperative mood indicates a solicitation for action, which *might* imply one or the other. The central difference between those positions, in my view, is the same difference between pro-*waqf* and pro-obligation jurists: while the suspenders of judgment only took a descriptive stance from the imperative mood and refused to pronounce an overarching normative presumptions, those who argued for the preponderance of performance, presumption of obligation and presumption of recommendation all argued that a specific normative position follows from the imperative mood. However, since the argument for *waqf* could indeed appear at any stage of the dialectical process, the position that the imperative mood signifies preponderance of action is, as Weiss suggested, compatible with, but not identical to, the argument for the suspension of judgment. Bernard G Weiss, *The Search for God's Law*, (Salt Lake City: University of Utah Press, 2010), 346–348. Ghazālī, for instance, argued that the imperative mood *alone* indicates that action is preponderant over abstention, *and* that, with regards to the specific issue of whether or not it indicates obligation, one must suspend judgment. Ghazālī, *Mustaṣfā*, 385.

jurists agreed that there was a need to separate the revealed and the non-revealed. However, they did not necessarily assume that Revelation was the exclusive source of knowledge. When it came to Revelation-based reasoning, pro-*waqf* jurists refused to look beyond the language of Revelation and its inner logic. In fact, elaborate justifications for the position of suspension of judgment were provided by two of the most prominent theological opponents of the early eleventh century: The Ashʿarī Abū Bakr b. al-Bāqillānī, and the Muʿtazilī Qāḍī ʿAbd al-Jabbār. As we have previously discussed, Bāqillānī was a major proponent of the theory of inner speech and saw divine commands as eternal attributes of God. ʿAbd al-Jabbār, one of the most celebrated Muʿtazilīs, advanced a view of commands as a physical utterance backed by a specific will.

That being said, we would be mistaken to think that their theological doctrines played no role in the construction of those meta-ethical theories. Although subscription to a view of the nature of divine commands did not dictate jurisprudential positions regarding the implications of the imperative mood, particular jurisprudential positions were better suited for certain theological views than others. Suspension of judgment followed more readily from the theory of inner speech, whereas a presumption of a specific normative status was the likely outcome for those who viewed speech as a physical phenomenon.[579] Theological views, however, were only one

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[579] It is worth remembering at this point that viewing divine commands as physical utterances was coupled with a "nativist" view of language, whereas the theory of inner speech was advanced in parallel with a view of language as socially constructed. The latter view was at the center of the suspension of judgment position, since, in the absence of social consensus on a particular linguistic structure, the jurist would be justified to disregard this structure as a self-sufficient reason for action. The Muʿtazilī view that meanings were *intrinsic* in linguistic sturctures, by contrast, justified the establishment of juristically constructed rules of production of meaning in the absence of social consensus (i.e. the presumption of obligation). The main achievement of *uṣūl al-fiqh* that this chapter attempts to highlight consists of the fact that *both* positions were incorporated into a process of dialectical social construction of norm-generating principles. On the contemporary debates concerning those two views of language, see Aeddan Shaw, "The Prescriptivist Account of the Normativity of Meaning Debate." In Stelmach, Brożek, and Hohol, *The Many Faces of Normativity*, 177–89.

among many elements involved in this dialectical process of production of principles. As we will see, those tendencies were challenged or acted upon by the jurisprudents in various manners.

A- Suspension of Judgment and the Various Conceptions of Divine Will and Speech

While the dialectical nature of jurisprudential reasoning allowed the incorporation of numerous considerations in the process of construction of the *uṣūl* argument, jurists did adhere to various theological conceptions that affected the manner in which they formulated their second-order principles. We have previously seen that Ashʿarīs defined command as a meaning residing in the speaker's mind. An important ramification of this position is that command, along with all other parts of speech "attaches to its object in itself."[580] This amounted to a rejection of the necessity of having a sensory utterance in order for a statement of any sort to produce its intended effects. Inner meaning in Ashʿarī thought was viewed as self-sufficient, unlike the will of the commander in Muʿtazilī thought, which must produce a physical sign that is considered to constitute the command itself. According to Bāqillānī, this difference amounted to a significant variance in the method of justification of normative statements. For Muʿtazilīs, since command *is* the statement in the imperative mood, normativity is, in principle, produced through deliberation on the linguistic principles established by conventional usage (*muwāḍaʿa; muwāṭaʾa*). The Ashʿarīs, by contrast, searched for signification and meaning (*dalālatuhu wa maʿnāh*),[581] which is not restricted to a statement's conventional semantic effect, but involves an attempt to reach knowledge of meaning as a concept that resides within the mind of the commander. This sharp differentiation between Ashʿarī and Muʿtazilī approaches, while

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[580] Bāqillānī, *Taqrīb* 2:25.

[581] Ibid., 2:25–26.

theoretically sound, did not fully describe the way in which they formulated their principles at the level of *uṣūl al-fiqh*.

Although principles of jurisprudence did not follow analytically from theories about divine attributes and speech, elements established at the theological level were inevitably incorporated into the process of deliberation that led to those principles. As a result, can see that scholars of different affiliations took different argumentative routes to advance the same second-order moral positions. This was clearly the case with Bāqillānī and ʿAbd al-Jabbār who, in spite of very different definitions of divine commands, advanced arguments in support of the suspension of judgment. Nevertheless, some jurisprudential positions were more readily articulated with particular theories. This was the case with Bāqillānī's adoption of the theory of inner speech which, due to its insistence on the transcendence of divine commands, provided a suitable framework for the principle of *waqf*.

As we have seen, a consequence of the Ashʿarī theory of speech was the understanding that any combination of linguistic forms, or no linguistic form at all, can be conventionally assigned to a particular meaning. The meaning is what constitutes "speech" in the real sense. In other words, the designation of the mind as the realm in which speech occurs led to a fluidity in the relationship between spoken or written language and *proper* speech as a noetic element. This fluidity, in turn, led to a decreased emphasis on linguistic forms as sources of meaning, since those forms were seen as mere signs that only point to the speech as it exists within the mind. Unless a given form could be shown to have been assigned to a particular meaning exclusively or predominantly by virtue of consensus or divine Revelation, theorists of inner speech were inclined to maintain the correctness of the suspension of judgment in relation to the imperative

mood.[582] Major Ashʿarīs such as Ghazālī and Rāzī (d. 1209) followed in the footsteps of Bāqillānī, who justified his defense of the suspension of judgment by pointing to the different types of sign that can be found to indicate that an obligation exists.[583] He argued that, "in legal matters, the form designed to inform of the performance of an action (al-khabar ʿanhu) has been assigned (wuḍiʿa) to [also] indicate rendering it obligatory (īqāʿuh)." This claim is supported by a number of examples: "all by virtue of which sale (bayʿ), purchase (shirāʾ), lease (ijāra), dissolution (ḥall), resolution (ʿiqd), divorce (ṭalāq) and emancipation (ʿitāq) occurs, invariably becomes legally valid by the term that denotes the assertion that the action had occurred."[584] The point of this argument is to show that the connection between language as indicant and the signified meaning is contingent at best. As a result, jurisprudents ought to exercise caution in adopting overarching = principles. This idea of juristic caution was at the center of the argument for suspension of judgment as advanced by Bāqillānī, and accorded with his overall epistemological skepticism.

ʿAbd al-Jabbār, by contrast, articulated his thesis for the suspension of judgment with a different theory of command, which viewed it as an utterance in the imperative mood resulting from a particular will. Because of this different conception of command, there was an added difficulty that ʿAbd al-Jabbār faced in maintaining the position of waqf as opposed to his Ashʿarī counterparts. In fact, ʿAbd al-Jabbār's prominent student Abū l-Ḥusayn al-Baṣrī, along with

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[582] Ghazālī, Mustaṣfā, 383–394. ʿAlī ibn Abī ʿAlī al-Āmidī, al-Iḥkām fī uṣūl al-aḥkām, ed. Ibrāhīm ʿAjūz, vol. 1 (Beirut: Dār al-Kutub al-ʿIlmiyya, 2005), 367–377.

[583] For Ghazālī's formulation of the argument that the imperative mood has several uses in common language, see Ghazālī, Mustaṣfā 383–385. Like other proponents of the suspension of judgment, Ghazālī stressed the fact that "there is no place for speculation in matters of language (lā majāl lil-ʿaql fil-lughāt)." Ibid, 386.

[584] Bāqillānī, Taqrīb 2:54.

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some of the Ḥanafī jurists, were supporters of the presumption of obligation.[585] ʿAbd al-Jabbār viewed command as a sign that God *wills* a certain action to be performed. One would expect him to advance a critique of *waqf* based on the view that a statement in the imperative mood refers to God's will and, therefore, should be taken to have a compulsory effect by default. A common formulation of this critique, as we will see in our discussion of Baṣrī, maintains that God *wants* (*arāda*) for this action to be performed, hence the statement resulting from that wish must lead to obligation.

To advance is pro-*waqf* argument, ʿAbd al-Jabbār had to address this critique. To do that, he proceeded to further elaborate his conception of divine command. This explanation consisted of two central claims. First, the fact that God wills an action is equivalent to saying that it is good. Second, saying that an action is good does not necessarily mean that it would be reprehensible to omit it. Therefore, it does not follow from goodness alone that the action is obligatory. To make the first claim, ʿAbd al-Jabbār argued that, in the case of God and the Prophet, the goodness of the subject-matter of commands is a matter of logical necessity. Goodness, he explained, means that those actions could be either recommended or obligatory: "if the Wise was a legislator (*mukallifan*), or a messenger of the legislator (*rasūlan lil mukallif*), it is inevitable (*lā budd*) that

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[585] The conceptual inaccuracies created by what I referred to as the theology-averse approach to jurisprudence persist at this level of analysis. For example, in his defense of the presumption of obligation, Lāmishī maintained that "the correct position is the one adopted by the majority of the scholars [i.e. the presumption of obligation] because there is no doubt that it is obligatory to obey God." The plain assumption that the imperative mood is equivalent to command, and that the latter is associated with obedience, is symptomatic of a type of unwillingness to engage in conceptual reasoning that is not immediately linked to the practical outcomes of jurisprudence. Maḥmūd b. Zayd al-Lāmishī, *Kitāb fī uṣūl al-fiqh*, ed. ʿAbd al-Ḥamīd Turkī (Beirut: Dār al-Gharb al-Islāmī, 1995), 89–90. The same confusion can be found in al-Shāshī's pro-obligation argument: "the correct doctrine is that the imperative indicates obligation unless there is proof to the contrary, because breaching a command is a disobedience, and following a command is obedience (*tark al-amr maʿṣīya kama ann al-iʾtimār ṭāʿa*).Aḥmad b. Muḥammad Shāshī, *Uṣūl al-Shāshī*, ed. Abd Allah Muḥammad Khalili, 2nd ed. (Beirut: Dār al-Kutub al-ʿIlmiyya, 2007), 78. See also Abū l-Ḥasan Ibn al-Qaṣṣār, *Muqaddima fī uṣūl al-fiqh*, ed. Mustafa Makhdūm (Riyadh: Dār al-Maʿ Iama lil-Nashr wal-Tawzīʿ, 1999), 202.

what he commanded should be recommended (*nadban*) or obligatory (*mūjaban*), because it would not be proper (*lā yaḥsunu*) for him to want in this situation something of another sort (*illā mā hādhā ḥāluhu*)."[586]

In the case of divine utterances, it is a rational necessity that those actions should be good,[587] since God cannot possibly desire something other than what is morally good. Nevertheless, ʿAbd al-Jabbār refused to grant that the will for the action to take place is a sufficient cause for obligation. In order to make this claim, he distinguished between the will for the action to take place, and the aversion towards its omission (*karahati tarkihi*).[588] It is possible, according to ʿAbd al-Jabbār, for the commander to will the occurrence of action, and at the same time not be opposed to the possibility of omission. The question thus becomes whether divine command indicates, in addition to the view that God *wants* the action to take place, which he granted, the fact that God finds its omission reprehensible.

ʿAbd al-Jabbār suggested an answer to this question based on the function of tenses in language. He explained that each tense of a verb, such as the past and present tenses (e.g. *ḍaraba* and *yaḍrib*), indicates an occurrence in a particular form. In one form it indicates the occurrence (*ḥādith*) that has already taken place, in others in the future (*mustaqbal*) or present (*ḥāl*). Similarly, the imperative mood (e.g. *iḍrab*) indicates the will for the occurrence to take place by

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[586] ʿAbd al-Jabbār, *Mughnī*, 17:107. The question of goodness gave rise to analogies between the imperative and prohibitive forms. If the evilness of matters subject to a prohibitive statement leads to a presumption of prohibition, some argued, the same must be true of the goodness of the subject of the imperative mood, which must lead to obligation. This assertion raises the issue of parallelism between action and omission. If it is proper to assume that we must avoid all evil actions, does it necessarily follow that we must commit *all* good actions? For a pro-obligation argument that relies on this parallelism, see Muḥammad Ibn-al-Ḥusain Abū-Yaʿlā al-Farrā', *al-ʿUdda fī uṣūl al-fiqh*, ed. Aḥmad Ibn-ʿAlī Sīr al- Mubārakī, vol. 1 (Riyadh, 1990), 239.

[587] ʿAbd al-Jabbār, *Mughnī,* 17:107–108.

[588] Ibid., 17:112.

virtue of someone else's action (*arāda bihi min al-ghayr ḥudūthihi*).[589] Prohibiting omission, ʿAbd al-Jabbār explained, is one possible detail that could attach to this will, but it is not necessarily linked to it. Just as the commander may wish for the action to be done immediately (*muʿajjalan*), only once (*marra*) or to ask for one among a number of options (*ʿan ṭarīq al-takhyīr wal-tawsiʿa*), the speaker may or may not add the prohibition of omission to the expression of will.[590]

Taking the analysis of the normative outcome of the imperative mood to the details of the concept of command meant that ʿAbd al-Jabbār, much like Bāqillānī, did not wish to locate the production of normativity within the conventional features of language. He attempted, in spite of the Muʿtazilī identification of command with a specific linguistic form, to locate norm-production in extra-linguistic elements. Although, for him, command was the actual statement in this linguistic form, ʿAbd al-Jabbār argued that the physical statement should be treated not only as a product but also as an *indication* of the will that generated it. For ʿAbd al-Jabbār, the signification of a statement in the imperative mood is precisely the will or desire that produced it. Hence, the signification of such statement can be reduced to an assertion (*khabar*) about the

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[589] Ibid., 17:113.

[590] Ibid.

speaker's state of mind,[591] whereby the statement "X said 'do *y*'" would be equivalent to the assertion "X desires *y* to be done."[592]

Although Bāqillānī and ʿAbd al-Jabbār built their pro-*waqf* positions on very different conceptions of divine command, they both attempted to deny the physical manifestations of those commands the status of primary source of normativity. This position was easier to adopt on the basis of the theory of inner speech given the emphasis it places on the transcendence of divine speech. Ultimately, while we can clearly see that theories on the nature of divine speech created specific tendencies at the jurisprudential level, it was each jurist's views on the relative

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[591] Ibid. The relation between the descriptive view of command as an indication of the speaker's will and the fluidity of semantic assignments was observed by Usmandī in *Badhl al-Naẓar*, 60. Usmandī implicitly acknowledges that, if we were to take the imperative mood as an indication of desire or potential benefit, it would not in itself indicate obligation. However, this was rejected by Usmandī on the basis of linguistic custom (ʿ*urf*), by citing the example of a disobedient slave who rightly arouses outrage in all rational observers by breaching the master's statement in the imperative mood. If that example is always valid, Usmandī argued, it would be false to maintain that obligation resulted from non-linguistic evidence (*qarīna*) consisting of the master's will or desire, precisely because this desire alone can indicate either obligation or recommendation. In this argument, we can see how attempting to claim a certain presumption as the default meaning of the imperative mood often rests on an emphasis on the conventional and semantic features of language as sources of normativity, as opposed to meta-linguistic facts. Ibid., 64.

[592] It is this conception of the imperative mood that attempts to "reduce" it to an indicative that Hare attempted to refute. Hare's objection is quite simple: when somebody says "shut the door," we do not understand this to be "an observation of introspectible fact," but a statement about shutting the door, or an action that the addressee should do in the future. Hare, like Baṣrī, as we will see below, holds that imperatives have a peculiar logical function that cannot be reduced to mere descriptive or informative elements in any manner. The same holds true of value judgments. If someone says "A is right," we do not think of this as a statement about their state of mind that constitutes approbation of A, but we see this as a value judgment about A. Hare, *The Language of Morals.*, 4–7. It is worth noting that the gap between imperatives and value judgments is inexistent in ʿAbd al-Jabbār's thought. What God wants is good by definition. So a divine imperative statement is simultaneously by necessity a value judgment. That being said, Hare's objection is indeed a perceptive one from the standpoint of ordinary language. When we hear a prescriptive or evaluative judgment of any kind we do not understand it as indicative of a fact about the speaker's state of mind, but an urging that pertains to a future or potential action. Whether or not divine revelation should be treated in the same manner as ordinary language with regards to its relation to the speaker, however, is a matter that is open for debate. Hare's argument about the logical difference between imperative and indicative statements stems from a commitment, reminiscent of the methods of the pro-obligation jurisprudents, to limit analysis of language to its inner logic with no attempt to inquiry into the meta-linguistic phenomena that led to its utterance. ʿAbd al-Jabbār and Bāqillānī's insistence on understanding language through its conventional principles, on the other hand, stems from a commitment to explore the state of mind of the speaker, an approach that can be understood in light of the significance of the production of utterances by the originator of all existence.

weight that should be attributed to moral judgments in their transcendent form that shaped their dialectical engagement with the issue of the signification of the imperative mood.

B- Divine Will and Divine Self as the Locus of Moral Judgments

In the previous section, I attempted to show that different conceptions of command partially influenced the manner in which each jurist formulated their argument for the suspension of judgment. The defense of this position, however, was more directly related to the question of the normative weight that should be attributed to the linguistic manifestation of divine speech in the process of practical reasoning. Another aspect of this question pertained to the latitude that jurists could grant their own speculative reasoning in the process of establishing rules of jurisprudence and, consequently, the formulation of moral edicts. Broadly speaking, suspension of judgment was a position that followed from a certain reluctance to adopt blanket rules of jurisprudence on the basis of non-linguistic inferential arguments. This, in turn, meant that pro-*waqf* jurists attempted to attenuate the overall role that their own speculative positions played in the shaping of the rational structures of the system of practical ethics (i). This view of the role of the jurists in drawing moral conclusions from the language of revelation was coupled with a conception of the very concept of obligation-generating commands as essentially composite and, therefore, in need for further evidence for its specific outcomes to be determined (ii). It followed from those arguments that language was only regarded as a tool that allowed the jurists to access the meaning residing within the divine self (for Bāqillānī) or produced by divine will (for ʿAbd al-Jabbār) (iii).

(i)   *Suspension of Judgment as a Self-Imposed Restriction on the Juristic Ability to Shape the Moral Order*

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Suspension of judgment was the outcome of a skepticism about the jurists' ability to establish overarching jurisprudential norms without Revelation or consensus.[593] The skeptical scholar subjected all suggestions to adopt a default meaning of the imperative mood to rigorous structural and moral examination that invariably ended in rejection. An example of this method can be found in Bāqillānī's response to the claim that recommendation is the default meaning of imperative statements. This argument for the presumption of recommendation rested on the belief in the primordial permissibility of all actions.[594] Prohibiting the otherwise permitted omission of a commanded action, Bāqillānī's hypothetical opponent maintained, required a specific proof in addition to the language of the command. Command alone, in this view, only meant that it is desirable to commit the action, but in itself did not eliminate the possibility of omission. In other words, command only indicates that the speaker wishes for the action to take place, but does not imply that acting against the command is reprehensible. This is another way of saying that it is merely a recommendation. Bāqillānī summarized this view as follows:

> If command comes devoid of other proofs it would show the goodness of the commanded matter, and the fact that it is desired (*murādan)*. We would also know from the lack of relevant proof that omission is not prohibited. If [omission] was prohibited it would have been harmful and evil (*mafsadatan qabīḥan*), and it would have been necessary to indicate this with something additional to the command and the desire to bring forth the action.[595]

The references to will and goodness clearly indicate that Bāqillānī was responding to a Muʿtazilī position. However, this claim could have been made in non-Muʿtazilī terms by replacing the

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[593] The spirit of suspension of judgment is perhaps best captured by Ghazālī's claim that "we do not argue that suspension of judgment is a doctrine (*lasnā naqūl al-tawaqquf madhhab*), but [the Arabs] used [the imperative mood] to indicate recommendation in some cases and obligation in others. They have not decisively shown that it is assigned to one rather than the other. Our choice (*sabīluna*) is to refrain from attributing to them what they have not expressed, and to cease from misrepresenting and fabricating at their expense." Ghazālī, *Mustaṣfā*, 387.

[594] Bāqillānī, *Taqrīb,* 2:42.

[595] Ibid.

concept of divine will with the solicitation of action (*iqtiḍāʾ*), which, in itself, would not imply the prohibition of omission. The result, in all cases, would be a presumption that a command indicates a recommendation of action. It is clear that this is not a language-based argument. Rather, it is a claim about the normative depth of the concept of command, and whether or not the solicitation or will in question can result in an effective deterrence from omission.

For a pro-*waqf* jurisprudent such as Bāqillānī, this argument does not offer convincing proof that the imperative mood should have a default meaning: "we do not know that permitting the omission of action follows from the fact that it is desired, good and commanded (*murādan, ḥasanan, maʾmūran bihi*). [Those characteristics] apply to the obligatory and it is neither permitted nor desired to omit it."[596] Whereas the reported opponent viewed divine commands as mere indicators of the desirability of certain actions, Bāqillānī maintained that command in itself *may* include a prohibition of the contrary, which would lead to obligation. This counter-argument reveals Bāqillānī's commitment to the view that divine speech alone should be taken as a source of moral assessment. Not only does divine command carry the possibility of prohibiting the omission of action, the absence of command does not necessarily entail permissibility, but only that the action is of unknown moral status:

> we know by pure reason that omission of the action is not prohibited *so long as there is no command to do it* (*mā lam yarīdu l-amru bi fiʿlih*). If a command occurs *its status changes* (*taghayyarat ḥāluh*), and we do not know upon the command's arrival that omission retains the same status, since it is possible that the command is of the type that prohibits omission, and it is equally possible that it is a command that leaves the Revelation-independent judgment intact (*ʿalā wajh yubqī ḥukmuhu ʿalā ḥukm al-ʿaql*).[597]

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[596] Ibid.

[597] Ibid., 2:43. Emphasis added. This counter-argument was reproduced by Ghazālī: "do you [really] know whether or not the [action that constitutes the] predicate of a sentence in the imperative form can be omitted? If you do not, then you doubt the fact that it signifies recommendation. If you do, how did you attain this knowledge? While the linguistic form [alone] does not indicate the necessary reprehensibility of its omission (*luzūm al-maʾāthim bi tarkihi*), it also does not indicate the lack of reprehensibility of its omission (*suqūt al-maʾāthim bi tarkihi*)." Like

We can see that Bāqillānī insisted on assigning the potential of shaping the moral landscape to divine speech alone, while at the same time restricting the latitude granted to jurists in doing so. Like ʿAbd al-Jabbār, he maintained the view that juristic speculation about the concept of command and its impact on human actions cannot in itself lead to certain knowledge about the presumed meaning of the imperative mood or any other part of speech. It can, however, confirm the knowledge that we do not know the action's moral status with certainty. Establishing an overarching jurisprudential norm on the basis of speculation over the concept of command would be arbitrary and contrary to what Bāqillānī held to be the ethic of jurisprudential thought.

ʿAbd al-Jabbār offered a similar theory concerning the role divine speech should play in guiding juristic reasoning aimed at formulating normative judgments. For ʿAbd al-Jabbār, the jurist must be guided in his search for the normative implications of God's speech by the likelihood that his conclusions will be in line with God's will. For ʿAbd al-Jabbār, like Bāqillānī, the jurist's exploration of linguistic principles is an attempt to access or approach a certain transcendent moral truth that resides within the divine self. This attempt must be characterized by restraint from imposing one's theological convictions on questions of jurisprudence. The same understanding of jurisprudential reasoning can be observed in ʿAbd al-Jabbār's theories, although in that case divine will plays the role that inner speech played in Bāqillānī's thought. For both jurisprudents, the divine realm is the locus of morality, and the jurist must exercise a significant degree of caution when formulating moral principles of second order. Based on this

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Bāqillānī, Ghazālī also bases this counter-claim on the view that divine speech effectively cancels any judgment that was known independently from it: "after encountering the imperative mood (*baʿda wurūd ṣīghat al-amr*), the speculative decision [that omission is not reprehensible] loses its authority (*lā yabqā li ḥukmi l-ʿaqli bil nafy* […] *ḥukm*." Ghazālī, *Mustaṣfā*, 388.

assumption, ʿAbd al-Jabbār held that a jurist cannot add to the signification of the imperative

mood using mere speculation:

> [Command] cannot signify an additional matter other than what we have mentioned. It
> would be invalid to say that it signifies obligation (*bi annahu dalālat al-wājib*) unless
> there is a revealed sign (*dalīl samʿī*). This would be equivalent to God's saying 'I have
> not commanded anything that is not obligatory' (*lā āmirun illā bil-wājib*), in which case
> *this* saying would indicate obligation, and not the imperative mood. Whatever is said to
> be the signification of the imperative mood must be based on the foregoing [i.e. the
> speaker's will, or a revealed indicant], and not on a matter related to its form or meaning
> (*lā li-amrin yarjiʿ ilā ẓāhiri wa mawḍūʿihi*).[598]

This argument reflects ʿAbd al-Jabbār's approach to the proper methods of construction of

methodological principles that are conductive to edicts of practical ethics. Unless otherwise

known from the language of divine revelation, a jurist would not be justified in advocating a

broad presumption with regards to an entire category of speech. In response to the claim that "no

proof exists that omission is permitted, hence it must be obligatory," ʿAbd al-Jabbār responded:

"If the command does not prove its compulsoriness, there is evidence of the permissibility [of

omission]. The latter remains permissible according to the rational judgment. This can be

reversed by proving the compulsoriness of the act before discussing the matter of its

omission."[599]

Whereas Bāqillānī insisted that, without divine speech, all moral values are utterly unknown to

humans, ʿAbd al-Jabbār argued that we can rationally know that actions are permissible prior to

Revelation. While they disagreed on the role that independent reasoning can play in the absence

of Revelation, they had an identical approach to the proper manner of constructing second-order

principles that would apply to revealed language. Interestingly, we can see that ʿAbd al-Jabbār

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[598] ʿAbd al-Jabbār, *Mughnī*, 17:107–108. Emphasis added.

[599] Ibid., 17:111.

uses his claim of primordial permissibility to support his pro-*waqf* views. Whether we see actions before Revelation as devoid of moral judgment, or as permissible, both scholars advanced the argument that the methodological principles that pertain to the imperative mood cannot be the result of language-independent speculation. Since command is an inherently composite concept, determining its exact implications would require evidence external to the mere linguistic form that indicates it.

(ii)   *The Inherent Diversity of the Imperative Mood's Normative Implications*

Advocating the propriety of suspending judgment and looking for further evidence in relation to the imperative form required a certain commitment to restricting the jurists' role in creating principles of jurisprudence. Suspension of judgment, however, could not have been a logical outcome unless there was some ambiguity surrounding to the linguistic form in question. Advocates of *waqf* were dedicated to the view that language in general was a system of signs with nothing but a conventional and contingent relation to the meanings it signified. An important implication of this position is that norms were seen as emerging outside of the field of language. Whether we think of commands as the product of God's will or a divine attribute, utterances that indicate commands were not sources of normativity, but only indicators thereof. The question arises, therefore, concerning the possibility that the very concept of command favored a particular normative outcome by virtue of its constitution. The insistence that there was an absolute equivalence (*takāfuʾ*) between recommendation and obligation as possible outcomes of command had to rest on a conceptual view of command itself that substantiated this inherent diversity. As we have seen in the previous chapter, analyzing the concept of command into its elementary components can help us discern the central concepts that allow the production of norms in various theories of command. This central concept in the Muʿtazilī theory consisted of

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the goodness (*ḥusn*) of the action in question. By contrast, the Ashʿarī idea of normativity depended upon the idea of solicitation of action (*iqtiḍāʾ*). Both goodness and solicitation were seen as the respective foundations of normativity based on which one can claim that a certain act ought to be performed in a *sharʿī* (i.e. universalizable) sense.

There are significant parallels in the way in which ʿAbd al-Jabbār and Bāqillānī treated those foundational concepts. Even though the origin of normative judgments was seen to be intrinsic goodness in ʿAbd al-Jabbār's case, and divine inner speech in Bāqillānī's case, they analyzed *ḥusn* and *iqtiḍāʾ* in a similar manner. For both scholars, whether we establish the positive moral value of an act, or the fact that God has urged us to commit it, we can conclude that committing the action is preferable to omitting it. By definition, this entails that the act is not merely permissible. Importantly, the preponderance of commission over omission was seen as a concept broad enough to encompass both recommendation and obligation. The argument that command involves both recommendation and obligation meant that both jurists drew a clear line between all that *ought* to be done, whether or not it can be said that such action is obligatory (*wājib*) or recommended only (*nadb*), and between everything else.[600] Thus, generally speaking, all actions can be divided into those that conform to God's commands, be they mandatory or only recommended, and those that do not. As a result, the distinction between recommended and

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[600] *Nadb* is a juristic and jurisprudential term that indicates "a request for action by virtue of speech that involves no omission, the performance of which is a cause for reward." It can be referred to as *mandūb, mustaḥabb, taṭawwuʿ*, and *nafl*. Matters that are subject of *nadb* exceed the mandatory duties and are referred to as *sunan*. Tahānawī, *Kashshāf*, 1980, 3:1361. Etymologically, the root (n-d-b) initially refers to wounds and scratches on the surface of the skin. *Nadiba, nadban* and *nudūba* all refer to the presence of a hardened wound or erosion on the surface of the skin. *Nadaba, nudba*, by contrast, refers to the act of weeping and mourning the dead, which typically involves the enumeration of the dead person's finest qualities (*maḥāsin*). From this act of weeping is derived the verb *nadaba* and *intadaba*, which mean to call for or supplicate. *Intadaba lahu* means to respond to a person's call. Conversely, it can also mean to object to the same call. Ibn-Manẓūr, *Lisān al-ʿArab*, 4379–4380.

obligatory actions appears in both jurists' thought as a classification internal to the general category of all matters that conform to the divine moral order.

Along those lines, Bāqillānī argued that command encompasses both obligation and recommendation, but not permissibility.[601] As a result, the normative strength of the act of requiring action can differ from one command to another. This variation in the sense of solicitation (*iqtiḍāʾ*) can range from compulsoriness (*wujūb*) to recommendation (*nadb*). Controversy arises, however, with regards to whether or not permissible (*mubāḥ*) matters can be said to be included in the sense of *iqtiḍāʾ*, and, consequently, whether permissible actions are commanded by God (*al-mubāḥ maʾmūrun bihi*).[602] Bāqillānī attributes an affirmative answer, to which he does not adhere, to Abul-Qāsim al-Balkhī (d. 931),[603] who maintained that permissibility is only another degree of "requirement" that is one step below recommendation. By contrast, Bāqillānī maintained that anything that is neutral in its moral value cannot be the object of command.[604] We should recall that Bāqillānī argued that *all* actions are subject to

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[601] Bernard Weiss argued that *iqtiḍāʾ* which he translates as "calling for an act" is, in Āmidī's jurisprudence, essentially the same as the argument for the preponderance of action: "In the first discussion he has already presented the arguments for regarding [sic] the *ifʿal* form as signifying the calling for an action (a notion equivalent, I have suggested, to the notion of giving priority to the performance of an act over nonperformance) as its sole literal meaning." The same cannot be said in the case of Bāqillānī. The latter clearly sees *iqtiḍāʾ* as a purely descriptive matter: a superior agent *solicited* a particular action. This, in itself, does not imply any specific normative outcome. This, I think is the essence of the position of *waqf,* namely the denial of any intrinsic normative value to particular linguistic forms. Weiss, *The Search for God's Law*, 348.

[602] Bāqillānī, *Taqrīb,* 2:17.

[603] Abul-Qāsim ʿAbdullāh b. Aḥmad b. Maḥmūd al-Kaʿbī al-Balkhī was a Muʿtazilī scholar from Khurasān who lived a long time in Baghdad. He was a prominent Muʿtazilī leader and held influential views such as the claim that God has no will in the common sense, but all his actions occur without will by virtue of His infinite knowledge. He wrote several polemics in defense of speculative theology as well as several books on dialectics such as *al-Tahdhīb fil-Jadal* and *al-Jadal wa Ādābu Ahlih wa Taṣḥiḥ ʿIlalih.* See Ibn Khallikān, *Wafayāt al-Aʿyān wa-Anbāʾ abnāʾ al-Zamān*, ed. Iḥsān ʿAbbās, ʿIzz al-Dīn ʿUmar Aḥmad Mūsá, and Wadād Qāḍī, ed. vol. 3 (Beirut: Dār Ṣādir, 1968), 45. Abd Allāh ibn Aḥmad Kaʿbī et al., *Faḍl al-Iʿtizāl wa-Ṭabaqāt al-Muʿtazila* (Tunis: al-Dar al-Tunisiyya lil-Nashr, 1974), 43–46. A.N. Nader, "al-Balkhī." In *Ecyclopaedia of Islam, Second Edition*. P. Bearman, Th. Bianquis, C.E. Bosworth, E. van Donzel, W.P. Heinrichs, ed., Brill Online, 2014.

[604] Bāqillānī, *Taqrīb*, 2:18.

divine judgment, even those with neutral moral value. That is the case because, even in case of permission, it is based on a positive license from God that permission comes into being. If that is what Balkhī meant by "commanded" (*maʾmūrun bihi*), then the disagreement between them would come down to mere choice of word (*fa-in urīdu dhālika fa-huwa ittifāqun ʿalā-l-maʿnā wa khilāfun fīl-ʿibāra*).[605] The disagreement, however, appears to be deeper, since Balkhī's argument is about the degree of normativity: for Balkhī, permissibility is the third, weakest member of a triad that constitutes the concept of command. For Bāqillānī, on the other hand, little unites those categories other than the fact that they include actions that may be lawfully undertaken by a believer. However, no moral value (i.e. no praise or blame) attaches to permissibility, hence the sharp line Bāqillānī draws with regards to his delineation of what can be viewed as commanded (*maʾmūrun bihi*)[606]

Bāqillānī based his claim that the concept of command encompasses both compulsory and recommended matters on the observation that all those actions constitute positive acts of obedience (*ṭāʿa*) to God by virtue of consensus.[607] In this argument, we witness the articulation of a principle of speculative theology with a claim supported by the consensus of the community. In fact, Bāqillānī structured this proof as a syllogism that relies on one premise drawn from theological debates and another that relies on the use of language in society. Thus, it is maintained that (i) acting morally (i.e. performing an act of *ṭāʿa*) is to act in accordance with

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[605] Ibid., 2:2.

[606] Ibid.

[607] Ibid., 2:31. The argument that following statements in the imperative mood constitutes obedience and therefore, conversely, their breach would constitute breach or disobedience was made by Bāqillānī's prominent Ashʿarī successor Fakhr al-Dīn al-Razī. See Rāzī, *Maḥṣūl*, 1:181–83. Rāzī's argument, for the most part, depends on *samʿī* elements that rely on verses from the Quran.

God's commands; and (ii) no one in the community contested the fact that to act morally includes committing both obligatory and recommended matters. It would follow, therefore that all such recommended and obligatory matters are "commanded" by necessity.[608]

In order to demonstrate that the concept of solicitation by God applies equally to recommendation and obligation, Bāqillānī introduced a third concept that, he argued, is applicable to both. This is the idea of proper behavior, or ṭāʿa, which, as we saw, was linked to solicitation by speculative reasoning, and to recommendation and obligation by linguistic convention. What matters is that we can take being "commanded" to involve both normative statuses, and thus the state of being "obligatory" or "recommended" can be seen as a sub-category of the state of being "commanded." That those are sub-categories of commanded matters means that an action cannot fall in one category or the other by the mere fact of its being commanded:

> if [acts of] obedience can be either obligatory (wājiban) or recommended (nadban), and obligatory actions could be extended (muwassaʿan), restricted [in time] (muḍayyaqan), consisting of an identifiable property (mustaḥaqq al-ʿayn) or an interchangeable set (dhā badal), and existents are divided into eternal and created, it is therefore impossible to know whether commanded actions are obligatory or recommended by virtue of their being commanded (min ḥaythu kāna amran), just as we cannot know this by the mere fact that it is an act of obedience and rapprochement (ṭāʿa wa qurba), and just like saying 'existent' should not be taken to indicate eternity rather than createdness or createdness rather than eternity in a literal sense.[609]

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[608] Bāqillānī, *Taqrīb*,

 2:31–32.

[609] Ibid., 2:34. In support of the argument that the imperative mood should lead to a presumption of obligation, Usmandī argued that obedience and disobedience apply *only* when elimination of omission occurs, even if it was done by virtue of an exhortation advice (istishāra). It would follow from this that the association between command (amr) and obedience (ṭāʿa) is upheld by Usmandī, but the claim that one can "obey" a recommendation or advice was rejected by him. Usmandī, *Badhl al-naẓar*, 62–63. The same claim can be found in Bukhārī, *Kashf al-asrār*, 1:169–170.

The inclusion of obligation and recommendation within command was a matter of conceptual necessity. Moreover, Bāqillānī insisted that neither one can be singled out by virtue of the rules of language. Those principles, as was repeatedly explained by Bāqillānī, can only be established as a matter of convention. Knowledge of such conventions must be sought by way of consultation of the practitioners of the language (i.e. by way of *samʿ*), rather than mere rational speculation (*ʿaql*).[610] Since no indication exists that linguists assigned the form pertaining to command to one meaning or the other, it follows that suspension of judgment until further proof arises is the proper juristic stance.[611]

ʿAbd al-Jabbār adopted a classification of the degrees of normativity that is similar to Bāqillānī's, although he did that on the basis of very different conception of the source of normativity. Recommendation, he argued, is a moral status that implies the desirable nature of the act, hence it is similar to obligation, and quite different from permission.[612] Since divine command is essentially an indication of the intrinsic goodness of an act, the normative consequences attached to such command must necessarily follow from the meaning of "goodness." Unlike Bāqillānī, ʿAbd al-Jabbār did not rely on common linguistic usage. Rather, he used the idea of desirability as a common denominator that connects recommendation and obligation on the one hand, and excludes permissibility on the other hand. Importantly, this view allowed ʿAbd al-Jabbār to establish recommendation and obligation together as potential meanings of the imperative mood and to set aside permission or "choice-giving" (*takhyīr*) as a

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[610] Bāqillānī, *Taqrīb,* 2:35.

[611] Ibid., 2:35–37.

[612] 'Abd al-Jabbār, *Mughnī*, 17:111.

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potential meaning.[613] The desirability of performing the action, in ʿAbd al-Jabbār's theory, is purely a reflection of the action's positive moral value. It does not mean that God *wants* the action to occur in any human-like sense. This latter sense of wanting would have justified a view of command that only results in obligation. Desirability of committing the action, however, had a different sense. ʿAbd al-Jabbār explained that if command indicated that the speaker desires this act (*annahu murādun lahu*), this goes to show that "performance is preferable to omission (*fiʿlihi awlā min tarkihi*), which eliminates optionality (*laysa hādhā sabīl al-mukhayyir*)."[614]

Even with the distinction between the desirability of action and God's wanting the action to occur, the theory that command is a reflection of divine will could not easily be reconciled with the view that command encompasses both recommendation and obligation. The reason is that recommendation, in well-established jurisprudential typology, means that omission of the act is permissible. However, that would mean that it is possible to omit an action that God *willed* to occur. 'Abd al-Jabbār insisted that the permissibility of omission (*jawāz al-tark*) is not logically opposed to commanding action, since a request for action may occur that entails either obligation or recommendation.[615] This position reflects that a fundamental difference exists between ʿAbd al-Jabbār and some of his Muʿtazilī colleagues, including his student Abū l-Ḥusayn al-Baṣrī. ʿAbd al-Jabbār maintained that there can be a situation in which an action is solicited and *preferable*, and yet it remains possible to omit the action without breaching the request in question. Baṣrī, as we will discuss below, assumed a strict binary: either one performs the action

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[613] Ibid.

[614] Ibid.

[615] Ibid., 17:113.

in compliance with the command, or omits it in breach of the command. This view of command leaves no space for any normative outcome other than outright compulsoriness.

(iii) *Language as a System of Signs Determined by Convention*

Muslim jurisprudents generally agreed that morality in the perfect universal sense belonged to God, and that the formulation of practical moral injunctions was the responsibility of human communities. They, however, disagreed on the respective weight that should be given to linguistic indicants of divine speech, as opposed to various other considerations that could be arrived at by free reasoning. Each jurist held a particular view on the matter of articulation of revealed language with speculative reasoning. We saw in the previous sections that both Bāqillānī and ʿAbd al-Jabbār's conservative stance concerning the jurists' ability to establish blanket jurisprudential principles was coupled with view of the generation of normativity as a matter removed from linguistic forms. This meant that divine will or inner speech were the locus of production of recommendation or obligation. Since both scholars' pro-*waqf* argument rested on the lack of any *a priori* principle in that regard, claims that the imperative mood inherently indicated one outcome or the other constituted challenges to their argument. Even if we maintain that command, by necessity, involves both recommendation and obligation, it is conceivable that the linguistic form assigned to command could indicate either one of its two meanings by default. The suggestion that the imperative mood was coined by virtue of linguistic usage to primarily point to one meaning or the other, would rest on the assumption that, while those two meanings are equally likely at the level of mental formulation of command, linguistic convention had made the assigned form more likely to indicate one of them than the other.

Both scholars had to deal with this challenge by advancing the theory that the linguistic signs assigned to command as inner speech, or as expression of God's will, have as a sole function the indication of those fundamental moral facts. In doing so, they attempted to de-emphasize the jurists' ability to formulate second-order moral principles based on non-linguistic speculation, thus making it impossible to establish a specific meaning to the imperative mood in a conclusive manner without clear consensus. [616] As we will see below, pro-obligation jurists would argue that, in the absence of concrete evidence, jurists ought to search for the principle that would either rest on the most probable premise or lead to the most desirable conclusion. For Bāqillānī and ʿAbd al-Jabbār, by contrast, since language is entirely a matter of social convention, any knowledge of semantics must stem from an observation of linguistic usage. If such information is not available, then the *moral* thing for the jurist to do would be to refrain from judgment on the general principle and judge on a case-by-case basis.

Bāqillānī maintained that there was no plausible proof that the preponderance of one normative degree over the other was established as a matter of language. The position that the form of command primarily indicates recommendation was ascribed by Bāqillānī to "many theologians and their Muʿtazilī followers" (*kathīrun min al-mutakallimīn wa duhumāʿuhum al-Muʿtazila*) along with some jurists (*qawmun min al-fuqahāʾ*).[617] This argument proceeds as follows: it is agreed that command indicates solicitation of action (*iqtiḍāʾ al-fiʿl*), which may include recommendation or obligation. However, obligation requires an extra condition, namely the blameworthiness of omission. Thus, it would follow that one should presume that the imperative

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[616] According to Bernard Weiss, Āmidī justified his argument for the suspension of judgment in a similar manner. Weiss, *The Search for God's Law*, 352–353.

[617] Bāqillānī, *Taqrīb,* 2:39.

mood indicates recommendation (*ḥamluhu ʿala l-nadb*), since the latter requires no additional condition.[618] By contrast, the argument according to which the imperative mood should primarily indicate obligation, which Bāqillānī admits was adopted by the majority of the jurists,[619] appears to consist of a general observation about the use of language, rather than a coherent demonstration that this is the proper signification of the imperative mood. This argument is presented by Bāqillānī as follows:

> the commanded person is understood by virtue of both language and Revelation to be under an obligation to comply with the command. Thus, it is acceptable to berate and punish him, and to call him a transgressor (*ḥasuna dhammihi wa ʿiqabihi wa waṣfihi bil-ʿiṣyān*) if he fails to comply with the command. Berating, punishing and describing as a transgressor would not be possible (*lan yajūz*) unless what was omitted was a mandatory duty (*wājibun lāzim*).[620]

Significantly, Bāqillānī raised a similar objection to both positions. In response to the claim that the imperative mood indicates recommendation by default, he argued that "this is a claim of yours, not a report that the people of the language (*ahlu l-lugha*) have established that mere command indicates recommendation of the commanded matter (*mujarrad al-amr li l-nadb ila l-maʾmūr bihi*)."[621] With regards to the argument that the imperative mood primarily indicates obligation, Bāqillānī responded that "what you have mentioned is the claim itself, and a mere reproduction of your view (*ḥikāyat al-madhhab faqaṭ*)." Much like his response to the pro-recommendation claims, he argued that "the compulsoriness of the command alone (*wujūbu amr* [sic.] *al-amr bi-muṭlaqihi*) has not been conveyed by the people of language. Anyone who

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[618] Ibid.

[619] See Hallaq, *Sharīʿa*, 90–91.

[620] Bāqillānī, *Taqrīb,* 2:52.

[621] Ibid., 2:40.

breaches a mere command (*mujarrad al-*amr) does not become a transgressor according to them by virtue of language or Revelation."[622]

Bāqillānī's insistence that matters of language are entirely conventional and should not be subject to considerations of speculative evaluation was presented in a more emphatic manner in response to a popular pro-obligation argument, which he explained as follows:

> if saying 'do,' the meaning (*mawḍūʿ*) or statement (*al-khabar*) of command do not indicate obligation, compulsoriness would not have a term assigned to it (*yakhuṣṣuhu*) and informing of it (*yunbiʾu ʿanhu*), which is absurd (*bāṭil*) since this is something that arises in the minds of the users of language (*yajīshu fī nufūsi ahli l-lugha*) and they need to express it (*dhikrihi*) and make it known (*al-ikhbār ʿanhu*).[623]

The appeal of this pro-obligation argument stemmed primarily from the importance of the imposition of duties. Therefore, this could be considered an argument that relies on considerations of reasonableness: if a particular meaning is of significant importance for communities of language, it would be *appropriate* for a jurist to conclude that it has to have a particular linguistic form assigned to it.[624] However, this is an entirely speculative judgment

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[622] Ibid., 2:53. A similar response was made by Ghazālī: "all of his is nothing but the claim itself (*nafs al-daʿwā*), and a restatement of the doctrine (*ḥikāyat al-madhhab*), and none of this is self-evident (*laysa shayʾun min dhālika musallaman*) but all of it is known by virtue of contextual evidence (*kullu dhālika ʿulima bil qarāʾin*). Ghazālī, *Mustaṣfā*, 388.

[623] Bāqillānī, *Taqrīb*, 2:54. The commonly used principle that there should be no inference in language (*lā qiyāsa fil-lugha*) was widely accepted, yet occasionally contested. For instance, Abū Yaʿlā al-Farrāʾ maintained that holding that the imperative mood indicates obligation by analogy with the prohibitive form is not an inference made on the basis of a previously established principle (*qiyās*), but a general search for evidence (*istidlāl*), without which knowledge of the principles of language cannot take place. This, he argued, is a matter that combines knowledge of convention (*ʿurf*) with rational necessity (*ʿilm al-ḍarūra*). Abū-Yaʿlā al-Farrāʾ, *ʿUdda*, 240-241.

[624] A similar argument was made in characteristically emphatic terms by Abul-Muẓaffar al-Samʿānī: "the people of the language are unanimous that the language of the Arabs falls into four moods: the imperative, the prohibitive, the descriptive and the interrogative (*amr wa nahy wa khabar wa-istikhbār*) […] It is known that they detailed the meaningful categories of speech, excluding things that have no meaning. If we said, therefore, that the imperative and prohibitive moods have no assigned meaning in themselves, this categorization would evidently fail, since the descriptive and interrogative are parts of speech that are assigned to meanings without need for further evidence (*min ghayr qarīna tattaṣil bih*). The same is true of the imperative and prohibitive, since the assignment of speech (*waḍʿ al-kalām*) initially occurs for the sake of disclosure and clarification (*al-bayān wal-ifhām*) of the intention behind the speech. If it was anything different it would have amounted to frivolity (*laghw*) and speech intended to prevaricate and conceal the intended meaning (*al-mughāyara wa taʿmiyat al-murād*). This would defeat the purpose

based on an evaluation of what can reasonably be considered likely and desirable. This, as we know, is a matter that Bāqillānī rejected in principle: "we would respond: 'this is an argument for their claim that obligation has an assigned form. Language cannot be determined by inference (*lā tathbutu bi dalīl*), and it may have been the case that users of language failed to assign a linguistic form to [obligation], thus what you claim is not necessary."[625]

Bāqillānī's response stemmed from his belief in the arbitrariness of the assignment of meaning to linguistic forms. This belief was part of his overall commitment to present language as a mere tool for the signification of meaning, and not a site of production of obligation.[626] The same argument according to which, if the imperative mood did not indicate obligation, this would lead to the absurd conclusion that the language does not include a form dedicated to this important meaning, was rejected by ʿAbd al-Jabbār.[627] For Bāqillānī, as we have seen, it was not necessary that the language should have a specific form for each possible meaning and, in any case, the implications of any linguistic form should be found in conventional usage, not speculative

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of speech, and the harmfulness of this state of affairs is obvious." Samʿānī, *Qawāṭiʿ al-Adilla*, 1:50. See also Abū-Yaʿlā al-Farrāʾ, *al-ʿUdda*, 1:241.

[625] Bāqillānī, *Taqrīb* 2:54. The recourse to speculation with regards to semantic matters was repeatedly rejected by Bāqillānī's Ashʿarī successors. For example, Ghazālī explained that arguing for a presumption of permissibility because it is the most certain outcome of the imperative mood is "a type of juristic preference (*al-istiṣḥāb al-fiqhī*) that has no place in matters of language, unless they maintain that the imperative mood was assigned for permissibility, in which case we would have to investigate [this claim]." Ghazālī, *Mankhūl*, 105.

[626] This tendency was also detected by Bernard Weiss in his study of Āmidī's jurisprudence, where he argued that: "There are good reasons [according to Āmidī] for regarding this form as signifying the calling for an act as its literal meaning […] There are *not*, however, good reasons for regarding it as signifying anything beyond this simple idea of calling for an act as its literal meaning or as part of its literal meaning. The *ifʿal* form is, in other words, a univocal and therefore a *ẓāhir* [sic.] signifier of the calling for an act, not of anything more precise or complex than that. As Āmidī's discussion proceeds form issue to issue, we discover a tendency on his part to minimize as much as possible the role of the *ifʿal* form as indicator of the divine law and to maximize the role of the context. Whenever we encounter the form in a Qurʾānic, Sunnaic, or Ijmāʿic text, we can make one presumption as to its meaning and only one presumption – that it signifies the calling for an act. No further presumption beyond that is warranted." Weiss, *The Search for God's Law*, 341.

[627] ʿAbd al-Jabbār, *Mughnī*, 17:110.

reasoning. ʿAbd al-Jabbār responded to this claim in a very similar manner: "a command accompanied by a prohibition of omission or a threat is an indication of obligation, thus your claim fails. It is not necessary that a meaning should be indicated by a single term that has been assigned to it (*al-lafẓa l-wāḥida l-mawḍūʿa lahu*), but can be indicated by a number of connected terms (*alfāẓin muttasīlin baʿḍihā bi-baʿḍ*)."[628]

The contingency of semantic principles, and the resulting impossibility to establish a general rule concerning the imperative mood, was further highlighted by ʿAbd al-Jabbār. He observed that, depending on circumstances, the imperative mood can be seen as supplication or request (*suʾālan wa ṭalaban*).[629] If a certain hierarchy of authority rendered the utterance obligation-generating, this would be due to the authority in question, and to the utterance itself. Therefore, for ʿAbd al-Jabbār, the bottom line is that the linguistic form *in itself* is insufficient to create obligation. It is merely an indication of the speaker's will for the action to occur. If a command comes accompanied by a threat (*waʿīd*) in case of breach, ʿAbd al-Jabbār held that it would be the threat that creates the obligation, and not the language itself. The same applies in case the command came with a prohibition of omission.[630] In that case, we can say that the language of command alone (*bi ẓāhirihi wa mujarradihi*) cannot indicate obligation, but may do so with an additional sign (*qarīna*). This *qarīna* could be sufficient to indicate obligation, such as the case of threat (*waʿīd*), or to indicate obligation when combined with the command, such as the case of a command accompanied with a prohibition of omission.[631] External evidence may in each case

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[628] Ibid.

[629] Ibid., 17:108.

[630] Ibid., 17:108–9.

[631] Ibid., 17:109.

lead to a particular normative result, but ʿAbd al-Jabbār refused to establish an overarching rule in that regard. Thus, he rejected the claim that an imperative mood always indicates obligation when uttered by someone with a superior rank (*rutba*). ʿAbd al-Jabbār responded to this claim as follows: "if the speaker possessed this rank, it is possible that he was encouraging the addressee (*yuraghghib al-maʾmūr*) and recommending the action (*yandubuhu ilā l-fiʿl*), or allowing the action (*yubīḥu lahu*), just as it is possible that he was imposing an obligation."[632] Rank alone is not sufficient for the establishment of a general rule with regards to its normative implications.

Advancing the argument that language is an arbitrary system of signs that indicates rather than creates normative judgments completes the theoretical scheme that supported suspension of judgment. The overall aim of this model of practical ethics was to manage that tension inherent in the attempt to attain universal divine judgments using contingent human reasoning. Suspension of judgment, as we have seen, represented the side of this debate that prioritized fidelity to divine speech over the reliance on free juristic reasoning for the creation of jurisprudential principles. The first element in this scheme consisted of an overall reluctance to grant jurists the power to establish overarching rules of jurisprudence independently from the conventional principles of language. This reluctance, in turn, shaped the manner in which pro-*waqf* jurists elaborated the two pillars of normativity, namely their moral-cosmological and semantic theories. Pro-*waqf* jurists saw divine will or speech as the true locus of generation of normative judgments. The corresponding semantic position consisted of viewing language as system of signs determined by convention alone, thus ensuring the limitation of the jurists' role in establishing methodological rules of practical ethics.

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[632] Ibid.

Whereas those arguments did not inevitably follow from either of those jurists' theological positions, they were affected by them in various manners. In the end, the fact that those arguments were developed in a dialectical manner, and were viewed as contributions to an ongoing collective construction of moral truth, was not only true of the pro-*waqf* jurists but for the advocates of the presumption of obligation as well.

4) Meaning as the Jurists' Domain: Arguments for the Presumption of Obligation

In the previous section, I argued that the suspension of judgment was a manifestation of a conservative view of the extent to which language-independent juristic judgment should be allowed to shape principles of jurisprudence. Conversely, advancing the claim that a certain meaning should be presumed to be the imperative mood's default outcome was the result of an openness to constructing principles of jurisprudence based on a variety of considerations formulated through language-independent reasoning. The argument according to which statements in the imperative mood should be presumed to signify obligation (*al-amr yufīd al-wujūb*), which will be our focus in this section, appears to have been the most popular stance in this category.[633] Much like the argument for the suspension of judgment, it was advanced by jurists of diverse theological affiliations, including prominent Ashʿarīs such -Juwaynī,[634] Muʿtazilīs such as Bāṣrī, and the vast majority of those I refer to as theology-averse jurists.

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[633] For example, Bāqillānī, *Taqrīb,* 2:52.

[634] Juwaynī gives a curious account of the argument for the presumption of obligation. Again highlighting the collective dialectical nature of moral deliberation, Juwaynī proceeds to discuss every available claim for or against this argument, only to maintain the inadequacy of all of them. In the end, Juwaynī declares the presumption of obligation to be the valid position according to revelation (*al-samʿ*), but does not offer any evidence to substantiate this claim. Juwaynī, *Burhān*, 212–221. Āmidī reportedly adopted a similar approach, but ended up advocating the suspension of judgment. Weiss, *The Search for God's Law*, 344–345.

One important consideration that explains the advancement of the argument for the presumption of obligation is the effectiveness and predictability of the *sharīʿa* as a system of practical ethics. The adherence by jurists to general rules of thumb with regards to the normative effects of specific linguistic forms meant that the operation of the system of generation of normative statements would be consistent and easy to anticipate. The suspension of judgment meant that dealing with specific linguistic forms depended on the evidence available to each jurist.[635] Pro-*waqf* jurists prioritized epistemological coherence over practicality. Refusing to incorporate speculative considerations such as predictability within the structure of *uṣūl al-fiqh* meant that conventional rules of language remained the sole source of second-order moral principles. By contrast, jurists advocating a default moral outcome for the imperative mood based their principles on a variety of considerations of more or less speculative nature.[636] This concern for the effectiveness of the system of norm-production was expressed in a pronounced form by declaring that "the indecision upon which the supporters of *waqf* rested their argument is sufficient to invalidate all literal meanings."[637]

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[635] I refer to the presumption of obligation as a "rule of thumb" because of its defeasibility. Unlike rules of thumb as understood in modern legal philosophy, however, this presumption is not merely utilitarian, but contains a strong moral component. See Frederick F. Schauer, *Playing by the Rules: A Philosophical Examination of Rule-Based Decision-Making in Law and in Life* (Clarendon Press, 1991), 4–5.

[636] This contrast in priority between the proponents of *waqf* and those who advanced specific presumptions was cogently explained by Bernard Weiss: "One can readily appreciate why some jurisprudents may have been inclined to extract as mch from this all-important and frequently occurring form as possible. If the form could be regarded as a *zāhir* [sic.] signifier, one that by virtue of its univocality warranted an *ab initio* presumption as to what constituted the meaning intended by the speaker, then the greater the specificity of that meaning the easier was the task of the one engaged in the business of articulating the law. If the form signified nothing more specific than a calling for an act as its sole literal meaning, then the mujtahid was much more dependent upon the context; and given the vastness of the context, the more he was dependent upon it the more difficult was his task." Weiss, *The Search for God's Law*, 341–342.

[637] "*Mā iʿtabarahu al-waqifa min al-iḥtimāl yubṭilu l-ḥaqāʾiq kullahā.*" Bukhārī elaborated on this point by explaining that "no speech is free of some degree of ambiguity, including [the possibility of] abrogation, specification and figurative speech. If mere indecision required suspension of judgment all speech and [consequently] *sharʿī* judgments would have to be suspended, and that is absurd." Bukhārī, *Kashf al-asrār*, 1:178–179. A variation on this view can be found in the jurisprudence of Abū Yaʿlā al-Farrāʾ, who argued that "this claim

In addition, the concern for the practicality of the system of norm-generation corresponded to an outlook that de-emphasized theological considerations such as divine will or speech as the locus of generation of meaning, and emphasized language and inferential reasoning in its stead. Those jurists did not regard language as an arbitrary set of signs, but as intentional human product that not only follows the imperatives of logic in its structure, but can also be regarded as the site of production of moral principles. As a result, those jurists tended to treat the construction of a rational background for the system of Muslim normative ethics as the domain and responsibility of the jurists. Norm-construction, in their view, incorporated a variety of reasoning methods in the formulation of principles of jurisprudence.

A- *Divine Will in Relation to Semantic Generation of Norms*

Establishing a general default meaning for a given linguistic form presupposed that speculative reasoning played a central role in the formulation of second-order norms. This assumption raises the question of how a conception of practical ethics that places human language and reasoning as the locus of norm-generation could be coupled with the view that this moral system is of divine origin. In this section, we will examine attempts to delineate the earthly domain of human language and juristic reasoning as the exclusive realm of production of moral meaning based on divine speech. This view of the manner of production of normative meaning, as we shall see, was coupled with different conceptions of commands as products of divine will, and rested on various types of justification.

[that we must suspend judgment until further evidence is found] would eliminate the effect of language. Can't you see that the names of persons and things indicate (*tufīd*) their meanings in themselves, and there is no other way to indicate this meaning? If someone says 'these matters indicate their meanings in a non-literal manner' we would respond that the same must be true of all linguistic expressions such as 'I have imposed,' 'I have obliged' and 'I have bound' as well as the names of persons and things, all of which cannot be separated from the [principles governing] the imperative mood." Abū-Yaʿlā al-Farrāʾ, *'Udda*, 1:236.

Abū Bakr al-Jaṣṣāṣ largely adopted the approach of theology-averse jurists in his definition of command, despite traces of Muʿtazilism in his thought. Although he held a largely semantic conception of the construction of moral positions, Jaṣṣāṣ found a place for divine will in his theory.[638] While he regarded the attainment of normative conclusions as a purely linguistic matter, Jaṣṣāṣ assumed that jurists can draw conclusions regarding divine will on the basis of their study of revealed statements. According to this semantic conception of norm-generation, jurists were not expected to explore the meanings as intended by God in order to make moral judgments. However, their conclusions, according to Jaṣṣāṣ, should be formulated as presumptions about what God, in all likelihood, wants humans to do, or refrain from doing. This Muʿtazilī-inspired view of commands as an expression of will was, as we saw in previous chapters, coupled with a conception of goodness as inherent to actions and necessarily entailed by God's commands, given His infinite wisdom. In this theory, the semantic claim that a particular statement attributed to God *means* that a given action is obligatory, amounts to saying that a community of moral agents have concluded that it is acceptable to assume that God *wants* us to act in that manner, because committing this action is intrinsically good, and God always wants us to do what is good.[639]

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[638] It must be noted that the presumption of obligation is often presented as a conclusion that follows directly from revealed language. For considerations of space, and because this type of argument is not the most illustrative of moral and cosmological assumptions that result in this jurisprudential stance, those will not be our focus here. We should, however, note that the rational deliberative nature of jurisprudential reasoning persists even within the realm of arguments from Revelation. For example, a common argument from the consensus of the companions of the Prophet takes the following shape: contextual evidence does not accompany the imperative mood by necessity, and thus it is conceivable that statements in the imperative mood could have been made without any such evidence. If that was the case, and if the imperative mood does not indicate obligation in itself (like *waqfists* would say), the companions of the Prophet must have inquired about the meaning of each such statement. Since we have no report that they did, command must indicate obligation by default. This *reductio ad absurdum* of opposed arguments that is highly characteristic of *uṣūl al-fiqh* is therefore employed just as effectively within the domain of arguments from prior authority, which was represented by the implied consensus of the companions in this example. Abū-Yaʿlā al-Farrāʾ, *ʿUdda*, 1:236.

[639] Jaṣṣāṣ, *Fuṣūl*, 2:93–94.

While he largely maintained the reciprocal relationship ʿAbd al-Jabbār assumed between divine will and the language of revelation, Jaṣṣāṣ emphasized the latter as the primary source of norm-production, whereas ʿAbd al-Jabbār took the former to be the locus of all normative judgments. Jaṣṣāṣ explained his methodological refusal to incorporate the divine will within the primarily semantic domain of juristic reasoning in a response to a hypothetical dissenter, whose argument Jaṣṣāṣ summarized as follows:

> Taking an utterance to indicate the goodness and desirability of the commanded object (*kawnu l-maʾmūr bihi ḥasanan mamdūḥan*) and that it signifies obligation (*li l-ījāb*), depends on the will of the commander. If [the utterance] is devoid of signs indicating obligation (*ʿārian ʿan dalālat al-ījāb*) we do not understand it to mean that, since we cannot know [the speaker's] intention (*li faqdi ʿilminā bi irādatihi*) if the linguistic form does not signify obligation. If it did, it would have indicated [obligation] in all instances, and we know that [the imperative mood] can be uttered without intending obligation (*qad tarid wa lā yurādu bihā-l-ījāb*).[640]

The concept of divine will played a considerably different role in this dissenter's view, which is very similar to ʿAbd al-Jabbār's. For this opponent, understanding the meaning of a statement is a way to directly access the will of the speaker. The process of construction of normativity as meaning, therefore, would have to consist of an explicit inquiry into what the speaker wanted. This is an inquiry in which semantic principles are helpful but not the exclusive site of exploration of authorial will. Seeing the construction of normative positions as a search for divine intention entails the rejection of mere semantic presumptions as insufficient. Jaṣṣāṣ, quite significantly, did not directly refute this argument, but maintained its irrelevance for the purposes of establishing normativity.[641] Contrary to his hypothetical interlocutor, Jaṣṣāṣ did not take the

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[640] Ibid., 2:93.

[641] Jaṣṣāṣ's plain rejection of the role of will in the formation of normativity is quite enlightening for our purposes, but more commonly this claim is countered using a characteristic *uṣūlī* dialectical process. For example, Abū Yaʿlā al-Farrāʾ treated the matter as follows: "those who claimed that the imperative mood indicated recommendation relied on the assumption that it indicated the goodness of the commanded action, and that this is the will of the commander. Since will and goodness alone do not lead to obligation, like in permissible (*mubāḥāt*) and recommended matters (*nafwāfil*), it follows that obligation is an external attribute (*ṣifa zāʾida*) to goodness and will,

direct exploration of God's intent to be the goal of the jurist in making normative

pronouncements:

> Literal utterances do not produce different judgments based on different intentions (*al-ḥaqāʾiq lā takhtalifu aḥkāmuhā bil-irādāt*), and cannot in any manner be separated from that for which it has been coined according to the principles of language (*lā tantafī ʿammā hiya mawḍūʿa lahu fī muwāṣafāt al-lughati fīhā bi-ḥāl*). If you granted that it literally signifies obligation when the speaker intends it to, this shows that this form primarily (*fīl-aṣl*) has obligation as its literal meaning. As a result, we would understand it in that way when it is uttered (*yuʿqal bihi dhālik ʿinda wurūdihi*) and we would not need to wait until we know the intention of the speaker as long as he has not attached to it a sign that contradicts the literal meaning. Rather, its mere use (*wurūduhu muṭlaqan*) is a sign that the speaker intended obligation, because this is literal (*hadhā ḥaqīqa*) and thus we must take it to mean what it has been coined for in the language.[642]

Jaṣṣāṣ's response to this objection does not merely reveal a disagreement about the meaning of

imperative utterances, but, more significantly, about the acceptable foundations of moral

judgments. By drawing a clear line between the speaker's intent and the construction of

normativity, Jaṣṣāṣ carves out a juristic field in which informed assumptions are made about

permissible, recommended and obligatory behavior on the basis of linguistic principles alone.

Although those particular utterances are the products of divine will, the human effort to attain

knowledge of moral action that would conform to divine will is conceived by Jaṣṣāṣ as an earthly

endeavor that balances semantic, logical and ethical considerations. Whereas, for ʿAbd al-Jabbār,

statements in the imperative mood were primarily indications of God's will, Jaṣṣāṣ viewed those

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and therefore it cannot be established by the imperative mood itself (*nafs al-amr*). To this, we respond that the will results in obligation unless a separate sign indicates optionality (*al-takhyīr*). Such is the case in permissible matters, regarding which a separate proof indicated optionality, hence it is not obligatory. A further response would consist of saying that we do not accept the claim that the imperative mood signifies goodness, but the request and solicitation of action, which requires obligation. This is the claim upon which we rely (*al-muuʿawwal ʿalayh*)" Abū-Yaʿlā al-Farrāʾ, *ʿUdda*, 1:246. The dialectical construction of jurisprudential arguments leads in several instances to the adoption of certain claims for the sake of argument. In that case, rather than fully denying the relevance of the will of the commander as Jaṣṣāṣ did, Abū Yaʿlā a-Farrāʾ held that, even if we assumed that the imperative mood meant the will or desire of the speaker, a presumption of obligation would still have to follow. Nevertheless, he clearly indicated his preference of the denial that this is what the form indicates, which is still a less emphatic claim than Jaṣṣāṣ's rejection of the relevance of the will altogether.

[642] Jaṣṣāṣ, *Fuṣūl*, 2:93.

statements as signs that allowed the jurists to make assumptions about what God most likely wanted but, most importantly, that produced norms on the basis of their semantic features alone. Thus, Jaṣṣāṣ and ʿAbd al-Jabbār may hold somewhat similar views of the relationship between divine language and will, but differ greatly with regards to the role of the jurists in producing normative claims. For ʿAbd al-Jabbār, the jurists were primarily attempting to discover the divine will that produced the statements in the imperative mood. Jaṣṣāṣ conceived of their role as a study of linguistic structures aimed at the attainment of informed assumptions about what God may have wanted. [643]

ʿAbd al-Jabbār's student Abū l-Ḥusayn al-Baṣrī also maintained that the imperative mood alone indicates obligation.[644] Baṣrī took the removal of divine intention from the method of norm-generation a step further by classifying commands as a unique type of non-assertive utterances. For Baṣrī, the normative power of the imperative mood does not by necessity relate to its being an indicator of a specific will, but to its particular linguistic form, which, in itself, is designed to generate normative judgments. Thus, for Bāṣrī there is a fundamental difference in the manner of signification between statements in the form "do!" and others in the form "I have commanded you to do."[645] The meaning of the imperative mood, contrary to ʿAbd al-Jabbār's theory, cannot be reduced to an assertion about will, desire or intention, but attaches directly to the potential performance of action: "the proof that the word 'do!' literally indicates obligation is that it

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[643] Ibid., 2:94. Emphasis added.

[644] Baṣrī, *Muʿtamad*, 58

[645] Ibid., 58–59.

requires (*taqtaḍī*) that the addressee perform the action without exception (*an yafʿal al-maʾmūr al-fiʿl lā maḥāla*)."[646]

Although Baṣrī upheld the Muʿtazilī theory that command is a result of the will, he maintained that the statement in the imperative mood is not merely a sign that indicates the existence of the speaker's desire that the action be performed. It is, in itself, a solicitation and inducement (*ṭalaban wa ḥaththan*) to perform the action.[647] Baṣrī justifies this by the linguistic fact that not all statements are assertions. Those who claim that saying "do!" means either that the action will be performed (*ikhbāran ʿan annahu sa-yafʿal*) or that the speaker wants the action to occur (*yufīdu irādat al-fiʿl*) are unable to see that some statements are not assertions (*ghayr al-khabar*) and therefore are neither true nor false.[648] The statement "do!" does not refer to the will in any direct manner, and can neither be true nor false (*lā yalzamunā dukhūl al-ṣidq wal-kidhb ʿala l-tamannī*),[649] and therefore cannot be reduced to an indicative statement. By rejecting his teacher's theory that commands are descriptions of the will, Baṣrī fully removed divine will from the process of construction of normative statements and firmly anchored this process within the realm of linguistic principles.

It is worth noting this logical difference between statements in the indicative and imperative mood was also upheld by R. M. Hare for reasons similar to those advanced by Baṣrī. For Hare,

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[646] Ibid., 58.

[647] Ibid. *Ḥaththa* (ḥ-th-th) in it primary form means to move quickly or hurriedly in a continuous manner. To do something *ḥathīthan* is to do it quickly or in a hurry. The meaning of *ḥaththa* used here is a variation on the sense of making something move faster, and it means to encourage or entice. A common synomyn is *ḥaḍḍā*. See Ibn-Manẓūr, *Lisān al-ʿArab*, 773–74.

[648] Baṣrī, *Muʿtamad,* 59.

[649] Ibid., 58–59.

this difference can be seen in what is added to what he refers to as the *phrastic* portion of the sentence, which roughly means the object of the sentence.[650] In an indicative sentence, the *phrastic* "your fasting in Ramadan" – to use an example relevant to our inquiry – would be followed by the *neustic* "yes," whereas in imperative sentence, it would be followed by the *neustic* "please."[651] It is undeniable that those two sentences are of different logical structure, but in the Muslim attempts to reduce divine imperatives to indicatives, the *phrastic* becomes a fact about God, not about the action in question. As previously mentioned, it is not inconceivable that a statement in the imperative mood attributed to God would be understood as a statement *about* God. This, however, would be contrary to Baṣrī's aim of formulating a purely semantic system of generation of norms.

We can see that both Jaṣṣāṣ and Baṣrī, in spite of different degrees of involvement in theological speculation, attempted to establish normativity as a direct outcome of linguistic form, and to minimize the role played by divine will in the immediate production of practical norms. It is quite noteworthy that Baṣrī, who was ʿAbd al-Jabbār's prominent student, was the one who departed most emphatically from his teacher's views on the relationship between the imperative mood and divine will. Whereas ʿAbd al-Jabbār treated divine statements in the imperative mood as descriptions of the divine will that produced them, Baṣrī viewed them as independent sources of normativity for the purposes of juristic practical reasoning. Significantly, divine will played a bigger role in the views of Jaṣṣāṣ, whose affiliation with Muʿtazilism was much less certain than Baṣrī's. As was the case with pro-*waqf* arguments, we can conclude that, in the case of the presumption of obligation, adoption of a certain theological view led to a certain *inclination* to

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[650] Hare, *The Language of Morals.*, 18.

[651] Ibid.

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argue in a particular direction. However, the decisive factor consisted in the jurist's stance with regards to the amount of control scholars should have on the process of production of norms. From this stance followed a particular view of the locus of generation of normative judgments, and the role that language plays in such production.

B- *Obligation as a Juristically Produced Semantic Effect of the Imperative Mood*

Jurisprudents who argued for the presumption of obligation were delineating the field of construction of normativity as the jurists' exclusive domain. This involved the adoption of semantics as the realm of creation of normative statements, and the advancement of arguments in support of obligation as the default outcome of the imperative mood. To say that a statement in the imperative mood indicates obligation is to reproduce a linguistic principle according to which the primary meaning of statements including verbs in the imperative mood is the necessity to act. Since obligation is the meaning of command, and jurists are the ones undertaking the task of analysis of legal language on behalf of the community, it follows that the pronouncement of the normative effects of divine speech should be seen as a result of the jurists' work alone. Concretely, what that meant is that a statement is seen to signify obligation when the jurists deem it *ethically* acceptable to attribute this particular meaning to that specific linguistic form. The implication of this view is that the production of obligation was the result of the conventions of language and the moral-epistemological deliberations of the community of the jurists. Thus, this process of construction of normativity involved no inquiry into the divine will or intentions in any direct manner, but mainly consisted of two elements. First, jurists attempted to present obligation as the most viable semantic outcome of the imperative mood (i). Second, they argued that any other outcome would be in breach of a variety of rational considerations (ii).

(i)   The Attempt to Establish Normativity as a Linguistic Phenomenon

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Arguing that obligation should be the default meaning of the imperative mood presupposes the possibility of establishing general semantic rules that would uniformly guide the process of production of norms. This assumption places language at the center of norm-generation. One important consequence of this position is the assumption that that all parts of speech, as a linguistic rule, are assigned a default semantic function. Among all the parts of speech, the one that is most likely to denote compulsoriness is the imperative mood. Jaṣṣāṣ explains that: "no construction in the language of Arabs relates to command except saying 'do!' which means that it denotes obligation unless proven otherwise."[652]

Cleary, this is not a conclusive argument. The fact that there is only one linguistic form that indicates compulsoriness does not mean that obligation is necessarily its default meaning. The same form could also be assigned to indicate other matters, such as recommendation, approval, permission or advice.[653] It is also possible that all those meanings do not have any other linguistic form in Arabic that is primarily assigned to them. How, then, would Jaṣṣāṣ justify his singling out of obligation at the expense of this range of possible default meanings of the imperative mood? To be sure, Jaṣṣāṣ dedicated a lengthy response to this exact challenge, namely the fact that the imperative mood can be said to have been equally assigned to a number of meanings:

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[652] "*Lā lafḍh li l-amr fī lughat al-ʿarab ghayr qawlihim ifʿal fa-dalla annahu lil-ījāb ḥattā taqūmu dalāla.*" Jaṣṣāṣ, *Fuṣūl*, 2:89.

[653] Ghazālī rejected this argument for the same reason, using a clearly sarcastic counter-argument: "recommendation is also an important matter. Let us then say that the imperative mood indicates recommendation." Ghazālī, *Mustaṣfā*, 390. This, however, appears to have been an argument frequently made by those adopting a more "juristic" (i.e. theology-averse) approach to jurisprudence. This is understandable, given the emphasis that this claim puts on the functionality of linguistic structures. For example, in his commentary on Bazdawī's work on *uṣūl*, ʿAlāʾ al-Dīn al-Bukhārī argued that "once it has been established that the linguistic form (*al-ṣīgha*) is attached to the meaning (*al-maʿnā*), it follows that this meaning is the exclusive signification of the form by virtue of the initial assignment of the form (*aṣl al-waḍ*). If there was no exclusivity it would necessarily follows that the form would be homonymous, which is contrary to the norm (*khlāf al-aṣl*). Bukhārī, *Kashf al-asrār*, 163.

saying 'do!' cannot possibly mean anything other than (*lā yakhlū min an yakūn*) obligation (*ījāb*), recommendation (*nadb*) or permission (*ibāḥa*), thus it either signifies all this literally (*ʿalā al-ḥaqīqa*), or some literally and some figuratively (*majāzan*). If it was used literally to indicate obligation and figuratively otherwise, then *it is incumbent [upon us]* (*al-wājib*) to take it to indicate its literal meaning (*ḥamluhu ʿala l-ḥaqīqa*) and only understand it figuratively (*lā yuṣraf ilā l-majāz*) when there is a specific sign.[654]

As mentioned in the second section, this argument clearly highlights the dialectical nature of moral deliberation in *uṣūl al-fiqh*. After offering an account of the available alternatives that were presented by the community of jurists, Jaṣṣāṣ declares his choice of obligation as the default meaning of the imperative mood. This is the semantic alternative from which Jaṣṣāṣ's preferred epistemological position most directly follows. If we accept the premise that imposition of obligation is the literal meaning of the imperative mood, then, when nothing else indicates otherwise, it would only be logical to presume that a mere utterance in the imperative mood signifies the imposition of obligation. The first step to bridging the gap between attributing a statement in the imperative mood to God, and claiming that we ought to act in a certain way, therefore, consists in deliberating over the moral order of epistemological preferences among the semantic alternatives at hand. In that case, deliberation begins by acknowledging that moral truth is a socially constructed phenomenon. This step is followed by an evaluation of the logical worth of alternative presumptions to establish a particular prescription concerning the normative effect of this linguistic form.

However, to say that the imperative mood literally indicates obligation is to merely beg the question. Claiming that any given meaning is the meaning for which the linguistic construction had been initially coined is a matter of linguistic fact regarding which, as we have repeatedly seen, jurists deferred to the authority of linguistic convention. Neither Jaṣṣāṣ nor anyone else

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[654] Jaṣṣāṣ, *Fuṣūl*, 2:91. Emphasis added.

claimed that there is any consensus among linguists regarding this matter, which makes it open to the kind of moral deliberation characteristic of *uṣūl al-fiqh*. Thus, the next alternative to maintaining that only compulsoriness literally follows from the imperative mood is to claim that *all* the other meanings advanced by members of the community of jurists literally follow from this construction. Jaṣṣāṣ maintained that, even if this was true, the assumption of obligation would still stand: "If all those meanings were literal, then it is literal in indicating obligation by its mere linguistic form, and we cannot take it to mean otherwise, since a linguistic construction must be presumed to indicate its literal meaning (*ḥukm al-lafẓ ʿala l-ḥaqīqa*)."[655]

This second argument is clearly invalid on its own. If the imperative mood has a number of literal meanings, why should obligation be given priority over the other meanings? Jaṣṣāṣ was quick to relate this objection:

> If it said: 'why do you deny that it literally indicates each one of those meanings, hence it would be incumbent upon us (*al-wājib*) to take it to indicate recommendation or permission until proof of imperativeness arises, since anything that can indicate obligation, among other things, cannot be taken to signify obligation without separate proof. Alternatively, we can suspend judgment (*naqifu fīh*) until the meaning is clarified, since it cannot indicate all those contradictory matters at once. We would respond, 'the imperative mood indicates obligation literally (*ḥaqīqat ul-amr li l-ījab*) according to the previously mentioned proof.'[656]

If it is true that all those meanings follow literally from the imperative mood, it is not clear why it should be taken to indicate obligation by default. There must be an additional element that justifies the prioritization of obligation over the other options advanced by the jurists. Elucidating this particular element is crucial for justifying Jaṣṣāṣ's position in support of the presumption of obligation. Ultimately, Jaṣṣāṣ, unlike Baṣrī, abandons the question for a purely

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[655] Ibid.

[656] Ibid.

semantic explanation for the presumption of obligation. After outlining the available alternatives and his chosen position, Jaṣṣāṣ resorts to extra-linguistic considerations to advance his argument. As we shall see in the next section, this highlighted the significant latitude Jaṣṣāṣ attributed to juristic reasoning in the formulation of the principles of *uṣūl al-fiqh*.[657]

Like Jaṣṣāṣ, Baṣrī went to great lengths to show that a semantic analysis of the imperative mood would lead to the conclusion that it can only mean obligation. He maintained that the imperative mood was aimed at "restricting the addressee to the commission of the action (*qaṣr al-maʾmūr ʿalā l-fiʿl*)," and that if recommendation was one of the meanings of the imperative mood, it would mean "do if you like! (*ifʿal in shiʾt*)," which it does not.[658] For this type of argument to succeed, however, it must be granted that the option to omit the action was necessarily eliminated by the imperative mood alone, which was a deeply controversial matter.

To single out obligation as the preferred semantic outcome, Baṣrī had to deal with the question of the impossibility of omission, which, jurists agreed, was a condition of obligation: "saying 'do!' signifies either the will [for the action to be committed], prohibiting the action, [soliciting] the omission of the action, or giving an option between omission and performance, either equally

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[657] A similar strategy was employed by Jaṣṣāṣ's fellow Ḥanafī jurisprudent Abul-ʿAlāʾ al-Usmandī. After having presented a number of arguments from convention and revealed texts in support of the presumption of obligation, Usmandī proceeded to attack arguments that rely on the features of language alone. Among those is the claim that the commanded matter is the predicate of the imperative sentence, which means that its close association (*mulāzama*) with the command imposes the assumption that it is obligatory. This, Usmandī maintained, is inconclusive, and in fact true of recommendation and any other normative status. Usmandī, *Badhl al-Naẓar*, 66–68. For an example of an argument that relies entirely on syntactic elements, see ʿUmar ibn Muḥammad al-Khabbāzī, *al-Mughnī fī uṣūl al-fiqh*, ed. Muḥammad Maẓhar Baqā (Mecca: Jāmiʿat Umm al-Qurā Kulliyyat al-Sharīʿa wal-Dirāsāt al-Islāmiyya, 1983), 31.

[658] Baṣrī, *Muʿtamad*, 1:64.

or with the latter being more desirable (*al-takhyīr baynahu wa bayna l-ikhlāl fīhi ʿala l-sawāʾ aw ʿalā an yakūn al-awlā an yafʿal*)."[659]

The second and third options are clearly absurd: saying that issuing a command entails a prohibition of action or incitement to omit it is a logical impossibility. As we have previously seen, Baṣrī's position is that command is triggered by the will, but indicates the necessity to act, not merely the will to do so, which eliminates the first alternative. Thus, we are left with two options: either the imperative mood means that performance is preponderant over omission, in which case it would indicate obligation, or that they are equally valid, in which case it would amount to mere recommendation. The problem with attempting to choose obligation over recommendation using this process of elimination is that the attempt to eliminate the possibility of omission will be contested on the grounds that mere solicitation of action is not the same as obligation. The decisive move in Baṣrī's argument, therefore, was quite similar to Jaṣṣāṣ's. He maintained that it is *more appropriate* (*awlā*) to say that omission is eliminated by the imperative mood since it is an attempt to impose action.[660] Thus, for Baṣrī, as was the case for Jaṣṣāṣ, the argument for obligation stems from an essentially moral exercise in weighing the available juristic options. For Jaṣṣāṣ, as we have seen, this argument relied on the undesirability of not having a specific linguistic form the literal meaning of which was obligation.

So far, Baṣrī's argument does not offer a conclusive language-based reason that obligation must follow from the imperative mood. Like Jaṣṣāṣ, he asserts that "the literal sense of the word 'do!' in our doctrine (ʿindanā) is obligation." [661] As a support for this view, Baṣrī attempted to rely on

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[659] Ibid.

[660] Ibid., 65.

[661] Ibid., 58.

an observation about the common use of commands in spoken language: "a slave fails to perform what his master had commanded," in which case "rational people among speakers of the language (*al-ʿuqalāʾ min ahl al-lugha*) have merely (*iqtaṣara*) said 'his master commanded and he did not obey' to justify the propriety of scolding him (*taʿlīl ḥusn dhammih*)."[662] In this argument, Baṣrī conflates command with the imperative mood. If it is established that command entails the necessity of obedience, it is not quite clear why the same must be said of the imperative mood. However, more importantly, this does not escape Bāqillānī's objection according to which it is possible that language users in that situation assumed that the imperative mood was accompanied by special evidence that shows compulsoriness.

(ii) Extra-Linguistic Premises of the Semantic Presumption of Obligation

Jaṣṣāṣ's central argument was that the imperative mood was the only construction in language that is associated in some sense with imperativeness. Since each construction should as a rule have one literal meaning, we should take this to be obligation. This, as previously indicated, fails to explain why this presumption should attach to obligation and not recommendation or permissibility. Jaṣṣāṣ explains what, in his view, justifies the preponderance of obligation over the other possibilities, in the following terms:

> But even if we granted your claim that it literally indicates each one of those meanings, it would still be *more desirable to take it to indicate obligation (kāna ḥamluhu ʿalā l-ījāb awlā)*. This is because what is permissible does not entail reward or punishment, and doing the recommended leads to reward, but abstaining from it does not lead to punishment, thus it has an additional meaning compared to permissibility (*ziyādat maʿnā*). Obligation leads to reward when fulfilled and punishment when breached, thus it is a more comprehensive judgment compared to recommendation (*ziyādat ḥukm*). Thus, if we grant you that this linguistic form literally indicates all those matters we should still prioritize taking it to indicate obligation (*kāna al-awlā ḥamluhu ʿala l-wujūb*) because

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[662] Ibid., 62. For a similar formulation of this claim, see Rāzī, *Maḥṣūl*, 1:183. See also Samʿānī, *Qawāṭiʿ al-adilla*, 1:52. Usmandī, *Badhl al-naẓar.* 63. Some have even gone so far as maintaining that "no one has ever been blamed for beating a slave who failed to follow a statement in the imperative form." Abū-Yaʿlā al-Farrāʾ, *al-ʿUdda*, 1:238.

this is the most inclusive and expansive meaning, and it includes all the other meanings within it literally.[663]

In the final analysis, the basis of Jaṣṣāṣ's argument for the prioritization of obligation is his position concerning the effects of various moral categories of action in the afterlife. Relying on the assumption of determinacy of moral consequences, Jaṣṣāṣ concludes that obligation is the most comprehensive among the available options, since it conceptually includes both recommendation and permissibility. Therefore, to defend the position that the jurist *ought* to take a mere imperative form to indicate obligation, Jaṣṣāṣ had to prove the preponderance of obligation over the other options.

Jaṣṣāṣ's argument is an example of what Hare refers to as "[t]he second attempt to reduce imperatives to indicatives." Specifically, Jaṣṣāṣ attempts to interpret imperative statements as conditionals, whereby "shut the door" becomes equivalent to "either you are going to shut the door or X will happen."[664] Hare concedes that this analysis may apply in cases where imperatives have been commonly used in a hypothetical or utilitarian contexts, but objects that "in cases where the end aimed at is not so easily recognized […] the hearer may be quite at a loss to understand, on this analysis, what he is to supply after the word 'or'."[665] Examples may include a statement such as "please tell your father that I called." But if we accept that all imperatives are made with a certain pre-existing social or cosmological context in place, it would not be

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[663] Jaṣṣāṣ, *Fuṣūl*, 2:91. Emphasis added. The same argument was made by Bazdawī in response to those who advocated the presumption of recommendation: "those who argued for recommendation maintained that 'it is necessary for the normative statement to make existent preponderant (*tarjīḥ maʿnā al-wujūb*), then it should indicate recommendation because it is the lesser of those meanings.' However, this is invalid, because if it is established that it has been coined for a certain meaning, the fullness of the meaning becomes the rule (*kān al-kamāl aṣlan fīh*). Therefore, we must maintain the higher normative status [by default] and the possibility of the lesser status, assuming no shortcomings in the linguistic form and capacity of the speaker." Bukhārī, *Kashf al-asrār,* 1:169–170.

[664] Hare, *The Language of Morals.*, 7.

[665] Ibid.

impossible to discover such hidden "or." In that particular mundane example, one can assume

that if they did not tell their father that a person called, they would be betraying the mutual

expectation of trust that is assumed in social situations of the sort. The understanding of

imperatives as hypotheticals suggested by Jaṣṣāṣ is an attempt to bridge the gap between the

linguistic fact and the moral value using an "institutional" link. The idea of an "institutional" link

between the descriptive and the evaluative was suggested by J.R. Searle in the context of his

argument that the is-ought gap can be overcome by using pre-existing social constraints.[666]

That being said, arguing that obligation is more comprehensive than recommendation and

permission is not sufficient to show that it should be given priority as a semantic matter.

Showing this would require the establishment of a general meta-ethical principle according to

which inclusive meanings should be given preponderance over less inclusive ones. Jaṣṣāṣ

attempted to establish this principle of exclusivity by analogy:

> The same applies to the general term (*lafẓ al-ʿumūm*) which literally refers to three or
> more, such as the verse 'and kill the unbelievers!' thus we must take it to indicate
> everything that it entails and includes, and it is not allowed to restrict its meaning without
> proof. Similarly, the imperative mood (*lafẓ al-amr*) if obligation was one of its literal
> meanings then it is impermissible (*lā jāʾiz*) to limit it to some meanings (*al-iqtiṣār ʿalā l-
> baʿḍ*). Thus, we have proven that if this construction is literal in all those meanings it
> follows that the compulsoriness of action (*luzūm al-fiʿl*) is entailed by its form alone
> (*ʿinda l-iṭlāq*)."[667]

Just as the general term should be presumed to indicate all of the components of the category to

which it refers, the imperative form should be presumed to refer to the fullest normative meaning

it can convey. Since obligation is seen as "fuller" than recommendation or permissibility, it

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[666] J.R. Searle, "How to Derive 'Ought' from 'Is'." In W. D Hudson, *The Is-Ought Question: A Collection of Papers on the Central Problems in Moral Philosophy,* (London: Macmillan, 1969). A similar explanation of the normative effects of utterances (promises in that case) can be found in J. Raz, "Promises and Obligations." In P. M. S Hacker, and J. Raz, eds. *Law, Morality, and Society: Essays in Honour of H.L.A. Hart* (Oxford: Clarendon Press, 1977).

[667] Jaṣṣāṣ, *Fuṣūl*, 2:91–92.

would be the responsible presumption to make. This principle reflects a general stance that prefers over-inclusion to under-inclusion. Since *uṣūlī*s are working to establish the principles according to which standards of moral action are determined, the balancing of risk factors entails that a principle that would lead to the performance of *more* of the divine moral law would be preferable to one that could likely lead to partial failure to comply with the law. We can see that the moral purposes of juristic reasoning are built into the structures of *uṣūl* principles, the very principles that attempt to regulate practical reasoning.

We saw that, like Jaṣṣāṣ, Baṣrī advanced the claim that the presumption of obligation was the *most appropriate* among the available semantic alternatives. To substantiate this position, Baṣrī dedicated much of his discussion to a claim that pertains not to the immediate semantic effects of the imperative mood, but to its moral implications. This argument for the presumption of obligation rests on the view that *any* act that is contrary to a statement in the imperative mood constitutes a "disobedience" (*maʿṣiya*) with regards to such statement. A possible response to this claim, as Bāqillānī had anticipated, would consist of denying any logical link between the concepts of disobedience and compulsoriness. If Bāqillānī's objection stands, it would follow that Baṣrī's argument is circular. He first *assumes* that the imperative mood is primarily used to indicate obligation, in order to then attempt to reach this same conclusion.

In response to the claim that "disobedience" does not necessarily imply obligation, Bāṣrī maintained that "we say that the term 'do!' is a solicitation of action (*duʿāʾ ilā l-fiʿl*) and a prohibition from omission (*manʿ min al-ikhlāl bihi*), and that its literal sense (*ẓāhirihi*) requires that the speaker used it in that sense."[668] What follows is a situation in which saying 'do!' even

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[668] Baṣrī, *Muʿtamad*, 1:61.

when the speaker is giving an advice (*mushīr*),[669] can be intended by way of compulsoriness and prohibition of omission (*al-ḥazm wa tark al-ikhlāl bihi*). If, however, the speaker indicates that no obligation is imposed, there would not be any reason to claim that there has been an act of disobedience.[670] Baṣrī pressed this point further by claiming that the connection between the imperative mood and disobedience can be seen in common parlance: "the people of the language say 'I have commanded you but you disobeyed me' (*amartuka fa ʿaṣaytani*) and 'I said to you 'do!' but you disobeyed me. Also, God most high said 'have you disobeyed my command?'"[671] Those three examples show that omission of the commanded act can be referred to as an act of disobedience. As we have seen with Bāqillānī, the point of this argument is to introduce the claim of disobedience as a common third concept that bridges the gap between the imperative mood and the necessity to act. This causality between the act of commanding and the requirement of obedience was explained by Baṣrī as follows: "Disobedience attaches to the commanded person (*lazimat al-maʾmūr*) whenever he breaches (*ikhlālihi*) the command, and the occurrence of command is the effective cause that leads to characterizing [breach] as disobedience (*inna li taqaddum al-amr fī istiḥqāq hādha l-ism taʾthīran*)."[672]

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[669] *Shāra* stems from the root (sh-w-r), and means to help, especially with extracting a matter from its place. A derived but different meaning is *ashāra and shawwara,* meaning to point, either with the fingers or any of the facial features, hence the *mushīra* is the index finger. A meaning derived from pointing concerns the act of encouraging to commit an act, which is referred to as *shūrā* or *mashūra*. Ibn-Manẓūr, *Lisān al-ʾArab*, 2357–58.

[670] Baṣrī, *Muʿtamad*, 61.

[671] Ibid., 60.

[672] Ibid.

For this to be the case, however, we must first grant that a "disobedient" is someone who acts

contrary to an obligation alone, and not a recommendation. This, Baṣrī maintained, was true in

common language:

> Can't you see that if God imposes an action on us that we omit, we would become
> delinquents (*alā tarā ann Allāh law awjaba ʿalayna fiʿlan fa lam nafʿaluhu, la kunnā
> ʿuṣāh?*) and if he only recommended it by saying 'it is best to commit the action, but you
> may omit it' (*al-awlā an tafʿalūh, wa lakum an lā tafʿalūh*), and we omitted it, we would
> not be delinquents (*lam nakun ʿuṣāh*)."[673]

Thus, a disobedient is by definition someone who commits something prohibited by the

command (*al-iqdām ʿalā mā yamnaʿ minhu al-āmir*). As a result, Bāṣrī concludes:

> if one who omits what has been commanded is a delinquent, and a delinquent is someone
> who commits the opposite of its implications (*al-muqdimu ʿalā mukhālafat muqtaḍāh*),
> and one who [does that] commits what the commander restricts and prohibits (*yaḥzuruhu
> l-āmir wa yamnaʿ minhu*), it follows that command prohibits the omission of its opposite,
> which is the same as obligation (*wa hādhā maʿnā l-wujūb*).[674]

The disagreement concerning whether or not someone who acts contrary to recommendation is

"disobedient" is ultimately a matter that pertains to convention. On that point, Bāqillānī and

Baṣrī simply presented their views as irreconcilable factual truths. The purely linguistic approach

to norm-creation led Baṣrī to advance a view of the presumption of permissibility that markedly

contrasts with the theories of Bāqillānī and ʿAbd al-Jabbār. For the pro-*waqf* scholars, as we

have seen, omission is permitted initially, because of the presumption of permissibility of all

acts. As a result, if a linguistic form does not explicitly negate the possibility of omission, we

cannot properly make this presumption. By contrast, Baṣrī maintained that the imperative mood

alone eliminates initial obligation by virtue of its semantic logic alone. Like Jaṣṣāṣ, Baṣrī held

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[673] Ibid., 61.

[674] Ibid.

that, since the elimination of this initial permissibility does not have any specific linguistic form assigned to it, it would be appropriate to maintain that it follows from the imperative mood.[675]

To sum up, Jaṣṣāṣ's main reason for making this claim consisted in resorting to a non-linguistic factor, namely the fact that obligation is superior to recommendation in normative status. Baṣrī, as mentioned above, was adamant in showing that normativity was exclusively found in linguistic constructions. Thus, he attempted to provide evidence that the matter has been established as a categorical principle in linguistic usage. This attempt to take the discussion entirely to the linguistic domain, however, is not without difficulties. It is not sufficient to provide a number of linguistic examples to prove a certain principle inductively. It must be shown that absolutely no opposite examples exist or that, if they do, they occur by way of exception. Even then, it is quite difficult to show which examples constitute the linguistic norm, and which are the exception. The difficulty in providing a decisive argument for a given normative effect of a linguistic form offers a justification to the position of suspension of judgment, which in reality is nothing more than a quest to search for additional proof. Assigning a meaning to the imperative mood in principle reflects a higher sense of juristic involvement in the design of the moral outcome of the system of *uṣūl al-fiqh*, independently of the prevalent rules of language. Jurists who more readily offered speculative arguments in support of a principle of norm-construction are ones who leaned towards treating divine Revelation in its earthly linguistic form as a phenomenon within the domain of human appropriation and utilization.

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[675] Ibid.

Conclusion:

Studying the debates of *uṣūl al-fiqh* as attempts to construct a general theory of ethics allows us to view it as an intermediary realm between theological theories and practical norm production. The theological foundations of ethics, which consist of facts about the universe, its Creator, and His speech, are inherently normative. In fact, it would be quite difficult to maintain that arguments about the nature and characteristics of the source of all existence are mere observations that do not, even implicitly, have any implications with regards to how one should act. We may grant that, from a strictly formal standpoint, the imperatives produced by this scheme remain hypothetical. A judgment based on divine speech is normative *if* one is to accept that there is a source of all existence that has a moral order associated with it in some manner. However, beyond the acceptance of this first theological premise, the hypothetical is so far-reaching that it hinges on the universal, at least from the standpoint of the community of believers. To say that one accepts the fact that all existence is the product of an absolute first Being, and still maintain that one's own purposes for action take precedence over the moral designs of the universe, is quite possibly the most irrational stance that could be taken. As such, the distinction between the moral and the ethical, or the right and the good, was irrelevant. What is good and what is required are identical by rational necessity.[676]

The intermediary status granted to jurisprudence meant that the attempt to overcome the gap between factual and normative statements took place within the discussions of this discipline. Relying on extensive deliberations over the nature of divine speech and its role in conveying the divine moral order to humans, scholars of *uṣūl al-fiqh* proceeded to reflect upon the manners in

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[676] On this distinction, see Christine M Korsgaard, *The Sources of Normativity*, ed. Onora O'Neill (Cambridge; New York: Cambridge University Press, 1996), 7–8.

which specific linguistic constructions can be said to lead to normative conclusions. While several theories were advanced to address this issue, our study of those arguments shows that they operated within a meta-ethical framework that remained unchallenged by those scholars, in spite of their profound differences. This framework, I suggest, can be seen as a uniquely *uṣūlī* response to the problem of universality in ethics. The basic tenets of this framework are the following: (1) only divine speech makes more-than-subjective morality possible, as shown in the first chapter; (2) the production of moral meaning belongs to the community, and is attained through dialectical deliberation; (3) it is the jurists' responsibility to elaborate the principles according to which the divine moral order should intervene within and guide human action.

On that basis, scholars of *uṣūl al-fiqh* took different positions with regards to the extent to which their own free judgment should shape the principles that articulated those two realms, which we referred to as second-order normative principles. By taking debates on the normative implications of the imperative mood as a case study, we were able to observe that those positions can be placed in two main categories. On the one hand, some jurists took divine will and speech to be the true locus of production of normativity, and therefore attempted to limit the latitude the jurists had in formulating second-order principles based on non-linguistic considerations. On the other hand, the majority of scholars adopted the view that the formulation of the intermediary realm of jurisprudence should be appropriated by the jurists. They further saw that human reasoning and language were the proper sites of production of norms. Jurists in this category argued that the imperative mood must have a specified default meaning.[677] This view reflected a

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[677] Bernard Weiss explains this tendency to "appropriate" the enterprise of norm-production as follows: "One can, I think, discern an affinity between the tendency to maximize the role of the *ifʿal* form as a *zāhir* signifier and the tendency toward rigorism […] What these tendencies have in common is an eagerness to make the divine law as accessible to the mujtahid as possible, thus reducing the sphere of margin of error that was necessarily entailed in all fallible human endeavor. There must always be fallible endeavor (*ijtihād*), of course; but the more its sphere of

certain tendency to prioritize the predictability of jurisprudential principles. By contrast, jurists who shunned the juristic imposition of general second-order principles by advocating the suspension of judgment valued the purely linguistic nature of the principles of *uṣūl al-fiqh*.

Those differences did not follow from the jurists' theological affiliations. The dialectical nature of jurisprudential arguments meant that scholars could develop their individual positions in dialogue with the juristic community without having to justify a linear deduction of those positions from the school's doctrines. More importantly, those different positions represented the set of possibilities that Muslim jurisprudents offered collectively to overcome the gap between theological-linguistic facts and moral judgments. We have noted how *uṣūl al-fiqh* arguments were hybrid in nature, in the sense that they combined moral-theological views with linguistic claims. For the conservative, pro-*waqf* jurists, normativity mainly emerged from the realization of facts about God. If the community of jurists was able to reach a reasonable understanding that a certain action is solicited or desired by the Creator of the world, it would be utterly absurd to refuse to take this as a reason for action. The proponents of the presumption of obligation, on the other hand, put more emphasis on linguistic conventions, but eventually resorted to arguments relying on moral choice, just as the *appropriateness* of the presumption of obligation. In all cases, none of the scholars in question doubted the fact that their theological and linguistic premises were in fact of normative potential. The challenge that faced Muslim scholars in attempting to deal with linguistic forms of divine speech was not that they were purely factual observations – they were not. The main difficulty consisted in determining the extent to which their own judgment should bear on this material of moral potential. Jurisprudents of different

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operation was reduced, the more Muslims could rise above their differing opinions and come into sure contact with the one law of the one God." Weiss, *The Search for God's Law*, 342.

schools were attempting to find an acceptable balance between the need to remain faithful to the theological doctrines underlying the system of normative ethics, and the various practical imperatives that permeate this system.

Conclusion:

Divine-command theories, understood as meta-ethical models that assume the necessity of divine speech for the knowledge of moral values and norms, have long been marginalized in the modern study of ethics. This marginalization appears to have occurred in the context of a broad presumption of a *prima facie* conflict between areas of thought that accept and proceed from theistic notions such as Revelation on the one hand, and proper theoretical and philosophical reflection on the other hand. It is up to the theistic thinker, and in this case the theistic ethicist, it is assumed, to show that they can successfully comply with the requirements of secular reason. This explains the popularity of natural law approaches to theistic ethics in contemporary scholarship. The natural law theorist concedes some of the presuppositions of secular ethics in relation to the intrinsic inadequacy of Revelation-based thinking, and simultaneously advances a reformed view of God in ethics that claims to accord with the requirements of Revelation-independent reason. The same preference for a natural-law approach to theistic thought manifests itself in the contemporary study of Islam. Many works focus on the thought of natural law thinkers as the proper representatives of rational philosophical thought in classical Islamic disciplines, while explicitly or implicitly dismissing their opponents as traditionalists or textualists.[678]

A primary goal of the present study was to offer a reading of classical Islamic theories on divine speech and commands that highlights the inadequacy of those assumptions. A second goal was to show that a proper philosophical investigation and "appropriation" of divine-command theories in classical Islam can provide insights that help advance theories of ethics without necessarily

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[678] For example, Hourani, *Islamic Rationalism*; Attar, *Islamic Ethics*; Emon, *Islamic Natural Law Theories*; Schmidke, Sklare, and Adang, *A Common Rationality*.

conceding the traditional secularist objections to theistic thought. The first chapter of this study begins to achieve the first goal. I argue that divine-command and natural-law trends in classical Islamic theology emerged from a fundamental epistemological disagreement rather than a pre-conceived attachment to Revelation (or the lack thereof). This chapter showed that it would be productive for contemporary theistic ethicists to explore the limits of non-theistic ethics through an adoption of a form of epistemological skepticism. This type of skepticism can carve out a domain for Revelation to produce a specific form of moral judgment on the basis of the suspension of habitual human experience (i.e. through miracle). The second chapter examined the metaphysical theories underlying the various conceptions of divine speech in Islamic theology and tackled another central contemporary objection to theistic ethics, namely that positing God as a central element of moral thought entails a rejection of the immediacy and flux of human sense experience. I argued that Platonic metaphysics that posit the world of sense perception as a distorted image of the perfect Forms was adopted by Muslim natural-law theorists, but not by the divine-command thinkers. The latter developed a view of the world of generation and corruption as entirely unlike anything in the divine realm, which, again, follows from their skeptical theistic stance explained in the first chapter. In this metaphysical model, divine speech is a transcendent divine attribute, and human perceptions of divine Revelation are wholly human experiences.

The third and fourth chapters examined areas closer to Islamic jurisprudence by focusing on the specific concepts of command and the linguistic form of the imperative mood. The third chapter explored the types of norm-making that follow from the various conceptions of divine command that we find in Islamic jurisprudence. I showed that a natural-law conception of command makes it subordinate to preexisting moral values. According to this view, God *wills* a certain action to

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be committed because the action is good, and therefore makes a command to enjoin humans to perform the action. In that sense, following God's command would constitute a renunciation of our efforts to discover the moral value of actions that exist independently of God's speech. For the divine-command theorist, by contrast, divine commands are eternal attributes of God and are analytically prior to any notion of goodness in the universal sense. Taking divine commands, in that sense, as a starting point for moral reasoning does not necessarily constitute a renunciation of moral autonomy, but represents an attempt to embrace a sense of goodness that is deep-seated in the very origins of this world. The fourth chapter explores the semantic and interpretive processes through which divine commands communicated through Revelation can lead to the construction of moral norms. In this final chapter, we observe that the historical dominance of Islamic jurisprudence as the primary domain of norm-construction in classical disciplines signaled the overall dominance of Revelation-dependent thought. Nevertheless, a closer look at the forms of argument employed in the field of jurisprudence to justify the normative effects of the imperative mood revealed two things: (1) Revelation-independent trends remained quite influential and advanced their theories through the then widely studied discipline of jurisprudence; (2) the dialectical form of argument meant that theological commitments were not decisive in shaping jurisprudential positions, and that the jurists adopted a form of social construction to bridge the gap between the words of Revelation as signs and pronouncements as moral judgments.

The resulting divine-command theory of Revelation-based moral reasoning that emerges from this study is one in which norms were formulated on the basis of a type of collaboration between God and society. Whereas divine speech intervened to make possible a form of ethical reasoning that is otherwise inaccessible to human minds, the community of believers create moral

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pronouncements through their experience of, and deliberation over, the signs that Revelation produced.

Among the many things that this study does not address, of particular importance is the larger historical narrative within which divine command theories came to flourish in Islamic thought and became marginalized in the increasingly secularized modern Western thought. While this study is focused on a number of philosophical responses that a study of Islamic theology and jurisprudence makes available to contemporary ethicists, it certainly is produced in the context of an increased interest in the limits of secular reason, even by some of the most secularist of contemporary philosophers.[679] The interest in theistic thought as a possible source of philosophical understanding that presents potentials unavailable to purely secular thought is a trend that is inextricably linked to the quickly changing theoretical and methodological landscape in the study of Islamic traditions in particular, and non-Western traditions in general. This study is an attempt to explore some of the possibilities that both of those trends present to us today. It is hoped that much more will be done by way of exploring ways of conceiving of the world that explore the boundaries of modern, Western, secular discourses.

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[679] See, for example, Habermas, Jürgen, Michael Reder, Josef Schmidt, and Ciaran Cronin. *An Awareness of What is Missing: Faith and Reason in a Post-Secular Age*. (Cambridge, U.K.: Polity, 2010).

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