

Introduction

Classical Islamic Thought and the Promise of Post-Secularism

This book asks two questions: *why* and *how* do we rely on divine revelation in guiding our actions? To answer these questions, it draws upon theories of divine speech and command in Islamic theology and jurisprudence. In a secular world, the most obvious way to answer these questions would be to refer to faith and obedience. We consult divine revelation because we believe in God, and we follow God's commands by understanding and obeying them. To obey and have faith in a divine creator is a matter of personal choice that, by its nature, cannot be the subject of rational public debate.¹ As a reaction to this characterization of religious forms of law-making, there was a noticeable shift toward theories of natural law, which, broadly speaking, attempt to show that what God commands coincides with what is good and rational in a secular sense.² This primacy of secular reason is certainly not a

¹ The rise of the secular and the relegation of the religious to the realm of the private and irrational in the modern west is a matter that was studied in significant breadth and depth. For example, Charles Taylor, *A Secular Age* (Cambridge, MA: Belknap Press of Harvard University Press, 2007).

² "Natural law" as an alternative to divine command theory typically involves a reliance on the perceived uniformity of human nature to argue for an identity between values immediately known to us and those "revealed" by God. For example, Harry Gensler maintains that the term "refers to objective *moral principles* that are 'written on the human heart' (as opposed to coming from society or revelation). Such norms are instinctive or based on ordinary reasoning. They're the same for everyone, authoritative over our actions, and known by virtually everyone." Gensler further explains that, in the writings of major Christian figures, such as Thomas Aquinas, the idea of natural law is part of a scheme characterized by "the harmony between human reason and Christian faith." Harry J. Gensler, *Ethics and Religion* (Cambridge: Cambridge University Press, 2016), 57–8.

phenomenon we encounter in the study of the premodern Islamic tradition. In the classical Islamic disciplines of theology, jurisprudence, and law, public rationality was entwined with individual virtue in an overarching theistic framework. Thinking about proper and required behavior was inseparable from an understanding of the world as a divine creation, and revelation-based guidance as a matter of collective rational deliberation. While ideas of natural law, as we will see throughout this book, were defended at all levels of theological and jurisprudential thought, the view that actions are good and right *because God commanded them* was advanced consistently and unapologetically. While this idea, which we refer to as “divine command theory,” has drawn an increased interest in recent years,³ little attention was paid to what can be learned from the classical Islamic tradition. Reconstructing some of the key features of an Islamic divine command theory, in conversation with its natural law interlocutors, is the primary purpose of this book.

In its most abstract form, the question we will address is the following: 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 toward correct behavior? In this most general form, the question is not specific to any given tradition of thought. Every known attempt in theoretical ethics, as well as legal theory, is an effort to construct a theoretical apparatus capable of justifying norms of behavior consistently with a given view of the world. Whereas a secular ethicist may develop a general theory of moral norms and values based on human intuitions, emotions, the faculty of reason, biological evolution, or other considerations, a theistic ethicist or jurist will be concerned with models that can offer a coherent justification of judgments based on theocentric views of the world. 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.⁴ 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 existence

³ See for example, John E. Hare, *God’s Command* (Corby: Oxford University Press, 2015); David Baggett and Jerry L. Walls, *Good God: The Theistic Foundations of Morality* (New York, NY: Oxford University Press, 2011), 103–33.

⁴ For a comparative study of the idea of revelation in major Abrahamic faiths see C. Stephen Evans, “Faith and Revelation” in William J. Wainwright (ed.), *The Oxford Handbook of Philosophy of Religion* (New York, NY: Oxford University Press, 2005), 323–43.

frequently resort to a text as a tool of central importance for guiding behavior. This resorting to some form of divine revelation can raise specific types of difficulty. For example, if revelation is understood as a direct form of communication from *another* agent (i.e., God), the subject that resorts to revelation as a source of guidance will be faced with questions concerning the rationality of her reliance on revelation and its implications for her moral autonomy.⁵

Theories advanced in contemporary religious ethics and legal theory on the role of revelation in guiding action tend to involve two stances commonly referred to as divine command and natural law theories.⁶ These two approaches to revelation are characteristic of different responses to the question of the indispensability of divine revelation for the knowledge of values and judgments, and therefore the regulation of action. Divine command theories can generally be characterized as views that stem from an understanding of revelation as necessary for the guidance of action.⁷ 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.⁸ The conversation between these two approaches to revelation evokes a wide variety of philosophical problems pertaining to epistemology, the nature of divine speech, the place of human autonomy in a theocentric view of ethics, and the construction of normative judgments. We will explore some of those underlying questions in the classical Islamic tradition through an analysis of key classical Islamic debates on divine speech.⁹ By reconstructing divine command, and the corresponding natural law,

⁵ 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 nontheistic theories of ethics, see Edward Wierenga, "Utilitarianism and the Divine Command Theory," *American Philosophical Quarterly* 21 (4) (1984): 311–18. This question will be discussed in detail in Chapter 4.

⁶ This includes, for example, Robert M. Adams, *Finite and Infinite Goods: A Framework for Ethics* (New York, NY: Oxford University Press, 1999) and J. E. Hare, *God's Command* (New York, NY: Oxford University Press, 2015).

⁷ J. E. Hare, *God's Call: Moral Realism, God's Commands, and Human Autonomy* (Grand Rapids, MI: W. B. Eerdmans, 2001).

⁸ John Finnis, *Natural Law and Natural Rights* (Oxford; New York, NY: Clarendon Press; Oxford University Press, 1979).

⁹ The study of a philosophical question *through* a reading (or rereading) of a historical intellectual tradition is a deliberate methodological choice that will be elucidated in Section 1.2 of this introduction.

views on how God speaks and how norms can be formed through his speech,¹⁰ we will see that two fundamental features of the Islamic divine command model are both distinctive and promising. First, scholars of the divine command trend tended to justify the need to rely on revelation on the shortcomings of our unaided reasoning.¹¹ Second, the legal tradition tended to view the formation of norms as a collective exercise that involves the community of believers.

The reconstruction of the theoretical foundations of revelation-dependence in Islam allows us to see how the view of law and morality as necessarily reliant on divine speech came to be accepted, without us ascribing this reliance to mere “traditionalism.” As we will see, a unique attribute of Islamic intellectual trends that we may refer to as divine command theories is their advancement of an epistemological critique of the formulation of judgments independently of divine revelation. This critique centered on the difficulty of generalization of judgments made by individual agents. Accordingly, divine-command-minded scholars argued for a conception of divine revelation as an intervention intended to remedy the intrinsic human inability to formulate general and objective norms. This view was coupled with an 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. The juristic engagement with the earthly manifestations of divine speech was regarded as the collective task of the community of believers. The discipline of *uṣūl al-fiqh* offered a dynamic domain in which methods of collective norm-construction were constantly balanced and refined. The reconstruction of those epistemological,

¹⁰ 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. See Hare, *God's Command*. As we will see throughout this study, most classical Muslim thinkers saw values and norms (or judgments) as inextricably linked.

¹¹ We must take note here of the important distinction drawn by Nicholas Wolterstorff between divine speech and revelation in his seminal work *Divine Discourse*. It is common to speak interchangeably (and perhaps confusingly) about revelation and speech, which in certain cases reflects the assumption, as Wolterstorff puts it, that speech is reducible to revelation. We do not make this assumption here. As we will see in Chapter 3, the event of revelation and the act/attribute of speech were clearly distinguished by Muslim jurist-theologians. What we mean by revelation throughout is the general sense of “that through which divine speech has become, in some form, accessible to human minds.” For a lengthy exposition of the argument that “speaking is not revealing,” see Nicholas Wolterstorff, *Divine Discourse: Philosophical Reflections on the Claim That God Speaks* (Cambridge: Cambridge University Press, 2000), 19–36.

metaphysical, and methodological foundations is the primary purpose of this study.

It may be important to note at the start that this is *not* a work of pure intellectual history in the sense commonly understood in the study of Islam. A common approach in intellectual history is to offer a given reading of one or several related works for the purposes of elucidating its place in relation to its social or intellectual context. For example, one could study eleventh-century works of Islamic theology to make a claim about the evolution of a given concept, or the differences and similarities between various schools of thought on a given issue. The guiding motive of such study would be to make a claim about Islamic thought in its historical context in the hopes of helping us today make sense of this historical tradition. In the present book, while certainly we will advance a specific reading of the works studied, the analysis is geared toward our understanding of religious moral and legal theories in general. Our goal is not only to place the ideas of those scholars in molds that are accessible to us. Our main concern is to look for broad theoretical stances in those works and consider them in light of moral and legal questions that are common to human communities in a transhistorical manner.¹² The historically minded reader will be urged to note that this study does not aim

¹² It is helpful here to refer to the distinction between history and philosophy as explained by Peter Gordon: “Intellectual history can frequently involve a close reconstruction of philosophical arguments as they have been recorded in formal philosophical texts. In this respect, intellectual history may bear a noteworthy resemblance to philosophy, and most especially, the history of philosophy. But intellectual history remains importantly distinct from philosophy for a number of reasons. Most importantly, philosophy tends to disregard differences of history or cultural context so as to concentrate almost exclusively upon the internal coherence of philosophical arguments in themselves. One often says that the task for intellectual historians is that of ‘understanding’ rather than philosophical evaluation. That is, intellectual historians want chiefly to ‘understand’ – rather than, say, to ‘defend’ or ‘refute’ – a given intellectual problem or perspective, and they therefore tend to be skeptics about the philosophers’ belief in decontextualized evaluation. Philosophers, too, of course, will frequently appeal to historical-contextual matters when they are trying to figure out just why someone thought as they did. So the difference between philosophy and intellectual history is merely one of degree rather than kind.”

Peter Gordon, “What is Intellectual History? A Frankly Partisan Introduction to a Frankly Misunderstood Field,” available at: <https://sydney.edu.au/intellectual-history/documents/gordon-intellectual-history.pdf>. This difference between history and “theory” was also addressed by Baggett and Walls in their defense of a version of divine command theory: “Historical inquiry into how obligation talk arose is one thing; ontological questions of whether obligations exist and what their ultimate essence might be is another matter altogether.” Baggett and Walls, *Good God*, 108.

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to offer a detailed survey or historical account of the intricate differences and subtle developments of those debates across time and within various Islamic schools of thought. What may appear to the historian as a tendency to homogenize is in fact an effort to abstract, which is crucial to inquiries in ethics and legal theory.

I. I DIVINE REVELATION IN LEGAL AND MORAL THOUGHT

It would not be an exaggeration to say that the rationality of the reliance on divine revelation as a source of law and morality is widely doubted across various fields. In the study of Islam, this manifests in an apparent celebration of premodern natural law tendencies as a distinct expression of rationalism in an otherwise revelation-dominated tradition.¹³ This stance regarding the reliance on revelation as a source of guidance, which we will refer to as divine command theory, rests on a deep presumed opposition between “reason” and “revelation,” an opposition that, we will see throughout this book, is not necessarily applicable to Islamic theological debates on divine speech.

The expression “divine command theory” covers a wide range of models that deal with divine speech and commands as conducive to the formulation of values and judgments. Generally, those theories, as their own proponents almost invariably admit, have not been particularly popular in recent scholarship. Much of the efforts to find a place for divine speech in norm-formation 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 compromise with natural law views can be

¹³ A sound critique of this assumption was leveled by Oliver Leaman, who argues along lines similar to those in this book that “commentators sometimes see [the development of Ash’arism today] as a victory for an anti-rationalism which has retarded Islam’s development. This, however, is an entirely misleading view. For one thing, even the critics of *Kalām* defended their arguments rationally . . . It might even be argued that it is those who are not normally seen as rationalists who are in fact the most concerned with reason, since they are prepared to be critical of reason and argue (but note the term here, argue) that we should acknowledge its severe limitations. So the ‘traditionalists’ are able to view the use of reason critically, unlike their ‘rationalist’ opponents, something which might be considered an even more rational strategy than that of their adversaries, who evince an uncritical enthusiasm for rationality itself.” Oliver Leaman, “The Developed *Kalām* Tradition” in T. J. Winter (ed.), *The Cambridge Companion to Classical Islamic Theology* (Cambridge: Cambridge University Press, 2008), 85–6.

found in some of the work of Robert Adams.¹⁴ The same tendency can be seen in the study of Islam. Works that advance some conception of natural law are treated as works of particular philosophical interest.¹⁵ Several theological ethicists have attempted to formulate more robust versions of divine command theories. Notably, William Alston insisted that the “good” as applied to God and His speech should not be understood along the same lines as human morality.¹⁶ Adams’ 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.¹⁷

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 (and, in the Islamic case, legal) thought. Adams represents what I consider an attenuated form of divine command theories. In “A Modified Divine Command Theory of Ethical Wrongness,” Adams makes the argument that the view that the wrongness of actions follows from their contradiction to divine commands is defensible if we presuppose that a “loving God” makes those commands. Adams’ concern was to defend the place of divine speech in moral reasoning against the objection that following divine commands would require committing acts of senseless cruelty if God commanded them. To resolve this problem, Adams advocated the use of a natural precondition that can be used to scrutinize divine commands based on human standards of love and benevolence. This could be regarded as a partial concession to natural law theories. Alston, on the other hand, advanced 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

¹⁴ Especially Robert M. Adams, “A Modified Divine Command Theory of Ethical Wrongness” in Gene H. Outka and John P. Reeder (eds.), *Religion and Morality: A Collection of Essays* (Garden City, NY: Anchor Press, 1973), 318–47.

¹⁵ As stated in George Hourani, *Islamic Rationalism: The Ethics of ‘Abd Al-Jabbār* (Oxford: Clarendon Press, 1971), 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.”

¹⁶ William P. Alston, “Some Suggestions for Divine Command Theorists” in William P. Alston, *Divine Nature and Human Language: Essays in Philosophical Theology* (Ithaca, NY: Cornell University Press, 1989).

¹⁷ Hare, *God’s Call*; Hare, *God’s Command*. See also Baggett and Walls, *Good God*.

God's Call, where he argues that God has designed the world to operate in a specific manner, but we cannot know why He made it in this way rather than any other.

This distinction between attenuated and robust ways of approaching the place of divine speech in law and ethics is analogous to the debates between Muslim theological-jurisprudential schools on the manners of construction of judgments, with the Mu'tazilis and the Ash'arīs representing the natural-law and divine-command sides, respectively. As we will see, the Ash'arī model of divine command theory is particularly uncompromising. The value of drawing on Islamic thought to reflect upon issues of theistic ethics and jurisprudence resides precisely in the different epistemology and metaphysics advanced in certain streams of this tradition in comparison to the dominant views in contemporary thought.¹⁸ For example, as we will see in the first half of the book, Ash'arīs 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 introduced into human reasoning through miracle. These are positions that may appear counterintuitive to the modern reader, but that offer possibilities that may not have been otherwise available to theistic ethicists. The view of God as speaking eternally rather than through involvement in time in human life is indeed opposed to widespread assumptions about divine command theories. As Wolterstorff put it: "divine command theory not only *allows* for God's participation in the community of discourses as an agent therein; it *requires* it. More strongly yet, the theory places it on center stage. For at the *heart* of the theory is God's performing speech actions of commanding things."¹⁹ This is fundamentally opposed to the model that Ash'arīs advanced. For example, rather than posit that theories of divine revelation that subordinate God's words to preexisting natural laws are of potential value, Ash'arīs offer a model of exploitation of the shortcomings of revelation-independent reasoning that anchors theistic theories in the

¹⁸ The generally Christian-centric nature of contemporary studies in theological ethics and jurisprudence means that certain possible conceptions of the divine in its relation to human communities are left out of the conversation. 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 2–4, this was not the prevalent view in Islamic thought. For an example of this assumption of the link between divine will and command, see Adams, "A Modified Divine Command Theory of Ethical Wrongness" in Outka and Reeder (eds.), *Religion and Morality*, 318–47.

¹⁹ Wolterstorff, *Divine Discourse*, 100.

limitations of secular thought. This model of divine command theory presents itself as a necessary supplement to secular theories of norm-construction that fail to justify their universalizability, as we will see in Chapter 1.²⁰

The distinction between reasoning geared toward the formulation of judgments based on revelation and reasoning independent of it is routinely presented as an opposition between rationalism and textualism, or reason and tradition. The tendency in modern scholarship, both in the West and in the Muslim world, is to assume a certain fundamental opposition between reasoning based on divine revelation, and some idea of reason, rationality, or rationalism. This view quite often appears to presuppose that secular rationality is the standard of rational thought.²¹ A central claim of this study is that debates on divine speech as a source of

²⁰ Our concern here is with judgments of moral nature, understood as those judgments that apply to all agents in a similar situation just by 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 *sharī* (i.e., legitimate, divinely ordained, judgments), as opposed to contingent judgments made by individuals in relation to specific situations. As we will see in Chapter 1, 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 concerned if and how *sharī* judgments can be made independently of revelation, precisely because of the supposed general nature of those judgments and their claimed applicability to categories of case, rather than individual circumstances.

²¹ Hence, the persistent assumption that only natural law trends qualify as truly “rational” in Islamic thought. For example, 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 fall 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 from this assumption is that the work of the Ash’arīs is to be casted as mere voluntarism or “theological subjectivism” that has little to say about theoretical ethics (Hourani, *Islamic Rationalism*, 3). This attitude is clearly changing, although the assumption that revelation-independent reasoning (*‘aql*) is equated with “rationalism” seems to persist. See Sophia Vasalou, *Ibn Taymiyya’s Theological Ethics* (New York, NY: Oxford University Press, 2016), 4. Vasalou’s account of Ash’arism is quite nuanced and highlights their role in speculative theology, and theoretical ethics (e.g., pp. 106–36). This account will be addressed at various points in our study, where relevant.

judgments in classical Islamic thought cannot be fully understood through the rationalism–textualism framework. The paradigmatic example from the Islamic tradition, and the one that dominates the present book, is the opposition of Ash‘arī and Mu‘tazilī thought. A very general formulation of the disagreement between those two influential schools can be put as follows: Mu‘tazilīs argued that judgments knowable through divine revelation accord with those available to human minds through this-worldly experience, while Ash‘arīs 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 Mu‘tazilī–Ash‘arī debates on the construction of judgments were, defined broadly, essentially an opposition between a naturalistic stance and a skeptical-theistic stance.²²

Based on this reading of the Mu‘tazilī–Ash‘arī debates within theology and jurisprudence, I propose to “appropriate” (in the sense elucidated in Section 1.2) those theories for reflection upon concerns in theistic law and ethics. Specifically, I suggest that the Ash‘arī skepticism about our ability to formulate universal judgments independently of revelation is theoretically promising. Those theories suppose a sharp metaphysical divide between the divine realm and the human domain of deliberation and interpretation. That sharp divide, as we will discuss in Chapters 2 and 3, opposes itself to the Platonic model that underlies both Mu‘tazilī metaphysics and the Christian-inspired reflections in contemporary philosophy.²³

²² 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 from which one can move logically to make normative judgments of the moral (i.e., universalizable) type. G. E. Moore, *Principia Ethica* (New York, NY: Barnes & Noble Publishing, 2005), 38–60. This does not necessarily mean that Mu‘tazilīs consistently argued that all things are intrinsically either good or bad, a narrower conception frequently assumed in modern studies of Mu‘tazilī thought.

²³ 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 Ash‘arī (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 Ash‘arī 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 A. Wolfson, *The Philosophy of the Kalam* (Cambridge, MA: Harvard University Press, 1976), 112–13.