## Contents

<table>
<thead>
<tr>
<th>Acknowledgments</th>
<th>page xi</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>1</td>
</tr>
<tr>
<td>A Brief Glimpse into Nishapur</td>
<td>5</td>
</tr>
<tr>
<td>Al-Juwaynī: Between Certainty and Continuity</td>
<td>9</td>
</tr>
<tr>
<td>Al-Juwaynī and Themes in Islamic Studies</td>
<td>11</td>
</tr>
<tr>
<td>Beyond Themes</td>
<td>24</td>
</tr>
<tr>
<td>The Scope of the Book</td>
<td>26</td>
</tr>
</tbody>
</table>

### 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 *Fitna* 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 Nizāmiyya 65
   - Death 75
   - Conclusion 76
Contents

**PART II EPISTEMOLOGY**

3 Intellectual Fissures: The Ashʿarīs and the Muʿtazila

The Muʿtazīlī School in Nishapur

Muʿtazīlī Epistemology and Its Legal Consequences

Ashʿarī Epistemology and Its Legal Consequences

Conclusion

4 The Epistemology of al-Juwaynī

Al-Juwaynī’s Epistemology in the Irshād and the Shāmil

Al-Juwaynī’s Epistemology in the Burhān

Implications of al-Juwaynī’s Epistemology for Law

Epistemology beyond the Self

Conclusion

**PART III LEGAL THEORY**

5 Certainty in Legal Sources: Ḥadīth

Legal Thought at the Time of al-Juwaynī

Al-Juwaynī and Reports (Akkbār)

Responding to His Predecessors and Establishing His Own Criteria

The Reception of al-Juwaynī’s Arguments on Reports

Al-Juwaynī on Unitary Reports (Akkbār Āḥād)

Conclusion

6 Certainty in Legal Sources: Ijmāʿ

The Roots of Ijmāʿ

Early Defenses of Ijmāʿ

A Note on Custom

Al-Juwaynī on Ijmāʿ

The Reception of al-Juwaynī’s Notion of Ijmāʿ

Two Cases of Custom: Mutawātār Ḥadīth and Ijmāʿ

Conclusion

7 The Rise of Legal Uncertainty: Qiyās al-Maʿnā

Qiyās and the ‘Illa: Preliminary Investigations

Qiyās: Definition and Defense

Types of Qiyās and Extracting the ‘Illa and Maʿnā

Conclusion
# Table of Contents

### Part IV Political Thought

8 Coping with Legal Uncertainty: *Qiyās al-Shabah*  
- *Qiyās al-Shabah*: A Debated Source 209  
- *Qiyās al-Shabah* According to al-Juwaynī 213  
- *Mašlahā* in *Qiyās* 216  
- The Hierarchy within *Qiyās* 223  
- Regulating Variance: The Role of the *Mujtahid* 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 ‘Ulamā’ 257  
- The Loss of All ‘Ulamā’ 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  
- Expanding Methodological Approaches within the Academic Study of Islam 286  
- Concluding Remarks 288

**Bibliography** 291

**Index** 307