Themed section

Towards New Perspectives on

Ethics in Islam

Casuistry, Contingency, and Ambiguity

Guest editor

Feriel Bouhafa

ISSN 0806-198X

Journal of Arabic and Islamic Studies • 21 (2021) **IsBh**

Contents

Introduction

FERIEL BOUHAFI	7
Towards New Perspectives on Ethics in Islam: Casuistry, Contingency, and Ambiguity	

I. Islamic Philosophy and Theology

FERIEL BOUHAFI	25
The Dialectics of Ethics: Moral Ontology and Epistemology in Islamic Philosophy	
FRANK GRIFFEL	55
The Place of Virtue Ethics within the Post-Classical Discourse on <i>ḥikma</i> : Fakhr al-Dīn al-Rāzī's <i>al-Nafs wa-l-rūḥ wa-sharḥ quwāhumā</i>	
AYMAN SHIHADAH	81
Psychology and Ethical Epistemology: An Ash'arī Debate with Mu'tazilī Ethical Realism, 11th-12th C.	
HANNAH C. ERLWEIN	103
The Moral Obligation to Worship God Alone: Fakhr al-Dīn al-Rāzī's Analysis in the <i>Tafsīr</i>	
ANNA AYSE AKASOY	121
Philosophy in the Narrative Mode: Alexander the Great as an Ethical Character from Roman to Medieval Islamic Literature	

II. Islamic Jurisprudence

ZIAD BOU AKL.....	141
From Norm Evaluation to Norm Construction: The Metaethical Origin of al-Ghazālī's Radical Infallibilism	
FELICITAS OPWIS.....	159
The Ethical Turn in Legal Analogy: Imbuing the <i>Ratio Legis</i> with <i>Maṣlaḥa</i>	
ROBERT GLEAVE.....	183
Moral Assessments and Legal Categories: The Relationship between Rational Ethics and Revealed Law in Post-Classical Imāmī Shī'ī Legal Theory	
OMAR FARAHAT.....	209
Moral Value and Commercial Gain: Three Classical Islamic Approaches	

III. Hadith, Quran, and Adab

MUTAZ AL-KHATIB.....	229
Consult Your Heart: The Self as a Source of Moral Judgment	
TAREQ MOQBEL.....	259
“As Time Grows Older, the Qur’ān Grows Younger”: The Ethical Function of Ambiguity in Qur’ānic Narratives	
ENASS KHANSA.....	289
Can Reading Animate Justice? A Conversation from <i>Alf Layla wa-Layla</i> (<i>The Thousand and One Nights</i>)	
NUHA ALSHAAR.....	313
The Interplay of Religion and Philosophy in al-Tawḥīdī's Political Thought and Practical Ethics	

Contents

WILLIAM RYLE HODGES	339
Muhammad ‘Abduh’s Notion of Political <i>Adab</i> : Ethics as a Virtue of Modern Citizenship in Late 19th Century Khedival Egypt	

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

FERIEL BOUHAFI (University of Cambridge)

Abstract

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

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

Introduction

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

* I want to thank the blind reviewer as well as Ayman Shihadeh, Jawdat Jabbour, Richard Taylor, Tony Street and Peter Terras for their helpful comments.

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

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

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

2 For a more nuanced view, see SHIHADDEH (2016: 384), who frames this discussion in terms of the realist view of Mu'tazilites vs. an anti-realist position of the Ash'arites. See also FARAHAT 2019. A number of the articles such as Shihadeh's, among others in this special issue, present new fresh perspectives to challenge this dominant bias and offer more nuances on the Ash'arite ethical theories.

3 Obviously, one needs to give credit to Hourani as he was responding to the orientalist assumption, which underlined the anti-rational view of Islam altogether. But as the field moves away from these assumptions, I think we also need to overcome the dichotomy of religion vs. rationality, often assumed in the study of Islamic thought, which does not often do justice to the Ash'arite complex intellectual tradition by deeming it irrational.

4 On this point, see SHIHADDEH's article "Psychology and ethical epistemology: an Ash'arī Debate with Mu'tazilī Ethical Realism, 11th-12th," in this special issue.

5 Here I should note that what I understand by ethics is meta-ethical theory linked to the question of good and evil in the universe as well as normative ethics associated with the process of gauging the status of human action, which in Muslim philosophers' understanding is associated to the realm of jurisprudence *fiqh*.

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

I. On the Ontology of Good and Evil

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

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

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

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

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

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

1. Fārābī's moral ontology

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

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

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

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

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

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

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

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

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

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

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

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

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

Page | 30

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Ibn Sīnā's moral ontology

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Ibn Rushd's moral ontology

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

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

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

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

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

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

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

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

²⁸ IBN RUSHD 1994: 135.

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

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

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

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

31 See also WOLFSON 1938: 153.

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

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

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

II. Moral Epistemology: opinion, practice, and dialectics

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

Page | 40

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

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

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

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

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

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

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

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

³⁵ IBN SĪNĀ 2005: 377-378.

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

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

2. The epistemology of the law

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

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

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

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

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

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

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

³⁹ FĀRĀBĪ 2001: 97.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. The epistemic status of ethical judgments

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

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

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

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

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

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

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

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

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

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

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

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

Page | 48

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

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

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

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

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

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

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

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

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

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

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

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

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

Conclusion

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

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

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

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

Bibliography / References

Sources

- ARISTOTLE. *Nicomachean Ethics in the Complete Works of Aristotle, the Revised Oxford Translation* / ed. J. Barnes, vol. 2. Princeton 1984.
- . *The Arabic version of the Nicomachean Ethics* / ed. and trans. A. Akasoy and A. Fidora. Leiden 2005.
- JUWAYNĪ. *Kitāb al-irshād* / ed. A. al-Sāyih and T. Wahba. Cairo 2015.
- FĀRĀBĪ. *Fuṣūl al-Madānī* / ed. and trans. D.M. Dunlop (*Aphorisms of the Statesman*). Cambridge 1961.
- . *On the Perfect State: Abū Naṣr al-Fārābī's Mabādī' āra' ahl al-madīna al-fāḍila* / ed. and trans. R. Walzer. Oxford 1985.
- . "Kitāb al-amkina al-mughallata" / ed. R. al-ʿAjam, in *al-Manṭiq ʿinda l-Fārābī*. Beirut 1986.
- . "Kitāb al-qiyās" / ed. R. al-ʿAjam, in *al-Manṭiq ʿinda l-Fārābī*. Beirut 1986.
- . *Kitāb al-siyāsa al-madaniyya al-mulaqqab bi-Mabādī' al-mawjūdāt* / ed. A. Abū Milḥim. Beirut 1996.
- . "Kitāb al-burhān" / ed. M. Fahry, in *al-Manṭiq ʿinda l-Fārābī*. Beirut 1987.
- . "Ḡawāmi' Kitāb al-Nawāmīs li-Aflātūn," in « Le Sommaire du Livre des Lois de Platon » / ed. T. A. Druart. *Bulletin d'études orientales*, 50 (1998): 109-155.
- . "The Book of Religion," in *Alfarabi: The political writings: "Selected Aphorisms" and "other texts"* / trans. C. Butterworth. Ithaca 2001.
- . "al-Tanbīh ʿalā al-saʿāda (Directing Attention to the Way of Happiness)," in *Classical Arabic Philosophy: an Anthology of Sources* / trans. J. McGinnis and D. Reisman. Indianapolis 2007.
- IBN RUSHD (Averroes). *On Plato's Republic* / trans. R. Lerner. Ithaca 1974.
- . *Averroes' Three Short Commentaries on Aristotle's 'Topics', 'Rhetoric' and 'Poetics'* / ed. and trans. C. Butterworth. Albany 1977.
- . *Ibn Rushd's Metaphysics* / A Translation with Introduction of Ibn Rushd's commentary on Aristotle's "Metaphysics", book "Lām" by C. Genequand. Leiden: Brill, 1986.
- . *Risālat mabādī' al-ṭabīʿa* / ed. J. Jihāmī. Beirut 1994.
- . *Al-Kashf ʿan manāḥij al-adilla fī ʿaqāʾid al-milla* / ed. M. al-Jābirī. Beirut 1998.

- . *The Book of the Decisive Treatise Determining the Connection between Law and Wisdom* / ed. and trans. C. Butterworth. Utah 2001.
- . *Commentaire Moyen à la Rhétorique d'Aristote* / ed. and trans. M. Aouad, vol. 2. Paris 2002.
- . *Averroès: Le philosophe et la Loi: Traduction et commentaire de "l'Abrégé du Mustasfā"* / ed. and trans. Z. Bou Akl. Berlin 2015.
- . *Talkhīṣ al-Akhlāq*, trans. A. Shaḥlān. Rabat 2018.
- IBN SĪNĀ (Avicenna). *al-Shifā', al-Khiṭāba* / ed. M. S. Salīm. Cairo 1954.
- . *Al-Shifā', al-Nafs* [Avicenna's *De Anima* (Arabic Text), *Being the Psychological Part of Kitāb al-Shifā'*] / ed. F. Rahman. London 1959.
- . *Al-Ishārāt wa-l-tanbīhāt, ma'a sharḥ Naṣīr al-Dīn al-Ṭūsī* / ed. S. Dunyā, vol. 1. Cairo 1960.
- . *Al-Aḍḥawīyya fī l-ma'ād* / ed. H. 'Āṣī. Beirut 1984.
- . *Kitāb al-Najāt* / ed. M. Fahry. Beirut 1986.
- . *al-Shifā', al-Ilāhiyyāt* / ed. and trans. M. E. Marmura. Utah 2005.
- . "Ṭabṭ'iyyāt min 'uyūn al-ḥikma li-Ibn Sīnā." In *Tis' rasā'il fī l-ḥikma wa-l-ṭabṭ'iyyāt* / (no ed.) Cairo, n.d.
- MISKAWAYH. *Tahdhīb al-akhlāq* / ed. I. Hilālī. Beirut 2011.
- PROCLUS. *On the Existence of Evils* / trans. J. Opsomer and C. Steel. New York 2003.
- SHAHRASTĀNĪ. *Nihāyat al-iqdām fī 'ilm al-kalām* / ed. A. Guillaume. London 1934.
- ZARKASHĪ. *Al-Baḥr al-Muḥīṭ fī uṣūl al-fiqh* / ed. 'A. al-'Ānī, vol. 1. Kuwait 1992.

Studies

- ADAMSON, Peter (ed.). 2019. *Philosophy and Jurisprudence in the Islamic World*. Berlin: De Gruyter.
- , and Matteo GIOVANNI (eds.). 2019. *Interpreting Averroes*. Cambridge: Cambridge University press.
- AHMAD, Ahmad Atif. 2006. *Structural Interrelations of Theory and Practice in Islamic Law*. Leiden: Brill.
- AOUAD, Maroun. 1992. "Les fondements de la Rhétorique d'Aristote reconsidérés par Fārābī, ou le concept de point de vue immédiat et commun." *Arabic Sciences and Philosophy*, 2: 133-180.
- . 2002. *Averroès: Commentaire Moyen à la Rhétorique d'Aristote*, vol. 1. Paris: Vrin.
- . 2006. *Le Livre de la Rhétorique du Philosophe et medecin Ibn Tumlūs*. Paris: Vrin.
- BELO, Catarina. 2007. *Chance and Determinism in Avicenna and Averroes*. Leiden: Brill.
- BEN AHMED, Fouad. 2011. "Ṭarīqat al-jadal al-falsafī 'inda Ibn Rushd." *Mélanges de l'Université Saint-Joseph*, 63: 259-322.
- BLACK, Deborah. 2019. "Constructing Averroes' Epistemology." In: ADAMSON and GIOVANNI (eds.): 96-117.
- . 1993. "Estimation (*Wahm*) in Avicenna: The Logical and Psychological Dimensions." *Dialogue: Canadian Philosophical Review*, 32: 219-58.
- . 1990. *Logic and Aristotle's "Rhetoric" and "Poetics" in Medieval Arabic Philosophy*. Brill: Leiden.
- BOUHAFI, Feriel. 2019a. "Averroes' Corrective Philosophy." In: ADAMSON and GIOVANNI (eds.) 2019: 64-80.
- . 2019b. "Ethics and Fiqh in al-Farabi's Philosophy." In: ADAMSON (ed.) 2019: 11-28.
- . 2016. "Natural Justice under the Scope of Rhetoric: The Written and Unwritten Law in Ibn Rushd's Legal and Political Philosophy." PhD diss., Georgetown University.

- BOU AKL, Ziad. 2019. "Averroes on Juridical Reasoning." In: ADAMSON and GIOVANNI (eds.) 2019: 45-63.
- BRENET, Jean Baptiste, and Olga LIZZINI (eds.). 2019. *Studying Arabic Philosophy: Meaning, Limits and Challenges of a Modern Discipline*. Paris: Vrin 2019.
- BRINK, David (et al., eds.). 2018. *Virtue, Happiness, and Knowledge*. Oxford: Oxford University Press.
- CERAMI, Cristina. 2015. *Génération et Substance : Aristote et Averroès entre physique et métaphysique*. Berlin: De Gruyter.
- FAKHRY, Majid. 1984. "The Subject Matter of Metaphysics: Aristotle and Avicenna." In: MARMURA (ed.) 1984: 137-147.
- . 2002. *Al-Fārābī Founder of Islamic Neoplatonism: His Life, Works, and Influence*. Oxford: Oneworld.
- GOODMAN, Lenn E. 1985. *Jewish and Islamic Philosophy: Crosspollinations in the Classic Age*. New Brunswick: Rutgers University Press.
- GUTAS, Dimitri. 2016. "Ibn Sina [Avicenna]". *The Stanford Encyclopedia of Philosophy* (Fall 2016 Edition), ed. Edward N. Zalta, <<https://plato.stanford.edu/archives/fall2016/entries/ibn-sina/>>.
- HALLAQ, Wael. 1994. "From Fatwa to Furū': Growth and Change in Islamic Substantive Law." *Islamic Law and Society*, 1/1: 29-65.
- HOURLANI, George. 1960. "Two Theories of Value in Medieval Islam." *The Muslim World*, 50/4: 269-278.
- . 1985. *Reason and Tradition in Islamic Ethics*. Cambridge: Cambridge University Press.
- JABBOUR, Jawdath. 2021. *L'âme et l'unité de la substance humaine dans la pensée d'al-Fārābī*. Paris: Vrin.
- JACKSON, Sherman. 1999. "The Alchemy of Domination? Some Ash'arite responses to Mu'tazilite Ethics." *International Journal of Middle East Studies*, 31: 185-201.
- JANSSENS, Jules, and Daniel DE SMET (eds.). 2002. *Avicenna and His Heritage*. Leuven: Peeters.
- LAGERLUND, Henri (ed.). 2011. *Encyclopedia of Medieval Philosophy Between 500 and 1550*. Dordrecht: Springer.
- MARMURA, Michael (ed.). 1984. *Islamic Philosophy and Theology: Studies in Honor of George F. Hourani*. Albany: State University of New York Press.
- MICHOT, Yahya. 1986. *La destinée de l'homme selon Avicenne : Le retour à Dieu (ma'ād) et l'imagination*. Leuven: Peeters.
- . 1982. "Tables de correspondance de Ta'liqāt d'al-Fārābī, des Ta'liqāt d'Avicenne et Du Liber Aphorismorum d'Andrea Alpago." *Mélanges de l'Institut Dominicain d'Etudes Orientales*, 15: 231-250.
- REINHART, Kevin. 1995. *Before Revelation*. Albany: State University of New York Press.
- SCHMIDTKE, Sabine (ed.) 2016. *The Oxford Handbook of Islamic Theology*. Oxford: Oxford University Press.
- SHIELDS, Christopher. 2018. "A Series of Goods." In: BRINK (et al., eds.) 2018: 129-148.
- SHIHADDEH, Ayman. 2016. "Theories of Ethical Value in *Kalām*: A New Interpretation." In: SCHMIDTKE (ed.) 2016: 384-407.
- . 2019. "Avicenna's Theodicy and al-Rāzī." *Intellectual History of the Islamicate World*, 7: 61-84.
- STEEL, Carlos. 2002. "Avicenna and Thomas Aquinas on Evil." In: JANSSENS and DE SMET (eds.) 2002: 171-196.
- STRAUSS, Leo. 1965. *Persecution and the Art of Writing*. Chicago: University of Chicago Press.
- . 1953. *Natural Right and History*. Chicago: Chicago University Press.

- VASALOU, Sophia. 2016. *Ibn Taymiyya's Theological Ethics*. Oxford: Oxford University Press.
- WAKELNIG, Elvira. 2011. "Proclus Arabic." In: LAGERLUND (ed.) 2011: 1078-1081.
- WIRMER, David. 2019. "Arabic Philosophy and the Art of Reading." In: BRENET and LIZZINI (eds.) 2019: 181-250.
- WOERTHER, *Frédérique*. 2019. "Averroes' Goals in the Paraphrase (Middle Commentary) of Aristotle's Nicomachean Ethics." In: ADAMSON and GIOVANNI (eds.) 2019: 218-236.
- . 2018. *Le Plaisir, le Bonheur, et l'acquisition des vertus / Édition du Livre X du Commentaire moyen d'Averroès à l'Éthique à Nicomaque d'Aristote*. Leiden: Brill.
- WOLFSON, Harry. 1938. "The Amphibolous Terms in Aristotle, Arabic Philosophy and Maimonides." *The Harvard Theological Review*, 31/2: 151-173.

© Feriel Bouhafa, University of Cambridge, UK
◀ fb482@cam.ac.uk ▶