

Contents

<i>Acknowledgments</i>	<i>page xi</i>
Introduction	1
A Brief Glimpse into Nishapur	5
Al-Juwaynī: Between Certainty and Continuity	9
Al-Juwaynī and Themes in Islamic Studies	11
Beyond Themes	24
The Scope of the Book	26
PART I HISTORICAL BACKGROUND	33
1 Politics, Patronage, and Scholarship in Nishapur	35
Al-Juwaynī's Time and His Scholarship	36
Nishapur: A City Divided	39
The <i>Fitna</i> in Nishapur: Who Was to Blame?	48
Conclusion	51
2 Al-Juwaynī: Life of a Scholar	53
Al-Juwaynī: Early Life and Education	53
Leaving Nishapur and Life in the Hejaz	57
Al-Juwaynī's Return to Nishapur	60
Teaching at the Niẓāmiyya	65
Death	75
Conclusion	76

viii Contents

PART II EPISTEMOLOGY	77
3 Intellectual Fissures: The Ash‘arīs and the Mu‘tazila	79
The Mu‘tazilī School in Nishapur	80
Mu‘tazilī Epistemology and Its Legal Consequences	84
Ash‘arī Epistemology and Its Legal Consequences	96
Conclusion	107
4 The Epistemology of al-Juwaynī	109
Al-Juwaynī’s Epistemology in the <i>Irshād</i> and the <i>Shāmīl</i>	110
Al-Juwaynī’s Epistemology in the <i>Burbān</i>	118
Implications of al-Juwaynī’s Epistemology for Law	128
Epistemology beyond the Self	130
Conclusion	131
PART III LEGAL THEORY	133
5 Certainty in Legal Sources: <i>Hadīth</i>	135
Legal Thought at the Time of al-Juwaynī	137
Al-Juwaynī and Reports (<i>Akhhbār</i>)	145
Responding to His Predecessors and Establishing His Own Criteria	147
The Reception of al-Juwaynī’s Arguments on Reports	156
Al-Juwaynī on Unitary Reports (<i>Akhhbār Āḥād</i>)	159
Conclusion	162
6 Certainty in Legal Sources: <i>Ijmā‘</i>	163
The Roots of <i>Ijmā‘</i>	164
Early Defenses of <i>Ijmā‘</i>	166
A Note on Custom	170
Al-Juwaynī on <i>Ijmā‘</i>	171
The Reception of al-Juwaynī’s Notion of <i>Ijmā‘</i>	179
Two Cases of Custom: <i>Mutawātir Ḥadīth</i> and <i>Ijmā‘</i>	181
Conclusion	183
7 The Rise of Legal Uncertainty: <i>Qiyās al-Ma‘nā</i>	185
<i>Qiyās</i> and the ‘ <i>Illa</i> : Preliminary Investigations	186
<i>Qiyās</i> : Definition and Defense	188
Types of <i>Qiyās</i> and Extracting the ‘ <i>Illa</i> and <i>Ma‘nā</i>	195
Conclusion	207

Contents	ix
8 Coping with Legal Uncertainty: <i>Qiyās al-Shabāh</i>	209
<i>Qiyās al-Shabāh</i> : A Debated Source	209
<i>Qiyās al-Shabāh</i> According to al-Juwaynī	213
<i>Maṣlaḥa</i> in <i>Qiyās</i>	216
The Hierarchy within <i>Qiyās</i>	223
Regulating Variance: The Role of the <i>Mujtahid</i>	227
Conclusion	231
PART IV POLITICAL THOUGHT	233
9 The Search for Continuity: Al-Juwaynī's Political Thought	235
Islamic Political Thought: An Overview	236
The Necessity of the Imamate: Its Justification and Purpose	243
The Selection of the Imam	244
The Qualifications of the Imam	247
The Purpose of the Imamate	250
Envisioning the Absence of the Imam	252
Conclusion	254
10 Continuity, Custom, and Applied Epistemology in al-Juwaynī's Political Thought	256
Living without Rulers: The Rise of the ' <i>Ulamā</i> '	257
The Loss of All ' <i>Ulamā</i> '	262
The Continuity of Legal Guidance	264
The Loss of the Sharī'a	270
The Sharī'a and Custom as Governance	273
Conclusion	282
Conclusion	284
Expanding Methodological Approaches within the Academic Study of Islam	286
Concluding Remarks	288
<i>Bibliography</i>	291
<i>Index</i>	307